AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, May 11, 2021, 1:00 P.M.

Meeting No. 1272

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

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

Join Videoconference: https://www.gotomeet.me/COT4/boa-gotomeeting-in-council-chambers-may-11th

Join Teleconference by dialing: +1 (872) 240-3212 then entering Access Code 777-692-549

Download the GoToMeeting app now to be ready when the meeting starts: https://global.gotomeeting.com/install/777692549

The following Board members plan to attend via videoconferencing or teleconferencing, though they are still permitted to attend at the meeting site: Austin Bond, Tomas Barrientos, 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 27, 2021 (Meeting No. 1271).

UNFINISHED BUSINESS
Review and possible approval, approval with modifications, denial or deferral of the following:

None.

NEW APPLICATIONS
Review and possible approval, approval with modifications, denial or deferral of the following:

2. 23114—Raul Cisneros
Variance of the required 5-foot side street setback in an RS-4 District for a non-conforming lot (Section 80.020-B). LOCATION: 1642 North Madison Avenue East (CD 1)

3. 23115—April M. McConnell
Variance to allow a driveway to be located in the City of Tulsa right-of-way (Section 90.090-A). LOCATION: 2410 West Admiral Boulevard North (CD 6)

4. 23116—Ryan Kuzmic
Special Exception to permit Moderate-Impact Medical Marijuana processing (Moderate-impact Manufacturing & Industry Use) in the IL District (Section 15.020, Table 15-2). LOCATION: 7438 East 46th Street South (CD 5)

5. 23117—Brett Davis
Variance of the dustless, all-weather parking surface requirements to allow a gravel driveway (Section 55.090-F). LOCATION: 6505 West Edison Street North-Osage County (CD 1)

6. 23118—Tyler Owsley
Special Exception to permit a carport in the street setback and street yard with a modification to allow a carport to extend more than 20-feet from the exterior building wall of the principal building (Section 90.090-C.1). LOCATION: 250 East 34th Street South (CD 9)

7. 23119—CNF Signs
Variance to allow a roof sign to be located on a building outside of the Downtown Entertainment District or the Route 66 Overlay (Sections 60.020 & 60.080-B.5). LOCATION: 1401 South Boulder Avenue West (CD 4)
8. **23120—Crown Neon Signs – Gary Haynes**
   Variance to permit a sign with dynamic display to be located within 20 feet on the
driving surface of South 78th East Avenue (Section 60.100-E). **LOCATION:** 7498
East Admiral Place South (CD 3)

9. **23121—Gaytan Blas**
   Variance to reduce the 10-foot side building setbacks from R Districts in an OL
District to permit a single-family home (Section 15.030, Table 15-3). **LOCATION:**
1508 North Main Street (CD 1)

10. **23122—Ted Larkin**
    Special Exception to allow an Accessory Dwelling Unit in an AG District (Section
45.031-D). **LOCATION:** 1650 North 71st West Avenue – Osage County (CD 1)

11. **23123—Tom Neal**
    Special Exception to increase the permitted driveway width in a Residential District
(Section 55.090-F.3). **LOCATION:** 6141 South Quebec Avenue East (CD 8)

12. **23124—Ted Sack**
    Special Exception to increase the permitted driveway width in a Residential District
(Section 55.090-F.3). **LOCATION:** 2726 East 47th Street South (CD 9)

13. **23126—John Droz**
    Variance of the minimum lot area, lot area per unit, and open space per unit for
townhouses in an RM-1 District (Section 5.030-A, Table 5-3); Variance of the 20-
foot rear setback in an RM-1 District; Variance of 25-foot street setback and 35-
foot arterial street setback (Section 5.030-A, Table 5-3); Variance to reduce the
number of required parking spaces for townhouses in an RM-1 District (Section
55.020, Table 55-1); Variance of the required parking stall dimensions (Section
55.090). **LOCATION:** 53 North Gillette Avenue East, 2350 East Admiral Court
North, 2351 East Admiral Place North, 52 North Lewis Avenue East (CD 3)
OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

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

CD = Council District

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

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

STR: 0225
CZM: 28
CD: 1

HEARING DATE: 05/11/2021 1:00 PM

APPLICANT: Raul Cisneros

ACTION REQUESTED: Variance of the required 5 foot side street setback in an RS-4 District for a non-conforming lot (Sec. 80.020-B)

LOCATION: 1642 N MADISON AV E

ZONED: RS-4

PRESENT USE: Vacant

TRACT SIZE: 2308.69 SQ FT

LEGAL DESCRIPTION: N 33' OF TH N 1/2 OF LT 1 BLK 3, ROOSEVELT ADDN

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the SW/c of E. Reading Street and N. Madison Ave.

STAFF COMMENTS: The applicant is requesting Variance of the required 5 foot side street setback in an RS-4 District for a non-conforming lot (Sec. 80.020-B)

REVISED 4/29/2021
Currently the Reading Street, right-of-way is platted at 30'. The applicant is seeking a setback line that would place the structure 26' 8" away from the center of E. Reading Street. The setback would be defined by the planned right-of-way which would call for 50' on Reading Street or 25' from the center. Per plan the proposed structure would be 1' 8" from the planned right-of-way. During the site visits staff became aware that the structure has been constructed without permits, staff has requested from the applicant an as built survey.

**STATEMENT OF HARDSHIP:** The lot is too small for the house we are proposing.

**SAMPLE MOTION:** Move to ________ (approve/deny) a **Variance** of the required 5 foot side street setback in an RS-4 District for a non-conforming lot (Sec. 80.020-B)

- Finding the hardship(s) to be ____________________________________________.
- Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.
- Subject to the following conditions ____________________________.
- **Suggested condition from staff:** Structure not to be any closer than 3' from the planned right-of-way along E. Reading Street.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:
a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

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

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

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

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

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

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”
Subject property, structure has been built without permits.

View from Reading
APPLICATION NO: ZN LOD 74078-2020 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Project Location: 1642 N Madison Ave E
Description: Detached House

INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

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

IMPORTANT INFORMATION

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

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

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

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

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

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

3rd Letter

1. **5.030-A : Setback(s) (Residential):** On existing non-conforming lots the minimum side street setback shall be 5 feet from the property line plus 25’ measured from the centerline of Reading street. The minimum ROW width from center of street for streets not shown on the major street and highway plan is 25’ per zoning code section 90.090-A.

   **Review Comments:** Revise your plans to indicate a 30’ side street setback from center of Reading street or apply to INCOG for a variance to allow less than a 30’ setback from center of Reading street.

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.
BOA-23114

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

Aerial Photo Date: February 2018
BOA-23114

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

Aerial Photo Date: February 2018
BOAR D OF ADJUSTMEN T  
CASE REPORT

Case Number: BOA-23115

HEARING DATE: 05/11/2021 1:00 PM

APPLICANT: April McConnell

ACTION REQUESTED: Variance to allow a driveway to be located in the City of Tulsa right-of-way (Sec. 90.090-A)

LOCATION: 2410 W ADMIRAL BV N  
ZONED: CS,IL

PRESENT USE: Industrial  
TRACT SIZE: 73313.3 SQ FT

LEGAL DESCRIPTION: LTS 8 - 12 BLK 4 & LTS 7 - 12 & LESS S3 LTS 11 & 12 & LESS A TRACT BEG SWC LT 10 TH N3. E22 CRV RT TO PT ON SL W50 POB BLK 5 & PRT 25TH WEST ARCHER & PRT ARCHER PL LYING ADJ LTS 8 -12 BLK 4 & LTS 7 - 12 BEG NEC LT 12 TH N80.37 NE331.40 N20.12 SW50.20, NEW IRVING PLACE SECOND ADDN

RELEVANT PREVIOUS ACTIONS:
Subject property:

Z-7559: On 07.22.20 the City Council Approved a re-zoning for a portion of the subject property from RS-3 to IL.

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

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity. Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

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

3.2

REVISED 5/3/2021
ANALYSIS OF SURROUNDING AREA: The subject tract is located at the immediately North of W. Admiral Boulevard East of Gilcrease museum road.

STAFF COMMENTS: The applicant is requesting a Variance to allow a driveway to be located in the City of Tulsa right-of-way (Sec. 90.090-A)

The applicant is seeking to permit driveway that will connect to an existing curb-cut unto Gilcrease Museum road. The driveway will cross Newblock park Trail. Should the Board approve the variance, a license agreement is required. It should be noted that the existing tracts currently have access from West Admiral Boulevard. The proposed driveway would intersect the trail after a steep elevation change on the property.

STATEMENT OF HARDSHIP: The driveway entry for the requested driveway was poured and approved in the early 90’s for the purpose of a driveway to access the property. We need the driveway to access the property. The incline on closed ROW if too steep nor was it ever maintained. The be able to use it. The other reason is we are unable to get mail or packages at 2410 W. Admiral Boulevard. And when one of my husbands’ clients use maps of his location it takes them to a different location. He has to drop a pin for his clients who are not familiar with the area.

SAMPLE MOTION: Move to ________ (approve/deny) a Variance to allow a driveway to be located in the City of Tulsa right-of-way (Sec. 90.090-A)

- Finding the hardship(s) to be _________________________________.
- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions _________________________________.
- Suggested Condition: Applicant is to recieve a license agreement and construction permit from the City of Tulsa and should design the driveway to City of Tulsa Engineering Standards.
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.”
Existing Curb-cut into the Gilcrease Museum Road right-of-way.

View from Admiral Boulevard looking North
LOD Number: 1
April McConnell
103 N 25 WA
Tulsa,

APPLICATION NO: ZCO-081677-2021
(Please reference this number when contacting our office)
Location: 2410 W Admiral Blvd
Description: Driveway

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

Sec.90.090-A: No part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan. If a variance of the prohibition against location of a structure within the right of way or planned right of way is granted by the Board of Adjustment, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan, unless a license has been granted by the city, in the case of the right-of-way, or a removal agreement has been entered into, in the case of the planned right-of-way.

Review comment: You are proposing a driveway that extends over your property line into a City of Tulsa right-of-way (ROW). The driveway is required to be on your property. A ROW license agreement is required to locate the driveway in the ROW. A variance approved by the BOA. Submit a site plan that provides the driveway on your property or a ROW license agreement and variance. Please contact Chris Kovac for assistance with the ROW license agreement. Phone: 918-596-9649. Please contact Austin Chapman for assistance with the variance. Phone 918-584-7526

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

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

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

A hard copy of this letter is available upon request by the applicant.
METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.
BOA-23115

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

Aerial Photo Date: February 2018
BOA-23115

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Aerial Photo Date: February 2018

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

STR: 9326
CZM: 48
CD: 5

HEARING DATE: 05/11/2021 1:00 PM

APPLICANT: Ryan Kuzmic

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

LOCATION: 7438 E 46 ST S

ZONED: IL

PRESENT USE: Medical Marijuana Grow

TRACT SIZE: 10001.42 SQ FT

LEGAL DESCRIPTION: LT 4 BLK 4, INDUSTRIAL EQUIPMENT CTR 2ND ADDN

RELEVANT PREVIOUS ACTIONS: None.

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

Employment areas contain office, warehousing, light manufacturing, and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity. Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located on the South side of E. 46th St. between 74th and 76th E. Avenues.

STAFF COMMENTS: The applicant is requesting Special Exception to permit Moderate-Impact Medical Marijuana processing (Moderate-impact Manufacturing & Industry Use) in the IL district. (Sec. 15.020, Table 15-2)
The zoning code describes Moderate-impact Marijuana Processing (Sec. 35.070-B.2) as the following:

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

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

**Section 40.225 Medical Marijuana Uses**

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

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

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

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

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

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

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

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

   2. An electronic security system and surveillance camera.

40.225-G Medical marijuana grower operations, processing facilities, dispensaries and research facilities must be conducted and maintained in compliance with the license issues by the Oklahoma State Department of Health and in compliance with Oklahoma law, including but not limited to all applicable statutes, rules and regulations.
SAMPLE MOTION: Move to ________ (approve/deny) a **Special Exception** to permit Moderate-Impact Medical Marijuana processing (Moderate-impact Manufacturing & Industry Use) in the IL district. (Sec. 15.020, Table 15-2)

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

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

March 30, 2021
Phone: 918.401.9142

APPLICATION NO: COO-084153-2021
(Please reference this number when contacting our office)

Location: 7438 E 46 ST
Description: Moderate-impact Medical Marijuana Processing

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, Planning Commission (TMAPC), and the Tulsa Planning Office at INCOG can be found online at tulsaPlanning.org; in person at 2 W. 2nd St., 8th floor, in Tulsa; or by calling 918-584-7526 and asking to speak to someone about this letter of deficiency.
4. A copy of a "record search" is not included with this letter. Please present the "record search" along with this letter to INCOG staff at time of applying for board of adjustment action at INCOG. Upon approval by the Board of Adjustment, INCOG staff will provide the approval documents to you for immediate submittal to our office. (See revisions submittal procedure above.).
REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT https://www.cityoftulsa-boa.org

COO-084153-2021 7438 E 46 ST March 30, 2021

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

Sec.15.020 Table 15-2: You are proposing an Industrial/Moderate-impact Medical Marijuana Processing Facility. This is in an IL zoning district. This will require a Special Exception approved by the Board of Adjustment.

Review comment: Submit a copy of the approved Special Exception as a revision to this application. Please contact Austin Chapman at 918-584-7526 or at achapman@incog.org for assistance with Special Exception.

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

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

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

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

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.
### TYCON II, LLC
TULSA, OKLAHOMA

#### DIRECTORY

**OWNER**
- TYCON II, LLC
- TULSA, OKLAHOMA

**DESIGNER**
- PINNACLE HOME DESIGN
- 1503 S. May Ave.
- OKLAHOMA CITY, OK 73107
- info@pinncalceased.com

**ARCHITECT**
- MEAD ARCHITECT
- 800 W. MAIN ST.
- TULSA, OK 74120

#### PRIMARY APPLICABLE CODES

- [Primary Applicable Codes]

#### PROJECT ADDRESS

- [Project Address]

#### LEGAL DESCRIPTION

- [Legal Description]

#### PROJECT DATA

- [Project Data]

#### GENERAL NOTES

- [General Notes]

#### INDEX OF DRAWINGS

- [Index of Drawings]
1 TOILETS PLAN

NOTES:
1. WALL DIMENSIONS ARE TO FACE OF STALL UNLESS NOTED OTHERWISE.
2. NOTES TO DRAWINGS ARE FOR SPECIFIED ACCESSORIES. INCLUDING TOILET, SIDE BARS, ACCESSORIES, LOCKS, HELM, EGRESS, WIND AND GLENS.

2 WOMEN NORTH
3 WOMEN EAST
4 WOMEN SOUTH
5 WOMEN WEST

LEGEND

8" DIA. DRAIN/PIPING SPACE
DRAWING SHEET NUMBER
DETAIL NUMBER
ELEVATION SCALE

TOILET ACCESSORIES

KEYNOTES

01. MOLDED PLASTIC STATIONARY LAVATORY REGULAR & LAVATORY REGULAR WITH STORAGE
02. ACCESSORIES AND TOILET ABLE

KEYNOTES

01. MOLDED PLASTIC STATIONARY LAVATORY REGULAR & LAVATORY REGULAR WITH STORAGE
02. ACCESSORIES AND TOILET ABLE

PINDACLE

KURT DIIESBAND
772 S. Vendome Ave.
Suite 903
562-243-2965
kdiiesband@pinnacleinc.com
www.pinnacleinc.com

TYCON R, L.L.C.

ELEVATION
2049

ADDRESS

TOILET PLAN & ROOM LOCATION

DATE: 2/7/07

A2.01
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HEARING DATE: 05/11/2021 1:00 PM

APPLICANT: Brett Davis

ACTION REQUESTED: Variance of the dustless, all-weather parking surface requirements to allow a gravel driveway (Section 55.090-F)

LOCATION: 6505 W. Edison St. ZONED: AG

PRESENT USE: Residential TRACT SIZE: 4.2413 acres

LEGAL DESCRIPTION: 31-20-12 BEG SE/C LOT 5-N 377.5' TO NE/C LOT 5-W 457.73'-S 390.10' TO S LN LOT 5-E 460' TO BEG City of Tulsa, Osage County County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: None.

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

The New Neighborhood designation is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity and shall be paired with an existing or new Neighborhood or Town Center.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located North of the intersection of W. Edison St. and N. 65th W. Ave.

STAFF COMMENTS: The applicant is requesting a Variance of the dustless, all-weather parking surface requirements to allow a gravel driveway (Section 55.090-F)
55.090-F Surfacing

1. All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of Section 55.090-F.4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.

The applicant states in their hardship that the road sits back 800' feet from the road, but their site plan indicates their home is roughly 200'-250' from the right-of-way. The Board may wish to require the applicant to pave the approach within the right-of-way and require a construction permit inside the right-of-way as a condition of their approval.

STATEMENT OF HARDSHIP: The home is 4 plus acres and sits back 800 feet from the road. Also, the neighborhood all have gravel.

SAMPLE MOTION: Move to _______ (approve/deny) a Variance of the dustless, all-weather parking surface requirements to allow a gravel driveway (Section 55.090-F)
- Finding the hardship(s) to be ____________________________.
- Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.
- Subject to the following conditions ________________________.
- **Suggested Condition:** Applicant must acquire a right-of-way permit from the City of Tulsa and driveway to be built in compliance with all other city specifications.

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

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

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

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

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

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

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

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

Neighbor across Edison does have a paved driveway.

5.4
APPLICATION NO: ZON LOD-061288-2020  (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Project Location: 6505 W Edison St N  
Description: Detached House  

### INFORMATION ABOUT SUBMITTING REVISIONS

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

**REVISIONS NEED TO INCLUDE THE FOLLOWING:**

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

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

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

### IMPORTANT INFORMATION

1. Submit two (2) sets [4 sets if Health Department review is required] of revised or additional plans. Revisions shall be identified with clouds and revision marks.

2. Pursuant to federal, state, and local declarations of emergency arising from the COVID-19 threat and as directed by the administration, our office is closed to the public until further notice. Paper submittals (including revisions and addendums) for any project is not accepted at this time. If submitting revisions for applications that previously utilized paper plans, email the revised plans to COTDEVSVCS@CITYOFTULSA.ORG or submit electronic plan revisions on the portal at HTTPS://TULSAOK.TYLERTECH.COM/ENERG Gov4934/selfservice. You will need to register on the portal if you have not previously done so.

3. Information about Zoning Code, Indian Nation Council of Government (INCOG), Board of Adjustment (BOA), and Tulsa Metropolitan Area Planning Commission (TMAPC) is available online at WWW.INCOG.ORG or at INCOG offices at 2 W. 2nd St., 8th Floor, Tulsa, OK, 74103, phone (918) 584-7526.

4. A copy of a “Record Search” 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

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

Application No. ZN LOD-0000-2020

Note: As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 684-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

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

Review Comments: Revise site plan to indicate a dustless all-weather parking surface will be used from the public street to the proposed drive and parking area 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 of the Tulsa zoning code.

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

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

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

END - ZONING CODE REVIEW

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.
Subject Tract BOA-23117

Aerial Photo Date: February 2018

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

STR: 9224
CZM: 46
CD: 9
HEARING DATE: 05/11/2021 1:00 PM

APPLICANT: Tyler Owsley

ACTION REQUESTED: Special Exception to permit a carport in the street setback and street yard with a modification to allow a carport to extend more than 20-feet from the exterior building wall of the principal building (Sec. Section 90.090-C.1)

LOCATION: 250 E 34 ST S
ZONED: RS-3
PRESENT USE: Residential
TRACT SIZE: 9239.11 SQ FT
LEGAL DESCRIPTION: E 66 LT 46 BLK 1, BURGESS ACRES ADDN

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located on the South side of 34th Street East of the Cincinnati Ave. intersection.

STAFF COMMENTS: The applicant is requesting Special Exception to permit a carport in the street setback and street yard with a modification to allow a carport to extend more than 20-feet from the exterior building wall of the principal building (Sec. 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 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.

The applicant is proposing a carport that will require a modification to allow the carport to project approximately 22' from the exterior building wall of the principal building.

SAMPLE MOTION:

Move to ________ (approve/deny) a Special Exception to permit a carport in the street setback and street yard with a modification to allow a carport to extend more than 20-feet from the exterior building wall of the principal building (Sec. Section 90.090-C.1)

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

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
APPLICATION NO: ZN LOD 82199-2021  (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Project Location: 250 E 34th St S  
Description: Carport

<table>
<thead>
<tr>
<th>INFORMATION ABOUT SUBMITTING REVISIONS</th>
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<tr>
<td>OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.</td>
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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.**

<table>
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<tr>
<td>1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.</td>
</tr>
<tr>
<td>2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN “SUPPORTING DOCUMENTS”, IF ORIGINALY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.</td>
</tr>
<tr>
<td>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 <a href="http://WWW.INCOG.ORG">WWW.INCOG.ORG</a> OR AT INCOG OFFICES AT 2 W. 2nd St., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.</td>
</tr>
</tbody>
</table>

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

(continued)
REVIEW COMMENTS

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

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.

Special exception approval required; see §90.090-C1.

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

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

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

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

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

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

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

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

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.
March 22, 2021

David A Butler, Sr. Architect LLC
17316 E. 120th St. N.
Collinsville, Ok. 74021

Development Services
Zoning Clearance Plan Review
Application No: ZN LOD 82199-2021
Attn: Jeff Taylor

Review Comments (Letter dated 3/11/2021)
a. The carport is detached from the house.
b. The area of the carport is 20' x 11' – 8” = 233 sq. ft.
c. The eave ht. has been revised to 8' and roof ht. to 13'.
d. The carport is 5' off the property line.
e. The carport structure is located with in 20' setback.
f. The carport is open on all sides.
g. The entire area under the carport is used to park a vehicle.

If you have any questions please contact the architect.

Thanks,

David Butler, Architect
Parcel#: 05975-92-24-02880
Address For Site Plan: 250 e. 34th Street
City, State, ZIP: Tulsa, OK 74105
Purpose of site plan: Building Permit
Scale: 1"=20'

Owners: MANNING, STEVE
Legal Info: E 66 LT 46 BLK 1
Zoning (Assessor): RS3
Land Use Cat: RESIDENTIAL
Chapman, Austin

To Whom It May Concern:

I’d like the following comments to be provided at the forthcoming BOA Hearing, to be held for Case BOA-23118, Applicant Tyler Owsley. Thank you in advance for your assistance!

It is my understanding that the above-mentioned application has been made for the special exception to permit a carport at 250 E 34th St. My name is Sofia Noshay, and I have lived on 34th Street since 2010, and across from the Subject Property for 3 years.

The owners of this home, Steve and Diane Manning are integral to the beauty and increasing value of our street. I have not met people who care more about the neighborhood, their neighbors, and nature. Steve can often be found outside - not only in his own yard - but tending to the yards of many of our neighbors, to lend a helping hand, plant flowers, dig weeds, and make connections to ensure we all receive impeccable lawn care offerings at wildly reasonable rates.

He has also put this level of dedication into the design of this carport. I recognize it is present such that a special exception is required, but I also know such processes are in place to ensure the continued beauty, safety, and use of the property. This carport will be all of those things and more. Tyler (applicant) does amazing work and I look forward to having this in eye's view of my office every day. I know it will be a wonderful addition to the neighborhood.

Sofia Noshay
253 E 34th St

--
Sofia Nagda Noshay
sofia.nagda@gmail.com
352.875.7039
Note: Graphic overlays may not precisely align with physical features on the ground.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9212
CZM: 36
CD: 4

HEARING DATE: 05/11/2021 1:00 PM

APPLICANT: CNF Signs

ACTION REQUESTED: Variance to allow a roof sign to be located on a building outside of the Downtown Entertainment District or the Route 66 Overlay (Section 60.020, 60.080-B.5)

LOCATION: 1401 S BOULDER AV W

ZONED: CH

PRESENT USE: Vacant

TRACT SIZE: 31049.7 SQ FT

LEGAL DESCRIPTION: LTS 15 THRU 17 & W8 VAC ALLEY ADJ ON E BLK 1, BAYNE ADDN

RELEVANT PREVIOUS ACTIONS:

Subject property: None.

Surrounding Properties:

BOA-20309; On 07.11.06 the Board approved a variance of the required setback for a sign in a CH district. Property located 1307 S. Boulder Ave. W.

BOA-19385; On 06.25.02 the approved a variance of the setback requirements for a monument sign. Property located NE/c of E. 15th St and S. Boulder Ave.

BOA-18499; On 06.25.02 the Board approved a variance of the setback requirement for a sign. Property located 1307 S. Boulder Ave.

BOA-18437; On 06.22.99 the Board approved a variance of the setback requirement for a sign.

BOA-13541; On 07.25.85 the Board denied a Special Exception to permit a Heliport in a CH district. Property located 1409 S. Main.

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

Downtown Neighborhoods are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed-use residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.
The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located at the SE/c of S. Boulder and W. 14th St.

**STAFF COMMENTS:** The applicant is requesting **Variance** to allow a roof sign to be located on a building outside of the Downtown Entertainment District or the Route 66 Overlay (Section 60.020, 60.080-B.5)

**Section 60.020 Prohibited Signs and Sign Characteristics**
The following signs and sign characteristics are prohibited except as otherwise expressly stated:

60.020-L Roof signs, except as expressly allowed by §60.080-B.5:

**Chapter 60 | Signs**

**Section 60.080 | Signs in Mixed-use, Commercial and Industrial Zoning Districts**

4. **Off-Premise Outdoor Advertising Signs**
Off-premise outdoor advertising signs are subject to the regulations of §60.080-F. Where allowed, off-premise outdoor advertising signs are counted against a lot’s allowed sign budget, pursuant to §60.080-C.

5. **Roof Signs**
a. Roof signs are prohibited in all mixed-use, commercial and industrial zoning districts, except that one roof sign is allowed per business address within the Downtown Entertainment District and the Route 66 Overlay, provided that:
   (1) The sign does not include any dynamic display; and
   (2) They do not extend more than 25 feet above the point where the sign is attached to the roof, measured in a vertical line from the horizontal plane of the lowest point where the sign is attached to the roof to the horizontal plane of the highest location on the sign’s structure.

**STATEMENT OF HARDSHIP:** Please see the attached comments provided by the applicant.
SAMPLE MOTION:

Move to ________ (approve/deny) a Variance to allow a roof sign to be located on a building outside of the Downtown Entertainment District or the Route 66 Overlay (Section 60.020, 60.080-B.5)

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

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

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

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

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

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

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

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

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”
Subject property
Jim Mautino represented Tower Heights Neighborhood Association. He expressed his support. He was opposed to chain link fences visible from Admiral. He suggested that it was not a good idea to construct a wood fence on the east side of the drainage ditch if there are existing screening fences on the residential property lines.

Teresa Buchert was recognized by the Chair. She stated that Mr. Mautino has a point about the fences and drainage ditch. It has been a continual problem because the ditch is not maintained. There are unwanted trees growing along the fence line.

Applicant’s Rebuttal:
Mr. Mitchell stated they proposed building the fence on the east side so as not to disturb the residential fences and leave access to the drainage ditch. He was confident that his client would maintain the fence and area well. He suggested a compromise for the sidewalk requirement that they construct sidewalk along Admiral and around the corner on 109th to the first curb cut.

Board Action:
On Motion of Stead, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Special Exception to permit Use Unit 15 (Other Trades and Services), Custom Canvas in a CS district (Section 701), subject to: the screening fence on the western boundary be that which is currently installed behind the residences, which are located to the west, and it would be the responsibility of the subject property owner to maintain the fencing; sidewalks to be installed along Admiral Place for the length of the property, turning the corner on the east to the first northernmost curb cut; no outside storage of raw materials or products; the six foot chain link fence to extend from the drainage ditch to the west to the shaded area for future expansion only and will not traverse the distance along Admiral Place, per plan except for the conditions regarding the fence, finding it will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

LT 1 BLK 1, WAGON WHEEL TRADE CENTER, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20309
Action Requested:
Variance of the required 40 ft. setback of a sign from the centerline of an abutting street (Section 1221.C.5), located: 1307 South Boulder Avenue West.
**Presentation:**
Bob Dale, 9520 East 55th Place, with Amax Sign Company, represented New Dominion. They proposed to put in a monument sign, but found the buildings are built right up to the 40 ft. setback. The hardship would be to comply with the zoning code criteria.

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

**Board Action:**
On Motion of Tidwell, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Variance of the required 40 ft. setback of a sign from the centerline of an abutting street (Section 1221.C.5), finding that 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:

ALL LTS 7 THRU 12 LESS BEG NWC LT 12 TH S10 NE12.24 W7 POB & W8 VAC ALLEY ADJ ON E BLK 5, HORNER ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

**********

**Case No. 20293**

**Action Requested:**
Reconsideration of a: Special Exception to permit a Bed and Breakfast (Use Unit 2) in an RS-3 district (Section 401); a Variance of the requirement that no required parking space may be accessed through another (Section 1301.F); and a Variance of the parking area dimensions for the width of a parking space from 8' 6" to 8' and for the width of a drive aisle from 24' to 13' (Section 1303.A), located: 1521 East 21st Street.

**Presentation:**
Steve Schuller represented the applicant, Mark Mobbs. He understood the Board was primarily concerned with the parking issues and egress. The parking configuration was changed to include a turn-around so they can drive forward out of the driveway. It has been tested and proven by the applicants. The City Zoning Plans Review has determined that all of the parking requirements have been met. He reminded the Board of the broad support of the neighborhood and City Councilor Maria Barnes (Exhibit G-1).
**Case No. 19385**

**Action Requested:**
Variance of setback from centerline of abutting streets to permit monument sign 35' from the centerlines of South Boulder Avenue and East 15th Street. SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs – Use Unit 11, located NE/c of E. 15th St. & S. Boulder Ave.

**Presentation:**
John Moody, 1920 S. Utica, stated he represented UMB Financial, a banking concern based in Kansas City, that has a branch facility in Tulsa. It will be a full-service facility on Boulder. They would like the sign on the southwest corner of their lot. He stated that he has read the staff comments and understands there will be a removal contract required for the existing sign on South Boulder. A site plan and sign plan (Exhibits l-1 and 2) were submitted.

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

**Board Action:**
On MOTION of Dunham, the Board voted 4-0-0 (White, Dunham, Turkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to APPROVE a Variance of setback from centerline of abutting streets to permit monument sign 35' from the centerlines of South Boulder Avenue and East 15th Street, subject to a removal contract on the S. Boulder sign, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

Lots 12, 13, and 14, Block 1, Bayne Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19386

**Action Requested:**
Special Exception to allow a minor repair and rehab of manufactured homes as they are placed on lot for sale. SECTION 702. ACCESSORY USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17, located 11742 E. Admiral Pl.

**Presentation:**
Steve Taylor, 306 S. 116th E. Ave., stated the application is regarding his business, Home Outlet of Tulsa. He purchased the property about six months ago. He proposed to do any needed minor interior repairs. He submitted a petition of 71 signatures in support of the application (Exhibit E-1) from the neighboring residents. He let them know he was open to questions and discussion.
Case No. 18488 (continued)

Comments and Questions:
Mr. Beach informed the Board that he is in receipt of a letter from the applicant indicating that he would be out of town and requested a continuance. The request was timely and new notice has been sent out for October 12, 1999.

Board Action:
On MOTION of DUNHAM, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; no "absent") to CONTINUE Case No. 18488 to the meeting of October 12, 1999.

Action Requested:
Variance of the required setback from 40' to 30' to allow a structure in the planned right-of-way. SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS - Use Unit 11, located 1307 South Boulder Avenue.

Presentation:
The applicant, Richard Craig, submitted a site plan (Exhibit B-1) and mentioned that his client received a variance a few months ago for a setback of 32' for a small sign that identifies their building on 13th and Boulder. Mr. Craig stated that the sign has been installed at the 32' site and there is not enough visibility. His clients are asking to move the sign to a 30' setback for more visibility.

Comments and Questions:
Ms. Turnbo asked Mr. Craig if he would agree to a removal contract with the City and Mr. Craig agreed to that condition of approval.

Board Action:
On MOTION of DUNHAM, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; no "absent") to APPROVE Variance of the required setback from 40' to 30' to allow a structure in the planned right-of-way, finding that the hardship meets the requirements of Section 1607.C. SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS - Use Unit 11, subject to a removal contract, on the following described property:

Lots 7, 8, 9, 10, 11, and 12, less that part of Lot 12, beginning at the NW/c, thence S 10', thence NE 12.24', thence W 7' to the point of beginning, all in Block 5, Horner Addition Amended to the City of Tulsa, Tulsa County, State of Oklahoma.
Case No. 18436

Action Requested:
Variance of maximum allowable floor area for a detached accessory building from 983 SF (40% of principle dwelling) to 1,364 SF. SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions, located 1940 West 82nd Street South.

Presentation:
The applicant, Kimberley M. Hendrix, 1940 West 82nd Street South, submitted a site plan (Exhibit E-1) and stated that they currently have an RV garage that has about 600 square feet. They would like to construct a three car garage as a hobby garage. The building is typical for the area. Their lot is over an acre in size and can adequately handle a detached building of this size.

Interested Parties:
None.

Comments and Questions:
Mr. Dunham asked the applicant if there would be any commercial activity taking place within the building? Ms. Hendrix replied no, they build street rods for fun, as a hobby.

Board Action:
On MOTION of COOPER, the Board voted 3-0-0 (Cooper, Dunham, Perkins, "aye"; no "nays", no "abstentions"; Turnbo, White "absent") to APPROVE Variance of maximum allowable floor area for a detached accessory building from 983 SF (40% of principle dwelling) to 1,364 SF. SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions, subject to there being no commercial activities on the property; finding the hardship to be the size of the lot; on the following described property:

W 165.23' of N 260.2' of Lot 13, Ross Homesite Subdivision, Tulsa County, State of Oklahoma

**********

Case No. 18437

Action Requested:
Variance of the 40' setback requirement for a sign down to 32' to allow a structure in the planned right-of-way. SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS – Use Unit 11, located 1307 South Boulder Avenue.
Case No. 18437 (continued)

**Presentation:**
The applicant, Richard H. Craig, submitted a site plan (Exhibit F-1), a sign plan (Exhibit F-2) and stated that to place a small 2' x 5' sign on the property.

**Comments and Questions:**
Mr. Dunham asked the applicant if he had any problem with a removal contract and he replied that he did not.

**Board Action:**
On MOTION of PERKINS, the Board voted 3-0-0 (Cooper, Dunham, Perkins, "aye"; no "nays", no "abstentions"; Turbco, White "absent") to APPROVE Variance of the 40' setback requirement for a sign down to 32' to allow a structure in the planned right-of-way. SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS – Use Unit 11, subject to a removal contract; finding the hardship to be the 60' right-of-way; on the following described property:

Lots 7, 8, 9, 10, 11 and 12, less the part of Lot 12, beginning at the NW/c, thence S 10', thence NE 12.24', thence W 7' to the point of beginning, all in Block 5, Horner Addition Amended, to the City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18438

**Action Requested:**
Variance to allow gravel parking. SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS – Use Unit 11; a Variance to waive the landscape requirements. SECTION 1002. LANDSCAPE REQUIREMENTS; a Variance to waive the screening requirement from an R District to the north. SECTION 1220.C. USE UNIT 20. COMMERCIAL RECREATION: INTENSIVE; a Variance of the setback from the centerline of 95<sup>th</sup> E. Ave. from 50' to 0'. SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS, located 9502 East Mohawk Boulevard.

**Presentation:**
The applicant, George M. Brower, 9502 East Mohawk Boulevard, submitted a site plan (Exhibit G-1) and stated that the purchase of this property was for the intent to operate a motorcross (Motorcycle) track. The Tulsa area currently does not have a motorcross racetrack. Mr. Brower mentioned to the Board that he is not sure if Tulsa can support a track like this and at this time would like to be allowed to put in gravel parking. If the track is not profitable for him, he will not have a lot of money tied up in paving. Mr. Brower submitted photos of the property (Exhibit G-2) showing all the existing trees and landscaping. It is their intent to keep all of the trees and keep the
CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 444
Thursday, July 25, 1985, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT
Bradley
Chappelle, Chairman
Clugston
White
Wilson

MEMBERS ABSENT

STAFF PRESENT
Gardner
Jones
Moore

OTHERS PRESENT
Jackere, Legal Department
Jones, Department
Moore, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, July 23, 1985, at 11:21 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Chappelle called the meeting to order at 1:00 p.m.

MINUTES:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 4-0-1 (Bradley, Chappelle, Clugston, White, "aye"; no "nays"; Wilson, "abstaining"; none "absent") to APPROVE the Minutes for June 27 and July 11, 1985.

UNFINISHED BUSINESS

Case No. 13541

Action Requested:
Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1202/11 - Request an exception to permit a heliport in a CH zoned district, located at 1409 South Main.

Presentation:
The applicant, Tulsa Security Patrol, was represented by Larry Gass, 1409 South Main, Tulsa, Oklahoma. Mr. Gass asked if any of the Board members have flown in a helicopter and Mr. Clugston and Ms. White informed that they had been up in a helicopter. Mr. Gass stated that he believes that there has been some conspiracy in this case and that he has not been supplied with records from the last hearing. At this point Mr. Chappelle asked Mr. Gass to present the new and different information that he informed the Board he could supply if granted a rehearing. Mr. Gass read a letter (Exhibit AA-1) from the FAA dated May 7, 1985 which stated that they had completed an air space utilization study on the subject heliport and did not object to its development. He informed that there is only one protestant out of the 33 surrounding property owners and that he protests every community issue. Mr. Gass pointed out that the
Case No. 13541 (continued)

Vice-Mayor (Dianne Noe) stated that the heliport is located 102' from the protestant's home. He informed that the distance from the residence to the heliport is approximately 187'. Photographs of the heliport were submitted (Exhibit AA-2).

Comments and Questions:

Mr. Clugston asked Mr. Gass to clarify his use of the title, Vice-Mayor, and Mr. Gass informed that he considers Ms. Noe to be the Vice-Mayor.

Ms. Bradley noted that the FAA has no jurisdiction over the safety on the ground and the noise factor. Mr. Gass informed that the site has been inspected and approved by the Fire Marshall's office.

Mr. Jackere pointed out that the basis for the rehearing was the difference in the comments made to Mr. Gass and to Ms. Noe by Mr. Powers of the Tulsa Airport Authority. Mr. Gass stated that Mr. Powers informed Ms. Noe by a letter that the heliport would probably not be approved, although its operation had already been approved by the FAA.

Protestants:

Mr. Thomas Hopson, 1424 South Baltimore, Tulsa, Oklahoma, pointed out that the noise and odor of the helicopter is very offensive. He stated that he spends a great deal of time in his back yard which extends out to the alley and is very close to the heliport. Mr. Hopson informed that there have been occasions when 2 helicopters have been on the roof at the same time. He noted that the engines and the sirens that are activated occasionally, disturb his rest and intrude upon the tranquility of his home.

Interested Parties:

Attorney Tony Miller represented the Airports Council and stated that the emphasis should be on the safety of the citizens. Mr. Miller informed that the city is protected by zoning and that the Board of Adjustment should review the character of the neighborhood and reject or accept proposals. Mr. Miller pointed out that the letter read by Mr. Gass from FAA, stated in the second paragraph that the determination is not to be construed as approval, but determines the safe and efficient utilization of the navigable air space.

James Kriss, Airport Engineer, 5627 South 84th Street, Tulsa, Oklahoma, stated that 500' is needed for departure and landing of a helicopter.

Mr. Clugston asked Mr. Kriss if there is 500' clearance for all of the heliports in the city, and if the main concern is safety.

Mr. Kriss stated that the main objection is safety on the ground and not the air space, but all heliports do not have 500' clearance.
Case No. 13541 (continued)
Ms. Noe informed that the concern of Code Enforcement is the noise and odor of the helicopter and the height of the building. She stated that the approval of the application could set a precedent for 1 story heliports.

Applicant's Rebuttal:
Mr. Gass stated that the subject heliport is safe, the air space is safe and the operation is safe. He informed that the heliport is utilized only 40 times each month. Mr. Gass stated that the heliport at Hillcrest Hospital is near ICU, therefore, could not generate an excessive amount of noise.

Additional Comments:
Mr. Clugston asked Mr. Gardner how long the subject property has been zoned CH. Mr. Gardner replied that the property has been CH since at least 1957 and maybe longer.

Board Action:
On MOTION of WILSON and SECOND by WHITE, the Board voted 4-1-0 (Bradley, Chappelle, White, Wilson, "aye"; Clugston, "nay"; no "abstentions"; none "absent") to DENY a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1202/11) to permit a heliport in a CH zoned district; finding that the granting of the special exception request violates the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 7, Block 1, Bayne Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13580

Action Requested:
Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1225 - Request a variance of the 50' setback from the centerline of Rockford to 30' to permit construction of a building in an IM zoned district, located on the SE/c of Rockford and 4th Place.

Presentation:
The applicant was not present.

Comments and Questions:
Mr. Jones stated that the case was originally heard on May 16, 1985 and was approved. At the time of application the wrong subdivision name was supplied; therefore, a new application was made and the addition changed to Midway Addition.

Board Action:
On MOTION of BRADLEY and SECOND by WILSON, the Board voted 4-0-1 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; Clugston, "abstaining"; none "absent") to APPROVE a Variance (Section 930 - 07.25.85:444(3)
The building at 1401 S Boulder Ave., is seeking a variance to receive a roof sign. Due to the topographical location and the over towering height of surrounding buildings, the additional sign height offered by the roof sign is needed. This location serves as Oklahoma Title Partners regional headquarters, and visibility will aid to navigate visitors and our out of town employees to the location.

It is also the intention of Oklahoma Title Partners to have a sign that adds a retro, and artistic feature to the Tulsa skyline. Utilizing construction methods of other iconic signs in the Tulsa area (Mayo, Yokozuna, etc.,) we hope to create a signage feature in an area of town that lacks such visual impact.

We would also like to point out that, although the sign is mounted on the roof, it is not higher than the tallest part of the building.

Thank you,

Pete Webb

Claude Neon Federal Signs

Cell: 918-277-5719

Office: 918-587-7171
SIGN PLAN REVIEW

April 6, 2021

Phone: (918)-587-7171

APPLICATION NO: SIGN-085891-2021 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 1401 S. Boulder Ave.
Description: Roof sign

INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

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

IMPORTANT INFORMATION

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

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

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

(Continued)
REVIEW COMMENTS

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

Application No. SIGN-085891-2021 1401 S. Boulder Ave. April 6, 2021

This letter of deficiencies covers Sign Plan Review items only.

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

1. Section 60.020 Prohibited Signs and Sign Characteristics

60.020-L Roof signs, except as expressly allowed by §60.080-B5.

Review Comments: Roof signs are prohibited in the City of Tulsa except in the Downtown Entertainment District and in the Route 66 Overlay. You may pursue a variance from the Board of Adjustment (BOA) to permit a roof sign at this location.

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.
7" OPEN FACE CHANNEL LETTERS, ROUTED FROM .125 ALUMINUM WITH 3" DEEP RETURNS FROM .063. TRIPLE STROKE NEON IN BLUE AND WHITE. SIGN MOUNTED TO ROOF WITH STEEL VERTICAL SUPPORTS FROM 3" STEEL TUBING. 1/2" STEEL PLATES WITH MATCHING PLATES BELOW DECK SURFACE WILL BE REQUIRED FOR ATTACHMENT. ROOF MAY NEED TO BE RESEALED AROUND THESE STRUCTURES AFTER INSTALLATION (BY OTHERS). LETTERS ARE MOUNTED TO EXTRUDED ALUMINUM RACEWAYS THAT HOUSE WIRING AND TRANSFORMERS FOR THE NEON LIGHTING.
A section drawing is shown.

- The drawing notes include:
  - 1/2" thick steel plate
  - 3/8" x 5" hilti anchors into precast concrete roof 4 per plate
  - 2'-2 1/2" centers
  - 1'-8" height

The dimensions of some parts are unknown and need to be determined on site.

- Project information:
  - Project/Client Name: Client Name
  - Location: Tulsa, OK
  - Architect: Joe Kesterson
  - Date Original DWG: Feb 26, 2021

- Drawing details:
  - Title: Channel Letter ID Sign
  - Revision History: V 1.0
  - Sheet number: ST-1.3
Untitled Map
Write a description for your map.

Legend
1 1401 S Boulder Ave

From Boston
over Hwy. 75

Building
Write a description for your map.
Untitled Map
Write a description for your map.

Legend

1. 1401 S Boulder Ave

Building

3. From Baltimore
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9302
CZM: 38
CD: 3

HEARING DATE: 05/11/2021 1:00 PM

APPLICANT: Gary Haynes

ACTION REQUESTED: Variance to permit a sign with dynamic display to be located within 20-feet on the driving surface of S. 78th E. Ave. (Sec. 60.100-E)

LOCATION: 7498 E ADMIRAL PL S
ZONED: CH

PRESENT USE: Dispensary
TRACT SIZE: 28139.13 SQ FT

LEGAL DESCRIPTION: PRT LTS 1 & 2 BEG NEC LT 1 TH W112 S250.32 SE2.61 E109.56 N251.25 POB BLK 2, TOMMY-LEE ADDN

RELEVANT PREVIOUS ACTIONS: None.

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

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 at the SW/c of S. 78th E. Ave. and E. Admiral Pl.

STAFF COMMENTS: Variance to permit a sign with dynamic display to be located within 20-feet on the driving surface of S. 78th E. Ave. (Sec. 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.

The hardship statement provided by the applicant references a financial hardship, staff is unaware of any physical conditions that would prevent movement of the sign. Denial of this variance would not affect the ability of the property owner to have a business sign but would only prevent the addition of a dynamic display to the existing sign.

**STATEMENT OF HARDSHIP:** This is an existing pylon sign, moving this sign back would cost thousands of dollars for just a couple of feet.

**SAMPLE MOTION:** Move to ________ (approve/deny) a **Variance** to permit a sign with dynamic display to be located within 20-feet on the driving surface of S. 78th E. Ave. (Sec. 60.100-E)

- 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."
SIGN PLAN REVIEW

March 31, 2021

Phone: 918-872-8425

APPLICATION NO: SIGN-085260-2021 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 7498 E. Admiral Pl. N.
Description: Dynamic display freestanding sign

INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

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

IMPORTANT INFORMATION

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

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

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

(Continued)
REVIEW COMMENTS

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

Application No. SIGN-085260-2021 7498 E. Admiral Pl. N. March 31, 2021

This letter of deficiencies covers Sign Plan Review items only.

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

1. Section 60.100-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.

Review Comments: No distance is shown from the sign to the curb for either E. Admiral Pl. or S. 78th E. Ave. The proposed dynamic display sign may be within 20 feet of the driving surface (curb) of S. 78th E. Ave. You may change the sign type to non-dynamic display, modify the site plan or sign location to show that the proposed sign is not within 20 feet of the curb of either street, or you may seek a variance from the Board of Adjustment to permit a sign with a dynamic display to be closer than 20 feet of the driving surface of a street.

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

END - ZONING CLEARANCE AND SIGN CODE REVIEW

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A CITY OF TULSA SIGN PERMIT.
A/ 3-COLOR DISPLAY
SCALE 1" : 34.5"

EXISTING CONDITIONS

• Move top cabinet up by ~11" and bottom cabinet down by ~15"
• Install LED display in between
• 3-Color LED display: 119" x 36"

Make 36" gap for LED board

This is an original unpublished drawing created by Crown Neon. It is submitted for your own personal use in conjunction with the project being planned for you. It is not to be shown to anyone outside your organization, nor is it to be used, reproduced, copied or exhibited in any fashion without the express written consent of Crown Neon.

CROWN NEON SIGNS
WWW.CROWNNEONSIGNS.COM | PH: 918-872-8425 | INFO@CROWNNEONSIGNS.COM | 10101 E. 46TH PL TULSA, OK 74146
19' From Cash to Sign on 78th
60' From Middle of Adirondack
605' To Next Display (not working properly)
BOA-23120

Subject Tract

19-13 02

Aerial Photo Date: February 2018

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

STR: 0226  
CZM: 28  
CD: 1

HEARING DATE: 05/11/2021 1:00 PM

APPLICANT:  Gaytan Blas

ACTION REQUESTED: Variance to reduce the 10-foot side building setbacks from R districts in an OL district to permit a single-family home (Sec. 15.030, Table 15-3)

LOCATION:  1508 N MAIN ST W  
ZONED:  OL

PRESENT USE:  Vacant  
TRACT SIZE:  6952.2 SQ FT

LEGAL DESCRIPTION:  LT 11 BLK 2, ENGLEWOOD ADDN

RELEVANT PREVIOUS ACTIONS:  None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located North of the NW/c of W. Pine Street and N. Main Street.

STAFF COMMENTS: The applicant is requesting a Variance to reduce the 10-foot side building setbacks from R districts in an OL district to permit a single-family home (Sec. 15.030, Table 15-3)
The applicant is seeking to reduce his setback requirement from 10' to 5' 3" from R districts. A 5' side setback is consistent with the RS-3 zoning of the northern abutting property.

**STATEMENT OF HARDSHIP:** The applicant is building a single-family home abutting other single-family homes.

**SAMPLE MOTION:** Move to _______ (approve/deny) a Variance to reduce the 10-foot side building setbacks from R districts in an OL district to permit a single-family home (Sec. 15.030, Table 15-3)

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

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

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

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

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

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

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

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

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

March 26, 2021
Phone: 918-633-8668

APPLICATION NO: BLDR-082643-2021

LOD Number: 1
Gaytan Blass
16001 S. Columbia
Bixby, OK 74008

** INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

** IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC.
   SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. IF SUBMITTING REVISIONS FOR APPLICATIONS THAT PREVIOUSLY UTILIZED PAPER PLANS,
   EMAIL THE REVISED PLANS TO COTDEVSVC@CITYOFTULSA.ORG OR SUBMIT ELECTRONIC
   PLAN REVISIONS ON THE PORTAL AT HTTPS://TULSAOK.TYLERTECH.COM/ENERGOV4934/SELFSERVICE.
   YOU WILL NEED TO REGISTER ON THE PORTAL IF YOU HAVE NOT PREVIOUSLY DONE SO.**
3. INFORMATION ABOUT THE ZONING CODE, BOARD OF ADJUSTMENT (BOA), PLANNING
   COMMISSION (TMPC), AND THE TULSA PLANNING OFFICE AT INCOG CAN BE FOUND
   ONLINE AT WWW.TULSAPLANNING.ORG; IN PERSON AT 2 W. 2ND ST., 8TH FLOOR, IN TULSA;
   OR BY CALLING 918-584-7626 AND ASKING TO SPEAK TO SOMEONE ABOUT THIS LETTER OF
   DEFICIENCY.
REVIEW COMMENTS

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

BLDR-082643-2021  1008 N. Main St.  March 25, 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,
plating, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions
regarding (BOA) or (TMAPC) application forms and fees to a representative at the Tulsa Planning Office 918-684-
7526 or esubmit@incog.org. It is your responsibility to submit to our offices documentation of any appeal
decisions by an authorized decision making body affecting the status of your application so we may continue to
process your application. INCOG does not act as your legal or responsible agent in submitting documents to the
City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided
in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address
the noncompliance and submit the selected compliance option for review. Staff review makes neither
representation nor recommendation as to any optimal method of code solution for the project.

1. Sec.90.090-A1a: Required setbacks are measured from the applicable lot line. Building setbacks are
measured to the nearest exterior building wall. Minimum setbacks that apply to other features
(parking areas, fences, storage areas) are measured from the nearest point of the area or feature for
which a setback is required.

REVIEW COMMENTS: Detached houses are designated a Residential/Household Living/Single
Household/Detached House Use. The proposed use is located in an OL district. The street setback for
the building is measured from N. Main Street and is 10' from the property line. The side setback, to the
north, is required to be 10', as it abuts an R district. The rear setback is also 10' as it abuts an R district.
Revise your plans to show the required setbacks or seek a variance(s) from the Board of Adjustment.

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

HEARING DATE: 05/11/2021 1:00 PM

APPLICANT: Ted Larkin

ACTION REQUESTED: Special Exception to allow an Accessory Dwelling Unit in an AG district (Sec.45.031-D)

LOCATION: 1650 N. 71st W. Ave.

PRESENT USE: Residential

LEGAL DESCRIPTION: 30-20-12 BEG AT NW/C GOVT LOT 3(NW SW)-S 1158.10'-S 45 42 26 E 160.79''-S 13 31 35 E 430.86'-S 50 35 10 E 80.39'-N 81 06 34 E 206.31'-N 84 29 08 E 200.89'-N 330.58'-W 332.18'-N 263.43'-N 87 10 30 E 326.74'-N 09 00 40 W 27.91'-N 150'-N 150'-N 413'-N 88 56 24 E 171.62'-N 339.96' TO N LN OF SAID LOT 3-W 846.14" TO POB

RELEVANT PREVIOUS ACTIONS: None.

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

The New Neighborhood designation is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single- family homes on a range of lot sizes but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity and shall be paired with an existing or new Neighborhood or Town Center.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located West of the dead of North 71st W. Ave. North of West Newton Street.

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

A copy of Sec. 45.031 is included in your packet.
SAMPLE MOTION: Move to ______ (approve/deny) a Special Exception to allow an Accessory Dwelling Unit in an AG district (Sec.45.031-D)

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):
  
  The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Subject property
Existing Residence (Photos provided by applicant)

Existing Residence (Photos provided by applicant)
Existing Residence (Photos provided by applicant)

Existing Residence (Photos provided by applicant)
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
Chapter 45 | Accessory Uses and Structures
0 | Section 45.031
ADU, Accessory Dwelling Units in R, AG, and AG-R Districts

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

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

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

[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 45.050 | Dumpsters

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;
Permit Number: BLDR-077722-2020

Review Type:
  Building Review (Residential)

Status:
  Requires Re-submit

Version:
  2

Received Date:
  02/19/2021

Due Date:
  03/05/2021

Completed Date:
  03/02/2021

Review Items

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Results per page: 10 of 3

Comments
Revision

Recommendations

Sort
Number

No records to display.

Corrections

Sort
Correction Order

Correction Order:
1
Type:
General
Resolved:
No

Resolved On:

Comments

Site plan: Your application did not include a complete site plan. The zoning clearance review for your permit application will resume after a complete site plan is submitted. Please note that additional deficiencies may be found and will need to be resolved prior to approval of your application. The site plan must show:
- Boundaries and dimensions of property and names of bordering streets. All property lines must be shown;
- Location, dimensions and identification of existing and proposed buildings, structures and driveway.
- Distances from all property lines to the proposed building or structures, and the distance from the proposed work to the centerline of the street;
- Identify any easements and public rights of way;
- Include all architectural projections; i.e. stairs, porches, balconies, fireplaces, etc.;

Corrective Action

A complete site plan was not submitted indicating the distances from the proposed structure to the property lines. Revise and resubmit your site plan containing the information listed and resubmit the changes as a revision.

Correction Order:

2

Type:

General

Resolved:

No

Resolved On:

Comments

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

Corrective Action

Review Comments: One dwelling unit will be the primary and the other will be an ADU. Apply to INCOG for a special exception to allow an Accessory Dwelling Unit in an AG zoned area.
EXHIBIT OF LEGAL DESCRIPTION

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN LOTS 3 AND 4 OF SECTION THIRTY (30), TOWNSHIP TWENTY (20) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, OSAGE COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 3, Thence S 00° 56' 13" E, along the west line of the southwest quarter of said section thirty (30), a distance of 169.19 feet; thence S 45° 42' 28" E, a distance of 196.79 feet; thence S 50° 19' 10" E, a distance of 205.31 feet, to a FOUND 3/8 BAR; thence N 89° 25' 08" E, a distance of 200.99 feet, to a FOUND 3/8 BAR; thence N 00° 57' 02" W, a distance of 332.18 feet, to a FOUND 3/8 BAR; thence N 00° 56' 13" W, a distance of 263.43 feet, to a FOUND 3/8 BAR; thence N 00° 56' 13" E, a distance of 332.74 feet, to a FOUND 3/8 BAR; thence N 00° 56' 13" W, a distance of 27.91 feet, to a FOUND 3/8 BAR; thence N 00° 56' 13" E, a distance of 350.58 feet, to a FOUND 3/8 BAR; thence N 00° 56' 13" W, a distance of 1158.10 feet, to a FOUND 3/8 BAR; thence N 00° 56' 13" E, a distance of 150.00 feet, to a FOUND 3/8 BAR; thence N 00° 56' 13" W, a distance of 318.00 feet, to a FOUND 3/8 BAR; thence N 00° 56' 13" E, a distance of 330.58 feet, to a POINT on the north line of said lot 4, thence S 00° 56' 13" W, along the north line of said lot 3, a distance of 846.14 feet, to the point of beginning.

SAID TRACT CONTAINS 1.050.560.369 SQUARE FEET / 24.118 ACRES, MORE OR LESS.

LEGAL DESCRIPTION AUTHORED BY:

BY
ALAN C. HALL
PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1263

LEGEND
BCF BRASS CAP MONUMENT FOUND
FMQ FOUND
IPF #1 IRON BAR FOUND
HRI #1 IRON BAR SET

NOTES
ABSTRACT OF TITLE OR ATTORNEY'S TITLE OPINION NOT AVAILABLE TO SURVEYOR AT DATE OF SURVEY. THIS FIRM WAS NOT CONTRACTED TO RESEARCH EASEMENTS OR ENCUMBRANCES OF RECORD.

NO ATTEMPT TO RESEARCH THE COUNTY RECORDS OR OTHER RECORD OFFICES WAS PERFORMED BY THIS FIRM, THEREFORE EASEMENTS MAY AFFECT THE SUBJECT TRACT THAT ARE NOT REFLECTED BY THIS PLAT.

ALL UNDERGROUND UTILITIES MAY NOT BE SHOWN.

SCALE: 1" = 200'

T 20 N
R 12 E

HRAOK, INC.
PART OF LOTS 3 & 4
SECTION 30, T 20 N, R 12 E
OSAGE COUNTY, OKLAHOMA
BOA-23122

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

Aerial Photo Date: February 2018

0 250 500 Feet

SUBJECT TRACT

Subject Tract

WINESON ST

N70W AVE

N70W AVE

N70W AVE
BOARD OF ADJUSTMENT
CASE REPORT

STR: 8304
CZM: 52
CD: 8

HEARING DATE: 05/11/2021 1:00 PM

APPLICANT: Tom Neal

ACTION REQUESTED: Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3)

LOCATION: 6141 S QUEBECK AV E

PRESENT USE: Residential

ZONED: RS-2

TRACT SIZE: 16091.13 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 7, LIVINGSTON PARK SOUTH RESUB PRT LIVINGSTON PARK B1

RELEVANT PREVIOUS ACTIONS:

Subject property: None.

Surrounding properties:

BOA-23102; On 4.13.21 the Board approved a Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3), property located 4112 E. 62nd 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 a corner lot located at the SW/c of S. Quebec and Richmond Avenues.
STAFF COMMENTS: The applicant is requesting a Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3)

3. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed 50% of the lot frontage or the following maximum widths, whichever is less, unless a greater width is approved in accordance with the special exception procedures of Section 70.120, or, if in a PUD, in accordance with the amendment procedures of Section 32.010-1.2. (Refer to the City of Tulsa Standard Specifications and Details for Residential Driveways #701-704).

<table>
<thead>
<tr>
<th>Maximum Driveway Width</th>
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<tbody>
<tr>
<td>Lot Frontage</td>
</tr>
<tr>
<td>75’+</td>
</tr>
<tr>
<td>60’ - 74’</td>
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<tr>
<td>46’ - 59’</td>
</tr>
<tr>
<td>30’ - 45’</td>
</tr>
<tr>
<td>Less than 30’</td>
</tr>
<tr>
<td>[1] Maximum width applies to the composite of all driveways if multiple curb cuts are provided.</td>
</tr>
<tr>
<td>[2] Provided that for lot frontages less than 24 feet, a driveway up to 12 feet in width is permitted.</td>
</tr>
</tbody>
</table>

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

Chapter 55 | Parking
Section 55.090 | Parking Area Design

SAMPLE MOTION:

Move to ________ (approve/deny) a Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3)

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

  ____________________________________________________________

- **Suggested Condition:** Applicant must acquire a right-of-way permit from the City of Tulsa and driveway to be built in compliance with all other city specifications.

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.
Existing Driveways on East side of property

Location of proposed driveway on North side of property
ZONING CLEARANCE PLAN REVIEW

APPLICATION NO: ZCO-085145-2021

Location: 6141 S. Quebec
Description: Driveway widening

INFORMATION ABOUT SUBMITTING REVISIONS

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

Revisions need to include the following:

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

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

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

IMPORTANT INFORMATION

1. If a design professional is involved, his/her letters, sketches, drawings, etc. shall bear his/her Oklahoma seal with signature and date.
2. If submitting revisions for applications that previously utilized paper plans, email the revised plans to cotdevsvcs@cityoftulsa.org or submit electronic plan revisions on the portal at HTTPS://TULSAOK.TYLERTECH.COM/ENERGOV4934/SEFFSERVICE. You will need to register on the portal if you have not previously done so.
3. Information about the zoning code, Board of Adjustment (BOA), Planning Commission (TMAPC), and the Tulsa Planning Office at INCOG can be found online at WWW.TULSAPLANNING.ORG; in person at 2 W. 2nd St., 8th Floor, in Tulsa; or by calling 918-584-7526 and asking to speak to someone about this letter of deficiency.
REVIEW COMMENTS

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

ZCO-085145-2021 6141 S. Quebec Ave. April 5, 2021

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

55.090-F Surfacing. Based on your lot width of 150 feet, you are allowed a combined driveway width of up to
27' in width in the ROW and 30' in width within the street setback.

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

<table>
<thead>
<tr>
<th>Maximum Driveway Width</th>
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<tbody>
<tr>
<td>Lot Frontage</td>
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<td>75'</td>
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<td>60 - 74'</td>
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<tr>
<td>30 - 45'</td>
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<tr>
<td>Less than 30'</td>
</tr>
</tbody>
</table>

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.
SITE DRAINAGE PLAN 1" = 40' NORTH

TOTAL ELEVATION: 75' + BUT EXISTING

EXIST DRIVE = 28°, NEW DRIVE TO ADD 26° - 30°
NEW WIDTH.

NOTE: NORTH LEG OF NEW DRIVE MAT BEG. RETAINING WALL.

TOTAL HEIGHT OF 48" PLUS (INCLUDING BELOW GRAVEL - 16" H I N ) REQ.

DESIGN + STAMP BY LIC. ENGIN.

HANG IN DRIVEWAY
6141 50 QUEBEC
TULSA, OKLA 4-17-2021

TOM NEAL
DESIGN
Associate member, American Institute of Architects
918-302-9277
BOA-23123

Subject Tract

18-13 04

Aerial Photo Date: February 2018

Note: Graphic overlays may not precisely align with physical features on the ground.
HEARING DATE: 05/11/2021 1:00 PM

APPLICANT: Ted Sack

ACTION REQUESTED: Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3)

LOCATION: 2726 E 47 ST S

ZONED: RS-1

PRESENT USE: Residential

TRACT SIZE: 22738.41 SQ FT

LEGAL DESCRIPTION: E150 LT 27 BLK 1, VILLA GROVE SUB

RELEVANT PREVIOUS ACTIONS:

Subject property: None.

Surrounding properties:

BOA-23096; On 03.23.21 the Board approved a Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3). Property located 4647 S. Columbia Ave.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located East of the SE/c of E/ 47th St. S. Columbia Pl.

STAFF COMMENTS: The applicant is requesting a Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3)
3. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed 50% of the lot frontage or the following maximum widths, whichever is less, unless a greater width is approved in accordance with the special exception procedures of Section 70.120, or, if in a PUD, in accordance with the amendment procedures of Section 30.010-1.2. (Refer to the City of Tulsa Standard Specifications and Details for Residential Driveways #701-704).

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<td>Driveway Within Right-of-Way (feet) [1]</td>
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TULSA ZONING CODE | July 1, 2020
page 55-20

Sample Motion:

Move to _______ (approve/deny) a **Special Exception** to increase the permitted driveway width in a Residential District (Section 55.090-F.3)

- Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):
  - Suggested Condition: Applicant must acquire a right-of-way permit from the City of Tulsa and driveway to be built in compliance with all other city specifications.

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 (image taken from Google Street view dated February 2016) streets in the area are currently under construction and access is limited.
Mr. Brown asked Mr. Rodriguez where he would be accepting deliveries. Mr. Rodriguez stated that once the plant is harvested there will be a transportation vehicle that will transport the product to a dispensary.

Ms. Shelton asked Mr. Rodriguez if the parking designated on the plan 4.15 and 4.16 serves the entire building. Mr. Rodriguez answered affirmatively stating there is an auto mechanic in the same strip and they also utilize the parking spaces.

Ms. Shelton asked Mr. Rodriguez how many people will on his staff and if they too will be utilizing the same parking area. Mr. Rodriguez stated he has two employees, maybe a maximum of three for the parking area.

Interested Parties:
Crystal Hale, 3211 East Admiral Boulevard, Tulsa, OK; stated she lives south of the subject property. Ms. Hale stated that after speaking with the applicant she is fine with the proposal, especially since there is not going to be any signage or foot traffic.

Comments and Questions:
None.

Board Action:
On MOTION of SHELTON, the Board voted 5-0-0 (Bond, Brown, Radney, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to APPROVE the request for a Special Exception to permit medical marijuana cultivation (Agricultural/Horticulture Nursery Use) in the CH District (Section 15.020, Table 15-2), subject to conceptual plans 4.15 and 4.16 in the agenda packet. The proposed tenant is to use the appropriate air filtration systems to prevent, as much as possible, aromas outside of the building. There is to be no exterior signage tied to the Special Exception use. 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:

ALL LTS 3 4 & W25 LT 5 BLK 1, UNIVERSITY PARK, City of Tulsa, Tulsa County, State of Oklahoma

23096—Eller & Detrich — Lou Reynolds

Action Requested:
Special Exception to increase the permitted driveway width (Section 55.090-F.3).

LOCATION: 4647 South Columbia Place East (CD 9)

Presentation:
Nathalie Cornett, Eller & Detrich, 2727 East 21st Street, Tulsa, OK; stated the subject property is a corner lot, the corner of Columbia Place and 47th Street. This is a newly constructed residence, and the front of the house is oriented toward Columbia Place and
the garage will face 47th Street. The property owners would like to have two parking areas, one is the driveway into the four-car garage. At the right-of-way, the driveway will be at 27 feet, however, it widens to match the width of the four-car garage, so it starts to exceed 30 feet within the right-of-way. In addition, the homeowner would like to have a parking pad at the front of the residence which would have a path into the front entry; the parking pad would be 21 feet wide, both in the right-of-way and in the building setback.

Mr. Van De Wiele asked Ms. Cornett if the parking pad would be for two cars or for three cars. Ms. Cornett stated the pad would be for two cars.

Mr. Brown asked Ms. Cornett if the parking pad was simply a pull in surface. Ms. Cornett answered affirmatively stating that it is so people can get off the street because Columbia and 47th are narrow streets. Ms. Cornett stated there are no sidewalks in the area and there are drainage ditches on both sides of Columbia.

Ms. Cornett stated that along Columbia there are circle drives with two drive-way entrances and a few pull over parking areas. Ms. Cornett had Mr. Chapman show pictures on the overhead projector of the area and the proposed project. Directly across the street from the subject property there is almost an identical situation, a parking pad, and a driveway next to each other.

Ms. Shelton asked Ms. Cornett if the parking pad is to serve guests. Ms. Cornett answered affirmatively.

**Interested Parties:**

**William Douglas Gibbons,** 4631 East 2nd Street, Tulsa, OK; stated that he opposes the proposed request because the area floods. He has had water in his house because the church filled in a pond and built on the area.

Mr. Bond asked Mr. Gibbons if he lived on 47th Street or Columbia Place. Mr. Gibbons answered no stating that he lives on 2nd Street and he is here for the four parcels on 2nd Street.

Mr. Bond informed Mr. Gibbons that the case he is interested in has already been heard and voted on because no one stood up when he asked for any interested parties. Mr. Gibbons stated he is hard of hearing and did hear that request.

Mr. Bond offered the Board's apologies and informed Mr. Gibbons that the case on 2nd Street had been approved.

Mr. Chapman offered to speak with Mr. Gibbons after the meeting.

**Comments and Questions:**

None.
Board Action:
On MOTION of VAN DE WIELE, the Board voted 5-0-0 (Bond, Brown, Radney, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to APPROVE the request for a Special Exception to increase the permitted driveway width (Section 55.090-F.3), subject to conceptual plan 5.5 in the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

W/2 LT 3 LESS S5 THEREOF BLK 5, VILLA GROVE SUB, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS
None.

NEW BUSINESS
None.

BOARD MEMBER COMMENTS
Mr. Bond stated that the City of Tulsa does a very good job of accommodating any individual with any type of accommodation for hearing, vision, or other type of access. However, requests need to be made prior to a meeting and staff will do everything they can to allow everyone to participate.

Mr. Van De Wiele stated that if what is heard from Mr. Gibbons warrants the Board to reconsider that case the Board would entertain that motion. Mr. Chapman stated that Mr. Gibbons has a flooding issue which is not the purview of this Board.

There being no further business, the meeting adjourned at 1:54 p.m.

Date approved: 03/23/2021
Note: Graphic overlays may not precisely align with physical features on the ground.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9306
CZM: 37
CD: 3

HEARING DATE: 05/11/2021 1:00 PM

APPLICANT: Stefan Tittjung

ACTION REQUESTED: Variance of the minimum Lot Area, Lot Area Per Unit, and Open Space per unit for Townhouses in an RM-1 District (Sec. 5.030-A, Table 5-3) Variance of the 20' rear setback in an RM-1 District and Variance of 25' street setback and 35' arterial street setback (Sec. 5.030-A, Table 5-3) Variance to reduce the number of required parking spaces for Townhouses in an RM-1 District (Sec. 55.020 Table 55-1) and a Variance of the required parking stall dimensions (Sec. 55.090)

LOCATION: 53 North Gillette Ave, 2350 E. Admiral Ct. N., 2351 E. Admiral Pl. N., 52 N. Lewis Ave. E.
ZONED: RM-1

PRESENT USE: Vacant
TRACT SIZE: 55068.21 SQ FT

LEGAL DESCRIPTION: LOTS 1-4 BLOCK 1, LOTS 1-10 BLOCK 2, LOTS 1-4 BLOCK 3, LOTS 1-11 BLOCK 4, WHITTIER HEIGHTS (RESUB BLK 4 EASTLAND ADDN),

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-22893; On 04.28.20 the Board approved a Variance to have the required 35' building setback along N. Lewis Ave and E. Admiral Place reduced to 10' (Sec. 5.030, Table 5-3). Variance to reduce the required 25' building setback on N. Gillette Ave to 10' (Sec. 5.030, Table 5-3)

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located South of the SW/c of E. Archer and S. Lewis Ave.

STAFF COMMENTS: The applicant Variance of the minimum Lot Area, Lot Area Per Unit, and Open Space per unit for Townhouses in an RM-1 District (Sec. 5.030-A, Table 5-3) Variance of the 20' rear setback in an RM-1 District and Variance of 25' street setback and 35' arterial street setback (Sec. 5.030-A, Table 5-3) Variance to reduce the number of required parking spaces for Townhouses in an RM-1 District (Sec. 55.020 Table 55-1) and a Variance of the required parking stall dimensions (Sec. 55.090)
### Table 5-2: R District Lot and Building Regulations

<table>
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<tr>
<th>Regulations</th>
<th>RE</th>
<th>RS-1</th>
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*Table 5-2: R District Lot and Building Regulations

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**Chapter 55 | Parking
Section 55.020 | Minimum Parking Ratios**

**Table 55-1: Minimum Motor Vehicle Parking Ratios**

<table>
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<th>USE CATEGORY</th>
<th>Measurement (spaces per)</th>
<th>CBD District</th>
<th>CH District and Mx District</th>
<th>All Other Districts and Pl Overlay (1)</th>
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<td>dwelling unit</td>
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<td>2.00</td>
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</table>

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**REVISED 4/29/2021**
STATEMENT OF HARDSHIP: The applicant has provided comments on a separate exhibit included in your packet.

SAMPLE MOTION: Move to __________ (approve/deny) a Variance of the minimum Lot Area, Lot Area Per Unit, and Open Space per unit for Townhouses in an RM-1 District (Sec. 5.030-A, Table 5-3) Variance of the 20' rear setback in an RM-1 District and Variance of 25' street setback and 35' arterial street setback (Sec. 5.030-A, Table 5-3) Variance to reduce the number of required parking spaces for Townhouses in an RM-1 District (Sec. 55.020 Table 55-1) and a Variance of the required parking stall dimensions (Sec. 55.090)

Finding the hardship(s) to be ________________________________.

- Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.
- Subject to the following conditions ________________________________.

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

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

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

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

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

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

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

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

Facing North on Lewis
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:

SE SE NW SW LESS N25 THEREOF FOR RD SEC 10 18 12 2.31 ACS, City of Tulsa, Tulsa County, State of Oklahoma

Action Requested:
Variance to reduce the required 35-foot setback from an arterial street to 10 feet;
Variance to reduce the required 25-foot setback from a non-arterial street to 10 feet (Section 5.030, Table 5-3). LOCATION: South of the SW/c of East Archer Street and North Lewis Avenue East (CD 3)

Ms. Shelton recused and left the meeting at 2:30 P.M.

Presentation:
John Droz, (present by phone) 810 South Cincinnati, Tulsa, OK; stated that he is requesting to reduce the setbacks along Lewis and Gillette to accommodate the multi-family housing that is being built by Habitat for Humanity. There will be ten feet of right-of-way will be dedicated along Lewis, so essentially there is not as much of a Variance requested as it looks like. In the client’s opinion, this helps bring some of the Whittier Heights neighborhood from across the highway and start to tie into this north side of the highway. We started to run out of internal space based on fire spacing and have had to place a private street through the property. That is the essence of the hardship for this request.

Mr. Van De Wiele asked Mr. Droz if he was reducing from 35 feet to 10 feet along Lewis and from 25 feet to 10 feet along North Gillette. Mr. Droz answered affirmatively.
Mr. Van De Wiele asked if those would be the fronts of the multi-family units? Mr. Droz answered affirmatively stating that it would be along both streets.

Mr. Van De Wiele asked Mr. Droz if the driveways or garages would be rear facing toward the interior. Mr. Droz stated all the garages and parking will be internal to the site.

Mr. Van De Wiele asked Mr. Droz if this was to achieve the Main Street feel along Lewis and Gillette. Mr. Droz answered affirmatively.

Mr. Van De Wiele asked Mr. Droz to state the hardship for his request. Mr. Droz stated that he does not have room and want to bring the feel of the neighborhood across the street. If the units were to be set back 35 feet from the new right-of-way that is being dedicated, with the 10-foot right-of-way dedicated along Lewis, it would not feel like the townhouse walkable feel that is being sought. It would in essence be single family all conjoined houses setting over 50 feet from the edge of the road.

Mr. Van De Wiele asked Mr. Droz if the other properties along Lewis were predominantly situated more out toward Lewis with sidewalk fronting and big yard space like the site is wanting to achieve? Mr. Droz answered affirmatively.

Mr. Van De Wiele asked Mr. Droz if there was going to be a private drive along the north side of the subject property. Mr. Droz answered affirmatively stating that it would be between the multi-family assisted living and it will be on the north side of the property, between the two properties there will be a private roadway.

Mr. Van De Wiele if that was the property that fronts on Archer and is under development right now. Mr. Droz answered affirmatively.

Mr. Van De Wiele if the property being built located similarly to what the subject property is being planned to build? Mr. Droz answered no and stated that he believes it will be a three-story building and it is set off the road. Mr. Droz stated that after the right-of-way is dedicated the subject building will be 16 feet from the base of the buildings to the new right-of-way.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of BOND, the Board voted 4-0-1 (Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; Shelton "abstaining"; none absent) to APPROVE the request for a Variance to reduce the required 35-foot setback along North Lewis Avenue and East

04/28/2020-1249 (21)
Admiral Place reduced to 10 feet; Variance to reduce the required 25-foot building setback from North Gillette Avenue to 10 feet (Section 5.030, Table 5-3), subject to conceptual plans 17.7 and 17.8. The Board has found the hardship to be the redevelopment of the Kendall Whittier neighborhood and the dedication of land to achieve continuity within the existing neighborhood. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

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

A TRACT OF LAND THAT IS PART OF BLOCK FOUR (4), EASTLAND ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID BLOCK 4; THENCE SOUTH 01°06'54" EAST ALONG THE EASTERLY LINE OF SAID BLOCK 4 FOR 242.74 FEET; THENCE SOUTH 88°53'06" WEST FOR 1 17.24 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE SOUTH 01°06'54" EAST FOR 108.03 FEET; THENCE SOUTH 88°53'06" WEST FOR 95.00 FEET; THENCE NORTH 01°06'54" WEST FOR 58.03 FEET; THENCE SOUTH 88° 53'06" WEST FOR 107.06 FEET TO A POINT ON THE WESTERLY LINE OF SAID BLOCK 4; THENCE NORTH 01°06'54" WEST ALONG SAID WESTERLY LINE FOR 50.00 FEET; THENCE NORTH 88°53'06" EAST FOR 202.06 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND. SAID TRACT OF LAND CONTAINING 0.358 ACRES, OR 15,617 SQUARE FEET, MORE OR LESS. AND A TRACT OF LAND THAT IS PART OF BLOCK FOUR (4), EASTLAND ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID BLOCK 4; THENCE SOUTH 01°06'54" EAST ALONG THE EASTERLY LINE OF SAID BLOCK 4 FOR
242.74 FEET; THENCE SOUTH 88°53'06" WEST FOR 10.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE SOUTH 01°06'54" EAST PARALLEL WITH AND 10.00 FEET WESTERLY OF THE EASTERLY LINE OF SAID BLOCK 4 FOR 127.84 FEET; THENCE NORTH 88°53'06" EAST FOR 5.00 FEET; THENCE SOUTH 01°06'54" EAST PARALLEL WITH AND 5.00 FEET WESTERLY OF THE EASTERLY LINE OF SAID BLOCK 4 FOR 133.93 FEET TO A POINT ON THE SOUTHERLY LINE OF LOT 20 OF SAID BLOCK 4; THENCE SOUTH 89°39'49" WEST ALONG THE SOUTHERLY LINE OF LOTS 20 AND 31 OF SAID BLOCK 4 FOR 207.12 FEET; THENCE NORTH 80°49'36" WEST FOR 108.94 FEET TO A POINT ON THE WESTERLY LINE OF SAID BLOCK 4; THENCE NORTH 01°06'54" WEST ALONG SAID WESTERLY LINE FOR 189.50 FEET; THENCE NORTH 88°53'06" EAST FOR 107.06 FEET; THENCE SOUTH 01°06'54" EAST FOR 58.03 FEET; THENCE NORTH 88°53'06" EAST FOR 95.00 FEET; THENCE NORTH 01°06'54" WEST FOR 108.03 FEET; THENCE NORTH 88°53'06" EAST FOR 107.24 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND. SAID TRACT OF LAND CONTAINING 1.478 ACRES, OR 64,382 SQUARE FEET, MORE OR LESS., City of Tulsa, Tulsa County, State of Oklahoma

Ms. Shelton re-entered the meeting at 2:40 P.M.

22894—Jorge Fernandez

Action Requested:
Special Exception to increase the maximum driveway width, within the right-of-way and inside the street setback. (Section 55.090-F.3). LOCATION: 3747 South 152nd Avenue East (CD 6)

Presentation:
Jorge Fernandez, 3119 South 145th East Avenue, Tulsa, OK; he would like to have an extension for an existing driveway. The homeowners have several work trucks and six cars and currently they are parking most of them on the street.

Mr. Van De Wiele asked if everything colored pink on exhibit page 18.8 would be paved. Mr. Fernandez answered affirmatively. Mr. Van De Wiele asked if that would be all the way to the property line. Mr. Fernandez answered affirmatively.

Mr. Chapman stated that the applicant will not be adding any more curb cuts and the width that the applicant is only concerned about is within the street setback, not the right-of-way.

Mr. Van De Wiele asked Mr. Chapman how much is within the street setback? Mr. Chapman stated that it would be all of it. Mr. Chapman stated that it is all within the street setback, and the pink is all on the owner’s property, so it is within his lot.
APPLICATION NO: ZN LCD 65340, 65960, 65363, 65365, 65367, 65369, 65370, 65371-2020 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Project Location: 53 N Gillette Ave E
Description: Townhouse Development Building 1

INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

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

IMPORTANT INFORMATION

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

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

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

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

(continued)
REVIEW COMMENTS

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

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.

LOD #3

1. 5.030-A Table of Regulations
   The lot and building regulations of Table 5-3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90.

   Review Comments: Per table 5-3 an RM-1 zoned lot townhouses require a Minimum lot width of 20 feet. You are proposing a lot width less than 20 feet on site plan CS 101. Lot widths on site plan do not match the lot widths found on the submitted plat. Revise and resubmit all plans with incorrect lot widths. If you are unable to meet the Minimum lot width requirements mentioned above, then you will need to apply to the City of Tulsa Board of Adjustment (BOA) for a Variance to reduce the required Minimum lot width requirements.

2. 5.030-A Table of Regulations
   The lot and building regulations of Table 5-3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90.

   Review Comments: Per table 5-3 an RM-1zoned lots for Townhouses require a Minimum lot area of 1600 sq ft. You are proposing less than 1600 sq ft of lot area for a Townhouse on lot 2 & 3. If you are unable to meet the Minimum lot area requirements mentioned above, then you will need to apply to the City of Tulsa Board of Adjustment (BOA) for a Variance to reduce the required Minimum lot area requirements.

3. 5.030-A Table of Regulations
   The lot and building regulations of Table 5-3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90.

   Review Comments: Per table 5-3 an RM-1zoned lots for Townhouses require a Minimum lot area per unit of 1600 sq ft. You are proposing less than 1600 sq ft of lot area for a Townhouse on lot 2 & 3. If you are unable to meet the Minimum lot area per unit requirements mentioned above, then you will need to apply to the City of Tulsa Board of Adjustment (BOA) for a Variance to reduce the required Minimum lot area requirements.
4. **5.030-A**: In the RM-1 zoned district the minimum side yard setback for a Townhouse shall be 5 feet from the north side property line on lot 7 or suite 8.

**Review Comments**: Revise your plans to indicate a 5’ side setback to the property line or apply to INCOG for a variance to allow less than a 5’ side setback.

5. **5.030-A**: In the RM-1 zoned district the minimum rear setback for a Townhouse shall be 20 feet from the rear property line.

**Review Comments**: Revise your plans to indicate a 20’ rear setback to the property line for all suites in building 1 or apply to INCOG for a variance to allow less than a 20’ rear setback for all suites in building 1.

6. **55.090-A Applicability** The parking area design regulations of this section apply to all off-street parking for motor vehicles, whether containing required parking spaces or non-required parking spaces. You are required to provide 2 parking spaces on each lot per table 55-1.

**Review Comments**: Each parking space on each lot must be 8.5 feet by 18 feet. Provide an outdoor all-weather parking space on each lot for building 1 that is at least 8.5 feet by 18 feet or apply to BOA for a variance to allow less than the required parking space size.

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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.tmmapc.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

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**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.
VARIANCE REQUESTS

1. REQUEST TO HAVE THE REQUIRED MINIMUM LOT SIZE OF 1600 SF REDUCED TO 1500 SF.

2. REQUEST TO HAVE THE REQUIRED REAR YARD SETBACK REQUIREMENT OF 20 FT REDUCED TO 5 FT.

3. REQUEST TO HAVE THE REQUIREMENT OF 2 SPACES PER LOT REDUCED TO 1 SPACE PER LOT.

HARDSHIPS

1. DUE TO THE TOWNHOUSE MAXIMUM BUILDING WIDTH OF 20' THE FOLLOWING LOTS DO NOT HAVE SIDE YARDS IN TURN IS DICTATING THE LOT WIDTH OF 20'. THIS LOT WIDTH IS REDUCING THE OVERALL LOT SIZE BELOW 1,600 SF.

   1.1. BLOCK 2
       LOT 4
       LOT 5
       LOT 8
       LOT 9

   1.2. BLOCK 4
       LOT 2
       LOT 3
       LOT 6
       LOT 7
       LOT 10

2. THE SUBJECT PROPERTY IS BOUNDED BY PUBLIC ROW ON THREE (3) SIDES. THE "REAR" IS A PRIVATE ROAD IN A RESERVE ACTING LIKE AN INTERIOR COURTYARD / ALLEY WAY FOR THIS DEVELOPMENT. DUE TO THE NATURE OF THIS DEVELOPMENT A REAR SETBACK IS NOT NECESSARY HENCE THE REQUEST FOR A REDUCTION FOR THIS REQUIREMENT.

3. HABITAT FOR HUMANITY'S EXPERTISE IN THIS TYPE OF DEVELOPMENT DRIVES THE DECISION TO REQUEST THE VARIANCE FROM 2 PARKING SPOTS TO ONE PARKING SPOT (GARAGE SPACE). EACH GARAGE SPACE IS 10.9' X 20.19'.

   BLOCK 2 LOTS 3, 6, 7, 10 AND BLOCK 4 LOTS 1, 4, 5, 8, 9, 11 PROVIDE AN ADDITIONAL SPACE IN THE DRIVEWAY (10' X 18.27' TO THE PROPERTY LINE 22.27' TO BACK OF CURB) WHILE THE REMAINING LOTS ONLY HAVE A 10' X 12.27' DRIVEWAY TO THE PROPERTY LINE (16.27' TO THE BACK OF CURB)
Subject Tract

BOA-23126

19-13 06

Aerial Photo Date: February 2018

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