

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 26, 2021, 1:00 P.M.

Meeting No. 1265

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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CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

UNFINISHED BUSINESS

1. **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)**
2. **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)**

3. 23066—Tulsa Housing Authority

Variance to increase the width of the Build-to-Zone in a MX1-U District; Variance to reduce 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 South and South Jackson Avenue West **(CD 2)**

NEW APPLICATIONS

4. 23073—City of Tulsa – Mary Kell

Special Exception to allow a Public, Civic and Institutional Use/Library of Cultural Exhibit to permit a museum in an RS-3 and AG Districts (Section 5.020, Table 5-2 & Section 25.020, Table 25-2); Variance to increase the maximum permitted height of 35 feet in an RS-3 District (Section 5.030, Table 5-3). **LOCATION:** 1400 North Gilcrease Museum Road West **(CD 1)**

5. 23074—Rashad Hall

Special Exception to permit a bar within 150 feet of a residentially-zoned district (Section 15.020-G). **LOCATION:** 6202 South Peoria Avenue East **(CD 2)**

The applicant has withdrawn the application; relief is not needed per BOA-19355.

6. 23075—Tom Neal

Variance of the required 25-foot front street setback in an RS-3 District (Section 5.030, Table 5-3). **LOCATION:** 1624 South Victor Avenue East **(CD 4)**

7. 23076—Elizabeth Koelle

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:** 1213 & 1215 South Houston Avenue West **(CD 4)**

OTHER BUSINESS

8. 23067—Warkeisha Metoyer

Possible Reconsideration of a Variance to allow a detached accessory building in the street setback (Section 90.090-C). **LOCATION:** 4229 North Hartford Avenue East **(CD 1)**

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

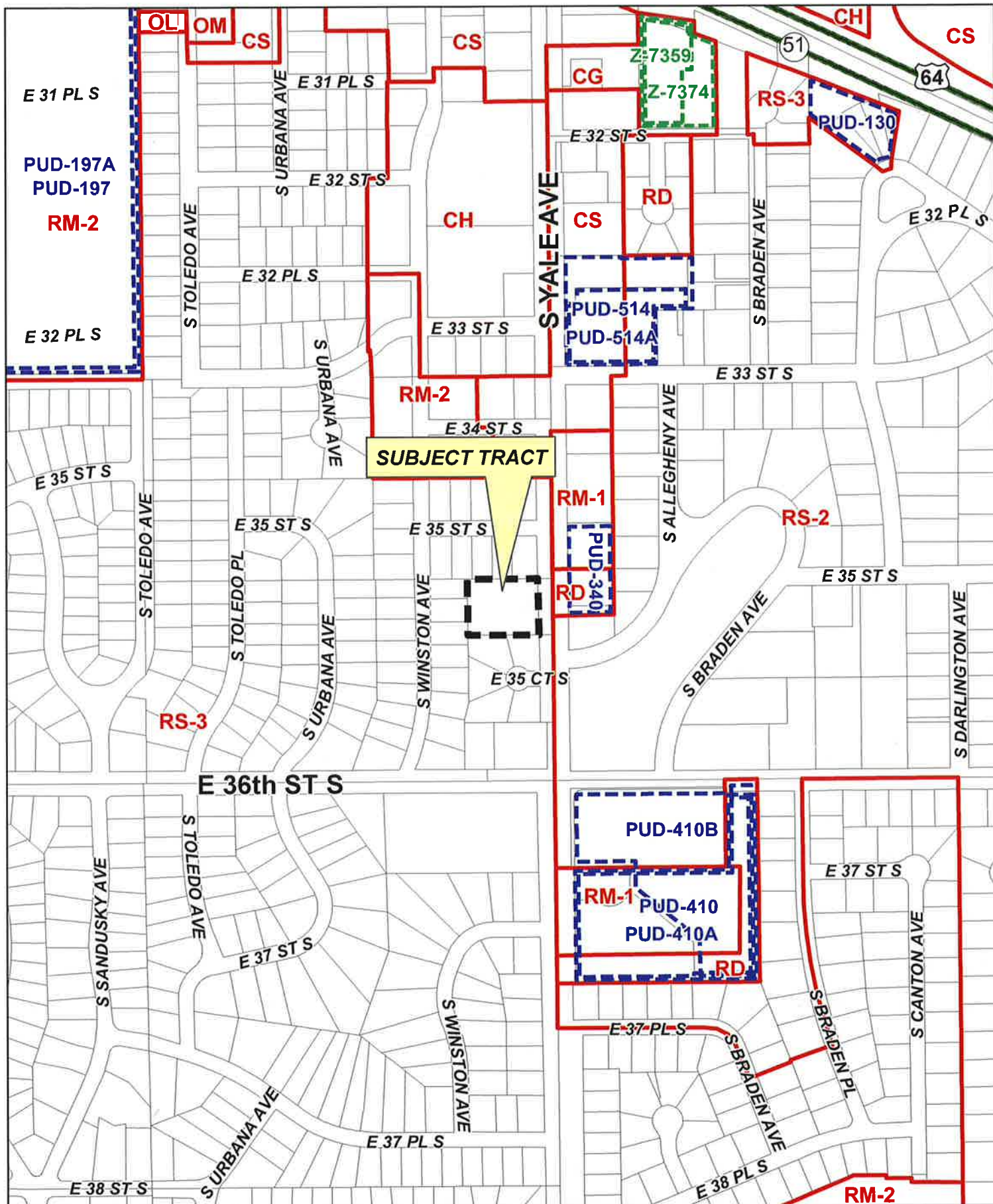
Website: tulsaplanning.org

E-mail: esubmit@incog.org

CD = Council District

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BOA-23051

BOARD OF ADJUSTMENT CASE REPORT

STR: 9321

Case Number: **BOA-23051**

CZM: 47

CD: 9

HEARING DATE: 01/26/2021 (Continued from 1/12/2021) 1:00 PM

APPLICANT: William Bell

ACTION REQUESTED: Special Exception to permit a 12-foot wall in the front street setback and a 10-foot wall around the perimeter (Sec. 45.080-A) and a Variance to allow a wall to be located inside the City of Tulsa right-of-way or planned right-of-way (Sec. 90.090-A)

LOCATION: 3514 S YALE AV E

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 44866.98 SQ FT

LEGAL DESCRIPTION: PRT SE NE BEG NEC N/2 S/2 SE NE TH W280 S195.11 E280 N195.11
POB LESS E50 THEREOF FOR RD SEC 21 19 13 1.03AC,

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-17811; On 09.09.97 the Board approved a Special Exception to permit Residential Treatment Center in and RS-3 District.

BOA-16040; On 05.26.92 the Board upheld a determination of an Administrative Official that the property was being used for commercial purposes and approved a Special exception to permit an Home Occupation (office) in an RS-3 District.

BOA-15102; On 04.20.89 the Board approved a special Exception for a church use in an RS-3 District.

BOA-14373; On 01.22.87 the Board approved a Special Exception to permit an Educational Facility in an RS-3 District.

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

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

The **Areas of Stability** include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located on the West side of Yale Ave. between E. 35th Ct. and E. 35th Pl. South. The property has never been platted and has no connections into the surrounding subdivisions.

STAFF COMMENTS: Applicant is requesting a **Special Exception** to permit a 12-foot wall in the front street setback and a 10-foot wall around the perimeter (Sec. 45.080-A) and a **Variance** to allow a wall to be located inside the City of Tulsa right-of-way or planned right-of-way (Sec. 90.090-A)

Section 45.080 Fences and Walls

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

Section 90.090 Setbacks

90.090-A Measurement

Required setbacks are measured from the applicable lot line, right-of-way, planned right-of-way or location referred to below. Building setbacks are measured to the nearest exterior building wall. Minimum setbacks that apply to other features (parking areas, fences, storage areas) are measured from the nearest point of the area or feature for which a setback is required. See 590.090-C for information on structures and building features that are allowed to occupy setback and yard areas in R zoning districts. Unless otherwise expressly stated, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan. If a variance of the prohibition against location of a structure within the right of way or planned right of way is granted by the Board of Adjustment, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan, unless a license has been granted by the city, in the case of the right-of-way, or a removal agreement has been entered into, in the case of the planned right-of-way.

The wall has been constructed without proper permits. In addition to the right-of-way, there are encroachments into easements that will have to be addressed with the City of Tulsa Engineering in addition to a license agreement or removal agreement.

STATEMENT OF HARDSHIP: The 12' wall built into the ROW was built before knowledge of the ROW. Work has stopped but the wall is structurally complete.

SAMPLE MOTION:

Special Exception:

Move to _____ (approve/deny) a **Special Exception** to permit a 12-foot wall in the front street setback and a 10-foot wall around the perimeter (Sec. 45.080-A)

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

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

Variance

Move to _____ (approve/deny) a **Variance** to allow a wall to be located inside the City of Tulsa right-of-way or planned right-of-way (Sec. 90.090-A)

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

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

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



Subject property



Facing South on Yale



Facing North on Yale



Northern Portion of Wall



Southern Portion of wall

Action Requested:

Special Exception for Use Unit 2 (residential treatment center) in a RS-3 zoned district. **SECTION 404.E.1. SPECIAL EXCEPTION IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9, located 3514 South Yale.

Presentation:

The applicant, **Cathy Grant**, represented by **Steve Schuller**, 320 South Boston, submitted a site plan (Exhibit H-1) and stated he is representing Christopher Youth Center, Inc. ("CYC"). Mr. Schuller informed the Board that CYC currently has three (3) residential centers in the City of Tulsa. The centers are located at 7th and Delaware, 15th Street & Broken Arrow Expressway and 35th Street between Harvard and Pittsburg Avenue. His client is moving out of the 7th and Delaware property due to the TU expansion. The center has been looking for a new site for the past two (2) to three (3) years. Mr. Schuller reminded the Board that they had granted the 35th Street CYC a special exception for a limited term of two (2) years in 1989 over considerable protest from the neighbors who were fearful of what might be located on the property and the operation of CYC. In 1991, when CYC returned to the Board for renewal of the special exception, all but one neighbor supported CYC and the minutes reflect petitions and letters of support that were submitted to the Board. He indicated that the neighbors found that the residents of CYC were well behaved, well supervised and the facility was well maintained. CYC is an experienced, proven organization, which has been in operation for 17 years. CYC provides homes for boys with emotional problems, which are victims of crimes and life's injustices. Mr. Schuller described the boys as troubled boys, but not boys who cause trouble. He explained that there are ten (10) boys proposed for the subject home, ranging in age seven (7) to seventeen (17). The boys are referred to CYC from all over the State of Oklahoma by the State Department of Human Services ("DHS"), agencies and by community health centers around the State. The boys are assessed by the referring agencies as eligible for residential care. CYC is licensed by the DHS as a child placing agency and is accredited by the International Joint Commission on Accreditation on health care organizations, which is the same organization that accredits hospitals and home care facilities. He stated that the residents of CYC are supervised 24 hours a day and there are three (3) counselors present in each facility from 6:00 a.m. to 11:00 p.m. He explained that at night there is one counselor on duty from 11:00 p.m. to 6:00 a.m. and the counselor is awake at all times. There are trained therapists present from 9:00 a.m. to 6:00 p.m. and on call for the weekends. He indicated that the therapists have Masters Degrees in social work with the clinical specialty. The residents attend Tulsa Public Schools ("TPS"), but not necessarily in the neighborhood where each center is located. Mr. Schuller indicated that TPS has determined that the residents should attend schools all over the City. Most attend schools that offer special classes for students with emotional problems and learning disabilities. The residents of CYC belong to Boy Scout Troops, Salvation Army Boys Club and attend the same activities as other youngsters of the same age. Christopher Youth Center is not affiliated with

any particular religious organization or group, however the residents are permitted to attend religious services of their choice. Mr. Schuller stated that CYC does not discriminate on the basis of race, color, national origin or handicap. He commented that abuse does not discriminate either and the residents of CYC have been abused at home. The average length of stay at CYC is one (1) year and when the resident leaves he returns to his own family, if the family has been rehabilitated, or with a relative, adopted family and foster family. Mr. Schuller reassured the Board that none of the residents have been adjudicated delinquent through the court system. The residents are taught respect and responsibility, self control, neatness and manners through a system of rewards for positive behavior and progress. The appearance of each of the existing facilities is the testimony of the manner in which the CYC are well maintained and good neighbors. Mr. Schuller submitted photographs of the subject property (Exhibit H-2) and stated that the subject property is screened from Yale Avenue by a thick hedge. He reminded the Board of a previous application that was denied for CYC and the Board's concerns with the application. He explained that CYC has gone to great lengths to locate property that addresses all of the Board's concerns that were voiced during the previous denied case. The subject property is more than one (1) full acre; the house has 6,000 SF; the subject property is located on an arterial street; the subject property only has access to Yale Avenue with a very large circular driveway and accessory driveways. There is no access from the subject property to the streets in the surrounding residential neighborhood. He indicated that the driveway has more than sufficient parking areas, including a four car garage on the side of the subject property. Mr. Schuller detailed the previous Board actions dealing with the subject property. He concluded that the subject property and the proposed use is in harmony with the spirit and intent of the Zoning Code. The subject property is ideally suited for this use because of its size, location and lack of access to the surrounding residential neighborhood. He stated that the proposed use will not be injurious to the neighborhood nor otherwise detrimental to the public welfare. Mr. Schuller requested the Board to grant the special exception requested by CYC.

Comments and Questions:

Ms. Turnbo asked the applicant if there will be regular hours for visitors or family to come to CYC? **Mr. Clay Langley**, Christopher Youth Center, 4012 East 35th Street, stated that there are opportunities for parents to visit and it is primarily on weekends. He explained that during the week there are some afternoon family therapy sessions. He stated that of the ten (10) residents that services are provided to, there may be an average of one (1) or two (2) families per week that visit on the subject property.

Mr. Dunham asked the applicant if CYC planned to maintain the facility on 35th Street if this facility is approved? Mr. Langley stated that the facility will be maintained as it is currently operating. He explained that there will be a CYC on 15th Street, 35th Street, however it is the property on 7th and Delaware that CYC will be vacating due to the TU Expansion. The current proposal is an established program and CYC is not proposing a new start up program nor expanding.

In response to Mr. Dunham, Mr. Langley explained that the CYC home on 35th Street is approximately a half mile away. The home is 5,000 SF, which sets on 2 acres of land. He indicated that the 35th Street CYC home is surrounded by 23 single-family dwellings. Mr. Langley concluded that there are ten (10) boys in each of the three houses.

Mr. White announced and recognized a letter of protest submitted (Exhibit H-3).

Protestants: The following protestants expressed the same concerns:

Marcus & Peggy Wright, 3531 South Winston; **Margaret Parker**, 3350 South Allegheny; **David Schultz**, 3564 South Winston, submitted a petition (Exhibit H-4); **Becky McCracken**, 4828 East 35th Street; **Gregory Falconetti**, 3570 South Winston; **Susan Little**, 3360 South Allegheny Avenue; **Marjorie Honeyman**, 4828 East 35th Court.

The following concerns were expressed by the above protestants:

The subject property is not accessible by north bound traffic on Yale Avenue and traffic has to go through the neighborhood to reach the property; security for the neighborhood and children; privacy fences do not screen adequately because of the topography of the property; property value decreasing; CYC is for profit organization; two facilities in the neighborhood; zoned RS and not business; vandalism; lack of supervision; noise level; pool on subject property too close to the fence; talked with residences at other CYC locations and found that there are problems with supervision; runaways; residents scaling the fence; staff is not required to have a college degree and often staff does not have a degree; concerns with CYC residents, with developmental disabilities, living on a street as busy as Yale Avenue; non-locked down facility; aggressive behavior; CYC residents on Ritalin, Thorazine, high blood pressure medication, anti-psychotic drugs; added traffic to the subject area.

Applicant's Rebuttal:

Mr. Schuller stated that in most of the incidences that the protestants mention, the CYC residents were not tied to the incident. He commented that there are not many residential properties in Tulsa that will meet this Board's concerns where facilities of this type should be located. The Board was very clear with the previous case where facilities of this type should be located. He stated that the Board was very clear on what the applicant was to look for when locating this kind of facility. He commented

his client has found the kind of facility that the Board has indicated his client should find. Mr. Schuller stated that if people go through the interior streets because of difficulties with medians, that is just something that has to be contended with. He reminded the Board that every time the Board has approved Use Unit 2 use for the subject property, it has been because the type of use has been specifically found not to be detrimental to the neighborhood. The CYC residents are supervised and are taken out of homes because the homes they are in have problems. The CYC residents have been abused by their families and are returned after the family has undergone sufficient counseling to warrant the CYC residents return. Mr. Schuller clarified that he did not indicate that the staff members all have Masters Degrees, but that the therapists have Masters Degrees. He explained that the facility is needed for the community and is well suited to the subject property. He stated that the subject property is the type of property that the Board has told his client to look for and the special exception should be granted.

Comments and Questions:

Mr. Bolzle asked the applicant how many automobile or bus trips will be made at the subject property on any given day? Clay Langley stated that there will be three (3) guidance counselors, a therapist and periodic family therapy sessions. He indicated that there is an average of five (5) to six (6) vehicles coming and going from the subject property. He explained that the residents ride school buses to school and there is an average of four (4) school buses.

In response to Mr. Bolzle, Mr. Langley stated that the school bus comes specifically to the subject property to pick up the boys for school. He further stated that the school buses will use the circular drive that is already in existence.

Mr. Bolzle asked the applicant to explain the nature of the outdoor activities, hours of operation and the level of supervision for outdoor activities? Mr. Langley stated that any time the boys are in the home and awake, there are three (3) guidance counselors on duty for ten (10) boys. He explained that currently the average age of the guidance counselors is 35 years of age and the minimum hiring age is 28 years of age. The outdoor activities consist of swimming, basketball, football, etc. He stated that when the residents are outside they are expected to be under supervision, but that doesn't always mean the counselor is within an arms reach. He explained that supervision could mean that the residents can be seen through a window or are immediately available. The activities frequently take place in City Parks, Salvation Army Boys Club, local gymnasiums, Big Splash, skating rinks, bowling alleys, etc. CYC tries to move six (6) of the boys off the property every afternoon after school for recreational activities. The remaining residents will have therapeutic activities. Mr. Langley stated that during the weekends the CYC residents clean the house in the a.m. and in the afternoon the houses are empty and the residents are engaged in

recreational activities. The routine bedtime for the residents is 8:00 p.m. with an overnight staff member for supervision.

Mr. Bolzle asked the applicant if there would be a limit on the outdoor activities and the times it is allowed? He stated that the residents are always in before dark.

Mr. Bolzle asked the applicant to explain the controls as to how the CYC residents enter and leave the facility? Mr. Langley indicated that the limitations are provided by staff supervision and there are instances where the residents run away. Mr. Langley stated that the policy indicates that they are to be followed by a staff member, but not chased. He explained that they do not want to entice a resident to run out into a busy street. He stated that usually the resident realizes that they are not being chased and stops to talk with the counselor.

Mr. Bolzle asked the applicant if the residents can leave through any of the exits from the backyard at anytime? Mr. Langley stated that on the subject property there is one gate, which can be locked and he will insure it will be locked. The only entrance or exit is out the front door.

Mr. Bolzle asked the applicant if there is any reason why CYC would not want to control the residents with only one exit? He answered negatively.

In response to Mr. Bolzle, Mr. Langley stated that each facility operates independently of the other CYC facilities. Occasionally a resident may be moved to a different CYC facility due to peer pressure.

In response to Mr. White, Mr. Langley informed the Board that CYC has been at the 7th Street location for 17 years, 15th Street location 11 years and the 35th Street location for 8 years. He commented that it speaks highly of the organization that there are neighbors less than four (4) blocks away that did not know they were there. He explained that there are no signs and the homes are for the residents to live in until they are able to return to their families. He stated that CYC runs a very low profile and would like to keep the children's privacy protected. He informed the Board that if the facilities were a danger to the neighborhoods, you would hear about it in the newspapers. He commented that CYC is not in the news and they are not a detriment to the neighborhood.

Ms. Turnbo asked the applicant if the older boys are allowed to go to the Junior High and High School evening activities? Mr. Langley stated that the boys living at CYC must be under their supervision at all times, unless they are under the direct supervision of TPS. The residents do attend dances and games, but they are supervised by a staff member who volunteers during their off time.

Mr. Bolzle stated that the only real concern is the proximity to the 35th Street facility already in existence. He commented that the concerns of the neighbors are valid and their concerns would be shared by any neighborhood where this facility is proposed. The Code provides and the Federal Government encourages the location of these types of facilities in residential neighborhoods, when they can be made appropriate. He concluded that this is an appropriate location except for the proximity of the existing CYC facility on 35th Street.

Ms. Turnbo commented that the location has met what the Board has said in past cases. She explained that she is concerned that this will be the second facility in the neighborhood. She stated that the Code allows a minimum 1/4 mile between the two facilities and there is approximately 1/2 mile between the proposed location and the 35th Street facility.

Mr. Bolzle stated he is compelled to make a statement because of Mr. Schuller's statements. Mr. Bolzle informed the applicant that the Board did not direct CYC to seek a location that met any criteria. The Board responded to an application that was being heard and cited concerns that the Board had. The Board's concerns cited during a hearing of an application should never be construed as a direction or directive to an applicant to seek a location that meets those concerns with the feeling that the Board would automatically approve the application. Each individual case has its own merits and the Board has to look at each case individually. Mr. Bolzle stated he would counter Mr. Schuller's suggestion that the Board somehow encouraged him to seek a location that met criteria that the Board had previously set out. That was not the intent and not the case.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Cooper "absent") to **APPROVE** a **Special Exception** for Use Unit 2 (residential treatment center) in a RS-3 zoned district. **SECTION 404.E.1. SPECIAL EXCEPTION IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9, per plan submitted; subject to the property be so secured so there is a central access and control point for activities in the house and in the backyard, so the staff can be aware of the comings and goings of the residents, and so that there not be free access from any point in the house or the backyard except for the requirements of the fire code and other codes; that there be no outdoor activities after dark; subject to the installation of an 8' fence along the northwest and south boundaries of the property with the pickets on the inside of the fence; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Case No. 17811 (continued)

Prt SE, NE, Beg. NE/c, N/2, S/2, SE, NE, then W 280', S 195.11', E 280', N 195.11', POB less E 50', Sec. 21, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17812

Action Requested:

Variance of the required 30' of frontage on a public street or dedicated right-of-way in an RS-1 district to permit a lot split. **SECTION 206. STREET FRONTAGE REQUIRED** - Use Unit 6 and a Variance of average lot width requirement. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 4636 South Evanston.

Presentation:

The applicant, **James McLean**, 1402 West James, Enid, 73101, representing his mother who is the subject property owner, submitted a site plan (Exhibit I-1) and stated that his mother has owned the subject property for 38 years. He explained that the subject parcel is oversized for an RS-1 district. It is nearly 127% of the average size lot in the neighborhood. He stated the variance will allow his mother to market the additional lot space. Mr. McLean indicated that within three (3) or four (4) blocks there are three examples where the lots were split in a similar fashion.

Comments and Questions:

Mr. White asked the applicant if the similar lot splits are in the same neighborhood? He indicated that the splits have been at 4900 block of South Columbia and 2800 block of 49th Street.

Mr. McLean stated that the subject lot has an average width of only 99' before the lot split.

In response to Mr. Bolzle, Mr. Stump stated that if the applicant had given 30' of frontage and had a panhandle neither lot would meet the minimum lot width. If the applicant did not give the panhandle the rear lot would have substandard lot width.

Mr. White asked the applicant to state his hardship in order to grant a variance. Mr. McLean stated that without the variance there would be no way to access the proposed lot.

Protestants:

Steven Allen, 4641 South Delaware, stated he did not see how the lot could be split and provide an attractive lot for development. He expressed concerns that the lot split would affect the property values in a negative fashion. Mr. Allen concluded that due to the closeness of his lot he is opposed to this application.

Case No. 16036 (continued)

that would warrant the granting of the variance request; and finding the placement of the advertising sign closer to the residential area would be injurious to the neighborhood and violate the spirit and intent of the Code; on the following described property:

Lot 1, Block 1, Fairfield Center Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16040

Action Requested:

Appeal of the Administrative Official that the property is being used for commercial uses - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 6**

or in the alternative

Special exception to permit an office as a home occupation - **Section 402.B.6. Home Occupations - Use Unit 11**, located 3514 South Yale Avenue.

Presentation:

The applicant, **G. D. Jonson**, 3514 South Yale, Tulsa, Oklahoma, submitted photographs (Exhibit B-2), and stated that a complaint has been filed that he is running a commercial business from his home. He explained that he is a petroleum writer and has set aside approximately 500 sq ft of office space in his home, with the remainder of the structure being a dwelling. Mr. Jonson stated he was not aware that a typist could not come to his home and type. He stated that he has done this for years, but has not had a typist since the last Board of Adjustment hearing. The applicant requested permission to hire a personal assistant to do research and typing. He informed that the property in question has been previously occupied by a church and a pre-school, but is now his home. Mr. Jonson stated that he has a lot of friends that visit the site, and it is not uncommon to have three or four cars parked in the driveway at any given time. The applicant stated that his home occupation will not have a sign, and is in compliance with the Code except for the typist. Letters of support (Exhibit B-2) were submitted.

Comments and Questions:

Mr. Doverspike asked the applicant if customers or vendors visit the property on a regular basis, and he replied that he is a writer; and his clients do not visit the residence.

Case No. 16040 (continued)

In response to Mr. Doverspike, the applicant stated that the entrances to his property are on Yale Avenue, and the back yard is used primarily for residential purposes.

Mr. Jackere advised that the Board can vary provisions of the Code pertaining to a home occupation permitted by right; however, there must be something unique about the property that would cause an employee to be needed. He informed that the request for an employee is not properly before the Board at this time. Mr. Jackere noted that an author is permitted to work out of his home by right, but an employee is not permitted by right in any home occupation.

Protestants:

Marcus Wright, 3531 South Winston, Tulsa, Oklahoma, stated that he has lived to the rear of the subject property for approximately two years, and on one occasion Mr. Stauss stated that he and Mr. Jonson were partners and used the home for office space. He question whether or not the property was occupied as a dwelling at the time of his conversation with Mr. Stauss. Mr. Wright stated that his wife does not work away from home and has noted numerous vehicles visiting the home during the day. He submitted a petition (Exhibit B-4) signed by homeowners in the immediate area.

Interested Parties:

Bill Stauss, 5520 South Urbana, Tulsa, Oklahoma, stated that he is a petroleum engineering consultant and a friend of Mr. Jonson. He stated that he visits Mr. Jonson's home on a regular basis to use his library for research purposes. He stated that there is not a business being operated at this location.

Mr. Jackere asked Mr. Stauss how long he has been using the library at Mr. Jonson's home, and he replied that he began to use the library in September 1991.

In response to Mr. Jackere, Mr. Stauss stated that the library is very large, covering two walls from the ceiling to the floor.

Mr. Jackere asked Mr. Stauss if he uses the library daily or weekly, and he replied that he visits the property in question on a weekly basis, and other friends also use the library.

Case No. 16040 (continued)

Mike McGraw, 4564 South Harvard, Tulsa, Oklahoma, stated that he sold Mr. Jonson the property to be used as his dwelling.

Margaret Connor, 4827 East 35th Court, Tulsa, Oklahoma, stated that she lives in the neighborhood and the applicant lives on the property and is an asset to the area.

Wesley McDorman, 1244 North Darlington, Tulsa, Oklahoma, a friend of the applicant, stated that Mr. Jonson purchased the property for his dwelling and there is not a business being conducted on the premises. He informed that Mr. Jonson has access to the top floor of his office building if he ever needs office space.

Candy Parnell, Code Enforcement, stated that she received a complaint regarding the subject property in February and, after checking the dwelling, has no reason to believe the applicant does not live at this location. However, upon entry to the house, she stated that the two front rooms had the appearance of an office, with desks, chairs and bookcases. She stated that the applicant was not at home, and the two women that spoke with her were very evasive when questioned about the type of home occupation being conducted on the premises. She added that there were several vehicles on the property that were not registered in Mr. Jonson's name. Ms. Parnell stated that she later contacted the applicant by mail, and he informed her that he is an author. She stated that the fact that there were two women in the home that obviously did not live there, and automobiles parked on the property that did not belong to the applicant, caused her to believe that some type of business was being conducted at this location.

Additional Comments:

Mr. Doverspike stated that there has been sufficient evidence presented that an enterprise of some nature is going on at this location, although it may not be improper for the area. He stated that the part-time employee seems to be the issue, since an author is permitted to have a home occupation by right.

Mr. Gardner advised that a consulting business, with clients visiting the home, would be required to have a special exception.

Case No. 16040 (continued)

Board Action:

On MOTION of CHAPPELLE, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye" no "nays"; no "abstentions"; S. White, "absent") to **UPHOLD** the decision of the Administrative Official that the property is being used for commercial uses - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; to **APPROVE** a **Special Exception** to permit an office (consulting business) as a home occupation - **Section 402.B.6. Home Occupations** - Use Unit 11; to **CONTINUE** a portion of the application to permit the applicant to file for a variance to permit an employee who does not live in the home; subject to the home occupation being limited to editing, publication, and research; and subject to the Home Occupation Guidelines; finding that there are mixed zoning classifications along Yale, and approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Part SE NE Beg NEC N/2 S/2 SE NE TH W280 S 195.11
E280 N195.11 POB Less E 50 Thereof for road SEC 21
T-19-N, R-13-E, 1.03 Acres Unplatted, Addition to
the City of Tulsa, Tulsa County, State of Oklahoma.

NEW APPLICATIONS

Case No. 16043

Action Requested:

Special Exception to amend a condition of approval to a previously approved variance, located 3901 South Harvard Avenue.

Presentation:

The applicant, Ted Wilson, 4038 East 27th Street, Tulsa, Oklahoma, stated that he previously received approval to have a greenhouse at the current location until May 1, 1992, at which time it was to be moved to the rear of the property. He explained that he has been making improvements to the garden center and has had numerous expenses since the previous approval. Mr. Wilson requested an extension of the time limitation previously imposed by the Board.

Comments and Questions:

Mr. Chappelle inquired as to the amount of time need to move the greenhouse, and Mr. Wilson requested a two-year extension.

5.26.92:610(9)

Case No. 15092 (continued)

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Chappelle, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205) to allow for an existing golf course and related uses in an AG District; finding that the use has been in existence for many years at the present location; on the following described property:

The NE/4 and a portion of the N/2, NW/4 of Section 13, T-18-N, R-13-E, Tulsa County, Oklahoma, being more particularly described as follows to wit:

Beginning at the NE/c, NE/4, Section 13, T-18-N, R-13-E; thence S 0°02'29" E along the east line of said NE/4 a distance of 2640.40' to the SE/c of said NE/4; thence S 89°46'36" W along the south line of said NE/4 a distance of 2635.68' to the SW/c of said NE/4; thence N 0°00'51" E along the west line of said NE/4 distance of 1320.16' to the SE/c of the NE/4, NW/4 of said Section 13; thence S 89°46'33" W along the south line of said NE/4, NW/4 a distance of 454.41'; thence N 0°00'51" E a distance of 1320.16' to a point on the north line of said Section 13; thence N 89°46'30" E along the said north section line a distance of 3087.54' to the Point of Beginning, containing 173.453 acres more or less. Less a tract identified as Tract "A" described as follows:

Beginning at the NE/c of said NE/4; thence S 0°02'29" E along the east line of said NE/4 a distance of 660.00'; thence S 89°46'30" W a distance of 660.00'; thence N 0°02'29" W a distance 660.00' to a point on the north line of said Section 13; thence N 89°46'30" E along the north line of said Section 13 a distance of 660.00' to the Point of Beginning containing 10.00 acres. The remaining acreage being 163.453 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15102

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow for church uses in an RS-3 zoned district, located 3514 South Yale Avenue.

Presentation:

The applicant, **James Smith, 2925 West 56th Street, Tulsa, Oklahoma**, stated that the Board had previously requested that he provide information concerning setbacks and parking. He informed that application has been made for an occupancy permit, and an extension of the privacy fence is required to screen the parking lot. A plot plan (Exhibit Z-1) was submitted.

4.20.89:537(2)

1.19

Case No. 15102 (continued)

Comments and Questions:

Mr. Chappelle asked Ms. Hubbard if the applicant complies with all requirements for obtaining an occupancy permit, and she replied that all requirements are met, except for screening of the parking lot along the north property line.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow for church uses in an RS-3 zoned district; per plot plan submitted and fencing requirements; finding that the building was previously used as an educational facility, and the granting of the request will not be detrimental to the area; on the following described property:

Beginning at the NE/c of said N/2, S/2, SE/4, NE/4; thence N 89°50'40" W along the north boundary of said N/2, S/2, SE/4, NE/4 a distance of 280'; thence south parallel to the east boundary of said N/2, S/2, SE/4, NE/4 a distance of 195.11'; thence S 89°50'40" E parallel to the north boundary of said N/2, S/2, SE/4, NE/4 a distance of 280'; thence north along the east boundary of said N/2, S/2, SE/4, NE/4 a distance of 195.11' to the Point of Beginning, LESS AND EXCEPT the east 50' thereof, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15111

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of front setback from the centerline of 4th Place from 52' to 51' to allow for an addition to the existing dwelling, located 4711 East 4th Place.

Presentation:

The applicant, **Tom McGuire**, 849 West 138th Place, Glenpool, Oklahoma, submitted a plot plan (Exhibit A-1), and requested permission to add a 3' extension to an existing garage. He pointed out that other structures in the area extend further into the setback than the proposed addition.

Protestants: None.

Case No. 14372 (continued)

Board granted a similar request for a variance of setback and screening requirements on the subject property, for a period of 3 years only. He informed that he has discussed the fence with his next door neighbor and found that he agreed to the installation of the chain link fence.

Comments and Questions:

Mr. Gardner asked the applicant if the west wall is solid, and he answered that it is solid. Mr. Gardner pointed out that the building wall will serve the same purpose as a screening fence, and the Board will have to determine if the balance of the lot shall have screening.

Interested Parties:

Laverne Tracy, stated that she owns the property to the east, 110 South Rockford, which houses the bar. She stated that, if the setback and the screening requirement are the only issues before the Board, she is not opposed to the application.

Additional Comments:

Ms. Bradley asked the applicant to state the use of the new building, and he informed that it will be used for an office and warehouse for storage of household goods.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1223) of setback from the abutting R Districts from 75' to 18" to allow for the construction of a building; and to **APPROVE** a **Variance** (Section 1223.3 - Use Conditions - Use Unit 1223) of the screening requirements; finding a hardship demonstrated by multiple zoning classifications in the area and the fact that the area is planned for industrial; and finding that the building will have no windows on the west and will actually serve as a screen between the applicant's lot and the abutting residential property; on the following described property:

Lot 2, Block 14, Lynch and Forsythe's Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14373

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow for an educational facility in an RS-3 zoned district, located at 3514 South Yale Avenue.

Presentation:

The applicant, Thomas Birmingham, 1323 East 71st Street, Tulsa, Oklahoma, stated that he is representing the Jane Ann Stola Educational Foundation. He explained that the property in question is a structure comprised of 2 single-family residences which have previously been joined together. He informed that the building will now be used as an educational facility for gifted children. Mr. Birmingham stated that the days and hours of operation will be Monday through Friday, 9 a.m. to 2:30 p.m. and 3:30 p.m. to 6:30 p.m. He noted that there are 42 students in the morning session, with 7 faculty, and 10 students, with 3 faculty, in the evening class. He stated that no changes will be made to the existing structure, and parking will be located to the rear of the building. Letters of support (Exhibit L-1) from the Highland Homeowner's Association and Margaret Conner, an area resident, were submitted to the Board.

Comments and Questions:

Ms. Bradley asked if the school plans an expansion, and the applicant replied that the size of the facility will not be expanded.

Ms. White stated that, in her opinion, the proposed use is a good one, but is concerned with the large amount of cars parked on the street during the evening hours. Ms. White asked the applicant if any plans are being made to enhance the parking area, and Mr. Birmingham replied that he is not aware of any such plans, but will relay the concerns to the owner.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow for an educational school facility in an RS-3 zoned district; subject to the school being limited to the existing structure and days and hours of operation being Monday through Friday, 9 a.m. to 6:30 p.m.; finding that the educational facility will be compatible with the neighborhood and in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

That part of the North Half of the South Half of the Southeast Quarter of the Northeast Quarter (N/2 S/2 SE/4 NE/4) of Section Twenty-one (21), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows, to-wit:

Case No. 14373 (continued)

BEGINNING at the Northeast corner of said N/2 of S/2 of SE/4 of NE/4; thence North 89°50'40" West along the North boundary of said N/2 of S/2 of SE/4 of NE/4 a distance of 280 feet; thence South parallel to the East boundary of said N/2 of S/2 of SE/4 of NE/4 a distance of 195.11 feet; thence South 89°50'40" East parallel to the North boundary of said N/2 of S/2 of SE/4 of NE/4 a distance of 280 feet; thence North along the East boundary of said N/2 of S/2 of SE/4 of NE/4 a distance of 195.11 feet to the Point of Beginning, LESS AND EXCEPT the East 50 feet thereof, City of Tulsa, Tulsa County, Oklahoma.

Additional Comments:

Ms. White asked Mr. Birmingham to relay to his client the concerns of the Board regarding the parking problem occurring during evening events at the school, and he assured Ms. White that he will deliver the message to the owner of the school.

Case No. 14374

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow for a church and related uses in an RS-3 zoned district.

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1205 - Request a variance of setback from the centerline of 46th Street North from 85' to 66'.

Variance - Section 440.7(d) - Special Exception Uses in Residential Districts - Use Unit 1205 - Request a variance of setback from the west property line from 25' to 24'.

Variance - Section 1205.3(a)1 - Use Conditions - Use Unit 1205 - Request a variance of lot area from 43,560 sq. ft. (1 acre) to 43,460 sq. ft.

Variance Section 1205.3(a)2 - Use Conditions - Use Unit 1205 - Request a variance to allow for parking in the required front yard.

Variance - Section 1340(e) - Design Standards for Off-Street Parking Areas - Use Unit 1205 - Request a variance of the screening requirements along the north, east and west property lines.

Variance - Section 1205.4 - Off-Street Parking and Loading Requirements - Use Unit 1205 - Request a variance of the parking requirements from 77 spaces to 52 spaces, located at 1205 East 46th Street North.

DANA L. BOX
ZONING
PLANS EXAMINER II

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

November 6, 2020

Phone: 918-902-8209

LOD Number: 2 REV
William S. Bell
2 E. Broadway
Sand Springs, OK 74063

APPLICATION NO: **BLDR-066028-2020**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **3514 S. Yale Ave.**

Description: **10' CMU Block Wall**

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

(continued)

REVIEW COMMENTS

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

BLDR-066028-2020

3510 S. Yale Ave.

November 6, 2020

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

1. **Sec. 45.080-A** - Fences and walls within required building setbacks may not exceed eight (8) feet in height, except that in required street setbacks (front setback) fences and walls may not exceed four (4) feet in height. The board of adjustment is authorized to modify these fence and wall regulations in accordance with the special exception procedures of Section 70.120.

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

2. **Sec. 70.080-C:** Applications for a Building Permit shall include a site plan that provides zoning data for the Zoning review portion of the Building Permit application. You have submitted a site plan that does not sufficiently cover all pertinent zoning data necessary for a complete review.

Review comment: ~~The zoning site plan is required to provide the following: Submit a site plan that provides the additional information listed below:~~

- ~~• Actual shape and dimensions of the lot (not all dimensions clearly indicated on plan);~~
- ~~• Location and dimensions of all easements;~~
- ~~• Public rights of way as designated on the Major Street and Highway Plan. S. Yale Avenue ROW is 120' total or 60' from the center line. Follow the link below:
<https://incog.maps.arcgis.com/apps/webappviewer/index.html?id=c688593e48564a81af1fc2609846e587>~~
- ~~• The location and dimensions of ALL existing buildings or structures, including distances to lot lines and distances to right of way;~~
- ~~• Architectural projections for existing and proposed buildings and structures. Indicate the distance from the edge of the footing of the fence to the right of way and the face of the wall to the right of way. No portion of the fence can be within the right of way. **RESOLVED**~~

3. **Sec. 90.90-A:** Required setbacks are measured from the applicable lot line, right-of-way, planned right-of-way or location referred to below. Building setbacks are measured to the nearest exterior building wall. Minimum setbacks that apply to other features (parking areas, fences, storage areas) are measured from the nearest point of the area or feature for which a setback is required. See §90.090-C for information on structures and building features that are allowed to occupy setback and yard areas in R zoning districts. Unless otherwise expressly stated, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not

shown on the major street and highway plan. If a variance of the prohibition against location of a structure within the right of way or planned right of way is granted by the Board of Adjustment, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan, unless a license has been granted by the city, in the case of the right-of-way, or a removal agreement has been entered into, in the case of the planned right-of-way.

Review comment: Apply for a variance reviewed and approved by the Board of Adjustment to allow a fence in the Yale right-of-way. Contact the Board of Adjustment (918-584-7526 or esubmit@incog.org) for further information. Also, you must apply for a License Agreement for building improvements located inside the City right-of-way. Contact Chris Kovac in Engineering Services at 918-596-9649 for further information. **UNRESOLVED**

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

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

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

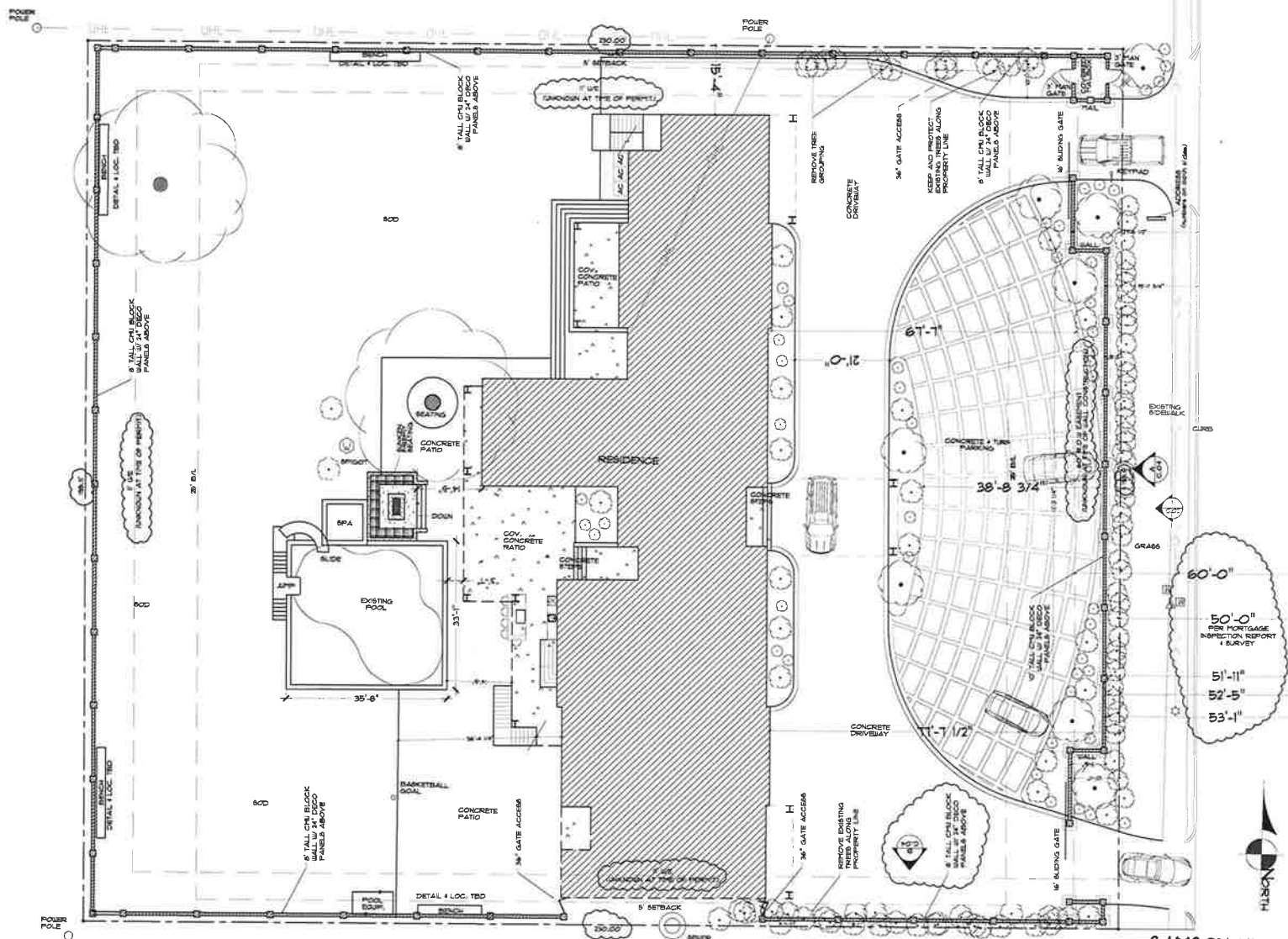
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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

END – ZONING CODE REVIEW

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

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



SAMSON HEIGHTS
TULSA, OK.

6 SOUTH YALE AVENUE

CONSTRUCTION MANAGER:
WSB Homes, LLC
2 E. Broadway
Sand Springs, OK, 74063
c: 918.902.8209
wsbhomes.com

PROJECT FOR:
Samson Heights
3514 South Yale Avenue
Tulsa, OK 74135



TO VIEW ALL OF OUR COLLECTIONS, INCLUDING
NEW ARRIVALS, VISIT US ONLINE AT
WWW.CLOUTIER.COM. WE ARE IN CONCORD,
MASSACHUSETTS.

DRAWING PAGE 24 OF 28	REVISION
	1 06 09 2016
	2 06 17 2016
	3 07 23 2016

REVISIONS
Δ 06 09 2016
Δ 06 17 2016
Δ 07 23 2016
Δ 07 08 2016

SUFF
C.03

WSB HOMES, LLC
2 E. BROADWAY
SAND SPRINGS, OK 74063
P: 918.902.8209
WWW.WSBHOMES.COM



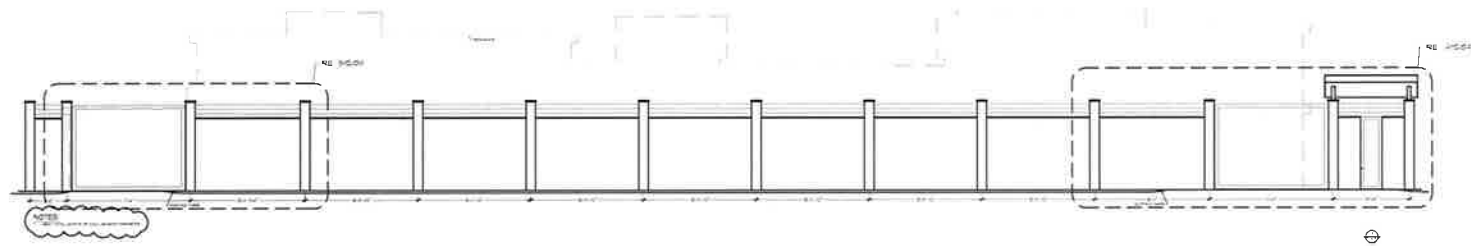
WSB HOMES, LLC
2 E. BROADWAY
SAND SPRINGS, OK 74063
P: 918.902.8209
WWW.WSBHOMES.COM

PROJECT FOR:
Samson Heights
3514 South Yale Avenue
Tulsa, OK 74135

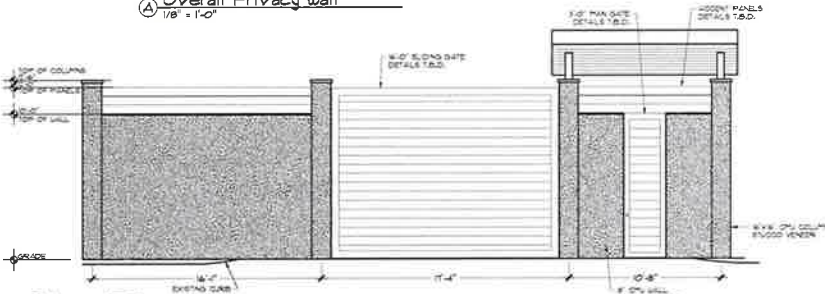
CONSTRUCTION MANAGER:
WSB Homes, LLC
2 E. Broadway
Sand Springs, OK 74063
c: 918.902.8209
wsbhomes.com

DRAWING
DATE: 01-14-2020
BY: J. J. JONES
CHECKED: J. J. JONES
DATE: 01-14-2020

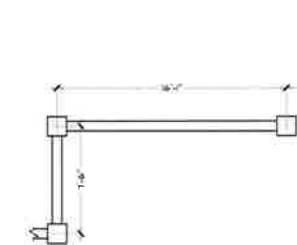
WSB
C.04



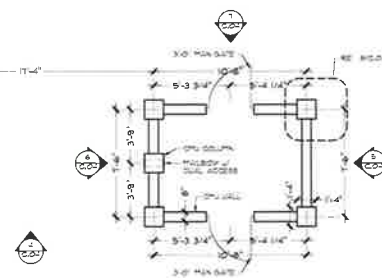
① Overall Privacy Wall
1/8" = 1'-0"



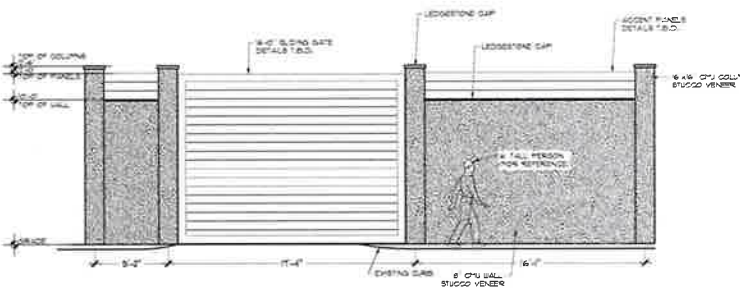
④ Enlarged Privacy Wall
1/4" = 1'-0"



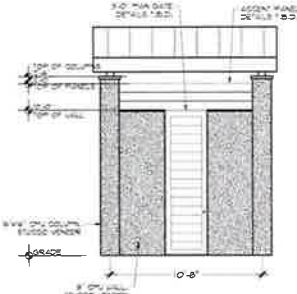
② Enlarged Privacy Wall
1/4" = 1'-0"



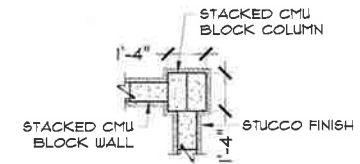
③ Enlarged Privacy Wall
1/4" = 1'-0"



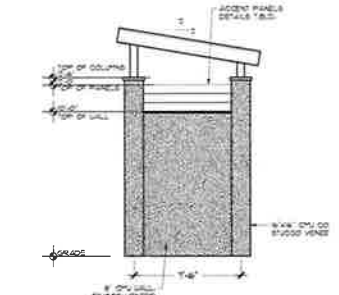
③ Enlarged Privacy Wall
1/4" = 1'-0"



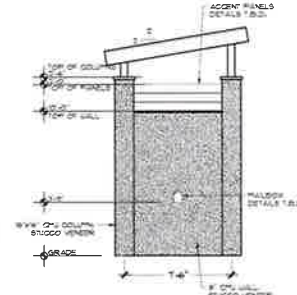
① Enlarged Privacy Wall
1/4" = 1'-0"



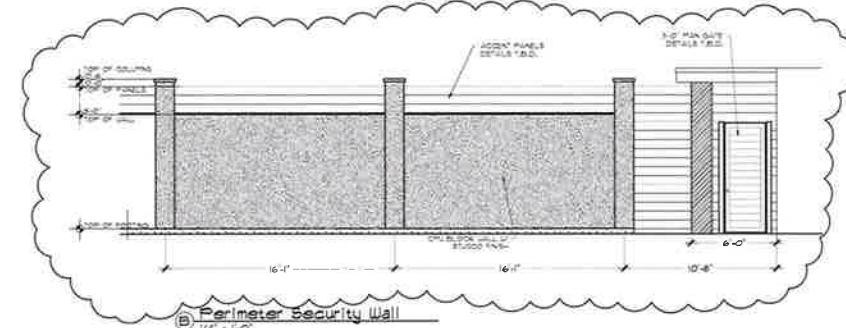
⑤ Enlarged Privacy Wall
1/4" = 1'-0"



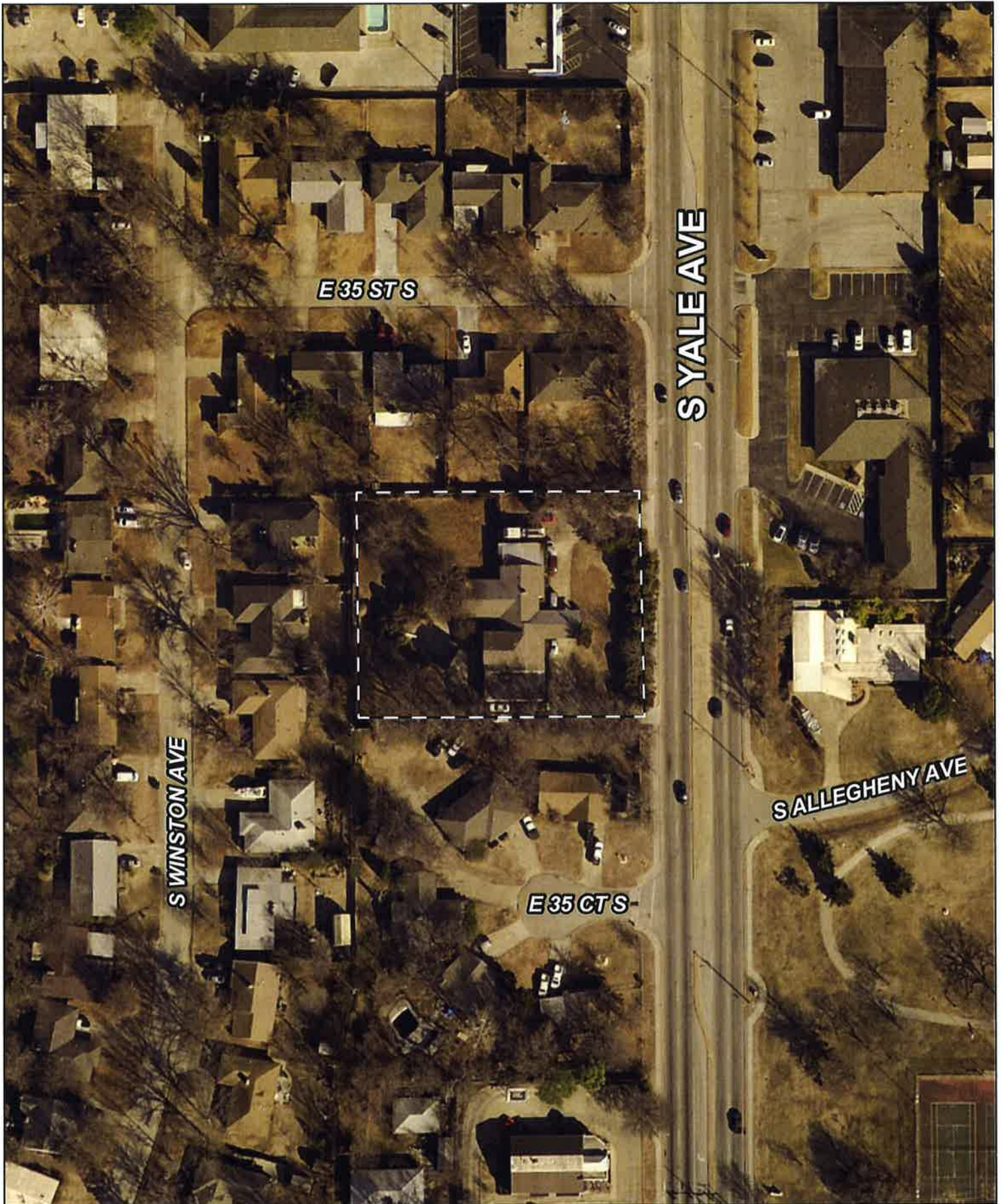
⑤ Enlarged Privacy Wall
1/4" = 1'-0"



⑥ Enlarged Privacy Wall
1/4" = 1'-0"



⑦ Perimeter Security Wall
1/4" = 1'-0"



0 50 100
Feet



Subject
Tract

BOA-23051

19-13 21

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

Aerial Photo Date: February 2018



1.29



Subject
Tract

BOA-23051

19-13 21

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

Aerial Photo Date: February 2018



1.30

Chapman, Austin

From: Andrew 'Tim' Maddox <att_maddox@hotmail.com>
Sent: Wednesday, November 25, 2020 12:44 PM
To: esubmit
Subject: Comments on Case: BOA-23051

Members of the City of Tulsa Board of Adjustment,

Referencing:
Case Number: BOA-23051

Name:
Andrew Maddox

Address:
3506 South Winston Avenue,
Tulsa, OK 74135

I am not in favor of a special exemption to permit the wall built at the private residence located at 3514 South Yale Avenue.

The current property owners removed the previously existing natural barrier and replaced it with a non-compliant wall.

The reason for the special exemption is not cited in the hearing notice. I'm assuming they are either justifying their needs based on privacy and/or noise-abatement; which they have the means through existing compliant remedies to resolve, i.e. a compliant 4-foot front-facing wall and any mix of trees and shrubbery.

Thank you for your time and attention to this matter.

Respectfully,

Andrew Maddox

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LEFT BLANK**

Sparger, Janet

From: Cindy Rodriguez <cindy.r1001@yahoo.com>
Sent: Tuesday, December 8, 2020 7:30 AM
To: esubmit
Subject: Case# BOA-23051

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.

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 in tact.

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 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

1.33

October 19

7:08 PM

[Edit](#)



1.34

1.35

1 of 4



3 of 4



1.37



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@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:



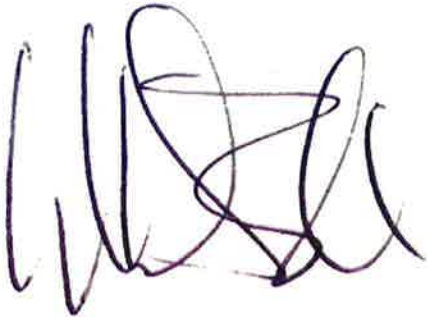
Wall with Decorative Iron



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 essements. 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,

A handwritten signature in dark ink, appearing to read 'William Bell', with a stylized, cursive script.

William Bell
WSB Homes

Impact Medical Marijuana processing (Moderate-impact Manufacturing & Industry Use) in the IL District (Section 70.120) approved in Case BOA-22981, subject to conceptual plan 22.6 of the agenda packet and designated as Suite C on the conceptual plan. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 8 BLK 3, EASTGATE INDUSTRIAL PARK THIRD ADDN RESUB, City of Tulsa, Tulsa County, State of Oklahoma

23051—William Bell

FILE COPY

Action Requested:

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)**

Presentation:

William Bell, 2 East Broadway Street, Sand Springs, OK; stated the project is to allow a ten-foot sound/security wall on the front easement of the subject property. The issue is that there are easements around the entire property that he was not aware of during the original permitting process and construction has already started. The wall is built, and he would like to have the wall stay as constructed.

Mr. Van De Wiele asked Mr. Bell if he was asking for a twelve-foot wall on the front and a ten-foot wall around the remainder of the property. Mr. Bell answered affirmatively.

Mr. Van De Wiele asked Mr. Bell what type of easements are surrounding the property. Mr. Bell stated they are utility easements. On the south side there is a sanitary sewer easement; a quarter of the sewer is on the subject property. On the north side there are power lines.

Mr. Van De Wiele asked Mr. Bell to explain how the easements necessitate a taller wall. Mr. Bell stated the front wall is one item and it is currently in the Tulsa right-of-way. The second issue is the ten-foot-tall wall around the perimeter inside an easement.

Mr. Van De Wiele asked Mr. Bell why is the homeowner wanting a twelve-foot wall in a location where there normally would only have a four-foot wall or fence, and why does the homeowner want a ten-foot wall where there would otherwise normally only be allowed an eight-foot wall? Mr. Bell stated that during construction, when the project was first started, there was a six-foot chain link construction fence that was continuously broken in to, and through the first eight months of the project the lock and chain on that fence was replaced seven times and then overnight security was hired to sit in front of the house for four months. With the wall built the theft ceased. His client lived on the

BOA - 23051

property as a child and he is a well-known businessman and wants his privacy and protection for his family. The homeowner is concerned about someone being able to jump a four-foot fence and a person cannot climb or jump a ten-foot wall.

Mr. Van De Wiele asked Mr. Bell to explain what the planned finish of the fence will be when it is completed. Mr. Bell stated the planned finish is white stucco and stucco columns, and landscaping appropriately placed to soften the wall.

Mr. Van De Wiele asked Mr. Bell if the columns were twelve feet or is it the wall that is twelve feet tall? Mr. Bell stated the columns are twelve feet and the wall is ten feet, but there will be two feet of decorative iron work on the top. There will be two gates that will be iron, and they will match the iron on top of the wall.

Mr. Brown asked Mr. Bell if all the walls were sitting in easements. Mr. Bell stated that there is a section of the fence that sticks out farther than the rest of the wall and that section is 112 feet long, and on each side of that the wall jumps inside the right-of-way so there is 112 feet in the right-of-way.

Mr. Chapman informed the Board that the easements around the perimeter are not being relieved at this hearing, the applicant would still need to have those addressed by City Engineering. Mr. Chapman stated that he has discussed this with the applicant and has referred him to Chris Kovac with the City of Tulsa Engineering. Mr. Bell stated that he is currently working with Chris Kovac.

Mr. Van De Wiele asked Mr. Bell if the gates were in the planned right-of-way. Mr. Bell answered no.

Mr. Van De Wiele asked Mr. Wilkerson if the gates were compliant with driving surface and sidewalks. Mr. Wilkerson stated that in the past, if the Board supports the idea of the height and if this is in the planned right-of-way or the right-of-way, either one, the Board has approved a fence at a certain height in conjunction with that approval there was a provision to obtain approval for the gate location. In that proposal the plan was to place the gate in the planned right-of-way, and in this plan, it looks like the gate is outside of the planned right-of-way.

Mr. Chapman stated that the subject property has never been platted and he thinks there is only 50 feet dedicated right now, so there is ten feet that is considered planned right-of-way.

Mr. Bell stated that the next item would be the wall and the structure, a garage, on the south side of the property. The garage is currently five feet into the utility easement.

Mr. Brown asked Mr. Bell if the garage was already built. Mr. Bell stated the garage is not built but the footings are poured, but the slab is not poured.

Mr. Van De Wiele asked Mr. Chapman about what Mr. Bell stated about the garage because he does not see a request regarding a garage. Mr. Chapman stated that he did not know. Mr. Chapman stated the Board is dealing with the wall height in the front and the right-of-way; the Board cannot do anything about the easements.

Ms. Radney asked Mr. Bell if he had the mortgage plat before the site was planned. Mr. Bell answered no. Mr. Bell stated he did not receive the mortgage plat inspection; when it was brought to his attention that the property was an unplatted piece of land and that there were easements involved that is when he requested more information from his client and that is where he found the mortgage inspection report. Ms. Radney stated that she thinks that right now the Board is looking at is not mortgageable.

Mr. Van De Wiele asked Mr. Bell if the plan depicted on page 23.7 was submitted for building permits. Mr. Chapman stated that it is his understanding that it was, but at this point what Mr. Bell was cited for is for the erection of the wall. Mr. Van De Wiele asked if the wall or the wall height not shown on the building permit. Mr. Chapman stated the applicant did not receive approval for the wall, he submitted after the wall was already up. Mr. Bell stated that because it was a private piece of property, he did not understand that he needed to get a wall or fence permit. Mr. Van De Wiele asked if the wall was shown on the original building permit? Mr. Bell stated the wall was shown on his original site plan. Mr. Van De Wiele asked Mr. Chapman if that had not been caught at the zoning review. Mr. Chapman stated that it should have been, but he does not know if the height of the fence was shown.

Mr. Van De Wiele asked Mr. Bell where the fence makes the transition from eight feet to ten feet. Mr. Bell stated that it makes the transition at the south and north property corners.

Ms. Shelton asked Mr. Bell if the gates were intended to be both entrance and exit gates. Mr. Bell stated the plan is to have the north gate as the entrance and the south gate as the exit based on the current curb cuts.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Ms. Radney stated that she has not heard a hardship for the height of the block wall. Mr. Van De Wiele stated the request is a Special Exception, so no hardship is required.

Mr. Van De Wiele stated that twelve feet is awfully tall. There are areas in Tulsa along arterial streets that the Board has allowed six-foot chain link fences and eight-foot wrought iron fences, but he does not remember a twelve-foot wall around a house anywhere in Tulsa.

Ms. Radney stated that she would be a hard no vote on anything over eight feet and probably a no for the location of the Variance request.

BOA - 23051

FILE COPY

Mr. Van De Wiele suggested a continuance in this case to allow the applicant to bring another plan for consideration. Mr. Van De Wiele stated that he hates to put projects on hold but that the nature of what happens when a person builds without a permit.

Mr. Chapman informed Mr. Bell that the issue of trying to get something approved through Engineering, they will not give him an answer until an application is filed. He does not know what design the wall actually went through but the City will want to see something from a Structural Engineer regarding the wall.

Board Action:

On **MOTION** of **SHELTON**, the Board voted 4-0-0 (Brown, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **CONTINUE** the request for a 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) to the January 12, 2021 Board of Adjustment meeting; for the following property:

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, City of Tulsa, Tulsa County, State of Oklahoma

23052—Back Land Use Planning – Carolyn Back

Action Requested:

Variance to reduce the required 15-foot side yard setback (Section 5.030-B, Table Note 3). **LOCATION:** 1917 East Archer Street North (CD 3)

Ms. Shelton recused and left the meeting at 3:38 P.M.

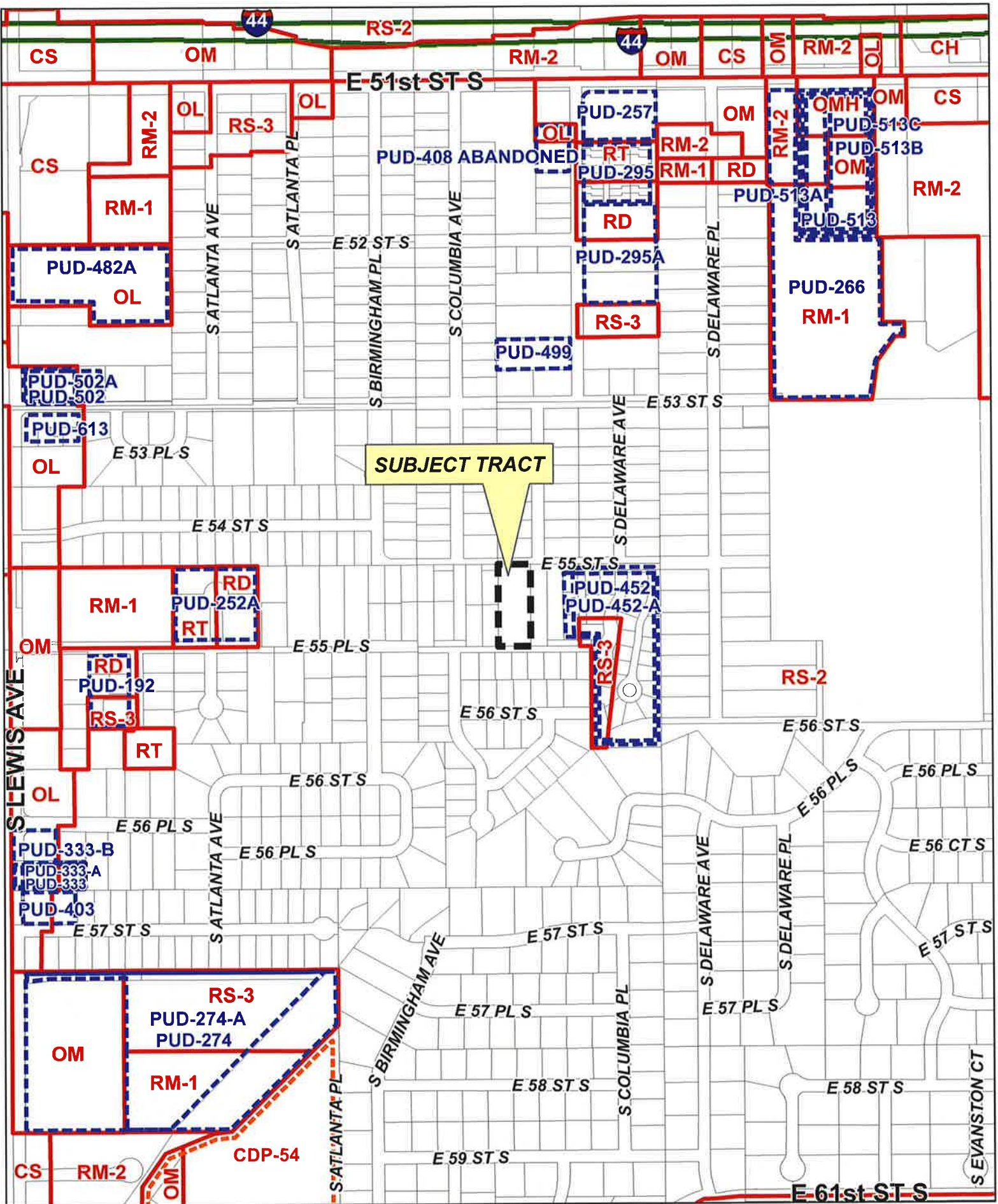
Presentation:

Carolyn Back, Back Land Use Planning, 632 East 3rd Street, Tulsa, OK; stated the requested Variance is to go from a 15-foot side yard setback to a 13-foot side yard setback. The subject property is part of the Cherokee Heights plat filed in 1910, and it was platted with inadequate corner lot width prior to the adoption of the City of Tulsa Zoning Code. The two feet is needed to accommodate the width of a modest modern sized house. There is a planned garage with a driveway entering from Archer Street.

Mr. Van De Wiele asked Ms. Back if the house would front on to Xanthus. Ms. Back answered affirmatively.

Interested Parties:

There were no interested parties present.



BOA-23065

19-13 32

2.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9332

Case Number: BOA-23065

CZM: 47

CD: 9

HEARING DATE: 01/26/2021 (Continued from 1/12/2021) 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".

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located West of 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)

2.2

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.

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

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

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."

DANA L. BOX
ZONING OFFICIAL
PLANS EXAMINER II

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

January 7, 2021

LOD Number: 2 REV
Allison Ketron
2713 E. 55th Pl.
Tulsa, OK 74105

Phone: 918-671-9341

APPLICATION NO: **BLDR-069244-2020**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 2713 E. 55th Pl.

Description: Accessory Structure

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

REVIEW COMMENTS

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

BLDR-069244-2020

2713 E. 55th Pl.

January 7, 2021

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. 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]

Review Comments: The building you are proposing is 2,000 square feet. (40 x 50 x 12), which exceeds the 782 square foot maximum. 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 achapman@incog.org or 918-579-9471.

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

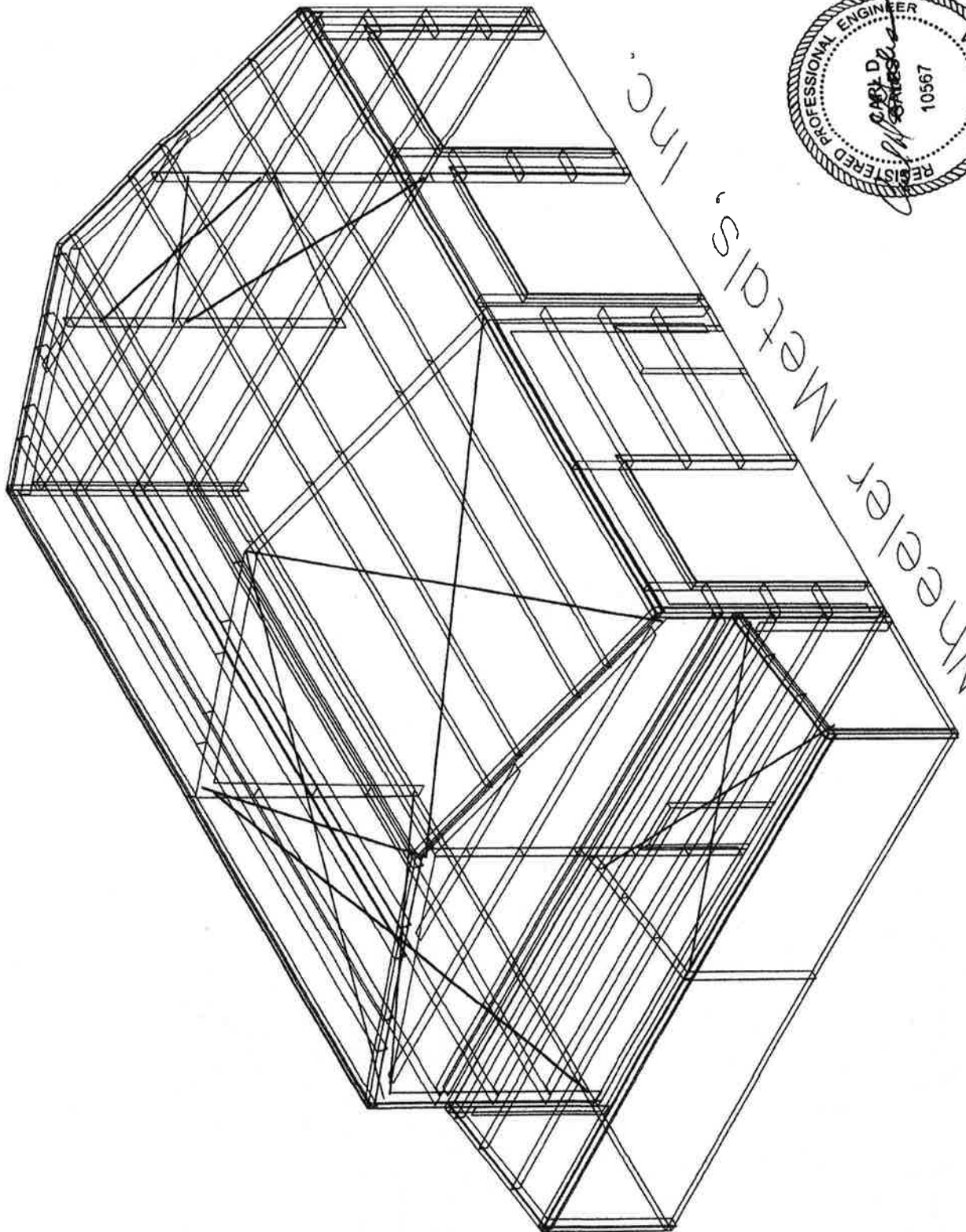
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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.



Wheeler Metals, Inc.





Subject property



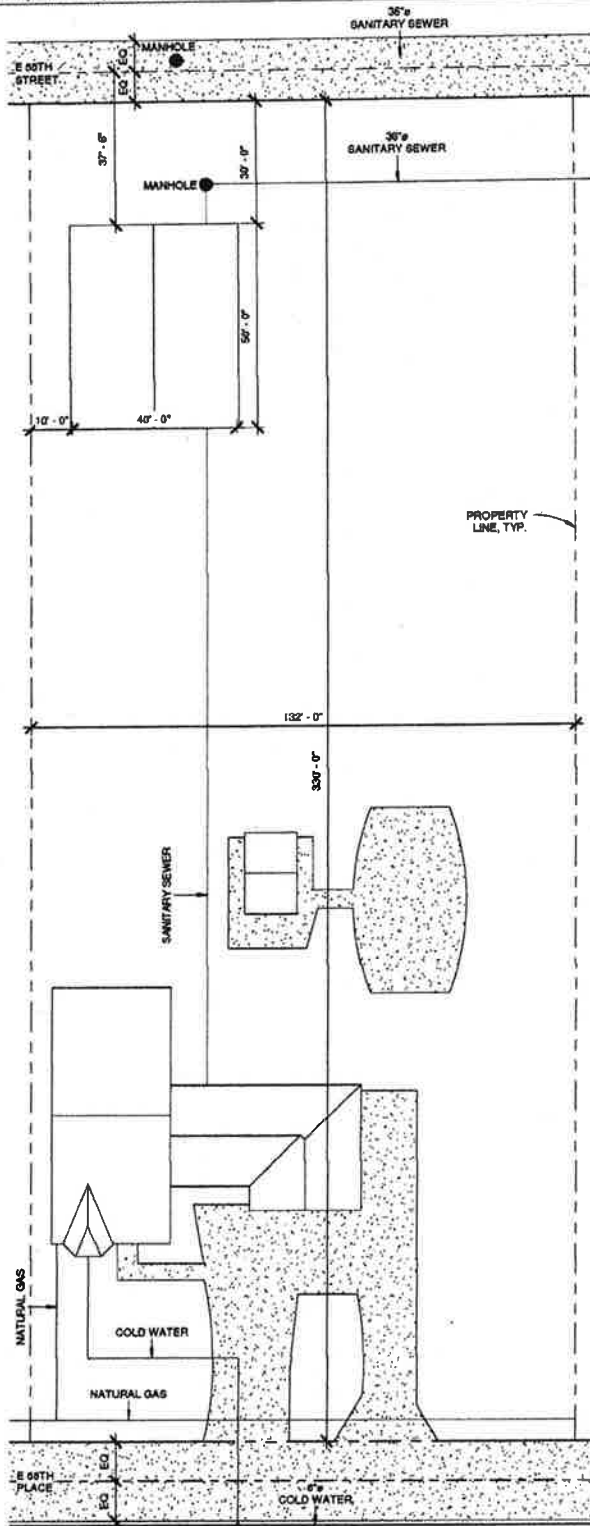
E. 55th Pl. facing East.



East 55th Pl. facing West.



Subject property from E. 55th St. (Image used from Google Street View, image capture December 2015.)



1 Site Plan
1" = 50'-0"

<div> <div>C1</div> <div>Drawing Number</div> </div>	<div> <div>Checked RLP</div> <div>Drawn RLP</div> </div>	<div> <div>Project Number</div> <div>20001</div> </div>	<div> <div>Revisions:</div> <div>Date:</div> </div>	<div> <div>Issue Date</div> <div>11/17/2020</div> </div>	<div> <div>Seal</div> </div>	<div> <div>100% CD</div> </div>	<div> <div>Press</div> </div>	<div> <div>Location</div> <div>2713 E 56 PL S TULSA, OK 74106</div> </div>	<div> <div>Project Title</div> <div>KYLAR & ALLISON SHED</div> </div>	<div> <div>Drawing Title</div> <div>SITE AND FLOOR PLAN</div> </div>	<div> <div>CONSULTANT</div> </div>
											<div> <div>SUBCONSULTANT</div> </div>



0 Feet 250 500



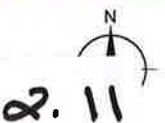
Subject Tract

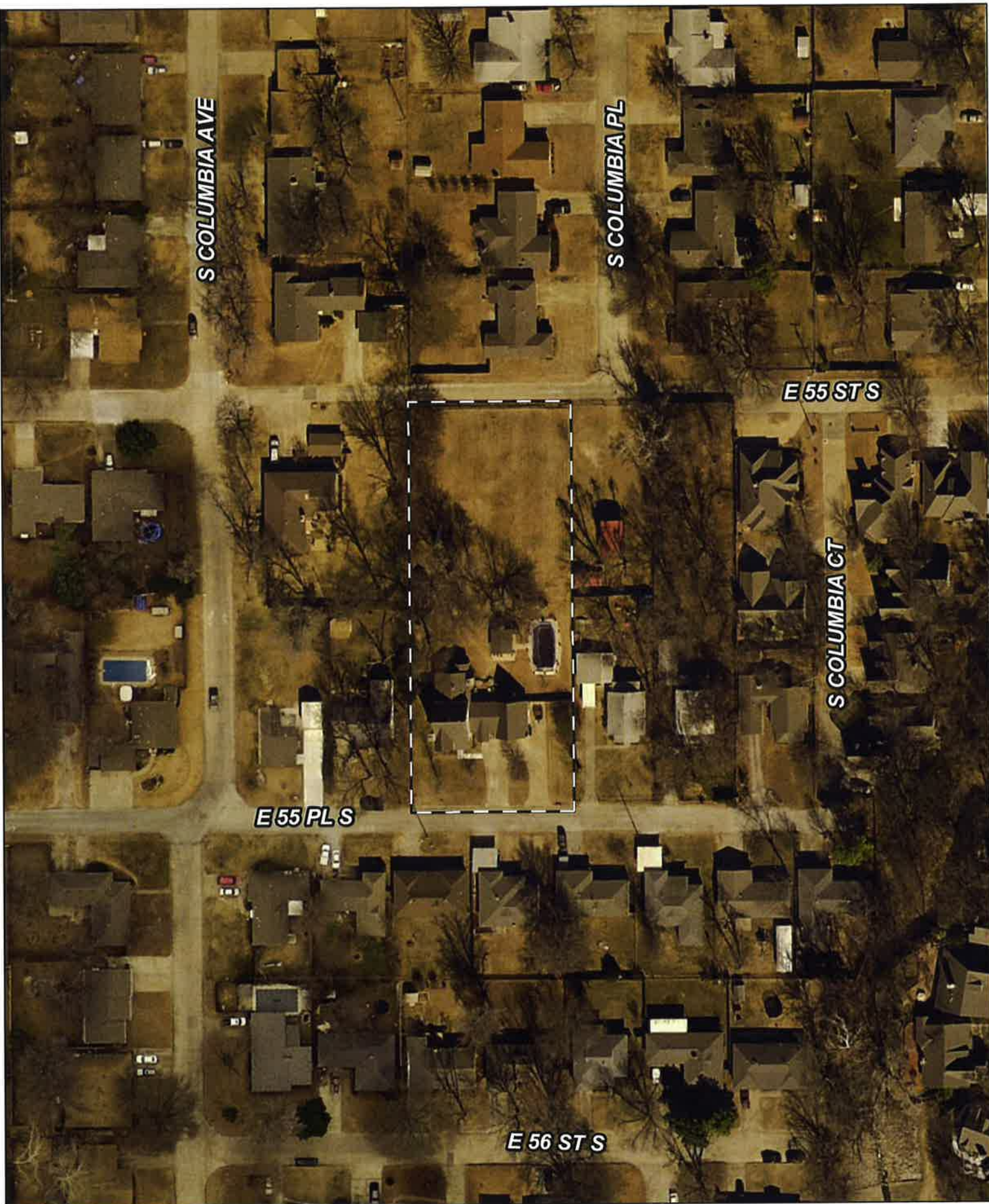
BOA-23065

19-13 32

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

Aerial Photo Date: February 2016





Feet
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Subject
Tract

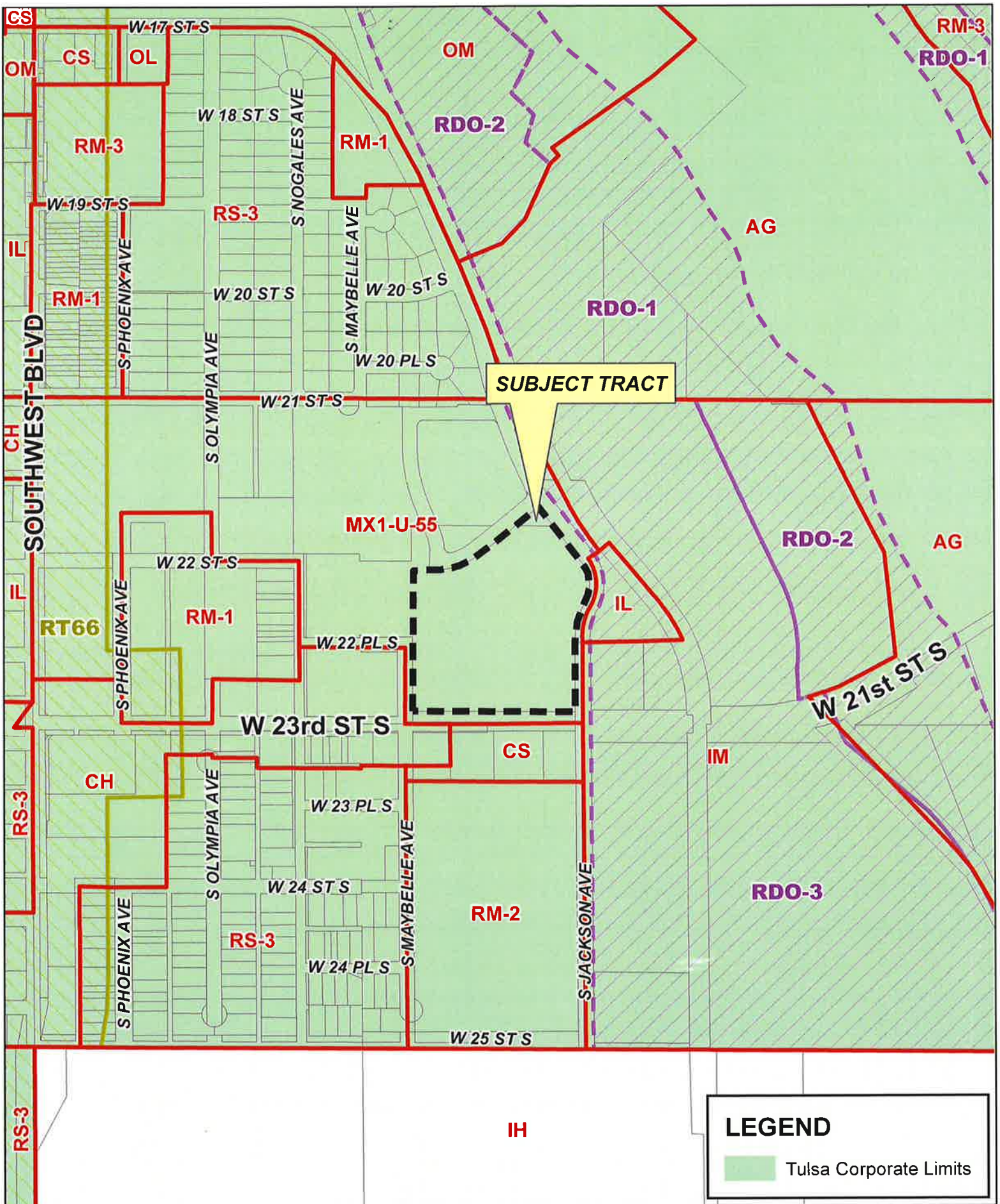
BOA-23065

19-13 32

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

Aerial Photo Date: February 2016

N
2.12



BOA-23066

3.1

19-12 14

BOARD OF ADJUSTMENT CASE REPORT

STR: 9214

Case Number: **BOA-23066**

CZM: 36

CD: 2

HEARING DATE: 01/26/2021(continued from 01/12/2021) 1:00 PM

APPLICANT: Mark Capron

ACTION REQUESTED: Variance to increase the width of Build-to-Zone a MX1-U District and a Variance to reduce 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. S. and S. 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

3.2

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 increase the width of Build-to-Zone a MX1-U District and a Variance to reduce 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

Minimum Lot Area (sq. ft.)		Min. Parking Setbacks (feet)(see also §55.080.C)(1)	
Townhouse	1,600	Primary street	30
Apartment/condo	7,500	Secondary street or R zoning district	10
All other	3,500	Nonresidential district	0
Minimum Lot Width (feet)		Min. Ground Floor Ceiling Height (feet)	
Townhouse	20	Vertical mixed-use, mixed-use and commercial buildings	14
Apartment/condo	50	Other buildings	-
All other	25	Minimum Transparency (%)	
Minimum Street Frontage (feet)	20	Vertical mixed-use buildings	
Minimum Open Space per Unit (sq. ft.)		Ground floor	40
Townhouse	200	Upper floors	20
Apartment/condo/mixed use	100	Commercial buildings and mixed use buildings	
Minimum Building Setbacks (feet)		Ground floor	35
Street	0	Upper floors	20
Abutting R district	10	Other buildings	20
Abutting nonresidential district	0	Street-facing Entrance Required	Yes
Abutting alley	5		
Build-to-Zone (BTZ) (minimum/maximum in feet)	0/20		
Primary street BTZ (%)	60		
Secondary street BTZ (%)	30		

Per sec. 90.110 of the code Build-to-Zones are measure as follows:

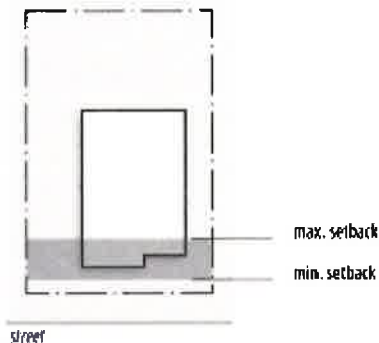
Section 90.110

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 **590.030-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 increase the width of Build-to-Zone a MX1-U District and a **Variance** to reduce 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)

- 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.

BOA- 23066 Legal Description

A PART OF BLOCKS I AND III OF RIVER VIEW PARK ADDITION, A REPLAT OF BLOCK 1 AND A PLAT OF BLOCKS 2-13, CITY OF TULSA, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER (NE/4) 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, RECORDED AS PLAT NUMBER 3128.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER 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; THENCE S 22° 11' 39" E, ALONG THE EAST LINE OF SAID RIVER WEST PHASE I, A DISTANCE OF 212.29 FEET; THENCE S 24° 02' 20" E, CONTINUING ALONG THE EAST LINE OF SAID RIVER WEST PHASE I, A DISTANCE OF 169.37 FEET; THENCE S 38° 34' 14" E, CONTINUING ALONG THE EAST LINE OF SAID RIVER WEST PHASE I, A DISTANCE OF 78.38 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUING S 38° 34' 14" E, AND ALONG THE EAST LINE OF BLOCK III OF RIVER VIEW PARK ADDITION, A REPLAT OF BLOCK 1 AND A PLAT OF BLOCKS 2-13, CITY OF TULSA, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER (NE/4) 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, RECORDED AS PLAT NUMBER 3128, A DISTANCE OF 98.44 FEET, TO THE NORTHEAST CORNER OF BLOCK I OF SAID RIVERVIEW PARK ADDITION; THENCE CONTINUING S 38° 34' 14" E, AND ALONG THE EAST LINE OF SAID BLOCK I, A DISTANCE OF 191.02 FEET, TO A POINT OF CURVATURE; THENCE ALONG A TANGENT CURVE TO THE RIGHT, CONTINUING ALONG THE EAST LINE OF SAID BLOCK I, HAVING A RADIUS OF 140.00 FEET, AN ARC LENGTH OF 161.98 FEET, A CENTRAL ANGLE OF 66° 17' 21", A CHORD BEARING OF S 05° 25' 33" E AND A CHORD DISTANCE OF 153.09 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A TANGENT CURVE TO THE LEFT, CONTINUING ALONG THE EAST LINE OF SAID BLOCK I, HAVING A RADIUS OF 344.71 FEET, AN ARC LENGTH OF 171.00 FEET, A CENTRAL ANGLE OF 28° 25' 21", A CHORD BEARING OF S 13° 30' 27" W AND A CHORD DISTANCE OF 169.25 FEET; THENCE S 00° 47' 32" E, CONTINUING ALONG THE EAST LINE OF SAID BLOCK III, A DISTANCE OF 309.88 FEET, TO THE SOUTHEAST CORNER OF SAID BLOCK I; THENCE S 89° 07' 09" W, ALONG THE SOUTH LINE OF SAID BLOCK I, A DISTANCE OF 330.00 FEET; THENCE N 00° 47' 32" W, PARALLEL WITH AND 330.00 FEET WEST OF LAST SAID EAST LINE, A DISTANCE OF 705.20 FEET, TO A POINT ON THE SOUTH RIGHT OF WAY OF WEST 22ND STREET ACCORDING TO SAID PLAT OF RIVER WEST PHASE I; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, ALONG SAID SOUTH RIGHT OF WAY LINE, HAVING A RADIUS OF 5000.00 FEET, AN ARC LENGTH OF 117.87 FEET, A CENTRAL ANGLE OF 01° 21' 02", A CHORD BEARING OF N 50° 18' 10" E AND A CHORD DISTANCE OF 117.87 FEET, TO A POINT ON THE NORTH LINE OF SAID BLOCK III; THENCE CONTINUING ALONG LAST SAID CURVE TO THE LEFT, ALONG SAID SOUTH RIGHT OF WAY LINE, HAVING A RADIUS OF 5000.00 FEET, AN ARC LENGTH OF 118.45 FEET, A CENTRAL ANGLE OF 01° 21' 26", A CHORD BEARING OF N 48° 56' 56" E AND A CHORD DISTANCE OF 118.45 FEET, TO THE POINT OF BEGINNING; SAID TRACT OF LAND CONTAINING 6.08 ACRES / 264,875.30 SQUARE FEET.

THIS LEGAL DESCRIPTION WAS CREATED ON JULY 9, 2020 BY ALBERT R. JONES, III, OK PLS #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.

AND

A PART OF BLOCK I OF RIVER VIEW PARK ADDITION, A REPLAT OF BLOCK 1 AND A PLAT OF BLOCKS 2-13, CITY OF TULSA, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER (NE/4) 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, RECORDED AS PLAT NUMBER 3128.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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00° 51' 52", A CHORD BEARING OF N 51° 24' 37" E AND A CHORD DISTANCE OF 75.44 FEET; THENCE 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 PLS #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.

3.9

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

BOA - 22788

FILE COPY

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

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 S23°44'44"E AND ALONG THE EAST LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 169.37 FEET; THENCE S38°16'37"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 OR 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:

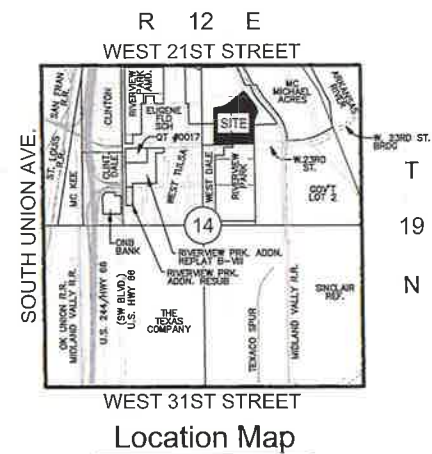
Variance to reduce the 35-foot side setback from an arterial street in a RS-3 District (Section 5.030, Table 5-3). LOCATION: 1948 South Florence Avenue East (CD 4)

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.



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





ksqdesign



ksqdesign



ksqdesign

BOA-23066



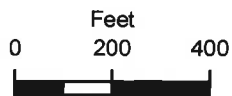
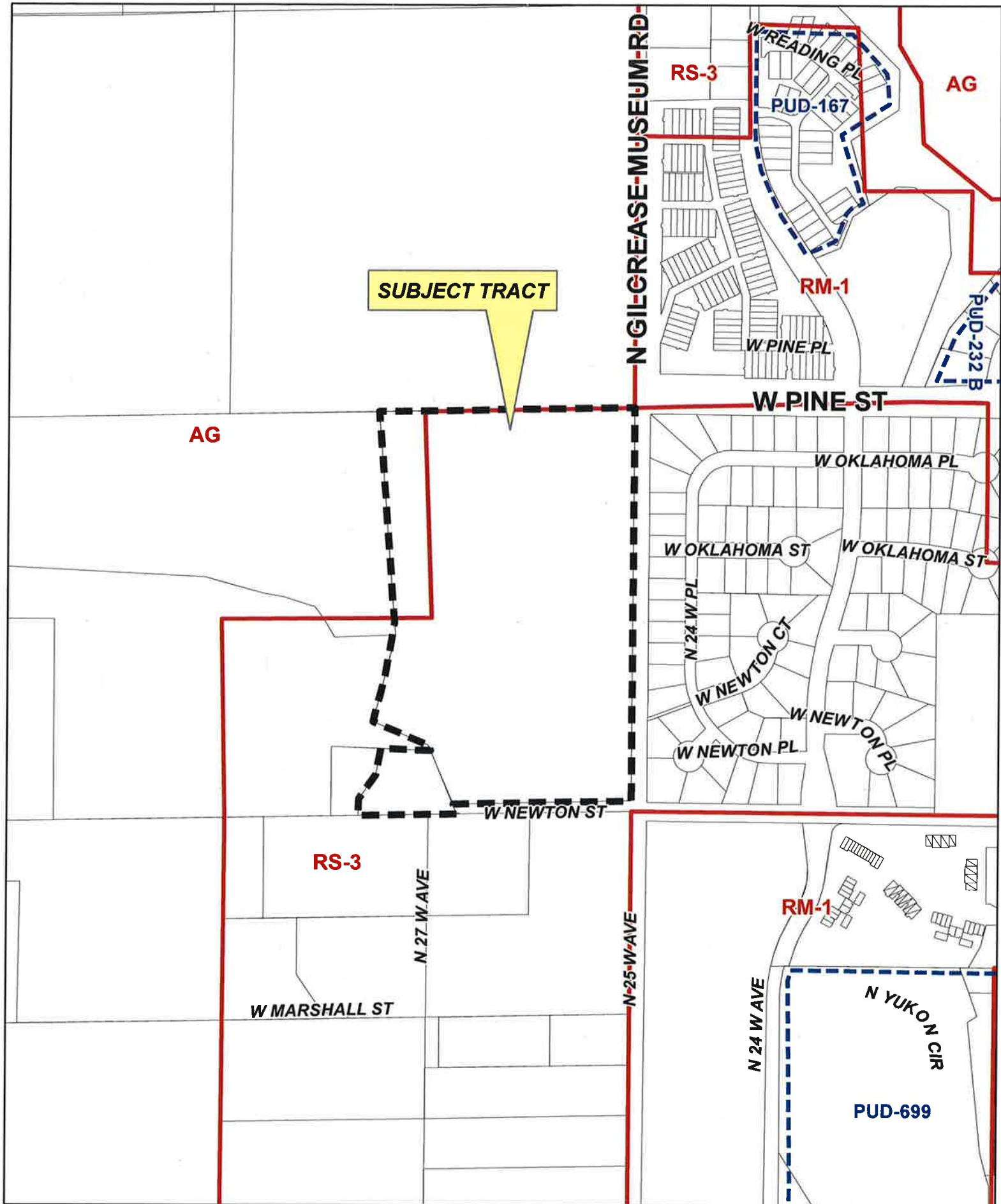
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BOA-23073

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BOARD OF ADJUSTMENT CASE REPORT

Case Number: **BOA-23073**

CD: 1

HEARING DATE: 01/26/2021 1:00 PM

APPLICANT: City of Tulsa

ACTION REQUESTED: Special Exception to allow a Public , Civic and Institutional Use/ Library of Cultural Exhibit to permit a museum in an RS-3 and AG District (Sec. 5.020, Table 5-2) Variance to increase the maximum permitted height of 35 feet in an RS-3 District (Sec. 5.030, Table 5-3)

LOCATION: 1400 North Gilcrease Museum Road

ZONED: RS-3

PRESENT USE: Gilcrease Museum

LEGAL DESCRIPTION: 28-20-12 BEG NE/C SE SE-W 667.5'-S 8 08 E 906'-SE 550' TO PT 985' S OF NE/C SE SE-N 985' TO BEG, BEG 33' W & 32.38' N OF SE/C SEC- W 550.32'-NW 389.6'-N 14 00 E 292.48'-N 5 21 W 741.90'-E 159.25'- S 8 00 E 1407.56'-S 310. 66' TO BEG

And

28-20-12 TR IN S/2 SE SE- BEG 565.6' W OF SE/C SE-W 317.54'-N 54.26'- N 35 15 25 E 95.95'-N 10 46 55 E 80.68'-E 172.26'-S 20 35 00 E 222.10' TO BEG

RELEVANT PREVIOUS ACTIONS:

Subject property: None.

Surrounding properties:

BOA-20385, 20385-A, 20385-B; On 11.28.06 the Board **approved** a Special Exception to permit a Museum parking and a Variance to permit parking areas that are not surfaced with an all-weather parking surface. The Board subsequently approved waivers of the screening requirements for the parking lot use and extended the time limit for the variance of the all-weather parking requirement. This property is immediate across Newton from the subject property and is serving the existing museum on the subject property.

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

Tulsa's **park and open space** are assets. These are areas to be protected and promoted through the targeted investments, public- private partnerships, and policy changes identified in the Parks, Trails, and Open Space chapter. Zoning and other enforcement mechanisms will assure that recommendations are implemented. No park and/or open space exists alone: they should be understood as forming a network, connected by green infrastructure, a transportation system, and a trail system. Parks and open space should be connected with nearby institutions, such as schools or hospitals, if possible.

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 the existing Gilcrease museum located at the NW/c of W. newton St and Gilcrease Museum Rd.

STAFF COMMENTS: The Applicant is requesting **Special Exception** to allow a Public , Civic and Institutional Use/ Library of Cultural Exhibit to permit a museum in an RS-3 and AG District (Sec. 5.020, Table 5-2) **Variance** to increase the maximum permitted height of 35 feet in an RS-3 District (Sec. 5.030, Table 5-3)

The only supplemental regulations for a Library or Cultural Exhibit are found in Sec. 40.200:

Section 40.200

Library or Cultural Exhibit

Museums, planetariums, aquariums and other cultural exhibit uses require a minimum lot area of one acre in AG, AG-R, RE and RS zoning districts.

STATEMENT OF HARDSHIP: The applicant prepared exhibits that are included with your packets outlining their hardship.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Special Exception** to allow a Public , Civic and Institutional Use/ Library of Cultural Exhibit to permit a museum in an RS-3 and AG District (Sec. 5.020, Table 5-2)

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

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

Move to _____ (approve/deny) a **Variance** to increase the maximum permitted height of 35 feet in an RS-3 District (Sec. 5.030, Table 5-3)

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

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

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

Case No. 20384

Action Requested:

Request for a full refund.

Presentation:

Mr. Cuthbertson informed the Board that the applicant withdrew this application in a timely manner. Staff recommended a full refund.

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 full refund in the amount of \$625.00, for Case No. 20384.

Case No. 20385

Action Requested:

Special Exception to permit Use Unit 5 – a Museum parking lot in an RS-3 district (Section 401); and a Variance of the requirement that parking areas shall be surfaced with an all weather material to permit special event parking on the lot prior to the construction of the permanent parking lot (Section 1303.D & 222), located: 2530 West Newton Street.

Presentation:

Mark Kinney, 320 South Boston, with Cyntergy, LLC, the subject property is a vacant lot, about two and one-half acres, donated to Gilcrease Museum by the City of Tulsa; for an auxiliary parking area. It is funded by the City's 2005 General Obligation Bond. The northeast quadrant of the property has a severe terrain and it is heavily covered with trees, which they want to retain. The proposed parking lot site is well-maintained by the Parks Department. Mr. Kinney stated that they anticipate beginning construction by late spring or early summer. A map was provided (Exhibit G-1).

Comments and Questions:

Ms. Stead asked if they would be approving construction of the parking lot per plan. Mr. Kinney replied that is what they want. She asked for a completion date. He expected it would take 60 – 90 days. Mr. Dunham suggested setting a completion date of September 1, 2007.

Interested Parties:

Chris Heroux, 502 West 6th Street, represented Alan and Leslie Weeks. Their property is in Country Club Heights as is the subject property. They are not opposed to the use of the subject property as a parking lot. They are concerned with the intensity of use and the impact on the neighbors in Country Club Heights. He questioned whether the correct Use Unit is 5 or 10. They considered 111 vehicles to be a large number to park on this site. They were concerned about the

type of screening, landscaping, lighting and sidewalks. He asked if the lot is for special events or daily parking.

Patty Mandrell, 1171 North 27th West Avenue, stated ideally she would not choose a parking lot on the site but if it is she had concerns. She submitted photographs (Exhibit G-2). She has actively sought information from the museum, INCOG and other entities. She asked them not to use the land for a parking lot. She attended the meetings of the Board of Trustees for Gilcrease Museum and Cyntergy meetings.

Mr. Dunham out at 2:53 p.m.

Ms. Mandrell expressed concern about the canopy of trees over 27th Avenue and asked that they not remove more trees even during construction.

Jenny McElwain -Rhoar, 1228 South Florence Avenue, stated her parents live at 1115 North 27th West Avenue, just south of the subject property.

Mr. Dunham returned at 2:57 p.m.

She stated there was an error in the history in the staff report, adding there was a home located there in 1964 and it remained there until the 1990's. She reminded the Board that they denied a Bed & Breakfast in 2002 to keep the RS-3 neighborhood intact. She stated that her father tried to get approval for an office at the rear of their lot, facing 25th West Avenue, which is now Gilcrease Museum Road and denial was based on the RS-3 zoning. She made the point that the precedent has been set. She opposed the parking lot.

Russell Thomas, 1206 North 27th West Avenue, considered the parking lot to be a dangerous use. He suggested that they use land to the north for parking and have more parking. He stated this did not honor the neighbors' privacy.

Mr. Tidwell out at 3:00 p.m. and returned at 3:02 p.m.

Alan Weeks, understood that the planning commission considered this a good case for a PUD. He wondered if it was still the best direction to take for this case. He stated safety is an issue for people coming and going to the parking lot. He named other concerns as mentioned previously.

Mr. Alberty referred to the statement regarding this case going before the planning commission. He noted there were several options, one being to file a PK Zoning to allow parking by right. The planning commission was inclined to support that but felt there was no control other than what the zoning permits. There was a suggestion that the applicant file for a PUD so they have control over landscaping and other site design elements. Use Unit 5 in the zoning code is designed for this specific application, where you do not change the zoning but the use per the

zoning conditions. The Board has the right to condition the application in any area that could happen in a PUD.

An advertisement for the Gilcrease Museum was submitted (Exhibit G-3) showing hours of operation and rental rates.

Applicant's Rebuttal:

Mr. Kinney responded that this parking lot would relieve some of the parking issues and address issues regarding safety. The topography is a hardship for placing the parking lot. He mentioned that Gilcrease Museum has had open meetings regarding this project.

Gary Moore, 1400 Gilcrease Museum Road, Assistant Director, Gilcrease Museum, stated they have had continual meetings with the neighbors. They have presented or made all of the exhibits today available at those meetings. They are in agreement to save as much of the natural vegetation as possible. All of the documentation makes it apparent there are only a few events when they will need this lot for parking. Most of these occasions are during the day not at night. They plan to place a gate to the lot to control the usage. He stated that the landscaping plans were made available and many of the neighbors reviewed them.

Ms. Mandrell was allowed to speak again. She stated that the last set of plans she received did not include landscaping plans. She mentioned the museum was going to resurface the north parking lot for volunteers and employees.

Mr. Moore replied that they will be resurfacing the north parking lot with a future third-penny sales tax.

Dan Allenback, landscape architect, stated they plan to save the existing healthy vegetation and they will construct the parking lot away from the edges of the property lines. They would bring in new plants for the vacant spaces. The lighting will follow the Kennebunkport formula.

Mr. Kinney designed the parking lot and driveway with the City's engineering department's input with regard to safety. He suggested September 1, 2007 as the completion date.

Mr. Dunham suggested it would be better to give them more time to complete the project. Mr. Stephens commented on the good planning for landscaping. He expected the crosswalk on West Newton to be painted at the least. Ms. Stead noted that the meetings regarding this project were in the daytime and some of the neighbors that was trying to be informed did not know about the landscaping plan.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0 (Dunham, Stephens, Stead, Tidwell "aye"; Henke "nay"; no "abstentions"; no "absences") to **CONTINUE** Case No.

20385 to the meeting, on December 12, 2006, to give the applicant further opportunity to meet with the neighborhood and perhaps contact Traffic Engineering for options to safety, on the following described property:

NW/4 NW/4 NE/4 NE/4 of Section 33, T-20-N, R-12-E, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20396

Action Requested:

Modification of a condition of approval for BOA-20357 to increase the building height limitation to 50 ft. for new construction on the northern half of the subject property, located: 6611 South 101st Avenue East.

Presentation:

Darin Akerman, 6111 East 32nd Place, proposed a modification of height for new construction, up to 50 ft.

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 Modification of a condition of approval for BOA-20357 to increase the building height limitation to 50 ft. for new construction on the northern half of the subject property, on the following described property:

LT 1 BLK 1, HOME CENTER, City of Tulsa, Tulsa County, State of Oklahoma

Approve 2007 City of Tulsa Board of Adjustment Meeting Schedule

On On **MOTION** of **Stead**, the Board voted 5-0-0 (Dunham, Henke, Stead, Stephens, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the 2007 BOA Meeting Schedule as submitted.

There being no further business, the meeting adjourned at 4:00 p.m.

Date approved: 2/13/07



Chair

Variance of the Maximum permitted height in an RM-2 district from 35 ft. to 40 ft. to permit an addition to the McFarlin Library, in accordance with plans submitted and applicant exhibits A, B and D, finding the Master Plan has been approved by various local authorities and the variance granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

A Tract of Land that is all of Blk 9 and part of Blocks 13 and 14 along with parts of the vacated streets and alleys adjacent thereto within 'College Addition', an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, said tract of land being more particularly described as follows, to-wit:

"Beginning at a point" that is the northeasterly corner of said Block 9; Thence southerly along the easterly line of Block 9 and a southerly extension thereof for 350 ft. to a point on the northerly line of said block 14; Thence westerly along said northerly line for 200 ft; Thence southerly for 300 ft. to a point on an easterly extension of the southerly line of said Block 13; Thence westerly along said extension and along the southerly line of Block 13 and the vacated alley therein for 340 ft.; Thence northerly along the westerly line of said vacated alley in Block 13 and a northerly extension thereof for 350 ft. to a point on the southerly line of Block 10 in said 'College Addition'; Thence easterly along said southerly line of Block 10 for 160 ft to the southeasterly corner of Block 10; Thence northerly along the easterly line of said Block 10 for 300 ft. to the northeasterly corner of Block 10; Thence easterly along a westerly extension of the northerly line of said Block 9 and along the northerly line of Block 9 for 380 ft. to the POB of said tract of land.

Case No. 20385

Action Requested:

Special Exception to permit Use Unit 5 – a Museum parking lot in an RS-3 district (Section 401); and a Variance of the requirement that parking areas shall be surfaced with an all weather material to permit special event parking on the lot prior to the construction of the permanent parking lot (Section 1303.D & 222), located: 2530 West Newton.

Presentation:

Mark Kinney, 320 South Boston, with Cyntergy, informed the Board that on Friday, December 8, 2006, they held a meeting, to which they invited the neighbors. They reviewed the landscaping plan and issues regarding pedestrian safety on West Newton. He stated that he contacted Traffic Engineering regarding the pedestrian crossing on West Newton. They responded that because of the low volume of traffic and West Newton being a dead-end street, permanent traffic control devices were not necessary at this time. He added that temporary signage and an attendant at the intersection per each event might be advisable. Landscape, site plans and letters were provided (Exhibits C-1, C-2, C-3)

Gary Moore, Gilcrease Museum, 400 Gilcrease Museum Road, stated the neighbors that attended the open meeting were not interested in permanent large,

flashing signs. They were interested in the temporary signage per event. They have used TPD attendants for large events, such as Gilcrease Rendezvous.

Comments and Questions:

Ms. Stead asked for a completion date for the permanent construction. Mr. Moore replied that the completion date would be December 31, 2007.

Interested Parties:

Alan Weeks, 1100 North 27th West Avenue, stated the two-week continuance was helpful. He added that the open meeting was very constructive. They reviewed the landscape plans and found them acceptable. The neighbors were in favor of a temporary signage. He suggested a review in the future of the usage of this parking lot and the impact on the neighborhood.

Ms. Stead questioned why it would impact his neighborhood. He replied that it would cause some inconvenience with the ingress and egress of the neighborhood; additional noise, and headlight issues if it were used on a daily basis.

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 Use Unit 5 – a Museum parking lot in an RS-3 district (Section 401); and a Variance of the requirement that parking areas shall be surfaced with an all weather material to permit special event parking on the lot prior to the construction of the permanent parking lot (Section 1303.D & 222), per plan and landscape plan, subject to Kennebunkport lighting, with conditions: all-weather surface be completed by December 31, 2007; and for safety concerns the museum will furnish temporary signs or TPD off-duty officers to handle traffic during overflow events; finding the special exception will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

NW/4 NW/4 NE/4 NE/4 of Section 33, T-20-N, R-12-E, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

Case No. 20308-A

Action Requested:

Minor Special Exception to modify conditions of a previously approved Special Exception to remove the sidewalk requirement, located: 10834 East Admiral Place.

UNFINISHED BUSINESS

Case No. 20385 - A

Action Requested:

Special Exception to modify the screening requirement of an accessory parking lot from adjoining residential properties (Section 212.C), located: 2530 West Newton Street.

Presentation:

Mark Kinney, with Cyntergy, 320 South Boston, stated the property is vacant. The applicant asked for a modification of the screening requirement to allow the existing five-foot high fence and the existing shrubbery on the fence line to act as the screening to the property on the south and east. In response to the Board he replied that the neighborhood was in support of this request and have seen the plan. They propose to put in an electric gate subject to budget availability. There will be a gate for security. They will use a temporary sign and/or a traffic control guard will be there for overflow parking events. There are no plans to paint a crosswalk.

Board Action:

On **Motion of White**, the Board voted 4-0-0 (White, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Henke "absent") to **APPROVE** a Special Exception to modify the screening requirement of an accessory parking lot from adjoining residential properties (Section 212.C), per plan, finding the special exception will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

NW/4 NW/4 NE/4 NE/4 of Section 33, T-20-N, R-12-E, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20395

Action Requested:

Verification of spacing requirements for a liquor store of 300 ft. from another liquor store, blood banks, plasma centers, day labor hiring centers, and pawn shops (Section 1214.C.3), located: Northeast corner of West Edison Street and North Gilcrease Museum Road.

Presentation:

Phil Ryan, 9626 South Vandalia, stated he is a member-manager of the Gilcrease Hills Center, LLC. The liquor store has been in the center for 25 years and they propose to move the store 200 ft. to the east. The verification of spacing was placed in the agenda packet.

On **Motion of Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a Special Exception to permit the mobile home permanently, finding that to permit the special exception permanently 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:

S 1/2 W 1/2 LT 1 BLK 4, S R LEWIS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

Case No. 20385-B

Action Requested:

Modification of conditions of a previous approval for an accessory parking lot to extend the time of execution for 6 months; and an amendment to the original legal description utilized in BOA-20385/ 20385-A to correctly describe the subject property, located: 2530 West Newton Street.

Presentation:

The applicant was not present. Site plan was Exhibit B-1.

Comments and Questions:

Ms. Stead stated the Board was familiar with this case and she would be in favor of taking action at this hearing.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **MODIFY** conditions of a previous approval for an accessory parking lot to extend the time of execution for 6 months from today's date, November 27, 2007; and an amendment to the original legal description utilized in BOA-20385-A and 20385-B as shown below, to correctly describe the subject property, per plan as shown on page 3.4 of the agenda packet, and that all conditions of the previous approval remain constant, on the following described property:

NW/4 NE/4 NE/4 NE/4 of Section 33, T-20-N, R-12-E, City of Tulsa, Tulsa County, State of Oklahoma

VISION TULSA GILCREASE MUSEUM PROJECT
BOA VARIANCE
HARDSHIP

12.17.2020

HARDSHIP

The proposed new Gilcrease Museum is being designed with the preservation of the world-class art collection as one of the top priorities. The request for an additional 20' in height ensures that HVAC systems can be centrally located and efficiently maintained throughout the structure in a stacked vs. sprawling configuration.

PROJECT CONTEXT

The Thomas Gilcrease Institute of American History and Art (Gilcrease Museum) sits in the Gilcrease Hills neighborhood, in the Osage foothills. The museum has been part of the city's history for 70 years and is a unique cultural asset for Tulsans. The new project will sit within the existing building's footprint and further back from the campus's Gilcrease Museum road edge because of its reduced footprint. The site's hilly terrain offers views toward the Osage Hills, but its steep slopes limit the buildable area.

- The property is unique: the relationship between site and building are part of the visitor experience and introduces people to the extraordinary history and art on display.
- The site affords beautiful views of the Osage Hills.
- The project is sensitive to residing within a residential neighborhood.
- Historical context – this is the birthplace of the museum

PROJECT HARDSHIP & DESIGN RATIONALE

Buildable Area & Topographic Limitations

The buildable area on-site is limited. The museum campus has natural features that include rock directly below grade, steep sloping topography, and uneven terrain. Each of these factors limits the potential location of any built structures.

- *Consolidating building footprint creates the highest and best use for the property*

Museum Operations & Functionality

The new arrangement of the museum creates much higher efficiencies in the project's day-to-day use. Consolidating the project's footprint provides several benefits to the museum over its current sprawling footprint arrangement resulting in more efficient future building operations and a more sustainable building.

- *Improved visitor wayfinding with easier visitor access to galleries*
- *Improved visitor views of the Osage hills*
- *Shorter, safer, more direct paths of object travel between collection storage and galleries*
- *Minimal site disturbance while maximizing open space*
- *Reduces impervious surface on-site, allowing for infiltration and minimizing stormwater runoff's negative impacts*
- *Minimal footprint reduces heat island effect*
- *Efficient footprint and massing minimizes energy consumption compared to the existing museum's extensive exterior envelope, which in turn also minimizes greenhouse gas emissions*

Museum Energy Efficiency & Collections Preservation

A compact, stacked building profile is preferred to a more low-rise, sprawling profile from energy efficiency and collection preservation standpoints.

Collection Preservation

A stacked building profile results in significantly less roof area as compared to a more low-rise, sprawling profile. Reduced roof area provides several benefits. Most obviously, it reduces the risk of water damage to the museum's artifacts over the life of the building from roof leakage as the roof ages. In addition, it reduces the quantity of storm drainage piping above gallery space, which both reduces additional risk of water damage, and allows for more verticality in traveling and permanent exhibitions within the galleries. The reduced roof area also reduces heating and cooling loads in the galleries. Reducing envelope related heating and cooling loads is vital to avoiding micro-climates within collections spaces.

Micro-climates are small pockets of space within larger collections spaces that experience differing or fluctuating temperature and relative humidity setpoints as compared to the space as a whole. When artifacts are located in micro-climates, the changing temperature and relative humidity levels impart mechanical stresses on the artifacts due to expansion and contraction of the materials and fibers, and absorption and desorption of moisture. These mechanical stresses result in a more rapid deterioration of the artifacts.

Energy Efficiency

A stacked building profile allows for better energy efficiency performance as compared to a more low-rise, sprawling profile. There are several reasons for this, the first is that a more compact profile results in less exterior envelope area, which reduces building heating and cooling loads throughout the entire year. In addition, the more compact profile significantly reduces the length of HVAC piping and ductwork, which results in less pump and fan energy throughout the entire year.

The above applies to all buildings; however, it is especially true for museums. Collections environments require constant moisture levels to protect and preserve the artifacts within. The target moisture levels are significantly drier than a normal building in the summer, and significantly more humid than a normal building in the winter. This creates extremely large differences in moisture levels and vapor pressure between the interior environment and outdoors. The amount of moisture loss or gain experienced by the collections environment is a function of the difference in moisture levels between inside and outside, and the amount of envelope leakage. Because the difference in moisture levels is so high, collections environments are extremely at risk to moisture loss or gain through the envelope – making envelope tightness of the utmost importance. No building envelope is perfect, and all building envelopes are certain to worsen with age. The HVAC system must overcome the addition or loss of moisture due to envelope leakage, which is an extremely energy intensive process. Minimizing building envelope in collections environments is the best method to reduce HVAC energy consumption both now and into the future.

ADDITIONAL COMMUNITY/NEIGHBORHOOD BENEFITS

- The subsurface site geology is mostly stone and rocks. Minimizing excavation, which will be disruptive and noisy, is a better neighborhood approach
- Additional height affords better views for visitors of vistas to the west, north, and east

- Visitors will be able to orient themselves in the building due to a more rational building massing and compact footprint.
- Community input indicates a need for additional community gathering space – with a smaller footprint allowed by creating a taller building, there will be more outdoor space designed to help fulfill this desire.
- The project's smaller footprint sets it further from the street than the current museum, which reduces the perception of the additional height.



GILCREASE MUSEUM FACILITY IMPROVEMENTS

VISION TULSA

SMITHGROUP



Come meet with museum staff and design team

Learn about the Gilcrease Museum

Public Zoom Virtual Call:

December 10, 2020

6:30 p.m. to 7:30 p.m. central time

Zoom link:

<https://us02web.zoom.us/j/87044083875?pwd=bHdKaXRvUWVGQ3NvODZlQndVUXh0dz09>

Meeting ID: 870 4408 3875

Passcode: 024473

If dialing by phone: 1 (346) 248-7799

Please email Mary at mkel@cityoftulsa.org to receive Zoom link via email.

- ✦ **Project Area:** Gilcrease Museum, 1400 North Gilcrease Museum Road
- ✦ **Proposed Work:** New museum
- ✦ **Funding Source:** Vision Tulsa sales tax and private sector funding
- ✦ **Architect:** SmithGroup and 1 Architecture
- ✦ **Construction Manager:** Flintco, LLC
- ✦ **Project Amount:** \$83,600,000.00
- ✦ **Construction Start and Finish:** TBD
- ✦ The design team will be applying for a Special Exception and a Variance through the Board of Adjustment (BOA). This will be discussed on the December 10th call and again at the hearing at the end of January 2021. Your comments will be welcome at this call.

Your Vision Tulsa Contact:

Mary Kell, AIA
Project Manager
City of Tulsa
mkel@cityoftulsa.org

www.cityoftulsa.org
www.cityoftulsa.org/vision

AGENDA

City of Tulsa: Neighborhood Update – Gilcrease Museum
December 10, 2020 6:30pm

6:30

Welcome

Project Overview

Mary Kell, Project Manager, City of Tulsa Engineering Services
Susan Neal, Executive Director – Gilcrease Museum

6:50

Design Team Presentation

Jame Anderson, SmithGroup
Ivan O'Garra, SmithGroup

7:05

Project Logistics

Questions & Answer / Comments

Next Steps

Mary Kell, Project Manager, City of Tulsa Engineering Services

7:30

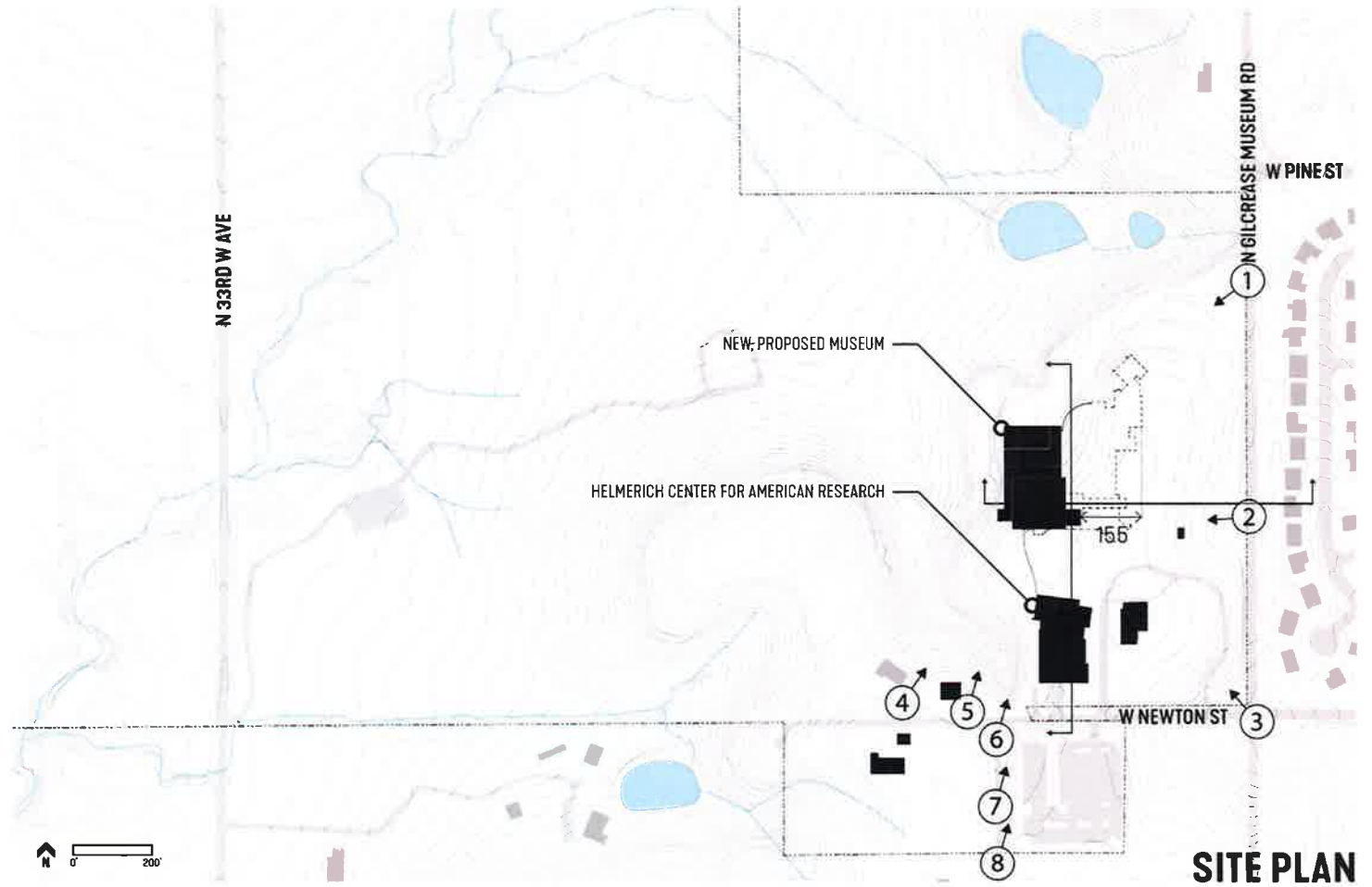
Adjourn

NEIGHBORHOOD OUTREACH

SMITHGROUP

KEY POINTS

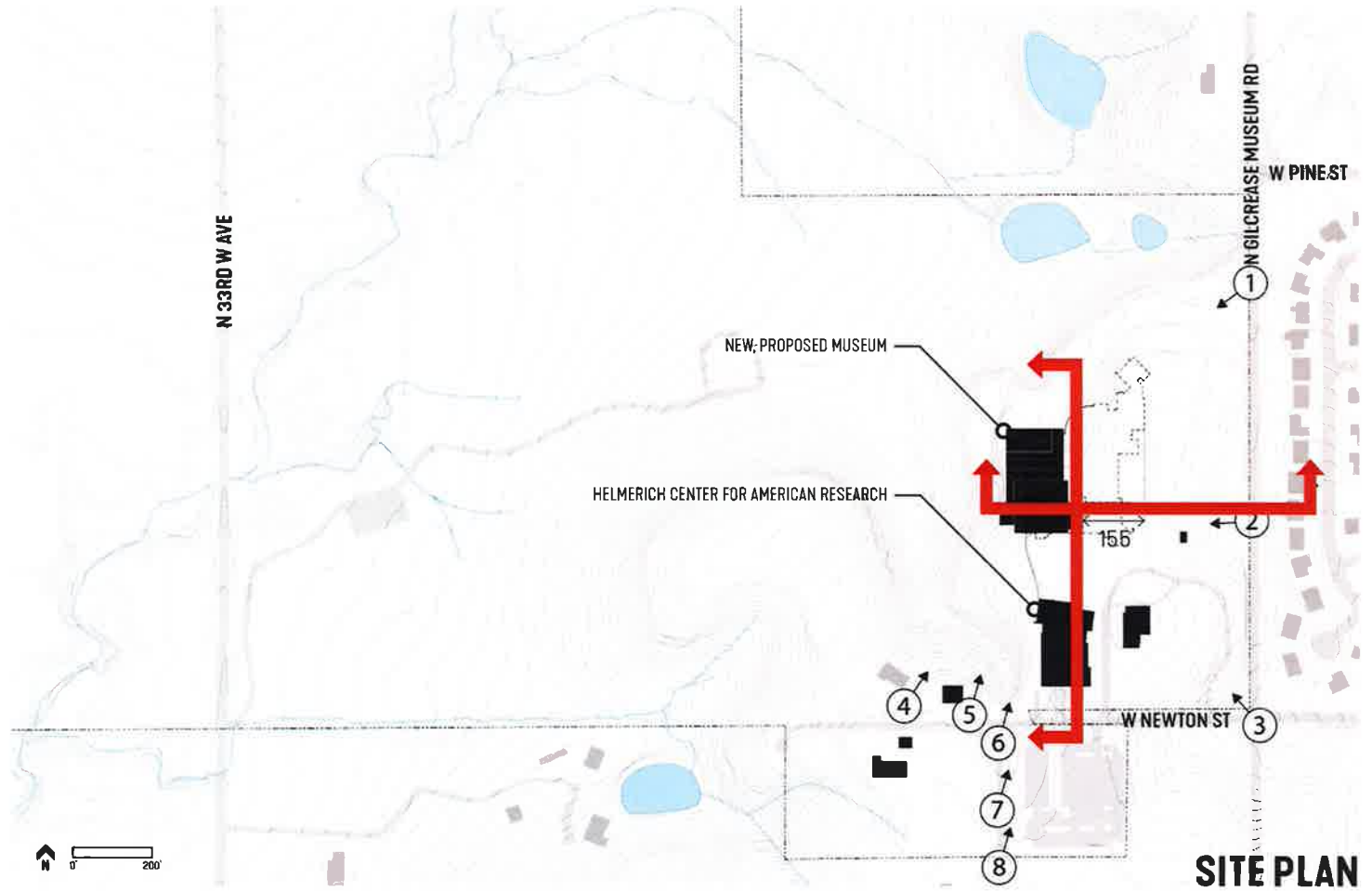
- Setback of Existing: 255'
- Setback of Proposed: 410'
- Additional Setback: 155'
- Height Difference: +20'
- Footprint of Existing: 86K SF
- Footprint of Proposed: 37K SF
- Footprint Difference: -49K SF



■ Buildings
 □ Existing Museum

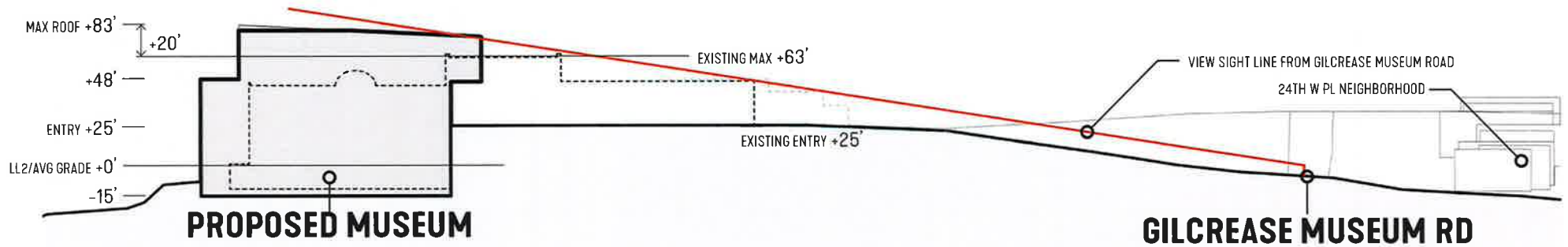
KEY POINTS

- Setback of Existing: 255'
- Setback of Proposed: 410'
- Additional Setback: 155'
- Height Difference: +20'
- Footprint of Existing: 86K SF
- Footprint of Proposed: 37K SF
- Footprint Difference: -49K SF



KEY POINTS

- Setback of Existing: 255'
- Setback of Proposed: 410'
- Additional Setback: 155'
- Height Difference: +20'
- Footprint of Existing: 86K SF
- Footprint of Proposed: 37K SF
- Footprint Difference: -49K SF

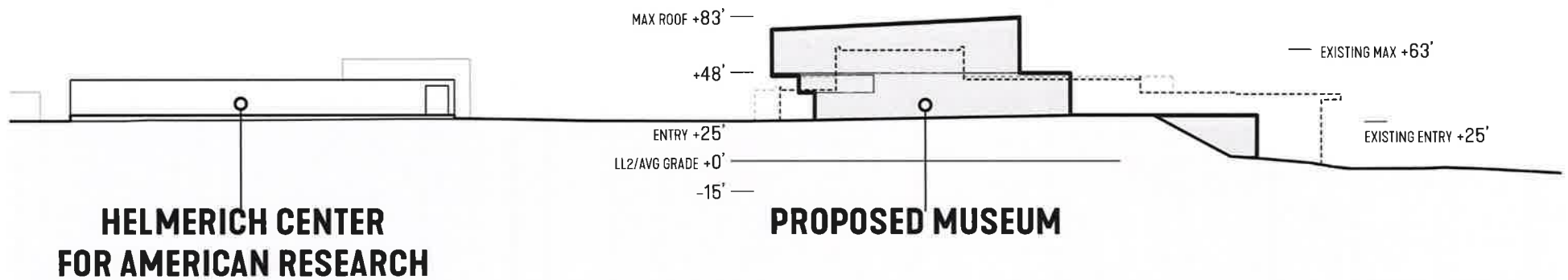
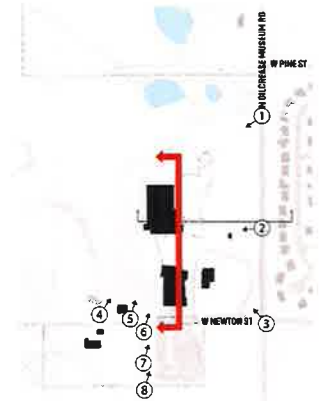


- New, Proposed Museum Massing
- Existing Museum Massing

BUILDING SECTION E-W

KEY POINTS

- Setback of Existing: 255'
- Setback of Proposed: 410'
- Additional Setback: 155'
- Height Difference: +20'
- Footprint of Existing: 86K SF
- Footprint of Proposed: 37K SF
- Footprint Difference: -49K SF

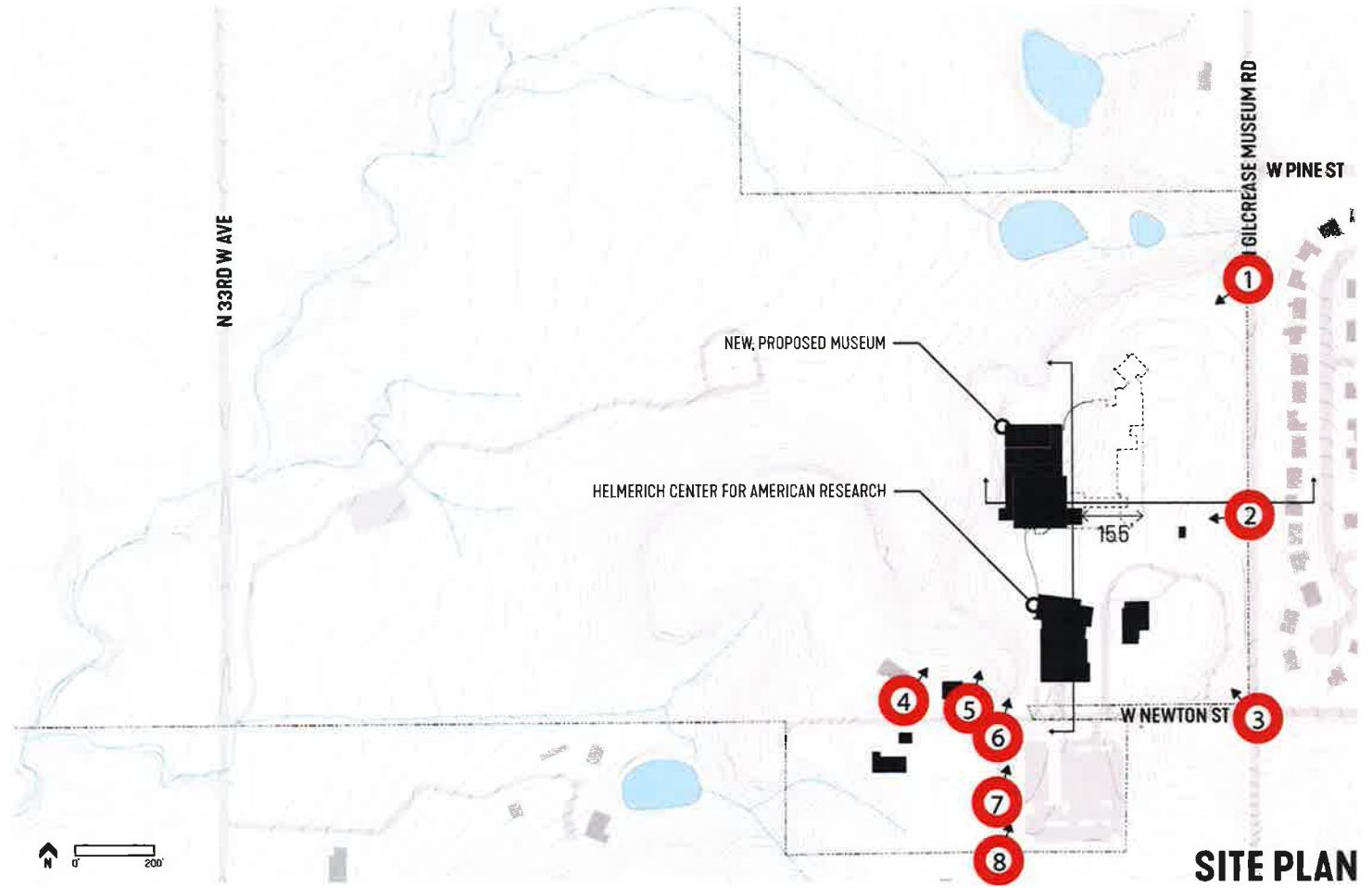


- ☐ New, Proposed Museum Massing
- ☐ Existing Museum Massing

BUILDING SECTION N-S

VIEWS

1. North N Gilcrease Museum Rd
2. Central N Gilcrease Museum Rd
3. Intersection of N Gilcrease Museum Rd and W Newton St
4. West W Newton St
5. W Newton St at Maintenance Shed
6. Intersection of W Newton St and N 27th W Ave
7. Central N 27th W Ave
8. South N 27th W Ave



SITE PLAN



PERSPECTIVE 1 - EXISTING

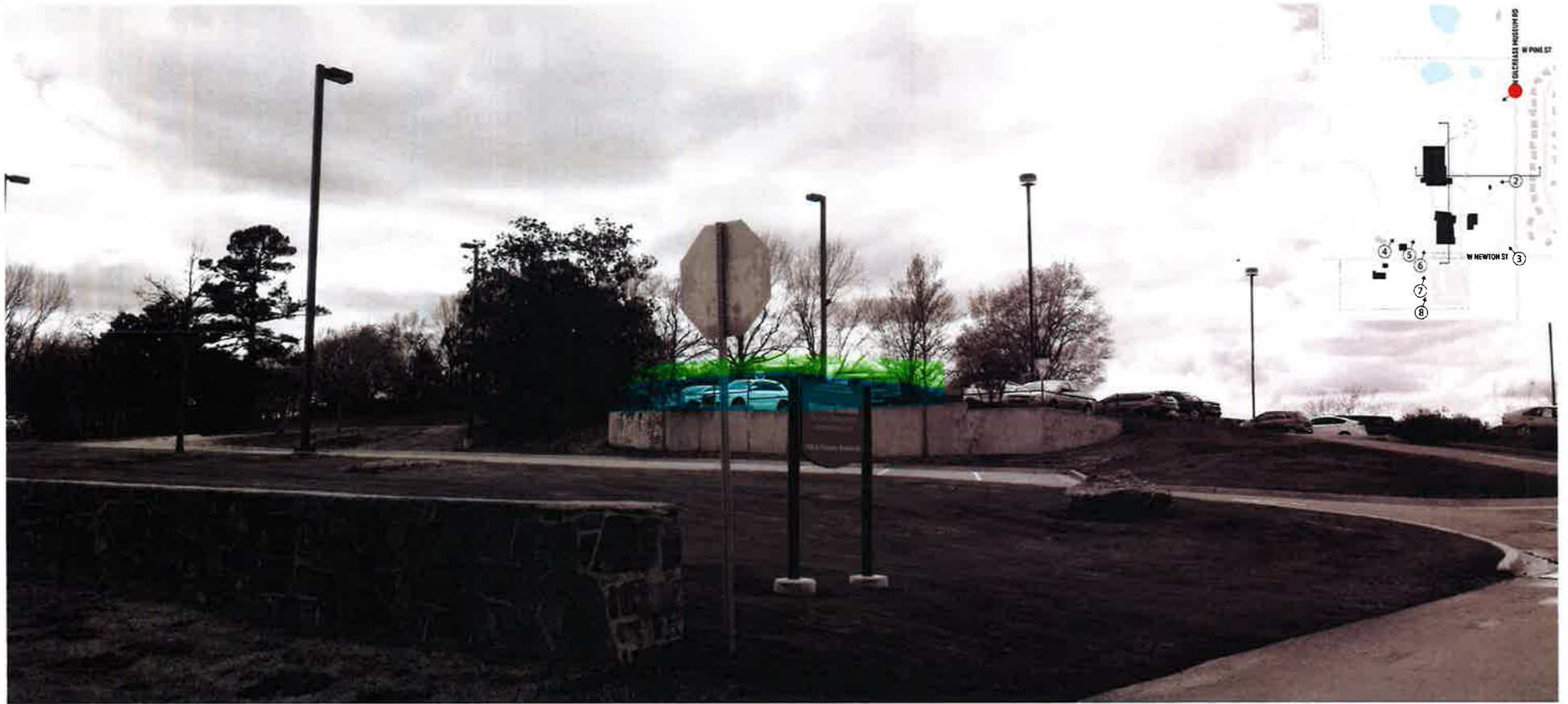
North N Gilcrease Museum Rd

SMITHGROUP



PERSPECTIVE 1 - PROPOSED North N Gilcrease Museum Rd

SMITHGROUP



PERSPECTIVE 1 - PROPOSED (PORTION TALLER THAN EXISTING)
 North N Gilcrease Museum Rd

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PERSPECTIVE 2 - EXISTING

Central N Gilcrease Museum Rd



PERSPECTIVE 2 - PROPOSED

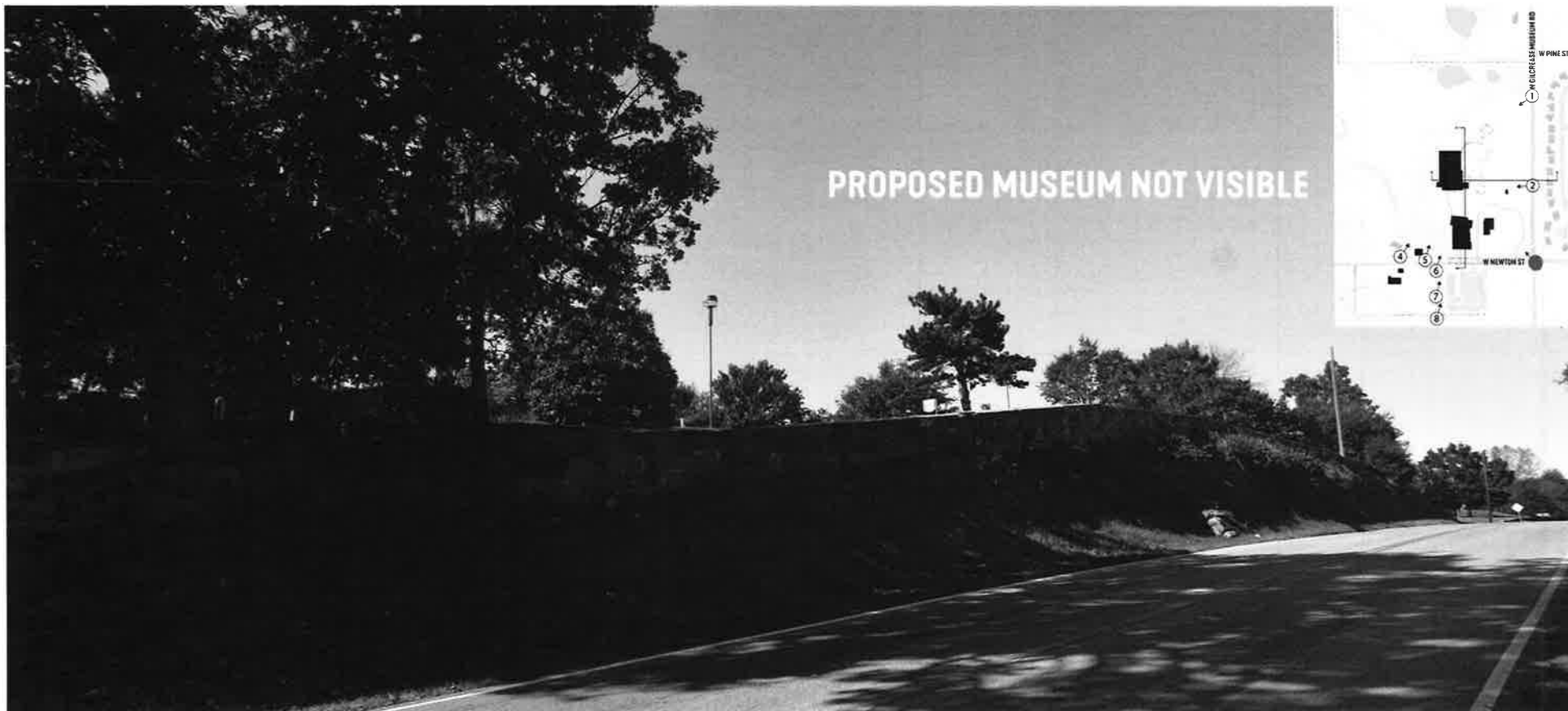
Central N Gilcrease Museum Rd



PERSPECTIVE 2 - PROPOSED (PORTION TALLER THAN EXISTING)
Central N Gilcrease Museum Rd



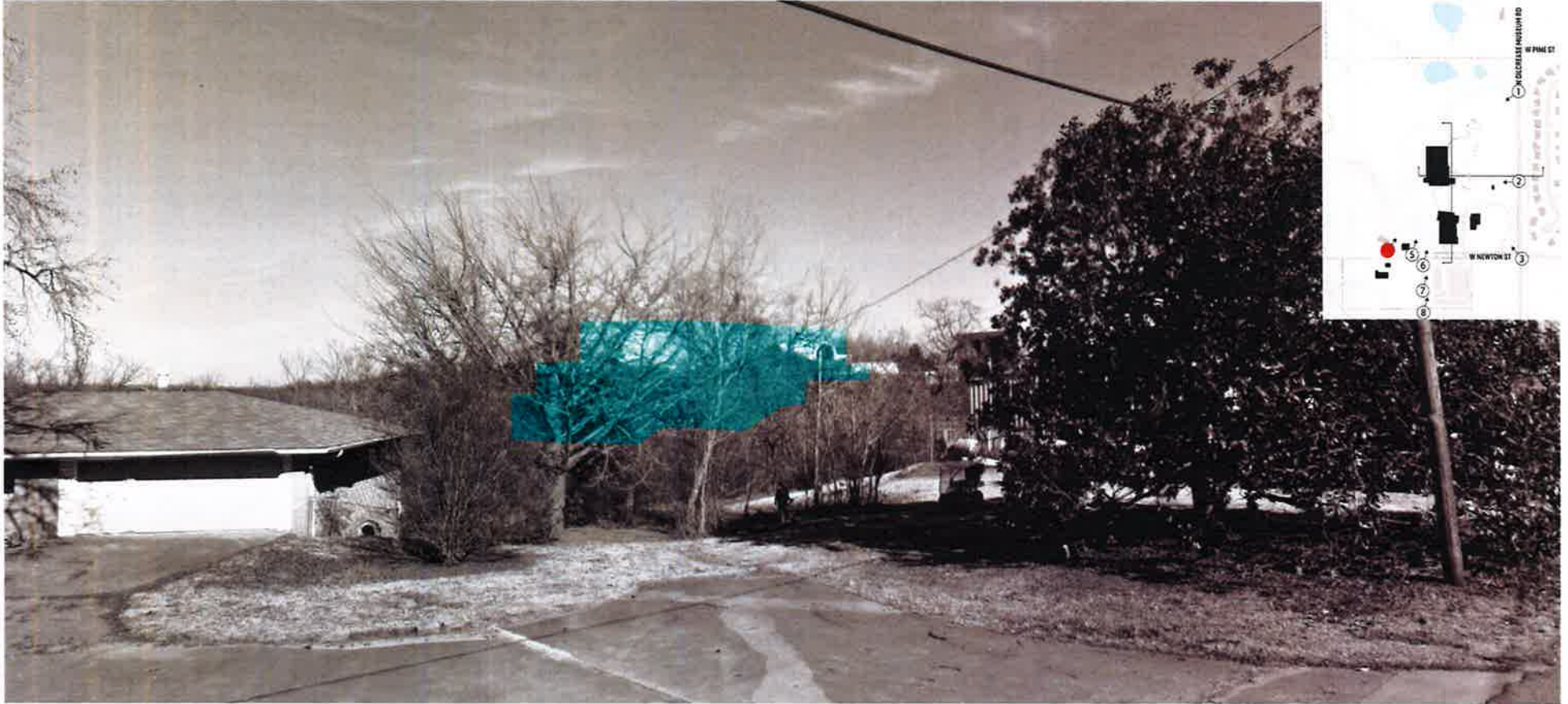
PERSPECTIVE 3 - EXISTING
Intersection of N Gilcrease Museum Rd and W Newton St



PERSPECTIVE 3 - PROPOSED
Intersection of N Gilcrease Museum Rd and W Newton St



PERSPECTIVE 4 - EXISTING West W Newton St



PERSPECTIVE 4 - PROPOSED

West W Newton St



PERSPECTIVE 4 - PROPOSED (PORTION TALLER THAN EXISTING)

West W Newton St



PERSPECTIVE 5 - EXISTING

W Newton St at Maintenance Shed



PERSPECTIVE 5 - PROPOSED
W Newton St at Maintenance Shed



PERSPECTIVE 5 - PROPOSED (PORTION TALLER THAN EXISTING)

W Newton St at Maintenance Shed



PERSPECTIVE 6 - EXISTING
Intersection of W Newton St and N 27th W Ave



PERSPECTIVE 6 - PROPOSED
Intersection of W Newton St and N 27th W Ave



PERSPECTIVE 6 - PROPOSED (PORTION TALLER THAN EXISTING)

Intersection of W Newton St and N 27th W Ave



PERSPECTIVE 7 - EXISTING

Central N 27th W Ave



PERSPECTIVE 7 - PROPOSED

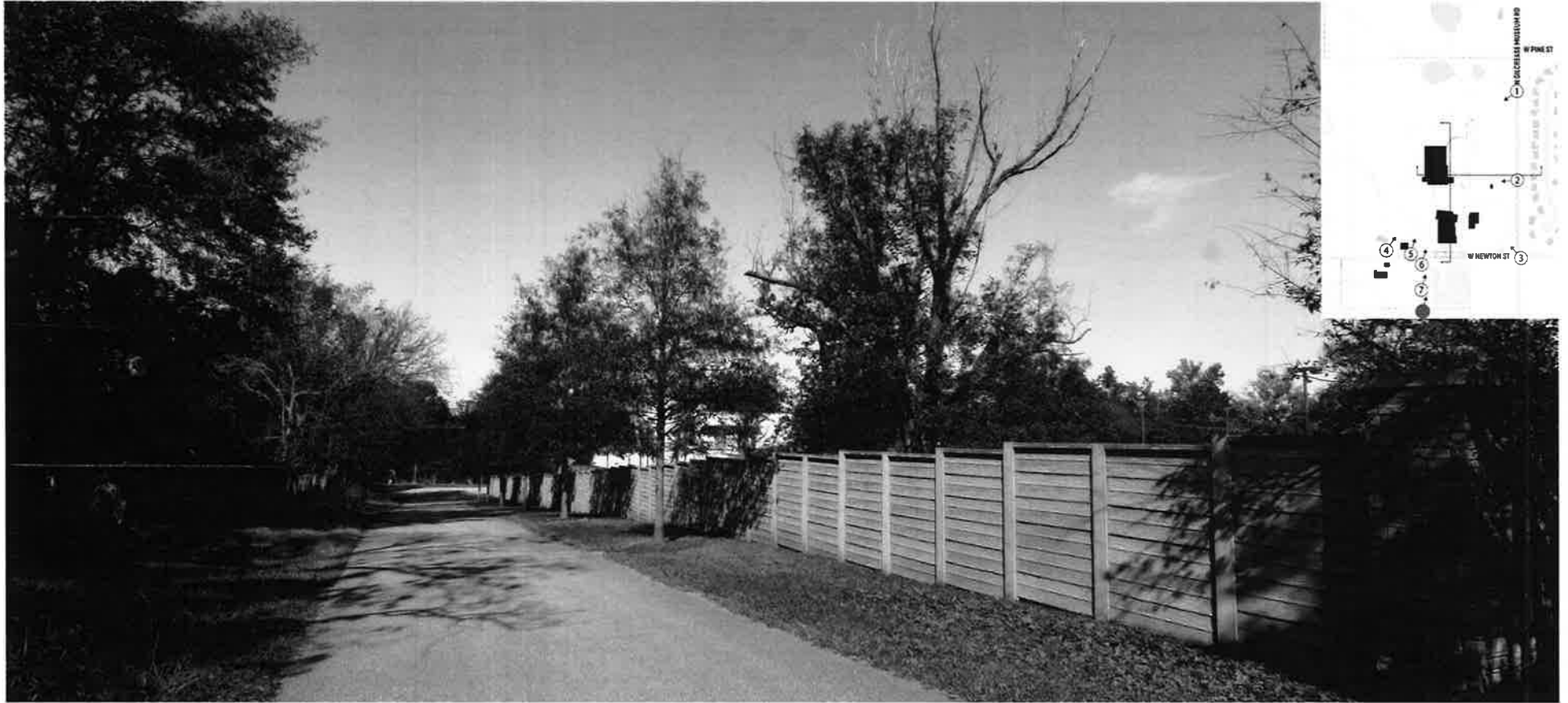
Central N 27th W Ave

SMITHGROUP



PERSPECTIVE 7 - PROPOSED (PORTION TALLER THAN EXISTING)

Central N 27th W Ave



PERSPECTIVE 8 - EXISTING

South N 27th W Ave

SMITHGROUP



PERSPECTIVE 8 - PROPOSED

South N 27th W Ave

SMITHGROUP



PERSPECTIVE 8 - PROPOSED (PORTION TALLER THAN EXISTING)

South N 27th W Ave

4.47

PROJECT CONTEXT

- Property is unique: relationship of site and building are part of the visitor experience.
- Site affords beautiful views of the Osage Hills.
- The project is sensitive to its location within a residential neighborhood.
- Historical context – this is the birthplace of the museum

PROJECT RATIONALE

- Community/Visitor request for better views to landscape and western Osage Hills
- Community/Visitor request for additional gathering spaces
 - Smaller footprint leverages remaining level outdoor space to fulfill this desire
- Current massing both mitigates and leverages the unique character of the topography and landscape
- Buildable area on site is limited due to steeply sloped topography
- Consolidating building footprint creates highest and best use for property
- Compact building footprint results in more efficient future building operations
- Compact building massing results in a more sustainable building
- Additional excavations create higher costs for the project due to sub-surface rock and terrain conditions

COMMUNITY/NEIGHBORHOOD BENEFITS

- Subsurface geology is mostly rock.
 - Minimizing excavation, which can be disruptive and noisy, is a better neighborhood approach
- Additional Height afford better views for visitors to the vistas to the west, north and east
- Visitors will be able to orient themselves in the building due to a more rational building massing
- Community and Museum will have additional level locations for outdoor gatherings and events.

THANK YOU FOR YOUR PARTICIPATION

**PLEASE EMAIL ADDITIONAL COMMENTS OR QUESTIONS TO
MARY KELL, PROJECT MANAGER, CITY OF TULSA ENGINEERING SERVICES
MKELL@CITYOFTULSA.ORG**



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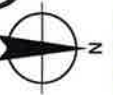
BOA-23073

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Aerial Photo Date: February 2018

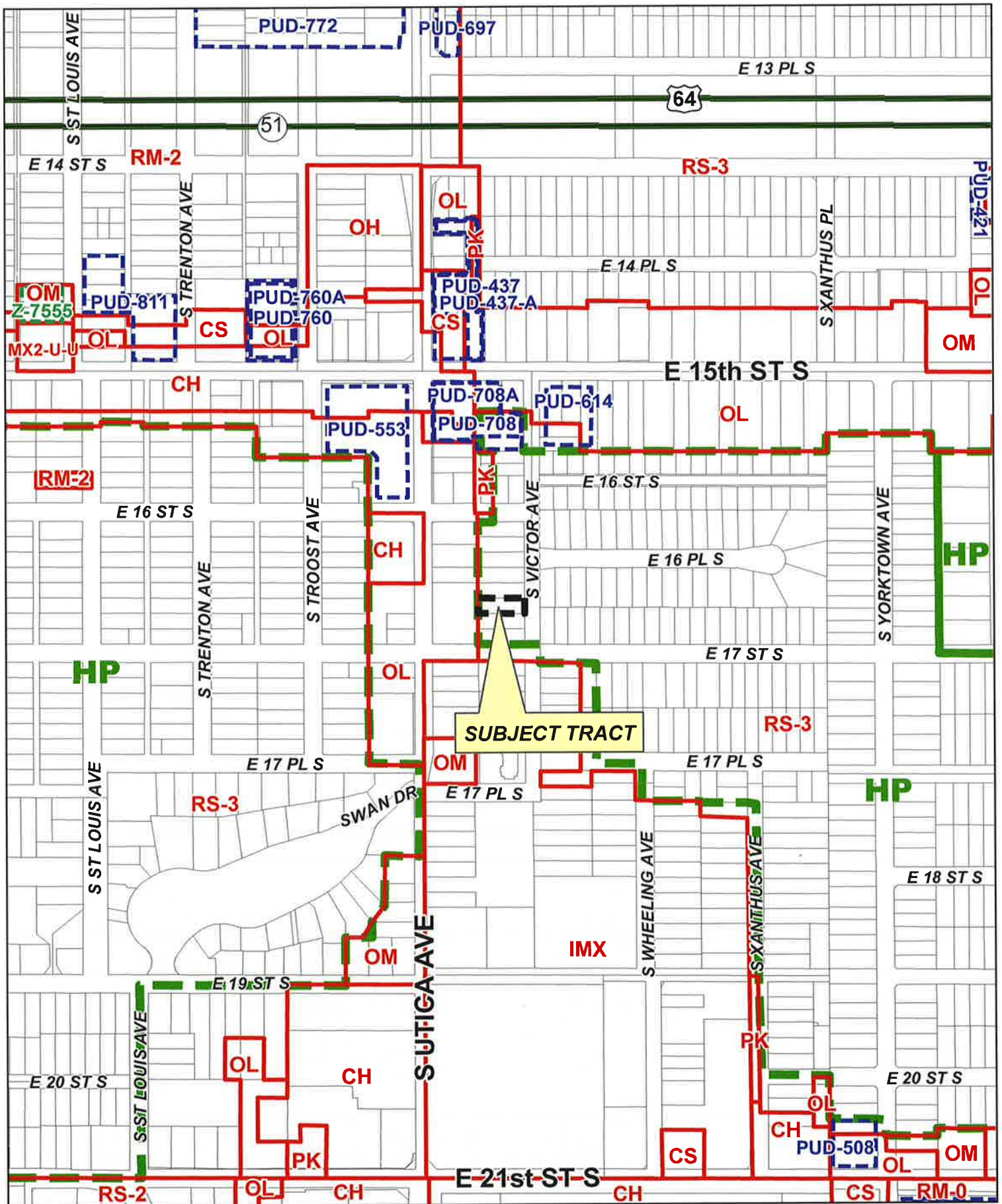
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BOA-23074 – RASHAD HALL

**THE APPLICANT HAS WITHDRAWN THE
APPLICATION – RELIEF IS NOT NEEDED**



BOA-23075

19-13 07

6.1

BOARD OF ADJUSTMENT CASE REPORT

STR: 9307

Case Number: **BOA-23075**

CZM: 37

CD: 4

HEARING DATE: 01/26/2021 1:00 PM

APPLICANT: Tom Neal

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

LOCATION: 1624 S VICTOR AV E

ZONED: RS-3

PRESENT USE: RS-3

TRACT SIZE: 7501.06 SQ FT

LEGAL DESCRIPTION: LT 6 BLK 16 & 10' VAC ALLEY, ORCUTT ADDN

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-15917; On 01.28.92 the Board **approved** variance of the maximum 20% coverage of the rear yard by a detached accessory building.

Surrounding Property: 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 SW/c of W. 16th St. S. and S. Victor Ave. The property is a part of the York Town Historical Preservation Overlay.

6.2

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

The applicant is seeking to cover and expand an existing stoop on the property. The final encroachment would be 5'.

STATEMENT OF HARDSHIP: The applicant would like to cover the existing stoop which currently sits inside the setback.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** of the required 25-foot front street setback in an RS-3 District (Sec. 5.030, Table 5-3).

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

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

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



Subject property



Facing South on Victor



Facing South on Victor

Case No. 15910 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bolzle, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, Doverspike, "absent") to **APPROVE** a Special Exception to permit a home occupation (interior design) - **Section 402.B.6.b Home Occupations Permitted by Special Exception** - Use Unit 6; per Home Occupation Guidelines; and subject to the home address being excluded from **all advertising**; finding that there are no customers visiting the home, no signs and no outside employees; and finding that the use, as presented, will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 8, Block 6, Charlane Estates, Blocks 6, 7, 8 and 9, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15917

Action Requested:

Variance of the maximum permitted 20% rear yard coverage to 41% to permit the replacement of a garage - **Section 210.B.5. Permitted Obstructions in Required Yards** - Use Unit 6, located 1624 South Victor Avenue.

Variance of the required 4000 sq ft of livability space to 2958 sq ft - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 1624 South Victor Avenue.

Presentation:

The applicant, **Thomas Alexander**, 1624 South Victor, Tulsa, Oklahoma, submitted a plot plan (Exhibit C-1), and explained that he has removed an old dilapidated garage, with quarters, from his property near Swan Lake, and is proposing to construct a new 24' by 24' structure. Mr. Alexander stated that he will need a variance to build any type of garage on the 50' lot.

Comments and Questions:

Mr. Bolzle inquired as to the size of the original garage, and the applicant stated that it was 17.4' by 32.1'.

Ms. White asked if the new garage will have living quarters, and the applicant replied that the sewer line has been capped and there will be no living quarters in the new structure.

Protestants:

None.

Case No. 15917 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bolzle, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, Doverspike, "absent") to **APPROVE** a **Variance** of the maximum permitted 20% rear yard coverage to 41% to permit the replacement of a garage - **Section 210.B.5. Permitted Obstructions in Required Yards** - Use Unit 6; and to **APPROVE** a **Variance** of the required 4000 sq ft of livability space to 2958 sq ft - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the granting of the request will not be detrimental to the area: on the following described property:

Lot 6, Block 16, Orcutt Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15918

Action Requested:

Variance of the required 50' setback from the centerline of North Quebec to 38', per plan submitted - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 1138 North Quebec Avenue.

Presentation:

The applicant, **Val Moore**, 1138 North Quebec Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-1), and explained that he is proposing to construct an addition to an existing house.

Comments and Questions:

Mr. Bolzle asked if the addition will align with the existing house, and Mr. Moore answered in the affirmative.

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bolzle, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, Doverspike, "absent") to **APPROVE** a **Variance** of the required 50' setback from the centerline of North Quebec to 38', per plan submitted - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the proposed addition will align with the existing dwelling, and approval of the variance request will not violate the spirit, purpose or intent of the Code; on the following described property:

A hand-drawn site plan of a property. The overall dimensions are 150.0' wide by 50.0' deep. The plan includes a 'PARKING' area on the left, an 'URGENT CARE' building, and a 'DRIVE' area. A '50.0' VICTOR X VE.' is shown on the right side. A 'NEW PORCH ON EXIST. STOOP' is indicated. The plan also shows an 'EXIST. HOUSE' and an 'EXIST. GAR.' with various dimensions like 20', 5', and 25'.

OSTLAND PROJECT
1624 SO. VICTOR AVE.
TULSA - OKLA 74104

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



EAST ELEV 1/4" = 1'-0"



WEST ELEV. NEW EXIST.

OSTLUND PROJECT
1624 SO. VICTOR AVE.
TULSA - OKLA 12.2020

TOM NEAL
DESIGN

Associate member, American Institute of Architects
918.231.7372



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Subject Tract

BOA-23075

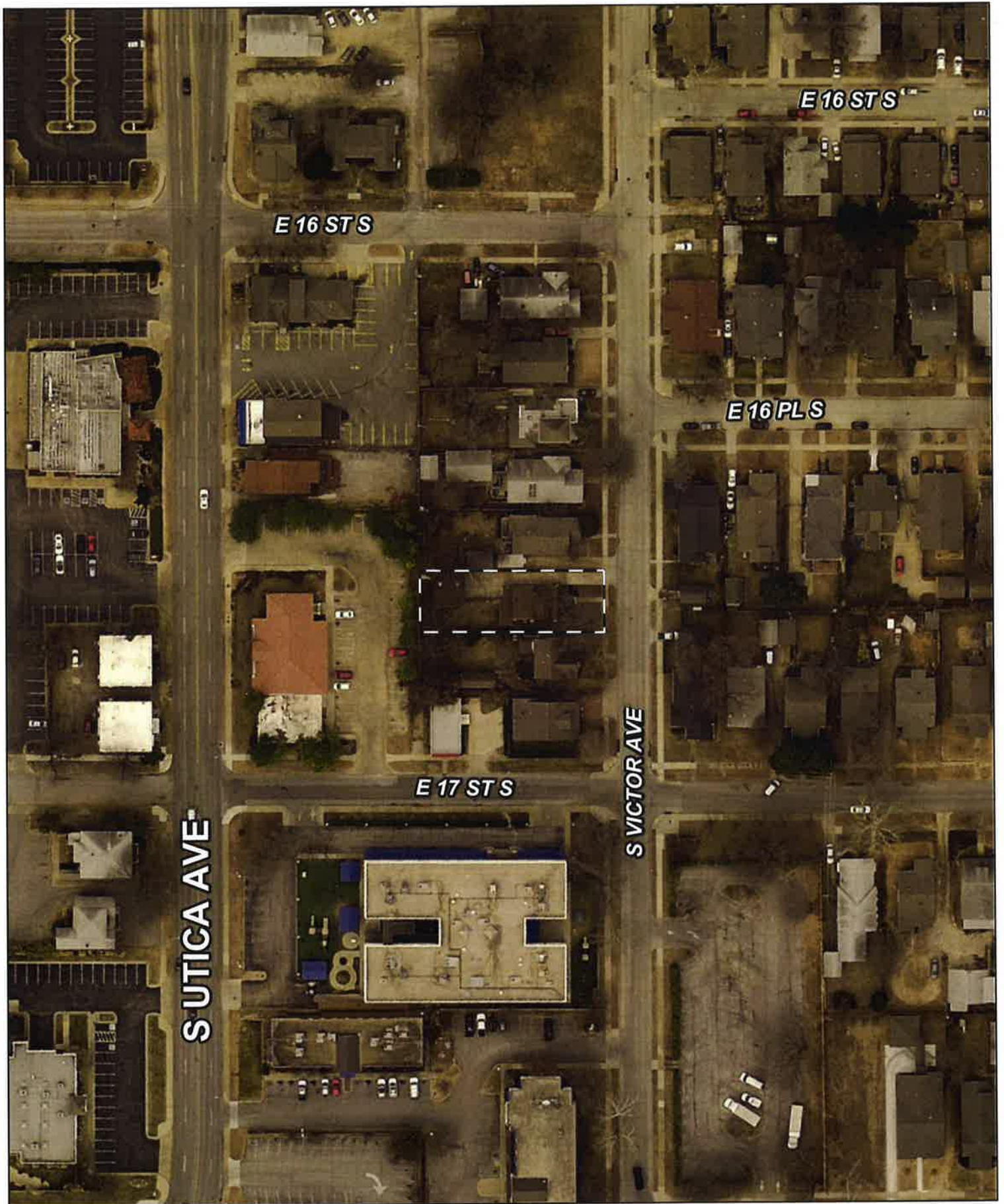
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Aerial Photo Date: February 2018



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Subject
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BOA-23075

19-13 07

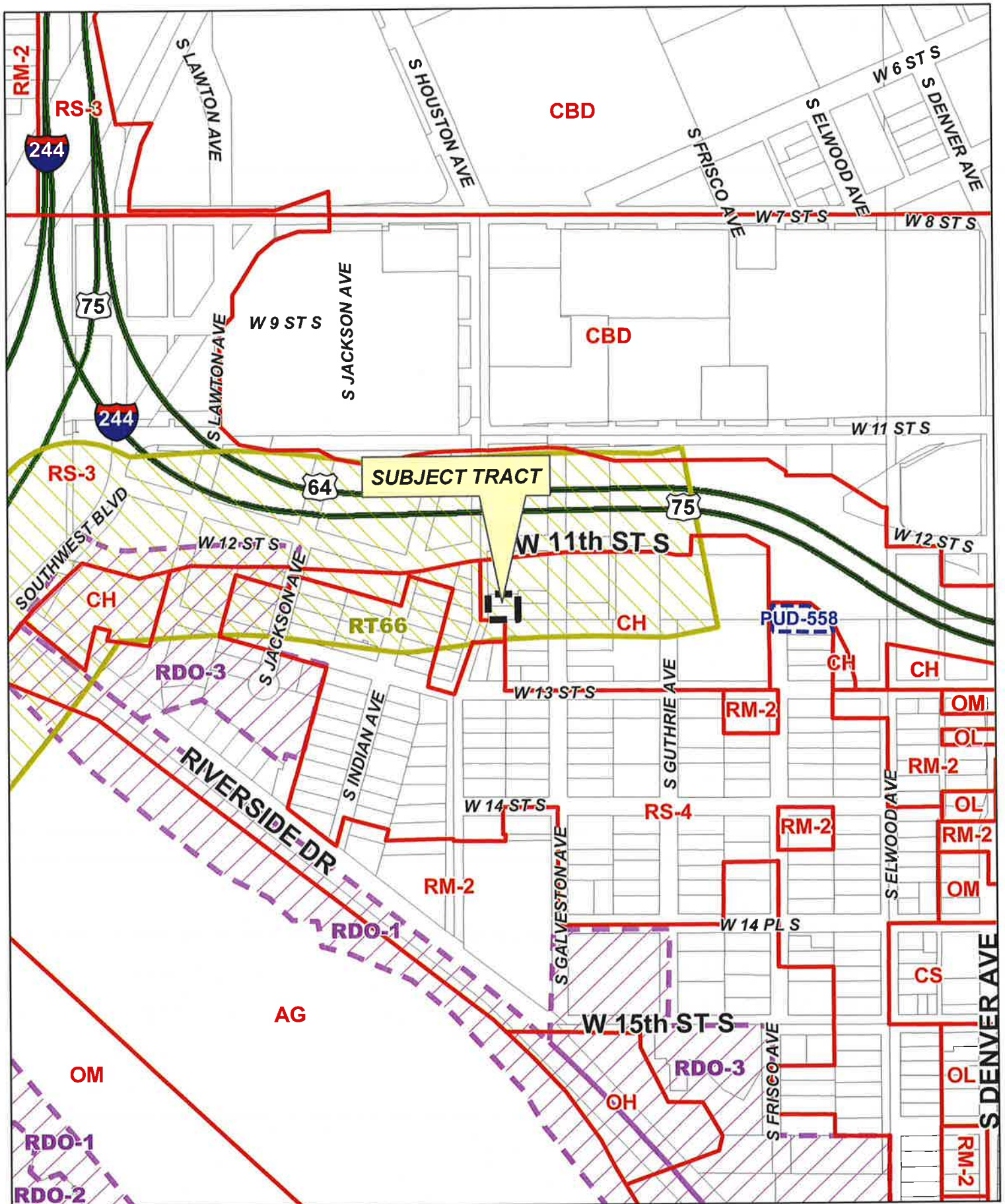
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Aerial Photo Date: February 2018



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BOA-23076

19-12 11

7.1

BOARD OF ADJUSTMENT CASE REPORT

STR: 9211

Case Number: **BOA-23076**

CZM: 36

CD: 4

HEARING DATE: 01/26/2021 1:00 PM

APPLICANT: Elizabeth Koelle

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: 1213 S HOUSTON AV W; 1215 S HOUSTON AV W **ZONED:** CH

PRESENT USE: Medical Marijuana Dispensary

TRACT SIZE: 8032.5 SQ FT

LEGAL DESCRIPTION: S 10 OF W 97 .5 LT 3 & N 29 OF W 97.5 LT 4 BLK 15; S 43 OF W 97.5 LT 4 BLK 15, LINDSEY THIRD ADDN

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-22649; On 06.11.19 the Board accepted a verification of spacing for a Medical Marijuana Dispensary.

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

Downtown Neighborhoods are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed-use residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

The **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.

7.2

ANALYSIS OF SURROUNDING AREA: The subject tract is located South of the SE/c of W. 12th St. S. and S. Houston Ave. The property is roughly 250' South of the Broken Arrow Expressway and is immediately across the street from Residential Zoning.

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

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

TULSA ZONING CODE | July 1, 2020
page 40-12

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

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

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

SAMPLE MOTION: Move to _____ (approve/deny) a **Special Exception** to permit 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.

7.4



Subject property. Single-family Residential is visible South of the subject property.



Facing North on Houston

(Table 10-4). **LOCATION:** **TENANT SPACE:** 1121 South Lewis Avenue East
(CD 4)

Presentation:

The applicant has withdrawn the application.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required; on the following property:

LTS 15 - 21 BLK 4, BOSWELL'S ADDN, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

22649—Elizabeth Koelle

FILE COPY

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: 1215 South Houston Avenue West (CD 4)

Presentation:

Elizabeth Koelle, 1215 South Harvard Avenue, Tulsa, OK; stated she has received her OMMA license and a license from OBDM to legally distribute medical marijuana. In order to open the doors, she needs permission from the Board.

Ms. Ross asked Ms. Koelle if the landlord was aware of the proposed use. Ms. Koelle answered affirmatively.

Interested Parties:

Ken Vonada, 1217 South Houston Avenue, Tulsa, OK; stated his landlord and the landowner has requested he appear on his behalf because he is out of town. Mr. Vonada stated that he owns the barbershop next door to the subject site. Mr. Vonada stated that he and the landlord's request is that there be adequate parking for the potential customers; he has three or four spaces for his barbershop. Mr. Vonada stated there were issues with the previous tenant because they were always parking in his spaces.

BoA-22649

FILE COPY

Ms. Ross stated that is a landlord issue and the landlord has control over those type of issues not the Board of Adjustment. Mr. Vonada stated that his barbershop is right next door to where the dispensary will be located, and they are two separate buildings so the landlords are different.

Bill Andrew, 1701 South Quaker Avenue, Tulsa, OK; stated he attends Holy Trinity Greek Orthodox Church, which is around the corner from the subject site, serves on the parish counsel and is the Treasurer for the church. Mr. Andrew stated that he is against this request. Everything is so new with the dispensaries that the City probably still does not know the ramifications of how these businesses might affect the surrounding neighborhoods and/or other businesses. He believes that the dispensary has the so-called right to be there but in the uncertainty of its ramifications the close proximity to an established neighborhood rather than a strong mixture of businesses, given the newness and the concerns of that he would ask the Board to deny this application. Mr. Andrew wishes the City would have made the law more restrictive for these businesses to properly protect adjoining houses and other property owners. He thinks with activities of the children in the church and other activities he thinks that should be given consideration to have in the denial of this application.

Ms. Ross stated that all the Board is being asked to do today is to verify that there is not another marijuana dispensary within a 1,000 feet of this proposed location. The concerns the interested parties have, although valid, the Board has no control in the decision of those things. If there is not another marijuana dispensary within a 1,000 feet, the Board typically will approve the request of spacing verification.

Ms. Radney stated that she too is sensitive to the dispensaries that are located within the CH buildings that are adjacent to a community. She lives in such a neighborhood that has a dispensary at the end of her street. She would encourage the applicants is to remember that all of this is very new to everyone, to the extent that people can be the best neighbor that they can, whether that is to adjacent businesses who have concerns about parking or whether it is residences or churches around the area. The Board is hopeful that the dispensaries will be good citizens and good neighbors.

Comments and Questions:

None.

Board Action:

On **MOTION of ROSS**, the Board voted 4-0-0 (Bond, Radney, Ross, Shelton "aye"; no "nays"; no "abstentions"; Van De Wiele absent) I move that based upon the facts in this matter as they exist presently, 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:

BOA - 22649

FILE COPY

**S 43 OF W 97.5 LT 4 BLK 15; S 10 OF W 97 .5 LT 3 & N 29 OF W 97.5 LT 4 BLK 15,
LINDSEY THIRD ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

22650—Julio Miranda

Action Requested:

Special Exception to permit a carport in the street setback and street yard, and to exceed the allowable height requirements and to exceed 20 feet in length (Section 90.090-C1). **LOCATION:** 4233 North Evanston Place East (CD 1)

Presentation:

Julio Miranda, 4233 North Evanston Place, Tulsa, OK; stated he has purchased a new car and he would like to have a cover to park it under to keep it out of the weather. The carport will be 16'-0" long x 14'-0" wide x 9'-0" tall. The carport will be constructed with metal poles concreted into the ground and the remaining part of the structure will be wood and will be open on all four sides.

Ms. Ross asked Mr. Miranda if he was aware of any other carports in the neighborhood. Mr. Miranda stated there are other carports north of his house.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **ROSS**, the Board voted 4-0-0 (Bond, Radney, Ross, Shelton "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **APPROVE** the request for a Special Exception to permit a carport in the street setback and street yard, and to exceed the allowable height requirements and to exceed 20 feet in length (Section 90.090-C1), subject to conceptual plans 6.13, 6.14, 6.15, 6.16 and 6.17 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 24 BLK 10, LAKE-VIEW HGTS AMD RESUB PRT B1-2 & B3-6, City of Tulsa,
Tulsa County, State of Oklahoma**

DANA L. BOX
ZONING PLANS EXAMINER

TEL (918)596-6957
danabox@cityoftulsa.org



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1 REVISED
Dank Dames Cannabis Company

December 1, 2020

Phone: 570-713-8816

APPLICATION NO: **BLDC-073701-2020**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 1213 S. Houston

Description: Medical Marijuana Processing 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
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 ABOVE****

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

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. ****PURSUANT TO FEDERAL, STATE, AND LOCAL DECLARATIONS OF EMERGENCY ARISING FROM THE COVID-19 THREAT AND AS DIRECTED BY THE ADMINISTRATION, OUR OFFICE IS CLOSED TO THE PUBLIC UNTIL FURTHER NOTICE. PAPER SUBMITTALS (INCLUDING REVISIONS AND ADDENDUM) FOR ANY PROJECT IS NOT ACCEPTED AT THIS TIME. IF SUBMITTING REVISIONS FOR APPLICATIONS THAT PREVIOUSLY UTILIZED PAPER PLANS, EMAIL THE REVISED PLANS TO COTDEVSVCS@CITYOFTULSA.ORG OR SUBMIT ELECTRONIC PLAN REVISIONS ON THE PORTAL AT [HTTPS://TULSAOK.TYLERTECH.COM/ENERGOV4934/SELFERVICE](https://tulsaok.tylertechnology.com/ENERGOV4934/SELFERVICE). YOU WILL NEED TO REGISTER ON THE PORTAL IF YOU HAVE NOT PREVIOUSLY DONE SO. ****
3. INFORMATION ABOUT THE ZONING CODE, BOARD OF ADJUSTMENT (BOA), PLANNING COMMISSION (TMAPC), AND THE TULSA PLANNING OFFICE AT INCOG CAN BE FOUND ONLINE AT WWW.TULSAPLANNING.ORG; IN PERSON AT 2 W. 2ND ST., 8TH FLOOR, IN TULSA; OR BY CALLING 918-584-7526 AND ASKING TO SPEAK TO SOMEONE ABOUT THIS LETTER OF DEFICIENCY.
4. A COPY OF A "RECORD SEARCH" ☒ IS ☐ IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

REVIEW COMMENTS

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

BLDC-073701-2020 REV

1213 S. Houston Ave.

December 1, 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 separation distance acceptance and all questions regarding BOA application forms and fees to the BOA Planner at the Tulsa Planning Office at 918-584-7526 or at esubmit@incog.org. It is your responsibility to submit to our office documentation of any decisions by the BOA affecting the status of your application, so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. **Sec.15.020 Table 15-1:** You are proposing a Moderate-impact Medical Marijuana Processing Facility 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. It is in an IL zoning district.

Review comment: It is unclear as to what type of processing you plan to do in this facility. Please clarify. **Neither a Moderate-impact or High-impact Medical Marijuana Processing Facility use is allowed in a CH district.** A Low-impact use, which includes bakery products manufacturing and production of medical marijuana edible using medical marijuana components processed elsewhere, is permitted by Special Exception. Apply to the Board of Adjustment for a Special Exception for a Low-Impact Medical Marijuana Processing Facility in a CH district. Submit a copy of the approved BOA Special Exception as a revision to this application.

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

Review comment: There is a medical marijuana dispensary located at 1215 N. Houston, which appears to be within the same facility. Clarify the use of the facility you will occupy and indicate on plans which business occupies which portion of the building. Another medical marijuana dispensary cannot be located within 1,000 feet of another dispensary.

3. **Sec. 40.225-F** Medical marijuana grower operations, processing facilities and dispensaries must provide the following:
 1. A ventilation/air filtration system that prevents odor from being detectible at the boundaries of the lot within which the building housing the medical marijuana grower operation, processing facility or dispensary is located, except that if such use is located in multiple-tenant building, the ventilation/air filtration system must prevent odor from being detectible outside the tenant space housing the use.
 2. An electronic security system and surveillance camera.

Review comment: No ventilation/air filtration system nor security system is shown on your plans. Revise plans to comply with this portion of the code.

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

Link to Zoning Code:

www.tulsaplanning.org/plans/TulsaZoningCode.pdf

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

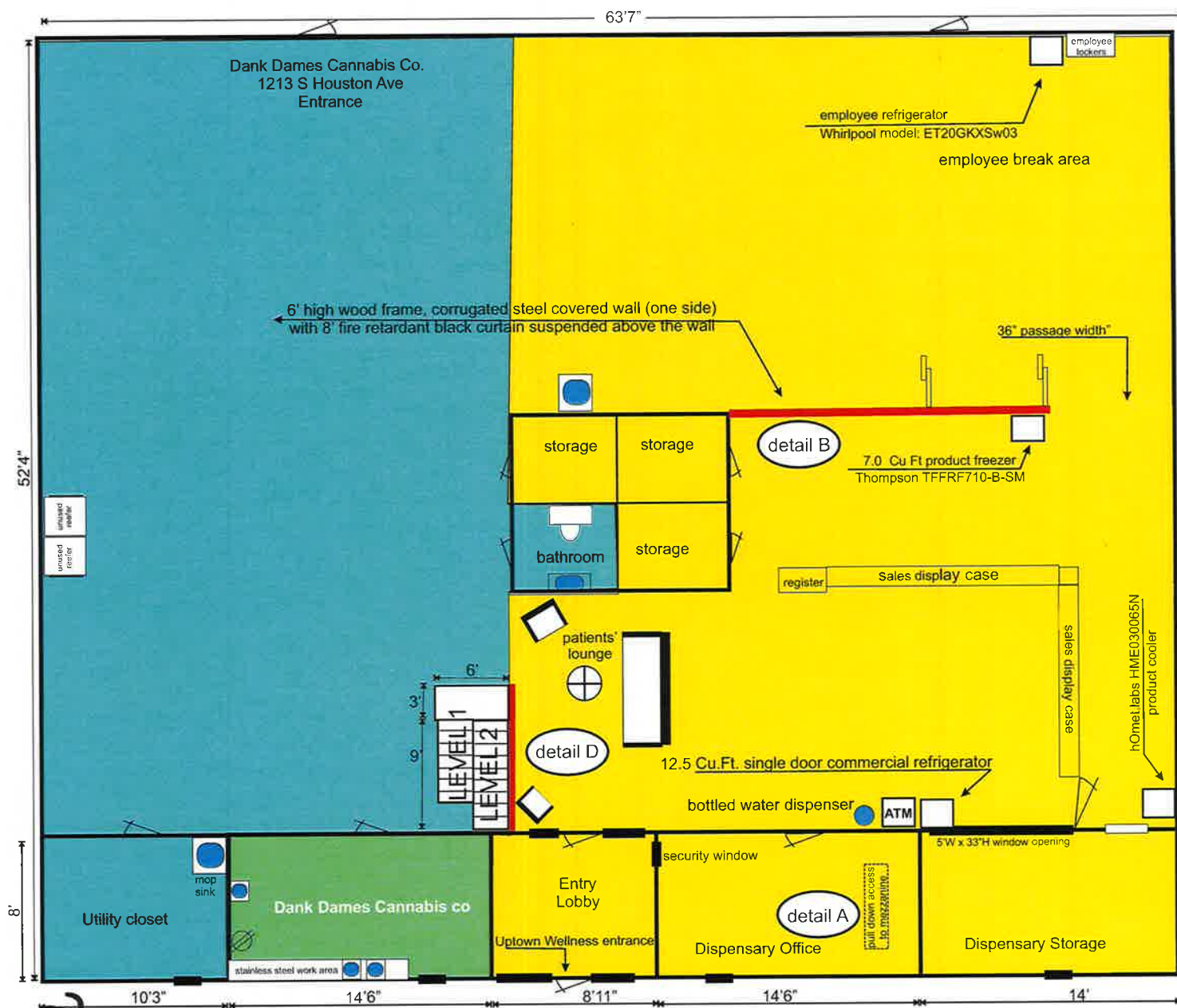
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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

END – ZONING CODE REVIEW

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

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



Access Areas

- Uptown Wellness
- Dank Dames Cannabis
- Common Area – Shared both by Uptown Wellness and Dank Dames Cannabis

LEVEL 1
LEVEL 2



Dank Dames Cannabis Company	
1213 S Houston St • Tulsa, OK 74014	
Owner: Erica Daggett (570) 713-8816	
Building Owner: Elizabeth Koelle (918) 892-1961	
drawn by: Jim Koelle: (918) 852-6872	scale 3/16"=1'
View: Floor Plan Changes	
File: Dank_Dames_floor_plan_11-9-2020.cdr	

7.12



0 Feet 200 400



Subject Tract

BOA-23076

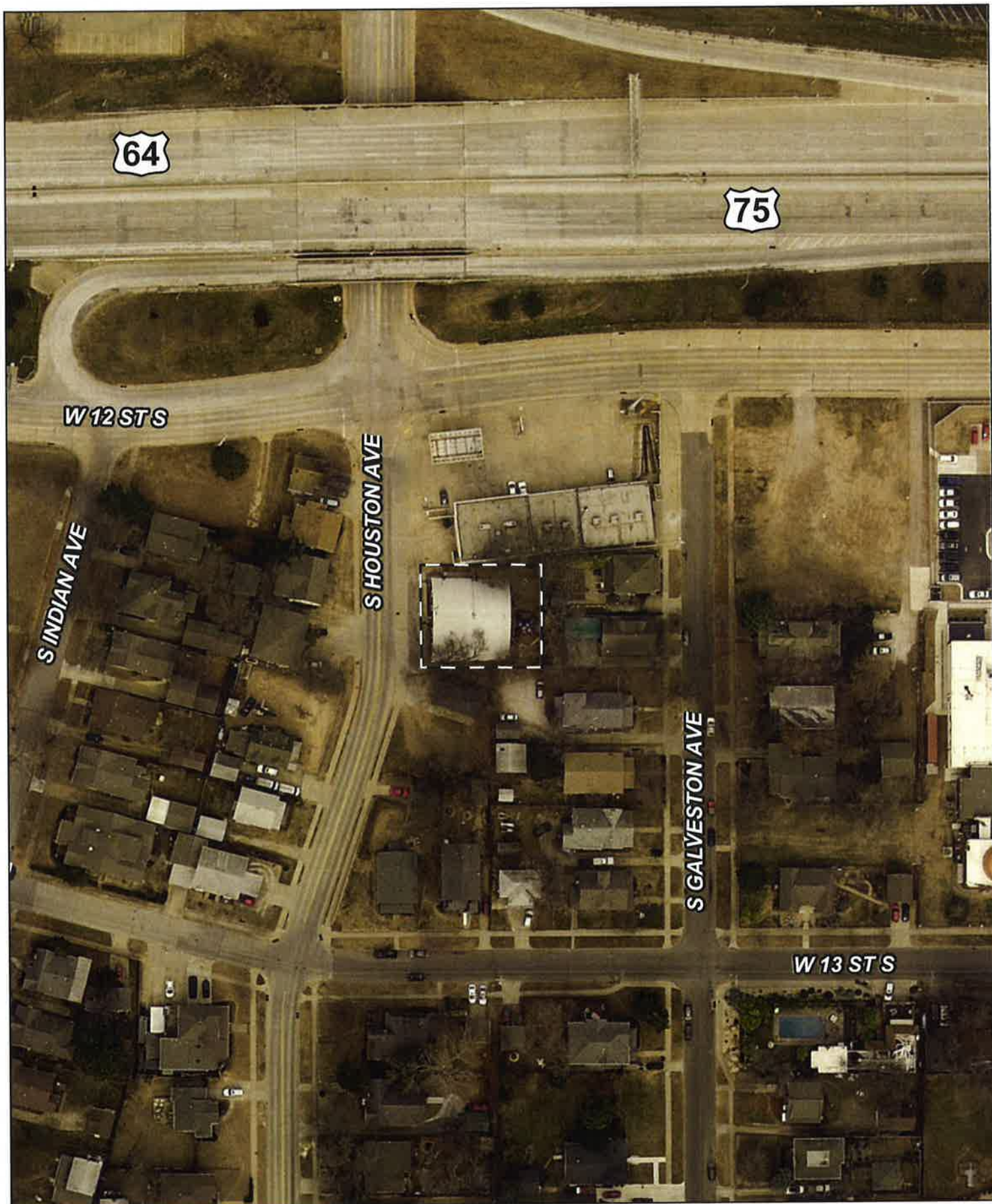
19-12 11

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

Aerial Photo Date: February 2018

7.13





0 Feet 50 100



Subject
Tract

BOA-23076

19-12 11

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

Aerial Photo Date: February 2018

7.14



BOARD OF ADJUSTMENT CASE REPORT

STR: 0213

Case Number: BOA-23067

CZM: 21

CD: 1

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.

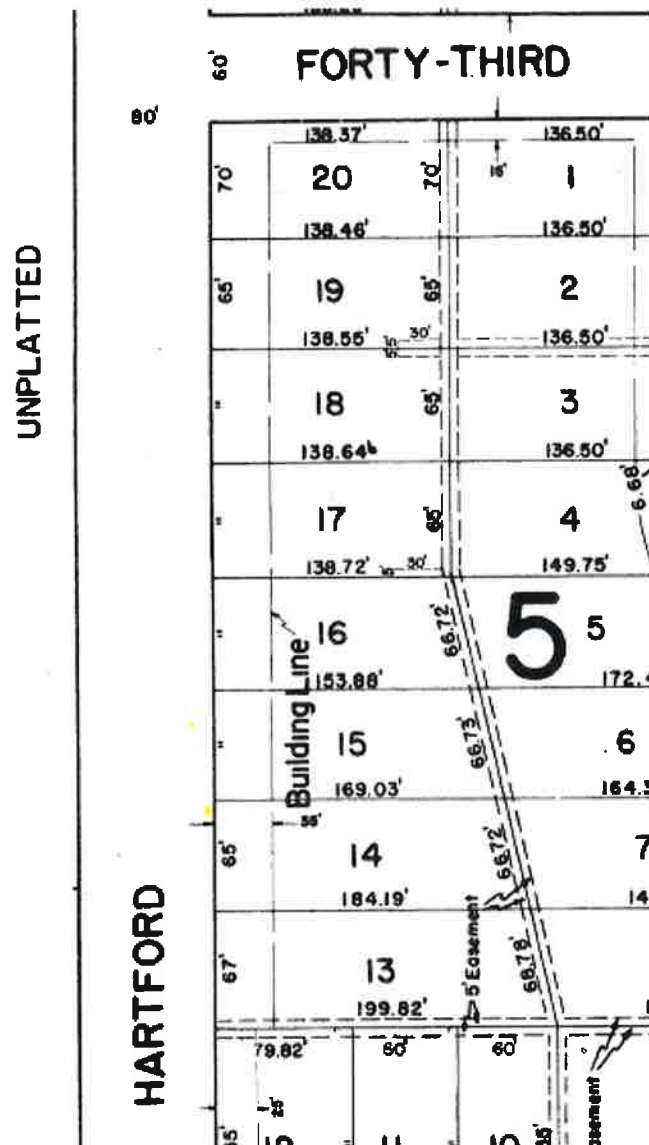
ANALYSIS OF SURROUNDING AREA: The subject tract is located on the Eastside of N. Hartford Ave. between E. 43rd St. N. and E. 42nd St. N.

STAFF COMMENTS: The applicant is requesting a **Variance** to allow a detached accessory building in the street setback (Section 90.090-C)

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

Obstruction	Setback		
	Street	Side	Rear
Accessory buildings (see also 90.090-C2)	No	No	Yes
Air conditioning units	No	Yes	Yes
Arbors and trellises	Yes	Yes	Yes
Awnings, canopies, light shelves and architecturally integrated solar shading devices projecting no more than 2 feet into the setback	Yes	Yes	Yes

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'.



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)



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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

WARKEISHIS METOYER
Keshametoyer@gmail.com

9/9/2020

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

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

(continued)

REVIEW COMMENTS

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

Application No. **ZN LOD- 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.

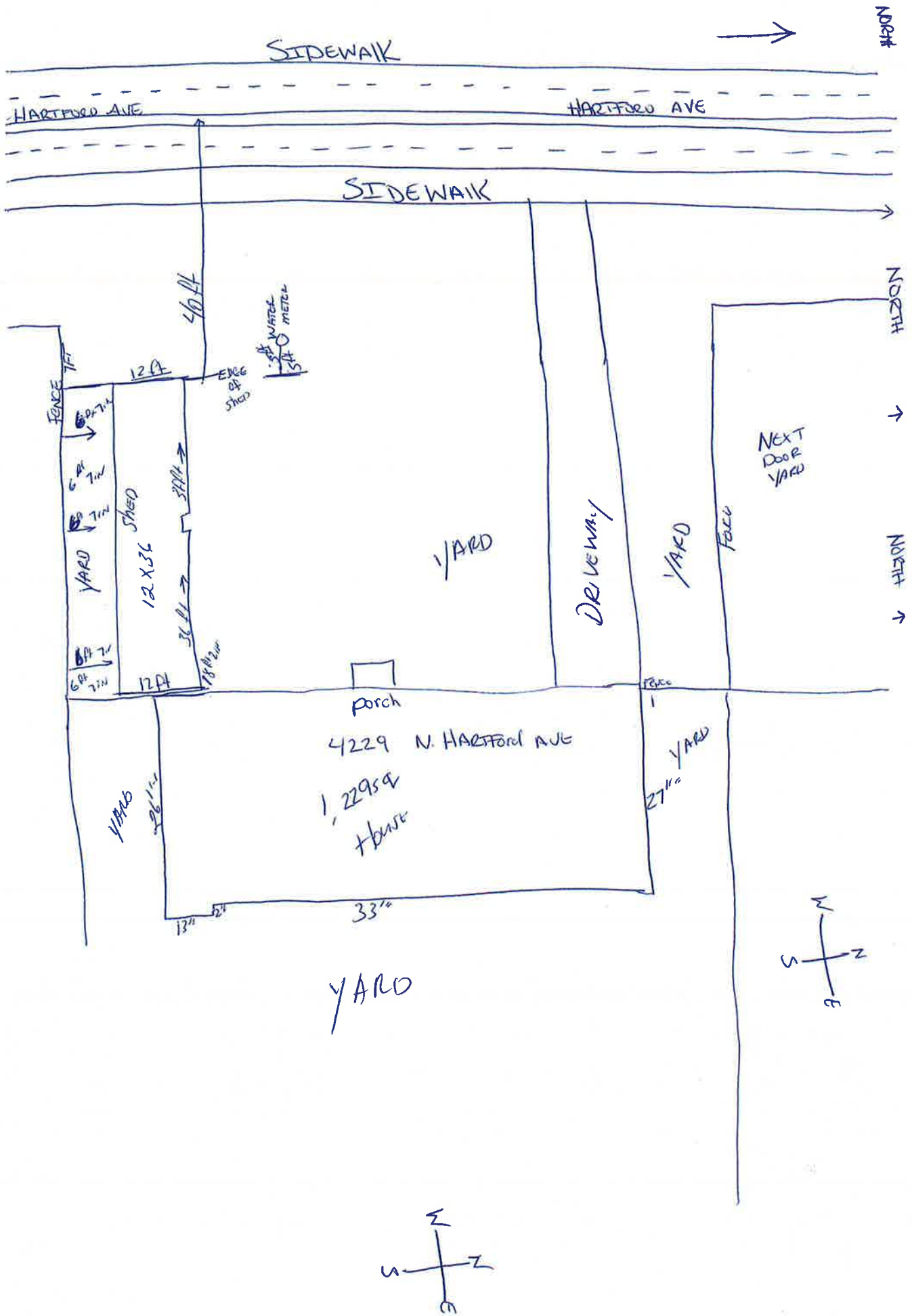
Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:
<http://www.tmapc.org/Documents/TulsaZoningCode.pdf>

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

END –ZONING CODE REVIEW

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

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





0 Feet 350 700



Subject Tract

BOA-23067

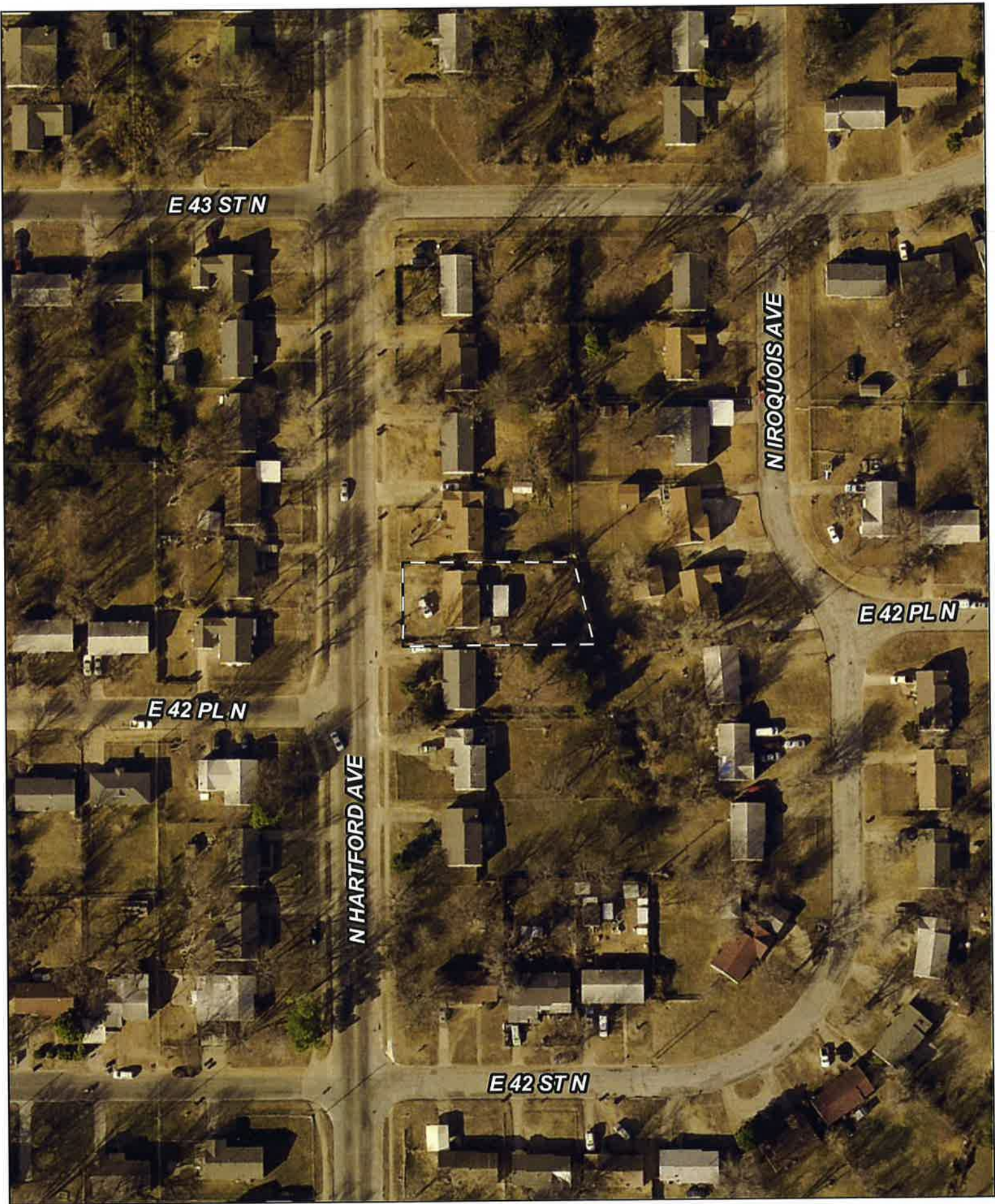
20-12 13

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

Aerial Photo Date: February 2018



8.9



0 Feet 50 100



Subject
Tract

BOA-23067

20-12 13

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

Aerial Photo Date: February 2018

N
8.10

Chapman, Austin

From: Keisha Gibson <keishalgibson@gmail.com>
Sent: Friday, January 15, 2021 11:38 AM
To: Chapman, Austin
Subject: Fwd: BOA23067

----- Forwarded message -----

From: **Keisha Gibson** <keishalgibson@gmail.com>
Date: Fri, Jan 15, 2021 at 11:06 AM
Subject: BOA23067
To: <achatman@incog.org>

Hello,
My name is Keisha Gibson and I own a house on Hartford ave. I just became aware that a notice was sent to my mother's house at 524 East 49th Street North. I didn't get to attend the hearing on the 12th of this month. I wanted to know if the decision that was made on 01/12/21 can be reconsidered. I understand that it is stated that the unit in question is being referred to as a detached garage, but in reality it is a small house with someone living in it. It also blocked the view of me trying to back out my driveway. The neighbor on the south side of the property is an elderly woman and I am sure that she did not know what to do about the hearing that took place on the 12th either. If there is any more information that is needed I can be contacted at 918-697-3607 or you can send a notice to my address 4233 N Hartford Ave, Tulsa, OK 74106.

Thank you in advance

Keisha Gibson