

AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, March 9, 2021, 1:00 P.M.

Meeting No. 1268

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

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

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

Join **Teleconference** by dialing: 1 (408) 650-3123 then entering Access Code 271-400-877

Download the GoToMeeting app now to be ready when the meeting starts:
<https://global.gotomeeting.com/install/271400877>

The following Board members plan to attend via videoconferencing or teleconferencing, though they are still permitted to attend at the meeting site: Austin Bond, Stuart Van De Wiele, Burlinda Radney, Jessica Shelton, and Steve Brown.

If you wish to present or share any documents, written comments, or exhibits during the hearing, please **submit them by 9:00 am** the day of the hearing. Remember to reference the case number and include your name and address.

Email: esubmit@incog.org

Mail or In Person: City of Tulsa BOA c/o INCOG, 2 W. 2nd St., Suite 800, Tulsa, OK 74103

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of February 23, 2020 (Meeting No. 1267).

UNFINISHED BUSINESS

None.

NEW APPLICATIONS

2. **23084—AAB Engineering, LLC – Arborstone Land Holdings**
Special Exception to permit a Commercial/Self-service Storage Facility in a CS District (Section 15.020, Table 15-2); Variance to reduce the 50-foot frontage requirement in the CS District to allow the expansion of a lot permitted in BOA-18676 (Section 15.030, Table 15-3). **LOCATION:** 10833 East 41st Street South **(CD 6)**
3. **23086—Andrew Kern**
Appeal of a decision by the Tulsa Preservation Commission to deny Historic Preservation Permit Application HP-0239-2020 to permit the installation of roof-top solar panels (Section 70.070-L). **LOCATION:** 1540 South Gillette Avenue East **(CD 4)**
4. **23087—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 façade that must be located in the Build-to-Zone in a MX1-U District (Section 10.030, Table 10-5). **LOCATION:** NE/c of West 23rd Street South and South Maybelle Avenue West **(CD 2)**
5. **23088—Josh Kunkel**
Special Exception to allow an accessory dwelling unit in an RS-3 District (Section 45.031-D). **LOCATION:** 2221 East 12th Place South **(CD 4)**
6. **23089—Josh Kunkel**
Variance to reduce the required 35-foot setback from an arterial street (Harvard Avenue) (Section 5.030, Table 5-3). **LOCATION:** 3243 East Archer Street North; 106 and 116 North Harvard Avenue East **(CD 3)**
7. **23090—Dustin Justice**
Special Exception to permit a medical marijuana grower operation (Agricultural/Horticulture Nursery Use) in the CH District (Section 15.020, Table 15-2). **LOCATION:** 2880 East Admiral Place North **(CD 3)**
8. **23091—Gregg Norris**
Variance of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 3025 South Memorial Drive East **(CD 5)**

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

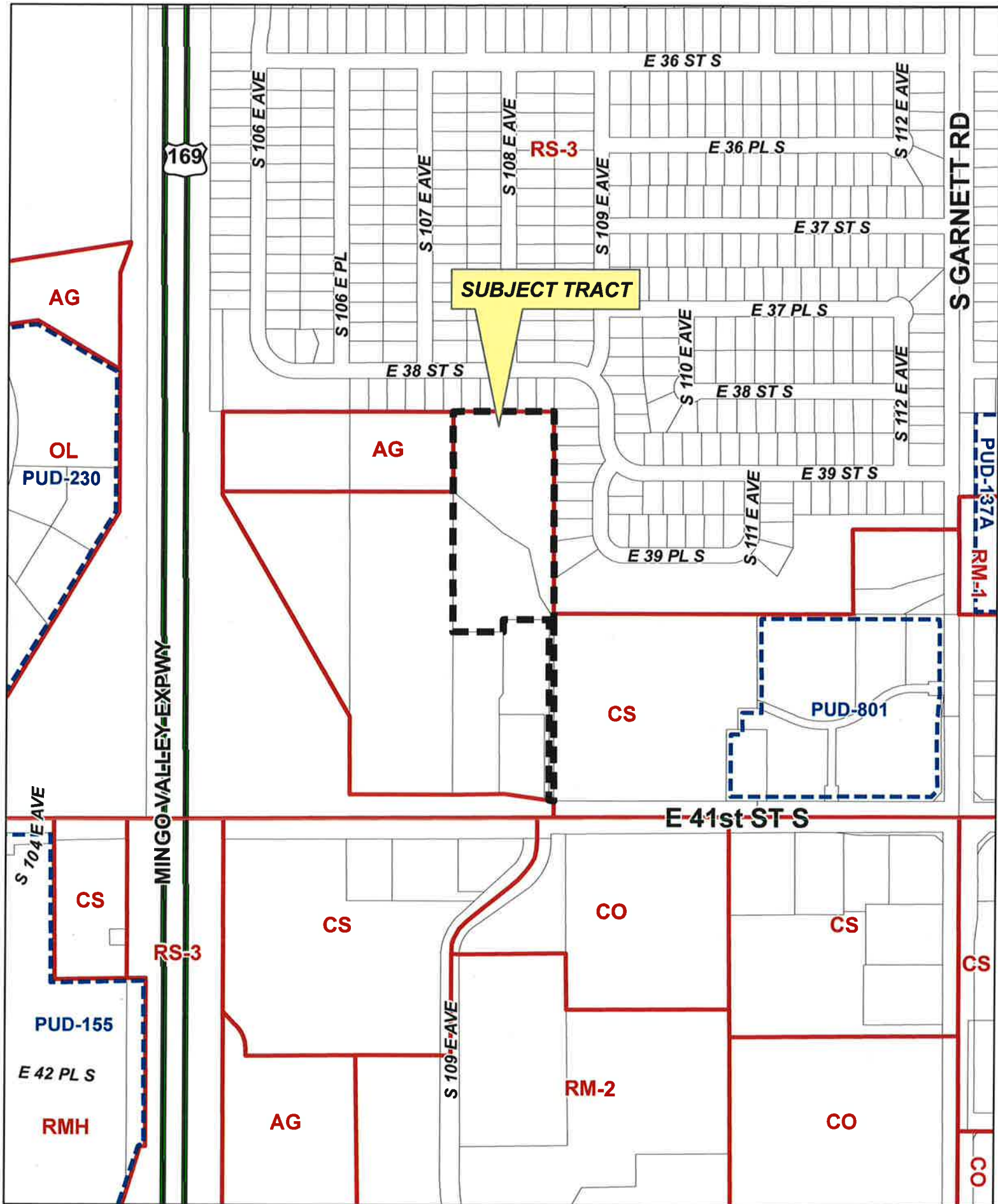
Website: tulsaplanning.org

E-mail: esubmit@incog.org

CD = Council District

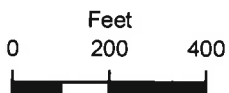
NOTE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify Tulsa Planning Office at 918-584-7526. Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained by the Tulsa Planning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

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



BOA-23084

2.1



19-14 19



BOARD OF ADJUSTMENT CASE REPORT

STR: 9419

Case Number: **BOA-23084**

CZM: 49

CD: 6

HEARING DATE: 03/09/2021 1:00 PM

APPLICANT: Alan Betchan

ACTION REQUESTED: Special Exception to permit a Commercial/ Self-service Storage Facility in a CS District (Sec. 15.020, Table 15-2) Variance to reduce the 50-foot frontage requirement in the CS District to allow the expansion of a lot permitted in BOA-18676 (Section 15.030, Table 15-3)

LOCATION: 10833 E 41 ST S; 10863 E 41 ST S

ZONED: CS

PRESENT USE: Vacant land and Mini-storage

TRACT SIZE: 239781.36 SQ FT

LEGAL DESCRIPTION: RESERVE A; PRT LT 3 BEG SECR TH NW15.66 N588.58 W152.49 S36 W162.50 N454.94 SE216.51 SE94.68 SE160 SE90 S589.86 POB BLK 1, RAVENWOOD

RELEVANT PREVIOUS ACTIONS:

Subject property:

Z-7574: On 10.07.20 The TMAPC recommended **approval** a rezoning of the Reserve Area of Ravenwood from AG to CS. The City Council subsequently approved the re-zoning on 11.04.20 and the CS Zoning is now effective.

BOA-21588; On 07.09.13 the Board **approved** a Special Exception to reduce the setback requirement for a communications tower from a R District.

BOA-18859; On 09.12.00 the Board **approved** a Variance of the allowable height for a sign from 40' to 49' and of the allowable display surface area to permit 444 square feet display area.

BOA-18676; On 03.14.00 the Board **approved** a Variance of the frontage requirement to permit a lot split.

BOA-18429; On 06.08.99 the Board **approved** a Special Exception to permit a Mini Storage in a Cs District.

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

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

can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located East of the intersection of Highway 169 and E. 41st St. S. The property includes the reserve area of a Subdivision that has never been developed.

STAFF COMMENTS: The applicant is requesting Special Exception to permit a Commercial/ Self-service Storage Facility in a CS District (Sec. 15.020, Table 15-2) Variance to reduce the 50-foot frontage requirement in the CS District to allow the expansion of a lot permitted in BOA-18676 (Section 15.030, Table 15-3)

Self-Storage Facilities are subject to the supplemental regulations of Sec. 40.360:

Section 40.360

Self-Service Storage Facilities

40.360-A General

1. The general provisions of this section apply to all self-service storage facilities.
2. A screening fence or masonry wall is required along all lot lines that abut R- or AG-R- zoned lots. Required screening fences and walls must be at least 8 feet in height. If buildings are masonry, the building wall can serve as the screening wall, provided that any open spaces between perimeter buildings are screened with a masonry screening wall at least 8 feet in height. The screening fence/wall requirements of this section do not apply to climate-controlled self-storage buildings in which self-storage spaces are accessed only from within the building.

TULSA ZONING CODE | July 1, 2020
page 40-19

Chapter 40 | Supplemental Use and Building Regulations
Section 40.370 | Sexually Oriented Business Establishments

Figure 40-12: Screening of Drive-up Style Self-Storage Facilities from Abutting R or AG-R Districts



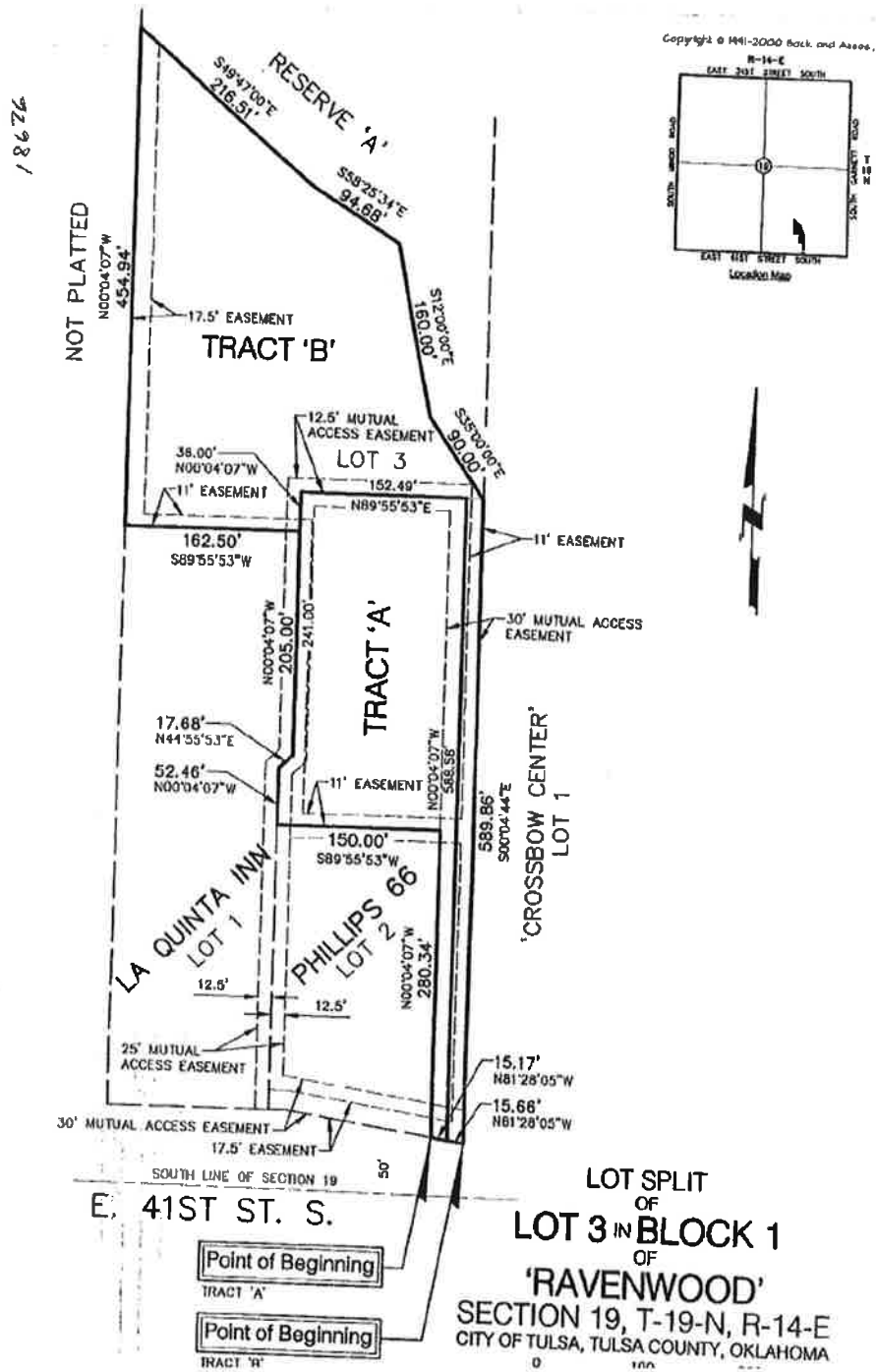
3. A single dwelling unit may be integrated into the self storage facility.
4. No activities other than storage and pick-up and deposit of stored materials are allowed within the storage units.

The applicant will be expanding a self-storage use into the Reserve Area of Ravenwood Subdivision that has previously been undeveloped.

The applicant will be combining two currently separate tracts together and in total the tracts will only have 15' of street frontage. Below represents the final configuration:



The Board did approve a variance of the frontage requirement in BOA-18676 to permit the creation of the tracts identified below as Tracts "A" and "B" but they did not include the Reserve area where the applicant is seeking to expand the self-storage use.



SAMPLE MOTION: Move to _____ (approve/deny) a Special Exception to permit a Commercial/ Self-service Storage Facility in a CS District (Sec. 15.020, Table 15-2)

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

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

Move to _____ (approve/deny) a **Variance** to reduce the 50-foot frontage requirement in the CS District to allow the expansion of a lot permitted in BOA-18676 (Section 15.030, Table 15-3)

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."*



View of Creek running to the North of subject property.



View of Access Drive running to 41st St.

The applicant indicated her agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **MCARTOR**, TMAPC voted 8-0-0 (Blair, Covey, Craddock, Kimbrel, McArtor, Reeds, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Ritchey, Walker, "absent") to recommend **APPROVAL** of the MX1-P-U zoning for Z-7573 per staff recommendation.

Legal Description for Z-7573 :

Tract 1:

The South one hundred fifty-six and eight hundred seventy-five thousandths (156.875) feet of the East ninety (90) feet of the West one hundred fifty (150) feet of the East three hundred thirteen and seventy-five hundredths (313.75) feet of Lot One (1) and the West one hundred fifty (150) feet of the North Half (N/2) of the East three hundred thirteen and seventy-five hundredths (313.75) feet of Lot One (1), less the North twenty-five (25) feet thereof, BROCKMAN'S SUB-DIVISION, Tulsa County, State of Oklahoma, according to the recorded plat thereof;

AND

Tract 2:

The North one hundred fifty-six and eighty-nine hundredths (156.89) feet of the East one hundred sixty-three and seventy-five hundredths (163.75) feet of Lot One (1), BROCKMAN'S SUB-DIVISION, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

AND

Tract 3:

The West sixty (60) feet of the South one hundred fifty-six and eight hundred seventy-five thousandths (156.875) feet of the West one hundred fifty (150) feet of the East three hundred thirteen and seventy-five hundredths (313.75) feet of Lot One (1), BROCKMAN'S SUB-DIVISION, Tulsa County, State of Oklahoma, according to the recorded plat thereof, less the South twenty-five (25) feet thereof.

Mr. Reeds stepped out and did not vote on item 11.

11. Z-7574 Arborstone Land Holdings, AAB Engineering, LLC (CD 6)

Location: North and west of the northwest corner of East 41st Street South and South Garnett Road requesting rezoning from **AG to CS**

10:07:20:2827(36)

STAFF RECOMMENDATION:

SECTION I: Z-7574

DEVELOPMENT CONCEPT: The property owner has learned that much of the AG zoned portion of his property is no longer in the mapped flood plain and has plans to expand his business into the area outside the newly mapped flood plain. Prior to building permit approval, the applicant will also be required to go to the Board of Adjustment for a self-storage use if the CS zoning is approved. CG zoning would allow self-storage, but that zoning designation allows many uses that are not allowed surrounding land uses.

DETAILED STAFF RECOMMENDATION:

Z-7574 requesting CS zoning will allow uses that are not consistent with the Existing Neighborhood land use designation. Staff recognizes the uses allowed in a CS district are consistent with the provisions outlined in the Town Center land use vision and the Area of Growth provisions of the Tulsa Comprehensive Plan and,

Uses allowed in the CS zoning district are consistent with the expected future development of the subject property and,

CS zoning allows a wide range of uses and provides development guidelines that provide a predictable outcome important to the abutting residential properties, therefore

Staff recommends Approval of Z-7574 to rezone property from AG to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The Existing Neighborhood land use designation appears to be a mapping error. The site has never been part of planned open space or integrated into any existing neighborhood. Staff will correct this during the update of the Comprehensive Plan.

Land Use Vision:

Land Use Plan map designation: Existing Neighborhood,
The Existing Neighborhood category 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. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

Anticipated future land use designation will be Town Center or something similar:

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

Current Areas of Stability and Growth designation: Area of Stability

The Areas of Stability includes 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.

Anticipated future designation will be similar to an Area of Growth,

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

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are 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.”

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The majority of the site has been removed from the City of Tulsa regulatory floodplain and will be available for development opportunities. The site is undeveloped at this time.

Environmental Considerations: The proximity of the site to the remaining creek and flood plain will require careful site engineering and grading design however it is anticipated that there are no significant barriers to development opportunities.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
Private drive access to 41 st Street	None	None	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3	Existing Neighborhood	Stability	Single Family Detached homes

East	RS-3 and AG	Existing Neighborhood with Park and Open Space	Stability	Single family detached homes
South	CS	Town Center	Growth	Self-Storage
West	AG and CS	Town Center	Growth	Self-Storage and sports field

Neighborhood Engagement:

The Tulsa Planning Office has mailed notices to property owners within 300 feet of the subject property, contracted a sign company to install a change of zoning notice sign, and published notice in the local newspaper. The planning office also has mapped current pending zoning cases in our website at tulsaplanning.org. Additional engagement process by the application has not been provided.

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 14814 dated July 28, 1980 and Ordinance number 15000 dated April 20, 1981 established the current zoning for the subject property.

Subject Property:

Z-5504 March 1981: All concurred in **approval** of a request for *rezoning* a 5± acre tract of land from AG to CS/FD for commercial, on property located 41st Street, west of South Garnett Road. This rezoning includes part of the subject property and part of the surrounding area. (Ordinance No. 15000, dated April 20, 1981)

Z-5413 July 1980: All concurred in **approval** of a request for *rezoning* a 4.77± acre tract of land from AG to CS/FD for commercial, on property located west of the northwest corner of 41st Street and Garnett Road. This rezoning includes part of the subject property and part of the surrounding area. (Ordinance No. 14814, dated July 28, 1980)

Z-5048 December 1977: All concurred in **approval** of a request for *rezoning* a 137.9± acre tract of land from RM-3/OM/CS to AG/RM-2/OM/CS, on property located south and west of the southwest corner of 41st Street and Garnett Road. This rezoning includes part of the subject property and part of the surrounding area. (Ordinance No. 14034, dated January 31, 1978)

Z-3622 February 1971: All concurred in **approval** of a request for *rezoning* a 239.21± acre tract of land from AG to CS/RM-1/RS-3 for

commercial, residential, and multifamily uses, on property located on the northwest corner of 41st. (Ordinance No. 12067, dated March 5, 1971)

Ordinance number 11825 dated June 26, 1970 established zoning for the subject property.

Surrounding Property:

BOA-21588 July 2013: The Board of Adjustment **approved** a *Special Exception* of the tower setback of 110% (137.5 feet) to 7% (9.7 feet) adjoining an AG zoned district, per plan on 11.7, on property located at 10863 East 41st Street South.

BOA-20379 November 2006: The Board of Adjustment **approved** a *Special Exception* to permit a carwash facility in a CS district, subject to the entire lot consist of concrete or asphalt surface, lighting directed down and away from entire the adjoining motel, access curb cut be made somewhere along the eastern boundary of the property in question, per conceptual plan, on property located north of the intersection of 41st Street and 109th East Avenue.

BOA-19301 February 2002: The Board of Adjustment **approved** a *Special Exception* to permit a drive in restaurant in a CS district, per plan, providing it meets landscape requirements, on property located East 41st Street South and East of US-169.

Z-6776 July 2000: All concurred in **approval** of a request for *rezoning* a 15± acre tract of land from AG to AG/CS for commercial, on property located northeast corner of East 41st Street and Mingo Valley Expressway. This request excluded the north 260' of both tracts, as requested by the applicant and staff was directed to amend the comprehensive plan accordingly.

BOA-18676 March 2000: The Board of Adjustment **approved** a *Variance* of the required frontage from 150' on an arterial street to 15' for two lots, per plan, finding the hardship to be the existing configuration of the lot and with the condition that only one driveway access to 41st Street to serve the connecting lots, on property located on the northwest corner of East 41st Street and South 109th East Avenue.

BOA-18429 June 1999: The Board of Adjustment **approved** a *Special Exception* to allow a mini-storage in a CS zoned district, on property located at the northeast corner of East 41st Street and US Highway 169.

BOA-18321 February 1999: The Board of Adjustment **approved** a *Special Exception* to permit the expansion of a church in an AG district, on property located at 10811 East 41st Street South.

BOA-15445 May 1990: The Board of Adjustment **approved** a *Special Exception* to permit the operation of a dog grooming business as a home occupation, subject to a maximum of five dogs being groomed per day, subject to days and hours of operation being Monday through Friday, 7:00 a.m. to 5:00 p.m., subject to no overnight boarding of dogs, and subject to all dogs being kept inside the home, finding that the applicant has been grooming dogs at this location for approximately 14 years, and that the home occupation, as presented, is compatible with the residential area, on property located 3720 South 110th East Avenue.

BOA-06988 April 1971: The Board of Adjustment **approved** an *Exception* to permit using the site for church and other related uses, subject to the condition that the church sanctuary and related buildings be built on the south 5 acres of the tract, per plot plan, on property located at 11100 East 41st Street.

TMAPC Comments:

Mr. Craddock asked if the zoning could move forward without addressing the Land Use Map change.

Staff stated there really is no reason to change the Land Use Map as part of this application. He stated it is definitely something that staff will deal with in the future. Staff stated keep in mind that the Land Use Plan is something we take very seriously and the Comprehensive Plan is something staff puts thousands of hours into but it is not a regulatory document. Staff stated there was obviously something that staff can't explain how it got there or why it should be something else, but it didn't make sense so there was there was no reason to put that in the applicant's lap to try to sort out.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **COVEY**, TMAPC voted 7-0-0 (Blair, Covey, Craddock, Kimbrel, McArtor, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Reeds, Ritchey, Walker, "absent") to recommend **APPROVAL** of CS zoning for Z-7574 per staff recommendation.

Legal Description for Z-7574:

RESERVE A, SHANNON PARK SIXTH, RAVENWOOD

Case No. 18676

Action Requested:

Variance of required frontage of 150' on an arterial street to 15' for two lots. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 16, located, located on the NW/c E. 41st St. & S. 109th E. Ave.

Presentation:

Ted Sack, with Sack and Associates, stated he is representing the owner of Lot 3, Block 1 of Ravenwood Addition. Presently the lot is not developed and only has 30' of frontage on 41st Street. The proposal is to develop a mini-storage on tract B, and leave tract A vacant, with possibility of a motel or other use at a later time.

Comments and Questions:

Mr. Dunham asked Mr. Sack if he had seen the staff comments on this case. Mr. Sack had not seen the comments. Mr. Dunham explained that they only want one driveway going onto 41st Street to serve both lots. Mr. Sack replied that is what is proposed.

Board Action:

On MOTION of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of required frontage of 150' on an arterial street to 15' for two lots, per plan, finding the hardship to be the existing configuration of the lot, and with the condition that only one driveway access to 41st Street to serve the connecting lots, on the following described property:

Lot 3, Block 1, Ravenwood of the City of Tulsa, Tulsa County, State of Oklahoma

Case No. 18677

Action Requested:

Special Exception to allow a single-family dwelling unit on CS zoned property, for security purposes. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 6, located 10759 E. Admiral Pl.

Presentation:

Julie Guy, 107 E. Admiral Pl., is the owner of the property and business at that address. She stated that they have a security problem, with recent burglaries. She would like to remodel the clubhouse, which has sewer and plumbing, and has just been used for storage, for a security office. The swimming pool was filled in.

Case No. 18429

Action Requested:

Special Exception to allow a mini-storage in a CS zoned district, located NE/c E. 41st Street and US Highway 169.

Presentation:

The applicant, **Mary Womble**, submitted a site plan (Exhibit L-1). Ms. Womble mentioned that her client has a hotel on the front part of the property and he would like to add a mini-storage to another part of the property.

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE Special Exception** to allow a mini-storage in a CS zoned district, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Lot 3, Block 1, Ravenwood Addition, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 18430

Action Requested:

Variance of the required front setback from Joplin from 35' to 27' for a new single-family dwelling. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, located 8831 South Joplin.

Presentation:

The applicant, **John M. Folks**, was represented by **Jeff Dunn**, 2828 East 51st Street, Suite 400, Tulsa, OK 74105, stated that he is the attorney for the applicant and submitted a packet of information (Exhibit M-1) to the Board. Mr. Dunn explained that his clients purchased the lot in question in October of last year. They hired a builder, Masterpiece Builders, who staked out the footprint of the home they would like to build. Mistakenly, they missed the 35' setback line by approximately 11'. The front of the property encroaches approximately 8'. Some excavation work has commenced, due to the fact that the builder and homeowners were wrong about the setback.

6:08:99:774 119

LTS 5 and 6, ALBERT PIKE 2ND SUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

FILE COPY

21588—Branch Communications

Action Requested:

Special Exception of the tower setback of 110% (137.5 feet) to 7% (9.7 feet) adjoining an AG zoned district (Section 1204.C.3.g.1). **LOCATION:** 10863 East 41st Street South (CD 6)

Presentation:

Stephanie Wilson, 1516 South Boston, Suite 215, Tulsa, OK; stated this request is for the placement of a 125 foot cellphone tower to enhance cellular communications in the surrounding area. The tower will be located behind a storage facility on a very oddly shaped lot. The tower will be placed in the very tip of the northern portion of the parcel to refrain from disrupting the existing property owners business.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception of the tower setback of 110% (137.5 feet) to 7% (9.7 feet) adjoining an AG zoned district (Section 1204.C.3.g.1), subject to per plan 11.7. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

Lot Three (3), Block One (1), and RESERVE "A", RAVENWOOD, an Addition to the CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21589—Walter Tempinski

Action Requested:

Variance to reduce livability requirement from 4,000 square feet to 3,443 square feet (Section 403.A.Table 3). **LOCATION:** 1544 East 19th Street South (CD 4)

Ms. Snyder recused herself and left the meeting at 4:07 P.M.

Case No. 18858 (continued)

the north, east and west across Memorial. None south; parent tract contains a large commercial building and parking lot, east is railroad then multi-family, north is commercial and multi-family, west is single-family residential across Memorial; surrounding topography is insignificant; surrounding tree coverage and foliage is insignificant, but they do plan to put in trees; design of the tower is planned to make it as pleasing as possible reducing or eliminating any visual obtrusiveness; this is not a transmitting tower, and the number of antennas planned at this time are for six radio stations, two television stations and a newsgathering facility; ingress and egress would be the established entrances for previous commercial use; the need of the applicant for a communications tower within the immediate geographic area is the availability of a building large enough to accommodate several radio and television stations with space for a tower of this size; tract is developed with commercial uses. Area is mixed commercial and residential. Comprehensive Plan says this property should be medium intensity commercial uses, on the following conditions: that the tower not exceed 300' in height; redevelopment of this site will meet Chapter 10 landscape requirements; the shell of a building as tall as existing building be built around the base of the tower and the color and trim to match the remodeled building, on the following described property:

Lot 1, Block 1, Tri-Center, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18859

Action Requested:

Variance of the allowable height for a sign from 40' to 49'. SECTION 1221.D.1. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, CS District Use Conditions for Business Signs – Use Unit 21; and a Variance of the allowable display surface area for a sign from 2 square feet per lineal foot of street frontage to allow 444 square feet display surface area. SECTION 1221.D.3. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, CS District Use Conditions for Business Signs, located E of NE/c E. 41st St. & Mingo Valley Expressway.

Presentation:

Richard Craig, 810 W. Walnut St., Collinsville, stated he represents the applicant in the process of developing a mini-storage property. He stated that the access on 41st Street. There is a 30' right-of-way to the property but the property is not visible from 41st Street. The applicant requests a 49' setback to compete with a lot of trees, a LaQuinta sign located right at the setback at maximum height, and a Phillips 66 sign, therefore he needs a larger sign.

Case No. 18859 (continued)

Comments and Questions:

Mr. Cooper asked Mr. Craig to point out where the sign would be placed. Mr. Craig showed the Board. Mr. Dunham asked for the hardship. Mr. Craig stated that the applicant has no visibility from the street that serves it. Mr. Dunham reminded him that the applicant came before this board a few months ago to ask for relief from having visibility from the street.

Diksit Kidaqia, 7425 E. 98th St., stated that the purpose for the lot split was to have the freedom to expand his business later.

Ted Sack, with Sack and Associates, stated that he was before the BOA with the lot split. He explained that the applicant had a very irregular shaped property with only 30' of frontage on 41st Street, and by splitting the property each part had 15' of frontage. Mr. Sack stated that the service station and motel site were already split off a long time ago.

Mr. Cooper asked what the hardship is for a 444 square foot sign. Mr. Craig replied that the size of the two signs are 12' x 16' each, one stacked over the other, and a typical reader board of 6' x 10', and it all adds up to 444 square feet.

Board Action:

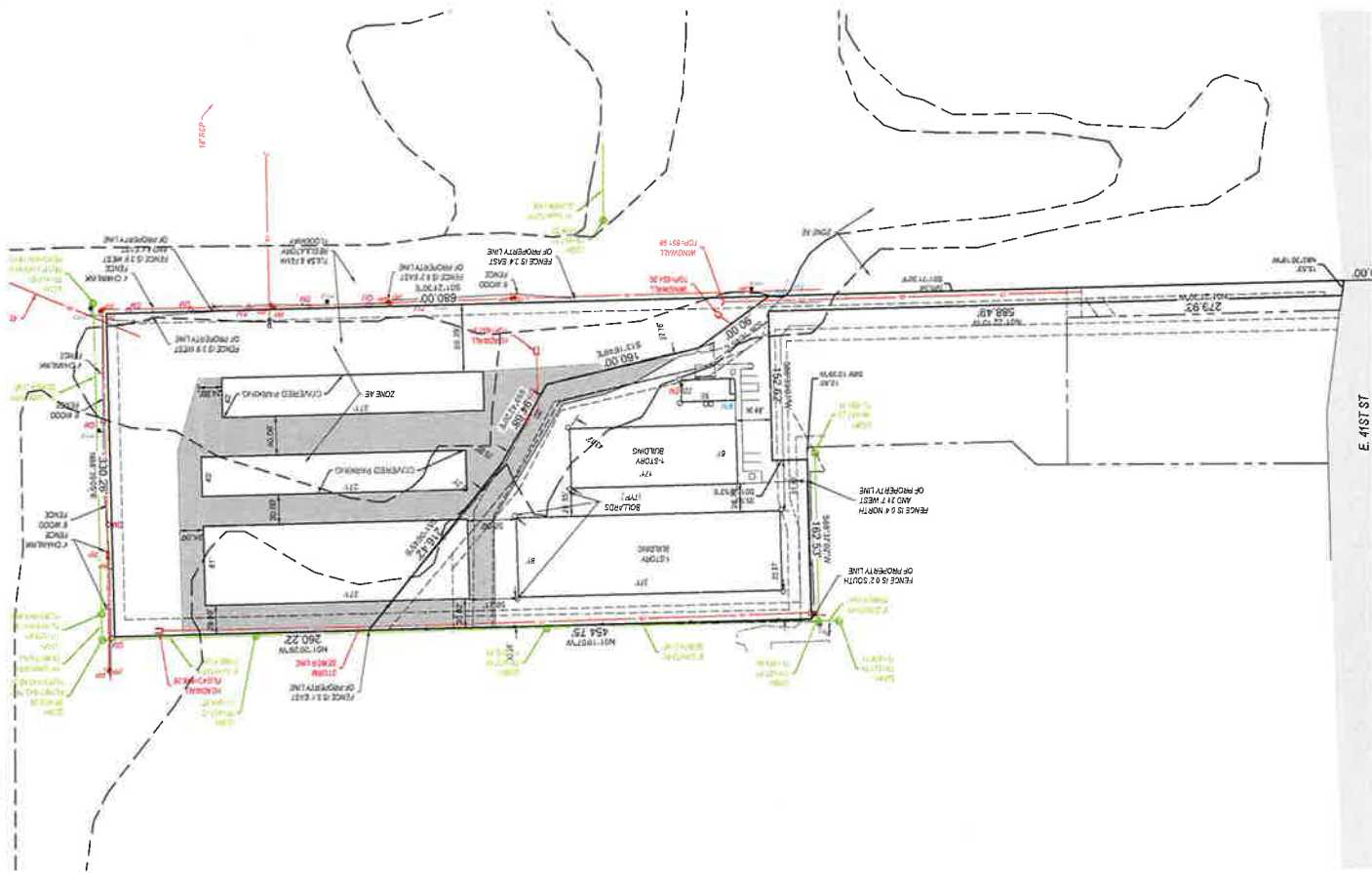
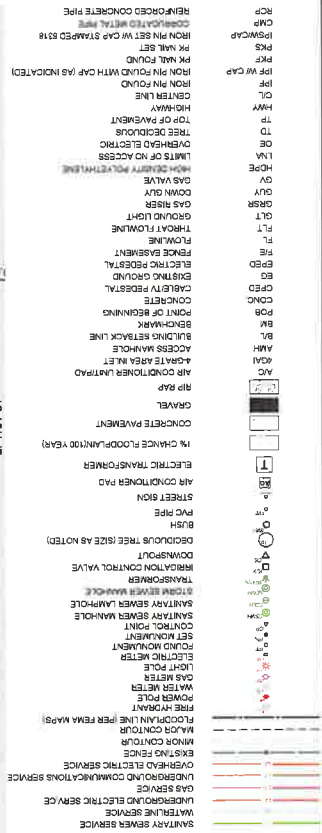
On **MOTION** of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Variance** of the allowable height for a sign from 40' to 49'; and to **APPROVE** a **Variance** of the allowable display surface area for a sign from 2 square feet per lineal foot of street frontage to allow 150 square feet display surface area, finding the property has no visibility from the frontage street, on the following described property:

A tract of land that is a part of Lot 3, Block 1, Ravenwood, City of Tulsa, Tulsa County, State of Oklahoma, and being more particularly described as follows, to-wit: Beg. at a point that is the SE/c of said Lot 3, Block 1, Ravenwood; thence N 81°28'05" W along the Sly lot line of Lot 3 for 15.66'; thence N 00°04'07" W for 588.58'; thence S 89°55'53" W for 152.49'; thence S 00°04'07" E for 36.00'; thence S 89°55'53" W for 162.50' to a point on the Wly lot line of Lot 3; thence N 00°04'07" W along said line for 454.94'; thence S 49°47'00" E for 216.51'; thence S 58°25'34" E for 94.68'; thence S 12°00'00" E for 160.00'; thence S 35°00'00" E for 90.00' to a point on the Ely line of Lot 3; thence S 00°04'44" E along said line for 589.86' to the POB of said tract of land.

Case No. 18860

Action Requested:

Variance from the requirements and restrictions of Section 210.B.5 of the Zoning Code to permit the construction of a detached two car garage 23' by 30',

[illegible]

AAB Engineering, LLC
Engineering • Surveying • Land Planning

10000 Highway 100, Suite 100
Houston, Texas 77036
Phone: 281.415.1100
Fax: 281.415.1101
www.aab-engineering.com

© 2000 Blackwell Science Ltd



0 Feet 200 400



Subject Tract

BOA-23084

19-14 19

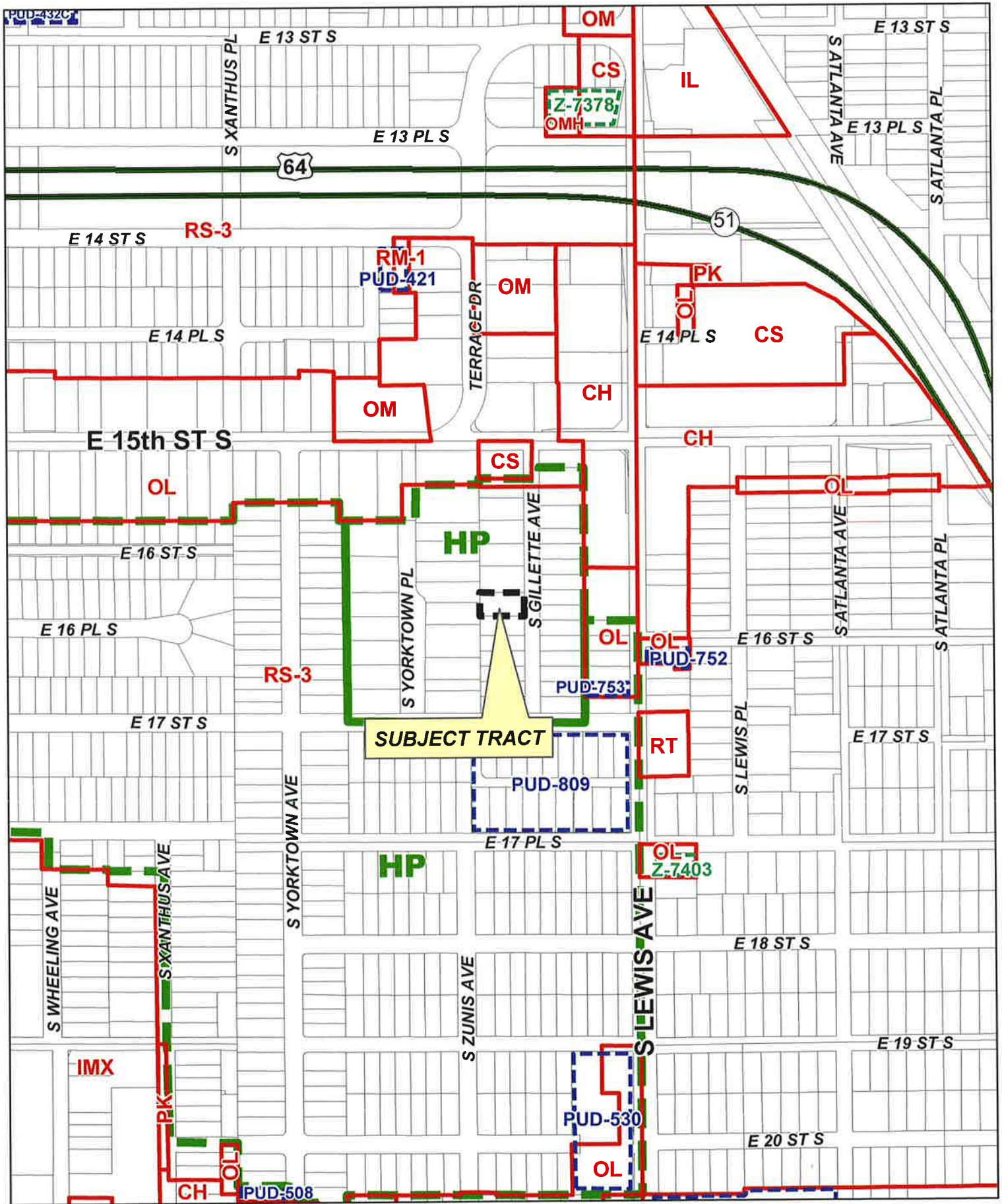
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

2.21



**THIS PAGE
INTENTIONALLY
LEFT BLANK**



BOA-23086

3.1

19-13 07

BOARD OF ADJUSTMENT CASE REPORT

STR: 9307

Case Number: **BOA-23086**

CZM: 37

CD: 4

HEARING DATE: 03/09/2021 1:00 PM

APPLICANT: Andrew Kern

ACTION REQUESTED: Appeal of a decision by the Tulsa Preservation Commission to deny Historic Preservation Permit Application (HP-0239-2020) to permit the installation of roof-top solar panels (Sec. 70.070-L)

LOCATION: 1540 S GILLETTE AV E

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 10911.82 SQ FT

LEGAL DESCRIPTION: S40.5 LT 10 & N34.5 LT 11 BLK 2, HOPPING'S ADDN

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-19607; On 06.10.03 the Board ***denied*** a variance to allow a two-story detached building and a variance of the maximum size limit for a detached accessory building.

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 in the Swan Lake Historical Preservation Overlay District.

STAFF COMMENTS: The applicant is Appealing the decision by the Tulsa Preservation Commission to deny Historic Preservation Permit Application (HP-0239-2020) to permit the installation of roof-top solar panels (Sec. 70.070-L)

70.070-L Appeals

Any final decision of the preservation commission may be appealed to the board of adjustment in accordance with Section 70.140.

70.140-G Hearing and Final Decision

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

70.140-H Review Criteria

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

In Deciding the Board may look to Sec. 70.070-F which outlines the Standards and Review Criteria for which the Preservation Commission must look to in making their decisions: ‘

70.070-F Standards and Review Criteria

In its review of HP permit applications, the preservation commission must use the adopted design guidelines to evaluate the proposed work and must, to the greatest extent possible, strive to affect a fair balance between the purposes and intent of HP district regulations and the desires and need of the property owner. In addition, the preservation commission must consider the following specific factors:

1. The degree to which the proposed work is consistent with the applicable design guidelines;
2. The degree to which the proposed work would destroy or alter all or part of the historic resource;
3. The degree to which the proposed work would serve to isolate the historic resource from its surroundings, or introduce visual elements that are out of character with the historic resource and its setting, or that would adversely affect the physical integrity of the resource;
4. The degree to which the proposed work is compatible with the significant characteristics of the historic resource; and
5. The purposes and intent of the HP district regulations and this zoning code.

In your packets are supporting materials provided by both the applicant and the Historic Preservation Planner for the City of Tulsa.

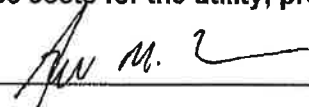
The applicant provided the following comments as their stated request:

Installation of 6 solar panels on the south side roof of the porch, not visible from the vast majority of public vantage points along Gillette Avenue (see reference materials). Solar panel configuration and type will resemble a skylight, in which there are numerous examples throughout the historic districts of Tulsa visible from public vantage points (see reference materials provided). The home was built in 2005 and is a Non-Contributing Structure per Section E of the Unified Design Guidelines – the proposed installation is a product of the home's own time. The proposed installation will have minimal impact per Section A of the Unified Design Guidelines. At the Tulsa Preservation Commission meeting on December 10th, 2020 proposed installation of 6 solar panels received 2 votes in favor. On January 26th, 2021 a similar proposed installation of solar panels received 2 votes in favor.

Though a hardship is not a necessary finding the applicant provided the following information regarding their request:

Please state your hardship: **We currently have solar panels that provide electricity for our home at less than 100% of our electricity usage. We've permitted and installed as many solar panels in the backyard area as possible that has adequate sun exposure. Installation of these solar panels on the south side roof of the porch, combined with the solar panels in the backyard, will provide approximately 100% of our electricity usage. This will virtually eliminate our electrical bills, reduce electrical line maintenance costs for the utility, provide work for the solar panel installers, and improve public health.**

Applicant Signature: _____



SAMPLE MOTION: Move to _____ (**affirm/reverse**) the decision by the Tulsa Preservation Commission to deny Historic Preservation Permit Application (HP-0239-2020) to permit the installation of roof-top solar panels

Finding that the Tulsa Preservation Commison (**acted appropriately/erred**) in its denial of HP-0239-2020.

*****.

Case No. 19606

Action Requested:

Variance of required frontage in an IM District to 0' to permit lot-split #19540. SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS, located S of E. 11th St., W of S. Lewis Ave.

Presentation:

Mike Marrara, 9936 E. 55th Pl., stated this application is to create two tracts. There is an existing cell tower on Tract 1 and Tract 2 has two existing metal buildings. There is a mutual access easement through Tract 2 to Tract 1. The hardship is the unique configuration of being railroad right-of-way originally. It is not platted with street frontage, and is a court ordered sale, which has some bearing on the latitude they have to split the property. A site plan was provided (Exhibit E-1).

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **MOTION** of **Cooper**, the Board voted 3-0-1 (Dunham, Turnbo, Cooper "aye"; no "nays"; White "abstained"; Perkins "absent") to **APPROVE** a **Variance** of required frontage in an IM District to 0' to permit lot-split #19540, finding it does not have the required frontage now, and with condition for an access easement for Tract 1 through Tract 2, per plan, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

A tract of land in the NE/4 of Section 7, T-19-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, being more particularly described as follows: Commencing at a point of intersection of the former Wly right-of-way line of the Missouri Pacific Railroad Company with the W line of S. Lewis Ave. and the E line of Lot 4, Block 7, Terrace Drive Addition; thence N 31°43'39" W along said former Wly railroad right-of-way a distance of 332.00' to a point on the center of the 12th St. right-of-way where it intersects such former Wly railroad right-of-way line, said point being the POB; thence continuing N 31°43'39" W a distance of 293.00'; thence N 58°16'21" E a distance of 50.00'; thence S 31°43'39" E a distance of 293.00'; thence S 58°16'21" W a distance of 50.00' to the POB.

*****.

Case No. 19607

Action Requested:

Variance to allow a two-story accessory building from 18' to 20'6". SECTION 210.B.5.a. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS; and a Variance

06:10:03:866 (8)

of allowable square feet for accessory building from 1,068 square feet (40% of residence) to 1,377 square feet. SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 6, located 1540 S. Gillette.

Presentation:

Mr. Beach mentioned that staff did not receive a site plan. He stated the location of the accessory building on the lot would be important.

Jo Glenn, 2425 S. Troost, attorney for Sandra Jackson, stated the house was removed. She showed photos on a lap top to the Board; a site plan and a photograph were submitted (Exhibits F-2, F-1 and F-3). There are a lot of trees and a privacy fence that will provide plenty of screening. It is in the historical district and one of the requirements is for a detached garage. That is the reason for this application. Ms. Glenn pointed out where there are garage apartments and a duplex with garage apartment in the neighborhood. She assured the Board that the room above the garage on the subject property would be a game room, not an apartment.

Comments and Questions:

Ms. Turnbo asked if they had been before the Historic Preservation Commission for approval of this plan. Ms. Glenn replied that according to the builder it was. Ms. Turnbo asked her to be sure the approval is provided in writing to Mr. Beach if the Board is inclined to approve. Ms. Glenn stated that the owner wants to conform to the neighborhood and also meet her own needs. They only need an extra two and one half feet to have a detached garage in keeping with the historical neighborhood. She showed a slide presentation and submitted the CD to the Board (Exhibit F-2).

Interested Parties:

Judy Hollingsworth, 1527 S. Gillette Ave., submitted a letter (Exhibit F-4) that was sent to the neighbors from Mr. Marshall, the builder. She stated her concern that there are three legal non-conforming used garage apartment quarters on Gillette St. (Exhibit F-5) This application would open the door for another apartment. Mr. Dunham commented that the Board can make it a condition of the approval that the second floor of the garage not be used for a residence. The existing garage apartments are non-conforming and have been there for a long time. The Board cannot do anything about them. She submitted a photograph (Exhibit F-3) showing the numerous cars parked on the street. She also noted that it does not meet the criteria as defined by the code.

Sherry White, 1518 S. Gillette, pointed out that the number two item listed in the builder's letter is a self-imposed hardship and is financial. She reminded the Board that the preservation commission does not have prevue over garages, so it could not be approved by the commission. Ms. White pointed out that the garage apartments pointed out by the previous interested party were over two-car garages not three-car garages. She noted that the hardships listed do not meet the

definition of the code: new construction, the owner's needs and building in a historic district.

Phillip Marshall, 4319 S. Quincy Pl., stated he is the builder. He indicated that he should not have included the garage in his letter regarding approval by the Historic Preservation Commission. He informed the Board he sent out letters to the neighbors in the Gillette district, but they did not contact him to discuss the plans. There will be no kitchen or kitchen plumbing in the second floor of the garage.

Applicant's Rebuttal:

Ms. Glenn reminded the Board that her client does not want to rent the garage. They only need the extra two and one half feet of height, and it will still be eight feet lower than the house.

Board Action:

On **MOTION** of **Dunham**, the Board voted 2-2-0 (White, Dunham "aye"; Turnbo, Cooper "nay"; no "abstentions"; Perkins "absent") to **APPROVE** a **Variance** to allow a two-story accessory building from 18' to 20'6"; and a **Variance** of allowable square feet for accessory building from 1,068 square feet (40% of residence) to 1,377 square feet, finding the garage would be eight feet shorter than the house, and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan. The **motion failed** for lack of three affirmative votes, regarding the following described property:

S 40.5' of Lot 10 and N 34.5' Lot 11, Block 2, Hoppings Addition, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 19608

Action Requested:

Variance of the required setback from centerline of East 71st Street from 110' to 100' for existing building. SECTION 702. ACCESSORY USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 12, located E of NE/c E. 71st St. & S. Lewis.

Presentation:

Michael Joyce, 3800 First Place Tower, 15 E. 5th, stated he represents the property owner. This is to correct an existing condition for a title insurance policy. A site plan and applicant's packet were provided (Exhibits G-1 and G-2).

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:



Subject property



February 23, 2021

City of Tulsa Board of Adjustment
2 West Second Street – Suite 800
Tulsa, Oklahoma 74103

RE: Appeal of the Denial of the Application for Historic Preservation Permit Number HP-0239-2020

Dear Members of the Board of Adjustment:

On January 26, 2021, the Tulsa Preservation Commission disapproved a proposal for the installation of three (3) solar panels on the roof of the residence located at 1540 South Gillette Avenue, because the panels would have been visible from the right-of-way, creating an adverse effect on the residence and the Gillette Historic Preservation Overlay District. According to Section 70.070-F of the Zoning Code, the Tulsa Preservation Commission should rely on the Unified Design Guidelines during evaluation of a proposal and strive to balance the intention of the guidelines with the needs of the owner. As directed by the Zoning Code, among the factors which the Tulsa Preservation Commission must consider is the degree to which the proposed project is consistent with the guidelines, particularly in this case Guidelines A.7.6, E.1.2, and E.1.4:

- Guideline A.7.6
Install systems requiring exterior components, such as solar panels or devices, where they will have minimal impact, preferably at the rear of your house or yard or on an outbuilding. Install exterior components on a historic building in a manner that does not damage the historic roofing material or negatively impact the building's historic character and is reversible. These considerations will be made on a case-by-case basis.
- Guideline E.1.2
Non-contributing structures will be considered products of their own time. Do not attempt to create a false appearance of the predominant character and architectural style of the rest of the district.
- Guideline E.1.4
Ensure that work on non-contributing structures does not detract from or diminish the historic character of the overall district.

Foremost among the factors considered in the review of the application was the impact of the visibility of the solar panels. Presented in the documentation submitted with the appeal are images of skylights and awnings installed on residences elsewhere in the Gillette Historic Preservation Overlay District and in other districts, which the appellant contends would be more visible than the solar panels. A review of our records revealed that those installations occurred prior to the implementation of the Historic Preservation Overlay or after its implementation without the approval of the Tulsa Preservation Commission.



2 West Second Street - Suite 800, Tulsa, Oklahoma 74103
918.579.9448 www.tulsapreservationcommission.org

3.9



City of Tulsa Board of Adjustment
February 23, 2021
Page 2

When the residents of this district requested the implementation of an overlay, they sought the protection of the character of their neighborhood. The Tulsa Preservation Commission's disapproval of the proposal for the installation of the panels was consistent with the provisions of the Zoning Code and the Unified Design Guidelines and not only preserves the character of the residence but also the character of the district.

Respectfully submitted,

Roy Malcolm Porter, Jr.

Roy Malcolm Porter, Jr., Ph.D., LEED AP
Historic Preservation Officer, City of Tulsa



2 West Second Street - Suite 800, Tulsa, Oklahoma 74103
918.579.9448 www.tulsapreservationcommission.org



TULSA PRESERVATION COMMISSION

AMENDED

REGULAR MEETING AGENDA

Tuesday, January 26, 2021, 4:30 P.M.

City Hall @ One Technology Center, 175 East 2nd Street
10th Floor, South Conference Room

VIDEOCONFERENCE

INSTRUCTIONS

PARTICIPATION VIA REMOTE ACCESS
FOR

APPLICANTS AND MEMBERS OF THE PUBLIC

To participate via remote access from your computer or mobile device, select this link—
<https://www.gotomeet.me/CityOfTulsa2/tulsa-preservation-commission-meeting-january-26>—
or connect by telephone with this number—+1 (571) 317-3122—and this Access Code—161-001-549.

A. Opening Matters

1. Call to Order and Verification of Quorum
2. Approval of Minutes – Regular Meeting, December 10, 2020
3. Disclosure of Conflicts of Interest

B. Actionable Items

1. **HP-0239-2020 / 1540 S. Gillette Ave.** (Gillette)
Historic Preservation Permit Subcommittee Review Date: January 19, 2021
Applicant: Andrew M. Kern
Proposal:
 1. Installation of solar panels on roof
2. **HP-0241-2020 / 1767 S. St. Louis Ave.** (Swan Lake)
Historic Preservation Permit Subcommittee Review Date: January 19, 2021
Applicants: Craig And Lindsay Zietlow
Proposal:
 1. Replacement of door on garage

3. **HP-0242-2020 / 2215 E. 17th Pl.** (Yorktown)

Historic Preservation Permit Subcommittee Review Date: January 19, 2021

Applicant: True North Homes LLC

Proposal:

1. Substitution of casement windows

Work completed without an Historic Preservation Permit

Application to amend previous approval of application

by Tulsa Preservation Commission on February 13, 2020

4. **HP-0244-2020 / 1629 S. Trenton Ave.** (Swan Lake)

Historic Preservation Permit Subcommittee Review Date: January 19, 2021

Applicant: Tom Neal Design

Proposals:

1. Replacement of rail on porch
2. Adjustment of height of gable on garage

5. **HP-0245-2020 / 1539 S. Gillette Ave.** (Gillette)

Historic Preservation Permit Subcommittee Review Date: January 19, 2021

Applicant: Pinnacle Home Design

Proposal:

1. Construction of addition

6. **HP-0248-2021 / 706 N. Denver Ave.** (Brady Heights)

Applicant: Charles D. (Chas) Higgins

Proposal:

1. Adjustment of height of porch

Application to amend previous approval of application

by Tulsa Preservation Commission on September 22, 2020

C. Reports

1. Chair Report
2. Staff Report

D. New Business

UNDER THE OPEN MEETING ACT, THIS AGENDA ITEM IS AUTHORIZED ONLY FOR MATTERS NOT KNOWN ABOUT OR WHICH COULD NOT HAVE BEEN REASONABLY FORESEEN PRIOR TO THE TIME OF POSTING THE AGENDA OR ANY REVISED AGENDA.

E. Announcements and Future Agenda Items

F. Public Comment

G. Adjournment

PROJECT PLANS AND STAFF REPORTS ARE AVAILABLE FOR REVIEW IN THE TULSA PLANNING OFFICE,
INDIAN NATIONS COUNCIL OF GOVERNMENTS, 2 WEST SECOND STREET – SUITE 800.



TULSA PRESERVATION COMMISSION

STAFF REPORT

Tuesday, January 26, 2021

HP-0239-2020

HP PERMIT NUMBER: HP-0239-2020

PROPERTY ADDRESS: 1540 SOUTH GILLETTE AVENUE

DISTRICT: GILLETTE HISTORIC DISTRICT

APPLICANT: ANDREW M. KERN

REPRESENTATIVE: NONE

A. CASE ITEM FOR CONSIDERATION

1. Installation of solar panels on roof

B. BACKGROUND

DATE OF CONSTRUCTION: 2004

ZONED HISTORIC PRESERVATION: 1989

NATIONAL REGISTER LISTING: GILLETTE HISTORIC DISTRICT: 1982

CONTRIBUTING STRUCTURE: NO

PREVIOUS ACTIONS:

COA-2002-06-13 – JUNE 13, 2002 – TPC APPROVAL

Demolition of structure

COA-2002-10-10 – OCTOBER 10, 2002 – TPC APPROVAL

Construction of residence

HP-0238-2020 – DECEMBER 10, 2020 – TPC DENIAL

Installation of solar panels on roof

C. ISSUES AND CONSIDERATIONS

1. Installation of solar panels on roof
 - i. Proposed is the installation of three (3) TrinaSolar HoneyBlack Panels on the south side of the roof above the porch. The panels would be arranged linearly and would be visible from South Gillette Avenue. During the review by the Historic Preservation Permit Subcommittee, the approval of the application with the condition that the panels be installed on the roof west of the ridge was recommended. However, the applicant has requested that the application be reviewed as submitted.

- ii. Reference: Unified Design Guidelines – Residential Structures

SECTION A – GUIDELINES FOR REHABILITATION OF EXISTING STRUCTURES

A.1 General Requirements

- A.1.1 Retain and preserve the existing historic architectural elements of your home.
- A.1.2 If replacement of historic architectural elements is necessary, match the size, shape, pattern, texture, and directional orientation of the original historic elements.
- A.1.3 Ensure that work is consistent with the architectural style and period details of your home.
- A.1.4 Return the structure to its original historic appearance using physical or pictorial evidence, rather than conjectural designs.

A.7 Awnings, Shutters, Mailboxes, Mechanical Systems, Etc.

- A.7.6 Install systems requiring exterior components, such as solar panels or devices, where they will have minimal impact, preferably at the rear of your house or yard or on an outbuilding. Install exterior components on a historic building in a manner that does not damage the historic roofing material or negatively impact the building's historic character and is reversible. These considerations will be made on a case-by-case basis.

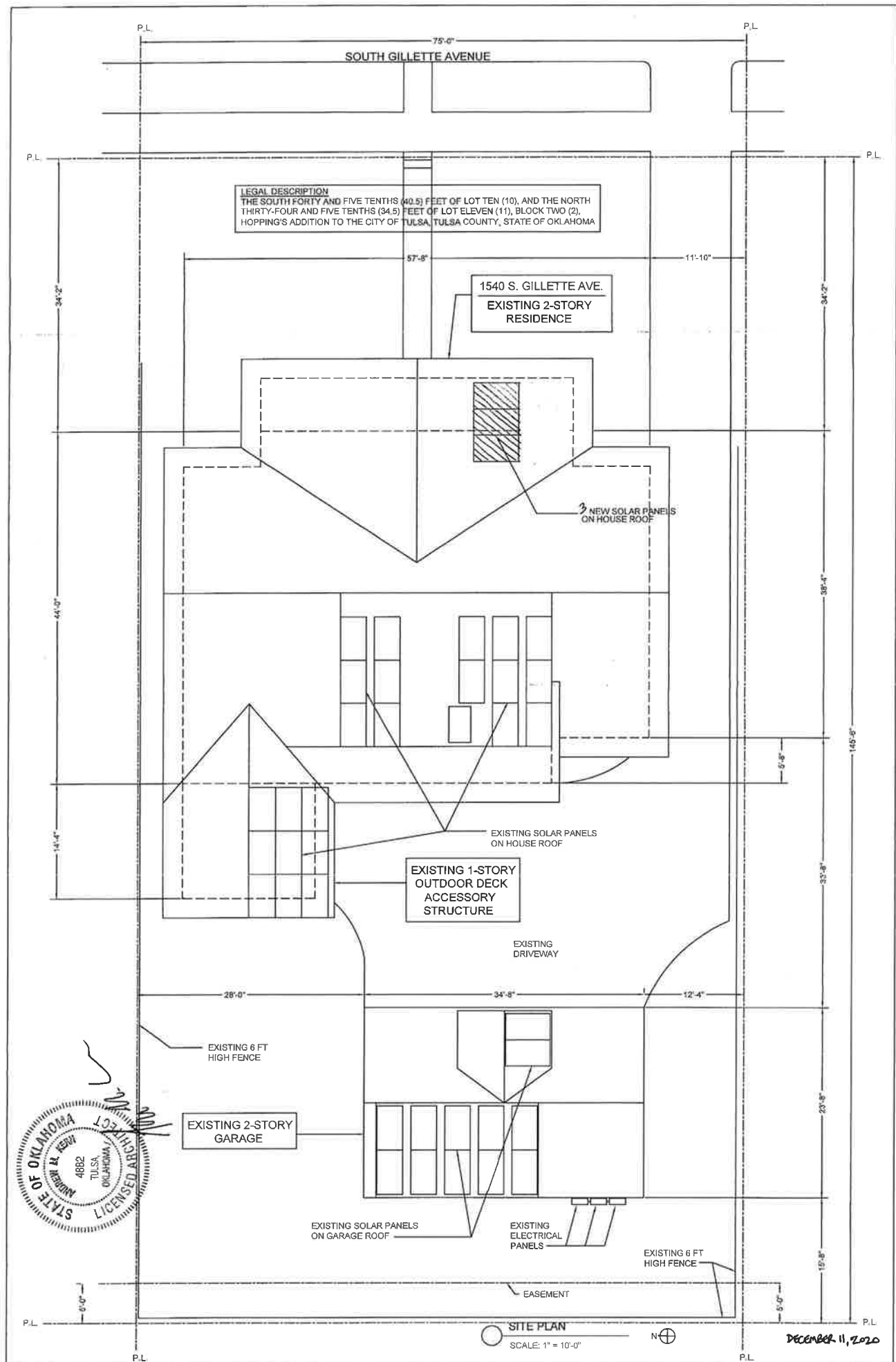
SECTION E – GUIDELINES FOR NON-CONTRIBUTING STRUCTURES

E.1 General Requirements

- E.1.1 For the purposes of this chapter, non-contributing structures are those listed as not contributing to the historic character of the district due to age or architectural style in the National Register Nomination for the district.
- E.1.2 Non-contributing structures will be considered products of their own time. Do not attempt to create a false appearance of the predominant character and architectural style of the rest of the district.
- E.1.3 Follow Section A (Rehabilitation) and Section B (Additions) as they relate to the character-defining elements of the non-contributing structure.
- E.1.4 Ensure that work on non-contributing structures does not detract from or diminish the historic character of the overall district.

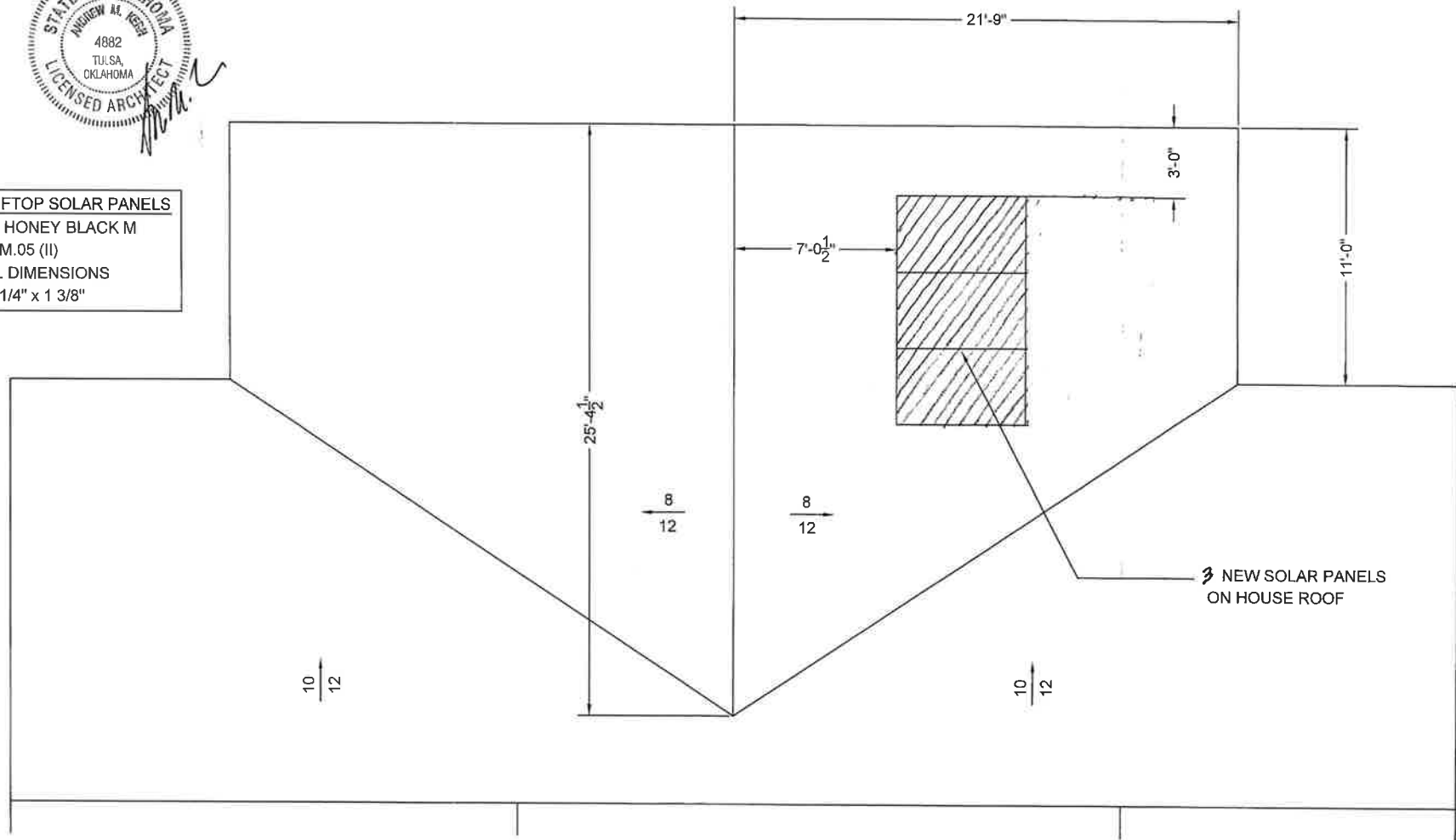


1540 South Gillette Avenue





TYPICAL ROOFTOP SOLAR PANELS
TRINA SOLAR HONEY BLACK M
TSM-325DD06M.05 (II)
SOLAR PANEL DIMENSIONS
5'-6 1/2" x 3'-3 1/4" x 1 3/8"



3 NEW SOLAR PANELS
ON HOUSE ROOF

HOUSE ROOF PLAN
SCALE: 1/4" = 1'-0"



DECEMBER 11, 2020

91.8

1540 SOUTH GILLETTE AVENUE (home built in 2005) – mainly an empty lot previously

ROOFTOP SOLAR PANELS – FRONT PORCH SOUTH ROOF

PHOTOS OF VIEWPOINTS FROM GILLETTE AVENUE

TULSA PRESERVATION COMMISSION - UNIFIED DESIGN GUIDELINES

RESIDENTIAL STRUCTURES WITHIN HISTORIC PRESERVATION OVERLAY ZONING DISTRICTS

SECTION A – GUIDELINES FOR REHABILITATION OF EXISTING STRUCTURES

A.7 AWNINGS, SHUTTERS, MAILBOXES, MECHANICAL SYSTEMS, ETC.

- A.7.6 Install systems requiring exterior components, such as solar panels or devices, where they will have **minimal impact** . . . Install exterior components on a historic building in a manner that does not damage the historic roofing material or negatively impact the building's historic character and is reversible. These considerations will be made on a case-by-case basis.

SECTION E – GUIDELINES FOR NON-CONTRIBUTING STRUCTURES

E.1 GENERAL REQUIREMENTS

- E.1.1 For the purposes of this chapter, non-contributing structures are those listed as not contributing to the historic character of the district **due to age** or architectural style in the National Register Nomination for the district.
- E.1.2 Non-contributing structures will be considered products of their own time. Do no attempt to create false appearance of the predominant character and architectural style of the rest of the district.

PROPOSAL FOR 1540 SOUTH GILLETTE AVENUE:

Install 3 TrinaSolar HoneyBlack M TSM-DD06M.05(II) solar panels on the south side of the front porch roof out of visual sight from South Gillette Avenue or the front sidewalk:



East Elevation: Street View from S. Gillette Ave.



East Elevation: Sidewalk View



Approach View from S. Gillette Ave. (VANTAGE POINT 1 – NO VISUAL IMPACT OF PANELS)



Approach View from S. Gillette Ave. (VANTAGE POINT 2-MINIMAL VISUAL IMPACT ON SEASONAL BASIS))



Approach View from S. Gillette Ave. (VANTAGE POINT 3-NO VISUAL IMPACT OF PANELS)



Approach View from S. Gillette Ave. (VANTAGE POINT 4-NO VISUAL IMPACT OF PANELS)



Approach View from S. Gillette Ave. (VANTAGE POINT 5-NO VISUAL IMPACT OF PANELS)

1. The specified solar panels are solid black and appear similar to a skylight when configured in a rectangular pattern



2. By positioning the solar panels on the south side of the front porch roof and providing a large setback from the edge of the roof, the solar panels will have minimal impact on the street side image of the home (see Vantage Point Photos 1 to 5)
3. The installation of the mounts for the solar panels do not damage the existing roofing and are reversible in that they can be removed without impacting the roofing.

4. There are examples of awnings, skylights, and mechanical systems in the Gillette District that currently exist that are much more visible from South Gillette Avenue and South Yorktown Place than the proposed solar panels:



Skylights visible from the street at 1525 S. Yorktown Pl. (GILLETTE DISTRICT)



Skylights visible from the street at 1529 S. Yorktown Pl. (GILLETTE DISTRICT)



Aluminum posts and fabric awning visible from 2 streets at 1568 S. Yorktown Pl. (GILLETTE DISTRICT)



Aluminum posts & awning & satellite dish visible from street at 1514 S. Gillette Ave. (GILLETTE DISTRICT)



Aluminum posts and fabric awning visible from 2 streets at 1565 S. Gillette Ave. (GILLETTE DISTRICT)



Aluminum posts and fabric awning visible from street at 1555 S. Gillette Ave. (GILLETTE DISTRICT)



Window A/C unit visible from street at 1559 S. Gillette Ave. (GILLETTE DISTRICT)



Window A/C unit visible from street at 1522 S. Gillette Ave. (GILLETTE DISTRICT)

5. There are examples of skylights in other historical districts such as Swan Park and North Maple Ridge that currently exist that are much more visible from the street than the proposed solar panels:



Skylights visible from 2 streets at 1632 S. Trenton Ave. (Swan Park)



Skylights visible from the street at 1621 S. Quaker Ave. (Swan Park)



Skylights visible from the street at 1586 Swan Drive (Swan Park)



Skylights visible from the street at 1616 S. Peoria Ave. (North Maple Ridge)



TULSA PRESERVATION COMMISSION

HISTORIC PRESERVATION PERMIT SUBCOMMITTEE
Tuesday, January 19, 2021, 4:30 P.M.

A. Opening Matters

1. Call to Order and Verification of Quorum

Commissioner Turner called the Regular Meeting to order at 4:31 P.M.

Members Present

James E. Turner, AIA
Ted A. Reeds, II, AIA
Mark D. G. Sanders
Matthew D. McAfee

Staff Present

Felicity O. Good
Roy M. (Jed) Porter, Jr.

Others Present

Paul N. (Chip) Atkins IV*, Jeffrey D. Bacon*, Keith R. Dalessandro*, Gant Hinkle*,
Andrew M. Kern*, Sasha A. and Keith A. Martin*, Tom Neal, Craig Zietlow*,
Candace M. Dillingham*, Chris Latvala*

*Present via Remote Access

2. Historic Preservation Permit Subcommittee Review

a. Disclosure of Conflicts of Interest

No Conflicts of Interest were disclosed.

b. Non-Actionable Item for Preliminary Review

1332 E. 18th St. (Swan Lake)

Applicants: Sasha A. and Keith A. Martin

Proposal:

1. Construction of retaining wall

Discussion:

- Staff presented a brief report, noting the conditions on the site, which had prompted the request for a preliminary review. Concerned about the structural integrity of the wall, the applicants have consulted several engineers and have retained a landscape architect to assist with development of a solution. Among the solutions under consideration are the replacement of the wall at its present height of eight feet (8'-0") or the replacement of the wall in two sections, each four feet (4'-0") in height and constructed on terraces, with the application of stucco to the surface. Commissioner Turner inquired whether the installation of a Perma Jack System had been considered and was informed that, although its installation had been considered, contractors were concerned about the stability of the stone and mortar. Neighborhood Representative Atkins noted the similarity to conditions on the property located at 1638 East 17th Place, inquired whether the neighbors had been contacted about the possible concealment of the original wall, and wondered whether only the section of the wall near the corner could be reconstructed and the mortar elsewhere repointed. Candace Melton Dillingham of Skii Landscape Architecture noted that no exploration of the site behind the wall had been attempted and proposed that reconstruction of the wall in two sections would be more pedestrian-friendly. Repointing has been determined not to be feasible due to leakage, but further treatment of the site has been proposed, including partial excavation to install a French Drain with the soil behind the wall to be packed firmly. Mr. Atkins inquired whether this wall was the original wall, and the applicants mentioned the date—1970—inscribed in the stone. Mr. Atkins then encouraged contact with the neighbors to confirm whether the original wall had been concealed during construction of this wall.

As the discussion concluded, Commissioner Turner noted that the Tulsa Preservation Commission could only respond to actual proposals, indicated that the proposal for two sections of wall arranged on terraces would be appropriate, and recommended that a native stone be applied as the veneer. Commissioner Reeds proposed the further exploration of the site to confirm whether the original wall was still present, and Commissioner Sanders speculated that the original wall was present but concealed.

c. Applications for Historic Preservation Permits

1540 S. Gillette Ave. (Gillette)

Applicant: Andrew M. Kern

Proposal:

1. Installation of solar panels on roof

Discussion:

- Staff presented its report, noting that the applicant had revised the proposal previously disapproved by the Tulsa Preservation Commission and reduced the number of panels from six to three. Commissioner Turner acknowledged the reduction of the number of panels but expressed concern about the establishment of a precedent with even the approval of the installation of a limited number of panels. Several members of the subcommittee proposed relocation of the panels elsewhere on the roof, and Commissioner Turner proposed installation of the panels on the roof west of the ridge.

As there was no further discussion, Commissioner Reeds made a motion to recommend approval of the application with the condition that the panels be installed on the roof west of the ridge. The motion was seconded by Neighborhood Representative McAfee and was approved unanimously.

Vote: 1540 S. Gillette Ave. (Gillette)

In Favor

Turner
Reeds
Sanders
McAfee

Opposed

Abstaining

Not Present

1767 S. St. Louis Ave. (Swan Lake)

Applicants: Craig And Lindsay Zietlow

Proposal:

1. Replacement of door on garage

Discussion:

- Staff presented its report, and afterwards the applicants declined to comment. Commissioner Turner inquired whether the panels would have texture, as the illustration seemed to indicate, and the applicants responded that the surface would be smooth. Commissioner Reeds inquired about the panes and, after being informed that the glass would be clear, recommended tempered glass. The applicants commented on the appearance of the windows in the residence, indicating a desire to change the windows. Commissioner Turner invited submission of a proposal.

As there was no further discussion, Commissioner Sanders made a motion to recommend approval of the application. The motion was seconded by Commissioner Reeds and was approved unanimously.

Vote: 1767 S. St. Louis Ave. (**Swan Lake**)

<u>In Favor</u>	<u>Opposed</u>	<u>Abstaining</u>	<u>Not Present</u>
Turner			
Reeds			
Sanders			
McAfee			

2215 E. 17th Pl. (Yorktown)

Applicant: True North Homes LLC

Proposals:

1. Substitution of casement windows
2. Removal of balcony

Work completed without an Historic Preservation Permit

Application to amend previous approval of application

by Tulsa Preservation Commission on February 13, 2020

Discussion:

- Staff presented its report, noting that casement windows had been substituted for the windows previously approved in order to comply with the requirements for egress and that the balcony had not been installed, as the Owner and Contractor had determined during construction that the door, balcony, and window would not be aligned. Gant Hinkle, the representative for True North Homes LLC, reiterated that the balcony could only be aligned with the door or the window but not both. Commissioner Turner observed that the door and window appeared to be aligned on the elevation. However, Mr. Hinkle noted that, after construction, the door and window were not aligned, because the position of the door was adjusted to accommodate the placement of the mailbox, and that the installation of the balcony could only be achieved were its size to be reduced. Commissioner Reeds expressed regret at the omission of the balcony, noting its contribution to the appearance of the façade. Commissioners Reeds and Turner agreed that the substitution of the casement windows would be acceptable, but Commissioner Reeds proposed a revision of the design of the balcony and requested its representation on the elevation. Commissioner Sanders expressed his appreciation of the appearance of the residence without the balcony, commenting on its resemblance to the International Style. Neighborhood Representative Atkins commented that, with the addition of the balcony, the residence resembled several residences in the North Maple Ridge Historic Preservation Overlay District.

As there was no further discussion, the submission of a revision of the design of the balcony was recommended. Commissioner Reeds made a motion to recommend the approval of the substitution of the casement windows. The motion was seconded by Commissioner Sanders and was approved by a majority.

Vote: 2215 E. 17th Pl. (Yorktown)

<u>In Favor</u>	<u>Opposed</u>	<u>Abstaining</u>	<u>Not Present</u>
Turner	McAfee		
Reeds			
Sanders			

1624 S. Victor Ave. (Yorktown)

Applicant: Tom Neal Design

Proposals:

1. Replacement of platform and steps at entry
2. Construction of enclosure for platform
3. Installation of rail
4. Replacement of door on east façade

Discussion:

- Staff presented its report, noting that Product Data for the door had not been provided. Mr. Neal presented several images of doors via his mobile device and invited comments; the door with six lites was preferred. Commissioner Reeds requested Product Data for the fixture. Discussion then focused on the vocabulary of materials proposed for the enclosure. Mr. Neal indicated that the enclosure would be constructed with wood and clad in cedar shingles. Commissioner Turner proposed the construction of the enclosure with clinker brick and the application of shingles in the gable. Mr. Neal expressed concern about the availability of material and expense of construction but was assured that enough material should be available. Commissioner Turner proposed the replacement of the arch with a lintel, which would be constructed with timber, and repeated his proposal for installation of shingles in the gable.

As there was no further discussion, Mr. Neal agreed to relay comments to his client and revise the design. The period of review will be extended, and the revisions will be submitted for review by the Historic Preservation Permit Subcommittee during its next Regular Meeting on February 4.

1629 S. Trenton Ave. (Swan Lake)

Applicant: Tom Neal Design

Proposals:

1. Replacement of rail on porch
2. Adjustment of height of gable on garage

Discussion:

- Staff presented its report, and afterwards the applicant commented on the desire for replacement of the metal rail presently on the porch and the necessity to adjust the height of the gable due to the increase in the height of the deck below the gable during construction. Commissioner Turner inquired about the projection of the roof of the garage under the shed roof and was informed that the shed roof had been removed. Neighborhood Representative McAfee requested confirmation that the garage was detached from the residence and was informed that the garage and residence were separated. Commissioner Turner requested confirmation of the location of the projection of the roof of the garage and was informed that the roof was located north of the wall of the residence. Commissioner Reeds directed attention to the proposal for the replacement of the rail and expressed approval of the design.

As there was no further discussion, Commissioner Sanders made a motion to recommend approval of the application. The motion was seconded by Commissioner Reeds and was approved unanimously.

Vote: 1629 S. Trenton Ave. (Swan Lake)

In Favor

Turner
Reeds
Sanders
McAfee

Opposed

Abstaining

Not Present

1539 S. Gillette Ave. (Gillette)

Applicant: Pinnacle Home Design

Proposal:

1. Construction of addition

Discussion:

- Staff presented its report, and afterwards Keith R. Dalessandro, the representative for Pinnacle Home Design, commented that most of the addition would not be visible from the right-of-way; the south façade would be the most visible section. Commissioner Turner inquired whether the new siding would match the siding presently on the residence and was informed that the siding would match. Discussion then focused on the design of the roof and the impact of the addition on the site.

Commissioner Reeds inquired whether the slope of the roof of the addition would match the slope of the roof of the residence and was informed that the slopes would match. Commissioner Reeds then inquired about the impact of the addition on ease of access to the garage. Mr. Dalessandro noted that only one side of the garage could easily be entered after construction of the addition. Neighborhood Representative McAfee wondered whether creation of a lack of access to the garage would be acceptable, and Neighborhood Representative Atkins expressed concern about the establishment of a precedent. Mr. Dalessandro offered to provide dimensions of that section of the site. Commissioner Sanders inquired about the installation of HardiePlank Smooth Lap Siding and was informed that it would be installed only on the addition. Commissioner Sanders then inquired whether any of the windows on the residence would be altered or removed and was informed that no changes would occur. Commissioner Reeds recommended that the muntins on any new window match those on the windows presently on the residence.

As there was no further discussion, Commissioner Reeds made a motion to recommend approval of the application with the conditions that the applicant confirm the size of the muntins and provide a Site Plan with dimensions. The motion was seconded by Commissioner Sanders and was approved unanimously.

Vote: 1539 S. Gillette Ave. (Gillette)

In Favor

Turner
Reeds
Sanders
McAfee

Opposed

Abstaining

Not Present

1521 E. 21st St. (Swan Lake)

Applicant: Jeffrey D. Bacon

Proposal:

1. Installation of fence

Work completed without an Historic Preservation Permit

Discussion:

- Staff presented its report, and afterwards the applicant declined to comment. Commissioner Turner inquired about the transition in the heights of the fence and was informed that the height of the section of the fence near the western boundary would be reduced to four feet (4'-0") to match the height of the fence to which it will be connected.

The fence near the southern boundary is four feet (4'-0") in height and will eventually be concealed by the holly which has been planted, and the gate for the driveway will be six feet (6'-0") in height to deter any intrusion but will not be located in the street yard and will match the style of the fence elsewhere on the site. Commissioner Turner then requested additional information on the fence, including the locations and heights on the east and west sides of the site and the connections between the sections. The applicant agreed to provide this documentation, and an extension of the period of review was granted.

B. New Business

Mr. Kern joined the Regular Meeting via mobile device and requested information about the review of his application. When informed about the condition for approval, he requested that the proposal for installation of the panels be submitted for review as presented in the application and indicated his readiness to appeal an unfavorable decision to the Board of Adjustment. Staff informed him that the Board of Adjustment would only review compliance with procedure. Neighborhood Representative McAfee inquired about the mitigation of the installation of the equipment by American Electric Power in the Yorktown Historic Preservation Overlay District. Staff has contacted the Owner for a report on the status of the effort towards mitigation of the appearance of the equipment but has not received a reply. Neighborhood Representative Atkins expressed concern about the conversion of garages to Accessory Dwelling Units, and Commissioner Sanders commented that this activity could be a topic for discussion during the Annual Retreat.

C. Adjournment

Commissioner Turner adjourned the Regular Meeting at 6:51 P.M.

TULSA PRESERVATION COMMISSION



Regular Meeting

January 26, 2021

4:30 P.M.

- Call to Order and **Verification of Quorum**
- Approval of Minutes
- Disclosure of Conflicts of Interest
- Actionable Items



1540 South Gillette Avenue

Applicant: Andrew M. Kern

Proposal:

1. Installation of solar panels on roof

1540 South Gillette Avenue

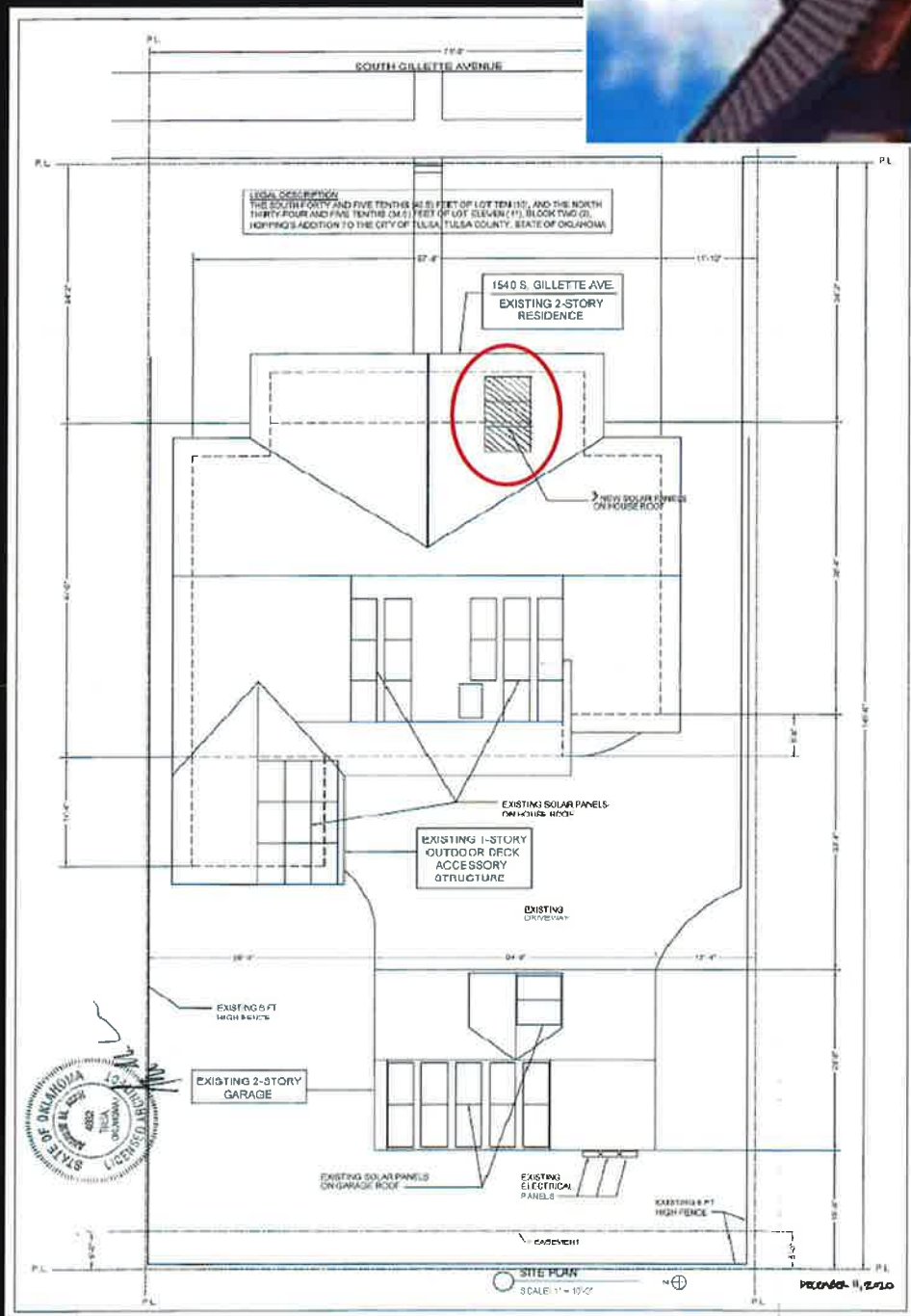


1540 South Gillette Avenue



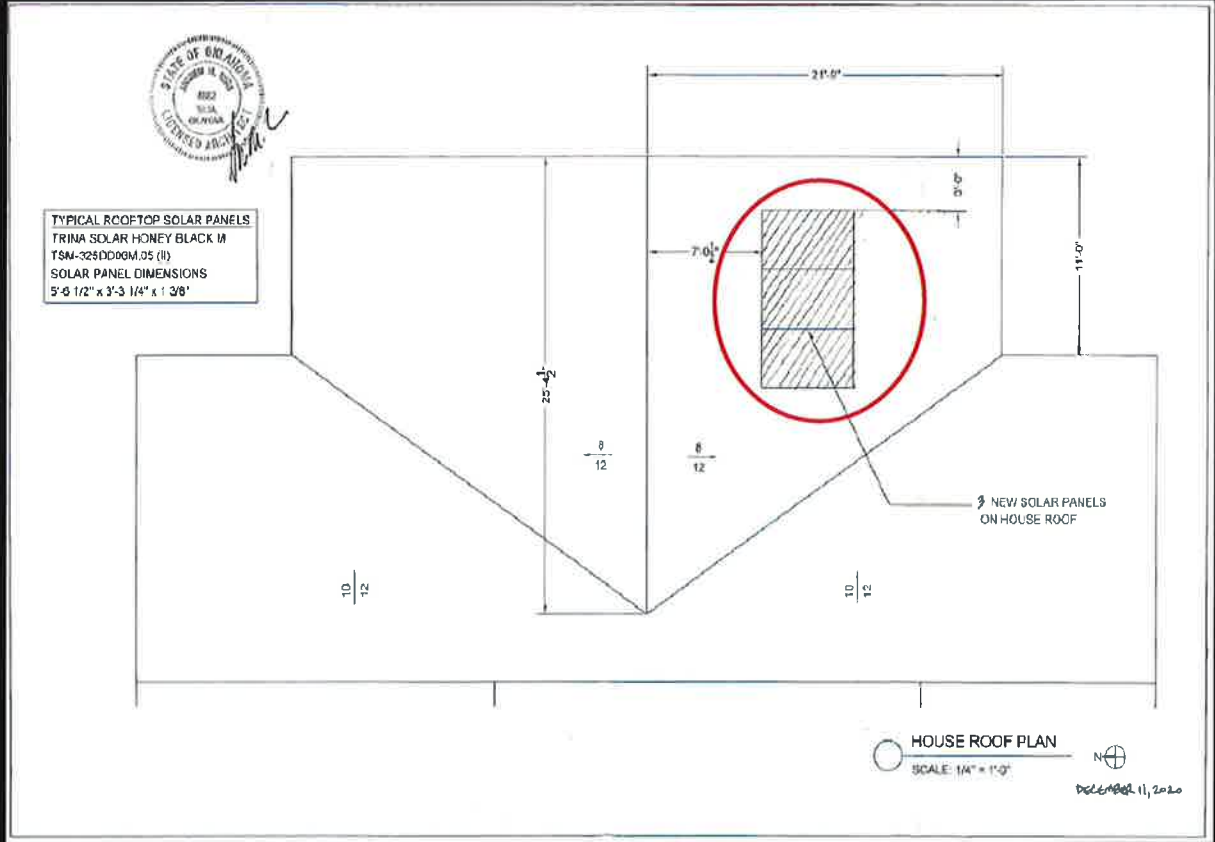
Gillette

1540 South Gillette Avenue



Gillette

1540 South Gillette Avenue







TULSA PRESERVATION COMMISSION

REGULAR MEETING MINUTES

Tuesday, January 26, 2021, 4:30 P.M.

City Hall @ One Technology Center, 175 East 2nd Street
10th Floor - South Conference Room

A. Opening Matters

1. Call to Order and Verification of Quorum

Commissioner Townsend called the Regular Meeting to order at 4:37 P.M.

Members Present

Mary Lee Townsend, Ph.D., Chair
James E. Turner, AIA, Vice-Chair
Holly Becker
Peter Grant, CGR, CAPS
Ted A. Reeds, II, AIA
Mark D. G. Sanders

Members Absent

Joy Jones, Secretary
Chris J. Bumgarner
Susan J. McKee, MFA
Katelyn C. Parker, RA
Robert L. Shears, ASLA²

Staff Present

Audrey D. Blank¹, Roy M. (Jed) Porter, Jr., Felicity O. Good

Others Present

Andrew M. Kern¹, Charles D. (Chas) Higgins¹, Craig Zietlow¹, David and Janice Connolly¹, Keith R. Dalessandro¹, Matthew D. McAfee¹, Sally H. Davies

¹ Participation via Remote Access

² Present via Remote Access but unable to participate due to the requirements of the Open Meeting Act

2. Approval of Minutes – Regular Meeting, December 10, 2020

Commissioner Reeds made a motion to approve the Minutes. The motion was seconded by Commissioner Becker and approved unanimously.

Vote: Minutes – Regular Meeting, December 10, 2020

In Favor

1. Townsend
2. Turner
3. Becker
4. Grant
5. Reeds
6. Sanders

Opposed

Abstaining

Not Present

Jones
Bumgarner
McKee
Parker
Shears

3. Disclosure of Conflicts of Interest
No Conflicts of Interest were disclosed.

B. Actionable Items

1. **HP-0239-2020 / 1540 S. Gillette Ave. (Gillette)**
Historic Preservation Permit Subcommittee Review Date: January 19, 2021
Applicant: Andrew M. Kern
Proposal:
 1. Installation of solar panels on roof

While staff attempted to engage the PowerPoint Presentation, the applicant explained the proposal to install three (3) solar panels on the roof—a reduction from the six (6) panels originally proposed. Staff added that, according to the applicant, the three (3) panels would be visible from the street in only one direction and not in every season. Commissioner Turner reported that the Historic Preservation Permit Subcommittee found little difference in visibility between the original proposal for installation of six (6) panels and the present proposal for installation of three (3) panels. The Historic Preservation Permit Subcommittee had recommended approval of the application with the condition that the panels be installed on the west side of the ridge, but the applicant had later noted that the placement of panels in that location would not be feasible. Commissioner Townsend inquired whether it was necessary for the panels to face south, and the applicant answered affirmatively, adding that the installation of the three (3) panels would allow his residence to rely completely on solar energy. Commissioner Sanders inquired about the length of ownership, and the applicant replied that the residence had been constructed for the previous owners in 2005 and that he had purchased the property in 2006. The applicant commented that, as an architect and engineer, he was sensitive to standards for historic preservation but was eager to incorporate new technology and added that, in his opinion, the installation of the panels would not adversely impact the neighborhood. Commissioner Sanders inquired about the structure previously on the site, and the applicant replied that the structure was a shed, not a residence. Commissioner Reeds inquired whether these panels could be placed at a ninety-degree (90°) angle at the ridge of the roof, and the applicant stated that any orientation on the southeast section of the roof would be acceptable. Commissioner Reeds replied that it would be an improvement but would not reduce the visibility of the panels. Commissioner Reeds then inquired whether the panels that were not visible from the street could be replaced with more efficient panels, and the applicant responded that the panels presently on the residence were already highly efficient and newly installed. Commissioner Becker announced that, although she understood other commissioners' hesitation to allow the installation of solar panels in their proposed location, the design of solar panels has improved over time and conservation of energy was a compelling reason to allow the installation of the solar panels.

As there was no further discussion, Commissioner Turner made a motion to deny the application, citing Guideline A.7.6 in the Unified Design Guidelines. The motion was seconded by Commissioner Reeds and was approved by a majority. Commissioner Sanders noted that he voted in opposition to the motion because of the residence's status as a noncontributing structure.

Guidelines cited: A.1.1, A.1.2, A.1.3, A.1.4, A.7.6, E.1.1, E.1.2, E.1.3, E.1.4

Vote: 1540 S. Gillette Ave. (Gillette)

<u>In Favor</u>	<u>Opposed</u>	<u>Abstaining</u>	<u>Not Present</u>
1. Townsend	Becker		Jones
2. Turner	Sanders		Bumgarner
3. Grant			McKee
4. Reeds			Parker
5.			Shears

2. HP-0241-2020 / 1767 S. St. Louis Ave. (Swan Lake)

Historic Preservation Permit Subcommittee Review Date: January 19, 2021

Applicants: Craig and Lindsay Zietlow

Proposal:

1. Replacement of door on garage

Staff presented its report, and afterwards Commissioner Turner reported that the Historic Preservation Permit Subcommittee felt the applicants had made a good attempt at replication of carriage-house doors and added that the panels would have a smooth surface. Upon an inquiry from Commissioner Grant, Commissioner Turner confirmed that the doors would be hinged. The applicant added that the garage would be used as a workshop. Commissioner Reeds inquired about the reason for the doors to swing inward, and the applicant replied that the length of the driveway limited the ability of the doors to swing outward.

As there was no further discussion, Commissioner Grant made a motion to approve the application. The motion was seconded by Commissioner Reeds and was approved unanimously.

Guidelines cited: A.1.1, A.1.2, A.1.3, A.1.4, B.6.3

Vote: 1767 S. St. Louis Ave. (Swan Lake)

<u>In Favor</u>	<u>Opposed</u>	<u>Abstaining</u>	<u>Not Present</u>
1. Townsend			Jones
2. Turner			Bumgarner
3. Becker			McKee
4. Grant			Parker
5. Reeds			Shears
6. Sanders			

3. HP-0244-2020 / 1629 S. Trenton Ave. (Swan Lake)

Historic Preservation Permit Subcommittee Review Date: January 19, 2021

Applicant: Tom Neal Design

Proposals:

1. Replacement of rail on porch
2. Adjustment of height of gable on garage

Staff presented its report, noting that the detached garage extended into the street yard and, therefore, was subject to review by the Tulsa Preservation Commission. Commissioner Turner reported that the Historic Preservation Permit Subcommittee found the adjustment of the height of the gable on the garage to be minimally intrusive and the porch to be compatible with the style of the residence and other porches

in the neighborhood. Commissioner Townsend commented on the apparent connection between the gable and the roof of the residence, but Commissioner Sanders clarified the presentation in the elevation, noting that the gable on the garage would not be connected to the residence.

As there was no further discussion, Commissioner Sanders made a motion to approve the application. The motion was seconded by Commissioner Grant and was approved unanimously.

Guidelines cited: A.1.1, A.1.2, A.1.3, A.1.4, A.6.1, A.6.2, A.6.3, A.6.4, A.6.5, B.6.1, B.6.2, B.6.3

Vote: 1629 S. Trenton Ave. (Swan Lake)

<u>In Favor</u>	<u>Opposed</u>	<u>Abstaining</u>	<u>Not Present</u>
1. Townsend			Jones
2. Turner			Bumgarner
3. Becker			McKee
4. Grant			Parker
5. Reeds			Shears
6. Sanders			

4. HP-0245-2020 / 1539 S. Gillette Ave. (Gillette)

Historic Preservation Permit Subcommittee Review Date: January 19, 2021

Applicant: Pinnacle Home Design

Proposal:

1. Construction of addition

Staff presented its report, noting that a Site Plan had been provided at the request of the Historic Preservation Permit Subcommittee. Commissioner Turner reported that the addition would be barely visible from the street, and Commissioner Reeds added that the addition would have a minimal impact on the residence and neighborhood. Commissioner Turner recalled the discussion of the distance between the addition and the detached garage but noted that the owner's ability to access the garage should not be part of the Tulsa Preservation Commission's review of the proposal.

As there was no further discussion, Commissioner Grant made a motion to approve the application. The motion was seconded by Commissioner Reeds and was approved unanimously.

Guidelines cited: A.1.1, A.1.2, A.1.3, A.1.4, B.1.1, B.1.2, B.1.3, B.1.4, B.3.1, B.3.2, B.3.3, B.4.2

Vote: 1539 S. Gillette Ave. (Gillette)

<u>In Favor</u>	<u>Opposed</u>	<u>Abstaining</u>	<u>Not Present</u>
1. Townsend			Jones
2. Turner			Bumgarner
3. Becker			McKee
4. Grant			Parker
5. Reeds			Shears
6. Sanders			

5. **HP-0248-2021 / 706 N. Denver Ave. (Brady Heights)**

Applicant: Charles D. (Chas) Higgins

Proposal:

1. Adjustment of height of porch

*Application to amend previous approval of application
by Tulsa Preservation Commission on September 22, 2020*

Staff presented its report, sharing photographs showing the construction of the residence in progress. The applicant added that the topography on the site spurred the adjustment of the height of the porch. Upon an inquiry from Commissioner Grant, the applicant stated that the front door was originally four inches (0'-4") above the porch and that the porch would not have been approximately five feet (5'-0") above grade. Staff inquired about the height of the porch compared to that of the residence to the south, and the applicant replied that they would be similar in height. Commissioner Turner observed that the porch would be higher than that of the adjacent residence, and Commissioner Reeds stated the porch ceiling would be lower. Upon an inquiry from Commissioner Turner, the applicant confirmed that the entire residence would be higher. Commissioner Sanders inquired whether the roof of the porch could match that of the residence to the south, and the applicant replied that the height would be similar but observed that the height of the front door and floor of the balcony would limit the flexibility in the adjustment of the height of the roof over the porch. Commissioner Grant noted that the height of the stem wall had dramatically changed as a result of the adjustments and should have also been reviewed by the Tulsa Preservation Commission.

As there was no discussion, Commissioner Reeds made a motion to approve the application with the condition that the applicant attempt to match the height of the porch ceiling on the residence to the south. The motion was seconded by Commissioner Turner and was approved unanimously.

Guidelines cited: C.1.1, C.1.2, C.1.3, C.1.4, C.1.5, C.2.1, C.2.2, C.2.3, C.2.4, C.2.5, C.2.6, C.3.1, C.4.1, C.5.1, C.5.2, C.5.3

Vote: 706 N. Denver Ave. (Brady Heights)

In Favor

1. Townsend
2. Turner
3. Becker
4. Grant
5. Reeds
6. Sanders

Opposed

Abstaining

Not Present

Jones
Bumgarner
McKee
Parker
Shears

C. Reports

1. Chair Report

Commissioner Townsend announced appointments to committees for the 2021 Calendar Year:

Historic Preservation Committee: James E. Turner (Chair), Holly Becker, Joy Jones, Susan J. McKee, Katelyn C. Parker, Mark D. G. Sanders, Chris J. Bumgarner (Alternate), Ted A. Reeds (Alternate), Robert L. Shears (Alternate)

Outreach Committee: Susan J. McKee (Chair), Holly Becker, Chris J. Bumgarner, Ted A. Reeds, James E. Turner

Rules and Regulations Committee: Katelyn C. Parker (Chair), Mark D. G. Sanders, Joy Jones, Robert L. Shears

Ad Hoc Committee on Process: Peter Grant (Chair), Chris J. Bumgarner, Joy Jones, Katelyn C. Parker

2. Staff Report

Staff reported on work in progress at The Joinery located at 640 North Denver Avenue. Commissioner Reeds inquired about the material of the facade and was informed that masonry has been used. Staff also reported on completion of Work at 739 North Cheyenne Avenue.

Staff proposed that events scheduled for the 2020-21 Fiscal Year, such as the Historic Homeowners Fair and a workshop on the treatment of wooden windows, be cancelled due to the threat posed by COVID-19 and that the Tulsa Preservation Commission consider using the funds allocated for contractual services to secure a consultant for a new survey of the Morningside Addition in the Maple Ridge Historic Residential District. The survey would be the first phase in the revision of the nomination of the Maple Ridge Historic Residential District, which did not identify every residence that could be considered a Contributing Resource. After discussion, the members of the Tulsa Preservation Commission and Neighborhood Representative Davies endorsed the proposal.

D. New Business
None

E. Announcements and Future Agenda Items
None

F. Public Comment
None

G. Adjournment
Commissioner Townsend adjourned the Regular Meeting at 5:39 P.M.



HISTORIC PRESERVATION PERMIT DENIAL

An Historic Preservation Permit has been denied by the Tulsa Preservation Commission for work described below under the Zoning Ordinance of the City of Tulsa (Section 70.070) to **Andrew M. Kern** for the address of **1540 South Gillette Avenue**, Tulsa, Oklahoma, located in the **Gillette Historic Preservation Overlay District**.

DENIED PROPOSAL

Installation of solar panels on roof

Performance of any Work described under the Denied Proposal is a violation of the Zoning Ordinance and may result in the revocation of building permits and/or code enforcement.

Roy Malcolm Porter, Jr.

Roy Malcolm Porter, Jr.
Historic Preservation Officer, City of Tulsa

Date issued: January 26, 2021
Number: HP-0239-2020



HISTORIC PRESERVATION PERMIT DENIAL

An Historic Preservation Permit has been denied by the Tulsa Preservation Commission for work described below under the Zoning Ordinance of the City of Tulsa (Section 70.070) to **Andrew M. Kern** for the address of **1540 South Gillette Avenue**, Tulsa, Oklahoma, located in the **Gillette Historic Preservation Overlay District**.

DENIED PROPOSAL

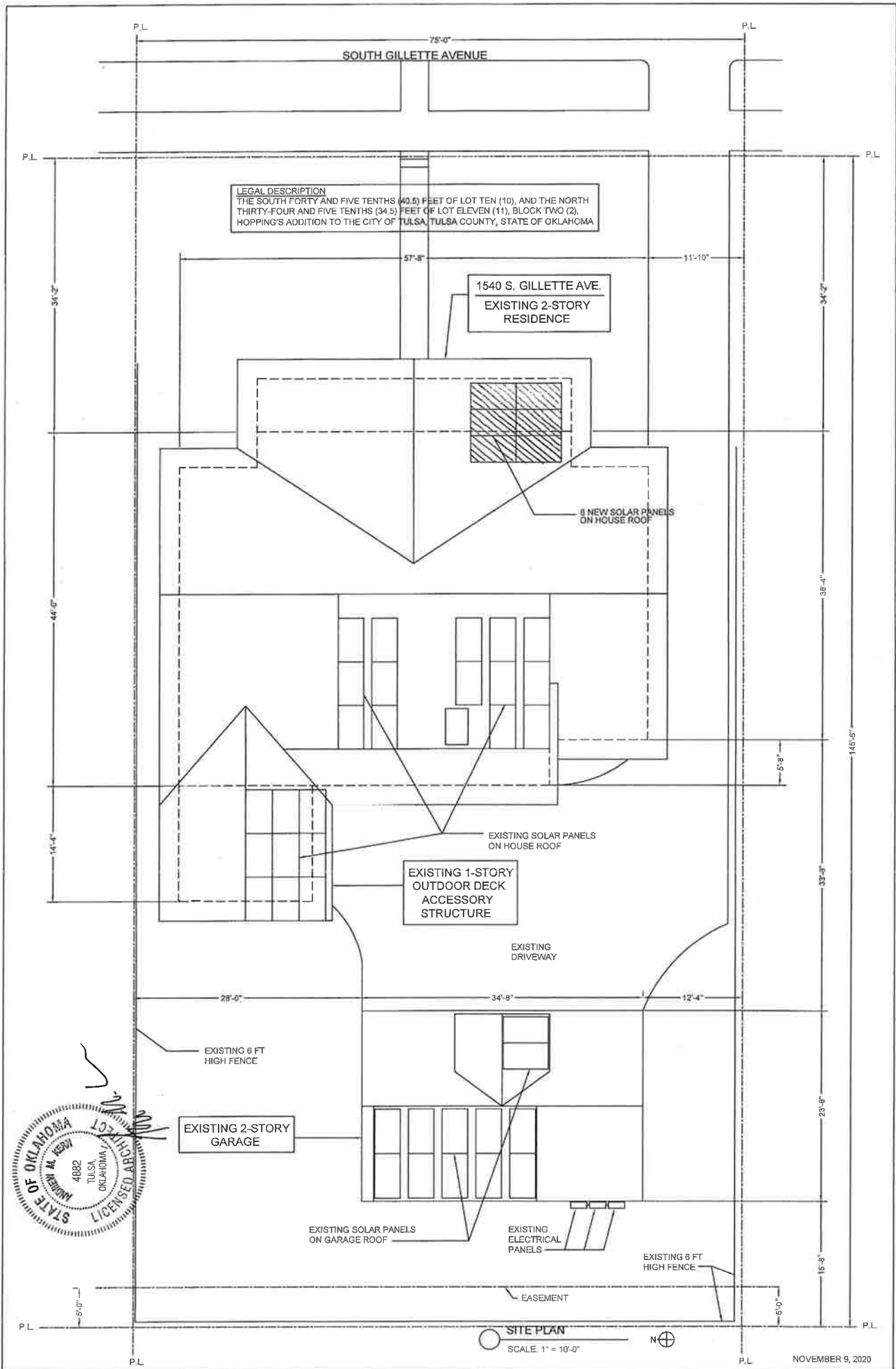
Installation of solar panels on roof

Performance of any Work described under the Denied Proposal is a violation of the Zoning Ordinance and may result in the revocation of building permits and/or code enforcement.

Roy Malcolm Porter, Jr.

Roy Malcolm Porter, Jr.
Historic Preservation Officer, City of Tulsa

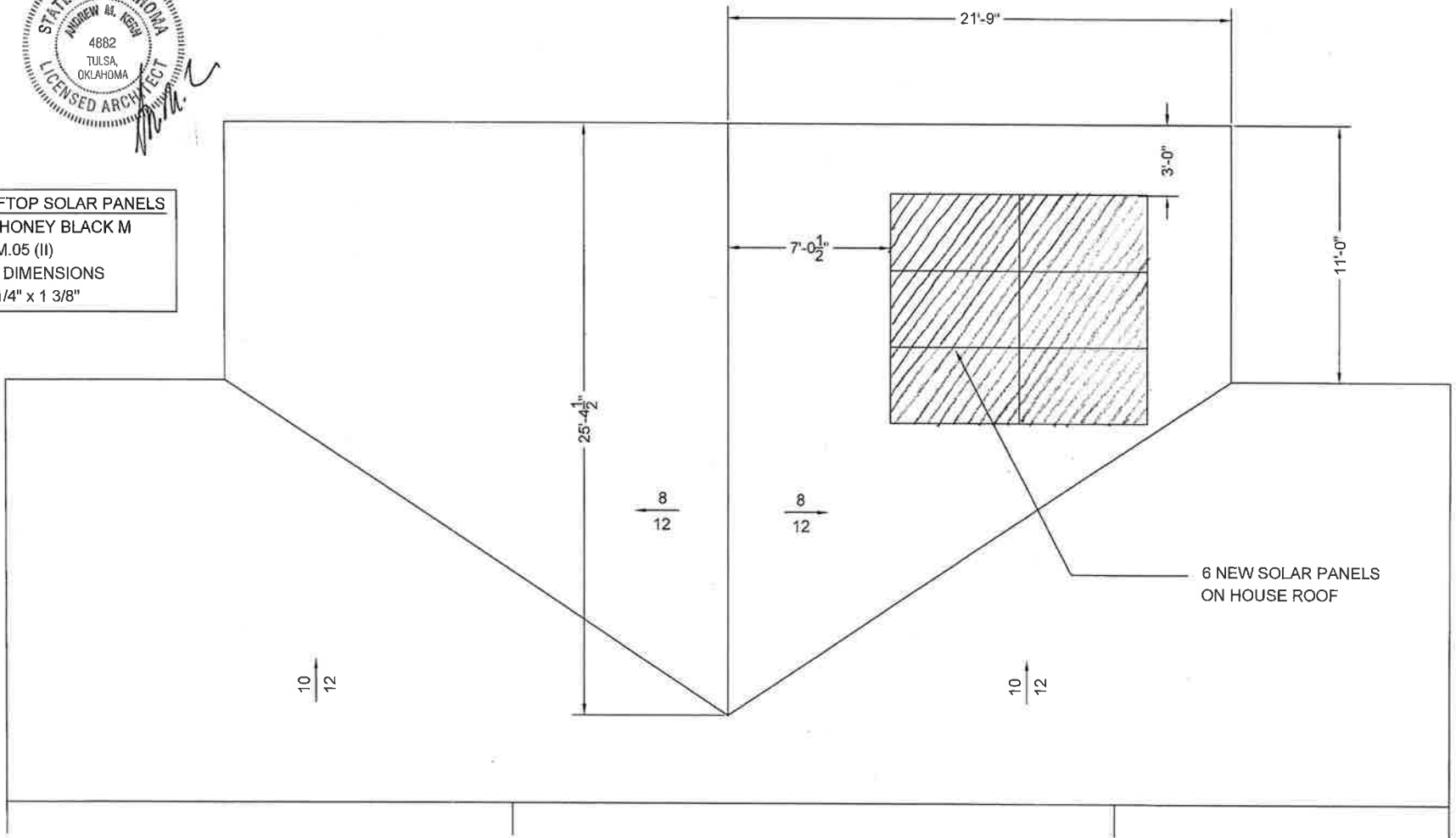
Date issued: December 10, 2020
Number: HP-0238-2020



3.53



TYPICAL ROOFTOP SOLAR PANELS
TRINA SOLAR HONEY BLACK M
TSM-325DD06M.05 (II)
SOLAR PANEL DIMENSIONS
5'-6 1/2" x 3'-3 1/4" x 1 3/8"



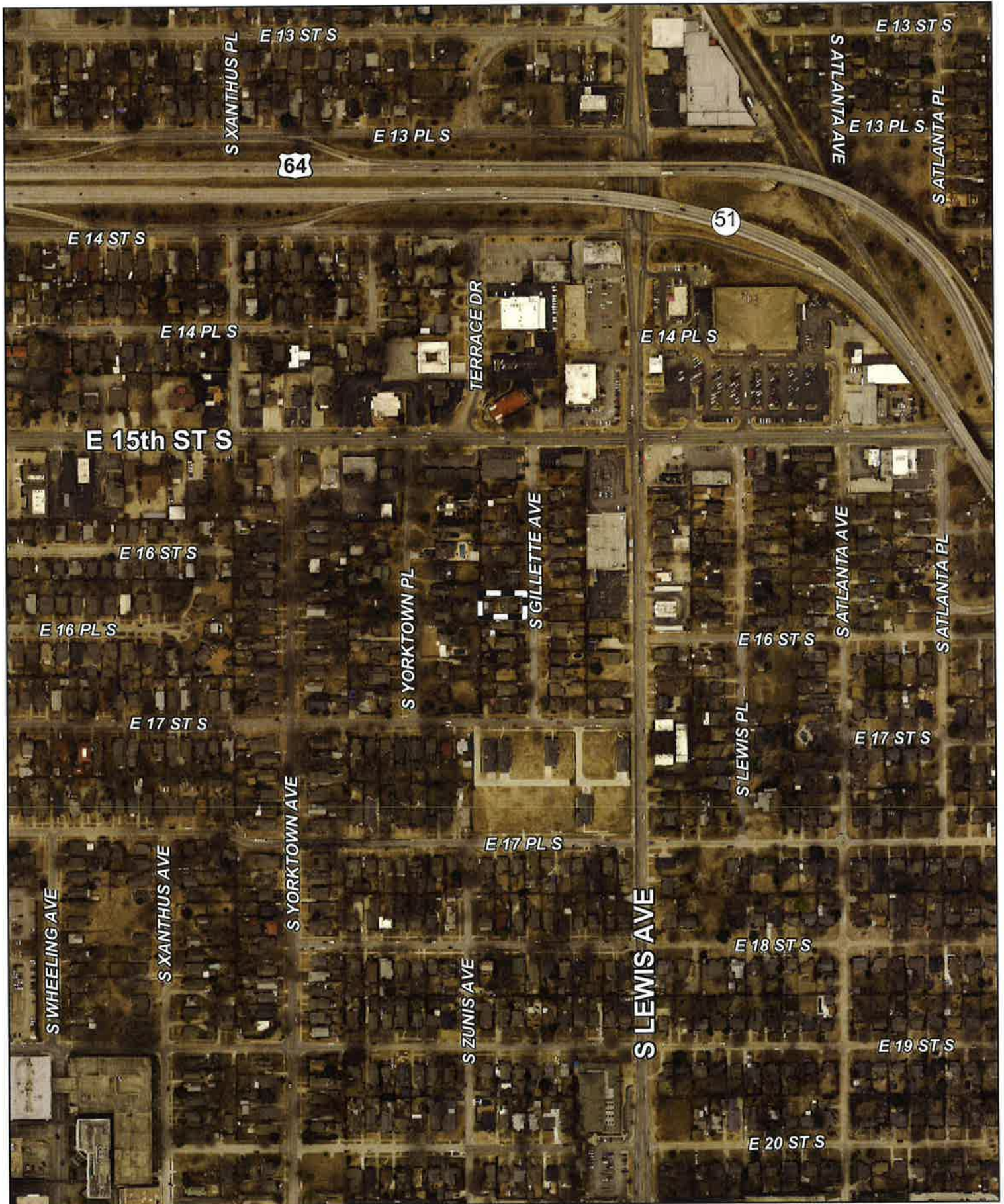
6 NEW SOLAR PANELS
ON HOUSE ROOF

HOUSE ROOF PLAN
SCALE: 1/4" = 1'-0"



NOVEMBER 9, 2020

3.54



0 Feet 200 400



Subject
Tract

BOA-23086

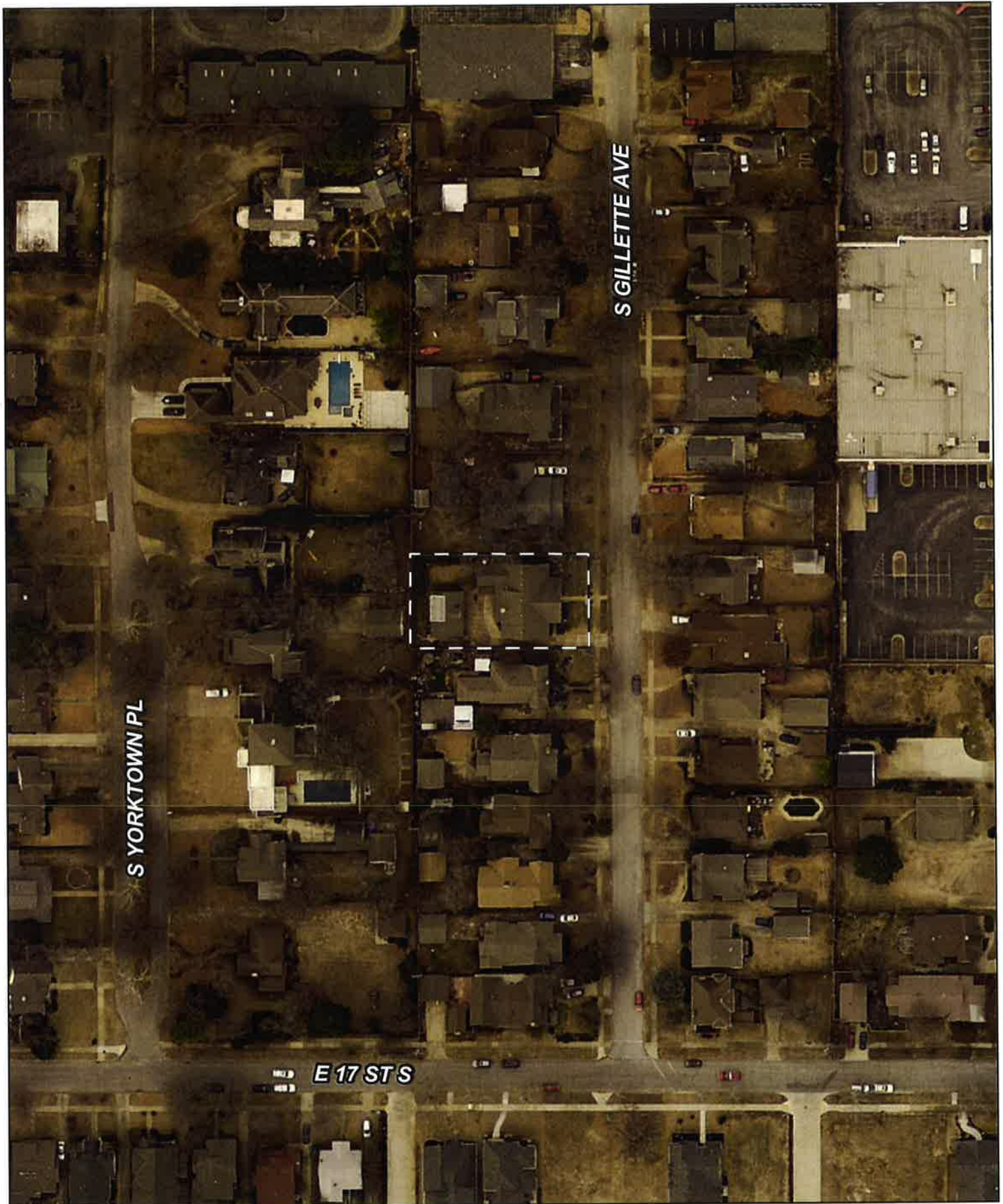
19-13 07

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

Aerial Photo Date: February 2018



3.55



0 50 100
Feet



Subject
Tract

BOA-23086

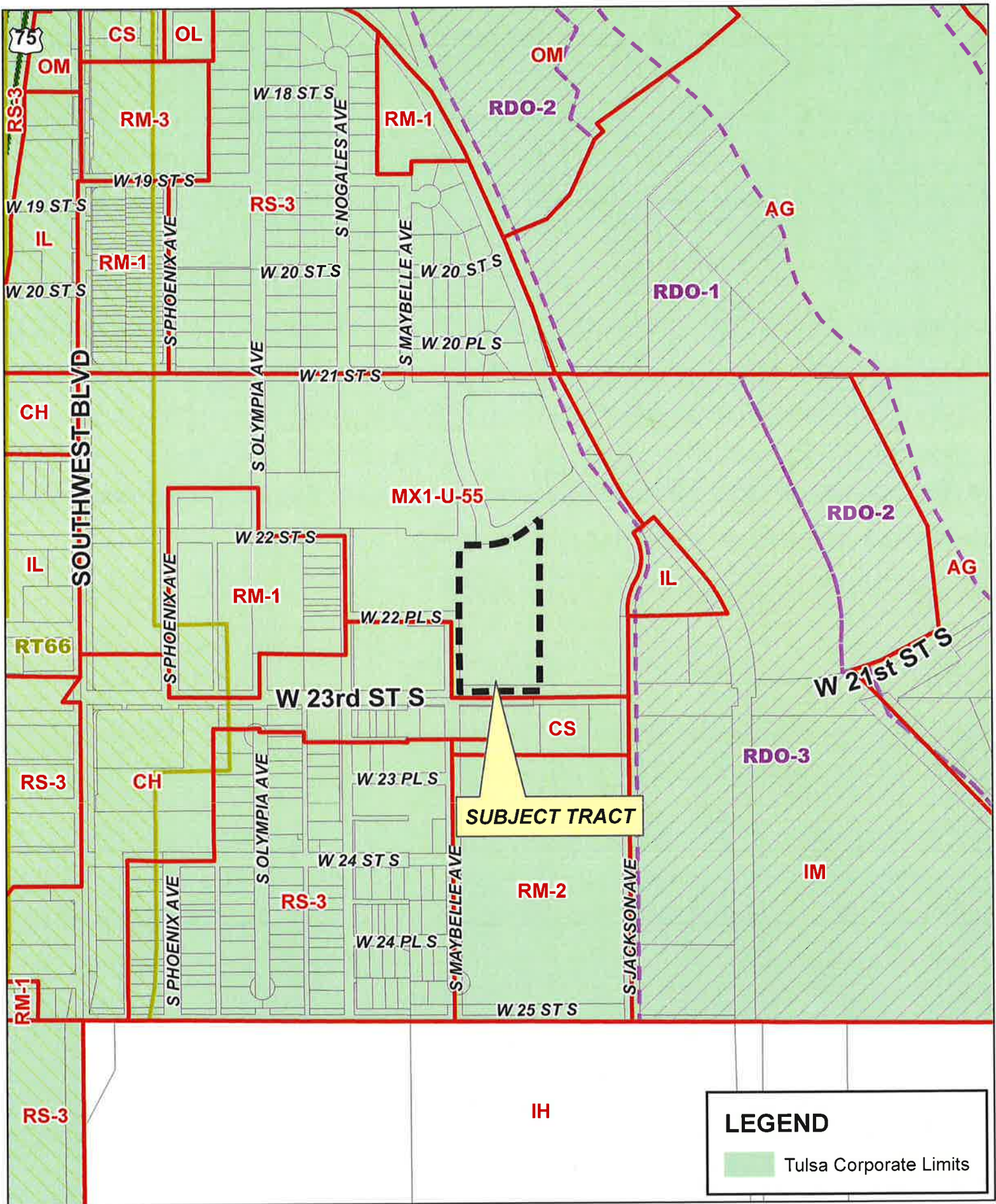
19-13 07

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

Aerial Photo Date: February 2018



3.56



BOA-23087

19-12 14

4.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9214

Case Number: **BOA-23087**

CZM: 36

CD: 2

HEARING DATE: 03/09/2021 1:00 PM

APPLICANT: Mark Capron

ACTION REQUESTED: Variance to increase the width of the Build-to-Zone in 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: NE/c of W. 23rd St. and S. Maybelle Ave.

ZONED: MX1-U-55

PRESENT USE: Tulsa Housing Authority

TRACT SIZE: 208576.15 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)

Surrounding properties:

BOA-23066; On 1/26/2021 the Board ***approved a*** Variance to increase the width of the Build-to-Zone in 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). Property is located East of the subject property, this approval was limited to what is described as Phase III on the site plan.

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

Neighborhood Center

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

Mixed-Use Corridor

A Mixed-Use Corridor is a plan category used in areas surrounding Tulsa's modern thoroughfares that pair high-capacity transportation facilities with housing, commercial, and employment uses. The streets usually have four or more travel lanes, and sometimes additional lanes dedicated for transit

and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods.

Area of Growth

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract was recently rezoned to MX1-U55 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 the Build-to-Zone in 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	
Abutting alley	5	Yes	
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:

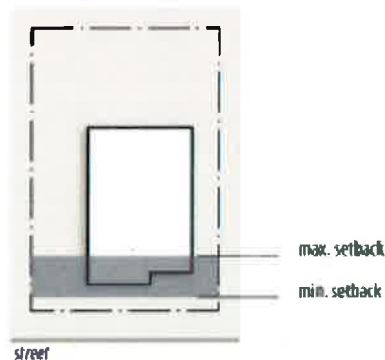
Section 90.110

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 ~~590.090-A~~.

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

Figure 90-16: Build-to-Zone



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

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

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

The applicant is proposing a Built-To-Zone of 20' on W. 22nd street with a required percentage of 76.4% and a Built-To-Zone of 35' on Maybelle with a required percentage of 48.8%.

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 the Build-to-Zone in 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*

**LEGAL DESCRIPTION
FOR
RIVER WEST PHASE IV**

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:

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; 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, TO THE POINT OF BEGINNING; THENCE CONTINUING S 89° 07' 09" W, CONTINUING ALONG THE SOUTH LINE OF SAID BLOCK I, A DISTANCE OF 328.90 FEET, TO THE SOUTHWEST CORNER OF SAID BLOCK I; THENCE N 00° 52' 53" W, ALONG THE WEST LINE OF SAID BLOCK I, A DISTANCE OF 302.63 FEET, TO AN INTERIOR CORNER OF SAID BLOCK I; THENCE CONTINUING N 00° 52' 53" W A DISTANCE OF 273.21 FEET, TO A TANGENT POINT OF CURVATURE; THENCE ALONG A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 39.27 FEET, A CENTRAL ANGLE OF 90° 00' 14", A CHORD BEARING OF N 44° 07' 14" E AND A CHORD DISTANCE OF 35.36 FEET; THENCE N 89° 07' 20" E A DISTANCE OF 49.40 FEET, TO THE SOUTHWEST CORNER OF SAID RIVER WEST PHASE I; THENCE CONTINUING N 89° 07' 20" E, ALONG THE SOUTH LINE OF SAID RIVER WEST PHASE I, A DISTANCE OF 23.28 FEET, TO A TANGENT POINT OF CURVATURE; THENCE ALONG A TANGENT CURVE TO THE LEFT, CONTINUING ALONG THE SOUTH LINE OF SAID RIVER WEST PHASE I, HAVING A RADIUS OF 285.00 FEET, AN ARC LENGTH OF 185.44 FEET, A CENTRAL ANGLE OF 37° 16' 47", A CHORD BEARING OF N 70° 28' 57" E AND A CHORD DISTANCE OF 182.18 FEET, TO A POINT OF COMPOUND CURVATURE; THENCE ALONG A TANGENT CURVE TO THE LEFT, CONTINUING ALONG THE SOUTH LINE OF SAID RIVER WEST PHASE I, HAVING A RADIUS OF 5000.00 FEET, AN ARC LENGTH OF 75.44 FEET, A CENTRAL ANGLE OF 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.



Subject Property



Facing West on W. 23rd St.



Facing East on W. 23rd St.

Action Requested:

Variance to reduce the required Transparency Percentages for a building façade in a MX-1-U District (Section 10.030-C, Table 10-5); Variance of the required minimum parking ratios for an Apartment/Condo in an MX-1-U District (Section 55.020, Table 55-1). **LOCATION:** North of West 23rd Street South and South of West 21st Street South between Southwest Boulevard and South Jackson Avenue West (CD 2)

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

Presentation:

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

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

Interested Parties:

Jeff Hall, Tulsa Housing Authority, 201 West 5th Street, Tulsa, OK; stated this project went through a public planning process in 2010 and the plans did alter slightly. The

Housing Authority came on board in 2017 and expanded the master plan but the principles have stayed the same. It was clear in the public meetings that this zoning made the most sense to get to the principles that were asked for.

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

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

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

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

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 4-1-0 (Bond, Ross, Shelton, Van De Wiele "aye"; Radney "nay"; no "abstentions"; none absent) to **APPROVE** the request for a **Variance** to reduce the required Transparency Percentages for a building façade in a MX-1-U District (Section 10.030-C, Table 10-5); **Variance** of the required minimum parking ratios for an Apartment/Condo in an MX-1-U District (Section 55.020, Table 55-1), subject to conceptual plans 21.8, 21.9, 21.10, 21.11, 21.12, 21.13 and 21.14 of the agenda packet. The Board has found the hardship to be the uniqueness of the property as well as the intended for residential use. The reduction in transparency from 20% to 10% be only applicable to residential buildings. The parking be based on one off street parking space per unit. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;

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

A TRACT OF LAND LYING IN BLOCK FOUR (4) AND BLOCK SIX (6) OF RIVERVIEW PARK ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK FOUR (4); THENCE N89°24'57"E AND ALONG THE NORTH LINE OF SAID BLOCK FOUR (4) FOR A DISTANCE OF 645.00 FEET TO THE EAST LINE OF SAID BLOCK FOUR (4); THENCE S00°40'03"E AND ALONG THE EAST LINE OF SAID BLOCK FOUR (4) FOR A DISTANCE OF 433.00 FEET TO THE NORTH LINE OF BLOCK FIVE (5) RIVERVIEW PARK ADDITION; THENCE S89°24'57"W AND ALONG THE NORTH LINE OF SAID BLOCK FIVE (5) FOR A DISTANCE OF 335.00 FEET TO THE WEST LINE OF SAID BLOCK FIVE (5); THENCE S00°40'03"E AND ALONG THE WEST LINE OF SAID BLOCK FIVE (5) FOR A DISTANCE OF 167.00 FEET; THENCE S89°24'57"W FOR A DISTANCE OF 35.00 FEET TO THE EAST LINE OF BLOCK FOUR (4); THENCE S00°40'03"E AND ALONG THE EAST LINE OF BLOCKS FOUR (4) AND SIX (6) FOR A DISTANCE OF 510.00 FEET TO THE SOUTH LINE OF SAID BLOCK SIX (6); THENCE S89°24'57"W AND ALONG THE SOUTH LINE OF SAID BLOCK SIX (6) FOR A DISTANCE OF 275.00 FEET TO THE WEST LINE OF SAID BLOCK SIX (6); THENCE N00°40'03"W AND ALONG THE WEST LINES OF BLOCKS SIX (6) AND FOUR (4) FOR A DISTANCE OF 1110.00 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 10.82 ACRES MORE OR LESS. AND A TRACT OF LAND LYING IN BLOCK THIRTY- THREE (33) AMENDED WEST TULSA ADDITION AND BLOCK THREE (3) RIVERVIEW PARK ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE RECORDED PLAT THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK THIRTY-THREE (33) AMENDED WEST TULSA ADDITION; THENCE N89°24'57"E AND ALONG THE NORTH LINE OF SAID BLOCK THIRTY-THREE (33) AMENDED WEST TULSA ADDITION AND BLOCK THREE (3) RIVERVIEW PARK ADDITION FOR A DISTANCE OF 466.01 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE; SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 156°55'18"; HAVING A RADIUS OF 50.00 FEET; A DISTANCE OF 136.94 FEET AND WHOSE LONG CHORD BEARS N89°24'57"E FOR A DISTANCE OF 97.98 FEET TO A POINT

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.



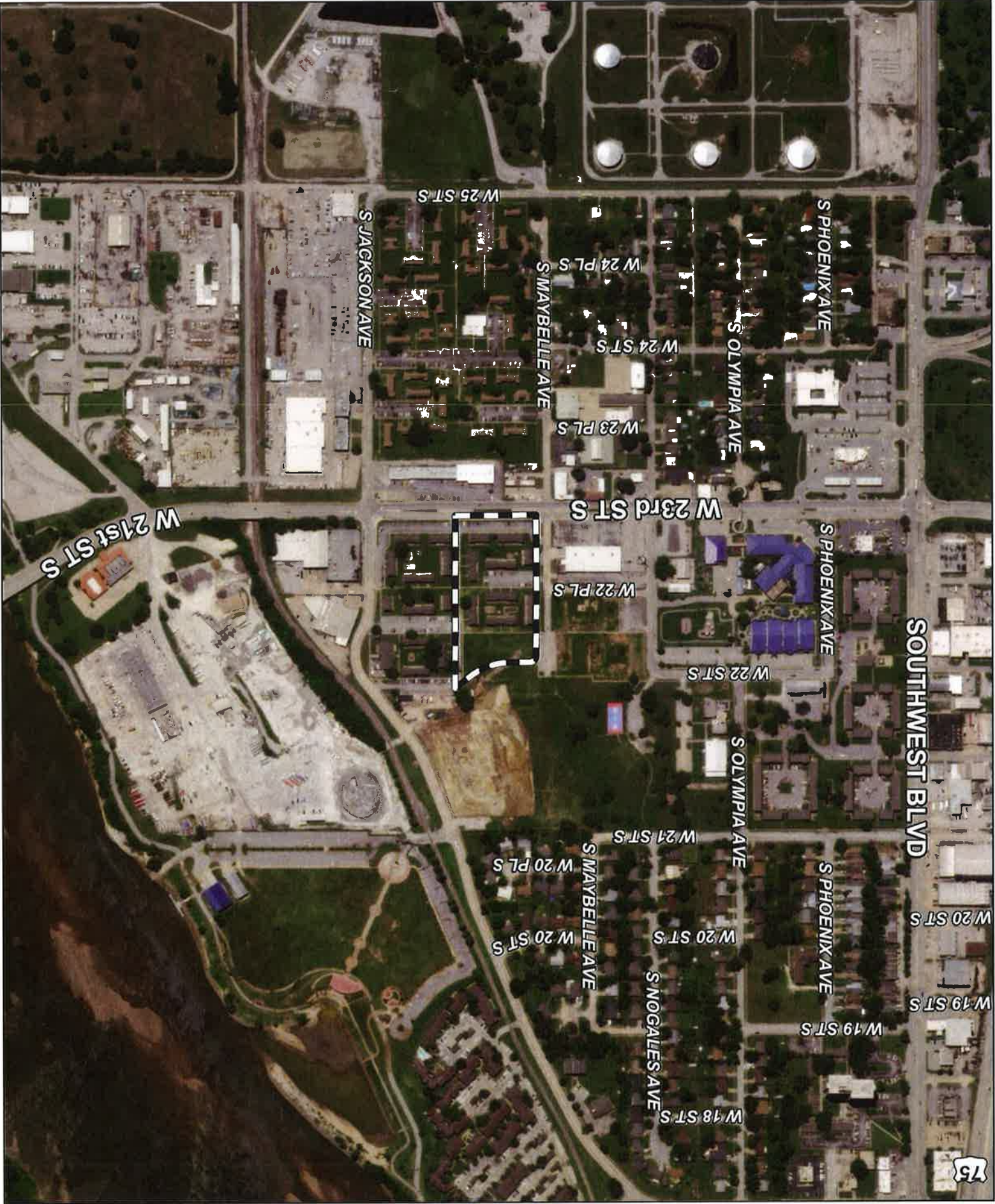
Subject
Tract

19-12 14

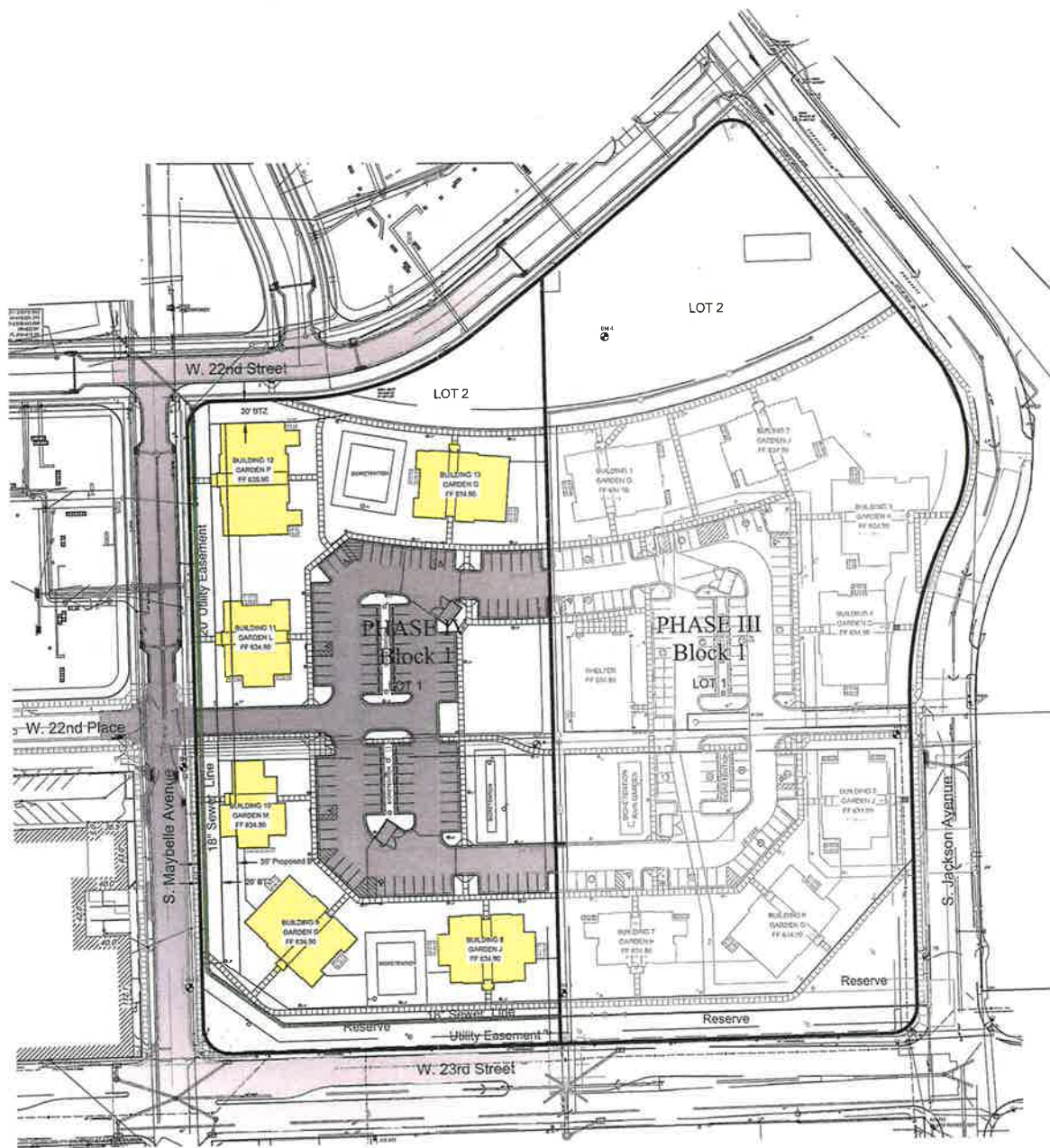
BOA-23087

Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: May 2020

4.13



4.14



Proposed BTZ	
W. 22nd Street:	20'
W. Maybelle Avenue:	35'
Proposed Frontage:	
W. 22nd Street:	76.4%
S. Maybelle Avenue:	48.8%

Site Plan Exhibit Tulsa Board of Adjustment River West Phase 4





W 22nd Pl S

S MAYBELLE AVE

W 23rd St S

0 50 100
Feet



Subject
Tract

BOA-23087

19-12 14

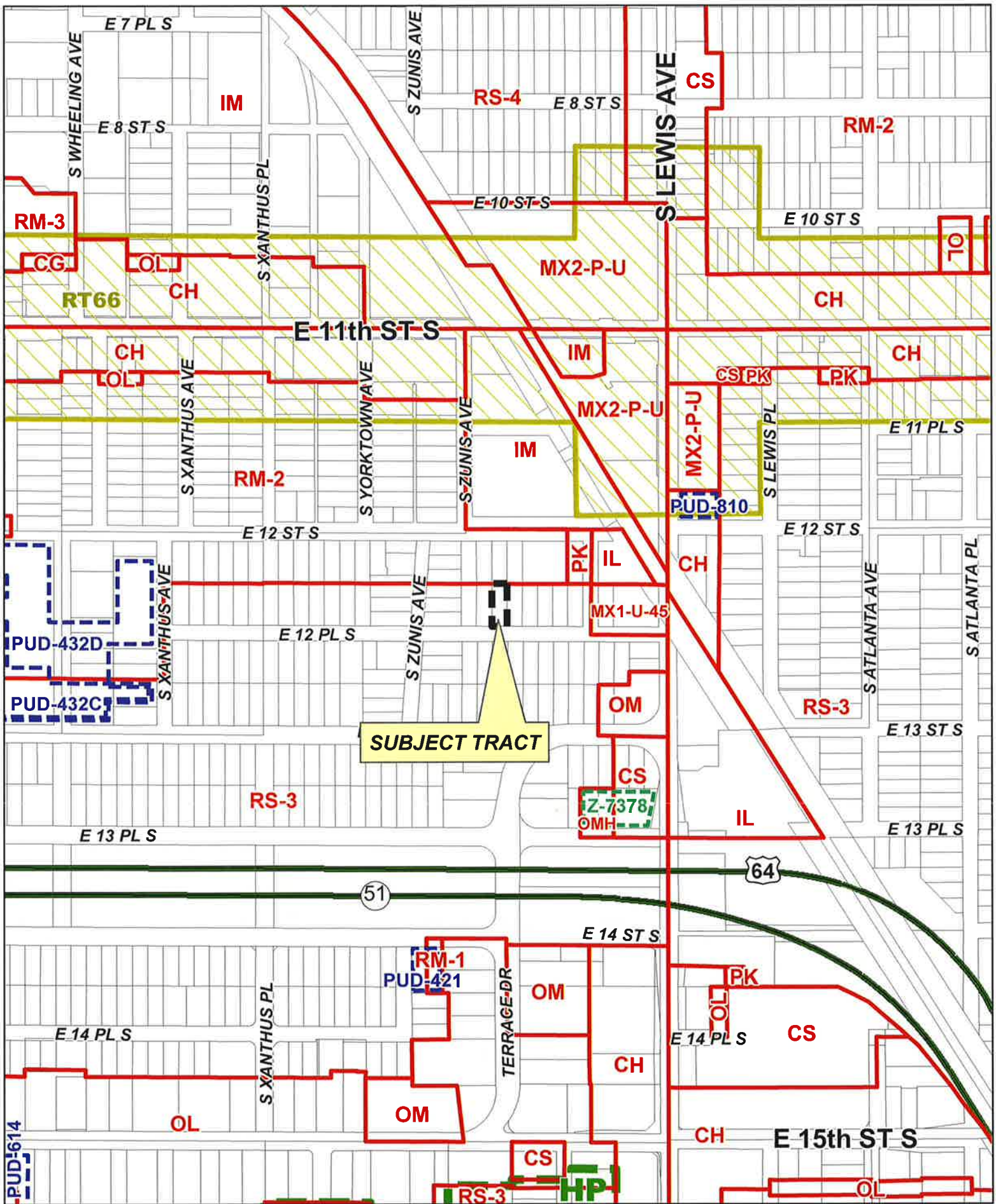
Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: May 2020

4.15



**THIS PAGE
INTENTIONALLY
LEFT BLANK**



SUBJECT TRACT

BOA-23088

5.1



19-13 07



BOARD OF ADJUSTMENT CASE REPORT

STR: 9307

Case Number: **BOA-23088**

CZM: 37

CD: 4

HEARING DATE: 03/09/2021 1:00 PM

APPLICANT: Josh Kunkel

ACTION REQUESTED: Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (Sec. 45.031-D)

LOCATION: 2221 E 12 PL S

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 6952.2 SQ FT

LEGAL DESCRIPTION: LOT 17 BLK 2 ", TERRACE DRIVE ADDN AMD SUB B2-3&7

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is Located East of the NE/c of S. Zunis and E. 12th Pl. S.

STAFF COMMENTS: The applicant is requesting Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (Sec. 45.031-D)

Please see the attached section of the Zoning code that includes Sec. 45.031 including supplemental regulations for Accessory Dwelling Units.

As a note the Board should be aware that this will be the first Special Exception request for an Accessory Dwelling Unit that is not requesting any variances of the height or size allowances in our zoning code.

SAMPLE MOTION:

Move to _____ (approve/deny): ***Special Exception*** to allow an Accessory Dwelling Unit in an RS-3 District (Sec. 45.031-D)

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

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

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

Section 45.030 Accessory Buildings and Carports in R Districts

45.030-A Accessory Building Size

1. RE and RS-1 Districts

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

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

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

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

45.030-B Carports

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

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

Section 45.031-A Definition

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

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

Section 45.031-B Purpose

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

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

Section 45.031-C Applicability

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

Section 45.031-D Regulations

1. Where Allowed

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

2. Number

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

3. Methods of Creation

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

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

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

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

5. Open space (Minimum open space per unit)

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

6. Accessory Dwelling Unit Size

- a. RE and RS-1 Districts

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

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

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

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

7. Building and Fire Codes

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

8. Additional Regulations for Accessory Dwelling Units

a. Entrances

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

b. Setbacks

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

c. Exterior Finish Materials

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

d. Roof Pitch

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

Section 45.040 Compressed Natural Gas (CNG) Refueling Appliances

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

Section 45.050 Dumpsters

45.050-A Regulations

Dumpsters established or placed on or after the effective date specified in [Section 1.030](#) are subject to the following regulations:

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



Facing East on 12th



Subject property



Facing Westt on 12th

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

Josh Kunkel
Method Architecture
josh@method.group

1/28/2021

APPLICATION NO: ZCO 78385-2020 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 2221 E 12th pl S

Description: Accessory Dwelling Unit

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

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

IMPORTANT INFORMATION

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

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

(continued)

REVIEW COMMENTS

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

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

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

Section 45.031-D Regulations Where Allowed. Accessory dwelling units are allowed by special exception in RE, RS, AG, and AG-R districts on lots occupied by a detached house. Accessory dwelling units are allowed by right in RD, RT, RM and RMH districts on lots occupied by a detached house.

Review Comments: Apply to INCOG for a special exception to allow an Accessory Dwelling Unit in an RS-3 zoned area.

If assistance is needed to find review comments or upload revisions contact Ashley Chaney 918-694-4196 or email at ACHaney@cityoftulsa.org

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

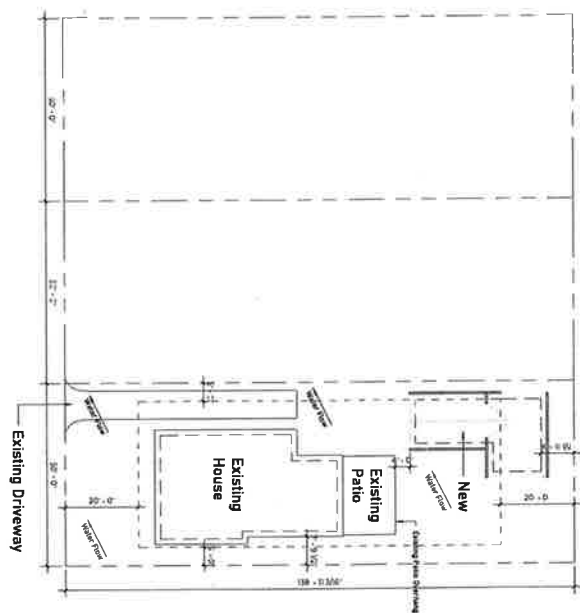
END –ZONING CODE REVIEW

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.

S.11

K
Site Plan
1/8" = 1'-0"



Sheet Information

Property Line

Legend Site Plan

1/8" = 1'-0"

METHOD.
Architectural & Interior Planning
2221 E 12th Place, Tulsa, OK 74104
www.methodstudio.com

Garage Apartment
2221 E 12th Place, Tulsa, OK 74104

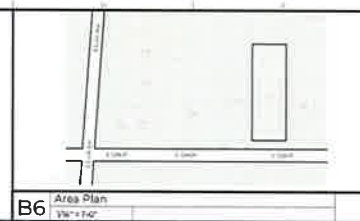
Not For Construction
Schematic Design



Project No. 00002
Client: [Redacted]
Drawn By: [Redacted]
Checked By: [Redacted]
Architectural Site Plan
AS101

Garage Apartment

2221 E 12th Place. Tulsa, Ok 74104
Schematic Design
Issue Date



METHOD.
Architect (P) (S) (S) (S)
Tulsa, Oklahoma

Garage Apartment
2221 E 12th Place Tulsa, Ok 74104

Not For Construction
Schematic Design

No.	Description	Date

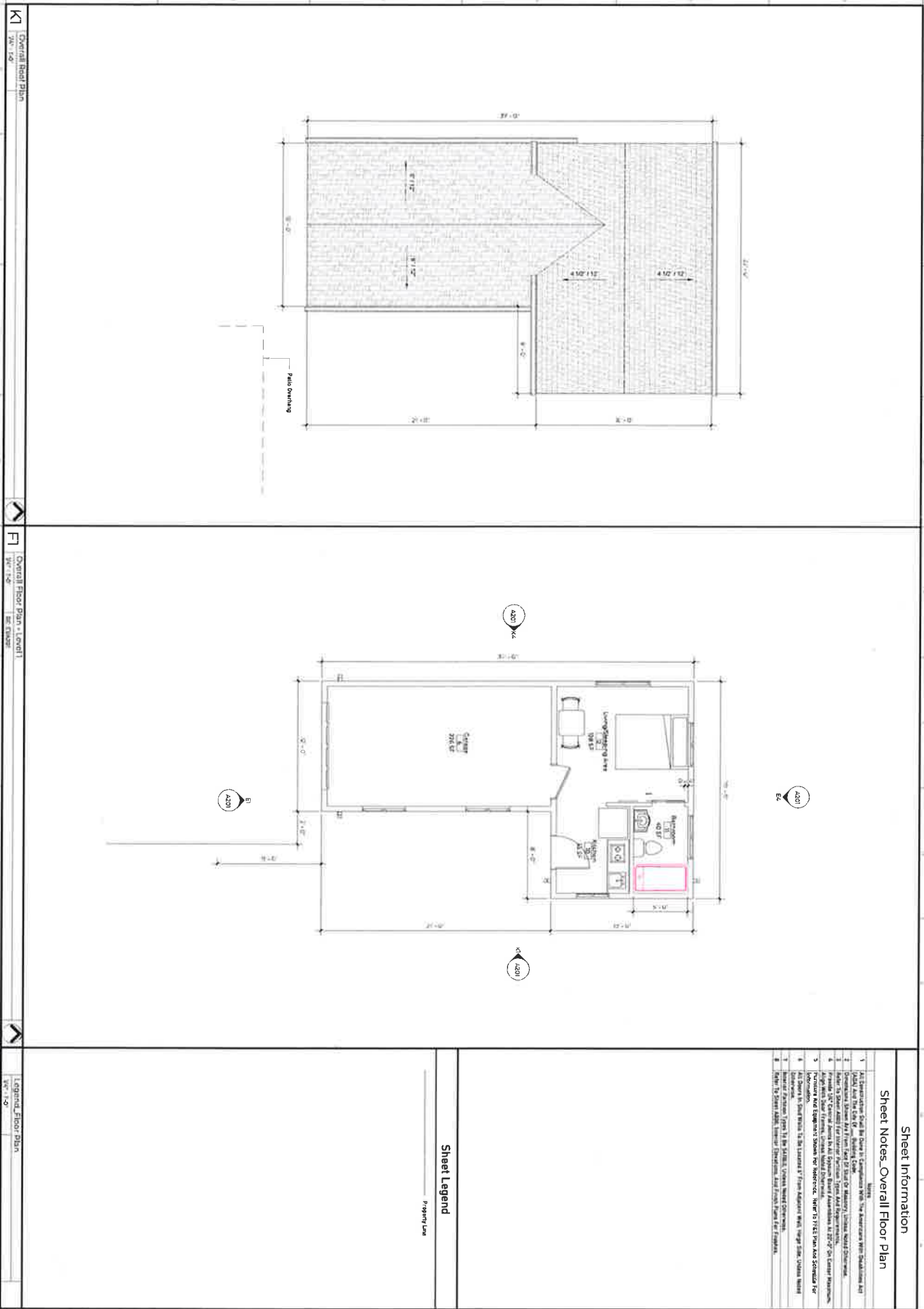
THE
DOCUMENT IS
FOR REVIEW ONLY
NATURE AND IS
NOT
A FINAL, SIGNED
AND SEALED
DOCUMENT

Project No.	00000
Issued:	Issue Date
Drawn By:	AV
Checked By:	JK

G000
Cover Sheet

5.12

5.14



Sheet Information

Sheet Notes, Overall Floor Plan

- 1. All Construction Shall Be Done in Compliance with the American with Disabilities Act (ADA) and the City of Tulsa Code.
- 2. The Owner shall be responsible for obtaining all necessary permits and approvals.
- 3. The Owner shall be responsible for providing all necessary information and documentation.
- 4. The Owner shall be responsible for providing all necessary information and documentation.
- 5. The Owner shall be responsible for providing all necessary information and documentation.
- 6. The Owner shall be responsible for providing all necessary information and documentation.
- 7. The Owner shall be responsible for providing all necessary information and documentation.
- 8. The Owner shall be responsible for providing all necessary information and documentation.
- 9. The Owner shall be responsible for providing all necessary information and documentation.
- 10. The Owner shall be responsible for providing all necessary information and documentation.

Sheet Legend

Property Line

Garage Apartment
2221 E 12th Place, Tulsa, OK 74104

Scale: As Shown
Date: 10/1/2020

Not For Construction
Schematic Design

METHOD
ARCHITECTS



Project No: 0000
Issued Date: 10/1/2020
Drawn By: Author
Checked By: Checker

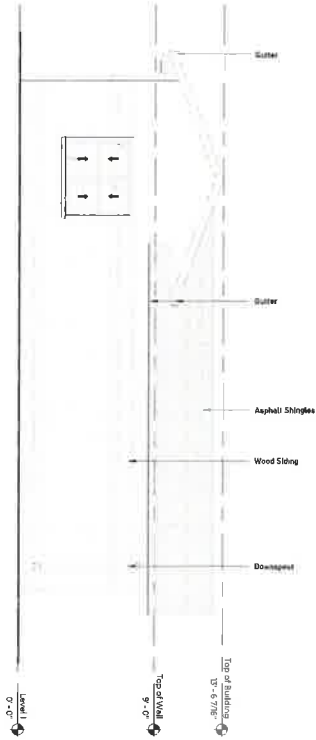
A101

Overall Floor Plan - Level 1

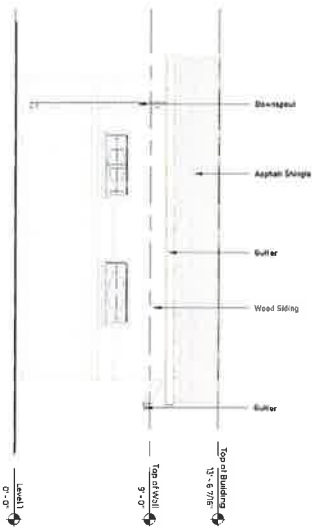
Exterior Finishes Schedule

Sheet Notes

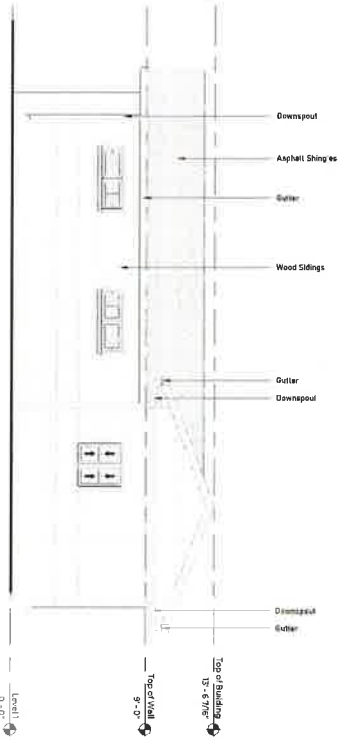
Material / Finish	Notes	Quantity	Unit	Notes
Asphalt Shingles	Asphalt Shingles			
Wood Siding	Wood Siding			
Gutter	Gutter			
Downspout	Downspout			
Level	Level			



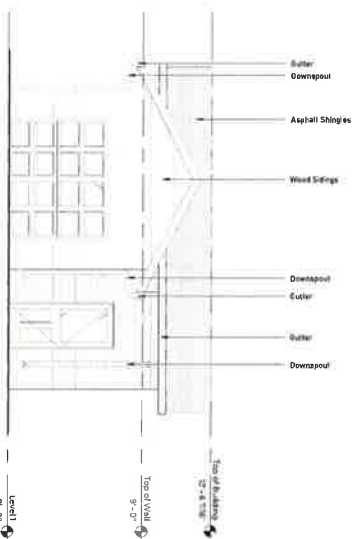
K4 West Elevation
12'-6 7/8" x 12'-0"



E4 South Elevation
12'-6 7/8" x 12'-0"



K1 East Elevation
12'-6 7/8" x 12'-0"



E1 North Elevation
12'-6 7/8" x 12'-0"

Garage Apartment
2221 E 12th Place, Tulsa, OK 74104

Not For Construction
Schematic Design

METHOD.

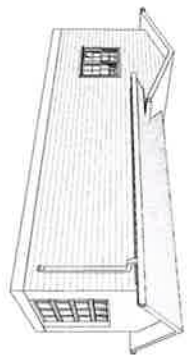


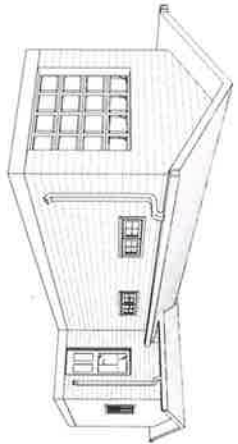


Project No. 00000
Issued By: Author
Checked By: Checker

A201
Exterior Elevations

5.15

5.16

<p>K4 3D VIEW 8</p> 	<p>F4 3D VIEW 7</p> 	<p>K1 3D VIEW 6</p> 	<p>F1 3D VIEW 5</p> 
---	--	---	--

Sheet Information

METHOD.

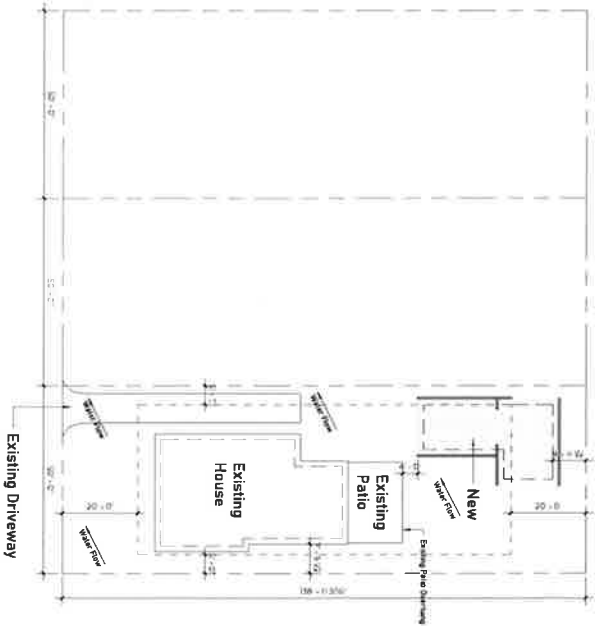
Garage Apartment
2221 E 12th Place, Tulsa, OK 74104

Not For Construction
Schematic Design

Project No. 0000
Client: Steve Davis
Drawn By: Author
Checked By: Checker
A210
Exterior Perspectives



West



Not For Construction

No.	Description	Date
-----	-------------	------



Project No	00000
Issued	Issue Date
Drawn By	AV
Checked By	JK

AS101

Architectural Site Plan

5.17



0 Feet 200 400



Subject Tract

BOA-23088

19-13 07

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

Aerial Photo Date: February 2018

5.18





0 Feet 50 100



Subject
Tract

BOA-23088

19-13 07

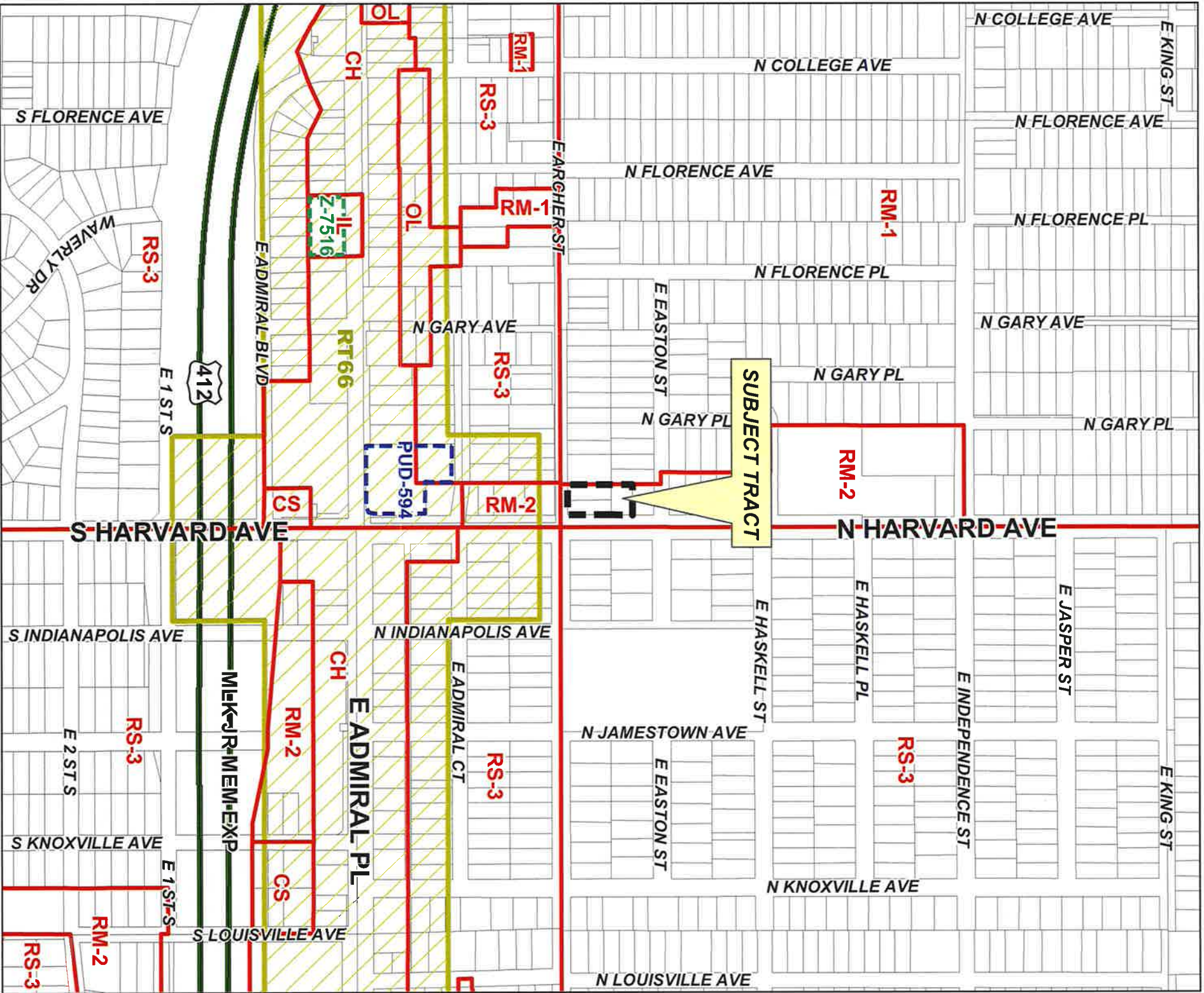
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

5.19



**THIS PAGE
INTENTIONALLY
LEFT BLANK**



BOA-23089

20-13 32



BOARD OF ADJUSTMENT CASE REPORT

STR: 218

Case Number: **BOA-23089**

CZM: 29

CD: 3

HEARING DATE: 03/09/2021 1:00 PM

APPLICANT: Josh Kunkel

ACTION REQUESTED: Variance to reduce the required 35-foot setback from an arterial street (Harvard Ave.) (Sec. 5.030, Table 5-3)

LOCATION: 106 N HARVARD AV E; 116 N HARVARD AV E; 3243 E ARCHER ST N **ZONED:** RM-2

PRESENT USE: Vacant

TRACT SIZE: 21074.41 SQ FT

LEGAL DESCRIPTION: LT 26 BLK 1; S/2 LT 1 & 2 BLK 1; LT 25 BLK 1, LINDELL PARK

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NW/c of E. Archer St. and N. Harvard Ave.

STAFF COMMENTS: The applicant is requesting Variance to reduce the required 35-foot setback from an arterial street (Harvard Ave.) (Sec. 5.030, Table 5-3)

Min. Building Setbacks (ft.)													
Street [3]													
Arterial or fwy service rd.	35	35	35	35	35	35	35	35	35	35	35	35	35
Other streets	35	35	30	25	20	20	25	10	25	25	10	25	25
Side (interior) [4]	15	5	5	5	5	5	5	5[5]	5[6]	5[6]	5[6]	5[7]	10
Rear [4]	25	25	25	20	20	20	20	20	20	20	10	20	15

STATEMENT OF HARDSHIP:

We seek this hardship because; 1) Harvard Ave. is a primary arterial and requires a significant setback, which would render the property un-developable for Multi-family if not afforded relief; 2) These lots are a combination of parcels platted prior to the adoption of the Zoning code; 3) We are aesthetically trying to match the surrounding context/ setbacks by placing parking to the West of the proposed building.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to reduce the required 35-foot setback from an arterial street (Harvard Ave.) (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."*

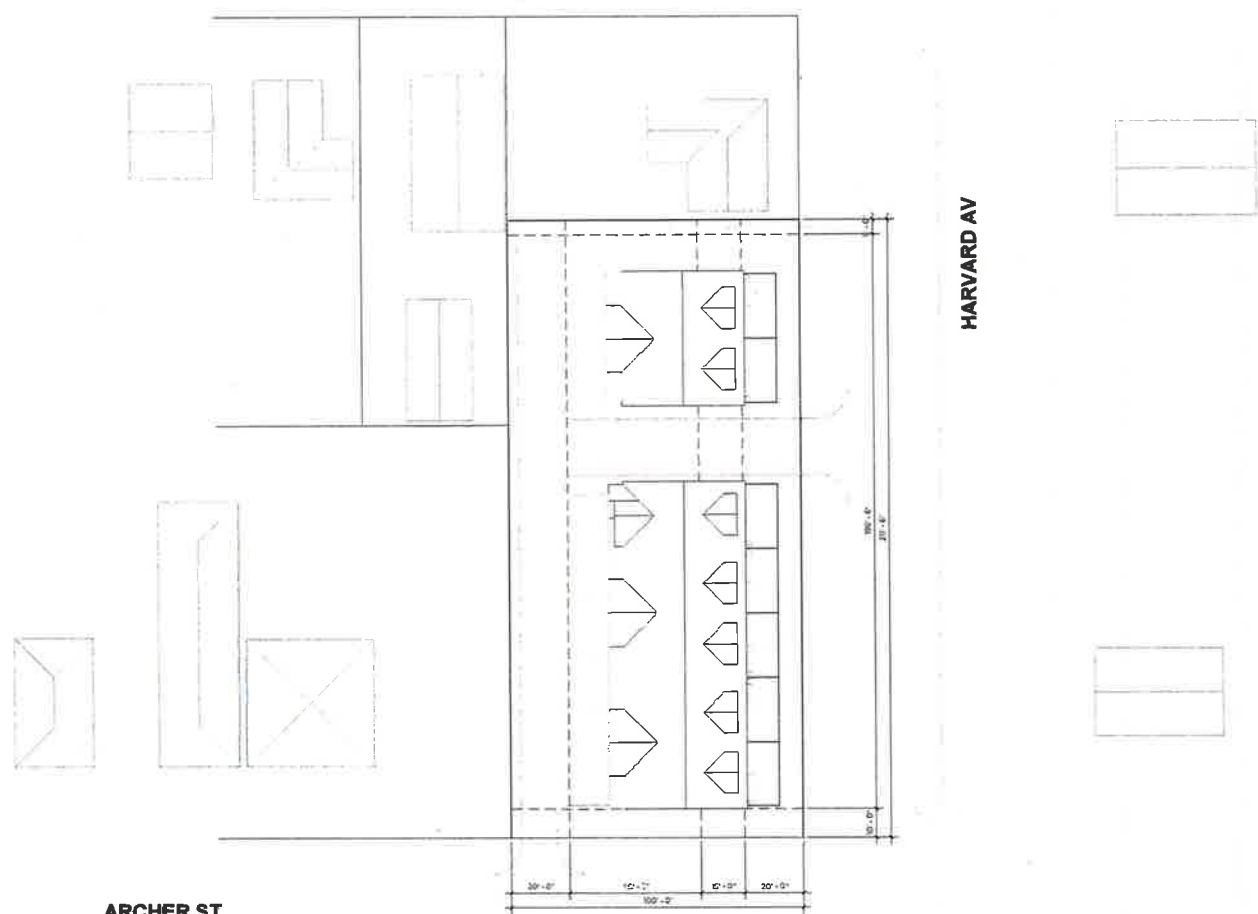


Subject tract

EASTON ST

HARVARD AV

ARCHER ST



Sheet Information

METHOD.
Architecture | Interiors | Planning | Preservation

Harvard Apartments
3243 E Archer St
Tulsa, OK 74110

Not For Construction
Initial Design

No. Description Date



Project No. 20000
Issued: 11/07/2020
Drawn By: DH
Checked By: JK

I, the undersigned, being a duly qualified and licensed architect, do hereby certify that I am the author of the design and drawings herein, and that I am a duly qualified and licensed architect under the laws of the State of Oklahoma.

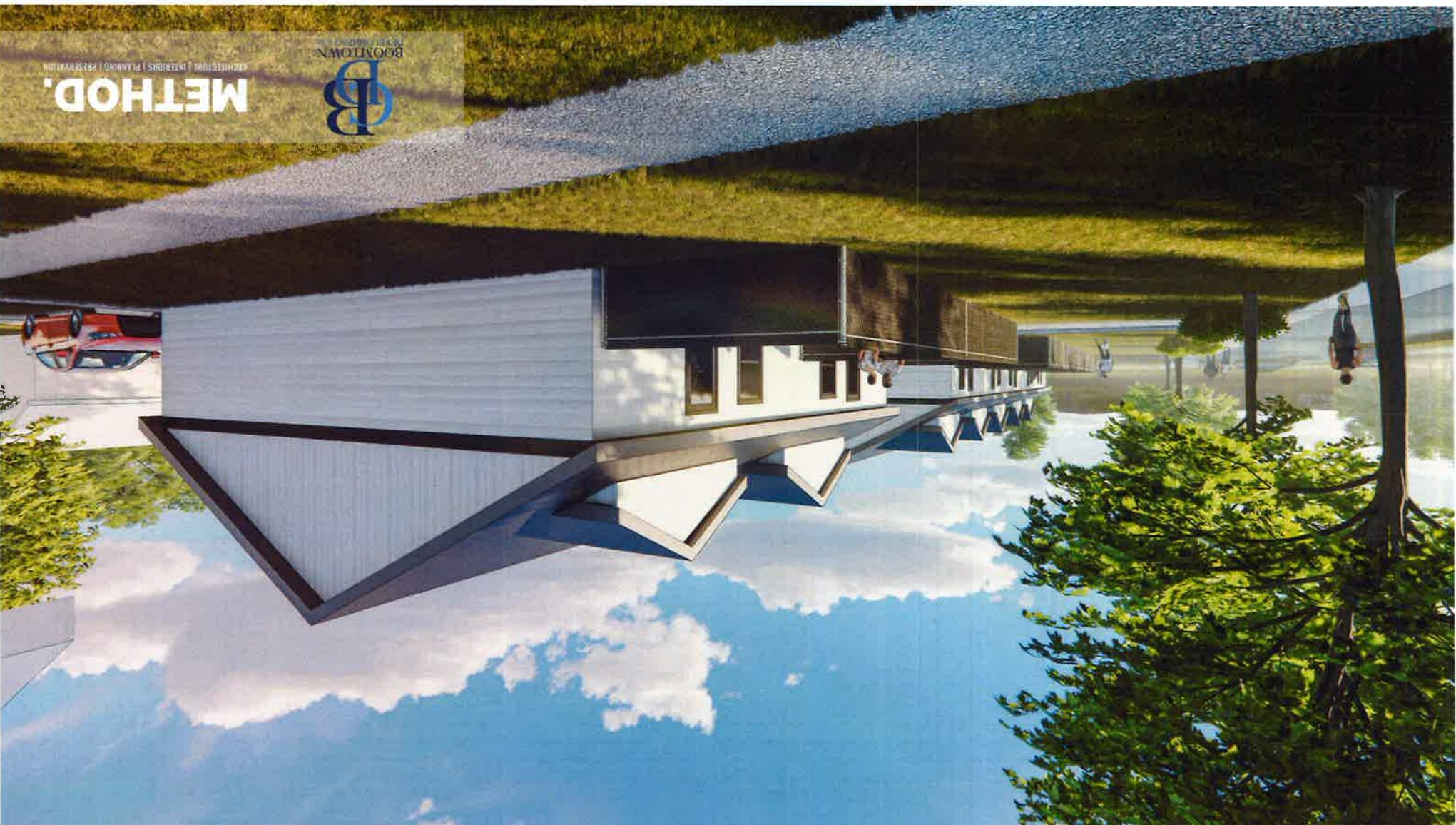
AS101
Architectural Site Plan



METHOD.



BOOMTOWN







Created by JK

EXERCISES - 301115



3	External Elevation - South - 5 Units
3	RE 1/2001



4	Exterior Elevation - West - 5 Units	REA Division
---	-------------------------------------	--------------



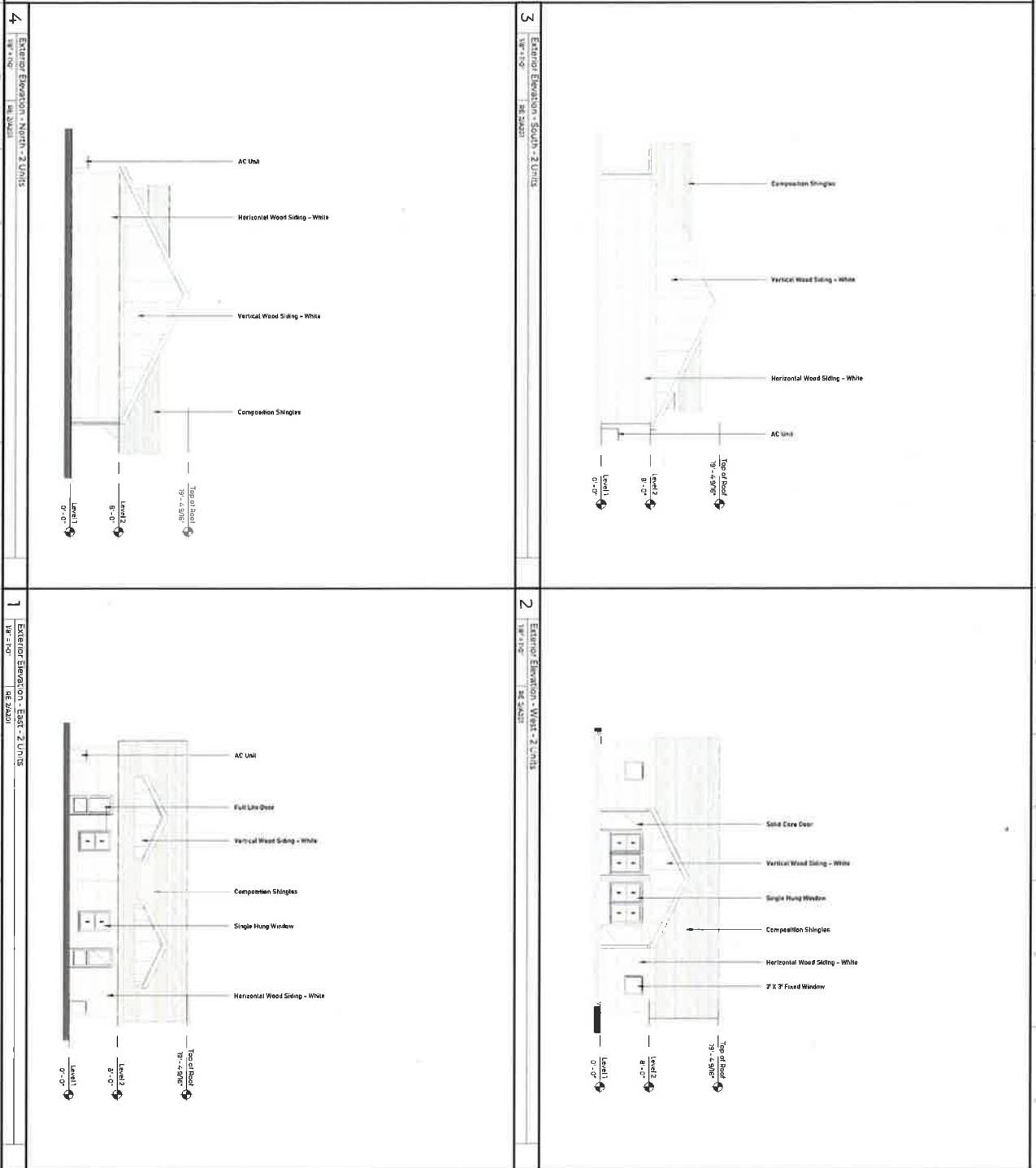
5	Exterior Elevation - North - S Units	W/ - (C)	W/ - W/01
---	--------------------------------------	----------	-----------



2 Exterior Elevation - East - 5 Units

6.9

6.10



A242
 Exterior Elevations - 2 Units

Project No. 20005
 Date 11/19/2020
 Drawn by DM
 Checked by JK



Harvard Apartments

3243 E Archer St
 Tulsa, OK 74110

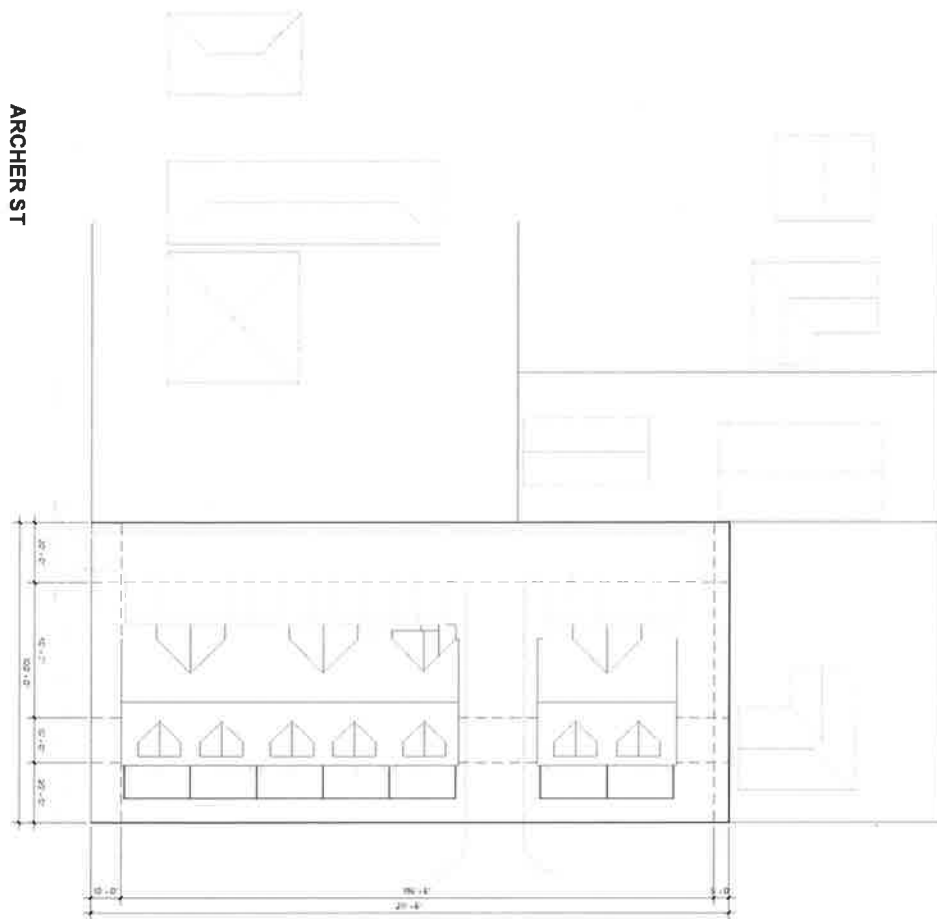
1/25

Not For Construction

Initial Design

METHOD.
 ARCHITECTS
 1000 N. 10th St., Suite 100
 Tulsa, OK 74103
 Phone: (918) 591-1100
 www.methodarchitects.com

Overall Site Plan	2/2/24
-------------------	--------



Sheet Information

METHOD

© 2000 Blackwell Science Ltd

3243 E Archer St
Tulsa, OK 74110

Not For Construction

Project No.	20005
Issued	11/16/2020
Drawn By	DM
Checked By	JK

AS101
Architectural Site Plan



Feet
0 200 400

Subject
Tract

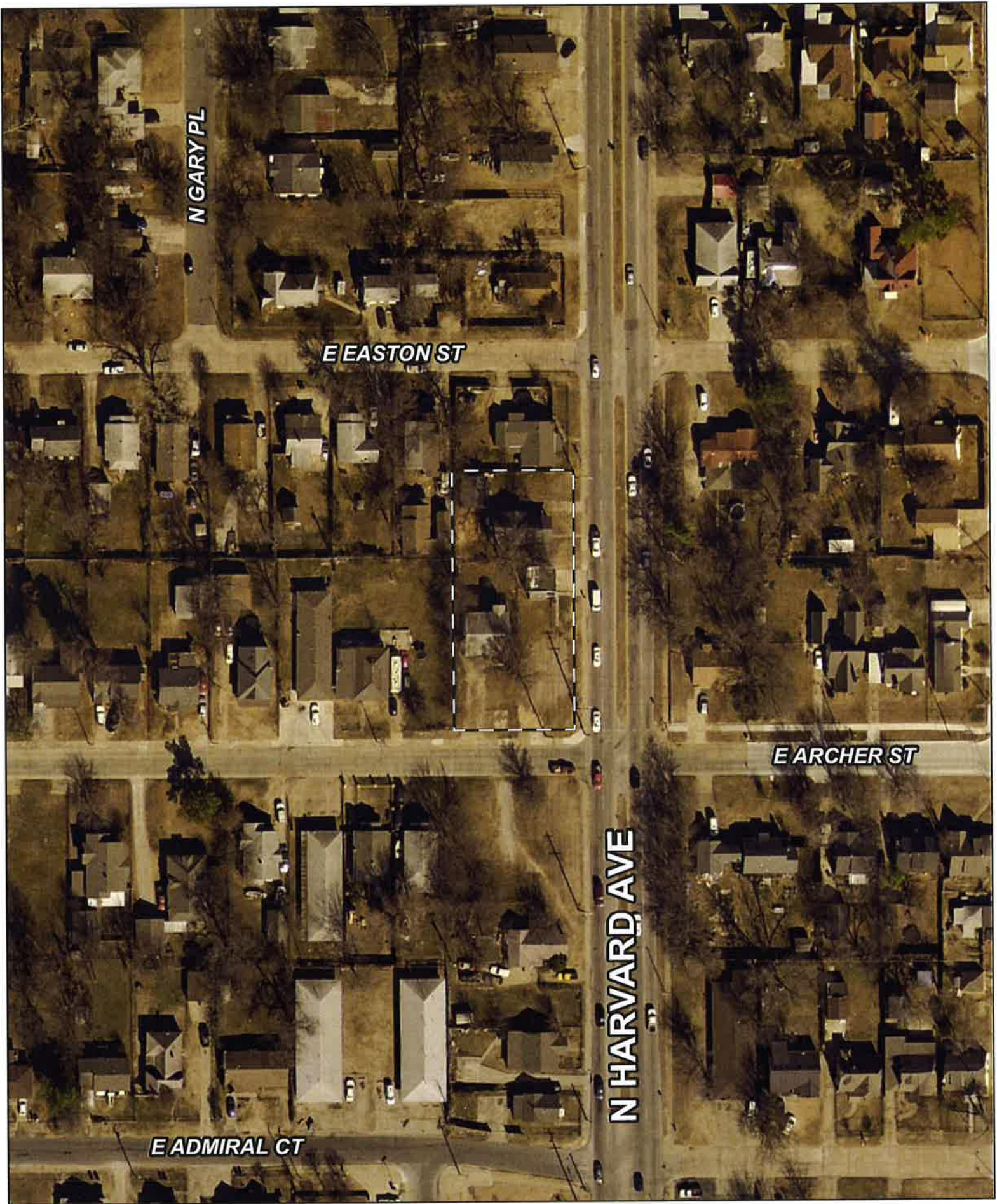
BOA-23089

20-13 32

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

Aerial Photo Date: February 2018





N GARY PL

E EASTON ST

E ARCHER ST

N HARVARD AVE

E ADMIRAL CT



Subject
Tract

BOA-23089

20-13 32

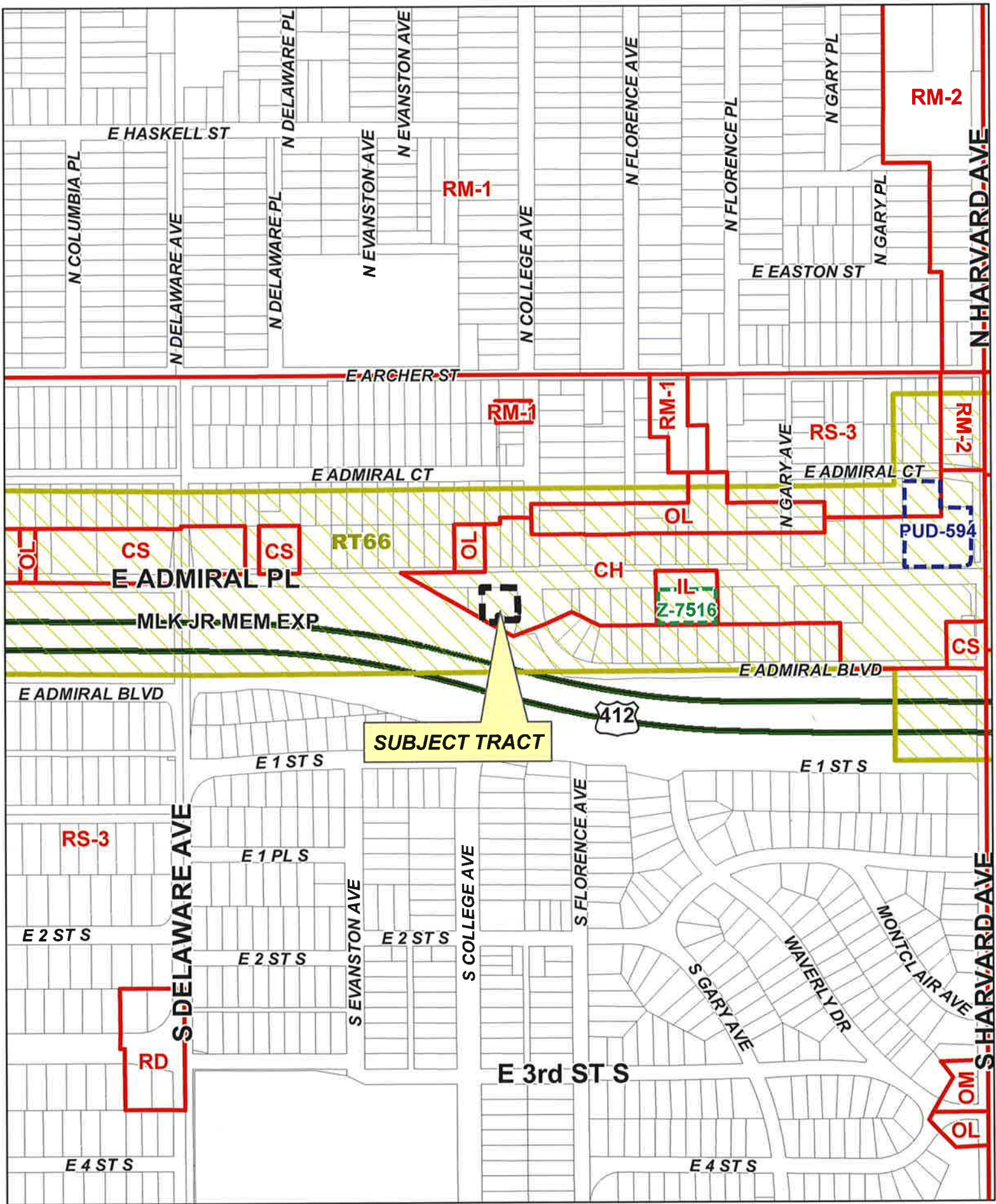
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

6.13



**THIS PAGE
INTENTIONALLY
LEFT BLANK**



BOA-23090

19-13 05

7.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9305

Case Number: BOA-23090

CZM: 37

CD: 3

HEARING DATE: 03/09/2021 1:00 PM

APPLICANT: Dustin Justice

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

LOCATION: 2880 E ADMIRAL PL N

ZONED: CH

PRESENT USE: Vacant

TRACT SIZE: 12510.48 SQ FT

LEGAL DESCRIPTION: LT 20 & LT 21 LESS 20 X 20 IN SWC & LESS S7 E45 BLK 3, UNIVERSITY PARK

RELEVANT PREVIOUS ACTIONS: None.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the SW/c of E. Admiral Pl. and E. Admiral Boulevard. It is bounded to the South by Highway 412.

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

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

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
Subcategory												
Specific use												
High-impact Manufacturing & Industry	-	-	-	-	-	-	-	-	-	S	P	
Mining or Mineral Processing	-	-	-	-	-	-	-	-	-	S	S	Section 40.230
Junk or Salvage Yard	-	-	-	-	-	-	-	-	-	S	P	Section 40.120
RECYCLING												Section 40.310
Construction or Demolition Debris	-	-	-	-	-	-	-	-	S	S	P	
Consumer Material Drop-off Station	-	-	-	-	P/S/S	P	P	P	P	P	P	
Consumer Material Processing	-	-	-	-	-	-	-	-	P	P	P	
AGRICULTURAL												
Animal Husbandry	-	-	-	-	-	-	-	-	-	P	P	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	Section 40.090
Farm, Market- or Community-supported	P	P	P	P	P	P	P	P	P	P	P	
Horticulture Nursery	-	-	-	-	-	S	S	-	P	P	P	Section 40.225

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

Section 40.225 Medical Marijuana Uses

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

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

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

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

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

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

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

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

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

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

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

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

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

SAMPLE MOTION:

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

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

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

7.3



Subject property



Facing South toward Highway

7.4

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

February 2, 2021

LOD Number: 1
Dustin Justice
11701 E 83 SN
Owasso, OK 74055

Phone: 281.659.7428

APPLICATION NO: **BLDC-080624-2021**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **2880 E Admiral PLN**

Description: **Medical Marijuana Grower Operation**

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

(continued)

REVIEW COMMENTS

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

BLDC-080624-2021

2880 E Admiral PLN

February 2, 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 at 918-584-7526 or esubmit@incog.org. It is your responsibility to submit to our office documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. **Sec.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 may 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 information listed below:
 - North arrow;
 - Appropriate drawing scale;
 - Legal description of the lot;
 - Actual shape and dimensions of the lot;
 - Lot lines and names of abutting streets;
 - The location and dimensions of existing buildings or structures, including distances to lot lines;
 - The intended use of existing and proposed buildings, structures or portion of the lot;
 - Location and dimensions of parking areas. This includes the parking spaces, the maneuvering areas necessary to enter and exit the spaces and the drives providing access to the parking spaces and maneuvering areas from a public or private street or other parking areas.
- **NOTE:** The zoning review for your permit application will resume after a zoning site plan is submitted. Additional deficiencies may be found and are required to be resolved prior to approval of your application.
2. **Sec.15.020 Table 15-2:** You are proposing a Medical Marijuana Grower Operation in a CH zoned district. This is permitted in this district by a BOA approved Special Exception.
Review comment: Submit a copy of the approved special Exception as a revision to this application. For assistance with the Special Exception, please contact Austin Chapman at 918-584-7526 or achapman@incog.org.

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

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

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

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

END – ZONING CODE REVIEW

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

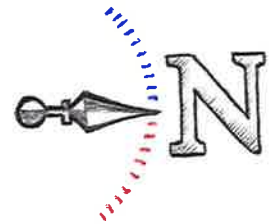
KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

[illegible]

2880 E. ADMIRAL PL. N.
TULSA, OK. 74110

LT 20 + LT 21 LESS 20x20
IN SWC + LESS S7 E45 BLK3

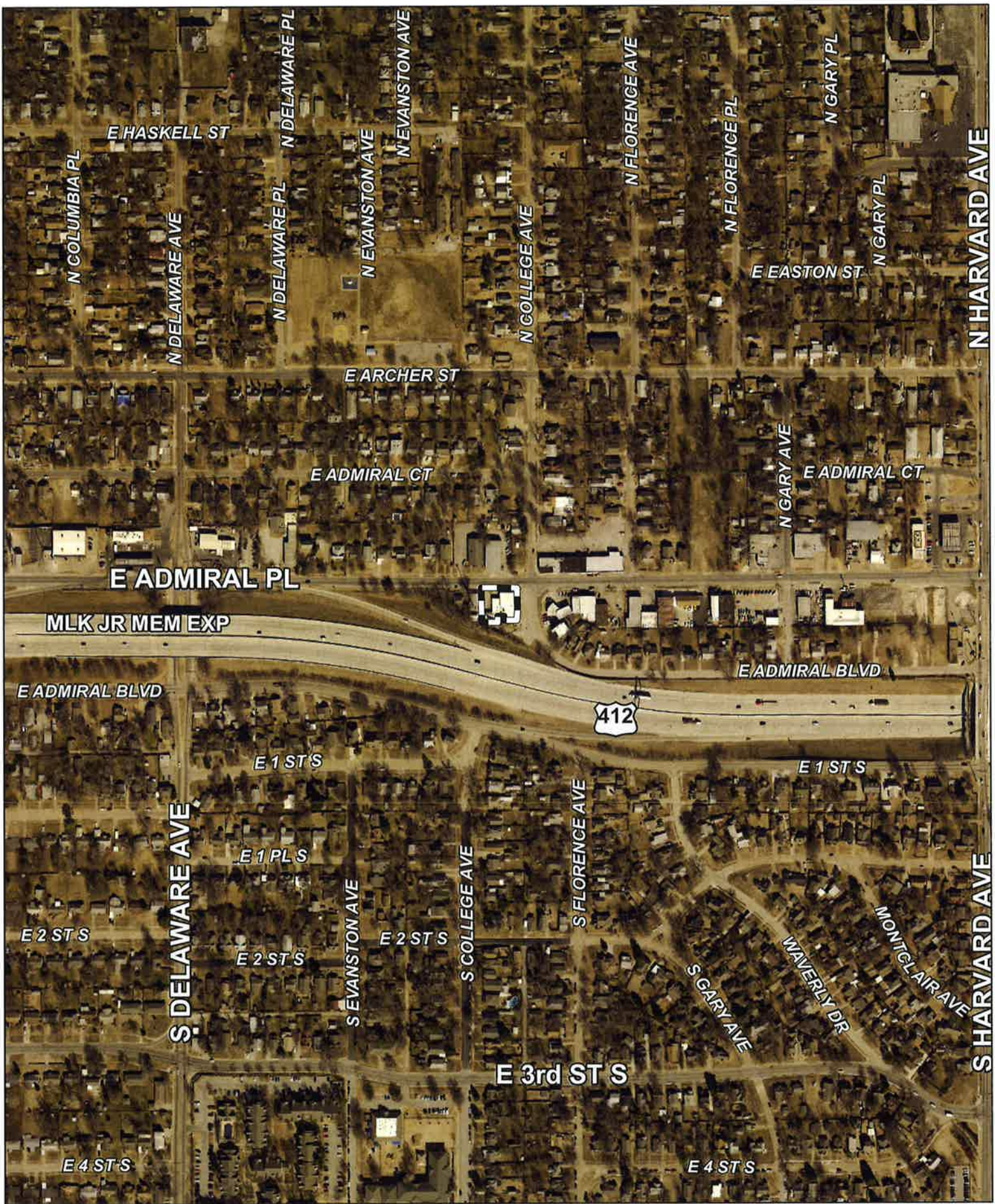
SECTION: 05
TOWNSHIP: 19
RANGE: 13



E. ADMIRAL PL. N. —

CITY SIDEWALKS

—N. COLLEGE AVE.—



Subject
Tract

BOA-23090

19-13 05

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

Aerial Photo Date: February 2018

7.9





0 Feet 50 100



Subject
Tract

BOA-23090

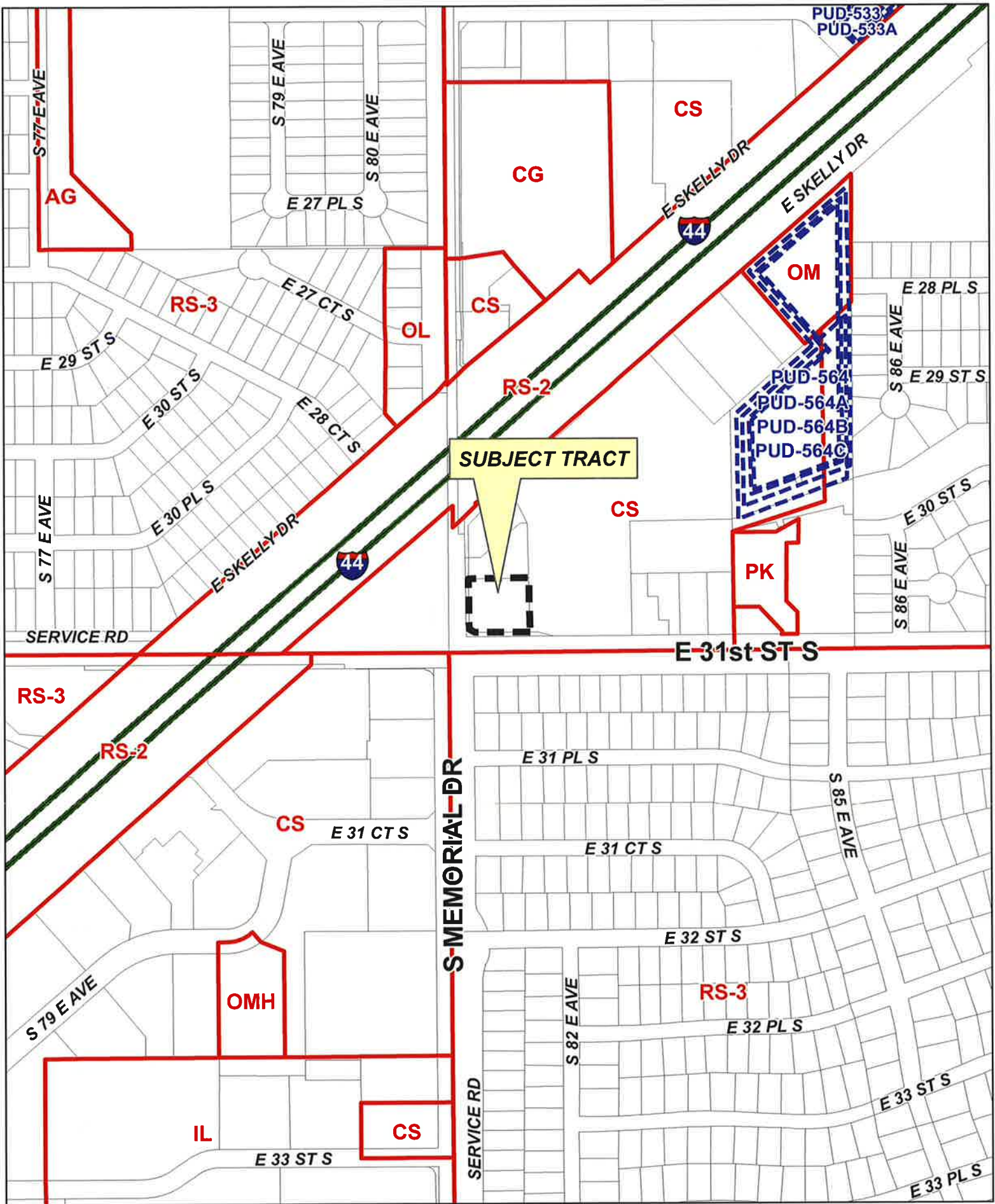
19-13 05

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

Aerial Photo Date: February 2018

7.10





BOA-23091

8.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9313

Case Number: **BOA-23091**

CZM: 38

CD: 5

HEARING DATE: 03/09/2021 1:00 PM

APPLICANT: Gregg Norris

ACTION REQUESTED: Variance of the 1,000 spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

LOCATION: 3025 S MEMORIAL DR E

ZONED: CS

PRESENT USE: Gas Station

TRACT SIZE: 37039.22 SQ FT

LEGAL DESCRIPTION: LT 3 LESS BEG SWC TH N32 SE36.02 E175 S12 W205 POB & LESS BEG NWC TH S168 SE APROX 12.73 NW APROX 17.94 N158.08 W9.79 POB BLK 1, GROVELAND ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property: None.

Surrounding Properties:

BOA-22803; The Board **accepted** a Spacing Verification for Medical Marijuana Dispensary. Property located 2777 South Memorial Drive. No permit shave been issued on this property for a dispensary as of the writing of this report.

BOA-22733; On 09.24.2019 the Board **accepted** a Spacing Verification for medical Marijuana Dispensary. Located 3202 S. Memorial Drive. Dispensary is in operation under the Certificate of Occupancy, COO-038270-2019.

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

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

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

8.2

REVISED 2/26/2021

increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NE/c of E. 31st St. and S. Memorial Drive. The applicant is wishing to subdivide space inside of an existing convenience store.

STAFF COMMENTS: The applicant is requesting **Variance** of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

Section 40.225 Medical Marijuana Uses

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

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

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

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

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

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

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

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

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

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.



Therapeutic Hemp Center: 2777 S. Memorial Dr., No Permits Issued

Eden Dispensary: 3202 S. Memorial Dr., Suite 4, COO-038270-2019

Staff made the applicant aware of the additional dispensary located at 3202 S. Memorial, Suite 4 is within 1'000 of their proposed dispensary.

STATEMENT OF HARDSHIP: There is an expressway between the dispensary and the existing use is a gas station and would not allow the movement of the building.

SAMPLE MOTION: Move to _____ (approve/deny) a **Variance** of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

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

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

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

22803—Ed Mackey

Action Requested:

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

LOCATION: 2777 South Memorial Drive East (CD 5)

Presentation:

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

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

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

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

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

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

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

22804—Jesse Keefe

Action Requested:

Variance to allow a lot to have less than 50% open space (Section 80.020-B); Variance to allow an accessory structure to exceed one story, 18 feet in height overall & 10 feet in height to the top of the top plate (Section 90.90.C); Variance to allow an accessory building to cover more than 30% of the rear setback (Section

FILE COPY

22733—Ron Reddy

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: 3202 South Memorial Drive East (CD 5)

Presentation:

Ron Reddy, 11910 South Date Avenue, Jenks, OK; stated there is no other dispensary close to the subject location.

Mr. Van De Wiele stated the Board has a copy of the applicant's license on page 4.10 of the agenda packet, and the spacing verification exhibits on page 4.11 and 4.12 in the agenda packet.

Mr. Van De Wiele asked Mr. Reddy if the closest license holder or dispensary the Therapeutic Hemp Center. Mr. Reddy answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **ROSS**, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) I move that based upon the facts in this matter as they 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:

**PRT LT 3 BEG 408.75N SECR TH W222 N286.5 E196.75 SE35.38 S261.37
POB,INTERCHANGE CTR, City of Tulsa, Tulsa County, State of Oklahoma**

NEW APPLICATIONS

22728—Claude Neon Federal Signs – Ed Horkey

Action Requested:

Variance to permit a dynamic display in a CS District to be located within 200 feet of an RS-3 District (Section 60.100-F). **LOCATION:** 1228 West Apache Street

North (CD 1)

09/24/2019-1237 (9)

8.7



Subject property

CERTIFICATE of OCCUPANCY No: COO-038270-2019

PROPERTY

Address: 3202 S MEMORIAL DR E SUITE 4

ZONING USE

Zoning District: CS

Use: Commercial/Retail Sales/Medical Marijuana Dispensary

Use Conditions:

BUILDING OCCUPANCY

Building Code Edition: IBC 2015

Use Group	Const. Type	Floor Area	Occ. Load	Descriptive Area	Posted
B	VB	1,397	14	ENTIRE SPACE	

Floor area of Permit: 1,397

Fully Sprinklered: Yes

Required: Yes

OCCUPANCY CONDITIONS:

The above described property has been found to comply with the appropriate provisions of the City of Tulsa Zoning Code and Building Code and is approved for use and occupancy as herein limited.

Any easement closed by City Ordinance is subject to the City re-opening the easement unless the developer has foreclosed the City's right to re-open. It is the developer's responsibility to file a lawsuit in the District Court to foreclose the City's right to re-open a closed easement. This Certificate of Occupancy (and prior permits) do not annul the City's rights to re-open a closed easement.



Approval Date: May 7, 2020

Code Official: Adam Murray

DANA L. BOX
ZONING PLANS EXAMINER

TEL (918)598-8957
danabox@cityoftulsa.org

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

ZONING CLEARANCE PLAN REVIEW

January 22, 2021

Phone: 918-955-1710

LOD Number: 1
Mohammed K. Samara 904 E. Tacoma St.
Broken Arrow, OK 74012

DEVELOPMENT SERVICES

APPLICATION NO: BLDC-077297-2020

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 3025 S. Memorial Dr.

Description: Medical Marijuana Dispensary

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS. **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.TYLER-TECH.COM/ENERGOV4934/SELF-SERVICE](https://tulsaok.tyler-tech.com/ENERGOV4934/SELF-SERVICE). 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 918-584-7528 AND ASKING TO SPEAK TO SOMEONE ABOUT THIS LETTER OF DEFICIENCY.
4. A COPY OF A "RECORD SEARCH" ~~IS NOT~~ IS 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-077297-2020 3025 S. Memorial Dr. January 22, 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 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.40.225-D: A medical marijuana dispensary may not be located within 1000 ft of another medical marijuana dispensary.

Review Comment: Submit the following documentation so that your application may continue to be processed.

1. An aerial photograph identifying the location of the proposed dispensary at the center of a circle with a 1,000-foot radius, which is the required separation distance from another dispensary; and
2. Locate and identify the nearest dispensary on the map, including the distance from the proposed dispensary; and

Review Comment: It appears the closest dispensary is located within 1,000 feet of your proposed dispensary. You must apply to and get approval for a variance to operate within 1000 feet of another dispensary from the Board of Adjustment.

3. Verification of having provided a copy of the Permit Application to the City Councilor for the city council district in which the subject property is located. (A copy of an e-mail will suffice.) To find the councilor for your district, click here. (<http://maps.cityoftulsa.org/citycouncil/>); and
4. A copy of the following affidavit:

Affidavit as to Spacing Verification

I, (Applicant) Mohammed Samana being duly sworn upon oath, state that I have researched and examined or caused to be researched and examined, the spacing verification requirements and have provided a copy of the Permit Application to the city councilor in which the subject property is located.

Mohammed Samana
Signature of Applicant

Subscribed and Sworn to Before Me this 27th Day of Jan., 2021. Notary

Public [Signature]

My Commission Expires: Sept 28, 2023

DAWN FENDER
Notary Public - State of Oklahoma
Commission Number 11008888
My Commission Expires Sep 28, 2023

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

Review Comment: Your plans indicate a drive-through lane and drive-through window, which, at this time, is prohibited. Resubmit your plan with no drive-through window.

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: Resubmit plan to indicate ventilation/air filtration system and electronic security system/surveillance camera.

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.

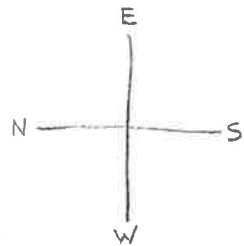
A hard copy of this letter is available upon request by the applicant.

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.

CAR DEALERSHIP



CAR DEALERSHIP

LANDSCAPING

CAR WASH
(OUT OF SERVICE)

TRASH
AREA

WALKWAY

ENTRY

EXIT

31st ST.

3025 S. MEMORIAL DR.
E. TULSA UNIT A

UNIT
B

MAIN ENTRY

PARKING

PARKING

SUBJECT SPACE

PARKING

WALKWAY

KEY: EVERY SQ.
= 4 FT.

3025 S. MEMORIAL DR.
TULSA, OK 74129

DREAMLAND CONTRACTORS LLC
918-955-1710
MOHAMMED SAMARA
MOH17601@MAIL.COM

196

196-

EXIT

LANDSCAPING

MEMORIAL ST.

ENTRY

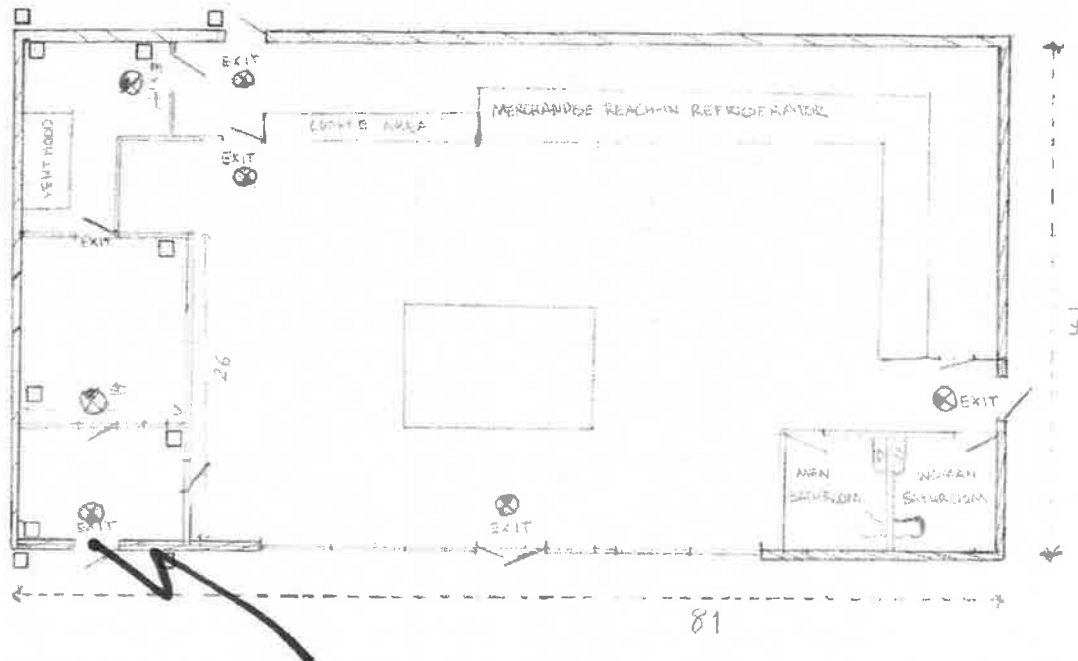
8.14





Imagery ©2021 Maxar Technologies, USDA Farm Service Agency, Map data ©2021 100 ft

Measure distance
Total distance: 987.70 ft (301.05 m)



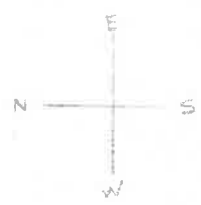
SUBJECT SPACE

- = CAMERA SURVEILLANCE SYSTEM
- ▬ = CONCRETE FIREWALL
- ▬ = NEW SHEETPILEX FIREWALL
- ⊗ = EXIT SIGN WITH EMERGENCY LIGHT

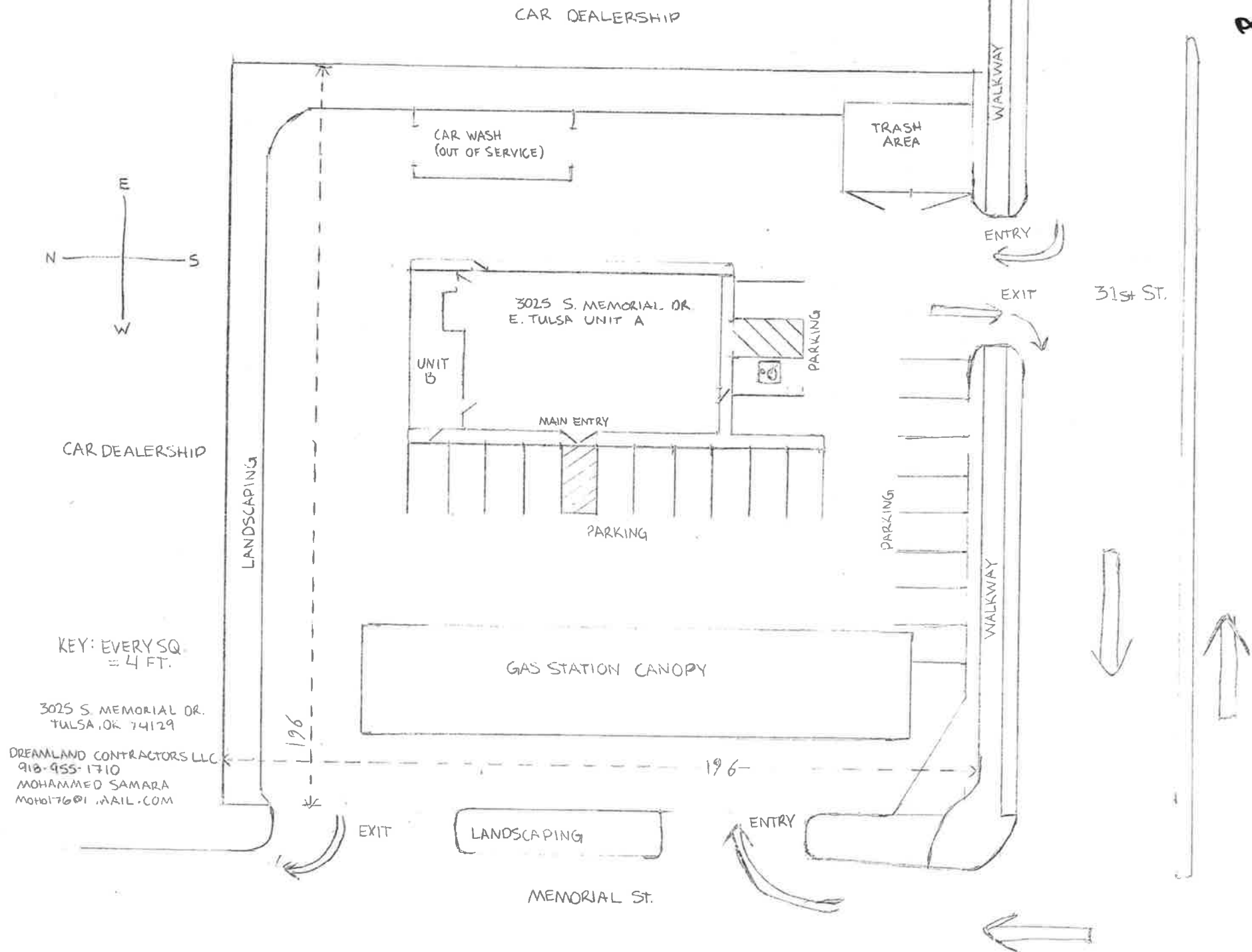
NOTE: ALL DOORS TO HAVE ACCESSIBLE HARDWARE WITH FREE EGRESS IN THE DIRECTION OF EGRESS TRAVEL REQUIRING ONLY ONE MOTION.

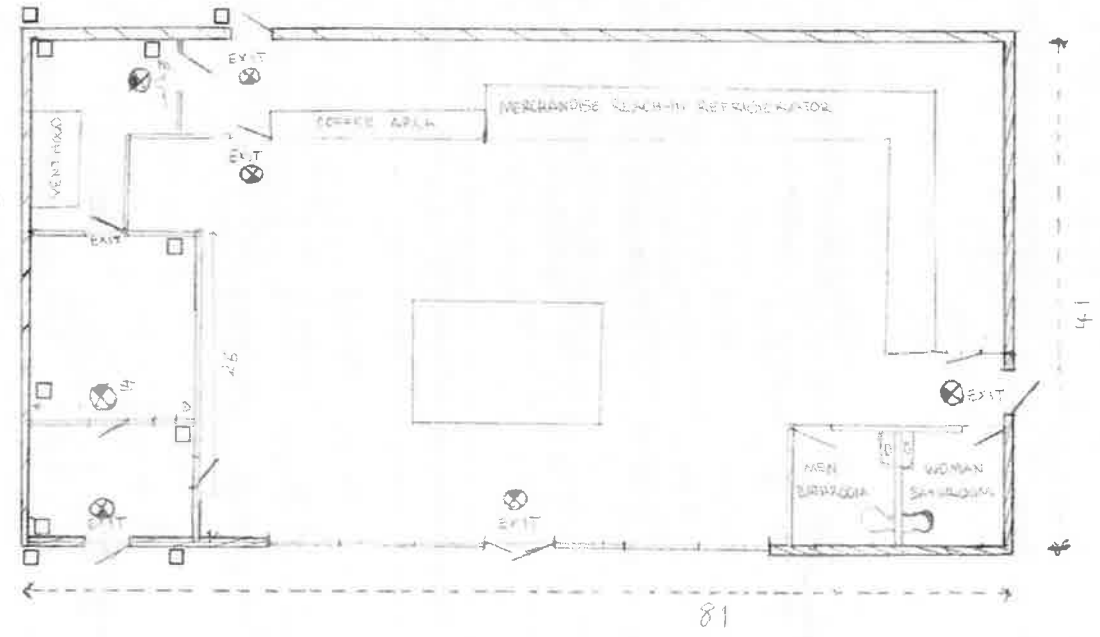
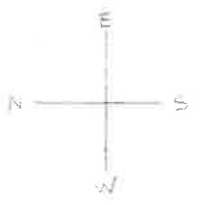
DREAMLAND CONTRACTORS LLC
 918-955-1710
 MOHAMMED SAMARA
 MOH0176@GMAIL.COM

5025 S MEMORIAL DR
 TULSA OK 74119



8.16





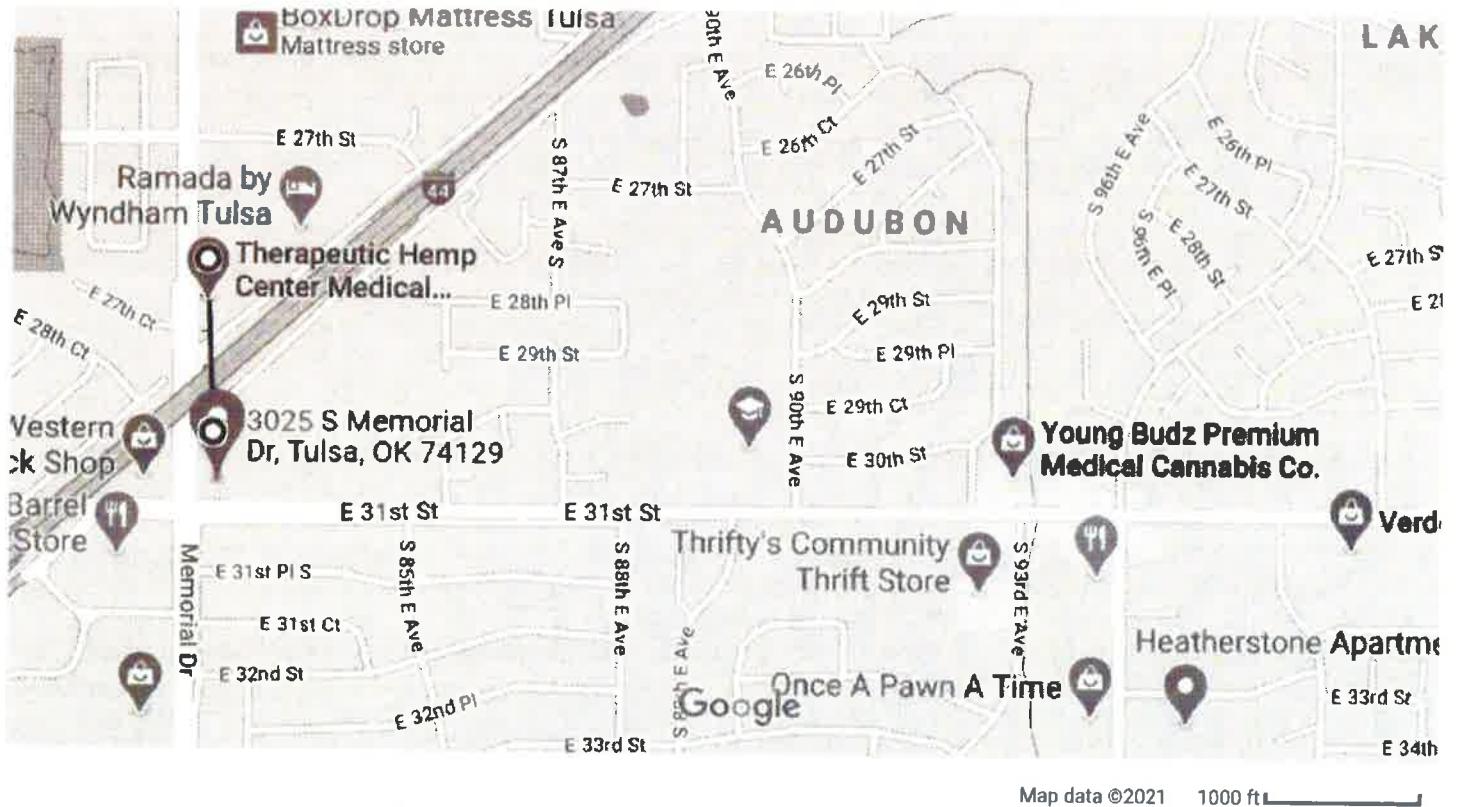
- = CAMERA SURVEILLANCE SYSTEM
- ▬ = CONCRETE FIREWALL
- ▬ = NEW SHEETROCK FIREWALL
- ⊗ = EXIT SIGN WITH EMERGENCY LIGHT

NOTE: ALL DOORS TO HAVE ACCESSIBLE HARDWARE WITH FREE EGRESS IN THE DIRECTION OF EGRESS TRAVEL REQUIRING ONLY ONE MOTION.

DREAMLAND CONTRACTORS LLC
918-335-1710
MOHAMMED SANIARA
MOHUT76@GMAIL.COM

3025 S MEMORIAL DR
TULSA, OK 74119

Google Maps dispensary near me



Measure distance

Total distance: 974.52 ft (297.03 m)



0 Feet
200
400



Subject
Tract

BOA-23091

19-13 13

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

Aerial Photo Date: February 2018

8.20





Feet
0 50 100



Subject
Tract

BOA-23091

19-13 13

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

Aerial Photo Date: February 2018

8.21

