AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, June 8, 2021, 1:00 P.M.

Meeting No. 1274

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/CityOfTulsa2/boa-gotomeeting-in-council-chambers-june-8th

Join Teleconference by dialing: +1 (571) 317-3122 then entering Access Code 984-222-477

Download the GoToMeeting app now to be ready when the meeting starts: https://global.gotomeeting.com/install/984222477

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, 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 May 25, 2021 (Meeting No. 1273).

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

2. **23117—Brett Davis**
   Variance of the dustless, all-weather parking surface requirements to allow a gravel driveway (Section 55.090-F). **LOCATION:** 6505 Werst Edison Street North (CD 1)

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

3. **23130—Josh Wyrick**
   Variance of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 3314 South Peoria Avenue East (CD 9)

4. **23131—Salomon Dionicio**
   Special Exception to increase the permitted driveway width in a residential district (Section 55.090-F.3). **LOCATION:** 1240 South 101st East Avenue (CD 9)

5. **23132—Gregg Iser**
   Special Exception to permit a medical marijuana growing operation (Horticulture Nursery Use) in the CG District (Section 15.020, Table 15-2). **LOCATION:** 14303 East 21st Street South (CD 6)

6. **23133—Matthew Zalk**
   Variance of the 25-foot street setback and the 20-foot rear setback in an RS-3 District (Section 5.030-A, Table 5-3). **LOCATION:** 1623 North Atlanta Avenue East (CD 3)

7. **23134—Connoisseur Cannabis, LLC**
   Variance of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 7033 South Memorial Drive East, Suite J (CD 7)
8. **23136—Raul Cisneros**  
   Special Exception to permit a second story addition to a structure with a non-conforming setback (Section 80.030-D), **LOCATION:** 1127 South Norfolk Avenue East (CD 4)

9. **23137—Brent Hynek**  
   Variance to reduce the required 25-foot rear setback in an RS-2 District (Section 5.030, Table 5-3). **LOCATION:** 3709 East 82nd Place South (CD 8)

10. **23138—Joel Bein**  
    Variance to increase the number of allowed freestanding or projecting signs on a MX zoned lot with 125-feet of street frontage (Section 60.080-C.2.b). **LOCATION:** 1306 East 11th Street South (CD 4)

11. **23139—Cameron C. Wallace**  
    Variance to allow parking inside the City of Tulsa Right-of-Way and within the street setback (Sections 90.090-A & 40.320-B). **LOCATION:** 1347 East 49th Place South (CD 9)

12. **23140—City of Tulsa – Gary Schellhorn**  
    Minor Special Exception to modify a previously approved site plan to make improvements to Reed Park (Section 70.120). **LOCATION:** 4233 South Yukon Avenue West (CD 2)

**OTHER BUSINESS**

13. **ELECTION OF OFFICERS:**

   Seats currently held are:  
   Austin Bond – Chair  
   Burlinda Radney – Vice Chair  
   Steve Brown – Secretary  
   Tomas Barrientos  
   Vacant Seat
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: 0231
CD: 1

HEARING DATE: 06/08/2021 1:00 PM (Continued from 05/25/2021 and 05/11/2021)

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.

PRESENT USE: Residential

ZONED: AG

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)
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.
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 ADDENDUM) FOR ANY PROJECT IS NOT ACCEPTED AT THIS TIME. IF SUBMITTING REVISIONS FOR APPLICATIONS THAT PREVIOUSLY UTILIZED PAPER PLANS, EMAIL THE REVISED PLANS TO 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 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 INCLUDED WITH THIS LETTER. PLEASE PRESENT THE “RECORD SEARCH” ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).
Note: As provided for in Section 70.130 you may request the Board of Adjustment 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 684-7626. 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:

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

20-12 31

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

Aerial Photo Date: February 2018
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9224
CZM: 46
CD: 9
HEARING DATE: 06/08/2021 1:00 PM

APPLICANT: Joshua Wyrick

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

LOCATION: 3314 S PEORIA AV E

PRESENT USE: Vacant

ZONED: CH

TRACT SIZE: 8999.53 SQ FT

LEGAL DESCRIPTION: W.150 OF LT 9 BK 1, PEEBLES ADDN

RELEVANT PREVIOUS ACTIONS:
Subject property: None.
Surrounding properties: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Main Street" and an "Area of Growth". Main Streets are Tulsa’s classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is North of the NW/c of E. 33rd Pl. and S. Peoria Ave.

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

REVISED 6/1/2021
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.

The applicant is seeking a variance to be located within 1,000 feet of another dispensary located at 3403 S. Peoria Ave. Staff estimates the distance between the two dispensaries as 369 feet. The Dispensary located at 3403 was issued the Certificate of Occupancy COO-30478-2019 on 3/31/2020.

STATEMENT OF HARDSHIP:

My client would like to have a dispensary in her location that is handicap accessible in the Brookside area unlike the only other dispensary (Terps) in the area. Terps is located on the second floor with no elevator.

SAMPLE MOTION:

Move to _______ (approve/deny) a Variance of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)
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.”
Location of opposing dispensary located 3403 S. Peoria Ave.

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

IMPORTANT INFORMATION

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

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

BLDC-086737-2021 3314 S Peoria Ave April 7, 2021

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

1. Sec.40.225-D: A medical marijuana dispensary may not be located within 1000 ft of another medical marijuana dispensary. **The BOA is no longer processing Spacing Verifications.**

   **Review Comment:** Submit the following documentation so that your application may continue to be processed.
   
   1. An aerial photograph identifying the location of the proposed dispensary at the center of a circle with a 1,000-foot radius, which is the required separation distance from another dispensary; and
   2. Locate and identify the nearest dispensary on the map, including the distance from the proposed dispensary; and
   3. Verification of having provided a copy of the Permit Application to the City Councilor for the city council district in which the subject property is located. (A copy of an e-mail will suffice.) To find the councilor for your district, click here. (http://maps.cityoftulsa.org/citycouncil/); and
   4. A copy of the following affidavit:

   **Affidavit as to Spacing Verification**

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

   ________________________________

   Signature of Applicant

   Subscribed and Sworn to Before Me this _______ Day of _____________, 20____.

   ________________________________

   Notary Public

   My Commission Expires: ____________________

   **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 PLAN

LEGAL DESCRIPTION
PEEBLES ADDITION, W. 150 OF LOT 9 BK 1, SECTION 24,
TOWNSHIP 111, RANGE 12. 3312 S. PEORIA AVENUE E. 74105.
0.21 ACRES / 9000 SQ. FT. ZONE, HIGH DENSITY COMMERCIAL
DISTRICT (CH).

DATE: APRIL 21 2021
SCALE: 1" = 30'
DRAWN BY: JAMES HAYES 918 361 8059
891 W. 138 PL.
GLENPOOL, OKLA. 74033

NAME: WILDFLOWER MARKET / ERIN D. THAYER
3314 S. PEORIA AVE. S.
TULSA, OKLA. 74105

PARKING

E. 33rd PLACE

PEORIA AVENUE

3 SHOPS

E. 33rd STREET

ROZAY'S WINGZ

EMPTY

WILDFLOWER MARKET
3314 S. PEORIA AVE.

3 TEQUILAS
MEX. REST.

PARKING

NOTE:
WATER, GAS, ELECTRIC AND SEWER LOCATED AT REAR OF BUILDING

PAGE: 1
NOTES:
1. SALES COUNTER 36" FROM FINISH FLOOR.
2. STUDS IN NEW WALLS TO MATCH EXISTING.
   10" WOOD STUDS @ 16" O.C. BASE PLATE TO BE ANCHORED TO FLOOR.
3. 1/2" MDF IN NEW WALLS TO MATCH EXISTING.
4. WOOD STUDS 10" O.C., BASE PLATE TO BE ANCHORED TO FLOOR.

PRODUCT STORAGE AREA

EXISTING COMMERCIAL SPACE
3314 S. PEORIA AVENUE

FLOOR PLAN
NOTICE OF UNISEX TOILET FIXTURE

KNOWN ALL BY THESE PRESENTS:

At the request of the undersigned property owner, the Maximum Occupancy Load for the following described real estate and premises: (Lot, Block, etc plus actual address, plus specific room)

is limited to ___ persons, as provided for under IBC 2015 Section 1004.1.2 "Exception" by approval of the Building Official, for the specific limiting purpose of a single water closet facility in accordance with Joint Administrative Order 2006-04 (September 6, 2006). This occupant load shall be posted at the premises. Indicated Maximum Occupancy Load shall not be increased and a release of this Notice shall not be issued unless authorized by the Building Official upon availability of additional water closets for the new occupant load. A new Certificate of Occupancy may be required with this approval, or upon future change in occupant load.

DATED this 22nd day of April, 2021.

Joshua Wyrick
[Name of Property Owner of Record]

By: ___
[Signature]

Title: Consultant

STATE OF OKLAHOMA

COUNTY OF TULSA

This instrument was acknowledged before me this 22 day of April, 2021, by Joshua Wyrick [and, if on behalf of entity:] as Consultant of [Name of Entity:] Wildflower Market, LLC

Sarah Beegos
[Name of Entity:]

Notary Public

STATE OF OKLAHOMA

COUNTY OF TULSA

This instrument was acknowledged before me this ___ day of ___________, 20__.

by ___ [and, if on behalf of entity:] as ___

[Name of Entity:]

(SIGNATURE)

Notary Public

My commission expires: ___________
Commission No. ___________

Last Revised: 12/01/2015
Note: Graphic overlays may not precisely align with physical features on the ground.

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

Aerial Photo Date: February 2018
RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an “Existing Neighborhood” and an “Area of Stability”.

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NW/c of E. 13th St. S. and S. 101 E. Ave.

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).

<table>
<thead>
<tr>
<th>Maximum Driveway Width</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot Frontage</strong></td>
</tr>
<tr>
<td>Driveway Within Right-of-Way (feet) [1]</td>
</tr>
<tr>
<td>Driveway Within Street Setback (feet)</td>
</tr>
</tbody>
</table>

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

[1] Maximum width applies to the composite of all driveways if multiple curb cuts are provided.
[2] Provided that for lot frontages less than 24 feet, a driveway up to 12 feet in width is permitted.

**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.

4.3 REVISED 5/27/2021
APPLICATION NO: BLDR-084402-2021
Location: 1240 S. 101st E. Ave.
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. 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/SELFSERVICE. YOU WILL NEED TO REGISTER ON THE PORTAL IF YOU HAVE NOT PREVIOUSLY DONE SO.
3. INFORMATION ABOUT THE ZONING CODE, BOARD OF ADJUSTMENT (BOA), PLANNING COMMISSION (TMAPC), AND THE TULSA PLANNING OFFICE AT INCOG CAN BE FOUND ONLINE AT WWW.TULSAPLANNING.ORG; IN PERSON AT 2 W. 2ND ST., 8TH FLOOR, IN TULSA; OR BY CALLING 918-584-7526 AND ASKING TO SPEAK TO SOMEONE ABOUT THIS LETTER OF DEFICIENCY.
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 125 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.

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.
North

Existing 2 Car Garage

45'

Street 5'

33' was we added 12'

South

East

33'

4.8
BOA-23131
19-14 07

Aerial Photo Date: February 2018

Note: Graphic overlays may not precisely align with physical features on the ground.
Subject Tract
BOA-23131
19-14 07

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

STR: 9409                  Case Number: BOA-23132
CZM: 39                  CD: 6

HEARING DATE: 06/08/2021 1:00 PM

APPLICANT: Gregg Iser

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

LOCATION: 14303 E 21 ST S
           6/01/21

PRESENT USE: Warehouse

ZONED: CS (CG Zoning Effective

TRACT SIZE: 174253.78 SQ FT

LEGAL DESCRIPTION: PRT LT 1 BEG 952.98E NWC LT 1 TH E203.26 S281.82 E92.38 S318.71
                   W336.53 N153.58 W38 N210.27 E78.29 N236.89 POB BLK 1, EASTLAND PLAZA

RELEVANT PREVIOUS ACTIONS:

Subject property:

Z-7598; On 3.17.21 the TMAPC recommended approval of a re-zoning to CG with an Optional Development Plan on the subject property. City Council approved the re-zoning, and the CG Zoning is Effective 06.01.21. The development permits Horticulture Nursery uses subject to an approval of a Special Exception by the Board.

Surrounding properties:

BOA-23013; On 10.13.20 the Board approved a Special Exception to permit a medical marijuana grower operation (Horticulture Nursery Use) in the CG district. Property located 14002 E. 21st Street S.

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

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

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop...
these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to 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 NW/c of S. 145th E. Ave. and E. 21st St. S.

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

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>OL</th>
<th>OM</th>
<th>OH</th>
<th>CS</th>
<th>CG</th>
<th>CH</th>
<th>CBD</th>
<th>IL</th>
<th>IM</th>
<th>IH</th>
<th>Supplemental Regulations</th>
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<tbody>
<tr>
<td>High-impact Manufacturing &amp; Industry</td>
<td>-</td>
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<td>Section 40.230</td>
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<tr>
<td>Mining or Mineral Processing</td>
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<td>S</td>
<td>P</td>
<td>Section 15.020</td>
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<tr>
<td>Junk or Salvage Yard</td>
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<td>P</td>
<td></td>
<td>Section 15.020</td>
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<tr>
<td><strong>RECYCLING</strong></td>
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<td>Section 40.310</td>
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<tr>
<td>Construction or Demolition Debris</td>
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<td>Section 40.310</td>
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<tr>
<td>Consumer Material Drop-off Station</td>
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<td>Section 40.090</td>
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<tr>
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<td>Section 15.020</td>
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<td>Section 40.225</td>
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<tr>
<td>Animal Husbandry</td>
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<td>P</td>
<td>P</td>
<td></td>
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<td>Section 40.225</td>
</tr>
<tr>
<td>Farm, Market- or Community-supported</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Horticulture Nursery</td>
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<td>-</td>
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<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Section 40.225</td>
</tr>
<tr>
<td><strong>OTHER</strong></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Section 40.225</td>
</tr>
</tbody>
</table>

Medical Marijuana Uses are subject to the Supplemental Regulations of Sec. 40.225 included in your packet.

**SAMPLE MOTION:** Move to ______ (approve/deny) a Special Exception to permit a medical marijuana grower operation (Horticulture Nursery Use) in the CG 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

Property immediately across 21st Street. This was the subject property in BOA 23013.

REVISED 5/27/2021
authorized to extend the one-year limit through approval of a subsequent special exception if the (special exception) extension request is filed before expiration of the one-year time limit.

40.210-B No more than one manufactured housing unit may be located on a lot.

40.210-C Manufactured housing units are required to comply with the same lot and building regulations that apply to detached houses in the subject zoning district.

Section 40.220 Manufactured Housing Subdivisions
The supplemental use regulations of this section apply to all manufactured housing subdivisions.

40.220-A Manufactured housing subdivisions require a minimum contiguous land area of 10 acres.

40.220-B All manufactured housing units in manufactured housing subdivisions must be attached to a permanent foundation and comply with the same lot and building regulations that apply to detached houses in the subject zoning district.

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, and research facilities.

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

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

2. An electronic security system and surveillance camera.

40.225-G Medical marijuana grower operations, processing facilities, dispensaries and research facilities must be conducted and maintained in compliance with the license issued by the Oklahoma State Department of Health and in compliance with Oklahoma law, including but not limited to all applicable statutes, rules and regulations.
40.225-H No medical marijuana grower operation, processing facility, dispensary or research facility shall be permitted or maintained unless there exists a valid license, issued by the Oklahoma State Department of Health for the particular use at the particular location.

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

Section 40.230 Mining or Mineral Processing
As part of the special exception review and approval process for any mining or mineral processing use, the board of adjustment must consider potential environmental impacts, such as noise, dust and vibration, and is authorized to establish conditions of approval (e.g., setbacks, screening, and methods of operation) to help control and mitigate any adverse land use or environmental impacts on surrounding areas.

Section 40.240 Mobile Home Parks
The supplemental regulations of this section apply to all mobile home parks.

40.240-A All mobile homes and manufactured housing units must be completely skirted.

40.240-B All mobile homes and manufactured housing units must be anchored in accordance with city regulations.

40.240-C All housing units must be certified and display applicable federal certifications.

40.240-D The lot and building regulations of Table 40-1 apply to the overall mobile home park site:

Table 40-1: Mobile Home Park Lot and Building Regulations

<table>
<thead>
<tr>
<th>Regulations</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Area (acres)</td>
<td>5</td>
</tr>
<tr>
<td>Minimum Width (feet)</td>
<td>200</td>
</tr>
<tr>
<td>Minimum Lot Area per Unit (sq. ft.)</td>
<td>5,000</td>
</tr>
<tr>
<td>Minimum Building Setbacks (feet)</td>
<td></td>
</tr>
<tr>
<td>Street (Arterial/Freeway)</td>
<td>35</td>
</tr>
<tr>
<td>Street (Non-Arterial/Freeway)</td>
<td>20</td>
</tr>
<tr>
<td>Side (interior)</td>
<td>10</td>
</tr>
<tr>
<td>Rear</td>
<td>10</td>
</tr>
<tr>
<td>Maximum Building Height (feet)</td>
<td>15</td>
</tr>
</tbody>
</table>

40.240-E The lot and building regulations of Table 40-2 apply to individual mobile home and manufactured housing unit spaces within a mobile home park:

Table 40-2: Mobile Home and Manufactured Housing Unit Space Regulations

<table>
<thead>
<tr>
<th>Regulations</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Area (sq. ft.)</td>
<td>4,000</td>
</tr>
<tr>
<td>Minimum Width (feet)</td>
<td>40</td>
</tr>
<tr>
<td>Minimum Building Setbacks (feet)</td>
<td></td>
</tr>
<tr>
<td>Street</td>
<td>10</td>
</tr>
</tbody>
</table>
On MOTION of COVEY, TMAPC voted 8-0-0 (Adams, Blair, Craddock, Covey, Kimbrel, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; McArtor, Reeds, Whitlock, "absent") to recommend APPROVAL of the IM zoning for Z-7596 per staff recommendation.

**Legal Description for Z-7596:**
ALL THAT PART OF GOVERNMENT LOT ONE (1), SECTION NINE (9), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST OF THE I.B. & M., TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, SAME BEING THE MEANDER CORNER OF SAID LOT ONE (I); THENCE SOUTH 88°57'29" WEST ALONG THE NORTH BOUNDARY LINE OF LOT ONE (1) FOR 316.75 FEET TO THE POINT AND PLACE OF BEGINNING; THENCE SOUTH 0° 02' 00" EAST FOR 88.00 FEET; THENCE SOUTH 89° 59' 02" EAST FOR 31.70 FEET; THENCE SOUTH 0° 02' 00" EAST FOR 30.60 FEET TO A POINT THAT IS ON THE CITY LIMITS LINE FOR THE CITY OF TULSA AND ON THE SOUTHERLY BOUNDARY LINE OF SAID LOT I; THENCE SOUTH 68°15'06" WEST ALONG SAID CITY LIMITS LINE AND ALONG THE SOUTHERLY BOUNDARY LINE OF LOT 1 FOR 141.74 FEET TO A POINT WHICH IS 175.37 FEET SOUTH AND 416.70 FEET WEST OF THE NORTHEAST CORNER OF LOT ONE (I); THENCE NORTH 0°02'00" WEST FOR 169.31 FEET TO A POINT ON THE NORTH LINE OF LOT ONE (1) WHICH IS 416.70 FEET WEST OF THE NORTHEAST CORNER OF LOT ONE (I); THENCE NORTH 88°57'29" EAST ALONG THE NORTH BOUNDARY LINE OF LOT ONE (1) A DISTANCE OF 100.00 FEET TO THE POINT AND PLACE OF BEGINNING.

SAID TRACT OF LAND CONTAINS 0.371 ACRES OR 16,199 SQUARE FEET, MORE OR LESS.

**STAFF RECOMMENDATION:**
SECTION I: Z-7598

14. Z-7598 Gregg Iser (CD 6) Location: West of the northwest corner of East 21st Street South and South 145th East Avenue requesting rezoning from CS to CG with optional development plan (Continued from March 3, 2021)
APPLICANT DEVELOPMENT CONCEPT:

The Subject Property consists of one parcel within the existing Eastland Plaza Development and is located at 14303 E. 21st Street in Tulsa. The property was developed and was operational as a Toys-R-Us store which went out of business at the time the company declared bankruptcy—largely in part due to the rising popularity of E-commerce and fading retail store structure.

In 2021, Applicant ("XXXSIVE LLC") leased the Subject Property. In recent years, the trend in many cities around the country has been to repurpose otherwise vacant space to accommodate new uses that were otherwise not conceived at the time the facility was developed. In keeping with this trend, the applicant is seeking to expand the uses allowed on the subject property while maintaining the look and feel of the existing commercial development.

The development area consists of the vacant retail space formerly occupied by Toys-R-Us and associated parking area as illustrated on attached exhibits.

APPLICANT BASIS OF APPLICATION:

The demand for CS retail properties have been severely declining over the past decade. In addition to this change in tenant demand, e-commerce has provided cheaper options for shopper/consumers. The combined effect of these two shifts has forced property owners to expand their thoughts about development on CS type properties.

The Applicant proposes a conversion from CS to CG with an optional development plan to repurpose the area and attract different types of tenant mix than originally contemplated. One of the recently available and rapidly growing use now available involves the legal cultivation of cannabis pursuant to the Tulsa Zoning Code.

DETAILED STAFF RECOMMENDATION:

Z-7598 requesting CG zoning with an optional development plan is consistent with the Regional Center land use designation of the Comprehensive Plan and;

CG zoning provides a variety of uses not previously allowed in the failed CS zoned district however the optional development plan limits objectionable uses and requires greater site design standards than would be required under CG zoning standards and;

Z-7598 with an optional development plan is consistent with the anticipated future land development opportunities. CG zoning without the optional
development plan is injurious to the single-family residential area north of the site and;

The optional development plan is consistent with the provision of the Tulsa Zoning Code therefore.

Staff recommends Approval of Z-7598 to rezone property from CS to CG with the provisions of the optional development plan outlined in section II below.

SECTION II OPTIONAL DEVELOPMENT PLAN:
The optional development plan standards will conform to the provisions of the City of Tulsa Zoning Code for development in an CG district with its supplemental regulations and Accessory Use provisions except as further refined below. All uses categories, subcategories or specific uses and residential building types that are not listed in the following permitted uses categories are prohibited:

<table>
<thead>
<tr>
<th>A) PUBLIC, CIVIC, AND INSTITUTIONAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>College or University</td>
</tr>
<tr>
<td>Day Care</td>
</tr>
<tr>
<td>Hospital</td>
</tr>
<tr>
<td>Library or Cultural Exhibit</td>
</tr>
<tr>
<td>Religious Assembly</td>
</tr>
<tr>
<td>Safety Service</td>
</tr>
<tr>
<td>School</td>
</tr>
<tr>
<td>Utilities and Public Service Facility (minor)</td>
</tr>
<tr>
<td>Wireless Communication Facility (includes all specific uses)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B) COMMERCIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Service</td>
</tr>
<tr>
<td>Boarding or shelter</td>
</tr>
<tr>
<td>Grooming</td>
</tr>
<tr>
<td>Veterinary</td>
</tr>
<tr>
<td>Broadcast or Recording Studio</td>
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<tr>
<td>Commercial Service (includes all permitted specific uses)</td>
</tr>
<tr>
<td>Financial Services (includes all permitted specific uses)</td>
</tr>
<tr>
<td>Funeral or Mortuary Service</td>
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<tr>
<td>Lodging</td>
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<td>Hotel/motel</td>
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<td>Office</td>
</tr>
<tr>
<td>Business or professional office</td>
</tr>
<tr>
<td>Medical, dental or health practitioner office</td>
</tr>
<tr>
<td>Restaurants and Bars (Restaurant only)</td>
</tr>
<tr>
<td>Retail Sales (includes all permitted specific uses)</td>
</tr>
<tr>
<td>Studio, Artist, or Instructional Service</td>
</tr>
</tbody>
</table>

03:17:21:2838(35)
Trade School Vehicle Sales and Service (includes all permitted specific uses)

D) WHOLESALE, DISTRIBUTION AND STORAGE
   Warehouse Wholesale Sales and Distribution

E) AGRICULTURAL
   Community Garden
   Farm, Market- or Community-supported
   Horticulture Nursery

SCREENING:
In addition to the minimum standards of the Tulsa Zoning Code the following standards shall apply prior to receipt of any certificate of occupancy permit including interior remodel occupancy.

   Install and maintain a screening fence with a minimum height of 6 feet and a maximum height of 8 feet along the entire north boundary of the subject property.

   Masonry screening for dumpster enclosures and ground mounted mechanical equipment shall be installed and maintained as required by the Tulsa Zoning Code.

LANDSCAPING:
In addition to the minimum standards of the Tulsa Zoning Code the following standards shall apply prior to receipt of any interior remodel occupancy.

   Street trees as defined in the Tulsa Zoning code shall be installed and maintained as outlined below:

   At least one large tree is required per 30 feet of street frontage. If large trees are not appropriate due to the presence of overhead lines, other obstructions, or site visibility considerations, as determined by the land use administrator, at least one small tree is required per 25 feet of street frontage. Street tree requirements may be satisfied by the installation of new trees or by the preservation of existing trees. The tree list prepared by the planning director (see 65.080-A2) identifies and classifies street trees by size.

   Required street trees must be located on the subject property within 20 feet of the planned street right-of-way.
Spacing Street trees are not required to be evenly spaced, but the distance between street trees may not exceed 75 feet.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Repurposing of the existing center into a wider variety of uses is supported in the Regional Center land use vision of the Comprehensive Plan and is anticipated in the Comprehensive Plan. The uses allowed and additional provisions that will require a higher level of screening and landscape standards for future construction.

Land Use Vision:

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

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

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

Transportation Vision:
Major Street and Highway Plan: Multi Modal Corridor

Multi-modal streets emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

Streets on the Transportation Vision that indicate a transit improvement should use the multi-modal street cross sections and priority elements during roadway planning and design.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

**Staff Summary:** The property is part of a shopping center that has been abandon and repurposed with a small event center. The center is prime for redevelopment opportunities provided by the successful renovation of the old Eastland Mall south of 21st street.

**Environmental Considerations:** None that would affect redevelopment.

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<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
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<tr>
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<td>Primary Arterial with multi modal overlay</td>
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**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**
<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
<th>Area of Stability or Growth</th>
<th>Existing Use</th>
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<tr>
<td>North</td>
<td>PUD-181 with underlying RS-3 and RD zoned property</td>
<td>Existing neighborhood</td>
<td>Stability</td>
<td>Single Family Residential</td>
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<td>East</td>
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<td>Regional Center</td>
<td>Growth</td>
<td>Shopping Center</td>
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<tr>
<td>South</td>
<td>CS</td>
<td>Regional Center</td>
<td>Growth</td>
<td>Repurposed shopping center but mostly an office complex.</td>
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<td>West</td>
<td>CG with optional development plan</td>
<td>Regional Center</td>
<td>Growth</td>
<td>Climate Controlled Self Storage</td>
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**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11812 dated June 26, 1970 established zoning for the subject property.

**Subject Property:**

**Z-7326/PUD-844 (Withdrawn April 2016):** A request to rezone a 20.75+ acre tract of land from CS to CG a proposed Planned Unit Development for a mixed-use development on property located north and west of the northwest corner of East 21st Street and South 145th East Avenue was withdrawn by the applicant April 11, 2016.

**Z-7308/PUD-835 (Withdrawn September 2015):** A request to rezone a 20.75+ acre tract of land from CS to CG a proposed Planned Unit Development for a mixed-use development on property located north and west of the northwest corner of East 21st Street and South 145th East Avenue was withdrawn by the applicant September 2nd, 2015.

**Surrounding Property:**

**BOA-23013 October 2020:** The Board of Adjustment approved a Special Exception to permit a Horticulture Nursery Use in the CG District, subject to conceptual plan 11.20 of the agenda packet, on property located at 14002 East 21st Street South.
Z-7564 ODP August 2020: All concurred in approval of a request for rezoning with an Optional Development Plan a 65.95± acre tract of land from CS/RM-1 to CG for commercial, on property located at the southwest corner of East 21st Street South and South 145th East Avenue.

Z-7347 ODP July 2016: All concurred in approval of a request for rezoning with an Optional Development Plan a 7.44± acre tract of land from CS to CG for commercial/retail, on property located west of the northwest corner of East 21st Street South and South 145th East Avenue.

BOA-20999 November 2009: The Board of Adjustment approved a Special Exception to permit trade school use (Use Unit 15) in the CS district, with conditions for no outside storage or activity around the building and that they conform to the City of Tulsa building and fire codes, on property located at southwest corner of East 21st Street and South 145th East Avenue.

BOA-17827 September 1997: The Board of Adjustment approved a Special Exception to permit a trade-vocational school in a CS district, per plan submitted, on property located at 14002 East 21st Street.

BOA-14834 May 1988: The Board of Adjustment approved a Special Exception to allow for automotive and allied activities (tire storage) in a CS zoned district, subject to no outside storage, and subject to all activities being conducted inside the building, on property located at the northwest corner of 21st Street and South 145th East Avenue.

PUD-181 April 1976: All concurred in approval of a proposed Planned Unit Development on a 166± acre tract of land that is broken up into Development Areas, to allow for single-family, duplex, townhouses, and garden apartments, and clustered single-family residences, on property located north and west of East 21st Street and South 145th East Avenue.

Z-4640 May 1974: All concurred in approval of a request for rezoning a 10.49± acre tract of land from RM-1 to CS shopping center, on property located southwest corner of 21st Street and 145th East Avenue.

BOA-08139 December 1973: The Board of Adjustment approved an Exception to use the property for automotive and allied services, an operation not permitted by right in CS, on property located at southeast corner of East 21st Street and 137th East Avenue.

Z-4375 May 1973: All concurred in approval of a request for rezoning a 5± acre tract of land from AG to CS for commercial, on property located west of the northwest corner of 21st Street and 145th East Avenue.
Z-3821 December 1971: All concurred in approval of a request for rezoning a 14.5± acre tract of land from AG to CS/RM-2 for furniture store, on property located north side of 21st Street, west of 145th East Avenue.

BOA-06051 November 1968: The Board of Adjustment granted an Exception to permit erecting a church in a U-1C district, on property located on the north side of 21st Street, ¼ mile west of 145th East Avenue.

TMAPC Comments:
Mr. Craddock asked if the applicant could give a little bit more detail about the layout and the use of the parking lot and building for this grow facility.

Tammy Ewing 751 West 150th Street, Glenpool, OK 74033
Ms. Ewing stated she represents the applicant. She stated she was just retained about 48 hours ago and does not have the answer to that question but the entire facility will be contained within what was the Toys R Us building and it will not have any commercial attraction. In other words, there will not be any people coming to purchase and it's not going to be a dispensary. Ms. Ewing stated the parking situation should not ever be a problem because it will only be for people who work there.

Staff stated the development plan does not specifically limit the subject property to a grow facility inside the existing building, but he has been told that it will be inside the existing building. He stated they have to meet all the parking requirements and those normal things. There is a provision in the CG district that would allow this to be subdivided and used for other buildings and additional buildings could be placed on the site but those would have to meet the typical zoning development standards in the CG district.

Mr. Craddock asked with the current CS zoning would a grow facility be allowed.

Staff stated “no” it is not allowed.

The applicant indicated his agreement with staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

Legal Description for Z-7598:
PRT LT 1 BEG 952.98E NWC LT 1 TH E203.26 S281.82 E92.38 S318.71 W336.53 N153.58 W38 N210.27 E78.29 N236.89 POB BLK 1, EASTLAND PLAZA
Action Requested: Special Exception to permit a Horticulture Nursery Use in the CG District (Section 15.020, Table 15-2). LOCATION: 14002 East 21st Street South (CD 6)

Presentation:
Mike Thedford, Wallace Engineering, 123 North Martin Luther King, Jr. Boulevard, Tulsa, OK; stated Eastland Mall has gone through a lot of transitions in the past. The property has gone through zoning from CS to CG. The property is zoned CG with an Optional Development Plan. Horticulture is the proposed use for the lower level of the structure. There are individual tenant spaces in the lower level that are vacant and that is where the grow facility would be located. The lower level has a truck drive thru.

Mr. Van De Wiele asked Mr. Thedford to explain what he means by the lower level; is that the ground level or is there something lower? Mr. Thedford stated that it is the subterranean level.

Mr. Thedford stated the plan is to have an option for each individual space of the subterranean level. There might be the moving of some walls. The first plan is to use one of the current spaces as it is and make all the modifications per the building code and meet all the requirements.

Mr. Brown asked Mr. Thedford how large of an area will be occupied? Mr. Thedford stated that it is about 15,000 square feet on the western end of the lower level to begin.

Mr. Brown asked about the deliveries to the site. Mr. Thedford stated there are entrances on each end that are truck accesses and there are existing truck docks.

Ms. Shelton asked Mr. Thedford why this went through the rezoning with an optional development plan. Mr. Thedford stated the ownership has been straight forward from the very beginning on this project as far as the intended use for this specific area. When it went through the rezoning the ownership thought it would be best to be fairly broad for the rest of the property for the reuse without focusing on one area for the listed uses in the Optional Development Plan.

Mr. Van De Wiele asked Mr. Thedford if the request was just for the lower level. Mr. Thedford answered affirmatively.

Interested Parties: There were no interested parties present.

Comments and Questions: None.
Board Action:
On MOTION of SHELTON, the Board voted 4-0-0 (Brown, Radney, Shelton, Van De Wiele "aye"; no "nays"; "abstaining"; Bond absent) to APPROVE the request for a Special Exception to permit a Horticulture Nursery Use in the CG District (Section 15.020, Table 15-2), subject to conceptual plan 11.20 of the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 1 BLK 1, EASTLAND ACRES, City of Tulsa, Tulsa County, State of Oklahoma

23014—W Design

Action Requested:
Variance to allow a drive through on the street facing (East 38th Street) side of the property (Section 55.100-C2). LOCATION: 3866 South Sheridan Road East (CD 5)

Presentation:
Meenakshi Krishnasamy, W Design, 815 East 3rd Street, Tulsa, OK; stated his company developed the subject property. There is a Domino's Restaurant on the north side, and it has gone through the permitting, but the pick-up window was overlooked. Per the Zoning Code any pick-up window or drive thru cannot face the street side. It is planned to have a donut shop on the south side of the building. This is not a traditional drive thru; it is a pick-up window only. There is no order board because everything is ordered through an app. This property has three sides that faces a street.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of SHELTON, the Board voted 4-0-0 (Brown, Radney, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to APPROVE the request for a Variance to allow a drive through on the street facing (East 38th Street) side of the property (Section 55.100-C2), subject to conceptual plan 12.9 of the agenda packet. The Board finds the hardship to be the shallow depth of the lot and proximity to three streets and the adjacent highway. The approval is just for the drive thru window and there is to be no ordering board. 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
BOA-23132

Subject Tract

19-14 09

Aerial Photo Date: February 2018

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

BOA-23132

19-14 09

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

Aerial Photo Date: February 2018
BOARD OF ADJUSTMENT
CASE REPORT

STR: 0329
CZM: 29
CD: 3

HEARING DATE: 06/08/2021 1:00 PM

APPLICANT: Mathew Zalk

ACTION REQUESTED: Variance of the 25-foot street setback and the 20-foot rear setback in an RS-3 District (Sec. 5.030-A, Table 5-3)

LOCATION: 1623 N ATLANTA AV E

PRESENT USE: Vacant

LEGAL DESCRIPTION: LT 611 BK 47, TULSA HGTS

ZONED: RS-3
TRACT SIZE: 5000.71 SQ FT

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located South of the SE 1/4 of N. Atlanta Ave. and E. Reading Street.

STAFF COMMENTS: the applicant is requesting a Variance of the 25-foot street setback and the 20-foot rear setback in an RS-3 District (Sec. 5.030-A, Table 5-3)
## Table 5-3: R District Lot and Building Regulations

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<tr>
<th>Regulations</th>
<th>RE</th>
<th>RS-1</th>
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The applicant is requesting a rear setback of 9' and a street back of 20'. Currently only 40' of the 50' of planned right-of-way on N. Atlanta is dedicated. Per the City of Tulsa permit Center the plans for this structure would be considered a single-family detached home based on the construction method.

**STATEMENT OF HARDSHIP:** We are trying to create an economically viable improvement to this empty lot. We have gone through multiple iterations, and this is our best alternative to leaving it an empty lot, which blights the neighborhood and fails to improve the residential landscape or create affordable housing for our community.

**SAMPLE MOTION:**

Move to [approve/deny] a Variance of the 25-foot street setback and the 20-foot rear setback in an RS-3 District (Sec. 5.030-A, Table 5-3)

- Finding the hardship(s) to be ____________
- Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.
- Subject to the following conditions ________________
In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

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

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

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

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

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

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

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”
APPLICATION NO: ZN LOD 85853-2021  (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 1623 N Atlanta Ave E
Description: Modular Home

INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

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

IMPORTANT INFORMATION

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

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

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

A COPY OF A "RECORD SEARCH" [X IS] [IS NOT] INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).
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 684-7626. 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. **5.030-A : Setback(s) (Residential):** In the RS-3 zoned district the minimum street setback shall be 25 feet from the property line and 50' measured from the centerline of the abutting street.

   **Review Comments:** Revise your plans to indicate a 25" front setback to the property line and 50' from center of street or apply to INCOG for a variance to allow less than a 25" front setback and less than 50' from center of street.

2. **5.030-A:** In the RS-3 zoned district the minimum rear setback shall be 20 feet from the rear property line.

   **Review Comments:** Revise your plans to indicate a 20' rear setback to the property line or apply to INCOG for a variance to allow less than a 20' rear setback.

3. **55.090-F Surfacing.** All off-street drive and parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of §55.090-F4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.

   **Review Comments:** Revise site plan to indicate a dustless all-weather parking surface from the public street or alley to the proposed 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.

4. **55.090-A Applicability** The parking area design regulations of this section apply to all off-street parking areas for motor vehicles, whether containing required parking spaces or non-required parking spaces. You are required to provide 2 parking spaces on this lot per table 55-1.

   **Review Comments:** Each parking space must be 8.5 feet by 18 feet on this lot. Provide 2 parking spaces on this lot or apply to BOA for a variance to allow less than the required parking spaces.

If assistance is needed to find review comments or upload revisions contact Ashley Chaney 918-694-4196 or email at AChaney@cityoftulsa.org
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other
disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter. A hard copy of this
letter is available upon request by the applicant.

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

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. |
GENERAL NOTES

The bearings shown herein are based on the Oklahoma State Plane Coordinate System and AD (pub.)

Field work completed: January 10, 2021

The property described herein contains 0.01 acres, more or less.

The property described herein contains no mixed parking spaces.

In drafting, the manner of the survey tract or survey line drawn does not indicate any area or parcel of land to be outside the 100-year floodplain, as shown on the plan for floodplain, as shown on the plan for flood zones and floodplains with an effective date of 06-16-2012.

The property described herein is subject to the regulations flood zone, as per the City of Tulsa Regulatory Flood Plan, map number 0695, dated 02-25-88.

No easements or utility service lines are shown on the plat of these elevations and levels, and the map number 1407.

The elevations shown herein are based on NAD 1988 mean sea level datum.

The ground features of public utilities such as but not limited to water, valves, manholes, poles and structures are located and shown.

No ground features of public utilities connecting or building utilities or underground utilities are shown.

There was no observed evidence of wetland areas, and no record is made of wetland areas or wetland areas.

There was no observed evidence of site being used as a wetland site, swamp, or riparian area.

No surface water bodies or drainage ditches are shown on the plat of these elevations and levels, and the map number 1407.

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PRE-PRODUCTION FOUNDATION
PLAN LAYOUT
(SUBJECT TO CHANGE)

RACEMAN HOMES IS NOT RESPONSIBLE FOR THE FOUNDATION DESIGN AND CONSTRUCTION. THE FOUNDATION SHOWN IS PROCTOR. ONLY THE BUILDERS' DRAWER RESPONSIBILITIES ARE:

A. HAVE THE FOUNDATION CONSTRUCTED PER ALL STATE AND/or LOCAL RESIDENTIAL CODE REQUIREMENTS BASED ON THE JOB SITE SOIL CONDITIONS WHICH INCLUDES, BUT IS NOT LIMITED TO: FOOTERS, WALLS, COLUMNS, PIES, WINDOWS/DOORS, FLOORS, DRAINAGE, PLUMBING, WATERPROOFING, ETC.

B. PRIOR TO THE SET OF THE HOME, HAVE WALLS TEMPORARILY BRACKETED ON THE INSIDE AND BACKFILLED TO A HEIGHT OF 12" FROM THE TOP OF THE WALL TO PREVENT THE WALLS FROM CRUSHING OR COLLAPSING.

C. MOUNT THE SILL PLATE WITH AN APPROVED SILL SEALER TO THE FOUNDATION SO THE ANCHOR BOLTS OR APPROVED CONTACT DO NOT INTERFERE WITH THE RPM AND/OR FLOOR JOISTS.

D. TO INSTALL PIER/COLUMNS AT THE LOCATIONS DETERMINED BY RACEMAN HOMES PER EACH JOE SPECIFIC FOUNDATION PLAN. PIER/COLUMNS MUST BE INSTALLED UNDER EACH MATTING BEAM SPAN. PIER/COLUMN TO BE LOCATED WITHIN 12" OF EACH END OF ANY OPENING IN THE MATTING WALL GREATER THAN 10'.

heckaman homes IS NOT RESPONSIBLE FOR THE FOUNDATION DESIGN AND CONSTRUCTION. THIS PLAN IS FOR LAYOUT AND SPACING PURPOSES ONLY.

CONCRETE USED FOR PORCHES, BALKNIES, EXTERIOR STEPS, DRIVeways, AND GARAGE FLOORS TO HAVE A MINIMAL COMPRESSIVE STRENGTH OF 3000 PSI AND AIR ENTRAPPED.

heckaman homes IS NOT RESPONSIBLE FOR THE FOUNDATION DESIGN AND CONSTRUCTION. THIS PLAN IS FOR LAYOUT AND SPACING PURPOSES ONLY.

CONCRETE USED FOR PORCHES, BALKNIES, EXTERIOR STEPS, DRIVeways, AND GARAGE FLOORS TO HAVE A MINIMAL COMPRESSIVE STRENGTH OF 3000 PSI AND AIR ENTRAPPED.

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PRE-PRODUCT FOUNDATION
PLAN LAYOUT
(SUBJECT TO CHANGE)
FRONT END ELEVATION

LEFT SIDE ELEVATION

RIGHT SIDE ELEVATION

REAR END ELEVATION

SINGLES (TYP.)

WAVE SIDERING (TYP.) OVER APPROVED WEATHER RESISTANT BARRIER

VINYL TRIM (TYP.)

CUTTERS AND CORNICE CARTS

BASE VENT 12 SQ. IN PER FOOT (TYP.)

ALUMINUM FACADE (TYP.)

VENTED SIDING (TYP.)

CRAFTTECH BUILDING SYSTEMS, INC.
D/B/A/ HECKAMAN HOMES
HAPPANEE, INDIANA 46350
www.heckamanhomes.com

HECKAMAN HOMES

FRONT END ELEVATION

RIGHT SIDE ELEVATION

REAR END ELEVATION

ELEVATIONS

MODEL: SINGLE WIDE-RANCH

SCALE: 3/16" = 1'-0"

REVISED: 2-19-2020

SHI.UTER, 1
Subject Tract
BOA-23133
20-13 29

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

STR: 8301
CZM: 53
CD: 7

HEARING DATE: 06/08/2021 1:00 PM

APPLICANT: Connoisseur Cannabis

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

LOCATION: 7033 S MEMORIAL DR E, SUITE J

ZONED: CG,CS

PRESENT USE: Medical Marijuana Dispensary

TRACT SIZE: 71887.36 SQ FT

LEGAL DESCRIPTION: PRT SW SW BEG 60N & 60E SWC SW TH E270 N270 W270 S270 POB LESS BEG SWC THEREOF TH N45 SE63.64 S45 POB SEC 1 18 13 1.65AC

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NE/c of 71st St. S. and S. Memorial Dr.

STAFF COMMENTS:
The applicant is seeking a variance to be located within 1'000 feet of another dispensary located at 8320 E. 71st Street. Staff estimates the distance between the two dispensaries as 701 feet.
STATEMENT OF HARDSHIP:

Please state your hardship:
In December, 2020, Applicant took all necessary steps to achieve an updated Certificate of Occupancy from the City Tulsa in order to operate the Subject Property, as proven by the issuance of an Oklahoma Medical Marijuana Certificate of Compliance by the City. In April of this year, the City act unilaterally and as a result of its own error to revoke said Certificate and allow a separate dispensary to achieve a zoning permit within 1,000 feet of Applicant. Applicant is currently operating under agreement with the City while it seeks this variance in order to avoid the undue hardship of being barred from operation at the Subject Property through no fault of its own, but due to a series of errors by the City.

Applicant Signature: [Signature]

SAMPLE MOTION:

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

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

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

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

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

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

REVISED 6/1/2021
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.”
Location of Dispensary at 8320 E. 71st Street as see from the intersection of 71st and Memorial.
April 16, 2021

Connoisseur Dispensary
7033 S MEMORIAL DR
Tulsa, OK 74103

The violations listed below were noted during an inspection on: April 16, 2021

INSPECTION NOTES:
As per our conversation yesterday, the Tulsa Fire Marshal’s Office is in agreement that Connoisseur Cannabis LLC., 7033 S. Memorial Dr., Tulsa, may commence business with the following conditions:

1. The Tulsa Fire Marshal’s Office will issue a Notice of Violation indicating that Connoisseur Cannabis LLC. does not have a Certificate of Occupancy with the City of Tulsa for the current facility they occupy. This notice fulfills this requirement.
2. Connoisseur Cannabis LLC. will be required to complete the required steps to obtain a Certificate of Occupancy with the City of Tulsa, including obtaining a zoning variance from the City of Tulsa Board of Adjustment, by July 1, 2021.
3. If Connoisseur Cannabis LLC. does not obtain a Certificate of Occupancy with the City of Tulsa by July 1, 2021, they will be required to cease operation until a Certificate of Occupancy can be obtained.

VIOLATIONS:
F 105.3.3 Occupancy prohibited before approval
[A] The building or structure shall not be occupied prior to the fire code official issuing a permit and conducting associated inspections indicating the applicable provisions of this code have been met.

A reinspection to determine compliance with this notice will be conducted on or after: June 30, 2021.

Rick Bruder
Inspector

Property Representative

Right To Appeal Any person aggrieved by a decision of the code official may appeal the decision to the Building, Housing and Fire Prevention Appeals Board. The initiation of such an appeal shall be in writing and shall be filed with the Board no later than twenty (20) days after the code official’s decision was served. For information on how to file an appeal please call 918-596-9422 and request an appeal process packet.
5/5/2021

8320 East 71st Street, Tulsa, OK to Connoisseur Cannabis

Google Maps

Drive 0.2 mile, 3 min

via E 71st St S
Fastest route
0.2 mile
3 min

via S 85th E Ave and E 71st St S
0.4 mile
3 min

via Woodland Hills Mall Rd
0.3 mile
3 min

Explore Connoisseur Cannabis

Restaurants  Hotels  Gas stations  Parking Lots  More

https://www.google.com/maps/dir/8320+East+71st+Street,+Tulsa,+OK/Connoisseur+Cannabis,+7033+S+Memorial+Dr,+Tulsa,+OK+74133/@36.588139,-95.8658658,17z/data=!4m12!4m10!1m6!3m5!1m1!1s0x865421013c52c8c7:0x6d22d6bda6f3bb2d!2s8320+East+71st+Street,+Tulsa,+OK!5m1!1sConnoisseur+Cannabis!3m3!1m2!1s0x865421013c52c8c7:0x6d22d6bda6f3bb2d!2s!4m2!1s0x865421013c52c8c7:0x6d22d6bda6f3bb2d!2s
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018
BOARD OF ADJUSTMENT
CASE REPORT

Case Number: BOA-23136

STR: 9212
CZM: 36
CD: 4

HEARING DATE: 06/08/2021 1:00 PM

APPLICANT: Raul Cisneros

ACTION REQUESTED: Special Exception to permit a second story addition to a structure with a non-conforming setbacks (Sec. 80.030-D)

LOCATION: 1127 S NORFOLK AV E

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 6250.89 SQ FT

LEGAL DESCRIPTION: LT 14 BLK 2, RIDGEWOOD ADDN OF TRACY PARK 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 South fo the SE/c of E. 11th Pl. and S. Norfolk Ave.

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

SAMPLE MOTION:

Move to _________ (approve/deny) a Special Exception to permit a second story addition to a structure with a non-conforming setbacks (Sec. 80.030-D)

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

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

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Permit Number: BLDR-085213-2021

Review Type: Building Review (Residential)

Status: Requires Re-submit

Version: 1

Received Date: 03/23/2021

Due Date: 04/14/2021

Completed Date: 04/23/2021

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Results per page: 10 | 1 - 3 of 3

Comments () | Recommendations () | Corrections () | Review Detail () | Review Items () | Main Menu ()

Comments

No comments to display.

Recommendations

Sort

Number
80.030-D Alterations, Enlargements and Expansions

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

Corrective Action

Review Comments: You are proposing to add a second story to a structure that is non-conforming due to its side setback being less than 5' from the property line. Apply to BOA for a special exception to allow an addition to a non-conforming structure.
AMD-NORFOLK REMODEL

1121 S NORFOLK AVE TULSA, OK 74120

PROJECT TEAM

DESIGN
RCJ DESIGNS, LLC
103 S. BARKLEY, SUITE E
TULSA, OK 74120

KAIL CAMERON, JR
405-250-9760
KAIL@RCJDESIGNS.COM

SCOPES OF WORK

SHEETS

SUMMARY
EXISTING RESIDENCE REMODEL AND SECOND FLOOR ADDITION. DETACHED GARAGE TO BE DEMOLISHED AND REBUILT TO MATCH AS EXISTING.

PROJECT "AND"

COVER SHEET

A1 FLOOR PLAN-FIRST FLOOR
A2 FLOOR PLAN-SECOND FLOOR
A3 EXTERIOR ELEVATIONS/ ROOF SECTION
A4 EXTERIOR ELEVATION DETAILS
A5 ROOF PLAN

COVER SHEET

C6
Subject property

Facing North on Norfolk

8.16
REVISED 6/27/2021
BOA-23136

Aerial Photo Date: February 2018

Subject Tract

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

STR: 8316  
CZM: 52  
CD: 8

HEARING DATE: 06/08/2021 1:00 PM

APPLICANT: Brent Hynek

ACTION REQUESTED: Variance to reduce the required 25-foot rear setback in an RS-2 District (Sec. 5.030, Table 5-3)

LOCATION: 3709 E 82 PL S  
ZONED: RS-2

PRESENT USE: Residential  
TRACT SIZE: 10341.19 SQ FT

LEGAL DESCRIPTION: LT 27 BLK 4, FOREST CREEK II AMD

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NW/c of E. 82nd Ct. S. and E. 82nd Pl. S.

STAFF COMMENTS: The applicant is requesting a Variance to reduce the required 25-foot rear setback in an RS-2 District (Sec. 5.030, Table 5-3)
Table 5-3: R District Lot and Building Regulations

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The proposed sunroom is requested to be 12' from the Northern property line at its closest point.

**STATEMENT OF HARDSHIP:** There is an Existing covered patio that is already in violation of the setback.

**SAMPLE MOTION:**

Move to ________ (approve/deny) a **Variance** to reduce the required 25-foot rear setback in an RS-2 District (Sec. 5.030, Table 5-3)

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

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

9.3

REVIEWED 5/27/2021
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
APPLICANT NO: BLDR-086700-2021. (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Project Location: 3709 E. 82nd Pl.
Description: Addition

INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

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

IMPORTANT INFORMATION

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

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

3. A COPY OF A "RECORD SEARCH" [x 11S 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)
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. Regulations governing accessory uses and structures can be found in Chapter 45.

**Review comments:** The proposed addition is on an RS-2 zoned lot, and according to Table 5-3 requires a 25 foot setback from the rear (north) property line. The sunroom addition appears to be closer to the rear property line than 25 feet. You may revise the plans to increase the rear setback to 25 feet from the rear property line, or you may pursue a variance from the Board of Adjustment to have a rear setback of less than 25 feet in an RS-2 zoning district.

The zoning review will resume after these modified plans are submitted.

**Note:** Please direct all questions concerning variances, special exceptions, alternative landscape plans, alternative compliance parking ratios 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.

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter. A hard copy of this letter is available upon request by the applicant. Please Notify Plans Examiner By Email When You Have Submitted A Revision. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online.

---

**END - ZONING CODE REVIEW**

**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.
Proposed Sunroom
* 228sqft
* 12' x 19'
* 'A', 'B', 'C': See Drawings for Details
* Existing roof
* Tearout Existing Screen room and Slab
* Add Footings to code and new slab 6" thick
CHAMPION WINDOWS AND PATIO ROOM
4" Wall System with Studio Style Roof

SECTION DETAILS

CES
CHAMPION ENCLOSURE SUPPLIERS
12111 CHAMPION WAY, CINCINNATI, OH 45241
PHONE: (513) 765-7900  FAX: (513) 765-3907
A Wall

**Dimensions**

Wall Width: 146.000"
Wall Height: 86.625"

**Layout**

0.625" (BASE PLATE) + 6.125" (Foam) + 0.625" (WINDOW PLATE) + 75.5" (2 Lite Door) + 5.0625" (Wall Mullion) + 51.5" (2 Lite Window) + 6.5625" (Corner Post)
B Wall

Dimensions

Wall Width: 224.000"
Wall Height: 86.625"

Layout

6.5625" (Corner Post) + 4.5" (Foam) + 0.625" (WINDOW PLATE) + 63.5" (2 Lite Window) + 5.0625" (Wall Mullion) + 63.5" (2 Lite Window) + 5.0625" (Wall Mullion) + 63.5" (2 Lite Window) + 0.625" (WINDOW PLATE) + 4.5" (Foam) + 6.5625" (Corner Post)
C Wall

Shorty Window

24" knee wall

Pet Door

Dimensions

Wall Width: 146.000"
Wall Height: 86.625"

Layout

6.5625" (Corner Post) + 51.5" (2 Lite Window) + 5.0625" (Wall Mullion) + 75.5" (2 Lite Door) + 0.625" (WINDOW PLATE) + 6.125" (Foam) + 0.625" (BASE PLATE)
Plot Plan for: Owner: Reimers, Robert Sanes & Linda Anne
Address: 3709 E 82nd Pl
Lot: 27
Submitted by: Subdivision: Forest Creek II Amd
Parcel/locator: 70645-83-16-57610
Scale: 1"=20'
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9307
CZM: 37
CD: 4

HEARING DATE: 06/08/2021 1:00 PM

APPLICANT: Joel Bein

ACTION REQUESTED: Variance to increase the number of allowed freestanding or projecting signs on a MX zoned lot with 125-feet of street frontage (Sec. 60.080-C.2.b)

LOCATION: 1306 E 11 ST S

PRESENT USE: Retail center

ZONED: MX-1-P-U

TRACT SIZE: 25939.13 SQ FT

LEGAL DESCRIPTION: LTS 45 - 52 LESS N2.5 LT 52 BLK 4, ORCHARD ADDN

RELEVANT PREVIOUS ACTIONS:

Subject property: None

Surrounding properties:

BOA-20366; On 10.24.2006 the Board determined the zone text and the classification of the Meadow Gold sign to be a historical monument and allowed by code. Property located 1324 E. 11th St. S.

BOA-23125; On 05.25.21 the Board approved a Variance to allow projecting signs within 30-feet of other projecting signs (Sec. 60.040-B.2) and a Variance to increase the maximum number of projecting signs allowed in a CH District (Sec. 60.080-C.2.b). Property located 1406 and 1404 E. 11th St.

BOA-22761; On 10.22.19 the Board approved a variance to permit two freestanding signs in a CH District and to exceed the maximum permitted display area. Property located 1347 E. 11th St. (Buck Atoms).

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located at the SE/c of E. 11th St. S. and S. Peoria Ave.

**STAFF COMMENTS:** The applicant is seeking a Variance to increase the number of allowed freestanding or projecting signs on a MX zoned lot with 125-feet of street frontage (Sec. 60.080-C.2.b)

b. **Lots with Frontage on Major Streets**

The maximum aggregate number of projecting, freestanding and off-premise outdoor advertising signs allowed on lots with frontage on one or more major streets may not exceed the limits established in Table 60-2.

---

**Table 60-2:** Maximum Aggregate Number of Signs

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum Aggregate Number of Signs Allowed</th>
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<tr>
<td>CG, CH, and CBD</td>
<td>1 per 100 feet of major street frontage or fraction thereof</td>
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<td>CO, CS, MX and IL</td>
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<td>IM and IH</td>
<td>1 per 200 feet of major street frontage or fraction thereof</td>
</tr>
</tbody>
</table>

Per code the applicant would be allowed one projecting or free-standing sign and is approved this request would allow a second sign.

**STATEMENT OF HARDSHIP:** Building was constructed in 1936 under then current zoning code. Proximity to street does not allow safe readability of a single-faced wall sign. Additionally, the original design, combined with the age of the 1936 masonry, allows extremely limited mounting point for a sign-accommodated in design. Proposed design has received approval from the Route 66 Commission for a neon sign grant.

**SAMPLE MOTION:** Move to (approve/deny) a Variance to increase the number of allowed freestanding or projecting signs on a MX zoned lot with 125-feet of street frontage (Sec. 60.080-C.2.b)
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
Mr. Tidwell returned at 2:46 p.m.

Case No. 20366

Action Requested:
Interpretation of the zoning text to determine the classification of the Meadow Gold sign, located: 1324 East 11th Street South.

Presentation:
Mr. Cuthbertson informed the Board they are asking the Board to find whether the characteristics of the Meadow Gold sign are more in line with Use Unit 1, historical marker or a Use Unit 21, an outdoor advertising sign. He referred to two letters of support for the sign as a historical marker (Exhibit I-1).

Mr. Alberty commented that the staff in the permit center agreed that this is a historical marker, but needed the confirmation. He stated it is not an advertising sign but it is on a property designated just for the sign.

Comments and Questions:
Ms. Stead noted there are no sales of Meadow Gold products in this area any more. Mr. Henke commented that it is a real asset for Route 66.

Interested Parties:
There were interested parties present that signed-in, as in support of the sign as a historical marker.

Board Action:
On Motion of Stead, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "abstentions") this Board Determined the zoning text and the classification of the Meadow Gold sign to be an historical monument in line with Use Unit 1, on the following described property:

LT 1 & LT 2 BLK 4, ORCHARD ADDN, City of Tulsa, Tulsa County, State of Oklahoma

**********

OTHER BUSINESS

Mr. Cuthbertson mentioned the suggestion that the Board officially request the permit office to request an interpretation of the zoning text to determine an LED message board that does not contain a flashing or scrolling element would be consistent with the code and permitted in R and AG districts by right. The code limits signs in residential and agricultural districts for uses permitted by special exception, like schools and churches. It says illumination of a sign, if any, shall be by constant light. Ms. Stead wanted to specify limitations of time and temperature displays, because many of them change every one-half to one-quarter of a minute.
Action Requested:
Variance to permit two freestanding signs in a CH District to exceed the maximum permitted display area (Section 60.080-C). LOCATION: 1347 East 11th Street South (CD 4)

Presentation:
Mary Beth Babcock, 1347 East 11th Street, Tulsa, OK; stated she installed a 20-foot tall roadside attraction, Buck Adams, on Route 66 and Buck Adams had to be permitted as a sign. Because of Buck Adams she has to appear before the Board because she would like to have a neon sign in addition to the roadside attraction.

Mr. Bond asked Ms. Babcock if Buck Adams was a sign. Ms. Babcock stated she had to obtain a permit for Buck Adams and that was the only way she could get him was through a permit as a sign.

Mr. Van De Wiele asked Ms. Babcock if what she wants is what is seen on page 5.7 and the sign designated on 5.9 in the agenda packet. Ms. Babcock answered affirmatively.

Mr. Van De Wiele asked Ms. Babcock to state her hardship. Ms. Babcock stated her property is on Route 66 by the historical Meadow Gold neon sign. The State and City is embracing Route 66 and tourism, and today she had a group from HBO, Disney, NBC, Universal and Steven Spielberg visiting her location because Buck Adams is getting a lot of attention. She thinks that in two years people will see a change in the subject location. She has applied for a grant through Route 66 Commission for the sign, and that is pending on her approval for Buck Adams today. Ms. Babcock thinks this is a very unique situation.

Mr. Van De Wiele asked Ms. Babcock to explain to the Board what this is and who this is. Ms. Babcock stated that Buck Adams is a 20-foot tall sculpture. These are called muffler men and they were originally built in the 1960s for gas stations, tire shops, Phillips 66, Texaco, and there are now 250 of these statues all over the world. There are ten on Route 66, and the most popular one is named Gemini Giant in Wilmington, Illinois. These statues bring travelers from all over the world. There is a site called Roadside America, and it lists attractions. Buck Adams can be compared to the Blue Whale, the Golden Driller, the Totem Pole, Pops, that is what Buck is to Tulsa.

Mr. Van De Wiele asked Ms. Babcock if there was a tie to Tulsa, should he have heard about this? Ms. Babcock stated Buck Adams is completely made up from her imagination; his mission is to revitalize Route 66. Buck Adams is on the cover of the Tulsa Visitors Guide, on the cover of Oklahoma Today magazine, on the cover of Tulsa Voice.
Interested Parties:
Rhys Martin, 5006 East 38th Place, Tulsa, OK; stated he is the current Chair for the Tulsa Route 66 Commission and he is the President of the Oklahoma Route 66 Association, but he comes to the Board today as an individual not representing those associations. Route 66 is experiencing a remarkable revitalization throughout the country but especially here in Tulsa. One of the initiatives that the City is currently undergoing is the neon sign revitalization which is a program based on a grant. Although, Buck Adams has this amazing roadside attraction which is bringing a lot of attention a neon sign would add the element that would not only tie in her business to the rest of Route 66, but it would also give the business that aesthetic and the presence that other businesses enjoy along the route. Even though Buck had to be classified as a sign to be placed at the location, he has really become much more than that. He has become a symbol that is being recognized all around the country.

Peter Janzen, Encino Signs, 9810 East 58th Street, Tulsa, OK; stated the parking lot where Buck Adams is located is a tight parking, and he could not be safely located closer to the right-of-way in the street; he is hard to see on the initial drive-by. The people visiting Buck Adams are international and the people drive through to see Buck Adams, and that is Ms. Babcock’s one shot at getting their business. Mr. Janzen is hopeful that a 20-foot tall sign which is much larger and higher than the canopy will get more visibility. A wall sign is an option on the canopy, but structurally he is uncertain about that because of the age of the structure, so for parking lot safety and visibility and for the Route 66 tourism is the hardship.

Comments and Questions:
Ms. Radney stated that she will be abstaining from the discussion on the basis of the fact that her former neighbor, friend, and repeat client Rhys Martin is here representing Route 66.

Mr. Bond stated Buck Adams is more than just single commercial sign. He thinks the hardship is the existing Buck statue is actually the sign.

Mr. Van De Wiele stated that the unique character of Route 66 gets him there for a hardship.

Board Action:
On MOTION of BOND, the Board voted 4-0-1 (Bond, Ross, Shelton, Van De Wiele "aye"; "nay"; Radney "abstaining"; none absent) to APPROVE the request for a Variance to permit two freestanding signs in a CH District to exceed the maximum permitted display area (Section 60.080-C), subject to conceptual plan on pages 5.7, 5.9 and 5.10 of the agenda packet. The Board has found the hardship to be the nature of the existing co-located sign as well as the guidance from the Route 66 Overlay, Section 20.070. 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:

LT 7 LESS S2.5 THEREOF BLK 9, EAST LYNN ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22762—A-Max Sign Company

Action Requested:
Variance to permit a 252 square foot freestanding ground sign to be installed on a property with no street frontage (Section 60.080-C). LOCATION: 801 North Mingo Road East (CD 3)

Presentation:
Brian Ward, 9520 East 55th Place, Tulsa, OK; stated the client purchased the subject property from the City of Tulsa in 1981. Prior to the City of Tulsa owning the property it was a mobile home park. It appears to not have any street frontage according to the site plan. The property is about 20 acres and it sits about 200 feet East of Mingo Road. There is an existing sign and it is approximately the same size as what is being proposed, and the new sign would be in the exact same spot and approximately the same size. The client wanted to get in on the Route 66 corridor grant but falls outside of that corridor. The sign will have visibility from Mingo, but it is not oriented toward Mingo. The sign will be lit and will have neon.

Mr. Van De Wiele asked Mr. Ward if Independence Street was a public street. Mr. Ward stated that he has not received a clear answer to that question. The map calls it out as Independence Street, but the owner has said he maintains that stub and has paved it. Mr. Chapman stated that the seminary owns the parcel and there may be an easement arrangement on that portion.
Christian Ortiz  
9810 E. 58th St.  
Tulsa, OK 74146

APPLICATION NO:  SIGN-088474-2021  (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location:  1306 E. 11th St.
Description:  Projecting sign

<table>
<thead>
<tr>
<th>INFORMATION ABOUT SUBMITTING REVISIONS</th>
</tr>
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<tbody>
<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>
</tr>
<tr>
<td>REVISIONS NEED TO INCLUDE THE FOLLOWING:</td>
</tr>
<tr>
<td>1. A COPY OF THIS DEFICIENCY LETTER</td>
</tr>
<tr>
<td>2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED</td>
</tr>
<tr>
<td>3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)</td>
</tr>
</tbody>
</table>

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.

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<tr>
<td>1. SUBMIT TWO (2) SETS OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.</td>
</tr>
<tr>
<td>2. INFORMATION ABOUT ZONING CODE, THE INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMABC) IS AVAILABLE ONLINE AT <a href="http://WWW.INCOG.ORG">WWW.INCOG.ORG</a> OR AT INCOG OFFICES AT 2 WEST 2ND STREET, 8TH FLOOR, TULSA, OK, 74103 OR TELEPHONE (918) 584-7526.</td>
</tr>
<tr>
<td>3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.</td>
</tr>
</tbody>
</table>

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

### 1. 60.080-C.2.b Sign Budget Lots with Frontage on Major Streets

The maximum aggregate number of projecting, freestanding and off-premise outdoor advertising signs allowed on lots with frontage on one or more major streets may not exceed the limits established in Table 60-2.

**Table 60-2: Maximum Aggregate Number of Signs**

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<td>IM and IH</td>
<td>1 per 200 feet of major street frontage or fraction thereof</td>
</tr>
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</table>

Review Comments: There appears to be 125 feet of street frontage along E. 11th street for the provided address. In an MX zoning district there can be one projecting or freestanding sign for every 150 linear feet of street frontage. There already appears to be one freestanding sign on this lot on the 11th St. frontage. This exceeds the maximum number of projecting or freestanding signs allowed on this lot. You may pursue a variance from the board of adjustment to exceed the number of projecting and freestanding signs allowed for an MX lot with 125 feet of street frontage.

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.
CUSTOMER:
The Cheese and Meat Show
CITY AND STATE:

DRAWN BY:
Martha Hernandez

SOLD BY:
Peter Janzen

DRAWING NUMBER:
TMC5031721-001

APPROVED BY:

DATE APPROVED:

Please proofread all information carefully for accuracy before signing. Check names, numbers, spelling, punctuation as well as the general layout. Revisions requested after second proof will not be included in the original quoted price and will be charged accordingly.

Any typographical and or layout errors not found now will be the customer's responsibility.

Pylo Signs
Casino Signs
Monument Signs
Neon Signs
Blade Signs
Wall Signs
Channel Letters
Interior Signs
Wayfinding Signs
Post & Panel
LED Display
Commercial & Architectural Signs

THIS DESIGN IS SOLELY FOR REFERENCE ONLY, REMAINS PROPERTY OF ENCINOS 3D CUSTOM PRODUCTS LLC, UNTIL AGREEMENT HAS BEEN REACHED BETWEEN THE CLIENT AND ENCINOS 3D CUSTOM PRODUCTS LLC.
CUSTOMER: The Cheese and Meat Show
CITY AND STATE:

DRAWN BY: Martha Hernandez
SOLD BY: Peter Janzen
DRAWING NUMBER: TMCS031721-001
APPROVED BY:

DATE APPROVED:

Please proofread all information carefully for accuracy before ordering. Check names, numbers, spelling, punctuation as well as the general layout. Revisions requested after second proof are not included in the original quoted price and will be charged accordingly.

Any typographical and/or layout errors not found now will be the customer's responsibility.

Pylon Signs
Casino Signs
Monument Signs
Neon Signs
Blade Signs
Wall Signs
Channel Letters
Interior Signs
Way Finding Signs
Port & Panel
LED Display
Commercial & Architectural Signs

---

**Sign face calculation**

**Antenna**
1.16\(\times\)1.25 = 1.45

**Screen**
3.33\(\times\)2.5 = 8.325

**Box**
3.17\(\times\)0.75 = 2.375

**Total** = 12.15 sqft

---

**Neon Coverage**

**Antenna**
1.08\(\times\)1.08 = 1.2

**Knobs**
0.58\(\times\)0.25 = 0.15

**Speaker Grill**
0.75\(\times\)0.05 = 0.375

**Screen Horizontal**
0.17\(\times\)3.3 = 0.565

**Total** = 3.695 sqft

---

**THIS DESIGN IS SOLELY FOR REFERENCE ONLY. REMAINS PROPERTY OF ENCINOS 3D CUSTOM PRODUCTS LLC, UNTIL AGREEMENT HAS BEEN REACHED BETWEEN THE CLIENT AND ENCINOS 3D CUSTOM PRODUCTS LLC**
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

BOA-23138 19-13 07
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9330
CZM: 47
CD: 9

HEARING DATE: 06/08/2021 1:00 PM

APPLICANT: Cameron Wallace

ACTION REQUESTED: Variance to allow parking inside the City of Tulsa Right-of-Way and within the street setback (Sec. 90.090-A, Sec. 40.320-B)

LOCATION: 1347 E. 49th Pl.

PRESENT USE: Religious assembly

LEGAL DESCRIPTION: Lot 1 Block 1, Church of St. Mary's

TRACT SIZE: 348355.63 SQ FT

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-22969; On 07.28.20 the Board approved Special Exception to permit the expansion of an existing religious assembly in the RS-3 district. (Section 5.020 Table 5-2) Modification to a previously approved site plan for a religious assembly use.

BOA-21303; On 7.12.2011 the Board approved a Special Exception to amend a previously approved site plan.

BOA-19567; on 5.13.03 the Board approved a Special Exception to amend a previously approved site plan; and a Variance of the required number of parking spaces from 308 to 285 spaces to allow construction of an addition to the existing building, per plan submitted today, finding the hardship that they are not adding onto the sanctuary; existing for several years.

BOA-14078; on 5.29.86 the Board approved a Special Exception to make an addition to the previously approved church and site plan; per revised site plan submitted.

BOA-13408; on 1.10.85 the Board approved a Special Exception for church, school and related uses and purposes (construction of a church sanctuary) in an RS-3 district; and a Variance of the required all-weather material for off-street parking areas; per plot plan submitted; finding that the applicant demonstrated a hardship caused by the dual use of the land for parking and play area, finding that sod can be deemed a suitable substitute in this instance, and finding that the variance requested is only on the surfacing requirements, not on the required number of off-street parking.

BOA-2520; on 2.10.54 the Board granted permission to use property for church and school purposes.
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 the church of St. Mary's located at the NE/c of S. Quaker Ave. and E. 49th Street.

STAFF COMMENTS: The applicant is requesting Variance to allow parking inside the City of Tulsa Right-of-Way and within the street setback (Sec. 90.090-A, Sec. 40.320-B)

Section 40.320 Religious Assembly
The supplemental use regulations of this section apply to religious assembly uses in AG and R districts.

40.320-A In AG and R zoning districts, religious assembly uses must be located on lots with a minimum lot area of one acre and a minimum lot width of 100 feet.

40.320-B In AG and R zoning districts, off-street parking on the site of a religious assembly use is prohibited in street building setbacks.

90.090-A Measurement
Required setbacks are measured from the applicable lot line, right-of-way, planned right-of-way or location referred to below. Building setbacks are measured to the nearest exterior building wall. Minimum setbacks that apply to other features (parking areas, fences, storage areas) are measured from the nearest point of the area or feature for which a setback is required. See §90.090:C for information on structures and building features that are allowed to occupy setback and yard areas in R zoning districts. Unless otherwise expressly stated, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan. If a variance of the prohibition against location of a structure within the right of way or planned right of way is granted by the Board of Adjustment, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan, unless a license has been granted by the city, in the case of the right-of-way, or a removal agreement has been entered into, in the case of the planned right-of-way.

STATEMENT OF HARDSHIP: None provided by the applicant.
SAMPLE MOTION:

Move to ________ (approve/deny) a Variance to allow parking inside the City of Tulsa Right-of-Way and within the street setback (Sec. 90.090-A, Sec. 40.320-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 ________________________.

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 29, 2021

Cameron Wallace  
810 S Cincinnati Ave  
Tulsa, OK

APPLICATION NO: BLDC-057625-2020  
(please reference this number when contacting our office)

Location: 1347 E 49 PL  
Description: New Bldg.

## 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. Pursuant to federal, state, and local declarations of emergency arising from the COVID-19 threat and as directed by the administration, our office is closed to the public until further notice. Paper submittals (including revisions and addendum) for any project is not accepted at this time. If submitting revisions for applications that previously utilized paper plans, email the revised plans to coddevsvcs@cityoftulsa.org or submit electronic plan revisions on the Portal at [https://tulsaok.tyler-tech.com/energov4934/selfservice](https://tulsaok.tyler-tech.com/energov4934/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.inco.gov](http://www.inco.gov) 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.)

(continued)
REVIEW COMMENTS

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

BLDC-057625-2020  1347 E 49 PL  March 29, 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 an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. **UNRESOLVED** IBC Sec.105.3.2: To obtain a permit, the applicant shall first file an application that describes the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and locate the proposed building or work. The proposed building is being constructed across multiple lot lines.
   
   **Review comment:** A lot combination is required for new buildings built across multiple lot lines. Submit a lot combination approved by the TMAPC, stamped and signed by the County Clerk, and filed at the County Courthouse.
   
   **ACTION REQUIRED:** Submit a copy of a lot combination or replat that combines the lots.

2. **RESOLVED** Sec.5.020 Table 5-2: The proposed building is located on an RS-3 zoning district. It is designated a Religious Assembly Use and is a modification to the current site plan. This will require a Special Exception to amend a previously approved site plan for a religious assembly use in an RS-3 zoning district.
   
   **Review comment:** Submit a copy of the Special Exception to amend a previously approved site plan for a religious assembly use in an RS-3 zoning district.

3. **RESOLVED** Sec.67.040-A: You are proposing outdoor lighting on this site. Light trespass along the lot line of the subject property may not exceed 0.5 foot-candles when abutting an agricultural or residential zoning district and may not exceed 3.0 foot-candles when abutting any other zoning district or public right-of-way. Maximum illumination levels are measured 3 feet above grade or from the top of any opaque screening fence or wall along the property line.
   
   **Review comment:** Applicants have 2 options for the format of the required lighting plan:
   
   **Sec.67.040-B Option 1:** Fixture Height Standard Lighting Plan
   Option 1 (Fixture Height Standard Lighting Plans) establishes maximum light fixture heights but does not require submittal of a detailed photometric plan.
   
   1. **Information Required**
      a. Fixture height standard lighting plans must include at least the following: A scale drawing of the site with all outdoor lighting locations shown;
      b. Fixture specifications, including catalog cut-sheets or generic standards;
      c. Pole type and height of fixture;
      d. Lamp type and size; and
2. Maximum Fixture Heights: Allowable heights of light fixtures must be measured from the light-emitting surface to finished grade at the base of the pole. Maximum allowed light fixture heights are based on the (ground-level) horizontal distance between the light fixture and any agricultural or residential zoning district or public right-of-way, as established in Table 67-1:

Table 67-1: Maximum Light Fixture Heights

<table>
<thead>
<tr>
<th>Distance from AG District, R District or Public Right-of-Way (feet)</th>
<th>Maximum Fixture Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 50</td>
<td>16</td>
</tr>
<tr>
<td>50.01 – 250</td>
<td>20</td>
</tr>
<tr>
<td>More than 250</td>
<td>35</td>
</tr>
</tbody>
</table>

Sec.67.040-C Option 2: Photometric Study

Option 2 (Photometric Study Lighting Plan) no maximum fixture heights are established, but applicants are required to submit a photometric study in enough detail to demonstrate that all applicable outdoor light standards will be met. The photometric study must include at least the following:

1. A scale drawing of the site with all outdoor lighting locations shown;
2. Fixture specifications, including catalog cut-sheets or generic standards;
3. Lamp type and size;
4. Fixture mounting heights, mounting orientation, and tilt angles if applicable; and
5. A representative point-by-point illumination array for the site showing property lines and all off-site lighting impacts.

NEW ITEM Sec.90.90-A: Unless otherwise expressly stated, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan. If a variance of the prohibition against location of a structure within the right of way or planned right of way is granted by the Board of Adjustment, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan, unless a license has been granted by the city, in the case of the right-of-way, or a removal agreement has been entered into, in the case of the planned right-of-way.

Review comment: A variance and removal agreement is required to locate parking in the E 49th ST right-of-way.

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

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

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

A hard copy of this letter is available upon request by the applicant.
NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH
THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON
RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE
APPLICANT.

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

COMMUNITY CENTER

S. QUAKER AVE.

SIDEWALK EASEMENT
BY PLAT AND LIMITS OF
ACCESS AGREEMENT

PEDESTRIAN PUBLIC
PATHWAY ROUTE

EAST 49TH PLACE SOUTH

WATERLINE FOR RECORD PLANS

COMMUNITY CENTER

SCALE: 1" = 20'-0"

CONSTRUCTION AGREEMENT

CHURCH OF SAINT MARY
COMMUNITY CENTER
LICENSE AGREEMENT

THIS AGREEMENT, made and entered into by and between the CITY OF TULSA, OKLAHOMA, a municipal corporation, 175 East Second Street, Tulsa, OK 74103 (hereinafter referred to as “City”) and DIOCESE OF TULSA OF THE ROMAN CATHOLIC CHURCH (hereinafter referred to as “Licensee”),

WITNESSETH:

WHEREAS, City owns certain real property, adjacent to:

Lot Eleven (11) Block Seventeen (17) BELLAIRE ACRES SECOND EXTENSION, County of Tulsa, State of Oklahoma, according to the recorded plat thereof, more particularly described in Exhibit “A”; 

WHEREAS, Licensee has applied for a license to install, use and maintain certain improvements, to-wit: sidewalk access to building, six parking stalls and one ADA accessible parking stall.

in and upon the said real property, and

WHEREAS, City is agreeable to the issuance of said license, subject to the covenants and conditions set forth below;

NOW, THEREFORE, IT IS HEREBY AGREED BY AND BETWEEN CITY AND LICENSEE AS FOLLOWS:

1. City does hereby grant this license to Licensee to construct, install and maintain the said improvements, in substantial conformity with attached Exhibit “A”, in and upon City’s real property, provided that such use does not unreasonably interfere with public use of the said property.

2. This license is unconditionally revocable at any time at the will of City, and is subject to and subordinate to City’s right to maintain, use, alter or excavate any portion of City’s said real property. This license is subject to and subordinate to any rights heretofore or hereafter granted by City to any public utility or franchise holder, to construct, install, operate, maintain, repair or replace any utility or appurtenance thereto, or to use any portion of City’s said real property. Should removal, construction and/or excavation become necessary in City’s opinion, Licensee agrees to hold City harmless for any loss or damage to Licensee’s improvement(s); City shall not be responsible to replace any of Licensee’s improvement(s).

3. The said improvements shall at all times be and remain the property of Licensee. It is specifically agreed that Licensee shall install and maintain said improvements at Licensee’s
own expense, and at Licensee’s own risk. During the term of this agreement, Licensee shall maintain the said improvements in a functional, safe and attractive condition.

4. Licensee shall indemnify and hold City, and its employees, officers, elected officials and agents, harmless of and from any and all claims, suits, actions or judgments, including all expenses, attorney fees, witness fees and costs of defending any such claim, or appeals therefrom, which arise in any way out of Licensee’s installation, use or maintenance of said improvements, including but not limited to, any interference or damage to any third person or property.

5. Upon termination of this license as herein provided, Licensee shall, if City so desires, and after receiving prior written demand from City, remove said improvements and restore the said real property, as nearly as is practical, to the state and condition of its existence prior to the installation of said improvements, ordinary wear and tear excepted, to the reasonable satisfaction of City.

6. Nothing herein shall release Licensee or its contractors from their duty to obtain necessary permits and comply with all applicable ordinances, laws and regulations, including but not limited to mechanical, electrical and building codes, fire and safety regulations, ADA standards, street-closing and zoning ordinances.

7. This license, when duly recorded in the office of the County Clerk, shall bind Licensee’s successors in title, and shall run with the land.

8. This license is not assignable or transferable by Licensee without the prior written consent of City.

9. The effective date of this agreement shall be the date on which it is executed by the City of Tulsa.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the dates set forth below.

DIOCESE OF TULSA OF THE ROMAN CATHOLIC CHURCH

By: Bishop David A. Konderla, Bishop of Tulsa
STATE OF OKLAHOMA
) ss:
COUNTY OF TULSA
)

Before me, the undersigned, a Notary Public, in and for said County and State on this 18th day
of February, 2021, personally appeared The Most Reverend David A. Konderla, to
me known to be the identical person who subscribed the name of DIOCESE OF TULSA OF THE
ROMAN CATHOLIC CHURCH to the foregoing as its Bishop of Tulsa, and acknowledged to me that
he executed the same as his free and voluntary act and deed and as the free and voluntary act and deed
of DIOCESE OF TULSA OF THE ROMAN CATHOLIC CHURCH, for the uses and purposes
therein set forth.

Given under my hand and seal the day and year last above written.

Mary E. McGilvray
Notary Public

My Commission Expires: 2/24/2021

5-4-20-52

Page 3 of 5
APPROVED:

Audrey D Blank
Assistant City Attorney

APPROVED BY CITY COUNCIL:

Date: APR 14 2021

STATE OF OKLAHOMA  )
COUNTY OF TULSA  ) ss.

Before me, a Notary Public in and for said County and State, on the 14th day of April, 2021, personally appeared Vanessa Hall-Harper, to me known to be the identical person who approved the within and foregoing instrument as Chair of the City Council of the City of Tulsa, Oklahoma, and acknowledged to me that she approved the within and foregoing instrument as her free and voluntary act and deed and as the free and voluntary act and deed of the City Council of the City of Tulsa, Oklahoma, for the uses and purposes therein set forth.

Notary Public

LORI ANN DORING
Notary Public - State of Oklahoma
Commission Number 16004536
My Commission Expires May 4, 2022

APPROVED:

City Engineer

BY: Vanessa Hall-Harper, Chair
CITY OF TULSA, OKLAHOMA,  
a municipal corporation

G. T. Bynum, Mayor

STATE OF OKLAHOMA )
) ss.
COUNTY OF TULSA )

Before me, a Notary Public in and for said County and State, on the 21st day of April, 2021, personally appeared G. T. Bynum, to me known to be the identical person who approved the within and foregoing instrument as Mayor of the City of Tulsa, Oklahoma, and acknowledged to me that he approved the within and foregoing instrument as his free and voluntary act and deed and as the free and voluntary act and deed of the City of Tulsa, Oklahoma, for the uses and purposes therein set forth.

My commission expires: 2/16/25
APPLICATION FOR LICENSE AGREEMENT TO CONSTRUCT AND MAINTAIN PRIVATE IMPROVEMENTS UPON PUBLIC WAY

APPLICANT NAME AND ADDRESS
(CYNERGY AEC
810 South Cincinnati
2nd Floor
Tulsa, OK 74110
Attr: Robert Reynolds)

ADDRESS OF THE PUBLIC WAY
Church of Saint Mary
1347 East 49th Place South
Tulsa, Oklahoma 74105
Attn: Father Jack Gleason (Pastor)

DATE OF APPLICATION
06/26/2020

TELEPHONE NUMBER
918-749-1423

NAME OF CONTACT PERSON (IF OTHER THAN PROPERTY OWNER)
Matt Bendel

ADDRESS AND LEGAL DESCRIPTION OF THE PUBLIC WAY TO BE OCCUPIED.
Church of Saint Mary same as address above. The Public Way is located on the northeast corner of East 49th Place South and South Quaker Avenue.

The legal description of the public way access is defined by plat and known as the sidewalk easement. An Exhibit sketch EX-1 shows the limits the license agreement for public way access.

Explanation of purpose or need to occupy Public Way (refer to Criteria for Consideration).
The Church of Saint Mary is providing off-street parking for the new community center. The need for the public way is to provide public way access for pedestrian pathway along the sidewalk and short term parking for community center charitable services.

Type of Improvement requested for License Agreement
Type of Improvements include a sidewalk access to the building and six parking stalls and one ADA accessible parking stall. The handicap stall has an 8-foot wide striped aisle with accessible ramps and ADA pavement markings and sign.

Plat of Survey or representative sketch or drawing has been attached delineating the described request showing all data pertinent to the property e.g. distance bearings and encroachments.

Submitted by: [Signature]

EXHIBIT "A"
Page 1 of 2
BOA-23139

Subject Tract

19-13 30

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

11.19
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9227
CZM: 46
CD: 2
HEARING DATE: 06/08/2021 1:00 PM

APPLICANT: Gary Schellhorn

ACTION REQUESTED: Minor Special Exception to modify a previously approved site plan to make improvements to Reed Park (Sec. 70.120)

LOCATION: 4233 S YUKON AV
ZONED: RS-3
TRACT SIZE: 1221166.04 SQ FT

PRESENT USE: Reed Park

LEGAL DESCRIPTION: BEG 45W & 522.13S NEC NE TH S137.87 E10 S660 W1284.4 N1130 E595 S332.13 E680 POB SEC 27 19 13 28.034ACS

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-8841-A; on 02.26.2013 the Board approved an amended site plan for Reed park to add identification signage.

BOA-18175; On 09.08.98 the Board approved a special Exception to approve an amended site plan for Frank Reed park for renovate the community center and add parking.
On 04.11.95 the Board approved a Special Exception to add a swimming pool, community center and other improvements to Reed park. Below is the site plan from this case which included the original pool.

BOA-16986; On 04.11.95 the Board approved a Special Exception to add a swimming pool, community center and other improvements to Reed park. Below is the site plan from this case which included the original pool.

BOA-8841; On 12.18.75 the Board approved a Special Exception for a public park to make improvements to Reed park.

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

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

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

**STAFF COMMENTS:** The applicant is requesting Minor Special Exception to modify a previously approved site plan to make improvements to Reed Park (Sec. 70.120)

The park has been reviewed multiple times by the Board for Site Plan revisions, but BOA-18986 included the portions under consideration in this application.

**SAMPLE MOTION:**

Move to _______ (approve/deny) a Minor Special Exception to to modify a previously approved site plan to make improvements to Reed Park (Sec. 70.120)

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

- **Suggested Condition:** And to include future modifications and improvements commensurate with park amenities, with no further Board of Adjustment approval required.

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

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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.
Board Action:
On MOTION of SNYDER, the Board voted 3-0-0 (Henke, Snyder, Tidwell “aye”; no “nays”; no “abstentions”; Van De Wiele, White absent) to APPROVE the request for a Modification to a previously approved site plan (BOA-08133-A) to replace existing identification sign for Henthorne Park. Finding the modification to approving the conceptual plans submitted for funded items, and unfunded items conceptually approved, require no further Board of Adjustment action; finding the proposed improvements to be compatible with the neighborhood in the previous approved special exception, such modification meets the current zoning requirements; for the following property:

PRT GOV LT 3 BEG SECR GOV LT 3 TH N611.25 W123.81 N25 W466.55 S460.54 E344.88 S176 E248.74 POB FOR PARK SEC 30 19 13 7.19ACS, BELLAIRE ACRES ADDN, BELLAIRE ACRES SECOND EXT, CEDAR GARDENS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Action Requested:
Modification to a previously approved site plan (BOA-08841) to replace existing identification sign for Reed Park. LOCATION: 4233 South Yukon (CD 2)

Presentation:
Jack Bubenik, City of Tulsa Parks Department, 175 East 2nd Street, Tulsa, OK; the applicant was present for any questions.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of TIDWELL, the Board voted 3-0-0 (Henke, Snyder, Tidwell “aye”; no “nays”; no “abstentions”; Van De Wiele, White absent) to APPROVE the request for a Modification to a previously approved site plan (BOA-08841) to replace existing identification sign for Reed Park. Finding the modification to approving the conceptual plans submitted for funded items, and unfunded items conceptually approved, require no further Board of Adjustment action; finding the proposed improvements to be compatible with the neighborhood in the previous approved special exception, such modification meets the current zoning requirements; for the following property:

BEG 45W & 522.13S NEC NE TH S137.87 E10 S660 W1284.4 N1130 E595 S332.13 E680 POB SEC 27 19 13 28.034ACS, CLINTON HOME ADDN, CLINTON

02/26/2013-1088 (12)
HOMESITES, HILLDALE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

16460-A – Jack Buebnik – City of Tulsa Parks

Action Requested:
Modification to a previously approved site plan (BOA-16460) to replace existing identification sign for Chamberlain Park. **LOCATION:** 4940 North Frankfort Avenue (CD 1)

Presentation:
Jack Bubnik, City of Tulsa Parks Department, 175 East 2nd Street, Tulsa, OK; the applicant was present for any questions.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On **MOTION** of **SNYDER**, the Board voted 3-0-0 (Henke, Snyder, Tidwell “aye”; no “nays”; no “abstentions”; Van De Wiele, White absent) to **APPROVE** the request for a Modification to a previously approved site plan (BOA-16460) to replace existing identification sign for Chamberlain Park. Finding the modification to approving the conceptual plans submitted for funded items, and unfunded items conceptually approved, require no further Board of Adjustment action; finding the proposed improvements to be compatible with the neighborhood in the previous approved special exception, such modification meets the current zoning requirements; for the following property:

ALL BLKS 1 & 2, LTS 1 THRU 9 BLK 6, FAIRHILL 2ND ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

17115-A – Jack Buebnik – City of Tulsa Parks

Action Requested:
Modification to a previously approved site plan (BOA-18394) to replace existing identification sign for Braden Park. **LOCATION:** 5036 East 7th Street (CD 5)

Presentation:
Jack Bubnik, City of Tulsa Parks Department, 175 East 2nd Street, Tulsa, OK; the applicant was present for any questions.
Mr. Pauling advised that a beauty shop is a use by right in the RM-3 District and noted that the application could be continued and readvertised as a variance of Section 420.2, Accessory Use Conditions, as the Board should determine whether or not they wish to set a precedent by permitting a home occupation in a residential complex as opposed to a single-family residence. He did not feel that the readvertisement under Section 420.2 would constitute a principal use variance.

Mr. Gardner noted that the Board could place a limitation on the operation regarding the number of employees and the size of the shop. He felt the most important question is whether or not the approval of the application as submitted would set a precedent.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (5-0) continued application 8861 to January 8, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for a public park to permit the improvement of Reed Park, which consists of a community center building, restrooms, concessions, and storage building in an RS-3 District located at 41st Street and Yukon Avenue.

Presentation:

Randy Nicholson, representing the City of Tulsa Park and Recreation Department, presented a site plan to the Board and requested permission to improve the existing 30-acre Reed Park to include the expansion of the existing community center building, in addition to a restroom, concession and storage building and a ball-field as provided for on the site plan, a copy of which will be submitted to the Board for filing purposes.

Board Member Smith requested that the drainage provided for on the site plan be approved by the City Engineer.

Protests: None.

Board Action:

On MOTION of GUERRERO, the Board (5-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for a public park to permit the improvement of Reed Park which consists of a community center building, restrooms, concessions and a storage building, subject to the site plan to be submitted and subject to the approval of the drainage plan by the City Engineer in an RS-3 District on the following described tract:

12.18.75:202(3)
Beginning at a point 35' West and 670' South of the NE corner of Section 27, Township 19 North, Range 12 East, Tulsa County, Oklahoma; thence South on a line parallel to the East line of said Section 27, a distance of 660' to the South line of the NE/4 of Section 27, said point being 35' West of the SE corner of the NE/4 of the NE/4 of Section 27; thence West on the South line of said NE/4 of the NE/4 of Section 27 a distance of 1,284.4' to the SW corner of the NE/4 of the NE/4 of Section 27; thence North on the West line of said NE/4 of the NE/4 a distance of 1,130'; thence East on a line parallel to and 190' South of the North line of Section 27 a distance of 595'; thence South on a line parallel to the East line of said Section 27 a distance of 470'; thence East on a line parallel to the North line of Section 27, a distance of 690' to the point of beginning.

8841 (continued)

Action Requested:
Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for a public park to permit the improvement of Owen Park that will consist of a community center in an RS-3 District located at Edison Street and Quannah Avenue.

Presentation:
Randy Nicholson, representing the City of Tulsa Park and Recreation Department, presented a site plan to the Board and requested permission to improve the existing recreation center, noting that there are tennis courts and handball facility also in existence. The only improvement at this time is an addition to the north of the existing recreation center as proposed on the site plan, a copy of which will be submitted to the Board for filing purposes. He noted the large natural pond which is existing on the property, after which Board Member Smith requested that the drainage plans be approved by the City Engineer.

Protests: None.

Board Action:
On MOTION of PURSER, the Board (5-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for a public park to permit the improvement of Owen Park that will consist of a community center, subject to the site plan to be submitted and subject to the approval of the drainage plans by the City Engineer in an RS-3 District on the following described tract:

The N/2 of the NE/4 of the NW/4 of Section 2, Township 19 North, Range 12 East, Tulsa County, Oklahoma.

8865

Action Requested:
Variance (Section 610 - Principal Uses Permitted in Office Districts - Under the Provisions of Section 1670) to permit living quarters; an Exception (Section 250.3 - Modification of the Screening Wall or Fence Requirements) for a modification of the screening requirements on the south property line; and a Variance (Section 630 - Bulk and Area Requirements)
Ms. Gilliland stated that 20 spaces are currently marked off and available for parking, and Mr. White pointed out that these spaces extend into the City right-of-way and cannot be calculated when determining required spaces.

In reply to the applicant, Mr. Jackere advised that most businesses in the area are nonconforming as to parking. He explained that there were no parking requirements prior to 1970 and many of the businesses were in operation prior to that time; however, bars and pool halls must comply with current Code requirements before they can operate, because they generate significant parking concerns. He further noted that any change in use (of this nature) would require compliance with current parking requirements.

**Board Action:**

On MOTION of WHITE, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to DENY a Variance of the required number of off-street parking spaces from 74 (1 space per 75 gross sq ft, this building contains 5489 gross sq ft) to 34 - SECTION 1212a.D. - OFF-STREET PARKING AND LOADING REQUIREMENTS - Use Unit 12a; finding that only 7 of the 74 required on-site parking spaces can be provided meeting Code standards; finding that parking available in front of the building is located in the City right-of-way; and finding that approval of the request would cause substantial detriment to the public good and violate the spirit and intent of the Code; on the following described property:

Lots 12, 13 and 14, Block 2, Houston Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16986**

**Action Requested:**

Special Exception to permit a public park in an RS-3 zoned district - SECTION 401.

USES PERMITTED IN THE RESIDENTIAL DISTRICT - Use Unit 2, located south of the southwest corner of South Union Avenue and West 41st Street.

**Presentation:**

The applicant, City of Tulsa, 707 South Houston, was represented by Ross Weller, who submitted a plot plan (Exhibit D-1) and advised that 22 parking spaces have been provided for the swimming pool and 56 spaces for the Community Center, or a total of 78 spaces. He pointed out that the required parking, including the proposed addition, is 76 spaces.
Case No. 16986 (continued)

Comments and Questions:
Mr. White asked if the interested party, who attended the previous meeting, has been contacted, and Mr. Weller advised that she has not been contacted. He pointed out that the parking that is in place is farther away than the street, therefore, street parking is utilized first.

Protestants:
None.

Board Action:
On MOTION of WHITE, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to APPROVE a Special Exception to permit a public park in an RS-3 zoned district - SECTION 401. - USES PERMITTED IN THE RESIDENTIAL DISTRICT - Use Unit 2; per plan submitted; finding that the new addition to the existing building will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Beginning at a point 35' West and 670' South of the SE corner of Section 27, T-19, R-12 E Tulsa County, Oklahoma, thence South on a line parallel to the E line of said Section 27 a distance of 660 ft. to the S line of the NE 1/4 of the NE 1/4 of Section 27, said point being 35' W of the SE corner of the NE 1/4 of the NE 1/4 of Section 27 thence W on the S line of said NE 1/4 of the NE 1/4 of Section 27 a distance of 1284.4 ft. to the SW corner of the NE 1/4 of the NE 1/4 of Section 27 thence N on the W line of said NE 1/4 of the NE 1/4 a distance of 1130 ft. thence E on a line parallel to and 190 ft. South of the North line of Section 27 a distance of 595', thence S on a line parallel to the E line of said Section 27 a distance of 470' thence E on a line parallel to the N line of said Section 27 a distance of 690' to the point of beginning.
Case No. 18174

Action Requested:
Special Exception to permit a manufactured home in an RS-3-zoned district. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 9, located Northwest corner East 32nd Street North & North Jamestown.

Presentation:
Gary Carson, 1935 East 26th Place North, is proposing to place a mobile home on the subject property.

Comments and Questions:
Ms. Turnbo asked if two off-street parking spaces would be provided. Mr. Carson responded affirmatively. Ms. Turnbo explained that there is a one-year time limit on a mobile home. Mr. Carson replied that he had intended for this to be a permanent dwelling.

Interested Parties:
None.

Board Action:
On MOTION of DUNHAM, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, “aye”; no “nays”, no “abstentions”; Cooper “absent”) to APPROVE a Special Exception to permit a manufactured home in an RS-3 zoned district. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 9 and to CONTINUE the Variance on the one-year time limitation to allow proper notice to be given on the following described property:

Lots 20 & 21, Block 5, Mohawk-Harvard Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 18175

Action Requested:
Minor Special Exception to approve an amended site plan for Frank Reed Park to add parking and interior renovations. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5, located 4233 South Yukon.

Interested Parties:
None.

Board Action:
On MOTION of DUNHAM, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, “aye”; no “nays”, no “abstentions”; Cooper “absent”) to APPROVE a Minor Special Exception to approve an amended site plan for Frank Reed Park to add parking and interior renovations. SECTION 401. PRINCIPAL USES
PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5 per plan on the following described property:

A tract of land lying in the NE/4 of the NE/4 of Section 27, T-19-N, R-12-E, more particularly described as follows: - Beginning at a point 35' S and 45' W of the NE/c of said Section 27; thence S on a line parallel to the E line of said Section 27, a distance of 625'; thence E at right angles to the last described line a distance of 10'; thence S parallel to said E line of Section 27, a distance of 660' to the S line of the NE/4 of the NE/4 of Section 27, said point being 35' W of the SE/c of the NE/4 of the NE/4 of Section 27; thence W on the S line of said NE/4 of the NE/4 a distance of 1284.4' to the SW/c of the said NE/4 of the NE/4 of Section 27; thence N on the W line of said NE/4 of the NE/4 a distance of 1,130' to a point 190' S of the NW/c of said NE/4 of the NE/4 thence E on a line parallel to and 190' S of the N line of said Section 27, a distance of 595'; thence S on a line parallel to the E line of said Section 27, a distance of 470'; thence E on a line parallel to the N line of said Section 27, a distance of 530'; thence N on a line parallel to the E line of Section 27, a distance of 625'; thence on a line parallel to and 35' S of the N line of Section 27, a distance of 150' to the point of beginning, containing 28.03 acres, more or less, which includes Lots 1, 2, and 3, Block 9, Clinton Homesites Addition to Red Ford, now an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 18176

Action Requested:
Special Exception to permit a mini-storage unit in the RS-1-zoned district (tract is permitted in court-ordered uses). SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 16, located 9149 South Yale Avenue.

Presentation:
Mark Smiling, 11414 South Granite Place, is purchasing this property that was previously zoned for rental storage units and an office complex. The mini-storage is located behind commercial properties, including a new bank, which has expressed concern as to aesthetics. The bank has agreed to supply the brick for brick columns along a concrete or steel wall. Also, an office complex will be constructed in front on the storage areas.

Comments and Questions:
Mr. Stump noted that this area is zoned RS-1, but the City of Tulsa was enjoined from enforcing the zoning code as it relates to this tract and is limited to enforcing CS uses, by court decree in the early 1970s. This area should be reviewed as CS zoning.

Mr. Dunham asked about landscaping along the south. Mr. Smiling responded that landscaping will be included on the south of the property.
Legal Description

A tract of land lying in the NE/4 of the NE/4 of Section 27, Township 19 North, Range 12 East, more particularly described as follows: Beginning at a point 35 feet South and 45 feet West of the Northeast corner of said Section 27; thence South on a line parallel to the East line of said Section 27, a distance of 625 feet; thence East at right angles to the last described line a distance of 10 feet; thence South parallel to said East line of Section 27, a distance of 660 feet to the South line of the NE/4 of the NE/4 of Section 27, said point being 35 feet West of the Southeast corner of the NE/4 of the NE/4 of Section 27; thence West on the South line of said NE/4 of the NE/4 a distance of 1204.4 feet to the Southwest corner of the said NE/4 of the NE/11 of Section 27; thence North on the West line of said NE/4 of the NE/4 a distance of 1130 feet to a point 190 feet South of the Northwest corner of said NE/4 of the NE/4; thence East on a line parallel to and 190 feet South of the North line of said Section 27, a distance of 595 feet; thence South on a line parallel to the East line of said Section 27, a distance of 470 feet; thence East on a line parallel to the North line of said Section 27, a distance of 530 feet; thence North on a line parallel to the East line of Section 27, a distance of 625 feet; thence on a line parallel to and 35 feet South of the North line of Section 27, a distance of 150 feet to the point of beginning, containing 28.03 acres, more or less, which includes Lots One (1), Two (2) and Three (3), Block Nine (9) Clinton Homesites Addition to Red
City of Tulsa, Tulsa County, Oklahoma
located in Section 27, T19N, R13E.
(Book 3933, Page 372)
APPLICATION NO: **BLDC-085473-2021**  
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

<table>
<thead>
<tr>
<th>Location:</th>
<th>4233 S Yukon Ave</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description:</td>
<td>New pool building</td>
</tr>
</tbody>
</table>

**ZONING CLEARANCE PLAN REVIEW**

April 29, 2021  
Phone: 918.596.9586

**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 (TPMC), 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.)
Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to a representative at the Tulsa Planning Office at 918-684-7626 or esubmit@incog.org. It is your responsibility to submit to our office documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. Modification of previous City of Tulsa Board of Adjustment (BOA) approval required.

BOA-18175:09/08/1998 approved a Minor Special Exception to add parking and interior renovations. This approval was per plan submitted. The proposed pool building is a modification to the site plan approved on 09/08/1998.

Review comment: Submit an approved BOA modified site plan reviewed and approved per Sec.70.120 to allow a modification to a previously approved site plan for the pool building at this location. The approved modified site plan shall be submitted as a revision to this application. Please contact Austin Chapman at achapman@incog.org for assistance with the site plan approval.

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.
CHUCK LANGE  
ZONING OFFICIAL  
PLANS EXAMINER  

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

ZONING CLEARANCE PLAN REVIEW  

APPLICATION NO:  
BLDC-085559-2021  
(Please reference this number when contacting our office)

Location:  
4233 S Yukon Ave  

Description:  
Replace Water Playground  

April 29, 2021  
Phone: 918.596.9586

LOD Number: 1
Gary Scheithorn  
2317 S Jackson  
Tulsa, OK  74107

INFORMATION ABOUT SUBMITTING REVISIONS

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

Revisions need to include the following:

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

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

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

Important Information

1. If a design professional is involved, his/her letters, sketches, drawings, etc. shall bear his/her Oklahoma seal with signature and date.
2. Submit two (2) sets of drawings if submitted using paper, or submit electronic revisions in “Supporting Documents”, if originally submitted on-line, for revised or additional plans. Revisions shall be identified with clouds and revision marks.
3. Information about the zoning code, Board of Adjustment (BOA), Planning Commission (TMAPC), and the Tulsa Planning Office at INCOG can be found online at TULSAPLANNING.ORG; in person at 2 W. 2nd St., 8th floor, in Tulsa; or by calling 918-584-7526 and asking to speak to someone about this letter of deficiency.
4. A copy of a “record search” [ ] is not included with this letter. Please present the “record search” along with this letter to INCOG staff at time of applying for Board of Adjustment action at INCOG. Upon approval by the Board of Adjustment, INCOG staff will provide the approval documents to you for immediate submittal to our office. (See revisions submittal procedure above.).

(continued)
Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to a representative at the Tulsa Planning Office at 918-684-7826 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.

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CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

TULSA, OKLAHOMA  74103

ZONING CLEARANCE PLAN REVIEW

April 29, 2021
Phone: 918.596.9586

LOD Number: 1
Gary Schellhorn
2317 S Jackson
Tulsa, OK 74107

APPLICATION NO:  BLDC-085482-2021
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location:  4233 S Yukon Ave
Description:  Pool

INFORMATION ABOUT SUBMITTING REVISIONS

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Subject Tract

BOA-23140

19-12 27

Aerial Photo Date: February 2018

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