AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, January 12, 2021, 1:00 P.M.

Meeting No. 1264

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.

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Participants must then enter the following Access Code: 498-720-637

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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.

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of Minutes of December 8, 2020 (Meeting No. 1263).

UNFINISHED BUSINESS

2. 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; **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)

3. **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; 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)

4. **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)

5. **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)

**NEW APPLICATIONS**

6. **23056—Tom Neal**  
   **Special Exception** to allow an accessory dwelling unit in an RS-3 District (Section 45.031-D);  **Variance** of the required 3-foot setback for a detached accessory building located in a rear setback (Section 90.090-C).  **LOCATION:** 1723 West Reconciliation Way North  (CD 4)

7. **23057—KEO Construction, LLC – Kevin O’Brian**  
   **Variance** of the required height limitations for a detached accessory building to amend the previously approved plans in BOA-22453 (Section 90.090-C);  **Variance** to allow the floor area of a detached accessory building to exceed 40% of the floor area of the principal residential structure (Section 45.030-A).  **LOCATION:** 2430 East 22nd Place South  (CD 4)
8. **23058—Thomas A. Beck**  
**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:** 2623 East 36th Street North  (CD 1)

9. **23059—Mike Wackenhuth**  
**Special Exception** to increase the permitted driveway width (Section 55.090-F).  
**LOCATION:** 10640 South Sandusky Avenue East  (CD 8)

10. **23060—Michael Hall**  
**Special Exception** to allow a carport in the street setback with modifications to reduce the 5-foot side setback and to allow the carport to project more than 20 feet away from the principal building (Section 90.090-C.1). **LOCATION:** 3139 South 133rd East Avenue  (CD 6)

11. **23061—Eller & Detrich – Lou Reynolds**  
**Variance** to allow a nonconforming structure to extend closer to the lot line than the existing structure within the front setback (Section 80.030-D). **LOCATION:** 2469 East 33rd Street South  (CD 9)

12. **23063—Kyle Coleman**  
**Special Exception** to permit a Residential/Group Living/Re-entry facility in the CS District (Section 15.020, Table 15-2). **LOCATION:** 10117 East 11th Street South  (CD 6)

13. **23064—Audra Rodriguez**  
**Special Exception** to allow a Type 2 Home Occupation in an RS-1 District to permit a hair salon (Section 45.100). **LOCATION:** 547 South 87th East Avenue  (CD 3)

14. **23065—Kyler & Allison Ketron**  
**Variance** to allow the floor area of a detached accessory building to exceed 500 square feet or 40% of the floor area of the principal residential structure (Section 45.030-A); **Variance** to allow more than 25% coverage by a detached accessory building in the rear setback in an RS District (Section 90.090-C, Table 90-2). **LOCATION:** 2713 East 55th Place South  (CD 9)

15. **23066—Tulsa Housing Authority**  
**Variance** to reduce Build-to-Zone width and the percentage of the building facade that must be located in the Build-to-Zone in a MX1-U District (Section 10.030, Table 10-5). **LOCATION:** NW/c of West 23rd Street North and North Jackson Avenue West  (CD 2)

16. **23067—Warkeisha Metoyer**  
**Variance** to allow a detached accessory building in the street setback (Section 90.090-C). **LOCATION:** 4229 N. Hartford Ave E  (CD 1)
17. **23068—Hall Estill – Amanda Lowe**  
Special Exception to permit Low-Impact Medical Marijuana processing (Low-impact Manufacturing & Industry Use) in the CH District (Section 15.020, Table 15-2). **LOCATION:** 1650 East 8th Street South **(CD 4)**

18. **23070—Eller & Detrich – Lou Reynolds**  
Variance to reduce the minimum lot width in an RS-3 District from 60 feet to 50 feet to permit a lot split (Section 5.030, Table 5-3). **LOCATION:** 4236 South Madison Place East **(CD 9)**

19. **23071—Eller & Detrich – Lou Reynolds**  
Variance to permit a swimming pool within the required 5-foot side street setback (Section 80.020-B and Section 90.090, Table 90-1)). **LOCATION:** 3541 South Rockford Avenue East **(CD 9)**

20. **23072—Eller & Detrich – Lou Reynolds**  
Variance of Section 60.060-B of the Zoning Code to allow two on-premises signs on the same street frontage in an OL District; Variance of Section 60.060-C of the Zoning Code to allow 117 square feet of aggregate display surface of on-premises signage on the same frontage in an OL District. **LOCATION:** 2642 East 21st Street South **(CD 9)**

**OTHER BUSINESS**  
**NEW BUSINESS**  
**BOARD MEMBER COMMENTS**  
**ADJOURNMENT**

**Website:** tulsaplaning.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.
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BOARD OF ADJUSTMENT
CASE REPORT

STR: 8320                      Case Number: BOA-23029
CZM: 56                        
CD: 2                          

HEARING DATE: 01/12/2021 (Continued from 12/8/2020) 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

REVISED 12/30/2020
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. 80.060-8.1 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)**

[Diagram of the appeals process]

***

REVISED 11/24/2020
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**

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>RDO-1</th>
<th>RDO-2</th>
<th>RDO-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subcategory</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Specific use</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Building Types</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drive-in or Drive-through Facility (as a component of an allowed use)</td>
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<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Off-premise Outdoor Advertising Sign</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

***

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 ACCEPTED 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

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)
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 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. 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:
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 210.8.3), 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:
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.
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

[Signature]

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 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.
SIGN PLAN REVIEW

September 30, 2020

Phone: 918-491-7446

LOD Number: 1

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)
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.
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
The staff members attending in person are as follows:

- Mr. Stuart Van De Wiele, Chair
- Mr. Austin Bond, Vice Chair
- Mr. Steve Brown
- Mr. Dwayne Wilkerson, Tulsa Planning Office
- Mr. Austin Chapman, Tulsa Planning Office
- Ms. Janet Sparger, Tulsa Planning Office

**MINUTES**

On MOTION of BOND, the Board voted 4-0-1 (Bond, Radney, Shelton, Van De Wiele "aye"; no "nays"; Brown "abstaining"; none absent) to APPROVE the Minutes of the September 22, 2020 Board of Adjustment meeting (No. 1259).

On MOTION of BOND, the Board voted 5-0-0 (Bond, Brown, Radney, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to APPROVE the Minutes of the October 13, 2020 Board of Adjustment meeting (No. 1260) with corrections on page 6 and on page 8.

**NEW APPLICATIONS**

**23029 – Eller & Detrich – 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 (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)

**Presentation:**
The applicant has requested a continuance to December 8, 2020.
Interested Parties:
Steve Easley, 9640 South 67th East Avenue, Tulsa, OK; stated he is a managing member of River Rose Development that owns the property at 10020 South Riverside Parkway. He is opposed to the continuance request because he thinks the River Design Overlay is clear.

Mr. Van De Wiele asked Mr. Chapman for the basis of the continuance request from the applicant. Mr. Chapman stated the applicant is here today and he would ask her to speak on the continuance request.

Nathalie Cornett, Eller & Detrich, 2727 East 21st Street, Tulsa, OK; stated that Mr. Shank is unable to be in attendance today due to COVID quarantine reasons. Ms. Cornett stated she has also received a couple of inquiries about the project that need to be addressed, so she requests a continuance to December 8th.

Comments and Questions:
None.

Board Action:
On MOTION of BOND, the Board voted 5-0-0 (Bond, Brown, Radney, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to CONTINUE the request for 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 (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 to December 8, 2020 Board of Adjustment meeting; for the following property:

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

23022—Lubarie, LLC — Todd Maxwell

Action Requested:
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)

Mr. Van De Wiele recused and left the meeting at 1:16 P.M.
December 4, 2020

VIA EMAIL (achapman@incog.com)
Austin Chapman
Board of Adjustment Administrator
INCOG
2 West Second Street, Suite 800
Tulsa, Oklahoma 74103

Re: Continuance of BOA-23029

Dear Austin;

By way of this letter, I am requesting that the Board continue BOA-23029 from the December 8, 2020 hearing date to January 12, 2021. I will be in a deposition in multi-party litigation on December 8, 2020 and unable to attend the hearing. I appreciate the Board’s willingness to continue the case at the November 10, 2020 meeting while I was out with COVID. I spoke with Mr. Steve Easley who attended the November hearing and he does not object to our request to continue the matter to January 12, 2021 and simply requests that he be notified of the new date.

Thank you for your time and attention to this matter. As always, should you have any questions, please do not hesitate to call.

Sincerely,

ELLER & DETRICH
A Professional Corporation

Andrew A. Shank

cc (via email only): Steve Easley (stevee@coweneconstruction.com)
BOARD OF ADJUSTMENT  
CASE REPORT

Case Number: BOA-23035

HEARING DATE: 01/12/2021 (Continued from 12/8/2020) 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 TRENTO 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.
Section 45.031-D  Regulations

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

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

3. Methods of Creation
An accessory dwelling unit may be created only through the following methods:
   a. Constructing an accessory dwelling unit on a lot with a new or existing detached house; or
   b. Converting or increasing existing floor area within an accessory building on a lot with an existing detached house.

4. Density (Minimum Lot Area and Lot Area per Unit)
No additional lot area or lot area per unit is required for the accessory dwelling unit.

5. Open space (Minimum open space per unit)
No additional open space is required for the accessory dwelling unit.

6. Accessory Dwelling Unit Size
   a. RE and RS 1 Districts
      In RE and RS 1 districts, the total aggregate floor area of all detached accessory buildings, including accessory dwelling units, may not exceed 750 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]
   b. RS 2, RS 3, RS 4, RS 5, and RM Districts

TULSA ZONING CODE  | July 1, 2020
page 45.4

Chapter 45 | Accessory Uses and Structures
Section 45.040 | Compressed Natural Gas (CNG) Refueling Appliances

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
## 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.

**Submit all faxes/emails 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.incoh.org](http://www.incoh.org) or at INCOG Offices at 2 W. 2nd St., 8th Floor, Tulsa, OK, 74103, phone (918) 584-7526.

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

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

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

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:
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
TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 28035
OFFICIAL RECORD EXHIBIT
ENTERED IN THE 12/8/20 MINUTES OF THE TULSA CITY BOARD OF ADJUSTMENT
TULSA CITY BOARD OF ADJUSTMENT

CASE NO. 23035

OFFICIAL RECORD EXHIBIT

ENTERED IN THE 12/9/20

MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT

https://www.google.com/maps/@36.1395458,-95.9692127,114m/data=!3m1!1e3?hl=en
TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 23035
OFFICIAL RECORD EXHIBIT
ENTERED IN THE 12/8/20
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT

3.25

https://www.google.com/maps/place/1540+E+16th+St,+Tulsa,+OK+74120/@36.1393307,-95.9700168,3a,75y,191.31h,90v/data=!3m7!1e1!3m5!1sRV...
THIS PAGE
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STR: 9318
CZM: 37
CD: 4
HEARING DATE: 01/12/2021 (Continued from 12/8/2020) 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 PI. S.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an "Existing Neighborhood" and an "Area of Stability". An Existing Neighborhood is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

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

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

The applicant si 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:

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.”
ZONING CLEARANCE PLAN REVIEW

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

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

   **Review Comments:** You are proposing to add on to an existing structure with a non-conforming side setback. RS-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. Kink to Zoning Code:  

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

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

Aerial Photo Date: February 2018
Good morning Austin and neighbors.

Thank you for forwarding all of the letters with input on the screening for our proposal. I have reviewed them all and it looks like everyone would feel better if the screening were full height to the west and the north, in lieu of the 42" height. I agree with all of these comments and have discussed with my client, who would also benefit from this approach. Our intent was not to create a privacy issue for anyone, but to create massing that was as low as possible, but my client and I do appreciate the concern that it has raised and have attached some revised sketches with screening that we could take to just underneath the existing west end roof overhang, which will be approximately 6'-5" above "deck" height. We added a 6' high person to give a sense of dimension. This would be solid to ensure all party's privacy concerns are met. Mr. Dornblaser, Mr and Mrs. Dale, and Mr and Mrs Doyle, thank you for your input and I hope this revised screening solution alleviates your concerns.
Austin, if you could include these revised sketches in our pack for review today, I would be happy to stipulate screening conditions based on these drawings.

Kindest Regards
On Wed, Dec 9, 2020 at 9:08 AM Chapman, Austin <AChapman@incog.org> wrote:

Please see the email below.

From: Dan Doyle <dandoyle7826@gmail.com>
Sent: Tuesday, December 8, 2020 5:51 PM
To: Chapman, Austin <AChapman@incog.org>; esubmit <esubmit@incog.org>
Subject: Fwd: Case Number BOA-23045

Austin

I am at 2244 east 25th place to the north of the subject property.

We would prefer a solid screen to the north as it directly looks over out pool 3.8 feet from the fence. Our elevation is at least 3 feet higher then their yard so it is very close feeling. 10 feet distance from balcony to the closest end of our pool. The other end would be visible even with the maximum 8 foot fence on our side.

The trees they propose will have to grow on the north side of the house in the 3 feet between their two story structure and the at least 8 foot maybe 10 foot fence they constructed last week. If they planted 25 foot trees to get the correct width in the right place it might work, but the trees are not going to live and it is unlikely they are planning to put in trees that large in the beginning.

Maybe a compromise to obstruct view to our yard, but I do not know how that would work down the road.

If they put up a solid screen until the trees replace the function of the solid screen.

Thanks

Dan Doyle
918-906-8600
Austin

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Maybe a compromise to obstruct view to our yard, but I do not know how that would work down the road.

If they put up a solid screen until the trees replace the function of the solid screen.

Thanks

Dan Doyle
918-906-8600

Sent from my iPhone

Begin forwarded message:

From: Ken Dornblaser <KDornblaser@johnson-jones.com>
Date: December 8, 2020 at 5:11:39 PM CST
To: dandoyle7826@gmail.com
Subject: Fwd: Case Number BOA-23045

Kenneth E. Dornblaser
Johnson & Jones, P.C.
Two Warren Place
6120 S. Yale, Suite 500
Tulsa, OK 74136
918-584-6644
KDornblaser@johnson-jones.com

Begin forwarded message:

From: Scott Pohlenz <scott@pohlenzcm.com>
Date: December 7, 2020 at 3:22:27 PM CST
To: "Chapman, Austin" <AChapman@incog.org>
Mr. Chapman / BOA,

My wife and I plan to be on the call tomorrow but want to pass along our concerns prior to the meeting. We own the property adjacent to the west side of 2251 East 26th Street.

I have discussed the proposed project with the property owner to let him know our concerns regarding privacy issues. He shared the concept drawings with me showing that the roof of the tandem garage will be used as a large deck off the master, including a pergola, fireplace, etc. The floor level of the deck will be above the existing privacy fence and would provide a direct view into our backyard.

Given the large size of the proposed structure and that it would be built 3'8" from the west property line at the back, we were not in favor of this being built as shown in the concept drawings. During our most recent conversation, the homeowner was sympathetic to our privacy concerns and said he would work with his architect for a solution.

We are hoping to see a revised proposal during the meeting that will allow us to maintain the privacy we have always enjoyed in our backyard. We have lived in this house for nine years and plan on staying here indefinitely, so we are very interested in maintaining the integrity of our home and neighborhood.

We look forward to speaking with you tomorrow.

Sincerely,

Thad Dale
The renderings of the proposed structure are more elaborate than what is stated in the hearing notification. This structure would remove all privacy from my backyard.

I do not support allowing for this structure to overstep the zoning boundaries as it backs up to my backyard wall and could cause suffering from total loss of privacy into my home.

If we allow for people to start deviating from the zoning code, where does it end? They are put in place for a reason.

I am also concerned that with the loss of privacy it could affect the valuation of my domain.

There are other options and means to add additional square footage that the homeowner could explore such as the space they have in the front of the house and the ability to go in that direction instead or they could place this new structure on the East side of their residence to where it will be off of Lewis.

Thank you for allowing me the opportunity to share my concerns, grievances and to voice my denial of the proposed structure.

Kind regards,

Lisa Doyle

cell: (918) 381-1111
Email: Ldoyle0902@gmail.com

Patient Pathways

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-DaVita Inc-
Scott & Austin: Although I plan on attending the meeting virtually or at least listening in, based on the information Scott has supplied I have no objection to the proposal, provided that a condition is made by the board on the approval to require screening consistent with what is shown on Scott’s drawings provided to me yesterday (as Scott noted/suggested in his email below).

I appreciate you taking the time prior to the meeting to answer my questions/concerns so thoroughly.

Regards,

Ken

Kenneth E. Dornblaser
Johnson & Jones, P.C.
Two Warren Place
6120 S. Yale Avenue, Suite 500
Tulsa, Oklahoma 74136
Phone: 918-584-6644
Email: kdornblaser@johnson-jones.com

Hi Ken, thank you. My commitment this evening changed, so here are my responses in Red

Scott, thank you, this is helpful.
Just for some context, can you tell me approximately how high the floor of the deck will be from ground level. We had a site survey with topography carried out when we started planning.
At the existing northwest corner (back) wall, the dimension finish grade up to the finish floor of the second floor at master bedroom is 8'-4" above grade. The elevation per the survey is about 1' higher at the back of the proposed addition, putting it about 7'-4" above grade at the proposed north building line. The quick visual is that the sill of the door on the second floor to the master bedroom is the proposed deck level. Our finished roof would be slightly below this, but we are proposing a "raised" flooring that allows drainage to work under the wood decking. In any event, the raised area would not exceed the existing door sill height.

I can get some context of the top of the pergola based on the roof line of the existing house, but was wanting some additional feel for the deck level. Also, while I realize this is preliminary, about how much of the western exposure is “open” at each end where the plants are located in these sketches. The total length of the west wall is 23' (24' including
the fireplace bumpout) of the 23', we have proposed a 14' wide pergola which has the full height screen. This leaves about 9' as currently proposed (about 3' to south of pergola and about 6' to north of pergola. We can make the pergola width larger, but if we do it will start to increase the size of the wood structure and we want to keep this as thin as possible, visually.

Finally, because my practice doesn’t really get into “city variance” issues, can either Austin or you tell me, since the plans are conceptual at this stage, if the Board approves the proposal tomorrow without final plans, what type of “guarantee” do the adjacent homeowners have that the owner will actually follow through with these “screening” concepts? I saw Austin’s response regarding the approval on schematic plans. This is the norm. The second phase to this to give you some more assurance is, after Variance approval is made, we have to submit a building permit application that then gets reviewed by the permit center. This would be detailed drawings with dimensions, sections etc. Part of this permit review / approval process is for zoning compliance. Any conditions attached to the approval have to be met by us in order for the permit to be granted. What I can say to you is that if the in principle screening solution on our sketches takes care of your concerns, I am happy to accept a condition made by the board on the approval to require screening consistent with what is shown on our attached drawings as Austin suggested. Like I said, we might ultimately suggest raising the 42” height to 6’ or 7’, but we would not be allowed to go below 42” in any event due to the code requirement.

Hope this helps. Please let me know if you would like any further explanation.

Kindest Regards

Scott

On Mon, Dec 7, 2020 at 5:06 PM Scott Pohlenz <scott@pohlenzem.com> wrote:

Hi Ken. I am tied up for next couple of hours but if you can bear with me, I’ll provide all of these answers later this evening when I’m back in front of my computer. In meantime, if you can see the bottom of the double doors at Juliet balcony, that is where we proposed the finish “deck” level. From there, the lower walls at open area extend 42” minimum up from there. We can make those walls a little higher too but can’t go lower due to code. Another option would be to run the fill height screen all along the west wall but my opinion that would not look as nice from either direction, but open to incorporate full height if that makes everyone happy. Client is a super guy and doesn’t want to turn his nose to anyone.

Regards

Scott

Sent from my iPhone

On Dec 7, 2020, at 4:15 PM, Chapman, Austin <AChapman@incog.org> wrote:

With regard to the approval, the Board will typically approve per conceptual plan which ties the applicant to the relief, so they would not be able to get closer to the lot lines in this case than what is shown on the plans. It is certainly within the power of the Board to place a condition on the approval to require screening consistent with what is shown by Mr. Pohlenz in the drawings below.
Scott, thank you, this is helpful. Just for some context, can you tell me approximately how high the floor of the deck will be from ground level. I can get some context of the top of the pergola based on the roof line of the existing house, but was wanting some additional feel for the deck level. Also, while I realize this is preliminary, about how much of the western exposure is “open” at each end where the plants are located in these sketches. Finally, because my practice doesn’t really get into “city variance” issues, can either Austin or you tell me, since the plans are conceptual at this stage, if the Board approves the proposal tomorrow without final plans, what type of “guarantee” do the adjacent homeowners have that the owner will actually follow through with these “screening” concepts?

Thanks again,

Ken

Hi Austin.

Thank you for passing on Mr. Dornblaser's letter of 7 December.

I would first like to express that Mr. Dornblaser's comments are well received and appreciated. I have attached three sketches to give some visual context and hopefully this will alleviate any concerns he, or any other neighbor might have regarding my client's proposal. Please do note, that these plans are schematic at this stage, but do represent the conceptual solution accurately, in terms of scale and intent.
1. The tandem garage addition is a single story addition that provides our client with the ability to have a two car garage.

2. The proposed addition extends off of the north west corner of the house and immediately above the existing garage is the master bedroom with an existing Juliet balcony opening to the North.

3. Our client is proposing to use the roof over the garage as a balcony off of their private master bedroom for their private use.

4. Our client is also very keen to ensure their own privacy as well as the privacy of the adjacent neighbors, so we have incorporated various design elements to address this.

   - Immediately on the axis with the master bedroom door, we have proposed a stone chimney (matching the stone already on the house) and creating a fireplace. The width of this chimney is around 8', which gives a primary block looking north.

   - As a secondary visual block to the north, my client is proposing to plant several Juniper taylor's or something similar (15' - 20' high full height), to create a year round screen of green both looking out, and looking in. These would be higher than the 42" high solid guardrail height wall that is shown on our sketches.

   - To block the views toward the west, my client is proposing to create a solid screen that would be a combination of the 42" high guard rail facing west and utilizing mature potted plants on the deck level where the screening is not full height. The main screen that would provide a solid visual block is the west wall of the pergola. In this area, it is proposed to make the screen solid at the pergola, which is approximately 14' long. This leaves a couple of spots as seen in the sketches where our client intends to use landscaping to block off the view. We are open to take the solid screen full height on the entire wall, but in our opinion to have some green "live screening" would feel like a softer solution and more aesthetically pleasing to the neighbors and our client.

   - Also, please note that at the back of our client's home, the garage finish floor is already sitting 18" below grade at the back wall, so the height of the finish floor from back of grade is approx 7'-0" above grade, so the relative height of the second floor is much lower than if the garage slab was at grade.

5. We did propose an open guard rail facing east, but there are no homes on the east side of this property (its right on the corner of lewis and 26th)

If I understand Mr. Dornblaster's concerns correctly, he does not have any objection if the proposed structure is merely an extension of the existing garage and roof line, but is concerned about the impact of privacy as an open deck. I hope that my explanation is thorough and the attached sketches demonstrate how we have approached the privacy factor for all parties and hope this addresses his concerns.
ps. sketch 1 is looking west, sketch 2 looking straight north when exiting the existing master bedroom door, sketch 3 is looking east showing impact from the next door neighbor to the west.

Kindest Regards

<M. Scott Pohlenz, AIA, NCARB
Architect

On Mon, Dec 7, 2020 at 12:41 PM Chapman, Austin <AChapman@incog.org> wrote:

Mr. Domblaser,

I have received your comments and will forward them to the Board members. Attached is an updated site plan that came in after the notice went out. It clarifies the setback from the Western property lines. I’ve copied Jordan Maxwell and Scott Pohlenz on this email, they are the architects for this case. They may be able to provide more information about the proposed structure to address some of your concerns.

Best,
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. (918) 596-9456

From: Ken Domblaser <KDornblaser@johnson-jones.com>
Sent: Monday, December 7, 2020 12:27 PM
To: esubmit <esubmit@incog.org>
Subject: Case Number BOA-23045

To the members of the Board of Adjustment:

Please find attached a comment that I wish to submit to the Board in connection with the above-referenced matter, which is set for hearing during tomorrow’s meeting.

Regards,
Kenneth E. Dornblaser  
Johnson & Jones, P.C.  
Two Warren Place  
6120 S. Yale Avenue, Suite 500  
Tulsa, Oklahoma 74136  
Phone: 918-584-6644  
Email: kdornblaser@johnson-jones.com

SCOTT POHLENZ, AIA, NCARB  
principal / owner

pohlenz

3402 S Peoria Ave | Tulsa, OK 74105  
p: +1 918 749 5144

pohlenzcm.com

SCOTT POHLENZ, AIA, NCARB  
principal / owner

pohlenz
Notice of Hearing: Special Exception  
Case Number: BOA-23045

To: the Board of Adjustment

From: Kenneth E. Dornblaser

December 7, 2020

Board Members:

I received the Notice of Hearing on the matter referenced above via mail, and in accordance with the Hearing notations contained therein, I would like to submit the following comments on the proposed Special Exception application.

I am owner of the property approximately 1.5 lots to the West and to the North of the subject property. Or to put it in other words, my neighbors to the immediate South and to the immediate East of my property directly abut the subject property, while I do not. If you view the satellite photograph that is a part of the Notice, my property is to the North and West of the subject tract that has the swimming pool angled to the Northeast-Southwest direction.

My comment/concern with the proposed exception deals with my lack of understanding (or perhaps misunderstanding) of the scope of the proposed new structure. It is my understanding that the proposed structure, identified as a “Tandem Garage” addition will be almost to the property lines of my neighbors. My concern deals principally with the lack of description concerning the proposed structure contained in the Notice, and more specifically my need to better understand the scope of the structure as identified on the Proposed Site Plan.

If the proposed structure is merely an extension of the existing garage and will have a continuation of the existing roof line, then I do not believe I have any objection. However, from the Proposed Site Plan, it appears that a fairly large “deck” of some type is intended to be built on top of the garage. This interpretation has been supported by an elevation rendering of the proposed project (that may or may not have been final), that was supplied to me by one of my neighbors. Again, I may be in error in my interpretation of the Proposed Site Plan in this respect, but if my interpretation is accurate, then I potentially do have concerns with this project. A second-story deck built at the fence lines of my neighbors will not only directly invade the privacy of my neighbors’ back yards, but will also invade my privacy in my back yard, and in particular my pool area, as well.

While I fully appreciate that two story homes already overlook my property and pool, I respectfully submit that having second story windows overlook one’s property is significantly different than having a second-story “party/social deck” directly overlook that property.
Therefore, as I originally indicated above, my premise about the proposed structure having a deck may be completely erroneous. However, if my assumption is accurate, then at the very least I would request that the Board require more detailed information to be provided to the Board and adjacent homeowners before approving the Special Exception, at the very least to protect the privacy rights of the surrounding homeowners.

Thank you for your consideration

Kenneth E. Dornblaser

2240 E. 25th Place
Tulsa, OK 74114
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9321
CZM: 47
CD: 9

HEARING DATE: 01/12/2021 (Continued from 12/8/2020) 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...
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).

<table>
<thead>
<tr>
<th>Section 45.080</th>
<th>Fences and Walls</th>
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<tbody>
<tr>
<td>45.080-A</td>
<td>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.</td>
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<table>
<thead>
<tr>
<th>Section 90.090</th>
<th>Setbacks</th>
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<tbody>
<tr>
<td>90.090-A Measurement</td>
<td>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.</td>
</tr>
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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-foot 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.”

REVIEWED 11/24/2020
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 arm's 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 some how 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. 1781 (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 l-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.
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 questioned 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:


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)

5.18
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°46'30" 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°00'15" 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°46'30" W along the south line of said NE/4, NW/4 a distance of 454.41'; thence N 0°00'15" 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)
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.

4.20.89:537(3)
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.

**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.
Case No. 14373 (continued)

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.
ZONING CLEARANCE PLAN REVIEW

November 6, 2020
Phone: 918-902-8209

BLDR-066028-2020
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

3514 S. Yale Ave.
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. 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)
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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 ssubmit@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=c688593e48564a81a4f16e260844587
   - 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. 90.090-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@incoq.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**

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


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

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

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

**END – ZONING CODE REVIEW**

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.
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
Hello my home address is 4828 E. 35th St. which is the corner of 35th St. and yell. My home backs up directly to the property case number BOA Dash 23051 location 3514 S. Yale Ave. E.

My fence was damaged several months ago maybe about August or September and still stands in your repair in this condition. My tenant has a dog and has had to replace this makeshift panel put up by the builder several times to keep his pet inside our yard. We have asked repeatedly when this will be repaired and how.

We are totally in favor of the beautiful while they are building but request that our property be considered and taken care of properly if the new cement wall is going down the back of our property we would like the proper removal of the old fence and any dirt grass etc. replaced properly. We will need notifications are our tenant can properly care for his animal and we ask that it be done quickly without delay keeping the backyard intact.

We are totally in favor of the beautiful wall they are building but request that our property be considered and taken care of properly if the new cement wall is going down the back of our property we would like the proper removal of this old fence and any dirt grass etc. replaced properly. We will need notification so our tenant can properly care for his animal and we ask that it be done quickly without delay keeping the backyard intact. We have been unable to have any response from the builder Larry or Cindy Rodriguez 918-407-9969 we would appreciate a phone call on how this will be handled.

Thank you
Larry and Cindy Rodriguez
918-407-9969
Property address 4828 E 35 th St
Tulsa Oklahoma 74135

Our updated mailing address 10532 Cory Lake Dr., Tampa FL 33647
WSB Homes, LLC
2 E. Broadway Street, Sand Springs, OK. 74063

Regarding comment filed against special exception by Andrew Maddox and explanation of special exceptions:

-----Original Message-----
From: Andrew 'Tim' Maddox <att_maddox@hotmail.com>
Sent: Wednesday, November 25, 2020 12:44 PM
To: esubmit <esubmit@incog.org>
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
From WSB Homes:

What Mr. Maddux has failed to realize is that the “existing natural barrier” was removed by the developer who bought the project out of auction. He cut down all of the trees and shrubs and poisoned them so they wouldn't grow back so that when he was selling it you could see the house from the street. When my client originally lived there before his parents lost the house to foreclosure the shrubs were 25' tall and were a good barrier but now with them cut down and dying we had to remove them. We have placed a wall and will be planting new trees and shrubs to help the curb appeal of the wall.

As you can see from this Google Earth capture there was a large amount of greenery along Yale ave.
As you can see from this capture when we started demo the greenery had been all cut down.

Currently we have a 10’ tall cmu block wall constructed (see below) that will be covered by 4x16 cast stone tiles and decorative iron.

Current photo of project:
Proposed Gate:

Wall with Decorative Iron
Our client seeks privacy and protection and in order to do so we believe that the wall is the best option. WSB Homes failed on their end by not understanding that the property is unplatted therefore the easements didn't show up on any of the survey documents we had and we failed in not understanding the process of permitting and approval from all the appropriate city departments. We were having serious theft problems during the beginning phases of construction so we started construction of the wall. We do realize that we did not go through the appropriate processes in the beginning for this wall. We are now seeking special exceptions for our client.

In conjunction with the approval for the front property line wall we are looking for approval of the perimeter wall as well as approval for the rest of the construction of the home. We have already poured footings for the house before we realized the situation with the easements. We are working with Chris Kovac at the Utility Department for the approval to build the wall in a city easement.

Thank you for your time,

William Bell
WSB Homes
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9203
CZM: 36
CD: 4

HEARING DATE: 01/12/2021 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 of the required 3' setback for a Detached Accessory Building located in a rear setback (Sec. 90.090-C2)

LOCATION: 1723 W RECONCILIATION WY N
ZONED: RS-3

PRESENT USE: Residential
TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: LT 7 BLK 17, IRVING PLACE

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”.

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

The 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 W. Reconciliation Way and N. Vancouver Ave.

STAFF COMMENTS: The applicant is requesting Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D) Variance of the required 3' setback for a Detached Accessory Building located in a rear setback (Sec. 90.090-C2)
Section 45.031-D Regulations

1. **Where Allowed**

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

b. Detached accessory buildings, including accessory dwelling units, in the rear setbacks must be **set back at least 3 feet from all interior lot lines**. For lot lines abutting street right-of-way, detached accessory buildings, including accessory dwelling units, must comply with the same setback requirements that apply to principal buildings.

Applicant is seeking to convert an existing detached accessory structure into an accessory dwelling unit.

**STATEMENT OF HARDSHIP:** The existing structure was built in 1910 with a is 2' 6" from the rear lotline and the property owner would like to maintain that setback line in the future.

**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** of the required 3' setback for a Detached Accessory Building located in a rear setback (Sec. 90.090-C2)

- 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

View of property from Vancouver Ave.
BOA-23056

Subject Tract

19-12 03

Aerial Photo Date: February 2018

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

STR: 9317
CZM: 37
CD: 4

HEARING DATE: 01/12/2021 1:00 PM

APPLICANT: Kevin O'Brian

ACTION REQUESTED: Variance of the required height limitations for a Detached Accessory Building to amend the previously approved plans in BOA-22453 (Sec. 90.090-C2) Variance to allow the floor area of a detached accessory building to exceed 40% of the floor area of the principal residential structure (Section 45.030-A)

LOCATION: 2430 E 22 PL S
ZONED: RS-2

PRESENT USE: Residential
TRACT SIZE: 10336.83 SQ FT

LEGAL DESCRIPTION: LOT 8 BLK 2, WELLS HEATH ADDN RESUB TR 14-17 HARTER'S SECOND SUB

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-22453; On 06.12.18 the Board approved per plans a variance to allow an accessory building to exceed the maximum height requirement on 18'. The variance was approved per conceptual plans.

Surrounding Properties: 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.

2.2
**ANALYSIS OF SURROUNDING AREA:** The subject tract is located on the South side of E. 22nd Pl. between Lewis and Birmingham Avenues.

**STAFF COMMENTS:** The applicant is requesting **Variance** of the required height limitations for a Detached Accessory Building to amend the previously approved plans in BOA-22453 (Sec. 90.090-C2) **Variance** to allow the floor area of a detached accessory building to exceed 40% of the floor area of the principal residential structure (Section 45.030-A)

![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)](image)

45.030-A Accessory Building Size

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

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

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

The plans previously approved in BOA-23053 for the subject structure did not include the deck space on the second floor of the building and the second story was described as attic space for storage and not usable as an office or multipurpose room.

**STATEMENT OF HARDSHIP:** We are seeking 2 variances in order to add 961 sq ft of new livable space in our existing detached garage. We are seeking a variance of 90.90.C: Detached Accessory Buildings. Even though the height of the structure is not changing, we are modifying the existing structure that previously received BOA 22453 approval 6/12/2018 for a 21' height structure. We are also seeking a variance on 45.030-B RS-2. Our proposed detached structure exceeds 500 sq ft and the allowed 40% of the floor area of the principal residential structure (2,872 sq ft). We are allowed 1,148 sq ft but the proposed structure will have 1,476 sq ft, putting the proposed structure 29% over the allowed amount.

**SAMPLE MOTION:**

Move to __________ (approve/deny) a **Variance** of the required height limitations for a Detached Accessory Building to amend the previously approved plans in BOA-22453 (Sec. 90.090-C2) **Variance** to allow the floor area of a detached accessory building 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
Action Requested:
Variance to allow a detached accessory building that exceeds the maximum height requirement (Section 90.090-C.2). LOCATION: 2430 East 22nd Place South (CD 4)

Presentation:
Nathan Cross, 2 West 2nd Street, Suite 700, Tulsa, OK; stated this is an older home that was purchased by his clients in June 2016. The house had been remodeled significantly by the previous owner and that remodel removed all the storage space that had existed in the house. The house was built in 1938 and at one point there was a garage for the house, but it has been removed. He is seeking a Variance of the 18-foot maximum height to 21 feet for three reasons. Primarily because the existing garage was the original garage and did not have significant space to accommodate two modern cars; two, the additional height will allow for attic space which the house does not have; and three, there is an architectural consistency component to this to make it match the existing house. The neighbors have written letters showing their support.

Mr. Flanagan stated that the proposed garage is a four-car garage with two doors. Mr. Cross stated that the point of the extra length to the garage is to house lawn equipment.

Mr. Cross stated that the exterior finishes of the proposed garage will be similar or the same as the existing 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, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to APPROVE the request for a Variance to allow a detached accessory building that exceeds the maximum height to allow an overall height of 21 feet (Section 90.090-C.2), subject to conceptual plans 10.17, 10.18, 10.19, 10.20, 10.21 and 10.22 of the agenda packet. The exterior finishes for the garage will match as closely as allowed to the exterior finishes of the existing house. The Board finds the hardship to be houses in the neighborhood had detached garages, but they were not large enough to accommodate two full size cars and storage of lawn equipment and other items needs for outside uses. 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:

LOT 8 BLK 2, WELLS HEATH ADDN RESUB TR 14-17 HARTER'S SECOND SUB, City of Tulsa, Tulsa County, State of Oklahoma

22454—Insignia Signs

Action Requested:
Variance of the allowable number of signs in an OMH District to permit two signs (Section 60.060-B); Variance of the allowable display surface area for signs (Section 60.060-C). LOCATION: 3209 South 79th Avenue East (CD 5)

Presentation:
Christel VanTuyle, Insignia Signs, 809 S.E. 83rd Street, Oklahoma City, OK; no formal presentation was made, and Ms. VanTuyle deferred to her client.

Jorge Patel, 3209 South 79th East Avenue, Tulsa, OK; stated a monument sign is requested for the subject property because it sits back from the street affecting the visibility of the property. Mr. Patel stated there are monuments signs across the street from the subject property along with other monument signs down the street.

Mr. Van De Wiele asked Mr. Patel if there was an existing sign on the subject property. Mr. Patel stated that currently there is a small banner that states the name.

Ms. VanTuyle stated that the banner is located where the channel letters of the sign being requested will be located.

Ms. Back asked if the proposed sign is a static sign. Ms. VanTuyle answered affirmatively.

Interested Parties:
There were no interested parties present.
**ZONING CLEARANCE PLAN REVIEW**

**APPLICATION NO:** ZN LOD-70290-2020  
**PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE**

**Project Location:** 2430 E 22 Pls  
**Description:** Accessory Building Addition

### INFORMATION ABOUT SUBMITTING REVISIONS

Our review has identified the following code omissions or deficiencies in the project application forms, drawings, and/or specifications. The documents shall be revised to comply with the referenced code sections.

**REVISIONS NEED TO INCLUDE THE FOLLOWING:**

1. A copy of this deficiency letter
2. A written response as to how each review comment has been resolved
3. The completed revised/additional plans form (see attached)
4. Board of adjustment approval documents, if relevant

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

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

### IMPORTANT INFORMATION

1. If a design professional is involved, his/her letters, sketches, drawings, etc. shall bear his/her Oklahoma seal with signature and date.

2. Submit two (2) sets of drawings if submitted using paper, or submit electronic revisions in “supporting documents”, if originally submitted on-line, for revised or additional plans. Revisions shall be identified with clouds and revision marks.

3. Information about zoning code, Indian nation council of government (INCOG), board of adjustment (BOA), and Tulsa metropolitan area planning commission (TMAPC) is available online at [www.inco.org](http://www.inco.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)
BOA 22453 approval 6/12/2018 Variance to allow detached accessory building that exceeds the maximum height requirement section 90.090-C 2. Conceptual plans indicate 21' height approved.

1. **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 Comr

2. **45.030-B RS-2, RS-3, RS-4, RS-5 or RM Districts**
   In RS-2, RS-3, RS-4 and RS-5 districts, the total aggregate floor area of all detached accessory buildings and accessory buildings not erected as an integral part of the principal residential building may not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater.

Review comments: You are proposing an additional 498 sq ft of detached accessory structure floor area on the second floor. The proposed detached structure exceeds 500 sq ft and 40% of the size of your house. Based on the size of your house (2872) you are allowed 1148 sq ft of detached accessory structures floor area on your lot. Reduce the size of your proposed detached accessory structure floor area to be less than 1148 sq ft of total floor area or apply to BOA for a variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure.
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:

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.
Zigmond Garage Remodel
Building Sections

Transverse - Proposed
3/8" = 1'-0"

Longitudinal - Proposed
3/8" = 1'-0"
EXISTING 2 STORY FRAME DWELLING

SWIMMING POOL

POOL FENCE

UTILITY EASEMENT

Site Plan - Existing

1/4" = 1'-0"
2nd Floor - Existing - Dimension Plan
1/4" = 1'-0"

2nd Floor - Proposed - Dimension Plan
1/4" = 1'-0"
Dormer Framing South Elevation

3/4" = 1'-0"

Dormer Framing East Elevation

3/4" = 1'-0"
3. Balcony - Framing Plan
1/2" = 1'-0"

4. Balcony Column Footing Detail
1 1/2" = 1'-0"

1. Balcony Section - Longitudinal
1/2" = 1'-0"

2. Balcony Section - Transverse
1/2" = 1'-0"
**Zigmond Garage Remodel**

**Livable Ceiling Height Requirements**

- **Office**
  - Area with ceilings > 7'-0" = 117.5 sqft
  - Area with ceilings > 5'-0" = 67 sqft

- **Multipurpose Room**
  - Area with ceilings > 7'-0" = 155.5 sqft
  - Area with ceilings > 5'-0" = 22.5 sqft

**2nd Floor - Proposed - Ceiling Height Reqs**

1. Section Through Office
   - 1/4" = 1'-0"

2. Section Through Dormer Ceiling
   - 1/4" = 1'-0"

3. Office Area with ceilings > 7'-0"
   - = 117.5 sqft

4. Office Area with ceilings > 5'-0"
   - = 67 sqft

5. Multipurpose Room Area with ceilings > 7'-0"
   - = 155.5 sqft

6. Multipurpose Room Area with ceilings > 5'-0"
   - = 22.5 sqft

---

**Office Area with ceilings > 7'-0"**

- = 117.5 sqft

**Office Area with ceilings > 5'-0"**

- = 67 sqft

---

**Multipurpose Room Area with ceilings > 7'-0"**

- = 155.5 sqft

**Multipurpose Room Area with ceilings > 5'-0"**

- = 22.5 sqft
Subject Tract

BOA-23057

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

Aerial Photo Date: February 2018

19-13 17
BOA-23057

Subject Tract

19-13 17

Aerial Photo Date: February 2018

Note: Graphic overlays may not precisely align with physical features on the ground.
HEARING DATE: 01/12/2021 1:00 PM

APPLICANT: Thomas Beck

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: 2623 E 36 ST N

PRESENT USE: Industrial

ZONED: IL

TRACT SIZE: 228821.62 SQ FT

LEGAL DESCRIPTION: LTS 1 & 2, BARRETT & EVANS SUB RESUB PRT L7

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".

ANALYSIS OF SURROUNDING AREA: The subject tract is located between Mohawk Boulevard and E. 36th St. N. Immediately west of N. College Ave.

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:
**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 Building

Facing East 36th St. N.
Facing West on 36th St. N.
ZONING CLEARANCE PLAN REVIEW

November 4, 2020

Phone: 918.856.7645

APPLICATION NO: BLDC-044765-2019
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 2623 E 36 SN

Description: Interior Alteration

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 918-584-7528 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.)
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 recommendation nor representation as to any optimal method of code solution for the project.

Sec.15.020 Table 15-2: Your proposed Medical Marijuana Grower Operation and processing facility is designated an Agricultural/Horticulture Nursery/Medical Marijuana Grower Operation and Industrial/Moderate-impact Medical Marijuana Manufacturing. You are in an IL zoned district. The grow operation is a use by right in this zoning district. The Moderate-impact Medical Manufacturing (processing) will require a Special Exception approved by the City of Tulsa Board of Adjustment (BOA).

Review comment: Submit a copy of the BOA Special Exception to allow a Moderate-impact Medical Marijuana Manufacturing use in the IL district. Please contact Austin Chapman at 918-584-7526 or achapman@incog.org for assistance in applying for the Special Exception.

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

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

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

A hard copy of this letter is available upon request by the applicant.
Whitewater Hash Company, LLC  
2623 E. 36th St N Tulsa, OK 74110  
(918)856-7645

Date: 11/12/2020

To: Board of Adjustment

From: Thomas A Beck  
tom@whitewaterhash.com

Re: Request for “Special Exception” BLDC-044765-2019

The special exception will be in harmony with the spirit & intent of the Zoning Code in that the water-washing harvest/resin gland isolation process does not generate any noise, smoke, particulate matter, odors or vibration. It is a water sieve operation as opposed to an extraction or distillate method(s) which typically involve the use of butane, CO2 or other hazardous substances/chemicals.

The special exception will not be injurious in any way to the neighboring occupants/businesses &/or public welfare what-so-ever. As stated above it is a water sieve washing operation void of any hazardous substances or activities.

To expand on the water sieve operation:

- At harvest time, the “flower” of the plant is placed/washed in ice water. The cold water washes the resin glands, (aka “trichomes” – Trichomes hold all the medical beneficial cannabis elements), from the surface of the “flower”. The trichomes are then watersieved through various gauge mesh thereby “sifting” the trichomes from the water, resulting in the “Hash”.

Tom Beck  
Whitewater Hash Company, LLC
35.070-A Low-Impact Manufacturing and Industry

Manufacturing and industrial uses that do not, as part of their normal operations, generate noticeable off-site impacts in terms of noise, smoke, particulate matter, odors, or vibration. Typical examples of low-Impact manufacturing and industrial uses include: commercial laundries and linen supply services, apparel manufacturing, bakery products manufacturing, production of medical marijuana edibles using medical marijuana components processed elsewhere, bottling plants, ice manufacturing, mattress manufacturing and assembly, microbreweries, micro distilleries, coffee roasting with a maximum roasting capacity of 45 kilograms per batch, musical instrument and parts manufacturing, newspaper printing and binderies.

1. Microbrewery
   An establishment in which beer or malt beverages are made on the premises and then sold or distributed, and which produces less than 15,000 barrels (465,000 gallons) of beer and malt beverages per calendar year. Where allowed by law, microbreweries may include tasting rooms and direct sales to consumers in addition to other methods of distribution.

2. Micro Distillery
   A distillery producing distilled spirits in total quantity of no more than 40,000 proof gallons per calendar year. Where allowed by law, micro distilleries may include tasting rooms and direct sales to consumers in addition to other methods of distribution.
Date: 11/12/2020

To: BOA

From: Thomas A Beck
tom@whitewaterhash.com

Re: Whitewater Hash Company, 2623 E. 36th St. N. Tulsa BLDC-044765-2019

“Neighbor communications”

From time-to-time we have engaged in conversation with most all our neighbors. All have been more than welcoming.

The following are immediate and/or close by neighbors/businesses with whom we have discussed, as well as provided tours of our facility/operation with from the outset and currently. There has never been a concern raised.

- Tom Hargrove, 3616 N. Columbia Ave - Crackshot Corporation, 918-504-8859
- Robert Timothy Chambers, 26 E. 36th St N. - Lastop Landscaping 918-851-5600
- “Gary” 2611 E. 36th St N. – U-Haul Moving & Storage 918-770-7003
- Stephen Buford, Buford Properties, owner & occupant of several bldgs. & business(s) in the immediate vicinity, 918-277-3701
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016
BOARD OF ADJUSTMENT
CASE REPORT

STR: 8328                                   Case Number: BOA-23059
CZM: 56                                      
CD: 8                                        

HEARING DATE: 01/12/2021 1:00 PM

APPLICANT: Mike Wackenhuth

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

LOCATION: 10640 S SANDUSKY AV E               ZONED: RS-1

PRESENT USE: Residential                      TRACT SIZE: 19109.85 SQ FT

LEGAL DESCRIPTION: LT 8 BLK 7, SHADY OAKS ESTATES

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located along S. Sandusky Avenue between 106th and 107th Streets South.

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)
Currently the applicant is limited to 30 feet on the lot and 27' inside the street setback. They are requesting permission to have a width of 42' 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.
Subject property
No records to display.

Corrections

Sort

Correction Order

Correction Order:
1

Type:
General

Resolved:
No

Resolved On:

Comments

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

Corrective Action

Review Comments: The submitted site plan proposes a driveway width of more than 30' in width on the lot in the street setback which exceeds the maximum allowable driveway width on this lot. Revise plans to indicate the driveway shall not exceed the maximum allowable width or apply to the BOA for a special exception, one for the proposed driveway width on this lot. If assistance is needed to find review comments or upload revisions contact Ashley Chaney 918-694-4196

https://lulaok.tyler.gov/EnarGov4934/Service#/permit/aa550cd1-5dab-4daa-af7e-d0738a4ad12/submittal/d697569d-69e1-4972-a76f-55684...
o/ Sandusky Avenue

Garage Addition 6/15/2020

Legal: Lot 8, Block 7, Shady Oaks Estates
Also known as 10640 S. Sandusky Avenue,
Tulsa, OK. 74137

Mike and Karen Wackenhuth

7/2/20
BOA-23059

Subject Tract

18-13 28

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

Aerial Photo Date: February 2018
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9421
CZM: 49
CD: 6

Case Number: BOA-23060

HEARING DATE: 01/12/2021 1:00 PM

APPLICANT: Michael Hall

ACTION REQUESTED: Special Exception to allow a carport in the street yard and street setback with modifications to reduce the 5 foot side setback and to allow the carport to project more than 20 feet away from the principal building (Sec.90.090-C.1).

LOCATION: 3139 S 133 AV E
ZONED: RS-3

PRESENT USE: Residential
TRACT SIZE: 8934.19 SQ FT

LEGAL DESCRIPTION: LT 9 BLK 3, BRIARGLEN ACRES ADDN

RELEVANT PREVIOUS ACTIONS:

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

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 along S. 133rd E. Ave South of the SE/c of E. 31st ST. S. and S. 133rd E. Ave. The property is locate inside PUD 148 though the PUD does not grant any allowances or restriction regarding carports.

STAFF COMMENTS: The applicant is requesting a Special Exception to allow a carport in the street yard and street setback with modifications to reduce the 5 foot side setback and to allow the carport to project more than 20 feet away from the principal building (Sec.90.090-C.1)
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.

---

The proposed carport project 22' away from the exterior building wall of the principal structure and per the site plan is approximately 4' from the North lot line.

**SAMPLE MOTION:**

Move to ________ (approve/deny) a **Special Exception** to allow a carport in the street yard and street setback with modifications to reduce the 5 foot side setback and to allow the carport to project more than 20 feet away from the principal building (Sec.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):

---

REVISER 12/30/2020
The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Subject Property

Facing South on 133rd (Staff did not see any other carports on the Block)
Facing North on 133rd (Staff did not see any other carports on the Block)
# ZONING CLEARANCE PLAN REVIEW

**APPLICATION NO:** ZN LOD- 69178-2020  (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

**Project Location:** 3139 S 133rd Ave  
**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 (TMAPC) is available online at [www.inco.org](http://www.inco.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)
Special exception approval required; see §90.090-C1.

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.

   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.
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.

2. 55.090-F Surfacing. 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 §55.090-F4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.

Review Comments: Revise site plan to indicate a dustless all-weather parking surface will be provided under carport or apply to the Board of Adjustment for a Variance (section 70.120) to allow a material other than an approved material meeting the requirements of 55.090-F.

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.
Lot 9, Block 3 of the Final Plat of Briarglen Acres
Addition to the City of Tulsa, Tulsa County, Oklahoma
Subject Tract

BOA-23060
19-14 21

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

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

My name Kathy Tezeno and own a property nearby. I object to the carport.

Allowing carports create ugliness. Carports are unsightly and clearly will adversely affect not only the two neighboring properties but all properties on the street and will give rise to more applications which will devalue the appearance of the area.

The applicant shall be denied a variance in the grounds it will cause a overcrowded look and absolutely does nothing beneficial for the public good.

Again, I expect the board of adjustment to deny the proposed project/improvement

Ty

Kathy Tezeno
HEARING DATE: 01/12/2021 1:00 PM

APPLICANT: Lou Reynolds

ACTION REQUESTED: Variance to allow a nonconforming structure to extend closer to the lot line than the existing structure within the front setback (Section 80.030-D).

LOCATION: 2469 E 33 ST S

PRESENT USE: Residential

LEGAL DESCRIPTION: LT 1 BLK 1, TIMBERLANE ADDN

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-16758; On 08.23.94 the Board approved a Variance of the rear yard.

Surrounding Properties:

BOA-20333; On 09.12.06 the Board approved a variance of the required form yard in an RE district. Property located 2443 East 33rd St. S.

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

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

The Areas of Stability include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.
ANALYSIS OF SURROUNDING AREA: The subject tract is located on the North side of the dead end of E. 33rd St. S. East of Lewis Ave.

STAFF COMMENTS: The applicant is requesting Variance to allow a nonconforming structure to extend closer to the lot line than the existing structure within the front setback (Section 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 proposing a new addition to an existing non-conforming covered porch. The required front setback in an RE district is 35’.

STATEMENT OF HARDSHIP: Please see attached statement provided by applicant.

SAMPLE MOTION:

Move to ________ (approve/deny) a Variance to allow a nonconforming structure to extend closer to the lot line than the existing structure within the front setback (Section 80.030-D)

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

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

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

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

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

d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
e. That the variance to be granted is the minimum variance that will afford relief;

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

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

The Applicant requests a Variance of Section 80.030-D of the Tulsa Zoning Code (the “Code”) for the extension of a lawfully nonconforming structure to be located closer to the lot line than the existing structure. The subject property is located at 2469 E. 33rd Street (the “Property”) and is currently zoned RE (Residential Single-family Estate).

The existing residence on the Property was built in 1952 and is a lawfully nonconforming structure. Currently, the residence has an existing covered porch which is located almost entirely within the 35' front setback. The Property owners desire to extend a portion of the existing covered porch over the front door approximately two feet (2’). A site plan of the proposed extension is attached hereto as Exhibit “B”.

The Code allows for extensions of nonconforming exterior walls by special exception where such extension is not located closer to the lot line than the existing structure. Here, because the porch will extend two (2) additional feet into the existing nonconforming street setback, a variance is required.

The Property is located at the end of the cul-de-sac on E. 33rd Street. The residence sits diagonally on the half acre lot with the front entry facing and parallel to the curve of the cul-de-sac. The existing nonconforming setback, the orientation of the residence on the lot, and the curved front lot line are unique to the Property and result in unnecessary hardship to the Property owner. The other house in the cul-de-sac is similarly situated and appears to be partially located in the front setback as well. The additional two foot (2’) porch extension will not alter the contextual setback that has been established nor affect any sight-lines, and will not alter the essential character of the neighborhood. Furthermore, Table 90-1 of the Code allows awnings and canopies as permitted obstructions in a street setback up to two (2) feet. In other words, the Code contemplates de minimus encroachments into the street setbacks by structures such as the proposed porch. Thus, the requested Variance is in harmony with the spirit and intent of the Code.
Board Action:
On Motion of Dunham, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to CONTINUE Case No. 20331 to the meeting on September 26, 2006, to furnish information to the Board regarding existing towers in the area and the reasons they cannot collocate on them, on the following described property:

BEG 30N SWC SE SW TH N331.5 E180.7 S331.5 W180.7 POB LESS S30 SEC 6 18 13 1.25AC, City of Tulsa, Tulsa County, State of Oklahoma

************

Case No. 20333
Action Requested:
Variance of the required front yard in an RE district from 35 ft. to 25 ft. - 8 in. to permit a garage addition (Section 403), located: 2443 East 33rd Street South.

Presentation:
Greg Rex, 10539 East Admiral Boulevard, explained the variance is to extend a garage.

Comments and Questions:
Ms. Stead confirmed the extension was a difference of four feet from the existing setback on the eastside of the house. Mr. Rex replied she was correct.

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

Board Action:
On Motion of Dunham, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Variance of the required front yard in an RE district from 35 ft. to 25 ft. - 8 in. to permit a garage addition (Section 403), per plan, 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:

LT-3-BLK-1, TIMBERLANE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

************
Case No. 16758

**Action Requested:**

Variance to reduce the required rear yard - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2469 East 33rd Street.

**Presentation:**

The applicant, Kevin and Amy Swartz, 2469 East 33rd Street, submitted a plot plan and petition of support (Exhibit E-1) and informed that they are proposing to enclose and expand an existing carport. Ms. Swartz stated that the house was constructed diagonally on the lot and one corner of the new garage will extend 6' over the required building setback line in the rear yard. She noted that the placement of the garage at the proposed location will allow the existing retaining wall to remain. Photographs (Exhibit E-2) were submitted.

**Comments and Questions:**

Mr. Bolzle asked if there is a garage on the lot, and Ms. Swartz replied that the previous owners converted the garage to an activity room.

**Protestants:**

None.

**Board Action:**

On **MOTION** of BOLZLE, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a Variance to reduce the required rear yard - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding a hardship demonstrated by the cul-de-sac location, the placement of the dwelling and the irregular shape of the lot; on the following described property:

Lot 1, Block 1, Timberland Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16759

**Action Requested:**

Special Exception to permit a beauty school (Use Unit 15) in a CS District - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 15, located 11630 East 21st Street.
Subject property
LOD Number: 1
Jessica Erickson
2204 E. 15th St.
Tulsa, OK 74104

APPLICATION NO: BLDR-070925-2020
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 2469 E. 33rd St.
Description: Front porch addition and interior remodel

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<tr>
<th>INFORMATION ABOUT SUBMITTING REVISIONS</th>
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<tr>
<td>OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.</td>
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<td>1. A COPY OF THIS DEFICIENCY LETTER</td>
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<tr>
<td>2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED</td>
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<tr>
<td>3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM</td>
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<tr>
<td>4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT</td>
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</table>

**REVISED** 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/SELFSERVICE. YOU WILL NEED TO REGISTER ON THE PORTAL IF YOU HAVE NOT PREVIOUSLY DONE SO. **INFORMATION ABOUT THE ZONING CODE, BOARD OF ADJUSTMENT (BOA), PLANNING COMMISSION (TMAPC), AND THE TULSA PLANNING OFFICE AT INCOG CAN BE FOUND ONLINE AT WWW.TULSAPLANNING.ORG; IN PERSON AT 2 W. 2ND ST., 8TH FLOOR, IN TULSA; OR BY CALLING 918-584-7526 AND ASKING TO SPEAK TO SOMEONE ABOUT THIS LETTER OF DEFICIENCY.
REVIEW COMMENTS

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

BLDR-070925-2020  2469 E. 33rd St.  October 13, 2020

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

1. Chapter 80 Nonconformities

80.030-ADescription
A nonconforming structure is a structure, other than a sign, that was lawfully established but that no longer complies with applicable zoning regulations because of the adoption or amendment of zoning regulations after the structure was established.

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

Review Comments: You are proposing to add on to and expand an existing structure with a non-conforming front street setback. This lot is zoned RE which has a front setback of 35'. Your existing porch does not meet the required setback, and the proposed porch increases the extent of the non-conformity. As stated above, there is no relief such as a special expectation if the extension is located closer to the lot line than the existing structure, which would be the case in your circumstance. You must resubmit your plans without this nonconforming structure in the front street setback.

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

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

BOA-23061

19-13 20

Aerial Photo Date: February 2018

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

BOA-23061

19-13 20

Aerial Photo Date: February 2019

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

STR: 9406                                               Case Number: BOA-23063
CZM: 39
CD: 3
HEARING DATE: 01/12/2021 1:00 PM

APPLICANT: Kyle Coleman

ACTION REQUESTED: Special Exception to permit a Residential/ Group Living/ Re-entry facility in the CS district. (Section 15.020, Table 15-2)

LOCATION: 10117 E 11 ST                             ZONED: CS
PRESENT USE: Hotel                                      TRACT SIZE: 206849.86 SQ FT

LEGAL DESCRIPTION: TRACT 1:

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE/4 SW/4) OF SECTION SIX (6), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT 26 FEET NORTH AND 996.66 FEET WEST OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW/4) OF SAID SECTION 6; THENCE IN A NORTHERLY DIRECTION A DISTANCE OF 569 FEET COINCIDENT WITH A LINE THAT RUNS FROM SAID POINT OF BEGINNING 1294 FEET NORTH TO A POINT 994.86 FEET WEST OF THE EAST LINE OF THE SOUTHWEST QUARTER (SW/4) OF SAID SECTION 6; THENCE WEST AND PARALLEL TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER (SW/4), A DISTANCE OF 305 FEET; THENCE SOUTH A DISTANCE OF 569 FEET TO A POINT 26 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER (SW/4); THENCE EAST TO THE POINT OF BEGINNING.

TRACT 2:

LOT ONE (1), BLOCK ONE (1), SARATOGA ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 3119, LESS AND EXCEPT THE NORTH 602.58 FEET OF LOT ONE (1), BLOCK ONE (1), SARATOGA ADDITION, AN ADDITION TO THE CITY OF TULSA, COUNTY OF TULSA, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 3119, LESS AND EXCEPT THE SOUTH 15 FEET OF THE EAST 15 FEET OF THE WEST 158 FEET THEREOF.

TRACT 3:

THE WEST 9 FEET OF THE SOUTH 652.42 FEET OF LOT ONE (1), BLOCK ONE (1), GUARANTY CENTER NORTH ADDITION, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:
BOA-19702; On 11.25.063 the Board denied a Special Exception to permit an Event center within 150' of an R District and o the screening requirements. Property located 9801-9897 E. 11th St.

BOA-18381; On 04.27.99 the Board approved a variance of the Frontage requirement om a CS District to permit a Church in a CS District. Property located 9801 E. 11th St.

BOA-16225; On 12.22.92 the Board approved a Special Exception to permit a Car Wash in a Cs District. Property located East of the SE/c of 101st E. Ave. and E. 11th St.

BOA-15578; On 11.01.90 the Board approved a Special Exception for a car lot in a CS District. Property located 9776 E. 11th St.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is a former hotel located at the NE/c of E. 11th St S. and S. 101st E. Ave.

STAFF COMMENTS: The applicant is requesting Special Exception to permit a Residential/ Group Living/ Re-entry facility in the CS district. (Section 15.020, Table 15-2)
Sec. 35.030-B.6 of the code describes a re-entry facility as follows:

**SAMPLE MOTION:**

Move to ________ (approve/deny) a Special Exception to permit a Residential/ Group Living/ Re-entry facility in the CS district. (Section 15.020, Table 15-2)

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

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
No. 19701 to the meeting on January 13, 2004 for proper advertising and additional relief.

Lots 10, 11 and 12, Block 3, Martin Roll Addition, City of Tulsa, Tulsa County, State of Oklahoma.

* * * * * * *

Case No. 19702

Action Requested:
Special Exception to allow Use Unit 12a in a CS district within 150' of an R zoned lot. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 12a; and a Special Exception of the required screening on the east and north. SECTION 1212a. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS; Use Conditions, located: 9801-9897 E. 11th St.

Presentation:
Blas Gaytan, 9012 E. 89th St., stated he owns a Spanish radio station. He proposed to purchase the subject property with an existing church building. He wants to convert it into an cultural event center. They would provide live music and serve beer for special events. They would also provide rooms for immigration informational meetings and language classes. A site plan was provided (Exhibit A-1).

Comments and Questions:
Mr. Gaytan responded to questions from the Board with the following information. The days/hours of operation would be Fridays and Saturdays from 9:00 a.m. to 2:00 a.m. The existing building would be enlarged from 12,000 sq. ft. to 22,000 sq. ft. They would have a commercial kitchen and serve up to forty people at a time for special events only. They planned to add the classrooms and hold classes from 5:00 p.m. to 9:00 p.m., probably Monday through Friday. The sale of alcohol (beer only) would be limited to only the weekends of special events. The events would be for general admission with music and dancing. There would be no adult entertainment.

Interested Parties:
John Moody, 1924 S. Utica, stated he is an attorney, representing the Riverview Corporation. Mr. Raymond Sponder, one of the principals of the corporation came from Florida to attend this hearing. Mr. Moody informed the Board that his client owns an apartment complex on the northeast of the subject property. An uncompleted church structure is on the property, but no parking lot has been built. He provided photographs (Exhibit A-2) of other investment properties owned and maintained by the corporation. Mr. Moody stated they understood the project is for a concert/dance hall. He indicated that there would be more appropriate locations. He identified a facility with over 500 parking spaces would be an intense use of the property. He compared it to the Caravan, at 41st and Memorial, for an example. It is open primarily Friday and Saturday nights. It is 18,110 sq. ft. according to the
County Assessor’s office. The application project would be 44% larger than the Caravan. There is no screening and the application requests a special exception of the required screening. He pointed out there would be noise and lights from the parking lot; late hours of operation; it abuts church property, and residential properties. His client would not object to a Use Unit 5 for a community center. He submitted photographs of single-family residential property in the area (Exhibit A-2).

Raymond Sponder, 6548 NW 13th Ct., Plantation, Florida, stated he represented the owners of the subject property, which they have owned for twelve years. They have owned another property in Tulsa for six years. They do not sell their investment property projects.

Mr. White commented the Board received letters (Exhibit A-3) from Councilor Art Justis, City District 6, and Representative Mary Easley, State House District 78, in opposition to the application.

A sign-in sheet was distributed for signatures of those in opposition, but do not wish to speak, for the record.

Councilor David Patrick, stated he represented himself and Councilor Art Justis in opposition to this application. He considered the use is too intense for the close proximity to the church and residential neighborhood. He pointed out the lack of buffer or green space. He also stated it would be an inappropriate use of this property, being incompatible with the surrounding uses.

Dr. Preston L. Nix, 14005 E. 88th St., Owasso, Oklahoma, read a letter (Exhibit A-3) regarding the moral aspect of the proposed project. He stated this was on behalf of the 3,000 members of the Eastwood Baptist Church, as well as neighbors in the surrounding community to oppose the application. The letter mentioned items including: the close proximity to their church school; the activities on the property would not enhance but possibly erode the dignity and morals of those who participate; the existing liquor store and sports bar that contribute to the danger of drunk drivers in their vicinity on 11th Street; and a request for this application to be denied.

Teresa Buchert, 542 S. 127th E. Ave., stated she had several issues. She commented there is already a facility at 22nd and Garnett to hold English as a Second Language classes. They celebrate the Hispanic holidays and are actively taking part in the community. Ms. Buchert mentioned this is a flood prone area with a creek running through. She stated that she did not hear any mention of a water detention facility. Mr. Dunham informed her that the applicant would have to deal with those issues with the City of Tulsa, but the Board could not consider those matters. She replied there is not enough space in this area to meet those needs. Ms. Buchert stated she is a member of the Route 66 Consortium, and a founder of the design team. They are working on the Vision 2025 development of
the entire Route 66 project. She did not consider this application to be compatible with the Route 66 project.

**Norma Cates, 9912 E. 7th St.,** stated she represented herself and some neighbors, who signed a petition (Exhibit A-4). She was not opposed to a cultural center but objected to an adult entertainment/night hall facility.

**Mark Neeler, 701 S. Mingo Rd,** pastor of the Wesleyan Church, stated they would welcome a cultural event center, but object an adult entertainment facility.

**Applicant’s Rebuttal:**
Mr. Gaytan stated he understood the objections that were made. He added he just wanted to provide this project to the community.

**Board Action:**
On Motion of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbuck, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "abstentions") to DENY a Special Exception to allow Use Unit 12a in a CS district within 150' of an R zoned lot, and a Special Exception of the required screening on the east and north, finding it would not be in harmony with the spirit and intent of the Code, and would be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

A part of the SW/4 SW/4 of Section 6, T-19-N, R-14-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, and more particularly described as follows, to-wit: Beg. at a point 26' N and 1,491.66' W of the SE/c of the SW/4 of said Section 6; thence in a Nly direction 1,294.00'; thence in a Wly direction 658.80'; thence in a Sly direction 1,294.00'; thence in an Ely direction parallel to and 26.00' N of the Section line a distance of 660.00' to the point and place of beginning; Subject to Easement dated April 29, 1955, granted to the County of Tulsa, State of Oklahoma, covering the following described property: Beg. at a point 26.00' N and 1,491.66' W of the SE/c of the SW/4 of Section 6, T-19-N, R-14-E, Tulsa County, Oklahoma, thence N a distance of 39' to a point; thence W and parallel to the S line of said Section 6 a distance of 182.00'; thence N 10.00' to a point W and parallel to the S line of said Section 6, a distance of 353.92' to a point; thence N a distance of 16.00' to a point; thence W and parallel to the S line of said Section 6, a distance of 82.00' to a point; thence S a distance of 16.00' to a point; thence W and parallel to the S line of said Section 6, a distance of 44.08' to a point; thence S a distance of 49.00' to a point; thence E and parallel to the S line of said Section 6, a distance of 660.00' to the POB, and being located in a CS zoned district.
Ms. Bradley stated that she is not opposed to the request for a variance of the required front yard to 14', but cannot find a hardship for a variance of the side yard setback to within 6" of the property line.

Ms. Hubbard pointed out that the applicant could remove a portion of the carport that extends into the side yard, and the remainder would be large enough to cover two vehicles.

In response to Ms. Bradley, Mr. Wilson stated that a carport company protested the location of his carport, and that he seems to be the victim of a feud between two carport construction companies.

**Board Action:**

On MOTION of BRADLEY, the Board voted 3-0-0 (Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle, "absent") to APPROVE a Variance of the required front yard from 25' to 14'; and DENY a Variance of the required side yard from 5' to 6" to allow an existing carport - Section 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS - Use Unit 6; finding that, although there are numerous carports in the area that encroach on the front setback requirement, the applicant failed to demonstrate a hardship for a variance of the required side yard from 5' to 6"; on the following described property:

Lot 18, Block 10, Maplewood Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15578**

**Action Requested:**

Special exception to permit Use Unit 17 uses (Automotive and Allied Activities) in a CS zoned district - Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 17, located 9776 East 11th Street.

**Presentation:**

The applicant, Jackie Williams, 103 West 16th Street, Owasso, Oklahoma, submitted a plot plan (Exhibit E-1), and stated that she and her husband operate a used car lot at the above stated location. Ms. Williams explained that it was not until the cars had been moved to the lot that they discovered the property was not properly zoned for this type of business.

**Comments and Questions:**

Mr. Fuller inquired as to the number of car lots in the area, and Ms. Williams replied that there are numerous car sales operations in the area.
Case No. 15579 (continued)

Ms. Hubbard informed that the Board has previously approved the sale of camper shells and accessories on the property.

**Board Action:**

On MOTION of FULLER, the Board voted 3-0-0 (Bradley, Fuller, White, "aye"); no "nays"; no "abstentions"; Bolzle, Chappelle, "absent") to APPROVE a Special Exception to permit the sale of used automobiles only in a CS zoned district - Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 17; per plot plan submitted; finding that there are numerous automotive businesses in the vicinity; and the granting of the special exception will not be detrimental to the surrounding area, or violate the spirit and intent of the Code; on the following described property:

Lot 1, Block 1, Arch-Fears Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15579**

**Action Requested:**

Variance of the side yard requirement from 5' to 18" to permit replacement of a detached accessory building - Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6, located 6330 South 72nd East Avenue.

**Presentation:**

The applicant, Howard Frank, 6330 South 72nd East Avenue, Tulsa, Oklahoma, submitted a packet (Exhibit F-1) containing a plot plan, photographs, petition of support, and documents from the Shadow Mountain Homeowners Association. Mr. Frank informed that he is proposing to replace an existing metal storage building, which has been at the present location approximately 17 years. The applicant explained that he is planning to construct the new building of wood materials, which will be more compatible with the surrounding neighborhood. He added that the roof will be pitched and slightly higher than the roof of the old building.

**Comments and Questions:**

Ms. Bradley inquired as to the size of the new building, and Mr. Frank stated that it will be 8' by 10', the same size as the existing metal structure.

Ms. Bradley asked if the Shadow Mountain Homeowners Association is aware that the building will be taller than the existing building, and the applicant answered in the affirmative.

**Protestants:** None.

11.01.90:574(8)
Action Requested:
Special Exception to permit a car wash in a CS District - Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 17, located east of the southeast corner of 101st East Avenue and East 11th Street.

Presentation:
The applicant, Jeff Levison, 35 East 18th Street, requested permission to operate a 10-bay car wash at the above stated location. He pointed out that the property is surrounded by commercial zoning and does not abut residential property. A plot plan (Exhibit F-1) was submitted.

Comments and Questions:
In response to Ms. White, Mr. Levison stated that the car wash will be a 24-hour-a-day operation.

Ms. White asked if there is an attendant on duty at all times, and the applicant replied that an attendant will be on duty during daylight hours. He pointed out that the Quik Trip store next door to the proposed car wash is open all night.

Protestants:
None.

Board Action:
On MOTION of CHAPPELLE, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to APPROVE a Special Exception to permit a car wash in a CS District - Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 17; per plan submitted; finding the car wash to be compatible with surrounding uses; on the following described property:

A tract of land lying in the NE/4, NW/4, Section 7, T-19-N, R-14-E of the Indian Base and Meridian, according to the Us Government Survey thereof, City of Tulsa, Tulsa County, Oklahoma, more particularly described as follows:

Commencing at a point lying 50' east and 265' south of the NW/c of said NE/4, NW/4; thence S00'00'29"E and parallel to the west line thereof a distance of 185' to a point on the most northerly line of Crescent Height Addition according to the recorded plat thereof; thence S89'49'29"E along said most northerly line a distance of 599.06' to a point; thence N00'10'31"E a distance of 161.94' to the
Case No. 16225 (continued)

Point of beginning; thence N89°50'45"W a distance of 256.20' to a point; thence N00°05'28"E a distance of 164.10' to a point of curve; thence along said curve to the left, said curve having a radius of 30', a central angle of 33°35'03", a distance of 17.58' to a point of tangent; thence N33°29'35"W a distance of 33.00' to a point; thence N00°10'31"E a distance of 15' to a point lying 370.53' east of the west line of said NE/4, NW/4 and lying 65' south of the north line of said NE/4, NW/4; thence S89°49'29"E and parallel to said north line a distance of 196.58' to a point; thence S00°10'31"W a distance 170' to a point; thence S89°49'29"E a distance of 83.19' to a point; thence S00°10'31"W a distance of 53.05' to the Point of Beginning, containing 1.0060 acres more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16226

Action Requested:
Special Exception to permit a church owned and operated maternity home to accommodate not more than 12 women in a supervised counseling environment and for an amended site plan review - Section 301. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS - Use Unit 5, located 8621 South Memorial Drive.

Presentation:
The applicant, Higher Dimensions, 8621 South Memorial Drive, was represented by Tom Winters, 7130 South Lewis Avenue, who requested permission for the church to begin operation of a maternity home on church property. He explained that the maternity home will be comparable to other residential dwellings in the area, and will contain approximately 4000 sq ft of floor space. Mr. Winters stated that the building location will be approximately 400' from Memorial Drive, which is behind an existing dwelling owned by the church. A plot plan (Exhibit G-1) was submitted.

Comments and Questions:
In reply to Mr. Bolzle, Mr. Winters explained that there will be house parents on the premises at all times, and no men or children are permitted in the home. He stated that approximately 80% of the residents will place their babies up for adoption, and all expenses during their pregnancy are paid for by the church.

Mr. Bolzle asked if the maternity home is regulated by the State, and Mr. Winters replied that the home is not under the oversight of the State.
Board Action:
On MOTION of DUNHAM, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White "aye"; no "nays", no "abstentions"; Turnbo "absent") to APPROVE Variance of lot width from the required 200' to 182' and 100'. SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT – Use Unit 6; a Variance of lot area from 2 acres to 1.12 acres and 1.0 acres. SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT – Use Unit 6; and a Variance of land area from 2.2 acres to 1.328 acres and 1.03 acres in an AG district to permit a lot split. SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT – Use Unit 6, finding the hardship to be the size of the lot and the neighborhood and to CONTINUE the application to May 25, to allow time for additional notice for the relief of the 30' street frontage on Tract A and also with the condition that the 30' mutual access easement would continue through Tract A providing access to the property to the north, on the following described property:

W 200' of the N 435.60' of the S 485.60' and the E 12' of the W 212' of the N 435.60' of the S 485.60' of the E/2 of the SE/4 of the SW/4 of Section 15, T-18-N, R-12-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma.

**********

Case No. 18381

Action Requested:
Variance of the required frontage for CS zoned district from 150' to 86' on an arterial street. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 5, located 9801 E. 11th Street.

Presentation:
The applicant, W. P. Smith, 1007 W. K, Jenks, OK, submitted a site plan (Exhibit E-1) and stated that he represents the property owners Merle Martindale and Clark Brewster. Mr. Smith mentioned that this is a 20 acre tract, 660 x 1320 less the street right of way. The East Tulsa Christian Church has a contract to buy 14.06 acres on the back and their plans are to relocate their church to this site.

Comments and Questions:
Mr. Dunham asked Mr. Smith if his request is to provide access to the back portion of the property and Mr. Smith replied yes.

Mr. Dunham suggested making a condition that the 86' strip be used for access only and that no structure could be build upon it.
Mr. Cooper asked Mr. Smith for a hardship. Mr. Smith mentioned that it would be a hardship on the church if they had to purchase all of the commercial property on the front of the tract. Mr. Dunham stated that if this is only used for access and nothing else he feels that it would be a hardship to require the church to have 150' of frontage for access.

Mr. Dunham asked the applicant if he plans to put a sign on the access? Mr. Smith replied yes. Mr. Dunham suggested putting a condition of approval that no structure be placed on the access except for a sign.

Interested Parties: None.

Board Action:
On MOTION of DUNHAM, the Board voted 3-1-0 (Dunham, Perkins, White "aye"; Cooper "nays", no "abstentions"; Turnbo "absent") to APPROVE Variance of the required frontage for CS zoned district from 150' to 86' on an arterial street. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 5, per plan; subject to no structures being placed on the 86' with the exception of a sign and that the 86' be used for access; finding the hardship to be the size of the tract in the back and the need for access; on the following described property:

A part of the SW/4 of the SW/4 of Section 6, T-19-N, R-14-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma and more particularly described as follows, to-wit: Beginning at a point 26' N and 1,491.66' W of the SE/c of the SW/4 of said Section 6, T-19-N, R-14-E; thence in a Nly direction 1,294'; thence in a Wly direction 658.80'; thence in a Sly direction 1,294'; thence in an Ely direction parallel to and 26' N of the Section line a distance of 660' to the point and place of beginning. Subject to Easement dated April 29, 1955, granted to the County of Tulsa, State of Oklahoma, covering the following described property: Beginning at a point 26' N and 1,491.66' W of the SE/c of the SW/4 of Section 6, T-19-N, R-14-E, Tulsa County, Oklahoma, thence N a distance of 39' to a point; thence W and parallel to the S line of said Section 6 a distance of 182' to a point; thence N 10' to a point W and parallel to the S line of said Section 6, a distance of 353.92' to a point; thence N a distance of 16' to a point; thence W and parallel to the S line of said Section 6, a distance of 82' to a point; thence S a distance of 16' to a point; thence W and parallel to the S line of said Section 6, a distance of 44.08' to a point; thence S a distance of 49' to a point; thence E and parallel to the S line of said Section 6, a distance of 660' to the point of beginning.

* * * * * * *

4:27:99:771 (11)
Subject property

Facing East on 11th
Intersection of E. 11th St. and S. 101st E. Ave.

Facing North on 101st E. Ave.
LOD Number: 1  
Greg Helms  
424 S Main  
Jenks, OK 74037

APPLICATION NO:  ZCO-072458-2020  
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: 10117 E 11 ST  
Description: Re-Entry Facility

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

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

ZCO-072458-2020 10117 E 11 ST  November 10, 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 918-684-7526 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.15.020 Table 15-2: You are proposing a Residential/Group Living/Re-Entry Facility use. This is in the CS zoning district.

Review comment: This use will require a Special Exception approved by the BOA. Submit a copy of the 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.
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9301
CZM: 38
CD: 3

Case Number: BOA-23064

HEARING DATE: 01/12/2021 1:00 PM

APPLICANT: Audra Rodriguez

ACTION REQUESTED: Special Exception to allow a Type 2 Home Occupation in an RS-1 district to permit a Hair Salon (Section 45.100)

LOCATION: 547 S 87 AV E

PRESENT USE: Residential

ZONED: RS-1

TRACT SIZE: 46666.02 SQ FT

LEGAL DESCRIPTION: S 1/2 LT 4 BLK 10, CLARLAND ACRES

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 South of the SE/c of E. 5th Pl. and S. 87th E. Ave. The proposed hair salon would be located in an existing accessory structure on the property which is to be renovated.

STAFF COMMENTS: The applicant is requesting a Special Exception to allow a Type 2 Home Occupation in an RS-1 district to permit a Hair Salon (Section 45.100).

Attached is a copy of Sec. 45.100 which includes the supplemental regulations associated with Home Occupations.
SAMPLE MOTION: Move to _______ (approve/deny) a Special Exception to allow a Type 2 Home Occupation in an RS-1 district to permit a Hair Salon (Section 45.100)

- 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.
1. Electrical fence charger systems are allowed on parcels of land with an area of 10 acres or more, provided the system is not readily accessible to the public; and

2. Electrical fence charger systems are allowed on parcels of land with an area of less than 10 acres, provided that the conductors are located at least 8 feet above grade and are not readily accessible to the public.

Barbed-wire and razor-wire fencing is permitted as of right in AG, IL, IM, and IH districts, except as limited by Title 24, Section 103 of the Tulsa Revised Ordinances. Barbed-wire and razor-wire fencing is prohibited in all other districts unless approved in accordance with the special exception procedures of Section 70.120, subject to the limitations of Title 24, Section 103 of the Tulsa Revised Ordinances.

Section 45.090 Geothermal Heat Exchange Systems

45.090-A General
Geothermal heat exchange systems are permitted as an accessory use in all zoning districts.

45.090-B Location
1. Above-ground equipment is subject to compliance with the minimum building setback regulations of the subject zoning district, including the setback obstruction provisions of §90.090-C.

2. Underground equipment, piping and devices may not be located in any public easement or right-of-way.

Section 45.100 Home Occupations

45.100-A Description
Home occupations are jobs or professions conducted wholly or partly from a residential dwelling.

45.100-B Purpose
The home occupation regulations of this section are intended to allow Tulsa residents to engage in customary home-based work activities, while also helping to ensure that neighbors are not subjected to adverse operational and land use impacts (e.g., excessive noise or traffic or public safety hazards) that are not typical of residential neighborhoods.

45.100-C Types of Home Occupations
Two types of home occupations are defined and regulated under this section: type 1 and type 2.

1. Type 1 Home Occupations
Type 1 home occupations are those in which household residents use their home as a place of work, with no employees, customers or clients coming to the site. Typical examples include telecommuting office workers, writers, consultants, artists and crafts people.
2. **Type 2 Home Occupations**

Type 2 home occupations are those in which household residents use their home as a place of work and either employees or customers come to the site. Typical examples include tutors, teachers, photographers, counselors, hair cutting/styling and real estate agents.

### 45.100-D Exemptions

Nonresidential uses that are expressly allowed in conjunction with residential uses (e.g., bed and breakfast uses and family child care homes) are not subject to home occupation regulations.

### 45.100-E Allowed Uses

The home occupation regulations of this section establish performance standards for all home occupations rather than listing specific home occupation uses that are allowed. Uses that comply with the standards of this section are allowed as of right unless otherwise expressly stated.

### 45.100-F Prohibited Uses

The following uses are expressly prohibited as home occupations:

1. Any type of assembly, cleaning, maintenance, painting or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators);
2. Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;
3. Equipment or supply rental businesses;
4. Taxi, limo, van or bus services;
5. Tow truck services;
6. Taxidermists;
7. Restaurants;
8. Funeral or interment services;
9. Animal care, grooming or boarding businesses; and
10. Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building; and
11. Any use that does not comply with regulations of this section.

### 45.100-G Where Allowed

1. **Type 1 Home Occupations**

Type 1 home occupations are permitted as of right as an accessory use to a principal use in the household living use category. Type 1 home occupations are subject to the general regulations of §45.100-H and the supplemental regulations of §45.100-I.

2. **Type 2 Home Occupations**
a. Type 2 home occupations may be approved as an accessory use to a principal use in the household living use category through the special exception procedures of Section 70.120. Type 2 home occupations are subject to the general regulations of 45.100-H and the supplemental regulations of Section 45.100-J.

b. Type 2 home occupations may be approved as an accessory use to a principal use in the household living use category through mandatory development plan provisions defined in 70.040-B1. Type 2 home occupations are subject to the general regulations of Section 45.100-H and the supplemental regulations of Section 45.100-J or as may be further regulated in a mandatory development plan.

45.100-H General Regulations
All type 1 and type 2 home occupations are subject to the following regulations.

1. Home occupations must be accessory and subordinate to the principal residential use of the property.

2. Home occupations that change the character of the residential building they occupy or that adversely affect the character of the surrounding neighborhood are prohibited. Home occupations may not, for example, produce light, noise, vibration, odor, parking demand, or traffic impacts that are not typical of a residential neighborhood in Tulsa. Home occupations must be operated so as not to create or cause a nuisance.

3. Any tools or equipment used as part of a home occupation must be operated in a manner or sound-proofed so as not to be audible beyond the lot lines of the subject property.

4. External structural alterations or site improvements that change the residential character of the lot upon which a home occupation is located are prohibited. Examples of such prohibited alterations include construction of parking lots, the addition of commercial-like exterior lighting, the addition of a separate building entrance that is visible from abutting streets or the exterior display of an illuminated nameplate sign (See 60.030-C. Nameplates).

5. No display of any material or merchandise is allowed.

6. The use or storage of hazardous substances is prohibited, except at the “consumer commodity” level, as that term is defined in 49 C.F.R. Sec. 171.8.

7. Home occupations are subject to the commercial truck parking prohibition of Section 45.130.

45.100-I Supplemental Regulations for Type 1 Home Occupations

1. Only residents of the dwelling unit in which the home occupation is located may be engaged in a type 1 home occupation. No nonresident owners, employees or contractors may be present on the subject property.

2. No clients, customers, patients, or students are allowed in conjunction with a type 1 home occupation.
3. Type 1 home occupations and all related activities, including storage (other than the lawful parking of passenger vehicles), must be conducted entirely within the principal residential building or an allowed accessory building.

4. More than one Type 1 home occupation is allowed as an accessory use, but the general regulations of §45.100.H and the supplemental regulations of §45.100.J apply to the combined home occupation uses.

45.100-J Supplemental Regulations for Type 2 Home Occupations

1. Only uses approved in accordance with the special exception procedures of Section 70.120 or through a mandatory development plan are allowed as type 2 home occupations.

2. At least one individual engaged in the home occupation must reside in the dwelling unit in which the home occupation is located as their primary place of residence.

3. No more than 3 clients or customers may be present at any one time on the site of a type 2 home occupation. Family members of the client or customer are not counted towards the 3-person limit.

4. A maximum of one nonresident employee is allowed with a type 2 home occupation if no customers or clients come to the site at any time. Home occupations that have clients, customers or students coming to the site may not have nonresident employees and vice-versa. For the purpose of this provision, the term “nonresident employee” includes an employee, contractor, business partner, co-owner or any other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.

5. Type 2 home occupations and all related activities, including storage (other than the lawful parking of passenger vehicles), must be conducted entirely within the principal residential building or an allowed accessory building.

Section 45.110 Alcoholic Beverage Sales and Service

The development administrator is authorized to allow accessory sales or service of alcoholic beverages if the development administrator determines that all of the following criteria are met:

45.110-A The proposal complies with the accessory use criteria of §45.010.B; and

45.110-B The use is located in a zoning district in which bars are permitted as of right or the use is temporary in nature and located on city-owned property.

Section 45.120 Office Support Service

45.120-A Retail sales of convenience goods and retail sales of shopping goods (office support services) are allowed as an accessory use to a principal office use in the OH district and in any O district with a PUD overlay.

45.120-B Office support services must be located in the same building as the principal office use, and occupy, in aggregate, no more than 15% of the floor area of the subject building.
Facing South on 87th

Facing North on 87th
Subject property
ZONING CLEARANCE PLAN REVIEW

July 15, 2020

Phone: 918-955-1209

LOD Number: 1
Audra Rodriguez
Angela Paulsen
547 S. 87th E. Ave.
Tulsa, OK 74111

APPLICATION NO: BLDR-064594-2020
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 547 S. 87th E. Ave.
Description: Home occupation-Type 2

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. IF SUBMITTING REVISIONS FOR APPLICATIONS THAT PREVIOUSLY UTILIZED PAPER PLANS, EMAIL THE REVISED PLANS TO COTDEVSPCS@CITYOFTULSA.ORG OR SUBMIT ELECTRONIC PLAN REVISIONS ON THE PORTAL AT HTTPS://TULSAOK.TYLERTECH.COM/ENERGYS4924/SELFSERVICE. YOU WILL NEED TO REGISTER ON THE PORTAL IF YOU HAVE NOT PREVIOUSLY DONE SO.**
3. INFORMATION ABOUT THE ZONING CODE, BOARD OF ADJUSTMENT (BOA), PLANNING COMMISSION (TMAPC), AND THE TULSA PLANNING OFFICE AT INCOG CAN BE FOUND ONLINE AT WWW.TULSAPLANNING.ORG; IN PERSON AT 2 W. 2ND ST., 8TH FLOOR, IN TULSA; OR BY CALLING 918-584-7526 AND ASKING TO SPEAK TO SOMEONE ABOUT THIS LETTER OF DEFICIENCY.
4. A COPY OF A “RECORD SEARCH” IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE “RECORD SEARCH” ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.)
Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to a representative at the Tulsa Planning Office 918-594-7526 or esubmit@incog.org. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. 45.100-G Where Allowed Type 2 Home Occupations
   a. Type 2 home occupations may be approved as an accessory use to a principal use in the household living use category through the special exception procedures of Section 70.120. Type 2 home occupations are subject to the general regulations of §45.100-H and the supplemental regulations of Section 45.100-J.

Review comments: Apply to BOA for a special exception to allow Type 2 home occupation.

2. 45.100-J, Supplemental Regulations for Type 2 Home Occupations
   3. No more than 3 clients or customers may be present at any one time on the site of a Type 2 home occupation. Family members of the client or customer are not counted towards the 3-person limit.

Review comments: If you need to allow more than 3 clients to be present at any one time you will need to apply for a variance to allow more than 3 clients.

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

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

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

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

END – ZONING CODE REVIEW

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

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

We are Dave and Pauline Lenox and live at 554 S 87th E Ave, diagonally across the street from the Rodriguez family.

We have no problem whatsoever about this zoning change. They are great people and I understand Audra wanting to spend time with her child and have a home business. Plus, our houses are far apart and this should make no problems for anyone on our block. Audra wants to do the right thing and make it official and we commend her for that!

If you wish to visit with us, my cell phone is 918-740-5244.

Thank you,

Pauline Lenox
To whom it may concern; I, Lindsey Baker, resident of 8724 E 5th Place, would like to extend my support in favor of Audra Rodriguez’s residential business at 547 S 87th E Ave.; contingent upon our agreement to restrict the zoning application to any current and future residential businesses at said location to salon based enterprises.

Lindsey Baker
479-871-6660
8724 E. 5th Place,
Tulsa OK 74112
aussieBoston@gmail.com
Dec. 1, 2020

To whom it may concern:

I am aware of the special exception request made by:

Andra Rodriguez
547 S. 87 E. Ave.
Tulsa, Okla. 74112

I am in support of her requesting this exception and of having a home salon.

Sincerely,

L. R. Angell
548 S. 87 E. Ave.
Tulsa, Okla. 74112
Note: Graphic overlays may not precisely align with physical features on the ground.
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9332
CZM: 47
CD: 9

HEARING DATE: 01/12/2021 1:00 PM

APPLICANT: Kyler and Allison Ketron

ACTION REQUESTED: Variance to allow the floor area of a Detached Accessory Building to exceed 500 square feet or 40% of the floor area of the principal residential structure (Section 45.030-A); Variance to allow more than 25% coverage by a Detached Accessory Building in the rear setback in an RS- District (Section 90.090-C, Table 90-2)

LOCATION: 2713 E 55 PL S
ZONED: RS-2

PRESENT USE: Residential
TRACT SIZE: 43560.18 SQ FT

LEGAL DESCRIPTION: TR BG 660 E NW COR S/2 SE NW TH S 330 E 132 N 330 W 132 TO PT BG SEC 32 19 13,

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".

ANALYSIS OF SURROUNDING AREA: The subject tract is located West of Columbia Place between E. 55th St. S. and E. 55th Pl. S. Property has frontage on both of 55th Pl. and 55th St.

STAFF COMMENTS: Applicant is requesting Variance to allow the floor area of a Detached Accessory Building to exceed 500 square feet or 40% of the floor area of the principal residential structure (Section 45.030-A); Variance to allow more than 25% coverage by a Detached Accessory Building in the rear setback in an RS- District (Section 90.090-C, Table 90-2)
STATEMENT OF HARDSHIP: Previous owners designed and added garage after house was built that is not suitable for everyday use with modern cars. Previous owners utilized garage solely for storage. We would like proper place to securely store our vehicles and other items safely.

SAMPLE MOTION: Move to _________ (approve/deny) a Variance to allow the floor area of a Detached Accessory Building to exceed 500 square feet or 40% of the floor area of the principal residential structure (Section 45.030-A); Variance to allow more than 25% coverage by a Detached Accessory Building in the rear setback in an RS- District (Section 90.090-C, Table 90-2)

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

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

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

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

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

d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
e. That the variance to be granted is the minimum variance that will afford relief;

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

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

Our review has identified the following code omissions or deficiencies in the project application forms, drawings, and/or specifications. The documents shall be revised to comply with the referenced code sections.

**Revisions need to include the following:**

1. A copy of this deficiency letter
2. A written response as to how each review comment has been resolved
3. The completed revised/additional plans form
4. Board of Adjustment approval documents, if relevant

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

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

### IMPORTANT INFORMATION

1. If a design professional is involved, his/her letters, sketches, drawings, etc. shall bear his/her Oklahoma seal with signature and date.
2. If submitting revisions for applications that previously utilized paper plans, email the revised plans to `<cotdevsvcsc@cityoftulsa.org>` or submit electronic plan revisions on the portal at [https://tulsaok.tylertech.com/energov4334/selfservice](https://tulsaok.tylertech.com/energov4334/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.tulsaoplanning.org](http://www.tulsaoplanning.org); in person at 2 W. 2nd St., 8th Floor, in Tulsa; or by calling 918-564-7526 and asking to speak to someone about this letter of deficiency.
1. RESOLVED
2. RESOLVED
3. NEW 45.030-A Accessory Building Size 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 §90.080-C2.

Sec. 90.080-C2. 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:

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

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

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

Review Comments: In an RS-2 District, you are allowed 25% of the rear setback for an accessory structure.

30-foot rear setback x 132-foot-wide lot = 3,960 square feet.

3960 x .25 = 990 square feet.

The building you are proposing is 2,000 square feet, (40 x 50 x 12), which exceeds the maximum allowed of 990 square feet. Resubmit your site plan with the appropriate size or apply for a variance from the Board of Adjustment. Your contact for further information regarding a variance is Austin Chapman, Board of Adjustment Administrator, at a Chapman@incoag.org or 918-579-9471.

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

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

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

E. 55th Pl. facing East.
East 55th Pl. facing West.

Subject property from E. 55th St. (Image used from Google Street View, image capture December 2015.)
Note: Graphic overlays may not precisely align with physical features on the ground.
Subject Tract  

BOA-23065  
19-13 32

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

Aerial Photo Date: February 2016

0  50  100 Feet
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9214
CZM: 36
CD: 2

HEARING DATE: 01/12/2021 1:00 PM

APPLICANT: Mark Capron

ACTION REQUESTED: Variance to reduce Build-to-Zone width and the percentage of the building facade that must be located in the Build-to-Zone in a MX1-U District (Sec. 10.030, Table 10-5)

LOCATION: NW/c of W. 23rd St. and North Jackson Ave. ZONED: MX1-U-55

PRESENT USE: Tulsa Housing Authority TRACT SIZE: 450565.14 SQ FT

LEGAL DESCRIPTION: See Attached.

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-22788; On 11.12.19 the Board approved a Variance to reduce the required Transparency Percentages for a Building Facade in a MX-1-U District (Sec. 10.030-C, Table 10-5); Variance of the required Minimum parking ratios for an Apartment/Condo in an MX-1-U District (Sec. 55.020; Table 55-1)

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

Neighborhood Center
Neighborhood Centers are small-scale, one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive can park once and walk to number of destinations.

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

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

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.”

**ANALYSIS OF SURROUNDING AREA:** The subject tract was recently rezoned to MX1-U55 in order to accommodate improvements planned by the Tulsa Housing Authority as a part of their River West Development.

**STAFF COMMENTS:** The applicant is requesting Variance to reduce Build-to-Zone width and the percentage of the building facade that must be located in the Build-to-Zone in a MX1-U District (Sec. 10.030, Table 10-5)

![Table 10-5: Lot and Building Regulations for -U Character Zones](image-url)
Per sec. 90.110 of the code Build-to-Zones are measure as follows:

**Section 90.110 Build-to-Zone**

90.110-A The build-to zone is the area on the lot where all or a portion of the street-facing building façade must be located, established as a minimum and maximum setback range, measured in accordance with the setback measurement provisions of Sec. 90.090-A.

90.110-B The street-facing building façade must be located in and extend along the length of the build-to-zone for a minimum distance equal to a percentage of the width of the lot, as required by specific provisions of this zoning code. The required minimum percentage is calculated by dividing the width of the building façade located within the build-to-zone by the width of the lot. For purposes of this calculation, the width of the lot is the narrowest width of the lot within the build-to-zone.

**Figure 90-16: Build-to-Zone**

90.110-C On corner lots, the development administrator is authorized to designate which street is the primary street and which street is the secondary or side street. The primary street designation must be based on consideration of the following criteria:

1. The street with the highest functional street classification;
2. The street that the lot takes its address from; and
3. The street parallel to an alley within the block.

90.110-D On corner lots, the building must be within the required build-to-zone for the first 25 feet extending from the intersection of the 2 street rights-of-way.

**STATEMENT OF HARDSHIP:** There is a 20’ utility easement surrounding the property frontages.

**SAMPLE MOTION:** Move to [approve/deny] a Variance to reduce Build-to-Zone width and the percentage of the building façade that must be located in the Build-to-Zone in a MX1-U District (Sec. 10.030, Table 10-5)

- 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 West on W. 23rd St.
Facing East on W. 23rd St.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:


THIS LEGAL DESCRIPTION WAS CREATED ON JULY 9, 2020 BY ALBERT R. JONES, III, OK PLS #1580, WITH THE BASIS OF BEING S 22° 11' 39" E, ALONG THE EAST LINE OF RIVER WEST PHASE I, A RE-SUBDIVISION OF PART OF BLOCK I AND BLOCK III OF RIVERVIEW PARK ADDITION IN THE NORTH HALF (N/2) OF SECTION FOURTEEN (14), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF AND RECORDED AS PLAT NO. 6913 IN THE OFFICE OF THE TULSA COUNTY CLERK.

AND


MORE PARTICULARLY DESCRIBED AS FOLLOWS:


THIS LEGAL DESCRIPTION WAS CREATED ON JULY 9, 2020 BY ALBERT R. JONES, III, OK PLS #1580, WITH THE BASIS OF BEING S 22° 11' 39" E, ALONG THE EAST LINE OF RIVER WEST PHASE I, A RE-SUBDIVISION OF PART OF BLOCK I AND BLOCK III OF RIVERVIEW PARK ADDITION IN THE NORTH HALF (N/2) OF SECTION FOURTEEN (14), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF AND RECORDED AS PLAT NO. 6913 IN THE OFFICE OF THE TULSA COUNTY CLERK.
00° 51' 52", A CHORD BEARING OF N 51° 24' 37" E AND A CHORD DISTANCE OF 75.44 FEET; THENECE S 00° 47' 32" E A DISTANCE OF 705.20 FEET, TO THE POINT OF BEGINNING;

SAID TRACT OF LAND CONTAINING 4.72 ACRES / 205,798.70 SQUARE FEET.

THIS LEGAL DESCRIPTION WAS CREATED ON JULY 9, 2020 BY ALBERT R. JONES, III, OK PLGS #1580, WITH THE BASIS OF BEARING BEING S 22° 11' 39" E, ALONG THE EAST LINE OF RIVER WEST PHASE I, A RE-SUBDIVISION OF PART OF BLOCK I AND BLOCK III OF RIVERVIEW PARK ADDITION IN THE NORTH HALF (N/2) OF SECTION FOURTEEN (14), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF AND RECORDED AS PLAT NO. 6913 IN THE OFFICE OF THE TULSA COUNTY CLERK.
Action Requested:
Variance to reduce the required Transparency Percentages for a building façade in a MX-1-U District (Section 10.030-C, Table 10-5); Variance of the required minimum parking ratios for an Apartment/Condo in an MX-1-U District (Section 55.020, Table 55-1). LOCATION: North of West 23rd Street South and South of West 21st Street South between Southwest Boulevard and South Jackson Avenue West (CD 2)

Ms. Radney re-entered the meeting at 4:43 P.M.

Presentation:
Mark Capron, Wallace Engineering, 200 East Mathew Brady Street, Tulsa, OK; stated the property has been rezoned to MX-1-Urban. This project is unique in the fact that it is not a typical suburban apartment complex. What is being addressed today is only the residential units. What is being presented today is Phase I of this project, there are several other phases and other aspects of the project which include these residential units but also some other uses as well. This project is a very urban development and is not far from downtown, and a lot of the residents use public transportation to get to and from work. The streets in the development will be designated as public streets. Many of the residents do not need or have a vehicle therefore parking is not needed. Mr. Capron stated the other aspect that is being dealt with is transparency, and this particular MX-1 use is listed under “other”; he does not think that garden level apartments were being classified as the "other" but were thinking of other commercial uses that was not residential. The building that has the least number of windows has calculated at 11%. These are attractive residential buildings and if there were more windows there are safety concerns, energy efficiency concerns, and privacy concerns. Typically, in transparency there is an attempt to get an attractive building and more of a street scape, and these are very residential attractive buildings, but they do not technically meet the transparency that has been introduced with the MX zoning.

Mr. Van De Wiele asked Mr. Capron if the Board were inclined on the transparency percentages, are the plans conceptual and would they be appropriate to provide for an illustration to the permitting office if the transparency requirements are reduced to allow for building the types of building being seen in the exhibits. Mr. Capron stated that the firm is committed to doing those buildings; the project is far enough along with the CDs to where he is comfortable with that. The drawings are not technical drawings, but they would be appropriate. For everyone of the buildings that has been seen he has a construction document for that exact same building.

Interested Parties:
Jeff Hall, Tulsa Housing Authority, 201 West 5th Street, Tulsa, OK; stated this project went through a public planning process in 2010 and the plans did alter slightly. The
Housing Authority came on board in 2017 and expanded the master plan but the principles have stayed the same. It was clear in the public meetings that this zoning made the most sense to get to the principles that were asked for.

Mr. Wilkerson stated there was a Small Area Plan done specifically for this site. The renderings that were shown in the Small Area Plan looked different but if the scale and the number of windows were compared it would not be radically different than six years ago.

Mr. Van De Wiele asked Mr. Capron what the transparency was being reduced to. Mr. Capron stated that it would go from 20% to 10%. Some of the buildings have 17% but the building with the lowest amount of transparency is 10%.

Mr. Van De Wiele asked Mr. Capron what the parking ratio was being reduced to. Mr. Capron stated the parking is a little more complicated because what is being asked for is one parking space per unit on site. The zoning requirement has different requirements for different bedroom amounts. The public parking is not being included in the ratio of one parking space per unit.

Mr. Van De Wiele asked Mr. Capron when does the project kick off and finish? Mr. Hall stated the project is being built over six phases; Phase I will break ground in March and the entire project must be complete by September 2024.

Comments and Questions:
None.

Board Action:
On MOTION of BOND, the Board voted 4-1-0 (Bond, Ross, Shelton, Van De Wiele "aye"; Radney "nay"; no "abstentions"; none absent) to APPROVE the request for a Variance to reduce the required Transparency Percentages for a building façade in a MX-1-U District (Section 10.030-C, Table 10-5); Variance of the required minimum parking ratios for an Apartment/Condo in an MX-1-U District (Section 55.020, Table 55-1), subject to conceptual plans 21.8, 21.9, 21.10, 21.11, 21.12, 21.13 and 21.14 of the agenda packet. The Board has found the hardship to be the uniqueness of the property as well as the intended for residential use. The reduction in transparency from 20% to 10% be only applicable to residential buildings. The parking be based on one off street parking space per unit. 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 LYING IN BLOCK FOUR (4) AND BLOCK SIX (6) OF RIVERVIEW PARK ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK FOUR (4); THENCE N89°24'57"E AND ALONG THE NORTH LINE OF SAID BLOCK FOUR (4) FOR A DISTANCE OF 645.00 FEET TO THE EAST LINE OF SAID BLOCK FOUR (4); THENCE S00°40'03"E AND ALONG THE EAST LINE OF SAID BLOCK FOUR (4) FOR A DISTANCE OF 433.00 FEET TO THE NORTH LINE OF BLOCK FIVE (5) RIVERVIEW PARK ADDITION; THENCE S89°24'57"W AND ALONG THE NORTH LINE OF SAID BLOCK FIVE (5) FOR A DISTANCE OF 335.00 FEET TO THE WEST LINE OF SAID BLOCK FIVE (5); THENCE S00°40'03"E AND ALONG THE WEST LINE OF SAID BLOCK FIVE (5) FOR A DISTANCE OF 167.00 FEET; THENCE S89°24'57"W FOR A DISTANCE OF 35.00 FEET TO THE EAST LINE OF BLOCK FOUR (4); THENCE S00°40'03"E AND ALONG THE EAST LINE OF BLOCKS FOUR (4) AND SIX (6) FOR A DISTANCE OF 510.00 FEET TO THE SOUTH LINE OF SAID BLOCK SIX (6); THENCE S89°24'57"W AND ALONG THE SOUTH LINE OF SAID BLOCK SIX (6) FOR A DISTANCE OF 275.00 FEET TO THE WEST LINE OF SAID BLOCK SIX (6); THENCE N00°40'03"W AND ALONG THE WEST LINES OF BLOCKS SIX (6) AND FOUR (4) FOR A DISTANCE OF 1110.00 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 10.82 ACRES MORE OR LESS. AND A TRACT OF LAND LYING IN BLOCK THIRTY-THREE (33) AMENDED WEST TULSA ADDITION AND BLOCK THREE (3) RIVERVIEW PARK ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE RECORDED PLAT THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK THIRTY-THREE (33) AMENDED WEST TULSA ADDITION; THENCE N89°24'57"E AND ALONG THE NORTH LINE OF SAID BLOCK THIRTY-THREE (33) AMENDED WEST TULSA ADDITION AND BLOCK THREE (3) RIVERVIEW PARK ADDITION FOR A DISTANCE OF 466.01 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE; SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 156°55'18"; HAVING A RADIUS OF 50.00 FEET; A DISTANCE OF 136.94 FEET AND WHOSE LONG CHORD BEARS N89°24'57"E FOR A DISTANCE OF 97.98 FEET TO A POINT

11/12/2019-1240 (32)
OF INTERSECTION WITH A NON-TANGENTIAL LINE; SAID LINE BEING ON THE
NORTH LINE OF SAID BLOCK THREE (3); THENCE N89°24'57"E AND ALONG THE
NORTH LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 411.40 FEET;
THENCE N00°35'03"W FOR A DISTANCE OF 10.25 FEET; THENCE N89°24'57"E
AND ALONG THE NORTH LINE OF SAID BLOCK THREE(3) FOR A DISTANCE
OF 123.86 FEET TO THE EAST LINE OF SAID BLOCK THREE (3); THENCE
S21°54'03"E AND ALONG THE EAST LINE OF SAID BLOCK THREE (3) FOR A
DISTANCE OF 212.36 FEET; THENCE N00°35'03"W FOR A DISTANCE OF
10.25 FEET; THENCE N89°24'57"E AND ALONG THE NORTH
LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF
123.86 FEET TO THE EAST LINE OF SAID BLOCK THREE (3); THENCE
S21°54'03"E AND ALONG THE EAST LINE OF SAID BLOCK THREE (3) FOR A
DISTANCE OF 176.82 FEET TO THE SOUTH LINE OF SAID BLOCK THREE (3);
THENCE S89°58'50"W AND ALONG THE SOUTH LINE OF SAID BLOCK THREE (3)
FOR A DISTANCE OF 574.62 FEET; THENCE S00°34'57"E FOR A DISTANCE OF
142.43 FEET TO THE SOUTH LINE OF SAID BLOCK THREE (3); THENCE
S89°25'04"W AND ALONG THE SOUTH LINE OF SAID BLOCK THREE (3) FOR A
DISTANCE OF 210.35 FEET; THENCE N00°35'01"W FOR A DISTANCE OF 19.97
FEET TO THE SOUTH LINE OF SAID BLOCK THREE (3); THENCE S89°24'57"W
AND ALONG THE SOUTH LINE OF SAID BLOCK THREE (3) RIVerview PARK
ADDITION AND THE SOUTH LINE OF BLOCK THIRTY-THREE (33) AMENDED
WEST TULSA ADDITION FOR A DISTANCE OF 565.36 FEET TO THE WEST
LINE OF SAID BLOCK THIRTY THREE (33); THENCE N00°40'03"W AND ALONG THE
WEST LINE OF SAID BLOCK THIRTY-THREE (33) FOR A DISTANCE OF 600.00
FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 15.50 ACRES
MORE O.R LESS AND BLOCK ONE (1) OF RIVerview PARK ADDITION TO THE
CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE
RECORDED PLAT THEREOF, City of Tulsa, Tulsa County, State of Oklahoma

22789—Jay Hubbell

Action Requested:
Variance to reduce the 35-foot side setback from an arterial street in a RS-3
District (Section 5.030, Table 5-3). LOCATION: 1948 South Florence Avenue
East (CD 4)

Presentation:
Jay Hubbell, 1948 South Florence Avenue, Tulsa, OK; stated he would like to add on a
master bathroom to his residence. The house is on the corner of Florence Avenue and
21st Street. The actual add on will be farther away from 21st Street than the house is.
The house was built in 1930 and the garage is right next to the street, and the addition
will not be viewed by anyone except the neighbor directly behind his house. Mr.
Hubbell stated he did speak to that neighbor and he has no problem with the addition.

Interested Parties:
There were no interested parties present.

11/12/2019-1240 (33)
Site Plan Exhibit
Tulsa Board of Adjustment
River West Phase 3 and 4

SCALE: 1"=100'
Note: Graphic overlays may not precisely align with physical features on the ground.

Subject Tract

BOA-23066

Aerial Photo Date: February 2018
Site Plan Exhibit
Tulsa Board of Adjustment
River West Phase 3 and 4

SCALE: 1"=100'

Site Plan Exhibit
Tulsa Board of Adjustment
River West Phase 3 and 4

SCALE: 1"=100'
THIS PAGE
INTENTIONALLY
LEFT BLANK
HEARING DATE: 01/12/2021 1:00 PM

APPLICANT: Warkeisha Metoyer

ACTION REQUESTED: Variance to allow a detached accessory building in the street setback (Section 90.090-C)

LOCATION: 4229 N HARTFORD AV E  ZONED: RS-3

PRESENT USE: Residential  TRACT SIZE: 9635.51 SQ FT

LEGAL DESCRIPTION: LT 16 BK 5, SUBURBAN ACRES 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 on the Eastside of N. Hartford Ave. between E. 43rd St. N. and E. 42nd St. N.

STAFF COMMENTS: The applicant is requesting a Variance to allow a detached accessory building in the street setback (Section 90.090-C)
The detached accessory structure appears to be located at the lot line. The N. Hartford right-of-way dedicated in the Amended Plat of Suburban Acres is 80' wide meaning the property line starts 40' from the center of the road which per the site plan is where the shed is located. As measured from the planned right-of-way the shed is 15' over the setback line of 25'.

---

**Table 90-1: Permitted Setback Obstructions in R Zoning Districts**

<table>
<thead>
<tr>
<th>Obstruction</th>
<th>Street</th>
<th>Side</th>
<th>Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory buildings (see also 590.090-C2)</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Air conditioning units</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Arbors and trellises</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Awnings, canopies, light shelves and architecturally integrated solar shading devices projecting no more than 2 feet into the setback</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>
STATEMENT OF HARDSHIP: Nothing was provided by the applicant in writing.

SAMPLE MOTION:

Move to ______ (approve/deny) a Variance to allow a detached accessory building in the street setback (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.”
Facing North on Hartford

Facing South on Hartford
Subject property (The grey building with the white roof is the structure the applicant is seeking to get permitted)
WASHINGTON METEYER
Keshametoyer@gmail.com

ZONING CLEARANCE PLAN REVIEW

APPLICATION NO: ZN LOD-67956-2020
(please reference this number when contacting our office)
Project Location: 4229 N Hartford Ave E
Description: Relocate storage building

INFORMATION ABOUT SUBMITTING REVISIONS

Our review has identified the following code omissions or deficiencies in the project application forms, drawings, and/or specifications. The documents shall be revised to comply with the referenced code sections.

REVISIONS NEED TO INCLUDE THE FOLLOWING:
1. A copy of this deficiency letter
2. A written response as to how each review comment has been resolved
3. The completed revised/additional plans form (see attached)
4. Board of adjustment approval documents, if relevant

Revisions shall be submitted directly to the city of Tulsa permit center located at 175 east 2nd street, suite 450, Tulsa, Oklahoma 74103, phone (918) 596-9601. The city of Tulsa will assess a resubmittal fee.

DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

IMPORTANT INFORMATION

1. 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.inco.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-67956-2020

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

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

90.090-C Permitted Setback Obstructions in R Zoning Districts

Setbacks in R zoning districts must be unobstructed and unoccupied from the ground to the sky except as indicated in Table 90-1:

Review Comments: Detached accessory buildings in an RS-3 zoned lot are not allowed in the street setback which is the first 25' feet of your lot. Required setback from center of street is 55'. Revise your site plan to indicate compliance with the 55' setback from center of street or apply to INCOG for a variance to allow a detached accessory building in the street setback.

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

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

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

END – ZONING CODE REVIEW

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

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

BOA-23067

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

Aerial Photo Date: February 2013
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9306
CZM: 37
CD: 4
HEARING DATE: 01/12/2021 1:00 PM

APPLICANT: Amanda Lowe

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

LOCATION: 1650 E 8 ST S
ZONED: CH

PRESENT USE: Commercial Kitchen
TRACT SIZE: 14000.24 SQ FT

LEGAL DESCRIPTION: LTS 5-8 BLK 8, PARK DALE AMD

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".

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

Downtown 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.

ANALYSIS OF SURROUNDING AREA: The subject tract is

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

Sec. 35.070-A of the code describes Low-Impact Manufacturing as follows:
35.070-A Low-impact Manufacturing and Industry

Manufacturing and industrial uses that do not, as part of their normal operations, generate noticeable off-site impacts in terms of noise, smoke, particulate matter, odors, or vibration. Typical examples of low-impact manufacturing and industrial uses include: commercial laundries and linen supply services, apparel manufacturing, bakery products manufacturing, production of medical marijuana edibles using medical marijuana components processed elsewhere, bottling plants, ice manufacturing, mattress manufacturing and assembly, microbreweries, microdistilleries, coffee roasting with a maximum roasting capacity of 45 kilograms per batch, musical instrument and parts manufacturing, newspaper printing and binderies.

Medical marijuana uses are subject to the following supplemental regulations:

**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 buildings, 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.
SAMPLE MOTION: Move to _______ (approve/deny) a **Special Exception** to permit Low-Impact Medical Marijuana processing (Low-impact Manufacturing & Industry Use) in the CH district. (Sec. 15.020, Table 15-2)

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

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

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

Facing West on 8th Street
ZONING CLEARANCE PLAN REVIEW
December 8, 2020

LOD Number: 1
Kevin Hale
1319 E 6 ST
Tulsa, OK 74120

APPLICATION NO: COO-073197-2020
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 1850 E 8 ST
Description: Low-Impact Medical Marijuana Manufacturing

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 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

COO-073197-2020 1650 E 8 ST December 8, 2020

Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to a representative at the Tulsa Planning Office 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.15.020 Table 15-2: You are proposing an Industrial/Low-impact Manufacturing & Industry/Low-impact Medical Marijuana Manufacturing use. It is in a CH zoning district. In this district, the use is allowed by Special Exception approved by the BOA.

Review comment: Submit a copy of the approved Special Exception to allow an Industrial/Low-impact Manufacturing & Industry/Low-impact Medical Marijuana Manufacturing use in a CH zoning district. For assistance with applying for the Special Exception, please contact Austin Chapman at 918-584-7526, or achapman@incog.org.

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.

2
Attachment 1

Legal Description

Lots Five (5), Six (6), Seven (7) and Eight (8), Block Eight (8), Park Dale Amended, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.
The Subject Property is a commercial building that is presently used as a commercial kitchen. The Subject Property is zoned Commercial Heavy (“CH”).

The Subject Property Owner desires to use the commercial kitchen to produce medical marijuana edibles using medical marijuana components processed entirely off-site.


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. This type of processing will create no noticeable off-site impacts, such as noise, smoke, particulate matter, odors, or vibration. The Applicant will comply with all State and local rules and regulations, including, but not limited to, regulations regarding ventilation/filtration and security.

Because the Tulsa Zoning Code specifically contemplates low-impact medical marijuana manufacturing in a CH 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 “Low-impact Manufacturing & Industry” in a CH District.
Location: 1650 East 8th Street

Summary: Above in 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.
BOA-23068

Subject Tract

0 200 400

Feet

BOA-23068

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

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

Aerial Photo Date: February 2018
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9225
CZM: 46
CD: 9

HEARING DATE: 01/12/2021 1:00 PM

APPLICANT: Lou Reynolds

ACTION REQUESTED: Variance to reduce the minimum lot width in an RS-3 District from 60 feet to 50 feet to permit a lot split (Sec. 5.030, Table 5-3)

LOCATION: 4236 S MADISON PL E
ZONED: RS-3

PRESENT USE: Residential
TRACT SIZE: 21000.36 SQ FT

LEGAL DESCRIPTION: LT 5 BLK 8, ALTA DENA PLACE

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located North of the NW/c of E. Madison Pl. and East 43rd Street.

STAFF COMMENTS: The applicant is requesting a Variance to reduce the minimum lot width in an RS-3 District from 60 feet to 50 feet to permit a lot split (Sec. 5.030, Table 5-3)
### STATEMENT OF HARDSHIP:
See attached comments from the applicant.

### SAMPLE MOTION:
Move to ________ (approve/deny) a Variance to reduce the minimum lot width in an RS-3 District from 60 feet to 50 feet to permit a lot split (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

Facing South on Madison
Exhibit “A”

The Applicant requests a Variance of Section 5.020-G and Table 5-2.5 of the Tulsa Zoning Code (the “Code”) to allow a lot split resulting in two lots, each with fifty feet (50’) of street frontage. The subject property is located at 4236 S. Madison Place (the “Property”).

The Property is located in Alta Dena Place which was originally platted in 1924. The owner desires to split the Property and develop it as two residential lots. An exhibit of the proposed lot split is attached hereto as Exhibit “B”.

Currently, the Property is considerably larger than a typical RS-3 lot and the lots in the area. When split, the two tracts will still meet all other bulk and area requirements of the RS-3 district, each with a lot area of 10,500 sf – 3,600 sf more than the minimum RS-3 lot area of 6,900 sf. Additionally, both lots will maintain a depth of 210 feet. The surrounding lots in the area are similar in depth but only 60’ wide on the east side of Madison and 50’ wide to the west facing Detroit.

The size and depth of the Property will allow for the development of two residences with front and rear yards and ample room to comply with all building setbacks and the lot width requirement results in unnecessary hardship to the owner. The lot split will result in lots that are more typical of an RS-3 district and more similar to the size of the surrounding lots. Therefore, the variance will not cause substantial detriment to the public welfare and is in harmony with the spirit and intent of the Code.
LOT 5 BLOCK 8
TRACT 1
10,500 SQ. FT
SSE°02'49"W
210.00

TRACT 2
10,500 SQ. FT
SSE°02'49"W
210.00

LOT 6
BLOCK 8

NOTES:
TRACT MEETS BULK AREA REQUIREMENTS OF RS-3
BEARINGS ARE ASSUMED THE NORTH LINE IS N89°02'49"E

LEGAL DESCRIPTION
TRACT 1
THE NORTH HALF TO LOT 5 BLOCK 8 ALTA PLAIN PLAQUE A SUBDIVISION
IN THE CITY OF TULSA, TULSA COUNTY OKLAHOMA

PLAT OF SURVEY

SURVEYOR'S STATEMENT

HRAOK AND I, SALVADOR TITONE, A PROFESSIONAL LAND SURVEYOR IN THE
STATE OF OKLAHOMA, DO HEREBY STATE THAT THE ABOVE MAP REPRESENTS A
SURVEY PERFORMED IN THE FIELD UNDER MY DIRECT SUPERVISION AND IS
TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS OF THIS
DATE. THIS SURVEY MEETS OR EXCEEDS THE MINIMUM STANDARDS FOR
SURVEYING IN THE STATE OF OKLAHOMA AS SET FORTH BY THE OKLAHOMA
STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND
SURVEYORS AS OF THIS DATE.

WITNESS MY HAND AND SEAL THIS 10TH DAY OF DECEMBER, 2020,

HRAOK

SALVADOR TITONE
PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1486

PREPARED FOR: BILL BUTTS
CHECKED BY: ST
SURVEY BY: GT
SURVEY DATE: 11/20/2020
REVISION NA
FILE NUMBER: 1912.25

DRAFTED BY: GT
JOB NUMBER: 201201.12

SCALE: 1"=30'

1800 W 61ST TULSA, OKLAHOMA 74107
PHONE (918) 618-7890 FAX (918) 618-7888

HRAOK ENGINEERS SURVEYORS PLANNERS

BEFORE YOU DIG
CONTACT OKLAHOMA ONE-CALL
1-800-522-6543

KOKST, UNDERGROUND LINES HAVE
BEEN SHOWN TO THE EXTENT KNOWN

SECTIONS

N S

E 0 15 30 60

SCALE: 1"=30'
APPERTANT: Lou Reynolds

ACTION REQUESTED: Variance to permit a swimming pool within the required 5 foot side street setback (Sec. 80.020-B; Sec. 90.090, Table 90-1)

LOCATION: 3541 S ROCKFORD AV

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: W. 50 OF LT-16-BLK-4, PARRAMORE 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 NE/c of S. Rockford Ave. and E. 36th St. The lot is non-conforming with respect to minimum lot width. RS-3 zoning districts require 6' wide lots and this lot is only 50'.

STAFF COMMENTS: The applicant is requesting a Variance to permit a swimming pool within the required 5 foot side street setback (Sec. 80.020-B; Sec. 90.090, Table 90-1)
Non-conforming lots are able to reduce their side street setbacks to 5’ under certain conditions, this means the applicant is seeking to reduce their side setback from 5’ instead of the typical 15’ as required in a conforming RS-3 zoned lot. Per the applicant the fence pictured in the packet is built on the lot line and the swimming pool would be setback 2’ to the East.
80.020-B Nonconforming Lots in Residential Zoning Districts

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

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

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**STATEMENT OF HARDSHIP:** See attached comments from the applicant.

**SAMPLE MOTION:** Move to ________ (approve/deny) a *Variance* to permit a swimming pool within the required 5 foot side street setback (Sec. 80.020-B; 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."
Subject property
ZONING CLEARANCE PLAN REVIEW

11/19/2020

Phone: (918) 232-4978

Carl Szafranski
7022 S. Birmingham
Tulsa, OK 74136

APPLICATION NO: POOLR-075275-2020 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 3541 S. Rockford Ave.

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. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.

2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.

3. A COPY OF A "RECORD SEARCH" IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT THE 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)
1. 80.020-8 Nonconforming Lots in Residential Zoning Districts

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

Review Comment: The proposed swimming pool is located on a non-conforming lot (does not meet the minimum lot width requirement for an RS-3 zoned lot) and is allowed to have a minimum street side setback of 5 feet on the west side of the property line. However, the site plan shows the pool on the west property line. Revise the pool location to be outside the 5 foot street side setback, and no closer than 30 feet to the centerline of S. Rockford Ave., or you may pursue a variance from the BOA to permit a swimming pool to be located within the 5 foot setback in a RS-3 zoned non-conforming lot.

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.

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
Exhibit “A”

The Applicant requests a Variance of Section 80.020-B of the Tulsa Zoning Code (the “Code”) to permit a swimming pool to be located within the five (5) foot side setback of a lawfully nonconforming lot in an RS-3 District for property located at 3541 S. Rockford Avenue (the “Property”).

The Property is located at the northeast corner of S. Rockford Ave. and E. 36th Street. The lot was platted in 1926 as part of the Parramore Addition and split into two, 50-foot-wide lots shortly thereafter in 1929. The Property is lawfully nonconforming as a lot of record established before July 1, 1970, prior to the adoption of the Code. The owner desires to add a swimming pool on the west side of the residence, as shown on the site plan attached hereto as Exhibit “B”.

The requested Variance is to permit the pool to be located within the five foot (5’) street side setback due to the narrow width of the lot. As shown on the Site Plan, the edge of the proposed pool will extend three feet (3’) into the setback on the west side of the Property.

The narrow, nonconforming lot with the existing residence built to the setback lines on the north, east, and south sides is unique to the Property and results in unnecessary hardship to the owner. The requested Variance will not cause substantial detriment to the public good or impair the spirit and intent of the Code.
Szafranski

Legal Description:

The Legal Description of the property is as follows:

[Legal description text]

Swimming Pool Equipment Notes:

- All Pumps: Stainless Steel by Puraflow
- Pump: TUTR by Puraflow with 2" Maljet
- Filter: C-100 by Puraflow
- Control: Control Panel by Puraflow

Additional Pool Notes:

- All gates leading to pool area must be self-closing, self-latching, and lockable.
- Fences, if required, must be a minimum of 5' in height.

General Notes:

- All changes to swimming pool must be reviewed and approved by contractors.
- All changes to pool area must be reviewed and approved by contractors.
- All changes to pool area must be reviewed and approved by contractors.

Note:

- All changes to swimming pool must be reviewed and approved by contractors.
- All changes to pool area must be reviewed and approved by contractors.
- All changes to pool area must be reviewed and approved by contractors.

Sheet Title:

Yardy Residence

Pool Permit Plan

Drawn By: [Name]

Dimensions: 17" x 26.5"
BOA-23071

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

Aerial Photo Date: February 2018
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9317
CZM: 37
CD: 4

HEARING DATE: 01/12/2021 1:00 PM

APPLICANT: Lou Reynolds

ACTION REQUESTED: Variance of Sec. 60.060-B of the Zoning code to allow two on-premise signs on the same street frontage in an OL District and a Variance of Sec. 60.060-C of the Zoning Code to allow 117 square feet of aggregate display surface of on-premise signage on the same frontage in an OL District

LOCATION: 2642 E 21 ST S

PRESENT USE: Office

ZONED: OL

TRACT SIZE: 101852.41 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 1, CROW-DOBBS OFFICE PARK II RSB PT HARTER'S 2ND&PT VIOGHT

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-14365; On 01.08.87 the Board approved a variance of the setback from the centerline of E. 21st St. from 60' to 45' for an existing sign.

BOA-10383; On 03.29.79 the Board approved an Exception to permit a floor area ratio of .40 for a two-story office building in an OL District.

Surrounding properties:

BOA-22938; On 06.23.20 the Board Denied a variance of the allowable display area and to allow a Dynamic Display sign in an OM District. Property located 2654 E. 21st St.

BOA-22405; On 03.13.18 the Board approved a Special Exception to allow a sign in the right-of-way. Property located 2654 E. 21st St.

BOA-21814; On 01.13.2015 the Board approved a variance of the allowable display area to permit a ground sign. Property located 2121 S. Columbia Ave.

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located West of the SW of E. 21st St. S. and S. Columbia Place. The property has frontage both on E. 21st St. and S. Columbia Place.

**STAFF COMMENTS:** The applicant is requesting a **Variance** of Sec. 60.060-B of the Zoning code to allow two on-premise signs on the same street frontage in an OL District and a **Variance** of Sec. 60.060-C of the Zoning Code to allow 117 square feet of aggregate display surface of on-premise signage on the same frontage in an OL District:

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**60.060-B Signs Allowed**

1. In addition to any sign exceptions allowed pursuant to [Section 60.030](#), any development identification sign allowed pursuant to [Section 60.060-B2](#), lots in office zoning districts are allowed a maximum of one on-premise sign per street frontage. The allowed on-premise sign may be a wall sign, a projecting sign or a freestanding sign. Roof signs and off-premise outdoor advertising signs are prohibited in office districts.

2. Development Identification Signs

Developments with multiple tenants are allowed a single monument style or freestanding sign with a maximum height of 8 feet at each street entrance to the development. Such signage shall count against the maximum sign area permitted on the lot in which it is located, and may not identify any tenant or tenants within the development.

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**60.060-C Maximum Area**

Signs allowed in the OH district may not exceed 48 square feet in area or 0.50 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may a sign in an OH district exceed 225 square feet in area. Signs allowed in all other O districts may not exceed 32 square feet in area or 0.30 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

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**STATEMENT OF HARDSHIP:** See attached comments from the applicant.

**SAMPLE MOTION:** Move to ________ (approve/deny) a **Variance** of Sec. 60.060-B of the Zoning code to allow two on-premise signs on the same street frontage in an OL District and a **Variance** of Sec. 60.060-C.
Sec. 60.060-C of the Zoning Code to allow 117 square feet of aggregate display surface of on-premise signage on the same frontage in an OL District

- 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."
Action Requested:
Section 910 - Principal Uses Permitted in Industrial Districts - Section 1228 - Moderate Manufacturing and Industry
for permission to operate a concrete batch plant in an IL District located SW of 36th Street North and Mingo Valley Expressway.

Presentations:
Harvey Carpenter, 4111 South Darlington Avenue, advised his client was proposing an exception to allow a moderate industry, concrete batch plant, which is in existence and has been granted two exceptions in the past. The applicant has five years left on an option and one year on a principal lease and is also negotiating for a ten-year lease on the property. A plot plan (Exhibit "K-1") was presented.

Mr. Gardner advised that the batch plant is located in an industrial area that is sparsely developed and this area is a good location for an operation of this type.

Mr. Carpenter stated the Tulsa Airport Authority would have the authority to terminate the lease if they decide to put a runway in the area. Flintco is a party to the lease on the property and the applicant, Oklahoma Concrete Products will be subleasing from Flintco.

Protestors: None

Board Action:
On MOTION of THOMPSON, the Board voted 4-0-0 (Lewis, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions"; Purser "absent") to approve an Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1228 - Moderate Manufacturing and Industry) to operate a concrete batch plant in an IL District, for a period of ten (10) years, on the following described tract:

Beginning at the SE corner of the NE/4 of Section 19, Township 20 North, Range 14 East, Tulsa County, Oklahoma; thence Westerly 331.10' to a point of beginning; thence North 150' along the East Line of Section 19; thence West 300'; thence South 150'; thence East 300' to the point of beginning.

Action Requested:
Exception (Section 630 - Bulk and Area Requirements In The Office Districts) to permit a floor area ratio of .40 and a two-story building in an OL District located south and west of 21st Street and Columbia Place.

Presentation:
Charles Herman, representing the prospective purchasers of the property, stated that the property is approximately three acres in size with substantial frontage on 21st Street. The western 1/3rd of the property is zoned OL and the remainder of the property is zoned KS-3. The subject application, which is to permit a floor area ratio of .40 and a two-story building in an OL District, is to be subject to the 3.29.79:282(12)
Final approval of OL zoning by the City Commission and the submission of a detailed site plan to the Board showing the location and arrangement of the building. Mr. Norman advised that the Planning Commission had recommended OL on all of the property except for the small lot on the east for which they recommended OM. The applicant is willing to accept this recommendation, subject to the Board approving the concept of the AO ratio and the two-story buildings. As part of the agreement with the neighborhood Association, the applicant would also amend the application and reduce the OM request to OL on the small lot which fronts on Columbia Avenue. This would allow maximum development of the tract with two story buildings and less floor area than under the zoning application as submitted.

Interested Parties:

Suzette Burch, 2607 South Utica Avenue, Chairman of the Utica Area Homeowners Association, advised that if the zoning on the property is reduced to OL the Homeowners Association will support the request for AO floor ratio and the two story buildings, subject to the two conditions presented by Mr. Norman.

Mrs. Earl R. Smith, 2502 East 19th Street, speaking in behalf of the Lewiston Gardens Homeowners Association, stated the group would not protest the request for a floor ratio of AO and the exception for two-story buildings on the property if the OL zoning was approved by the City Commission; however, the Homeowners could not approve the procedure of the Board of Adjustment approving an exception to zoning which does not exist as yet.

Discussion for the Record:

Board member Lewis asked Mr. Jackere if the Board was empowered to grant exceptions conditioned on the zoning being approved at a later time and was told that the Board has done so on several occasions in the past. Mr. Jackere advised he has researched the question and was unable to find any authority one way or the other; he stated that the only reason he could foresee was that the City Commission might be influenced one way or another by the Board of Adjustment's decision.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-1 (Lewis, Smith, Thompson "aye"; no "nays"); Walt "abstaining"; Purser "absent") to approve an Exception (Section 620 - Bulk and Area Requirements In the Office Districts) to permit a floor area ratio of AO and a two-story building in an OL District, subject to approval of OL zoning by the City Commission, and the applicant returning to the Board with a detailed site plan, on the following described tract:

Lot 27, Harter's Second Addition and Lot 2, Block 2, Voight Addition to the City of Tulsa, Oklahoma.
Case No. 14362 (continued)

Off-Street Parking and Loading Requirements - Use Unit 1214) at the
parking requirements; and to APPROVE a Variance (Section 280 -
Structure Setback from Abutting Streets - Use Unit 1214) of setback
from the centerline of Utica Avenue from 30' to 30' and from the
centerline of 15th Street from 50' to 50' to allow for parking per
plot plan submitted; finding that the new addition will be a
continuation of the existing building along the alley, with a solid
wall along that line which is across from the residential area,
therefore, making screening along the wall unnecessary; finding a
hardship on the basis that the business is located on a lot with
multiple zoning classifications, and the existing building
encroaches on 15th Street and the corner lot encroaches into the
planned major street setbacks on the following described property:

Lots 13 - 16, Block 1, Orcutt Addition, City of Tulsa, Tulsa
County, Oklahoma.

Case No. 14365

Action Requested:

Variance - Section 1221.3(f) - General Use Conditions for Business
Signs - Use Unit 1221 - Request a variance of setback from the
centerline of 21st Street from 60' to 45' to allow for an existing
sign in an OL zoned district, located at 2642 East 21st Street.

Presentation:
The applicant, Ted Ogden, 2666 East 61st Street, Tulsa, Oklahoma,
was represented by Matthew Lipinski, who stated that a second ground
sign was proposed for Sooner Federal, but an agreement has been
reached with the landlord for the construction of one sign on the
premises. He informed that there is an existing sign within the 60'
setback, and with the Board's approval the old sign will be replaced
with the new sign. He pointed out that there are other businesses
along 21st Street that have signs within the 60' setback. A plot
plan (Exhibit C-1) and photographs (Exhibit E-1) were submitted.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chaplin,
Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent")
to APPROVE a Variance (Section 1221.3(f) - General Use Conditions
for Business Signs - Use Unit 1221) of setback from the centerline
of 21st Street from 60' to 45' to allow the replacement of an
existing sign in an OL zoned district; per plot plan submitted;
finding that there are numerous signs along 21st Street that are
located as close to the street as the sign in question, and that the
variance request will not be detrimental to the area; on the
following described property:

01.22.87:482(4)
Case No. 14365 (continued)
Lot 1, Block 1, Crow-Dobbs Office Park II, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14366

Action Requested:
Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213 - Request a variance of the frontage requirements from 150' to 122.50' to allow for a lot split in a CS zoned district, located at 4015 South Harvard.

Comments and Questions:
Mr. Jones informed that TNAPC approved the lot split on December 21, 1985, subject to Board of Adjustment approval.

Mr. Gardner explained that the property in question consists of 2 different uses, Harvard Towers office building and a small strip center to the north. He informed that the purpose of the lot split is to divide the office district from the shopping center in order that the 2 properties can be mortgaged separately. He pointed out that there is adequate parking for both the office complex and the shopping center, with a common access agreement executed between the properties.

Presentation:
The applicant, Ancs Baker II, was represented by Charles Gotwals, 2000 Fourth National Bank Building, Tulsa, Oklahoma, who submitted a survey (Exhibit F-1). He explained that no physical changes will be made to the property, and asked the Board to allow a variance of the lot frontage on the north portion of the tract where the shopping center is located.

Protestants: None.

Board Action:
On MOTION of SMITH, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nay"; no "abstentions"; Quayle, "abstent") to APPROVE a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213) of the frontage requirements from 150' to 122.50' to allow for a lot split in a CS zoned district, per survey submitted; finding a hardship demonstrated by the size and shape of the tract; on the following described property:

Lot 2, Patrick Henry Addition, City of Tulsa, Tulsa County, Oklahoma.

01.22.87:482(5)
Action Requested:
Variance of the maximum allowable sign area in an OM District (Section 60.060-C); Variance to allow a dynamic display sign in an OM District for a use that is not public, civic, or institutional (Section 60.060-E). LOCATION: 2651 East 21st Street South (CD 4)

Ms. Radney recused at 5:37 P.M.

Presentation:
Christian Ortiz, 9810 East 58th Street, Tulsa, OK; stated this is for a sign that will exceed the allowable to 114 square feet. The electronic message center will be used as a static image only for the core tenant which is Keller Williams. The remaining ten spaces will be for the other tenants in the five-story building.

Mr. Van De Wiele asked Mr. Ortiz if the 108 square feet included the LED panel. Mr. Ortiz answered affirmatively.

Interested Parties:
Jennifer Overmyer, 2612 East 20th Street, Tulsa, OK; stated she lives in the neighborhood that backs up to Keller Williams, and the neighborhood has concerns regarding the sign and the lighting. It is not necessary to have this large of a sign because coming from the east driving to the west there is a good line of sight and coming from the west there is also a clear view of any signage. This proposed sign is quite a bit larger than the other modest signs in the area. The building is on the corner and the proposed sign could block other signs, and this new sign could start a domino effect of requests for larger lit signs. This will change the aesthetics of the mid-town area.

Mr. Wilkerson left the meeting at 5:42 P.M.

Rebuttal:
Christian Ortiz stated the sign is only 20 feet tall which is within Code requirements. There is other signage within the area; across the street there is a six-story office complex that has a sign that is also 20 feet tall. Across from Columbia heading east there is another sign that exceeds the 20-foot height, but he believes that is a sign that has been grandfathered in. Going down 21st Street there are several signs that are all 20 feet in height, including the bank and the medical facilities. The lighting panels will have an ivory vinyl overlay to mimic the color of the building and in keeping with the
design of the existing building, the Columbia Building. The message center is equipped with an ambient light source which adjusts to the surrounding light.

Mr. Wilkerson re-entered the meeting at 5:45 P.M.

Ms. Shelton asked Mr. Ortiz if the new sign would be placed in the existing planter. Mr. Ortiz stated that is where the sign will be located. This sign has been before the Board of Adjustment in 2018 and it was approved, but the owner at that time became discouraged with the process and has reached out to 3D to complete the permitting process. Mr. Ortiz the only thing that was left was to receive a right-of-way construction permit through the City of Tulsa Engineering Department. However, that owner provided an incorrect site plan showing the sign to be in the right-of-way and after additional surveying the sign is not in the right-of-way. Mr. Ortiz stated he has been in meetings with the Engineering Department and the Sewer and Water Department, and those departments agree the sign is not in the right-of-way.

Mr. Van De Wiele asked Mr. Ortiz to state the hardship for the request. Mr. Ortiz stated the visibility of the sign is limited heading east because of trees, and heading west the building is blocked by the highway underpass, by a seven-story building on the same side of the street and across the street there is a seven-story building. This is the only six-story building in the area without a tenant directory.

Comments and Questions:
Mr. Van De Wiele stated he does not see a hardship for the dynamic display.

Ms. Ross agreed with Mr. Van De Wiele about the dynamic display.

Board Action:
On MOTION of BOND, the Board voted 4-0-1 (Bond, Ross, Shelton, Van De Wiele "aye"; no "nays"; Radney "abstaining"; none absent) to APPROVE the request for a Variance of the maximum allowable sign area in an OM District (Section 60.060-C) and to DENY the request for a Variance to allow a dynamic display sign in an OM District for a use that is not public, civic, or institutional (Section 60.060-E), subject to conceptual plans 18.11 and 18.12 of the agenda packet. The Board has found the hardship to be the size of the previous sign in relation to the existing sign. 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:

RESERVE GREENHOUSE SECOND, City of Tulsa, Tulsa County, State of Oklahoma

Ms. Radney re-entered the meeting at 5:45 P.M.

22940—Abraham Adedokun

Action Requested:
Special Exception to permit a Type-2 Home Occupation (Beauty Salon) in an RS-3 District (Section 45.100-G). LOCATION: 7719 East 31st Street South (CD 5)

Presentation:
Abraham Adedokun, 7719 East 31st Street, Tulsa, OK; stated he would like to have a beauty salon in his home, and it would be an appointment only salon. The salon would be operated by his wife. He would convert his two-car garage into a beauty salon on one side and a one car garage on the other side.

Ms. Ross asked Mr. Adedokun how many clients his wife expects to see, what days of the week would the shop be open, and what would the hours of operation be? Mr. Adedokun stated that she will see two or three clients a day, and the shop would be open from 9:00 A.M. to 4:00 P.M. and occasionally 5:00 P.M., Monday through Friday with some Saturday appointments.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.
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:

E. 6" LT 9 ALL LT 10 BLK 1, LEWISTON GARDENS SECOND ADDN RESUB L10 GLEN ACRES, City of Tulsa, Tulsa County, State of Oklahoma

22405—Danny Overton

Action Requested: Special Exception to permit a freestanding sign within the City of Tulsa Right of Way (Section 60.020-E). LOCATION: 2651 East 21st Street South (CD 4)

Mr. Flanagan recused and left the meeting at 2:59 P.M.

Presentation: Danny Overton, 6440 South Lewis Avenue, Suite 2400, Tulsa, OK; stated he is the CEO for the asset management company for the subject property. Mr. Bullick of Bullick Enterprises, LP is the owner of the subject property. Mr. Bullick purchased the property two years ago with the intent of revitalizing the property and has been finalizing the renovations ever since. One of the last agreed to items in an agreement with the tenant was to erect a monument sign on the property. Once the other tenants heard about the monument sign they were all in support of it. The City has approved the sign so what he is asking is to be able to use the right-of-way to push the sign into the parking space, so it will fit. In 1959 an off-street parking easement was created for the subject property with the right to off-street parking. The easement is still in existence today. That is essentially the area he is asking to go into for the sign. Nobody takes advantage of the easement and this property has used it exclusively. The sign being erected is 10'-0" x 2'-6" x 17'-0" wide. All of those measurements have been agreed to by the City and have been finalized. The edge of the sign will stick into the drive area by about four feet or less. The detriment to the owner would be that he would not be able to live up to the full execution of the agreement that he has with the tenant, and he would lose the competitive advantage that most building of this size have. The ability to modernize is important for any development for today with multi-tenant buildings. At this time there
has been no utility infringement found that would interfere with placing the sign. The area for the sign is essentially five feet of one parking space. The sign will be a static sign with low energy LED lighting and the architecture will complement the building.

Mr. Van De Wiele asked Mr. Overton if he knew he had to have a license agreement with the City. Mr. Overton answered affirmatively.

Interested Parties:
There were no interested parties present.

Comments and Questions:
Ms. Back would like to have the condition added that the applicant receive utility company approval or sign off stating the sign will not interfere with any utilities.

Board Action:
On MOTION of BACK, the Board voted 4-0-1 (Back, Bond, Ross, Van De Wiele "aye"; no "nays"; Flanagan "abstaining"; none absent) to APPROVE the request for a Special Exception to permit a freestanding sign within the City of Tulsa Right of Way (Section 60.020-E), subject to conceptual plans 5.8, 5.9 and 5.10 of the agenda packet. The approval is subject to the following conditions: utility company approval or sign off to allow the sign to be located in the area depicted on the site plan, and subject to the City of Tulsa approval for a license and removal agreement within the right-of-way for the area. 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:

RESERVE GREENHOUSE SECOND, GREENHOUSE SECOND, BOOKER'S 2ND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Flanagan re-entered the meeting at 3:07 P.M.

22406—Brian Seller

Action Requested:
Variance to reduce the lot width in an RS-4 District to allow a lot split (Section 5.030). LOCATION: 1301 North Main Street (CD 1)

Presentation:
The applicant was not present. Mr. Van De Wiele moved the case to the end of the agenda.

Interested Parties:
There were no interested parties present.
client now wants to revamp the entire structure and place their ad on the top. The client wants to bring the sign into compliance, and to do that a Variance is needed.

Mr. Van De Wiele asked Mr. Ward how long he thought the arched top had been on the existing monument sign. Mr. Ward he would guess that it is less than five years.

Mr. White asked Mr. Ward if the sign would remain in the same location. Mr. Ward stated that actually the sign will be moved farther south approximately 75 feet on the property for better visibility. The sign will not be moved any farther east or no closer to Harvard.

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 to increase the square footage from 47 square feet to 66.9 square feet to allow for a ground sign (Section 602.B.4). The Board has found that the sign to be constructed is basically a reconstruction and replacement of an existing non-conforming sign. The new sign will be the same size and dimension of the existing sign. The sign to be constructed will be placed no closer to Harvard than the current existing signage. This approval is subject to conceptual plan 5.15 for the location and 5.16 for the style and size. 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:

N. 1/2 OF LT 2 BLK 3, VILLA GROVE PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21814—A-MAX Sign Company – Lori Worthington

Action Requested:
Variance of the square footage of display surface area per lineal foot of street frontage from 32 square feet to 124.6 square feet to permit a ground sign (Section 602.B.4). LOCATION: 2121 South Columbia Avenue (CD 4)
Presentation:
Greg Simmons, Twenty-first Properties, 2121 South Columbia, Suite 650, Tulsa, OK; stated Twenty-first Properties is the owner of the subject site. Today's request is to replace an existing sign that is on the property. The new sign will be the same height and width, and stay in the same location as the existing sign. The only difference is there will be a tenant panel added so tenants names can be added and displayed, and the width will be brought all the way down. The lack of tenant identification creates the hardship for the tenants in the building. Mr. Simmons believes that the new sign will not have any impact on the neighboring businesses and/or the neighborhood which is south of the subject property.

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 square footage of display surface area per lineal foot of street frontage from 32 square feet to 124.6 square feet to permit a ground sign (Section 602.8.4). This approval will be subject to conceptual plan on 6.18 for the size and 6.17 for the location. The new sign will be in the same location as the existing sign, and will be no taller and no wider than the existing sign. The Board has found that the size of the building warrants the information that needed to be conveyed as to who the occupants of the building are. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 1 BLK 1, VOIGHT ADDN AMD RESUB L1-4 B1, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21815—David Merrill

Action Requested:
Special Exception to allow an Enclosed Commercial Recreation facility, Use Unit 19, in an IL District (Section 901, Table1). LOCATION: 11915 East 51st Street, Bays 39-43 (CD 7)
Property entrance from Columbia

Subject property
Facing East on 21st St.
Exhibit “A”

The Applicant requests (1) a Variance of Section 60.060-B of the Tulsa Zoning Code (the “Code”) to allow two (2) on-premise signs on the same street frontage in an OL District, and (2) a Variance of Section 60.060-C of the Code to allow 117 square feet of aggregate display surface area of on-premise signage on the same street frontage in an OL District, for property located at 2642 E. 21st Street (the “Property”).

The Property is a 2.34 AC tract and the location of the 39,526 SF “21 Centre Park” office building, constructed in 1983. The office park is undergoing renovations to modernize the building and update signage, including adding signage for the new Grand Bank location.

Section 60.060-B of the Code allows for one (1) on-premise sign per street frontage. Multi-tenant developments, such as this one, are also allowed a development identification sign at the street entrance. The Property has 329 feet of street frontage to the north along E. 21st Street and 70 feet of street frontage to the east along S. Columbia Ave. Based on the foregoing, the Property is allowed to have two (2) on-premise signs by right – one oriented to 21st Street and one oriented to Columbia Ave, and a development identification sign at each street entrance. The Applicant desires to have both of its permitted on-premise signs oriented toward 21st Street.

The building entrance faces 21st Street, with Columbia used as a secondary access point into a side parking lot behind the Einstein Bagel shop. While the Code allows for up to 32 square feet signage along the east side of the building, the building is set back almost 200 feet from Columbia Ave and faces only parking lots. The Applicant desires to shift the 32 square feet of permitted signage along Columbia to face 21st Street.

The Applicant further requests a variance to allow 117 sf of signage to be oriented to 21st Street. Section 60.060-C of the Code permits 0.30 square feet of sign area per linear foot of street frontage, which allows for 99 square feet of signage for the Property facing 21st Street. The owner desires to have three (3) signs: A 55 SF Wall Sign, a 30 SF Development Identification Sign, and a 32 SF Tenant Identification Sign. A conceptual sign plan is attached hereto as Exhibit “B”.

If the 32 SF tenant sign were oriented toward Columbia, no relief would be necessary and all three proposed signs would be permitted by right. However, with the relocation of the 32 sf tenant sign to face 21st Street, the aggregate display area of the three signs is 117 sf, exceeding the 99 sf allowed under the Code.

The shape of the lot and the location of the building on the Property results in unnecessary hardship to the Property owner by effectively eliminating the availability of 32 square feet of otherwise allowable signage. The requested variances are the minimum to afford relief and will not cause substantial detriment to the public good or impair the spirit and intent of the Code.
ORTEN STEEL PLATE WELDED
N INNER STEEL ANGLE
I.E. DO NOT WELD CORNERS
HE CORREN. PLUG WELD TO
STEEL ANGLE FRAME. TOP
E WILL OVERLAP SIDE
ES ON ALL SIDES. CORNERS
E STRAIGHT 90 DEGREE
ES W/ NO GRINDING.

ACKLIT LETTERS ON 1"
— STAND-OFFS

2624
GRANDCENTER

FINAL SIGN LETTERING
VERIFIED BY OWNER
16" Corten steel plate welded to an inner steel angle frame. Do not weld corners of the Corten. Plug weld to the steel angle frame. Top plate will overlap side plates on all sides. Corners to be straight 90 degree angles w/ no grinding.

Tenant name plates are 1/8" stainless steel powder coated flat black on 1" stand-off rods. Tenant letters to be white vinyl (removable).

100 Grand Bank
112 Tenant
114 Tenant
116 Tenant
118 Tenant
224 Tenant
230 Tenant
215 Tenant
255 Tenant
TENANT DIRECTORY
PLAN VIEW

SCALE: 3/16" = 1'-0"
Note: Graphic overlays may not precisely align with physical features on the ground.