

AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, October 27, 2020, 1:00 P.M.

Meeting No. 1261

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

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

Join **Videoconference**: <https://www.gotomeet.me/COT5/boa-gotomeeting-in-council-chambers-october-27th>

Join **Teleconference** by dialing: +1 (571) 317-3122

Participants must then enter the following **Access Code**: 770-053-189

New to GoToMeeting? Get the app now and be ready when your first meeting starts:
<https://global.gotomeeting.com/install/770053189>

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, Jessica Shelton and Steve Brown.

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of September 8, 2020 (Meeting No. 1258).

UNFINISHED BUSINESS

2. 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)**

3. 23007—Tom Neal

Variance to allow more than 25% coverage by an accessory building in the rear setback (Section 90.090-C); Variance of the allowable height of a detached accessory building from one story or 18 feet in height to two stories and 26 feet in height and from 10 feet to 18 feet in height to the top of the top plate (Section 90.090.C); Variance of the minimum required open space in the RS-2 District (Section 5.030, Table 5-3). **LOCATION:** 210 East Hazel Boulevard South **(CD 4)**

NEW APPLICATIONS

4. 23015—Tom Neal

Special Exception to allow an accessory dwelling unit in an RS-4 District (Section 45.031-D); Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-B); Variance to allow a nonconforming lot to have less than 50% open space (Section 80.020-B); Variance to allow more than 30% coverage by an accessory dwelling unit in the rear setback in an RS-4 District (Section 90.090-C); Variance to allow a detached accessory dwelling unit to exceed one story or 18 feet in height and to exceed 10 feet in height to the top of the top plate. (Section 90.090-C). **LOCATION:** 1129 North Denver Avenue West **(CD 1)**

5. 23017—Tonya Exom

Special Exception to allow a manufactured housing unit in an RS-3 District (Section 5.020, Table 5-2); Special Exception to extend the time limit permanently (Section 40.210). **LOCATION:** 1037 East 26th Place North **(CD 1)**

6. 23019—Back Land Use Planning – Carolyn Back

Amendment to remove Lot 1, Block 11 Park Plaza Seventh Amended Addition from Community Development Project -53 (Section 30.020-C). **LOCATION:** 4821 South 72nd East Avenue **(CD 5)**

7. 23020—Sherwood Construction Company, Inc.

Appeal of the Administrative Decision issued by the Land Use Administrator dated September 14th, 2020 that the activity described by the appellant is an Industrial/Mining and Mineral Processing Use (Section 70.140). **LOCATION:** N/A

8. **23021—Dan Call**

Variance to reduce the required 20-foot rear setback (Section 5.030-A, Table 5-3).

LOCATION: 1929 South Jamestown Avenue East **(CD 4)**

OTHER BUSINESS

9. **BOA Work Session** to consider, discuss and/or take action on:

- 300 foot spacing for bars
- alternative compliance parking studies
- blade sign limitations
- variances and what constitutes a hardship
- time limitations for speakers

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

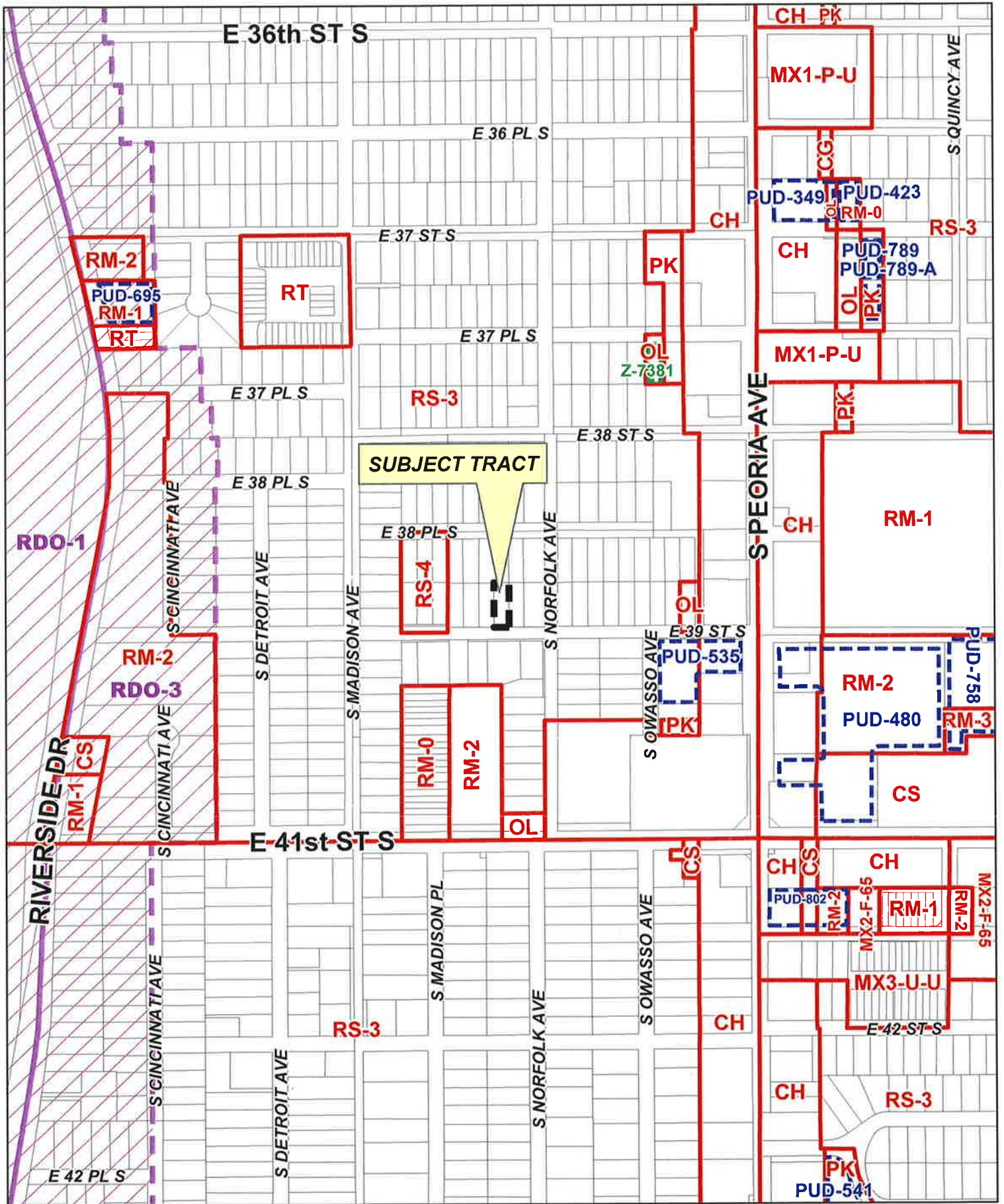
Website: tulsaplanning.org

E-mail: esubmit@incog.org

CD = Council District

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

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



BOA-22996

19-12 24

2.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9224

Case Number: **BOA-22996**

CZM: 46

CD: 9

HEARING DATE: 10/27/2020 1:00 PM (Continued from 10/13/2020)

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 foot 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.

2.2

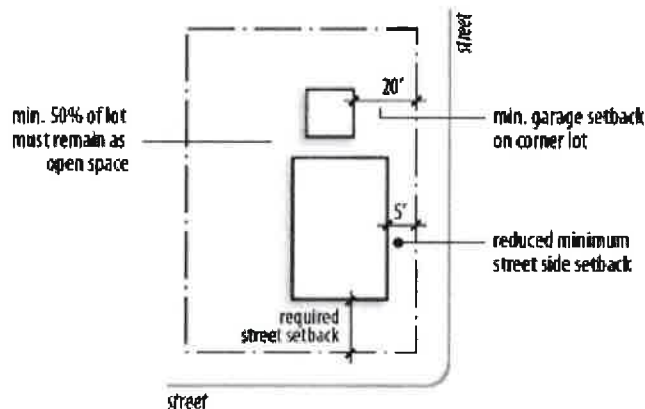
ANALYSIS OF SURROUNDING AREA: The subject tract is located West of the NW/c of E. 39th St. S. and S. Norfolk Ave. Included in your packet are photos of the property immediately West of the subject property, 1033 E. 39th St. S. This property has a structure that looks to have been constructed within the past 3 years based on historical aerals. 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 is 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 protestants object to the limitations of this development not being adhered to. If the variance request is granted a precedent could be set. The protestants also feared that the garage structure could be used as a second residential

2.10.83:380(11)

Case No. 12435 (continued)

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

FILE COPY

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 (Bolze, 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.



Facing West on 39th



Subject tract



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



Facing East on 39th

DANA L. BOX
ZONING OFFICIAL
PLANS EXAMINER II

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1
Nick Puma
40 E. 16th St.
Tulsa, OK 74119

July 27, 2020

Phone: 918-855-6433

APPLICATION NO: **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 COTDEVSVCS@CITYOFTULSA.ORG OR SUBMIT ELECTRONIC PLAN REVISIONS ON THE PORTAL AT [HTTPS://TULSAOK.TYLERTECH.COM/ENERGOV4934/SELFSERVICE](https://tulsaok.tylertech.com/energov4934/selfservice). YOU WILL NEED TO REGISTER ON THE PORTAL IF YOU HAVE NOT PREVIOUSLY DONE SO. **
3. INFORMATION ABOUT 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** ☐ **IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

REVIEW COMMENTS

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

BLDR-065267-2020

1037 E. 39th St.

July 27, 2020

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

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:

<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.

2.14

Chapman, Austin

From: Nick Puma <n.puma@me.com>
Sent: Friday, August 21, 2020 11:49 AM
To: Chapman, Austin
Subject: BOA-22996

Austin,

Here are the calculations for open space you requested.

Thanks,

Nick Puma

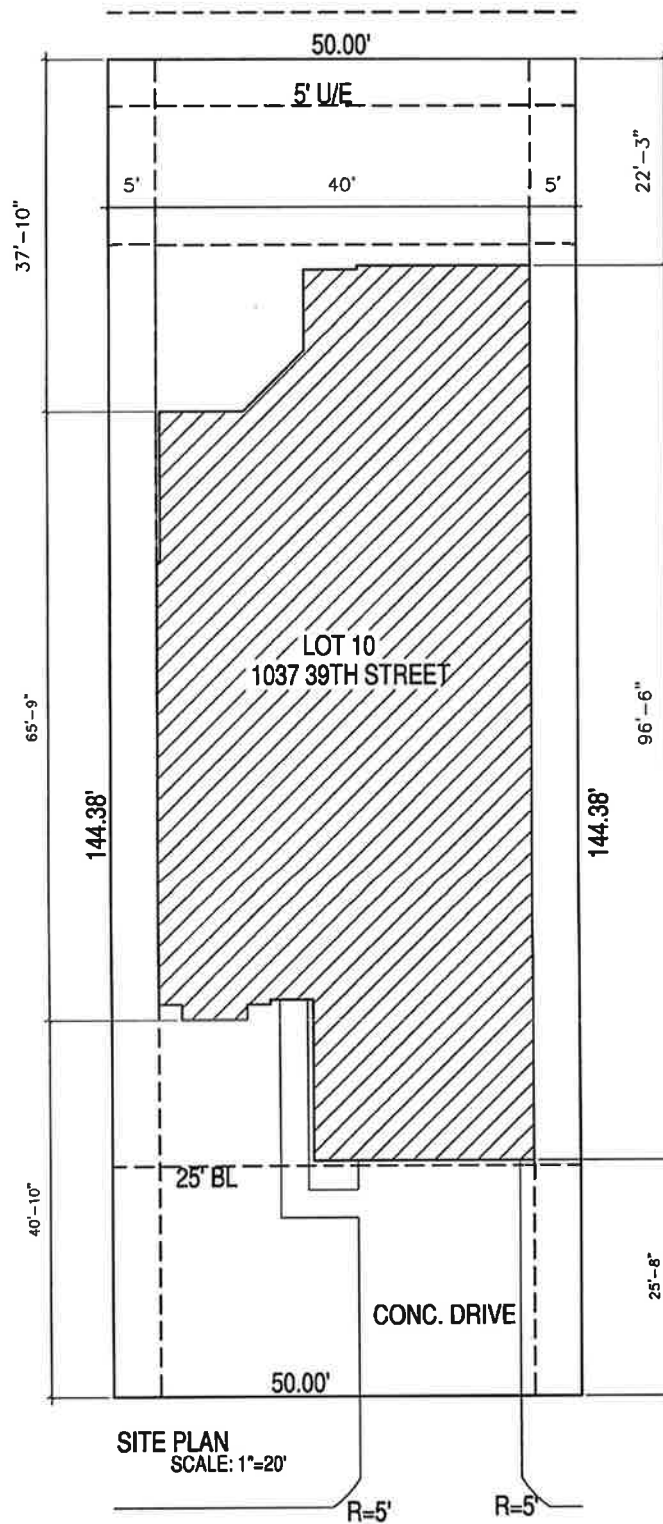
Sent from my iPhone

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



1

MAIN FLOOR FLOOR PLAN

MIDTOWN INFILL 1

7/21/2020

LaBella Homes

RS/BP

SQUARE FOOTAGE

2184 SQ FOOT FRAME (MAIN FLOOR)
1283 SQ FOOT FRAME (UPPER FLOOR)
3467 SQ FOOT FRAME (TOTAL)

2276 SQ FOOT VENEER (MAIN FLOOR)
1318 SQ FOOT VENEER (UPPER FLOOR)
3594 SQ FOOT VENEER (TOTAL)

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TULSA
OK 74137

516 N. WALKER,
SUITE 110
OKLAHOMA CITY
OK 73102
405-270-6417

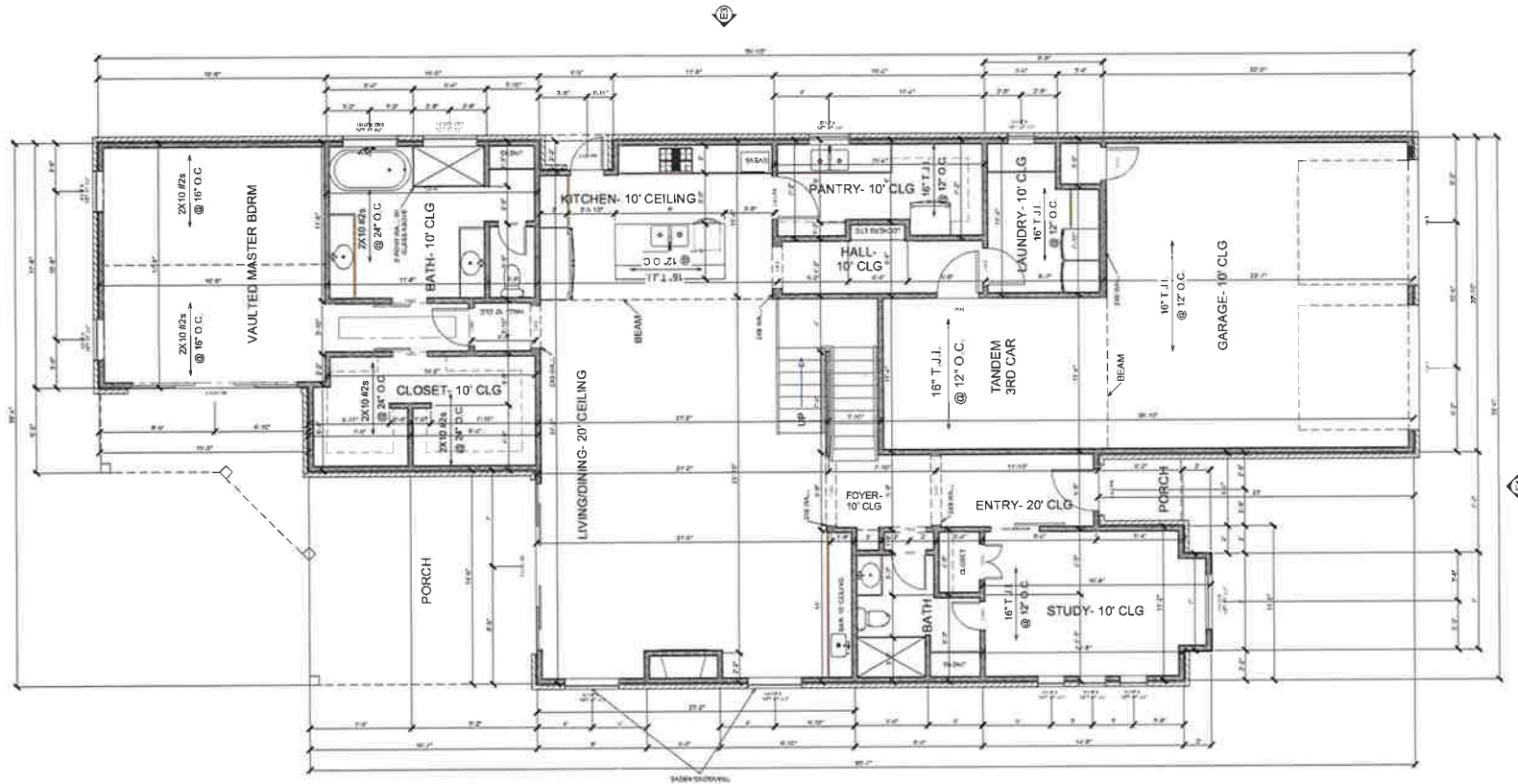
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1 MAIN FLOOR PLAN

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



FLOOR PLAN NOTES

1. ALL STRUCTURAL INFORMATION SHOWN FOR REFERENCE PURPOSES ONLY. CONTRACTOR SHALL HAVE LICENSED STRUCTURAL ENGINEER REVIEW AND DESIGN ALL STRUCTURAL ELEMENTS SUCH AS FRAMING WALLS, BEAMS, CONNECTIONS, HEADERS, JOISTS, AND RAFTERS.
2. ALL DIMENSIONS ARE FROM FACE OF STUD TO FACE OF STUD UNLESS NOTED OTHERWISE.
3. WINDOW SIZES INDICATED ON PLANS ARE NOTED BY APPROXIMATE ROUGH OPENING SIZE. REFER TO PLANS AND EXTERIOR ELEVATIONS FOR WINDOW TYPES.

LOCATION OF UTILITY METERS WITH
3. LOCATE AWAY FROM PUBLIC
2. SHALL BE MINIMIZED, I.E. MOUNT
LE.

5. PREFABRICATED FIREPLACE CONSTRUCTION SHALL MEET OR EXCEED ALL APPLICABLE CODES REGARDING USE OF FIRE SEPARATIONS, CLEARANCES, ETC. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT ALL ITEMS AND CONSTRUCTION MEET OR EXCEED CODE. OVERALL FLUE HEIGHT SHALL BE COORDINATED TO MATCH HEIGHT SHOWN ON PLANS AND SHALL NOT EXCEED THE TOP OF CHIMNEY CHASE AS CONSTRUCTED.
6. CONTRACTORS SHALL COORDINATE ALL CLOSET SHELVING REQUIREMENTS.
7. DO NOT SCALE DRAWINGS. FOLLOW DIMENSIONS ONLY.

8. CONTRACTORS SHALL FIELD VERIFY ALL CABINET DIMENSIONS BEFORE FABRICATION.

9. BEDROOM WINDOWS SHALL HAVE A MINIMUM NET CLEAR OPENING OF 57 SQ. FT., A MINIMUM NET CLEAR OPENABLE WIDTH OF 20", A MINIMUM NET CLEAR OPENABLE HEIGHT OF 24" AND HAVE A MAXIMUM FINISH SILL HEIGHT OF 43" FROM FINISH FLOOR.

10. ALL GLASS LOCATED WITHIN 18" OF FLOOR, 12" OF A DOOR OR LOCATED WITHIN 60" OF FLOOR AT BATH TUBS, WHIRLPOOLS, SHOWERS, SAUNAS, STEAM ROOMS OR HOT TUBS SHALL BE TEMPERED.

11. ALL EXPOSED INSULATIONS SHALL HAVE A FLAME SPREAD RATING OF LESS THAN 25 AND A SMOKE DENSITY RATING OF LESS THAN 450.

12. PROVIDE COMBUSTION AIR VENTS, WITH SCREEN AND BACK DAMPER, FOR FIREPLACES, WOOD STOVES AND ANY APPLIANCE WITH AN OPEN FLAME.

13. BATHROOMS AND UTILITY ROOMS SHALL BE VENTED TO THE OUTSIDE WITH A MINIMUM OF A 90 CFM FAN. RANGE HOODS SHALL ALSO BE VENTED TO OUTSIDE.

14. ATTIC HVAC UNITS SHALL BE LOCATED WITHIN 20" OF ITS SERVICE OPENING. RETURN AIR GRILLES SHALL NOT BE LOCATED WITHIN 10 FEET OF A GAS FIRED APPLIANCE.

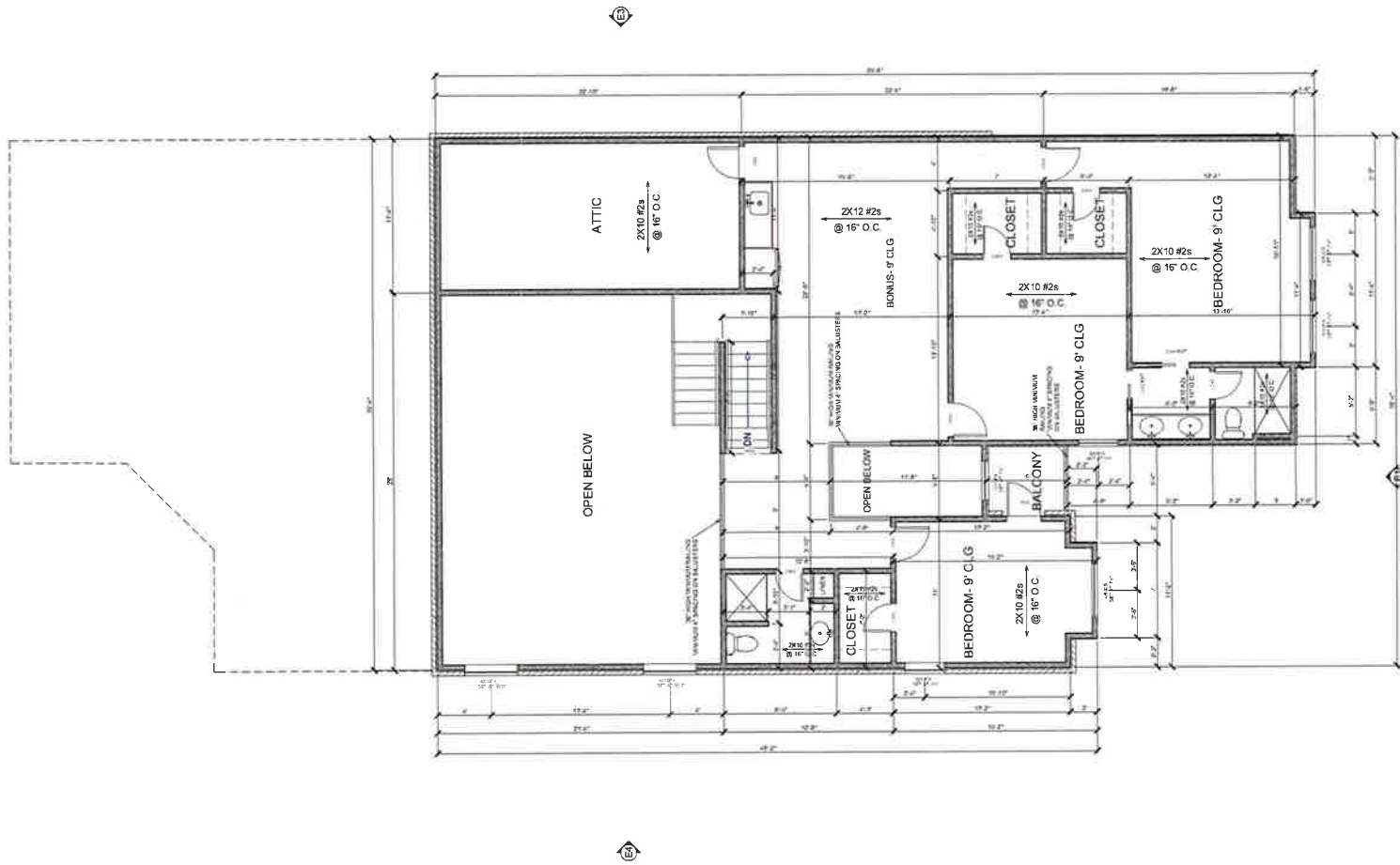
15. ALL WALLS AND CEILINGS IN GARAGE AND GARAGE STORAGE AREAS TO HAVE 5/8" TYPE-X GYP. BOARD W/ 1-HOUR FIRE RATING. ALL EXT. DOORS IN GARAGE TO BE METAL OR SOLID CORE DOORS INCLUDING DOORS ENTERING HEAT/COOLED PORTION OF RESIDENCE.

16. ALL FIREPLACE CHASE WALLS SHALL BE INSULATED INSIDE AND OUTSIDE. PROVIDE HORIZONTAL "DRAFT STOPS" AT EACH FLOOR LEVEL BY PACKING 6" (R-19) INSULATION BETWEEN 2X4 JOISTS.

17. ALL INTERIOR WALLS SHALL BE COVERED WITH 1/2" GYPSUM BOARD, WITH METAL CORNER REINFORCING, TAPE FLOAT AND SAND (3 COATS) USE 5/8" GYPSUM BOARD ON CEILINGS WHEN SUPPORTING MEMBERS ARE 24" O.C. OR GREATER. USE 1/2" GYPSUM BOARD ON CEILING MEMBERS LESS THAN 24" O.C.

18. ALL BATH AND TOILET AREA WALLS AND CEILINGS SHALL HAVE WATER RESISTANT GYPSUM BOARD.

21.8



2 UPPER FLOOR PLAN
Scale: 1/4" = 1'-0"

2

UPPER FLOOR FLOOR PLAN

MIDTOWN INFILL 1

7/21/2020

LaBella Homes

RS/BP

SQUARE FOOTAGE

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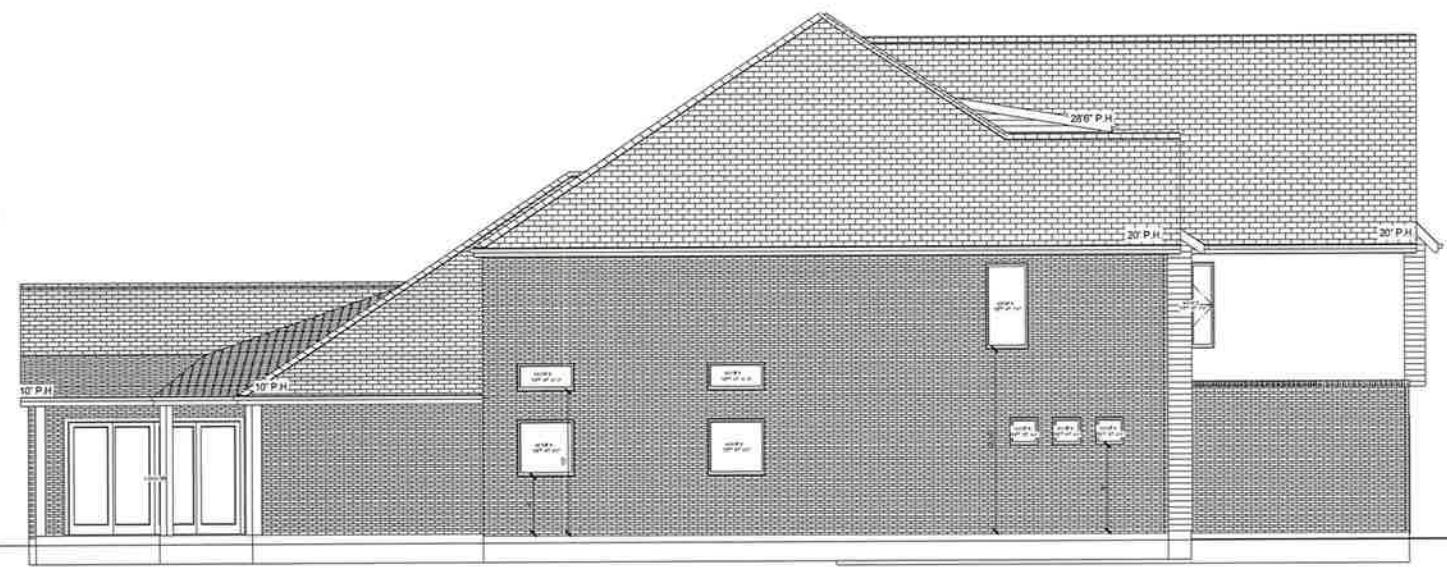
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2.19



Elevation 3



Elevation 4

4

ELEVATIONS

MIDTOWN INFILL 1

7/21/2020

LaBELLA HOMES

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SQUARE FOOTAGE

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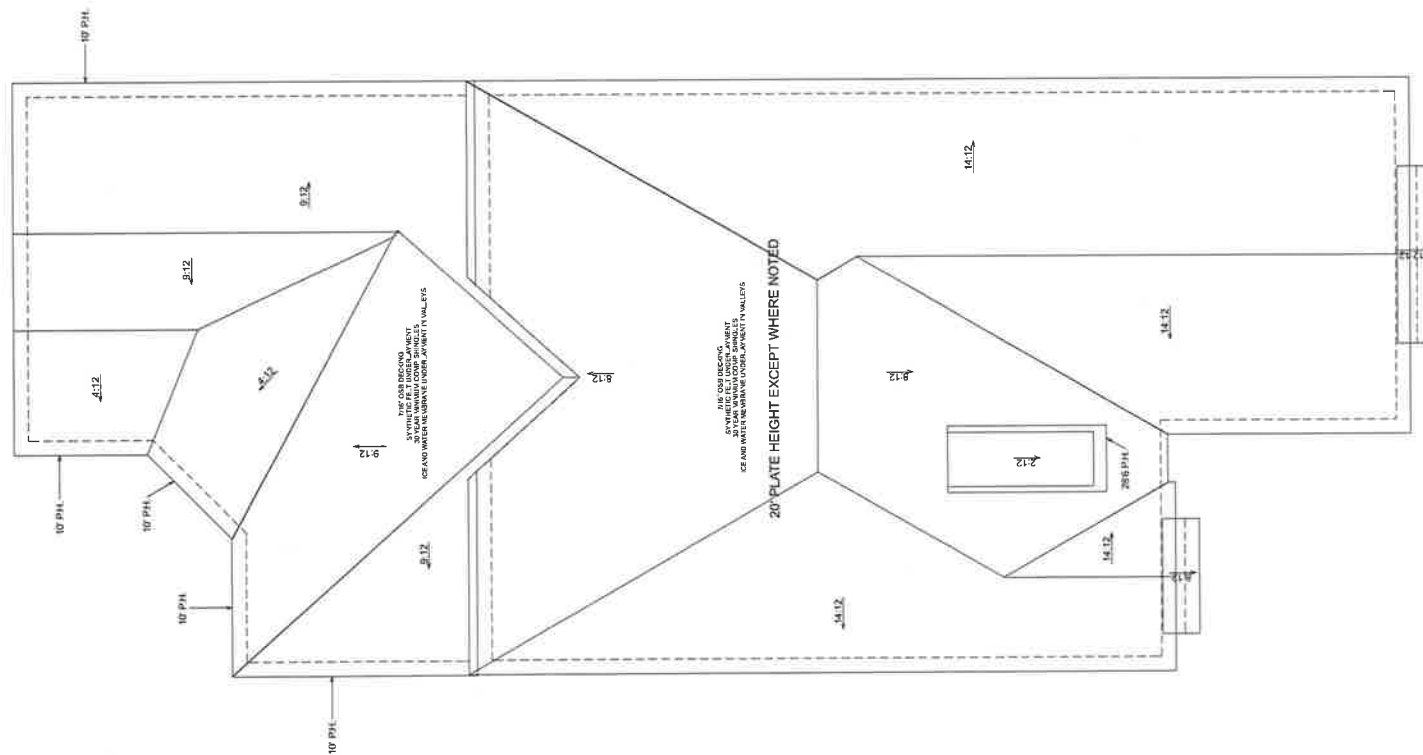
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2.30

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 NON-VISUALLY OFFENSIVE LOCATIONS, FOR EXAMPLE, FRONT WALL OF HOUSE, BESIDE PORCH COLUMNS, ETC. GENERAL CONTRACTORS SHALL VERIFY EXISTING GRADES AND COORDINATE ANY NECESSARY ADJUSTMENTS TO HOUSE WITH OWNER.
2. PLUMBING AND HVAC VENTS SHALL BE GROUPED IN ATTIC TO LIMIT ROOF PENETRATIONS AND TO BE LOCATED AWAY FROM PUBLIC VIEW, I.E. AT THE REAR OF THE HOUSE AND SHALL BE PRIMED AND PAINTED TO MATCH ROOF COLOR.
3. PROVIDE ATTIC VENTILATION PER LOCAL CODE REQUIREMENTS.
4. EXTERIOR FLASHING SHALL BE CORRECTLY INSTALLED AT ALL CONNECTIONS BETWEEN ROOFS, WALLS, CHIMNEYS, PROJECTIONS AND PENETRATIONS AS REQUIRED BY APPROVED CONSTRUCTION PRACTICES.
5. CONTRACTOR SHALL PROVIDE ADEQUATE ATTIC OVERHANGS AT ROOF VENTS PER LOCAL GOVERNING CONTINUOUS RIDGE VENTILATION AND 1 ROOF. PROVIDE APPROPRIATE SOFFIT OVERHANGS.



5

ROOF PLAN
Scale: 1/4" = 1'-0"

5

ROOF PLAN

MIDTOWN INFILL 1

7/21/2020

LaBella Homes

RS/BP

SQUARE FOOTAGE

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FOUNDATION

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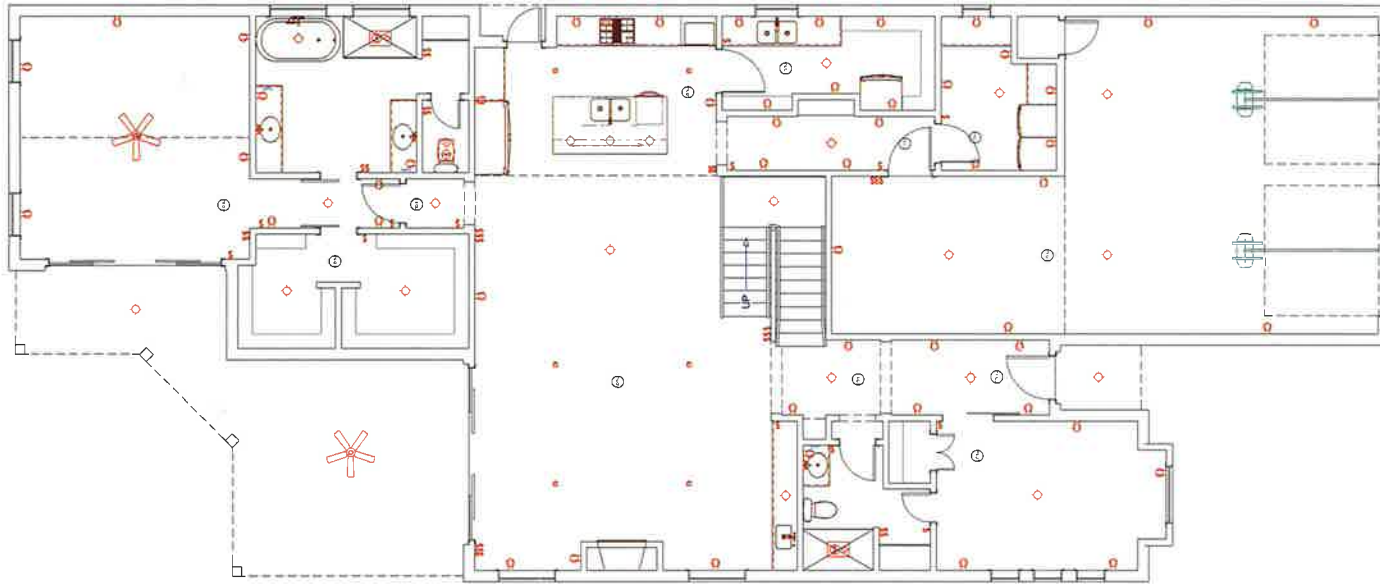
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FOUNDATION
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7

ELECTRICAL
Scale: 1/4" = 1'-0"

7

ELECTRICAL

MIDTOWN INFILL 1

7/21/2020

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SQUARE FOOTAGE

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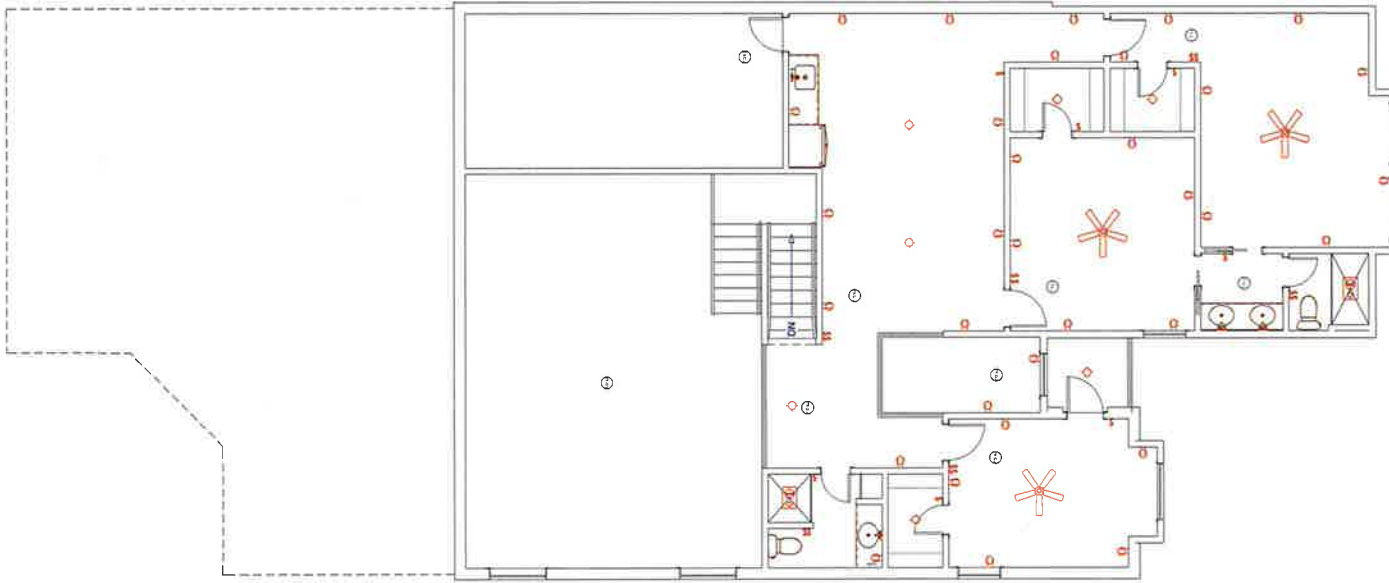
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8

ELECTRICAL
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8

ELECTRICAL

MIDTOWN INFILL 1

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9

3D VIEWS

MIDTOWN INFILL 1

7/21/2020

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SQUARE FOOTAGE

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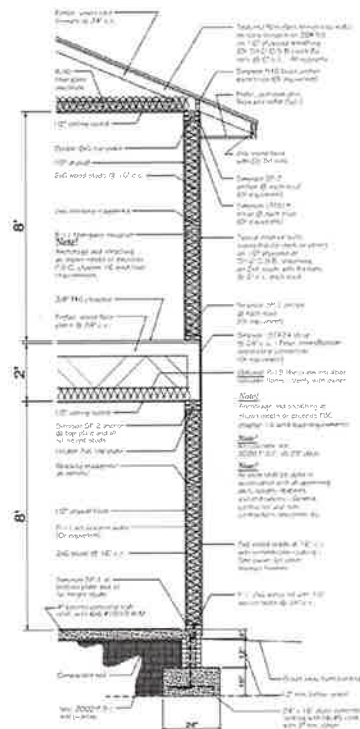
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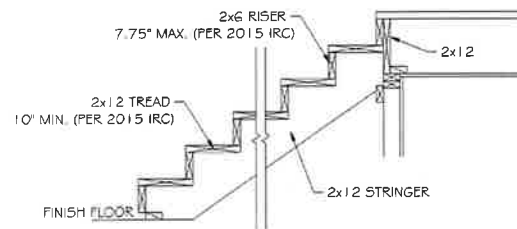
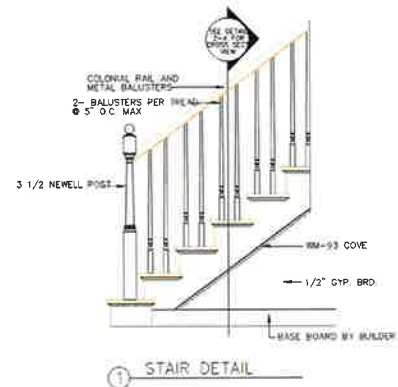
9

3D VIEWS

2.24



Typical Wood Framed Two-Story Wall Section



CLOSED RISER STAIR DETAIL

MIDTOWN INFILL 1

7/21/2020

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SQUARE FOOTAGE

2184 SQ. FOOT FRAME (MAIN FLOOR)	2276 SQ. FOOT VENEER (MAIN FLOOR)
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3467 SQ. FOOT FRAME (TOTAL)	3594 SQ. FOOT VENEER (TOTAL)

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Elevation 6



Elevation 7

3

ELEVATIONS

MIDTOWN INFILL 12 pitch1

8/21/2020

LaBELLA HOMES

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SQUARE FOOTAGE

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3

ELEVATIONS

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



0 Feet 200 400



Subject Tract

BOA-22996

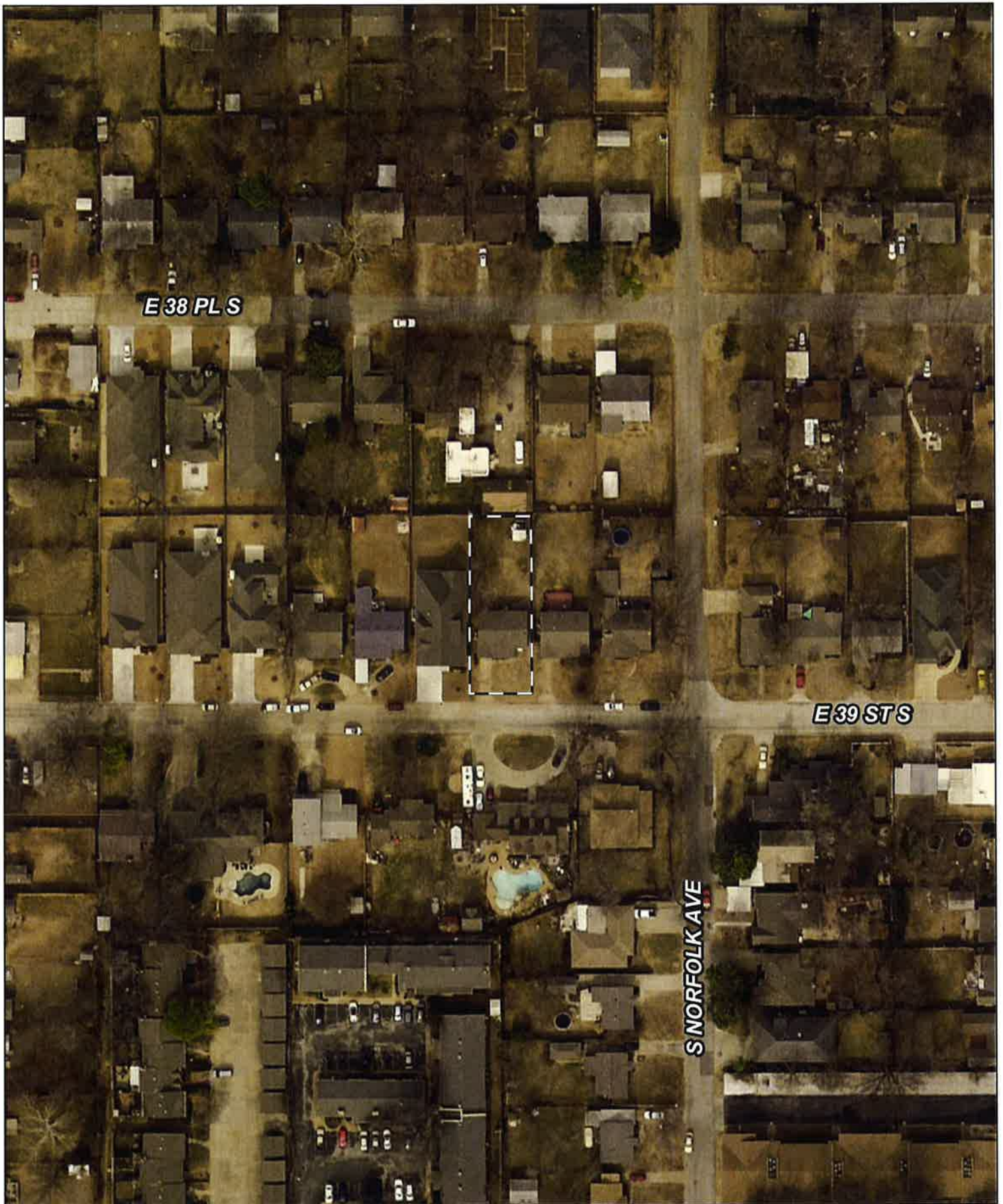
19-12 24

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

Aerial Photo Date: February 2018



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E 38 PL S

E 39 ST S

S NORFOLK AVE



Subject
Tract

BOA-22996

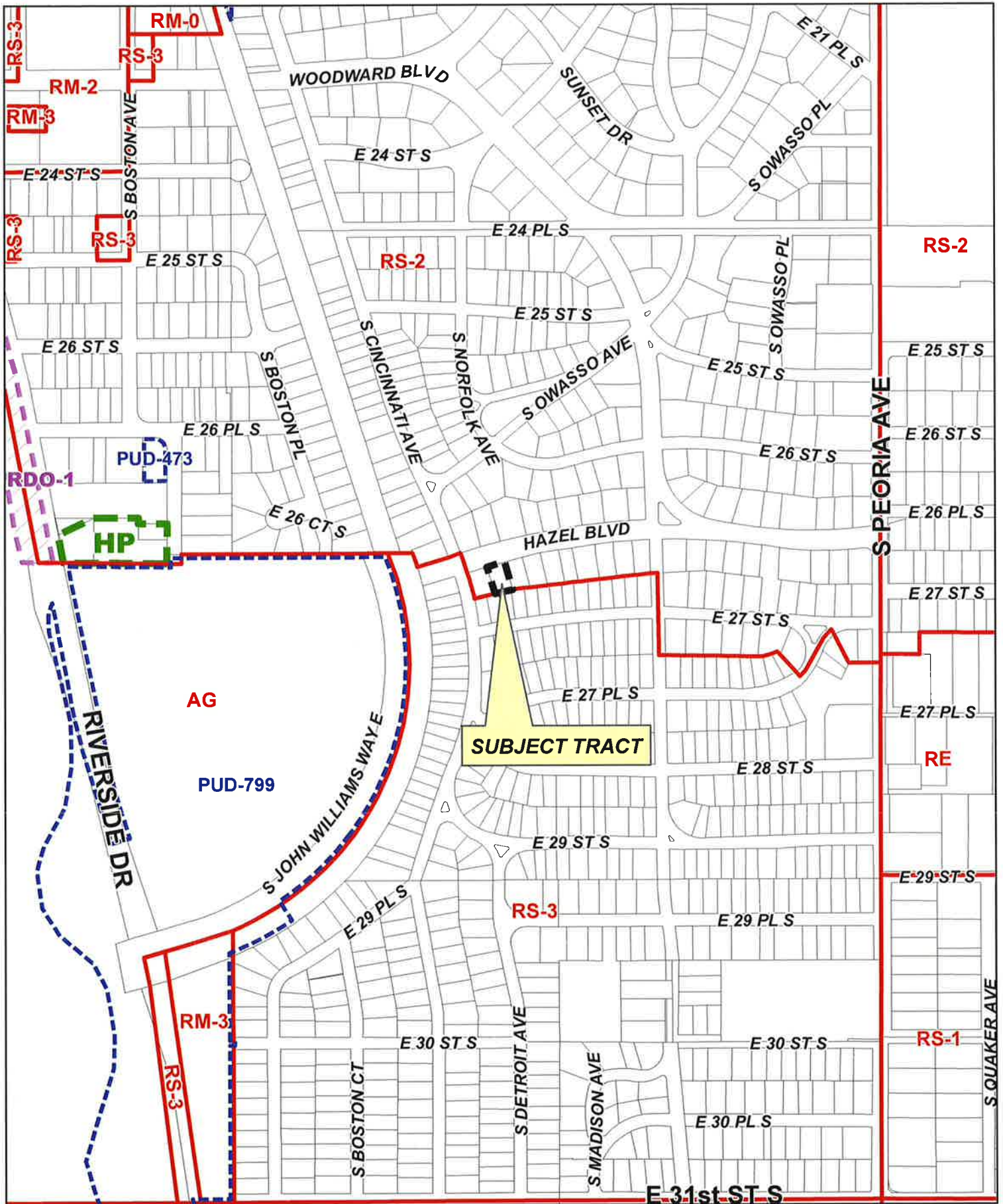
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Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



2.28



BOA-23007

3.1



19-12 13



BOARD OF ADJUSTMENT CASE REPORT

STR: 9213

Case Number: **BOA-23007**

CZM: 36

CD: 4

HEARING DATE: 10/27/2020 1:00 PM (*Continued from 10/13/2020*)

APPLICANT: Tom Neal

ACTION REQUESTED: Variance to allow more than 25% coverage by an accessory building in the rear setback (Section 90.090-C); Variance of the allowable height of a detached accessory building from one story or 18 feet in height to two stories and 26 feet in height and from 10 feet to 18 feet in height to the top of the top plate. (Section 90.090.C); Variance of the minimum required open space in the RS-2 District (Sec. 5.030, Table 5-3)

LOCATION: 210 E HAZEL BV S

ZONED: RS-2

PRESENT USE: Residential

TRACT SIZE: 8511.66 SQ FT

LEGAL DESCRIPTION: LT 9 BLK 14, SUNSET TERRACE

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-4392; On 06.08.64 the Board **approved** an extension of a canopy over the driveway.

Surrounding Properties:

BOA-21208; On 02.08.2011 the Board **denied** a minor Special Exception to reduce the required front yard in RS-1 district.

BOA-15763; On 06.25.91 the Board **approved** a variance of the required livability space per dwelling unit from 4000 sq ft to 3400 sq ft.

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

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

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

of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

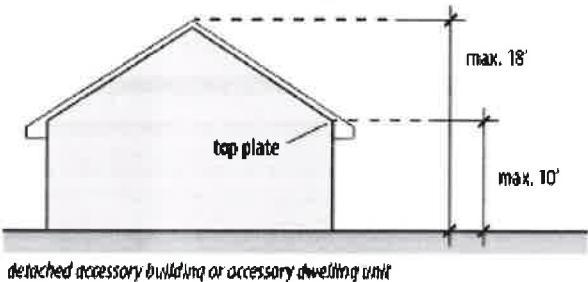
ANALYSIS OF SURROUNDING AREA: The subject tract is located East of the SE/c of S. Cincinnati Ave. and Hazel Boulevard.

STAFF COMMENTS: The applicant is requesting **Variance** to allow more than 25% coverage by an accessory building in the rear setback (Section 90.090-C); **Variance** of the allowable height of a detached accessory building from one story or 18 feet in height to two stories and 26 feet in height and from 10 feet to 18 feet in height to the top of the top plate. (Section 90.090.C); **Variance** of the minimum required open space in the RS-2 District (Sec. 5.030, Table 5-3)

- 2. Detached Accessory Buildings, including Accessory Dwelling Units, in RE, RS, RD Districts and RM Zoned Lots Used for Detached Houses or Duplexes.
 - a. Detached accessory buildings, including Accessory Dwelling Units, may be located in rear setbacks provided that:

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

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



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

Table 90-2: Accessory Building, Including Accessory Dwelling Units, Coverage Limits in Rear Setback

Zoning District	Maximum Coverage of Rear Setback
RS-1 and RE Districts	20%
RS-2 District	25%
RS-3, RS-4, RS-5 and RD Districts	30%
RM zoned Lots Used for Detached Houses or Duplexes	30%

Table 5-3: R District Lot and Building Regulations

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
Min. Open Sp./Unit (sq. ft.)	12,000	7,000	5,000	4,000[8]	2,500	600	2,000	1,200	1,200	600	200	-	2,500

The relief from the open space requirement was requested by the applicant, but staff believes this lot is non-conforming lot and that relief is not needed. Per Sec. 80.020, non-conforming lots are only required to provide 50% of the lot as open space. The lot is 8,540.25 square feet (minimum required lot size in RS-2 is 9,000 square feet) which would require it to maintain 4,270.13 square feet of open space. Per the site plan provided by the applicant the open space provided would be 4,768 square feet.

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.

STATEMENT OF HARDSHIP: Original garage from 1929 will not accommodate modern vehicles, both in size and height. New garage is being constructed to replace original garage.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to allow more than 25% coverage by an accessory building in the rear setback (Section 90.090-C); **Variance** of the allowable height of a detached accessory building from one story or 18 feet in height to two stories and 26 feet in height and from 10 feet to 18 feet in height to the top of the top plate. (Section 90.090.C); **Variance** of the minimum required open space in the RS-2 District (Sec. 5.030, Table 5-3)

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

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

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



Facing East on Hazel



Facing West on Hazel



Subject Property

Case No. 4390-
H. L. Dickson, Jr.
Lots 7, 8, Block 4,
Collidge Addition

H. L. Dickson, Jr. request for permission to tear down existing sub-standard drive-in and rebuild a new drive-in and maintain the established non-conforming use in a U-3-D District on Lots 7 & 8, Block 4, Collidge Addition.

MOVED by Sublett (Avery) that this application be set down for a public hearing.

All members voting yea.

Carried.

Case No. 4391 ✓
Calvary Baptist Church
Lot 5, Block 4,
Crestview Estates
Third Addition

Calvary Baptist Church request for a waiver of front yard requirements in a U-1-C District on Lot 5, Block 4, Crestview Estates Third Addition.

MOVED by Shaul (Sublett) that this application be apassed until the next regular meeting.

All members voting yea.

Carried.

Case No. 4392 ✓
Herbert Forest
Lot 9, Block 14,
Sunset Terrace

Herbert Forest request for permission to extend canopy over drive way to property line on west side on Lot 9, Block 14, Sunset Terrace Addition. There appeared Mr. George B. Schwabe, Jr. Attorney for the applicant. Mr. Schwabe, filed the following letter:

June 8, 1964

Board of Adjustment
City of Tulsa
Tulsa, Oklahoma

Gentlemen:

We understand Mr. Herbert Forrest is making application with this Board for permission to extend canopy over his driveway to the west line.

This is to advise you that we are agreeable and do not object to Mr. Forrest extending his canopy over the drive-way to the property line on west side of his house, known as Lot 9, Block 14, Sunset Terrace Addition to the City of Tulsa, also known as 210 Hazel Boulevard. Our property joins Mr. Forrest's property on the west, address, 202 Hazel Boulevard.

Yours very truly,

/x/ N. A. Newton

Case No. 15763

Action Requested:

Variance of the required livability space per dwelling unit from 4000 sq ft to 2706 sq ft, per site plan submitted - **Section 403. BULK AND ARE REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 219 East 27th Street.

Presentation:

The applicant, **John MacDonald**, 114 East 35th Place, Tulsa, Oklahoma, stated that his client is proposing to construct a garage on the subject property. He informed that the new structure will replace a two car garage, with living quarters, which was removed by the previous owner. Mr. MacDonald stated that the garage will be placed on the existing 18' by 17' concrete slab. A plot plan (Exhibit H-1) was submitted.

Comments and Questions:

Following a discussion concerning livability space, it was determined that the variance of required livability will be from 4000 sq ft to 3400 sq ft. Mr. Gardner pointed out that the lot is nonconforming as to lot size (under 6900 sq ft) and, therefore, the ratio is approximately the same as for 4000 sq ft of livability for a 6900 sq ft lot.

Mr. Bolzie asked if the new garage will be a one-story structure on the existing slab, and the applicant answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Bolzie, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required livability space per dwelling unit from 4000 sq ft to 3400 sq ft, per site plan submitted - **Section 403. BULK AND ARE REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; finding that the new one-story garage will be constructed on the existing slab of an old two-story garage that has been removed; finding that the 3400 sq ft of livability space will not be disproportionate, and that the granting of the variance request will not violate the spirit, purposes and intent of the Code, or be injurious to the neighborhood; on the following described property:

Lot 15, Block 14, Sunset Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15764

Action Requested:

Variance of the number of signs permitted per lot frontage from 1 to 3, and a variance of the total allowable display surface area from 32 sq ft to 266.3 sq ft in order to permit replacement signs - **Section 1221. BUSINESS SIGNS AND OUTDOOR ADVERTISING** - Use Unit 21, located 3209 South 79th East Avenue.

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

**LTS 1 THRU 5 LESS E10 THEREOF BLK 3, THE FULLER WALTER ADDN, and
BEG 662.16E & 797.41S NWC NW TH S524.81 TO SL NW NW TH E185.14 TH NE
ALG WLY R/W SAPULPA RD 575 TH W421.52 POB SEC 23 19 12, CITY OF TULSA,
TULSA COUNTY, STATE OF OKLAHOMA**

Case No. 21218-Ironwood Custom Homes

Action Requested:

Minor Special Exception to reduce the required front yard in the RS-1 district (Section 403) from 35 ft. to 30 ft. to permit an addition to an existing dwelling.

Location: 2913 South Quaker Avenue East

Mr. Henke recused himself at 1:45 P.M.

Presentation:

Michelle Owens, 2657 East 177th Street, Mounds, OK; stated she is adding another garage on to the side of home and is requesting a Minor Special Exception for an additional five feet to provide an adequate turning radius in the driveway to be able to enter the proposed garage.

Interested Parties:

Robert Brejcha, 2909 South Quaker Avenue, Tulsa, OK; stated he owns the north adjoining property and is concerned about the requested change to the neighborhood. Every property on the subject street is built 50 feet off the front of the street. In the case report comments the staff stated the code requires a 35 feet front yard, and yet every property in the area is 50 feet off the street. Mr. Brejcha asked for clarification of the 35 feet versus the existing 50 feet frontage.

Mr. Cuthbertson stated the neighborhood was platted and developed in 1930. The neighborhood was platted with a 50-foot front building line. That building line has since expired so the neighborhood 50-foot front building line is not enforceable by the City, and what prevails today is the zoning requirement. This neighborhood is zoned RS-1 and requires a 35-foot front yard requirement. The pattern was established initially by the platted building line but the City must deal with what is currently on the books which is the 35 feet.

BDA-21218

Mr. Brejcha asked staff how a building line expires. Mr. Cuthbertson stated essentially it came to a private covenant.

Robert Sartin, Attorney, 110 West 7th Street, Suite 900, Tulsa, OK; asked to address the subject of the private covenant. Mr. Sartin stated that in 1930 the homeowners of the Lorraine Terrace Subdivision formed a restrictive covenant that stated "all development within the subdivision had to be set back 50 feet from the property line". That was a covenant that was to continue a period of 25 years. In 1945, the homeowners of the subdivision met and extended that restricted covenant an additional 35 years. The reason the restrictive covenant was in place is because the homeowners wanted the lots to be developed as estates; they wanted to ensure the development of the homes was in conformity, they created a look and feel of the neighborhood that would not be violated. The covenant was established for a term and extended for an additional term to give the subdivision time to fully develop. Every property was developed and established in the 45-year time span, and every house is set back 50 feet. Even though the covenant has expired, every home complies with the 50-foot setback. In fact, if this Minor Special Exception is granted, this will be the first property that is allowed to encroach outside of the 50 feet.

Judy Emmert, Ironwood Custom Homes, 208 East 5th Avenue, Owasso, OK; stated she is the builder of the new construction of the subject property. Her company's goal is to never hurt the neighborhood; they want to make the home more beautiful. The property line is approximately 18 feet from the curb so the proposed addition will still be back approximately 48 feet from the curb line or about 30 feet from the property line. The proposed addition is approximately 18 feet past the existing garage. The garage is proposed to be a one-story structure; the only two-story structure addition will be on the back of the home.

Comments and Questions:

None.

Board Action:

On **MOTION** of **TIDWELL**, the Board voted 3-0-0 (Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **DENY** the Minor Special Exception to reduce the required front yard in the RS-1 district (Section 403) from 35 ft. to 30 ft. to permit an addition to an existing dwelling. The Board finds that the Minor Special Exception will not be in harmony with the spirit and intent of the Code, and will be injurious to the neighborhood or otherwise detrimental to the public welfare because it exceeds the previous 50 feet original covenant down to the 35 feet; for the following property:

S 60 LT 3 BLK 1, N 26 LT 4 BLK 1, LORRAINE TERRACE AMD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

BoA-21218

Mr. Henke reentered the meeting at 2:05 P.M.

Case No. 20079-A-D-Bat of Tulsa

Action Requested:

Modification of a condition of a previous approval to permit an indoor recreational use in a different tenant space on the subject property. **Location:** 13679 East 61st Street

Presentation:

Mel Bean, 6904 Silver Oak Drive, Tulsa, OK; stated her space is the second tenant space and is 15,000 square feet which is equal to the front space formerly occupied by Pump It Up, which was the subject of the original Variance or Special Exception.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the Modification of a condition of a previous approval to permit an indoor recreational use in a different tenant space on the subject property; for the following property:

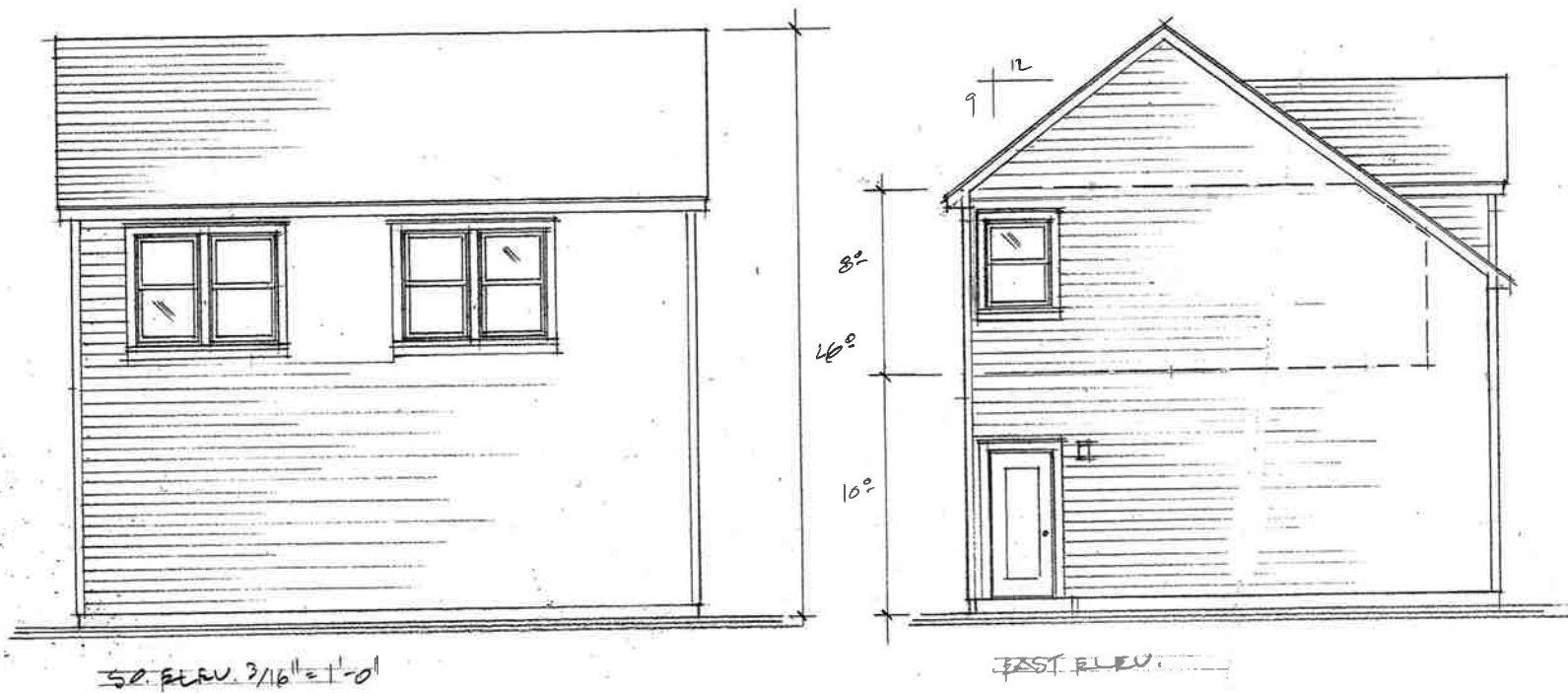
LT 4 BLK 1, METRO PARK EAST, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

NEW BUSINESS:

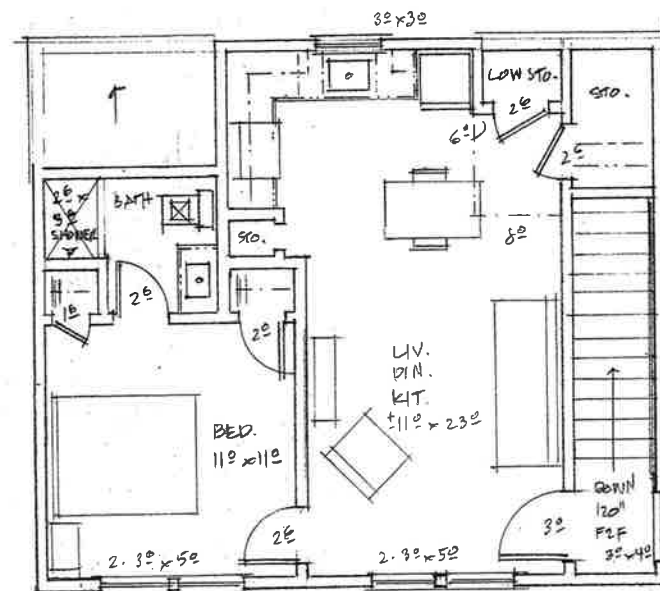
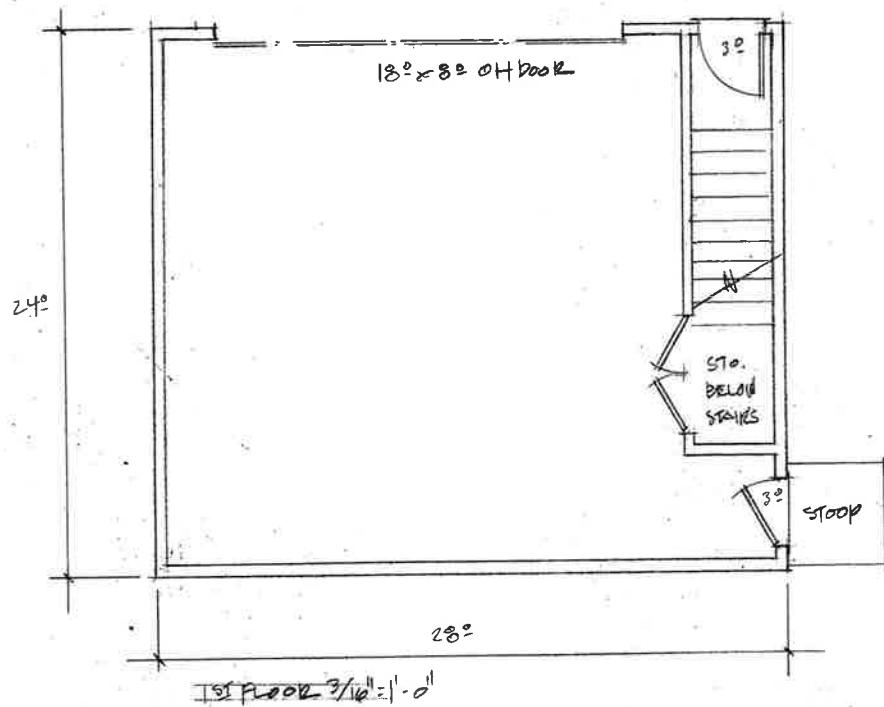
None.

3.12



HAGNER NEW GARAGE
210 HAZEL BLVD.
TULSA, OKLA 74202

TOM NEAL
DESIGN
Associate member, American Institute of Architects
918.231.7372

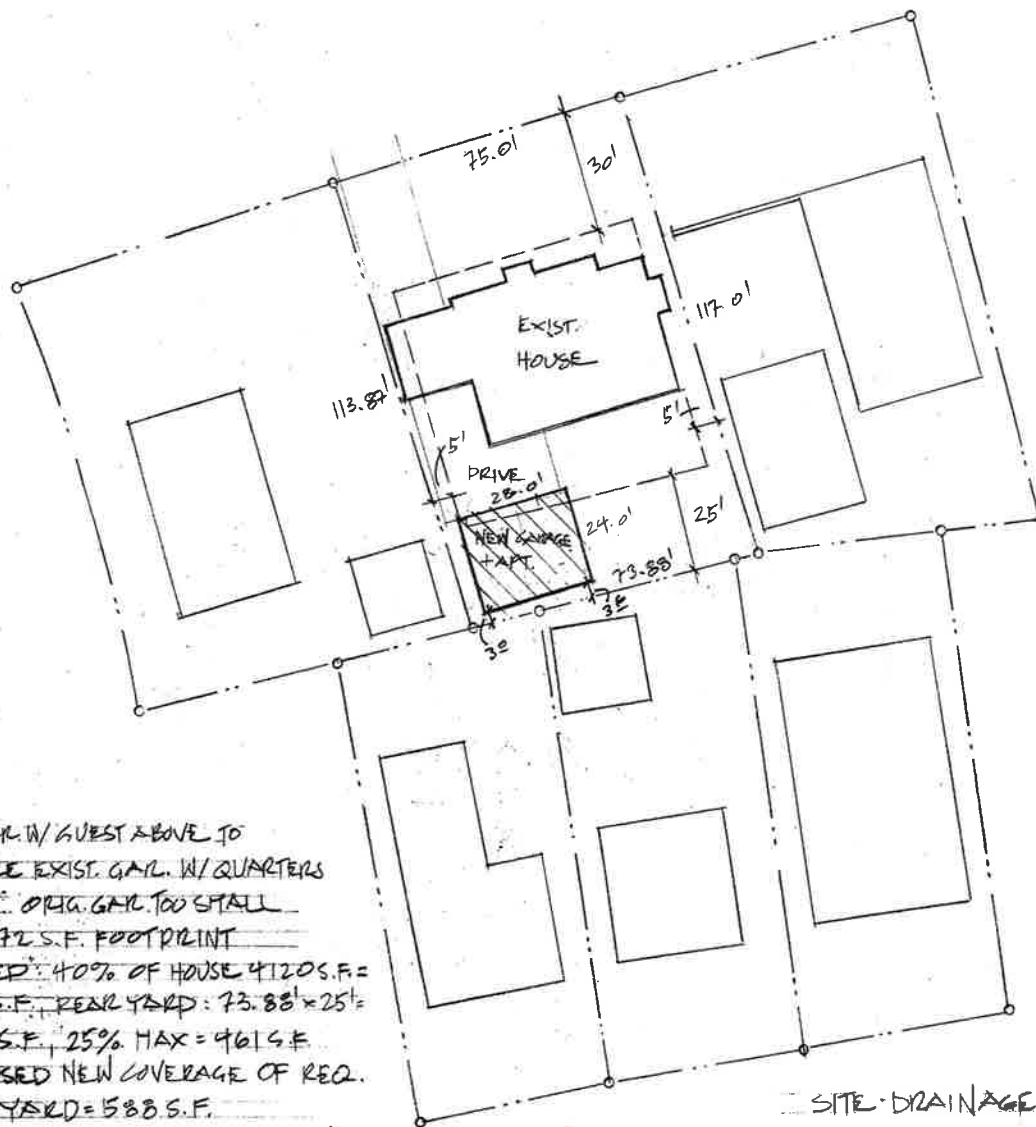


WAGNER NEW GARAGE
210 HAZEL BLVD.
TULSA OKLA 7-2020

TOM NEAL
DESIGN

Associate member, American Institute of Architects

918.231.7372

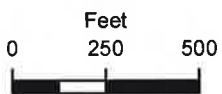


NEW GAR. W/ GUEST ABOVE TO
 REPLACE EXIST. GAR. W/ QUARTERS
 ABOVE. ORIG. GAR. TOO SMALL
 NEW 672 S.F. FOOTPRINT
 ALLOWED: 40% OF HOUSE 4120 S.F. =
 1649 S.F. REAR YARD: 73.88' x 25' =
 1847 S.F. 25% MAX = 461 S.F.
 PROPOSED NEW COVERAGE OF REQ.
 REAR YARD = 588 S.F.
 REQ. OPEN SPACE REQ'D: 5000 #
 ACTU. PROPOSED: 4,768 #

SITE DRAINAGE PLAN 1" = 30'

WAGNER NEW GARAGE
 210 HAZEL BLVD.
 TULSA, OKLA 7-20-20

TOM NEAL
 DESIGN
 1350 L. 24th member, American Institute of Architects
 918.231.7372



Subject
Tract

BOA-23007

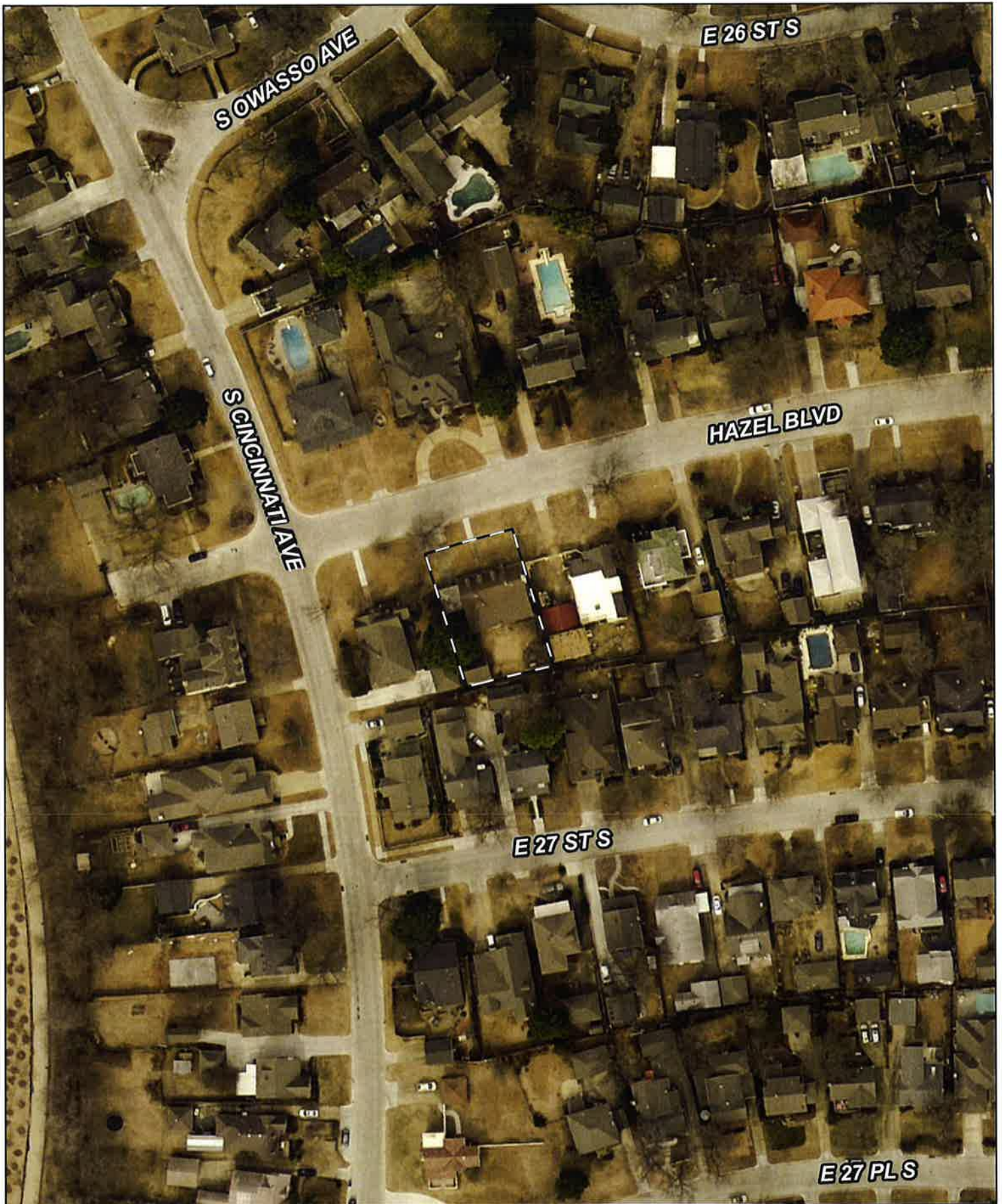
19-12 13

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

Aerial Photo Date: February 2011



3.15



0 50 100
Feet



Subject
Tract

BOA-23007

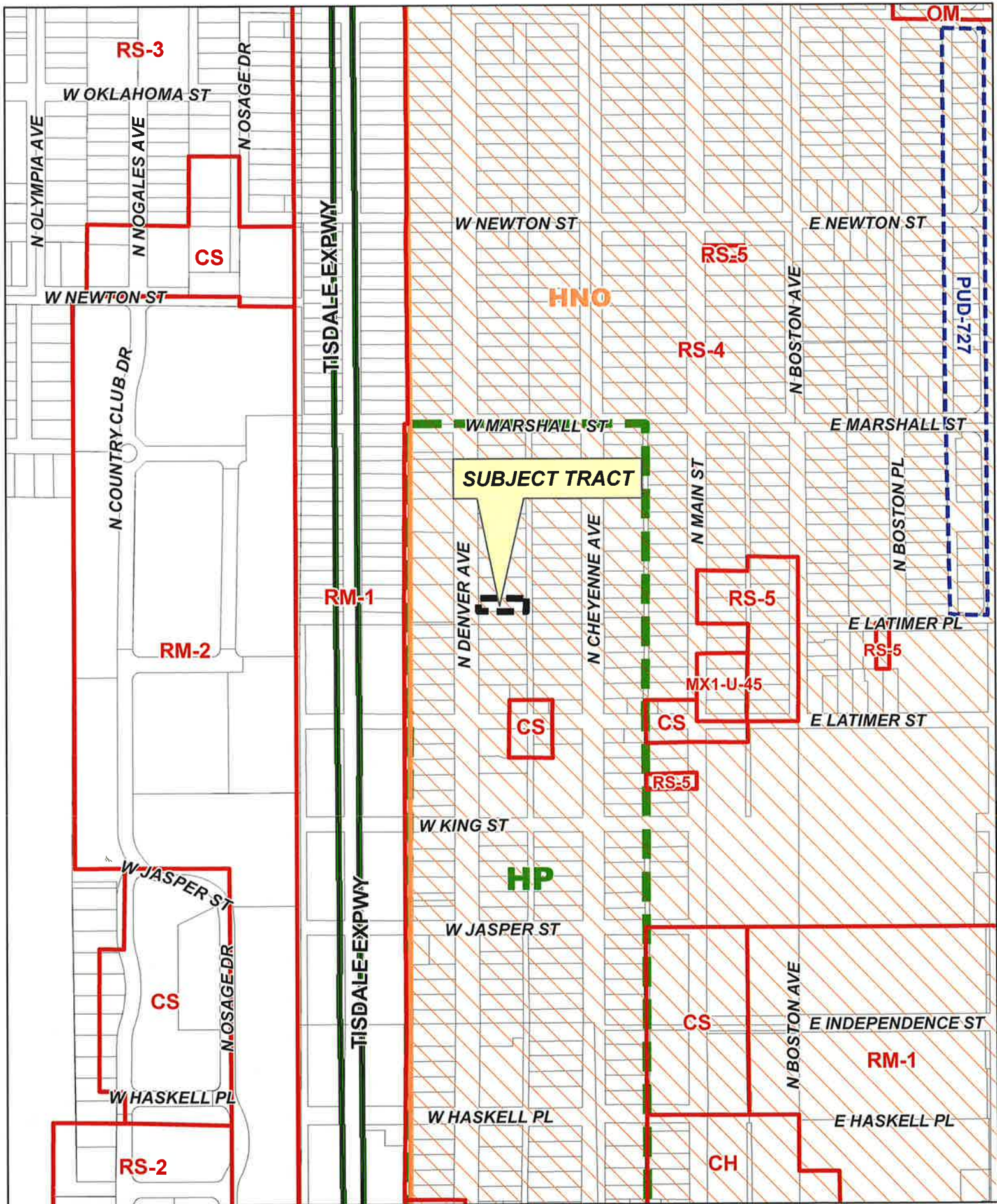
19-12 13

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

Aerial Photo Date: February 2018



3.16



BOA-23015

20-12 35

4.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 0235

Case Number: **BOA-23015**

CZM: 28

CD: 1

HEARING DATE: 10/27/2020 1:00 PM

APPLICANT: Tom Neal

ACTION REQUESTED: Special Exception to allow an Accessory Dwelling Unit in an RS-4 District (45.031-D); Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-B, 45.031-D.6); Variance to allow a nonconforming lot to have less than 50% open space (Sec. 80.020-B); Variance to allow more than 30% coverage by an Accessory Dwelling Unit in the rear setback in an RS-4 District (Section 90.090-C); Variance to allow a detached Accessory Dwelling Unit to exceed one story or 18 feet in height and to exceed 10 feet in height to the top of the top plate. (Section 90.090-C)

LOCATION: 1129 N DENVER AV W

ZONED: RS-4

PRESENT USE: Residential

TRACT SIZE: 6952.2 SQ FT

LEGAL DESCRIPTION: LT 9 BLK 6, THE POWDER AND POMEROY ADDN

RELEVANT PREVIOUS ACTIONS:

Subject property: None.

Surrounding Properties:

BOA-21447; On 07.10.12 the Board **approved** a variance to allow a two-story detached accessory building. Property located 1152 North Denver Ave.

BOA-12599; On 05.19.83 the Board **approved** a variance to permit two dwelling units on a single lot of record. Property located 1132 North Cheyenne Ave.

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

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,

4.2

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 North of the NE/c of N. Denver Ave. and W. Latimer St.

STAFF COMMENTS: The applicant is requesting **Special Exception** to allow an Accessory Dwelling Unit in an RS-4 District (45.031-D); **Variance** to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-B, 45.031-D.6); **Variance** to allow a nonconforming lot to have less than 50% open space (Sec. 80.020-B); **Variance** to allow more than 30% coverage by an Accessory Dwelling Unit in the rear setback in an RS-4 District (Section 90.090-C); **Variance** to allow a detached Accessory Dwelling Unit to exceed one story or 18 feet in height and to exceed 10 feet in height to the top of the top plate. (Section 90.090-C)

A copy of “**Sec. 45.030:Accessory Building and Carports in R Districts**” , “**Sec. 45.031: Accessory Dwelling Units in R, AG, and AG-R Districts**”, is included in your packets.

80.020-B Nonconforming Lots in Residential Zoning Districts

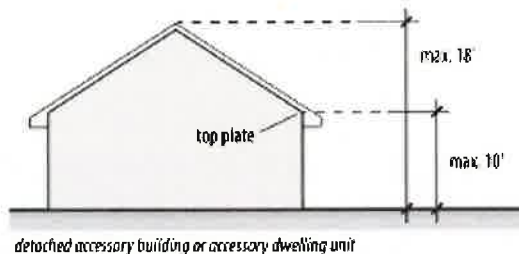
In residential zoning districts, a single detached house may be erected on a nonconforming lot without complying with the minimum lot area, minimum lot area per unit, minimum lot width, minimum street frontage or minimum open space per unit requirements of the subject zoning district, **provided that 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.

2. Detached Accessory Buildings, including Accessory Dwelling Units, in RE, RS, RD Districts and RM Zoned Lots Used for Detached Houses or Duplexes.

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

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

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



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

Table 90-2: Accessory Building, Including Accessory Dwelling Units, Coverage Limits in Rear Setback

Zoning District	Maximum Coverage of Rear Setback
RS-1 and RE Districts	20%
RS-2 District	25%
RS-3, RS-4, RS-5 and RD Districts	30%
RM zoned Lots Used for Detached Houses or Duplexes	30%

Applicant is allowed 500 sf of floor area for their ADU, they are proposing a 1,144 sf ADU.

Applicant is allowed a single story ADU, they are proposing an ADU that is 26' in height and 19' 9" at the top of the top plate.

Applicant is required to maintain 50% (3,476 sf) open space on the lot, they are proposing 30% (2,110 sf) of open space.

Applicant is allowed to only cover 30% of the rear setback. Applicant is proposing 57% coverage in the rear setback.

STATEMENT OF HARDSHIP: Original garage was sized for Model T cars and needs new garage to fit modern sized cars. Lot is extremely non-conforming ADU is for owner's family and guests.

SAMPLE MOTION:

Special Exception:

Move to _____ (approve/deny) a **Special Exception** to allow an Accessory Dwelling Unit in an RS-4 District (45.031-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.

Variances:

Move to _____ (approve/deny) a **Variance** to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-B, 45.031-D.6); **Variance** to allow a nonconforming lot to have less than 50% open space (Sec. 80.020-B); **Variance** to allow more than 30% coverage by an Accessory Dwelling Unit in the rear setback in an RS-4 District (Section 90.090-C); **Variance** to allow a detached Accessory Dwelling Unit to exceed one story or 18 feet in height and to exceed 10 feet in height to the top of the top plate. (Section 90.090-C)

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

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

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

supporting structure (excluding any guy lines) to the nearest point on the residential zoning district boundary line, excluding R-zoned freeways.

Section 45.030 Accessory Buildings and Carports in R Districts

45.030-A Accessory Building Size

1. RE and RS-1 Districts

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

2. RS-2, RS-3, RS-4, RS-5 and RM Districts

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

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

45.030-B Carports

Carports are allowed in R zoning districts. Any carport that occupies all or a portion of the street setback or street yard area must be approved in accordance with the special exception procedures of Section 70.120 and comply with the regulations of Section 90.090-C1.

Section 45.031 ADU, Accessory Dwelling Units in R, AG, and AG-R Districts

Section 45.031-A Definition

A dwelling unit that is located in an accessory building on the same lot as a detached house to which it is accessory and subordinate.

Examples of ADUs include carriage houses, garage apartments, and mother-in-law flats.

Section 45.031-B Purpose

1. The purpose of allowing accessory dwelling units within R, AG, and AG-R districts is to:
 - a. accommodate new housing units while preserving the character of existing neighborhoods;
 - b. allow efficient use of the city's existing housing stock and infrastructure;
 - c. provide housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs; and

- d. provide a means for residents—particularly seniors, single parents, and empty-nesters—to remain in their homes and neighborhoods, and obtain extra income, security, companionship and assistance.
2. The ADU supplemental regulations are also intended to help ensure that that new buildings and modifications to existing buildings are designed with sensitivity to their context in terms of building placement, proportions, building materials, and similar design features.

Section 45.031-C Applicability

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

Section 45.031-D Regulations

1. Where Allowed

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

2. Number

No more than one accessory dwelling unit is allowed per lot.

3. Methods of Creation

An accessory dwelling unit may be created only through the following methods:

- a. Constructing an accessory dwelling unit on a lot with a new or existing detached house; or
- b. Converting or increasing existing floor area within an accessory building on a lot with an existing detached house.

4. Density (Minimum Lot Area and Lot Area per Unit)

No additional lot area or lot area per unit is required for the accessory dwelling unit.

5. Open space (Minimum open space per unit)

No additional open space is required for the accessory dwelling unit.

6. Accessory Dwelling Unit Size

a. 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, may not exceed 750 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]

- b. 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, the total aggregate floor area of all detached accessory buildings, including accessory dwelling units, may not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]

[1] For detached accessory buildings, including accessory dwelling units, located within rear setbacks, see Section 90.090-C2.

7. Building and Fire Codes

All accessory dwelling units are subject to applicable building and fire codes.

8. Additional Regulations for Accessory Dwelling Units

a. Entrances

Building entrances to accessory dwelling units may not face the nearest side or rear property line unless there is an alley abutting that property line.

b. Setbacks

An accessory dwelling unit must be located at least 10 feet behind the detached house. This required 10-foot separation distance must be open from the ground to the sky except that it may include walkways, patios, decks and similar structures that do not exceed 30 inches in height above finished grade.

c. Exterior Finish Materials

The exterior finish material of any new accessory dwelling unit must be the same or visually match in type, size and placement, the exterior finish material of the detached house.

d. Roof Pitch

The roof pitch any new accessory dwelling unit must be the same as the predominant roof pitch of the principal building.

Section 45.040 Compressed Natural Gas (CNG) Refueling Appliances

Private (restricted access), consumer-oriented (home), CNG refueling appliances are permitted as an accessory use to lawfully established household living uses in all zoning districts.

Section 45.050 Dumpsters

45.050-A Regulations

Dumpsters established or placed on or after the effective date specified in ~~Section 1.030~~ are subject to the following regulations:

- 1.** Dumpsters may only be placed with the written permission of the owner of the subject property.
- 2.** Dumpsters must be located on a dustless, all-weather surface.
- 3.** Dumpsters may not:
 - a.** Obstruct motorized or non-motorized traffic;

Presentation:

Daryl Woodard, 6311 East 105th Street, Tulsa, OK; stated the existing sign is deteriorating and this proposal is to enhance the look of the sign. There has been a lot of time invested in this property by cleaning it up. The existing sign would not be replaced, it would simply be refaced.

Mr. Van De Wiele asked Mr. Woodard about the notation on the site plan on page 7.8, in the Board's agenda packet, referring to a future message center. Mr. Woodard stated that he was not requesting approval for the message center because he decided not to have one on the sign.

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"; Stead absent) to **APPROVE** the request for a **Variance** of allowed sign height from 25 feet to 35 feet in an IL District (Section 1221.E.1); **Variance** of 60 foot setback to 50 foot setback in an IL District (Section 1221.E.1) to permit the refacing and updating of an existing sign; subject to conceptual plan on page 7.8 with the caveat that the Board is not approving an electronic message center. The Board has found that the existing sign is in need of repair and the sign was most likely constructed prior to the City's code, and the location now requires the request for these two variances. 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 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:

LT 1 BLK 1, GROGG` S LANDING, MINGO VALLEY TRADE CENTER, 100 EAST INDUSTRIAL PARK AMD RESUB 100 EAST INDUSTRIAL PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21447—Donna Danner

FILE COPY

Action Requested:

Variance from one-story height restriction to two-story and from the height requirement of 18 feet to 22 feet for a detached accessory building in the RS-4 District (Section 210.B.5.a). **LOCATION:** 1152 North Denver Avenue (**CD 1**)

BOA-21447

FILE COPY

Presentation:

Donna Danner, 1152 North Denver Avenue, Tulsa, OK; stated her house is a historical house located in the Brady Heights District. The house has a detached garage that was built in 1917 and it is in a dilapidated state. She would like to rebuild the structure, imitating as it was before.

Mr. Van De Wiele asked Ms. Danner if she had plans for using the upstairs portion of the garage as rental property. Ms. Danner stated that she was not; her plans are to use it as a garage with storage.

Mr. White asked Ms. Danner if her home was on the historical register. Ms. Danner stated that her home is on the National Historical Register.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Stead absent) to **APPROVE** the request for a **Variance** from one-story height restriction to two-story and from the height requirement of 18 feet to 22 feet for a detached accessory building in the RS-4 District (Section 210.B.5.a). Finding that this existing detached garage built in 1917 is in a delapidated state of repair and this is on property that has a house on the historical register. This is subject to conceptual plan on pages 8.8 and 8.9. 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:

LOT 6 & 7 AND RESERVE BLK 4, THE POWDER AND POMEROY ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

18310-A—Ollie Harris – City of Tulsa Police Department

Action Requested:

Modification to a previously approved site plan (BOA-18310) to allow for the addition of a 30 foot x 60 foot enclosed pole barn for storage of vehicles and training equipment. **LOCATION:** 10926 East Cameron Street North **(CD 3)**

Case No. 12598 (continued)

Provisions of Use Unit 1226) to allow the incineration of animals at the animal shelter, that the unit to be installed have a control so there is no emission of noxious or offensive odors, subject to the unit being approved by the City Engineering Department in accordance with their specifications, Tulsa City-County Health Department and other governmental agencies concerned therewith, on the following described property:

A tract of land lying in the W/2, SW/4, SE/4 of Section 8, Township 20 North, Range 13 East in Tulsa, Tulsa County, Oklahoma, and being more particularly described as follows, to wit: Beginning at a point on the East line of Said W/2, SW/4, SE/4, 720.00' North of the Southeast corner; thence West 175.00'; thence North 200.00'; thence in a Northeasterly direction to a point on the East line of Said W/2, SW/4, SE/4, 1,100.00' North of Said Southeast corner; thence South along the East line of Said W/2, SW/4, SE/4 a distance of 380.00' to the point of beginning.

Case No. 12599

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record- Request to permit two dwellings on one lot of record; and a Variance - Section 430 - Bulk and Area Requirements in the Residential Districts- Request for a variance of the rear yard setback from 20' to 10' & 6" and a variance of the side yard requirements from 10' to 3' located at 1132 North Cheyenne Avenue.

Presentation:

Monroe Wood, 7460 East 3rd Street, was present and advised he plans to remodel the existing structure and will not increase the square-footage. Formerly the structure was used as a servants quarters and a one car garage which is being converted into a dwelling unit. The applicant intends to enclose the garage space in his remodeling endeavors. Mr. Wood submitted five (5) photographs of surrounding properties containing two dwellings (Exhibit "P-1"); a plot plan (Exhibit "P-2") and a list indicating the addresses having two dwelling units within one block of the subject property (Exhibit "P-3").

Protestants:

Merle Inman, 1144 North Cheyenne, was present and advised he is a member of the neighborhood association who is attempting to upgrade the area. If two dwellings are continually permitted in this area property values will decrease. His main concern is if the property contains enough square-footage to house the two dwellings. He was also concerned if there would be adequate parking provided on the subject property.

Comments and Questions:

The proposed second dwelling would meet the requirements as a garage, but not the requirements of setback as a dwelling unit. Mrs. Miller, Protective Inspections, advised if there are two dwellings on one lot four parking spaces are required.

Case No. 12599 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 208- One Single-Family Dwelling Per Lot of Record) to permit two dwellings on one lot of record; and a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the rear yard setback from 20' to 10'6" and a variance of the side yard requirements from 10' to 3', per plot plan, on the following described property:

Lot 5, Block 6, Pouder and Pomeroy Addition, City of Tulsa, Okla.

Case No. 12600

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1215 - Sections 740.2 and 740.4 - Request to allow a Use Unit 15, retail/office warehouse in a CS District located at the SW corner of I-44 and Garnett Road.

Presentation:

Charles Murphy represented Blythe Carney, 5812 South New Haven Avenue, and advised he is interested in acquiring the subject property to locate a retail/office warehouse on the site. A plot plan was submitted (Exhibit "Q-1").

Protestants: None.

Board Questions:

Chairman Smith asked if the structure would be similar to the unit located south of 21st Street and Garnett Road and Mr. Murphy answered in the affirmative. The Chair complimented the appearance of that structure.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Use Unit 1215 and Sections 740.2 and 740.4) to allow a Use Unit 15 retail/office warehouse in a CS District, subject to there being no outside work or storage, per plot plan, on the following described property:

A tract of land lying in Lots 1 and 2, Block 2, PHEASANT RUN ADDITION, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, being more particularly described as follows, to wit: Beginning at a point on the East line of Said Lot 1, 90.00 feet North of the Southeast corner thereof; thence North 00°-28'-30" North along the East line of Lot 1 a distance of 433.33 feet to a point; thence due West a distance of 211.99' to a point; thence South 00°-28'-30" East parallel to the East line of Said Lot 1 a distance of 433.33' to a point; thence due East a distance of 211.99' to the point of beginning; containing 2.1089 acres, more or less.

5.19.83:387(21)

4.12



Facing South on Denver



Facing North on Denver



Subject property

DANA L. BOX
ZONING OFFICIAL
PLANS EXAMINER II

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1
Tom Neal
2507 E. 11th St.
Tulsa, OK 74104

September 9, 2020

Phone: 918-231-7372

APPLICATION NO: ZCO-068002-2020
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 1129 N. Denver
Description: Accessory Dwelling Unit (ADU)-Garage and Garage Apt.

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. IF SUBMITTING REVISIONS FOR APPLICATIONS THAT PREVIOUSLY UTILIZED PAPER PLANS, EMAIL THE REVISED PLANS TO COTDEVSVCS@CITYOFTULSA.ORG OR SUBMIT ELECTRONIC PLAN REVISIONS ON THE PORTAL AT [HTTPS://TULSAOK.TYLERTECH.COM/ENERGOV4934/SELFERVICE](https://tulsaok.tylertech.com/energov4934/selfservice). YOU WILL NEED TO REGISTER ON THE PORTAL IF YOU HAVE NOT PREVIOUSLY DONE SO. **
3. INFORMATION ABOUT THE ZONING CODE, BOARD OF ADJUSTMENT (BOA), PLANNING COMMISSION (TMAPC), AND THE TULSA PLANNING OFFICE AT INCOG CAN BE FOUND ONLINE AT WWW.TULSAPLANNING.ORG; IN PERSON AT 2 W. 2ND ST., 8TH FLOOR, IN TULSA; OR BY CALLING 918-584-7526 AND ASKING TO SPEAK TO SOMEONE ABOUT THIS LETTER OF DEFICIENCY.

REVIEW COMMENTS

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

ZCO-068002-2020

1129 N. Denver Ave.

September 9, 2020

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

1. 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 1584 sq ft of detached accessory structure floor area. The proposed detached structure exceeds 500 sq ft and 40% of the size of your house. Based on the size of your house of 1144, you are allowed 457 sq ft of detached accessory structures floor area on your lot. Reduce the size of your proposed detached accessory structure to be less than 457 sq ft of total floor area or apply to BOA for a variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure.

2. Section 45.031-D Regulations Where Allowed

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

Review comments: Apply to INCOG for a special exception to allow an Accessory Dwelling Unit in an RS-4 zoned area.

3. Sec. 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.

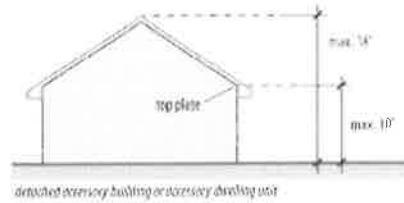
Review Comments: The proposed lot is considered an existing nonconforming lot. You are allowed to use 50% of the lot size as open space. You are proposing less than 50% of the lot size to be open space. Revise plans to indicate compliance or apply to INCOG for a variance to allow this lot to have less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

4. Sec. 90.090-C. Detached Accessory Buildings, including Accessory Dwelling Units, in RE, RS, RD Districts and RM Zoned Lots Used for Detached Houses or Duplexes.

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

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

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



Review Comments: The proposed Accessory Dwelling Unit (ADU) exceeds one floor in height and exceeds the allowed maximum of 10' to top plate and 18' maximum in height. Revise plans to indicate compliance or apply to INCOG for a variance.

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

Table 90-2: Accessory Building, including Accessory Dwelling Units, Coverage Limits in Rear Setback

Zoning District	Maximum Coverage of Rear Setback
RS-1 and RE Districts	20%
RS-2 District	25%
RS-3, RS-4, RS-5 and RD Districts	30%
RIA zoned Lots Used for Detached Houses or Duplexes	30%

Review Comments: The proposed Accessory Dwelling Unit (ADU) exceeds the allowed 30% maximum coverage in the rear setback. Revise plans to indicate compliance or apply to INCOG for a variance.

c. Nonconforming detached accessory buildings in the rear yard that are set back less than 3 feet from interior lot lines may be expanded or demolished and reconstructed without complying with the 3-foot setback requirements, provided that the reconstructed or expanded building complies with all of the following requirements:

- (1) It is no closer to any interior lot line than the existing nonconforming structure;
- (2) It is not over one story in height;
- (3) It does not cover more of the required rear yard than permitted in §90.090-C2.a(2); and
- (4) It does not exceed 500 square feet in floor area if the building does not comply with the setback requirements of §90.090-C2.b.

Review Comments: The proposed Accessory Dwelling Unit (ADU) exceeds the allowed 30% maximum coverage in the rear setback. Revise plans to indicate compliance or apply to INCOG for a variance.

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

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

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

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

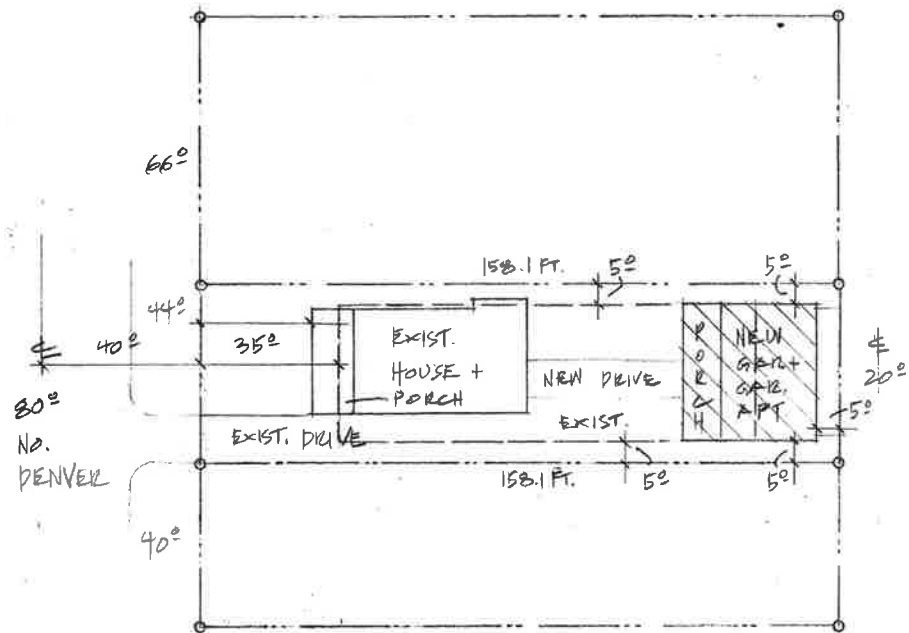
A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

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

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

WALL
SECTION
HERE



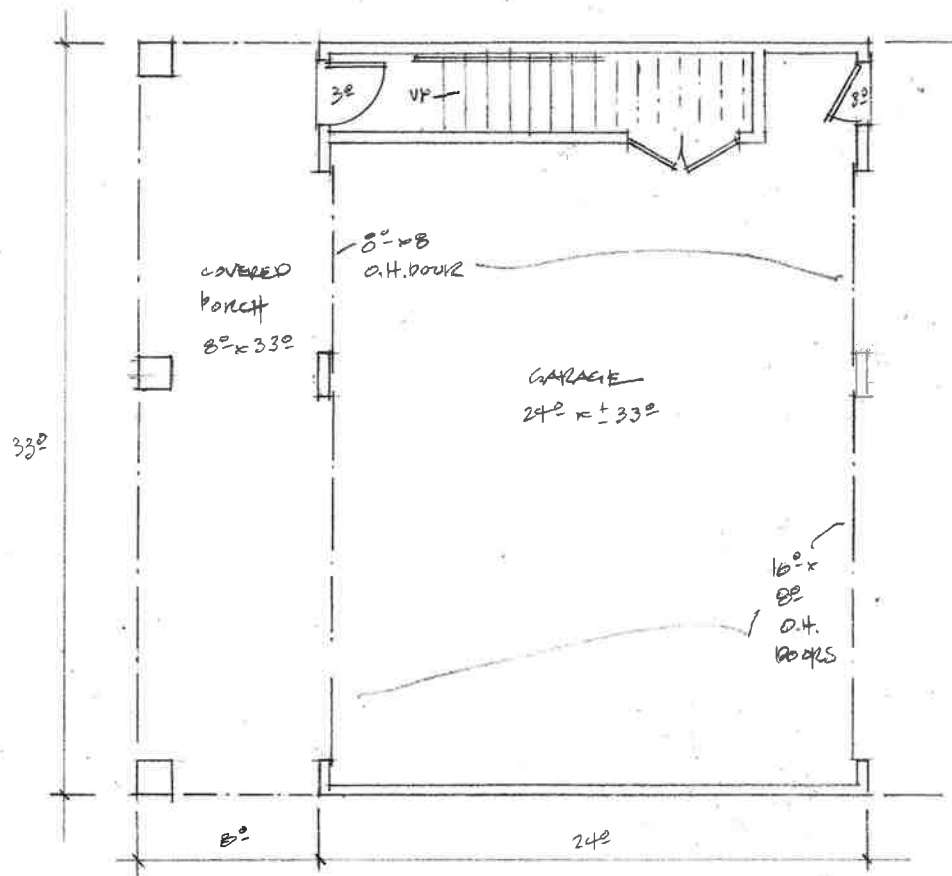
SITE DRAINAGE PLAN 1" = 30'

PRELIM. BID-VARIA. PLANS

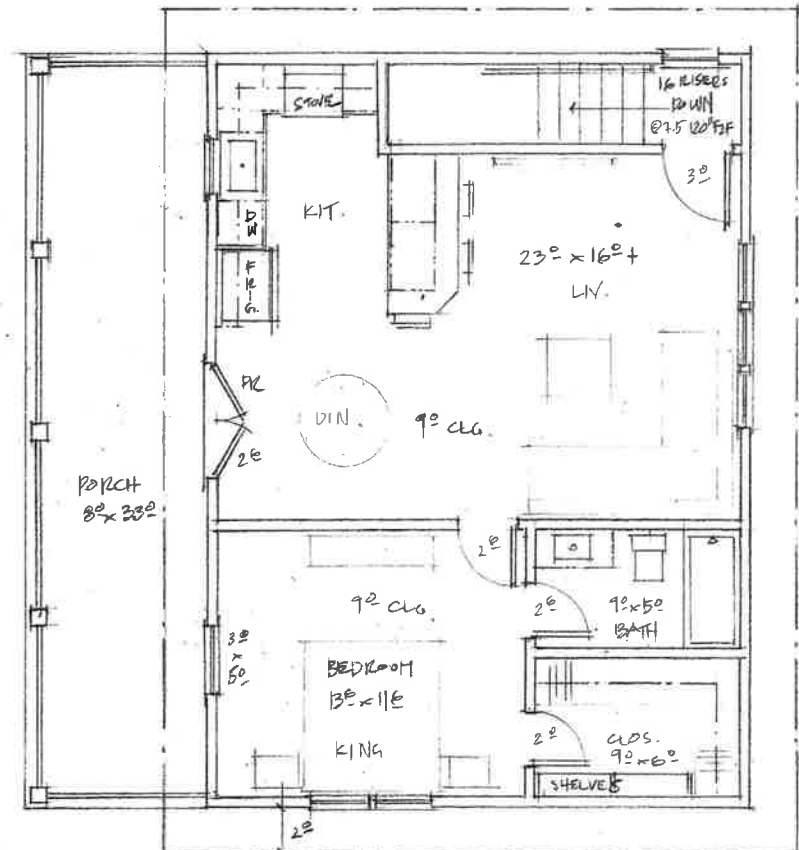
NEW GARAGE-ADU RS-4
1ST FL. 792# GAR. 1ST FL. PORCH: 264#
2ND FL. ADU: 792# 2ND FL. PORCH 264#
LOT: 6952# - 2004 HOUSE = 4948# LOT-
ADD. = 3892# - 1782# DRIVE = 2110#
OPEN SPACE (2500 REQ.) 57% COVERAGE
OF REQ. REAR YARD.

FIDLER-TURNER PROJECT
1129 NO. DENVER
TULSA, OKLA 7.2020

TOM NEAL
DESIGN
Associate member, American Institute of Architects
912.231.7372



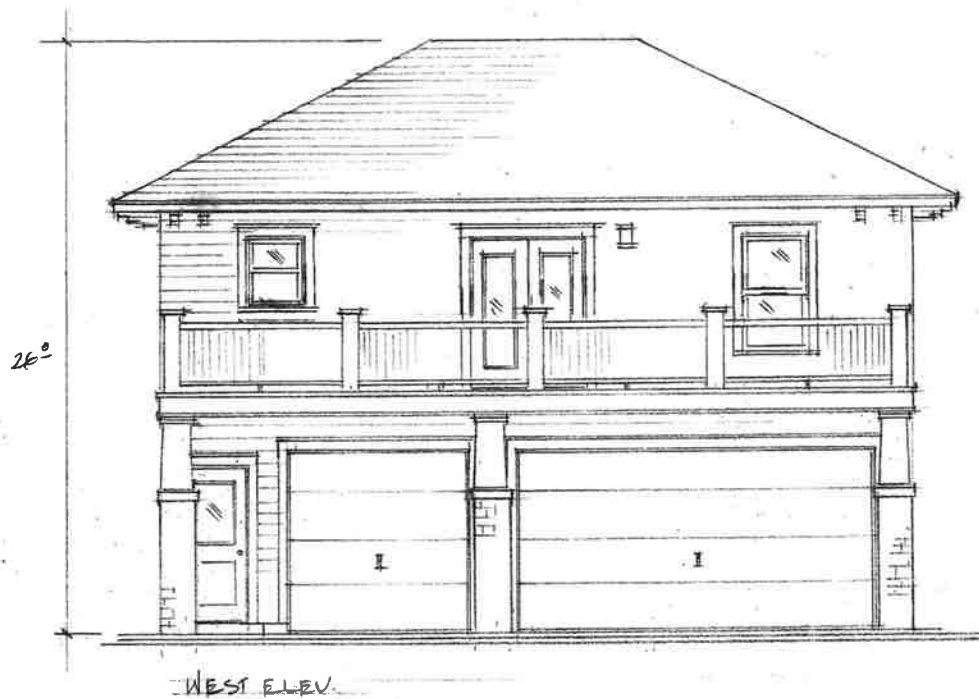
1ST FLOOR 3/16" = 1'-0"
PRELIM. BID. VARIA. PLANS



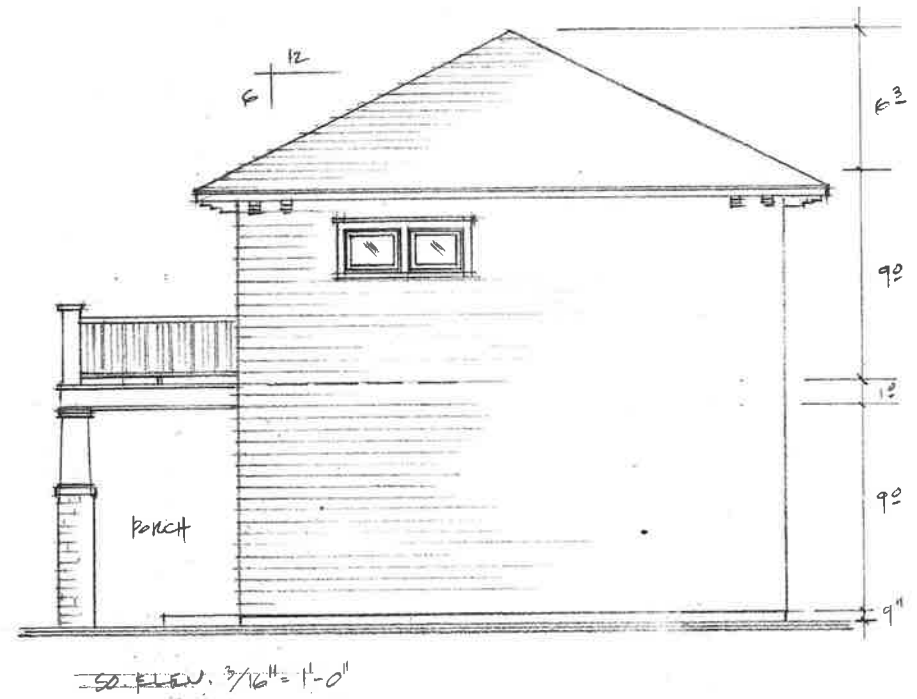
2ND FLOOR

FIDLER-TURNER PROJECT
1129 NO. DENVER
TULSA - OKLA 7-2020

TOM NEAL
DESIGN
Associate member, American Institute of Architects
918.231.7372



PRELIM. BID. VARIANCE PLANS



FIDLER-TURNER PROJECT
1129 NO. DENVER
TULSA - OKLA 7-2020

TOM NEAL
DESIGN
Associate member, American Institute of Architects
918.231.7372

4.20



0 200 400
Feet



Subject
Tract

BOA-23015

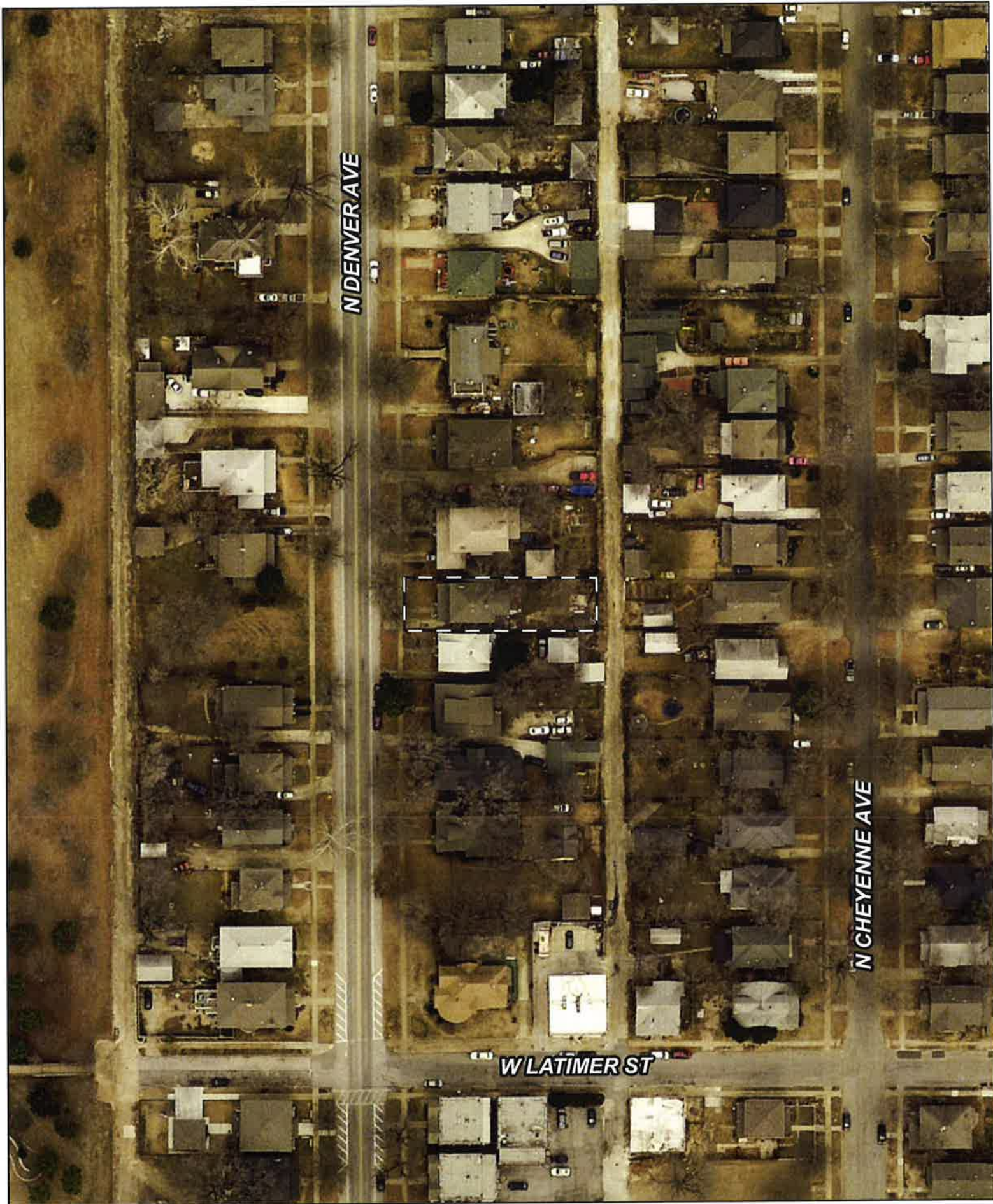
20-12 35

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

Aerial Photo Date: February 2018

4.21

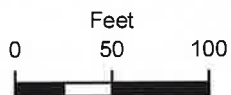




N DENVER AVE

N CHEYENNE AVE

W LATIMER ST



Subject
Tract

BOA-23015

20-12 35

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

Aerial Photo Date: February 2018

4.22



Sparger, Janet

From: Margaret Aycock <margeeaycock@gmail.com>
Sent: Friday, October 16, 2020 10:31 AM
To: esubmit
Subject: boa 23015

Dear incog folks,
I live next door to this property. I live at 1135 N Denver. My husband and I are in favor of the plan. It looks like neighborhood historic guidelines have been taken into consideration with the outside appearance of the addition which is important to us. We are excited to see the new garage/apt sitting next door.

Sincerely,
Margee and Scott Aycock
1135 N Denver Ave, Tulsa, OK 74106
918-408-1205

[Art Blog](#)
[Art Gallery](#)
[Children's Book Blog](#)
[Coupon for money off first airbnb trip](#)

Chapman, Austin

From: diane.jenkins@cox.net
Sent: Wednesday, October 21, 2020 12:45 PM
To: esubmit
Subject: Case Number BOA-23015

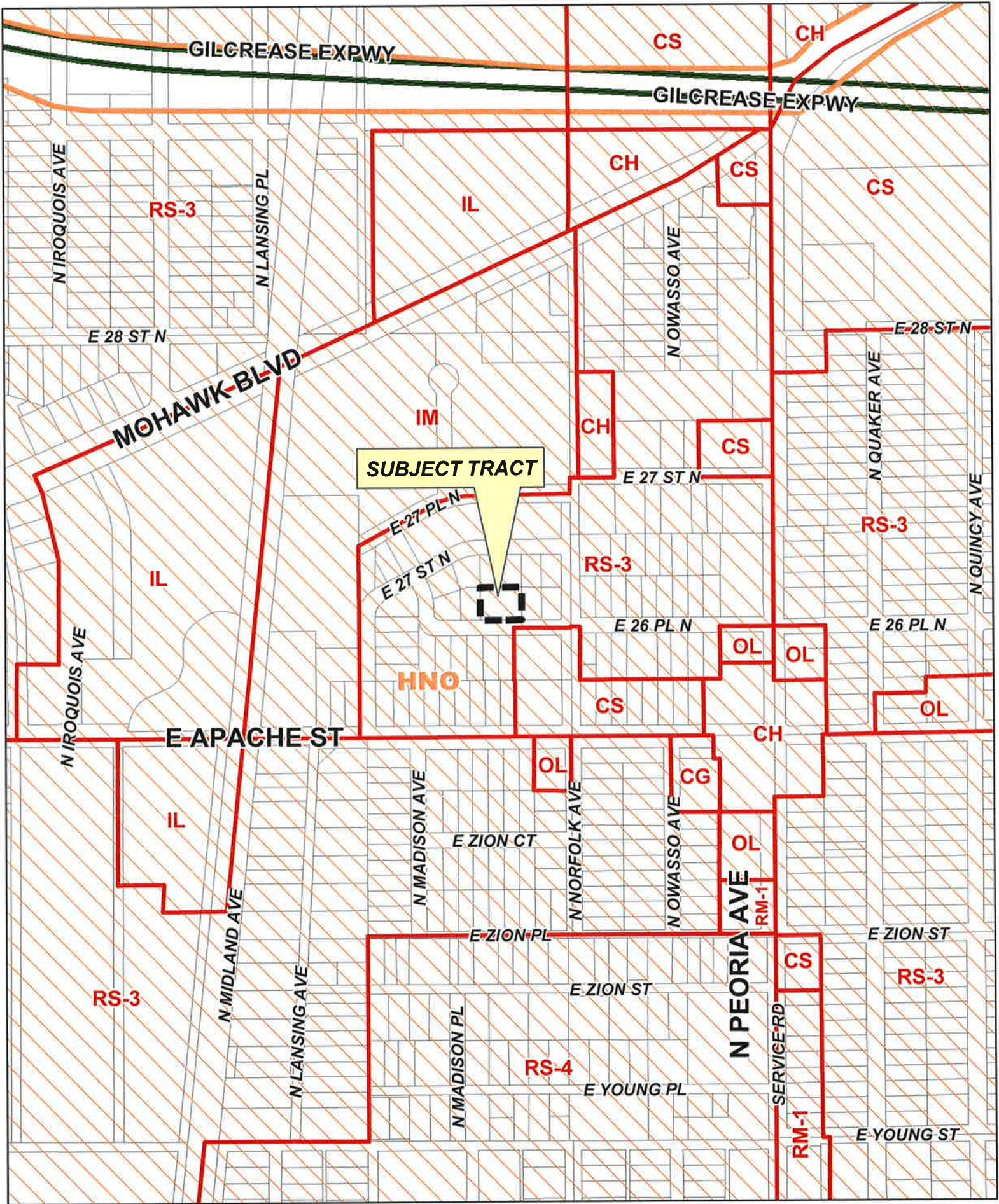
I own the property to the immediate South of this subject property (1127 N. Denver Ave.). I am very concerned about the proposed structure for a number of reasons, outlined below:

- The upstairs living area will look directly down on our backyard and patio area, and remove all of our privacy.
- We have a hot tub and patio in our backyard. It will dramatically change the experience if we have neighbors looking directly down into it.
- The size of the structure is out of line and proportion with the other structures in the neighborhood.
- Part of the charm of the neighborhood is the spacing of the structures. An oversized two story residence in the backyard will make the space look over-built and overly dense. Almost like a multi-family housing unit has been built next door.
- Adding a second residence will increase traffic, noise and potential disturbances from its use
- The building will reduce green space within Brady Heights

I hope you will take the above in consideration in determining whether or not to approve this case.

Sincerely,

Diane L. Jenkins
1127 N. Denver Ave
Tulsa, OK 74106



BOA-23017

20-12 24

5.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 148 Case Number: **BOA-23017**

CZM: 28

CD: 1

HEARING DATE: 10/27/2020 1:00 PM

APPLICANT: LaToyna Exom

ACTION REQUESTED: Special Exception to allow a manufactured housing unit in an RS-3 district (Sec.5.020 Table 5-2.5); Special Exception to extend the time limit for a manufactured home permanently (Sec.40.210)

LOCATION: 1037 E 26 PL N

ZONED: RS-3

PRESENT USE: Vacant

TRACT SIZE: 14122.21 SQ FT

LEGAL DESCRIPTION: LTS 9 & 10 BLK 2, WAREHOUSING ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-12770; On 08.25.83 the Board ***approved*** a Special Exception to allow a mobile home in an RS-3 District and ***continued*** a request for a variance of the 1-year limitation for a mobile home. Staff could not find that the variance was ever decided by the Board.

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

The 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.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located on E. 26 Pl. N. between Norfolk and North Madison Pl.

STAFF COMMENTS: The applicant is requesting Special Exception to allow a manufactured housing unit in an RS-3 district (Sec.5.020 Table 5-2.5); Special Exception to extend the time limit permanently (Sec.40.210)

Table 5-2.5: R District Building Type Regulations for Household Living

USE CATEGORY															
Subcategory Specific Uses Building Type	RE	RS-					RD	RT	RM-				RMH	Supplemental Regulations	
		1	2	3	4	5			0	1	2	3			
RESIDENTIAL															
Household Living															
Single household															
Detached house	P	P	P	P	P	P	P	P	P	P	P	P	S		
Patio House	-	-	-	P	P	P	P	P	P	P	P	P	-	Section 40.290	
Townhouse															
2-unit townhouse	-	-	-	S	S	P	P	P	P	P	P	P	-	Section 40.390	
3+-unit townhouse	-	-	-	-	-	-	-	P	P	P	P	P	-	Section 40.390	
Manufactured housing unit	S	S	S	S	S	S	S	S	S	S	S	S	P	Section 40.210	
Manufactured housing subdivision	-	-	-	-	-	-	-	-	-	-	-	-	P	Section 40.220	
Mobile home	-	-	-	-	-	-	-	-	-	-	-	-	P	Section 40.240	
Mixed-use building	-	-	-	-	-	-	-	-	-	S	S	S	-		
Vertical mixed-use building	-	-	-	-	-	-	-	-	-	S	S	S	-		
Two households on single lot															
Duplex	-	-	-	S	S	S	P	P	P	P	P	P	-		
Mixed-use building	-	-	-	-	-	-	-	-	-	P	P	P	-		
Vertical mixed-use building	-	-	-	-	-	-	-	-	-	P	P	P	-		
Three or more households on single lot															
Cottage house development	-	-	-	-	-	P	S	S	P	P	P	P	-	Section 40.110	
Multi-unit house	-	-	-	-	-	S	S	P	P	P	P	P	-	Section 40.250	
Apartment/condo	-	-	-	-	-	-	-	-	P	P	P	P	-	Section 40.030	
Mobile home park	-	-	-	-	-	-	-	-	-	-	-	-	P	Section 40.240	
Mixed-use building	-	-	-	-	-	-	-	-	-	P	P	P	-		
Vertical mixed-use building	-	-	-	-	-	-	-	-	-	P	P	P	-		

P= Permitted; S=Special Exception Approval Required; - = Prohibited

Section 40.210 Manufactured Housing Units

The supplemental regulations of this section apply only to manufactured housing units approved as special exception uses in R or AG-R zoning districts.

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

40.210-B No more than one manufactured housing unit may be located on a lot.

40.210-C Manufactured housing units are required to comply with the same lot and building regulations that apply to detached houses in the subject zoning district.

SAMPLE MOTION:

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

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

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

Case No. 12769 (continued)

The applicant informed he had a building permit, but Ms. Hubbard said she has no record of a permit being issued. Mr. Miller stated that he got the permit before he even purchased the building. Ms. Hubbard requested that the applicant call her and give her the permit number.

Mr. Jackere stated that ordinarily, before a person can get a building permit, they have to come before the Board, because a person cannot put a duplex on a single-family lot without this Board's approval.

The applicant informed their building permit was just to put the building on the lot--they understood that the building was not to be used as a duplex until they received this Board's permission. The applicant understands that he may not be able to use the building as a duplex.

Mr. Victor stated he cannot see how a duplex would affect the density of the area. Ms. Purser agreed with Mr. Victor, but informed she would have a problem if someone moved a duplex in on the two lots next to her house--it just wouldn't fit in.

The Board informed the applicant to get with Ms. Hubbard as soon as possible to get the problem with the building permit cleared up. The Board also suggested that the applicant talk to some of the people of the area.

Mr. Jackere informed the petition was signed by people who do not want a zoning change from RS-3.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to continue Case No. 12769 to the September 8, 1983, meeting to allow the Board members time to view the site and to allow time to solve the building permit issue.

Case No. 12770

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request to permit a mobile home in an RS-3 zoned district - Under the Provisions of Section 1680.

Variance - Section 440.6 (a) (c) (d) (e) - Special Exception Uses in Residential Districts, Requirements - Request for a variance of the one-year time limitation to permit permanent occupancy, variance of the removal contract, and a variance of the removal bond posting requirement in an RS-3 zoned district - Under the Provisions of Section 1670, located west of the NW corner of Norfolk Avenue and 26th Place North.

Presentation:

Eula M. Kelly was represented by Jessie Kelly, 1110 East Ute Street, her brother. The applicant would like to move a mobile home on the subject property. The wheels will be taken off of the mobile home and it will be put on a foundation. The applicant will cover the mobile home with rocks and will put a roof on it--it will not look like a mobile home when they get finished with it. They plan to do the work on the mobile home as soon as they get permission, and it should be completed within 3 months. The applicant's brother, who is a mason, will do the work on the mobile home. There is a mobile home about 1 block away and one about 3 or 4 blocks away. The mobile home which they would like to move on the subject property has two bedrooms--it is single-wide and about 60' long. The home is a 1978 model. The mobile home will be completely covered with rock--you will not be able to see the metal.

Protestants: None.

Comments:

Mr. Victor stated he would have a hard time granting the variance until the work is finished. There is no guarantee that it will be approved at that time, but the Board members indicated they would look at the application favorably if the applicant did what was presented.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Use Unit 1209) to permit a mobile home in an RS-3 zoned district - Under the provisions of Section 1680, and to continue this case to the January 12, 1984, meeting where the variance will be considered at that time and the applicant will return with pictures of all sides showing that the work is completed, on the following described property:

Lots 9 and 10, Block 2, Warehousing Addition to the City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the Chair adjourned the meeting at 5:36 p.m.

Date Approved _____

Sept 23, 1983

Chairman



Subject property



Facing East on 26th Pl



Facing West on 26th Pl.

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LaTonya Monique
exomlatonya12@yahoo.com

9/16/2020

APPLICATION NO: ZN LOD- 68580-2020 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 1037 E 26th PI North

Description: Manufactured Housing unit

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601.

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

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

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.

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

(continued)

REVIEW COMMENTS

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

Application No. **ZN LOD- 68580-2020**

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

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

1. **Sec.5.020 Table 5-2:** The submitted application indicates construction of a “Manufactured Housing Unit” per documents submitted to our office. The proposed Manufactured Housing Unit is located in an RS-3 Zoning District.

Review Comments: Manufactured Housing Units are allowed in this zoning district by special exception. Apply for a Special Exception from the City of Tulsa Board of Adjustment (BOA) per Sec.70.120 to allow a Manufactured Housing Unit to be placed on your lot. Once you receive approval you will need to submit the approval documents to this office.

2. **40.210-B** The manufactured housing unit must be removed from the lot within one year of the date of special exception approval. The board of adjustment is authorized to extend the one-year limit through approval of a subsequent special exception if the (special exception) extension request is filed before expiration of the one-year time limit.

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

3. **5.030-A :Setback(s) (Residential):** In the RS-3 zoned district the minimum street setback shall be 25 feet from the property line, or measured from the centerline of the abutting street add to the setback distance $\frac{1}{2}$ the right-of-way (ROW) designated on the major street plan.

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

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

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

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

END –ZONING CODE REVIEW

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

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

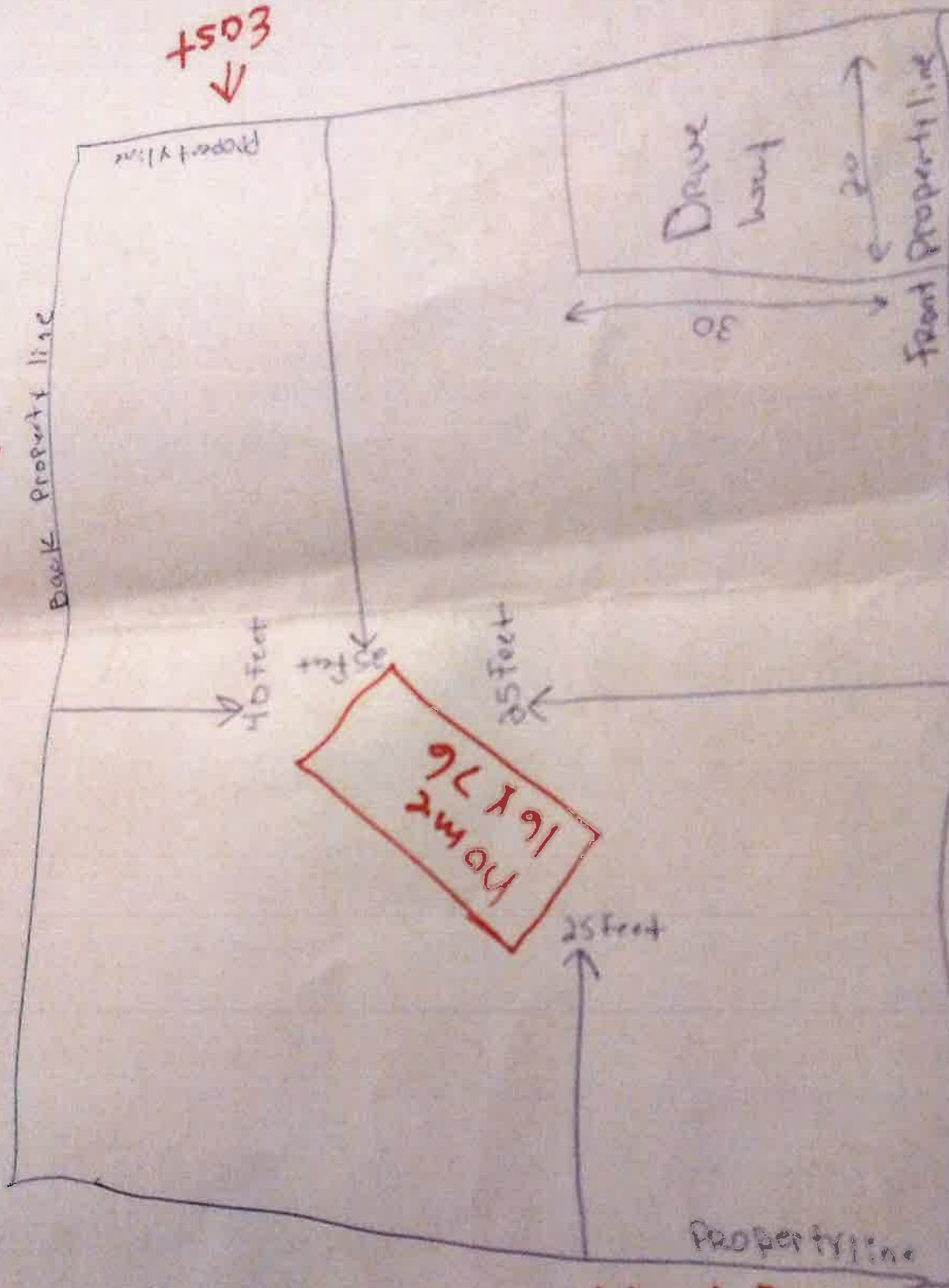
From: LaTonya Exom <exomlatonya12@yahoo.com>
Sent: Sunday, September 20, 2020 10:15 PM
To: FedEx
Subject: [EXTERNAL] City

Caution! This email originated outside of FedEx. Please do not open attachments or click links from an unknown or suspicious origin.

I LaTonya Monique Exom plan to use my property located at 1037 east 26 place north Tulsa ok 74106 to build a site build home using my 1998 oakwood mobile home as the structure and frame. The home will be tied down using 1 1/2 x .035 cold rolled heat treated hot dipped galvanized straps. Confirming to federal SPEC QQ-S- 781F type 1 class B grade 1. With 4feet ground anchors. Per City of Tulsa guide line. The home will be tied using four over the top tie and seven frame ties on each side . The home will also be layered with cement bricks placed in a continuous footing around the house which is 16x76 home. The footing will be at least the depth of 18". And at least 25 front setback to property line. My home will be used for a permanent resident for me and my nine year old child.

Vacant lot \downarrow North

Vacant Lot \uparrow East



South \uparrow
Street 26th Street

Vacant house \uparrow West

Property line 107

5.14

electric
PSO

city
water

131.2 1037 east 26th - Pl. North

131.2

Long-Gas

40 Feet

minimum 5/8 Bars
20" top 20" Bottom

25 Feet

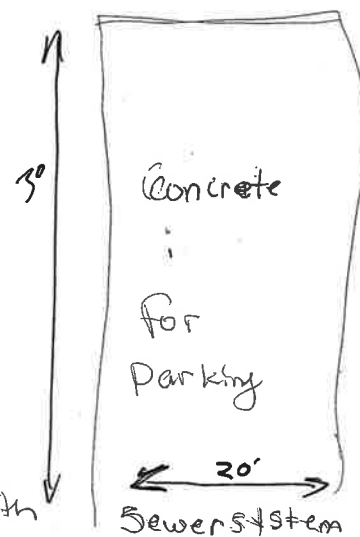
Property Line 107

25 Feet

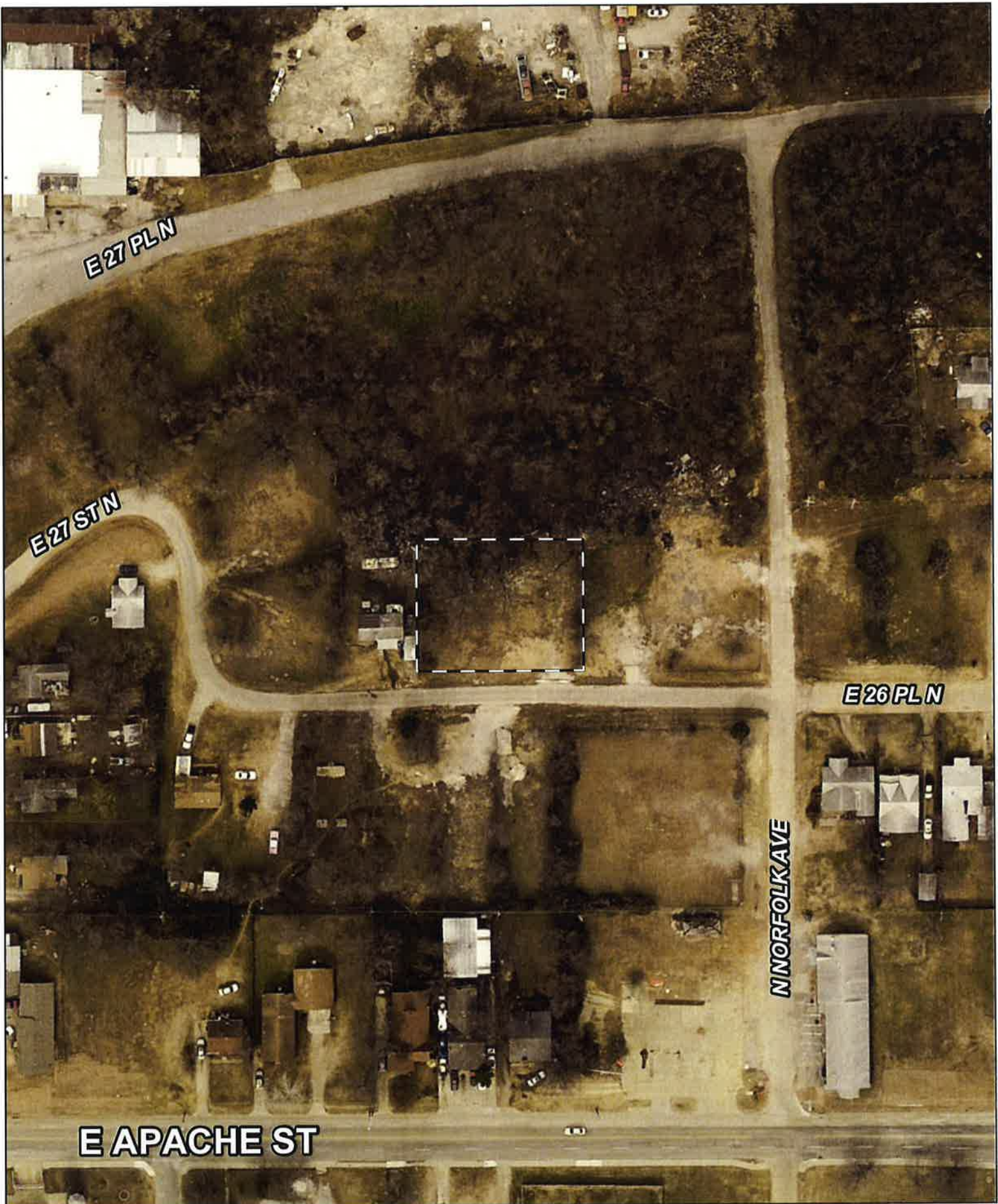
16 x 76
home

30 Feet
continuous footing

16 Ft







E 27 PL N

E 27 ST N

E 26 PL N

N NORFOLK AVE

E APACHE ST



Subject
Tract

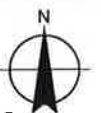
BOA-23017

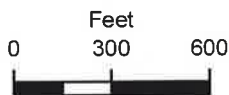
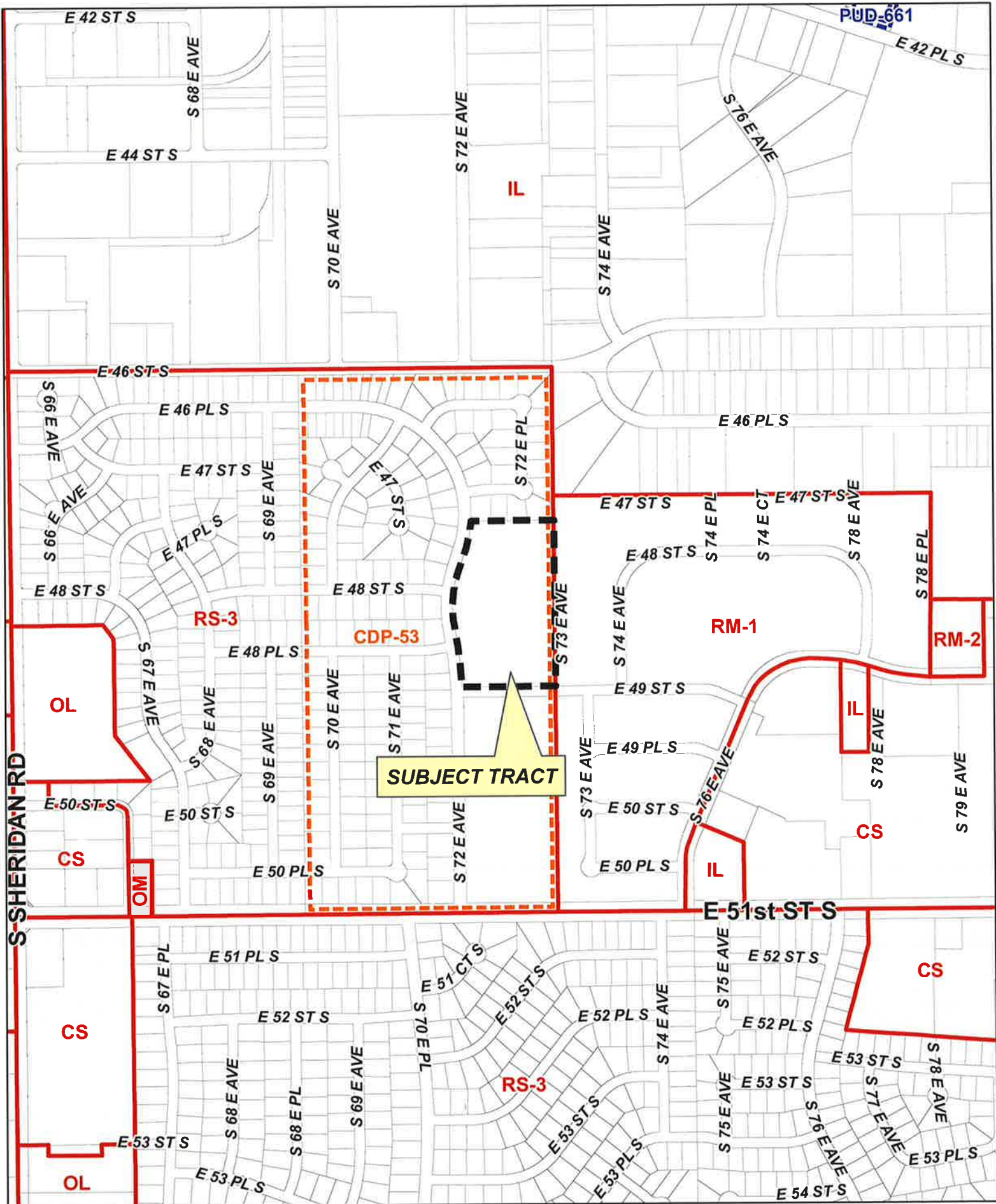
20-12 24

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

Aerial Photo Date: February 2018

5.16





BOA-23019

19-13 26

6.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9326

Case Number: **BOA-23019**

CZM: 48

CD: 5

HEARING DATE: 10/27/2020 1:00 PM

APPLICANT: Carolyn Back

ACTION REQUESTED: Amendment to remove Lot 1, Block 11 Park Plaza Seventh Amended Addition from Community Development Project -53 (Sec. 30.020-C)

LOCATION: 4821 S 72 AV E

ZONED: RS-3

PRESENT USE: School (Dove Academy)

TRACT SIZE: 378202.54 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 11, PARK PLAZA SEVENTH AMD

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-20995; on 11/10/2009 the Board **approved** a *Special Exception* to permit school use (Use Unit 5) in an RS-3 district;

BOA-17486; on 8.27.96 the Board **approved** a *Special Exception* to permit a church in an RS-3 district to occupy an abandoned school; per plan submitted.

BOA-12618; on 6.2.83 the Board **approved** a *Special Exception* to permit Bates Elementary School to be used as a junior college by the Oklahoma College of Business and Technology.

BOA-11909; on 4.29.82 the Board **approved** a *Special Exception* to permit a children's day care nursery in an RS-3 district.

BOA-6173; on 04.07.70 the Board **approved** CDP-53 which identified this property to be used as institutional use to include an elementary 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

6.2

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 72nd E. Ave and E. 49th St. S.

STAFF COMMENTS: The applicant is requesting an Amendment to remove Lot 1, Block 11 Park Plaza Seventh Amended Addition from Community Development Project -53 (Sec. 30.020-C)

Section 30.020 CDP, Community Development Projects

30.020-A General

CDP was the predecessor of PUD zoning. Before adoption of the city's 1970 zoning code, which created the PUD district, the board of adjustment had authority to approve site-specific CDPs.

TULSA ZONING CODE | July 1, 2020
page 30 7

Chapter 30 | Legacy Districts
Section 30.020 | CDP, Community Development Projects

30.020-B Expiration and Lapse of Approval

Pursuant to Section 204 of the 1970 zoning code, all CDPs approved by the board of adjustment before 1970 effectively expired on June 30, 1975 except those extended by the board of adjustment or for which building permits had been issued or construction had commenced in accordance with the terms and conditions approved by the board of adjustment. The following CDPs have expired pursuant to this provision and are now governed by the zoning district regulations that apply to the subject property: CDP01, CDP02, CDP03, CDP04, CDP05, CDP06, CDP07, CDP08, CDP09, CDP10, CDP11, CDP12, CDP13, CDP14, CDP15, CDP16, CDP17, CDP18, CDP19, CDP23, CDP24, CDP25, CDP26, CDP27, CDP28, CDP30, CDP31, CDP32, CDP34, CDP35, CDP36, CDP37, CDP38, CDP39, CDP40, CDP41, CDP42, CDP43, CDP44, CDP45, CDP46, CDP47, CDP48, CDP49, CDP50, CDP51, CDP52, CDP55, CDP56, CDP57, CDP58, CDP59, CDP60, CDP61, CDP62, CDP64, CDP65, CDP66, CDP67, CDP68, CDP69, CDP70, CDP71, CDP72, CDP73, CDP74, CDP75, CDP76, CDP77, CDP78, CDP79, CDP81, CDP82, CDP83, CDP84, CDP85, CDP86, and CDP87

30.020-C Active CDPs

The following CDPs remain active and are governed by the terms of the CDP approval granted by the board of adjustment: CDP20, CDP21, CDP22, CDP29, CDP33, CDP53, CDP54, CDP63, and CDP80. Proposed changes and amendments to active CDPs require a public hearing and approval by the board of adjustment.

The applicant is seeking to repurpose this property for various senior services. In researching this property staff became aware that CDP-53 was still active on this property and is governing its uses. Should the Board choose to amend this CDP, the subject property would become non-conforming and be subject to the use regulations of the RS-3 District. The applicant has made an application to re-zone this property from RS-3 to OM with an Optional Development Plan and is requesting the amendment be contingent on that zoning approval. Included in your packet are comments from the applicant.

SAMPLE MOTION:

Move to _____ (approve/deny) an ***Amendment*** to remove Lot 1, Block 11 Park Plaza Seventh Amended Addition from Community Development Project -53 (Sec. 30.020-C)

Subject to the following conditions:

- That the amendment only go in to effect should the related zoning case, Z-7582, be approved by City Council (condition requested by applicant).
- _____.

S 00°03'41" W ALONG SAID EASTERLY LINE AND ALONG THE WESTERLY LINE OF "COLLEGIATE SQUARE" FOR 393.35' TO A POINT THAT IS THE SOUTHEAST CORNER OF THE SE/4 OF THE NW/4, SAID POINT ALSO BEING THE NORTHEAST CORNER OF "INNOVARE PARK", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA; THENCE S 89°56'34" W ALONG THE NORTHERLY LINE OF "INNOVARE PARK" AND THE SOUTHERLY LINE OF THE SE/4 OF THE NW/4 FOR 845.12'; THENCE N 00°03'58" E AND PARALLEL WITH THE WESTERLY LINE OF THE SE/4 OF THE NW/4 FOR 200.00'; THENCE S 89°56'34" W AND PARALLEL WITH THE SOUTHERLY LINE OF THE SE/4 OF THE NW/4 FOR 475.00' TO A POINT ON THE WESTERLY LINE OF THE SE/4 OF THE NW/4; THENCE N 00°03'58" E ALONG SAID WESTERLY LINE FOR 225.00'; THENCE N 89°56'34" E FOR 100.00'; THENCE N 00°03'58" E FOR 50.00'; THENCE S 89°56'34" W FOR 100.00' TO A POINT ON THE WESTERLY LINE OF THE SE/4 OF THE NW/4; THENCE N 00°03'58" E ALONG SAID WESTERLY LINE FOR 848.71' TO THE NORTHWEST CORNER OF THE SE/4 OF THE NW/4, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF "VALLEY CENTER ADDITION", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA; THENCE N 89°57'29" E ALONG THE NORTHERLY LINE OF THE SE/4 OF THE NW/4 FOR 1320.02' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND.

Case No. 20995

Action Requested:

Special Exception to permit school use (Use Unit 5) in an RS-3 district (Section 401), located: 4821 South 72nd East Avenue.

Presentation:

Steve Olsen, 324 East 3rd Street, Tulsa, Oklahoma, 74120, represented Discovery School, Tulsa, which has been at this location about three months. The history of use has been churches and schools. Ms. Stead noted that because there have been intervening uses since the facility was last used, as a school the legal non-conforming use status has expired.

Interested Parties:

Glen Hogard, 7228 East 47th Street, Tulsa, Oklahoma, 74145, listed numerous crimes in the area. He stated that since this school has moved in things have improved. He was in support of this application. He added it is a good use of the property.

FILE COPY

Board Action:

On **Motion of White**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit school use (Use Unit 5) in an RS-3 district (Section 401), finding the Special Exception will be in harmony with the spirit and intent of the

11:10:09:1013(11)

6.5

FILE COPY

Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare on the following described property:

LT 1 BLK 11, PARK PLAZA SEVENTH AMD, City of Tulsa, Tulsa County, State of Oklahoma

There being no further business, the meeting adjourned at 2:56 p.m.

Date approved: 11-24-09

Clay M. Steel
Vice Chair

Case No. 17485 (continued)

Comments and Questions:

Mr. Bolzle asked the applicant if the subject property abuts the main commercial runway? He answered affirmatively.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays" no "abstentions"; Box "absent") to **APPROVE** a **Special Exception** to allow airport use. **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 2; per plan submitted, finding the request is consistent with the airport comprehensive plan and that the approval of this request will not be injurious to the area, nor harmful to the spirit and intent of the Code, on the following described property:

All of Block D of "Woodland Park", a subdivision of the N/2, NW/4, Sec. 24, and N/2, NE/4, Sec. 23, and E/2, SE/4, S of the AT&SF Railroad, Sec. 14, T-20-N, R-13-E, and a tract of land that is part of the W/2, W/2, W/2, Sec. 13, T-20-N, R-13-E, said tract of land being described as follows, to wit: Beginning at a point that is the SW/c, Sec. 13, T-20-N, R-13-E, thence N00°00'24"W and along the Wly line of Sec. 13 for 2639.63' to a point, said point being the W/4 corner, Sec. 13, T-20-N, R-13-E; thence continuing N00°00'24"W long the Wly line of Sec. 13 for 306.37'; thence N45°44'22"E for 922.01' to a point on the Ely line of the W/2, W/2, W/2, Sec. 13, T-20-N, R-13-E; thence S00°00'30"E along said Ely line for 3590.72' to a point on the Sly line of said Sec. 13; thence N89°53'37"W and along said Sly line for 660.50' to the POB of said tract of land, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17486

Action Requested:

Special Exception to permit a church in a RS-3 district to occupy an abandoned school. **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 2, located 4821 South 72nd East Avenue.

Presentation:

The applicant, **Clarence E. Lambert**, 6218 North 129th East Avenue, Owasso, representing Heritage Central Assembly of God, submitted a site plan (Exhibit L-1) and stated zoning ordinance requirements to this particular property will create unnecessary hardship. He further stated Heritage Central Assembly of God is an established church since 1907, however it is presently in a lease facility and the lease expires September 30, 1996. He informed the Board that the church's bid for the subject property was approved August 5, 1996. He stated the subject property was a school from 1973 into 1995. He further stated the facility was erected for usage which is limited, but ideal for the church's needs. He explained the school is now unoccupied and vandals have broken windows. He further explained the church will be very compatible to the original intent and utilization of this property. He commented that when this property is renovated, occupied and maintained, will enhance property values in the surrounding area and dissuade vandalism.

Comments and Questions:

Mr. Gardner informed the Board that he had received a call of support on this application. He stated the neighbors did raise the question that in the past the school had been a poling place and was wondering if the practice could continue.

Interested Parties:

George Butler, 7117 East 48th Place, stated he lives directly across from the subject property. He announced that he is strongly in favor of this application.

Comments and Questions:

Mr. Bolzle asked the applicant if the facility will be used as it is or will the church expand the building? He answered negatively. He stated the building has been vacant and the building needs to be renovated with the usual maintenance.

Ms. Abbott asked the applicant if the church would be leasing or buying the property? He stated the church will be buying the property.

Case No. 17486 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays" no "abstentions"; Box "absent") to **APPROVE** a **Special Exception** to permit a church in a RS-3 district to occupy an abandoned school. **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit; per plan submitted; 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:

Lot 1, Block 11, Park Plaza 7th Amended, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:20 p.m.

Date approved: 10 Sept 1996


Chair

08:27:96:710(31)

Case No. 12617 (continued)

Board Action:

On MOTION of WAIT and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 410 - Principal Uses Permitted in the Residential Districts) to maintain the five existing dogs in an RM-1 District, and when the dogs are reduced by attrition the number of dogs should never exceed three (3) and subject to no commercial activity permitted, on the following described property:

Lot 19, Block 5, Reddin Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12618

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205 - Section 440.7 - Request to allow Bates Elementary School to be utilized by Oklahoma College of Business and Technology, Inc., as a junior college located at 4821 South 72nd East Avenue.

Presentation:

Mrs. Nobel Manion, 835 South Knoxville Avenue, president of the Advisory Board of Regents for the Oklahoma College of Business and Technology, requested that this Board allow Bates Elementary School be utilized for the college. Mrs. Manion advised the Board concerning the history of the school.

David Stephenson, president of the Oklahoma College of Business and Technology, reviewed briefly various aspects of the College. A plot plan was presented to the Board for their reviewing of the proposal. The addition of Bates Elementary School will provide many improvements to the College and will prove to be a great asset to the community. Approximately \$5,000 will be spent on re-landscaping the 72nd Street area and the 3800 sq. ft. modern library, which will be a community asset, as well as for the college. Mr. Stephenson requested that the application be approved.

Protestants: None.

Comments and Questions:

Chairman Smith was concerned with the adequacy of the parking area and Mr. Stephenson advised the original parking lot provided spaces for 125 cars, but the school intends to add 100 additional parking spaces which would exceed the square-footage requirement. The parking lot will be illuminated as it is a part of the parking structure itself.

The Board inquired if any additional buildings will be constructed and Mr. Stephenson answered in the negative. Chairman Smith advised if there are any new structures, the applicant would be required to receive this Board's approval. Mr. Chappelle requested that a plot plan be submitted.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-1 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; Purser, "abstaining";

6.2.83:388(10)

6.10

Case No. 12618 (continued)

none, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Under the Provisions of Use Unit 1206 and Section 440.7) to allow Bates Elementary School to be utilized by Oklahoma College of Business and Technology, Inc., as a junior college, per plot plan, including 100 additional parking spaces as represented and subject to the applicant returning to the Board if and when any expansion is proposed, on the following described property:

Lot 1, Block 11, Park Plaza Seventh Amended, A Resubdivision of Blocks 1 through 11 Inclusive, Park Plaza Seventh, an Addition to the City of Tulsa, Tulsa County, Oklahoma, and part of the NE/4 of the SW/4 of Section 26, Township 19 North, Range 13 East, Tulsa County, Oklahoma.

Case No. 12619

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Use Unit 1209 - Section 440.6 - Request to locate a mobile home in an RS-1 District located at the NW corner of 13th Street and 173rd East Avenue.

Presentation:

Chere Ellard, 11724 South 85th East Avenue, was present and requested permission to locate a mobile home on the 2 1/2 acre subject tract. Ms. Ellard advised there are two other mobile homes in the surrounding area.

Protestants:

Mrs. Carl Turner, 1213 South 173rd East Avenue, submitted a map of the subject area indicating the residences in the area (Exhibit "G-1"); seven (7) photographs corresponding with the indicated locations on the map (Exhibit "G-2") and a protest petition bearing approximately 21 signatures of surrounding neighbors (Exhibit "G-3").

Mrs. Turner referred to Section 1680.3 of the Zoning Code and advised if the application is approved it would be injurious to the neighborhood and detrimental to the public welfare. On May 24, 1983, Mrs. Turner contacted the Health Department concerning this matter and was informed that the perk test on the subject tract had failed and a lagoon system would be the only possible means of sewage disposal on the tract. On May 19, 1983, a request was made for mobile homes and lagoon systems on AG zoned property and the City Commission denied that application.

Carolyn Fellers, 1121 South 173rd East Avenue, was present in protest to the application. She advised she and her family have invested a lot of time and money in cleaning up the property and upgrading the area. Mrs. Fellers was opposed to permitting more mobile homes in the surrounding area as it would decrease property values. She was also concerned with the sewage disposal for the property.

Discussion:

Discussion ensued concerning a previously approved mobile home located at 12th Street and 173rd East Avenue. That mobile home was approved at the March 24, 1983 meeting for a one-year time period. Dorotha Miller

Case No. 11907 (continued)

corner of Garnett and Admiral. They also plan to gravel most of the ground.

Protestants:

C. W. Sweetman, commander of the American Legion, 11328 East Admiral, was present to address the Board requesting that a fence be erected around the subject property so as not to encroach on his property if the case were approved.

Board Comments:

Mr. Gardner advised that a mobile home park is located west of the southwest corner of the subject property and a sales lot on the northeast corner. There have been several mobile home parks in the surrounding area in the past. The area is presently being upgraded.

Mr. Smith felt that another mobile home sales or park was not needed in the area because it is being upgraded.

Mr. Victor inquired as to the appearance of the property and the use. Mr. Gubser stated that there would be one permanent mobile home on the property used as an office and approximately 25 or 30 mobile homes displayed for sale.

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 deny a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts) to allow a mobile home sales in a CS District, on the following described property:

Beginning at a point 90' South and 50' West of the Northeast corner of Lot 5, Section 5, Township 19 North, Range 14 East, Tulsa County, Oklahoma; thence South 260'; thence East 250'; thence North 260'; thence West 250' to the point of beginning.

Case No. 11909

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request for a childrens nursery in an RS-3 District. This property is located at 4821 South 72nd East Avenue.

Presentation:

Ruthann Casebeer, 1127 East Haskell Place, was present to address the Board requesting permission to locate a children's day care center in Bates Elementary School. The School wants to rent Ms. Casebeer a space in the school for the day care center. It will be for school aged children for before and after school care. She stated that there would be no sign for the operation.

Protestants: None.

Board Comments:

Mr. Smith inquired about the playground use and Ms. Casebeer stated that the School is allowing her space for her own fenced-in playground.

Case No. 11909 (continued)

Mr. Lewis inquired about the hours of operation and Ms. Casebeer stated that it would be in operation from 6:30 a.m. to 6:30 p.m., to allow for working parents. Mr. Lewis asked how many children would be allowed and Ms. Casebeer stated that she would have no more than 25 children.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) for a children's day care center in an RS-3 District, that no sign be allowed, subject to a maximum of 25 children, and that the hours of operation be from 6:30 a.m. to 6:30 p.m., on the following described property:

Block 1, Lot 11, Park Plaza 7th Amended Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11914

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request for a gymnasium and related parking as an accessory to a church; and a
Variance - Section 1205.3 - Use Conditions - Request for a variance of the one acre minimum to .8 acre. This property is located at the SE corner of 2nd Street and 66th East Avenue.

Presentation:

Roy Johnsen, attorney representing the Sheridan Christian Center, 205 South Sheridan Road, was present to address the Board and submitted a map of the subject area (Exhibit "D-1"), a plot plan and elevation plan (Exhibit "D-2") and twelve (12) pictures of the subject property (Exhibit "D-3").

Mr. Johnsen advised that the proposed use is a youth center for the youth who attend the Church at this location. The property north of the north boundary and south of the south boundary of the subject property is presently owned by the Church.

Mr. Johnsen advised that an earlier application was filed dealing with an expansion to this Church which was denied. Since that time, the Church has been divided and the intensity of the Church has changed substantially.

Mr. Johnsen advised that if the application were approved that there should be six (6) conditions placed on it: 1) the proposed setback from the east boundary line would be changed from 10' to 25', which would meet the requirement, 2) that 10% of the site area will be used for landscaping, 3) that mechanical equipment be located on the ground as opposed to the roof, 4) that no lighting would be needed on the rear of the buildings because there are presently vapor lights there, 5) to provide a minimum of 28 on-site parking spaces on one side, and 6) subject to a site plan.

Mr. Johnsen stated that a medal building is proposed for economical reasons. He said that the building would not be inconsistent with the surrounding area.

6627 (continued)

Protests: None present.

Remarks: Mr. Johnsen advised that this application was before the Board on a compliant. There is a neighborhood association which is concerned with numerous alleged zoning violations in the area.

Board Action: On MOTION of LANGAN, the Board of Adjustment (5-0) granted a variance (Section 23) of the permitted use provisions of U-2B (Section 5 (f) (3)), to permit a six unit apartment on the following described tract:

The East 20 feet of Lot 65, ALL of Lot 66, Block 3, College View Addition to the City of Tulsa, Oklahoma.

COMMUNICATIONS:

6548

Remarks: Mr. Jones stated that this application was before the Board at the request of the Building Inspector. The applicant did not submit the required names and addresses in order to process the application.

Board Action: On MOTION of JOLLY, the Board of Adjustment (5-0) denied application no. 6548, on the following described tract:

Lots 9, 10, 11, 12, Block 8, Morningside Addition to the City of Tulsa, Oklahoma.

6173

Remarks: Charles Norman, representing Elmer Anderson, requested a clarification of the previously approved CDP No. 53. Mr. Norman stated that the building standards for the approved multifamily area were inadvertently left out of the recommendations and minutes. We completed our detailed building plans and applied for a building permit and the Building Inspector raised the question of building standards in the multifamily area as related to the building height, setback and parking. The Staff has reviewed our site plan (Exhibit "D-1"), and found it to be in keeping with the intent of the approved CDP. We are asking you to certify that the site plan meets the usual multifamily building standards and parking standards of U-2B and we need your approval of a club house facility and laundry facility which are standard related facilities.

4.7.70:54(14)

6173 (continued)

Board Action:

On MOTION of JOLLY, the Board of Adjustment (5-0) corrected the minutes of CDP #53 to include the site plan (Exhibit "D-2"), and to include recreational and laundry facilities and that the development standards of U-2B as relates to building setback, height, and parking requirements shall apply.

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

Date Approved May 5, 1970



Chairman

4.7.70:54(15)

COMMUNITY DEVELOPMENT PROJECT PUBLIC HEARING:

CDP No. 53 James O. Ellison (Anderson Development Company) 51st and
South 72nd East Avenue

Mr. Ellison stated that the project consists of 75 acres to be developed as follows: Single-family - 104 units; Duplexes - 116 units; and Garden Apartments - 180 units. He added that they had met with the protestants and their main objection was the traffic that would be funneled into East 46th Place. He advised that the Staff and Traffic Engineer objected to an industrial collector being utilized for residential development. Mr. Bob Steele pointed out that the project was being developed at U-1C densities.

Protestants:

Glenn Prichard

Address: 1st National Building

Mr. Prichard, representing approximately 140 residences to the East of this tract stated that they objected to an increase in traffic and density and the type of development proposed, and they objected to duplexes abutting any single-family residences.

Staff Recommendation:

The Staff recommends APPROVAL of CDP No. 53 for the following reasons:

The applicant previously had under application the Northeast 10 acres of the subject tract for multifamily development. The Staff recommended denial of multifamily zoning based on the following reasons:

1. The location was interior;
2. The proposal would be serviced solely by an industrial collector (46th Street); and
3. The density potential was considered excessive (U-2B).

However, CDP 53 includes the entire 75 + acre tract and contains single-family, duplex and multifamily uses. The location of the proposed multifamily (SE corner) is no longer interior in location or serviced by something less than a major street. The multifamily is located adjacent to and has access to 51st Street, a 100' Secondary Arterial.

The overall density is calculated on the existing U-1C zoning, one unit per 7,000 square feet of land area and is not considered excessive, but within the concept and intent of the Community Development Project Ordinance. The CDP meets or exceeds all of the terms, conditions and provisions set forth in the Ordinance.

In reference to the proposed land use relationships, the multifamily is adjacent on the East to U-2A multifamily (Villa Fontana), adjacent to 51st Street on the South, proposed duplexes on the West and

an elementary school site to the North. The proposed duplexes either back to the single-family or U-4A industrial zoning and are so located as to provide a transitional buffer between the single-family and apartment development. There are no instances where apartments would front, back or side to single-family development.

The Staff has examined the CDP plot plan and text and recommends approval, subject to the following conditions:

1. That the total number of dwelling unit not exceed 400.
2. That single-family, duplex and apartment units be permitted as designated in the CDP text, also an elementary school, excluding any commercial or nonresidential uses.
3. That Block 9 permit a maximum of 180 multifamily units.
4. That the specifications of the CDP text and plot plan be incorporated as conditions of approval.
5. That CDP approval be subject to the filing of a satisfactory subdivision plat.

TMAPC Action: 6 members present.

On MOTION of LEAVITT, the Planning Commission voted unanimously to recommend to the City Board of Adjustment that CDP No. 53 be approved, subject to the conditions recommended by the Staff (above) on the following described tract:

Park Plaza Seventh Amended Addition to the City of Tulsa,
Tulsa County, Oklahoma.

TMAPC Members Present

Bartlett
Dubie
Forrester
Leavitt
Martin
Miller

Staff Present

Gardner
Hunt
Osgood
Wilmoth
Martin

There being no further business, the Chair declared the meeting adjourned at 2:50 p.m.

Date Approved _____

Attest:

Chairman

Secretary

1.22.69:739(12)

6.17

PRELIMINARY

SUBJECT TO REVISION
AMENDED PLAT OF

PARK PLAZA SEVENTH

AN ADDITION TO THE CITY OF TULSA, OKLAHOMA

PART OF THE SW/4 SECTION 26 T19N R13E

ANDERSON DEVELOPMENT CO. ... OWNER

5932 E SKELLY DRIVE PH NA 7-2444

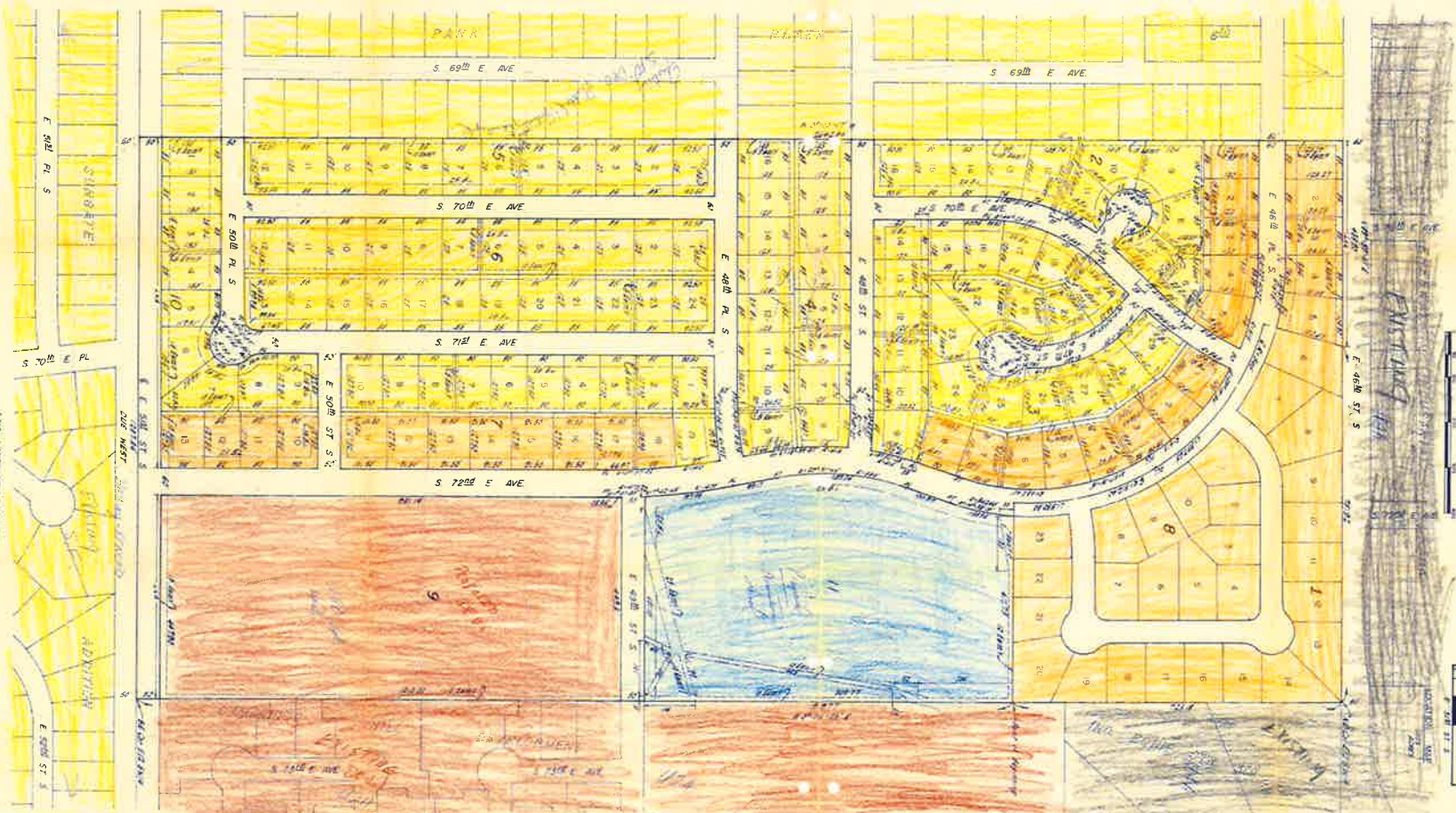
...

MANSUR - STEELE - WILLIAMS, INC.
CONSULTING ENGINEERS

1648 S BOSTON AVE TULSA, OKLAHOMA
SEPT 30, 1968 REG NO 68-TA94 - 770

- 2 -

SCALE 1"=100'



L386 - LIMITS OF NO ACCESS

CDP-53.5P-1



COMMUNITY DEVELOPMENT PROJECTS (CDP) HISTORICAL EXECUTIVE SUMMARY FOR BOA-23019

Before the adoption of the City's 1970 zoning code, which created the Planned Unit Development (PUD) district, the Board of Adjustment had authority to approve site-specific Community Development Projects (CDP)'s.

In 1970, CDP-53 remained active and is now governed by the terms of the CDP approval granted by the Board of Adjustment. Any proposed changes and amendments to active CDP's require a public hearing and approval by the Board of Adjustment.

We now find ourselves asking how does one define "changes and amendments" when it comes to what the Board of Adjustment is empowered to hear and make rulings on as a quasi-judicial board? When the CDP's were being phased out, if one wanted to make changes, they would have to move their CDP into a Planned Unit Development (PUD) and it would go before the Tulsa Metropolitan Area Planning Commission (TMAPC) and the City of Tulsa City Council..

However, the current City of Tulsa Zoning Code has done away with creating new PUD's and that leaves us with the question: What does a legal non-conforming CDP do when they want to modify? The current zoning code (Section 30.020-C) says, '*... Proposed changes and amendments to active CDP's require a public hearing and approval by the Board of Adjustment.*'

Being one of the few remaining legal non-conforming Community Development Projects (according to Section 30.020-C); coupled with a complete rewriting of the City of Tulsa Zoning Code, modifications to CDP's are a bit more complicated. However, in working with INCOG Staff, City legal, and our client's legal team we believe we have come up with a solution.

We have applied to the Board of Adjustment for a Modification to a previously approved Community Development Project (CDP-53) to allow for various senior services, not to include overnight care or living facilities.

Additionally, we have applied to the Planning Commission for a Rezone to Office Medium (OM) to allow for various senior services to include Adult Day Care and active senior - social and physical activity services.

We believe we have covered our current zoning code requirements by going before the BOA for a public hearing and requesting a modification to the CDP-53 to allow for various senior services to include Adult Day Care and active senior – social and physical activity services.

However, the City prefers this portion of CDP-53 be removed from the existing CDP-53 and states the modification is triggering their request for removal. Therefore, in the interest of

632 E 3rd Street, Tulsa, Oklahoma 74120
www.carolynback.com
918.740.1750

time for our client's feasibility contingency on the purchase of this property, we are proceeding as directed and applying for a Rezone to Office Medium (OM) with an Optional Development Plan. This requires an additional application before the Planning Commission and City Council.

If inclined to approve, we ask the Board to include within their motion a statement making their approval contingent upon Rezone and Optional Development Plan approval from the City of Tulsa City Council.



6.20



Subject property



Facing East on 49th St.



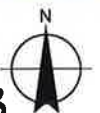
Facing North on 72nd E. Ave.



BOA-23019

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

Aerial Photo Date: February 2018



6.23



E 48 ST S

S 72 E AVE

E 48 PLS

S 73 E AVE

E 49 ST S



Subject
Tract

BOA-23019

19-13 26

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

Aerial Photo Date: February 2018

6.24



BOARD OF ADJUSTMENT CASE REPORT

Case Number: **BOA-23020**

HEARING DATE: 10/27/2020 1:00 PM

APPLICANT: Sherwood Construction Co., Inc.

ACTION REQUESTED: Appeal of the Administrative Decision issued by the Land Use Administrator dated September 14th, 2020 that the activity described by the appellant is an Industrial/ Mining and Mineral Processing Use (Sec. 70.140)

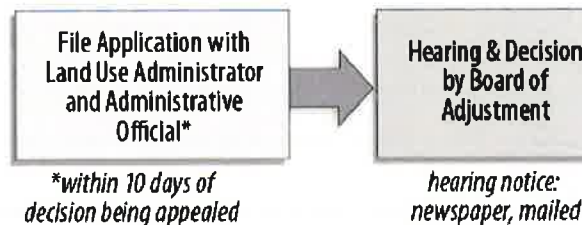
STAFF COMMENTS: The applicant is requesting an Appeal of the Administrative Decision issued by the Land Use Administrator dated September 14th, 2020 that the activity described by the appellant is an Industrial/ Mining and Mineral Processing Use (Sec. 70.140).

Section 70.140 Appeals of Administrative Decisions

70.140-A Authority

Appeals of administrative (staff-level) decisions on site plans go to the planning commission (See §70.050-C). The board of adjustment is authorized to hear and decide all other appeals where it is alleged there has been an error in any order, requirement, decision or determination made by the land use administrator, the development administrator or any other administrative official in the administration, interpretation or enforcement of this zoning code.

Figure 70-7: Appeals of Administrative Decisions (Generally)



70.140-G Hearing and Final Decision

1. The board of adjustment must hold a public hearing on the appeal.
2. Following the close of the public hearing, the board of adjustment must make its findings and take action on the appeal.
3. In exercising the appeal power, the board of adjustment has all the powers of the administrative official from whom the appeal is taken. The board of

adjustment may affirm or may, upon the concurring vote of at least 3 members, reverse, wholly or in part, or modify the decision being appealed.

4. In acting on the appeal, the board of adjustment must grant to the official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.

70.140-H Review Criteria

The decision being appealed may be reversed or wholly or partly modified only if the board of adjustment finds that the land use administrator, the development administrator or other administrative official erred.

The Land Use Administrator has the authority per Sec. 35.020-E of the code to classify uses.

35.020-E Determination of Use Categories and Subcategories

1. The development administrator or land use administrator has the authority to classify uses on the basis of the use category, subcategory and specific use type descriptions of this chapter.
2. When a use cannot be reasonably classified into a use category, subcategory or specific use type, or appears to fit into multiple categories, subcategories or specific use types, the development administrator is authorized to determine the most similar and thus most appropriate use category, subcategory or specific use type based on the actual or projected characteristics of the principal use or activity in relationship to the use category, subcategory and specific use type descriptions provided in this chapter. In making such determinations, the development administrator must consider:
 - a. The types of activities that will occur in conjunction with the use;
 - b. The types of equipment and processes to be used;
 - c. The existence, number and frequency of residents, customers or employees;
 - d. Parking demands associated with the use; and

TULSA ZONING CODE | July 1, 2020
page 35.7

Chapter 35 | Building Types and Use Categories
Section 35.030 | Residential Use Category

- e. Other factors deemed relevant to a use determination.
3. If a use can reasonably be classified in multiple categories, subcategories or specific use types, the development administrator is authorized to categorize each use in the category, subcategory or specific use type that provides the most exact, narrowest and appropriate "fit."

The land Use administrator made the determination that the use described by the appellant is an Industrial/ Mining and Mineral Processing Use. Sec. 35.070-E of the code described this use as follows:

35.070-E Mining or Mineral Processing

The extraction or quarrying of coal, ores, stone, minerals, top soil or aggregate resources from the ground. Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining and top soil extraction. Also includes crushing, washing and grading coal, ore, stone, sand, gravel, minerals, top soil or aggregate resources and manufacture of Portland cement.

The appellant has provided a letter stating their position that their use is a "Borrow Pit" and not a "Mining and Mineral Processing" use. The term 'Borrow Pit' does not appear in the zoning code and the appellant did not attempt to classify their use inside the zoning code.

The appellant has filed a separate application to be heard on November 10th, 2020 to allow a Special Exception to permit Industrial/ Mining and Mineral Processing Use (borrow site for Gilcrease Expressway) in the AG District. (Section 25.020, Table 25-1) at the property located 5350 W. Edison St.

SAMPLE MOTION:

Move to _____ (**affirm/reverse**) the Administrative Decision issued by the Land Use Administrator dated September 14th, 2020 that the activity described by the appellant is an Industrial/ Mining and Mineral Processing Use (Sec. 70.140)

Finding that the Land Use Administrator (**acted appropriately/erred**) in the Administrative Decision issued September 14th, 2020 that the activity described by the appellant is an Industrial/ Mining and Mineral Processing Use (Sec. 70.140)

Rod Abbott

From: Chris Kinnamon
Sent: Monday, September 14, 2020 1:42 PM
To: Rod Abbott
Subject: Fwd: zoning

-Chris Kinnamon
Sherwood Construction Co., Inc.

From: Miller, Susan <SMiller@incog.org>
Sent: Monday, September 14, 2020 1:40:24 PM
To: Chris Kinnamon <Chris.Kinnamon@sherwood.net>
Cc: Skates, Michael <mskates@cityoftulsa.org>; Janine VanValkenburgh (jvanvalkenburgh@cityoftulsa.org) <jvanvalkenburgh@cityoftulsa.org>; Ho, Yuen <Yuenho@cityoftulsa.org>
Subject: zoning

This Message originated outside your organization.

Hi Chris,

This email is a follow-up to the conversation we had about the zoning on the sites. Based on our knowledge of the use, we have determined that this is a mining use:

35.070-E Mining or Mineral Processing

The extraction or quarrying of coal, ores, stone, minerals, top soil or aggregate resources from the ground. Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining and top soil extraction. Also includes crushing, washing and grading coal, ore, stone, sand, gravel, minerals, top soil or aggregate resources and manufacture of Portland cement.

Neither the RM-2 or IL zoning category allow for mining. The zoning code only allows mining by special exception in the IM, IH & AG zoning categories. To request any of those zoning categories is a two-step process and, as we discussed, is not a sure thing.

1. Apply for rezoning to the Planning Commission. They review, provide and recommendation to City Council. The entirety of this process can take a minimum of 120 days.
2. Apply for a special exception to the Board of Adjustment . This process can take approximately 45 days.

Hopefully we are all able to join on a call later this week.

Thanks,



Susan Miller, AICP
Director
Tulsa Planning Office
2 W. 2nd St., 8th Floor | Tulsa, OK 74103
918.579.9470
smiller@incog.org

September 15, 2020

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

RE: Gilcrease Expressway Borrow Areas

Attn: Ms. Susan Miller, AICP
Director, Tulsa Planning Office

Ms. Miller:

We are in receipt of your e-mail of September 14th that explains your position pertaining to issues that you have regarding certain borrow pits proposed by Sherwood Construction Co., Inc.; (Sherwood), for the Gilcrease Expressway Roadway Project. We disagree with your contention that this is a mining operation and has to be zoned as such. It is in fact simply a borrow area with the intended usage to supply earthen material for embankment construction on the Gilcrease Expressway.

You cite the following in your e-mail as a basis of your determination that this is a mining operation:

35.070-E Mining or Mineral Processing

The extraction or quarrying of coal, ores, stone, minerals, top soil or aggregate resources from the ground. Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining and top soil extraction. Also includes crushing, washing and grading coal, ore, stone, sand, gravel, minerals, top soil or aggregate resources and manufacture of Portland cement.

I would like to clarify the nature of what we are proposing to do in the proposed borrow areas.

1. We are simply utilizing this area to excavate the earthen material in order to provide the "Unclassified Borrow" for the roadway project. We are not screening, pugging, crushing, breaking, or changing the excavated material in any way.
2. We are not quarrying any of the materials listed in your paragraph. Quarrying in the literal sense implies cutting, breaking, or blasting of rock materials.
3. We are not dredging sand, gravel, or any other aggregate product.
4. We are not extracting any topsoil for use in the roadway project.
5. And finally, we are not doing any crushing, washing, or grading of any of the materials listed in your paragraph.

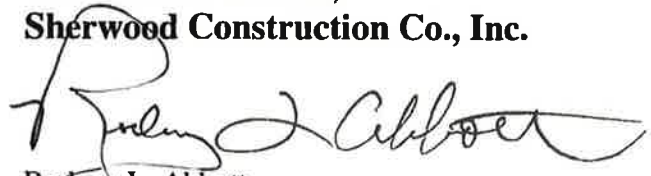




In conclusion, I fail to see how any of the activities that you reference in your e-mail can be related to the construction activities that we are proposing on the property. We were granted earth change permits by the City of Tulsa. We have done this type work previously both in the City of Tulsa and within Tulsa County and never had a zoning issue or had the work defined as a mining operation. Your revocation of our earth change permits is unwarranted and we urge you to reconsider your decision. We have expended significant time and money in obtaining the necessary clearances to do this work. Revoking the permits will result in potential delays to the construction of the Gilcrease Expressway. In addition the property owners of the proposed borrow pits will suffer irreversible financial harm for the loss of compensation that we are providing in purchasing this borrow material.

If you need any further clarification or information please do not hesitate to call. We request a prompt response. If you persist in your present ruling we will be forced to initiate a formal appeal.

**VERY TRULY YOURS,
Sherwood Construction Co., Inc.**



**Rodney L. Abbott
President**

cc: John Curtis, Sherwood Construction Co., Inc.
Andrea Nicholls, Corporate Counsel, Sherwood Construction Co., Inc.





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

Permit

Permit NO: **WSD-059621-2020**

Permit Type: **Watershed**

Work Classification: **Commercial**

Permit Status: **Issued**

Issue Date: **05/13/2020**

Expiration: **03/01/2021**

Location Address

1251 S 61ST AVE W Tulsa, Tulsa, OK 74127

Parcel Number

99208920831760

Contacts

Chris Kinnamon **Applicant**
1640 S 101st E Ave, TULSA, OK 74128
(918)266-6482 chris.kinnamon@sherwood.net

Description: Borrow pit for construction of the Gilcrease Expressway; OTA Contract GCT-2500

Valuation: **\$0.00**

Total Sq Feet: **0.00**

Inspection Requests:

For Building/Trades: (918) 596-9656
For Right Of Way: (918) 596-9630

Fees	Amount
Application Fee (Watershed)	\$52.00
Permit and Licensing System	\$4.00
Maintenance Fee	
Record Retention Fee	\$117.00
Resubmittal Fee (Watershed)	\$80.00
Stormwater conn, stormwater drain, earth change	\$260.00
System Development Fee	\$32.44
Total:	\$545.44

Payments	Amt Paid
Total Fees	\$545.44
Check #	\$52.00
aQNbZLxqZwpZ	
Check #	\$493.44
nPn0AgHSIDhX	
Amount Due:	\$0.00

Available Inspections:	
Inspection Type	IVR
Placement of Erosion Control	1015
Final Watershed	2101

Additional Information

Work Type: Earth Change

Describe Proposed Scope of Work in Detail: Borrow pit for construction of the Gilcrease Expressway; OTA Contract GCT-2500

SP3 Required: Yes

Floodplain: No

Issued By: **Braden Cole**

May 13, 2020

Date

Authorized Signature

Date



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

Permit

Permit NO. **WSD-057159-2020**

Permit Type: **Watershed**

Work Classification: **Commercial**

Permit Status: **Issued**

Issue Date: **03/27/2020**

Expiration: **03/01/2021**

Location Address

1402 S 65TH AVE W A, Tulsa, OK 74127

Parcel Number

99208920808680

Contacts

OAKLEY PROPERTIES LLC 4235 S 33RD AVE W, TULSA, OK 74107	Owner	Chris Kinnamon 1640 S 101st E Ave, TULSA, OK 74128 (918)266-6482 chris.kinnamon@sherwood.net	Applicant
Chris Kinnamon 1640 S 101st E Ave, TULSA, OK 74128 (918)266-6482 chris.kinnamon@sherwood.net	Contractor	Chris Kinnamon 1640 S 101st E Ave, TULSA, OK 74128 (918)266-6482 chris.kinnamon@sherwood.net	On-Site Contact
CRAIG AND KEITHLINE 6940 S Utica AVE, Tulsa, OK 74136 (918)743-6611	Engineer		

Description: Borrow pit for construction of the Gilcrease Expressway; OTA Contract GCT-2500

Valuation: **\$0.00**

Total Sq Feet: **0.00**

Inspection Requests:

For Building/Trades: (918) 596-9656
For Right Of Way: (918) 596-9630

Fees	Amount
Application Fee (Watershed)	\$50.00
Permit and Licensing System Maintenance Fee	\$4.00
Record Retention Fee	\$114.00
Stormwater Impact Review Fee	\$262.00
System Development Fee	\$26.84
Total:	\$456.84

Payments	Amt Paid
Total Fees	\$456.84
Check # zYmqyeKRV3W	\$50.00
Check # upJ4agqfbXoS	\$406.84
Amount Due:	\$0.00

Available Inspections:	
Inspection Type	IVR
Placement of Erosion Control	1015
Final Watershed	2101

Additional Information

Work Type: Earth Change

Describe Proposed Scope of Work in Detail: Borrow pit for construction of the Gilcrease Expressway; OTA Contract GCT-2500

Floodplain: No

Issued By: **Braden Cole**

March 27, 2020

Date

Authorized Signature

Date

DATA SURVEY

1. HORIZONTAL CONTROL
 - A. Horizontal Control for this survey is the Oklahoma State Plane Coordinate System, North Zone.
 - B. Linear Unit is U.S. Survey Foot.
 - C. Accuracy - 3rd Order or better
2. BEARINGS
 - A. The Bearings shown grid bearings derived from the Oklahoma State Plane Coordinate System.
3. VERTICAL CONTROL
 - A. Level Data is NAVD 1988 in US Survey Foot.

SURVEY DATA TABLE

EXISTING TOPOGRAPHIC SURVEY IS BASED ON ACTUAL FIELD SURVEY BY SHERWOOD SURVEY GROUP 2/14/2020

BENCHMARK 1	BENCHMARK 2	BENCHMARK 3
CP 201-PK NAIL	CP 202-PK NAIL	CP 203-PK NAIL
ELEV= 548.787	ELEV= 548.841	ELEV= 548.222
N= 421849.714	N= 421748.704	N= 422288.236
E= 2538743.259	E= 2538718.028	E= 2538714.486



SHERWOOD CONSTRUCTION COMPANY

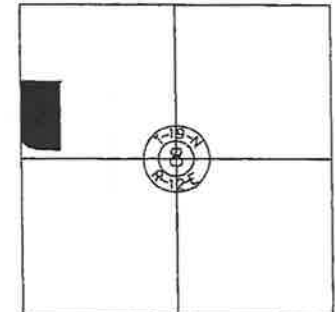
PLAN OF PROPOSED

GILCREASE EXPRESSWAY BORROW SITE

SITE PLAN AND EROSION CONTROL PLAN

PROPERTY OWNER: OAKLEY PROPERTIES, LLC

TULSA COUNTY, OKLAHOMA



LOCATION MAP

INDEX OF SHEETS

1	Title Sheet
2	Plan View of Borrow Site
3	Storm Water Management Plan
4	DEO General Permit and Instructions
5	FEMA Flood Plain Fimette Map
6	Tulsa Regulatory Floodplain Map Panel 35
7	Adjacent Property Map section 7 & 8



Site Address:
6401 W. 11th St.
Tulsa, OK 74127

Legal Description:
SW/4, NW/4, Section 8, T19N, R12E

THIS PROJECT IS WITHIN THE CORPORATE LIMITS OF THE CITY OF TULSA.

THIS PROJECT COMPLIES WITH ALL OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ) REQUIREMENTS

BY MY SIGNATURE ON THESE CONSTRUCTION DOCUMENTS, I HEREBY CERTIFY THAT I AM FAMILIAR WITH THE ADOPTED ORDINANCES AND REGULATIONS OF THE CITY OF TULSA GOVERNING THE WORK IN THE IDP DESCRIPTION; THAT THESE PLANS HAVE BEEN PREPARED UNDER MY DIRECT SUPERVISION; THE ABOVE AND FOREGOING PLANS COMPLY WITH ALL GOVERNING ORDINANCES AND THE ADOPTED STANDARDS OF THE CITY OF TULSA TO THE BEST OF MY KNOWLEDGE AND BELIEF.

CRAIG & KEITHLINE, INC.



By Kevin A. Kriewall
Kevin A. Kriewall, P.E.
Oklahoma Reg. No. 14850

3/17/20
Date



Craig & Keithline, Inc.
Certificate of Authorization No. CA 1218
Renewal Date - June 30, 2020

IMPERVIOUS AREA INDEX ——— SEE SHEET 3
FEMA FLOODPLAIN INFO ——— SEE SHEET 5
TULSA REGULATORY FLOODPLAIN INFO -- SEE SHEET 6

STANDARD DRAWINGS

ODOT Standards
SSS-1-1
TSC2-3-2
TSD-2-0

Plans Prepared by:			
Sherwood Construction Co., Inc.			
Tulsa, Oklahoma			
PLAN NO.	PROJECT NO.	DATE	BY
100-000000-01	100-000000-01	3/17/20	SK
FILE	DRAWING	DATE	BY
100-000000-01	100-000000-01	3/17/20	SK
ATLAS PAGE NO:			SHEET 1 OF 7 SHEETS

7.10



STORM WATER MANAGEMENT PLAN

SITE DESCRIPTION

PROJECT LIMITS: BEGIN AT WEST 11TH STREET SOUTH AND SOUTH 65TH AVE. WEST, SOUTH TO THE ARKANSAS RIVER LEVEE BY 647 FEET WIDE

PROJECT DESCRIPTION: BORROW AREA FOR GILCREASE EXPRESSWAY PROJECT OKLAHOMA TURNPIKE AUTHORITY CONTRACT OCT-2500

SUGGESTED SEQUENCE OF EROSION CONTROL ACTIVITIES: PRIOR TO INITIATING SOIL DISTURBING ACTIVITIES, THE CONTRACTOR SHALL INSTALL ALL PERIMETER TEMPORARY SEDIMENT CONTROLS SPECIFIED, STRIP, STOCKPILE AND STABILIZE TOPSOIL, CLEAR AND GRUB ONLY IN NECESSARY AREAS, INSTALL, MAINTAIN AND/OR MOVE TEMPORARY SEDIMENT ITEMS WITH CONSTRUCTION OPERATIONS AS PRACTICAL, PLANT TEMPORARY SEEDING AS NEEDED, REPLACE SALVAGED TOPSOIL AND NECESSARY EROSION CONTROL DEVICES UNTIL AN ACCEPTABLE VEGETATIVE COVER HAS BEEN ATTAINED, THE CONTRACTOR WILL MAINTAIN A LOG OF THE NOTES OF MAJOR SOIL DISTURBANCE ACTIVITIES AND ALSO THE NOTES OF INSTALLATION OF EROSION CONTROL MEASURES.

SOIL TYPE: B. VERY FINE SANDY LOAM

TOTAL AREA OF THE CONSTRUCTION SITE: TOTAL = 19.63 ACRES

ESTIMATED AREA TO BE DISTURBED: TOTAL = 18.00 ACRES

OFFSITE AREA TO BE DISTURBED: NA
(FOR CONTRACTOR USE)

TOTAL IMPERVIOUS AREA PRE-CONSTRUCTION: TOTAL = 00.00 ACRES

TOTAL IMPERVIOUS AREA POST-CONSTRUCTION: TOTAL = 00.00 ACRES

POST-CONSTRUCTION RUNOFF COEFFICIENT OF THE SITE: 0.30

LATITUDE & LONGITUDE OF CENTER OF PROJECT: 36° 38' 35" N 96° 03' 52" W

PROJECT WILL DISCHARGE TO:

NAME OF RECEIVING WATERS: BIG HEART CREEK

SENSITIVE WATERS OR WATERSHEDS: YES ☐ NO ☒

303(d) IMPAIRED WATERS: YES ☒ NO ☐

IF YES, LIST IMPAIRMENT: E. COLI, FISH BIO ASSESSMENTS

LOCATED IN A TMDL: YES ☐ NO ☒

LAKE THUNDERBIRD TMDL: YES ☐ NO ☒

MS4 ENTITY YES ☐ NO ☒

IF YES, LOCATION: CITY OF TULSA, TULSA COUNTY

EROSION AND SEDIMENT CONTROLS

SOIL STABILIZATION PRACTICES:

- ☒ TEMPORARY SEEDING
- ☒ PERMANENT SODDING, SPRIGGING OR SEEDING
- ☒ VEGETATIVE MULCHING
- ☒ SOIL RETENTION BLANKET
- ☒ PRESERVATION OF EXISTING VEGETATION

NOTE: TEMPORARY EROSION CONTROL METHODS MUST BE USED ON ALL DISTURBED AREAS WHERE CONSTRUCTION ACTIVITIES HAVE CEASED FOR OVER 14 DAYS. METHODS USED WILL BE AS SHOWN ON PLANS, OR AS DIRECTED BY THE ENGINEER.

STRUCTURAL PRACTICES:

- ☒ STABILIZED CONSTRUCTION EXIT
- ☒ TEMPORARY SILT FENCE
- ☒ TEMPORARY SILT DIKES
- ☒ TEMPORARY FIBER LOG
- ☒ DIVERSION, INTERCEPTOR OR PERIMETER DIKES
- ☒ DIVERSION, INTERCEPTOR OR PERIMETER SWALES
- ☒ ROCK FILTER DAMS
- ☒ TEMPORARY SLOPE DRAIN
- ☒ PAVED DITCH W/ DITCH LINER PROTECTION
- ☒ TEMPORARY DIVERSION CHANNELS
- ☒ TEMPORARY SEDIMENT BASINS
- ☒ TEMPORARY SEDIMENT TRAPS
- ☒ TEMPORARY SEDIMENT FILTERS
- ☒ TEMPORARY SEDIMENT REMOVAL
- ☒ RIP RAP
- ☒ INLET SEDIMENT FILTER
- ☒ TEMPORARY BRUSH SEDIMENT BARRIERS
- ☒ SANDBAG BERMS
- ☒ TEMPORARY STREAM CROSSINGS

OFFSITE VEHICLE TRACKING:

- ☒ HAUL ROADS DAMPENED FOR DUST CONTROL
- ☒ LOADED HAUL TRUCKS TO BE COVERED WITH TARPULIN
- ☒ EXCESS DIRT ON ROAD REMOVED DAILY

NOTES:

TOTAL PROJECT = 19.63 AC

TEMPORARY SEDIMENT BASIN FOR PUMPED DEWATERING WATER. SILT SHALL BE REMOVED FROM TEMPORARY SEDIMENT BASIN WHEN HALF FULL

THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR THE FOLLOWING:

MAINTENANCE AND INSPECTION:

ALL EROSION AND SEDIMENT CONTROLS WILL BE MAINTAINED IN GOOD WORKING ORDER FROM THE BEGINNING OF CONSTRUCTION UNTIL AN ACCEPTABLE VEGETATIVE COVER IS ESTABLISHED. INSPECTION BY THE CONTRACTOR AND ANY NECESSARY REPAIRS SHALL BE PERFORMED ONCE EVERY 7 CALENDAR DAYS AND WITHIN 24 HOURS AFTER ANY STORM EVENT GREATER THAN 0.5 INCH AS RECORDED BY A NON-FREEZING RAIN GAUGE TO BE LOCATED ON SITE. POTENTIALLY ERODIBLE AREAS, DRAINAGEWAYS, MATERIAL STORAGE, STRUCTURAL DEVICES, CONSTRUCTION ENTRANCES AND EXITS ALONG WITH EROSION AND SEDIMENT CONTROL LOCATIONS ARE EXAMPLES OF SITES THAT NEED TO BE INSPECTED.

WASTE MATERIALS:

PROPER MANAGEMENT AND DISPOSAL OF CONSTRUCTION WASTE MATERIAL IS REQUIRED BY THE CONTRACTOR. MATERIALS INCLUDE STOCKPILES, SURPLUS, DEBRIS, AND ALL OTHER BY-PRODUCTS FROM THE CONSTRUCTION PROCESS. PRACTICES INCLUDE DISPOSAL, PROPER MATERIALS HANDLING, SPILL PREVENTION AND CLEANUP MEASURES. CONTROLS AND PRACTICES SHALL MEET THE REQUIREMENTS OF ALL FEDERAL, STATE AND LOCAL AGENCIES.

HAZARDOUS MATERIALS:

PROPER MANAGEMENT AND DISPOSAL OF HAZARDOUS WASTE MATERIALS IS REQUIRED. THE CONTRACTOR IS RESPONSIBLE FOR FOLLOWING MANUFACTURERS RECOMMENDATIONS, STATE AND FEDERAL REGULATIONS TO ENSURE CORRECT HANDLING, DISPOSAL, SPILL PREVENTION AND CLEANUP MEASURES. EXAMPLES INCLUDE BUT ARE NOT LIMITED TO: PAINTS, ACIDS, CLEANING SOLVENTS, CHEMICAL ADDITIVES, CONCRETE CURING COMPOUNDS AND CONTAMINATED SOILS.

GENERAL NOTES:

A STORM WATER POLLUTION PREVENTION PLAN (SWPPP) IS REQUIRED TO COMPLY WITH THE OKLAHOMA POLLUTION DISCHARGE ELIMINATION SYSTEM (OPDES) REGULATIONS. THIS PLAN IS INITIATED DURING THE DESIGN PHASE, CONFIRMED IN THE PRE-WORK MEETINGS AND AVAILABLE ON THE JOB SITE ALONG WITH COPIES OF THE NOTICE OF INTENT (NOI) FORM AND PERMIT CERTIFICATE THAT HAVE BEEN FILED WITH THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ). THE PLAN MUST BE KEPT CURRENT WITH UP-TO-DATE AMENDMENTS DURING THE PROGRESSION OF THE PROJECT. ALL CONTRACTOR OFF-SITE OPERATIONS ASSOCIATED WITH THE PROJECT MUST BE DOCUMENTED IN THE SWPPP, I.E., BORROW PITS, WORK ROADS, DISPOSAL SITES, ASPHALT/CONCRETE PLANTS, ETC. THE BASIC GOAL OF STORM WATER MANAGEMENT IS TO IMPROVE WATER QUALITY BY REDUCING POLLUTANTS IN STORM WATER DISCHARGES. RUNOFF FROM CONSTRUCTION SITES HAS A POTENTIAL FOR POLLUTION DUE TO EXPOSED SOILS AND THE PRESENCE OF HAZARDOUS MATERIALS USED IN THE CONSTRUCTION PROCESS. THE PREVENTION OF SOIL EROSION, CONTAINMENT OF HAZARDOUS MATERIALS AND/OR THE INTERCEPTION OF THESE POLLUTANTS BEFORE LEAVING THE CONSTRUCTION SITE ARE THE BEST PRACTICES FOR CONTROLLING STORM WATER POLLUTION.

REVIEWED AND APPROVED BY

CRAIG & KEITHLINE, INC.

By: Kevin A. Kriewall
Kevin A. Kriewall, P.E.
Oklahoma Reg. No. 14850

Date: 3/19/20

Craig & Keithline, Inc.
Certificate of Authorization No. 1216
Renewal Date - June 30, 2020



IN ADDITION:

"ODEQ GENERAL PERMIT (DKR10) FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES WITHIN THE STATE OF OKLAHOMA." ODEQ WATER QUALITY DIVISION, SEPTEMBER 13, 2017

DKR10 PERMIT

OKR1030766

SHERWOOD CONSTRUCTION

GILCREASE EXPY. BORROW SITE
STORM WATER MANAGEMENT PLAN

SITE OWNER: OAKLEY PROPERTIES, LLC

DATE: SHEET NO. 3
TULSA COUNTY

7.11

AUTHORIZATION NO. OKR1030766

Sherwood Construction Co Inc
1640 S 101st E Ave
Tulsa, OK 74128

is authorized to discharge stormwater from a construction site located in Tulsa County at

The receiving bodies of water are Bigheart Creek and the Arkansas River.
This facility discharges into a 303(d) listed waterbody.

The Authorization shall become effective January 28, 2020 and will expire at midnight October 17, 2022.

All terms and conditions of the modified OPDES Stormwater Construction General Permit OKR10, as published on October 18, 2017, shall apply to the recipient of this authorization.

VICTOR A. KENNEDY
Executive Director

CHILANCA DEPARTMENT OF ENVIRONMENTAL QUALITY

4700

January 12, 1939

Railway Address
Thornwood Construction Co Inc
 1040 S 104th E Ave
 Tulsa, OK 74128

Authorizing for Surveying Duties: See Construction or Land Clearing Activity
 Authorization Number: OKR/030764

Dear Ramsey Abbott,

The site Notice of Intent (NOI) for the landfill below was received on January 3, 2012 and processed by the Oklahoma Department of Environmental Quality. Attached is an information sheeting you to discharge any/all potential environmental liabilities associated with landfilling services under the terms and conditions as outlined with Oklahoma Pollution Discharge Elimination System Act (OPDES) Permit. Waste Control Permit #CCE18 for the following site located in Tulsa County.

Faculty:

Charles Barron North
643 W 11th St
Tulsa, OK 74107

Send this amount **ONCE** and you'll have the software done for the software you will be provided in the next full payment year.

Please note: Once this project is accepted and published, you may nominate this project by submitting a Notice of Nomination (NON) form to the Oklahoma Department of Environmental Quality.

If you have any questions regarding this period or the Stewardship Program, please call Karl Jernigan of the Environmental Compliance and Local Services Division at (402) 302-4100.

Sincerely,

Kari Jordgen
Environmental Compliance and Local Services

Endpaper

PL 107-170, 15 JUL 1982, DURING 1ST SESSION 75TH CONG.

VALLI & HODGSON
London, Ontario

DELLAPOLLA DEPARTMENT OF ENVIRONMENTAL QUALITY

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January 28, 2018

Ernst & Young
Structural Construction Co Inc
1642 S 101st E Ave
Tulsa, OK 74120

Re Authorizing Number: OLA1030766

Dear Motherly Abbot

Your facility is located within one mile of a community impacted by existing or potential. You are required to comply with additional requirements as outlined in Part 3.5 of the CMCMD General Permit for the following:

The inspection requirements: You must conduct an inspection once every 7 calendar days of a transaction, and within 36 hours of a short frost of 0.5 inches or greater or within 36 hours of a drought caused by drought.

*Custodial arrests, if the suspension or denial of citizenship results in a period of violence, you must implement the alternative action no later than 7 calendar days as required in Part 4.3.14.

Submission requirements: You are required to comply with the submission requirements of part 1.3.2 of this 7 calendar days after the temporary or permanent cessation of your directorship.

All exposures, corrective action, and temporary or final stabilizations must be documented on your Station and Pollution Prevention Plan as described in Part 4.1

If you have any questions or other concerns please contact the Interviewing Unit at (402) 722-4100.

January

George Russell IV
Student - at - Progress Manager
Environmental Compliance and Local Government

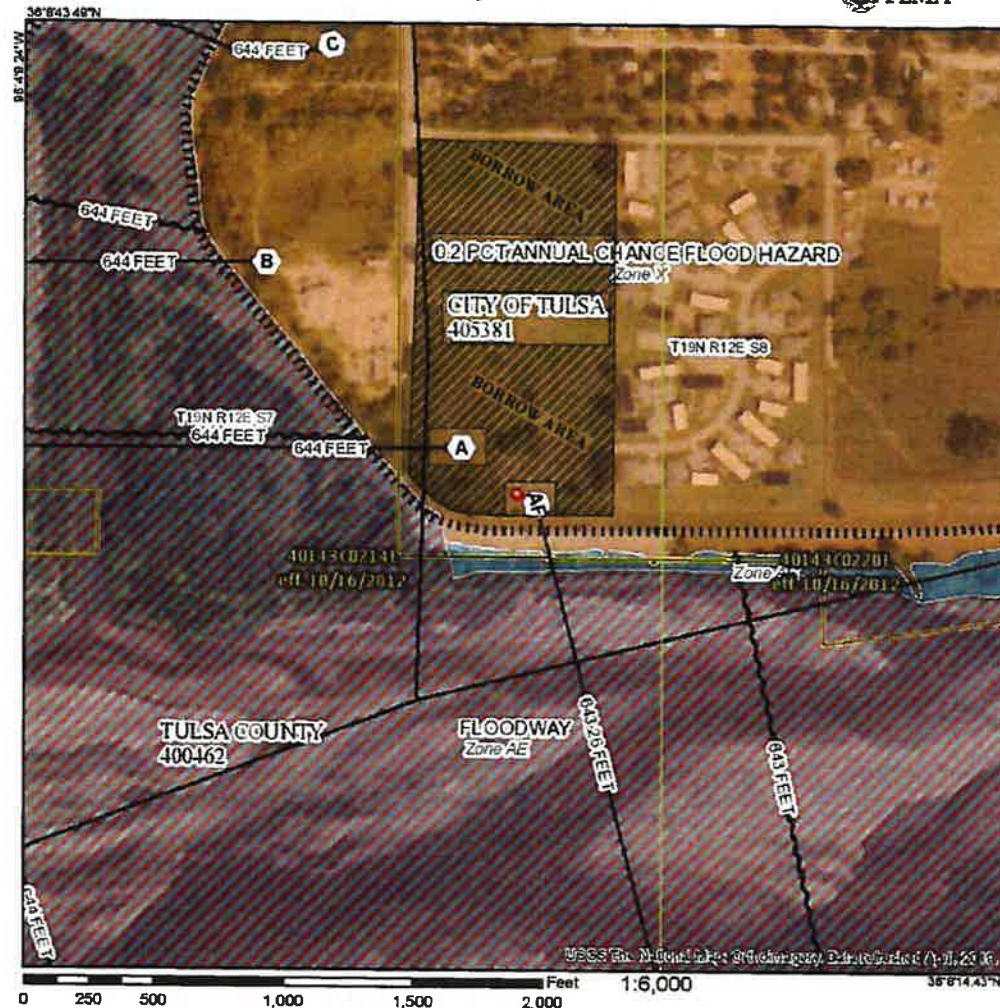
© 2000 Blackwell Science Ltd, *Journal of Internal Medicine* 247: 395–402

SHERWOOD CONSTRUCTION	
GILCREASE EXPY. BORROW SITE	
DEQ-- GENERAL PERMIT OKR10	
SITE OWNER: OAKLEY PROPERTIES, LLC	
DATE:	SHEET NO. 4

TULSA COUNTY

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National Flood Hazard Layer FIRMette



Legend

SEE THE REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE)
	With DFE or Depth Zone AE, AH, AO, AR, AP
	Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile
	Future Conditions 1% Annual Chance Flood Hazard
	Area with Reduced Flood Risk due to Levee
	Area with Flood Risk due to Levee

OTHER AREAS	Area of Minimal Flood Hazard
	Effective LOMRs
GENERAL STRUCTURES	Channel, Culvert, or Storm Sewer
	Levee, Dike, or Floodwall

OTHER FEATURES	Cross Sections with 1% Annual Chance
	Water Surface Elevation
OTHER FEATURES	Coastal Transect
	Base Flood Elevation Line (BFE)
OTHER FEATURES	Limit of Study
	Jurisdiction Boundary
OTHER FEATURES	Coastal Transect Baseline
	Profile Baseline
OTHER FEATURES	Hydrographic Feature
	Digital Data Available
OTHER FEATURES	No Digital Data Available
	Unmapped

OTHER FEATURES	Cross Sections with 1% Annual Chance
	Water Surface Elevation
OTHER FEATURES	Coastal Transect
	Base Flood Elevation Line (BFE)
OTHER FEATURES	Limit of Study
	Jurisdiction Boundary
OTHER FEATURES	Coastal Transect Baseline
	Profile Baseline
OTHER FEATURES	Hydrographic Feature
	Digital Data Available
OTHER FEATURES	No Digital Data Available
	Unmapped

OTHER FEATURES	Cross Sections with 1% Annual Chance
	Water Surface Elevation
OTHER FEATURES	Coastal Transect
	Base Flood Elevation Line (BFE)
OTHER FEATURES	Limit of Study
	Jurisdiction Boundary
OTHER FEATURES	Coastal Transect Baseline
	Profile Baseline
OTHER FEATURES	Hydrographic Feature
	Digital Data Available
OTHER FEATURES	No Digital Data Available
	Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 2/14/2020 at 9:48:38 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

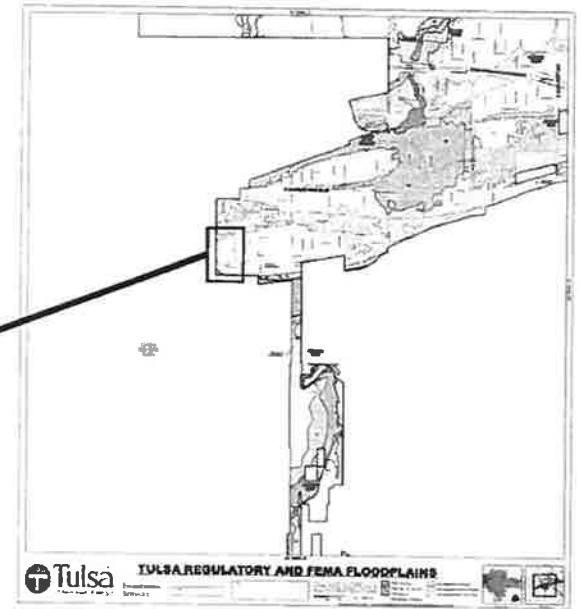
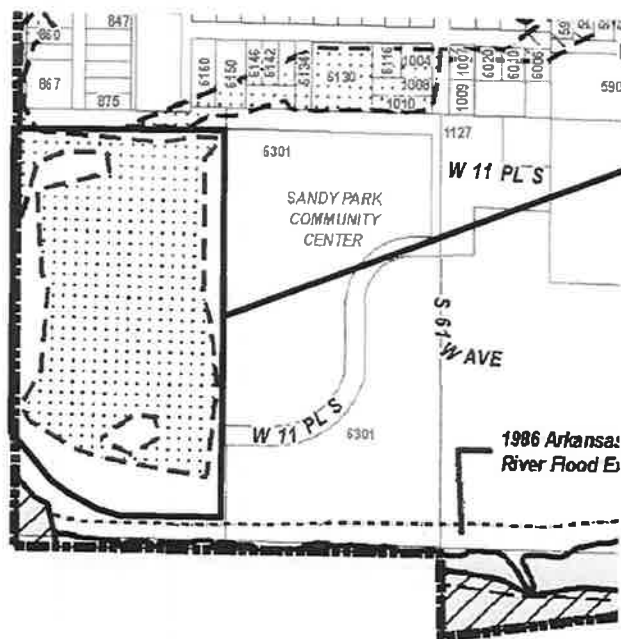
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unreviewed areas cannot be used for regulatory purposes.

FEMA FIRMETTE DOWNLOADED ON FEBRUARY 14, 2020 SHOWS THAT NONE OF THE BORROW SOURCE PROPERTY IS IN THE FEMA FLOOD PLAIN

BORROW SOURCE AREA SHOW BY HATCHING

SHERWOOD CONSTRUCTION	
GILCREASE EXPY. BORROW SITE	
FEMA FLOOD PLAIN FIRMETTE MAP	
SITE OWNER: OAKLEY PROPERTIES, LLC	
DATE:	SHEET NO. 5

7.14



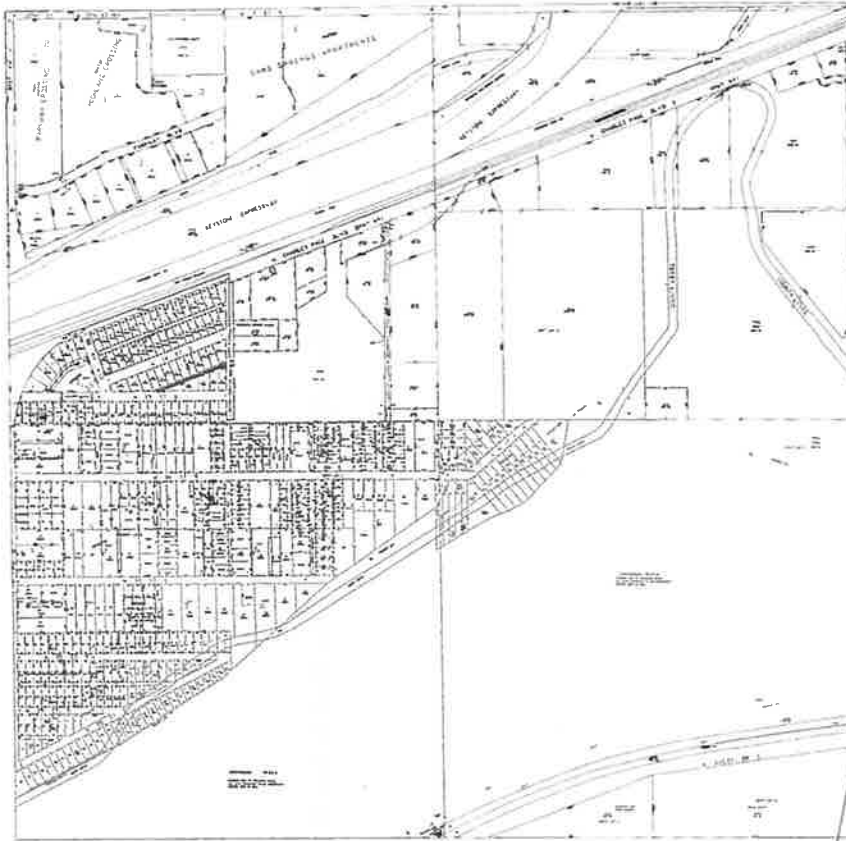
TULSA REGULATORY FLOOD PANEL

TULSA REGULATORY FLOODPLAIN
DOWNLOADED ON FEBRUARY 23,
2020 SHOWS THAT A PORTION OF
THE BORROW SOURCE PROPERTY IS
IN THE TULSA REGULATORY
FLOODPLAIN

BORROW SOURCE AREA SHOWN
WITH RECTANGLE

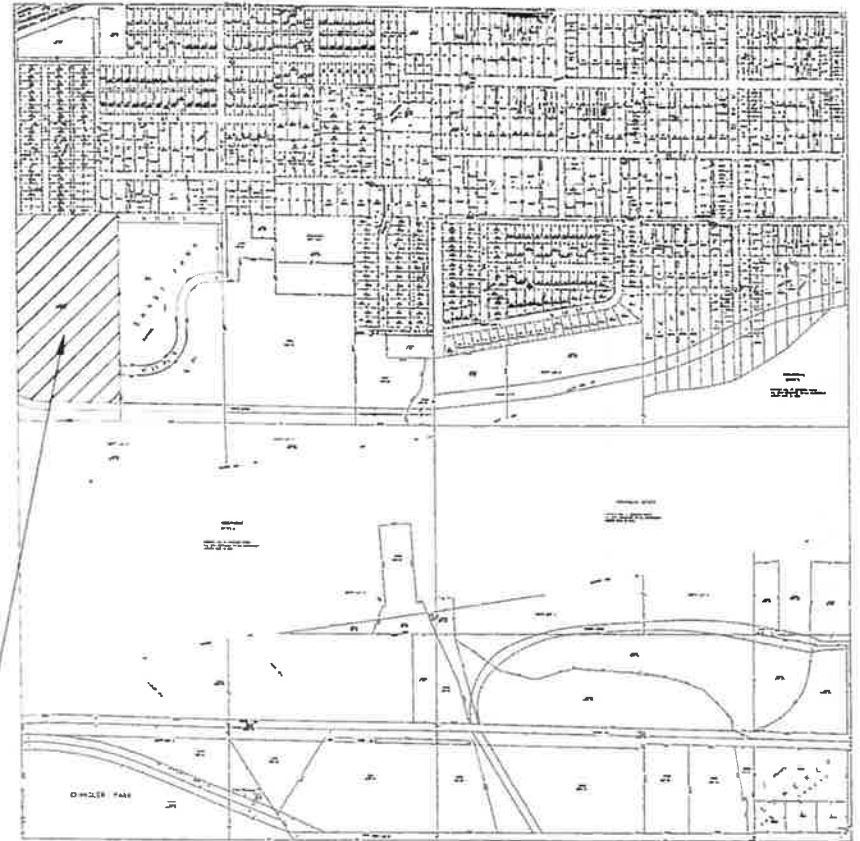
SHERWOOD CONSTRUCTION	
GILCREASE EXPY. BORROW SITE	
TULSA REGULATORY FLOOD MAP	
SITE OWNER: OAKLEY PROPERTIES, LLC	
DATE	SHEET NO. 6

TULSA COUNTY



SEC 07 T19N R12E

BORROW SITE PROPERTY



SEC 08 T19N R12E

SHERWOOD CONSTRUCTION	
GILCREASE EXPY. BORROW SITE	
BORROW SITE ADJACENT PROPERTY MAP	
SITE OWNER: OAKLEY PROPERTIES, LLC	
DATE	SHEET NO. 7

UTAH COUNTY

DATA SURVEY

1. HORIZONTAL CONTROL
 - A. Horizontal Control for this survey is the Oklahoma State Plane Coordinate System, North Zone.
 - B. Linear Unit is U.S. Survey Foot.
 - C. Accuracy - 3rd Order or better
2. BEARINGS
 - A. The Bearings shown grid bearings derived from the Oklahoma State Plane Coordinate System.
3. VERTICAL CONTROL
 - A. Level Data is NAVD 1988 in US Survey Foot

SURVEY DATA TABLE

EXISTING TOPOGRAPHIC SURVEY IS BASED ON ACTUAL FIELD SURVEY BY SHERWOOD SURVEY GROUP March 2022

THE SURVEY IS BASED ON THE ADJACENT GILCREASE EXPRESSWAY CONTROL AND WAS CONVERTED BACK TO STATE PLANE BY MULTIPLYING THE COORDINATES BY THE SCALE FACTOR OF 0.99999282



IMPERVIOUS AREA INDEX ————— SEE SHEET 3

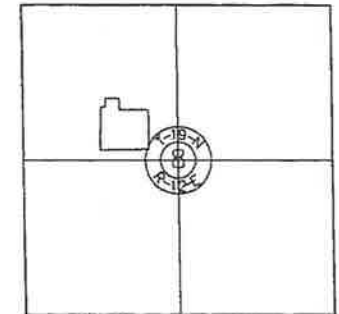
SHERWOOD CONSTRUCTION COMPANY

PLAN OF PROPOSED GILCREASE EXPRESSWAY BORROW SITE

SITE PLAN AND EROSION CONTROL PLAN

PROPERTY OWNER: SHANE & JOANIE DORRIS

TULSA COUNTY, OKLAHOMA



LOCATION MAP

INDEX OF SHEETS

- | | |
|---|-------------------------------------|
| 1 | Title Sheet |
| 2 | Plan View of Borrow Site |
| 3 | Storm Water Management Plan |
| 4 | REQ General Permit and Instructions |

THIS PROJECT IS WITHIN THE CORPORATE LIMITS OF THE CITY OF TULSA.

THIS PROJECT COMPLIES WITH ALL OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ) REQUIREMENTS

BY MY SIGNATURE ON THESE CONSTRUCTION DOCUMENTS, I HEREBY CERTIFY THAT I AM FAMILIAR WITH THE ADOPTED ORDINANCES AND REGULATIONS OF THE CITY OF TULSA GOVERNING THE WORK IN THE IDP DESCRIPTION; THAT THESE PLANS HAVE BEEN PREPARED UNDER MY DIRECT SUPERVISION; THE ABOVE AND FOREGOING PLANS COMPLY WITH ALL GOVERNING ORDINANCES AND THE ADOPTED STANDARDS OF THE CITY OF TULSA TO THE BEST OF MY KNOWLEDGE AND BELIEF.

CRAIG & KEITHLINE, INC.



By Kevin A. Kriewall 5-7-20
Kevin A. Kriewall, P.E.
Oklahoma Reg. No. 14850
Date



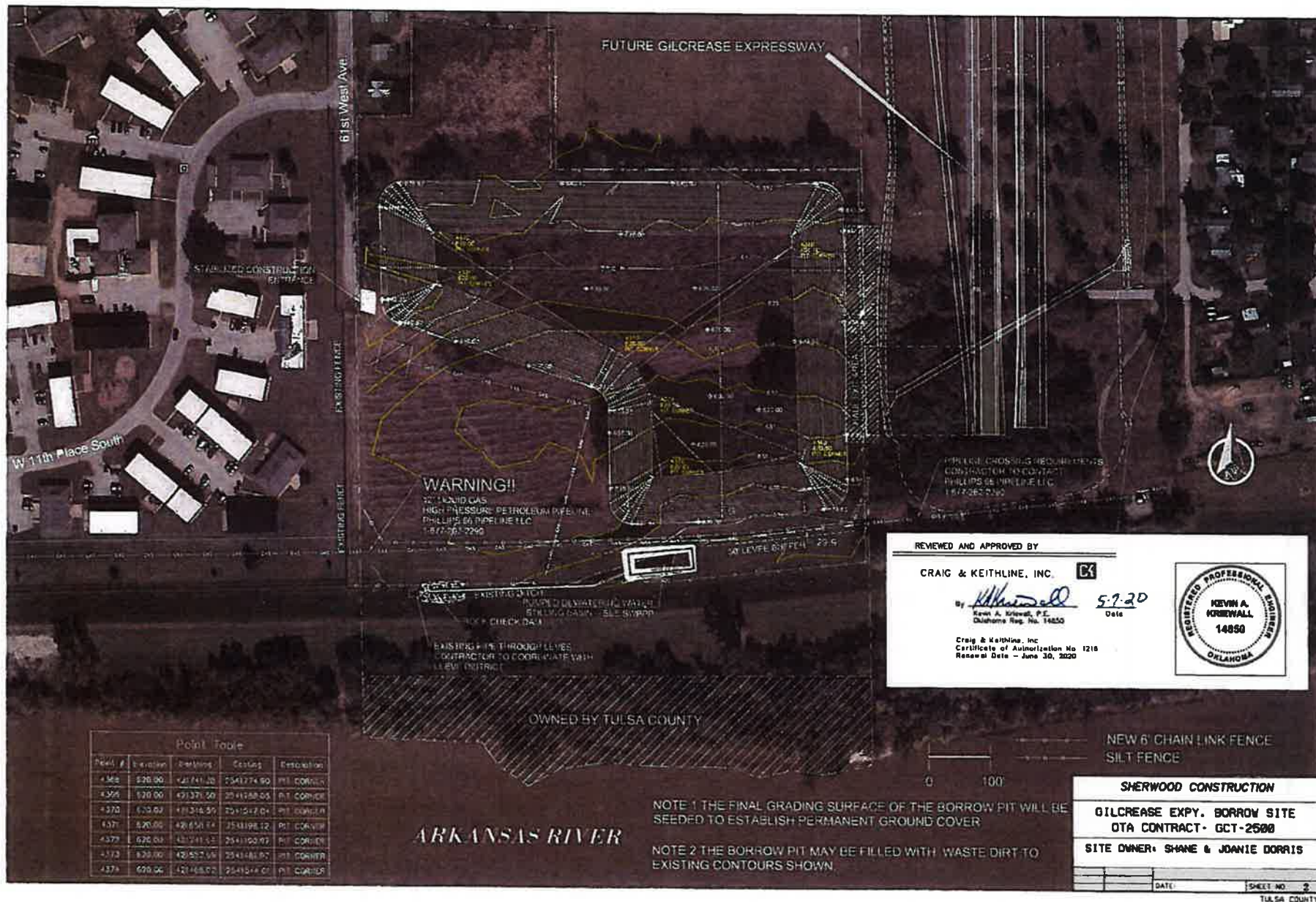
STANDARD DRAWINGS

ODOT Standards
SSS-1-1
TSC2-3-2
TSD-2-0

Craig & Keithline, Inc.
Certificate of Authorization No. CA 1216
Renewal Date - June 30, 2020

Plans Prepared by:			
Sherwood Construction Co., Inc. Tulsa, Oklahoma			
PLAN SCALE	PROPOSED SCALE	REVISION SCALE	DATE
HORIZONTAL 1" = 40'	VERTICAL 1" = 20'	VERTICAL 1" = 20'	
FILE	DRAWING	DATE	APPROVED
ATLAS PAGE NO.	SHEET 1 OF 4 SHEETS		

7.17



STORM WATER MANAGEMENT PLAN

SITE DESCRIPTION

PROJECT LIMITS: Legal: BEG 427.015 NW SE NW TH E101.97 N146.31
E215.12 S211.59 E498 5825.67 W820 TO SWC SE NW TH
N899.08 POB SEC B 19 12 16.813ACS
Section: 06 Township: 19 Range: 12

PROJECT DESCRIPTION: BORROW AREA FOR GILCREASE EXPRESSWAY PROJECT
OKLAHOMA TURNPIKE AUTHORITY CONTRACT GCT-2500

SUGGESTED SEQUENCE OF EROSION CONTROL ACTIVITIES: PRIOR TO INITIATING
SOIL DISTURBING ACTIVITIES, THE CONTRACTOR SHALL INSTALL ALL
PERIMETER TEMPORARY SEDIMENT CONTROLS SPECIFIED.
STRIP, STOCKPILE AND STABILIZE TOPSOIL.
CLEAR AND GRUB ONLY IN NECESSARY AREAS. INSTALL, MAINTAIN AND/OR
MOVE TEMPORARY SEDIMENT ITEMS WITH CONSTRUCTION OPERATIONS AS
PRACTICAL. PLANT TEMPORARY SEEDING AS NEEDED. REPLACE SALVAGED
TOPSOIL AND NECESSARY EROSION CONTROL DEVICES UNTIL AN ACCEPTABLE
VEGETATIVE COVER HAS BEEN ATTAINED.
THE CONTRACTOR WILL MAINTAIN A LOG OF THE NOTES OF MAJOR SOIL
DISTURBANCE ACTIVITIES AND ALSO THE NOTES OF INSTALLATION OF
EROSION CONTROL MEASURES.

SOIL TYPE: B. VERY FINE SANDY LOAM

TOTAL AREA OF THE CONSTRUCTION SITE: TOTAL = 16.81 ACRES

ESTIMATED AREA TO BE DISTURBED: TOTAL = 10.00 ACRES

OFFSITE AREA TO BE DISTURBED: NA
 (FOR CONTRACTOR USE)

TOTAL IMPERVIOUS AREA PRE-CONSTRUCTION: TOTAL = 00.00 ACRES

TOTAL IMPERVIOUS AREA POST-CONSTRUCTION: TOTAL = 00.00 ACRES

POST-CONSTRUCTION RUNOFF COEFFICIENT OF THE SITE: 0.30
 LATITUDE & LONGITUDE OF CENTER OF PROJECT: 36° 08' 32.88" N * 96° 03' 33" W

PROJECT WILL DISCHARGE TO:

NAME OF RECEIVING WATERS: ARKANSAS RIVER

SENSITIVE WATERS OR WATERSHEDS: YES ☐ NO ☒

303(d) IMPAIRED WATERS: YES ☒ NO ☐

IF YES, LIST IMPAIRMENT: E COLI, FISH BLD ASSESSMENTS

LOCATED IN A TMDL: YES ☐ NO ☒

LAKE THUNDERBOLT TMDL: YES ☐ NO ☒

MS4 ENTITY YES ☐ NO ☒

IF YES, LOCATION: CITY OF TULSA, TULSA COUNTY

EROSION AND SEDIMENT CONTROLS

SOIL STABILIZATION PRACTICES:

- ☒ TEMPORARY SEEDING
- ☒ PERMANENT SODDING, SPRIGGING OR SEEDING
- ☒ VEGETATIVE MULCHING
- ☒ SOIL RETENTION BLANKET
- ☒ PRESERVATION OF EXISTING VEGETATION

NOTE: TEMPORARY EROSION CONTROL METHODS MUST BE USED ON ALL DISTURBED AREAS WHERE CONSTRUCTION ACTIVITIES HAVE CEASED FOR OVER 14 DAYS. METHODS USED WILL BE AS SHOWN ON PLANS, OR AS DIRECTED BY THE ENGINEER.

STRUCTURAL PRACTICES:

- ☒ STABILIZED CONSTRUCTION EXIT
- ☒ TEMPORARY SILT FENCE
- ☒ TEMPORARY SILT DIKES
- ☒ TEMPORARY FIBER LOG
- ☒ DIVERSION, INTERCEPTOR OR PERMETER DIKES
- ☒ DIVERSION, INTERCEPTOR OR PERMETER SHALES
- ☒ ROCK FILTER DAMS
- ☒ TEMPORARY SLOPE DRAIN
- ☒ PAVED DITCH W/ DITCH LINER PROTECTION
- ☒ TEMPORARY DIVERSION CHANNELS
- ☒ TEMPORARY SEDIMENT BASINS
- ☒ TEMPORARY SEDIMENT TRAPS
- ☒ TEMPORARY SEDIMENT FILTERS
- ☒ TEMPORARY SEDIMENT REMOVAL
- ☒ RIP RAP
- ☒ INLET SEDIMENT FILTER
- ☒ TEMPORARY BRUSH SEDIMENT BARRIERS
- ☒ SANDBAG BERMES
- ☒ TEMPORARY STREAM CROSSINGS

OFFSITE VEHICLE TRACKING:

- ☒ HAUL ROADS DAMPENED FOR DUST CONTROL
- ☒ LOADED HAUL TRUCKS TO BE COVERED WITH TARPULIN
- ☒ EXCESS DIRT ON ROAD REMOVED DAILY

NOTES:

TOTAL PROJECT = 16.81 AC

TEMPORARY SEDIMENT BASIN FOR PUMPED Dewatering
 WATER. SILT SHALL BE REMOVED FROM TEMPORARY
 SEDIMENT BASIN WHEN HALF FULL

THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR THE FOLLOWING:

MAINTENANCE AND INSPECTION:

ALL EROSION AND SEDIMENT CONTROLS WILL BE MAINTAINED IN GOOD WORKING ORDER FROM THE BEGINNING OF CONSTRUCTION UNTIL AN ACCEPTABLE VEGETATIVE COVER IS ESTABLISHED. INSPECTION BY THE CONTRACTOR AND ANY NECESSARY REPAIRS SHALL BE PERFORMED ONCE EVERY 7 CALENDAR DAYS AND WITHIN 24 HOURS AFTER ANY STORM EVENT GREATER THAN 0.5 INCH AS RECORDED BY A NON-FREEZING RAIN GAUGE TO BE LOCATED ON SITE. POTENTIALLY ERODIBLE AREAS, DRAINAGEWAYS, MATERIAL STORAGE, STRUCTURAL DEVICES, CONSTRUCTION ENTRANCES AND EXITS ALONG WITH EROSION AND SEDIMENT CONTROL LOCATIONS ARE EXAMPLES OF SITES THAT NEED TO BE INSPECTED.

WASTE MATERIALS:

PROPER MANAGEMENT AND DISPOSAL OF CONSTRUCTION WASTE MATERIAL IS REQUIRED BY THE CONTRACTOR. MATERIALS INCLUDE STOCKPILES, SURPLUS, DEBRIS AND ALL OTHER BY-PRODUCTS FROM THE CONSTRUCTION PROCESS. PRACTICES INCLUDE DISPOSAL, PROPER MATERIALS HANDLING, SPILL PREVENTION AND CLEANUP MEASURES. CONTROLS AND PRACTICES SHALL MEET THE REQUIREMENTS OF ALL FEDERAL, STATE AND LOCAL AGENCIES.

HAZARDOUS MATERIALS:

PROPER MANAGEMENT AND DISPOSAL OF HAZARDOUS WASTE MATERIALS IS REQUIRED. THE CONTRACTOR IS RESPONSIBLE FOR FOLLOWING MANUFACTURER'S RECOMMENDATIONS, STATE AND FEDERAL REGULATIONS TO ENSURE CORRECT HANDLING, DISPOSAL, SPILL PREVENTION AND CLEANUP MEASURES. EXAMPLES INCLUDE BUT ARE NOT LIMITED TO: PAINTS, ACIDS, CLEANING SOLVENTS, CHEMICAL ADDITIVES, CONCRETE CURING COMPOUNDS AND CONTAMINATED SOILS.

GENERAL NOTES:

A STORM WATER POLLUTION PREVENTION PLAN (SWPPP) IS REQUIRED TO COMPLY WITH THE OKLAHOMA POLLUTION DISCHARGE ELIMINATION SYSTEM (OPDES) REGULATIONS. THIS PLAN IS INITIATED DURING THE DESIGN PHASE, CONFIRMED IN THE PRE-WORK MEETINGS AND AVAILABLE ON THE JOB SITE ALONG WITH COPIES OF THE NOTICE OF INTENT (NOI) FORM AND PERMIT CERTIFICATE THAT HAVE BEEN FILED WITH THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ). THE PLAN MUST BE KEPT CURRENT WITH UP-TO-DATE AMENDMENTS DURING THE PROGRESSION OF THE PROJECT. ALL CONTRACTOR OFF-SITE OPERATIONS ASSOCIATED WITH THE PROJECT MUST BE DOCUMENTED IN THE SWPPP. I.E., BORROW PITS, WORK ROADS, DISPOSAL SITES, ASPHALT/CONCRETE PLANTS, ETC. THE BASIC GOAL OF STORM WATER MANAGEMENT IS TO IMPROVE WATER QUALITY BY REDUCING POLLUTANTS IN STORM WATER DISCHARGES. RUNOFF FROM CONSTRUCTION SITES HAS A POTENTIAL FOR POLLUTION DUE TO EXPOSED SOILS AND THE PRESENCE OF HAZARDOUS MATERIALS USED IN THE CONSTRUCTION PROCESS. THE PREVENTION OF SOIL EROSION, CONTAINMENT OF HAZARDOUS MATERIALS AND/OR THE INTERCEPTION OF THESE POLLUTANTS BEFORE LEAVING THE CONSTRUCTION SITE ARE THE BEST PRACTICES FOR CONTROLLING STORM WATER POLLUTION.

REVIEWED AND APPROVED BY

CRAIG & KEITHLINE, INC.

By Kevin A. Kriewell, P.E.
 Oklahoma Reg. No. 14850

5.7.20
 Date

Craig & Keithline, Inc.
 Certificate of Authorization No. 1216
 Renewal Date - June 30, 2020



IN ADDITION:

*ODEQ GENERAL PERMIT (OKR10) FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES WITHIN THE STATE OF OKLAHOMA. ODEQ, WATER QUALITY DIVISION, SEPTEMBER 13, 2017

OKR10 PERMIT
 OKR1031044

SHERWOOD CONSTRUCTION

GILCREASE EXPY. BORROW SITE
 STORM WATER MANAGEMENT PLAN

SITE OWNER: SHANE & JOANIE DORRIS

DATE SHEET NO. 3
 TULSA COUNTY

712

7.19

Oklahoma Department of Environmental Quality
 Authorization to Discharge Under the OPDES Stormwater Construction
 General Permit OKR10

AUTHORIZATION NO. OKR1031044

In compliance with the Oklahoma Pollution Discharge Elimination System (OPDES) Act 27A O.S. §2-6-201, the Rules of the Department of Environmental Quality (DEQ), and in reliance on the certified statements and representations heretofore made in its application,

Sherwood Construction Co Inc
 1640 S 101st E Ave
 Tulsa, OK 74128

Is authorized to discharge stormwater from a construction site located in Tulsa County at

Gilcrease Borrow North - Dorris
 .1 mi south of W 10th St S east of S 61st West Ave
 Parcel 99208-02-08-31760
 Tulsa, OK 74127

The receiving body of water is the Arkansas River
 This facility discharges into a 303(d) listed waterbody

The OPDES requires permittees to have a Stormwater Pollution Prevention Plan (SWPP) which includes a description of appropriate sediment control measures. These are applicable to your construction site, which is subject to inspection. Proof of this authorization must be available at the construction site.
 The Authorization shall become effective April 16, 2020 and will expire at midnight October 17, 2022.

All terms and conditions of the modified OPDES Stormwater Construction General Permit OKR10, as published on October 18, 2017, shall apply to the recipient of this authorization.

Matt Pace
 Matt Pace, Environmental Programs Manager
 Environmental Complaints and Local Services Division

April 16, 2020

Rodney Abbott
 Sherwood Construction Co Inc
 1640 S 101st E Ave
 Tulsa, OK 74128

Re: Authorization for Stormwater Discharge from Construction or Land Disturbing Activity
 Authorization Number: OKR1031044

Dear Rodney Abbott:

This new Notice of Intent (NOI) for the facility listed below was received on April 7, 2020 and processed by the Oklahoma Department of Environmental Quality. Enclosed is an authorization allowing you to discharge stormwater associated with construction or land disturbing activities under the terms and conditions in accordance with Oklahoma Pollution Discharge Elimination System Act (OPDES) Stormwater General Permit OKR10 for the following site located in Tulsa County.

Facility:
 Gilcrease Borrow North - Dorris
 .1 mi south of W 10th St S east of S 61st West Ave
 Parcel 99208-02-08-31760
 Tulsa, OK 74127

Sites that remain active one year from the effective date of the authorization will be invoiced for the next full permit year.

Please note: Once the project is complete and stabilized, you may terminate this permit by submitting a Notice of Termination (NOT) form to the Oklahoma Department of Environmental Quality.

If you have any questions regarding this permit or the Stormwater Program, please call Kari Jernigan of the Environmental Complaints and Local Services Division at (405)702-6100.

Sincerely,

Kari Jernigan
 Kari Jernigan
 Environmental Complaints and Local Services

Enclosures

April 16, 2020

Rodney Abbott
 Sherwood Construction Co Inc
 1640 S 101st E Ave
 Tulsa, OK 74128

Re: Authorization Number: OKR1031044

Dear Rodney Abbott:

Your facility is located within one mile of a waterbody impaired for turbidity or sediment. You are required to comply with additional requirements as outlined in Part 3.5.1 of the OKR10 General Permit for the following:

Site inspection requirements: You must conduct site inspections once every 7 calendar days of a rainstorm, and within 24 hours of a storm event of 0.5 inches or greater or within 24 hours of a discharge caused by snowmelt.

Corrective actions: If the inspection or visual examination results indicate any permit violations, you must implement the corrective actions no later than 7 calendar days as required in Part 4.3.14.

Stabilization requirements: You are required to comply with the stabilization requirements of part 3.3.2 within 7 calendar days after the temporary or permanent cessation of earth-disturbing activities.

All inspections, corrective actions, and temporary or final stabilization must be documented in your Stormwater Pollution Prevention Plan as described in Part 4.3.

If you have any questions or other concerns please contact the Stormwater Unit at (405) 702-6100.

Sincerely,

George Russell IV
 George Russell IV
 Stormwater Programs Manager
 Environmental Complaints and Local Services

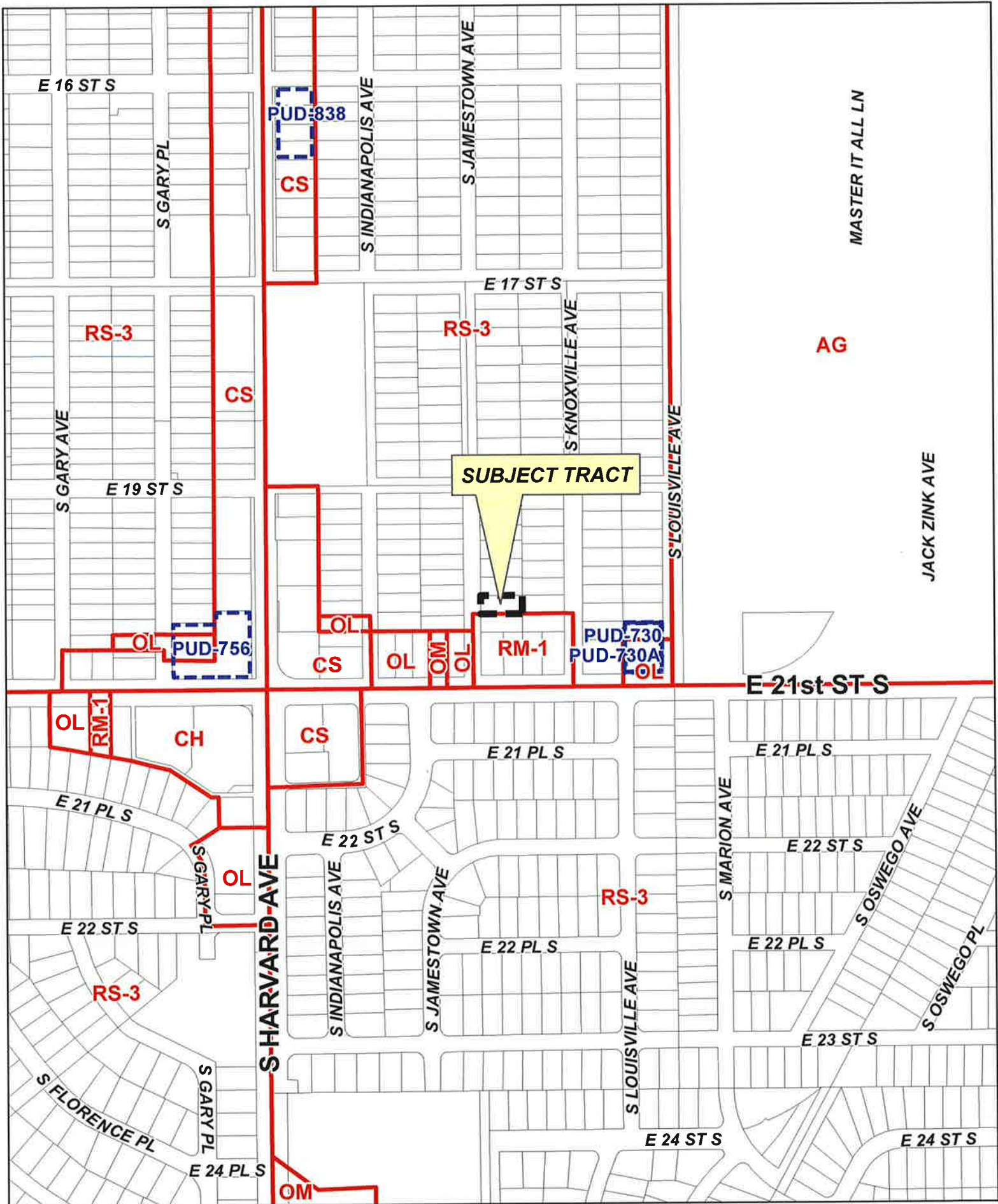
SHERWOOD CONSTRUCTION

GILCREASE EXPY. BORROW SITE
 DEQ - GENERAL PERMIT OKR10

SITE OWNER: SHANE & JOANIE DORRIS

DATE: SHEET NO. 4
 TULSA COUNTY

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BOA-23021

19-13 09

8.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9309

Case Number: **BOA-23021**

CZM: 37

CD: 4

HEARING DATE: 10/27/2020 1:00 PM

APPLICANT: Dan Call

ACTION REQUESTED: Variance to reduce the required 20' rear setback (Sec. 5.030-A, Table 5-3)

LOCATION: 1929 S JAMESTOWN AV E

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 8102.19 SQ FT

LEGAL DESCRIPTION: LT 7 BLK 1, HICKORY HGTS

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located North of the NE/c of E. 21st St. S. and S. Jamestown Ave.

STAFF COMMENTS: The applicant is requesting a **Variance** to reduce the required 20' rear setback (Sec. 5.030-A, Table 5-3)

Table 5-3: R District Lot and Building Regulations

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

8.2

The applicant is replacing an existing detached accessory building. In replacing the structure, the garage will be attached to the principal residential structure and be setback 5' from the rear property line.

STATEMENT OF HARDSHIP: The applicant prepared a statement that is included in the Board packet.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to reduce the required 20' rear setback (Sec. 5.030-A, Table 5-3) Finding the hardship(s) to be _____.

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

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

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



Facing South on Jamestown



Facing North on Jamestown



Subject property

Jeff S. Taylor
Zoning Official
Plans Examiner III

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

Dan & Kathy Call

10/25/2019

APPLICATION NO: BLDR-44181-2019 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 1929 S Jamestown Ave E

Description: Additions

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

(continued)

REVIEW COMMENTS

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

Application No. **BLDR-44181-2019**

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

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

5.030-A: In the RS-3 zoned district the minimum rear yard setback shall be 20 feet from the rear property line.

Review Comments: Revise your plans to indicate a 20' rear setback to the property line, or apply to INCOG for a variance to allow less than a 20' rear setback.



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

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

END -ZONING CODE REVIEW

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

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

September 24, 2020

To whom it may concern,

Please note that the property involved in the following application for consideration is immediately adjacent to the property located originally at 3507 E 21st Street.

Three years ago the demolition of the original house and garage there and the building of six huge duplex structures on the property was never presented to our neighborhood giving us any chance to communicate regarding the "hardships" that would follow that construction.

The alteration of the essential character of the neighborhood regarding

-architectural design

-massive new structure size compared to area houses

-increased traffic and street parking

-decreased property value to homeowners due to more rental units

are on the short list of hardships we have endured as I read them on the form I am turning in.

This application is **simply** to replace an existing structure that is in need of demolition before it falls down and will actually enhance the view of all the new citizens in our neighborhood!

I am including a few photos to jog the imagination of the city planners,



Kathy Call

1925 S Jamestown homeowner since 1976

1929 S Jamestown homeowner since 1997

1929 S Jamestown Ave. (Lot 7, Block 1) Property History

1920

1928 engineer survey submitted showing 5' rear property setback

1930

1932 property deeded to city of Tulsa

19__ current house/garage built using 1928 survey

1950

19__ Grishams purchase property

1990

1997 Calls purchase property

2017

July 27 Marshall property (3507 E 21st)

1 house and garage demolished/6 duplexes built

2019

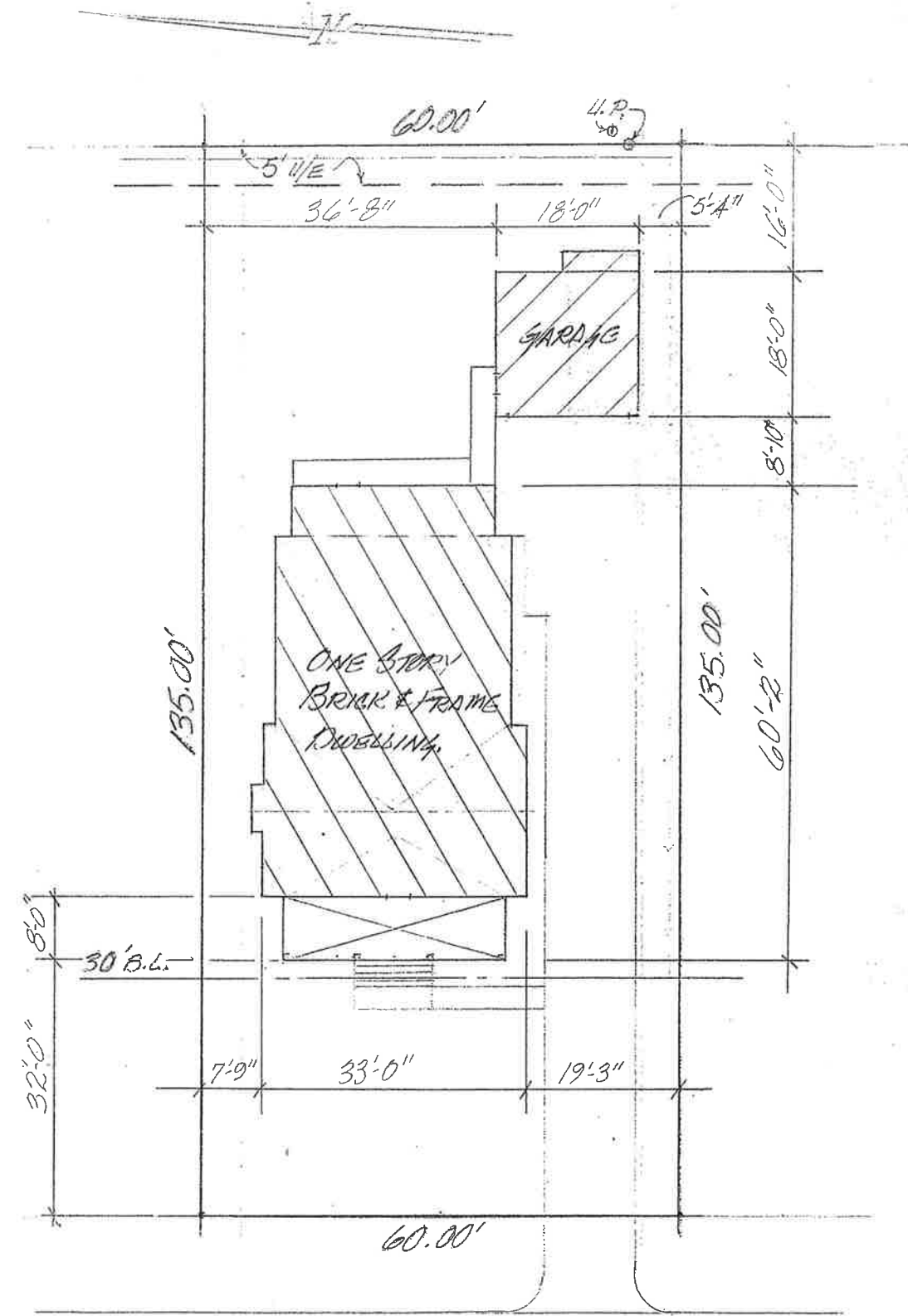
October 1 - Calls application submitted for garage demolish/new plan for replacement structure submitted

October 25 – Calls application denied requiring 20' rear property setback

2020

September 24 – Calls submit request variance for rear property setback





EXISTING SITE PLAN

DETACHED GARAGE BUILDING

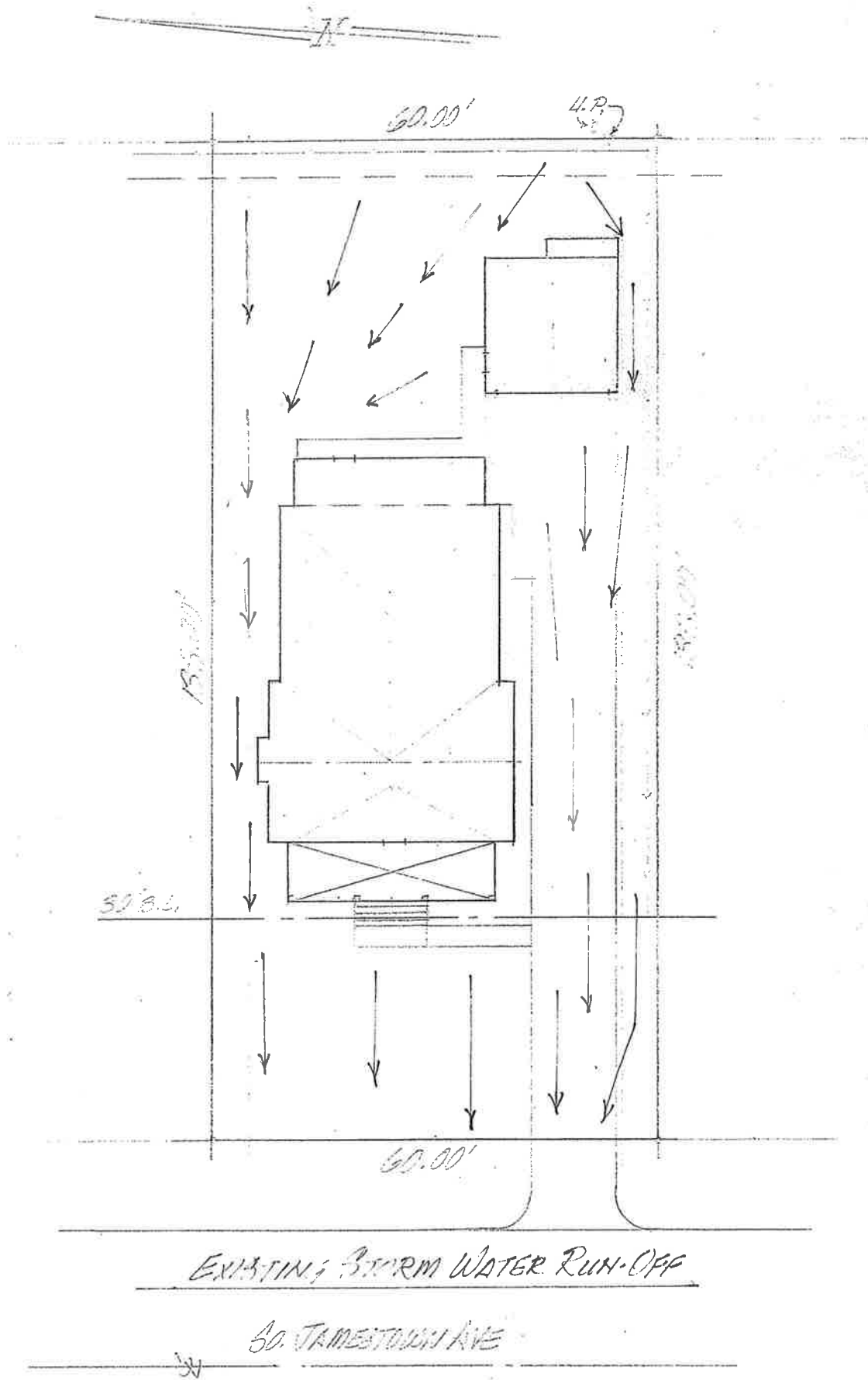
80. JAMESTOWN AVE

SCALE: 1" = 20.00'

LOT 7 BUK 1

1929 80. JAMESTOWN AVE
TULSA, OK.

CITY OF TULSA, TULSA COUNTY, OKLAHOMA



1929 30. JAMESTOWN
 TULSA, OK.

SCALE: 1" = 20.00'

LOT 7 BLK 1

CITY OF TULSA, TULSA COUNTY, OKLAHOMA

8.12

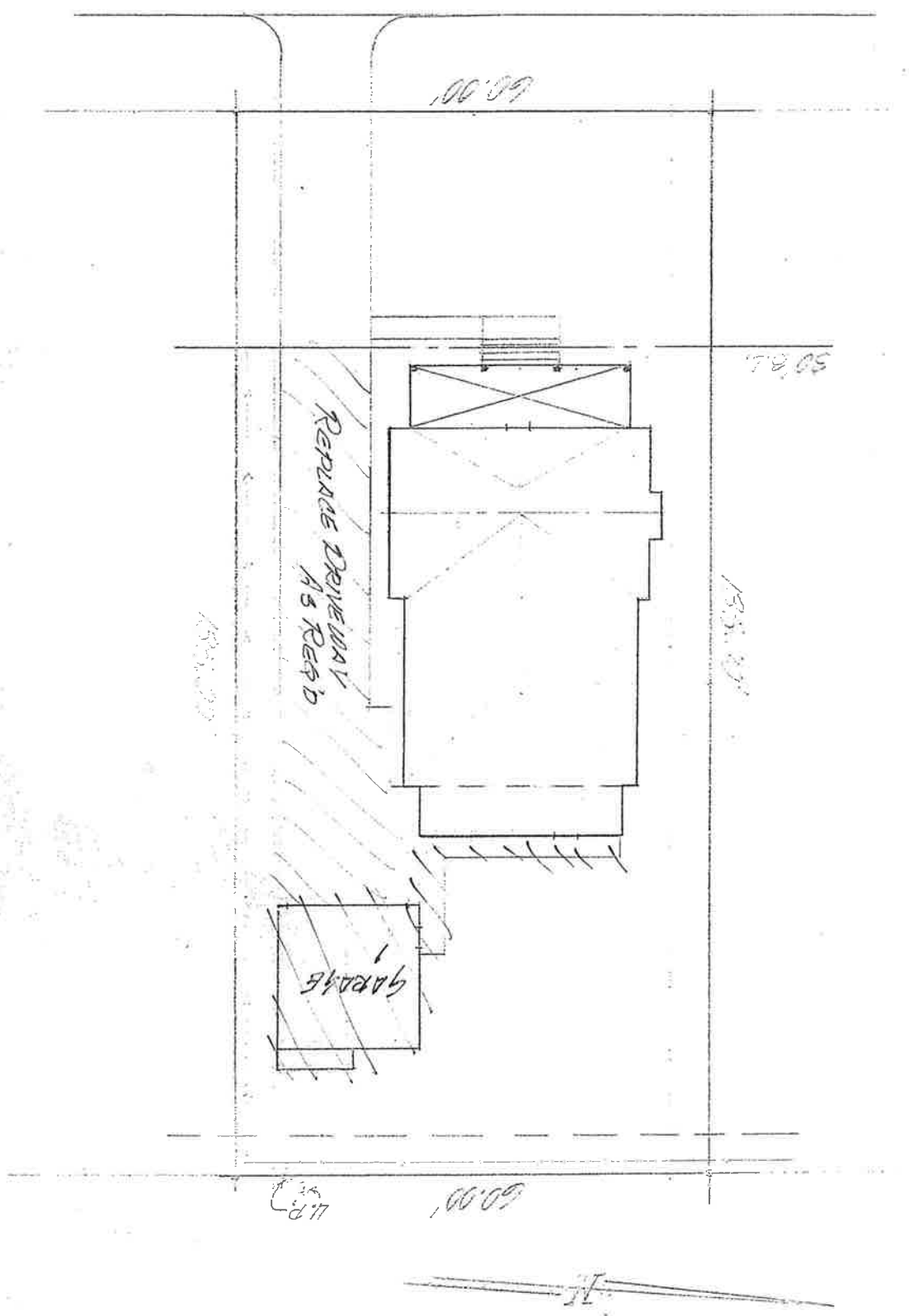
CITY OF JACKSONVILLE, FLORIDA

1929 AC. JAMES TOWN
7/24/02

BOULEVARD "2000"
LOT 7 Bk 1

DEMOLITION PLAN

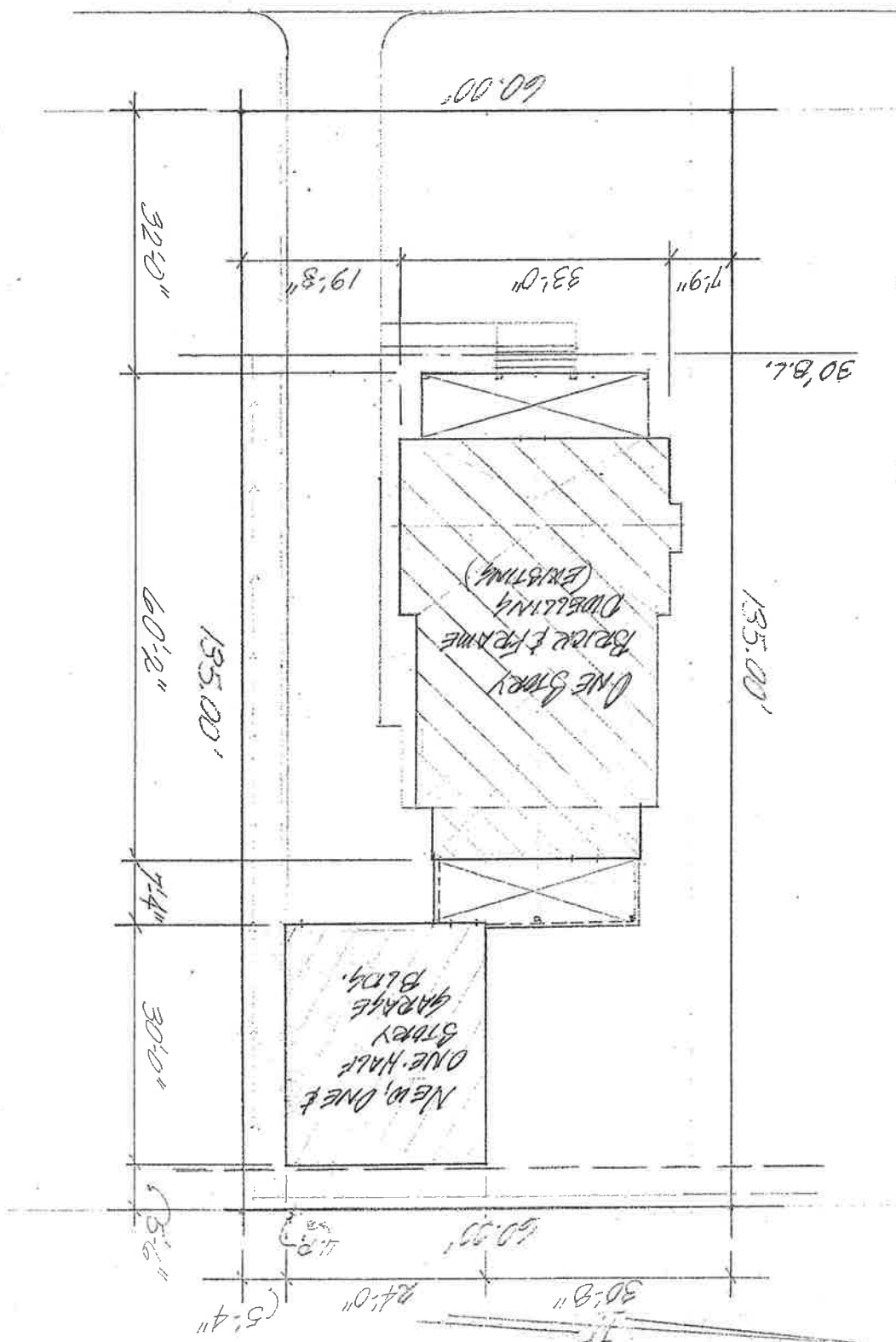
60. JAMES TOWN AVE

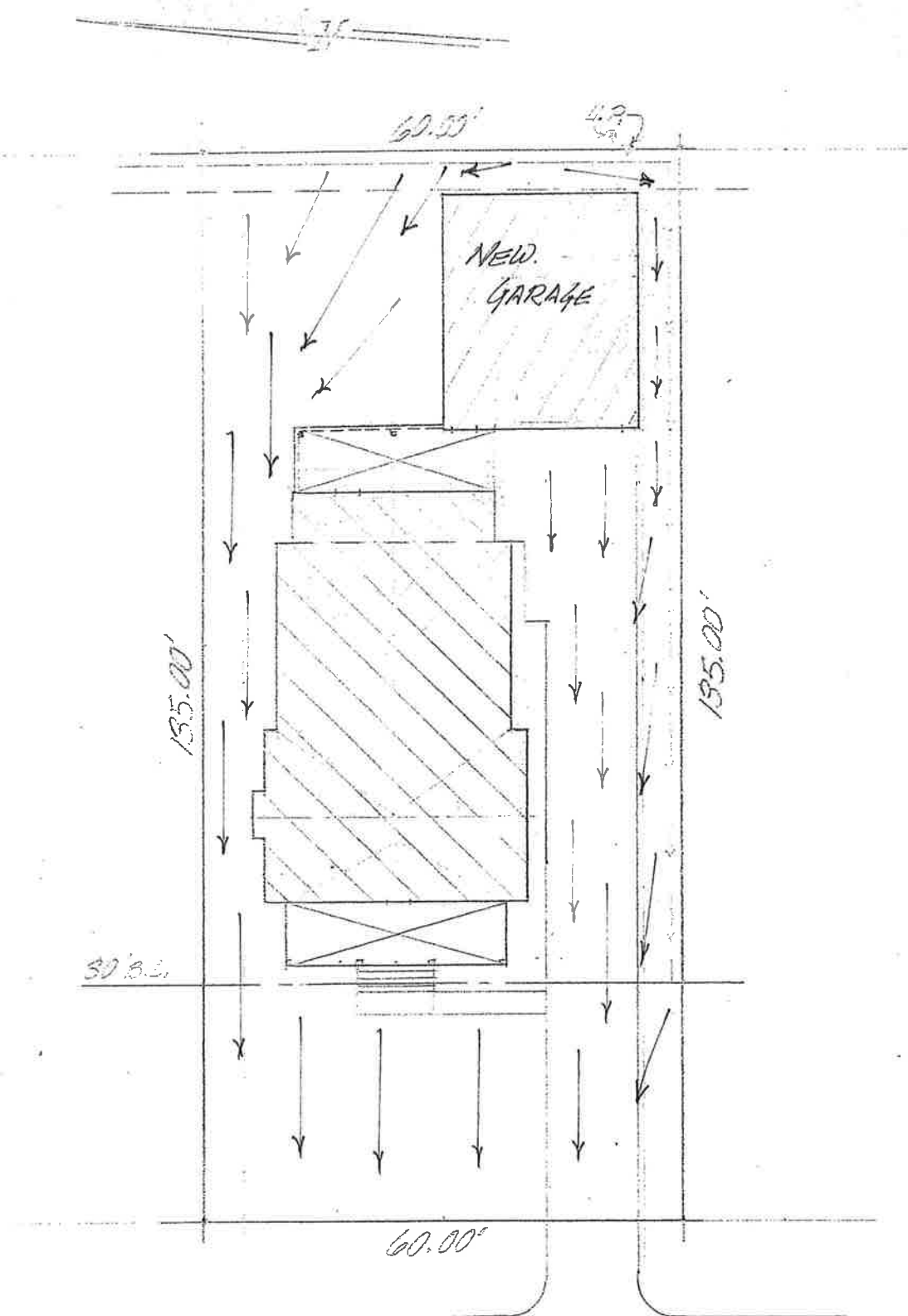


1929 80. JAMES TOWN

30421" 20.00' LOT 7 Bk 1

SITE PLAN. NEW, LARGER GARAGE BLDG.
60. JAMES TOWN AVE
ATTACHED GARAGE.





NEW STORM WATER RUN-OFF PLAN w/
 ATTACHED GARAGE BLDG.
 50. JAMESTOWN AVE

1929 AC. JAMESTOWN
 TULSA, OK.

SCALE 1" = 20.00'

LOT 7 BUK 1

CITY OF TULSA, TULSA COUNTY, OKLAHOMA



0 Feet
200
400



Subject
Tract

BOA-23021

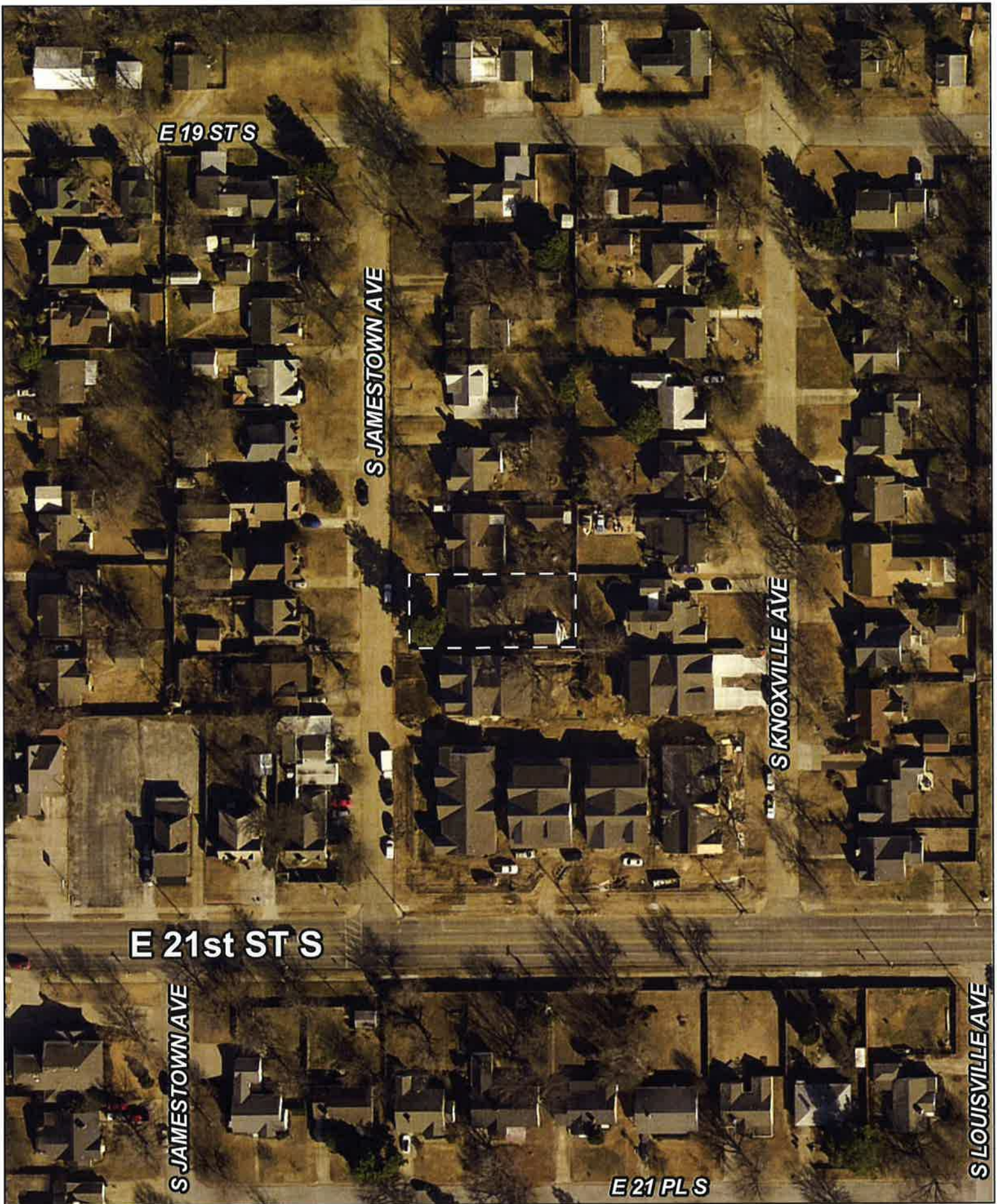
19-13 09

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

Aerial Photo Date: February 2018

8.16





0 50 100
Feet



Subject
Tract

BOA-23021

19-13 09

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

Aerial Photo Date: February 2018

8.17



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OTHER BUSINESS:

BOA WORK SESSION



Prepared by Austin Chapman, achapman@incog.org, 918.579.9471

Item

Discuss zoning regulations regarding the separation distance between bars.

Background

Currently the City of Tulsa requires a 300-foot separation distance between bars outside of the Central Business District. The code also requires bars be at least 50-feet from Residential districts and requires them to be 300-feet from public parks schools or religious assembly uses. When written these rules largely mirrored state requirements enforced by the Alcoholic Beverage Laws Enforcement Commission. The separation distance between bars and other bars is not a requirement by the state. On September 22, 2020 the Board heard case number BOA-23001 which granted a Special Exception to allow Bar use in an IL Zoning district (Sec. 15.020, Table 15-2) and Variance of the 300-foot separation distance between a bar and another bar (Sec. 40.050-A) at the property located 4205 S. Sheridan Road. During the discussion of the case the Board showed interest in having a conversation about the relevance of the 300-foot spacing requirement between bars and potentially any distinctions to be made between traditional bars only serving alcohol and other bar types catering primarily to tobacco users. Currently the code describes a bar as follows:

35.050-K Restaurants and Bars

1. Bar

Uses that cater primarily to adults, 21 years of age and older and that sell and serve alcoholic beverages as their principal business. Specific bar use types include bars, taverns, beer bars, brewpubs, nightclubs, pool halls, dance halls, hookah lounges, and similar establishments. See also the definition of accessory use bar in [Section 95.040](#).

a. Hookah Lounge

An establishment whose business operation, whether as a principal use or as an accessory use, includes the smoking of tobacco or other substances through one or more hookah pipes (also commonly referred to as a hookah, waterpipe, shisha or narghile), including but not limited to establishments known variously as hookah bars, hookah parlors or hookah cafés.

b. Brewpub

An establishment where beer and malt beverages are made on the premises in conjunction with a restaurant and/or bar and where (1) less than 5,000 barrels (155,000 gallons) of beer and malt beverages are produced per calendar year and (2) at least 33% of the beer and malt beverages produced on site are sold on site. Where allowed by law, brewpubs may sell beer and malt beverages "to go" and /or distribute to off-site accounts.

Attachment(s)

None.



Prepared by Austin Chapman, achapman@incog.org, 918.579.9471

Item

Discuss the height limitation of blade signs (projecting signs) inside the Central Business District (CBD).

Background

Currently the City of Tulsa code allows the following heights maximums for projecting signs in the CBD:

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

1. Lots with Frontage on Only Minor Streets

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

2. Lots with Frontage on Major Streets

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

On September 22, 2020, the Board heard case number BOA-23000 which granted 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) for the property located 624 S. Boston Ave. During the discussion of the case the Board showed interest in having a conversation about the unique nature of the CBD and how the Board can look at similar requests in the future. Title 11 of the Tulsa Revised Ordinances grants these types of signs a special allowance to project into the right-of-way inside the CBD.

Attachment(s)

Included as an attachment are the signs plans for BOA-23000 and the sign plans for BOA-22922 in which the Board granted a Variance to permit a projecting sign on a major street to exceed its maximum permitted height of 32 feet (Section 60.080-D) for the property located 405 N. Main Street.

BOA-23000



a
a-max
SIGN COMPANY, INC.

PHOTO MOCKUPS

Scale: 1:200

9.4

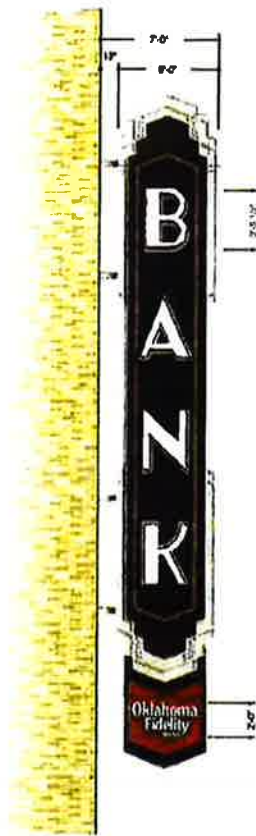


Oklahoma Fidelity Bank
624 S Boston

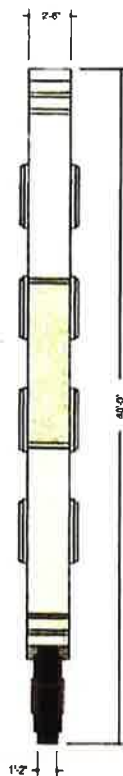


NORTH
→

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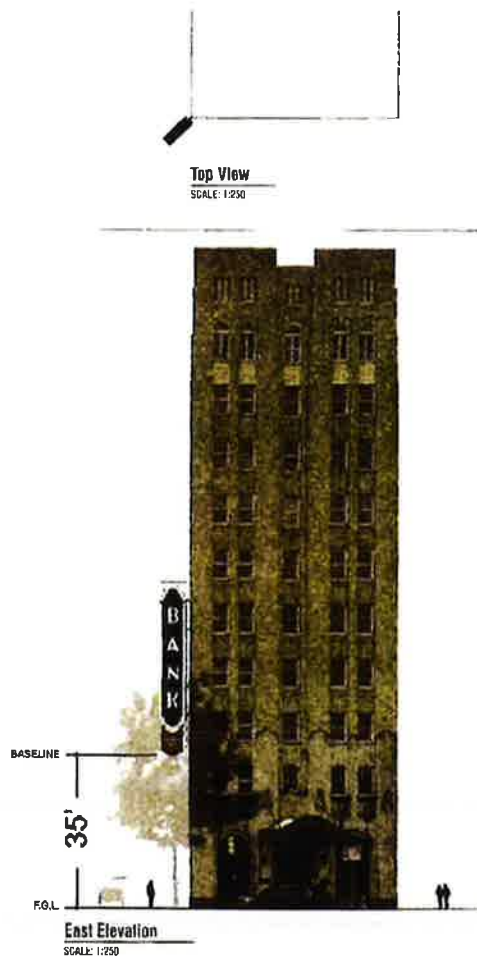


Southwest View
SCALE: 3/16"



End View
SCALE: 3/16"

6' X 40'=240SQFT



East Elevation
SCALE: 1/250

a
a-max
SIGN COMPANY, INC.
www.amaxsign.com
6500 E. 55th Place
Tulsa, Oklahoma 74145
PH: (918) 422-0881 FAX: (918) 422-0869

Project: 06-01-2820

REAL F: As Shown

DATE: 06-01-2820

FILE: 40' - Bldg ID

SALES REP: Chris Krohn

DRAWN BY: Jonathan Buell

PROJECT: Rotley Bank

LOCATION: Tulsa, OK

ADDRESS: 624 S Boston

CLIENT APPROVAL SIGNATURE & DATE:

U Sign will be made to meet U.S. specifications
or equivalent.
NOTE All signs and related lighting must comply
with A.S.C. 900 of the N.E.C. standards,
including proper grounding and bonding.

REVISIONS:

1.	
2.	
3.	
4.	
5.	

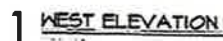
Project Manager

SHEET NUMBER 1

DWG

060120-05

9.7

$$\sigma^{\infty}$$


**Davenport Lofts - Shell Permit
405 N Main
Tulsa, OK.**

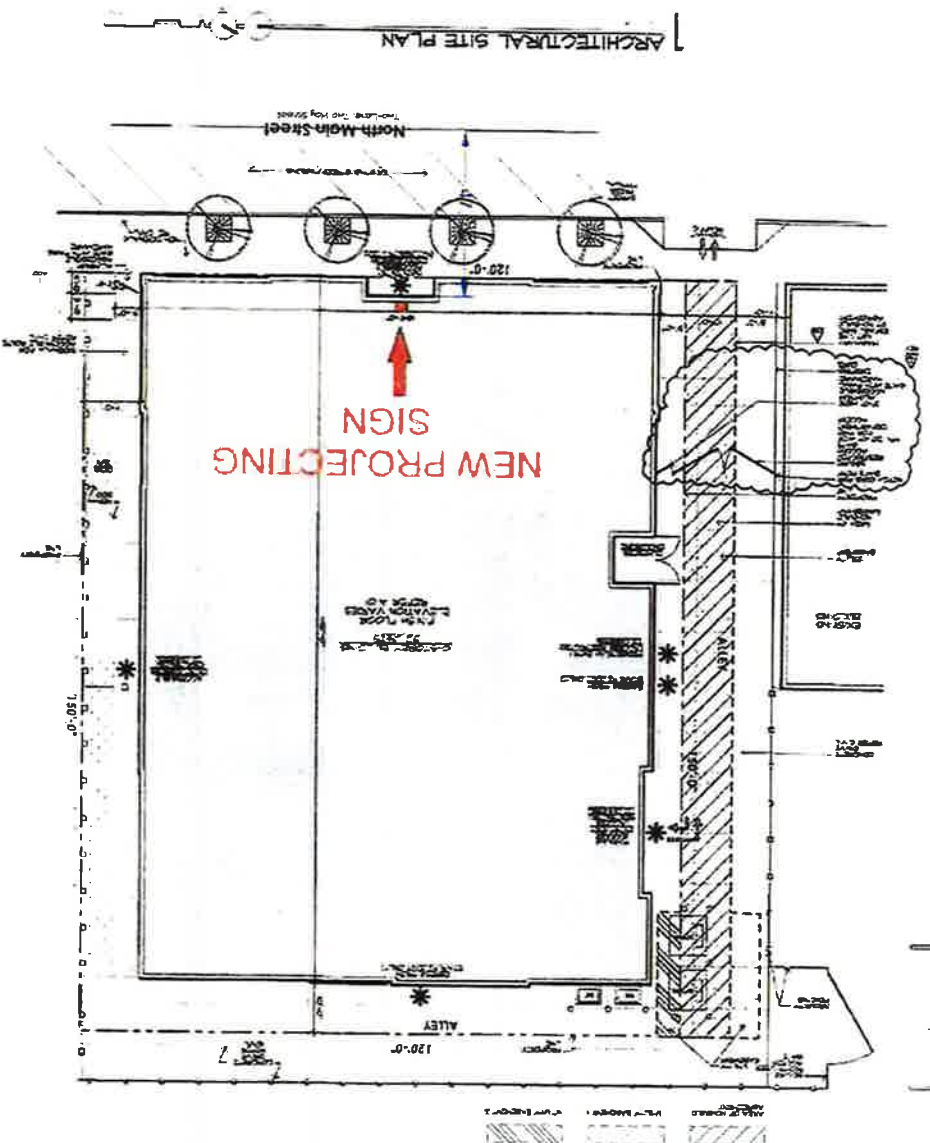
A201

SITE INFORMATION

- SITE OF PROJECT: 1200 S. 4th St. Tulsa, OK 74106
- PROJECT: SHELL PERMIT
- TRAFFIC: 1000 VPH (TYPICAL) - APPROXIMATE
- HOV: 1.5 (TYPICAL) - APPROXIMATE
- PARKING: 100 SPACES (TYPICAL) - APPROXIMATE

PARKING COUNT

- TOTAL: 100 SPACES (TYPICAL) - APPROXIMATE
- AVAILABLE: 100 SPACES (TYPICAL) - APPROXIMATE
- OCCUPIED: 0 SPACES (TYPICAL) - APPROXIMATE



A001

Davenport Lofts - Shell Permit
405 N Main
Tulsa, OK.



INTEGRATED
construction + design
5734 E. 42nd STREET
TULSA, OK 74146
918.504.4775
www.integratedesign.com

1.0

DOUBLE SIDED BLADE ID

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

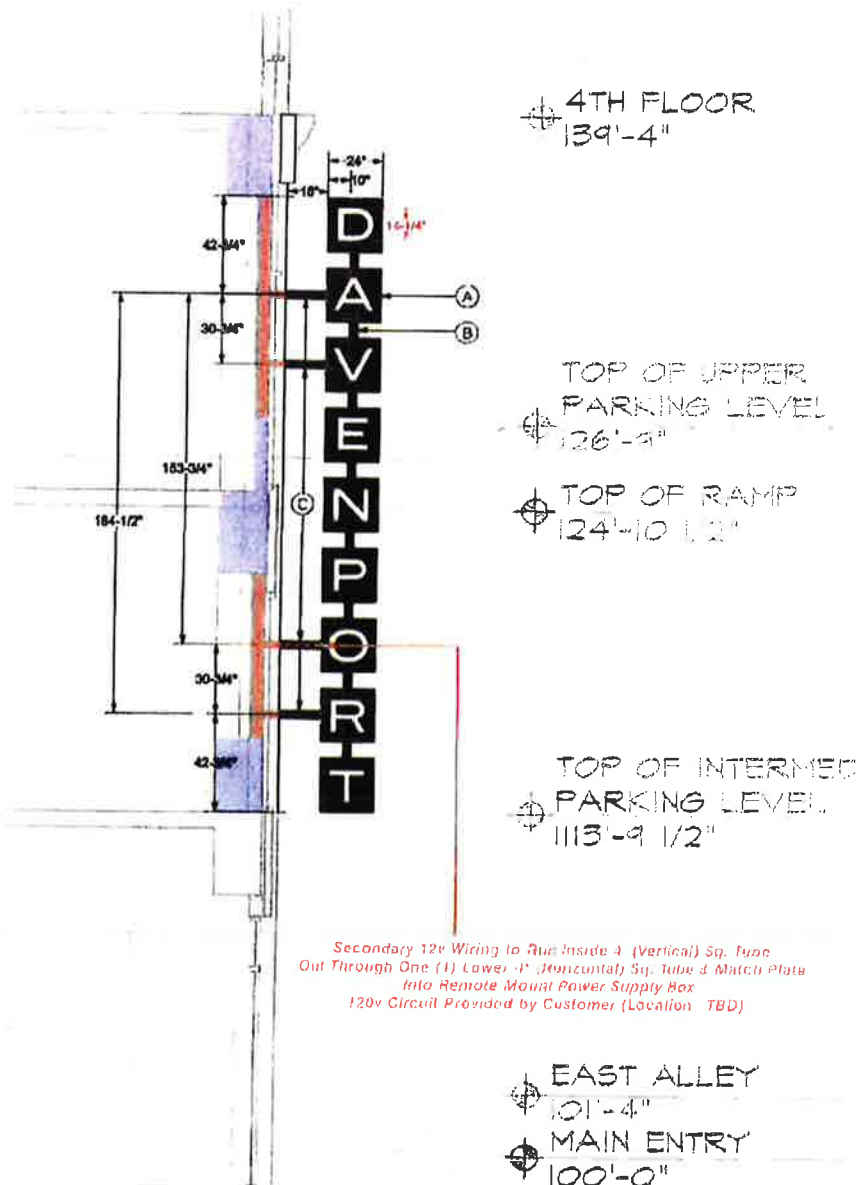
- (A) Letter Cabinets (Pan-in-Pan): .063" Alum. Face Pans w/ Routed Copy, .063" Alum. Backer Pans, .063" Alum. Filler Between Cabinets. Prefinished - Black (Matte).

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

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

- (B) Sign Support Structure: (1) Vertical - 4" x 4" x 3/16" Wall Steel Sq. Tube.
(18) Horizontal - 2" Wide x 1/8" Thick Flat Strap Steel Cabinet Supports.
(4) Horizontal - 4" x 4" x 3/16" Wall Steel Sq. Tubes w/ 4" x 8" x 5/8" Thick Steel Match Plates
Match Plates Per Spec. Provided by G.C (See Detail B).
Painted Finish - Black (Satin).

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



PROJECT: DAVENPORT

LOCATION: 405 N Main Tulsa, OK

SALES REP: Brian Ward

FILE NAME: Blade ID

DATE: 1 / 30 / 2020

SCALE: AS NOTED

DRAWN BY: RAM

1/30/2020 10:00 AM



Signs and lettering must be made in accordance with the following specifications:
1. All signs and lettering must be made in accordance with the following specifications:
2. All signs and lettering must be made in accordance with the following specifications:

DATE	BY

WORK ORDER

00000

DWG
013020-02
Page 2 of 3

9.10

1.0

DOUBLE SIDED BLADE ID

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

2' x 22.5'=45SQFT

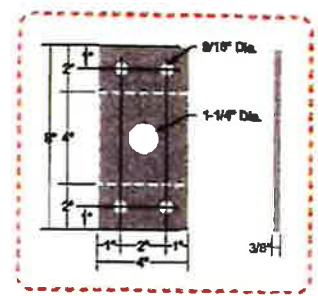
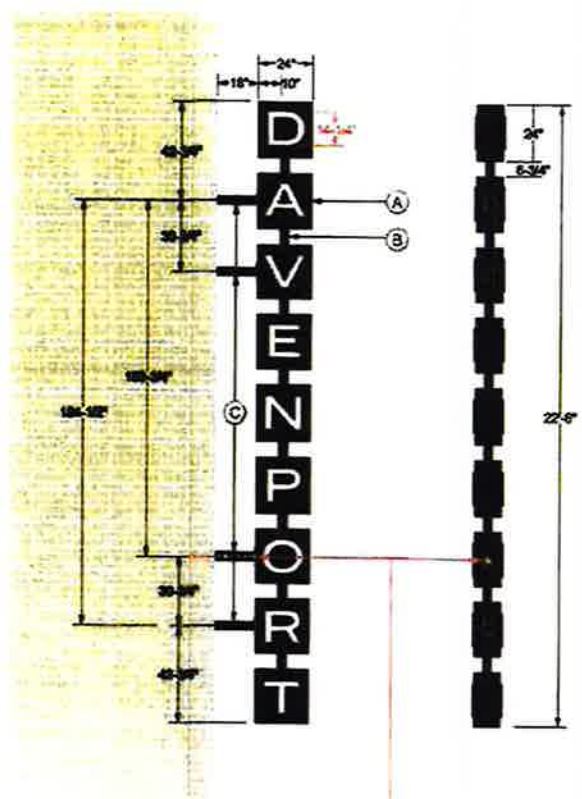
(A) Letter Cabinets (Pan-In-Pan): 063" Alum. Face Pans w/ Routed Copy, 063" Alum. Backer Pans, 063" Alum. Filler Between Cabinets. Prefinished - Black (Matte).

Push-Thru Letters: 3/4" Thick Clear Acrylic w/ 3635-70 Diffuser on Back & 363C-20 White Vinyl on Face. Internal White LED Illumination ()

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

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

(C) Building Attachment Points () (4) Horizontal - 4" Steel Sq. Tubes w/ Match Plates. Painted Finish - Black (Satin).



MATCH PLATE DETAIL
SCALE: INCREASED BY 1000%



WEST ELEV.
SCALE: NTS

a
a-max
SIGN COMPANY INC.
www.amaxsign.com
3520 E. 55th Place
Tulsa, Oklahoma 74145
PH (918) 622-1051 FAX (918) 622-5639

SCALE: AS NOTED
DATE: 7/30/2020
FILE: Black ID
SALES REP: Brian Ward
DRAWN BY: J.E. RYAN, P.E.
PROJECT: DAVENPORT
LOCATION: Tulsa, OK
ADDRESS: 105 N Main
CLIENT APPROVAL SIGNATURE: A.C.H.F.

UL LISTED
NEMA 2500
NEMA 2500

REVISIONS:
1
2
3
4
5

WORK ORDER
00000
Page 1 of 3
DWG
013020-01

9.11



Prepared by Austin Chapman, achapman@incog.org, 918.579.9471

Item

Discuss Board member expectations from applicants when applying for a Special Exception to accept an Alternative Compliance Parking Ratio as allowed in Sec. 55.050-K of the Zoning Code:

Background

The Board is Authorized in Sec. 55.050-K of the Zoning Code to grant a Special Exception to accept and Alternative Compliance Parking Ratio under the following conditions:

55.050-K Alternative Compliance

The motor vehicle parking ratios of this chapter are not intended to prevent development and redevelopment or to make development and redevelopment economically impractical. In order to allow for flexibility in addressing the actual expected parking demand of specific uses, alternative compliance parking ratios may be approved through the special exception procedures of Section 70.1.20, only if:

1. The applicant submits a parking study demonstrating that the motor vehicle parking ratios of Section 55.020 do not accurately reflect the actual day-to-day parking demand that can reasonably be anticipated for the proposed use based on field surveys of observed parking demand for similar use within the city or on external data from credible research organizations, such as the Urban Land Institute (ULI) or the Institute of Transportation Engineers (ITE);
2. The board of adjustment determines that the other allowed parking reduction alternatives of Section 55.050 are infeasible or do not apply; and
3. The board of adjustment determines that 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.

When hearing these requests, the Board has been provided a wide variety of supporting documents by applicants with varying levels of detail supporting their request. On March 10th, 2020 the Board heard BOA-22869 which granted a Special Exception to permit alternative compliance parking ratios in an AG/RM-1 Zoning District (Section 55.050-K) to reduce the required number of parking spaces for a High School Use at the property located 6636 S. Mingo Rd. (Union High School). High school uses have presented an unique situation for the Board because getting relevant data from similar uses in the area can be a challenge due to the current public health crisis and because High School Uses typically limit the number of parking permit issued to their students.

Attachment(s)

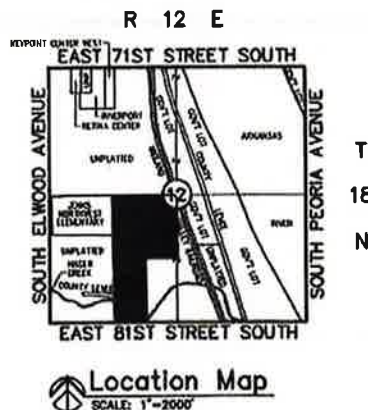
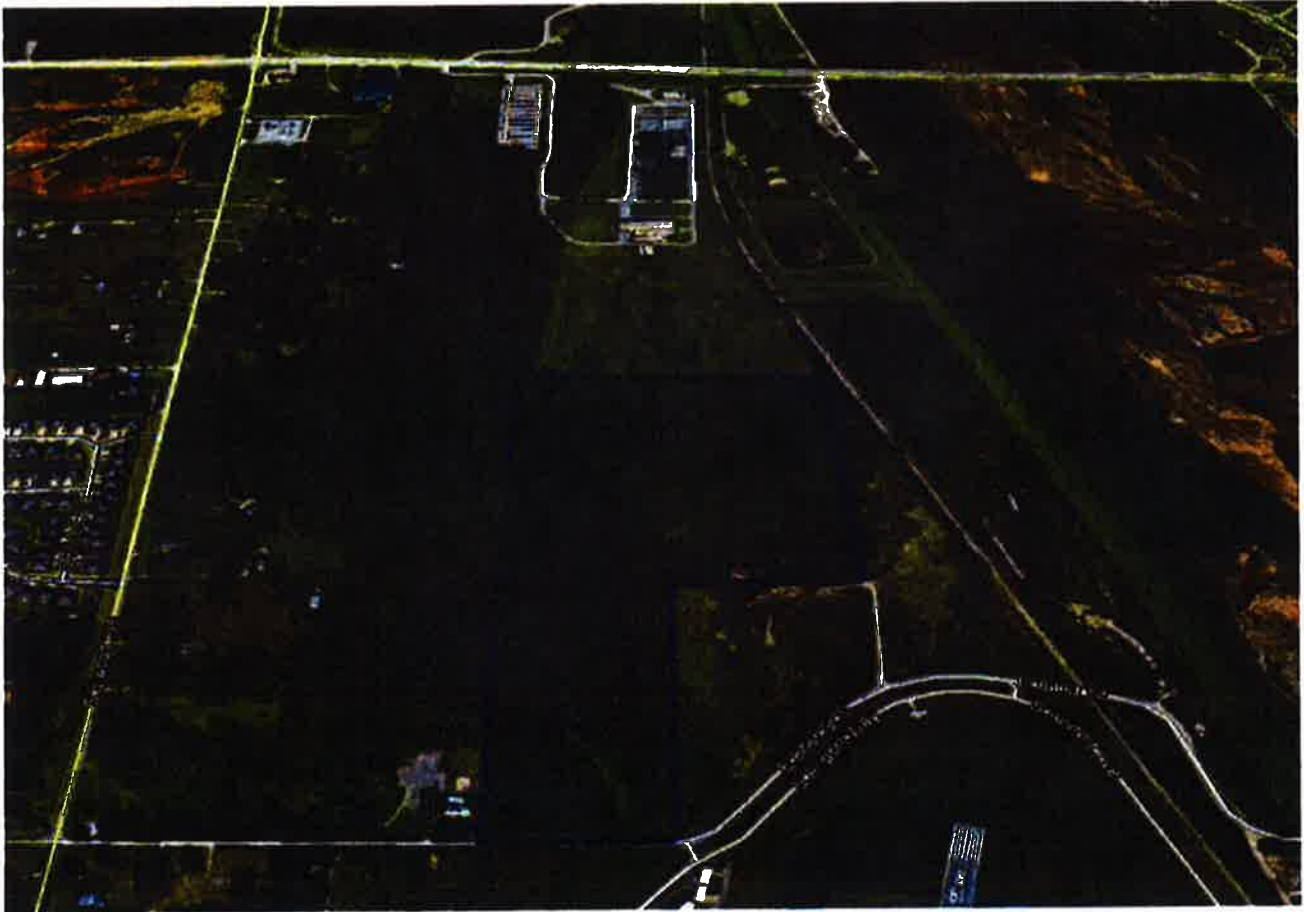
Sample parking studies provided in BOA-22201, BOA-22816, BOA-22869 and BOA-23006.

BoA-22201

APPLICATION FOR ALTERNATIVE COMPLIANCE SPECIAL EXCEPTION

Titan Sports and Performance

APPROXIMATELY 59.665 ACRES
NORTH AND EAST OF 81ST ST. S. AND ELWOOD AVE.
TULSA, OKLAHOMA



JANUARY 2017

APPLICANT / OWNER:

TITAN SPORTS AND
PERFORMANCE CENTER, LLC
6476 E. 12TH ST. S.

TULSA, OK 74112
STAN@TITANSPORTSCOMPLEX.
COM

CONSULTANT:

TANNER CONSULTING LLC

c/o ERIK ENYART

5323 S LEWIS AVE

TULSA, OK 74105

EENYART@TANNERBAITSHOP.COM

TABLE OF CONTENTS

I. PROPERTY DESCRIPTION	2
II. PROJECT CONCEPT	3
EXHIBIT LIST:	
Exhibit A: Aerial Photography & Boundary Depiction	4
Exhibit B: Conceptual Site Plan	5
III. ALTERNATIVE COMPLIANCE PLAN	6

I. PROPERTY DESCRIPTION

The subject property consists of 59.665 acres located east of the northeast corner of 81st Street South and Elwood Avenue, in the City of Tulsa, Oklahoma, and is more particularly described within the following statement:

THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE/4 SW/4) LYING SOUTH AND WEST OF THE RAILROAD RIGHT OF WAY IN SECTION TWELVE (12), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

AND

THE WEST HALF OF THE SOUTHEAST QUARTER (W/2 SE/4 SW/4) OF SECTION TWELVE (12), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

The above described property will hereinafter be referred to as the "Site" or "Subject Property" and is depicted on Exhibit A, "Aerial Photography & Boundary Depiction."

II. PROJECT CONCEPT

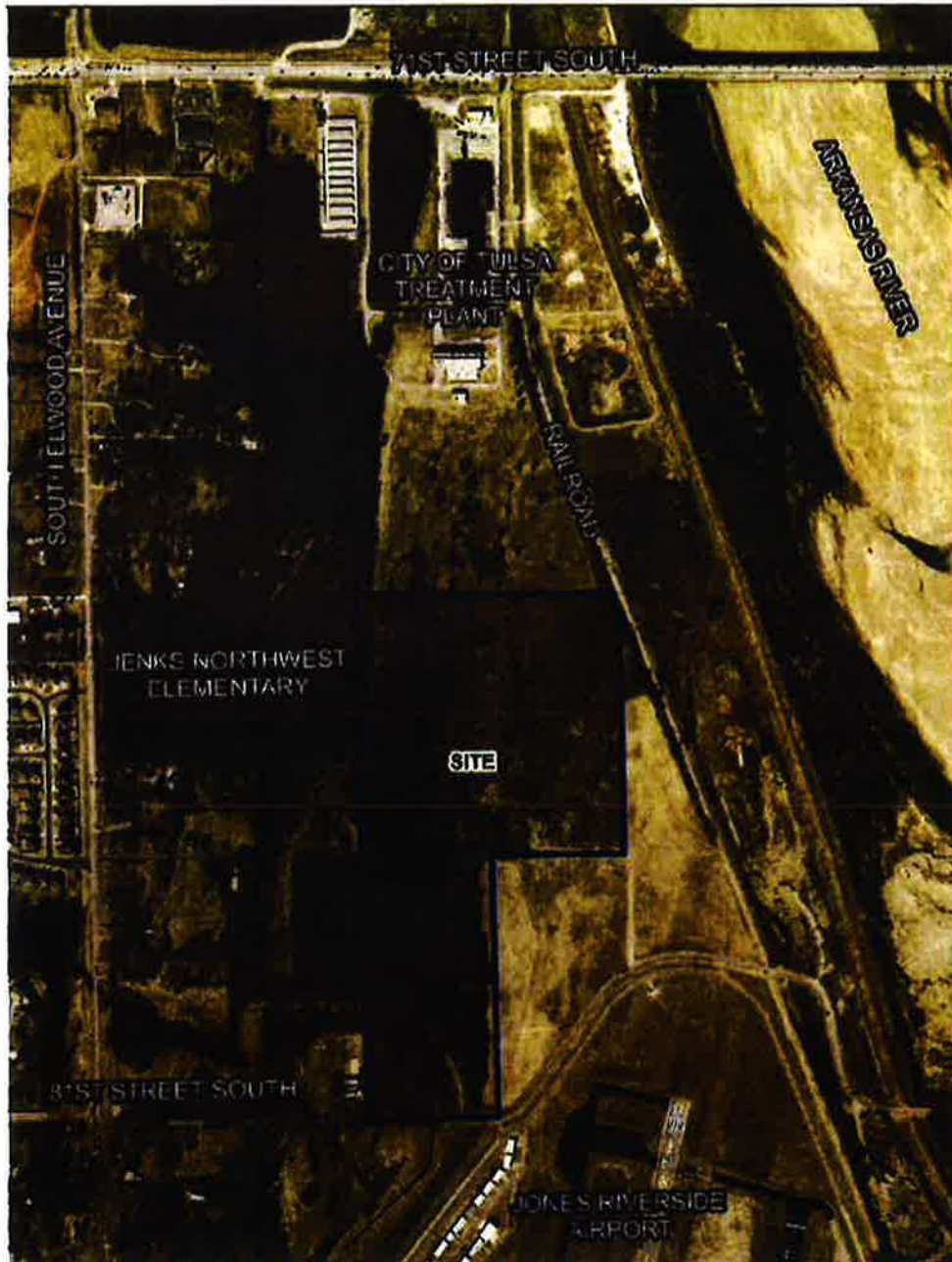
Titan Sports and Performance Center, LLC, is constructing an indoor / outdoor multi-sports complex on the subject property of 59.665 acres. The facility will offer indoor soccer and related activities within a 176,892 square foot building and outdoor fields including 10 soccer, four (4) junior soccer, one (1) lacrosse, and eight (8) volleyball courts. Exhibit A is an aerial depiction and Exhibit B is a preliminary site plan.

Titan Sports and Performance Center, LLC, has studied similar sports complexes across the country and has determined the parking demands based on planned operations and as compared to peer facilities. The site proposes 1,090 parking spaces, as indicated on Exhibit B.

Titan Sports and Performance

EXHIBIT A

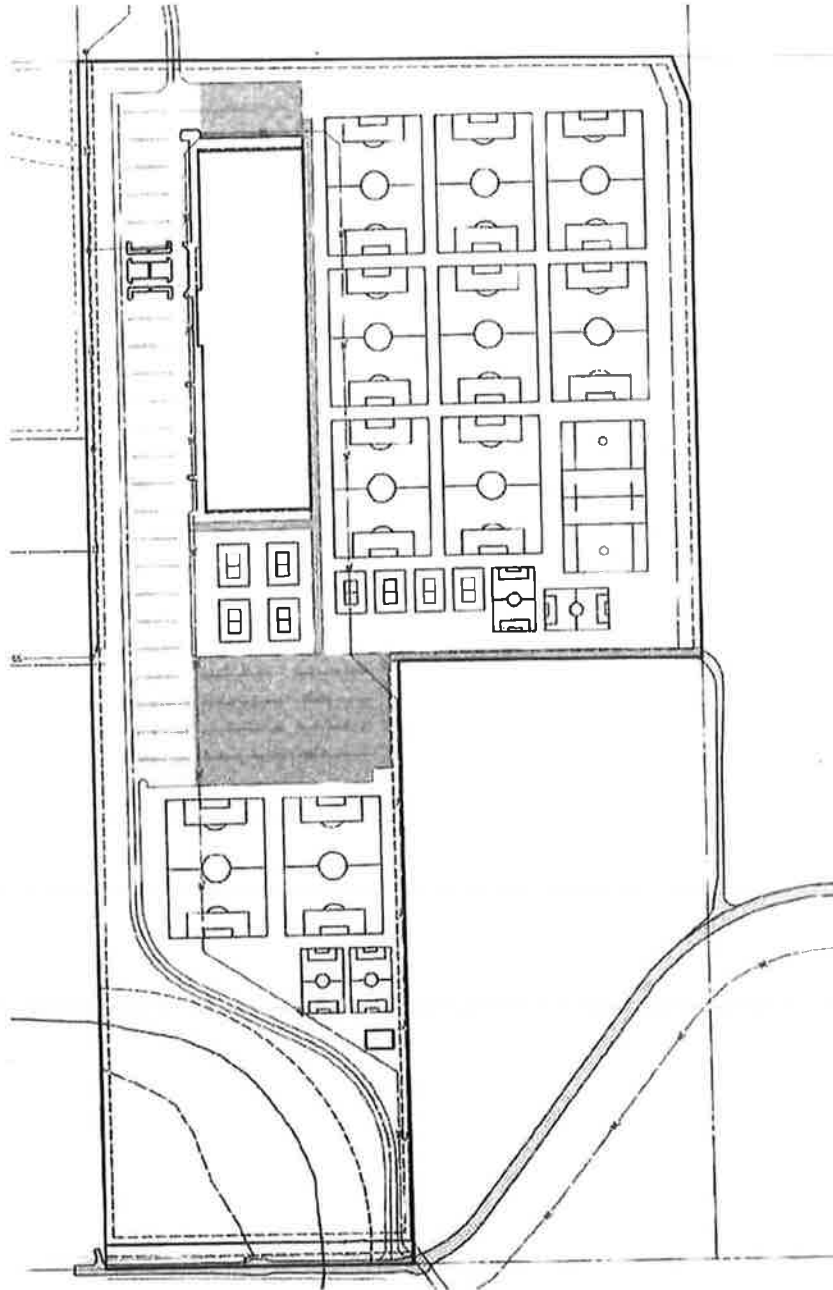
AERIAL PHOTOGRAPHY & BOUNDARY DEPICTION



Titan Sports and Performance

EXHIBIT B

CONCEPTUAL SITE PLAN EXCERPT PRELIMINARY SITE PLAN



III. ALTERNATIVE COMPLIANCE PLAN

Zoning Code Section 55.020 / Table 55-1 requires, for "Other assembly and entertainment (indoor)" occupancy, 3.75 parking spaces per 1,000 square feet of building, or 663 parking spaces.¹ The site will include all 663 parking spaces required for the indoor facility.

Table 55-1 does not appear to anticipate outdoor sports fields, as it would require 69 parking spaces for each soccer field measuring 63,000 square feet.² Altogether, Table 55-1 would require 867 parking spaces for the 15 fields and eight (8) volleyball courts.

Zoning Code Section 55.050-K does anticipate that Table 55-1 may not be universally applicable. It provides,

"The motor vehicle parking ratios of this chapter are not intended to prevent development and redevelopment or to make development and redevelopment economically impractical. In order to allow for flexibility in addressing the actual expected parking demand of specific uses, alternative compliance parking ratios may be approved through the special exception procedures of Section 70.120 only if:

1. The applicant submits a parking study demonstrating that the motor vehicle parking ratios of Section 55.020 do not accurately reflect the actual day-to-day parking demand that can reasonably be anticipated for the proposed use based on field surveys of observed parking demand for similar use within the city or on external data from credible research organizations, such as the Urban Land Institute (ULI) or the Institute of Transportation Engineers (ITE);
2. The board of adjustment determines that the other allowed parking reduction alternatives of Section 55.050 are infeasible or do not apply; and
3. The board of adjustment determines that 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."

The Institute of Transportation Engineers (ITE) Common Trip Generation Manual, 9th Edition, calculates 17.70 trips per soccer field in a soccer complex. The trips may serve as an approximation for vehicle parking spaces, as most trips will be via single car parked onsite, although some share of local patrons may drop-off and pick-up. Using this formula, and carrying the 17.70 parking spaces ratio across for the lacrosse field and volleyball courts, 407 parking spaces should be planned for the outdoor fields.

Altogether, the 663 parking spaces serving the indoor facility and 407 spaces serving the outdoor facilities results in 1,070 parking spaces required, and 1,090 parking spaces are planned.

The Smart Parking and Innovative Parking Solutions guidelines of the Tulsa Comprehensive Plan generally favor reducing minimum parking number requirements and allowing the "marketplace to determine how much parking is needed." Similarly, the Tulsa Zoning Code's stated parking purposes briefly acknowledge the need for [adequate] parking facilities and generally elevate transit and non-motorized forms of transportation and reduction of unnecessary parking. As stated previously, Titan Sports and Performance Center, LLC's business has studied and determined how much parking is needed for facility operations. Finally, new trends and emerging technology in transportation will further reduce parking needs in urban areas.

Thus, we propose an alternative compliance plan as outlined above, with 3.75 parking spaces required per 1,000 square feet of indoor facility floor area and 17.70 parking spaces per each outdoor field and court

1 Per the Architect's information, the indoor facility will have 1,800 seats. If the building were interpreted as a gymnasium, Zoning Code Section 55.020 / Table 55-1 would require 0.2 of a parking space per seat, or 360 parking spaces.

2 Per "Other assembly and entertainment (outdoor)."

and a total of 1,070 parking spaces per the building size and number of fields and courts presently planned. Should building floor area or number of fields be reduced, the respective ratios would hold.

Basing parking needs on the ITE guidelines and market studies, and per the purposes and intent of the Tulsa Comprehensive Plan and Zoning Code, we believe and urge the Board of Adjustment to find that 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.

CODE ANALYSIS

GENERAL ARCHITECTURAL CODE REVIEW

GENERAL INFORMATION:

THE MIDTOWNER
2708 EAST 37TH STREET SOUTH
TULSA, OKLAHOMA 74135

BUILDING CODES:

2015 INTERNATIONAL BUILDING CODE
2015 INTERNATIONAL MECHANICAL CODE
2015 INTERNATIONAL PLUMBING CODE
2015 INTERNATIONAL FIRE CODE
2006 INTERNATIONAL ENERGY CONSERVATION CODE
2015 INTERNATIONAL FUELGAS CODE
2014 NATIONAL ELECTRICAL CODE

GENERAL AREA CALCULATIONS:

FIRST FLOOR = 6,190 SF
SECOND FLOOR = 6,190 SF
THIRD FLOOR = 6,190 SF
FLOOR PLAN TOTAL = 18,480 SF

USE GROUP:

R-2 APARTMENT COMPLEX

CONSTRUCTION TYPE:

V-4, SPRINKLED

ZONING:

R2 RESIDENTIAL MULTI-FAMILY
APARTMENT COMPLEX - PERMITTED

APARTMENT UNITS:

UNITS PER FLOOR = 11
NUMBER OF FLOORS = 3
TOTAL UNITS = 33

TYPE UNITS PER FLOOR:

(10) 1 BEDROOM
(1) 2 BEDROOM

TOTAL UNIT TYPES:

(30) 1 BEDROOM
(3) 2 BEDROOM

PARKING CALCULATIONS:

(30) 1 BEDROOM UNITS ± 1.25 = 38 SPACES
(3) 2 BEDROOM UNITS ± 2 = 6 SPACES

TOTAL PARKING REQUIRED = 44 SPACES

OFF-STREET PARKING PROVIDED = 33 SPACES

ON-STREET PARKING PROVIDED = 0 SPACES

TOTAL PARKING PROVIDED = 41 SPACES

LANDSCAPING REQUIREMENT:

STREET-YARD AREA = 7,006 SF

LANDSCAPED AREA REQUIRED (CON) = 752 SF

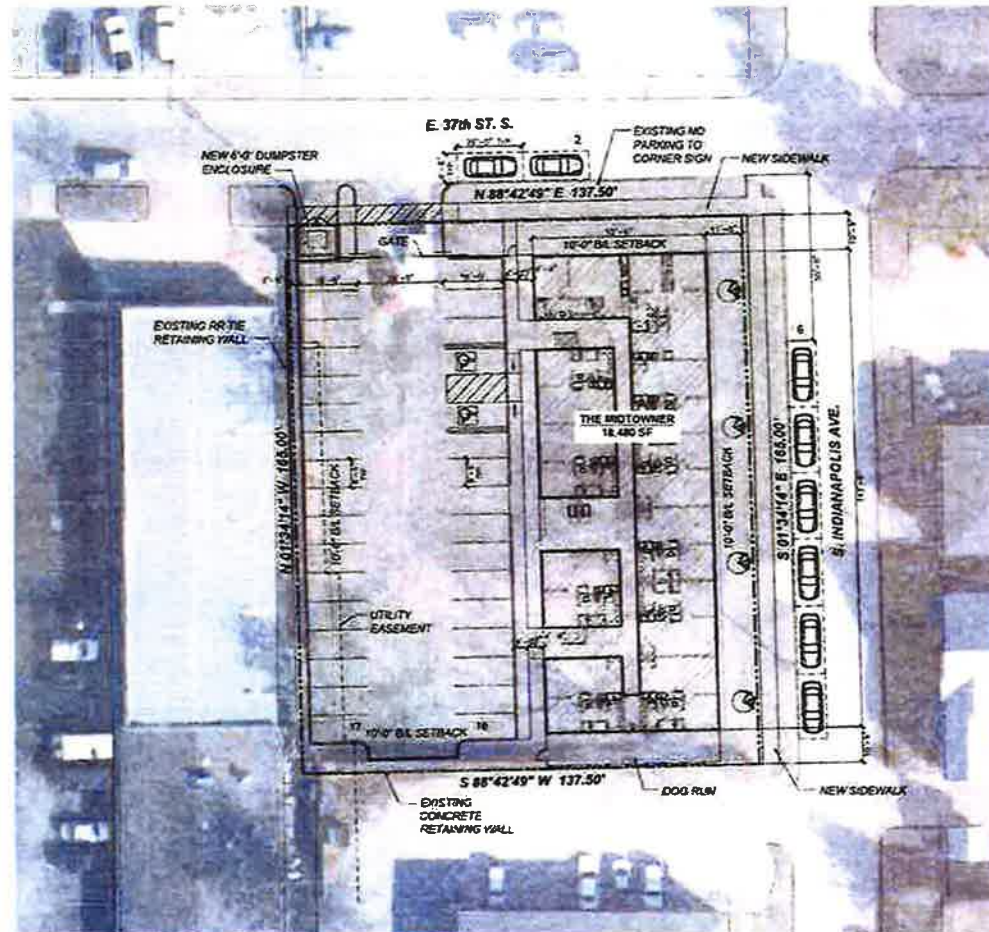
NUMBER REQUIRED TREES = 2

SCOPE OF WORK

NEW CONSTRUCTION OF A 3 STORY, 33 UNIT APARTMENT COMPLEX

CHANGES TO THE APPROVED DRAWINGS AND SPECIFICATIONS

CHANGES TO THE CITY APPROVED DRAWINGS AND SPECIFICATIONS SHALL BE MADE BY AN ADDENDUM OR A CHANGE ORDER APPROVED BY THE CITY OF TULSA AS REQUIRED BY THE ARCHITECT OF RECORD.



1 SITE PLAN



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



wdesign
ARCHITECTURE + INTERIORS
2115 E. 3rd Street, Suite C
Tulsa, OK 74106
Office: 918.754.6614
Fax: 918.754.6602
www.wdesign.com

MIDTOWNER
MULTI-FAMILY
DEVELOPMENT

PROJECT #
18213

3320 E. 37TH ST. S.
TULSA, OK
74135

09.27.2019

SITE PLAN

A101

9.21

BoA-22816

MidTowner

3702 South Indianapolis Avenue
Tulsa, Oklahoma 74135
Job #18213



wdesign
CHRISTOPHER BARNES
4101 E. 31ST STREET SUITE C
TULSA, OK 74120
Office: 918.744.8500
Fax: 918.744.8503
www.wdesigns.com



MIDTOWNER MULTI-FAMILY DEVELOPMENT

PROJECT #
18213

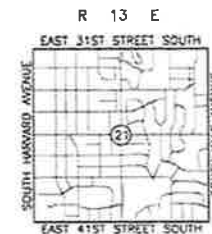
3320 E. 37TH ST. S.
TULSA, OK
74135

PROJECT TEAM

ARCHITECT
W.DESIGN, LLC
3118 S. MELBOURNE ST. #2
TULSA, OK 74106
918.744.8500
WWW.WDESIGN.COM

CIVIL
ENGINEER
RICK CINCINNATI
TULSA, OK 74106
918.744.8500

STRUCTURAL
DR. ROBERT L. BARNES
TULSA, OK 74106
918.744.8500



Location Map
SCALE 1"=200'

T
19
N

08.01.2019

COVER
SHEET

CS

9.22



wdesign

Project Name: The Midtowner

Project Address: 3320 East 37th Street South, Tulsa, Oklahoma 74135

Report By: W Design

PARKING STUDY

Project Number: 18213

Owner: Midtowner LLC

Neighborhood Apartment Parking:

(please refer to map on page 2)

Mark	Name	Address	Units	Parking Spaces	Required Parking*	Notes
A	Heather Ann Apartments	3330 E 36 th St	19	16	24	(16) 1-bedroom units & 3 studios, lot is typically 30% full, most tenants use mass transit
B	Homer David Grooms (owner)	3616/3620 S Indianapolis Ave	6	12	8-12	Unknown unit types
C	Kimberly Apartments	3626 S Indianapolis Ave	16	25	20-32	Unknown unit types
D	Harvard Gardens	3640/3636 S Indianapolis Ave	10	10	20	(10) 2-bedroom units
E	La Cabana	3333 E 37 th St	13	13	17-26	Mix of 1 and 2-bedroom units
F	Charmont Apartments	3720/3718 S Indianapolis Ave	16	14	20-32	Mix of 1 and 2-bedroom units
G	Belle Arms	3732 S Indianapolis Ave	24	23	30-48	Mix 1 and 2-bedroom units
H	The Luxor	3333 E 38 th St	19	19	24-38	Mix of 1 and 2-bedroom units
I	Ranch Acres Manor	3727/3729 S Indianapolis Ave	24	26	30-48	(4) 2-bed (20) 1-bed
J	South Wind	3719 S Indianapolis Ave	8	12	10-16	Unknown unit types
K	3711 S Indianapolis Ave	3711 S Indianapolis Ave	13	21	17-26	Unknown unit types
L	Indianapolis East Oak	3701 S Indianapolis Ave	17	15	22-34	Mix of 1 and 2-bedroom units

*Required parking range calculated to account for missing data on unit types.



wdesign

PARKING STUDY

Legend:

Project Location	★
Apartment	
Parking Lot	
Residential	
Business	





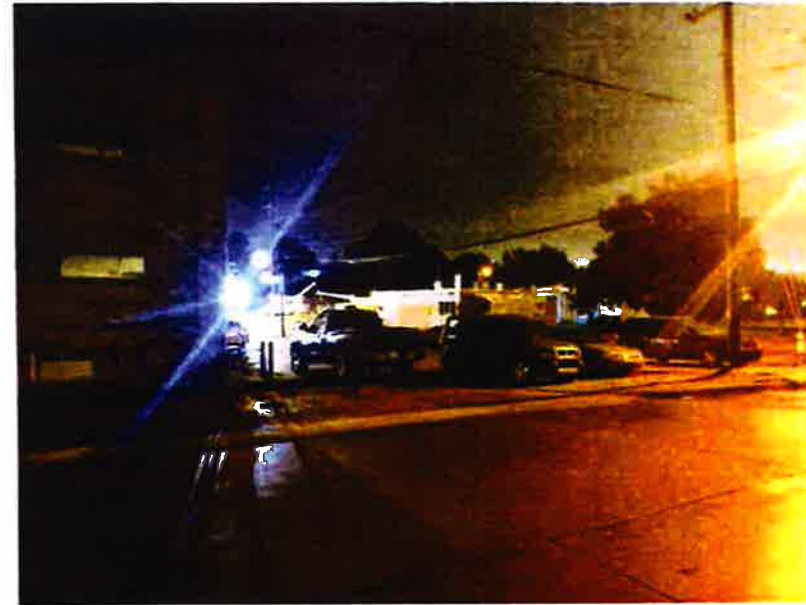
PARKING STUDY

A – Heather Ann Apartments



11/06/2019, 7:00am

16 parking spaces
8 vacant



10/29/2019, 7:00pm

16 parking spaces
11 vacant

9.25

815 E. 3RD ST., STE. C
TULSA, OK 74120
P: 918.794.6616
WDESIGNSITE.COM



PARKING STUDY

B – Homer David Grooms (owner)



11/06/19, 7:05am

12 parking spaces
8 vacant



10/15/19, 7:30pm

12 parking spaces
8 vacant

9.26

815 E. 3RD ST., STE. C
TULSA, OK 74120
P: 918.794.6616
WDESIGNSITE.COM



PARKING STUDY

C – Kimberly Apartments



11/06/19, 7:09am

25 parking spaces
17 vacant



10/15/19, 7:30pm

25 parking spaces
21 vacant

9.27

815 E. 3RD ST., STE. C
TULSA, OK 74120
P: 918.794.6616
WDESIGNSITE.COM



PARKING STUDY

D – Harvard Gardens



10/30/2019, 7:06am

10 parking spaces
5 vacant



11/04/2019, 7:08pm

10 parking spaces
5 vacant

9.28

815 E. 3RD ST., STE. C
TULSA, OK 74120
P: 918.794.6616
WDESIGNSITE.COM



PARKING STUDY

E – La Cabana



11/06/19, 7:00am

13 parking spaces
12 vacant



10/15/19, 7:30pm

13 parking spaces
10 vacant

9.29

815 E. 3RD ST., STE. C
TULSA, OK 74120
P: 918.794.6616
WDESIGNSITE.COM



PARKING STUDY

F – Charmont Apartments



10/30/19, 7:07am

14 parking spaces
8 vacant



10/15/19, 7:30pm

14 parking spaces
9 vacant

9.30

815 E. 3RD ST., STE. C
TULSA, OK 74120
P: 918.794.6616
WDESIGNSITE.COM



PARKING STUDY

G – Belle Arms



10/30/19, 7:10am

23 parking spaces
20 vacant



11/04/19, 6:55pm

23 parking spaces
21 vacant

9.31

815 E. 3RD ST., STE. C
TULSA, OK 74120
P: 918.794.6616
WDESIGNSITE.COM



PARKING STUDY

H - The Luxor



11/06/19, 7:00am

19 parking spaces
11 vacant



10/15/19, 7:30pm

19 parking spaces
8 vacant

9.32

815 E. 3RD ST., STE. C
TULSA, OK 74120
P: 918.794.6616
WDESIGNSITE.COM



PARKING STUDY

I – Ranch Acres Manor



11/06/19, 7:10am

26 parking spaces
17 vacant



10/31/19, 7:30pm

26 parking spaces
19 vacant



PARKING STUDY

J – South Wind



10/30/19, 7:00am

12 parking spaces
11 vacant



10/15/19, 7:30pm

12 parking spaces
11 vacant

9.34

815 E. 3RD ST., STE. C
TULSA, OK 74120
P: 918.794.6616
WDESIGNSITE.COM



PARKING STUDY

K – 3711 S. Indianapolis Ave.



11/06/19, 7:00am

21 parking spaces
10 vacant



10/15/19, 7:30pm

21 parking spaces
13 vacant

9.35

815 E. 3RD ST., STE. C
TULSA, OK 74120
P: 918.794.6616
WDESIGNSITE.COM



PARKING STUDY

L – Indianapolis East Oak



10/30/19, 7:07am

15 parking spaces
8 vacant



10/15/19, 7:30pm

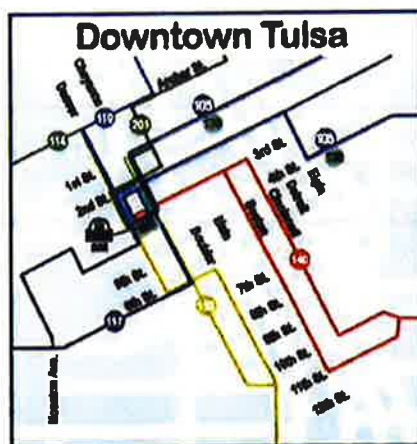
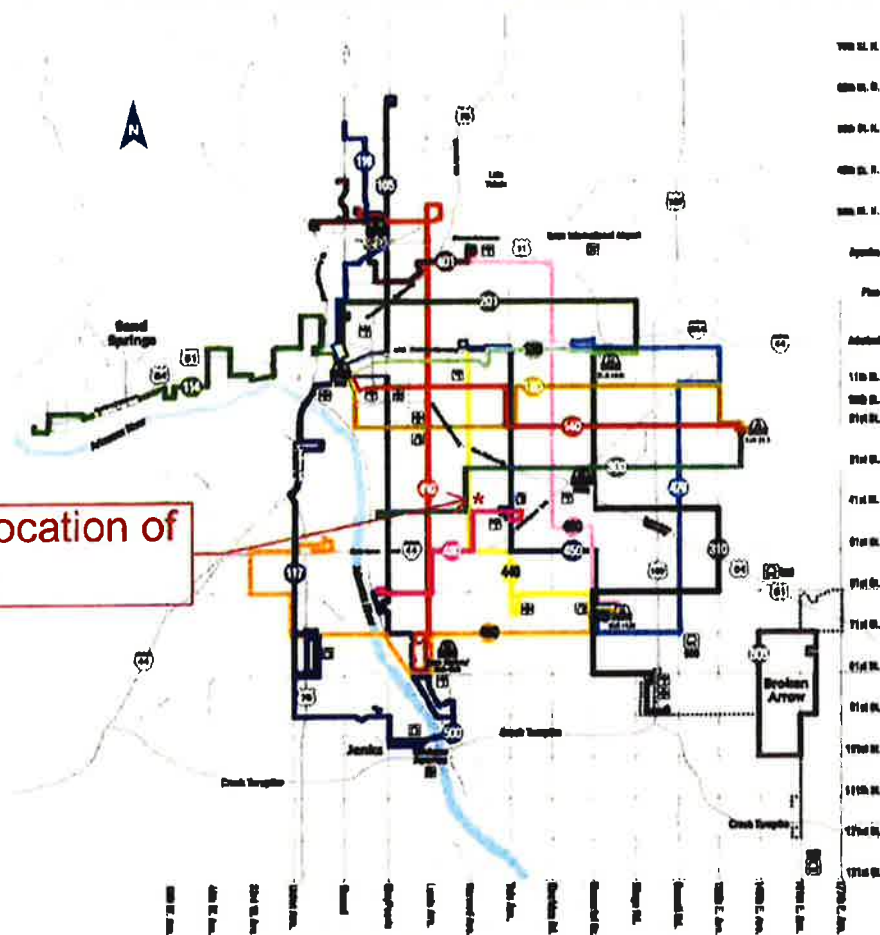
15 parking spaces
8 vacant

9.36

815 E. 3RD ST., STE. C
TULSA, OK 74120
P: 918.794.6616
WDESIGNSITE.COM

Tulsa Transit System Map

Approximate location of the Midtowner



TULSA TRANSIT

www.tulsatransit.org

For information on Express Routes and Park & Ride locations, see Routes 902 and 909.

Route Listing - September 2019

100 - Peoria	401 - North/Northeast
110 - MLK/Norford	410 - Lewis
114 - Charles Page/Sand Springs	420 - Harvard
117 - Southwest Blvd./Union	430 - Yale
120 - Admiral	440 - Sheridan
140 - 11th/21st	470 - Gennet
160 - 21st/11th	480 - 61st/41st
201 - Pine/Memorial	490 - West Tulsa/71st
300 - 21st Street	500 - Jenks
310 - South/Southeast	505 - B.A. Connection



All Routes are Wheelchair Accessible

Note: See individual route maps for detailed routing information.

9.37

Exhibit "B"

Applicant requests an Alternative Compliance Parking Ratio pursuant to Section 55.050-K of the Tulsa Zoning Code (the "Code") to permit 33 off-street parking spaces for an apartment building in an RM-2 District. The property, located at 3320 E. 37th Street, is being developed as a new apartment project called The Midtowner, a mid-century modern-style building that echoes the familiar yet simple designs of much of the surrounding area.

Under Table 55-1 of the Code, the minimum motor vehicle parking ratio for an apartment in an RM-2 District is 1.25 spaces/0-1 bedroom dwelling unit and 2 spaces/2+ bedroom dwelling unit. The Midtowner will have (30) 1 bedroom units and (3) 2 bedroom units which would require 44 parking spaces under the Code.

In support of the proposed alternative compliance parking ratio of 33 spaces (or 1 space/dwelling unit), the Applicant has conducted a parking study (the "Study") and has found that the minimum parking ratios of the Code do not accurately reflect the actual day-to-day parking demand that can be anticipated for the proposed apartment building. A copy of the Study is attached hereto as **Exhibit "C"**.

The surrounding area is relatively unique in Tulsa. In the two (2) blocks of S. Indianapolis Ave. between E. 36th St. and E. 38th St., there are twelve (12) apartment/condo buildings. The properties are generally well-maintained when compared to other multi-family residential clusters around the City. Nearly all of these 12 buildings do not have parking that meets the minimum parking ratios of the current Code. Additionally, the parking that is available more than accommodates the parking needs of each building.

The Study observed the parking capacity of the 12 complexes at 7 am and 7 pm between October 15 and November 6. These times were chosen to reflect the time of day for potential highest use of parking lots before and after typical workday hours. The Study found that the amount of available parking spaces for the surrounding apartments far exceeded the actual parking needs of the residents, with many of the lots almost entirely vacant for much of the time.

In addition to the ample parking, the area is a central location for use of mass transit. There are three (3) Tulsa Transit Bus routes which stop at or around 41st & Harvard and one that stops further east down E. 41st St. near OU Tulsa. A copy of the Tulsa Transit System Map is attached hereto as **Exhibit "D"**.

In addition to the Study, external academic data indicates that the existence of surplus parking spaces is a growing trend and that existing parking minimums are too high. A 2017 report presented by the Urban Land Institute and Green Street Advisors entitled *The Transportation Revolution: The Impact of Ride-Hailing and Driverless Vehicles on Real Estate*, suggests that parking needs could decline by 50% in the next 30 years due to the proliferation of driverless vehicles and ride-hailing platforms such as Uber and Lyft. A 2019 article by Chrissy Mancini Nichols, *Are Parking Minimums a Thing of the Past?*, published by the Institute of Transportation Engineers, notes that "parking minimums increase the distance between destinations, making cities

and towns less walkable, thereby perpetuating a cycle of less viable transit and mobile options, the need for more driving, and – subsequently – even more parking.”

The findings of the Study are consistent with the external data. Much of the parking areas around the Midtowner for similar apartment complexes are under-utilized. Based on the data collected from the Study indicating that the area is over-parked, coupled with the availability of mass transit and the projected future trends of use in ride-sharing platforms such as Uber and Lyft, the reduction of required off-street parking from 44 to 33 spaces is not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of the property owners and residents in the surrounding area.

- 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:

N90.5 W250 LYING N RR R/W LESS W33 FOR ST BLK 9, ABDO'S ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22869—Mark Capron

FILE COPY

Action Requested:

Modification of the previously approved site plan for Union High School (BOA-22553); Special Exception to permit alternative compliance parking ratios in an AG/RM-1 District (Section 55.050-K) to reduce the required number of parking spaces for a high school use. LOCATION: 6636 South Mingo Road East (CD 7)

Presentation:

Mark Capron, Wallace Engineering, 123 North Martin Luther King Boulevard, Tulsa, OK; stated that what has changed about last year's application is the number of parking spaces. Another consultant reviewed the parking lot and arrived at a different solution that improves the circulation, improves the aesthetics but it does not have the same number of parking spaces. There is enough parking for the students and there is also the ability to provide for event parking with some agreements with surrounding parking areas.

Mr. Van De Wiele asked Mr. Capron what the previous parking count was and what is that number being reduced to. Mr. Capron stated the previous count 1,527 and the count now is 1,385 for a reduction of 138 spaces or less than 10%.

Mr. Van De Wiele if this was just the student parking lot or is it also the faculty parking lot? Mr. Capron stated that it is just student parking during a school day. Mr. Van De Wiele asked Mr. Capron what the current student load count is for the 10th, 11th and 12th grades. Mr. Capron deferred to Mr. Bushyhead.

BOA-22869

FILE COPY

Interested Parties:

Charlie Bushyhead, Union Public Schools, 8506 East 61st Street, Tulsa, OK; stated there are 605 parking permits issued to students, so during the day students are in the south lot and a few faculty that park for the UMAC.

Mr. Van De Wiele asked what the typical graduating class size is. Mr. Bushyhead stated that it is about 1,100. There are about 3,500 children on the campus. Over the years the parking permits have reduced because there are more students that cannot afford a vehicle.

Ms. Radney asked Mr. Capron about the improvements to the circulation. Mr. Capron stated the original design approved last year, there was a north/south access point and what is there now is an access that goes to the main part of the building. There is curved parking with additional landscaping. There is also a central core sidewalk that is designed to bring everyone into the school.

Charlie Bushyhead came forward and stated there is a Superintendent Advisory Council and they meet with several students from all three grades at the high school. The students shared their concern about safety walking through the parking lot; that was one of the highest issues. The redesign brought in more curves in the parking with fewer runways and speed bumps have been added in that area, and there are more one-way lanes causing less interaction with vehicles and pedestrians.

Audrey Blank reminded the Board that in Section 55.050-K there are items that the Board of Adjustment needs to address or find in order to grant a Special Exception for the parking.

Mr. Van De Wiele read the conditions and asked if the Board had the study. Mr. Capron stated that a study had not been performed, because it was felt that having a nationwide study data brought together for what is typical in a high school did not compare to the realistic happenings within the subject high school. He did not think it was as important as what was actually happening with these parking requirements or parking needs.

Mr. Van De Wiele asked Ms. Blank if the Board has the ability to grant this if a parking study has not been submitted? Mr. Van De Wiele stated Item #2 and #3 have been covered in the determinations the Board is making. Mr. Capron believes that what he has a study is what was just heard about the parking permits that have been granted.

Ms. Blank thinks if the Board feels the information provided has satisfied that condition, they have the ability to find that they have received sufficient information.

Comments and Questions:

None.

BOA-22869

FILE COPY

Board Action:

On **MOTION** of **BOND**, the Board voted 3-1-0 (Bond, Ross, Van De Wiele "aye"; Radney "nay"; no "abstentions"; Shelton absent) to **APPROVE** the request for a **Modification** of the previously approved site plan for Union High School (BOA-22553); **Special Exception** to permit alternative compliance parking ratios in an AG/RM-1 District (Section 55.050-K) to reduce the required number of parking spaces for a high school use, subject to conceptual plans 10.09 and 10.10 of the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The Board also finds that the other allowed parking reduction alternatives of Section 55.050 are infeasible or do not apply and that 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; for the following property:

LT 1 BLK 1, UNION HIGH SCHOOL ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22870—Kory Myers

Action Requested:

Special Exception to allow an addition to a structure with a non-conforming front street setback (Section 80.030-D & Section 5.030, Table 5-3); **Special Exception** to permit a carport to be located inside the street setback and the street yard (Section 90.090-C1). **LOCATION:** 3849 South Atlanta Place East (CD 9)

Presentation:

Kory Myers, 2200 South Utica Place, Suite 216, Tulsa, OK; stated he is the architect remodeling an addition for the homeowners. The first Special Exception is for an addition to an existing non-conforming structure and the second Special Exception is to build a carport within 35 feet of the street setback. When originally platted in 1953 the structure was within the required 25-foot building line from the Atlanta Place right-of-way. A 35-foot setback under the current Zoning Code qualifies the structure as existing non-conforming. The proposal is to extend the second floor to align with the face of the existing garage to improve the aesthetic portion and function of the house. The proposed carport will provide temporary parking for vehicles and align the scale of the building south elevation with the context of the neighborhood. There are other carports in the proximity of the subject house. Mr. Myers would respectfully request the Board approve his application.

Mr. Bond asked Mr. Myers if this would increase the footprint of the house. Mr. Myers stated the total area was increased over the garage, but the footprint stays the same.

Interested Parties:

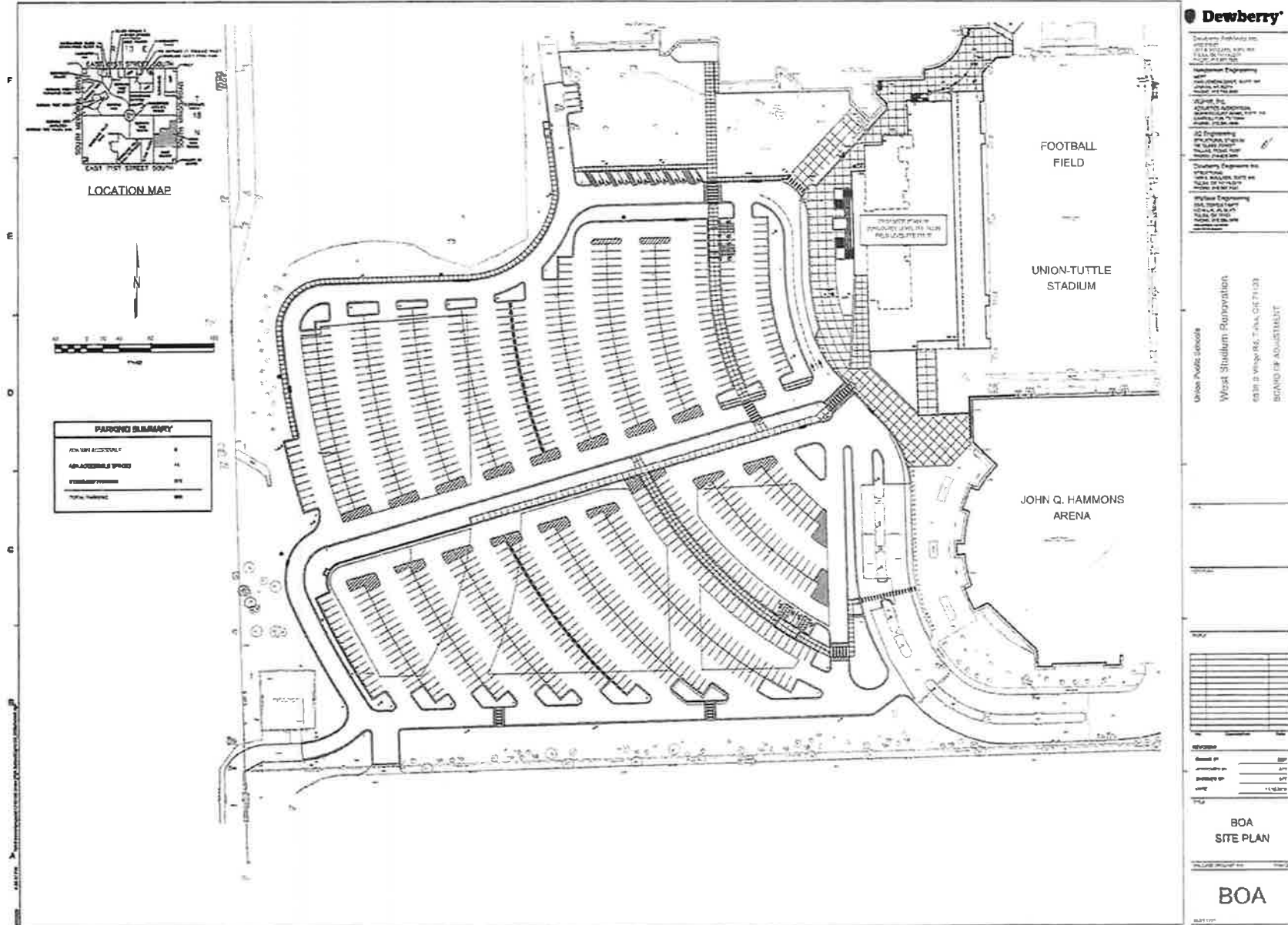
There were no interested parties present.

03/10/2020-1246 (18)

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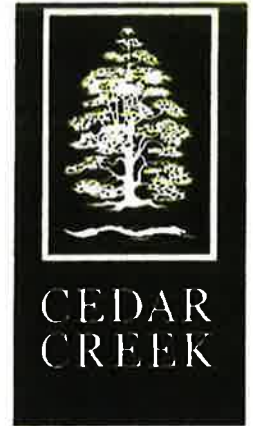


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City of Tulsa Board of Adjustment
2 W. 2nd St., 8th Floor
Tulsa, OK 74103
Attn: Austin Chapman

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.

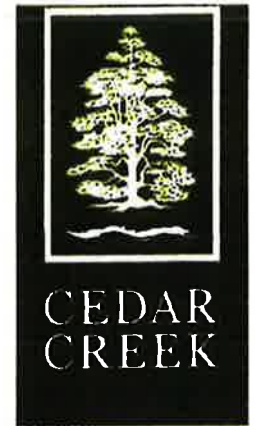
The school currently has 671 onsite parking stalls. The School has 53 faculty members and issued a total of 188 parking permits. This school has a low number of driving students thus limiting the number of needed parking stalls for daily school sessions. After the proposed modifications are made there 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.

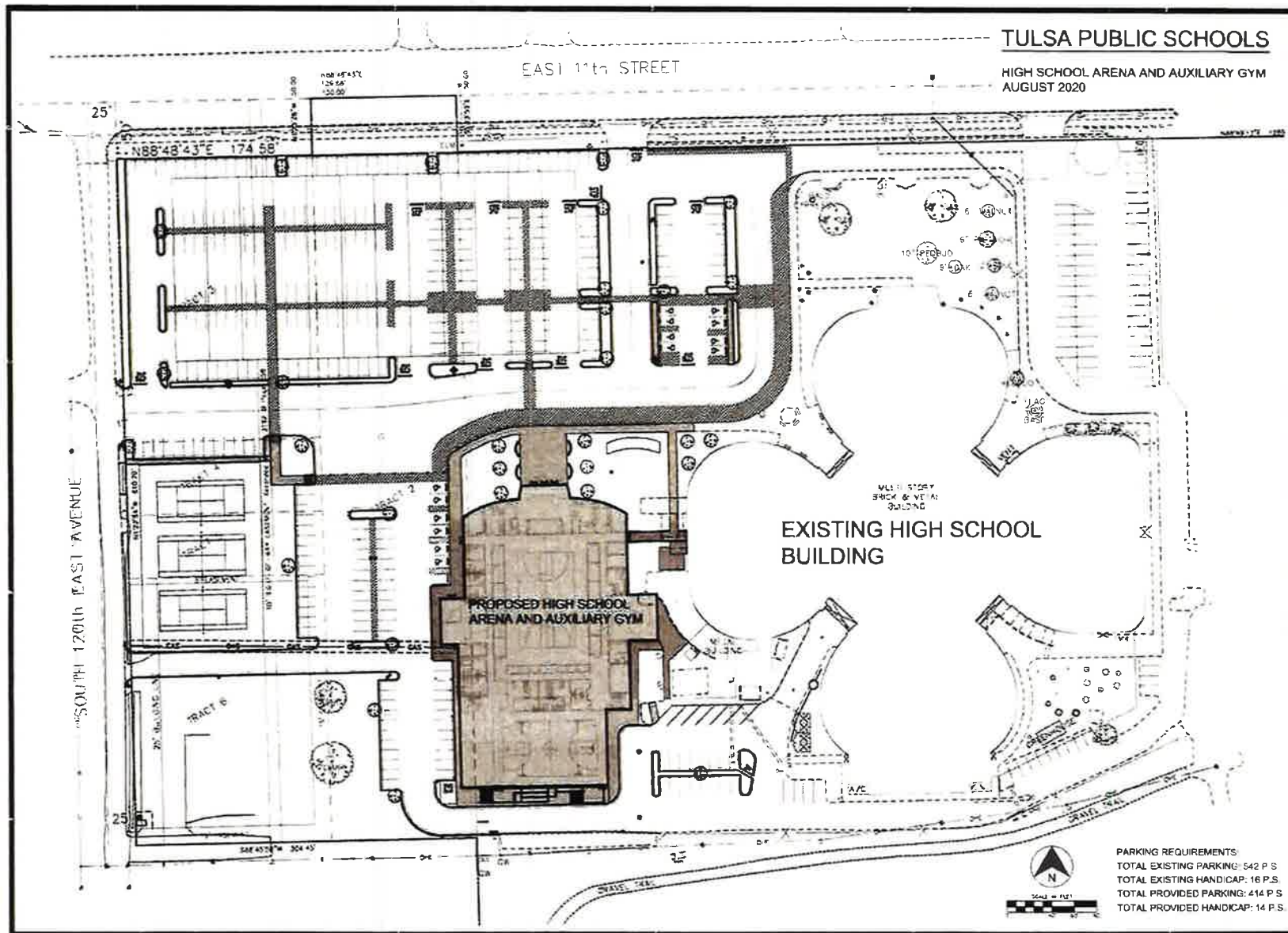
Additionally, in the event of a higher parking demand for an unforeseen scenario the campus has ample areas that could serve as designated temporary parking.

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

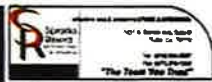


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TULSA PUBLIC SCHOOLS

HIGH SCHOOL ARENA AND AUXILIARY GYM
AUGUST 2020



ARCHITECTURE & INTERIOR DESIGN
Rosenberg & Associates, Inc.
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Tulsa, OK 74106
PH: 468-4007
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STRUCTURAL ENGINEER
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EAST CENTRAL HIGH SCHOOL ARENA AND AUXILIARY GYM

EAST CENTRAL HIGH SCHOOL
ARENA AND AUXILIARY GYM
Tulsa, OK

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SITE PLAN
CITY PERMIT SET

PARKING REQUIREMENTS:
TOTAL EXISTING PARKING: 542 P.S.
TOTAL EXISTING HANDICAP: 16 P.S.
TOTAL PROVIDED PARKING: 414 P.S.
TOTAL PROVIDED HANDICAP: 14 P.S.

C1.00



Prepared by Austin Chapman, achapman@incog.org, 918.579.9471

Item

Discuss and review the zoning code requirements for granting a variance and how to determine that a hardship exists.

Background

In granting a variance from the zoning code the Board must find the following condition exists per Sec. 70.130-H of the 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;
 - 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.

This may be an opportunity to review these items with new Board members and discuss their views on how to make this determination.

Attachment(s)

None.



Prepared by Austin Chapman, achapman@incog.org, 918.579.9471

Item

Discuss when to impose time limits for speakers and determine who should enforce that during the meeting.

Background

Over the past year Board meetings have grown in length due to an increase in cases and the use of remote video technology during hearings. The Policies and Procedures of the Board allow the Chair to set a time limit for each speaker.

Attachment(s)

None.