AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, May 24 2022, 1:00 P.M.

Meeting No. 1295

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.

UNFINISHED BUSINESS

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

1. 23319-Jason Evans
   Variance to allow the floor area of a detached accessory building to exceed 500 square feet and 40% of the floor area of the principal residential structure (Sec. 45.030-A.2); Variance of the 35-foot setback from an arterial street. (Sec. 5.020, Table 5-2); Variance to permit a Detached Accessory Building exceeding 10-feet in height to the top of the top plate in the rear setback (Sec. 90.090-C)
   LOCATION: 4217 E. 15th St. (CD 4)

2. 23332- Cheryl Harlin Jones
   Variance of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Sec. 40.225-D)
   LOCATION: 2730 S HARVARD AV E (CD 4)
3. **23348- Hana Momic**  
**Special Exception** to permit an Accessory Dwelling Unit in the RS-1 District (Sec. 45.031-D); **Variance** to permit a Detached Accessory Dwelling exceeding 1-story or 18-feet in height and 10-feet to the top of the top plate in the rear setback (Sec. 90.090-C)  
**LOCATION:** 3822 S ATLANTA PL E (CD 9)

4. **23349- Charles Maddox**  
**Special Exception** to allow Accessory Dwelling Unit in an RS-2 Zoned District (45.031-A); **Variance** to reduce the 30-foot street setback in the RS-2 District (Sec. 5.030-A, Table 5-3) **Variance** to allow a detached accessory building/dwelling unit to exceed 40% of the floor area of the principal residential building (Sec. 45.030-A, Sec. 45.031-D)  
**LOCATION:** 221 E HAZEL BV S (CD 4)

**NEW APPLICATIONS**

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

5. **23351- Tulsa Precise Investments LLC**  
**Special Exception** to permit a duplex in the RS-4 District (Table 5.020, Table 5-2, Table 5-2.5); **Special Exception** to increase the permitted driveway width in a Residential District (Section 55.090-F.3).  
**LOCATION:** 1015 East Young Street (CD 1)

6. **23352- Jeremy Wilkinson**  
**Special Exception** to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5).  
**LOCATION:** 4013 South Louisville Avenue (CD 9)

7. **23353- John Garufi**  
**Special Exception** to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); **Variance** to allow an Accessory Dwelling Unit less than 10-feet behind the Detached House (Sec. 45.030-D.8.b).  
**LOCATION:** 3402 W. Edison (CD 1)

8. **23354- Mike Buerker, Gorilla Brothers Renovations**  
**Special Exception** to permit an Accessory Dwelling Unit in the AG-R District (Sec. 45.031-D).
LOCATION: 7902 S. Waco Ave. (CD 2)

9. **23355-Tulsa Fraternal Order of Police**  
   **Special Exception** to allow a Large (>250-person capacity) Commercial Assembly & Entertainment Use in the CS District to permit the Fraternal Order of Police Lodge and Event Center (Sec.15.020, Table 15-2)  
   **LOCATION:** Northwest corner of East 51st Street South and South 161st East Avenue (CD 6)

10. **23356- Jefferey L. Donnell**  
    **Variance** to reduce the open space requirement in the RS-3 district from 4,000 square feet to 3,779 square feet. (Sec. 5.030-A; Table 5-3). **LOCATION:** 6835 East 83rd Street (CD 8)

11. **23357-Nathan Cross**  
    **Special Exception** to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use in a CS district. (Sec. 15.020, Table 15-2)  
    **LOCATION:** NE/c of MLK Jr. Blvd & E. Pine St. (CD 1)

12. **23358- Mary Huckabee**  
    **Variance** to reduce the 200-feet minimum lot width in the AG district (Sec 25.020-D, Table 25-2).  
    **LOCATION:** 11840 S Sheridan Rd. E. (CD 8)

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

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

**NOTE:** If you require special accommodation pursuant to the Americans with Disabilities Act, please notify Tulsa Planning Office at 918-584-7526. Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained by the Tulsa Planning Office at INCOG. All electronic devices must be silenced.
NOTE: This agenda is for informational purposes only and is not an official posting. Please contact the Tulsa Planning Office at 918-584-7526 if you require an official posted agenda.
HEARING DATE: 05/10/2022 1:00 PM (Continued from 4/26/2022, additional relief requested on height)

APPLICANT: Jason Evans

ACTION REQUESTED: Variance to allow the floor area of a detached accessory building to exceed 500 square feet and 40% of the floor area of the principal residential structure (Sec. 45.030-A.2) Variance of the 35-foot setback from an arterial street. (Sec. 5.020, Table 5-2) Variance to permit a Detached Accessory Building exceeding 10-feet in height to the top of the top plate in the rear setback (Sec. 90.090-C)

LOCATION: 4217 E 15 ST S

ZONED: RS-3

PRESENT USE: RS-3

TRACT SIZE: 7139.51 SQ FT

LEGAL DESCRIPTION: LT 10 BLK 4, ELECTA HGTS ADDN

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NW/c of E. 15th St. S. and S. Richmond Ave. Property is immediately North of the Tulsa County Fairgrounds.

STATEMENT OF HARDSHIP: The proposed building is necessary to house a vehicle and would not alter the appearance of the property or neighborhood. This is a significant aesthetic improvement and functional improvement for the property.

STAFF COMMENTS: The applicant is requesting a Variance to allow the floor area of a detached accessory building to exceed 500 square feet and 40% of the floor area of the principal residential structure (Sec. 45.030-A.2) Variance of the 35-foot setback from an arterial street. (Sec. 5.020, Table 5-2) Variance to permit a Detached Accessory Building exceeding 10-feet in height to the top of the top plate in the rear setback (Sec. 90.090-C)
2. **RS-2, RS-3, RS-4, RS-5 and RM Districts**

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

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

### Table 5-3: R District Lot and Building Regulations

<table>
<thead>
<tr>
<th>Regulations</th>
<th>RE</th>
<th>RS-1</th>
<th>RS-2</th>
<th>RS-3</th>
<th>RS-4</th>
<th>RS-5</th>
<th>RD</th>
<th>RT</th>
<th>RM-0</th>
<th>RM-1</th>
<th>RM-2</th>
<th>RM-3</th>
<th>RMH</th>
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<tbody>
<tr>
<td>Min. Building Setbacks (ft.)</td>
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<td>Arterial or fwy service rd.</td>
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<td>Other streets</td>
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<td>35</td>
<td>30</td>
<td>25</td>
<td>20</td>
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<td>25</td>
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<td>25</td>
</tr>
</tbody>
</table>

(1) The building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate; and

![Figure 90-9: Maximum Height of Accessory Buildings, Including Accessory Dwelling Units In Rear Setbacks (RE, RS and RD Districts or RM Zoned Lots Used for Detached Houses or Duplexes)](image)

The applicant would be allowed 500 square foot detached accessory building by right based on the size of the existing structure and is requesting 576 square feet. East 15th street is classified as a Secondary arterial Street which prescribes a 100-feet Right-of-way. The planned Right-of-way would encroach 10 feet into his property. The 35-foot street setback would cover almost the entirety of the lot including the existing house and without relief from the code would not permit any new structures on the lot. The applicant is requesting a top plate height of 12-feet.

**SAMPLE MOTION:** Move to _________ (approve/deny) a Variance to allow the floor area of a detached accessory building to exceed 500 square feet and 40% of the floor area of the principal residential structure (Sec. 45.030-A.2) Variance of the 35-foot setback from an arterial street. (Sec. 5.020, Table 5-2) Variance to
permit a Detached Accessory Building exceeding 10-feet in height to the top of the top plate in the rear setback (Sec. 90.090-C)

- Finding the hardship(s) to be______________________________.

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

- Subject to the following conditions ____________________________.

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

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

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

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

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

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

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

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."
Subject property
The information below is an estimate only. Final pricing - including pricing adjustments, discounts, delivery, and taxes - will be provided with final quote prior to purchase.
ed per lot 16,

LEGEND
U/E - Utility Easement
B/L - Building Line
C - Center Line

SCALE
0' 10' 20' 30' 40'

SIDING DWELLING

E. 15TH ST.

No ground will be disturbed. If silt fence is needed, it will be supplied at that time. U/E.
LEFT SIDE

12' or 3'

24'

20' 9"

25'

RIGHT SIDE

SYMBOL LEGEND

D1 12' x 10' Rollup Door
D2 Walk-In Door (36 x 80)

Closed Wall

https://carportview.texwiacarports.com/#42e22af08b6152d224b1a9f8e90616e

#1637544847434086

1.8
APPLICATION NO: BLDR-104073-2021 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 4217 E. 15th St.
Description: New detached accessory building

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601.

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

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

IMPORTANT INFORMATION

1. 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.).]
1. **R106.2**: Site plan or plot plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing the size and location of new construction and existing structures on the site and distances from lot lines. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration or repair or where otherwise warranted.

**Review comments**: Your application did not include a complete site plan. Submit a site plan that provides the following information:

   a. Drawing to scale with location, dimensions and identification of existing and proposed buildings, structures and driveway. Dimensions for both existing and proposed driveways must be shown;
   b. Drawing to scale with distances from the side and rear property lines to the proposed building, and the distance from the existing house and proposed building to the centerline of 16th street;
   c. Identify any easements and public rights of way.

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

**Review comments**: The proposed detached building has 600 square feet of floor area. According to the county assessor's website, the floor area of the principal residential structure (the house and attached garage) is 1,239 square feet. Based on the floor area of the house you are allowed 500 sq. ft of total detached accessory building floor area on your lot. You may revise the plans to show that the total square footage of the proposed accessory building will not exceed 500 square feet, or you may seek a variance from the Board of Adjustment (BOA) to allow the floor area of a detached accessory building on this RS-3 zoned lot to exceed 500 sq. ft. and 40% of the floor area of the principal residential structure.

3. **55.090-B: Ingress and Egress**
   All parking areas must be designed to allow vehicles to enter and exit a street and cross public sidewalks in a forward motion, except that this requirement does not apply to lots with access on a minor street.

**Review comments**: Since the required driveway would be accessed from 16th St., which is not a minor street; the driveway needs to be designed so that cars can enter and exit in a forward motion. Show this on the revised site plan.

4. **55.090-F.3 Surfacing**
   In RE and RS zoning districts, driveways serving residential dwelling units may not exceed 50% of the lot frontage or the following maximum widths, whichever is less, unless a greater width is approved in accordance with the special exception procedures of Section 70.120, or, if in a PUD, in accordance with the amendment procedures of Section 30.010-I.2. (Refer to the City of Tulsa Standard Specifications and Details for Residential Driveways #701-704).

<table>
<thead>
<tr>
<th>Maximum Driveway Width</th>
<th>Lot Frontage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driveway Within Right-of-Way</td>
<td>75'</td>
</tr>
<tr>
<td>(feet) [1]</td>
<td>60' - 74'</td>
</tr>
<tr>
<td>46' - 59'</td>
<td>30' - 45'</td>
</tr>
<tr>
<td>20'</td>
<td>Less than 30' [2]</td>
</tr>
<tr>
<td>Driveway Within Street Setback</td>
<td>27'</td>
</tr>
<tr>
<td>(feet)</td>
<td>26'</td>
</tr>
<tr>
<td>22'</td>
<td>20'</td>
</tr>
<tr>
<td>12'</td>
<td>--</td>
</tr>
</tbody>
</table>

[1] Maximum width applies to the composite of all driveways if multiple curb cuts are provided.
[2] Provided that for lot frontages less than 24 feet, a driveway up to 12 feet in width is permitted.
Review comments: Revise the site plan to show a driveway for the building and show the dimensions of the new driveway, as well as the dimensions for the existing driveway. For any new driveway areas in the street setback, the combined widths of all driveways (including existing driveways) on the lot may not exceed 22' in the right of way, or 25.35' within the street side building setback, since this lot has 50.71' of frontage. Revise the plans to show the width and dimensions of both the existing and proposed driveways. If you are proposing greater than 22' in the right of way, or 25.35' within the street side building setback, you may seek a special exception from the Board of Adjustment for driveways exceeding the allowed width in an RS-3 zoned lot with 50.71' of street frontage. In addition, the street setback from 26th W. Ave is 55' from the center of the street and from 48th St. it is 40' from the center of the street. Please show these setback lines on the revised site plan.

5. 90.090-A Setbacks Measurement Required setbacks are measured from the applicable lot line, right-of-way, planned right-of-way or location referred to below. Building setbacks are measured to the nearest exterior building wall. Minimum setbacks that apply to other features (parking areas, fences, storage areas) are measured from the nearest point of the area or feature for which a setback is required. See §90.090- C for information on structures and building features that are allowed to occupy setback and yard areas in R zoning districts. Unless otherwise expressly stated, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan. If a variance of the prohibition against location of a structure within the right of way or planned right of way is granted by the Board of Adjustment, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan, unless a license has been granted by the city, in the case of the right-of-way, or a removal agreement has been entered into, in the case of the planned right-of-way.

1.) Street setbacks are measured from the actual right-of-way line of the street (other than an alley), provided that if the following measurement results in a greater setback, the greater setback applies:

a.) For streets shown on the major street and highway plan, if the width of the planned right-of-way exceeds the width of the actual right-of-way, the measurement must be taken from the planned right-of-way.

Review comments: According to the major street and highway plan, 15th St. is shown to be a secondary arterial with a 100' wide planned right of way (ROW). According to the rules of measurements for 90.090-A, the planned ROW line is 50' from the centerline of 15th St. The setback from an arterial street in an RS-3 district is 35'. Therefore, the building setback line for this property is 85' from the centerline of 15th St. (50' from the center of the street plus the 35' setback). Show that this building is not going to be located any closer than 85' to the center of 15th St.

6. 90.090-C. Detached Accessory Buildings, including Accessory Dwelling Units, in RE, RS, RD Districts and RM Zoned Lots Used for Detached Houses or Duplexes.

a. Detached accessory buildings, including Accessory Dwelling Units, may be located in rear setbacks provided that: (2) Building coverage in the rear setback does not exceed the maximum limits established in Table 90-2:

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

Review comments: This lot is zoned RS-3; and the proposed building cannot take up more than 30% of the rear setback (RS-3 lots require a 20' rear setback). Once the revised site plan is resubmitted, we can determine how much of the building is located in the rear setback, and we can verify whether or not the west or north side of the property is considered to be the rear of the lot. If the proposed building will take up more than 30% of the rear setback, you may apply for a variance from the Board of Adjustment for a detached accessory building which covers more than 30% of a rear setback for an RS-3 zoned lot.
NOTE: The zoning clearance review for your permit application will resume after a complete site plan is submitted. Please note that additional deficiencies may be found and will need to be resolved prior to approval of your application.

Note: Please direct all questions concerning variances, special exceptions, alternative landscape plans, alternative compliance parking ratios and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7525. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

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

END -ZONING CODE REVIEW

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

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

STR: 9317  Case Number: BOA-23332
CZM: 37
CD: 4

HEARING DATE: 05/24/2022 1:00 PM (Continued from 5/10/2022)

APPLICANT: Cheryl Harlin Jones

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

LOCATION: 2730 S HARVARD AV E  ZONED: CH
PRESENT USE: Commerical  TRACT SIZE: 8773.02 SQ FT

LEGAL DESCRIPTION: N 10 LT 11 ALL LT 12  BLK 1, BANDERA

RELEVANT PREVIOUS ACTIONS: None.

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

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.

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.

ANALYSIS OF SURROUNDING AREA: The subject tract is located on the West side of Harvard in between E. 27th Pl. S. and E. 28th St. S. Per staff estimation the proposed dispensary is 966 feet away from Dr. Z Leaf located 3020 S. Harvard.
**STATEMENT OF HARDSHIP:** The applicant has provided a statement in a separate exhibit included in your packet.

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

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

The 1,000-foot spacing requirement is measured as stated below:

*40.225-I* The separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section 40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma State Department of Health prior to December 1, 2018 for the particular location.
The applicant has indicated in their statement they have a survey showing compliance with the distance requirement. Staff has not been provided a copy of that exhibit and if that is the case the variance should be withdrawn, and that survey should be submitted to the permit Center to re-evaluate. Staff is not aware of any hardship related to the physical surroundings, shape, or topographical conditions of the subject property.

**SAMPLE MOTION:** Move to _________ (approve/deny) a Variance of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Sec. 40.225-D)

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

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

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

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

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

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

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

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

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

Facing South on Harvard Ave. (Red arrow indicates the location of Dr. Z Leaf)
ZONING CLEARANCE PLAN REVIEW

November 9, 2021

BLDC-100071-2021
(please reference this number when contacting our office)

2730 S. Harvard Ave.
Medical Marijuana Dispensary

INFORMATION ABOUT SUBMITTING REVISIONS

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

Revisions need to include the following:

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

Revisions shall be submitted directly to the City of Tulsa Permit Center located at 175 East 2nd Street, Suite 450, Tulsa, Oklahoma 74103, phone (918) 598-9601. The City of Tulsa will assess a resubmittal fee. Do not submit revisions to the plans examiners.

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

IMPORTANT INFORMATION

1. If a design professional is involved, his/her letters, sketches, drawings, etc. shall bear his/her Oklahoma seal with signature and date.

2. Submit two (2) sets of drawings if submitted using paper, or submit electronic revisions in “supporting documents”, if originally submitted on-line, for revised or additional plans. Revisions shall be identified with clouds and revision marks.

3. Information about zoning code, Indian Nation Council of Government (INCOG), Board of Adjustment (BOA), and Tulsa Metropolitan Area Planning Commission (TMAPC) is available online at www.inco.org or at INCOG Offices at 2 W. 2nd St., 8th Floor, Tulsa, OK 74103, phone (918) 584-7526.

4. A copy of a “Record Search” is not included with this letter. Please present the “Record Search” along with this letter to INCOG staff at time of applying for Board of Adjustment action at INCOG. Upon approval by the Board of Adjustment, INCOG staff will provide the approval documents to you for immediate submittal to our office. (See revisions submittal procedure above.)

(continued)
Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 918-584-7526. It is your responsibility to submit to our office documentation of any decisions by the BOA affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

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

   1. An aerial photograph identifying the location of the proposed dispensary at the center of a circle with a 1,000-foot radius, which is the required separation distance from another dispensary; and

   2. Locate and identify the nearest dispensary on the map, including the distance from the proposed dispensary; and

   3. Send an e-mail notifying the city councilor that you plan to open a dispensary in their district. The councilor is NOT required to respond. Provide a copy of the e-mail to the Zoning Plans Examiner so your application can move forward. To find the councilor for your district, click here. (http://maps.cityoftulsa.org/citycouncil/).

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


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

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

A hard copy of this letter is available upon request by the applicant.
provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant from the terms of the Zoning Code requirements identified in the letter of deficiency belief all questions concerning separation distance acceptance and all questions regarding separation forms and fees to the INCOG BOA Planner at 918-584-7526. It is your responsibility for documenting any decisions by the BOA affecting the status of your application and to continue to process your application. INCOG does not act as your legal or representative for exploring all or any options available to address the noncompliance and submit compliance option for review. Staff review comments identify compliance methods as provided in the Tulsa Zoning Code. The permit applicable for exploring all or any options available to address the noncompliance and submit compliance option for review. Staff review makes neither representation nor recommendation.

40.225-D: A medical marijuana dispensary may not be located within 1000 ft of another medical marijuana dispensary. Please provide the following information:

1. **Resolved.** An aerial photograph identifying the location of the proposed dispensary at the center of a circle with a 1,000-foot radius, which is the required separation distance from any dispensary; and

2. **Unresolved.** Locate and identify the nearest dispensary on the map, including the distance from the proposed dispensary. It appears you are within 1,000 feet of another dispensary. Per 40.225-l-The separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. You may consider seeking a variance from the Board of Adjustment to have one dispensary within 1,000 feet of another dispensary. Contact Austin Chapman, Board of Adjustment Administrator at 918-584-7526 for further instruction and next steps on seeking a variance.

3. **Resolved.** Send an e-mail notifying the city councilor that you plan to open a dispensary in your district. The councilor is NOT required to respond. Provide a copy of the e-mail to the Zoning Permits and Inspection Examiner so your application can move forward. To find the councilor for your district, click here (http://maps.cityoftulsa.org/citycouncil/).

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


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

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.
When we encountered this building there were two homeless people living in the back of this building and using the sides of the building as their bathrooms! On each side of this building, Albert G’s was on southside and on the other northside is a Jiffy Lube, both were excited that we were going to be in the building as the Dispensary as we all told them! Our dispensary will be, as all the store fronts in the area, really nice and a compliment to the neighborhood!

We measured the distance with a roller, before we leased the building, that distance measured 1056ft!

We completed all paperwork for building permit and when we submitted the distance requirements this is when we came to the road block!

We truly believe that the distance is over the city ordinance of 1000 ft! We also have two professional surveyors that have measured it at 1000.3ft and 1030ft!

Thank you

Cheryl Harlin-Jones
918-261-5639
BOA-23332

Subject Tract

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

Aerial Photo Date: 2020/2021

2.13
I am a manager of Double RJ Cattle CO LLC which owns the property at 2809 S Harvard (The Colony Bar). We are opposed to granting this distance exception for a dispensary. I have nothing against the applicant of the marijuana industry I just don't think we need any more Dispensaries.

Thanks

Bob Stewart
3324 E 46th Street
Tulsa, OK 74135
918-633-2731
Hi, Adam. I represent the owners of the property immediately north of the applicant’s property (jiffy lube). I was contacted last Wednesday by one of the investors/operators (not sure which) of the proposed dispensary and asked to send a letter of support regarding this case. Unfortunately, I cannot do that. In fact, I’d ask that the Board deny this application for variance. The distance restriction is clear and has been known to all since the creation of the relevant statute. I don’t think the BoA should be in the business of providing relief for self-created hardships.

Thank you for your consideration,

Chris J. Bumgarner
2100 S. Utica Avenue
Tulsa, OK 74114
918.584.1462

Ps. Please let me know you received and please let me know how this gets decided. Thanks.
Adam this is Chuck Gawey. I own Albert G’s BBQ at 2748 S Harvard. I am next door to the south of the former Radio Shack and at this time am opposed to a dispensary going in at that site. While I would love to see a new business next door I feel another dispensary is not what we need since there are 2 dispensaries just to the south near 31 & Harvard. Thank you.

Sent from my iPhone
I am a resident right directly behind 2730 S Harvard.
I am resistant to ANOTHER dispensary going in at this location. It’s a very busy street with long lines of cars coming off the BA going to 31st. There are so many dispensary’s (Zoellner’s 1 block away) do we really need another one. ?!!!

My back yard is directly behind the building and I’m opposed to smelling the cannabis and I don’t want people hanging around my back yard fence and area.

I’m usually not vocal about other peoples choices…but I’m choosing to oppose this dispensary.

CHKirkpatrick

Sent from my iPhone
4/7/2022

To Whom this may concern:

We are excited about the dispensary going next door! We believe the dispensary will not only bring more business, upgrade the neighborhood but it will keep the homeless from taking over the building and defecating in between the buildings. Please except this letter as our acceptance of the SHACK DISPENSARY @ 2730 S Harvard Ave.

Sincerely

Sarah Robinson
Village Inn #7000601
To whom it may concern, I David Whiteman am the acting store manager at Aldi located at 2711 S Harvard Ave Tulsa, OK 74114. I am fine with a medical dispensary opening in the area.

David Whiteman 5/19/2022
5/5/2022

2730 S HARVARD
TULSA OK 74114

TO WHOM THIS MAY CONCERN;

WE BELIEVE THAT THE DISPENSARY GOING IN AT 2730 S HARVARD AVE WILL BE AN ASSET TO OUR COMMUNITY. PLEASE ALLOW THEM TO OPERATE HERE AT THIS ADDRESS! BEFORE THEY STARTED WORKING ON THE BUILDING THERE WAS A HOMELESS COUPLE LIVING IN THE BACK OF THE BUILDING REALLY A UNDESIRABLE SITUATION AND THEY RELIEVED THEMSELVES IN BETWEEN THE BUILDINGS.

SINCERELY

[Signature]
4-9-2022
5/5/2022

2730 S HARVARD
TULSA OK 74114

TO WHOM THIS MAY CONCERN;

WE BELIEVE THAT THE DISPENSARY GOING IN AT 2730 S HARVARD AVE WILL BE AN ASSET TO OUR COMMUNITY. PLEASE ALLOW THEM TO OPERATE HERE AT THIS ADDRESS! BEFORE THEY STARTED WORKING ON THE BUILDING THERE WAS A HOMELESS COUPLE LIVING IN THE BACK OF THE BUILDING REALLY A UNDESIRABLE SITUATION AND THEY RELIEVED THEMSELVES IN BETWEEN THE BUILDINGS.

SINCERELY

[Signature]

golden chief
Cheryl Harlin-Jones
918-261-5639

On Mar 1, 2022, at 9:35 AM, Box, Dana <danabox@cityoftulsa.org> wrote:

Your spacing map was not a satellite picture. We measured and it comes up to 990 feet. That is door to door as the crow flies.

From: cheryl harlin jones <charlinjones@yahoo.com>
Sent: Tuesday, March 1, 2022 8:44 AM
To: Box, Dana <danabox@cityoftulsa.org>
Subject: Re: BLDC-100071-2021 (2730 S. Harvard Ave.) Zoning LOD 3 REVISED

I thought you measure door to door as the crow flies, straight shot! Are you going off my measurements or did you measure? I may have turned in incorrect measurements!

Cheryl Harlin-Jones
918-261-5639
On Mar 1, 2022, at 2:03 PM, cheryl harlin jones <charlinjones@yahoo.com> wrote:

Ok 10 feet! Ok maybe I should move my door! 😊

Cheryl Harlin-Jones
918-261-5639

On Mar 1, 2022, at 9:35 AM, Box, Dana <danabox@cityoftulsa.org> wrote:

Your spacing map was not a satellite picture. We measured and it comes up to 990 feet. That is door to door as the crow flies.

From: cheryl harlin jones <charlinjones@yahoo.com>
Sent: Tuesday, March 1, 2022 8:44 AM
To: Box, Dana <danabox@cityoftulsa.org>
Subject: Re: BLDC-100071-2021 (2730 S. Harvard Ave.) Zoning LOD 3 REVISED

I thought you measure door to door as the crow flies, straight shot! Are you going off my measurements or did you measure? I may have turned in incorrect measurements!

Cheryl Harlin-Jones
918-261-5639

On Mar 1, 2022, at 8:22 AM, Box, Dana <danabox@cityoftulsa.org> wrote:

You cannot be within 1,000 feet of another dispensary and it appears that you are. Your only option at this point is to request a variance from the Board of Adjustment. Contact Austin Chapman, the Board of Adjustment Administrator, and he will get you set up for a hearing. 918-584-7526.
Use the distance between two points on the ground

- Map Length: 1,032.60 Feet
- Ground Length: 1,032.63
- Heading: 182.93 degrees

TULSA CITY BOARD OF ADJUSTMENT
CASE NO
OFFICIAL RECORD EXHIBIT
ENTERED IN THE MINUTES OF THE TULSA CITY BOARD OF ADJUSTMENT

2.24
Map Length: 970.13 Feet
Ground Length: 970.36
Heading: 180.88 degrees

TULSA CITY BOARD OF ADJUSTMENT
CASE NO. OFFICIAL RECORD EXHIBIT ENTERED IN THE MINUTES OF THE TULSA CITY BOARD ADJUSTMENT
2.25
Map Length:
Ground Length:
Heading:

1,200.36 Feet
1,000.33
180.71 degrees
Measure distance
Click on the map to add to your path

Total distance: 1,024.41 ft (312.24 m)
2730 S Harvard Ave
1 month ago

Nearby photos
Hearing Date: 05/24/2022 1:00 PM (Continued from 5/10/2022)

Applicant: Hana Momic

Action Requested: Special Exception to permit an Accessory Dwelling Unit in the RS-1 District (Sec. 45.031-D); Variance to permit a Detached Accessory Dwelling exceeding 1-story or 18-feet in height and 10-feet to the top of the top plate in the rear setback (Sec. 90.090-C)

Location: 3822 S Atlanta Pl E

Zoned: RS-1

Present Use: Residential

Tract Size: 13499.3 SQ FT

Legal Description: S100 N294 E135 NW SW SW SEC 20 19 13 .31AC,

Relevant Previous Actions: None.

Relationship to the Comprehensive Plan: The Tulsa Comprehensive Plan identifies the subject property as part of an "Existing Neighborhood" and an "Area of Stability".

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

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

Analysis of Surrounding Area: The subject tract is located South of the SW/c of E. 38th ST. S. and S. Atlanta Pl. The property’s rear lot line abuts and a Church on the West side.

Statement of Hardship: A 5-foot PSO easement runs diagonally across the middle of the backyard, thus preventing the living space to be adjacent to the new 2-car garage. The plans are for a 2-story 1 bedroom apartment over the garage. We are a family of 7. this includes elderly parent. They are currently sleeping in the formal dining room with no adjacent bathroom. The apartment will aide in their care and comfort as they have numerous health issues.

Staff Comments: The applicant is requesting Special Exception to permit an Accessory Dwelling Unit in the RS-1 District (Sec. 45.031-D); Variance to permit a Detached Accessory Dwelling exceeding 1-story or 18-
feet in height and 10-feet to the top of the top plate in the rear setback (Sec. 90.090-C) included in your packet is a copy of Sec. 45.031 including the supplemental regulations for ADU’s.

a. Detached accessory buildings, including Accessory Dwelling Units, may be located in rear setbacks provided that:

1. The building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate; and

Figure 90-9: Maximum Height of Accessory Buildings, Including Accessory Dwelling Units In Rear Setbacks (RE, RS and RD Districts or RM Zoned Lots Used for Detached Houses or Duplexes)

2. Building coverage in the rear setback does not exceed the maximum limits established in Table 90-2:

The proposed structure includes a 10-foot plate height and a 25-foot ridge height.

The applicant has presented a hardship that is unique to the subject property and the board should confirm with applicant before making their decision that the variance of the height of the structure is the minimum variance that will afford relief.
SAMPLE MOTION:

Special Exception:

Move to ________ (approve/deny) a Special Exception to permit an Accessory Dwelling Unit in the RS-1 District (Sec. 45.031-D);

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

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

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

Variance: Move to ________ (approve/deny) a Variance to permit a Detached Accessory Dwelling exceeding 1-story or 18-feet in height and 10-feet to the top of the top plate in the rear setback (Sec. 90.090-C)

- Finding the hardship(s) to be________________________________.

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

- Subject to the following conditions ___________________________.

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

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

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

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

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

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

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

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

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

Section 45.030 Accessory Buildings and Carports in R Districts

45.030-A Accessory Building Size

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

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

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

45.030-B Carports

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

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

Section 45.031-A Definition

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

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

Section 45.031-B Purpose

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

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

Section 45.031-C Applicability

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

Section 45.031-D Regulations

1. Where Allowed

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

2. Number

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

3. Methods of Creation

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

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

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

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

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

5. Open space (Minimum open space per unit)

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

6. Accessory Dwelling Unit Size

a. RE and RS-1 Districts

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

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

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

7. **Building and Fire Codes**

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

8. **Additional Regulations for Accessory Dwelling Units**

a. **Entrances**

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

b. **Setbacks**

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

c. **Exterior Finish Materials**

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

d. **Roof Pitch**

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

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**Section 45.040  Compressed Natural Gas (CNG) Refueling Appliances**

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

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**Section 45.050  Dumpsters**

**45.050-A Regulations**

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

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

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

3. Dumpsters may not:
   a. Obstruct motorized or non-motorized traffic;
APPLICATION NO: ZON LOD 112738  (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Project Location: 3822 S ATLANTA PL E
Description: Detached Garage/ADU

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 [x] 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


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.

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

   **Review Comments:** Apply to INCOG for a special exception to allow an Accessory Dwelling Unit in an RS-1 zoned area.

2. 4. Sec. 90.090-C. Detached Accessory Buildings, including Accessory Dwelling Units, in RE, RS, RD Districts and RM Zoned Lots Used for Detached Houses or Duplexes.
   a. Detached accessory buildings, including Accessory Dwelling Units, may be located in rear setbacks provided that:
      (1) The building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate; and

   ![Figure 90.09: Maximum Height of Accessory Buildings, Including Accessory Dwelling Units in Rear Setbacks (RE, RS, and RD Districts or RM Zoned Lots Used for Detached Houses or Duplexes)](image-url)

   3. 4. **Review Comments:** The proposed Accessory Dwelling Unit (ADU) exceeds one floor in height and exceeds the allowed maximum of 10’ to top plate and 18’ maximum in height. Revise plans to indicate compliance or apply to INCOG for a variance to allow a 2-story structure in rear setback and to exceed 18’ in total height.
SITE PLAN

Scale: 1" = 20'

15' UE BK 4171 PG 1558
25' B/L

CL 5" PSO UE BK 4212 PG 102

3822 SOUTH ATLANTA PLACE
TULSA, OK 74105

95'-0''
100'
135'
25'-0''
120'-0''
135'

72'-0''
23'-0''

25' B/L
NOTICE

DUTY OF COOPERATION

CREATIVE HOME DESIGN assumes no liability for any HOME constructed from this plan. Release of these plans contemplates further cooperation among the owner, his contractor and the designer. Design and construction are complex. Although the designer and his consultants performed their services with due care and diligence, they are human and are not infallible in their work or their judgment. If they err, it may be due to imperfect knowledge, lack of adjusted data, or imperfect means of communication. No statement of fact or of opinion in these plans can be expected to be absolutely true or complete. Communication is imperfect and every contingency cannot be anticipated. Any ambiguity or discrepancy discovered by the use of these plans shall be reported immediately to the designer. Failure to notify the designer of any such ambiguity or discrepancy could result in an increased cost of construction. Changes made from the plans without the consent of the designer are unauthorized and shall relieve the designer of responsibility for all consequences arriving out of such changes. Only qualified Designer, Architect, Contractor, or Structural Engineer should attempt to modify any portion of this design.

Written dimensions on these drawings shall have precedence over scaled dimensions; contractors shall verify and be responsible for all dimensions and conditions on the job. This office must be notified of any variations from the dimensions and conditions shown by these drawings. Shop details must be submitted to this office for approval before proceeding with fabrication.

SQUARE FOOTAGE

TOTAL LIVING: 657 (VENEEER)
ELEVATION NOTES:

1. GUTTERS AND DOWNSPOUTS ARE NOT SHOWN FOR CLARITY. DOWNSPOUTS SHALL BE LOCATED TOWARDS THE FRONT AND REAR OF THE HOUSE. LOCATED DOWNSPOUTS IN NON-VISUALLY OFFENSIVE LOCATIONS, COLUMNS, ETC. GENERAL CONTRACTOR SHALL VERIFY.

2. PLUMBING AND HVAC VENTS SHALL BE GROUPED AWAY FROM PUBLIC VIEW, I.E. AT THE REAR OF THE HOUSE AND SHALL BE PRIMED AND PAINTED TO MATCH THE ROOF COLOR.

3. PROVIDE ATTIC VENTILATION PER LOCAL CODE REQUIREMENTS.

4. EXTERIOR FLASHING SHALL BE CORRECTLY INSTALLED AT ALL CONNECTIONS BETWEEN ROOFS, WALLS, CHIMNEYS, PROJECTIONS AND PENETRATIONS AS REQUIRED BY APPROVED CONSTRUCTION PRACTICES.

5. CONTRACTOR SHALL PROVIDE ADEQUATE ATTIC VENTILATIONS / ROOF VENTS PER LOCAL GOVERNING CODE. INSTALL CONTINUOUS RIDGE VENTILATION AND PROVIDE APPROPRIATE SOFFIT VENTILATION AT OVERHANGS.

NOTICE DUTY OF COOPERATION

CREATIVE HOME DESIGN  assumes no liability for any HOME constructed from this plan. Release of these plans contemplates further cooperation among the owner, his contractor and the designer. Design and construction are complex. Although the designer and his consultants performed their services with due care and diligence, they are not infallible and their work is not perfect. Communication is imperfect and every contingency cannot be anticipated. Any ambiguity or discrepancy discovered by the use of these plans shall be reported immediately to the designer. Failure to notify the designer of such a discrepancy may result in inadequate ventilation, condensation, water damage and increases construction costs. A failure to cooperate by a simple notice to the designer shall relieve the designer from responsibility for all consequences. Changes made from the plans without the consent of the designer are unauthorized and shall relieve the designer of responsibility for all consequences arriving out of such changes. Only qualified Designer, Architect, Contractor, or Structural Engineer should attempt to modify any portion of this design.

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Neighbor Communications

1. Jenifer Norman, 2512 E 38th St, Tulsa, OK 74105
2. Keith & Laura Colgan, 2506 E 38th St, Tulsa, OK 74105
3. Robert & Jennifer McMahon, 2522 E 38th St, Tulsa, OK 74105
4. Jodi Govrik, 3821 S Atlanta Pl, Tulsa, OK 74105
5. Todd & Jacqueline Coker, 3839 S Atlanta Pl, Tulsa, OK 74105
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13. David & Jennifer Wong, 3836 S Atlanta Pl, Tulsa, OK 74105
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17. Leslie Johnston, 3859 S Atlanta Pl, Tulsa, OK 74105
18. Daniel Rice & Shelby Helmerich, 3848 S Atlanta Pl, Tulsa, OK 74105
19. Thomas & Lindsay Hutchison, 3865 S Atlanta Pl, Tulsa, OK 74105
20. William Ansteth & Rebecca Thomas, 3873 S Atlanta Pl, Tulsa, OK 74105
21. Howard Allen, 3907 S Atlanta Pl, Tulsa, OK 74105
22. Scott Eslicker, 3911 S Atlanta Pl, Tulsa, OK 74105
23. Michael & Laurie Davie, 3919 S Atlanta Pl, Tulsa, OK 74105
24. Roger Haglund & Jacqueline O’Neil, 3927 S Atlanta Pl, Tulsa, OK 74105
25. Charles Zoellner & K Chera, 3868 S Atlanta Pl, Tulsa, OK 74105
Hana Momic
3822 S Atlanta Place
Tulsa, OK 74105

Hello, Neighbor!

My name is Hana Momic and I live at 3822 S Atlanta Place with my husband, three children, and my parents. My husband and I chose to down-size much earlier than anticipated and prior to our two adult sons “leaving the nest”. Until this happens, we are hoping to take advantage of some dead space at the end of our driveway and create a beautiful, seamless extension of our home with a separate 2-car garage and 2nd story 1-bedroom apartment above the new garage.

I’m writing this letter to inform you of my intent to file for a zoning clearance for a 2-story accessory dwelling unit. It will be a 28’(W) x 23’ (D) x 25’ (H) 2-story structure, identical to our main residence, with the same brick, dormers, and elevation (see attached drawing). Due to the 5’ PSO easement running diagonally across the middle of our backyard, we cannot build the dwelling portion anywhere but above the new garage. This apartment is for my parents. They need to have their own space, privacy, and adjacent bathroom. They have some health issues so this space will help aide in their care and comfort. This will also enable us to park all of our vehicles in the four garage spaces and bottom of the driveway. We want to comply with the City of Tulsa parking ordinance while keeping our street clear of vehicles for prolonged periods. We love our new home (and neighbors!) and take great pride in being a part of this beautiful neighborhood.

My only ask from you is if you have no concerns about my 2-story garage apartment (or if you’re completely indifferent), please print and sign your name at the bottom of this letter along with your address. I’ve enclosed a self-addressed envelope for you to mail back to me (or drop in my door mail slot). Please feel free to stop by or call me at any time, especially those neighbors I haven’t had the pleasure of meeting just yet. I welcome any and all conversations. I look forward to getting started with this exciting venture with the support of my neighbors.

Thank you for your time.

Regards,

Hana Momic
918-938-2491

---

Jennifer Norman
2512 E 38th St
Tulsa, OK

---

13.21
Hana Momic  
3822 S Atlanta Place  
Tulsa, OK 74105  

Hello, Neighbor!

My name is Hana Momic and I live at 3822 S Atlanta Place with my husband, three children, and my parents. My husband and I chose to down-size much earlier than anticipated and prior to our two adult sons “leaving the nest”. Until this happens, we are hoping to take advantage of some dead space at the end of our driveway and create a beautiful, seamless extension of our home with a separate 2-car garage and 2nd story 1-bedroom apartment above the new garage.

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Thank you for your time.

Regards,

Hana Momic  
918-938-2491

[Signature]

[Signature]  
2522 E · 38th St  
Tulsa, OK 74105
Hana Momic  
3822 S Atlanta Place 
Tulsa, OK 74105  

Hello, Neighbor!  

My name is Hana Momic and I live at 3822 S Atlanta Place with my husband, three children, and my parents. My husband and I chose to down-size much earlier than anticipated and prior to our two adult sons “leaving the nest”. Until this happens, we are hoping to take advantage of some dead space at the end of our driveway and create a beautiful, seamless extension of our home with a separate 2-car garage and 2nd story 1-bedroom apartment above the new garage.  

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Thank you for your time.  

Regards,  

Hana Momic  
918-938-2491  

John & Jodi Gover  
3821 S Atlanta P1  
Tulsa, OK 74105  
918-200-4076  
tulsatough83@gmail.com
Hana Momic
3822 S Atlanta Place
Tulsa, OK 74105

Hello, Neighbor!

My name is Hana Momic and I live at 3822 S Atlanta Place with my husband, three children, and my parents. My husband and I chose to down-size much earlier than anticipated and prior to our two adult sons "leaving the nest". Until this happens, we are hoping to take advantage of some dead space at the end of our driveway and create a beautiful, seamless extension of our home with a separate 2-car garage and 2nd story 1-bedroom apartment above the new garage.

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Thank you for your time.

Regards,

Hana Momic
918-938-2491

Jackie & Todd Coker
3839 S. Atlanta Pk.
Tulsa, OK 74105
Hana Momic  
3822 S Atlanta Place  
Tulsa, OK 74105

Hello, Neighbor!

My name is Hana Momic and I live at 3822 S Atlanta Place with my husband, three children, and my parents. My husband and I chose to down-size much earlier than anticipated and prior to our two adult sons “leaving the nest”. Until this happens, we are hoping to take advantage of some dead space at the end of our driveway and create a beautiful, seamless extension of our home with a separate 2-car garage and 2nd story 1-bedroom apartment above the new garage.

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Thank you for your time.

Regards,

[Hana Momic]

918-938-2491

Sandra Trujillo  
3828 S. Atlanta Pl  
Tulsa, OK 74105
Hana Momic  
3822 S Atlanta Place  
Tulsa, OK 74105

Hello, Neighbor!

My name is Hana Momic and I live at 3822 S Atlanta Place with my husband, three children, and my parents. My husband and I chose to down-size much earlier than anticipated and prior to our two adult sons “leaving the nest”. Until this happens, we are hoping to take advantage of some dead space at the end of our driveway and create a beautiful, seamless extension of our home with a separate 2-car garage and 2nd story 1-bedroom apartment above the new garage.

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Thank you for your time.

Regards,

Hana Momic  
918-938-2491

D.W. Thompson  
2430 E. 38th St.
Hana Momic
3822 S Atlanta Place
Tulsa, OK 74105

Hello, Neighbor!

My name is Hana Momic and I live at 3822 S Atlanta Place with my husband, three children, and my parents. My husband and I chose to down-size much earlier than anticipated and prior to our two adult sons "leaving the nest". Until this happens, we are hoping to take advantage of some dead space at the end of our driveway and create a beautiful, seamless extension of our home with a separate 2-car garage and 2nd story 1-bedroom apartment above the new garage.

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Thank you for your time.

Regards,

Hana Momic
918-938-2491

---

Looks good! Welcome to the neighborhood.

Bruce Norton
2505 E. 38th St.
74105

---
Hello, Neighbor!

My name is Hana Momic and I live at 3822 S Atlanta Place with my husband, three children, and my parents. My husband and I chose to down-size much earlier than anticipated and prior to our two adult sons “leaving the nest”. Until this happens, we are hoping to take advantage of some dead space at the end of our driveway and create a beautiful, seamless extension of our home with a separate 2-car garage and 2nd story 1-bedroom apartment above the new garage.

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Thank you for your time.

Regards,

Hana Momic
918-938-2491

Good luck with your project!

Welcome to the neighborhood.

3919 S. Atlanta Pl.
Tulsa, OK 74105

Michael & Laura 13-28
Neighbor Communications

1. Jenifer Norman, 2512 E 38th St, Tulsa, OK 74105 — personal service
2. Keith & Laura Colgan, 2506 E 38th St, Tulsa, OK 74105 — personal service
3. Robert & Jennifer McMahon, 2522 E 38th St, Tulsa, OK 74105
4. Jodi Govrik, 3821 S Atlanta Pl, Tulsa, OK 74105 — personal service
5. Todd & Jacqueline Coker, 3839 S Atlanta Pl, Tulsa, OK 74105 — personal service
6. Sandy Trujillo, 3828 S Atlanta Pl, Tulsa, OK 74105 — personal service
7. Lorenzo Collins & Lindy Hawes, 3832 S Atlanta Pl, Tulsa, OK 74105 — mail slot
8. Douglas Thompson, 2430 E 38th St, Tulsa, OK 74105 — mail slot
9. Battlecreek Church Midtown, 3819 S Lewis Ave, Tulsa, OK 74105
10. William Lobeck & Kathryn Taylor, 2532 E 38th St, Tulsa, OK 74105
11. Kristen & Jon Brightmire, 3740 S Atlanta Pl, Tulsa, OK 74105 — personal
12. Bruce Norton, 2505 E 38th St, Tulsa, OK 74105 — personal
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14. Wayne & Sharon Pyle, 3849 S Atlanta Pl, Tulsa, OK 74105 — personal
15. Catherine & Mona Shannon, 2429 E 38th St, Tulsa, OK 74105
17. Leslie Johnston, 3859 S Atlanta Pl, Tulsa, OK 74105 — mail slot
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19. Thomas & Lindsay Huchinson, 3865 S Atlanta Pl, Tulsa, OK 74105
20. William Ansteth & Rebecca Thomas, 3873 S Atlanta Pl, Tulsa, OK 74105 — Phillip Ansley
21. Howard Allen, 3907 S Atlanta Pl, Tulsa, OK 74105
22. Scott Eslicker, 3911 S Atlanta Pl, Tulsa, OK 74105 — personal
23. Michael & Laurie Davie, 3919 S Atlanta Pl, Tulsa, OK 74105 — mail slot
24. Roger Hauland & Jacqueline O’Neil, 3927 S Atlanta Pl, Tulsa, OK 74105
25. Charles Zoellner & K Chera, 3868 S Atlanta Pl, Tulsa, OK 74105 — on door

2430 — Left on Clayton Moss
Good afternoon Austin,

By way of introduction my name is Keith Colgan and I own the property North- Northwest of the petitioning party in the above case, (my address if 2506 E. 38th St.). We just returned home from a two week trip abroad and found the notice dated 4/29/2022 for the 5/10/22 hearing.

If we would have had more advance notice, we would have arranged representation to express opposition to providing a Special Exception based on the following:

- Decreased privacy - The structure will be placed in a position which places the 2nd story above the existing fence and vegetation line, essentially along the north 1/3 to 1/2 of our pool.
- In order to build the structure, they will need to remove a large, slow-growth tree, (and of course our view will no longer be of the tree, but the side of living structure instead).
- Potential impact on our vegetation due to altered sun exposure
- Decrease in property value due to all the above

I would appreciate a discussion to understand the current status of the case and available options.

Thank you in advance for your assistance.

Regards,
Keith Colgan
mobile - 918.859.2249
BOA-23349
19-12 13
Case Number: BOA-23349

HEARING DATE: 05/24/2022 1:00 PM (Continued from 5/10/2022)

APPLICANT: Charles Maddox

ACTION REQUESTED: Special Exception to allow Accessory Dwelling Unit in an RS-2 Zoned District (45.031-A); Variance to reduce the 30-foot street setback in the RS-2 District (Sec. 5.030-A, Table 5-3) Variance to allow a detached accessory building/dwelling unit to exceed 40% of the floor area of the principal residential building (Sec. 45.030-A, Sec. 45.031-D)

LOCATION: 221 E HAZEL BV S

ZONED: RS-2

PRESENT USE: Residential

TRACT SIZE: 19253.6 SQ FT

LEGAL DESCRIPTION: PRT LT 14 BEG SEC TH W40 N TO PT 42W OF NEC E42 S POB & ALL LT 15 BLK 12, SUNSET TERRACE

RELEVANT PREVIOUS ACTIONS:

Subject property: None.

Surrounding properties:

BOA-23007; On 10.27.22 the Board approved a Variance to allow more than 25% coverage of the rear yard in an RS-2 District and a variance of the allowable height for a detached accessory building in the rear setback, property located 2507 E. 11th St.

BOA-22471; On 07.24.18 the Board approved a Variance to allow more than 25% coverage of the rear yard in an RS-2 District and a variance of the allowable height for a detached accessory building in the rear setback, property located 237 Hazel Boulevard.

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

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

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

STATEMENT OF HARDSHIP: A Separate Exhibit is provided in your packet.

STAFF COMMENTS: The applicant is requesting Special Exception to allow Accessory Dwelling Unit in an RS-2 Zoned District (45.031-A); Variance to reduce the 30-foot street setback in the RS-2 District (Sec. 5.030-A, Table 5-3) Variance to allow a detached accessory building/dwelling unit to exceed 40% of the floor area of the principal residential building (Sec. 45.030-A, Sec. 45.031-D)

Included in your packet is a copy of Sec. 45.031 including the supplemental regulations for ADU’s.

<table>
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<th>Regulations</th>
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Section 45.030 Accessory Buildings and Carports in R Districts

45.030-A Accessory Building Size

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

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

[1] For detached accessory buildings, including accessory dwelling units, located within rear setbacks see 590.090-C2.

The stated hardship is not related to the physical surroundings, shape, or topographical conditions of the subject property and is related to the personal circumstances of the property owner. Should the Board grant the requested variances they should find the property itself poses a unique hardship.
**SAMPLE MOTION:**

**Special Exceptions:**

Move to ________ (approve/deny) a **Special Exception** to allow Accessory Dwelling Unit in an RS-2 Zoned District (45.031-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.

**Variances:**

Move to ________ (approve/deny) a **Variance** to reduce the 30-foot street setback in the RS-2 District (Sec. 5.030-A, Table 5-3) **Variance** to allow a detached accessory building/dwelling unit to exceed 40% of the floor area of the principal residential building (Sec. 45.030-A, Sec. 45.031-D)
- Finding the hardship(s) to be______________________________.
- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions ____________________________.

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

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

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

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

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

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

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

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

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

Section 45.030 Accessory Buildings and Carports in R Districts

45.030-A Accessory Building Size

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

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

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

45.030-B Carports

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

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

Section 45.031-A Definition

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

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

Section 45.031-B Purpose

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

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

Section 45.031-C Applicability

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

Section 45.031-D Regulations

1. Where Allowed

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

2. Number

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

3. Methods of Creation

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

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

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

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

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

5. Open space (Minimum open space per unit)

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

6. Accessory Dwelling Unit Size

a. RE and RS-1 Districts

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

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

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

7. **Building and Fire Codes**

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

8. **Additional Regulations for Accessory Dwelling Units**

   a. **Entrances**

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

   b. **Setbacks**

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

   c. **Exterior Finish Materials**

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

   d. **Roof Pitch**

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

**Section 45.040**  **Compressed Natural Gas (CNG) Refueling Appliances**

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

**Section 45.050**  **Dumpsters**

45.050-A **Regulations**

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

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

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

3. Dumpsters may not:
   a. Obstruct motorized or non-motorized traffic;
APPLICATION NO: ZON LOD 112122  
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Project Location: 112122 E Hazel Pl E  
Description: House Addition & Detached Accessory Building

**INFORMATION ABOUT SUBMITTING REVISIONS**

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

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-5601.

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)
REVIEW COMMENTS


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.

1. Section 45.031-D Regulations
A dwelling unit that is located in an accessory building on the same lot as a detached house to which it is accessory and subordinate.
Examples of ADUs include carriage houses, garage apartments, and mother-in-law flats.

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

Review Comments: Apply to INCOG for a special exception to allow an Accessory Dwelling Unit in an RS-2 zoned area.

2. 5.030-A: Setback(s) (Residential): In the RS-2 zoned district the minimum front setback shall be 30' from the front property line, or 70' from the centerline of the street.

Review Comments: Revise your plans to indicate a 30' front setback to the property line or apply to INCOG for a variance to allow less than a 30' front setback.

3. 5.030-A: In the RS-2 zoned district the minimum rear setback shall be 25 feet from the rear property line.

Review Comments: If this detached accessory building encroaches on the required rear setback, more relief from the board of adjustment will be required due to the height and number of stories above grade. Revise your plans to indicate a 25' rear setback to the property line or apply to INCOG for an administrative adjustment to allow less than a 25' rear setback.

4. Section 45.031-D,6,a b. In RS-2, RS-3, RS-4, RS-5 or RM zoned lots used for detached houses, the total aggregate floor area of all detached accessory buildings, including accessory dwelling units, may not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1] For detached accessory buildings, including accessory dwelling units, located within rear setbacks, see Section 90.090-C2.
Review comments: You are proposing 1704 sq ft of detached accessory structure floor area. The proposed detached structure exceeds 500 sq ft and 40% of the size of your house. Based on the size of your house (3480) you are allowed 1392 sq ft of detached accessory structures floor area on your lot. Reduce the size of your proposed detached accessory structure to be less than 1392 sq ft of total floor area or apply to BOA for a variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure.

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.
April 6, 2022

Charles Maddox
221 Hazel Blvd
Tulsa, Ok 74114

Please see the hardship request for Variances Pertaining to #BOA-23349:

2. We are requesting that the structure be allowed to have a small foyer, only 5' deep and 10' wide, added to the home at the front entrance as the original entrance is in close proximity to the second story staircase. This would be in keeping with the style of the home and neighborhood.

3. The rear of the accessory building meets the requirement of 25' at all points from the rear property line. It was not defined in the original submitted plans but now has been corrected.

4. The additional square footage requested for the detached accessory building is in relation to the large size of the Robinsons blended family. There are children and possibly in the future grandchildren who visit and occupy a larger percentage of space than is proposed to the existing structure and would also be to a smaller version of the proposed detached accessory building as in regards to sufficient bathroom and bedroom accommodations.

Thank you, Charles Maddox
281.608.0097
NEW APPLICATIONS

23020—Sherwood Construction Company, Inc.

Action Requested:
Appeal of the Administrative Decision issued by the Land Use Administrator dated September 14th, 2020 that the activity described by the appellant is an Industrial/Mining and Mineral Processing Use (Section 70.140). LOCATION: N/A

Presentation:
The application was withdrawn.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
No Board action required; for the following property:

SW/4 of the NW/4 of Section 8, Township 19 North, Range 12 East and Beginning 427.01S NWC SE NW TH E101.97 N146.31 E215.12 S211.59 E498 S825.67 W820 TO SWC SE NW TH N899.08 POB in Section 8, Township 19. Range 12, City of Tulsa, Tulsa County, State of Oklahoma

UNFINISHED BUSINESS

23007—Tom Neal

Action Requested:
Variance to allow more than 25% coverage by an accessory building in the rear setback (Section 90.090-C); Variance of the allowable height of a detached accessory building from one story or 18 feet in height to two stories and 26 feet in height and from 10 feet to 18 feet in height to the top of the top plate (Section 90.090.C); Variance of the minimum required open space in the RS-2 District (Section 5.030, Table 5-3). LOCATION: 210 East Hazel Boulevard South (CD 4)

Presentation:
Tom Neal, 2507 East 11th Place, Tulsa, OK; stated he has revised the project in coordination with the neighbor to eliminate one of the primary concerns, which was the windows to the south. Those windows have been replaced with shorter fixed frosted
glass windows which the neighbor agreed to. The other windows that are necessary for fire egress and ventilation have been moved to the sides and the height of the project has been reduced to a total of 26'-0" in height. By reducing the top plate to 7'-6" rather than 8'-0" it has been brought down to about 24'-9".

**Interested Parties:**

*Jane Campbell,* 211 East 27th Street, Tulsa, OK; stated she lives directly in back of the subject property. The window issue has been addressed. One of her main concerns is the water issue.

Mr. Van De Wiele stated the Board of Adjustment does not deal with drainage issues, but the Board will ask Mr. Neal to give a generic description of how the drainage will be addressed.

Mr. Van De Wiele asked Ms. Campbell if the reduced height and the window changes that have been described are a compromise that she approves of. Ms. Campbell answered affirmatively.

**Rebuttal:**

*Tom Neal* came forward and stated his client is very concerned about the drainage, it is a pre-existing condition that was there when he purchased the house. There is a garage apartment on the property, so the density is not being increased, it is a slightly larger footprint, but it is still a single occupancy unit as before. Mr. Neal stated there has been discussion about on-site water catchment basins, and his client is particularly interested because it appears that along the fence line there is the possibility of taking a drainage pipe out to the street, west to Cincinnati, for the runoff. Where there were pairs of 3-0 5-0 windows facing into the neighbor’s back yard, they have been eliminated with 3-0-1 ½ frosted fixed glass windows up under the eaves on the south side.

Mr. Brown asked Mr. Neal about the height of the windows. Mr. Neal stated the header is about 6'-0" so the bottom will be about 4'-6".

Mr. Van De Wiele asked Mr. Neal about the top plate. Mr. Neal stated the top plate will be 17'-6" rather than 18'-0". Mr. Neal stated he also changed the roof slope from 9/12 to 8/12 trying to be responsive and still have a functional space.

Ms. Shelton asked Mr. Neal to state the hardship for his request. Mr. Neal stated the intention is to create garages that can accommodate contemporary sized vehicles. The hardship is that the original garage was 20 x 20 and built for cars of 1928. The height of the door accommodates the big trucks.

Mr. Van De Wiele asked Mr. Neal if the old garage had the stairwell on the outside. Mr. Neal answered affirmatively, and this design allows the stairwell to be pulled out of the required side yard. The garage is going four feet in each direction for contemporary sized garage, and the last remaining four feet is for the staircase.
Mr. Chapman stated the request for the Variance regarding the open space is not needed, and Mr. Neal agreed to withdraw that request.

**Comments and Questions:**
None.

**Board Action:**
On **MOTION** of **BOND**, the Board voted 5-0-0 (Bond, Brown, Radney, Shelton, Van De Wiele "aye"; "nay"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to allow more than 25% coverage by an accessory building in the rear setback (Section 90.090-C); **Variance** of the allowable height of a detached accessory building from one story or 17'-6" in height to two stories and 24'-9" feet in height and from 10 feet to 17'-6" in height to the top of the top plate (Section 90.090.C), subject to conceptual plan submitted today. The south facing windows are to be fixed and frosted. The Board has found the hardship to be the house and the plat of the neighborhood predates the City of Tulsa’s Comprehensive Zoning Plan. 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

f. 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 9 BLK 14, SUNSET TERRACE, City of Tulsa, Tulsa County, State of Oklahoma**

***********

**NEW APPLICATIONS**
Ms. Back stated that she took it upon herself to see who the neighbors were, and through the Assessor's office she found out that quite a few of the people are renters. She did notice that the two houses to the north of the subject address did not sign showing support. Ms. Back stated that she is still undecided.

Ms. Radney stated that she is new to the Board, but in anticipation of being a determining vote she drove by the subject property and looked at it. She does not think this is out of keeping with the rest of the neighborhood. There are a number of houses in the neighborhood that have recreation vehicles parked in their drives. The way the homeowner has accommodated those vehicles on the property is probably in better keeping with the original character of the neighborhood than others in the neighborhood. Ms. Radney stated that she can support the request.

Board Action:
On MOTION of ROSS, the Board voted 4-0-0 (Back, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to APPROVE the request for a Special Exception to permit the parking and storage of recreational vehicles in an RS-3 District (Section 45.150). The approval is subject to the condition that the boat and the trailer must remain of similar size that currently exists, or they can be smaller. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 14 BLK 6, SUMMERFIELD SOUTH, City of Tulsa, Tulsa County, State of Oklahoma

**22471—Jody Cole**

**Action Requested:**
Variance to permit an accessory building to exceed 25% of the building coverage in the rear setback (Section 90.090-C-2); **Variance** to allow a detached accessory building that exceeds the maximum height requirement (Section 90.090-C.2). **LOCATION:** 237 Hazel Boulevard East (CD 4)

**Presentation:**
Jody Cole, 2440 West 81st Street, Tulsa, OK; stated he represents Cole and Ray Davis. They would like to demolish an existing very small two-car garage which was originally built in the 1920s. The existing garage has a small office area on the side and the home owners would like to have a three-car garage with an artist studio on the second floor.

Mr. Van De Wiele asked Mr. Cole if the existing garage was a one-story structure. Mr. Cole answered affirmatively.
Mr. Van De Wiele stated that the existing garage is 18 x 20, and he asked Mr. Cole what the size of the proposed garage would be. Mr. Cole stated the new garage will be about 25 x 25 with a storage area.

Mr. Van De Wiele asked Mr. Cole about the roofline and the exterior of the new garage. Mr. Cole stated the new garage will look like the main house, but the second story materials are still being discussed.

Mr. Cole stated the second story will not be the entire footprint of the garage; it will be a smaller footprint with a patio. Mr. Cole stated the studio will be about half of the garage.

Mr. Van De Wiele asked Mr. Cole if he had heard from any of the neighbors. Mr. Cole stated the neighbor from the north had a concern about parties being held on the patio. Mr. Cole stated the homeowner likes to work outside and will be using that patio for that purpose.

Mr. Van De Wiele asked Mr. Cole if the patio wrapped all the way around the back of the structure. Mr. Cole stated that it did not.

Mr. Van De Wiele asked Mr. Cole to state his hardship. Mr. Cole stated the garage cannot be constructed any larger going to the south, toward the house, because a person could not navigate a car into the garage so it could only go to the east. There is a utility easement to the north and the setback on the west side. Mr. Cole stated his client would like to have the studio because there is not an area that can be partitioned off for a studio.

Mr. Van De Wiele asked Mr. Cole how tall the garage would be overall. Mr. Cole stated that it would be about 22 feet. Mr. Van De Wiele asked Mr. Cole how tall the principal house is. Mr. Cole stated the house is about 28 feet tall; it sits four feet off the grade with a basement.

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

**Comments and Questions:**
Ms. Back stated that the hardship seems to be a valid hardship, with the navigation of a car and the utility easement. The garage is tall but it is not taller than the house so she can support this request.

Mr. Van De Wiele stated he agreed with Ms. Back. He would like to see some kind of limitation on roof lines and materials being complimentary to the house.

Ms. Ross stated she has no issues with request as long as the studio is used for personal use and not a business.
Ms. Radney stated that she appreciates the design and the way the windows and doors have been positioned to allow maximum privacy for the adjoining neighbors and the owner.

**Board Action:**
On MOTION of BACK, the Board voted 4-0-0 (Back, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to APPROVE the request for a Variance to permit an accessory building to exceed 25% of the building coverage in the rear setback from 584 square feet to 684 square feet (Section 90.090-C-2); Variance to allow a detached accessory building to exceed 18 feet in height to 22 feet in height and to exceed 10 feet in height at the top of the top plate to 11 feet (Section 90.090-C.2), subject to conceptual plans 2.10 and 2.11 of the agenda packet. The Board has found the hardship to be for the area Variance there is not enough room to navigate automobiles in and out of the garage due to easements and setbacks that exist, and for the height Variance the garage is not as tall as the house and is in keeping with the style and character of the house. The roofline and the materials being used will be complimentary to the principal residence. The studio is to be for personal use and not business use and if the studio is used as a dwelling unit it will be for family members only. 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:

**ALL LT 18 W 20 LT 19 BLK 12, SUNSET TERRACE, City of Tulsa, Tulsa County, State of Oklahoma**
Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: 2020/2021

BOA-23349
19-12 13

4.30
Jennifer Cook
2609 S Owasso Avenue
Tulsa, OK 74114

I have concerns regarding the proposed variance to allow a detached accessory building/dwelling unit to exceed 40% of the floor area of the principal residential building.

Additionally, I would like to bring to the attention of the Board the fact that the current structure is at an angle to the fence line a distance of 18 feet (nw corner) and 20 feet (ne corner) from the fence, rather than the required (and incorrectly noted on the application) 25 foot setback.

As you can see from the attached photos, this proposed new construction will impact our privacy immensely—a privacy we have enjoyed for 18 years. I understand that it is a property owner’s right to build on their property. I just want to make sure they are following the guidelines and dealing with all impacted neighbors in good faith.

There are inaccuracies (mentioned above) on the application submitted by the builders ahead of this hearing. Although the Maddox’s are pleasant people, I don’t believe there is complete transparency about the owners’ plans for this property. Scott and Vanessa Robinson own 2 other houses on Hazel (a street that is only 2 blocks long.) Additionally, they own at least 7-9 additional houses within a 1.5 mile radius of this house, all purchased within the past two years. According to the application, this variance request for a larger detached dwelling is, in part, due to visiting children and eventual grandchildren, but with this many houses being remodeled, it doesn’t seem likely they are planning to live here and it seems like a big request to disrupt the privacy and quality of life of several neighbors for a property the builder’s have suggested the owner’s may flip.

I am concerned they are trying to hurry this through and I don’t think it’s fair to allow them to do so until they resolve the outstanding issues that are going to affect those of us who have lived in this neighborhood for decades.

I will be in attendance at the meeting at 1:00pm on May 10th.

Respectfully,
Jennifer Cook
One last photo showing existing structure within 19 feet of fence.
Mr. Chapman,

My clients and I would like to request a continuance until the May 24th, 2022 hearing regarding the 221 Hazel Blvd property originally scheduled for today's meeting, May 10th, 2022.

We would like to have the opportunity to meet with the neighbors who submitted concerns last night regarding proposed preservation and restoration of the property so that we may discuss and find common ground that is desirable for everyone.

Thank you in advance for your consideration.

Best Regards,

Deborah
Cel: 713.226.9952
www.LCbyCDM.com
BOARD OF ADJUSTMENT
CASE REPORT

STR: 0225  Case Number: BOA-23351
CZM: 28
CD: 1

HEARING DATE: 05/24/2022 1:00 PM

APPLICANT: Tulsa Precise Investments LLC

ACTION REQUESTED: Special Exception to permit a duplex in the RS-4 District (Table 5.020, Table 5-2, Table 5-2.5); Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3)

LOCATION: 1015 E. Young St.  ZONED: RS-4

PRESENT USE: Vacant  TRACT SIZE: 9674.72 SQ FT

LEGAL DESCRIPTION: W 1/2 OF LT 9 BLK 3, SUNNY SLOPE ADDN

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is West of the NW/c of E. Young St. and N. Madison Pl.

STAFF COMMENTS: The applicant is requesting Special Exception to permit a duplex in the RS-4 District (Table 5.020, Table 5-2, Table 5-2.5); Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3)

Duplexes are defined as follows:
The applicant is seeking to widen the allowed driveway width from 26-feet within the driveway and 30-feet on the lot to allow a 40-foot wide driveway.

**SAMPLE MOTION:** Move to _______ (approve/deny) a **Special Exception** to permit a duplex in an RS-3 District (Table 5.020, Table 5-2, Table 5-2.5); **Special Exception** to increase the permitted driveway width in a Residential District (Section 55.090-F.3)

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

Facing East on Young St.
DEVELOPMENT SERVICES  
175 EAST 2nd STREET, SUITE 450  
TULSA, OKLAHOMA  74103  

ZONING CLEARANCE PLAN REVIEW  

4/1/2022  

APPLICATION NO: BLDR-111566-2022  
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  

Project Location: 1015 E. Young St. Unit A  
Description: New duplex  

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.incoh.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)
1. **5.020 Use Regulations** - Principal uses allowed in R districts in accordance with Table 5-2. 

**Review Comments:** Duplexes are only allowed on an RS-4 zoned lot by special exception. Apply to the Board of Adjustment for a special exception to allow a duplex on an RS-4 zoned lot.

**NOTE:** each duplex unit requires a permit. Apply for a separate permit for Unit B. This application is reviewed for Unit A.

2. **55.090-F.3 Surfacing.** In RE and RS zoning districts, driveways serving residential dwelling units may not exceed 50% of the lot frontage or the following maximum widths, whichever is less, unless a greater width is approved in accordance with the special exception procedures of Section 70.120, or, if in a PUD, in accordance with the amendment procedures of Section 30.010-1.2. (Refer to the City of Tulsa Standard Specifications and Details for Residential Driveways #701-704).

<table>
<thead>
<tr>
<th>Maximum Driveway Width</th>
<th>Lot Frontage</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>75'</td>
</tr>
<tr>
<td>Driveway Within Right-of-Way (feet)</td>
<td>27'</td>
</tr>
<tr>
<td>Driveway Within Street Setback (feet)</td>
<td>30'</td>
</tr>
</tbody>
</table>

**Review Comments:** This lot has a 64.5' wide street frontage, which permits a maximum driveway width of 26' in the right of way (ROW) and 30' within the street setback area. Please revise the site plan to show a driveway that conforms to these maximum widths; or you may apply to INCOG for a special exception to allow a driveway width of 40' in the ROW and in the front setback area.

The zoning review will resume after these BOA approval documents and/or modified plans are submitted.

**Note:** Please direct all questions concerning variances, special exceptions, alternative landscape plans, alternative compliance parking ratios and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7528. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

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

**END - ZONING CODE REVIEW**

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.
YOUNG ST DUPLEX
1015 E Young St. Tulsa, OK 74106  Job# 21243

SCOPE OF WORK
SUMMARY:
NEW RESIDENTIAL BUILDING ON AN EMPTY LOT.

SHEET INDEX
CS  COVER SHEET
02  SITE PLAN
03  FLOOR PLAN
04  EXTERIOR ELEVATIONS / WALL SECTION
05  EXTERIOR ELEVATIONS
06  ROOF PLAN

PROJECT TEAM
DESIGN:
RCJ DESIGNS, LLC
3902 E 51st St
TULSA, OK. 74135
RAUL CISNEROS JR
RAUL@RCJDESIGNS.COM
918.859.9343
WWW.RCJDESIGNS.COM
1. FRONT ELEVATION
   - 1/4" = 1'-0"

2. REAR ELEVATION
   - 1/4" = 1'-0"

3. TYP. WALL SECTION - 9'-0" PLATE
   - 3/4" = 1'-0"

- FINISH FLOOR
- PLATE HEIGHT
- WIN. / DOOR HEAD HT
- RIGID HT
- PLATE HEIGHT
- FINISH FLOOR

- 2 x 4 TREATED SILL PLATE
- W/ 1/2" X 12" ANCHOR BOLTS AT 72" O.C.
- ATTACH TO FLOOR AS REQ'D.

- DBL. 2 x 4 SILL PLATE
- 2 x 4 STUDS @ 16" O.C.
- BATT INSULATION
- WINDOW AS SCHEULED

- (2) 2 X 12 HDR DOUBLE 2X4 HEAD PLATE
- ATTACH TO CEILING JOIST AS REQ'D.

- 2X6 CLG. JOISTS @ 16" O.C.
- R
- 30 BATT INSULATION
- 2X6 RAFTERS @ 16" O.C.

- COMPOSITION SHINGLE ROOF
  OVER 1/2" PLYWOOD DECKING
  - 1/2" GYP, BOARD SIDING OVER 1/2" SHEATHING W/ MOISTURE BARRIER MEMBRANE
  - 2X BLOCKING @ EAVE
  - CEMENT BOARD SOFFIT W/ CONTINUOUS VENTING

- PERIMETER RIGID INSULATION
- (4) 5/8" REINFORCEMENT BARS SHALL BE PLACED HORIZONTALLY, TWO AT THE TOP AND TWO AT THE BOTTOM, IN EACH CONTINUOUS FOOTING

- GRAVEL LAYER
- CONCRETE SLAB
- SLOPE GRADE AWAY FROM STRUCTURE
- MIN. 1/2" DOWEL @ 4'-0" O.C.
1. CONTRACTOR TO PROVIDE ADEQUATE VENTILATION PER R806, IRC 2015

LEGEND

ARCHITECTURAL SHINGLES

EXTERIOR WALL STUD BELOW ROOF

1/4" = 1'-0"
BOA-23351
20-12 25

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

Subject Tract

Feet
0 50 100

5.14
STR: 9321  Case Number: BOA-23352
CZM: 47
CD: 9

HEARING DATE: 05/24/2022 1:00 PM

APPLICANT: Jeremy Wilkinson

ACTION REQUESTED: Special Exception to permit a duplex in a RS-3 district (Table 5.020, Table 5-2, Table 5-2.5)

LOCATION: 4013 S LOUISVILLE AV E  ZONED: RS-3

PRESENT USE: Vacant  TRACT SIZE: 8929.84 SQ FT

LEGAL DESCRIPTION: LT-4-BLK-11, MARION GARDENS

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is North of the NE/c of E. 41st St. S. and S. Louisville Ave. The right-of-way of S. Louisville Avenue is platted at 60-feet wide.

STAFF COMMENTS: The applicant is requesting a Special Exception to permit a duplex in the RS-4 District (Table 5.020, Table 5-2, Table 5-2.5);
Duplexes are defined as follows:

A duplex is a principal residential building occupied by 2 dwelling units, both of which are located on a single lot that is not occupied by other principal residential buildings. The 2 dwelling units are attached and may be located on separate floors or side-by-side.

The proposed Duplex would be built within the standard lot and building regulations of the RS-3 District.

**SAMPLE MOTION:** Move to _________ (approve/deny) a Special Exception to permit a duplex in an RS-3 District (Table 5.020, Table 5-2, Table 5-2.5);

- 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 South on Louisville, Patrick Henry Elementary school is visible across 41st St.
Facing North on Louisville
ZONING CLEARANCE PLAN REVIEW

4/13/2022

LOD No. 3

Jeremy Wilkinson
4234 S. Oswego Ave.
Tulsa, OK 74135

APPLICATION NO: BLDR-108895-2022 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Project Location: 4013 S. Louisville Ave. Unit A
Description: Duplex

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:
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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

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(continued)
1. **5.020 Use Regulations** - Principal uses allowed in R districts in accordance with Table 5-2.

**Review Comments:** Duplexes are only allowed on an RS-3 zoned lot by special exception. Apply to the Board of Adjustment for a special exception to allow a duplex on a RS-3 zoned lot.

The zoning review will resume once the BOA special exception documents are submitted, if the special exception is granted.

**Note:** Please direct all questions concerning variances, special exceptions, alternative landscape plans, alternative compliance parking ratios and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

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**END –ZONING CODE REVIEW**

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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.
ZONING CLEARANCE PLAN REVIEW

4/13/2022

LOD No. 2

Jeremy Wilkinson
4234 S. Oswego Ave.
Tulsa, OK 74135

APPLICATION NO: BLDR-111161-2022 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 4013 S. Louisville Ave. Unit B
Description: Duplex

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.

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IMPORTANT INFORMATION

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(continued)
1. **5.020 Use Regulations** - Principal uses allowed in R districts in accordance with Table 5-2.

**Review Comments:** Duplexes are only allowed on an RS-3 zoned lot by special exception. Apply to the Board of Adjustment for a special exception to allow a duplex on a RS-3 zoned lot.

The zoning review will resume once the BOA special exception documents are submitted, if the special exception is granted.

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### END – ZONING CODE REVIEW

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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.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9204
CZM: 35
CD: 1

HEARING DATE: 05/24/2022 1:00 PM

APPLICANT: John R. Garufi

ACTION REQUESTED: Special Exception to allow an Accessory Dwelling Unit in the RS-3 District (45.031-D); Variance to allow an Accessory Dwelling Unit less than 10-feet behind the Detached House (Sec. 45.030-D.8.b)

LOCATION: 3402 W EDISON ST N

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 97200.18 SQ FT

LEGAL DESCRIPTION: NW E/2 GOV LT 1 LESS E100 SEC 4 19 12  2.26ACS,

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 Southside of W. Edison Street west of N. 33rd W. Ave. The ADU is on the property without proper permits.

STATEMENT OF HARDSHIP: There is a creek running through the property and we would like to keep the accessory building as far from it as possible.

STAFF COMMENTS: The applicant is requesting Special Exception to allow an Accessory Dwelling Unit in the RS-3 District (45.031-D); Variance to allow an Accessory Dwelling Unit less than 10-feet behind the Detached House (Sec. 45.030-D.8.b)

A copy of Sec. 45.031 is included in your packet.
The ADU appears to be in line with the detached home and located in the side yard. Included in your packet is an additional Letter of Deficiency related to the architectural review of the structure. Improvements will need to be made to the structure to get a building permit released, including the foundation of the structure.

Should the requests be denied the lot is large enough to split without any relief from the Board.

**SAMPLE MOTION:**

**Special Exception:**

Move to _________ (approve/deny) a **Special Exception** to allow an Accessory Dwelling Unit in the RS-3 District (45.031-D)

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

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

**Variance:**

Move to _________ (approve/deny) a **Variance** to allow an Accessory Dwelling Unit less than 10-feet behind the Detached House (Sec. 45.030-D.8.b)

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

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

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

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

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

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

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

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

  g. *That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.***
Subject property
supporting structure (excluding any guy lines) to the nearest point on the residential zoning district boundary line, excluding R-zoned freeways.

Section 45.030 Accessory Buildings and Carports in R Districts

45.030-A Accessory Building Size

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

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

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

45.030-B Carports

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

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

Section 45.031-A Definition

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

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

Section 45.031-B Purpose

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

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

Section 45.031-C Applicability

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

Section 45.031-D Regulations

1. Where Allowed

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

2. Number

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

3. Methods of Creation

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

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

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

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

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

5. Open space (Minimum open space per unit)

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

6. Accessory Dwelling Unit Size

a. RE and RS-1 Districts

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

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

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

7. Building and Fire Codes

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

8. Additional Regulations for Accessory Dwelling Units

a. Entrances

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

b. Setbacks

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

c. Exterior Finish Materials

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

d. Roof Pitch

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

Section 45.040 Compressed Natural Gas (CNG) Refueling Appliances

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

Section 45.050 Dumpsters

45.050-A Regulations

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

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

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

3. Dumpsters may not:

   a. Obstruct motorized or non-motorized traffic;
**APPLICATION NO:** BLD-112997-2022  
**Location:** 3402 W Edison St N  
**Description:** Accessory Structure

**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 resubmittal fee. Do not submit revisions to the Plans examiners.

**Submittals faxed/Email to Plans Examiners Will Not Be Accepted.**

**Important Information**

1. Submit two (2) sets of drawings if submitted using paper, or submit electronic revisions in “Supporting Documents”, if originally submitted online, for 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.in cog.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 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. Section 45.031-D Regulations Where Allowed
   Accessory dwelling units are allowed by special exception in RE, RS, AG, and AG-R districts on lots occupied by a detached house. Accessory dwelling units are allowed by right in RD, RT, RM and RMH districts on lots occupied by a detached house.

   Review Comments: Apply to INCOG for a special exception to allow an Accessory Dwelling Unit in an AG zoned area.

2. Section 45.031-D Additional Regulations for Accessory Dwelling Units
   b. Setbacks. An accessory dwelling unit must be located at least 10 feet behind the detached house. This required 10-foot separation distance must be open from the ground to the sky except that it may include walkways, patios, decks and similar structures that do not exceed 30 inches in height above finished grade.
   c. Exterior Finish Materials. The exterior finish material of any new accessory dwelling unit must be the same or visually match in type, size and placement, the exterior finish material of the detached house.
   d. Roof Pitch. The roof pitch any new accessory dwelling unit must be the same as the predominant roof pitch of the principal building.

   Review Comment: Provide information that the proposed ADU meets the requirements listed above or apply to INCOG for a special exception.

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

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

A hard copy of this letter is available upon request by the applicant.
**END - ZONING CODE REVIEW**

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.
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 RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO 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 WITH TWO (2) SETS OF REVISED OR ADDITIONAL PLANS. IF PLANS ARE SUBMITTED ELECTRONICALLY, THEN ONLY ONE SET OF REVISED OR ADDITIONAL PLANS ARE REQUIRED FOR RESUBMITTAL. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.

3. SHOULD YOU REQUIRE FURTHER CLARIFICATION, PLEASE CONTACT THE PLANS EXAMINER NAMED ABOVE. IF YOU DISAGREE WITH THE CODE INTERPRETATIONS OR COMMENTS, YOU MAY REQUEST AN ADMINISTRATIVE REVIEW OF YOUR APPEAL.

(Continued)
REVIEW COMMENTS

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

Application No. BLDR-112997-2022

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

1. R106.1.1 Information on construction documents. Construction documents shall be drawn upon suitable material. Electronic media documents are permitted to be submitted where approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.
   Review Comment: There are several structural details missing from the plans; in addition, a wall cross section drawing is required for new building permit applications. Please provide a wall cross section drawing that shows the required footing details, floor or slab details, wall stud size, wall sheathing, ceiling joist details, rafter size, roof decking, insulation, etc. If this building has an attic, show the method of attic ventilation and the required attic access.

2. R308.4.5 Glazing and wet surfaces. Glazing in walls, enclosures or fences containing or facing hot tubs, spas, whirlpools, saunas, steam rooms, bathtubs, showers and indoor or outdoor swimming pools where the bottom exposed edge of the glazing is less than 60 inches (1524 mm) measured vertically above any standing or walking surface shall be considered to be a hazardous location. This shall apply to single glazing and each pane in multiple glazing. Exception: Glazing that is more than 60 inches (1524 mm), measured horizontally and in a straight line, from the water’s edge of a bathtub, hot tub, spa, whirlpool or swimming pool or from the edge of a shower, sauna or steam room.
   Review Comment: Note that the bathroom window will contain tempered glass or some other type of safety glazing per this code section.

3. R314.3 Location. Smoke alarms shall be installed in the following locations: 1.) In each sleeping room. 2.) Outside each separate sleeping area in the immediate vicinity of the bedrooms. 3.) On each additional story of the dwelling, including basements and habitable attics and not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. 4.) Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section R314.3.
   Review Comment: Modify the plans to show smoke alarms inside and outside of the bedroom, in the immediate vicinity of the bedroom, per this code section.

4. R315.3 Location. Carbon monoxide alarms in dwelling units shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms. Where a fuel-burning appliance is located within a bedroom or its attached bathroom, a carbon monoxide alarm shall be installed within the bedroom.
   Review Comment: Modify the plans to show a carbon monoxide alarm outside of the bedroom, in the immediate vicinity of the bedroom, per this code section. Combination smoke/carbon monoxide alarms may be used.

5. R403.1 General. All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings, crushed stone footings, wood foundations, or other approved structural systems which shall be of sufficient design to accommodate all loads according to Section R301 and to transmit the resulting loads to the soil within the limitations as determined from the character of the soil. Footings shall be supported on undisturbed natural soils or engineered fill. Concrete footing shall be designed and constructed in accordance with the provisions of Section R403 or in accordance with ACI 332.
   Review Comment: This building must be supported on a continuous footing which must have a depth of at least 18". Revise the plans to show a compliant footing for this building. Alternatively, you may provide sealed, signed, and dated plans from a structural engineer licensed in the state of Oklahoma for a building supported on blocks.

5.12
6. **R403.1.1.1: Footing Reinforcement (amendatory).** A minimum of four (4) five-eights (5/8) inch reinforcement bars shall be placed horizontally, two (2) at the top and two (2) at the bottom, in each continuous footing. The continuous footing shall extend across below the garage door openings, unless otherwise designed by an engineer. Reinforcements shall be installed at the time of footing inspections.

**Review Comment:** The City of Tulsa requires a minimum of four (4) five-eights (5/8) inch reinforcement bars to be placed horizontally, two (2) at the top and two (2) at the bottom, in each concrete footing. Show this required footing reinforcement when you submit the wall and footing detail.

7. **R403.1.1.2 Dowels in Footings (amendatory).** Unless otherwise designed by an engineer, dowels shall be required as follows and shall be installed at the time of footing inspection:
   1. All cold joints between footings and foundation walls (stem walls) shall be tied together with a minimum size number four (4) dowels at every corner, and not to exceed four (4) feet on center along the wall, with minimum embedment of 12 inches each into the footing and the foundation (stem wall).
   2. All cold joints between continuous footings and grade slab shall be tied together with a minimum size one-half (1/2) inch dowels at four (4) feet on center which shall extend from three (3) inches above the bottom of the footing and turn into the slab a minimum embedment of twenty-four (24) inches.
   3. All cold joints between foundation (stem) walls and grade slab shall be tied together with a minimum size one-half (1/2) inch dowels at four feet on center, with minimum embedment of 12 inches into the foundation (stem) wall and minimum embedment of twenty-four (24) inches into the slab.

**Review Comment:** The City of Tulsa requires dowels to be placed in the footings per this code section amendment. Show these required dowels on the new wall and footing detail.

8. **R403.1.6 Foundation anchorage (amendatory).** Wood sill plates and wood walls supported directly on continuous foundations shall be anchored to the foundation in accordance with this section. Cold-formed steel framing shall be anchored directly to the foundation or fastened to wood sill plates anchored to the foundation. Anchorage of cold-formed steel framing and sill plates supporting cold-formed steel framing shall be in accordance with this section and Section R505.3.1 or R603.3.1.

Wood sole plates at all exterior walls on monolithic slabs, wood sole plates of braced wall panels at building interiors on monolithic slabs and all wood sill plates shall be anchored to the foundation with minimum 1/2-inch- diameter (12.7 mm) anchor bolts spaced a maximum of 6 feet (1829 mm) on center or approved anchors or anchor straps spaced as required to provide equivalent anchorage to 1/2-inch-diameter (12.7 mm) anchor bolts. Bolts shall extend a minimum of 7 inches (178 mm) into concrete or grouted cells of concrete masonry units. The bolts shall be located in the middle third of the width of the plate. A nut and washer shall be tightened on each anchor bolt. There shall be a minimum of two bolts per plate section with one bolt located not more than 12 inches (305 mm) or less than seven bolt diameters from each end of the plate section. Interior bearing wall sole plates on monolithic slab foundation that are not part of a braced wall panel shall be positively anchored with approved fasteners. Hand driven cut or concrete nails are not approved fasteners. Sill plates and sole plates shall be protected against decay and termites where required by Sections R317 and R318.

**Review Comment:** Modify the plans to show this required foundation anchorage into the treated sill plates when you submit the wall and footing detail.
ANALYSIS OF SURROUNDING AREA: The subject tract is located at the Dead end of Waco Ave. North of West 81st E. Ave.

STAFF COMMENTS: The applicant is requesting a Special Exception to permit an Accessory Dwelling Unit in the AG-R District (Sec. 45.031-D), include in your packet is a copy of Sec. 45.031 including the supplemental regulations for ADU’s.
The property is included in the West Highlands/ Tulsa Hills Small Area Plan Area, included in that plan is a goal stating the following, taken from page 13 of the West Highlands/ Tulsa Hills Small Area Plan available at http://tulsaplanning.org/plans/West-Highlands-Tulsa-Hills-Small-Area-Plan.pdf:

2.7 Support a change to the zoning code that enables a property owner to construct and rent an accessory dwelling unit (commonly known as “mother-in-law flat”) on their residential-zoned property. Support Board of Adjustment applications asking for such uses in this area.

**SAMPLE MOTION:** Move to _________ (approve/deny) a **Special Exception** to permit an Accessory Dwelling Unit in the AG-R District (Sec. 45.031-D)

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

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

  ________________________________

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

---

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

Section 45.030 Accessory Buildings and Carports in R Districts

45.030-A Accessory Building Size

1. **RE and RS-1 Districts**

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

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

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

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

45.030-B Carports

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

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

Section 45.031-A Definition

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

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

Section 45.031-B Purpose

1. The purpose of allowing accessory dwelling units within R, AG, and AG-R districts is to:

   a. accommodate new housing units while preserving the character of existing neighborhoods;

   b. allow efficient use of the city’s existing housing stock and infrastructure;

   c. provide housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs; and
d. provide a means for residents—particularly seniors, single parents, and empty-nesters—to remain in their homes and neighborhoods, and obtain extra income, security, companionship and assistance.

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

Section 45.031-C Applicability

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

Section 45.031-D Regulations

1. Where Allowed

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

2. Number

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

3. Methods of Creation

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

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

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

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

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

5. Open space (Minimum open space per unit)

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

6. Accessory Dwelling Unit Size

a. RE and RS-1 Districts

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

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

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

7. Building and Fire Codes

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

8. Additional Regulations for Accessory Dwelling Units

a. Entrances

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

b. Setbacks

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

c. Exterior Finish Materials

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

d. Roof Pitch

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

Section 45.040  Compressed Natural Gas (CNG) Refueling Appliances

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

Section 45.050  Dumpsters

45.050-A Regulations

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

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

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

3. Dumpsters may not:

   a. Obstruct motorized or non-motorized traffic;
ZONING CLEARANCE PLAN REVIEW

4/12/2022

LOD No. 1

Mike Buerker
14842 E. 92nd St. N.
Owasso, OK 74055

APPLICATION NO: BLDR-113945-2022 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 7902 S. Waco Ave.
Description: Detached accessory dwelling 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) 596-9601. 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)
1. **Section 45.031-D.1 Regulations, Where Allowed**

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

**Review Comments:** Apply to the Board of Adjustment for a special exception to allow an Accessory Dwelling Unit in an AG-R zoned area.

The zoning review for your permit application will resume after the BOA approval documents are submitted. Additional deficiencies may be found and are required to be resolved prior to approval of your application.

**Note:** Please direct all questions concerning variances, special exceptions, alternative landscape plans, alternative compliance parking ratios and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

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

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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.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9426
CZM: 50
CD: 6

HEARING DATE: 05/24/2022 1:00 PM

APPLICANT: Fraternal Order of Police

ACTION REQUESTED: Special Exception to allow a Large (>250-person capacity) Commercial Assembly & Entertainment Use in the CS District to permit the Fraternal Order of Police Lodge and Event Center (Sec.15.020, Table 15-2)

LOCATION: NW/c of E. 51st St. S. (W. Omaha St.) and S. 161st E. Ave. (N. Elm Ave.) ZONED: CS, RS-3

PRESENT USE: Vacant TRACT SIZE: 249804.56 SQ FT

LEGAL DESCRIPTION: BEG 50N SWC SW TH N840.33 SELY CRV LF 244.13 SE179.10 SELY CRV RT 399.58 S134.09 SW56.25 W398.44 POB SEC 26 19 14 5.73ACS,

RELEVANT PREVIOUS ACTIONS: None.

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

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

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 NW/c of E. 51st St. S. (W. Omaha St.) and S. 161st E. Ave. (N. Elm Ave.). The property is in the City of Tulsa and is bounded by the City of Broken Arrow corporate limits to the West. The property is located at the entrance of the Trinity Creek Subdivision on the East side of S. 161st E Ave.

STAFF COMMENTS: The applicant Special Exception to allow a Large (>250-person capacity) Commercial Assembly & Entertainment Use in the CS District to permit the Fraternal Order of Police Lodge and Event Center (Sec.15.020, Table 15-2). Assembly and Entertainment Uses are subject to the supplemental regulations of Sec. 40.040.
At the time this staff report was written the applicant has not provided any information regarding the proposed hours of operation, signage and many other details that may be helpful in making this decision. Below is a snippet of the contour map for this property illustrated at 2-foot intervals.

The Board may wish to impose a height limitation on the building as a part of the approval, based on the topography of the land grade changes may need to be made and without elevation drawings it is unclear what the profile of the building would look like from the abutting subdivision.

**STAFF REPORT:** Move to ________ (approve/deny) a **Special Exception** to allow a Large (>250-person capacity) Commercial Assembly & Entertainment Use in the CS District to permit the Fraternal Order of Police Lodge and Event Center (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 South

Subject property from the NW/c of E. 51st St. S. (W. Omaha St.) and S. 161st E. Ave. (N. Elm Ave.)
Entrance to the Trinity Creek Subdivision from 161st E. Ave.
BOARD OF ADJUSTMENT  
CASE REPORT

STR: 8314  
CZM: 53  
CD: 8  

HEARING DATE: 05/24/2022 1:00 PM  
APPLICANT: Jefferey Donnell

ACTION REQUESTED: Variance to reduce the open space requirement in the RS-3 district from 4,000 square feet to 3,779 square feet. (Sec. 5.030-A; Table 5-3).

LOCATION: 6835 E 83 ST S  
ZONED: RS-3  

PRESENT USE: Vacant  
TRACT SIZE: 7875.68 SQ FT  

LEGAL DESCRIPTION: LT 10 BLK 13, CRESCENT, THE

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 West of the NW/c of S. 70th E. Ave. and E. 83rd Street. The property is vacant as a result of the previous fire.

STATEMENT OF HARDSHIP: Adherence to the zoning would cause the owner a hardship. The owner would have to scrap all the plans, fees, construction loan already expended to build the home. The literal enforcement of the zoning code is not necessary to achieve the intended purpose. We are only widening the driveway. The variance to be granted is the minimum variance that will achieve relief. 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 and development of the adjacent land since houses are already constructed on each side of the lot. The variance to be granted will not cause substantial detriment to the public good or impair the purposes spirit and intent of the zoning code or comprehensive plan.

STAFF COMMENTS: The applicant is requesting Variance to reduce the open space requirement in the RS-3 district from 4,000 square feet to 3,779 square feet. (Sec. 5.030-A; Table 5-3).
Per the site plan provided by the applicant, the requested relief comes from the 3 car driveway. This would be a 221 square foot reduction in open space. The applicant did not provide a hardship related to the physical surroundings, shape, or topographical conditions of the subject property. The hardship seems to be mere inconvenience that can be addressed by making to the site plan or removing the covered patio. The lot is conforming to the zoning code and is 975 square feet larger than required in the RS-3 District. Should the Board grant relief there should be a hardship presented that makes this property unique to other RS-3 Zoned Lots.

**SAMPLE MOTION:** Move to _________ (approve/deny) a **Variance** to reduce the open space requirement in the RS-3 district from 4,000 square feet to 3,779 square feet. (Sec. 5.030-A; Table 5-3).

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

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

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

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

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

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

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

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

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

Facing East on E. 83rd Street
ZONING CLEARANCE PLAN REVIEW

4/13/2022

APPLICATION NO: BLDR-114218-2022 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Project Location: 6835 E. 83rd St.
Description: New single-family residence

INFORMATION ABOUT SUBMITTING REVISIONS

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

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(continued)
1. **5.030-A Table of Regulations:** The lot and building regulations of Table 5-3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90. Regulations governing accessory uses and structures can be found in Chapter 45.

**Review Comment:** RS-3 zoned lots are required to have a minimum open space of 4,000 square feet. Revise the plans to provide 4,000 square feet of open space on this lot (driveways in the front and side yards are not considered open space); provide a revised site plan and house plans as necessary. Alternatively, you may apply to the Board of Adjustment for a variance to reduce the open space on an RS-3 lot to 3,779 square feet.

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

Note: Please direct all questions concerning variances, special exceptions, alternative landscape plans, alternative compliance parking ratios and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

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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.
NOTE:
IT IS THE RESPONSIBILITY OF THE BUILDER TO ENSURE THIS SITE PLAN IS
CORRECT AND THIS PROPOSED DWELLING HAS NO ENCROACHMENTS AT FORM
BOARD STAGE. BUILDER WILL VERIFY WITH A FORM BOARD SURVEY FROM A
REGISTERED SURVEYOR THAT PROPOSED SLAB FOOTPRINT DOES NOT ENCROACH
INTO RECORDED EASEMENTS, AERIAL AND UTILITY EASEMENTS, BUILDING LINES,
PROPERTY LINES OR SETBACKS PRIOR TO ANY CONSTRUCTION WHATSOEVER TO
PREVENT POSSIBLE ENCROACHMENTS.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 0225
CZM: 28
CD: 1

HEARING DATE: 05/24/2022 1:00 PM

APPLICANT: Nathan Cross

ACTION REQUESTED: Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use in the CS district. (Sec. 15.020, Table 15-2)

LOCATION: Northeast corner of Martin Luther King Jr. Boulvard & East Pine Street ZONED: CS

PRESENT USE: Commercial Center TRACT SIZE: 253102.06 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 “Neighborhood Center” and an “Area of Growth”.

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

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ANALYSIS OF SURROUNDING AREA: The subject tract is located at the Northeast corner of Martin Luther King Jr. Boulvard & East Pine Street in the North Point Shopping Center.

STAFF COMMENTS: The applicant is requesting a Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use in the CS district. (Sec. 15.020, Table 15-2) which is a Special Exception City across the city.

Per the application the use is to serve the Cherokee Nation. The applicant has provided in your packet a more detailed explanation of the proposed use.

Per the zoning code parking minimums are to be established as a part of the Special Exception approval.

11.2
The existing property contains a mix of retail and offices uses, the Board may wish to apply the parking ratios of a Business Or professional Office or a category included in Retail Sales:

<table>
<thead>
<tr>
<th>Subcategory</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>College or University</td>
<td>1,000 sq. ft. (classroom)</td>
<td>0.00</td>
<td>1.10</td>
<td>1.40</td>
<td>*or 3.33 per 1,000 sq. ft. of floor area, whichever is greater</td>
</tr>
<tr>
<td>Community Center</td>
<td>1,000 sq. ft.</td>
<td>0.00</td>
<td>1.30</td>
<td>1.70</td>
<td></td>
</tr>
<tr>
<td>Day Care</td>
<td>1,000 sq. ft.</td>
<td>0.00</td>
<td>1.30</td>
<td>1.70</td>
<td></td>
</tr>
<tr>
<td>Detention and Correctional Facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>*established as part of special exception</td>
</tr>
<tr>
<td>Fraternal Organization</td>
<td>1,000 sq. ft. (assembly room)</td>
<td>0.00</td>
<td>16.25*</td>
<td>21.25*</td>
<td></td>
</tr>
<tr>
<td>Governmental Service or Similar Functions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>*established as part of special exception</td>
</tr>
</tbody>
</table>

### Office

<table>
<thead>
<tr>
<th>Subcategory</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>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>
</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>
</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>
</tr>
<tr>
<td>Parking, Non-accessory</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>Restaurants and Bars</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>
</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>
</tr>
</tbody>
</table>
Approval of this Use would trigger bringing the property into compliance with the Subdivision and Development regulations per Sec. 70.080-B of the Zoning Code:

70.080-B Compliance with Development Regulations

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

2. Rezonings, Special Exceptions and Residential Uses
   No building permit or zoning clearance permit may be issued until the subject lot or parcel for which the permit is sought has been determined to be in compliance with all applicable design and improvement requirements of the Tulsa Metropolitan Area Subdivision and Development Regulations, as evidenced by submittal of a recorded subdivision plat or ALTA/ACSM survey and separately recorded legal instruments. This requirement applies to any property for which:
   a. A property owner-initiated zoning map amendment or development plan was approved after July 1, 1970;
   b. A special exception was approved for any of the following:
      (1) Group living use;
      (2) Public, civic or institutional use;
      (3) Outdoor assembly and entertainment use;
      (4) Household living involving 3 or more households on a single lot;
      (5) Marina;
      (6) Gun club;
      (7) Crematory; or
      (8) Mausoleum; or
   c. A building permit is requested for any of the following residential uses:
      (1) Cottage house development;
      (2) Patio house; or
      (3) Townhouse

SAMPLE MOTION: Move to ________ (approve/deny) a Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use in the 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

Intersection of Pine St. and MLK Blvd. taken from subject property
EXHIBIT "A"

(Legal Description)

A tract of land that is part of Blocks Two (2), Three (3), and Four (4), of STROBEL ADDITION, in the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, and also part of vacated Pine Place lying between said Blocks 2 and 3, and vacated Detroit Avenue lying between said Blocks 2, 3 and 4, said tract of land being more particularly described as follows, to-wit:

BEGINNING AT A POINT on the North line of Lot 7 and Block 2 of said STROBEL ADDITION, said point being 15 feet Easterly of the Northwest corner of said Lot 7; thence due East along the Northerly line of Block 2 for 420.00 feet to the Northeast corner of Lot 1 of Block 2; thence S 00° 01'44" E along the Easterly line of said Block 2 for 200.00 feet; thence due East along a Westerly extension of and along the Northerly line of said Block 4 for 190.00 feet to the Northeast corner of Lot 1 of Block 4; thence S 00° 01' 44" E along the Easterly line of Block 4 for 380.00 feet; thence due West 20 feet Northerly of as measured perpendicularly to and parallel with the Southerly line of said Blocks 3 and 4 for 610.00 feet; thence N 00° 01' 44" W 15 feet Easterly of as measured perpendicularly to and parallel with the Westerly line of said Blocks 2 and 3 for 580.00 feet to the POINT OF BEGINNING of said tract of land.

LESS AND EXCEPT

Lots One (1), Two (2), Three (3) Four (4), Five (5), Six (6), Seven (7) and the North Thirty (30) feet of Lot Eight (8), Block Four (4), STROBEL ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof.
BACKGROUND:

The property at issue in this request (the “Subject Property”) is located at the Northeast Corner of North Martin Luther King, Jr. Boulevard and Pine Street in Tulsa. The improvements on the Subject Property were constructed in 1995 and consist of roughly 58,545 square feet of space. Currently the Subject Property is predominantly vacant but houses two (2) insurance agents’ offices and a Bank of America branch location. All three of these existing uses are consistent with the underlying zoning and such uses will continue if this Application is approved.

Since its development in 1995, the Subject Property has housed a number of retail and office type uses for varying periods including daycare and other community resources as well as the insurance agents and bank branch uses referenced above. Unfortunately, the demand for such space has declined and the Subject Property now sits largely empty. This decline in tenancy at the Subject Property has led to less activity at the major intersection on which it sits and has further added to the economic decline of the area in recent years. With the improvement of Martin Luther King, Jr. Boulevard, the renovations at Emerson Elementary School and Carver Middle School and the ongoing revitalization of this area of Tulsa, the Subject Property is primed to become a hub of activity again and to support the continued growth of North Tulsa.

SPECIAL EXCEPTION REQUEST:

The Cherokee Nation (the “Tribe”) has a large and growing population of tribal members within the Tulsa metropolitan area. As part of its service to this tribal community and the tribal community at large, the Tribe provides certain resources for outreach and support. For many years, the Tribe has been looking for opportunities to develop a centralized location within the boundary of the Cherokee Reservation to house a number of functions to support both the operations of the day-to-day civic operations of the Tribe and the needs of the tribal community. The Subject Property is unique in its location and configuration in that it is located within the Cherokee Reservation and is already constructed in a way that lends itself to the aforementioned uses without large amounts of redevelopment.

In addition to the foregoing, the need for additional civic spaces for the Cherokee Nation has been heightened after the U.S. Supreme Court’s decision in McGirt. The Cherokee Nation’s jurisdiction has been further affirmed by recent court decisions in the Oklahoma Court of Criminal Appeals and the north Tulsa area is home to a large population of tribal citizens. The Subject Property would allow for a fully-functioning courtroom and affiliated activities including offices for the Attorney General of the Cherokee Nation and staff. The operation of this court would allow for a variety of legal cases to be handled in a more streamlined and timely fashion for all parties involved.
CONCLUSION

To accommodate the foregoing proposed uses, the Applicant respectfully requests that a Special Exception be granted to allow Government Service or Similar Functions in a CS district pursuant to Table 15-2 of the City of Tulsa Zoning Code. If this request were to be granted, the Subject Property would undergo significant rehabilitation including repair of long-term issues such as roof replacement as well as landscaping and exterior updating. The updating combined with the large amount of daily activity at the site will operate to continue to drive traffic to the intersection of North Martin Luther King, Jr. Boulevard and Pine Street and will help provide the impetus for continued increased economic activity in North Tulsa.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 8334  Case Number: BOA-23358
CZM: 57
CD: 8

HEARING DATE: 05/24/2022 1:00 PM

APPLICANT: Mary Huckabee

ACTION REQUESTED: Variance to reduce minimum lot width of 200-feet in the AG district (Sec 25.020-D, Table 25-2)

LOCATION: West of the NW/c of E. 121st ST. S. and S. Sheridan Rd.  ZONED: AG

PRESENT USE: Single-family Residential  TRACT SIZE: 207586.86 SQ FT

LEGAL DESCRIPTION: PRT E/2 SE BEG 991.69N SECR SE TH W659.47 N107.88 W156.50 N70.86 NE74.94 NE80.97 E701.46 S281.51 POB LESS E50 THEREOF SEC 34 18 13  4.77 ACS,

RELEVANT PREVIOUS ACTIONS:
Subject property:

BOA-22631; On 05/14/2019 the Board approved a Variance of the required minimum lot width in an AG District (Table 25-2) to permit a lot split.

Surrounding Property:

BOA-18884; on 10.24.00, the Board approved a variance of the required street frontage from 30’ to 0’. located at 11814 South Sheridan Road.

BOA-16649; on 4.12.94, the Board approved a variance of the required 30’ of frontage on a public street per survey and mutual access easement. located at 11818 South Sheridan Road.

BOA-15891; on 12.27.91, the Board approved a variance of the required 200 feet lot width in an AG zoned district to 155 feet; a variance of the required 30 feet of frontage on a public street to permit Lot Split number 17476. located west of the southwest corner of S. Sheridan Rd. & E. 116th St. S.

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

The Existing Residential Neighborhood category 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. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

The Areas of Stability includes 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 West side of S. Sheridan where E. 119th St. S. intersects with S. Sheridan.

**STATEMENT OF HARDSHIP:** The applicant has simultaneously submitted a lot split application to create Tracts A & B. The parent tract is very deep with only 281' of frontage. Several years ago, a previous property owner split this lot from a parent tract that itself was very deep. Now, to provide access to the proposed Tract A, this applicant proposes to connect the rear of the parent tract to Sheridan Road along a 30’ strip of land. This will allow two generously sized lots and accomodate a new single-family home on Tract A.

**STAFF COMMENTS:** The applicant is requesting a **Variance** to reduce minimum lot width of 200-feet in the AG district (Sec 25.020-D, Table 25-2)

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

The proposed Tract A would only average approximately 133-feet in lot width. Tract B would be a uniform width of 250.90-feet.

**SAMPLE MOTION:** Move to ________ (approve/deny) a **Variance** to reduce minimum lot width of 200-feet in the AG district (Sec 25.020-D, Table 25-2)

- Finding the hardship(s) to be______________________________.
- Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.
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.”*
**Action Requested:**
Variance of the required minimum lot width in an AG District (Table 25-2) to permit a lot split. **LOCATION:** 11840 South Sheridan Road East (CD 8)

**Presentation:**
*Steve Wright*, 4209 South Noble Avenue, Broken Arrow, OK; stated his client has about seven acres and there is a large two-story house on the far west back piece of the property. His client would like to sell the back piece of property and build a new one-story house on the front piece of property because of medical hardships.

Mr. Van De Wiele asked Mr. Wright how the lots to the north are accessed off Sheridan. Mr. Wright stated there is a joint road that all the neighbors maintain, like a mutual access easement, and it accesses all the houses.

Mr. Van De Wiele asked Mr. Wright if it went along his client’s north property line. Mr. Wright answered affirmatively.

Mr. Wright stated that his client has spoke to all of her neighbors and they all have given their approval of the project.

Mr. Chapman stated that he received an e-mail at 1:25 P.M. in opposition, and he asked if the Board would like to have it read. Mr. Van De Wiele answered affirmatively and asked Mr. Chapman to also display an e-mail, that was received late, in opposition to the project due to stormwater issues. Mr. Van De Wiele stated that the Board often hears about issues relating to stormwater. The typical response is that stormwater issues are dealt with during permitting and platting and development, it is not part of this Board’s decision making. The Board of Adjustment does not have jurisdiction over stormwater. Mr. Chapman read the e-mail sent at 1:25 P.M. that also objects to the proposed project because of stormwater issues.

Mr. Wright came forward and stated that the only thing he can think those neighbors are referring to is that there is a channel that cuts across the properties. All of the citizens think the City of Tulsa should have done something with the channel because the water is eroding the dirt. The channel is an open ten to twelve-foot trench except for a small area where his applicant has put 3-foot diameter pipes underground to take the water away at her property.

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

**Comments and Questions:**
None.
Board Action:
On MOTION of BACK, the Board voted 3-0-0 (Back, Radney, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond, Ross absent) to APPROVE the request for a Variance of the required minimum lot width in an AG District (Table 25-2) to permit a lot split, subject to conceptual plans 9.12 and 9.13 of the agenda packet. The Board has found the hardship to be the large size of the lot in proportion to the other development within the area. 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/2 NE SE & BEG 1322.16N & 659.85W SEC R SE TH W495.49 S221.73 E494.84 N221.73 TO POB SEC 34 18 13 7.469ACS, City of Tulsa, Tulsa County, State of Oklahoma

22632—Michael Kneafsey

Action Requested:
Special Exception to exceed the allowable driveway width within the street setback (Section 55.090-F.3); Variance to allow for an accessory building to exceed one story in height (Section 90.090-C.2). LOCATION: 1868 East 16th Place South (CD 4)

Presentation:
Michael Kneafsey, 1840 East 16th Place, Tulsa, OK; stated the subject property is three hundred yards from his house at 1868 East 16th Place. Mr. Kneafsey stated that he has gone through all the historic zoning and they have approved it. The issue at hand is the driveway which is a 12-foot driveway and only 43 feet of frontage. When he filed for the permit, he was told that was out of line. Mr. Kneafsey stated that at his end
Case No. 18883 (continued)


* * * * * * *

**Case No. 18884**

**Action Requested:**
Variance of required street frontage from 30' to 0'. SECTION 206. STREET FRONTAGE REQUIRED – Use Unit 6, located 11814 S. Sheridan Rd.

**Presentation:**
Roy Johnsen, 201 W. 5th, Ste. 501, stated he was representing Mr. and Mrs. Antry, the owners of the subject property. The attorney who did the title examination check determined that the subject property was the lot of record, prior to the operative dates. If the tract is 2.5 acres or greater and of record prior to 1992, then it did not require a lot split approval of the TMAPC. They plan to build a 6,000 square foot home. They were denied a building permit for a single-family dwelling because the lot did not have access to a public street. Mr. Johnsen provided photographs and a map (Exhibit D-2). He could not find any record of variances for access to Sheridan for four other homes on connecting tracts.

**Comments and Questions:**
Mr. Dunham asked if all five tracts were made at the same time, and if easements were not filed at the same time. Mr. Johnsen replied that they already have access to the south, but they would like to avoid cutting down trees. Mr. Johnsen pointed out an area on the north of the property where they would like to connect to the surfaced area of road, which requires an easement. Mr. Stump asked if the lot was created in the early 1990's. Mr. Johnsen replied, no the late 70's, but if it was created before 1992 and it was over 2 ½ acres, it would not require a lot split. Mr. Stump added that the provision prohibiting building a residence on the property was in effect at the time this lot was created. Mr. Johnsen responded that was correct since 1978. Mr. Stump surmised that they knew when the lot was created that it was not for residential purposes, and they would be violating the Code if they did try to use it for residential purposes. Mr. Johnsen agreed with his statement but disagreed that the process works that way. Mr. Stump asked how it was going to be served by fire protection and water. Mr. Johnsen stated that there is a physical road in place. Mr. Stump asked if there was a fire hydrant. Mr. Johnsen replied that he did not know. Mr. Stump asked if it has a public water supply. Mr. Johnsen replied that he was sure it would or if not, that the applicant would meet whatever requirements are imposed. The applicant informed Mr. Johnsen that she has access to public water supply. Mr. Stump stated that one of the reasons for these regulations is because a fire on a house that size probably could not be put out with the water that a fire truck carries, and it is probably too far from a fire hydrant. Mr. Stump added that the level of fire protection would be far lower than...
the rest of the city and that can affect the city's total fire protection ratings. Mr. Cooper asked Mr. Johnsen how he would define the hardship. Mr. Johnsen responded that in this situation the Zoning Code is not intended to deny all use of the property.

Ms. Turnbo left the hearing.

Protestants:
None.

Board Action:
On MOTION of Dunham, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to APPROVE a Variance of required street frontage from 30' to 0', finding there is an existing street with access to the lot, if access is established to this lot anywhere other than the south property line that an easement of record will be required granting easement to the existing roadway, and there are four other lots adjacent in the general area, per plan, for the following described property:

A part of the NE/4 of the SE/4 of Section 34, T-18-N, R-13-E, of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, described as follows: Beg. at the SE/c of the E/2 of the SW/4 of the NE/4 of the SE/4, Section 34; thence N 0°00'19" W, 356.62'; thence S 69°24'12" E, 392.28'; thence S 2°01'17" E, 85.05'; thence S 17°31'32" E, 79.70'; thence S 38°22'01" E, 70.89'; thence S 89°43'58" W, 437.77; to the POB.

Case No. 18885

Action Requested:
Variance of average lot width from 200' to 165; to permit splitting a five-acre tract.

SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT - Use Unit 6, located 17501 E. 11th St.

Presentation:
Burt Kelso, Jr., 17270 E. 11th St., stated that they have been at this address for a little over 18 years. He planned to build two dwellings on the subject property and found that it does not have 200' frontage.

Comments and Questions:
Mr. White stated that they received a letter of support for this application.

Protestants:
None.
Board Action:
On MOTION of BOLZLE, the Board voted 3-0-0 (Bolzle, Doverspike, T. White, "aye": no "nays": no "abstentions"; Chappelle, S. White, "absent") to APPROVE a Minor Special Exception to permit an accessory building on an abutting lot under common ownership, and a variance of the required setback from the centerline of East 76th Street South - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6; per plan submitted; subject to the execution of a tie contract tying the lots containing the principal use and the accessory building; finding a hardship demonstrated by the severe slope of the land; on the following described property:

Lot 16, Block 3, Timbercrest Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16649

Action Requested:
Variance of the required 30' of frontage on a public street - SECTION 206. STREET FRONTAGE REQUIRED - Use Unit 6; located 11818 South Sheridan Road.

Presentation:
The applicant, Paul Lopez, 6738 East 91st Street, #1, stated that he purchased a tract of land and is proposing to construct a single-family dwelling. He explained that the tract does not have 30' of frontage on a public street, but he has acquired a mutual access easement from his property to Sheridan Road. A plat of survey (Exhibit N-1) was submitted.

Comments and Questions:
Mr. Bolzle asked if the mutual access easement has been filed of record and is perpetual, and the applicant answered in the affirmative.

Protestants:
None.

Board Action:
On MOTION of T. WHITE, the Board voted 3-0-0 (Bolzle, Doverspike, T. White, "aye": no "nays": no "abstentions"; Chappelle, S. White, "absent") to APPROVE a Variance of the required 30' of frontage on a public street - SECTION 206. STREET FRONTAGE REQUIRED - Use Unit 6; per survey submitted; subject to a mutual access easement being filed of record; finding a hardship imposed on the applicant by the fact that the property is landlocked and inaccessible without Board relief; on the following described property:
Case No. 16649 (continued)

Tract B, part of the NE/4, SE/4, Beginning 302' west SECR SE/4, NE/4, SE/4, thence west 250', northwest 70.89', northwest 79.70', northwest 85.05', northeast 123.1', northwest 31.08', east 336.91', south 361.41', POB, Section 34, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 4:24 p.m.

Date Approved 4-26-94

[Signature]
Chairman
CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 600
Tuesday, December 27, 1991, 1:00 p.m.
County Commission Room, Room 119
County Administration Building

MEMBERS PRESENT       MEMBERS ABSENT       STAFF PRESENT       OTHERS PRESENT
Bolzle, Chairman       Chappelle              Gardner              Jackere, Legal
Doverspike             Fuller                 Hester                Department
Fuller                 White                  Jones                 

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, December 20, 1991, at 1:20 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Bolzle called the meeting to order at 9:00 a.m.

MINUTES:
On MOTION of WHITE, the Board voted 4-0-0 (Bolzle, Doverspike, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to APPROVE the Minutes of December 10, 1991.

UNFINISHED BUSINESS

Case No. 15870

Action Requested:
Special Exception to permit Use Unit 5 uses in an RM-3 zoned district - Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 5, located 6202 East 61st Street.

Presentation:
The applicant, Skyline Terrace, was not represented.

Board Action:
On MOTION of FULLER, the Board voted 3-0-0 (Bolzle, Fuller, Doverspike, "aye"; no "nays"; no "abstentions"; Chappelle, White, "absent") to CONTINUE Case No. 15870 to January 14, 1992.

Case No. 15891

Action Requested:
Variance of the required lot width in an AG District from 200' to 155' - Section 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT - Use Unit 6, located 6246 East 116th Street.
Case No. 15891 (continued)

Presentation:
The applicant, Thomas Klvell, was represented by Roger Burgess, 6246 East 116th Street, Tulsa, Oklahoma, who submitted a plat of survey (Exhibit A-1) and informed that he is proposing to split a long narrow tract of land into two lots.

Comments and Questions:
In response to Mr. Bolzle, Mr. Burgess stated that the southern portion of the property will be adjacent to a three-acre tract owned by Mr. Davis. He informed that the proposal has been heard by the Technical Advisory Committee, and all requirements will be met. Mr. Burgess explained that the south lot has a 10' utility easement from 116th Street along the west side of the north lot, and a road easement to Sheridan through tracts A, B and C.

Mr. Bolzle asked if there is an existing residence on the north portion of the tract, and he replied that his residence is on the north lot, and a dwelling is proposed for the south lot.

There was discussion concerning the 165' lot width, and Mr. Gardner informed that the lot is probably nonconforming in regard to the width.

Protestants: None.

Board Action:
On MOTION of DOVERSPIKE, the Board voted 4-0-0 (Bolzle, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to APPROVE a Variance of the required lot width in an AG District from 200' to 155' - Section 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT - Use Unit 6; per plat of survey submitted; finding that the street frontage on the north lot will be reduced to 155', leaving 10' of street frontage on a dedicated street for the south lot for utility purposes; on the following described property:

E/2, W/2, W/2, NE/4, SE/4, Section 34, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15893

Action Requested:
Appeal of the decision of an administrative official that industrial equipment and vehicles are being stored on subject property - Section 1605 APPEALS FROM AN ADMINISTRATIVE OFFICIAL - Use Unit 13.

Special Exception to allow Use Units 2, 5, 6, 7, 7a, 8, 15, 17, 18 and 20 in a CS District - Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 13.

Variance of the screening requirement between property zoned commercial and property zoned residential - Section 1213.C.2. Use Conditions - Use Unit 13, located 6255 and 6405 East 36th Street North.
LOT LINE ADJUSTMENT

PART OF THE SE/4 OF SEC.34, T18N, R13E
11840 S. SHERIDAN RD., TULSA, TULSA COUNTY, OK 74137

SURVEY: MJL  DATE: 11.05.2021
DRAFT: RLL  DATE: 01.18.2022
APPROVED: PLG  DATE: 01.18.2022

PREPARED BY: FRITZ LAND SURVEYING, LLC
2017 W. 91ST STREET, TULSA, OK 74132
PH: 918.231.0575
FRITZLANDSURVEYING@GMAIL.COM
C.A. # 5848  EXPIRES: 6-30-2022
LEGAL DESCRIPTION - PARENT TRACT - AS PROVIDED GWD DOC. #2021091237

A TRACT OF LAND BEING SITUATED IN PART OF THE EAST HALF (EO) OF THE SOUTHEAST QUARTER (SE/4) OF SECTION THIRTY-FOUR (34), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST, INDIAN MERIDIAN, ALL IN TULSA COUNTY, OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, SAID POINT BEING N 0°0'51"02' W A DISTANCE OF 991.69 FEET FROM MAG NAIL FOUND FOR THE SOUTHEAST CORNER OF SAID SECTION 34, THENCE S 88°51'46" W A DISTANCE OF 854.47 FEET; THENCE N 0°0'51"02' W A DISTANCE OF 107.88 FEET; THENCE S 89°0'12"77' W A DISTANCE OF 155.50 FEET; THENCE N 0°0'51"02' W A DISTANCE OF 70.86 FEET; THENCE N 57°18'15" E A DISTANCE OF 80.97 FEET; THENCE N 88°46'14" E A DISTANCE OF 701.46 FEET; THENCE S 0°0'51"02' E A DISTANCE OF 281.51 FEET, TO THE POINT OF BEGINNING. LEGS AND EXCEPT THE EAST FIFTY (50) FEET.

LEGAL DESCRIPTION - TRACT "A" CREATED BY THIS SURVEY

A TRACT OF LAND THAT IS PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER (N2 SE4) OF SECTION THIRTY-FOUR (34), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 34;
THENCE NORTH 0°0'51"02' WEST ALONG THE EAST LINE THEREOF 991.69 FEET;
THENCE SOUTH 88°51'46" WEST A DISTANCE OF 414.21 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING SOUTH 88°51'46" WEST 245.26 FEET;
THENCE NORTH 0°0'55"25' WEST 107.88 FEET;
THENCE SOUTH 89°0'12"77' WEST 156.50 FEET;
THENCE NORTH 0°0'51"02' WEST 2000.00 FEET;
THENCE NORTH 37°0'23"4 EAST 74.94 FEET;
THENCE NORTH 57°18'15" EAST 80.97 FEET;
THENCE NORTH 88°46'14" EAST A DISTANCE OF 661.46 FEET TO A POINT ON THE WESTERLY RIGHT-OFT-WAY LINE OF SOUTH SHERIDAN ROAD;
THENCE SOUTH 0°0'51"02' EAST ALONG SAID RIGHT-OFT-WAY LINE A DISTANCE OF 30.00 FEET;
THENCE SOUTH 88°46'14" EAST A DISTANCE OF 304.21 FEET;
THENCE SOUTH 0°0'51"02' EAST A DISTANCE OF 250.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 102,040.3 SQ. FEET OR 2.34 ACRES.

BEARINGS ARE BASED UPON AN ASSUMED BEARING OF NORTH 0°0'51"02' WEST USING THE EST LINE OF THE SE/4 OF SEC 34, T18N, R13E.

LEGAL DESCRIPTION - TRACT "B" CREATED BY THIS SURVEY

A TRACT OF LAND THAT IS PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER (N2 SE4) OF SECTION THIRTY-FOUR (34), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 34;
THENCE NORTH 0°0'51"02' WEST ALONG THE EAST LINE THEREOF 991.69 FEET;
THENCE SOUTH 88°51'46" WEST A DISTANCE OF 50.00 FEET TO A POINT ON THE WESTERLY RIGHT-OFT-WAY LINE OF SOUTH SHERIDAN ROAD AND THE POINT OF BEGINNING;
THENCE CONTINUING SOUTH 0°0'51"02' WEST 304.21 FEET;
THENCE NORTH 0°0'51"02' WEST AND PARALLEL WITH SAID RIGHT-OFT-WAY LINE A DISTANCE OF 250.00 FEET;
THENCE NORTH 88°46'14" EAST 304.21 FEET TO A POINT ON THE WESTERLY RIGHT-OFT-WAY LINE OF SOUTH SHERIDAN ROAD;
THENCE SOUTH 0°0'51"02' EAST ALONG SAID RIGHT-OFT-WAY LINE A DISTANCE OF 251.44 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 91,476.0 SQ. FEET OR 2.10 ACRES.

BEARINGS ARE BASED UPON AN ASSUMED BEARING OF NORTH 0°0'51"02' WEST USING THE EST LINE OF THE SE/4 OF SEC 34, T18N, R13E.

CERTIFICATE OF SURVEY

FRITZ LAND SURVEYING, LLC AND THE UNDERSIGNED PROFESSIONAL LAND SURVEYOR, UNDER CERTIFICATE OF AUTHORIZATION CA #5848, DO HEREBY STATE THAT THIS PLAT OF SURVEY IS A TRUE AND ACCURATE REPRESENTATION OF THE SURVEY MADE ON THE GROUND AND OF THE FACTS AS FOUND AT THE TIME OF THE SURVEY AND THAT THIS PLAT MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

WITNESS MY HAND AND SEAL THIS 18th DAY OF JANUARY, 2022.

ANDY FRITZ
PLS
OK LIC. 1694
CA #5848

LOT LINE ADJUSTMENT

PART OF THE SE/4 OF SEC. 34, T18N, R13E
11840 S. SHERIDAN RD., TULSA, TULSA COUNTY, OK 74137

SURVEY: MJL
DATE: 11.05.2021
PREPARED BY: FRITZ LAND SURVEYING, LLC
DRAFT: RLL
DATE: 01.18.2022
PH: 918.231.0575
APPROVED: PL S
DATE: 01.18.2022
Fritzlandsurveying@gmail.com
C.A. #5848 EXPIRES: 6-30-2022

LOK DETERMINED

FRITZLAND SURVEYING@GMAIL.COM

12.14