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 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.
BOARD OF ADJUSTMENT  
CASE REPORT

STR: 9224  
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 Bord approved a Special Exception to permit a carport in the required front yard in an RS-3 District. Property located 1030 East 38th Pl. South.

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

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

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

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

The Areas of Stability include approximately 75% of the city’s total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.
ANALYSIS OF SURROUNDING AREA: The subject tract is located West of the NW/c of E. 39th St. S. and S. Norfolk Ave. Included in your packet are photos of the property immediately West of the subject property, 1033 E. 39th St. S. This property has a structure that looks to have been constructed within the past 3 years based on historical aerials. That property contains a two-story home that was built without the need for relief by the Board of Adjustment.

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

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

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

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

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

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

1. Outdoor areas that are not occupied by buildings, driveways or parking areas and are generally useable by residents;

2. Driveways and parking areas located in the rear yard of a detached house or duplex; and

3. Green roofs covering 25% or more of the subject building's overall roof area.

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

STATEMENT OF HARDSHIP:

SAMPLE MOTION:

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

- Finding the hardship(s) to be______________________________.

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

- Subject to the following conditions __________________________..

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

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

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

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

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

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

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

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

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

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

Board Action:
On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-1-0 (Chappelle, Purser, Smith, Victor, "aye"; Wait "nay"; no "absten-tions"; 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 en-close) 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 unit.
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 pur-
chased 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 Ob-
structions) 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

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 (Bolzie, 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 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 previously had only one dwelling. He pointed out that duplexes usually fall into bad repair after a few years. Photographs (Exhibit JJ-2) were submitted.

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

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

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

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

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

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

Lots 1 and 2, Block 2, Eden's Re-sub, City of Tulsa, Tulsa County, Oklahoma.
Facing West on 39th

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

Facing East on 39th
LOD Number: 1
Nick Puma
40 E. 16th St.
Tulsa, OK 74119

APPLICATION NO: BLDR-065267-2020
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 1037 E. 39th St.
Description: New Single Family Residential home

<table>
<thead>
<tr>
<th>INFORMATION ABOUT SUBMITTING REVISIONS</th>
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<tbody>
<tr>
<td>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.</td>
</tr>
<tr>
<td><strong>REVISIONS NEED TO INCLUDE THE FOLLOWING:</strong></td>
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<tr>
<td>1. A COPY OF THIS DEFICIENCY LETTER</td>
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<tr>
<td>2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED</td>
</tr>
<tr>
<td>3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM</td>
</tr>
<tr>
<td>4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT</td>
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**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.**

<table>
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<tr>
<th>IMPORTANT INFORMATION</th>
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<tbody>
<tr>
<td>1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.</td>
</tr>
<tr>
<td>2. IF SUBMITTING REVISIONS FOR APPLICATIONS THAT PREVIOUSLY UTILIZED PAPER PLANS, EMAIL THE REVISED PLANS TO <a href="mailto:COTDEVSVCS@CITYOFTULSA.ORG">COTDEVSVCS@CITYOFTULSA.ORG</a> OR SUBMIT ELECTRONIC PLAN REVISIONS ON THE PORTAL AT <a href="HTTPS://TULSAOK.TYLERTECH.COM/ENERGOGOV4934/SELFSERVICE">HTTPS://TULSAOK.TYLERTECH.COM/ENERGOGOV4934/SELFSERVICE</a>. YOU WILL NEED TO REGISTER ON THE PORTAL IF YOU HAVE NOT PREVIOUSLY DONE SO. **</td>
</tr>
<tr>
<td>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 <a href="http://WWW.TULSAPLANNING.ORG">WWW.TULSAPLANNING.ORG</a>; IN PERSON AT 2 W. 2ND ST., 8TH FLOOR, IN TULSA; OR BY CALLING 918-594-7525 AND ASKING TO SPEAK TO SOMEONE ABOUT THIS LETTER OF DEFICIENCY.</td>
</tr>
<tr>
<td>4. A COPY OF A &quot;RECORD SEARCH&quot; IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE &quot;RECORD SEARCH&quot; 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.).</td>
</tr>
</tbody>
</table>
REVIEW COMMENTS

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


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

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

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

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

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

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

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

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

Here are the calculations for open space you requested.

Thanks,

Nick Puma

Sent from my iPhone

Begin forwarded message:

From: ryan scamehorn <creativehomedesigns216@msn.com>
Date: August 27, 2020 at 10:46:20 AM CDT
To: "n.puma@me.com" <n.puma@me.com>, Julius Puma <puma74011@yahoo.com>, Ben Welch <ideaschd1@gmail.com>
Subject: COVERAGE AREA

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

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

1. GUTTERS AND DOWNSPOUTS ARE NOT SHOWN. FOR QUANTITY, DOWNSPOUTS SHALL BE LOCATED TOWARDS THE FRONT AND BACK OF THE HOUSE. LOCATE DOWNSPOUTS IN NON-VISUAL OPENINGS.

2. TRIM EXISTING EXTERIOR WALLS, ROOF, EAVES, PORCH, COLUMN, ETC. GENERAL CONTRACTORS SHALL VERIFY EXISTING SHAKES AND COORDINATE ANY ADDITIONAL ADJUSTMENTS TO HOUSE WITH OWNER.

3. PLUMBING AND HVAC VENTS SHALL BE COVERED IN ATTIC TO LIMIT PENETRATIONS AND TO BE COVERED IN NON-VISUAL OPENINGS OF THE HOUSE AND SHALL BE PAINTED TO MATCH ROOF COLOR.

4. PROVIDE ATTIC VENTILATION PER LOCAL CODE REQUIREMENTS.

5. ATTIC FLOOR FLASHING TO BE CORRECTLY INSTALLED AT ALL CONNECTIONS BETWEEN ROOFS, WALLETS, LUMBER, PLUMBING, AND VENTILATION ELEMENTS. CONSULT AN EXISTING CONSTRUCTION PROCTOR.

6. CONTRACTOR SHALL PROVIDE ADDITIONAL ATTIC.

 Creative home designs

 PLAN SCALE: 1/4" = 1'-0"
Typical Wood Framed Two-Story Wall Section

CLOSED RISER STAIR DETAIL

2x6 RISER
7.75" MAX. (PER 2015 IRC)

2x12 STRINGER

2x12 TREAD
10" MIN. (PER 2015 IRC)

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

Subject Tract

BOA-22996

19-12 24

Aerial Photo Date: February 2018
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9213
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.

3.2
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)

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.

3.3
**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.”

**REVISED 10/5/2020**
Facing East on Hazel

Facing West on Hazel
Subject Property
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.

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 Shaufl (Sublett) that this application be passed until the next regular meeting.
All members voting yea. Carried.

Herbert Forest request for permission to extend canopy over driveway 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.
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, LORRANE TERRACE AMD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA
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.

**********
NEW G.A. W/ GUEST ABOVE TO REPLACE EXIST. G.A. W/ QUARTERS ABOVE. ORIG. G.A. TO STALL.

NEW 332.5 S.F. FOOTPRINT ALLOWED. 10% OF HOUSE 4,110.5 S.F. = 411 S.F. REQUIRED = 73.88' x 25% 134.7 S.F. 25% MAX = 461 S.F.

PROPOSED NEW COVERAGE OF REQ. REAL VALUED = 536 S.F.

REQ. OPEN SPACE READ: 5,000 $
ACTUAL PROPOSED: 4,798 $
Boa-23007

Subject Tract

19-12 13

Aerial Photo Date: February 2011

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

STR: 0235
CZM: 28
CD: 1

Case Number: BOA-23015

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

APPLICANT: Tom Neal

ACTIONS 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 POUDER 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,
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.

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**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)**

   ![Diagram of maximum height of accessory buildings](image)

   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**

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum Coverage of Rear Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS-1 and RE Districts</td>
<td>20%</td>
</tr>
<tr>
<td>RS-2 District</td>
<td>25%</td>
</tr>
<tr>
<td>RS-3, RS-4, RS-5 and RD Districts</td>
<td>30%</td>
</tr>
<tr>
<td>RM zoned Lots Used for Detached Houses or Duplexes</td>
<td>30%</td>
</tr>
</tbody>
</table>

---

**4.3**

REVISED 10/13/2020
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

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)
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 210.8.5.a). Finding that this existing detached garage built in 1917 is in a dilapidated 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 POUDER 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)
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 Northeastly 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 contain-
ing 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 con-
tains 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, Poudre 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)
Facing South on Denver

Facing North on Denver
ZONING CLEARANCE PLAN REVIEW

September 9, 2020
Phone: 918-231-7372

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

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/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.
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
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>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum Coverage of Rear Setback</th>
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<tr>
<td>RS 1 and RE Districts</td>
<td>20%</td>
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<tr>
<td>RS 2 District</td>
<td>30%</td>
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<td>RS 2, RS 3, RS 4, RS 5 and RD Districts</td>
<td>20%</td>
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<tr>
<td>RUN Zoned Lots Used for Detached Houses or Duplexes</td>
<td>30%</td>
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</table>

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:

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.
Subject Tract

BOA-23015
20-12 35

Aerial Photo Date: February 2018

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

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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):
  
  __________________________________________________________.

5.3
REVISI 10/13/2020
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

[Signature]

Chairman

8.25.83:394(31)
Subject property

Facing East on 26th Pl
Facing West on 26th Pl.
ZONING CLEARANCE PLAN REVIEW

9/16/2020

APPLICATION NO: ZN LOD- 68580-2020  (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Project Location: 1037 E 26th Pl 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” 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

SECCTIONS 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 ½ the right-of-way (ROW) designated on the major street plan.

   **Review Comments:** Revise your plans to indicate a 25’ front setback to the property line, 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. Kink to Zoning Code: http://www.tmapc.org/Documents/TulsaZoningCode.pdf

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

END – ZONING CODE REVIEW

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.
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.
Note: Graphic overlays may not precisely align with physical features on the ground.
Feet
BOA-23017

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

Subject Tract

BOA-23017
20-12 24

Aerial Photo Date: February 2018

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E 27 ST N

NNORFOLK AVE

E 26 PL N

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BOARD OF ADJUSTMENT
CASE REPORT

STR: 9326
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

PRESENT USE: School (Dove Academy)

ZONED: RS-3

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.
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)

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**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, the board of adjustment had authority to approve site-specific CDPs.

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**TULSA ZONING CODE | July 1, 2020**

**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, CDP20, CDP20, CDP24, CDP25, CDP26, CDP27, CDP28, CDP29, CDP30, CDP31, CDP32, CDP33, CDP34, CDP35, CDP36, CDP37, CDP38, CDP39, CDP40, CDP41, CDP42, CDP43, CDP44, CDP45, CDP46, CDP47, CDP48, CDP49, CDP50, CDP51, CDP52, CDP53, CDP54, CDP55, CDP56, CDP57, CDP58, CDP59, CDP60, CDP61, CDP62, CDP63, 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.

---

6.3

REVISED 10/13/2020
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 WESTERLY 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.

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 "abstentions") 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
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

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 SWc, 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.
Case No. 17486 (continued)

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 wandering 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

Shawnty D. Abbott

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 may 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";
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:
Cherie 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

6.2.83:388(11)
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.

4.29.82:361(4)
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 steel building is proposed for economical reasons. He said that the building would not be inconsistent with the surrounding area.

4.29.82:361(5)
Protests:

Remarks:

Board Action:

None present.

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.

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.

COMUNICATIONS:

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.

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.
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

[Signature]
Chairman
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

1.22.69:739(11)
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.

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<th>Staff Present</th>
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<tr>
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<td>Leavitt</td>
<td>Wilmoth</td>
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<tr>
<td>Martin</td>
<td>Martin</td>
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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
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
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.
Subject property

Facing East on 49th St.
Facing North on 72nd E. Ave.
Note: Graphic overlays may not precisely align with physical features on the ground.
Subject Tract

BOA-23019

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

Aerial Photo Date: February 2018

19-13 26
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

***

7.1

REVISED 10/13/2020
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

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)
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.
Location Address  Parcel Number
1251 S 61ST AVE W Tulsa, Tulsa, OK 74127  99208920831760

Contacts

Chris Kinnamon
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

Payment Schedule:

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Fees

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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
Date: May 13, 2020

Authorized Signature
Date: September 15, 2020
Location Address: 1402 S 65TH AVE W A, Tulsa, OK 74127
Parcel Number: 99208920808680

Contacts

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

Engineer
Craig and Keithline
6940 S Utica AVE, Tulsa, OK 74136
(918)743-6611

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

Valuation: $0.00
Total Sq Feet: 0.00

Fees

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Fee (Watershed)</td>
<td>$50.00</td>
</tr>
<tr>
<td>Permit and Licensing System</td>
<td>$4.00</td>
</tr>
<tr>
<td>Maintenance Fee</td>
<td>$114.00</td>
</tr>
<tr>
<td>Record Retention Fee</td>
<td>$262.00</td>
</tr>
<tr>
<td>Stormwater Impact Review Fee</td>
<td>$26.84</td>
</tr>
<tr>
<td>System Development Fee</td>
<td>$56.84</td>
</tr>
<tr>
<td>Total</td>
<td>$456.84</td>
</tr>
</tbody>
</table>

Available Inspections:
- 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
Date: March 27, 2020

Authorized Signature
Date:

September 15, 2020
SHERWOOD CONSTRUCTION COMPANY

PLAN OF PROPOSED

GILCREASE EXPRESSWAY BORROW SITE

SITE PLAN AND EROSION CONTROL PLAN

PROPERTY OWNER: OAKLEY PROPERTIES, LLC

TULSA COUNTY, OKLAHOMA

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 IBD DESCRIPTIONS 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.

[Signature]

Date: 3/12/20

2000 OKLAHOMA STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION

FEMA FLOODPLAIN INFO -- SEE SHEET 3

TULSA REGULATORY FLOODPLAIN INFO -- SEE SHEET 5

STANDARD DRAWINGS

ODOT Standards

SSS-1-1

TSC2-3-2

TSD-2-0

PULLED:

Tulsa, Oklahoma

By:

Date: 3/12/20
# STORM WATER MANAGEMENT PLAN

## SITE DESCRIPTION

<table>
<thead>
<tr>
<th>PROJECT LIMITS</th>
<th>BEGIN AT WEST 11TH STREET SOUTH AND SOUTH 65TH AV SOUTH, TO THE ARKANSAS RIVER LEVEL BY 647 FEET TIDE</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROJECT DESCRIPTION</td>
<td>ROBSON AREA FOR GILCREASE EXPANSION PROJECT ORALO. TULSA COUNTY AUTHORITY CONTRACT OCT-2009</td>
</tr>
</tbody>
</table>

SUGGESTED SEQUENCE OF EROSION CONTROL ACTIVITIES: PRIOR TO INITIATING SOIL DISTURBING ACTIVITIES, THE CONTRACTOR SHALL INSTALL ALL PERIPHERAL TEMPORARY SEDIMENT CONTROLS SPECIFIED.

- **STRIP, STOCKPILE AND STABILIZE SOIL**
- **CLEAN AND GRUB ONLY IN NECESSARY AREAS**
- **INSTALL, MAINTAIN AND USE VARIOUS TEMPORARY SEDIMENT CONTROLS WITH CONSTRUCTION OPERATIONS AS PRACTICAL**
- **PLANT TEMPORARY SEEDING AS NEEDED**
- **REPLACE SALVAGED SOIL**
- **EROSION CONTROL MEASURES VARY AHER AN ACCEPTABLE VEGETATIVE COVER HAS BEEN ACHIEVED**
- **THE CONTRACTOR WILL MAINTAIN A LOG OF THE NOTES OF MAJOR SOIL DISTURBANCES AND ACTIVITIES AND THE NOTES OF INSTALLATION OF EROSION CONTROL MEASURES**

**SOIL TYPE:** B. VERY FINE SANDY LOAM  
**TOTAL AREA OF THE CONSTRUCTION SITE:** 19.63 ACRES  
**ESTIMATED AREA TO BE DISTURBED:** 18.00 ACRES  
**OFFSITE AREA TO BE DISTURBED FOR CONSTRUCTION:** NA  
**TOTAL IMPERVIOUS AREA PRE-CONSTRUCTION:** 0.00 ACRES  
**TOTAL IMPERVIOUS AREA POST-CONSTRUCTION:** 0.00 ACRES  
**POST-CONSTRUCTION RUNOFF COEFFICIENT OF THE SITE:** 0.30  
**LATITUDE & LONGITUDE 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 COL. FISH BIO ASSESSMENTS  
**LOCATED IN A TMDL:** YES NO ❌  
**LAKE THUNDERBIRD TMDL:** YES NO ❌  
**MIS ENTITY:** YES NO ❌  
**IF YES, LOCATION CITY OF: TULSA, TULSA COUNTY**

## EROSION AND SEDIMENT CONTROLS

**SOIL STABILIZATION PRACTICES:**
- **TEMPORARY SEEDING**
- **PERMANENT SEEDING, AVOIDING OR SEEDING**
- **VEGETATIVE MULCHING**
- **SOIL RETENTION BLANKET**
- **PRESERVATION OF EXISTING SLOPES**

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

**STRUCTURAL PRACTICES:**
- **STABILIZED CONSTRUCTION ERT**
- **TEMPORARY SILT FENCE**
- **TEMPORARY SEE THROUGH CLEAT**
- **STATUTORY INTERCEPTOR OR PERIMETER DITCHES**
- **DIVERSION, INTERCEPTOR OR PERIMETER DITCHES**
- **ROCK FILTER DRAINS**
- **TEMPORARY SLOPE GRADING**
- **PAVED DITCH OR DITCH LINER PROTECTION**
- **TEMPORARY DIVERSION CHANNELS**
- **TEMPORARY SEDIMENT BARRIERS**
- **TEMPORARY SEDIMENT TRAPS**
- **TEMPORARY SEDIMENT FILTERS**
- **TEMPORARY SEDIMENT REMOVAL**
- **IMPACT**
- **SILT SEDIMENT FILTER**
- **TEMPORARY BRUSH SEDIMENT BARRIERS**
- **SANDBAR BEND**
- **TEMPORARY STREAM CROSSINGS**

**OFFSITE VEHICLE TRACKING:**
- **HIGH roads traveled FOR DUST CONTROL**
- **LOADED TRUCKS TRUCKS TO BE COVERED BY TOPSOIL**
- **EXCESS DIRT ON ROAD REMOVED DAILY**

**EIGHT PROJECT = 19.63 AC**

**TEMPORARY SEDIMENT BARRIER FOR PUMPED WATER:** SEDIMENT BARRIER WILL BE REMOVED FROM TEMPORARY SEDIMENT BASIN WHEN HALF FULL

**THAT 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 ACCEPTANCE. ALL TEMPORARY SEDIMENT CONTOlS MUST BE MAINTAINED, INSPECTION OF THE CONTRACTOR BY ANY NECESSARY PERSONS SHALL BE PERFORMED DURING EVERY 7 CALENDAR DAYS AND WITHIN 24 HOURS AFTER ANY STORM EVENT GREATER THAN 1 IN 10 YEARS OR SUCH FUTURE NOTICE TO BE LOCATED ON SITE. POTENTIALLY CRITICAL AREAS, DRAINAGEWAYS, MATERIAL STORAGE, STRUCTURAL BARRIERS, CONSTRUCTION ENTRANCES AND ENTRIES ALONG WITH EROSION AND SEDIMENT CONTROL LOCATIONS ARE EXAMPLES OF SITES THAT NEED TO BE INSPECTED.

**WASTE MATERIALS:**

- PROPER MANAGEMENT AND DISPOSAL OF CONSTRUCTION AND WASTE MATERIAL IS REQUIRED BY THE CONTRACTOR. MATERIALS INCLUDE STICKYadoo, CHLORINE, DEBRIIS, AND ALL OTHER PRODUCTS FROM THE CONSTRUCTION PROCESS. PRACTICES INCLUDE DISPOSAL, PROPER MATERIALS HANDLING, SPILL PREVENTION AND CLEANSUP MEASURES. CONTROL 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 LOCAL REGULATIONS AND ALL LOCAL REGULATIONS. NAMES AND HANDLING, DISPOSAL, SPILL PREVENTION AND CLEANSUP MEASURES. EXAMPLES INCLUDE BUT ARE NOT LIMITED TO PARAFFIN, ACRES, CLEANING SOLVANTS, CHEMICALS, SATURATES, CONCRETE CURING COMPOUNDS AND CONTAINING MATERIALS.

**GENERAL NOTES:**


**REVISED AND APPROVED BY**

- CRAIG & KEITHLINE, INC.
  - By: [Signature]
  - Date: [Date]
  - Project No.: [Project No.]
  - Date: [Date]

**IN ADDITION**

- "GOOD GENERAL PERMIT (OKR16) FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES WITHIN THE STATE OF OKLAHOMA, "GOOD WATER QUALITY DIVISION, SEPTEMBER 15, 2017"
Oklahoma Department of Environmental Quality
Authorization to Discharge Under the OPDES Stormwater Construction General Permit OKR10

AUTHORIZATION NO. OQR1030788

In compliance with the Oklahoma Pollution Discharge Elimination System (OPDES) Act 27A O.S. §2-9-201, the Rules of the Department of Environmental Quality (DEQ), and in reliance on the certified statements and representations hereof made in the application,

Sherwood Construction Co Inc
1646 S 161st E Ave
Tulsa, OK 74136

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

Gilcrease Borrow North
5493 W 119th St
Tulsa, OK 74127

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

This OPDES requires permittees to have a Stormwater Pollution Prevention Plan (SWP) 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 January 29, 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 19, 2017, shall apply to the recipient of this authorization.

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

7.12
TULSA REGULATORY FLOODPLAIN
DOWNLOAD 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 COMPANY

PLAN OF PROPOSED

GILCREASE EXPRESSWAY BORROW SITE

SITE PLAN AND EROSION CONTROL PLAN

PROPERTY OWNER: SHANE & JOANIE DORRIS

TULSA COUNTY, OKLAHOMA

STANDARD DRAWINGS

ODOT Standards
S5S-1-1
TSC2-3-2
TSD-2-0

309 OKLAHOMA STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION

INDEX OF SHEETS
1. Title Sheet
2. Plan View of Borrow Site
3. Storm Water Management Plan
4. DEQ 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 IEP DESCRIPTION; THAT THESE PLANS HAVE BEEN PREPARED UNDER MY DIRECT SUPERVISION; THE ADOPTED AND FORECLOSING 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.

KEVIN A. KRIEBEL
14850

CRAIG & KEITHLINE, INC.
Certification of Authorization No. CA 1216
Revised Date: June 30, 2020

Drawn by

DRAFTED FOR:

SHERWOOD CONSTRUCTION COMPANY

R 1000

309 OKLAHOMA STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION
STORM WATER MANAGEMENT PLAN

SITE DESCRIPTION

- Project Limits: LEP11 REC 477.015 NNE NW Th FBII (-07.91443)
- Survey: POB SEC 8 19 12.16 #13460

- Project Description: BORON AREA FOR GILCREASE EAGLEWAY PROJECT

- 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 repair temporary sediment controls 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 dates of major soil disturbance activities and also the results of installation of erosion control measures.

- Soil Type: B, Very Fine Sandy Soil
- Estimated Area to Be Disturbed: 10.00 Acres
- Offsite Area to Be Disturbed: NA
- Total Impervious Area Pre-Construction: 0.00 Acres
- Total Impervious Area Post-Construction: 0.00 Acres
- Post Construction Runoff Coefficient of the Site: 0.30

- Project WILL DISCHARGE TO:
  - Arkansas River

- Sensitive Waters or Watersheds: No
- 303(d) Impaired Waters: No
- E ColI. Fish Bio: 4555555

- Located in a TMDL:
  - Yes
  - Yes

- Lake Thunderbird TMDL:
  - Yes

- MS4 Entity:
  - Yes

- If Yes, Location:
  - City of Tulsa, Tulsa County

- Soil Stabilization Practices:
  - X. Temporary Seeding
  - X. Permanent Seeding, Stockpiling, or Seeding
  - X. Vegetative Barriers
  - X. Soil Retention Blanket
  - X. Preservation of Existing Vegetation

- Structural Practices:
  - X. Stabilized Construction Area
  - X. Temporary Silt Fence
  - X. Temporary Stakes
  - X. Temporary Filter Coarse
  - X. Temporary Ditch Protection
  - X. Temporary Sediment Basins
  - X. Temporary Sediment Strips
  - X. Temporary Sediment Traps
  - X. Temporary Sediment Filters
  - X. Temporary Sediment Removal

- Offsite Vehicle Tracking:
  - X. haul roads fenced for control
  - X. haul trucks to be covered with tarp
  - X. excess day on road removed daily

- Notes:
  - Total Project = 14.81 AC

- 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. All inspection by the contractor and any necessary repair shall be performed on Tuesday, Wednesday, and Thursday within 24 hours after any storm event greater than 0.50 inches recorded by a non-failings rain gauge located on site, potentially crossing area.
    - Construction. Time limits for completion of erosion and sediment control measures on all sites that need to be inspected:
  - Waste Materials:
    - Proper management and disposal of construction waste material is required by the contractor. Materials include steel pipe, surplus, debris, and all other by-products resulting from the construction process. Practices include disposal of free-run waste water, spill prevention and cleanup measures, and 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 ensuring that all materials are stored, transported, and disposed of in a manner consistent with the requirements of the applicable regulations. Materials include, but are not limited to paints, acids, cleaning solvents, chemical cleaners, 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's (OPDES) regulations. The plans will be reviewed and approved by the OPDES.

- Reviewed and Approved by:
  - CRAIG & KEITHLINE, INC.

- 5.7.21

- IN ADDITION:
  - "OOGC GENERAL PERMIT (GOGP) FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES WITHIN THE STATE OF OKLAHOMA." OOGC WATER QUALITY DIVISION, SEPTEMBER 13, 2017

- Sherdwood Construction
  - Gilcrease Express, BORON SITE
  - Storm Water Management Plan
  - Site owner: Shane & Joniee DAVIS
  - TULSA COUNTY
Oklahoma Department of Environmental Quality
Authorization to Discharge Under the ODOES Stormwater Construction General Permit OKR10

ALTERNATIVE NO. OKR103684

In compliance with the Oklahoma Pollution Discharge Elimination System (OPDES) Act 27A O.S. §27-6-20, the Rules of the Department of Environmental Quality (DEQ), and in reliance on the certifications and representations herein, the owner, operator, or responsible person for the subject construction site, hereby authorizes the discharge of stormwater from the subject construction site into a waterbody which is regulated under the OPDES Act and Rules of the Department of Environmental Quality.

Sherwood Construction Co Inc
1640 S. 91st East Ave
Tulsa, OK 74128

The facility is authorized to discharge stormwater from the construction site located in Tulsa County at:

Gulfgate Borrow North - Dover.
1 mi south of W 50th St S 5 east of S 41st East Ave
Parcel 9808-42-08-31760
Tulsa, OK 74127

The receiving body of water is the Arkansas River.

The facility discharges into a 3050(f) federal wetland.

The OPDES requires permittees to have a Stormwater Pollution Prevention Plan (SPWP) 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 on October 17, 2022.

As terms and conditions of the modified OPDES Stormwater Construction General Permit OKR10, as published on October 10, 2017 shall apply to the recipient of this authorization.

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

April 16, 2020

To: Kyle Allen
Sherwood Construction Co Inc
1640 S. 91st East Ave
Tulsa, OK 74128

Re: Authorization to Discharge under the OPDES Stormwater Construction General Permit OKR10

Dear Kyle Allen:

This Notice of Intent (NOI) for the facility located above was made on April 3, 2020 and presented to the OPDES Stormwater Construction General Permit OKR10 for the following site located in Tulsa County.

Facility:
Gulfgate Borrow North - Dover
1 mi south of W 50th St S 5 east of S 41st East Ave
Parcel 9808-42-08-31760
Tulsa, OK 74127

Site owners must obtain an oil and gas permit of the Authorization shall be available for the permit period.

Please note: Once this permit is complete and valid, you may construct your project by submitting a Notice of Construction (NOC) form to the OPDES Stormwater Construction General Permit OKR10.

If you have any questions regarding this permit or the OPDES Program, please call Matt Pace of the Environmental Programs Manager at (918) 595-7620.

Sincerely,

Matt Pace
Environmental Programs Manager

Sherwood Construction
GILCREASE EXPO, BORROW SITE DEO - GENERAL PERMIT OKR10

Site Owner: Shane & Joanne Dorris

Tulsa County
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9309
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

PRESENT USE: Residential

ZONED: RS-3

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.

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)
The applicant is replacing and 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
ZONING CLEARANCE PLAN REVIEW

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.incoog.org OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.

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

(continued)
Note: As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 594-7526. 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 SUBMITAL FROM THE APPLICANT.

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

60.00' 36.8'' 18.0'' 15.4''

35.00' 30.00' 20.00' 15.00'

32.0'' 7.9'' 33.0'' 19.3''

SCALE 1'' = 20.00'

LOT 1 BK 1

1929 ALTHAM

FILL, D.E.
New Storm Water Run-Off Plan w/ Attached Garage Bldg.

Scale: 1" = 25.00'
Lot 7, Block 1

City of Tulsa, Tulsa County, Oklahoma

8.15
Note: Graphic overlays may not precisely align with physical features on the ground.

BOA-23021

Subject Tract

19-13 09

Aerial Photo Date: February 2018
OTHER BUSINESS:

BOA WORK SESSION
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.
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.
DOUBLE SIDED BLADE ID

.057' Alum. Filler Between Cabinets, Pre-Finished - Black (Matte).

Internal White LED Illumination (Remote Mount Power Supply).
Cabinets Attach to Vertical 4' Sc. 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 Fibre Strip Steel Channel Supports,
(1) 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 Engage Design),
Painted Finish - Black (Satin).

C. Building Attachment Points (Provisional Only): (4) Horizontal - 4' Steel Sq. Tubes w/ Match Plates,
Painted Finish - Black (Satin).

4TH FLOOR
34'4"

TOP OF UPPER
PARKING LEVEL
36'3"

TOP OF RAMP
124'10" L.T.

TOP OF INTERMEDIATE
PARKING LEVEL
115-3 1/2'

Secondary 12v Wiring to 3d Insides 4 (Vertical) Sq. Tube
Cut Through One (1) Lower - 4' (Horizontal) Sq. Tube & Match Plate
Into Remote Power Supply Box
12v Circuit Provided by Customer (Location 1BD)

EAST ALLEY
101'4"

MAIN ENTRY
100'0"

PROJECT: DAVENPORT
LOCATION: 455 N Waco, Tutu, FL
SALES REP: Brian Word
FILENAME: Blade ID

DATE: 1/30/2020
SIZE: AS NOTED
DRAWN BY: RAM

9.10
DOUBLE SIDED BLADE ID

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

 1.0


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


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

MATCH PLATE DETAIL

SCALE: INCREASED BY 1000%

WEST ELEV.

SCALE: NTS
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.
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
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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

BOA - TANNER CONSULTING LLC, CERTIFICATE OF AUTHORIZATION NO. CA 2661
JANUARY 2017
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. 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. 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 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 (indoor)."
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

SCOPE OF WORK

NEW CONSTRUCTION OF A 3 STORY, 30 UNIT APARTMENT COMPLEX

CHANGES TO THE APPROVED DRAWINGS AND SPECIFICATIONS

CHANGES TO THE CITY-APPROVED DRAWINGS AND SPECIFICATIONS SHALL BE SOLED BY AN AMENDMENT OF A CHANGE ORDER APPROVED BY THE CITY OF TULSA AS REQUIRED BY THE ARCHITECT OF RECORD.
## PARKING STUDY

**Project Name:** The Midtowner  
**Project Address:** 3320 East 37th Street South, Tulsa, Oklahoma 74135

**Report By:** W Design

### Neighborhood Apartment Parking:
*(please refer to map on page 2)*

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

*Required parking range calculated to account for missing data on unit types.*
A – Heather Ann Apartments

11/06/2019, 7:00am
16 parking spaces
8 vacant

10/29/2019, 7:00pm
16 parking spaces
11 vacant
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
C - Kimberly Apartments

25 parking spaces
17 vacant

10/15/19, 7:30pm
25 parking spaces
21 vacant

11/06/19, 7:09am
D – Harvard Gardens

10/30/2019, 7:06am
10 parking spaces
5 vacant

11/04/2019, 7:08pm
10 parking spaces
5 vacant
E - La Cabana

11/06/19, 7:00am
13 parking spaces
12 vacant

10/15/19, 7:30pm
13 parking spaces
10 vacant
F - Charmont Apartments

10/30/19, 7:07am

14 parking spaces
8 vacant

10/15/19, 7:30pm

14 parking spaces
9 vacant
G – Belle Arms

10/30/19, 7:10am
23 parking spaces
20 vacant

11/04/19, 6:55pm
23 parking spaces
21 vacant
H - The Luxor

11/06/19, 7:00am
19 parking spaces
11 vacant

10/15/19, 7:30pm
19 parking spaces
8 vacant
I - Ranch Acres Manor

11/06/19, 7:10am

26 parking spaces
17 vacant

10/31/19, 7:30pm

26 parking spaces
19 vacant
J – South Wind

10/30/19, 7:00am

12 parking spaces
11 vacant

10/15/19, 7:30pm

12 parking spaces
11 vacant
L - Indianapolis East Oak

10/30/19, 7:07am
15 parking spaces
8 vacant

10/15/19, 7:30pm
15 parking spaces
8 vacant
Approximate location of the Midtowner
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**

**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.
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.
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.
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 onsite 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.

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Lance Mills, PE
TULSA PUBLIC SCHOOLS
HIGH SCHOOL ARENA AND AUXILIARY GYM
AUGUST 2020

PARKING PROVIDED:
TOTAL EXISTING ON SITE PARKING: 677 P.S.
TOTAL EXISTING ON SITE HANDICAPS: 70 P.S.
TOTAL PROVIDED ON SITE PARKING: 244 P.S.
TOTAL PROVIDED OFF SITE PARKING: 55 P.S.

EXISTING ARENA AND AUXILIARY GYM
EXISTING PARKING:
EXISTING FOOTBALL FIELD
EXISTING BASEBALL FIELD
EXISTING SOFTBALL FIELD

EXISTING HIGH SCHOOL
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 form 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.
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.