

AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, August 24, 2021, 1:00 P.M.

Meeting No. 1279

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 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/85326155861>

Attend by Phone: 312-626-6799 Meeting ID: 853 2615 5861

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

Email: esubmit@incog.org

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

INTRODUCTION AND NOTICE TO THE PUBLIC

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

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

1. Approval of **Minutes** of July 27, 2021 (Meeting No. 1277).

UNFINISHED BUSINESS

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

2. 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 zoned district (Sec. 5.020, Table 5-2, Sec. 15.020, Table 15-2); Variance of the 75-foot setback from Office and Residentially zoned properties in the IL Zoning District (Sec. 15.030-A, Table 5-3) **LOCATION:** 2821 South Sheridan Road East **(CD 5)**

NEW APPLICATIONS

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

3. 23172—Pat Fox

Special Exception to allow a horizontal extension to a building with a non-conforming setback (Section 80.030-D). **LOCATION:** 3047 South Detroit Avenue East **(CD 4)**

4. 23173—A-Max Sign Company

Special Exception to allow a sign to be located in the right-of-way of South Peoria Avenue (Section 60.020-E); Variance to allow a sign to be located above the parapet (Section 60.040-C). **LOCATION:** 3334 South Peoria Avenue East **(CD 9)**

5. 23174—Eller & Detrich – Nathalie Cornett

Special Exception to allow a fence greater than 8 feet in height within the required building setbacks (Section 45.080-A). **LOCATION:** 2552 East 16th Street South **(CD 4)**

6. 23175—Christopher Wadleigh

Variance to reduce the number of required vehicle parking spaces from 23 to 15 spaces (Section 55.040-B, Table 55-1); Variance of the required interior parking lot landscaping standards (Section 65.050); Variance of the required street frontage buffer requirements (Section 65.060-C); Variance to allow a drive-through lane on a street-facing side of a property (Section 55.100-C. 2). **LOCATION:** 1905 East 21st Street South **(CD 9)**

7. 23176—Sean Leary

Special Exception to permit a fence that exceeds 4 feet in the street setback (Section 45.080-A); Variance to permit a fence inside the City of Tulsa right-of-way (Section 90.090-A). **LOCATION:** 1345 South 129th East Avenue **(CD 6)**

OTHER BUSINESS

8. BOA Work Session to consider and/or discuss the following:

- Discussion with representatives of the Permit Center to explain the process for obtaining Zoning Clearance Permits, Building Permits, Certificates of Occupancy, Sign Permits and Certificates of Compliance.
- Criteria to grant Variances, Special Exceptions and determinations of non-conforming status.
- Presentation from Tulsa Planning Office staff regarding the Neighborhood Infill Overlay and related Zoning Code Amendments (ZCA-19).
- Presentation from the Tulsa Planning Office staff regarding the proposed Zoning Code Amendments (ZCA-21).
- Making motions during Board of Adjustment hearings.

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

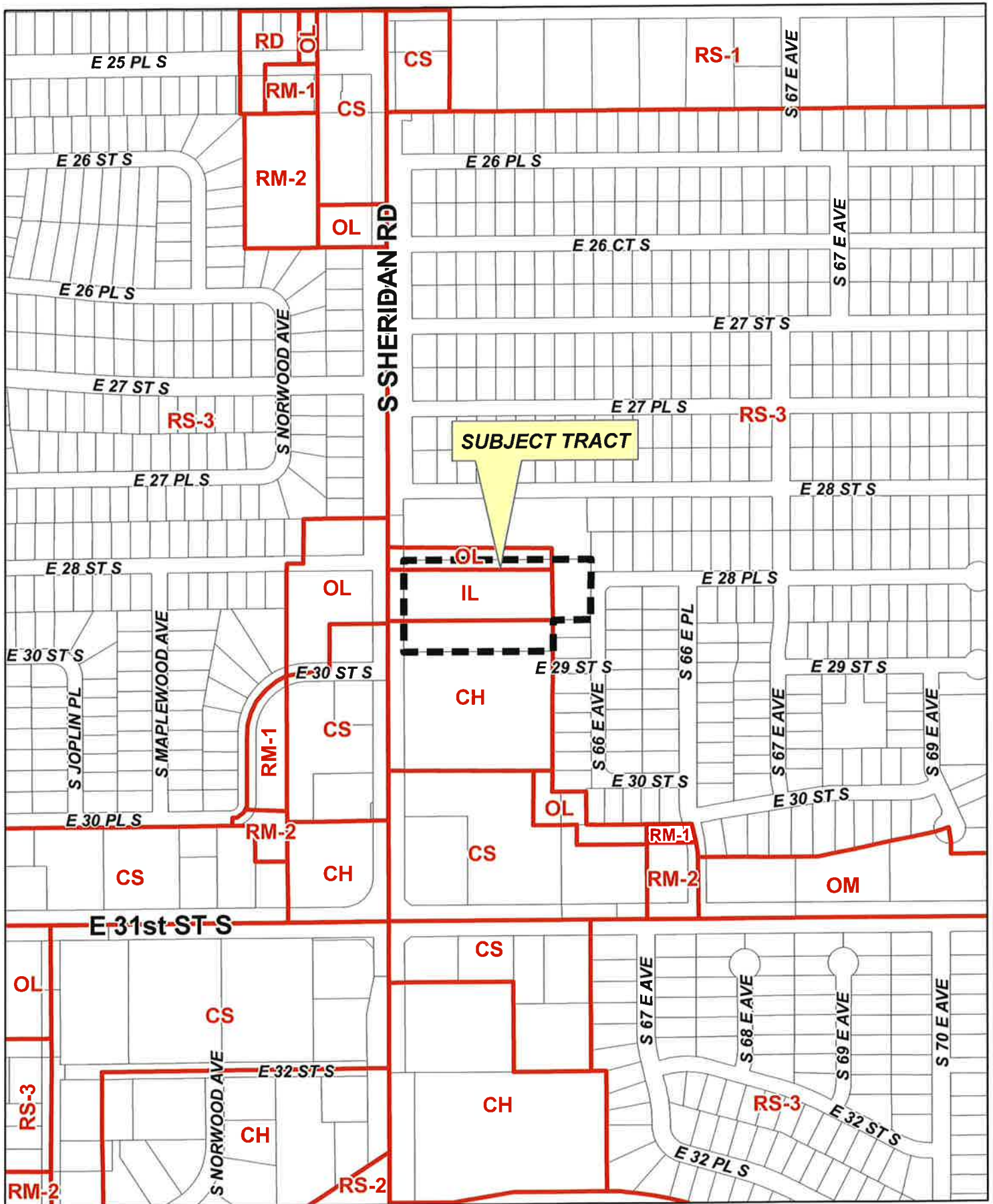
Website: tulsaplanning.org

E-mail: esubmit@incog.org

CD = Council District

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

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



BOA-23160

19-13 14

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BOARD OF ADJUSTMENT CASE REPORT

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

HEARING DATE: 08/24/2021 (*Continued from 08/10/2021*) 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). **Added Request since 7/27/2021 hearing: Variance of the 75-foot setback from Office and Residentially zoned properties in the IL Zoning District (Sec. 15.030-A, Table 5-3)**

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°18'42"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) ; Variance of the 75-foot setback from Office and Residentially zoned properties in the IL Zoning District (Sec. 15.030-A, Table 5-3). The code describes Governmental Service or Similar uses as follows:

35.040-G 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.

Chapter 15 | Office, Commercial and Industrial Districts
Section 15.040 | Other Relevant Regulations

Regulations	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH
Maximum Floor Area Ratio (FAR)	0.40	0.50	2.00	8.00	0.50	0.75	-	-	-	-	-
Minimum Lot Area per Unit (sq. ft.)	[1]	[2]	[2]	[3]	[2]	[2]	-	-	[2]	[2]	[2]
Min. Open Space per Unit (sq. ft.)	[1]	[2]	[2]	[3]	[2]	[2]	-	-	[2]	[2]	[2]
Building Setbacks (feet)											
Street [4]	10	10	10	10	10	10	-	-	10	10	10
From AG, AG-R, or R district	10	10[5]	10[5]	10	10[5]	10[5]	-	-	75[6]	75[6]	75[6]
From O district	-	-	-	-	-	-	-	-	75[6]	75[6]	75[6]
Max. Building Coverage (% of lot)	-	-	-	-	-	-	-	-	-	-	-
Maximum Building Height (feet)	35	-	-	-	-	-	-	-	-	-	-

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. Rezoning, 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:

Special Exception:

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.

2.4

- 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** of the 75-foot setback from Office and Residentially zoned properties in the IL Zoning District (Sec. 15.030-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

FILE COPY

Case No. 15761

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 SE/c East 28th Street and South Sheridan Road.

Presentation:

The applicant, Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma, submitted a site plan (Exhibit F-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. Norman 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 metal storage building located at the proposed site for the Justice center will be removed. Mr. Norman stated that a 100' 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 8000 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. Norman stated that solid screening will be installed on portions of the east and south property lines abutting residential property (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 33 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. Norman 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.

06.25.91:589(7)

Case No. 15761 (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 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, Bozile, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "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 66th East Avenue being open only from 7:00 a.m. to 8:30 a.m., 11:30 a.m. to 1:30 p.m. and 4:30 p.m. to 5:30 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" Boman Acres 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-13-E of the 18M, more particularly described as follows, to-wit: Beginning 648.30' east of the NW/4 of said SW/4 SW/4 of said Section 14; thence south 89°-57.4138' east and along the north line of the said SW/4 SW/4 a distance of 2.23'; thence south -0°-1.2757' east a distance of 58'; thence south 89°-4138' east 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 POB; 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 18M, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof, City of Tulsa, Tulsa County, Oklahoma.

06.25.91:589(8)

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 (Bolzie, 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°-.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.

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.

Protests:

None.

Board Action:

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.

8370

Action Requested:

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.

Presentation:

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' 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.

10.3.74:173(4)

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:

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.

8371

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.

Presentation:

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.

7675

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)

Presentation:

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 IL 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.

Protests:

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

10.19.72:122(15)

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 fieldhouse, if for sports events, be so erected in a location so as not to permit undue noise or inconvenience to the homeowners.

Board Action:

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 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 NW corner of the SW/4 of the SW/4 of said Section 14; thence South $89^{\circ}-57.4138'$ 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 $0^{\circ}-1.2757'$ East a distance of 58' to a point; thence South $89^{\circ}-57.4138'$ 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.

10.19.72:122(16)

7311

Action Requested: 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.

Presentation: 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.

Protests: None.

Board Action: 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.

6987

Action Requested: 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.

Presentation: 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

2.3.72:101(24)

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 $89^{\circ}-57.4138'$ 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 $0^{\circ}-1.2757'$ East a distance of 58' to a point; thence South $89^{\circ}-57.4138'$ 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 $0^{\circ}-12'-52''$ West a distance of 175' to a point; thence due West a distance of 140' to a point; thence South $0^{\circ}-12'-52''$ 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 $0^{\circ}-12'-52''$ East a distance of 310.17' to a point; thence North $89^{\circ}-57'-09''$ 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 $26^{\circ}-33.3082'$ 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 $0^{\circ}-12'-52''$ 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 Northerly and parallel to the East line of said Section 15, a distance of 118'; thence due West a distance

of 76.78'; thence due East a distance of 0.00'; thence along a curve to the left with a radius of 85' a distance of 94.06'; thence due East a distance of 108.69'; thence Southerly a distance of 165' to the point of beginning, and known as 3025-3029½ South Norwood Avenue.

7267

Action Requested: 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.

Presentation: Betty Lou Ramey, applicant, was present.

Remarks: 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.

Protests: Mr. Robert Pace Address: 7947 East 27th Court

Mr. Pace and other protestants 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.

Board Action: 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, one-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.

2.3.72:101(28)

Presentation:

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.

Protests:

None.

Board Action:

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.

SPECIAL ITEMS:

Communication:

6987

Remarks:

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.

6987 (continued)

Presentation:

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

Tom W Jolly
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.

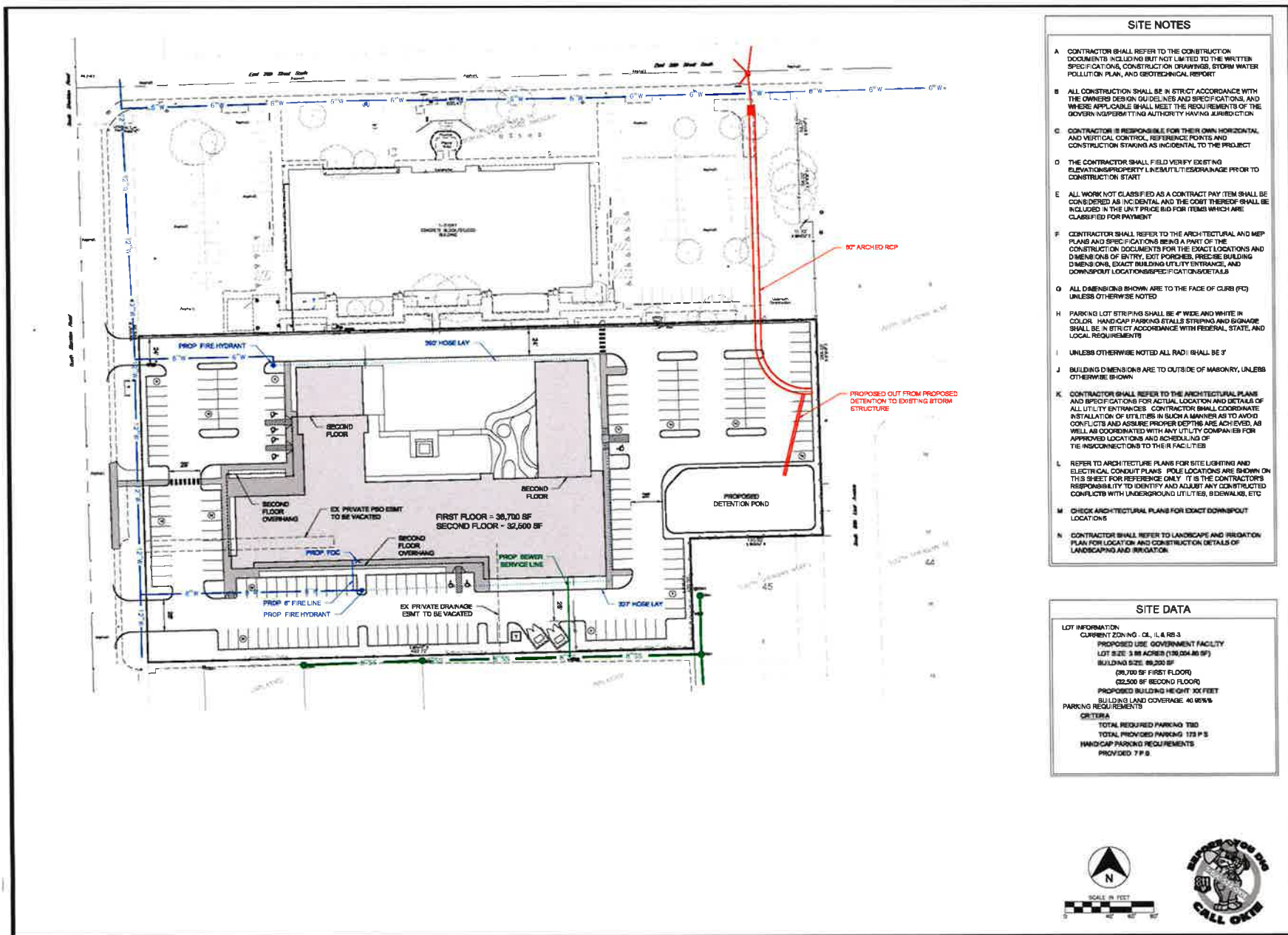
Today, the Family Safety Center staff numbers 15 persons, 8 of whom manage initial client intake and navigation, 3 special project coordinators and 4 staff members handle day to day activities of the staff and partners housed at the Family Safety Center. There are additionally 40 professional staff from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

2.27



SITE NOTES

- A. CONTRACTOR SHALL REFER TO THE CONSTRUCTION DOCUMENTS INCLUDING BUT NOT LIMITED TO THE WRITTEN SPECIFICATIONS, CONSTRUCTION DRAWINGS, STORM WATER POLLUTION PLAN, AND GEOTECHNICAL REPORT
- B. ALL CONSTRUCTION SHALL BE IN STRICT ACCORDANCE WITH THE OWNER'S DESIGN GUIDELINES AND SPECIFICATIONS, AND WHERE APPLICABLE SHALL MEET THE REQUIREMENTS OF THE GOVERNING PERMITTING AUTHORITY HAVING JURISDICTION
- C. CONTRACTOR IS RESPONSIBLE FOR THEIR OWN HORIZONTAL AND VERTICAL CONTROL, REFERENCE POINTS AND CONSTRUCTION STAKING AS INCIDENTAL TO THE PROJECT
- D. THE CONTRACTOR SHALL FIELD VERIFY EXISTING ELEVATIONS, PROPERTY LINES, UTILITIES, DRAINAGE PRIOR TO CONSTRUCTION START
- E. ALL WORK NOT CLASSIFIED AS A CONTRACT PAY ITEM SHALL BE CONSIDERED AS INCIDENTAL AND THE COST THEREOF SHALL BE INCLUDED IN THE UNIT PRICE BID FOR ITEMS WHICH ARE CLASSIFIED FOR PAYMENT
- F. CONTRACTOR SHALL REFER TO THE ARCHITECTURAL AND MEP PLANS AND SPECIFICATIONS BEING A PART OF THE CONSTRUCTION DOCUMENTS FOR THE EXACT LOCATIONS AND DIMENSIONS OF ENTRY, EXIT PORCHES, PRECISE BUILDING DIMENSIONS, EXACT BUILDING UTILITY ENTRANCE, AND DOWNSPOUT LOCATIONS, SPECIFICATIONS AND DETAILS
- G. ALL DIMENSIONS SHOWN ARE TO THE FACE OF CURB (FC) UNLESS OTHERWISE NOTED
- H. PARKING LOT STRIPING SHALL BE 4" WIDE AND WHITE IN COLOR. HANDICAP PARKING STALLS STRIPING AND SIGNAGE SHALL BE IN STRICT ACCORDANCE WITH FEDERAL, STATE, AND LOCAL REQUIREMENTS
- I. UNLESS OTHERWISE NOTED ALL RADI SHALL BE 5'
- J. BUILDING DIMENSIONS ARE TO OUTSIDE OF MASONRY, UNLESS OTHERWISE SHOWN
- K. CONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS AND SPECIFICATIONS FOR ACTUAL LOCATION AND DETAILS OF ALL UTILITY ENTRANCES. CONTRACTOR SHALL COORDINATE INSTALLATION OF UTILITIES IN SUCH A MANNER AS TO AVOID CONFLICTS AND ASSURE PROPER DEPTH ARE ACHIEVED, AS WELL AS COORDINATED WITH ANY UTILITY COMPANIES FOR APPROVED LOCATIONS AND SCHEDULING OF THE INTERCONNECTIONS TO THEIR FACILITIES
- L. REFER TO ARCHITECTURE PLANS FOR SITE LIGHTING AND ELECTRICAL CONDUIT PLANS. POLE LOCATIONS ARE SHOWN ON THIS SHEET FOR REFERENCE ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO IDENTIFY AND ADJUST ANY CONFLICTED CONFLICTS WITH UNDERGROUND UTILITIES, SIDEWALKS, ETC
- M. CHECK ARCHITECTURAL PLANS FOR EXACT DOWNSPOUT LOCATIONS
- N. CONTRACTOR SHALL REFER TO LANDSCAPE AND IRRIGATION PLANS FOR LOCATION AND CONSTRUCTION DETAILS OF LANDSCAPING AND IRRIGATION

SITE DATA

LOT INFORMATION
 CURRENT ZONING: CL, IL & RS-3
 PROPOSED USE: GOVERNMENT FACILITY
 LOT SIZE: 5.88 ACRES (252,048.80 SF)
 BUILDING SIZE: 69,200 SF
 (36,700 SF FIRST FLOOR)
 (32,500 SF SECOND FLOOR)
 PROPOSED BUILDING HEIGHT: 30 FEET
 BUILDING LAND COVERAGE: 40.60%
 PARKING REQUIREMENTS
 CRITERIA
 TOTAL REQUIRED PARKING: 125
 TOTAL PROVIDED PARKING: 125 P
 HANDICAP PARKING REQUIREMENTS
 PROVIDED: 7 P



PROJECT
FAMILY SAFETY CENTER
 TULSA, OKLAHOMA

PROJECT NUMBER: 21041
 DRAWING DATE: JXX JXX JXX
 ISSUE DATE: JXX JXX JXX

REVISIONS

SUBMITTAL
 ISSUED FOR REVIEW

REVISIONS

DATE: 12/31/2024

THREE PLANS AND DRAWINGS ARE NOT TO BE REPRODUCED OR COPIED IN ANY FORM OR MANNER WITHOUT THE WRITTEN PERMISSION OF CEDAR CREEK ENGINEERING, PLANNING & CONSULTING. ANY REPRODUCTION OR COPIING OF THESE DRAWINGS WITHOUT THE WRITTEN PERMISSION OF CEDAR CREEK ENGINEERING, PLANNING & CONSULTING IS PROHIBITED. THE USER OF THESE DRAWINGS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. CEDAR CREEK ENGINEERING, PLANNING & CONSULTING SHALL NOT BE RESPONSIBLE FOR ANY CONSEQUENCES ARISING OUT OF SUCH REPRODUCTION OR COPIING.

DRAWING TITLE

SCHEMATIC
 SITE PLAN

SHEET

C1.00

SITE NOTES

- A. CONTRACTOR SHALL REFER TO THE CONSTRUCTION DOCUMENTS INCLUDING BUT NOT LIMITED TO THE WRITTEN SPECIFICATIONS, CONSTRUCTION DETAILS, STORM WATER POLLUTION PLAN AND GEOTECHNICAL REPORT.
- B. ALL CONSTRUCTION SHALL BE IN STRICT ACCORDANCE WITH THE CITY DESIGN GUIDELINES AND SPECIFICATIONS AND WHERE APPLICABLE SHALL MEET THE REQUIREMENTS OF THE GOVERNING/PERMITTING AUTHORITY HAVING JURISDICTION.
- C. CONTRACTOR IS RESPONSIBLE FOR THEIR OWN HORIZONTAL AND VERTICAL CONTROL. REFERENCE POINTS AND CONSTRUCTION STAKING AS INCIDENTAL TO THE PROJECT.
- D. THE CONTRACTOR SHALL FIELD VERIFY EXISTING CONSTRUCTION PROPERTY LINES/UTILITIES PRIOR TO CONSTRUCTION START.
- E. ALL WORK NOT CLASSIFIED AS A CONTRACT PAY ITEM SHALL BE CONSIDERED AS INCIDENTAL AND THE COST THEREOF SHALL BE INCLUDED IN THE UNIT PRICE BID FOR ITEMS WHICH ARE CLASSIFIED FOR PAYMENT.
- F. CONTRACTOR SHALL REFER TO THE ARCHITECTURAL AND MEP PLANS AND SPECIFICATIONS BEING A PART OF THE CONSTRUCTION DOCUMENTS FOR THE LOCATION, LOCATIONS AND DIMENSIONS OF ENTRY, EXIT PORTALS, PRECISE BUILDING DIMENSIONS, EXACT UTILITY UTILITY ENTRANCE OF DOWNPOUT LOCATIONS/SPECIFICATIONS/DETAILS.
- G. ALL DIMENSIONS SHOWN TO THE FACE OF CURB (FC) UNLESS OTHERWISE NOTED.
- H. PARKING LOT STRIPING SHALL BE 4" WIDE AND WHITE IN COLOR. HAND PAINTING OR THERMOPLASTIC STRIPING SHALL BE IN STRICT ACCORDANCE WITH FEDERAL, STATE AND LOCAL REQUIREMENTS.
- I. UNLESS OTHERWISE NOTED ALL ROAD SHALL BE 2'.
- J. BUILDING DIMENSIONS ARE TO OUTSIDE OF MASONRY, UNLESS OTHERWISE SHOWN.
- K. CONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS AND SPECIFICATIONS FOR ACTUAL LOCATION AND DETAIL OF ALL UTILITY ENTRANCES. CONTRACTOR SHALL COORDINATE INSTALLATION OF UTILITIES IN SUCH A MANNER AS TO AVOID CONFLICTS AND ASSURE PROPER INSTALLATION IS ACHIEVED AS WELL AS COORDINATED WITH ANY UTILITY COMPANIES FOR APPROVED LOCATIONS AND SCHEDULING OF TIE-IN CONNECTIONS TO THEIR FACILITIES.
- L. REFER TO ARCHITECTURE PLANS FOR SITE LIGHTING AND CONDUIT. CONDUIT LOCATIONS ARE SHOWN ON THIS SHEET FOR REFERENCE ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO IDENTIFY AND ADJUST ANY CONSTRUCTED CONFLICTS WITH UNDERGROUND UTILITIES, SIDEWALKS, ETC.
- M. CHECK ARCHITECTURAL PLANS FOR EXACT DOWNPOUT LOCATIONS.
- N. CONTRACTOR SHALL REFER TO LANDSCAPE AND IRRIGATION PLAN FOR LOCATION AND CONSTRUCTION DETAILS OF CURBSIDE AND IRRIGATION.

SITE DATA

LOT INFORMATION:
CURRENT ZONING - OL B & RS-3
PROPOSED USE: GOVERNMENT FACILITY
LOT SIZE: 3.86 ACRES (139,004.80 SF)
BUILDING SIZE: 68,200 SF
(36,700 SF FIRST FLOOR)
(32,500 SF SECOND FLOOR)
PROPOSED BUILDING HEIGHT: XX FEET
BUILDING LAND COVERAGE: 40.35%
PARKING REQUIREMENTS:
CRITERIA
TOTAL REQUIRED PARKING: TBO
TOTAL PROVIDED PARKING: 173 P.S.
HANDICAP PARKING REQUIREMENTS:
PROVIDED: / P.S.

LOCATION MAP



PROJECT:

FAMILY
SAFETY
CENTER

TULSA, OKLAHOMA

PROJECT NUMBER: 21041
DRAWING DATE: XX.XX.XX
ISSUE DATE: XX.XX.XX

SEAL

SUBMITTAL:

ISSUED FOR
REVIEW

REVISIONS:

NAME: SEX: GRADE:

THESE PLANS AND DRAWINGS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WITHOUT THE WRITTEN CONSENT OF ORIGINATOR. THE INFORMATION AND DATA CONTAINED HEREIN ARE THE PROPERTY OF CLEARY CORNELL CONSULTING, INC. AND SHALL NOT BE USED FOR CONSTRUCTION UNLESS THE REPRODUCED IN THE FILE BE CLEARY CORNELL CONSULTING, INC. DRAWING DATE, ANY CHANGES MADE FROM THESE PLANS ARE OF COURSE OF CLEARY CORNELL CONSULTING, INC. ARE UNAUTHORIZED AND SHALL BE THE CLEARY CORNELL CONSULTING OF RESPONSIBILITY FOR ALL CONSEQUENCES ARISING OUT OF SUCH CHANGES.

DRAWING TITLE:

SCHEMATIC
SITE PLAN

SHEET 11

C1.00



Family Safety Center



Preliminary Design Concept
March 8, 2021





Site Plan

FAMILY SAFETY CENTER
March 8, 2021



ARCHITECTURE
INTERIORS
ENGINEERING



Overall View



FAMILY SAFETY CENTER
March 8, 2021



ARCHITECTURE
INTERIORS
ENGINEERING



Client Parking Entry



FAMILY SAFETY CENTER
March 8, 2021



ARCHITECTURE
INTERIORS
ENGINEERING



View from Sheridan

FAMILY SAFETY CENTER
March 8, 2021



ARCHITECTURE
INTERIORS
ENGINEERING



View From Sheridan

FAMILY SAFETY CENTER
March 8, 2021



ARCHITECTURE
INTERIORS
ENGINEERING



Court Parking Entry

FAMILY SAFETY CENTER
March 8, 2021



ARCHITECTURE
INTERIORS
ENGINEERING



Client/Visitor Entry

FAMILY SAFETY CENTER
March 8, 2021



2.36



ARCHITECTURE
INTERIORS
ENGINEERING



Client/Visitor Entry

FAMILY SAFETY CENTER
March 8, 2021



ARCHITECTURE
INTERIORS
ENGINEERING

2.37



Courtyard

FAMILY SAFETY CENTER
March 8, 2021



ARCHITECTURE
INTERIORS
ENGINEERING



Courtyard



FAMILY SAFETY CENTER
March 8, 2021



ARCHITECTURE
INTERIORS
ENGINEERING



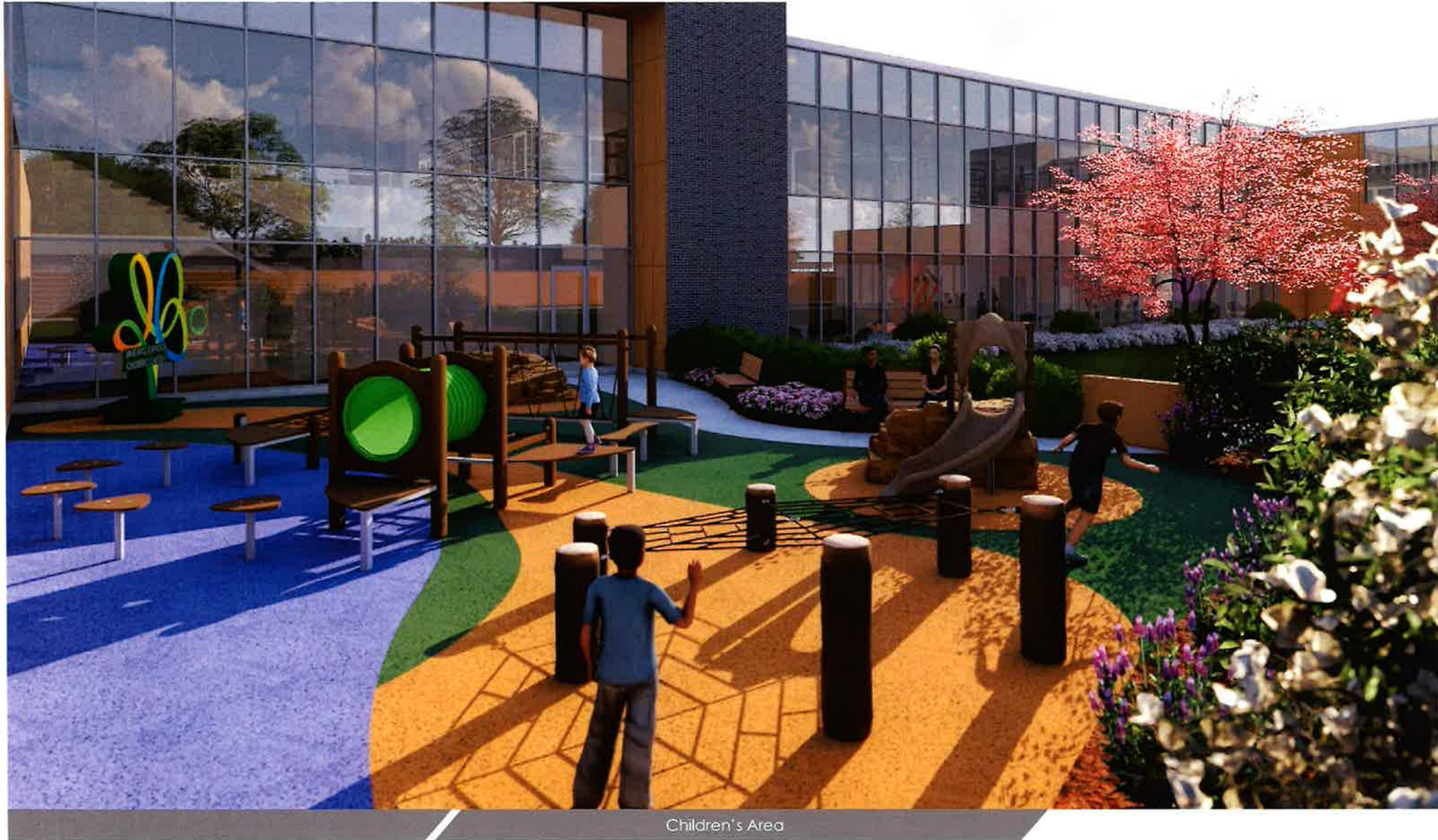
Children's Area



FAMILY SAFETY CENTER
March 8, 2021



ARCHITECTURE
INTERIORS
ENGINEERING



Children's Area

FAMILY SAFETY CENTER
March 8, 2021



ARCHITECTURE
INTERIORS
ENGINEERING



Evening View

FAMILY SAFETY CENTER
March 8, 2021



ARCHITECTURE
INTERIORS
ENGINEERING

2.1.2



0 Feet 200 400



Subject
Tract

BOA-23160

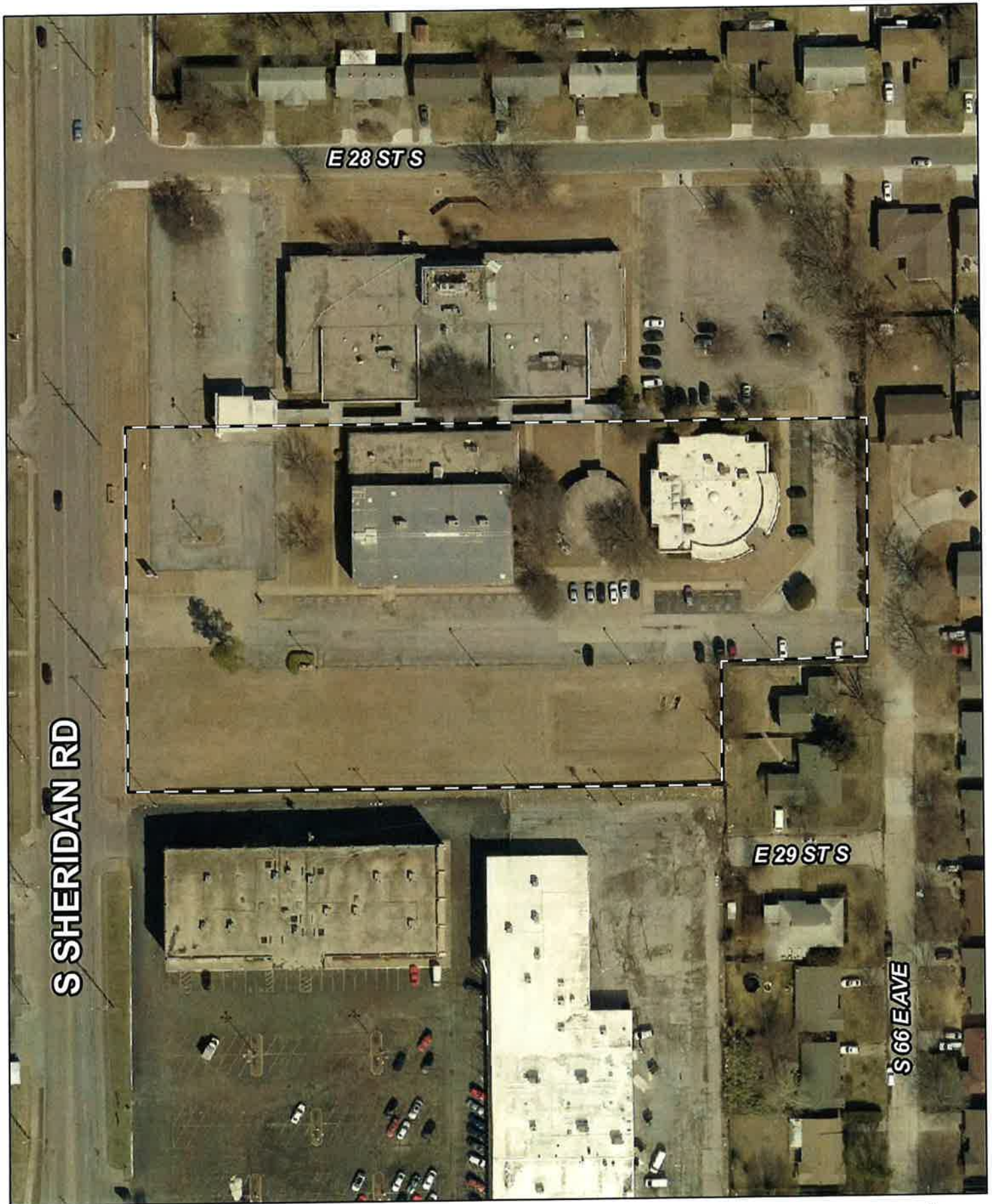
19-13 14

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

Aerial Photo Date: 2020/2021



2.43



0 50 100
Feet



Subject
Tract

BOA-23160

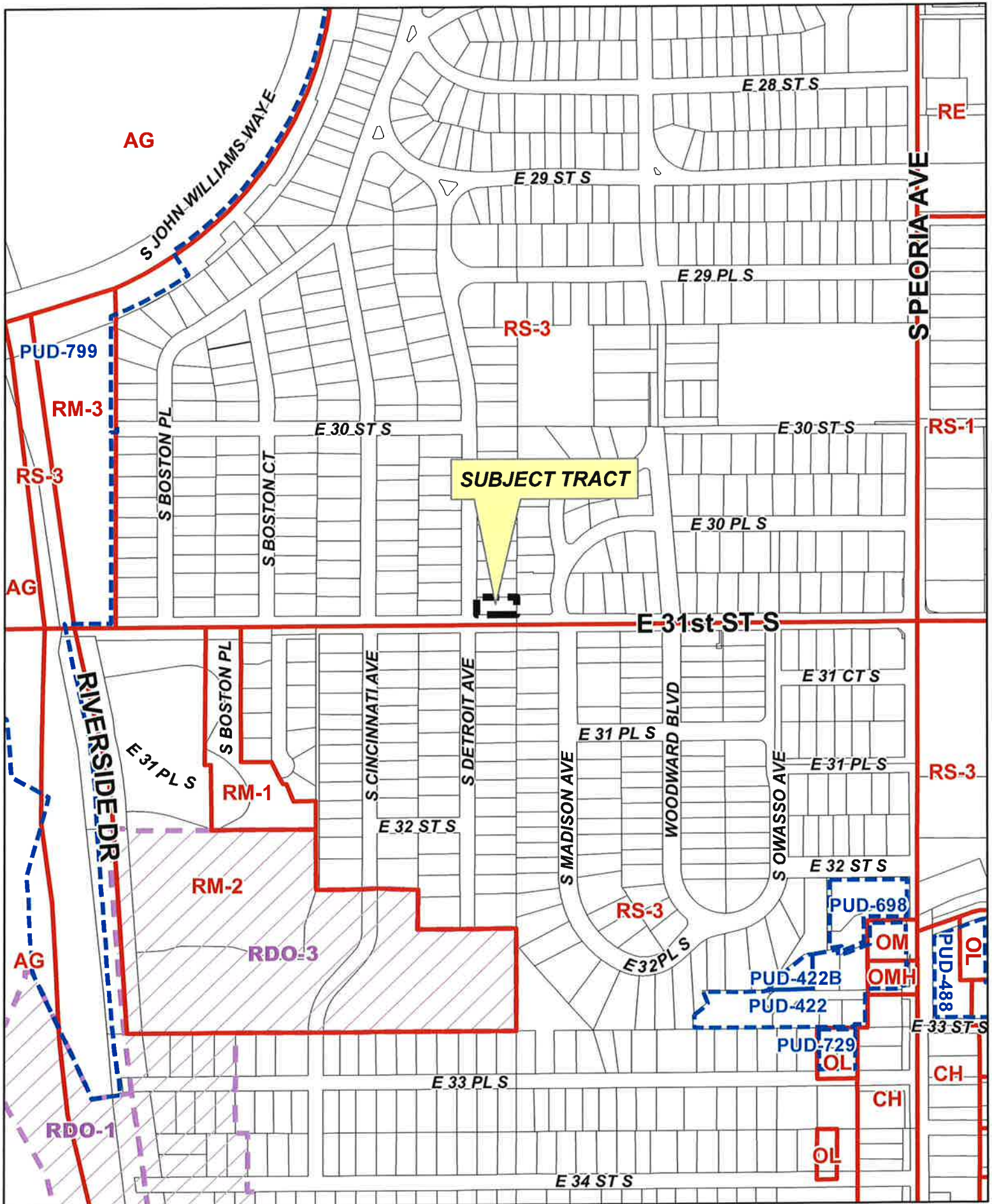
19-13 14

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

Aerial Photo Date: 2020/2021



2.44



BOA-23172

3.1

19-12 13

BOARD OF ADJUSTMENT CASE REPORT

STR: 9213

Case Number: **BOA-23172**

CZM: 36

CD: 4

HEARING DATE: 08/24/2021 1:00 PM

APPLICANT: Pat Fox

ACTION REQUESTED: **Special Exception** to allow a horizontal extension to be added to a building with a non-conforming setback (Sec. 80.030-D)

LOCATION: 3047 S DETROIT AV E

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 8041.21 SQ FT

LEGAL DESCRIPTION: S7.50 LT 10 & ALL LT 11 BLK 7, TRAVIS PARK ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property: None.

Surrounding Properties:

BOA-21088; On 05.25.2010 the Board approved a variance of the required yard from the centerline of an abutting street. property located 05.25.2010.

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

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

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

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

3.2

STAFF COMMENTS: The applicant is requesting a **Special Exception** Special Exception to allow a horizontal extension to be added to a building with a non-conforming setback (Sec. 80.030-D)

80.030-D Alterations, Enlargements and Expansions

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

SAMPLE MOTION:

Move to _____ (approve/deny) a **Special Exception** Special Exception to allow a horizontal extension to be added to a building with a non-conforming setback (Sec. 80.030-D)

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

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



Subject property. Staff would like to note if approved there would be a new curb-cut into that sidewalk and crossing the bike lane.

Case No. 21088-Stephanie Byrd

Action Requested:

Variance of the required yard from the centerline of an abutting arterial street from 70 ft. to 40.2 ft. to permit an addition to an existing house (Section 403). **Location:** 3048 S. DETROIT AV. E.

Presentation:

Stephanie Byrd, 3048 South Detroit Avenue, Tulsa, OK; provided that the house was built in 1939 and the owner is wanting to add onto the house without going beyond and outside the existing foot print of the existing house.

Comments and Questions:

There were no comments or questions from the board.

Interested Parties:

No interested parties were present.

Board Action:

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the variance of the required yard from the centerline of an abutting arterial street from 70 ft. to 40.2 ft. to permit an addition to an existing house (Section 403). The board found this lot containing only 7,000 sq. ft. or 50'-0" x 140'-0" lot was platted and built in approximately 1939. The addition proposed is in line with the existing house and will be as per plan 7.6. The size of the lot and the existing house are reasons of extraordinary and exceptional conditions or circumstances peculiar to this land, structure or building involved and literally the enforcement of the terms of the code would result in unnecessary hardship. That such extraordinary and 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 purpose of the spirit or intent of the code or comprehensive plan. The board also found there is adequate livability space and that some of these conditions are created by the house facing not only 31st Street but Detroit Avenue forming a corner lot; on the following described property:

LT 12 BLK, TRAVIS PARK ADDN

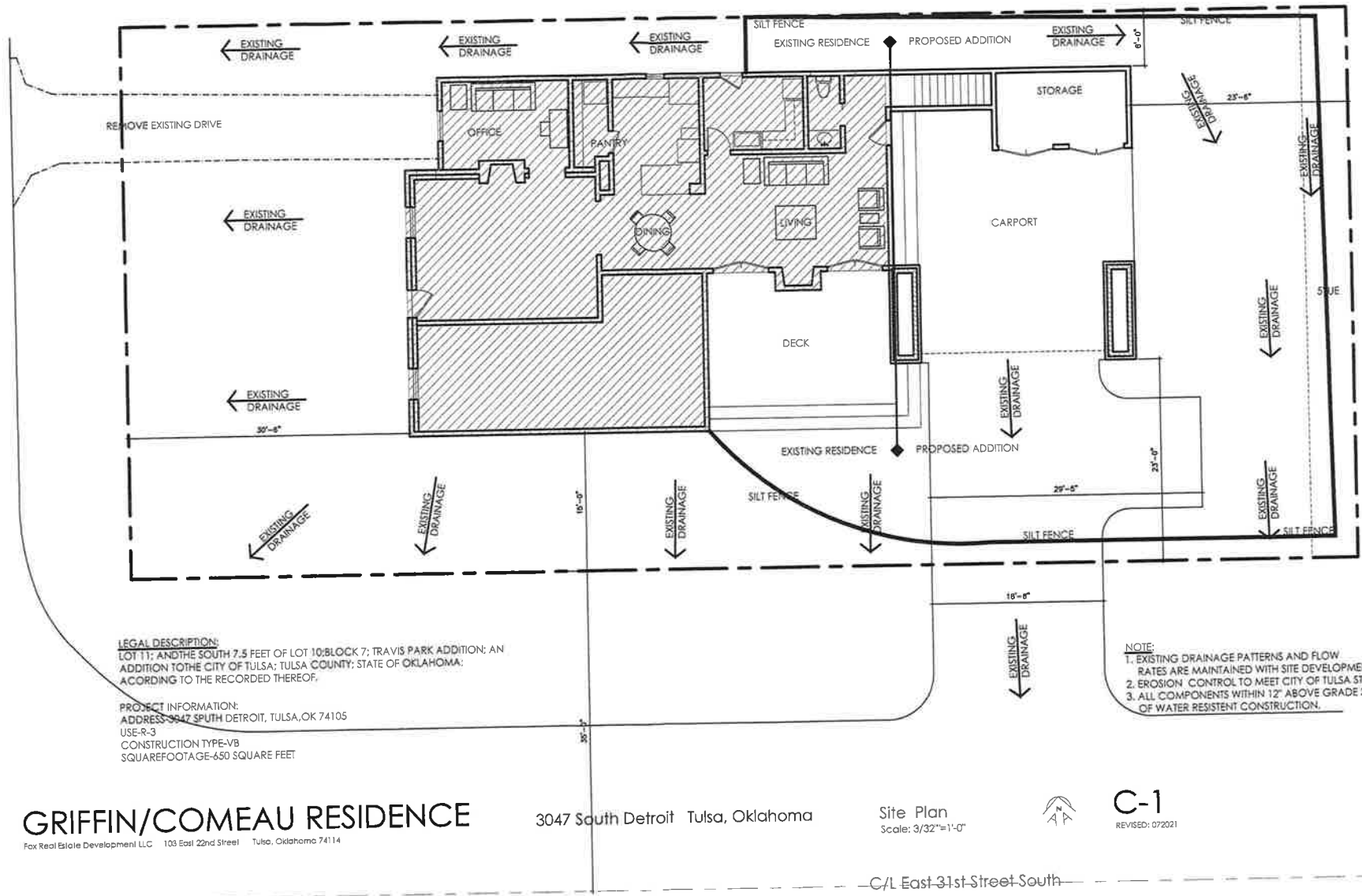
Case No. 21089-Claude Neon Federal Signs

Action Requested:

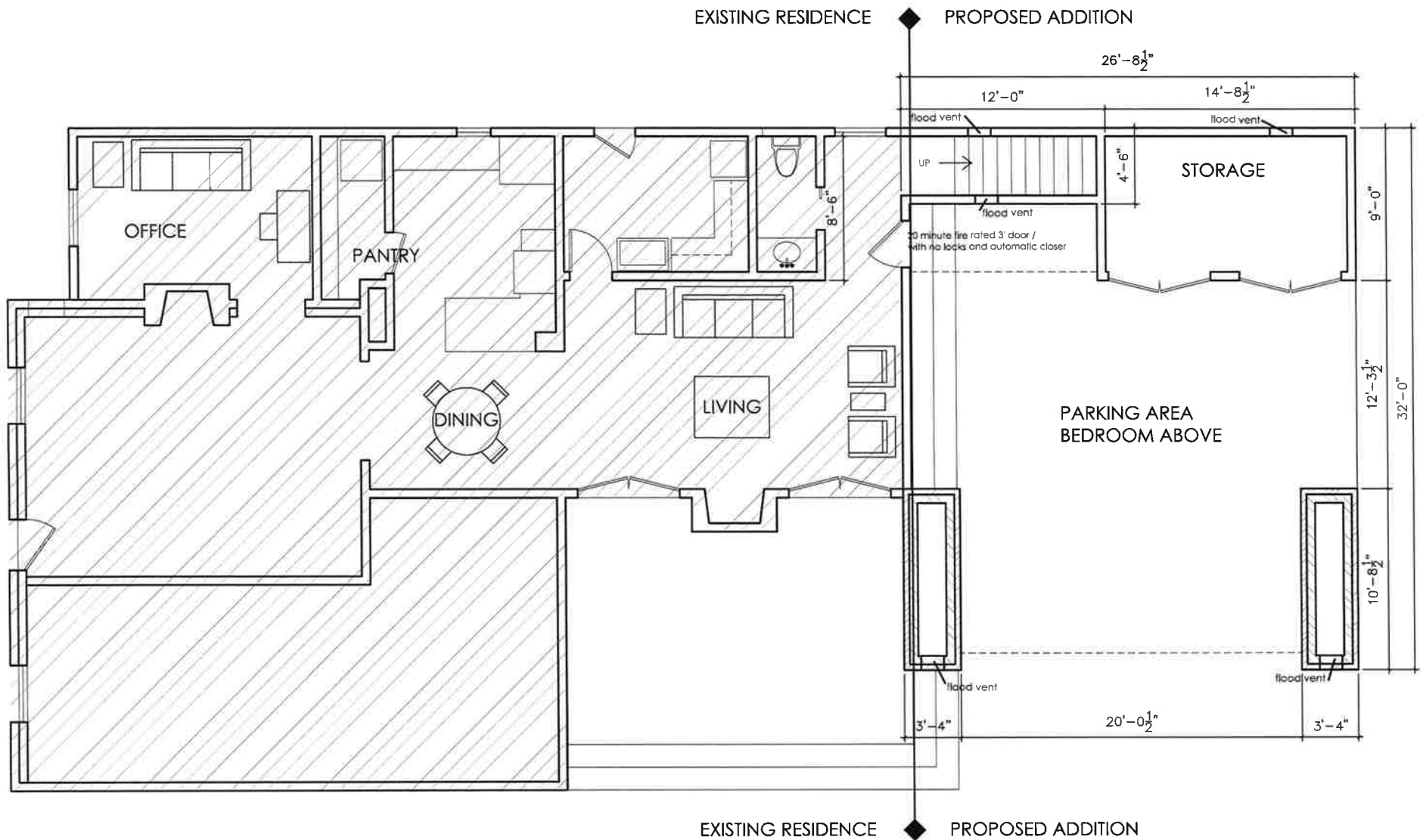
Variance of the maximum number of signs permitted in an OL district (Section 602.B.4.b) to permit two signs on a lot with one street frontage.

Location: 5705 E. 71st St.

SOUTH DETROIT AVENUE



3.6



GRIFFIN/COMEAU RESIDENCE

Fox Real Estate Development LLC 103 East 22nd Street Tulsa, Oklahoma 74114

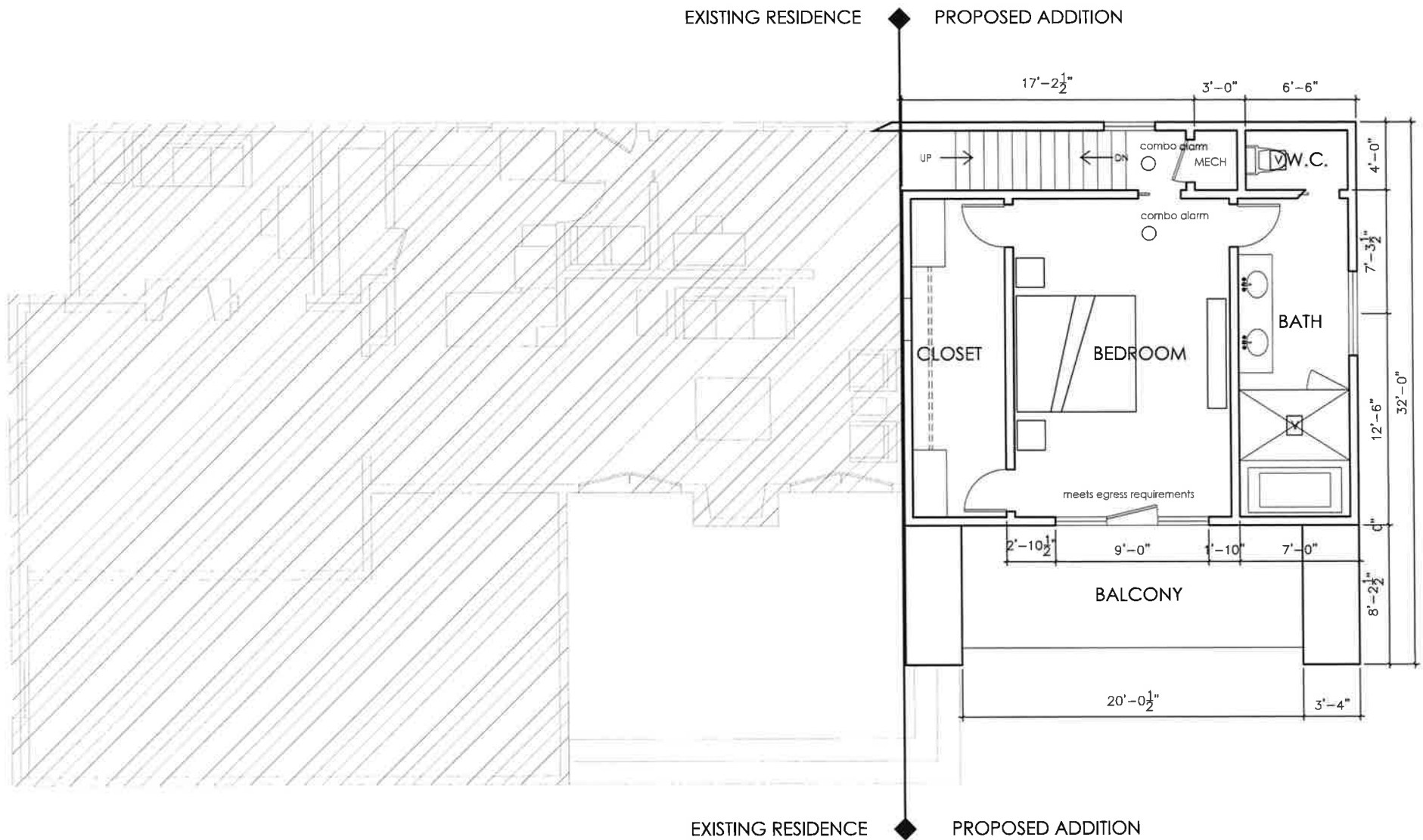
3047 South Detroit Tulsa, Oklahoma

Floor Plan
Scale: 3/16" = 1'-0"



A-1
REVISED: 07/2021

3.7



GRIFFIN/COMEAU RESIDENCE

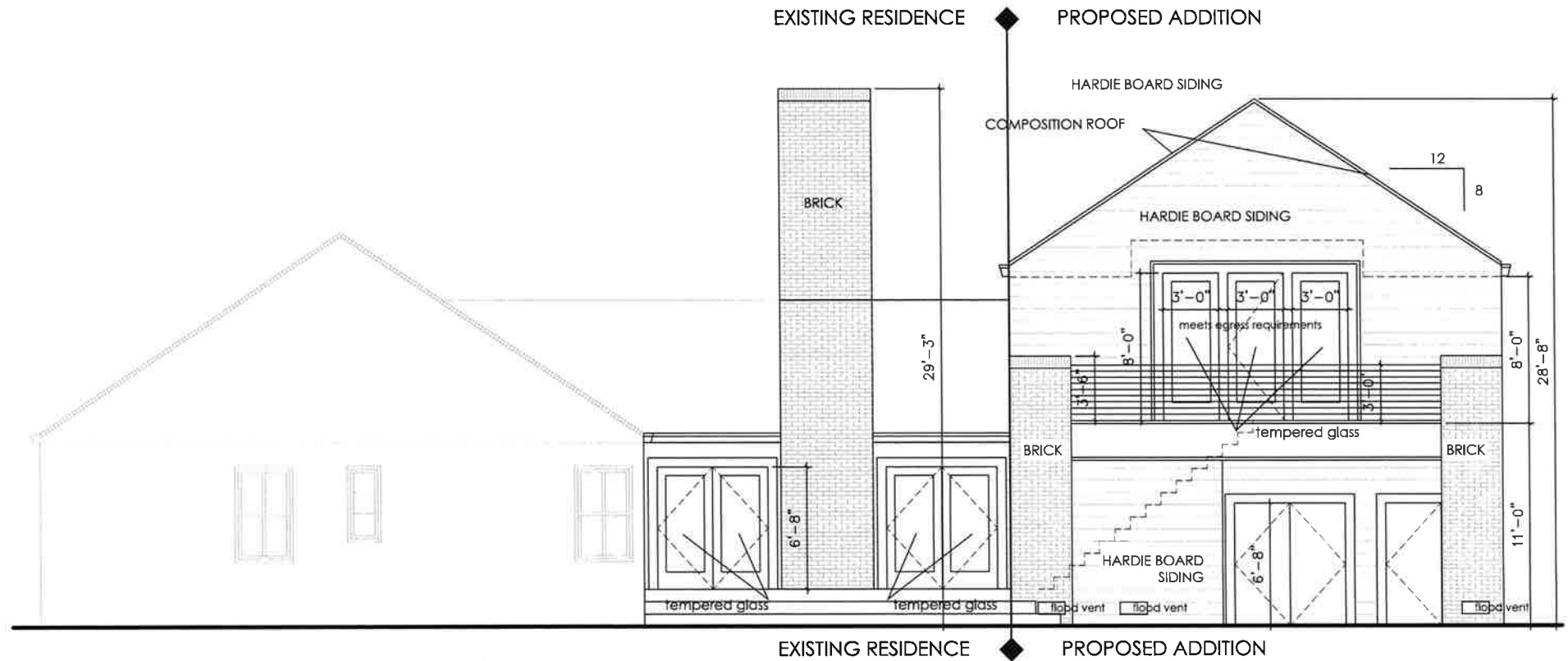
Fox Real Estate Development LLC 103 East 22nd Street Tulsa, Oklahoma 74114

3047 South Detroit Tulsa, Oklahoma

Upper Plan
Scale: 3/16" = 1'-0"



A-2
REVISED: 07/2021



GRIFFIN/COMEAU RESIDENCE

Fox Real Estate Development LLC 103 East 22nd Street Tulsa, Oklahoma 74114

3047 South Detroit Tulsa, Oklahoma

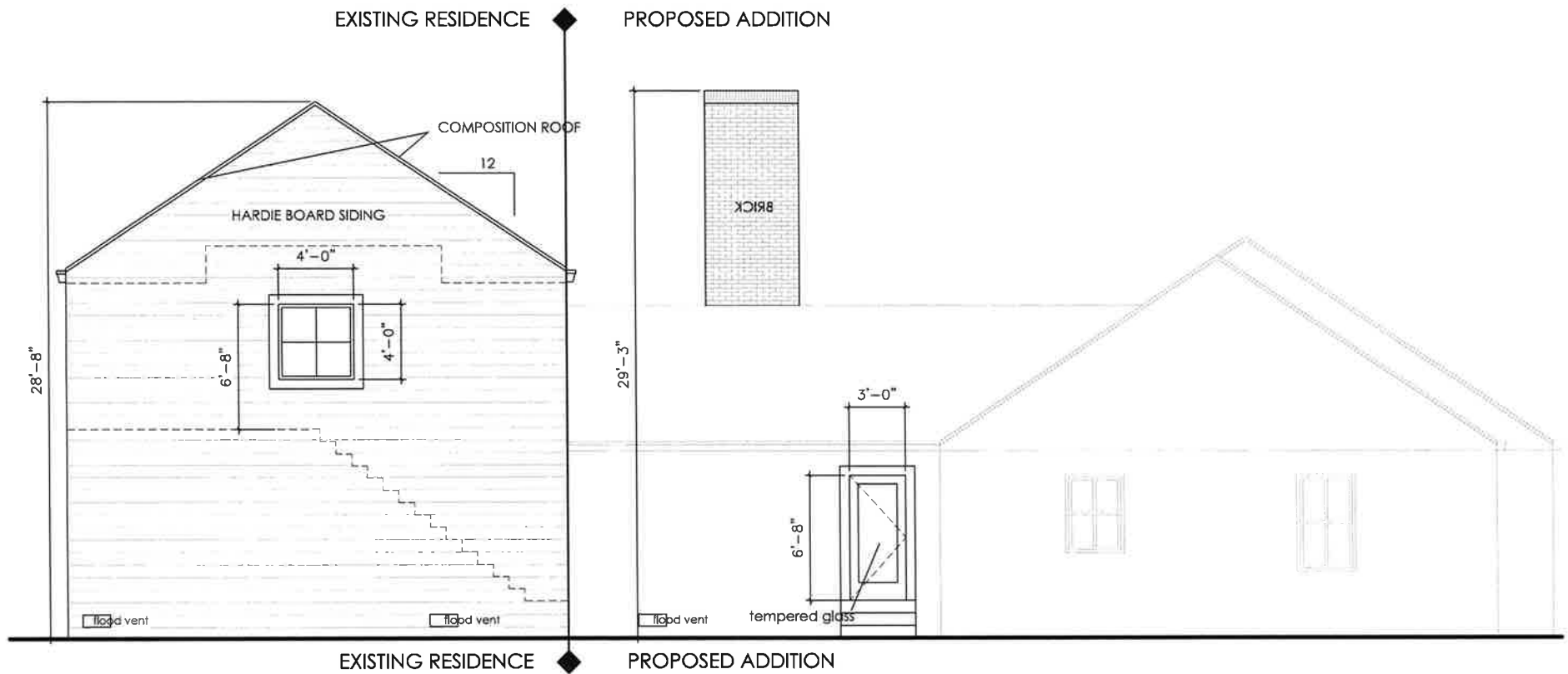
South Elevation

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

A-3

REVISED: 07/2021

3.9



GRIFFIN/COMEAU RESIDENCE

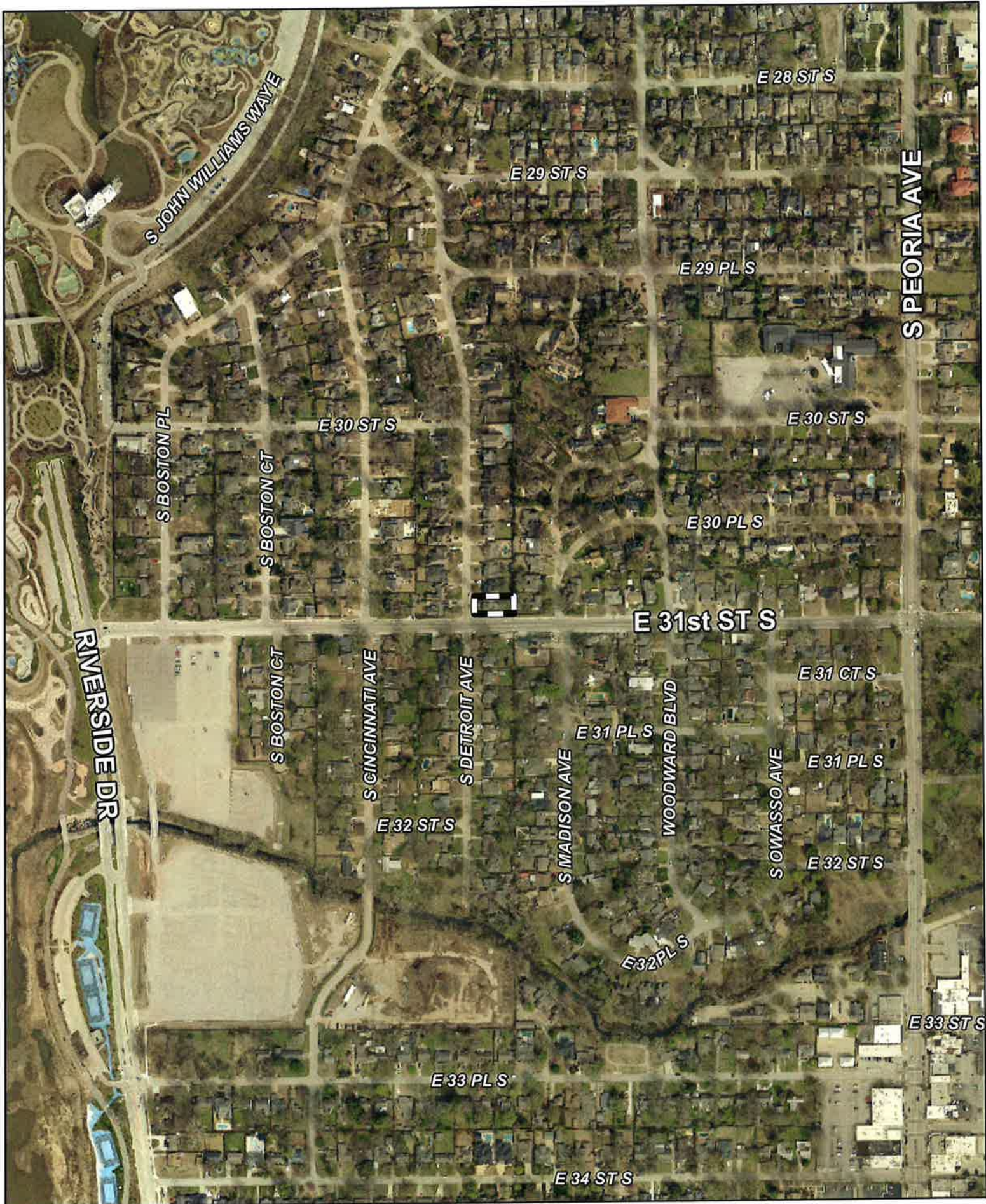
Fox Real Estate Development LLC 103 East 22nd Street Tulsa, Oklahoma 74114

3047 South Detroit Tulsa, Oklahoma

North Elevation
Scale: 3/16"=1'-0"

A-4
REVISED: 072021

3.10



0 200 400
Feet



Subject
Tract

BOA-23172

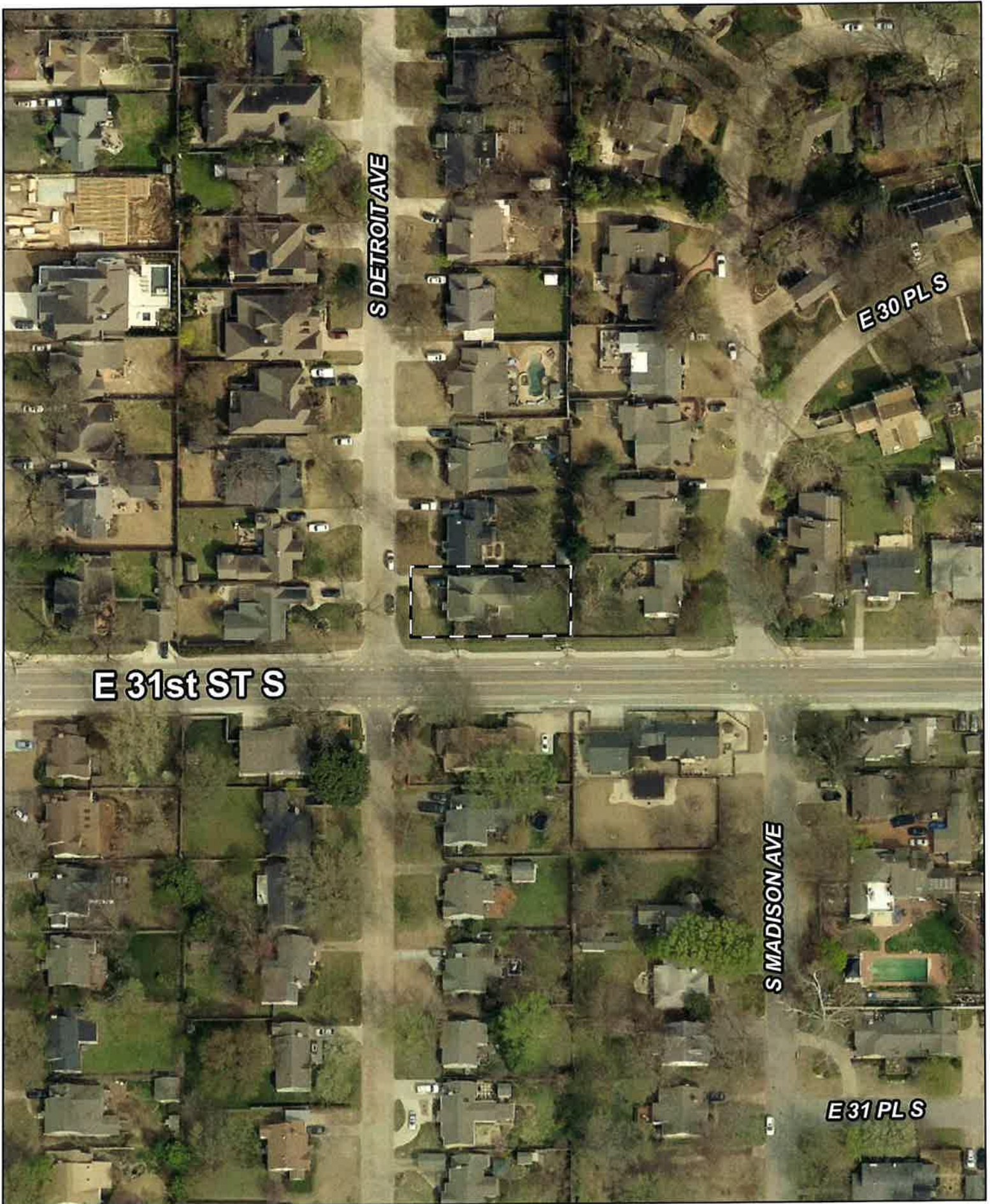
19-12 13

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

Aerial Photo Date: 2020/2021

3.11





0 Feet 50 100



Subject Tract

BOA-23172

19-12 13

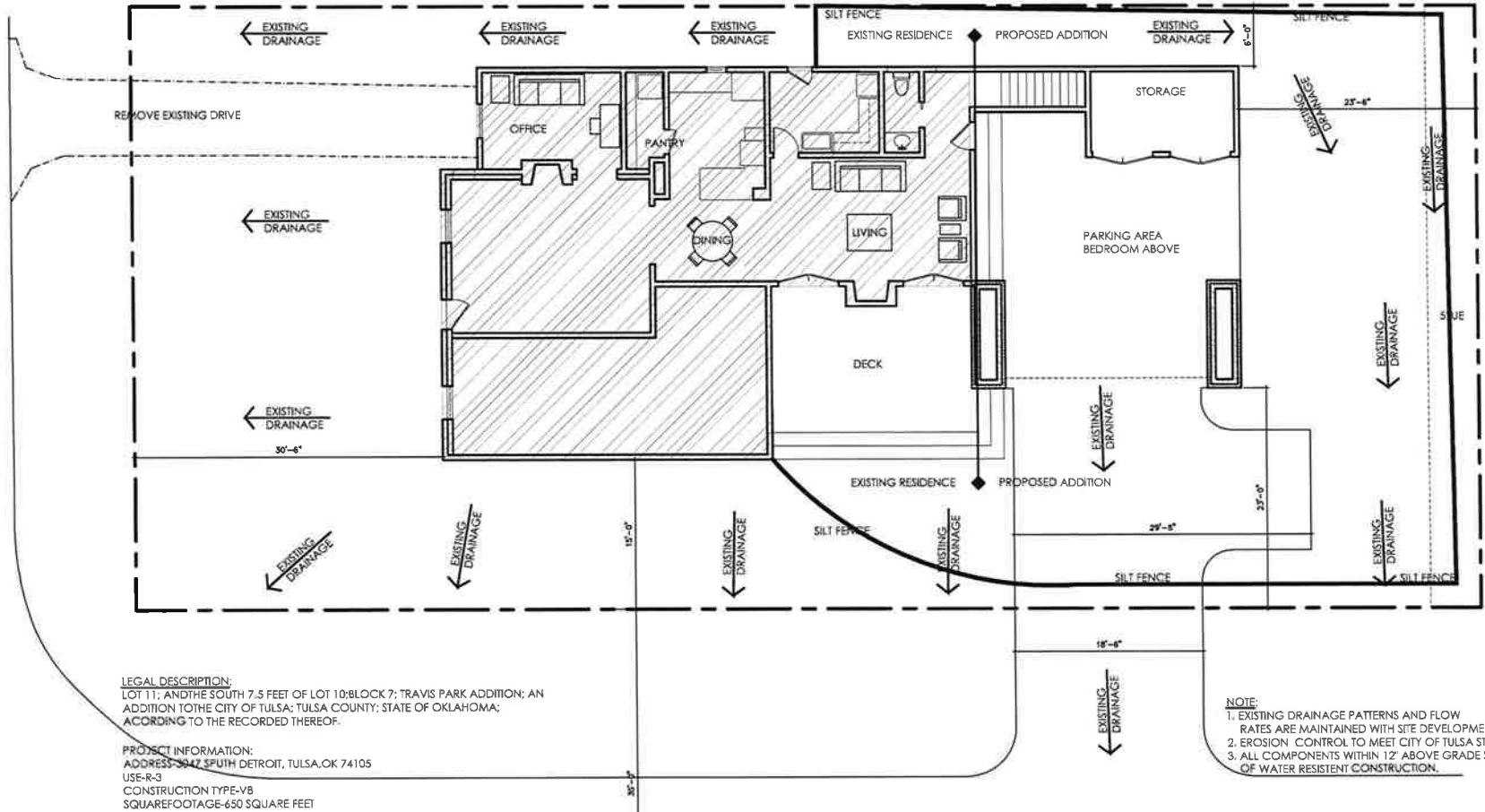
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021

3.12



SOUTH DETROIT AVENUE



GRIFFIN/COMEAU RESIDENCE

Fox Real Estate Development LLC 103 East 22nd Street Tulsa, Oklahoma 74114

3047 South Detroit Tulsa, Oklahoma

Site Plan
 Scale: 3/32"=1'-0"

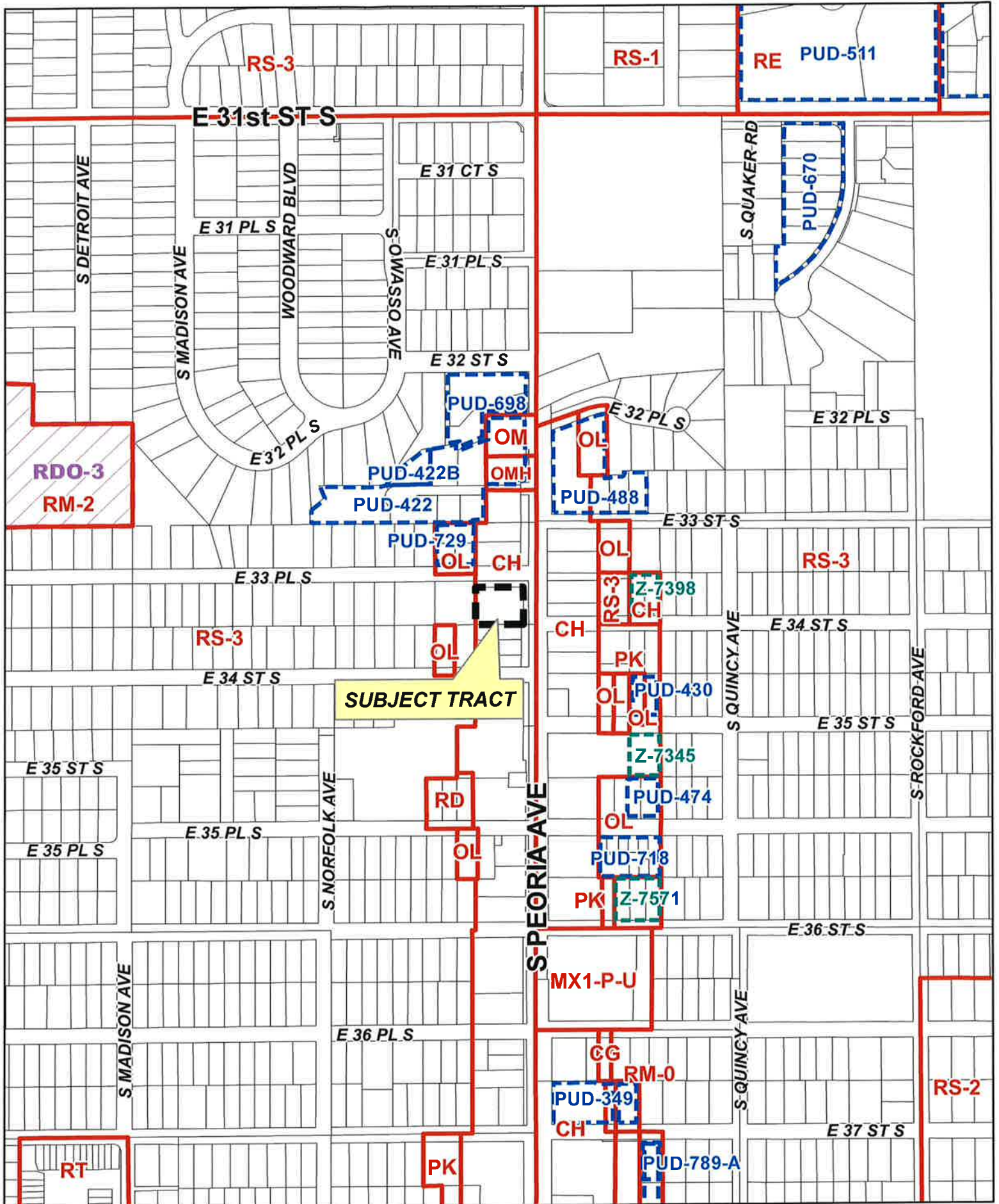


C-1
 REVISED: 07/2021

C/L East 31st Street South

3.13

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BOA-23173

19-12 24

4.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9224

Case Number: **BOA-23173**

CZM: 46

CD: 9

HEARING DATE: 08/24/2021 1:00 PM

APPLICANT: Lori Worthington

ACTION REQUESTED: Special Exception to allow a sign to be located in the right-of-way of S. Peoria Ave. (Sec. 60.020-E) Variance to allow a sign to be located above the parapet (Sec. 60.040-C)

LOCATION: 3330 S PEORIA AV E

ZONED: CH

PRESENT USE: Retail

TRACT SIZE: 19153.41 SQ FT

LEGAL DESCRIPTION: LTS 9 & 10 LESS N18 LT 9 & E18 S52 LT 9 & LESS E18 LT 10 BLK 2, PEEBLES ADDN

RELEVANT PREVIOUS ACTIONS:

Subject property: None related to signage.

Surrounding properties:

BOA-21963; On 10.13.15 the Board approved a variance to allow a 60 square foot sign in an RS-3 District for a church. Property located 1120 E. 34th St.

BOA-17598; On 01.14.97 the Board approved a variance of the setback requirements to allow modifications to an existing sign. Property located 3401 S. Peoria Ave.

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

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

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

4.2

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

STAFF COMMENTS: The applicant is requesting **Special Exception** to allow a sign to be located in the right-of-way of S. Peoria Ave. (Sec. 60.020-E) and a **Variance** to allow a sign to be located above the parapet (Sec. 60.040-C)

60.020-E Signs located in or that project into the right-of-way or planned right-of-way of a public street, unless a special exception has been approved by the board of adjustment in accordance with the procedures of Section 70.120 and a license has been granted by the city in the case of the right-of-way or a removal agreement has been entered into in the case of the planned right-of-way. (Title 11 § 1400 and following of the Tulsa Revised Ordinances grants a license for certain signs located in the "Central Business District" as therein defined).

60.040-C Mounting Height of Wall Signs and Projecting Signs

Wall signs and projecting signs must be mounted so that no portion of the sign extends above the top of the parapet or building wall to which they are attached, except in those cases where the height of the parapet or building wall or the presence of architectural features will not accommodate a wall or projecting sign that is at least 3 feet in height. In such cases, the sign may extend above the parapet or building wall for a distance that will permit a sign with a height of up to 3 feet.

STATEMENT OF HARDSHIP: The front of the property from the building to the road is all right-of-way. The buildings along that stretch of road have had to get projecting signs for client visibility do to their store fronts being so close to the road. wall signs are just not visible when driving from either direction.

SAMPLE MOTION:

Special Exception:

Move to _____ (approve/deny) a **Special Exception** to allow a sign to be located in the right-of-way of S. Peoria Ave.

- 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 sign to be located above the parapet (Sec. 60.040-C)

- 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 Peoria Ave.



Facing North on Peoria Ave.



Subject property

Case No. 17598

Action Requested:

Variance of the required setback from the centerline of Peoria to allow modification of an existing non-conforming sign. **SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING**; and a Variance of the maximum display surface area to allow modification of an existing non-conforming sign. **SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING**, located 3401 South Peoria.

Presentation:

The applicant, **Michael O'Brien**, 3401 South Peoria, submitted a site plan (Exhibit B-1) and photographs (Exhibit B-2). Mr. O'Brien stated the Old Brook Theater was redeveloped into a restaurant/bar with a patio area in the front part of the theater. He further stated that offices are located above the restaurant and the State Bank has a drive through behind the restaurant. He explained above the drive through there is a health club. Mr. O'Brien stated that the purpose of the request is to designate today's use for this property. He explained that the restaurant has been open for one (1) year and has received feedback from people that have yet to identify that this property has totally different use from what it once was, which was the original Brook Theater. The application is a request to add to the existing signage the wording "restaurant and bar."

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Dunham, White, "aye"; no "nays" no "abstentions"; Abbott, Turnbo "absent") to **APPROVE** a **Variance** of the required setback from the centerline of Peoria to allow modification of an existing non-conforming sign. **SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING**; and a **Variance** of the maximum display surface area to allow modification of an existing non-conforming sign. **SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING**, per plan submitted; finding that this exception only requires a variance of 2.5' SF and it is a unique area that deserves this kind of variance; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Lots 3-6, Block 2, Olivers Addition, City of Tulsa, Tulsa County, Oklahoma.

and west. The existing sign is on a surface street that is not related to the expressway and is heavily shielded from view of the expressway by virtue of the green belt. This approval is subject to per plan 3.9. 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:

**N75 LT 4 & ALL LT 5 BLK 3, SANTA FE INDUSTRIAL DISTRICT, CITY OF TULSA,
TULSA COUNTY, STATE OF OKLAHOMA**

NEW APPLICATIONS

FILE COPY

21963—A-MAX Sign Company – Lori Worthington

Action Requested:

Variance to allow a 60 square foot wall sign in the RS-3 District (Section 402.B.4).

LOCATION: 1120 East 34th Street South (CD 9)

Presentation:

Doug Dodd, 3215 East 57th Street, Tulsa, OK; stated that he represents Southminster Presbyterian Church and that is on the Board of Elders and Chairman of the Church's Administration property. This church has been a part of Brookside before the area was truly Brookside, since 1945 and has been in the same location all of those years. The address of 34th Street was the original street address of the church when it was first founded in 1945. In the 1980s the church acquired more property to the east to keep the parking lot and at the time the pastor at the time requested the post office to change the street address to 3500 South Peoria Avenue. Mr. Dodd had an aerial placed on the overhead projector to show the orientation of the church sanctuary on the church property. East of the sanctuary is the remains of two-story educational building that had been demolished as part of the expansion in 2006. Although the church is part of Brookside it is not on Peoria, so visibility for any sign the church has had over the years has been a challenge. The proposed sign would be illuminated but it is not lit. There is lighting behind it so that at night it can be seen, and there is no neon on the sign. The lettering will be a traditional Times New Roman with a denominational logo to the side. The hardship is the location of the church in the neighborhood which creates a hardship in the ability to post any kind of sign. The church is the farthest east of any structure within the neighborhood before getting to Peoria. No residential units will be able to see the sign because they are farther west on 34th Street. To the east and to the south of the subject wall there is a parking lot, and to the north of the wall is a parking lot that

BOA-21963

FILE COPY

serves several properties, including Senior Tequilas and other businesses in Brookside, but are not owned by the church and have no connection to the church. The residential portion of Brookside starts west of the church. The proposed sign will be the only signage on that side of the church, and the existing sign on Cottrell Hall will be removed.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the request for a **Variance** to allow a 60 square foot wall sign in the RS-3 District (Section 402.B.4), subject to conceptual plan 4.15 and 4.16. Finding that the location of the wall in question where the sign will be mounted is the only visible aspect to be seen from Peoria Avenue and the sign is also totally not visible from the residential area to the west. The existing wall sign as shown on 4.12 is to be removed, which is south of the proposed sign. 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:

**LOT 1 BLOCK 1, SOUTHMINSTER PRESBYTERIAN CHURCH OF TULSA REPLAT
PRT BURGESS AC & PRT PEORIA GARDENS, CITY OF TULSA, TULSA COUNTY,
STATE OF OKLAHOMA**

21964—A-MAX Sign Company – Lori Worthington

Action Requested:

Variance to allow a digital sign within 200 feet of an R District (Section 1221.C.2).

LOCATION: 801 East 91st Street South (CD 2)

Presentation:

Bruce Anderson, 9520 East 55th Place, Tulsa, OK; stated he represents Tulsa Technology. Mr. Anderson stated this is a sign that meets Tulsa City Code and will be directly across the street from Jenks. There is about 100 foot separation from the proposed sign site to the residential area to the south. The sign is one that is being used on all Tulsa Technology campuses and the school is in the process of getting all the signs standardized. It is currently being utilized in Broken Arrow, Owasso, and

DANNY WHITEMAN
SIGN PLANS EXAMINER
TEL (918)596-9664
EMAIL dwhiteman@cityoftulsa.org



DEVELOPMENT SERVICES
175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103-3227

SIGN PLAN REVIEW

June 15, 2021

LOD Number: 1

Phone: 918-622-0651

Lori Worthington
9520 E. 55th Pl.
Tulsa, OK 74145

APPLICATION NO: **S-3043** (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 3334 S. Peoria
Description: Projecting Sign

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

(Continued)

REVIEW COMMENTS

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

Application No. S-3043

3334 S. Peoria Ave.

June 15, 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.

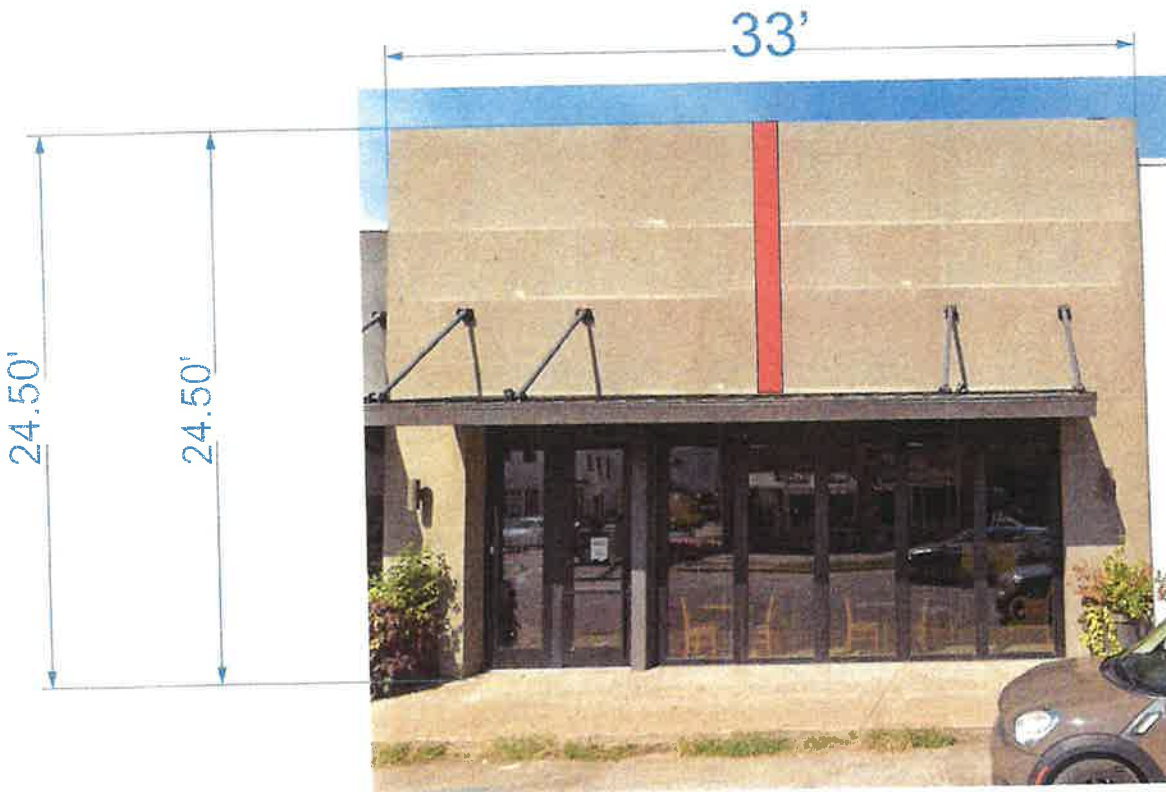
- 60.020-E Prohibited Signs and Sign Characteristics** Signs located in or that project into the right-of-way or planned right-of-way of a public street, unless a special exception has been approved by the board of adjustment in accordance with the procedures of Section 70.120 and a license has been granted by the city in the case of the right-of-way or a removal agreement has been entered into in the case of the planned right-of-way. (Title 11 § 1400 and following of the Tulsa Revised Ordinances grants a license for certain signs located in the "Central Business District" as therein defined).
Review Comments: The proposed projecting sign appears to be located in the City of Tulsa right of way (ROW). The ROW extends 43 feet west from the center of Peoria Ave. at this location. This sign is located in the actual ROW of this street and therefore requires a City of Tulsa ROW license and removal agreement and a Special Exception from the COT Board of Adjustment (BOA). Contact Chris Kovac @ 918-596-9649 for information on acquiring a ROW license and removal agreement and INCOG @ 918-584-7526 to apply for a special exception to permit a projecting sign to be located in the ROW of S. Peoria Ave.
- 60.040-C Mounting Height of Wall Signs and Projecting Signs** Wall signs and projecting signs must be mounted so that no portion of the sign extends above the top of the parapet or building wall to which they are attached, except in those cases where the height of the parapet or building wall or the presence of architectural features will not accommodate a wall or projecting sign that is at least 3 feet in height. In such cases, the sign may extend above the parapet or building wall for a distance that will permit a sign with a height of up to 3 feet.
Review Comments: The proposed projecting sign extends 1 foot above the top of the parapet to which it is attached. Modify the plans so that no portion of the sign extends above the top of the parapet, or you may seek a variance from the BOA to permit a projecting sign to extend 1 foot above the top of the parapet.

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.



- Dimensions, Descriptions and Depictions stated or shown here are subject to minor modifications to accommodate numerous considerations such as final agreements on project pricing, future confirmed site conditions and requirements, fabrication method, and raw material yields.
- We will strive to match specific colors, such as Pantone values, and/or matching existing signage or surrounding building colors and/or textures. We cannot always guarantee an exact match due to the varying differences in materials, age, sheen and how colors are applied.

a
a·max
 SIGN COMPANY, INC.
 www.amaxsign.com
 9520 E. 55th Place
 Tulsa, Oklahoma 74145
 ph. (918) 622-0651 ... fax. (918) 622-0659

QUALITY | VALUE | ASSURANCE

SCALE: As Shown
 DATE: 05-13-21
 FILE: 1.2 Blade ID
 SALES REP: Bruce Anderson
 DRAWN BY: BB

PROJECT: Churchill's Cigar Lounge
 LOCATION: Tulsa, OK
 ADDRESS: 3340 S. Peoria
 CLIENT APPROVAL SIGNATURE & DATE:

UL
 LISTED
 Signs will be built to meet UL specifications as required.
nec
 All signs and cable lighting must comply with Article 600 of the N.E.C. standards, including proper grounding and bonding.

REVISIONS:
 1.
 2.
 3.
 4.
 5.
 6.

Notwithstanding to the purchaser of a·max sign, the purchaser will be responsible for obtaining all necessary permits and approvals from the appropriate authorities for the installation of the sign on the property and for the sign's use.

ALL RIGHTS RESERVED

Project Manager:

SHEET NUMBER
 1
 DWG
 051321-27

12' X 4' = 48 SQFT

PROJECTION MOUNT LIGHTED SIGN

SCALE: 1/2" = 1'

1.2

- (A) Fabricated metal cabinet. Black painted finish. 3M 7725-10 white / Magenta 103 applied vinyl letters. White/pink skeleton neon illumination
- (B) 1/8" Aluminum Churchill silhouette. White LED backlighting with RED cigar tip.
- (C) Applied Vinyl Graphics. Neo blue Neon oval illumination
- (D) Gold accent with gold LED cove lighting
- (E) 4" square tube mounting brackets



PROPOSED
SCALE: 3/16" = 1'

a
a·max
SIGN COMPANY, INC.
www.amaxsign.com

9520 E 55th Place
Tulsa, Oklahoma 74145
ph. (918) 622-0551 ... fax. (918) 622-0655

QUALITY · VALUE · ASSURANCE

SCALE: As Shown

DATE: 05-13-21

FILE: 1.2 Blade ID

SALES REP: Bruce Anderson

DRAWN BY: BB

PROJECT: Churchill's Cigar Lounge

LOCATION: Tulsa, OK

ADDRESS: 3340 S. Peoria

CLIENT APPROVAL SIGNATURE & DATE:

Signs will be built to meet UL specifications as required.

All signs and outline lighting must comply with Article 600 of the N.E.C. standards, including proper grounding and bonding.

REVISIONS:

1.	1
2.	2
3.	3
4.	4
5.	5

When reviewing the project for all A-Max Sign Co. projects, please note the following: 1. All signs must be built to meet UL specifications as required. 2. All signs and outline lighting must comply with Article 600 of the N.E.C. standards, including proper grounding and bonding. 3. All signs must be built to meet the specifications of the project. 4. All signs must be built to meet the specifications of the project. 5. All signs must be built to meet the specifications of the project.

ALL RIGHTS RESERVED

Project Manager:

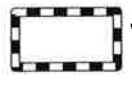
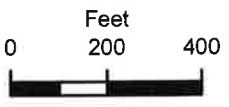
SHEET NUMBER
1

DWG
051321-27

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- We will strive to match specific colors, such as Pantone values, and/or matching existing signage or surrounding building colors and/or textures. We cannot always guarantee an exact match due to the varying differences in materials, age, sheen and how colors are applied.



4.13



Subject
Tract

BOA-23173

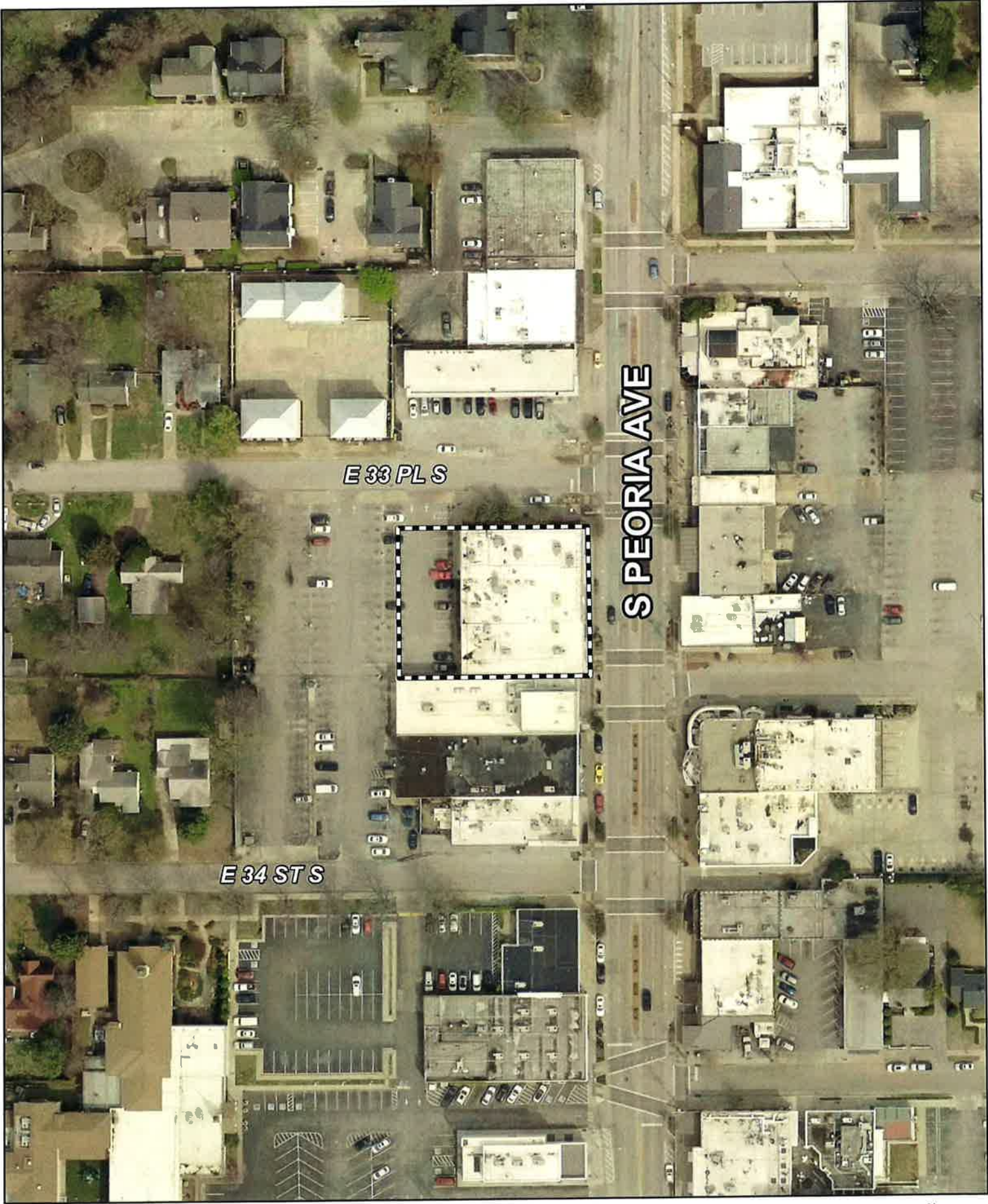
19-12 24

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

Aerial Photo Date: 2020/2021



4.14



0 50 100
Feet



Subject
Tract

BOA-23173

19-12 24

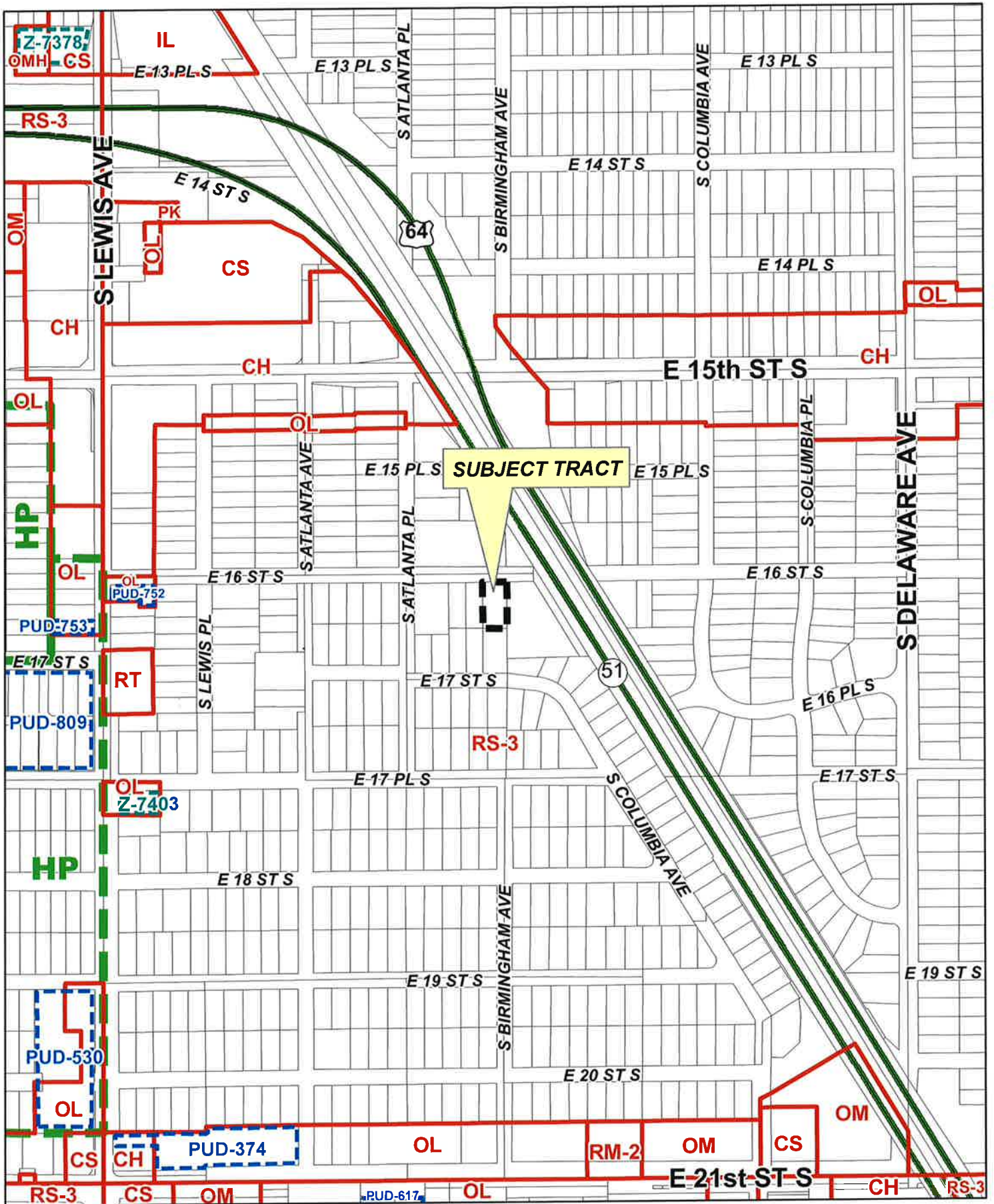
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021



4.15

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BOA-23174

19-13 08

5.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9308

Case Number: **BOA-23174**

CZM: 37

CD: 4

HEARING DATE: 08/24/2021 1:00 PM

APPLICANT: Nathalie Cornett

ACTION REQUESTED: Special Exception to allow a fence greater than 8 feet in height within the required building setbacks (Sec. 45.080-A)

LOCATION: 2552 E 16 ST S

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 12000.83 SQ FT

LEGAL DESCRIPTION: E 80 OF N 150 LT 9, GLEN ACRES-LYNN LANE, RENA PARK ADDN
RESUB L9 GLEN ACRES ADDN

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located along E. 16th Street between S. Atlanta Pl. and the Broken Arrow Expressway

STAFF COMMENTS: The applicant is requesting a Special Exception to allow a fence greater than 8 feet in height within the required building setbacks (Sec. 45.080-A)

45.080-A Fences and walls within required building setbacks may not exceed 8 feet in height, except that in required street setbacks fences and walls may not exceed 4 feet in height. However, in R zoned districts, fences up to 8 feet in height are permitted in side street setbacks of detached houses or duplexes located on corner lots and in street setbacks abutting the rear lot line of houses or duplexes located on double frontage lots. The board of adjustment is authorized to modify these fence and wall regulations in accordance with the special exception procedures of [Section 70.120](#).

SAMPLE MOTION: Move to _____ (approve/deny) a **Special Exception** to allow a fence greater than 8 feet in height within the required building setbacks (Sec. 45.080-A)

- 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.



Western lot line of subject property



Eastern lot line of subject property



Facing East on 16th Pl. The road dead ends into the Broken Arrow Expressway.

Exhibit "A"

The East eighty (80) feet of the North one hundred fifty (150) feet of Lot Nine (9), Glen Acres Subdivision, Tulsa County, Oklahoma, according to the recorded Plat No. 64.

Exhibit "B"

The Applicant requests a Special Exception pursuant to Section 45.080-A of the Tulsa Zoning Code (the "Code") to permit a ten foot (10') tall fence within a required building setback for residential property located at 2552 East 16th Street (the "Property").

The Property is located on the south side of East 16th Street and west of South Atlanta Place. The residence on the Property is the last residence before East 16th Street dead ends to make way for the Broken Arrow Expressway. The Property owner, Mr. Butler, owns the Property as well as the vacant lot to the east and the residential lot to the south. A site plan of the Property is attached hereto.

The owner requests a Special Exception to permit a boundary fence up to ten feet (10') tall on the Property in order to account for the downward grade of the Property and to provide a sound barrier from the noise of the expressway.

The Property slopes downward from East 16th Street to the rear yard. The patio and pool in the backyard of the Property are built approximately four (4) feet above grade to account for the grade change. As a result, the fence is around eight (8) feet tall at the front of the Property and ten (10) feet tall at the rear of the Property. When facing the fence from within the back yard, it appears as a six or seven foot tall fence.

In addition to the grade changes, the Broken Arrow Expressway is approximately one hundred feet (100') to the east of the house and generates significant traffic noise. Therefore, in addition to privacy, the fence will provide a sound barrier. Many of the homes in the area that abut the expressway have put up additional fencing for, presumably, the same reason.

Due to the slope of the Property and proximity of the Broken Arrow Expressway, the fence is in harmony with the spirit and intent of the Code. Additionally, similar sound barriers exist in the area and thus the fence will not be injurious to the neighborhood or otherwise detrimental to the public welfare.



Neighborhood Investigations
WORKING IN NEIGHBORHOODS

Case Number: ZONV-011065-2019
Case Type: Zoning
Notice Date: 07/11/2019
Compliance Deadline: 07/25/2019

ZONING NOTICE OF VIOLATION

The City of Tulsa To:

BUTLER, BRYAN
1406 TERRACE DR
TULSA OK 741044626

You are hereby notified that the violation(s) maintained, operated or permitted to exist by you at: E 80
OF N 150 LT 9, GLEN ACRES-LYNN LANE City of Tulsa, Tulsa County, State of Oklahoma;

And located at the address of: 2552 E 16TH ST S

Consisting of: (Official Ordinance Cited Information is included.)
Title 42, Chap. 45, Sect. 080-A,

This Violation requires:

Fencing in the backyard and side yards may not exceed 8 feet in height. Remove or lower all sections of the fence that are over 8 feet tall. Failure to comply may result in criminal citations.

A final inspection is set for 7-25-19.

To be in compliance with Municipal Codes, you will need to comply with this notice within 10 days business. FAILURE TO COMPLY MAY RESULT IN THE ISSUANCE OF A CITATION OR CIVIL REMEDIAL PENALTIES NOT TO EXCEED \$1,000.00 PER DAY. You may appeal the administrative official's decision within 10 BUSINESS DAYS by filing a complete appeal application with the administrative official and INCOG located at Williams Tower II, 2 West 2nd Street, 8th Floor, Tulsa, Oklahoma, 74103. Appropriate fees must accompany your appeal application to INCOG. In addition, you may want to contact INCOG at 584-7526 to obtain information on filing an application for a special exception or variance related to your violation instead of appealing the decision.

CASE NO. ZONV-011065-2019

Devin Lucas
Neighborhood Inspector
918-596-7596

Meetings with inspectors require a scheduled appointment.

A copy of this notice has also been sent to (if applicable):

BOKF, NA DBA BANK OF OKLAHOMA
PO BOX 35688
TULSA OK 74153

Title 42, Chap. 45, Sect. 080-A,

Fences and walls within required building setbacks may not exceed 8 feet in height, except that in required street setbacks fences and walls may not exceed 4 feet in height. However, in R zoned districts, fences up to 8 feet in height are permitted in side street setbacks of detached houses or duplexes located on corner lots and in street setbacks abutting the rear lot line of houses or duplexes located on double frontage lots. The board of adjustment is authorized to modify these fence and wall regulations in accordance with the special exception procedures of Section 70.120.



WHITE SURVEYING COMPANY

providing land surveying services since 1940

9936 E. 55th Place • Tulsa, OK 74146 • 918.663.6924 • 918.664.8366 fax

PLAT OF SURVEY

INVOICE NO.: STK 19-98448
CLIENT: LOGAN BROSKY

LEGEND

— FENCE
U/E UTILITY EASEMENT
D/E DRAINAGE EASEMENT
M/P METERING POINT
CB CHORD BEARING
B/E BURIED ELECTRIC & TELEPHONE CABLE EASEMENT (APPROXIMATE LOCATION)

GENERAL NOTES

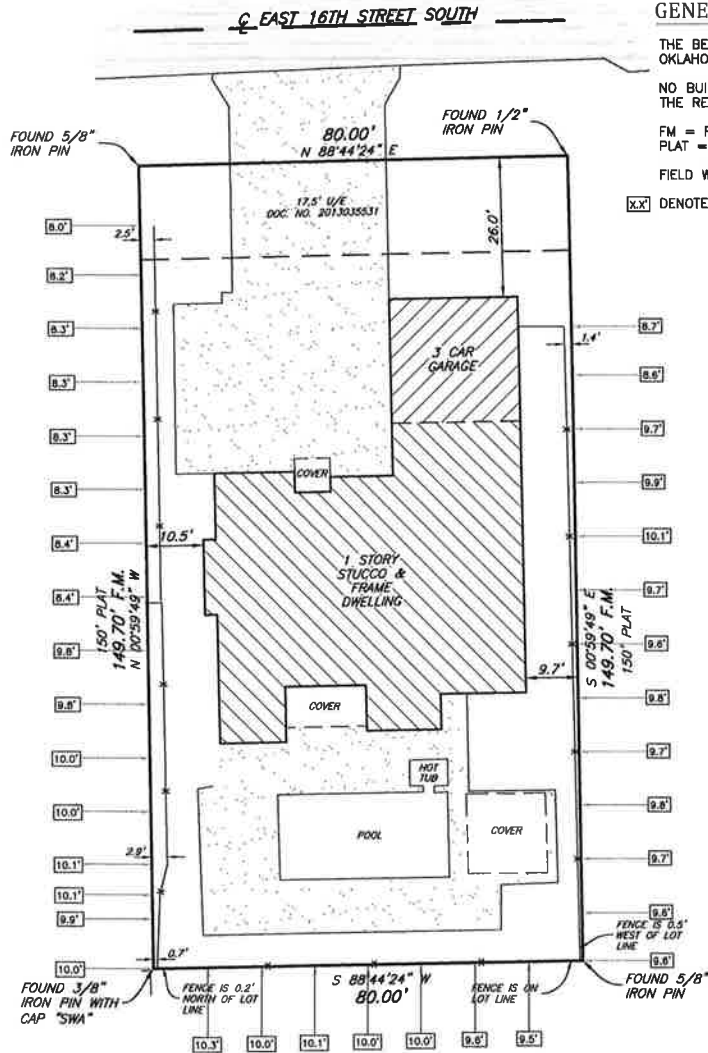
THE BEARINGS SHOWN HEREON ARE BASED ON: THE OKLAHOMA STATE PLANE COORDINATE SYSTEM.

NO BUILDING LINES OR EASEMENTS ARE SHOWN ON THE RECORDED PLAT OF GLEN ACRES ADDITION.

FM = FIELD MEASURED COURSE.
PLAT = RECORDED PLAT COURSE.

FIELD WORK COMPLETED AUGUST 27, 2019.

[X.X'] DENOTES FENCE HEIGHT.



LEGAL DESCRIPTION:

THE EAST EIGHTY (80) FEET OF THE NORTH ONE HUNDRED FIFTY (150) FEET OF LOT NINE (9), GLEN ACRES SUBDIVISION, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 64, AND KNOWN AS 3552 EAST 16TH STREET.

SURVEYOR'S STATEMENT

WHITE SURVEYING COMPANY, AN OKLAHOMA CORPORATION, AND THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT IN OUR PROFESSIONAL OPINION THE ABOVE PLAT OF SURVEY IS AN ACCURATE REPRESENTATION OF A CAREFUL BOUNDARY SURVEY OF THE PROPERTY DESCRIBED HEREON, AND MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION. WE FURTHER STATE THAT THE ABOVE AND FOREGOING PLAT OF SURVEY ACCURATELY SHOWS THE LOCATION OF THE BOUNDARY CORNERS AND THEIR MONUMENTATION, THE DIMENSIONS OF THE PROPERTY, THE LOCATIONS OF ALL BUILDINGS ON PERMANENT FOUNDATIONS, ALL RECORDED PLAT EASEMENTS AND BUILDING SETBACK LINES (IF APPLICABLE), AND ALL OTHER SUCH EASEMENTS WHICH HAVE BEEN DISCLOSED BY A CURRENT TITLE OPINION OR COMMITMENT FOR TITLE INSURANCE AND COPIES THEREOF PROVIDED TO US PRIOR TO THE TIME OF THIS SURVEY; THAT UNDERGROUND OR ABOVE GROUND UTILITIES WERE NOT FIELD LOCATED AND THEREFORE ARE NOT SHOWN ON THIS PLAT OF SURVEY UNLESS SPECIFICALLY REQUESTED PRIOR TO THE TIME OF THIS SURVEY; THAT EXCEPT AS SHOWN, THERE ARE NO ENCROACHMENTS FROM ADJOINING PREMISES ONTO THE PROPERTY DESCRIBED HEREON OR ONTO ADJOINING PREMISES FROM THE PROPERTY DESCRIBED HEREON BY VISIBLE PERMANENT IMPROVEMENTS; AND THAT THIS PLAT OF SURVEY IS PREPARED SOLELY FOR THE PARTIES LISTED HEREON AS OF THIS DATE AND MAY NOT BE USED FOR ANY SUBSEQUENT LOAN CLOSING, REFINANCE, OR OTHER TRANSACTION.



BEFORE YOU SIGN,
CALL ONE FOR
LOCATION OF
UNDERGROUND UTILITIES.
DIAL 811



WHITE SURVEYING COMPANY
CERTIFICATE OF AUTHORIZATION NO.
CA1098 (RENEWAL 6/30/2021)

Randy K. Shoefstall
DATE: 8/29/19
REGISTERED PROFESSIONAL LAND
SURVEYOR OKLAHOMA NO. 1676

Copyright 2019 by White Surveying Company. All Rights reserved. No part of this plat may be reproduced, stored in a retrieval system, or transmitted in any form without prior written permission of White Surveying Company, P.O. Box 471675, Tulsa, Oklahoma.

MRM - S:\00054\1009\88448PS19.dwg 08/29/19



WHITE SURVEYING COMPANY

providing land surveying services since 1940

9936 E. 55th Place • Tulsa, OK 74146 • 918.663.6924 • 918.664.8366 fax

PLAT OF SURVEY

INVOICE NO.: STK 20-99867
CLIENT: LOGAN BROSKY

LEGEND

- FENCE
- U/E UTILITY EASEMENT
- D/E DRAINAGE EASEMENT
- M/P METERING POINT
- OB OBOD BEARING
- B/E BURIED ELECTRIC & TELEPHONE CABLE EASEMENT (APPROXIMATE LOCATION)

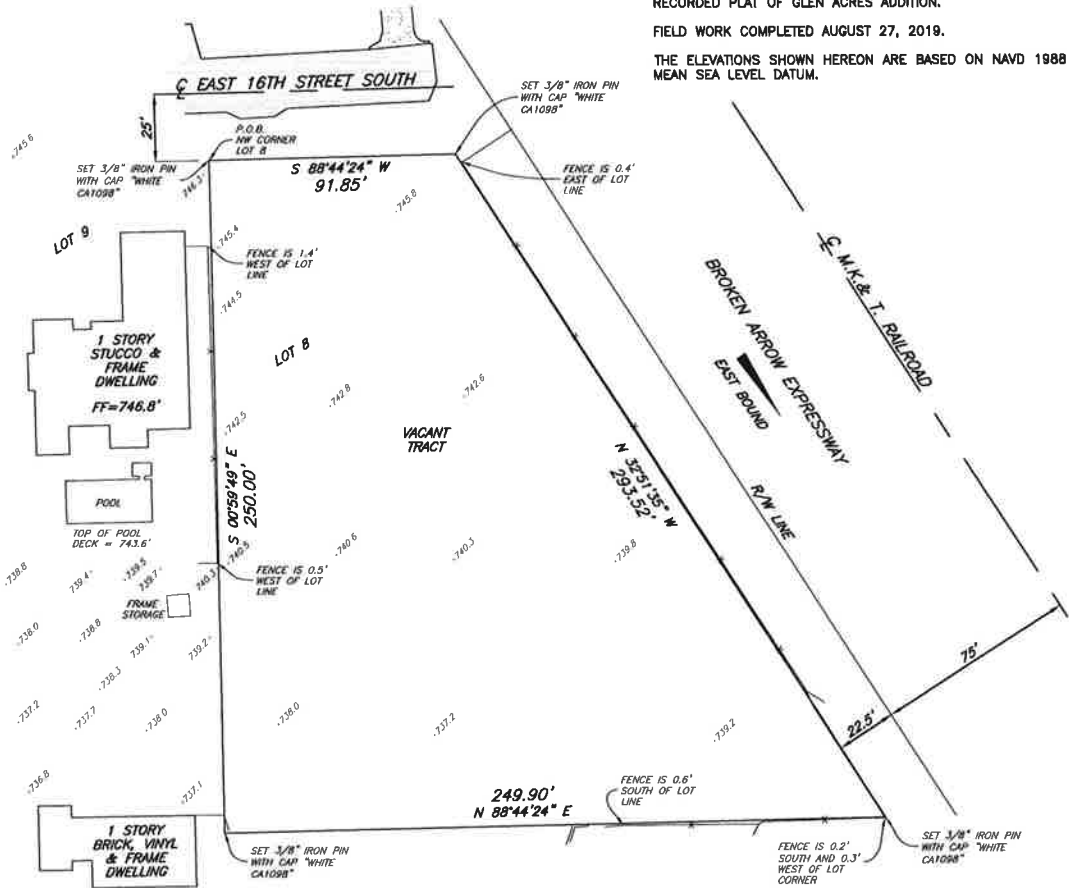
GENERAL NOTES

THE BEARINGS SHOWN HEREON ARE BASED ON: THE OKLAHOMA STATE PLANE COORDINATE SYSTEM.

NO BUILDING LINES OR EASEMENTS ARE SHOWN ON THE RECORDED PLAT OF GLEN ACRES ADDITION.

FIELD WORK COMPLETED AUGUST 27, 2019.

THE ELEVATIONS SHOWN HEREON ARE BASED ON NAVD 1988 MEAN SEA LEVEL DATUM.



LEGAL DESCRIPTION:

A TRACT OF LAND IN LOT EIGHT (8), GLEN ACRES SUBDIVISION OF THE N/2 OF THE SW/4 OF SECTION EIGHT (8), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 64, EMBRACED WITHIN THE FOLLOWING LINES: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT; THENCE SOUTH ON THE WEST LINE OF SAID LOT A DISTANCE OF 250 FEET; THENCE EAST ON A LINE PARALLEL TO THE NORTH LINE OF SAID LOT A DISTANCE OF 246.9 FEET TO A POINT 22.5 FEET AT RIGHT ANGLES TO AND PARALLEL TO THE WESTERLY LINE OF THE RIGHT-OF-WAY OF THE MISSOURI-KANSAS & TEXAS RAILROAD COMPANY; THENCE IN A NORTHWESTERLY DIRECTION ON A LINE PARALLEL TO THE WESTERLY LINE OF SAID RIGHT-OF-WAY, 22.5 FEET AT RIGHT ANGLES AND PARALLEL TO SAID RIGHT-OF-WAY TO THE NORTH LINE OF SAID LOT; THENCE WEST ON THE NORTH LINE OF SAID LOT TO THE POINT OF BEGINNING, AND KNOWN AS 2602 EAST 16TH STREET SOUTH.

SURVEYOR'S STATEMENT

WHITE SURVEYING COMPANY, AN OKLAHOMA CORPORATION, AND THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT IN OUR PROFESSIONAL OPINION THE ABOVE PLAT OF SURVEY IS AN ACCURATE REPRESENTATION OF A CAREFUL BOUNDARY SURVEY OF THE PROPERTY DESCRIBED HEREON, AND MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION. WE FURTHER STATE THAT THE ABOVE AND FOREGOING PLAT OF SURVEY ACCURATELY SHOWS THE LOCATION OF THE BOUNDARY CORNERS AND THEIR MONUMENTATION, THE DIMENSIONS OF THE PROPERTY, THE LOCATIONS OF ALL BUILDINGS ON PERMANENT FOUNDATIONS, ALL RECORDED PLAT EASEMENTS AND BUILDING SETBACK LINES (IF APPLICABLE), AND ALL OTHER SUCH EASEMENTS WHICH HAVE BEEN DISCLOSED BY A CURRENT TITLE OPINION OR COMMITMENT FOR TITLE INSURANCE AND COPIES THEREOF PROVIDED TO US PRIOR TO THE TIME OF THIS SURVEY; THAT UNDERGROUND OR ABOVE GROUND UTILITIES WERE NOT FIELD LOCATED AND THEREFORE ARE NOT SHOWN ON THIS PLAT OF SURVEY UNLESS SPECIFICALLY REQUESTED PRIOR TO THE TIME OF THIS SURVEY; THAT EXCEPT AS SHOWN, THERE ARE NO ENCROACHMENTS FROM ADJOINING PREMISES ONTO THE PROPERTY DESCRIBED HEREON OR ONTO ADJOINING PREMISES FROM THE PROPERTY DESCRIBED HEREON BY VISIBLE PERMANENT IMPROVEMENTS; AND THAT THIS PLAT OF SURVEY IS PREPARED SOLELY FOR THE PARTIES LISTED HEREON AS OF THIS DATE AND MAY NOT BE USED FOR ANY SUBSEQUENT LOAN CLOSING, REFINANCE, OR OTHER TRANSACTION.



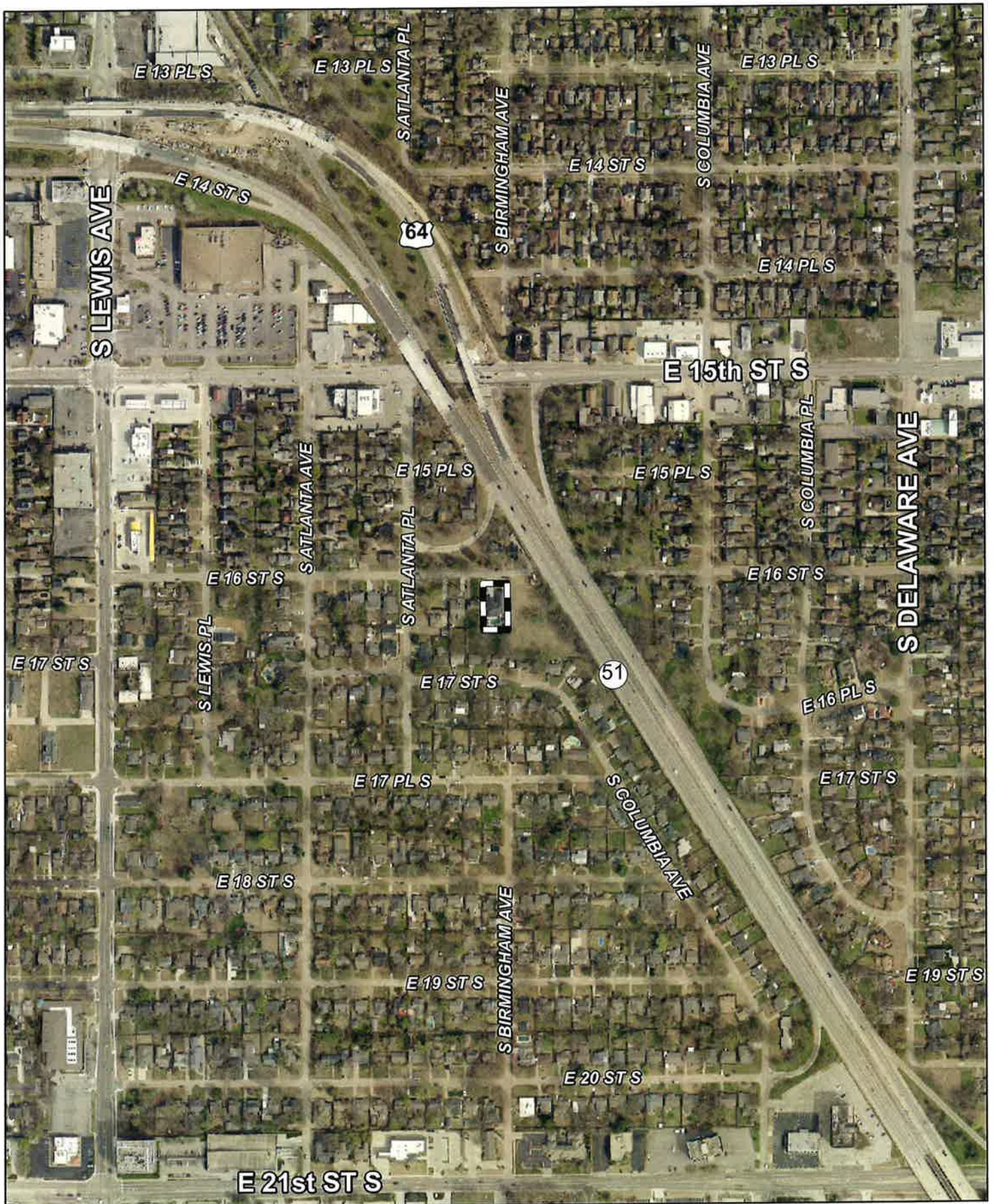
BEFORE YOU DIG,
CALL ONE FOR
LOCATION OF
UNDERGROUND UTILITIES.
DIAL 811



WHITE SURVEYING COMPANY
CERTIFICATE OF AUTHORIZATION NO.
CA1098 (RENEWAL 6/30/2021)

Randy K. Shoefstall 5/13/20
REGISTERED PROFESSIONAL LAND
SURVEYOR OKLAHOMA NO. 1876

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0 Feet
200 400



Subject
Tract

BOA-23174

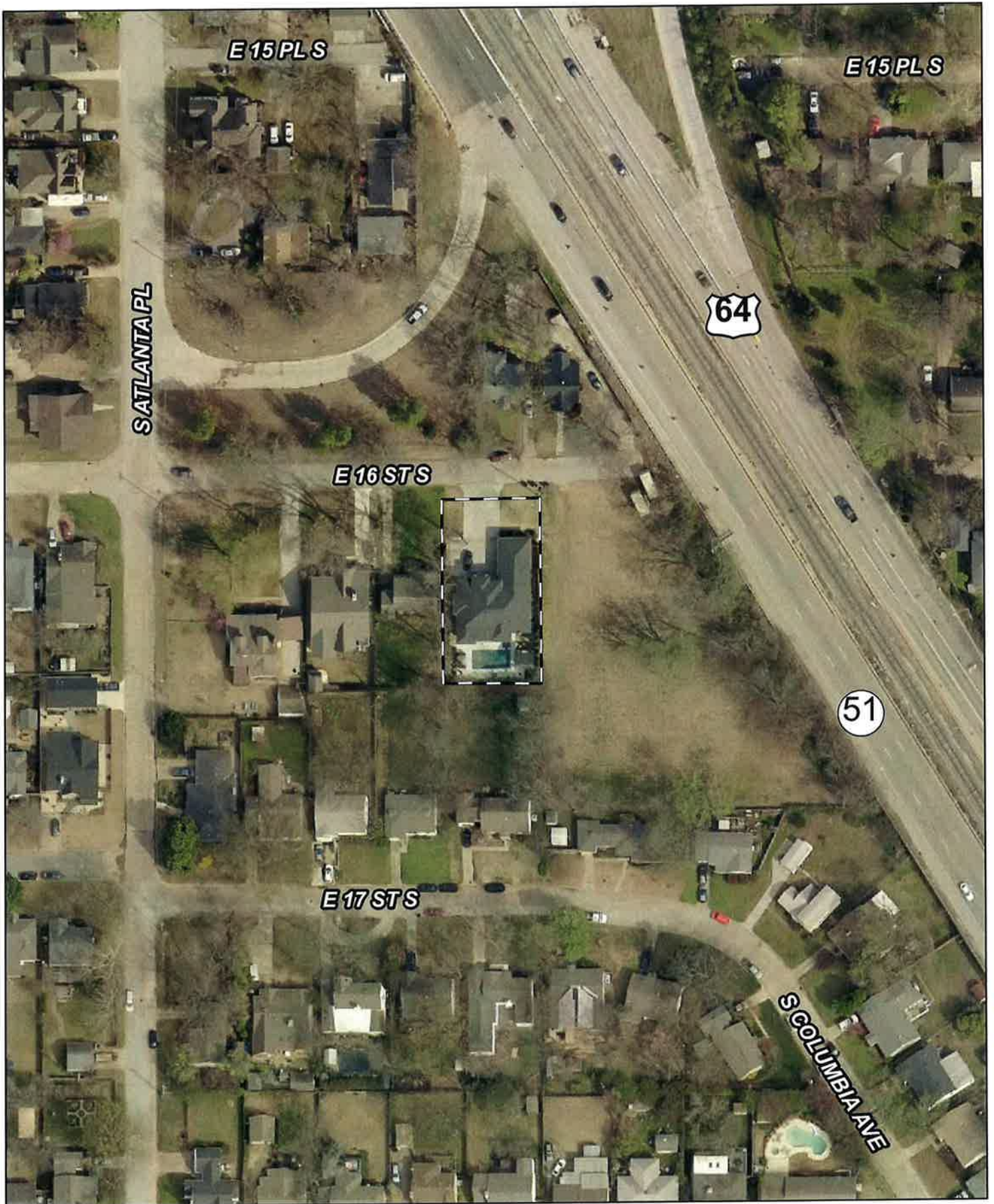
19-13 08

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

Aerial Photo Date: 2020/2021



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Subject
Tract

BOA-23174

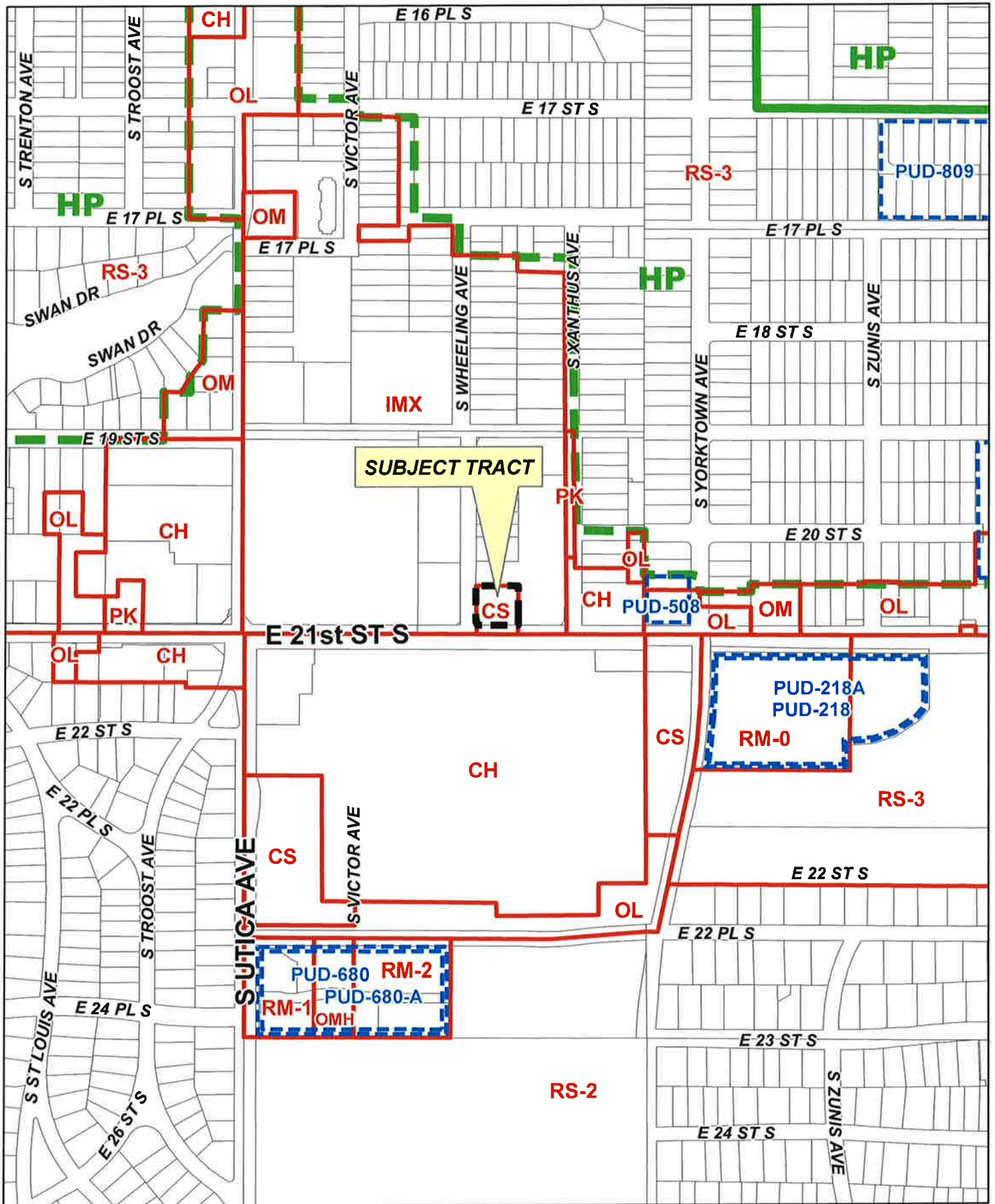
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Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: 2020/2021



5.12



BOA-23175

19-13 07

6.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9307

Case Number: **BOA-23175**

CZM: 37

CD: 4

HEARING DATE: 08/24/2021 1:00 PM

APPLICANT: Christopher Wadleigh

ACTION REQUESTED: Variance to reduce the number of required vehicle parking spaces from 23 to 15 spaces (Sec. 55.040-B, Table 55-1); Variance to reduce the required number of short-term bicycle parking from 2 to 0 spaces (Sec. 55.060-B, Table 55-3); Variance of the required interior parking lot landscaping standards (Sec. 65.050) Variance of the required street frontage buffer requirements (Sec. 65.060-C); Variance to allow a drive-through lane on a street-facing side of a property (Section 55.100-C. 2)

LOCATION: 1905 E 21 ST S

ZONED: CS

PRESENT USE: Wendy's Restaurant

TRACT SIZE: 17228.05 SQ FT

LEGAL DESCRIPTION: LTS 13 THRU 15 LESS BEG SWC LT 15 TH N14.88 E1 S8 SE8.08 W5 POB BLK 2, REDDIN THIRD ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-6416; On 0.19.69 the Board approved a a variance of the setback requirement from 21st street for a canopy on a gas station.

BOA-10346; On 03.15.79 the Board approved a variance of the setback requirements form 21st street for the original Wendy's restaurant and signage.

BOA-14615; On 09.17.87 the Board approved variance of the setback requirements from 21st street for an addition to the restaurant.

BOA-15396; On 03.15.90 the Board approved a variance of the setback requirement from 21st street for a new sign.

Other properties:

BOA-22825; On 01.14.2020 the Board approved a variance to allow drive-through facilities to be located on the street-facing side of a property and a variance of the required number of stacking spaces for a Wendy's restaurant located at 1209 E. Pine Street N. This property is not in the immediate area, btu the relief request is similar for the same Restaurant brand. It should be noted that in this case the site was limited to two entry points and the current site configuration at 1905 E. 21st Street contains three curb-cuts, one of which is only a few feet from the intersection of Wheeling and E. 21st Street.

6.2

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.

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NE/c of East 21st Street and Wheeling Ave. The subject property is immediate East of St. John Ascension Hospital and North of Utica Square Shopping center.

6.3

STAFF COMMENTS: The applicant is requesting Variance to reduce the number of required vehicle parking spaces from 23 to 15 spaces (Sec. 55.040-B, Table 55-1); Variance to reduce the required number of short-term bicycle parking from 2 to 0 spaces (Sec. 55.060-B, Table 55-3); Variance of the required interior parking lot landscaping standards (Sec. 65.050) Variance of the required street frontage buffer requirements (Sec. 65.060-C); Variance to allow a drive-through lane on a street-facing side of a property (Section 55.100-C. 2)

As of the writing of this case report the applicant has enaged with staff about the applying for an Alternative Complainece Landscape plan which , if approved by staff ,would allow the project to move forward without the need for the landscaping variances. Additionally the applicant has indicated that they are working to find the required number of bicycle parking spaces on site and may not need that relief.

Include in your packet is a copy of code sections Table 55-1, Table 55-3, 65.050 and 65.060-c.

55.100-C Location and Design

1. Stacking lanes must be located on the subject property. They may not be located within required driveways or drive aisles, parking spaces or loading areas and may not interfere with access to parking and ingress and egress from the street.
2. All areas associated with drive-through facilities, including drive-through signs, stacking lanes, trash receptacles, loudspeakers and service windows must be located to the rear or on the non-street-facing side of the property. Drive-through lanes must be set back at least 10 feet from abutting R- or AG-R- zoned lots, and a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.070-C.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to reduce the number of required vehicle parking spaces from 23 to 15 spaces (Sec. 55.040-B, Table 55-1); **Variance** to reduce the required number of short-term bicycle parking from 2 to 0 spaces (Sec. 55.060-B, Table 55-3); **Variance** of the required interior parking lot landscaping standards (Sec. 65.050) **Variance** of the required street frontage buffer requirements (Sec. 65.060-C); **Variance** to allow a drive-through lane on a street-facing side of a property (Section 55.100-C. 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."*

USE CATEGORY	Measurement (spaces per)	CBD District	CH District and MX District	All Other Districts and PI Overlay [1]	Additional requirements/notes
Subcategory					
Specific use					
	[1] See Section 20.040 for information on PI Overlay				
Research service	1,000 sq. ft.	0.00	0.80	1.00	
Financial Services (except as below)	1,000 sq. ft.	0.00	2.50	3.00*	*2.50 per 1,000 sq. ft. above 30,000 sq. ft.
Personal credit establishment	1,000 sq. ft.	0.00	2.80	3.75	
Funeral or Mortuary Service	1,000 sq. ft. (assembly room)	0.00	16.25*	21.25*	*plus 3.30 spaces per 1,000 sq. ft. in non-assembly area
Lodging					
Bed & breakfast	guest room	0.00	0.65*	0.85*	*plus spaces required for assembly space
Campgrounds and RV parks	camping space	0.00	0.65	0.85*	
Hotel/motel	guest room	0.00	0.65*	0.85*	*plus spaces required for restaurants/bars and assembly/meeting space
Rural retreat	guest room	0.00	0.65*	0.85*	*plus spaces required for restaurants/bars and assembly/meeting space
Marina		0.00	established as part of special exception		
Office					
Business or professional office	1,000 sq. ft.	0.00	2.20*	2.80**	*None for first 5,000 sq. ft. **2.50 per 1,000 sq. ft. above 30,000 sq. ft.
Medical, dental or health practitioner office	1,000 sq. ft.	0.00	2.60	3.40	
Plasma center	1,000 sq. ft.	0.00	2.60	3.40	
Parking, Non-accessory		0.00	0.00	0.00	
Restaurants and Bars					
Restaurant	1,000 sq. ft.	0.00	6.50*	8.50	*None for first 5,000 sq. ft.
Restaurant, carry-out only	1,000 sq. ft.	0.00	2.50	2.50	
Bar	1,000 sq. ft.	0.00	8.50*	11.25	*None for first 5,000 sq. ft.
Retail Sales					
Antique dealer or furniture store	1,000 sq. ft.	0.00	1.65	2.20	
Building supplies and equipment	1,000 sq. ft.	0.00	1.65	2.20	

5.6

Section 55.060 Bicycle Parking

55.060-A Purposes

- 1. Short-term Bicycle Parking**
Short-term bicycle parking is generally intended to serve the needs of cyclists who park their bicycles for short time periods, including customers, clients, students and other short-term visitors.
- 2. Long-term Bicycle Parking**
Long-term bicycle parking is generally intended to serve the needs of cyclists who park their bicycles for long time periods, primarily employees and residents.

55.060-B Spaces Required

- 1. Short-term Bicycle Parking**
Short-term bicycle parking spaces must be provided in accordance with the minimum ratios established in [Table 55-3: Minimum Required Bicycle Parking Ratios](#)

Table 55-3: Minimum Required Bicycle Parking Ratios

USE CATEGORY	
Subcategory	Bicycle Spaces (% of Required Motor Vehicle Parking Spaces)
Specific use	
RESIDENTIAL	
Household Living	
Apartment/condo	10% or 2 spaces, whichever is greater
PUBLIC, CIVIC AND INSTITUTIONAL	
College or University	10% or 2 spaces, whichever is greater
Library or Cultural Exhibit	10% or 2 spaces, whichever is greater
Parks and Recreation	5% or 2 spaces, whichever is greater
School	
Elementary or Middle School	10% or 2 spaces, whichever is greater
Senior High	5% or 2 spaces, whichever is greater
COMMERCIAL	
Assembly and Entertainment	5% or 2 spaces, whichever is greater
Commercial Service	
Personal improvement service	5% or 2 spaces, whichever is greater
Financial Services	5% or 2 spaces, whichever is greater
Restaurants and Bars	
Restaurant	5% or 2 spaces, whichever is greater
Bar	5% or 2 spaces, whichever is greater
Retail Sales	
Consumer shopping goods	5% or 2 spaces, whichever is greater
Convenience goods	5% or 2 spaces, whichever is greater
Studio, Artist or Instructional Service	5% or 2 spaces, whichever is greater

55.060-C Long-term Bicycle Parking

Long-term bicycle parking and storage is not required, but as a means of encouraging the provision of long-term bicycle parking spaces for employees and bicycle commuters, motor vehicle parking credit is offered in accordance with [§55.050-G](#).

Section 65.050 Interior Parking Lot Landscaping

65.050-A Purpose

The interior parking lot landscaping regulations of this section are intended to help mitigate the visual and stormwater runoff impacts of parking lots and provide shade for parked vehicles and pedestrians.

65.050-B Applicability

Unless otherwise expressly stated, the interior parking lot landscaping regulations of this section apply to all the following:

1. The construction of any new principal building or addition to a principal building that increases the floor area of principal buildings on the subject lot by more than 20%;
2. The construction or installation of any new parking lot containing 10 or more parking spaces; and
3. The expansion of any existing parking lot that increases the number of parking spaces or amount of paved area by more than 33%.

65.050-C Exception

Parking areas used solely for the display of motor vehicles for sale, lease or rental are exempt from the interior parking lot landscaping requirements of this section.

65.050-D Requirements

1. Landscape Area

- a. At least 35 square feet of interior parking lot landscape area must be provided for each parking space. If compliance with this regulation would result in the loss of required parking spaces, the amount of parking required is automatically reduced by the amount needed to accommodate the required interior parking lot landscape area.
- b. When at least 50% of interior parking lot landscape area consists of depressed bioretention areas used for stormwater management, the minimum interior parking lot landscape area requirement is reduced from 35 square feet per parking space to 28 feet per parking space. To receive this bioretention credit, the stormwater harvesting area must be at least 6 inches and not more than 18 inches in depth and planted with vegetation that can withstand periodic inundation.

2. Trees and Plant Material

Required interior parking lot landscape areas must include at least one large tree per 10 parking spaces. Small trees may be substituted for large trees if the land use administrator determines that the presence of overhead lines or other obstructions make the installation of large trees unsafe or impractical or would result in poor growing conditions. Minimum tree planting requirements may be satisfied by the installation of new trees or by the preservation of existing trees (see Sec. [65.080-B4](#) to determine available incentives for preservation of existing trees).

3. Location and Design

- a. Interior parking lot landscaping must be reasonably distributed throughout the parking lot and provided in landscape islands or medians that comply with all the following requirements:
 - (1) They must be bordered by a paved surface on at least 2 sides;
 - (2) They must be at least 7 feet wide, as measured from the back of the curb;
 - (3) They must include at least one tree per island and be covered with ground cover plants or mulch;
 - (4) They must be protected by curbs or other barriers, which may include breaks or inlets to allow stormwater runoff to enter the landscape island; and
 - (5) They must be located so that every parking space is within 100 feet of a tree.
- b. Parking rows that end abutting a paved driving surface must have a landscape terminal island (end cap) at that end of the parking row. All other parking lot landscape islands must be located to comply with all applicable regulations of this section. The regulations of [65.050-D3.a](#) apply to the landscape terminal island.
- c. The land use administrator is expressly authorized to approve landscape plans that do not provide terminal islands at the end of each parking row or that otherwise provide for reduced dispersal of interior parking lot landscape areas when proposed landscape planting areas are combined to form functional bioretention areas or to preserve existing trees and vegetation.

4. Vehicle Overhangs

A portion of a motor vehicle parking space may be landscaped instead of paved to meet interior parking lot landscaping requirements. The landscaped area may be up to 2.5 feet of the front of the space, as measured from a line parallel to the direction of the bumper of the vehicle using the space. Groundcover plants or mulch must be provided in the allowed overhang area.

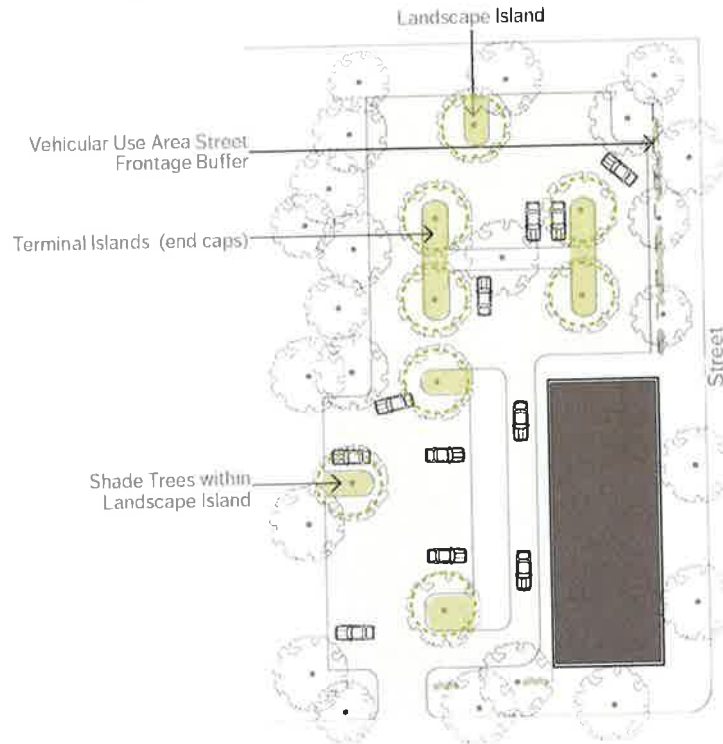
5. Relationship to Vehicular Use Area Buffer Regulations

Landscape areas and plant material provided to satisfy the vehicular use area buffer regulations of [Section 65.060](#) may not be counted toward satisfying the interior parking lot landscaping regulations of this section ([Section 65.050](#)).

6. Materials, Installation and Maintenance

See [Section 65.080](#) and [Section 65.090](#).

Figure 65-2: Interior Parking Lot Landscaping



Section 65.060 Vehicular Use Area Buffers

65.060-A Purpose

The vehicular use area buffer regulations of this section are intended to help mitigate the visual and operational impacts of parking lots and other vehicular use areas when such areas are adjacent to streets, highways, residential zoning districts, or agricultural-residential zoning districts.

65.060-B Applicability

A "vehicular use area" is an area on a lot that is not contained within a garage or similar enclosed or partially enclosed structure that is designed and intended for use by motor vehicles, including parking lots, vehicle storage and display areas, loading areas; and driveways and drive-through lanes. Unless otherwise expressly stated, the vehicular use area buffer regulations of this section apply to all the following:

1. The construction or installation of any new vehicular use area with a contiguous paved area of 3,500 square feet or more; and
2. The expansion of any existing vehicular use area that results in the addition of 3,500 square feet of paved area, in which case the vehicular use area perimeter landscaping requirements of this section apply only to the expanded area.

65.060-C Requirements

1. Street Frontage Buffers

- a. When a vehicular use area is located adjacent to a street or highway right-of-way, street frontage buffers must be provided in accordance with this subsection to physically and visually buffer the vehicular use area from the right-of-way.
- b. Street frontage buffers are required only when the vehicular use area is located within 100 feet of the right-of-way and there are no intervening buildings between the vehicular use area and the right-of-way.
- c. Except as expressly stated for vehicular use areas in the CBD zoning district (see [65.060-C1.d](#)), street frontage buffer areas must be at least 7 feet in width and include an S1 screen, in accordance with Sec. [65.070-C1](#).
- d. In the CBD zoning district, required street frontage buffers must be at least 3 feet in width and include an S1 screen, in accordance with Sec. [65.070-C1](#).
- e. Groundcover plants must be provided in all street frontage buffer areas not covered by fences or walls.
- f. The vehicle overhang allowance of [65.050-D4](#) applies to parking spaces abutting street frontage buffers.

2. R or AG-R District Buffers

- a. When a vehicular use area is located on a lot abutting an R- or AG-R-zoned lot, an R or AG-R district buffer must be provided in the form of an F1 screen, in accordance with [65.070-C2](#).
- b. R or AG-R district buffers are

Figure 65-3: Street Frontage Buffer

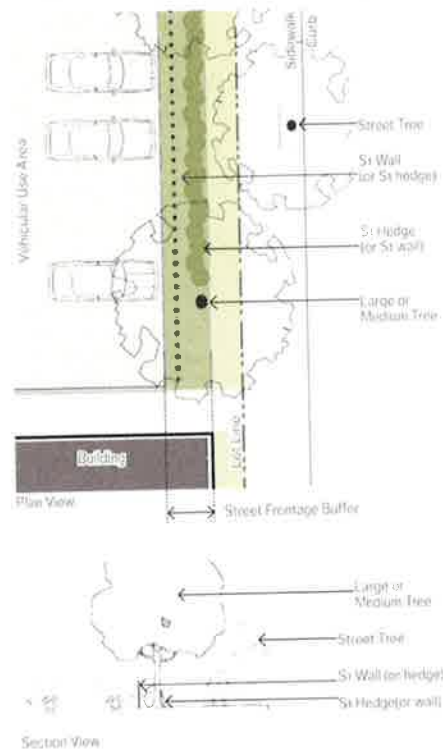
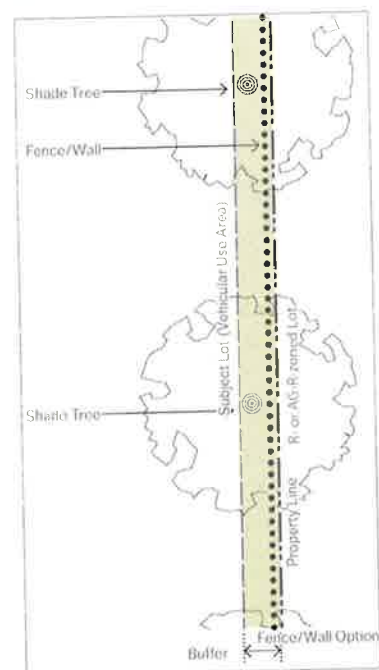


Figure 65-4: R and AG-R District Buffer



required only when the vehicular use area is located within 100 feet of an abutting R- or AG-R-zoned lot and there are no buildings between the vehicular use area and the abutting R- or AG-R-zoned lot.

- c. Groundcover plants must be provided in all R or AG-R district buffer areas that are not covered by fences or walls.
- d. The vehicle overhang allowance described in [Sec. 65.050-D4](#) applies to parking spaces abutting R or AG-R district buffers.

3. Materials, Installation and Maintenance

See [Section 65.080](#) and [Section 65.090](#).

Section 65.070 Screening

65.070-A Purpose

Screening requirements are intended to partially or completely shield expressly identified uses and site features from view of abutting streets or other abutting lots.

65.070-B Features Required to be Screened

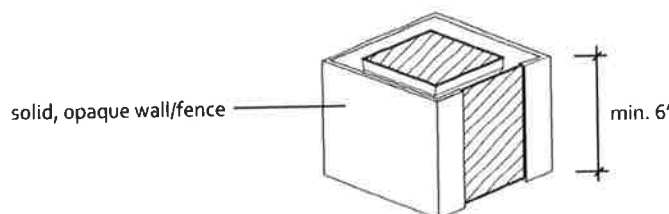
1. General

This subsection establishes screening requirements for several common site features that require visual separation from streets and abutting lots. Other uses, districts, structures and activity areas may also require screening in accordance with other provisions of this zoning code.

2. Dumpsters

All dumpsters must be screened from view of all street rights-of-way and R-zoned property, and AG-R zoned property. Screening of dumpsters located in alley rights-of-way is not required. Dumpsters may be screened from view by a principal structure or by an F1 screening fence or wall in accordance with [§65.070-C2](#). When an F1 screening fence or wall encloses a dumpster on four sides, one side of the storage area must be furnished with an opaque, lockable gate kept closed at all times except during waste deposit or collection. The gate must be located and constructed to allow for unobstructed access to each dumpster during collection.

Figure 65-5: Dumpster Screening



6415

Action Requested: Exception (Section 5 (f) (aa)) to permit the operation of a day nursery in a U-1C district, on a tract located at 2543-2547 East 5th Street.

Presentation: A representative of the University Church of the Nazarene stated that the church owns the property and felt that there was a need in the community for a day nursery. She advised that their Pastor had contacted the residents of the apartments near the tract and also the neighbors and submitted petition in favor to the Board (Exhibit "D-1").

Protests: A representative of Mr. E. A. Martin, the owner of the 12 unit apartment adjacent to this property stated that the proposed use would devalue their property, they would lose tenants since some of their tenants have to sleep in the daytime.

Board Action: On MOTION of LANGAN, the Board of Adjustment (5-0) granted an Exception (Section 5 (f) (aa)), to permit the operation of a day nursery in a U-1C district, on the following described tract:

Lots 23 and 24, Block 4, College View Addition to the City of Tulsa, Oklahoma.

6416

Action Requested: Exception (Section 15) to modify the major street setback requirements in a U-3D district to permit the erection of a canopy 4' 6" over the major street setback, on a tract located at the NE corner of 21st Street and Wheeling Avenue.

Presentation: Ray Gotto, representing Gulf Oil Company, stated that they propose to modernize the Gulf station, changing the exterior by substituting a brick exterior. We plan to carry the canopy over both of the existing islands and Gulf has authorized me to state that we would be agreeable to removing the canopy if the street is widened and the canopies would interfere.

Protests: None.

Board Action: On MOTION of JOLLY, the Board of Adjustment (5-0) granted an Exception (Section 15) modifying the major street setback requirements in a U-3D district to permit the erection of a canopy 4' 6" over the major street setback, subject to the execution of a right-of-way removal agreement, on the following described tract:

Lots 13, 14, 15, Block 2, Reddin Third Addition to the City of Tulsa, Oklahoma. 8.19.69:38(9)

10345 (continued)

live alone, but needs someone close by to check on her. The Board has approved this request 5 previous times.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to maintain a mobile home in an RS-3 District (bond required); and a

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit a mobile home for a period of five years, to run with the ownership of Mr. Goedecke only, on the following described tract:

The West 327.5' of Lot 2, Block 6, Union Gardens Addition to the City of Tulsa, Oklahoma.

10346

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 110' to 60' from the centerline of 21st Street; and a

Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 60' to 45' from the centerline of 21st Street to permit the erection of a sign at 1905 East 21st Street.

Presentation:

The Chair recognized a procedural problem since only three Board members were present and one member, Mr. Smith, felt that he had a conflict of interest since his firm had surveyed the property and would not be able to vote on the application.

Board Action:

On MOTION of WAIT, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to continue Case No. 10346 to March 29, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Following discussion with the applicants, two of which were from Dublin, Ohio, and noting that Board member Lewis would not be present at the March 29th meeting, a decision was made to contact Mr. Jolly who agreed to come to the meeting and hear the Case. C. O. Clark, a protestant, was then contacted to return to the meeting.

Presentation:

John Bumgarner, Jr. representing Wendy's International, Inc., presented a plot plan (Exhibit "D-1") and an artist's rendering (Exhibit "D-2") of the proposed building. The plans have been designed to have an "in" and "out"

on 21st Street and both "in" and "out" on wheeling; this traffic layout has been approved by the Traffic Engineering Department. The applicant would like to locate the street sign on the property line with the understanding if the City widens 21st Street and requires the sign be moved back, Wendy's International, Inc., would bear the cost of the move. The sign will have a single pole encased in either redwood or cedar, will have 87 sq. ft. of display surface area and there will be no marquee.

Tom Nash, representing Wendy's International, Inc., stated the total square footage of the proposed sign is one-half the size of Wendy's usual sign. Wendy's is not opposed to using a monumental sign; however, the preference is to use the pole sign for the benefit of safety and for greater traffic visibility from both directions. Mr. Nash also advised that Wendy's is an adult-oriented restaurant and he felt it would be a benefit to the community.

At this time the Chair advised a motion to rescind the previous motion to continue, would be required in order to proceed with this hearing.

On MOTION of WAIT, the Board voted 3-0-0 (Jolly, Purser, Wait "aye"; no "nays"; no "abstentions"; Lewis, Smith "absent") to rescind the vote to continue Case No. 10346 and to hear the Case at this time.

Mr. Clark presented a letter (Exhibit "D-3") of protest from the Lewiston Gardens Homeowners Association and exhibited a letter (Exhibit "D-4") of protest from other homeowners in the area. The letters listed additional traffic burdens to the neighborhood, first, fast food restaurant chain built in the area and the possibility of a great deal of litter and trash in the neighborhood as reasons for protesting the application. Mr. Clark also noted that the City is discouraging left-hand turns off of Wheeling by putting the median into the intersection.

Ed Brett, President of the Barnard Area Neighborhood Association, advised that the Association's only objection was the proposed sign. The group felt if all the signs could be kept on the building, Wendy's would be acceptable to the neighborhood.

Board Action:

On MOTION of JOLLY, the Board voted 3-0-1 (Jolly, Purser, Wait "aye"; no "nays"; Smith "abstaining"; Lewis "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 110' to 60' from the centerline of 21st Street, per plot plan and renderings submitted for the file, indicating the type of facility that will be built on the location; and a

Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) of the setback requirements from 60' to 45' from the centerline of 21st Street to permit the erection of a sign with the restriction that the applicant return to the Board with the detail plans for the sign, subject to the customary removal contract, on the following described tract:

Lots 13, 14, 15, Block 3, Reddin Third Addition to the City of Tulsa, Oklahoma.

Case No. 14615

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213 - Request a variance of setback from the centerline of 21st Street from 110' to 60' to allow for an addition to an existing building, located 1905 East 21st Street.

Presentation:

The applicant, Harry Wallace, 1905 East 21st Street, Tulsa, Oklahoma, stated that an addition is planned for Wendy's Restaurant at the above stated location. He explained that a variance was acquired for the original building, and the new construction will be added on the side and align with the front building line.

Comments and Questions:

Ms. Hubbard explained that the restaurant was constructed in 1979 and approved by the Board, per plot plan, but since they now plan to deviate from the plan, additional consideration is required.

Mr. Gardner asked if the new construction is closer to 21st Street than the old building, and Ms. Hubbard stated that it aligns with the older building.

Ms. White asked where the new addition will be located, and the applicant informed that all new construction will be on the east side of the building.

Protestants: None.

Board Action:

On **MOTION** of **WHITE** the Board voted 3-0-0 (Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213) of setback from the centerline of 21st Street from 110' to 60' to allow for an addition to an existing building; per revised plot plan; subject to no new construction exceeding the existing setback; finding that the new addition will align with the existing building along 21st Street and the granting of the variance request will not cause substantial detriment to the public good or impair the spirit, purposes and intent of the Code or the Comprehensive Plan; on the following described property:

Lots 13, and 14, Block 2, Reddin III Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14616

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of rear yard setback from 25' to 5', a variance of sideyard setback from 10' to 2' and a variance of the livability space, all to allow for an addition to an existing dwelling unit, located 2427 East 26th Street.

9.17.87:499(12)

Case No. 15352 (continued)

Concerning the hardship for a variance request, Mr. Jackere informed that it is the duty of the Board, according to State law, to grant only the minimal variance necessary to alleviate the hardship. He stated that the original variance request was for a carport, and now the applicant is requesting permission to remove the major portion of the carport, while retaining approximately 6' of the structure. He pointed out that the filing of the second application for less relief might suggest that the original request for greater relief was not actually needed.

After Mr. Jackere's explanation concerning the affect this hearing could have on the pending court case, Mr. Smith requested withdrawal of the application.

Protestants:

Al Kolpek, 6913 East 17th Street, Tulsa, Oklahoma, submitted a packet (Exhibit A-1) containing a location map, petition of protest and several appraiser evaluations. Numerous property owners in the audience signed a petition of protest (Exhibit A-2).

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **WITHDRAW** Case No. 15352, as requested by the applicant.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15396

Action Requested:

Variance of the minimum sign setback requirement from 60' to 44' from the centerline of 21st Street to permit erection of new pole sign - **Section 1221.4 CS District Use Conditions for Business Signs - Use Unit 21, located 1923 East 21st Street South.**

Presentation:

The applicant, **Larry Wald**, was represented by **Sam Carney**, 533 South Rockford, Tulsa, Oklahoma, who requested permission to install a sign at the above stated location. After submitting a site plan (Exhibit B-1), Mr. Carney explained that the sign will be placed east of Wendy's Restaurant, and in front of the St. John's Professional Building. He informed that there are numerous signs in the area that are as close to the centerline of the street as the sign in question.

Comments and Questions:

Ms. Bradley asked if the sign in question will replace an existing sign, and Mr. Carney stated that there was previously a Glass-Nelson sign at this location.

03.15.90:559(2)

6.17

Case No. 15396 (continued)

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** of the minimum sign setback requirement from 60' to 44' from the centerline of 21st Street to permit erection of new pole sign - **Section 1221.4 CS District Use Conditions for Business Signs** - Use Unit 21; per plot plan submitted; finding that there are numerous signs in the area that are as close to the street as the sign in question, and the granting of the variance request will not be detrimental to the area, or violate the spirit, purposes and intent of the Code; on the following described property:

Lots 5 - 12, Block 3, and the south 34.26' of Lot 4, Block 3, and all of Lots 9 - 12, Block 2, and the west 150' of Lot 1, Block 5, and the north 6.61' of the west 150' of Lot 2, Block 5, Reddin Third Addition, and a 137.66' by 159' tract out of Lot 12, Block 3, Reddin Third Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15403

Action Requested:

Variance of the required 100' of lot width to 71' and 87' to permit a lot split - **Section 430.1 BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 1306 South 83rd East Avenue.

Presentation:

The applicant, **Jim R. Harp**, 552 South 89th East Avenue, Tulsa, Oklahoma, informed that he owns property which is 258' wide and 297.5' deep. He explained that there are two existing houses on the large lot, and requested that the variance of lot width be approved to allow a lot split (71' and 87' frontages). The applicant pointed out that there is one lot in the area that has a 60' frontage.

Comments and Questions:

Mr. Gardner remarked that both lots comply with the area requirements, but do not have sufficient frontage on a dedicated street to meet the width requirement for two lots.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** of the required 100' lot width to 71' and 87' to permit a lot split - **Section 430.1 BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; finding that

03.15.90:559(3)

6.18

Mr. Van De Wiele asked Mr. Carr if he was aware of any other dispensaries or permitted dispensaries within the 1,000-foot radius. Mr. Carr answered no.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION of ROSS**, the Board voted 4-0-1 (Bond, Ross, Shelton, Van De Wiele "aye"; no "nays"; Radney "abstaining"; none absent) I move that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary; for the following property:

LTS 3 & 4 BLK 7 & PRT VAC RR R/W BEG 86.51SE MOST NLY NEC LT 4 BLK 7 TERRACE DRIVE ADDN TH SE53.61 N23 W12.75 NW15.89 NW12.52 POB SEC 7 19 13 .005AC, TERRACE DRIVE ADDN AMD SUB B2-3&7, City of Tulsa, Tulsa County, State of Oklahoma

22825—Austin Hahn

FILE COPY

Action Requested:

Variance to allow restaurant drive-through facilities to be located on the street facing side of the property (Section 55.100-C2); Variance to reduce the required number of stacking spaces for a restaurant drive-through (Section 55.100-A, Table 55-6). **LOCATION:** 1209 East Pine Street North (CD 1)

Presentation:

Austin Hahn, 4322 North Lincoln Avenue, Chicago, IL; stated presented a prepared Powerpoint presentation for the Board's review. Mr. Hahn stated there is a Popeye's kitchen next door to the subject location, residential to the north, a McDonald's facility to the south and a QuikTrip across the street. There are high power lines on Peoria Avenue, a number of civic installations along Pine Street, there is signage and a corner that must remain. The building orientation is to make sense for the residential to the north and for the traffic pattern on both Pine and Peoria. The drive-up service would be located on the south side of the building. The vehicle stacking distance is three 18'-0" spaces, or 54'-0", is required and the proposal is for 43'-0" based on the geometrics of the property being much wider in the east-west direction than the north-south direction. The driving surface location is required to be behind the building, and it is proposed to be on one of the two frontages; this is a double fronted lot. The west side which is not a frontage does not have enough space to stack vehicles. Topographical conditions do not pose practical difficulties there are a number of easements on the property, civic

01/14/2020-1242 (12)

6.19

BOA-22825

installations, overhead lines and an existing wall on the northwest corner. In addition, the property is located on a hard corner. Overlaying all these conditions on top of each other shows there is a significantly constrained lot. The green easement through the middle of the lot is a PSC of Oklahoma easement and it has been successfully vacated in July, however, the vacation for the orange easement that takes up real estate on three sides of the property has been rejected by the City of Tulsa in October. Mr. Hahn stated that an application to permit construction in that easement for the drive-up service will be filed. Mr. Hahn stated that strict enforcement of the zoning provisions is not necessary to achieve the purpose; the purpose of the provision is to use a building to visually block and possibly audibly block what happens in a drive-up service. By putting the drive-up service on the same side of the street, the street noise will certainly exceed the noise generated from the drive-up service. Additionally, there are other options to visually screen the drive-up that may be more effective. The City has already used a masonry wall to soften the corner.

Mr. Van De Wiele asked Mr. Hahn if the curved wall and the landscaping was going to stay. Mr. Hahn answered affirmatively and stated the signage will also stay.

Mr. Hahn stated that if the Board were to take what is zoned CS, what are the hard corners within the CS zoning, what are drive-up uses along with properties that have easements on them, and the subject property is the only one. There is no other property that has the same use on a hard corner, is encumbered by easements except for the subject property. Mr. Hahn stated that he thinks this meets exceptional circumstances because what is there cannot be replicated in neighboring lots. The Variance, if granted, is the minimum that will afford relief and no other Variance is being sought. The Variance will not alter the character of the neighborhood because there are other drive-up lanes that face Pine with no screening, so this has clearly been approved in the past. Mr. Hahn stated the drive-up is being moved away from the residential in the rear by moving it up to the front and it will be screened visually. In addition, the company is prepared to dedicate a significant amount of right-of-way back to the City for their use. This request will not impair the spirit of the Zoning Code because this Board will retain the power to review these requests for drive-ups on street side on a case by case basis.

Ms. Shelton asked Mr. Hahn what the exact plans were for screening the drive thru. Mr. Hahn stated construction documents have not been started so there are no plans for anything, but the Board does have the power to condition what the landscaping would be. The City will have to approve whatever is proposed because of the utility easement.

Mr. Van De Wiele asked Mr. Wilkerson what the Code states for landscaping standards. Mr. Wilkerson stated the landscape chapter in the Zoning Code requires a continuous vegetative buffer along vehicular use areas that abut arterial streets. In addition to that, there are trees required about every 30 feet. There is a lot more landscaping required than what has been done in the past. Mr. Wilkerson stated the Code is a lot more robust than what has been seen in the past.

BOA - 22825

Mr. Van De Wiele asked Mr. Wilkerson what would be required between the property and the neighborhood to the north. Mr. Wilkerson stated there would be a screening fence required and maybe landscaping.

Ms. Shelton asked Mr. Wilkerson if there would be a requirement for landscaping along the lot line on the east side as well. Mr. Wilkerson answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Van De Wiele stated that he would rather see this given the amount of foot traffic coming from the north and from the west. Having pedestrian cross as little of the drive thru facility as possible is a good idea, and he thinks this accomplishes that.

Ms. Ross stated she has no issues with the request.

Ms. Radney stated her concerns are the new BRT stop that is on the corner and it already has a fair amount of pedestrian traffic. She would like to have more verification on the type of screening to be used on the Peoria side and the Pine side. The BRT will have potential pedestrian traffic day and night so her concern is that this will be a lot closer to the street and bright lights will potentially be shining into the intersection.

Ms. Shelton stated that she has the same concerns as Ms. Radney, not just for the lighting reasons but to prevent traffic from cutting the corner. She thinks it would be a good use of a condition to go above the Code requirements on this particular corner.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 3-2-0 (Radney, Shelton, Van De Wiele "aye"; Bond, Ross "nay"; no "abstentions"; none absent) to **APPROVE** the request for a **Variance** to allow restaurant drive-through facilities to be located on the street facing side of the property (Section 55.100-C2); **Variance** to reduce the required number of stacking spaces for a restaurant drive-through (Section 55.100-A, Table 55-6), subject to conceptual plan 10.12 of the agenda packet. The Board has found the hardship to be the odd shape of the lot as well as the restrictions of the existing easements. The minimum planting height at the time of planting be 4'-0" to serve as a vehicular buffer along the turning edge of the drive-thru that is bounded both by Pine and Peoria. 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;

BOA - 22825

- 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:

LTS 2 & 3 LESS BEG SWC LT 3 TH N20 E72 NE39.60 S48 W100 POB BLK 1; LTS 4 THRU 6 LESS S5 W/2 LT 5 & LESS S5 LT 6 BLK 1, BOOKER WASHINGTON ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22826—Gary Davis

Action Requested:

Variance of the minimum 75-foot lot width in an RS-2 District to permit a lot line adjustment (Section 5.030, Table 5-3). **LOCATION:** 409 and 413 South Zurich Avenue East (CD 5)

Presentation:

Gary Davis, 413 South Zurich Avenue, Tulsa, OK; stated his neighbor and he have come to an agreement to have her sell him 6'-0" from her property. Currently the lot width for 413 is 61'-0" and the neighbor's lot width is 73'-0". Mr. Davis stated that what he is attempting to do is put the lot line back where the City originally platted it. Mr. Davis stated that he has been told that when the neighborhood was originally platted these two properties were owned by the same person, the same family. Ultimately, it ended up being a brother and a sister. The brother lived in 413 and the sister lived in 409. In between the properties was a garden; the sister was an avid gardener. The brother became ill and he gave the sister the 6'-0" so she would not have to move her garden.

Mr. Van De Wiele asked Mr. Davis if the entire property line would be shifting 6'-0" to the north. Mr. Davis answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

DANA L. BOX
ZONING
PLANS EXAMINER II

TEL (918) 596-9657
danabox@cityoftulsa.org



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

July 23, 2021

Phone: 417-850-1995

LOD Number: 1 rev
Logan Ellis
811 E. 3rd St.
Joplin, MO 64801

APPLICATION NO: **ZC-077393-2021**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **1905 E. 21st St.**

Description: **Wendy's Restaurant**

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 WWW.TULSAPLANNING.ORG; IN PERSON AT 2 W. 2ND ST., 8TH FLOOR, IN TULSA; OR BY CALLING 918-584-7526 AND ASKING TO SPEAK TO SOMEONE ABOUT THIS LETTER OF DEFICIENCY.
4. A COPY OF A "RECORD SEARCH" **[X] IS [] IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

6.23

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT <http://tulsaplanning.org/plans/TulsaZoningCode.pdf>

ZC-077393-2021

1905 E. 21st St.

July 23, 2021

Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to a representative at the Tulsa Planning Office 918-584-7526 or esubmit@incog.org. It is your responsibility to submit to our 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. 55.040-B:** In calculating the number of parking spaces required for uses subject to a minimum parking ratio of "x" spaces per 1,000 square feet, first divide the floor area of the subject use by 1,000 and then multiply the result by "x." Your proposed space indicates $2,698 \text{ square feet} / 1000 = 2.698 \times 8.5 = 23$ spaces required

Review comment: 23 spaces are required for your proposed site. You indicate 15 on your site plan. Revise your plan or seek a variance from the Board of Adjustment. Contact Austin Chapman at achapman@incog.org or 918-584-7526 for further instruction.

2. **Sec. 55.060 B-**Short-term bicycle parking spaces must be provided in accordance with the minimum ratios established in Table 55-3. The table indicates restaurants provide 5% or 2 spaces, whichever is greater.

Review comment: Revise your plan to indicate the required number of bicycle parking spaces or seek a Special Exception per Sec. 55.060-E to reduce the number of short-term bicycle spaces required under this section.

3. **Sec. 65.050 D 1:** At least 35 square feet of interior parking lot landscape area must be provided for each parking space.

Review comment: Your plan indicates 15 spaces \times 35 square feet = 525 square feet of landscaping required.

4. **Sec. 65.050 D 2:** Required interior parking lot landscape areas must include at least one large tree per 10 parking spaces.

Review comment: Provide one large tree per 10 spaces. $15 \text{ spaces} / 10 = 1.5$ or 2 large trees are required.

5. **Sec. 65.050 D 3:**

- a. Interior parking lot landscaping must be reasonably distributed throughout the parking lot and provided in landscape islands or medians that comply with all the following requirements:
 - (3) They must include at least one tree per island and be covered with ground cover plants or mulch;

- (4) They must be protected by curbs or other barriers, which may include breaks or inlets to allow stormwater runoff to enter the landscape island; and

- (5) They must be located so that every parking space is within 100 feet of a tree.

- b. Parking rows that end abutting a paved driving surface must have a landscape terminal island (end cap) at that end of the parking row. All other parking lot landscape islands must be located to comply with all applicable regulations of this section. The regulations of 65.050-D 3.a apply to

the landscape terminal island.

Review Comment: Provide a landscape plan with location and design as indicated above.

6. **Sec. 65.060 C1 c:** Street frontage buffer areas must be at least 7 feet in width and include an S1 screen, in accordance with Sec. 65.070-C1.

Review comment: Provide street frontage buffer as indicated above.

7. **Sec. 65.070 C 1 b:** The S1 screen requires shrubs planted to form a continuous visual barrier (hedge) at least 3 feet in height.

Review Comment: Provide a landscape plan per the code referenced above.

8. **Sec. 65.080 B 1:** Unless otherwise expressly approved by the land use administrator, trees used to satisfy the tree planting requirements of this chapter must be selected from the recommended tree list.

Review Comment: Select your trees from approved list.

9. **Sec. 65.090 C:**

1. All required landscaped areas must be provided with irrigation in accordance with one of the following two options:

- a. a. A permanent irrigation system with a controller to tailor watering schedules to weather and site conditions; or
- b. b. A temporary irrigation system that provides enough water to ensure that all trees and plants will become established.

2. Irrigation systems must comply with all applicable building and plumbing codes.

Review Comment: Provide a landscape plan with an irrigation method as referenced above.

10. **Sec. 65.100-D:** To accommodate creativity in landscape and screening design and to allow for flexibility in addressing site-specific development/redevelopment challenges, the land use administrator is authorized to approve alternative compliance landscape plans sealed by a landscape architect licensed to practice in the State of Oklahoma.

Review Comment: You may want to consider an Alternative Compliance Landscape and Screening Plan. Contact Dwayne Wilkerson at INCOG for further information. dwilkerson@incog.org.

11. ***NEW*Sec. 55.100 C 2.** All areas associated with drive-through facilities, including drive-through signs, stacking lanes, trash receptacles, loudspeakers and service windows must be located to the rear or on the non-street-facing side of the property. Drive-through lanes must be set back at least 10 feet from abutting R or AG-R zoned lots and a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of 65.070-C.

Review Comment: The drive-through facilities are located on the street facing side of the property. Seek a variance to allow the drive-through on the street facing side of the property.

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

<http://tulsaplanning.org/plans/TulsaZoningCode.pdf>

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

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

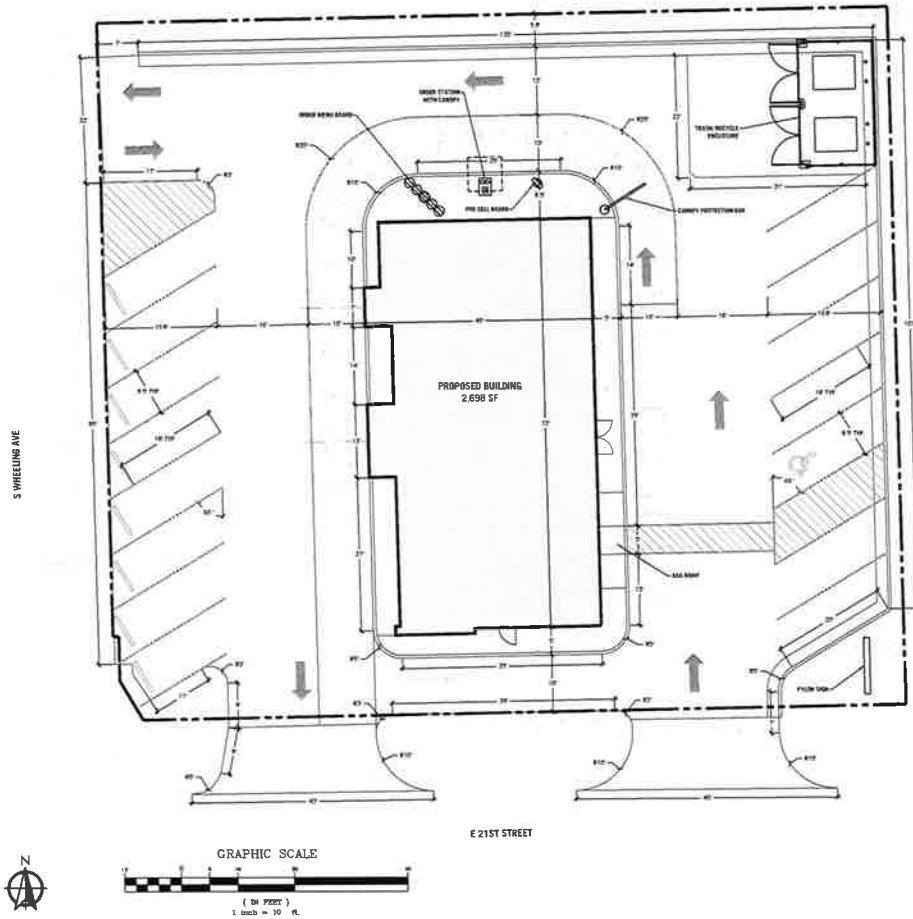
A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

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

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

6.27



GENERAL NOTES:

- ALL SITE DIMENSIONS TO THE LINE OF CURB, CENTERLINE OR PROPERTY LINE UNLESS OTHERWISE NOTED.
- CONTRACTOR TO FIELD VERIFY EXISTING CONDITIONS BY DETAIL INSPECTION PRIOR TO SUBMITTING TO AND STARTING CONSTRUCTION.
- COORDINATE WITH OTHER SITE RELATED DEVELOPMENT DRAWINGS.
- REPORT TO STRUCTURAL PLANS FOR DEVELOPMENT OF CURBWALES ADJACENT TO FOUNDATIONS.
- REPORT TO ARCHITECTURAL PLANS FOR EXACT BUILDING DIMENSIONS.
- DIMENSIONS THAT LOCATE THE BUILDING ARE MEASURED TO THE OUTSIDE FACE OF THE BUILDING.
- SEE CONSTRUCTION AND PAVEMENT MAPS SHALL CONFORM TO THE REQUIREMENTS OF THE MANUAL ON SIGNAL TRAFFIC CONTROL DEVICES (MUTCD) LATEST EDITION.

CONTRACTOR SHALL FIELD VERIFY PROPOSED EXISTING WATER EXISTING PAVEMENT AT DRIVEWAY ENTRANCES. CONTRACTOR SHALL NOTIFY ENGINEER IF DISCREPANCY OCCURS.

SPECIAL NOTE:
CONTRACTOR TO FURNISH DETAIL SITE INSPECTION TO LOCATE ALL EXISTING UTILITIES AND VERIFY ANY POSSIBLE CONFLICTS WITH PROPOSED IMPROVEMENTS PRIOR TO BEGINNING ANY CONSTRUCTION. CONTACT ENGINEER WITH ANY CONFLICTS.

PARKING SUMMARY

15 TOTAL PARKING SPACES PROVIDED
1 VAN ACCESSIBLE PARKING SPACE PROVIDED

PAINT LEGEND

STRIPING AND HANDCAP STRIPING	SURFACES SHOULD BE CLEAN AND DRY. TOP COAT 4" WIDE. SHOWDOWN WILLIAMS. PRO MARK TRAFFIC MARKING PAINT YELLOW "TODAY".
HANDCAP PARKING "SYMBOLS" ONLY	SURFACES SHOULD BE CLEAN AND DRY. TOP COAT 4" WIDE. SHOWDOWN WILLIAMS. PRO MARK TRAFFIC MARKING PAINT 10 C" BLUE. OR APPROVED EQUIV.

SYMBOLS LEGEND

NOTES TO SURVEY FOR EXISTING CONDITION SYMBOLS LEGEND	
[Symbol]	PROPOSED BUILDING
[Symbol]	CONCRETE PAVEMENT
[Symbol]	ASPHALT PAVEMENT
[Symbol]	LANDSCAPE AREA



ANDERSON ENGINEERING
ENGINEERS - SURVEYORS - ARCHITECTS - DRAINAGE ENGINEERS - LANDSCAPE ARCHITECTS - CIVIL ENGINEERS

DATE	2/24/2021	BY	LS	DATE	2/24/2021	BY	LS
PROJECT	MTX ARCHITECTURE	LOCATION	MTX ARCHITECTURE	DATE	2/24/2021	BY	LS
PROJECT	MTX ARCHITECTURE	LOCATION	MTX ARCHITECTURE	DATE	2/24/2021	BY	LS

WENDY'S NO. 36

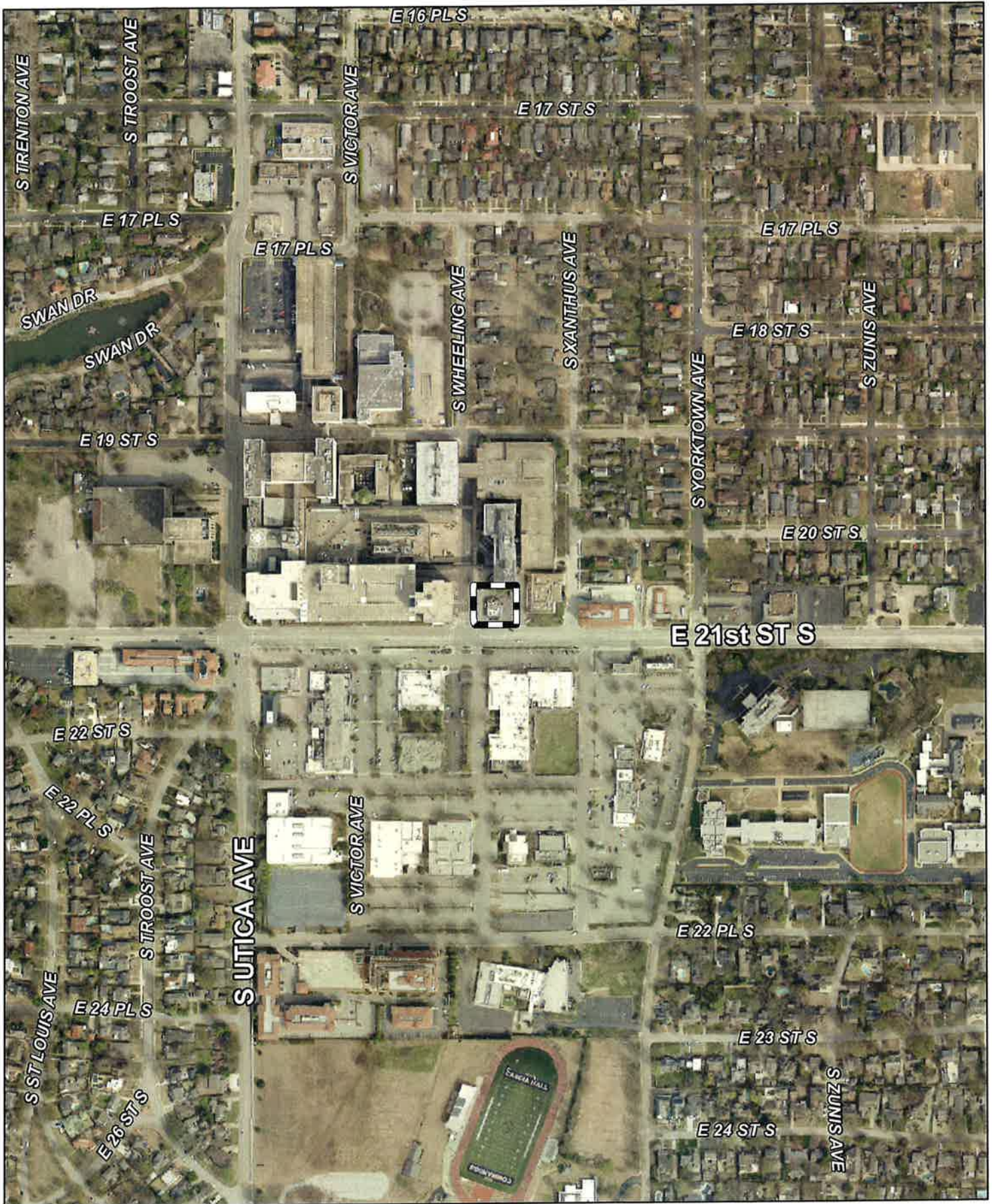
MTX ARCHITECTURE

SITE LAYOUT PLAN

TULSA COUNTY, OKLAHOMA

PROJECT NUMBER
JOP-100-5879

SHEET NUMBER
C1.0



0 200 400
Feet



Subject
Tract

BOA-23175

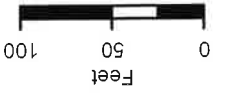
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align with physical features on the ground.

Aerial Photo Date: 2020/2021



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Subject
Tract

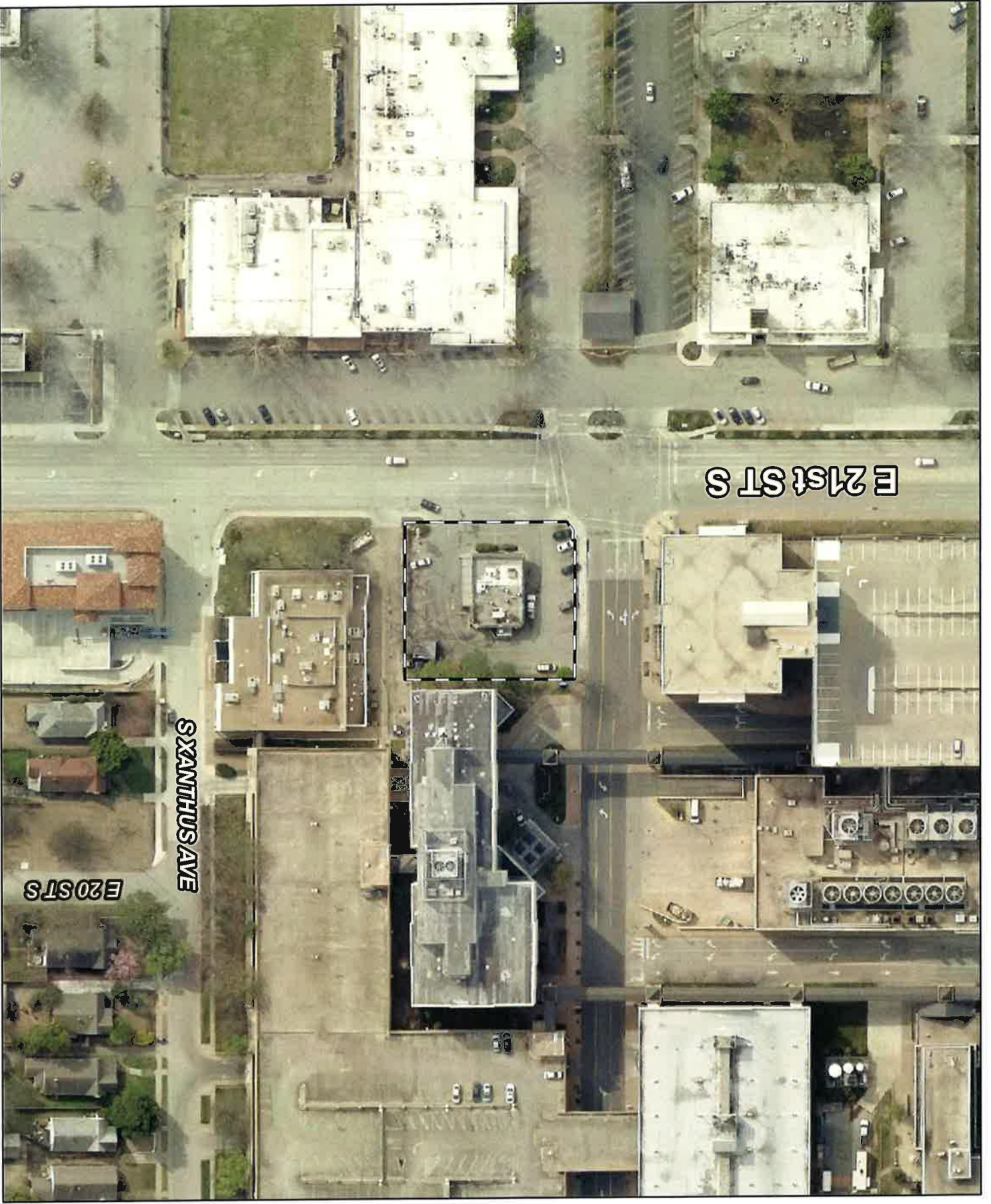
BOA-23175

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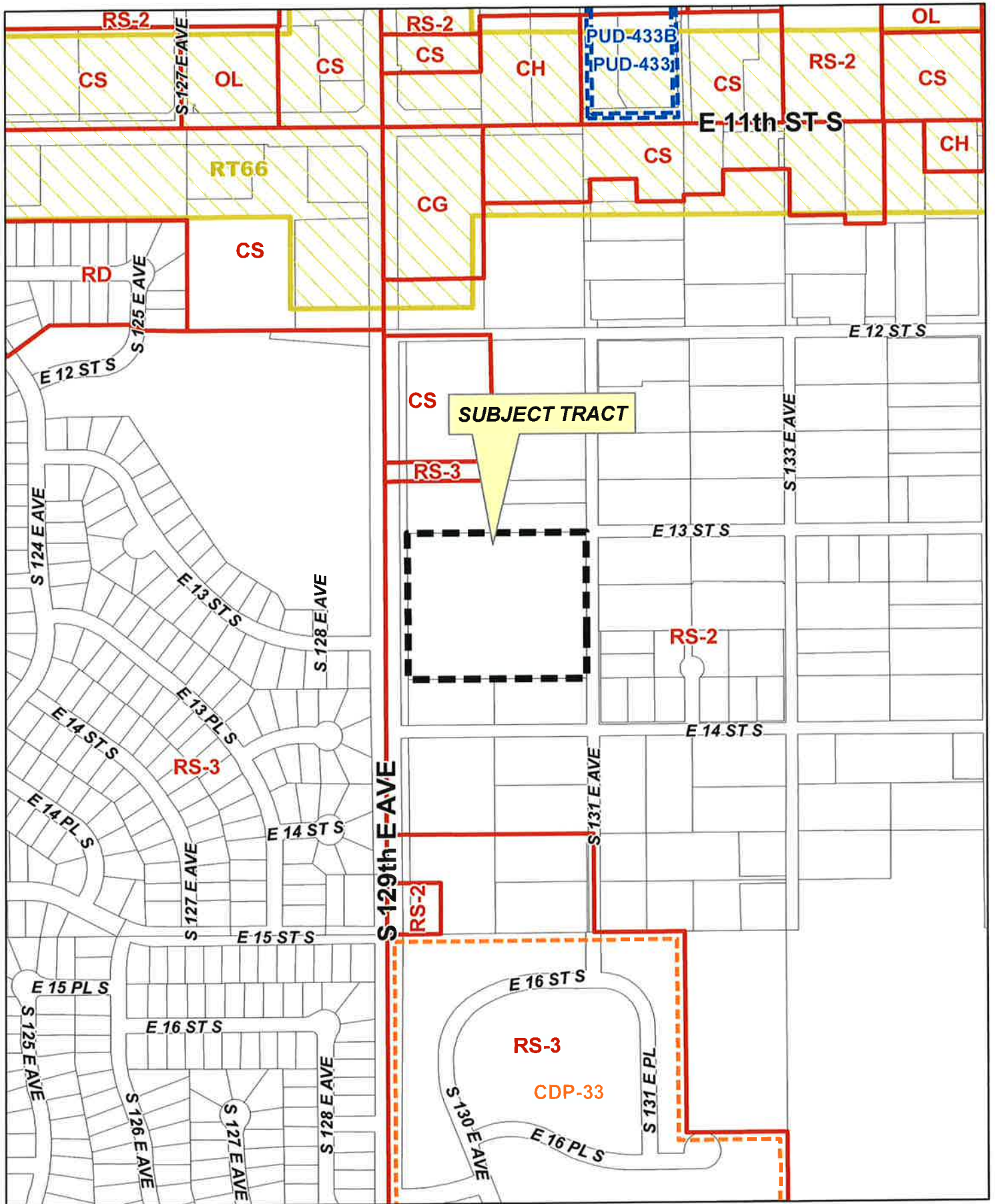
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Aerial Photo Date: 2020/2021



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BOA-23176

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BOARD OF ADJUSTMENT CASE REPORT

STR: 9409

CZM: 39

CD: 6

Case Number: **BOA-23176**

HEARING DATE: 08/24/2021 1:00 PM

APPLICANT: Sean Leary

ACTION REQUESTED: Special Exception to permit a fence that exceeds 4-feet in the street setback (Sec. 45.080-A) Variance to permit a fence inside the City of Tulsa right-of-way (Sec. 90.090-A)

LOCATION: 1345 S. 129th E. Ave.

ZONED: RS-2

PRESENT USE: Vacant

TRACT SIZE: 147233.4 SQ FT

LEGAL DESCRIPTION: LTS 1 THRU 3 & 6 THRU 8 & S20 VAC 13TH ST ADJ ON N & LESS W25 LTS 6 THRU 8 FOR RD BLK 5, ROMOLAND

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 NE/c of S. 129th E. Ave. and E. 14th St. S. the property also has frontage on S. 131st E. Ave.

STATEMENT OF HARDSHIP: The standard four feet height will not provide the quality that the owner is attempting to bring to the property and will help keep trespassers out. There is more right-of-way dedicated than is being used by the City of Tulsa.

7.2

STAFF COMMENTS: The applicant is requesting **Special Exception** to permit a fence that exceeds 4-feet in the street setback (Sec. 45.080-A) **Variance** to permit a fence inside the City of Tulsa right-of-way (Sec. 90.090-A)

45.080-A Fences and walls within required building setbacks may not exceed 8 feet in height, except that in required street setbacks fences and walls may not exceed 4 feet in height. However, in R zoned districts, fences up to 8 feet in height are permitted in side street setbacks of detached houses or duplexes located on corner lots and in street setbacks abutting the rear lot line of houses or duplexes located on double frontage lots. The board of adjustment is authorized to modify these fence and wall regulations in accordance with the special exception procedures of Section 70.120.

90.090-A Measurement

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

It should be noted that S. 129th E. Ave is planned as a Secondary Arterial which would call for 100' of Right-of-way or 50' from either side of the Section line. The existing width of dedicated right-of-way is 125' and 75' of the is on the East side of the section line. The applicant has been referred to the City of Tulsa Engineering department to begin either a license agreement or a vacation of the right-of-way if it is found that dedication was done in error.

- 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

Jeff S. Taylor
Zoning Official
Plans Examiner III
TEL (918) 596-7637
jtaylor@cityoftulsa.org



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

ZONING CLEARANCE PLAN REVIEW

Adrian Uruiza
1345 S 129 Ave E
Tulsa, OK 74108

5/13/21

APPLICATION NO: ZN LOD 73512-2020 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 1345 S 129th Ave E

Description: Fence

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

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

(continued)

REVIEW COMMENTS

RESIDENTIAL ARCHITECTURAL PLAN REVIEW: YOUR APPLICATION WAS REVIEWED UNDER THE PROVISIONS OF THE INTERNATIONAL RESIDENTIAL BUILDING CODE 2015 AND REFERENCED CODES AND ORDINANCES ADOPTED BY THE CITY OF TULSA.

Application No.

Date:

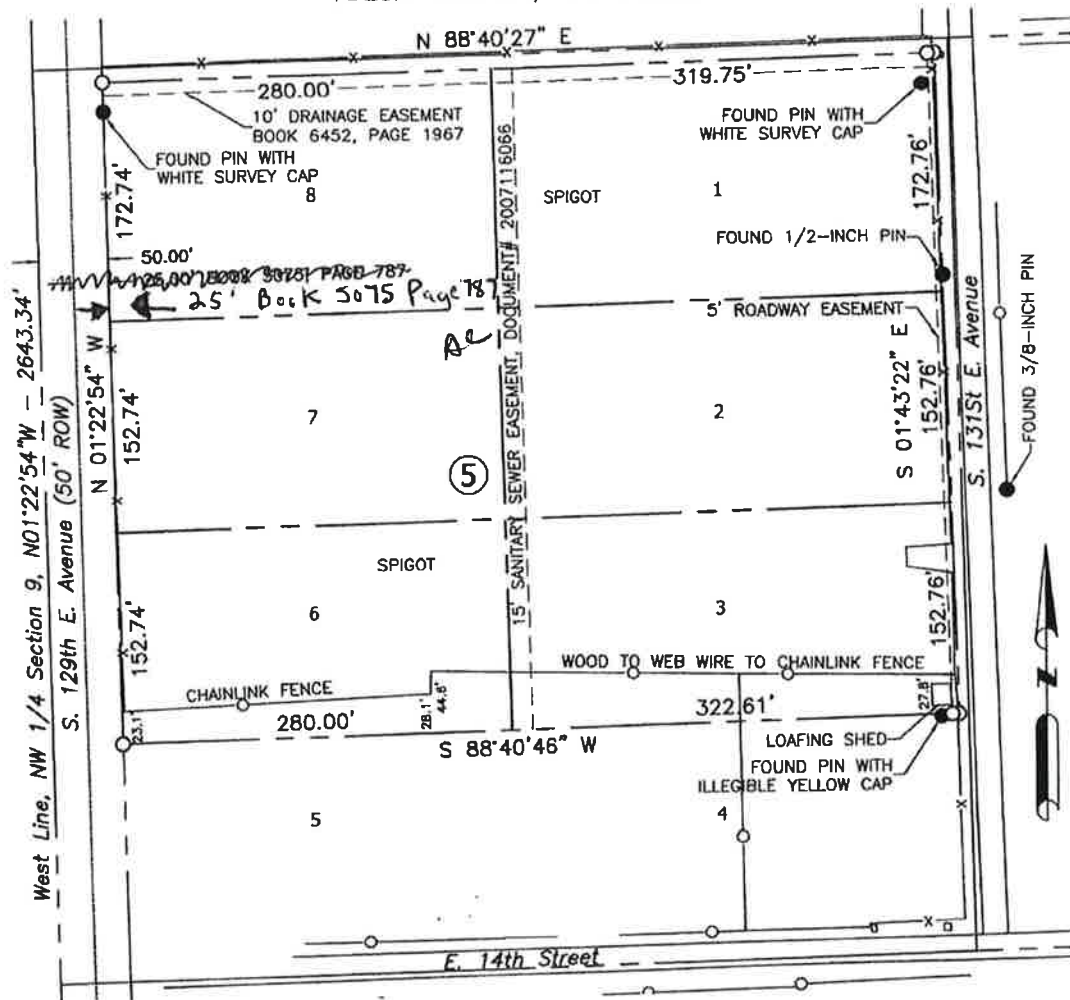
Address:

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

1. 45.080 Fences - Fences in Front Setback can not exceed 4' in height.
 - Review Comments: Revise plans to indicate fence in front setback along 129th Ave will not exceed 4' in height or apply to INCOG for a ^{special exception} ~~variance~~ to allow fence to exceed 4' in height in front setback.
2. 90.090A Setbacks - Fences are required to be built on your property outside the ROW.
 - Review Comments: ROW along 129th st is 50' wide from center of street. Revise plans to indicate fence will be located 50' from center of street outside the ROW.
3. 90.090A Setbacks - Fences are required to be built on your property.
 - Review Comment: Move fence along north property line on to your property and submit revised plans as a revision in our office.

BOUNDARY SURVEY

A PART OF BLOCK 5, ROMOLAND ADDITION, IN THE NW 1/4
OF SECTION 9, TOWNSHIP 19 NORTH, RANGE 14 EAST
TULSA COUNTY, OKLAHOMA



BOUNDARY DESCRIPTION:
LOTS 1, 2, 3, 6, 7, & 8 AND THE SOUTH 20 FEET OF THE CLOSED RIGHT-OF-WAY OF E. 13TH ST, LESS THE WEST 25 FEET OF LOTS 6, 7, & 8, ALL IN BLOCK 5 OF THE ROMOLAND ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, CONTAINING 287,511.73 SQUARE FEET OR 6.60 ACRES, MORE OR LESS.

NOTES:

- ALL BEARINGS AND DISTANCES SHOWN HEREON ARE GRID BEARINGS AND DISTANCES IN US SURVEY FEET, REFERENCED TO THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE, BASED UPON A GPS SURVEY.
- EXCEPT AS SHOWN HEREON, NO EASEMENTS OR OTHER ENCUMBRANCES OF RECORD WERE PROVIDED TO THE SURVEYOR. OTHER ENCUMBRANCES MAY BE DISCOVERED WITH THE BENEFIT OF A PROFESSIONALLY PREPARED ABSTRACT OF TITLE.
- THE BASIS OF BEARINGS FOR THIS SURVEY IS THE WEST LINE OF THE NW 1/4 OF SECTION 9, TAKEN TO BEAR N01°22'54"W - 2643.24 FEET BETWEEN FOUND MONUMENTS.
- SIGNIFICANT DISCREPANCIES BETWEEN PLATTED DIMENSIONS WAS FOUND WITHIN THE ROMOLAND PLAT OF SURVEY. A SURVEY OF THE NW 1/4 OF SECTION 9 WAS PERFORMED AND RELIED UPON TO MAKE THE DEPICTED BOUNDARY DETERMINATIONS.
- REV 1: ADDED ROW DIMENSIONS, STATED ROW WIDTH OF 128TH E AVE, AND LABELED THE SECTION LINE.

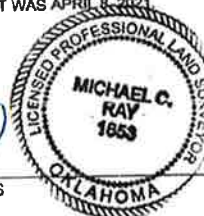


LEGEND

- - FOUND MONUMENT, AS DESCRIBED
- - SET 1/2-INCH REBAR WITH YELLOW PLASTIC CAP MARKED, "EDGE CA 8470"
- ROW - RIGHT-OF-WAY
- FENCE, AS DESCRIBED
- BARBED WIRE FENCE

THIS PLAT REPRESENTS A SURVEY MADE UNDER MY DIRECT CONTROL & SUPERVISION, AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING, EFFECTIVE SEPTEMBER 14, 2018. THE DATE OF THE LAST SITE VISIT WAS APRIL 8, 2021.

[Signature]
MICHAEL C. RAY, PLS, CFEDS
PLS# 1653, CFEDS# 1122



REV 1 7/7/2021
DATE

EDGE INTEGRITY SERVICES, LLC
2945 E. 78TH ST., TULSA, OK 74136
(918) 261-8114 OK CA#8470

7.10



S 129th E AVE

E 13 STS

S 131 E AVE

E 14 STS

0 50 100
Feet



Subject
Tract

BOA-23176

19-14 09

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

Aerial Photo Date: 2020/2021



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ITEM #8 – OTHER BUSINESS:

WORK SESSION

PERMIT CENTER PROCESS

Item

Discussion with representatives of the Permit Center to explain the process for Zoning Clearance Permits, Building Permits, Certificates of Occupancy, Sign Permits and Certificates of Compliance.

Background

Discussion regarding the difference between Zoning Clearance Permits, Building Permits, Certificates of Occupancy, Sign Permits and Certificates of Compliance have occurred several times at the Board over the past two years. Most of this discussion has centered on the issue of medical marijuana dispensaries and other uses that have Spacing Limitations.

Staff from the permit have agreed to participate in this work session to be able to answer questions the Board may have regarding these applications and how they are processed. It would be helpful for the Board to understand what each of these terms means, how they relate to each other and what rights are granted by the approval of each application.

Staff Recommendation

Discuss and ask questions of the Permit Center staff to better inform your understanding of those applications.

Attachment(s)

Sections 70.080 and 70.110 of the City of Tulsa Zoning Code.

70.070-H Lapse of Approval

1. An approved HP permit will lapse and become void 2 years after it is approved by the preservation commission, unless a building permit for the work or improvements authorized has been issued and the project is commenced and thereafter diligently pursued to completion. If no building permit is required, the work that is the subject of the HP permit application must be completed within the 2-year period.
2. The preservation commission may extend the expiration period by up to one year at the time of approval of the HP permit or any time before expiration of the approval.

70.070-I Transferability

Approved HP permits run with the land and are not affected by changes of tenancy, ownership, or management.

70.070-J Amendments

A request for changes in the specific nature of the approved HP permit or changes to any conditions attached to an approved HP permit must be processed as a new application.

70.070-K Action by Preservation Officer

1. The preservation officer is authorized to approve HP permit applications for proposed work on existing structures involving the replacement of existing materials with equivalent materials if the work complies with the design guidelines of the subject HP district.
2. The preservation officer is also authorized to approve HP permit applications for the following minor exterior alterations if the work complies with design guidelines of the subject HP district:
 - a. Installation of storm windows and doors;
 - b. Removal of non-historic materials, including but not limited to siding, storm windows and doors, awnings, shutters, retaining walls and fences; and
 - c. Removal of paint from historic masonry surfaces.

70.070-L Appeals

Any final decision of the preservation commission may be appealed to the board of adjustment in accordance with [Section 70.140](#).

Section 70.080

Zoning Clearance and Permits

70.080-A Applicability

Property owners or their authorized agent must obtain a zoning clearance permit from the development administrator before constructing, moving, or structurally altering any building or structure or establishing or changing the use of any building or lot.

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. Rezoning, 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

3. Early-Release Permits

Building permits authorizing the installation of a building foundation and earth-change permits may be issued prior to the date that the final subdivision plat or lot split/adjustment certifications or certificates are recorded if the development administrator or land use administrator determines that all of the following criteria have been met:

- a. The final plat, lot split or lot line adjustment has been approved by the land use administrator or planning commission, in accordance with applicable procedures of *Tulsa Metropolitan Area Subdivision and Development Regulations*;

- b. All plats or other documents requiring the property owner's signature have been signed by the property owner;
- c. The activity for which the foundation permit or earth-change permit is requested complies with all applicable regulations; and
- d. Future recordation of all required plats or other documents is reasonably assured.

70.080-C Application

1. Zoning clearance permit applications must be accompanied by a legal description of the lot and plans in duplicate, drawn to scale, showing at least the following information:
 - a. The actual shape and dimension of the lot;
 - b. The location and dimensions of all easements;
 - c. The location, size and height of any existing buildings or structures to be erected or altered;
 - d. The existing and intended use of each building or structure and portion of the lot;
 - e. The number of dwellings and buildings proposed; and
 - f. Other information required by the development administrator to determine compliance with all applicable provisions this zoning code.
2. If the zoning code requires that the use, structure, or other development feature must be separated or spaced a minimum distance from another use, structure, or development feature, the zoning clearance permit application must also be accompanied by the following information:
 - a. An aerial photograph identifying the location of the proposed use, structure or development feature at the center of a circle drawn to scale, the radius of which is the required separation distance from another use, structure or development feature;
 - b. The location of the nearest use, structure, or development feature from which the proposed use, structure or development feature must be separated; and
 - c. Verification of having provided a copy of the zoning clearance permit application, concurrent with the submission of the application, to the City Councilor for the City Council District in which the subject property is located.

70.080-D Action

Following receipt of a complete application for a zoning clearance permit, the development administrator must review and take action on the permit. If the proposed development and construction complies with all applicable provisions of this zoning code, the permit must be issued. If the proposed development and construction does not comply with one or more provisions of this zoning code, the

permit must be denied. The applicant must be notified of the action taken, and if the permit is denied, notified of the specific reasons for denial.

Section 70.090 Interpretations of Zoning Code, Zoning Map, and Approved Development Plans and Site Plans

70.090-A Purpose and Applicability

1. Day-to-day responsibility for administering and interpreting the provisions of this zoning code, including the zoning map, rests with the development administrator and land use administrator, whose decisions may be appealed to the board of adjustment, in accordance with the procedures of [Section 70.140](#).
2. Occasionally, the zoning code may not sufficiently address an issue that arises in administering or interpreting the zoning code. In those cases, the development administrator may elect to issue, or a citizen may file an application for, a written zoning code interpretation to guide in future decision-making. The procedures of this section govern the issuance of such interpretations. The procedures also govern interpretations of the terms of approved development plans and site plans, such as those associated with PUDs, MPDs and CO zoning districts.

70.090-B Authority

The land use administrator, as to the zoning map and approved development plans and site plans, and the development administrator, as to the zoning code, are authorized to issue written interpretations pursuant to this section. The land use administrator and the development administrator are also authorized to refer the matter to the board of adjustment for an interpretation or for guidance in making an interpretation.

70.090-C Application

A complete application for a written interpretation request may be submitted either to the land use administrator or development administrator, as appropriate.

70.090-D Action

Within 30 days of receipt of a complete application, the land use administrator or development administrator, as appropriate, must (1) review and evaluate the interpretation request in light of the provisions that are the subject of the interpretation request and any other relevant documents (2) consult with affected staff and (3) prepare a written interpretation.

70.090-E Form

The interpretation must be provided to the applicant in writing and filed in the official record of interpretations held by the development administrator.

70.090-F Official Record

The development administrator must maintain an official record of written interpretations and provide copies to the land use administrator. The record of interpretations must be available for public inspection in the office of the land use administrator and development administrator during normal business hours.

2. The requested administrative adjustment will not have a substantial or undue adverse effect upon adjacent property, the character of the area or the public health, safety and general welfare; and
3. Any adverse impacts resulting from the administrative adjustment will be mitigated to the maximum extent feasible.

70.100-H Conditions of Approval

In granting an administrative adjustment, the land use administrator is authorized to impose conditions upon the subject property that are necessary to reduce or minimize any potentially adverse impacts on other property in the surrounding area, and to carry out the stated purpose and intent of this zoning code.

70.100-I Lapse of Approval

An approved administrative adjustment will lapse and become void 3 years after it is granted by the land use administrator, unless a building permit for the work or improvements authorized has been issued and the project has commenced and is diligently pursued to completion. If no building permit is required, the improvement that is the subject of the administrative adjustment must be in place within the 3-year period.

70.100-J Transferability

Approved administrative adjustments run with the land and are not affected by changes of tenancy, ownership, or management.

70.100-K Amendments

A request for changes in the specific nature of an approved administrative adjustment or changes to any conditions attached to an approved administrative adjustment must be processed as a new administrative adjustment application, including all requirements for fees and notices.

70.100-L Appeals

The applicant or any interested party may appeal the administrative adjustment decision of the land use administrator in accordance with [Section 70.140](#).

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 on 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](#).

Section 70.120 Special Exceptions

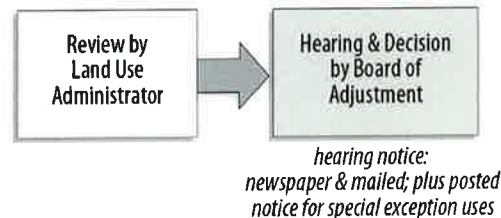
70.120-A Authorized Special Exceptions

Only those special exceptions expressly authorized in this zoning code may be approved as special exceptions.

70.120-B Authority to File

Applications for special exception approval may be filed only by the owner of the subject property or by the property owner's authorized agent.

Figure 70-5: Special Exception Process (Generally)



70.120-C Application Filing

Complete applications for special exception approval must be filed with the land use administrator.

70.120-D Review and Report—Land Use Administrator

Following receipt of a complete application, the land use administrator must prepare a report on the proposed special exception. The report must be transmitted to the board of adjustment before the required public hearing.

70.120-E Notice of Hearing

1. Minor Special Exceptions

Notice of the board of adjustment's required public hearing on any minor special exception application must be mailed to all owners of property that abut the subject property at least 10 days before the scheduled public hearing. (See [§70.010-F](#) for additional information on required mailed notices). Minor special exceptions are limited to the following:

- a. A special exception to allow public or private schools at the primary, elementary, middle school or high school level to expand a principal

**REVIEW CRITERIA FOR VARIANCES,
SPECIAL EXCEPTIONS & NON-CONFORMITIES**



Prepared by Austin Chapman, achapman@incog.org, 918.579.9471

Item

Review of Criteria to grant Variances and Special Exceptions and possible discussion of criteria for nonconformities.

Background

The zoning code has criteria that must be met to grant a certain relief, and this should serve as a review of those criteria and the criteria in wish

Staff from the permit have agreed to participate in this work session to be able to answer questions the Board may have regarding these applications and how they are processed. It would be helpful for the Board to understand what each of these terms means, how they relate to each other and what rights are granted by the approval of each application.

Staff Recommendation

No action to be take but the Board should discuss and and ask questions of Tulsa Planning Office staff and City of Tulsa Legal Staff about these criteria provide clarificaiton if needed.

Attachment(s)

Sections 70.120, 70.130 and Sec. 80.010 of the City of Tulsa Zoning Code.

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](#).

Section 70.120 Special Exceptions

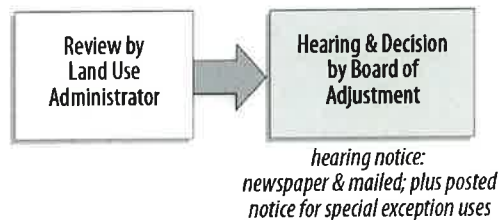
70.120-A Authorized Special Exceptions

Only those special exceptions expressly authorized in this zoning code may be approved as special exceptions.

70.120-B Authority to File

Applications for special exception approval may be filed only by the owner of the subject property or by the property owner's authorized agent.

Figure 70-5: Special Exception Process (Generally)



70.120-C Application Filing

Complete applications for special exception approval must be filed with the land use administrator.

70.120-D Review and Report—Land Use Administrator

Following receipt of a complete application, the land use administrator must prepare a report on the proposed special exception. The report must be transmitted to the board of adjustment before the required public hearing.

70.120-E Notice of Hearing

1. Minor Special Exceptions

Notice of the board of adjustment's required public hearing on any minor special exception application must be mailed to all owners of property that abut the subject property at least 10 days before the scheduled public hearing. (See [§70.010-F](#) for additional information on required mailed notices). Minor special exceptions are limited to the following:

- a. A special exception to allow public or private schools at the primary, elementary, middle school or high school level to expand a principal

building or construct an accessory building, structure or use or to permit a use that is an accessory use to an existing principal use, provided the improvement does not include new athletic stadiums or other outdoor athletic facilities that include spectator seating or high-intensity lighting;

- b. A special exception to allow recreational vehicles to be parked or stored in a street yard or required side setback if the conditions listed in [§45.150-A](#) cannot be met;
- c. Amendments to plot plans that were made condition of the granting of a special exception that involve an increase in building floor area of no greater than 15% and do not require the granting of any variances;
- d. A special exception to allow any of the following improvements in public parks:
 - (1) Non-illuminated outdoor courts,
 - (2) Non-illuminated athletic fields,
 - (3) Playgrounds,
 - (4) Picnic shelters,
 - (5) Parking lots and
 - (6) Renovation or expansion of existing buildings.

2. Other Special Exceptions

Except as expressly allowed for minor special exceptions under [§70.120-E1](#), notice of the board of adjustment's required public hearing on a special exception application must be provided as follows (see [§70.010-F](#) for additional information on required newspaper, mail and posted notices).

a. Newspaper Notice

Notice must be published in the newspaper at least 10 days before the scheduled public hearing.

b. Mailed Notice

Notice must be mailed to the owner of the subject property and all owners of property within 300 feet of the subject property at least 10 days before the scheduled public hearing.

c. Posted Notice

For uses that require special exception approval, notice (signs) must be posted at least 10 days before the scheduled public hearing. Posting of signs is not required for non-use matters.

70.120-F Hearing and Final Decision—Board of Adjustment

- 1. The board of adjustment must hold a public hearing on the special exception application. Following the close of the public hearing, the board of adjustment must act to approve the proposed special exception, approve the special exception with conditions and/or modifications or deny the special

exception. Approval of a special exception requires an affirmative vote of at least 3 members of the board of adjustment.

2. In approving a special exception, the board of adjustment is authorized to impose such conditions and restrictions as the board of adjustment determines to be necessary to ensure compliance with the standards of [§70.120-G](#), to reduce or minimize the effect of the special exception upon other properties in the area, and to better carry out the general purpose and intent of this zoning code.

70.120-G Approval Criteria

A special exception may be approved only if the board of adjustment makes each of the following findings:

1. That the special exception will be in harmony with the spirit and intent of this zoning code; and
2. That the special exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

70.120-H Lapse of Approval

1. An approved special exception will lapse and become void 3 years after it is granted by the board of adjustment, unless a building permit has been issued and the project has commenced and is diligently pursued to completion. If no building permit is required, the use, improvement or activity that is the subject of the special exception must be in place within the 3-year period.
2. The board of adjustment may extend the expiration period by up to one year at the time of approval of the special exception or any time before expiration of the approval. Requests for extensions after the special exception is approved must be processed in accordance with the special exception procedures, including applicable fees, notices and public hearings.

70.120-I Transferability

Approved special exceptions run with the land and are not affected by changes of tenancy, ownership, or management.

70.120-J Amendments

1. Amendments to approved special exceptions must be processed as new special exception applications, including all requirements for fees, notices and public hearings, provided that the development administrator is authorized to approve the following:
 - a. Any structures or uses authorized to be approved by the development administrator at the time of special exception approval; and
 - b. The addition or relocation of customary accessory uses and structures.
2. Applications for amendments to approved special exceptions must be filed in a form established by the land use administrator.

70.120-K Appeals

Board of adjustment decisions on special exceptions may be appealed to District Court in accordance with §75.010-K.

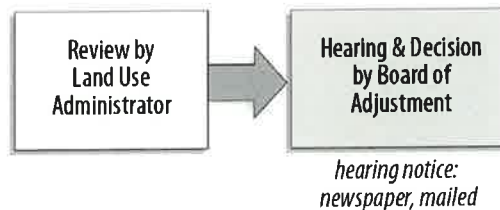
Section 70.130

Variances

70.130-A Intent

A variance is a grant of relief to a property owner from strict compliance with the regulations of this zoning code. The intent of a variance is not to simply remove an inconvenience or financial burden that may result from compliance with applicable zoning requirements. Variances are intended to help alleviate an unnecessary hardship or practical difficulty that would be caused by strict enforcement of the subject zoning code requirements. They are intended to provide relief when the requirements of this zoning code render property very difficult or impossible to put to reasonable use because of some unique or special characteristics of the property itself.

Figure 70-6: Variance Process



70.130-B Authorized Variances

The board of adjustment is authorized to grant a variance to any regulation in this zoning code in accordance with the variance procedures of this section, except that the variance procedures may not be used to do any of the following:

1. Allow a principal or an accessory use in a zoning district that is not otherwise allowed in that zoning district (i.e., "use variances" are prohibited);
2. Allow an accessory use on a lot that is not occupied by the principal use that such accessory use serves;
3. Waive, modify or amend any definition or use classification;
4. Waive, modify or otherwise vary any of the review and approval procedures of this chapter;
5. Waive, vary, modify or otherwise override a condition of approval or requirement imposed by an authorized decision-making body or the state or federal government; or
6. Waive, vary or modify applicable residential density regulations, provided that this provision is not intended to prohibit variances to minimum lot area or width requirements that apply to lots occupied by a single dwelling unit.

70.130-C Authority to File

Variance applications may be filed only by the owner of the subject property or by the property owner's authorized agent.

70.130-D Application Filing

Complete applications for variances must be filed with the land use administrator.

70.130-E Review and Report—Land Use Administrator

Following receipt of a complete application, the land use administrator must prepare a report on the requested variance. The report must be transmitted to the board of adjustment before the required public hearing.

70.130-F Notice of Hearing

Notice of the board of adjustment's required public hearing on a variance application must be provided as follows (see [§70.010-F](#) for additional information on required newspaper and mail notices).

1. Newspaper Notice

Notice must be published in the newspaper at least 10 days before the scheduled public hearing.

2. Mailed Notice

Notice must be mailed to the owner of the subject property and all owners of property within 300 feet of the subject property at least 10 days before the scheduled public hearing.

70.130-G Hearing and Final Decision—Board of Adjustment

1. Following receipt of a complete variance application, the board of adjustment must hold a public hearing to consider the requested variance. Following the close of the public hearing, the board of adjustment must act to approve the requested variance, approve the variance with modifications and/or conditions, or deny the variance request based on the standards and review criteria of [§70.130-H](#). Approval of a variance requires an affirmative vote of at least 3 members of the board of adjustment.
2. In approving a variance, the board of adjustment is authorized to impose such conditions and restrictions as the board determines to be necessary to ensure compliance with the standards of [§70.130-H](#), to reduce or minimize the effect of the variance upon other properties in the area, and to better carry out the general purpose and intent of this zoning code.

70.130-H Standards and Review Criteria

1. No variance may be approved unless the board of adjustment determines 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.

70.130-I Lapse of Approval

- 1. An approved variance will lapse and become void 3 years after it is granted by the board of adjustment, unless a building permit for the work or improvements authorized has been issued and the project has commenced and is diligently pursued to completion. If no building permit is required, the improvement that is the subject of the variance must be in place within the 3-year period.
- 2. The board of adjustment may extend the expiration period by up to one year at the time of approval of the variance or any time before expiration of the approval. Requests for extensions after the variance is approved must be processed in accordance with the variance procedures, including applicable fees, notices and public hearings.

70.130-J Transferability

Approved variances run with the land and are not affected by changes of tenancy, ownership, or management.

70.130-K Amendments

A request for changes in the specific nature of the approved variance or changes to any conditions attached to an approved variance must be processed as a new variance application, including all requirements for fees, notices and public hearings.

70.130-L Appeals

Board of adjustment decisions on variances may be appealed to District Court in accordance with [§75.010-K](#).

Section 70.140 Appeals of Administrative Decisions

70.140-A Authority

Appeals of administrative (staff-level) decisions on site plans go to the planning commission (See [§70.050-C](#)). The board of adjustment is authorized to hear and decide all other appeals where it is alleged there has been an error in any order, requirement, decision or determination made by the land use administrator, the

Chapter 80 | Nonconformities

Section 80.010	General.....	80-1
Section 80.020	Nonconforming Lots.....	80-2
Section 80.030	Nonconforming Structures.....	80-3
Section 80.040	Nonconforming Uses	80-5
Section 80.050	Sexually Oriented Business Establishment	80-7
Section 80.060	Nonconforming Signs	80-7
Section 80.070	Nonconforming Development Features	80-8

Section 80.010

General

80.010-A Intent

The adoption and amendment of the zoning code text and map, beginning with the adoption of the city's first zoning code in 1923, has resulted in some lots, uses and structures becoming nonconforming (i.e., established in compliance with regulations in effect at the time of their establishment, but which would be prohibited under subsequently adopted regulations). The nonconformity regulations of this chapter are intended to explain the effect of this nonconforming status and help differentiate nonconformities, which have legal status under this zoning code, from zoning violations, which are illegal and subject to penalties and enforcement action. The regulations of this chapter are also intended to:

1. Recognize the interests of landowners in continuing to use their property for uses that were lawfully established;
2. Promote maintenance, reuse and rehabilitation of existing buildings; and
3. Place reasonable limits on nonconformities that have the potential to adversely affect surrounding properties.

80.010-B Authority to Continue

Any nonconformity that existed on the effective date specified in [Section 1.030](#) or any lot, structure use or situation that becomes nonconforming upon adoption of any amendment to this zoning code or any amendment of the zoning map subsequent to the effective date specified in [Section 1.030](#) may be continued, subject to the regulations of this chapter.

80.010-C Determination of Nonconforming Status

1. The burden of proving that a nonconformity exists (as opposed to a zoning code violation) rests entirely with the subject owner.
2. The development administrator is authorized to determine whether reliable evidence of nonconforming status has been provided by the subject owner.
3. Building permits, zoning clearance reports, lawfully recorded plats, lawfully recorded instruments of conveyance, aerial photography owned by a governmental agency and other official government records that indicate lawful establishment of the use, lot or structure constitute conclusive evidence of nonconforming status. If such forms of conclusive evidence are

not available, the development administrator is authorized to consider whether other forms of evidence provided by the owner are reliable and adequate to document nonconforming status. Common examples of evidence that may be determined to be reliable and adequate include:

- a. Professional registrations or business licenses;
 - b. Utility billing records;
 - c. Rent records;
 - d. Advertisements in dated publications;
 - e. Listings in telephone or business directories; and
 - f. Notarized affidavits affirming the date of lawful establishment of the use or structure.
4. The development administrator's determination of nonconforming status may be appealed in accordance with [Section 70.140](#).

80.010-D Repairs and Maintenance

1. Repairs and normal maintenance necessary to keep a nonconformity in sound condition are permitted unless the work increases the extent of the nonconformity or is otherwise expressly prohibited by this zoning code.
2. If a nonconforming structure or a structure occupied by a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and a final order of vacation or demolition is entered by any duly authorized official by reason of physical condition, it may not thereafter be used, restored, or repaired, or rebuilt except in conformity with the provisions of the zoning district in which it is located.
3. Nothing in this chapter is intended to prevent nonconformities from being structurally strengthened or restored to a safe condition in accordance with an order from a duly authorized public official.

80.010-E Change of Tenancy or Ownership

Nonconforming status runs with the land and is not affected by changes of tenancy, ownership or management.

Section 80.020 Nonconforming Lots

80.020-A Description

A nonconforming lot is a lot that does not comply with the applicable minimum lot area, minimum lot width, minimum street frontage or minimum open space requirements of the subject zoning district and that meets at least one of the following criteria:

1. The lot was a lot of record on or before July 1, 1970;
2. The lot is located within a subdivision approved by the planning commission;
or

**PROPOSED NEIGHBORHOOD INFILL OVERLAY
(ZCA-19)**



Item

Discuss the proposed Neighborhood Infill Overlay and other "missing middle" citywide Zoning Code Amendments identified as TMAPC case number ZCA-19 .

Background

The 2019, the Downtown & Surrounding Neighborhoods Housing Study & Strategy (DSNHSS) commissioned to comprehensively assess housing needs Downtown and in the surrounding neighborhoods. The final study results were presented to the City Council in June 2020 and released to the public in July 2020. The study identified the need for the creation of missing middle zoning code amendments to promote housing typologies that have the potential to be effective tools for expanding housing choice and affordability. According to the study, missing middle housing could "potentially foster redevelopment in older neighborhoods with housing that "fits in" with the historic housing stock and land use patterns" of Tulsa (PG).

"Missing Middle" housing, a term coined by Opitcos Design, refers to the lack of housing options other than detached houses and large apartment complexes. These buildings are often similar in size to a detached house but have two or more units, such as duplexes, multi-unit homes, townhouses, and smaller-scale multi-family apartments/condos. The term "missing" suggests they have typically not been allowed to be built since the mid-1940s and "Middle" because size-wise they fit between detached homes and large multi-family complexes.

Simultaneously, the Tulsa Planning Office compiled various Small Area Plan and Comprehensive Plan recommendations that show a similar desire for opportunities for a full range of housing types to fit every income, household and preference. Listed below are just a few recommendations from PlaniTulsa that could target missing middle housing types both within the Study Area and Citywide.

PlaniTulsa:

- PlaniTulsa Goal #1: **Robust mix of housing types and sizes are developed and provided in all parts of the city.**
- PlaniTulsa Goal #7: **Low-income and workforce affordable housing is available in neighborhoods across the city.**
 - 7.2: Ensure that land use and zoning regulations allow a mix of housing types, including single family homes, cottage homes, townhomes, condominiums and apartments that serve people at a variety of income levels.

Crutchfield Small Area Plan:

- Goal #5: **Increase housing choices available in Crutchfield.**
 - 5.1: Support the development of an expanded range of housing types, including single-family housing types such as cottage housing, clustered homes, and narrow-lot homes and appropriately scaled "missing middle" (mid-density) housing types such as townhomes, multi-unit houses (duplexes, triplexes, quads), live-work units, and accessory dwelling units.



Crosbie Heights Small Area Plan:

- Goal #2: **Promote development of complete neighborhoods, defined in the Comprehensive Plan (p. LU-18) as “neighborhoods that blend...amenities, connectivity, and housing options together.”**
 - 2.4 In accordance with land use designations, support redevelopment to include a mix of smaller residential structures (e.g., duplexes, triplexes and cottage houses) to provide housing for the socioeconomic diversity (e.g. income, age, mobility) in the neighborhood.

Pearl District Small Area Plan:

- Goal #1: **Support compatible residential infill and reinvestment.**
 - 1.1 Support infill housing that fits with the character of the neighborhood. Encourage development that maintains the existing block and street patterns when feasible.

In May 2020, The Tulsa Planning Office began to identify possible zoning code amendments that seek to remove barriers to missing middle housing types by making a few changes applicable citywide and by creating a Neighborhood Infill Overlay within the study area. In August 2020, The Housing and Neighborhoods Survey was launched that helped inform what type of “missing middle” housing types were supported by respondents. Based upon the support for missing middle housing, The City Council initiated the development of the overlay and citywide text amendments.

Public Engagement

A developer's roundtable was held virtually in October 2020 to discuss the housing market, infill, and zoning code amendments to allow for more housing typologies by right in both the overlay area and citywide. In January 2021, staff and City Councilors participated in 5 separate virtual neighborhood meetings in the proposed overlay boundaries to discuss the Neighborhood Infill Overlay, the meeting schedule is listed below:

- Riverview & Cherry Street Residents – Mon., Jan. 11
- Pearl District Residents – Tues., Jan. 12
- Crutchfield Residents – Thurs., Jan. 14
- Owen Park & Crosbie Heights Residents – Tues., Jan. 19
- Greenwood & Unity-Heritage Residents – Thurs., Jan. 21

Staff used feedback from the developer's roundtable, community meeting sessions, and any additional commentary to continue to develop the Neighborhood Infill Overlay and other “missing middle” zoning code changes citywide. The attached proposed zoning code amendments are intended to allow for a spectrum of missing middle typologies to be developed by right, eliminating zoning obstacles that prevent these housing types.



Process Schedule

2020

- (July) City of Tulsa public press release of Housing Study
- (July) Small group meetings with City Councilors
- (Aug) TMAPC Work Session to discuss Housing Study findings
- (Aug) Engage development representatives to discuss general infill concepts
- (Sept) City Council initiation of an Infill Overlay and citywide text amendments

2021

- (Jan) Engage with neighborhoods included in the Housing Study boundary
- (Mar) TMAPC Work Session to discuss proposed text amendments
- (April) Reengage with neighborhoods and present final draft of text amendments
- (May) TMAPC public hearing to provide recommendation on proposed text amendments
- (Aug) City Council initiation of map amendments to apply the new Overlay text
- (Sept) Engage with residents and property-owners of area to be affected by Overlay
- (Oct) TMAPC public hearing to provide recommendation on proposed map amendments

Attachment(s)

Attachment I: Proposed Neighborhood Infill Overlay & Citywide Zoning Code Amendments

City-wide:

5.030-A Table of Regulations

The lot and building regulations of Table 5-3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90 Regulations governing accessory uses and structures can be found in Chapter 45.

Table 5-3: R District Lot and Building Regulations

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
Minimum Lot Area (sq. ft.)													
Detached house	22,500	13,500	9,000	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	5,500
Patio house	-	-	-	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Townhouse	-	-	-	4,500	4,500	2,200	2,750	1,600	1,600	1,600	1,600	1,600	-
Cottage house dev't	-	-	-	-	-	15,000	15,000	15,000	15,000	15,000	15,000	15,000	-
						10,000	10,000	10,000	10,000	10,000	10,000	10,000	
Duplex	-	-	-	9,000	9,000	3,300	6,900	6,900	6,900	6,900	6,900	6,900	-
				6,900	5,500		5,500	5,500	5,500	5,500	5,500	5,500	
Multi-unit house	-	-	-	-	-	3,300	6,900	5,500	5,500	5,500	5,500	5,500	-
Apartment/condo	-	-	-	-	-	-	-	-	10,000	10,000	6,000	24,000	-
Mobile home park	-	-	-	-	-	-	-	-	-	-	-	-	[1]
Other allowed buildings/uses													
Permitted by right	22,500	13,500	9,000	6,900	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500
Special exceptions	22,500	13,500	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
Min. Lot Area per Unit (sq. ft.)													
Detached house	22,500	13,500	9,000	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Patio house	-	-	-	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Townhouse	-	-	-	4,500	4,500	2,200	2,750	1,600	1,600	1,600	1,600	1,600	-
Cottage house dev't	-	-	-	-	-	2,750	2,750	2,750	2,750	2,750	2,750	2,750	-
						2,500	2,500	2,500	2,500	2,500	2,500	2,500	
Duplex	-	-	-	4,500	4,500	1,650	3,450	3,450	3,450	3,450	3,450	3,450	-
				3,450	2,750		2,750	2,750	2,750	2,750	2,750	2,750	
Multi-unit house	-	-	-	-	-	1,100	1,800	1,800	1,800	1,375	1,100	900	-
Apartment/condo	-	-	-	-	-	-	-	-	2,900	1,750	1,100	400	-
Other allowed buildings/uses													
Permitted by right	-	-	-	-	-	-	-	-	5,500	5,500	5,500	5,500	5,500
Special exceptions	22,500	13,500	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
Minimum Lot Width (ft.)													
Detached house	150	100	75	60	50	30	50	50	50	50	50	50	-
Patio house	-	-	-	60	50	30	50	50	50	50	50	50	-
Townhouse	-	-	-	30	30	20	25	20	20	20	20	20	-
					25								
Cottage house dev't	-	-	-	-	-	75	75	75	75	75	75	75	-
Duplex	-	-	-	75	75	30	60	60	60	60	60	60	-
				60	50		50	50	50	50	50	50	

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
Multi-unit house	-	-	-	-	-	30	50	50	50	50	50	50	-
Apartment/condo	-	-	-	-	-	-	-	-	100	100	50	100	-
Other allowed buildings/uses													
Permitted by right	150	100	75	60	50	50	50	50	50	50	50	50	50
Special exceptions	150	100	100	100	100	100	100	100	100	100	100	100	100
Minimum Street Frontage													
Residential bldgs/uses [2]	30	30	30	30	30	30	30	30	30	30	30	30	30
Min. Building Setbacks (ft.)													
Street [3]													
Arterial or fwy service rd.	35	35	35	35	35	35	35	35	35	35	35	35	35
Other streets	35	35	30	25	20	20	25	10	25	25	10	25	25
Side (interior) [4]	15	5	5	5	5	5	5	5[5]	5[6]	5[6]	5[6]	5[7]	10
Rear [4]	25	25	25	20	20	20	20	20	20	20	10	20	15
Min. Open Sp./Unit (sq. ft.)	12,000	7,000	5,000	4,000[8]	2,500	600	2,000	1,200	1,200	600	200	-	2,500
Max. Building Height (feet)	35	35	35	35	35	35	35	35	35	35	35	-	35

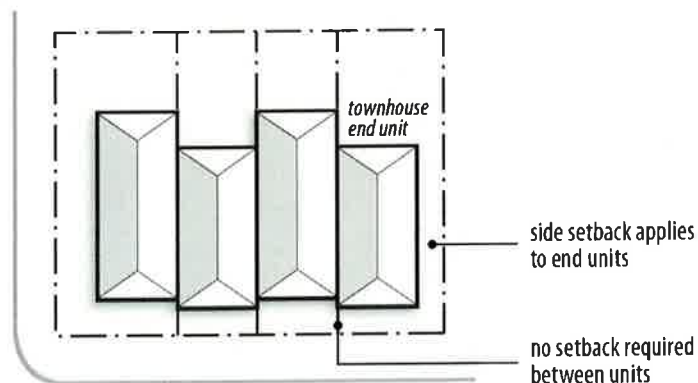
5.030-B Table Notes

The following notes refer to the bracketed numbers (e.g., " [1]") in Table 5-3:

- [2] Minimum street frontage requirements apply to townhouse developments, not to individual townhouse units. Cottage house developments require minimum street frontage of 75 feet. Minimum street frontage requirements do not apply to nonresidential uses.

- [4] **Non-residential Uses** requiring special exception approval in R zoning districts require minimum 25-foot building setback from R-zoned lots occupied by residential uses.
- [5] No side setback is required for interior units in townhouse developments. Side setback applies to end units (see Figure 5-2).

Figure 5-2: Side Setbacks for Townhouses



- [6] Minimum interior side setback is 10 feet for apartment/condo and permitted nonresidential buildings.
- [7] Minimum interior side setback is 25 feet for apartment/condo and permitted nonresidential buildings.
- [8] Minimum required open space for duplex in RS-3 is 2,500 square feet per unit.

Overlay:

Section 20.080 Neighborhood Infill Overlay

20.080-A General

1. Purpose and Intent

The Neighborhood Infill Overlay establishes zoning regulations that are intended to promote the development of alternative infill housing in established neighborhoods. The overlay allows for a variety of residential housing types in a manner that is compatible, in mass and scale, with the character of surrounding properties. The regulations are also intended to promote housing types that accommodate households of varying sizes and income levels and provide for a more efficient use of residential land.

2. Applicability

Except as otherwise expressly stated, the Neighborhood Infill Overlay regulations of this section apply to RS-3, RS-4, RS-5, RD, RT, RM-0, RM-1, RM-2 and RM-3 zoning districts only within the boundaries of the Neighborhood Infill Overlay districts to all new permitted uses and structures and all building alterations and site modifications that require a building permit.

3. Nonconformities

Nonconformities that exist within the overlay district are governed by the regulations of [Chapter 80](#) except in residential zoning districts, a single detached house, duplex, or multi-unit house, where the particular residential building type is allowed by right or is allowed by special exception and a special exception has been granted, may be erected on a nonconforming lot without complying with the minimum lot area, minimum lot area per unit, minimum lot width, minimum street frontage or minimum open space per unit requirements of the subject zoning district, provided that at least 50% of the lot area remains as open space. All other lot and building regulations apply, except that detached houses, duplexes, or multi-unit houses may be erected on corner lots that are nonconforming with regard to lot width, subject to a reduced minimum street side building setback of 5 feet. Garages that are accessed through a side yard abutting a street must be set back at least 20 feet.

4. Conflicting Regulations

All applicable regulations of the underlying base zoning district apply to property in the Neighborhood Infill Overlay unless otherwise expressly stated in the Neighborhood Infill Overlay regulations. For properties with approved development plans (PUD, CO, MPD, Optional Development Plan), the approved development plan and development standards apply.

20.080-B Use Regulations – Residential, Household Living

Residential, household living principal uses are allowed in the Neighborhood Infill Overlay district in accordance with [Table 20-4](#).

1. Permitted Uses

Residential, household living uses identified with a “P” symbol are allowed by right in the Neighborhood Infill Overlay district within the particular base zoning district, subject to compliance with any supplemental regulations identified in Chapter 40 and all other applicable regulations of this zoning code.

2. Special Exception Uses

Uses identified with an “S” may be allowed and if reviewed and approved in accordance with the special exception procedures of [Section 70.120](#).

3. Prohibited Uses

Uses identified with an “-” are expressly prohibited. Uses that are not listed in the table and that cannot be reasonably interpreted (as stated in [§35.020-E](#)) to fall within any defined use category are also prohibited.

Table 20-4: Neighborhood Infill Overlay District Use Regulations for Household Living

Base Zoning Districts:

USE CATEGORY	RS-			R		RM-			
Subcategory	3	4	5	D	T	0	1	2	3
Specific use									
RESIDENTIAL									
Household Living (if in building type allowed in Table 20-4.5)									
Single household	P	P	P	P	P	P	P	P	P
	[1]	[1]	[1]	[2]	[2]	[2]	[2]	[2]	[2]
]]]]]]]	[1]
				[1]	[1]	[1]	[1]	[1]	
				1	1	1	1	1	
Two households on single lot	S	S	S	P	P	P	P	P	P
	P	P	P						
Three or more households on single lot	-	-	S	S	P	P	P	P	P
	P	P	P	P					

4. Table 20-4 Notes

The following notes refer to the bracketed numbers (e.g., “ [1]”) in [\(Table 20-4\)](#):

[1] Accessory dwelling units may be allowed by special exception in RE and RS Districts on a lot occupied by a detached house. For supplemental regulations, see [Section 45.031](#).

[2][1] Accessory dwelling units are allowed by right in RS, RD, RT, and RM, and RMH Districts on a lot occupied by a detached house. For supplemental regulations, see Section 45.031.

20.080-C Residential Building Types for Household Living

In the Neighborhood Infill Overlay district, within the particular base zoning district, household living uses must be located in the residential building types identified in Table 20-4.5. Descriptions of the residential building types and references to applicable regulations are found in Section 35.010.

Table 20-4.5: Neighborhood Infill Overlay District Building Type Regulations for Household Living
Base Zoning Districts:

USE CATEGORY	RS-			RD	RT	RM-			
Subcategory	3	4	5			0	1	2	3
Specific use									
Building Types									
RESIDENTIAL									
Household Living									
Single household									
Detached house	P	P	P	P	P	P	P	P	P
Patio House	P	P	P	P	P	P	P	P	P
Townhouse									
2-unit townhouse	S P	S P	P	P	P	P	P	P	P
3+-unit townhouse	- P	- P	- P	- P	P	P	P	P	P
Manufactured housing unit	S	S	S	S	S	S	S	S	S
Manufactured housing subdivision	-	-	-	-	-	-	-	-	-
Mobile home	-	-	-	-	-	-	-	-	-
Mixed-use building	-	-	-	-	-	-	S	S	S
Vertical mixed-use building	-	-	-	-	-	-	S	S	S
Two households on single lot									
Duplex	S P	S P	S P	P	P	P	P	P	P
Mixed-use building	-	-	-	-	-	-	P	P	P
Vertical mixed-use building	-	-	-	-	-	-	P	P	P
Three or more households on single lot									
Cottage house development	- P	- P	P	S P	S P	P	P	P	P
Multi-unit house	- P	- P	S P	S P	P	P	P	P	P
Apartment/condo	- P [1]	- P [1]	- P [1]	- P [1]	- P [1]	P	P	P	P
Mobile home park	-	-	-	-	-	-	-	-	-

Mixed-use building	-	-	-	-	-	-	P	P	P
Vertical mixed-use building	-	-	-	-	-	-	P	P	P

1. Table 20-4.5 Notes

The following notes refer to the bracketed numbers (e.g., "[1]") in (Table 20-4.5):

[1] Apartment/condo is limited to no more than 8 dwelling units on a single lot.

20.080-D Lot and Building Regulations

In the Neighborhood Infill Overlay district, the lot and building regulations of Table 20-5 apply in the RS-3, RS-4, RS-5, RD, RT, RM-0, RM-1, RM-2, RM-3 base zoning districts to Duplex, Townhouse, Cottage House Development, Multi-unit House and Apartment/Condo building types. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90. Regulations governing accessory uses and structures can be found in Chapter 45.

Table 20-5: Neighborhood Infill Overlay District Lot and Building Regulations

Minimum Lot Area (sq. ft.)	
Townhouse	1,600
All other [1]	4,000
Minimum Lot Width (feet)	
Minimum Lot Area per unit (sq. ft.) [2]	
Townhouse	20
All other [1]	40
Minimum Street Frontage (feet)	20[2]
Minimum Open Space per Unit (sq. ft.)	100
Minimum Building Setbacks (feet)	
Street	10[3]
Side	3[4]
Rear	10
Maximum Building Height (feet)	35

Table 20-5 Notes

The following notes refer to the bracketed numbers (e.g., "[1]") in (Table 20-5):

[1] All other include Cottage house development, Duplex, Multi-unit house and Apartment/condo building types.

[2] Lot area per unit does not apply in the Neighborhood Infill Overlay

[3] Minimum street frontage requirements apply to townhouse developments, not to individual townhouse units. Cottage house developments require minimum street frontage of 50 feet.

[4] Minimum setback for street-facing garage doors is 20 feet.

[5] No side setback is required for interior units in townhouse developments. Side setback applies to end units.

20.080- E Parking Regulations

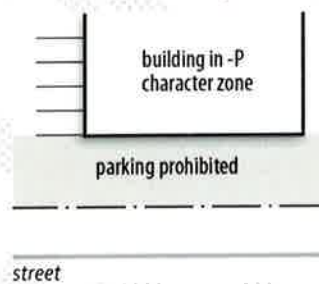
1. Minimum Parking Ratios

The minimum parking ratios established in [Section 55.020](#), Table 55-1 for a Household Living use are reduced by 50% in the Neighborhood Infill Overlay district.

2. Location

The parking area is prohibited between building and street right-of-way (see [Figure 20-2](#)) on lots occupied by a Townhouse, Cottage House Development, Multi-unit House and Apartment/Condo.

Figure 20-2: Parking Prohibited between Building and Street Right-of-Way *(need to update figure)*



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**PROPOSED AMENDMENTS
(ZCA-21)**



Prepared by Susan Miller, smiller@incog.org, 918.579.9470
Felicity Good, fgood@incog.org, 918.579.9456

Item

Discuss various proposed amendments to the City of Tulsa Zoning Code in the following sections:

- **Chapter 5 Residential Districts:** Section 5.020 Use Regulations, Table 5-2: R District Use Regulations
- **Chapter 10 Mixed-use Districts:** Section 10.020 Use Regulations, Table 10-2: MX District Use Regulations; Section 10.030 Character Designations, Table 10-4: Lot and Building Regulations for -P Character Zones, Figure 10-3: MX District Lot and Building Regulations (-P Character Zone), Table 10-5: Lot and Building Regulations for -U Character Zones, Table 10-6: Lot and Building Regulations for -V Character Zones
- **Chapter 15 Office, Commercial and Industrial Districts:** Section 15.020 Use Regulations, Table 15-2: O, C, and I District Use Regulations
- **Chapter 25 Special Districts:** Section 25.020 AG, Agricultural District and AG-R, Agricultural-Residential District, Table 25-1: AG and AG-R District Use Regulations; Section 25.040 CO, Corridor District, Table 25-4: CO District Use Regulations; Section 25.050 SR, Scientific Research District, Table 25-5: SR District Use Regulations; Section 25.060 IMX, Institutional Mixed-Use, Table 25-7: IMX District Use Regulations
- **Chapter 45 Accessory Uses and Structures:** Section 45.130 Parking and Storage of Commercial Trucks
- **Chapter 55 Parking:** Section 55.020 Minimum Parking Ratios, Table 55-1: Minimum Motor Vehicle Parking Ratios; Section 55.050 Parking Exemptions and Credits
- **Chapter 60 Signs:** Section 60.020 Prohibited Signs and Sign Characteristics; Section 60.100 Dynamic Displays
- **Chapter 65 Landscaping and Screening:** Section 65.080 Landscape and Screening Material
- **Chapter 70 Review and Approval Procedures:** Section 70.010 Common Provisions, Table 70-1: Review and Decision-making Authority Summary Table; Section 70.040 Development Plans; Section 70.080 Zoning Clearance and Permits; Section 70.140 Appeals of Administrative Decisions; Figure 70-7: Appeals of Administrative Decisions (Generally)
- **Chapter 95 Definitions:** Section 95.040 Terms Beginning with "A", Arterial

Background

The City of Tulsa Zoning Code became effective on January 1, 2016. During the development of the zoning code, staff anticipated that cleanup items would be identified as implementation began in 2016. In early 2016, a zoning code implementation team was established and began meeting regularly to discuss situations where inconsistencies existed, clarification was needed, intent was not fully accomplished, and unintended consequences occurred. Since the effective date of the zoning code, staff has brought several rounds of general clean-up amendments through the approval process. The zoning code implementation team meets biweekly and consists of members of the Tulsa Planning Office, Development Services Department, and City Legal.



The amendments are a result of the zoning code implementation team's work. The proposed amendments are located in Chapters 5, 10, 15, 25, 45, 55, 60, 65, 70, and 95 of the zoning code. Many proposed amendments are minor in nature.

The amendments proposed to the City of Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, are shown in ~~strike through~~/underline/**highlight** in **Attachment I**.

Attachment 1

- Summary of changes and justifications for zoning code amendments

1. Governmental Service or Similar Functions Use Tables

Justification: As part of the ZCA-17 amendments effective July 1, 2020, the “Governmental Service” use was renamed “Governmental Service or Similar Functions” and its definition was revised. The amendment failed to update the use name throughout the entire zoning code. This change makes the “Governmental Service or Similar Functions” use name consistent across all use regulation tables and the minimum parking ratio table.

Chapter 5 | Residential Districts

Section 5.020 Use Regulations

Table 5-2: R District Use Regulations

USE CATEGORY	RE	RS-					RD	RT	RM-				RMH	Supplemental Regulations	
Subcategory		1	2	3	4	5			0	1	2	3			
Specific Use															
PUBLIC, CIVIC AND INSTITUTIONAL															
Governmental Service <u>or</u> Similar Functions	S	S	S	S	S	S	S	S	S	S	S	S	S		

Chapter 10 | Mixed-use Districts

Section 10.020 Use Regulations

Table 10-2: MX District Use Regulations

USE CATEGORY				Supplemental Regulations
Subcategory	MX1	MX2	MX3	
Specific Use				
PUBLIC, CIVIC AND INSTITUTIONAL				
Governmental Service or Similar Functions	S	S	S	

Chapter 25 | Special Districts

Section 25.020 AG, Agricultural District and AG-R, Agricultural-Residential District

25.020-B Use Regulations

Table 25-1: AG and AG-R District Use Regulations

USE CATEGORY	AG	AG-R	Supplemental Use Regulations
Subcategory (Section 35.020)			
Specific Use			
PUBLIC, CIVIC AND INSTITUTIONAL			
Governmental Service <u>or Similar Functions</u>	S	S	

Section 25.040 CO, Corridor District

25.040-B Use Regulations

Table 25-4: CO District Use Regulations

USE CATEGORY	CO	Supplemental Regulations
Subcategory (Section 35.020)		
Specific Use		
PUBLIC, CIVIC, AND INSTITUTIONAL		
Governmental Service <u>or Similar Functions</u>	P*	



Section 25.050 SR, Scientific Research District

25.050-B Use Regulations

Table 25-5: SR District Use Regulations

USE CATEGORY		
Subcategory (Section 35.020)	SR	Supplemental Regulations
Specific Use		
PUBLIC, CIVIC AND INSTITUTIONAL		
Governmental Service <u>or Similar Functions</u>	S	

Section 25.060 IMX, Institutional Mixed-Use

25.060-B Use Regulations

Table 25-7: IMX District Use Regulations

USE CATEGORY		
Subcategory (Section 35.020)	IMX	Supplemental Regulations
Specific Use		
PUBLIC, CIVIC AND INSTITUTIONAL		
Governmental Service <u>or Similar Functions</u>	S	

Chapter 55 | Parking

Section 55.020 Minimum Parking Ratios

Table 55-1: Minimum Motor Vehicle Parking Ratios

USE CATEGORY	Measurement (spaces per)	CBD District	CH District and MX District	All Other Districts and PI Overlay [1]	Additional requirements/notes
Subcategory					
Specific Use					
[1] See Section 20.040 for information on PI Overlay					
PUBLIC, CIVIC & INSTITUTIONAL					
Governmental Service or Similar Functions		0.00	established as part of special exception		

2. Build-to-Zone in Mixed-use Districts

Justification: The proposed amendments to the build-to zone (BTZ) requirements in the pedestrian character district are intended to avoid conflicts between building placement and public and private utilities located within street rights-of-way. Adjusting the requirement from a 0/10 BTZ to a 0/20 BTZ still accomplishes the intent of street-facing buildings with active streetscapes while allowing the flexibility to avoid utilities where present. The proposed changes also correct typographical and formatting errors.

Chapter 10 | Mixed-use Districts

Section 10.030 Character Designations

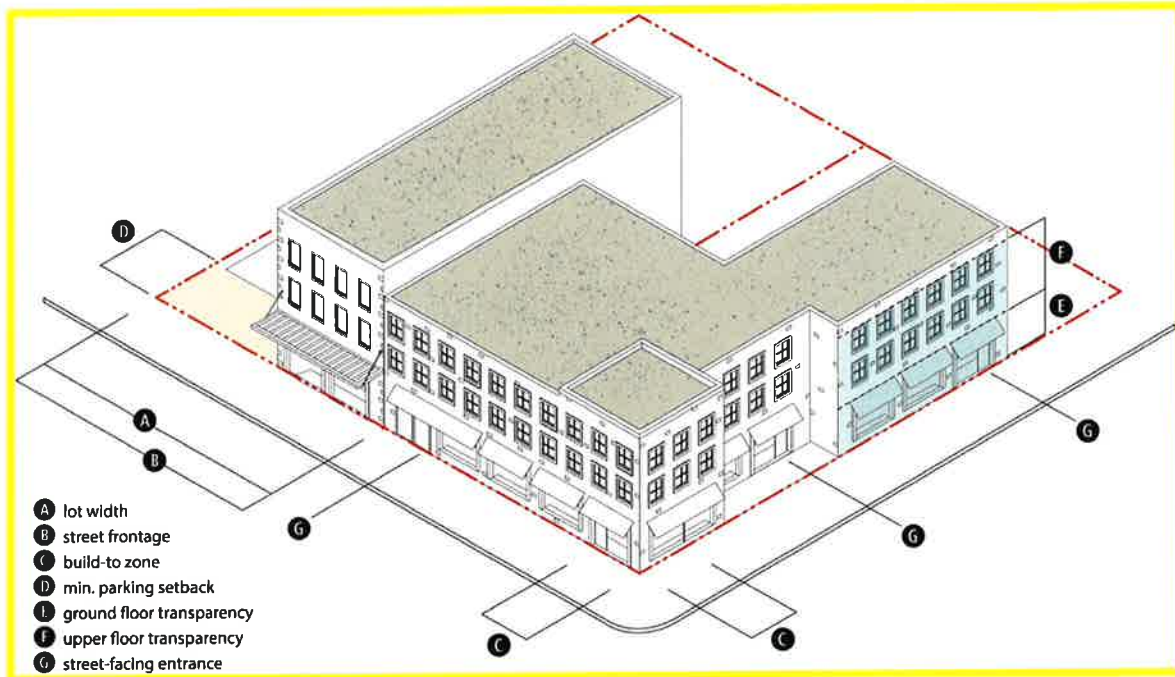
10.030-B ~~-P~~, Pedestrian Character Designation

Table 10-4: Lot and Building Regulations for -P Character Zones

Minimum Lot Area (sq. ft.)	3,500	Min. Ground Floor Ceiling Height (feet)	14
Minimum Lot Width (feet)	25	Minimum Transparency (%)	
Minimum Street Frontage (feet)	20	Ground floor	50
Minimum Open Space per Unit (sq. ft.)	100	Upper floors	20
Minimum Building Setbacks (feet)		Min. Parking Setbacks (ft)(see also §55.080-C)[1]	
Street	0	Primary street	30
Abutting R district	10	Secondary street or R zoning district	10
Abutting nonresidential district	0	Nonresidential zoning district	0
Abutting alley	5	Street-facing Entrance Required	Yes
Build-to Zone (BTZ) (minimum/maximum in feet) <i>See Section 90.110 for BTZ measurement</i>	0/ 10 20		
Primary street BTZ	80		
Secondary street BTZ	30		



Figure 10-3: MX District Lot and Building Regulations (-P Character Zone)



10.030-C Urban Character Designation

Table 10-5: Lot and Building Regulations for -U Character Zones

Minimum Lot Area (sq. ft.)		Min. Parking Setbacks (feet)(see also §55.080-C)[1]	
Townhouse	1,600	Primary street	30
Apartment/condo	7,500	Secondary street or R zoning district	10
All other	3,500	Nonresidential district	0
Minimum Lot Width (feet)		Min. Ground Floor Ceiling Height (feet)	
Townhouse	20	Mixed-use and commercial buildings	14
Apartment/condo	50	Other buildings	-
All other	25	Minimum Transparency (%)	
Minimum Street Frontage (feet)	20	Mixed-use buildings	
Minimum Open Space per Unit (sq. ft.)		Ground floor	40
Townhouse	200	Upper floors	20
Apartment/condo/mixed-use	100	Commercial buildings	
Minimum Building Setbacks (feet)		Ground floor	35
Street	0	Upper floors	20
Abutting R district	10	Other buildings	20
Abutting nonresidential district	0	Street-facing Entrance Required	
Abutting alley	5		
Build-to Zone (BTZ) (minimum/maximum in feet) <i>See Section 90.110 for BTZ measurement</i>			
Primary street BTZ	60		
Secondary street BTZ	30		



10.030-D Variable Character Designation

Table 10-6: Lot and Building Regulations for -V Character Zones

Minimum Lot Area (sq. ft.)		Build-to Zone (BTZ) (minimum/maximum in feet) <i>See Section 90.110 for BTZ measurement</i>	0/110
Townhouse	1,600	Primary street BTZ	50
Apartment/condo	7,500	Secondary street BTZ	25
All other	3,500	Min. Parking Setbacks (feet)(see also §55.080-C)[1]	
Minimum Lot Width (feet)		Street or R zoning district	10
Townhouse	20	Nonresidential zoning district	0
Apartment/condo	50	Min. Ground Floor Ceiling Height (feet)	
All other	25	Mixed-use and commercial buildings	14
Minimum Street Frontage (feet)	20	Other buildings	-
Minimum Open Space per Unit (sq. ft.)		Minimum Transparency (%)	
Townhouse	200	Mixed-use buildings	
Apartment/condo/mixed-use	100	Ground floor	40
Minimum Building Setbacks (feet)		Upper floors	20
Street	0	Commercial buildings	
Abutting R district	10	Ground floor	35
Abutting nonresidential district	0	Upper floors	20
Abutting alley	5	Other buildings	20
		Street-facing Entrance Required [bold and left-justify]	Yes

3. Building Types and Use Tables

Justification: As part of the ZCA-3 amendments effective May 10, 2017, residential building types were separated from use tables. Household Living use allowances reflect the most permissive building type allowed under each zoning district in all use tables except Table 15-2 and Table 25-1. These proposed changes correct the Household Living uses for Industrial and Agricultural zoning districts to be consistent with other use tables throughout the code. The proposed changes also correct typographical and formatting errors.

Chapter 15 | Office, Commercial and Industrial Districts

Section 15.020 Use Regulations

Table 15-2: O, C, and I District Use Regulations

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
Subcategory												
Specific Use												
RESIDENTIAL												
Household Living (if in allowed building type identified in Table 15-2.5) [bold]												
Single household	P	P	P	P	P	P	P	P	PS	PS	PS	
Two households on single lot	P	P	P	P	P	P	P	P	PS	P-	P-	
Three or more households on single lot	P	P	P	P	P	P	P	P	PS	P-	P-	

Chapter 25 | Special Districts

Section 25.020 AG, Agricultural District and AG-R, Agricultural-Residential District

25.020-B Use Regulations

Table 25-1: AG and AG-R District Use Regulations

USE CATEGORY			
Subcategory	AG	AG-R	Supplemental Use Regulations
Specific Use			
RESIDENTIAL			
	Household Living (if in allowed building type indicated in 25.1-525-1.5) (bold and left-justify)		
Single Household	P/S	P	

4. Definition of Commercial Vehicle

Justification: The zoning code currently restricts the parking and storing of Commercial Trucks in residential zoning districts, but the definition of Commercial Truck is based on a section of the Oklahoma Administrative Code (O.A.C.). The section of the O.A.C. referenced by the zoning code is applicable for vehicle tag registration fees and not for identifying the types of vehicles causing a nuisance in residential neighborhoods. This update clarifies what types of vehicles are restricted from parking in residential areas and provides characteristics that are easily identifiable by code enforcement officers during an investigation.

Chapter 45 | Accessory Uses and Structures

Section 45.130 Parking and Storage of Commercial ~~Trucks~~Vehicles

45.130-A Description

A commercial vehicle, for the purpose of determining compliance with Section 45.130, is any vehicle, including but not limited to a car, van, truck, bus, semi-truck, or tow truck, that includes any of the following characteristics:

1. More than two (2) axles;
2. A cab height greater than eighty-four (84) inches;
3. Any part or attachment to the vehicle capable of exceeding the height of ninety (90) inches;
4. A gross vehicle weight rating greater than twelve thousand (12,000) pounds;
5. An overall length of more than twenty-five (25) feet;
6. A commercial sign or message exceeding four (4) square feet per side; or
7. A tow sling or other device designed specifically to tow another vehicle.

45.130-B Where Prohibited

No ~~vehicle required to be registered as a "commercial truck" pursuant to OAC 710:60-3-91 vehicle as defined in §45.130-A~~ may be parked or stored outdoors on a lot within a residential zoning district. This provision is not intended to prohibit the following:



1. Vehicles accessory to permitted non-residential uses and parked on the lot containing the use;
2. dDeliveries and pickups by common carrier delivery vehicles or service vehicles being actively used, loaded, or unloaded (e.g., postal service, ~~united parcel service~~UPS, FedEx, et al.) of the type typically used in residential neighborhoods;
3. Recreational vehicles (See §45.150);
4. Vehicles registered to a governmental body or utility provider and used for law enforcement, emergency response, or repair of public infrastructure; or
5. Vehicles accessory to a construction project or an active building or construction permit.

5. Minimum Parking Ratio for Schools

Justification: The Zoning Code has long required excessive amounts of parking for school uses, forcing schools to ask for relief from minimum parking requirements nearly twenty times in the past two decades whenever they propose construction projects resulting in additional square footage or athletic/auditorium seating. In each case, schools have successfully demonstrated that the zoning code requires much more parking than is needed or used, sometimes by a factor of 10. Currently, no high school meets the minimum parking requirement, several by 60-80%. In contrast, every high school would meet the requirement outlined in the proposal, allowing schools more flexibility and reducing the need to ask for relief in the future. These proposed changes reduce the minimum parking ratios for high schools, middle schools, and elementary schools.

Chapter 55 | Parking

Section 55.020 Minimum Parking Ratios

Table 55-1: Minimum Motor Vehicle Parking Ratios

USE CATEGORY	Measurement (spaces per)		CH District and MX District	All Other Districts and PI Overlay [1]	Additional requirements/notes
Subcategory		CBD District			
Specific use					
[1] See Section 20.040 for information on PI Overlay					
PUBLIC, CIVIC & INSTITUTIONAL					
School					
Elementary or Middle	1,000 sq. ft.	0.00	0.65 0.50	0.85 0.75	
Senior High	1,000 sq. ft.	0.00	0.85 0.50*	1.10 0.75*	*plus 0.20 or 0.055 per seat in the largest stadium/auditorium seat, whichever is greater

6. Alternative Compliance Parking Ratios

Justification: Alternative compliance parking ratios can be approved by the Board of Adjustment through its special exception procedures if a parking study is submitted along with the application. The requirements for the parking study are vague and difficult to interpret. The proposed change removes the requirement for a parking study but retains the other approval standards to guide the Board of Adjustment.

Chapter 55 | Parking

Section 55.050 Parking Exemptions and Credits

55.050-K Alternative Compliance

The motor vehicle parking ratios of this chapter are not intended to prevent development and redevelopment or to make development and redevelopment economically impractical. In order to allow for flexibility in addressing the actual expected parking demand of specific uses, alternative compliance parking ratios may be approved through the special exception procedures of Section 70.120 only if:

- ~~1. The applicant submits a parking study demonstrating that the motor vehicle parking ratios of Section 55.020 do not accurately reflect the actual day-to-day parking demand that can reasonably be anticipated for the proposed use based on field surveys of observed parking demand for similar use within the city or on external data from credible research organizations, such as the Urban Land Institute (ULI) or the Institute of Transportation Engineers (ITE);~~
21. The board of adjustment determines that the other allowed parking reduction alternatives of Section 55.050 are infeasible or do not apply; and
32. The board of adjustment determines that the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area.

7. Sign Permits

Justification: This change clarifies that most signs require a sign permit and cites Title 51, Tulsa Revised Ordinances, which establishes the types of signs requiring a permit.

Chapter 60 | Signs

Section 60.020 Prohibited Signs and Sign Characteristics

The following signs and sign characteristics are prohibited except as otherwise expressly stated:

60.020-A Signs for which no ~~required~~ permit that is required under Title 51 of the Tulsa Revised Ordinances has been issued;

8. Dynamic Display Signs

Justification: The zoning code requires a 1,200-foot separation distance between outdoor advertising signs that includes dynamic displays, regardless of the sign type. The intent of this was to provide a buffer between “Off-Premise Outdoor Advertising Signs” (Billboards) that included dynamic displays and not all outdoor advertising signs. Staff believes that was an error carried over from the previous zoning code and the text should include the words “off-premise” prior to “outdoor advertising sign” in Sections 60.100-J and 60.100-K. This proposed amendment will align the text of the code with the intent and application of the regulation.

Chapter 60 | Signs

Section 60.100 Dynamic Displays

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

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

9. Selection of Native Tree Species

Justification: This change removes references to a plant list and corrects a typographical error to clarify that non-native trees adapted to local growing conditions are acceptable.

Chapter 65 | Landscaping and Screening

Section 65.080 Landscape and Screening Material

65.080-A General

3. Selection
Trees and plants used to satisfy the requirements of this zoning code must:
 - a. Meet or exceed the plant quality standards established in the latest edition of the American Standard for Nursery Stock (ANSI Z60.1);
 - b. Be native to North America or adapted for growing conditions in the Tulsa area, as determined by the land use administrator; and
 - c. Not be artificial plants or plants listed as prohibited species on the recommended and prohibited tree ~~and plant species~~ list.

10. Review and Decision-making Authority Summary Table

Justification: As part of the ZCA-17 amendments effective July 1, 2020, the authority for verifying compliance with spacing and separation distance requirements was removed from the Board of Adjustment and placed with the development administrator through the city's permit review process. The proposed amendment updates Table 20-1 to reflect that the development administrator has the authority to verify spacing and separation distance requirements.

Chapter 70 | Review and Approval Procedures

Section 70.010 Common Provisions

70.010-A Applicability

The common provisions of this section apply to all of the procedures in this chapter unless otherwise expressly stated.

Table 70-1: Review and Decision-making Authority Summary Table

Procedure	Staff	Preservation Commission	Planning Commission	Board of Adjustment	City Council	Public Notice
Zoning Code Text Amendments	R	-	<R>	-	<DM>	N
Zoning Map Amendments (Non-HP)	R	-	<R>	-	<DM>	N,M,P
Development Plans	R	-	<R>	-	<DM>	N,M,P
Site Plans	DM[1]	-	-	-	-	-
Historic Pres. (HP) Zoning Map Amendments	R	R	<R>	-	<DM>	N,M,P
HP Permits	R[2]	DM[2]	-	-	-	-
Zoning Code Interpretations	DM[3]	-	-	-	-	-
Spacing and Separation Distance Verification	-DM[4]	-	-	<DM> -	-	M -
Special Exceptions	-	-	-	<DM>	-	N,M,P [45]
Variances	-	-	-	<DM>	-	N,M
Appeals of Administrative Decisions	-	-	-	<DM>[56]	-	N,M

R = Review body (review and recommendation) | **DM** = Decision-making body (final decision to approve or deny)
 < > = Public hearing required | Hearing Notice: **N** = Newspaper; **M** = Mail; **P** = Posting (signs)

Table 70-1 Notes

[1] Unless alternative site plan review procedure/decision-maker is established by city council at time of development plan approval (see §70.050-C)

[2] Preservation officer (staff) authorized to act on some applications (see §70.070-K)



[3] Development administrator authorized to issue written interpretations

[4] Development administrator authorized to verify spacing and separation distance requirements

[45] Special notice requirements for minor special exceptions (See §70.120-E)

[56] Appeals of administrative decisions on site plans go the planning commission

11. Required Notice for Minor Amendments

Justification: As part of the ZCA-6 amendments effective June 11, 2018, the requirement to post sign notices for PUD minor amendments was removed. When the change was made, the requirement was removed from Section 30.010-I but not Section 70.040-I. This proposed change would delete the sign notification requirements for minor amendments in Section 70.040-I to be consistent with the changes made in ZCA-6.

Chapter 70 | Review and Approval Procedures

Section 70.040 Development Plans

70.040-I Amendments to Approved Development Plans

1. Minor Amendments

c. Notice of the planning commission's public hearing on a development plan minor amendment request must be provided at least 10 days in advance of the hearing by mailing written notice to all owners of property within a 300-foot radius of the exterior boundary of the subject property. ~~Notice (signs) must also be posted on the subject property at least 10 days before the scheduled public hearing.~~

12. Early-Release Permits

Justification: This change removes the ability for building foundation or earth-change permits to be released prior to the recording of a final plat. Since the adoption of the Tulsa Zoning Code in 2016, the early-release provisions have never been used. The provision is unnecessary because the release of certain permits while platting is already covered through the IDP process.

Chapter 70 | Review and Approval Procedures

Section 70.080 Zoning Clearance and Permits

70.080-B Compliance with Development Regulations

~~3. Early-Release Permits~~

~~Building permits authorizing the installation of a building foundation and earth-change permits may be issued prior to the date that the final subdivision plat or lot split/adjustment certifications or certificates are recorded if the development administrator or land use administrator determines that all of the following criteria have been met:~~

- ~~a. The final plat, lot split or lot line adjustment has been approved by the land use administrator or planning commission, in accordance with applicable procedures of Tulsa Metropolitan Area Subdivision and Development Regulations;~~
- ~~b. All plats or other documents requiring the property owner's signature have been signed by the property owner;~~
- ~~c. The activity for which the foundation permit or earth-change permit is requested complies with all applicable regulations; and~~
- ~~d. Future recordation of all required plats or other documents is reasonably assured.~~

13. Appeals of Administrative Decisions

Justification: The filing requirements in place for appeals of administrative decisions have caused confusion and challenges for applicants. These changes streamline the process by allowing applicants to file appeals directly with the clerk of the board of adjustment and the City Clerk, rather than with the administrative official who issued the decision. The additions to §70.140-A clarify that the appeal procedures of §70.140 also apply to decisions made by the Tulsa Preservation Commission.

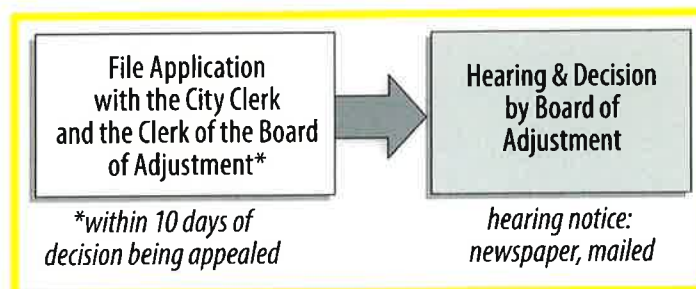
Chapter 70 | Review and Approval Procedures

Section 70.140 Appeals of Administrative Decisions

70.140-A Authority

Appeals of administrative (staff-level) decisions on site plans go to the planning commission (See §70.050-C). The board of adjustment is authorized to hear and decide all other appeals where it is alleged there has been an error in any order, requirement, decision or determination made by the land use administrator, the development administrator or any other administrative official in the administration, interpretation or enforcement of this zoning code. For the purpose of applying the procedures of 70.140 to appeal of any final decision of the preservation commission (See §70.070-L), the final decision of the preservation commission is deemed an administrative decision and the preservation commission is deemed an administrative official.

Figure 70-7: Appeals of Administrative Decisions (Generally)





70.140-C Application Filing

1. Complete applications for appeals of administrative decisions must be filed with the ~~land use administrator~~city clerk and the clerk of the board of adjustment, who will forward it to the administrative official who made the decision being appealed.
2. Appeals of administrative decisions must be filed within 10 days of the date of the decision being appealed.

14. Special Trafficway / Scenic Drive

Justification: When the Tulsa Major Street and Highway Plan was updated in 2018, the "Special Trafficway" designation was renamed "Scenic Drive." This change updates the name and clarifies that a scenic drive is an arterial street.

Chapter 95 | Definitions

Section 95.040 Terms Beginning with "A"

Arterial

A street designated on the major street and highway plan as an arterial, parkway or ~~special trafficway~~scenic drive.

REVIEW OF MOTIONS

Prepared by Austin Chapman, achapman@incog.org, 918.579.9471

Item

Review of making motions during Board of Adjustment hearings.

Background

Due to the number of new Board members this is a time to review the process of making motions during BOA hearings.

Staff Recommendation

No action must be taken though the board may use this time to practice motion making and ask any questions of staff regarding the proper way to make motions.

Attachment(s)

Copy of the Policies and Procedures for the City of Tulsa Board.

**GENERAL POLICIES AND
RULES OF PROCEDURE
BOARD OF ADJUSTMENT OF THE CITY OF TULSA**

SECTION I - RULES OF PROCEDURE

A. Name

The name of this board shall be "Board of Adjustment of the City of Tulsa", hereinafter referred to as the "Board".

B. Membership

The Board shall consist of five members, who shall be appointed by the Mayor and confirmed by the City Council. Members of the Board shall serve without pay for a term of three years and shall continue to serve until their successors are appointed. Vacancies shall be filled for an unexpired term of any member in the manner set forth for appointments to a full term.

C. Removal

A Board member may be removed for cause by the City Council after notice, written charges and a public meeting. Three consecutive absences from regular and/or special called meetings, or absences totaling 2/3 of the regularly called or special called meetings held during any six month period, shall be sufficient cause for removal from the Board.

D. Officers

The Board shall elect annually from its appointed members a Chairman, a Vice-Chairman and Secretary. The Vice-Chairman shall serve as Chairman in the absence of the Chairman. Any vacancy in office shall be filled by the Chairman for the unexpired term only. The election shall take place on the first regularly scheduled meeting of the Board in the month of June.

1) The duties of the Chairman shall include:

- a) Presiding over meetings with all powers under parliamentary procedure, unless the Chairman designates another member to preside;
- b) Signing official documents of the Board;
- c) Appointing a Vice-Chairman and Secretary in the event the said officers are absent from the meeting.

2) The duties of the Vice-Chairman shall include:

- a) Presiding over all meetings in the absence of the Chair and shall have full powers of the Chair in matters that come before the Board; and
- b) Assuming the duties of the Secretary in the event that the Secretary is absent from the meeting.

- 3) The duties of the Secretary shall include:
 - a) Assuming duties of the Chair in the event that the Chair and Vice-Chair are absent from the meeting; and
 - b) Collecting and stamping exhibits of each meeting for the official record.

E. Quorum

A numerical majority of three Board members shall constitute a quorum for the conduct of any Board business.

F. General Procedures

1. If inclined, the Board may grant a continuance of a scheduled public meeting at the request of the applicant, interested parties, or Board staff.
2. A motion to reconsider any action of the Board can be made by a Board member who voted for the prevailing party.
 - a) The Board may take a vote to reconsider an action of the Board during the meeting or at the next regularly scheduled meeting of the Board.
 - b) The action to be reconsidered will be placed on the subsequent meeting agenda and written notice must be given to all interested parties at least five working days in advance of the scheduled meeting.
3. When the public wishes to communicate with Board members, the appropriate way is through a letter or e-mail correspondence to Board staff, who will in turn distribute it to the Board members.

G. Public Meeting Procedures

1. The Board shall consider only public meeting items which have been properly advertised as required by law and only those where all fees have been paid, including fees for legal advertising.
2. During the public meeting the Chair reserves the right to modify the order of business as appropriate; however the following order of business for regular meetings shall normally be as follows:
 - a) Staff will announce the case by reading the item number, case number and applicant's name.
 - b) Staff will read the location of the subject tract and the action requested from the case report.
 - c) The Chairman will ask if the applicant is present and if there are any protestants or interested parties. If it is necessary, the Chair may set a time limit for each speaker.

- d) The applicant will be given time to present his/her case. If the applicant presents a site plan and/or written land use proposal significantly changed from that submitted for Staff review, (determined by Staff and Board at the time of the presentation) such action is considered grounds for continuance.
 - e) Protestants and interested parties will be given a chance to speak in support or opposition to a case.
 - f) The applicant may be allowed time for rebuttal; however, any Board member may make a motion at any point in time when he/she feel they have sufficient information to do so.
- 3. A second is required on all motions in order to bring the question to a vote of the Board.
 - 4. Three affirmative votes are required to approve all variances, special exceptions, land use spacing verifications and appeals of administrative officials.
 - 5. No variance may be approved unless the Board determines that the all the facts required by Section 70.130-H have been established.
 - 6. No special exception may be approved unless the Board makes each of the findings required by Section 70.120-G.

H. Meetings

- 1. The Board shall generally meet only on the second and fourth Tuesday of each month in a designated location in accordance with its approved calendar.
- 2. Special public meetings or work sessions may be held on approval by the Board Chair or a majority vote of the Board upon 48 hours notice.
- 3. The meeting agenda must be posted at least 24 hours in advance of the meeting for all regularly scheduled and special meetings and work sessions.
- 4. Board staff will make every effort to post the meeting agenda 6 days in advance of all regularly scheduled meetings, work sessions and special meetings.

I. Release of Information

No Board member or staff member shall use or transmit to others for private benefit any information derived from Board activities unless and until such information is made available to the public at large.

SECTION II – GENERAL POLICIES

A. Spacing and Separation Distance Verification (Supporting Information)

Applications for Spacing Verification between outdoor advertising signs shall include a certified survey demonstrating compliance with Section 60.130-C of the Zoning Code.

Applications for spacing or separation verification between a use, structure, or development feature shall include a parcel map drawn to scale showing distances between buildings or structures and zoning district boundaries or property lines accompanied by an inventory of current uses located within the required radius. If the spacing requirement cannot be clearly demonstrated on a parcel map the Board may require the Applicant submit a certified survey.

B. Letter of Deficiency (LOD)

An official Letter of Deficiency issued to the Applicant from the City of Tulsa shall accompany each application to the Board for a variance, special exception or other relief, provided that the Board Staff may waive the requirement that an LOD accompany an application when in the opinion of the Board staff it is unnecessary.

Where the LOD requirement has been waived, the Applicant shall be responsible for citing in the application the necessary relief and the sections of the Zoning Code pertinent to that relief. The waiver of the requirement that an LOD accompany the application shall not be considered a waiver of the necessity to apply for a building permit or a zoning clearance permit, as may be required by the particular proposed use or construction.

SECTION III - CODE OF ETHICS

A. Conflict of Interest

Each member of the Board shall avoid situations which create conflicts of interests. The possibility, not the actuality, of a conflict of interest should govern. In deciding the matter, the Board member should consider the question, "Would a reasonable person believe me to be unbiased and impartial".

1. A conflict of interest shall include, but not necessarily be limited to, the following:
 - a. Deliberating on, voting on or reviewing a case concerning property owned by a Board member or property which is adjacent to or within 300 ft of property owned by a Board member;
 - b. Deliberating on, voting on, or reviewing a case involving a corporation/organization, or any other entity in which a Board member may stand to have an economic or other personal interest;
 - c. Deliberating on, voting on or reviewing a case concerning a Board member's spouse or child, any member of a Board member's immediate family or any member of his/her household.
2. A Board member experiencing a conflict of interest shall not discuss the agenda item with any fellow Board member involved in decision making on the matter for the purpose of influencing a decision.

3. A Board member experiencing a conflict of interest shall publicly declare his/her intention to abstain, abstain from voting on the matter, and refrain from any deliberations on the matter. When possible, the Board member shall leave the public meeting room, until the agenda item is concluded.

B. Ex Parte Communication

Board members shall avoid ex parte discussion about cases where a decision is before the Board. In the event that a Board member receives ex parte communication, the Board member must disclose such ex parte communication prior to or at the public meeting of said matter. If in writing (letter, e-mail, text etc.) the communication shall be transmitted to Board staff, who shall publish the communication to each Board member, and include the communication in the permanent case file.

Date Approved JUNE 14, 2016


Chairman

ATTEST:


Secretary