AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, April 27, 2021, 1:00 P.M.

Meeting No. 1271

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 Teleconference by dialing: +1 (872) 240-3412 then entering Access Code 929-616-621

Download the GoToMeeting app now to be ready when the meeting starts: https://global.gotomeeting.com/install/929616621

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

INTRODUCTION AND NOTICE TO THE PUBLIC

At this Meeting the Board of Adjustment, in accord with and pursuant to applicable Board of Adjustment Policies and Procedures, will review, consider, discuss, and may
take action on, approve, amend, modify, approve with amendment(s) or modification(s), deny, reject, or defer any action on any item listed on this Agenda.

REVIEW AND POSSIBLE APPROVAL, APPROVAL WITH MODIFICATIONS, DENIAL OR DEFERRAL OF THE FOLLOWING:

1. Approval of Minutes of April 13, 2021 (Meeting No. 1270).

UNFINISHED BUSINESS

REVIEW AND POSSIBLE APPROVAL, APPROVAL WITH MODIFICATIONS, DENIAL OR DEFERRAL OF THE FOLLOWING:

2. **23101—Tom Neal**
   Variance to allow the aggregate floor area of detached accessory dwelling units / accessory buildings to exceed 500 square feet or 40% of the floor area of the principal residential structure (Sections 45.030-A & 45.031-D); Variance to allow more than one accessory dwelling unit on a single lot (Section 45.031-D.2). **LOCATION:** 1111 East 5th Place South (CD 4)

NEW APPLICATIONS

REVIEW AND POSSIBLE APPROVAL, APPROVAL WITH MODIFICATIONS, DENIAL OR DEFERRAL OF THE FOLLOWING:

3. **23108—Oscar Salazar**
   Special Exception to permit a carport in the street yard with modifications to its allowable dimensions (Section 90.090-C.1). **LOCATION:** 1440 South 75th East Avenue (CD 5)

4. **23109—Brock Moore**
   Special Exception to permit a small (up to 250-person capacity) Event Center / Private Lounge (Commercial / Indoor Assembly & Entertainment) use in an IM District (Section 15.020, Table 15-2); Variance to reduce the parking requirement for an indoor assembly & entertainment use from 12 spaces to 0 spaces (Section 55.020, Table 55-1). **LOCATION:** 1920 East 6th Street South (CD 4)

5. **23110—Image Builders – Ryan Neurohr**
   Special Exception to permit a dynamic display sign in an RM-2 District containing a school use (Section 60.050-B.2.c); Special Exception to permit a dynamic display
sign within 200 feet of residentially zoned lots (Section 60.100-F). **LOCATION:**
2601 East 5th Place South (CD 4)

6. **23111—Jasha Lee**
Special Exception to allow a public, civic & institutional / daycare use in an RS-2
District (Section 5.020, Table 5.2). **LOCATION:** 2111 South Darlington Avenue
East (CD 5)

7. **23112—Lindsey Barbour**
Special Exception to permit a single household / detached house in a CH District
(Section 15.020-H, Table 15-2.5). **LOCATION:** 1117 South Braden Avenue East
(CD 5)

8. **23113—Kyle Gibson**
Variance to reduce the required 25-foot rear setback in an RS-1 District (Section
5.030, Table 5-3). **LOCATION:** 4618 South Florence Place East (CD 9)

**OTHER BUSINESS**

**NEW BUSINESS**

**BOARD MEMBER COMMENTS**

**ADJOURNMENT**

**Website:** tulsaplanning.org  
**E-mail:** esubmit@incog.org

CD = Council District

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

Website: tulsaplanning.org  
E-mail: esubmit@incog.org

CD = Council District
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9201
CZM: 36
CD: 4
HEARING DATE: 04/27/21 1:00 PM (Continued from 4/13/21 to re-notice for additional variance)

APPLICANT: Tom Neal

ACTION REQUESTED: Variance to allow the aggregate floor area of Detached Accessory Dwelling Units/Accessory Buildings to exceed 500 square feet or 40% of the floor area of the principal residential structure (Section 45.030-A.2, 45.031-D.6) Variance to allow more than one Accessory Dwelling Unit on a single lot (Sec. 45.031-D.2)

LOCATION: 1111 E 5 PL S

ZONED: RM-2

PRESENT USE: Residential

TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: LT 9 BLK 7, CENTRAL PARK PLACE

RELEVANT PREVIOUS ACTIONS: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of the “Parks and Open Space Designation “and an “Area of Growth “.

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located East of the NE/c of S. Norfolk Ave. and E. 5th Pl. S.

STAFF COMMENTS: The applicant is requesting a Variance to allow the aggregate floor area of Detached Accessory Dwelling Units/Accessory Buildings to exceed 500 square feet or 40% of the floor area of the principal residential structure (Section 45.030-A.2, 45.031-D.6) Variance to allow more than one Accessory Dwelling Unit on a single lot (Sec. 45.031-D.2)
45.030-A Accessory Building Size

1. RE and RS-1 Districts

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

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

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

[1] For detached accessory buildings, including accessory dwelling units, located within rear setbacks see §990.090.C2.

Included in your packet is Sec. 45.030 and 45.031 of the zoning codes. The applicant is proposing 1840 square foot structure, the property would be allowed 504 square feet of space for a detached accessory building and a single ADU by right. Staff is unaware of any non-conformities relating to the existing structure and existing lot.

STATEMENT OF HARDSHIP: This is a typical midtown narrow lot (non-conforming). With RM-2 Zoning. Wanting to add 2 small studio apartments (432 square feet) and have garage / workshop space below. Relief for that 40% is needed.

SAMPLE MOTION: Move to _________ (approve/deny) a Variance to allow the aggregate floor area of Detached Accessory Dwelling Units/Accessory Buildings to exceed 500 square feet or 40% of the floor area of the principal residential structure (Section 45.030-A.2, 45.031-D.6) Variance to allow more than one Accessory Dwelling Unit on a single lot (Sec. 45.031-D.2)

- Finding the hardship(s) to be ____________________________.

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

- Subject to the following conditions ____________________________.

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

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

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

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

e. That the variance to be granted is the minimum variance that will afford relief;

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

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”
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 5th

Subject Property
Facing West on 5th
APPLICATION NO: ZCO 81012-2021 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Project Location: 1111 E 5th Pl S
Description: ADU

INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

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

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.

2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.

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

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

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

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

1. Section 45.031-D,6,a b. 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.

   Review comments: You are proposing 1840 sq ft of detached accessory structure floor area. The proposed detached structure exceeds 500 sq ft and 40% of the size of your house. Based on the size of your house (1261) you are allowed 504 sq ft of detached accessory structures floor area on your lot. Reduce the size of your proposed detached accessory structure to be less than 504 sq ft of total floor area or apply to BOA for a variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure.

2. 55.090-F Surfacing. All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of §55.090-F4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.

   Review Comments: Revise site plan to indicate a dustless all-weather parking surface from the public street to the proposed garage or apply to the Board of Adjustment for a Variance (section 70.120) to allow a material other than an approved material meeting the requirements of 55.090-F.

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

## 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.
4/5/2021

Case Number : BOA-23101

Tulsa Board of Adjustment:

My name is Tara Dawson. My husband, John, and I purchased our home in June 2018. Our vision was to downsize and move to a neighborhood closer to downtown that was more walkable and accessible to Tulsa’s bike trail system. We found that spot in the Central Park Place neighborhood. When we purchased the house in 2018, it had been all but abandoned for 20+ years. You can imagine the condition. Virtually all that existed was the shell of a house. After a year of intensive labor and time, the renovations were complete and we were able to move in. The next task was the front yard renovation. As that has been completed, we’d like to focus our visions on the backyard. Our aim is to revitalize not only our house, but the neighborhood. In the years we’ve been a part of Central Park Place, our community has become stronger and friendships have been built. We’ve all inspired each other to continue bettering our neighborhood.

Specific to the plans for our accessory unit, we aim to blend the overall aesthetic with our home. We’ll be following the same color schemes and heavily landscaping the north yard/alley entrance area. Collectively as neighbors, we’ve talked about cleaning up and beautifying the alley behind the houses on our street in order to utilize that access more.

The Central Park Place neighborhood is currently zoned as Residential Multi-Family. Many of the properties in neighborhood have already taken advantage of this opportunity with accessory dwelling units in their backyards. The RM2 zoning allows citizens to positively contribute to the housing needs we’re experiencing in Tulsa. In the recent housing study from the City of Tulsa, results showed that a significant need exists to fill in the gap for the “missing middle”.

It is our hope that with the requested variance approvals, our family may have an impact in the right direction and that we continue propel our neighborhood forward in a desirable direction and build affordable housing for the “missing middle”. We hope to build a strong community and allow more people a place to live that’s walkable to downtown and the Pearl District, bikeable to almost anywhere on Tulsa’s trail system, and accessible to public transportation.

Enclosed are some before and after pictures of our renovations. I’ve sent them in an effort to display how much care and attention we’ve put into our home. We pledge to continue that endeavor and will ensure that we are good neighbors in our community.

Thank you for your consideration and we look forward to the future!

Tara and John Dawson
1111 E 5th Place, Tulsa, OK 74120
To the BOA Staff and Members,

I am writing in support of the Dawson application, BOA 23101, which will be reviewed by you today. My wife and I have reviewed the application and drawings and are supportive of the application. As an 18 year resident of North Maple Ridge I recognize the value ADU's bring to residential areas. Tulsa will benefit from continued investment in ADU builds.

I am also very familiar with the area the Dawson's are working. As a native Tulsan, this area has long suffered from poor municipal stewardship. It has been a sad state for decades. The Dawson family has been instrumental in building a community and, true to the name, made the Pearl. Every neighborhood would benefit from having a family like the Dawson’s invest in their community.

Please vote in support of their application.

Sincerely,

Shane Matson
April 5th, 2021

To Whom it May Concern,

I recently received a letter in the mail with information for a notice of hearing for the Board of Adjustment for case number BOA-23101 in Central Park Place. I’d like to express my approval for the requested variances. My next door neighbors, John and Tara Dawson, are seeking to add a garage and two living spaces in their backyard to help add more density and vibrancy to the neighborhood. This concept fits perfectly in line with our neighborhood plan and zoning. The accessory dwelling unit would merely be a continuation of many existing homeowners have already done in Central Park Place.

As a community, we are working diligently to improve and grow our neighborhood and with your approval of the variances requested, it further propels Central Park Place in the direction we’re going.

Thank you for your time,

Alberto and Melissa Villegas

1105 E 5th Place,
Tulsa, OK 74120
Dear BOA Staff and Members, I am writing in support of the Dawson’s application, BOA 23101, that you will review today. I have reviewed the packet and drawings and I am familiar with the site and area. The Dawson’s have single handedly saved the neighborhood from the blade of the bulldozer and transformed the once broken down shell of a house into a beautiful home for their family. Their home is now the center point of the neighborhood and example of what can happen with determination and hard work. While other lots, city owned and private, sit and rot; the Dawson’s house and property stands out as an example to all.

Many houses in the area have accessory units used for rental and short term rental. The Dawson’s design is both sound and attractive and will provide the needed increased density to provide housing near downtown. I recommend that you approve the variance and let the Dawsons continue to transform the forlorn lot and be a positive example for the neighborhood and City.

Thank you.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9311
CZM: 38
CD: 5

Case Number: BOA-23108

HEARING DATE: 04/27/2021 1:00 PM

APPLICANT: Oscar Salazar

ACTION REQUESTED: Special Exception to permit a carport in the street yard with modifications to its allowable dimensions (Section 90.090-C.1)

LOCATION: 1440 S 75 AV E
ZONED: RS-3

PRESENT USE: Residential
TRACT SIZE: 10641.75 SQ FT

LEGAL DESCRIPTION: LT 9 & N30 LT 10 BLK 14, EASTMOOR 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 North of the NW/c of S. 75th E. Ave. and E. 15th St. S.

STAFF COMMENTS: The applicant is requesting a Special Exception to permit a carport in the street yard with modifications to its allowable dimensions (Section 90.090-C.1)
1. Carports
Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 79.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

a. A carport may be a detached accessory building or an integral part of the principal building.

b. The area of a carport may not exceed 20 feet in length by 20 feet in width.

c. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.

d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.

e. The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.

f. All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.

g. The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed.

The carport that has been built is 20 feet long by 24 feet wide. The posts are 9 feet in height and the peak is 14 feet.

**SAMPLE MOTION:**

Move to ________ (approve/deny) a **Special Exception** to permit a carport in the street yard with modifications to its allowable dimensions (Section 90.090-C.1)

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

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

  ________________________________________.

---

TULSA ZONING CODE | July 1, 2020
page 90-6

Chapter 90 | Measurements
Section 90.090 | Setbacks

REVISED 4/16/2021
The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

**Facing South on 75th E. Ave.**

**Facing North on 75th E. Ave.**
Subject Property
Blanca Elena Lopez Gallegos
moctezumandassociates@gmail.com

APPLICATION NO: ZN LOD 80431-2021  
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Project Location: 1440 S 75th Ave E  
Description: Carport

INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

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

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.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 NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)
Special exception approval required; see §90.090-C1.

1. Sec.90.090-C1 Carports: Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 70.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

   a. A carport may be a detached accessory building or an integral part of the principal building.

   b. The area of a carport may not exceed 20 feet in length by 20 feet in width.

   c. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.

   d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.

   e. The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.

   f. All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.

   g. The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed.
Review comment: The proposed carport is located in the street yard area and requires special exception granted by the BOA. Please contact an INCOG representative at 918-584-7526 for further assistance. Please note: If the regulations above cannot be met, you will need to address these items as part of the special exception process as the proposed structure is not in compliance with said regulations as submitted. If approved, upload a copy of the approved special exception as a revision to your application and notify the plans examiner.

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

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

END –ZONING CODE REVIEW

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.
The City of Tulsa Building Code requires that this set of approved plans shall be kept at the building site, open to inspection of the Building Official or his authorized representative at all reasonable times. Plans are generally approved for issuance of a Building Permit. This approval does not constitute a waiver of any provision of the Building Code, nor should it be construed that this approval constitutes a certification that all details shown are in compliance with the Code.

City of Tulsa
Office of the Building Inspector

Plans are generally approved for issuance of a Building Permit. This Approval does not constitute a waiver of any provision of the Building Code, nor should it be construed that this approval constitutes a certification that all details shown are in compliance with the Code.
The following comment was receive by staff on 4/15/2021 regarding BOA-23108:

I think the house looks amazing and classy and I don’t have an issue with the carport being there and I live right across the street.

-Dani Garcia, 1435 S. 75th E. Ave.
BOARD OF ADJUSTMENT  
CASE REPORT

STR: 9306  
CZM: 37  
CD: 4

HEARING DATE: 04/27/2021 1:00 PM

APPLICANT: Brock Moore

ACTIONS REQUESTED: Special Exception to permit a Small (up to 250-person capacity) Event Center / Private Lounge (Commercial/ Indoor Assembly & Entertainment) Use in an IM District (Sec. 15.020, Table 15-2); Variance to reduce the parking requirement for an Indoor Assembly & Entertainment Use from 12 spaces to 0 spaces (Sec. 55.020 Table 55-1)

LOCATION: 1920 E 6 ST S

PRESENT USE: Office

ZONED: IM

TRACT SIZE: 3998.82 SQ FT

LEGAL DESCRIPTION: LT 3 BLK 4, ABDOS ADDN

RELAVANT PREVIOUS ACTIONS:

Subject property:

BOA-22314; On 09.12.17 the Board approved a variance to reduce the number of required parking spaces for an office use.

Surrounded Property:

BOA-15682; On 03.26.91 the Board approved a Special Exception to permit an antique and collectors' market in an IM district, a variance to reduce the required number of parking spaces from 54 to 18 and a variance to permit required off-street parking spaces to be located on a lot not containing the principal use. Property located 1924 E. 6th St.

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

Mixed-Use Corridors are Tulsa’s modern thoroughfares that pair high-capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.
The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located West of the SW/c of S. Xanthus Ave. and E. 6th Street.

**STAFF COMMENTS:** The applicant is requesting Special Exception to permit a Small (up to 250-person capacity) Event Center / Private Lounge (Commercial/ Indoor Assembly & Entertainment) Use in an IM District (Sec. 15.020, Table 15-2); Variance to reduce the parking requirement for an Indoor Assembly & Entertainment Use from 12 spaces to 0 spaces (Sec. 55.020 Table 55-1)

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Per conversations with the applicant the proposed Assembly and Entertainment use would be a private Lounge catering to Medical Marijuana Users. If that is the case the Zoning Code would not provide any supplemental regulations since this is not considered a typical medical marijuana business. If the Board is inclined to support this application, a condition may be imposed on the approval to require the same ventilation/air filtration systems that other medical marijuana uses require in Sec. 40.225-F.1:

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.

The applicant has provide exhibit showing a parking lot across 6th street that has 11 spots and on-street parking along Xanthus that has 12 spots.

**STATEMENT OF HARDSHIP:** Our building is placed in between another building and yard owned by the same owner. There isn’t any room/area to build additional parking.

**SAMPLE MOTION:**

**Special Exception:**
Move to _______ (approve/deny) a Special Exception Special Exception to permit a Small (up to 250-person capacity) Event Center / Private Lounge (Commercial/Indoor Assembly & Entertainment) Use in an IM District (Sec. 15.020, Table 15-2);

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

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

Variance:

Move to _______ (approve/deny) a Variance to reduce the parking requirement for an Indoor Assembly & Entertainment Use from 12 spaces to 0 spaces (Sec. 55.020 Table 55-1)

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

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

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

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

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

d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

e. That the variance to be granted is the minimum variance that will afford relief;

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

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”
Parking lot across 6th Street from Subject property

On-street Parking along Xanthus
Parking lot across 6th Street from Subject property

On-street Parking along Xanthus
depend on the vehicle; if it is a high dollar vehicle it would be taken in and out of the building.

Mr. Van De Wiele asked Mr. Listenbee how many employees he would have working for him. Mr. Listenbee stated that it will be just him working the lot.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of BACK, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond "absent") to APPROVE the request for a Special Exception to allow for Vehicle Sales and Rentals in the CS District (Section 15.020, Table 15-2), per the conceptual plan 9.9 of the agenda packet. The number of cars allowed to be displayed outside would be a maximum of 15 cars for sale, and inoperable cars are to be stored inside. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

E150 LT 1 BLK 1, EXCHANGE ACRES, City of Tulsa, Tulsa County, State of Oklahoma

Action Requested:
Variance to reduce the number of required parking spaces of an office use to two spaces (Section 55.020). LOCATION: 1920 East 6th Street South (CD 4)

Ms. Back recused and left the meeting at 2:52 P.M.

Presentation:
Shane Hood, 815 East 3rd Street, Tulsa, OK; stated the subject building was built in 1952 and built to the interior lot lines therefore there is no room for off street parking on the property. There is enough room for two on street parking along 6th Street. There is a parking lot located at 1924 East 6th Street which to the east of the subject site. Previously the property to the east was approved for a Variance for off street parking in March 1991. The business that will be in the building is a CPA's office with four employees and expect only two or three clients during tax season.

09/12/2017-1191 (16)
Mr. Van De Wiele asked Mr. Hood if the building was built all the way to the rear property line too. Mr. Hood stated that it is not. Mr. Van De Wiele asked if there was parking in the rear. Mr. Hood stated there is no parking in the rear.

Mr. Van De Wiele asked staff if the two parking spaces that were being advertised for this request were on street parking. Mr. Wilkerson answered affirmatively and stated that the Zoning Code allows on street parking as long as there is parking allowed on the street.

**Interested Parties:**
There were no interested parties present.

**Comments and Questions:**
None.

**Board Action:**
On MOTION of FLANAGAN, the Board voted 3-0-1 (Flanagan, Van De Wiele, White "aye"; no "nays"; Back "abstaining"; Bond absent) to APPROVE the request for a Variance to reduce the number of required parking spaces of an office use from nine spaces to two spaces (Section 55.020), per conceptual plan 10.10 of the agenda packet. The Board finds the hardship to be the age of the building and because of the age it has been built all the way to the property line. The Board finds that the following facts, favorable to the property owner, have been established:

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

**LT 3 BLK 4, ABDOS ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

Ms. Back re-entered the meeting at 2:55 P.M.
Action Requested:

Special Exception to permit a Use Unit 14 (antique and collector’s market) in an IM District - Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS - Use Unit 14.

Variance of the required number of off-street parking spaces from 54 to 18 spaces - Section 1214.D USE UNIT 14. SHOPPING GOODS AND SERVICES. Off-Street Parking and Loading Requirements - Use Unit 14.

Variance to permit required off-street parking spaces to be located on a lot not containing the principal use - Section 1301. OFF-STREET PARKING AND OFF-STREET LOADING - General Requirements - Use Unit 14, located 1924 East 6th Street.

Presentation:

The applicant, Dolores Bedingfield, 229 Woodward Boulevard, Tulsa, Oklahoma, owner of the property, was represented by Attorney Bill Elliott, 2251 East Skelly Drive, who submitted a plot plan (Exhibit E-1) and photographs (Exhibit E-2) of the property in question. He informed that the vacant 12,000 sq ft office building has limited parking; however, 15 spaces are available along the dead end street beside the building, and additional off-street parking will be provided on a lot to the west. He stated that the street beside the building could be vacated, as the City does not maintain it. Mr. Elliott stated that a sign company was the last occupant of the building. He pointed out the proposed business will not be a flea market, but will be more like an antique mall.

Comments and Questions:

Mr. Fuller inquired as to the amount of space devoted to office use and the amount that will be used for display area, and he replied that this would depend on the clients that rent spaces.

Ms. White asked the Mr. Elliott to differentiate between a collectors market and a flea market, and he replied that a flea market is an area of booths and tables where small inexpensive items are sold; however, a collectors market has antiques and some large more expensive items for sale.

Mr. Fuller asked if auctions will be held at this location, and Mr. Elliott stated that an auction could take place, but it would be unusual.

Mr. Jackere stated that he would be concerned if a flea market began operation at this location, and Ms. White agreed with Mr. Jackere, pointing out that auctions and flea markets generate a great deal of traffic.

Dolores Bedingfield, 229 Woodward Boulevard, Tulsa, Oklahoma, stated that it is not her intent to operate a flea market at this location. She informed that the market will be open every day from 10:00 a.m. to 5:00 p.m.
Case No. 15682 (continued)

Protestants:

Herschel Wood, 3131 East 84th Street, Tulsa, Oklahoma, stated that he owns the property to the east and is opposed to vacating the street, as the street is used to access his property. He informed that adequate off-street parking is provided for the 22 employees on his property, and is concerned with the operation of the proposed business with limited parking spaces. Mr. Wood stated that he is also opposed to auctions being conducted at this location.

Ms. Bradley asked if the building between the proposed business and the parking lot to the west is occupied, and Mr. Wood answered in the affirmative.

Ms. Hubbard stated that a collector's market requires one space for every 225 sq ft of floor area, or 54 parking spaces.

Additional Comments:

Ms. White asked Mr. Elliott if his client owns the 15 parking spaces along the east wall of the building, and he replied that the spaces are located on City right-of-way, but have always been used by the tenants in the building.

Mr. Fuller stated that antique businesses do not normally generate a large amount of traffic.

Ms. Bradley asked if the parking lot to the west is paved, and Mr. Elliott replied that the lot is not paved.

Ms. White advised the applicant that the Code requires a hard surface covering on all parking lots.

Board Action:

On MOTION of Bolzle, the Board voted 5-0-0 (Bradley, Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception to permit a Use Unit 14 antique and furniture store only, in an IM District - Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS - Use Unit 14: to APPROVE a Variance of the required number of off-street parking spaces from 54 to 18 spaces - Section 1214.D USE UNIT 14. SHOPPING GOODS AND SERVICES. Off-Street Parking and Loading Requirements - Use Unit 14; and to APPROVE a Variance to permit required off-street parking spaces to be located on a lot not containing the principal use - Section 1301. OFF-STREET PARKING AND OFF-STREET LOADING - General Requirements - Use Unit 14; subject to the prohibition of a flea market operation, as well as any auctions being conducted on the property; and subject to the parking lot to the west being retained as parking for the antique and furniture store during the term of the lease; finding the use, as presented, to be compatible with the area; and finding a hardship imposed by the size of the building in an IM zoned district, and the fact that the building has limited parking and almost any use made of the building would require relief by this Board; on the following described property:

Lots 1, 2, 4 and 5, Block 4, Abdo's Addition, City of Tulsa, Tulsa County, Oklahoma.

03.26.91:583(11)
ZONING CLEARANCE PLAN REVIEW

March 10, 2021

LOD Number: 1
Caitlin Moore
14951 Jordan CT
Glenpool, OK 74033

Phone: 405.642.6518

APPLICATION NO: COO-080450-2021
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 1920 E 6 ST
Description: Assembly & Entertainment

INFORMATION ABOUT SUBMITTING REVISIONS

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PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS
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REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED
AT
175 EAST 2ND STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601.
THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE
PLANS EXAMINERS.

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

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

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

1. Sec.15.020 Table15-2: Your proposed Event Center/Private Lounge is designated a Commercial/Indoor Assembly & Entertainment, Small (up to 250-person capacity) use. It is in an IM zoned district. This is allowed in this district by a BOA approved Special Exception.
   **Review comment:** Submit a copy of the approved BOA Special Exception to allow a Commercial/Indoor Assembly & Entertainment, Small (up to 250-person capacity) use in an IM zoned district. Please contact Austin Chapman for assistance with the Special Exception. He can be reached at 918-584-7526 or achapman@incog.org.

2. Sec.55.020 Table 55-1: Your proposed Event Center/Private Lounge is designated a Commercial/Indoor Assembly & Entertainment, Small (up to 250-person capacity) use. The parking requirement for this use is 3.75 parking spaces per 1000 sqft of floor area. The floor area is 3011 sqft. This will require 12 parking spaces. These parking spaces are required to be on the same lot as the Event Center (Sec.080-A).
   **Review comment:** Submit a site plan that provides 12 parking spaces on the same lot as the Event Center and meets the design criteria listed in Sec.55.090.

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

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

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

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

END – ZONING CODE REVIEW

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA
METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.
Studio30

Abdo's Addition - Lot 3, Block 4
1920 East 6th Street, Tulsa, OK 74104
CHANGES TO THE APPROVED DRAWINGS AND SPECIFICATIONS
CHANGES TO THE CITY APPROVED DRAWINGS AND SPECIFICATIONS SHALL BE MADE BY AN ADDENDUM OR A CHANGE ORDER APPROVED BY THE CITY OF TULSA AS REQUIRED BY THE ARCHITECT OF RECORD.

CONTRACTOR DIRECTIVES
1. ALL WORK SHALL CONFORM TO THE INTERNATIONAL BUILDING CODE OF REGULATIONS (IBC 2015).
2. PRIOR TO BIDDING, THE GENERAL CONTRACTORS SHALL VISIT AND INSPECT THE SITE AND FAMILIARIZE THEMSELVES WITH THE EXISTING CONDITIONS EFFECTING THE NEW WORK. THE GENERAL CONTRACTOR SHALL NOT DISPUTE OR ASSERT THAT THERE IS ANY NONCONFORMITY IN REGARD TO LOCATION, EXTENT, NATURE, AND LOCATION OF THE EXISTING CONDITIONS AS REQUIRED BY THE CONTRACTORS FAILING TO INSPECT THE SITE.
3. THE GENERAL CONTRACTOR AND SUBCONTRACTORS ARE RESPONSIBLE FOR LOCATING AND VERIFYING ALL EXISTING UNDERGROUND UTILITIES IN ALL AREAS OF NEW WORK PRIOR TO COMMENCEMENT OF ANY EXCAVATION. EXISTING UTILITIES MIGHT CHANGE AS A RESULT OF DESIGN OR EXCAVATION, AND THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING THEIR LOCATION AS BEST DETERMINED FROM EXISTING SURVEY, BUT SHOULD NOT BE CONSTRUED TO REPRESENT ALL EXISTING UTILITIES.
4. FIELD VERIFY MEAN THE CONTRACTOR IS REQUIRED TO FIELD VERIFY THE NOTED CONDITION, AS EMBARDED PRIOR TO SENDING THE CONTRACTOR THE APPROVED DRAWINGS AND INTEGRATE FIELD SURVEY INFORMATION INTO THE CONSTRUCTION.
5. THE ORGANIZATION OF THE DRAWINGS AND SPECIFICATIONS SHALL NOT CONTROL, THE CONTRACTOR OR EXCLUDING THE WORK SUBCONTRACTORS OR EXCLUDING THE EXTENT OF WORK TO BE PERFORMED BY TRADE.
6. IN THE EVENT OF A CONFLICT BETWEEN DRAWINGS OR BETWEEN A DRAWING AND SPECIFICATION ITEM THE DRAWING OR SPECIFICATION ITEM MAY BE REQUIRED TO EFFECT THE GREATER EXTENT, LARGER NUMBER OR HIGH QUALITY SHALL GOVERN.
7. ALL ITEMS OF MECHANICAL, ELECTRICAL OR DETAIL MAY NOT NECESSARILY APPEAR ON THE ARCHITECTURAL DRAWINGS. REFER TO THE APPROPRIATE DRAWINGS FOR TIMES OF THIS NATURE.
8. ALL EXISTING SHALL BE OPERATIONAL FROM THE INSIDE WITHOUT THE USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR DOPING.
9. ALL FIRE ALARMS IN COMPLIANCE WITH ALL FIRE CODES 2015 LISTED.

SYMBOL LEGEND
- WATER CLOSETS: - (20 PER 120 OCCUPANTS) 1 PER 200 OCCUPANTS FOR THE FIRST 50 AND 1 PER 20 FOR THE REMAINDER EXCEEDING 50
- MALE (50 OCCUPANTS) = 1 REQUIRED
- FEMALE (50 OCCUPANTS) = 1 REQUIRED
- TOTAL REQUIRED
- 1 MALE WATER CLOSETS
- 1 FEMALE WATER CLOSETS
- LAVATORIES: - (150 PER 200 OCCUPANTS) 1 PER 450 OCCUPANTS FOR THE FIRST 150 AND 1 PER 20 FOR THE REMAINDER EXCEEDING 150
- MALE (75 OCCUPANTS) = 1 REQUIRED
- FEMALE (75 OCCUPANTS) = 1 REQUIRED
- TOTAL REQUIRED
- 1 MALE LAVATORIES
- 1 FEMALE LAVATORIES

BUILDING SYMBOLS: - (10 PER 100 OCCUPANTS) 1 PER 100 OCCUPANTS FOR THE FIRST 10 AND 1 PER 20 FOR THE REMAINDER EXCEEDING 10
- MALE (5 OCCUPANTS) = 1 REQUIRED
- FEMALE (5 OCCUPANTS) = 1 REQUIRED
- TOTAL REQUIRED
- 1 MALE DRINKING FOUNTAIN
- 1 FEMALE DRINKING FOUNTAIN

WATER COOLER: (IN LUGS OF DRINKING FOUNTAIN APPROVED FOR 2) OR LUGS OCCUPANTS WITHIN ALL OCCUPANCIES.
- 1 SERVICE (SPR RSP REQUIRED

GENERAL ABBREVIATIONS

CONSTRUCTION DOCUMENT TABLE OF CONTENTS

ARCHITECTURAL
A101 ARCHITECTURAL SITE PLAN
A201 FLOOR PLAN
A301 EXTERIOR ELEVATIONS
A801 REFLECTED CEILINGS PLAN
12 spots
11 Spots
11 spots
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9305
CZM: 37
CD: 4

Case Number: BOA-23110

HEARING DATE: 04/27/2021 1:00 PM

APPLICANT: Ryan Neurohr

ACTION REQUESTED: Special Exception to permit a Dynamic Display sign in an RM-2 District containing a School Use (Sec. 60.050-B.2.c) Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)

LOCATION: 2601 E 5 PL S
ZONED: RM-2

PRESENT USE: Elementary School
TRACT SIZE: 440933.55 SQ FT

LEGAL DESCRIPTION: ALL LTS1-8&17-24BLK3ALL LTS20-24&PRTLTS1- 5&17-19BLK4HIGHLANDS2ND&ALL LTS21-245758 &PRTLTS25-321545556BLK4&ALL LTS678&23-34 &47-58BLK5COLLEGEVIEWAMD&VACST&SALLEYST HEREOF BEGSECRLT17BLK3HIGHLAND2NDTHW855.8N300E75N130NE109.94SWCLT32BLK4COLLEGEV IEWNE275.2, HIGHLANDS 2ND ADDN, COLLEGE VIEW ADDN AMD

RELEVANT PREVIOUS ACTIONS: None.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is Located North of E. 5th Pl. Between S. Columbia Ave. and S. Atlanta Ave.

STAFF COMMENTS: The applicant is requesting Special Exception to permit a Dynamic Display sign in an RM-2 District containing a School Use (Sec. 60.050-B.2.c)

c. Dynamic Displays

Dynamic displays are prohibited in R, AG, and AG-R districts except that on a lot occupied by an allowed public, civic or institutional use, the board of adjustment is authorized to approve a special exception for the allowed wall sign or the allowed freestanding sign to include a dynamic display.
Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)

Section 60.100 Dynamic Displays
The supplemental regulations of this section apply to all signs with dynamic displays. Except as otherwise expressly stated, these regulations apply whether incorporated into off-premise outdoor advertising signs or on-premise signs that are allowed to include a dynamic display.

60.100-A The images and messages displayed on a dynamic display must have a minimum dwell time of at least 8 seconds and may not contain any movement, animation, audio, video, pyrotechnics or other special effects.

60.100-B The transition or change from one message to another must occur in one second or less and involve no animation or special effects.

60.100-C The images and messages displayed must be complete in and of themselves within the required dwell time.

60.100-D Dynamic displays may not be located within 50 feet of the driving surface of a signalized intersection, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the intersection.

60.100-E Dynamic displays may not be located within or within 20 feet of the driving surface of a street, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the street curb or edge of the traveled roadway marked or understood as such.

60.100-F Dynamic displays may not be located within 200 feet of any of the following: (1) an R or AG-R district (other than street, highway or freeway right-of-way); (2) a residential development area. This separation distance does not apply if the dynamic display is not visible from the referenced district, area or lot, and the requirements may be modified in R, AG, and AG-R districts if approved through the special exception process. Required separation distances must be measured horizontally in a straight line from the nearest point on a sign structure to the nearest point of an R or AG-R district or residential development area boundary.

60.100-G Dynamic displays must be equipped with a default mechanism that freezes the display in one position or presents a static or blank display if a malfunction occurs.

60.100-H Dynamic displays must be equipped with a light detector/photocell that automatically adjusts the display’s brightness according to natural ambient light conditions.

60.100-I The maximum brightness level of a dynamic display may not exceed 6,500 nits (candela per square meter) during daylight hours or 500 nits between 30 minutes after sunset and 30 minutes before sunrise, as those times are determined by the National Weather Service (Actual Time). Brightness must be measured from the brightest element of the sign’s face.

60.100-J Any outdoor advertising sign that includes a dynamic display that was lawfully established before January 1, 2010, must be separated by a minimum distance of 1,200 feet from any other outdoor advertising sign that includes a dynamic display. This spacing limitation does not apply between signs separated by a freeway. The 1,200-foot distance must be measured in a straight line from the center of the subject sign structures, as located on the ground.

60.100-K Except as provided in 560.100-J, any outdoor advertising sign that includes a dynamic display and that was approved by a permit issued on or after January 1, 2009, must be separated by a minimum distance of 1,200 feet from any other outdoor advertising sign that includes a dynamic display facing the same traveled way. The 1,200-foot distance must be measured in a straight line from the center of the subject sign structures, as located on the ground.
SAMPLE MOTION:

Move to ________ (approve/deny) a Special Exception to permit a Dynamic Display sign in an RM-2 District containing a School Use (Sec. 60.050-B.2.c) Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)

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

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

-----------------------------------

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Facing West on 5th Pl.

Facing South down Birmingham
Subject Property with existing sign
**APPLICATION NO:** SIGN-084027-2021 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

<table>
<thead>
<tr>
<th>Location:</th>
<th>2601 E. 5th Pl.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description:</td>
<td>Freestanding sign</td>
</tr>
</tbody>
</table>

**INFORMATION ABOUT SUBMITTING REVISIONS**

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

**REVISIONS NEED TO INCLUDE THE FOLLOWING:**

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

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

THE CITY OF TULSA WILL ASSESS A $55 RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

**IMPORTANT INFORMATION**

1. SUBMIT TWO (2) SETS OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.

2. INFORMATION ABOUT ZONING CODE, THE INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT [WWW.INCOG.ORG](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 WEST 2nd STREET, 8th FLOOR, TULSA, OK, 74103 OR TELEPHONE (918) 584-7526.

3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(Continued)
1. Section 60.050-B.2.c Dynamic Displays
Dynamic displays are prohibited in R districts and AG districts except that on a lot occupied by an allowed public, civic or institutional use, the board of adjustment is authorized to approve a special exception for the allowed wall sign or the allowed freestanding sign to include a dynamic display.
(1) The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.
(2) The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.
(3) Dynamic displays in R districts and in AG districts may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the special exception process.
(4) Dynamic displays are subject to the dynamic display regulations of Section 60.100.
Review Comments: The proposed dynamic display sign appears to be located on an RM-2 Residential zoned lot. You may change the sign type to a non-dynamic display, or you may pursue a special exception from the Board of Adjustment (BOA) to permit a dynamic display sign to be located on a residential RM-2 zoned lot.

2. Section 60.100-F Dynamic displays may not be located within 200 feet of any of the following: (1) an R or AG-R district (other than street, highway or freeway right-of-way); (2) a residential development area. This separation distance does not apply if the dynamic display is not visible from the referenced district, area or lot, and the requirements may be modified in R, AG, and AG-R districts if approved through the special exception process. Required separation distances must be measured horizontally in a straight line from the nearest point on a sign structure to the nearest point of an R or AG-R district or residential development area boundary.
Review Comments: The proposed dynamic display sign appears to be within 200 feet of the residential zoned lots across the street to the south. You may change the sign type to a non-dynamic display, relocate the sign to be a minimum of 200 feet from all residential zoned lots, or you may seek a special exception from the BOA to permit a sign with a dynamic display to be within 200 feet of a residential zoned lot.

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

END – ZONING CLEARANCE AND SIGN CODE REVIEW

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A CITY OF TULSA SIGN PERMIT.
• 4” poles
• 1.5” Retainers
• 17’ to sidewalk
• 27’6” to curb

Kendall Whittier Elementary
2601 E 5th PL
Tulsa, OK 74104

PO Box 1602 – Owasso, OK 74055
918-371-0887 – imagebuildersok@gmail.com
Kendall Whittier Elementary
2601 E 5th PL
Tulsa, OK 74104

Optec LED Digital Display
INF-MOD-16-RGB-Z-P-QR

Display Specifications
- LED Pixel Pitch: 16.0mm; Matrix Size: 60 x 135
- Viewing Area: 3' 13/16" x 9' 5 3/8"; Cabinet Size: 3' 1 13/16" x 9' 5 3/8" x 6 1/2"
- Color: RGB; Color Processing: RGB 261 Trillion Levels-M
- LED’s per pixel: Red: 1 Green: 1 Blue: 1; Total # of LED’s: 64800
- Character Size: 4.4 inches; # of Lines/Char. Line: 8 line(s), 30 characters
- Brightness: 10000 NIT’s (+/-5%); Viewing Angle: 140 Degrees Horizontal
- Display Configuration: Double Face (2 Cabinets - Primary/Secondary)
- Maintenance Door: Front; Cabinet Design: Module
- Display Net Weight: 367.22 lbs. per face (+/- 10%)
- Ventilation: Rear Vent

Standard Features
- Dimming Levels: 100 - Auto & Manual
- Dimming/Temp. Sensor: Included
- Software: ME Pro Plus; Software Upgrade: 5 Years; Software Training: Webinar

Electrical & Venting Requirements
- AC Power Required: Single Phase 120V or 240V 50/60Hz
- Total Boot Up Amps* (120V): 21.8; Regular Operating Amps* (120V): 6.32
- Example Electrical Cost* (120V): US$0.99/Day;
  Venting Requirement*: 416.87 CFM

CELL MODEM COMMUNICATION INCLUDING LIFETIME DATA
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BOARD OF ADJUSTMENT
CASE REPORT

STR: 9315
CZM: 38
CD: 5

HEARING DATE: 04/27/2021 1:00 PM

APPLICANT: Jasha Lee

ACTION REQUESTED: Special Exception to allow a Public, Civic, & Institutional / Day Care use in an RS-2 zoning district (Sec.5.020 Table 5.2).

LOCATION: 2111 S DARLINGTON AV E; 2111 S DARLINGTON AV E  ZONED: RS-2

PRESENT USE: Church  TRACT SIZE: 171940.74 SQ FT

LEGAL DESCRIPTION: LTS 6 7 8 9 10 BLK 2; PRT NE NW BEG 45S & 15E NWC NE NW TH S285 E430 N280 W165 N5 W265 POB SEC 15 19 13 2.79ACS, DARLINGTON HILLS ADDN

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-12304: On 12.2.1982 the Board approved a Special Exception to expand a church and parking lot on the subject property.

BOA-8662; On 07.17.75 the Board approved a Special Exception to expand a church and parking lot on the subject property.

BOA-2597; On 09.08.1954 The Board approved a church to be constructed at the subject property.

Surrounding properties: None.

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located at the SE/c of E. 21st street South and S. Darlington Ave.

**STAFF COMMENTS:** The applicant is requesting Special Exception to allow a Public, Civic, & Institutional / Day Care use in an RS-2 zoning district (Sec.5.020 Table 5.2).

![Table 5-2: R District Use Regulations](image)

**SAMPLE MOTION:**

Move to ________ (approve/deny) a **Special Exception** to allow a Public, Civic, & Institutional / Day Care use in an RS-2 zoning district (Sec.5.020 Table 5.2)

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

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

  ___________________________________________________________.

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Subject property from corner of S. Darlington and E. 21st St.

Subject property from E. 21st Pl.
Facing East on E. 21st Pl.

Facing South on Darlington from corner of Darlington and E. 21st Pl.
of Union Avenue from 85' to 75', and a variance of the required 25' setback from the abutting R District, and a variance of the setback of the south and east from 25' to 15'. This property is located at the SE corner of 47th Street and Union Avenue.

Presentation:
Henry Penix, 4145 South Rockford Place, was present representing the God Alive Tabernacle and submitted a plot plan (Exhibit "I-1"), a floor plan (Exhibit "I-2"), and a drawing depicting the completed structure (Exhibit "I-3"). Mr. Penix advised that the Board previously approved the use for a church building and day care facility, subject to the applicant submitting a plot plan. The use was approved approximately a year and a half ago and construction has not yet begun. The additional variance has also been requested by the applicant. Mr. Penix advised that the parking has been changed to meet their parking needs.

Protestants: None.

Board Action:
On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the setback from the centerline of Union Avenue from 85' to 75', a variance of the required 25' setback from the abutting R District, and a variance of the setback of the south and east from 25' to 15', per plot plan submitted, on the following described property:

The West 125' of Lots 16 and 17, Block 3, Suburban Highlands Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12304

Action Requested:
Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to expand existing church and parking lot. This property is located at 2111 South Darlington Avenue.

Presentation:
E. W. Pruitt, 2111 South Darlington Avenue, was present representing the Berean Baptist Church, and submitted a copy of the site plan (Exhibit "J-1"), and a plot plan (Exhibit "J-2"). The Church intends to expand their existing church facility by adding a new education building to be used for classroom space and plans to expand the parking lot area.

Protestants: None.

Comments:
Discussion ensued concerning the parking area and the conformity of the existing building. Mr. Pruitt advised that the main entrance is on the west side and parking on the west side has been in place since 1955. Mrs. Miller, Protective Inspections, advised that the Church has nonconforming parking lot use on the west. She stated that there was not a parking requirement until 1970. The applicant is not required to provide parking for classroom space because the Zoning Code 12.2.82:376(8)
only requires parking space for chapel or sanctuary area.

Board Action:
On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to expand the existing church and parking lot, per plans submitted, excepting that portion showing future expansion, on the following described property:

The following constitutes the tract or tracts of land all located in the NE/4 of the NW/4 of Section 15, Township 19 North, Range 13 East, in the City of Tulsa, Tulsa County, Oklahoma, more specifically described as follows:

TRACT A:
Beginning at the NW corner of the NE/4 of the NW/4; thence 15' East and 45' South to a point; thence South 285'; thence East 265'; thence North 285'; thence West 265' to the point of beginning; and

TRACT B:
Beginning at a point 50' South and 264.80' East of the NW corner in the NE/4 of the NW/4; thence due East a distance of 178.66'; thence due South a distance of 280.0'; thence due West a distance of 180.0'; thence North 0'-14" East a distance of 280.0' to the point of beginning; and

TRACT C:
Lots 6, 7, 8, 9, and 10, Block 2, Darlington Hills Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

General Description Relationship:
TRACT B abuts TRACT A on the East;
TRACT C abuts TRACTS A & B on the South,
forming an approximate rectangular area of the property.

Case No. 12305

Action Requested:
Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to continue to leave the mobile home on the subject tract; and a Variance - Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements - Request for a variance to permit the mobile home as a permanent structure. This property is located at 5138 East Woodrow Street.

Presentation:
Margaret Castleberry, 5138 East Woodrow Street, was present requesting permission to permit the existing mobile to remain on the subject property. Ms. Castleberry advised that she has been before the Board on three other occasions and the Board granted a one year time frame on each instance.

Protestants: None. 12.2.82:376(9)
Case No. 2597
Berean Baptist Church
Pt. of NE, NW,
Section 15-19-13

The Berean Baptist Church request for permission to erect a church on a part of the NE 1/4, of the NW 1/4 of Section 15, Township 19 North, Range 13 East.

MOVED by Davisson (Grubb) that this matter be set down for a public hearing at the next regular meeting.
All members voting yea. Carried.

Case No. 2598
Bartlett Crawford
E 1/2 of SE, Section 6-18-13

Bartlett Crawford appeals the decision of the Metropolitan Area Planning Commission for granting final approval to a plat and plans of Joe Creek Terrace covering a part of the East Half of the Southeast Quarter of Section 6, Township 19 North, Range 13 East, Tulsa County, Oklahoma.

MOVED by Davisson (Grubb) that this matter be set down for a public hearing at the next regular meeting.
All members voting yea. Carried.

Case No. 2599
Earnest C. Miller
W 70' of Lot 20,
Block 4, Alta Dena
Place Addition

Earnest C. Miller request for permission to extend non-conforming use on the West 70 feet of Lot 20, Block 4, Alta Dena Place Addition.

MOVED by Davisson (Grubb) that this matter be set down for a public hearing at the next regular meeting.
All members voting yea. Carried.

Case No. 2600
Glenhaven Trailer
Court, Tract 62,
Glenhaven Addition

Glenhaven Trailer Court request for permission to extend non-conforming use on Tract 62, Glenhaven Addition.

MOVED by Davisson (Grubb) that this matter be carried over to the special meeting.
All members voting yea. Carried.

Case No. 2601
Joe B. Rives
Lots 18 & 19,
Block 7, Mingo
Terrace Addition

Joe B. Rives request for permission to extend a non-conforming use on Lots 18 & 19, Block 7, Mingo Terrace Addition.

MOVED by Davisson (Grubb) that this matter be set down for a public hearing for the next regular meeting.
All members voting yea. Carried.

Case No. 2603
Walter H. Calhoun et al
Columbia Terrace

Walter H. Calhoun et al. appeals from a decision of the Metropolitan Area Planning Commission for approving a plat known as Columbia Terrace.

MOVED by Davisson (Grubb) that this matter be set down for a public hearing at the next regular meeting.
All members voting yea. Carried.
Board Action: On MOTION of BLESSING, the Board (4-0) approved a Variance (Section 420 - Accessory Uses in Residential Districts - Under the Provisions of Section 1670) to locate a recreational area on a lot separate from its apartment use in an RM-2 District on the following described tract:

The South 50' of Lot 12, Block 1, Gentry Addition to the City of Tulsa, Oklahoma.

Action Requested: Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use and church parking in an RS-2 District located at 2111 South Darlington Avenue.

Presentation: E. W. Pruitt, Jr., representing the Berean Baptist Church, submitted the plot plan (Exhibit "P-1") to the Board and advised that a portion of the Church's property was approved for church use in 1954. The Church would now like the entire property approved and is proposing at the present time to erect a parking (garage) facility to house the Church's vehicles for safety and security purposes. He noted that the facility would be enclosed and compatible with the existing Church structure, with the construction materials being the same. The Church does anticipate growth and expansion in the future but no waiver is requested at the present time.

Protests: None.

Board Action: On MOTION of SMITH, the Board (4-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use and church parking, per plot plan, in an RS-2 District on the following described tract:

**Tract A:** Beginning at the NW corner of the NE/4 of the NW/4; thence 15' East and 45' South to a point; thence South 285'; thence East 265'; thence North 285'; thence West 265' to the point of beginning, and
Tract B: Beginning at a point 50' South and 264.80' East of the NW corner on the NE/4 of the NW/4; thence due East a distance of 178.66'; thence due South a distance of 280.0'; thence due West a distance of 180.0'; thence North 0°-14' East a distance of 280.0' to the point of beginning, and

Tract C: Lots 6, 7, 8, 9 and 10, Block 2, Darlington Hills Addition to the City of Tulsa, according to the recorded plat thereof.

Action Requested: Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1005 - Community Services, Cultural and Recreational Facilities) to use property for church purposes in an AG District located at 84th Street and South Sheridan Road.

Presentation: Don McCorkell, Jr., attorney representing Hope Unitarian Church, requested that the Church be given approval of church use on the subject property which was purchased some time ago. The Church has recently obtained building funds and now must have church use of the property approved. Mr. McCorkell advised that the master plan calls for a 10,000 square foot building, with a 3,000 square foot sanctuary which will require 75 parking spaces; however, 150 parking spaces are planned with an eventual expansion of the parking to a total of 200. He noted that access to the property is gained via a 25' access cut on Sheridan, the construction will begin in approximately six months, and no waivers are requested at this time.

The Staff and Board discussed the requirement of Section 207 of the Code regarding the 30' street frontage required, during which Mr. McCorkell advised that there would be no problem in meeting the 30' requirement at that particular point.

Protests: None.
LOD Number: 1
Jasha Lee
5403 E 25 PL
Tulsa, OK 74114

APPLICATION NO: ZCO-082477-2021

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 2111 S Darlington Ave
Description: Daycare

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

(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](http://www.cityoftulsa-boa.org)

ZCO-082477-2021 2111 S Darlington Ave March 12, 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 918-584-7528 or gsubmit@incoq.org. It is your responsibility to submit to our office documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. **Sec.5.020 Table5-2:** Your proposed daycare is designated a Public, Civic & Institutional/Daycare use. It is in an RS-2 zoning district. This use is allowed by a Special Exception approved by the BOA.
   Review comment: Submit a copy of the approved Special Exception to allow a Public, Civic & Institutional/Daycare use in an RS-2 zoning district.

2. **Sec.70.080-C:** Zoning clearance permit applications must be accompanied by a legal description of the lot and plans in duplicate, drawn to scale, showing at least the following information:

   1. The actual shape and dimension of the lot;
   2. The location and dimensions of all easements;
   3. The location, size and height of any existing buildings or structures to be erected or altered;
   4. The existing and intended use of each building or structure and portion of the lot;
   5. The number of buildings proposed; and
   6. 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.

Review Comment: Submit a copy of a site plan providing the information above

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code: [http://tulsaosplanning.org/plans/TulsaZoningCode.pdf](http://tulsaosplanning.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.
HEARING DATE: 04/27/2021 1:00 PM

APPLICANT: Lindsey Barbour

ACTION REQUESTED: Special Exception to permit a Single Household/ Detached House in a CH District (Sec. 15.020-H, Table 15-2.5)

LOCATION: 1117 S BRADEN AV E  

ZONED: CH

PRESENT USE: Single Household/ Detached House

TRACT SIZE: 7200.5 SQ FT

LEGAL DESCRIPTION: N 50 S 100.4 W/2 LT 2, CROWELL HGTS

RELEVANT PREVIOUS ACTIONS: None.

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

Main Streets are Tulsa's classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

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 South of the SE/c of E. 11th St. S. and S. Braden Ave.

STAFF COMMENTS: The applicant is requesting Special Exception to permit a Single Household/ Detached House in a CH District (Sec. 15.020-H, Table 15-2.5)
### Table 15-2.5: O, C and I District Building Type Regulations for Household Living

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<thead>
<tr>
<th>USE CATEGORY</th>
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<th>OMH</th>
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**Residential**

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<td>Two households on single lot</td>
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<td>Three or more households on single lot</td>
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P= Permitted; S=Special Exception Approval Required; - = Prohibited

The subject property is currently used for a detached single-family residence. Staff's opinion is that the home is legally non-conforming as the zoning was placed on the existing property with the 1970 zoning ordinance and the home was built in 1928. Granting of this Special Exception would allow the property owners to re-build a single-family detached home should the existing home be destroyed.

**SAMPLE MOTION:**

Move to ________ (approve/deny) a **Special Exception** to permit a Single Household/ Detached House in a CH District (Sec. 15.020-H, Table 15-2.5)

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

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

STR: 9329
CZM: 47
CD: 9

HEARING DATE: 04/27/2021 1:00 PM

APPLICANT: Kyle Gibson

ACTION REQUESTED: Variance to reduce the required 25' rear setback in an RS-1 District (Sec. 5.030, Table 5-3)

LOCATION: 4618 S FLORENCE PL E

PRESENT USE: Residential

ZONE: RS-1

TRACT SIZE: 19702.27 SQ FT

LEGAL DESCRIPTION: LT 4, LEIGH HAVEN ADDN SUB PRT TR 7 CLAYPOOL ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property: None.

Surrounding Properties:

BOA-21002; On 11.24.09 the Board approved a variance to reduce the rear yard requirement from 25' to 19' 3" in and RS-1 District. Property located 3141 E. 47th St. S.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the cul-de-sac of S. Florence Pl. North of E. 47th St. S.
The applicant is requesting to reduce the 25' setback down to 10'. The Board may wish to note in their minutes that relieving any requirements or prohibitions of the City of Tulsa Floodplain ordinances is not the purview of this Board and the applicant should comply with those requirements.

**STATEMENT OF HARDSHIP:** The neighboring property to the North is a side yard. Existing utility easement will ensure a 10' setback is maintained. The existing floodplain conditions dictate buildable area on lot.
SAMPLE MOTION: Move to _____ (approve/deny) a Variance to reduce the required 25' rear setback in an RS-1 District (Sec. 5.030, Table 5-3)

- Finding the hardship(s) to be ________________________________.

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

- Subject to the following conditions ____________________________.

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

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

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

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

do. 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.”
Board Action:
On Motion of Van De Wiele, the Board voted 4-0-0 (White, Stead, Tidwell, Van De Wiele "aye"; no "nays"; no "abstentions"; Henke "absent") to APPROVE a Variance of the parking requirement for an office use from a previously reduced 201 spaces to 187 spaces existing (Section 1211); and an Amendment to a previously approved site plan (BOA-18484), finding the uniqueness and use of the property the number of spaces at 187 are adequate for the property; with the condition if the use changed to medical use the owner would need more relief for parking, per plan 5.5 as shown in the agenda packet with the exception of the gross building square footage, which is 66,300 sq. ft., rather than a net of 68,560 sq. ft.; finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

LT 2 LESS E50 THEREOF BLK 9, KENSINGTON, City of Tulsa, Tulsa County, State of Oklahoma

**********

Case No. 21002

Action Requested:
Variance of the rear yard requirement from 25 ft. to 19 ft. - 3 in. to allow for an addition in an RS-1 district (Section 403), located: 3141 East 47th Street South.

Presentation:
Jeremy Perkins, 1244 East 25th Street, Tulsa, Oklahoma, 74114, stated his client proposed to build an addition to his home (Exhibit E-1), including two bedrooms and a bath.

Interested Parties:
There were no interested parties.

Board Action:
On Motion of White, the Board voted 4-0-0 (White, Stead, Tidwell, Van De Wiele "aye"; no "nays"; no "abstentions"; Henke "absent") to APPROVE a Variance of the rear yard requirement from 25 ft. to 19 ft. - 3 in. to allow for an addition in an RS-1 district (Section 403), finding this to be a corner lot, and is compatible with the surrounding neighborhood, and the existing house on the west portion also extends closer than the required rear yard setback; per plan as shown on page 6.6 of the agenda packet, finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship;
that such extraordinary or exceptional conditions or circumstances do not apply
generally to other property in the same use district; and that the variance to be
granted will not cause substantial detriment to the public good or impair the
purposes, spirit, and intent of the Code, or the Comprehensive Plan on the
following described property:

S110 OF E155 OF LT 7, CLAYPOOL, City of Tulsa, Tulsa County, State of
Oklahoma

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Case No. 21003
Action Requested:
Verification of the spacing requirement for a liquor store of 300 ft. from blood
banks, plasma centers, day labor hiring centers, bail bond offices, pawn shops,
and other liquor stores (Section 1214.C.3), located: 8005 South Sheridan Road.

Presentation:
Todd Hensley, 4622 South Columbia, Tulsa, Oklahoma, 74105, provided
verification of spacing at Square One Shopping Center.

Interested Parties:
There were no interested parties.

Board Action:
On Motion of White, the Board voted 4-0-0 (White, Stead, Tidwell, Van De Wiele
"aye"; no "nays"; no "abstentions"; Henke "absent") to ACCEPT a Verification of
the spacing requirement for a liquor store of 300 ft. from blood banks, plasma
centers, day labor hiring centers, bail bond offices, pawn shops, and other liquor
stores (Section 1214.C.3), based upon the facts in this matter as they presently
exist, subject to the action of the Board being void should another above
referenced conflicting use be established prior to this liquor store, on the following
described property:

PRT LT 1 BEG NWC TH E390.32 S53.68 W215.59 N175 W175 N361.68 POB
LESS S8 W162.98 THEREOF FOR ST BLK 1, SQUARE ONE, City of Tulsa,
Tulsa County, State of Oklahoma

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Case No. 21004
Action Requested:
Special Exception to permit a single family dwelling (Use Unit 6) in an OM district
(Section 601), located: 1617 South Denver Avenue.