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

Meeting No. 1277

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

Board of Adjustment applicants and members of the public may attend and participate in the Board of Adjustment meeting via videoconferencing and teleconferencing by joining from a computer, tablet, or smartphone.

Attend in Person: 175 East 2nd Street, 2nd Level, One Technology Center

Attend Virtually: https://us02web.zoom.us/j/85118574551

Attend by Phone: 1 312 626 6799 US Meeting ID: 851 1857 4551

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:

UNFINISHED BUSINESS
1. **23142—Una Vang**  
Variance of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 12911 East 31st Street South  
(CD 6)

2. **23146—Wallace Engineering – Mike Thedford**  
Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use (Community Center/Caring Center Downtown) in the CBD District (Section 15.020, Table 15-2). **LOCATION:** 305 South Detroit Avenue East  
(CD 4)

3. **23154—A-Max Sign Company**  
Variance to permit a freestanding sign in an OL District to exceed the permitted 32 square feet of display surface area by 78.37 square feet (Section 60.060-C). **LOCATION:** 4538 South Harvard Avenue East  
(CD 9)

**NEW APPLICATIONS**

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

4. **23157—Pearl Cannabis, LLC**  
Special Exception to permit a medical marijuana grower operation (Horticulture Nursery Use) in the CH District (Section 15.020, Table 15-2). **LOCATION:** 1717 East 11th Street South  
(CD 4)

5. **23158—Encinos 3D Custom Products & Signs**  
Special Exception to allow a dynamic display sign in an RS-3 District for a Religious Assembly Use and to be located within 200 feet of a Residential District (Sections 60.050-B.2.c & 60.100-F); Variance to allow a dynamic display sign within 20 feet of the driving surface of East 4th Place South (Section 60.100-E). **LOCATION:** 4739 East 5th Street South  
(CD 4)

6. **23159—Kimberly McCoy**  
Special Exception to allow an accessory dwelling unit in an RS-3 District (Sec.45.031); Variance to allow a detached accessory building in the side setback and to allow more than 30% coverage by a detached accessory dwelling unit and garage in the rear setback in an RS-3 District (Section 90.090-C, Table 90-1 & Table 90-2); Variance to allow the aggregate floor area of detached accessory dwelling units/accessory buildings to exceed 500 square feet or 40% of the floor area of the principal residential structure (Sections 45.030-A.2 & 45.031-D.6). **LOCATION:** 1518 South Norfolk Avenue East  
(CD 4)
7. **23160—Hall Estill – Stuart Van De Wiele**  
Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions use for a family justice center in an RS-3/OL/IL/CH District (Section 5.020, Table 5-2 & Section 15.020, Table 15-2). **LOCATION:** 2821 South Sheridan Road East (CD 5)

8. **23161—Hall Estill – Amanda Lowe**  
Special Exception to permit High-Impact Medical Marijuana processing (High-impact Manufacturing & Industry Use) in the IM District (Section 15.020, Table 15-2). **LOCATION:** 1011 North Lewis Avenue East (CD 3)

9. **23162—M & P Advocates**  
Variance to reduce the minimum lot width in the RS-3 District to permit a lot split (Section 5.030, Table5-3). **LOCATION:** 1020 East 34th Street South (CD 9)

10. **23163—Tom Neal**  
Special Exception to permit a carport in the street setback and the street yard with modifications to its allowable height (Sections 45.030-B & 90.090-C1); Variance of the 25-foot street setback in an RS-3 District (Section 5.030-A, Table 5-3). **LOCATION:** 4347 South Braden Place East (CD 5)

11. **23164—M. Scott Pohlenz, AIA, NCARB**  
Special Exception to increase the permitted driveway width within a street setback from 30 feet to 45 feet to allow a parking/turnaround space off of driveway in an RS-3 District (Section 55.090-F-3). **LOCATION:** 3136 South Utica Avenue East (CD 9)

12. **23165—Kristen M. Saxon & Thomas M. Kelley**  
Variance of the minimum lot width in the AG District to permit a lot split (Section 25.020-D, Table 25-2); Variance of the minimum lot area and lot area per dwelling unit in the AG District to permit a lot split (Section 25.020-D, Table 25-2). **LOCATION:** 4920 South 177th East Avenue (CD 6)
OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

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

CD = Council District

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

NOTE: This agenda is for informational purposes only and is not an official posting. Please contact the Tulsa Planning Office at 918-584-7526 if you require an official posted agenda.
HEARING DATE: 07/27/2021 1:00 pm (Continued from 06/22/2021)

APPLICANT: Una Vang

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: 12911 E 31 ST S

ZONED: CS

PRESENT USE: Retail Space

TRACT SIZE: 48839.67 SQ FT

LEGAL DESCRIPTION: LT 1 LESS BEG SECR TH W194.96 CRV RT 47.17 N5 SE41.74 E194.97 S6 POB BLK 1, SOONER ACRES

RELEVANT PREVIOUS ACTIONS:

Subject Property: None.

Surrounding Properties:

BOA-22690: On 7.23.19 the Board accept a spacing verification for a medical marijuana dispensary. Property located 3151 S. 129th E. Ave. This is the conflicting dispensary space within 1,000’ of the subject property.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NE/c of E. 31st St. S. and S. 129th E. Ave.

STAFF COMMENTS: The applicant is seeking a variance to be located within 1'000 feet of another dispensary located at 3151 S. 129th E. Ave. E. Per the applicant the distance between the two
dispensaries as 670.41 feet. Staff is unaware how the applicant's stated hardship would not be considered self-imposed.

Comments added since 6/22/2021 hearing:

At the request of the chair I have included Sec. 70.110 of the zoning code demonstrating how compliance to the spacing requirement is to be determined:

**Section 70.110 Spacing and Separation Distance Verification**

**70.110-A Applicability**

The spacing and separation distance verification procedure of this section applies whenever this zoning code requires that a use, structure or other development feature be separated or spaced a minimum distance from another use, structure or development feature. The procedure does not apply to a determination of compliance with building setback requirements that apply to individual lots.

**70.110-B Action**

The development administrator may rely upon the evidence provided by the applicant with an application for a zoning clearance permit to verify that the proposed use, structure or other development feature complies with the applicable spacing and separation distance requirements of this zoning code. Only other uses, structures, or development features that have been legally established by the issuance of a certificate of occupancy, an active building permit, active sign permit or active zoning clearance permit will be considered in determining compliance with the applicable spacing and separation distance requirements. It is the responsibility of the applicant to provide all information requested by the development administrator to aid in the determination. For purposes of determining whether spacing and separation distance requirements are met, a zoning-clearance-only permit for the use, structure or development feature from which the subject use, structure or development feature must be separated is valid for 180 days after it is issued.

**70.110-C Appeal of Decision**

Appeals of spacing and distance verification decisions of the development administrator may be appealed to the board of adjustment in accordance with §70.140.

The Board is not acting on an appeal of any decision that there was a dispensary within 1,000' of the subject tract. The applicant did not provide sufficient evidence to the permit office that there is not a dispensary within 1,000' and the applicant did not appeal that decision.

**STATEMENT OF HARDSHIP:**
I am requesting this variance due to many reasons. One reason was when we went into the lease, the closest dispensary to us which was Doctor Green seemed to have gone out of business because they took their sign down and everything was taken down in their dispensary. We knew of this because we did stop by to see to make sure. So we went along with the lease and got some renovations done. In doing so, we were then told that The City of Tulsa has regulations that all dispensaries need to be 1000 ft away from each other. Yes, we weren't aware of that in the first place but we weren't too worried at the time because we assume Doctor Green wasn't doing business there and that was the closest dispensary to us. But a week later there was a banner stating that in the place of Doctor Green, a new dispensary was coming. That was when we knew that we couldn't do much but try to apply for a variance. We are about 650ft from each other and they are in a small shopping center while we are right by the corner. I believe that we won't interfere with each other's business. Please Please reconsider this hardship for a variance. We have spent money and lots of time trying to make this work which we believe it can still work.

SAMPLE MOTION:

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

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

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

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

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

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

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

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

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

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

Conflicting dispensary visible from the parking lot of the conflicting dispensary.
LT 38 BLK 3, MEMORIAL INDUSTRIAL PARK CORR, City of Tulsa, Tulsa County, State of Oklahoma

22690—Paul Bush

Action Requested: Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).
LOCATION: 3151 South 129th Avenue East, Suite P (CD 6)

Presentation:
Paul Bush, 1533 South Owasso Avenue, Tulsa, OK; stated this dispensary the only dispensary on the OMMA list within the zip code 74134. The closest dispensary on the list that he could find is not currently operating, so there is nothing within the 1,000-foot radius that is operating.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

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

PRT LT 1 BLK 1 & PRT LT 1 BLK 2 BEG 100N NWC BRIARGLEN MINI STORAGE TH N225 E525 S5 W35 CRV LF 39.27 S85.78 SW154.47 W355 POB LESS BEG 25S MOST W NWC LT 1 BLK 1 TH S58 E8 N58 W8 POB FOR ST,BRIARGLEN PLAZA ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22691—Zach Downing

Action Requested: Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).
LOCATION: 2220 East 6th Street South (CD 4)
ZONING CLEARANCE PLAN REVIEW

April 28, 2021

Phone: 405.550.6388

LOD Number: 1
Jeremy Cannon
3167 Castle Creek
Newcastle, OK 73065

APPLICATION NO: BLDC-084979-2021

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 12911 E 31 ST
Description: Medical Marijuana Dispensary

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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-084979-2021 12911 E 31 ST  April 28, 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.
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.
*EXISTING CONDITIONS: V.I.F.
Verify all dimensions and conditions in the field. Any discrepancies in these drawings shall be brought to the attention of the owner's representative prior to the submittal of plan sets for owner and city review. Failure to do so will not be an acceptable reason for change orders.

#562 Tulsa, OK
12911 E. 31ST ST, Tulsa, OK 74134
Floor Plan Proposal
A Plus Dispensary
4.5 ★★★★★ (82)
Cannabis store · 10330 E 21st St
Temporarily closed · (918) 340-5555

"Very good dispensary."

Mellow Mountain Dispensary
4.7 ★★★★★ (54)
Alternative medicine practitioner ·
10301 E 51st St Ste. F
Open until 10:00 PM · (918) 815-0451

"My new go to dispensary."

J & J Buds and Dispensary
5.0 ★★★★★ (11)
Cannabis store · 10660 E 31st St S
Open until 7:00 PM · (918) 508-2824

✓ In-store shopping · ✓ In-store pickup
BOA-23142

Subject Tract

19-14 16

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

Aerial Photo Date: February 2011
Board Action:
On MOTION of RADNEY, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney "aye"; no "nays"; no "abstentions"; none absent) to APPROVE the request for a Variance of the required 5-foot side street setback in an RS-4 District for a non-conforming lot (Section 80.020-B); Variance to allow a building to be located inside the City of Tulsa right-of-way or planned right-of-way (Section 90.090-A), subject to conceptual plan 2.6 of the agenda packet. The applicant is to obtain a removal agreement with the City of Tulsa. The Board has found the hardship to be the narrowness of an existing non-conforming lot. 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:

N 33' OF TH N 1/2 OF LT 1 BLK 3, ROOSEVELT ADDN, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

23142—Una Vang

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:
12911 East 31st Street South (CD 6)
Presentation:
Una Vang, 2400 East 570 Road, Rose, OK; stated that when she went into the lease Dr. Green that is about 650 feet away was closed. About a week later a sign was put up showing a new dispensary was to open in the Dr. Green space. Ms. Vang stated that she has already had minor renovations done and the other dispensary is still not open, and that is her hardship.

Mr. Bond asked Ms. Vang when she received her Certificate of Occupancy from the City. Ms. Vang stated she has not yet received that certificate. Mr. Bond asked Ms. Vang if she knew whether the other dispensary has received their Certificate of Occupancy. Ms. Vang answered no. Mr. Chapman informed the Board that the location previously went through a Spacing Verification before this Board, and it was issued a Certificate of Occupancy. To the best of his knowledge it was operating legally, and they never relinquished their Certificate of Occupancy.

Mr. Bond asked Ms. Vang what steps she took to see if the other dispensary was operating. Ms. Vang stated she drove by it multiple times and there is still a sign stating, “Buzzing Dispensary Coming Soon”.

Mr. Barrientos how long after the lease was initiated was the sign seen? Ms. Vang stated that it was about a week. In order for her to proceed she has to receive a Certificate of Occupancy and a Certificate of Compliance, so she needs the Variance approval.

Ms. Radney asked Ms. Vang if she had any photos showing the vacant space and the sign for the dispensary coming soon. Ms. Vang answered no.

Ms. Radney asked Ms. Vang to describe what she saw. Ms. Vang stated there was no cash register, the floors were torn up, nothing in the space and no sign. Ms. Radney asked Ms. Vang if she had contacted the landlord to find out if it was still an active lease. Ms. Vang answered no.

Mr. Bond asked staff if the Certificate of Occupancy means that a business is open conducting business and is there a process for the Certificate of Occupancy to be revoked? Mr. Chapman stated a business owner can cancel the Certificate of Occupancy but at the point in time that it has been issued there is not a mechanism that it expires. In this situation he cannot speak to that but considering the timeline it sounds like the next dispensary already had a lease agreement in place or some type of understanding that there was going to be another dispensary in the space.

Ms. Radney asked if the Certificate of Occupancy goes with the space or does it go with the business that has applied for it. Mr. Chapman stated the Certificate of Occupancy goes with the space. Ms. Radney asked if the Board is measuring between issued Certificates of Occupancy authorizing dispensaries? Mr. Chapman answered affirmatively stating for the purposes of the City and the Certificate of Occupancy Dr. Green and Buzzing are an established dispensary. The only thing that needs to be
done through the City is to obtain the OMMA license update to receive a State dispensary license.

Mr. Bond asked Mr. Chapman if an applicant looked at the OMMA website would the website still reflect that there was still a licensed dispensary in the other location? Mr. Chapman stated that if prior to this if he had been contacted it would have been his statement that there is still a dispensary at the Dr. Green location because he would have no evidence otherwise.

Ms. Radney stated that what is interesting to her is if Dr. Green does not exist as an entity that has a license to sell marijuana, she is not sure why a person would be required to measure from one building to another building that also does not have a license to dispense marijuana. Just because the building has a Certificate of Occupancy does not necessarily mean that the spacing measurement step has been satisfied.

Mr. Bond stated that according to the City there is a COO for Dr. Green and the Board has also used the COO as a ruling point, but it sounds like there is a change of ownership that would have been required to require additional OMMA license. Ms. Radney stated she learned last week that a license can be purchased and transferred to a new entity if one of the owners moves along with the sale of the license. It sounds to her that what was an existing enterprise dissolved, but it struck that in the spacing language there is language about the spacing between buildings or businesses. Mr. Bond stated the question for future applicants will be who does the applicant contact to discover the 1,000-foot radius and he thinks it will be the City. He does not think that would negate the business’s COO. Ms. Radney stated that it is her understanding that the City only issues the Certificate of Occupancy if, and only if, the spacing measurement is satisfied so if the business goes away there is no spacing between businesses even though it has not been effectively cancelled. It has in fact become void because there is no business to measure between. That has always been one of the vague points of this Ordinance, that there is a measurement between existing businesses and it all being void in the event that a pre-existing business within the 1,000-foot boundary were discovered at a later date. Mr. Bond stated he believes that is a question for the City and Legal, what negates the COO?

Ms. Blank stated that Mr. Chapman described what the current process is accurately. Once the Certificate of Occupancy is issued to the place not to the business, many times a business is sold, and a new owner comes in if the business is the same and there is a Certificate of Occupancy it carries forward the new owner is allowed to have that type of business there still.

Mr. Bond stated that in other words the thumbnail for the 1,000-foot spacing is still going to be there because the license still exists.
Interested Parties:

Mac Shayya, 3305 West Oakland Street, Broken Arrow, OK; stated that Dr. Green and the landlord had a disagreement, and he had a shop next door and he agreed with the landlord to take over the Dr. Green space as soon as it was vacated. He signed the lease, received his tax identification number and the other paperwork, and he just finished the Certificate of Occupancy. He is waiting for the OMMA license which takes about 30 days.

Ms. Radney asked Mr. Shayya if he had to apply for a new Certificate of Occupancy with the City as a new business. Ms. Shayya answered affirmatively stating because it was a new business, and he did not want to take over the Dr. Green OMMA license.

Mr. Chapman asked Mr. Shayya if he had received a Certificate of Occupancy or a Certificate of Compliance? Mr. Shayya stated he received both for the location because he cannot receive the OMMA license without a Certificate of Compliance from the City.

Mr. Barrientos asked Mr. Shayya when he signed the lease. Mr. Shayya stated it was about five months ago stating that his sign went up three days after Dr. Green left.

Mr. Brown asked Mr. Shayya if any construction had started. Mr. Shayya answered no because the space was already set up as a dispensary and all he had to do was get his business name and license number on the space.

Mr. Bond asked Mr. Shayya for the date on his new Certificate of Occupancy and the Certificate of Compliance. Mr. Shayya stated it was May 17, 2021 and it was for the Certificate of Occupancy. Mr. Chapman stated the paperwork is for a Certificate of Compliance and asked Mr. Shayya if he had a separate application for a Certificate of Occupancy. Mr. Shayya answered affirmatively stating that it is was dated April 14, 2021. Mr. Chapman stated that Mr. Shayya did not receive a new Certificate of Occupancy, he updated the information, but Mr. Shayya did receive a Certificate of Compliance which is what is necessary for the State OMMA license.

Ms. Radney asked if the permit performed the 1,000-foot spacing when they issued the Certificate of Compliance. Mr. Chapman stated that presumed they would, but they also would have relied on evidence provided them by Mr. Shayya, and to everyone’s knowledge there were no other licensed dispensaries with a Certificate of Occupancy.

Mr. Bond asked Ms. Vang asked her if she was in the application process now. Ms. Vang stated she cannot be in the application process until she receives approval for her Variance request and that is the hardship for this request. Ms. Vang stated that when she noticed Dr. Green was no longer open, she signed the lease, did some minor renovations, and then noticed the Buzzing sign for “Open Soon”. At the time she started this she did attempt to contact Mr. Chapman a couple of times, but she was told they were moving, and she was not able to speak to Mr. Chapman. At that point in time, to the best of her knowledge, she assumed there was no longer a dispensary at the Dr. Green location.
Mr. Barrientos asked if there was any place online where a person could search for other dispensary locations. Mr. Chapman stated that at the time this application was taken a person could have gone through the Tyler Energov System at the City, but due to the ransomware attack it is unavailable, but a person could check to see what permits had been issued on a specific property which would have reflected the Dr. Green location and that there was a Certificate of Occupancy.

Ms. Radney asked Ms. Vang for the day she executed her lease. Ms. Vang stated that it was March 30th.

Mr. Bond asked Ms. Vang for the date she made her application with the City. Ms. Vang stated she owns other dispensaries that are not located in Tulsa, so she knew she had to receive the Certificate of Occupancy and the Certificate of Compliance before proceeding so she has not done anything yet. She knew that when she saw the sign, she had to receive approval for a Variance in order to proceed.

Mr. Shayya came forward and stated that he signed a lease on February 25th, and the sign went up within a week of that date.

**Comments and Questions:**
Mr. Bond stated the Board is starting to see more applicants in similar situations, so this is not the last case to be heard. His thoughts are that the City is the entity that regulates this, the City is the entity that informs the Board where there is a COO, and he understands the applicant’s thought process. This is a heavily regulated industry. The state legislature has told the public that marijuana is legal for the sale of medicinal purposes, so the City decided to regulate the locations. There are a few locations within the City that were grandfathered in before the Ordinance was passed. There is a permitting process in place and the Board needs to respect that.

Ms. Radney stated that she thinks regulations should be discernable and understandable. She does not think that people need to be specialists to understand how to be compliant. To the extent that the interested party that represents the new business coming into the former Dr. Green location understood or at least proceeded as though he understood that he would be receiving a new Certificate of Occupancy; that would have been her understanding as well. Ms. Radney asked if the original language that used to be read as part of a motion still existed. Mr. Chapman read from minutes for a former case, “we accept the applicant’s verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary”. Ms. Radney asked what is meant by the terminology “established”? The fact that there used to be a dispensary established in a location that went through the proper channels and received a Certificate of Occupancy but dissolved, that only relates to Dr. Green. Now new entities are being discussed that are trying to establish a business and by what method should the Board expect a regular citizen to approach that task? Mr. Chapman stated that a person needs to contact the
Permit Office and confirm through the application of a Zoning Clearance Permit at the bare minimum, which would secure the spot. Applicants have also come to the INCOG offices, just because his name was mentioned he does not know what Ms. Vang is speaking of about the offices changing because the INCOG offices have been in the same location for 10 years. He takes pride in being available to the public but for these purposes if the Board is to approve a Variance, he does not know what process the Board expects if a person is not going to go through the Permit Center first to receive the clearance before leases are signed.

Mr. Brown stated that as for the City, Dr. Green’s dispensary even if its no longer there is still a dispensary. He thinks that leaves the Board considering the 1,000-foot spacing for an additional dispensary.

Ms. Radney stated she is going to be in support of the Variance request because she does not believe there is an established business at this moment. In her opinion there is a dissolved business, so she thinks the measurement is from a dissolved entity as opposed to an established entity.

Mr. Barrientos agreed with Ms. Radney. He thinks there is so much room for error.

Ms. Radney wonders what entity is the first and the last resort for information about dispensaries.

Mr. Bond stated the Board debated as a body in the past and had considerable input and advice that was taken from the City and City Legal. What was decided is that it is when the City puts their seal of approval on a location and issues the Certificate of Occupancy.

Mr. Bond again informed the applicant that the Board is normally a five-person body, and he wants to give people a chance to request a continuance, because he is surmising that today’s vote be a 2-2 vote which would deny the request. From what has been heard from the City, the COO never lapsed, tied to the place not the business creating the 1,000-foot bubble. Mr. Bond asked Ms. Vang if she wanted to discuss a continuance or would she want the Board to make a motion?

Ms. Radney stated that she has not heard is whether there is still an existing license for Dr. Green, that would make a difference to her. Ms. Radney stated that if the Board were to grant this applicant this Variance, then almost assuredly the Board would have to grant the dispensary a Variance. Mr. Chapman stated the opposing dispensary does not need a Variance, he has already gone through the City process and is waiting on his OMMA license. Mr. Radney asked Mr. Chapman if he was saying that since the opposing party has his Certificate of Compliance he is done. Mr. Chapman answered affirmatively.

Mr. Brown stated he is leery of setting a precedent of the reduced distance putting the Board in a difficult situation.
Ms. Radney stated that she appreciates that argument, but she finds the Board is good at looking at each case individually. She has confidence in the Board’s ability to be discernable.

Ms. Vang came forward and asked for a continuance.

**Board Action:**
On **MOTION** of **RADNEY**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a **Variance** of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D) to the July 27, 2021 Board of Adjustment meeting; for the following property:

**LT 1 LESS BEG SECR TH W194.96 CRV RT 47.17 N5 SE41.74 E194.97 S6 POB BLK 1, SOONER ACRES, City of Tulsa, Tulsa County, State of Oklahoma**

**23143—Keith Robertson**

**Action Requested:**
Variance to allow a drive-through lane on a street-facing side of a property (Section 55.100-C.2). **LOCATION:** 11240 East 17th Place South (CD 6)

**Presentation:**
**Robert Wright**, 7225 South Columbia Place, Tulsa, OK; stated he is the developer for the subject project and Keith Robertson is the Architect. The Variance request is to allow a drive-thru lane at the subject. Everyone overlooked the last line of the requirements for drive-up window, that line says “no residential street” so now he is before the Board.

Mr. Bond asked Mr. Wright if the neighbors had been spoken to about the proposed project. Mr. Wright stated there was a call for meetings for the Zoning and only three people attended but there were no objections.

Mr. Bond asked Mr. Wright what type of establishment is requesting the drive-up window. Mr. Wright stated that it is a private pharmacy.

Mr. Brown asked Mr. Wright if there would be any customers walking into the building. Mr. Wright answered affirmatively stating that there will be walk-in customers and drive-thru customers.

Mr. Bond asked Mr. Wright to state his hardship for the Variance request. Mr. Wright stated that if the building layout were to be flipped there would be cross trafficking with the drive-up traffic.
<table>
<thead>
<tr>
<th>REFERENCE NUMBER</th>
<th>FEE NAME</th>
<th>TOTAL</th>
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<tr>
<td>COC-087540-2021</td>
<td>COO Update Fee</td>
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<tr>
<td></td>
<td>Permit and Licensing System Maintenance Fee</td>
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<td>Record Retention Fee</td>
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<td>System Development Fee</td>
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<td><strong>SUB TOTAL</strong></td>
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</table>

**REMITTANCE INFORMATION**

City of Tulsa
175 E 2nd St., Suite #450
Tulsa, OK 74103

TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 2021-23142
OFFICIAL RECORD EXHIBIT ENTERED IN THE MINUTES OF THE TULSA CITY BOARD OF ADJUSTMENT

April 14, 2021
175 E 2nd St., Tulsa, OK
CERTIFICATE OF COMPLIANCE FOR OMMA BUSINESSES

Instructions: This form is to be completed and submitted with the application or renewal of your OMMA business license. Your application or renewal will not be processed if the Certificate of Compliance is not completed and submitted.

Please visit HERE and type in the business address to determine whether the appropriate political subdivision to fill out and sign the form is the city or the county in which the business is located. After entering the address, the link provided will supply the information reflected in the EXAMPLE below. If the name of the city appears in the blank under the caption “City Name”, then the city identified in the blank is the appropriate political subdivision to complete and sign the form. If the city name does not appear, but instead “UNINCORPORATED” appears in the blank under the caption “City Name”, then the county is the appropriate political subdivision to sign and complete the form, and you should contact an appropriate county official, such as the Board of County Commissioners Chairperson.

EXAMPLE

APPLICANT INFORMATION

Please choose one:

NEW APPLICATION

RENEWAL APPLICATION

LOCATION CHANGE APPLICATION

License # (if applying for renewal or location change)

Stay Buzzin Inc.

Business Name

License Type

GROWER

PROCESSOR

DISPOSABLE

TRANSPORTER

LABORATORY

RESEARCH

EDUCATION

3151 S. 129th E. Ave. Suite P

Tulsa

Ok 74134

Current Physical Street Address of Business

City

State

Zip

Mailing Address of Business (if different from above)

Tulsa

staybuzzin@gmail.com

City

State

Zip

Email Address

County in which Business is Located

Email Address of Business

Phone Number of Business

Name of Business Owner (if different from above)

Najwa Raouda, Makram Shayya, Alaa Shayya

CITY/COUNTY OFFICIAL INFORMATION

(Choose one)

CITY

COUNTY

Andy Teeter

Deputy Chief/ Fire Marshal

ateeter@cityoftulsa.org

918-596-9422

5/17/2021

Contact Name & Title

Date Completed

OMMA.ok.gov

TULSA CITY BOARD OF ADJUSTMENT

CASE NO. 15-A-23/14

OFFICIAL RECORD EXHIBIT

ENTERED IN THE 6/17/2021

MINUTES OF THE TULSA CITY BOARD

OF ADJUSTMENT
# Certificate of Compliance

**Certificate of Compliance**

Based upon information provided by applicant(s) to the political subdivision at this time.

1. The proposed uses satisfy the political subdivision’s applicable zoning classifications and ordinances.
   - **YES** ☑️ **NO** ☐
   - **The political subdivision has no applicable codes for which to certify compliance at this time.**
   - **DATE:** 5/17/2021
   - **Andy Teeter**
   - **Fire Marshal**
   - **A.C. Teeter**

2. All applicable safety codes of the political subdivision are satisfied.
   - **YES** ☑️ **NO** ☐
   - **The political subdivision has no applicable codes for which to certify compliance at this time.**
   - **DATE:** 5/17/2021
   - **Andy Teeter**
   - **Fire Marshal**
   - **A.C. Teeter**

3. Any other applicable fire codes of the political subdivision have been satisfied.
   - **YES** ☑️ **NO** ☐
   - **The political subdivision has no applicable codes for which to certify compliance at this time.**
   - **DATE:** 5/17/2021
   - **Andy Teeter**
   - **Fire Marshal**
   - **A.C. Teeter**

4. All electrical, plumbing, waste (including environmental waste) codes required by the political subdivision have been satisfied.
   - **YES** ☑️ **NO** ☐
   - **The political subdivision has no applicable codes for which to certify compliance at this time.**
   - **DATE:** 5/17/2021
   - **Andy Teeter**
   - **Fire Marshal**
   - **A.C. Teeter**

5. All applicable building or construction codes of the political subdivision have been satisfied.
   - **YES** ☑️ **NO** ☐
   - **The political subdivision has no applicable codes for which to certify compliance at this time.**
   - **DATE:** 5/17/2021
   - **Andy Teeter**
   - **Fire Marshal**
   - **A.C. Teeter**

6. Any other ordinances/requirements of the political subdivision that are applicable at this time have been satisfied by the applicant.
   - **YES** ☑️ **NO** ☐
   - **The political subdivision has no applicable codes for which to certify compliance at this time.**
   - **DATE:** 5/17/2021
   - **Andy Teeter**
   - **Fire Marshal**
   - **A.C. Teeter**

7. And see, as applicable, the additional information provided by the political subdivision, as requested.
   - **YES** ☑️ **NO** ☐
   - **Additional attachments provided.**
   - **DATE:** 5/17/2021
   - **Andy Teeter**
   - **Fire Marshal**
   - **A.C. Teeter**

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**Stay Buzzin Inc.**

**Licensee Name**

**Printed Name of Official**

**Title**

**Signature of Official**

**Case No.:** 2094

**Official Record Exhibit Entered in the**

**Minutes of the Tulsa City Board of Adjustment**

**Minutes of the Tulsa City Board of Adjustment**

1.24
Zoning Compliance Certification Addendum

X Subject property is zoned "C5", and the proposed use is permitted by right. A medical marijuana dispensary may not be located within 1,000 feet of another medical marijuana dispensary, and the spacing must be verified in a hearing before the Board of Adjustment.

___ Subject property is zoned ___, and the use is permitted if a special exception is granted by the Board of Adjustment.

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.

All medical marijuana uses are subject to the supplemental regulations of Section 40.225 of the Tulsa Zoning Code.

TULSA CITY BOARD OF ADJUSTMENT
CASE NO. DeA-23142
OFFICIAL RECORD EXHIBIT
ENTERED IN THE MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT

OMMA.ok.gov

1.25
HEARING DATE: 07/27/2021 1:00 PM (Continued from 6/22/2021) Application was re-noticed to correct a mistake in the legal description.

APPLICANT: Mike Thedford

ACTION REQUESTED: A Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use (Community Center/Caring Center Downtown) in the CBD District (Sec. 15.020, Table 15-2)

LOCATION: 305 S DETROIT AV E
ZONED: CBD

PRESENT USE: Governmental Service or Similar Functions
TRACT SIZE: 11199.32 SQ FT

LEGAL DESCRIPTION: LT 8 BLK 116, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS: None.

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

Downtown Core is Tulsa's most intense regional center of commerce, housing, culture, and entertainment. It is an urban environment of primarily high-density employment and mixed-use residential uses, complemented by regional-scale entertainment, conference, tourism, and educational institutions. Downtown Core is primarily a pedestrian-oriented area with generous sidewalks shaded by trees, in-town parks, open space, and plazas. The area is a regional transit hub. New and refurbished buildings enhance the pedestrian realm with ground-floor windows and storefronts that enliven the street. To support downtown's lively and walkable urban character, automobile parking ideally is located on-street and in structured garages, rather than in surface parking lots.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the SW/c of E. 3rd Street and S. Detroit Ave.

REVISED 7/18/2021
STAFF COMMENTS: The applicant is requesting a Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use (Community Center/Caring Center Downtown) in the CBD District (Sec. 15.020, Table 15-2)

The applicant is representing First Baptist Church which currently owns and operates the Care Center of the subject lot. The applicant is wishing to make improvements on the site, but there has never been a special Exception granted on the site.

SAMPLE MOTION: Move to ________ (approve/deny) a Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use (Community Center/Caring Center Downtown) in the CBD District (Sec. 15.020, Table 15-2)

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

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

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

June 17, 2021
Phone: 918.806.7352

LOD Number: 1
Mike Thedford
123 N MLK, Jr. Blvd
Tulsa, OK 74103

APPLICATION NO: Z-88981
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 305 S Detroit Ave
Description: New building

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
3. INFORMATION ABOUT 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.).
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 918-584-7626 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.

Sec.15.020 Table 15-2: The proposed Family Outreach Center is designated a Public, Civic & Institutional/Government Service or similar Function use. It is in the CBD zoning district. This will require a Special Exception approved by the BOA.

Review comment: Submit a copy of the approved Special Exception, to allow a Public, Civic & Institutional/Government Service or similar Function use in the CBD zoning district, as a revision to this application.

NOTE: Your boundary survey indicates an “Area to be closed”. Provide documentation that this closure has received approval from the City of Tulsa

   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.
**DOWNTOWN CARING CENTER – VISION STATEMENT**

First Baptist Church’s Downtown Caring Center is an integral part of the ministry and life of the church, and serves as a place where members can practice the service to others that the Bible calls for.

Our mission as a church is to “Glorify God in all we do.” Serving the under-resourced by providing food, clothing, help with utility bills, and prayer, and doing so in the name of Jesus fulfills that mission by bringing glory to God.

Our vision as a church is “To develop Jesus-followers who become difference makers for a world of people far from God.” The ministry of the Caring Center allows our people to develop personally as Jesus-followers, allows them to make a difference for one person or one family at a time, and draws others to know Jesus and become followers, too.

FBC has five stated values—Worship, Community, Service, Scripture, and Transformation. The ministry of the Caring Center fulfills three of those values. There is real community that happens among those that volunteer on a regular basis. Deep friendships are formed, and the serving groups care for and pray for one another—community. Service is the value that is most exemplified by the work of the Caring Center in the Tulsa community. And we get to witness transformation in ourselves and others when we act more like Jesus through our service, and also when others’ lives are radically transformed through meeting Jesus for the first time.

The Caring Center helps with basic necessities for anyone that comes through the doors. That includes food, clothing, and utility assistance. We also help, as we are able, with transportation needs, reading glasses, obtaining identification cards, prescriptions, Bibles, and various other needs that arise. With every person that comes through the door, we offer to pray with and for them about their needs.

The current location of the Caring Center Downtown, which has been in operation for more than 20 years, is not adequately sized to meet the current or future demand for services. There are two separate waiting rooms, both of which are cramped and don’t allow for social distancing and comfort. This also cuts into the space used for clothing and food. The ministry rooms are cramped, and there is no place for a private conversation or a place to pray with someone out of the way of others. Some of our clients suffer from mental illness, while others deal with substance abuse. Some come from a fixed income and need help, while others are suffering temporary setbacks such as job loss or other circumstances that lead them to seek help. To all, we want to provide a welcoming environment that provides dignity, a certain level of anonymity if they desire it, and some level of comfort. While our people are certainly welcoming, none of those other things exist in our current space.

We are seeking to build a building that is about 70% larger than the current space, and with that added space we can more effectively be the Church and minister to those that seek help in a number of ways.

Also, the pending City of Tulsa right-of-way closure is an important factor in the decision to build a new facility. This will provide an additional 15 feet of buildable land and provide the extra space for a more effective layout.
With more room on the grocery side, we can:

- Give clients more room to “shop” for their own groceries
- Allow for more variety, shelf space, and cold storage for what we give away
- Pray for clients without being in the way of others trying to shop or get help
- Allow for social distancing

With more room on the clothing side, we can:

- Give clients more room to “shop” for their own clothing
- Allow us to put out more clothes to choose from
- Pray with clients without being in the way of others
- Allow for social distancing

With more room in our storage area, we can:

- Receive and store more donations from the community
- Allow for efficiency and organization of goods to give away

With more room in our waiting area, we can:

- Provide dignity and serenity to people waiting to be served
- Allow for social distancing
- Provide a better area for holding worship services, Bible Studies, community education classes, or other meetings as the needs arise
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

Subject Tract

BOA-23146

19-12 01
Austin.
Regarding BOA-23146, I'd like to request this item be continued to the July 27, 2021 BOA hearing. The owner needs time to review the ownership of the right of way and it's pending conveyance as it pertains to this application.

mike theford
land development planner
918 584 5858 o • 918 806 7352 d • 918 497 0827 c

On Mon, Jun 21, 2021 at 9:36 AM Chapman, Austin <AChapman@incog.org> wrote:

You are receiving this email because you have a new Board of Adjustment application to be heard at the June 22nd Hearing. Below is a link to the agenda with information on attending the hearing remotely. It is encouraged for all applicants to attend in person if they are able. If you have additional exhibits, you would like to be made available to the Board members please email those to me by 9:00 am tomorrow morning. Please make sure you or a representative is present at the hearing either in person or remotely.


Austin Chapman, AICP
Planner, City of Tulsa Board of Adjustment
Tulsa Planning Office
2 W. 2nd St., 8th Floor | Tulsa, OK 74103
918.579.9471
achapman@incog.org

Determining compliance to zoning or building code requirements is not a function of this office.

The Building Permits Division will address compliance upon application for a building permit or occupancy permit. (918) 596-9456
RE: 305 S Detroit Ave Tulsa, OK
Case #BOA-23146

To Whom It May Concern:

My name is Mark Larson. I am writing to oppose the Special Exception to allow a Public, Civic & Institutional/Governmental Service facility at 305 S Detroit Avenue. I own property at 315, 317 S Detroit (Grey Hound Bus Station), 327 S Elgin Ave, 401 E 4th Street (Credit Union), and the East End Village Apartments located at 401 S Elgin Avenue.

All of us can agree that homelessness is a terrible problem. This problem should be solved as soon as possible and I feel we are all on the same page with this. However, when the solution is building a shelter in the heart of downtown Tulsa, where 100’s of millions of dollars are being invested in a revitalization of downtown, I question the location.

As a property owner downtown, I am constantly dealing with issues due to several of the area church’s programs. The programs do not seem to provide housing or a place to camp, instead they provide the meals and clothing bags multiple times a day. This leaves the homeless population to wander around downtown all day and night between the distributions. We are having major issues with crime and vehicle break ins, trash from clothing being dumped when new clothing is issued, people sleeping in doorways or on people patio’s, mentally unstable people yelling at our tenants (we just had a gentlemen carrying a dead cat walking around the apartment complex) and a unsafe feeling when we are walking potential tenants around our properties. It does not make sense to revitalize a downtown and then allow it to become a place where parents don’t feel their kids are safe.

I have invested over $20,000,000 along with 15 years of my life in downtown Tulsa. I believe Tulsa is on the rise and will continue to trend that direction but if we continue to add homeless shelters to the areas we are investing in, this will negatively impact these areas. I would propose building a shelter outside of downtown where there is less development as well as a place to house or set up a camping site.

Thank you for your time and consideration.

Sincerely,

Mark Larson
Mr. Bond stated there is still a vacant seat on the Board, but the Mayor's office is working to fill the position. In today's hearing the applicant must receive three affirmative votes to receive approval for the relief requested. Mr. Bond asked if there was anyone who wants to continue their case until the fifth member is appointed to the Board. No one requested a continuance.

************

MINUTES

On MOTION of BROWN, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney "aye"; no "nays"; no "abstentions"; none absent) to APPROVE the Minutes of the June 8, 2021 Board of Adjustment meeting No. 1274 with one amendment in Case BOA-23133 legal description, change Osage County to Tulsa County.

************

NEW APPLICATIONS

23146—Wallace Engineering – Mike Thedford

Action Requested:
Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use (Community Center/Caring Center Downtown) in the CBD District (Section 15.020, Table 15-2). LOCATION: 305 South Detroit Avenue East (CD 4)

Presentation:
The applicant requests a continuance to July 27, 2021.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.
Board Action:
On MOTION of BROWN, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney "aye"; no "nays"; no "abstentions"; none absent) to CONTINUE the request for a Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use (Community Center/Caring Center Downtown) in the CBD District (Section 15.020, Table 15-2) to the July 27, 2021 Board of Adjustment meeting; for the following property:

S80 LT 8 BLK 116, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

**********

UNFINISHED BUSINESS

23114—Raul Cisneros

Action Requested:
Variance of the required 5-foot side street setback in an RS-4 District for a non-conforming lot (Section 80.020-B); Variance to allow a building to be located inside the City of Tulsa right-of-way or planned right-of-way (Section 90.090-A).

LOCATION: 1642 North Madison Avenue East (CD 1)

Presentation:
Mallory Massey, 1844 North Owasso Avenue, Tulsa, OK; stated that the subject was a parcel that has been split. The contractor built a house on the wrong property. Instead of building 1636 the contractor built 1642.

Interested Parties:
Stuart McDaniel, 827 North Madison Avenue, Tulsa, OK; stated he is helping Ms. Massey sort through the problems with this project. The builder poured the concrete, erected the framing, and built the house; the third of three houses as opposed to the second house. The contractor built the house too close to the property line, actually past the setback and into the planned right-of-way. Ms. Massey is willing to sign a removal agreement should the City of Tulsa ever need the planned right-of-way. The house as it exists is still quite a distance from the street and the street is not an arterial street. There are older buildings much closer to the street in the area, but the 2020 standards stipulate the house is to be farther back on the property.

Mr. Bond asked Mr. McDaniel what his involvement is in the subject project. Ms. Massey stated that she and Mr. McDaniel are partners. Mr. McDaniel stated he is just helping Ms. Massey.

Mr. McDaniel stated that the City wanting to remove the house is unlikely. The house could sit there for 100 years before it would take place, but it is a risk Ms. Massey has to
Board of Adjustment
Case Report

Case Number: BOA-23154

Hearing Date: 07/22/2021 1:00 PM (Continued from 7/13/2021)

Applicant: A-max Sign Company, Inc.

Action Requested: Variance to permit a freestanding sign in an OL district to exceed the permitted 32 square feet of display surface area by 78.37 square feet (Sec. 60.060-C).

Location: 4538 S Harvard Ave

Zoned: OL

Present Use: Medical

Tract Size: 40049.23 SQ FT

Legal Description: LT 1 BLK 1, PROFESSIONAL PARK RESUB S/2 L2 & N/2 L3 B3 VILLA GROVE PARK,

Relevant Previous Actions:

Subject Property:

BOA-11082; On 08.04.80 the approved an Exception to allow a .40 floor area ratio and a building height of two stories in an OL District.

Surrounding Properties:

BOA-21813; On 01.13.2015 the Board approved a variance to increase the display area from 47 square feet to 66.9 square feet of a ground sign/ Property located 4520 S. Harvard.

BOA-17398; On 06.11.96 the Board approved a variance of the of the required setback from Harvard and the to increase the allowable display area from 36 square feet to 68 square feet for a sign in the OL District.

Relationship to the Comprehensive Plan: The Tulsa Comprehensive Plan identifies the subject property as part of a "Mixed-use Corridor" and an "Area of Growth".

Mixed-Use Corridors are Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

3.2

Revised 7/16/2021
The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

ANALYSIS OF SURROUNDING AREA: The subject tract is located South of the SW/c of E. 45th St. S. and S. Harvard Ave.

STAFF COMMENTS: The applicant is requesting Variance to permit a freestanding sign in an OL district to exceed the permitted 32 square feet of display surface area by 78.37 square feet (Sec.60.060-C)

60.060-C Maximum Area
Signs allowed in the OH district may not exceed 48 square feet in area or 0.50 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may a sign in an OH district exceed 225 square feet in area. Signs allowed in all other O districts may not exceed 32 square feet in area or 0.30 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

The applicant is requesting 110.37 square feet of display area.

Comments added since 7/13/2021 hearing:
Applicant has provided revised drawings labeled Option 1 and Option 2 that reduce the sign area from the previous proposal. Per the applicant the St. John sign discussed at the previous hearing was 8'-8" tall and 9'-2" wide.

STATEMENT OF HARDSHIP: This location will be a mixed-use building with 5 tenants. The current code restricts us to 32 square feet which doesn't allow us to have enough space to display 5 tenants that would be visible from Harvard. Also we are simply wanting to replace the old sign that was at this location, when it was St. John's with the same size sign and install it on the existign sign base. See exhibit A, B and C.

SAMPLE MOTION: Move to _______ (approve/deny) a Variance to reduce the required 25 ft. rear setback in an RS-1/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:
a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

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

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

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

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

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

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”
Existing Sign base
OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

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

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

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

IMPORTANT INFORMATION

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

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

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

(Continued)
REVIEW COMMENTS

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

Application No. S-3011 4538 S. Harvard Ave. June 1, 2021

This letter of deficiencies covers Sign Plan Review items only.

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

1. 60.060-C Maximum Area
   Signs allowed in the OH district may not exceed 48 square feet in area or 0.50 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may a sign in an OH district exceed 225 square feet in area. Signs allowed in all other O districts may not exceed 32 square feet in area or 0.30 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

   Review Comments: The proposed freestanding tenant panel sign location appears to have 100 feet of street frontage along S. Harvard Ave. Based on the street frontage of 100 feet, the maximum sign display area allowed is 32 square feet. The proposed 110.37 square foot sign exceeds the permitted display surface area by 78.37 square feet. As an option you may reduce the display surface area of the freestanding sign to 32 square feet, or you may pursue a variance from the Board of Adjustment to permit a freestanding sign in an OL zoned district to exceed the permitted 32 square feet of display surface area by 78.37 square feet.

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

END – ZONING CLEARANCE AND SIGN CODE REVIEW

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A CITY OF TULSA SIGN PERMIT.
Action Requested:
Variance of the required setback from Harvard from 50' to 47'. SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING SIGNS; General Use Conditions for Business Signs, and a Variance of the allowable signage in an OL district to allow an additional 36 SF for a total of 68 SF. SECTION 602.B.4 ACCESSORY USES PERMITTED IN OFFICE DISTRICTS - Use Unit 21, located 4564 South Harvard Avenue.

Presentation:
The applicant, Hightech Signs/Mary Lynn Huskey, 9902 East 43rd Street South, representing Dr. Dobson, submitted a site plan (Exhibit H-1) and architectural drawing (Exhibit H-2). Ms. Huskey stated Dr. Dobson has an existing sign that is a 4' x 8' that lists his name and his associate Dr. Lang. She stated the doctors have a laser surgery center that is not advertised on the sign and would like to add it to the existing sign for advertising the new center. She stated to add the sign it would go over the required amount of signage and it would encroach 2' on the required setback from Harvard.

Comments and Questions:
Ms. Turnbo asked the applicant if the variance was granted on the setback would the owner mind having a removal contract with the City of Tulsa? The applicant stated it would not be a problem.

In response to Mr. White, the applicant stated the new proposed sign will be set on top of the existing sign and the existing sign will remain unchanged.

In response to Mr. White, the applicant explained the sign is in a median and if the sign was moved to the required setback it would be in the driveway.

Board Action:
On MOTION of WHITE, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Box "absent") to APPROVE a Variance of the required setback from Harvard from 50' to 47'. SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING SIGNS; General Use Conditions for Business Signs, and a Variance of the allowable signage in an OL district to allow an additional 36 SF for a total of 68 SF. SECTION 602.B.4 ACCESSORY USES PERMITTED IN OFFICE DISTRICTS - Use Unit 21; per plan submitted; subject to a removal contract with the City of Tulsa; finding that if the sign were moved to the required setback it would be in the driveway; finding that the approval of this application will not be injurious to the area nor harmful to the spirit and intent of the Code; on the following described property:

Lot 4, Block 3, Villa Grove Park, City of Tulsa, Tulsa County, Oklahoma
1st Tract: The E/2 of the N/2 of the N/2 of the E/2 of the N/2 of the NE/4 of the NW/4 of Section 21, Township 19 North, Range 11 East; and

2nd Tract: The W/2 of the N/2 of the E/2 of the N/2 of the N/2 of the NE/4 of the NW/4 of Section 21, Township 19 North, Range 11 East; in Sand Springs, Oklahoma.

UNFINISHED BUSINESS:

Action Requested:
Exception (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1680 - Exceptions) request for an exception to allow .40 floor area ratio, and a building height of two stories in an OL District.

Comment: Mr. Jones stated that this matter was approved on July 10, 1980, subject to the applicant bringing in his final plans.

Board Comment:
Mr. Lewis stated that he had reread the minutes of the earlier meeting and wished to advise the Board members that at the very end of the Motion it said that subject to a design change to the rear visage to be approved by the Board that would eliminate any problem of being able to look out of the second-story window into the back yards of the residents.

Presentation:
Gary VanFossen, VanFossen and Brase Architects, stated that there will be no visibility of the abutting rear yards from the rear windows of the building. We will restrict the view by either omitting windows, providing screening walls outside the windows, or using translucent glass permitting light, but no vision. Mr. VanFossen submitted diagrams showing the possible solutions (Exhibit "A-1").

Board Comments:
Mr. Lewis asked the reason for coming with this at this time instead of coming in at the time you finally decided whether to remove the windows or whatever.

Applicant's Comments:
The only reason is because of a potential lease as to whether we have a window along there. We can submit exact details as needed, but we would assume that if we gave you assurance it would not have any vision there, then we could use whatever alternate methods needed. The screen wall would be a permanent wall and the only question is the exact figure that is appropriate to make it high enough to block all vision of the neighboring yards.

Board Action:
On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor "absent") to approve an Exception (Section 630 - Bulk and Area Requirements in Office Districts - Under the Provisions of Section 1680 - Exceptions) for the site plan presented today provided that there be no visibility by persons located at the rear windows of the building onto the abutting residences to the west and that vision be restricted by omitting the windows, use translucent glass or by the erection of the structural wall on the roof of the first floor. Subject also to the receipt of the plot plans for the file, on the following described property:

9.4.80:318(2)
The N/2 of Lot 2, Block 3, and the South 117.6' of Lot 1, Block 3, Villa Grove Park Addition to the City of Tulsa, Tulsa County, Okla.

Action Requested:

Special Exception (Section 310 - Principal Uses Permitted in the Agricultural Districts - Under the Provisions of Section 1680 - Special Exceptions) request for a special exception to allow oil and gas drilling in an AG District.

Mr. Jones stated that this matter was continued from last meeting because the question of a fire hazard came up and it was requested that the Fire Marshal be present at this meeting to discuss this matter.

Presentation:

D. Kenyon Williams, Jr., the applicant, requested that Roy Gann, Fire Marshal for the City of Tulsa, present his findings first. Mr. Gann stated he saw no real fire hazard. Research shows that the crude oil has a flash point of 20-90°; which is very low, however, the ignition point is very high which eliminates the problem of having a fire hazard. I have visited the site of the oil well and an estimated distance from the oil well to the school building is approximately 500-600 feet, which in my opinion is a safe distance. The state regulations require that oil wells be not closer than 165 feet to a structure. The tank batteries are within 15-20 feet of the well. The tank batteries are west of the well itself.

Mr. Lewis asked what is the difference between a flash point and an ignition point?

Mr. Gann explained that the flash point is the point where a fire will flash over a material but discontinue to burn. The ignition point is where it will continue to burn. The Board asked Mr. Gann if he knew of any oil well fires around Tulsa in recent years. Mr. Gann stated that there was no record of any and he could not remember having any. Mr. Smith stated that he noticed quite a number of wells along Cincinnati Avenue and asked Mr. Gann if there had ever been any fires there. Mr. Gann stated that he could not recall any and there was no record of any problems or fires that they have responded to. Mr. Smith stated that there was a concern as to whose responsibility it was to respond to fires. Mr. Gann stated that it was outside the City limits and that it is in a zone where either Tulsa or Turley Fire Departments might be called. Probably both Departments would respond. He stated the Tulsa Fire Department would respond if they were called. The Board asked if Gilcrease School was in the Tulsa area and if there are hydrants and water lines there. Mr. Gann said he wasn't sure. Mr. Lewis asked if the field were to catch fire would the grass fire ignite the well? Mr. Gann stated that it would be doubtful, but that would depend on how high the grass was allowed to grow. We might be able to control that problem with gravel or something around the holding tanks. Mr. Gann stated that if he considered grass fires around oil wells to be a problem. Mr. Gann stated that there had been grass fires both north and south where many of the oil wells are in existence and we have never had an oil well fire as a result of them. The Board thanked Mr. Gann for his time.
Variance to increase the building height from 35 feet to 40 feet (Section 403.A, Table 1). **LOCATION:** 1445 South Carson Avenue (CD 4)

**Presentation:**
Matt King, King Architectural Solutions, 1513 East 15th Street, Tulsa, OK; stated that in light of several recent conversations with members of the neighborhood association he would ask for a continuance to allow him time to make a presentation to the neighborhood association.

**Interested Parties:**
There were several interested parties present.

**Comments and Questions:**
None.

**Board Action:**
On MOTION of VAN DE WIELE, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Tidwell absent) to **CONTINUE** the request for a Variance to reduce the required side yard setback from 10 feet to 0 feet; Variance to reduce the setback from the centerline of 15th Street from 70 feet to 40 feet; Variance to increase the building height from 35 feet to 40 feet (Section 403.A, Table 1) to the Board of Adjustment meeting on February 24, 2015; for the following property:

**LT 36 BLK 2, CARLTON PLACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

Mr. Henke left the meeting at 1:25 P.M.

21813—A-MAX Sign Company – Lori Worthington

**Action Requested:**
Variance to increase the square footage from 47 square feet to 66.9 square feet to allow for a ground sign (Section 602.B.4). **LOCATION:** 4520 South Harvard Avenue (CD 9)

Mr. Henke re-entered the meeting at 1:28 P.M.

**Presentation:**
Brian Ward, 9520 East 55th Place, Tulsa, OK; stated there is an existing 47 square foot monument sign on the subject site, and since his initial site visit there has been an arched addition to the top increasing the sign to approximately 67 square feet. The
client now wants to revamp the entire structure and place their ad on the top. The client wants to bring the sign into compliance, and to do that a Variance is needed.

Mr. Van De Wiele asked Mr. Ward how long he thought the arched top had been on the existing monument sign. Mr. Ward he would guess that it is less than five years.

Mr. White asked Mr. Ward if the sign would remain in the same location. Mr. Ward stated that actually the sign will be moved farther south approximately 75 feet on the property for better visibility. The sign will not be moved any farther east or no closer to Harvard.

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

**Comments and Questions:**
None.

**Board Action:**
On MOTION of VAN DE WIELE, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Tidwell absent) to APPROVE the request for a Variance to increase the square footage from 47 square feet to 66.9 square feet to allow for a ground sign (Section 602.B.4). The Board has found that the sign to be constructed is basically a reconstruction and replacement of an existing non-conforming sign. The new sign will be the same size and dimension of the existing sign. The sign to be constructed will be placed no closer to Harvard than the current existing signage. This approval is subject to conceptual plan 5.15 for the location and 5.16 for the style and size. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

N. 1/2 OF LT 2 BLK 3, VILLA GROVE PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

**21814—A-MAX Sign Company – Lori Worthington**

**Action Requested:**
Variance of the square footage of display surface area per lineal foot of street frontage from 32 square feet to 124.6 square feet to permit a ground sign (Section 602.B.4). **LOCATION:** 2121 South Columbia Avenue (CD 4)
AS MEDICAL PLAZA
4538 S HARVARD

EXHIBIT C

4/22/2019

Google Maps 4538 S Harvard Ave

Tulsa, Oklahoma
Google
Street View - May 2018

4538 S. HARVARD
AS MEDICAL PLAZA
4538 S HARVARD
EXHIBIT A

St. John

Lam Le, MD, CWSP, FACHM
Certified Wound/Hyperbaric Specialist
(918) 712-3377

4538 S. Harvard

AS MEDICAL PLAZA
4538 S HARVARD
Subject Tract

BOA-23154

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

Aerial Photo Date: 2021
Dear Mr. Chapman,

Please accept this as my written comments and objection to the request of variance of the free-standing sign at 4538 South Harvard in the above-mentioned case. I have owned my building and practiced for 33 years at 4503-05 South Harvard (Lifestyle Medical Center, PLLC formerly Langston Chiropractic Clinic, PC). I have had to abide by the sign regulations regarding the size of 32 square feet. I would like to have a bigger sign as well, and an LED at that, but the code does not allow it. This section of South Harvard has gotten extremely busy since I purchased my property in 1987. What is good for one is good for all. The businesses in the 41st - 51st corridor of South Harvard have had to abide by the current regulation of 32 Sq feet. I vote no and object to the request to increase the size of the sign from the permitted 32 square feet to 78.37 square feet.

Thank you for your time and consideration in this matter.

Sincerely,

Dr. Gerry D. Langston
TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 3154
OFFICIAL RECORD EXHIBIT ENTERED IN THE MINUTES OF THE TULSA CITY BOARD OF ADJUSTMENT 7/13/21
remodel existing d/f structure

scale: 1/2"=1'-0"

working with existing structure, remove all existing panels, repaint and reinstall new top section and tenant panels. sign will be relocated to 20' north of sidewalk and 53' setback from centerline.

1. add lighted top section:
   fabricated aluminum framing w/ .125" alum. face w/ brushed silver laminate.
   text is routed & backed w/ 2447 white acrylic w/ 3630-157 sultan blue vinyl overlay.
   internal fluorescent illumination via two (2) 72" d/h0 lamps

2. existing top cap: paint sw 6069 french roast.

3. 3mm brushed silver acm panels. 3/4" vertical spacing.
   top panels=1/2" x 72" (2 total). rest of panels=8" x 72" (12 total)
   panels will be routed & pre-drilled w/ 7/16" dia, holes for mounting w/ stand-offs.

4. 3/4" dia, stand-offs w/ 1/2" barrel, qty: 84 (mbs #al19-12a)

5. 7725-41 dark gray vinyl lettering applied to acm panels

6. 4/23/15 newucc covered base. 84" x 84" x 12"
   paint benjamin moore brown sugar 2112-20

7. address, .125" brushed alum, stud mount flush,

8. 18" x 90" concrete pad (approx. 4" above grade)

9. 4" square tube support post, 10' length +/-

10. hard dip pier, minimum 36" depth. concrete fill

11. 120/110v circuit to sign by electrician. stub cond 94" above grade, 30' from pole center.

existing structure

scale: 1/4"=1'-0"

these drawings are the property of a max sign company, inc. and should not be copied, reproduced, or duplicated in any fashion other than for the exclusive use of the project designer. these drawings are non-contractual and are subject to change without notice.

client approval / date:

sheet number 50247 dwg 100214-26
TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 93154
OFFICIAL RECORD EXHIBIT ENTERED IN THE
MINUTES OF THE TULSA CITY BOARD OF ADJUSTMENT

https://www.google.com/maps/@36.0982591,-95.940125,3a,19.4y,248.49h,87.91t/data=!3m6!1e11!4m5!3m4!1s0x8e3e77f3878f0669:0x291f8aae221e6d81!2s4538%20S%20Harvard%20Avenue%20Tulsa%20Oklahoma!3m2!1s0x0:0x37c51576e69dd0b!5e0!3m2!1sus!2sus!7!false!1!4m2!3m1!1s0x8e3e77f3878f0669:0x291f8aae221e6d81!4m5!3m4!1s0x8e3e77f3878f0669:0x291f8aae221e6d81!2s4538%20S%20Harvard%20Avenue%20Tulsa%20Oklahoma!3m2!1s0x0:0x37c51576e69dd0b!5e0!3m2!1sus!2sus!7!false!1
TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 23/54
OFFICIAL RECORD EXHIBIT
ENTERED IN THE 7/13/21
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT
Lam Le, MD, CWSP, FACHM
Certified Wound/Hyperbaric Specialist
(918) 712-3377
4538 S. Harvard
1.0 DF Illuminated Main ID

**SCALE: 3/8"**

A. 1'-4" deep fabricated sign cabinet, painted off white or creme, radius corners, no retainers for solid look. Routed logo backed w/plex and vinyl overlay. Internal White LEDs for face illumination.

B. 1' x 10' fabricated pole cover, painted to match building entry posts, satin finish, exact color (TBD). 1/2" thick acrylic address numerals, painted to match sign face.
1.0 DF Illuminated Main ID

- Deep fabricated sign cabinet, painted off white or cream, clean corners, no retainers for solid look. Routed logo backed w/plex and vinyl overlay.
- Internal White LEDs for logo face illumination
- Stone veneer base to match building entry
- 1.2" thick acrylic address numerals, painted to match sign face

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**Proposed Lighting**

**Proposed**

**End View**

**South Elevation**

**OPTION C**

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TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 23154

OFICIAL RECORD EXHIBIT
ENTERED IN THE MINUTES OF THE TULSA CITY BOARD OF ADJUSTMENT
1.0 DF Illuminated Main ID

A 1'-6" deep fabricated sign cabinet, painted off white or cream, clean corners, no retainers for solid look. Routed logo backed w/ plex and vinyl overlay. Internal White LEDs for logo illumination

B Stone veneer pole covers to match building entry stone

C 1'-6" deep fabricated cabinet painted to match sign face. 1/2" thick acrylic address numerals, painted to match sign posts
Revised Option 1

**Existing Concrete Pad**


**D/F TENANT MONUMENT**

**SCALE: 3/8" = 1'-0"**

- **Top Cap:**

- **Main Cabinet:**
  2' Steel Angle Frame w/.063" Alum. Filler, Painted Finish - SW 7065 Gray Matters (Satin).

- **ID Cabinet:**

- **Push-Thru Graphics:**

- **Accents:**
  2" x 4" Alum. Rect. Tube, Painted Finish - SW 7065 (Satin).

- **Tenant Cabinet:**

- **Face Panels:**
  3/16" 7328 White Acrylic, Vinyl Tenant Graphics - Black.

- **Address Number:**

**PROPOSED**

**SCALE: 9/32" = 1'-0"**

- **Top Cap:**

- **Main Cabinet:**
  2' Steel Angle Frame w/.063" Alum. Filler, Painted Finish - SW 7065 Gray Matters (Satin).

- **ID Cabinet:**

- **Push-Thru Graphics:**

- **Accents:**
  2" x 4" Alum. Rect. Tube, Painted Finish - SW 7065 (Satin).

- **Tenant Cabinet:**

- **Face Panels:**
  3/16" 7328 White Acrylic, Vinyl Tenant Graphics - Black.

- **Address Number:**
Revised Option 2

D/F TENANT MONUMENT
SCALE: 3/8"=1'-0"

A Top Cap:
Fabricated Alum., Painted Finish - SW 7065 Argos (Satin).
Logo - 1/2" Thick Acrylic, Painted Finish - Dark Red / White / Black.
Stud Mount Flush.

B Main Cabinet:
2" Steel Angle Frame w/.063" Alum. Filler,
Painted Finish - SW 7066 Gray Masters (Satin).

C ID Cabinet:
Painted Finish - White (Satin).
White LED Illumination.

Push-Thru Graphics:
3/4" Thick Clear Acrylic,
3635-70 Diffuser on Sack, Dark Red Vinyl / Black Dual Image Vinyl on Face.

E Accents:
2" x 4" Alum. Rect. Tube, Painted Finish - SW 7065 Argos (Satin).

F Tenant Cabinet:
1-1/2" Alum. Angle Frame w/.063" Alum. Filler Panels,
1-1/2" Retainers, 2" Divider Bars
Painted Finish - SW 7065 Argos (Satin).
White LED Illumination.
Face Panels:
3/16" 7328 White Acrylic,
Vinyl Tenant Graphics - Dark Red / Black.

Address Number:
1/2" Thick Acrylic, Painted Finish - Black / White (Satin).
Stud Mount Flush.
Street Facing Side Only.

Existing Concrete Pad
Cut Off (6) Existing 1/2" Mounting Bolts
Replace w/ (4) New 3/4" All-thread Epoxy Pin Anchors
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9306
CZM: 37
CD: 4

HEARING DATE: 07/27/2021 1:00 PM

APPLICANT: Pearl Cannabis LLC

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

LOCATION: 1717 E 11 ST S
ZONED: CH

PRESENT USE: Vacant
TRACT SIZE: 21915.08 SQ FT

LEGAL DESCRIPTION: LTS 1 2 & 3 LESS S4.5 LT 1 BLK 1, FERRELL ADDN L15 B3 CLOVER RIDGE ADDN,

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 East of the NE/c of E. 11th ST. S. and S. Utica Ave.

STAFF COMMENTS: The applicant is requesting Special Exception to permit a medical marijuana grower operation (Horticulture Nursery Use) in the CH district (Sec. 15.020, Table 15-2)
Medical marijuana uses are subject to the supplemental regulations of Sec. 40.225:

Section 40.225 Medical Marijuana Uses
The supplemental use regulation of this section apply to medical marijuana uses.
40.225-A A medical marijuana grower operation must be located inside an enclosed building.
40.225-B A medical marijuana processing facility 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 be located within 1,000 feet of another medical marijuana dispensary.
40.225-E Drive through windows and drive through lanes are prohibited for medical marijuana grower operations, processing facilities, dispensaries and research facilities.
40.225-F Medical marijuana grower operations, processing facilities and dispensaries must provide the following:
   1. A ventilation/air filtration system that prevents odor from being detectable at the boundaries of the lot within which the building housing the medical marijuana grower operation, processing facility or dispensary is located, except that if such use is located in multiple tenant building, the ventilation/air filtration system must prevent odor from being detectable outside the tenant space housing the use.
   2. An electronic security system and surveillance camera.
40.225-G Medical marijuana grower operations, processing facilities, dispensaries and research facilities must be conducted and maintained in compliance with the applicable law and regulations.

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

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

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

Facing East on 11th Street
Facing West on 11th Street
CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER
TEL (918) 596-9688
c Lange@cityoftulsa.org

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

ZONING CLEARANCE PLAN REVIEW

June 21, 2021
Phone: 918.398.7182

LOD Number: 1
Alexander King
20 E 5 ST, Ste.750
Tulsa, OK 74103

APPLICATION NO: Z-1165
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 1717 E 11 ST
Description: Medical Marijuana Grower Operation

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
3. INFORMATION ABOUT THE ZONING CODE, BOARD OF ADJUSTMENT (BOA), PLANNING COMMISSION (TMAPC), AND THE TULSA PLANNING OFFICE AT INCOG CAN BE FOUND ONLINE AT TULSAPLANNING.ORG, IN PERSON AT 2 W. 2ND ST., 8TH FLOOR, IN TULSA; OR BY CALLING 918-584-7526 AND ASKING TO SPEAK TO SOMEONE ABOUT THIS LETTER OF DEFICIENCY.
4. A COPY OF A "RECORD SEARCH" IS 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
Tulsa Zoning Code (tulsaplanning.org)

Z-1165 1717 E11 ST June 21, 2021

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

Sec.15.020 Table15-2: You are proposing a Medical Marijuana Grower Operation. It is in a CH zoning district.
This will require a Special Exception approved by the BOA.

Review Comment: Submit a copy of the approved Special Exception, to allow a Medical Marijuana Grower
Operation in the CH district, as a revision to this application. Please contact Austin Chapman for assistance in
applying for the Special Exception. He can be reached at 918-584-7526 or achapman@incoq.org.

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.
Subject Tract

BOA-23157

19-13 05

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

Aerial Photo Date: 2020/2021
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021
BOARD OF ADJUSTMENT
CASE REPORT

Case Number: BOA-23158

STR: 9304
CZM: 37
CD: 4

HEARING DATE: 07/27/2021 1:00 PM

APPLICANT: Christian Ortiz

ACTION REQUESTED: Special Exception to allow a dynamic display sign in an RS-3 District for a Religious Assembly Use and to be located within 200 feet of a Residential District (60.050-B.2.c., Sec. 60.100-F) Variance to allow a dynamic display sign within 20 feet of the driving surface of E. 4th Pl. (Sec. 60.100-E)

LOCATION: 4739 E 5 ST S
ZONED: RS-3

PRESENT USE: Church
TRACT SIZE: 65658.26 SQ FT

LEGAL DESCRIPTION: S44.3 OF LT 2 & ALL LTS 3 THRU 6 & LTS 21 THRU 26 BLK 1, KENDALL VIEW ADDN

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-2687; On 06.08.1955 the Board approved the subject property for the use as the White City Baptist Church.

Surrounding properties:

BOA-14804; On 04.21.88 the Board approved a variance of the of the setback from the centerline of S. Yale. Located at the SW/c of E. 4th Pl. and Yale Ave.

BOA-12940; On 01.12.84 the Board denied a variance of the setback from Yale Ave. for a gasoline station canopy. Located at the SW/c of E. 4th Pl. and Yale Ave.

BOA-11585; on 08.20.81 the Board denied a variance of the setback from Yale Ave. for a gasoline station canopy. Located at the SW/c of E. 4th Pl. and Yale Ave.

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

An Existing Neighborhood is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.
The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located West of Yale Ave. between 4th Pl. and E. 5th St.

**STAFF COMMENTS:** The applicant is requesting Special Exception to allow a dynamic display sign in an RS-3 District for a Religious Assembly Use and to be located within 200 feet of a Residential District (60.050-B.2.c.,Sec. 60.100-F) Variance to allow a dynamic display sign within 20 feet of the driving surface of E. 4th Pl. (Sec. 60.100-E)

c. **Dynamic Displays**

Dynamic displays are prohibited in R, AG, and AG-R districts except that on a lot occupied by an allowed public, civic or institutional use, the board of adjustment is authorized to approve a special exception for the allowed wall sign or the allowed freestanding sign to include a dynamic display.

(1) The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.

(2) The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.

(3) Dynamic displays in R, AG, and AG-R districts may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the special exception process.

(4) Dynamic displays are subject to the dynamic display regulations of Section 60.100.
Section 60.100 Dynamic Displays

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

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

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

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

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

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

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

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

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

60.100-I The maximum brightness level of a dynamic display may not exceed 6,500 nits (candels per square meter) during daylight hours or 500 nits between 30 minutes after sunset and 30 minutes before sunrise, as those times are determined by the National Weather Service (Actual Time). Brightness must be measured from the brightest element of the sign's face.
Staff estimates the distance between the current sign structure and the roadway as 12' per a site visit. It should be noted the current sign does not contain dynamic display.

The proposed sign will be 15' from the roadway.

**STATEMENT OF HARDSHIP:** Nothing has been provided by the applicant as of the writing of this staff report.

**SAMPLE MOTION:**

Move to ________ (approve/deny) a **Special Exception** to allow a dynamic display sign in an RS-3 District for a Religious Assembly Use and to be located within 200 feet of a Residential District (60.050-B.2.c.,Sec. 60.100-F)

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):
  
- Finding the hardship(s) to be______________________________.
- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions ___________________________.
In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

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

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

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

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

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

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

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

Facing West on 4th Pl.
Action Requested:
Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) request for a variance of the setback requirements from 60' to 27' from the centerline of Yale Avenue to permit the erection of service station canopies in an OL District. This property is located at 4752 East Fourth Place.

Presentation:
Mark Roberts, 7434 East 46th Street, was present to address the Board and advised that he wished to erect canopies over existing gas pump islands which were installed some years ago. Mr. Roberts stated that there were residences facing Fourth Street to the north of the subject property and that there was a church to the south of the property.

Protestants: None.

Remarks:
Ms. Miller advised the Board that there were existing islands in the proposed right-of-way some years ago when the Board permitted the replacement of the old pumps and islands with new ones, as well as underground fuel storage.

Mr. Jones stated that the zoning of the property had been changed to OL approximately five or six years ago, but that the station was situated on the property prior to the rezoning to OL.

Mr. Jackere asked Mr. Roberts if the proposed canopies would be any closer to the street than the islands. Mr. Roberts replied that the canopies would be approximately 10' closer to the street.

Board Comments:
Mr. Waft asked Mr. Roberts how high the canopies would be from the driveway (concrete)? Mr. Roberts stated they would be approximately 14' high.

Mrs. Purser asked if there had been continuous use of the property as a gasoline station prior to the installation of a convenience store on the property. Mr. Roberts explained that there had been continuous use as a gasoline station, with the exception of an interruption in use when the present owners purchased the property, bulldozed it, and reopened the more up-to-date convenience store and station. Mrs. Purser commented that she did not feel that the applicant had shown a hardship required for approval of the requested variance.

Board Action:
On MOTION of PURSER and SECOND by WAIT, the Board voted 2-1-0 (Purser, Wait, "aye"; Smith "nay"; no "abstentions"; Lewis, Victor, "absent") to deny the Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 60' to 27' from the centerline of Yale Avenue to permit the erection of service station canopies in an OL District, on the following described property:

Lot 1, Block 1, Kendall View Addition to the City of Tulsa, Ok.

8.20.81:342(3)
MINUTES OF A REGULAR MEETING OF THE BOARD OF
ADJUSTMENT, WEDNESDAY, JUNE 8, 1955.

PRESENT: Britton, Chairman; Lashley; Grubb; Daniel;
Davisson.

Case No. 2686-B
Tulsa Baptist Temple
Lots 1, 2, Block 2,
Hi-Pointe Addition

This being the date set down for the continuation of a public
hearing on the application of the Tulsa Baptist Temple for
permission to establish off-street parking on Lots 1 & 2,
Block 2, Hi-Pointe Addition. There being no one present
on behalf of the Church it was,

MOVED by Grubb (Lashley) that this matter be carried over
until the next regular meeting.
All members voting yea. Carried.

Case No. 2687-B
White City Baptist Church
Lot 6, Block 1,
Kendall View Addition

This being the date set down for public hearing on the applica-
tion of the White City Baptist Church for permission to use
Lot 6, Block 1, Kendall View Addition for church purposes.
Reverend Patrick Murphy appeared in behalf of the church.
Mr. and Mrs. V. M. Beaubien appeared representing the
protestants.

Mrs. V. M. Beaubien filed a petition of protest and stated they
were protesting because of the noise and congestion that was
caused by children playing next to her house.

After considerable discussion it was,

MOVED by Davisson (Lashley) that this matter be granted
subject to the building being used only on Sundays and that
a stockade type fence be erected between the Church property
and Mr. & Mrs. V. M. Beaubien’s property.
All members voting yea. Carried.

Case No. 2690-A
Cincinnati Avenue
Christian Church, North
130' of Lot 13, Block 5,
Meadow Brook Addition

This being the date set down for public hearing on the applica-
tion of the Cincinnati Avenue Christian Church for permission to
extend their church and to establish off-street parking on the
North 130 feet of Lot 13, Block 5, Meadow Brook Addition.
There being no protest it was,

MOVED by Grubb (Daniel) that this matter be granted.
All members voting yea. Carried.
Case No. 14799 (continued)

Presentation:
The applicant, John Owen, 1889 North 105th East Avenue, Tulsa, Oklahoma, a representative of Craig Neon, stated that a client is proposing to place a 4' by 3 1/2' sign in front of his business at the above stated address. He pointed out that the setback requirement would place the sign inside the building. Mr. Owen stated that there are other signs in the area that are as close to the street as the sign in question. Photographs (Exhibit E-1) and a sign plan (Exhibit E-2) were submitted.

Comments and Questions:
Mr. Smith asked if there will be sufficient sight distance for vehicles in the area, and Mr. Owen answered in the affirmative.

Protestants: None.

Board Action:
On MOTION of SMITH, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chapelle, "absent") to APPROVE a Variance (Section 280 - Structure Setback from Abutting Streets - Use Unit 1221) of setback from the centerline of Harvard Avenue from 50' to 40' to allow for a business sign; per sign plan submitted; finding that there are other signs along Harvard that are as close to the street as the sign in question; and finding that the buildings in the area are constructed close to the street and that the sign would actually be located inside the building if the required setback was met; on the following described property:

The south 150' of the west 135' of Lot 24, Albert Pike Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14804

Action Requested:
Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1221 - Request a minor variance of setback from the centerline of South Yale from 60' to 30' to allow for a business sign, located SW/c 4th Place and Yale Avenue.

Presentation:
The applicant, Terry Howard, was represented by Charles Hare, 6550 East Independence, Tulsa, Oklahoma, who submitted a sign plan (Exhibit F-1) and a location map (Exhibit F-2). He informed that there is an existing sign on the property which is to be replaced with a new style sign with the same dimensions. Mr. Hare stated that the sign will not protrude further into the setback than the existing canopy.

Protestants: None.
Case No. 14804 (continued)

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Variance (Section 280 - Structure Setback from Abutting Streets - Use Unit 1221) of setback from the centerline of South Yale from 60' to 30' to allow for a business sign; per plan submitted; subject to the execution of a removal contract; finding that the sign will be placed on the existing pole and will not extend further into the setback than the existing canopy; on the following described property:

Lot 1 and the North 95.07' of Lot 2, Block 1, Kendall View Additon, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14797

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of lot width from 60' to 40', of lot area from 6900 sq. ft. to 5324 sq. ft. and land area from 8400 sq. ft. to 6324 sq. ft. to allow for a lot split.

Variance - Section 420.2 - Accessory Use Conditions - Use Unit 1206 - Request a variance of the side yard setback from accessory buildings from 3' to 1', located 3315 East 7th Street.

Comments and Questions:

Mr. Jones informed that TMAPC approved the lot split at the April 20, 1988 meeting.

Presentation:

The applicant, Arlene Phillips, 320 South Boulder, Tulsa, Oklahoma, was represented by Bobbie Bricker, who submitted a survey (Exhibit G-1) and stated that she is appearing on behalf of the owner of the property. She asked the Board to allow the lot split in order to provide separate ownership of two existing houses. It was noted that the lots across the street are comparable in size to those created on the subject property.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Variance (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of lot width from 60' to 40', of lot area from 6900 sq. ft. to 5324 sq. ft. and land area from 8400 sq. ft. to 6324 sq. ft. to allow for a lot split; and to APPROVE a Variance (Section 420.2 - Accessory Use Conditions - Use Unit 1206) of the side yard setback from accessory

04.21.88:513(13)
Case No. 12923 (continued)

Purser, "absent") to approve a Variance (Section 1225.3 (a) - Light Manufacturing and Industry Use Conditions - under the provisions of Use Unit 1225) of the requirement to conduct proposed drilling research operations within enclosed buildings to eliminate the enclosure requirement in an IM District under the provisions of Section 1670, subject to the following conditions: (1) That the noise level will be no greater than 5 decibels on the "A" scale above the background noise in the area, (2) that generators and motors will be enclosed in a building, (3) that testing operation of the equipment (after drilling) will be between the hours of 8:00 a.m. to 6:00 p.m., no weekends or holidays, (4) that tubing changes be made no more than 10 times a year, not to exceed two times in any one month, and (5) that the letter dated January 12, 1984, be made a part of the record, on the following described property:

Lots 3 and 4, Block 4, Sequoyah Place Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12933

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1217 - Request for a variance of the frontage requirement from 150' to three lots having frontage of 0', 146', and 79', respectively, to permit a lot split in an IL District under the provisions of Section 1670, located at the NW corner of East 58th Street and South Mingo Road.

Presentation:

The applicant, Roy Hinkle, 1515 East 71st Street, Suite 301, was not present.

Protestants: None.

Comments:

Mr. Jones informed this lot split was tabled at the Planning Commission meeting, and they have not reheard it yet.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue Case No. 12933 to the January 26, 1984, meeting.

Case No. 12940

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1217 - Request for a variance of the setback requirement from 60' to 27' for a gasoline canopy in an OL District under the provisions of Section 1670, located at the SW corner of 4th Place and Yale Avenue.

Presentation:

Tom Waddle, P. O. Box 51307, was represented by W. L. Smith, 7213 South Memorial Drive. He informed that he is the property owner.

1.12.84:404(3)
Case No. 12940 (continued)

He informed that he checked the original zoning, and it was changed from CS to OL with a recommendation to the Board of Adjustment to give them the building permits to convert the station to their convenience store. He informed that the gasoline islands that are on the property are the same ones that were there as a service station. They would like a canopy to cover their gasoline islands. He informed that their original application was for two canopies, but this application is for just one canopy on the Yale side. He submitted the original plat of the old gasoline islands (Exhibit "B-1"). The canopy will be 24' by 24'. It will provide their customers adequate lighting and protection from the weather. He thinks the size of the islands requested before were 20' by 24'. He informed that a 24' by 24' canopy is the smallest size that will adequately cover the pumps and the cars. He informed that they would be agreeable to a removal clause in the event that the intersection was widened. He informed that this will be a one-post canopy. There will not be any signs on the canopy and the lights will be underneath it. He informed that this is important for their business since it is self-service.

Protestants: None.

Comments:

Mr. Victor informed he went out to view the site, and in his opinion the construction of a canopy there will be too close to the street. He informed that the gas pump itself is closer to the street than the small house to the north. He informed that he could not support this application.

Mr. Gardner informed that whether this is zoned CS or OL, it still requires a variance of the 60' structure setback. The Board needs to look at reasons other than what the property is zoned in making their decision. This is a commercial use.

Mr. Chappelle made a motion for approval of this application, but this motion died for the lack of a second.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-1-0 (Smith, Victor, Wait, "aye"; Chappelle, "nay"; no "abstentions"; Purser, "absent") to DENY a Variance (Section 280 - Structure Setback from Abutting Streets - under the provisions of Use Unit 1217) of the setback requirement from 60' to 27' for a gasoline canopy in an OL District under the provisions of Section 1670, on the following described property:

Lot 1 and the North 95.1' of Lot 2, Block 1, Kendall View Addition to the City of Tulsa, Tulsa County, State of Oklahoma, as to the Recorded Plat thereof.

Case No. 12952

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1206 - Request for a variance of the livability space from 7,000 sq. ft. to 6,000 sq. ft. in an RS-1

1.12.84:404(4)

5.13
SIGN PLAN REVIEW

April 30, 2021

Phone: 918-286-8535

Christian Ortiz
9810 E. 58th St.
Tulsa, OK 74146

APPLICATION NO: SIGN-088272-2021 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 4739 E. 5th St.
Description: Freestanding sign

INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

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

IMPORTANT INFORMATION

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

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

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

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

Review Comments: The proposed dynamic display sign is located on an RS-3 Residential zoned lot. You may change the sign type to a non-dynamic display, or you may pursue a special exception from the Board of Adjustment (BOA) to permit a dynamic display sign to be located on a residential RS-3 zoned lot. Should you decide to change the sign type to a non-dynamic display, this sign must comply with all requirements of Section 60.050.

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

Review Comments: The proposed dynamic display sign appears to be within 20 feet of the driving surface of the road along E. 4th St. You may relocate the dynamic display sign so that the leading edge of the sign is at least 20 feet from the edge of the curb/roadway; or you may pursue a variance from the BOA to permit a dynamic display sign to be located closer than 20 feet to the edge of the curb/roadway.

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

END – ZONING CLEARANCE AND SIGN CODE REVIEW

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A CITY OF TULSA SIGN PERMIT.
Led Board 6MM

117"

39"

customers:

Bryden Park Baptist

Jopp Rd.

4739 E. 5th St.

Tulsa, OK, 74112

Design By:

Luis Fortesca

Job by:

Jesus Ortiz

Job No:

CHM41421-661

Scale:

Cost:

Tulsa, OK.

(918) 286-8535

www.encinos4u.com

PYLAR - CASTLE SIGNS - MONUMENT SIGNS - NEON SIGNS - BLADE SIGNS - WOLT SIGNS - CHANNEL LETTERS

INTERIOR SIGNS - WAY FINDER SIGNS - POOL & PANEL - LED DISPLAY - COMMERCIAL & ARCHITECTURAL SIGNS

"Please proof read all information carefully for accuracy before printing. Check names, numbers, spelling, punctuation as well as the general layout. Revision requests after normal proof are not included in the original quoted price and will be charged accordingly. Any geographical text or layout errors not listed now will be the customer’s responsibility."

5.17
Feet
100
BOA-23158
Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: 2020/2021
Subject Tract
BOA-23158
19-13 04
0 50 100
As a 20 year resident of this neighborhood I would like to state that I am 100% against this new signage. This is a residential neighborhood and we certainly don't need some glaring, lit up sign intruding on our neighborhood.

That intersection has it's share of accidents and a blazing, distracting sign will only make it worse.

Please don't decrease my property value by putting up this eyesore. I would hope the church involved would have more consideration for the neighbors.

Simone Tessitore
Turner Park Resident
918-605-1167
STR: 9212 Case Number:
CZM: 36
CD: 4
HEARING DATE: 07/27/2021 1:00 PM
APPLICANT: Kimberly McCoy

ACTION REQUESTED: Special Exception to allow an Accessory Dwelling Unit in an RS-3 district (Sec.45.031); Variance to allow a detached accessory building in the side setback and to allow more than 30% coverage by a Detached Accessory Dwelling Unit and Garage in the rear setback in an RS-3 District (Section 90.090-C, Table 90-1, Table 90-2); Variance to allow the aggregate floor area of Detached Accessory Dwelling Units/Accessory Buildings to exceed 500 square feet or 40% of the floor area of the principal residential structure (Section 45.030-A.2, 45.031-D.6).

LOCATION: 1518 S NORFOLK AV E
ZONED: RS-3
TRACT SIZE: 8102.19 SQ FT

LEGAL DESCRIPTION: LT 2 BLK 21, MORNINGSIDE ADDN

RELEVANT PREVIOUS ACTIONS:

BOA-20277; On 06.13.06 the Board approved a Variance of the lot and area requirements in an RS-3 District to permit a lot split and a Variance to allow a detached accessory building in the side yard. Property located 1538 and 1544 S. Norfolk Ave.

BOA-13431; On 01.10.85 the Board approved a variance to reduce the 3' setback for a detached accessory building from 3' to 0'. Property located NE/c of E. 16th St and Madison.

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 of the SW/c of E. 15th St. S. and S. Norfolk Ave.
**STAFF COMMENTS:** The applicant is requesting a Special Exception to allow an Accessory Dwelling Unit in an RS-3 district (Sec.45.031); Variance to allow a detached accessory building in the side setback and to allow more than 30% coverage by a Detached Accessory Dwelling Unit and Garage in the rear setback in an RS-3 District (Section 90.090-C, Table 90-1, Table 90-2); Variance to allow the aggregate floor area of Detached Accessory Dwelling Units/Accessory Buildings to exceed 500 square feet or 40% of the floor area of the principal residential structure (Section 45.030-A.2, 45.031-D.6)

Included in your packet are Sections 45.030 and 45.031 relating to regulations for Accessory Buildings and Accessory Dwelling Units.

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

<table>
<thead>
<tr>
<th>Obstruction</th>
<th>Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory buildings (see also 90.090-C.2)</td>
<td>No</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum Coverage of Rear Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS-1 and RE Districts</td>
<td>20%</td>
</tr>
<tr>
<td>RS-2 District</td>
<td>25%</td>
</tr>
<tr>
<td><strong>RS-3, RS-4, RS-5 and RD Districts</strong></td>
<td>30%</td>
</tr>
<tr>
<td>RM zoned Lots Used for Detached Houses or Duplexes</td>
<td>30%</td>
</tr>
</tbody>
</table>

Proposed accessory building is to be 3' from side lot lines, side setback per the zoning code is 5'.

Proposed accessory building is 1,658 square feet, zoning code limits it to 1,256 square feet.

Proposed accessory building covers 918 (76.5%) square feet of the rear setback, the zoning code limits the rear yard coverage to 360 (30%) square feet.

**STATEMENT OF HARDSHIP:**

1. Residence is within HP district and the houses, and lots are old and small.
2. HP approved.
3. There is an existing old ADU that will be demoed to build this new one with an enclosed garage.
4. New ADU is 968 sf and the garage portion is 690 sf (total 1,658 sf). We request a variance to allow the square feet which together is over the 40% (1,256 sf) of the principal structure floor area.
5. Very little room is in the rear yard and if current setback requirements are met, there would be no yard remaining and no room to maneuver into garage.
6. Fences are 6-0' and not in the street setback.

**SAMPLE MOTION:**

**Special Exception:**

Move to ________ (approve/deny) a **Special Exception** to allow an Accessory Dwelling Unit in an RS-3 district (Sec.45.031)
• Per the Conceptual Plan(s) shown on page(s) ____ of the agenda packet.

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

  ________________________________

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

**Variance**

Move to (approve/deny) a Variance to allow a detached accessory building in the side setback and to allow more than 30% coverage by a Detached Accessory Dwelling Unit and Garage in the rear setback in an RS-3 District (Section 90.090-C, Table 90-1, Table 90-2); Variance to allow the aggregate floor area of Detached Accessory Dwelling Units/Accessory Buildings to exceed 500 square feet or 40% of the floor area of the principal residential structure (Section 45.030-A.2, 45.031-D.6)

• Finding the hardship(s) to be ________________________________

• Per the Conceptual Plan(s) shown on page(s) ____ of the agenda packet.

• Subject to the following conditions ________________________________

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

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

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

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

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

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

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

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

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

Section 45.030 Accessory Buildings and Carports in R Districts

45.030-A Accessory Building Size

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

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

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

45.030-B Carports

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

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

Section 45.031-A Definition

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

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

Section 45.031-B Purpose

1. The purpose of allowing accessory dwelling units within R, AG, and AG-R districts is to:
   a. accommodate new housing units while preserving the character of existing neighborhoods;
   b. allow efficient use of the city's existing housing stock and infrastructure;
   c. provide housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs; and
d. provide a means for residents—particularly seniors, single parents, and empty-nesters—to remain in their homes and neighborhoods, and obtain extra income, security, companionship and assistance.

2. The ADU supplemental regulations are also intended to help ensure that that new buildings and modifications to existing buildings are designed with sensitivity to their context in terms of building placement, proportions, building materials, and similar design features.

Section 45.031-C Applicability

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

Section 45.031-D Regulations

1. Where Allowed

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

2. Number

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

3. Methods of Creation

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

a. Constructing an accessory dwelling unit on a lot with a new or existing detached house; or

b. Converting or increasing existing floor area within an accessory building on a lot with an existing detached house.

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

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

5. Open space (Minimum open space per unit)

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

6. Accessory Dwelling Unit Size

a. RE and RS-1 Districts

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

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

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

7. Building and Fire Codes

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

8. Additional Regulations for Accessory Dwelling Units

a. Entrances

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

b. Setbacks

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

c. Exterior Finish Materials

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

d. Roof Pitch

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

Section 45.040 Compressed Natural Gas (CNG) Refueling Appliances

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

Section 45.050 Dumpsters

45.050-A Regulations

Dumpsters established or placed on or after the effective date specified in Section 1.030 are subject to the following regulations:

1. Dumpsters may only be placed with the written permission of the owner of the subject property.

2. Dumpsters must be located on a dustless, all-weather surface.

3. Dumpsters may not:

   a. Obstruct motorized or non-motorized traffic;
The Special Exception of the required 110 percent distance from an R district was not needed due to the change of location of the site.

A tract of land lying in and being part of Lot 3 and the Northwest Quarter (NW/4) of the Southeast Quarter (SE/4) of Section 33, Township 20 North, Range 12 East of the Indian Meridian as described in Book 326, Page 167, Deed Records of Osage County, Oklahoma; Said tract being more particularly described as follows:

Commencing at a mag nail found for the Southwest corner of said SE/4; Thence N 88°28'27" E on the South line of said SE/4, a distance of 1112.89 feet to a point on said South line; Thence N 01°31'33" W perpendicular to said South line, a distance of 626.12 feet to a 1/2" iron rod with cap set for the Southwest corner, said corner being the Point of Beginning; Thence N 01°27'23" W a distance of 43.00 feet to a 1/2" iron rod with cap set for the Northwest corner; Thence N 89°36'43" E a distance of 25.00 feet to a 1/2" iron rod with cap set for the Northeast corner; Thence S 01°27'23" E a distance of 43.00 feet to a chiseled "X" set for the Southeast corner; Thence S 89°36'43" W a distance of 25.00 feet to the Point of Beginning, containing 1,075.00 square feet or 0.025 acres, more or less, City of Tulsa, Osage County, State of Oklahoma.

NEW APPLICATIONS

Case No. 20277

Action Requested:
Variances of the minimum lot width, lot area and land area in the RS-3 district; and a Variance of the side yard requirement for an accessory building in the RS-3 district; to permit a lot split and conveyance of property, located: 1538 and 1544 South Norfolk Avenue.

Presentation:
Peter Brolick, 502 West 6th, represented Barbara McKinnis, the land owner.

Comments and Questions:
Mr. Dunham understood this request was to clear the title only, not to change anything. Mr. Brolick stated that a survey was done in 1978, which showed the fence was two feet over the property line. They went to litigation, it was settled and all agreed the fence should remain there.
Interested Parties:
David W. Warta, 100 West 5th Street, represented Andrea Mogab, the homeowner at 1538 South Norfolk. He stated they are in support of this application. The new property line is acceptable.

Comments and Questions:
The Board members questioned him regarding the court case. Mr. Warta stated they agreed to settle the matter through the Board of Adjustment. Mr. Brolick explained they would present the results of this application and their agreement to the judge and it will be completed.

Board Action:
On Motion of Stead, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Variance of the minimum lot width, lot area and land area in the RS-3 district; and a Variance of the side yard requirement for an accessory building in the RS-3 district; to permit a lot split and conveyance of property, finding the neighborhood, established in the early 1900's is a legal non-conforming matter, and the variances are needed to permit the lot-split and clear the title; by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, per survey, on the following described property:

Lot 5 and Lot 6; Block 15; MORNINGSIDE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

****************

Case No. 20278
Action Requested:
Variance of the required 100 ft. of frontage on an arterial street in the OM district to 75 ft., located: 7315 South Lewis.

Presentation:
David Dryer, 5110 South Yale Avenue, Suite 430, represented the buyer on the subject property. It was discovered there was not sufficient frontage and they considered rezoning but determined the lot-split would be better. He did not expect it to have an impact on the marketability or ability to sell and it would be the same or similar structure as on the new lot-split area.
Case No. 13430 (continued)

Protestants:

Walene Smith, 1120 North Canton, Tulsa, Oklahoma, represented the protestants and submitted a petition of protest (Exhibit "Q-2"). Photographs of the subject property were also submitted (Exhibit "Q-3"). Letters of protest were submitted from Tilene Nabors, 1115 North Canton, Tulsa, Oklahoma (Exhibit "Q-4"); Miss Blanche Ruffel, 1108 North Canton, Tulsa, Oklahoma (Exhibit "Q-5"); and Mr. and Mrs. Mervin J. Smith, 1120 North Canton, Tulsa, Oklahoma (Exhibit "Q-6").

Other protestants present were: Arlene Nabors, 1115 North Canton; Jeanie Goins, 1215 North Allegheny; Arlene Willis, 1242 North Fulton; Wesley McDorman, 1244 North Darlington Street; R. Nelson Wilkins, 1124 North Canton; Madeline Breshears Lambert, 1127 North Canton; Pam Jackson, 1131 North Canton; and Flory Mae Lawson, 1219 North Canton.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-1 (Chappelle, Smith, Victor, "aye"; no "nays"; Clugston, "abstaining"; Purser, "absent") to DRAW a Special Exception (Section 420—Accessory Uses in Residential Districts—Under the provisions of Use Unit 1206) for a home occupation to allow auto repair and body work in an RS-3 zoned district; on the following described property:

Lot 18, Block 4, Yale Terrace Addition to the City of Tulsa, Tulsa County, Oklahoma.

Additional Comments:

In answer to a question, Mr. Jackere informed that Mr. Brown has ten days to file an appeal to District Court with the City of Tulsa. If an appeal is not filed, the City will take action to remove the use.

Case No. 13431

Action Requested:

Variance—Section 420.2—Accessory Uses in Residential Districts—Use Unit 1206—Request a variance of the 3' setback to 0' to allow an addition to an existing detached accessory building in an RS-3 district, located N. of NE/c of 16th Street and Madison.

Presentation:

The applicant, Walter Carlton, 1531 South Madison, Tulsa, Oklahoma, 74120, informed that the homes in his neighborhood were built in 1919, and most of the garages were placed on the lot lines. The Ordinances have changed since then, but his garage is compatible with the rest of the neighborhood. He explained that he is following a precedent that has already been set. The back of the add-on faces east. He presented pictures showing his garage and others adjacent to his that sit on the property lines (Exhibit "R-1"). He submitted a plat of survey (Exhibit "R-2") and a plot

1.10.85:430(30)
plan (Exhibit "R-3"). He is converting a one-car garage and apartment to a two-car garage.

Protestants:
Carolyn Sue Webb, 1525 South Madison, Tulsa, Oklahoma, informed that she lives next door to Mr. Carlton and is opposed to the application. She submitted pictures of the property line which is already crowded by several garages (Exhibit "R-4"). She also submitted a letter stating her protest (Exhibit "R-5").

Letters of protest were submitted from Grant C. Bull, Maple Ridge Association Board of Trustees (Exhibit "R-6"); and Jeff and Gail Haber, 1530 South Norfolk, Tulsa, Oklahoma (Exhibit "R-7").

Applicant's Rebuttal:
Mr. Carlton explained that the existing accessory buildings encroached the setbacks and this imposes a hardship. He informed that he wants to save as much of his yard as possible. He did not have a Building Permit when he built the accessory building, but he has applied for one.

Comments and Questions:
Mr. Victor stated that he is familiar with this area and all of the garages and accessory buildings are crowded in small areas near the back of the lots.

Mr. Clugston asked Mr. Carlton how long the existing garage has been on the property. Mr. Carlton informed that the garage was built when the house was built in 1919. The new addition is not encroaching any further than the existing garage. The north boundary line will be one foot from the property line, and Ms. Webb's garage is one inch from the property line.

Board Action:
On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-1-0 (Chappelle, Clugston, Victor, "aye"; Smith, "nay"; no "abstentions"; Purser, "absent") to APPROVE a Variance (Section 420.2—Accessory Uses in Residential Districts—Under the provisions of Use Unit 1206) of the 3' sideyard setback to 1' (north) and the 3' rearyard setback to 0' (east) to allow an addition to an existing detached accessory building in an RS-3 district; finding that the variance is not inconsistent with the existing structures in the area; and finding that the variance granted will not cause substantial detriment to the public, or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; on the following described property:

Lot 10, and North 17' of Lot 9, Block 15, Morningside Addition to the City of Tulsa, Tulsa County, Oklahoma.

1.10.85:430(31)
ZONING CLEARANCE PLAN REVIEW

LOD No.  

Applicant:  

APPLICATION NO.:  R-1072  

Project Location:  1518 S. Norfolk Ave.  

Description:  ADU addition

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<th>INFORMATION ABOUT SUBMITTING REVISIONS</th>
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<tr>
<td>OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.</td>
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<th>REVISIONS NEED TO INCLUDE THE FOLLOWING:</th>
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<tr>
<td>1. A COPY OF THIS DEFICIENCY LETTER</td>
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<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>
<tr>
<td>4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT</td>
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REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

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<tr>
<td>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.</td>
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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” 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


Application No. R-1072  1518 S Norfolk Ave.  May 26, 2021

1. Site plan must include dimensions of all buildings and drives. Resubmit plan with attached information and review will continue.

2. Sec 70.070 Historic Preservation Permits A. Applicability

   Within any HP zoning district, an HP permit must be obtained in accordance with the procedures of this section before any work is performed on or changes are made to any existing building, structure or lot...

   Review Comment: Provide HP approval with signed and sealed certificate from the HP Society.

3. Sec. 45.031 ADU, Accessory Dwelling Units in R, AG and A6-R Districts. D. Regulations l.Where

   Allowed. Accessory dwelling units are allowed by special exception in RE, RS, AG and A6-R districts on lots occupied by a detached house.

   Review Comments: Provide approval from the Board of Adjustment for an ADU in RS-3 zoning.

4. Sec 45.031 D 6. Accessory Dwelling Unit Size.

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

   May not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater. Review Comment: Revise.
END-ZONING CODE REVIEW

Please notify Plans Examiner by email whenever you submit a revision. If you originally submitted paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online.

This letter is available upon request by the applicant. This letter of deficiencies covers zoning plan review items only. You may receive additional letters from project review. The review makes neither representation nor recommendation and states that the submitted documents falls short of code requirements.

Self variance from the Board of Adjustment.

Setback, 7% of lot, 30% of rear setback.

The proposed property exceeds 30% in the rear.

All coverage limits in Rear setback, RS 3-30%.

Residences, go.2. Accessory buildings, including self storage, are permitted. In.

Also go.2. Schools. A proposed Master Plan for the Board of Adjustment.

In this section, for a variance from the Board of Adjustment.
(a) Sec. 45.0804 - Fences and walls within required building setbacks may not exceed 8 feet in height, except in required street setbacks. Fences may not exceed four feet in height. Review Comment: Revise plan to meet requirements or seek a variance from the Board of Adjustment.

END OF REVIEW
Sec. 70.080-C: Site Plan for zoning review,

- North arrow
- Appropriate drawing scale;
- Legal description of the lot;
- Actual shape and dimensions of the lot;
- Lot lines and names of abutting streets;
- Public rights-of-way;
- The location and dimensions of existing buildings or structures, including distances to lot lines;
- The location, dimensions and height of proposed buildings or structures;
- Architectural projections for existing and proposed buildings and structures, i.e. stairs, porches, balconies, fireplaces, roof overhangs, etc.;
- The intended use of existing and proposed buildings, structures or portion of the lot;
- The setbacks from the proposed new buildings or structures and alterations of existing buildings or structures to the centerline of abutting Right-of-Way;
- Location and dimensions of parking areas. This includes the parking spaces, the maneuvering areas necessary to enter and exit the spaces and the drives providing access to the parking spaces and maneuvering areas from a public or private street or other parking areas.
LEGAL DESCRIPTION:
LOT TWO (2), BLOCK TWENTY-ONE (21), SECOND AMENDED PLAT OF MORNINGSIDE ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND KNOWN AS 1518 SOUTH NORFOLK AVENUE.

David & Christine Beeson Residence
1518 South Norfolk Avenue
Tulsa, Oklahoma 74120
David & Christine Beeson Residence
1518 South Norfolk Avenue
Tulsa, Oklahoma 74120
David & Christine Beeson Residence
1518 South Norfolk Avenue
Tulsa, Oklahoma 74120

Site showing adjacent structures on all sides
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021
Just sending my thoughts as I work out of town and cannot be at the hearing...I am in favor of the planned project.

Mike Miller
1530 S. Norfolk Ave
918.808.4532

Confidentiality Notice: The content of this email is confidential and intended for the recipient specified in message only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.
BOARD OF ADJUSTMENT
CASE REPORT

STR: Case Number: BOA-23160
CZM: 38
CD: 5

HEARING DATE: 07/27/2021 1:00 PM

APPLICANT: Stuart VanDeWiele

ACTION REQUESTED: A Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions use for a family justice center in an RS-3/OL/IL/CH zoned district (Sec. 5.020, Table 5-2, Sec. 15.020, Table 15-2).

LOCATION: 2821 S. Sheridan Rd. ZONED: RS-3,OL,IL,CH

PRESENT USE: Governmental Services

LEGAL DESCRIPTION: A tract of land in the Southwest Quarter of the Southwest Quarter (SW/4 SW/4) of Section Fourteen (14), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, and being more particularly described as follows, to-wit: BEGINNING at the Northeast Corner of Lot One (1), Block Forty-five (45), South Sheridan Acres; THENCE, S88°43'53"W for a distance of 120.00 feet; THENCE, S01°18'42"E for a distance of 100.00 feet; THENCE, S88°43'53"W for a distance of 492.71 feet; THENCE, N01°15'07"W for a distance of 295.26 feet; THENCE, N88°41'18"E for a distance of 612.40 feet; THENCE, S01°18'142"E for a distance of 195.72 feet to the Point of Beginning; Said Tract containing 3.88 acres more or less.

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-15761; On 06.25.91 the Board approved a Special Exception and amendment to an approved Site Plan to permit the construction use and occupancy of the Justice Center (Use Unit 12) to specialize in the examination, evaluation and prescription for treatment of abused children. It is unclear why this use was classified as Use Unit 12 under this approval. At the time of this approval Use Unit 12 included Eating Establishments.

BOA-15440; On 05.17.90 the Board approved a Special Exception for Use Unit 12 and an amended site plan.

BOA-8370; On 10.03.74 the Board approved a Special Exception to permit parking in an RS-3 District and several variances relating to the parking lot configuration.

BOA-7675; On 10.19.72 the Board approved a Special Exception to permit a cafeteria, fieldhouse, FM radio broadcasting facility and public relations offices for a college use in an RS-3 District.

BOA-6987; On 02.03.72 the Board approved a Special Exception to permit a College use in a Residential district and office district and a Variance to permit a college in an Industrial District District.
RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Town Center" and an "Area of Growth".

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located South of the SE/c of E. 28th St. S. and S. Sheridan Rd.

STAFF COMMENTS: The applicant is requesting a Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions use for a family justice center in an RS-3/OL/IL/CH zoned district (Sec. 5.020, Table 5-2, Sec. 15.020, Table 15-2)

The code describes Governmental Service or Similar uses as follows:

Governmental Service or Similar Functions
Local, state, or federal government services or similar functions, that are not otherwise classified. Typical uses include health departments, courthouses, soup/food kitchens, and food pantries.

If approved this property would be subject to the Subdivision Conformance Review prescribed by section 70.080-B of the Zoning Code:
70.080-B Compliance with Development Regulations

1. Purpose
The requirements of this section are intended to help ensure that rights-of-way, streets, sidewalks and other public improvements are in place and adequate to serve proposed developments in accordance with applicable regulations.

2. Rezonings, Special Exceptions and Residential Uses
Except as expressly stated in Section 70.080-B3, no building permit or zoning clearance permit may be issued until the subject lot or parcel for which the permit is sought has been determined to be in compliance with all applicable design and improvement requirements of the Tulsa Metropolitan Area Subdivision and Development Regulations, as evidenced by submittal of a recorded subdivision plat or ALTA/ACSM survey and separately recorded legal instruments. This requirement applies to any property for which:

a. A property owner-initiated zoning map amendment or development plan was approved after July 1, 1970;

b. A special exception was approved for any of the following:

1. Group living use;
2. Public, civic or institutional use;
3. Outdoor assembly and entertainment use;
4. Household living involving 3 or more households on a single lot;
5. Marina;
6. Gun club;
7. Crematory; or
8. Mausoleum; or

c. A building permit is requested for any of the following residential uses:

1. Cottage house development;
2. Patio house; or
3. Townhouse

Please see the attached exhibits provide by the applicant describing the proposed use in detail.

**SAMPLE MOTION:** Move to (approve/deny) a Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions use for a family justice center in an RS-3/OL/IL/CH zoned district (Sec. 5.020, Table 5-2, Sec. 15.020, Table 15-2).

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

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

7.4

REVISED 7/16/2021
Subject property
**Case No. 12981**

**Action Requested:**
Special Exception for approval of an amendment to the previously approved site plan to permit the construction, use and occupancy of the Justice Center, which will specialize in the examination, evaluation and prescription for treatment of abused children. Sections 401, 601, and 901. PRINCIPAL USES PERMITTED IN RESIDENTIAL, OFFICE AND INDUSTRIAL DISTRICTS - Use Unit 12, located 56/6 East 28th Street and South Sheridan Road.

**Presentation:**
The applicant, Charles Norren, 2003 Mid-Continent Tower, Tulsa, Oklahoma, submitted a site plan (Exhibit P-1), and explained that his client, Oklahoma College of Medicine, is requesting permission to amend the previously approved master plan to permit the construction of a Justice Center. He stated that the Justice Center will be a diagnostic facility for abused children, and will provide a team of individuals to evaluate the needed treatment for each child. Mr. Norren stated that the Justice Center will not provide treatment or housing for these individuals. He informed that the proposal has been presented to the Whitney Homeowners Association, and the school maintains a good working relationship with the residents of the neighborhood. The applicant stated that the existing small storage building located at the proposed site for the Justice Center will be removed. Mr. Norren stated that a 10' by 150' storm water detention facility is proposed, with underground piping connecting to the storm sewer. He informed that the one story building will contain 6000 sq ft of floor space and will be constructed on the southeast corner of the campus. In regard to screening on the east and south, Mr. Norren stated that solid screening will be installed on portions of the east and south property lines (per landscape plan), and 19 holly trees (6' to 8') will be planted along the east boundary line.

**Comments and Questions:**
Ms. Bradley inquired as to access points for the facility, and the applicant replied that the Justice Center will have access to Sheridan Road and 28th Street. He informed that 35 parking spaces will be added, and the 276 spaces provided for the entire campus complies with Code requirements.

Ms. Bradley asked if an access will be provided on 66th East Avenue, and Mr. Norren replied that there is an existing gate which is open in the morning, at noon and late afternoon to accommodate employees that live in the neighborhood. He stated that this gate is opened by security during these periods, and can be permanently closed at any time.

**Protestants:**
Barbara Cross, 6541 East 28th Street, Tulsa, Oklahoma, stated that she is representing a portion of the neighborhood that is not affiliated with the homeowners association. Ms. Cross stated that she objects to any increase in the use across the street from her residence, because it will add to the existing parking problem along the street.

06.25.91:58673
Case No. 15791 (continued)

Ms. White asked if parking is permitted on both sides of the residential street at this location, and Ms. Cross answered in the affirmative.

Mr. Norman pointed out that the university is aware of the parking problem along the residential street, and the security patrol enforces the rule that employees park in the parking lot provided on the premises. He stated that they also encourage visitors to park on campus.

Ms. White asked if university employees are issued stickers for their cars, and Mr. Norman replied that they do have stickers, but the primary problem seems to be with visitors. He pointed out that the university has more than adequate parking.

Board Action:

On MOTION of FULLER, the Board voted 4-0-0 (Bradley, Bolzla, Fuller, White, "aye"; no "nayes"; no "abstentions"; Chappell, "absent") to APPROVE a Special Exception for approval of an amendment to the previously approved site plan to permit the construction, use and occupancy of the Justice Center, which will specialize in the examination, evaluation and prescription for treatment of abused children sections 401, 601, and 901. PRINCIPAL USES PERMITTED IN RESIDENTIAL, OFFICE AND INDUSTRIAL DISTRICTS - Use Unit 12; per amended site plan subject to the access gate on 65th East Avenue being open only from 7:00 a.m. to 8:00 a.m. and 4:00 p.m. to 5:00 p.m. finding that the proposed center is compatible with existing uses on the campus; and the granting of the request will not be detrimental to the neighborhood, or violate the spirit and intent of the Code, on the following described property:

Reserve "A" Buxton Across Third Addition to the City and County of Tulsa, Oklahoma, according to the recorded Plat thereof; and that part of the SW/4 SW/4, Section 14, T-19-N, R-15-E of the IBH, more particularly described as follows, to-wit: Beginning 648.30' east of the NW/4 of said SW/4 of said Section 14; thence south 89'-27.4136' east and along the north line of the said SW/4 SW/4 a distance of 2.05'; thence south 89'-4136' east a distance of 41.34'; thence south 238'; thence westerly and parallel to the north line of said SW/4 SW/4 a distance of 14.30'; thence northerly and parallel to the west line of said Section 14 a distance of 34.41' to the PLB; and the north 34.41' of the west 648.30' of the SW/4 SW/4 Section 14, T-19-N, R-15-E of the IBH, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof, City of Tulsa, Tulsa County, Oklahoma.
Case No. 15440

Action Requested:
Special Exception and an amendment to the site plan to permit the construction, use and occupancy of two additional buildings - Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS; Section 610. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS - Use Unit 12, located SE/c East 28th Street and South Sheridan.

Presentation:
The applicant, Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma, represented the University of Oklahoma College of Medicine. He submitted a site plan (Exhibit F-1) and photographs (Exhibit F-2) and asked that the previously approved plan be amended to include two additional buildings (24' by 80' and 24' by 70') on the north portion of the property. Mr. Norman informed that the college has approximately 50 students and 100 residents at this location, and 100,000 patients per year visit the medical offices. It was noted that, due to a recent review for accreditation, surgical facilities were required to be added to the clinic. Mr. Norman stated that the two buildings to the north will be used for this purpose. It was noted by the applicant, that the University of Oklahoma has acquired numerous properties in the area for expansion, and long range plans call for the removal of the two buildings in question and the construction of a larger facility. A landscape plan (Exhibit F-4) was submitted.

Comments and Questions:
Mr. Bolzie asked why the north location on 28th Street was chosen for the location of the buildings, and Mr. Norman replied that they were placed as close to the clinic as possible.

Ms. Bradley informed that a letter (Exhibit F-3) from the Whitney Homeowners Association states a concern with the sanitary sewer line serving the neighborhood and the OU campus.

Mr. Norman advised that he has met with the association, and is in agreement with them concerning the need for sewer improvements and traffic signals in the area. He informed that the addition of the two units will not add to the existing load on the sanitary sewer.

Protestants:
Mrs. J. Cross, 6541 East 28th Street, Tulsa, Oklahoma, stated that she is pleased that the medical college is in the area, but is concerned with the appearance of the two mobile units that have been moved to the property. She further noted that the installation of the buildings have increased the amount of trash blowing into the residential area. Ms. Cross stated that she has contacted the college about the problem, but the trash continues to accumulate. She pointed out that 28th Street is not wide enough to accommodate the traffic generated by the medical facility, and street parking is a problem in the area.
Interested Parties:

Ray McCollum, 3135 South 76th East Avenue, Tulsa, Oklahoma, stated that he is president of the Whitney Homeowners Association, and that the area residents have met with representatives of the college. He informed that concerns of the neighborhood have been discussed and are being worked out. Mr. McCollum stated that the association is supportive of the medical facility, but will continue to monitor the expansion.

Applicant’s Rebuttal:

In reference to the trash problem, Mr. Norman stated that he does not believe the clinic is responsible for the trash in the neighborhood, as a maintenance man picks up trash daily.

Ms. Cross stated that the trash picked up in her yard has Johnson and Johnson labels.

Board Action:

On MOTION of FULLER, the Board voted 4-0-0 (Bozle, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to APPROVE a Special Exception and an amendment to the site plan to permit the construction, use and occupancy of two additional buildings – Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS; Section 610. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS - Use Unit 12; per plot plan submitted; finding that the addition of the two units for medical use is compatible with the area, and will not violate the spirit and intent of the Code; on the following described property:

Reserve "A" Boman Acres Third Addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded plat thereof, and that part of the SW/4, SW/4, Section 14, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the US Government Survey thereof, being more particularly described as follows, to-wit:

Beginning 648.30' east of the NW/c of the SW/4, SW/4, of said Section 14; thence S 89°-57.4138' E and along the north line of the said SW/4, SW/4 a distance of 2.23'; thence S 0°-1.2757' E a distance of 58'; thence S 89°-4.4138' E a distance of 11.74'; thence south 235'; thence westerly and parallel to the north line of said SW/4, SW/4, a distance of 14.30'; thence northerly and parallel to the west line of said Section 14, a distance of 343' to the Point of Beginning; AND

The north 343' of the west 648.3' of the SW/4, SW/4, Section 14, T-19-N, R-13-E, of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the US Government Survey thereof, City of Tulsa, Tulsa County, Oklahoma.

05.17.90:563(12)
requested and should therefore not hear the application at this time.

Mr. Levy stated that the Assistant Attorney's counseling is in error as is pointed out by the reverse decision of the District Court in that the Board does have jurisdiction to hear the application at this time. He further pointed out that if the Board determines that they have no jurisdiction, he would again file appeal with the District Court. Upon questioning, Mr. Levy advised that the direction of the Board to hear the application on its own merit at the present time was in the comments of the judge and a Writ of Mandamus was not issued in order that the Board might first have a chance to hear the application on their own.

Upon questioning, Mr. Pauling advised that it would take approximately one year for the case to be brought to trial before the Supreme Court. He further advised that the Oklahoma Chapter of the American Institute of Planners and the Oklahoma Municipal League have entered into the lawsuit on behalf of the City. Upon questioning and in discussion regarding the Writ of Mandamus, Mr. Levy advised he would supply the Board with a transcript of the Court case in order that any questions regarding the Writ might be cleared up.

None.

On MOTION of GUERRERO and on advice of Counsel, the Board (4-0) closed the hearing of application 8323 at this time and reserved its decision thereon for one year until such time as the legal status of Tulsa's ordinance has been clarified by the Oklahoma Supreme Court.

Exception (Section 1480 (g) - Special Exceptions) to permit parking in an RS-3 District per plot plan; a Variance (Section 1330 (b) - Setbacks - Under the Provisions of Section 1470) for a variance of the 50' setback requirement to permit parking per plan; and a Variance (Section 1140 (e) - Design Standards for Off-Street Parking - Under the Provisions of Section 1470) for a variance of the screening requirement on lot lines in common with an RS District, in an RS-3, OL and IL District located southeast of 28th Street and Sheridan Road.
Larry Leonard, representing the Church of the Christian Crusade, Inc., advised that the building of the library per plot plan was approved at the hearing of September 19, 1974 and the balance of the application continued to this date in order that the parking requirements and proposals might again be reviewed and in order that approval of the Traffic Engineer in regard to the existing curb cut to 66th East Avenue might be obtained.

Mr. Leonard submitted the modified plot plan (Exhibit "A-1") advising that a driveway permit (Exhibit "A-2") had been received approving the curb cut on 66th East Avenue at the southeast corner of the tract. Mr. Leonard requested that the existing parking lot at this location be approved per plot plan. He advised that a hedge is located to the south of the lot and that a chain link fence is located to the east and requested that the screening requirement to the north of the lot be waived as it abuts College property. Upon questioning, Mr. Leonard advised that this parking lot is used for the parking of buses and that the gate at the curb cut is used only as access for the buses, which creates little traffic, as the gate is locked the remainder of the time.

In regard to the parking lot on the northern portion of the tract, Mr. Leonard advised that the original parking plan submitted was modified to permit parking in a north-south direction, stating that the parking parallel to 28th Street has been eliminated from the plan. He requested a variance of the setback requirement to permit the lot to be located 50 ft from the centerline of 28th Street and requested that the screening requirement on the east be waived as it abuts College property.

In regard to the number of parking spaces that might be required by the students, Mr. Leonard advised that the campus is located across Sheridan to the west and that the students walk from the campus to the College rather than driving their vehicles.

Mr. Leonard pointed out that several of the properties surrounding the College are owned by the College and requested that the screening requirements be waived on these properties for economic reasons. He stated that the College would, however, be willing to provide the screening around the properties that are not owned by the College.
In discussion of the screening requirements and the waiver requested, Mr. Leonard questioned whether or not hedge could be provided as the screening requirement in lieu of a solid wooden fence.

Protests:

Bruce Townsend, attorney representing Mr. and Mrs. James Wheeler of 652 East 28th Street, advised he had no objection to the screening being waived along Sheridan and that hedge be provided, but requested that his client's property be screened. In discussion, Mr. Townsend stated he would be willing to accept hedge in lieu of a solid wooden fence.

Board Action:

On MOTION of BLESSING, the Board (4-0) approved an Exception (Section 1480 (g) - Special Exceptions) to permit parking in an RS-3 District per amended plot plan; a Variance (Section 1330 (b) - Setbacks - Under the Provisions of Section 1470) for a variance of the 50' setback requirement to permit parking per amended plot plan; and a Variance (Section 1140 (e) - Design Standards for Off-Street Parking - Under the Provisions of Section 1470) for a variance of the screening requirements on lot lines in common with an RS District, waiving the screening requirements on the east side of the northern parking lot and the north side of the southern parking lot; requiring that a six foot hedge, in lieu of the six foot solid wooden fence, be provided on the north edge of the northern parking lot, on the south edge of the southern parking lot, and on the east edge of the College property abutting Lot 9, Block 15, Boman Acres 3rd Addition and Lot 9, Block 38, South Sheridan Acres; and instructing that the gate on 66th East Avenue be used for accessory access only and not made a principal access, in an RS-3, OL and IL District on the following described tract:

The North 343' of the West 648.3' of the SW/4, SW/4, of Section 14, Township 19 North, Range 13 East, Tulsa County, Oklahoma, containing 5.1 acres, more or less; AND Reserve "A" Boman Acres 3rd Addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded plat thereof, and containing .6876 acres, more or less, AND, that part of the SW/4, of the SW/4 of Section 14, Township 19 North, Range 13 East of the Indian Base and Meridian in Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, more particularly described as follows:

10.3.74:173(5)
Beginning 648.30' East of the Northwest corner of the SW/4 of the SW/4 of said Section 14; thence South 89°-57.4138' East and along the North line of the said SW/4 of the SW/4, a distance of 2.23' to a point; thence South 0°-1.2757' East a distance of 58' to a point; thence South 89°-57.4138' East a distance of 11.74' to a point; thence due South 285' to a point; thence Westerly and parallel to the North line of said SW/4 a distance of 14.30' to a point; thence Northerly and parallel to the West line of said Section 14, a distance of 343' to the point of beginning, and containing .095 acres, more or less, containing a total of approximately 6 acres, more or less, and also known as 2819 South Sheridan, Tulsa, Oklahoma.

Action Requested:
Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1470) for a variance of setback requirements from 55' to 43' from the centerline of 91st East Avenue to permit an addition to present church building; a Variance (Section 1120 (d) - General Requirements for Off-Street Parking - Under the Provisions of Section 1470) for a variance to remove parking requirements in Block 20 (Church has 35 spaces - Section requires 38 additional spaces for the proposed addition) and permission to use the West 74.8' of Lots 37 and 38, Block 32 for church parking; and an Exception (Section 830 - FD Floodway Supplemental District Regulations) to use Lot 36, Block 32 for church parking, in an RS-3 OL and CS District located northwest of 91st East Avenue and 11th Street.

Presentation:
Mr. Jones submitted a letter (Exhibit "B-1") to the Board from the applicant requesting a continuance of the subject application to November 7, 1974.

Protests:
None.

Board Action:
On MOTION of PURSER, the Board (4-0) continued application 8371 to November 7, 1974, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.
James Million, the applicant, was present and submitted his plot plan (Exhibit "L-1") to the Board explaining that he requested permission to add two bedrooms and a 3/4 bath to the present structure.

Remarks:

Mr. Edwards advised the Board that he took the application as an appeal because the two residences were in place when the applicant purchased the property.

Mr. Gardner stated that if the applicant were to file a lot-split he would not have a nonconforming use and no requirement of the Board other than a minor variance to waive the minimum frontage, subject to the Board of Adjustment approval. He stated that the fact that there are two structures on one lot creates the nonconforming use and the problem.

Protests:

None.

Board Action:

On MOTION of COHEN, the Board (4-1, with Jolly voting "nay") approved a Variance (Section 208 - One Single-Family Dwelling per Lot of Record) to permit the expansion of a nonconforming residence per plot plan submitted in an RS-3 District on the following described tract:

That part of the SE/4 of the NE/4 of Section 33, Township 19 North, Range 12 East, Tulsa County, Oklahoma, more particularly described as follows:

Beginning at a point 35' west and 449.2' south of the NE corner of the SE/4 of the NE/4 of Section 33, T-19-N, R-12-E; thence west 625.0' to an iron pipe; thence south 84.5' to an iron pipe; thence east 625.0' to an iron pipe; thence north 84.5' to the point of beginning, containing 1.212 acres, more or less, according to the U. S. Government Survey thereof, and known as 5338 South 33rd West Avenue.

Action Requested:

Exception (Sections 410, 510, 710 - Principal Uses Permitted in Residential, Office and Industrial Districts) to erect a cafeteria, fieldhouse, FM radio broadcasting facility and public relations offices for college use in RS-3, OL and IL Districts located at 2800 South Sheridan Road.

10.19.72:122(14)
Mr. Wayne Pollard, representing American Christian College, was present and stated that in February the subject property, which lies on the east side of Sheridan, was committed to college use subject to approval of the Board of Adjustment of eight uses and structures to be placed on the 6.2 acre tract. In approving the use of a college, the Board approved a special exception and variances. He stated that plans are now being made for the construction of two structures which have been submitted to the Building Inspector. He presented copies of the college Bulletin (Exhibit "M-1") to the Board which show the structures for the specific uses proposed. He also submitted plot plans (Exhibit "M-2") for each of the three proposed structures. He advised that the buildings, as located on the plot plans, are located in the EL portion of the tract. He said there had been some question in the past about the use of the property as a broadcasting station, but advised that this would be a use by right in an IL District. He requested that the balance of the property be approved for use of the fieldhouse.

Mr. Pollard advised that no open sports events are scheduled for the fieldhouse, that it would be used for intra-mural events only.

The Board was advised by a representative of the College that the College is to be used as a basic educational institution on a low-key level. He also explained that the College anticipates a maximum of 500 students enrolled at the college. He advised that the radio station licensed by the F.C.C. would be used for the training of the radio communications students. He further advised that the antenna for the station would be located on Lookout Mountain and that it would in no way interfere with radio and television reception in the residential areas. He advised that neither of the buildings would create a large amount of traffic and that parking facilities will be provided for 130 vehicles as shown on the plot plan.

Raymond Estes, 2828 South 66th East Place, presented a statement (Exhibit "M-3") signed by 12 homeowners in the immediate area of the subject property, requesting that no access be permitted to the tract from East 28th Place or from South 66th East Avenue for traffic or pedestrians; that a visual screen be erected to screen the proposed facilities to protect the character of the residential neighborhood; that
the FM radio broadcasting facility be licensed by
FCC and on a frequency so as not to interfere with
homeowners' television and radio; and that the field-
house, if for sports events, be so erected in a loca-
tion so as not to permit undue noise or inconvenience
to the homeowners.

On MOTION of COHEN, the Board (5-0) approved an
Exception (Sections 410, 510, 710 - Principal Uses
Permitted in Residential, Office and Industrial
Districts) to erect a cafeteria, fieldhouse, FM radio
broadcasting facility and public relations offices
for college use in an RS-3 District, and that the
access be determined by the Traffic Engineer, but
that the desires of the neighbors concerning the
closing of streets and screening be submitted to the
Traffic Engineer, on the following described tract:

Parcel 2: The North 343'; of the West 648.3'
of the SW/4, SW/4, of Section 14, Township 19
North, Range 13 East, Tulsa County, Oklahoma,
containing 5.1 acres, more or less; AND
Reserve "A" Bowman Acres 3rd Addition to the
City of Tulsa, County of Tulsa, State of Okla-
homa, according to the recorded plat thereof,
and containing .6876 acres, more or less, AND
that part of the SW/4 of the SW/4 of Section
14, T-19-N, R-13-E of the Indian Base and
Meridian in Tulsa County, State of Oklahoma,
according to the U. S. Government Survey thereof,
more particularly described as follows:

Beginning 648.30' East of the NW corner of the
SW/4 of the SW/4 of said Section 14; thence South
89°-57.4138' East and along the North line of the
said SW/4 of the SW/4 a distance of 2.23' to a
point; thence South 0°-1.2757' East a distance of
58' to a point; thence South 89°-57.4138' East a
distance of 11.74' to a point; thence due South
285' to a point; thence Westerly and parallel to
the North line of said SW/4 of the SW/4 a distance
of 14.30' to a point; thence Northerly and parallel
to the West line of said Section 14, a distance of
343' to the point of beginning, and containing
.095 acres, more or less, containing a total of
approximately 6 acres, more or less, and also
known as 2819 South Sheridan Road, Tulsa, Okla.
Variance (Section 1430 - Notice of Public Hearings - Minor Variances) to modify the front footage requirements in an RS-1 District to permit a lot-split (Lots will have 82.5' frontages) on a tract located at 5657 South 85th West Avenue.

Joe Donelson, applicant, advised the Board that although the request has not received the approval of the Planning Commission, the Board could grant approval subject to their subsequent approval. He stated that his client's home was recently destroyed by a fire and he is anxious to commence building a new structure on this land which he has obtained from a relative. He stated that although the tract will have less than 100' of frontage, it is 1 1/4 acre in size.

None.

On MOTION of COHEN, the Board (3-0) approved a Variance (Section 1430 - Notice of Public Hearings - Minor Variances) to modify the front footage requirements in an RS-1 District to permit a lot-split, subject to subsequent approval by the Planning Commission, on the following described tract:

The N/2, S/2, SW/4, NE/4, SE/4, of Section 36, Township 19 North, Range 11 East, Tulsa County, Oklahoma.

Exception (Section 410 - Principal Uses Permitted in Residential Districts, and

Exception (Section 510 - Principal Uses Permitted in Office Districts, and

Variance (Section 710 - Principal Uses Permitted in Industrial Districts) to permit a college in Residential Districts and Office Districts, and a college in an Industrial District (as per specifications) on a tract located in the 2800 Block on South Sheridan Road.

Allen Barrow, attorney representing the American Christian College of Christian Crusades, advised the Board that the College received approval from this Board in April 1971, to enlarge the existing cathedral building. Nine months later, in January 1972, the Board received two letters from property owners in the area stating that they had not received proper notice.
and the College therefore filed the subject application to effect new notice. The College in this application is merely requesting that the former approval by this Board be reinstated.

**Remarks:**

Mr. Jones advised the Board that of 65 affected property owners only four were not notified of the previous hearing.

**Protests:**

W. E. Murphy  
Address: 6209 E. 28th Street

Mr. Murphy objected to any expansion of the present facilities stating that the residential area would become overcrowded. He also stated that he objected to any use of the property which would include a radio station. He added that parking in the area is restricted to one side of the street and that it would be affected by any expansion.

**Remarks:**

The Chair advised Mr. Murphy that the Board is not considering a radio station on the subject tract at this time.

**Board Action:**

On MOTION of COHEN, the Board (3-0) reaffirmed the previous approval granted American Christian College of Christian Crusades (application no. 6987) which approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts), and Exception (Section 510 - Principal Uses Permitted in Office Districts), and Variance (Section 710 - Principal Uses Permitted in Industrial Districts) to permit a college in Residential, Office, and Industrial Districts, with the following conditions and stipulations on the following described property:

1) The Board of Adjustment recognizes the overall site as depicted on the plot plan as a college site (Special Exceptions - Use Unit 5).

2) That Building "F" to be constructed be approved as per plot plan and location.

3) That required off-street parking must be provided within the overall approved site, but not necessarily adjacent to a specific building complex.
4) That any subsequent additional buildings to be constructed other than Building "F" will require separate filing of notice and public hearing for consideration before this Board.

Parcel 1: Lots 1, 2, 3, 4, and 5, Block 1, Boman Acres 2nd Addition, a subdivision to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded plat thereof.

Parcel 2: The North 343; of the West 648.3' of the SW/4, SW/4, of Section 14, Township 19 North, Range 13 East, Tulsa County, Oklahoma, containing 5.1 acres, more or less; AND Reserve "A" Boman Acres 3rd Addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded plat thereof, and containing .6876 acres, more or less, AND, that part of the SW/4 of the SW/4 of Section 14, T-19-N, R-13-E. of the Indian Base and Meridian in Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, more particularly described as follows:

Beginning 648.30' East of the Northwest corner of the SW/4 of the SW/4 of Said Section 14; thence South 89°-57.4138'-East and along the North line of the said SW/4 of the SW/4, a distance of 2.23' to a point; thence South 0°-1.2757' East a distance of 58' to a point; thence South 89°-57.4138' East a distance of 11.74' to a point; thence due South 285' to a point; thence Westerly and parallel to the North line of said SW/4 of the SW/4 a distance of 14.30' to a point; thence Northerly and parallel to the West line of said Section 14, a distance of 343' to the point of beginning, and containing .095 acres, more or less, containing a total of approximately 6 acres, more or less, and also known as 2819 South Sheridan, Tulsa, Oklahoma.

Parcel 3: Lot 1, Block 4, Boman Acres 2nd Addition, a Subdivision to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

The SE/4 of the SE/4 of Section 15, Township 19 North, Range 13 East of the Indian Base and Meridian in Tulsa County, Oklahoma, according to U. S. Government Survey thereof:
Beginning 170' South and 50' West of the Northeast corner of the SE/4 of the SE/4 of Section 15; thence South 0°-12'-52" West a distance of 175' to a point; thence due West a distance of 140' to a point; thence South 0°-12'-52" West a distance of 125' to a point; thence due West a distance of 71.67' to a point; thence Westerly along a curve to the left with a radius of 230' for a distance of 69.42' to a point; thence North 0°-12'-52" East a distance of 310.17' to a point; thence North 89°-57'-09" East a distance of 280' to the point of beginning.

Parcel 4: A tract of land situated in the SE/4, of the SE/4 of Section 15, Township 19 North, Range 13 East, Tulsa County, being more particularly described as follows, to-wit: Beginning at the intersection of the North right-of-way line of East 31st Street South and the West right-of-way line of South Sheridan Road; thence North 450'; thence West 150' to the point of beginning; thence West 130'; thence North 238.46'; thence Northeast along the South right-of-way line of East 30th Street East a distance of 70.61'; thence East 86.43'; thence South 150'; thence West 25'; thence South 102.96' to the point of beginning.

Parcel 5: Beginning at a point 362' North and 330' West of the Southeast corner of said Section 15; thence due West and parallel to the South line of said Section 15, a distance of 108.69'; thence North 26°-33.3082' East, a distance of 0.00'; thence along a curve to the left with a radius of 85', a distance of 222.91'; thence along a curve to the right with a radius of 170' a distance of 196.43'; thence South 0°-12'-52" East and parallel to the East line of said Section 15, a distance of 416.36' to the point of beginning and containing 0.8530 acres, more or less.

Parcel 6: A tract of land situated in the SE/4, SE/4, SE/4 of Section 15, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, more particularly described as follows, to-wit: Beginning at a point 197' North and 330' West of the Southeast corner of the SE/4 of the SE/4 of said Section 15; thence due West and parallel to the South line of said Section 15, a distance of 108'; thence North-erly and parallel to the East line of said Section 15, a distance of 118'; thence due West a distance
Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 - Home Occupations) to permit operating a home beauty shop in an RS-3 District on a tract located at 2756 South Memorial.

Betty Lou Ramey, applicant, was present.

Mr. Jones advised the Board that the subject application was approved by the Board on January 6, 1972. However, one of the adjacent property owners notified the Staff that he had not received notice of the hearing, and the application was therefore readvertised for this date in order that proper notice may be served.

Mr. Robert Pace, Address: 7347 East 27th Court

Mr. Pace and other protesters stated that the subject tract is located on the service road fronting Memorial. Residents in the area must use this service road to reach the only north-south access to Memorial Boulevard. Since the service road is only one lane, the additional traffic which would be created by the use would be hazardous. It was pointed out that the applicant has made some exterior alterations to the house on the tract, and although there are no signs displayed it obviously appears to be a business operation. A protest petition was submitted (Exhibit "L-1") containing the signatures of all six of the residents on 27th Court and others in the area.

On MOTION of HENDRICKS, the Board (3-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 - Home Occupations) to permit the operation of a one-chair, on-operator beauty shop, with the stipulation that no further structural changes be made to the property, on the following described tract:

Lot 3, Block 28, Boman Acres Fourth Addition to the City of Tulsa, Oklahoma.
Monte Coon, representative of Craig Neon, was present and advised the Board that he had a permit to erect the sign. He also advised that he has a contract from the owner of the shopping center stating that the removal of the sign will cost the City nothing.

Betty Overton, Building Inspector, advised the Board that the permit was for permission to erect a sign 50' from the centerline and the applicant has erected the sign 42' from the centerline. She stated that she is opposed to the sign companies of Tulsa erecting their signs before getting Board of Adjustment approval.

None.

On MOTION of COHEN, the Board (4-0) approved a Minor Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1430) for a modification of setback requirements to permit the erection of a sign 42' from the centerline of Peoria Avenue in a CS District on the following described tract:

Lots 5, 6, 7, 8, Block 1, Broadview Heights Addition to the City of Tulsa, Oklahoma.

This was a request from MPH Investments, Inc., on behalf of American Christian College for a clarification of the minutes pertaining to Building "F" of the meeting of February 3, 1972. Mr. Edwards stated that the application had been approved in concept and approval of the outside boundaries was granted. He stated that the College had requested a blanket waiver of conditions, but were told that additional buildings other than Building "F" would require separate filing of notice and public hearing for consideration before the Board. Mr. Jones also advised the Board that the uses of each new building would have to have the Board's approval because the Board is representing the protestants who were interested in what construction and uses would be taking place.
R. G. Warriner, of MPH Investment, Inc., was present with representatives of American Christian College. He submitted to the Board a substitute plot plan (Exhibit "F-1") explaining the overhang of Building "F".

Protests:
None.

Board Action:
On MOTION of COHEN, the Board (4-0) approved that Building "F" be constructed within the original limits (foundation and walls) and that the overhang be approved in its present form as per the substitute plot plan submitted.

Elections:
On NOMINATION of COHEN, the members appointed by acclamation Tom Jolly as Chairman of the Board of Adjustment for one year.

There being no further business, the Chairman declared the meeting adjourned at 3:32 p.m.

Date Approved 11-2-72

[Signature]
Chairman

10.5.72:121(14)
Exhibit “A”

Legal Description

A tract of land in the Southwest Quarter of the Southwest Quarter (SW/4 SW/4) of Section Fourteen (14), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, and being more particularly described as follows, to-wit:

BEGINNING at the Northeast Corner of Lot One (1), Block Forty-five (45), South Sheridan Acres;

THENCE, S88°43'53"W for a distance of 120.00 feet;

THENCE, S01°18'42"E for a distance of 100.00 feet;

THENCE, S88°43'53"W for a distance of 492.71 feet;

THENCE, N01°15'07"W for a distance of 295.26 feet;

THENCE, N88°41'18"E for a distance of 612.40 feet;

THENCE, S01°18'42"E for a distance of 195.72 feet to the Point of Beginning;

Said Tract containing 3.88 acres more or less.
Exhibit “B”
Project Summary / Action Requested

This application has been filed to address and resolve a discrepancy between (i) the existing underlying zoning and (ii) the use of the Subject Property that has been in existence for several years (since 2010).

The Subject Property is located at 2821 South Sheridan Road. The Subject Property has four (4) different zoning districts on-site, namely (i) Industrial-Light (IL), (ii) Office-Low Intensity (OL), (iii) Residential Single Family-3 (RS-3), and (iv) Commercial-High (CH).

The Subject Property has been owned and occupied by the Child Abuse Network for many years. The Family Safety has recently purchased a portion of the property for construction of a “family justice center” where many service providers, both from the state and local government as well as private service agencies, will be housed under one roof to provide services to individuals, families and children in need. This collective and cooperative Center has been in operation since 2006. The agencies that provide services at the Family Safety Center include:

  - City of Tulsa
  - Tulsa Police Department (Family Violence Unit and forensic/SANE nurses)
  - Tulsa County Sheriff
  - Tulsa County District Attorney
  - Courtroom dedicated to the issuance of protective orders
  - DVIS/Call Rape providing advocates
  - civil legal services
  - self sufficiency referrals
  - childcare
  - Tulsa Metropolitan Ministry for spiritual support
  - RSVP for volunteer recruitment
  - Legal Aid
  - University of Tulsa Law School
  - Parent Child Center of Tulsa
  - YWCA for immigration and translation issues.

Today, the Family Safety Center staff numbers 15 persons, 8 of whom manage initial client intake and navigation, 3 special project coordinators and 4 staff members handle day to day activities of the staff and partners housed at the Family Safety Center. There are additionally 40 professional staff from the other agencies and 5 volunteers located within the current facility at the Family Safety Center.

The campus is being redeveloped to better serve the needs of Tulsa County and Northeast Oklahoma residents by more clearly coordinating the services provided by the Child Abuse Network (to be located in the property immediately to the north) and the Family Safety Center (on the Subject Property).

This application has been filed to clarify and formally approve the services that have been conducted on site for many years by the Child Abuse Network and that will also be performed by the Family Safety Center upon completion. Those services include Tulsa Police offices, District Attorney offices, Courtroom, and similar governmental uses – uses that are categorized as “Governmental Services or Similar Functions” under the zoning code. These uses require a special exception in order to allow them to be conducted in any zoning district (this is not a “use by right” anywhere in the City).

The requested special exception is in harmony with the spirit and intent of the zoning code in that the services and functions which are and have been offered on site for many years are critical to effective provision of critical services to the citizens where such services can be offered and provide with minimal (if any) intrusion into the residential or other adjoining zoning districts. Likewise, the requested special exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare in that it is the exact opposite – it is critical to the public welfare and has existed harmoniously in the neighborhood for many years.
Family Safety Center

Preliminary Design Concept
March 8, 2021
FAMILY SAFETY CENTER
March 8, 2021
BOARD OF ADJUSTMENT
CASE REPORT

STR: 0332
CZM: 29
CD: 3

HEARING DATE: 07/27/2021 1:00 PM

APPLICANT: Amanda Lowe

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

LOCATION: 1011 N LEWIS AV E

PRESENT USE: Industrial

LEGAL DESCRIPTION: See Attached.

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NE/c of E. King St. and N. Lewis Ave.

STAFF COMMENTS: Special Exception to permit High-Impact Medical Marijuana processing (High-Impact Manufacturing & Industry Use) in the IM district. (Sec. 15.020, Table 15-2)
35.070-C High-impact Manufacturing and Industry

Manufacturing and industrial uses that regularly use hazardous chemicals or procedures or that produce hazardous byproducts or explosive hazards. Typical examples of high-impact manufacturing and industrial uses include: the manufacture of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins and radioactive materials. This subcategory also includes petrochemical tank farms, gasification plants, smelting, animal slaughtering, oil refining, asphalt and concrete (batch) plants and tanneries.

1. High-impact Medical Marijuana Processing Facility

An establishment in which the preparation, manufacture, processing or packaging of medical marijuana products by the holder of a medical marijuana processor license issued by the Oklahoma State Department of Health is conducted, in accordance with the terms of such license, and in which extraction processes include the use of flammable substances such as butane, propane, ethanol and alcohol.
Medical marijuana uses are subject to the supplemental regulations of Sec. 40.225:

Section 40.225 **Medical Marijuana Uses**
The supplemental use regulations 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 detectable at the boundaries of the lot within which the building housing the medical marijuana grower operation, processing facility or dispensary is located, except that if such use is located in a multiple-tenant building, the ventilation/air filtration system must prevent odor from being detectable outside the tenant space housing the use.

2. An electronic security system and surveillance camera.

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

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**TULSA ZONING CODE** | March 7, 2021  
page 40-12

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

---

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

40.225-I The separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensary. 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.

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**SAMPLE MOTION:**

Move to ________ (approve/deny) a **Special Exception** to permit High-Impact Medical Marijuana processing (High-impact Manufacturing & Industry Use) in the IM district. (Sec. 15.020, Table 15-2)

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

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

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Subject Tract
Attachment 1

Legal Description

Tract A:

A certain tract of land situated in the Northwest Quarter of the Southwest Quarter (NW/4 SW/4) of Section 32, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States government survey thereof, more particularly described as follows:

Beginning at a point 1935.27 feet North and 30.00 feet East of the Southwest corner of Section 32, said point being the point of intersection of the new East line of North Lewis Avenue (30 feet East of the center line) and the South line of the old St. Louis and San Francisco Railway Company main track right of way (100 feet South of the center line of the Northernmost main track); from said Point of Beginning, thence along the said South right of way line North 66°57'00" East 309.73 feet to a point; thence South 60°43'40" East a measured distance of 61.98 feet to a point on the West line of an 18 foot railroad right of way dated June 30, 1923, as recorded in Book 471, Page 171; thence along the said West right of way line on a curve to the left in a Southwesterly direction 229.36 feet, more or less, to a point in the North line of King Street (said curve has a central angle of 20°20'03", a radius of 646.275 feet and subtends a chord which bears South 18°04'14" West a distance of 228.16 feet); thence along the said North line of King Street South 66°57'00" West 291.34 feet to a point in the new East line of Lewis Street (30 feet East of the center line); thence along the said new East line of North Lewis Avenue (30 feet East of the center line) North 0°30'00" West 240.00 feet to a point in the said South right of way line of the old Frisco Railroad, the true Point of Beginning.

Tract B:

That part of the Northwest Quarter of the Southwest Quarter (NW/4 SW/4) of Section 32, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States government survey thereof, more particularly described as follows:

Commencing at a point 1695.36 feet North and 30.00 feet East of the Southwest corner of said Section 32, said point also being the Northeast corner of North Lewis Avenue and East King Street; thence North 66°57'00" East along the North line of East King Street, 312.44 feet to a point on the East line of an Industrial Railroad Right of Way conveyed to the St. Louis and San Francisco Railway Company, recorded in Book 471, Page 171, for the Southwest corner of the property therein conveyed and the true Point of Beginning; from said Point of Beginning, thence continuing North 66°57'00" East along the said North line of King Street, 170.82 feet to a point located in the West line of a 23.00 foot exception described in the Bankoff Pipe and Supply, Inc., Deed dated January 10, 1962 (Book 3292, Page 554); thence North 23°03'00" West 160.00 feet to a point of curve; thence continuing along the West line of said exception on a curve to
the left 18.08 feet to a point on the East line of the said Railroad Right of Way (said curve has a central angle of 36°59'33", a radius of 28.00 feet and subtends a chord which bears North 41°32'46" West a distance of 17.77 feet); thence with said right of way along a curve to the left, 243.52 feet to a point in the said North line of East King Street, the Point of Beginning (said curve has a central angle of 22°12'27", a radius of 628.275 feet and subtends a chord which bears South 19°59'45" West a distance of 241.99 feet).
Attachment 2  
Action Requested

The Subject Property is a commercial building that has previously been used for various industrial purposes. The Subject Property is zoned Industrial Moderate ("IM").

The Subject Property Owner desires to use the property to process medical marijuana using a hydrocarbon (butane/propane) extraction method.

Pursuant to the Tulsa Zoning Code, "High-impact Manufacturing & Industry" includes "the preparation, manufacture, processing or packaging of medical marijuana production by the holder of a medical marijuana processor license issued by the Oklahoma State Department of Health is conducted, in accordance with the terms of such license, and in which extraction processes include the use of flammable substances such as butane, propane, ethanol and alcohol." See Tulsa Zoning Code, § 34.070-C(1). High-impact manufacturing of this type is permitted in IM Districts by Special Exception. See Tulsa Zoning Code, Table 15-2.

The entirety of the processing use will be conducted indoors, will not involve a significant number of employees, and will not increase traffic flow to or from the Subject Property. This type of processing will create no noticeable off-site impacts, such as noise, smoke, particulate matter, odors, or vibration. The Applicant will comply with all State and local rules and regulations, including, but not limited to, regulations regarding ventilation/filtration and security.

Because the Tulsa Zoning Code specifically contemplates high-impact medical marijuana manufacturing in an IM District and there will be no noticeable change in the use of the Subject Property, the Applicant contends and believes that this request is both (a) in harmony with the spirit and intent of the zoning code, and (b) will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Therefore, the Applicant requests that the Board of Adjustment approve a Special Exception to allow "High-impact Manufacturing & Industry" in an IM District.
Location: 1011 N Lewis Ave., Tulsa, OK 74110

Summary: Above in an aerial view of the Subject Property. The building will be utilized as it presently exists. There is no additional construction or buildout planned for this site.
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021
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BOARD OF ADJUSTMENT  
CASE REPORT

STR: 9224
CZM: 46
CD: 9

HEARING DATE: 07/27/2021 1:00 PM

APPLICANT: M+P Advocates

ACTION REQUESTED: Variance to reduce the minimum lot width in the RS-3 district to permit a lot split (Sec. 5.030, Table 5-3).

LOCATION: 1020 E 34 ST S

PRESENT USE: Single-family/ Vacant

ZONED: RS-3

TRACT SIZE: 14701.56 SQ FT

LEGAL DESCRIPTION: E 23 LT 47 & W 82 LT 48 BLK 1, BURGESS ACRES ADDN

RELEVANT PREVIOUS ACTIONS:

Surrounding properties:

BOA-19893; on 08.24.04 the board approve Variance to reduce the minimum lot width in an RS-3 District from 60' to 40.47'. Property located 1025 E. 33rd Pl. S.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located on the South side of 34th Street between Riverside Drive and S. Peoria Ave.

STAFF COMMENTS: The applicant is requesting Variance to reduce the minimum lot width in the RS-3 district to permit a lot split (Sec. 5.030, Table 5-3)
The applicant is seeking to split the lot into two 52.50’ wide lots, the RS-3 zoning would require the lots be 60’ wide.

**STATEMENT OF HARDSHIP:** We are requesting a variance of the minimum lot width (per Section 5.030-A) to allow for a lot split/lot line adjustment and the construction of two (2) new single-family, detached homes. The subject tract currently has a dilapidated structure that needs demolished, prompting the redevelopment of the property. We are seeking to replace the structure with two lots that, in our opinion, would more appropriately match current development patterns in the area. Additionally, the subject property is 14,700-sq.ft. in area and 105-ft wide, which easily makes it the largest and widest parcel on the street – yet it is still not wide enough to allow a lot split with 2 single-family homes by right. Alternately, a large single-family home with an ADU is allowed by right, and a duplex is allowable by Special Exception, but these typologies are seemingly out of character for the neighborhood and do not allow for fee-simple ownership of both units. The minimum width requirement per RS-3 zoning for this lot creates an undue hardship for the client who seeks only to continue current development patterns and provide new homeownership opportunities in the area.

**SAMPLE MOTION:** Move to _________ (approve/deny) a **Variance** to reduce the minimum lot width in the RS-3 district to permit a lot split (Sec. 5.030, Table 5-3)

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

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

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

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

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

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

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

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

REVISION 7/18/2021
Subject property

Subject property
Board Action:
On Motion of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Stephens, Paddock "aye"; no "nays"; no "abstentions"; no "absences") in agreement that no relief is needed for parking on the following described property:

LT 7 BLK 1, ASHTON CREEK OFFICE PARK

**********

Case No. 19868

Action Requested:
Appeal from decision of City of Tulsa to issue building permits, located: 1503 East 26th Place South.

Presentation:
Louis Bullock, 1393 East 26th Place, stated they have resolved the issues and withdrew the appeal.

Board Action:
No action was needed, on the following described property:

LTS 3 THRU 5 & E/2 LT 6 BLK 12, TERWILLEGER HGTS

**********

Case No. 19893

Action Requested:
Variance of required average lot width from 60' to 40.47' for westerly tract and 45.71' for easterly tract in an RS-3 zoned district to permit a lot split. SECTION 403 BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS, located: 1025 East 33rd Place South.

Presentation:
Mr. Beach reminded the Board this case was continued so the applicant could prepare a survey. It has been done and the revised average lot widths are: Tract A - 50.33' and Tract B - 51.93'.

Dean Solberg, 5711 East 71st, Suite 100B, stated he was the attorney for the applicant, Shannon Walker. The surveyor estimated that 70' from the rear property line would be affected by the 100-year floodplain. The existing structure is not in the 100-year floodplain. They intend to bulldoze the property and build two new homes, no further back than the existing structure. A site plan, survey and map were provided (Exhibits C-1, C-2 and C-3).

Mr. White abstained from Case No. 19893.
Comments and Questions:
Ms. Turnbo asked the hardship considering RS-3-zoned property has 60' width. He pointed out the estimates of other lots in the area. Mr. Paddock stated that in light of the previous approval to allow a duplex on this property, he wanted the record to be clear that any approval today would only allow two single-family dwellings, not two duplex dwellings. Mr. Beach noted that there are two dwelling units as a duplex within the outer perimeter of the existing lot. The project would replace it with two separate dwellings, one on each lot.

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

Board Action:
On Motion of Turnbo, the Board voted 4-0-1 (Dunham, Turnbo, Stephens, Paddock "aye"; no "nays"; White "abstained"; no "absences") to APPROVE a Variance of required average lot width from 60' to 40.47' for westerly tract and 45.71' for easterly tract in an RS-3 zoned district to permit a lot split, per plan, finding there are already two dwellings on this piece of property, the lot-split would be the average of the widest part of the property, on the following described property:

PT.LT 3 BEG.NW.COR. LT 3 TH.E.125.8 TH.S.140'W.84. 2.TH.NW.TO. BEG.
BK 1, PEEBLES ADDN

NEW APPLICATIONS

Case No. 19895
Action Requested:
Approve an amendment to a previously approved site plan, located: 1370 East 24th Place South.

Presentation:
Greg Warren, stated he is the Data Resource Manager for the City of Tulsa Parks Department. They proposed a new concept to Woodward Park, called Linnaeus Gardens. The plan is to exhibit landscape developments in the southeast corner of the park for public view. Some of the materials would be provided by some vendors and staffed by volunteers. The plan submitted (Exhibit D-1) at this meeting was the final proposal.

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

Board Action:
On Motion of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Stephens, Paddock "aye"; no "nays"; no "abstentions"; no "absences") to
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<td>D</td>
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Note: Graphic overlays may not precisely align with physical features on the ground.
Note: Graphic overlays may not precisely align with physical features on the ground.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9327  
CZM: 48  
CD: 5

HEARING DATE: 07/27/2021 1:00 PM

APPLICANT: Tom Neal

ACTION REQUESTED: Special Exception to permit a Carport in the street setback and the street yard with modifications to its allowable height (Sec. 45.030-B; Sec. 90.090-C1); Variance of the 25-foot street setback in an RS-3 District (Sec. 5.030-A, Table 5-3)

LOCATION: 4347 S BRADEN PL E  
ZONED: RS-3

PRESENT USE: Residential  
TRACT SIZE: 10702.74 SQ FT

LEGAL DESCRIPTION: LT 8 BLK 8, MAX CAMPBELL FIFTH ADDN B7-11

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located on the East side of Braden Place between E. 43 St. S. and E. Skelly Dr.

STAFF COMMENTS: The applicant is requesting Special Exception to permit a Carport in the street setback and the street yard with modifications to its allowable height (Sec. 45.030-B; Sec. 90.090-C1); Variance of the 25-foot street setback in an RS-3 District (Sec. 5.030-A, Table 5-3)
Carports are allowed in R zoning districts. Any carport that occupies all or a portion of the street setback or street yard area must be approved in accordance with the special exception procedures of Section 70.120 and comply with the regulations of Section 90.090-C1.

1. Carports

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

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

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

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

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

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

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

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

The height of the carport will be 9' at the bottom of the eave and 13' 6" at the ridge.
**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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**STATEMENT OF HARDSHIP:** The homeowner is making accommodations for her brother who is substantially disabled and requires a ramp to access the house. For protection from the weather for him and his full-time caregivers, a porch to provide a covered way from the carport to the front entry is desire. The porch will connect to the new carport to the entry.

**SAMPLE MOTION:**

Move to ______ (approve/deny) a **Special Exception** to permit a Carport in the street setback and the street yard with modifications to its allowable height (Sec. 45.030-B; Sec. 90.090-C1)

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

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

Move to ______ (approve/deny) a **Variance** of the 25-foot street 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.”
Subject Property
HEARING DATE: 07/27/2021 1:00 PM

APPLICANT: M. Scott Pohlenz, AIA, NCARB

ACTION REQUESTED: Special Exception to increase driveway width within a street setback from 30' to 45' to allow a parking/turnaround space off of driveway in an RS-3 district (Sec.55.090-F-3).

LOCATION: 3136 S UTICA AV E

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 9900.05 SQ FT

LEGAL DESCRIPTION: PRT NW BEG 375S & 25E NEC NE NW TH S62.50 W158.40 N62.50 E158.40 POB SEC 19 19 13 .22AC,

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is Located North of the NW/c of S. Utica Ave. and E. 32nd St. S.

STAFF COMMENTS: The applicant is requesting Special Exception to increase driveway width within a street setback from 30' to 45' to allow a parking/turnaround space off of driveway in an RS-3 district (Sec.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>Lot Frontage</th>
<th>75' +</th>
<th>60' - 74'</th>
<th>46' - 59'</th>
<th>30' - 45'</th>
<th>Less than 30' [2]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driveway Within Right-of-Way (feet) [1]</td>
<td>27'</td>
<td>26'</td>
<td>22'</td>
<td>20'</td>
<td>12'</td>
</tr>
<tr>
<td>Driveway Within Street Setback (feet)</td>
<td>30'</td>
<td>30'</td>
<td>--</td>
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</tr>
</tbody>
</table>

**SAMPLE MOTION:**

Move to ________ (approve/deny) a **Special Exception** to increase driveway width within a street setback from 30' to 45' to allow a parking/turnaround space off of driveway in an RS-3 district (Sec.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):

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

Subject property
SITE INFORMATION

LOT (SQ. FT.): 9,900 SF
LOT (ACRES): 0.23 ACRE(S)
RESIDENCE: 2,290 SF
GARAGE/MECH: 665 SF

OPEN SPACE CALCULATION (4,000 SF MINIMUM):

CURRENT PLAN:
9,900 SF LOT SIZE - 2,955 SF (RESIDENCE/GARAGE) - 855 SF (DRIVEWAY) = 6,090 SF OPEN SPACE

PROPOSED ADDITIONAL PARKING:
9,900 SF LOT SIZE - 2,955 SF (RESIDENCE/GARAGE) - 855 SF (DRIVEWAY) - 290 SF (PARKING AREA) = 5,800 SF OPEN SPACE

PROPOSED SPECIAL EXCEPTION ADDITIONAL PARKING AND TURNAROUND OFF OF DRIVEWAY

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

Aerial Photo Date: 2020/2021
LEGEND

- Broken Arrow Corporate Limits
- Tulsa Corporate Limits

BOA-23165 12.1

19-14 26
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9426
CZM: 50
CD: 6

HEARING DATE: 07/27/2021 1:00 PM

APPLICANT: Kristen M. Saxon and Thomas M. Kelley

ACTION REQUESTED: Variance of the minimum lot width in the AG district to permit a lot split (Section 25.020-D, Table 25-2) and Variance of the minimum lot area and lot area per dwelling unit in the AG district to permit a lot split (Section 25.020-D, Table 25-2)

LOCATION: 4920 S LYNN LANE RD E

ZONED: AG

PRESENT USE: Residential

TRACT SIZE: 177725.53 SQ FT

LEGAL DESCRIPTION:
A TRACT OF LAND IN SECTION SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE/4 SE/4) OF SECTION TWENTY-SIX (26), TOWNSHIP NINETEEN (19), NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:BEGINNING 416 FEET SOUTH OF THE NORTHEAST CORNER OF THE SE/4 OF THE SE/4; THENCE SOUTH 171 FEET TO A POINT; THENCE WEST 1040 FEET TO A POINT; THENCE NORTH 171 FEET TO A POINT; THENCE EAST 1040 FEET TO A POINT OF BEGINNING.

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 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.

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.

ANALYSIS OF SURROUNDING AREA: The subject tract is located North of the NW/c of S. 177th E. Ave. and E. 51st St. S.
STAFF COMMENTS: The applicant is requesting **Variance** of the minimum lot width in the AG district to permit a lot split (Section 25.020-D, Table 25-2) and **Variance** of the minimum lot area and lot area per dwelling unit in the AG district to permit a lot split (Section 25.020-D, Table 25-2)

![Table 25-2: AG District Lot and Building Regulations](image)

<table>
<thead>
<tr>
<th>Regulations</th>
<th>AG</th>
<th>AG-R</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Area</td>
<td>2 acres</td>
<td>1 acre</td>
</tr>
<tr>
<td>Min. Lot Area per Unit</td>
<td>2 acres</td>
<td>1 acre</td>
</tr>
<tr>
<td>Minimum Lot Width (feet)</td>
<td>200</td>
<td>150</td>
</tr>
<tr>
<td>Min. Lot Frontage (feet)</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Min. Building Setbacks (feet)</td>
<td>25</td>
<td>25</td>
</tr>
</tbody>
</table>

**Proposed Area and Width after ROW dedication for 177th E. Ave:**

**Tract A:**
- Lot Area: 1.88 acres
- Lot Area per Dwelling Unit: 1.88 acres
- Lot Width: 141'

**Tract B:**
- Lot Area: 2.00 acres
- Lot Area per Dwelling Unit: 2 acres
- Lot Width: 88'

**STATEMENT OF HARDSHIP:** Please see attached Exhibits provided by applicant.

**SAMPLE MOTION:** Move to [approve/deny] a **Variance** of the minimum lot width in the AG district to permit a lot split (Section 25.020-D, Table 25-2) and **Variance** of the minimum lot area and lot area per dwelling unit in the AG district to permit a lot split (Section 25.020-D, Table 25-2)

Finding the hardship(s) to be

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

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

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

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

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

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

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

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

1. The width currently doesn’t meet the AG requirement of 200 feet. We will be using all the lot width available (171 Feet) to minimize the variance.
2. The literal enforcement of the code prohibits the ability to maximize the potential use on the property due to the unique shape of the lot being narrow and deep.
3. The conditions leading to the need of the variance are unique to this property due to the shape of the lot being narrow and deep.
4. We didn’t create the unnecessary hardship.
5. Our request is to utilize the existing driveway due to the significant size of the drainage way and culvert.
6. It will not alter the character of the neighborhood
7. We believe the variance will not cause substantial detriment as we are only looking to split and build an additional house on the separate lot.
Neighbor Communications

I, Thomas Kelley, live in the only neighborhood bordering the property, which is the Boulevard. I am the president of the HOA so I have contact information and am in constant communication with all 22 homeowners. I have discussed the plan to split the lot several of times. I also sent out the email below on May 4, 2021, to which I received many positive and supportive responses and zero negative responses.

"I am currently under contract to purchase the house & lot adjacent to (immediately to the south) of The Boulevard. It is a 4.08-acre lot and is currently zoned AG.

I am informing everyone because I am in the process of requesting INCOG to let me split the lot into 2 equal 2 acre lots while retaining AG zoning and you may be getting a notice from INCOG.

Please feel free to contact me if you have any questions."
Right-of-Way dedication required along 177th E. Ave
Lot Width after dedication:
Tract A = 141'
Tract B = 88'
Lot Area: Lot Area per dwelling unit after dedication:
Tract A = 1.98 acres
Tract B = 2.00 acres
LEGAL DESCRIPTION - AS PROVIDED - JT WD DOC. #3028184881
A TRACT OF LAND IN SECTION TWENTY-SIX (26), TOWNSHIP NINETEEN (19), NORTH, RANGE FORTY-FOUR (44) EAST OF THE INDIAN RAIL AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: TO-WHT. BEGINNING 415 FEET SOUTH OF THE NORTHEAST CORNER OF THE SE/4 OF SAID SE/4; THENCE SOUTH 171 FEET TO A POINT; THENCE WEST 1400 FEET TO A POINT; THENCE NORTH 171 FEET TO A POINT; THENCE EAST 1400 FEET TO A POINT OF BEGINNING.

LEGAL DESCRIPTION - TRACT "A"
A TRACT OF LAND THAT IS PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE/4 SE/4) OF SECTION TWENTY-SIX (26), TOWNSHIP NINETEEN (19) NORTH, RANGE FORTY-FOUR (44) EAST OF THE INDIAN RAIL AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SE/4 OF SAID SECTION 26; THENCE SOUTH 01'20'02" EAST ALONG THE EAST LINE THEREOF A DISTANCE OF 1733.45 FEET TO THE POINT OF BEGINNING;

- THENCE CONTINUING SOUTH 01'20'02" EAST ALONG SAID EAST LINE 141.80 FEET;
- THENCE SOUTH 88'45'42" WEST A DISTANCE OF 630.00 FEET;
- THENCE NORTH 01'20'02" WEST AND PARALLEL WITH THE EAST LINE OF THE SE/4 OF SAID SECTION 26 A DISTANCE OF 141.00 FEET;
- THENCE NORTH 88'45'42" EAST A DISTANCE OF 630.00 FEET TO A POINT ON THE EAST LINE OF THE SE/4 OF SAID SECTION 26 AND THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 88,929.9 SQ. FEET OR 2.04 ACRES.
BEARINGS ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, (3001 OK N), NORTH AMERICAN DATUM 1983 (NAD83).

LEGAL DESCRIPTION - TRACT "B"

- THENCE SOUTH 01'20'02" EAST ALONG THE EAST LINE THEREOF A DISTANCE OF 1674.45 FEET TO THE POINT OF BEGINNING;
- THENCE CONTINUING SOUTH 01'20'02" EAST 30.00 FEET;
- THENCE SOUTH 88'45'42" WEST A DISTANCE OF 1040.00 FEET;
- THENCE NORTH 01'20'02" WEST A DISTANCE OF 171.00 FEET;
- THENCE NORTH 88'45'42" EAST 410.00 FEET;
- THENCE SOUTH 01'20'02" EAST 141.00 FEET;
- THENCE SOUTH 88'45'42" EAST A DISTANCE OF 630.00 FEET TO A POINT ON THE EAST LINE OF THE SE/4 OF SAID SECTION 26 AND THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 89,009.9 SQ. FEET OR 2.04 ACRES.
BEARINGS ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, (3001 OK N), NORTH AMERICAN DATUM 1983 (NAD83).

CERTIFICATE OF SURVEY
FRITZ LAND SURVEYING, LLC AND THE UNDESIGNED PROFESSIONAL LAND SURVEYOR, UNDER CERTIFICATE OF AUTHORIZATION CA #5848, DO HEREBY STATE THAT THIS PLAN OF SURVEY IS TRUE AND ACCURATE REPRESENTATION OF THE EXISTING RECORD AND THAT THIS PLAN MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS ADOPTED BY THE OKLAHOMA SURVEY BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

WITNESS MY HAND AND SEAL THIS 11TH DAY OF MAY, 2021.

ANDY FRITZ
PLS
OK LIC: 1694
CA #5848

LOT LINE ADJUSTMENT
PART OF THE SE/4 OF SEC.26, T19N, R14E
4920 SOUTH 17TH EAST AVE., TULSA, TULSA COUNTY, OKLAHOMA 74134

SURVEY NO: DATE: 03.11.2021
PREPARED BY: FRITZ LAND SURVEYING, LLC

DRAFT NO: DATE: 05.06.2021
2017 W. 31ST STREET, TULSA, OK 74132

APPROVED: PL NO: 05.11.2021
FRITZLANDSURVEY@gmail.com
C.A. # 5848 EXPIRES: 6-30-2022