AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, September 28, 2021, 1:00 P.M.

Meeting No. 1281

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

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

Attend in Person: 175 East 2nd Street, 2nd Level, One Technology Center
Attend Virtually: https://us02web.zoom.us/j/82448910944
Attend by Phone: 312-626-6799 Meeting ID: 824 4891 0944

If you wish to present or share any documents, written comments, or exhibits during the hearing, please submit them by 9:00 a.m. 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 August 24, 2021 (Meeting No. 1279).
UNFINISHED BUSINESS
Review and possible approval, approval with modifications, denial or deferral of the following:

2. **23167—Louis Fernandez, Jr.**
   Appeal of the Administrative Decision issued by a Neighbor Inspector that the subject property is in violation of Sections 45.100 (Home Occupations) and Section 45.130 (Parking and Storage of Commercial Vehicles) of the zoning codes (Section 70.140). **LOCATION:** 9239 South 86th East Avenue (CD 7)

3. **23175—Christopher Wadleigh**
   Variance to reduce the number of required vehicle parking spaces from 23 required spaces to 13 spaces or fewer (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 65060-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)

4. **23182—Jack In The Box – Dawn Bennyhoff & Shaun Steen**
   Variance to allow a drive-through facilities to be located on the street-facing side of the property (Section 55.100-C.2); Variance to allow drive-through signs that exceed the maximum area of 36 square feet for the primary signs and 15 square feet for the secondary signs and to allow two secondary drive-through signs (Section 60.030-B.2). **LOCATION:** 8112 East 11th Street South (CD 5)

5. **23183—Wallace Design Collective – Mark Capron**
   Variance to allow parking inside the City of Tulsa planned Right-of-Way (Section 90.090-A). **LOCATION:** 4008 West Charles Page Boulevard (CD 1)

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

6. **23184—Lenora Bustos**
   Special Exception to allow a fence greater than 4 feet in height within the required street setbacks (Section 45.080-A). **LOCATION:** 6339 East 7th Street South (CD 5)

7. **23185—Vincent Paul Fortner & Brandi Carol Holland**
   Special Exception to allow a manufactured housing unit in an AG District (Section 5.020, Table 5-2); Special Exception to extend the one-year time limit to allow the manufactured housing unit permanently (Section 40.210-A); Variance of the dustless, all-weather parking surface requirement to permit the use of gravel (Section 55.090-F). **LOCATION:** 18227 East 11th Street South (CD 6)
8. **23186—Britt Walker**  
Special Exception to permit a Wholesale, Distribution and Storage / Wholesale Sales and Distribution and Warehouse use in a CS District (Section 15.020, Table 15-2). **LOCATION:** 6645 South Peoria Avenue East (CD 2)

9. **23187—Omar Ahmadiah**  
Special Exception to increase the permitted driveway width in a residential district (Section 55.090-F.3). **LOCATION:** 5508 South 30th West Avenue (CD 2)

10. **23188—Jonah Hall**  
Special Exception to permit a self-service storage facility in a CS District (Section 15.020, Table 15-2). **LOCATION:** 1601 North Peoria Avenue East (CD 1)

OTHER BUSINESS

11. Consider motion and vote to enter Executive Session pursuant to Title 25 O.S. Section 307(B)(4) for the purpose of allowing confidential communications between the Commission and its legal counsel regarding the Tulsa County District Court Case No. CV-2019-1345, Diana W. Capehart, as Trustee of the Robert J. and Diana W. Capehart Family Trust dated July 28, 2009 v. Tulsa City Board of Adjustment, including discussion of plaintiff’s settlement proposal, such action to include, but not be limited to, rejection, approval, or offering a counter-offer of settlement.

12. Exit the Executive Session to discuss and possibly take action on plaintiff’s settlement proposal in Tulsa County District Court Case No. CV-2019-1345, Diana W. Capehart, as Trustee of the Robert J. and Diana W. Capehart Family Trust dated July 28, 2009 v. Tulsa City Board of Adjustment, such action to include but not be limited to rejection, approval or offering a counter-offer of settlement.

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

**Website:** tulsaplanning.org  
**E-mail:** esubmit@incog.org  
CD = Council District

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

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

HEARING DATE: 09/28/2021 1:00 PM (continued from 9/14/2021)

APPLICANT: Louis Jr. Fernandez

ACTION REQUESTED: Appeal of the Administrative Decision issued by a Neighbor Inspector that the subject property is in violation of Sections 45.100 (Home Occupations) and 45.130 (Parking and Storage of Commercial Vehicles) of the zoning codes (Sec. 70.140).

LOCATION: 9239 S 86 AV E

PRESENT USE: Residential Single Family 3

LEGAL DESCRIPTION: LT 9 BLK 5, OAK LEAF

ZONED: RS-3

TRACT SIZE: 10933.6 SQ FT

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located on the East side of S. 86th E. Ave. between E. 92nd and E. 93rd Streets S.

STAFF COMMENTS: The appellant is requesting an Appeal of the Administrative Decision issued by a Neighbor Inspector that the subject property is in violation of Sections 45.100 (Home Occupations) and 45.130 (Parking and Storage of Commercial Vehicles) of the zoning codes (Sec. 70.140)

Included in your packet is a statement of the case provided by Michael Rider, Zoning and Sign Official with the Working In Neighborhood Department (WIN).
No exhibits have been provided by the appellant as of the writing of this case report.

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.

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

70.140-G Hearing and Final Decision

1. The board of adjustment must hold a public hearing on the appeal.

2. Following the close of the public hearing, the board of adjustment must make its findings and take action on the appeal.

3. In exercising the appeal power, the board of adjustment has all the powers of the administrative official from whom the appeal is taken. The board of adjustment may affirm or may, upon the concurring vote of at least 3 members, reverse, wholly or in part, or modify the decision being appealed.

4. In acting on the appeal, the board of adjustment must grant to the official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.

70.140-H Review Criteria
The decision being appealed may be reversed or wholly or partly modified only if the board of adjustment finds that the land use administrator, the development administrator or other administrative official erred.
SAMPLE MOTION:

Move to _____ (affirm/reverse) the Administrative Decision issued in the Notice of Zoning Violation, Case Number WIN-20051-2021.

Finding that the Neighborhood Inspector (acted appropriately/erred) in the Administrative Decision issued in the Notice of Zoning Violation, Case Number WIN-20051-2021, and that the subject property (is/ is not) in violation of Sections 45.100 (Home Occupations) and 45.130 (Parking and Storage of Commercial Vehicles) of the zoning codes (Sec. 70.140)
BEFORE THE CITY OF TULSA BOARD OF ADJUSTMENT

Louis Fernandez, Jr.; Appellant,

vs. The City of Tulsa Working in Neighborhoods (WIN) Department Appellee.

Case No. BOA-23167

Appellee’s Statement of the Case

The owner of the property located at 9239 S 86th East Ave (Lt 9, Blk 5 Oak Leaf), Louis Fernandez, has appealed the Zoning Notice of Violation (City Exhibit 10) issued to him on June 24, 2021 after a Citizen complaint. The appeal, which does not contain any assertions of law or information about basis of the appeal, was timely filed with the Tulsa City Clerk and the Tulsa Planning Office on June 30, 2021. The facts of the case are outlined below.

In early April 2021, the Working in Neighborhoods (WIN) Department received a Citizen complaint (City Exhibit 1) following up on a previous complaint regarding the storage of a commercial truck at the residence located at 9239 S 86th East Ave. It was eventually determined that several inspections had been conducted, but the violation was not observed because the truck was only being stored at the residence in the evening hours and on weekends. Accordingly, the case was assigned to Zoning Official Michael Rider, who occasionally works evening hours.

Upon review of the photos submitted by the complainant, Inspector Rider noted that the name and phone number matching that of the property owner was painted on
the side of the Cornwell Quality Tools truck. Inspector Rider called the phone number on June 15, 2021, which was answered by the property owner and appellate, Louis Fernandez. After explaining the complaint and the violation of ordinance, Mr. Fernandez admitted that he brings the vehicle in question home regularly and stated that he intended to comply but wanted to read the ordinances. The Ordinances were emailed to Mr. Fernandez on the same date (City Exhibit 2) but Mr. Fernandez never replied. When Inspector Rider followed up with Mr. Fernandez via telephone a few days later, Mr. Fernandez seemed unwilling to voluntarily comply.

On June 23, 2021 internet research was conducted, revealing a Facebook post (City Exhibit 3) where a Dealer was soliciting a delivery driver to deliver the truck to Mr. Fernandez. In the post, the dealer identifies the truck as a "2017 20' M2". The post also contains photos that match those submitted in the email from the complainant. Further research of the Freightliner website (City Exhibit 4) revealed a base Gross Vehicle Weight Rating of 66,000 lbs. Additional research of the Oklahoma Secretary of State website found that Mr. Fernandez is the agent for "LX Tools LTD. Co." (City Exhibit 5).

The facts of the investigation revealed that the commercial "Cornwell Quality Tools" truck is prohibited by at least two sections of the City of Tulsa Zoning Code (Title 42), to wit:

- **Violation 1: Chapter 45, Section 45.100-F – Prohibited [Home Occupation] Uses (City Exhibit 6).**
  During the telephone conversation on June 15, 2021 Mr. Fernandez indicated to Inspector Rider that he operates his tool sales business from his home, in whole or in part. Section 45.100-F prohibits the outside storage of items, including vehicles, associated with a home occupation. Since Mr. Fernandez's truck cannot fit within his garage, there is no lawful place upon the lot for it to be stored; and
• **Violation 2: Chapter 45, Section 45.130** – Parking and Storage of Commercial Trucks (City Exhibit 7).

Internet research conducted by Inspector Rider reveals an approximate base GVWR of 66,000lbs. The City of Tulsa Zoning Code prohibits any vehicle required by the State to be registered as commercial from being stored in a residential zone. The Zoning Code cites the governing State Code, 710:60-3-91 (City Exhibit 8), which details the weight threshold – 15,000lbs - that requires commercial registration. Since Mr. Fernandez’s truck far exceeds this limitation and is in fact commercially registered pursuant to such regulation, the truck may not be parked or stored in a residential zone.

On June 23, 2021 the ownership information for the subject property was confirmed (City Exhibit 9) and a Notice of Zoning Violation (City Exhibit 10) was drafted.

On June 24, 2021 the Notice was mailed to the property owner and posted on the front door of the property (City Exhibit 11).

Based on the information contained herein, the City of Tulsa Working in Neighborhoods Department respectfully requests that the Appeal be denied by the City of Tulsa Board of Adjustment and that the owner be ordered to comply with all provisions of the Notice.

Respectfully Submitted,

[Signature]

Michael Rider, Zoning & Sign Official
City of Tulsa - Working in Neighborhoods
175 E 2nd Street, Ste 480
Tulsa, OK 74103
mrinder@cityoftulsa.org
918.596.9878
CITY EXHIBIT 1 - EMAIL COMPLAINT
Good Morning Mr. Fernandez,

Here is a link to the Zoning Code, which I referenced on our call today. As discussed, we have received a complaint about the Freightliner truck that is regularly parked at 9239 S 86 E Ave in the evenings and on weekends. I have not done a full inspection, but based on the photos submitted in the complaints, it appears that any of the following sections may be relevant to the situation:

- Chapter 45 (Accessory Uses):
  - Section 45.010-B (General Provisions)
  - Section 45.100-F-10 (Home Occupations)
  - Section 45.130 (Parking and Storage of Commercial Trucks)

- Chapter 60 (Signs):
  - Section 60.020-A,D,E & O (Prohibited Characteristics)
  - Section 60.050-B (Signs Allowed in Residential Zoning Districts).

The recreational vehicle regulations you inquired about are found in Chapter 45, Section 45.150. If you find any that need to be reported, you can do so by calling 3-1-1 or online at cityoftulsa.org.

Please take a look at these sections and let me know how long you need to relocate the commercial vehicle. If you believe the truck doesn’t constitute a violation after reviewing the sections, please let me know right away so I can issue you an official Notice so that you can appeal.

All the best,

Michael Rider  Zoning and Sign Official
City of Tulsa Working in Neighborhoods Department
175 East 2nd Street, Suite 590, Tulsa, OK 74103
T: 918-596-9678
F: 918-576-5449
E: mrider@cityoftulsa.org
www.cityoftulsa.org

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Customer Louis Fernandez needs to get his 2017 20' M2 moved so he can take delivery of his new truck. You may contact him at louisfernandez@cornwelldealer.com or 918-829-6609 for details.
Ross Dunagan
Ted Basile convert it for Tim?

Louis Fernandez
918-829-6609

Dondi Williams 20' M2 heading for Waxahatchie, Tx.
Herr Display Vans
June 16 at 3:58 PM

29 footer for the Paul Megrath team out of Iowa.

I've been lacking with the updates. Here are some of deliveries from the past couple of weeks. Lucas Lincoln's MT45, Bill Childers and his M2, Ron Davitt's KW, Wayne Moore and his new Peterbilt and Francisco Diaz's MT45.
Write a comment...

Press Enter to post.

Chris Lundy
Proud to be a part of your build, guys!

Like Reply 4d Edited

View 3 more comments
SPECS & RESOURCES

Class 6-8
Horsepower 200-350 HP
Torque 560 to 1150 lb-ft
GVWR 66,000 lbs.

M2 106 Brochure
(https://freightlineradsAEM.azureedge.net/content/dam/enterprise/document/m2_106_brochure-2019-03-01-1.pdf)

More Specs, Brochures and Videos (/trucks/m2-106/specifications/)

Build Your Own M2 106

https://freightliner.com/trucks/m2-106/
Vocational truck drivers demand more of their work trucks. They want options. We deliver.

Build Your Own [/trucks/m2-106/configurator]
The All-Around Performer

Available as a truck or tractor, the M2 106 supports a wide range of bodies and chassis-mounted equipment. Both stylish and practical, it has a GVWR of up to 66,000 pounds that produces results.
Built for Versatility

Versatility comes standard in the M2 106, making it the perfect platform and truck of choice for a variety of applications.
SAFETY

Safety First

A sloped hood, low profile dash and a 2,500 square-inch windshield provide drivers best in class visibility.
Toughness and Efficiency

Constructed from high quality and durable materials, the M2 106 cab is lightweight yet extremely tough, made from corrosion-resistant aluminum reinforced with e-coated steel.
UPTIME
Stay on the Road

M2 106 trucks are relied on every day as fire trucks, ambulances and other emergency vehicles, so Freightliner has designed its vocational trucks for maximized uptime and reliability.
SPECIAL OFFERS

The #1 Best-selling Medium-duty Truck* Just Got Even Better.

Accelerate your business with one of three offers on the M2 106, valued at $2,500 USD / $3,250 CAD.

*Based on Polk new truck registrations in the US and Canada for class 6-7 vehicles from 2012-2019.

See Limited Time Offers
Medium Duty Applications

Box Truck

(https://freightliner.com/trucks/m2-106/medium-duty-applications/box-truck/?truckld=1069)
Dump Truck

(trucks/vocational/dump-truck/?truckId=1069)
Flatbed - Stake Body

(trucks/vocational/flatbed-stake-body/?truckld=1069)
Food & Beverage

(https://freightliner.com/trucks/m2-106/food-beverage/?truckId=1069)
Government & Municipality

(/trucks/vocational/government-municipality/?truckId=1069)
Moving

(trucks/vocational/moving/?truckld=1069)
Refuse

(trucks/vocational/refuse/?truckId=1069)
Service

(trucks/vocational/service/?truckId=1069)
Sweeper

(trucks/vocational/sweeper/?truckId=1069)
Tanker

(/trucks/vocational/tanker/?truckId=1069)
Towing & Recovery

(/trucks/vocational/towing-recovery/?truckid=1069)
Tree Trimmer

(trucks/vocational/tree-trimmer/?truckid=1069)
Utility Truck

(trucks/vocational/utility-truck/?truckId=1069)
Water Tanker

(trucks/vocational/water-tanker/?truckld=1069)

Lower your Real Cost of Ownership

Recognizing the crucial factors that contribute to your RCO is essential to growing your bottom line. Download our quick-reference guide to RCO, and read all about how lowering it can benefit you.

Download Guide
Financing Packages that Fit Your Budget

Whether you're looking for a truck lease or a loan, Daimler Truck Financial pairs the best vehicles with the best financing by offering heavy-duty and commercial truck financing packages to maximize your investment. DTF delivers flexible and customized financing solutions for owner-operators, as well as vocational and fleet customers.

Available Financing

[financing/]

https://freightliner.com/trucks/m2-106/
## Entity Summary Information

Select the buttons below to file or place an order.

To view Entity Details there will be a $5.00 charge and you will need to click on VIEW ENTITY DETAILS button at the bottom of the page.

If you are ordering documents such as a "Certificate of Good Standing" or "Copies" you will need to click on the ORDER DOCUMENTS button at the bottom of the page.

If you are filing a legal document such as a trade name, amendment, annual certificate, etc., you will need to click on FILE A DOCUMENT button at the bottom of the page.

### LX TOOLS LTD. CO.

**Details**

- **Filing Number:** 3512815068
- **Name Type:** Legal Name
- **Status:** In Existence
- **Corp Type:** Domestic Limited Liability Company
- **Jurisdiction:** Oklahoma
- **Formation Date:** 6 Feb 2020

### Registered Agent Information

- **Name:** LOUIS XAVIER FERNANDEZ Jr
- **Effective:** 6 Feb 2020
- **Address:** 2926 EAST 93RD PL APT 2102
- **City, State, Zip Code:** TULSA OK 74137
2. Type 2 Home Occupations
Type 2 home occupations are those in which household residents use their home as a place of work and either employees or customers come to the site. Typical examples include tutors, teachers, photographers, counselors, hair cutting/styling and real estate agents.

45.100-D Exemptions
Nonresidential uses that are expressly allowed in conjunction with residential uses (e.g., bed and breakfast uses and family child care homes) are not subject to home occupation regulations.

45.100-E Allowed Uses
The home occupation regulations of this section establish performance standards for all home occupations rather than listing specific home occupation uses that are allowed. Uses that comply with the standards of this section are allowed as of right unless otherwise expressly stated.

45.100-F Prohibited Uses
The following uses are expressly prohibited as home occupations:
1. Any type of assembly, cleaning, maintenance, painting or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators);
2. Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;
3. Equipment or supply rental businesses;
4. Taxi, limo, van or bus services;
5. Tow truck services;
6. Taxidermists;
7. Restaurants;
8. Funeral or interment services;
9. Animal care, grooming or boarding businesses; and
10. Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building; and
11. Any use that does not comply with regulations of this section.

45.100-G Where Allowed
1. Type 1 Home Occupations
Type 1 home occupations are permitted as of right as an accessory use to a principal use in the household living use category. Type 1 home occupations are subject to the general regulations of §45.100-H and the supplemental regulations of §45.100-I.
2. Type 2 Home Occupations
45.120-C Office support services must have internal access from the subject office building. External entrances are also allowed.

Section 45.130 Parking and Storage of Commercial Trucks
No vehicle required to be registered as a "commercial truck" pursuant to OAC 710:60-3-91 may be parked or stored on a lot within a residential zoning district. This provision is not intended to prohibit deliveries and pickups by common carrier delivery vehicles (e.g., postal service, united parcel service, FedEx, et al.) of the type typically used in residential neighborhoods.

Section 45.140 Parking and Storage of Inoperable or Unlicensed Motor Vehicles
In R or AG-R districts, parking or storage of inoperable or unlicensed motor vehicles is prohibited within street yards.

Section 45.150 Parking and Storage of Recreational Vehicles
45.150-A Other than for purposes of loading and unloading, which must take place within a 48-hour period, recreational vehicles located in an AG, AG-R, R or MX district may be parked or stored only in the following locations:

1. Within a garage;
2. Within a rear building setback, provided it is set back at least 3 feet from all lot lines;
3. Within a side yard but not within a required side building setback;
4. Within a side building setback if the recreational vehicle is no more than 6 feet in height, excluding the height of any outboard motor or windshield, and the recreational vehicle is screened along the lot line nearest to the vehicle and extending for the vehicle's the full length by an F1 screening fence or wall in accordance with § 65.070-C; or
5. Within the street yard, provided that the development administrator determines that all of the following conditions exist:
   a. Space is not available or there is no reasonable access to either the side yard or rear yard;
   b. Parking inside the garage is not possible due to the height or width of the recreational vehicle;
   c. The recreational vehicle is parked perpendicular to the street lot line;
   d. The body of the recreational vehicle is at least 12 feet from the face of the curb or travel lanes of the street and does not extend over a sidewalk; and
   e. No more than one recreational vehicle is parked or stored in the street yard.
6. For purposes of these provisions:
   a. A corner lot is always deemed to have reasonable access to the rear yard;
   b. A fence does not necessarily prevent reasonable access to a yard; and
   c. A boat loaded on a boat trailer is considered one recreational vehicle.
710:60-3-91. Commercial trucks and truck tractors

(a) Basis of registration. Commercial Trucks and Truck Tractors are registered on the basis of combined laden weight. Commercial trucks registered for 15,000 lbs. or less are registered on a combination of age and combined laden weight of the vehicle. Combined laden weight is the combined weight of a vehicle when fully equipped for use and the cargo or payload transported thereon. The registered laden weight of a wrecker or tow vehicle is the gross weight of the wrecker or tow vehicle alone, without any inclusion of weight for a vehicle towed by the wrecker or tow vehicle. The combined laden weight declared for the purposes of registration is at the discretion of the registrant, provided that in no event may the figure be less than the unladen weight of the vehicle fully equipped for use.

(b) Minimum weight for truck tractors; minimum fee. The minimum weight allowed on a truck tractor is 15,000 lbs., with no reduction in the annual registration fee for number of years registered.

(c) Display of commercial status; inspections. All commercial trucks and truck tractors must have the name of the commercial establishment or the words "Commercial Vehicle" permanently and prominently displayed upon the outside of the vehicle in letters not less than 2" high. The letters must be in contrast to their background in order to be legible from a distance of 50 feet when the vehicle is not in motion. Vehicles registering at 15,000 lbs. or less must also meet
Property Search

Disclaimer

The Tulsa County Assessor’s Office has made every effort to insure the accuracy of the data contained on this website; however, this material may be slightly dated which could have an impact on its accuracy.

The information must be accepted and used by the recipient with the understanding that the data was developed and collected only for the purpose of establishing fair cash (market) value for ad valorem taxation. Although changes may be made periodically to the tax laws, administrative rules and similar directives, these changes may not always be incorporated in the material on this website.

The Tulsa County Assessor’s Office assumes no liability for any damages incurred, whether directly or indirectly, incidental, punitive or consequential, as a result of any errors, omissions or discrepancies in any information published on this website or by any use of this website.

Quick Facts

Account #: R71450832416080
Parcel #: 71450-03-24-16080
Situs address: 9239 S 86 AV E TULSA 741335553
Owner name: FERNANDEZ, LOUIS XAVIER JR & ASHLEY AMANDA HENDERSON
Fair cash (market) value: $196,500
Last year’s taxes: $2,517
Legal description: Legal: LT 9 BLK 5

General Information

Situs address: 9239 S 86 AV E TULSA 741335553
Owner name: FERNANDEZ, LOUIS XAVIER JR & ASHLEY AMANDA HENDERSON
Owner mailing address: TULSA, OK 741335553
Land area: 0.25 acres / 10,932 sq ft
Tax rate: T-5A [JENKS]
Subdivision: OAK LEAF
Legal description: Legal: LT 9 BLK 5
Section: 24 Township: 18 Range: 13
Zoning: RES SINGLE-FAMILY HIGH DENSITY DISTRICT (RS3)

Values

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<td>Veteran</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Tax Information

<table>
<thead>
<tr>
<th></th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fair cash (market) value</td>
<td>$177,000</td>
<td>$177,000</td>
<td>$196,500</td>
</tr>
<tr>
<td>Total taxable value</td>
<td>$177,000</td>
<td>$177,000</td>
<td>$196,500</td>
</tr>
<tr>
<td>Assessment ratio</td>
<td>11%</td>
<td>11%</td>
<td>11%</td>
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<tr>
<td>Gross assessed value</td>
<td>$19,470</td>
<td>$19,470</td>
<td>$21,615</td>
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<td>Exemptions</td>
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<td>$1,000</td>
<td>$0</td>
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<tr>
<td>Net assessed value</td>
<td>$18,470</td>
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</tr>
<tr>
<td>Tax rate</td>
<td>140.89</td>
<td>136.26</td>
<td>136.26*</td>
</tr>
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<td>Estimated taxes</td>
<td>$2,602</td>
<td>$2,517</td>
<td>$2,945*</td>
</tr>
<tr>
<td>Most recent NQV</td>
<td>February 2, 2021</td>
<td>February 2, 2021</td>
<td>February 2, 2021</td>
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Tax detail (2020 millages)

<table>
<thead>
<tr>
<th></th>
<th>%</th>
<th>Mills</th>
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<tbody>
<tr>
<td>City-County Health</td>
<td>1.9</td>
<td>2.58</td>
<td>$55.77</td>
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<tr>
<td>City-County Library</td>
<td>3.9</td>
<td>5.32</td>
<td>$114.99</td>
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<tr>
<td>Tulsa Technology Center</td>
<td>9.8</td>
<td>13.33</td>
<td>$288.13</td>
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<td>Emergency Medical Service</td>
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<td>0.00</td>
<td>$0.00</td>
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<td>Tulsa Community College</td>
<td>5.3</td>
<td>7.21</td>
<td>$155.84</td>
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<td>School Locally Voted</td>
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<td>33.09</td>
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<td>City Sinking</td>
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<td>School County Wide Bldg</td>
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<td>School County Wide ADA</td>
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<td>School County Wide General</td>
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<td>County Government</td>
<td>8.3</td>
<td>11.35</td>
<td>$245.33</td>
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(Continued on next page)

### Sales/Documents

<table>
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<tr>
<th>Date</th>
<th>Grantor</th>
<th>Grantee</th>
<th>Price</th>
<th>Doc type</th>
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<tbody>
<tr>
<td>Oct 14, 2020</td>
<td>BARTULA, JAMES &amp; TRACEY REV TRUSTS</td>
<td>FERNANDEZ, LOUIS XAVIER JR &amp; AMANDA HENDERSUCK</td>
<td>$196,500</td>
<td>General Warranty Deed</td>
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<td>Oct 16, 2019</td>
<td>BARTULA, JAMES &amp; TRACEY</td>
<td>BARTULA, JAMES &amp; TRACEY REV TRUSTS</td>
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<td>JONES, MARK D AND, JENNIFER D</td>
<td>BARTULA, JAMES &amp; TRACEY</td>
<td>$125,000</td>
<td>History</td>
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<td>Oct 26, 2007</td>
<td>JONES, MARK D</td>
<td>JONES, MARK D</td>
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<td>History</td>
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<td>Mar 1, 2005</td>
<td>SALVATION ARMY</td>
<td>JONES, MARK D</td>
<td>$35,000</td>
<td>History</td>
<td>05343-01500</td>
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</tbody>
</table>

### Images

Square footage and acreage values included in this record are approximations. They may not reflect what a licensed surveyor would determine by performing a formal survey. They are for tax purposes only and are not intended for use in making conveyances or for preparing legal descriptions of properties.

Click to view this area on the Google Maps web page in a new window.
To: FERNANDEZ, LOUIS XAVIER JR & ASHLEY AMANDA HENDERSON 9239 S 86TH EAST AVE TULSA, OK 74135553

Date: 6/24/21 Case: WIN-20051-2021

Compliance Date: 7/4/21

Dear Property Owner and/or Occupant,

You are hereby notified of zoning (Title 42) violations at LT 9 BLK 5 OAK LEAF

City of Tulsa, Tulsa County State of Oklahoma; And located at the address of: 9239 S 86TH EAST AVE

Violations:

<table>
<thead>
<tr>
<th>Code Section</th>
<th>Explanation of violation</th>
</tr>
</thead>
<tbody>
<tr>
<td>45.100</td>
<td>The outdoor storage of items, vehicles, and equipment associated with home occupations is prohibited. Remove all items associated with Cornwell Quality Tools and/or LX Tools LTD. CO. or store them within a completely enclosed building.</td>
</tr>
<tr>
<td>45.130</td>
<td>Vehicles required to be registered as commercial trucks are prohibited in the Residential Zoning District. Remove the white and blue Freightliner M2 from the Residential District.</td>
</tr>
</tbody>
</table>

See back of page for ordinance language.

You still have time to correct the issue(s) at your property. To comply, you must correct all violations prior to the compliance deadline listed on this notice above. If you are unable to correct any or all the violation(s) listed above, contact the Code Official listed below to work out an acceptable plan to bring your property into compliance. Ensure that all family members, employees, and/or contractors, etc. are familiarized with and adhere to these regulations. Additional notices will not be sent if recurring violations are found in the future.

Failure to make the correction may result in the issuance of a criminal citation or civil remedial penalties not to exceed $1,200.00 per day. Failure to comply may also result in revoking or withholding permits, certificates or other forms of authorization issued by the City of Tulsa; and/or any other remedies allowed by law.

Your property is an important investment for you and the community. I urge you to make the necessary corrections to eliminate all violations so that no further enforcement will be necessary.

Please understand that it is ultimately the responsibility of the owner to ensure these violations are corrected. Any civil agreements or rental agreements do not alleviate the owner of this responsibility.

Thank you,

Michael Rider
City of Tulsa – Working in Neighborhoods
minder@cityoftulsa.org
918-596-9878

Appeals: You may appeal the administrative official's decision by filing a complete appeal application (1) with the official listed above c/o the Tulsa City Clerk AND (2) with the Director of the Tulsa Planning Office at INCOG, at the addresses shown below. Appeals must be filed within 10 DAYS of the date of this Notice, and applicable fees must accompany the appeal application filed with INCOG. Appeals are heard by the City of Tulsa Board of Adjustment. For more information related to appeals, see Chapter 70, Section 70.140 of the Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, Appeals of Administrative Decisions.

INCOG – Indian Nations Council of Governments City of Tulsa – City Clerk
2 West Second Street 175 East Second Street
Suite 800 Suite 250
Tulsa, OK 74103 Tulsa, OK 74103
918.596.7526 918.596.7513

Monday-Friday Monday-Friday
8 a.m. – 5 p.m. 8 a.m. – 5 p.m.

To view the full Zoning Code please visit www.tulsaplanning.org/resources/plans.

To view the full Zoning Code please visit www.tulsaplanning.org/resources/plans.
ORDINANCES CITED:

45.100-F Prohibited Uses The following uses are expressly prohibited as home occupations: 1. Any type of assembly, cleaning, maintenance, painting or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators); 2. Dispatch centers or other businesses where employees come to the site and are dispatched to other locations; 3. Equipment or supply rental businesses; 4. Taxi, limo, van or bus services; 5. Tow truck services; 6. Taxidermists; 7. Restaurants; 8. Funeral or interment services; 9. Animal care, grooming or boarding businesses; and 10. Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building; and 11. Any use that does not comply with regulations of this section.

Section 45.130 Parking and Storage of Commercial Trucks No vehicle required to be registered as a "commercial truck" pursuant to OAC 710:60-3-91 may be parked or stored on a lot within a residential zoning district. This provision is not intended to prohibit deliveries and pickups by common carrier delivery vehicles (e.g., postal service, United Parcel Service, FedEx, et al.) of the type typically used in residential neighborhoods.
NOTICE OF VIOLATION - ZONING

To: FERNANDEZ, LOUIS RAYNER JR & ASSOCIATE

Date: 5/24/2021

Compliance Date: 7/4/21

City of Tulsa

Violation:

Code Section: 45.110

Explanation of Violation:
The outdoor storage of large vehicles and equipment associated with home occupation is prohibited. Remove all items associated with Commerical Quality Tools and LA Trucks LLC from property.

City of Tulsa

Violation:

Code Section: 45.300

Explanation of Violation:

You are hereby notified of a violation of Title 42, Volume 2, at 320 S. 19th East Ave, Tulsa, Oklahoma. Remove all storage of commercial trucks and equipment in the residential zoning district. Remove the white and blue Freightliner from the property immediately.

See back of page for civil notice language.

You will have time to correct the violation(s) at your property. To comply, you must correct all violations prior to the compliance date listed on this notice. If you are unable to correct any of the violations, call our office at 918-591-4260 or contact the Code Official listed below to work out an attributable plan to bring your property into compliance. Ensure that all violations are corrected. If any violations are not corrected, additional notices will not be issued.

Failure to correct the violation may result in the issuance of a criminal citation at the present penalty of not to exceed $100 per day. Failure to comply may also result in the issuance of a civil citation to you in the form of a summons issued by the City of Tulsa and/or any other penalties allowed by law.

Your property is an important investment for you and the community. You may appeal to the Planning Board for a variance and a determination of whether or not a violation has occurred. Such request(s) must be made in writing and must accompany any necessary documentation to show that the violation has been corrected. Additional information and applications may be found by visiting the Planning Board website at www.tulsacommunications.com or by calling the Planning Board at 918-591-4260.

Thank you.

Please note this notice can be modified at any time.

City of Tulsa - Planning Division

Legal Notice: This notice is designed to comply with the provisions of Title 47, Section 1-109, of the State of Oklahoma. The notice is required to be posted on the property of the person or property owner to whom it is addressed. This notice is not a formal legal document.

For more information visit www.tulsaok.gov or call 918-591-4260.
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021
Are you ready to JOIN THE CLUB?

1. Are you dissatisfied working for others, building someone else's business?

2. Would you like to be your own boss?

3. Do you enjoy working with people?

4. Would you like to succeed based on your own efforts?

LEARN MORE
Learn More About Cornwell Tools

FIRST NAME *
First Name

LAST NAME *
Last Name

MAILING ADDRESS *
Your Address
8/26/2021

CITY *
City

EMAIL *
Enter Your Email

PRIMARY CONTACT PHONE *
Enter Primary Phone

SECONDARY PHONE
Enter Secondary Phone

BEST TIME TO CALL
Best Time

VETERAN

HOW DID YOU FIRST LEARN ABOUT CORNWELL TOOLS?
-- Please choose -- □

HOW SOON WOULD YOU LIKE TO START YOUR NEW BUSINESS?
Within 3 Months □

HOW MUCH CAPITAL DO YOU HAVE TO INVEST IN YOUR BUSINESS?
50,000 to 100,000 □
Training

At our Headquarters in Wadsworth, OH during a weeklong session, our training staff will teach you how to use our system and coach you on the tips and tricks of the business.

During this time we will give you a personal tour of our manufacturing facilities in Mogadore, OH. You will gain first hand knowledge of the quality we put into our tools. You should be able to speak with confidence about the bloodline of Cornwell, our hardline products.

We will teach you how to operate and use the Ironman Business Network Management System effectively.

We believe that while learning about Cornwell is essential to success in the business, we also provide training on sales and business management. This training will give you the tools needed to be the best business owner possible.
On the Road with Your District Manager

After your initial training, you will spend 10 days in your own territory with your District Manager riding alongside of you. Your District Manager will be able to coach you along the way so you are more comfortable in the driver’s seat.

Even after formal training stops, your District Manager is there to help. He has a vested interest in your success.
Day in the Life of a Tool Dealer

Getting on a Cornwell truck means never having the same lackluster day over and over again. There is always something new that will occur, a new question, a new tool, or a new promotional item to bring to the customer. While it is hard to predict your actual work day, there are a few basic things that will always happen.

Waking up in the morning, heading out to your route you might find yourself going over the customer list in your head. Remembering which customers you will be seeing that day. Recalling what tools you want to show them, and who wanted what item.

You will develop customer relationships. Seeing these familiar faces each week will not only help build trust between you and your customers, but will allow you to gain insight on what types of tools they may need.
Tote and Promote! Each week you will have tools to sell that meet your customer's needs. Not all customers know exactly what they want, rather you have to show them what they want and need.

At the end of the day it is time to restructure. Restocking and reorganizing your truck, ordering tools and checking payments.
NOTICE OF VIOLATION - ZONING

To: FERNANDEZ, LOUIS XAVIER JR & ASHLEY AMANDA HENDERSON
9230 S 86TH EAST AVE, TULSA, OK 74133-5553

Case: 05.03.01-2021

Dear Property Owner and/or Occupant,

You are hereby notified of zoning (Title 41) violations at

City of Tulsa, Tulsa County State of Oklahoma, and located at the address of

9230 S 86TH EAST AVE

Violations:

<table>
<thead>
<tr>
<th>Code Section</th>
<th>Explanation of violation</th>
</tr>
</thead>
<tbody>
<tr>
<td>L4-105</td>
<td>The outdoor storage of items, vehicles, and equipment associated with farm occupancies is prohibited. Remove all items associated with Central Quality Tools and C MOTION LTD, CO, or store them within a completely enclosed building.</td>
</tr>
<tr>
<td>G5-130</td>
<td>Vehicles required to be registered as commercial trucks are prohibited in the Oak Leaf Residential District. Remove the white and blue Frigidaire 42 in the Residential District.</td>
</tr>
</tbody>
</table>

See back page for ordinance language.

You will have time to correct the violations at your property. To comply, you must correct all violations prior to the compliance deadline listed on this notice. If you are unable to correct any or all of the violations listed above, contact the Code Official listed below to work out an acceptable plan for your property into compliance. Ensure that all family members, employees, visitors, contractors, etc. are familiarized with and adhere to these requirements. Additional appeals will not be heard if violations are not cured by the deadline.

Failure to make the corrections may result in the issuance of a citation or may lead to mechanical or other remedial actions not limited to $100.00 per day. Failure to comply may also result in revoking or withholding permits, certificate of other forms of authorization issued by the City of Tulsa and/or any other remedial actions authorized by law.

Your property is an important investment for you and the community. I urge you to make the necessary corrections to eliminate all violations so that no further enforcement will be necessary.

Please understand that it is the responsibility of the owner to ensure that all violations are corrected. Any other agreements or rental agreements do not absolve the owner of the responsibility.

Thank you,

City of Tulsa - Working in Neighborhoods
gilbyoke@cityoftulsa.org

Appeals:

You may appeal the administrative decision by filing a written appeal application with the City of Tulsa and/or the Officer issued the Citation within 30 days after the date of this notice. The appeal must state the reason for the appeal and be filed with the City of Tulsa. For appeals to the City of Tulsa or City of Tulsa Department, you must obtain the application, Form 05-03-2021-001, from the Department of Planning and Development. For more information related to appeals, see Chapter 50, Section 71, 72, 73, 280-250 of the Tulsa Zoning Code, or contact the Department of Planning and Development.

To view the full Code, please visit www.tulsadirectories.org/Department/Planning-Development.
Re. Blue Freightliner M2 (Van-Straight Truck)
9239 S 86th East Ave
Tulsa, OK 74133-5553

Case Number: BOA-23167

Notice of Violation - Zoning      Case: WIN-20051-2021
Attention: Austin Chapman, Planner

This letter is written to the Tulsa City Clerk and the Director of the Tulsa Planning Office at INCOG, Concerning Mr. Fernandez appeal.

The above-mentioned vehicle is stored every evening and every weekend in the private driveway of the property at 9239 S 86th East Ave, in the Oak Leaf neighborhood of Tulsa. The owners of the property are Louis Fernandez and Ashley Henderson.

Code violations at said property are cited in the following ordinances:

**45.100-F Prohibited Uses**

The outdoor storage of items, (items are stored inside the truck) vehicles, and equipment associated with home occupations is prohibited.

**45.130 Parking and Storage of Commercial Trucks**

Vehicles required to be registered as commercial trucks are prohibited in the Residential Zoning District.

Added comments:

I contend that this tool truck, (which functions as a mobile work, sales and service-repair center) is a 'commercial level' vehicle, about 24' long. It is difficult to imagine how such a large vehicle could be considered as appropriate in any residential neighborhood.

I ask this board to deny Mr. Fernandez his appeal, recognizing that the clear text of the ordinances obviates both:

i) the stationing or storing of large commercial-style vehicles

ii) the vehicle-associated business activities, clearly seen and heard, often after 11pm; interior lights spill out on the street along with running diesel engine noise. Before the first appeal, a string of bright lights surrounding top of truck would shine brightly on the street.

I look forward to this situation to be resolved, hopefully with positive results for Mr. Fernandez as well.

Sincerely,

Anna Maria Birkett
Hello sir. I spoke with you today about putting in a motion to have my case moved to a later date. I'm making this request to allow myself some more time to hopefully come up with a solution for all parties involved. Regretfully my plans have not come together as I write this email. Also I am unsure if my legal council will be able to attend tomorrow's hearing and I would like to respectfully request a later date to ensure my council can be in attendance. Thank you for your time

Louis X Fernandez Jr.
918-829-6609
Sent from Mail for Windows
I am for allowing Mr Fernandez to keep his truck in his driveway overnight.

The truck is always clean and makes very little noise. The truck is always in the driveway in the evening and does not obstruct traffic or cause in any difficulties. The truck remains in his driveway throughout the night. It is not being idled or making any noise at all when it is parked.

He and his family are good neighbors. Never any trouble from them. They are friendly and keep their lawn mowed and house and lot clean.

During the morning and afternoon hours his truck is somewhere outside of the neighborhood, I assume he is busy working.

Please, let us encourage or neighbors to work and contribute to the economy.

Tim Noteboom
9245 S 85th East Ave
Tulsa, OK 74133
My name is Darrell Scott and I live at 9232 South 86th East Avenue, Tulsa, Oklahoma. I would like to submit the following statement during the public hearing. If for any need you need to speak with me call me at 918-671-5907, but I will be in a meeting with Tulsa Police Department at 10 am on an unrelated matter.

In speaking with Mr. Fernandez about the violations, I would like to point out a few statements that were made to him by fellow neighbors. A statement was made to him by an unnamed neighbor that “his kind” did not belong here. Is this a reference to his ethnic background and if so would this process be motivated by hate for an ethnic group and this hearing would be in furtherance of the hate and used as a means to harass Mr. Fernandez. I feel this must be investigated prior to deciding on the violation. Mr. Fernandez has stated he did not intend to bring up this issue, but I feel that any action taken by the City of Tulsa based upon a clear violation that are not based or the result of hate or discrimination of a citizen.

Since Mr. Fernandez has lived at his residence, I have not seen any issue with have his truck at this location and do not feel that is eye sore to the neighborhood or that it devalues any of the property in the area. Since my wife and I have lived in our home since 2013, our home has only increased in value. I also do not see any difference in Mr. Fernandez truck parked in his driveway that a police car parked in the driveway, a pest control parked in the street, an insurance agent’s vehicle parked in the driveway, a KRMC vehicle parked in a driveway, a RV parked in a driveway, all of which are or have been present on this section of South 86th West Avenue and surrounding streets. Also due to the value of Mr. Fernandez truck and any equipment, I would be foolish to expect Mr. Fernandez to leave his truck at another location regardless of the security of the location. A truck, like his left in library parking lot, such as Hardesty Library would be an easy target for criminals. With the truck at his house, it greatly reduces the chance of Mr. Fernandez being victimized by criminals.
This letter is written to the Tulsa City Clerk and the Director of the Tulsa Planning Office at INCOG, Concerning Mr. Fernandez appeal.

The above-mentioned vehicle is stored every evening and every weekend in the private driveway of the property at 9239 S 86th East Ave, in the Oak Leaf neighborhood of Tulsa. The owners of the property are Louis Fernandez and Ashley Henderson.

Code violations at said property are cited in the following ordinances:

**45.100-F Prohibited Uses**
The outdoor storage of items, (items are stored inside the truck) vehicles, and equipment associated with home occupations is prohibited.

**45.150 Parking and Storage of Commercial Trucks**
Vehicles required to be registered as commercial trucks are prohibited in the Residential Zoning District.

Added comments:
I contend that this tool truck, (which functions as a mobile work, sales and service-repair center) is a 'commercial level' vehicle, about 24' long. It is difficult to imagine how such a large vehicle could be considered as appropriate in any residential neighborhood.

I ask this board to deny Mr. Fernandez his appeal, recognizing that the clear text of the ordinances obviates both:

i) the stationing or storing of large commercial-style vehicles

ii) the vehicle-associated business activities, clearly seen and heard, often after 11pm; interior lights spill out on the street along with running diesel engine noise. Before the first appeal, a string of bright lights surrounding top of truck would shine brightly on the street.

I look forward to this situation to be resolved, hopefully with positive results for Mr. Fernandez as well.

Sincerely,
Anna Maria Birkett
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BOARD OF ADJUSTMENT
CASE REPORT

STR: 9307
CZM: 37
CD: 4

HEARING DATE: 09/28/2021 1:00 PM (Continued from 08/24/2021)

APPLICANT: Christopher Wadleigh

ACTION REQUESTED: Variance to reduce the number of required vehicle parking spaces from 23 required spaces to 13 spaces or fewer (Sec. 55.040-B, Table 55-1); 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

PRESENT USE: Wendy's Restaurant

ZONED: CS

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

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

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

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

STATEMENT OF HARDSHIP: The proposed project is to remove and replace the existing building and parking lot for the existing Wendy’s restaurant. Due to the size of the property, we are unable to meet all the parking and landscaping requirements. It appears that the existing site does not meet many of these codes, so we are proposing to generally match the existing conditions.
STAFF COMMENTS: The applicant is requesting Variance to reduce the number of required vehicle parking spaces from 23 required spaces to 13 spaces or fewer (Sec. 55.040-B, Table 55-1); 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 engaged with staff about the applying for an Alternative Compliance 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 55.070-C.

Staff has included an exhibit labeled “Site Site Study A” prepared by staff showing a configuration that would meet code except for the required parking. Additionally this configuration would allow the closure of the existing curb cut immediately East of the intersection.

SAMPLE MOTION:

Move to ________ (approve/deny) a Variance to reduce the number of required vehicle parking spaces from 23 required spaces to 13 spaces or fewer (Sec. 55.040-B, Table 55-1); 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."
Subject Property, please note the distance between the existing curb-cut and the intersection.
Subject Property, please note the distance between the existing curb-cut and the intersection.
ADDITIONAL STAFF COMMENTS IN BOA-23175:

Below are conditions suggested by Gary McColpin, Streets Operations and Inspections Manager for the City of Tulsa Streets and Stormwater Department.

1) The width of the 2 proposed driveways onto 21st exceed the maximum allowable width of City of Tulsa Standards (commercial driveways are to be between 24 and 36 ft wide). The width of the driveways needs to be reduced to City maximums this will also move the driveway away from the intersection of Wheeling Ave.

2) The radii shown on the site plan for the driveways do not conform to current City of Tulsa Standards (radii should be 15ft).

3) The proposed extra wide driveway closest to Wheeling has its radius within the ADA ramps and crosswalk. Driveway needs to be moved to the east away from the intersection.

4) The site plan shows that the developer is proposing a 10-foot lane in front of the store AND currently the parking lot and the City sidewalk be the same elevation. A site visit confirms that customers routinely drive over the City sidewalk to loop the Wendy's parking lot. The space between the building and the sidewalk needs to be raised and a curb placed along the property line to discourage customers from driving over the sidewalk.
Staff site study A

- Requires variance from parking

Trash enclosure

Sign

Spaces required from order board

Order board

Wheeled

3.9
Intersection of 21st and Wheeling

Existing Restaurant
# Use Category

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

*See Section 20.040 for information on PI Overlay

[1] See Section 20.040 for information on PI Overlay

*None for first 5,000 sq. ft.

**2.50 per 1,000 sq. ft.

*plus 3.30 spaces per 1,000 sq. ft. in non-assembly area

*plus spaces required for assembly space

*plus spaces required for restaurants/bars and assembly/meeting space

*plus spaces required for restaurants/bars and assembly/meeting space

*plus spaces required for restaurants/bars and assembly/meeting space

*plus spaces required for restaurants/bars and assembly/meeting space

*plus spaces required for restaurants/bars and assembly/meeting space

*plus spaces required for restaurants/bars and assembly/meeting space

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*plus spaces required for restaurants/bars and assembly/meeting space

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*plus spaces required for restaurants/bars and assembly/meeting space

*plus spaces required for restaurants/bars and assembly/meeting space

*plus spaces required for restaurants/bars and assembly/meeting space

*plus spaces required for restaurants/bars and assembly/meeting space

*plus spaces required for restaurants/bars and assembly/meeting space
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>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>Specific use</th>
<th>Bicycle Spaces (% of Required Motor Vehicle Parking Spaces)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RESIDENTIAL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Household Living</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apartment/condo</td>
<td></td>
<td>10% or 2 spaces, whichever is greater</td>
</tr>
<tr>
<td>PUBLIC, CIVIC AND INSTITUTIONAL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>College or University</td>
<td></td>
<td>10% or 2 spaces, whichever is greater</td>
</tr>
<tr>
<td>Library or Cultural Exhibit</td>
<td></td>
<td>10% or 2 spaces, whichever is greater</td>
</tr>
<tr>
<td>Parks and Recreation</td>
<td></td>
<td>5% or 2 spaces, whichever is greater</td>
</tr>
<tr>
<td>School</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elementary or Middle School</td>
<td></td>
<td>10% or 2 spaces, whichever is greater</td>
</tr>
<tr>
<td>Senior High</td>
<td></td>
<td>5% or 2 spaces, whichever is greater</td>
</tr>
<tr>
<td>COMMERCIAL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assembly and Entertainment</td>
<td></td>
<td>5% or 2 spaces, whichever is greater</td>
</tr>
<tr>
<td>Commercial Service</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personal improvement service</td>
<td></td>
<td>5% or 2 spaces, whichever is greater</td>
</tr>
<tr>
<td>Financial Services</td>
<td></td>
<td>5% or 2 spaces, whichever is greater</td>
</tr>
<tr>
<td>Restaurants and Bars</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td></td>
<td>5% or 2 spaces, whichever is greater</td>
</tr>
<tr>
<td>Bar</td>
<td></td>
<td>5% or 2 spaces, whichever is greater</td>
</tr>
<tr>
<td>Retail Sales</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consumer shopping goods</td>
<td></td>
<td>5% or 2 spaces, whichever is greater</td>
</tr>
<tr>
<td>Convenience goods</td>
<td></td>
<td>5% or 2 spaces, whichever is greater</td>
</tr>
<tr>
<td>Studio, Artist or Instructional Service</td>
<td></td>
<td>5% or 2 spaces, whichever is greater</td>
</tr>
</tbody>
</table>

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. 65.080.94 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-O3.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.
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
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

solid, opaque wall/fence

min. 6’
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.

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.
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.

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.

3.15.79:281(5)
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 side yard 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 (Bolzle, 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.
Case No. 15396 (continued)

Protestants: None.

Board Action:

On MOTION of CHAPPELLE, the Board voted 4-0-0 (Bozle, 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 BOZLE, the Board voted 4-0-0 (Bozle, 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
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 S53.61 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

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
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 affective. 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.
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;
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.
ZONING CLEARANCE PLAN REVIEW

July 23, 2021

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

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

(continued)
REVIEW COMMENTS

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

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 square feet/1000 = 2.698 x 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 x 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 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: 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 C1 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 B1: 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 permanent irrigation system with a controller to tailor watering schedules to weather and site conditions; or
   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 C2. 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://tulsaplaning.org/plans/TulsaZoningCode.pdf

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

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

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.
Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: 2020/2021
BOA-23175

19-13 07

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

Aerial Photo Date: 2020/20**
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BOARD OF ADJUSTMENT  
CASE REPORT

Case Number: BOA-23182

HEARING DATE: 09/28/2021 1:00 PM (Continued from 9/14/2021)

APPLICANT: Dawn Bennyhoff and Shaun Steen c/o Jack in the Box

ACTION REQUESTED: Variance to allow a drive-through facilities to be located on the street-facing side of the property (Section 55.100-C. 2) Variance to allow drive-through signs that exceed the maximum area of 36 square feet for the primary signs and 15 square feet for the secondary signs and to allow two secondary drive-through signs (Sec. 60.030-B.2)

LOCATION: 8102 E 11 ST S

PRESENT USE: Commercial

ZONED: CH

TRACT SIZE: 29146.12 SQ FT

LEGAL DESCRIPTION: A PART OF LOTS SEVEN (7) AND EIGHT (8), BLOCK TWO (2), AMENDED PLAT OF LOTS ONE (1) TO EIGHT (8) INCLUSIVE, IN BLOCK ONE (1) AND LOTS ONE (1) TO EIGHT (8) INCLUSIVE, BLOCK TWO (2) FOREST ACRES ADDITION TO THE CITY OF TULSA, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 1 063:
TRACT A
COMMENCING AT THE NORTHEAST CORNER OF LOT 7; THENCE SOUTH 01°17'06" EAST ALONG THE EAST LINE OF LOT 7 A DISTANCE OF 137.47 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 01°17'06" EAST ALONG THE EAST LINE OF LOT 7 A DISTANCE OF 45.00 FEET; THENCE SOUTH 88°44'27" WEST PARALLEL WITH THE SOUTH LINE OF LOT 7 AND LOT 8 A DISTANCE OF 290.04 FEET; THENCE NORTH 01°09'43" WEST A DISTANCE OF 93.49 FEET; THENCE ALONG A NON TANGENT CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 106.65 FEET, WITH A RADIUS OF 155.90 FEET, WITH A CHORD BEARING OF NORTH 43°46'53" EAST, WITH A CHORD LENGTH OF 104.58 FEET; THENCE NORTH 88°43'14" EAST A DISTANCE OF 175.91 FEET; THENCE SOUTH 01°17'06" EAST PARALLEL TO THE EAST LINE OF LOT 7 A DISTANCE OF 122.72 FEET; THENCE NORTH 88°21 '14" EAST A DISTANCE OF 39.89 FEET TO THE POINT BEGINNING;

RELEVANT PREVIOUS ACTIONS:

Subject Property: None.

Surrounding Properties:

BOA-14737; On 02.04.88 the board approved a variance to allow a roof sign. Property located 133-H South Memorial.

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

REVISED 9/21/2021
**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 at the SE/c of E. 11th St. S. and S. Memorial Dr.

**STAFF COMMENTS:** The applicant is requesting Variance to allow a drive-through facilities to be located on the street-facing side of the property (Section 55.100-C. 2) Variance to allow drive-through signs that exceed the maximum area of 36 square feet for the primary signs and 15 square feet for the secondary signs and to allow two secondary drive-through signs (Sec. 60.030-B.2)

60.030-B Drive-through Signs

Drive-through signs are permitted in conjunction with drive-through uses, in accordance with the following regulations.

1. **Location**
   Drive-through signs must be located within 10 feet of a drive-through lane.

2. **Number and Dimensions**
   One primary drive-through sign not to exceed 36 square feet in area or 8 feet in height is allowed per order station up to a maximum of 2 primary drive-through signs per lot. One secondary drive-through sign not to exceed 15 square feet in area or 6 feet in height is allowed per lot.
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.

STATEMENT OF HARDSHIP: We are requesting relief from the provision listed to be allowed to have the drive thru lane and window face 11th street. All other elements listed such as trash enclosure, speaker boards, etc, comply with the ordinance. Please note, that if the building was to be sited per the ordinance, then it would force the parking lot driveway to be very close to the intersection of Memorial and 11th Street and could potentially cause traffic flow.

There is an additional exhibit addressing a hardship for the signage.

SAMPLE MOTION:
Move to ________ (approve/deny) a Variance to allow a drive-through facilities to be located on the street-facing side of the property (Section 55.100-C. 2) Variance to allow drive-through signs that exceed the maximum area of 36 square feet for the primary signs and 15 square feet for the secondary signs and to allow two secondary drive-through signs (Sec. 60.030-B.2)
- Finding the hardship(s) to be ____________________________.
- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions ________________________.

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

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

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

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

d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
e. That the variance to be granted is the minimum variance that will afford relief;

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

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

Intersection of 11th and Memorial Dr.
Subject property
"Jack in the Box is excited to share that this new restaurant project, J6155 @ 8112 E 11th St, is the first test location in the company which incorporates this new building prototype and drive-thru design. As part of the sign package approval process, it has been determined that a variance is needed for Jack in the Box to be able to install the company’s standard drive-thru menu board configuration. As with many companies during the pandemic, Jack in the Box developed strategies to better accommodate our guests’ needs for more convenience, less direct interaction, and more social distancing. One of the outcomes of those learnings culminated in this test of a new restaurant prototype design and drive-thru configuration.

It is our understanding that there are (2) two concerns regarding the drive-thru menu board configuration that has been requested which is resulting in this variance request:

1. The primary speaker menu boards being submitted for approval are slightly larger in total cabinet SF area that what is allowable.
2. Full size preview menu board cabinets are no longer permitted.

In regard to the first concern, JIB uses standard size, printed, menu inserts for the drive-thru menu boards in all +2200 restaurants in the system. The menu boards already existing in the Tulsa restaurants will use the same size printed materials as the menu boards being submitted for variance approval – the surface area of the imagery is exactly the same. The reason the new menu boards are larger in total overall square-footage is that the former menu board design was flawed because they are prone to wind blowing-out the clear panels and printed menu board inserts. These new menu boards have been designed with a cabinet door system to eliminate the possibility of wind blow-outs. To reiterate, the actual image surface area of the printed menu board inserts are the same in this new menu board design as they are in the other menu boards existing in Jack in the Box restaurants in Tulsa.

In regard to the second concern, all existing JIB restaurants in Tulsa (as well as almost all in the system) use a full-size menu board for the both the preview board and speaker board positions in the drive-thru lane. As previously mentioned, Jack in the Box uses standard size printed materials that work across all restaurants. Customers have expressed their desire to have faster drive-thru service at quick serve restaurants, and many companies like Jack in the Box have responded to that need by developing a second drive-thru ordering positions. As mentioned above, this particular restaurant will be the first in the country for Jack in the Box to test both a new building prototype and dual lane drive-thru configuration. Jack in the Box is asking for approval to equip both drive thru lanes with the same type of equipment that all other single lane drive-thru Jack in the Box restaurants have in Tulsa.

Jack in the Box looks forward to being able to test our new guest convenience initiatives in the Tulsa market!
Case No. 14736 (continued)

Board Action:
On MOTION of WHITE, the Board voted 3-0-0 (Chappelle, White, Smith "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to APPROVE a Variance (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback from the centerline of Utica Avenue from 85' to 60' to allow for an existing carport; finding that the carport aligns with the front of the house, and that there are other structures that are as close to the street as the one in question; on the following described property:

Lot 5, Block 5, Hackethorn Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14737

Action Requested:
Variance - Section 1221.3(k) - General Use Conditions for Business Signs - Use Unit 1221 - Request a variance to allow for an existing roof sign, located 1133-H South Memorial.

Presentation:
The applicant, Raymond Wolf, 1133 South Memorial, Tulsa, Oklahoma, stated that he recently purchased a new sign for his business and asked the Board to allow a roof installation. He informed that all of the shops in the complex have roof signs. Photographs (Exhibit T-1) were submitted.

Comments and Questions:
Mr. Gardner asked the applicant if the old sign was installed on the roof, and Mr. Wolf replied that the new sign will replace the old roof sign, but is two feet longer.

Ms. White asked if the sign is lighted, and Mr. Wolf answered in the affirmative.

Protestants: None.

Board Action:
On MOTION of WHITE, the Board voted 3-0-0 (Chappelle, White, Smith "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to APPROVE a Variance (Section 1221.3(k) - General Use Conditions for Business Signs - Use Unit 1221) to allow for an existing roof sign; as shown in submitted photographs; finding that the previous sign was installed on the roof, as are all other signs in the strip; on the following described property:

Lot 9 and the west 51' of Lot 10, Block 2, Forrest Acres Addition, City of Tulsa, Tulsa County, Oklahoma.
### 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, 6th 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

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

Application No. S-2140, S-2141 8102 E. 11th St. July 8, 2021

This letter of deficiencies covers Sign Plan Review items only.

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

1. 60.030-B.2 Drive-through Signs
Number and Dimensions
One primary drive-through sign not to exceed 36 square feet in area or 8 feet in height is allowed per order station up to a maximum of 2 primary drive-through signs per lot. One secondary drive-through sign not to exceed 15 square feet in area or 6 feet in height is allowed per lot.

Review Comments: Only one secondary drive through sign is permitted per lot. You may cancel one of these permits and remove one of the secondary drive through signs, or you may pursue a variance from the BOA to have two secondary drive through signs on one lot.

In addition, each of the proposed 32 square foot secondary drive through signs exceeds the permitted 15 square feet. You may reduce the sign area to 15 square feet or less, or you may seek a variance from the BOA to permit a secondary drive through sign to exceed the maximum surface area from 15 square feet to 32 square feet.

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

END – ZONING CLEARANCE AND SIGN CODE REVIEW

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A CITY OF TULSA SIGN PERMIT.
MANUFACTURE AND INSTALL ONE (1) D/F INTERNALLY ILLUMINATED J67 PYLON SIGN

CABINET: FABRICATED ALUMINUM WITH INTERNAL LED ILLUMINATION

FACES: FORMED LEXAN WITH SECOND SURFACE GRAPHICS

POLE: STEEL POLE PER STRUCTURAL ENGINEERING

ILLUMINATION: LED - SLOAN PRISM 4500K WHITE

PAINT

- TO MATCH LACRYL SERIES 400 LW-5-849-4-1 TRANSCENDENT PAINT
- TO MATCH MP 64691 JIB RED' OPAQUE PAINT
- TO MATCH LACRYL SERIES 400 443 'DEEP RED' TRANSCENDENT PAINT
- TO MATCH LACRYL SERIES 400 LW-403-W TRANSCENDENT PAINT
- TO MATCH MP 82965 'SLATE GRAY'

VINYL

- 3M 3630-61 'SLATE GRAY'

4444 Federal Blvd San Diego, CA 92121
(619) 527-6100  signtech.com

JACK IN THE BOX
3122 E 11th St Tulsa, OK 74112 USA

Design: JMc

Sales: Bob McCarter
Coordinator: Steve Wood
Permit: PERMIT
Revision: PERMIT-04-01
Project ID: JIB-6155_5
Date: 6/2/21
Drawing: PERMIT
Quote: JIB-6155_5
A2  SIGN TYPE  JITB-RB-36x96-CUSTOM THREE-SIDED

MANUFACTURE AND INSTALL THREE (3) INTERNALLY ILLUMINATED S/F READERBOARD CABINETS TO BE MOUNTED ON PYLON
CABINET BODY: SIGNCOMP ALUM. EXTRUSION PART NO. 2034, WITH INTERNAL LED ILLUMINATION
CABINET RETAINERS: SIGNCOMP ALUM. EXTRUSION PART NO. 2056, PAINTED TO MATCH "P1"
FACES: .150" THICK WHITE MODIFIED ACRYLIC FACE WITH FIRST SURFACE PRINTED DIGITAL GRAPHICS
CABINET BACK: .063" ALUM. PRE-PAINTED WHITE, PAINT BACK SIDE TO MATCH "P1"
ILLUMINATION: LED - SLOAN PRISM 5700K WHITE

PAINT

MATERIALS

WHITE LEXAN W/ FIRST SURFACE DIGITALLY PRINTED GRAPHICS

JACK IN THE BOX

JIB_6155_5

Sales: Bob McCarter
Coordinator: Steve Wood
Design: JM C
Engineering:
date: 6/2/21
drawing: PERMIT
project ID: JIB_6155_5
quote:
rev: R1-8401 JM

4444 Federal Blvd San Diego, CA 92102
(619) 527-6100 signtech.com

4117 S 11Th St Tulsa, OK 74120 USA
(918) 521-0333

SIGNIN

96 1/4" CABINET
93 5/8" VISIBLE OPENING

INTERNALLY ILLUMINATED (LED) ALUMINUM CABINET PAINTED TO MATCH MEDIUM GLOSS 'CAT BLACK'

WHITE LEXAN FACE WITH FIRST SURFACE APPLIED GRAPHICS

FRONT VIEW SCALE: 1"=1'-0"

ATTACHMENT OF THREE-SIDED READERBOARD TO POLE TO BE DISCUSSED WITH ENGINEERING DEPARTMENT - OTHER EXISTING SIGN PICTURED (DARK PHOTO CONDITIONS, BOTTOM FRAME TRACED IN RED)
MANUFACTURE AND INSTALL ONE (1) 5/F INTERNALLY ILLUMINATED J30 WALL SIGN(S)

UPPER CABINET: FABRICATED ALUMINUM WITH INTERNAL LED ILLUMINATION AND UL APPROVED DISCONNECT SWITCH

LOWER CABINET: FABRICATED ALUMINUM WITH INTERNAL LED ILLUMINATION

UPPER FACE: FORMED POLYCARBONATE WITH SECOND SURFACE GRAPHICS

LOWER FACE: ROUTED ACM WITH PUSH-THRU ACRYLIC COPY

LOGO BORDER: ACM

ILLUMINATION: LED

MATERIALS

M2 3 1/2" CHANNEL LETTER COIL, PA4-COATED MP 64651 'J30 RED' WITH SATIN FINISH

M3 3MM WHITE ACM (0.118" SKIN)

M4 3MM SILVER ACM (0.118" SKIN)

M5 3/4" CLEAR ACRYLIC

PAINT

P1 TO MATCH LACRYL SERIES 400 LW-5-940-1 TRANSLUCENT PAINT

P2 TO MATCH LACRYL SERIES 443 'DEEP RED' TRANSLUCENT PAINT

P3 TO MATCH LACRYL SERIES 400 LW-4-03-W TRANSLUCENT PAINT

P4 TO MATCH MP 30136 'BRUSHED ALUMINUM'

VINYL

V1 3M 3620-73 'DARK RED'

V2 3M 3655-70 '90% DIFFUSER'

V3 3M 3655-70 '80% DIFFUSER'

SALES: Bob McCarter

COORDINATOR: Steve Wood

DESIGN: JMC

ENGINEERING:

DATE: 6/2/21

DRAWING PERMIT:

QUICK:

PROJECT ID: JIB_6155_5
VERTICAL SECTION

.125" BREAK FORMED ALUM.
"Z" MOUNTING BRACKET

(2) ATTACHMENTS TO WALL/FACADE PER BRACKET. ATTACHMENT METHOD VARIES (SEE TYP. DETAILS AT BOTTOM OF PAGE).

TYP OF (4) MIN. - #1/4" x 1" TEK SREW & 1 1/2" TENDER WASHER ATTACHMENT FROM INSIDE OF CABINET THROUGH BACK OF THE BRACKET

3/8" X 8" LAG BOLT INTO BLOCKING OR BACKING, FILL PENETRATIONS W/ SILICONE.

LED HALO KIT

"IN THE BOX" LIGHT BOX

.125" BREAK FORMED ALUM.
"Z" MOUNTING BRACKET

PAGE TRANSFORMER BOX

LED HALO KIT

WALL SIGN SECTION DETAIL
LAG BOLT ATTACHMENT INTO BLOCKING

MIN. (4) PER CABINET 2 1 1/2" EMBEDMENT (ATTACHMENT TYPE VARIES PER SURFACE):

STUDS: 5/8" STL. BOLT W/ WOOD ANCHOR
WOOD: 1/2" WOOD SCREW
CONCRETE: 3/8" EXPANSION ANCHOR
DRYWALL: 3/8" DUGG. F. EXT

 Scale: 1" = 1'-0"
B2 SIGNTYPE JITB-J40-HALO KIT
MANUFACTURE AND INSTALL ONE (1) J40 LED HALO KIT
BACKER: 3MM ACM (WHITE/BLACK)
BAFFLE: 2" X 1 1/2" X 0.040" PRE-COATED WHITE ALUMINUM ANGLE
ILLUMINATION: WHITE AND PURPLE LED

4444 Federal Blvd San Diego, CA 92120
(858) 527-8100  signtech.com

JACK IN THE BOX
8112 E 13th St Tulsa, OK 74112 USA

Sales: Bob McCarter Coordination: Steve Wood
Design: JMc Engineering:

date: 6/2/21
drawing: PERMIT
perm: R1-492-JMc
quote:
project ID: JIB_6159_5
MANUFACTURE AND INSTALL THREE (3) 5/F INTERNALLY ILLUMINATED J30 WALL SIGN(S)

UPPER CABINET: FABRICATED ALUMINUM WITH INTERNAL LED ILLUMINATION AND UL APPROVED DISCONNECT SWITCH
LOWER CABINET: FABRICATED ALUMINUM WITH INTERNAL LED ILLUMINATION
UPPER FACE: FORMED POLYCARBONATE WITH SECOND SURFACE GRAPHICS
LOWER FACE: ROUTED ACM WITH PUSH-THRU ACRYLIC COPY
LOGO BORDER: ACM
ILLUMINATION: LED

MATERIALS

3 1/2" CHANNEL LETTER COIL PRE-COATED MP 64691 "JIB RED" WITH SATIN FINISH
M2
3MM WHITE ACM (0.118" SKIN)
M4
3MM SILVER ACM (0.118" SKIN)
M6
3/4" CLEAR ACRYLIC
M8

PAINT

TO MATCH LACRYL SERIES 400 LW-59404-1 TRANSLUCENT PAINT
P1
TO MATCH LACRYL SERIES 400 443 'DEEP RED' TRANSLUCENT PAINT
P3
TO MATCH LACRYL SERIES 400 L-401-W TRANSLUCENT PAINT
P5
TO MATCH MP 32136 'BRUSHED ALUMINUM'
P8

VINYL

3M 3630-73 'DARK RED'
V1
3M 3635-70 '50% DIFFUSER'
V5

SALES: Bob McCarter
COORDINATOR: Steve Wood
DESIGN: JMc
ENGINEERING:

DATE: 6/2/21
DRAWINGS: PERMIT
NEW R1-9042
QUOTE:
PROJECT ID: JIB_6155_5
ALUM. FABRICATED MOUNTING BRACKET
3/8" DIA. X 3" LONG HEX HEAD LAG BOLT
TYR OF (2) EACH BRACKET, (TOTAL QTY 12)
FILL PENETRATIONS W/ SILICONE
DIVERSIFIED COMPONENTS
QUICK-CONECTS INSULATING
PASS-THRU SYSTEM - 8"
J330 CABINET
LOW VOLTAGE ELECTRICAL WIRE FROM "IN THE BOX" CABINET
TO "JACK" CABINET
CORRUGATED PANEL ATTACHED TO
FRAME WITH POP RIVETS.
"IN THE BOX" LIGHT BOX
BRANDING PANEL FRAME
PAINT TRANSFORMER BOX

INSTALLATION VERTICAL SECTION Scale: 1" = 1'-0"

Jack In The Box

B3 B4 B5

Jack In The Box

4444 Federal Blvd San Diego, CA 92102
(619) 527-6100 signtech.com

Jack In The Box

6125 E. 31st St. Tulsa, OK 74112

8112

8112 8112 8112 8112 8112 8112

For design changes, please contact general management at (619) 527-6100. All information contained herein is subject to change without notice or written approval.

Sales: Bob McCarter
Coordinator: Steve Wood
Design: JMc
Engineering:

Date: 6/22/21
Drawing: PERMIT
Drawing No: R3-84-01-B00
Quote:
Project ID: JIB_6156_5

12
MANUFACTURE AND INSTALL FIVE (5) ILLUMINATED SINGLE POSTER MARQUEE PANEL(S)

FACE: ROUTED 3/16" WHITE LEXAN WITH ATTACHED SNAP FRAME, INSERTS BY OTHERS

OUTER FRAME: FABRICATED .063" THICK ALUMINUM

ILLUMINATION: INTERNAL LED ILLUMINATION AND UL APPROVED DISCONNECT SWITCH

POWDER COAT

PC3

TO MATCH RAL 7022 W/ SATIN FINISH

UMBRA GREY

MATERIALS

M7

ALUMINUM SNAP FRAME W/ CLEAR ANODIZED SATIN FINISH

SNAP FRAME

POSTER GRAPHIC OVER WHITE LEXAN (BY OTHERS)

3/16" THK. WHITE LEXAN

PC3

(28) SLOAN PRISM WHITE STOCK LEDS 29-12W TMLMI.

POSTER GRAPHIC WITH WHITE LEXAN DIFFUSER BEHIND

60W POWER SUPPLY 49.8W TOTAL

120V POWER INPUT

J-BOX WITH UL APPROVED DISCONNECT SWITCH

SIDE VIEW SCALE: 3/4" = 1'-0"

ELECTRICAL LAYOUT SCALE: 3/4" = 1'-0"

SECTION VIEW SCALE: 3/4" = 1'-0"

JACK IN THE BOX
8172 E 11th St Tulsa, OK 74112 USA

Sales: Bob McCarter
drawing: PERMIT rev: 8/4/21 - JMc
quote: project ID: 18_6155_513
MANUFACTURE AND INSTALL ONE (1) PLEX FACE INTERNALLY ILLUMINATED ADDRESS CHANNEL LETTER

FACE: .177" THICK #7328 WHITE ACRYLIC WITH 3M NIMBUS GREY 101 (GERBER 220-41) ON FIRST SURFACE.
TRIMCAP: 1" BLACK JEWELITE
RETURNS: .040" x 3" DEEP PRE-PAINTED SATIN BLACK ALUM. COIL.
BACKS: .050" PRE-PAINTED WHITE ALUM.
ILLUMINATION: PRINCIPAL QWIK MOD 3 6500K WHITE
MANUFACTURE AND INSTALL ONE (1) CANOPY MOUNTED FLAT CUT-OUT HALO-ILLUMINATED SIGN

LETTERS: 1/8” WATERJET CUT ALUMINUM
ILLUMINATION: SLOAN PRISM 4000K LED WITH 60W POWER SUPPLY TO BE INSTALLED INSIDE CANOPY

PAINT:
- P1: PAINT TO MATCH MP 64991 'J6B' RED W/ SATIN FINISH
- P2: PAINT TO MATCH WALL EXACT COLOR TBN

MATERIALS:
- M1: 1/8” ALUMINUM

JACK IN THE BOX

PERMIT rev: R1-8/1-21
quote: project ID: JIB_6155_5

4444 Federal Blvd San Diego, CA 92102
(619) 527-6100 signtech.com

4812 E 11th St, Tulsa, OK 74112 USA

Sales: Bob McClarren
Coordinator: Steve Wood
Design: JMC
Engineering:
date: 8/23/21
drawings: PERMIT

Project: 4812 E 11th St, Tulsa, OK 74112 USA
Project ID: JIB_6155_5

15
F3 F4 SIGTYPE SPEAKER MENU BY OTHERS
INSTALL ONE (1) SPEAKER MENU BY OTHERS WITH LUG-ON HARDWARE PANELS

CABINET: MANUFACTURED BY NATIONAL SIGNS
POLE: 4"x8" STEEL RECTANGULAR TUBE (SEE MENU CANOPY)

NOTE: MENU LUG-ON HARDWARE MUST BE SPACED CORRECTLY FOR GRAPHICS TO FIT.

SQUARE FOOTAGE CALCULATIONS
SCALE: 3/8" = 1'-0"

TOTAL: 19.9 SQ. FT

JACK IN THE BOX
J6155
812 E 11TH Street, OK 74122 USA

Sales: Bob McCarver
Coordinator: Steve Wood
Design: JMc
Engineering:

quote:
project ID: J6155_5

date: 6/2/21

POWDER COAT
TO MATCH RAL 9004 "SIGNAL BLACK" W/SATIN FINISH

4444 Federal Blvd San Diego, CA 92102
(619) 527-6100 signtech.com
MANUFACTURE AND INSTALL TWO (2) D/F INTERNALLY ILLUMINATED DIRECTIONAL SIGN(S)

CABINET: EXTRUDED ALUMINUM
POLE: 3"x3" STEEL SQUARE TUBE
ILLUMINATION: LED - PRINCIPAL QWIK MOD 3 6500K WHITE

COLORS:
- POWDER COAT TO MATCH RAL 9004 'SIGNAL BLACK' W/ SATIN FINISH
- MATERIALS: M9 .003" WHITE LEXAN
- VINYL: V1 3M 3630-73 'DARK RED'

4444 Federal Blvd San Diego, CA 92102
(619) 527-6100 signtech.com

Sales: Bob McClner Coordinator: Steve Wood Design: JMc
Engineering:

JACK IN THE BOX
5618
8117 E. 11th St Tulsa, OK 74113 USA

JCTB-DIR-17x17x48-DRIVETHRU-LEFT.RIGHT

Primary Electrical by Others:
120 VOLT IN CONDUIT TO 1'-0" ABOVE GRADE WITH MIN. 36" EXCESS WIRE
**G3 SIGNTYPE**  JITB-DIR-17x17x48-TY2-THANKYOU/DONOTENTER

**MANUFACTURE AND INSTALL ONE (1) D/F INTERNALLY ILLUMINATED DIRECTIONAL SIGN(S)**

**CABINET:** EXTRUDED ALUMINUM

**POLE:** 3"x3" STEEL SQUARE TUBE

**ILLUMINATION:** LED - PRINCIPAL QWIK MOD 3 6500K WHITE

---

**SIDE A SCALE: 1"=1'-0"**

**SIDE B SCALE: 1"=1'-0"**

**END VIEW SCALE: 1"=1'-0"**

---

**POWDER COAT**

+ TO MATCH RAL 9004 'SIGNAL BLACK'
+ W/ SATIN FINISH

**MATERIALS**

+ 203" WHITE LEXAN

**VINYL**

+ V1 3M 3630-73 'DARK RED'

---

**JACK IN THE BOX**

4444 Federal Blvd. San Diego, CA 92102
(619) 527-6100 signtech.com

4444 Federal Blvd. San Diego, CA 92102
(619) 527-6100 signtech.com

**SALES:** Bob McCarter
**COORDINATOR:** Steve Wood
**DESIGN:** JMc
**ENGINEERING:**

---

**FOOTING PER ENGINEERING**

- PRIMARY ELECTRICAL BY OTHERS-

- 120 VOLT IN CONDUIT TO 1'-0" ABOVE GRADE WITH MIN. 36" EXCESS WIRE

---

**SECTION AND FOOTING VIEW**

**SCALE: 1"=1'-0"**

---

**Drawing:** PERMIT rev: R1-5/21
**Quote:**
**Project ID:** JIB_6155_5

---

**DATE:** 6/2/21
**Drawing:** PERMIT rev: R1-5/21
**Quote:**
**Project ID:** JIB_6155_5
MANUFACTURE AND INSTALL ONE (1) ORDER PICKUP SIGN

POLE: 3"x3" STEEL SQUARE TUBE
ARM: 5"x2" STEEL RECTANGULAR TUBE

VINYL
3M WHITE REFLECTIVE VINYL (660-13)
W/ PMS 200 PRINTED COPY

PAINT
TO MATCH MP 46591 JIB RED
W/ SATIN FINISH

POWDER COAT
TO MATCH RAL-9004 "SIGNAL BLACK"
W/ SATIN FINISH
JIB-BLD-DF-24X17

MANUFACTURE AND INSTALL TWO (2) D/F INTERNALLY ILLUMINATED BLADE SIGNS WITH ROUTED AND BACKED FACES

CABINET: ALUM. FABRICATION

FACES: .125" ALUM.

WHITE/PURPLE RING: .177" THICK CLEAR ACRYLIC W/FIRST AND SECOND SURFACE VINYL

RETURN: .063" X 5" ALUM. STACK WELDED TO FRONT TRIM.

SUPPORT: 2" X 2" X 3/16" ALUM. SQUARE TUBE WELDED TO ATTACHMENT PLATE

ATTACHMENT PLATE: 1/4" ALUM. PLATE - PLATE DETAILS TBD

ILLUMINATION: LEDS (WHITE AND PURPLE ON TIMER) WITH REMOTE POWER SUPPLY

PAINT

TO MATCH MP 64991 JIB RED W/SATIN FINISH

NIGHT VIEW - WHITE LED
SCALE: 1"=1'-0"

NIGHT VIEW - PURPLE LED
SCALE: 1"=1'-0"

4444 Federal Blvd San Diego, CA 92102
(619) 527-6100 signtech.com

#1

JACK IN THE BOX

JIB 6155
8112 E 11th St Tulsa, OK 74122 USA

Sales: Bob McCarter
Coordinator: Steve Wood
Design: Jmte
Engineering:

date: 6/2/21
drawing: PERMIT
rev: R 1-6155_5
quote:
project ID: JIB_6155_5

1. This project is subject to change at any time without notice. Any changes will be communicated to the customer in writing.
2. All materials will be delivered as specified in the project drawings.
3. All work will be completed by the subcontractors as specified in the project drawings.

4. All work will be completed by the subcontractors as specified in the project drawings.

5. All work will be completed by the subcontractors as specified in the project drawings.

6. All work will be completed by the subcontractors as specified in the project drawings.

7. All work will be completed by the subcontractors as specified in the project drawings.

8. All work will be completed by the subcontractors as specified in the project drawings.

9. All work will be completed by the subcontractors as specified in the project drawings.

10. All work will be completed by the subcontractors as specified in the project drawings.

11. All work will be completed by the subcontractors as specified in the project drawings.

12. All work will be completed by the subcontractors as specified in the project drawings.

13. All work will be completed by the subcontractors as specified in the project drawings.

14. All work will be completed by the subcontractors as specified in the project drawings.

15. All work will be completed by the subcontractors as specified in the project drawings.

16. All work will be completed by the subcontractors as specified in the project drawings.

17. All work will be completed by the subcontractors as specified in the project drawings.

18. All work will be completed by the subcontractors as specified in the project drawings.

19. All work will be completed by the subcontractors as specified in the project drawings.

20. All work will be completed by the subcontractors as specified in the project drawings.
MANUFACTURE AND INSTALL ONE (1) INTERNALLY ILLUMINATED JACK HEAD LOGO CHANNEL SIGN
MANUFACTURE AND INSTALL THIRTEEN (13) ILLUMINATED BOLLARDS
POST: FABRICATED 1/8" ALUM.
LIGHT BOX: FABRICATED 1/8" ALUM.
LENS: CLEAR 1/8" ACRYLIC
ILLUMINATION: WHITE AND PURPLE LED MODULES

JACK IN THE BOX
JIB_6155
2117 E 11th St Tulsa, OK 74112 USA

Sales: Bob McCarter
Coordinator: Steve Wood
Design: JMc
Engineering:  
date: 6/2/21
drawing: PERMIT
quote:
project ID: JIB_6155_6
CANOPY (BY OTHERS) WITH PROPOSED SIGNAGE

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

JACK IN THE BOX
J6155
8112 E 11th St, Tulsa, OK 74112 USA

Sales: Bob McCarter
Coordinator: Steve Wood
Design: JMc
Engineering:

DATE: 6/2/21
Drawing: PERMIT
Quote: JIB_6155_5

4444 Federal Blvd San Diego, CA 92102
(619) 527-6100 signtech.com

project ID: JIB_6155_5
MANUFACTURE AND INSTALL TWO (2) INTERNALLY ILLUMINATED EMBEDDED CANOPY SIGNS
SIGN SLIDES INTO CAVITY IN CANOPY BY OTHERS AND SCREWS INTO FACE OF CANOPY WITH COUNTERSUNK SCREWS
MANUFACTURE AND INSTALL ONE (1) NON-ILLUMINATED PICK-UP BLADE SIGN
INSTALL TWO (2) PREVIEW MENU BY OTHERS WITH TWO (2) BREAKFAST EXTENDER BY OTHERS

CABINET: MANUFACTURED BY NATIONAL SIGNS
POLE: 5" STEEL SQUARE TUBE

F1 F2 SIGNTYPE PREVIEW MENU BY OTHERS
01 02 SIGNTYPE MENU EXTENDER BY OTHERS

POWDER COAT

TO MATCH RAL 9004 'SIGNAL BLACK'
W/SATIN FINISH

SQUARE FOOTAGE CALCULATIONS
SCALE: 3/8" = 1'-0"

<table>
<thead>
<tr>
<th>Description</th>
<th>Area Calculation</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) 21 1/2&quot; X 30 1/4&quot; V.O. / 4.5 SQ. FT. (x1) = 4.5 SQ. FT.</td>
<td></td>
</tr>
<tr>
<td>(2) 21 1/2&quot; X 17 1/4&quot; V.O. / 3.5 SQ. FT. (x2) = 7.0 SQ. FT.</td>
<td></td>
</tr>
<tr>
<td>(3) 21 1/2&quot; X 14 1/4&quot; V.O. / 2.1 SQ. FT. (x4) = 8.4 SQ. FT.</td>
<td></td>
</tr>
<tr>
<td>(4) 21 1/2&quot; X 11 1/8&quot; V.O. / 1.8 SQ. FT. (x1) = 1.8 SQ. FT.</td>
<td></td>
</tr>
</tbody>
</table>

TOTAL: 26 SQ. FT.
BASE PLATE DETAILS

P1 P2 P3 P4 SIGN TYPE: JJB-MB-POLE-5x5x68

MANUFACTURE AND INSTALL FOUR (4) MENU POLES
NOTE: MENU LUG-ON HARDWARE MUST BE SPACED CORRECTLY FOR GRAPHICS TO FIT.

INSTALL TWO (2) SPEAKER MENUS BY OTHERS WITH TWO (2) BREAKFAST EXTENDER & TWO (2) LATE NIGHT EXTENDER BY OTHERS & FOUR (4) MENU LUG-ON HARDWARE PANELS BY OTHERS

CABINET: MANUFACTURED BY NATIONAL SIGNS
POLE: 4"x8" STEEL RECTANGULAR TUBE (SEE MENU CANOPY)
LUG-ON HARDWARE: FABRICATED ALUMINUM

POWDER COAT
PC2 TO MATCH RAL 9004 "SIGNAL BLACK" W/ SATIN FINISH

FOOTING/POLE
3-0 0 C
FROM FRONT OF CURB (TYP.)

SQUARE FOOTAGE CALCULATIONS
SCALE: 3/8" = 1'-0"
TOTAL: 27.1 SQ. FT.
Note: Graphic overlays may not precisely align with physical features on the ground.
BOARD OF ADJUSTMENT
CASE REPORT

HEARING DATE: 09/28/2021 1:00 PM (Continued from 9/14/2021)

APPLICANT: Mark Capron

ACTION REQUESTED: Variance to allow parking inside the City of Tulsa planned Right-of-Way (Sec. 90.090-A)

LOCATION: 4008 W CHARLES PAGE BV S

ZONED: CH

PRESENT USE: Vacant

TRACT SIZE: 17500.08 SQ FT

LEGAL DESCRIPTION: See Attached.

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA-22746; On 10.08.2019 the Board approved a Special Exception to allow an Assembly and Entertainment use (less than 250-person capacity) to serve alcohol within 150' of an R district and a Special Exception to permit an Outdoor Assembly and Entertainment use.

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located East of the SE/c of Charles Page Boulevard and S. 41st W. Ave.

STAFF COMMENTS: The applicant is requesting a Variance to allow parking inside the City of Tulsa planned Right-of-Way (Sec. 90.090-A)
The Major Street and Highway plan designates Charles Page Boulevard a Primary Arterial which call for 60' of right-of-way on either side of the section line. Currently there is only 25' dedicated South of the Section line. The applicant is seeking to build parking inside the additional 35' prescribed by the Major Street and Highway Plan. If approved the code would require the applicant to execute a removal agreement with the City of Tulsa for the improvements make inside the right-of-way.

STATEMENT OF HARDSHIP: The applicant believes that the designation of Primary Arterial is not appropriate for not only the subject property but other properties along Charles Page Boulevard. Such a dedication would take 25% of the property and make many properties very shallow and undevelopable.

SAMPLE MOTION:

Move to _______ (approve/deny) a Variance to allow parking inside the City of Tulsa planned Right-of-Way (Sec. 90.090-A)

Finding the hardship(s) to be ________________________________.

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

- Subject to the following conditions ________________________________.

- Suggested Condition: Applicant to execute a removal agreement with the City of Tulsa for any improvements made inside the right-to-way.

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.”
LEGAL DESCRIPTION
NEW OVERALL COMBINED TRACT "B"

A TRACT OF LAND THAT IS PART OF LOT NINE (9) AND ALL OF LOTS TEN (10) AND
ELEVEN (11), BLOCK ONE (1), HOME GARDENS SECOND ADDITION, AN ADDITION
TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO
THE RECORDED PLAT THEREOF, BEING MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 1, HOME
GARDENS SECOND ADDITION;

THENCE SOUTH 89°00'53" WEST ALONG THE NORTH LINE OF BLOCK 1 A
DISTANCE OF 404.00 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 01°03'36" EAST 140.00 FEET TO A POINT ON THE SOUTH LINE OF
LOT 9, BLOCK 1;

THENCE SOUTH 89°00'53" WEST ALONG THE SOUTH LINE OF LOTS 9, 10 AND 11
A DISTANCE OF 146.00 FEET TO THE SOUTHWEST CORNER OF LOT 11, BLOCK
1;

THENCE NORTH 01°03'36" WEST 140.00 FEET TO THE NORTHWEST CORNER OF
LOT 11, BLOCK 1;

THENCE NORTH 89°00'53" EAST ALONG THE NORTH LINE OF LOTS 9, 10 AND 11
A DISTANCE OF 146.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 20,440.0 SQ. FEET OR 0.47 ACRES
BEARINGS ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE
SYSTEM, (3501OK N), NORTH AMERICAN DATUM 1983 (NAD83) USING THE NORTH
LINE OF BLOCK 1, HOME GARDENS SECOND ADDITION AS N 89°00'53" E.
Board Action:
On MOTION of RADNEY, the Board voted 4-0-0 (Bond, Radney, Ross, Van De Wiele "aye"; "nay"; no "abstentions"; Shelton absent) to APPROVE the request for a Special Exception to allow a duplex in an RS-5 District (Section 5.020, Table 5-2); Variance of the 25 foot setback for a Special Exception Use from R-zoned lots occupied by residential uses (Section 50.030-B, Table Note 4); Variance of the required number of parking spaces (Section 55.020, Table 55-1), subject to conceptual plan 3.6; not intended to require the drive to the rear. The Board finds the hardship to be the small size and narrowness of the lot, and the undue burden of providing extra parking for such a small domicile. 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. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

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

LT 4 BLK 16, BURGESS HILL ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22746—Shane Hood

Acting Requested:
Special Exception to allow a small (less than 250-person capacity) Indoor Commercial Assembly/Entertainment Use to sell and serve alcohol within 150 feet of a residential district; Special Exception to allow an Outdoor Commercial Assembly/Entertainment Use in a CH District (Section 15.020, Table 15-2). LOCATION: 3924 West Charles Page Boulevard South (CD 1)
Presentation:
Shane Hood, 815 East 3rd Street, Tulsa, OK; stated the subject property consists of six lots that will be used for the event space. The building will hold about 89 people and there will be an outdoor area that is also used for entertainment. The event center requires 22 parking spaces, and there are 21 on the lot with an additional 22 parking spaces next door.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of BOND, the Board voted 4-0-0 (Bond, Radney, Ross, Van De Wiele "aye"; "nay"; no "abstentions"; Shelton absent) to APPROVE the request for a Special Exception to allow a small (less than 250-person capacity) Indoor Commercial Assembly/Entertainment Use to sell and serve alcohol within 150 feet of a residential district; Special Exception to allow an Outdoor Commercial Assembly/Entertainment Use in a CH District (Section 15.020, Table 15-2), subject to conceptual plans 4.5 and 4.24 of the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LOT 4 BLK 1; LOT 5 BLK 1; LOT 6 BLK 1; LOT 7 BLK 1; LT 8 BLK 1; E. 1/2 OF LOT 9 BLK 1, HOME GARDENS SECOND ADDN - TULSA, City of Tulsa, Osage County, State of Oklahoma

NEW APPLICATIONS

22749—Magic Leaf, LLC

Action Requested:
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).

LOCATION: 4210 East 11th Street South (CD 4)

Presentation:
Jordan Towers, 4210 East 11th Street, Tulsa, OK; no formal presentation was made but the applicant was available for any questions from the Board.

Mr. Van De Wiele stated the Board is in receipt of a copy of the applicant's license on page 5.5 and the spacing exhibit on pages 5.6 and 5.7.
Board Action:
On MOTION of RADNEY, the Board voted 4-0-0 (Bond, Radney, Ross, Van De Wiele "aye"; "nay"; no "abstentions"; Shelton absent) to APPROVE the request for a Special Exception to allow a duplex in an RS-5 District (Section 5.020, Table 5-2); Variance of the 25 foot setback for a Special Exception Use from R-zoned lots occupied by residential uses (Section 50303-B, Table Note 4); Variance of the required number of parking spaces (Section 55.020, Table 55-1), subject to conceptual plan 3.6; not intended to require the drive to the rear. The Board finds the hardship to be the small size and narrowness of the lot, and the undue burden of providing extra parking for such a small domicile. 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. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

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

LT 4 BLK 16, BURGESS HILL ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22746—Shane Hood

Actin Requested:
Special Exception to allow a small (less than 250-person capacity) Indoor Commercial Assembly/Entertainment Use to sell and serve alcohol within 150 feet of a residential district; Special Exception to allow an Outdoor Commercial Assembly/Entertainment Use in a CH District (Section 15.020, Table 15-2). LOCATION: 3924 West Charles Page Boulevard South (CD 1)
**Presentation:**
Shane Hood, 815 East 3rd Street, Tulsa, OK; stated the subject property consists of six lots that will be used for the event space. The building will hold about 89 people and there will be an outdoor area that is also used for entertainment. The event center requires 22 parking spaces, and there are 21 on the lot with an additional 22 parking spaces next door.

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

**Comments and Questions:**
None.

**Board Action:**
On MOTION of BOND, the Board voted 4-0-0 (Bond, Radney, Ross, Van De Wiele "aye"; "nay"; no "abstentions"; Shelton absent) to APPROVE the request for a Special Exception to allow a small (less than 250-person capacity) Indoor Commercial Assembly/Entertainment Use to sell and serve alcohol within 150 feet of a residential district: Special Exception to allow an Outdoor Commercial Assembly/Entertainment Use in a CH District (Section 15.020, Table 15-2), subject to conceptual plans 4.5 and 4.24 of the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LOT 4 BLK 1; LOT 5 BLK 1; LOT 6 BLK 1; LOT 7 BLK 1; LT 8 BLK 1; E. 1/2 OF LOT 9 BLK 1, HOME GARDENS SECOND ADDN - TULSA, City of Tulsa, Osage County, State of Oklahoma

**********

**NEW APPLICATIONS**

22749—Magic Leaf, LLC

**Action Requested:**
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).

**LOCATION:** 4210 East 11th Street South (CD 4)

**Presentation:**
Jordan Towers, 4210 East 11th Street, Tulsa, OK; no formal presentation was made but the applicant was available for any questions from the Board.

Mr. Van De Wiele stated the Board is in receipt of a copy of the applicant’s license on page 5.5 and the spacing exhibit on pages 5.6 and 5.7.
Subject property

Facing West on Charles Page Boulevard
Facing East on Charles Page Boulevard
BOA-23183

Subject Tract

Aerial Photo Date: 2020/2021

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

HEARING DATE: 09/28/2021 1:00 PM

APPLICANT: Lenora Bustos

ACTION REQUESTED: Special Exception to allow a fence greater than 4 feet in height within the required street setbacks (Sec. 45.080-A)

LOCATION: 6339 E 7 ST S

ZONED: CS

PRESENT USE: Vacant

TRACT SIZE: 11552.16 SQ FT

LEGAL DESCRIPTION: S77.5 OF E150 BLK 32, GLENHAVEN

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-23168: On 8/10/21 the Board approved a Special Exception to permit a Personal Vehicles Sales and Rental Use in a CS District and a Variance to permit outdoor display of merchandise within 300 feet of an abutting Residential District.

BOA-12907; on 12.01.83 the Board approved a Variance of the lot frontage requirement in a CS district and a Special Exception to permit a trade school in a CS District.

Surrounding Properties:

BOA-22249; On 07.11.17 the board approved a variance to allow outdoor storage and display of merchandise within 300' of an abutting R district for a car lot. property located 708 S. Sheridan Road.

BOA-22174; On 12.13.16 the Board approved a Special Exception to permit auto sales in the CS District. property located 715 S. Sheridan Rd.

BOA-20318; On 08.08.06 the Board approved a Special Exception to permit auto sales and a variance to allow outdoor storage and display of merchandise within 300' of an abutting R district for a car lot. Property located 602 S. Sheridan Rd.

BOA-12101; On 08.05.82 the board approved Special Exception to allow an auto detailing shop in a CS District. Property located 715 S. Sheridan Rd.

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located at the NW/c of E. 7th St. S. and S. Sheridan Rd.

**STAFF COMMENTS:** The applicant is requesting Special Exception to allow a fence greater than 4 feet in height within the required street setbacks (Sec. 45.080-A)

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**Section 45.080**  
**Fences and Walls**

**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.

The fence previously had barbed wire which has been removed.

**SAMPLE MOTION:** Move to ________ (approve/deny) a Special Exception to allow a fence greater than 4 feet in height within the required street 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.
Barbed wire is still located on gate

Subject property
Subject property
Ms. Radney stated that with that limited extent she is not persuaded that a business is being operated at the residence, Type I or Type II.

Mr. Wilkerson stated that if that is the case, he thinks it is important that in the motion there should be something said about a Type I business. From what he understands about this and from what he has heard today he think the Code is clear.

Mr. Ryder stated the truck is, if nothing else, an accessory use not consistent with the principal use; he heard that from the neighbor and no one else.

Ms. Radney stated she is still not persuaded, but maybe this is something that should be brought before the full Board. Mr. Ryder agreed and stated that he would request that.

Ms. Radney asked Mr. Fernandez if he had any objections to continuing his request so that it may be heard by the full Board. Mr. Fernandez agreed to the continuance.

**Board Action:**

On MOTION of BROWN, the Board voted 3-0-0 (Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; Barrientos, Bond absent) to CONTINUE the request for an Appeal of the Administrative Decision issued by a Neighbor Inspector that the subject property is in violation of Sections 45.100 (Home Occupations) and Section 45.130 (Parking and Storage of Commercial Vehicles) of the zoning codes (Section 70.140) to the September 14, 2021 Board of Adjustment meeting; for the following property:

**LT 9 BLK 5, OAK LEAF, City of Tulsa, Tulsa County, State of Oklahoma**

**23168—Leonora Bustas**

**Action Requested:**

Special Exception to permit a Personal Vehicles Sales and Rental Use in a CS District (Section 15.020, Table 15-2); Variance to permit outdoor display of merchandise within 300 feet of an abutting Residential District (Section 15.040-A).

**LOCATION:** 6339 East 7th Street South (CD 5)

**Presentation:**

Leonora Bustas, 804 North Sheridan Road, Tulsa, OK; stated the subject property is vacant and is zoned commercial and the owner would like to have a used car sales lot as a rental property. There have been changes made so the property could be used as a used car sales lot.

Ms. Radney asked Ms. Bustas to state her hardship for the Variance. Ms. Bustas stated the hardship is that the owner has had the property for a long time, and it has been vacant for a long time. The property is located on the corner and the existing building is not very big so it would be hard to have another type of business located
there. The only thing the owner has been approached about is to use the property as a car lot.

Ms. Radney asked Ms. Bustas about the barbed wire that is on the top of the existing fence because that is a Code violation. Ms. Bustas stated that she had been asked to erect that fence to separate the lot from the residential area. Ms. Radney stated that it is not necessarily the fence, it is the barbed wire. Ms. Bustas stated that was not clear to her, she was told to erect a fence and she was not aware that barbed wire was not allowed by the City Code. Ms. Bustas stated that when she submitted the application, she was told the lot would need lighting, so she had lighting installed. Ms. Radney stated that it is her understanding that the fencing between the subject property and the residential area needs to be opaque to obscure the residential from the commercial use. Ms. Bustas asked if the fence needed to a privacy fence. Ms. Radney deferred to Mr. Chapman.

Mr. Chapman stated the fence, where it is located on 7th Street and Sheridan, there is not a Code requirement for fencing. There is no relief the Board can give on the barbed wire because it is too close to the sidewalk, so it is a nuisance ordinance. Along the back portion of the property, the fence between the residential area needs to be at least six feet tall and it needs to be a wooden fence or wall. To be in the CS District street setback, per Code, the fence would be limited to four feet in height for the portion that is along the street.

Ms. Radney asked Ms. Bustas if the outdoor display of merchandise was just because of the vehicles. Ms. Bustas answered affirmatively.

Ms. Radney asked Ms. Bustas if she knew the subject property had historically been used as a used car lot. Ms. Bustas stated she does not know.

Ms. Radney asked Ms. Bustas to state her hardship to the Board again. Ms. Bustas stated the hardship is that the owner has not been able to use the property after purchase. The building is too small for a restaurant and is too small for offices, and the owner does not want to expand the existing building, so he is interested in the used car lot approach. Ms. Bustas stated the permits were submitted but they were never approved because of the lack of lighting. This is the second- or third-time paperwork has been submitted and permit inspections have been paid for. She did not ask about the fencing when she was told about the separation, so she had chain link fencing erected.

Mr. Brown asked Ms. Bustas if she had heard anything from the neighborhood. Ms. Bustas stated that she has not.

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

08/10/2021-1278 (11)
Comments and Questions:
Mr. Brown stated that he believes there is a precedent established to the north of the subject property because of vehicles for sale next to a residential area.

Board Action:
On MOTION of WALLACE, the Board voted 3-0-0 (Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; Barrientos, Bond absent) to APPROVE the request for a Special Exception to permit a Personal Vehicles Sales and Rental Use in a CS District (Section 15.020, Table 15-2); Variance to permit outdoor display of merchandise within 300 feet of an abutting Residential District (Section 15.040-A), subject to conceptual plan 5.21 of the agenda packet. The barbed wire fence is to be brought into compliance with the Code. The vehicle parking is to meet parking design standards of the Code. The Board finds the hardship to be the requested use is consistent with the prior use that predates the Code. 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. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

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

S77.5 OF E150 BLK 32, GLENHAVEN, City of Tulsa, Tulsa County, State of Oklahoma

23169—Matthew Boyd

Action Requested:
Special Exception to permit Low-Impact Medical Marijuana processing (Low-impact Manufacturing & Industry Use) in the CH District (Section 15.020, Table 15-2). LOCATION: 708 West 23rd Street South (CD 2)

08/10/2021-1278 (12)
Case No. 12904 (continued)

POINT OF BEGINNING, and containing 30,312.495 square feet or 0.6959 acres.

Case No. 12905

Action Requested:
Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1213 - Request for an exception to permit Convenience Goods and Services in an IL zoned district under the provisions of Section 1680, located at the NE corner of East 61st Street South and Garnett Road.

Presentation:
J. Brunoldi, P. O. Box 2420, was represented by Casper Jones, 1302 South Fulton Avenue. Mr. Jones informed this application is for Texaco. He informed that a car wash is permitted on the subject property, but retail sales are not. He submitted a plot plan showing where the buildings will be placed (Exhibit "I-1").

Protestants: None.

Board Action:
On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-1 (Chappelle, Purser, Victor, Wait, "aye"); no "nays"; Smith, "abstaining"; none, "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts - under the provisions of Use Unit 1213) to permit Convenience Goods and Services in an IL zoned district under the provisions of Section 1680, per plot plan, on the following described property:

A tract of land in the SW/4, SW/4, SW/4, of Section 32, Township 19 North, Range 14 East, Tulsa County, Oklahoma; more particularly described as follows: Beginning at the SE corner of Section 32; thence North 250'; thence East 250'; thence South 250'; thence West 250'; to the point of beginning; LESS and EXCEPT the West 50' and the South 50' thereof.

Case No. 12907

Action Requested:
Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1217 - Request for a variance of lot frontage on Sheridan Road from 150 to 77.5 feet in a CS zoned district under the provisions of Section 1670.

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Request for an exception to permit a trade school in a CS zoned district under the provisions of Section 1680, located at the NW corner of 7th Street and Sheridan Road.

Presentation:
Lawrence Gregory, 708 South Sheridan Road, was present representing Climate Control Institute which is an electrical and air conditioning trade school and has been at the 708 South Sheridan address since 1977. They would like to purchase the subject property to use as parking and classroom training facilities for their school. The property has an existing parking lot and a two-bedroom residence on it. He informed they will remodel the residence which will improve the property. These 12.1.83:401(11)
improvements will make the property more attractive than it is now. The building has about 1,000 sq. ft. He presented a picture of the residence. The school is in operation Monday through Friday with day classes from 7:30 a.m., until 2:00 p.m., and with Monday through Thursday evening classes from 6:00 p.m. until 10:00 p.m. They are open all year except for holidays. There is no noise generating equipment except for an occasional hammer or wrench noise. He informed that they would have to do some remodeling on the building, but this work will not increase the area of the building. They would make the changes that would need to be made in order for the school to meet the Building Code.

Protestants:
Jean Davis, 6331 East 7th Street, informed she lives next door to the subject property. She submitted 3 pictures of the parking situation that exists in the area (Exhibit "J-1"). She informed that the parking situation in the area is terrible and the subject property is already being used as a parking lot. There is not enough room for parking for new students. She does not see how more cars can be accommodated in the area.

Evelyn Zinkle, 4510 East 49th Street, was concerned with the parking in the area. Most of the parking problems are caused by the students at the school. She would like to have the assurance of the applicant that the other residents in the area will not be encroached upon as far as parking.

Doyle Turnbull, 6331 East 7th Street, informed that there is just a narrow driveway between the house on the subject property and his house. He is concerned that the noise from the classrooms will bother his family. There will be about 35 feet between the house on the subject property and the bedrooms in his house. He is also concerned with the traffic/parking problems and the litter problems in the area. He informed when the school was put in, the residents were assured that there would be ample parking for the students. There is a little picket fence between his property and the subject property.

Applicant's Rebuttal:
Mr. Gregory informed that they started using Ms. Zinkle's parking about 2 months ago with the permission of one of her tenants. He informed that some of the cars which are causing parking problems could belong to people other than the students. After Ms. Zinkle complained to him today, he gave the students directions not to park on her property at all. As far as the litter problems go, they have a full-time maintenance man and custodian that polices their area every day. They take care of the property to the best of their ability. He informed that the property is split. He feels that their proposal for the use of the property will help the parking and improve the area. There should not be any noise involved. He is not sure that they will use the residence at night for classes, but if they do, the classes will be over by 10:00 p.m. He would like to have the option of having classes in the house. He does not think the school would generate any more noise than is currently in the structure which is occupied by a family. He informed that the corner is a vacant lot that has been used as a car lot--they have been parking on that lot. This lot will hold approximately 12 to 15 cars. He presented a picture of the lot. He informed that their enrollment is about 120 with 80 of these being day students and 40 being night students. Even without the additional property, they are permitted by state accrediting.
the Oklahoma Board of Private Schools, and the Veterans Administration to have 125 day students and 125 night students--they can accommodate 250 students. They want to use the subject property for their present enrollment. They presently have 6,600 square feet. He informed they want to move the electrical equipment to the subject property.

Comments:
Mr. Gardner informed that the Staff would think that the Board would want to limit the proposed school to what the applicant states that he is going to do. He does not think that the concern for parking needs to be raised because there would be adequate room for several cars to not only accommodate the additional square feet, but probably would help in the parking for the existing school. The applicant has the potential of .5 and could build a building on half of the lot which would reduce the number of parking spaces, and then the Board would get into the question of parking. If the applicant is willing to live with no more than 1,100 square feet and would use the rest of the land for parking, then the Board does not need to talk about parking. Using just 1,100 square feet would leave probably 20 or 30 parking spaces which is 20 or 30 more than he has right now. For a 1,100 square-foot building, he would only need about 4 parking spaces.

Ms. Purser informed this could be limited to this structure so that the applicant would have to come back if they wanted to build a new building on the lot. The variance needs to be tied to the existing structure. She was concerned about how the motion should be worded. Ms. Purser informed that many uses could go in on the corner without the people even coming to this Board because the property is zoned commercial. One use that would be permitted by right is a bar. She feels that the students would cause much less noise than a bar would generate.

Ms. Purser informed the applicant would be required to have a hard surface parking lot. They will only have about 12 or 15 more parking spaces than they have at the present time. She informed that the school could probably have about 300 students with the additional space. She urged the Staff to take a look at the parking requirements because she feels that they are very much in error, especially for schools--there are a lot of cars associated with a school.

Board Action:
On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - under the provisions of Use Unit 1217) of lot frontage on Sheridan Road from 150 to 77.5 feet in a CS zoned district under the provisions of Section 1670, and a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts) to permit a trade school in a CS zoned district under the provisions of Section 1680, subject to the applicant erecting a 7-foot wooden screening fence on the part of the property that abuts residential property to the west with the finished side toward the house, and subject to the variance being used within the existing structure only, no new buildings, on the following described property:

The South 77.5 feet of the East 150 feet of tract 32 of Glenhaven Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

12.1.83:401(13)
NEW APPLICATIONS

22249—Josh Hamilton

Action Requested:
Variance to allow outdoor storage and outside display of merchandise within 300 feet of the abutting R District (Section 15.040-A). LOCATION: 708 South Sheridan Road East (CD 5)

Presentation:
Josh Hamilton, 4105 South Redwood Avenue, Broken Arrow, OK; stated he was before the Board about three years ago and received approval to be a car lot with inside storage. He did that until February of this year when he was broke into and has been broke into seven times. He actually caught one of the assailants because he was on the roof the building camping and had pulled the copper from the air conditioning. A week later another offender broke through the roof and did about $16,000 damage to the concrete roof. He had to pull all the cars from the interior of the building and placed them on the lot so he had a fence erected but it was two feet within the right-of-way. When the City Inspector came out about the fence he mentioned the fact that he could not store cars outside. He discovered that by having the cars outside was good for business so now he would like to continue having the cars outside. The roof repairs were just finished so he can move the old cars that are in front of the building out in the next 60 days. He will place them either in the back of the building where they cannot be seen or placed inside the building.

Mr. White asked Mr. Hamilton about the security of his vehicles that are on the lot. Mr. Hamilton stated that since he has erected the fence he has not had any problems.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of BOND, the Board voted 4-0-0 (Back, Bond, Flanagan, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to APPROVE the request for a Variance to allow outdoor storage and outside display of merchandise within 300 feet of the abutting R District (Section 15.040-A), subject to conceptual plan 3.26 in the agenda packet. The Board finds the hardship to be the current layout and security fence on the...
applicant's property. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

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

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

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

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

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

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

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

N 100 OF W 165 OF E 180 BLK 59, GLENHAVEN, City of Tulsa, Tulsa County, State of Oklahoma

22276—Fred Frampton

Action Requested:
  Variance to allow an accessory structure to exceed 18 feet in height, exceed one-story, and exceed 10 feet at the top of the top plate (Section 90.090-C); Variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure (Section 45.030-B). LOCATION: NW/c of East 16th Street South and South College Avenue East (CD 4)

Presentation:
The applicant was not present. The Board chose to move this case to the end of the agenda.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
No Board action required at this time.
g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

LT 3 BLK 1, MANOR VIEW ESTATES ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22173—Angela Cherry

Action Requested:
Verification of the spacing requirement for liquor stores of 300 feet from plasma centers, day labor hiring centers, bail bonds offices, pawn shops, and other liquor stores (Section 40.300-A). LOCATION: 4612 East 31st Street South - Tenant Space: 4628 East 31st Street South (CD 9)

Presentation:
Angela Cherry, 4628 East 31st Street, Tulsa, OK; no formal presentation was made but the applicant was available for any questions.

Mr. Van De Wiele stated that Board is in receipt of the applicant's spacing verification.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of WHITE, the Board voted 4-0-0 (Back, Bond, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Flanagan absent) I move that based upon the facts in this matter as they presently exist, we ACCEPT the applicant's verification of spacing for the proposed liquor store subject to the action of the Board being void should another liquor store or other conflicting use be established prior to the establishment of this liquor store; for the following property:

LTS 11 & 12 BLK 2, CONWAY PARK, City of Tulsa, Tulsa County, State of Oklahoma

22174—Edward Jones

Action Requested:
Special Exception to permit vehicle sales in the CS District (Section 15.020-C).
LOCATION: 715 South Sheridan Road East (CD 3)
Presentation:
Edward Jones, 3437 East 84th Street, Tulsa, OK; stated he represents Domingo Muldanado. Mr. Muldanado purchased the subject property for a car lot. Mr. Muldanado has another car lot located on Admiral Boulevard. When Mr. Muldanado purchased the subject lot there was an existing car lot but he discovered that it had been operating illegally. Mr. Muldanado wants to operate his car lot legally and maintain his good reputation. Mr. Jones stated that a parking layout has been submitted to INCOG so that the lot will comply with the City Zoning Code.

Mr. White asked Mr. Jones if there would be any storing of tires or anything like that. Mr. Jones stated there would be no storing of tires and there would no storage at all.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of BOND, the Board voted 4-0-0 (Back, Bond, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Flanagan absent) to APPROVE the request for a Special Exception to permit vehicle sales in the CS District (Section 15.020-C). The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LTS 12 & 13 BLK 20, SHERIDAN HILLS, City of Tulsa, Tulsa County, State of Oklahoma

Theresa Landers, 6930 East 7th Street, Tulsa, OK; stood up and stated that she has an interest in the case that was just heard.

Mr. Van De Wiele stated that he asked if there were any interested parties and no one raised their hand or stood up.

Ms. Landers stated that she signed in with the case number and wanted to give her opinion on this case. Ms. Landers asked the Board to deny this case. She is before the Board on behalf of herself and the neighborhood association of 1,500 houses. The streets that surround the neighborhood are already lined with used junker shops and have more junker shops than used car lots. Ms. Landers stated there is a used car lot at the corner of 11th and Sheridan. There is another shop, Frank's Tires, that has only five cars and the lot is well maintained.
than to build a tower and it is their first choice. He stated that he would provide a letter for the case file that shows they comply with the FCC regulations for RF emissions.

**Board Action:**

On Motion of Stead, the Board voted 4-0-0 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to APPROVE a Special Exception to allow a 120 ft. communications tower (Use Unit 4) in an AG district (Section 301); Special Exception to reduce the required setback from adjoining AG zoned districts (Section 1204.C.3.g.1), finding it meets all of the requirements listed in Section 1204. A, B, C and D; subject to the letter of June 24, 2006 from Ferris Consulting and the three site plans on pages 2.10, 2.11 and 2.12 of the agenda packet; the applicant to provide a letter to INCOG staff showing RF emissions are within the federal guidelines; a light pole design; site to be screened by an 8 ft. wood fence with two security wires, and wood gate with lock; no landscaping necessary, finding it will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

In the City of Tulsa, Tulsa Country, the State of Oklahoma: A parcel of land in the Northwest Quarter of the Northeast Quarter of Section 21, Township 18 North, Range 13 East: Beginning at the Northwest Corner of the aforesaid Quarter; Thence East 814' and South 827.15' to the Point of Beginning; Thence West 790'; Thence South 429.9'; Thence East 790'; Thence North 429.9' to the Point of Beginning, the same as the Southeast Corner of the Vacated Booker T. Washington Memorial Park, Tulsa County, State of Oklahoma

**Case No. 20318**

**Action Requested:**

Special Exception to permit auto sales in a CS district (Section 701); a Variance of the requirement that no merchandise may be displayed outside within 300 ft. of an R district (Section 1217.C.2); and a Variance of the minimum street frontage required in a CS district from 150 ft. to 116 ft. (Section 703), located: 602 South Sheridan Road.

**Presentation:**

David Ellis, 6901 South Redbud Avenue, Broken Arrow, Oklahoma, with Modern Star Builders, represented the applicant, Sam Mouchantaf. They proposed to use both lots as a car lot. There is an old service station on the subject property. They would like to split the lot in the middle with 116 ft. on each side. They would use the garage to wash the cars on the lot.
Comments and Questions:
Ms. Stead reviewed the requirements Mr. Ellis had not covered in the presentation such as, paving or asphalt on the south lot. She asked if they plan to park cars on the west portion, to which Mr. Ellis replied they do not. She informed him the fence along Sheridan would be limited in height. There was discussion among the Board regarding a hardship.

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

Board Action:
On Motion of Stead, the Board voted 4-0-0 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to APPROVE a Special Exception to permit auto sales in a CS district (Section 701); a Variance of the requirement that no merchandise may be sold outside within 300 ft. of an R district (Section 1217.C.2); with approval limited to a maximum of five years from August 8, 2006; all parking surfaces to be concrete or asphalt; maintain sidewalks on 5th Place and Sheridan; screening on south and west of the entire property; no outside repair of vehicles, storage of parts, batteries, etcetera; any fence along Sheridan limited to 3 ft. in height; having read the criteria for the special exception and variance and finding those requirements are met; and to DENY a Variance of the minimum street frontage required in a CS district from 150 ft. to 116 ft. (Section 703), on the following described property:

E195 TR 31, GLENHAVEN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20319

Action Requested:
Verification of the spacing requirement for an Outdoor Advertising Sign from another outdoor advertising sign along the same side of the expressway (Section 1221.F.2), located: 9510 East Broken Arrow Expressway.

Presentation:
John Moody, represented Lamar Central Outdoor, LLC. He submitted a survey for spacing verification (Exhibit B-1). He stated the nearest outdoor advertising sign is 1,870 ft. away.

Interested Parties:
Jonathon Sutton, 4401 South Harvard, represented Guts Church. He indicated that the proposed sign would be in violation of Section 1221.C.8.a and Section 1221.C.2.b of the zoning code relative to the existing sign on the church property.
Case No. 12101

Action Requested:
Special Exception - Section 710 - Principal Uses Permitted in the Commercial District - Request to allow an auto detail shop in a CS District. This property is located at 715 South Sheridan Road.

Presentation:
Richard Preston, 715 South Sheridan Road, was present and submitted a plot plan (Exhibit "G-1") and a picture of the proposed construction (Exhibit "G-2"). The applicant is proposing to construct a two-car garage for an auto detailing shop which will be 26' x 30'. The proposed construction will be located behind the existing building.

Protestants: None.

Board Comments:
Mr. Smith asked if all of the work would be done inside the building and Mr. Preston answered in the affirmative.

Mr. Victor asked what the building would be constructed of and Mr. Preston stated that it would be wood frame with asphalt shingles and would be very similar to the picture which he submitted earlier.

Board Action:
On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial District) to allow an auto detail shop in a CS District, per plot plan on the following described property:

Lots 12 and 13, Block 20, Sheridan Hills Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12102

Action Requested:
Variance - Section 1215.3 - Use Conditions - Request for a variance of the required screening to an abutting R District to the east. This property is located at 5555 South 104th East Avenue.

Presentation:
Kenneth Stephenson, 5555 South 104th East Avenue, was present requesting permission to waive the screening requirement on the far east side of the property as the City has requested the applicant. Mr. Stephenson advised that in the future it will be the adjacent property line to Highway #169. He also advised that there are no other screening fences enclosing other warehousing facilities in the surrounding area.

Protestants: None.

Board Action:
On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 1215.3 - Use Conditions) of the required screening to an abutting R District to the east on the following described property:

Lot 2, Block 18, Tulsa Southeast Industrial Addition to the City of Tulsa, Tulsa County, Oklahoma.

8.5.82:368(10)

6.18
Red circle indicates 300 ft circumference around the building.

- Fence is surrounding building.
- Lighting was installed.
- Storage container is still temporary, will be removed as soon as we are able to start operations.
In this image it is also visible that there are other Auto dealerships with in this area.

I have built a chain link fence around my property and installed safety/security lights.

Purple shows residential area
6339 E 7th St

Privacy Fence for abutting side of Residential area.

Removed razor wire from fence
7.26
Note: Graphic overlays may not precisely align with physical features on the ground.

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

STR: 9401
CZM: 40
CD: 6
HEARING DATE: 09/28/2021 1:00 PM

APPLICANT: Vincent Paul Fortner and Brandi Carol Holland

ACTION REQUESTED: Special Exception to allow a manufactured housing unit in an AG district (Sec. 5.020, Table 5-2); Special Exception to extend the one-year time limit to allow the Manufactured Housing Unit permanently (Sec.40.210-A); Variance of the dustless, all-weather parking surface requirement to permit the use of gravel (Sec. 55.090-F)

LOCATION: 18227 E. 11th Street. S. ZONED: AG

PRESENT USE: Vacant TRACT SIZE: 410776.66 SQ FT

LEGAL DESCRIPTION: The E/2 of the W/2 of the SE/4 of the SW/4 of Section 1, Township 19, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the US Government Survey thereof, Less the South 25 feet for Roadway

RELEVANT PREVIOUS ACTIONS:

Subject Property: None.

Surrounding properties:

BOA-22866; On 03.10.2020 the Board approved a Variance to allow a non-dustless, all-weather parking surface to permit the use of gravel. Property located 908 S. Lynn Lane Road East.

BOA-14517; On 06.25.87 the Board approved a Special Exception to permit a mobile home in an RS-3 District, a Variance to allow the mobile home permanently and a Variance to allow two dwellings on a single lot. Property Located 18002 E. 12 St.

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located East of the NE/c of S. Lynn Lane Road and E. 11th Street.

**STAFF COMMENTS:** The applicant is Special Exception to allow a manufactured housing unit in an AG district (Sec. 5.020 Table 5-2); Special Exception to extend the time limit permanently (Sec.40.210-A); Variance of the dustless, all-weather parking surface requirement to permit the use of gravel (Sec. 55.090-F)

---

**STATEMENT OF HARDSHIP:**

The original manufactured home had been the primary residence for our family since 1975. Unfortunately, we suffered a total loss home fire on 4/25/2021, which is the reason that we are applying for this permit. Please find attached fire incident report for detailed information.

We are solely attempting to re-establish a home for our family. A home, which has existed on this property for the past 46 years. We have lost our home, all our possessions and have been living in a motel for over 3 months. We are merely asking that we be granted the approval to restore what was lost. We simply wish to return home.

Applicant Signature: [Signature]

---

7.3

REVISED 9/20/2021
SAMPLE MOTION:

Special Exceptions:

Move to ______ (approve/deny) a Special Exception to allow a manufactured housing unit in an AG district (Sec.5.020 Table 5-2); Special Exception to extend the time limit permanently (Sec.40.210-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.

Variance:

Move to ______ (approve/deny) a Variance of the dustless, all-weather parking surface requirement to permit the use of gravel (Sec. 55.090-F)

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

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.”
Mr. Chapman informed the Board that it is his impression that the subject house is currently for sale; he believes it is a spec house.

Board Action:
On MOTION of RADNEY, the Board voted 3-1-0 (Bond, Radney, Van De Wiele "aye"; Ross "nay"; no "abstentions"; Shelton absent) to CONTINUE the request for a Special Exception to increase the maximum driveway width within the right-of-way and on the lot in an RS-2 District (Section 55.090-F.3) to the March 24, 2020 Board of Adjustment meeting; for the following property:

PRT LT 6 BEG 90.2E NWC TH SLY115.8 E105 NLY113.6 W105 POB BLK 1, WOODY-CREST SUB, City of Tulsa, Tulsa County, State of Oklahoma

Action Requested:
Variance of the dustless, all-weather surface requirement for an off-street parking area to permit a gravel drive (Section 55.090-F). LOCATION: 905 South Lynn Lane Road East (CD 6)

Presentation:
Bruce Denny, 905 South Lynn Lane Road, Tulsa, OK; stated he request is for a Variance for an existing driveway. Mr. Denny stated his property is surrounded by agricultural and there are some RS-1 large lots. There are several gravel driveways in the area, between Admiral and 11th Street there are 25 gravel driveways and 5 that are paved. Mr. Denny stated he has lived in his house since 1991 and the property is 2 ½ acres zoned AG; it is an old farm site. Mr. Denny stated the house was built in 1904 and there are outbuildings that date back to the 1930s, 1940s and the 1950s. What he is requesting is not a change because the gravel driveway exists. Two weeks ago, case BOA-22855 located at 14th and Lynn Lane, the Board approved a Variance for a gravel driveway, a taller and larger than usual building on an RS-1 lot. Mr. Denny thinks what he is asking for fits the area quite well. The hardship is that the driveway exists, and it is in good shape. Mr. Denny stated that he would like to have a 30 x 50 building at the end of the driveway for personal storage and his vehicles.

Mr. Van De Wiele asked Mr. Denny what caused the need for the Variance request. Mr. Denny stated that he received a Letter of Deficiency when he applied for a permit for the requested building.

Mr. Denny presented pictures on the overhead projector of his property and the surrounding neighbors.
Ms. Radney asked Mr. Denny if his driveway gravel goes all the way to the roadway or is there a dustless surface at the apron. Mr. Denny stated there is nothing there at the roadway.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of BOND, the Board voted 4-0-0 (Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Shelton absent) to APPROVE the request for a Variance of the dustless, all-weather surface requirement for an off-street parking area to permit a gravel drive (Section 55.090-F), subject to conceptual plan 7.10 of the agenda packet and the exhibits presented at today’s meeting. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

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

W423.11 S/2 S/2 NW SW SW & W423.11 N94 SW SW SW SEC 1 19 14 2.515ACS, City of Tulsa, Tulsa County, State of Oklahoma
Case No. 14515 (continued)

Ms. White pointed out that this property faces two large commercial buildings zoned IM that have signage on them. Ms. White noted that there would also be room for a couple of cars to park on the west.

Ms. Bradley asked where the alley went and Mr. Bates commented that the alley goes into the addition and dead ends. Mrs. Bradley asked if the alley was used and the applicant replied that it was not really a used alley. Mrs. Bradley asked if there could be parking there and Mr. Bates replied yes and that there were two or three places by the alley that could be used for parking.

Board Action:

On MOTION of WHITE the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to APPROVE a Special Exception (Section 440 - Special Exception Uses In Residential Districts - Use Unit 1213) to allow a home occupation for a beauty shop; and to APPROVE a Use Variance (Section 440.2 - Special Exception Uses In Residential Districts - Use Unit 1221) to allow for an I.D. business sign in an RM-1 zoned district, with a stipulation that the sign be no larger than 2' x 3'; on the following described property:

The south 10' of Lot 1, all of Lot 2, Block 2, Ohio Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14516

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required street frontage from 30' to 0' in order to permit private access and a lot split, located West of the SW/c of 37th Street and Yorktown Place.

Presentation:

The applicant Mr. Pat Fox, 2622 East 21st, Tulsa, Oklahoma, was not present. Mr. Jones presented a letter (Exhibit J-1) from attorney John Moody, who is representing the interested parties, asking that the case be continued until the July 9, 1987 meeting.

Protestants: None.

Board Action:

On MOTION of BRADLEY the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to CONTINUE Case No. 14516 to July 9, 1987.

Case No. 14517

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RS-1 zoned district.

6.25.87:493(16)
Case No. 14517 (continued)

Variance - Section 440 - Special Exception Uses In Residential Districts - Use Unit 1209 - Request a variance of the time regulation from one year to permanent for proposed mobile home.

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1209 - Request a variance to allow 2 dwelling units on one lot of record, located at 17904 East 12th.

Presentation:
The applicant, Robert Turner, stated that he owned five acres and wanted to set the trailer on part of the 5 acres for his daughter in order to provide his daughter with a place to live. Mr. Turner presented a photograph (Exhibit K-2) of the trailer and a plat of survey (Exhibit K-1) to the Board.

Comments and Questions:
Mrs. Bradley asked if the trailer was already on the property and hooked up and Mr. Turner replied that it was on the property but was not hooked up or ready to be lived in. Mrs. Bradley asked if the trailer was on a septic tank and the applicant confirmed that it would be. Ricky Jones asked Mr. Turner if he had a percolation test done on this property, and Mr. Turner replied that he had one done on his property for his house, but not for the property where the trailer would be located.

Mr. Jones told the Board that he had received a message from Terry Silva, City-County Health Department, indicating that a percolation test failed on this subject tract as well as on the subject tracts surrounding the property and that no sewer is available. Mr. Jones further stated that Mr. Silva said this property would not be able to meet City-County Health Department standards.

Mrs. Bradley asked if that included Mr. Turner's home too, and Mr. Turner replied that he had City water put on his property six years ago and he had had a septic tank approval.

Mr. Jones stated that whatever the Board did, the applicant may have some problems with City County Health Department.

Mr. Quarles asked that since Mr. Turner had his septic tank put in six years ago did we have a record of whether he passed or failed the perc test. Ricky Jones replied that according to Mr. Silva, percolation tests on the abutting tracts failed as well. Mr. Turner answered that he was familiar with that, but the tests failed because it had been raining every other day at the time. Mr. Turner also stated that he did not feel you could get a perc test on any property when it is raining that much and the ground is saturated with water.

Ms. Bradley stated that if the Board approved this request that Mr. Turner would have to deal with the City County Health Department.
Case No. 14517 (continued)

Mr. Quarles said that the Board could approve the request subject to the City County Health Department approval.

Protestants: None.

Board Action:

On MOTION of QUARLES the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays", no "abstentions"; Smith, "absent") to APPROVE a Special Exception (Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow for a mobile home in an RS-1 zoned district; to APPROVE a Variance (Section 440 - Special Exception Uses In Residential Districts - Use Unit 1209) of the time regulation from one year to permanent for proposed mobile home; and to APPROVE a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1209) to allow 2 dwelling units on one lot of record, per the City County Health Department approval; on the following described property:

The north 183' of the east 145' of Lot 4, Block 2, Lynn Lane Drive Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 14518

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required street frontage from 30' to 0' to allow for private access to the rear lot and a lot split, on a property located east of 91st Street and South 33rd West Avenue.

Presentation:

The applicants, Douglas and Rebecca Edwards are being represented by their attorney, John Sublett, 320 South Boston, Suite 805, Tulsa, Oklahoma. Mr. Sublett was represented by Mr. Tom Hanlon, 12605 East 31st Court, Tulsa, Oklahoma. Mr. Hanlon stated that Mr. Sublett made the initial application and asked him to represent the application for the owners.

Protestants:

A letter (Exhibit L-1) was presented to the Board by Ricky Jones from Interested parties, Alan and Susan Hartley, 2499 West 91st Street, Tulsa, Oklahoma, asking for a continuance until July 23, 1987.

Comments and Questions:

Mr. Jackere asked Mr. Hanlon if he had any objections to continuing the case until July 9, 1987, and Mr. Hanlon replied he did not. Mr. Jackere advised Mr. Hanlon that as the applicant's representative he
APPLICATION NO: ZON LOD-R-2107-2021  
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Project Location: 18227 E 11th St  
Description: Manufactured Housing Unit

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) 596-9801. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

IMPORTANT INFORMATION

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

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

3. A COPY OF A "RECORD SEARCH" IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).
Note: As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Development Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 684-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all available options 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.

The city of Tulsa permit center understands your situation. The Tulsa zoning code requires that all manufactured housing units located outside a manufactured housing subdivision receive special exception approval. This requirement is also required for replacing a manufactured housing unit on a lot. Once you receive your BOA special exception approvals please email me with the case number and approval date so that I can approve your application as quickly as possible.

1. Sec.5.020 Table 5-2: The submitted application indicates construction of a “Manufactured Housing Unit” per documents submitted to our office. The proposed Manufactured Housing Unit is located in an AG Zoning District.

Review Comments: Manufactured Housing Units are allowed in this zoning district by special exception. Apply for a Special Exception from the City of Tulsa Board of Adjustment (BOA) per Sec.70.120 to allow a Manufactured Housing Unit to be placed on your lot. Once you receive approval you will need to submit the approval documents to this office.

2. Section 40.210 Manufactured Housing Units
   40.210-A The application for a special exception must be accompanied by a written signed agreement by the applicant and the property owner to remove the manufactured housing unit within one year of the date of special exception approval.

   40.210-B The manufactured housing unit must be removed from the lot within one year of the date of special exception approval. The board of adjustment is authorized to extend the one-year limit through approval of a subsequent special exception if the (special exception) extension request is filed before expiration of the one-year time limit.

Review Comments: Provide a written signed agreement to the BOA that the manufactured house will be removed within one year or seek a special exception from the BOA to extend the subsequent one-year time limit.

3. 55.090-F Surfacing All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of Section 55.090-F.4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.
**Review Comments:** Provide an all-weather drive and parking surface from the street to the proposed structure or apply to INCOG 918-584-7526 for a variance to allow a material other than an all-weather material.

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

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

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**END - ZONING CODE REVIEW**

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.
LEGAL DESCRIPTION
(DOC# 2017014833):

THE EAST HALF OF THE WEST
HALF OF THE SOUTHEAST
QUARTER OF THE SOUTHWEST
QUARTER (E/2 W/2 SE/4
SW/4) LESS THE SOUTH 25
FEET FOR ROADWAY, SECTION
ONE (1), TOWNSHIP NINETEEN
(19) NORTH, RANGE FOURTEEN
(14) EAST OF THE INDIAN BASE
AND MERIDIAN, TULSA COUNTY,
STATE OF OKLAHOMA, LESS THE
SOUTH 25 FEET FOR ROADWAY.

PROPERTY ADDRESS:
18227 EAST 11TH STREET
TULSA, OKLAHOMA
OKLAHOMA STATE DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH SERVICES

SOIL REPORT FOR SUB-DIVISIONS OR INDIVIDUAL SITES

Appraisal of sites for soil absorption systems MUST be performed by a person certified by the State Department of Health. Contact the County or State Department of Health for further information.

Tulsa
(County in which property is located)

Name of Sponsor: R.C. Williams

Address of Sponsor: 11220 E. Archer Pl. Apt. 103

Complete legal description of property (include lot & block number, sub-division, city, etc.)

N1/2 W1/2 SE4 SW4 and an easement for roadway on
W1/2 of S1/2 SE2 SW4 1-17-14

Finding Location of Property: Approx. 18221 E. 11th St.

Typical lot area: ______ sq. ft. Size ______ ft. x ______ ft. Number of acres: ______

Design data: Residence, number of bedrooms: 3; School, number of pupils: ______; Restaurant, number of patrons: ______; Trailer park, number of trailers: ______; Retail stores, number of toilets: ______; Factories, number of persons per shift: ______; Other: ______

Estimated gallons of flow per day for the above system: ______

Water supply from: Public system: ______ Community system: ______ Individual wells: ______

Distance to nearest public sewer line: ______ feet. Size line: ______ inches.

Is lift necessary: Yes ______ No ______

Date of soil test: 04-02-79

Signature of Sponsor: R.C. Williams

Average time required for 1" drop

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Core Test

Use the following terms to describe soil: Rock (limestone, sandstone, etc.), Hardpan, Clay, Sand loam, Loam sand, Sand, Gravel (course, fine, etc.).

1. 1" to 12" Sandy loam
2. 12" to 24" Sandy loam

Water table elevations: ______

Other information: ______

ODH Form No. 581
Revised Nov. 1, 1967
We have examined the above results of the percolation tests and other information developed in connection with this area. All construction shall be in accordance with ODH Bulletin No. 600 and/or ODH Bulletin No. 0575. It is our opinion that the tract described is:

Suitable for the use of individual septic tanks with sub-surface absorption systems meeting the following minimum standards:

1. Septic tanks shall have a liquid capacity of 1000 gallons.
2. Sub-surface absorption systems shall have:
   a. Total length of open joint tile 1000 feet.
   b. Width of trenches 24 inches.

Note: The design, construction and installation of each system shall be based upon specific conditions affecting each building lot. Lot plans showing location of buildings, grades, and layout of sewage system shall be reviewed and approved by the local health authority prior to start of construction.

Unsuitable for use of individual septic tanks with sub-surface absorption systems for the following reasons:

1. Soil percolation results not satisfactory.
2. Other (write in)

The above tests made by:

Signature: M. Radermacher
Title: RPS
Address: 4616 E. 16th
Tulsa
Zip Code: 74112

7.17
AForeman Brothers
UNDERGROUND, Inc.

PO Box 690191
Tulsa, OK 74169
(918) 270-1222

Inspection Report

Property Address: Vincent Fortner
18227 East 11th St
Tulsa, OK

Inspection Date: June 5, 2020

Site Conditions: Warm & Dry

Septic Tank
Tank Type: Rectangular Concrete
Liquid Level: Normal
Condition: Good
Position: Typical

Absorption Field
Type: Underground Absorption
Length: Original Installed
Leakage: None
Vegetation Interference: Moderate - Tree Roots

Observations: System appears to be in working condition
Tree root may shorten life of absorption field

Recommendations: Septic tank should be vacuum pumped and inspected every 5 to 8 years

This inspection report indicates the present condition of the private on-site subsurface sewage disposal system. The results of this inspection do not guarantee of warranty future performance. The inspection report excludes and does not intend to cover components that are inaccessible (by reasonable hand digging) or are otherwise not observable.

EVALUATED BY:
Mark Foreman
License #224
MODULAR HOUSE SET ON PIERS. CONCRETE BLOCK PIERS ARE PLACED ON 9 CONCRETE PADS 24" H X 24" D X 25' LONG 3000 PSI MATERIAL MODULAR HOUSE IS APPROX 700' NORTH OF 11TH STREET

EAST 11TH STREET

18227 EAST 11TH STREET 7.19
SITE EVALUATION & PREPARATION:

1) REMOVAL OF VEGETATION FROM THE SITE IS REQUIRED WHERE LARGE TREES ARE REMOVED, SPECIAL ATTENTION ON BACK FILL, COMPACTION AND SOIL MOISTURE IS REQUIRED. CONTACT RCS FOR ADDITIONAL INFORMATION.

2) ALL BACK FILL BELOW THE FOOTINGS MUST BE MECHANICALLY COMPACTED TO A 95% (STANDARD PROCTOR DENSITY) IN 6" LAYERS USING AN ENGINEERED SELECT MATERIAL. THIS DESIGN IS VALID ON LOTS WITH A MAXIMUM SLOPE OF 4" OVER THE LENGTH OF THE HOME. IF UNUSUAL SITE CONDITIONS ARE PRESENT, RCS ENTERPRISES, LP MUST BE CONTACTED FOR FURTHER REVIEW.

3) SOIL STABILIZATION IS REQUIRED IN AREAS WITH ACTIVE CLAY SOILS. SOIL MOISTURE LEVELS BELOW THE FOUNDATION MUST BE STABILIZED BY CHEMICAL Dewatering (Removal of Moisture) OR PRESATURATION (ADDITION OF MOISTURE) DURING DRY SUMMER MONTHS OR DROUGHT CONDITIONS. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE SOIL MOISTURE LEVELS BELOW THE FOUNDATION MUST BE WITHIN A MID-RANGE VALUE (GENERALLY 15% - 20%) BEFORE POURING. IT IS RECOMMENDED THAT THE MID-RANGE SOIL MOISTURE LEVELS BE MAINTAINED (SEE FOUNDATION MAINTENANCE NOTES).

4) IT IS THE RESPONSIBILITY OF OTHERS TO DETERMINE THE FLOOD POTENTIAL FOR THIS LOCATION. CONTACT RCS ENTERPRISES, LP FOR ADDITIONAL INFORMATION IF THIS SITE FALLS WITHIN THE 100 YEAR FLOOD ELEVATION, AS DETERMINED BY A LOCAL SURVEYOR.

DIMENSION NOTES:

X1) CONTRACTOR MUST VERIFY ACTUAL BOX DIMENSIONS WITH MANUFACTURER PRIOR TO BEGINNING CONSTRUCTION.

X2) HOMES CONSTRUCTED WITH 2X6 WALLS MAY INCREASE THE ACTUAL BOX DIMENSIONS.

DESIGN PARAMETERS:

4/12 MAX ROOF SLOPE; WIND = WZ1; MINIMUM SOIL BEARING CAPACITY OF 1500 PSF; SEISMIC A.

THIS FOUNDATION IS DESIGNED TO MEET THE FEDERAL MANUFACTURED HOME CONSTRUCTION, SAFETY STANDARDS AND THE HUD MODEL MANUFACTURED HOME INSTALLATION STANDARDS, AND FEMA 305 SECOND EDITION.

PIER SPACING TABLE

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<th>O.C. SPACING # MAX</th>
<th>LENGTH</th>
<th>TOTAL # OF ROWS OF PIERS</th>
<th>O.C. SPACING # MAX</th>
</tr>
</thead>
<tbody>
<tr>
<td>44'</td>
<td>7</td>
<td>7'-2&quot;</td>
<td>62'</td>
<td>9</td>
<td>7'-2&quot;</td>
</tr>
<tr>
<td>46'</td>
<td>7</td>
<td>7'-6&quot;</td>
<td>64'</td>
<td>9</td>
<td>7'-6&quot;</td>
</tr>
<tr>
<td>50'</td>
<td>8</td>
<td>7'-12&quot;</td>
<td>60'</td>
<td>10</td>
<td>7'-12&quot;</td>
</tr>
<tr>
<td>52'</td>
<td>8</td>
<td>7'-12&quot;</td>
<td>72'</td>
<td>10</td>
<td>7'-12&quot;</td>
</tr>
<tr>
<td>54'</td>
<td>8</td>
<td>7'-12&quot;</td>
<td>72'</td>
<td>10</td>
<td>7'-12&quot;</td>
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<tr>
<td>56'</td>
<td>8</td>
<td>7'-12&quot;</td>
<td>72'</td>
<td>10</td>
<td>7'-12&quot;</td>
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<tr>
<td>58'</td>
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<td></td>
<td></td>
<td></td>
<td>50'</td>
<td>11</td>
<td>7'-12&quot;</td>
</tr>
</tbody>
</table>
DOWN BLOCKING notes:

1) THE MINIMUM BLOCK HEIGHT UNDER THE FRAME IS 12" (10" UNDER FLOOR JOIST) AND THE MAXIMUM IS 4" FOR THIS DESIGN. DOUBLE BLOCKS ARE REQUIRED WHEN THE BLOCK STACKS EXCEED 2")

2) FOOTING SURFACE MUST BE SMOOTH AND FLAT. IF NECESSARY, THE SURFACE CAN BE Grooved smooth and 4" SOLID BASE BLOCK PLACED AT BOTTOM OF PIER STACK.

3) USE 8"x8"x8" HOLLOW CELL MASONRY UNITS: 1.5" FACE SHELL THICKNESS: 1" WEB THICKNESS: 18,750 LB/FOOT-LOAD BEARING CAPACITY WITH 4" SOLID CAP BLOCK. IF THIS FOUNDATION REQUIRES FHA CERTIFICATION, ALL MASONRY PIERS & WALLS MUST HAVE MORTARED JOINTS. IF DRY STACK PIERS ARE EXISTING, THEY CAN BE COATED WITH A HAP APPROVED "SURFACE BONDING GEMENT" (REF. HUD M07R7). ALL BLOCKS MUST BE POSITIONED TO ENSURE A 2" MINIMUM FOOTING PROJECTION.

4) Tape & Texture homes with a section width of 15" AND WIDER REQUIRE PERIMETER & MARRIAGE WALL SUPPORT EVERY 8' O.C. (MAX) OR AS NOTED BY THE MANUFACTURER. BLOCKING IS REQUIRED ON ALL HOMES UNDER PERIMETER DOORS & WINDOWS (48" OR WIDER) MARRIAGE WALL COLUMN SPANS GREATER THAN 8', AND ALL WALL TO PORCH TRANSITIONS. INSTALL BLOCKING ON RUNNERS OR 16"X8" BLOCKS/FOOTINGS.

FOOTING/Less CONCRETE NOTES:

C1) ALL CONCRETE WORK SHALL BE IN ACCORDANCE WITH ALL LOCAL AND GENERALLY ACCEPTED CODES, AND INCLUDING AG418

C2) ALL CONCRETE SHALL DEVELOP A MINIMUM COMPRESSIVE STRENGTH OF 3,000 PSI AT 28 DAYS, WITH A MAXIMUM AGGREGATE SIZE, A MAXIMUM BLUMP OF 4", AND HAVE 3-5% AIR ENTRAINMENT.

C3) REINFORCING STEEL SHALL BE DEFORMED BILLET STEEL CONFORMING TO A.S.T.M. "A-415 GRADE 40.

C4) ALL REBAR IS TO BE CONTINUOUSLY CONNECTED. REBAR SPACES SHALL HAVE OVERLAPS AT LEAST 10"

C5) ALL EXTERIOR FOOTINGS SHALL BE PLACED INTO UNDISTURBED SOIL, OR THE FROST LINE, WHEREVER IS GREATER.

C6) WHERE INSTALLATIONS MUST BE COMPLETED BEFORE THE CONCRETE IS 70% CURRED (3 DAYS), FAST SETTING CONCRETE MUST BE USED.

DRAINAGE:

D1) POSITIVE AND EFFECTIVE DRAINAGE AWAY FROM THE FOUNDATION IS CRITICAL TO HELP MINIMIZE FOUNDATION MOVEMENT DUE TO CHANGING SOIL MOISTURE LEVELS AND TO ENSURE THE CRAWL SPACE AREA STAYS DRY. THERE SHOULDN'T BE ANY STANDING OR PONDING OF SURFACE WATER WITHIN 10' OF THE FOUNDATION.

D2) LOT GRADING ANY SURFACE WATER RUN-OFF SHOULD BE CONSIDERED AND DEVELOPED IN ACCORDANCE WITH LOCAL REQUIREMENTS.

D3) EROSION OF THE SOIL, ALONG THE PERIMETER OF THE FOUNDATION SHOULD BE PREVENTED WITH USE OF SEEDING, SOIL, OR OTHER MEANS. THIS IS GENERALLY THE HOMEOWNERS RESPONSIBILITY.

D4) WHEN A COVERED PORCH IS INCLUDED ON THE HOME, SLOPE SOIL TO THE EXTERIOR COVER WITH A CLASS 1 VAPOR BARRIER. ALLOW FOR DRAINAGE OPENINGS.

GENERAL NOTE:

G1) THE AXLES AND HITCHES ARE NOT DESIGNED FOR SUPPORT OF A MASONRY VEHICLES, UNLESS NOTED.

G2) DRYER VENTS AND WATER HEATER P/VC LINES (PAN AND TRAP) ARE TO BE ROUTED OUTSIDE THE CRAWL SPACE ENCLOSURE.
Olympian 6356 - Year model 2022

32 x 56 (60) Overall
30 x 56 Box 1,680 Lvg. Sq.Ft.
3 Bedroom 2 Bath

Rev. 6-20-17
### Incident # 2021-019932

#### Location Type
- Street address: TULSA, OK 74108
- Number/Map: 16227
- Street/Highway: 11TH
- Location Type: Building fire

#### Incident Type
- Incident Type: Building fire

#### Actions Taken
- Action Taken: Building fire
- Additional Action Taken 1: Building fire
- Additional Action Taken 2: Building fire

#### Location
- Location Type: Building fire
- Location: Building fire

#### Dates and Times
- Date: 04/25/2021
- Time: 1333
- Location: Building fire

#### Resources
- Resources: Building fire
- Additional Resources: Building fire

#### Estimated Dollar Losses and Values
- Est. Dollar Losses: 0.75
- Est. Value: 0.00

#### Casualties
- Casualties: None
- Additional Casualties: None

#### Hazardous Materials Release
- Hazardous Materials: None
- Additional Materials: None

#### Mixed Use
- Mixed Use Property: None
- Additional Use: None

#### Property Use
- Property Use: None
- Additional Property Use: None

#### Estimated
- Estimated: None
- Additional Estimated: None

#### Not Mixed
- Not Mixed: None

#### Additional
- Additional: None

---

**Printed 12:38 04/28/2021**
**Remarks:**

**GALEN MURPHY**  
April 25, 2021 21:19:52

Arrived to find double wide mobile home that was fully involved. Defensive attack, protected exposures. Investigator notified, unsure of findings. No injuries, all parties out of structure. All personnel did a great job on limiting additional fire spread.

Investigator Hodges (C766) responded to the scene at the request of the on scene incident commander. After a scene examination and relevant interviews, the cause of the fire is undetermined at this time.

**More remarks? Check this box and attach Supplemental Forms (NFIRS-1$) as necessary.**
**Property Details**

<table>
<thead>
<tr>
<th>Property</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1</td>
<td>Type: Not Residential</td>
</tr>
<tr>
<td>B2</td>
<td>Number of buildings involved: Buildings not involved</td>
</tr>
<tr>
<td>B3</td>
<td>Acres burned (if structure): None</td>
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</table>

**Ignition**

<table>
<thead>
<tr>
<th>Area</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>D1</td>
<td>Exterior balcony, unenclosed porch</td>
</tr>
<tr>
<td>D2</td>
<td>Heat source: Undetermined</td>
</tr>
<tr>
<td>D3</td>
<td>Area first ignited: Undetermined</td>
</tr>
<tr>
<td>D4</td>
<td>Type of material first ignited: Undetermined</td>
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</table>

**Cause of Ignition**

<table>
<thead>
<tr>
<th>Cause</th>
<th>Details</th>
</tr>
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<tbody>
<tr>
<td>E1</td>
<td>Intentional</td>
</tr>
<tr>
<td></td>
<td>Unintentional</td>
</tr>
<tr>
<td></td>
<td>Failure of equipment or heat source</td>
</tr>
<tr>
<td></td>
<td>Act of nature</td>
</tr>
<tr>
<td></td>
<td>Cause under investigation</td>
</tr>
<tr>
<td></td>
<td>Cause undetermined after investigation</td>
</tr>
</tbody>
</table>

**Factors Contributing to Ignition**

<table>
<thead>
<tr>
<th>Factor</th>
<th>Details</th>
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</thead>
<tbody>
<tr>
<td>E2</td>
<td>None</td>
</tr>
</tbody>
</table>

**Equipment Involved in Ignition**

<table>
<thead>
<tr>
<th>Equipment</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>F1</td>
<td>None</td>
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</tbody>
</table>

**Equipment Power Source**

<table>
<thead>
<tr>
<th>Power Source</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>F2</td>
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</table>

**Equipment Portability**

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<th>Details</th>
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</thead>
<tbody>
<tr>
<td>F3</td>
<td>Portable</td>
</tr>
<tr>
<td></td>
<td>Stationary</td>
</tr>
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</table>

**Fire Suppression Factors**

<table>
<thead>
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<th>Suppression</th>
<th>Details</th>
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<tbody>
<tr>
<td>G</td>
<td>None</td>
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</tbody>
</table>

**Mobile Property Involved**

<table>
<thead>
<tr>
<th>Property</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>H1</td>
<td>None</td>
</tr>
</tbody>
</table>

**Mobile Property Type and Make**

<table>
<thead>
<tr>
<th>Mobile Property</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>H2</td>
<td>None</td>
</tr>
</tbody>
</table>

**Local Use**

<table>
<thead>
<tr>
<th>Use</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Pre-Fire Plan Available</td>
</tr>
</tbody>
</table>

**Relevant Reports**

- Arson report attached
- Police report attached
- Coroner report attached
- Other reports attached

**Evidence**

- Fire origin
- Human factors
- On-site materials

**Incident # 2021-019932**

Printed 12:38 04/28/2021
<table>
<thead>
<tr>
<th>Incident # 2021-019932</th>
</tr>
</thead>
</table>

### Structure Type
- Enclosed building
- Portable/Mobile structure
- Open structure
- Air-supported structure
- Tent
- Open platform (e.g., pier)
- Underground structure (e.g., service area)
- Connective structure (e.g., finishes)
- Other type of structure

### Building Status
- Under construction
- In normal use
- Idle, not routinely used
- Under major renovation
- Vacant and secured
- Vacant and unsecured
- Being demolished
- Other
- Undetermined

### Building Height
- Enclosed building
- Usable stories above grade
- Total square feet

### Fire Origin
- More than one fire origin
- Other
- Undetermined

### Number of Stories Damaged by Flame
- Number of stories with minor damage (1 to 24% flame damage)
- Number of stories with significant damage (25 to 49% flame damage)
- Number of stories with heavy damage (50 to 74% flame damage)
- Number of stories with extreme damage (75 to 100% flame damage)

### Presence of Detectors
- None
- Present
- Undetermined

### Detector Type
- Smoke
- Heat
- Combination smoke and heat
- Sprinkler, water flow detection
- More than one type present
- Other
- Undetermined

### Detector Power Supply
- Battery only
- Hardwire only
- Plug-in
- Hardwire with battery
- Plug-in with battery
- Mechanical
- Multiple detectors & power supplies
- Other
- Undetermined

### Detector Operation
- Fire too small to activate
- Operated
- Failed to operate

### Presence of Automatic Extinguishing System
- Present
- Partial System Present
- Undetermined

### Type of Automatic Extinguishing System
- Wet-pipe sprinkler
- Dry-pipe sprinkler
- Other sprinkler system
- Dry chemical system
- Foam system
- Halogen-type system
- Carbon dioxide (CO₂) system
- Other special hazard system
- Undetermined

### Operation of Automatic Extinguishing System
- Operated
- Failed to operate

### Number of Sprinkler Heads Operating

### Type of Material Contributing Most to Flame Spread
- Check if flame spread OR if same as Material Fire Spread (Block C).
- Failure to determine.

### Detector Effectiveness
- Alerted occupants, occupants responded
- Alerted occupants, occupants failed to respond
- There were no occupants
- Failed to alert occupants
- Undetermined

### Detector Failure Reason
- Power failure, shutoff, or disconnect
- Improper installation or placement
- Defective
- Lack of maintenance, includes not cleaning
- Battery missing or disconnected
- Battery discharged or dead
- Other
- Undetermined

### Reason for Automatic Extinguishing System Failure
- System shut off
- Not enough agent discharged
- Agent discharged but did not reach fire
- Wrong type of system
- Fire not in area protected
- System components damaged
- Lack of maintenance
- Manual intervention
- Other
- Undetermined

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Printed 12:38 04/28/2021

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Page 27
<table>
<thead>
<tr>
<th>Apparatus or Resources</th>
<th>Dates and Times</th>
<th>Midnight to 0000</th>
<th>ID</th>
<th>Type</th>
<th>En Route</th>
<th>District</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>5</td>
<td></td>
<td>04</td>
<td>25</td>
</tr>
<tr>
<td></td>
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<td>6</td>
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<td>04</td>
<td>25</td>
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<td>04</td>
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<td>04</td>
<td>25</td>
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<td></td>
<td></td>
<td>9</td>
<td></td>
<td>04</td>
<td>25</td>
</tr>
</tbody>
</table>
BOA-23185

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

Aerial Photo Date: 2020/2021

Subject Tract

19-14 01
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BOARD OF ADJUSTMENT
CASE REPORT

STR: 8306
CZM: 52
CD: 2

HEARING DATE: 09/28/2021 1:00 PM

APPLICANT: Britt Walker

ACTION REQUESTED: Special Exception to permit a Wholesale, Distribution and Storage/Wholesale Sales and Distribution and Warehouse use in a CS Zoning District (Sec. 15.020, Table 15-2)

LOCATION: 6645 S PEORIA AVE
ZONED: CS

PRESENT USE: Vacant
TRACT SIZE: 21788.8 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 2, DELL ROSE PLACE RESUB L1-3 B2 L1-4 B1 KEIM GARDENS

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-19546; On the board approved a Variance of the required 100' setback from the centerline of S. Peoria Ave. down to 80'.

Surrounding Properties:

BOA-23171; On 09.14.21 the Board approved a Special Exception to permit Commercial Vehicle Sales & Rentals in the CS District and a Variance to permit Outdoor storage within 300 feet of an abutting R district. Property located 6622 S. Peoria Ave.

BOA-12469; On 02.24.83 the Board approved a Special Exception to permit a car wash in a CS district. Property located 6622 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.

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the SE/c of S. Peoria Ave. and E. 66th Pl. S.

STAFF COMMENTS: Special Exception to permit a Wholesale, Distribution and Storage/Wholesale Sales and Distribution and Warehouse use in a CS Zoning District (Sec. 15.020, Table 15-2)

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>OL</th>
<th>OM</th>
<th>OMH</th>
<th>OH</th>
<th>CS</th>
<th>CG</th>
<th>CH</th>
<th>CBD</th>
<th>IL</th>
<th>IM</th>
<th>IH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Specific use</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>WHOLESALE, DISTRIBUT. &amp; STORAGE</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Equip. &amp; Materials Storage, Outdoor</td>
<td></td>
<td></td>
<td>S</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Trucking and Transportation Terminal</td>
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<td>S</td>
<td>P</td>
<td>P</td>
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<td>P</td>
<td>P</td>
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<td></td>
</tr>
<tr>
<td>Warehouse</td>
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<tr>
<td>Wholesale Sales and Distribution</td>
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<td></td>
<td></td>
<td></td>
<td>S</td>
</tr>
</tbody>
</table>

It is staff's understanding that the proposed use would involve the warehousing and distribution of Medical Marijuana. This would not trigger the supplemental regulations required for Medical Marijuana Uses unless the Board applied those as a condition of their approval. per the applicant, the use would be allowed by state regulations by obtaining a Medical Marijuana Transporter license. The applicant previously planned on processing in this location but that will not be the case as the current zoning would not support that use.

A copy of Sec. 40.225 of the zoning code containing the supplemental regulations for Medical Marijuana uses is included in your packet.

SAMPLE MOTION: Move to ________ (approve/deny) a Special Exception to permit a Wholesale, Distribution and Storage/Wholesale Sales and Distribution and Warehouse use in a CS Zoning District (Sec. 15.020, Table 15-2)

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

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

  ____________________________________________________________.

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
authorized to extend the one-year limit through approval of a subsequent special exception if the (special exception) extension request is filed before expiration of the one-year time limit.

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

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

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

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

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

**Section 40.225 Medical Marijuana Uses**
The supplemental use regulation of this section apply to medical marijuana uses.

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

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

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

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

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

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

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

2. An electronic security system and surveillance camera.

40.225-G Medical marijuana grower operations, processing facilities, dispensaries and research facilities must be conducted and maintained in compliance with the license issues by the Oklahoma State Department of Health and in compliance with Oklahoma law, including but not limited to all applicable statutes, rules and regulations.
Section 40.230 Mining or Mineral Processing

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

Section 40.240 Mobile Home Parks

The supplemental regulations of this section apply to all mobile home parks.

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

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

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

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

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

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

<table>
<thead>
<tr>
<th>Regulations</th>
<th>Minimum Area (sq. ft.)</th>
<th>Minimum Width (feet)</th>
<th>Minimum Building Setbacks (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>4,000</td>
<td>40</td>
<td>Street 10</td>
</tr>
</tbody>
</table>
Facing South on Peoria Ave.

Facing North on Peoria Ave.
Subject Property
Comments and Questions:
Mr. Cooper asked for the hardship. Ms. Murphy stated the landscaping would appear unusual amidst the other properties without landscaping. Her client's other property has not been required to have landscaping. They planned to keep the existing trees. The property is 165' wide by 290' deep. He is building to the west side of the property near his other building. On the east side of the property is a 100' wide PSO easement, with 65' of road easement.

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

Board Action:
On MOTION of Dunham, the Board voted 3-2-0 (White, Dunham, Perkins "aye"; Turnbo, Cooper "nay"; no "abstentions"; no "absences") to APPROVE a Variance to waive all landscape requirements, or if unacceptable, change hose bib distance requirement to 200', finding the surrounding properties do not have landscaping, and the city owns a lot of the surrounding properties on the following described property:

N 290.00' of S 310.00' of E/2 W/2 NW/4 NE/4 NE/4 of Section 13, T-20-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma.

* * * * * * * * * * *

NEW APPLICATIONS

Case No. 19546

Action Requested:
Variance of the required 100' setback from the centerline of Peoria to 80'.

SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 11, located 6645 S. Peoria.

Presentation:
J.J. Azar, 4130 E. 72nd St., submitted a photograph of the lot, and one of the design proposed for the building (Exhibit C-1). He believes the project would improve the area. The hardship is the lot is only 100' deep.

Interested Parties:
Elizabeth Burnson, 1309 E. 66th Pl., stated she is a neighbor, and has owned her home for 17 years. There is only a bar ditch, no curbs and guttering. She expressed concerns regarding parking, trash, ditches, standing water, and heavy traffic on a two-lane street. She asked if there would be any buffer, screening fence and landscaping. Mr. Dunham explained the applicant would have to meet requirements for drainage per storm water management, landscaping and screening codes.
**Applicant's Rebuttal:**
Mr. Azar informed the Board that the water drainage issue has already been addressed. The plans include a screening fence. The project would be an improvement with landscaping, an attractive building, and the property being kept clean.

**Board Action:**
On **MOTION** of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the required 100' setback from the centerline of Peoria to 80', finding the property is only 100' deep; existing right-of-way is 30', and the property to the north already encroaches closer to Peoria than this property would, on the following described property:

Lot 1, Block 2, Dell Rose Place a Resubdivision, Lots 1-3, Block 2, Lots 1-4, Block 1, Keim Gardens, City of Tulsa, Tulsa County, State of Oklahoma.

---

**Case No. 19547**

**Action Requested:**
Special Exception to allow Use Unit 13 in an OM zoned district as accessory uses to office use. **SECTION 602. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** – Use Unit 13, located 4637 & 4641 N. Cincinnati.

**Presentation:**
Mr. Beach informed the Board, that the wording of the request is not quite correct. It is actually a principal use in an OM district.

Lucius Crosby, 8843 S. 74th E. Ave., stated he is the general contractor for the project. This is a new business development, with space for new businesses to be trained and developed and then move on with their own business.

**Comments and Questions:**
Ms. Turnbo asked if the beauty shop and barber shop would be used as training schools or will they be privately owned. Mr. Crosby replied they would be privately owned.

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

**Board Action:**
On **MOTION** of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow Use Unit 13 in an OM zoned district as accessory uses to office use, finding it will be in harmony with the spirit and intent of the
Applicant's Rebuttal:

Mr. Miller advised that the hours of operation would be from 6:00 a.m. to 4:00 p.m. The trucks will never remain on the property over night with trash contained in the trucks as it would create severe health problems. Mr. Miller advised that he would be willing to comply with any conditions or restrictions which the Board would chose to impose.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to DENY a Special Exception (Section 710 - Principal Uses Permitted in the Commercial District) to allow a trash truck storage yard in a CS District, on the following described property:

A tract of land lying in the SW/4, SW/4 of Section 4, Township 19 North, Range 14 East, Tulsa County, Oklahoma, being more particularly described as follows: Beginning at a point 1,188.93' East of the Southwest corner of Said Section 4; thence North 200'; thence West 173' to a point on the East Right-of-Way line of 131st East Avenue; thence South 200'; thence East 173' to the point of beginning, containing 0.794 acres more or less.

Case No. 12469

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request to permit a car wash in a CS District located at the NW corner of 66th Place and Peoria Avenue.

Presentation:

Bob Compton, 8522 East 71st Street, was present and submitted a plot plan (Exhibit "S-1") and a booklet containing information and photographs concerning the proposed car wash (Exhibit "S-2"). Mr. Compton advised that he presently operates a car wash at 71st Street directly across from Woodland Hills Mall which is very similar to the proposed facility. Presently there is a 40' curb cut on Peoria and the applicant proposes to have two curb cuts on 66th Place for proper access in and out of the facility. There are 8 bays for self-service, two automatic bays, and eight vacuum pumps proposed at the subject location.

A letter was submitted from William McKissick Young, 2524 East 56th Place, who stated that he owns the property directly north of the subject property and has no objection to the request (Exhibit "S-3").

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts) to permit a car wash in a CS District, per plot plan submitted, on the following described property:

The South 220' of Lot 1, Block 1, Cline Addition, Tulsa County, Oklahoma, and that part of the NE/4 of the SE/4 of Section 1,

2.24.83:381(25)
Case No. 12469 (continued)

Township 18 North, Range 12 East, Tulsa County, Oklahoma, more particularly described as follows: Beginning at a point which point is 156.34' West of the Southeast corner of the NE/4 of Section 1, Township 18 North, Range 12 East; then in a Southerly direction a distance of 214' to a point; thence West 152.66' to a point; thence North a distance of 214' to the North line of the SE/4 of Section 1; thence East to the place of beginning.

Case No. 12470

Action Requested:
Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Request for a variance of the setback from 10' to 6' located north of the NE corner of 33rd Street and Mingo Road.

Presentation:
Donnie Dobson, 11716 East 63rd Street, general contractor representing the owner of the subject property, Tom Gutman, submitted a photograph of the subject property (Exhibit "T-1"); a plot plan (Exhibit "T-2") and an elevation plan (Exhibit "T-3"). Mr. Dobson advised that the applicant was previously before the Board in June 1982 and requested a 7' variance and the Board asked that the building be moved. The plot plan indicates that the building has been moved approximately 3' and the variance setback request is from 10' to 6'. The building has been moved as far as possible to allow the applicant to operate his mechanic shop correctly. The car wash which is presently located on the subject property will be removed before the new construction begins.

Protestants: None.

Board Action:
On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays", no "abstentions"; Purser, "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts) of the setback from 10' to 6', per plot plan submitted, on the following described property:

Lot 1, Block 1, Mingo Plaza Addition, Tulsa County, Oklahoma.

Case No. 12219

OTHER BUSINESS:

Action Requested:
Request for approval of the site plan for Case #12219.

Presentation:
Jack Arnold, 1630 East 30th Place, was present and represented Architectural Resources and submitted the site plan and elevation plan (Exhibit "U-1"). The application was previously approved by the Board, but the applicant was requested to return to the Board with the site plan. The proposed residential structure will be located at 30th and Troost.

Board Action:
On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays", no "abstentions"; Purser, "absent") to approve the site plan as submitted.

2.24.83:381(26)
THE LANDSCAPE PLAN IS IN CONFORMANCE WITH THE REQUIREMENTS OF CITY OF TULSA, NOT LESS THAN 8 ft. WALL IN CALIFER & 6 ft. WALL IN GARDEN SPACE PROVIDED.

6.274 SF; 2253 = 20 PARKING SPACES REQUIRED.

6.274 SF

SITE / LANDSCAPE PLAN

RECOMMENDED: 8 ft. WALL ARCHITECT

USE UNIT 14

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BOARD OF ADJUSTMENT
CASE REPORT

STR: 9234
CZM: 46
CD: 2
HEARING DATE: 09/28/2021 1:00 PM

APPLICANT: Omar Ahmadieh

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

LOCATION: 5508 S 30 AV W
ZONED: RS-3

PRESENT USE: Residential
TRACT SIZE: 8851.43 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 8, MOUNTAIN MANOR 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 at the SW/c of W. 55th Street S. and S. 30th W. Ave.

STAFF COMMENTS: The applicant is requesting Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3)
3. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed 50% of the lot frontage or the following maximum widths, whichever is less, unless a greater width is approved in accordance with the special exception procedures of Section 70.120, or, if in a PUD, in accordance with the amendment procedures of Section 30.01.01.2. (Refer to the City of Tulsa Standard Specifications and Details for Residential Driveways #701-704).

<table>
<thead>
<tr>
<th>Lot Frontage</th>
<th>75'</th>
<th>60'–74'</th>
<th>46'–59'</th>
<th>30'–45'</th>
<th>Less than 30' [2]</th>
</tr>
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<tbody>
<tr>
<td>Driveway Within Right-of-Way (feet) [1]</td>
<td>27'</td>
<td>26'</td>
<td>22'</td>
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<td>30'</td>
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The applicant is proposing a driveway width of 32' on the lot and inside the right-of-way.

Subject property

The photo taken during a site visit shows a Recreational Vehicle parked in the proposed location of the new driveway. Attached are the supplemental regulations for parking and storing of Recreational Vehicles. Those regulations would prevent the applicant from parking the Recreational vehicle within the street yard. Included in your packet is a copy of Sec. 45.150 of the zoning code.

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

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

REVISED 9/20/2021
Subject to the following conditions (including time limitation, if any):

- **Suggested Condition:** Applicant to obtain permit for construction in the right-of-way.

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.
45.120-C Office support services must have internal access from the subject office building. External entrances are also allowed.

Section 45.130 Parking and Storage of Commercial Trucks
No vehicle required to be registered as a "commercial truck" pursuant to OAC 710:60-3-91 may be parked or stored on a lot within a residential zoning district. This provision is not intended to prohibit deliveries and pickups by common carrier delivery vehicles (e.g., postal service, united parcel service, FedEx, et al.) of the type typically used in residential neighborhoods.

Section 45.140 Parking and Storage of Inoperable or Unlicensed Motor Vehicles
In R or AG-R districts, parking or storage of inoperable or unlicensed motor vehicles is prohibited within street yards.

Section 45.150 Parking and Storage of Recreational Vehicles

45.150-A Other than for purposes of loading and unloading, which must take place within a 48-hour period, recreational vehicles located in an AG, AG-R, R or MX district may be parked or stored only in the following locations:

1. Within a garage;
2. Within a rear building setback, provided it is set back at least 3 feet from all lot lines;
3. Within a side yard but not within a required side building setback;
4. Within a side building setback if the recreational vehicle is no more than 6 feet in height, excluding the height of any outboard motor or windshield, and the recreational vehicle is screened along the lot line nearest to the vehicle and extending for the vehicle's the full length by an F1 screening fence or wall in accordance with §65,070-C; or
5. Within the street yard, provided that the development administrator determines that all of the following conditions exist:
   a. Space is not available or there is no reasonable access to either the side yard or rear yard;
   b. Parking inside the garage is not possible due to the height or width of the recreational vehicle;
   c. The recreational vehicle is parked perpendicular to the street lot line;
   d. The body of the recreational vehicle is at least 12 feet from the face of the curb or travel lanes of the street and does not extend over a sidewalk; and
   e. No more than one recreational vehicle is parked or stored in the street yard.
6. For purposes of these provisions:
   a. A corner lot is always deemed to have reasonable access to the rear yard;
   b. A fence does not necessarily prevent reasonable access to a yard; and
   c. A boat loaded on a boat trailer is considered one recreational vehicle.
45.150-B The parking and storage of recreational vehicles in an R or AG-R district is permitted in accordance with §45.150-A, provided that:

1. The vehicle is not used for dwelling purposes;
2. The vehicle is not permanently connected to sewer lines, water lines, or electricity; and
3. The vehicle is not used for storage of goods, materials, or equipment other than those items considered to be a part of the recreational vehicle or essential for its use as a recreational vehicle.

45.150-C If the siting regulations of §45.150-A cannot be met, parking or storage of recreational vehicles in the street yard requires approval in accordance with the special exception procedures of Section 70.120.

Section 45.160 Residential Support Service

45.160-A Residential support services include restaurants and retail sales of convenience goods provided primarily to serve the needs of residents of residential buildings.

45.160-B Residential support services are allowed in the RM-3 district and all MX districts as an accessory use to any principal group living use and in apartment/condo buildings.

45.160-C Residential support services must be located in the same building as the principal residential use, and occupy, in aggregate, floor area of no more than 4,000 square feet or 10% of the floor area of the principal residential use, whichever is less.

45.160-D Residential support services must have internal access from the principal residential building. External entrances are also allowed.

Section 45.170 Rooming Units

Rooming units that are accessory to household living uses are allowed, provided that the total number of unrelated persons residing on the property does not exceed the number permitted in the household.

Section 45.180 Satellite Dish Antennas

45.180-A Where Allowed

1. Satellite dish antennas up to 40 inches in diameter are permitted as of right as an accessory use to all lawfully established principal uses in all zoning districts. They are subject to all applicable accessory structure setback regulations.

2. Satellite dish antennas over 40 inches in diameter, up to 120 inches in diameter, are permitted as of right as an accessory use to all lawfully established principal uses in mixed-use and nonresidential zoning districts. They are subject to all applicable accessory structure setback regulations.
APPLICATION NO: ZCO 2234 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 5508 S 30th W Ave
Description: Driveway Expansion

INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

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

IMPORTANT INFORMATION

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

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

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

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

### Maximum Driveway Width

<table>
<thead>
<tr>
<th>Lot Frontage</th>
<th>75' +</th>
<th>60' - 74'</th>
<th>46' - 59'</th>
<th>30' - 45'</th>
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</tr>
</tbody>
</table>

[1] Maximum width applies to the composite of all driveways if multiple curb cuts are provided.

55.090-F3 Surfacing. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed the following maximum widths unless a greater width is approved in accordance with the special exception procedures of Section 70.120. Maximum Driveway Width is 27' within ROW and 30' in the street setback on your lot.

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

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

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

---

END – ZONING CODE REVIEW

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.
BOA-23187

19-12 34

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

Aerial Photo Date: 2020/2021
BOA-23187
Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: 2020/2021
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BOARD OF ADJUSTMENT
CASE REPORT

STR: 0330
CZM: 29
CD: 1

HEARING DATE: 09/28/2021 1:00 PM

APPLICANT: Jonah Hall

ACTION REQUESTED: Special Exception to permit a Self-service Storage Facility in a CS District (Sec. 15.020, Table 15-2)

LOCATION: 1601 N PEORIA AVE

ZONED: CS

PRESENT USE: Vacant

TRACT SIZE: 229861.92 SQ FT

LEGAL DESCRIPTION: See attached.

RELEVANT PREVIOUS ACTIONS: None.

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

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.

ANALYSIS OF SURROUNDING AREA: The subject tract is located South of the SE/c of E. Reading Street and S. Peoria Ave. The property is formerly a supermarket located in the Seminole Hill shopping center. The subject building is setback from Peoria Ave without parcel along the frontage consisting of several quick serve restaurants.

STAFF COMMENTS: The applicant is requesting a Special Exception to permit a Self-service Storage Facility in a CS District (Sec. 15.020, Table 15-2)
Included in your packet is a copy of Sec. 40.360 which includes the supplemental regulations for Self-service Storage Facilities.

**SAMPLE MOTION:** Move to ______ (approve/deny) a Special Exception to permit a Self-service Storage Facility in a CS District (Sec. 15.020, Table 15-2)

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

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

Facing toward Peoria Ave. across the parking lot
A PART OF LOT TWO (2), BLOCK ONE (1), GATEWAY PLAZA, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND LYING IN THE SOUTHWEST QUARTER (SW/4) OF SECTION 30, TOWNSHIP 20 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT TWO (2); THENCE NORTH 01°10'19" WEST ALONG THE WEST LINE OF SAID LOT TWO (2) A DISTANCE OF 83.41 FEET; THENCE NORTH 88°49'41" EAST PARALLEL WITH THE SOUTH LINE OF SAID LOT TWO (2) A DISTANCE OF 214.52 FEET; THENCE NORTH 01°10'19" WEST PARALLEL WITH THE WEST LINE OF SAID LOT TWO (2) A DISTANCE OF 287.55 FEET; THENCE SOUTH 88°49'41" WEST PARALLEL WITH THE SOUTH LINE OF SAID LOT TWO (2) A DISTANCE OF 220.75 FEET TO A POINT ON A NON-TANGENT CURVE, SAID POINT BEING ON THE boundary LINE OF SAID LOT TWO (2); THENCE ALONG THE BOUNDARY LINE OF SAID LOT TWO (2) IN A CLOCKWISE DIRECTION, THE FOLLOWING 16 COURSES:

1) NORTHERLY ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 5,785.00 FEET (SAID CURVE SUBTENDED BY A CHORD WHICH BEARS NORTH 04°21'09" WEST A DISTANCE OF 105.01 FEET) FOR AN ARC DISTANCE OF 105.01 FEET;
2) NORTH 02°25'26" WEST A DISTANCE OF 61.07 FEET;
3) NORTH 88°49'41" EAST A DISTANCE OF 186.19 FEET;
4) NORTH 01°10'19" WEST A DISTANCE OF 39.11 FEET;
5) NORTH 88°49'41" EAST A DISTANCE OF 301.50 FEET;
6) NORTH 01°10'19" WEST A DISTANCE OF 7.00 FEET;
7) NORTH 88°49'41" EAST A DISTANCE OF 79.60 FEET;
8) NORTH 01°10'19" WEST A DISTANCE OF 214.69 FEET;
9) NORTH 88°02'12" EAST A DISTANCE OF 84.91 FEET;
10) SOUTH 01°10'19" EAST A DISTANCE OF 560.93 FEET;
11) SOUTH 88°02'00" WEST A DISTANCE OF 110.02 FEET;
12) SOUTH 74°02'30" WEST A DISTANCE OF 82.73 FEET;
13) SOUTH 45°30'57" WEST A DISTANCE OF 44.39 FEET;
14) SOUTH 45°31'32" WEST A DISTANCE OF 158.99 FEET;
15) SOUTH 01°10'19" EAST A DISTANCE OF 75.78 FEET;
16) SOUTH 88°49'41" WEST A DISTANCE OF 300.80 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE SOUTH 83.41 FEET OF LOT TWO (2), BLOCK ONE (1), GATEWAY PLAZA, A SUBDIVISION IN THE CITY OF TULSA, TULSA county, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.
1. Day care uses and community centers may be allowed as accessory uses to a school. Outdoor stadiums, lighted athletic fields, unlighted athletic fields that have bleachers for non-student spectators and buildings and structures accessory to these types of stadiums or fields may not be approved as accessory uses to a school.

2. Buildings, parking areas and access drives must be set back at least 25 feet from abutting RE- and RS-zoned properties, plus one foot of additional building setback for each one foot of building height above 15 feet. These setback and height requirements do not apply if the RE- or RS-zoned land is freeway or expressway right-of-way.

Figure 40-11: Required Building Setbacks from RE and RS Zoning Districts (Schools)

40.350-B Schools Established on or After January 1, 1998

Schools established on or after January 1, 1998 require a minimum lot area of one acre, and lots to be occupied by senior high schools must have frontage on an arterial street.

Section 40.360 Self-Service Storage Facilities

40.360-A General

1. The general provisions of this section apply to all self-service storage facilities.

2. A screening fence or masonry wall is required along all lot lines that abut R- or AG-R-zoned lots. Required screening fences and walls must be at least 8 feet in height. If buildings are masonry, the building wall can serve as the screening wall, provided that any open spaces between perimeter buildings are screened with a masonry screening wall at least 8 feet in height. The screening fence/wall requirements of this section do not apply to climate-controlled self-storage buildings in which self-storage spaces are accessed only from within the building.
Supplemental Use and Building Regulations

Section 40.370 | Sexually Oriented Business Establishments

The supplemental use regulations of this section apply to all sexually oriented business establishments.

40.370-A Sexually oriented business establishments are allowed only in those districts and under those approval procedures expressly stated in this zoning code. In addition, no person may exercise supervisory control, manage, operate, cause the establishment or permit the establishment of any sexually oriented business establishment within 1,000 feet (the "minimum separation distance") of any of the following:
Previous owner's most recent survey. Survey will be updated by Applicant prior to closing.
Welcome!

Smartlock
Self Storage

Welcome!

If you need help or to report a problem:
(940) 333-3096
support@smartlockselfstorage.com

Ready to move out?

1. Call your building to let us know.

2. The management will make your room

Example: interior (not subject to property)
Example Interior (Walls & Doors) *Not Subject Property

Total Height of Storage Units:
8ft. 4in.

Storage Unit Door Height:
7ft
Example property (not subject property)
Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: 2020/2021