

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

Meeting No. 1263

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

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.

December 8th:

Join **Videoconference**: <https://www.gotomeet.me/CityOfTulsa2/boa-gotomeeting-in-council-chambers-december-8th>

Join **Teleconference** by dialing: +1 (872) 240-3212

Participants must then enter the following **Access Code**: 996-486-605

New to GoToMeeting? Get the app now and be ready when your first meeting starts:
<https://global.gotomeeting.com/install/996486605>

NOTE: *In the event the audio or video feed becomes unavailable during this meeting, or if agenda items have not been heard by 5:00 pm, the agenda items not yet heard at that time shall be continued, and the meeting reconvened at 1:00 pm on Wednesday, December 9, 2020.*

December 9th:

In the event the meeting is reconvened on Wednesday December 9, it will be held in the Tulsa City Council Chambers and by videoconferencing and teleconferencing. The links for a reconvened meeting on December 9 are:

Join **Videoconference**: <https://www.gotomeet.me/CityOfTulsa/boa-gotomeeting-in-council-chambers-december-9th>

Join **Teleconference** by dialing: +1 (224) 501-3412

Participants must then enter the following **Access Code**: 453-083-405

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of October 27, 2020 (Meeting No. 1261).
2. Approval of **Minutes** of November 10, 2020 (Meeting No. 1262).

UNFINISHED BUSINESS

3. **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)**
4. **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)**

NEW APPLICATIONS

5. **23030—Jenna Bromley**
Variance of the required 25-foot street setback in an RS-3 District (Section 5.030, Table 5-3). **LOCATION:** 2432 East 13th Street South **(CD 4)**
6. **23031—Randall Slankard**
Special Exception to permit the alteration, expansion or enlargement of a structure with an existing non-conforming side setback (Section 80.030-D). **LOCATION:** 117 South Louisville Avenue East **(CD 4)**
7. **23032—Eller & Detrich – Lou Reynolds**
Special Exception to permit Low-Impact Medical Marijuana processing (Low-impact Manufacturing & Industry Use) in the CBD District (Section 15.020, Table 15-2). **LOCATION:** 621 South Kenosha Avenue East **(CD 4)**
8. **23034—Tom Neal**
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 reduce the required 35 foot setback from East 15th Street (Section 5.030, Table 5-3). **LOCATION:** 1502 South Carson Avenue West **(CD 9)**

9. **23035—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 a detached Accessory Dwelling Unit to exceed 500 square feet or 40% of the floor area of the principal residential structure (Section 45.030-A2 & Section 45.031-D6.a); Variance to allow more than 30% coverage by a Detached Accessory Dwelling Unit in the rear setback in an RS-3 District (Section 90.090-C). **LOCATION:** 1524 South Trenton Avenue East **(CD 9)**
10. **23037—EnKorp, LLC**
Special Exception to allow a carport in the street yard and street setback in an RS-3 District with modifications to its allowable dimensions (Section 90.090-C.1). **LOCATION:** 3814 West 41st Street South **(CD 2)**
11. **23038—Brian Jessel**
Special Exception to allow a fence to exceed 4 feet in height in a front street setback (Section 45.080-A); Special Exception to increase the permitted driveway width (Section 55.090-F); Variance to allow a non-all-weather parking surface material (Section 55.090-F). **LOCATION:** 7147 East King Street North **(CD 3)**
12. **23039—Apodaca Remodeling**
Special Exception to increase the permitted driveway width (Section 55.090-F). **LOCATION:** 3515 East 100th Street South **(CD 8)**
13. **23040—Matt Bendel**
Special Exception to allow a Public, Civic & Institutional/Governmental Service Use or Similar Use to permit a spiritual counseling and charitable support facility and food bank in an RS-3 District (Section 5.020, Table 5-2). **LOCATION:** 4920 South Quaker Avenue East **(CD 9)**
14. **23041—Hall Estill – Amanda Lowe**
Special Exception to permit Moderate-Impact Medical Marijuana processing (Moderate-impact Manufacturing & Industry Use) in the IL District (Section 15.020, Table 15-2). **LOCATION:** 1711 North Sheridan Road East **(CD 3)**
15. **23043—James Dupree**
Special Exception to permit Commercial/Vehicle Sales & Service/Personal Vehicle Sales & Rentals use in a CS District (Section 15.020, Table 15-2); Variance to permit the outdoor storage and display of merchandise in a CS District within 300 feet of an abutting R District (Section 15.040-A). **LOCATION:** 436 South Utica Avenue East **(CD 4)**

16. **23044—Jimmy Wheeler**
Variance to allow the top plate of a detached accessory building to exceed 10 feet in height (Section 90.090.C); Variance to allow the floor area of detached accessory buildings to exceed 40% of the floor area of the principal residential structure (Section 45.030-A). **LOCATION:** 3909 West. Admiral Boulevard **(CD 1)**
17. **23045—M. Scott Pohlenz**
Special Exception to permit the alteration, expansion or enlargement of a structure with an existing non-conforming side setback (Section 80.030-D); Variance of the 25-foot rear setback in an RS-2 District (Section 5.030, Table 5-3). **LOCATION:** 2251 East 26th Street South **(CD 4)**
18. **23046—Josh Miller**
Variance to allow the continued use of a non-all-weather parking surface previously approved in BOA-22557 and BOA-22336 (Section 55.090-F).
LOCATION: South of the SE/c of East 31st Street South and Riverside Parkway (Gathering Place South of Crow Creek) **(CD 9)**
19. **23047—Tanner Consulting, LLC**
Special Exception to increase the permitted driveway width on the lot inside the street setback (Section 55.090-F). **LOCATION:** 3751 East 115th Place South **(CD 8)**
20. **23048—Tanner Consulting, LLC**
Special Exception to increase the permitted driveway width on the lot inside the street setback (Section 55.090-F). **LOCATION:** 11541 South Marion Avenue East **(CD 8)**
21. **23049—Justin Kingsley**
Variance to permit a swimming pool within the required 35-foot side street setback (Section 5.030, Table 5-3 & Section 90.090, Table 90-1). **LOCATION:** 1306 East 26th Street South **(CD 4)**
22. **23050—Cody Welch**
Minor Special Exception to amend a previously approved site plan for a Moderate-Impact Medical Marijuana processing (Moderate-impact Manufacturing & Industry Use) in the IL District (Section 70.120). **LOCATION:** 165 South 122nd Avenue East **(CD 3)**
23. **23051—William Bell**
Special Exception to permit a 12-foot wall in the front street setback and a 10-foot wall around the perimeter (Section 45.080-A); Variance to allow a wall to be located inside the City of Tulsa right-of-way or planned right-of-way (Section 90.090-A). **LOCATION:** 3514 South Yale Avenue East **(CD 9)**

24. **23052—Back Land Use Planning – Carolyn Back**
Variance to reduce the required 15-foot side yard setback (Section 5.030-B, Table Note 3). **LOCATION:** 1917 East Archer Street North **(CD 3)**
25. **23053—Back Land Use Planning – Carolyn Back**
Variance to reduce the required 15-foot side yard setback (Section 5.030-B, Table Note 3). **LOCATION:** 1003 North Quincy Avenue East **(CD 1)**
26. **23054—Back Land Use Planning – Carolyn Back**
Variance to reduce the required 15-foot side yard setback (Section 5.030-B, Table Note 3). **LOCATION:** 1412 East King Street North **(CD 1)**
27. **23055—Eller & Detrich – Nathalie Cornett**
Variance to allow a roof sign in the CBD District (Section 60.020-L). **LOCATION:** 525 South Main Street **(CD 9)**

OTHER BUSINESS
NEW BUSINESS
BOARD MEMBER COMMENTS
ADJOURNMENT

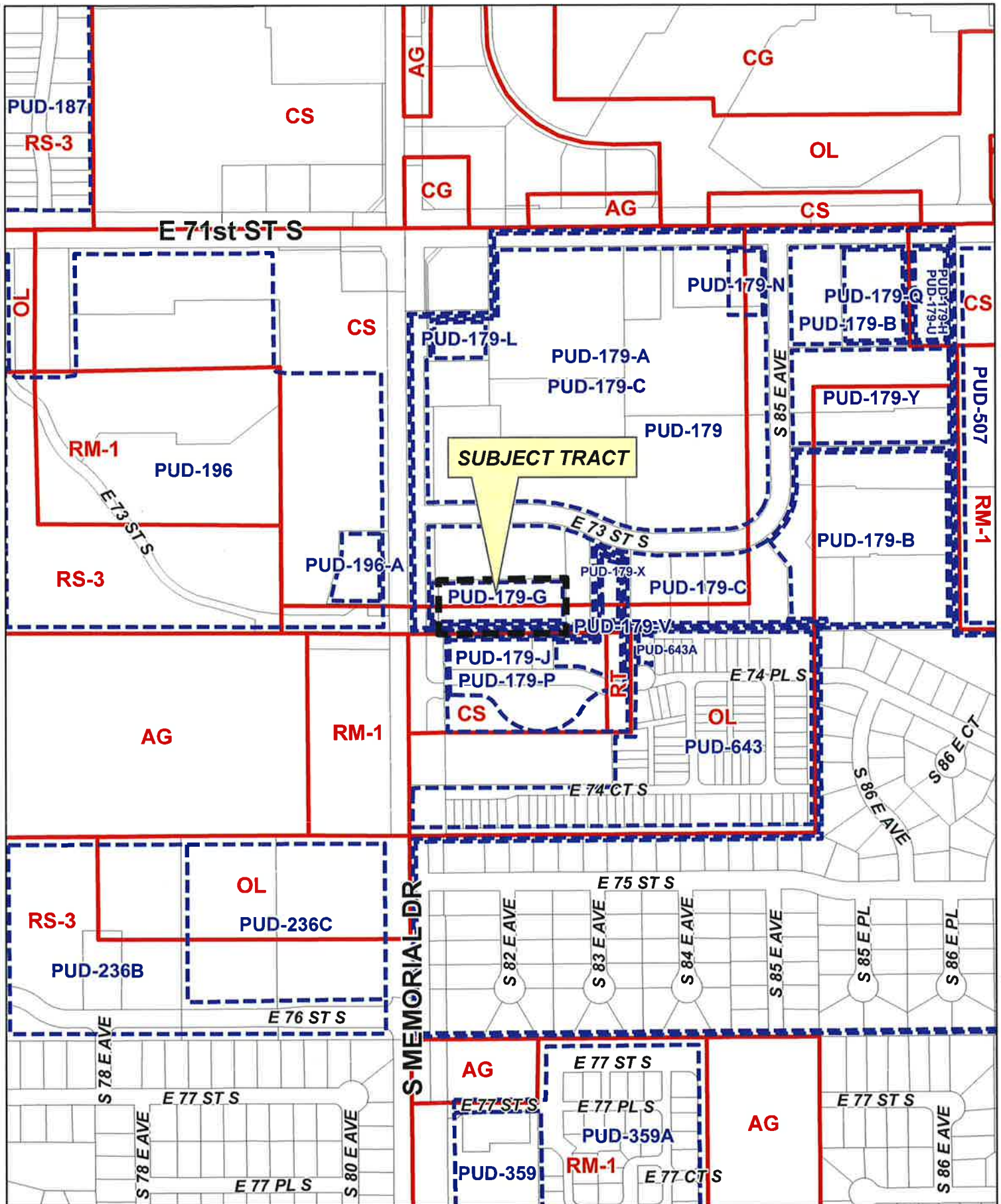
Website: tulsaplanning.org

E-mail: esubmit@incog.org

CD = Council District

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

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



BOARD OF ADJUSTMENT CASE REPORT

STR: 8312

Case Number: **BOA-23022**

CZM: 53

CD: 7

HEARING DATE: 12/8/2020 (Continued from 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

<h1>Permit</h1>	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
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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 Maintenance Fee	\$4.00
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

September 02, 2020

City of Tulsa, 175 E 2nd St., Tulsa, OK

3.7
Page 1 of 1



**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	BLOCK	ADDITION
<u>2</u>	<u>2</u>	<u>El Paseo Resub L2-3 BI Skyview Acres</u>

BOARD OF ADJUSTMENT No. - VARIANCE ☐ YES ☐ NO APPROVAL DATE: _____

SPECIAL EXCEPTION ☐ YES ☒ NO P.U.D. No. _____

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

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

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT

175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601.

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

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

IMPORTANT INFORMATION

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

(continued)

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.

Link to Zoning Code:

www.tulsaplanning.org/plans/TulsaZoningCode.pdf

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

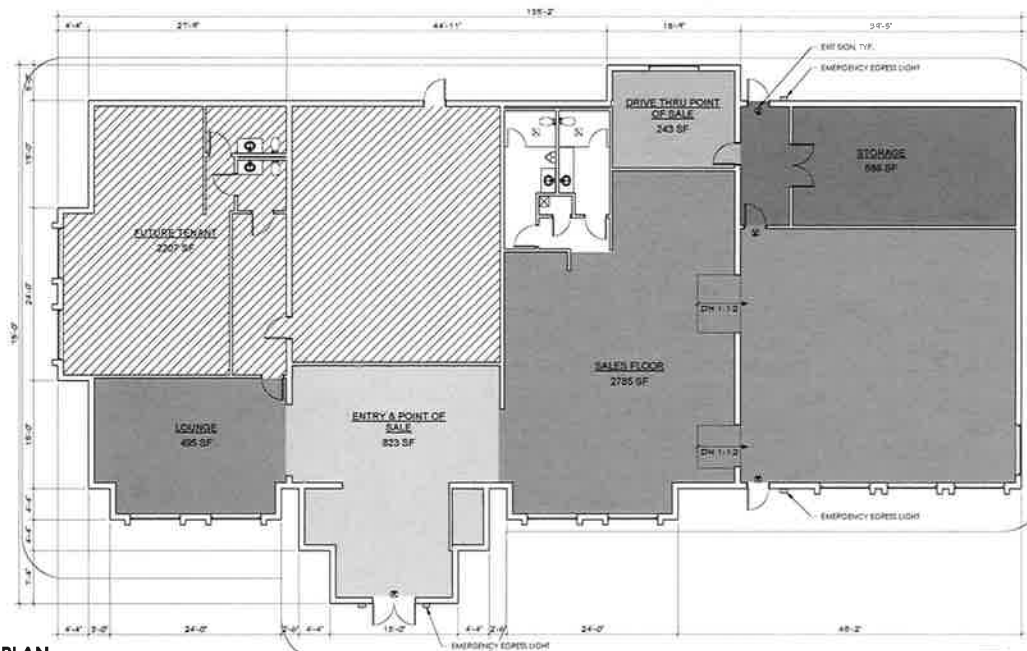
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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.



PROJECT DATA			
DESCRIPTION:	7834 SF REMODEL OF EXISTING BUILDING FOR A NEW MEDICAL MARIJUANA DISPENSARY		
SQUARE FOOTAGE:	NEW DISPENSARY	5427 SF	
	EXISTING TENANT	2381 SF	
	TOTAL AREA	7807 SF	
LOADING:	CUB-179-G		
OCCUPANCY CLASSIFICATION:	SUBDIVISION GROUP B		
TYPE OF CONSTRUCTION:	TYPE VII - NON-SPRINKLED		



KKT ARCHITECTS, INC.
2206 SOUTH WILCOX PLACE, SUITE 200
TULSA, OK 74114
(918) 744-4200 • (918) 744-7849
WWW.KKTARCHITECTS.COM

MEMORIAL DISPENSARY

NOT FOR
CONSTRUCTION

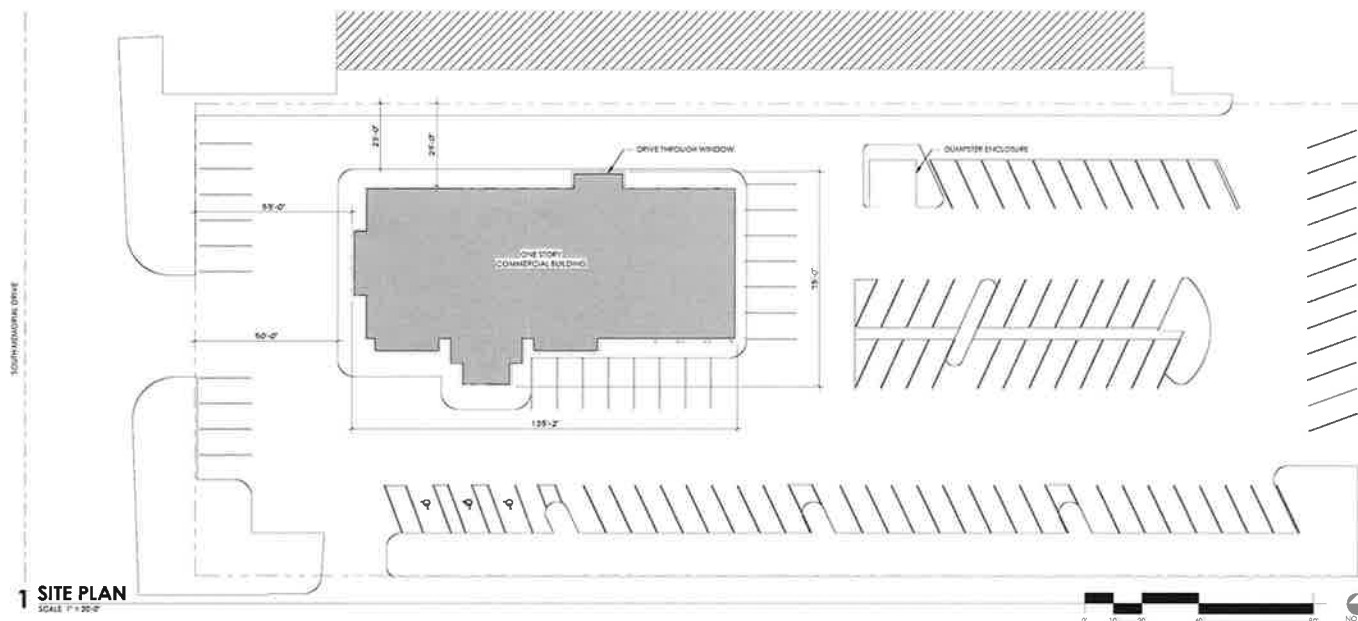
7315 S MEMORIAL DRIVE
TULSA, OK

CERTIFICATE OF AUTHORIZATION
#24 EXPIRES 04/30/21



PLAN EXHIBITS

A1



3.11

3.12

Legend	
1 RESTAURANT	TACO BELL
2 RESTAURANT	HIGHWAY GRILL SUPER BUFFET
3 CHURCH	FULL GOSPEL ASSEMBLY INTERNATIONAL
4 RESIDENTIAL	FRENCH MILLS PATTY HOMES
5 RESIDENTIAL	8114 E 74TH CIRCLE
6 RESIDENTIAL	8000 E 74TH CIRCLE
7 RESIDENTIAL	8000 E 74TH CIRCLE
8 RESIDENTIAL	8000 E 74TH CIRCLE
9 RESIDENTIAL	8000 E 74TH CIRCLE
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99 RESIDENTIAL	8000 E 74TH CIRCLE
100 RESIDENTIAL	8000 E 74TH CIRCLE



WALLACE ENGINEERING
STRUCTURAL CONSULTANTS INC.
(918) 584-5555
223 N. W. 11th St. Suite 100
Tulsa, OK 74103
CNA 1460 EXP. DATE 6/30/2021



Memorial Dispensary

7315 South
Memorial Drive
Tulsa, Oklahoma



HOBI SEAL	17480
VERI SEAL	
ARABIAN NO.	ANW
MANAGER	151
REASON BY	04/2020
DATE	

SPACING EXHIBIT EXHIBIT A



0 Feet 200 400



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



3.13



S MEMORIAL DR

E73 STS

E74 PLS

0 50 100
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



3.14

AFFIDAVIT

BoA-23022

The State of Oklahoma)
) S.S.
County of Tulsa)

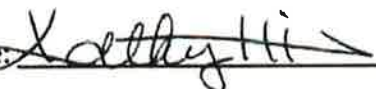
I, NICK LOMBARDI, of Tulsa, Oklahoma, MAKE OATH AND SAY THAT:

1. I am the lawful Agent for 5-D Property, LLC, c/o Mr. Laurence Davis, the property owner of 7309 S Memorial Dr. E, Tulsa, OK.
2. This property is not currently leased to any party and the owner has not granted permission for any other party to occupy the property.
3. The property owner did not consent to the application for Permit No: ZCO-067758-2020.

AFFIANT: Nick Lombardi

(Signature) 

SUBSCRIBED AND SWORN TO BEFORE ME, on the 9 day of November, 2020.

Signature:  (Seal)

NOTARY PUBLIC

My Commission expires: 6.4.2023



From: alowe@HallEstill.com
To: Chapman, Austin
Subject: RE: [EXTERNAL]:BOA-23022
Date: Tuesday, November 10, 2020 9:18:21 AM
Attachments: [image001.png](#)
[image003.png](#)
[image6d459e.PNG](#)

BOA - 23022

Hi Austin—

We represent F5 Industries ("F5"). F5 is/has been actively negotiating a lease agreement with 5-D Property, LLC for 7309 S. Memorial. After reviewing the Affidavit, my clients reached out to Mr. Davis (the owner) and inquired about the Affidavit. Mr. Davis indicated that he had no knowledge of the Affidavit, nor did he authorize Mr. Lombardi to execute the Affidavit. Mr. Davis did have knowledge that F5 planned to use 7309 S. Memorial as a dispensary (as stated above, they have been negotiating a lease agreement for the property) and needed to obtain certain permits from the City in order to do so.

It is our understanding that Mr. Lombardi is the broker on the sale of 7315 S. Memorial, and that if he is unable to get the permit for this property, he will lose the deal. Therefore, aside from the fact that Mr. Lombardi did not have the authority to execute the Affidavit, there is also a conflict of interest in him acting as "an agent" for the property owner of 7309 S Memorial.

So, to answer your questions: No, we do not represent the owner of 7309 S. Memorial, but we do dispute the claims made in the Affidavit and believe that the owner does as well. We are working on obtaining an Affidavit or other statement from the owner to this effect.

Let me know if you have any further questions.

Thanks!
Amanda



HALL ESTILL COVID-19 UPDATE

Pursuant to CDC and applicable state and local guidelines, as of June 8, 2020, all Hall Estill offices are either fully or partially staffed and have resumed regular office hours. Clients and non-Hall Estill counsel wishing to visit our offices are asked to make an appointment to do so. In addition, at this time, social guests are still not allowed in our offices. We recommend clients and counsel continue to send all correspondence, pleadings, discovery or other communications electronically whenever possible for a timely receipt. If you need to send very large attachments, your Hall Estill contact can send a link for you to upload to our secure file sharing service.

This e-mail message and any attachment thereto is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the recipient or reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this e-mail communication in error, please notify us immediately by sending a reply e-mail message to the sender. Thank you.

From: Chapman, Austin [mailto:AChapman@incog.org]
Sent: Tuesday, November 10, 2020 8:37 AM
To: Amanda Lowe <alowe@HallEstill.com>
Subject: [EXTERNAL]:BOA-23022

Amanda,

Per our conversation yesterday you indicated you are representing some interest in 7309 S. Memorial Dr. in relation to case BOA-23022. We did receive the attached affidavit signed by a Mr. Nick Lombardi who appears to be the agent that property. Are you representing the property owner and do you dispute the claims made in the affidavit?

Best,

Austin Chapman

3.16

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

Determining compliance to zoning or building code requirements is not a function of this office.
The Building Permits Division will address compliance upon application for a building permit or occupancy permit. {{918} 596-9456}

Chapman, Austin

From: Nick Lombardi <nick@frisbielombardi.com>
Sent: Tuesday, November 10, 2020 10:45 AM
To: Chapman, Austin
Subject: BOA 23022

Austin:

Per our conversation, the owner of this building has not authorized me to provide this affidavit and it needs to be rescinded immediately.

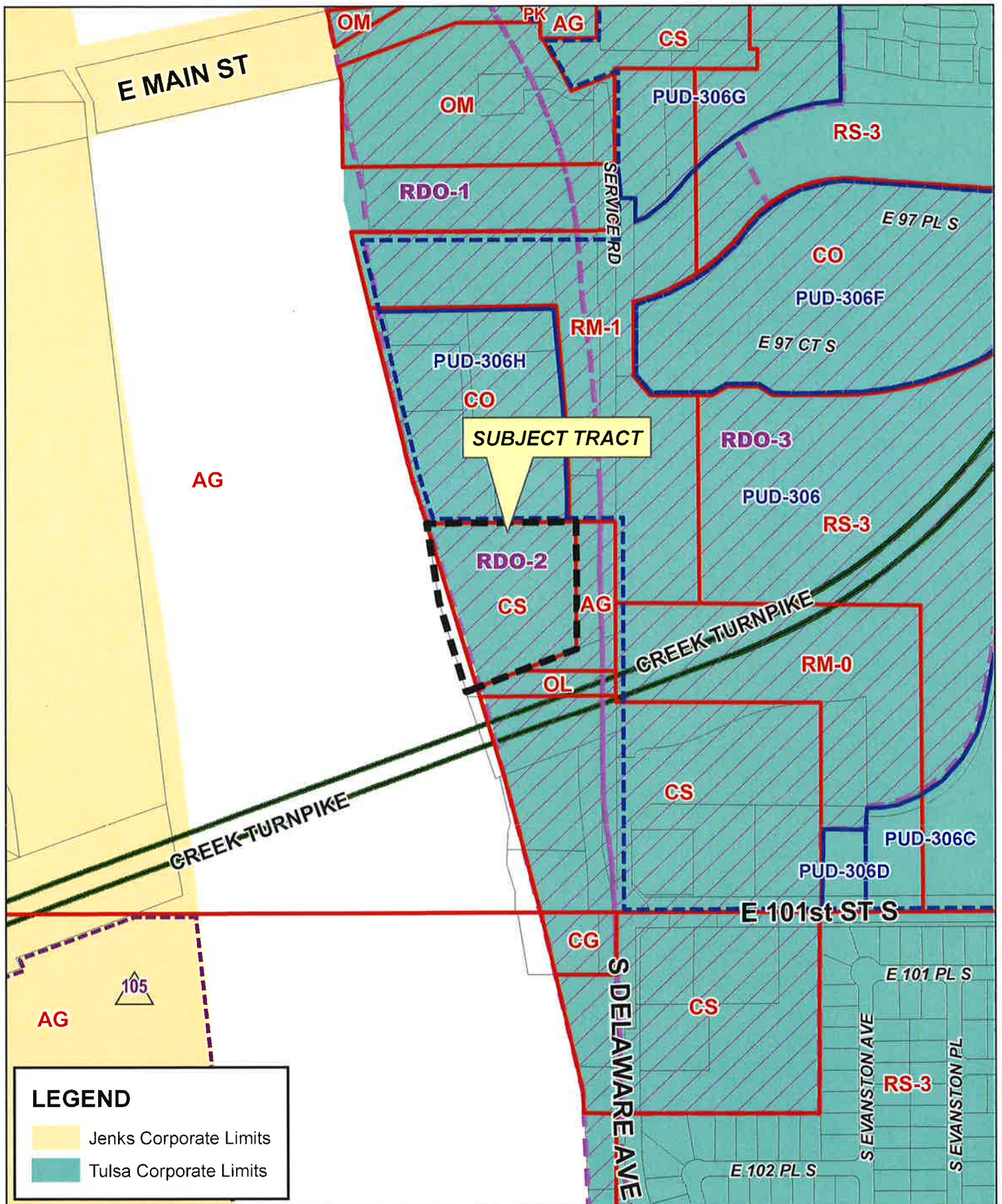
Thank you and my apology for the confusion.

NICK LOMBARDI
Managing Broker



1516 South Boston, Suite 214
Tulsa, Oklahoma 74119
918.747.7600 (Office)
918.344.9904 (Cell)
918.512.4327 (Facsimile)
nick@frisbielombardi.com
www.frisbielombardi.com

This e-mail and any files transmitted with it are intended solely for the use of the individual or entity to whom they are addressed. If you have received this e-mail in error please notify nick@frisbielombardi.com. If you are not the named addressee you should not disseminate, distribute or copy this e-mail.



BOA-23029

4.1

18-13 20

BOARD OF ADJUSTMENT CASE REPORT

STR: 8320

Case Number: **BOA-23029**

CZM: 56

CD: 2

HEARING DATE: 12/8/2020 (Continued from 11/10/2020 1:00 PM)

APPLICANT: Andrew Shank

ACTION REQUESTED: 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 (Sec. 70.140) or in the alternative a Variance from Sec. 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 S RIVERSIDE PK E

ZONED: CS, AG

PRESENT USE: Commercial

TRACT SIZE: 212177.27 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 1, KINGS LANDING,

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-21977; On 10.27.15 the Board **accepted** a verification of spacing between outdoor advertising signs, for either a digital or conventional billboard.

BOA-20740; On 08.12.08 the Board **accepted** a verification of the 1,200' spacing requirement for an outdoor advertising sign from another outdoor advertising sign on the same side of the highway.

BOA-20221; On 03.14.06 the Board **accepted** a verification of spacing for an Outdoor Advertising sign.

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

Arkansas River Corridor is located along the Arkansas River and scenic roadways running parallel and adjacent to the river. The Arkansas River Corridor is comprised of a mix of uses - residential, commercial, recreation, and entertainment - that are well connected and primarily designed for the pedestrian. Visitors from outside the surrounding neighborhoods can access the corridor by all modes of transportation.

This Corridor is characterized by a set of design standards that support and enhance the Arkansas River Corridor as a lively, people-oriented destination. The Corridor connects nodes of high-quality development with parks and open space. The natural habitat and unique environmental qualities are amenities and are respected and integrated as development and redevelopment occur. The future

development of this Corridor is intended to complement the residential character of adjacent thriving neighborhoods by providing appropriate transitions and connections to the Arkansas River.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located North of the Creek Turnpike on the West side of Riverside Parkway. The subject sign is oriented towards the Creek Turnpike.

STAFF COMMENTS: The applicant is requesting an **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 (Sec. 70.140) or in the alternative a **Variance** from Sec. 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

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.

Table 20-1: RDO District Use Regulations

USE CATEGORY			
Subcategory	RDO-1	RDO-2	RDO-3
Specific use			
Building Types			
X = expressly prohibited use <input type="checkbox"/> and unlisted uses = underlying zoning governs			
OTHER			
Drive-in or Drive-through Facility (as a component of an allowed use)	X	X	X
Off-premise Outdoor Advertising Sign	X	X	X

80.060-B Off-Premise Outdoor Advertising Signs

Nonconforming off-premise outdoor advertising signs may continue subject to the following provisions:

1. Nonconforming off-premise outdoor advertising signs must be maintained in good repair and safe condition, in accordance with §80.010-D. No permits may be issued for upgrades or modifications of nonconforming signs.

SAMPLE MOTION:

APPEAL:

Move to _____ (**affirm/reverse**) 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 (Sec. 70.140)

Finding that the Development Administrator (**acted appropriately/erred**) in 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 (Sec. 70.140)

VARIANCE: Move to _____ (approve/deny) a Variance from Sec. 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

- 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 Sign (Currently a tri-fold display)



Facing South on Riverside



Facing North on Riverside

On **Motion of Henke**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Verification of spacing requirements for an Outdoor Advertising Sign, on the following described property:

LT 1 BLK 1, KINGS LANDING, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20222

Action Requested:

Special Exception to permit Uses which utilize tents, canopies or open air activities (tent sales) in a CS district, located: 5050 South Lewis.

Presentation:

Kelly Jones, 7002 East 100th Place, proposed to have tent sales for a seasonal garden center at this location.

Mr. Stevens out at 3:32 p.m.

Mr. Jones stated a part of their request is, as the original, for a period of five years. The hours of operation would be Monday through Saturday 9:00 a.m. to 8:00 p.m., and Sundays 10:00 a.m. to 6:00 p.m.

Comments and Questions:

Ms. Stead mentioned the old shrubbery on the east property line that limited the visibility to access. Mr. Jones replied they planned to remove the overgrown landscaping.

Mr. Stevens returned at 3:35 p.m.

Mr. Jones responded to Ms. Stead that they plan to open this center April 1st and close by July 4th. He added that they would adhere to the 179 day annual limit. They might include a fall opening.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit Uses which utilize tents, canopies or open air activities (tent sales) in a CS district, for a period of no more than 179 days per calendar year for a period of five years, finding it will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

21976—Whistler Sign Company, LLC – John Allred

Action Requested:

Verification of the spacing requirement for an outdoor advertising sign of 1,200 feet from another outdoor advertising sign on the same side of the highway (Section 1221.F.2); Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 feet from any other digital outdoor advertising sign facing the same traveled way (Section 1221.G.10). **LOCATION:** 4041 North Garnett Road East (CD 3)

Presentation:

John Allred, 11063-D South Memorial, Tulsa, OK; no formal presentation was made but the applicant was available for any questions from the Board.

Mr. Henke stated the Board was in receipt of the applicant's survey on page 9.6.

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, Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) based upon the facts in this matter as they presently exist, the Board **ACCEPTS** the applicant's verification of spacing between outdoor advertising signs, for either a digital or conventional billboard, subject to the action of the Board being void should another digital and/or standard outdoor advertising sign be constructed prior to this sign; for the following property:

PRT LT 1 BEG NWC S/2 N/2 NW SW TH E1268.40 S330.67 W1268.59 N330.88 POB BLK 1; LT 1 LESS BEG NWC S/2 N/2 NW SW TH E1268.40 S330.67 W1268.59 N330.88 POB BLK 1, MINGO VALLEY INDUSTRIAL PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21977—Whistler Sign Company, LLC – John Allred

FILE COPY

Action Requested:

Verification of the spacing requirement for an outdoor advertising sign of 1,200 feet from another outdoor advertising sign on the same side of the highway (Section 1221.F.2); Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 feet from any other digital outdoor advertising sign facing the same traveled way (Section 1221.G.10). **LOCATION:** 9904 South Riverside Parkway East (CD 2)

BOA-21977

FILE COPY

Presentation:

John Allred, 11063-D South Memorial, Tulsa, OK; no formal presentation was made but the applicant was available for any questions from the Board.

Mr. Henke stated the Board was in receipt of the applicant's survey on page 10.6.

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, Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) based upon the facts in this matter as they presently exist, the Board **ACCEPTS** the applicant's verification of spacing between outdoor advertising signs, for either a digital or conventional billboard, subject to the action of the Board being void should another digital and/or standard outdoor advertising sign be constructed prior to this sign; for the following property:

LT 1 BLK 1, KINGS LANDING, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21978—Robert Alsup

Action Requested:

Modification to a previously approved site plan to allow expansion of an existing storage building. **LOCATION:** 1212 South 129th Avenue East (CD 6)

Presentation:

Robert Alsup, 12805 East 13th, Tulsa, OK; stated he would like to add a shed from an existing building to be able to park the church van inside it. The existing building is 30'-0" x 50'-0" and the proposed shed would be 20'-0" x 30'-0" which would be added to the back side of the existing building. The building and proposed shed is 100 feet away from any existing structure.

Mr. Van De Wiele asked Mr. Alsup if the drive to the shed was going to be asphalted or paved. Mr. Alsup stated there were no plans to do so. Mr. Alsup stated the van is only used two or three times a year and it has been vandalized several times so the church wants a shed to park it in for protection.

Mr. White stated that it is a code requirement that the drive be asphalted to the shed.

Interested Parties:

There were no interested parties present.

Case No. 20739

Action Requested:

Verification of the spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2 & G.9), located: 5736 East 41st Street South.

Presentation:

John Allred, 8988 South Sheridan, Tulsa, Oklahoma, with Whistler Sign Company provided verification of spacing. The Board received a surveyor's certificate.

Interested Parties:

Gary DeWint, 1621 East Omaha B5, Broken Arrow, Oklahoma, 74012, stated he is the Area Manager for What-A-Burger. They have a location at 5726 East 41st. He wanted clarification of the placement of this sign. He was aware of the widening of 41st Street in this area and concerned that they were going to lose the placement of the What-A-Burger sign.

Comments and Questions:

Mr. Cuthbertson responded that the applicant is replacing an existing sign with a digital sign. The location was pointed out to Mr. DeWint. He was satisfied with the answer.

Board Action:

On **Motion of White**, the Board voted 4-0-0 (White, Henke, Stead, Stephens "aye"; no "nays"; no "abstentions"; Tidwell "absent") to **ACCEPT** a Verification of the spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway, based upon the facts in this matter as they presently exist, subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign, (Section 1221.F.2 & G.9), on the following described property:

BEG 50 S NE COR E 1/2 W 1/2 NW NE TH S 113.2 SW 200 NW 273.2 E 125 S 25 E 75 TO BEG SEC 27-19-13, City of Tulsa, Tulsa County, State of Oklahoma

FILE COPY

Case No. 20740

Action Requested:

Verification of the spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2 & G.9), located: 9940 South Riverside Drive.

Presentation:

John Allred, 8988 South Sheridan, Tulsa, Oklahoma, present for questions, having presented the certificate of survey.

Comments and Questions:

Mr. Henke stated the Board had reviewed the certificate of survey.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

FILE COPY

On **Motion** of **White**, the Board voted 4-0-0 (White, Henke, Stead, Stephens "aye"; no "nays"; no "abstentions"; Tidwell "absent") to **ACCEPT** a Verification of the spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway, based upon the facts in this matter as they presently exist, subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign, (Section 1221.F.2 & G.9), on the following described property:

LT 1 BLK 1, KINGS LANDING, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20742

Action Requested:

Special Exception to modify the height of a fence in the required front yard from 4 ft. to 8 ft. (Section 210.B.3), located: 2101 East 24th Street South.

Presentation:

Tyson Tompkins, 1255 East 29th Place, Tulsa, Oklahoma, was present for the hearing.

Comments and Questions:

Ms. Stead asked Mr. Tompkins to point out where the eight-foot stucco wall would be constructed, which he did (Exhibit B-1).

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-0 (White, Henke, Stead, Stephens "aye"; no "nays"; no "abstentions"; Tidwell "absent") to **APPROVE** a Special Exception to modify the height of a fence in the required front yard from 4 ft. to 8 ft. (Section 210.B.3), per plan on page 5.6 of the agenda packet, noting it will encroach 2 ft. 8 in. into the front yard, finding the special exception will be in harmony with the spirit

LTS 1 & 2 LESS W10 LT 2 & LESS N10 E5 LT 1 FOR STBLK 1, MSM CENTER
RESUB L2 B1 GRAVATT-TABOR CTR, City of Tulsa, Tulsa County, State of
Oklahoma

Case No. 20220

Action Requested:

Verification of spacing requirements for an Outdoor Advertising Sign, located: 5736
East 41st Street.

Presentation:

Michael Joyce, 3800 First Place Tower, 15 East 5th Street, represented Whistler
Outdoor Advertising, Inc. The Board was provided the verification of spacing
requirements (Exhibit D-1).

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead,
Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a
Verification of spacing requirements for an Outdoor Advertising Sign, on the
following described property:

BEG 50 S NE COR E 1/2 W 1/2 NW NE TH S 113.2 SW 200 NW 273.2 E 125 S
25 E 75 TO BEG SEC 27-19-13, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20221

Action Requested:

Verification of spacing requirements for an Outdoor Advertising Sign, located: 9940
South Riverside.

Presentation:

Michael Joyce, 3800 First Place Tower, 15 East 5th Street, represented Whistler
Outdoor Advertising, Inc. The Board was provided the verification of spacing
requirements (Exhibit E-1).

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

EllerDetrich
A Professional Corporation

Philip J. Eller
Kevin H. Wylie
R. Louis Reynolds
Shanann Pinkham Passley
Daniel C. Cupps
Andrew A. Shank
Heidi L. Shadid
Mac D. Finlayson
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Jerry M. Snider
John H. Lieber
Joshua M. Tietsort
Kenneth E. Crump Jr.

October 8, 2020

VIA EMAIL & HAND DELIVERY

Ms. Susan Miller, Director
Tulsa Planning Office
smiller@incog.org

Mr. Danny Whiteman
Sign Plans Examiner
dwhiteman@cityoftulsa.org

Re: Appeal of Administrative Decision
SIGN-070484-2020, LOD Number 1, dated September 30, 2020, issued by
Danny Whiteman (the "LOD")
Dynamic Display located at 9904 S. Riverside Parkway (the "Property")

Dear Ms. Miller and Mr. Whiteman:

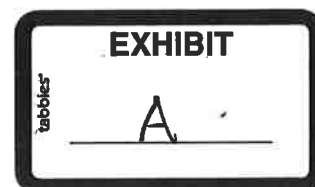
By way of this letter and pursuant to 70.140 of the Tulsa Zoning Code (the "Code"), I am filing with you, in your respective capacities as the land use administrator and the administrative official who made the decision, Whistler Sign Company's appeal of the above-referenced LOD. The LOD found that the existing dynamic display off-premise outdoor advertising sign (the "Sign"), located in a River Design Overlay (RDO-2), requires (1) a permit, and (2) a variance to replace the tri-fold dynamic display with LED dynamic display.



www.EllerDetrich.com

2727 East 21st Street, Suite 200, Tulsa Oklahoma 74114-3533

4.14



Under the Code, a dynamic display sign is defined as:

Any element of a sign or sign structure capable of displaying words, symbols, figures, images or messages that can be *electronically or mechanically* changed by remote or automatic means. This also includes any display that incorporates *rotating panels, LED lights manipulated through digital input*, “digital ink” or any other method or technology that allows a sign to present a series of images, messages or displays. (emphasis added).

The Code does not distinguish between different types of dynamic displays; the Code only differentiates dynamic displays and static signs. The Code defines a static message sign as “[a]n advertisement or message that, when displayed, contains *no* motion, flashing, changeable copy, running lights, variances in brightness, or animation.” In short, any sign that is not entirely static, is a dynamic display sign and subject to the dynamic display provisions of the Code.

The Sign is located at 9904 S. Riverside Parkway, at the southwest corner of the King’s Landing shopping center, facing the Creek Turnpike on Property zoned CS. The Sign was originally erected in 2006, predating both the current Code and the establishment of the RDO.

In 2016, the RDO was adopted and the Sign is now located within the boundaries of the overlay district. The RDO prohibits new outdoor advertising and dynamic display signs and renders existing signs, such as this one, lawfully nonconforming. Pursuant to Section 20.050-A.5.a, nonconforming signs located in the RDO are governed by the nonconformity provisions of Chapter 80 of the Code.

The LOD incorrectly determined that under Chapter 80 of the Code: (1) a variance is needed from the Board of Adjustment to install LED technology on an existing dynamic display sign; and (2) a permit is required for the installation of LED technology on the Sign. The LOD specifically relies on Section 80.060-B, which states:

Nonconforming off-premise outdoor advertising signs may continue subject to the following provisions: (1) Nonconforming off-premise outdoor advertising signs must be maintained in good repair and safe condition, in accordance with §80.010-D. *No permits may be issued for upgrades or modifications of nonconforming signs.* (emphasis added).

The LOD fails to consider Section 60.080-F.11(b), which also governs dynamic display signs in commercial districts, and provides:

No off-premise outdoor advertising sign with a dynamic display may be modified, extended, or enlarged *until a permit has been issued for its installation and use as a dynamic display sign.* (emphasis added).

The Sign was issued a permit for its installation and use as a dynamic display sign in 2006. The Sign is currently a dynamic display and has a valid permit to be a dynamic display. The crux of Section 80.060-B, relied upon in the LOD, is not that no upgrades or modifications can be made, but rather that no upgrades or modifications can be made *that require a permit*.

The existing dynamic display sign already has its permit and therefore, pursuant to 60.080-F, the dynamic display may be replaced by right. Based on the plain language of the Code, the LOD improperly requires Whistler to obtain a both a permit and a variance and the administrative official erred in his decision.

Therefore, I respectfully request the Board reverse the decision of the LOD and make a finding that the Code allows Whistler to replace the existing tri-fold dynamic display with LED dynamic display on the Sign by right.

Sincerely,

ELLER & DETRICH

A Professional Corporation



Andrew A. Shank

Exhibit "B"

In the alternative to the Applicant's Appeal of the LOD, the Applicant requests 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." The Sign is located at 9904 S. Riverside Parkway (the "Property"), at the southwest corner of the King's Landing shopping center, facing the Creek Turnpike. The Property is zoned CS and located in the RDO-2 overlay.

The Sign was lawfully erected as a dynamic display in 2006, prior to the adoption of the current Code and the establishment of the River Design Overlay District in 2016. The Sign, located along the Creek Turnpike corridor, is permitted as a dynamic display. The existing dynamic display sign's location at the intersection of the Turnpike and Riverside Drive, coupled with the recent establishment of RDO on the Property, is unique and results in unnecessary hardship to the Applicant.

The literal enforcement of the Code is not necessary to achieve the RDO's intended purpose, i.e., to prevent to the installation of new dynamic display signs in the Arkansas River Corridor. The Applicant simply seeks to replace the face of an existing dynamic display sign and the requested variance is the minimum that will afford relief. The variance to replace a dynamic display with a dynamic display on a lawfully nonconforming sign will not cause substantial detriment to the public good or impair the spirit and intent of the Code.

DANNY WHITEMAN
SIGN PLANS EXAMINER
TEL (918)596-9664
EMAIL dwhiteman@cityoftulsa.org



DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103-3227

SIGN PLAN REVIEW

September 30, 2020

LOD Number: 1

Phone: 918-491-7446

Whistler Sign Company LLC
6304 D. 102nd St.
Tulsa, OK 74137

APPLICATION NO: SIGN-070484-2020 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 9904 S. Riverside Pkwy.
Description: Outdoor Advertising Sign

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)

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A \$55 RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, THE INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 WEST 2ND STREET, 8TH FLOOR, TULSA, OK, 74103 OR TELEPHONE (918) 584-7526.
3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(Continued)

REVIEW COMMENTS

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

Application No. SIGN-070484-2020

9904 S. Riverside Pkwy.

September 30, 2020

This letter of deficiencies covers Sign Plan Review items only.

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

Section 20.050-D.5.b(1) RDO Sign regulations

Off-premise outdoor advertising signs, dynamic display signs and internally illuminated signs enclosed in frames or cabinets (aka "cabinet signs" or "box signs") are prohibited.

Section 80.060 B.1 Off-Premise Outdoor Advertising Signs

Nonconforming off-premise outdoor advertising signs must be maintained in good repair and safe condition, in accordance with §80.010-D. No permits may be issued for upgrades or modifications of nonconforming signs.

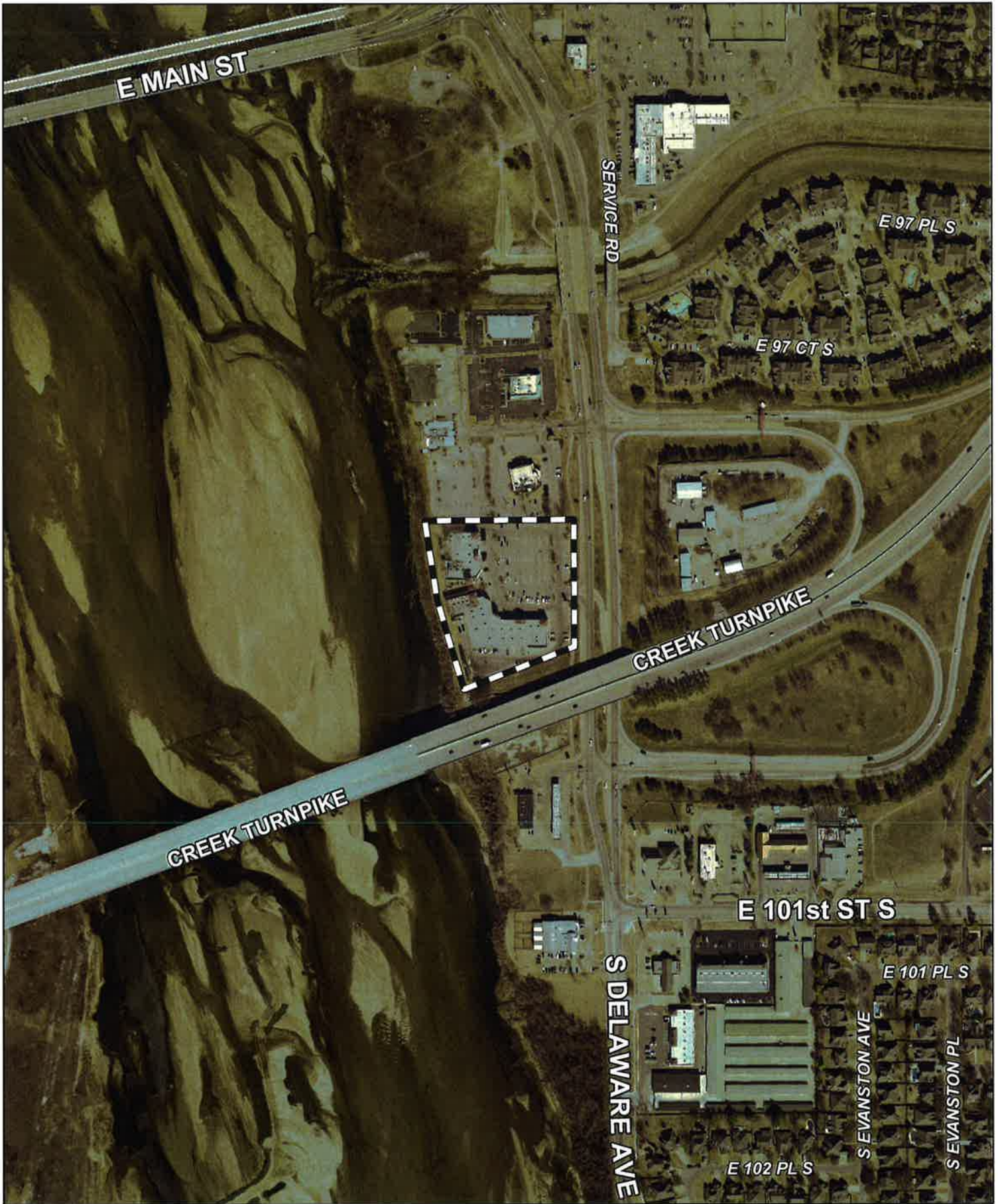
Review Comments: This existing tri-fold dynamic display off premise outdoor advertising sign is located in a River Design Overlay, RDO-2 SA-1. Both off premise outdoor advertising signs and dynamic displays are prohibited in a River Design Overlay district. This sign is considered a non-conforming sign. You may pursue a variance from the BOA to upgrade 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.

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

END – ZONING CLEARANCE AND SIGN CODE REVIEW

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

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



0 Feet 200 400



Subject Tract

BOA-23029

18-13 20

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

Aerial Photo Date: February 2018



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Feet



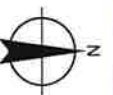
Subject
Tract

BOA-23029

18-13 20

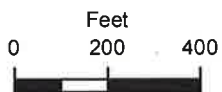
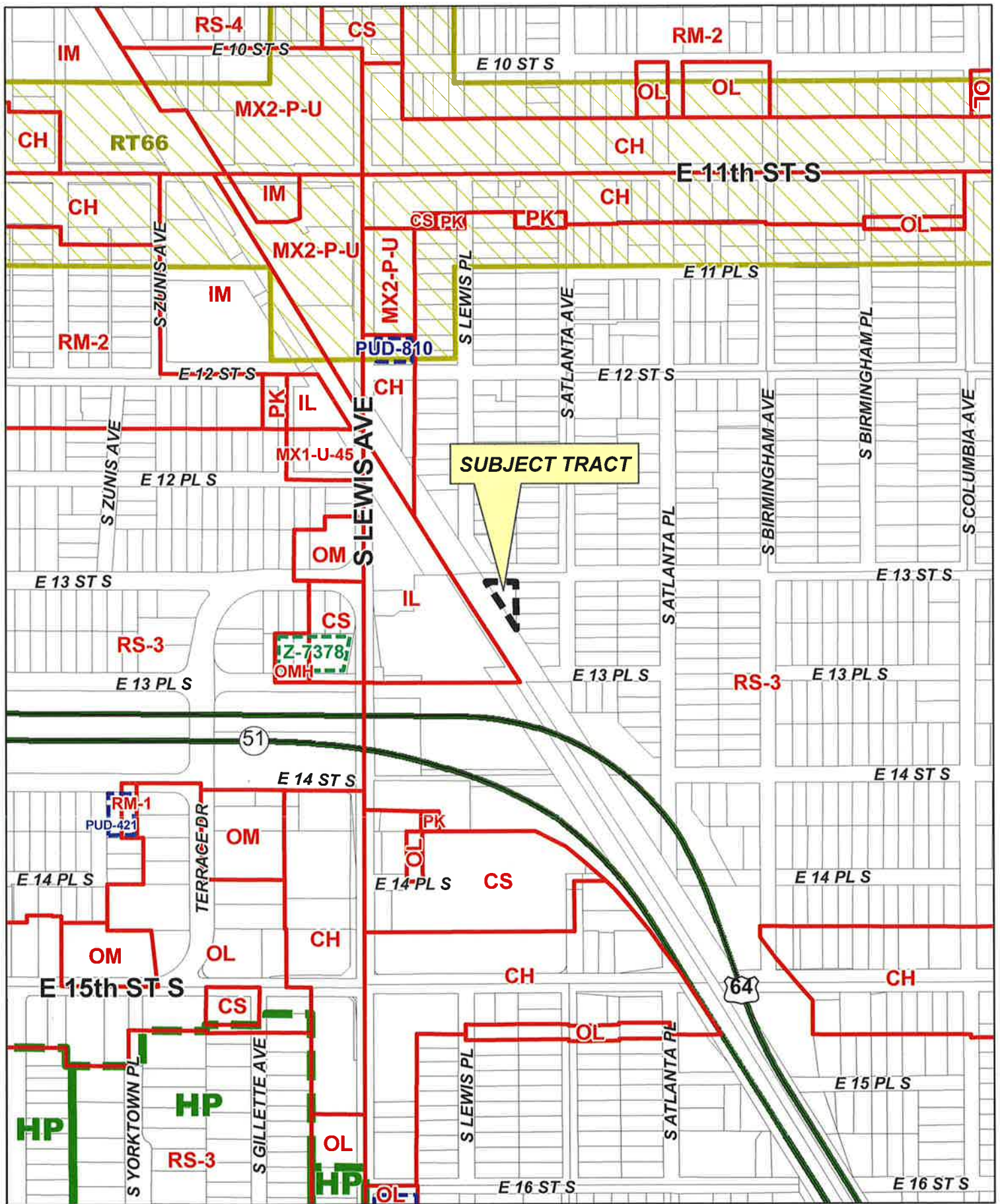
*Note: Graphic overlays may not precisely
align with physical features on the ground.*

Aerial Photo Date: February 2018



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BOA-23030

19-13 08

5.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9308
CZM: 37
CD: 4

Case Number: **BOA-23030**

HEARING DATE: 12/08/2020 1:00 PM

APPLICANT: Jenna Bromley

ACTION REQUESTED: Variance of the required 25-foot street setback in an RS-3 District (Sec. 5.030, Table 5-3)

LOCATION: 2432 E 13 ST S

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 7866.97 SQ FT

LEGAL DESCRIPTION: LT 6 BLK 1, ATLANTA ADDN RESUB L2 B3 FAIR ACRES ADDN

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located West of the SW/c of S. Lewis Pl. and S. Atlanta Ave.

STAFF COMMENTS: The applicant is requesting Variance of the required 25-foot street setback in an RS-3 District (Sec. 5.030, Table 5-3)

5.3

SAMPLE MOTION: Move to _____ (approve/deny) a **Variance** of the required 25-foot street setback in an RS-3 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."

STATEMENT OF HARDSHIP: The applicant is wanting to keep the front of the house in line with the rest of the neighborhood.

The property is bounded the West by a railroad that creates a triangle shaped lot that is much wider of the front and narrows as the lot moves South. Because of that shape the lot is non-conforming with regard to average lot width. The site plan provided reduces the 25' front setback to 14' 10".

Table 5-3: R District Lot and Building Regulations

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



Subject property



Facing West on 13th Street.

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

Robert Bromley
bobby.bromley@gmail.com

9/29/2020

APPLICATION NO: ZN LOD- 69721-2020 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 2432 E 13th St S

Description: Addition

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

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

IMPORTANT INFORMATION

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

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

(continued)

REVIEW COMMENTS

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

Application No. **ZN LOD- 69721-2020**

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.

5.030-A: Setback(s) (Residential): In the RS-3 zoned district the minimum **front** setback shall be 25 from the front property line.

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

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

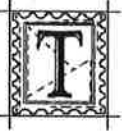
Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:
<http://www.tmapc.org/Documents/TulsaZoningCode.pdf>

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

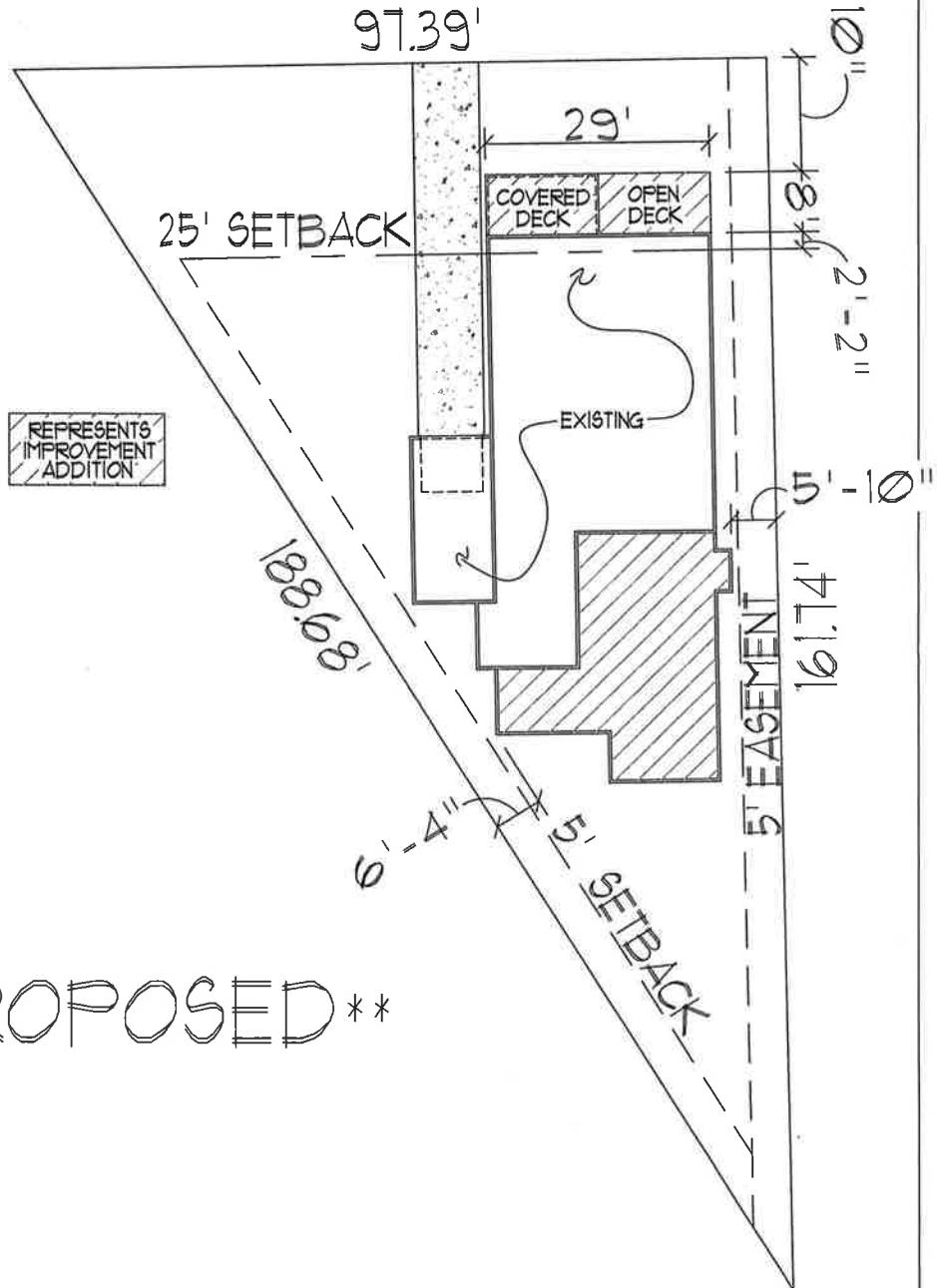
END –ZONING CODE REVIEW

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

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



East 13th St. South



****PROPOSED****

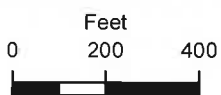
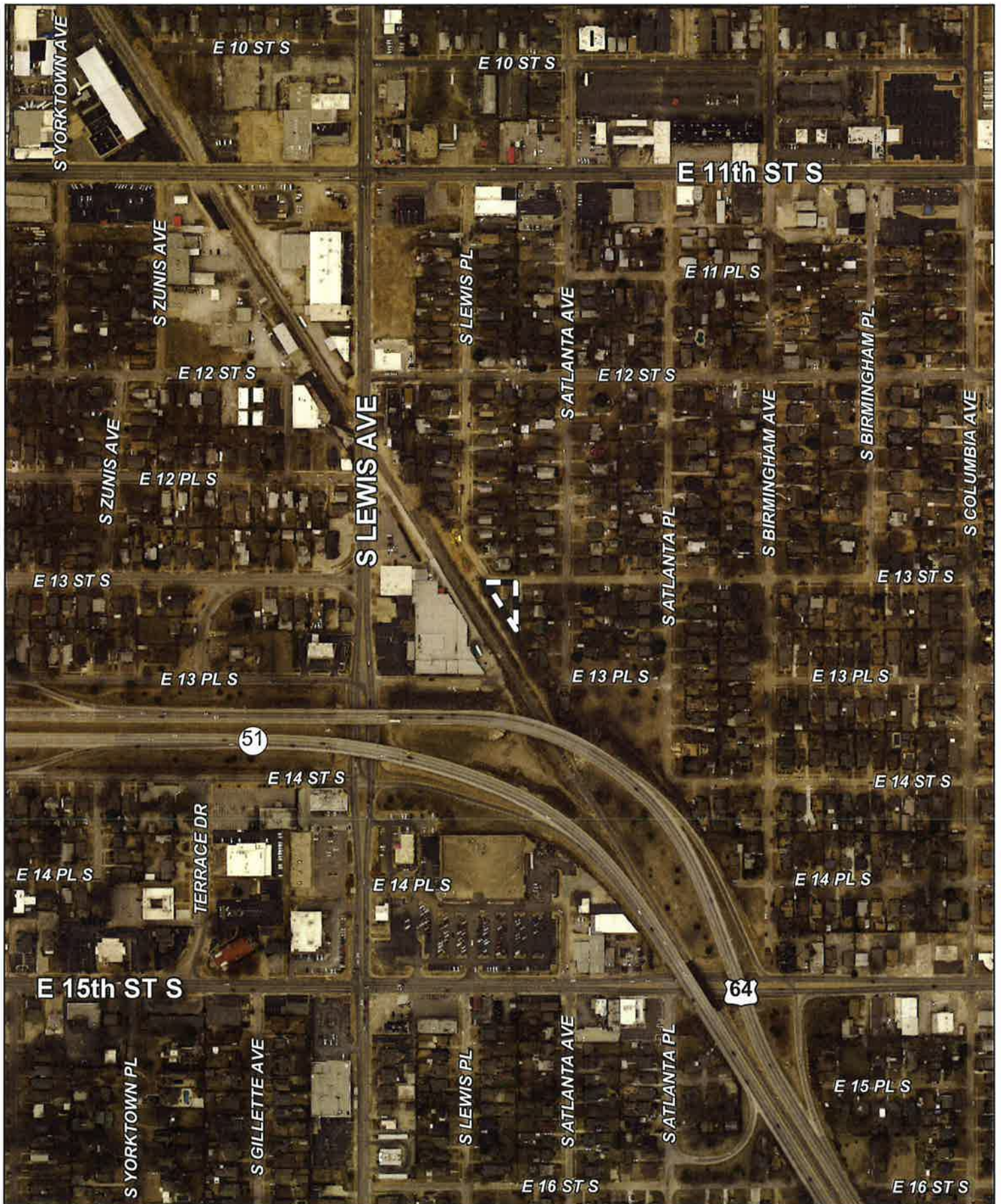
DATE: 8-20-20
LOT SIZE:
0.10 ac.



OKLAHOMIE BUILDERS
ATLANTA ADDITION - LOT 6, BLOCK 1 (ONE)
2432 E. 13TH ST. S.
TULSA, OK - TULSA COUNTY



SITE PLAN
SCALE: 1"=20'



Subject
Tract

BOA-23030

19-13 08

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

Aerial Photo Date: February 2018

5.8





Subject
Tract

BOA-23030

19-13 08

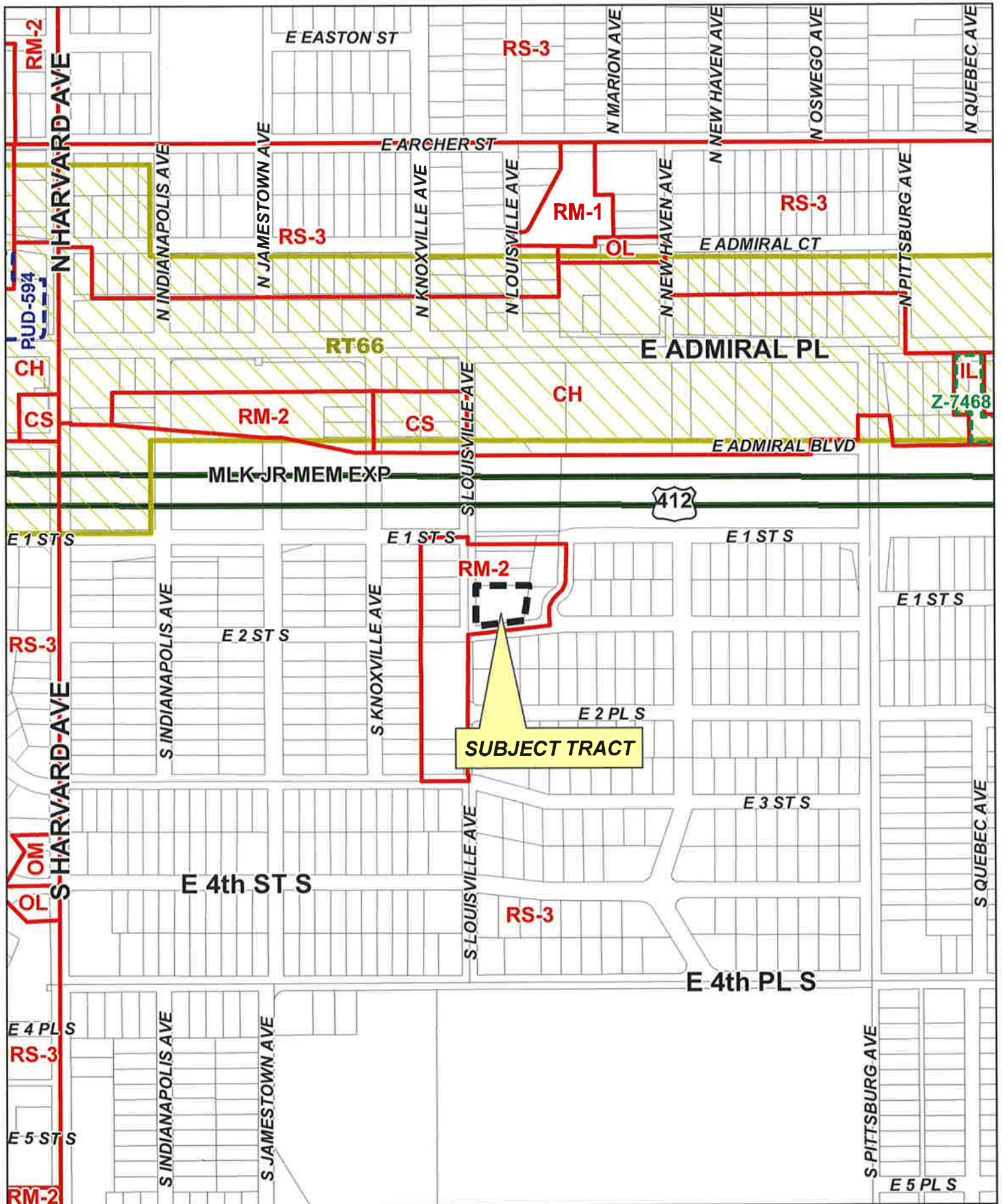
Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: February 2018



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BOA-23031

19-13 04

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BOARD OF ADJUSTMENT CASE REPORT

STR: 9304

Case Number: **BOA-23031**

CZM: 37

CD: 4

HEARING DATE: 12/08/2020 1:00 PM

APPLICANT: Randall Slankard

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

LOCATION: 117 S LOUISVILLE AV E

ZONED: RM-2

PRESENT USE: Residential

TRACT SIZE: 20608.32 SQ FT

LEGAL DESCRIPTION: LT 10, MORGANS RESUB B11 & RES MORGAN HGTS FIRST ADDN

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NE/c of E. 2nd Street and S. Louisville Ave.

STAFF COMMENTS: **Special Exception** to permit the alteration, expansion or enlargement of a structure with an existing non-conforming side setback (Sec. 80.030-D)

80.030-D Alterations, Enlargements and Expansions

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

The applicant is wishing to build an addition to their home along the Northern boundary with an existing 3.6' setback. The required setback is 5'.

SAMPLE MOTION:

Move to _____ (approve/deny) a Special Exception to permit the alteration, expansion or enlargement of a structure with an existing non-conforming side setback (Sec. 80.030-D).

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

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



Southern half of lot is occupied by drainage channel



Subject property

— § SOUTH LOUISVILLE AVENUE

20

134.00'

SET 3/8"
IRON PIN

64.0'

150.97'F.M.
151.00'PLAT

171.00'PLAT
171.11'F.M.

1 STORY
FRAME
DWELLING

NEW
12' 4"
X
10' 6"

7'

118.18'F.M.
118.50'PLAT

25'

2ND STREET SOUTH

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

Randall Slankard
randyslankard54@gmail.com

10/7/2020

APPLICATION NO: ZN LOD- 70246-2020 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 117 S Louisville Ave E

Description: Additions

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9801.

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

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

IMPORTANT INFORMATION

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

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

(continued)

REVIEW COMMENTS

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

Application No. ZN LOD- 70246-2020

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.

80.030-D Alterations, Enlargements and Expansions

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

Review Comments: You are proposing to add on to an existing structure with a non-conforming north side setback. RM-2 zoned lots require a 5' side setback from the property line. Revise plans to indicate compliance with the required 5' side setback or apply to BOA for a special exception to allow additions to an existing non-conforming structure.

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

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.

Site plan examples can be found at tulsaplanning.org. You may also obtain a current calendar of meetings and cutoff dates from the Tulsa Planning Office, or visit us at tulsaplanning.org.

SUBMITTAL REQUIREMENTS:

Site Plan: 1 copy; maximum 11" X 17"
Letter of Deficiency: 1 copy; can be obtained from the City of Tulsa Permit Department

APPLICATION FEES:

All fees must be paid with submittal. A current fee schedule is available at INCOG or on the web at tulsaplanning.org.

LETTER OF DEFICIENCY REQUIREMENT

The City of Tulsa Board of Adjustment policies require that an official "Letter of Deficiency" ("LOD") issued to the Applicant from the City of Tulsa accompany each application to the Board for a Variance, Special Exception or other relief.

I understand, and take responsibility for, the following:

1. All requirements set forth in the LOD must be met or the relief detailed in the LOD must be sought in an application to the Board for any of the requirements which will not be met. In the event that the applicant does not request the relief detailed in the LOD, additional BOA action may be required resulting in significant delays during the building permit process.
2. If the plans reviewed by the City for the issuance of the LOD are changed, the plans must be resubmitted to the City, and an additional LOD may be issued based upon the new plans which may result in additional requirements or an additional application to the Board being necessary.

I hereby certify that I have read and understood the above LOD requirements for the subject property in case number 23031.


Applicant's Signature

10-12-20
Date

AUTHORIZATION FOR INCOG TO OBTAIN NAMES AND MAILING ADDRESSES OF OWNERS OF PROPERTY WITHIN 300 FEET LOCATED IN TULSA AND OSAGE COUNTY ONLY*

AUTHORIZATION AND RELEASE

I authorize the INCOG Staff to obtain property owner's names and addresses as required for application number 23031. I understand that INCOG Staff will use the Tulsa and Osage County Assessor's computer database to ascertain the names and addresses of the property owners. That database may not reflect recent ownership changes. I understand that I remain responsible for providing INCOG with the names and addresses of property owners within 300 feet of the property that is the subject of this application. I agree to provide any updates or corrections to INCOG at least 25 days prior to the public hearing on this application.

For valuable consideration duly received and acknowledged, I hereby release and forever discharge INCOG, its agents and successors from any actual or potential cause of action, suit or proceeding brought by me, my agents or assigns, based on the names and addresses obtained by INCOG as required in this application.

*I understand and accept that the applicant is responsible for providing INCOG the names and mailing addresses of the owners of those properties that are within the required notice area but are not in Tulsa or Osage Counties.


Applicant's Signature

10-12-20
Date

REVISED 5/9/2018



0 200 400
Feet



Subject
Tract

BOA-23031

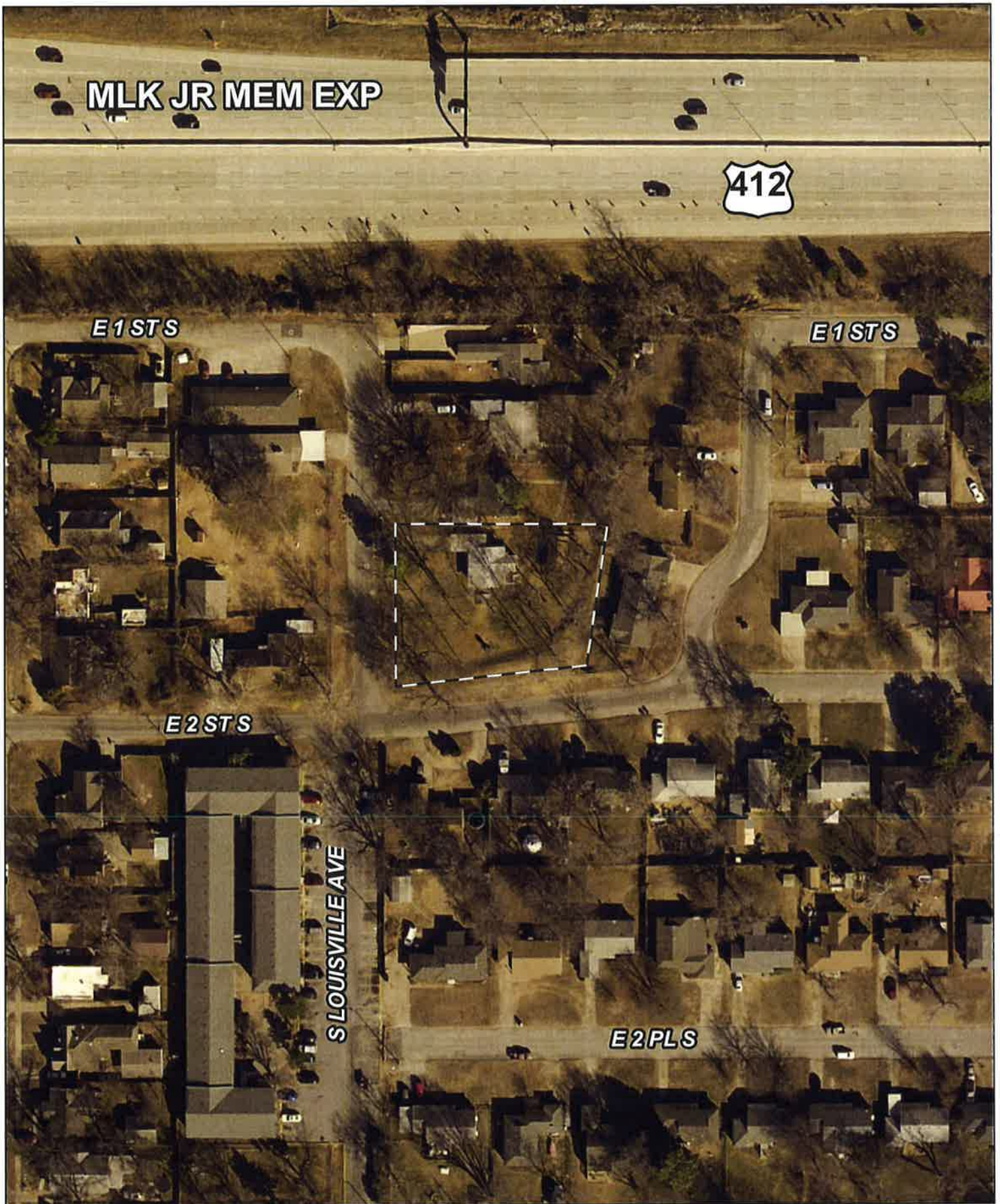
19-13 04

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

Aerial Photo Date: February 2018



6.9



0 50 100
Feet



Subject
Tract

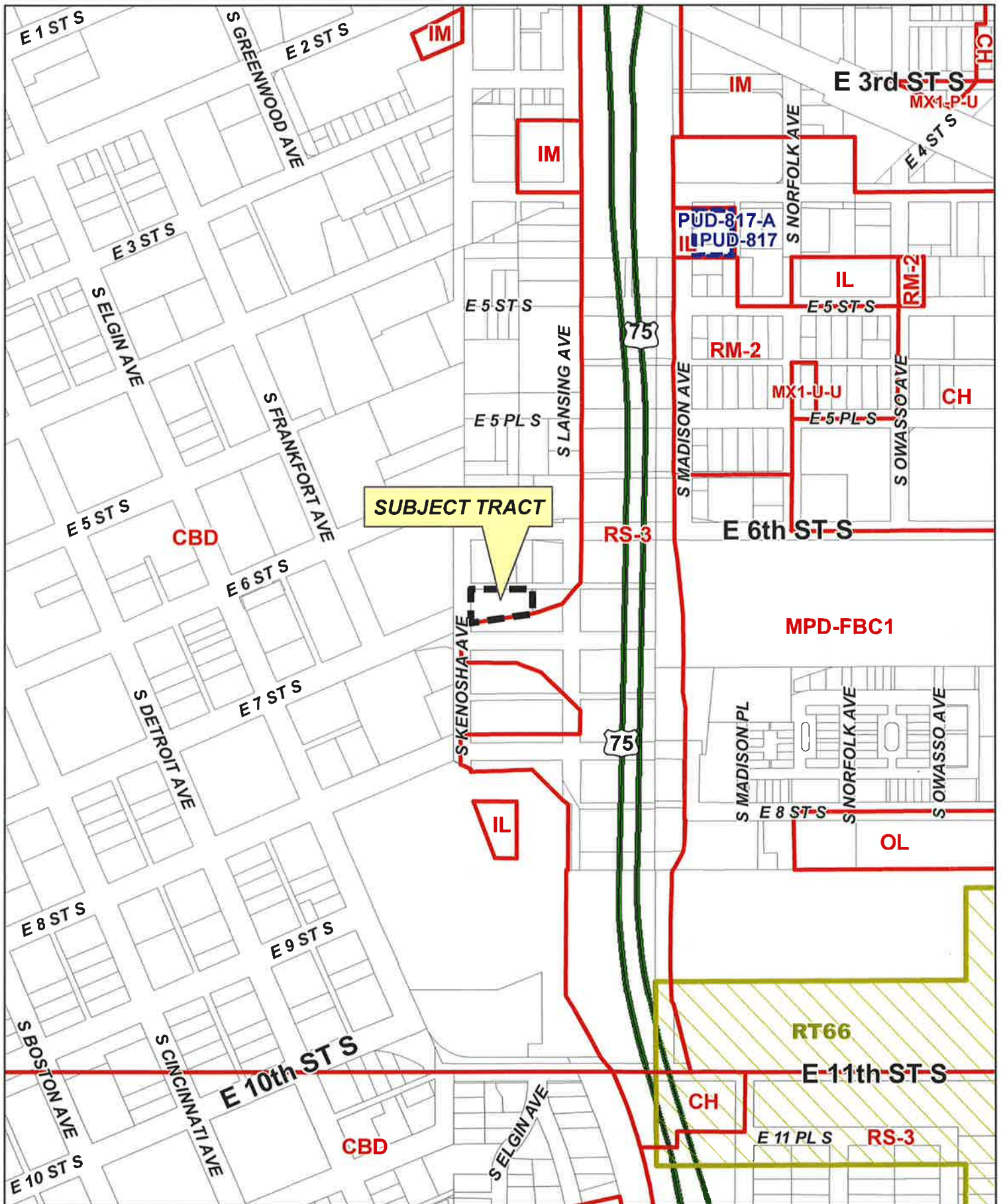
BOA-23031

19-13 04

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

Aerial Photo Date: February 2018





BOA-23032

7.1

19-12 01

BOARD OF ADJUSTMENT CASE REPORT

STR: 9201
CZM: 36
CD: 4

Case Number: **BOA-23032**

HEARING DATE: 12/08/2020 1:00 PM

APPLICANT: Lou Reynolds

ACTION REQUESTED: Special Exception to permit Low-Impact Medical Marijuana processing (Low-impact Manufacturing & Industry Use) in the CBD district. (Sec. 15.020, Table 15-2)

LOCATION: 621 S KENOSHA AV E

ZONED: CBD

PRESENT USE: Commercial

TRACT SIZE: 19501.89 SQ FT

LEGAL DESCRIPTION: See Attached.

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-22647: On 05.28.2019 the Board accepted a verification of spacing for a medical marijuana dispensary from another medical marijuana dispensary.

Surrounding Properties:

BOA-22679: On 07.23.2019 the Board approved a variance of the spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary. Property located 810 East 6th Street. The variance granted was to be located within 1,000' of the subject property.

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

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

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop

these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

ANALYSIS OF SURROUNDING AREA: The subject tract is located along Kenosha Ave. immediately North of the exit ramp from U.S. Highway 75.

STAFF COMMENTS: The applicant is requesting a Special Exception to permit Low-Impact Medical Marijuana processing (Low-impact Manufacturing & Industry Use) in the CBD district. (Sec. 15.020, Table 15-2)

Chapter 15 | Office, Commercial and Industrial Districts
Section 15.020 | Use Regulations

USE CATEGORY												Supplemental Regulations
Subcategory	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	
Specific use												
INDUSTRIAL												Section 40.180
Low-impact Manufacturing & Industry	-	-	-	-	-	S	S	S	P	P	P	
Moderate-impact Manufacturing & Industry	-	-	-	-	-	-	-	-	S	P	P	Section 40.225
High-impact Manufacturing & Industry	-	-	-	-	-	-	-	-	-	S	P	

Per conversations with the applicant they are seeking to use the space for the production of medical marijuana products using low impact manufacturing methods. Medical marijuana products 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 detectible at the boundaries of the lot within which the building housing the medical marijuana grower operation, processing facility or dispensary is located, except that if such use is located in multiple-tenant building, the ventilation/air filtration system must prevent odor from being detectible outside the tenant space housing the use.
2. An electronic security system and surveillance camera.

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

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 Low-Impact Medical Marijuana processing (Low-impact Manufacturing & Industry Use) in the CBD 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.

7.4



Subject property

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: 621 South Kenosha Avenue East (CD 4)

Presentation:

Gabe Palacios, 1420 East 4th Street, Tulsa, OK; stated the business location is an abandoned building and used for storage for about 15 years; our charge is to go in there and revitalize and revamp the area. He has received his demolition permit and outcropping buildings have already been demolished to create more parking. Mr. Palacios stated that he has verified that there are no dispensaries within a 1,000 feet that are operational. He then applied to come before the Board for verification. Since that time and since he has applied for the permit the next-door neighbor has put up a sign that says there is a dispensary coming soon. He went back and looked at all the records and could not find where that neighbor has applied for a building permit nor a Certificate of Occupancy or any business license, though they do have an OMMA license for 806 East 6th Street under the name "Greenwood Wellness Dispensary, LLC". Again, this is right next door, but they are not operational, and they have not submitted for a building permit nor a Certificate of Occupancy. Mr. Palacios stated that to him it seems he is first in line.

Ms. Radney asked Mr. Palacios if he knew when the Greenwood Wellness Dispensary license was issued. Mr. Palacios stated that OMMA does not give out that information. There is another dispensary within the zip code, and it is 1,800 feet away.

Mr. Van De Wiele asked Mr. Palacios to present his timeline. Mr. Palacios stated he submitted for an application for a permit on March 5th. The Letter of Deficiency (LOD) was received on April 3rd requesting a copy of the Board of Adjustment acceptance of separation. He then called the City to say he had verified the separation not realizing that he needed to come before the Board of Adjustment for verification. Had he known he needed to come before the Board he would have scheduled back in early April when he first submitted for a permit for construction.

Mr. Van De Wiele asked Mr. Palacios when he received his OMMA license. Mr. Palacios stated that he received it in January 2019. Mr. Van De Wiele asked Mr. Palacios when he saw the sign go up at the neighbor's location. Mr. Palacios stated that it was Thursday.

Mr. Van De Wiele asked Mr. Palacios if he believed the neighbor has an OMMA license. Mr. Palacios answered affirmatively and stated that according to weed maps and his verification they do have an open dispensary, but it is located on North Apache. He thinks they have an office at this building and that they have applied for a permit with the 806 East 6th Street address, and was Thursday that they put up a sign on the

building with the same name as the North Apache establishment, but they are not operational at the 6th Street location.

Ms. Back asked Mr. Palacios if he is ready to open the doors. Mr. Palacios answered affirmatively and stated his client has already invested \$30,000. Ms. Back asked Mr. Palacios how soon would he be ready to open the doors. Mr. Palacios stated that it will be 90 days or less that the construction will be complete; it will be a 100% complete gut and redo with a new parking lot, new roof, new HVAC, new electrical, etc.

Ms. Radney asked Mr. Palacios if he would be able to open and operate his business if he were not going through the complete remodel of the subject building. Mr. Palacios answered affirmatively.

Ms. Ross asked staff what the word "established" exactly means in the finding that the Board recites in their motion. Mr. Van De Wiele stated that it is his understanding that INCOG is either working on or has an internal policy as to what that means. Mr. Swiney stated that there has been a conversation about a dispensary that is in operation but is not legally in operation. This case is a little bit different. The sign has gone up announcing that a competitor is going into operation but there is no dispensary that is active right now. The common-sense definition to "establishment" would be something that is up and running, something that is in operation, and that is how he would define it. Ms. Ross asked if that meant the doors were open. Mr. Swiney answered affirmatively. Mr. Van De Wiele stated that the applicant is gutting and remodeling and there is a facility right next door that needs no gutting, or a person could just pop up a card table and put some product out and say I am open for business, does that card table mean the person is established and now the applicant can be shut out because the card table established first? Mr. Swiney stated the competitor would have to have his or her 1,000-foot verification.

Ms. Back asked how the Board can protect the Tulsa citizens that are investing into their businesses? Mr. Van De Wiele stated there has always been this issue with billboards and the same thing with daycare centers and bars. Mr. Swiney stated that by the example, Mr. Palacios and his client better move fast to get established otherwise they are at risk. Ms. Ross stated she does not like that because Mr. Palacios is taking a building that needs investment and repair to be a business, and it is like they are being punished.

Mr. Van De Wiele stated this is a discussion that needs to take place, not necessarily related to this application.

Ms. Radney stated she is very uncomfortable that a transaction is required to be an establishment. When another verification was before the Board at the last meeting, it was discussed that when a person went to the State to receive their OMMA they had to have an address, and there is a date stamp on that, so there is at least legal right to claim a particular space or address. In her opinion, there should also be some sort of lease or purchase agreement that has been fully executed. To her the next step in

receiving a Certificate of Occupancy is about satisfying the City in terms of the ability to conduct business.

Mr. Swiney asked Ms. Radney if she was saying that Mr. Palacios and his client have done everything they need to do to begin. Ms. Radney stated that to conduct business under the auspices of the City of Tulsa, but as far as the State is concerned Mr. Palacios is entitled to do business because he has a license and an address. Mr. Van De Wiele stated that part of the problem is there have been instances of people getting OMMA licenses on addresses that they either don't lease, own or even have any intention of leasing. Ms. Radney stated that it is important to her that the applicant has something executed that says the person is entitled to occupy.

Mr. Wilkerson stated that any new dispensary in Tulsa is going to be a new use in context with the Building Permit Office. If everyone is playing by the rules, then they should come to the Board of Adjustment to receive their spacing verification before they start operating their business. Then it ends up in people asking for a Variance if someone had previously started their building permit application and received an occupancy permit, so there is an extra layer of protection at the Building Permit Office.

Mr. Swiney stated that the other scenario is if a competitor comes in and wants a 1,000-foot verification, in the same area, Mr. Palacios and his client would have notice of that and they can come to the meeting as an interested party. Mr. Van De Wiele stated that the problem is the notice is for a 300-foot radius.

Interested Parties:

Mario Freeman, 4108 North Lions Place, Broken Arrow, OK; stated he represents the Greenwood Wellness Group. The reason Greenwood put up the sign is because their license is from January 18th, so according to the rules there was no other qualifying contentions on Greenwood being able to get into the building. It is his understanding that it is who has the license first. Greenwood received their license on the 18th and the other party received theirs on the 29th. Mr. Freeman stated he already has an operating business, actually three businesses.

Ms. Radney asked Mr. Freeman if his license is for 806 East 6th Street. Mr. Freeman answered affirmatively. Ms. Radney asked Mr. Freeman if he had a license for the Kenosha facility. Mr. Freeman stated that he is not affiliated with the facility on Kenosha, but it is less than 200 feet from his 6th Street address. Ms. Radney asked Mr. Freeman the date he received his license for the 6th Street address. Mr. Freeman stated that it was January 18th.

Mr. Freeman stated he already has an established business model. He has over 150 patients a day at his current location, which is 1216 East Apache, so he has all the structural setups internally as well as being operational.

Ms. Radney asked Mr. Freeman if he had applied for his Certificate of Occupancy for the 6th Street address. Mr. Freeman stated that he has not, but he plans to do that

today, but he didn't feel that he had to because he already has multiple projects going on at one time and has his license for that location. Therefore, the Certificate of Occupancy was in his step two. His plan is to have this business operational which he can do by July 4th easily.

Ms. Ross asked Mr. Freeman if he had to receive a license for each location. Mr. Freeman answered affirmatively. Ms. Ross asked Mr. Freeman why it has taken so long. Mr. Freeman stated there are financial implications that go into these businesses therefore, this is phase 2 and the second location. He already has growing, and processing set up and felt no need once he received his license to do anything to the building on 6th Street. That building is owned by one of his partners.

Ms. Back stated that Mr. Freeman had not done his spacing verification. Mr. Freeman stated that he has not, but it is not a requirement. Ms. Back stated that by the Tulsa City Zoning Code it is a requirement. Mr. Freeman stated that it is a requirement to start the business, but it is not a requirement to have an operational business. Ms. Back stated that it is a requirement to apply to the City of Tulsa Board of Adjustment for the spacing verification, and to get the Board of Adjustment to accept the spacing verification, that is a part of the process. Mr. Freeman stated that is true, but to establish a business at a property according to the OMMA guidelines a person has to have a license so the next step is to do this process which, again, since he already has the license for the 6th Street property he can wait and that should be in his time frame whether we want to operate that property now or not.

Mr. Van De Wiele stated that no business can be operated without a Certificate of Occupancy. Mr. Freeman stated that once he received his license, even if he wanted to wait a year, he has a license for the property and no other dispensary should be able to operate within a 1,000 feet according to the rules.

Ms. Back informed Mr. Freeman that his application was in for the license not for the spacing verification with the City of Tulsa. It specifically states that the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary. So, there in lies the challenge, Mr. Freeman's phase 2 that he chose to put on hold has now complicated things for him because he does not have his spacing verification in before today's applicant. Mr. Freeman stated that at the time he read the rules he did not think that it was totally necessary. Mr. Freeman stated that he plans to open the 6th Street business by July 4th; everything is in place and it will require minimal setup and there is an operational plan in place.

Rebuttal:

Gabe Palacios came forward and stated that he thinks there are two separate things happening. The dates on the OMMA license are only significant in as much as a person has two dates, the pre-December 1st date and the dates beyond that which put everyone in the same ballpark basically. Beyond that a person gets into the City of Tulsa regulatory area which is what he is in right now. Now he has established himself

as the first to the table in that regard, which puts him in first place. It is his understanding that Mr. Freeman would have to seek a Special Exception or some other means or method to be able to open his business by July 4th. Mr. Palacios stated that Mr. Freeman cannot get a Certificate of Occupancy today, as he stated, because he has to come to the Board of Adjustment to receive the spacing acknowledgement and move forward from that point. Mr. Palacios stated that he and his client started this process in December 2018 and have already paid a significant amount of funds in architectural engineering fees, invested close to \$35,000 in demolition costs, the entire project scope is over \$500,000 to the building and the property, so there has been quite a lot of time and funds invested up to this point and are following every letter of the law and rule to have him standing before the Board today. Mr. Palacios hopes the Board will take that into consideration. Mr. Palacios stated that he does not think his client would have any objection to Mr. Freeman coming in later and applying for any kind exemption to allow him to operate on 6th Street. He thinks the free market economy is a good thing. Two people side by side operating the same kind of business encourages more business and traffic to the area. Mr. Palacios reiterated that having an OMMA license and the dates versus coming before the Board of Adjustment are two completely different things, and he is the first in line now in that regard.

Comments and Questions:

Mr. Van De Wiele stated that Board does need to address this from a City standpoint, and the only parallel that he can draw is the billboard situation. Before this it was the most single thing that the Board verified spacing for, and those have always been subject to being void if another billboard is constructed before your billboard is constructed. In the same line of thinking, he assumes there has to be a permit from Oklahoma Department of Transportation (ODOT) to erect a billboard on a highway, a person has to come to the Board of Adjustment and space it but that has never been the end of the equation. There has been only a few of these cases, but there has been a situation where billboard company A does all of that and for whatever reason and billboard company B comes in, gets their ODOT permit, gets their spacing from actual constructed billboards, and they company B gets their billboard built and causes the first billboard to be void even though they have spent money on a permit, on a spacing verification. Mr. Van De Wiele does not remember how far the Board went with it, but there actually was an attorney suggesting that the spacing ought to be from permitted location to permitted location. That decision was appealed to this Board, and we agreed with the appellant, the applicant, saying that the spacing should be from proposed location to actually physically constructed billboards. If that is an inappropriate parallel, he is ok with that, but it is the only one that he can think of. He is comfortable with the conclusion that he is drawing based on what is being presented from INCOG and City Legal that the medical marijuana dispensary business has not been established at the 806 East 6th Street location. He would vote to accept the spacing verification before the Board today.

Ms. Back agreed with Mr. Van De Wiele.

Ms. Radney and Ms. Ross stated they cannot concur with that. Ms. Ross stated she needs a concrete definition of what "established" means; it can be argued two different ways. There is the State licensing. There is the City process. Ms. Ross was concerned about someone not being able to open a business at a given address, then they are blocking somebody else from opening another business around that given address. Even if a person has a license and a deed or a lease and open business the next day, it takes time to get inventory; there is more to opening a retail space.

Ms. Back stated the Board can only govern and regulate by what is in front of them. The Board of Adjustment makes adjustments to the City of Tulsa Zoning Code based on what is given to them to govern by. This particular applicant is before the Board, has gone through the process, has made application for the spacing verification, has provided the Board with the verification that there is no other business within the 1,000-foot radius and actually disclosed to the Board that there has been a sign placed there. However, that entity has not made application per the Tulsa City Zoning Code to proceed in their path to establish their business. What is before the Board today is to verify that there is not another established, by the City of Tulsa Zoning Code, dispensary.

Ms. Ross stated that she thinks that the word "established" in the Zoning Code is the problem. It does not define what established means.

Ms. Back stated that is not what she is focusing on now, she is focusing on the fact that this person has been told by INCOG that they have to make application for spacing verification, and he has provided that while the other party has not. The Board should grant the applicant his spacing verification so he can move forward in the process because he is in a race right now.

Mr. Van De Wiele stated that today is May 28th, the idea of opening by July 4th is not a reality. The next application cut off date is June 6th and those applications will be heard July 9th.

Ms. Ross asked if the Board is saying that "established" means an entity is open for business? Ms. Radney stated that she does not agree with that. Mr. Van De Wiele stated that it may not be fair and that is why he is suggesting that INCOG and the City need to fix this. The Board is not drafting Ordinances. If a person is selling marijuana without a license, they are breaking the law. Ms. Radney stated that if the Board uses that threshold of a transaction, a transaction has occurred. In order to have a medical marijuana dispensary, at a bare minimum a person has to have an OMMA license, a Certificate of Occupancy which necessarily requires a person has legal right to be where they are, and that Certificate of Occupancy requires the spacing verification from the Board. Ms. Radney stated that her concern is, as it is written and without the interpretation the Board is asking for, the spacing verification is saying that both of these parties would need to go out and confirm that there is not an established business, a business that is any more or less established than they are, asking for the spacing. Ms. Radney thinks the Board is being asked to confirm that there is not an established

dispensary within the 1,000-foot envelope. Ms. Back stated that the Board is not being asked to confirm, they are being asked to accept.

Mr. Van De Wiele stated that one of the litany of things that the Board does, and it is not done very often, is to interpret the Zoning Code. At some point there needs to be a policy or a Board interpretation adopted. This is now two meetings in a row that this has come up, and in the last two weeks there probably has been ten dispensary spacings. This is only going to become more frequent and more of a problem. The Board needs an interpretation, and it has to start at the INCOG and legal level. These type of requests is always going to involve a race, and it is a race to what? Is it to the sale of the first unit of product? At some point it is just the inherent nature of doing business.

Ms. Ross stated that the Board needs from INCOG and or City Legal a definition as soon as possible, a tangible date of what "established" means.

Mr. Van De Wiele stated that the Board heard something similar two weeks ago, the Code says to verify that there is not another dispensary within 1,000 feet. That seems odd to him, but if he read that and he were new to zoning that might mean I would do a circle and look to see who is within 1,000 feet of my site. Mr. Van De Wiele stated that the Code may need some language clean up.

Mr. Swiney stated that in a verification of distance, unlike Variances and Special Exceptions, a verification of distance only needs two votes for a majority. If someone were to recuse or abstain from the vote, two votes out of three would be enough.

Board Action:

On **MOTION** of **BACK**, the Board voted 3-1-0 (Back, Ross, Van De Wiele "aye"; Radney "nay"; no "abstentions"; Bond 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 LTS 13 THRU 20 BEG NWC LT 13 TH E200 NEC LT 20 S85 SW TO WL LT 13 N110 POB BLK 7, BURNETT ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Gabe Palacios came forward and asked about a possible scenario. In scenario one, out of his \$538,000 bid package he has completed \$300,000 of it and in those 45 days Mr. Freeman shows up trying to get a verification, there is a sign up that says "Coming Soon – To be open August 1st" what is the interpretation of "established" at that point? Mr. Van De Wiele stated that he does not want to give legal or City advice, frankly both Mr. Palacios and Mr. Freeman are at risk of a third unknown being in that circle. Mr. Van De Wiele encourages Mr. Palacios to reach to INCOG for if and when that issue comes up. Mr. Wilkerson stated that INCOG is well aware of the conflicts that occur,

and INCOG can make some interpretations but ultimately it will take a change in the Zoning Code.

Mario Freeman came forward and stated that he too has over \$300,000 invested in this matter. There are lists where a person can actually see every single dispensary that is in a particular zip code, go into INCOG and look at the distance between a person's proposed site and the next one. That is exactly what he did; that is how he knew Mr. Palacios was there and that is why he put the sign up.

22648—Tom Beverage

Action Requested:

Variance to allow a non-all-weather parking surface material (Section 55.090-F).

LOCATION: 5615 West Young Street North (CD 1)

Presentation:

Tom Beverage, TC Dirt Works, 8605 East 116th Street North, Owasso, OK; stated he is the General Contractor for the project. Young Street is the street that goes back to the property and it is a gravel road, and the Zoning Code states that the owner has to have a dustless all-weather surface. There was a trailer house on the property that burned down, and his client purchased the property and want to re-establish the house on the property. The original septic system will be used, but they are going to add a water tap off Young Street and not use the existing water well. The owner would like to have the same layout as what previously existed.

Ms. Back asked Mr. Beverage if it was a stick-built house or a mobile home? Mr. Beverage stated that it will be a stick-built house, pole barn style house.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a Variance to allow a non-all-weather parking surface material (Section 55.090-F), subject to conceptual plan 12.8 of the agenda packet. The Board has found the hardship to be that this particular area is located in Osage rural area and the zoning is listed as agricultural, and that the street leading to the subject property is West Young Street and it is also a gravel surface. The house is to be a stick-built pole barn style built on the site. The Board finds that the following facts, favorable to the property owner, have been established:

Action Requested:

Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D) **OR** in the alternative a Variance of the 1,000 spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 810 East 6th Street South (CD 4)

Presentation:

Marvin Jones, 8616 East 98th Street, Tulsa, OK; stated he represents Greenwood Wellness Group. Mr. Jones stated the goal is to do everything in accordance with the State, OMMA, as well as with the City of Tulsa; he feels that he has done that. Mr. Jones stated the subject dispensary is operating and transacting since July 4th. Mr. Jones stated that the owner of the subject building on East 6th Street is one of the partners in Wellness Group and he has a previous Certificate of Occupancy. In addition, he feels that the dispensary is lawfully operating with all the applications that have been submitted. Mr. Jones stated the Group has one dispensary operating on East Apache and his goal is to make sure that everything is done in accordance to INCOG as well as the City of Tulsa. Mr. Jones stated that there is a license for the first location which was received January 2019 and the license for the second location was received February 2019. Mr. Jones stated he has proceeded to submit for the Certification of Occupancy in early May.

Mr. Van De Wiele asked Mr. Chapman to display page 5.26 on the overhead projector, and Mr. Van De Wiele asked Mr. Jones to identify where any other dispensaries are located within the 1,000-foot radius, and any other licenses.

William Shirley, 1216 East Apache, Tulsa, OK; came forward and stated he is one of the partners in Wellness Group. Mr. Shirley stated that he has been in contact with Mr. Austin Chapman, Ms. Amy Ulmer and Ms. Nicole Gordon for several months, and in this particular circle there is no licensed dispensary; the closest dispensary is 1,700 feet to the North, which is East End located at 202 South Lansing Avenue.

Mr. Van De Wiele asked Mr. Shirley, for clarification, if he was aware of any other licensed dispensary within the 1,000-foot radius. Mr. Shirley stated that he is not aware of any licensed operating dispensary. Mr. Van De Wiele asked Mr. Shirley if he was aware of another license that is not operating within the 1,000-foot radius. Mr. Shirley stated that there is one; it is about 400 feet away. Mr. Shirley stated that at the time his location was established that building was vacant.

Mr. Van De Wiele asked Mr. Shirley if he had one license to cover all of his locations or is it a location-by-location specific license. Mr. Jones stated that it is a location-by-location license. Mr. Van De Wiele asked Mr. Jones if the license for the subject address expires February 2020 and was issued February 3, 2019. Mr. Jones answered affirmatively.

Mr. Van De Wiele asked, for the record, Mr. Jones to confirm that there is a dispensary 1,700 feet away that is open for business, and there is another dispensary that is 400 feet away, is he aware of any other licenses within the 1,000-foot radius? Mr. Jones answered no.

Mr. Shirley came forward and stated that he would like to have noted in the record he would like to one additional piece of information that may bear merit. Mr. Shirley stated that in the previous minutes there was note made about how much was actually spent by the other dispensary and he has invested while operating well over \$55,000 to \$60,000 to get the dispensary operating.

Ms. Ross asked if the dispensary was operating without spacing verification. Mr. Shirley answered affirmatively; just like 70% to 80% of the other dispensaries. Ms. Ross asked Mr. Shirley if he knew that was not lawful. Mr. Shirley stated that was discussion mentioned in the previous minutes and even the previous case today. Ms. Ross stated that if a person has not received their City spacing verification then the dispensary is not lawfully operating; they may have their State license, but they are not operating lawfully without the spacing verification. Mr. Van De Wiele stated that ultimately it is the Certificate of Occupancy, the spacing verification is a hurdle. Mr. Shirley stated that the previous tenant had a Certificate of Occupancy, so there was a case to occupy the building so he could occupy the building because it was retail. Mr. Van De Wiele stated that what throws a lot of these for a loop is if there was a dispensary to open in a building, such as City Hall because there is a Certificate of Occupancy for this building, a new Certificate of Occupancy must be had. Mr. Shirley stated that it was clarified to him and illustrated as a merchant for occupancy. It was determined that there was a previous merchant in the building, and he is applying as a merchant, so the occupancy has not changed even though it is a dispensary; that was determined by the City. Mr. Van De Wiele stated that is news to him, because he has had discussion with the Permitting Office. Mr. Shirley stated the Mr. Berto Morand is the person he spoke to, and he is the one aware of it.

Ms. Blank stated that perhaps the applicant is referring to Building Permits, and what the Board is dealing with is a Use category that is different, so it needs a Certificate of Occupancy.

Ms. Ross stated that at the previous meeting she recalls that the applicant was not open for business at the time, but they had posted a sign for this meeting when they learned that Mr. Palacios was seeking verification of spacing. The argument was made that they will be operating in a week and that it would take Mr. Palacios several months. At that time the Board said that was a risk to take because there was no verification of spacing. Mr. Jones stated that it was his understanding that the risk was stated to Mr. Palacios and that they should hurry up and start operating, because the whole discussion was about an operating business. Ms. Ross stated that the risk was to both parties.

Mr. Van De Wiele asked Mr. Jones if the Board were inclined to lean toward the Variance, what is unique about the property or perhaps the neighborhood the building is located in that would justify a Variance to shrink the 1,000-foot radius to allow both dispensaries within 400 feet. Mr. Jones stated there is easy access from Highway 75 to the location, and the property is not exactly downtown but on the outskirts of downtown.

Interested Parties:

George Palacios, 1420 East 4th Street, Tulsa, OK; stated that it sounds as though the Board remembers the previous meeting well. Both parties were put out to the races; both were told they were at risk and that whoever came forward first with a Certificate of Occupancy would be the one to win. Mr. Palacios stated he was the one that brought to the attention of the Board that there was another dispensary nearby, but that they had not applied for a permit. Ms. Ross is absolutely correct, the other party is operating illegally because they do not have their Certificate of Occupancy, so they have not established a business at this moment in time. Mr. Palacios stated he has received all of his final inspections as of today but has not been able to apply for the Certificate of Occupancy because the final inspections have only been recorded in the field and have not been entered into the system yet. In effect, he has reduced a 90-day construction timeline down to just under 30 days at a significant cost to his client. Mr. Palacios stated that he has met his goal and his timeline, and still his is not opposed to having a neighbor. He believes in a free market economy and does think there is anything wrong with dispensaries being within 1,000 feet of one another and he encourages friendly competition.

Nathalie Cornett, Eller & Detrich, 2727 East 21st Street, Tulsa, OK; stated that Mr. Palacios is her client's architect and he obviously is much more familiar with what is happening in the Permit Center. Ms. Cornett reiterated her request for a continuance. Ms. Cornett stated that she believes that the applicant's license for this location expires February 3, 2020, and her client's license expires January 29, 2020 so it is first in time. The next consideration for application would be an application for a building permit or a Certificate of Occupancy. Ms. Cornett stated that her client applied for a building permit on March 5, 2019 and all the final inspections have been passed so there should be a Certificate of Occupancy within the next day.

Mr. Bond asked Ms. Cornett the name of her client's dispensary. Ms. Cornett stated that it is The Treehouse Dispensary dba The Flower Shop.

Ms. Cornett stated that her client does not have an issue with another dispensary operating within a 1,000 feet, and after hearing the applicant's presentation she is not sure they have articulated a particular hardship for this property. Ms. Cornett stated, again, that she would request a continuance to more thoroughly examine the Variance request.

Rebuttal:

Marvin Jones came forward.

Mr. Bond asked Mr. Jones to state his hardship; is there something unique to the location, unique to the application to grant a Variance? Mr. Jones stated the property is owned by one of the partners and it is a family property, so it was easy to get up and going. Location is key as well. Mr. Bond asked Mr. Jones if he thought the area is commercially dense. Mr. Jones answered affirmatively.

Mr. Van De Wiele asked Mr. Jones if he thought the area was on its way to becoming more commercially dense. Mr. Jones answered affirmatively.

Ms. Radney asked Mr. Jones if he thought this was a unique circumstance in the City of Tulsa, is there another business environment similar to this or is it unique? Mr. Jones believes it is unique, taking into consideration what the City of Tulsa is doing in the new developments that are going in downtown and in the subject location.

Mr. Bond asked Mr. Jones if there was a lot or not a lot of residential housing near the subject site compared to other parts of the City? Mr. Jones stated in terms of the apartments and the demographics of the area it is unique.

Comments and Questions:

Mr. Van De Wiele stated that to him this is a relatively unique area. To him it is the commercial business district; it is not as densely populated residentially as other major thoroughfares in Tulsa. He would vote for a Variance if someone could articulate the hardship.

Board Action:

On **MOTION** of **BOND**, the Board voted 4-0-1 (Bond, Radney, Shelton, Van De Wiele "aye"; no "nays"; Ross "abstaining"; none absent) to **DENY** the request for a Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D) and to **APPROVE** a Variance of the 1,000 spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D) to permit two medical marijuana dispensaries to be located within 1,000 feet of each other, subject to conceptual plans 5.23 and 5.26 of the agenda packet. The Board finds the hardship to be the unique characteristics of the site as they presently exist; both being in topography, occupancy, and the commercial make up of this site. Additionally, the lack of existing clarity between the present applicant's application and the new Zoning Code. The Variance approval is limited to allow this dispensary to be located within 1,000 feet of the dispensary approved in case #BOA-22647. 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:

LT-7 & E20 LT 8 BLK-7, BURNETT ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22680—W Design – Weldon Bowman

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: 3403 South Peoria Avenue East (CD 9)

Presentation:

Brian Letzig, W Design, 815 East 3rd Street, Suite C, Tulsa, OK; stated he represents Green Country Bud which is at the top of the building. Mr. Letzig stated he is not aware of any other dispensaries within the 1,000-foot radius. Mr. Letzig stated the nearest dispensary, The Treehouse Dispensary, is south and currently located 4,224 feet away.

Mr. Van De Wiele asked Mr. Letzig if that is the closest dispensary that is open for business. Mr. Letzig stated that it is closest operating dispensary that he is aware of. Mr. Van De Wiele asked Mr. Letzig if there were any license holders within the 1,000-foot radius. Mr. Letzig stated that from his research, at least when he applied, he did not see any, but he has not looked within the last two weeks; none that he is currently aware of.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **ROSS**, 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

Exhibit "A"

All of Lots 13, 14, 15, 16, 19 and 20, Block 7, BURNETT ADDITION to Tulsa, Tulsa County, State of Oklahoma, according to the recorded Amended Plat thereof,

LESS AND EXCEPT the following described tract constituting a portion of the above lands:

Beginning at the SW Corner of said Lot 13; thence East along the South boundary of Lots 13, 14, 15 and 16 for 100 feet to the SE Corner of Lot 16; thence North along the East boundary of Lot 16 for 42.5 feet to a point; thence in a Southwest direction to a point on the West boundary of Lot 13, said point being 30 feet North of said SW Corner; thence South for 30 feet to a point and place of beginning

AND LESS AND EXCEPT the following described tract constituting a portion of the above lands:

Beginning at the SW Corner of Lot 19, thence East along the South boundary of Lots 19 and 20 for 50 feet to the SE Corner of Lot 20; thence North along the East boundary of said Lot 20 for 55 feet to a point; thence in a Southwest direction to a point on the West line of said Lot 19 said point being 48.75 feet North of said SW Corner; thence South along the West boundary of said Lot 19 for 48.75 feet to the point and place of beginning

AND

That portion of Lots 17 and 18, Block 7, BURNETT ADDITION to Tulsa, Tulsa County, State of Oklahoma, according to the recorded Amended Plat thereof, being more particularly described as follows, to-wit:

Beginning at the NE Corner of said Lot 18; thence West along the North boundaries of Lots 17 and 18 a distance of 50 feet to the NW Corner of said Lot 17; thence South along the West boundary of said Lot 17 a distance of 97.5 feet to a point; thence in a Northeasterly direction to a point on the East boundary of said Lot 18, said point being 91.25 feet South of the NE Corner of said Lot 18; thence North along the East boundary of said Lot 18 a distance of 91.25 feet to the point and place of beginning.

Exhibit "B"

The Applicant requests a Special Exception pursuant to Section 15.020 and Table 15-2 of the Tulsa Zoning Code (the "Code") to permit low-impact medical marijuana processing in the CBD district for property located at 621 S. Kenosha Ave. (the "Property").

The Property is located at the northeast corner of 7th Street and Kenosha, just west of Highway 75, and is currently the site of the Flower Shop Dispensary. The Property is relatively isolated because of its proximity to the highway and the configuration of the 7th Street and Hwy 75 exit ramps. Except for a handful of commercial businesses to the north, including another dispensary, which are all accessed from 6th Street, there are no adjacent buildings or uses. The dispensary desires to add a kitchen to produce medical marijuana edibles and make "prerolls", both of which are considered low-impact processing under the Code.

Due to the location of the Property in relation to Highway 75 and the lack of surrounding businesses, the proposed processing use will not be injurious to the neighborhood or otherwise detrimental to the public welfare and, as a use permitted by special exception, is in harmony with the spirit and intent of the Code.



0 Feet 200 400



Subject Tract

BOA-23032

19-12 01

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

Aerial Photo Date: February 2018



7.21



0 50 100
Feet



Subject
Tract

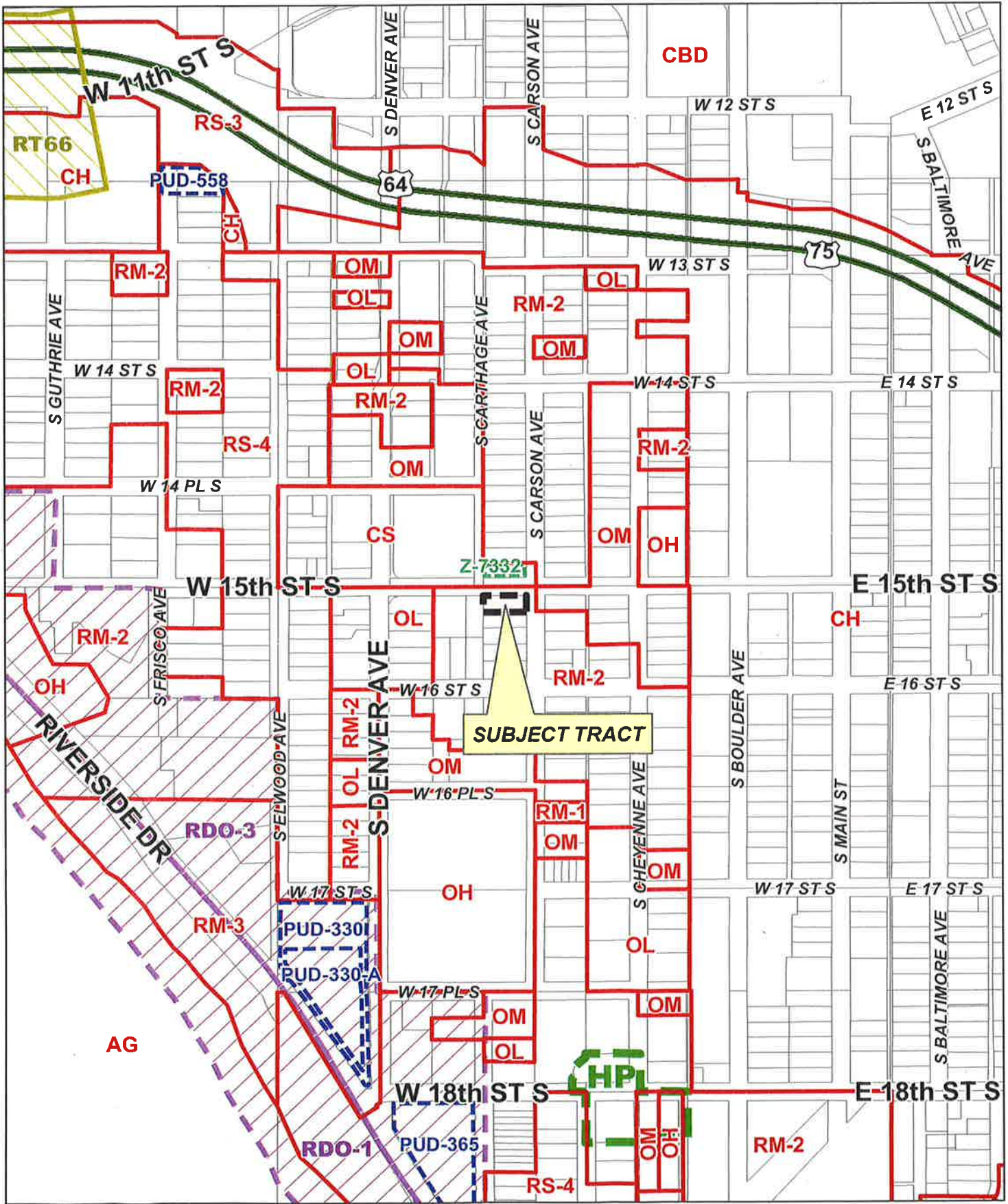
BOA-23032

19-12 01

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

Aerial Photo Date: February 2018





BOA-23034

8.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9212

Case Number: **BOA-23034**

CZM: 36

CD: 4

HEARING DATE: 12/08/2020 1:00 PM

APPLICANT: Tom Neal

ACTION REQUESTED: 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 reduce the required 35 foot setback from E. 15th St. (Sec. 5.030, Table 5-3)

LOCATION: 1502 S CARSON AV W

ZONED: RM-2

PRESENT USE: Residential

TRACT SIZE: 8015.07 SQ FT

LEGAL DESCRIPTION: ALL LT 1 N.4 LT 2 BK 3, STONEBRAKER HGTS ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property: None.

Surrounding properties:

BOA-21880; On 04.28.2015 the Board approved a Variance of the required side yard setback from 35' to 5' , Variance to reduce the required setback from the centerline of E. 15th Street from 70' to 40' and a Variance to increase the permitted height from 35' to 40'. Property located 1445 S. Carson

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 SW/c of W. 15th Street and S. Carson Ave.

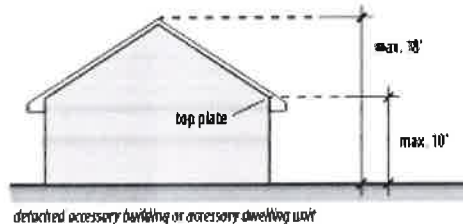
STAFF COMMENTS: The applicant is requesting Variance to allow a detached Accessory Dwelling Unit to exceed one story or 18 feet in height and to exceed 10 feet in height to the top of the top plate. (Section 90.090-C); Variance reduce the required 35 foot setback from E. 15th St. (Sec. 5.030, Table 5-3)

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

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

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

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



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

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

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

Table 5-3: R District Lot and Building Regulations

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
Minimum Lot Area (sq. ft.)													
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

The applicant is requesting a 24' high structure and a top plate at 18' 6". The setback from E. 15th street is proposed at 21'.

STATEMENT OF HARDSHIP: Historic House (Early 20th century), no longer has garage. Needs one for safety and security (proximity to 15th and Denver QuikTrip). Second Floor Garage apartment would allow for family visits without covering all of small urban lot. Because of 35' arterial Street Setback , 2/3 of lot is unbuildable , also new rear porch mudroom to fix very dangerous (non-conforming) stairs.

SAMPLE MOTION:

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 reduce the required 35 foot setback from E. 15th St. (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."*



Subject property at the SW/c of 15th and Carson.

Mr. White stated that he is concerned about the hardship because 2 ½ years ago Mr. Reynolds came before the Board requesting the lot be reduced from 60 feet down to 50 feet. Mr. Reynolds acknowledged that he had done that. Mr. Reynolds stated that by doing so made the lot consistent with what is in the neighborhood. Mr. White stated that he has a little trouble with a self imposed hardship but he has no problem with the application. Mr. Reynolds stated that he does not believe it is self imposed because it is a standard width and the driveway is 19 feet wide with a standard two-car garage which is typical of houses. Mr. Reynolds stated that he agrees with Mr. White in that it does have a self imposed concept.

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, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **APPROVE** the request for a Variance of the allowed coverage of the required front yard in the RS-3 District from 34% to 38% (Section 1303.D), subject to conceptual plan 10.18. The Board has found that the lot at 50 feet in width is consistent with lot widths in the neighborhood, and the driveway coverage is typical of what is found for properties and homes this size, and the Variance from 34% to 38% to be justified based on those circumstances. 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:

W/2 LT 7 BLK 3, OLIVERS ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21880—Matt King

FILE COPY

Action Requested:

Variance to reduce the required south side yard setback from 35 feet to 5 feet (Section 403.A, Table 1); Variance to reduce the setback from the centerline of East 15th Street from 70 feet to 40 feet (Section 403.A, Table 1); Variance to increase the building height from 35 feet to 40 feet (Section 403.A, Table 1) to permit a three unit multi-family structure. **LOCATION:** 1445 South Carson Avenue (CD 4)

04/28/2015-1138 (17)

Mr. Van De Wiele informed the Board members that he was contacted by an interested party on this case. This party left a voice mail at work and Mr. Van De Wiele has not spoken to that party. Mr. Van De Wiele does not believe that to be a conflict of interest that would require recusal.

Presentation:

Matt King, 1513 East 15th Street, Tulsa, OK; stated this property has been before the Board before and it appears there are very few if any objections so the neighborhood concerns were apparently satisfied. The hardship is the setback requirements. Initially this case was before the Board for four units and it is now three units. The building has also been sat back a little farther from the street. The proposed building will be two bedroom units. A lot of the concerns prior to today was the traffic generated on the street, and it is not anticipated to be a problem. If there are visitors it would be no different than anyone else living in the neighborhood. Mr. King had a concept drawing placed on the overhead projector to show concept design. The intent is to design a building that is compatible with the neighborhood. The concept building will be three stories and the actual building will be no more than three stories. The existing retaining wall on 15th Street will be utilized.

Mr. Henke asked Mr. King if he met with the neighbors. Mr. King stated that he personally did not on this particular design.

Mr. Henke asked Mr. King about the parking for the proposed building. Mr. King stated the building will have rear parking garage for two cars. The cars will be pulled into the garage from the alley. The units have been limited to two bedrooms just so there cannot be a family of five living there with the possibility of four or five cars for the one household.

Mr. Van De Wiele stated that he understands the owner does not want to be tied to the exact print that is on overhead projector, but conceptually is it something similar? Mr. King stated the previous design was a box and that is not being done in this design because the intent is to pick up some of the elements of the neighborhood.

Mr. King stated this is not an inexpensive proposition and Mr. Menge does not want to go through any great expense until he has the Board's approval. Mr. King stated that the image on the overhead projector is let the Board know that Mr. Menge is attempting to pick up elements from the neighborhood. Each one of the facades is made up a little differently so there will be some unique characteristic feature about each unit. The concept drawing is to show the Board that the building will not be a big box but will be characteristic of the neighborhood.

Interested Parties:

Fred Menge, 1441 South Carson, Tulsa, OK; stated he did speak with the neighbors and the immediate neighbors are in favor of the building. The Riverview Home Owners

BOA-21880

FILE COPY

Association is not in attendance today so he believes they are happy with the smaller units.

Mr. Henke asked Mr. Menge if he had met with Mr. Demetrius Bereolos and if Mr. Bereolos is supportive. Mr. Menge stated that he has met with Mr. Bereolos and he believes Mr. Bereolos is supportive by the fact that he is not in attendance today.

Comments and Questions:

Mr. Van De Wiele asked staff if the words "archtiectural style" can be used in the motion if it is approved. Ms. Miller stated that if this is approved it then goes to the building permit office and they do not do disgressionary review, so they will not know how to deal with that type of terminology.

Board Action:

On **MOTION** of **SNYDER**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **APPROVE** the request for a Variance to reduce the required south side yard setback from 35 feet to 5 feet (Section 403.A, Table 1); Variance to reduce the setback from the centerline of East 15th Street from 70 feet to 40 feet (Section 403.A, Table 1); Variance to increase the building height from 35 feet to 40 feet (Section 403.A, Table 1) to permit a three unit multi-family structure, subject to conceptual plan 11.16 more specifically with the two-car per unit rear loading garage. This lot with the existing setbacks is not able to be developed and that is the hardship for this case. 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 36 BLK 2, CARLTON PLACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21882—Brian Casement

Action Requested:

Special Exception to permit storage of asphalt millings Use Unit 2) in the AG District (Section 301, Table 1). **LOCATION:** SW/c East 11th Street & South 193rd East Avenue (CD 6)

Presentation:

Ron Egge, Sherwood Construction, 9950 East 77th Street, Tulsa, OK; stated the asphalt millings are a by-product of construction. They become a green product when they are reused as a sub-grade material on the development of a parking lot. The owner of the subject property is going to develop the lot later with a time frame

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 Design
tdlneal@gmail.com

10/13/2020

APPLICATION NO: ZCO 70853-2020 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 1502 S Carson Ave W
Description: Accessory Building

Pounds

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.

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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)
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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.

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IMPORTANT INFORMATION

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

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

2. **5.030-A:** In the RM-2 zoned district the minimum side yard setback from an arterial street shall be 35 feet from the side property line plus 35' ROW width from center of street to the proposed garage for a total side street setback of 70' from center of 15th street.

Review Comments: Revise your plans to indicate a 35' side setback to the property line and a 70' setback from center of 15th street or apply to INCOG for a variance to allow less than a 35' side setback and a 70' setback from center of 15th street.

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

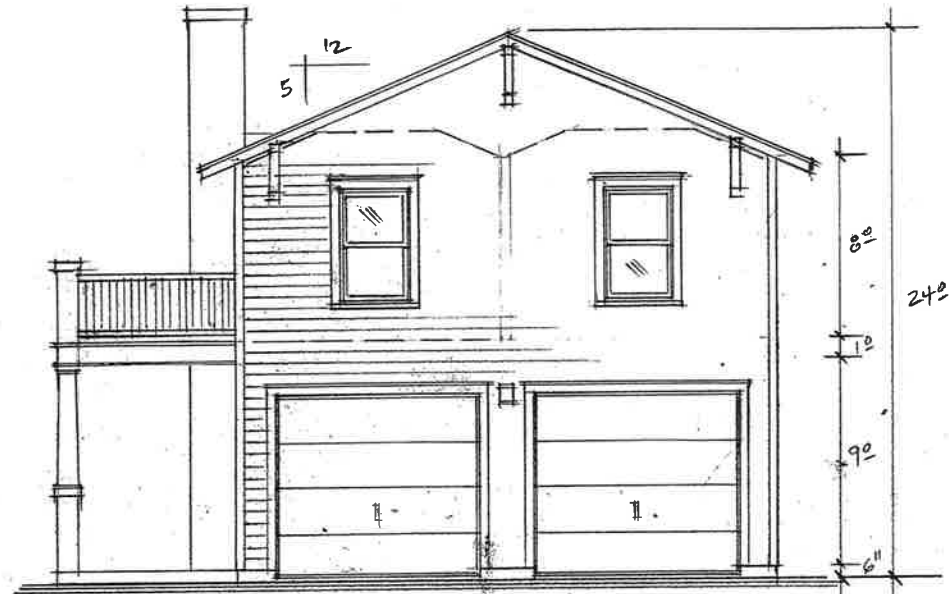
END -ZONING CODE REVIEW

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.



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



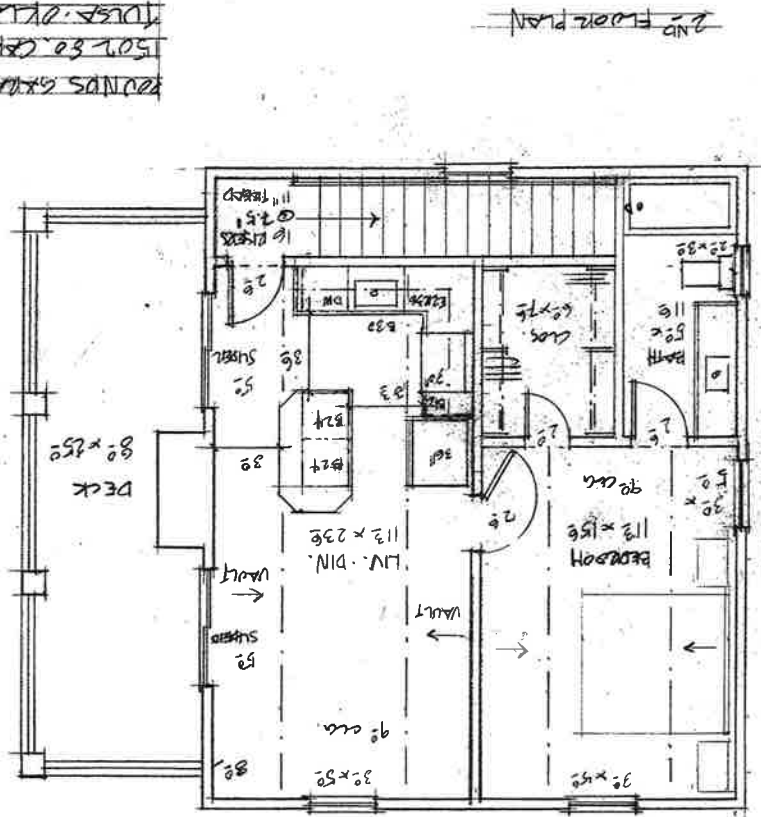
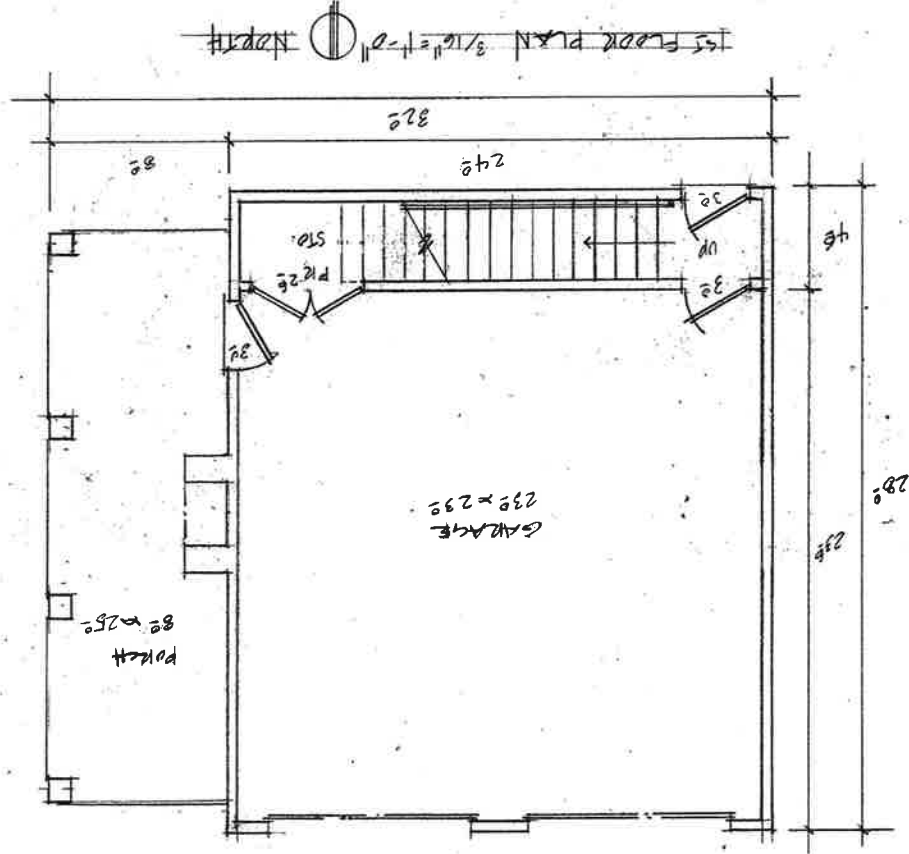
NORTH ELEV $\frac{3}{16}'' = 1'-0''$

PONDS GARAGE-APT
1502 SO. CARSON AVE
TULSA-OKLA 9.2020

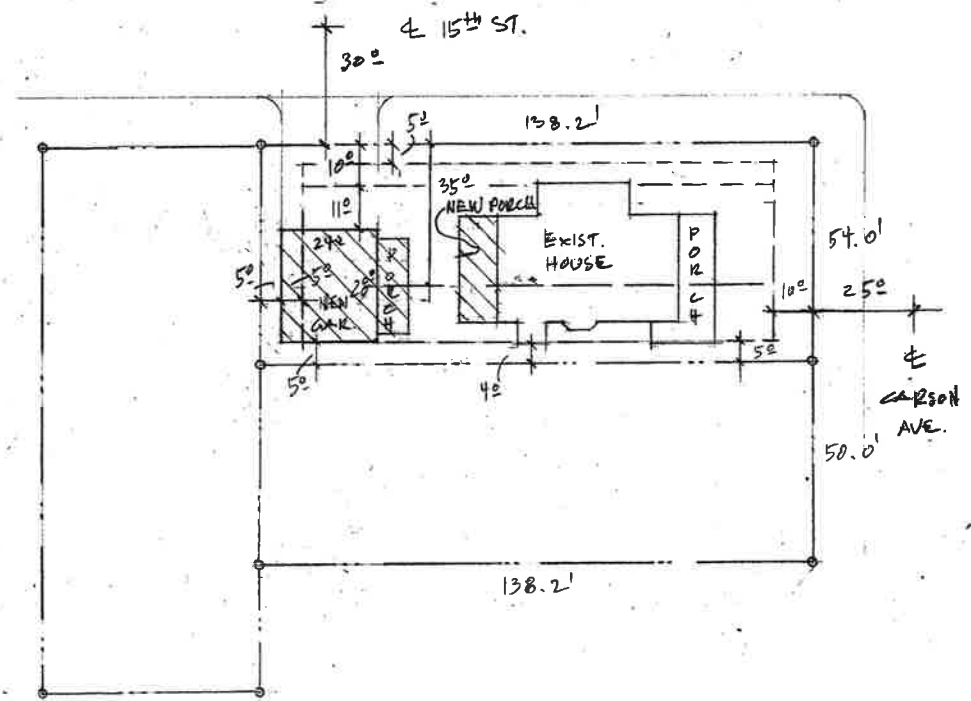
TOM NEAL
DESIGN

Associate member, American Institute of Architects

918.231.7372



FOUNDATIONS
502.80.000.000
TUES. 01.11.9.2000

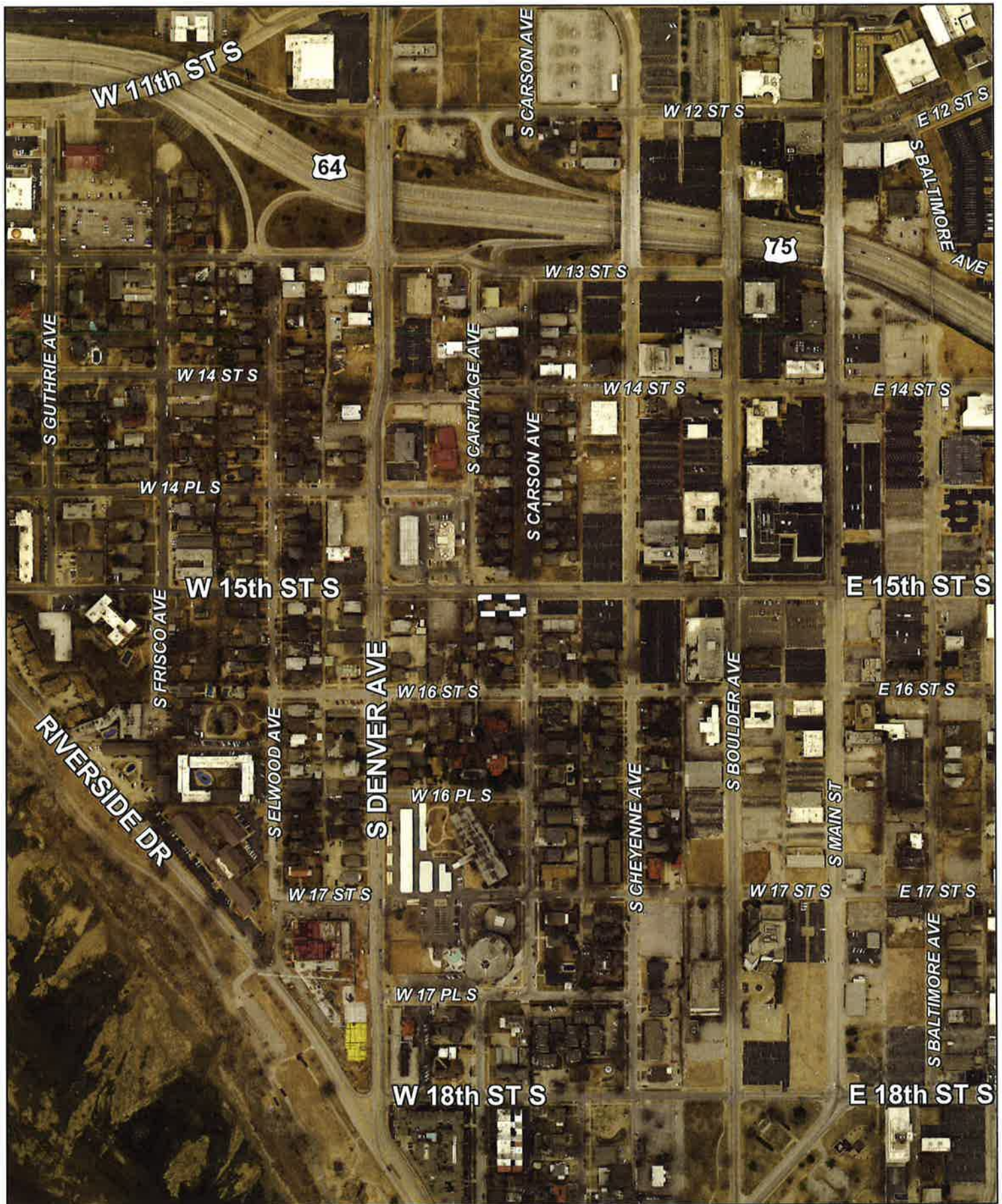


SITE-DRAINAGE PLAN 11' 30' ↑
NORTH

VARIANCES NEEDED: ACCESSORY BLDG.
2 FLOORS, TOP PLATE: 18', TOTAL HT: 24'
ALLOWABLE SF: 1175 S.F., PROPOSED: 872 S.F.
RELIEF FROM 35' MINIMUM SIDE YARD.

POUNDS HOUSE
502 S. CARSON AVE.
TULSA - OKLA 74103
9.20.20

TOM NEAL
DESIGN
Associate member, American Institute of Architects
918.231.7372



0 Feet 200 400



Subject Tract

BOA-23034

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

19-12 12

Aerial Photo Date: February 2018





0 Feet 50 100



Subject Tract

BOA-23034

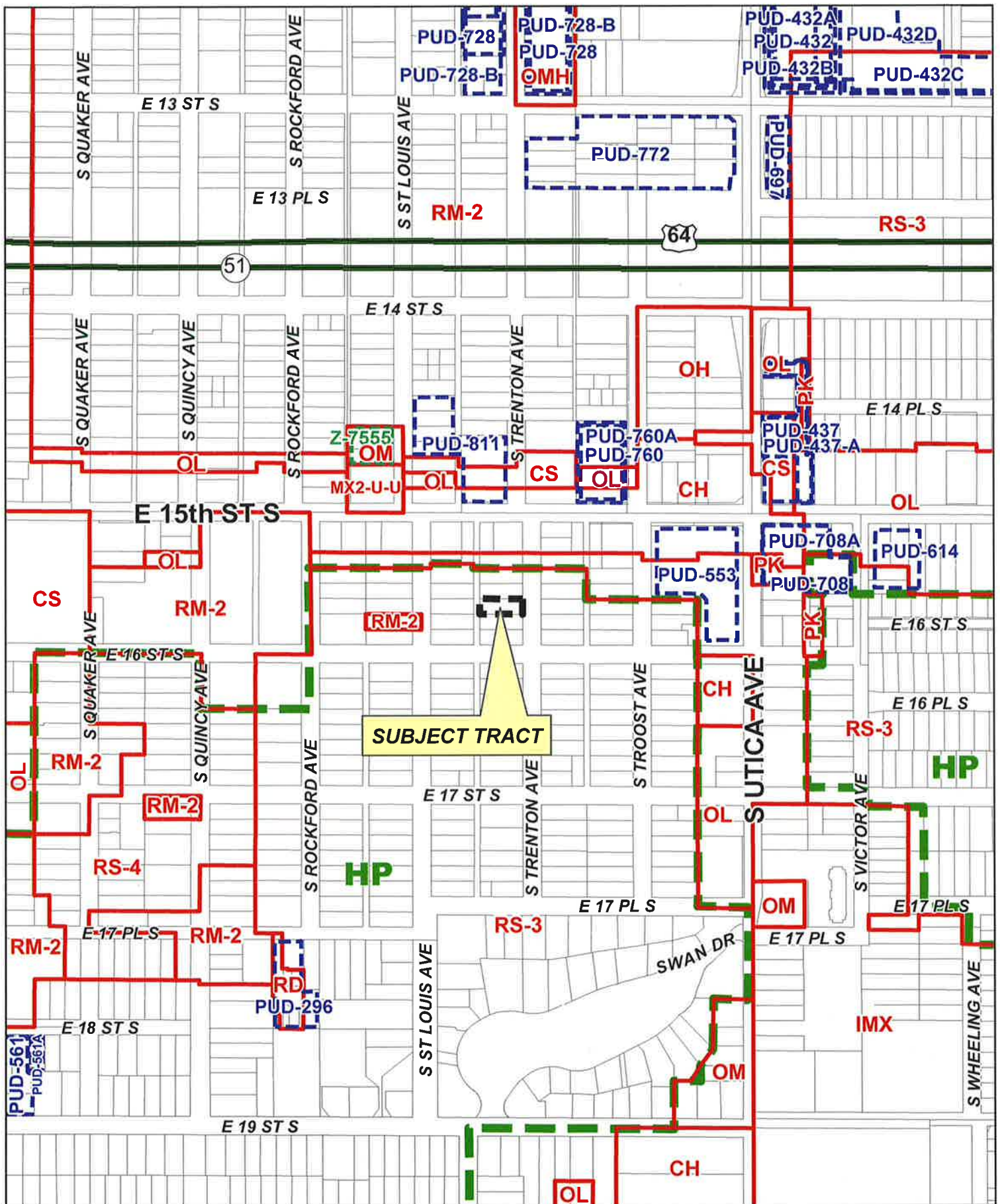
19-12 12

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

Aerial Photo Date: February 2018



8.16



BOA-23035

9.1

19-13 07

BOARD OF ADJUSTMENT CASE REPORT

STR: 9307

Case Number: **BOA-23035**

CZM: 37

CD: 4

A-P#:

HEARING DATE: 12/08/2020 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 a Detached 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); Variance to allow more than 30% coverage by a Detached Accessory Dwelling Unit in the rear setback in an RS-3 District (Section 90.090-C)

LOCATION: 1524 S TRENTON AV E

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: LT 6 BLK 4, ORCUTT ADDN

RELEVANT PREVIOUS ACTIONS:

Subject property: None.

Surrounding Properties:

BOA-22804: On 12.10.19 the Board approved Variances for the size of a detached accessory structure, the coverage area of the rear setback, the height, and a Special Exception to permit additions to a non-conforming structure. Property located 1611 South Trenton 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".

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located South of the SW/c of E. 15th street and S. Trenton Ave. in the Historic Swan Lake Neighborhood.

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 a Detached 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); **Variance** to allow more than 30% coverage by a Detached Accessory Dwelling Unit in the rear setback in an RS-3 District (Section 90.090-C)

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]

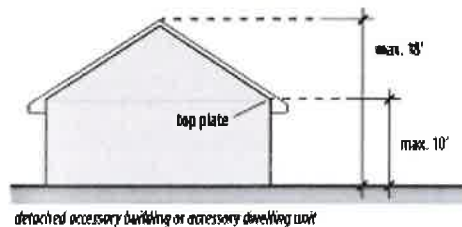
[1] For detached accessory buildings, including accessory dwelling units, located within rear setbacks see §90.090-C2.

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]

Allowed Height :18' and 10' at Top Plate **Proposed Height:** 19'6" and 15' 6" at Top Plate
Allowed Floor Area: 612 sf **Proposed Floor Area:** 1,406 sf
Allowed Coverage of the Rear Setback: 300 sf **Proposed Coverage of the Rear Setback:** 636 sf

STATEMENT OF HARDSHIP: The location of the ADU has very limited on-street parking. House shares a single wide drive with the property to the South. The existing Garage is sized for a Model T car. Project will allow off street parking (2 cars/truck) for main house as well as a garage for garage apartment and expansions of garage apartment for Single-family / ADU use.

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 a Detached 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); **Variance** to allow more than 30% coverage by a Detached Accessory Dwelling Unit in the rear setback in an RS-3 District (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:

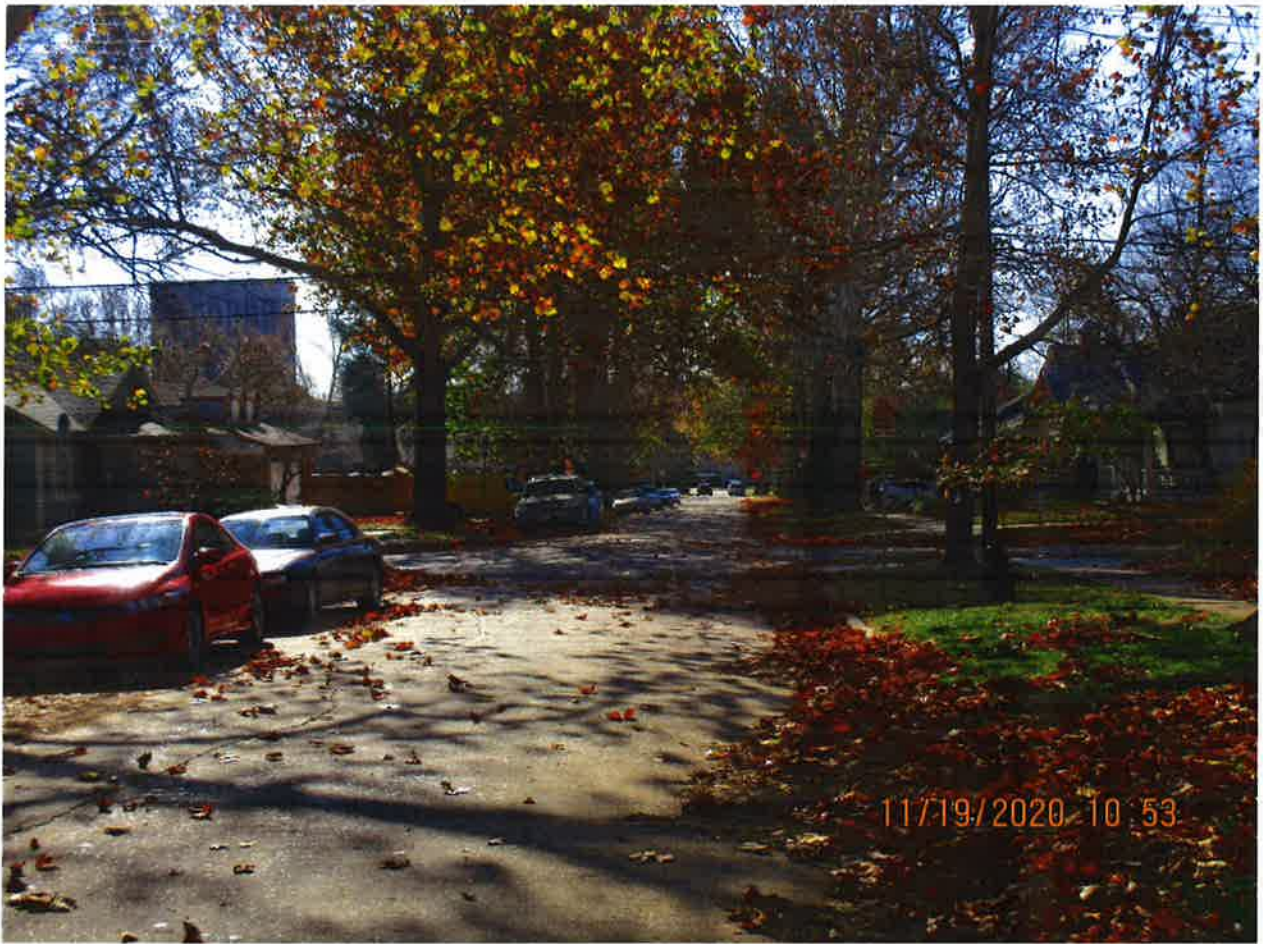
- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. That literal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



Subject property



Facing North on Trenton



Facing South on Trenton

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 Design
tdlneal@gmail.com

Chris Beckwith

10/14/2020

APPLICATION NO: ZCO 70856-2020 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 1524 S Trenton Ave E

Description: Accessory Building Addition

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1. **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-3 zoned area.

2. **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 1712 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.

3. **90.090-C.2 Detached Accessory Buildings.** Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, provided that the building coverage in the rear setback does not exceed the maximum limits established in Table 90-2.

Review Comments: This lot is zoned RS-3. The rear setback is defined as the minimum distance set out by the zoning code of open unoccupied space between the rear lot line and the required rear setback (in your case, 20 feet from the rear property line). A maximum 30% area can be covered by the accessory building; (50' X 20' X 30%) allows 300 sq ft of coverage. You are proposing 727 sq ft of coverage in the rear setback. Revise your plans to show compliance or apply to BOA for a variance to allow more than 30% coverage in the rear setback.

4. **90.90.C: Detached Accessory Buildings.** Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, provided that the building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate.

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

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. Kink to Zoning Code:
<http://www.tmapc.org/Documents/TulsaZoningCode.pdf>**

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

END –ZONING CODE REVIEW

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

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

22803—Ed Mackey

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: 2777 South Memorial Drive East (CD 5)

Presentation:

Tammy Bailey, 6813 East 15th Street, Tulsa, OK; stated she represents Mr. Ed Mackey.

Mr. Van De Wiele stated the Board is in receipt of the applicant's license on page 14.7 of the agenda packet and the spacing exhibit on page 14.3.

Ms. Ross asked Ms. Bailey if the license was expired. Ms. Bailey stated the license is not expired, but the new license will not be issued until this verification is approved.

Mr. Van De Wiele asked Ms. Bailey if she was aware of any other license holder or operating dispensary within the 1,000-foot radius. Ms. Bailey answered no.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **ROSS**, 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:

LT 10 LESS W10 FOR ST BLK 2, TRI CENTER, City of Tulsa, Tulsa County, State of Oklahoma

22804—Jesse Keefe

FILE COPY

Action Requested:

Variance to allow a lot to have less than 50% open space (Section 80.020-B);

Variance to allow an accessory structure to exceed one story, 18 feet in height overall & 10 feet in height to the top of the top plate (Section 90.90.C); Variance to allow an accessory building to cover more than 30% of the rear setback (Section

90.090-C.2); Variance to allow accessory buildings to exceed 40% of the floor area of the principal structure (Section 45.030-B); Special Exception to allow an addition to a nonconforming structure (Section 80.030-D). LOCATION: 1611 South Trenton Avenue East (CD 4)

Presentation:

Tom Neal, 2507 East 11th Place, Tulsa, OK; stated he represents the Keefes. The lot is a small nonconforming lot just off Cherry Street with an existing tiny house, about 800 square feet. The Keefe's would like to expand the house by adding a second floor which will go before the Preservation Commission as well. The homeowners would also like to replace the existing garage with a contemporary sized garage at the rear of the lot; there is alleyway access. The proposed garage will be about 24'-0" by 28'-0" which would allow two cars. The homeowners would also like to have their Grandmother, who currently lives in the house, live on the second floor of the accessory building. The current garage is forward more than the proposed garage will be, and the remaining 40% is mainly existing driveway that is already in place.

Mr. Van De Wiele asked Mr. Neal if the height Variances belonged to the principal house. Mr. Neal stated they did not.

Mr. Neal stated the main issue with the principal house is that it is too far forward; it is in line with the existing houses on the block but all of those do not meet contemporary required setbacks.

Mr. Van De Wiele asked Mr. Neal if he would be going farther out toward Trenton. Mr. Neal stated he would not. The existing house will simply be extruded upward, and the porch will remain a one-story porch as it is now.

Mr. Van De Wiele asked Mr. Neal if the garage after the rebuild would match the character, roofline, etc. of the principal structure. Mr. Neal answered affirmatively.

Mr. Van De Wiele asked Mr. Neal if the Board's approval is a predicate to the Preservation Commission. Mr. Neal answered affirmatively. Mr. Neal stated he did not want to spend their time until he knew if this would be allowed.

Ms. Shelton asked Mr. Neal if had any elevations. Mr. Neal stated that he did not because he wanted to receive approval from the Board first.

Mr. Van De Wiele asked Mr. Neal to state his hardship. Mr. Neal stated the hardship would be the size of the nonconforming lot and the fact that the existing house is so tiny.

Mr. Van De Wiele asked Mr. Neal if this sort of redevelopment is common in this area. Mr. Neal stated that directly across the street is a new building that went before the Preservation Commission that is several times larger than this proposal.

Interested Parties:

There were no interested parties present.

Questions and Comments:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to allow a lot to have less than 50% open space (Section 80.020-B); Variance to allow an accessory structure to exceed one story, 18 feet in height overall & 10 feet in height to the top of the top plate (Section 90.90.C); Variance to allow an accessory building to cover more than 30% of the rear setback (Section 90.090-C.2); Variance to allow accessory buildings to exceed 40% of the floor area of the principal structure (Section 45.030-B); Special Exception to allow an addition to a nonconforming structure (Section 80.030-D), subject to conceptual plans 15.13 and 15.14 of the agenda packet. The Board has found the hardship to be that this house preceded the Comprehensive Zoning Plan and all restrictions thereof. The south facing windows of the accessory building be opaque on the second floor. The accessory building finishes and accessories of the remodeled roofline is to match the principal structures, all predicated by approval from the Historic Preservation Commission. 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. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

BOA-22804

LT 14 BLK 14, ORCUTT ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22805—Homero Lopez

Action Requested:

Special Exception to exceed allowable driveway width both within the street setback and within the right-of-way (Section 55.090-F3). **LOCATION:** 5347 East 33rd Street South (CD 5)

Ms. Radney stated that in the course of her business as a realtor she wants to disclose that Mr. Lopez and herself have met before; it has been many years ago. She did not have any dealings one to one.

Presentation:

Homero Lopez, 5347 East 33rd Street, Tulsa, OK; stated he lives in a corner house and he would like to expand his driveway to a circular drive. He has six children who have started driving and two of them have cars.

Mr. Van De Wiele asked Mr. Lopez if he had heard from any of his neighbors. Mr. Lopez stated that he has not.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

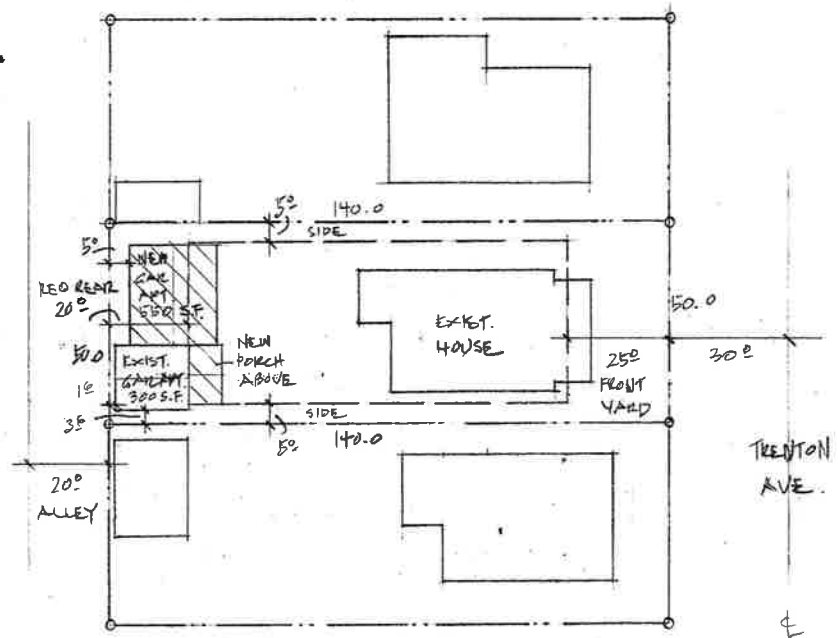
Board Action:

On **MOTION** of **ROSS**, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to exceed allowable driveway width both within the street setback and within the right-of-way (Section 55.090-F3), subject to conceptual plan 16.7 and the pictures on 16.4 of the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 8 BLK 2, YORKSHIRE ESTATES RESUB L2-4 B3 & ALL B4-13, City of Tulsa, Tulsa County, State of Oklahoma

ch.
640-
1173

SECTION



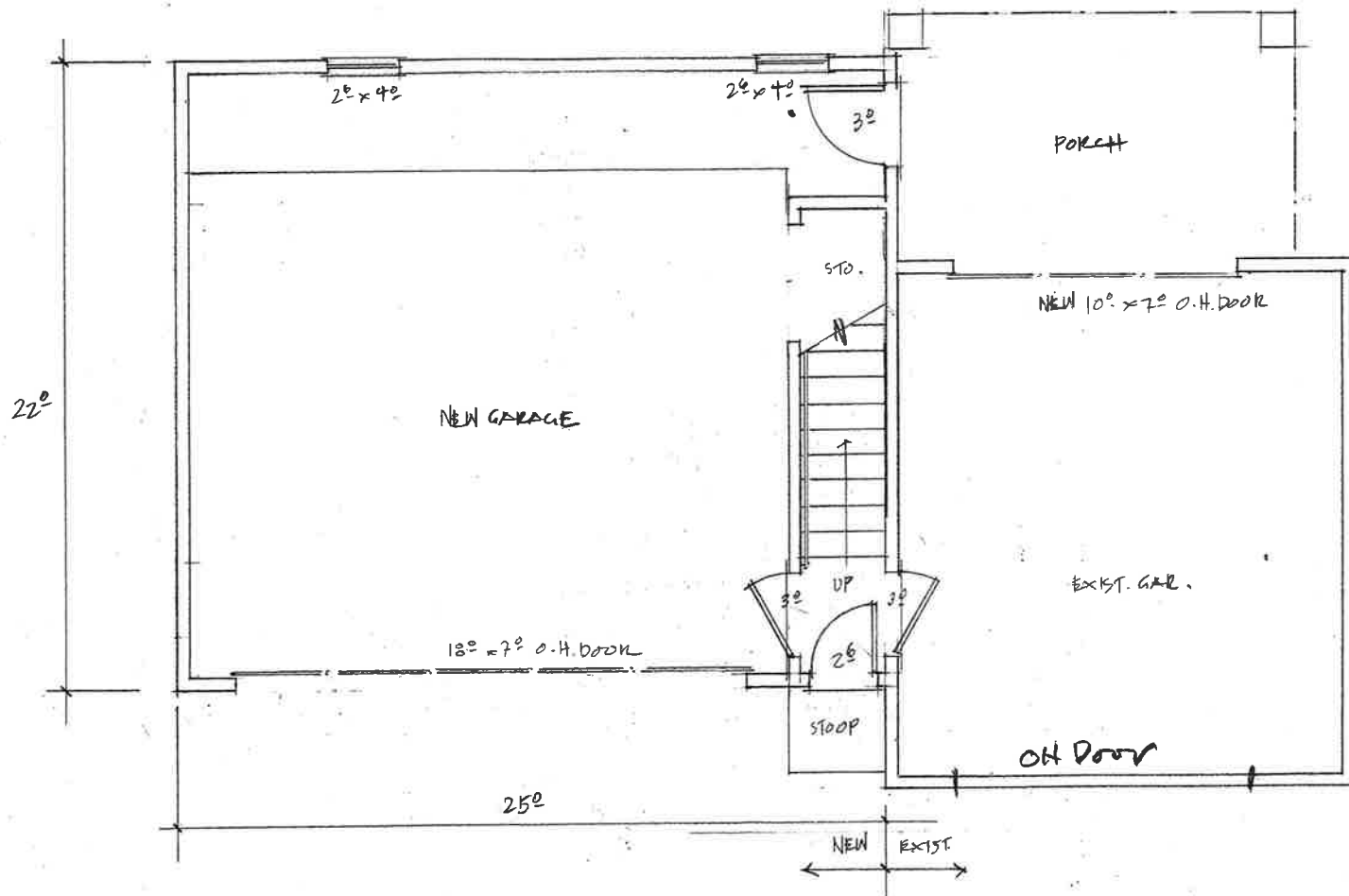
SITE-DRAINAGE PLAN 1"=30'


REQ. REAR YARD: 50' x 20' F. 1,000 S.F.
 MAX. COVERAGE: 300 S.F., EXIST: 306 S.F.
 PROPOSED COVERAGE: ADD: 330 S.F.
 MAX. ALLOWED ACCESS. SIZE: 612 S.F.
 EXIST: 306 S.F. FLOOR, PROPOSED ADDITION:
 550 S.F. EA FLOOR, PROPOSED TOP FLOOR:
 17' + HEIGHT = 24'

BECKWITH GARAGE
 1524 S.O. TRENTON
 TULSA OKLA 6-2020
 8-2020

TOM NEAL
 DESIGN
 Associate member, American Institute of Architects
 918.231.7372

9.16



1ST FLOOR PLAN 1/4" = 1'-0"  NORTH

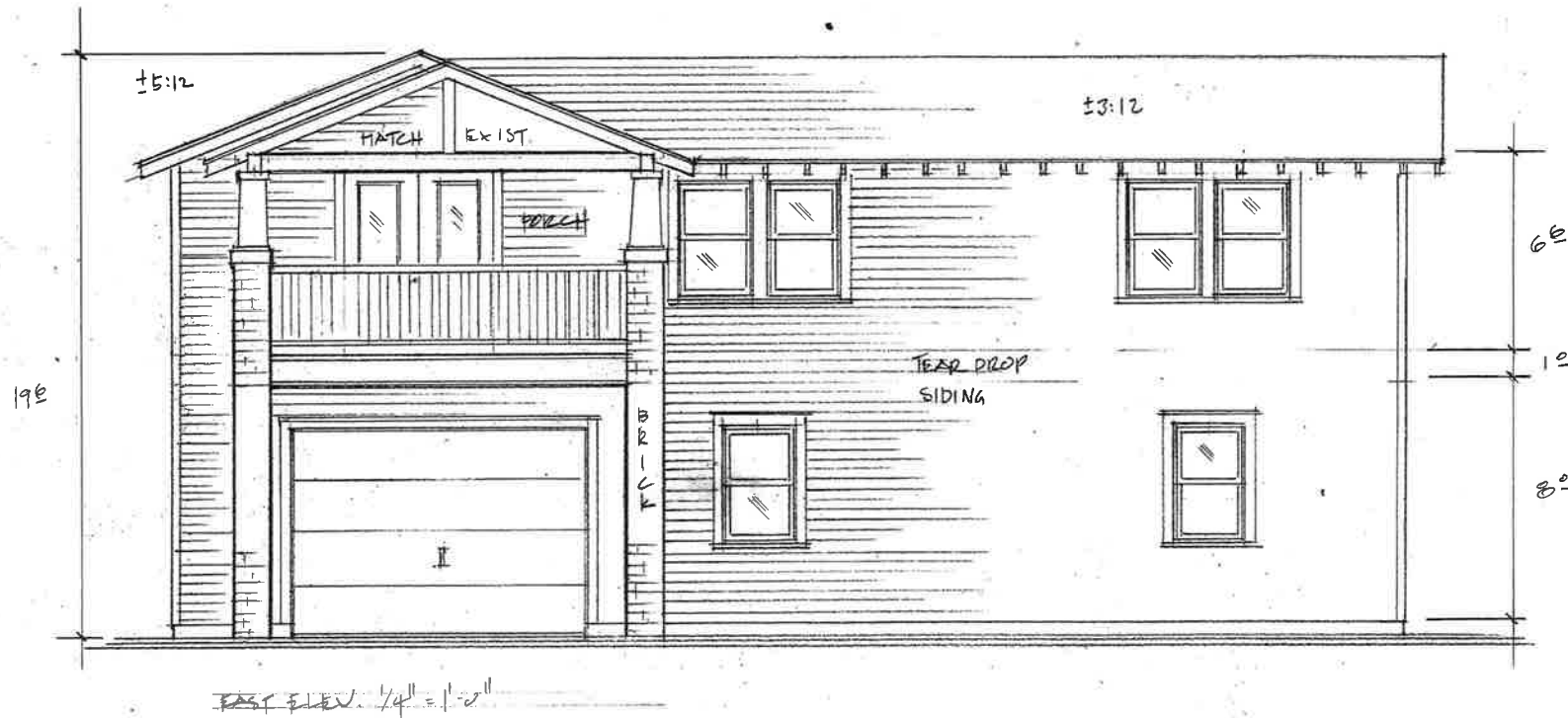
BECKWITH PROJECT
524 SO. TULSA
TULSA, OKLA 8.2020

TOM NEAL
DESIGN
Associate member, American Institute of Architects
918.231.7372

Hand-drawn floor plan of a house. The layout includes the following rooms and features:

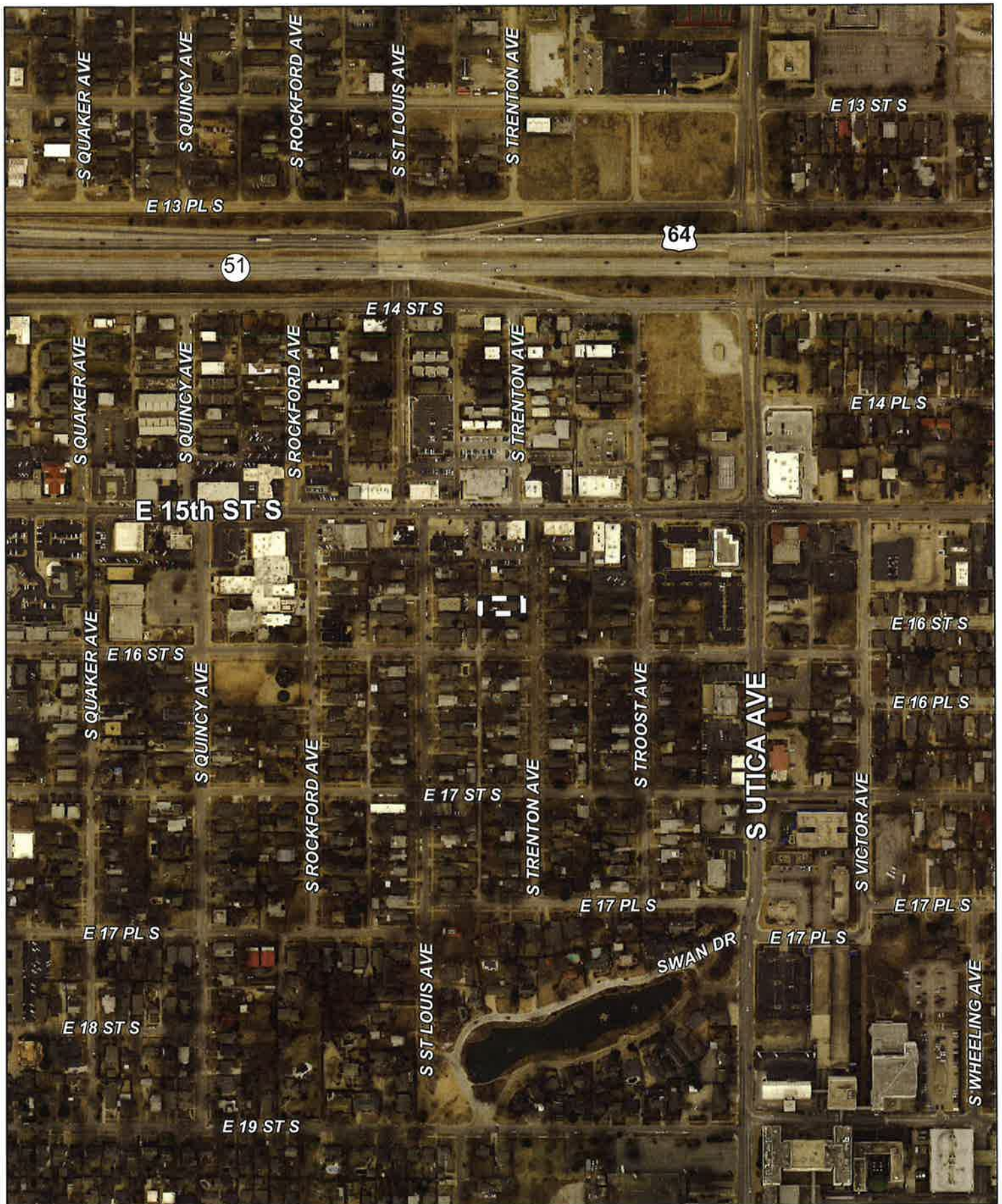
- Overall Dimensions:**
 - Left side: $22'0"$
 - Bottom side: $25'0"$
- Bedrooms:**
 - BED #1:** $12'3" \times 10'3"$, located at the top left. Includes a closet ($4'0"$) and a door labeled $2'0"$.
 - BED #2:** $12'3" \times 10'0"$, located at the bottom left. Includes a closet and a door labeled $2'0"$.
- Bathroom:** Labeled **BATH**, located between the two bedrooms. Includes a door labeled $2'0"$.
- Hallway:** Labeled **HALL**, connecting the bedrooms, bath, and living areas.
- Living Area:** Located on the right side, featuring a fireplace, a diamond-shaped coffee table, and a door labeled **OPEN**.
- Dining Area:** Labeled **DINING**, featuring a rectangular table and chairs.
- Kitchen:** Labeled **KIT.**, featuring a sink, a stove ($30"$), and a refrigerator ($36"$). Includes a door labeled **DOWN**.
- Porch:** Labeled **PORCH**, located at the top right. Dimensions: $14'0" \times 9'0"$.
- Staircase:** Labeled **DOWN**, located in the center of the plan.
- Other Features:**
 - 5'0" SUBER:** Located near the porch.
 - 12" WALL OUT PAN:** Located near the kitchen.
 - NEW EXIST.:** A dimension line at the bottom right indicating new and existing areas.

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



BECKWITH PROJECT
 1524 SO. TRENTON
 TULSA, OKLA 8-20-20

TOM NEAL
 DESIGN
 Associate member, American Institute of Architects
 918.231.7372



0 Feet 200 400



Subject Tract

BOA-23035

19-13 07

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

Aerial Photo Date: February 2018



9.19



Feet
0 50 100



Subject
Tract

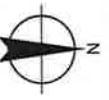
BOA-23035

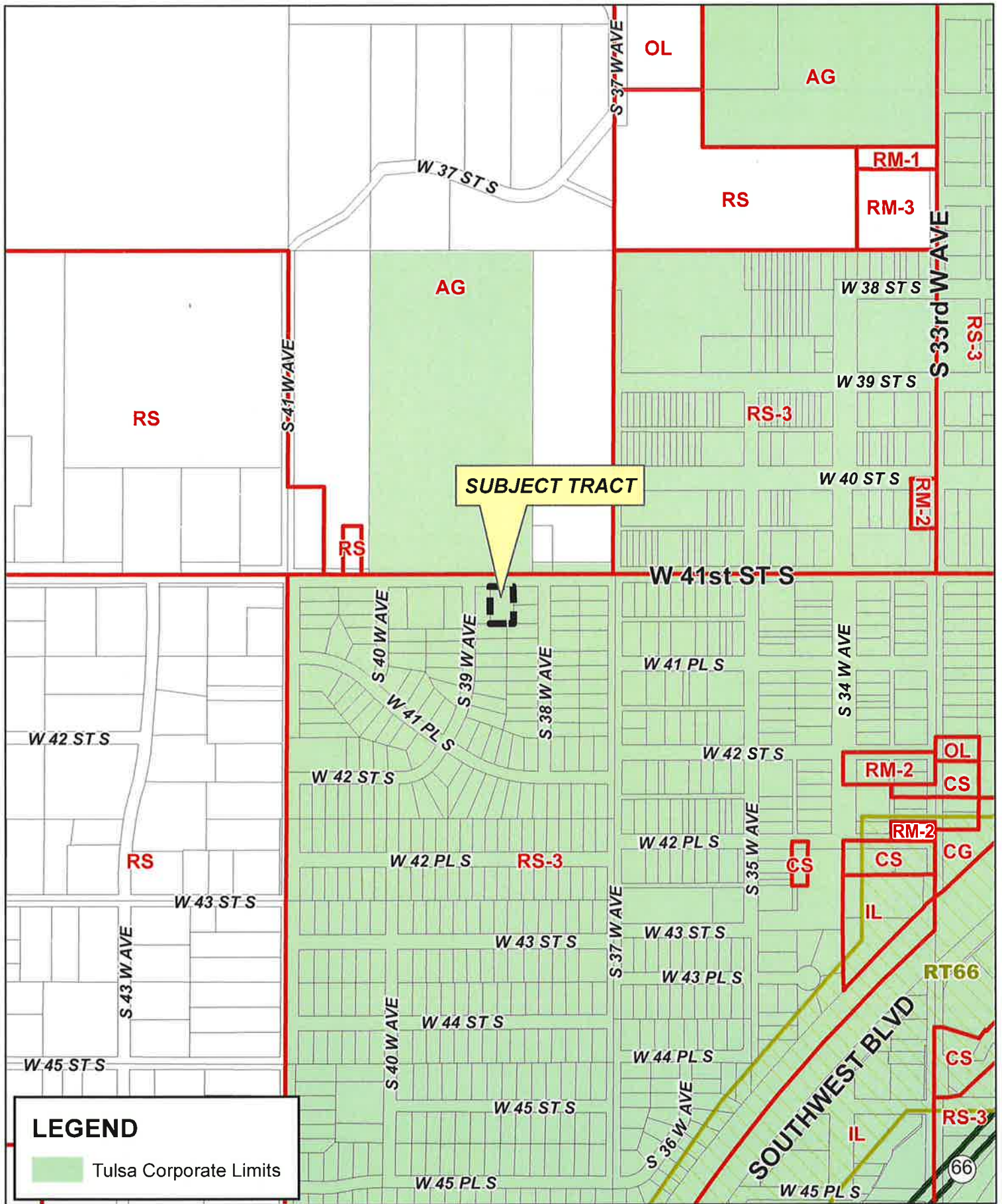
19-13 07

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

Aerial Photo Date: February 2018

9.20





BOARD OF ADJUSTMENT CASE REPORT

STR: 9228

Case Number: **BOA-23037**

CZM: 45

CD: 2

HEARING DATE: 12/08/2020 1:00 PM

APPLICANT: EnKorp LLC

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

LOCATION: 3814 W 41 ST S

ZONED: RS-3

PRESENT USE: Single-family Residential

TRACT SIZE: 14248.53 SQ FT

LEGAL DESCRIPTION: LT-2-BLK-3, LAUREL HGTS ADDN

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located on the South side of West 41st Street between 39th and 38th West avenues. It is immediately across 41st Street from Challenger 7 park.

STAFF COMMENTS: The applicant is requesting **Special Exception** to allow a carport in the street yard and street setback in an RS-3 District with modifications to its allowable dimensions (Section 90.090-C.1)

1. **Carpports**

Carpports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the **special exception** procedures of **Section 90.120**. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

- a. A carport may be a detached accessory building or an integral part of the principal building.
- b. **The area of a carport may not exceed 20 feet in length by 20 feet in width.**

TULSA ZONING CODE | July 1, 2020
page 90 6

Chapter 90 | Measurements
Section 90.090 | Setbacks

- c. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.
- d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.
- e. The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.
- f. All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.
- g. The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed.

SAMPLE MOTION:

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

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

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



Subject Property

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

David Jamison
enkorpllc@gmail.com

10/19/2020

APPLICATION NO: ZN LOD- 71207-2020 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 3814 W 41 st S

Description: Carport

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 (TMPC) 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. **Sec.90.090-C.1 Carports:** Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 70.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:
 - a. A carport may be a detached accessory building or an integral part of the principal building.
 - b. The area of a carport may not exceed 20 feet in length by 20 feet in width.
 - c. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.
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 - g. The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed.

Review comment: The proposed carport is located in the street setback area and requires special exception granted by the BOA. Please contact an INCOG representative at 918-584-7526 for further assistance.
Please note: If the regulations above cannot be met, you will need to address these items as part of the

special exception process as the proposed structure is not in compliance with said regulations as submitted. If approved, submit a copy of the approved special exception as a revision to your application.

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.

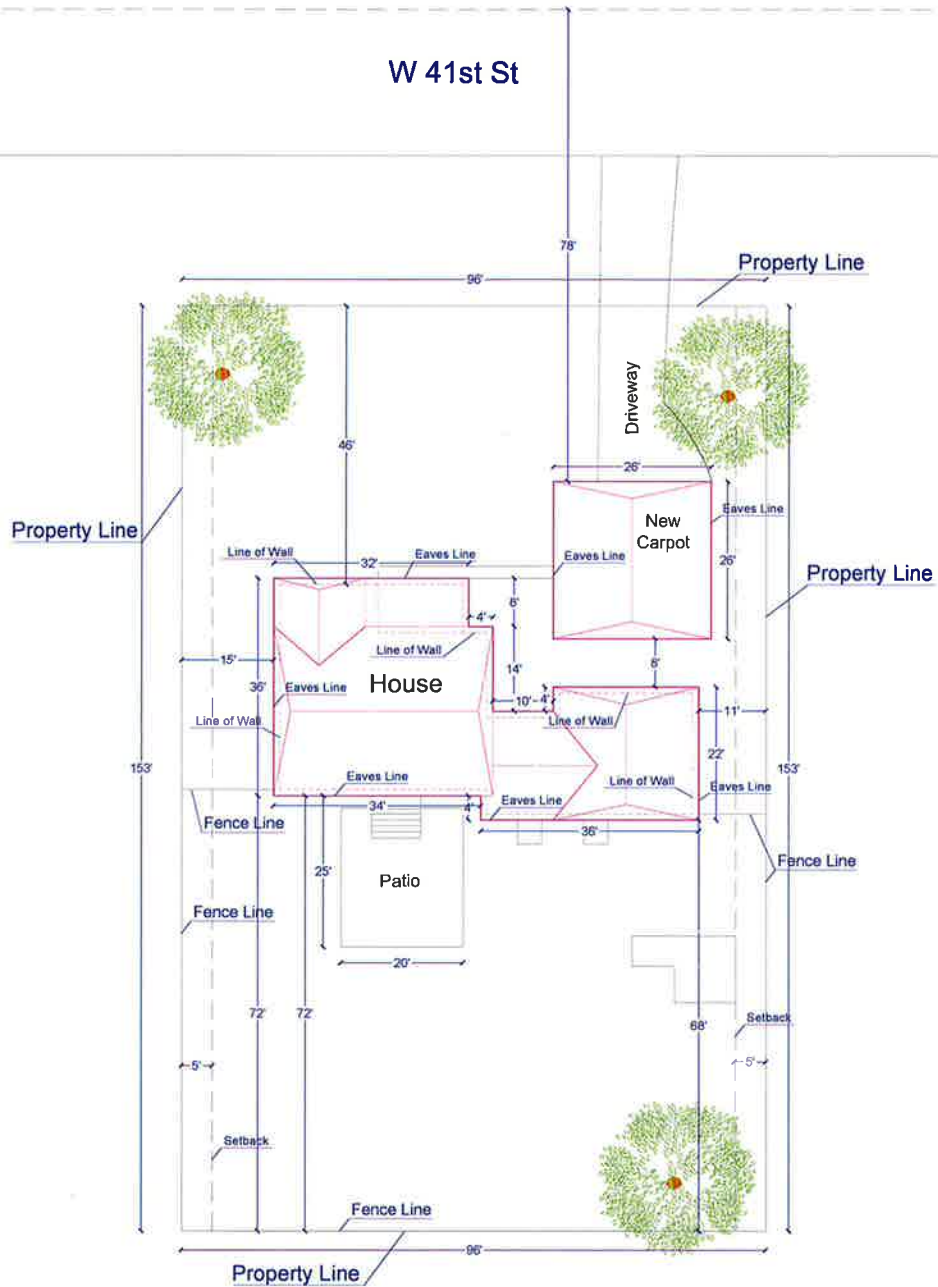
**Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:
<http://www.tmapc.org/Documents/TulsaZoningCode.pdf>**

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

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.

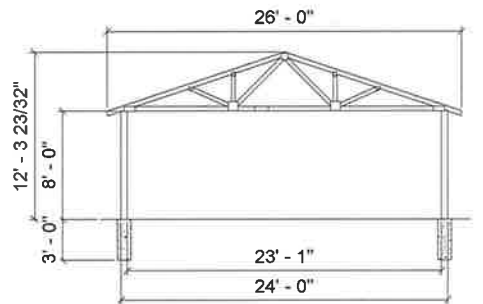


Land: 0.33 AC
House: 1777 SF

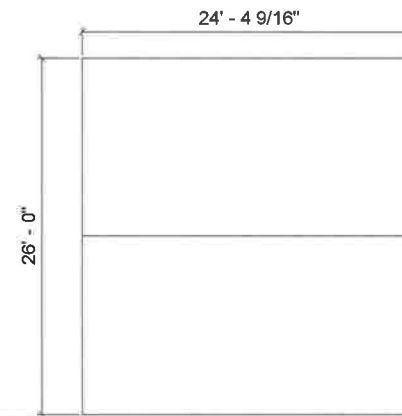
3814 W 41st St
Tulsa, OK 74107 USA
scale: 1" = 20'

10.8

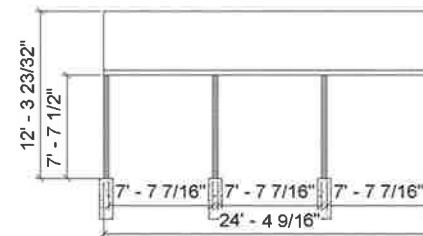
Column and Truss
1/4" = 1'-0"



North Elevation
1:4" = 1'-0"



Roof Plan
1/4" = 1'-0"



West Elevation
1:48" = 1:43"



onkorpilc.com

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Mary Beth Clark
Carport Project
Project Plans

Project number	001
Date	08/13/2020
Drawn by	David Jamison
Checked by	Chickler
A101	
Scale	1/4" = 1'-0"

DOI: 10.1002/for

Chapman, Austin

From: Jones, Robi
Sent: Tuesday, November 24, 2020 9:33 AM
To: Chapman, Austin
Subject: FW: Case Number BOA-23037

-----Original Message-----

From: Jeff Paulk <cwipaulk@att.net>
Sent: Sunday, November 22, 2020 1:10 PM
To: esubmit <esubmit@incog.org>
Subject: Case Number BOA-23037

Jeff Paulk
4130 S. 38th W. Ave.
Tulsa, OK 74107

Dear City Hall and Tulsa Planning,

I have no objections whatsoever to this homeowner building the proposed carport on his property. The only issue I have is what business is it of the City's or anyone else? This is his property on which he pays taxes every year. While it appears to be a large carport, it is on his property and, in my opinion, none of my business, nor the business of anyone else. I wish him well on this project and hope he gets much use and enjoyment from it.

Sincerely,

Jeff Paulk



0 250 500
Feet



Subject
Tract

BOA-23037

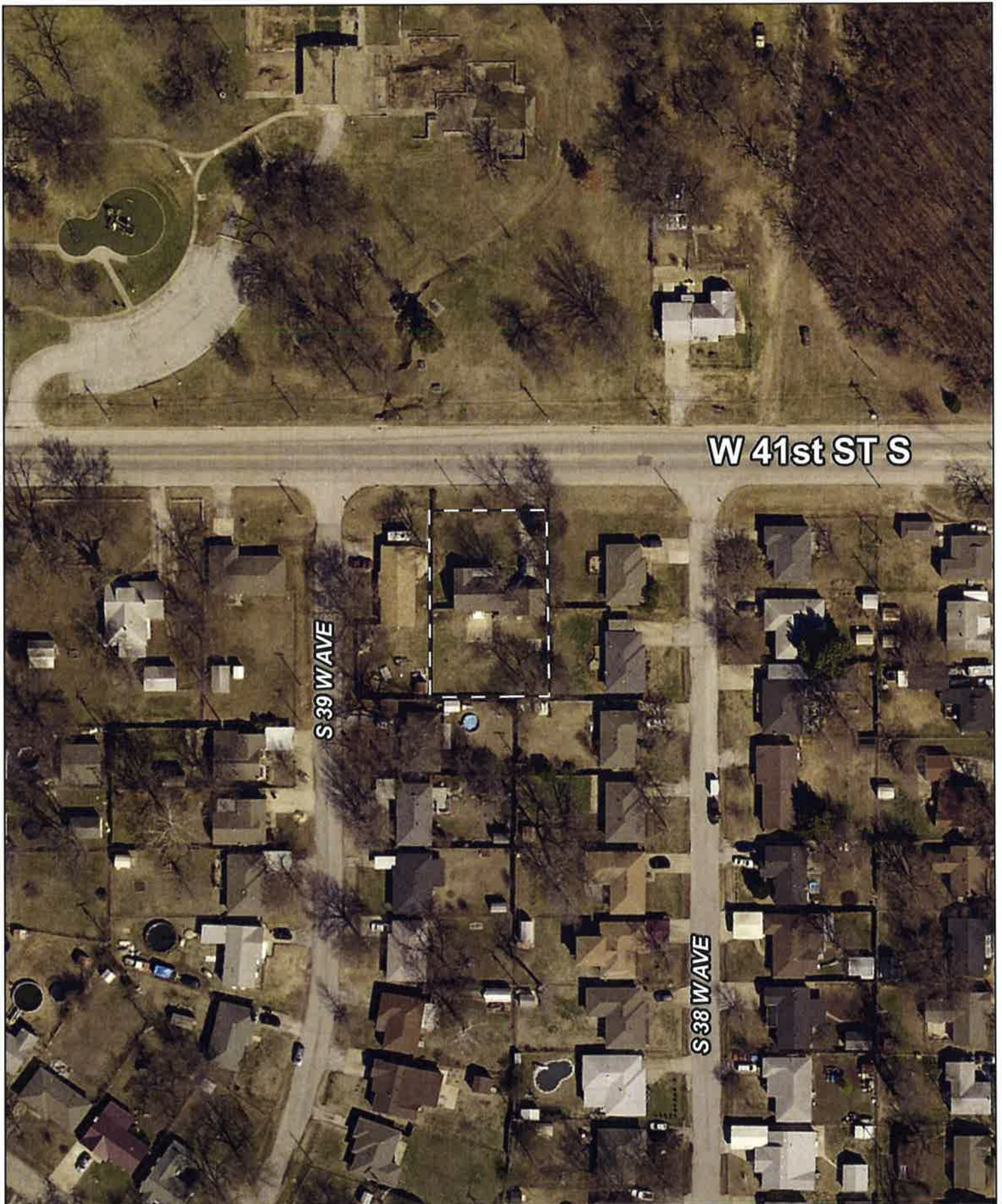
19-12 28

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

Aerial Photo Date: February 2018



10.12



W 41st ST S

S 39 WAVE

S 38 WAVE

0 50 100
Feet



Subject
Tract

BOA-23037

19-12 28

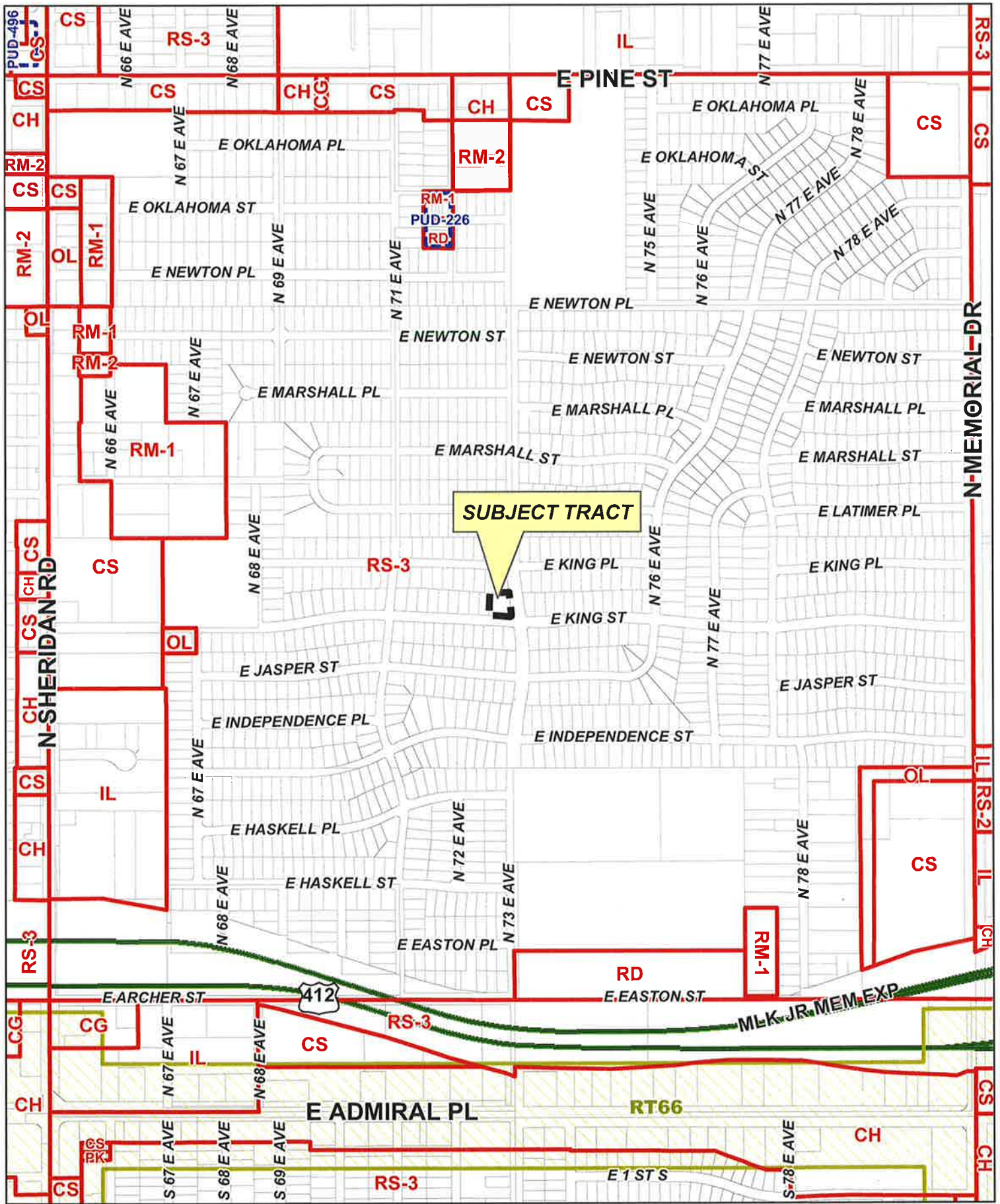
Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: February 2018



10.13

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BOA-23038

BOARD OF ADJUSTMENT CASE REPORT

STR: 0335

Case Number: BOA-23038

CZM: 30

CD: 3

HEARING DATE: 12/08/2020 1:00 PM

APPLICANT: Brian Jessel

ACTION REQUESTED: Special Exception to allow a fence to exceed 4' in height in a front street setback (45.080-A); Special Exception to increase the permitted driveway width (Section 55.090-F); Variance to allow a non-all-weather parking surface material (Section 55.090-F).

LOCATION: 7147 E KING ST N

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 7609.96 SQ FT

LEGAL DESCRIPTION: LT 20 BLK 7, VAL-CHARLES ADDN

RELEVANT PREVIOUS ACTIONS: None.

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

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 NW/c of N. 73 E. Ave. and E. King Street.

STAFF COMMENTS: The applicant is requesting **Special Exception** to allow a fence to exceed 4' in height in a front street setback (45.080-A); **Special Exception** to increase the permitted driveway width (Section 55.090-F); **Variance** to allow a non-all-weather parking surface material (Section 55.090-F).

11.2

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'	--	--	--

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

Chapter 55 | Parking
Section 55.090 | Parking Area Design

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

Section 45.080 Fences and Walls

45.080-A Fences and walls within required building setbacks may not exceed 8 feet in height, except that in required street setbacks fences and walls may not exceed 4 feet in height. However, in R zoned districts, fences up to 8 feet in height are permitted in side street setbacks of detached houses or duplexes located on corner lots and in street setbacks abutting the rear lot line of houses or duplexes located on double frontage lots. The board of adjustment is authorized to modify these fence and wall regulations in accordance with the special exception procedures of [Section 70.120](#).

The applicant is requesting A driveway that is 35' wide and a fence that is 6' high inside the street setback.

STATEMENT OF HARDSHIP:

See attached materials provided by applicant.

SAMPLE MOTION:

Special Exception

Move to _____ (approve/deny) a requesting **Special Exception** to allow a fence to exceed 4' in height in a front street setback (45.080-A); **Special Exception** to increase the permitted driveway width (Section 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.

Variance

Move to _____ (approve/deny) a **Variance** to allow a non-all-weather parking surface material (Section 55.090-F)

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 from King St.



Subject property from Intersection



Subject Property from N. 73rd E. Ave.

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

Brian Jessel
biskup03@tulsacoxmail.com

10/26/2020

APPLICATION NO: ZN LOD 71838-2020 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 7153 E King St N

Description: Fence

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (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.

45.080-A Fences and walls within required building setbacks may not exceed 8 feet in height, except that in required street setbacks (front setback) fences and walls may not exceed 4 feet in height. However, in R zoned districts, fences up to 8 feet in height are permitted in side street setbacks of detached houses or duplexes located on corner lots and in street setbacks abutting the rear lot line of houses and duplexes located on double frontage lots. The board of adjustment is authorized to modify these fence and wall regulations in accordance with the special exception procedures of Section 70.120.

Review Comments- Provide documentation indicating the proposed fence located in the front street setback will not exceed 4' in height measured from grade or apply to BOA for a special exception to allow a fence to exceed 4' in height in a front street 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

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.

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

Brian Jessel
biskup03@tulsacoxmail.com

10/26/2020

APPLICATION NO: ZN LOD 71838-2020 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 7153 E King St N

Description: Driveway Expansion and Accessory Building

INFORMATION ABOUT SUBMITTING REVISIONS

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(continued)

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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.

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 in the Right Of Way (ROW) is 27' and 30' outside of ROW.

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'	--	--	--

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

Review Comments: The submitted site plan proposes a combined driveway widths of more than 30' in width on the lot in the street setback and more than 27' wide in ROW which exceeds the maximum allowable driveway widths both within and outside of the ROW. Revise plans to indicate the combined driveway widths from both driveways shall not exceed the maximum allowable widths or apply to the BOA for a special exception, one for the proposed combined driveway widths within the ROW and also for the proposed combined driveway widths outside of the ROW.

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.

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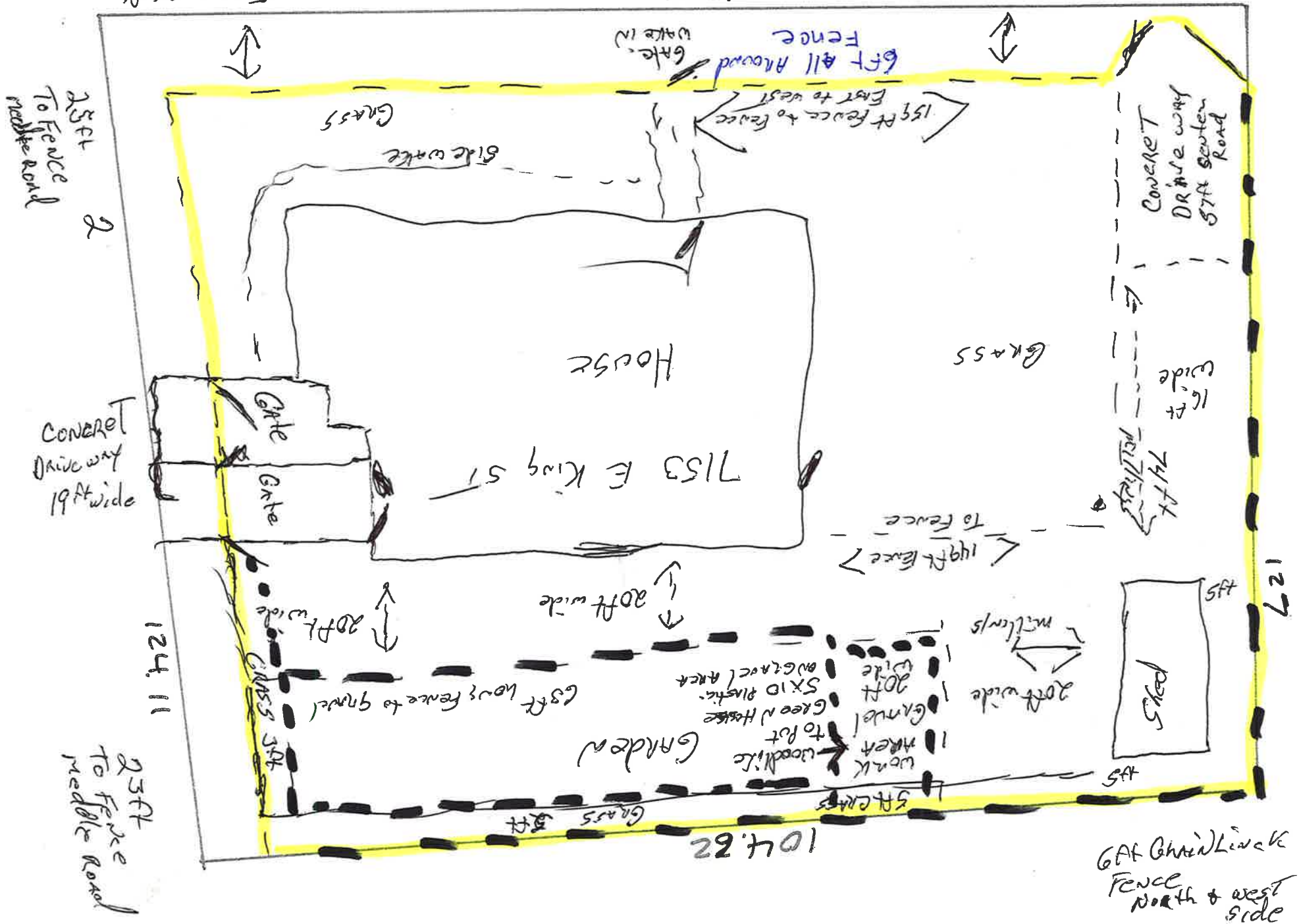
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KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

127



DECEMBER 8, 2020

SPECIAL EXCEPTIONS REQUESTED:

1. Special exception to allow a fence to exceed 4' in height in a front street setback.
2. Special exception to exceed the allowable driveway width in the right-of-way and in the street yard.
3. Variance to allow a non-all-weather parking surface material.

Brian is asking for exception to the fence height rule mainly for security purposes. Brian has an RV parked on his property in case of any power outage it can run on a generator to power necessary medical equipment.

The driveway width is necessary for flood water problems that occur during heavy rain and flood the garage. The increased width is necessary to access the property with the 34-foot RV.

The non-all-weather parking surface is made of asphalt grindings/millings which is porous and drains well. This surface is a dustless, all weather surface that is pervious and allowed subject to supplemental regulations of 55.090 F4.

Brian has a 20' x 20' gravel area in his back yard to install a green-house for growing vegetables in the coming year for his personal consumption and those of his neighbors.

Attached are photos of 6' fences in Brian's neighborhood.



11.14





11.16



11.17





11.19



11.20



11.21



11.22



0 Feet 350 700



Subject Tract

BOA-23038

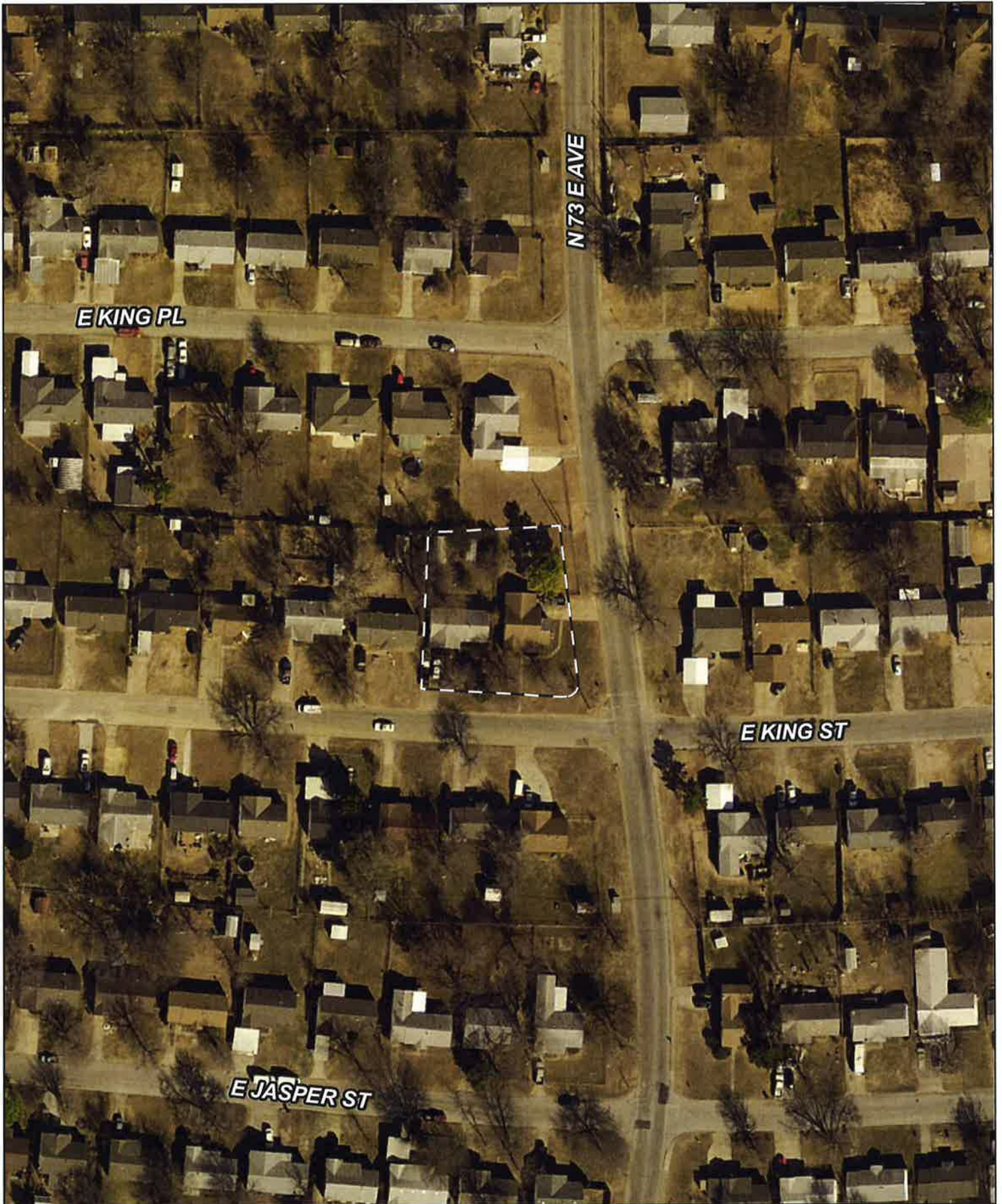
20-13 35

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

Aerial Photo Date: February 2018



11.23



E KING PL

N 73 E AVE

E KING ST

E JASPER ST



Subject
Tract

BOA-23038

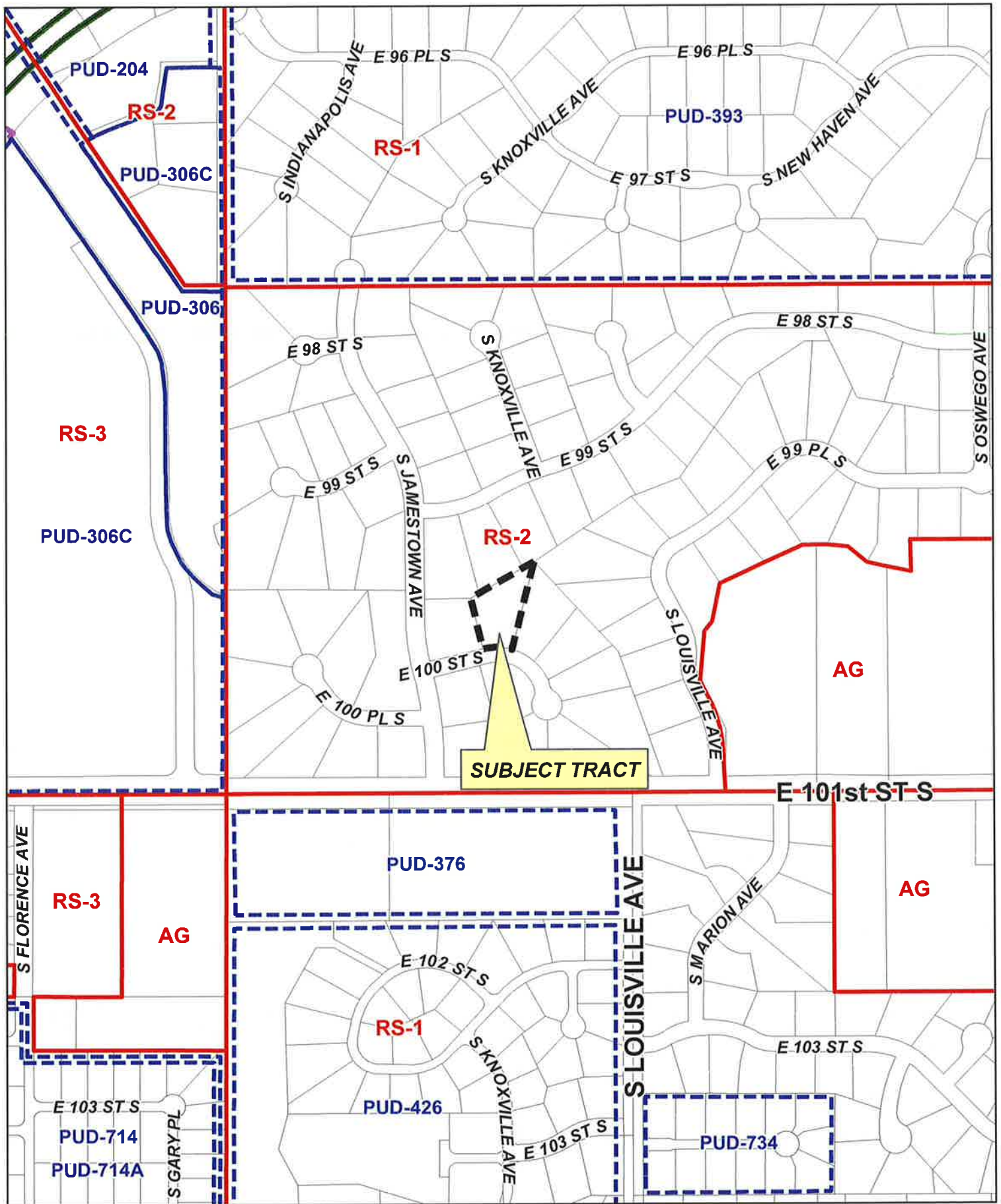
20-13 35

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

Aerial Photo Date: February 2018



11.24



BOA-23039

12.1

18-13 21

**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 8321

Case Number: **BOA-23039**

CZM: 56

CD: 8

HEARING DATE: 12/08/2020 1:00 PM

APPLICANT: Apodaca Remodeling

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

LOCATION: 3515 E 100 ST S

ZONED: RS-2

PRESENT USE: Residential

TRACT SIZE: 32935.85 SQ FT

LEGAL DESCRIPTION: LT 10 BLK 1, SILVER CHASE AMD

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located East of the NE/c to S. Jamestown and E. 100 St. S.

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

12.2

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'	--	--	--

The applicant is requesting 46' of driveway width in the right-of-way and 33' on the lot.

SAMPLE MOTION:

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

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

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



Subject Property

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

Matt Apodaca
mpapodaca@gmail.com

4/1/2020

APPLICATION NO: ZCO-55925-2020

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 3515 E 100th St S

Description: Driveway Expansion

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. PURSUANT TO FEDERAL, STATE, AND LOCAL DECLARATIONS OF EMERGENCY ARISING FROM THE COVID-19 THREAT AND AS DIRECTED BY THE ADMINISTRATION, OUR OFFICE IS CLOSED TO THE PUBLIC UNTIL FURTHER NOTICE. PAPER SUBMITTALS (INCLUDING REVISIONS AND ADDENDUM) FOR ANY PROJECT IS NOT ACCEPTED AT THIS TIME. IF SUBMITTING REVISIONS FOR APPLICATIONS THAT PREVIOUSLY UTILIZED PAPER PLANS, EMAIL THE REVISED PLANS TO COTDEVSVCS@CITYOFTULSA.ORG OR SUBMIT ELECTRONIC PLAN REVISIONS ON THE PORTAL AT [HTTPS://TULSAOK.TYLERTECH.COM/ENERGOV4934/SELFERVICE](https://tulsaok.tylertech.com/ENERGOV4934/SELFERVICE). YOU WILL NEED TO REGISTER ON THE PORTAL IF YOU HAVE NOT PREVIOUSLY DONE SO.
3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
4. A COPY OF A "RECORD SEARCH" ~~THIS~~ **THIS IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

REVIEW COMMENTS

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

Application No. ZCO-55925-2020

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.

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 is 27' within ROW and 30' outside of ROW on your lot.

Review Comments: The submitted site plan proposes a driveway width of more than 30' in width on the lot in the street setback and more than 27' wide in ROW which exceeds the maximum allowable driveway widths both within and outside of the ROW. Revise plans to indicate the driveway shall not exceed the maximum allowable widths in the table or apply to the BOA for a special exception, one for the proposed driveway width within the ROW and also for the proposed driveway width outside of the ROW.

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

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

END -ZONING CODE REVIEW

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

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

Medical details

To Whom It May Concern:

10/28/2020

This letter is regarding our driveway improvement at **3515 East 100th Street** in Tulsa 74137. We purchased this residence in September 2019 with the intention of doing what we could to improve the driveway as it is currently extremely steep and dangerous. The top is angled so severely that most vehicles, other than mid and small SUVs and mini vans cannot pass over it without scraping. This means that people must park at the top and walk down the extremely steep gradient.

Our daughter (11) has physical limitations which cause her to have bad balance and to not be able to walk very well. It is of concern for us that it is exceedingly difficult (if not impossible) and certainly not safe for her to leave our house and walk up to the street on her own at any time, but, specifically in an emergency. She had a series of strokes at the age of two weeks which resulted in mild cerebral palsy that mainly affects one side of her body. She also has a leg-length discrepancy and a foot deformity (like club foot) on her most affected side. She receives medical treatments and various ongoing surgeries and cast-wearing to address her issues, all of which, of course, make it more difficult for her to walk. For example, she just had back surgery for severe scoliosis in January 2020.

My mother-in-law, **Martha Balandran**, age 62, slipped and fell in January of this year when walking down the current driveway. She and my father-in-law had to park at the top as, again, their vehicle scrapes the bottom if trying to drive onto our current driveway. She fell forward as she walked down, was unable to slow her fall and ended up slamming full speed into a vehicle parked at the bottom, hitting her head on it in the process, and then sliding underneath the vehicle and fracturing her arm. She needed stitches in her head and surgery that included plates and screws for her arm (see attached After Visit Summary for Martha Balandran).

My father, **Richard Essex**, recently (9/2020) came to live with us full-time. He is 75 and has heart and mobility issues and cannot walk well without a cane. He cannot walk up or down the current driveway. He cannot reach his car which, currently, must be parked on the street as it scrapes when driven onto the current driveway. Also, if anyone comes to pick him up to assist with medical transportation they might not be able to or willing to drive down the current driveway to pick him up and he is not physically able to walk up the driveway to the street to meet them.

We are trying to add a C driveway, like many that already exist in this neighborhood, with some wider, safer stairs with handrails coming down from said new driveway. Please consider our variance request and allow us to finish our work on the new C drive.

Sincerely,


Tanya Balandran
816-678-6177

AFTER VISIT SUMMARY

Martha E. Balandran MRN: 20094906 1/25/2020 Saint Francis Hospital Trauma Emergency 918-501-0110

Instructions

Favor de arreglar una cita con su ortopedico Dr. Boone o con Dr. Stafford para su fractura. Arreglar una cita con su medico regular para quitar las suturas.



Your medications have changed

- START taking:
- docusate sodium (COLACE)
- HYDROcodone-acetaminophen (NORCO 7.5-325)
- promethazine (PHENERGAN)

Review your updated medication list below.



Read the attached information

1. HUMERUS FRACTURE TREATED WITH IMMOBILIZATION, EASY-TO-READ (SPANISH)
2. FACIAL LACERATION, EASY-TO-READ (SPANISH)
3. LACERATION CARE, ADULT (SPANISH)



Pick up these medications at WALGREENS DRUG STORE #07821 - BROKEN ARROW, OK - 950 E KENOSHA ST AT NWC OF LYNN LANE & 71ST (KENOSHA)

HYDROcodone-acetaminophen

Address: 950 E KENOSHA ST, BROKEN ARROW OK 74012-2071
Hours: 24-hours
Phone: 918-251-3996



Pick up these medications from any pharmacy with your printed prescription

docusate sodium • promethazine



Schedule an appointment with Paul Ryan Stafford, MD as soon as possible for a visit in 3 days (around 1/29/2020)

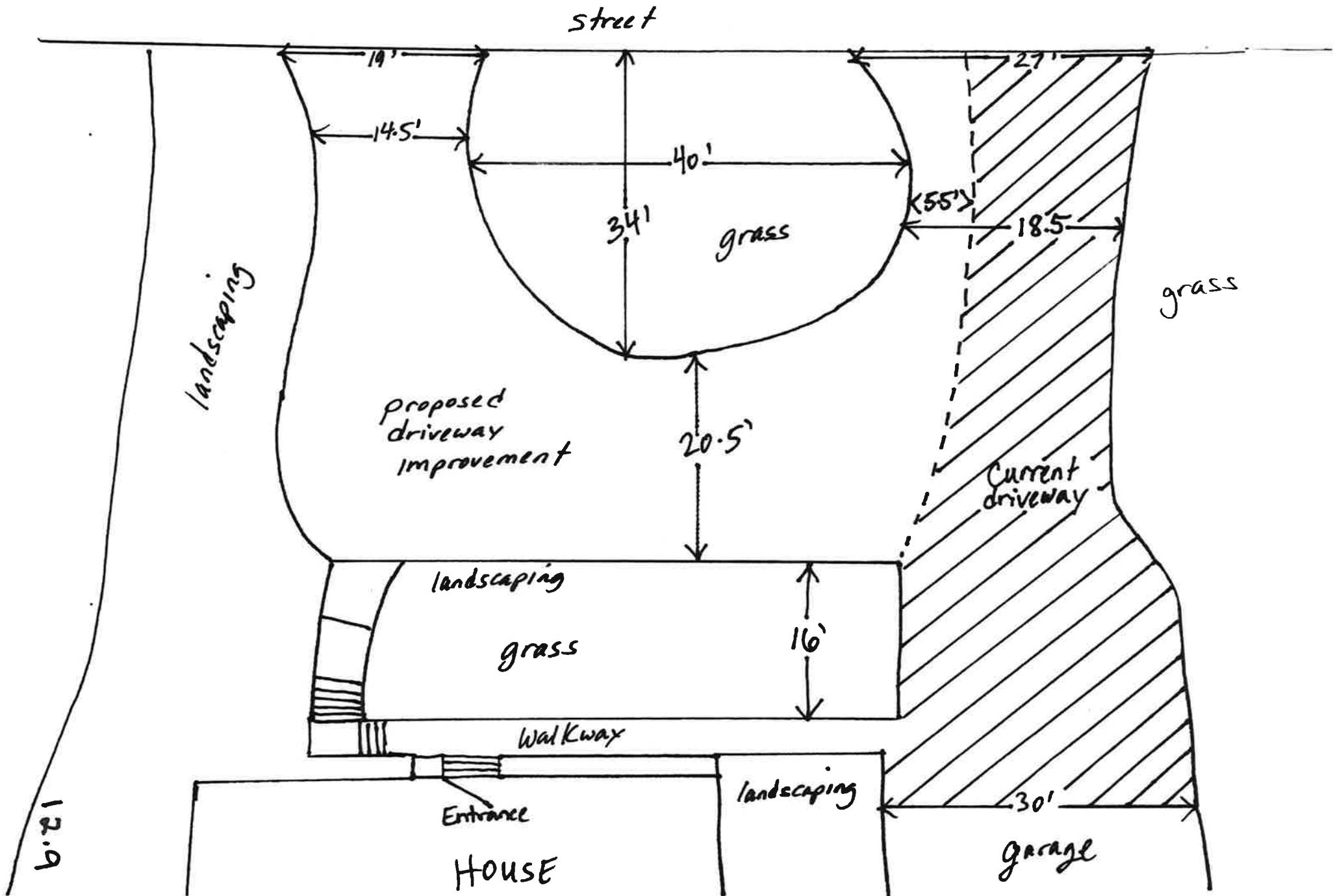
Why: For further care.
Specialty: Orthopedics, Trauma Services
Contact: 5110 S YALE STE 525
Tulsa OK 74135-7584
918-392-4547



Schedule an appointment with Pat Sinclair Bolding, MD as soon as possible for a visit in 5 days (around 1/31/2020)

Specialty: Family Medicine
Contact: 10507 East 91st, Ste 310
Tulsa OK 74133-5589
918-307-3200

3515 E. 100th St. Tulsa, OK 74137





0 200 400
Feet



Subject
Tract

BOA-23039

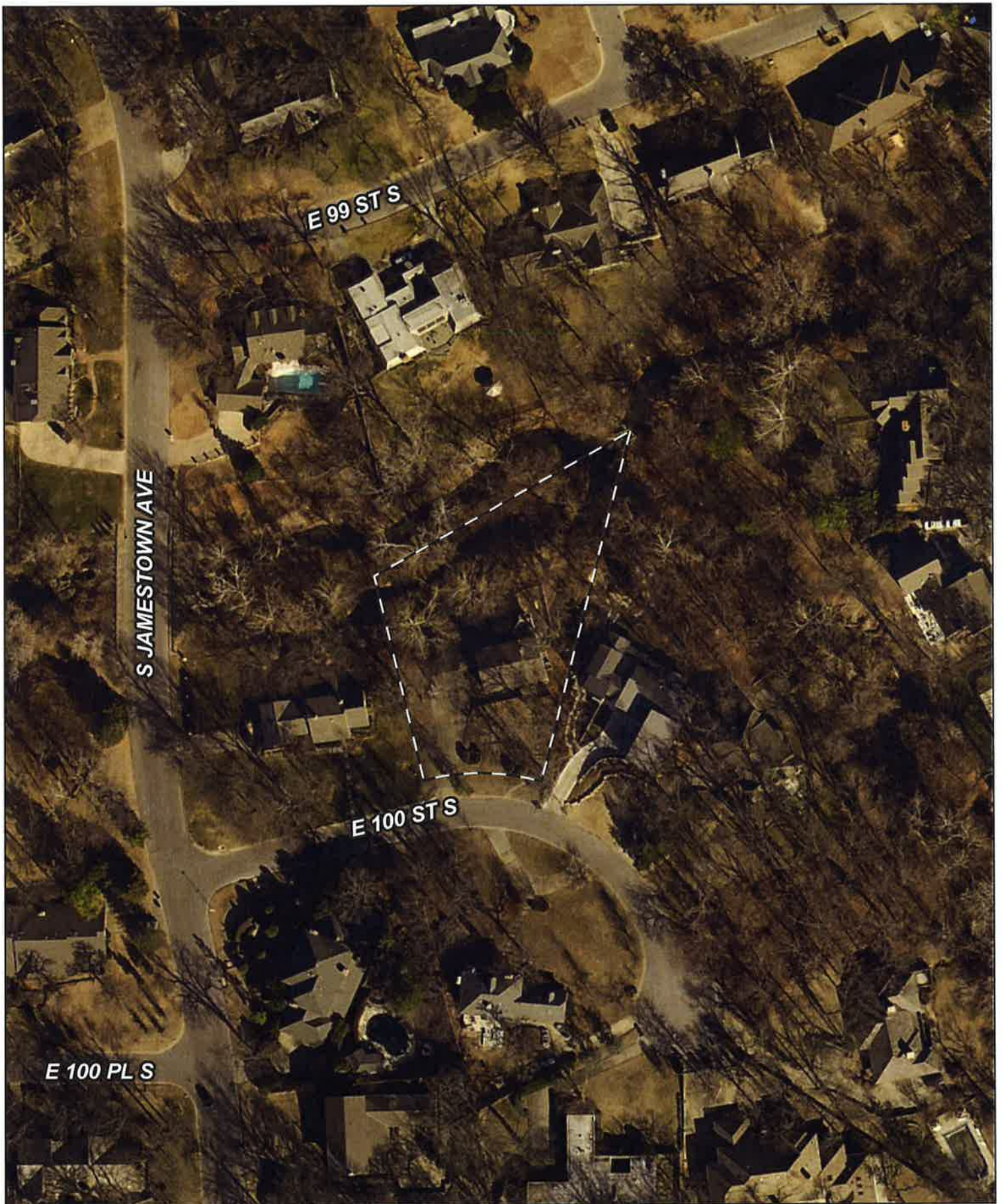
18-13 21

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

Aerial Photo Date: February 2018



12.10



0 50 100
Feet



Subject
Tract

BOA-23039

18-13 21

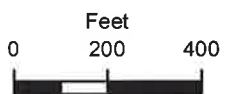
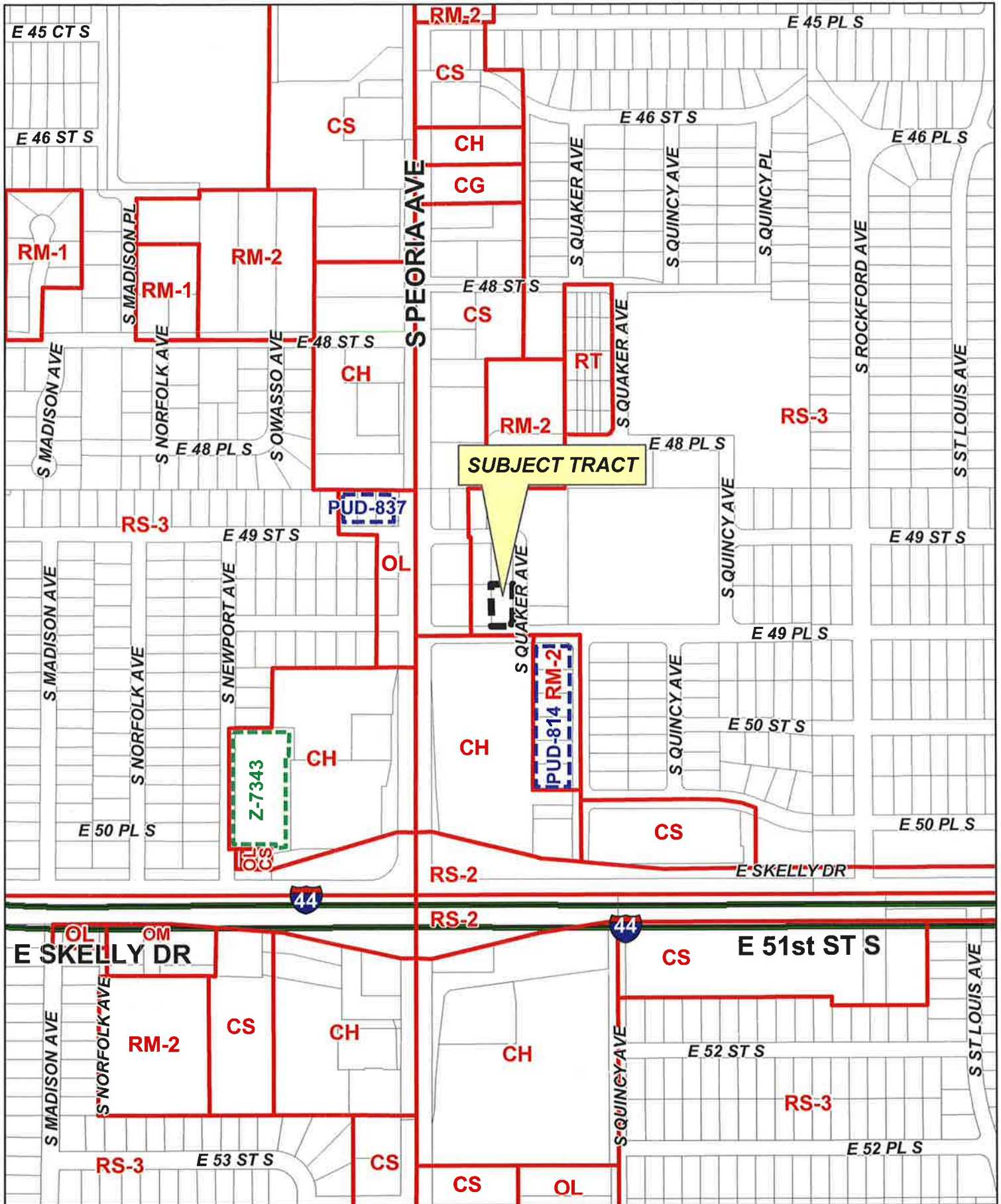
Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: February 2018



12.11

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BOA-23040

19-13 30

13.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9330
CZM: 47
CD: 9

Case Number: **BOA-23040**

HEARING DATE: 12/08/2020 1:00 PM

APPLICANT: Matt Bendel

ACTION REQUESTED: Special Exception to allow a Public, Civic & Institutional/Governmental Service Use or Similar Use to permit a spiritual counseling and charitable support facility and food bank in an RS-3 District (Sec. 5-2, Table 5-2)

LOCATION: 4920 S QUAKER AV E

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 8690.26 SQ FT

LEGAL DESCRIPTION: LT 8 BLK 18, BELLAIRE ACRES SECOND EXT

RELEVANT PREVIOUS ACTIONS:

Subject Property: None.

Surrounding properties:

Approvals for Church of St. Mary located NE/c of S. Quaker and E. 49th Pl.-

BOA-22969; On 07.28.2020 the Board **approved** Special Exception to permit the expansion of an existing religious assembly in the RS-3 district. (Section 5.020 Table 5-2) Modification to a previously approved site plan for a religious assembly use.

BOA-21303; On 7.12.2011 the Board **approved** a Special Exception to amend a previously approved site plan.

BOA-19567; on 5.13.03 the Board **approved** a *Special Exception* to amend a previously approved site plan; and a *Variance* of the required number of parking spaces from 308 to 285 spaces to allow construction of an addition to the existing building, per plan submitted today, finding the hardship that they are not adding onto the sanctuary; existing for a number of years.

BOA-14078; on 5.29.86 the Board **approved** a *Special Exception* to make an addition to the previously approved church and site plan; per revised site plan submitted.

BOA-13408; on 1.10.85 the Board **approved** a *Special Exception* for church, school and related uses and purposes (construction of a church sanctuary) in an RS-3 district; and a *Variance* of the required all-weather material for off-street parking areas; per plot plan submitted; finding that the applicant demonstrated a hardship caused by the dual use of the land for parking and play area, finding that sod can be deemed a suitable substitute in this instance, and finding that the variance requested is only on the surfacing requirements, not on the required number of off-street parking.

BOA-2520; on 2.10.54 the Board **granted** *permission* to use property for church and school purposes.

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 at the NW/c of E. 49th Pl. S. and S. Quaker Ave.

STAFF COMMENTS: The applicant is requesting Special Exception to allow a Public, Civic & Institutional/Governmental Service Use or Similar Use to permit a spiritual counseling and charitable support facility and food bank in an RS-3 District (Sec. 5-2, Table 5-2)

Prior to receiving building permits, properties approved for a Public Civic, or Institutional Use are subject to a Subdivision Conformance Review or Subdivision Plat per sec. 70.080-B of the code:

70.080-B Compliance with Development Regulations

1. Purpose

The requirements of this section are intended to help ensure that rights-of-way, streets, sidewalks and other public improvements are in place and adequate to serve proposed developments in accordance with applicable regulations.

2. Rezoning, Special Exceptions and Residential Uses

Except as expressly stated in ~~Section 70.080-B.3~~, 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. A property owner-initiated zoning map amendment or development plan was approved after July 1, 1970;
- b. A special exception was approved for any of the following:
 - (1) Group living use;
 - (2) Public, civic or institutional use;
 - (3) Outdoor assembly and entertainment use;
 - (4) Household living involving 3 or more households on a single lot;
 - (5) Marina;
 - (6) Gun club;
 - (7) Crematory; or
 - (8) Mausoleum; or

Per the applicant the proposed use currently housed at the Church of St. Mary, immediately across Quaker avenue from the subject property.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Special Exception** to allow a Public, Civic & Institutional/Governmental Service Use or Similar Use to permit a spiritual counseling and charitable support facility and food bank in an RS-3 District (Sec. 5-2, Table 5-2)

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

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



Subject Tract

22971—Eller & Detrich – Lou Reynolds

Action Requested:

Special Exception to permit High-Impact Medical Marijuana processing (High-impact Manufacturing & Industry Use) in the IM District (Section 15.020, Table 15-2). **LOCATION:** 6540 East Apache Street North **(CD 3)**

Presentation:

Lou Reynolds, 2727 East 21st Street, Tulsa, OK; stated the property was recently rezoned from IL to IM. It was approved unanimously by the Planning Commission and the City Council approved it unanimously with an optional development plan that permits the high impact medical marijuana use of the property through an optional development plan with a Special Exception. The property abuts East Apache and Sheridan; Apache is on the east and north sides and Sheridan is on the west side. On the south side the property abuts an auxiliary power facility. The building has been in existence since 1957 and was used for aluminum smelting. There will be no impact on the neighborhood, and everything will be done inside the facility. The group intends to use the facility very much like a commercial pharmaceutical development. There will be about 30 employees at the facility.

Mr. Van De Wiele asked Mr. Reynolds if there would be any FAA issues with the facility. Mr. Reynolds answered no.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit High-Impact Medical Marijuana processing (High-impact Manufacturing & Industry Use) in the IM District (Section 15.020, Table 15-2). ; for the following property:

**ALL BLK 1 LESS TR TO CITY BEG SWC N107.83 SELY184.10 SE78.54 W217.76
POB,CENTURY ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

22969—Cameron C. Wallace

FILE COPY

Action Requested:

Special Exception to permit the expansion of an existing religious assembly in the RS-3 District (Section 5.020, Table 5-2); Modification to a previously approved site

07/28/2020-1255 (13)

BOA-22969

FILE COPY

plan for a religious assembly use. **LOCATION:** 1347 East 49th Place; 4921 South Quaker Avenue East; 1365 East 49 Street South; 1352 East 48th Place South (CD 9)

Presentation:

The applicant was not present. Mr. Van De Wiele stated the Board can act on this request without the applicant present.

Mr. Van De Wiele asked Mr. Chapman if all was being added is seen in yellow on page 4.6 of the agenda packet. Ms. Blank stated that she believes what the applicant is requesting to do is shown on page 4.21. Mr. Chapman stated the darkened portion is near the corner of 49th and Quaker is an activity center for the church. Technically it will be on street parking, but they are also working through license issues with the City to add parking on 49th Street similar to the other part of the church and school to the east.

Mr. Van De Wiele asked the Board members if they were inclined to act on this request or would they prefer to continue this request. The Board members stated they would be inclined to act on this request.

Ms. Radney asked if the Board needed to address the parking.

Cameron Wallace appeared online at this time. Mr. Van De Wiele asked Mr. Wallace to discuss the parking.

Cameron Wallace, Synergy, 810 South Cincinnati Avenue, Tulsa, OK; stated the parking issue off the street has been accepted by the City of Tulsa.

Mr. Van De Wiele stated that if the new building adds to the parking load requirements, that is nothing that the Board has granted a Special Exception today. Mr. Chapman stated that the on-street parking that is being added is non-required parking, and that will be off street. He does not think it will be an accessory to their use, it is just on-street parking and it not part of the required parking.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; "nay"; no "abstentions"; absent) to **APPROVE** the request for a **Special Exception** to permit the expansion of an existing religious assembly in the RS-3 District (Section 5.020, Table 5-2); **Modification** to a previously approved site plan for a religious assembly use, subject to conceptual plan 4.21 of the agenda packet. The Board finds

07/28/2020-1255 (14)

BOA - 22969

FILE COPY

that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

PRT GOV LT 3 BEG 298.74 SECR GOV LT 3 TH N126 W214.88 S126 E214.88 POB SEC 30 19 13 0.632 AC; LT 11 BLK 17; BEG N.L. SW SW 495 E. OF S. PEORIA AVE. TH E. 490 S. 443.88 W. 490 N. 433.88 TO BEG SEC 30-19-13; PRT GOV LT 3 BEG 485E & 535.55S NWC S/2 GOV LT 3 TH S126 E285 N126 W285 POB SEC 30 19 13 .82AC; LTS 5 - 10 BLK 17, MUGGINS ADDN RESUB PRT L1 SOUTHERN CENTER, BELLAIRE ACRES SECOND EXT, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

None.

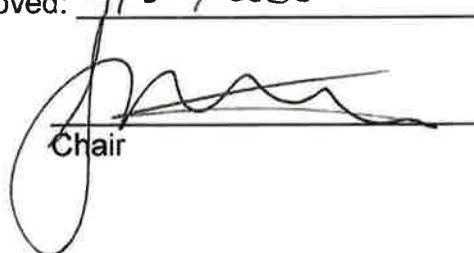
NEW BUSINESS

None.

BOARD MEMBER COMMENTS

None.

There being no further business, the meeting adjourned at 3:00 p.m.

Date approved: 9/22/2020

Chair

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 **ACCEPT** the **Verification** of the spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2); and a **Verification** of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from any other digital outdoor advertising sign facing the same traveled way (Section 1221.G.10); based upon the facts in this matter as they presently exist, subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign; for the following property:

**SW SW LYING E OF HWY 75 ROW LESS \$24.75 THEREOF FOR RD SEC 14 18 12,
CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

21303—Keith & Todd Kinslow

Action Requested:

Minor Special Exception to amend a previously approved site plan for a church/school use in the RS-3 district to permit canopy additions over existing walkways.

Location: 1347 East 49th Place

Presentation:

Matt King, 4332 South Birmingham Avenue, Tulsa, OK; stated he is before the Board on behalf of the Catholic Diocese of Tulsa and St. Mary's school/church.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** a **Minor Special Exception** to amend a previously approved site plan for a church/school use in the RS-3 district to permit canopy additions over existing walkways. These are shown and subject to the conceptual plan on page 5.6. The Board has found that this minor special exception is compatible with the spirit and intent of the original approvals made by the Board. These 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:

BOA-21303

BEG N.L. SW SW 495 E. OF S. PEORIA AVE. TH E. 490 S. 443.88 W. 490 N. 433.88
TO BEG SEC 30-19-13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

None.

NEW BUSINESS:


None.

BOARD MEMBER COMMENTS:

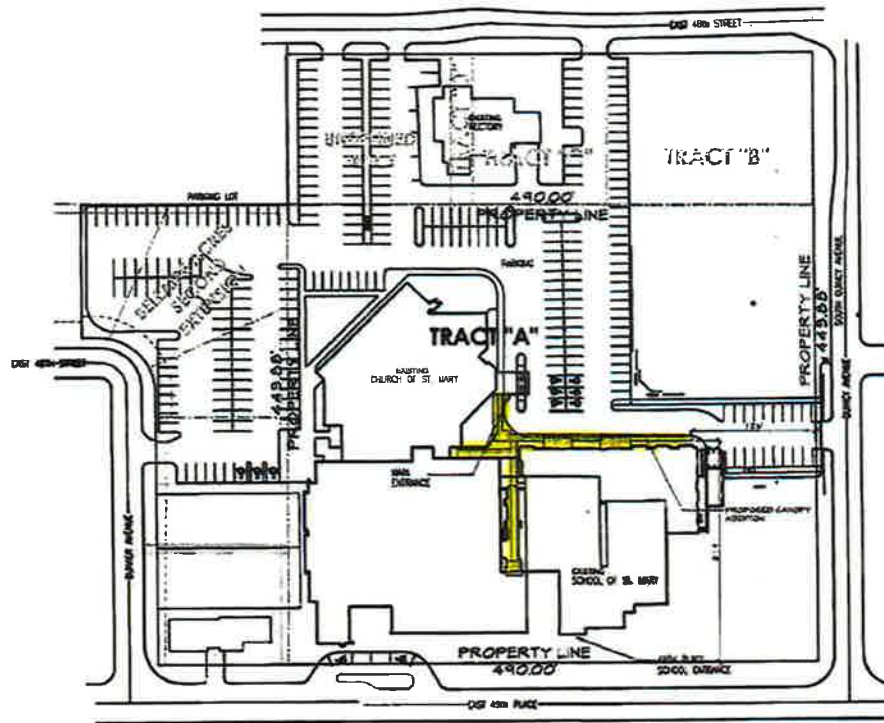
None.

There being no further business, the meeting adjourned at 1:44 p.m.

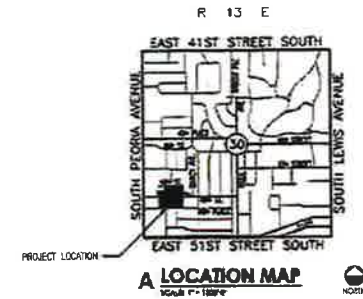
Date approved: _____

7/26/11

Chair

BOA-21303
Site Plan



A SITE PLAN
SCALE 1" = 40'



ZONED RS-9

- A** LEGAL DESCRIPTION:
A PART OF THE S.W. 1/4, S.W. 1/4, SECTION 30, T.14-N, R.13-E, BEGINNING AT A POINT ON THE NORTH LINE OF S.W. 1/4, S.W. 1/4, 400 FEET EAST FROM THE CENTERLINE OF ADJ. PIERCE, THENCE DUE EAST ON THE NORTH LINE OF S.W. 1/4, S.W. 1/4, 400 FEET TO A POINT, THENCE DUE SOUTH 445.89', THENCE DUE WEST 440', THENCE DUE NORTH 445.89' TO THE POINT AND PLACE OF BEGINNING CONTAINING 3 ACRES MORE OR LESS.
- B** PLUS AND INCLUDING:
PART OF THE S.W. 1/4 OF LOT 8, BEGINNING 240.74' WEST OF THE S.W. 1/4 OF LOT 8, THENCE NORTH 130' THENCE WEST 100' THENCE SOUTH 100' THENCE EAST 100' TO THE POINT OF BEGINNING OF SECTION 30, T.14-N, R.13-E OF THE INDIAN BASE AND MERIDIAN, ACCORDING TO THE U.S. GOVERNMENT SURVEY CONTAINING 3 ACRES MORE OR LESS, AND LOTS 5 AND 6, BLOCK 17 OF INDIAN ACRES SUBDIVISION.
- C** PLUS AND INCLUDING:
PART OF GOVERNMENT LOT 8, BEGINNING 918.74' WEST OF THE S.W. 1/4 OF GOVERNMENT LOT 8, THENCE NORTH 130' THENCE WEST 100' THENCE SOUTH 100' THENCE EAST 100' TO THE POINT OF BEGINNING IN SECTION 30, T.14-N, R.13-E OF THE INDIAN BASE AND MERIDIAN, ACCORDING TO THE U.S. GOVERNMENT SURVEY CONTAINING 24 ACRES MORE OR LESS.
- D** PLUS AND INCLUDING:
AND PART OF THE GOVERNMENT LOT 8, BEGINNING 418.74' WEST OF THE S.W. 1/4 OF GOVERNMENT LOT 8, THENCE NORTH 130' THENCE WEST 100' THENCE SOUTH 100' THENCE EAST 100' TO THE POINT OF BEGINNING IN SECTION 30, T.14-N, R.13-E OF THE INDIAN BASE AND MERIDIAN, ACCORDING TO THE U.S. GOVERNMENT SURVEY.



kinslow, keith & todd, inc.
architectural • construction • engineering
tel 918.744.4270
fax 918.744.7849
2200 south ulica place, suite 200
tulsa, oklahoma 74114
www.kktarchitects.com

SCHOOL OF ST. MARY CANOPY ADDITION

1347 E 49th Pl
Tulsa, OK
74105-4779



DATE	10/14/11
PROJECT	School of St. Mary
DESIGNED BY	KKT
DRAWN BY	SKH
CHECKED BY	
APPROVED BY	
DATE	10/14/11
PROJECT	School of St. Mary
DESIGNED BY	KKT
DRAWN BY	SKH
CHECKED BY	
APPROVED BY	
DATE	10/14/11
PROJECT	School of St. Mary
DESIGNED BY	KKT
DRAWN BY	SKH
CHECKED BY	
APPROVED BY	

SITE PLAN
AS1.1

11.11

E 60.00' Lot 16, Block 6, Stonebraker Heights Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19567

Special Exception to amend a previously approved site plan. SECTION 401 PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5; and a Variance of the required **number of parking spaces** from 308 to 282 spaces to allow construction of an **addition to the existing building**. SECTION 1205.C. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, located 1347 E. 49th Pl.

Steve Brown, 1 W. 3rd, stated the request for a special exception to add a 6,640 square foot Kindergarten to the existing Church of St. Mary's. They are removing fourteen existing parking spaces, leaving 285 total existing spaces. The sanctuary will remain the same size. According to the linear footage of the pews plus the rectory requires 240 parking spaces. A site plan was provided (Exhibit C-1).

Mr. Dunham questioned the 282 parking spaces requested in the application. Mr. Beach responded that the new site plan shows 285 existing parking spaces.

There were no interested parties present who wished to speak.

On **MOTION** of Dunham, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Special Exception** to amend a previously approved site plan; and a Variance of the required number of parking spaces from 308 to 285 spaces to allow construction of an addition to the existing building, per plan submitted today, finding the hardship that they are not adding onto the sanctuary; existing for a number of years; and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

13.12

BoA-19567

6. J.

ALCOA AMERICA, INC.
2400 E. 81st Street
Tulsa, OK 74137
918/452-1000
www.alcoaamericainc.com

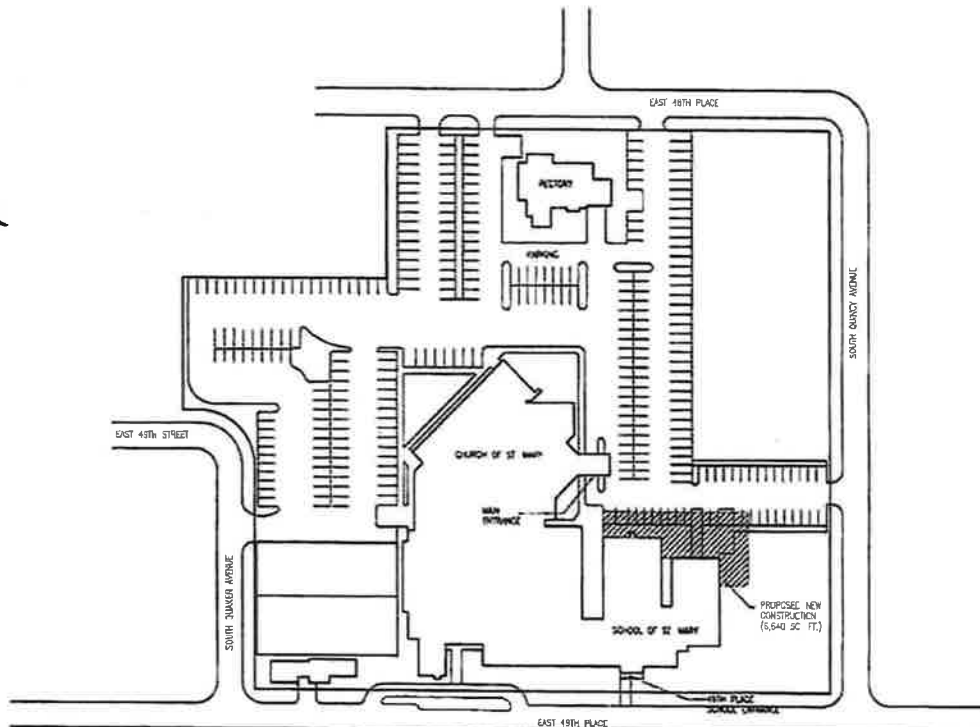
[illegible]

THE CHURCH OF ST. MARY'S
Facilities Expansion and Remodel

ARCHITECTURAL SITE PLAN

DESIGNED BY	W.D.C.
DRAWN BY	W.D.C.
CHECKED BY	S.S.
APPROVED BY	W.D.

DATE 3-18-03
SCALE 1:50
PROJECT NUMBER 1103211001
SHEET A-100



USA, OREGON

A part of the SW/4, SW/4, Sec'n 30, T-19-N, R-12-E. Beginning at a point on the north line of SW/4 45S' due East from the center of a South Pass, thence due East on the north line of said SW/4 45S' to a point, thence due South #1358', thence due West 430', thence due North #1258' to the point and place of beginning containing 5 acres more or less.

Plus and including:
All of lots 7, 8, and 11 of Block 17 of Belaire Acres Second Extension
County of Tulsa, State of Oklahoma, according to the recorded plat
thereof.

Plus and including.
 41 of that part of Lot 3, Section 28, 7-10-4, 8-10-2, more particularly described as follows, to-wit: Commencing at a point 50' East of the east boundary line and 25' South of the North boundary line of the 1/2 of said Lot 3, thence South along a line parallel to and 50' East of the west boundary of the 1/2 of said Lot 3, a distance of 100' to a point 100' North of the South boundary line of said Lot 3, thence South along the North boundary line of Section 28, 7-10-4, to the City of Tulsa, a distance of 1/2 mile to the N.E. 1/4 of said Section 28, then East along the City of Tulsa, thence South along the East boundary line of said Section 28, then East a distance of 254' to the true point of beginning; thence continuing South along the East boundary line of said Section 28, a distance of 175' to a point in the South boundary line of said Lot 3, a distance of 280'; thence North a distance of 125', thence South 89°13' West a distance of 205' to the point of beginning.

Part of Government Lot 3, beginning 393.74' West of the 22 1/2' of Government Lot 3, thence North 175', thence West 100', thence South 325', thence East 325' to the point of beginning in Section 30, T-15-N, R-13-E of the Indian Base and Meridian, according to the U.S. Government Survey enclosing 29 acres more or less; and part of the Government Lot 3, beginning 499.74' West of the 22 1/2' of Government Lot 3, thence North 135', thence West 14.88', thence South 120', thence East 14.88' to the point of beginning, in Section 30, T-15-N, R-13-E of the Indian Base and Meridian, according to the U.S. Government Survey.

Plus and including:
Part of the S/2 of lot 1, beginning 252.74' West of the SE/c of S/2
of Lot 3, thence North 129°, thence West 100', thence South 124',
thence East 340', to the West of Beginning of Section 39, T-19-N,
R-13-E of the Indian Base and Meridian, according to the U.S.
Government Survey, containing 3 acres more or less.

Total oil acreages herein defined containing 70 acres more or less,
City of Tulsa, Tulsa County, Oklahoma.

SOURCE FOOTNOTES:

TOTAL FACILITY
NEW CONSTRUCTION
EXISTING REMODEL
PARKING SPACES

ZONING

316
10

$$\begin{array}{r} 302 \\ 306 \overline{) 10700} \end{array} \quad (4)$$

SITE PLAN

SCALE: 1:50

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205 - Request an exception to make an addition to the previously approved church and site plan, located on the NW/c of Quincy Avenue and 49th Place.

Action Requested:

The applicant Charles Norman was represented by Wally Wozencraft, 5801 East 41st Street, Tulsa, Oklahoma, who submitted a site plan (Exhibit G-2) and photographs (Exhibit G-1) of a proposed addition to the Church of Saint Mary. Mr. Wozencraft, architect for the project, stated that approximately 6 months ago approval was acquired for the construction of a new sanctuary and asked the Board to allow the new addition, which would merely be a fill-in between 2 existing buildings. This 2-story portion will contain approximately 5,100 sq. ft. of floor space, with 2,500 sq. ft. being on each floor, and will be used for music and special meetings.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no, "abstentions"; White, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205) to make an addition to the previously approved church and site plan; per revised site plan submitted; on the following described property:

A part of the SW/4, SW/4, Section 30, T-19-N, R-13-E. Beginning at a point on the north line of SW/4 495' due east from the centerline of South Peoria, thence due east on the north line of said SW/4 490' to a point, thence due south 443.88', thence due west 490', thence due north 443.88' to the point and place of beginning containing 5 acres more or less.

Plus and including:

All of lots 7, 8, and 11 of Block 17, Bellaire Acres Second Extension, County of Tulsa, State of Oklahoma, according to the recorded plat thereof.

Plus and including:

All of that part of Lot 3, Section 30, T-19-N, R-13-E, more particularly described as follows, to-wit: Commencing at a point 50' east of the west boundary line and 25' south of the north boundary line of the S/2 of said Lot 3, thence south along a line parallel to and 50' east of the west boundary of the S/2 of said Lot, a distance of 216.55' to a point 420' north of the south boundary line of said Lot 3; thence east along the north boundary line of Southern Center Addition to the City of Tulsa a distance of 435' to the NE/c of said

5.29.86:466(12)

Case No. 14078 (continued)

Southern Center Addition to the City of Tulsa; thence south along the east boundary line of said Southern Center Addition a distance of 294' to the true point of beginning; thence continuing south along the east boundary line of said Southern Center addition to Tulsa a distance of 126' to a point in the south boundary line of said Lot 3; thence east along the south boundary line of said Lot 3 a distance of 285'; thence north a distance of 126'; thence south 89°59'13" West a distance of 285' to the point of beginning.

Plus and Including:

Part of Government Lot 3, beginning 398.74' west of SE/c of Government Lot 3, thence north 126', thence west 100', thence south 126', thence east 100' to the point of beginning in Section 30, T-19-N, R-13-E of the Indian Base and Meridian, according to the U.S. Government Survey, containing .29 acres more or less; and part of the Government Lot 3, beginning 498.74' west of the SE/c of Government Lot 3, thence north 126', thence west 14.88', thence south 126', thence east 14.88' to the point of beginning in Section 30, T-19-N, R-13-E of the Indian Base and Meridian, according to the U. S. Government Survey.

Plus and Including:

Part of the S/2 of Lot 3, beginning 298.74' west of the SE/c of S/2 of Lot 3, thence north 126', thence west 100', thence south 126', thence east 100' to the Point of Beginning of Section 30, T-19-N, R-13-E of the Indian Base and Meridian, according to the U. S. Government Survey, containing .3 acre more or less.

Total of all acreages herein defined containing 7.0 acres more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14079

Action Requested:

Variance - Section 207 - Street Frontage Required/Section 730 - Bulk and Area Requirements in Commercial districts - Use Unit - 1208 - Request a variance of the street frontage requirements to permit the construction of multi-family dwelling units, where such dwelling units will be served by private street constructed and maintained by abutting property owners pursuant to a private mutual access easement agreement, located NE/c of 61st and Memorial.

Presentation:

The applicant, Charles Norman, 909 Kennedy Building, who represented the developer of Eaton Square Apartments, submitted a Plat of Tracts

5.29.86:466(13)

Case No. 13402 (continued)

Comments and Questions:

The Staff reminded the Board that the case was heard on December 13, 1984 and was continued to allow the Board a chance to visit the site.

Mr. Victor explained that the existing buildings are in line with the other buildings in the area, and there is no basis for a hardship.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to DENY a Variance (Section 730--Bulk and Area Requirements in the Commercial districts--Under the provisions of Use Unit 1215) of the 10' setback from the centerline of a secondary arterial to 90' to permit Wendy's to add solariums onto two drive-in restaurants in CS zoned districts; finding that the applicant failed to demonstrate a hardship; on the following described properties:

Lot 4, Block 1, Gatewood Center, City of Tulsa, Tulsa County, Oklahoma.

and

The South 200' of Lot 2, Block 1, Wendy Acres, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13408

Action Requested:

Special Exception--Section 410--Principal Uses Permitted in the Residential Districts--Use Unit 1205--Request an exception for church, school, and related uses and purposes (construction of a church sanctuary) in an RS-3 zoned district; and a

Variance--Section 1340(d)--Design Standards for Off-Street Parking Areas--Request a variance of the required all-weather material for off-street parking areas, located on the NW/c of Quincy Place and 49th Place.

Presentation:

The applicant, Church of St. Mary, Roman Catholic Diocese of Tulsa (Beltran, Bishop), was represented by Charles Norman, 909 Kennedy Building, Tulsa, Oklahoma, 74103. Mr. Norman explained that St. Mary's Church is requesting a special exception to add additional property in an RS-3 zoned district to property now being used for a church and school, with the additional property to also be used for a church and school with uses and purposes customarily related thereto. He also informed that they propose to construct a new church sanctuary pursuant to the site plan submitted (Exhibit "B-1"), upon property previously approved by this Board, and presently being used for church and school purposes. He submitted

1.10.85:430(4)

Case No. 13408 (continued)

eleven pictures of the present facilities (Exhibit "B-1") and explained to the Board that St. Mary's is not requesting the variance of the off-street parking requirements. He informed that they are requesting a waiver of the requirement that off-street parking be paved with an all-weather surface in light of the unique factor that the field they propose to use is also a playing field for the school's athletic program. He informed that the proposal is to absorb the loss of required off-street parking (from 296 to 210) by permitting 85 parking spaces on the playing field (which has a capacity for 340 parking spaces). The existing playing field has been used successfully for overflow parking for many years. He informed that they feel the sod is a satisfactory substitute to the all-weather surfacing required. They face a hardship in the fact that it is necessary that the additional space not be paved, so the school can continue to utilize the area as a playing field. He explained that if the "sanctuary" was considered an "arena," they would only be required to provide 200 off-street parking spaces. He feels that this is an inconsistency in the Code, since the same number of persons filling an arena would require less parking than those in a church sanctuary, under the existing Code. This factor imposes a hardship on his client.

Protestants: None

Comments and Questions:

Mr. Norman explained to Mr. Clugston that his clients feel the hard surfaced parking will be more than adequate for their regular services (four masses each Sunday), and the additional spaces will be utilized only during special events.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to APPROVE a Special Exception (Section 410—Principal Uses Permitted in the Residential Districts—Under the provisions of Use Unit 1205) for church, school and related uses and purposes (construction of a church sanctuary) in an RS-3 zoned district; and a Variance (Section 1340(d)—Design Standards for Off-Street Parking Areas) of the required all-weather material for off-street parking areas; per plot plan submitted; finding that the applicant demonstrated a hardship caused by the dual use of the land for parking and play area, finding that sod can be deemed a suitable substitute in this instance, and finding that the variance requested is only on the surfacing requirements, not on the required number of off-street parking; and finding that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; on the following described property:

A part of the Southwest Quarter (SW/4) of the Southwest Quarter (SW/4), Section Thirty (30), Township Nineteen North (19 N.), Range Thirteen East (13 E.): Beginning at a point on the North

1.10.85:430(5)

2-10-54

Case No. 2520-A ✓
Catholic Parish of St.
Mary, SW, of Section
30-19-13

This being the date set down for public hearing on the application of the Catholic Parish of St. Mary for permission to use property for church and school purposes on the SW 1/4, of Section 30-19-13. There appeared no protestants.

MOVED by Lashley (Grubb) that this matter be granted.
All members voting yea. Carried.

Case No. 2521 ✓
Grant Johnson
W. 100' of Lot 6,
W. 100' of S. 40 of
Lot 5, Block 4,
Mountain View

Grant Johnson request for designation of two building sites each being 50 x 130 feet in a U-2 district on the West 100 feet of Lot 6, and the West 100 feet of the South 40 feet of Lot 5, Block 4, Mountain View Addition.

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

Case No. 2522 ✓
Era Dunn Seaton &
Mary Lue Livingston
Lots 6, 7, 8, Block 1,
Elgindale Addition

Era Dunn Seaton and Mary Lue Livingston appeal to the Board of Adjustment from an order of the Building Inspector granting a permit for the erection and maintenance of a Retail Grocery Store on Lots 6, 7, 18, Block 1, Elgindale Addition. There appeared Judge Leslie Webb representing Mr. Pleasant the owner of said property and Mr. John Boyd Attorney for the appellants.

Judge Webb objected to the jurisdiction of the Board.

Mr. Boyd stated he was objecting to the use area wise that the ordinances in the city say U-1, A1, H 1, and that this property has not been rezoned A-1 and would not change the zoning.

Judge Webb stated that when property rezoned from U-1 to U-3 the area did not apply, but did apply when rezoning from U-1 to U-2, and as far as height was concerned the building was to be one story high.

After considerable discussion it was,

MOVED by Lashley (Davisson) that this appeal be dismissed.
All members voting yea. Carried.

Case No. 2523 ✓
Public Service Co.
Pt. of SE, INW,
Section 3-19-12

Public Service Company request for permission to erect and operate an outdoor type electric substation on part of the SE 1/4 of the NW 1/4, of Section 3-19-12

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

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

March 23, 2020

LOD Number: 1
Daniel Larochelle
9707 S 226 EA
Broken Arrow, OK 74014

Phone: 918.638.0950

APPLICATION NO: **BLDC-05542-2020**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 1319 E 49 PL
Description: Food pantry

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. Pursuant to Federal, State, and Local declarations of emergency arising from the Covid-19 threat and as directed by the Administration, our office is closed to the public until further notice. We will continue providing service via remote working. Please bear with us as we go through this together.
3. SUBMIT WITH TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER EMAIL TO COTDEVSVCS@CITYOFTULSA.ORG [DURING THIS CLOSURE AS THERE WILL BE NO PUBLIC ACCESS TO THE BUILDING], 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
4. 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.
5. 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)

13.20

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-055452-2020

1319 E 49 PL

March 23, 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 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.

Sec.5.020 Table 5-2: Your proposed food pantry is designated a Public, Civic & Institutional/Government Service/Food Pantry Use and is in an RS-3 zoning district. This will require a Special Exception approved by the BOA.

Review comment: Submit a copy of the BOA approved Special Exception as a revision to this application

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

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

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

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

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

END – ZONING CODE REVIEW




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

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



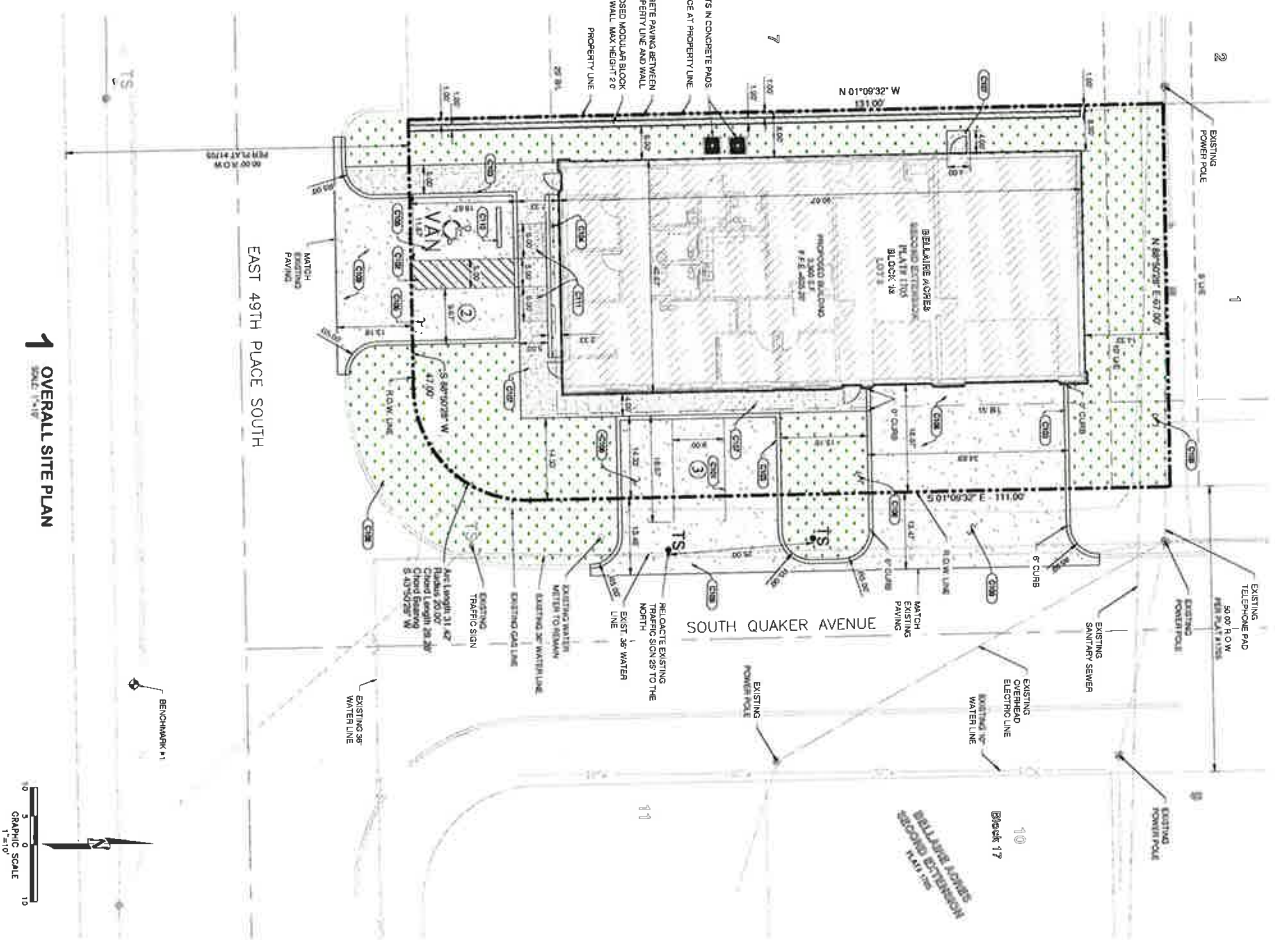
BEFORE
YOU DIG
1-800-522-6543
CALL DKE

5 **LEGEND**
RE: THIS SHEET

- | | |
|---|-----------------------------------|
|  | AREA OF BUILDING |
|  | AREA OF ASPHALT CONCRETE PAVEMENT |
|  | AREA OF CONCRETE SIDEWALK |

LEGEND - SYMBOLS

- | | |
|------|-----------------------|
| 3C | BOTTOM OF CRAB |
| BN | BOTTOM OF WALL |
| BL | FLOW LINE / INVERT |
| C | CUTTER |
| PABV | TOP OF PAVEMENT |
| TC | TOP OF CURB |
| TG | TOP OF GATE |
| TH | TOP OF HILL |
| TW | TOP OF WALL |
| UL | UTILITY EASEMENT |
| BU | BUILDING LINE SETBACK |
| MA | MAJOR ACCESS PAVEMENT |
| LA | LANCING AREAS |
| 5 | |



1 OVERALL SITE PLAN
SCALE: 1"=10'



LEGAL DESCRIPTION:

SECOND EXTENSION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT #1705 THEREOF.



OWNER/DEVELOPER

CHURCH OF SAINT MARY, A PART OF THE
ROMAN CATHOLIC DIOCESE OF TULSA

CONTACT: MATTHEW DEL
PHONE (818) 607-0610
E-mail: mwde@jrnll.com

2 SITE DATA

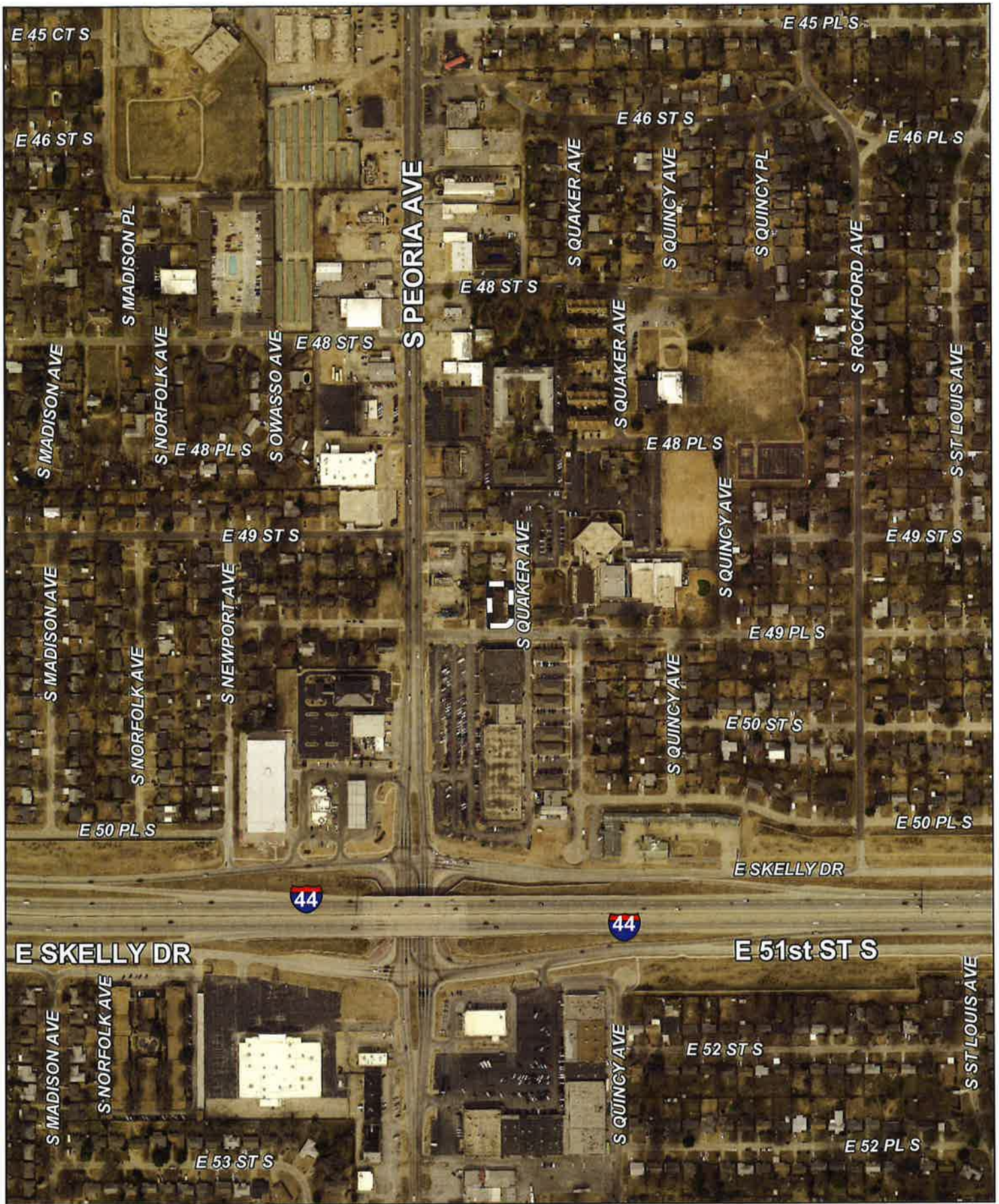
		PENDING DATA				REQUIRED		PROVIDED	
		RESIDENTIAL PARKING OFFICE		4		4		4	
		RESIDENTIAL PARKING		1		1		1	
		GARAGE & STORAGE (150 SF @ 10'X30')		1		1		1	
		TOTAL RESIDENTIAL PARKING		5		5		5	
		ACCESSIBLE PARKING (REQUIRED ABOVE)		1		1		1	
		ZONING							
		NE-1 (RESIDENTIAL SINGLE FAMILY)							
		SETBACK							
		WEST		EAST		NORTH		SOUTH	
		10		10		25		25	
		SITE AREA (POST-DEVELOPMENT)							
		SO. LT. ACRES		3.6% ACRES		3.6% LOT			
		BUILDING AREA		3,360.00		0.77		39.06%	
		PAVING & DRIVEWAYS		2,545.66		0.64		27.06%	
		PARKING & STORAGE		2,912.28		0.65		32.62%	
		TOTAL IMPERVIOUS AREA		5,717.94		0.11		62.70%	
		SITE AREA (PRE-DEVELOPMENT)							
		SO. LT. ACRES		3.22		3.22		3.22% LOT	
		CENTRAL IMPERVIOUS AREA							
		INCREASE IMPERVIOUS AREA							
		INCREASE IMPERVIOUS AREA		2,249.55		0.65		24.95%	
		INCREASED BUILDING HEIGHT							
		INCREASED BUILDING HEIGHT							

3 KEYED NOTES

[illegible]

GENERAL NOTES
RE: THIS SHEET

THE CONTRACTOR SHALL LOCATE THE UNDERGROUND UTILITY LOCATING SYSTEM (SUS) AND MAKE THEM AVAILABLE TO THE OWNER AND THE CITY OF LOS ANGELES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN OF THE SUS, INCLUDING THE LOCATION OF EXISTING UTILITY LOCATING SYSTEMS (SUS) AND THE LOCATION OF NEW UTILITY LOCATING SYSTEMS (SUS) TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN OF THE SUS, INCLUDING THE LOCATION OF EXISTING UTILITY LOCATING SYSTEMS (SUS) AND THE LOCATION OF NEW UTILITY LOCATING SYSTEMS (SUS) TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN OF THE SUS, INCLUDING THE LOCATION OF EXISTING UTILITY LOCATING SYSTEMS (SUS) AND THE LOCATION OF NEW UTILITY LOCATING SYSTEMS (SUS) TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.



0 Feet 200 400



Subject Tract

BOA-23040

19-13 30

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

Aerial Photo Date: February 2018





0 50 100
Feet



Subject
Tract

BOA-23040

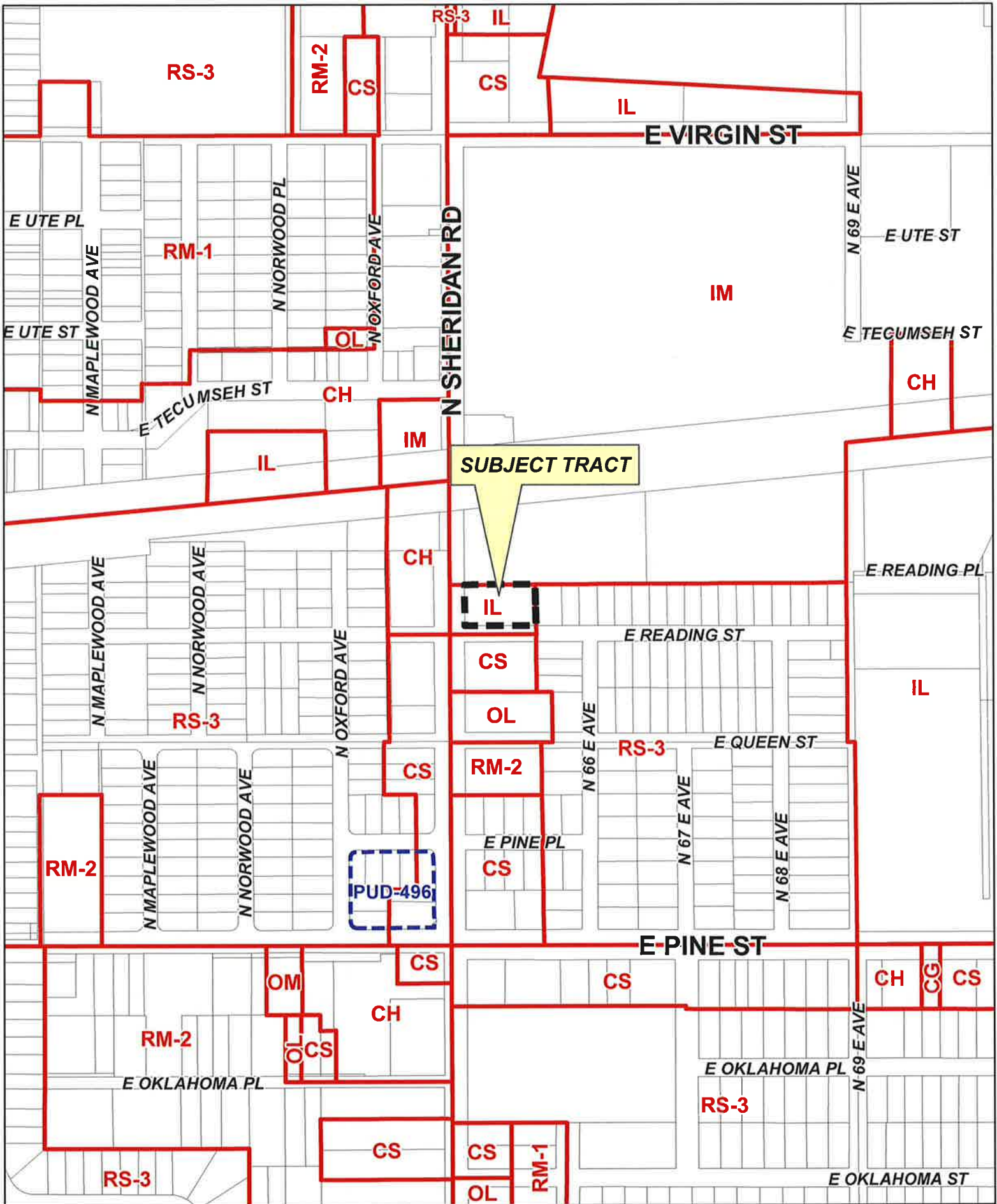
19-13 30

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

Aerial Photo Date: February 2018



13.24



BOA-23041

20-13 26

14.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 0326

Case Number: BOA-23041

CZM: 30

CD: 3

HEARING DATE: 12/08/2020 1:00 PM

APPLICANT: Amanda Lowe

ACTION REQUESTED: Special Exception to permit Moderate-Impact Medical Marijuana processing (Moderate-impact Manufacturing & Industry Use) in the IL district. (Sec. 15.020, Table 15-2)

LOCATION: 1711 N SHERIDAN RD E

ZONED: IL

PRESENT USE: Manufacturing

TRACT SIZE: 31581.13 SQ FT

LEGAL DESCRIPTION: RESERVE A BLK 2, SPARTAN COURT SECOND ADDN

RELEVANT PREVIOUS ACTIONS: None.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NE/c of S. Sheridan Rd. and East Reading Street.

STAFF COMMENTS: The applicant is requesting a **Special Exception** to permit Moderate-Impact Medical Marijuana processing (Moderate-impact Manufacturing & Industry Use) in the IL district. (Sec. 15.020, Table 15-2)

The zoning code describes Moderate-impact Marijuana Processing (Sec. 35.070-B.2) as the following:

2. **Moderate-impact Medical Marijuana Processing Facility**
An establishment in which the preparation, manufacture, processing or packaging of medical marijuana products by the holder of a medical marijuana processor license issued by the Oklahoma State Department of Health is conducted, in accordance with the terms of such license, and in which extraction processes are limited to use of non-flammable substances such as carbon dioxide, and to food-based and water-based extraction.

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 Moderate-Impact Medical Marijuana processing (Moderate-impact Manufacturing & Industry Use) in the IL district. (Sec. 15.020, Table 15-2).

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

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



Subject property

Attachment 1
Legal Description

Reserve A, Block Two (2), Spartan Court Second Addition, an addition to the Town of Dawson, now City of Tulsa, according to the recorded plat thereof.

Attachment 2
Action Requested

The Subject Property is a commercial building that is presently used as a manufacturing and fabrication facility. The Subject Property is zoned **Industrial-Light (“IL”)**.

The Subject Property Owner desires to enter into a Lease Agreement with a Tenant that intends to use a portion of the building as a medical marijuana processing facility. The Tenant intends to use a carbon dioxide extraction process.

Pursuant to the Tulsa Zoning Code, “Moderate-impact Manufacturing & Industry” includes extraction processes that are “limited to use of non-flammable substances such a carbon dioxide, and to food-based and water-based extraction.” *See* Tulsa Zoning Code, § 34.070-B(2). Moderate-impact manufacturing of this type is permitted in IL Districts by Special Exception. *See* Tulsa Zoning Code, Table 15-2.

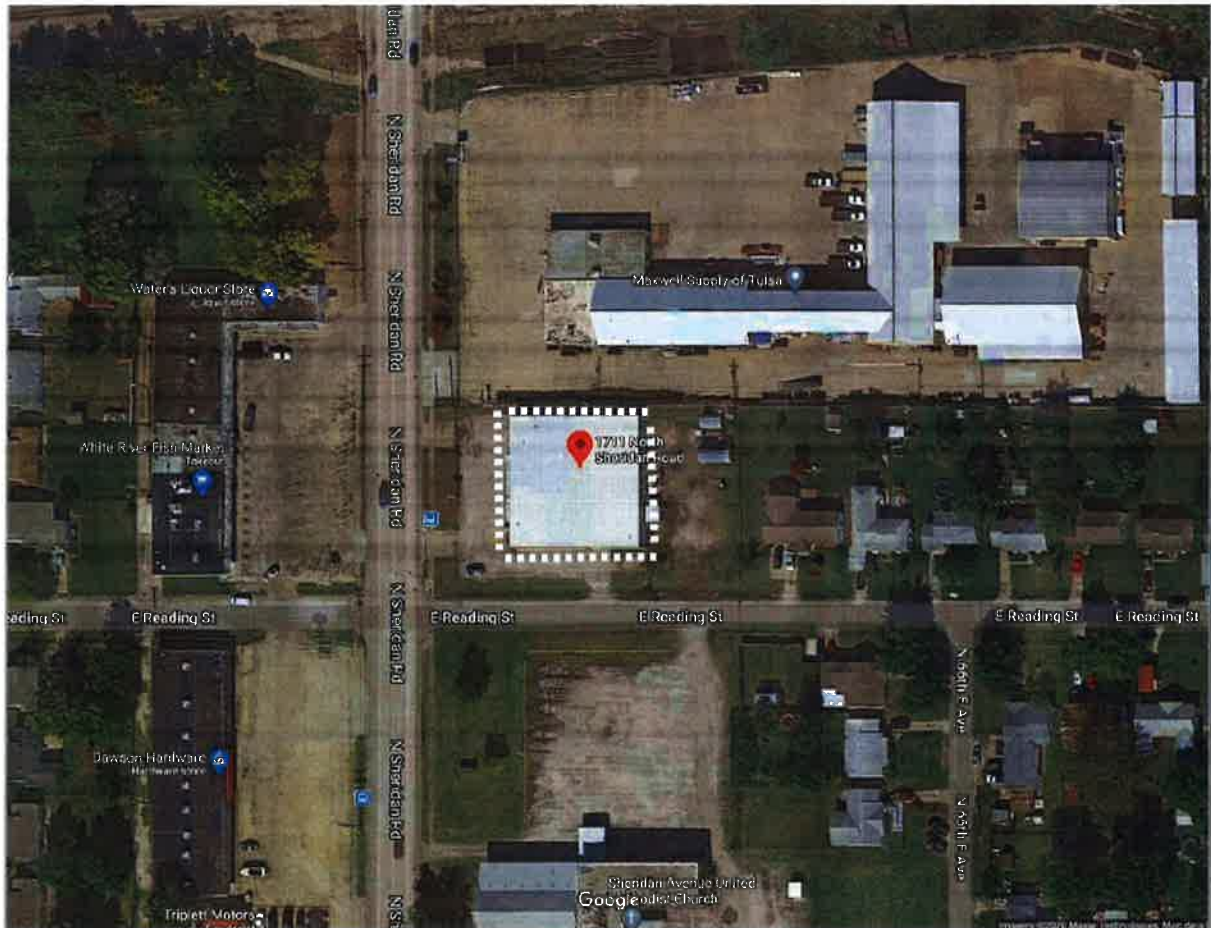
The entirety of the processing use will be conducted indoors, will not involve a significant number of employees, and will not increase traffic flow to or from the Subject Property.

Because the Tulsa Zoning Code specifically contemplates carbon dioxide processing in an IL District and there will be no noticeable change in the use of the Subject Property, the Applicant contends and believes that this request is both (a) in harmony with the spirit and intent of the zoning code, and (b) will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Therefore, the Applicant requests that the Board of Adjustment approve a Special Exception to allow “Moderate-impact Manufacturing & Industry” in an IL District.

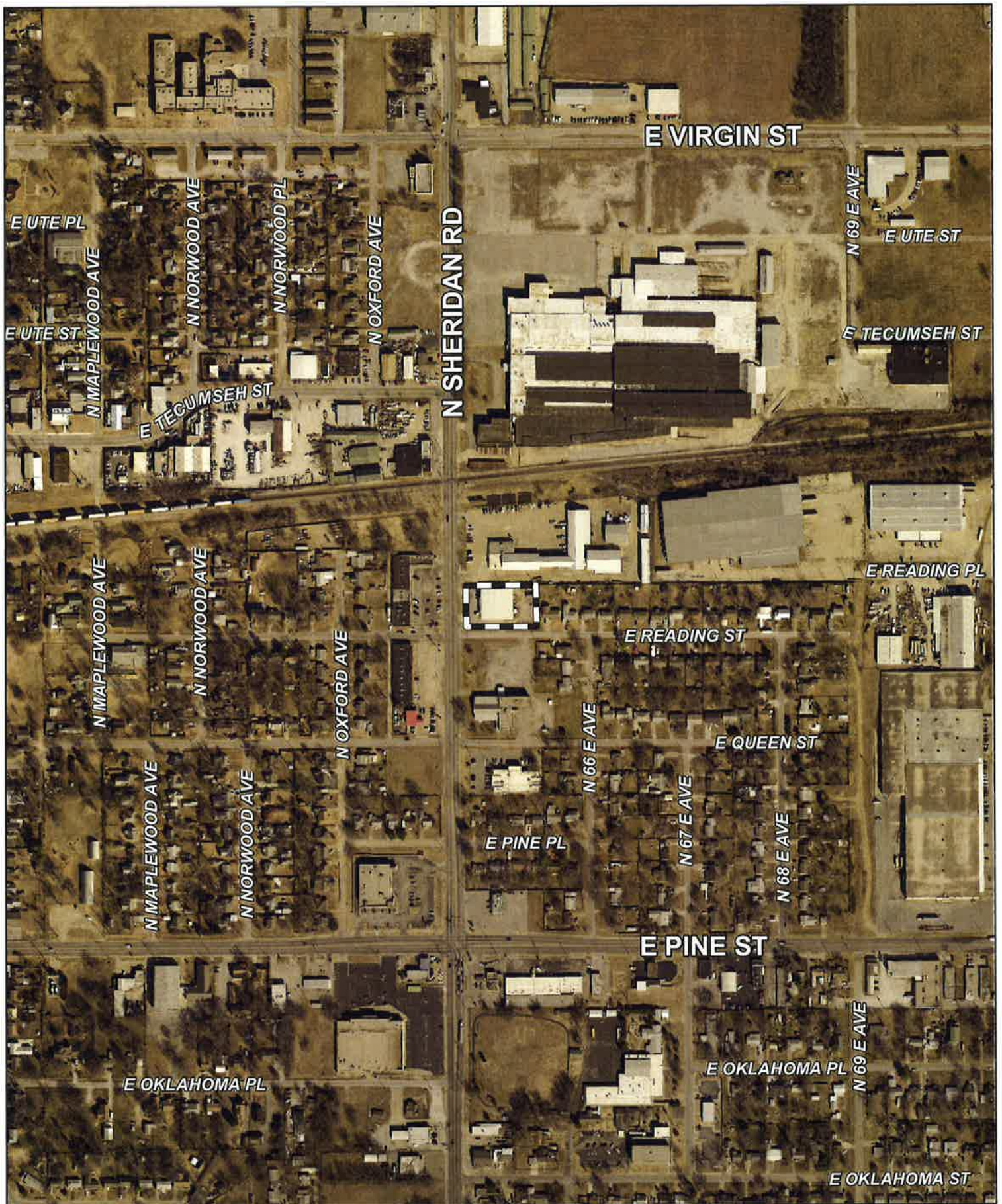
Attachment 3 Site Plan

Location: 1711 North Sheridan Road



Summary: Above is an aerial view of the Subject Property. The building will be utilized as it presently exists. There is no additional construction or buildout planned for this site.

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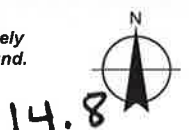
Subject
Tract

BOA-23041

20-13 26

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

Aerial Photo Date: February 2018





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BOA-23041

20-13 26

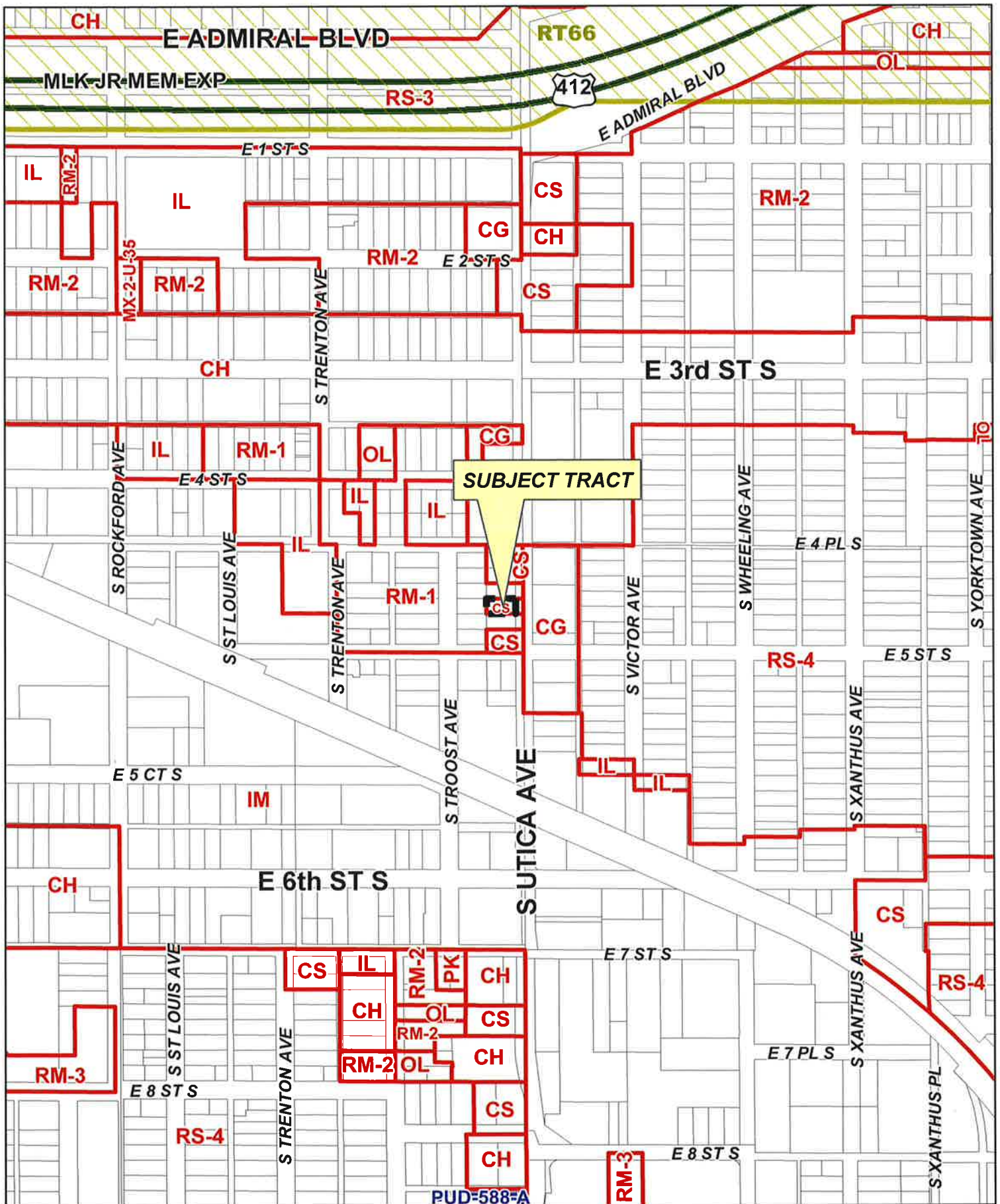
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Aerial Photo Date: February 2018



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BOA-23043

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19-13 06



BOARD OF ADJUSTMENT CASE REPORT

STR: 9306

Case Number: **BOA-23043**

CZM: 37

CD: 4

HEARING DATE: 12/08/2020 1:00 PM

APPLICANT: James Dupree

ACTION REQUESTED: Special Exception to permit Commercial/Vehicle Sales & Service/Personal Vehicle Sales & Rentals use in a CS District (Sec. 15.020, Table 15-2); Variance to permit the outdoor storage and display of merchandise in a CS district within 300 ft of an abutting R District (Sec. 15.040-A)

LOCATION: 436 S UTICA AV E

ZONED: CS

PRESENT USE: Antique Sales

TRACT SIZE: 4748.06 SQ FT

LEGAL DESCRIPTION: E/2 OF LT 4 BLK 5, HACKATHORN ADDN

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is Located on the West side of Utica Ave. between 4th Pl. and 5th Street.

STAFF COMMENTS: The applicant is requesting **Special Exception** to permit Commercial/Vehicle Sales & Service/Personal Vehicle Sales & Rentals use in a CS District (Sec. 15.020, Table 15-2);

Variance to permit the outdoor storage and display of merchandise in a CS district within 300 ft of an abutting R District (Sec. 15.040-A)

Section 15.040 Other Relevant Regulations

Uses and development in office, commercial and industrial zoning districts may be subject to other regulations and standards, including the following.

15.040-A Outdoor Storage and Display

In the CS district, outdoor storage, including storage of recyclable materials, and outdoor merchandise display is prohibited within 300 feet of an abutting R or AG-R district.

Vehicle Sales and Service uses are subject to the supplemental regulations of Sec. 40.400:

Section 40.400 Vehicle Sales and Service

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

40.400-B Whenever commercial or personal vehicle sales or rentals are within 300 feet of an R- or AG-R- zoned lot, off-street parking and vehicle display areas must comply with the parking area design standards of ~~Section 55.090~~.

STATEMENT OF HARDSHIP: No changes to me made to the existing site, the code does not allow outdoor display.

SAMPLE MOTION:

Special Exception:

Move to _____ (approve/deny) a **Special Exception** to permit Commercial/Vehicle Sales & Service/Personal Vehicle Sales & Rentals use in a CS District (Sec. 15.020, Table 15-2)

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

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

Variance:

Move to _____ (approve/deny) a **Variance** to permit the outdoor storage and display of merchandise in a CS district within 300 ft of an abutting R District (Sec. 15.040-A)

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

- Subject to the following conditions _____.

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

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



Subject Property



Facing North on Utica. Ave.

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

October 28, 2020

LOD Number: 1
James Dupree
2025 E Admiral BLVD
Tulsa, OK 74110

Phone: 918.582.6686

APPLICATION NO: ZCO-071950-2020

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 436 S Utica Ave

Description: Auto Sales

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT

175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601.

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

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

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
3. INFORMATION ABOUT THE ZONING CODE, BOARD OF ADJUSTMENT (BOA), PLANNING COMMISSION (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-071950-2020

436 S Utica Ave

October 28, 2020

Note: Please direct all questions concerning special exceptions, variances and all questions regarding BOA application forms and fees to an INCOG representative (Austin Chapman) at 584-7526 or achapman@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.35.050-Q5:** Your proposed auto sale is designated a Commercial/Vehicle Sales & Service/Personal Vehicle Sales & Rentals Use and is located in the CS zoning district.
Review comment: A Special Exception, approved by the BOA, is required for auto sales at this location. This will require you to submit a Special Exception, reviewed and approved in accordance with the Special Exception procedures of Section 70.120, for Commercial/Vehicle Sales & Service/ Personal Vehicle Sales & Rentals to be allowed in the CS district.
- 2. Section 15.040-A:** In the CS district, outdoor storage and outdoor merchandise display is prohibited within 300 feet of an abutting R district.
Review comment: The proposed car lot is located within 300 feet of an abutting R district and is not permitted. This will require you to submit a Variance reviewed and approved in accordance with the Variance procedures of Section 70.130, for outdoor storage and display of merchandise within 300 feet of an abutting R district.

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

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

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

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

END – ZONING CODE REVIEW

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

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



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BOA-23043

19-13 06

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-23043

19-13 06

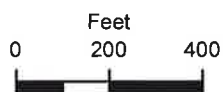
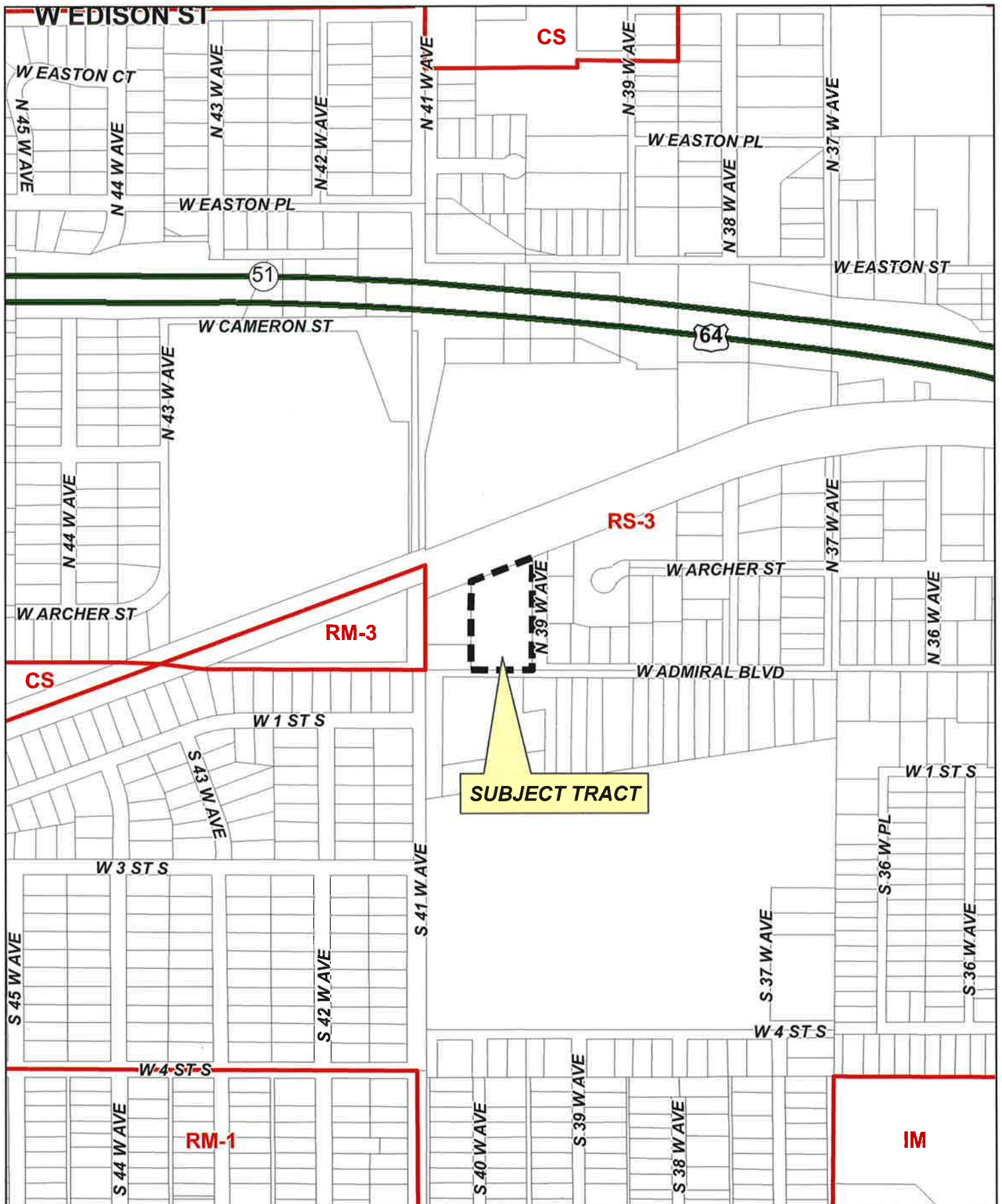
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Aerial Photo Date: February 2018



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BOA-23044

19-12 04



BOARD OF ADJUSTMENT CASE REPORT

STR: 9204

Case Number: **BOA-23044**

CZM: 35

CD: 1

HEARING DATE: 12/08/2020 1:00 PM

APPLICANT: Jimmy Wheeler

ACTION REQUESTED: Variance to allow the top plate of a detached accessory building to exceed 10 feet in height (Section 90.090.C) Variance to allow the floor area of detached accessory buildings to exceed 40% of the floor area of the principal residential structure (Section 45.030-A)

LOCATION: 3909 W ADMIRAL BV N

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 75023.7 SQ FT

LEGAL DESCRIPTION: BEG 155.5E SWC SW SW NE TH E210 N404.5 TO RY TH SWLY225 S310 POB SEC 4 19 12 1.722AC,

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-19790: On 04.13.2004 the Board approved a Special Exception to allow two manufactured homes and an exception to increase the time limit to 30 years for a manufactured home. One home was allowed at the subject property and the other on the lot immediately West of the subject property.

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

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

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

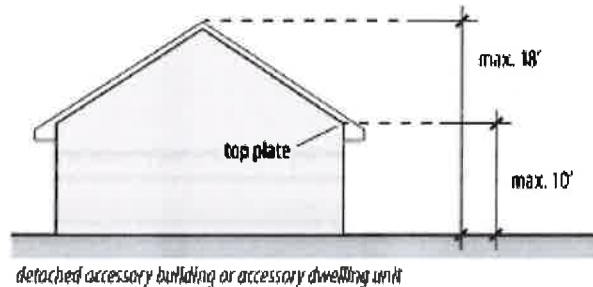
ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NW/c of W. Admiral boulevard and N. 39th W. Ave., immediately South of the Katy Trail.

16.2

STAFF COMMENTS: The applicant is requesting **Variance** to allow the top plate of a detached accessory building to exceed 10 feet in height (Section 90.090.C) **Variance** to allow the floor area of detached accessory buildings to exceed 40% of the floor area of the principal residential structure (Section 45.030-A)

- (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)



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]

STATEMENT OF HARDSHIP: To accommodate the roll up doors we need the top plate increased to 12'. Lot is several times larger than the minimum in an RS-3 and the lot backs up to the Katy Trail.

SAMPLAE MOTION: Move to _____ (approve/deny) a **Variance** to allow the top plate of a detached accessory building to exceed 10 feet in height (Section 90.090.C) **Variance** to allow the floor area of detached accessory buildings to exceed 40% of the floor area of the principal residential structure (Section 45.030-A)

- 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



N 39th W. Ave. dead ends at the Katy Trail.

Board Action:

On **Motion** of **Stevens**, the Board voted 3-1-0 (White, Dunham, Stephens "aye"; Turnbo "nay"; no "abstentions"; Perkins "absent") to **APPROVE** a **Variance** to allow a two-story accessory building in the rear yard, with conditions: it is not to be used for rental; and there will be no change to the outside appearance, finding it was already a room prior to his purchase, on the following described property:

Lot 29, Block 1, Hopping's Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19790

Action Requested:

Special Exception to allow one manufactured home on Tract A and B, and one on Tract C. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9; and a Special Exception to allow them permanently. SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS, located: 3909 West Admiral Boulevard.

Presentation:

Jim Wheeler, 3909 W. Admiral Blvd., proposed to add a second mobile home on three acres for his parents.

Comments and Questions:

Ms. Turnbo asked when he purchased the property. He replied he purchased it in 1998. She asked him if he knew the first mobile home was approved for five years in 1989. He was unaware of the time limit on the approval. He has utilities to Tract A from a house that burned down. He wanted to place the second mobile on Tracts A and B.

Interested Parties:

Afton Lofton, 4119 W. 1st, stated he was opposed to the application because it would lower the value of his property.

Letters of support and opposition were submitted (Exhibits C-1 and C-2).

Comments and Questions:

Mr. White asked if it would be a new mobile home. Mr. Wheeler had considered a two or three year old mobile, but would be willing to buy a new one if required. He was also willing to place it on a permanent foundation. Mr. White noted other mobile homes nearby but not in the immediate area.

Board Action:

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Stephens "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a **Special Exception** to allow one manufactured home on Tract A and B, and one on Tract C;

and a **Special Exception** to allow them for a 30-year time limit, with conditions for: a tie agreement of Tracts A and B; place on a permanent foundation; skirting; permits; and meet all city codes, on the following described property:

Tract I: S 90.00' tract Beg. at center of Section, thence N 250.00' to RY, NE 165.80' S 310.00' W 155.50' POB, Section 4, T-19-N, R-12-E; Tract II: Beg. at a point 90.00' N of the SW/c NE/2; thence E 155.50'; thence N 220.10' to the right-of-way line of the MKT Railway; thence SWly along said right-of-way to a point on the centerline of said Section 4; thence S to the POB; and Tract III: Beg. at a point 155.50' E SW/c NE/4; thence E 210.00'; thence N 404.40' to the right-of-way line of the MKT Railway; thence SWly along said right-of-way 225.00'; thence S 310.00' to the POB, both tracts being in Section 4, T-19-N, R-12-E, of the IBM, City of Tulsa, Tulsa County, State of Oklahoma.

*.*****.

Case No. 19791

Action Requested:

Approval of amended site plan approved by BOA 17527, to add a 50' x 75' building. SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS – Use Unit 17, located: 3612 S. Sheridan.

Presentation:

David Ellis, 6901 S. Redbud Ave., Broken Arrow, Oklahoma, proposed a new shop building. He submitted photographs (Exhibit D-1) and pointed out other metal buildings and garages in the neighborhood. He plans to remove the existing building as revenue becomes available. The property was approved for ten cars then it was approved for fifty cars.

Comments and Questions:

Mr. White asked if the auto repairs were strictly on cars for sale or as a separate business. Mr. Ellis stated it would be for added business. Mr. Dunham expressed concern that a building four times as large would provide for not just an auxiliary use for a car lot but would become an auto mechanic shop alone. Mr. Dunham added that he observed repair work out on the car lot just this week; and the original approval was for all work to be inside.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Stephens "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** an amended site plan approved by BOA 17527, to construct a building not to exceed 50' x 40', on conditions: to remove the existing 20' x 48' building upon completion of the new building; and auto repair to be conducted inside the building and restricted to

DANA L. BOX
ZONING
PLANS EXAMINER II

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

October 28, 2020

Phone: 918-282-4296

LOD Number: 1
Jim and Vicki Wheeler
3909 W. Admiral Blvd.
Tulsa, OK 74127

APPLICATION NO: **BLDR-071538-2020**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **3909 W. Admiral Blvd.**

Description: **Accessory Structure**

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (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. ****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 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.

(continued)

REVIEW COMMENTS

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

BLDR-071538-2020

3909 W. Admiral Blvd.

October 28, 2020

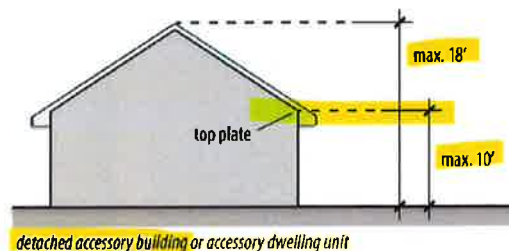
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Sec.90-090: 2. Detached Accessory Buildings, including Accessory Dwelling Units, in RE, RS, RD Districts and RM Zoned Lots Used for Detached Houses or Duplexes.

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

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

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.

City of Tulsa

- ☒ APPROVED
☐ APPROVED AS CORRECTED
☐ REVISE AND RESUBMIT
☐ REJECTED
☐ FOR INFORMATION ONLY



The City of Tulsa Building Code requires that this set of approved plans shall be kept at the building site, open to inspection of the Building Official or his authorized representative at all Reasonable Times. Plans are generally approved for issuance of a Building Permit. This approval does not constitute a waiver of any provisions of the Building Code, nor should it be construed that this approval constitutes a certification that all details shown are in compliance with the Code.

BY dwileman

DATE 10/6/2020

Jim Wheeler
 3909 W. ADMIRAL BLVD
 Tulsa, Ok. 74127

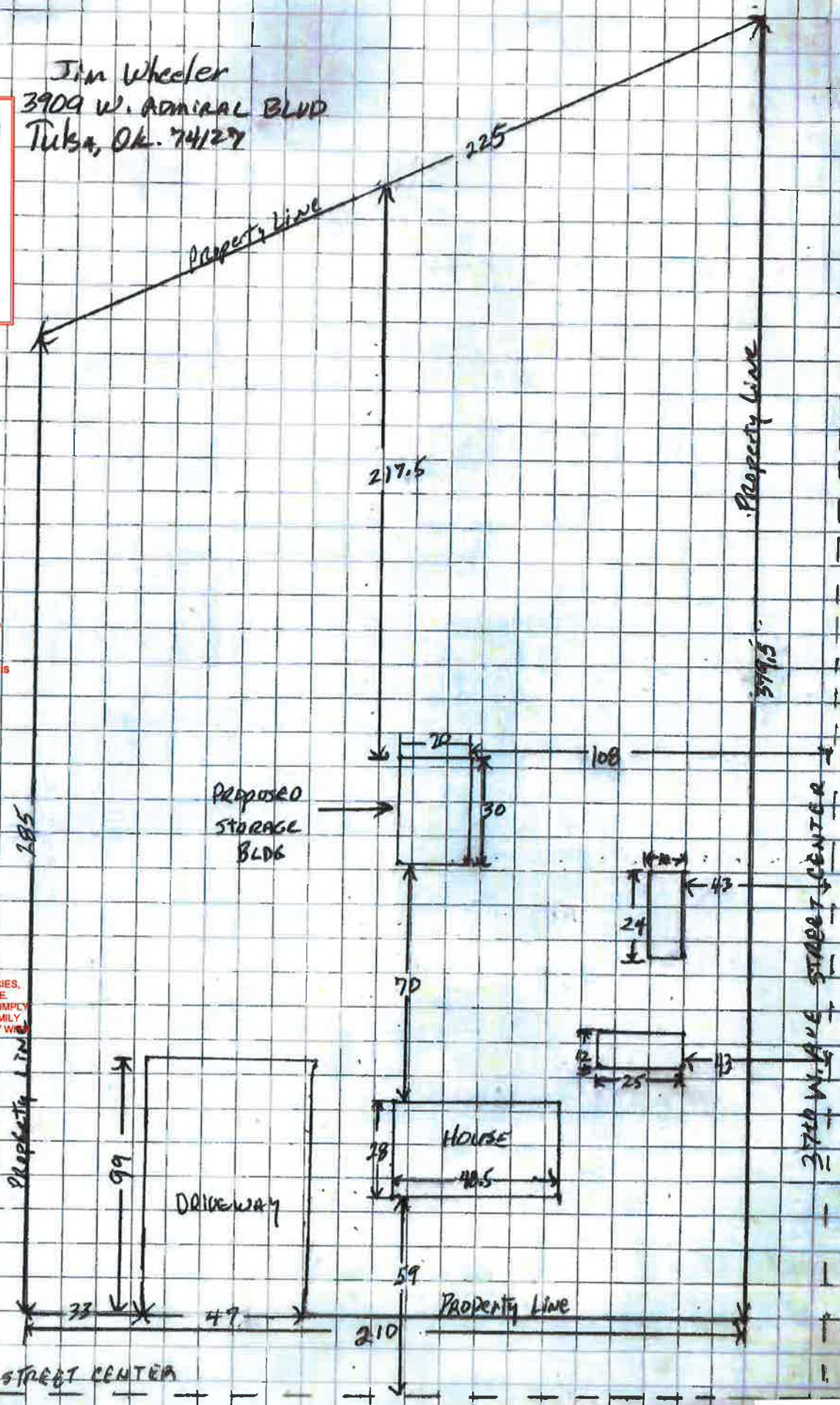


City of Tulsa
 Office of the Building Inspector

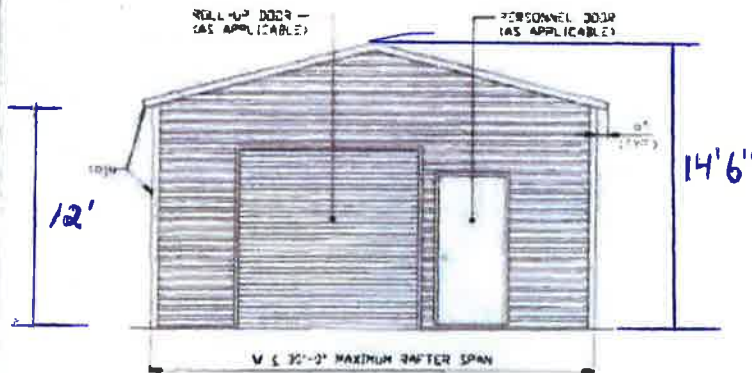
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SCALE
 $\frac{1}{4}" = 10' + "$

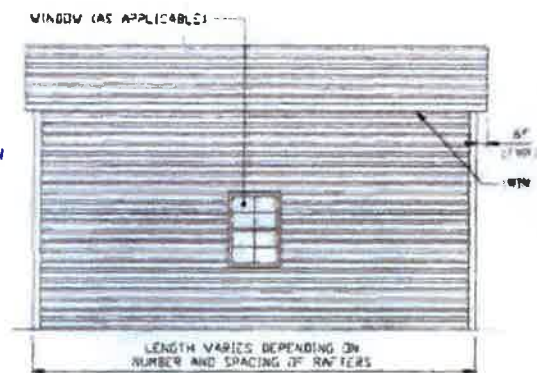
TO ALLOW FLEXIBILITY IN SELECTION OF LUMBER SPECIES, STRUCTURAL ANALYSIS OF PLANS HAS NOT BEEN MADE. JOIST AND RAFTER SIZE, SPACING AND SPAN SHALL COMPLY WITH LIMITATIONS PROVIDED IN THE ONE AND TWO FAMILY DWELLING CODE. WALL CONSTRUCTION MUST COMPLY WITH REQUIREMENTS OF THE CODE.



BOX EAVE FRAME RAFTER STRUCTURE

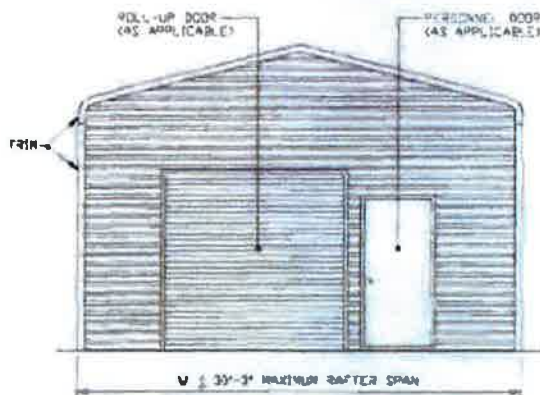


TYPICAL END ELEVATION
SCALE: NTS

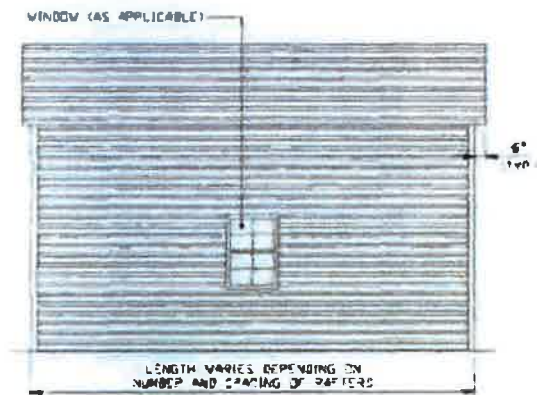


TYPICAL SIDE ELEVATION
SCALE: NTS

BOX FRAME RAFTER STRUCTURE



TYPICAL END ELEVATION
SCALE: NTS



TYPICAL SIDE ELEVATION
SCALE: NTS

**MOORE AND ASSOCIATES
ENGINEERING AND CONSULTING, INC.**

DRAWN BY: AET

CHECKED BY: PMH

PROJECT MGR: WSM

CLIENT: WINSLOWS INC

WINSLOWS INC. CUSTOM BUILDINGS
1501 GOODNIGHT BLVD
WILLS POINT, TX 75169
30'-0" x 20'-0" ENCLOSED STRUCTURE

DATE: 11-11-19

SHT. 4

SCALE: NTS

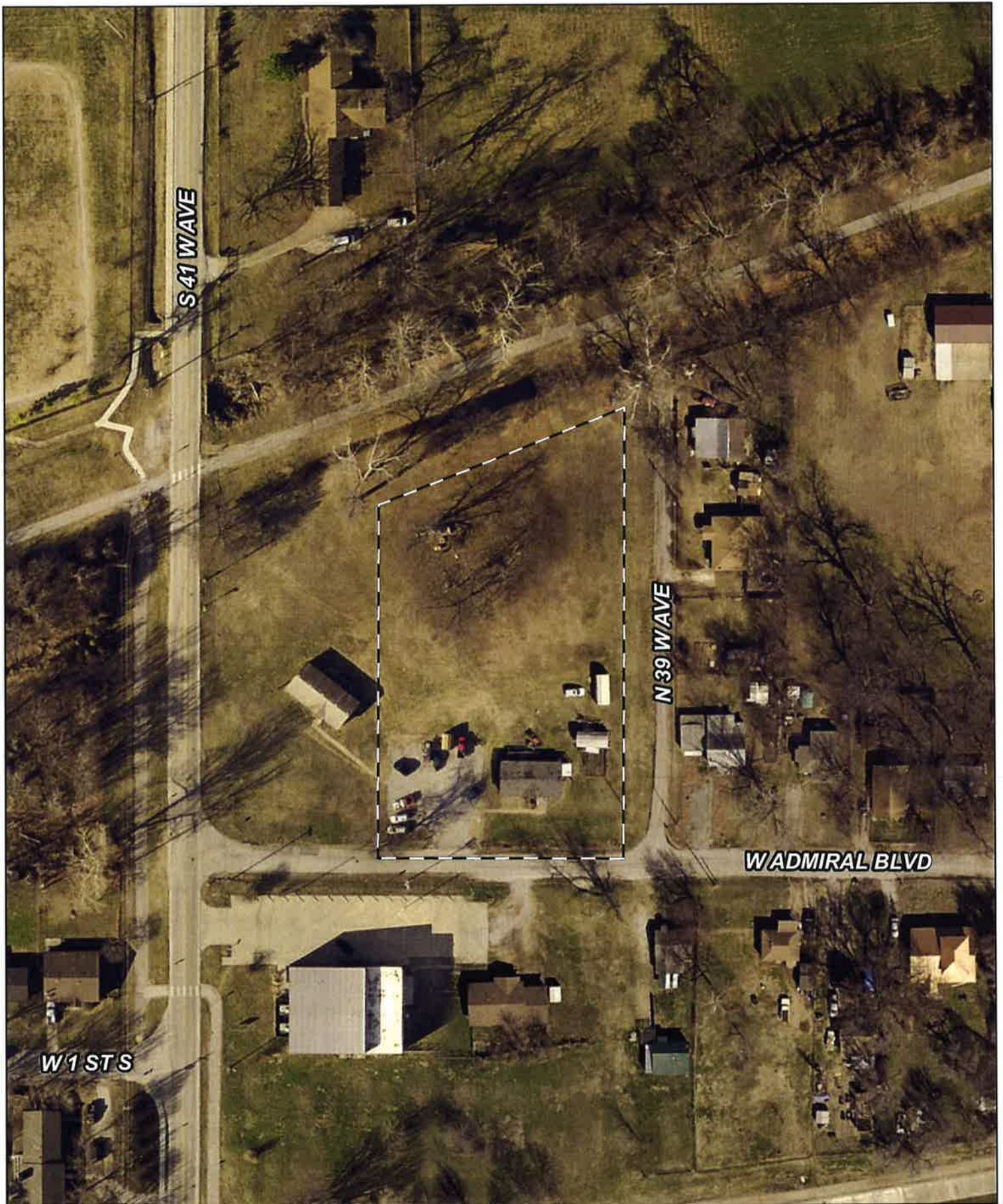
DWG. NO. SK-3

JOB NO. 192625

REV. 0

THIS DOCUMENT IS THE PROPERTY OF MOORE AND ASSOCIATES ENGINEERING AND CONSULTING. THE UNAUTHORIZED REPRODUCTION, COPYING, OR OTHERWISE USE OF THIS DOCUMENT IS STRICTLY PROHIBITED AND ANY INFRINGEMENT THEREUPON MAY BE SUBJECT TO LEGAL ACTION.

16.12



0 Feet 50 100



Subject
Tract

BOA-23044

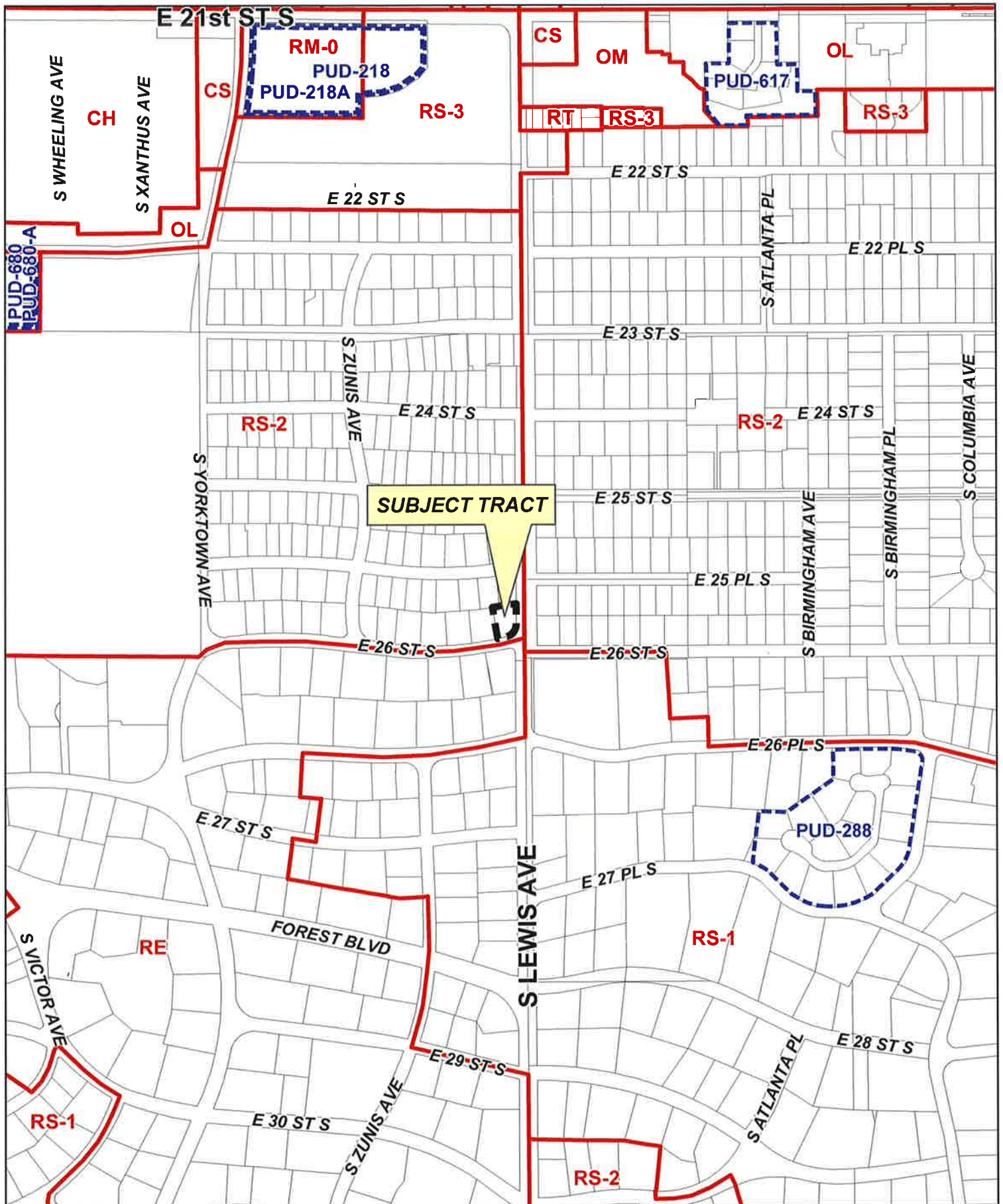
19-12 04

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

Aerial Photo Date: February 2018



16.14



BOA-23045

17.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9318

Case Number: **BOA-23045**

CZM: 37

CD: 4

A-P#:

HEARING DATE: 12/08/2020 1:00 PM

APPLICANT: M. Scott Pohlenz

ACTION REQUESTED: Special Exception to permit the alteration, expansion or enlargement of a structure with an existing non-conforming side setback (Sec. 80.030-D) Variance of the 25' rear setback in an RS-2 District (Sec. 5.030, Table 5-3)

LOCATION: 2251 E 26 ST S

ZONED: RS-2

PRESENT USE: Residential

TRACT SIZE: 12423.36 SQ FT

LEGAL DESCRIPTION: E.10-LT-18-ALL LT-19-BLK-8, WILDWOOD

RELEVANT PREVIOUS ACTIONS:

Subject Property: None.

Surrounding properties:

BOA-21107: On 07.13.10 the Board approved a variance of the setback from Lewis Ave. for an addition to a detached garage. Property located 2404 E. 25th Pl. S.

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

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

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

17.2

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NW/c of E. 26th St and S. Lewis Ave.

STAFF COMMENTS: The applicant is requesting Special Exception to permit the alteration, expansion or enlargement of a structure with an existing non-conforming side setback (Sec. 80.030-D) Variance of the 25' rear setback in an RS-2 District (Sec. 5.030, Table 5-3)

80.030-D Alterations, Enlargements and Expansions

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

Table 5-3: R District Lot and Building Regulations

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
Minimum Lot Area (sq. ft.)													
Detached house	22,500	13,500	9,000	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	5,500
Patio house	-	-	-	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Townhouse	-	-	-	4,500	4,500	2,200	2,750	1,600	1,600	1,600	1,600	1,600	-
Cottage house dev't	-	-	-	-	-	15,000	15,000	15,000	15,000	15,000	15,000	15,000	-
Duplex	-	-	-	9,000	9,000	3,300	6,900	6,900	6,900	6,900	6,900	6,900	-
Multi-unit house	-	-	-	-	-	3,300	6,900	5,500	5,500	5,500	5,500	5,500	-
Apartment/condo	-	-	-	-	-	-	-	-	10,000	10,000	6,000	24,000	-
Mobile home park	-	-	-	-	-	-	-	-	-	-	-	-	[1]
Other allowed buildings/uses													
Permitted by right	22,500	13,500	9,000	6,900	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500
Special exceptions	22,500	13,500	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
Min. Lot Area per Unit (sq. ft.)													
Detached house	22,500	13,500	9,000	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Patio house	-	-	-	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Townhouse	-	-	-	4,500	4,500	2,200	2,750	1,600	1,600	1,600	1,600	1,600	-
Cottage house dev't	-	-	-	-	-	2,750	2,750	2,750	2,750	2,750	2,750	2,750	-
Duplex	-	-	-	4,500	4,500	1,650	3,450	3,450	3,450	3,450	3,450	3,450	-
Multi-unit house	-	-	-	-	-	1,100	1,800	1,800	1,800	1,375	1,100	900	-
Apartment/condo	-	-	-	-	-	-	-	-	2,900	1,750	1,100	400	-
Other allowed buildings/uses													
Permitted by right	-	-	-	-	-	-	-	-	5,500	5,500	5,500	5,500	5,500
Special exceptions	22,500	13,500	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
Minimum Lot Width (ft.)													
Detached house	150	100	75	60	50	30	50	50	50	50	50	50	-
Patio house	-	-	-	60	50	30	50	50	50	50	50	50	-
Townhouse	-	-	-	30	30	20	25	20	20	20	20	20	-
Cottage house dev't	-	-	-	-	-	75	75	75	75	75	75	75	-
Duplex	-	-	-	75	75	30	60	60	60	60	60	60	-
Multi-unit house	-	-	-	-	-	30	50	50	50	50	50	50	-
Apartment/condo	-	-	-	-	-	-	-	-	100	100	50	100	-
Other allowed buildings/uses													
Permitted by right	150	100	75	60	50	50	50	50	50	50	50	50	50
Special exceptions	150	100	100	100	100	100	100	100	100	100	100	100	100
Minimum Street Frontage													
Residential bldgs/uses [2]	30	30	30	30	30	30	30	30	30	30	30	30	30
Min. Building Setbacks (ft.)													
Street [3]													
Arterial or fwy service rd.	35	35	35	35	35	35	35	35	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
Min. Open Sp./Unit (sq. ft.)													
	12,000	7,000	5,000	4,000(8)	2,500	600	2,000	1,200	1,200	600	200	-	2,500

The applicant is requesting to reduce the rear setback from 25' to 9'10".

STATEMENT OF HARDSHIP: The existing residence was built in 1935 and the attached garage is too small to park two cars side by side. Additionally, because of the existing dimensions, it is very difficult to park even one car in the garage due to a center post at the front exterior of the garage door. Currently the home owners are forced to park on the drive or on 26th street which is narrow and very busy due to the property's distance to the corner of 26th street and Lewis. We propose to enlarge the garage by extending to the back (north), to allow enough space to park two cars one in front of the other, (tandem configuration). This also involves filling in an overhang at the front (south) and centering the garage door. Vehicular access will continue to only be from 26th street, not Lewis. The existing west wall of garage is already within the 5' side yard setback and we are proposing to simply extend following the existing line. We would therefore be continuing to encroach on the west side setback and due to the length required to get two cars inside, would extend into the 25' rear yard setback.

SAMPLE MOTION:

Special Exception

Move to _____ (approve/deny) a **Special Exception** to permit the alteration, expansion or enlargement of a structure with an existing non-conforming side setback (Sec. 80.030-D)

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

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

VARIANCE

Move to _____ (approve/deny) a **Variance** of the 25' rear setback in an RS-2 District (Sec. 5.030, Table 5-3)

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

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

- 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;*
- 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

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

Jordan Maxwell
Pohlenz Architecture & Interiors
jordan@pohlenzcm.com

11/4/2020

APPLICATION NO: ZCO 72316-2020 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 2251 E 26th St S

Description: Addition

INFORMATION ABOUT SUBMITTING REVISIONS

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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 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. **80.030-D Alterations, Enlargements and Expansions**

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Review Comments: You are proposing to add on to an existing structure with a non-conforming side setback. RS-2 zoned lots require a 5' side setback from the west property line. Revise plans to indicate compliance with the required 5' side setback or apply to BOA for a special exception to allow an addition of an existing non-conforming structure.

2. **5.030-A:** In the RS-2 zoned district the minimum rear 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

END -ZONING CODE REVIEW

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

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

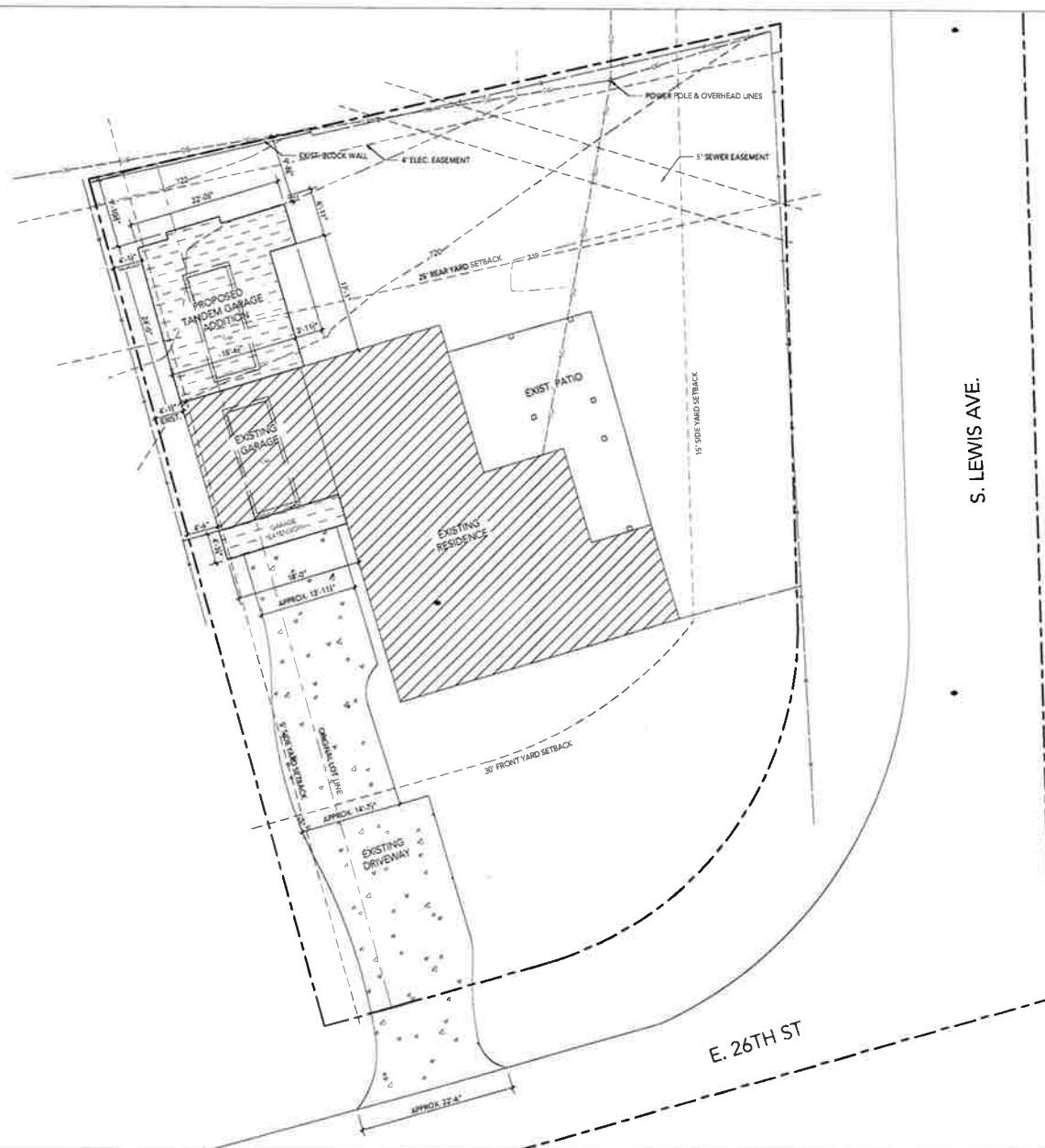
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DRAWING LEGEND

- PROPERTY LINE
- SETBACK/EASEMENT LINE
- FENCE
- OVERHEAD ELECTRICAL LINES
- EXISTING SITE CONTOUR
- NEW SITE CONTOUR

1 PROPOSED SITE PLAN
SCALE: 1/8" = 1'-0"



pohlenz

POHLENZCM.COM
918.749.5144
3402 S PEORIA AVE
TULSA, OK 74105

BIGHORSE
2251 E 26TH ST. - TULSA, OK

REVISIONS

NO.	DATE	DESCRIPTION

M SCOTT POHLENZ, AIA, NCARB

PROPOSED SITE PLAN

SHEET

S2

NOV. 3, 2020



0 Feet 250 500



Subject
Tract

BOA-23045

19-13 18

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

Aerial Photo Date: February 2018



17.11



0 50 100
Feet



Subject
Tract

BOA-23045

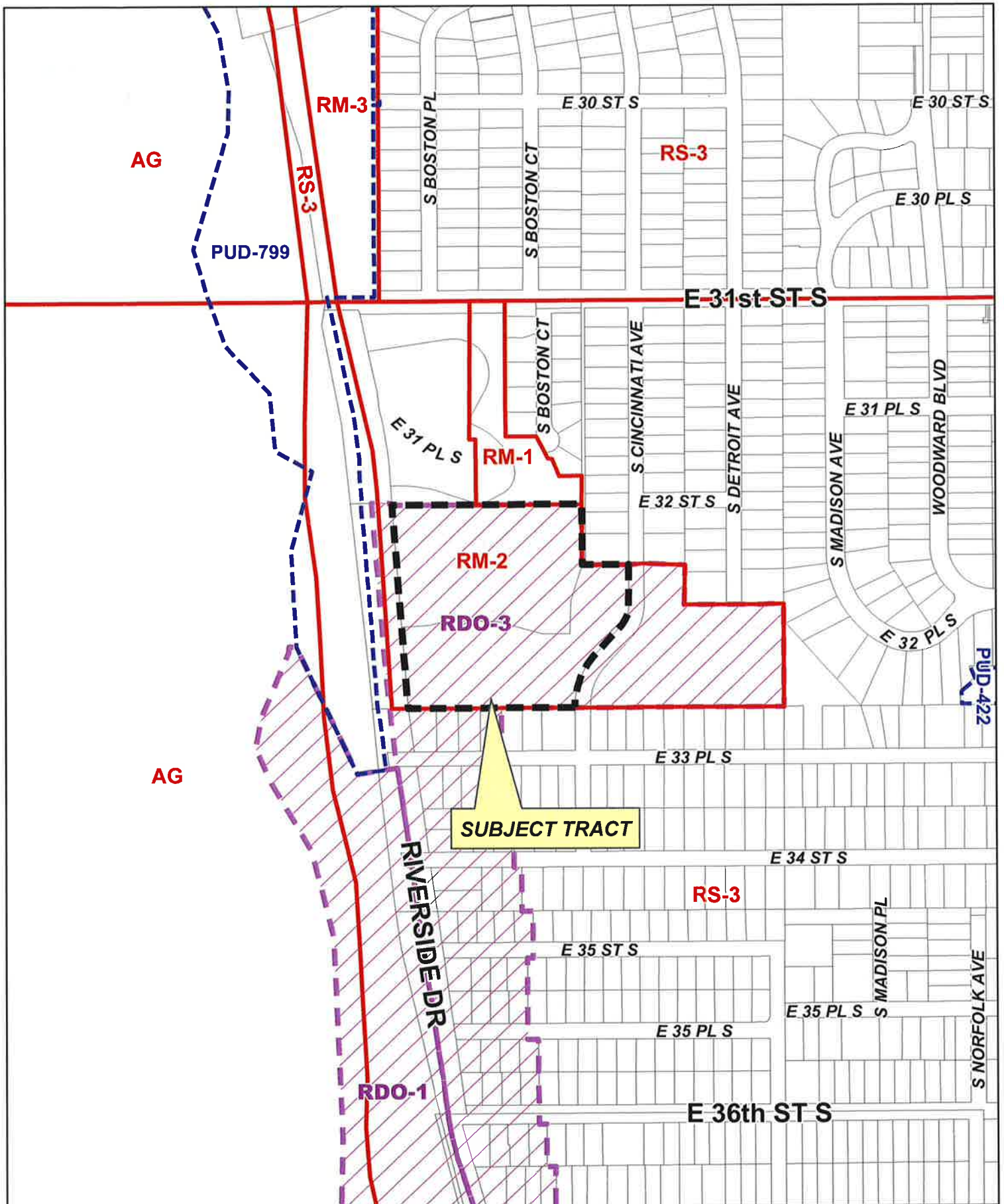
19-13 18

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

Aerial Photo Date: February 2018



17.12



BOA-23046

19-12 24

18.1



BOARD OF ADJUSTMENT CASE REPORT

STR: Case Number: **BOA-23046**

CZM: 46

CD: 9

HEARING DATE: 12/08/2020 1:00 PM

APPLICANT: Josh Miller

ACTION REQUESTED: Variance to allow the continued use of a non-all weather parking surface previously approved in BOA-22557 and BOA-22336 (Section 55.090-F)

LOCATION: South of the SE/c of E. 31st St. S. and Riverside Parkway (Gathering Place South of Crow Creek)

ZONED: RM-2

PRESENT USE: Parking

TRACT SIZE: 441754.22 SQ FT

LEGAL DESCRIPTION: Lots 1, 2 and 3 Block 1, 3200 Riverside Drive Addition

RELEVANT PREVIOUS ACTIONS:

Related to the Gathering Place:

BOA-22810: On 12.10.19 the Board **approved** a variance of the height requirement and signage limitation in an R zoning district for the Children's museum approved in BOA-22774.

BOA-22774: On 11.12.2019 the Board **approved** a Special Exception to allow a Parks and Recreation Use and a Cultural Exhibit to permit the expansion of the Gathering Place and Construction of the Children's Museum in a RM-1, RM-2, and RS-3 District.

BOA-22557; On 12.11.18 the Board **approved** a request for a *Modification* of the conditions of a previously approved Special Exception, BOA-22336, to extend the allowable time limit from October 31, 2019 to December 31, 2020. Property located South of the SE/c of East 31st Street South and Riverside Drive.

BOA-22336; On 10.10.17 the Board **approved** a *Special Exception* to allow a Parks and Recreation use in an R district to permit a temporary accessory parking lot for the Gathering Place (Section 5.020), a *Variance* to allow a non all weather parking surface (Section 50.090-F) subject to the conceptual plan modified at today's meeting. The approval is subject to the following conditions: no parking within 30 feet of the property line on the south side of the property; on the southeast corner removal of three rows of parking as shown as etched out on the exhibit modified today, on the east side north of Crow Creek the removal of four rows of parking as shown on the exhibit today, on the northeast side of the property the removal of one row of adjacent parking along the fence line to 31st Street, enhance screening to be installed abutting residentially used properties to the south and east, the parking lot will be maintained and staffed while open for parking, gravel to be sparingly used for maintenance only, and the parking lot will not be lit. Property located South of the SE/c of East 31st Street South and Riverside Drive.

18.2

BOA-21784; On 09.23.14 the Board **approved** a *Special Exception* to permit offsite construction facilities (Use Unit 2) including staging and storage of construction equipment and materials (Section 401, Table 1 and Section 1202.B), a *Variance* of 2-year time limitation on construction facilities to allow 5 years (Section 1202.C.4.a) with the condition that at the end of the five year period the construction office facility will be removed, *Variance* to permit construction facilities to be located within 100 feet of an occupied dwelling without consent of the owner (Section 1204.C.4.c), *Variance* from the bulk and area requirements set forth in Section 404.F. Property located NW/c of East 31st Street and South Boston Place and SE/c of Riverside Drive and East 31st Street.

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

The **Arkansas River Corridor** is located along the Arkansas River and scenic roadways running parallel and adjacent to the river. The Arkansas River Corridor is comprised of a mix of uses - residential, commercial, recreation, and entertainment - that are well connected and primarily designed for the pedestrian. Visitors from outside the surrounding neighborhoods can access the corridor by all modes of transportation.

This Corridor is characterized by a set of design standards that support and enhance the Arkansas River Corridor as a lively, people-oriented destination. The Corridor connects nodes of high-quality development with parks and open space. The natural habitat and unique environmental qualities are amenities and are respected and integrated as development and redevelopment occur. The future development of this Corridor is intended to complement the residential character of adjacent thriving neighborhoods by providing appropriate transitions and connections to the Arkansas River.

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 a part of the Gathering Place and specifically includes the existing gravel parking lot South of Crow Creek.

STAFF COMMENTS: The applicant is requesting **Variance** to allow the continued use of a non-all weather parking surface previously approved in BOA-22557 and BOA-22336 (Section 55.090-F)

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.

Applicant is requesting to use the gravel parking areas for an additional 5 years.

STATEMENT OF HARDSHIP: See attached statement from applicant included in a mailing to neighbors.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to allow the continued use of a non-all weather parking surface previously approved in BOA-22557 and BOA-22336 (Section 55.090-F)

- 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.”



Dear Gathering Place Neighbor,

In the coming days, you will receive a Board of Adjustment notice from INCOG requesting a five-year extension to allow Gathering Place to continue to operate the temporary parking lot south of Crow Creek until 12/31/25. The previous Board of Adjustment approval expires on 12/31/20.

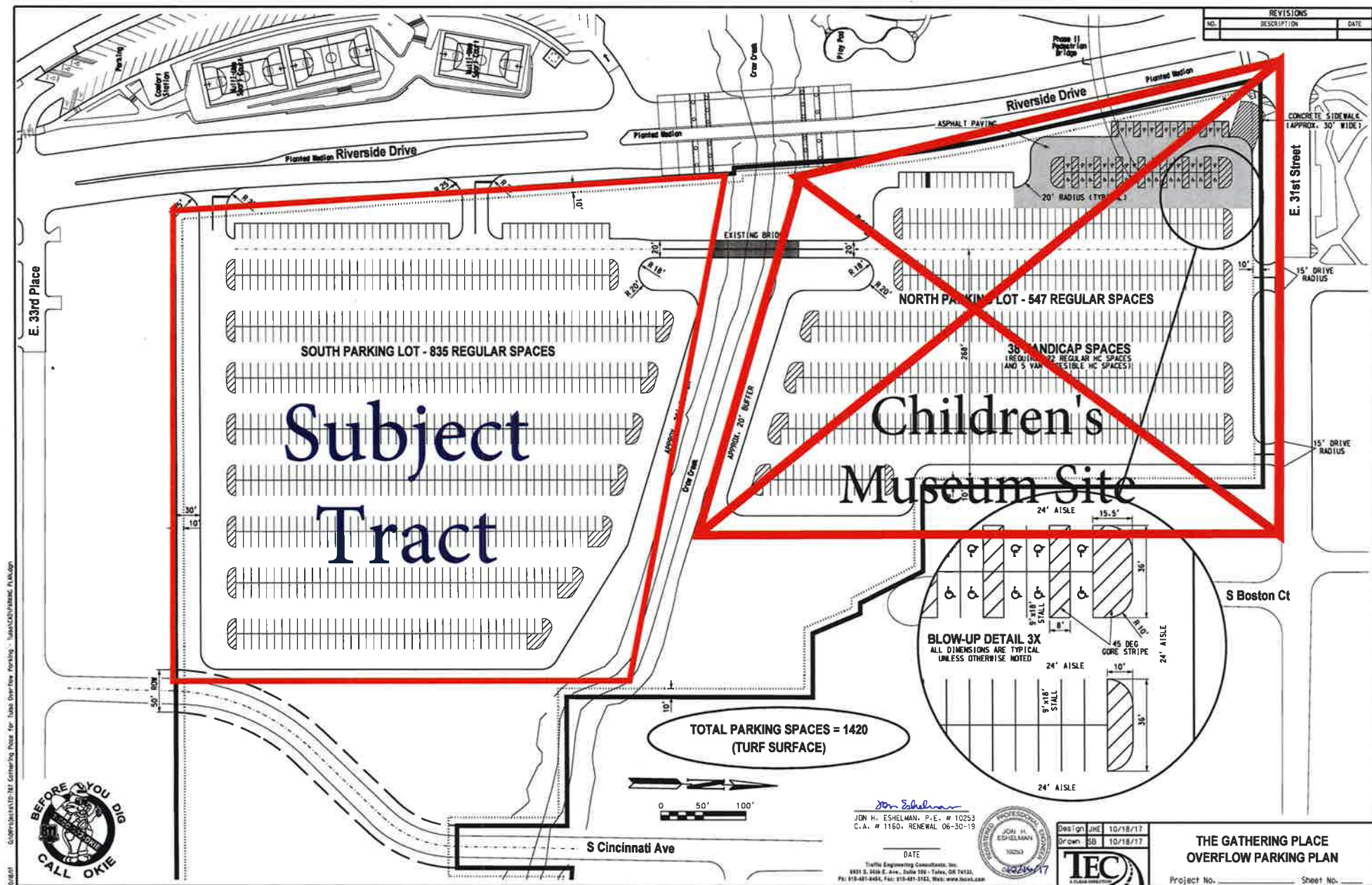
As we discussed during the last Board of Adjustment process, the Children's Museum construction is now underway removing the use of the temporary lot north of Crow Creek. Gathering Place still has the permanent paved parking all around the park plus the temporary lot south of Crow Creek. In addition, Gathering Place installed an ADA accessible ramp and pathway under Riverside Drive to ensure visitors can safely walk from the temporary parking lot into the park and relieve the pedestrian congestion at the 31st Street intersection.

We feel continuing the operation of this temporary lot is critical to providing ample parking on the park's busiest days, thus, keeping as many cars out of the neighborhood as possible. And, since there are still no definitive long-term plans for this temporary parking lot land, we are requesting to extend its use an additional five (5) years until 12/31/25. Gathering Place will continue to maintain and operate the lot to a high standard.

Thanks as always for your patience and consideration. Please let Josh Miller (josh@gkff.org) or me (jstava@tulsacf.org, 918-629-1878) know if you have any questions.

Sincerely,

Jeff Stava





Subject Parking Lot

Comments and Questions:

None.

Board Action:

On **MOTION** of **RADNEY**, 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:

LT 7 LESS W5 HWY & N7 E133 LT 8 BLK 4, WALNUT PARK ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22810—KKT Architects

FILE COPY

Action Requested:

Variance to increase the maximum 35-foot building height in a Residential District (Section 5.030, Table 5-3); Variance to increase the maximum 32 square feet display area for sign serving a non-residential use in an R District (Section 60.050-B-2a). **LOCATION:** 131 East 31st Place South and 3137 South Boston Court East (CD 4)

Presentation:

Nicole Watts, KKT Architects, 2200 South Utica Place, Suite 200, Tulsa, OK; stated this request was before the Board at the last meeting to receive a Special Exception for the use on the residentially zoned property. Ms. Watts stated she is back before the Board today for a Variance for the building height and sign requirements. If the building were in a commercial zoning the building and the signs would be in conformance. The sign is about 200 square feet and it is made of glass.

Ms. Shelton asked Ms. Watts why she did not present this at the last meeting. Ms. Watts stated there was a miscommunication among all the parties when GKFF put the first packet together. The intention was for it all to be together but there was a communication that was dropped.

Ms. Shelton asked Ms. Watts if there would be any additional request? Ms. Watts stated there would not.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 5-0-0 (Bond, Ross, Shelton, Van De Wiele "aye"; Radney "nay"; no "abstentions"; none absent) to **APPROVE** the request for a **Variance** to increase the maximum 35-foot building height in a Residential District (Section 5.030, Table 5-3); **Variance** to increase the maximum 32 square feet display area for sign serving a non-residential use in an R District (Section 60.050-B-2a), subject to conceptual site plan 21.33, 21.32, 21.34 and 21.35 of the agenda packet using 21.32, 21.34 and 21.35 for the conceptual elevations. The Board has found the hardship to be the nature of the building and the pre-approval for the entire surrounding area that has been planned for the Gathering Place Children's Museum. 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:

A Tract of Land that is part of the vacated plat of RIVER ACRES, an addition to the City of Tulsa filed as Plat #1416; AND a part of the vacated plat of RIVERDALE, an addition to the City of Tulsa filed as Plat #2626; AND a part of Lot 1 of Block 1 of 3200 RIVERSIDE DRIVE ADDITION, an addition to the City of Tulsa filed as Plat #2917; AND Lot 7, of the AMENDED PLAT OF PRISCILLA HEIGHTS ADDITION, an addition to the City of Tulsa, filed as Plat #1387, said plats filed at the office of the Tulsa County Clerk; AND a part of an unplatted tract lying adjacent thereto in the East Half (E/2) of the Northwest Quarter (NW/4) of the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) of Section 24, Township 19 North, Range 12 East of the Indian Base and Meridian in the City and County of Tulsa, State of Oklahoma, according to the U.S. Government Survey thereof, all of which being more particularly described by metes and bounds as follows : Commencing at the Northeast corner of said NW/4 of the NW/4 of the NE/4 of Section 24; thence due West along the North section line of said Section 24 a distance of 247.50 feet to a point; thence South 0°09'37" West a distance of 40.00

BOA-22810

feet to the Point of Beginning, said point of beginning being the point of intersection of the Southerly right of way line of East 31st Street South and the East boundary line of said vacated plat of RIVER ACRES; thence due West along the said Southerly right of way line of East 31st Street South a distance of 478.15 feet to a point on the Easterly right of way line of South Riverside Drive, said point also being the Northwest corner of Block 1 of said vacated plat of RIVER ACRES; thence South 12°37'00" East along said Easterly right of way line of South Riverside Drive a distance of 288.29 feet to a point of curve; thence continuing along said Easterly right of way line of South Riverside Drive, along a curve to the right having a radius of 1519.39 feet and a central angle of 8°55'59" a distance of 236.89 feet to a point of tangency; thence continuing along said Easterly right of way line of South Riverside Drive, South 3°41'00" East, a distance of 75.00 feet; thence on a curve to the right having a length of 156.95 feet, a radius of 432.00 feet, a central angle of 20°48'58", a chord bearing of South 83°16'31" East, and a chord length of 156.09 feet to a point of tangency; thence South 72°52'02" East a distance of 487.75 feet to a point on the East line of line of Block 1, of said 3200 RIVERSIDE DRIVE ADDITION; thence North 00°16'26" East a distance of 221.35 feet to the Southeast corner of Lot 7, of said AMENDED PLAT OF PRISCILLA HEIGHTS ADDITION; thence North 00°16'26" East a distance of 50.00 feet to the Northeast corner of said Lot 7; thence North 56°59'58" West a distance of 88.26 feet to the North corner of said Lot 7; thence along a curve to the right having a length of 56.82 feet, a radius of 40.00 feet, a central angle of 81°23'19", a chord bearing of South 72°06'00" West, and a chord length of 52.16 feet to the Northwest corner of said Lot 7; thence North 26°42'52" West a distance of 54.02 feet to the Southeast corner of of Lot 8, of said AMENDED PLAT OF PRISCILLA HEIGHTS ADDITION; thence North 89°56'52" West a distance of 98.78 feet to the Southwest corner of said Lot 8; thence along the East boundary line of said vacated RIVER ACRES being the same as the West boundary line of said AMENDED PLAT OF PRISCILLA HEIGHTS ADDITION, North 0°09'37" East a distance of 400.66 feet to the Point of Beginning., City of Tulsa, Tulsa County, State of Oklahoma

22811—Roberta Rutledge

Action Requested:

Special Exception to permit a Bed and Breakfast use in an RS-3 District (Section 5.020, Table 5-2). LOCATION: 3615 East 15th Street South (CD 4)

Presentation:

Roberta Rutledge, 535 South Peoria, Tulsa, OK; stated the request is for a second family residence in an RS-3 District, sleeping up to eight for an Airbnb short term rental.

Mr. Van De Wiele asked Ms. Rutledge if she had any contact with neighboring property owners or neighboring property occupants. Ms. Rutledge stated she has spoken with the neighbors to the west and to the east, and there were no complaints.

Action Requested:

Special Exception to allow a Parks and Recreation Use and a Cultural Exhibit to permit the expansion of The Gathering Place and construction of the Children's Museum in a RM-1, RM-2, and RS-3 Districts (Section 5.020). **LOCATION:** 131 East 31st Place South and 3137 South Boston Court East (CD 4)

Presentation:

Jeff Stava, 7030 South Yale Avenue, Tulsa, OK; stated this is for a cultural exhibit for the children's museum of Phase II of the Gathering Place. There has been a lot of active community and neighborhood engagement through this process. Letters, maps and drawings of the children's museum were taken door-to-door to the adjacent property owners. There was a public meeting held at the Gathering Place for all the neighbors. The information was posted on the adjacent neighborhood Facebook pages and answered questions on those Facebook pages. There were also a lot of questions answered via e-mail and telephone. Mr. Stava stated community engagement is very important and it is a high priority. During the public engagement he learned two very important things that were a concern for the neighborhood. Number one was continuing to monitor the temporary parking spaces on the southeast corner of 31st and on the south side of Crow Creek; these temporary lots have been used very heavily. The last year has been spent actively looking at solutions for mid and long-term parking. The other concern the neighborhoods had was the pedestrian congestion at 31st and Riverside. Mr. Stava had drawings placed on the overhead projector showing the site and how the parking would be adjusted. There have been many conversations over the last five years and intensely over the last six months with MTTA. MTTA had a downtown circulator program that was really going to just run downtown, and one of the early ideas was to allow the Gathering Place to be on the southern leg of that circulator. Throughout all the conversations it was determined that it would be better to have a dedicated shuttle that runs between downtown and the Gathering Place. Mr. Stava stated he has worked with TCC and Boston Avenue United Methodist Church to have 1,500 parking spaces between the church and TCC that are unused on the weekends; there will be a downtown circulator that goes between the downtown MTTA bus station to those parking spaces and drops everyone at the door of the lodge; these will run every 15 minutes. The buses will run Friday through Sunday, September through May then everyday from June through August. The circulator frequency will be every 15 minutes. It will be the responsibility of the Gathering Place to do the promotion; there is about a \$40,000 budget allocated for marketing to the community. In addition, there has been 600 parking spaces constructed at 23rd Street and east of Jackson with a dedicated shuttle. That shuttle started running this fall and will continue to run as long as there is access to the 23rd and Jackson lot; eventually this lot will be converted to lay down for the dam and bridge project at the end of next summer. All in all, the parking spaces have been increased about 2,000 spaces. There will be access created underneath Riverside Drive for pedestrians; there will be sidewalk built from the south parking lot to allow pedestrians to walk underneath Riverside Drive and connect to the main trail. The Special Exception requested today is to allow the Parks and Recreation

BDA-22774

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and Children's Museum, and next month there will a Special Exception requested for the building height for the museum and signs.

Mr. Van De Wiele asked Mr. Stava if the drop offs for the circulator buses were at the main park or if there were at children's museum. Mr. Stava stated the drop offs are at the lodge.

Mr. Van De Wiele asked Mr. Stava if the lodge would still be the drop off location after the children's museum is complete. Mr. Stava stated the children's museum will open in the summer of 2021, and that has not been visited with MTTA on the shuttle stops.

Mr. Van De Wiele asked Mr. Stava if the 1,000-space parking lot was going to remain gravel. Mr. Stava answered affirmatively; the Board permitted the temporary use through the end of December 2020.

Ms. Shelton asked Mr. Stava what is planned for pedestrian connectivity to the south. Mr. Stava stated as part of the City infrastructure improvements that were made around the site, the Crow Creek bridge was actually demolished and now the bridge is raised about 14 feet. There has been enough space created underneath to allow pedestrians underneath the bridge.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **ROSS**, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; "abstaining"; none absent) to **APPROVE** the request for a **Special Exception** to allow a Parks and Recreation Use and a Cultural Exhibit to permit the expansion of The Gathering Place and construction of the Children's Museum in a RM-1, RM-2, and RS-3 Districts (Section 5.020), subject to conceptual plan 8.29 of the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

A Tract of Land that is part of the vacated plat of RIVER ACRES, an addition to the City of Tulsa filed as

Plat #1416; AND a part of the vacated plat of RIVERDALE, an addition to the City of Tulsa filed as Plat #2626; AND a part of Lot 1 of Block 1 of 3200 RIVERSIDE DRIVE ADDITION, an addition to the City of Tulsa filed as Plat #2917; AND Lot 7, of the AMENDED PLAT OF PRISCILLA HEIGHTS ADDITION, an addition to the City of Tulsa, filed as Plat #1387, said plats filed at the office of the Tulsa County Clerk; AND a part of an unplatted tract lying adjacent thereto in the East Half (E/2) of the Northwest Quarter (NW/4) of the Northwest Quarter (NW/4) of the Northeast

BOA-22774

FILE COPY

Quarter (NE/4) of Section 24, Township 19 North, Range 12 East of the Indian Base and Meridian in the City and County of Tulsa, State of Oklahoma, according to the U.S. Government Survey thereof, all of which being more particularly described by metes and bounds as follows :

Commencing at the Northeast corner of said NW/4 of the NW/4 of the NE/4 of Section 24; thence due West along the North section line of said Section 24 a distance of 247.50 feet to a point; thence South $0^{\circ}09'37''$ West a distance of 40.00 feet to the Point of Beginning, said point of beginning being the point of intersection of the Southerly right of way line of East 31st Street South and the East boundary line of said vacated plat of RIVER ACRES; thence due West along the said Southerly right of way line of East 31st Street South a distance of 478.15 feet to a point on the Easterly right of way line of South Riverside Drive, said point also being the Northwest corner of Block 1 of said vacated plat of RIVER ACRES; thence South $12^{\circ}37'00''$ East along said Easterly right of way line of South Riverside Drive a distance of 288.29 feet to a point of curve; thence continuing along said Easterly right of way line of South Riverside Drive, along a curve to the right having a radius of 1519.39 feet and a central angle of $8^{\circ}55'59''$ a distance of 236.89 feet to a point of tangency; thence continuing along said Easterly right of way line of South Riverside Drive, South $3^{\circ}41'00''$ East, a distance of

75.00 feet; thence on a curve to the right having a length of 156.95 feet, a radius of 432.00 feet, a central angle of $20^{\circ}48'58''$, a chord bearing of South $83^{\circ}16'31''$ East, and a chord length of 156.09 feet to a point of tangency; thence South $72^{\circ}52'02''$ East a distance of 487.75 feet to a point on the East line of line of Block 1, of said 3200 RIVERSIDE DRIVE ADDITION; thence North $00^{\circ}16'26''$ East a distance of 221.35 feet to the Southeast corner of Lot 7, of said AMENDED PLAT OF PRISCILLA HEIGHTS ADDITION; thence North $00^{\circ}16'26''$ East a distance of 50.00 feet to the Northeast corner of said Lot 7; thence North $56^{\circ}59'58''$ West a distance of 88.26 feet to the North corner of said Lot 7; thence along a curve to the right having a length of 56.82 feet, a radius of

40.00 feet, a central angle of $81^{\circ}23'19''$, a chord bearing of South $72^{\circ}06'00''$ West, and a chord length of 52.16 feet to the Northwest corner of said Lot 7; thence North $26^{\circ}42'52''$ West a distance of 54.02 feet to the Southeast corner of of Lot 8, of said AMENDED PLAT OF PRISCILLA HEIGHTS ADDITION; thence North $89^{\circ}56'52''$ West a distance of 98.78 feet to the Southwest corner of said Lot 8; thence along the East boundary line of said vacated RIVER ACRES being the same as the West boundary line of said AMENDED PLAT OF PRISCILLA HEIGHTS ADDITION, North $0^{\circ}09'37''$ East a distance of 400.66 feet to the Point of Beginning., City of Tulsa, Tulsa County, State of Oklahoma

Board Action:

On **MOTION** of **RADNEY**, the Board voted 4-1-0 (Back, Bond, Radney, Ross, "aye"; Van De Wiele "nay"; no "abstentions"; none absent) to **APPROVE** the request for a **Special Exception** to allow a manufactured housing unit on an RS-3 zoned lot; **Special Exception** to extend the time limit to allow a manufactured home on the site for more than 1 year (Sections 5.020 & 40.210-A); **Variance** to reduce the lot width requirement for a manufactured housing unit use in the RM-1 District (Table 5-3), subject to conceptual plan 18.7. The Board finds the hardship to be the unusual shape and proportions of the existing site. The manufacturing housing unit will be required to be resubmitted for approval after five years, expiring December 2023. The manufactured home is to be tied down and skirted. The Special Exception to permit the carport in the street setback and street yard has been withdrawn by the applicant. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The Board finds that the following facts, favorable to the property owner, have been established:

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

LT 1 BLK 5, GLEN ACRES SUB-WEKIWA, City of Tulsa, Tulsa County, State of Oklahoma

22557—Josh Miller

FILE COPY

Action Requested:

Modification of the conditions of a previously approved case (BOA-22336) to extend the allowable time limit and revise the surfacing requirements for a temporary, non-all-weather surface parking area. **LOCATION:** South of the SE/c of East 31st Street South & Riverside Drive (CD 9)

.12/11/2018-1218 (28)

18.15

BOA - 22557

Mr. Bond announced that he is on the Maple Ridge Neighborhood Association Board and does leave the room and recuse himself when necessary, but he is also at the park twice a week with his children.

Presentation:

Jeff Stava, George Kaiser Foundation, 7030 South Yale Avenue, Suite 600, Tulsa, OK; stated he came to the Board in October 2017 about utilizing the Phase II and Phase III site for temporary parking for the Gathering Place. The Gathering Place opened September 8, 2018 and has had phenomenal amount of attendance and parking has been that has been incredibly important. In October it was intended to have a rock aggregate parking area, but when he met with the neighbors in the hallway they were concerned about dust and how it would look and work. The neighbors were more interested in a grass parking lot. With the amount of use the park has had the grass has deteriorated to dirt so if it rains or there is inclement weather anytime during the week or weekend those lots are basically closed, and it forces people to drive to the satellite lots and use the shuttle buses or they dodge into the neighborhood and look for a place to park. The park has partnered with the Home Owners Association, Tulsa Police Department, the Mayor's Office, and parking enforcement is being worked on really hard. The City has a long-term view of maybe parking permits for the neighborhoods, so there is a lot of short term, mid-term and long-term solutions. To lessen the impact of parking quicker for the neighborhood would be to make the parking area all-weather use. What is proposed is to use a Geotech fabric laid down with 4" gravel and compressing it. There is a product from Ramco, called Risonater, which is an application which is sprayed on top of the gravel to reduce the dust by 95%. These products were referred to the park by someone who lives in Maple Ridge who works for Williams, Williams uses it on all their haul roads in neighborhoods and in agricultural areas where dust affects crops and neighbors. It will really substantially reduce the amount of dust. This will allow the park to get the maximum 1,400 cars parked in the area. The 30-foot setback and fence line will stay. GKF sent letters out to all the adjacent neighbors explaining this and referencing the INCOG letter that was sent. Mr. Stava stated he has talked to about six neighbors and there has been about three e-mails, and through that engagement he has learned things about the lights so the lights will be removed from the fence line. This will go a long way to reduce the amount of impact the park is having on the neighborhood.

Ms. Radney asked if there were implications for the spray being used on the gravel for the watershed of the river. Mr. Stava stated the product is environmentally friendly. Ms. Radney asked how long of a time period does it take for the product to break down. Mr. Stava stated that it is recommended to have a single application and after six months another application which should last three to five years. The park would be mindful that if dust were seen there would be watering trucks used or another application of the product would be applied. Based on the amount of volume of eighteen wheelers on the haul roads the manufacturer thinks a parking lot would be fine.

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Mr. Van De Wiele asked if the Geotech fabric is a landscaping fabric. Mr. Stava answered affirmatively but it is harder than the typical landscaping fabric. It prevents the rock from pushing down into the dirt so there is a barrier between the aggregate gravel and the soil. Mr. Stava stated it will be necessary to excavate about four inches of soil off the top of the site to keep the grade right. Water will be conveyed over to Crow Creek so there will be swales built.

Mr. Van De Wiele asked Mr. Stava to explain where this would be done and the amount of time it would be used. Mr. Stava stated that it will be done in the area on the north side of Crow Creek excluding the ADA parking area, and the south side of Crow Creek 30 feet off the fence line and all the way around. There are two curb cuts on 31st Street and one curb cut on Riverside Drive which will remain.

Mr. Van De Wiele asked Mr. Stava how long of a time frame he would like to extend the request. Mr. Stava stated that he would like to extend to the end of 2021, December 2021. Mr. Stava stated he anticipates attendance to subside and then when Spring arrives attendance is anticipated to be heavy for the first full season. The park experts on the team think things will start to subside in the second and third year for a new normal. The parking lot is to keep people parked near the site rather than inside the neighborhoods. The neighborhood parking has been problematic, the streets are narrow and there has been a lot of illegal parking on both sides of the street. Mr. Stava stated if the parking lots could be made more weatherproof, he thinks a lot of parking would be stemmed from the neighborhoods.

Mr. Bond asked Mr. Stava if the parking lots would be used for different purposes after 2021. Mr. Stava stated the Phase II and Phase III projects are still being worked on and have been paused to see how successful the parking opening would be; see what features are being used and what features are not being used. Those ideas will be folded into the Phase II and Phase III development. Mr. Stava stated he knows that any choice he has there have to be additional parking options. Parking options are also being looked at up and down the river corridor by working with the Tulsa Parking Authority. The west bank is also being looked at for a possibility for parking and a new pedestrian bridge to bring people into the park.

Interested Parties:

Nick Doctor, City of Tulsa, 175 East 2nd Street, Tulsa, OK; stated he would like to let the Board know about what the City of Tulsa is doing for the larger parking solutions, specifically the residential permit parking program and the role this will play as part of that equation. One the bigger challenges and concerns the City has heard from the residents is happening in the neighborhood right now, the surface lot being just a grass lot right now causes concern in terms of its availability and access for the public due to weather concerns or its over use. By having this lot be permanently available regardless of weather conditions increases the use of this lot. The City is hoping it will prevent residents from choosing the neighborhood as their first option. That allows the City to know this lot is available going forward as the City looks at traffic patterns to

determine whether or not residential permit parking program is appropriate and applicable here.

Dena Rankins, P. O. Box 33384, Tulsa, OK; stated her physical address is 3148 South Cincinnati Avenue. Ms. Rankins would like to request a continuance; she did not receive a formal notice, but she did receive one from the Gathering Place. Several of the neighbors were in attendance at the last meeting when the Gathering Place asked to turn the subject property into a temporary lot, and concerns were voiced. At that time the neighbors were very opposed to it being a sod lot, and we were assured it would be fine and it is not fine. The Gathering Place is a wonderful one of a kind gift to the City, and everybody is grateful to George Kaiser and the Foundation. It's lack of planning on the parking cannot be overstated. The park is an A+ and the parking is a fail. Ms. Rankins stated she cannot get out of her driveway, so it has ruined her livelihood. Ms. Rankins stated that she asked people if they were aware there were shuttles available or if they had tried the parking lot and was always told no. These are people that do not have the patience and do not want to fight the traffic and they are just finding a place to park anywhere they can. It is a serious problem. She does not think the neighbors have had an opportunity to come together as a neighborhood and talk about this before the Board of Adjustment rules, so she would like a continuance giving the residents the opportunity to get together.

Mr. Bond asked Ms. Rankins if she thought it would help the parking situation if the lot were made an all-weather surface. Ms. Rankins a mother with a stroller and a two-year-old is not going to use a gravel parking lot because she will want to stroll on pavement. There are things that have not been thought out and the neighbors have not had the opportunity to collaborate. The Gathering Place means well but they have damaged the neighborhood, damaged the entire neighborhood. This should not be an afterthought for a development like this.

Ms. Radney asked Ms. Rankins if her request for a continuance is because she would like to see some additional amenities or improvements. Ms. Rankins stated she would like to have the opportunity to speak with her neighbors. She did not receive a notice and she does not know that everyone did. And she does not know if the residents have had a chance to collaborate on this and discuss this. This is something that has literally been the worst situation for all the residents.

Mr. Van De Wiele stated the next meeting is January 8th. Mr. Bond stated the Neighborhood Association President Colin Koger was here for about ten minutes. Mr. Van De Wiele asked Ms. Rankins if she thought the interested residents would be willing to continue to the January 8th meeting? Would give enough time to gather the information needed. Ms. Rankins answered affirmatively.

Jane Haden, 3026 South Cincinnati, Tulsa, OK; stated that she would like to know why an endeavor this size and the amount of money that has been spent not attend to parking? Why now are the residents looking at Phase I, Phase II, and Phase III? Why

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was there not a parking plan to begin with? Why can't the people be held accountable to get the parking plan now, not in stages but permanent?

John Huffines, 256 East 46th Street, Tulsa, OK; stated he is in attendance on behalf of the Brookside Neighborhood Association where the Gathering Place is located.

Mr. Bond asked Mr. Huffines if he was the President or just a spokesperson for Neighborhood Association. Mr. Huffines stated he is called the Tulsa liaison. He is here for the Brookside Neighborhood Association, the new President Cindy Woodward, asked him to attend the meeting today.

Mr. Huffines stated the Neighborhood Association is asking for a continuance on this item until the second February meeting so the association can communicate thoroughly with the Brookside residents. This will allow time to schedule the Brookside Neighborhood Association meeting and have a representative attend to explain this particular exception to the zoning code.

Ms. Radney asked Mr. Huffines if he would have any concerns about such a short period between the February decision that might be made by the Board and the actual roll out of the spring season in March? There have been representatives from the park and the neighborhood speaking about how the anticipation of the spring season when attendance is expected to ramp up. Mr. Huffines stated he is simply here as a representative and is communicating what the President has shared with him.

Mr. Van De Wiele stated that Mr. Koger, President of the Maple Ridge Neighborhood Association, has provided a hand-written letter to the Board. Mr. Van De Wiele read the letter to the audience and had it placed in the exhibits for the record. The letter stated that Maple Ridge Neighborhood Association is in support of the revised surfacing requirements to an all-weather material with a proper dust suppression agent applied.

Jim LeClair, 1123 East 36th Street, Tulsa, OK; stated he represents the LeClair Family Trust. The trust owns property at 3210 South Cincinnati which borders the parking lot off Riverside. He is happy to hear that the generators will be turned off because they run all night. The other concern he has is the section of the parking lot where Crow Creek comes in because there has been a lot of material removed for drainage which was established in the 1930s. His concern is that just upstream from this point the City has two large water stations that collect water and empties into the creek, and those have eroded the banks of his property because it injects so much water during high water. There is no protection and the water will just fill up the creek and go across the lot so that is a concern. It is very dangerous to walk down Cincinnati on a weekend because there are so many cars, and people backing out of their driveways cannot see.

Rebuttal:

Jeff Stava came forward and stated he totally sympathizes and understands the concerns. By putting this all-weather material in will help alleviate the parking concerns and congestion that there is in the neighborhood. We came to the Board of Adjustment

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a little over a year ago with the idea of putting in a gravel parking lot, and as part of the negotiations with the neighborhood, they were concerned about the dust and the impact it would have, so the lot was switched to grass. In hindsight that was a mistake. It will take the contractor six to ten weeks to do the entire project which includes excavating. That needs to be done in January and February. If the project is not started in the next few weeks after the holidays are over, then the parking lot will not be installed before March 1st. Mr. Stava stated all the notices were sent. The Gathering Place sent a separate notice to all the same people that INCOG sent their notices to explaining in a more concrete and granular way what was being requested, so we feel this is something we need to do and need to get it done as quickly as possible.

Ms. Radney asked Mr. Stava if he will actually compact the surface before or after the fabric is laid. Mr. Stava stated that the lot will be compacted before the fabric is laid, then the gravel is laid down and then the gravel will be steam rolled to compact it. Ms. Radney asked if that process was done to prevent rutting. Mr. Stava answered affirmatively. Mr. Stava stated at the very last there is a spray application.

Nick Doctor came forward and stated the step that will help alleviate the larger parking concerns in the neighborhood is the residential parking permit program. As the City has looked at other models across the country, the City is doing everything it can to get that program in place prior to the spring rush that was mentioned. A delay of another month or two in this process would hinder the City to have the lot in place.

Ms. Radney asked Mr. Doctor if the City had already performed parking surveys of the neighborhood. Mr. Doctor stated the City has not. This is a brand new program for the City and it is something the City of Tulsa has never done before, but the urgency and the larger parking challenges that have been seen is causing the City to look at some more innovative solutions looking at cities like Houston and Austin, but the City is still in the development phase of the program. Ms. Radney asked Mr. Doctor if the lot were fully utilized how much load would be taken off the neighborhood, especially if there is not a capacity here. Mr. Stava stood and stated there are going to be 1,400 parking spaces.

Mr. Van De Wiele asked Mr. Stava how many cars will be seen when the lots are operable. Mr. Stava stated there will be 1,400 cars on the grass lot if all the area is open and there is nothing saturated. There has been so much rain at odd times, and even a quarter of an inch of rain causes large areas to hold water thus closing areas of the lot, so generally there would be an 800 or 900 car range for the lot, so it significantly limits the amount of utilized area for parking. The lot should be able to hold between 1,200 and 1,400 cars with no issue. There are parking attendants that guide people in and parking the people car by car to maximize the amount of space used.

Ms. Back asked Mr. Stava when he received the statistics about the parking lot product, how smooth will parking lot surface be? Mr. Stava stated it is not an ADA compliant lot; there is an asphalt ADA compliant lot for those customers. The lot will not be like loose gravel because there is a binder, so when it is compacted and rolled it becomes a pretty

flat solid surface. All the parks built in the last 25 years, most parks have parking less than two parking spaces per acre and this lot will have a little over eight parking spaces per acre. Some of the main parking lot has been closed for food trucks allowing people to use the area on the far back side of the main site, and the food trucks have been taken and those parking spaces are open thus utilizing all the parking spaces on the site now.

Mr. Van De Wiele asked Mr. Stava to what end is the public educated as to the shuttle service, the hours, where to pick up the shuttle service, etc. Mr. Stava stated the park does a lot of social media and advertising in the Tulsa World, and it has been included in the coverage articles. It is not a news worthy item, so it has to be a paid placement. Other things that are being worked on for next year is there will be a bus service provided direct to the site so people that do not have the ability to get to the site or don't want to have the hassle of finding parking there will be a way to get to the site. Also, coming out will be the BRT System which come up and down Peoria which starts next summer or fall. There will be a downtown circulator which will connect to the site. Then there is Bike Share and the scooters, so there is a lot of things that are being worked on in all modes of transportation.

Dean Rankins came forward and stated that if a hospital were being built would the hospital be required to have a hard surface lot for tens of thousands visitors? Why is the standard set so low because there are literally up to a 100,000 people in a weekend and it is not going to slow down. This is not a park, it is a free amusement park. This is not a place where someone comes to swing on a swing, it's a place where people are coming from all over to visit and they are not going to stop. Ms. Rankins stated that she does not feel that it is fair to have one person who knows about the meeting, and all the neighbors aren't here today because there were several in attendance before. She again would request a continuance.

John Huffines came forward and stated that the Neighborhood Association would be okay with a one-month continuance.

Comments and Questions:

Mr. Bond stated that he does not see where a continuance is going to help, if there is a problem and the neighbors are asking for a solution for parking. It seems like if there were a continuance in this matter it would be exacerbating the problem. Mr. Bond stated he is opposed to the continuance.

Ms. Rankins stood and asked Mr. Bond to recuse himself from this case. Mr. Bond acknowledged the request and stated that he does not think he is incapable of rendering an objective decision on this request. Mr. Bond stated that Ms. Rankins is in opposition with her neighborhood association right now.

Ms. Ross stated that she is in favor of a continuance to the first part of January for the reason that she finds it odd that there are not more neighbors in attendance. She has heard so many complaints about the parking and she finds it odd that there are not

more people in attendance today. She thinks it is only fair to give the residents time to congregate and she would encourage a meeting with the George Kaiser Foundation and the City of Tulsa to answer questions.

Mr. Bond stated there are two issues, one is what is going to be done today to fix this parking problem and the quickest answer is to utilize the parking that is not being utilized. He does not want to slow down what can be done in the fastest way, which is the short-term approval of this.

Ms. Back stated she believes the point is being missed that this is a temporary parking lot, and the park is asking for it to be approved through December 31, 2021. This is 2018 so it is a temporary fix to help the neighbors with the dust and to get a lot of parking off the street. She is hoping the George Kaiser Foundation would be doing a permanent solution in the future. This is a temporary fix to address a problem of dust and a problem of people parking on the street.

Ms. Radney stated she is not inclined toward a continuance, although she does agree that more neighborhood input would probably be very helpful. She does not necessarily know from an engineering standpoint what additional information the neighbors would be bringing to the dialogue. This seems to be mostly an engineering fix and for that reason she is not as inclined to have a continuation. Ms. Radney stated that she did not catch that this was a request for a temporary surface that would effectively be in use through 2021, and she thinks that is entirely too long. She might be persuaded if she had more engineering specs about the product being discussed, and the durability of that product; this is a discussion about a parking lot being used in all types of weather and from an engineering point that is a challenging use of the product.

Ms. Back stated that she too is not inclined to continue this case. Ms. Back stated that she went on line and looked up Ramco's Risonater, and it says that the product is applied once and applied again in six months. Mr. Stava did say that if staff noticed dust the product would be applied again, so that would be a condition that could be included in a motion to approve. That is why she would be more inclined to go with the date that was requested but she would be open to an earlier date.

Mr. Van De Wiele stated that he would have liked for there have been tons of neighborhood involvement and meetings on this case, the 300-foot notices were sent and there were more sent than there are people in attendance today. Likewise, to the extent that this be continued into spring, which is generally the wettest time of year, the Board would not be doing the situation any better. From a continuation standpoint, Mr. Van De Wiele stated he is not inclined to support a continuation. This original approval from a timing standpoint was granted through October 31, 2019 so there are ten months left on the existing temporary nature of the parking lot without gravel. Mr. Van De Wiele stated he would be inclined to approve the request to put down the grading, compaction, the fabric, the gravel, etc. but a December 31, 2021 is three years. To Ms. Rankins point, Mr. Van De Wiele stated he does not want this to be a permanent gravel lot, so he does think there is a time period that a permanent parking solution for the

main park proper and whatever is going to happen in Phase II and Phase III there is plenty of time for that to happen or to come back to request a continuation. He would certainly have no issue with the current October 31, 2019 and could be convinced to extend it to December 31, 2020 to give it two seasons.

Ms. Radney stated that she would not agree on two seasons. She thinks this is an emergency and agrees with the exception for the period of time that was originally allowed for a temporary use, but she thinks that a better neighborhood sensitive permanent plan needs to be before this Board within the next year. It may require an extension of this exception to be granted in order to implement that, but an open-ended opportunity to continue the parking situation is unacceptable.

Jeff Stava came forward and stated the Phase II and Phase III timing is really 2021/2022, so the park wants to use the site for temporary parking to alleviate the impact on the neighborhood. There is a substantial cost to putting gravel in; it is not a cheap deal, it is an expensive deal. Only allowing the park to use the site for one year, the park may not do that for one year. The park really needs at least two years and would like three years of use on it to get the long-term solutions conceived and built. He does not think a year is enough time to be able to use the site.

Mr. Van De Wiele stated that a year ago the request was gravel through October 31, 2019. He personally may be inclined to go a little farther than 2019 but three years is too long.

Ms. Radney stated that for her a product that needs to be applied at least at six-month intervals, and maybe possibly more frequently, that isn't persuasive enough that the solution is going to resolve that problem on this particular lot. Ms. Radney suspects that the neighbors are suggesting they would rather have a more permanent surface in place. Speaking as person who occasionally does walk with a cane, she acknowledges that there are many times that she will elect to choose someplace that might not necessarily be the designated parking spot, but if she thinks she will be walking on uneven surfaces the lot will not be fully utilized. She thinks that between now and the end of 2019 it may very well be that this solution works perfectly, and the Board could see you again and agree to extend the request, but she is not prepared to say it is an acceptable resolution barring a better understanding of how the product is going to perform.

Mr. Stava stated there is no other alternative and his mind this is the alternative. So, if it is not this it is grass and dirt, and there will continue to be the parking problems in the neighborhood. This is the only thing that can be had that is affordable, reasonable for a temporary use. Ms. Radney stated that in a year from now, if the product is performing in the way it is expected to be the Board would probably agree to an extension.

Ms. Ross stated that the thing that is concerning her is that she is not hearing that there are plans to develop a permanent plan. This is a temporary fix, and she wants to know within a year what is going to be the permanent parking situation even if it is not built

yet. Mr. Stava stated that it is going to take longer than a year to come up with what those concepts will be. Not even all the concepts for Phase II are complete. There is a lot of more work, and the Foundation put a hold on that because they wanted to see how successful or not successful components of the park are. The park has only been open 100 days; it is the most intense time. When a new venue is opened the most intense time is the first four to six months. He does anticipate spring and summer being busy, but he feels that he does not want to over react. He does not believe that a 1,400-space parking lot on the corner is the right thing for the park or for the City or for the neighborhood. That is why he is trying to come up with an economical yet solid solution in the inbetween time when a better and bigger plan can be developed. Ms. Radney stated that she concurs with all of that, but the park is not the only property owner in this neighborhood, and the injury to the equity that some of the adjoining property owners have suffered is real. The uncertainty in the real estate market, just from the standpoint of having an idea of what the 2019 season is going to look like from a parking standpoint, is real. Again, indifference to the concerns of the neighborhood which Ms. Radney thinks are somewhat mitigated by agreeing not to continue this resolution so there can at least be something that would be better than the existing lot is a little like splitting the baby. Ms. Radney stated that she thinks people should under value the fact that the impact on the neighborhood is more than just inconvenience, it is actually material.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-1-0 (Back, Bond, Radney, Van De Wiele "aye"; Ross "nay"; no "abstentions"; none absent) to **APPROVE** the request for a **Modification** of the conditions of a previously approved Special Exception, BOA-2233, to extend the allowable time limit from October 31, 2019 to December 31, 2020. The conditions of a previously approved Variance, BOA-22336, to revise the surfacing requirements to allow for additional rock and gravel for a temporary, non-all-weather surface parking area, subject to conceptual plan 19.22 of the agenda packet and is to be in the same general location as restricted on Exhibit 19.8. The applicant has proposed to use a Geotech fabric with four inches of gravel layer compressed and sprayed with Ramco's Risonater Stabilization Dust Suppression Product, which is said to be a safe non-toxic product for aquatic life and water usage; it is supposed to reduce the dust up to 90%. This would be approved up to and through December 31, 2020; for the following property:

PRT GOV LT 1 & PRT NW NE BEG 24.7S & 410.6E NWC NW NE TH W481.57 SE303.97 TH ON RT CRV 236.89 SE104.61 E371.67 N635.3 POB SEC 24 19 12 6.22ACS; AND BEG 570S NEC E/2 NW NW NE W75 NW60.8 W12 NW82.84 W98.75 S250 E247.5 SECR E/2 NW NW NE N120 POB SEC 24 19 12 AND BLOCK 1, 3200 RIVERSIDE DRIVE ADDN SUB L9-10 PEEBLES SECOND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Interested Parties:

Doris Green, 3232 North Hartford Place, Tulsa, OK; stated she is in favor of the day care center. She thinks it will be a nice fit for the area because there are apartments with several children living in it.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; White absent) to **APPROVE** the request for a **Special Exception** to allow a Day Care Center for children in an R District (Section 5.020). The Board finds that the requested Special Exception is not in harmony with the spirit and intent of the Code and would possibly be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

E 100 LT 4 BLK 1, PERSHING ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22336—Josh Miller

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Action Requested:

Special Exception to allow a Parks and Recreation use in an R district to permit a temporary accessory parking lot for the Gathering Place (Section 5.020); **Variance** to allow a non-all weather parking surface (Section 50.090-F). **LOCATION:** South of the SE/c of East 31st Street South and Riverside Drive **(CD 9)**

Presentation:

William Jay Stava, III, 624 West 79th Street, Tulsa, OK; stated the planning process for the Gathering Place started about five years ago followed by a series of community meetings. One of the large concerns that came out of that was the concern for parking within the neighborhoods. There is a total of 525 paved spaces on the property with lighting and storm water. In the second year of the opening the Gathering Place has been looking at other parking options. There has been a three-tier parking system developed, which is one on site, two utilizing the Phase II and the Phase III area as a temporary parking and the third is off-site parking with shuttle service to the Gathering Place. Those are the three steps of parking that will be employed upon the opening of the park for at least the first year and possibly the full two years. Mr. Stava stated that he met with the neighborhood and there was a lot of concern of the proximity of the parking to the houses on the east side and the south side and the park is incredibly sensitive to that. There was a parking study performed and it showed a maximum 1,652 parking spaces, 36 of which are paved on the corner of 31st and Riverside for handicap parking. The park did not want to light the parking lot, did not want the storm water because this area will eventually become additional park land, so the park has

BOA-22336

looked at having a maintained grass lot. There is a staff of 40 management personnel with 50 maintenance personnel that will be in the park, so the proposed lot will be a maintained lot. After speaking with the neighbors today in the hallway, he has agreed to not have anything within 25 feet of the construction fence which will curtail the spaces, deleted on the south side three parking rows, and on the north side have deleted four parking rows and deleted all the parking spaces along the fence to 31st Street making the parking away from the fence and closer to Riverside Drive. Mr. Stava stated that there had been discussion about not using gravel, but he would like to be able to use gravel for the repair or filling of low spots. There was concern about the fence, so he is going to look at installing another layer of mesh to prevent people from seeing through the fence or some sort of material that cannot be seen through. The neighbors were concerned about the two-year time request, so the compromise was until October 31, 2019 so that would be the only time for the parking lot request. The lot will be staffed and supervised when there are cars in the parking lot and it will not be lit.

Mr. Van De Wiele asked staff if there were lighting requirements for a parking lot. Mr. Stava stated that it is his understanding that if the lot is not paved lighting or stormwater is required. Ms. Miller stated that landscape requirements are also not necessary with an unpaved lot. Ms. Miller stated there are a lot of parking lot requirements if it is improved but otherwise no.

Mr. Bond stated that in full disclosure he was the former President of the neighborhood association and the neighborhood association is not present for this presentation today, so if anyone feels that there is a conflict he will address that. Mr. Bond believes he can look at this request objectively.

Mr. Bond asked Mr. Stava what happens to the parking lot after two years. Mr. Stava stated that if the parking load still requires the parking there will be offsite parking with shuttle buses available. What kicks in around 2021 or 2022 is a downtown circulator that brushes the park, so people can park downtown and get to the site.

Mr. Van De Wiele asked Mr. Stava what is the current anticipated time schedule for opening the facility. Mr. Stava stated it is scheduled for the summer of 2018.

Ms. Back asked Mr. Stava if he would be using grasscrete. Mr. Stava stated that he would either use a grasscrete in the driving lanes or fortified soils.

Interested Parties:

There were interested parties present, but no one came forward to speak.

Comments and Questions:

Mr. Bond stated this is a herculean project and this is a two-year fix until they can figure things out. The applicant has made real concessions to the neighbors, so he would be in favor of this application.

BDR-22336

Mr. Van De Wiele reiterated the conditions that were conceded by the applicant to the neighbors to verify everyone was clear on what was being proposed.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; White absent) to **APPROVE** the request for a **Special Exception** to allow a Parks and Recreation use in an R district to permit a temporary accessory parking lot for the Gathering Place (Section 5.020); **Variance** to allow a non-all weather parking surface (Section 50.090-F) subject to the conceptual plan modified at today's meeting. The approval is subject to the following conditions: no parking within 30 feet of the property line on the south side of the property; on the southeast corner removal of three rows of parking as shown as etched out on the exhibit modified today; on the east side north of Crow Creek the removal of four rows of parking as shown on the exhibit today; on the northeast side of the property the removal of one row of adjacent parking along the fence line to 31st Street; enhance screening to be installed abutting residentially used properties to the south and east; the parking lot will be maintained and staffed while open for parking; gravel to be sparingly used for maintenance purposes only; and the parking lot will not be lit. This approval is granted through October 31, 2019. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The Board 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:

PRT GOV LT 1 & PRT NW NE BEG 24.7S & 410.6E NWC NW NE TH W481.57 SE303.97 TH ON RT CRV 236.89 SE104.61 E371.67 N635.3 POB SEC 24 19 12 6.22ACS; 12 and BLK 1 3200 RIVERSIDE DRIVE ADDN SUB L9-10 PEEBLES SECOND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Mr. White asked if this was a private playground that is open to the public. Mr. Beach answered affirmatively.

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 a playground (Use Unit 5) in an OL District (Section 601, Table 1). This approval will be as located on pages 6.6 and 6.14. 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:

S132 OF N264 E/2 NE SE SE SEC 23 20 12; N198 OF S396 E/2 NE SE SE SEC 23 20 12; S198 E/2 NE SE SE LESS S30 & E16.5 FOR ST SEC 23 20 12 1.209ACS, HIGHLAND HILLS AMD, DEVONSHIRE PLACE FOURTH RESUB BOULEVARD ACRES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21784—Roy Johnsen

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Action Requested:

Special Exception to permit offsite construction facilities (Use Unit 2) including staging and storage of construction equipment and materials (Section 401, Table 1 and Section 1202.B); **Variance** of 2-year time limitation on construction facilities to allow 5 years (Section 1202.C.4.a); **Variance** to permit construction facilities to be located within 100 feet of an occupied dwelling without consent of the owner (Section 1204.C.4.c); **Variance** from the bulk and area requirements set forth in Section 404.F. **LOCATION:** NW/c of East 31st Street and South Boston Place **AND** SE/c of Riverside Drive and East 31st Street (**CD 4, 9**)

Ms. Snyder recused herself and left the meeting at 1:17 P.M.

Presentation:

Roy Johnsen, 1 West 3rd Street, Suite 1010, Tulsa, OK; stated he is representing the Kaiser Family Foundation. A PUD was approved by the City Council and Tulsa Metropolitan Area Planning Commission in July 2013 for the subject property with no objections. Now is the time to prepare for the construction and this will be a large

difficult job with tremendous detail. In the Zoning code Use Unit 2 provides for Special Exceptions in any district, and one of the Special Exceptions is the use of off-site property for construction purposes. Mr. Jeff Stava held a neighborhood meeting last evening and presented a good outline of the project. The Gathering Place project will be a wonderful project for the City of Tulsa.

Jeff Stava, 7030 South Yale, Suite 600, Tulsa, OK; stated this is an incredibly complex project. There will be a 100 acre park built between a river and a neighborhood. The project has been in planning for almost seven years and publicly engaged for two years. The contractor was hired in early May 2014 and through that process it was learned that a very large layout area was needed in order to stage construction for the project. The fences will be erected this week for the project site and it will take about two weeks to get the site fully contained. In preconstruction the lay down yard will be located on the south side of 31st Street across Crow Creek to the back of the homes located on 33rd Place across Cincinnati. This will include all of the Legacy Apartment Complex and the Sundance Apartment Complex. There is also a lot on the corner of 31st and Boston Place that is owned for the Gathering Place. The apartments located on the east side of Cincinnati will not be torn down in this phase. There are several tenants that have special needs and it will be at least a year as the transition is begun for those tenants. Everything on the west side of Cincinnati including the Sundance Apartment Complex will be razed and the Variance request is to allow the preconstruction yard in that area. At this point Mr. Stava used pictures on the overhead projector to give a visual of the subject area and the proposed fencing. Many of the residents asked for a parking lot or storage in the area closest to the houses, it was determined that with all the morning noise it would be ill advised so by placing the building in that location it will shield the residents from a lot of the noise that will occur. In the second stage of the project there will be approximately 7,000 trees and 50,000 plants will be brought in for storage before planting. It is very important that the contractors be adjacent to the site to be able to evaluate and see the condition and quality of the project as it progresses. If there is a problem they need to be able to immediately go back to the sample and models that have been approved so progress can smoothly continue. There will also be a designated area for parking and construction trailers for all the subcontractors. There will be anywhere from 50 to 100 workers at the beginning of the project and go up to approximately 500 workers on the site. Some of these workers will park on the subject site but it is also anticipated that some off site parking locations will be needed as well for the workers. Mr. Stava stated that his company had sent out a six page packet notice to the all of the residents within 300 feet, they visited door to door with the residents that live within 100 feet, and they sat down with each of the homeowners that are immediately adjacent to the site. All of the residents concur that the building is the best and most passive use to be next to the project.

Mr. Van De Wiele asked Mr. Stava if he worked with the residents on the layout of the project. Mr. Stava answered affirmatively.

Mr. Stava had a picture of the proposed project building placed on the overhead projector. The building is 11'-6" from the edge of the curb line, and it sits 20 feet from

the front edge of an adjacent house. The fencing will be run behind the building on the east side then block Boston Place to prevent construction traffic on the street, and proposing to block 31st Street west of Boston Court and at Riverside Drive. This will prevent any detour traffic on Riverside from using 31st Street and traveling through the neighborhood to go downtown. It will also prevent construction workers from parking on the street. The back of the construction site will be with the neighborhood and not have the front of the construction site into the neighborhood. The street closures chosen work for many reasons. The City must run a new major stormwater line which will cross Riverside Drive to dump into the Arkansas River, and it will allow the 440,000 cubic yards of dirt to be moved. The City hosted a neighborhood meeting with Maple Ridge and some of the other neighbors regarding Riverside Drive, and he attended that meeting. A lot of the concerns of the residents was what happens to the detour traffic if the road is not closed, and that aided in the decision to recommend the street closure.

Mr. Henke reminded Mr. Stava and the audience that the Board of Adjustment does not deal with street closures. Mr. Stava acknowledged the statement and stated that it is important in context because the building is facing west and the back of the building is facing the neighborhood. There will be no construction entrances or exits anywhere along the neighborhood side of the project site.

Interested Parties:

Mark Graham, 2551 South Owasso Avenue, Tulsa, OK; stated he has lived in Maple Ridge for 35 years. This \$300 million to the City is the result of a lot of community conversation, a lot of empathy with the neighborhood, and there has been no hiding of that fact. In the last year in Maple Ridge the neighborhood has had gas lines replaced, water lines being prepared for replacement, and in his neighborhood they have been maneuvering detours for months. It is a reality what people go through in order to have a better city. This iconic gift will set Tulsa apart from any other city in the United States. He would ask the Board not handcuff the construction with a requirement that will potentially be more costly, more time consuming and could create more inconvenience for the neighborhood and the city.

Blake Ewing, City Councilor, 175 East 2nd Street, Tulsa, OK; stated that as a Councilor he becomes the complaint line for the citizens of Tulsa. People are concerned about this project and how it might affect the way they live in the Maple Ridge neighborhood. What he can attest to is that he knows Paul Zachary and the City staff, as it relates to the City of Tulsa's part of this project, are doing everything they can to mitigate the imposition to the citizens of Tulsa and the affected neighborhoods. He feels Mr. Stava was quite thorough in his presentation at the meeting last evening. As Councilor he knows numbers matter, and the sentiment of the public matters as decisions are being made in land use. There was frustration voiced in the meeting last evening but his sentiment is that it was overwhelmingly positive. There is no way around what is coming. Streets are going to be closed and people will need to take a different route to and from work. There are things in the city that are taken for granted, and at some point those things caused great imposition. The Broken Arrow Expressway was not always in existence. Those were just neighborhoods that it now splits into two. As community

things like this have been dealt with before with the understanding that it was for the long term greater good of the community. The citizens have been able to see that such investments have made the city better, and the short term sacrifice was worth it in the long run. The proposals presented today are worth it. This type of investment on this scale requires a great deal of space in order to stage the project, and they are already short on space. The hardship, in his words, is the issue of how to make this enormous project happen with the limited area utilized. Mr. Ewing thinks this is a justified request and he believes his constituents would that statement.

Adam Burney, 3016 South Boston Place, Tulsa, OK; stated he objects to the building and the Variances. He thinks the park is a positive thing for Tulsa. He thinks it is something that will be a world class destination. He objects to the building because it is a commercial entity entering a residential neighborhood. It is so close to the curb and he believes it will constitute a public nuisance. It is so close to the street that it blocks the sight triangle into the intersection of South Boston Place and 31st Street. Allowing a building that large on a lot that small will constitute a problem for traffic flow. He thinks that the spirit and intent of the zoning regulations are being exceeded in this instance because of the five year request. It has been stated that Phase I will take three or four years so he thinks the Variance should only be for four years not five. He attended the meeting last evening and he heard information that he has not heard before, i.e., from the City Engineer regarding drainage. The drainage projects are going to be happening concurrently with the construction of the park. One of the projects will be the drainage on 30th Street which deadends into the park. The Engineer stated that at times the street will be closed and that creates a problem for the residents of South Boston Place. Because of the street plan that has been laid out by the applicant for closing 31st Street, if they also close 30th Street the residents will essentially be marooned. There has to be an alternate plan for traffic because of the building, and he would like to hear about an alternate plan. He believes this process could have been a lot simpler if the lot had been included in a PUD. It is not included in the park plan. It is a separate lot and that is why there are all the Variances being requested. He has only heard a lot of this information in the last week and he lives six houses away from the project, and he did not know it was going up until there were signs placed in the subject property. He understands the 300 foot rule, but if they want to go above and beyond to communicate with the community they need go past 300 feet to inform everyone. Mr. Burney quoted Section 1202.C.4.b, "the ingress and egress of this building must be from an arterial or collector street". The applicant has stated that the entrance will be from the west side. There is no arterial or collector street on the west side of the building, it is part of the construction site. He feels that since the building is oriented as it is the applicant will be in violation of the zoning code. He thinks the park objectives can be met without the building. They can construct a world class park without having the building in a residential neighborhood.

David Brennan, 3020 South Boston Place, Tulsa, OK; stated he has lived in the neighborhood for five years. On September 9th he received a letter in the mail from the management team regarding the project, stating that the building would be erected. That is the first he knew about it. There have been a lot of things that have come up

and the neighborhood was not aware of just recently. There was a meeting with the management team on September 12th to discuss what the options were for the neighborhood and what was the neighborhood willing to compromise on. The neighborhood was informed that the building would be on the site for the duration of the project. His first concern is the impact this project will have on his property value. He did some research and it is not clear the benefits that will come from the park. Most of the economic benefit will be from the quality of the park and for the dwellings that are within 500 feet of the park. In his research he found that problematic parks decrease property value by 5% for dwellings within 500 feet. A problematic park is a park that has noise, lights, and parking. For the next five years The Gathering Place project will be assumed and profiled as a problematic park thus decreasing the value of his home even it is transitory for the next five to eight years. He will not be able to sell his house. He is 60 years old and he could retire in five years and not be able to sell his house because of the devalued price. He believes there was a fabulous job done in selling the park, but it could have been done better when it comes to the residents within 500 feet of the project. He thinks there should have been a proportional consensus from the community because this is a huge park, and what he saw at the meeting last evening was minimal. This is a hardship on the neighborhood. He would ask on behalf of the neighborhood that they be allowed more time to consider other options, like reduce the building size. There is a 1,000 square foot conference room with a second conference room. He has never seen a construction building like this. The building is huge and it does not fit the property. It is 7,000 square feet being erected a 9,000 square foot piece of property. This building is ill conceived and he thinks it can be done better.

James Daniel "Dan" Simpson, 2916 South Detroit, Tulsa, OK; stated he will be inconvenienced by all of this for the next four to five years as will any of his neighbors. There will be a building that people may not want to look at, however, it is a temporary construction building. A temporary building that will be used by the safety officers; site management keeping as close to the project as possible. As for the street closures he would like to hear the option of moving the barriers when 30th Place is closed and when they will be open and the installation of a gate. All of the neighbors will not agree with him but they will all agree that when this project is completed Tulsa will have a world class park. It is the largest gift to a city in the history of this nation, not just the state of Oklahoma. He would encourage the Board to move forward and minimize the inconvenience where possible and get started.

Casey Robinson, 3026 South Boston Place, Tulsa, OK; stated he lives three houses away from the subject site and has lived there for four years. He did not purchase the house ever thinking that a commercial building would be allowed in a residential neighborhood. Forget how many millions are going into this park. If this were any other project a commercial building would not be allowed in a residential neighborhood. He attended the meeting last evening and heard information that had never been heard before. He would like some more time to review the information presented. He would like the Board to consider that this is not the right place for the proposed building. He also has concerns over whether the building will be temporary, because when he looks

at a building like that he does not think temporary. As a neighborhood they would like to have some assurance, something in writing, that the building will be temporary.

Debbie Saunders, 3116 South Boston Court, Tulsa, OK; stated she learned something today that she did not know, and she was not invited to the meeting of last evening. Her back yard backs up to the project site, and she pointed to an area on the map that was on the overhead projector. She knew the staging would be placed in that area designated on the map but she did not know the parking would be staged next to her fence. This will be horrifying and she does not know if she will be able to stay. She and her sister share in the care of their aging disabled mother. The noise will be unbearable and will drive her dogs crazy. She would like to see the parking and the noisier operations moved to another area.

Anita Saunders, 3126 South Boston Court, Tulsa, OK; stated she has been looking forward to the start of this project, and she realizes there will be pains along the way. Ms. Saunders stated that the neighborhood was not informed as to how things were going to be laid out. She is concerned over the road closure because her street is a dead end street. She thinks that once the street is blocked off it will become a turn around area. She understands that there will be noise associated with the project but she wishes they would move the parking or create some kind of barrier between the back of the houses and the activity. She would like to have the Board give the neighborhood additional time to work with Mr. Stava.

Millie York, 3020 South Boston Place, Tulsa, OK; stated she filed a formal letter of protest against the building. In doing research she understands the applicant must prove hardship to receive an approval. When she asked Mr. Stava what the hardship was he answered \$350 million dollars. She does not think that is a hardship. There is one hundred acres to place this building on and having one hundred acres is not a hardship. There are plenty of places away from a single family neighborhood for the building to be placed, it is just where the applicant wants it to go. In spite of the applicant saying this is for five years she knows the Board can grant them an additional five years. Mr. Stava told her that the proposed building would be the first building up and the last building down when Stage II is completed. Ten years is not temporary. A ten year construction building at the end of the neighborhood block is going to cause the residents a hardship. Blocking both ends of the street causes response time delays. That is a public safety hazard and needs to be addressed. She wants to have this meeting continued to next month because the neighbors were not given all the information and the neighbors need more time to gather data.

Mr. Van De Wiele asked Ms. York where she was getting the ten year time frame. Ms. York stated the ten year time frame comes from the fact that Mr. Stava told her in his office on September 12th that the proposed building will be the first building up and the last building down when Phase II is complete. She understands that and is not against the building because she agrees it is being placed in the best place, if the building is built to the style, rhythm and size of the neighborhood. She is very concerned about the road closures at both ends of the street because it really is a safety issue. She would

request more time be given so the neighbors can gather data of the impact of this oversized building on the little neighborhood.

Mr. Henke asked Ms. York if she was objecting to the number of square feet. Ms. York stated that she was not objecting to that but is objecting to the amount of space it occupies on the lot. Another construction company has donated the metal building to Manhattan Construction so they are saving money. This is about the residents lives, our peace, our quiet and inconveniences.

Mr. Henke stated the Board must focus on this piece of property and the relief requested for the building. Some of the neighbors may disagree with the height at 20 feet and some may be supportive with the design. Ms. York stated that if Manhattan Construction wants the building to look like a tin construction building then reduce the size of the building. If they don't want to reduce the size and have the option of making it something that will not devalue the homes over the next ten years that should be considered. Mr. Henke stated the request today is for five years.

Jennifer Kisamore, 137 East 34th Street, Tulsa, OK; stated she lives at the corner of 34th Street and Cincinnati. She would like to have the Board continue this request because the size of the building and the closing of 31st Street. Traffic will be routed down Cincinnati because it is a through street which is a narrow residential street that people already run the stop sign at 34th Street. The community needs more time to consider the issue.

Millie Clark, 3025 South Boston Place, Tulsa, OK; stated she is one of the elderly people that lives on Boston Place which will be blocked off on both ends. Due to visual and ambulatory difficulties she has she objects to the street closing because she will not be able to get in or out. She also has reservations made to enter a retirement center and if the street is blocked off and the neighborhood is marooned as an island how will she be able to move. How will her property values be affected? Her moving into a retirement center is totally contingent upon the sale of her house. She would prefer something else be done for a short period of time. Mr. Henke stated the Board does not have the ability to open and close street but he understands her concern. Mr. Henke stated he will ask the City about marooning the neighbors.

Brooke Caviness, Senior Engineer, City of Tulsa, 175 East 2nd Street, Tulsa, OK; stated the City is planning on performing drainage improvements to the neighborhood at 30th Street. The plan is to parallel a line with another 48 inch line. When the construction starts the City need to cut across Boston Place but the City will maintain access. There may 20 feet of rock but the City will maintain access. If there is a situation where the City cannot maintain the access they will open 31st Street. The City will not maroon any residents. The City anticipates the project to last approximately two weeks to perform the work across Boston Place.

Herb Beattie, 3474 South Zunis Avenue, Tulsa, OK; stated he has been representing the Brookside Neighborhood Association for over a decade. Projects like this are

associated with street closings. He has attended many meetings with Mr. Stava, the City Engineering Department, City Councilors and the neighbors for the last two or three years on related matters to this project. They have been consistently responsive, considerate and gone out of their way to understanding the needs and concerns of the neighbors and to make adjustments where it is appropriate.

Jason Brimer, 3045 South Boston Place, Tulsa, OK; stated he lives directly east of the proposed construction office site. He is in favor of moving forward with the project. He understands the reluctance of some of the neighbors and their concerns. He appreciates what GKFF and Manhattan has done in turning the building and the whole construction area so the backend faces the neighborhood. The look and feel of the building will blend in as well as possible considering in the southwest portion there is going to be nothing but construction machinery.

Mr. Van De Wiele asked Mr. Brimer if his preference is the mock up presented today. Mr. Brimer answered affirmatively.

Mr. Henke left the meeting at 2:21 P.M. and re-entered the meeting at 2:22 P.M.

Jeff Stava came forward. The original concept that was submitted there was a 14 foot eave with a 20 foot peak on the building. There was an eight foot cedar fence with plantings in front of it. As they went around the neighborhood there were some people that did not want the fence and some people did not want the plantings. Mr. Stava recommended that the fencing around the building be vetoed, and just have the fencing from the corner of the building across Boston Place and plantings elsewhere. So there would be fencing on the north and east sides and plantings across it so the building will fit more into the fabric of the neighborhood. On the south side of the building there will be doorway and no fence, and the site will be open to 31st Street. On the west side there will be a doorway and no fence. The building would consist of stone and painted shake style hardie board with a galvanized metal roof. There are two houses in the neighborhood with metal roofs and he plans to match the metal to the house that is the farthest north on the block.

Mr. White informed Mr. Stava that if he should need to go beyond the five year period being requested he would need to come back before the Board for permission of an extension. Mr. Stava stated that he was not aware of that until last evening.

Mr. White asked Mr. Stava if it would be a problem for him if the Board were to make a condition that at the end of a five year period the subject building were to be removed, if the Board approves today's request. Mr. Stava stated that at the end of Phase I there will be a pocket park that opens up to the neighborhood. That construction phase is expected to end in 2017. So the building would stay up to five years then be replaced by the pocket park.

Mr. Van De Wiele asked Mr. Stava if construction of Phase II were to start early what would happen to the building. Mr. Stava stated there will not be a requirement for as large a building for Phase II and Phase III so the construction office building will be scaled down.

Mr. Tidwell asked if the construction office building would be moved to a different location during Phase II and Phase III. Mr. Stava answered affirmatively.

Jana Monforte, 3041 South Boston Place, Tulsa, OK; stated she is thrilled about the park. She feels that GKFF has done a great job in keeping the neighborhood informed on what is going to happen. At times the residents are going to be frustrated but in the end there be a park right across the street from her house. Sometimes you must give up something to gain something.

Rebuttal:

Roy Johnsen came forward. The meeting last evening was packed and most of the people at that meeting are here today. The Board of Adjustment is dealing with two issues, Special Exceptions and Variances. The Board must find "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". It seems like this project is right on the money in a situation of an extraordinary circumstance. Many times a Variance being sought is a small thing but this project is a large thing. There is nothing else like this in the entire city. In Use Unit 2, it does not make any distinction from retail or industrial or office or any other category. It is a document that was written that says construction activities can be on site. This is far past that simplicity. For example, there is an office building on the north side of 31st Street and there is no parking on site. It is as good a neighbor as anyone can have. This company is going to do the best they can to keep the dust down and reduce the noise level. Use Unit 2 does not work for the present situation because it is a very large project that will take a very long to complete. The conditions for the hardship are met by looking at the facts. The neighbors have agreed with the proposal. There are provisions in Use Unit 2, i.e., the length of time is two years. That two year time limit simply will not work so a Variance is being requested. There is also a provision that within 100 feet the resident's permission must be received. That statement does not make sense, and the Board has the power to grant the Variance requested for that. In the zoning code there is a section that addresses the ingress and egress from a collector street, and that collector street is 31st Street. Section C under the Use Unit 2 states that a site shall not be located within 100 feet of an occupied dwelling without permission, but as a practical matter people will sign a statement such as that. Mr. Johnsen did say that the four residents that are within 100 feet of the project are in support of the project. A Use Unit 2 Special Exception in the residential district is one of the things the Board can approve. This project is in a residential district. In the zoning code it specifies certain things, i.e., maximum floor area ratio of .5, maximum lot size of 12,000 square feet, minimum frontage of 100 feet, a minimum building setback and these items simply cannot be met with the situation presented.

The lot is smaller than the 12,000 square feet. The minimum frontage of 100 feet is not there. That is why the Variance for those items has been requested.

Mr. Van De Wiele asked Mr. Johnsen to speak to the need of the size of the building. Mr. Johnsen stated there will be a lot of offices for meetings and the larger building will provide greater protection to the people to the north of the subject site. The contractor thinks the building size is appropriate for the leadership of the construction project.

Mr. Tidwell asked Mr. Johnsen if there would be work performed on the site on Saturdays. Mr. Johnsen stated there would be work all day during the daylight hours.

Comments and Questions:

Mr. Henke thinks there is a valid hardship for the Variance requests. The Special Exception clearly needs to be not detrimental to the neighborhood, and there will be arguments on both sides to that, but what has been discussed today is probably the most attractive temporary construction office building he has seen.

Mr. Van De Wiele agreed. Everyone is going to be inconvenienced to some degree. The closer one is the more inconvenience, and he certainly has already started looking for another route into downtown. When this project is finished it will be a great improvement and asset.

Mr. Tidwell agreed there is a valid hardship, and believes the Foundation will be responsive to problems that may arise during the construction.

Mr. White agreed with the other Board members. He would suggest that after the five year time frame is complete that the building be removed from the site. He understands the applicant has stated that the building would be removed but the Board has not stated that condition in a motion as of yet.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the request for a Special Exception to permit offsite construction facilities (Use Unit 2) including staging and storage of construction equipment and materials (Section 401, Table 1 and Section 1202.B); Variance of 2-year time limitation on construction facilities to allow 5 years (Section 1202.C.4.a), with the condition that at the end of the five year period the construction office facility be removed; Variance to permit construction facilities to be located within 100 feet of an occupied dwelling without consent of the owner (Section 1204.C.4.c); Variance from the bulk and area requirements set forth in Section 404.F. The Board has found that the project in question is an exceptional size and undertaking as part of the City. The facilities to be constructed on the lot in question are located at the optimal and most efficient location to provide the least amount of detrimental impact. The applicant has agreed as part of the approval given today that the north and east side of the construction office will be covered by a stone and painted shake style hardie board siding as presented at today's meeting. The south and west sides of the building

BOA-21784

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will be of typical construction material and will not be required to be fenced. Also, along the north and east sides of the building there will be landscaping and plantings. The Board has found in conjunction with the Special Exception that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. 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:

S17 LT 11 & ALL LT 12 BLK 11, TRAVIS PARK ADDN; ALL 3200 RIVERSIDE DRIVE ADDN; PRT GOV LT 1 & PRT NW NE BEG 24.7S & 410.6E NWC NW NE TH W481.57 SE303.97 TH ON RT CRV 236.89 SE104.61 E371.67 N635.3 POB SEC 24 19 12 6.22ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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OTHER BUSINESS

Review and Approval of the 2015 City Board of Adjustment meeting dates.

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the 2015 City Board of Adjustment meeting date schedule provided with the exception of the removal of the November 24th meeting and the December 22nd meeting.



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Subject Tract

BOA-23046

19-12 24

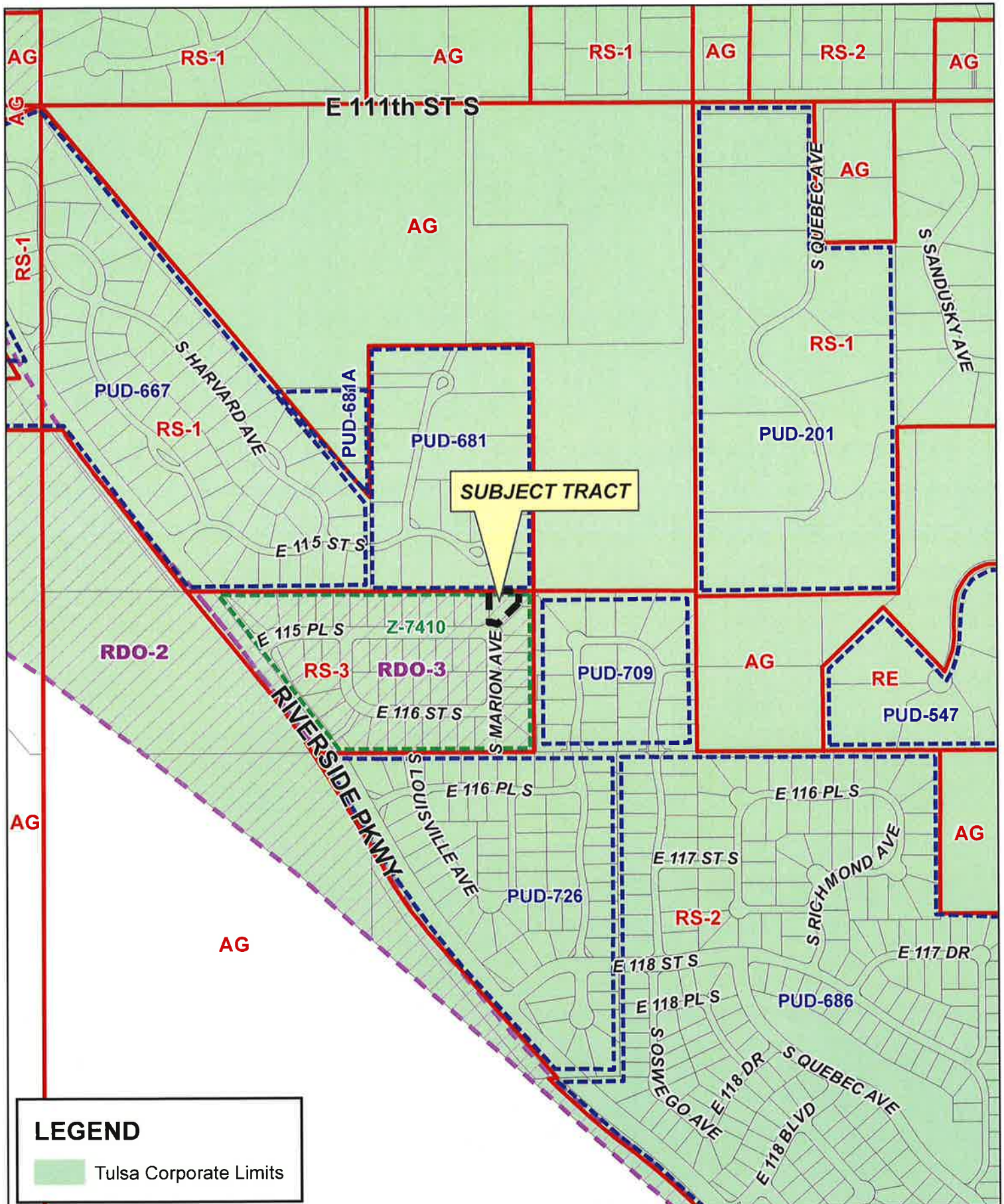
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Aerial Photo Date: February 2018



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LEGEND

Tulsa Corporate Limits



BOA-23047

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BOARD OF ADJUSTMENT CASE REPORT

STR: 8333

Case Number: **BOA-23047**

CZM: 56

CD: 8

HEARING DATE: 12/08/2020 1:00 PM

APPLICANT: Erik Enyart

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

LOCATION: 3751 E 115 PL S

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 12380.06 SQ FT

LEGAL DESCRIPTION: LOT 14 BLOCK 1, DELAWARE PARK

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the corner of S. Marion Ave. and E. 116th St. S. in the Delaware Park Subdivision.

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

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'	—	—	—

Currently the applicant is limited to 50% of the width of their frontage which works out to 16.36'. They are requesting permission to have a width of 27' 3" on the lot.

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.



0 Feet 250 500



Subject Tract

BOA-23047

18-13 33

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

Aerial Photo Date: February 2018



19.4

3751 East 115th Place South
Tulsa, Oklahoma
BOA-_____



November 2020

OWNER:
Asher Homes, LLC
9128 S. Braden Ave., Ste. 201
Tulsa, OK 74137
Phone: (918)970-6102

CONSULTANT:
Tanner Consulting, L.L.C.
5323 South Lewis Avenue
Tulsa, Oklahoma 74105
Phone: (918)745-9929

BOA-_____
NOVEMBER 2020

TANNER CONSULTING LLC, CERTIFICATE OF AUTHORIZATION NO. CA 2661
5323 S LEWIS AVE, TULSA, OK 74105 | 918.745.9929

19.5

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I.	PROPERTY DESCRIPTION	2
II.	PROJECT CONCEPT.....	3
	EXHIBIT LIST:	
	Exhibit A: Site Location	4
	Exhibit B: Architectural Site Plan	5
III.	SPECIAL EXCEPTION REQUEST AND JUSTIFICATION	6

I. PROPERTY DESCRIPTION

The subject property consists of 12,380 square feet addressed 3751 East 115th Place South, in the City of Tulsa, Oklahoma, and is more particularly described within the following statement:

LOT FOURTEEN (14), BLOCK ONE (1), "DELAWARE PARK", A SUBDIVISION WITHIN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT (PLAT NO. 6883) THEREOF.

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

II. PROJECT CONCEPT

The subject property is a vacant, platted lot containing 12,380 square feet and zoned RS-3 with Optional Development Plan Z-7410. The owner has applied for a Building Permit (BLDR-068736-2020 and BLDR-069093-2020) for a 3,255 square foot, two-story, single-family dwelling in 2020.

EXHIBIT A **Site Location**

Delaware Park, Tulsa, Oklahoma



III. SPECIAL EXCEPTION REQUEST AND JUSTIFICATION

The subject property has frontage on the curved "knuckle" of the intersection of East 115th Place South and South Marion Avenue. Exhibit A depicts the site location within Delaware Park and Exhibit B is the Architectural Site Plan submitted with the building permit application. It abuts the street right-of-way for 32.72 feet, and has (for purposes of determining compliance with zoning district lot and building regulations) 55.03 feet of frontage as measured at the 25-foot required setback line (cf. definition of "Frontage or Street Frontage" in Zoning Code Section 90.070).

Tulsa Zoning Code Section 55.090-F.3. provides:

"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'	--	--	--

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

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

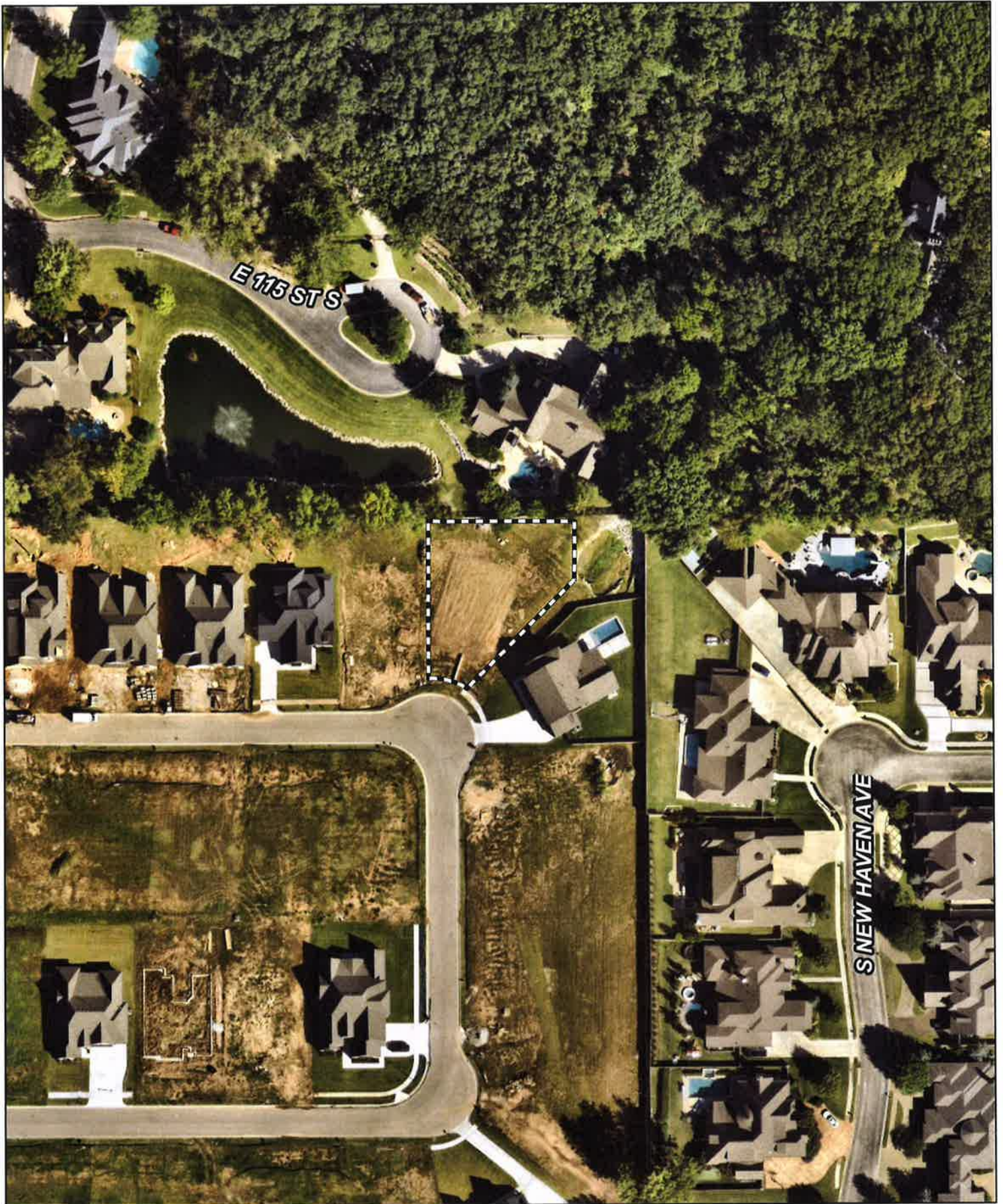
Per the Architectural Site Plan, the proposed dwelling will have a three (3) car garage with a driveway 16 feet in width within the right-of-way and flaring out to 27 feet 3 inches in width to reach the third-car garage door. The house is proposed to be set back 33 feet 8 inches from the street, leaving ample room for the driveway taper. As shown on the Architectural Site Plan, the lot configuration constrains floor plan options; thus the 3-car garage is front-loaded.

The Letter Of Deficiency (LOD) from the City of Tulsa requires the driveway within the lot be reduced to 50% of the lot frontage, which the City measures (in this instance) as along the street right-of-way and not as defined in Zoning Code Section 90.070. Therefore, we request a Special Exception to permit the driveway within the lot to be 27 feet 3 inches in width.

It is clear to us that the Zoning Code definition of "Frontage or Street Frontage" (Section 90.070) intends to equalize treatment of lots along straight and curved street frontages. It is not clear, however, why the current interpretation in our case does not honor the spirit and intent, if not the letter of the code provision. However, it is beyond the scope of this application to appeal the determination of the Code Official or seek a formal interpretation from the Board of Adjustment.

Houses in this and surrounding neighborhoods customarily, if not almost invariably, feature 3-car garages. Further, the lot abuts a 20-foot-wide Reserve G, which will physically and visually separate this driveway from the next driveway to the south.

For all the reasons provided above, we believe that the Special Exception requested (1) will be in harmony with the spirit and intent of the Zoning Code and (2) will not be injurious to the neighborhood or otherwise detrimental to the Public welfare. We respectfully request the Board of Adjustment approve our application.



0 Feet 50 100



Subject
Tract

BOA-23047

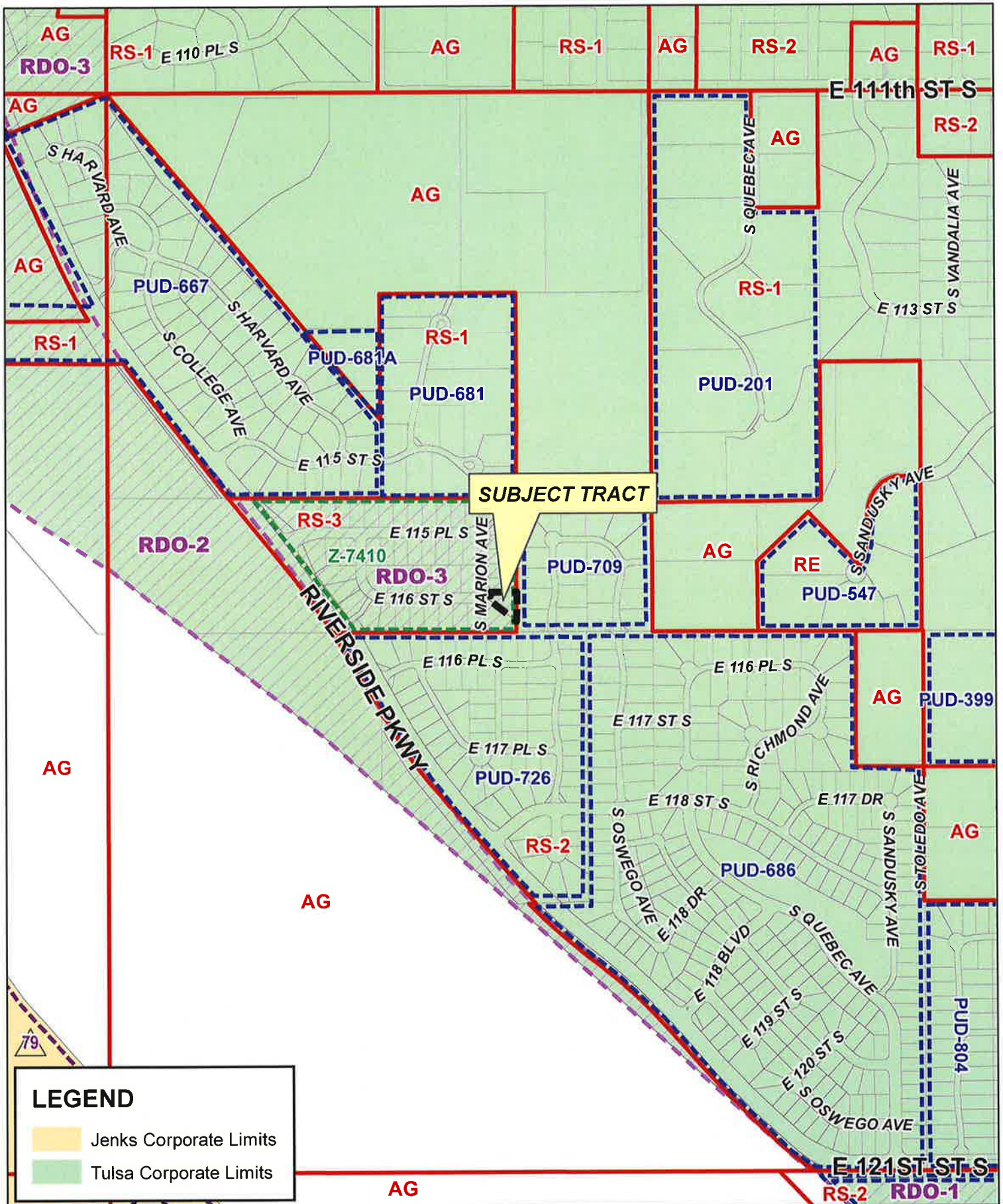
18-13 33

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

Aerial Photo: Nearmap 2020

19.22





BOA-23048

20.1

BOARD OF ADJUSTMENT CASE REPORT

STR: 8333

Case Number: **BOA-23048**

CZM: 56

CD: 8

A-P#:

HEARING DATE: 12/08/2020 1:00 PM

APPLICANT: Erik Enyart

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

LOCATION: 11541 S MARION AV E

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 11745.04 SQ FT

LEGAL DESCRIPTION: LOT 6 BLOCK 2, DELAWARE PARK

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the corner of S. Marion Ave. and E. 115th Pl. S. in the Delaware park Subdivision.

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

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'	---	---	---

Currently the applicant is limited to 50% of the width of their frontage which works out to 17.93'. They are requesting permission to have a width of 27' 6" on the lot.

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.

11541 South Marion Avenue

Tulsa, Oklahoma

BOA-____



November 2020

OWNER:
Asher Homes, LLC

9128 S. Braden Ave., Ste. 201
Tulsa, OK 74137
Phone: (918)970-6102

CONSULTANT:
Tanner Consulting, L.L.C.

5323 South Lewis Avenue
Tulsa, Oklahoma 74105
Phone: (918)745-9929

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II.	PROJECT CONCEPT.....	3
	EXHIBIT LIST:	
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	Exhibit B: Lot Dimensions and Frontage Exhibit.....	5
III.	SPECIAL EXCEPTION REQUEST AND JUSTIFICATION	6

I. PROPERTY DESCRIPTION

The subject property consists of 11,744 square feet addressed 11541 South Marion Avenue, in the City of Tulsa, Oklahoma, and is more particularly described within the following statement:

LOT SIX (6), BLOCK TWO (2), "DELAWARE PARK", A SUBDIVISION WITHIN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT (PLAT NO. 6883) THEREOF.

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

II. PROJECT CONCEPT

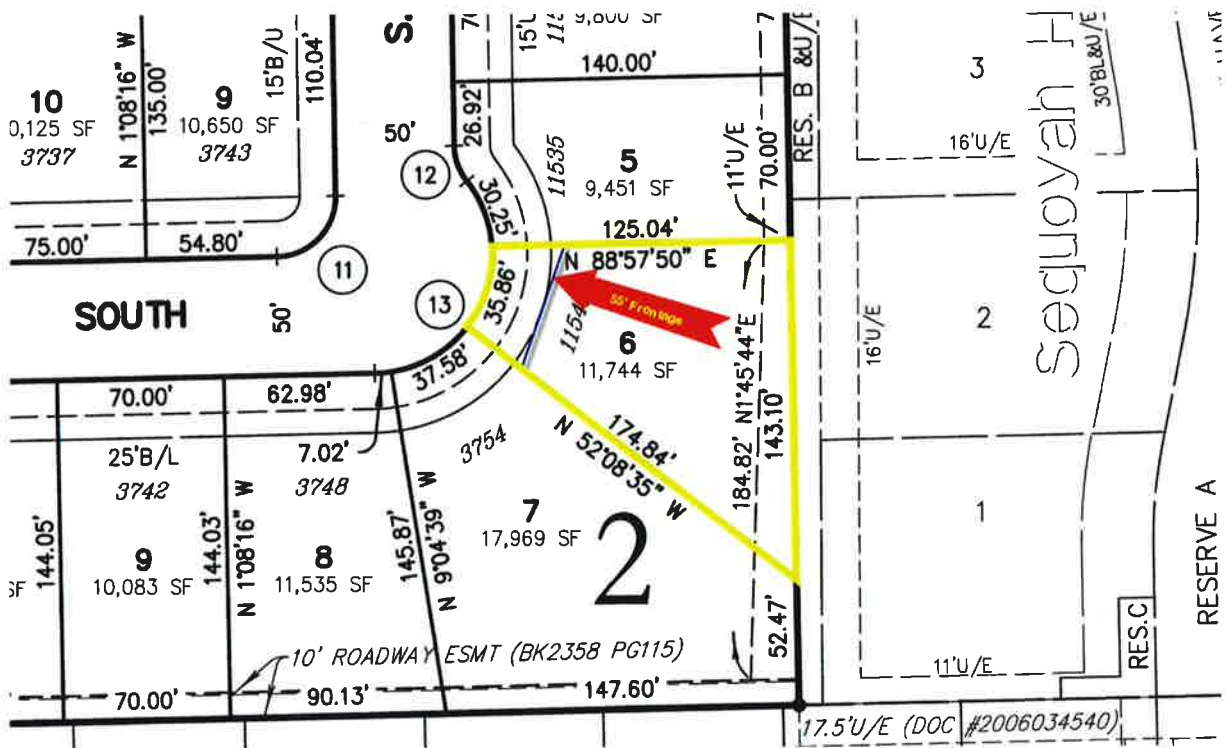
The subject property is a vacant, platted lot containing 11,744 square feet and zoned RS-3 with Optional Development Plan Z-7410. The owner will soon be filing an application for Building Permit for a single-family dwelling.

EXHIBIT A
Site Location

Delaware Park, Tulsa, Oklahoma



EXHIBIT B
Lot Dimensions and Frontage Exhibit



III. SPECIAL EXCEPTION REQUEST AND JUSTIFICATION

The subject property has frontage on the curved "knuckle" of the intersection of East 116th Street South and South Marion Avenue. Exhibit A depicts the site location within Delaware Park and Exhibit B is the Lot Dimensions and Frontage Exhibit. It abuts the street right-of-way for 35.86 feet, and has (for purposes of determining compliance with zoning district lot and building regulations) 55.00 feet of frontage as measured at the 25-foot required setback line (cf. definition of "Frontage or Street Frontage" in Zoning Code Section 90.070).

Tulsa Zoning Code Section 55.090-F.3. provides:

"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'	--	--	--

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

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

As shown on the Lot Dimensions and Frontage Exhibit, the lot configuration constrains floor plan options; thus, front-loaded a 3-car garage may be anticipated.

In a related case pertaining to Lot 14, Block 1, Delaware Park (BOA-____), the Letter Of Deficiency (LOD) from the City of Tulsa requires the driveway within the lot be reduced to 50% of the lot frontage, which the City measures (in this instance) as along the street right-of-way and not as defined in Zoning Code Section 90.070. Therefore, we request a Special Exception to permit the driveway within the lot to be 27 feet 6 inches in width. We are also requesting a waiver of the LOD requirement in anticipation that the same determination would be applied to this lot upon filing a Building Permit application.

It is clear to us that the Zoning Code definition of "Frontage or Street Frontage" (Section 90.070) intends to equalize treatment of lots along straight and curved street frontages. It is not clear, however, why the current interpretation (in the related, similar case) does not honor the spirit and intent, if not the letter of the code provision. However, it is beyond the scope of this application to seek a formal interpretation from the Board of Adjustment.

Houses in this and surrounding neighborhoods customarily, if not almost invariably, feature 3-car garages. The subject property and lots on either side of same are relatively large and exceed the minimum lot width and lot area requirements of the RS-3 district.

For all the reasons provided above, we believe that the Special Exception requested (1) will be in harmony with the spirit and intent of the Zoning Code and (2) will not be injurious to the neighborhood or otherwise detrimental to the Public welfare. We respectfully request the Board of Adjustment approve our application.

NOTES

GRAZING AND EROSION CONTROL PLAN



EXISTING UNDERGROUND LINES HAVE BEEN SHOWN TO THE EXTENT KNOWN AND PLANS HAVE BEEN SET TO THE AFFECTED UTILITY OWNERS FOR VERIFICATION OR EXISTING LINES BEFORE YOU DIG. CONTACT ONE: 1.800.522.8543

AT&T COMPANY
COX COMMUNICATION
OKLAHOMA NATURAL GAS COMPANY
SOUTHWESTERN BELL TELEPHONE COMPANY
AMERICAN ELECTRIC POWER (AEP)

- ALL GRADING AND EROSION CONTROL SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT CITY STANDARD CONSTRUCTION SPECIFICATION.
- ALL EROSION CONTROL CONSTRUCTION SHALL BE INSPECTED BY THE PUBLIC WORKS DEPARTMENT UTILITY INSPECTORS, IN ACCORDANCE WITH CITY POLICY.
- EROSION CONTROL SHALL START WITH INITIAL CONSTRUCTION AND BE PRACTICED THROUGHOUT THE PROJECT.
- HAY BALE DIKE OR SILT FENCE SHALL BE CONSTRUCTED ADJACENT TO ALL DRAINAGEWAYS, AND IN ALL AREAS THAT WILL ERODE INTO THE STORM SEWER SYSTEM.
- WHERE CONSTRUCTION ACTIVITY TEMPORARILY CEASES FOR 14 DAYS, THE DISTURBED AREA SHALL BE STABILIZED WITH SEED AND MULCH.
- THE CONTRACTOR SHALL RE-SEED ALL AREAS DISTURBED DURING CONSTRUCTION AND CONTRACTOR SHALL BE RESPONSIBLE FOR REEDED AREAS UNTIL GROWTH IS ESTABLISHED TO A UNIFORM SURF OF TWO (2) INCHES.
- THERE ARE NO OFFSITE MATERIAL, WASTE, BORROW OR EQUIPMENT STORAGE AREAS.
- THE STORM WATER POLLUTION PREVENTION PLAN SHALL BE UPDATED AS NECESSARY TO REMAIN CONSISTENT WITH ANY CHANGES APPLICABLE TO PROTECT SURFACE WATER RESOURCES IN ACCORDANCE WITH EROSION SITE PLAN OR SITE PERMITS, OR STORM WATER MANAGEMENT SITE PLANS OR SITE PERMITS APPROVED BY STATE OR LOCAL OFFICIALS FOR WHICH THE PERMITTEE RECEIVES WRITTEN NOTICE.

EROSION CONTROL LEGEND

- SWALE IN GRAZE
- DOWNSPOUT
- DOWNSPOUT TO SPLASH PAD
- UNDERGROUND LEADER DISCHARGE AT CURB
- NEW DRAINAGE FLOW
- EXISTING DRAINAGE FLOW
- HAY BALE
- SILT FENCE

LEGAL DESCRIPTION

- LOT 7, BLOCK 2
DELAWARE PARK
TULSA, OKLAHOMA

LIVABILITY SPACE

- ZONING *
- LOT SIZE *
- STRUCTURE HEIGHT *
- FIRST FLOOR FRAMED *
- SECOND FLOOR FRAMED *
- TOTAL FRAMED *
- GARAGE *
- PORCH *
- DRIVEWAY *
- LIVABILITY SPACE REQUIRED *
- LIVABILITY SPACE *

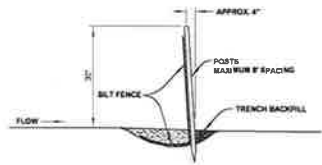
RS-3, FUD-2-2410
17,888 SQ.FT.
33'X" "
2,474 SQ.FT.
1,287 SQ.FT.
3,761 SQ.FT.
771 SQ.FT.
622 SQ.FT.
1,886 SQ.FT.
4,002 SQ.FT.
12,022 SQ.FT.

SURVEY DISCLAIMER

- THIS SITE PLAN IS DRAWN WITHOUT THE BENEFIT OF A BOUNDARY SURVEY. BOUNDARY AND EXISTING STRUCTURE LOCATIONS ARE APPROXIMATE BASED ON FIELD INFORMATION AND ARE FOR ILLUSTRATIVE PURPOSES ONLY.

SIDEWALK NOTE

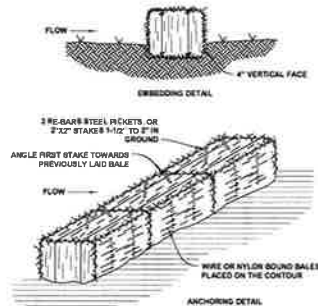
- SIDEWALK TO BE PROVIDED PER NEIGHBORHOOD COVENANTS.



- POST SHALL BE ANGLED SLIGHTLY TOWARDS RUNOFF SOURCE.
- THE TOP OF THE SILT TRENCH SHALL BE TRENCHED IN AND BACKFILLED.
- THE TRENCH SHOULD BE 8" DEEP BY 2' TO 4' WIDE TO ALLOW SILT TO BE LAID IN AND BACKFILLED.
- SILT FENCE SHALL BE FASTENED TO POSTS OR TO WOVEN WIRE, WHICH IS IN TURN ATTACHED TO THE POSTS.
- INSPECTION SHALL BE FREQUENT AND REPAIR OR REPLACEMENT PROMPT.
- SILT FENCE SHALL BE REMOVED WHEN THEY HAVE SERVED THEIR USEFULNESS SO AS NOT TO IMPED STORM WATER FLOW.
- TRAPPED SEDIMENT SHALL BE DISPOSED OF IN AN APPROVED MANNER AND LOCATION WHICH WILL NOT CONTRIBUTE TO ADDITIONAL SILTATION.
- ACCUMULATED SILT SHALL BE REMOVED WHEN IT REACHES DEPTH OF 8" TO 12" AND DISPOSED OF AS IN NOTE 7 ABOVE.

3 SILT FENCE DETAIL

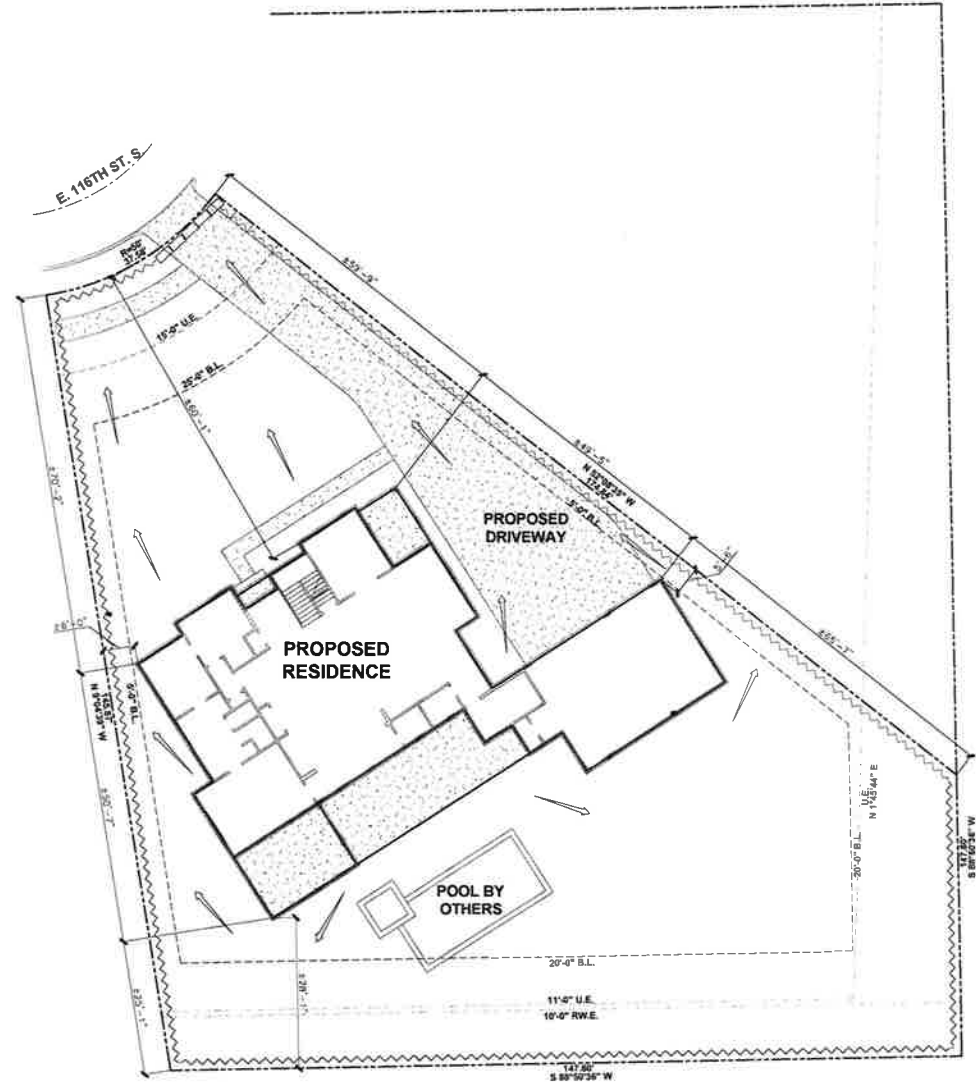
SCALE: NONE



- BALES SHALL BE PLACED IN A ROW WITH ENDS TIGHTLY ABUTTING THE ADJACENT BALES.
- EACH BALE SHALL BE ENDED IN THE SOL A MINIMUM OF FOUR INCHES, WHERE POSSIBLE.
- BALES SHALL BE SECURELY ANCHORED IN PLACE BY STAKES OR REBARS DRIVEN THROUGH THE BALES. THE FIRST STAKE IN EACH BALE SHALL BE ANGLED TOWARD PREVIOUSLY LAID BALE TO FORCE BALES TOGETHER.
- INSPECTION SHALL BE FREQUENT AND REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED BY CONTRACTOR.
- BALES SHALL BE REMOVED WHEN THEY HAVE SERVED THEIR USEFULNESS SO NOT TO BLOCK OR IMPED STORM FLOW OR DRAINAGE.
- ACCUMULATED SILT SHALL BE REMOVED WHEN IT REACHES A DEPTH OF 8 INCHES.

2 HAY BALE DIKE DETAIL

SCALE: NONE



1 ARCHITECTURAL SITE PLAN

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



wdesign
ARCHITECTURE & INTERIORS
815 E. 3rd Street, Suite C
Tulsa, OK 74120
Office: 918.794.6616
Fax: 918.794.6602
www.wdesignstudio.com

SEAL:

Preliminary
Not for Construction

PROJECT:

**SPEED
RESIDENCE**

PROJECT #
19305

3754 E. 116TH ST. S.
TULSA, OK
74008

ADDISON-002

CONSULTANT:



REVISIONS:

REV.	DATE	BY	CHKD.	REVISION
1	11.11.2019	JAD		ISSUED FOR PERMIT
2	11.11.2019	JAD		ISSUED FOR PERMIT
3	11.11.2019	JAD		ISSUED FOR PERMIT
4	11.11.2019	JAD		ISSUED FOR PERMIT

ISSUE DATE:

11.11.2019

SHEET NAME:
**ARCHITECTURAL
SITE PLAN**

SHEET #:

SP

DRAWN BY: JAD

20.11



0 300 600
Feet



Subject
Tract

BOA-23048

18-13 33

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

Aerial Photo Date: February 2018



20.12



E 115 PL S

S NEW HAVEN AVE

E 116 PL S

S MARION AVE

0 50 100
Feet



Subject
Tract

BOA-23048

18-13 33

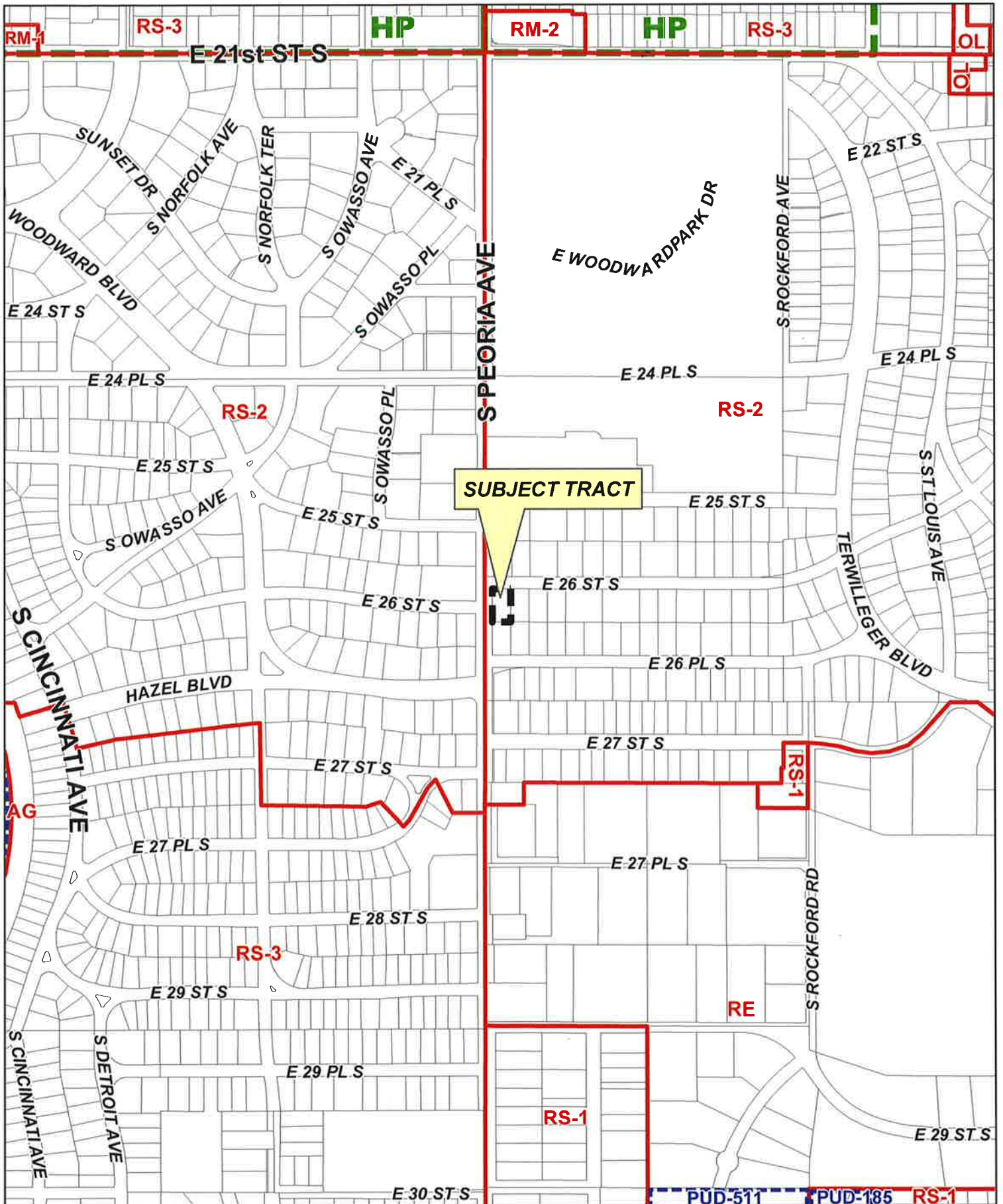
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



20.13

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BOA-23049

21.1

BOARD OF ADJUSTMENT CASE REPORT

STR: 9318

Case Number: **BOA-23049**

CZM: 37

CD: 4

HEARING DATE: 12/08/2020 1:00 PM

APPLICANT: Justin Kingsley

ACTION REQUESTED: Variance to permit a swimming pool within the required 35' side street setback (Sec. 5.030, table 5-3; Sec. 90.090, Table 90-1)

LOCATION: 1306 E 26 ST S

ZONED: RS-2

PRESENT USE: Residence

TRACT SIZE: 10123.39 SQ FT

LEGAL DESCRIPTION: LT 16 BLK 2, TRAVIS HGTS ADDN

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-12675: On 06.30.83 the Board approved a variance of the front and side street setback and the height for a Single-family home.

BOA-14475: On 5.28.87 the Board approved a variance of the required setback from Peoria Ave. for a fence.

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 E. 26th St. S. and S. Peoria Ave.

STAFF COMMENTS: The applicant is requesting Variance to permit a swimming pool within the required 35' side street setback (Sec. 5.030, table 5-3; Sec. 90.090, Table 90-1)

Table 5-3: R District Lot and Building Regulations

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
Minimum Lot Area (sq. ft.)													
Detached house	22,500	13,500	9,000	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	5,500
Patio house	-	-	-	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Townhouse	-	-	-	4,500	4,500	2,200	2,750	1,600	1,600	1,600	1,600	1,600	-
Cottage house dev't	-	-	-	-	-	15,000	15,000	15,000	15,000	15,000	15,000	15,000	-
Duplex	-	-	-	9,000	9,000	3,300	6,900	6,900	6,900	6,900	6,900	6,900	-
Multi-unit house	-	-	-	-	-	3,300	6,900	5,500	5,500	5,500	5,500	5,500	-
Apartment/condo	-	-	-	-	-	-	-	-	10,000	10,000	6,000	24,000	-
Mobile home park	-	-	-	-	-	-	-	-	-	-	-	-	[1]
Other allowed buildings/uses													
Permitted by right	22,500	13,500	9,000	6,900	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500
Special exceptions	22,500	13,500	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
Min. Lot Area per Unit (sq. ft.)													
Detached house	22,500	13,500	9,000	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Patio house	-	-	-	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Townhouse	-	-	-	4,500	4,500	2,200	2,750	1,600	1,600	1,600	1,600	1,600	-
Cottage house dev't	-	-	-	-	-	2,750	2,750	2,750	2,750	2,750	2,750	2,750	-
Duplex	-	-	-	4,500	4,500	1,650	3,450	3,450	3,450	3,450	3,450	3,450	-
Multi-unit house	-	-	-	-	-	1,100	1,800	1,800	1,800	1,375	1,100	900	-
Apartment/condo	-	-	-	-	-	-	-	-	2,900	1,750	1,100	400	-
Other allowed buildings/uses													
Permitted by right	-	-	-	-	-	-	-	-	5,500	5,500	5,500	5,500	5,500
Special exceptions	22,500	13,500	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
Minimum Lot Width (ft.)													
Detached house	150	100	75	60	50	30	50	50	50	50	50	50	-
Patio house	-	-	-	60	50	30	50	50	50	50	50	50	-
Townhouse	-	-	-	30	30	20	25	20	20	20	20	20	-
Cottage house dev't	-	-	-	-	-	75	75	75	75	75	75	75	-
Duplex	-	-	-	75	75	30	60	60	60	60	60	60	-
Multi-unit house	-	-	-	-	-	30	50	50	50	50	50	50	-
Apartment/condo	-	-	-	-	-	-	-	-	100	100	50	100	-
Other allowed buildings/uses													
Permitted by right	150	100	75	60	50	50	50	50	50	50	50	50	50
Special exceptions	150	100	100	100	100	100	100	100	100	100	100	100	100
Minimum Street Frontage													
Residential bldgs/uses [2]	30	30	30	30	30	30	30	30	30	30	30	30	30
Min. Building Setbacks (ft.)													
Street [3]													
Arterial or fwy service rd.	35	35	35	35	35	35	35	35	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
Min. Open Sp./Unit (sq. ft.)	12,000	7,000	5,000	4,000[8]	2,500	600	2,000	1,200	1,200	600	200	-	2,500

Table 90-1: Permitted Setback Obstructions in R Zoning Districts

Obstruction	Setback		
	Street	Side	Rear
Accessory buildings (see also, 590.090.C2)	No	No	Yes
Air conditioning units	No	Yes	Yes
Arbors and trellises	Yes	Yes	Yes
Awnings, canopies, light shelves and architecturally integrated solar shading devices projecting no more than 2 feet into the setback	Yes	Yes	Yes
Barbeque pits and outdoor fireplaces	No	No	Yes
Bay windows projecting no more than 2 feet into the setback	Yes	Yes	Yes
Carports	Yes [1]	Yes [2]	Yes [2]
Chimneys and flues projecting no more than 2 feet into the setback	Yes	Yes	Yes
Clotheslines	No	Yes	Yes
Decks, patios, and other features and structures less than 30 inches in height above grade	Yes	Yes	Yes
Eaves and gutters projecting no more than 2 feet into the setback	Yes	Yes	Yes
Fences and walls (see also Section 45.080)	Yes	Yes	Yes
Fire escapes projecting no more than 4.5 feet into the setback	Yes	Yes	Yes
Flagpoles and similar features	Yes	Yes	Yes
Geothermal heat pumps and geothermal heat exchange system equipment up to 4 feet in height above grade	No	No	Yes
Green houses and hoop houses	No	No	Yes
Insulation added to the outside of the exterior wall of an existing building	Yes	Yes	Yes
Plants and cold frames	Yes	Yes	Yes
Rainwater harvesting equipment projecting no more than 4.5 feet into the setback	Yes	Yes	Yes
Recreational equipment (e.g., swing sets, playground equipment, tree houses, etc.)	No	No	Yes
Satellite dish antennas	See Section 45.180		
Signs (see also Chapter 60)	Yes	Yes	Yes
Sills, belt courses, cornices and similar architectural features projecting no more than 2 feet into the setback	Yes	Yes	Yes
Solar energy systems, building mounted	No	Yes	Yes
Solar energy systems, ground-mounted	No	No	Yes
Swimming pools and tennis courts	No [3]	No	Yes
Vehicle parking/storage, inoperable (see also Section 45.140)	No	No	Yes
Wheelchair lifts and ramps that meet federal, state and local accessibility standards	Yes	Yes	Yes

STATEMENT OF HARDSHIP: House sits on the SE/c of 26th St. and Peoria Ave. The west edge of pool will sit 12' from Peoria Ave. and the East edge will sit 30' from Peoria Ave. The existing setback from Peoria Ave. is 35'. The West edge of house is 28' from Peoria Ave. and the garage is 29' from Peoria Ave. (**Note from Staff:** Staff has spoken with applicant and believe they are measuring from the curb and not the actual right-of-way, staff has requested a revised site plan showing distances from property lines.)

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to permit a swimming pool within the required 35' side street setback (Sec. 5.030, table 5-3; Sec. 90.090, Table 90-1)

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

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

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

Case No. 12674 (continued)

The subject property was previously used as a self-service gas station and a 60' x 20' trailer was used as an office. The applicant plans to use the trailer as the office for the new and used car dealership. The only change to the property will be additional paving for the automobiles and the existing sign will not be increased in size. There will be a patio added to the front of the trailer for cosmetic improvement. Mr. Witt felt the use would be consistent with the uses in the surrounding area.

Protestants: None.

Comment and Questions:

Discussion ensued as to the allied activities of the business. Mr. Witt advised there would be no dismantling of automobiles, no body work, painting, or repair work done at the subject property. Mr. Gardner advised the applicant has not requested that repair work be performed at the subject location and it has not been advertised. If the applicant intends to repair automobiles on-site another hearing would be required to allow for proper notice and advertisement.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - Under the Provisions of Use Unit 1217) to allow for the sale of new and used autos only - Under the Provisions of Section 1680, on the following described property:

Lot 1, Block 1, Bradford Addition, Tulsa County, Oklahoma.

Case No. 12675

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the setback from the centerline of Peoria Avenue from 85' to 47' and a variance of the maximum height from 35' to 36' - Under the Provisions of Section 1670; and a Variance - Section 280 - Structure Setback From Abutting Streets - Request for a variance of the Major Street Plan setback from 50' to 47' - Under the Provisions of Section 1670 located at 1306 East 26th Street.

Presentation:

Roy Adcock, Suite 607, Park Towers, architect representing Frances Norman, submitted a photograph of a residence located in the immediate area (Exhibit "S-1"); a color rendering of the proposed structure (Exhibit "S-2") and a site plan (Exhibit "S-3"). A single-family dwelling is proposed for the corner of 26th Street and Peoria Avenue. A variance of the setback and height requirements are requested to permit construction of the residence. The dwelling will front on Peoria which also requires a variance of the Major Street Plan setback. If the residence did not front on Peoria the request would not be needed.

Protestants:

A protest letter was submitted from Gerald Weathers, 1305 East 26th Street, which stated his opposition to the variance as it would

6.30.83:390(20)

21.6

Case No. 12675 (continued)

detract from neighboring properties (Exhibit "S-4").

Comments and Questions:

The Staff advised the drawing indicates the structure to the north sets closer to the street than the proposed dwelling.

The Board did not feel the proposed residence would detract in any way from the neighborhood.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the setback from the centerline of Peoria Avenue from 85' to 47' and a variance of the maximum height from 35' to 36' - Under the Provision of Section 1670; and a Variance (Section 280 - Structure Setback from Abutting Streets) of the Major Street Plan setback from 50' to 47' - Under the Provisions of Section 1670, per site plan, on the following described property:

Lot 16, Block 2, Travis Heights Addition to the City of Tulsa, Oklahoma.

Case No. 12677

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1215 - Request to allow an electrical contractor in a CS District - Under the Provisions of Section 1680; and a Special Exception - Section 1680.1 (g) - Special Exception - Use Unit 1209 - Request to allow off-street parking in an RS District - Under the Provisions of Section 1680; and a Special Exception - Section 250.3 - Modification of the Screening Wall or Fence Requirements - Use Unit 1215 - Request to vary the screening requirement - Under the Provisions of Section 1680, located at approximately 1137 South 120th East Avenue.

Presentation:

John Hogan, 9622 North 147th East Avenue, Owasso, Oklahoma, was present and submitted a plot plan (Exhibit "T-1"). The subject lot is 175' x 240', and 180' of that property is zoned CS with the remaining 60' being zoned RS. The 180' x 175' portion of the property will be used to construct a building for an electrical contractor, Mars Electric. A future building of similar occupancy is proposed on the same lot. The 60' portion of the property zoned RS will be used for off-street parking purposes. The applicant also requested permission to move the screening to the south line to include both the CS and RS properties. The proposed structure would encompass an office and storage which would allow the owner to store everything inside the building.

Protestants: None.

Comments and Questions:

Mr. Wait inquired as to the screening requirement and Mr. Hogan stated he intends to place the screening fence 60' south of the CS zoned property. Mr. Gardner advised the Staff would be concerned that there be no outside storage or work performed at the subject property. It

6.30.83:390(21)

Case No. 14474

Action Requested:

Variance - Section 1221.3 (f) - General Use Conditions - Use Unit 1221 - Request a variance of setback from the centerline of 11th Street from 50' to 33' to allow for a sign, located 2924 East 11th Street.

Presentation:

The applicant, Leo Pickett, 4485 East 31st Street, Tulsa, Oklahoma, submitted photographs (Exhibit E-1), and explained that he is proposing to replace an existing sign with a new sign. He stated that the proposed sign will align with others along the street. Mr. Pickett advised that the sign will be in the middle of the parking lot and will not be visible to motorists if the required 50' setback is held.

Protestants: None.

Board Action:

On **MOTION** of **SMITH** the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 1221.3 (f) - General Use Conditions - Use Unit 1221) of setback from the centerline of 11th Street from 50' to 33' to allow for a sign; subject to the execution of a Removal Contract; and subject to the removal of the existing sign; finding there are many signs in the older area that are as close, or closer, to the street as the sign in question; and finding that the sign would be located in the driveway if the required setback is adhered to; on the following described property:

Lots 1 and 2, Block 3, Pilcher-Summit Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14475

Action Requested:

Variance - Section 280 - Structure Setbacks from Abutting Streets - Use Unit 1206 - Request a variance of setback from the centerline of Peoria Avenue from 50' to 30' and from the centerline of 26th Street from 25' to 18' to allow for a fence.

Special Exception - 240.2 - Permitted Yard Obstructions - Use Unit 1206 - Request a special exception to allow for an 8' high fence in the front yard, located 1306 East 26th Street.

Presentation:

The applicant, Theresa Killgore, 1306 East 26th Street, Tulsa, Oklahoma, asked permission to construct a brick fence along her property line next to Peoria Avenue. She informed that the fence will turn on 26th Street and extend along the front of the property for approximately 15'. Ms. Killgore informed that the house behind

Case No. 14475 (continued)

her has constructed a similar fence. She informed that the fence will protect the property and serve as a noise barrier. Ms. Killgore explained that the fence will be constructed of the same type of brick that is on her home and will be approximately 7' to 8' high on Peoria, but will curve down to 4' on 26th Street.

Comments and Questions:

Ms. Bradley asked the applicant if there are other fences on 26th Street that are as close to the street, and she stated that there are none on 26th Street. She pointed out that she is continuing the height of the fence already in place behind her on Peoria and it will slope down in front of her home as it extends to the circle drive.

Protestants: None.

Board Action:

On **MOTION** of **WHITE** the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 280 - Structure Setbacks from Abutting Streets - Use Unit 1206) of setback from the centerline of Peoria Avenue from 50' to 30' and from the centerline of 26th Street from 25' to 18' to allow for a fence; and to **APPROVE** a **Special Exception** (Section 240.2 - Permitted Yard Obstructions - Use Unit 1206) to allow for an 8' high fence in the front yard; subject to a removal contract and traffic engineering approval; and subject to City Commission approval if necessary; finding that the fence will actually be a continuation of an existing fence located to the rear of the subject property and will not be detrimental to the neighborhood; on the following described property:

Lot 16, Block 2, Travis Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14476

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1215 - Request a special exception to allow a home occupation for a kennel to house 5 dogs, located 2248 South Indianapolis Avenue.

Presentation:

The applicant, Juanita Rippy, 2248 South Indianapolis, Tulsa, Oklahoma, submitted photographs (Exhibit F-2) and letters of support (Exhibit F-3). She asked the Board to allow her to continue to keep her five small dogs at her home. Ms. Rippy informed that the animals have the best medical care available and the yard is treated and kept clean. The applicant stated that the yard has a 6' privacy fence.

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

Justin Kingsley
elitebuildstulsa@gmail.com

10/29/2020

APPLICATION NO: ZN LOD 71926-2020 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 1306 E 26th St S

Description: Pool

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.

5.030-A: In the RS-2 zoned district the minimum side yard setback from an arterial side street shall be 35 feet from the side property line which is Peoria Avenue.

Review Comments: Revise your plans to indicate a 35' side setback to the property line to the proposed pool or apply to INCOG for a variance to allow less than a 35' side setback along Peoria Avenue.

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.

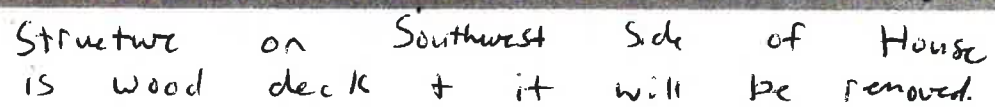
Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:
<http://www.tmapc.org/Documents/TulsaZoningCode.pdf>

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

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.



21.12



Subject property.



Subject property taken from Peoria Ave.



0 Feet 250 500



Subject Tract

BOA-23049

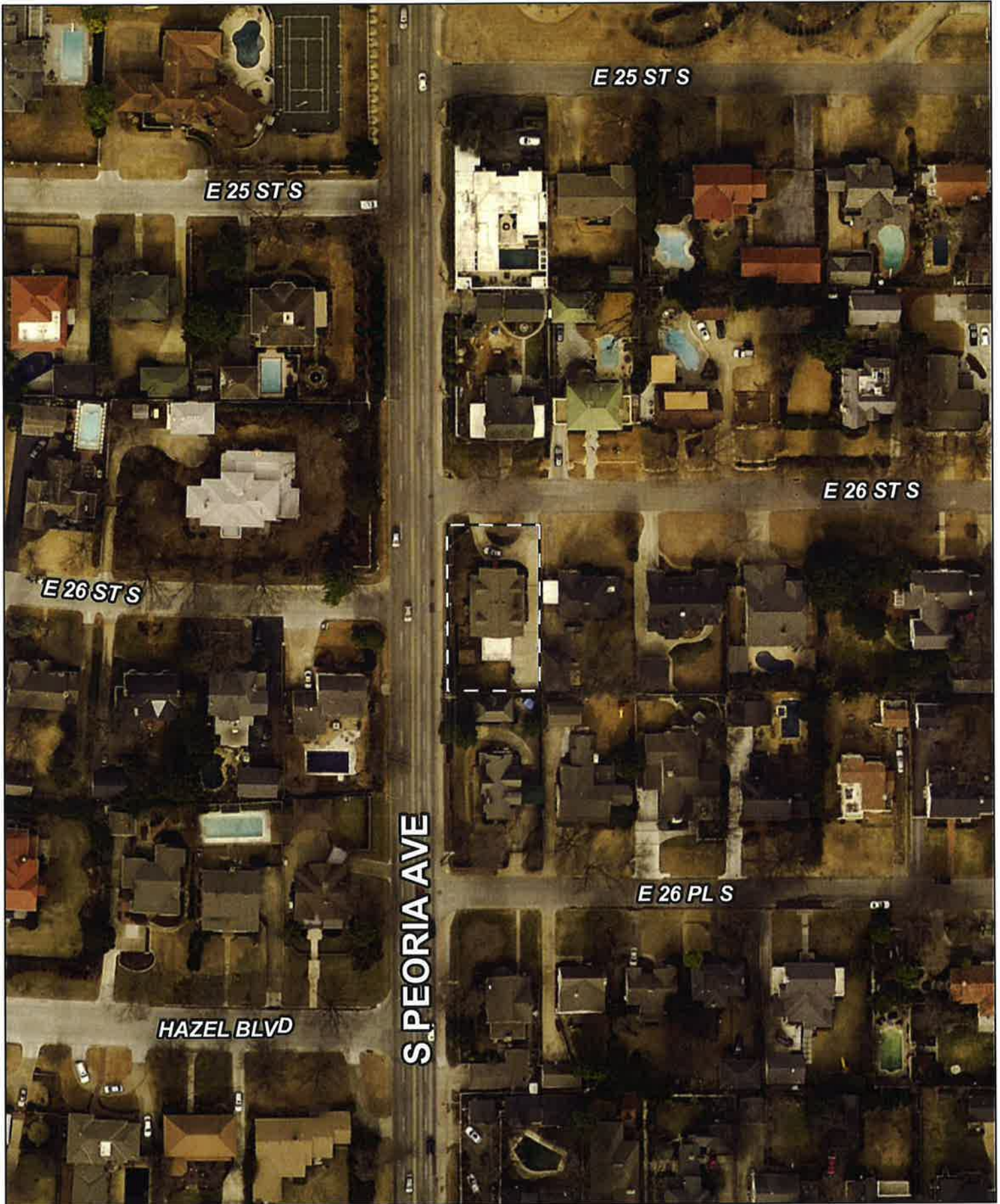
19-13 18

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

Aerial Photo Date: February 2018



21.14



0 50 100
Feet



Subject
Tract

BOA-23049

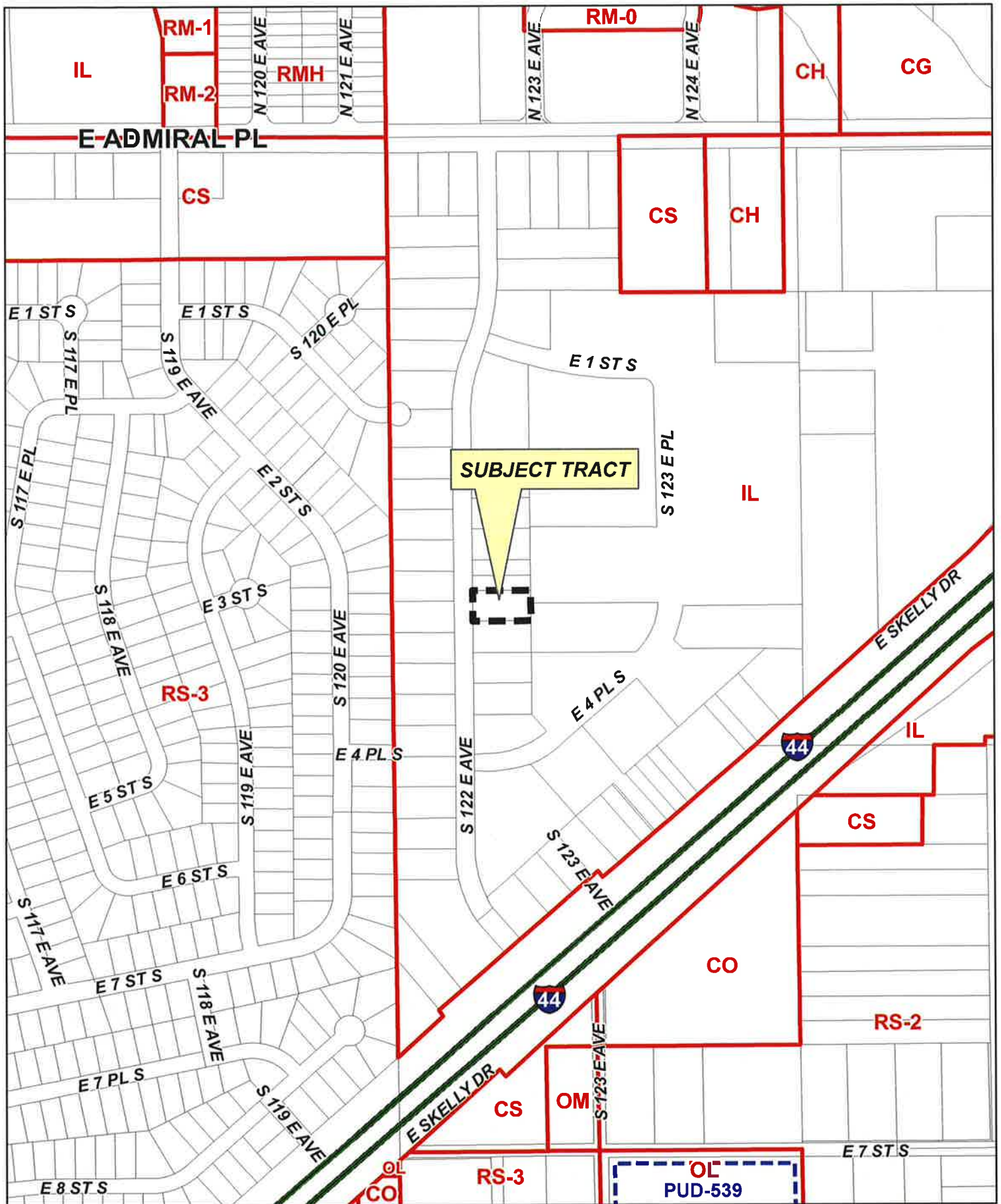
19-13 18

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

Aerial Photo Date: February 2018



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BOA-23050

22.1

19-14 05



BOARD OF ADJUSTMENT CASE REPORT

STR: 9405

Case Number: BOA-23050

CZM: 39

CD: 3

HEARING DATE: 12/08/2020 1:00 PM

APPLICANT: Cody Welch

ACTION REQUESTED: Minor Special Exception to amend a previously approved site plan for a Moderate-Impact Medical Marijuana processing (Moderate-impact Manufacturing & Industry Use) in the IL district approved in BOA-22981 (Sec. 70.120)

LOCATION: 165 S 122 AV E

ZONED: IL

PRESENT USE: Industrial

TRACT SIZE: 19301.52 SQ FT

LEGAL DESCRIPTION: LT 8 BLK 3, EASTGATE INDUSTRIAL PARK THIRD ADDN RESUB

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-22981: On 08.25.20 the Board approved a Special Exception for a Moderate-Impact Medical Marijuana processing (Moderate-impact Manufacturing & Industry Use) in the IL district. The approval in this case was limited Suite B.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as "Employment" 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.

22.2

ANALYSIS OF SURROUNDING AREA: The subject tract is located South of the SE/c of E. Admiral Pl. and S. 122nd E. Ave inside the Eastgate Industrial Park.

STAFF COMMENTS: Applicant is requesting a ***Minor Special Exception*** to amend a previously approved site plan for a Moderate-Impact Medical Marijuana processing (Moderate-impact Manufacturing & Industry Use) in the IL district approved in BOA-22981 (Sec. 70.120)

The original approval identified the tenant space as Suite B. The applicant is seeking to amend the approval and site plan allow the use in suite C. Per the applicant there will be no expansion of the approved use.

SAMPLE MOTION:

Move to _____ (approve/deny) a ***Minor Special Exception*** to amend a previously approved site plan for a Moderate-Impact Medical Marijuana processing (Moderate-impact Manufacturing & Industry Use) in the IL district approved in BOA-22981 (Sec. 70.120)

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

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



Subject Property



Facing North on 122nd



Facing South on 122nd E. Ave.

[illegible]

1. NOT USED
2. MECHANICAL, PLUMBING, AND ELECTRICAL SUBCONTRACTORS ARE REQUIRED TO COORDINATE WITH EACH OTHER AND TO REFER TO ALL SHEETS IN THE SET FOR CONSTRUCTION CONDITIONS, NOT JUST THE DRAWINGS PERTAINING TO THEIR DISCIPLINE.
3. FINAL LOCATION OF ALL SURFACE FEATURES ARE TO BE VERIFIED WITH ARCHITECTURAL DRAWINGS AND/OR ARCHITECT PRIOR TO INSTALLATION.
4. ALL EXPOSED PIPE, CONDENSATE, AND DUCTWORK IS TO BE PREPPED BY TRADE FOR PRIME AND FINAL PAINT BY G.C. SEE ARCHITECTURAL SPECIFICATIONS.

FAN COIL UNITS W/ DX COOLING	AG-1A	AG-1
Manufacturer	FURNITURE	FURNITURE
Market Location	ALABAMA	MISSISSIPPI
Capacity	3.5	3.5
Capacity Air (24 M)	840	
Rated Cooling MBH	10	10
Rated Heating MBH	16	16
Condensing Air (24 M/HR)	65/12	
Refrigerant		R-22
Refrigerant Charge (lb)	1.2	1.2
Condensing Pressure (PSI)	240	
Operating Pressure	30	240-260 PSI
Weight	20/25 LBS	20-25 LBS
Dimensions	8 1/2 x 5	8 1/2 x 5
Price (incl. Freight)	40	40
Notes	NOTES: 1-4-0	NOTES: 1-4-0

INSULATION FOR FIELD-EXPOSED REINFORCING BARS

[illegible]

PROCESSING ROOM

EXISTING ROOM, NO MODIFICATION SHALL BE MADE TO THE STRUCTURE, PLUMBING SYSTEM, AND LIGHTING SYSTEM.

RESTROOM

A detailed floor plan of the processing room. The layout includes a large central area labeled 'PROCESSING ROOM' containing a 'PROCESSING TABLE' and a 'DEEP FREEZE'. To the left is a 'RW-300C HUMIDOR'. To the right is a 'RESTROOM'. At the top right is a 'STORAGE SHELVES' area. At the bottom right is a 'MUG SMASHER' and a '20 TON ROSIN HYDRAULIC PRESS'.

22.6

LTS 7 & 8 BLK 3, UTICA ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Ms. Shelton re-entered the meeting at 2:52 P.M.

22981—Cody Webb

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Action Requested:

Special Exception to permit moderate-impact medical marijuana processing (Moderate-impact Manufacturing & Industry Use) in the IL District (Section 15.020, Table 15-2). **LOCATION:** 165 South 122nd Avenue East, Suite B **(CD 3)**

Presentation:

Cody Welch, 2878 East 34th Street, Tulsa, OK; no presentation was made, and he deferred to Mr. Logan Jones.

Logan Jones, Attorney, 616 South Boston Avenue, Tulsa, OK; stated his client would like to have cannabis processing facility located at 165 South 122nd East Avenue, Suite B. The process his client wants to engage in is something generically referred to as non-combustible. The application that is before the Board is for a building that is currently zoned IL, where the zoning requirements for the City of Tulsa state that any cannabis processing, including this moderate impact, be placed in an IM or an IH zone. Mr. Welch is looking to occupy a floor space of about 200 square feet. The difference between a combustible and a non-combustible process is obviously the use of combustible gases, which is a concern for anyone who has to be in close proximity to this, however, that does not apply to this specific situation. His client will be using a simple heat and force machines to take the cannabis plant, heat and compress it down, extract the oil and that is it. There are no flammable products. There are no toxic gases. The specific requirements for a permitted business in the city limits of Tulsa are going to require that a cannabis processing facility mirror and implement a lot of the requirements which are used for licensing purposes from the State, both the Oklahoma Medical Marijuana Authority and the Oklahoma Bureau of Narcotics and Dangerous Drugs which will regulate the actual presence of cannabis on the subject site. Specific to the Bureau of Narcotics and Dangerous Drugs any commercial cannabis facility in the State of Oklahoma has to abide by a monitored alarm system by a third party, a lock that will segregate access to the cannabis from general access to the facility, and recordable cameras that will track the physical presence of individuals. He understands that since the subject property abuts a residential area there is a concern about the traffic pattern. The reality is that Mr. Welch is not the first cannabis business in the area; there are already two others that exist in the industrial light area, which are cannabis growers. Mr. Welch will be occupying 200 square feet in a portion of a building that a grower currently is permitted to occupy. As for the smell, the City of Tulsa has a ventilation requirement to make this process as indistinguishable to neighbors as possible. The buildings are non-descript buildings in east Tulsa and there is no identification signifying the buildings are commercial cannabis businesses. There

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is no signage. There are no additional security protocols. There is nothing to distinguish the building occupants from any other building occupants. The subject building does not actually abut any residential property; there is a corridor or a row of industrial buildings separating the residences in question. Mr. Jones stated the reason Mr. Welch does not have an existing medical marijuana license today is because he is attempting to attach his license to the subject address which requires the consent of the City of Tulsa via the Certificate of Compliance; he is awaiting the resolution of today's decision. There was a question by Mr. Triplett whether the building owner consented to this application and he does. At this point Mr. Jones deferred to Mr. Welch so he can discuss the processing technology in the subject space.

Cody Welch came forward and stated that what he does is mechanical extraction. He has two machines that fit on a 6'-0" x 2'-6" worktable. He applies heat and pressure, and the pressure is about 800 pounds per square inch and the heat does not exceed 200 degrees. There would virtually be zero environmental footprint for what he is doing. The solvent used in the process is water except for the cleaning supplies. He is not interested in using chemicals in the processing because he wants to keep an organic approach to the processing. Mr. Welch stated he hired Mr. Jones to help him get through some of the language of the process and the hearing process. He plans to use the existing alarm that is there for the marijuana farm. He has fingerprint digital wi-fi activated locks to enter the shop. He has two cameras on the interior. The plans are to have an HVAC system and it will have a carbon filtration system.

Ms. Shelton asked Mr. Welch if mechanical extraction without the use of chemicals produce any marijuana odors? Mr. Welch stated marijuana has an odor no matter what a person does to it. The grievances that were written to him, he believes, are grievances more toward the existing cannabis businesses because he has not operated or done anything at the subject site. Mr. Welch stated the extreme pungent smell comes from the harvesting of the cannabis and he will not be harvesting.

Ms. Shelton asked if the applicant decides to not have organic processing in the future would that change his designation and prompt him to come back before the Board? Mr. Van De Wiele stated that it would if it were one of the combustible processes, the ones designated in the high intensity processing.

Interested Parties:

Robert Triplett, 139 South 122nd East Avenue, Tulsa, OK; stated he appreciates everything Mr. Welch has said, and he gave him an opportunity to meet with him, he was very forthright. Mr. Triplett stated he has encountered over the last year a really pungent smell from other marijuana growers, to the point that his employees cannot leave their car windows down. On the day of harvest and/or when the marijuana is squeezed the pungent smell is going to be serious. He and his employees get the smell on their clothes and they are concerned about being stopped for probable cause by the Police because the odor can be that strong.

Mr. Van De Wiele asked Mr. Triplett where his facility is located in relation to the subject building. Mr. Triplett stated that his facility is three doors north of the subject site. Mr. Triplett stated there are at least three other growers along the street and he knows that because of the pungent smell.

Mr. Bond asked Mr. Triplett if he disagreed with the applicant about his process not creating any additional smells. Mr. Triplett stated that he would strongly disagree. It is like a piece of garlic, once you start peeling it there will be more smell. Mechanically the marijuana will have more smell.

Mr. Van De Wiele asked Mr. Triplett if he was aware of the filter ventilation equipment at the other locations? Does he know if the other locations have them or don't have them? Mr. Triplett stated there has been a concentrated effort by the people along that street that are growing to add scrubbers. But on harvest day on a small parcel there cannot be enough scrubbers installed to remove all the odor. Mr. Triplett stated that he knows from a practical standpoint people cannot roll their windows and leave them down because the smell gets really bad. He thinks the City was smart when they wrote the zoning to have the marijuana facility or processing be in IM or IH, because those parcels are larger and farther apart. This area has buildings nested together very closely on the small IL lots.

Rebuttal:

Cody Welch came forward and stated there is an enormous difference in the smell when it comes to processing and harvesting.

Comments and Questions:

Mr. Van De Wiele stated that he has read in the Code, in 9.3, "a ventilation air filtration system that prevents odor from being detectable at the boundaries of the lot within which the building is housing", so who is checking on that? Who verifies that? Mr. Chapman stated the building permit level verifies that there is some type of system. There is no one going to perform a smell check on a business; it would be a complaint-based inspection performed by Code Enforcement.

Ms. Radney stated this one is a tough call for her. This does strike her as being about intensity and through no fault of this applicant, he may be prepared to comply with the Code as it relates to the air scrubbing system, but she cannot get past Mr. Triplett's suggestion that adding additional manufacturing capacity into the space is injurious to the neighborhood. Ms. Radney recognizes that there may be a recourse with the City in the terms of Code Enforcement but what is acceptable per Code to date isn't adequate and adding more manufacturing capacity into this environment seems problematic. Ms. Radney stated that she is leaning toward a no vote, but she will listen to the rest of the discussion.

Ms. Shelton stated that she is struggling the same thing as Ms. Radney, she is not a fan of compounding problems. The last thing the applicant said, that there is a distinct difference in the smell of extraction versus the smell of harvesting so what is being

BOA-22981

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proposed is extraction not harvesting and that has her favoring a yes vote more than a no vote but that doesn't mean that she is not sympathetic to the odor. Ms. Shelton stated she hates the smell so she can image the pain of working around the odor.

Board Action:

On **MOTION** of **BOND**, the Board voted 3-1-0 (Bond, Shelton, Van De Wiele "aye"; Radney "nays"; no "abstentions"; none absent) to **APPROVE** the request for **Special Exception** to permit moderate-impact medical marijuana processing (Moderate-impact Manufacturing & Industry Use) in the IL District (Section 15.020, Table 15-2), subject to conceptual plan 9.10 of the agenda packet. This approval is limited to the 200 square foot space identified as Suite B. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 8 BLK 3, EASTGATE INDUSTRIAL PARK THIRD ADDN RESUB, City of Tulsa, Tulsa County, State of Oklahoma

22985—Christian & Kristen Meyers

Action Requested:

Variance of the minimum lot width in the RE District to permit a lot line adjustment (Section 5.030, Table 5-3); Variance of the minimum lot area and lot area per dwelling unit in the RE District to permit a lot line adjustment (Section 5.030, Table 5-3). **LOCATION:** 2604 East 38th Street South **(CD 9)**

Presentation:

Lou Reynolds, 2727 East 21st Street, Tulsa, OK; stated he represents Mr. and Mrs. Chris Meyers who own the subject property. In the back of their property there is a square tract that they would like to attach that portion to the neighbor's property to the southeast. The unusual issue is that the northern lot, Tract A, is an RE zone property and Tract B and Tract C where the small portion will be attached is zoned RS-1, and they each have significant zoning requirements. Tract A is supposed to 150-foot width on 38th Street and it has 83 feet of width, that is how it was platted. So, there is not any change in the street frontage for the subject property, it is actually the rear of the property. The north boundary line of Tract C and the south boundary line of Tract A is the zoning line. Everything north of Tract C is zoned RE and everything south of Tract A is zoned RS-1.

Mr. Van De Wiele asked Mr. Reynolds if Tract B was its own separate lot. Mr. Reynolds answered no and stated that it is a piece of Tract A. Tract A and Tract C are a single lot and Tract B is its own lot. Mr. Van De Wiele asked Mr. Reynolds if the goal is to cut C off from A and tie it to B. Mr. Reynolds answered affirmatively.

Mr. Reynolds stated that on Tract B there is a house, a pool and that owner wants to have the small portion of land so they will have a back yard behind the pool. Mr.

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22.10



0 200 400
Feet



Subject
Tract

BOA-23050

19-14 05

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

Aerial Photo Date: February 2018



22.11



0 50 100
Feet



Subject
Tract

BOA-23050

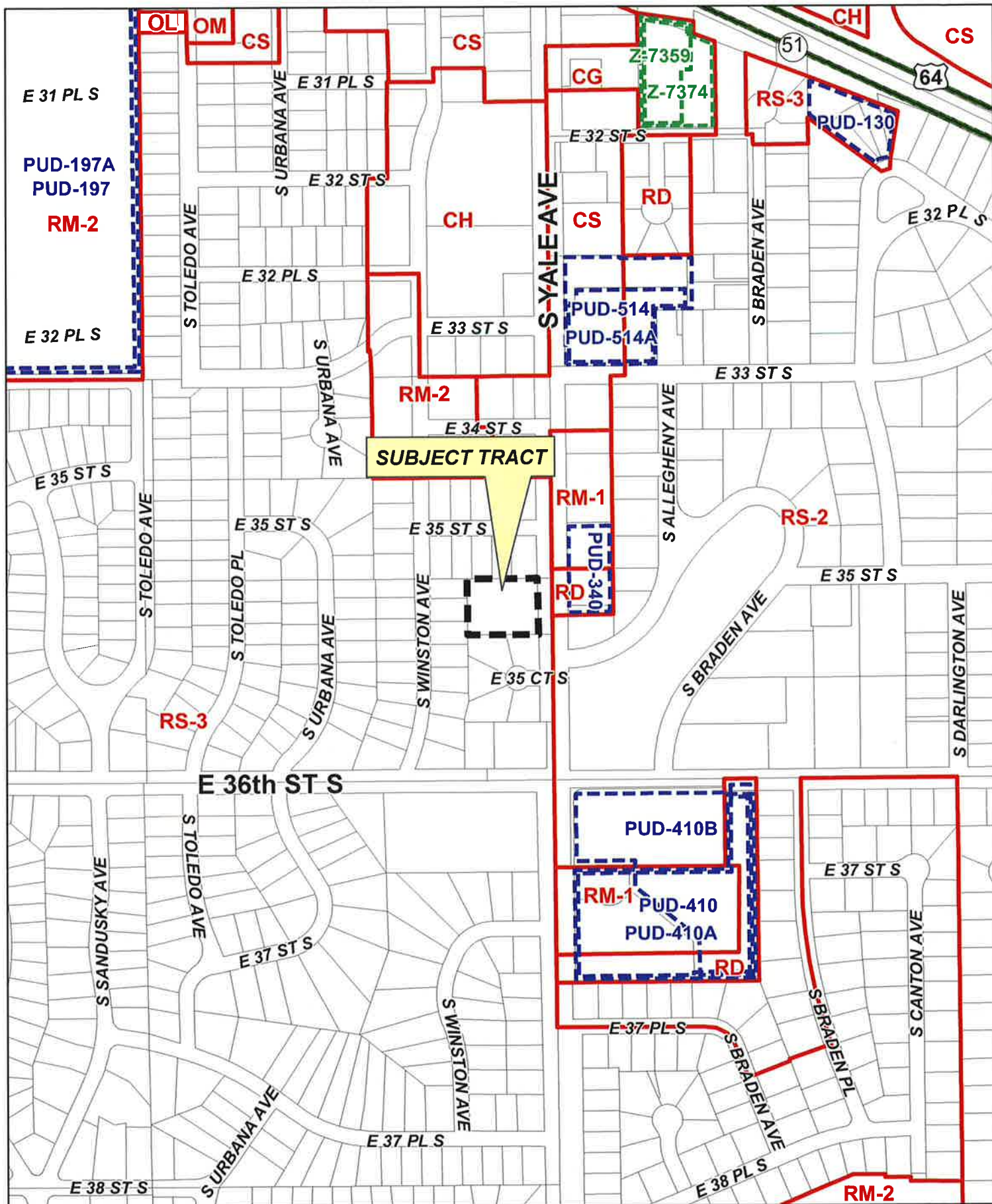
19-14 05

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

Aerial Photo Date: February 2018



22.12



BOA-23051

23.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9321

Case Number: **BOA-23051**

CZM: 47

CD: 9

HEARING DATE: 12/08/2020 1:00 PM

APPLICANT: William Bell

ACTION REQUESTED: Special Exception to permit a 12-foot wall in the front street setback and a 10-foot wall around the perimeter (Sec. 45.080-A) and a Variance to allow a wall to be located inside the City of Tulsa right-of-way or planned right-of-way (Sec. 90.090-A)

LOCATION: 3514 S YALE AV E

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 44866.98 SQ FT

LEGAL DESCRIPTION: PRT SE NE BEG NEC N/2 S/2 SE NE TH W280 S195.11 E280 N195.11
POB LESS E50 THEREOF FOR RD SEC 21 19 13 1.03AC,

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-17811; On 09.09.97 the Board approved a Special Exception to permit Residential Treatment Center in and RS-3 District.

BOA-16040; On 05.26.92 the Board upheld a determination of an Administrative Official that the property was being used for commercial purposes and approved a Special exception to permit an Home Occupation (office) in an RS-3 District.

BOA-15102; On 04.20.89 the Board approved a special Exception for a church use in an RS-3 District.

BOA-14373; On 01.22.87 the Board approved a Special Exception to permit an Educational Facility in an RS-3 District.

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

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

The **Areas of Stability** include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located on the West side of Yale Ave. between E. 35th Ct. and E. 35th Pl. South. The property has never been platted and has no connections into the surrounding subdivisions.

STAFF COMMENTS: Applicant is requesting a **Special Exception** to permit a 12-foot wall in the front street setback and a 10-foot wall around the perimeter (Sec. 45.080-A) and a **Variance** to allow a wall to be located inside the City of Tulsa right-of-way or planned right-of-way (Sec. 90.090-A)

Section 45.080 Fences and Walls

45.080-A Fences and walls within required building setbacks may not exceed 8 feet in height, except that in required street setbacks fences and walls may not exceed 4 feet in height. However, in R zoned districts, fences up to 8 feet in height are permitted in side street setbacks of detached houses or duplexes located on corner lots and in street setbacks abutting the rear lot line of houses or duplexes located on double frontage lots. The board of adjustment is authorized to modify these fence and wall regulations in accordance with the special exception procedures of Section 70.120.

Section 90.090 Setbacks

90.090-A Measurement

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

The wall has been constructed without proper permits. In addition to the right-of-way, there are encroachments into easements that will have to be addressed with the City of Tulsa Engineering in addition to a license agreement or removal agreement.

STATEMENT OF HARDSHIP: The 12' wall built into the ROW was built before knowledge of the ROW. Work has stopped but the wall is structurally complete.

SAMPLE MOTION:

Special Exception:

Move to _____ (approve/deny) a **Special Exception** to permit a 12-foot wall in the front street setback and a 10-foot wall around the perimeter (Sec. 45.080-A)

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

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

Variance

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

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

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

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

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

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

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

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

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

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



Subject property



Facing South on Yale



Facing North on Yale



Northern Portion of Wall



Southern Portion of wall

Action Requested:

Special Exception for Use Unit 2 (residential treatment center) in a RS-3 zoned district. **SECTION 404.E.1. SPECIAL EXCEPTION IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9, located 3514 South Yale.

Presentation:

The applicant, **Cathy Grant**, represented by **Steve Schuller**, 320 South Boston, submitted a site plan (Exhibit H-1) and stated he is representing Christopher Youth Center, Inc. ("CYC"). Mr. Schuller informed the Board that CYC currently has three (3) residential centers in the City of Tulsa. The centers are located at 7th and Delaware, 15th Street & Broken Arrow Expressway and 35th Street between Harvard and Pittsburg Avenue. His client is moving out of the 7th and Delaware property due to the TU expansion. The center has been looking for a new site for the past two (2) to three (3) years. Mr. Schuller reminded the Board that they had granted the 35th Street CYC a special exception for a limited term of two (2) years in 1989 over considerable protest from the neighbors who were fearful of what might be located on the property and the operation of CYC. In 1991, when CYC returned to the Board for renewal of the special exception, all but one neighbor supported CYC and the minutes reflect petitions and letters of support that were submitted to the Board. He indicated that the neighbors found that the residents of CYC were well behaved, well supervised and the facility was well maintained. CYC is an experienced, proven organization, which has been in operation for 17 years. CYC provides homes for boys with emotional problems, which are victims of crimes and life's injustices. Mr. Schuller described the boys as troubled boys, but not boys who cause trouble. He explained that there are ten (10) boys proposed for the subject home, ranging in age seven (7) to seventeen (17). The boys are referred to CYC from all over the State of Oklahoma by the State Department of Humans Services ("DHS"), agencies and by community health centers around the State. The boys are assessed by the referring agencies as eligible for residential care. CYC is licensed by the DHS as a child placing agency and is accredited by the International Joint Commission on Accreditation on health care organizations, which is the same organization that accredits hospitals and home care facilities. He stated that the residents of CYC are supervised 24 hours a day and there are three (3) counselors present in each facility from 6:00 a.m. to 11:00 p.m. He explained that at night there is one counselor on duty from 11:00 p.m. to 6:00 a.m. and the counselor is awake at all times. There are trained therapists present from 9:00 a.m. to 6:00 p.m. and on call for the weekends. He indicated that the therapists have Masters Degrees in social work with the clinical specialty. The residents attend Tulsa Public Schools ("TPS"), but not necessarily in the neighborhood where each center is located. Mr. Schuller indicated that TPS has determined that the residents should attend schools all over the City. Most attend schools that offer special classes for students with emotional problems and learning disabilities. The residents of CYC belong to Boy Scout Troops, Salvation Army Boys Club and attend the same activities as other youngsters of the same age. Christopher Youth Center is not affiliated with

any particular religious organization or group, however the residents are permitted to attend religious services of their choice. Mr. Schuller stated that CYC does not discriminate on the basis of race, color, national origin or handicap. He commented that abuse does not discriminate either and the residents of CYC have been abused at home. The average length of stay at CYC is one (1) year and when the resident leaves he returns to his own family, if the family has been rehabilitated, or with a relative, adopted family and foster family. Mr. Schuller reassured the Board that none of the residents have been adjudicated delinquent through the court system. The residents are taught respect and responsibility, self control, neatness and manners through a system of rewards for positive behavior and progress. The appearance of each of the existing facilities is the testimony of the manner in which the CYC are well maintained and good neighbors. Mr. Schuller submitted photographs of the subject property (Exhibit H-2) and stated that the subject property is screened from Yale Avenue by a thick hedge. He reminded the Board of a previous application that was denied for CYC and the Board's concerns with the application. He explained that CYC has gone to great lengths to locate property that addresses all of the Board's concerns that were voiced during the previous denied case. The subject property is more than one (1) full acre; the house has 6,000 SF; the subject property is located on an arterial street; the subject property only has access to Yale Avenue with a very large circular driveway and accessory driveways. There is no access from the subject property to the streets in the surrounding residential neighborhood. He indicated that the driveway has more than sufficient parking areas, including a four car garage on the side of the subject property. Mr. Schuller detailed the previous Board actions dealing with the subject property. He concluded that the subject property and the proposed use is in harmony with the spirit and intent of the Zoning Code. The subject property is ideally suited for this use because of its size, location and lack of access to the surrounding residential neighborhood. He stated that the proposed use will not be injurious to the neighborhood nor otherwise detrimental to the public welfare. Mr. Schuller requested the Board to grant the special exception requested by CYC.

Comments and Questions:

Ms. Turnbo asked the applicant if there will be regular hours for visitors or family to come to CYC? **Mr. Clay Langley**, Christopher Youth Center, 4012 East 35th Street, stated that there are opportunities for parents to visit and it is primarily on weekends. He explained that during the week there are some afternoon family therapy sessions. He stated that of the ten (10) residents that services are provided to, there may be an average of one (1) or two (2) families per week that visit on the subject property.

Mr. Dunham asked the applicant if CYC planned to maintain the facility on 35th Street if this facility is approved? Mr. Langley stated that the facility will be maintained as it is currently operating. He explained that there will be a CYC on 15th Street, 35th Street, however it is the property on 7th and Delaware that CYC will be vacating due to the TU Expansion. The current proposal is an established program and CYC is not proposing a new start up program nor expanding.

In response to Mr. Dunham, Mr. Langley explained that the CYC home on 35th Street is approximately a half mile away. The home is 5,000 SF, which sets on 2 acres of land. He indicated that the 35th Street CYC home is surrounded by 23 single-family dwellings. Mr. Langley concluded that there are ten (10) boys in each of the three houses.

Mr. White announced and recognized a letter of protest submitted (Exhibit H-3).

Protestants: The following protestants expressed the same concerns:

Marcus & Peggy Wright, 3531 South Winston; **Margaret Parker**, 3350 South Allegheny; **David Schultz**, 3564 South Winston, submitted a petition (Exhibit H-4); **Becky McCracken**, 4828 East 35th Street; **Gregory Falconetti**, 3570 South Winston; **Susan Little**, 3360 South Allegheny Avenue; **Marjorie Honeyman**, 4828 East 35th Court.

The following concerns were expressed by the above protestants:

The subject property is not accessible by north bound traffic on Yale Avenue and traffic has to go through the neighborhood to reach the property; security for the neighborhood and children; privacy fences do not screen adequately because of the topography of the property; property value decreasing; CYC is for profit organization; two facilities in the neighborhood; zoned RS and not business; vandalism; lack of supervision; noise level; pool on subject property too close to the fence; talked with residences at other CYC locations and found that there are problems with supervision; runaways; residents scaling the fence; staff is not required to have a college degree and often staff does not have a degree; concerns with CYC residents, with developmental disabilities, living on a street as busy as Yale Avenue; non-locked down facility; aggressive behavior; CYC residents on Ritalin, Thorazine, high blood pressure medication, anti-psychotic drugs; added traffic to the subject area.

Applicant's Rebuttal:

Mr. Schuller stated that in most of the incidences that the protestants mention, the CYC residents were not tied to the incident. He commented that there are not many residential properties in Tulsa that will meet this Board's concerns where facilities of this type should be located. The Board was very clear with the previous case where facilities of this type should be located. He stated that the Board was very clear on what the applicant was to look for when locating this kind of facility. He commented

his client has found the kind of facility that the Board has indicated his client should find. Mr. Schuller stated that if people go through the interior streets because of difficulties with medians, that is just something that has to be contended with. He reminded the Board that every time the Board has approved Use Unit 2 use for the subject property, it has been because the type of use has been specifically found not to be detrimental to the neighborhood. The CYC residents are supervised and are taken out of homes because the homes they are in have problems. The CYC residents have been abused by their families and are returned after the family has undergone sufficient counseling to warrant the CYC residents return. Mr. Schuller clarified that he did not indicate that the staff members all have Masters Degrees, but that the therapists have Masters Degrees. He explained that the facility is needed for the community and is well suited to the subject property. He stated that the subject property is the type of property that the Board has told his client to look for and the special exception should be granted.

Comments and Questions:

Mr. Bolzle asked the applicant how many automobile or bus trips will be made at the subject property on any given day? Clay Langley stated that there will be three (3) guidance counselors, a therapist and periodic family therapy sessions. He indicated that there is an average of five (5) to six (6) vehicles coming and going from the subject property. He explained that the residents ride school buses to school and there is an average of four (4) school buses.

In response to Mr. Bolzle, Mr. Langley stated that the school bus comes specifically to the subject property to pick up the boys for school. He further stated that the school buses will use the circular drive that is already in existence.

Mr. Bolzle asked the applicant to explain the nature of the outdoor activities, hours of operation and the level of supervision for outdoor activities? Mr. Langley stated that any time the boys are in the home and awake, there are three (3) guidance counselors on duty for ten (10) boys. He explained that currently the average age of the guidance counselors is 35 years of age and the minimum hiring age is 28 years of age. The outdoor activities consist of swimming, basketball, football, etc. He stated that when the residents are outside they are expected to be under supervision, but that doesn't always mean the counselor is within an arms reach. He explained that supervision could mean that the residents can be seen through a window or are immediately available. The activities frequently take place in City Parks, Salvation Army Boys Club, local gymnasiums, Big Splash, skating rinks, bowling alleys, etc. CYC tries to move six (6) of the boys off the property every afternoon after school for recreational activities. The remaining residents will have therapeutic activities. Mr. Langley stated that during the weekends the CYC residents clean the house in the a.m. and in the afternoon the houses are empty and the residents are engaged in

recreational activities. The routine bedtime for the residents is 8:00 p.m. with an overnight staff member for supervision.

Mr. Bolzle asked the applicant if there would be a limit on the outdoor activities and the times it is allowed? He stated that the residents are always in before dark.

Mr. Bolzle asked the applicant to explain the controls as to how the CYC residents enter and leave the facility? Mr. Langley indicated that the limitations are provided by staff supervision and there are instances where the residents run away. Mr. Langley stated that the policy indicates that they are to be followed by a staff member, but not chased. He explained that they do not want to entice a resident to run out into a busy street. He stated that usually the resident realizes that they are not being chased and stops to talk with the counselor.

Mr. Bolzle asked the applicant if the residents can leave through any of the exits from the backyard at anytime? Mr. Langley stated that on the subject property there is one gate, which can be locked and he will insure it will be locked. The only entrance or exit is out the front door.

Mr. Bolzle asked the applicant if there is any reason why CYC would not want to control the residents with only one exit? He answered negatively.

In response to Mr. Bolzle, Mr. Langley stated that each facility operates independently of the other CYC facilities. Occasionally a resident may be moved to a different CYC facility due to peer pressure.

In response to Mr. White, Mr. Langley informed the Board that CYC has been at the 7th Street location for 17 years, 15th Street location 11 years and the 35th Street location for 8 years. He commented that it speaks highly of the organization that there are neighbors less than four (4) blocks away that did not know they were there. He explained that there are no signs and the homes are for the residents to live in until they are able to return to their families. He stated that CYC runs a very low profile and would like to keep the children's privacy protected. He informed the Board that if the facilities were a danger to the neighborhoods, you would hear about it in the newspapers. He commented that CYC is not in the news and they are not a detriment to the neighborhood.

Ms. Turnbo asked the applicant if the older boys are allowed to go to the Junior High and High School evening activities? Mr. Langley stated that the boys living at CYC must be under their supervision at all times, unless they are under the direct supervision of TPS. The residents do attend dances and games, but they are supervised by a staff member who volunteers during their off time.

Mr. Bolzle stated that the only real concern is the proximity to the 35th Street facility already in existence. He commented that the concerns of the neighbors are valid and their concerns would be shared by any neighborhood where this facility is proposed. The Code provides and the Federal Government encourages the location of these types of facilities in residential neighborhoods, when they can be made appropriate. He concluded that this is an appropriate location except for the proximity of the existing CYC facility on 35th Street.

Ms. Turnbo commented that the location has met what the Board has said in past cases. She explained that she is concerned that this will be the second facility in the neighborhood. She stated that the Code allows a minimum 1/4 mile between the two facilities and there is approximately 1/2 mile between the proposed location and the 35th Street facility.

Mr. Bolzle stated he is compelled to make a statement because of Mr. Schuller's statements. Mr. Bolzle informed the applicant that the Board did not direct CYC to seek a location that met any criteria. The Board responded to an application that was being heard and cited concerns that the Board had. The Board's concerns cited during a hearing of an application should never be construed as a direction or directive to an applicant to seek a location that meets those concerns with the feeling that the Board would automatically approve the application. Each individual case has its own merits and the Board has to look at each case individually. Mr. Bolzle stated he would counter Mr. Schuller's suggestion that the Board somehow encouraged him to seek a location that met criteria that the Board had previously set out. That was not the intent and not the case.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Cooper "absent") to **APPROVE** a **Special Exception** for Use Unit 2 (residential treatment center) in a RS-3 zoned district. **SECTION 404.E.1. SPECIAL EXCEPTION IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9, per plan submitted; subject to the property be so secured so there is a central access and control point for activities in the house and in the backyard, so the staff can be aware of the comings and goings of the residents, and so that there not be free access from any point in the house or the backyard except for the requirements of the fire code and other codes; that there be no outdoor activities after dark; subject to the installation of an 8' fence along the northwest and south boundaries of the property with the pickets on the inside of the fence; 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. 17811 (continued)

Prt SE, NE, Beg. NE/c, N/2, S/2, SE, NE, then W 280', S 195.11', E 280', N 195.11', POB less E 50', Sec. 21, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17812

Action Requested:

Variance of the required 30' of frontage on a public street or dedicated right-of-way in an RS-1 district to permit a lot split. **SECTION 206. STREET FRONTAGE REQUIRED** - Use Unit 6 and a Variance of average lot width requirement. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 4636 South Evanston.

Presentation:

The applicant, **James McLean**, 1402 West James, Enid, 73101, representing his mother who is the subject property owner, submitted a site plan (Exhibit I-1) and stated that his mother has owned the subject property for 38 years. He explained that the subject parcel is oversized for an RS-1 district. It is nearly 127% of the average size lot in the neighborhood. He stated the variance will allow his mother to market the additional lot space. Mr. McLean indicated that within three (3) or four (4) blocks there are three examples where the lots were split in a similar fashion.

Comments and Questions:

Mr. White asked the applicant if the similar lot splits are in the same neighborhood? He indicated that the splits have been at 4900 block of South Columbia and 2800 block of 49th Street.

Mr. McLean stated that the subject lot has an average width of only 99' before the lot split.

In response to Mr. Bolzle, Mr. Stump stated that if the applicant had given 30' of frontage and had a panhandle neither lot would meet the minimum lot width. If the applicant did not give the panhandle the rear lot would have substandard lot width.

Mr. White asked the applicant to state his hardship in order to grant a variance. Mr. McLean stated that without the variance there would be no way to access the proposed lot.

Protestants:

Steven Allen, 4641 South Delaware, stated he did not see how the lot could be split and provide an attractive lot for development. He expressed concerns that the lot split would affect the property values in a negative fashion. Mr. Allen concluded that due to the closeness of his lot he is opposed to this application.

09:09:97:734(24)

Case No. 16036 (continued)

that would warrant the granting of the variance request; and finding the placement of the advertising sign closer to the residential area would be injurious to the neighborhood and violate the spirit and intent of the Code; on the following described property:

Lot 1, Block 1, Fairfield Center Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16040

Action Requested:

Appeal of the Administrative Official that the property is being used for commercial uses - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 6**

or in the alternative

Special exception to permit an office as a home occupation - **Section 402.B.6. Home Occupations - Use Unit 11, located 3514 South Yale Avenue.**

Presentation:

The applicant, G. D. Jonson, 3514 South Yale, Tulsa, Oklahoma, submitted photographs (Exhibit B-2), and stated that a complaint has been filed that he is running a commercial business from his home. He explained that he is a petroleum writer and has set aside approximately 500 sq ft of office space in his home, with the remainder of the structure being a dwelling. Mr. Jonson stated he was not aware that a typist could not come to his home and type. He stated that he has done this for years, but has not had a typist since the last Board of Adjustment hearing. The applicant requested permission to hire a personal assistant to do research and typing. He informed that the property in question has been previously occupied by a church and a pre-school, but is now his home. Mr. Jonson stated that he has a lot of friends that visit the site, and it is not uncommon to have three or four cars parked in the driveway at any given time. The applicant stated that his home occupation will not have a sign, and is in compliance with the Code except for the typist. Letters of support (Exhibit B-2) were submitted.

Comments and Questions:

Mr. Doverspike asked the applicant if customers or vendors visit the property on a regular basis, and he replied that he is a writer; and his clients do not visit the residence.

Case No. 16040 (continued)

In response to Mr. Doverspike, the applicant stated that the entrances to his property are on Yale Avenue, and the back yard is used primarily for residential purposes.

Mr. Jackere advised that the Board can vary provisions of the Code pertaining to a home occupation permitted by right; however, there must be something unique about the property that would cause an employee to be needed. He informed that the request for an employee is not properly before the Board at this time. Mr. Jackere noted that an author is permitted to work out of his home by right, but an employee is not permitted by right in any home occupation.

Protestants:

Marcus Wright, 3531 South Winston, Tulsa, Oklahoma, stated that he has lived to the rear of the subject property for approximately two years, and on one occasion Mr. Stauss stated that he and Mr. Jonson were partners and used the home for office space. He question whether or not the property was occupied as a dwelling at the time of his conversation with Mr. Stauss. Mr. Wright stated that his wife does not work away from home and has noted numerous vehicles visiting the home during the day. He submitted a petition (Exhibit B-4) signed by homeowners in the immediate area.

Interested Parties:

Bill Stauss, 5520 South Urbana, Tulsa, Oklahoma, stated that he is a petroleum engineering consultant and a friend of Mr. Jonson. He stated that he visits Mr. Jonson's home on a regular basis to use his library for research purposes. He stated that there is not a business being operated at this location.

Mr. Jackere asked Mr. Stauss how long he has been using the library at Mr. Jonson's home, and he replied that he began to use the library in September 1991.

In response to Mr. Jackere, Mr. Stauss stated that the library is very large, covering two walls from the ceiling to the floor.

Mr. Jackere asked Mr. Stauss if he uses the library daily or weekly, and he replied that he visits the property in question on a weekly basis, and other friends also use the library.

Case No. 16040 (continued)

Mike McGraw, 4564 South Harvard, Tulsa, Oklahoma, stated that he sold Mr. Jonson the property to be used as his dwelling.

Margaret Connor, 4827 East 35th Court, Tulsa, Oklahoma, stated that she lives in the neighborhood and the applicant lives on the property and is an asset to the area.

Wesley McDorman, 1244 North Darlington, Tulsa, Oklahoma, a friend of the applicant, stated that Mr. Jonson purchased the property for his dwelling and there is not a business being conducted on the premises. He informed that Mr. Jonson has access to the top floor of his office building if he ever needs office space.

Candy Parnell, Code Enforcement, stated that she received a complaint regarding the subject property in February and, after checking the dwelling, has no reason to believe the applicant does not live at this location. However, upon entry to the house, she stated that the two front rooms had the appearance of an office, with desks, chairs and bookcases. She stated that the applicant was not at home, and the two women that spoke with her were very evasive when questioned about the type of home occupation being conducted on the premises. She added that there were several vehicles on the property that were not registered in Mr. Jonson's name. Ms. Parnell stated that she later contacted the applicant by mail, and he informed her that he is an author. She stated that the fact that there were two women in the home that obviously did not live there, and automobiles parked on the property that did not belong to the applicant, caused her to believe that some type of business was being conducted at this location.

Additional Comments:

Mr. Doverspike stated that there has been sufficient evidence presented that an enterprise of some nature is going on at this location, although it may not be improper for the area. He stated that the part-time employee seems to be the issue, since an author is permitted to have a home occupation by right.

Mr. Gardner advised that a consulting business, with clients visiting the home, would be required to have a special exception.

Case No. 16040 (continued)

Board Action:

On MOTION of CHAPPELLE, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye" no "nays"; no "abstentions"; S. White, "absent") to UPHOLD the decision of the Administrative Official that the property is being used for commercial uses - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; to APPROVE a **Special Exception** to permit an office (consulting business) as a home occupation - **Section 402.B.6. Home Occupations** - Use Unit 11; to CONTINUE a portion of the application to permit the applicant to file for a variance to permit an employee who does not live in the home; subject to the home occupation being limited to editing, publication, and research; and subject to the Home Occupation Guidelines; finding that there are mixed zoning classifications along Yale, and approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Part SE NE Beg NEC N/2 S/2 SE NE TH W280 S 195.11
E280 N195.11 POB Less E 50 Thereof for road SEC 21
T-19-N, R-13-E, 1.03 Acres Unplatted, Addition to
the City of Tulsa, Tulsa County, State of Oklahoma.

NEW APPLICATIONS

Case No. 16043

Action Requested:

Special Exception to amend a condition of approval to a previously approved variance, located 3901 South Harvard Avenue.

Presentation:

The applicant, **Ted Wilson**, 4038 East 27th Street, Tulsa, Oklahoma, stated that he previously received approval to have a greenhouse at the current location until May 1, 1992, at which time it was to be moved to the rear of the property. He explained that he has been making improvements to the garden center and has had numerous expenses since the previous approval. Mr. Wilson requested an extension of the time limitation previously imposed by the Board.

Comments and Questions:

Mr. Chappelle inquired as to the amount of time need to move the greenhouse, and Mr. Wilson requested a two-year extension.

5.26.92:610(9)

23.18

Case No. 15092 (continued)

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Chappelle, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205) to allow for an existing golf course and related uses in an AG District; finding that the use has been in existence for many years at the present location; on the following described property:

The NE/4 and a portion of the N/2, NW/4 of Section 13, T-18-N, R-13-E, Tulsa County, Oklahoma, being more particularly described as follows to wit:

Beginning at the NE/c, NE/4, Section 13, T-18-N, R-13-E; thence S 0°02'29" E along the east line of said NE/4 a distance of 2640.40' to the SE/c of said NE/4; thence S 89°46'36" W along the south line of said NE/4 a distance of 2635.68' to the SW/c of said NE/4; thence N 0°00'51" E along the west line of said NE/4 distance of 1320.16' to the SE/c of the NE/4, NW/4 of said Section 13; thence S 89°46'33" W along the south line of said NE/4, NW/4 a distance of 454.41'; thence N 0°00'51" E a distance of 1320.16' to a point on the north line of said Section 13; thence N 89°46'30" E along the said north section line a distance of 3087.54' to the Point of Beginning, containing 173.453 acres more or less. Less a tract identified as Tract "A" described as follows:

Beginning at the NE/c of said NE/4; thence S 0°02'29" E along the east line of said NE/4 a distance of 660.00'; thence S 89°46'30" W a distance of 660.00'; thence N 0°02'29" W a distance 660.00' to a point on the north line of said Section 13; thence N 89°46'30" E along the north line of said Section 13 a distance of 660.00' to the Point of Beginning containing 10.00 acres. The remaining acreage being 163.453 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15102

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow for church uses in an RS-3 zoned district, located 3514 South Yale Avenue.

Presentation:

The applicant, **James Smith, 2925 West 56th Street, Tulsa, Oklahoma**, stated that the Board had previously requested that he provide information concerning setbacks and parking. He informed that application has been made for an occupancy permit, and an extension of the privacy fence is required to screen the parking lot. A plot plan (Exhibit Z-1) was submitted.

4.20.89:537(2)

23.19

Case No. 15102 (continued)

Comments and Questions:

Mr. Chappelle asked Ms. Hubbard if the applicant complies with all requirements for obtaining an occupancy permit, and she replied that all requirements are met, except for screening of the parking lot along the north property line.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow for church uses in an RS-3 zoned district; per plot plan submitted and fencing requirements; finding that the building was previously used as an educational facility, and the granting of the request will not be detrimental to the area; on the following described property:

Beginning at the NE/c of said N/2, S/2, SE/4, NE/4; thence N 89°50'40" W along the north boundary of said N/2, S/2, SE/4, NE/4 a distance of 280'; thence south parallel to the east boundary of said N/2, S/2, SE/4, NE/4 a distance of 195.11'; thence S 89°50'40" E parallel to the north boundary of said N/2, S/2, SE/4, NE/4 a distance of 280'; thence north along the east boundary of said N/2, S/2, SE/4, NE/4 a distance of 195.11' to the Point of Beginning, LESS AND EXCEPT the east 50' thereof, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15111

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of front setback from the centerline of 4th Place from 52' to 51' to allow for an addition to the existing dwelling, located 4711 East 4th Place.

Presentation:

The applicant, **Tom McGuire, 849 West 138th Place, Glenpool, Oklahoma**, submitted a plot plan (Exhibit A-1), and requested permission to add a 3' extension to an existing garage. He pointed out that other structures in the area extend further into the setback than the proposed addition.

Protestants: None.

Case No. 14372 (continued)

Board granted a similar request for a variance of setback and screening requirements on the subject property, for a period of 3 years only. He informed that he has discussed the fence with his next door neighbor and found that he agreed to the installation of the chain link fence.

Comments and Questions:

Mr. Gardner asked the applicant if the west wall is solid, and he answered that it is solid. Mr. Gardner pointed out that the building wall will serve the same purpose as a screening fence, and the Board will have to determine if the balance of the lot shall have screening.

Interested Parties:

Laverne Tracy, stated that she owns the property to the east, 110 South Rockford, which houses the bar. She stated that, if the setback and the screening requirement are the only issues before the Board, she is not opposed to the application.

Additional Comments:

Ms. Bradley asked the applicant to state the use of the new building, and he informed that it will be used for an office and warehouse for storage of household goods.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1223) of setback from the abutting R Districts from 75' to 18" to allow for the construction of a building; and to **APPROVE** a **Variance** (Section 1223.3 - Use Conditions - Use Unit 1223) of the screening requirements; finding a hardship demonstrated by multiple zoning classifications in the area and the fact that the area is planned for industrial; and finding that the building will have no windows on the west and will actually serve as a screen between the applicant's lot and the abutting residential property; on the following described property:

Lot 2, Block 14, Lynch and Forsythe's Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14373

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow for an educational facility in an RS-3 zoned district, located at 3514 South Yale Avenue.

01.22.87:482(12)

23.21

Presentation:

The applicant, Thomas Birmingham, 1323 East 71st Street, Tulsa, Oklahoma, stated that he is representing the Jane Ann Stola Educational Foundation. He explained that the property in question is a structure comprised of 2 single-family residences which have previously been joined together. He informed that the building will now be used as an educational facility for gifted children. Mr. Birmingham stated that the days and hours of operation will be Monday through Friday, 9 a.m. to 2:30 p.m. and 3:30 p.m. to 6:30 p.m. He noted that there are 42 students in the morning session, with 7 faculty, and 10 students, with 3 faculty, in the evening class. He stated that no changes will be made to the existing structure, and parking will be located to the rear of the building. Letters of support (Exhibit L-1) from the Highland Homeowner's Association and Margaret Conner, an area resident, were submitted to the Board.

Comments and Questions:

Ms. Bradley asked if the school plans an expansion, and the applicant replied that the size of the facility will not be expanded.

Ms. White stated that, in her opinion, the proposed use is a good one, but is concerned with the large amount of cars parked on the street during the evening hours. Ms. White asked the applicant if any plans are being made to enhance the parking area, and Mr. Birmingham replied that he is not aware of any such plans, but will relay the concerns to the owner.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow for an educational school facility in an RS-3 zoned district; subject to the school being limited to the existing structure and days and hours of operation being Monday through Friday, 9 a.m. to 6:30 p.m.; finding that the educational facility will be compatible with the neighborhood and in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

That part of the North Half of the South Half of the Southeast Quarter of the Northeast Quarter (N/2 S/2 SE/4 NE/4) of Section Twenty-one (21), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows, to-wit:

Case No. 14373 (continued)

BEGINNING at the Northeast corner of said N/2 of S/2 of SE/4 of NE/4; thence North 89°50'40" West along the North boundary of said N/2 of S/2 of SE/4 of NE/4 a distance of 280 feet; thence South parallel to the East boundary of said N/2 of S/2 of SE/4 of NE/4 a distance of 195.11 feet; thence South 89°50'40" East parallel to the North boundary of said N/2 of S/2 of SE/4 of NE/4 a distance of 280 feet; thence North along the East boundary of said N/2 of S/2 of SE/4 of NE/4 a distance of 195.11 feet to the Point of Beginning, LESS AND EXCEPT the East 50 feet thereof, City of Tulsa, Tulsa County, Oklahoma.

Additional Comments:

Ms. White asked Mr. Birmingham to relay to his client the concerns of the Board regarding the parking problem occurring during evening events at the school, and he assured Ms. White that he will deliver the message to the owner of the school.

Case No. 14374

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow for a church and related uses in an RS-3 zoned district.

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1205 - Request a variance of setback from the centerline of 46th Street North from 85' to 66'.

Variance - Section 440.7(d) - Special Exception Uses in Residential Districts - Use Unit 1205 - Request a variance of setback from the west property line from 25' to 24'.

Variance - Section 1205.3(a)1 - Use Conditions - Use Unit 1205 - Request a variance of lot area from 43,560 sq. ft. (1 acre) to 43,460 sq. ft.

Variance Section 1205.3(a)2 - Use Conditions - Use Unit 1205 - Request a variance to allow for parking in the required front yard.

Variance - Section 1340(e) - Design Standards for Off-Street Parking Areas - Use Unit 1205 - Request a variance of the screening requirements along the north, east and west property lines.

Variance - Section 1205.4 - Off-Street Parking and Loading Requirements - Use Unit 1205 - Request a variance of the parking requirements from 77 spaces to 52 spaces, located at 1205 East 46th Street North.

DANA L. BOX
ZONING
PLANS EXAMINER II

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

November 6, 2020

Phone: 918-902-8209

LOD Number: 2 REV
William S. Bell
2 E. Broadway
Sand Springs, OK 74063

APPLICATION NO: **BLDR-066028-2020**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 3514 S. Yale Ave.
Description: 10' CMU Block Wall

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. **SEE #2 BELOW**

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

IMPORTANT INFORMATION

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

(continued)

REVIEW COMMENTS

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

BLDR-066028-2020

3510 S. Yale Ave.

November 6, 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 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. 45.080-A** - Fences and walls within required building setbacks may not exceed eight (8) feet in height, except that in required street setbacks (front setback) fences and walls may not exceed four (4) feet in height. The board of adjustment is authorized to modify these fence and wall regulations in accordance with the special exception procedures of Section 70.120.

Review Comments- Provide documentation indicating the proposed fence located in the front street setback will not exceed 4' in height measured from grade or apply to BOA for a special exception to allow a fence to exceed 4' in height in a front street setback. **UNRESOLVED**

- ~~2. **Sec. 70.080-C:** Applications for a Building Permit shall include a site plan that provides zoning data for the Zoning review portion of the Building Permit application. You have submitted a site plan that does not sufficiently cover all pertinent zoning data necessary for a complete review.~~

~~**Review comment:** The zoning site plan is required to provide the following: Submit a site plan that provides the additional information listed below:~~

- ~~• Actual shape and dimensions of the lot (not all dimensions clearly indicated on plan);~~
- ~~• Location and dimensions of all easements;~~
- ~~• Public rights of way as designated on the Major Street and Highway Plan. S. Yale Avenue ROW is 120' total or 60' from the center line. Follow the link below:
<https://incog.maps.arcgis.com/apps/webappviewer/index.html?id=c688593e48564a81af1fc2609846e587>~~
- ~~• The location and dimensions of ALL existing buildings or structures, including distances to lot lines and distances to right of way;~~
- ~~• Architectural projections for existing and proposed buildings and structures. Indicate the distance from the edge of the footing of the fence to the right of way and the face of the wall to the right of way. No portion of the fence can be within the right of way. **RESOLVED**~~

3. **Sec.90.90-A:** Required setbacks are measured from the applicable lot line, right-of-way, planned right-of-way or location referred to below. Building setbacks are measured to the nearest exterior building wall. Minimum setbacks that apply to other features (parking areas, fences, storage areas) are measured from the nearest point of the area or feature for which a setback is required. See §90.090-C for information on structures and building features that are allowed to occupy setback and yard areas in R zoning districts. Unless otherwise expressly stated, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not

shown on the major street and highway plan. If a variance of the prohibition against location of a structure within the right of way or planned right of way is granted by the Board of Adjustment, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan, unless a license has been granted by the city, in the case of the right-of-way, or a removal agreement has been entered into, in the case of the planned right-of-way.

Review comment: Apply for a variance reviewed and approved by the Board of Adjustment to allow a fence in the Yale right-of-way. Contact the Board of Adjustment (918-584-7526 or esubmit@incog.org) for further information. Also, you must apply for a License Agreement for building improvements located inside the City right-of-way. Contact Chris Kovac in Engineering Services at 918-596-9649 for further information. **UNRESOLVED**

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

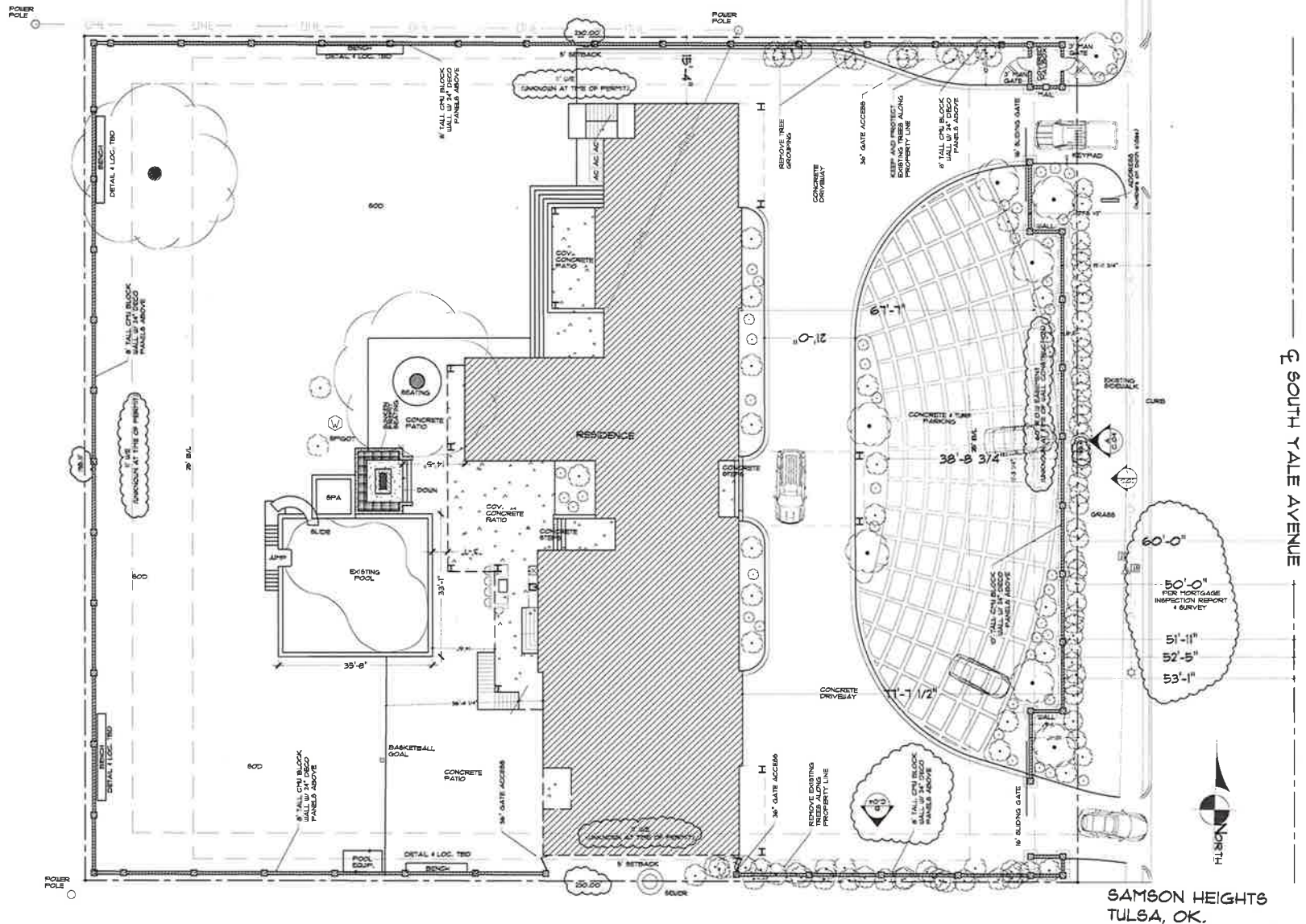
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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.



SAMSON HEIGHTS
TULSA, OK.

Architectural Site Plan
3/32" = 1'-0"

CONSTRUCTION MANAGER
WSB Homes, LLC
2 E. Broadway
Sand Springs, OK. 74063
c: 918.902.8209
wsbhomes.com

PROJECT FOR
Samson Heights
3514 South Yale Avenue
Tulsa, OK 74135

REVISIONS
DATE
BY
11/16/2019
11/16/2019
11/16/2019

REVISIONS
DATE
BY
11/16/2019
11/16/2019
11/16/2019

SHEET
C.03

WSB HOMES, LLC
2 E. BROADWAY
SAND SPRINGS, OK 74063
C: 918.902.8209
WSBHOMES.COM

23.27

WSB HOMES, LLC
2 E. BROADWAY
SAND SPRINGS, OK 74063
C: 918.902.8209
WWW.WSBHOMES.COM



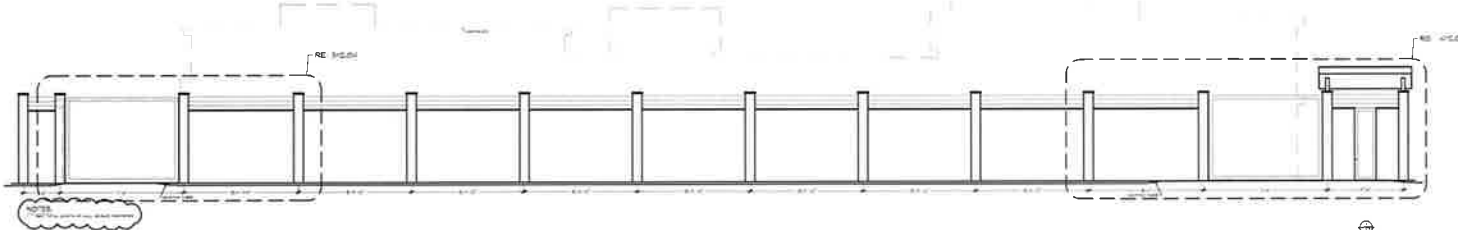
WSB HOMES, LLC
2 E. BROADWAY
SAND SPRINGS, OK 74063
C: 918.902.8209
WWW.WSBHOMES.COM

PROJECT FOR:
Samson Heights
3514 South Yale Avenue
Tulsa, OK 74135

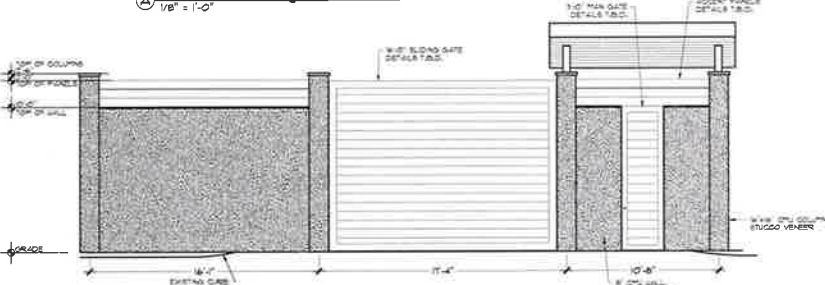
CONSTRUCTION MANAGER:
WSB Homes, LLC
2 E. Broadway
Sand Springs, OK 74063
c: 918.902.8209
wsbhomes.com

DRAWING
DATE:
01/18/2023

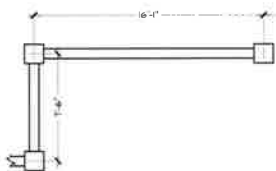
SHEET:
C.04



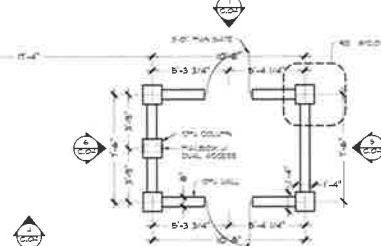
① Overall Privacy Wall
1/8" = 1'-0"



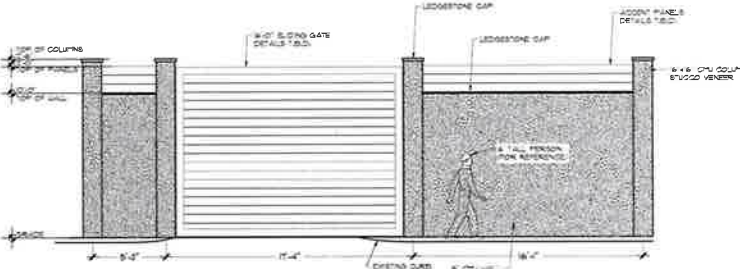
④ Enlarged Privacy Wall
1/4" = 1'-0"



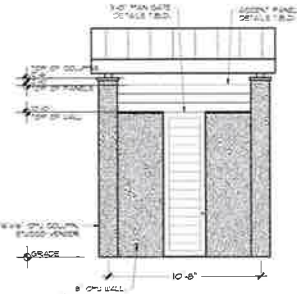
② Enlarged Privacy Wall
1/4" = 1'-0"



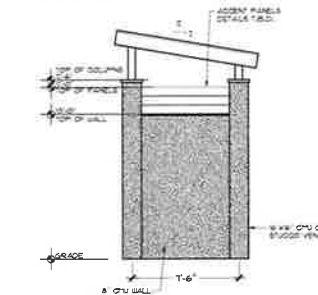
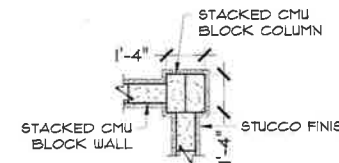
⑥ Enlarged Privacy Wall
1/4" = 1'-0"



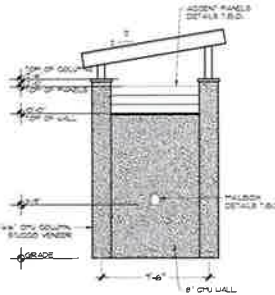
③ Enlarged Privacy Wall
1/4" = 1'-0"



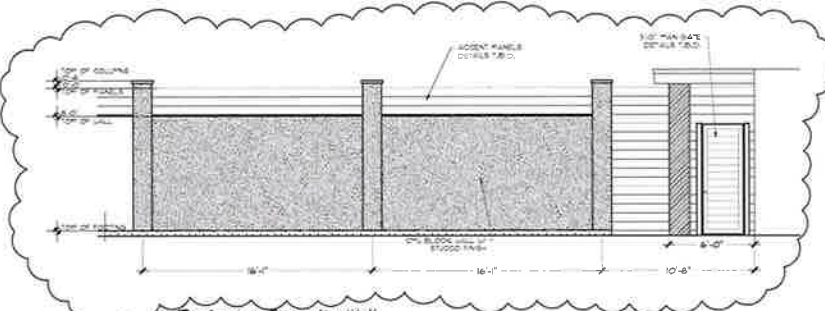
① Enlarged Privacy Wall
1/4" = 1'-0"



⑤ Enlarged Privacy Wall
1/4" = 1'-0"



⑥ Enlarged Privacy Wall
1/4" = 1'-0"



⑧ Perimeter Security Wall
1/4" = 1'-0"



E 35 ST S

S YALE AVE

S WINSTON AVE

S ALLEGHENY AVE

E 35 CT S

0 50 100
Feet



Subject
Tract

BOA-23051

19-13 21

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

Aerial Photo Date: February 2018



23.29



0 200 400
Feet



Subject
Tract

BOA-23051

19-13 21

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

Aerial Photo Date: February 2018



23.30

Chapman, Austin

From: Andrew 'Tim' Maddox <att_maddox@hotmail.com>
Sent: Wednesday, November 25, 2020 12:44 PM
To: esubmit
Subject: Comments on Case: BOA-23051

Members of the City of Tulsa Board of Adjustment,

Referencing:
Case Number: BOA-23051

Name:
Andrew Maddox

Address:
3506 South Winston Avenue,
Tulsa, OK 74135

I am not in favor of a special exemption to permit the wall built at the private residence located at 3514 South Yale Avenue.

The current property owners removed the previously existing natural barrier and replaced it with a non-compliant wall.

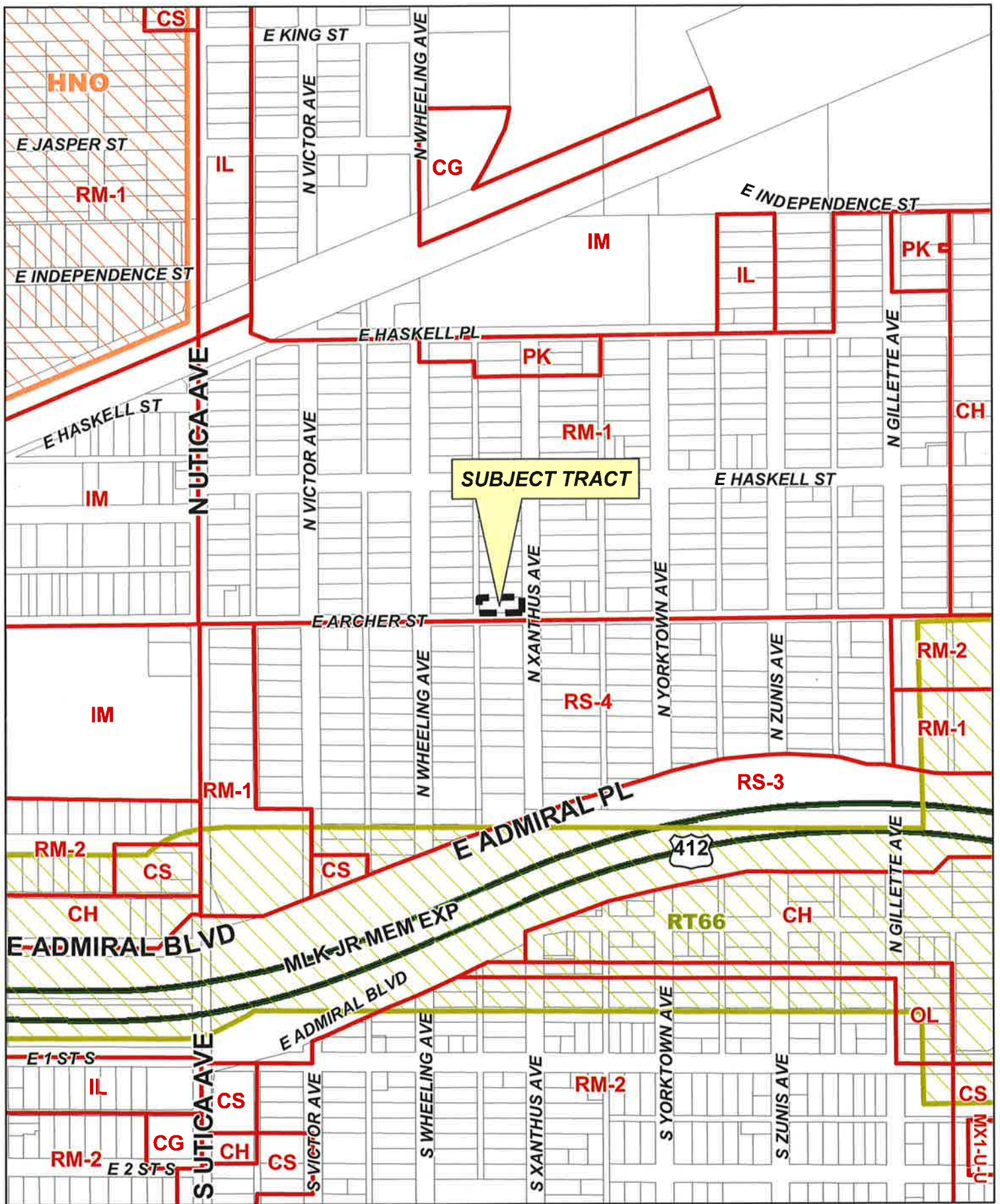
The reason for the special exemption is not cited in the hearing notice. I'm assuming they are either justifying their needs based on privacy and/or noise-abatement; which they have the means through existing compliant remedies to resolve, i.e. a compliant 4-foot front-facing wall and any mix of trees and shrubbery.

Thank you for your time and attention to this matter.

Respectfully,

Andrew Maddox

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BOA-23052

20-13 31

24.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 0331
CZM: 29
CD: 3

Case Number: **BOA-23052**

HEARING DATE: 12/08/2020 1:00 PM

APPLICANT: Carolyn Back

ACTION REQUESTED: Variance to reduce the required 15 foot side yard setback (Sec. 5.030-B Table Note 3)

LOCATION: 1917 E ARCHER ST N

ZONED: RM-1

PRESENT USE: Vacant

TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: LT 8 BLK 19, CHEROKEE HGTS ADDN

RELEVANT PREVIOUS ACTIONS: None.

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

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. archer St. N. and N. Xanthus Ave.

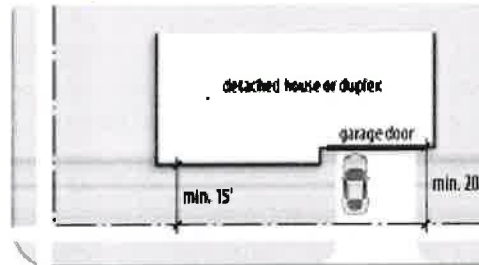
STAFF COMMENTS: The applicant is requesting **Variance** to reduce the required 15 foot side yard setback (Sec. 5.030-B Table Note 3)

5.030-B Table Notes

The following notes refer to the bracketed numbers (e.g., "[1]") in Table 5-3:

- [1] See Section 40.240 for detailed regulations governing mobile home parks.
- [2] Minimum street frontage requirements apply to townhouse developments, not to individual townhouse units. Cottage house developments require minimum street frontage of 75 feet. Minimum street frontage requirements do not apply to nonresidential uses.
- [3] For detached houses and duplexes on corner lots, the minimum side street setback along a non-arterial street may be reduced to 15 feet, provided that the minimum setback for street-facing garage doors is 20 feet or 20 feet from the back of the sidewalk, whichever is greater. The street setback specified in Table 5-3 applies along the other street.

Figure 5-1: Street Side Setback on Corner Lots



Applicant is requesting to reduce the setback from 15' to 13'.

STATEMENT OF HARDSHIP: The subject property is part of the Cherokee Heights Plat filed during the 1910's and therefore was platted as a corner lot size appropriate only before adoption of the Tulsa Zoning Ordinance. We request a minimal variance to accommodate the width of a modern-size home appropriate for the neighborhood.

SAMPLE MOTION:

Move to _____ (approve/deny) 'a **Variance** to reduce the required 15 foot side 'yard setback (Sec. 5.030-B Table Note 3)

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

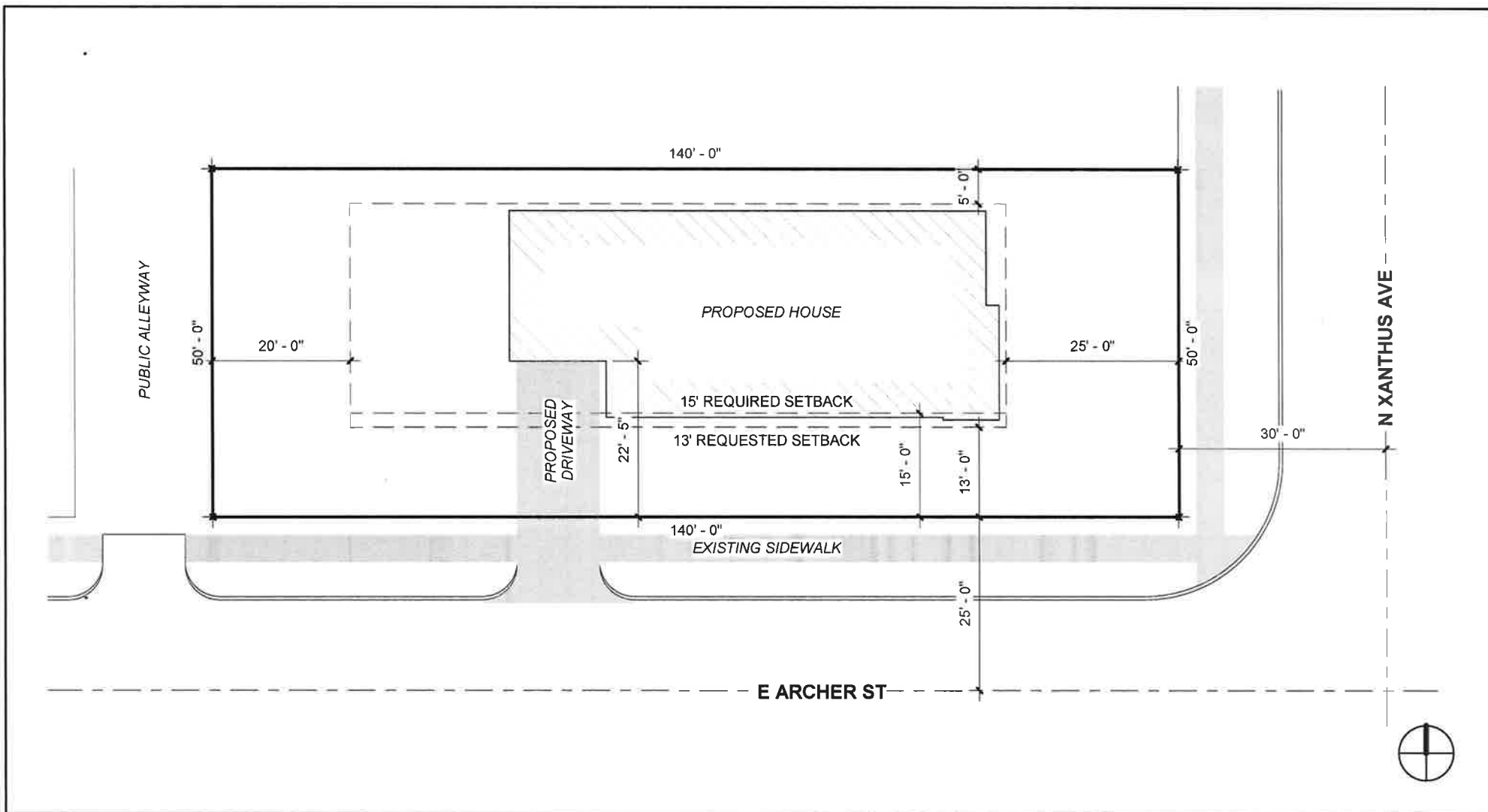
In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

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

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

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

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

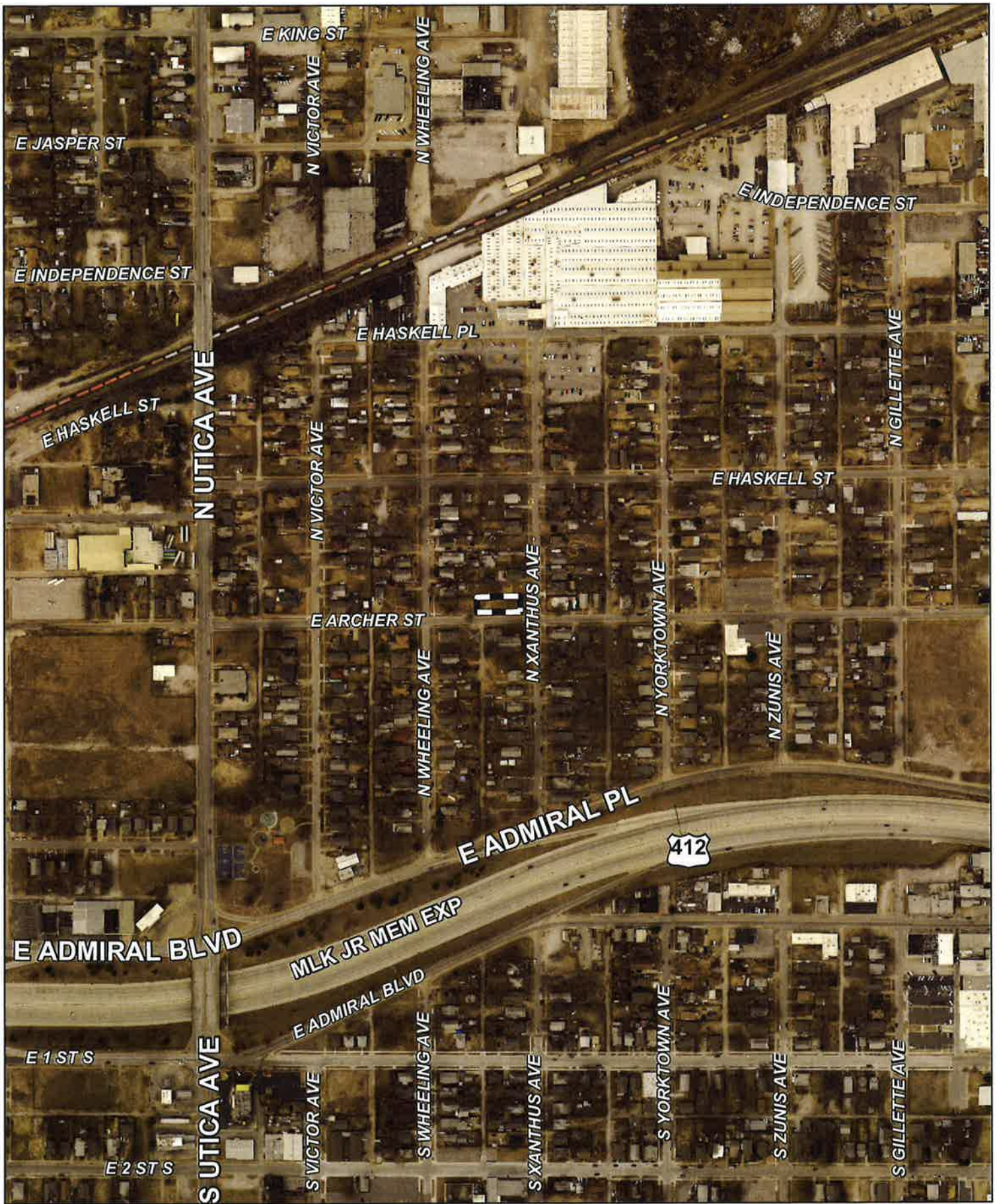


1917 E Archer Street - BOA Exhibit

DRAWING PREPARED ON: 11/05/2020



Subject property



0 Feet 200 400



Subject Tract

BOA-23052

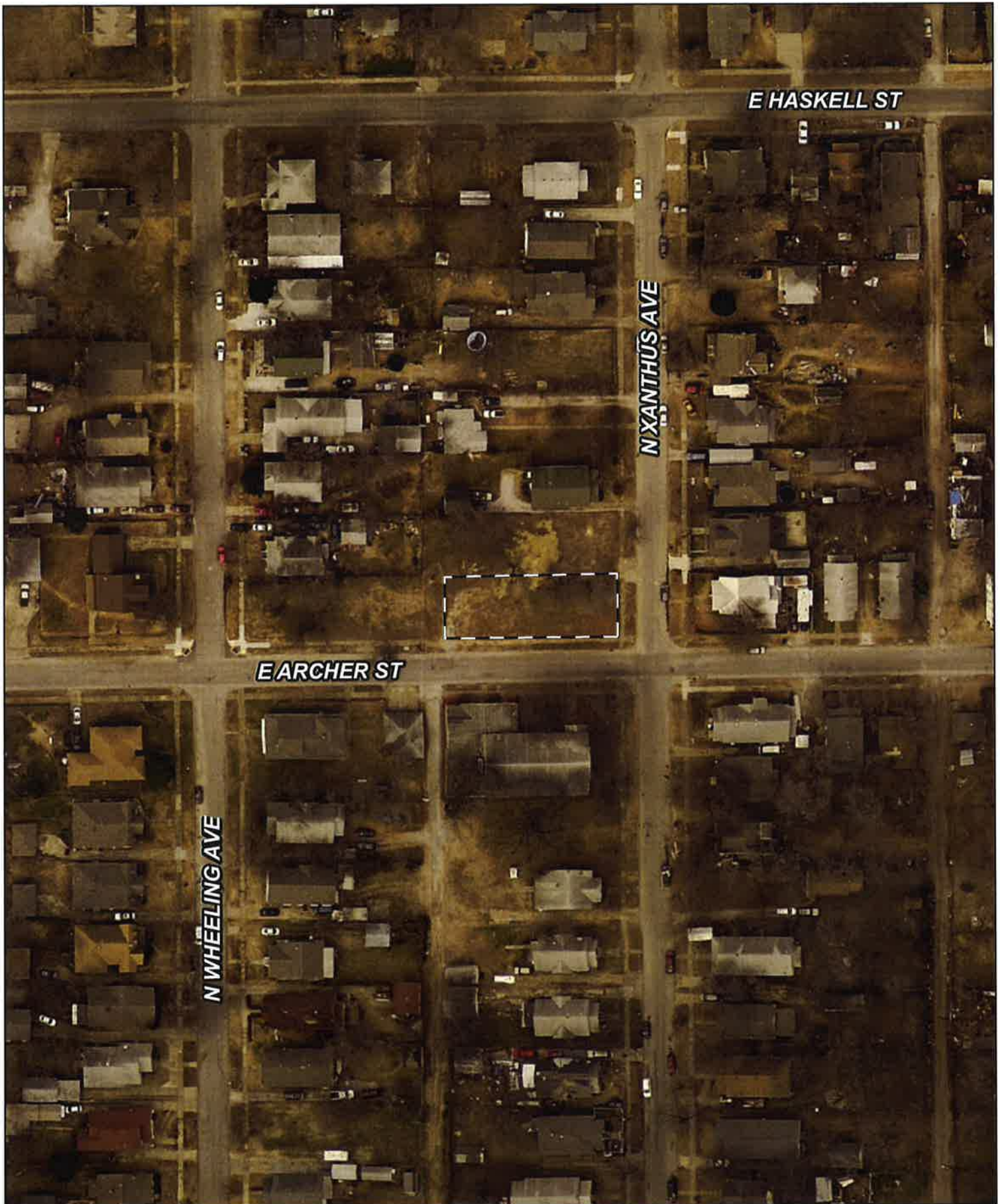
20-13 31

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

Aerial Photo Date: February 2018



24.7



0 50 100
Feet



Subject
Tract

BOA-23052

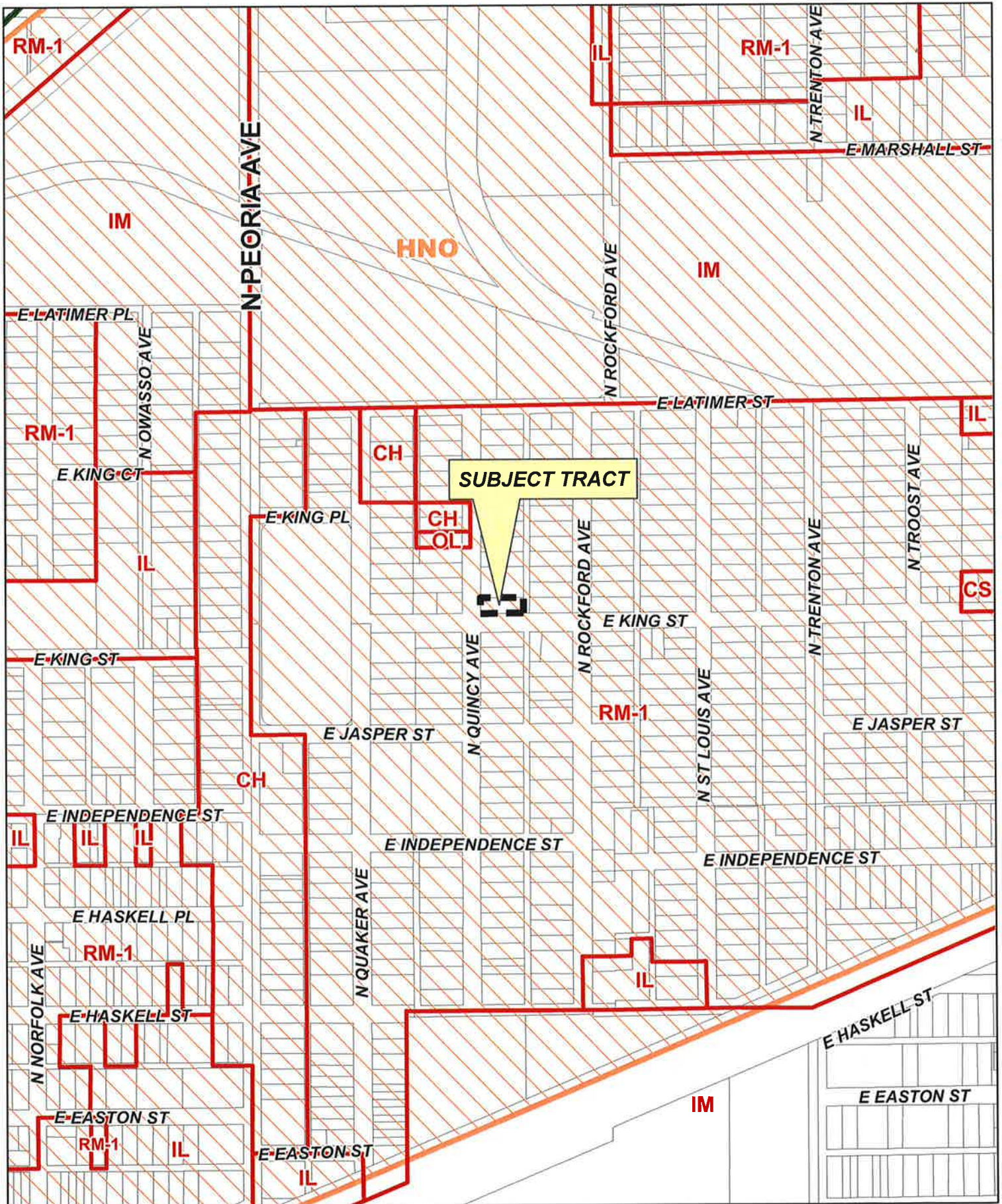
20-13 31

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

Aerial Photo Date: February 2018



24.8



BOA-23053

20-13 31

25.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 0331
CZM: 29
CD: 1

Case Number: **BOA-23053**

HEARING DATE: 12/08/2020 1:00 PM

APPLICANT: Carolyn Back

ACTION REQUESTED: Variance to reduce the required 15 foot side yard setback (Sec. 5.030-B Table Note 3)

LOCATION: 1003 N Quincy Ave.

ZONED: RM-1

PRESENT USE: Vacant

TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: LT 14 BLK 1, CRUTCHFIELD ADDN

RELEVANT PREVIOUS ACTIONS: None.

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

Downtown Neighborhoods are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed-use residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NE/c of E. King St. and N. Quincy Ave.

STAFF COMMENTS: The applicant is requesting **Variance** to reduce the required 15 foot side yard setback (Sec. 5.030-B Table Note 3)

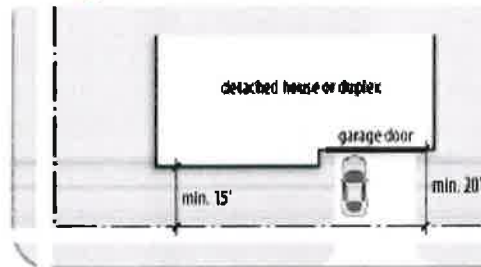
25.2

5.030-B Table Notes

The following notes refer to the bracketed numbers (e.g., "[1]") in Table 5.3:

- [1] See Section 40.240 for detailed regulations governing mobile home parks.
- [2] Minimum street frontage requirements apply to townhouse developments, not to individual townhouse units. Cottage house developments require minimum street frontage of 75 feet. Minimum street frontage requirements do not apply to nonresidential uses.
- [3] For detached houses and duplexes on corner lots, the minimum side street setback along a non-arterial street may be reduced to 15 feet, provided that the minimum setback for street-facing garage doors is 20 feet or 20 feet from the back of the sidewalk, whichever is greater. The street setback specified in Table 5.3 applies along the other street.

Figure 5-1: Street Side Setback on Corner Lots



Applicant is requesting to reduce the setback from 15' to 5'.

STATEMENT OF HARDSHIP: The subject property is located in the Crutchfield Addition Plat filed in 1917, which well pre-dates the City of Tulsa Subdivision Regulations and Zoning Ordinance, and therefore was not platted with adequate corner lot widths. The subject property also has significant topographical and utility challenges preventing re-orientation of the proposed structure.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to reduce the required 15 foot side yard setback (Sec. 5.030-B Table Note 3)

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

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

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

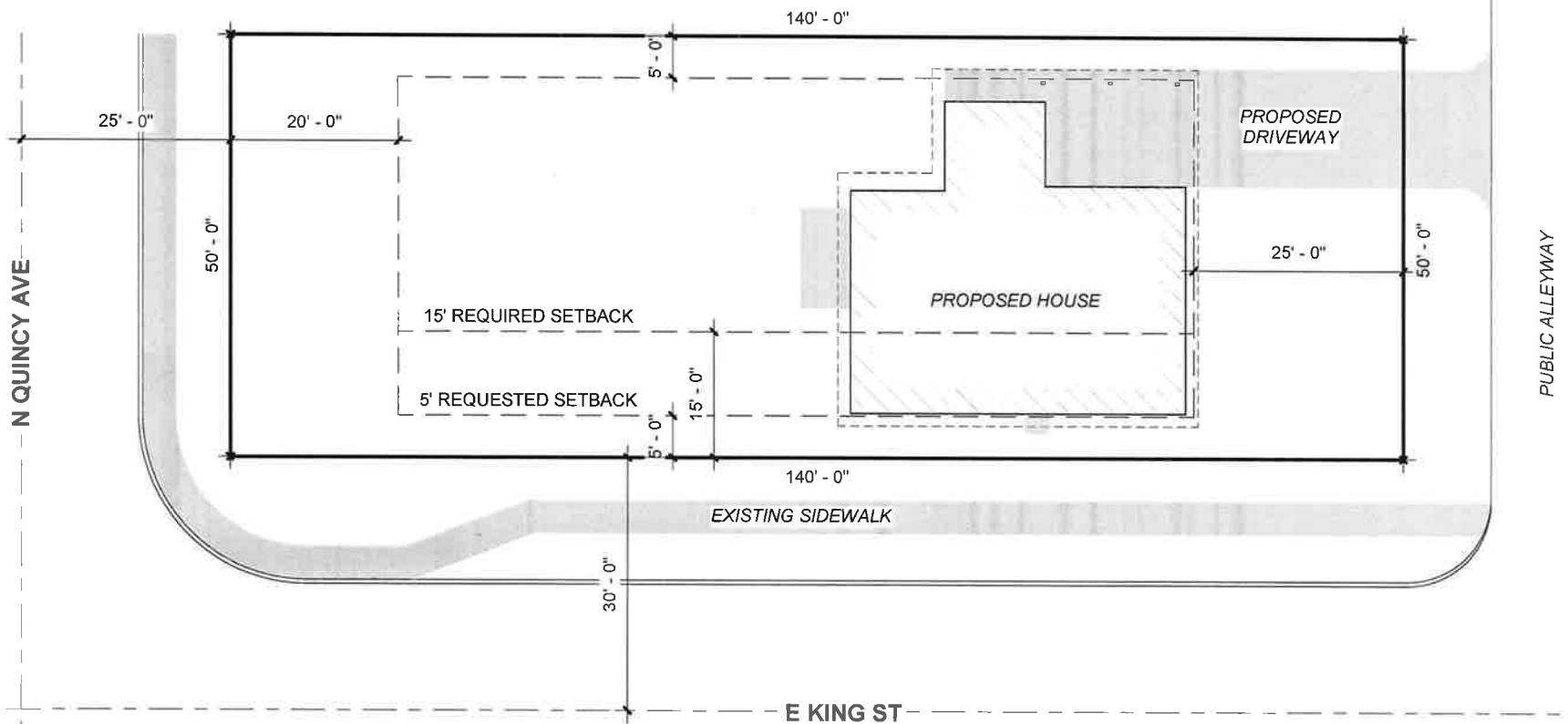
e. That the variance to be granted is the minimum variance that will afford relief;

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

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



Subject property



1003 N Quincy Avenue - BOA Exhibit

DRAWING PREPARED ON: 11/05/2020

25.6



25.7



0 200 400
Feet



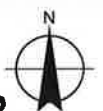
Subject
Tract

BOA-23053

20-13 31

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

Aerial Photo Date: February 2018



25.8



0 50 100
Feet



Subject
Tract

BOA-23053

20-13 31

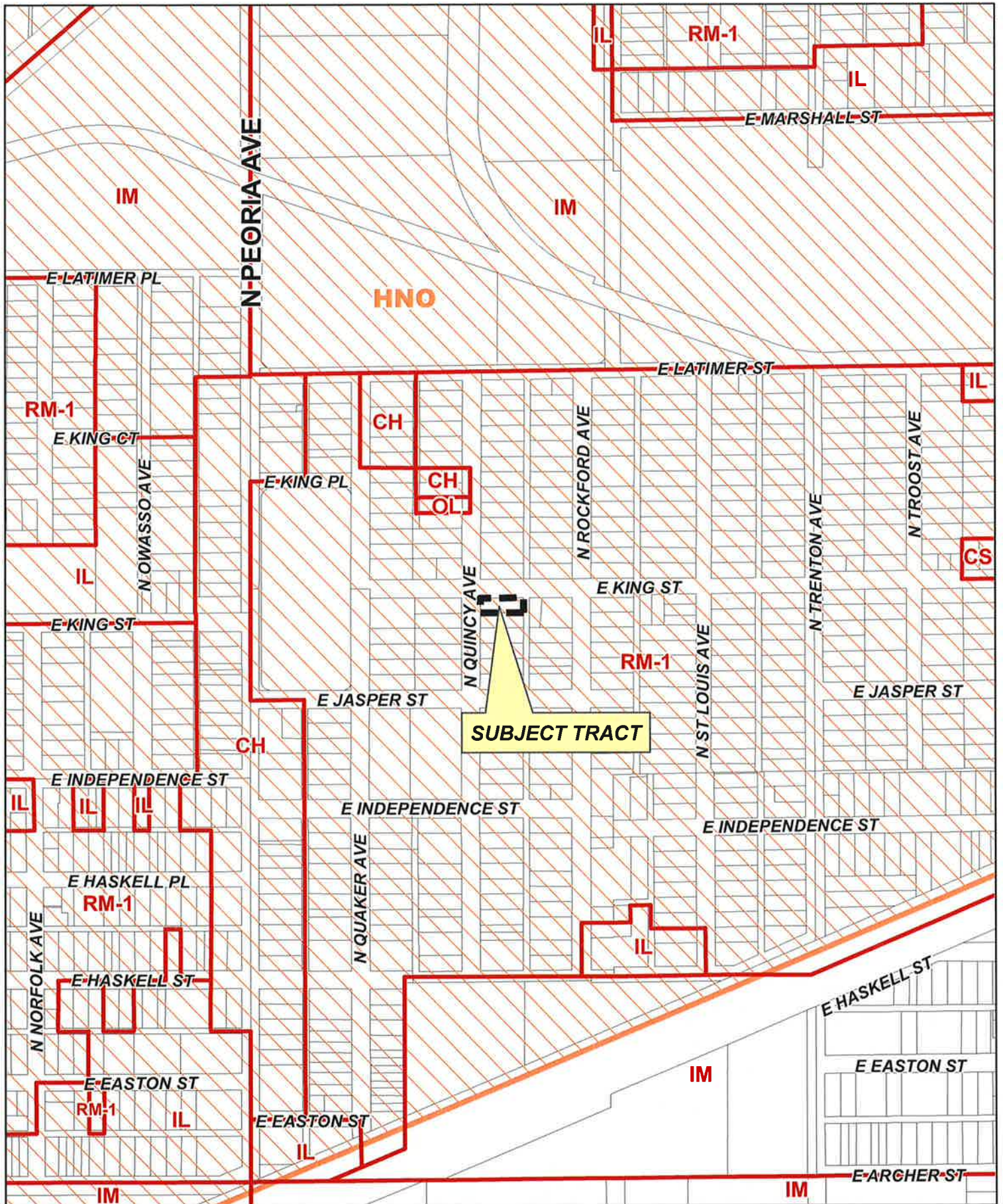
Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: February 2018



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BOA-23054

20-13 31

26.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 0331

Case Number: **BOA-23054**

CZM: 29

CD: 1

HEARING DATE: 12/08/2020 1:00 PM

APPLICANT: Carolyn Back

ACTION REQUESTED: Variance to reduce the required 15 foot side yard setback (Sec. 5.030-B Table Note 3)

LOCATION: 1412 E KING ST N

ZONED: RM-1

PRESENT USE: Vacant

TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: LTS 23 24 BLK 7, CAPITOL HILL SECOND ADDN CORR

RELEVANT PREVIOUS ACTIONS: None.

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

Downtown Neighborhoods are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed-use residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NE/c of E. King St. and N. Quincy Ave.

STAFF COMMENTS: The applicant is requesting **Variance** to reduce the required 15 foot side yard setback (Sec. 5.030-B Table Note 3)

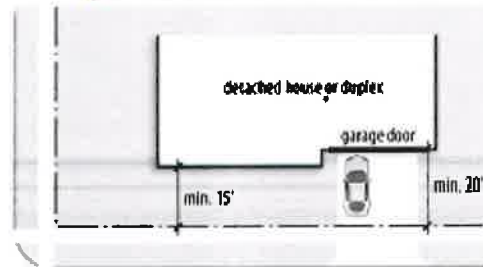
26.2

5.030-B Table Notes

The following notes refer to the bracketed numbers (e.g., "[1]") in Table 5.3:

- [1] See Section 40.240 for detailed regulations governing mobile home parks.
- [2] Minimum street frontage requirements apply to townhouse developments, not to individual townhouse units. Cottage house developments require minimum street frontage of 75 feet. Minimum street frontage requirements do not apply to nonresidential uses.
- [3] For detached houses and duplexes on corner lots, the minimum side street setback along a non-arterial street may be reduced to 15 feet, provided that the minimum setback for street-facing garage doors is 20 feet or 20 feet from the back of the sidewalk, whichever is greater. The street setback specified in Table 5.3 applies along the other street.

Figure 5-1: Street Side Setback on Corner Lots



Applicant is requesting to reduce the setback from 15' to 5'.

STATEMENT OF HARDSHIP: The subject property is located in the Capitol Hill Second Addition plat filed in 1916, which well pre-dates the City of Tulsa Subdivision Regulations and Zoning Ordinance, and therefore was not platted with adequate corner lot widths. The subject property also has significant topographical challenges preventing re-orientation of the proposed structure.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to reduce the required 15 foot side yard setback (Sec. 5.030-B Table Note 3)

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

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

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

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

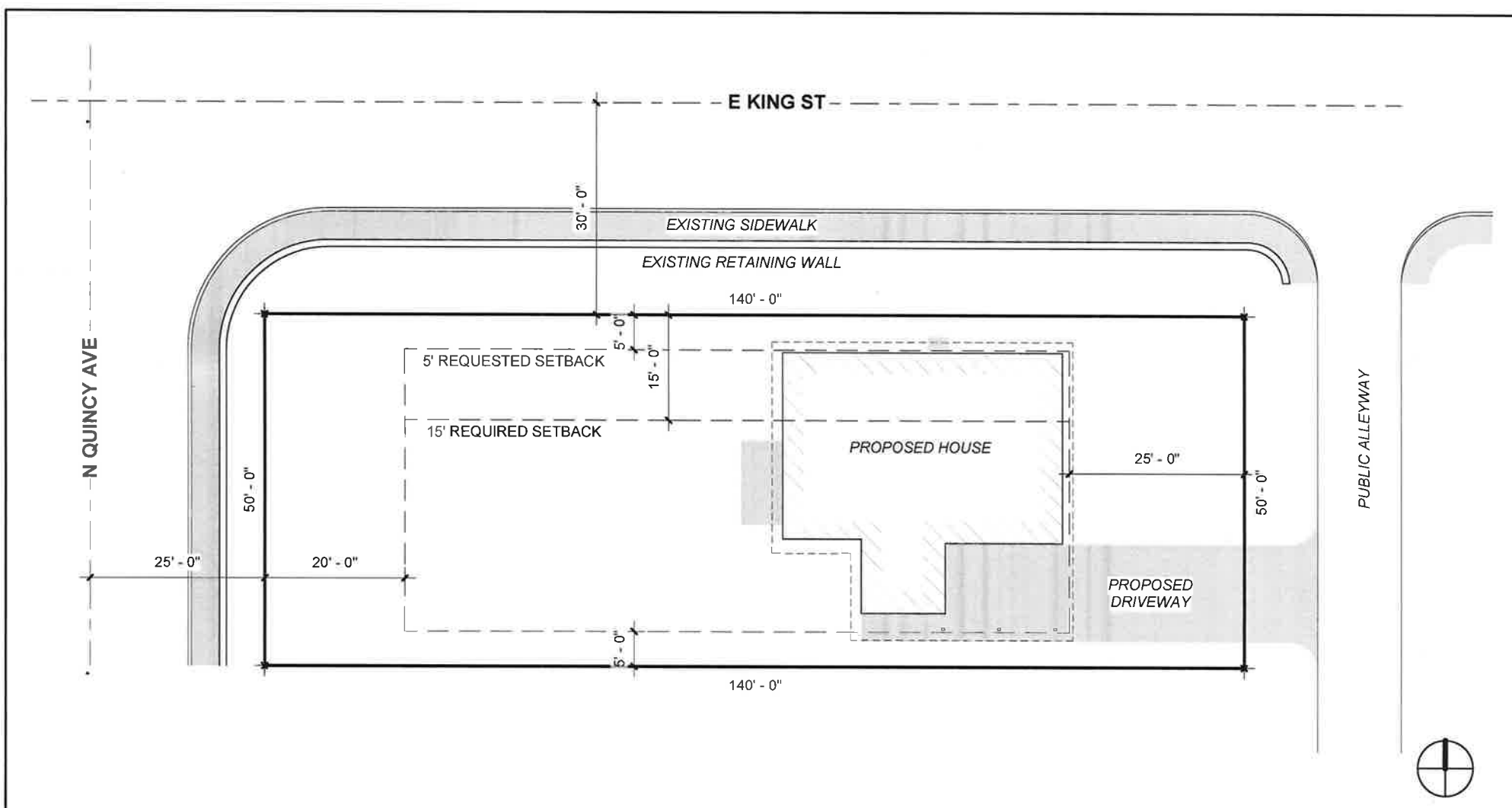
e. That the variance to be granted is the minimum variance that will afford relief;

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

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



Subject property



1412 E King Street - BOA Exhibit

DRAWING PREPARED ON: 11/05/2020

26.6



0 Feet 200 400



Subject Tract

BOA-23054

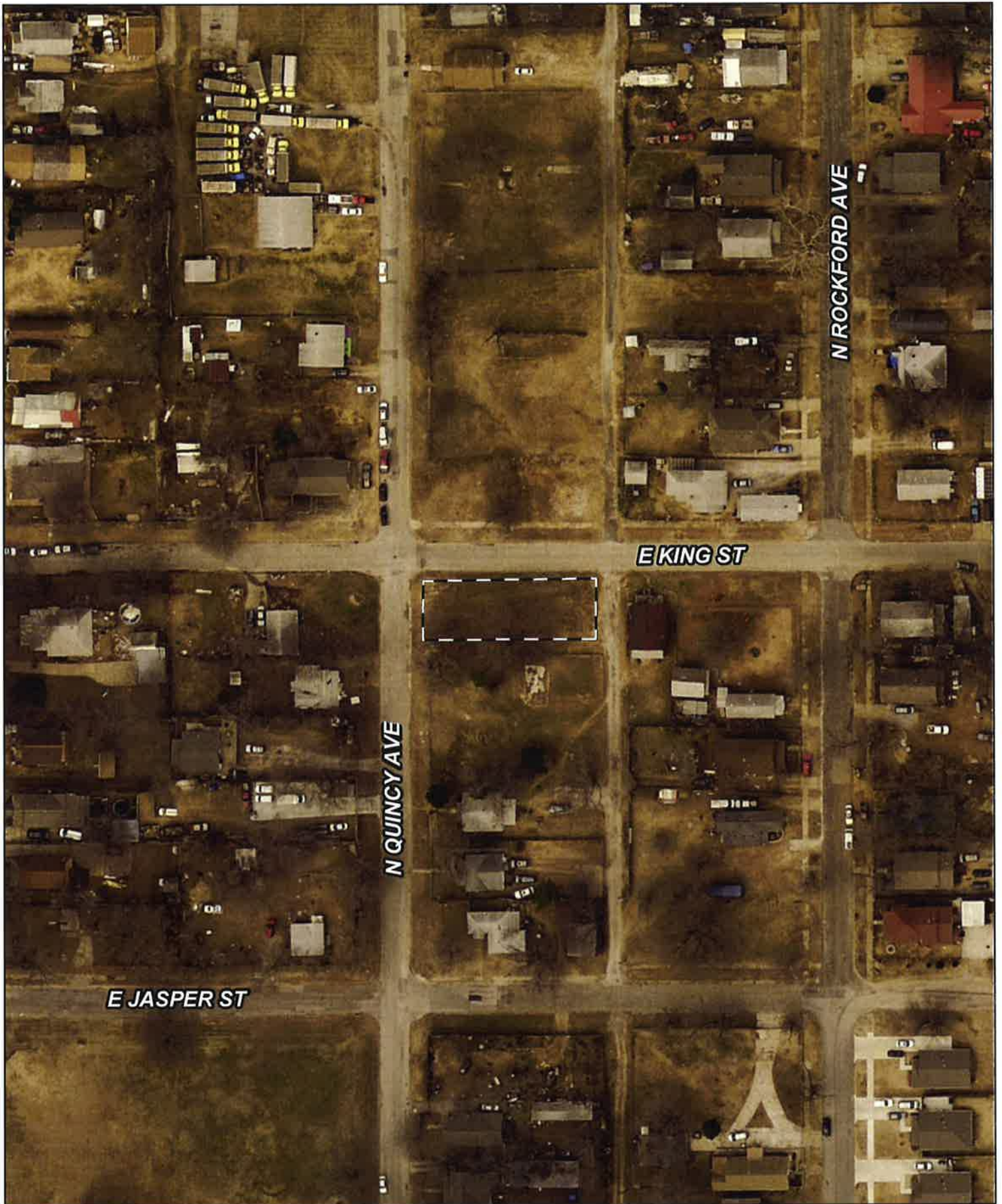
20-13 31

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

Aerial Photo Date: February 2018



26.7



0 50 100
Feet



Subject
Tract

BOA-23054

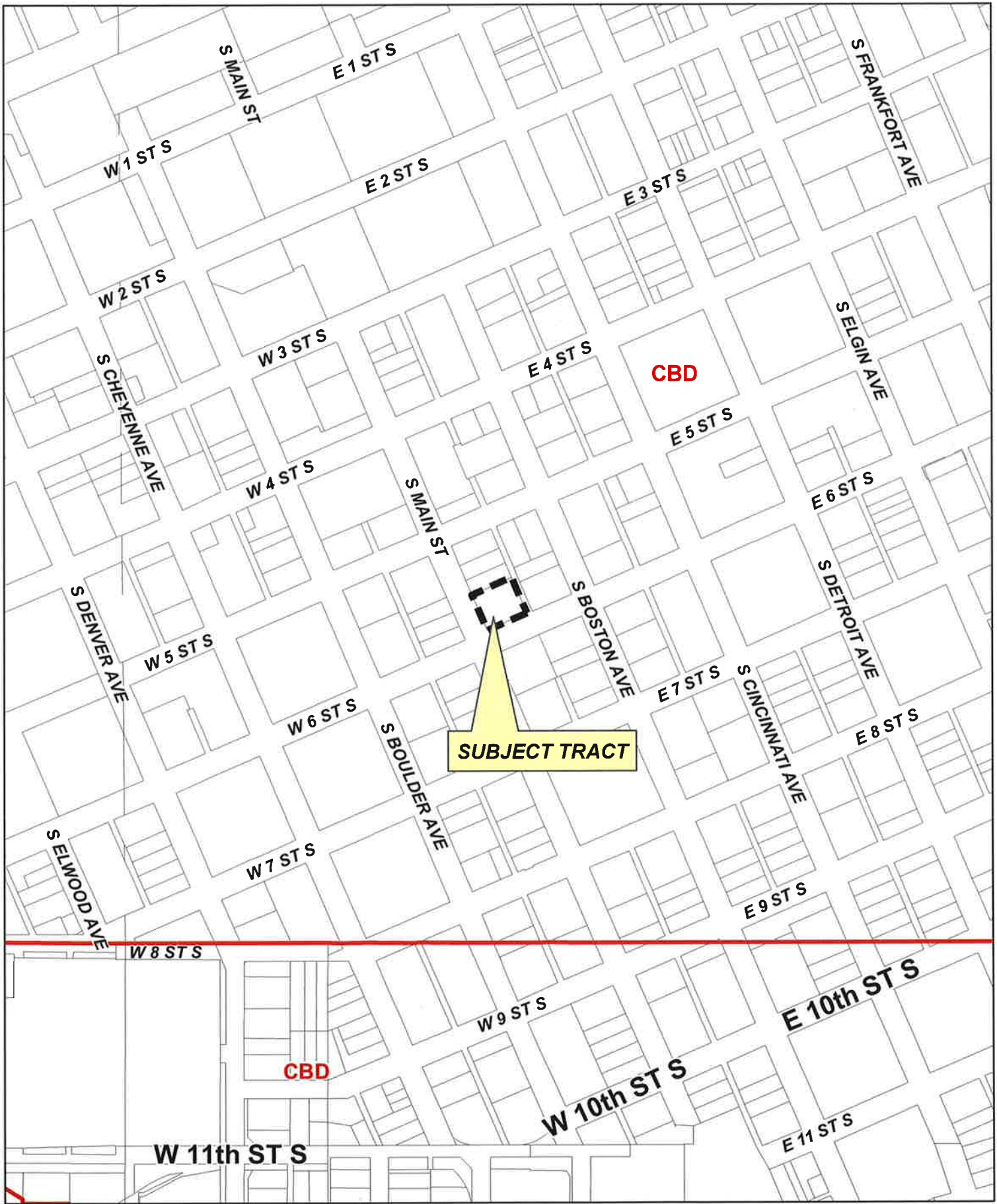
20-13 31

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

Aerial Photo Date: February 2018



26.8



BOA-23055

19-12 01

27.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9201

Case Number: **BOA-23055**

CZM: 36

CD: 4

HEARING DATE: 12/08/2020 1:00 PM

APPLICANT: Nathalie Cornett

ACTION REQUESTED: Variance to allow a roof sign in the CBD District (Section 60.020-L)

LOCATION: 525 S MAIN ST E

ZONED: CBD

PRESENT USE: Office

TRACT SIZE: 17498.12 SQ FT

LEGAL DESCRIPTION: LT 5 & S25 LT 6 BLK 148, TULSA-ORIGINAL TOWN

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA-16035; On 05.12.92 the Board **approved** a variance of the setback to permit a projecting sign. Property located 423 S. Main Street.

BOA-22255; On 06.13.17. the board **approved** for the separation distance between two projecting signs, the allowed number of projecting signs and to allow a dynamic display sign within 20' of a driving surface. Property located 423 S. Boulder Ave.

BOA-21982; On 12.08.15 the Board **approved** variance to allow three projecting signs and to allow those signs to be less than 30' apart. Property located 423 S. Boulder Ave.

BOA-20021; On 04.12.05 the Board **approved** a variance of the setback requirement for a projecting sign. Property located 423 S. Boulder.

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

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

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

27.2

REVISED 11/24/2020

redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the SW/c of E. 6th St. and S. Main Street. The building is the Park Centre building immediately across 6th street from the Chapman Green.

STAFF COMMENTS: The applicant is requesting a Variance to allow a roof sign in the CBD District (Section 60.020-L)

60.020-L Roof signs, except as expressly allowed by §60.080-B5;

Sec. 60.080-B5 limits roof signs as follows:

5. Roof Signs

- a. Roof signs are prohibited in all mixed-use, commercial and industrial zoning districts, except that one roof sign is allowed per business address within the Downtown Entertainment District and the Route 66 Overlay, provided that:
 - (1) The sign does not include any dynamic display; and
 - (2) They do not extend more than 25 feet above the point where the sign is attached to the roof, measured in a vertical line from the horizontal plane of the lowest point where the sign is attached to the roof to the horizontal plane of the highest location on the sign's structure.
- b. Roof signs are counted against a lot's allowed sign budget, pursuant to §60.080-C, and no individual roof sign may exceed 500 square feet in area.
- c. Only major street frontage along that portion of the subject lot that is occupied by the business displaying the sign may be counted in determining the maximum sign area of a roof sign allowed under this section.

The map below demonstrates where in the CBD a roof sign would be allowed.



STATEMENT OF HARDSHIP: See attached exhibits prepared by the applicant.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to allow a roof sign in the CBD District (Section 60.020-L)

- 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

Case No. 16034 (continued)

Board Action:

On MOTION of DOVERSPIKE, the Board voted 3-0-0 (Bolzle, Chappelle, Doverspike, "aye"; no "nays"; no "abstentions"; Fuller, White, "absent") to **DENY** a Variance of the maximum number of signs permitted per lot from 4 to 5 - Section 1221.C.9.a. General Use Conditions for Business Signs - Use Unit 17; and to **APPROVE** a Variance of the setback from an R District from 200' to 50' to permit a flashing sign - Section 1221.C.2.c. General Use Conditions for Business Signs - Use Unit 17; finding that the proposed location for the flashing sign is 50' from R zoned property along I-244 and not a residentially developed area; and finding that a hardship was not demonstrated that would warrant an increase in the number of signs from 4 to 5; on the following described property:

Lot 2, Block 2, and the south 518.32' of Lot 1, Block 2, Royal Manor South, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16035

Action Requested:

Variance of the setback from the centerline of South Main Street and East 5th Street from 40' to 35' to permit a projection sign - Section 1221.C.6 General Use Conditions for Business Signs - Use Unit 21, located 423 South Main.

Presentation:

The applicant, A-Max Sign Company, was represented by Don Beatt, 9520 East 55th Place, Tulsa, Oklahoma, who informed that his client is leasing space at the above stated location, and is proposing a double-face identification sign (Exhibit K-3) for the business. He pointed out that any type of projecting sign in this area would require a variance. A letter of support (Exhibit K-1) and a photograph (Exhibit K-2) were submitted.

Comments and Questions:

Mr. Doverspike asked the applicant why a projecting sign is being installed, and he replied that this type of sign provides better visibility and is more in keeping with other signs along the mall.

Protestants:

None.

Case No. 16035 (continued)

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-0 (Bolzle, Chappelle, Doverspike, "aye"; no "nays"; no "abstentions"; Fuller, White, "absent") to **APPROVE** a **Variance** of the setback from the centerline of South Main Street and East 5th Street from 40' to 35' to permit a projection sign - **Section 1221.C.6 General Use Conditions for Business Signs** - Use Unit 21; per sign plan submitted; finding that there are other projecting signs along Main Street, and approval of the request will not be detrimental to the area, or violate the spirit, purpose or intent of the Code; on the following described property:

Lot 4, Block 136, Original Town of Tulsa, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16036

Action Requested:

Variance of the 150' setback requirement from an R District to permit an outdoor advertising sign - **Section 1221.G. Use Conditions for Outdoor Advertising Signs** - Use Unit 21, located 5770 East Skelly Drive.

Comments and Questions:

Mr. Jones informed that 21st Properties recently purchased property adjacent to the lot in question and did not receive a timely notice of this hearing. He stated that they have requested that Case No. 16036, **Stokely Outdoor Advertising**, be continued to the May 26th meeting.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 2-0-1 (Bolzle, Chappelle, "aye"; no "nays"; Doverspike, "abstaining"; Fuller, White, "absent") to **CONTINUE** Case No. 16036 to May 26, 1992, as requested by the adjacent property owner.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele, "aye"; no "nays"; no "abstentions"; White absent) to **APPROVE** the refund for \$125.00; for the following property:

LTS 15 19 BLK 1, REGENCY PARK WEST, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

22255—A-MAX Sign Company – Lori Worthington

FILE COPY

Action Requested:

Variance to permit the separation of two projecting signs to be less than 30 feet (Section 60.040-B); Variance to permit four projecting signs to be installed along South Boulder Avenue with frontage of 183 feet (Section 60.080-C); Variance to permit a dynamic display within 20 feet of the driving edge of the road on South Boulder Avenue (Section 60.100-E). **LOCATION:** 423 South Boulder Avenue West (CD 4)

Presentation:

Brian Ward, A-Max Sign Company, 9520 East 55th Place, Tulsa, OK; stated this application is for Tulsa Parking Authority. Mr. Ward stated that out of seven locations Variance requests for four of the locations have been missed.

Mr. Van De Wiele asked Mr. Ward if today's requests were a revision of the signs that have already been before the Board. Mr. Ward stated they are not revisions but are in addition to those.

Mr. Ward had photos of the subject building and signs placed on the overhead projector and explain the sign layout. Mr. Ward stated on the one side of the building there is an existing Domino's sign and moving south along Boulder there would be Park Tulsa signs with the dynamic display.

Ms. Back asked Mr. Ward to state his hardship in this case. Mr. Ward stated the hardship is the building is sitting on the setback line and no sign could meet the setback requirements.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a Variance to permit the separation of two projecting signs to be less than 30 feet (Section 60.040-B); Variance to permit four projecting signs to be installed along South Boulder Avenue with frontage of 183 feet (Section 60.080-C); Variance to permit a dynamic display within 20 feet of the driving edge of the road on South Boulder Avenue (Section 60.100-E), subject to conceptual plans 10.11, 10.12, 10.13, 10.14 and 10.15 in the agenda packet. The Board has found the hardship to be the space between the building and the street is not sufficient, and the sign is for informational purposes to the public. 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:

LTS 1 & 2 & N50 LT 3 LTS 7 & 8 & N50 LT 6 ALL IN BLK 135 & N200 VACATED ALLEY IN BLK 135, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

22256—A-Max Sign Company – Lori Worthington**Action Requested:**

Variance to permit two dynamic display signs on the lot (Section 60.080-E);
Variance to permit a dynamic display sign within 20 feet of the driving surface of

Mr. Flanagan stated that in regards to what Mr. Murphy, Mr. Christensen, Mr. Coates, and Mr. Momeni said he would tend to think this will not be harmonious to the area. He would not vote in favor of the request.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Flanagan, Snyder, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **DENY** the request for a Special Exception to permit a quarry in the IM and AG Districts (Section 301 & Section 901) for being injurious to the neighborhood; for the following property:

PRT N/2 SEC BEG 988.86E SWC SW NW TH N1319.83 E1648.86 TO PT ON EL NW S660.64 E2637.58 TO NEC S/2 S/2 NE S661.79 W4285.09 POB SEC 20 20 14 90.006ACS; PRT LT 1 BEG NWC LT 1 TH E5173.94 S823.63 W3856.50 W1317.35 N920.35 POB BLK 1; W/2 NE SW & NW SW LESS BEG NWC N/2 N/2 SW TH E1991.67 S17 NW189.65 W1324.54 S446 W477.63 N456 POB SEC 21 20 14 54.637ACS; BEG SWC NW TH N311 E302 N349.06 E687.09 S659.91 W988.86 POB LESS W50 THEREOF FOR RD SEC 20 20 14 12.202ACS; BEG NWC N/2 N/2 SW TH E1991.67 S17 NW189.65 W1324.54 S446 W477.63 N456 POB SEC 21 20 14 5.363ACS; LT-9-BLK-2; LT-10-BLK-2; LTS 11 & 12 BLK 2; LTS 6 7 & 8 BLK 2; LT-5 BLK-2; N.490.95' OF LT 4 BLK 2 LESS N.5' & LESS E.25' TO PUBLIC; S.150' OF LT 4 BLK 2 LESS E.25 TO PUBLIC; LT 3 BLK 2; LT 2 LESS W140.78 S150 THEREOF BLK 2; W140.78 S150 LT 2 BLK 2; LT-1-BLK-2; LTS 1 & 2 BLK 1; LT-3-BLK-1; LT-4-BLK-1; LT-5-BLK-1; LT-6-BLK-1; LT-7-BLK-1; LT-8-BLK-1; LT-9-BLK-1; LT-10-BLK-1; LT-11-BLK-1; LT 12 LESS E250 & LESS W25 & S5 THEREOF BLK 1; W125 E250 LT 12 LESS S5 THEREOF BLK 1; E125 LT 12 LESS S5 THEREOF BLK 1, APACHE ADDN, AIRPARK DISTRIBUTION CENTER, GOFIT, RACEWAY ADDN, LANGLEY ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21982—Peyton Haralson

FILE COPY

Action Requested:

Variance to permit three (3) projecting signs along South Boulder Avenue on the subject lot; Variance to allow projecting signs to be less than 30 feet apart (Section 1221.C). **LOCATION:** 423 South Boulder Avenue West (CD 4)

Ms. Snyder recused and left the meeting at 3:10 P.M.

Presentation:

Peyton Haralson, Tulsa Parking Authority, 175 East 2nd Street, Suite #410, Tulsa, OK; stated this is a request for three projecting signs along Boulder Avenue; 423 South Boulder is where the garage structure is located. This is to replace an existing sign.

Interested Parties:

There were no interested parties present.

BOA-21982
FILE COPY

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-1 (Henke, Flanagan, White "aye"; no "nays"; Snyder "abstaining"; Van De Wiele absent) to **APPROVE** the request for a **Variance** to permit three (3) projecting signs along South Boulder Avenue on the subject lot; **Variance** to allow projecting signs to be less than 30 feet apart (Section 1221.C), subject to conceptual photos 4.12 and 4.14. The hardship being that the buildings located in the CBD District are built to the property line not leaving any room for signs to be installed on the property itself, hence they will be projecting on to the City property. The signs are necessary to provide notice to the public of the available parking in the area. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LTS 1 & 2 & N50 LT 3 LTS 7 & 8 & N50 LT 6 ALL IN BLK 135 & N200 VACATED ALLEY IN BLK 135, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Ms. Snyder re-entered the meeting at 3:14 P.M.

NEW APPLICATIONS

21996—Jim Congleton

Action Requested:

Special Exception to permit a 6 foot fence in the required front yard with an 8 foot gate height in the RS-1 District (Section 210.B.3). **LOCATION:** 2929 East 73rd Street South **(CD 2)**

Presentation:

Jim Congleton, 3120 South Owasso Avenue, Tulsa, OK; stated this is a newly acquired property and he would like to build a six foot fence around the property. There

Comments and Questions:

Mr. Dunham asked if they are building a new structure on one lot and keeping the existing structure on the other lot, will they meet the parking requirements for both. Mr. Kelly replied that they will meet the parking requirements.

Interested Parties:

Julie Parrett, 25904 South 125th East Avenue, Coweta, Oklahoma, stated they own a house that abuts the subject property, at 5611 South 95th. She expressed concern for an unattended parking lot after hours and abutting residential property. They also had concern regarding lighting and screening. Photographs were provided (Exhibit D-1).

Comments and Questions:

The Board members assured Ms. Parrett that the applicant will have to meet the zoning code requirements for lighting and screening. Mr. Ackermann added that the applicant will be required to install a six-foot solid wood fence.

Applicant's Rebuttal:

Mr. Kelly responded that lighting, screening and landscaping will be provided in compliance with the zoning code.

Board Action:

On **Motion of Stephens**, the Board voted 3-0-0 (Dunham, Stead, Stephens "aye"; no "nays"; no "abstentions"; Paddock, Henke "absent") to **APPROVE a Special Exception** to meet parking requirements on a lot other than the lot containing the principal use, finding it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, with condition for a tie agreement between the two lots, on the following described property:

LT 2 BLK 1, ANDERSEN ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20021

Action Requested:

Variance of setback requirement for a projecting sign from 40 ft. to 34 ft. 7 in. to accommodate the installation of two projecting signs in the CBD district.

Presentation:

Sean Flaherty, 111 South Greenwood, with the Tulsa Parking Authority, stated they entered into an agreement with PSI Investments to put a Domino's in their facility. He submitted photographs (Exhibit E-1) of similar signs in the downtown area. They proposed to put up two projecting signs, which are relatively small, for visibility from the north and south and east and west. One of the reasons they

could not put up a surface sign is because of the aluminum slats, which are removable.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion of Stead**, the Board voted 3-0-0 (Dunham, Stead, Stephens "aye"; no "nays"; no "abstentions"; Paddock, Henke "absent") to **APPROVE** a **Variance** of setback requirement for a projecting sign from 40 ft. to 34 ft. 7 in. to accommodate the installation of two projecting signs in the CBD district, according to the plan submitted, finding that because of extraordinary and exceptional zero lot line conditions the literal enforcement of the terms of the code would result in unnecessary hardship; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

LTS 1 & 2 & N50 LT 3 LTS 7 & 8 & N50 LT 6 ALL IN BLK 135 & N200 VACATED ALLEY IN BLK 135, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20022

Action Requested:

Special exception to allow Use Unit 17 - Automotive and Allied Activities - Automobile Sales in a CS zoned district; and a Variance of the required 300 ft distance from an R zoned district for outside display of merchandise for sale, 1431 N HARVARD AV E.

Presentation:

Hector Guitierrez, 2108 East Oklahoma Street, proposed to open a used car lot, which was previously a tire shop. He leased the property for one year. He planned to clean up and improve the property, including the building.

Comments and Questions:

Mr. Dunham encouraged the applicant to read the staff recommendation for conditions to approval.

Interested Parties:

Roger Coffman, 1443 North Harvard, stated he is the Associate Pastor at Sanctuary of Praise next door. He and his church were concerned about outside storage.

Richard Ganders, 1825 South Columbia, stated his property has been in his family since 1925.

DANNY WHITEMAN
SIGN PLANS EXAMINER
TEL (918)596-9664
EMAIL dwhiteman@cityoftulsa.org



DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103-3227

SIGN PLAN REVIEW

October 26, 2020

LOD Number: 1

Phone: 918-252-2258

Kelly Roberts
Acura Neon Inc.
1801 N. Willow Ave.
Broken Arrow, OK 74012

APPLICATION NO: **SIGN-071867-2020** (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

Location: 525 S. Main St.

Description: Roof Sign

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)

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A \$55 RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, THE INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 WEST 2ND STREET, 8TH FLOOR, TULSA, OK, 74103 OR TELEPHONE (918) 584-7526.
3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(Continued)

27.15

REVIEW COMMENTS

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

Application No. SIGN-071867-2020

525 S. Main St.

October 26, 2020

This letter of deficiencies covers Sign Plan Review items only.

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

1. Section 60.020 Prohibited Signs and Sign Characteristics

60.020-L Roof signs, except as expressly allowed by §60.080-B5.

Review Comments: Roof signs are prohibited in the City of Tulsa except in the Downtown Entertainment District and in the Route 66 Overlay. You may pursue a variance from the Board of Adjustment to permit a roof sign at this location.

2. 3107.7 General Requirements - Added.

All signs shall be designed and constructed to comply with the provisions of this code related to materials, loads and stresses, and with the requirements of Sections 3107.7.1 through 3107.7.5 of this code.

Review Comments: Provide plans that are dated, signed, and sealed by an engineer licensed in the state of Oklahoma for the construction and installation of this sign and the background panels. A separate commercial building permit will also be required for the installation of these panels.

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

END – ZONING CLEARANCE AND SIGN CODE REVIEW

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

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

Exhibit "A"

The Applicant requests a Variance of Section 60.020-L of the Tulsa Zoning Code (the "Code") to permit a roof sign in the CBD District at property located at 525 S. Main Street (the "Property").

The Property is located downtown at the corner of 6th and Main Street. The 14-story Park Centre office building was constructed on the Property in 1973. The Applicant desires to install an approximately 233 square foot roof sign for Arvest Mortgage on the south-facing side of the building. A Sign Plan is attached hereto as **Exhibit "B"**.

Currently, the Code would permit a wall sign up to 240 square feet in area on the Property. The modernist architectural style of the building, with windows extending to the roofline, makes the installation of a wall sign on the existing narrow parapet of the building exceedingly difficult. The proposed solution is to "extend" the parapet with aluminum panels in order to attach the sign lettering. The panels will require a separate construction permit.

The panel extension results in the proposed sign falling within the definition of a roof sign under the Code, which are currently only permitted in the Route 66 Overlay District and the Downtown Entertainment District.

With the exception of the panel extension, the sign is otherwise similar in size and shape to the wall signs on surrounding high-rise banking buildings, including the Bank of America sign at 6th & Boulder, the Chase sign at 7th & Boulder, and the Arvest sign at 5th & Main.

The narrow parapet of the existing building and inability to install visible wall signage results in unnecessary hardship to the property owner. Due to the height and size of the building, the proposed sign will remain in context with the Park Centre building and with the surrounding buildings and their signage, and thus will not alter the character of the neighborhood nor impair the spirit and intent of the Code.



2 End View



3 Building South Elevation

1 South Elevation View Scale : 1/8" = 1'-0"

Internally illuminated channel letters

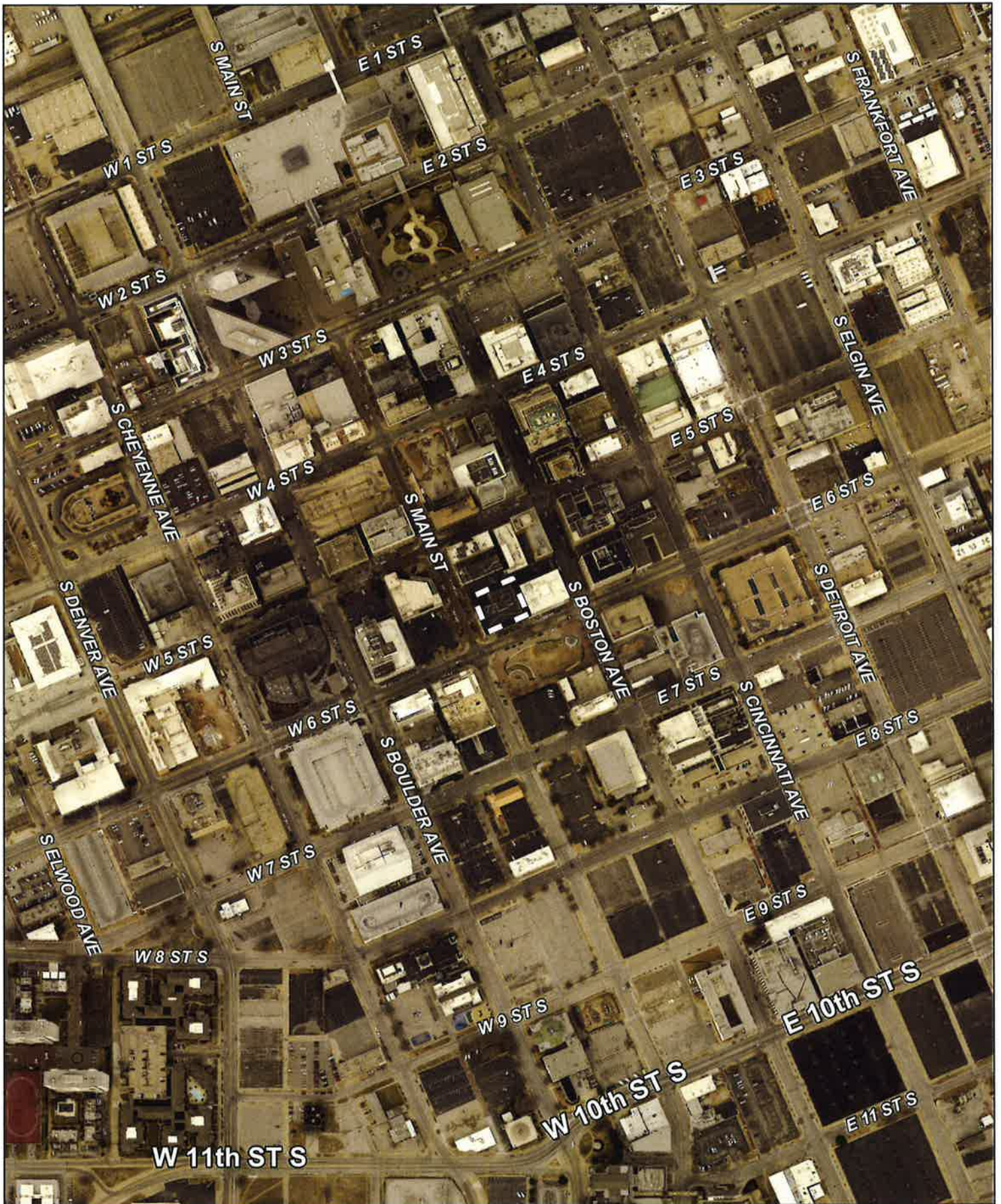


ACURA NEON INC.
WE PUT YOUR NAME IN LIGHTS!
1801 N. WILLOW AVE. BROKEN ARROW, OK 74012
PHONE: (918) 255-2258 FAX: 918 252 3768
www.acuraneon.com

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Client : <i>Arvest Bank</i>		Approved By :	
Job Location : <i>Tulsa, OK</i>		Date :	
Rep : <i>Mir Khezri</i>	Dwn : <i>J. Harley</i>	File : <i>ABDTLOC-01B</i>	
Dwg No : <i>101320-02</i>	Scale : <i>Noted</i>	Date : <i>10-13-2020</i>	

27.18



0 Feet
200 400



Subject
Tract

BOA-23055

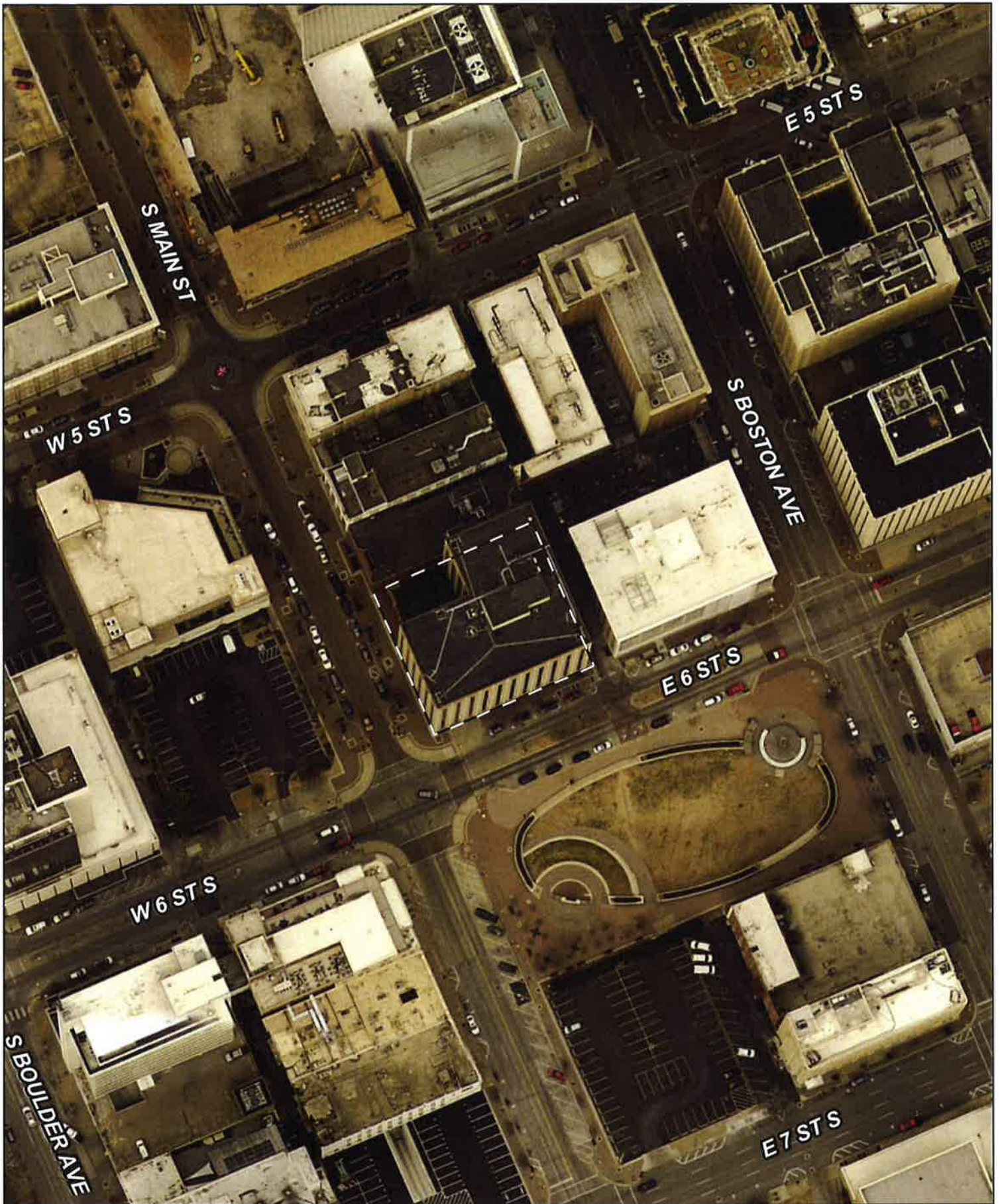
19-12 01

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

Aerial Photo Date: February 2018



27.19



0 50 100
Feet



Subject
Tract

BOA-23055

19-12 01

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

Aerial Photo Date: February 2018



27.20