

AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, November 10, 2020, 1:00 P.M.

Meeting No. 1262

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

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

Join **Videoconference**: <https://www.gotomeet.me/COT4/boa-gotomeeting-in-council-chambers-november-10th>

Join **Teleconference** by dialing: +1 (872) 240-3412

Participants must then enter the following **Access Code**: 488-434-429

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<https://global.gotomeeting.com/install/488434429>

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 22, 2020 (Meeting No. 1259).
2. Approval of **Minutes** of October 13, 2020 (Meeting No. 1260).

UNFINISHED BUSINESS

3. **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)**

NEW APPLICATIONS

4. **23022—Lubarje, LLC – Todd Maxwell**

Appeal of the Administrative Decision denying permit ZCO-067561-2020 for a Medical Marijuana Dispensary (Section 70.140). **LOCATION:** 7315 South Memorial Drive East **(CD 7)**

5. **23023—Katy Anderson**

Special Exception to allow a Commercial/Assembly & Entertainment/Outdoor Use in a CS District (Section 15.020, Table 15-2). **LOCATION:** 1711 East Skelly Drive South **(CD 9)**

6. **23024—David Reed, AIA**

Variance to increase the permitted height from 35 feet to 47 feet in a RS-3 District (Section 5.030, Table 5-3). **LOCATION:** 12150 East 11th Street South **(CD 6)**

7. **23025—Eller & Detrich – Lou Reynolds**

Special Exception to permit a medical marijuana grower operation (Agricultural/Horticulture Nursery Use) in the CH District (Section 15.020, Table 15-2). **LOCATION:** 6934 East 11th Street South **(CD 5)**

8. **23026—Tom Neal**

Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (Section 45.031-D); 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); Variance to allow the floor area of an Accessory Dwelling Unit to exceed 500 square feet or 40% of the floor area of the principal residential structure (Section 45.030-A2 and Section 45.031-D6.a). **LOCATION:** 1523 East 35th Street South **(CD 9)**

9. 23027—Tom Neal

Variance to allow more than 30% coverage of the rear setback for a detached accessory building in an RS-3 District (Section 90.090-C.2). **LOCATION:** 1601 South Detroit Avenue East **(CD 4)**

10. 23028—Jack G. Arnold

Special Exception to increase the permitted driveway width on the lot inside the street setback (Section 55.090-F). **LOCATION:** 2797 South Columbia Place East **(CD 4)**

11. 23029—Eller & Detrich – Andrew Shank

Appeal of the Administrative Decision issued in the Letter of Deficiency written September 30, 2020 for permit application **SIGN-070484-2020**, stating that the existing dynamic display off-premise outdoor sign, located in the River Design Overlay (RDO-2), requires a permit and a Variance to replace the tri-fold dynamic display sign with LED dynamic Display (Section 70.140) **OR** in the alternative a Variance from Section 80.060-B.1 of the Code to “update an existing non-conforming tri-fold dynamic display off- premise outdoor advertising sign in a River Design Overlay District to an LED dynamic display sign”. **LOCATION:** 9904 South Riverside Parkway East **(CD 2)**

The applicant requests a continuance to December 8, 2020.

12. 23033—Aaron Cissell

Variance of the required 25-foot rear setback in the RS-2 District (Section 5.030, Table 5-3); Variance to allow a nonconforming lot to have less than 50% open space (Section 80.020-B). **LOCATION:** 1360 East 27th Street South **(CD 4)**

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

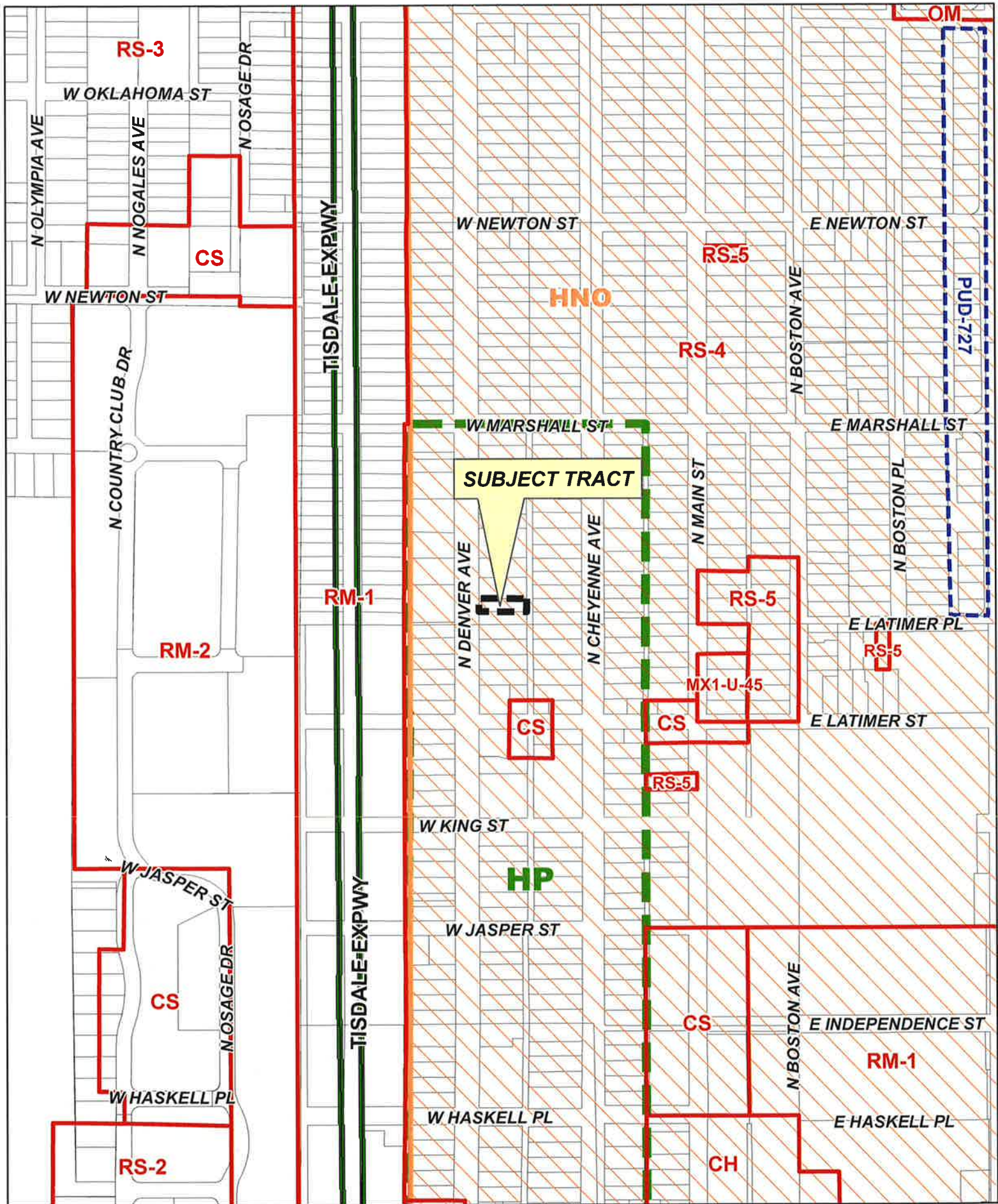
Website: tulsaplanning.org

E-mail: esubmit@incog.org

CD = Council District

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

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



BOA-23015

3.1

20-12 35



BOARD OF ADJUSTMENT CASE REPORT

STR: 0235

Case Number: **BOA-23015**

CZM: 28

CD: 1

HEARING DATE: 11/10/20 (*Continued from 10/27/2020*) 1:00 PM

APPLICANT: Tom Neal

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

LOCATION: 1129 N DENVER AV W

ZONED: RS-4

PRESENT USE: Residential

TRACT SIZE: 6952.2 SQ FT

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

RELEVANT PREVIOUS ACTIONS:

Subject property: None.

Surrounding Properties:

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

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

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

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

An **Existing Neighborhood** is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation,

3.2

REVISED 10/29/2020

improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

ANALYSIS OF SURROUNDING AREA: The subject tract is located North of the NE/c of N. Denver Ave. and W. Latimer St.

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

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

80.020-B Nonconforming Lots in Residential Zoning Districts

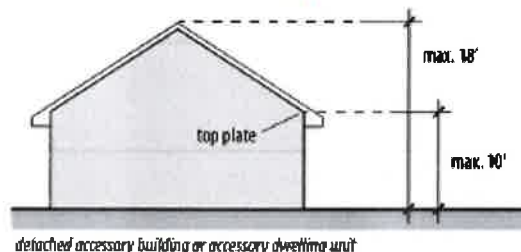
In residential zoning districts, a single detached house may be erected on a nonconforming lot without complying with the minimum lot area, minimum lot area per unit, minimum lot width, minimum street frontage or minimum open space per unit requirements of the subject zoning district, **provided that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

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

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

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

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



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

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

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

Applicant is allowed 801.6 sf of floor area for their ADU, they are proposing a 1,584 sf ADU.

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

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

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

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

SAMPLE MOTION:

Special Exception:

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

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

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

Variances:

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

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

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

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

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

Section 45.030 Accessory Buildings and Carports in R Districts

45.030-A Accessory Building Size

1. RE and RS-1 Districts

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

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

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

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

45.030-B Carports

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

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

Section 45.031-A Definition

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

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

Section 45.031-B Purpose

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

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

Section 45.031-C Applicability

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

Section 45.031-D Regulations

1. Where Allowed

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

2. Number

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

3. Methods of Creation

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

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

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

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

5. Open space (Minimum open space per unit)

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

6. Accessory Dwelling Unit Size

a. RE and RS-1 Districts

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

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

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

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

7. Building and Fire Codes

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

8. Additional Regulations for Accessory Dwelling Units

a. Entrances

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

b. Setbacks

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

c. Exterior Finish Materials

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

d. Roof Pitch

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

Section 45.040 Compressed Natural Gas (CNG) Refueling Appliances

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

Section 45.050 Dumpsters

45.050-A Regulations

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

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

Presentation:

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

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

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Stead absent) to **APPROVE** the request for a **Variance** of allowed sign height from 25 feet to 35 feet in an IL District (Section 1221.E.1); **Variance** of 60 foot setback to 50 foot setback in an IL District (Section 1221.E.1) to permit the refacing and updating of an existing sign; subject to conceptual plan on page 7.8 with the caveat that the Board is not approving an electronic message center. The Board has found that the existing sign is in need of repair and the sign was most likely constructed prior to the City's code, and the location now requires the request for these two variances. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

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

21447—Donna Danner

FILE COPY

Action Requested:

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

BOA-21447

FILE COPY

Presentation:

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

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

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

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Stead absent) to **APPROVE** the request for a **Variance** from one-story height restriction to two-story and from the height requirement of 18 feet to 22 feet for a detached accessory building in the RS-4 District (Section 210.B.5.a). Finding that this existing detached garage built in 1917 is in a delapidated state of repair and this is on property that has a house on the historical register. This is subject to conceptual plan on pages 8.8 and 8.9. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

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

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

Action Requested:

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

Case No. 12598 (continued)

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

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

Case No. 12599

Action Requested:

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

Presentation:

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

Protestants:

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

Comments and Questions:

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

Case No. 12599 (continued)

Board Action:

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

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

Case No. 12600

Action Requested:

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

Presentation:

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

Protestants: None.

Board Questions:

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

Board Action:

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

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



Facing South on Denver



Facing North on Denver



Subject property

DANA L. BOX
ZONING OFFICIAL
PLANS EXAMINER II

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

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

September 9, 2020

Phone: 918-231-7372

APPLICATION NO: **ZCO-068002-2020**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **1129 N. Denver**

Description: **Accessory Dwelling Unit (ADU)-Garage and Garage Apt.**

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

REVIEW COMMENTS

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

ZCO-068002-2020

1129 N. Denver Ave.

September 9, 2020

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

1. Sec. 45.030-B RS-2, RS-3, RS-4, RS-5 or RM Districts

In RS-2, RS-3, RS-4 and RS-5 districts, the total aggregate floor area of all detached accessory buildings and accessory buildings not erected as an integral part of the principal residential building may not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater.

Review comments: You are proposing 1584 square ft of detached accessory structure floor area. The proposed detached structure exceeds 500 square ft and 40% of the size of your house. Based on the size of your house of 2004 square feet, you are allowed 801.6 square ft of detached accessory structures floor area on your lot. Reduce the size of your proposed detached accessory structure to be less than 801.6 square ft of total floor area or apply to BOA for a variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure.

2. Section 45.031-D Regulations Where Allowed

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

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

3. Sec. 80.020-B Nonconforming Lots in Residential Zoning Districts

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

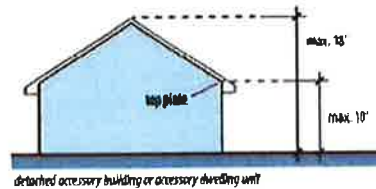
Review Comments: The proposed lot is considered an existing nonconforming lot. You are allowed to use 50% of the lot size as open space. You are proposing less than 50% of the lot size to be open space. Revise plans to indicate compliance or apply to INCOG for a variance to allow this lot to have less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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

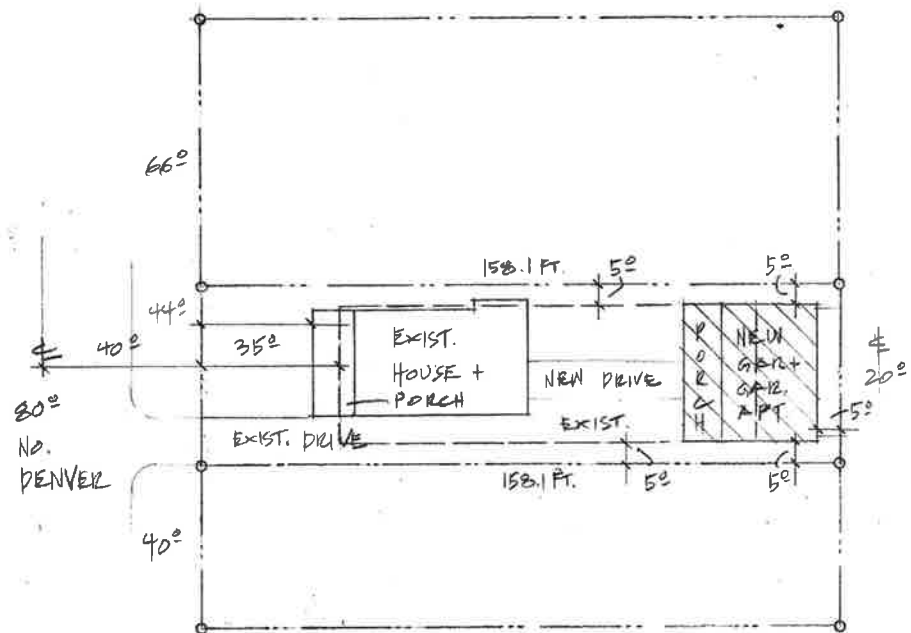
A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

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

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

WALL
SECTION
HERE



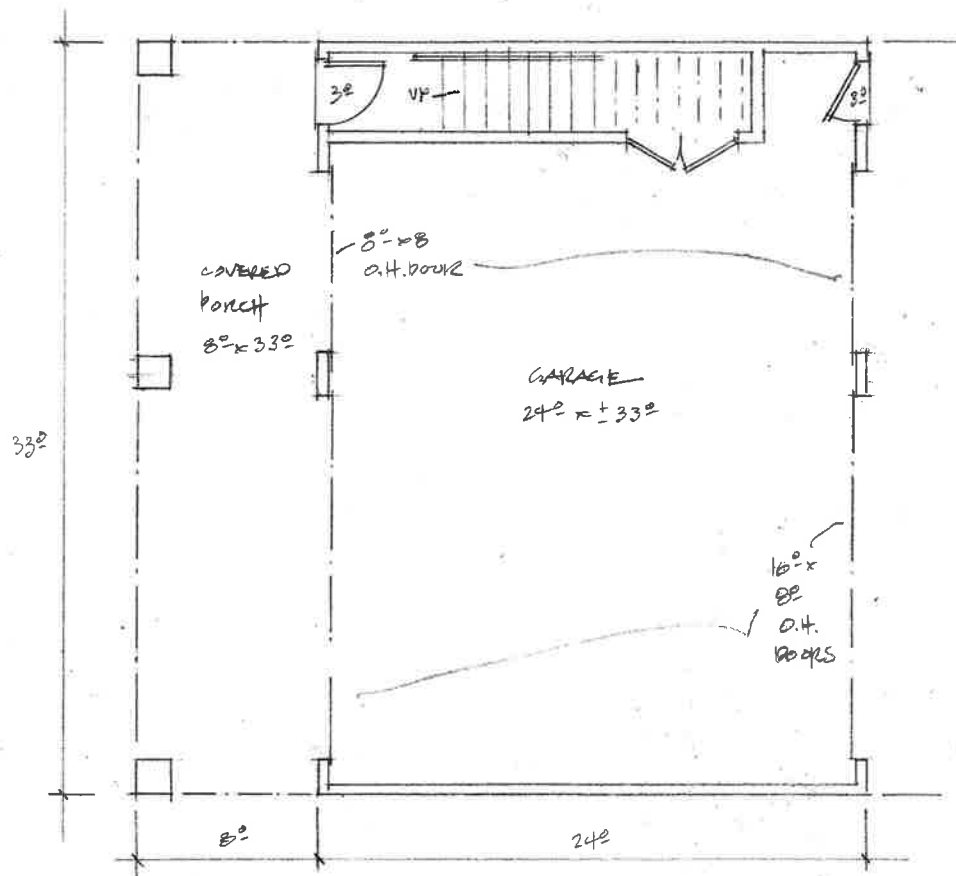
SITE DRAINAGE PLAN 1" = 30' 


PRELIM. BID. VARI. PLANS

NEW GARAGE - ADV. RS. 4
 1ST FL. 792# GAR. 1ST FL. PORCH: 264#
 2ND FL. ADV. 792# 2ND FL. PORCH 264#
 LOT: 6952# - 2604 HOUSE = 4948# LOT -
 ADD. = 3892# - 1782# DRIVE = 2110#
 OPEN SPACE (2500 REQ.) 57% COVERAGE
 OF REQ. REAR YARD.

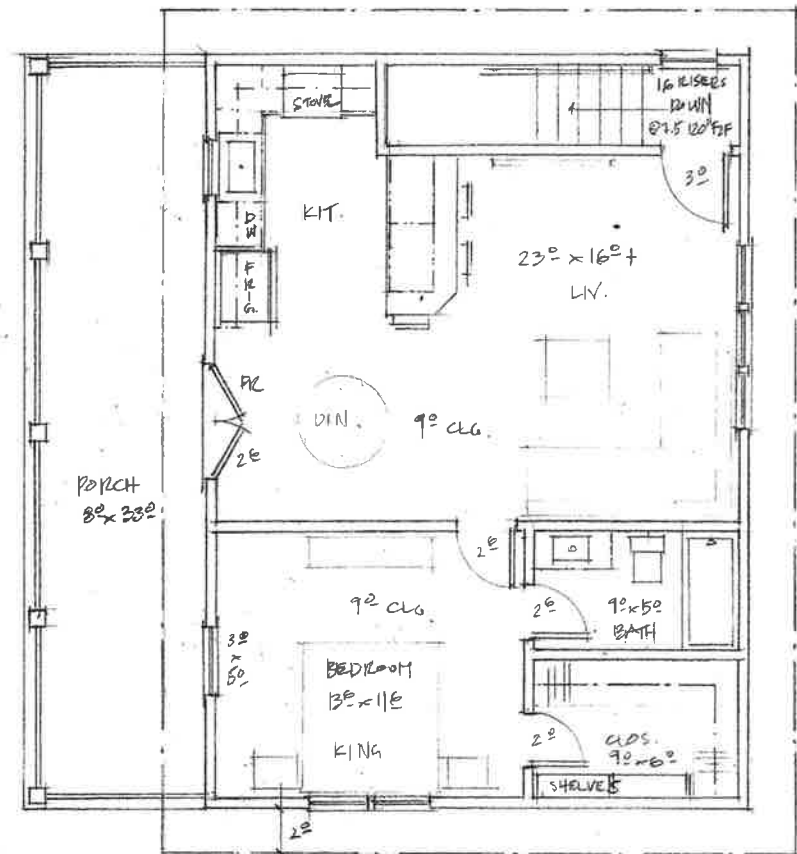
FIDLER-TURNER PROJECT
 1129 N. DENVER
 TULSA - OKLA 7. 2020

TOM NEAL
 DESIGN
 Associate member, American Institute of Architects
 913.231.7372



157 FLOOR 3/16" = 1'-0' 

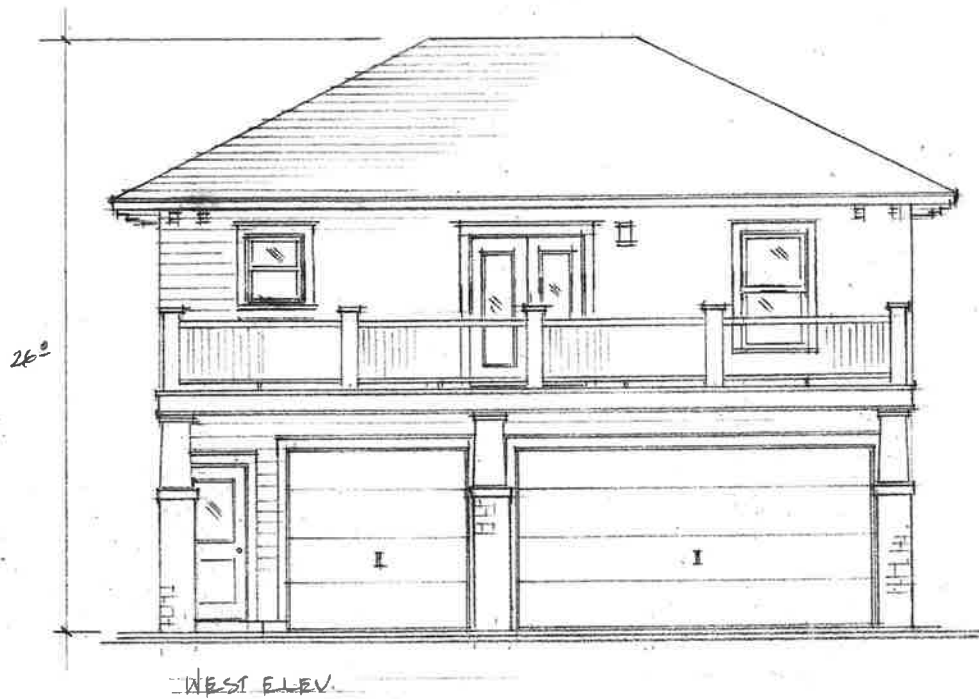
PREF. LIN. BID. VARIA. PLANS



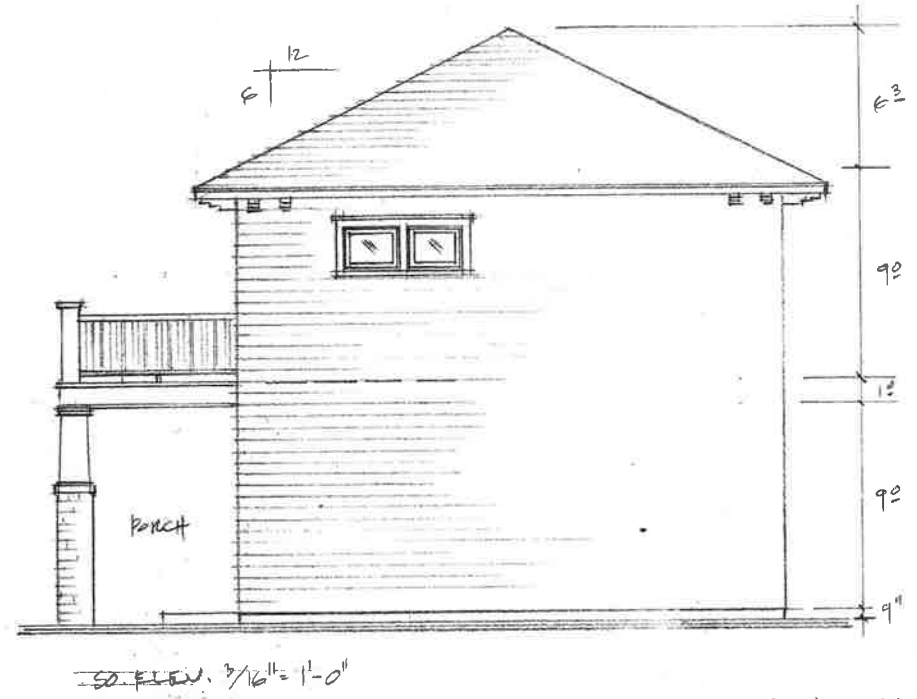
2ND FLOOR

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

**TOM NEAL
DESIGN**
Associate member, American Institute of Architects
918.231.7372



PRE-LIM. BID-VARIANCE PLANS



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

TOM NEAL
DESIGN
Associate member, American Institute of Architects -
918.231.7372

3.20



0 Feet 200 400



Subject Tract

BOA-23015

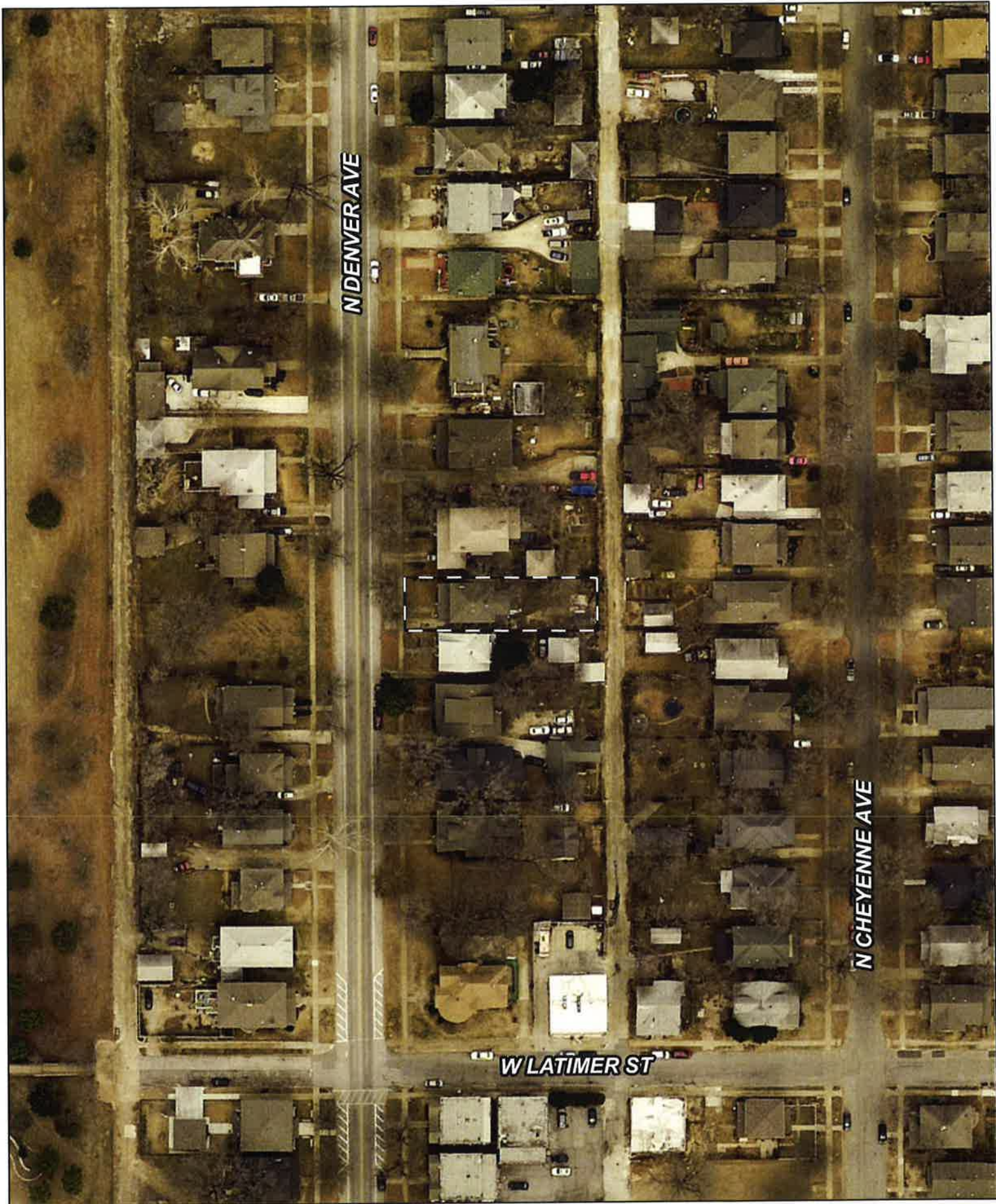
20-12 35

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

Aerial Photo Date: February 2018



3.21



N DENVER AVE

N CHEYENNE AVE

W LATIMER ST

0 50 100
Feet



Subject
Tract

BOA-23015

20-12 35

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

Aerial Photo Date: February 2018



3.22

Sparger, Janet

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

Dear incog folks,

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

Sincerely,

Margee and Scott Aycock

1135 N Denver Ave, Tulsa, OK 74106

918-408-1205

[Art Blog](#)

[Art Gallery](#)

[Children's Book Blog](#)

[Coupon for money off first airbnb trip](#)

Chapman, Austin

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

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

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

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

Sincerely,

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



18-13 12

4.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 8312

Case Number: BOA-23022

CZM: 53

CD: 7

HEARING DATE: 11/10/2020 1:00 PM

APPLICANT: Todd Maxwell

ACTION REQUESTED: Appeal of the Administrative Decision denying permit ZCO-067561-2020 for a Medical Marijuana Dispensary (Sec. 70.140)

LOCATION: 7315 S MEMORIAL DR E

ZONED: CS,OL

PRESENT USE: Restaurant

TRACT SIZE: 67914.67 SQ FT

LEGAL DESCRIPTION: LT 2 LESS W40 THEREOF BLK 2, EL PASEO RESUB L2-3 B1 SKYVIEW ACRES

RELEVANT PREVIOUS ACTIONS: None.

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

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

Regional Centers are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

ANALYSIS OF SURROUNDING AREA: The subject tract is located South of the SE/c of E. 73rd St. S. and S. Memorial Dr.

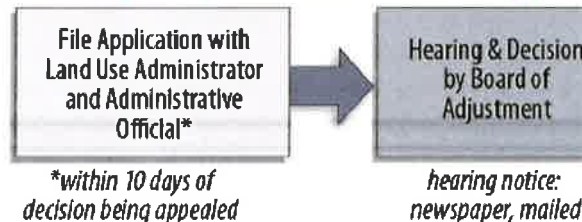
STAFF COMMENTS: The applicant is Appeal of the Administrative Decision denying permit ZCO-067561-2020 for a Medical Marijuana Dispensary (Sec. 70.140)

Section 70.140 Appeals of Administrative Decisions

70.140-A Authority

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

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



70.140-G Hearing and Final Decision

1. The board of adjustment must hold a public hearing on the appeal.
2. Following the close of the public hearing, the board of adjustment must make its findings and take action on the appeal.
3. In exercising the appeal power, the board of adjustment has all the powers of the administrative official from whom the appeal is taken. The board of adjustment may affirm or may, upon the concurring vote of at least 3 members, reverse, wholly or in part, or modify the decision being appealed.
4. In acting on the appeal, the board of adjustment must grant to the official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.

70.140-H Review Criteria

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

The applicant representing the proposed dispensary at 7315 S. Memorial Dr. is appealing the denial of the permit, ZCO-067561-2020, for a dispensary. The denial is based on the existence of a Zoning Clearance Permit issued at 7309 S. Memorial Ave, ZCO-067758-2020.



The Development Administrator has been asked to prepare material explaining their position which will be sent to Board members as an addendum to their packets.

SAMPLE MOTION:

Move to _____ (**affirm/reverse**) the Administrative Decision issued by the Development Administrator denying permit ZCO-067561-2020 for a Medical Marijuana Dispensary (Sec. 70.140)

Finding that the Development Administrator (**acted appropriately/erred**) in the Administrative Decision denying permit ZCO-067561-2020 for a Medical Marijuana Dispensary (Sec. 70.140)



Facing South on Memorial Dr.



Facing North on Memorial Drive



Subject property



Property located 7309 S. Memorial Dr. Property was issued a Zoning Clearance Permit (ZCO-067758-2020) for a Medical Marijuana Dispensary.



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

Permit

Permit NO. **ZCO-067758-2020**

Permit Type: **Zoning**

Work Classification: **Commercial**

Permit Status: **Issued**

Issue Date: **09/02/2020**

Expiration:

Location Address

Parcel Number

7309 S MEMORIAL DR E, Tulsa, OK 74133

75625831205785

Contacts

Kevin Hale
1319 e 6th street, tulsa, OK 74120
(918)764-9996

Applicant

kevin@1architecture.com

Description: Existing use is a mercantile furniture store,
proposed use is a medical marijuana dispensary

Valuation: **\$0.00**

Total Sq Feet: **0.00**

Inspection Requests:

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

Fees	Amount
Commercial Zoning Clearance	\$78.00
Permit and Licensing System	\$4.00
Maintenance Fee	
Record Retention Fee	\$7.50
System Development Fee	\$10.46
Total:	\$99.96

Payments	Amt Paid
Total Fees	\$99.96
Check # 970245020	\$99.96
Amount Due:	\$0.00

Additional Information

Proposed Use Type(s): Other (see Describe Proposed Use)

Describe Proposed Use in Detail: Medical Marijuana Dispensary

Zoning Use: Commercial/Retail Sales/Medical Marijuana Dispensary

Zoning Permit Notes: Approved for Commercial/Retail Sales/Medical Marijuana Dispensary as an allowable use by right in a CS zoned district. Accept applicant's verification of the 1,000' spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary. This is a zoning clearance permit as to use only. This is neither a building permit nor a certificate of occupancy. Other code provisions including but not limited to platting, parking, setbacks, spacing, landscaping and screening may apply upon owner's submittal of complete building and/or site plans.

Issued By: Braden Cole

September 02, 2020

Date

Authorized Signature

Date

4.7



**CITY OF TULSA
ZONING CLEARANCE ONLY
PERMIT APPLICATION**

Date: 8.4.2020
A/P#: _____

Note: Please print or type all data

ADDRESS TO BE ZONED 7315 S. Memorial Drive SUITE NUMBER _____

☐ RESIDENTIAL ☒ COMMERCIAL No. OF PLANS 1 No. OF PAGES OF ONE SET OF PLANS & SPECIFICATIONS: 2

APPLICANT Kkt Architects - Ryan Wilbanks ACCOUNT NO. (IF APPLICABLE): 100549

ADDRESS 2200 S. Utica Place #200 CITY Tulsa STATE OK ZIP 74114

PHONE (918) 744.4270 MOBILE () FAX ()

EMAIL ADDRESS: ryan.wilbanks@kktarchitects.com

LEGAL DESCRIPTION: LT2 Less w40' thereof BIK 2

LOT <u>2</u>	BLOCK <u>2</u>	ADDITION <u>El Poseo Psub L2-3 BI Skyview Acres</u>
-----------------	-------------------	--

BOARD OF ADJUSTMENT NO. - VARIANCE Y ☐ N ☐ APPROVAL DATE: _____

SPECIAL EXCEPTION Y ☐ N ☒ P.U.D. No. _____

PROPOSED USE:	<u>Medical Marijuana Dispensary</u>
---------------	-------------------------------------

WILL THIS BE AN ADULT ENTERTAINMENT ESTABLISHMENT ☐ YES ☒ NO SEXUALLY ORIENTED BUSINESS ☐ YES ☒ NO

ARE YOU PLANNING A USE CHANGE ONLY? ☒ YES ☐ NO

ARE YOU PLANNING NEW CONSTRUCTION OR ENLARGEMENT OF EXISTING CONSTRUCTION (INCLUDING PARKING)? ☐ YES ☒ NO

WHAT IS THE HEIGHT FROM THE GROUND TO THE TOP OF THE WALL OF THE ACCESSORY STRUCTURE? -

WHAT IS THE OVERALL HEIGHT OF THE ACCESSORY STRUCTURE? -

DAY TIME CONTACT PERSON(S) <u>Ryan Wilbanks- kkt Architects</u>	POSITION <u>Architect</u>	PHONE NO. <u>918.744.4270</u>
ADDRESS: <u>2200 S. Utica Pl. #200</u>	CITY <u>Tulsa</u>	STATE ZIP <u>OK 74114</u>
E-mail Address <u>ryan.wilbanks@kktarchitects.com</u>	MOBILE PHONE NO.	FAX NO.

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1
Crystal Hendricks
2200 S Utica PL
Tulsa, OK 74104

September 17, 2020

Phone: 918.744.4270

APPLICATION NO: ZCO-067561-2020

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 7315 S Memorial Dr
Description: Medical Marijuana Dispensary

INFORMATION ABOUT SUBMITTING REVISIONS

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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.

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

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2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
3. INFORMATION ABOUT THE ZONING CODE, BOARD OF ADJUSTMENT (BOA), PLANNING COMMISSION (TMAPC), AND THE TULSA PLANNING OFFICE AT INCOG CAN BE FOUND ONLINE AT TULSAPLANNING.ORG; IN PERSON AT 2 W. 2ND ST., 8TH FLOOR, IN TULSA; OR BY CALLING 918-584-7526 AND ASKING TO SPEAK TO SOMEONE ABOUT THIS LETTER OF DEFICIENCY.
4. A COPY OF A "RECORD SEARCH" ☒ IS ☐ IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

REVIEW COMMENTS

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

ZCO-067561-2020

7315 S Memorial Dr

September 17, 2020

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

Sec..110-B: The application for your proposed Medical Marijuana Dispensary cannot be approved because there is an active Zoning Clearance Permit for another dispensary within 1000 ft of your location.

Review comment: Appeals of spacing and distance verification decisions of the development administrator may be appealed to the board of adjustment in accordance with Sec.70.140. Appeals of administrative decisions must be filed within 10 days of the date of the decision being appealed. The BOA contact person is Austin Chapman. He may be reached at 918.584.7526 or achapman@incog.org.

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

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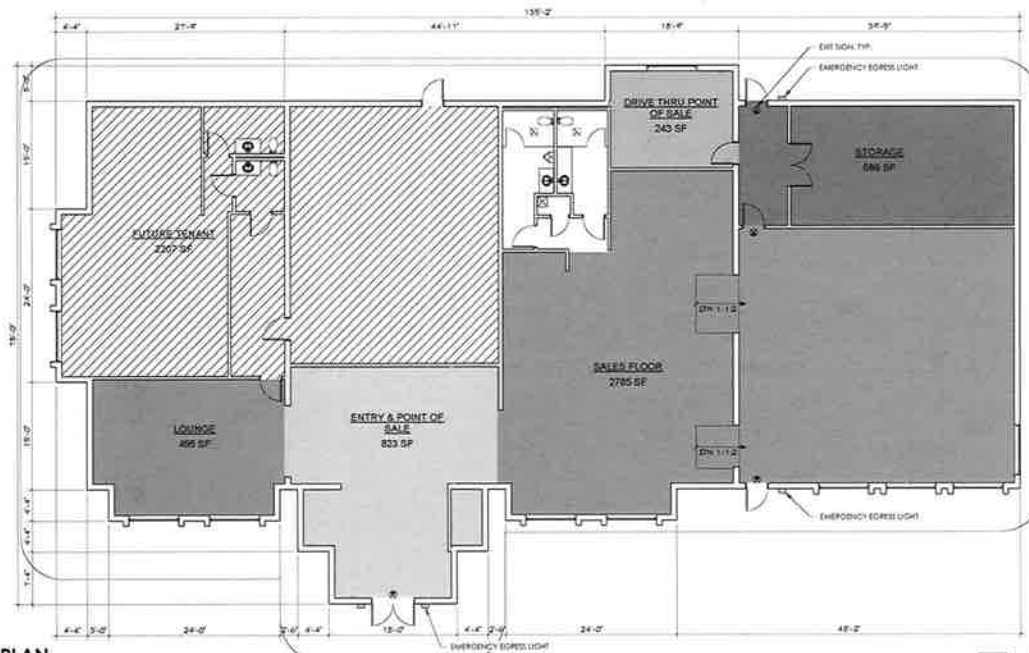
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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

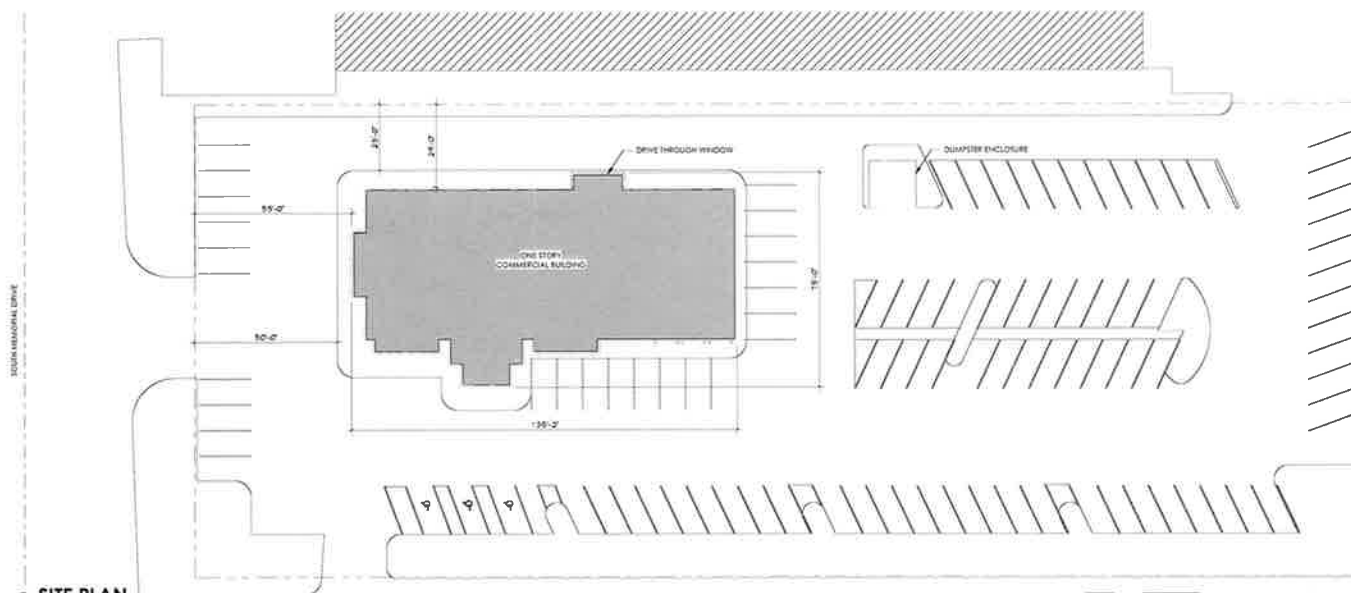
END – ZONING CODE REVIEW

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.



2 FLOOR PLAN
SCALE 1/8" = 1'-0"



1 SITE PLAN
SCALE 1" = 30'-0"



PROJECT DATA

DESCRIPTION:
7315 SF REMODEL OF EXISTING BUILDING FOR A NEW
MEDICAL LABORATORY DISPENSARY

SQUARE FOOTAGE:
NEW DISPENSARY 5627 SF
EXISTING TREATMENT 2000 SF
TOTAL AREA 7627 SF

ZONING:
C
PUD-179-G

OCCUPANCY CLASSIFICATION:
BUSINESS GROUP B

TYPE OF CONSTRUCTION:
TYPE VB - NON-SPRINKLED



KKT ARCHITECTS, INC.
2000 SOUTH UTICA PLACE, SUITE 200
TULSA, OKLAHOMA 74114
(918) 744-4270 \ (918) 744-7849
WWW.KKTARCHITECTS.COM

MEMORIAL DISPENSARY

NOT FOR
CONSTRUCTION

7315 S MEMORIAL DRIVE
TULSA, OK

CERTIFICATE OF AUTHORIZATION
#554 EXPIRES 06/30/21



PLAN EXHIBITS

A1

4.11

Legend	
1 RESTAURANT	TACO BELL
2 RESTAURANT	HIBACHI GRILL SUPER BUFFET
3 CHURCH	FULL GOSPEL ASSEMBLY INTERNATIONAL
4 RESIDENTIAL	FRENCH HILLS PATIO HOMES
	8114 E 74TH CIRCLE
	4A 8032 E 74TH CIRCLE
	4B 8034 E 74TH CIRCLE
	4C 8032 E 74TH CIRCLE
	4D 8032 E 74TH CIRCLE
	4E 8030 E 74TH CIRCLE
	4F 7414 S 84TH E AVENUE
	4G 8030 E 74TH PLACE
	4H 8030 E 74TH PLACE
	4I 8405 E 74TH PLACE
	4J 7405 S 84TH E AVENUE
	4K 7408 S 85TH E AVENUE
	4L 7403 S 85TH E AVENUE
	4M 8405 E 74TH CIRCLE
	4N 7413 S 95TH E AVENUE
	4O 8414 E 74TH CIRCLE
5 RESIDENTIAL	SHULE PARK HOMES
	5A 8113 E 75TH STREET
	5B 8121 E 75TH STREET
	5C 8205 E 75TH STREET
	5D 8211 E 75TH STREET
	5E 8213 E 75TH STREET
	5F 8223 E 75TH STREET
	5G 8207 E 75TH STREET
	5H 8313 E 75TH STREET
	5I 8319 E 75TH STREET
	5J 8408 E 75TH STREET
	5K 7504 S 82ND E AVENUE
	5L 8008 E 75TH STREET
	5M 8216 E 75TH STREET
	5N 8310 E 75TH STREET
6 RESIDENTIAL	QUAL CREEK VILLA
7 COMMERCIAL	CROSSING OAKS CENTER
	7A TIGER CAR WASH
	7B SUNSHINE FURNITURE
	7C KFC
	7D JAMBA JUICE
	7E CITY GEAR
	7F TAKE 5 OIL CHANGE
	7G OLUCK E CHEESE
	7H H & R BLOCK
	7I GREAT CLIPS
	7J LARINE NAILS AND BAR
	7K ASPEN DENTAL
	7L ROSS DRESS FOR LESS
	7M WINDO FOODS
	7N VACANT PROPERTY
8 COMMERCIAL	AT&T STORE
9 COMMERCIAL	STRIP MALL
	9A STARBUCKS
	9B URBAN MARKET
	9C GAMESTOP
	9D ROK & TIGER OUTLET
	9E CHECK-N-GO
	9F SALLY BEAUTY
10 RESTAURANT	PIZZA HUT
11 RESTAURANT	COMMODORE PIZZA
12 RESTAURANT	LANNIA THAI
13 COMMERCIAL	HALF OF HALF NAME BRAND CLOTHING
14 COMMERCIAL	WICKED & PIZZA
15 COMMERCIAL	QUALITY FURNITURE OUTLET / AMERICA'S MATTRESS
16 MEDICAL	WOODLAND HILLS MEDICAL CLINIC
17 COMMERCIAL	STEEL HORSES TULSA
18 OFFICE	NAIL CARE
19 OFFICE	ROCK REMEDY MINISTRIES
20 OFFICE	OCLOUS CORPORATE OFFICE
21 OFFICE	AVP METRO PETROLEUM
22 EMPTY	VACANT PROPERTY
23 EMPTY	VACANT PROPERTY
24 COMMERCIAL	THE BAR
25 COMMERCIAL	IBC BANK
26 COMMERCIAL	CENTRE 71 SHOPPING MALL
	26A CROCKET
	26B ANGLES HAIR SALON & DAY SPA
	26C MY NAILS
	26D FILA
	26E VACANT
	26F PUFF HOOKAH LOUNGE
	26G PHONE DOCTORS
	26H RUANOUREZ
	26I SAKU JAPANESE
	26J STUDIO 11 TATTOOS (TEMPORARILY CLOSED)
	26K DISCOTHECA DEL RECUERDO
	26L QUINN FLAVORS OF INDIA
	26M LUCKY GARDEN MASSAGE
	26N HEALTHY FOOT SPA
	26O LINDS TAYLOR SHOP
	26P GOSHA MEXICAN EATS
	26Q VACANT PROPERTY
27 RESTAURANT	FIRSTONE COMPLETE AUTO CARE / BRIDGESTONE
28 EMPTY	TIRE SHOP
29 COMMERCIAL	GORE BUSINESS & FINANCIAL SERVICES
30 OFFICE	FIRST COMMERCIAL REAL ESTATE
31 OFFICE	THE MARKE ASSISTED LIVING
32 RESIDENTIAL	CHRISTIAN CHURCH
33 CHURCH	VACANT PROPERTY
34 EMPTY	GENEOS WEALTH MANAGEMENT INC
35 OFFICE	DAVISON ACCOUNTING
36 OFFICE	BUCKINGHOM CENTER
37 COMMERCIAL	37A DSW DESIGNER SHOE WAREHOUSE
	37B CARTERS
	37C CONSUMERS BOOSH
	37D BOLDIOUS
	37E LITTLE BELLES ULTRASOUND 2000405040 &
	37F PREGNANCY SPA
	37G MEN'S WAREHOUSE



WALLACE ENGINEERING
STRUCTURAL CONSULTANTS INC
(918) 584 5558
121 N. W. J. BOULEVARD
TULSA, OK 74103
CAM-1980 EXP. DATE 6/30/2021



ALL CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH THE CURRENT OKLAHOMA TOWN ENGINEERING AND CONSTRUCTION CODES AND STANDARDS.

Memorial Dispensary

7315 South
Memorial Drive
Tulsa, Oklahoma



1"=60'
DATE: 11/1/2020
DRAWN BY: [Signature]
MANAGED BY: [Signature]
CHECKED BY: [Signature]

SPACING EXHIBIT EXHIBIT A

4.12



0 200 400
Feet



Subject
Tract

BOA-23022

18-13 12

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

Aerial Photo Date: February 2018



4.13



S MEMORIAL DR

E73 STS

E74 PLS



Subject
Tract

BOA-23022

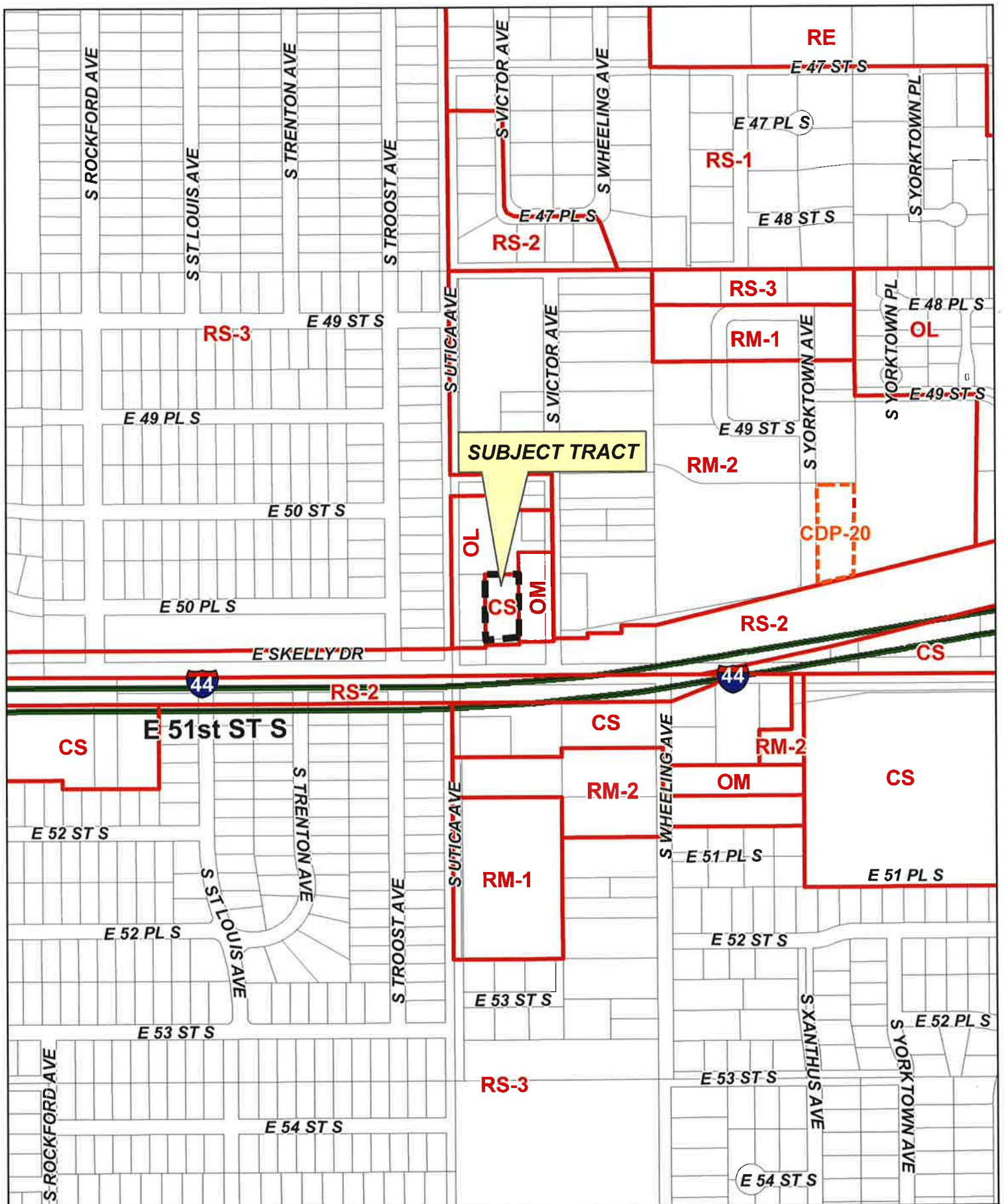
18-13 12

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

Aerial Photo Date: February 2018



4.14



BOA-23023

5.1

19-13 30

BOARD OF ADJUSTMENT CASE REPORT

STR: 9330

Case Number: **BOA-23023**

CZM: 47

CD: 9

HEARING DATE: 11/10/2020 1:00 PM

APPLICANT: Katy Anderson

ACTION REQUESTED: Special Exception to add a Commercial/Assembly & Entertainment/Outdoor Use in a CS zoning district (Sec.15.020 Table 15-2)

LOCATION: 1711 E SKELLY DR S

ZONED: CS

PRESENT USE: Medical Mairjauna Dispensary

TRACT SIZE: 23091.25 SQ FT

LEGAL DESCRIPTION: N230 LT 10 LESS BEG NL HWY 44 & WL LT 10 TH E110 N25.10 SW110.46 S15 POB FOR RD, PERRY'S 27207 SUB

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-22934; On 07.17.20 the Board approved a **Variance** to increase the permitted 240 square foot display area for a wall sign in a CS District.

Surrounding Property:

BOA-23005; On 09.22.2020 the approved a **Special Exception** to permit a self-storage facility in the OL district. (Section 15.020, Table 15-2) **Variance** of Sec. 40.360-B.3 of the code to permit up to two (2) garage-style access doors to be visible at ground level from abutting O/R lots and street rights-of-way. Property located 5012 S. Victor Ave, immediately North of the subject property.

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

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

Mixed-Use Corridors are Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes

sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

ANALYSIS OF SURROUNDING AREA: The subject tract is located Along Skelly Drive between Utica and Victor Avenues. The proposed Use is within 150' of a Nursing Home in an RM-2 Zoning District to the East and within 150' of an RS-3 Subdivision to the West.

STAFF COMMENTS: The applicant is requesting a **Special Exception** to add a Commercial/Assembly & Entertainment/Outdoor Use in a CS zoning district (Sec.15.020 Table 15-2)

An Assembly and Entertainment Use is described in Sec. 35.050-B as follows:

35.050-B Assembly and Entertainment

Uses that provide gathering places for participant or spectator recreation, entertainment or other assembly activities. Assembly and entertainment uses may provide incidental food or beverage service. Typical uses include gun clubs, shooting ranges, health clubs, gymnasiums, riding stables and academies, banquet halls, entertainment centers, event centers, billiard centers, bowling centers, cinemas, go-cart tracks, laser tag, paintball, miniature golf courses, stadiums, arenas, video arcades, race tracks, fairgrounds, rodeo grounds, water parks, amusement parks, food truck courts, and live theaters. Outdoor seating and dining areas that exceed 50% of the indoor floor area of the subject principal use (e.g., bar, restaurant or indoor assembly and entertainment use) are regulated as an outdoor assembly and entertainment use.

Assembly and Entertainment Uses are subject to the supplemental regulations of Sec. 40.040:

Section 40.040 Assembly and Entertainment

Whenever an assembly and entertainment use is located on a lot abutting an R or AG-R-zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of ~~§65.070-C~~.

The applicant is requesting to use the outdoor space in the rear of the current medical marijuana dispensary for a for an Outdoor Assembly and Entertainment Use to be used in conjunction with the dispensary. The Board may consider the compatibility of the Office zoning that borders the property on three sides that would not permit an Assembly and Entertainment Use. Additionally, the Board may ask the applicant if Medical Marijuana will be consumed on site. Other medical marijuana uses including the existing dispensary must provide protection to neighbors against odors. The proposed Outdoor Assembly and Entertainment Use would not be able to provide the same filtration systems required inside the building.

Currently the RS-3 subdivision to the West of the subject property has masonry wall installed between I-44 and the development to help screen them from the Interstate and dampen the noise. There would not be any screening required for this property since the surrounding zoning has all been changed to Office. If the Board is inclined to approve the request requiring screening between the proposed use and the Office zoning surrounding them should be considered.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Special Exception** to add a Commercial/Assembly & Entertainment/Outdoor Use in a CS zoning district (Sec.15.020 Table 15-2)

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

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

- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

LT 13 BLK 19, CHEROKEE HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22934—Katy Anderson

FILE COPY

Action Requested:

Variance to increase the permitted 240 square foot display area for a wall sign in a CS District (Section 60.080-B). **LOCATION:** 1711 East Skelly Drive (CD 9)

Mr. Van De Wiele stated that what the Board has seen is that the City, via the Permit Office, has taken the position that the left half of the subject site is the sign and the right half is not a sign. Mr. Chapman stated that is correct. Mr. Van De Wiele stated the Board is tasked to give a Variance from the square footage.

Presentation:

Katy Anderson, 1711 East Skelly Drive, Tulsa, OK; stated the last time she was before the Board it was discussed that the City originally designated the whole mural as a sign, and she needs a Variance for the sign requirements. After that meeting it was decided that if she would go back to the City of Tulsa and ask if they would agree that from the peace signs to the right is all mural and the purple background with the dispensary logo on the left half is signage the Board would approve the Variance because of the placement of the property and because the sign is not easily seen because of the topography. Ms. Anderson stated she went to the City of Tulsa and has submitted that to the Board, and now she is back before the Board for another review of her case.

Mr. Van De Wiele stated that after the last meeting Mr. Sage did reach out to him and he told Mr. Sage that he needed to direct his comments to Mr. Austin Chapman at INCOG.

Interested Parties:

Ron Sage, 1703 East Skelly Drive, Tulsa, OK; stated he is in the building directly west of the subject dispensary. That wall is clearly there to attract attention to the dispensary

07/14/2020-1254 (10)

BoA-22934

FILE COPY

and part of it reads Tulsa high country. The Kush logo in the front matches the same color scheme as the surfboard and peace signs. It was mentioned at the last meeting that he was offended by the sign and he was never offended by the sign, it would take a lot more than her sign to offend him. In continuing on, the sheer size of the sign is the issue. In section 60.080, sub paragraph F, it clearly reads 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 the adjacent property, which it has. Mr. Sage stated that his tenants have already informed him that they may not be renewing their lease. He has received comments from other neighbors in the Brookside area; he has many properties in the Brookside area. This has definitely been a point of contention as far as the overall grandness and the look of the building. In the previous case, the Board said because of the way it looks it doesn't match the neighborhood and it intrudes over into the building line, and the Board made Variance to the building to take it back. The was based on a judgment call and he thinks this is the same thing. Mr. Sage thinks the Board has to look at this and ask does it need to be this large? Is it necessary to be this large to be seen from the freeway? The laws that are in place were put there for a reason by the City Planners, and he asks that the Board look at that and look at the laws that were put in place for this reason. It directly affects and alters the essential character of the neighborhood and impairs the use of the development of the neighborhood businesses. Mr. Sage believes it is injurious to the values of the neighborhood and the businesses as well. Mr. Sage stated he is opposed to this request.

John Huffines, 256 East 46th Street, Tulsa, OK; stated he is before the Board on behalf of the Brookside Neighborhood Association. He appreciates the applicant's entrepreneurial spirit, however in this particular case, the association sees it important to impose the law. The association is fine with the advertising of the sign by standards previously set. This business is situated close to I-44, between Lewis and Peoria Avenues, is located in area where there is much lane changing occurs and exiting from I-44. It is helpful to keep motorists focused on driving. The sign size limits were determined for a reason and he would like the Board to honor the impact of the City Planners. Much thought and deliberation go into the setting of these standards. Mr. Huffines stated the applicant does have other options, such as a billboard. Mr. Huffines asks the Board to deny this request and maintain the standards. The neighborhood would appreciate the smaller sign, 240 square feet, in that it will be more harmonious in the neighborhood setting.

Rebuttal:

Katy Anderson came forward and stated she has nothing more to add.

Comments and Questions:

Ms. Ross stated she would vote to keep the left half, although she does think the right half is really cool and a great design. This does not bother her at all, but she does think that artwork and murals look really cool in certain districts in Tulsa and in other places they can stick out. In this case she does think this sticks out so she would probably vote to deny the relief for the right half.

07/14/2020-1254 (11)

BoA-22934

FILE COPY

Mr. Van De Wiele stated that the way the City Permit Office has now looked at this is that there is no request for a Variance in connection to the right half of wall. Mr. Chapman stated that is correct. It is the Kush Dispensary which is 340 square feet on the left portion. Mr. Van De Wiele stated by right the applicant has 240 square feet for a sign and the applicant is requesting 100 square feet additional to allow the size of the left half of this.

Mr. Van De Wiele stated he has not seen a basis for a hardship for an additional 100 square feet; that basically means that entire side of the building is going to be painted whether it be by a mural or a sign. If the point of the hardship is that this is right next to a highway, and he is not entirely certain that a motorist could exit the highway by the time the sign was seen, he thinks the applicant has done enough work there to catch the attention of the public. He does not see a hardship for another 100 square feet of signage on the building.

Ms. Radney stated that if the artist came back and finished the mural going southward reducing the amount of wall art that actually is the business, the Board would not have any purview over that either. Ms. Radney believes the applicant has made her case to be approved for the additional signage.

Board Action:

On **MOTION** of **ROSS**, the Board voted 3-1-0 (Radney, Ross, Shelton "aye"; Van De Wiele "nay"; no "abstentions"; Bond absent) to **APPROVE** the request for a Variance to increase the permitted 240 square foot display area for a wall sign in a CS District (Section 60.080-B), subject to page 4.5 as shown in the agenda packet. The Board has found the hardship to be the location of the subject property being on a one-way street, and only allowing for signage that can be visible from only one side of the building. 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

BOA-22934

FILE COPY

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:

**N230 LT 10 LESS BEG NL HWY 44 & WL LT 10 TH E110 N25.10 SW110.46 S15
POB FOR RD, PERRY'S 27207 SUB, City of Tulsa, Tulsa County, State of
Oklahoma**

NEW APPLICATIONS

22947—Jermaine Miller

Action Requested:

Variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure (Section 45.030-A); Variance to allow an accessory structure to exceed one story, 18 feet in height and more than 10 feet in height to the top of the top plate (Section 90.090.C); Variance to allow more than 30% coverage in the rear setback (Section 90.090-C.2). **LOCATION:** 1232 South Braden Avenue East (CD 5)

Presentation:

Jermaine Miller, 1232 South Braden Avenue, Tulsa, OK; stated he did not know anything about permits or the Board of Adjustment, so he started to build an extra house in the back yard to be close to his Grandmother. He went the first contractor he could find, and that contractor started construction. The City of Tulsa Inspector came out and informed him that there was no permit to build, warned him of all the violations, and shut the job down. Afterward he went to INCOG and now he is before the Board. Just recently he received e-mails from the neighbors about the proposed apartment complex, an increase in noise, an increase in trash, and an increase of traffic but that is not the case. Mr. Miller stated that it will be the same as before. Mr. Miller stated that there was an e-mail regarding the window in the rear and he does not have a problem with removing that window if needed.

Mr. Van De Wiele asked Mr. Miller how many bedrooms will be in the proposed house. Mr. Miller stated that it will be two bedrooms.

Ms. Ross asked Mr. Miller if he wrote the statement of hardship that is shown in page 6.4 in the agenda packet. Mr. Miller answered affirmatively. Ms. Ross stated that statement says the house is to be a rental and generate income. Mr. Miller stated that he would be the one renting the house. Ms. Ross asked if the owners of the front house are a relation. Mr. Miller stated he is related by marriage; the owner is his grandmother-in-law.

07/14/2020-1254 (13)

22943—Robert Jackson

Action Requested:

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

LOCATION: 4328 South Mingo Road East (CD 7)

Presentation:

Robert Jackson, 4328 South Mingo Road, Tulsa, OK; no formal presentation was made but the applicant was available for any questions from the Board.

Ms. Ross stated the Board has a map exhibit on page 14.9 there is 2,990 feet from the nearest dispensary. Mr. Jackson confirmed the statement.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

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

PRT SE NE BEG 1281.50N & 108.73NW SECR NE TH S270.71 W229.96 N368.79 SE249.95 POB SEC 25 19 13 1.69ACS, City of Tulsa, Tulsa County, State of Oklahoma

22934—Katy Anderson

FILE COPY

Action Requested:

Variance to increase the permitted 240 square foot display area for a wall sign in a CS District (Section 60.080-B). **LOCATION:** 1711 East Skelly Drive South (CD 9)

Presentation:

Katy Anderson, 1711 East Skelly Drive, Tulsa, OK; stated she has a mural on the side of her wall that was painted for her business. As soon as the mural went up there was a complaint placed with the City, so the City Inspector contacted her and asked her to permit the mural. Ms. Anderson stated that she did obtain a permit and was told that the sizing of the mural is too large because of the logo and it is considered signage instead of a mural. Ms. Anderson stated that the neighbors to the west have expressed

06/23/2020-1253 (23)

that they are not happy with the mural. There was a meeting yesterday in hopes of reaching a resolution about the mural but there was no compromise because they did not like the peace signs and the flowers; the artwork.

Ms. Ross asked Ms. Anderson if the neighbors said they did not like the artwork. Ms. Anderson stated the neighbors told her that it evokes a party vibe that is unprofessional.

Mr. Van De Wiele asked Mr. Chapman if 240 feet was allowable for the sign. Mr. Chapman answered affirmatively. Mr. Van De Wiele asked if the entire wall was counted as a sign? Ms. Anderson stated when the City did the measurements, they counted the entire drawing as signage. Mr. Chapman stated the dimensions on that are 740 square feet. Ms. Anderson stated that her argument is that the back half of the building is not signage because it does not have her logo on it, it doesn't have the same context as her building or business, it is just artwork.

Ms. Radney asked Ms. Anderson if she had a copy of what she uses as a logo, like a business card or letterhead? Ms. Ross stated that Ms. Anderson is wearing a shirt that has her logo on it and it is the same font and everything as the Kush. Ms. Radney asked Ms. Anderson if she was using the artwork in other part of her business as advertisement. Ms. Anderson stated that she does not use the mural; it is posted places by other people, but she does not use it for advertisement.

Ms. Anderson stated that she has a seven-page petition that neighbors and customers have signed showing support for the mural. Ms. Anderson stated she has people coming into her business everyday telling her that they never noticed the building until the mural was painted; those people live in the neighborhood and have been in the neighborhood for years. People tell her that they drive down the highway and see it, and that the mural is what brought them into her business. The mural is her best advertising.

Mr. Van De Wiele asked Ms. Anderson if she owned the vacant lot next to her. Ms. Anderson stated the lot is owned by the state, it was purchased when the highway was widened and is held up in a lawsuit currently.

Ms. Shelton asked Ms. Anderson if she had any plans to erect signage by the road. Ms. Anderson stated if she keeps the mural as is, she will not add any additional signage because she is at the maximum. If she has to remove the logo from the mural to keep the mural, then she would want to add additional signage.

Ms. Radney asked staff if the dispensary flag that is at Skelly considered part of the applicant's signage or is that temporary. Mr. Chapman stated that he cannot speak to whether it was permitted but typically it would be considered a promotional signage, depending on how close it is to the road it possibly could be in the right-of-way which is not allowed. Ms. Anderson stated that when the City Inspector called her the flag was discussed and he told her to keep the flag out of the right-of-way and she brings the flag in every night.

BOA-22934

FILE COPY

Ms. Ross asked Ms. Anderson to state her hardship for her request. Ms. Anderson stated that if the mural is the best way, she has to advertise her business because of the topography and the turn in the highway.

Mr. Bond asked Ms. Anderson if the artist that painted the mural would be free to paint another similar mural somewhere else. Ms. Anderson stated that she believes they would be able to do so, because there are murals all down Brookside. Ms. Anderson stated that artist is with Clean Hands and he has painted murals all over Tulsa. Mr. Bond asked Ms. Anderson if the murals would look similar to this and have nothing related to her product. Ms. Anderson answered affirmatively. Mr. Bond asked Ms. Anderson if there was no secondary meaning. Ms. Anderson answered no. Ms. Anderson stated that she wanted a very comfortable and welcoming vibe and she thinks the mural does that. Other than that, there is no ulterior motive with the design.

Mr. Bond stated the test here is whether this is part of the applicant's trade for advertising versus whether it is decoration, which in this case he thinks is protesting the decoration. Mr. Bond thinks there is a line in the middle, one which is distinctive advertising and one which is not. If the applicant is over budget on the first half, based on her location off the exit of the highway he would be inclined to see that as a hardship. The second half of the sign, he believes, is a mural to make the City great; they are all over and he would hate to start a habit of policing murals on the sides of buildings.

Ms. Shelton stated she does not think the applicant can physically have a traditional sign. There is overhead that is really burdensome across the front of her property, there is a freestanding sign to the west that is minimal and hard to see. Ms. Shelton agrees with the argument that this is the best and maybe the only way to advertise the applicant's business.

Interested Parties:

Ron Sage, 1703 East Skelly Drive, Tulsa, OK; stated he has the building next door to the subject property. Mr. Sage stated that he has been in the building for four years and the complaint that he has had from his tenants is that the sign doesn't invoke professionalism and the tone that is required to continue business. His tenants have expressed a desire to end their leases or not to renew their lease because of the tone and overall size of the sign. Mr. Sage stated that he has tenants that are health insurance companies, payment processing company, commercial appraiser, architectural firm, a vast array of businesses. Mr. Sage stated that he is also concerned that the sign will negatively impact the building to attract tenants in the future. What the sign evokes is a party vibe and this is an office corridor. This sounds like the applicant is asking for forgiveness rather than permission. Mr. Sage stated that he had a sign placed out front, We Buy Houses, and he went to Claude Neon Federal Sign, went through all the permits and the Code requirements. Mr. Sage stated that his overall concern is being able to attract tenants and keep his building occupied.

06/23/2020-1253 (25)

BOA - 22934

FILE COPY

Ms. Ross asked Mr. Sage if the complaints he was receiving were against the mural itself or is it that there is a dispensary next door. Mr. Sage stated that it is the mural itself, the dispensary is not an issue.

Mr. Van De Wiele asked Mr. Sage if when the tenants are discussing the mural with him, is it the entirety of it or is it the right half or the left half or is it all of it? Mr. Sage stated that it is more the right half of it. Mr. Van De Wiele asked Mr. Sage if his tenants would still be of the same opinion if the Kush Dispensary were painted over? Mr. Sage stated that he does not want to speak for the tenants because he thinks there are tenants waiting to speak.

Candice Bradshaw, 1547 East 50th Place, Tulsa, OK; stated she has to drive by the sign every day because she lives in the area. The sign is so large and so loud. The sign looks like graffiti rather than an advertising for a medical facility and that is what a dispensary is supposed to be. It does not blend with the surrounding office buildings. It does not blend with the residential area that she lives in. She does not have an issue with a sign like this if it is in the right area, like downtown in an art district.

Mr. Van De Wiele asked Ms. Bradshaw if it is the entirety of the sign, is it parts of the sign? Ms. Bradshaw stated that it is the size and the loudness, taken as a whole. The sign is a lot to take in. Ms. Bradshaw stated that she has no issue with the dispensary because they are all over Tulsa. She has seen other dispensaries that look very professional and fit in with other businesses and other offices. She has an issue with the size and the loudness of the sign.

Craig Trevithick, 1703 East Skelly Drive, Tulsa, OK; stated he is a tenant and for him personally it is the size of the sign. He has clients from internationals, non-profit, child organizations, etc. One of the things he likes about the building he is in is the professional feel, the professional vibe, although it is one of the only office buildings in the area. These are office buildings mixed with residential and it is a pleasure bringing people to the office. The sign is an eyesore, his clients ask him about it. He would prefer the applicant stick to the Code. His issue is the overall size, and he cannot tell where the sign ends and where the artwork begins.

Terry Tidwell, 1414 East 39th Street, Suite 115, Tulsa, OK; stated he is a tenant. The sign is well done but it looks like graffiti. Mr. Tidwell thinks the sign was intentionally designed to look like graffiti. To him it gives a Gonzo party atmosphere vibe, especially the cabana, the beach, and the peace signs. The sign takes away the professional atmosphere of the office building. Mr. Tidwell stated that a lot of the clients that come to the building are very conservative, with conservative views. He would ask the Board if they were an accountant or a lawyer would they want this sign on your building? He thinks this will help his customer base and would be happy if the applicant painted over the party part of the sign.

Terry Banes, 1439 South Gary Place, Tulsa, OK; stated he is the artist and has been painting murals in Tulsa; he painted the Woody Guthrie mural in 2012. Mr. Banes

stated that he is very aware of the signage laws and the Kush image is the only brand collateral the sign actually uses; roughly a 170 square feet and did not realize it would carry over to 240 square feet. The remainder of the mural is simply art and it is not meant to evoke a party vibe, it is meant to bring brightness to a rather beige wall where there would be darkness. Murals are meant to increase the arts and bring the community together and bring unity. Art is up for interpretation and if someone sees a party vibe that is their opinion. The only brand asset is the Kush logo which runs 8'-6" by 20'-0" which is 170 square feet of signage and the rest is just art to cover up a dull cinder block wall.

Ms. Radney asked Mr. Banes what he considered to be the brand collateral, looking at the diagram on page 15.4, within the allotted boundary. Mr. Banes stated that it is just the Kush logo, that is the only brand collateral that the applicant uses throughout their branding. Mr. Banes stated that everything else from the Kush to the right is just extra art that he added, and the Kush branding is what he considers signage, which is under the allotted 240 square feet. Ms. Radney asked Mr. Banes if it was his discretion to add the language within the dispensary, but it is not part of the dispensary trade artwork? Mr. Banes answered that it is not to knowledge. Ms. Radney asked Mr. Banes the name of his business. Mr. Banes stated that it is Clean Hands. Ms. Radney asked if Aaron Whisner is affiliated with the business. Mr. Banes stated that Aaron Whisner is his business partner. Ms. Radney stated that she thinks Aaron Whisner is a wonderful person but with that she will need to recuse herself as he is a former client.

Ms. Radney recused and left the meeting at 4:44 P.M.

Rebuttal:

Katy Anderson came forward and stated that the reason a resolution could not be had yesterday is because she thought the trouble would be with the front half of the mural not the back half, and she had trouble with what peace signs, a sun, a bus and some flowers evoked a party unprofessional vibe. This is art and it is meant to be bring the neighborhood joy and it is not meant to bring controversial issues. Ms. Anderson stated that she has not received any negative comments on her sign until yesterday.

Comments and Questions:

Mr. Van De Wiele stated that he has been reviewing the Zoning Code and he asked staff about Section 60.130, how to measure signs. There is a provision that says if it is a sign that is enclosed in a frame or a cabinet, which this is not, then the whole frame or cabinet is measured. What he is looking at is Subsection 2 and it states the area of a sign comprised of individual letters or elements attached to a building wall, is this the section the Board should be in? If this is where the Board should be then it is the smallest geometric figure, i.e. a square, rectangle, circle, that can be drawn around the letters. Is that what is being done? Clearly, it seems like the permitting department stipulated that the whole wall is the sign but that is not how he reads the Zoning Code. Mr. Chapman believes that permitting was given an exhibit and that is what the

applicant said was her sign. If the Board is inclined not to consider the ... Mr. Van De Wiele asked how this got to this stage if this was done first, was there a notice of violation? Mr. Chapman stated the applicant has mentioned that there was an Inspector that visited her business. Mr. Van De Wiele asked if there was any correspondence from the Inspector. Mr. Chapman stated that he does not have any, and the only comments he has are from the Permit Center; a Letter of Deficiency.

Ms. Anderson came forward and stated that after the City received a telephone call, they called her, there was not a violation issued, the Inspector just told to her to permit the whole mural. The Inspector directed her to permit the entire thing as a sign so that is what she did. She was then rejected and at that point she was asked to scale the sign down or come before the Board of Adjustment for a Variance.

Mr. Van De Wiele asked staff what section in the Zoning Code tells him how to measure this sign. What he thinks he knows is if he painted the entire wall hot pink and then painted a 10 x 10 area that just said dispensary he does not think the Permit Center would call the pink portion a sign, he thinks they would draw a box around the letters and say that is the sign. Is this in that category? Mr. Wilkerson stated that when signage is looked at on any other permit application that comes through INCOG that is typically discretionary, staff would look at the signage chapter just like the Board has. There has been quite a bit of discussion about where the line would be drawn between artwork and the sign itself. In this particular instance it appears the Permit Office may have blurred that line, the easy thing to do from their perspective was to consider the entire wall a sign and ask for a Variance. That is what is in front of the Board, is there a Variance to allow that much square footage. Mr. Van De Wiele asked who initially decided the size of the sign, did the applicant say she has a sign a certain size or did the Permit Center say she has this large of a sign? Mr. Chapman stated that he believes it was the applicant because there was an application for a sign plan that showed a 9 x 80 sign and that is what was reviewed, issued a Letter of Deficiency and at this point the Board is deciding a Variance.

Ms. Blank stated that the definition of sign in the Code is on page 95-17 and it is very broad. A sign is not just words but also symbols, letters, figures, design symbols, fixtures and colors designed to attract attention. Ms. Blank stated that a sign can be more than just words, and the reference about measuring individual letters or drawing boxes around the letter, she knows it applies to individual letters affixed to a wall but she is not sure how that plays in measuring a painting. Mr. Van De Wiele stated that he understands that and forget how we got here, but is this whole thing a sign or not? Ms. Blank stated that it fits within the general definition of a sign.

Mr. Bond stated the only question for him is if the applicant is entitled to a Variance based on the fact that she is over by 100 square feet. The only germane question is whether there is a hardship. Mr. Bond thinks the right side of the wall is a mural, it is art. Whether anybody likes it or not he thinks it is protected.

Ms. Shelton agrees with Mr. Bond, she is in favor of the request.

BOA - 22934

FILE COPY

Mr. Van De Wiele stated he has the same type of thoughts, but the fact that the Zoning Code definition talks about things that are done to attract attention is giving a little bit of a pause. Has the advertising been blended into art such that all of it is a sign? He does not know and that is what he is concerned about.

Ms. Blank stated she is concerned that the Board is now venturing into deciding what part is the determination of the plan review that all was a sign. The Board is not really being asked to do that, the Board is being asked to determine what size it should be. Mr. Van De Wiele agreed with that statement and stated that he wishes this had come before the Board as an appeal, but if that is the case this is effectively an application for 9 x 80 or 720 square feet and that makes it a 480 foot Variance request. He cannot get there from a hardship standpoint.

Ms. Ross stated that she does not have a problem with the Variance going from 240 square feet to 340 square feet for the left side. She does not have a problem with the artwork, other than the issues that have been brought up today. She does agree, per the definition of a sign, this is there to attract attention to the business.

Ms. Blank asked if the applicant would consider going back to the permit department for a revised Letter of Deficiency given the discussion of the Board today. Ms. Blank thinks the Board deciding that only part of this is a sign is not before them today. This is just an option; the applicant can elect to move forward today.

Ms. Ross asked Ms. Anderson if she would consider taking Ms. Blank's suggestion by going back to the permit office to get a clarification on how of this wall is sign and how much of the wall is mural. Ms. Anderson answered affirmatively.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-1 (Bond, Ross, Shelton, Van De Wiele "aye"; no "nays"; Radney "abstaining"; none absent) to **CONTINUE** the request for a **Variance** to increase the permitted 240 square foot display area for a wall sign in a CS District (Section 60.080-B) to the July 14, 2020 Board of Adjustment meeting; for the following property:

N230 LT 10 LESS BEG NL HWY 44 & WL LT 10 TH E110 N25.10 SW110.46 S15 POB FOR RD, PERRY'S 27207 SUB, City of Tulsa, Tulsa County, State of Oklahoma

Ms. Radney re-entered the meeting at 5:15 P.M.



Subject property Facing West



Property immediately across Victor Ave. Property is used as a Nursing Home and Retirement Apartments.



East side of property from Victor.



Facing East on Skelly Dr.

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1
Katy Anderson
2712 S Gary DR
Tulsa, OK 74114

June 24, 2020

Phone: 918.381.3920

APPLICATION NO: **ZCO-063117-2020**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **1711 E Skelly DR**
Description: **Outdoor Assembly & Entertainment**

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
3. INFORMATION ABOUT THE ZONING CODE, BOARD OF ADJUSTMENT (BOA), PLANNING COMMISSION (TMAPC), AND THE TULSA PLANNING OFFICE AT INCOG CAN BE FOUND ONLINE AT TULSAPLANNING.ORG; IN PERSON AT 2 W. 2ND ST., 8TH FLOOR, IN TULSA; OR BY CALLING 918-584-7526 AND ASKING TO SPEAK TO SOMEONE ABOUT THIS LETTER OF DEFICIENCY.
4. A COPY OF A "RECORD SEARCH" ☒ IS ☐ IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

REVIEW COMMENTS

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

ZCO-063177-2020

1711 E Skelly DR

June 24, 2020

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

1. **Sec.15.020 Table 15-2:** Your proposed cannabis recreation area is designated a Commercial/Outdoor Assembly & Entertainment use and is in a CS zoning district. This use is permitted in this district by Special Exception approved by the BOA,
Review comment: Submit a copy of the BOA approved Special Exception permitting a Commercial/Outdoor Assembly & Entertainment use in a CS zoning district.
2. **Sec.40.040:** Whenever an assembly and entertainment use is located on a lot abutting an R or AG-R-zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of *Sec.65.070-C*. Your lot abuts a residential (R) zoning district to the north. This will require screening along the lot line abutting the R district.
Review comment: Submit a site plan providing a screening wall or fence along the lot line abutting the R district to the north.
3. **Sec.55.020 Table 55-1:** Your proposed cannabis recreation area has an area 13,200 sqft. The parking requirement is 1.10 parking spaces per 1000 sqft. This will require 15 parking spaces. An additional 6 spaces are needed for the dispensary on this lot. The total parking requirement is 21 spaces.
Review comment: Submit a site plan providing 21 parking spaces on a dust-free all-weather surface (*Sec.55.090-F2*) and in compliance with the design criteria listed in *Sec.55.090*.
4. **Sec.70.080-B2a:** No building permit or zoning clearance permit may be issued until the subject lot or parcel for which the permit is sought has been determined to be in compliance with all applicable design and improvement requirements of the Tulsa Metropolitan Area *Subdivision and Development Regulations*, as evidenced by submittal of a recorded subdivision plat or ALTA/ACSM survey and separately recorded legal instruments. This requirement applies to any property for which a property owner-initiated zoning map amendment or development plan was approved after July 1, 1970.
Review Comment: This lot was rezoned from OL to CS on Nov. 10, 2019. This will require the submission of a Plat or approval for a Subdivision Conformance Review as a revision to this application.

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

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

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

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

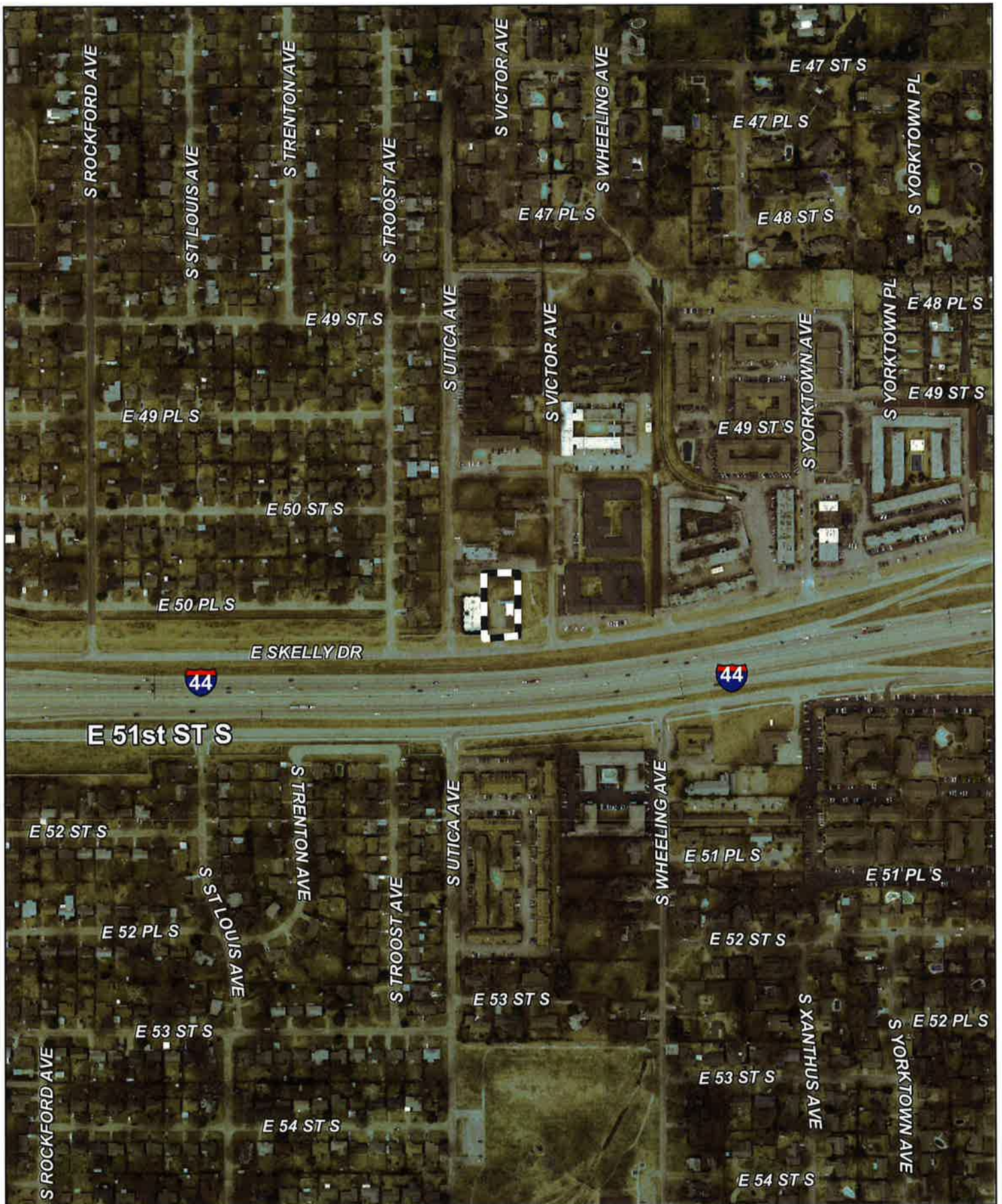
END – ZONING CODE REVIEW

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

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

A hand-drawn site plan of a property, oriented with a north arrow pointing towards the top-left. The plan is enclosed by a dashed line representing a fence. Key features and labels include:

- Top Boundary:** A horizontal line with a dimension of $110'-0"$ indicated below it.
- Right Boundary:** A vertical line with a dimension of $120'$ indicated to its right.
- Top-Right Area:** Labeled "PARKING" with several horizontal lines representing parking spaces.
- Top-Center Area:** Labeled "Gate" with a dimension of $11'-0"$ across it.
- Center-Right Area:** Labeled "Paved lot" and "Paving" with a dimension of $11'-0"$ across it.
- Bottom-Right Area:** Labeled "Dog Run" with a dimension of $120'$ indicated to its right.
- Bottom-Center Area:** Labeled "Patio Recreation area".
- Bottom-Left Area:** Labeled "Storage Bldg" (Building).
- Left Boundary:** A vertical line with a dimension of $110'-0"$ indicated to its left.
- Other Labels:** "Existing Bldg" is written vertically along the left side of the central area. "Gate" is written vertically along the right side of the central area. "8' fence" is written along the top boundary, and "4' fence" is written along the right boundary.



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Subject Tract

BOA-23023

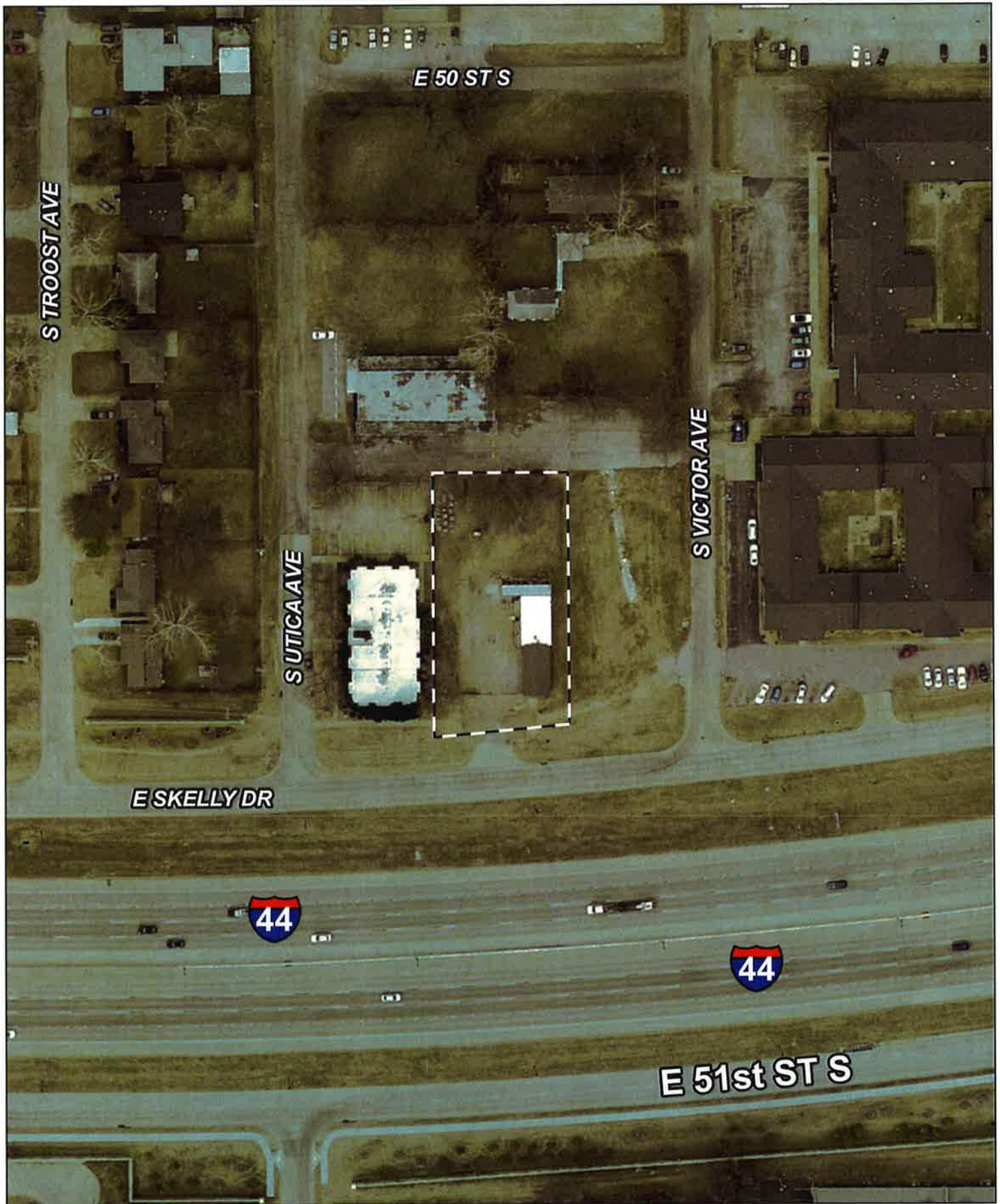
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Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



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Subject Tract

BOA-23023

19-13 30

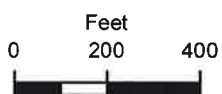
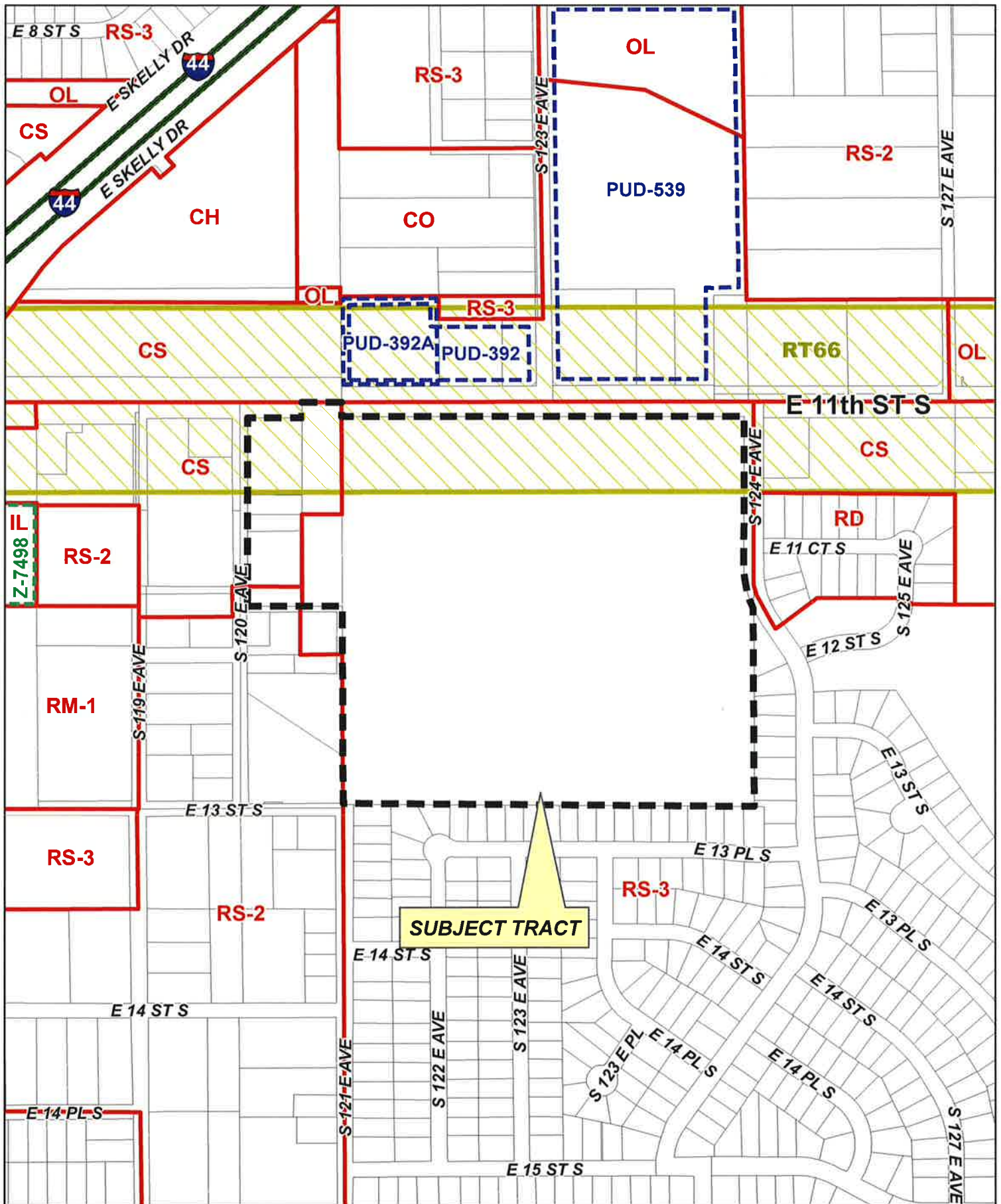
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



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BOA-23024

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BOARD OF ADJUSTMENT CASE REPORT

STR: 9408

Case Number: **BOA-23024**

CZM: 39

CD: 6

HEARING DATE: 11/10/2020 1:00 PM

APPLICANT: David Reed

ACTION REQUESTED: Variance to increase the permitted height from 35' to 47' in a RS-3 Zoning District (Sec. 5.030, Table 5-3)

LOCATION: 12150 E 11 ST S

ZONED: RS-2, CS, RS-3

PRESENT USE: High School

TRACT SIZE: 1852962.87 SQ FT

LEGAL DESCRIPTION: See attached.

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-23006 On 09.22.20 the Board **approved** Special Exception to expand a High School Use in an R District and modify a previously approved site plan (BOA-17718) to allow for the construction of a gymnasium (Section 5.020, Table 5-2; 70.120) and a Special Exception to permit an alternative compliance parking ratio to reduce the required number of parking spaces for a High School Use (Sec. 55.050-K; Sec. 55.020 Table 55-1). During this hearing the applicant, Cedar Creek Consulting, did not mention the Height of the building.

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

BOA-3188: On 05.20.59 the Board **approved** the original construction of East Central High School. This structure exceeds the 35' height limit.

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

6.2

REVISED 11/3/2020

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located on E. 11th street South between S. 120th and S. 124th E. Ave.

STAFF COMMENTS: The applicant is requesting a Variance to increase the permitted height from 35' to 47' in a RS-3 Zoning District (Sec. 5.030, Table 5-3)

Chapter 5 | Residential Districts
Section 5.030 | Lot and Building Regulations

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
Max. Building Height (feet)	35	35	35	35	35	35	35	35	35	35	35	-	35

The existing High School built in 1966 exceeds the 35' height limit.

STATEMENT OF HARDSHIP: The subject property is a school and is needing to provide it's student body and community a new facility to meet the requirements to support basketball and volleyball events as voted on by the tax payers in the school district. The hardship is to meet the minimum height requirements for these two sports the structure needs to be at least 47' tall.

SAMPLE MOTION: Move to _____ (approve/deny) a **Variance** to increase the permitted height from 35' to 47' in a RS-3 Zoning 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.”

East Central Legal Description

TRACT 1:

From GENERAL WARRANTY DEED, Recorded in Book 2979 @ Page 43;
The Northwest Quarter of the Northeast Quarter (NW/4 NE/4) of Section Eight (8), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

LESS AND EXCEPT

From DEDICATION DEED Public Highway, Recorded in Book 3678 @ Page 19;

All that part of the E/2 E/2 NW/4 NE/4 of Section 8, T-19-N, R-14-E of the Indian Base and Meridian, Tulsa County, Oklahoma, more particularly described as follows, to-wit: Beginning at the Northeast Corner of said E/2 E/2 NW/4 NE/4; Thence S0°10'30"E along the East Boundary of said E/2 E/2 NW/4 NE/4 a distance of 682.66 feet; Thence N24°47'42"W a distance of 0.00 feet; Thence to the right along a curve of radius 330.00 feet a distance of 141.80 feet; Thence N0°10'30"W parallel to and 30.00 feet from the East Boundary of said E/2 E/2 NW/4 NE/4 a distance of 545.27 feet to a point in the North Boundary of said E/2 E/2 NW/4 NE/4; Thence Due East a distance of 30.00 feet to the Point of Beginning, containing 0.439 acres.

ALSO LESS AND EXCEPT

From DEDICATION DEED Public Highway, Recorded in Book 5323 @ Page 2387;

The South 25.25 feet of the North 50 feet of the following described tract of land: The Northwest Quarter of the Northeast Quarter (NW/4 NE/4) of Section Eight (8), Township Nineteen North (T-19-N), Range Fourteen East (R-14-E) of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

TRACT 2:

From GENERAL WARRANTY DEED, Recorded in Book 6003 @ Page 142;

Property situated in the NW/4 of Section 8, T-19-N, R-14-E of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof and being more particularly described as follows:

The East 130 feet of the North 660 feet of the NE/4 NE/4 NW/4 of said Section 8, less and except any roadway dedication thereof.

TRACT 3:

From GENERAL WARRANTY DEED, Recorded in Book 6003 @ Page 142;

Property situated in the NW/4 of Section 8, T-19-N, R-14-E of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof and being more particularly described as follows:

The North 300 feet of the NE/4 NE/4 NE/4 NW/4 of said Section 8, less and except the East 130 feet thereof, and less and except any roadway dedications thereof.

ALSO LESS AND EXCEPT

From WARRANTY DEED, Recorded in Book 2190 @ Page 12;

West Twenty-five feet (25') of the East Half (E/2) of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of the Section Eight (8), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, according to the Government Survey thereof.

ALSO LESS AND EXCEPT

From GENERAL WARRANTY DEED, Recorded in Book 2190 @ Page 14;

The North Fifty (50) feet of the East One-hundred and Seventy-five (175) feet of the West Two-hundred (200) feet of the East Half (E/2) of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of the

Northwest Quarter (NW/4) of Section Eight (8), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, according to the Government Survey thereof, for the express purpose and to be forever used as a public thoroughfare and/or street and highway, and for no other purpose.

TRACT 4:

From WARRANTY DEED, Recorded as Document Number 2019017271;

Part of the West Two-hundred (200) feet of the East Half of the Northeast Quarter of the Northeast Quarter of the Northwest Quarter (E/2 NE/4 NE/4 NW/4) of Section Eight (8), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows, to-wit: Beginning 300 feet South of the Northwest Corner of above tract; Thence South 65 feet; Thence East 200 feet; Thence North 65 feet; Thence West 200 feet to the Point of Beginning.

LESS AND EXCEPT

From WARRANTY DEED, Recorded in Book 2190 @ Page 12;

West Twenty-five feet (25') of the East Half (E/2) of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of the Section Eight (8), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, according to the Government Survey thereof.

TRACT 5:

From WARRANTY DEED, Recorded as Document Number 2018091252;

A tract of land more particularly described as follows: Beginning at a point 365 feet South and 25 feet East of the Northwest Corner of the West 200 feet of the East Half of the Northeast Quarter of the Northeast Quarter of the Northwest Quarter (E/2 NE/4 NE/4 NW/4) of Section Eight (8), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, Thence South 55'; Thence East 175'; Thence North 55'; Thence West 175' to the Point of Beginning.

TRACT 6:

From WARRANTY DEED, Recorded as Document Number 2018091253;

Lot One (1), GEMO ADDITION, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof. (Plat #4407)



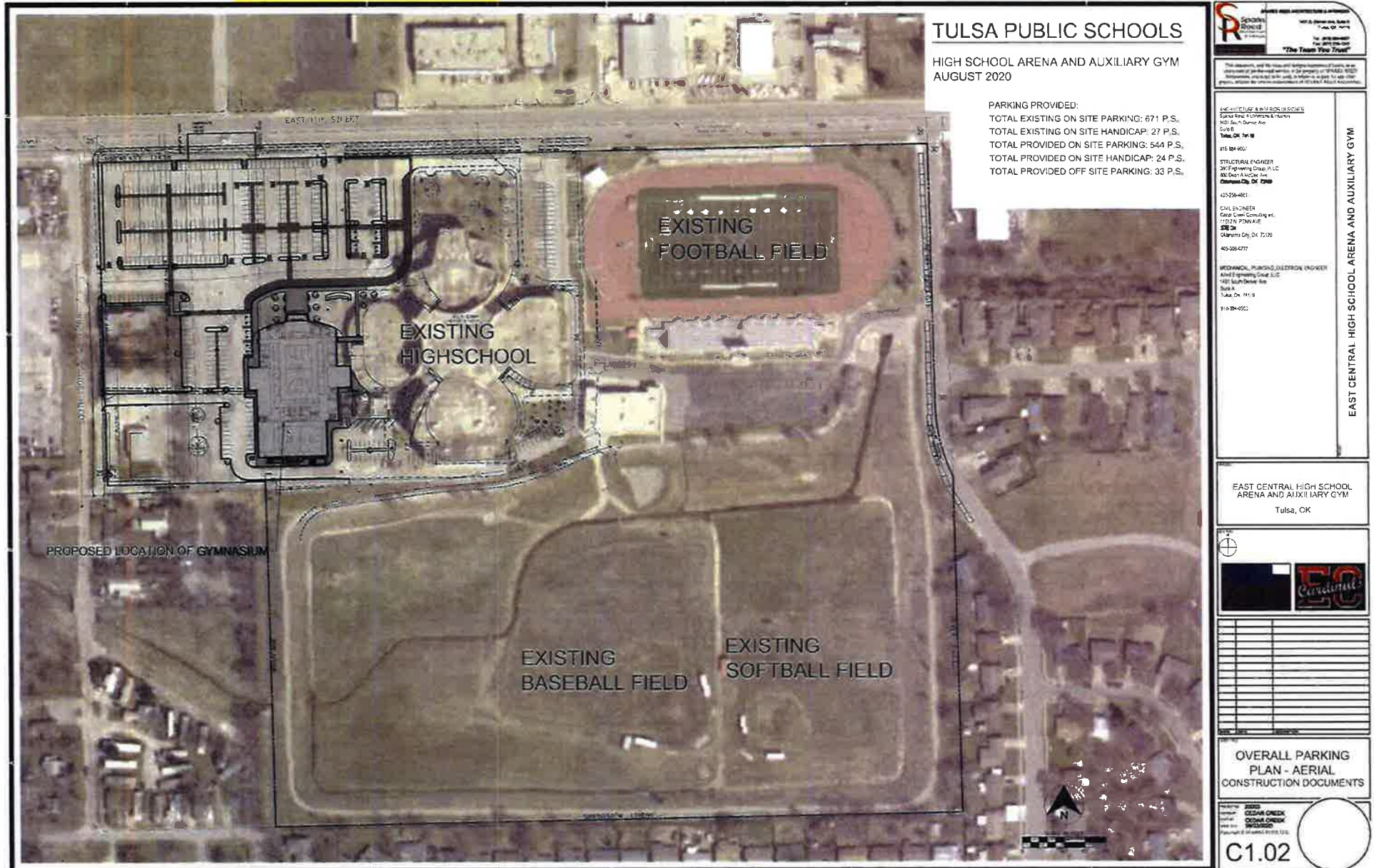
Existing Tennis Courts on Subject property



Existing School Property

Revised Site Plan provided by
applicant post hearing per Board comments

BOA - 23006



Dr. Knarr presented plans of the proposed parking lot and answered questions asked by the protestants.

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

After considerable discussion it was,

MOVED by Galbreath (Shaul) that this matter be approved.

Roll call: Galbreath - yea

Shaul - yea

Cohen - yea

Norman - No

Avery - Abstained from voting as he was not familiar with the property in question.

MOTION - Denied application for lack of 2/3 vote.

3187-A ✓

Southeast Faith Baptist Church, Inc. - Lots 4, 5, 6, 18, 19, 20, 21, 22, 23, 24, Block 13, Eastmoor Park Addition

This being the date set down for public hearing on the application of the Southeast Faith Baptist Church, Inc. for permission to use Lots 4, 5, 6, 18, 19, 20, 21, 22, 23, 24, Block 13, Eastmoor Park Addition for church purposes. There being no protest offered it was,

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

3188-A ✓

School District No. 12 NW, NE, OF Section 8-19-14

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

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

Case No. 3190-A ✓

Bethel Baptist Temple Part of the NE 1/4, of Section 34-19-12

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

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

FILE COPY

Case No. 17717 (continued)

Board Action:

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

AND

Board Action:

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

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

Case No. 17718

Action Requested:

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

Comments and Questions:

Mr. Beach informed the Board that after the case was advertised, a final site plan was submitted and the parking has been reduced further then advertised. Mr. Beach explained that the applicant will need additional relief for the parking. He stated the Board may want to consider only a portion of the stadium today, which would be the southside so the applicant can get started with construction. He indicated that with the readvertising, the balance of the case could be heard May 27, 1997.

05:13:97:726(30)

6.10

Case No. 17718 (continued)

Mr. Gardner stated that the applicant has 800 seats on the northside of the stadium, which will require 200 parking spaces and the applicant is 72 parking spaces short of what was advertised today. Mr. Gardner suggested that the Board could continue the balance of this application in order for INCOG to readvertise the 844 parking spaces. Mr. Gardner explained that the applicant has a lease for 200 parking spaces on the northside of 11th Street.

Presentation:

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

Comments and Questions:

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

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

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

Protestants:

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

Applicant's Rebuttal:

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

Board Action:

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

Case No. 17718 (continued)

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

Case No. 17719

Action Requested:

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

Presentation:

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

Board Action:

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

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

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

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

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

17718-A—Gregory Helms

FILE COPY

Action Requested:

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

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

Presentation:

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

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **STEAD**, the Board voted 4-0-1 (Henke, Stead, Van De Wiele, White "aye"; no "nays"; Tidwell "abstaining") to **APPROVE** the request for a Minor Special

FILE COPY

BOA-17718-A

Exception to modify previously approved plan to allow for construction of locker room at athletic fields of an existing school; subject to per plan 11.9. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

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

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

21326—Greg Helms

Action Requested:

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

Presentation:

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

Interested Parties:

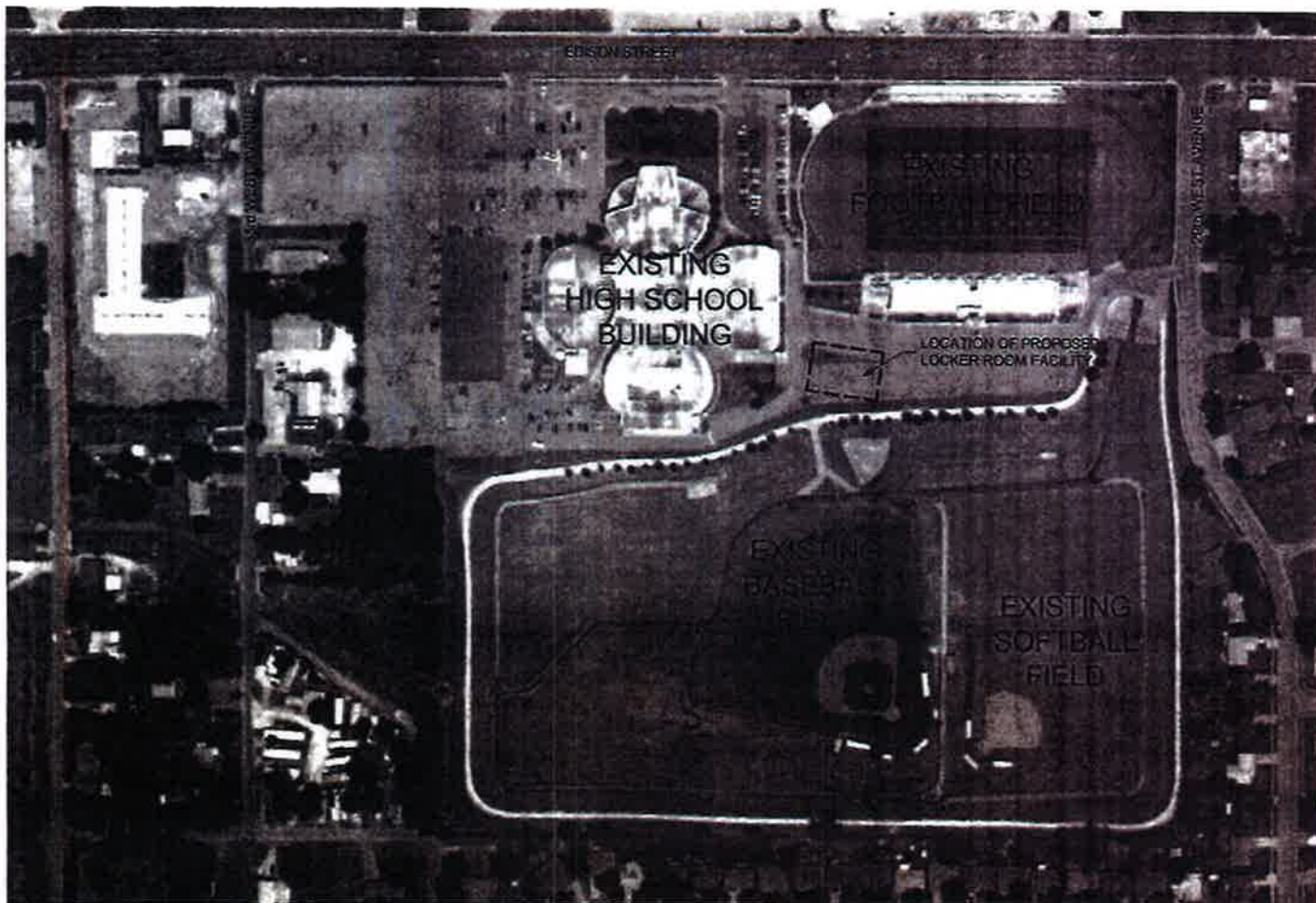
Larry Robinson, 2843 West Haskell Place, Tulsa, OK; stated that the money being spent on locker rooms should be used for the betterment of the school. Ms. Stead stated the money being spent on the locker rooms is not an area the Board of Adjustment has control over because the Board of Education decides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

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the request for a Special



T U L S A

PUBLIC SCHOOLS

**EAST CENTRAL
HIGH SCHOOL**

12150 EAST 11th STREET
TULSA, OKLAHOMA

1 AERIAL SITE PLAN
NOT TO SCALE



**PROPOSED
LOCKER ROOM**
AUGUST 2011

BoA-17718-A

6.16



TULSA

PUBLIC SCHOOLS

EAST CENTRAL
HIGH SCHOOL

12150 EAST 11TH STREET
TULSA, OKLAHOMA

EXISTING
FOOTBALL FIELD

EXISTING
HIGH SCHOOL
BUILDING

LOCATION OF PROPOSED
LOCKER ROOM FACILITY

MAIN GYMNASIUM FLOOR PLAN

CONSTRUCTION OF NEW
LOCKER ROOM FACILITY
IN 2012

2 ARCHITECTURAL SITE PLAN
SCALE: 1" = 100'-0"



PROPOSED
LOCKER ROOM
AUGUST 2011

2.17

BoA-17718-A

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1
David Reed
1401 S Denver Ave
Tulsa, OK 74119

September 30, 2020

Phone: 918-902-7768

APPLICATION NO: BLDC-068546-2020

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 12150 E 11 ST

Description: Accessory arena & gym

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
3. INFORMATION ABOUT THE ZONING CODE, BOARD OF ADJUSTMENT (BOA), PLANNING COMMISSION (TMAPC), AND THE TULSA PLANNING OFFICE AT INCOG CAN BE FOUND ONLINE AT TULSAPLANNING.ORG; IN PERSON AT 2 W. 2ND ST., 8TH FLOOR, IN TULSA; OR BY CALLING 918-584-7526 AND ASKING TO SPEAK TO SOMEONE ABOUT THIS LETTER OF DEFICIENCY.
4. A COPY OF A "RECORD SEARCH" ☒ IS ☐ IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

REVIEW COMMENTS

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

BLDC-068546-2020

12150 E 11 st

September 30, 2020

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

1. **Sec.5.030 Table 5-3:** You are proposing a building that is 47 ft in height and is located in an RS-3 zoning district. The maximum height of building in this district is 35 ft.

Review comment: Submit building elevation plans providing a 35 ft maximum height for the proposed building. You may wish to consider a Variance to increase the height to 47 ft.

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

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

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

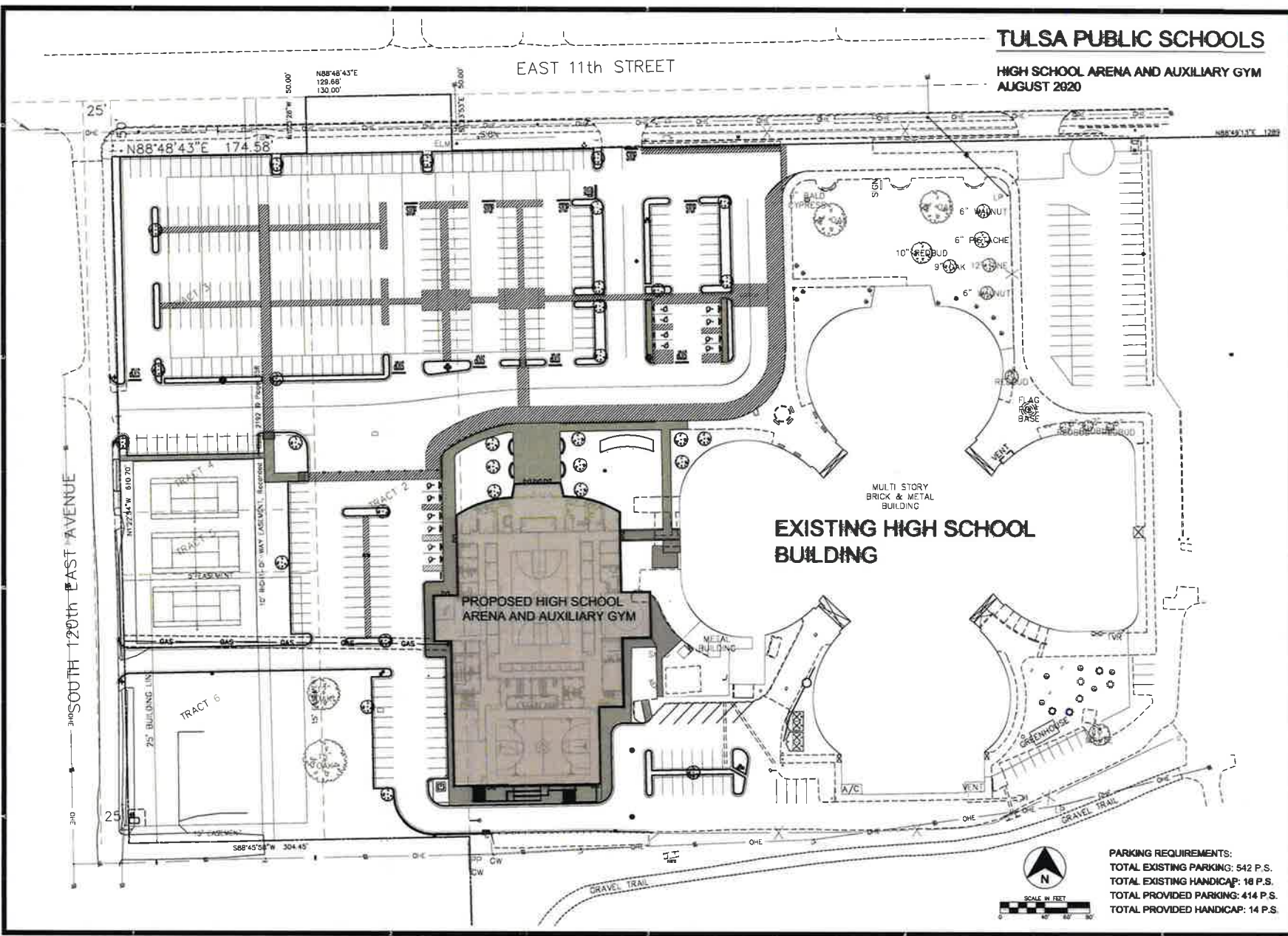
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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

END – ZONING CODE REVIEW

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

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



1401 S. Center Ave., Suite B
Tulsa, OK 74119
Tel: 918.466.6667
Fax: 918.466.6668
"The Team You Trust"

ARCHITECTURE & INTERIOR DESIGN
 Sports Field Architecture & Interiors
 1401 South Center Ave.
 Suite B
 Tulsa, OK 74119
 918-684-4227

STRUCTURAL ENGINEER
 380 Engineering Group, PLLC
 800 South A.M. Center Ave.
 Oklahoma City, OK 73108
 405-258-4811

CIVIL ENGINEER
 Cedar Creek Consulting Inc.
 11024 N. 10th Ave.
 Suite 104
 Oklahoma City, OK 73120
 405-368-0272

MECHANICAL, PLUMBING, ELECTRICAL ENGINEER
 Allied Engineering Group, LLC
 1401 South Center Ave.
 Suite A
 Tulsa, OK 74119
 918-684-4227

EAST CENTRAL HIGH SCHOOL ARENA AND AUXILIARY GYM
 Tulsa, OK

SITE PLAN
CITY PERMIT SET

20091
 CECLAR CHECK
 CEDAR CREEK
 010202005
 Copyright © Sparklewood, LLC

C1.00

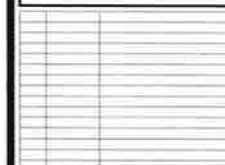
6.20.9

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

C1 300% + 150%

A1 0 8' 16' 24' 332' = 1'-0"

EAST CENTRAL HIGH SCHOOL ARENA AND AUXILIARY GYM



1990	2000	1990-2000
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BUILDING ELEVATIONS

SELECTED REFERENCES

CONSTRUCTION DOCUMENTS

CONSTRUCTION DOCUMENT

2018-05 A.B. 269

DATE: 10/06/2008

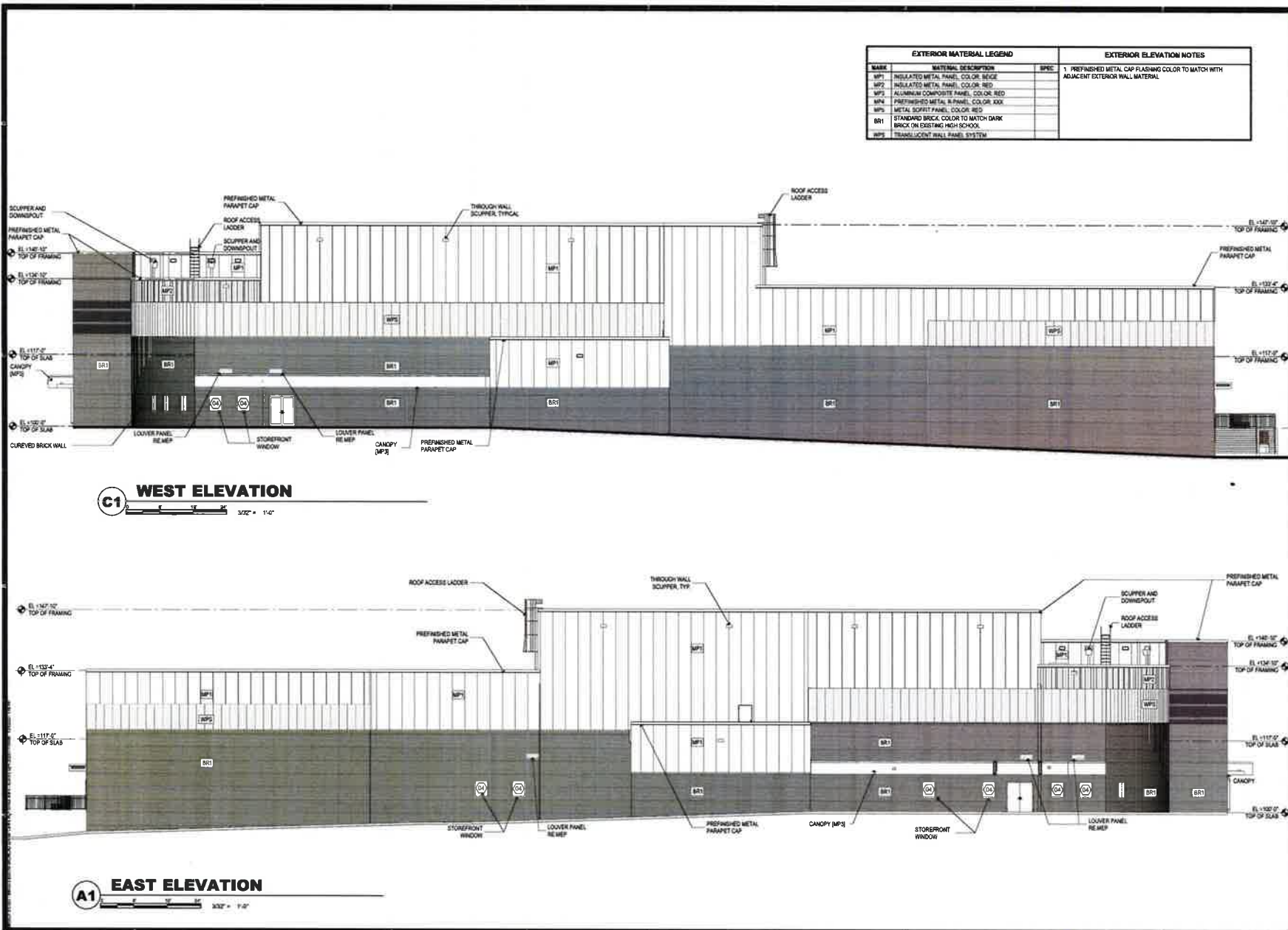
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J. P. FLYNN

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EXTERIOR MATERIAL LEGEND			EXTERIOR ELEVATION NOTES	
NAME	MATERIAL DESCRIPTION	SPEC	1. PREFINISHED METAL CAP FLASHING COLOR TO MATCH WITH ADJACENT EXTERIOR WALL MATERIAL	
MP1	INSULATED METAL PANEL, COLOR BEIGE			
MP2	INSULATED METAL PANEL, COLOR RED			
MP3	ALUMINUM COMPOSITE PANEL, COLOR RED			
MP4	PREFINISHED METAL R PANEL, COLOR XXX			
MP5	METAL SOFFIT PANEL, COLOR RED			
BR1	STANDARD BRICK, COLOR TO MATCH DARK BRICK ON EXISTING HIGH SCHOOL			
MP6	TRANSLUCENT WALL PANEL SYSTEM			

SQUIRES ARCHITECTS & INTERIORS
1015 S. 10TH AVE. SUITE 200
TULSA, OK 74106
TEL: 918.466.4007
FAX: 918.466.4008
www.squiresarchitects.com

ARCHITECTURE & INTERIORS
Squires Architects & Interiors
1015 S. 10TH AVE. SUITE 200
TULSA, OK 74106
918.466.4007

STRUCTURAL ENGINEER
J&B Engineering Group, PLLC
4800 S. 10TH AVE. SUITE 100
OKLAHOMA CITY, OK 73106
405.226.4801

ELECTRICAL ENGINEER
Clear Creek Consulting, Inc.
3400 North Grand Blvd.
OKLAHOMA CITY, OK 73102
405.344.0272

Mechanical, Plumbing, Electrical ENGINEER
West Engineering Group, LLC
1401 South Denver Ave.
TULSA, OK 74119
918.344.4000

EAST CENTRAL HIGH SCHOOL ARENA AND AUXILIARY GYM
12150 E. 11th St. Tulsa, OK 74128

TULSA
PUBLIC SCHOOL

EC
Cardinals

BUILDING ELEVATIONS
CONSTRUCTION DOCUMENTS

2019.05
J.B. JOR
OK
1000000000
Copyright © 2019 J.B. JOR, LLC

A202

10/6/2020

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Feet



Subject
Tract

BOA-23024

19-14 08

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

Aerial Photo Date: February 2018



6.24

BOARD OF ADJUSTMENT CASE REPORT

STR: 9311

Case Number: **BOA-23025**

CZM: 38

CD: 5

HEARING DATE: 11/10/2020 1:00 PM

APPLICANT: Lou Reynolds

ACTION REQUESTED: Special Exception to permit a medical marijuana grower operation (Agricultural/Horticulture Nursery Use) in the CH district (Sec. 15.020, Table 15-2)

LOCATION: 6934 E 11 ST S

ZONED: CH

PRESENT USE: Commercial

TRACT SIZE: 27016.02 SQ FT

LEGAL DESCRIPTION: LT 4 BLK 2 & VAC. SERVICE ROAD ON N, SHERIDAN INDUSTRIAL DISTRICT

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is West of the SW/c of E. 11th St. and S. 71st E. Ave.

STAFF COMMENTS: The applicant is requesting Special Exception to permit a medical marijuana grower operation (Agricultural/Horticulture Nursery Use) in the CH district (Sec. 15.020, Table 15-2)

7.2

REVISED 10/29/2020

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
Subcategory												
Specific use												
High-impact Manufacturing & Industry	-	-	-	-	-	-	-	-	-	S	P	
Mining or Mineral Processing	-	-	-	-	-	-	-	-	-	S	S	Section 40.230
Junk or Salvage Yard	-	-	-	-	-	-	-	-	-	S	P	Section 40.190
RECYCLING												Section 40.310
Construction or Demolition Debris	-	-	-	-	-	-	-	-	S	S	P	
Consumer Material Drop-off Station	-	-	-	-	P/S/S	P	P	P	P	P	P	
Consumer Material Processing	-	-	-	-	-	-	-	-	P	P	P	
AGRICULTURAL												
Animal Husbandry	-	-	-	-	-	-	-	-	-	P	P	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	Section 40.090
Farm, Market- or Community-supported	P	P	P	P	P	P	P	P	P	P	P	
Horticulture Nursery	-	-	-	-	-	S	S	-	P	P	P	Section 40.225

Medical marijuana uses are subject to the supplemental regulations of Sec. 40.225:

Section 40.225 Medical Marijuana Uses

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

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

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

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

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

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

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

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

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

TULSA ZONING CODE | July 1, 2020

page 40-12

Chapter 40 | Supplemental Use and Building Regulations
Section 40.230 | Mining or Mineral Processing

40.225-H No medical marijuana grower operation, processing facility, dispensary or research facility shall be permitted or maintained unless there exists a valid license, issued by the Oklahoma State Department of Health for the particular use at the particular location.

40.225-I The separation distance required under Section 40.225 D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section 40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma State Department of Health prior to December 1, 2018 for the particular location.

SAMPLE MOTION:

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

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

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



Facing West on 11th Street.



Facing East on 11th Street



Subject property

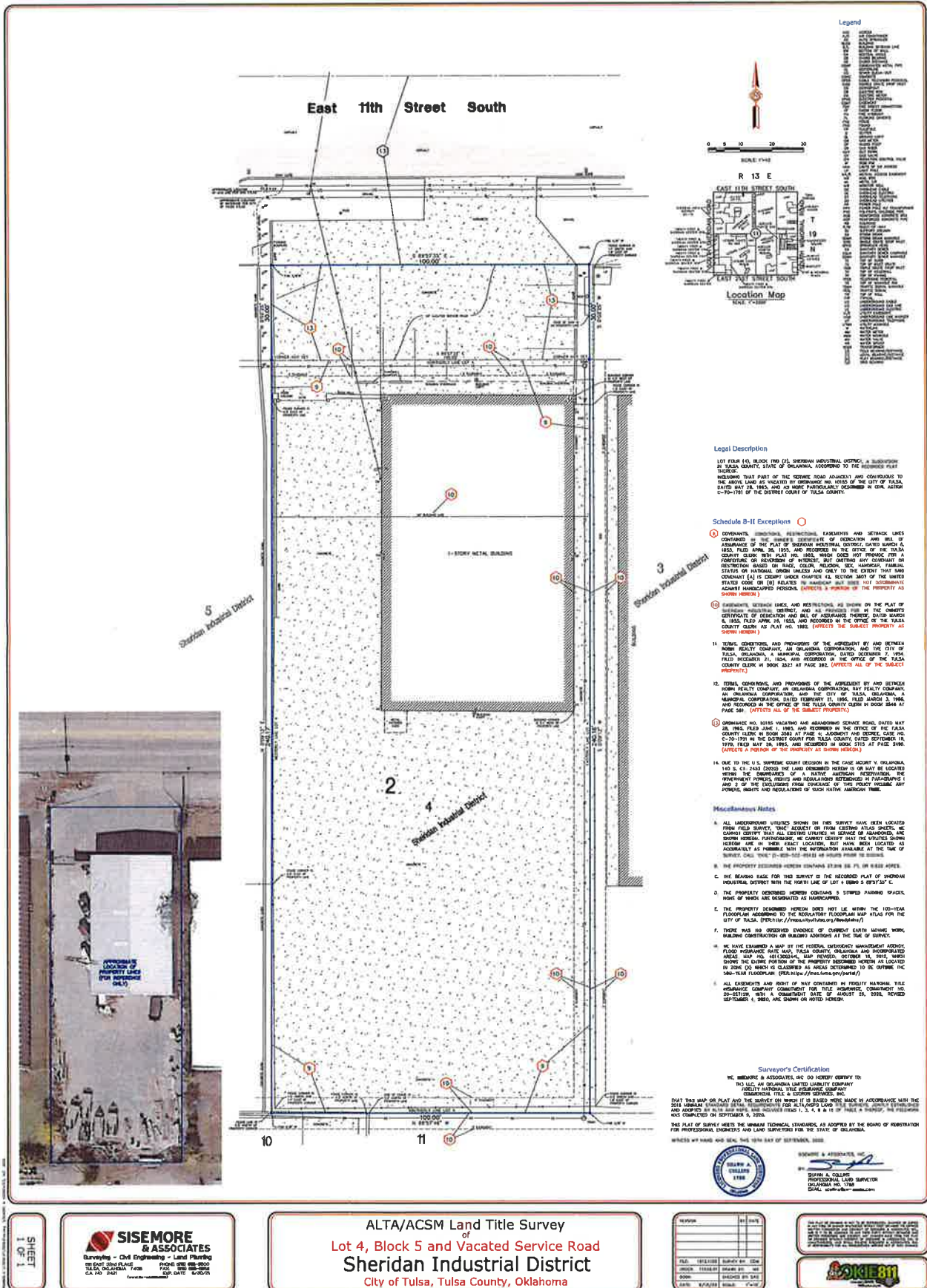


Exhibit "A"

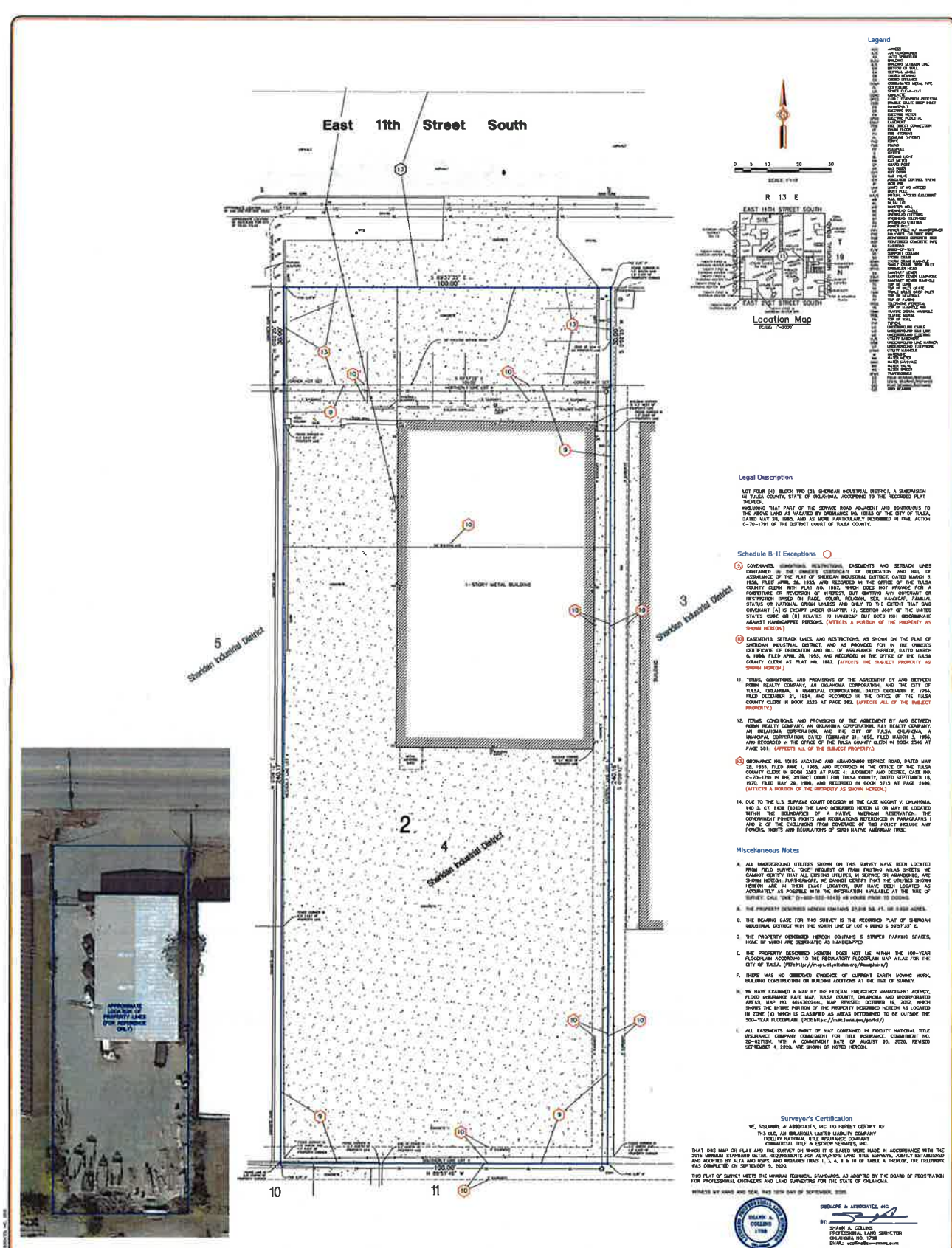
Lot Four (4), Block Two (2), SHERIDAN INDUSTRIAL DISTRICT, a subdivision in Tulsa County, State of Oklahoma, according to the recorded Plat thereof, including that part of the service road adjacent and contiguous to the above land as vacated by Ordinance No. 10185 of the City of Tulsa dated May 28, 1965 and as more particularly described in civil action C-70-1791 of the District Court of Tulsa County.

EXHIBIT "B"

Applicant requests a Special Exception pursuant to Table 15-2 and Section 15.020 of the Tulsa Zoning Code (the "Code") to permit a medical marijuana grower operation in the CH – Commercial Heavy District for property located at 6934 E. 11th Street (the "Property").

The Property is located on East 11th Street, approximately one quarter mile east of South Sheridan Road, and is the former site of Metropolitan Concrete. The surrounding businesses along 11th Street are commercial and light industrial in nature, consisting primarily of automotive dealers and repair shops, as well as a medical marijuana dispensary a block west on the north side of 11th Street.

The proposed growing operation will be conducted entirely indoors in the existing 5,400 SF warehouse building on the Property. A six-foot fence surrounds the Property on all sides with gate access. The operation will have the necessary air filtration and security systems as required by the Code and State law. The proposed use will be less intense than the previous use of the Property by Metropolitan Concrete, as well as the surrounding commercial/industrial uses, and therefore will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In June 2020, the City Council adopted an amendment to the Code, permitting the proposed use in a CH district by special exception, thereby determining that the use is in harmony with the spirit and intent of the Code.



SHEET
1 OF 1

SISEMORE & ASSOCIATES
Surveying - Civil Engineering - Land Planning
101 EAST 2ND PLAZA
TULSA, OKLAHOMA 74103
CA NO. 2421
2024-6 2025-2026
2025-2026
EXP. DATE 6/30/27

ALTA/ACSM Land Title Survey
Lot 4, Block 5 and Vacated Service Road
Sheridan Industrial District
City of Tulsa, Tulsa County, Oklahoma

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Subject
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BOA-23025

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

Aerial Photo Date: February 2018



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Subject
Tract

BOA-23025

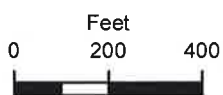
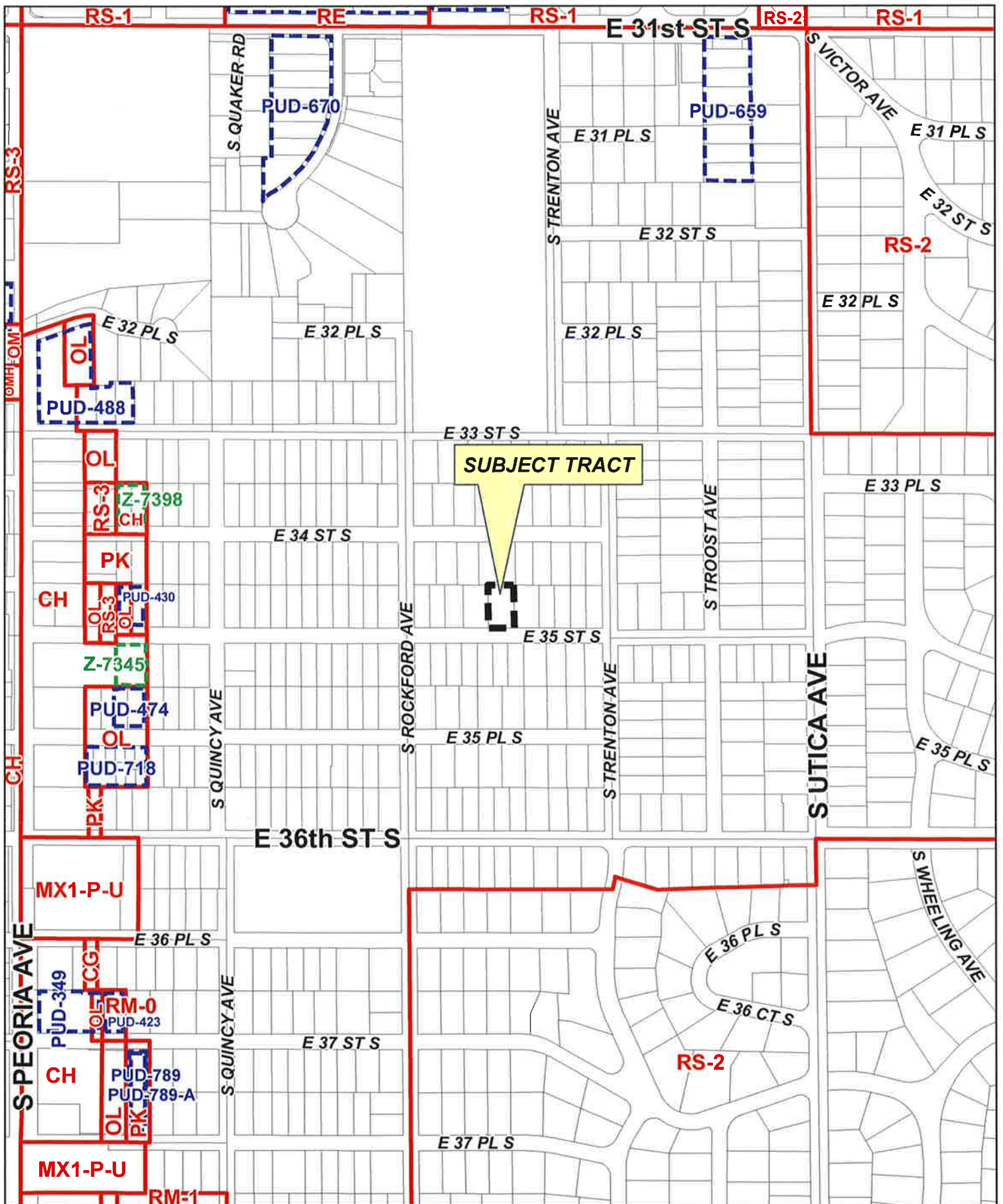
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Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



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BOA-23026

19-13 19

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BOARD OF ADJUSTMENT CASE REPORT

STR: 9319

Case Number: **BOA-23026**

CZM: 47

CD: 9

HEARING DATE: 11/10/2020 1:00 PM

APPLICANT: Tom Neal

ACTION REQUESTED: Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); 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); Variance to allow the floor area of an Accessory Dwelling Unit to exceed 500 square feet or 40% of the floor area of the principal residential structure (Section 45.030-A2; 45.031-D6.a)

LOCATION: 1523 E 35 ST S

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 11900.64 SQ FT

LEGAL DESCRIPTION: W. 25 OF LT-18 ALL OF LT-19-BLK-2, PARRAMORE ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property: None.

Surrounding Properties:

BOA-11974; On 05.27.82 the Board approved a variance from 400 sf to 520 sf for detached accessory building. Property located 1571 E. 35th St.

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

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

The **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 35th St. between S. Rockford and S. Trenton Ave.

STAFF COMMENTS: The applicant is requesting Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); 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); Variance to allow the floor area of an Accessory Dwelling Unit to exceed 500 square feet or 40% of the floor area of the principal residential structure (Section 45.030-A2; 45.031-D6.a)

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]

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]

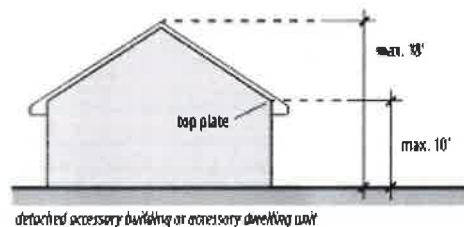
[1] For detached accessory buildings, including accessory dwelling units, located within rear setbacks see §90.090-C2.

RS, RD Districts and RM Zoned Lots Used for Detached Houses or Duplexes

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

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

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



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

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

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

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]

The applicant is proposing a 1,871 square foot structure. By right the applicant would be allowed to build a 693 square foot structure based on the existing residential structure that is 1,734 square feet. The height of the structure would be 24 feet at its peak and 17 feet to the top of the top plate.

STATEMENT OF HARDSHIP: Home owner wants to build a garage apartment to house 90 year old father on ground floor and his caretaker. Adding second floor of garage to avoid covering all of back yard.

SAMPLE MOTION:

Special Exception

Move to _____ (approve/deny) a Special Exception to allow an Accessory Dwelling Unit in an RS-3 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.

Variance

Move to _____ (approve/deny) a **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); **Variance** to allow the floor area of an Accessory Dwelling Unit to exceed 500 square feet or 40% of the floor area of the principal residential structure (Section 45.030-A2; 45.031-D6.a)

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

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

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



Facing East 35 St. S.



Facing West 35 St. S.



Subject property

Case No. 11973 (continued)

applicant returning to the Board for an evaluation of the operation, to run with this applicant only, on the following described property:

Lot 7, Block 5, Walnut Creek III Addition, Tulsa County, Oklahoma.

Case No. 11974

Action Requested:

Variance - Section 240.2 - Permitted Yard Obstructions - Request for a variance from 400 square feet to 520 square feet for an accessory building in the rear yard. This property is located at 1571 East 35th St.

Presentation:

Timothy Kunz, 1571 East 35th Street, was present to address the Board and submitted a plot plan (Exhibit "K-1"). Mr. Kunz is proposing to construct a 20' x 26' garage on his property. He advised the Board that there was previously an 18' x 18' garage on the subject property which has been torn down. Mr. Kunz advised that he plans to use a portion of the garage as his personal workshop.

Protestants: None.

Board Comments:

Mr. Lewis asked what the garage would be constructed of and Mr. Kunz stated that it would be constructed of wood.

Mrs. Purser asked if there were other framed detached garages in the neighborhood and Mr. Kunz answered in the affirmative.

Mr. Lewis asked if the workshop would be used for a commercial use and Mr. Kunz stated that it would not.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Variance (Section 240.2 - Permitted Yard Obstructions) from 400 square feet to 520 square feet for an accessory building in the rear yard, on the following described property:

Lot 15, Block 2, Parramore Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11975

Action Requested:

Variance - Section 207 - Street Frontage Required - Request for a variance from the street frontage requirement of 30' to 0'. This property is located at 6600 South Gary Avenue.

Presentation:

The applicant was not present to address the Board.

Mr. Smith advised that the case needs to be continued so that the case can be acted upon by the Planning Commission before it comes before this Board.

5.27.82:363(13)

DANA L. BOX
ZONING OFFICIAL
PLANS EXAMINER II

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

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

October 8, 2020

Phone: 918-231-7372

APPLICATION NO: **ZCO-069255-2020**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **1523 E. 35th St.**

Description: **New Garage and Two Garage Apartments**

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. ****PURSUANT TO FEDERAL, STATE, AND LOCAL DECLARATIONS OF EMERGENCY ARISING FROM THE COVID-19 THREAT AND AS DIRECTED BY THE ADMINISTRATION, OUR OFFICE IS CLOSED TO THE PUBLIC UNTIL FURTHER NOTICE. PAPER SUBMITTALS (INCLUDING REVISIONS AND ADDENDUM) FOR ANY PROJECT IS NOT ACCEPTED AT THIS TIME. IF SUBMITTING REVISIONS FOR APPLICATIONS THAT PREVIOUSLY UTILIZED PAPER PLANS, EMAIL THE REVISED PLANS TO COTDESVCS@CITYOFTULSA.ORG OR SUBMIT ELECTRONIC PLAN REVISIONS ON THE PORTAL AT [HTTPS://TULSAOK.TYLERTECH.COM/ENERGOV4934/SELFERVICE](https://tulsaok.tylertech.com/energov4934/selfservice). YOU WILL NEED TO REGISTER ON THE PORTAL IF YOU HAVE NOT PREVIOUSLY DONE SO. **INFORMATION ABOUT THE ZONING CODE, BOARD OF ADJUSTMENT (BOA), PLANNING COMMISSION (TMAPC), AND THE TULSA PLANNING OFFICE AT INCOG CAN BE FOUND ONLINE AT WWW.TULSAPLANNING.ORG; IN PERSON AT 2 W. 2ND ST., 8TH FLOOR, IN TULSA; OR BY CALLING 918-584-7526 AND ASKING TO SPEAK TO SOMEONE ABOUT THIS LETTER OF DEFICIENCY.**

REVIEW COMMENTS

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

ZCO-069255-2020

1523 E.35th St.

October 8, 2020

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

1. **Section 45.030-A2** In RS-2, RS-3, RS-4 and RS-5 or RM, zoned lots used for detached houses or duplexes, the total aggregate floor area of all detached accessory buildings and 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) For detached accessory buildings, including accessory dwelling units, located within the rear setback, see 90.090-C2.

Review comments: You are proposing a detached accessory structure with approximately 1,871 square feet of combined floor area, which exceeds the 40% or 500 square foot maximum. Reduce the size of your proposed detached accessory structures to be less than 40% or 500 square feet or apply to BOA for a variance to allow a combination of all detached accessory structures to exceed 40% or 500 square feet.

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

Section 45.031-D Regulations

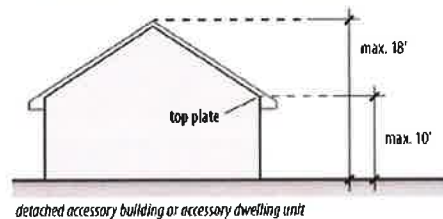
- **Where Allowed** Accessory dwelling units are allowed by special exception in RE, RS, AG, and AG-R districts on lots occupied by a detached house. Accessory dwelling units are allowed by right in RD, RT, RM and RMH districts on lots occupied by a detached house.
- **Number** No more than one accessory dwelling unit is allowed per lot.
- **Methods of Creation** An accessory dwelling unit may be created only through the following methods:
 - Constructing an accessory dwelling unit on a lot with a new or existing detached house; or
 - Converting or increasing existing floor area within an accessory building on a lot with an existing detached house.
- **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.
- **Open space (Minimum open space per unit)** No additional open space is required for the accessory dwelling unit.
- **Accessory Dwelling Unit Size**
 - 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] For detached accessory buildings, including accessory dwelling units, located within rear setbacks, see Section 90.090-C2.

Review comments: The proposed detached structure indicates a garage and two accessory dwelling units (ADU's) comprised of approximately 1,871 square feet on two floors. An ADU requires a Special Exception in a RS-3 zoning district. Further, no more than one ADU is allowed per lot.

Apply to the Board of Adjustment for an ADU in RS-3 zoning. Further, request a variance for the proposed detached accessory structure to be more than 40% or 500 square feet AND a variance to allow two ADU's on the same lot.

3. **Sec. 90.90.C: Detached Accessory Buildings.** Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, provided that the building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate.

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)



Review Comments: Revise plans to indicate that the detached accessory building will not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate or apply to the BOA for a variance to allow an accessory structure to exceed the maximum heights allowed.

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

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

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

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

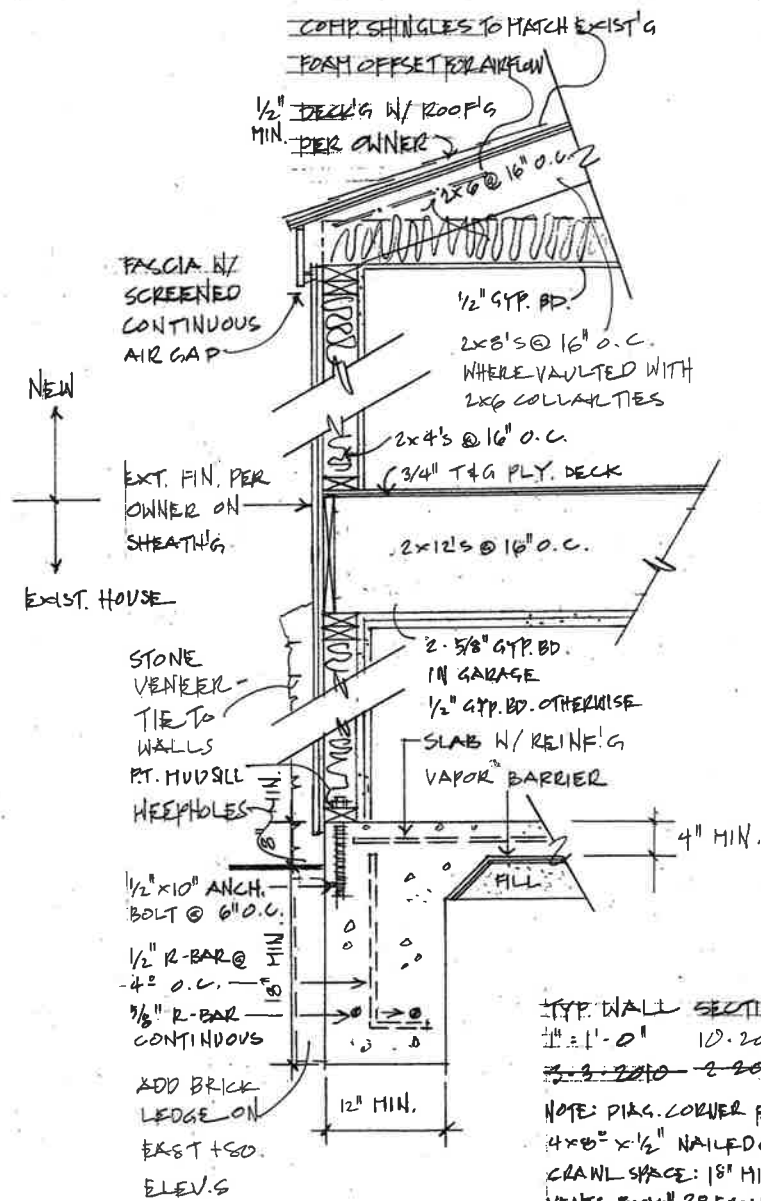
A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

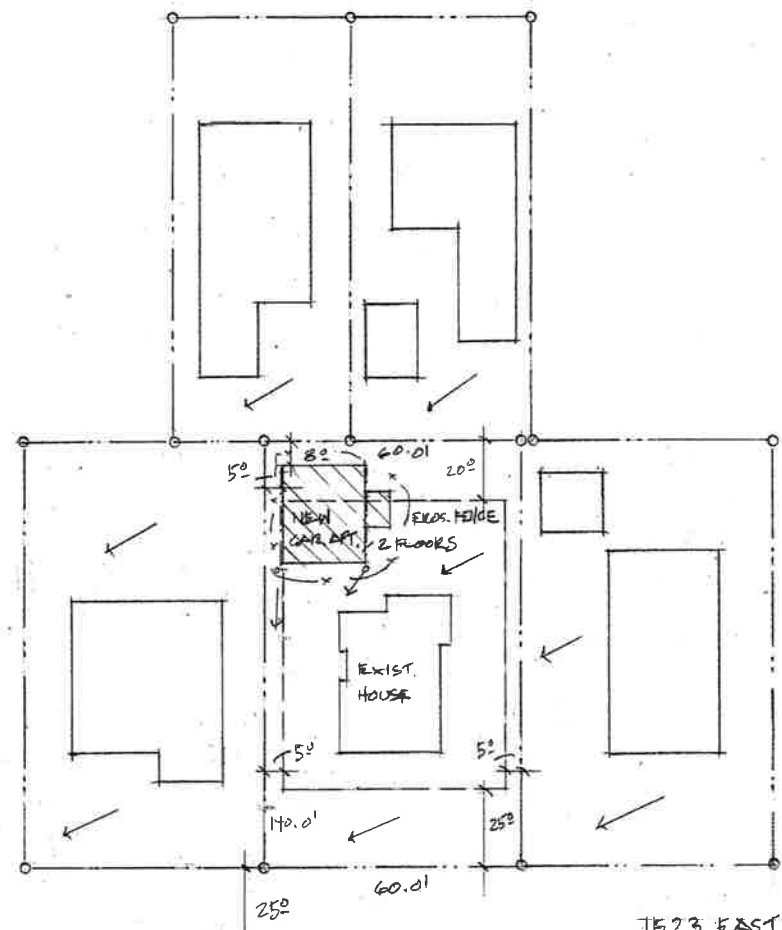
NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

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

micog

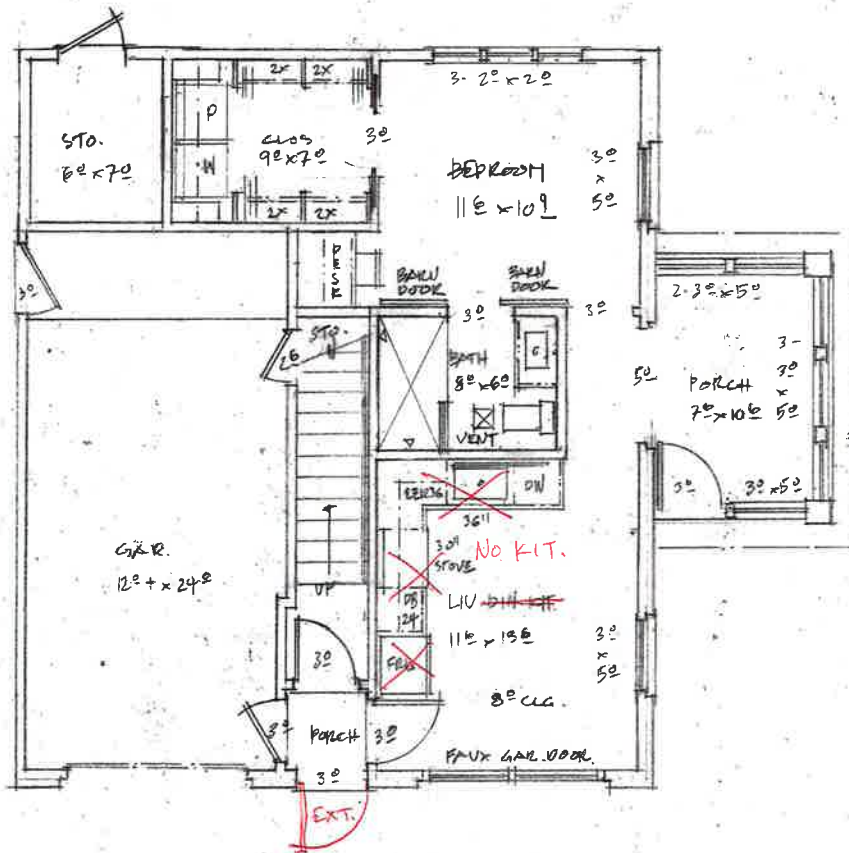


TYP. WALL SECTION
 1" = 1'-0" 10.2020
~~3-3-2010 2-2019~~
 NOTE: PIRG. CORNER BRAC'G
 4x6" x 1/2" NAILED @ 6" O.C.
 CRAWL SPACE: 18" MIN. CLEAR
 VENTS 8x16" 3" FROM CORNER
 8" O.C. 18x22" ACCESS DOOR



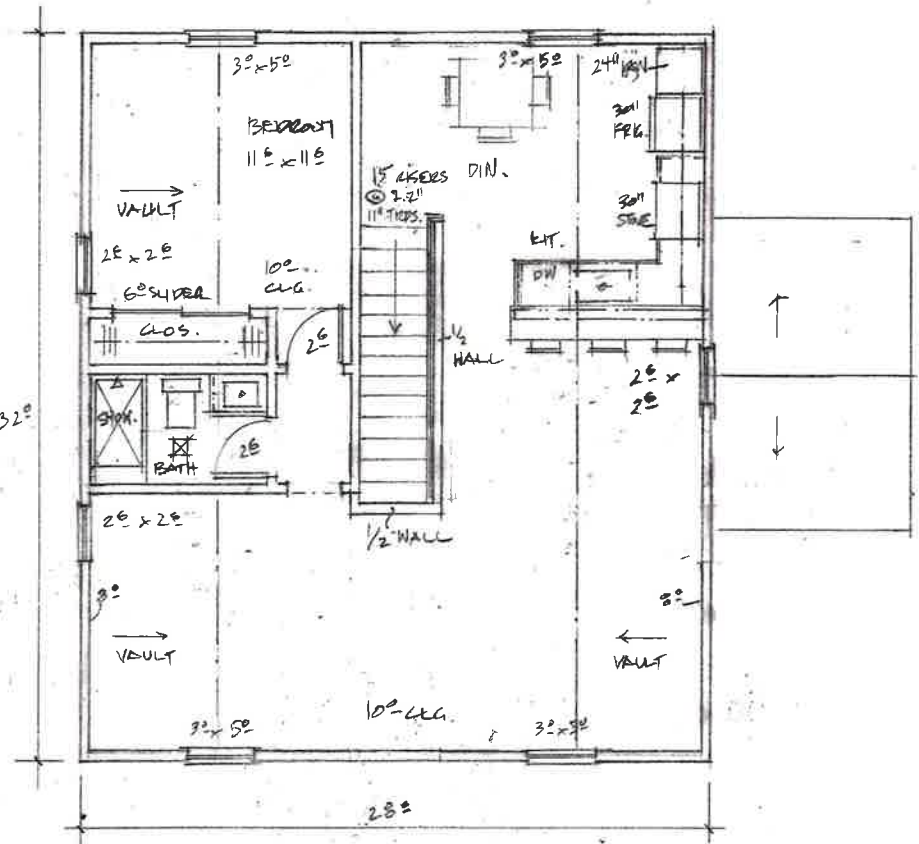
SITE DRAINAGE PLAN 1" = 40' NORTH
 NEW FOOT PRINT: 896 #, ALLOWED: 693 #
 MAX COVERAGE REQ. REAR YD: 360 #
 COVERED: 360 # NEW GAR. REPLACES EXIST.
 OF SIM. ROOF AREA.

1523 EAST 35TH ST.
 TULSA OKLA 74106
 10.2020
 TOM NEAL
 DESIGN
 Associate member, American Institute of Architects
 918.231.7372



FIRST FLOOR 3/16" = 1'-0"

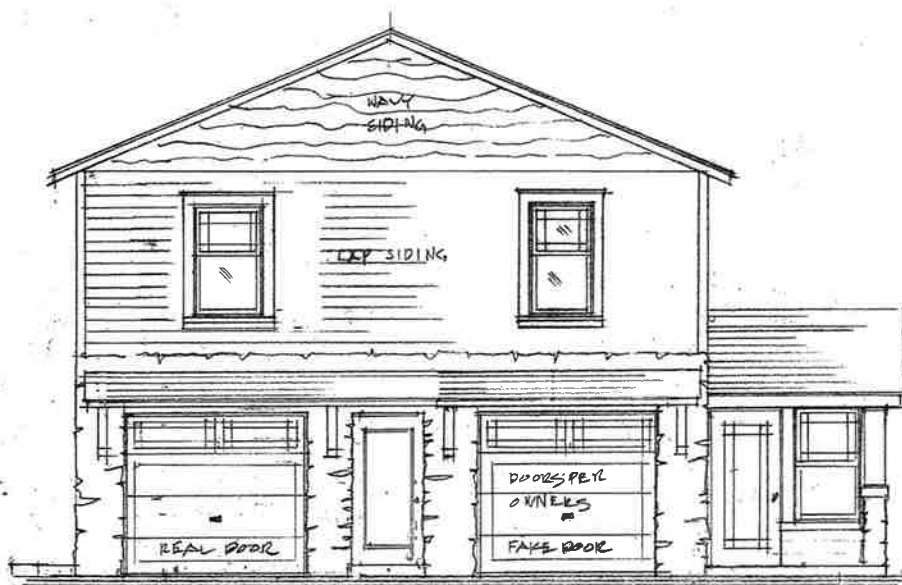
ONE ADU ONLY:
DOWNSTAIRS SUITE
FOR SENIOR (90 Y. OLD)
UPSTAIRS FOR CARETAKERS



SECOND FLOOR 3/16" = 1'-0"

1525 EAST 35TH STREET
TULSA, OKLAHOMA 74109
10.2020 - 8.2020

TOM NEAL
DESIGN
Associate member, American Institute of Architects
918.231.7372



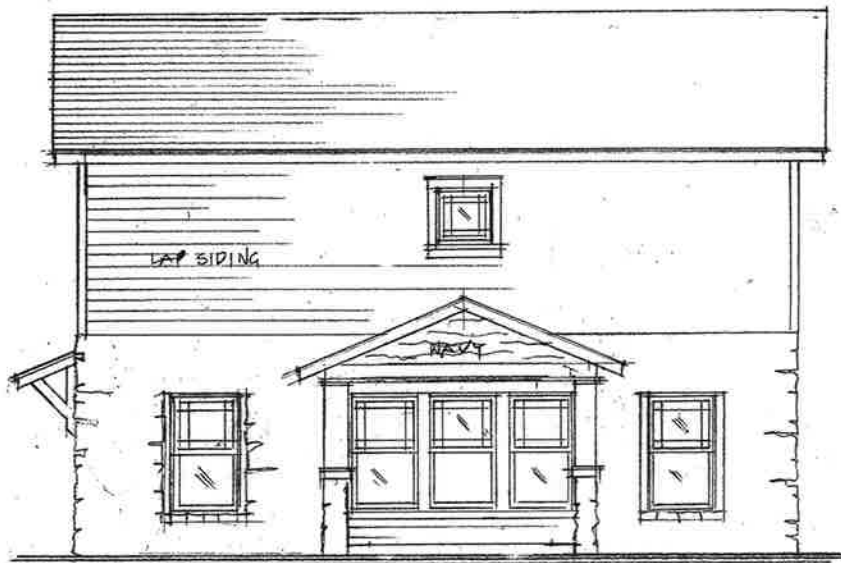
SOUTH ELEV. $\frac{3}{16}'' = 1'-0''$



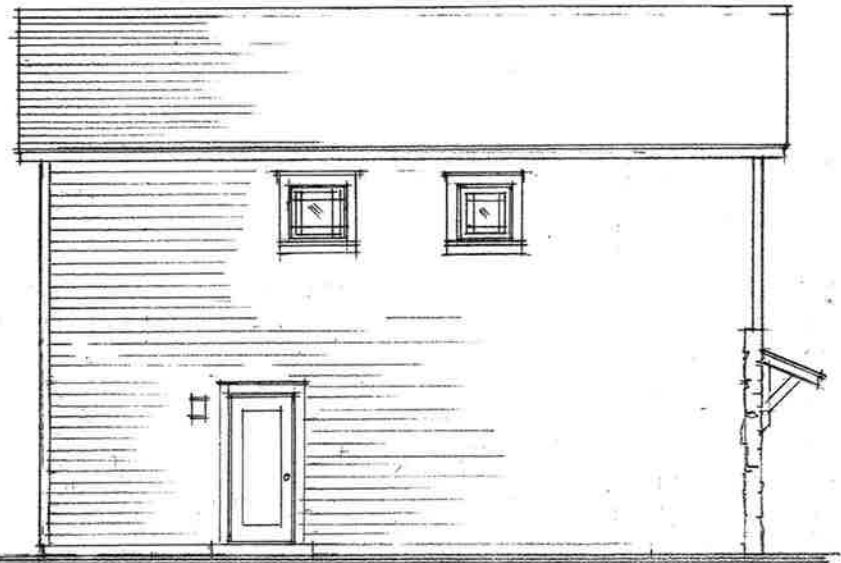
NORTH ELEV. $\frac{3}{16}'' = 1'-0''$

1523 EAST 35TH STREET
TULSA, OKLAHOMA 74119
10.2020 8-2020

TOM NEAL
DESIGN
Associate member, American Institute of Architects
918.231.7372



EAST ELEV. 3/16" = 1'-0"



WEST ELEV. 3/16" = 1'-0"

1523 EAST 35TH STREET
TULSA, OKLAHOMA 74104
8.20.10

TOM NEAL
DESIGN
Associate member, American Institute of Architects
918.231.7372

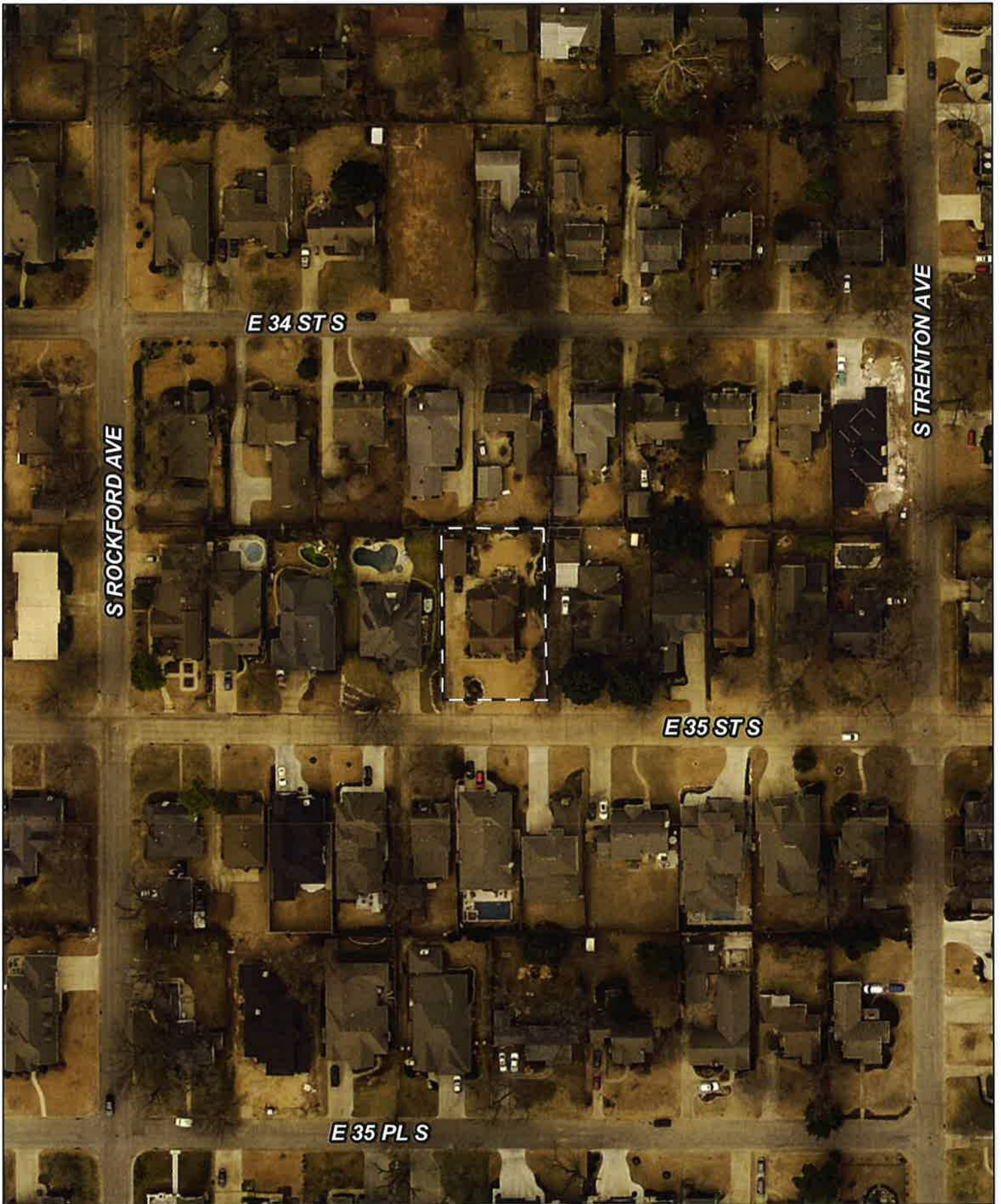


BOA-23026

Aerial Photo Date: February 2018



8.16



0 50 100
Feet



Subject
Tract

BOA-23026

19-13 19

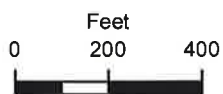
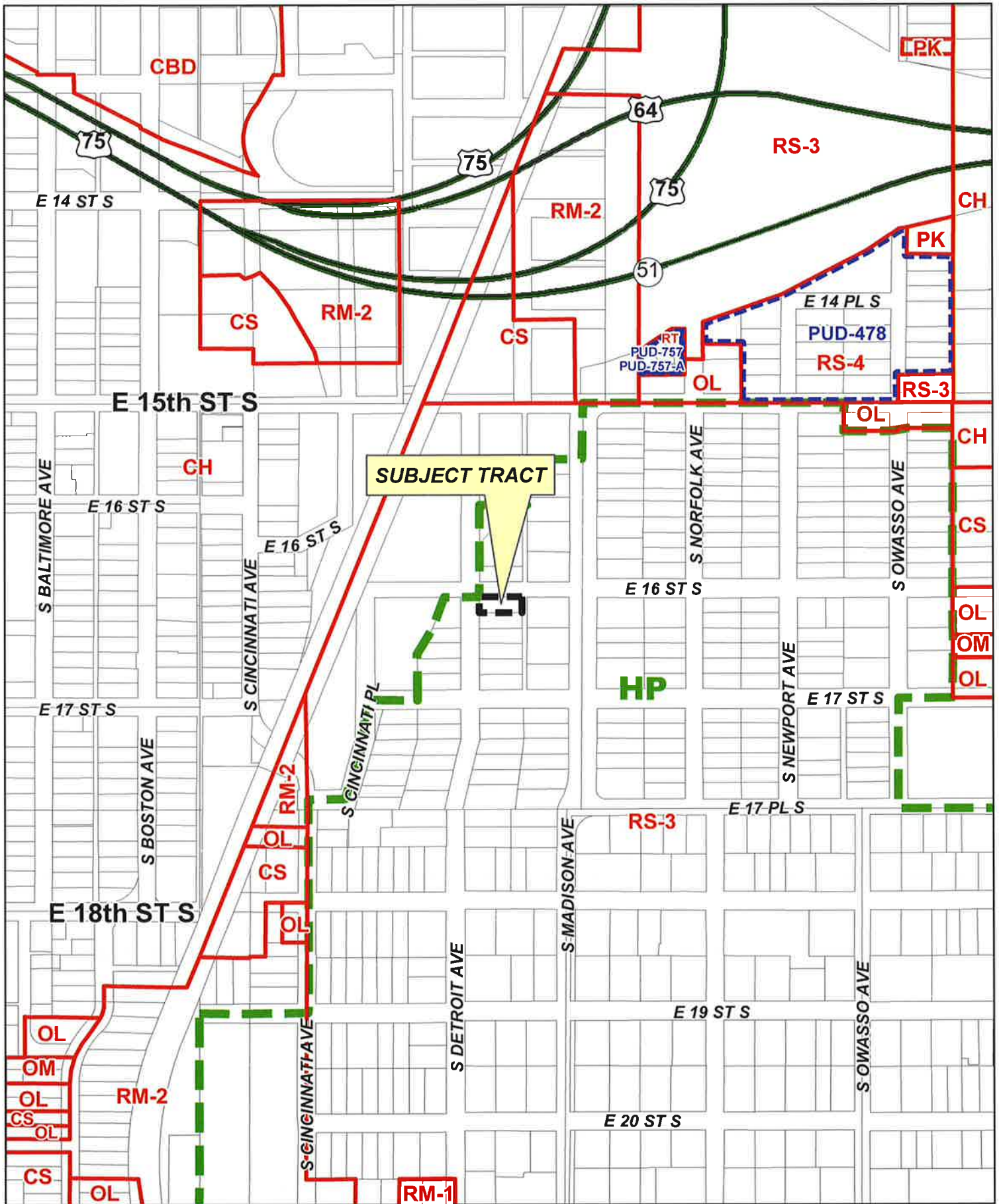
Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: February 2018



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BOA-23027

19-12 12

9.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9212

Case Number: **BOA-23027**

CZM: 36

CD: 4

HEARING DATE: 11/10/2020 1:00 PM

APPLICANT: Tom Neal

ACTION REQUESTED: Variance to allow more than 30% coverage of the rear setback for a detached accessory building in an RS-3 District (Sec. 90.090-C.2)

LOCATION: 1601 S DETROIT AV E

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: LT 12 BLK 5, MAPLE PARK ADDN

RELEVANT PREVIOUS ACTIONS:

Subject property: None

Surrounding Properties:

BOA-22931; On 06.09.20 the Board **approved** a Variance to allowable size and height for a detached accessory building. Property located 1539 S. Detroit Ave.

BOA-22082; On 06.14.16 the Board **approved** a Variance of the allowable coverage area for the rear setback and of the setback from the interior lot lines for a detached accessory building. Property located 1615 S. Detroit Ave.

BOA-21489 and 21489-A; On 10.23.12 the Board **approved** a Variance to allowable size and height for a detached accessory building and subsequently on 05.14.13 the Board **approved** a variance to permit a second dwelling unit and a variance of the required side yard to permit an addition to the primary residence. Property located 1621 S. Detroit Ave. E.

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 SE/c of S. Detroit Ave. and 16th ST. S. The property is located in the Maple Ridge Historical Preservation district though this structure does not require a Historical Preservation Permit.

STAFF COMMENTS: The applicant is requesting Variance to allow more than 30% coverage of the rear setback for a detached accessory building in an RS-3 District (Sec. 90.090-C.2)
STA

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

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

STATEMENT OF HARDSHIP:

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to allow more than 30% coverage of the rear setback for a detached accessory building in an RS-3 District (Sec. 90.090-C.2)

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

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

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- e. That the variance to be granted is the minimum variance that will afford relief;*

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

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”



Subject property



Facing North on Detroit



Facing East on 16th St .

LTS 26 27 BLK 17; LTS 24-25 BLK 17, BERRY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22931—Bill Powers

FILE COPY

Action Requested:

Variance to permit the aggregate floor area of accessory buildings on a lot in an RS-3 District to exceed 40% the floor area of the primary residential structure (Section 45.030-B); Variance to permit a detached accessory building to exceed 18 feet in height and 10 feet in height to the top of the top plate (Section 90.090.C). **LOCATION:** 1539 South Detroit Avenue East (CD 4)

Presentation:

Bill Powers, 8810 South Yale Avenue, Tulsa, OK; stated he is working for the owners of the subject property, and their house is on Lot 13. The owners have purchased lots 14, 15 and 16 and it is their request to build a new two-story garage with a mother-in-law suite. The existing garage is small and not built to modern standards for modern automobiles; they are using it for storage at this time. The owners are proposing to build something that is completely historically preservation correct. Mr. Powers stated he spoke with the Historic Preservation Committee and they do not have a jurisdiction in this instance.

Mr. Van De Wiele asked Mr. Powers if the new structure would have the same type of roofline, materials, etc. as the principle structure? Mr. Powers answered affirmatively and stated that would even the wood lap siding will be matched.

Mr. Van De Wiele asked staff if this was all one lot or is the principle structure on the lot outside the dotted line on the map; is the main house on the corner? Mr. Powers stated the house is not on the corner. Mr. Powers stated the homeowners purchased the additional lots and had them consolidated into one address. Mr. Van De Wiele asked Mr. Powers if there had been a lot combination or a lot line adjustment. Mr. Powers answered affirmatively. Mr. Chapman stated the County identifies this as one parcel.

Mr. Powers stated there was a previous garage in the subject are because there are remnants of a foundation and a sewer line is still visible.

Mr. Van De Wiele asked Mr. Powers how large the primary house is and how large is the detached garage desired to be? Mr. Powers stated the City calculated it to be 200 square feet long.

Ms. Radney asked if there was information about the height of the existing structure. Mr. Powers stated the proposed building is a little lower than the existing house; the existing house is on a foundation that is about three feet above grade; the existing house will be about 3'-6" taller than the new garage.

BOA-22931

FILE COPY

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 3-0-0 (Bond, Radney, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to permit the aggregate floor area of accessory buildings on a lot in an RS-3 District to exceed 40% the floor area of the primary residential structure (Section 45.030-B); Variance to permit a detached accessory building to exceed 18 feet in height and 10 feet in height to the top of the top plate (Section 90.090.C), subject to conceptual plans 35.8 and 35.9 of the agenda packet. The design and all the materials used for the proposed structure are to match the existing house. The Board has found the hardship to be the existing structure predated the Comprehensive Zoning Plan as well as the uniqueness of the lots due to previous City expansion condemnation. 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; for the following property:

ALL LT 13 & PRT LTS 14 THRU 17 BEG SWC LT 14 TH N25 NE203.19 S171.78 SW140 POB BLK 1, MAPLE PARK ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 3-0-0 (Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Henke, Snyder absent) to **APPROVE** the request for a Variance to allow the establishment of a family child care home within 300 feet of another family child care home abutting the same street; Verification of the spacing requirement for a family child care home of 300 feet from any another family child care home on the same street (Section 45.070). The Board has found that the applicant has operated the child care facility at her home for over three years and she is licensed by the State, and the other potentially conflicting use has not been verified for spacing with the Board of Adjustment. For reasons of the afore mentioned that would be a practical difficulty justifying the approval of this Variance. The Board 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.

In regards to the Spacing Verification the Board as found that based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing shown on exhibit 4.5; for the following property:

LT 3 BLK 20, NORTHRIDGE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

22082—Michael Birkes

FILE COPY

Action Requested:

Variance of the allowable coverage of a rear setback by accessory buildings;
Variance of the required setback from interior lot lines for accessory buildings
(Section 90.090-C.2). **LOCATION:** 1615 South Detroit Avenue East (**CD 4**)

Presentation:

Michael Birkes, 4908 South Columbia Place, Tulsa, OK; stated the property owners have contracted him to design a new garage to be placed in the location where a former garage had been. Currently there is a temporary carport at that location. The former garage and quarters was approximately 28'-0" x 28'-0". Due to the larger size of today's automobiles the new garage has been extended five feet into the interior back yard closer to the house. The owner has had a conversation with his neighbor to the north and that neighbor has requested that the three foot setback be complied with, so Mr. Birkes requested that to be removed from the request. But he does want to maintain the alleyway setback and property line. The new garage will align with the other accessory structures along the alley. The owner does want to maintain as much of the backyard as possible but still needs a garage.

Mr. Van De Wiele asked if the old garage was torn down because it was dilapidated. Mr. Birkes stated the old garage was destroyed by a fire.

Mr. White asked Mr. Birkes if the new garage would encroach on any utilities. Mr. Birkes stated that the new garage will not encroach on any utilities that he is aware of. Mr. Birkes stated there was an abandoned sewer line from the south end where the quarters were located originally. Mr. Birkes stated that he will have OKIE come to the subject property to make sure there are no utilities.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 3-0-0 (Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Henke, Snyder absent) to **APPROVE** the request for a Variance of the allowable coverage of a rear setback by accessory buildings; Variance of the required setback from interior lot lines for accessory buildings (Section 90.090-C.2), subject to conceptual plans 5.9 and 5.10. The proposed structure shown on 5.9 will be three feet from the north property line and the proposed garage will be two feet from the existing alleyway. The Board has found that the proposed garage to be constructed is a replacement of an earlier garage that was destroyed by fire and that the size of today's automobiles necessitates a larger footprint than was originally constructed. The Board 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;

BOA-22082

- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

LT 9 BLK 5, MAPLE PARK ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

22083—Victory Christian Church

Action Requested:

Variance to exceed the permitted display area of a sign to allow a 72 square foot dynamic display sign in the O District. **LOCATION:** 7700 South Lewis Avenue East (CD 2)

Presentation:

Sarah Dillard, 7700 South Lewis Avenue, Tulsa, OK; stated the new board will be five square feet smaller than the existing board. It usually takes about ten years before a board needs to be replaced and the existing board is significantly over ten years, and lately there have been issues with trouble shooting. Across the street is Oral Roberts University and they recently were approved for a dynamic display board and the proposed board for Victory will be similar but smaller. The proposed 72 square feet will allow Victory to get out more information and it will be easier for drivers to read. The proposed sign will only take up 23% of the allotted amount of the 307 square feet of signage that was granted. In updating the dynamic display the mainstream structure of the sign will not be changed.

Mr. Van De Wiele asked Ms. Dillard if she said the new proposed sign would be smaller than the existing sign. Ms. Dillard answered affirmatively. Mr. Van De Wiele asked Ms. Dillard why she was before the Board if the new sign is smaller. Ms. Dillard stated it is because the old sign is an electronic message center and the new sign will be a dynamic display.

Interested Parties:

There were no interested parties present.

**BLK 1 LESS BEG SWC TH N22 SE31.19 W22 POB, ORAL ROBERTS UNIVERSITY
HGTS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

21489—Mark Bragg

FILE COPY

Action Requested:

Variance to increase the permitted floor area from 1,006 square feet (40%) to 1,188 square feet (47%) (Section 402.B.1.d); Variance of the accessory building height and coverage area in required rear yard from 1 story to 2 story and increase maximum covered area in the rear yard from 300 square feet (30%) to 540 square feet (54%) (Section 210.B.5.a) in the RS-3 District. **LOCATION:** 1621 South Detroit Avenue East **(CD 4)**

Presentation:

Mark Bragg, KSQ Architects, 1624 South Detroit, Tulsa, OK; stated he lives across the street from the subject property and has lived there for four years. When he first moved into the neighborhood it was entirely rental property and over the years the neighborhood has vastly improved. In the interim the neighborhood has achieved historic zoning. He purchased the subject property across the street because he wanted to downsize without moving out of the neighborhood. Currently the house does not have a garage, but it did have at one time. Mr. Bragg would like to replace the previous garage with another larger garage, larger than what the zoning code allows. The foundation of the previous garage still exists. Mr. Bragg has a letter from the previous owner stating that when she moved into the house the garage had burned down, and that the previous garage had been a two-story garage. Mr. Bragg has support of his application from 17 of his neighbors.

Mr. Van De Wiele asked Mr. Bragg if the footprint of what he was proposing to build is the same as the previous garage. Mr. Bragg stated it is basically the same but not exactly. The new garage will be a little wider to accommodate today's cars.

Mr. White asked Mr. Bragg if he had received his Certificate of Appropriateness. Mr. Bragg stated that he had been approved and does have a Certificate of Appropriateness. Mr. Bragg stated that he also has a Certificate of Appropriateness for the house.

Mr. Van De Wiele asked Mr. Bragg if he intended for the second story of the garage to be a future garage apartment. Mr. Bragg stated that he had no intentions of using the second story as a garage apartment at this time, but he will file an application and come back before the Board to ask permission if he wants to have a rental unit.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

BOA-21489

FILE COPY

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Henke absent) to **APPROVE** the request for a Variance to increase the permitted floor area from 1,006 square feet (40%) to 1,188 square feet (47%) (Section 402.B.1.d); Variance of the accessory building height and coverage area in required rear yard from 1 story to 2 story and increase maximum covered area in the rear yard from 300 square feet (30%) to 540 square feet (54%) (Section 210.B.5.a) in the RS-3 District, subject to conceptual plan on page 13.10. Finding that the garage to be constructed is basically a reconstruction of a pre-existing garage that had burned down with the footprint being roughly equivalent to that which had been there previously; modified to today's living standards. This approval is subject to the further requirement that the second floor of the garage will not be used for rental property unless future permission is approved through the Board of Adjustment process. 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 7 BLK 5, MAPLE PARK ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21490—Lou Reynolds

Action Requested:

Variance of the parking requirement from 15 spaces to 8 spaces to permit a restaurant (Section 1212.D). **LOCATION:** 3629 South Peoria Avenue East (CD 9)

Mr. Tidwell recused himself and left the meeting at 3:02 P.M.

Presentation:

Lou Reynolds, 2727 East 21st Street, Tulsa, OK; stated the property is located on the southeast corner of East 36th Place and South Peoria. The owner has a parking agreement with the church that is located north of the subject property. The subject property is a 1930s building that has had multi-tenant uses. The area that is to be used previously had a Use Unit 14 use and had a requirement of one parking space to 225,

Mr. Van De Wiele asked Ms. Basse if she leased the subject property. Ms. Basse stated that she leases the subject property and has a 20 year lease for the subject property.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a **Special Exception** to permit seasonal sales (Use Unit 2) in a CS and IL District (Section 901, Table 1) not to exceed 179 days in a calendar year (Section 1202.C.1); **Special Exception** to allow alternative off-street parking materials (gravel) for parking area (Section 1202.C.1), this will be per conceptual plan on page 5.7. The two Special Exceptions will be linked together, whereby, if the seasonal sales cease then Special Exception for the parking materials will also cease. This approval for the two Special Exceptions will have a time limit of 10 years from today's date, May 14, 2013. Finding the Special Exceptions will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

PRT SE SE BEG 233W & 50N SECR SE TH W574.88 N1091.83 E749.26 S934.13 W8 S103 W75 S235 POB SEC 31 19 14 21.005AC, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21489-A—Mark Bragg

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Action Requested:

Variance to permit a second dwelling above the detached garage, in an RS-3 district (Section 207); **Variance** to reduce the required side yard from 5 feet to 3 feet to permit an addition onto the primary house (Section 403. A, Table 3). **LOCATION:** 1621 South Detroit Avenue East **(CD 4)**

Presentation:

Mark Bragg, 1624 South Detroit, Tulsa, OK; stated he currently lives across the street from the subject property. He purchased the subject property with the intention of moving and down-sizing. He came before the Board for the garage and he is back before the Board to ask for permission to install an addition to the house and have living quarters above the garage. The zoning code allows for a three foot setback for the garage, and the house would also have a three foot setback which would be like all the other houses in the neighborhood. Mr. Bragg presented a petition to the Board with 15 neighbor's signatures showing they are in favor of the proposed project. Mr. Bragg also

BOA-21489-A

presented a letter from the Tulsa Historic Preservation Commission showing they too are in favor of the proposed project. The present zoning code does not respond to the character of the neighborhood therefore he would ask for the Board's approval of this project.

Mr. Van De Wiele asked Mr. Bragg what had changed between October and now, because at that time Mr. Bragg had stated that he was not interested in rental space above the garage. Mr. Bragg admitted that at the previous hearing he had stated that at that time he was not interested in rental space above the garage but he would come back to the Board of Adjustment if he changed his mind in the matter. He still is not interested in having rental space but he wants that privilege. That is why he is before the Board today.

Ms. Snyder asked Mr. Bragg if he was wanting the space above the garage to be living quarters, or if he was wanting to rent the space to a third party. Mr. Bragg stated that he thought it was the same thing, but he is asking for the privilege to rent the space to a third party.

Mr. Van De Wiele asked staff if the applicant has enough of a request for today's hearing. Ms. Back stated that it is her understanding of the code and after speaking with a building official that an owner may have detached quarters on their property as long as it is used for family members and not rented as an income property. That is what was established the last time Mr. Bragg was before the Board. There have been other cases where the owner has used detached structures for family members. What Mr. Bragg is asking now is have the ability to utilize the subject structure in the future as rental space.

Ms. Snyder stated that on page 6.15 in the agenda packet there is a paragraph stating that the subject property would be allowed to be out of conformance if it was pre-existing prior to the code with other requirements concerning the structure, has been it established that there were quarters previously on the subject property. Mr. Bragg stated that he has a letter from the previous home owner that states there were quarters on the property, but they were demolished. Mr. Bragg stated that he has found the foundation, sewer line, water line, and the gas line for the previous structure but the structure itself was missing. When he wanted to rebuild the garage he had to come before the Board because the existing foundation did not fit into the existing code requirements. The zoning code states that a structure of "X" amount of square feet can be built in the back 20 feet of the property. In this neighborhood all the garages are built in the back 20 feet and are not attached but are detached. Therefore the zoning code does not fit for the whole neighborhood because the code assumes the garage will be attached and limits the space to the last space in the yard. Under the current zoning code a garage cannot be replaced and the zoning code is why he had to ask the Board for a special exception to build the garage back just as it previously existed.

Ms. Snyder asked if the previous garage and quarters had not been demolished would that apply to an apartment being rented. Mr. Henke asked if Mr. Bragg would still need

BOA-21489-A

relief for the second dwelling. Mr. Swiney stated that Mr. Bragg would still need permission, or a special exception, to rent out the apartment. But if the space were to be for a family member or a housekeeper he would not need a special exception.

Mr. Van De Wiele asked if the request being made today, as advertised, would allow for the space to be rented. Mr. Swiney stated that it would because it was advertised as a second dwelling. Ms. Back stated that what was previously requested in October did not allow Mr. Bragg to have garage living space to be a rental space.

Mr. Van De Wiele left the meeting at 1:30 P.M.

Mr. Swiney stated in the definition of the code a single family detached dwelling refers to a dwelling unit. A dwelling unit is then defined as a set of rooms for not more than one family living independently from any other family. That is the difference. If Mr. Bragg were to place his mother-in-law in the garage living space that is not a separate dwelling unit it is part of the family unit, but if the space is to be rented out to a separate tenant it becomes a second dwelling unit separate from the Mr. Bragg's home.

Mr. Bragg stated that there are several rented garage apartments in the neighborhood, so the proposed project would not be out of character for the neighborhood. Mr. Swiney asked Mr. Bragg how he came to know about the garage apartments. Mr. Bragg stated that he had canvassed the neighborhood.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Henke, Snyder, Tidwell, White "aye"; no "nays"; Van De Wiele "abstaining"; none absent) to **APPROVE** the request for a **Variance** to permit a second dwelling above the detached garage, in an RS-3 district (Section 207); **Variance** to reduce the required side yard from 5 feet to 3 feet to permit an addition onto the primary house (Section 403. A, Table 3). Finding for the hardship that there are numerous garage apartments, or second dwellings, above detached garages in the immediate neighborhood, and there had been a garage apartment on the subject property before it was destroyed by fire. As for the second variance for the sideyard reduction from five feet to three feet, this is for an addition to the house that will not project any closer to the side property line than the existing structure, and it will be filling in an L-shaped area of the original structure. This approval will be per plan on page 6.7. Finding by reason of extraordinary or exceptional conditions or

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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 7 BLK 5, MAPLE PARK ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21565—Dale Bennett

Action Requested

Variance to allow 2 projecting wall signs to extend above the parapet wall in the CBD District (Section 1221.C.11). **LOCATION:** 302 East 1st Street South (CD 4)

Presentation:

Dale Bennett, Claude Neon Federal Sign Company, 1225 North Lansing, Tulsa, OK; stated the request is to allow two projecting wall signs be raised 2'-11" above the roof line but not past the parapet line of the building.

Interested Parties:

Seth Nimmo, Rib Crib, 8802 East 110th Place, Tulsa, OK; stated the BBQ arrows on the proposed do not extend above the highest point of the second parapet but will extend above the lower parapet wall. He respectfully requests for the Board's approval on this project.

Michael Sager, 328 East 1st Street, Tulsa, OK; stated he is the closest party to this building in every direction, and he is absolutely in favor of the redevelopment of this space. Mr. Sager owns the buildings to the east and south, and the building across the street west of the subject property. The building that he owns to the east of the subject property is only about eight inches away and his building has windows facing the proposed project, and he is fully in favor of the proposed sing locations.

Comments and Questions:

None.

Mr. Van De Wiele re-entered the meeting at 1:43 P.M.

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

Tom Neal
tdlneal@gmail.com

10/6/2020

APPLICATION NO: ZCO-70122-2020 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 1601 S Detroit Ave E

Description: Accessory Building Addition

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

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

(continued)

REVIEW COMMENTS

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

Application No. **ZN LOD- 00000-2020**

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.

90.090-C.2) Detached Accessory Buildings

a. Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, provided that:

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

Review Comments: The rear setback is defined as the minimum distance set out by the zoning code of open unoccupied space between the rear lot line and the required rear setback (in your case, 20 feet from the rear property line. A maximum of 30% (50' X 20' X 30%) or 300 sf of the footprint of the detached garage is permitted to cover the required rear setback. Revise and resubmit your plans indicating the proposed accessory building will not cover more than 300 sf or obtain a Variance from the BOA to allow more than (30%) coverage in the rear setback.

Note: A Historic Preservation permit may be required for the additions to an accessory building in a street yard. Contact INCOG at 918-584-7526.

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

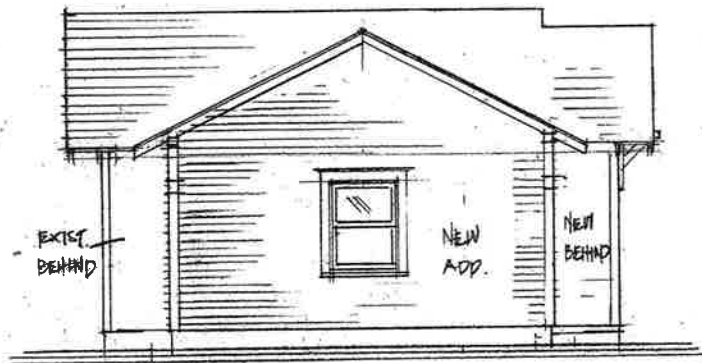
Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:
<http://www.tmapc.org/Documents/TulsaZoningCode.pdf>

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

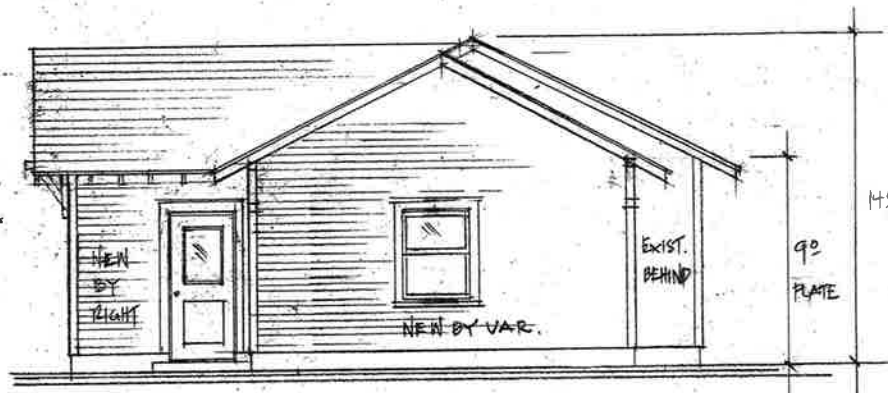
END –ZONING CODE REVIEW

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

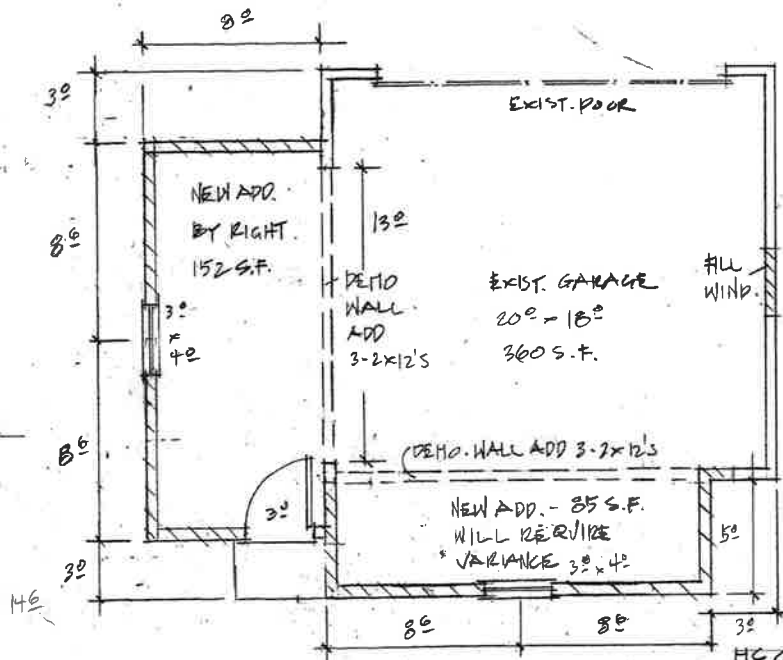
KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.



WEST ELEV.



SE ELEV. 3/16" = 1'-0"

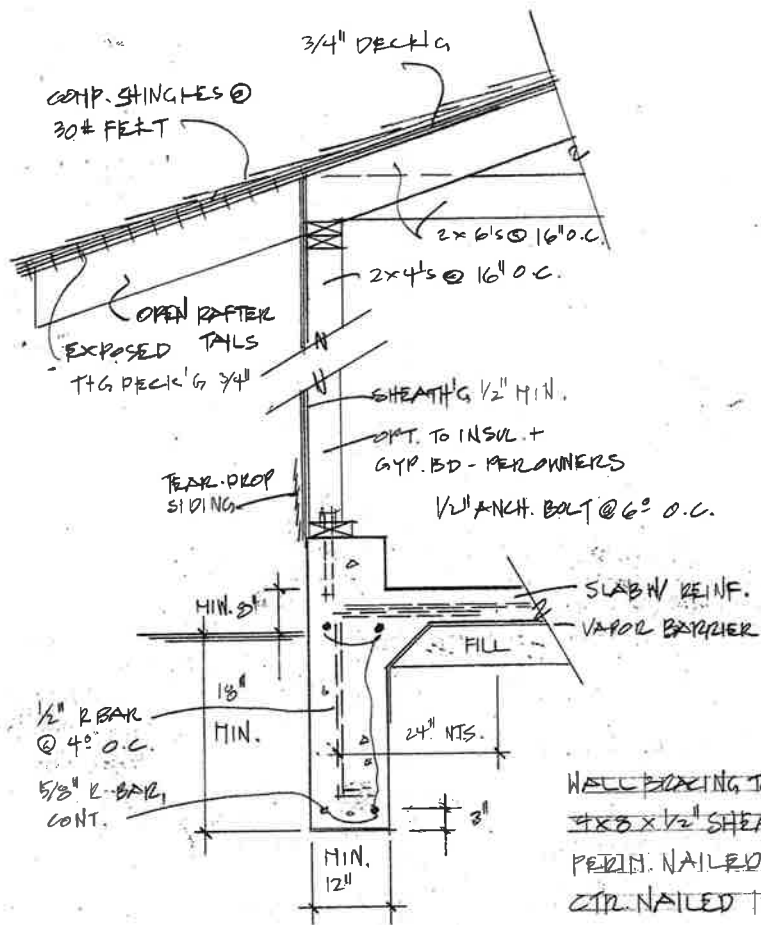


FLOOR PLAN 3/16" = 1'-0"

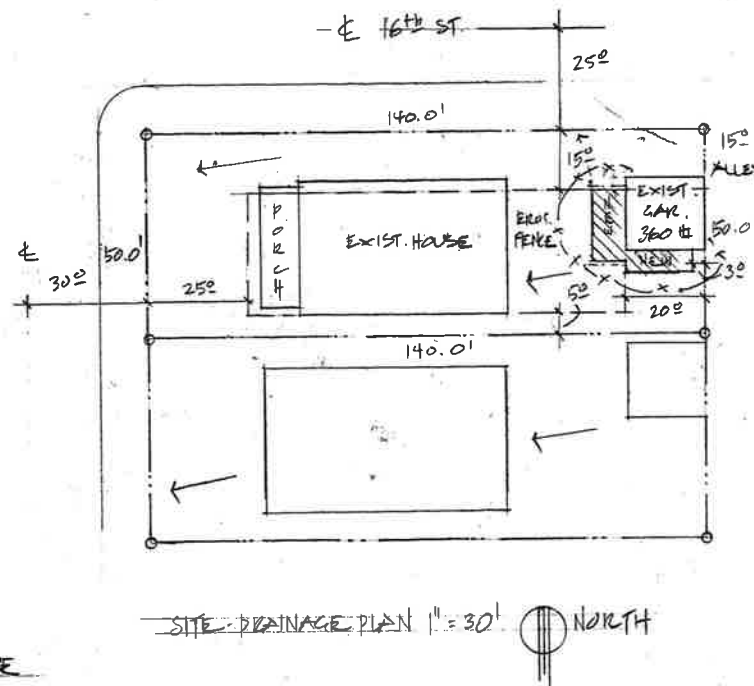
HEGEADY GARAGE
1601 SE. DETROIT
TULSA, OKLA.
9.2020-8-2020

TOM NEAL
DESIGN
Associate member, American Institute of Architects
918.231.7372

9.20

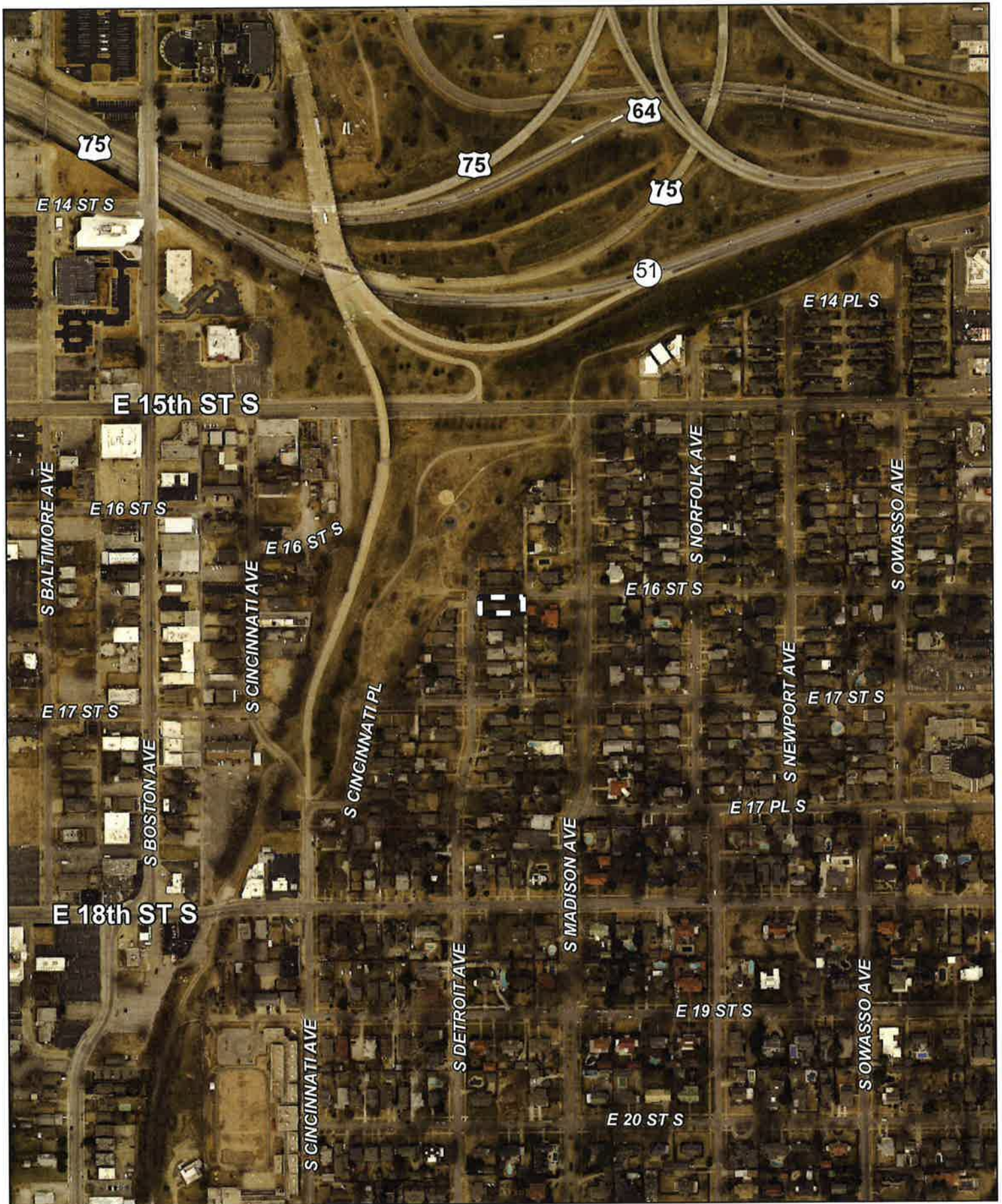


TYP. WALL SECTION 1" = 1'-0"



HEGARDY GARAGE
601 SO. DETROIT
TULSA - OKLA
9.20.20 - 9.20.20

TOM NEAL
DESIGN
Associate member, American Institute of Architects
918.231.7372



0 Feet
200 400



Subject
Tract

BOA-23027

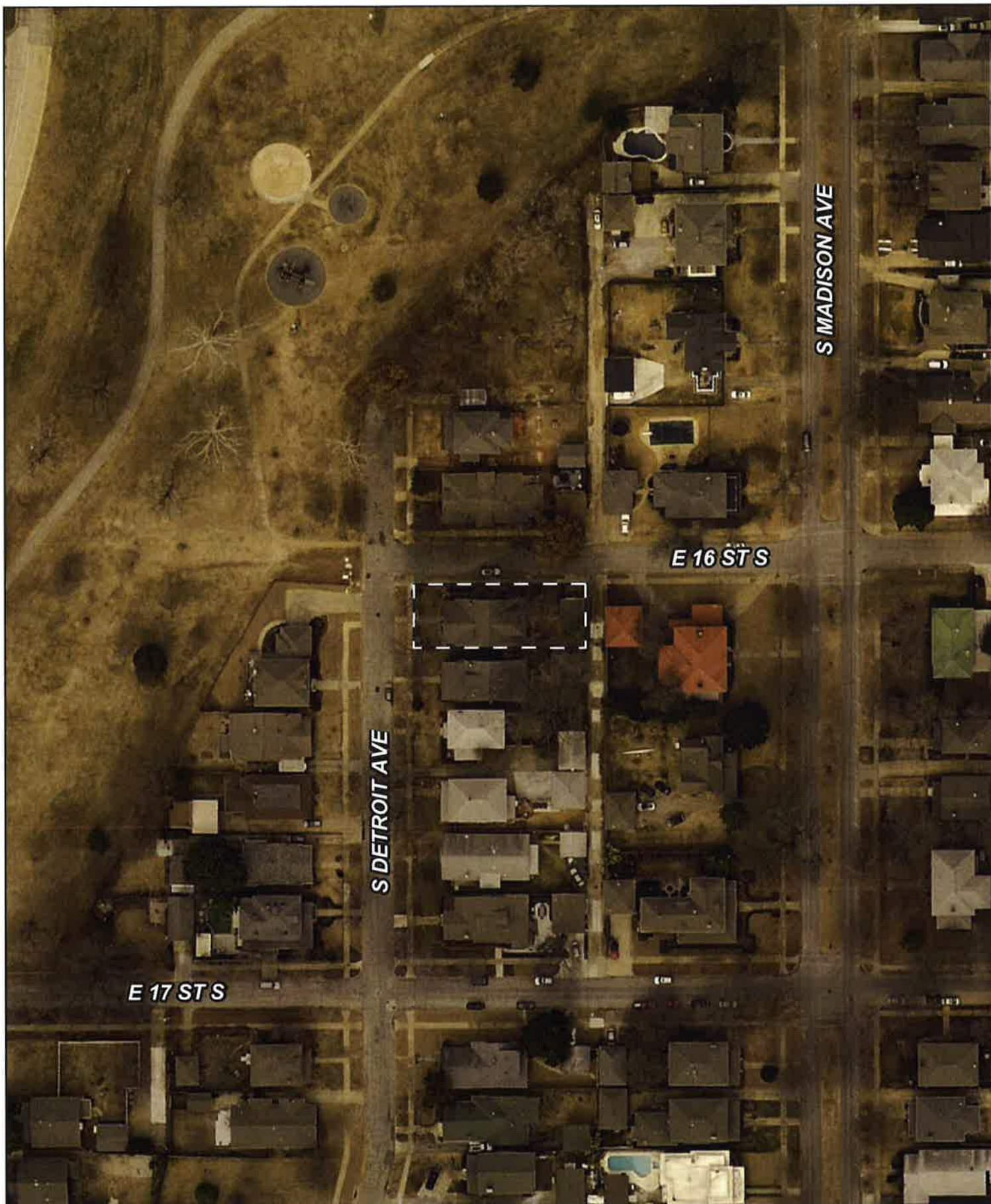
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Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



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Subject
Tract

BOA-23027

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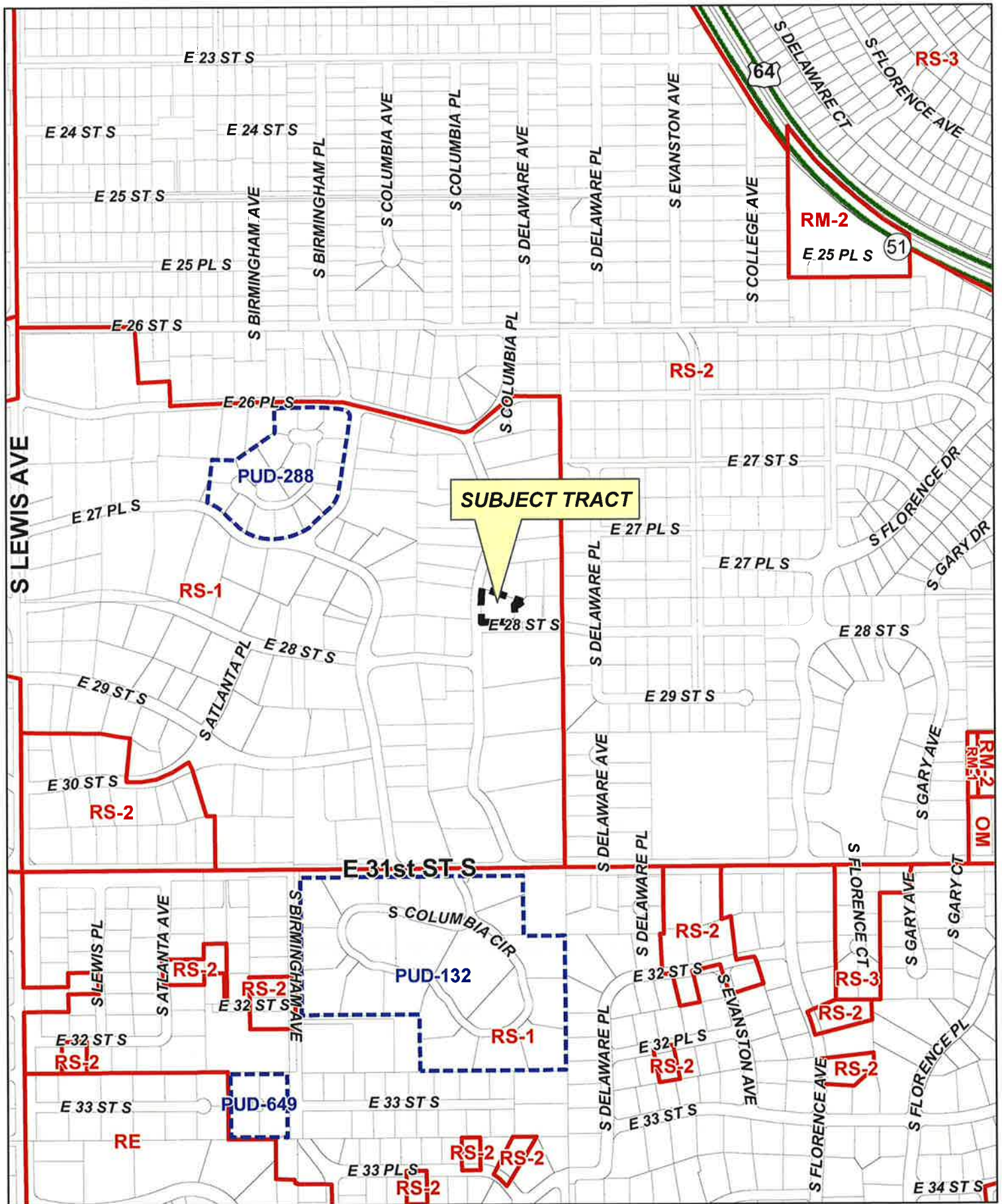
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

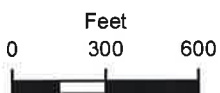


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SUBJECT TRACT



BOA-23028

10.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9317

Case Number: **BOA-23028**

CZM: 37

CD: 4

HEARING DATE: 11/10/2020 1:00 PM

APPLICANT: Jack Arnold

ACTION REQUESTED: Special Exception to increase the permitted driveway width on the lot inside the street setback (Sec. 55.090-F)

LOCATION:

ZONED: RS-1

PRESENT USE: Residential

TRACT SIZE: 23781.11 SQ FT

LEGAL DESCRIPTION: PRT LTS 3 & 4 BEG 35W LT 2 BLK 1 THOMAS HEIGHTS ADDN TH W165 N77.58 NELY CRV RT86.36 SE214.41 SW32 W20 S82.30 TO POB BLK 5, WOODY-CREST SUB

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-16907; On 01.10.95 the Board approved a Variance of the required front yard from 60' to 41.6' from the center of the right-of-way and a variance of the rear yard from 25' to 20'.

Surrounding Properties: None.

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

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.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NE//c of E. 28th Pl. and S. Columbia Ave.

STAFF COMMENTS: The applicant is requesting a Special Exception to increase the permitted driveway width on the lot inside the street setback (Sec. 55.090-F)

10.2

55.090-F Surfacing

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

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

In addition to the two traditional driveways on the lot the applicant is proposing a motor court to be a part of that driveway which would bring the total width of the driveway 48' 1" on the lot inside the street setback. Per the code they would be limited to 30'.

SAMPLE MOTION:

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

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

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



Facing South on Columbia



Facing North on Columbia



Subject property

FILE COPY

Case No. 16907

Action Requested:

Variance of the required front and rear yards - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2851 East 28th Street.

Presentation:

The applicant, **David Short**, 1513 South Boston, submitted a plat of survey (Exhibit E-1) and stated that he is proposing to add a 6' by 6' addition to the front of his home. He informed that the existing garage will be converted to a family room and a new garage will be constructed, which will open to the south. Mr. Short noted that the required front setback is 60', and the house was previously constructed at 48'.

Comments and Questions:

Mr. Doverspike asked Mr. Short if the required rear yard will be reduced from 25' to 20', and he answered in the affirmative.

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required front yard from 60' TO 41.6' and the rear yard from 25' to 20' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per survey submitted; finding a hardship demonstrated by the narrowness of the lot and the corner location with major building setbacks on two sides; on the following described property:

The west 200' of parts of Lots 3 and 4, Block 5, Woody Crest Addition, City of Tulsa, Tulsa County, Oklahoma as follows: Beginning at a point on the east line of Lot 3, said point being 4.72' northerly from the SW/c of said Lot 3 on a curve to the right, radius 525'; thence in a southerly direction along the west line of Block 5, 132.3' to a point; thence in an easterly direction to a point on the east line of Block 5, 393.3' to a point; thence north along the east line of said Block 5, a distance of 132.3' to a point 35.95' south of the NE/c of said Lot 4; thence west a distance of 400.19' to a POB less a 50' roadway dedication across the south 50' thereof.

Case No. 16908

Action Requested:

Variance of the required setback from the centerline of Charles Page Boulevard - Use Unit 11, located 2960 Charles Page Boulevard.

1:10:95:672(9)

10.6

Review Type	Status	Due Date	Completed Date	Assigned To	Item
Planning/Zoning	Requires Re-submit	09/16/2020	09/29/2020	Taylor Jeff	Details

Results per page 10 1 - 1 of 1 << < 1 > >>

[Comments](#) | [Recommendations](#) | [Corrections](#) | [Review Detail](#) | [Review Items](#) | [Main Menu](#)

Comments

No comments to display.

Recommendations

Sort Number

Number	Recommendation	Created On
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No records to display.

Corrections

Sort Correction Order [Export](#)

Correction Order: 1

Type: General

Resolved: No

Resolved On:

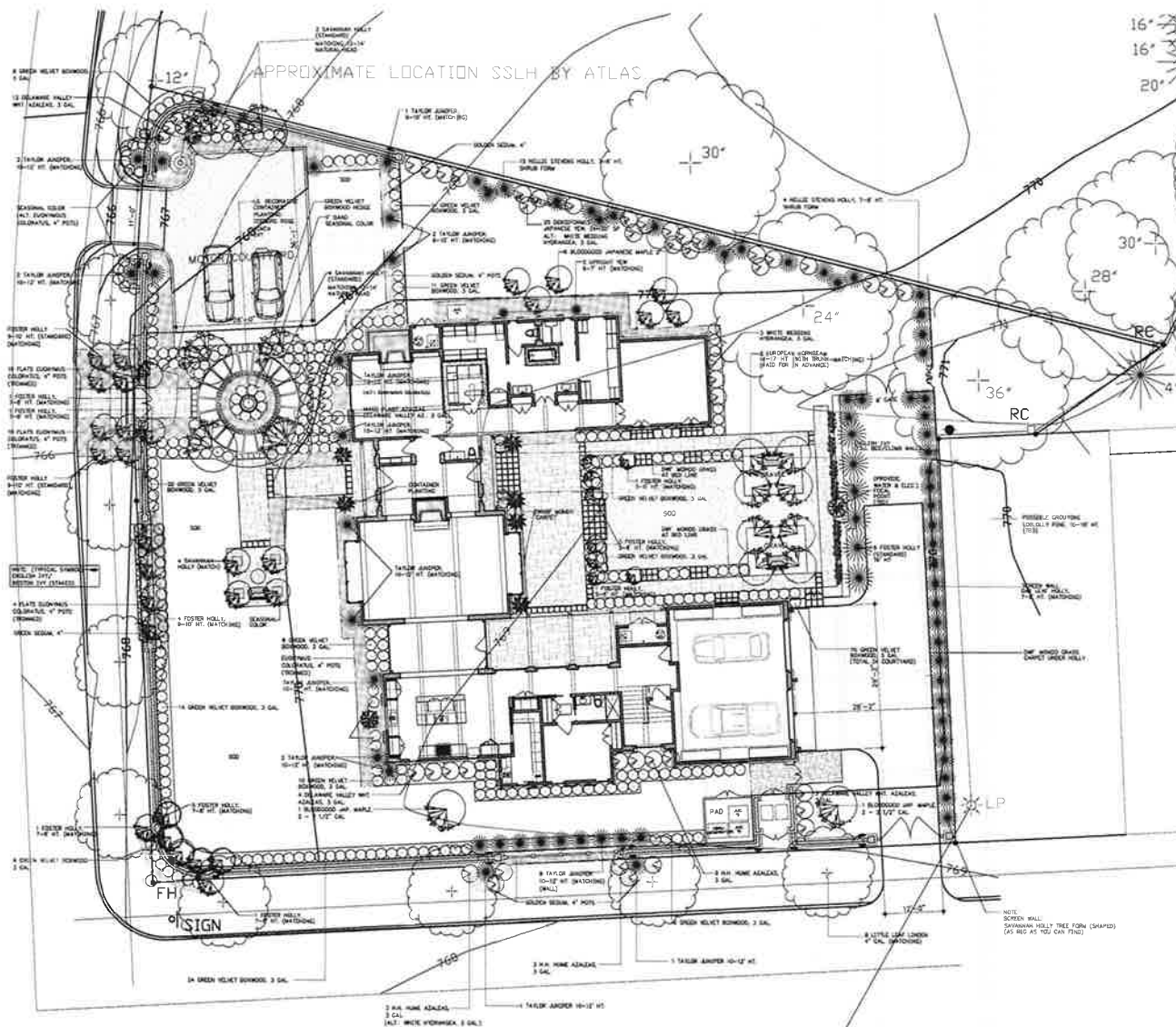
Comments

55.090-F3 Surfacing. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed the following maximum widths unless a greater width is approved in accordance with the special exception procedures of Section 70.120. Maximum Driveway Width allowed is 30' on your lot.

Corrective Action

Review Comments: The submitted site plan proposes a driveway width of more than 30' in width on the lot in the street setback which exceeds the maximum allowable driveway width on this lot. Revise plans to indicate the driveway shall not exceed the maximum allowable width or apply to the BOA for a special exception, one for the proposed driveway width on this lot.

10.7



LANDSCAPE PLAN
SCALE: 3/32"=1'-0"

SITE NOTES

- NOTE: VERIFY ALL PROPERTY DIMENSIONS, EASEMENTS, UTILITIES, MEET LOCATIONS, ADJACENT STREETS, CONTOUR LINES, INCLUDING ADJACENT GRADES AT PROPERTY LINES. LEGAL DESCRIPTIONS, FLOOD ZONES, ZONING CLASSIFICATION, NORTH ARROW, WARP-TO-DATE SURVEY BY A LICENSED PROFESSIONAL LAND SURVEYOR, BEFORE CONSTRUCTION BEGINS. VERIFY ALL SITE CONDITIONS, BUILDING SETBACKS, AND EASEMENTS TO ENSURE THAT BUILDING FOOTPRINT FITS PROPERTY OF THE SITE AND WITHIN ALL REQUIRED BOUNDARIES.
- TAKE CARE AROUND EXISTING LANDSCAPING TO AVOID DAMAGING EXISTING PLANTING BEDS AND LANDSCAPE SPECIMENS.
- NOTE: DOWNSPUTS TIE INTO 4" PVC DRAIN LINE AND EXTEND UNDER SIDEWALK & THROUGH CURB FOR DRAINAGE, TYPICAL.
- ALL LANDSCAPED AREAS WILL BE WATERED BY AN AUTOMATIC IRRIGATION SYSTEM AS PER CITY CODES.
- PAVING CONTRACTOR VERIFY EXISTING CONDITIONS PRIOR TO GRADE, PREP AND PAVING. INSTALLATION: ASPHALT PAVING 1 1/2" TO 2" OVER 2" 3/4" MAX OVER MINIMUM 8" CRUSHER RUN 3/4" GRAVEL BASE, COMPACTED AND ROLLED.
- AREAS NOTED AS "GRAVEL PATHS" OR "GRAVEL DRIVE" OR "GRAVEL DRIVE" ARE TO BE CONSTRUCTED OVER A SAND GRAVEL BASE COURSE TO A DEPTH DETERMINED BY A SOIL ENGINEER USING UNDESIRABLE STRUCTURES, INC. (unavailable@unavailable.com) GRAVEL/PACKED GROUND MATS. INSTALLATION IS TO BE PER MANUFACTURER'S SPEC. OVER AN ENGINEERED BASE COURSE. BASE COURSE MUST BE DESIGNED FOR LOCAL CONDITIONS. FINAL GRAVEL SELECTION AS RECOMMENDED BY MFCR.
- ALL EXTERIOR CONCRETE SHALL BE AIR ENTRAINED, 3000 PSI MINIMUM. REFER TO SHEET SH1 AND/OR DETAILS.

REVISIONS

A NEW RESIDENCE FOR:
JOHN & KAREN WOOLMAN
Lot 4, Block 5, Woody-Crest Addition, Tulsa, Ok.

ISSUED: 07/22/19
JOB NO: 19-03
DRAWN BY: RLK
REVISED: 03/25/20
07-13-08

ARCHITECTURAL REPRESENTATIVE BY:
JACKARNOLD
7300 South Park • Tulsa, Oklahoma 74134 • (918) 494-3700 • www.jackarnold.com

LEGAL DESCRIPTION:
LOT FIFTEEN (15), BLOCK ONE (1), EIGHT ACRES, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.



Sheet:
L1



Subject
Tract

BOA-23028

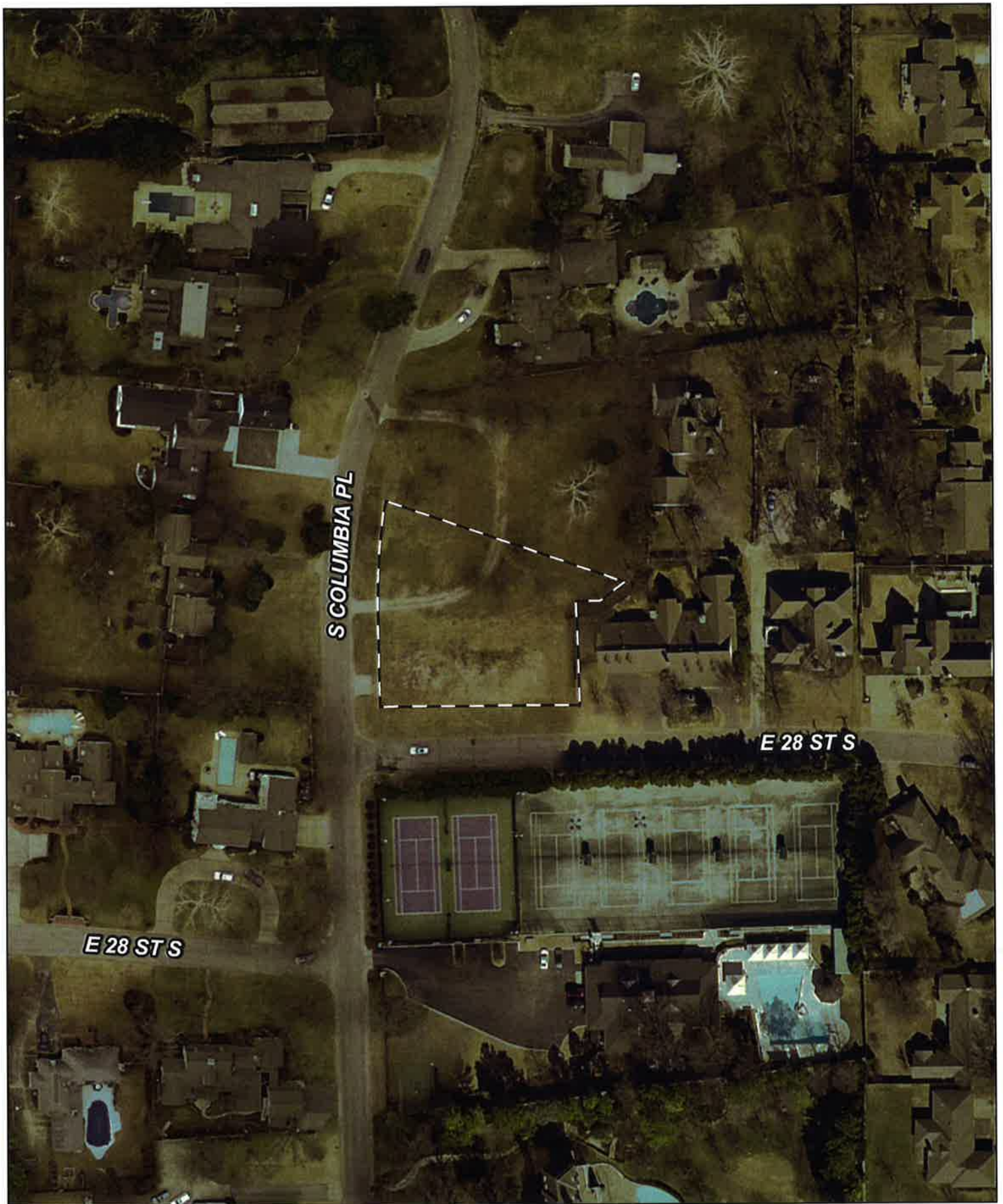
19-13 17

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

Aerial Photo Date: February 2018



10.9



0 50 100
Feet



Subject
Tract

BOA-23028

19-13 17

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

Aerial Photo Date: February 2018

10.10



Chapman, Austin

From: fayenelle@aol.com
Sent: Monday, November 2, 2020 10:07 AM
To: Chapman, Austin
Subject: 2797 S. Columbia Place new construction home

Dear Mr. Chapman,

My name is Fayenelle Helm, my husband, Jay and I live and own the home at 2641 S Columbia Place, Tulsa. It has been brought to our attention that there is a city code 55090-F3 concern over the proposed driveways on the above referenced home.

I drive past there 2-4 times a day and have enjoyed watching the construction of this beautiful home over the last year. I notice that there are two drives, one on Columbia Place and one on 28th. What a great idea and benefit! We don't think that the driveways create any type of distraction, nor do we see anything that doesn't fit into the character of the neighborhood. We feel this house is a nice addition to our neighborhood. We totally support the request for a special exception application proposed by the owners to the City of Tulsa, Board of Adjustments. Please feel free to contact us if you would like to discuss this further.

Fayenelle and Jay Helm
2641 S Columbia Place
Tulsa, OK 74114
fayenelle@aol.com
918-636-6695 Fayenelle Cell
918-625-6000 Jay Cell

Chapman, Austin

From: m2invest@truckstaff.com
Sent: Tuesday, November 3, 2020 10:30 AM
To: Chapman, Austin
Subject: Case no. BOA-23028

Dear Mr. Chapman,

I'm writing in support of issuing a special exception to increase the permitted driveway width at 2797 S. Columbia Pl.. I live at 2650 S. Columbia Pl., so that house is clearly visible from mine. It appears to me that neither the driveway on 28th street nor the auto court on Columbia Pl. come close to the max.30 feet allowed in the code. No matter how the city calculates that width, the landscaping and design of low walls have rendered the driveways nearly invisible. And since the driveways are at opposite ends of the lot, it would not be aesthetically objectionable even if both drives were covered with cars. Additionally, the auto court is crushed gravel so it cannot be an issue related to water runoff or percentage of the lot being impermeable.

I hope the BOA will approve this exception as I believe this home will add to the quality and value of the entire surrounding neighborhood.

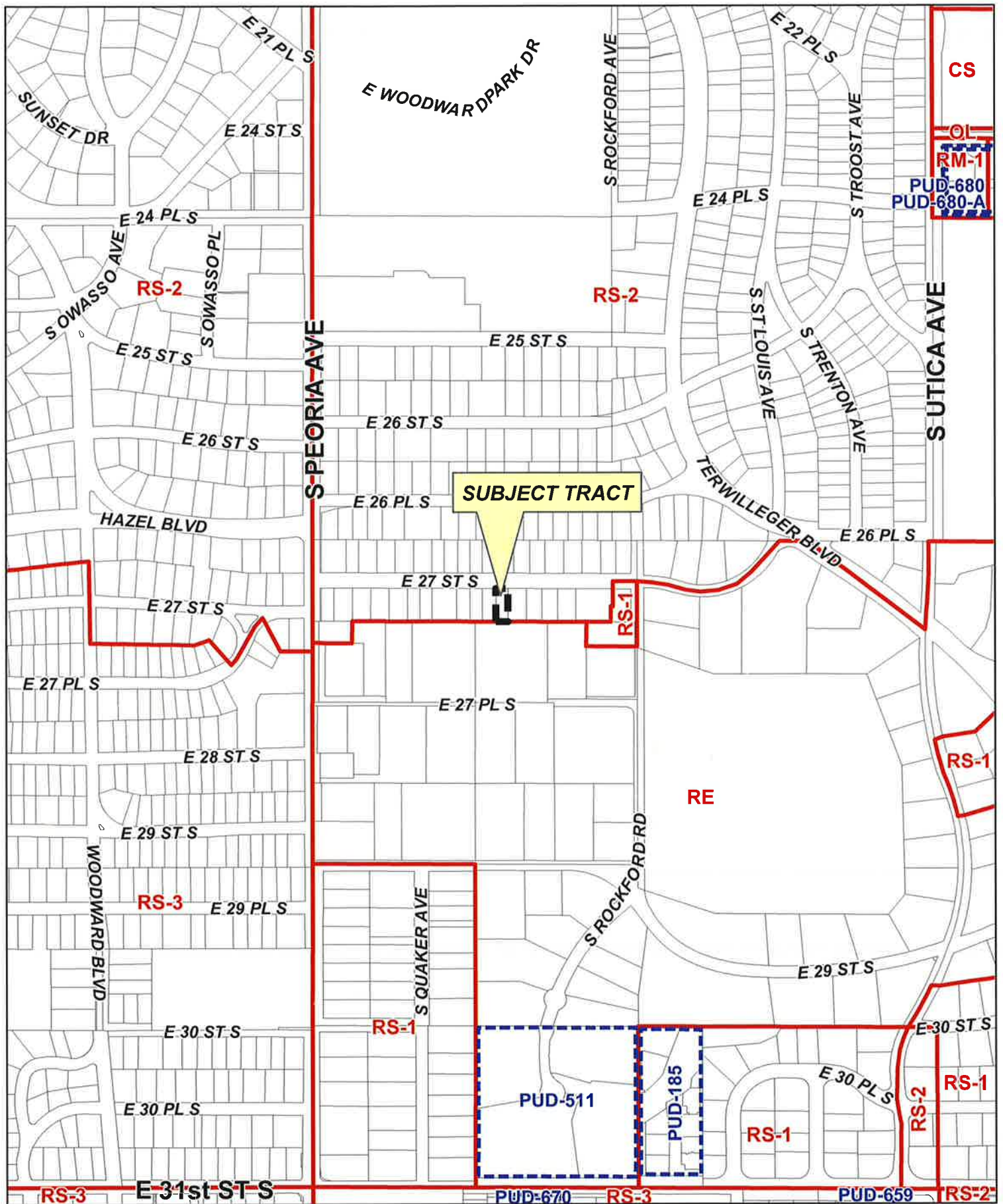
Sincerely Yours,
Michael S. Morrison

Michael S. Morrison
M Squared Investments, Inc.
6218 S. Lewis Ave., Suite 101
Tulsa, OK 741136
918.744.5559
m2invest@truckstaff.com

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BOA-23029 – Eller & Detrich

**The applicant requests a continuance to
December 8, 2020**



BOA-23033

12.1

BOARD OF ADJUSTMENT CASE REPORT

STR: 9318

Case Number: **BOA-23033**

CZM: 37

CD: 4

HEARING DATE: 11/10/2020 1:00 PM

APPLICANT: Aaron Cissell

ACTION REQUESTED: Variance of the required 25-foot rear setback in the RS-2 district (Sec. 5.030, Table 5-3) and Variance to allow a nonconforming lot to have less than 50% open space (Sec. 80.020-B)

LOCATION: 1360 E 27 ST S

ZONED: RS-2

PRESENT USE: Residential

TRACT SIZE: 6751.83 SQ FT

LEGAL DESCRIPTION: LT 11 BLK 2, SUNSET VIEW ADDN

RELEVANT PREVIOUS ACTIONS:

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 along the South side E. 27th St. in between S. Peoria Ave. and S. Rockford Ave.

STAFF COMMENTS: The applicant is requesting a **Variance** of the required 25-foot rear setback in the RS-2 district (Sec. 5.030, Table 5-3) and a **Variance** to allow a nonconforming lot to have less than 50% open space (Sec. 80.020-B)

12.2

Table 5-3: R District Lot and Building Regulations

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

80.020-B Nonconforming Lots in Residential Zoning Districts

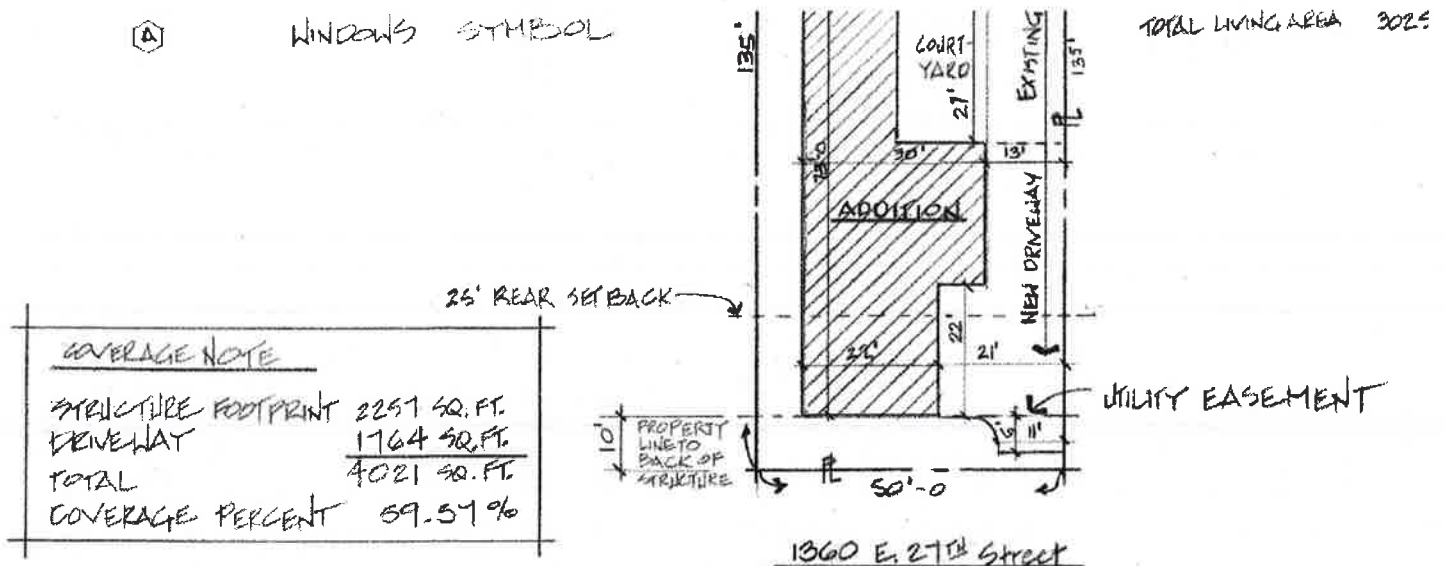
In residential zoning districts, a single detached house may be erected on a nonconforming lot without complying with the minimum lot area, minimum lot area per unit, minimum lot width, minimum street frontage or minimum open space per unit requirements of the subject zoning district, **provided that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

The applicant is asking to reduce their rear setback from 25' to 10' and to reduce the required open space percentage from 50% to 40.43% based on a lot size of 6,751.83 square feet.

(A)

WINDOWS SYMBOL

TOTAL LIVING AREA 3025



STATEMENT OF HARDSHIP:

As our lot is non-conforming (6,750 sq ft versus the minimum 9,000 sq ft. and only 50 feet wide versus the minimum 75 feet), our design maximizes efficient usage of the lot's square footage and preservation of the historic character of the original structure. Further, it is in harmony with the design, construction, and spatial usage of neighboring properties. An attached side-loading garage creates the need for a longer driveway, cannibalizing what would otherwise qualify as open space. It is the most efficient and aesthetically appealing design to locate the garage on the back of the lot, which drives the need for a lesser rear setback. Because of the limited rear setback, our design includes a side courtyard in lieu of a traditional backyard. If we are forced to deviate from our proposed design, it would preclude the highest and best use of the square footage of the lot and compromise the historic character of the existing structure and the harmony that is achieved with the other homes in the neighborhood.

Applicant Signature:  10/13/20

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** of the required 25-foot rear setback in the RS-2 district (Sec. 5.030, Table 5-3) and **Variance** to allow a nonconforming lot to have less than 50% open space (Sec. 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."*

Jeff S. Taylor
Zoning Official
Plans Examiner III
TEL(918) 596-7837
jstaylor@cityoftulsa.org



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

Aaron Cissel
aaron.cissell@magellonlp.com

10/12/2020

APPLICATION NO: ZN LOD- 70751-2020 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 1360 E 27th St S

Description: Addition

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

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

IMPORTANT INFORMATION

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

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

(continued)

REVIEW COMMENTS

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

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. 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.

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

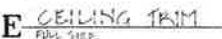
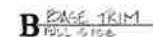
Review Comments: Revise your plans to indicate a 25' rear setback to the property line or apply to INCOG for a variance to allow less than a 25' rear setback.

If assistance is needed to find review comments or upload revisions contact Ashley Chaney 918-694-4196

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








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

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



ELECTRICAL LEGEND

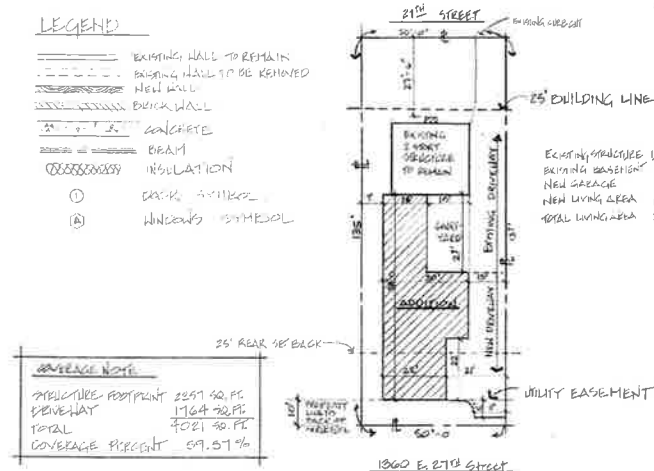
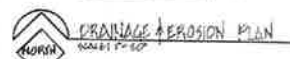
LEGEND

	KEEPING WALL TO REMAIN
	KEEPING WALL TO BE REMOVED
	NEW WALL
	DRIVE WALL
	CONCRETE
	BEAM
	ISOLATION

(1) EXISTING WALLS

(2) NEW WALLS

WINDOW SCHEDULE					REMARKS
UNIT	SIZE	TYPE	DESCRIPTION		
A	6'0" x 6'0"	CASSETTE	CIVILTY LAB		
B	2'0" x 4'0"	"	"		
C	6'0" x 6'0"	DOUBLE FAN			
D	5'0" x 4'0"	FAN	POURING		
E	2'0" x 5'0"	DOUBLE FAN	POURING		
F	4'0" x 4'0"	SLIDE	POURING LITE		
G	3'0" x 2'0"	FAN	POURING		
H	4'0" x 6'0"	POURING			
I	4'0" x 6'0"	CASSETTE	POURING		
J	4'0" x 6'0"	POURING			
K	4'0" x 5'0"	POURING			
L	2'0" x 2'0"	POURING	POURING		
M	2'0" x 2'0"	CASSETTE			





Facing West on 27th St.



Facing East on 27th St



Subject Property



0 Feet 250 500



Subject
Tract

BOA-23033

19-13 18

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

Aerial Photo Date: February 2018



12.10



Feet
0 50 100



Subject
Tract

BOA-23033

19-13 18

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

Aerial Photo Date: February 2018



12.11