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 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.

MINUTES
1. Approval of Minutes from April 12, 2022 (Meeting 1292)
2. Approval of Minutes from April 26, 2022 (Meeting 1293)
3. Approval of Minutes from May 10, 2022 (Meeting 1294)

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

4. 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)

5. 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 Ave (CD 4)

6. 23335 - Jack Taber
   Special Exception to permit a Self-service Storage Facility in a CS District (Sec. 15.020, Table
   15-2) Location: 7626 E 51st St (CD 7)

7. 23341 - Jason Coutant
   Special Exception to allow a wall or fence to exceed 8-feet in height (Sec. 45.080-A)
   Location: 1257 E Hazel Blvd (CD 4)

8. 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 E Young St (CD 1)
9. **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 S Louisville Ave (CD 9)  

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

10. **23359- John Shafer**  
   **Variance** of the minimum 5,500 square foot lot area and lot area per unit in the RM-2 District to permit a lot split (Sec. 5.030-A, Table 5-3); **Variance** of the minimum 10-foot street setback, and 10-foot rear setback in the RM-2 District to permit a lot split (Sec. 5.030-A, Table 5-3).  
   **Location:** Southeast corner of S Yorktown Ave and E 1st St (CD 1)  

11. **23360 - Tom Neal**  
   **Variance** to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3).  
   **Location:** 3127 S. Rockford Dr. (CD 9)  

12. **23361 - Robert Garand**  
   **Special Exception** to permit an Accessory Dwelling Unit in the RE District (Sec. 45.031-D) Special Exception to permit a fence or wall to exceed 4-feet in height inside the required front street setback (Sec. 45.080-A) **Location:** 2103 E 47th St. (CD 9)  

13. **23362 - Sharde Dorsey**  
   **Special Exception** to permit a Daycare use in the IL zoning district (Sec.15.020, Table 15-2)  
   **Location:** 1601 E. Marshall S. (CD 1)  

14. **23364 - Susan Jones**  
   **Variance** to reduce the 3-foot setback for a detached accessory building from the rear lot line (Sec. 90.090-C.2.b) **Location:** 5922 E. 54th St. (CD 9)  

15. **23366 - Stuart VanDeWiele**  
   **Special Exception** to permit the following use categories: Commercial vehicle repair/maintenance, Commercial vehicle sales and rentals, Personal vehicle sales and rentals, and Vehicle body and paint finishing shop in the CS Zoning District (Sec. 15.020, Table 15-2); Variance to remove the screening requirement for Vehicle Sales and Service Uses from R- or AG-R zoned lots and the requirement that vehicle display areas meet the parking area design standards of Sec. 55.090 (Sec. 40.400-A.-B) Variance to allow outdoor merchandise display within 300-feet of an abutting R- of AG-R district (Section 15.040-A) Special Exception to permit alternative compliance parking ratios in the LS District to reduce the required number of parking spaces for Vehicle Sales and Service Uses in the CS District (Section 55.050-K; Section 55.020 Table 55-1)  
   **Location:** 4906 S. Memorial Dr. (CD 5)  

16. **23368 - Blake Boswell**  
   **Special Exception** to permit the storage of motorized vehicles on a surface other than one consisting of a dustless, all-weather surface outside of the required building setbacks to permit a gravel driveway (Sec. 55.090-F-2) **Location:** 4920 S. 177th E. Ave. (CD 6)  

17. **23369 - Jim Beach, Wallace Design Collective**  
   **Special Exception** to modify a previously approved site plan for a university in a residential district (Sec. 5.020, Table 5-2, Sec. 70.120) Variance to increase the maximum permitted height of 35-feet in an RS-3 District (Sec. 5.030-A, Table 5-3)  
   **Location:** 7777 S. Lewis Ave. (CD 2)  

18. **23370 - Bruce Lau**  
   **Special Exception** to increase the permitted driveway width in a Residential District (Section 55.090-F.3) **Location:** 8127 S. Pittsburg Ave. (CD 8)
19. **23371 - Tom Neal**  
   **Special Exception** to allow an Accessory Dwelling Unit in the RS-3 District (45.031-D); Variance to allow the floor area of Detached Accessory Buildings/ Dwelling Units to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6); Variance to allow a Detached Accessory Building/ Dwelling Unit to exceed one story or 18-feet in height and to exceed 10-feet in height to the top of the top plate in the rear setback and to allow more than 30% coverage of the rear setback by an Accessory Building/Dwelling Unit in the RS-3 District (Section 90.090-C2); Variance to allow a Detached Accessory Building in the side setback (Sec. 90.090-C, Table 90-1)  
   **Location:** 1724 S Delaware Ave.  
   **(CD 4)**

20. **23372 - Nathalie Cornett**  
   **Variance** to allow more than 25% coverage of the rear setback by a Detached Accessory Building (Sec.90.090-C.2) Variance to reduce the side street setback from 15-feet to 2-feet for a covered patio (Section 5.030-A, Table 5-3)  
   **Location:** 2667 S. Trenton Ave.  
   **(CD 4)**

21. **23373 - Anthony Chau**  
   **Special Exception** to allow a Low-impact Manufacturing and Industry Use in the CH District to permit a Microbrewery (Sec. 15.020, Table 15-2)  
   **Location:** 2501 E. 15th St.  
   **(CD 4)**

**OTHER BUSINESS**

22. **Election of Officers:**  
   Seats currently held are: Austin Bond – Chair; Burlinda Radney – Vice Chair; Steve Brown – Secretary; Tomas Barrientos; Tyler Wallace

**NEW BUSINESS**

**BOARD MEMBER COMMENTS**

**ADJOURNMENT**

Website: tulsaplaning.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.
HEARING DATE: 06/14/2022 1:00 PM (Continued from 5/24/2022, 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

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>
<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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<tr>
<td>Arterial or fwy service rd.</td>
<td>35</td>
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<tr>
<td>Other streets</td>
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<td>25</td>
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<td>Side (interior)</td>
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<tr>
<td>Rear</td>
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</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)**

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.

#1646066613886371
ed per rever 16,

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

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

E. 15TH ST.
Building Images

Perspective View

Front

Left Side

Right Side

Back

#1546066613886371
ZONING CLEARANCE PLAN REVIEW

1/14/2022

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 15th 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 15th 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>Lot Frontage</th>
<th>75’+</th>
<th>60’ - 74’</th>
<th>46’ - 59’</th>
<th>30’ - 45’</th>
<th>Less than 30’ [2]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driveway Within Right-of-Way (feet) [1]</td>
<td>27’</td>
<td>26’</td>
<td>22’</td>
<td>20’</td>
<td>12’</td>
</tr>
<tr>
<td>Driveway Within Street Setback (feet)</td>
<td>30’</td>
<td>30’</td>
<td>--</td>
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<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 it 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 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

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

END -ZONING CODE REVIEW

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

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

Aerial Photo Date: 2020/2021

BOA-23319

Subject Tract

19-13 09
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9317
CZM: 37
CD: 4

HEARING DATE: 06/14/2022 1:00 PM (Continued from 5/24/2022)

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: Commercial
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 8, 2021
Phone: 702-409-5784

APPLICATION NO: BLDC-100071-2021
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 2730 S. Harvard Ave.
Description: Medical Marijuana Dispensary

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

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

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

4. A COPY OF A "RECORD SEARCH" IS 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.

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.
provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant an exception from the terms of the Zoning Code requirements identified in the letter of deficiency below. Complete all questions concerning separation distance acceptance and all questions regarding forms and fees to the INCOG BOA Planner at 918-584-7526. It is your responsibility to ensure that all your office documentation of any decisions by the BOA affecting the status of your application are complete and submitted on time. You may continue to process your application. INCOG does not act as your legal or representation of the City of Tulsa on your behalf. Staff review comments provide identification of compliance methods as provided in the Tulsa Zoning Code. The permit application is available for exploring all or any options available to address the noncompliance and submit a compliance option for review. Staff review makes neither representation nor recommendation of the optimal method of code solution for the project.

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 feet radius, which is the required separation distance from any other 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 council that you plan to open a dispensary in the proposed area. The Council is NOT required to respond. Provide a copy of the e-mail to the Zoning Inspector 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
Measure distance
Click on the map to add to your path

Total distance: 1,024.41 ft (312.24 m)
BOA-23332

Subject Tract

Aerial Photo Date: 2020/2021

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

19-13 17

0 50 100 Feet

5.13
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 #700C601
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 Whit 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]

1-9-2022
2730 S HARVARD
TULSA OK 74114

TO WHOM THIS MAY CONCERN;

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SINCERELY

[Signature]

TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 23522
OFFICIAL RECORD EXHIBIT ENTERED IN THE 5/16/22
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT
Fwd: BLDC-100071-2021 (2730 S. Harvard Ave.) Zoning LOD 3 REVISED
1 message

cheryl harlin jones <charlinjones@yahoo.com> To: "sj74127@gmail.com" <sj74127@gmail.com>

Cheryl Harlin-Jones
918-261-5639

Begin forwarded message:

From: cheryl harlin jones <charlinjones@yahoo.com>
Date: March 1, 2022 at 2:03:13 PM CST
To: "Box, Dana" <danabox@cityoftulsa.org>
Subject: Re: BLDC-100071-2021 (2730 S. Harvard Ave.) Zoning LOD 3 REVISED

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:
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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.
<table>
<thead>
<tr>
<th>Mouse Navigation</th>
<th>Save</th>
<th>Clear</th>
</tr>
</thead>
<tbody>
<tr>
<td>Path</td>
<td>Polygon</td>
<td>Circle</td>
</tr>
</tbody>
</table>

Measure the distance between two points on the ground.

- **Map Length:** 970.13 Feet
- **Ground Length:** 970.36 Feet
- **Heading:** 180.86 degrees
Measure distance
Click on the map to add to your path

Total distance: 1,024.41 ft (312.24 m)
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9335
CZM: 48
CD: 7

HEARING DATE: 06/14/2022 (Continued from 05/10/2022)

APPLICANT: Jack Taber

ACTION REQUESTED: Special Exception to permit a Self-service Storage Facility in a CS District (Sec. 15.020, Table 15-2)

LOCATION: 7626 E 51 ST S
ZONED: CS

PRESENT USE: Commercial
TRACT SIZE: 223245.91 SQ FT

LEGAL DESCRIPTION: PRT LT 1 BEG NWC LT 1 TH E331 S250 W6 S339.13 W146.19 NW292.90 NE425.34 N130 POB BLK 13, SOUTHERN PLAZA B8-15

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

BOA-22339; On 10.10.17 the Board approved a Special Exception to approve a fitness center (greater than 250-person capacity) in the CS District. Property located 7990 E. 51st St. S.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located East of the SE/c of S. 76th E. Ave. and E. 51st St. S. The proposed Self-storage facility is to be developed on a tract of undeveloped property that sits behind a Dollar General Store.
STAFF COMMENTS: The applicant is requesting a Special Exception to permit a Self-service Storage Facility in a CS District (Sec. 15.020, Table 15-2). The supplemental regulations for a Self-Service Storage Facility in the CS District is included below:

Section 40.360 Self-Service Storage Facilities

40.360-A General

1. The general provisions of this section apply to all self-service storage facilities.

2. A screening fence or masonry wall is required along all lot lines that abut R- or AG-R-zoned lots. Required screening fences and walls must be at least 8 feet in height. If buildings are masonry, the building wall can serve as the screening wall, provided that any open spaces between perimeter buildings are screened with a masonry screening wall at least 8 feet in height. The screening fence/wall requirements of this section do not apply to climate-controlled self-storage buildings in which self-storage spaces are accessed only from within the building.

3. A single dwelling unit may be integrated into the self storage facility.

4. No activities other than storage and pick-up and deposit of stored materials are allowed within the storage units.

40.360-C CS District

In the CS district, no outdoor (open-air) storage of any kind is allowed that is visible at ground level from abutting R, O, or AG-R districts or from any street rights-of-way.

Per the code the applicant must provide an 8-foot screening fence or wall, the site plan provided does not indicate how that screening will be accomplished, and the existing masonry wall on the perimeter does not meet that standard. Should the Board be inclined to approve the request the Board may wish to prescribe the materials included in that screening barrier.

SAMPLE MOTION: Move to _________ (approve/deny) a Special Exception to permit a Self-service Storage Facility in a CS District (Sec. 15.020, Table 15-2)
• Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.

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

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

View from 51st St.
Facing West on 51st St.

Facing East on 51st St.
22339—Kirk Livingstone

Action Requested:
Special Exception to allow a Commercial/Assembly Indoor Entertainment use (large capacity over 250) in a CS District to allow a fitness center (Section 15.020).
LOCATION: 7990 East 51st Street South (CD 7)

Presentation:
Kirk Livingstone, 1259 South 800 East, Orem, Utah; stated this request is for a proposed large fitness facility to be located in the former Food Pyramid. The space has been vacant for quite some time and he would revitalize the space for a fitness center.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of FLANAGAN, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; "abstaining"; White absent) to APPROVE the request for a Special Exception to allow a Commercial/Assembly Indoor Entertainment use (large capacity over 250) in a CS District to allow a fitness center (Section 15.020). The space is to be solely used as a fitness center. 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:

PRT LT 1 BEG 723.82E NWC LT 1 TH E141 S200 E210 S415.15 W299.68 NW159.42 N304.51 E106 N302 POB LESS E10 THEREOF FOR ST BLK 13 4.64AC, SOUTHERN PLAZA B8-15, City of Tulsa, Tulsa County, State of Oklahoma

22340—Randy Branstetter

Action Requested:
Special Exception to allow a fence or wall height greater than 4 feet in the street setback area (Section 45.080).

LOCATION: 2730 East 33rd Street South (CD 9)

Presentation:
Randy Branstetter, 1708 West 119th Place South, Jenks, OK; stated he is building a house for the Roberts and the front entry gate system is over four feet tall. The walls would be about seven feet tall and the columns would be about 7'-9" tall. The actual gate would be about six foot tall. There is approximately 40 feet of the entry feature that will be over four feet. There is a house two doors away that has a masonry wall that is
ZONING CLEARANCE PLAN REVIEW

March 16, 2022

Jeffrey Bush
Zoning Official
Plans Examiner

Tel: (918) 596-9688
jbush@cityoftulsa.org

Planning Services
175 East 2nd Street, Suite 450
Tulsa, Oklahoma 74103

APPLICATION NO: ZCO-113213-2022

(Application Reference This Number When Contacting Our Office)

Location: 7626 E 51ST ST S
Description: Zoning Clearance Only

INFORMATION ABOUT SUBMITTING REVISIONS

Our Review Has Identified The Following Code Omissions or Deficiencies in the Project Application Forms, Drawings, and/or Specifications. The Documents Shall Be Revised to Comply With the Referenced Code Sections.

Revisions Need To Include the Following:

1. A Copy of This Deficiency Letter
2. A Written Response As to How Each Review Comment Has Been Resolved
3. The Completed Revised/Additional Plans Form (See Attached)
4. Board of Adjustment Approval Documents, If Relevant

Revisions Shall Be Submitted Directly to the City of Tulsa Permit Center Located at 175 East 2nd Street, Suite 450, Tulsa, Oklahoma 74103, Phone (918) 596-9601.

The City of Tulsa Will Assess a Resubmittal Fee. Do Not Submit Revisions to the Plans Examiners.

Submittals Faxed / Emailed to Plans Examiners Will Not Be Accepted.

Important Information

1. If a Design Professional Is Involved, His/Her Letters, Sketches, Drawings, Etc. Shall Bear His/Her Oklahoma Seal with Signature and Date.

2. Submit Two (2) Sets of Drawings If Submitted Using Paper, or Submit Electronic Revisions in “Supporting Documents”, If Originally Submitted On-Line, For Revised or Additional Plans. Revisions Shall Be Identified With Clouds and Revision Marks.

3. Information About Zoning Code, Indian Nation Council of Government (INCOG), Board of Adjustment (BOA), and Tulsa Metropolitan Area Planning Commission (TMAPC) Is Available Online at www.incoh.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” [X] Is [ ] Is Not Included With This Letter. Please Present the “Record Search” Along With This Letter to INCOG Staff at Time of Applying for Board of Adjustment Action at INCOG. Upon Approval by the Board of Adjustment, INCOG Staff Will Provide the Approval Documents to You For Immediate Submittal to our Office. (See revisions submittal procedure above.).

(continued)
### REVIEW COMMENTS


| ZCO-113213-2022 | 7626 E 51ST ST S | March 16, 2022 |

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

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**Sec.15.020 Table 15-2:** The proposed Used Mini storage is a use categorized as a Commercial/Self-Storage Facility and is located in a CS zoning district. This stated use is only permitted in the CS zoning district by Special Exception per Sec.15.020 Table 15-2: O, C, and I District Use Regulations.

**Review Comment:** All applications for Special Exception requests will be heard by the City of Tulsa Board of Adjustment (BOA) per Sec.70.120 Special Exceptions. If approved, two copies of the Special Exception shall be submitted as a revision to this application. Please contact an INCOG representative at 584-7526 to assist you with this process.

**Sec.65.050-A:** The **interior parking lot landscaping** regulations of this section are intended to help mitigate the visual and stormwater runoff impacts of parking lots and provide shade for parked vehicles and pedestrians.

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

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

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

**65.050-D Requirements:**

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

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

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

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

5. Relationship to Vehicular Use Area Buffer Regulations: Landscape areas and plant material provided to satisfy the vehicular use area buffer regulations of Section 65.060 may not be counted toward satisfying the interior parking lot landscaping regulations of this section (Section 65.050).


   Figure 65-2: Interior Parking Lot Landscaping
Review Comment: Please submit landscape plan for interior parking lot landscape.

Review Comment: The parking ratio on your plans is currently set at .1 per 1000sqft. Per Table 55-1 This is only for CH and MX districts. The CS district minimum ratio is .2 per 1000sqft. 57K X .2 = 12 spots. Please provide a minimum of 12 parking spots on plans.

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

Please notify the reviewer via email when your revisions have been submitted.
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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

END – ZONING CODE REVIEW

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.
BOA-23335

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

Aerial Photo Date: 2020/2021

6.14
My name is Lois McGinnis, I reside at 7805 East 53rd Street. My residence will be behind this storage facility project. I am very much opposed to this project. According to your diagram, your building right next to the utility easement. This large complex is going to bring in more traffic, and increase the already high noise level in this neighborhood. It increased significantly when Vasa Exercise Facility was built. It will also increase the potential for crime. Which is already a problem. We have homeless people camping out and living behind our homes as it is. Loiterers, and people dumping their trash is a constant problem. I’m concerned about safety. All of these issues and the fact that this is a commercial business WILL DEPRECIATE OUR PROPERTIES VALUES DRASTICALLY. This is not acceptable. I wish to object to this project, being so close to our homes. Office Depot and the Strip Center it occupies are set further back on their property. Which makes their businesses more acceptable. My phone number is 918-605-0723. I would like my name and address documented, as an objector, to this project according to said diagram. Please contact me if you have any questions in this matter. I am looking forward to a favorable outcome.
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. Peoria Ave.

STAFF COMMENTS: The applicant is requesting a Special Exception to allow a wall or fence to exceed 8-feet in height (Sec. 45.080-A)
The applicant is seeking to add fencing onto an existing retaining wall which would put the structure over 8-feet from grade. Per the applicant the fencing will not be greater than 8-feet from the grade of the neighboring properties.

**SAMPLE MOTION:** Move to _________ (approve/deny) a **Special Exception** to allow a wall or fence to exceed 8-feet in height (Sec. 45.080-A)

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

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

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

---

Subject property
APPLICATION NO: BLDR-106550-2021  
Location: 1257 E Hazel Blvd  
Description: Zoning Clearance Only - Fence

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

1. **45.080-A – Fences and Walls.**
   Fences and walls within required building setbacks may not exceed 8 feet in height, except that in required street setbacks (front setback) fences and walls may not exceed 4 feet in height. However, in R zoned districts, fences up to 8 feet in height are permitted in side street setbacks of detached houses or duplexes located on corner lots and in street setbacks abutting the rear lot line of houses and duplexes located on double frontage lots. The board of adjustment is authorized to modify these fences and wall regulations in accordance with the special exception procedures of Section 70.120.

**90.170-A Fences and Walls.**
The height of fences and walls is measured as vertical distance from the average finished grade on the inside of the fence to the top of the fence or wall. **Fences atop walls or landscape features (e.g., raised beds) are measured to average finished grade at the base of the wall or landscape feature.** Fence posts may exceed the height of the highest connected portion of the fence by up to 12 inches.

**Review Comments:** Provide documentation indicating the proposed fence will not exceed 1’ in height measured from grade (the base of the retaining wall) or apply to BOA for a special exception to allow a fence to exceed 8’ in height.

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.
Explanation

1. **The special exception will be in harmony with the spirit and intent of the Zoning Code.**

   Section 45.080 Fences and Walls

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

   Section 90.170 Other Height Measurements

   90.170-A Fences and Walls The height of fences and walls is measured as vertical distance from the average finished grade on the inside of the fence to the top of the fence or wall. Fences atop walls or landscape features (e.g., raised beds) are measured to average finished grade at the base of the wall or landscape feature. Fence posts may exceed the height of the highest connected portion of the fence by up to 12 inches.

   **Response:**

   The requested exception will be in harmony with the spirit and intent of the Zoning Code because 90.170-A was drafted assuming that grade of a wall is the same on both sides of the wall (the bottom of the wall). In the applicant's case, grade on one side of the wall is the bottom of the wall, and grade on the other side of the wall is the top of the wall. The wall in question is a retaining wall. See photo. The proposed fence is therefore in harmony with the spirit and intent of the Zoning Code because the proposed fence will not exceed 8 feet in height as measured from the top of the wall grade side. The proposed fence will be 6 feet in height and will be installed directly on top of the existing retaining wall.

2. **The special exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare.**

   **Response:**

   The proposed fence will be wood construction privacy fence. The proposed fence will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Applicant's neighbor to the east will benefit from reduced noise pollution from applicant's cars and basketball. The proposed fence will also be aesthetically pleasing from the curb.
Legal Description

Lot Twenty-one (21), Block Eleven (11), SUNSET TERRACE, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat No. 644.

Subject property lies within flood zone "UNSHAPED X" an area of minimal flood hazard as shown on Firm Map #40143C0240L, dated 10/16/12

Property address: 1257 Hazel Boulevard, Tulsa, Oklahoma

Surveyor’s Statement

I, DARRELL BIBLE, a professional land surveyor do hereby state that in my professional opinion, the above inspection plat shows the dwelling as located on the premises described, that it is entirely within the described tract boundaries and there are no encroachments therein by visible permanent improvements, except as indicated, fencing not shown; that the above inspection plat shows all recorded plat easements and other such easements which have been disclosed by a current title opinion or by commitment for title insurance and copies thereof provided to us that this inspection plat was prepared for identification only for the mortgagee and is not a land or boundary line survey. That no property corners were set, and is not to be used or relied upon for the establishment of fence, building, or other improvements. That underground utilities were not field located and therefore are not shown on this inspection plat unless specifically requested by the client. That this inspection plat was prepared solely for the client listed herein and may not be used for any subsequent loan closing, refinance, or other transaction, and that no responsibility or liabilities assumed herein or heretofore to the present or future land owner or occupant. Buried service cable locations are approximate. Call one before digging 1-800-522-0543.
It will look like this
New fence to go here
Mr. Chapman,

I represent Elizabeth Paskiewicz, the neighbor to the east, who is most impacted by the referenced application.

We are planning to attend tomorrow at 1:00 p.m. to object to the application. I have attached a photograph that best shows the area where the proposed fence would sit atop the nearly 8’ retaining wall.

I will likely have additional photographs or demonstratives for presentation to the Board. Is there anything special I need to know regarding copies or technology?

Thanks.

Tom Aske918-629-7555 (cell)
BOARD OF ADJUSTMENT  
CASE REPORT

STR: 0225  
CZM: 28  
CD: 1

HEARING DATE: 06/14/2022 1:00 PM (Continued from 5/24/2022)

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. Applicant will be required to get right-of-way permit from City of Tulsa.

**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.
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)
REVIEW COMMENTS


Application No. BLDR-111556-2022

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) [1]</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.

8.6
SCOPE OF WORK

SUMMARY:
NEW RESIDENTIAL BUILDING ON AN EMPTY LOT.

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

Sheet Index

Sheet Numbers:
- CS: COVER SHEET
- SP: SITE PLAN
- A1: FLOOR PLAN
- A3: EXTERIOR ELEVATIONS / WALL SECTION
- A5: EXTERIOR ELEVATIONS
- A4: ROOF PLAN

PROJECT

YOUNG ST DUPLEX

PROJECT # 21243
1015 E Young St
Tulsa, OK. 74106

PERMIT SET

01.07.2022

SCOPE OF WORK

SUMMARY:
NEW RESIDENTIAL BUILDING ON AN EMPTY LOT.
SITE PLAN

INSPECTION SHALL BE FREQUENT AND REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED. SEDIMENT TRAPPED BY THIS PRACTICE SHALL BE DISPOSED OF IN AN APPROVED SPOIL SITE.

THE TRENCH SHOULD BE A MINIMUM OF 6 INCHES DEEP AND 3 TO 4 INCHES WIDE. ACCUMULATED SILT SHALL BE REMOVED WHEN IT REACHES A DEPTH OF 6 INCHES.

1. Silt Fence Posts Support the Silt Fence shall be installed on a slight angle toward the anticipated runoff source. A minimum of three rows shall be used to form a barrier around the site plan. The top of the fence shall be level with the ground, or no more than 1' above the ground. Each Bale shall be securely anchored in place by stakes or rebar, angle bars, or steel fence posts. The first stake in each Bale shall be angled toward previously placed Bales. This is to form a barrier against storm flow and drainage.

2. The first stake in each Bale shall be angled toward previously placed Bales. This is to form a barrier against storm flow and drainage. This lack of flow and drainage shall be made promptly as needed. Accumulated silt shall be removed when it reaches a depth of 6 inches.

3. The first stake in each Bale shall be angled toward previously placed Bales. This is to form a barrier against storm flow and drainage. This lack of flow and drainage shall be made promptly as needed. Accumulated silt shall be removed when it reaches a depth of 6 inches.

4. The first stake in each Bale shall be angled toward previously placed Bales. This is to form a barrier against storm flow and drainage. This lack of flow and drainage shall be made promptly as needed. Accumulated silt shall be removed when it reaches a depth of 6 inches.
FINISH FLOOR 0' - 0"
PLATE HEIGHT 9' - 0"
RIGID HT 21' - 9"
WIN. / DOOR HEAD HT 6' - 8"

FINISH FLOOR (SELECTION BY OWNER)
2 x 4 TREATED SILL PLATE W/ 1/2" X 12" ANCHOR BOLTS AT 72" O.C. ATTACH TO FLOOR AS REQ'D.
WOOD BASE (SELECTION BY OWNER)
DBL. 2 x 4 SILL PLATE
2 x 4 STUDS @ 16" O.C. R
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.
RE: ROOF
BATT INSULATION
2X6 RAFPERS @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
CONCRETE SLAB
SLOPE GRADE AWAY FROM STRUCTURE
MIN. 1/2" DOWEL @ 4' - 0" O.C.
GRAVEL LAYER
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

PROJECT #
ISSUE DATE
SHEET NAME
REVISIONS
PROJECT
CONSULTANT
SHEET NUMBER
PROJECT STATUS
PERMIT SET
ISSUE DATE
EXTERIOR ELEVATIONS / WALL SECTION
SHEET NAME
PROJECT + 21243
1015 E Young St
Tulsa, OK  74106

PERMIT SET
01.07.2022

EXTERIOR ELEVATIONS

LEFT SIDE ELEVATION
1/4" = 1'-0"

RIGHT SIDE ELEVATION
1/4" = 1'-0"
CONTRACTOR TO PROVIDE ADEQUATE VENTILATION PER R806, IRC 2015

LEGEND

ARCHITECTURAL SHINGLES

EXTERIOR WALL STUD BELOW ROOF

PROJECT #

ISSUE DATE

SHEET NUMBER

PROJECT

CONSULTANT

SHEET NAME

REVISIONS

PROJECT STATUS

PERMIT SET

ISSUE DATE

01.07.2022
Subject Tract

BOA-23351

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

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

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

STR: 9321
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.

Figure 35.5: Duplex

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

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

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:

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 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-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.

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.
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

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(continued)
**REVIEW COMMENTS**

Sections referenced below are from the City of Tulsa Zoning Code Title 42 and can be viewed at [http://tulsaplanning.org/plans/TulsaZoningCode.pdf](http://tulsaplanning.org/plans/TulsaZoningCode.pdf)

Application No. BLDR-111161-2022

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.

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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.
Thank you for your prompt response. I would appreciate it if you could read/answer my response to the application for: 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)

My name is Susan Mishkin, I have resided at 3925 E 40th St, Tulsa, OK 74135 since May, 1980 and have rooted very deeply in Marion Gardens.

I have seen homes sold, refurbished, and converted to rental homes all the while showing respect for our 1950's, well constructed and loved community. We are surrounded by some of Tulsa’s crown jewels: Whiteside Community Park, Patrick Henry Elementary School, Ranch Acres and Patrick Henry additions.

There are currently only single family dwellings in our area and I have concerns of creating a high density population and the possible results of this on this well-maintained area.

If Mr. Wilkinson is granted a permit for a duplex will this mean a likelihood of more to follow? Once the "single-family" code has an exception, will/could it lead to multi-family dwellings?

While I understand there is a need for affordable housing is critical, I request that the board maintain the history of single family dwellings in Marion Gardens.

Mr. Chapman, thank you for reading my concerns to the Board today.

Sincerely,
Susan L Mishkin
susanlmish@gmail.com

On Mon, May 23, 2022 at 8:28 AM Chapman, Austin <AChapman@incog.org> wrote:

Good morning,

You may send in written comments to me over email to forward to the Board, or you may attend the hearing in person and sign up to speak on the issue. The agenda is available at the link below:


Best,

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

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

The Building Permits Division will address compliance upon application for a building permit or occupancy permit. (918) 596-9456
Will there be a provision for submitting objections to this proposal at this meeting?

Thank you for your response.

Susan Mishkin
Marion Gardens
3925 E 40th St, Tulsa, OK 74135
My name is Jennifer Harmon. I'm with Sonoma-Midtown N.A. I support Mr. Wilkinson's request for SE to build a duplex at 4013 S. Louisville. Lot has been empty for far too long. Several duplexes dot the neighborhood. Appreciate that Mr. Wilkinson will be adding housing back to the neighborhood.

Respectfully,
Jennifer Harmon
(918) 557-4581
May 23, 2022

TO:
Board of Adjustment
2 West 2nd Street, Suite 800
Tulsa, OK74103

FROM:
Mary Ellen Sommer
3633 E. 40th Pl.

Board of Adjustment:

It has come to my attention that there is a conflict that will impact the residences property owners of Marian Gardens, including myself, regarding the following agenda item for the May 24th meeting:

**Case Number: BOA-2332, Jeremy Wilkinson**
**Special Exception to allow duplex in an RS-3 District (Table 5-2.5).**
**LOCATION: 4013 S. Louisville Ave, LT-4-BLK-11, Marion Gardens, City of Tulsa**

I am objecting to the variance requested by Jeremy Wilkinson to build a duplex at 4013 S. Louisville Ave. My name is Mary Ellen Sommer and I am a property owner at 3633 E. 40th Pl. My yard is directly across the street from the property requesting the Special Exception to build the duplex. As stated by the Supreme Court of Oklahoma, the Board [of Adjustments] “may grant a variance to a landowner if the landowner can show that: [1] a variance would not be contrary to public interest; [2] an unnecessary hardship would arise if the ordinance were literally enforced; [3] the spirit of the ordinance would be upheld; and [4] substantial justice would be done by granting the variance.”¹ Not only would the Special Variance to build the duplex be against public interest, but the applicant would also not experience any unnecessary hardship from enforcement of the zoning ordinance.

My objections are as stated:

a. Marian Gardens is zoned as RS-3 single-family residential district. Furthermore, there are not any duplexes in the neighborhood, thus there is no hardship faced by the applicant if the zoning ordinance is enforced. The code intends to preserve the single-family character and density of this neighborhood and should be upheld.

b. Patrick Henry Elementary School, located at 3820 E 41st St, Tulsa, OK 74135, is the street closest to 41st Street and Louisville. When school starts and ends each day, cars line up along Louisville and 40th Place to pick up and drop off children. Traffic and street parking would increase in an area that is already overwhelmed by parking issues, due to mainly single-car driveways in the neighborhood and school drop-off and pick-up at Patrick Henry Elementary

¹ Vinson v. Medley, 1987 OK 41, 737 P.2d 932, 938–39
c. In the documents supplied by the Applicant, drawings of the proposed plans show one box reflecting the duplex housing with two separate driveways. This does not offer adequate information to represent the design of the proposed build. There is no inclusion of garages, which all other properties have. As residents, we will be directly impacted by the design of the proposed duplex. The property in question is located in the middle of the block and there is no additional parking. Furthermore, it seems clear from our reading of the zoning code that the minimum requirements for a duplex cannot be met on a lot of this size. This application is so deficient in all respects that it should be denied.

d. The presence of a duplex would decrease property value for the owners/residences of Marian Gardens. Additionally, to allow this type of dwelling to be constructed will not improve but will lower our standards and the value of our property that we have struggled to improve in this part of Tulsa for the past several years. This developer/builder is taking advantage of and leveraging the "brand" and marketability of the Marian Gardens Neighborhood to rent duplexes for his profit.

Thank you for your consideration.

Sincerely,

Mary Ellen Sommer

/s/ Mary Ellen Sommer
Designer Materials on Exterior Custom Duplex D-680

Main Floor Plan

TULSA CITY BOARD OF ADJUSTMENT
CASE NO. BoA-23352
OFFICIAL RECORD EXHIBIT
ENTERED IN THE 5/24/22
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT
Upper Floor Plan
BOARD OF ADJUSTMENT  
CASE REPORT

STR: 9306 Case Number: BOA-23359
CZM: 37
CD: 1
HEARING DATE: 06/14/2022 1:00 PM

APPLICANT: John L. Shafer III

ACTION REQUESTED: Variance of the minimum 5,500 square foot lot area and lot area per unit in the RM-2 District to permit a lot split (Sec. 5.030-A, Table 5-3); Variance of the minimum 10-foot street setback, and 10-foot rear setback in the RM-2 District to permit a lot split (Sec. 5.030-A, Table 5-3)

LOCATION: SE/c of S. Yorktown Ave. and E. 1st St. S. ZONED: RM-2

PRESENT USE: Residential TRACT SIZE: 8398.4 SQ FT

LEGAL DESCRIPTION: LOT-6-BLK-3, WAKEFIELD,

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the SE/c of E. 1st St. S. and S. Yorktown Ave. The property currently contains two dwelling units on one lot of record. Per the County Assessor the two structures were built in 1935.

STATEMENT OF HARDSHIP: The improvements to the property have separately existed since 1935, with two separate dwelling units.

STAFF COMMENTS: The applicant is requesting Variance of the minimum 5,500 square foot lot area and lot area per unit in the RM-2 District to permit a lot split (Sec. 5.030-A, Table 5-3); Variance of the minimum 10-foot street setback, and 10-foot rear setback in the RM-2 District to permit a lot split (Sec. 5.030-A, Table 5-3)
The applicant is requesting variances to allow lots that are 5,040 square feet and 3,360 square feet. The minimum lot size is 5,500 square feet. In creating the second lot the newly created street setback on the Southern lot would be 4-feet and the rear setback would be 2.5-feet. These setbacks currently exist, but the defined street and rear setback are changing for the Southern lot and necessitate the variance.
SAMPLE MOTION: Move to _________ (approve/deny) a Variance of the minimum 5,500 square foot lot area and lot area per unit in the RM-2 District to permit a lot split (Sec. 5.030-A, Table 5-3); Variance of the minimum 10-foot street setback, and 10-foot rear setback in the RM-2 District to permit a lot split (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.”
LEGAL DESCRIPTION:

LOT SIX (6), BLOCK THREE (3), WAKEFIELD, AN ADDITION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND KNOWN AS 111 SOUTH YORKTOWN AVENUE EAST.

DATE: OCTOBER 25, 2018

OKLAHOMA REGISTERED LAND SURVEYOR NO 1813

Copyright 2017 by White Surveying Company. All Rights reserved. No part of this plot may be reproduced, stored in a retrieval system, or transmitted in any form without prior written permission of White Surveying Company, P.O. Box 471670, Tulsa, Oklahoma.
LOT-SPLIT
EXHIBIT
LOT 6, BLOCK 3,
WAKEFIELD ADDITION,
CITY OF TULSA, TULSA COUNTY, STATE
OF OKLAHOMA

TRACT 1:
OPEN SPACE = 3,665 SQ. FT
TRACT 2:
OPEN SPACE = 2,010 SQ. FT.
Tract 1 Lot Size = 5,040 sf
Tract 2 Lot Size = 3,360 sf
LEGAL DESCRIPTION

UNDIVIDED LEGAL:
LOT SIX (6), BLOCK THREE (3), WAKEFIELD, AN ADDITION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

TRACT 1:
A PART OF LOT SIX (6), BLOCK THREE (3), WAKEFIELD, AN ADDITION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:
BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 6, THENCE S 00°57'20" E ALONG SAID EAST LINE A DISTANCE OF 84.00 FEET; THENCE S 89°02'40" W A DISTANCE OF 60.00 FEET; THENCE N 00°57'20" W A DISTANCE OF 84.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 6; THENCE N 89°02'40" E A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

TRACT 2:
A PART OF LOT SIX (6), BLOCK THREE (3), WAKEFIELD, AN ADDITION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:
BEGINNING AT A POINT ON THE EAST LINE OF SAID LOT 6 A DISTANCE 84.00 FEET SOUTH OF THE NORTHEAST CORNER THEREOF, THENCE S 00°57'20" E A DISTANCE OF 56.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 6; THENCE S 89°02'40" W A DISTANCE OF 60.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 6; THENCE N 00°57'20" W A DISTANCE OF 56.00 FEET; THENCE N 89°02'40" E A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

REAL PROPERTY CERTIFICATION

I, Randy K. Shoefstall of White Surveying Company, a Registered Professional Land Surveyor in the State of Oklahoma, certify that the attached legal description is based upon the Oklahoma State Plane Coordinate System, closes in accord with existing records, that the attached drawing is a true representation of the real property as described and meets the minimum technical standards for land surveying of the state of Oklahoma.

Date: 5/17/2019

Randy K. Shoefstall
RPLS No. 1678
White Surveying Company
C.A. No. 1098 Expires 6/30/19
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9319 CASE NUMBER: BOA-23360
CZM: 47
CD: 9

HEARING DATE: 06/14/2022 1:00 PM

APPLICANT: Tom Neal

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

LOCATION: 3127 S ROCKFORD DR E ZONED: RS-3

PRESENT USE: Residential TRACT SIZE: 30505.19 SQ FT

LEGAL DESCRIPTION: PRT LTS 1 & 2 & 11 BEG 350.55S NEC LT 1 TH S148.98 NWLY 279 NWLY CRV LF 97.5 SELY 216.5 POB LESS W5 LT 2 FOR RD, PEORIA ACRES ADDN

RELEVANT PREVIOUS ACTIONS:

None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located South of the SE/c of E. 31st Street S. and S. Rockford Dr.

STATEMENT OF HARDSHIP: Garage is by right with the current right-of-way, but with planned right-of-way the new garage is in required street setback.

STAFF COMMENTS: The applicant is requesting a Variance to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3)
Setbacks are measured from the planned right-of-way which at minimum on non-classified street is 50-feet wide. The Peoria Acres Subdivision, platted in 1922, dedicated only 30-feet of right-of-way to service Rockford Dr.

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<td>Arterial or fwy service rd.</td>
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Per the exhibits provided by the applicant the proposed building line would be further towards the street than the two adjacent neighbors on either of the subject property.

**SAMPLE MOTION:** Move to ________ (approve/deny) a Variance to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3)

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

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

1. *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;*

2. *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 North on Rockford Pl.
DEVELOPMENT SERVICES
175 EAST 2ND STREET, SUITE 450
TULSA, OKLAHOMA 74103

ZONING CLEARANCE PLAN REVIEW

4/20/2022

lod No. 1

Charles Rick
2120 S. Cincinnati Ave.
Tulsa, OK 74114

APPLICATION NO: BLDR-114580-2022 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Project Location: 3127 S. Rockford Dr.
Description: Addition

INFORMATION ABOUT SUBMITTING REVISIONS

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

Revisions need to include the following:

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

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

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

Important Information

1. Submit two (2) sets [4 sets if health department review is required] of revised or additional plans. Revisions shall be identified with clouds and revision marks.

2. Information about zoning code, Indian nation council of government (INCOG), board of adjustment (BOA), and Tulsa metropolitan area planning commission (TMAPC) is available online at www.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" [I] 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)
1. Section 90.090-A.1.b Setbacks Measurement
For streets not shown on the major street and highway plan, if the width of the right-of-way is 50 feet or less, the measurement must be taken from a point that is 25 feet from the centerline of the actual right-of-way.

**Review Comment:** At this location, Rockford Dr. only has a 30' wide actual right of way. Therefore, the setback line begins at a point 25' from the centerline of the right of way. This means the proposed garage should be set back 50' from the center of the right of way (25' RS-3 front setback plus 25' to center of right of way). As it is shown on the site plan, the proposed garage addition is shown to be 40' from the centerline of Rockford Dr. and would encroach 10' into the front setback. Revise the plans to show a setback of 50' from the center of the right of way to the addition, or you may apply to the Board of Adjustment for a variance for an addition to be located 40' from the center of the right of way on an RS-3 zoned lot.

The zoning review will resume after these modified plans and/or BOA approval documents are submitted. Additional deficiencies may be discovered which will need to be addressed prior to issuing a building permit.

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

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

**END – ZONING CODE REVIEW**

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

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

STR: 9330 Case Number: BOA-23361
CZM: 47
CD: 9

HEARING DATE: 06/14/2022 1:00 PM

APPLICANT: Robert Garand

ACTION REQUESTED: Special Exception to permit an Accessory Dwelling Unit in the RE District (Sec. 45.031-D) Special Exception to permit a fence or wall to exceed 4-feet in height inside the required front street setback (Sec. 45.080-A)

LOCATION: 2103 E 47 ST S; ZONED: RE

PRESENT USE: Residential TRACT SIZE: 181210.34 SQ FT

LEGAL DESCRIPTION: SE NE NW SE SEC 30 19 13; S 1/2 W 1/2 OF W 1/3 N 1/2 NE SE SEC 30-19-13,

RELEVANT PREVIOUS ACTIONS:
Subject property: None.

Surrounding properties:

BOA-22031; On 02.23.16 the Board approved a Special Exception to permit a fence or wall greater than 4-feet in height. Property located 2120 E. 46th 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 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.

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.

ANALYSIS OF SURROUNDING AREA: The subject tract is located on the Northside of E. 47th St. S. in between S. Zunis and Wheeling Avenues.
STAFF COMMENTS: The applicant is requesting a Special Exception to permit an Accessory Dwelling Unit in the RE District (Sec. 45.031-D) Special Exception to permit a fence or wall to exceed 4-feet in height inside the required front street setback (Sec. 45.080-A)

Included in your packet is Sec. 45.031-D with the supplemental regulations for Accessory Dwelling Units.

Section 45.080 Fences and Walls

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

The property currently has fencing inside the street setback that is above 4-feet in height and the applicant is seeking to rebuild a portion of that fencing with a gate entry into the proposed Accessory Dwelling Unit. From the street very little is currently visible because of vegetation near the property line.

SAMPLE MOTION:
Move to _________ (approve/deny) a Special Exception to permit an Accessory Dwelling Unit in the RE District (Sec. 45.031-D) Special Exception to permit a fence or wall to exceed 4-feet in height inside the required front street setback (Sec. 45.080-A)

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

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

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Subject property
22031—Philip Doyle

Action Requested:
Special Exception to permit a fence and wall height greater than 4 feet in the required street setback (front yard) of an RE District (Section 45.080-A).
LOCATION: 2120 East 46th Street South (CD 9)

Presentation:
Philip Doyle, 2616 East 14th Street, Tulsa, OK; stated he would like to have a privacy fence on the north side of the subject property. The street is a dead end or a cul-de-sac and the back yards of the houses to the north face the subject property.

Mr. Van De Wiele asked Mr. Doyle if the long portions of the fence were going to be solid masonry and the short portions are to be wrought iron. Mr. Doyle answered affirmatively and stated they will vary from five feet to eight feet depending on the slope.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of WHITE, the Board voted 5-0-0 (Henke, Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to APPROVE the request for a Special Exception to permit a fence and wall height greater than 4 feet in the required street setback (front yard) of an RE District (Section 45.080-A), subject to conceptual plans 3.8 and 3.10 and the maximum height of any wall or fence section will not be greater than eight feet. Finding the 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:

E. 1/2 W. 2/3 N. 1/2 NW NE SE & N. 2/3 W. 1/2 E. 1/3 N. 1/2 NW NE SE SEC 30-19-13, WENTWORTH ACRES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

22033—Mark Capron

Action Requested:
Variance to reduce the required building setback to 30 feet from East 31st Street South (Tract A); Variance to reduce the required building setback to 15 feet from South Lewis Avenue (Tract A & B); Variance to the required open space per unit 3,719 square feet (Tract A) (Section 5.030-A). LOCATION: 2258 East 31st Street South (CD 9)
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 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;
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/mailed 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 on-line, 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.inco.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

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

Application No. BLDR-114334-2022 2103 E 47th St S April 28, 2022

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 RE zoned area.

2. 55.090-F 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).

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<tr>
<th>Maximum Driveway Width</th>
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<tr>
<td>Lot Frontage</td>
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<tr>
<td>Driveway Within Right-of-Way (feet) [1]</td>
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<tr>
<td>Driveway Within Street Setback (feet)</td>
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Review Comments: The maximum driveway width of the two driveways combined on this lot is 30' in the front setback and 27' in the Right-Of-Way. Provide the driveway widths on the site plan in both the ROW and front setback. If the combined widths of both driveways exceed these allowances, please revise plans to show compliance or apply to BOA for a special exception to allow a driveway width to exceed the maximum widths.

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.
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<th>END – ZONING CODE REVIEW</th>
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**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.
May 5th, 2022

To:
Austin Chapman
Planner, City of Tulsa Board of Adjustment
Tulsa Planning Office
2 W. 2nd St., 8th Floor
Tulsa, OK 74103

From:
Robert Garand
Project Manager
Dale Gardon Design
20555 North Pima Road, Suite 100
Scottsdale, AZ 85255

Re: Case Number BOA 233-61

NARRATIVE FOR A SPECIAL EXCEPTION FOR AN ACCESSORY DWELLING UNIT WITHIN THE REZONING DISTRICT

A Special Exception is being requested for an Accessory Dwelling Unit located at 2103 E 47th St, Tulsa, OK. The Accessory Dwelling Unit is a Guest House as part of a larger Estate property that was originally two lots. The property is proposed to be combined into one lot to facilitate a Guest House location on the original second lot. The Guest House is comprised of 1799 sf of floor area. The Guest House is intended for the Owners guests only and is not intended to be rented or leased.

The Guest House is allowed to be 750 sf or 40% of the floor area of the Principal Residential Structure, whichever is greater. (Section 45.030-A Accessory Building Size and Section 45.031-D 6a). The floor area of the Principal Residential Structure is 17,319 sf. Therefore, 40% of 17,319 sf is 6,928 sf as maximum allowable.

The entrance to the Accessory Dwelling Unit is facing the far west side of the property line, which complies with Section 45.031-D 8a, since the Principal Residential Structure orientation is East/West, the proposed Guest House is “behind” and in the visual rear yard of the Principal Residential Structure as it is oriented.

The Accessory Dwelling Unit is located over 200 feet behind the detached house, which complies with Section 45.031-D 8b.

The Accessory Dwelling Unit exterior finish materials will match that of the Principal Residential Structure exterior finish materials.

The Accessory Dwelling Unit’s roof pitch is lower (6:12) than the Principal Residential Structure’s roof pitch (10:12). This was by design preference to lower the Accessory Dwelling Unit’s height and balance the proportions of the smaller footprint compared to the Principal Residential Structure’s footprint. Per Section 45.010-E the Max. Building Height per Table 5-3: R District Lot and Building Regulations is 35 feet. The height of the Accessory Dwelling Unit at its highest is 23’-3” above average ground elevation. The second reason is that the Guest House is on higher natural grade than the Principal Residential Structure.
The Accessory Dwelling Unit Special Exception would increase the side (interior) setback to 25 feet. The Accessory Dwelling Unit building footprint complies with this setback and the site walls which fall within the 25-foot setback comply with Section 45.080; as they do not exceed 8’ in height. The highest site wall within the side setback is 5’-6” high but has only about 1’-6” of exposed height to the adjacent property.

The Accessory Dwelling Unit has a separate access driveway and gated entry for privacy and security. The site walls and gate proposed are within the 35-foot building setback and requested to be approved at a height of 7’-4” for pool safety and overall security of the property. The walls and fences are visually obscured by all the existing perimeter landscape trees and plants.

Best Regards,

Robert J. Garand
Project Manager
BOA-23361

Subject Tract

19-13 30

Aerial Photo Date: 2020/2021

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

STR: 217  Case Number: BOA-23362
CZM: 29
CD: 1

HEARING DATE: 06/14/2022 1:00 PM

APPLICANT: Sharde Dorsey

ACTION REQUESTED: Special Exception to permit a Daycare use in the IL zoning district (Sec.15.020, Table 15-2)

LOCATION: 1601 E MARSHALL ST N  ZONED: IL

PRESENT USE: Vacant  TRACT SIZE: 6660.35 SQ FT

LEGAL DESCRIPTION: S90 OF LTS 1 2 BLK 1, ELM RIDGE SECOND ADDN

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NE/c of E. Marshall St. and N. Trenton Ave. The property is currently a single-family home located in an industrial district.

STAFF COMMENTS: The applicant is requesting a Special Exception to permit a Daycare use in the IL zoning district (Sec.15.020, Table 15-2).

No supplemental regulations are relevant to this use. The Board may wish to request the daycare capacity and anticipated traffic from this use.
SAMPLE MOTION: Move to ________ (approve/deny) a Special Exception to permit a Daycare use in the IL zoning district (Sec.15.020, Table 15-2)

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

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

  ____________________________________________.

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

Subject property
Facing West on Marshall

Facing East on Marshall
STR: 9334  
CZM: 48  
CD: 9  
HEARING DATE: 06/14/2022 1:00 PM  

APPLICANT: Susan Jones  

ACTION REQUESTED: Variance to reduce the 3-foot setback for a detached accessory building from the rear lot line (Sec. 90.090-C.2.b)  

LOCATION: 5922 E 54 ST S  
ZONED: RS-2  

PRESENT USE: Residential  
TRACT SIZE: 19606.44 SQ FT  

LEGAL DESCRIPTION: LT 14 BLK 3, CARTER PLAZA EXT ADDN AMD  

RELEVANT PREVIOUS ACTIONS: None.  

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the intersection of E. 54th St. S. and S. Lakewood Ave.  

STATEMENT OF HARDSHIP: Structure is existing- we followed the city staff directed and cannot move the structure.  

STAFF COMMENTS: The applicant is requesting a Variance to reduce the 3-foot setback for a detached accessory building from the rear lot line (Sec. 90.090-C.2.b)
The statement of hardship does not address any unique the physical surroundings, shape, or topographical conditions of the subject property that presents a hardship to the property owner. The applicant may wish to explain why there is no other portion of the property that the structure that can be moved to comply with the code. The structure was built inside a 7.5-foot Utility Easement, included in your packet is a copy of a recorded agreement for construction inside that easement. It is important for the applicant to verify the eave distance to the lot line, as described the structure is 19" from the lot line.

**SAMPLE MOTION:** Move to ________ (approve/deny) a **Variance** to reduce the 3-foot setback for a detached accessory building from the rear lot line (Sec. 90.090-C.2.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
ZONING CLEARANCE PLAN REVIEW

4/28/2022

LOD No. 1

Susan Jones
5922 E. 54th St.
Tulsa, OK 74135

APPLICATION NO: BLDR-100151-2021 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Project Location: 5922 E. 54th St.
Description: Detached covered patio

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 ASSES 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 90.090-C.2.b: Detached Accessory Buildings
Detached accessory buildings, including accessory dwelling units, in the rear setbacks must be set back at least 3 feet from all interior lot lines. For lot lines abutting street right-of-way, detached accessory buildings, including accessory dwelling units, must comply with the same setback requirements that apply to principal buildings.

**Review comments:** Buildings that are allowed to be in the rear setback per this code section must be set back at least 3 feet from all interior lot lines. The revised site plan shows this structure to only be set back 19" from your fence. Revise the plans to show the covered patio to be set back at least 3 feet from the east property line. Alternatively, you may request a variance from the Board of Adjustment for an accessory building in the rear setback to be located 19" from the east property line.

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

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

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

END – ZONING CODE REVIEW

**NOTE:** This constitutes a plan review to date in response to the submitted information associated with the above referenced application. Additional issues may develop when the review continues upon receipt of additional information requested in this letter or upon additional submittal from the applicant.

Keep our office advised of any action by the City of Tulsa Board of Adjustment or Tulsa Metropolitan Area Planning Commission affecting the status of your application for a Zoning Clearance Permit.
The covered patio is the structure.

I used fences as property lines -
  Pole to pole - 11 ft 11 in x 27.5
  Structure to fence 0
  19 inches from fence to pole on East side (concrete block fall on my property)

From North side fence to covered patio - 55 ft
From Creek fence to covered patio - 95 ft - South side

Drains are shown - they drain to the creek
there are gutters on both sides running N to S - they
  drain into our yard

LEGAL DESCRIPTION AS PROVIDED:
LOT FOURTEEN (14), BLOCK THREE (3), AMENDED CENTER PLAZA EXTENDED ADDITION, AN ADDITION TO THE CITY OF TULSA,
TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND KNOWN AS 5622 EAST 54TH STREET.

SURVEYOR'S STATEMENT
WHITE SURVEYING COMPANY, AN OKLAHOMA CORPORATION, AND THE UNDERSIGNED REGISTERED PROFESSIONAL LAND SURVEYOR, UNDER CERTIFICATE OF AUTHORIZATION (LICENSING) EXPIRING DATE: JUNE 20, 2023, DO HEREBY STATE THAT IN OUR PROFESSIONAL OPINION THE ABOVE INSPECTION PLAT SHOWS THE DWELLING AS LOCATED ON THE PREMISES DESCRIBED, THAT IT IS ENTIRELY WITHIN THE DESCRIBED TRACT BOUNDARIES, AND THERE ARE NO ENCROACHMENTS THEREON BY VISIBLE PERMANENT IMPROVEMENTS, EXCEPT AS INDICATED. THAT THE ABOVE INSPECTION PLAT SHOWS ALL RECORDED PLAT ENCROACHMENTS AND OTHER SUCH ENCROACHMENTS WHICH HAVE BEEN DISCLOSED BY A CURRENT SITE OPINION OR BY TITLE INSURANCE. AND COPIES THEREOF PROMISED TO US THAT THE INSPECTION PLAT WAS PREPARED FOR IDENTIFICATION PURPOSES ONLY FOR THE MORTGAGEE AND IS NOT A LAND OR SURVEY PLAT. THAT ALL PROPERTY ENCROACHMENTS WERE JUDGED AS TO THEIR EFFECTS ON THE DWELLING, AND REASONABLE EFFORTS WERE MADE TO DETERMINE THE TRUE LOCATION OF THE DWELLING. THAT THE INSPECTION PLAT IS PREPARED SOLELY FOR THE MORTGAGEE(ES) HEREBY AS OF THIS DATE AND MAY NOT BE USED FOR ANY SUBSEQUENT LOAN CLOSINGS, REFINANCE, OR OTHER TRANSACTION, AND THAT NO RESPONSIBILITY OR LIABILITY IS ASSUMED HEREIN OR HERETO THE PRESENT OR FUTURE LAND OWNER OR OCCUPANT.

WARNING: If the seal on this document is not RED, it is an unauthorized copy which may have been altered or modified, and cannot be used for any purpose.

WITNESS MY HAND AND SEAL THIS DATE:

14.7
drainage -

There are gutters on both sides of the structure. There is also two drains that go to the creek.
ASSET MANAGEMENT / POST CLOSING INFORMATION
ENGINEERING SERVICES
REAL PROPERTY FILE

Name: Susan E. Jones Revocable Trust Dated April 13, 2007

Project Number: 5-6-21-70  5922 E 54th - Jones

Parcel No:

Acquisition: Real Property

City Clerk#

Assessor ID: 07050-93-34-00340  34  19  13

Property Site: 5922 E 54th St

Legal Description: See Attached

Land Size: A  SF

Date Acquired: 4/13/2022

County Document # 222038593  Acquisition Price

Funding Source

Karmen Rice - Monday, April 18, 2022
Name of Preparer / Date
Real Property

Version 1.3 released on 8/21
DO NOT USE FOR: Contracts, Deeds, Easements, Law Suits, or Leases

CITY COUNCIL USE ONLY

Date Received: ____________________________
Committee Date: ____________________________
1st Agenda Date: ____________________________

Tracking #: ____________________________
Committee: ____________________________
Hearing Date: ____________________________
2nd Agenda Date: ____________________________

CITY CLERK USE ONLY

Scanned: ____________________________
Date: ____________________________
Posted: ____________________________
Item #: 2203_00579

All department items requiring Council approval must be submitted through the Mayor's Office.

Primary Details

Board Approval

Department: Engineering Services
Contact Name: Michelle L. Lester 3/4/2022

Real Property Record Type
Construction in a Utility Easement

Subject (Description)
pavilion, metal building, storm shelter

Bid/Project Number
5-6-21-70

Section
34

Lot
14

Address
5922 E 54th St

Project Title

Township
19

Block
3

Range
13

Council District
g

Parcel

Addition
CARTER PLAZA ADDN AMD

Additional Information/Tracking Number:
48945-8323-10000 07050-93-34-00340

Budget

Funding Source(s)

Approvals

Department: ____________________________
Legal: ____________________________
Board: ____________________________
Mayor: ____________________________
Other: ____________________________

TOTAL:

Date: 03.06.22
Date: March 22 XXII
Date: MAR 3 0 2022

14.11
**Policy Statement**

**Background Information**
Submitted is an Agreement for Construction in a Utility Easement between the City of Tulsa and the Susan E. Jones Revocable Trust Dated April 13, 2007 for a pavilion, metal building and storm shelter. The location is shown on the attached Exhibit. The request for the Construction in a Utility Easement was reviewed by City staff and representatives of various boards, authorities and utilities with no objections. The Engineering Services Department recommends approval of the attached Construction in a Utility Easement.

**MSL/kir**

3/1/23

**Summation of the Requested Action**
Approve agreement

**Other Pertinent Details**
Location: 5922 E 54th St; S34-T19-R13; 5-6-21-70

**Processing Information for City Clerk’s Office**

<table>
<thead>
<tr>
<th>Post Execution Processing</th>
<th>Additional Routing and Processing Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Mail vendor copy (add'l signature copies attached)</td>
<td>Original to be picked up by Courtney Jones 6-9549</td>
</tr>
<tr>
<td>☑ Must be filed with other governmental entity.</td>
<td></td>
</tr>
<tr>
<td>☐ Add'l governmental entity approval(s) required</td>
<td></td>
</tr>
</tbody>
</table>

14.12
AGREEMENT FOR CONSTRUCTION IN A UTILITY EASEMENT

This agreement, made and entered into by and between the CITY OF TULSA, OKLAHOMA, a municipal corporation, (City), and the SUSAN E. JONES REVOCABLE TRUST DATED APRIL 13, 2007, owner of the subject real property, (Owner),

WITNESSETH:

WHEREAS; City owns and controls an easement in, under, over, upon and through the real property which is the subject matter hereof described as:

Lot Fourteen (14), Block Three (3), the AMENDED PLAT OF CARTER PLAZA EXTENDED ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, more particularly described in Exhibit “A”; (hereafter, “the subject property”); and

WHEREAS; the Owner has applied for a permit (the “permit”) to allow construction and maintenance of a pavilion, metal building and storm shelter, (hereinafter referred to as “Improvements”) in, upon and through that portion of City’s easement as described and as shown on the Exhibit, marked “Exhibit “A”, attached hereto and incorporated herein by reference; and

WHEREAS; City and Owner agree to the issuance of the Permit subject to the conditions and covenants set forth hereafter.

NOW, THEREFORE, IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES, AS FOLLOWS:

1. The owner and its successors in title, shall bear all construction, maintenance, and related costs associated with the subject Improvements on that part of the easement, described as:

See Exhibit “A”

through the entirety of that portion affected by the Improvements as detailed in the attached Exhibit “A”. The City shall bear no costs associated with said Improvements now or in the future. Nothing shall be permitted to threaten the safety and continued integrity of all utilities, public and/or private, and/or their accessories located in said easement.

2. In the event the Owner or its successors in title fail to otherwise properly maintain the Improvements, in the easement area, the City or their designated contractor or private utility
company as appropriate, may enter the area as required and perform maintenance on the Improvements necessary to the achievement of the intended functions and may remove any obstruction or correct any alteration of grade or contour, and all costs borne by the city and/or their agents shall be paid by the owner or its successors in title. In the event the Owner or its successors in title fail to pay the costs of the subject work after receipt of a statement of such costs, the City may file of record a copy of the statement of costs, and thereafter the costs shall be a lien against the subject property. A lien established as provided herein may be foreclosed by the City.

3. No liability for property damage or personal injury arising out of the construction, installation or maintenance of the Improvements shall attach to the City.

4. City, by granting the subject Permit, does not waive any privilege or right applicable to the subject easement. Nor are such privileges and/or rights waived which belong to others, including, but not limited to utility companies.

5. It is expressly understood that the Owner shall construct and maintain the Improvements at its own expense and at its own risk. In the event it becomes necessary for any public purpose, including but not limited to construction, installation, maintenance, repair or discontinuance of utilities, public and/or private, over, upon, or in the utility easement occupied or affected by the Improvements, to remove, alter or impact the Improvements, for the reason that they interfere with the privileges or rights of the City, their agents, servants and employees and others, including, but not limited to utility companies, the Improvements, or any portion of them, shall be timely removed by the Owner or its successors in title, at the exclusive expense of the Owner or its successors. In the event the removal of the Improvements is not accomplished in timely fashion as herein provided, the Improvements may be immediately removed by the City, their agents, servants or employees, including, but not limited, to utility companies or independent contractors, at the exclusive expense of the Owner or its successor in title. In the event the Owner or its successors in title fail to pay the costs of the subject work after receipt of a statement of such costs, the City may file of record a copy of the statement of costs, and thereafter the costs shall be a lien against the subject property. A lien established as provided herein may be foreclosed by the City.

6. The Owner and its successors, shall defend any and all claims, liabilities, suits at law or equity brought against the City resulting from the operation, construction, installation, or maintenance of the Improvements and shall indemnify the City for any costs and/or damages suffered as a result thereof.

7. THIS AGREEMENT SHALL “RUN WITH THE LAND” and shall be binding on the Owner, its grantees, assigns, successors and heirs.

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

By: ____________________________
Name: Susan E. Jones
Title: Trustee

STATE OF OKLAHOMA)
COUNTY OF Tulsa)

This instrument was acknowledged before me on 18 of February 2022, by Susan E. Jones as Trustee of the SUSAN E. JONES REVOCABLE TRUST DATED APRIL 13, 2007.

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

______________________________
Notary Public

My Commission Expires:

June 1, 2023
CITY OF TULSA, OKLAHOMA, a municipal corporation

Date: MAR 30 2022

By: 
Name: G.T. Bynum
Title: Mayor

Before me, a Notary Public in and for said County and State, on the 30th day of March, 2022, personally appeared G. T. Bynum to me known to be the identical person who approved the within and foregoing instrument as Mayor of the City of Tulsa, Oklahoma, and acknowledged to me that he approved the within and foregoing instrument as his free and voluntary act and deed and as the free and voluntary act and deed of the City of Tulsa, Oklahoma, for the uses and purposes therein set forth.

My commission expires: 2/15/25

Notary Public

STATE OF OKLAHOMA )
COUNTY OF TULSA ) ss.

Assistant City Attorney
City Engineer

APPROVED AS TO FORM:
APPROVED AS TO SUBSTANCE:

Senior
City Engineer
Application for
Right-of-way / Easement
Closure or Encroachment Agreement

APPLICATION IS HEREBY MADE TO THE CITY OF TULSA TO CONSIDER THE FOLLOWING:

CHOOSE (1) CLOSURE: ____________________________ ENCLOSEMENT: √

CHOOSE (1) RIGHT-OF-WAY: ____________________________ EASEMENT: AIR SPACE: ________

County Assessor Parcel Number: 07050-93-34-00340 Zoning: RS2
Property Location: 5922 E 54th St, Tulsa, OK 74135
Legal Description: Subdivision: Carter Plaza Ext Addn Addn, Plat No: 14
Lot: 14 Block: 3
Section: 34 Township: 19 Range: 13

IF UNPLATTED ATTACH LEGAL DESCRIPTION.

Applicant Name: Susan E. Jones
Applicant Company: ____________________________
Applicant D.B.A.: 9-10-64
Address: 5922 E 54th St
City: Tulsa State: OK Zip: 74135
Phone: 918-232-6900 Email: chuggar1 @ att.net or sejones20@ep.com
Secondary Point of Contact: Debbie Jones
Phone: 918-720-7937 Email: djones3 @ arvest.com

Property Owner(s) of Record: Susan E. Jones TIES Susan E. Jones
Rev. Trust
Address: 5922 E 54th St
City: Tulsa State: OK Zip: 74135
Phone: 918-232-6900 Email: chuggar1 @ att.net

Signatures
Applicant: ____________________________ Date: 10/22/21

Property Owner(s): ____________________________ Date: 10/22/21
Application for
Right-of-way / Easement
Closure or Encroachment Agreement

Examination of necessity for closing right-of-way or easement or for encroaching into the right-of-way or easement.

REQUIRED - Legal Description with a Plat of Survey for all closings. For Encroachments a digital sketch delineating the described request, showing all data pertinent to the property (refer to application instructions).

On separate sheet -

EXHIBIT "A"
Page 2 of 11
We are applying for this easement agreement in October of 2021 due to our neighbor’s mother complaining about our patio cover. It has been up for a year and a half. We had discussed things with Justin Swearingen over the fence throughout the process. He even came over and sat under it and visited. We asked on numerous different occasions if everything was ok on his side of the fence, he said it was great. But now, due to a complaint filed with the city from his mother, Lisa Lawrence from Broken Arrow, we are having to pay city fees, penalties and jump through hoops that I believe are very unfair. This has caused an enormous amount of unnecessary stress and wasted time for us. We called the city prior to beginning work and the city has been out here numerous times. We have permits for everything we did. This feels like harassment and it doesn’t pass the sniff test. We feel like our neighbor’s mother knows someone at the city and this is abuse of power. That being said, I will try to give a timeline of events.

- In 2015, we got a permit and had a storm shelter installed at the end of our driveway. Nothing was ever mentioned to us about the easement. The city has been out here several times for work as well, no issues. ONG has also been out here with no issues. Permit number is 367365.
- In April of 2020, I called the city because we were making plans to build a patio cover. This was something we have saved for for years. I was asked if it would be attached to the house. I said no. The lady told me that I did not need a permit.
- In June of 2020, the city showed up and told us we DID need a permit. I called the permit office and applied for a structure permit. I am a homeowner and not a permit expert, so I required assistance from the city. I was told since it was a rebuild that we could do a repair permit, so we changed it to a repair permit.
- Throughout June of 2020 thru August of 2020, the city was out here several times. Nobody ever said anything about the easement or any other paperwork that was necessary. We would have done whatever was needed. The approved permit number is BLDR-064143-2020.
- Fast forward to September of 2021 … we have been enjoying our patio cover for over a year. The city comes back out and says there is a complaint. We gave him a copy of the permit and he left. A few days later, the city is back out here. We sat with him, under the patio cover, while he tries to figure out what the neighbor’s issue is about. He leaves again. A couple of days later, 10/1/2021, he is back again, obviously a little flustered. He was going to tape a notice on the door, but we met him at the door. He said he didn’t really understand, but that his boss, Bob Kolibas, wouldn’t let this one go so we needed to apply for another permit. I was amazed and rather upset, but I said I would apply for another permit. They were threatening me with penalty fees and such. Made no sense to me, still doesn’t, but here we are.
- In October of 2021, we provided everything needed and contacted Chris Kovac as instructed. When we got the info from Chris, we saw where it is going to cost us $500 for this agreement. The stress over this has just about eaten our lunch at this point, so I called Chris very upset. He said he would come out and assess the situation. Chris and Tony came out and told us to fill out this paperwork and pay the $500.

So this is where we are at this point. I have agreed with Chris Kovac to pay for this agreement and see what happens, but I still feel like this is very unfair and unnecessary. I explained to Chris that I have no issue signing paperwork that I have built in the easement and I understand that I may be required to move things at my expense if necessary. No issue there, but treating me like a criminal when I have done everything that the city told me to do feels very unfair.
ACTION REQUESTED: Special Exception to permit the following use categories: Commercial vehicle repair/maintenance, Commercial vehicle sales and rentals, Personal vehicle sales and rentals, and Vehicle body and paint finishing shop in the CS Zoning District (Sec. 15.020, Table 15-2); Variance to remove the screening requirement for Vehicle Sales and Service Uses from R- or AG-R zoned lots and the requirement that vehicle display areas meet the parking area design standards of Sec. 55.090 (Sec. 40.400-A,-B) Variance to allow outdoor merchandise display within 300-feet of an abutting R- of AG-R district (Section 15.040-A) Special Exception to permit alternative compliance parking ratios in the CS District to reduce the required number of parking spaces for Vehicle Sales and Service Uses in the CS District (Section 55.050-K; Section 55.020 Table 55-1)

LOCATION: 4906 S MEMORIAL DR E

ZONED: CS

PRESENT USE: Occupied/Unoccupied Commercial

TRACT SIZE: 308265.36 SQ FT

LEGAL DESCRIPTION: Please see attached “Exhibit A” provided by the applicant.

RELEVANT PREVIOUS ACTIONS:

Subject property: None.

Surrounding properties:

BOA-18372; On 5.11.99 the Board approved a Special Exception to allow Use Unit 17 (Automotive and Allied Activities) and a Variance to permit Outdoor display of merchandise within 300-feet of and R District. Property located W. of the NE/c of E. 49th St. S. and S. Memorial Dr.

BOA-14323; On 12.18.86 the Board approved a Special Exception to permit a cosmetology school in the CS District. Located inside the Fontana Shopping Center.

BOA-11521; On 06.25.81 the Board approved a Special Exception to permit a postal facility. Located inside the Fontana Shopping Center.

BOA-11334; On 01.08.81 the Board approved a Special Exception to permit a postal facility. Located inside the Fontana Shopping Center.

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

Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.
The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located at the SW/c of E. 49th St. S. and S. Memorial Dr. and is currently a part of the Fontana Shopping Center.

**STATEMENT OF HARDSHIP:** Please see attached “Exhibit B” provided by the applicant.

**STAFF COMMENTS:** The applicant is requesting a **Special Exception** to permit the following use categories: Commercial vehicle repair/maintenance, Commercial vehicle sales and rentals, Personal vehicle sales and rentals, and Vehicle body and paint finishing shop in the CS Zoning District (Sec. 15.020, Table 15-2); **Variance** to remove the screening requirement for Vehicle Sales and Service Uses from R- or AG-R zoned lots and the the requirement that vehicle display areas meet the parking area design standards of Sec. 55.090 (Sec. 40.400-A,-B) **Variance** to allow outdoor merchandise display within 300-feet of an abutting R- of AG-R district (Section 15.040-A) **Special Exception** to permit alternative compliance parking ratios in the CS District to reduce the required number of parking spaces for Vehicle Sales and Service Uses in the CS District (Section 55.050-K; Section 55.020 Table 55-1)

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>Measurement (spaces per)</th>
<th>GBD District</th>
<th>CH District and MX District</th>
<th>All Other Districts and FT Overlay</th>
<th>Additional requirements/notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subcategory</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Specific use</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bar</td>
<td>1,000 sq. ft.</td>
<td>0.00</td>
<td>1.65</td>
<td>2.20</td>
<td></td>
</tr>
<tr>
<td>Retail Sales</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Antique dealer or furniture store</td>
<td>1,000 sq. ft.</td>
<td>0.00</td>
<td>1.65</td>
<td>2.20</td>
<td>None for first 5,000 sq. ft.</td>
</tr>
<tr>
<td>Building supplies and equipment</td>
<td>1,000 sq. ft.</td>
<td>0.00</td>
<td>1.65</td>
<td>2.20</td>
<td>None for first 5,000 sq. ft.</td>
</tr>
<tr>
<td>Consumer shopping goods</td>
<td>1,000 sq. ft.</td>
<td>0.00</td>
<td>1.65</td>
<td>2.20</td>
<td>None for first 5,000 sq. ft.</td>
</tr>
<tr>
<td>Convenience goods</td>
<td>1,000 sq. ft.</td>
<td>0.00</td>
<td>1.65</td>
<td>2.20</td>
<td>None for first 5,000 sq. ft.</td>
</tr>
<tr>
<td>Convenience goods: Lawn, garden and building materials</td>
<td>1,000 sq. ft. (Outdoor display and storage area)</td>
<td>0.00</td>
<td>1.65</td>
<td>2.20</td>
<td>None for first 5,000 sq. ft.</td>
</tr>
<tr>
<td>Convenience goods: Other materials</td>
<td>1,000 sq. ft. (Outdoor display and storage area)</td>
<td>0.00</td>
<td>1.65</td>
<td>2.20</td>
<td>None for first 5,000 sq. ft.</td>
</tr>
<tr>
<td>Grocery Store</td>
<td>1,000 sq. ft.</td>
<td>0.00</td>
<td>1.65</td>
<td>2.20</td>
<td></td>
</tr>
<tr>
<td>Small Box Discount Store</td>
<td>1,000 sq. ft.</td>
<td>0.00</td>
<td>1.65</td>
<td>2.20</td>
<td>None for first 5,000 sq. ft.</td>
</tr>
<tr>
<td>Medical Marijuana Dispensary</td>
<td>1,000 sq. ft.</td>
<td>0.00</td>
<td>1.65</td>
<td>2.20</td>
<td>None for first 5,000 sq. ft.</td>
</tr>
<tr>
<td>Self-service Storage Facility</td>
<td>1,000 sq. ft.</td>
<td>0.00</td>
<td>1.65</td>
<td>2.20</td>
<td>None for first 5,000 sq. ft.</td>
</tr>
<tr>
<td>Sexually Oriented Business Establishment (except as below)</td>
<td>1,000 sq. ft.</td>
<td>0.00</td>
<td>1.65</td>
<td>2.20</td>
<td>None for first 5,000 sq. ft.</td>
</tr>
<tr>
<td>Adult amusement or entertainment</td>
<td>1,000 sq. ft.</td>
<td>0.00</td>
<td>1.65</td>
<td>2.20</td>
<td>None for first 5,000 sq. ft.</td>
</tr>
<tr>
<td>Adult motel room</td>
<td>1,000 sq. ft.</td>
<td>0.00</td>
<td>1.65</td>
<td>2.20</td>
<td>None for first 5,000 sq. ft.</td>
</tr>
<tr>
<td>Adult theater seat</td>
<td>1,000 sq. ft.</td>
<td>0.00</td>
<td>1.65</td>
<td>2.20</td>
<td>None for first 5,000 sq. ft.</td>
</tr>
<tr>
<td>Studio, Artist or Instructional Service</td>
<td>1,000 sq. ft.</td>
<td>0.00</td>
<td>1.65</td>
<td>2.20</td>
<td>None for first 5,000 sq. ft.</td>
</tr>
<tr>
<td>Trade School</td>
<td>1,000 sq. ft. (Classroom)</td>
<td>0.00</td>
<td>1.65</td>
<td>2.20</td>
<td>None for first 5,000 sq. ft.</td>
</tr>
</tbody>
</table>

**Vehicle Sales and Service**

- Car wash: See the vehicle stacking space requirements of Section 55.140.
- Fueling station: 1,000 sq. ft. 0.00 1.00 1.00
- Vehicle parts and supply sales: 1,000 sq. ft. 0.00 1.00 1.00
- Vehicle repair and maintenance (all types of vehicles/repair): 1,000 sq. ft. 0.00 1.00 1.00
- Vehicle rental: 1,000 sq. ft. 0.00 1.00 1.00
- Vehicle sales (all types): 1,000 sq. ft. 0.00 1.00 1.00

The applicant is seeking to reduce the required parking to 300 spots (inclusive of vehicle display areas). Please see “Exhibit B” provided by applicant for additional details and justifications.
### Section 40.400  
#### Vehicle Sales and Service

**40.400-A** Whenever a vehicle sales and service use is located on a lot abutting an R- or AG-R-zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §55.070-C.

**40.400-B** Whenever commercial or personal vehicle sales or rentals are within 300 feet of an R- or AG-R-zoned lot, off-street parking and vehicle display areas must comply with the parking area design standards of Section 55.090.

### 15.040-A  
**Outdoor Storage and Display**

In the CS district, outdoor storage, including storage of recyclable materials, and outdoor merchandise display is prohibited within 300 feet of an abutting R or AG-R district.
The subject property is abutting an RM-2 zoned lot containing an apartment building for approximately 130-feet at the NW/c of the property. This is the residential property which is necessitating the variances related to the prohibition on outdoor display of merchandise, screening and parking area design.

SAMPLE MOTION:

*Use Special Exception:* Move to ________ (approve/deny) a Special Exception to permit alternative compliance parking ratios in the CS District to reduce the required number of parking spaces for Vehicle Sales and Service Uses in the CS District (Section 55.050-K; Section 55.020 Table 55-1)

- 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.

**Parking Special Exception:** Move to _________ (approve/deny) a Special Exception to permit alternative compliance parking ratios in an RM-1 District to reduce the required number of parking spaces for a multi-unit house (Section 55.050-K; Section 55.020 Table 55-1)

- 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, that the other allowed parking alternative of Section 55.050 are infeasible or do not apply and the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area.

**Variances:** Move to _________ (approve/deny) a Variance to remove the screening requirement for Vehicle Sales and Service Uses from R- or AG-R zoned lots and the the requirement that vehicle display areas meet the parking area design standards of Sec. 55.090 (Sec. 40.400-A,-B) Variance to allow outdoor merchandise display within 300-feet of an abutting R- or AG-R district (Section 15.040-A)

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

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."
EXHIBIT B

ACTIONS REQUESTED

This application is made on behalf of a prospective purchaser of the property described in more detail on Exhibit A (the “Property”). If the actions requested in this application are granted, the prospective purchaser intends to acquire and redevelop the Property as an automotive dealership that is in the business of selling and leasing new and used vehicles to individual consumers and/or commercial entities.

The Property is currently zoned as CS (Commercial), and as such, many of the uses that the prospective purchaser intends to use the Property for require a special exception. Accordingly, this application sets forth a request that special exceptions be made for the following use categories (as set forth in Table 15-2 of the Tulsa Zoning Code): (1) commercial vehicle repair/maintenance; (2) commercial vehicle sales and rentals; (3) personal vehicle sales and rentals; and (4) vehicle body and paint finishing shop. These uses are in harmony with the intent and spirit of the Tulsa Zoning Code and permitting such uses would not be injurious to the nearby areas surrounding the Property nor would it be detrimental to the public welfare.

Should the special exception requested above be granted, this application also seeks variances relating to the requirements of the following sections of the Tulsa Zoning Code: Section 40.400-A and -B, and Section 15.040-A, each discussed in turn below.

Section 40.400-A: This section requires a screening wall or fence to be provided along the common lot line between an R- or AG-R-zoned lot and an abutting vehicle sales and service use. Here, the northwest corner of the Property’s boundary abuts a parcel designated as RM-2, which contains an apartment complex. This application seeks a variance for relief from the requirements of this section because the small portion of the Property that actually abuts the residential-zoned district makes up approximately twenty percent (20%) of the Property’s northern boundary (approximately 130 ft. of the approximate 620 ft. northern boundary). Thus, to require the prospective purchaser to provide a screening wall or fence on such an inconsiderable portion of its northern boundary poses a hardship because it would then be required to extend the screening wall or fence along the entirety of the northern boundary to aesthetically conform the boundary. In addition, the apartment complex only contains residences that face east and west (i.e., no windows are present that would allow residents of the apartment complex to observe the activities on the Property), which further minimizes the need for such a negligible length of fencing.

Section 55.020: This section and the corresponding Table 55-1 requires the Property to feature at least 1.5 parking spaces per 1,000 square ft. The prospective purchaser seeks a variance to reduce the requirement from 1.5 parking spaces per 1,000 sq. ft. to only require 300 total parking spaces (inclusive of vehicle display parking areas).
In support of this request, please note that the prospective building plans for the Property are all subject to the review and the approval of the prospective purchaser's manufacturing company (i.e., the manufacturer of the vehicles that the prospective purchaser is in the business of selling and leasing). As part of its review, the manufacturing company must consider the necessary number of parking spaces prior to approving the overall building plans.

Additionally, currently, the entire shopping center contains over 1,400 parking spaces and there are cross parking arrangements in place shopping center wide. Additionally, the portion of the shopping center which is the subject of this application currently contains approximately 396 parking spaces and a large portion of the buildings on the Property will be removed as part of the redevelopment.

Section 15.040-A: This section relates to the outdoor storage and display of merchandise in a CS district and prohibits such outdoor storage within 300 feet of an abutting R or AG-R district. As discussed above, the Property's northwestern boundary abuts a RM-2-zoned parcel, and is therefore subject to the requirements of Section 15.040-A. A variance is requested to allow the prospective purchaser to use the Property to display motor vehicles for sale within 300 feet of the RM-2-zoned parcel. Such an exception would not otherwise be injurious to the surrounding area because only a small portion of the Property’s boundary abuts the RM-2-zoned parcel, and the apartment complex residences located on the RM-2-zoned parcel contain no south-facing windows. As a result, the outdoor display of motor vehicles would at most times be unnoticed by the residents. Additionally, it is unlikely that any portion of the vehicle display lot would be within the 300 feet radius of the RM-2-zoned parcel or the apartments located thereon, as the prospective purchaser anticipates that the vehicles will be displayed on the east side of the Property, and not the north. However, this variance is requested out of an abundance of caution.
EXHIBIT A

LEGAL DESCRIPTION

A TRACT OF LAND THAT IS PART OF LOT ONE (1), BLOCK ONE (1), FONTANA, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, BEING MORE PARTICULARLY DESCRIBED AS follows:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 00°00'00" EAST ALONG THE EAST LINE OF SAID LOT 1, AND ALONG THE WEST RIGHT OF WAY LINE OF SOUTH MEMORIAL DRIVE FOR 15.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE CONTINUING SOUTH 00°00'00" EAST ALONG THE EAST LINE OF SAID LOT 1, AND ALONG THE WEST RIGHT OF WAY LINE OF SOUTH MEMORIAL DRIVE FOR 185.00 FEET; THENCE NORTH 90°00'00" WEST CONTINUING ALONG SAID WEST RIGHT OF WAY LINE FOR 8.00 FEET; THENCE SOUTH 00°00'00" EAST CONTINUING ALONG SAID RIGHT OF WAY LINE, PARALLEL WITH AND 8.00 FEET WESTERLY OF THE EAST LINE OF SAID LOT 1, FOR 274.93 FEET; THENCE SOUTH 89°58'33" WEST FOR 547.72; THENCE NORTH 44°43'34" WEST FOR 45.81 FEET; THENCE NORTH 00°00'00" WEST FOR 442.37 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1, BLOCK 1, SAID POINT ALSO BEING ON THE SOUTH RIGHT OF WAY LINE OF EAST 49TH STREET SOUTH; THENCE NORTH 89°58'33" EAST ALONG SAID NORTH LINE OF LOT 1, AND ALONG SAID SOUTH RIGHT OF WAY LINE FOR 572.96 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF SOUTH MEMORIAL DRIVE THENCE SOUTH 45°00'43" EAST ALONG SAID RIGHT OF WAY LINE FOR 21.21 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

SAID TRACT OF LAND CONTAINING 6.345 ACRES OR 276,407 SQ. FT., MORE OR LESS.

BASIS OF BEARINGS: BEARINGS SHOWN ON THE RECORDED PLAT OF FONTANA
ZONING CLEARANCE PLAN REVIEW

May 18, 2022

APPLICATION NO: ZCO-117963-2022
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 4924 S MEMORIAL DR E
Description: New

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

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

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

4. A COPY OF A “RECORD SEARCH” IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE “RECORD SEARCH” ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.)
Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to a representative at the Tulsa Planning Office 918-584-7526 or esubmit@incog.org. It is your responsibility to submit to our office documentation of any appeal decisions by an authorized decision-making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

Sec.35.050-D: The proposed use for this building is designated Commercial/Vehicle Sales and Service/Personal Vehicle Sales and Rentals and is located in a CS zoned district.

Review comment: This use is only permitted by a Special Exception reviewed and approved in accordance with Sec.70.120. This requires approval from the BOA. Submit a copy of the approved Special Exception to permit Commercial/Vehicle Sales and Service/Personal Vehicle Sales and Rentals use in a CS zoned district. Contact INCOG at 918-584-7526 for further instructions.

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

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

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

A hard copy of this letter is available upon request by the applicant.
make a junk yard out of it rather than try to be compatible with the neighborhood.

Board members consulted with Ms. Miller on figures of the property, but still could find no hardship. Mrs. Purser advised Mr. McCall that it appeared that he had room on the lot for the building if he would consent to move it up next to a wing of the residence.

Mrs. Purser then stated that there was a motion on the floor and asked if there was additional discussion.

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 3-1-0 (Purser, Lewis, Victor, "aye"; Smith "nay"; no "abstentions"; Wait "absent") to deny the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 85' to 53' from the centerline of 51st Street to permit an accessory building on the following described property:

Lot 6, Block 4, Sungate Addition to the City of Tulsa, Oklahoma.

Applicant's Comments:
Mr. McCall asked the Board what they proposed he do. Mrs. Purser responded by saying that, under the law, since the Board could not find a hardship, they had no other choice than to deny the variance.

Mr. McCall argued that the building was not damaging in any way and that he was upset over the fact that a neighbor could dictate how he could live on his own property. Mr. McCall further argued that they would have to take him to jail and lock him up because he was not going to tear the building down.

Mrs. Purser attempted to explain to Mr. McCall that the presence of his neighbor, Mr. Phennighausen, had nothing to do with the basis on which the Board made its decision.

Action Requested:
Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1202 - Area-Wide Special Exception Uses - Post Office - Under the Provisions of Section 1680 - Exceptions) request for an exception to permit a post office in the Fontana Shopping Center. This property is located at 4919 South 79th East Avenue.

Presentation:
Charles Norman, representing the Bothe Financial Corporation and the Hardesty Company, was present to address the Board and submitted a plot plan of the Fontana Shopping Center (Exhibit "I-1"), as well as a scaled down version of the same plot plan with the location of the proposed post office depicted in red pencil (Exhibit "I-2"). Mr. Norman stated that, under the Zoning Ordinance, a post office is classified as Use Unit #2. The uses within Use Unit #2 are permitted in any zoning district, subject to the approval of the Board of Adjustment. Mr. Norman advised the Board that Bothe Financial Corporation was proposing to lease space in the Fontana Shopping Center.
for the operation of a post office at the location marked in red on
the submitted exhibit. Mr. Norman further advised that an unmanned,
self-service substation is being proposed for the location, and would
utilize approximately 1,800 square feet.

Protestants: None.

Board Action:
On MOTION of VICTOR and SECOND by LEWIS, the Board voted 4-0-0 (Purser,
Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent")
to approve an Exception (Section 710 - Principal Uses Permitted in
Commercial Districts - Section 1202 - Area-Wide Special Exception Uses -
Post Office - Under the Provisions of Section 1680 - Exceptions) to
permit a post office in the Fontana Shopping Center, on the following
described property:

A parcel of land located in Lot 1, Block 1, "Fontana", an
Addition to the City of Tulsa, Tulsa County, Oklahoma,
according to the recorded plat thereof, said parcel being
more particularly described as follows:

Commencing at the NE corner of said Lot 1; thence due South
along the East line of said Lot 1, a distance of 149.00';
thence South 89°-58'-33" West a distance of 533.98'; thence
South 0°-01'-27" East a distance of 150.00' to the point of
beginning; thence North 89°-58'-33" East a distance of 60.00';
thence South 0°-01'-27" East a distance of 30.00'; thence
South 89°-58'-33" West a distance of 60.00'; thence North 0°-
01'-27" West a distance of 30.00' to the point of beginning.
Containing 1,800 sq. ft., more or less.

Action Requested:
Variance (Section 630 - Bulk and Area Requirements in the Office
Districts - Under the Provisions of Section 1670 - Variances) request
for a variance of the setback requirements from 100' to 70' from the
centerline of Sheridan Road to permit an addition to the present
building. This property is located at 2305 South Sheridan Road.

Presentation:
At Johnson, representing Johnson Construction Company, Route 2, Box
139-B, Sapulpa, Oklahoma, was present to address the Board and sub-
mitted a plot plan (Exhibit "J-1"). Mr. Johnson advised the Board
that he wished approval of a variance to allow the construction of
a 15' x 45' masonry addition to an existing structure.

Protestants: None.

Board Comments:
Mr. Victor asked Mr. Johnson if the addition would be one-story.
Mr. Johnson replied that it would.
Lot 3, Block 11, City View Addition to the City of Tulsa, Tulsa County, Oklahoma.

Action Requested:
Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1202 - Area-Wide Special Exception Uses - Under the Provisions of Section 1680) request for an exception to permit postal services in a CS District. This property is located north of 51st Street and west of Memorial Drive.

Presentation:
Charles Norman, 909 Kennedy Building, was present to address the Board in the capacity of legal counsel for the owners and managers of the Fontana Shopping Center and advised that the proposed postal service use would be in the form of a carrier service unit to be located on the west side of the Shopping Center. He stated that this would be a distribution center for carriers and would also have a "will call" window for mail and packages which cannot be delivered to specific destinations. Mr. Norman reminded the Board members that a postal facility required Board approval, but may be granted in any use District—in this instance, a CS District—and explained that the service would be located in the center of the Shopping Center and would be separated by a good distance from any other noncommercial activity.

Protestants: None.

Board Comments:
Mrs. Purser asked Mr. Norman to briefly summarize for the Board the types, number, and load capacities of the carriers to be used at the subject site. Mr. Norman advised that mail would be delivered to this subject location from the central sorting facilities in downtown Tulsa, whereupon the mail would be assigned to the small jeep units or smaller units that work outward from the area.

Mr. Smith asked if there was any likelihood that the services, at some point in the future, might be converted into a freight depot for the use of the Postal Service. Mr. Norman indicated that it would not.

Board Action:
On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Lewis, Wait, "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1202 - Area-Wide Special Exception Uses—Under the Provisions of Section 1680) to permit postal services in a CS District, on the following described property:

Exhibit "A" -- Parcel Description; A parcel of land located in Lot 1, Block 1, "Fontana," an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, said parcel being more particularly described as follows:

Commencing at the SW corner of said Lot 1; thence due North along the West line thereof, a distance of 414.00'; thence North 89°-58'-33" East a distance of 184.95'; thence North
0°-01'-27" West a distance of 76.50' to the point of beginning; hence continuing North 0°-01'-27" West a distance of 43.50'; hence North 89°-58'-33" East a distance of 120.00'; hence South 0°-01'-27" East a distance of 90.00'; hence South 89°-58'-33" West a distance of 30.00'; hence North 0°-01'-27" West a distance of 30.00'; hence South 89°-58'-33" West a distance of 66.30'; hence North 0°-01'-27" West a distance of 16.50'; hence South 89°-58'-33" West a distance of 23.70' to the point of beginning, containing 7,708.95 square feet, more or less.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) request for an exception to permit a mobile home in an RM-1 District. This property is located at 219 East Jasper Avenue.

Presentation:

Mr. Jones submitted to the Board a letter (Exhibit "G-1") dated July 18, 1981, from Jerry E. Sutton, Manager of the Physical Development Division, Tulsa Urban Renewal Authority, indicating opposition to the request.

Marsha Harris, 1835 North Quincy Avenue, stated that she had lived at 219 East Jasper for a number of years and had then moved out of her residence at that location in order to renovate it but, instead, had it torn down. She had decided that she would like to place a mobile home on the lot, but the TURA was opposed to the request because of future planned upgrading of the neighborhood. When asked if there were other mobile homes in the area, Mr. Harris replied that there were none in the immediate vicinity.

Protestants: None.

Board Comments:

Brief discussion ensued as to why opposition to the request would be voiced by TURA since it appeared that it would be some time before the upgrading activities of the neighborhood would commence.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Lewis, Wait, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) to permit a mobile home in an RM-1 District, for a period of one year, removal bond required, on the following described property:

Lot 17, Block 1, Sunset Hill Addition to the City of Tulsa, Oklahoma, Tulsa County, Oklahoma.

6.25.81:338(10)
Case No. 14322 (continued)
the present location for several years and has proved to be
compatible with the neighborhood and the surrounding area; on the
following described property:

North 45’ of Lot 10, Block 5, Industrial Addition, City of
Tulsa, Tulsa County, Oklahoma.

Case No. 14323

Action Requested:
Special Exception - Section 710 - Principal Uses Permitted in
Commercial Districts - Use Unit 1215 - Request a special exception
to permit a cosmetology school associated with the Oklahoma Junior
College of Business and Technology in a CS District, located NW/c
51st Street and Memorial Drive.

Presentation:
The applicant, Kathryn Purser, 4821 South 72nd East Avenue, Tulsa,
Oklahoma, submitted a location map (Exhibit E-2) and a brochure
(Exhibit E-1) and stated that she is representing Oklahoma Junior
College. She explained that the college is now offering a
non-degree cosmetology program, with the Fontana Shopping Center as
the proposed location for the classes. Ms. Purser informed that
there is sufficient parking to accommodate the students enrolled in
the program. She stated that Carol Titolo, who will be the
administrator, is present for questions. Photographs (Exhibit E-3)
were submitted.

Comments and Questions:
Ms. Bradley asked the applicant to explain in what portion of the
shopping center the school will be located. Ms. Purser informed
that the school will be located 2 doors down from Cort Rental
Furniture, which is located on the corner of 51st and Memorial. She
informed that the school will utilize approximately 6,000 sq. ft. of
floor space.

Ms. Bradley inquired as to the number of students that will be
enrolled in the school, and Ms. Purser informed that the State will
allow 150 students at one time. She noted that there will be both
day and evening classes.

Protestants: None.

Board Action:
On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle,
Quaries, Smith, White, "aye"; no "nays"; no "abstentions"; none,
"absent") to APPROVE a Special Exception (Section 710 - Principal
Uses Permitted in Commercial Districts - Use Unit 1215) to permit a
cosmetology school associated with the Oklahoma Junior College of Business and Technology in a CS District; finding that the school will not be detrimental to the area and that the special exception is in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

South 500' and the east 600' of Lot 1, Block 1, Fontana Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14324

Action Requested:
Special Exception - Section 410 - Principal Uses Permitted in Residential District - Use Unit 1205 - Request a special exception to allow a day care center in an RS-3 District, NE/c of 63rd Street and Mingo Road.

Presentation:
The applicant, Alma Vance, 1900 South Yellowwood Avenue, Broken Arrow, Oklahoma, submitted a plot plan (Exhibit F-1) and asked the Board to allow her to operate a day care center on the subject property.

Comments and Questions:
Mr. Chappelle asked the applicant to state the size of the building in question and Ms. Vance informed that the building is approximately 1,400 sq. ft.

Ms. White asked if the entire building will be used for a day care operation and the applicant answered in the affirmative. Ms. Vance stated that there is sufficient playground area to satisfy the State requirement, but that she plans to enlarge the play area in the spring.

Mr. Quarles asked Ms. Vance if she will be the operator of the child care facility and if she has other centers in the City. The applicant replied that she will be the operator for the center in question and that she has previously been involved in a church child care operation, but has no other businesses at this time.

Ms. Bradley inquired as to the parking arrangement for parents leaving and picking up the children. Ms. Vance informed that the loading and unloading area on 63rd Street will be surfaced for parking, and there will be sufficient space for cars to turn around in this area.

Mr. Quarles inquired as to the ages of the children that will be kept at the center and the hours of operation. The applicant
Comments and Questions:
Cheryl Perkins asked Lindsay Perkins if he explained to the adjacent homeowners that this garage will stick out four feet in front of their building line. Lindsay Perkins stated that none of surrounding homeowners had a problem with it.

Interested Parties:
None.

Board Action:
On MOTION of COOPER, the Board voted 4-1-0 (Cooper, Dunham, Turnbo, White "aye"; Perkins "nays", no "abstentions"; no "absent") to APPROVE Minor Special Exception of front yard requirement of 25' to 21' for the construction of a new house, finding that the 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. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, per plan with the 20' proposed building being excluded, on the following described property:

Lot 3, Block 2, The Crescent (Crescent Court), City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18372

Action Requested:
Special Exception to allow Use Unit 17 in a CS zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17, located W of NW/c E. 49th St. S. & S. Memorial.

Presentation:
The applicant, Gale Plummer, 2105 N. Yellow wood, Broken Arrow, stated that this property is adjacent to Ernie Miller Pontiac. They are asking for that area to be allowed to have Use Unit 17 within the CS zoning. The use would be automotive sales, it will actually be an extension of the Ernie Miller’s operation accommodating the parts business.

Comments and Questions:
Ms. Turnbo asked Mr. Plummer if there will be auto repairs on the property? Mr. Plummer replied that the final decision on what will be on the property has not been decided. There are a few buildings on the property and some will be removed and some will be used. The service department will remain where it is.

Mr. Dunham asked Mr. Beach if this property was zoned IL would Use Unit 17 be allowed and Mr. Beach answered affirmatively.
Case No. 18372 (continued)

Mr. Beach stated that within a CS District, Use Unit 17 uses may not have outside storage of merchandise for sale within 300' of a residential district. He pointed out that this property is bordered on the west by RM-2. He advised the applicant that if he needs relief from that requirement he needs to be advertised for that relief.

Ms. Turnbo suggested that the case be continued and readvertised for a waiver of the setback.

Interested Parties:
None.

Board Action:
On MOTION of DUNHAM, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to CONTINUE Case No. 18372 to the meeting of May 11, 1999 to allow time for additional relief to be advertised.

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Case No. 18374

Action Requested:
Special Exception to allow an auto repair – six bays (Use Unit 17) and a mini storage facility (Use Unit 16) in a CS zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 16 & 17 and a Special Exception of the screening requirements on the north and south boundaries. SECTION 1216.C.1. USE UNIT 16. MINI-Storage, Use Conditions, located 2940 W. Skelly Drive.

Presentation:
The applicant, Rob Coday, was represented by Cliff Kirkpatrick, who submitted a site plan (Exhibit J-1). Mr. Kirkpatrick stated that he has been in this location for 17 years. In December, Mr. Kirkpatrick was not able to replace his gasoline tanks and bring them into compliance with the laws so he removed them and closed down his filling station. Mr. Kirkpatrick would like to enlarge his service bays and do mostly repair work on vehicles. Mr. Kirkpatrick has considered putting in a mini-storage. Right now the repair business is more important than the mini-storage, it may be developed at a later date.

Interested Parties:
Councilor Darla Hall, Council District 2, stated that she was informed that Mr. Kirkpatrick was clearing his property of trees and bushes. Code Enforcement was called to get him to stop the clearing. Councilor Hall believes that Mr. Kirkpatrick may be trying to put in a salvage yard and that is against the Comprehensive Plan and that would not be favorable with the neighborhood. Councilor Hall stated that the request for no screening needs to be denied. There is a residential neighborhood to the south.
CITY BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 772  
Tuesday, May 11, 1999, 1:00 p.m.  
Francis F. Campbell City Council Room  
Plaza Level of City Hall  
Tulsa Civic Center  

MEMBERS PRESENT  
Dunham, Vice Chair  
Perkins  
White, Chair  

MEMBERS ABSENT  
Cooper  
Tumbo  

STAFF PRESENT  
Arnold  
Beach  
Stump  

OTHERS PRESENT  
Ballentine,  
Neighborhood Insp.  
Prather, Legal Dept.  
Ackermann,  
Zoning Officer  

The notice and agenda of said meeting was posted in the Office of the City Clerk on Friday, May 7, 1999, at 11:38 a.m., as well as in the Reception Area of the INCOG offices.  

After declaring a quorum present, Chair, White called the meeting to order at 1:05 p.m.  

*****  

UNFINISHED BUSINESS  

Case No. 18372  

Action Requested:  
Special Exception to allow Use Unit 17 in a CS zoned district.  
SECTION 701.  
PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17 and a  
Variance to permit outdoor display of merchandise offered for sale within 300' of an R  
district down to 150'.  
SECTION 1217.C.2. USE UNIT 17. AUTOMOTIVE AND  
ALLIED ACTIVITIES, Use Conditions, located W of NW/c E. 49th St. S. & S.  
Memorial.  

Presentation:  
The applicant, Gale Plummer, 2105 N. Yellowwood, Broken Arrow, OK, submitted a  
site plan (Exhibit A-1) and stated that this request is to allow Ernie Miller to extend  
their parking of cars for sale and to allow the westerly portion of the property to be  
used for some of other functions such as parts.
Comments and Questions:
Mr. White asked Mr. Plummer to explain his hardship. Mr. Plummer stated that it would be hard for Ernie Miller to sell cars without the granting of this application. The 150' line is the east wall of a building. Ernie Miller wants to be able to display and sell cars on the easterly portion of their property. The building would essentially screen the residential district from anything happening on the property. This would be an expansion of their current operations.

Mr. Beach mentioned that this property is an anomaly. If you look at the zoning pattern in the area, 49th Street is a dividing line between mostly IL zoning to the north and the Fontana Shopping Center to the south which is zoned CS. This property is zoned CS but if it were to go with the zoning pattern in the area it would be a likely candidate for IL zoning and less relief would be needed.

Interested Parties:
None.

Board Action:
On MOTION of DUNHAM, the Board voted 3-0-0 (Dunham, Perkins, White "aye"; no "nays", no "abstentions"; Cooper, Turnbo "absent") to APPROVE Special Exception to allow Use Unit 17 in a CS zoned district, finding that the 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. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17 and a Variance to permit outdoor display of merchandise offered for sale within 300' of an R district down to 150'. SECTION 1217.C.2. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions, finding the hardship to be that there is an existing building there, the zoning pattern and configuration of the lot, on the following described property:

Lot 2, Block 1, Phillip Smith, less W 257.75' of Lot 2, Block 1, City of Tulsa, Tulsa County, State of Oklahoma.

* * * * * * *
Subject Tract

BOA-23366
19-13 26

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

Aerial Photo Date: 2020/2021

15.25
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9426  Case Number: BOA-23368
CZM: 50
CD: 6

HEARING DATE: 06/14/2022 1:00 PM

APPLICANT: Blake Boswell

ACTION REQUESTED: Special Exception to permit the storage of motorized vehicles on a surface other than one consisting of a dustless, all-weather surface outside of the required building setbacks to permit a gravel driveway (Sec. 55.090-F-2)

LOCATION: 4920 S LYNN LANE RD E  ZONED: AG

PRESENT USE: Residential  TRACT SIZE: 177725.53 SQ FT

LEGAL DESCRIPTION: BEG 416S NEC SE SE TH S171 W1040 N171 E1040 POB SEC 26 19 14,

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located on the West side of 177th E. Ave./Lynn Lane immediately South The Boulevard Subdivision.

STAFF COMMENTS: The applicant is requesting a Special Exception to permit the storage of motorized vehicles on a surface other than one consisting of a dustless, all-weather surface outside of the required building setbacks to permit a gravel driveway (Sec. 55.090-F-2)
That applicant is seeking to utilize grave for access and parking to a detached accessory building in the rear of the principal residential structure.

**SAMPLE MOTION:** Move to ________ (approve/deny) a Special Exception to permit the storage of motorized vehicles on a surface other than one consisting of a dustless, all-weather surface outside of the required building setbacks to permit a gravel driveway (Sec. 55.090-F-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
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] NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE “RECORD SEARCH” ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)
REVIEW COMMENTS

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

Application No. BLDR-110398-2022

1. **55.090-F.2 Surfacing:** All motorized vehicles designed for travel upon public streets and that are being parked, stored or displayed for sale must be parked, stored or displayed on dustless, all-weather surface. This surfacing requirement does not apply to junk or salvage yards. The board of adjustment is authorized to grant a special exception permitting the storage or display of motorized vehicles on a surface other than one consisting of a dustless, all-weather surface if the location complies with all applicable minimum building setbacks.

**Review Comments:** The proposed building still requires a driveway to access the garage. Instead of removing the driveway all together, a driveway consisting of an approved dustless all-weather surface (such as concrete or asphalt) should be added to connect the garage door to the existing driveway. All new areas used for driving, parking, and maneuvering vehicles (including boat trailers, RV’s, etc.) require a dustless all weather material surface. Please revise the site plan to show a driveway of a dustless all-weather material to this building’s garage door. Alternatively, you may pursue a special exception from the Board of Adjustment for a driveway of other than a dustless all-weather material.

The zoning review will resume after these modified plans are submitted. Additional deficiencies may be discovered which will need to be addressed prior to issuing a building permit.

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

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

END – ZONING CODE REVIEW

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

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

STR: 8308
CZM: 52
CD: 2

HEARING DATE: 06/14/2022 1:00 PM

APPLICANT: Jim Beach

ACTION REQUESTED: Special Exception to modify a previously approved site plan for a university in a residential district (Sec.5.020, Table 5-2, Sec. 70.120) Variance to increase the maximum permitted height of 35-feet in an RS-3 District (Sec. 5.030, Table 5-3)

LOCATION: 7777 S LEWIS AV E
ZONED: RS-3,RS-1

PRESENT USE: University
TRACT SIZE: 6527954.47 SQ FT

LEGAL DESCRIPTION: BLK 1 LESS BEG SWC TH N22 SE31.19 W22 POB, ORAL ROBERTS UNIVERSITY HGTS

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-23193; On 10.12.21 the board approved a Special Exception to modify a previously approved site plan for a university in a residential district (Sec.5.020, Table 5-2, Sec. 70.120) Variance to increase the maximum permitted height of 35-feet in an RS-3 District (Sec. 5.030, Table 5-3)

BOA-23170; On 08.10.21 the board approved a Special Exception to modify a previously approved site plan for a university in a residential district (Sec.5.020, Table 5-2, Sec. 70.120) Variance to increase the maximum permitted height of 35-feet in an RS-3 District (Sec. 5.030, Table 5-3)

BOA-17831-A; On 12.08.2015 the board approved a modification to a previously approved plan for a digital sign.

BOA-21495; On 11.13.12 the Board approved a variance to allow 2 wall signs in an R district.

BOA-21488; On 10.23.2012 the Board approved a variance to allow a wall sign in an R district.

BOA-17831; On 09.23.97 the Board approved an amendment to a previously approved exception for a sponsor sign and a variance of the maximum square feet for a sponsor sign.

BOA-9273; On 11.04.76 the Board voted to uphold the appeal to the building inspector from decision of the building inspector for refusing to issue a zoning clearance permit to construct quarters on the University Campus to be operated in conjunction with the University Medical Campus.

BOA-9197; On 11.04.76 the Board approved an exception to permit the use of the property for university uses per the development standards submitted and the plot plan “F-2”.

BOA-7769; On 02.01.73 the Board approved an exception to operate a community service, cultural and recreation facility (Mabee Center) in an R district.
BOA-7721; On 11.30.72 the Board approved a Minor variance to modify the allowed height and size of a sign in an RS-3 District.

BOA-3760; On 02.14.192 the Board approved the subject property for school purposes.

Surrounding properties:

BOA-7964; on 07.050.73 the Board approved an Exception for Athletic facilities for Oral Roberts University. property Located Immediately East of the subject Tract.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NE/c or E. 81st Street South and S. Lewis Ave.

STAFF COMMENTS:
The applicant is requesting a Special Exception to modify a previously approved site plan for a university in a residential district (Sec. 5.020, Table 5-2, Sec. 70.120) Variance to increase the maximum permitted height of 35-feet in an RS-3 District (Sec. 5.030, Table 5-3) to allow an addition for a training center.

BOA-23193 was the most recent Board case involving the University site plan. Included in your packet is a copy of that approved plan.

The Board may also wish to refer the applicant to re-zone the property to a zoning classification that would allow the Use by right. Currently the Land Use Designation as Regional Center would support a higher intensity zoning district. The lowest intensity Zoning Category that would allow this use by right would be OM (Office-Medium).

SAMPLE MOTION:

Special Exception:
Move to _________ (approve/deny) a Special Exception to modify a previously approved site plan for a university in a residential district (Sec. 5.020, Table 5-2, Sec. 70.120)

- 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 increase the maximum permitted height of 35-feet in an RS-3 District (Sec. 5.030, Table 5-3)

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

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

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

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

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

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

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

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

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

Subject property
Mike Hart came forward and stated the current building has an alcove which is a place to hide, and the proposed building has a straight front so there would be no place for anyone to hide; the alcove will go away.

Mr. Bond asked Mr. Hart if there had been any discussion about adding a fence to the parking. Mr. Hart stated that is not sure how that could be done because the parking spaces need to be pulled in to off the alley.

Board Action:
On MOTION of RADNEY, the Board voted 3-1-0 (Bond, Radney, Wallace "aye"; Barrientos "nay"; no "abstentions"; Brown absent) to APPROVE the request for a Special Exception to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use (Community Center/Caring Center Downtown) in the CBD District (Section 15.020, Table 15-2), subject to the conceptual plan submitted today. There is to be no prepared meal distribution on the site. There is a five-year time limit on the request, October 26, 2026. 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 8 BLK 116, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

Action Requested:
Special Exception to modify a previously approved site plan for a university in a residential district (Section 5.020, Table 5-2 & Section 70.120); Variance to increase the maximum permitted height of 35 feet in an RS-3 District (Section 5.030, Table 5-3). LOCATION: 7777 South Lewis Avenue East (CD 2)

Presentation:
Jim Beach, Wallace Collective Design, 123 North Martin Luther King, Jr. Boulevard, Tulsa, OK; stated this request is the next in a series of projects at Oral Roberts University (ORU) that needs approval of a Special Exception to amend the previously site plan and a Variance of the RS-3 District building height of 35 feet. Today’s request is the next project in line and is similar to the application brought to the Board in August.

Mr. Bond asked Mr. Beach to state the hardship for the Variance request. Mr. Beach stated the hardship for the Variance request is RS-3 zoning and posed height limit which is uncharacteristic for this use. This use has been allowed in the RS-3 District by Special Exception the height limit does not apply.

Mr. Beach stated to the top of the roof top unit screen it is about 53 feet, and the top of the parapet on the building is approximately 46 feet.
Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of BARRIENTOS, the Board voted 4-0-0 (Barrientos, Bond, Radney, Wallace "aye"; "nays"; no "abstentions"; Brown absent) to APPROVE the request for a Special Exception to modify a previously approved site plan for a university in a residential district (Section 5.020, Table 5-2 & Section 70.120); Variance to increase the maximum permitted height of 35 feet in an RS-3 District (Section 5.030, Table 5-3), subject to conceptual plans 4.26, 4.27, 4.28 and 4.29 of the agenda packet. The Board finds the hardship to be the current zoning classification limits the heights of the building. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

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

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

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

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

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

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

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

BLK 1 LESS BEG SWC TH N22 SE31.19 W22 POB, ORAL ROBERTS UNIVERSITY HGTS, City of Tulsa, Tulsa County, State of Oklahoma

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NEW APPLICATIONS

10/26/2021-1283 (10)
Action Requested:
Special Exception to modify a previously approved site plan for a university in a residential district (Section 5.020, Table 5-2 & Section 70.120); Variance to increase the maximum permitted height of 35 feet in an RS-3 District (Section 5.030, Table 5-3). LOCATION: 7777 South Lewis Avenue East (CD 2)

Presentation:
The applicant was not present.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of BROWN, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney "aye"; "nays"; no "abstentions"; Wallace absent) to CONTINUE the request for a Special Exception to modify a previously approved site plan for a university in a residential district (Section 5.020, Table 5-2 & Section 70.120); Variance to increase the maximum permitted height of 35 feet in an RS-3 District (Section 5.030, Table 5-3) to the October 26, 2021 Board of Adjustment meeting; for the following property:

BLK 1 LESS BEG SWC TH N22 SE31.19 W22 POB, ORAL ROBERTS UNIVERSITY HGTS, City of Tulsa, Tulsa County, State of Oklahoma

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OTHER BUSINESS
None.

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NEW BUSINESS
None.

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10/12/2021-1282 (14)
BOARD OF ADJUSTMENT
CASE REPORT

STR: 8308
CZM: 52
CD: 2

HEARING DATE: 10/26/2021 1:00 PM (Continued from 10/12/21, applicant not present)

APPLICANT: Jim Beach

ACTION REQUESTED: Special Exception to modify a previously approved site plan for a university in a residential district (Sec.5.020, Table 5-2, Sec. 70.120) Variance to increase the maximum permitted height of 35-feet in an RS-3 District (Sec. 5.030, Table 5-3)

LOCATION: 7777 S LEWIS AV E
ZONED: RS-3

PRESENT USE: University
TRACT SIZE: 6527954.47 SQ FT

LEGAL DESCRIPTION: BLK 1 LESS BEG SWC TH N22 SE31.19 W22 POB, ORAL ROBERTS UNIVERSITY HGTS

RELEVANT PREVIOUS ACTIONS:

BOA-23170; On 08.10.21 the board approved a Special Exception to modify a previously approved site plan for a university in a residential district (Sec.5.020, Table 5-2, Sec. 70.120) Variance to increase the maximum permitted height of 35-feet in an RS-3 District (Sec. 5.030, Table 5-3)

BOA-17831-A; On 12.08.2015 the board approved a modification to a previously approved plan for a digital sign.

BOA-21495; On 11.13.12 the Board approved a variance to allow 2 wall signs in an R district.

BOA-21488; On 10.23.2012 the Board approved a variance to allow a wall sign in an R district.

BOA-17831; On 09.23.97 the Board approved an amendment to a previously approved exception for a sponsor sign and a variance of the maximum square feet for a sponsor sign.

BOA-9273; On 11.04.76 the Board voted to uphold the appeal to the building inspector from decision of the building inspector for refusing to issue a zoning clearance permit to construct quarters on the University Campus to be operated in conjunction with the University Medical Campus.

BOA-9197; On 11.04.76 the Board approved an exception to permit the use of the property for university uses per the development standards submitted and the plot plan "F-2".

BOA-7769; On 02.01.73 the Board approved an exception to operate a community service, cultural and recreation facility (Mabee Center) in an R district.

BOA-7721; On 11.30.72 the Board approved a Minor variance to modify the allowed height and size of a sign in an RS-3 District.
BOA-3760; On 02.14.192 the Board approved the subject property for school purposes.

Surrounding properties:

BOA-7964; on 07.050.73 the Board approved an Exception for Athletic facilities for Oral Roberts University. property Located Immediately East of the subject Tract.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NE/c or E. 81st Street South and S. Lewis Ave.

STAFF COMMENTS:
The applicant is requesting a Special Exception to modify a previously approved site plan for a university in a residential district (Sec.5.020, Table 5-2, Sec. 70.120) Variance to increase the maximum permitted height of 35-feet in an RS-3 District (Sec. 5.030, Table 5-3) to allow an addition for a training center.

BOA-23170 was the most recent Board case involving the University site plan. Included in your packet is a copy of that approved plan.

The Board may also wish to refer the applicant to re-zone the property to a zoning classification that would allow the Use by right. Currently the Land Use Designation as Regional Center would support a higher intensity zoning district. The lowest intensity Zoning Category that would allow this use by right would be OM (Office-Medium).

SAMPLE MOTION:

Special Exception:
Move to ________ (approve/deny) a Special Exception to modify a previously approved site plan for a university in a residential district (Sec.5.020, Table 5-2, Sec. 70.120)

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

17.10

REVISED 10/4/2021
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 increase the maximum permitted height of 35-feet in an RS-3 District (Sec. 5.030, Table 5-3)

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

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

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

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

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

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

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

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

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”
Ms. Rodriguez asked what she is to do after this, will she receive a letter? Mr. Henke stated that if the Board denies the Special Exception requests the manufactured home will have to be removed. Ms. Rodriguez stated that she has lived in Tulsa all her life and could not find a house in her neighborhood, and she is a single parent with two children and she has done everything that the permit center has told her. This is not the first time a mobile home is going to be on a lot in the State of Oklahoma. Mr. Henke said he was sorry that the Board could not be more helpful but Ms. Rodriguez needs to find another location. Ms. Rodriguez stated that is her lot and it is her home. Ms. Rodriguez informed Ms. Rodriguez that she could build a house on the lot but in terms of having permission to have a manufactured home on the lot he does not think the permission will be given by the City of Tulsa. Ms. Rodriguez stated that this is outrageous and she is confused.

**Comments and Questions:**
None.

**Board Action:**
On MOTION of FLANAGAN, the Board voted 3-0-1 (Henke, Flanagan, Snyder "aye", no "nays"; White "abstaining"; Van De Wiele absent) to DENY the request for a Special Exception to permit a mobile home in the RS-3 District (Section 401, Table 1), Special Exception to extend the one-year time limit on a mobile home (Section 404.E.1) based on this out of character with the neighborhood and it would be injurious and detrimental to the public welfare and the existing homes in the neighborhood; for the following property:

**LT 1 BLK 4, OAK RIDGE ADDN - TULSA, NEW HAVEN ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

Mr. White re-entered the meeting at 3:49 P.M.

**17831-A—A-MAX Sign Company**

*Action Requested:*
Modification of a previously approved plan (BOA-17831).  
**LOCATION:**  7777 South Lewis Avenue (CD 2)

*Presentation:*
Brian Ward, 9520 East 55th Place, Tulsa, OK; stated that in the early 1970s when ORU Mabee Center was built there was an accompanying sign structure. When it was built it had light bulb technology. As technology progresses there is a need to replace the boards every 10 to 12 years. The first sign lasted until approximately 1980 and it was replaced, and about every ten years the sign is being replaced. In 1997 the sign came before the Board and that was the last case on this particular sign, and what was approved was a 317 square foot message board and that is basically what is there now.
Mr. Ward stated sometime, and he is not sure when, the configuration of the sign is different in physical shape although it is about the same square footage. When he applied for a permit application it was denied based on the physical size being different from what was approved in 1997. Although the sign is five square feet less in the application than what was approved in 1997 the permit center denied the application based on the Board’s approval of the plans submitted. What he is asking for is approval of a new message board to be installed and for the Board to approve 317 square feet of message board so when this technology become obsolete the sign can be replaced without needing to come back before the Board.

Mr. Henke left the meeting at 3:50 P.M.

Mr. Flanagan asked Mr. Ward to confirm that he wants approval for the square footage that exists but was not corrected from the 1997 plan. Mr. Ward stated the plan was approved in 1997 for 317 square feet and the sign is now approximately 315 square feet. So he is asking for approval for the square footage rather than approval per plan so in ten years when the equipment becomes obsolete it is not necessary to appear before the Board.

Mr. Henke re-entered the meeting at 3:53 P.M.

Mr. Ward stated that if the Board is to approve this request he would like to motion to stipulate that the digital portion of the sign is not exceed 317 square feet.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of SNYDER, the Board voted 4-0-0 (Henke, Flanagan, Snyder, White "aye"; no "nays", no "abstentions"; Van De Wiele absent) to APPROVE the request for a Modification of a previously approved plan (BOA-17831) to approve the sign that says Mabee Center on Exhibit 8.14, that would be a 12 x 26 foot digital sign. The digital part of the sign will never exceed 317 square feet. This insures that the modification is compatible with and not injurious to the surrounding area and meets the previously granted Board relief other than what was just stipulated and it meets the zoning requirements per Code; for the following property:

BLK 1 LESS BEG SWC TH N22 SE31.19 W22 POB, ORAL ROBERTS UNIVERSITY HGTS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

12/08/2015-1152 (24)
LT 1 BLK 13, SUNSET TERRACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21495—Mark Bragg

Action Requested:
Variance to allow two (2) wall signs in an RS District (Section 402.B.4). LOCATION: 7777 South Lewis Avenue (CD 2)

Presentation:
The applicant was not present.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of VAN DE WIELE, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to APPROVE the request for a Variance to allow two (2) wall signs in an RS District (Section 402.B.4), subject to conceptual site plan on page 9.13, page 9.14, and page 9.15. Finding that the signage in question is necessary to guide student and visitor traffic on the campus. By reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

BLK 1 LESS BEG SWC TH N22 SE31.19 W22 POB, ORAL ROBERTS UNIVERSITY HGTS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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OTHER BUSINESS

Request for Tulsa Zoning Code Interpretation:
A. Where, and when, is serving and sale of intoxicating beverages and/or low point beer allowed as accessory or customary to an unidentified use?
1940s era home was built before the code went into effect, and the unique orientation of the home on the corner lot poses a hardship justifying the approval of the variance. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT-1-BL2, LOUISE ADDN OF L1 J P HARTERS SUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21488—Mark Bragg

Action Requested:
Variance to allow a wall sign in a Residential District (Section 402.B.4). LOCATION: 2601 East 81st Street (CD 2)

Presentation:
Mark Bragg, KSQ Architects, 1624 South Detroit, Tulsa, OK; stated Oral Roberts University had remodeled the subject building and would like to have a building sign honoring the donor. The sign will be on the southwest face of the subject building and will not be illuminated.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of VAN DE WIELE, the Board voted 4-0-0 (Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Henke absent) to APPROVE the request for a Variance to allow a wall sign in a Residential District (Section 402.B.4), subject to site plan on pages 12.10, 12.11 and 12.12. Finding that for identification and location purposes the university sign is necessary. By reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:
21489—Mark Bragg

Action Requested:
Variance to increase the permitted floor area from 1,006 square feet (40%) to 1,188 square feet (47%) (Section 402.B.1.d); Variance of the accessory building height and coverage area in required rear yard from 1 story to 2 story and increase maximum covered area in the rear yard from 300 square feet (30%) to 540 square feet (54%) (Section 210.B.5.a) in the RS-3 District. **LOCATION:** 1621 South Detroit Avenue East (CD 4)

Presentation:
Mark Bragg, KSQ Architects, 1624 South Detroit, Tulsa, OK; stated he lives across the street from the subject property and has lived there for four years. When he first moved into the neighborhood it was entirely rental property and over the years the neighborhood has vastly improved. In the interim the neighborhood has achieved historic zoning. He purchased the subject property across the street because he wanted to downsize without moving out of the neighborhood. Currently the house does not have a garage, but it did have at one time. Mr. Bragg would like to replace the previous garage with another larger garage, larger than what the zoning code allows. The foundation of the previous garage still exists. Mr. Bragg has a letter from the previous owner stating that when she moved into the house the garage had burned down, and that the previous garage had been a two-story garage. Mr. Bragg has support of his application from 17 of his neighbors.

Mr. Van De Wiele asked Mr. Bragg if the footprint of what he was proposing to build is the same as the previous garage. Mr. Bragg stated it is basically the same but not exactly. The new garage will be a little wider to accommodate today’s cars.

Mr. White asked Mr. Bragg if he had received his Certificate of Appropriateness. Mr. Bragg stated that he had been approved and does have a Certificate of Appropriateness. Mr. Bragg stated that he also has a Certificate of Appropriateness for the house.

Mr. Van De Wiele asked Mr. Bragg if he intended for the second story of the garage to be a future garage apartment. Mr. Bragg stated that he had no intentions of using the second story as a garage apartment at this time, but he will file an application and come back before the Board to ask permission if he wants to have a rental unit.

Interested Parties:
There were no interested parties present.
1940s era home was built before the code went into effect, and the unique orientation of the home on the corner lot poses a hardship justifying the approval of the variance. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT-1-BL2, LOUISE ADDN OF L1 J P HARTERS SUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21488—Mark Bragg

**Action Requested:**
Variance to allow a wall sign in a Residential District (Section 402.B.4). **LOCATION:** 2601 East 81st Street (CD 2)

**Presentation:**
Mark Bragg, KSQ Architects, 1624 South Detroit, Tulsa, OK; stated Oral Roberts University had remodeled the subject building and would like to have a building sign honoring the donor. The sign will be on the southwest face of the subject building and will not be illuminated.

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

**Comments and Questions:**
None.

**Board Action:**
On MOTION of VAN DE WIELE, the Board voted 4-0-0 (Snyder, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Henke absent) to **APPROVE** the request for a Variance to allow a wall sign in a Residential District (Section 402.B.4), subject to site plan on pages 12.10, 12.11 and 12.12. Finding that for identification and location purposes the university sign is necessary. By reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:
21489—Mark Bragg

Action Requested:
Variance to increase the permitted floor area from 1,006 square feet (40%) to 1,188 square feet (47%) (Section 402.B.1.d); Variance of the accessory building height and coverage area in required rear yard from 1 story to 2 story and increase maximum covered area in the rear yard from 300 square feet (30%) to 540 square feet (54%) (Section 210.B.5.a) in the RS-3 District. LOCATION: 1621 South Detroit Avenue East (CD 4)

Presentation:
Mark Bragg, KSQ Architects, 1624 South Detroit, Tulsa, OK; stated he lives across the street from the subject property and has lived there for four years. When he first moved into the neighborhood it was entirely rental property and over the years the neighborhood has vastly improved. In the interim the neighborhood has achieved historic zoning. He purchased the subject property across the street because he wanted to downsize without moving out of the neighborhood. Currently the house does not have a garage, but it did have at one time. Mr. Bragg would like to replace the previous garage with another larger garage, larger than what the zoning code allows. The foundation of the previous garage still exists. Mr. Bragg has a letter from the previous owner stating that when she moved into the house the garage had burned down, and that the previous garage had been a two-story garage. Mr. Bragg has support of his application from 17 of his neighbors.

Mr. Van De Wiele asked Mr. Bragg if the footprint of what he was proposing to build is the same as the previous garage. Mr. Bragg stated it is basically the same but not exactly. The new garage will be a little wider to accommodate today’s cars.

Mr. White asked Mr. Bragg if he had received his Certificate of Appropriateness. Mr. Bragg stated that he had been approved and does have a Certificate of Appropriateness. Mr. Bragg stated that he also has a Certificate of Appropriateness for the house.

Mr. Van De Wiele asked Mr. Bragg if he intended for the second story of the garage to be a future garage apartment. Mr. Bragg stated that he had no intentions of using the second story as a garage apartment at this time, but he will file an application and come back before the Board to ask permission if he wants to have a rental unit.

Interested Parties:
There were no interested parties present.
Case No. 17830

**Action Requested:**
Special Exception to permit church use on property zoned RS-3. **SECTION 1217.C.1. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES;** Use Conditions, located 10023 East 39th Place South.

**Presentation:**
The applicant, **Rick L. Frie**, withdrew his case prior to the hearing.

Case No. 17831

**Action Requested:**
Approval of an amendment to a previously approved special exception. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** – Use Unit 2 and a Variance of the maximum 15 SF of sponsor sign. **SECTION 1202.c.12 USE UNIT 2 AREA-WIDE SPECIAL EXCEPTION USES;** Use Conditions, located East side of South Lewis Avenue, North of East 81st Street.

**Presentation:**
The applicant, **Charles E. Norman**, 2900 Mid-Continent Tower, representing Oral Roberts University ("ORU"), submitted a site plan (Exhibit L-1), a computer generated photograph (Exhibit L-2) and photographs (Exhibit L-3). Mr. Norman stated the existing message sign was approved as an accessory use to the University 25 years ago. He indicated that the message sign has become obsolete and worn out. He proposes to replace the electronic component center and leaving the stone columns in place. Mr. Norman requested the Board’s approval of the new electronic component as an amendment to the previously approved special exception. The message sign is adjacent to the Mabee Center, which is located on 40 acres of the 200 acres of ORU campus. Mr. Norman described the local businesses located across the street from the ORU campus, which had been constructed since the Mabee Center was constructed. He commented that when the ordinance was written dealing with signs associated with educational institutions, which limit the sign of the sponsor name and logo to only 15 SF, was actually suppose to be 15% of the size of the sign. He stated that he suspects that every stadium scoreboard and sponsor logo in the City are considerably larger than the 15 SF. Mr. Norman indicated that the proposal replacement will have four (4) sponsor locations. He explained that the replacement cost of the message board is in excess $400,000 and obviously it is necessary for ORU to secure more than one (1) sponsor to obtain the contribution for the facility. The sponsor logos are 5’ x 9’ or 45 SF for the total of 180 SF, which when compared to the size of the sign (approximately 1150 SF) is 15% of the face of the sign. Mr. Norman indicated that the height of the sign will be reduced approximately 2’ and the total size of the sign is approximately 50’ less than its present configuration.
Case No. 17831 (continued)

Comments and Questions:
Mr. White asked the applicant to address the concerns of the staff that the video display might be a distraction to the traffic? Mr. Norman stated that experience has proven that the changeable signs are not distracting in a dangerous way. The Board recently approved a similar sign for the Performing Arts Center, much smaller in size, but has rapidly changing messages and has potential for displays to reflect the event that is going on. This proposed sign will be operated in accordance with considerations of liability, which has been discussed by ORU. The sign will not be operated in a way that will be distracting to drivers along south Lewis. There will not be any live videos of the activities going on, except maybe a one (1) or two (2) second replay of a basketball going into a hoop. He assured the Board that there will not be a message component that will have a continual message, which would attract driver’s attention as they drive by the sign.

In response to the Board’s concerns with the video image components creating a traffic problem or distraction, Mr. Norman stated that the typical driving speed is approximately 30 mph and the message board will not be visible for more than two (2) or three (3) seconds by any particular vehicle driving by. He commented that you rarely see the end of the message from the typical traffic speed. He concluded that the message board will be primarily used to advertise the next event taking place at the Mabee Center. If there are any problems with the operation, he is sure that there will be discussion with the traffic engineer and ORU’s insurance underwriters about the operation of the sign.

Board Action:
On MOTION of DUNHAM, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, “aye”; no “nays” no “abstentions”; none “absent”) to APPROVE an amendment to a previously approved special exception. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 2 and a Variance of the maximum 15 SF of sponsor sign. SECTION 1202.c.12 USE UNIT 2 AREA-WIDE SPECIAL EXCEPTION USES; Use Conditions; per plan submitted; finding that the requirements for a variance in Sec. 1607.c. have been met, on the following described property:

N 200’, S 1000’, Block 1, Oral Roberts University Heights Addition, City of Tulsa, Tulsa County, Oklahoma.
Beginning at a point in the South line of said Section 36, said point being 2,820.00' West of the Southeast corner of said Section 36; thence South 89°-59'-40" West along the South line of said Section 36, a distance of 483.00' to a point thence North 00°-06'-40" West a distance of 1,071.42' to a point; thence due East a distance of 135.00' to a point; thence due South a distance of 15.88' to a point; thence due East a distance of 400.98' to a point; thence due South a distance of 475.00' to a point; thence due West a distance of 39.18' to a point; thence due South a distance of 90.00' to a point; thence South 03°-24'-43" West a distance of 254.02' to a point; thence South 11°-18'-53" West a distance of 50.00' to a point; thence Easterly along a curve to the right having a radius of 405.00' a distance of 30.02' to a point; thence South 07°-04'-03" West a distance of 134.11' to a point; thence South 00°-05'-56" East a distance of 50.00' to the point of beginning, said described tract containing 12.39 acres, more or less.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) for permission to operate a home beauty shop in an RS-2 District located at 5510 South Sheridan Road.

Presentation:

Upon request by the protestant's attorney who could not attend this meeting, a delay of two weeks to November 18, 1976, was requested.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board of Adjustment voted unanimously (4-0) to continue application 9272 until November 18, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector) from a decision of the Building Inspector for refusing to issue a zoning clearance permit to construct animal quarters on the University Campus to be operated in conjunction with the University Medical School. The location of the animal quarters is within the campus of the University, previously approved by the Board and the facility is a customary facility in connection with the scientific and educational purposes of the University; and an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to construct animal quarters on the University Campus to be operated in conjunction with the University Medical School located NW of 81st Street and Delaware Avenue.

11.4.76:223(15)
Presentation:
Charles Norman, attorney, presented the detailed floor plans (Exhibit "T-1") and described the proposed use. He noted this land was within the City's floodplain moratorium area, but they had sought and received an exception by the City Commission.

Mr. Gardner stated that the Board was made aware by the Staff that portions of Oral Roberts University were in the flood area and have been furnished a map of the flood boundaries.

Protests: None.

Board Action:
On MOTION of JOLLY, the Board voted unanimously (4-0) to uphold the Appeal to the Building Inspector (Section 1650 - Appeals from the Building Inspector) from a decision of the Building Inspector for refusing to issue a zoning clearance permit to construct animal quarters on the University Campus to be operated in conjunction with the University Medical School. The location of the animal quarters is within the campus of the University, previously approved by the Board and the facility is a customary facility in connection with the scientific and educational purposes of the University; and to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to construct animal quarters on the University Campus to be operated in conjunction with the University Medical School on the following described tract:

The SE/4, SW/4 of Section 8, Township 18 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma.

Action Requested:
Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) for permission to locate a mobile home in an AG District; and a Variance (Section 330 - Bulk and Area Requirements in the Agriculture Districts - Under the Provisions of Section 1670 - Variances) for a variance of the frontage requirements in an AG District from 300' to 199'; and Variance (Section 340 - Special Exception Requirements in the Agriculture Districts - Under the Provisions of Section 1670 - Variances) for a variance of the five-acre minimum for a mobile home in an AG District located at 13326 North 85th East Avenue.

Presentation:
Neil York, the applicant, stated there were approximately 30 mobile homes in the area and the area was a "wildcat" subdivision.

Protests: None.

Board Action:
On MOTION of SMITH, the Board voted unanimously (4-0) to approve an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) for permission to locate a
Presentation:  
The applicant, Earl Reynolds, was not present. Following questioning by the Chair, the Staff stated the applicant and protestant, George Owens, both were notified of this meeting.

Protests:  
George Owens' representative stated it was the understanding of the protestant that this case was to be continued.

Board Action:  
On MOTION of JOLLY, the Board (3-0) continued application 9120 to January 6, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center. The Staff was requested by the Board to write the applicant notifying him of the continuance date; and to also notify in writing the protestants and applicants of the following case numbers that their applications will be continued from November 18, 1976 to January 6, 1977, to allow the Supreme Court to make a decision involving them: 8461, 8770, 8799, 9068, 9120, and 9142.

Action Requested:  
Exception (Section 410 - Principal Uses Permitted in Residential Districts; Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to use property for university purposes, located south and east of 75th Street and Lewis Avenue.

Presentation:  
Attorney Charles Norman represented the applicant, Oral Roberts University. He stated this application was continued from a previous meeting to permit readvertising to include additional property and for further consideration of proposed perimeter development standards that were submitted at the earlier meeting. An additional copy of the proposed perimeter development standards which was presented (Exhibit "A-1") and was given to the Board by Mr. Norman, followed by his review of the application which was presented at the last Board meeting. He noted the applicant is asking for approval of the north 165' as well as the right-of-way of two streets being closed by the City Commission which includes property south of 75th Street on Birmingham Avenue and along 76th Street be approved for university purposes. The applicant also requests the east 165' of the 40 acres which has been previously approved for athletic purposes also be approved for general university use. It was noted by Mr. Norman that since 1962, all the buildings constructed under the original approval of the Board were submitted to the Building Inspector without being submitted to the Board on an individual basis. The applicant is requesting the same procedure be applied to the remainder of the campus which is being brought before the Board this date for approval, subject to the proposed perimeter development standards (Exhibit "A-1").

Board Member Tom Jolly pointed out Mr. Norman met with him since the last Board meeting, complying with his request, and resolved his questions regarding the development standards.

11.4.76:223(3)
David Paulling of the Legal Department felt the addition of "above the top plate" following "exceeding 15 feet" at the end of the first sentence of the proposed perimeter development standards was needed for clarity.

Protests: None.

Board Action:

On MOTION of JOLLY the Board (3-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to use the property for university purposes, per plot plan (Exhibit "F-2"), submitted at meeting #220, September 16, 1976 and subject to the Perimeter Development Standards submitted, in RS-1 and RS-3 Districts on the following described tract:

The North 165' and the East 165' of the SW/4 of Section 8, Township 18 North, Range 13 East, Tulsa County, Oklahoma; and the W/2 of the W/2 of the SE/4 of Section 8, Township 18 North, Range 13 East, Tulsa County, Oklahoma; and the vacated right-of-way of South Birmingham Avenue from the South Boundary of East 75th Street South to the North Boundary of 76th Street South, created in part, by dedication in Plat of Southern Hills Estates, a subdivision of the S/2 of the NW/4 of Section 8, T-18-N, R-13-E, Tulsa County, Oklahoma, filed on August 3, 1950 and being numbered 1626. Also created, in part, by dedication in Plat of LaVelle Heights, a subdivision of the S/2 of the NW/4 of Section 8, T-18-N, R-13-E, Tulsa County, Oklahoma, filed on April 28, 1924 (subject to closing by the Board of Commissioners of the City of Tulsa and vacation by the District Court of Tulsa County, Oklahoma); and the vacated right-of-way of East 76th Street South from the Eastern Boundary of South Lewis Avenue, created by dedication on Plat of LaFelle Heights, a subdivision of the S/2 of the S/2 of the NW/4 of Section 8, T-18-N, R-13-E, filed on April 28, 1924. Enlarged by dedication on Plat No. 1626, Southern Hills Estates, filed on August 3, 1950, and Plat No. 2390 Oral Roberts University Heights, filed February 9, 1962 (subject to closing by the Board of Commissioners of the City of Tulsa and vacation by the District Court of Tulsa County, Oklahoma); and the South 430' of Lots 1, 2, 3, and 4 and the South 379' of Lots 5, 6, 7, and 8 in Block 3 of Southern Hills Estates Addition to the City of Tulsa, Tulsa County, Okla.; and Lots 3, 4, 5, 6, 7, and 8, Block 4, LaVelle Heights, a subdivision of a part of the S/2 of the NW/4 of Section 8, T-18-N, R-13-E, Tulsa County, Oklahoma; and the South 379' of the vacated right-of-way of South Delaware Avenue from the South Boundary of East 75th Street South to the North Line of the S/2 of Section 8, T-18-N, R-13-E, Tulsa County, Oklahoma, according to the recorded Plat thereof (subject to closing by the Board of Commissioners of the City of Tulsa; and Lots 13, 14, 15 and 16, Block 4, LaVelle Heights, a subdivision of a part of the S/2 of the NW/4 of Section 8, T-18-N, R-13-E, Tulsa County, Oklahoma.

11.4.76:223(4)
Robert Scott, 2930 West 51st Street, advised the Board that there is a hill one lot from the proposed location of the clinic, which will create a traffic hazard when the clinic is constructed. He suggested that the Traffic Engineer check the traffic situation again before the application is approved.

Mrs. Owen Halford, 2823 West 51st Street, advised that the traffic situation in this area is bad and that the hill causes a sight problem when driving. She stated that the clinic will generate more traffic in the area and add to the safety hazard that now exists.

Mr. Reece advised the interested parties and the Board that the Traffic Engineer has checked the traffic situation and approved the location of the clinic, stating that if a driveway is established at the west end of the property, there would be no sight problem.

On MOTION of REEDS, the Board (4-0) determined that the City-County Health Clinic, a community facility, is included in Use Unit 5 and approved an Exception - (410 - Principal Uses Permitted in Residential Districts) to permit a City-County Health Clinic as a Community Service, Use Unit 5, on the following described tract:

Beginning at a point 35 feet South of the Northwest corner of the NE/4, NW/4, of Section 34, Township 19 North, Range 12 East, Tulsa County, Oklahoma; thence East 100 feet; South 230 feet; West 100 feet; North 230 feet to the point of beginning.

This communication for interpretation of the Ordinance was continued from the January 18, 1973 meeting.

Exception (Section 410 - Principal Uses Permitted in Residential Districts) for permission to operate a community service, cultural and recreation facility in a residential district, and

Variance (Section 420.2 (d) (1) - Accessory Uses in Residential Districts - Accessory Use Conditions - Signs) to vary the requirements of the constant light requirements to permit a sign for the John Mabee Center in accord with plans and specifications submitted, in an RS-3 District located at 81st St., and Lewis Avenue.

2.1.73:130(3)
Clarke Ford, representing Oral Roberts University, advised that the subject application is an attempt to resolve all problems involving the Mabee Center and particularly the constant light sign. Rather than leaving the 40 acre tract of the Mabee Center under the pre-existing approval of the 160 acre tract for educational and university purposes, it is hoped that this application would be approved and allow the 40 acre Mabee Center tract to be included in Use Unit 5, Community Services, Cultural and Recreational Facilities. A variance of the requirements of access uses is also requested, since the facility is rather unique and seats 12,000. Mr. Ford felt that both the request for variance of the height and size of the sign and the request for variance of the requirement of constant light were in order. He advises that the Traffic Engineering Department recommends that the capability of the sign be restricted so as not to allow a message change in less than 10 seconds, which the University will agree upon. In handling the exception and variance in this manner, an additional interpretation of the meaning of constant light will be unnecessary, unless the Protective Inspections Office feels it is important to them for other applications.

Mr. Ford presented the plot plan (Exhibit "A-1") to the Board explaining that when basketball scores are changed, in not less than 10 seconds, the scores would cover approximately 10% of the sign. The remainder of the sign would not change more than once in every 24 hours. Mr. Ford advised that the University does not feel the sign has the capability of being a travelling sign, and they do not intend to use the sign as such. The usage of the sign would be a change of message and not a continuous moving sign.

Charles Banks, Protective Inspections Office, advised the Board that the Building Inspector's Office has withdrawn its previous request for interpretation, stating that even though the sign may have the capability of a travelling sign, it will not be used as such.

None.

On MOTION of COHEN, the Board (4-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts) for permission to operate the 40 acre tract of Mabee Center as a community service, cultural and recreation facility under Use Unit 5 in an RS-3 District, and
Minor Variances: (continued)

7721

Action Requested:
Minor Variance (Section 420.2 (d) (1.) - Accessory Use Conditions - Signs - Under the Provisions of Section 1470) for a modification of height and size of a sign (48' high and size 28' 6" x 48') in an RS-3 District located at 7777 South Lewis Ave.

Presentation:
A representative of the architect for Oral Roberts University was present and submitted the plot plan (Exhibit "P-1") to the Board.

Remarks:
The Chair stated that the sign as proposed was not a continuous moving message sign such as was shut down at 21st Street and Columbia Avenue.

Protests:
None.

Board Action:
On MOTION of COHEN, the Board (4-0) approved a Minor Variance (Section 420.2 (d) (1.) - Accessory Use Conditions - Signs - Under the Provisions of Section 1470) for a modification of height and size of a sign (48' high and size 28' 6" x 48') according to the plot plan submitted and stating for the record that the sign is not within the setback area and does not require a waiver of the Major Street Plan, in an RS-3 District on the following described tract:

Block 1, Oral Roberts University Heights Addition to the City of Tulsa, Oklahoma.

7736

Action Requested:
Minor Variance (Section 430 - Bulk and Area Requirements in Residential Areas - Under the Provisions of Section 1430) for permission to erect a residence 52.8' from the centerline of 124th East Avenue in an RS-3 District located at the SE corner of 14th St., and 124th East Avenue.

Presentation:
E. E. Boyd, the applicant, presented the plot plan (Exhibit "Q-1") to the Board.

Protests:
None.

Board Action:
On MOTION of REEDS, the Board (4-0) approved a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1430) for permission to erect a residence 52.8' from the centerline of 124th East Avenue, according to the plot plan submitted, in an RS-3 District on the following described tract: 11.30.72:125(15)
8. The present use increases the valuation of the property as noting else is compatible to this strip of land.

Mr. Seth Hughes stated he leased the property for 10 years for a par 3 golf course and that the Board of Adjustment had granted a permit for a golf course on this property. That the property had been used as a driving range at night.

Mr. Luther Lane stated he was in favor of the golf course that it was an asset to the City of Tulsa.

Mrs. Snyder who lives across the street from the golf course objected to the noise and the miniature golf course but stated she had no objection to a putting course.

Mr. Cassidy objected strenuously to the miniature golf course and stated it was almost impossible to live next to the course in the summer time because of the noise.

After considerable discussion it was,

MOVED by Sublett (Avery) that this application be approved subject to a letter or agreement from the owners of the golf course that they will close at 11:00 p.m. and that they be given permission to operate until their lease expires on December 31, 1966.
All members voting yea. Carried.

This being the date set down for public hearing on the application of the Oral Roberts Evangelistic Association, Inc. for permission to use the following described property for school purposes:

The Southwest Quarter of Section 8, Township 18 North, Range 13 East, Tulsa County, Oklahoma, less the North 165 feet and the East 165 feet.

There appeared Mr. Saul A. Yager on behalf of the applicant. No protest was offered.

MOVED by Galbreath (Shaull) that this matter be approved. All members voting yea. Carried.

This being the date set down for public hearing on the application of the Prattville Methodist Church for permission to erect a church on the following described property:
Action Requested:
Special Exception to modify a previously approved site plan for a university in a residential district (Section 5.020, Table 5-2 & Section 70.120); Variance to increase the maximum permitted height of 35-feet in an RS-3 District (Section 5.030, Table 5-3). LOCATION: 7777 South Lewis Avenue East (CD 2)

Presentation:
Jim Beach, Wallace Design Collective, 123 North Martin Luther King, Jr. Boulevard, Tulsa, OK, stated this application is for the ORU Welcome Center and Library which will be built near the praying hands which is the main entry from Lewis Avenue; the library will be to the east of the welcome center. The two subject buildings are being planned and the Special Exception to modify the previous site plan will allow the two buildings.

Mr. Brown asked Mr. Beach to state the hardship for the Variance request.

Mr. Chapman explained his staff report, there are several approvals on the subject site. Some are convoluted on what was approved. Mr. Chapman stated that he included a previous aerial that he felt reflected what was approved previously. All the previous approvals the height seemed to be taken by the Board as approval of the site plan. On a new application staff felt the applicant needed a Variance on the height for the proposed buildings.

Mr. Beach stated the overall height is approximately 42 feet and it might be 50 feet if the screening of the roof top units is added. The height limit in the RS-3 District is 35 feet and this is not a typical RS-3 use. There are many buildings on campus that are far taller than 50 feet. The scale of the site, the scale of the buildings on the site, the appropriate character of the buildings and proportions call for it to be the proposed height. This will be a possible three-story library building with a research facility within. The welcome center is below the 35-foot height.

Ms. Radney asked Mr. Beach to state the hardship for the Variance request. Mr. Beach stated the hardship lies in the fact that the zoning is RS-3, and it poses a height limit which is uncharacteristic of a use of this sort.

Mr. Wilkerson asked Mr. Beach if there had been any discussions with ORU about rezoning the site. In 1969 this may have been the best option but at some point it seems that it would be beneficial to ORU to consider IMX zoning that would this by right. Mr. Beach stated that he understands Mr. Wilkerson’s point, it has been discussed but the project was so far along that it was necessary to follow the same pattern of requesting a Special Exception for the scheduling. Mr. Beach stated that he has advised the architect working on the project that it would be worth a discussion in considering future projects. Mr. Wilkerson stated that same conversation has been going on for 50 years and the idea of changes in the Code would be beneficial to ORU. This site has incrementally changed so much over time that he thinks it would be a more honest representation of what is expected for the future growth of the campus to consider rezoning.
Mr. Brown asked Mr. Beach about the parking for the two buildings. Mr. Beach stated that a parking study has been performed and the parking that has been provided, it has been analyzed and it has been concluded that the parking spaces that are in a practical distance there are more than adequate parking spaces available.

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

**Comments and Questions:**
None.

**Board Action:**
On MOTION of BROWN, the Board voted 3-0-0 (Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; Barrientos, Bond absent) to APPROVE the request for a Special Exception to modify a previously approved site plan for a university in a residential district (Section 5.020, Table 5-2 & Section 70.120); Variance to increase the maximum permitted height of 35-feet in an RS-3 District (Section 5.030, Table 5-3), subject to conceptual plans 7.25, 7.26, 7.27, 7.28, 7.29, 7.30, 7.31, 7.32, 7.33 and 7.34 of the agenda packet. The Board has found the hardship to be the existing zoning of the site is restrictive to development in keeping with the current use. 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. The Board finds the hardship to be in granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

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

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

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

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

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

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

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

**BLK 1 LESS Beg SWC TH N22 SE31.19 W22 POB, ORAL ROBERTS UNIVERSITY HGTS, City of Tulsa, Tulsa County, State of Oklahoma**
BOARD OF ADJUSTMENT  
CASE REPORT

STR: 8316  
CZM: 52  
CD: 8  
HEARING DATE: 06/28/2022 1:00 PM  

APPLICANT: Bruce Lau  

ACTION REQUESTED: Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3)  

LOCATION: 8127 S PITTSBURG AV E  
ZONED: RS-2  

PRESENT USE: Residential  
TRACT SIZE: 10376.03 SQ FT  

LEGAL DESCRIPTION: LT 4 BLK 1, FOREST CREEK II AMD  

RELEVANT PREVIOUS ACTIONS: None.  

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located South of the SE/c of S. Pittsburg Ave. and E, 81st St. S.  

STAFF COMMENTS: The applicant is requesting a Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3)
Applicant is requesting a driveway that is 33-feet in width.

**SAMPLE MOTION:**

Move to _________ (approve/deny) a Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3)

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

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

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.
APPLICATION NO: ZCO-115731-2022 (PLEASE REFER TO WHEN CONTACTING OUR OFFICE)
Location: 8127 S Pittsburg Ave E
Description: Driveway Extension

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) 596-9901.
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 ON-LINE, 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.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

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

Application No. BLDR-115731-2022  8127 S Pittsburg Ave  May 3, 2022

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

Review Comments: The maximum driveway width permitted on this lot is 30' in the front setback and 27' in the Right-Of-Way. The plans propose a driveway width of 33'. Please revise plans to show compliance or apply to BOA for a special exception to allow a driveway width to exceed the maximum widths. (Note: Please check your existing widths and confirm that the existing driveway is 21').

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.
BOARD OF ADJUSTMENT  
CASE REPORT

STR: 9308  
CZM: 37  
CD: 4

HEARING DATE: 06/14/2022 1:00 PM  
APPLICANT: Tom Neal

ACTION REQUESTED: Special Exception to allow an Accessory Dwelling Unit in the RS-3 District (45.031-D); Variance to allow the floor area of Detached Accessory Buildings/ Dwelling Units to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6); Variance to allow a Detached Accessory Building/ Dwelling Unit to exceed one story or 18-feet in height and to exceed 10-feet in height to the top of the top plate in the rear setback (Section 90.090-C2); Variance to allow a Detached Accessory Building in the 5-foot side setback (Sec. 90.090-C, Table 90-1)

LOCATION: 1724 S DELAWARE AV E  
ZONED: RS-3

PRESENT USE: Residential  
TRACT SIZE: 7775.49 SQ FT

LEGAL DESCRIPTION: LT 5 BLK 1, WILSON VIEW SECOND ADDN

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located on the West side of S. Delaware Ave. in between E. 17th St. S. and S. Columbia Pl.

STATEMENT OF HARDSHIP: Existing garage only accommodates one car and ADU w/ garage will house 2nd Car and provide guest housing for family visiting. Garage apartments are found through out neighborhood.

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 the floor area of Detached Accessory Buildings/ Dwelling Units to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-B, 45.031-D.6); Variance to allow a Detached Accessory Building/ Dwelling Unit to exceed one story or 18-feet in

19.2
height and to exceed 10-feet in height to the top of the top plate in the rear setback and to allow more than 30% coverage of the rear setback by an Accessory Building/Dwelling Unit in the RS-3 District (Section 90.090-C2); Variance to allow a Detached Accessory Building in the side setback (Sec. 90.090-C, Table 90-1).

Included in your packet are copies of Sections 45.030 and 45.031 containing regulations for Accessory Building and Accessory Dwelling Units.

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

<table>
<thead>
<tr>
<th>Obstruction</th>
<th>Street</th>
<th>Side</th>
<th>Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory buildings (see also 90.090-C2)</td>
<td>No</td>
<td>No</td>
<td>Yes</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)**

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

**Square Footage of Accessory Building Allowed:** 716.8 square feet (Principal structure is 1,792 square feet per the Tulsa County Assessor)

**Proposed:** 1,272 square feet

**Height of Accessory Building Allowed:** 10-feet at the top plate and 18-feet to peak

**Proposed:** 19-feet at the top plate and 24-feet at the peak

**Required Side Setback:** 5-feet

**Proposed:** 3-feet

Staff agrees with the applicant that detached garages are common in the general neighborhood, but staff could not discern how many in the immediate area are in comparable scale to this proposed project. Detached garages appear to be predominantly one-story in height around the subject property.

**SAMPLE MOTION:** 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.

Move to _______ (approve/deny) a Variance to allow the floor area of Detached Accessory Buildings/Dwelling Units to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6); Variance to allow a Detached Accessory Building/Dwelling Unit to exceed one story or 18-feet in height and to exceed 10-feet in height to the top of the top plate in the rear setback (Section 90.090-C2); Variance to allow a Detached Accessory Building in the 5-foot side setback (Sec. 90.090-C, Table 90-1)

- 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 Variances 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.”
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;
Subject property

Facing North on Delaware
Facing South on Delaware Ave.
Subject Tract

BOA-23371

19-13 08

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

Aerial Photo Date: 2020/2021

19.14
Hello!

I am the property owner at 1730 S. Delaware Ave. My next door neighbor, Debbie, is planning some construction at her home and I would like to go on record as being in favor. The upgrade will make our street more aesthetically pleasing, and will increase the value of her home and the nearby homes, including mine.

Debbie is an ideal neighbor - friendly, quiet, keeps a very clean property, is friendly, etc.

Please feel free to contact me with questions.

Thank you!
Kenneth “Bud” Davis
We live across the street from Debbie Diebert and have no concerns about the construction of the garage on her property.

Fred and Theresa Klein
1717 S, Delaware Avenue
Tulsa, 74104
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9318               Case Number: BOA-23372
CZM: 37               CD: 4

HEARING DATE: 06/14/2022 1:00 PM

APPLICANT: Nathalie Cornett

ACTION REQUESTED: Variance to allow more than 25% coverage of the rear setback by a Detached Accessory Building (Sec.90.090-C.2) Variance to reduce the side street setback from 15-feet to 2-feet for a covered patio (Section 5.030-A, Table 5-3)

LOCATION: 2667 S TRENTON AV E ZONED: RS-2

PRESENT USE: Residential TRACT SIZE: 11308.22 SQ FT

LEGAL DESCRIPTION: LOT SIXTEEN (16) AND THE NORTH 30 FEET OF VACATED STREET, BLOCK FIFTEEN (15), TERWILLEGER HEIGHTS, AN ADDITION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF

RELEVANT PREVIOUS ACTIONS:

Subject property: None.

Surrounding Properties:

BOA-21363; On 01.10.2012 the Board approved a variance to increase the permitted coverage amount in the rear yard for detached accessory building. Property located 2660 S. Trenton Ave. E.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NE/c of E. 26th Pl. S. and S. Utica Ave.
STATEMENT OF HARDSHIP: Please see attached “Exhibit A”.

STAFF COMMENTS: The applicant is requesting a **Variance** to allow more than 25% coverage of the rear setback by a Detached Accessory Building (Sec.90.090-C.2) **Variance** to reduce the side street setback from 15-feet to 2-feet for a covered patio (Section 5.030-A, Table 5-3)

![Diagram of detached house and garage](image)

For detached houses and duplexes on corner lots, the minimum side street setback along a non-arterial street may be reduced to 15 feet, provided that the minimum setback for street-facing garage doors is 20 feet or 20 feet from the back of the sidewalk, whichever is greater. The street setback specified in Table 5.3 applies along the other street.

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**TULSA ZONING CODE | December 24, 2021**

**Chapter 5 | Residential Districts**

**Section 5.040 | Other Relevant Regulations**

**Figure 5-1: Street Side Setback on Corner Lots**

(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><strong>25%</strong></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>

The applicant is allowed to occupy 552 square feet in the rear setback and is requesting permission to occupy 621 square feet and to reduce the side street setback from 15-feet to 2 feet for a covered patio also described as a pergola.
SAMPLE MOTION: Move to _________ (approve/deny) a Variance to allow more than 25% coverage of the rear setback by a Detached Accessory Building (Sec.90.090-C.2) Variance to reduce the side street setback from 15-feet to 2-feet for a covered patio (Section 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
### 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.inco.org](http://www.inco.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 5.030-A - Setback(s) footnote [3]: For detached houses and duplexes on corner lots, the minimum side street setback along a non-arterial street may be reduced to 15 feet, provided that the minimum setback for street-facing garage doors is 20 feet or 20 feet from the back of the sidewalk, whichever is greater. The street setback specified in Table 5-3 applies along the other street.

**Review Comment:** Garages, detached or attached, must be set back 20' from a side street on a corner lot. The site plan shows the proposed detached garage only set back 15' from the south property line. Revise the site plan to show the garage to be set back at least 20' from the south property line, or you may seek a variance from the Board of Adjustment to have a detached garage with a 15' side street setback.

In addition, the proposed covered patio is only shown to have a 2' side setback from the south property line. Revise the site plan to show the covered patio will be located no closer than 15' to the south property line, or you may seek a variance from the Board of Adjustment to have a detached structure set 2' from a side street property line.

2. Section 45.030-A.2 Accessory Building Size, RS-2, RS-3, RS-4, RS-5 and RM Districts

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 garage and covered patio have 1,270 square feet of combined floor area. According to the plans the floor area of the principal residential structure (the house) is 3,082 square feet. Based on the floor area of your house you are allowed 1,233 sq. ft of total detached accessory building floor area on your lot (3,082 square feet x 40%). You may seek a variance from the Board of Adjustment (BQA) to allow the floor area of all detached accessory buildings on your lot to be 1,270 square feet and to exceed 500 sq. ft. and 40% of the floor area of the principal residential structure.

3. Section 90.090-C.2.a.1 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.

**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)**

**Review Comment:** The proposed detached garage will have a height over 10' to the top of the top plate and an overall height of over 18'. You may revise the plans to show 10' or less to the top of the top plate, and 18' or less for the overall height, or you may apply for a variance from the Board of Adjustment to have a detached accessory building in the rear setback over 10' in height to the top of the top plate and an overall height of over 18'.
4. **Section 90.090-C.2.a.2** 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>
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</tr>
<tr>
<td>RM zoned Lots Used for Detached Houses or Duplexes</td>
<td>30%</td>
</tr>
</tbody>
</table>

**Review Comment:** It appears that the proposed detached garage will exceed 25% of coverage for accessory buildings in a rear setback for this RS-2 lot. This lot has a 2,211 square foot rear setback area (88.44' lot width x 25' rear setback). The proposed detached garage appears to have approximately 660 square feet of coverage in the rear setback. You may revise the site and building plans so that the aggregate coverage of accessory buildings in the rear setback does not exceed 25%, or you may pursue a variance from the BOA to exceed the allowed coverage of accessory buildings in the rear setback.

The zoning clearance review for your permit application will resume after revised plans and/or BOA approval documents are 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 584-7526. 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.
Exhibit “A”

The Applicant requests (1) a Variance of Table 90-2 of the Tulsa Zoning Code (the “Code”) to permit a detached garage to exceed 25% of coverage of the rear setback in an RS-2 District, and (2) a Variance of Section 5.030-A to permit a covered patio to be located in the fifteen foot (15’’) side street setback, two feet (2’’) from the south property line for property located at 2667 South Trenton Avenue (the “Property”).

The Property is a corner lot located at the southeast corner of S. Trenton Ave. and E. 26th Place, one block north and west of the intersection South Utica Avenue and Terwilleger Boulevard. Currently, access to the Property is located at the rear (east) with a driveway off of 26th Place leading to a 400 square foot, detached garage in the northeast corner of the lot. The owner desires to demolish the original garage, built in 1930, and construct a 621 square foot garage to accommodate modern-sized vehicles and provide additional storage space. The current configuration of the existing residence and driveway requires the proposed garage to be pushed forward (to the south) closer to E. 26th Place, as shown on the attached site plan.

Additionally, the Property owner desires to construct a covered outdoor living space in the southerly side yard. The Property is comprised of a platted lot and a portion of a vacated street, as shown on the attached boundary survey. The Code requires a 15 foot side yard setback for corner lots; however, with the additional right-of-way of the vacated street, the covered patio will be set back 15 feet from the curb and 27 feet from the centerline of 26th Place.

The Code allows for a detached accessory structure to occupy up to 25% of the rear setback, in this case, 552 square feet. The proposed 621 square foot garage will only occupy 28% of the rear setback. The outdoor living space will be set back from the actual street by 15 feet and will thus achieve the intent of setback provisions of the Code. Due to the configuration of the home and its orientation on a corner lot, the literal enforcement of the Code results in unnecessary hardship to the property owner. The requested Variances are *de minimis* in nature and will not cause any detriment to the public good or impair the spirit and intent of the Code.
BOUNDARY SURVEY

GENERAL NOTES


LEGAL DESCRIPTION

LOT SIXTEEN (16) AND THE NORTH 30 FEET OF VACATED STREET BLOCK FIFTEEN (15), TERRILODEGER HEIGHTS, AN ADDITION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND KNOWN AS 2667 SOUTH TRENTON AVENUE

SURVEYOR’S STATEMENT

WHITE SURVEYING COMPANY is an Oklahoma corporation, and the undersigned, licensed professional land surveyor, do hereby state that in the performance of the work, the boundary survey is in accord with the standards set forth by the American Congress of Surveying and Mapping, and meets or exceeds the minimum technical standards for the practice of land surveying as adopted by the Oklahoma State Board of Registration for Professional Surveyors, and that the boundaries are shown with precision, and the dimensions of the property, the location of all buildings on permanent foundations, all recorded plat evidences and building setback lines (if applicable), and all other such evidences which have been enclosed by a current title opinion or commitment for title insurance and copies thereof, were made available to us prior to the time of the survey and that this plat of survey is prepared solely for the parties listed herein as of this date and may not be used for any subsequent loan closing, reference, or other transaction.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9308
CZM: 37
CD: 4

HEARING DATE: 06/14/2022 1:00 PM

APPLICANT: Anthony Chau

ACTION REQUESTED: Special Exception to allow a Low-impact Manufacturing and Industry Use in the CH District to permit a Microbrewery (Sec. 15.020, Table 15-2)

LOCATION: 2501 E 15 ST S
ZONED: CH

PRESENT USE: Office
TRACT SIZE: 6756.18 SQ FT

LEGAL DESCRIPTION: LT 9 BLK 6, CITY VIEW HILL ADDN

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NE/c of E. 15th St. S. and S. Atlanta Ave.

STAFF COMMENTS: The applicant is requesting Special Exception to allow a Low-impact Manufacturing and Industry Use in the CH District to permit a Microbrewery (Sec. 15.020, Table 15-2)
The proposed use would occupy an existing building. S. Atlanta Avenue dead ends to the North of this property at the Broken Arrow Expressway. On-street parking is allowed on S. Atlanta.

**SAMPLE MOTION:** Move to ________ (approve/deny) a Special Exception to allow a Low-impact Manufacturing and Industry Use in the CH District to permit a Microbrewery (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.
1. All dimensions are to face of curb unless noted otherwise.
2. Gates are to remain open and barrier free as to not impede accessibility during operating hours.
3. The path of travel / accessible route shown is barrier free accessible route. Cross-slopes shall not exceed 1:48 and slope in the direction of travel shall be less than 1:20.

**GENERAL NOTES**

- Existing building structure
- Existing adjacent building structure
- Existing paving
- Existing concrete curb
- Existing sidewalk
- Existing building signage
- Existing tree
- Existing landscaping bed
- Existing parking striping
- Existing side yard
- New parking striping

**NOTES:**

- Not all keynotes may be used on this sheet.

**PROJECT INFORMATION**

- Project address: 2501 E. 15th St. S.
- Building square footage: 4,296 SQ. FT.
- Legal description:
  - Subdivision: City View Hill Addition
  - Legal: LT 9 BLK 6
  - Section: 08
  - Township: 19
  - Range: 13
- Zoning: High Density Commercial District [CH]
- Lot area: 0.16 acres / 6,758 SQ. FT.
- Parking required: 4 spaces
- Parking provided: 4 spaces