AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center Tuesday,
October 25, 2022, 1:00 P.M.

Meeting No. 1305

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.

1. Approval of Minutes of September 27, 2022 (Meeting No. 1302

UNFINISHED BUSINESS

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

2. 23429 - Ray Toraby

Action Requested:

Variance to allow a dynamic display sign to be within 50-feet of the driving
surface of a signalized intersection (Section 60.100-D); Variance to allow a
dynamic display sign to be within 20-feet of the driving surface of the street (Sec.
60.100-E). Location: 9014 S Yale Ave E (CD- 8)
3. **23441 - Childs, Clinton Ross & Elizabeth Anne**

   **Action Requested:**
   
   Variance to reduce the required 15-foot side street building setback and 20-foot setback for a street facing garage door (5.080-B Table note [3]) Special Exception to increase the permitted driveway width (Section 55.090-F.3)

   **Location:** 2507 S. Evanston Ave. (CD 4)

4. **23443 - Max McGuirk**

   **Action Requested:**
   
   Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5) **Location:** 209 S. Urbana (CD – 4)

5. **23444 - Kiana Smith**

   **Action Requested:**
   
   Variance to reduce the required 20-foot rear setback in the RS-3 District (5.030-A, Table 5-3) **Location:** 12 W. Queen St. (CD-1)

6. **23445 - Nathalie Cornett**

   **Action Requested:**
   
   Variance to increase the maximum aggregate sign area in the CS District (Sec.60.080-C, Table 60-3) **Location:** 3218 S. 79th Ave (CD – 5)

**NEW APPLICATIONS**

7. **23446 - Elite Agricultural Properties, LLC**

   **Action Requested:**
   
   Special Exception to allow a Group Living/ Monastery Use in the AG District (Sec. 25.020-B, Table 25-1) **Location:** 8533 E. 58th St. S. (CD – 7)

8. **23447 - Brent Brownlee**

   **Action Requested:**
   
   Special Exception to allow a fence or wall to exceed 4-feet in height in the street setback (Sec. 45.080-A) **Location:** 2536 E. 57 St. S. (CD – 9)
9. **23448 - Tom Neal**

**Action Requested:**

Special Exception to allow an Accessory Dwelling Unit in the RS-4 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)

**Location:** 1123 S. Delaware Pl. (CD – 4)

10. **23449 - Jose Perez**

**Action Requested:**

Special Exception to allow a manufactured housing unit in the RS-3 District (Sec. 5.020, Table 5-2); Special Exception to extend the one-year time limit to allow the Manufactured Housing Unit permanently (Sec.40.210-A)

**Location:** 2602 E. 51st St. N. (CD – 1)

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**NEW BUSINESS**

**BOARD MEMBER COMMENTS**

**ADJOURNMENT**

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

CD = Council District

**NOTE:** If you require special accommodation pursuant to the Americans with Disabilities Act, please notify Tulsa Planning Office at 918-584-7526. Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained by the Tulsa Planning Office at INCOG. All electronic devices must be silenced.
**Case Number:** BOA-23429  
**Hearing Date:** 10.25/2022 (Continued from 10/11/2022, additional relief required)

**Case Report Prepared by:**  
Austin Chapman

**Owner and Applicant Information:**  
**Applicant:** Ray Toraby  
**Property Owner:** TARHEEL PROPERTIES LLC

**Action Requested:** Variance to allow a dynamic display sign to be within 50-feet of the driving surface of a signalized intersection (Section 60.100-D); **Additional Relief requested:** Variance to allow a dynamic display sign to be within 20-feet of the driving surface of the street (Sec. 60.100-E).

**Location Map:**

**Additional Information:**  
**Present Use:** Commercial Shopping  
**Tract Size:** 0.66 acres  
**Location:** 9014 S. Yale Ave. E.  
**Present Zoning:** CS
**Board of Adjustment**

**Case Report**

**Str:** 8316

**CD:** 8

**Hearing Date:** 09/13/2022 1:00 PM

**Applicant:** Ray Toraby

**Action Requested:** Variance to allow a dynamic display sign to be within 50-feet of the driving surface of a signalized intersection (Section 60.100-D) Additional Relief requested: Variance to allow a dynamic display sign to be within 20-feet of the driving surface of the street (Sec. 60.100-E).

**Location:** 9014 S. Yale Ave. E.

**Zoned:** CS

**Present Use:** Commercial Shopping

**Tract Size:** 28815.06 Sq Ft

**Legal Description:** LT 1 LESS BEG NEC THEREOF TH W10 S155.02 NE14.15 N145.02 POB BLK 1, SOUTHERN WOODS PARK, STAR CENTER II CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

**Relevant Previous Actions:**

Subject property:

**BOA-21344:** On 11.22.11 the Board denied a variance to reduce the required setback from 50-feet to 18-feet from a signalized intersection and from 20-feet to 17-feet for an Electronic Message Center.

**BOA-17251:** On 12.12.95 the Board approved a variance to increase the permitted height from 25-feet to 40-feet for a freestanding sign.

**Relationship to the Comprehensive Plan:**

The Tulsa Comprehensive Plan identifies the subject property as part of a “Neighborhood Center” and an “Area of Growth”.

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

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

**Statement of Hardship:**

The shopping center is currently at the right setback, but it is about 10-feet to close to the center of the visual triangle. If they move the sign by 10-feet the sign inward to the the 50-feet intersection requirement, it will be blocking the parking lot traffic and Starbucks drive through traffic, The tenants need remotely changeable messaging to promote their services to cope with demanding economic times.

**Staff Analysis:**

The applicant is requesting a Variance to allow a dynamic display sign to be within 50-feet of the driving surface of a signalized intersection (Section 60.100-D)
Facts staff finds favorable for variance request:
- None.

Facts Staff find unfavorable for the variance request:
- The location of the existing sign and the building layout if a self-imposed hardship by the property owner, which has not changed since the property as developed in 2007 per the Tulsa County Assessor.
- Having signage built near the intersection is common throughout the City of Tulsa and this is not a unique circumstance.
- The applicant states that the sign could be moved 10-feet inward in their statement of hardship, the actual distance per the revised drawing would be 18-feet.

SAMPLE MOTION: Move to _______ (approve/deny) a Variance to allow a dynamic display sign to be within 50-feet of the driving surface of a signalized intersection (Section 60.100-D); Variance to allow a dynamic display sign to be within 20-feet of the driving surface of the street (Sec. 60.100-E);
- 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.”
Distance between existing sign and curb line

Facing North on Yale Avenue
Taken from the NW/c of S. Yale Ave. and E. 91st St. S.
21344—Global Sign Solutions

Action Requested:
Variance to reduce setback from 50 feet to 18 feet from driving surface of a signalized intersection (Section 1221.C.2.a); and Variance to reduce setback from 20 feet to 17 feet - 1 in from the driving surface of a street to allow for an Electronic Message Center (Section 1221.C.2.b). Location: 9014 South Yale Avenue East (CD 8)

Presentation:
Richard Craig, 2830 Telegraph Road, St. Louis, Missouri; stated there are four existing cabinets on sign and the proposed request is for the third cabinet from the top which is approximately 13 feet to the bottom of the digital display from the ground with an overall height of approximately 15 feet, and approximately 18 feet from the curb.

Interested Parties:
Mike Schnake, 8908 South Yale, Suite 400, Tulsa, OK; stated he is representing ONB Bank which the property on the northwest. There are many accidents at 91st and Yale, and the building is wrapped in signage. This type of signage is not necessary for the area and it would present a hazardous distraction to traffic.

Rebuttal:
Mr. Craig does not feel that the 18 foot distance would create a problem because the sign does not face the intersection; it is perpendicular to the corner.

Comments and Questions:
None.

Board Action:
On MOTION of STEAD, the Board voted 4-0-0 (Henke, Stead, Tidwell, White “aye”; no “nays”; no “abstentions”; Van De Wiele absent) to DENY the applicant’s request for a Variance to reduce setback from 50 feet to 18 feet from driving surface of a signalized intersection (Section 1221.C.2.a); and DENY a Variance to reduce setback from 20 feet to 17 feet - 1 in from the driving surface of a street to allow for an Electronic Message Center (Section 1221.C.2.b); for the following property:

LT 1 LESS BEG NEC THEREOF TH W10 S155.02 NE14.15 N145.02 POB BLK 1, STAR CENTER II, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21346—Lou Reynolds

Action Requested:
Special Exception to allow Use Unit 2 - Governmental Services, NEC (Not Elsewhere Classified) in an RS-3 District. Location: 3310 East Mohawk Boulevard North (CD 3)
Existing Center sign, shared by tenants

5,000 cd/m² High resolution, double faced led on existing tenant sign structure. Total display area is 4.5 square feet. There will be no flashing and no animation. There will be at least 8 seconds between message changes and the change will happen within 2 milliseconds.
**SIGN PLAN REVIEW**

August 10, 2022

Phone: (918) 808-6765

**APPLICATION NO:** SIGN-123765-2022 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

**Location:** 9014 S. Yale Ave.

**Description:** Freestanding digital display sign

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**INFORMATION ABOUT SUBMITTING REVISIONS**

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

**REVISIONS NEED TO INCLUDE THE FOLLOWING:**

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

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

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

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**IMPORTANT INFORMATION**

1. **SUBMIT TWO (2) SETS OF REVISED OR ADDITIONAL PLANS.** Revisions shall be identified with clouds and revision marks.

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

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

(Continued)
REVIEW COMMENTS

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

Application No. SIGN-123765-2022

This letter of deficiencies covers Sign Plan Review items only.

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

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

Review Comments: The proposed dynamic display sign will be located within 50 feet of the driving surface of a signalized intersection. You may change the sign type to non-dynamic display, relocate the sign to be no closer than 50 feet to the to the driving surface of the intersection of 91st St. and Yale Ave., or you may seek a variance from the Board of Adjustment to permit a sign with a dynamic display to be within 50 feet of the driving surface of a signalized intersection.

Note: 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. Requests for variances from the Board of Adjustment require proof of a hardship per Section 70.130.

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 CLEARANCE AND SIGN CODE REVIEW

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A CITY OF TULSA SIGN PERMIT.
Case Report Prepared by: Austin Chapman

Owner and Applicant Information:

Applicant: Childs, Clinton Ross Elizabeth Anne

Property Owner: Childs, Clinton Ross & Elizabeth Anne

**Action Requested:** Variance to reduce the required 15-foot side street building setback and 20-foot setback for a street facing garage door (5.080-B Table note [3]) Special Exception to increase the permitted driveway width (Section 55.090-F.3)

**Location Map:**

**Additional Information:**

Present Use: Residential

Tract Size: 0.45 acres

Location: 2507 S. Evanston Ave.

Present Zoning: RS-2
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9317  Case Number: B0A-23441
CD: 4

HEARING DATE: 10/25/2022

APPLICANT: Childs, Clinton Ross Elizabeth Anne

ACTION REQUESTED: Variance to reduce the required 15-foot side street building setback and 20-foot setback for a street facing garage door (5.080-B Table note [3]) Special Exception to increase the permitted driveway width (Section 55.090-F.3)

LOCATION: 2507 S. Evanston Ave.  ZONED: RS-2

PRESENT USE: Residential  TRACT SIZE: 19798.1 SQ FT

LEGAL DESCRIPTION: LT 1  BLK 10, BRYN-MAWR CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:

BOA-17226: On 11.14.95 the Board approved a Variance of the required 45-feet setback from the centerline of E. 25th St. to 37.5-feet. The board should note that the original variance was granted with the understanding that no vehicle would be parked in front of the garage without overhanging in the street right-of-way.

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.

STATEMENT OF HARDSHIP: Bryn Mawr was platted in the early 1920’s. the 50-foot right-of-way on an interior subdivision side-street is excessive and significantly affects the ability of property owners to utilize their properties. A 45-foot setback would render a significant part of the lot unusable. This house is located on a corner lot and the driveway and detached garage are proposed for location of 25th Street. The current hardship was not caused by the current property owner, the request is the minimum to afford relief, and will not affect any nearby property owner.

STAFF ANALYSIS: The applicant is requesting a Variance to reduce the required 15-foot side street building setback and 20-foot setback for a street facing garage door (5.080-B Table note [3]) Special Exception to increase the permitted driveway width (Section 55.090-F.3)

The applicant is requesting to decrease their side street setback to 2-feet.
The applicant is requesting to increase their allowed driveway width from 27-feet in the right-of-way and 30-feet on the lot to 60-feet width across the E. 25th St. Frontage.

Facts staff finds unfavorable for variance request:

- The applicant state that 50-feet is an excessive right-of-way, but that is the minimum amount of right-of-way for any residential street. Currently the street is not completely curbed and lacks sidewalks. At the point that street is re-built the Board should consider the adverse effects of having vehicle exiting out of the garage over the right-of-way.
- The lot is of standard size and having a corner lot is not a unique condition.
- Exhibits given as a part of the application do not seem consistent with current conditions of the property.

### Table 5-3

<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'</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>
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</tbody>
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[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.
Staff has prepared an exhibit below demonstrating how the additional garage might be built to meet code or reduce the amount of relief needed. The applicant should be able to demonstrate unique conditions with the subject property that would prevent them from a design to meet code.

SAMPLE MOTION:

Special Exception:

Move to _________ (approve/deny) a Special Exception to increase the permitted driveway width (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):
  ____________________________________________________________
- Suggested condition: Applicant must obtain a City of Tulsa right-of-way permit prior to construction.

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 reduce the required 15-foot side street building setback and 20-foot setback for a street facing garage door (5.080-B Table note [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.***
Facing East on 25th St.

Subject property (Location of proposed garage)
Facing West on 25th St.

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

ZONING CLEARANCE  
PLAN REVIEW  
May 12, 2022

Beth Anne Childs  
2507 S Evanston Ave E  
Tulsa, OK 74114

Phone: (918) 855-1306

APPLICANT NO:  
BLDR-116446-2022  
(PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

Location:  
2507 S Evanston Ave E

Description:  
Accessory Structure

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

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

1. **Site Plan:** Provide a dimension line from the centerline of 25th street to the property line. The garage is required to be setback 20' from the property line which is 25' from the centerline of the street. The total distance from the centerline of the street to the garage face is to be 45'. If it is closer, you may apply to the Board of Adjustment (BOA) at INCOG for a special exception to allow a shorter side street setback.

2. **Site Plan:** Revise and resubmit plans to provide dimensions on the proposed garage. Include length, width, and height.

3. **55.090-F3 Surfacing.** In RE and RS zoning districts, driveways serving residential dwelling units may not exceed the following maximum widths unless a greater width is approved in accordance with the special exception procedures of Section 70.120. Maximum Driveway Width is 27' within ROW and 30' in the street setback on your lot.

<table>
<thead>
<tr>
<th>Maximum Driveway Width</th>
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<tbody>
<tr>
<td>Lot Frontage</td>
</tr>
<tr>
<td>Driveway Within Right-of-Way (feet) [1]</td>
</tr>
<tr>
<td>Driveway Within Street Setback (feet)</td>
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</tbody>
</table>

**Review Comments:** The submitted site plan proposes a driveway width of more than 30' in width on the lot in the street setback and more than 27' wide in ROW which exceeds the maximum allowable driveway widths both within and outside of the ROW. Revise plans to indicate the driveway shall not exceed the maximum allowable widths in the table or apply to the BOA for a special exception for the proposed driveway width within the ROW and for the proposed driveway width in the side street setback.

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

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

A hard copy of this letter is available upon request by the applicant.
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021

Subject Tract
BOA-23441
19-13 17

3.15
Case Number: BOA-23443
Hearing Date: 10/25/2022 (Cont. from 10/11/2022; Scaled site plan requested, not yet provided)

<table>
<thead>
<tr>
<th>Case Report Prepared by:</th>
<th>Owner and Applicant Information:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austin Chapman</td>
<td></td>
</tr>
<tr>
<td>Applicant: Max McGuirk</td>
<td>Property Owner: TRIPLE M REAL ESTATE LLC</td>
</tr>
</tbody>
</table>

**Action Requested:** Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5)

<table>
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<tr>
<th>Location Map:</th>
<th>Additional Information:</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image-url" alt="Location Map" /></td>
<td>Present Use: Single-family</td>
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<td>Tract Size: 0.17 acres</td>
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<td></td>
<td>Location: 209 S. Urbana Ave.</td>
</tr>
<tr>
<td></td>
<td>Present Zoning: RS-3</td>
</tr>
</tbody>
</table>

11.1
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9304
CD: 4
HEARING DATE: 10/25/2022

APPLICANT: Max McGuirk

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

LOCATION: 209 S URBANA AV E
ZONED: RS-3

PRESENT USE: Single-family
TRACT SIZE: 7562.05 SQ FT

LEGAL DESCRIPTION: LT 432 BK 2, RODGERS HGTS SUB CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of 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.

STAFF ANALYSIS: The applicant is requesting a Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5).

An addition was made to the house in 2022 to expand the existing single-family home, the design of that addition was done to accommodate future use of the property as a duplex if the Special Exception is approved by the Board.

SAMPLE MOTION:

Move to _________ (approve/deny) a Special Exception to permit a duplex in the 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 East

Subject property facing North
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021
**Case Report Prepared by:** Austin Chapman

**Owner and Applicant Information:**
- **Applicant:** Kiana Smith
- **Property Owner:** SPURLIN, RODNEY ALAN REV TRUST

**Action Requested:** Variance to reduce the required 20-foot rear setback in the RS-3 District (5.030-A, Table 5-3)

**Location Map:**

**Additional Information:**
- **Present Use:** Residential
- **Tract Size:** 0.16 acres
- **Location:** 12 W Queens St. N.
- **Present Zoning:** RS-3
BOARD OF ADJUSTMENT
CASE REPORT

STR: 0226
CD: 1

HEARING DATE: 10/25/2022 (Cont. from 10/11/2022)

APPLICANT: Kiana Smith

ACTION REQUESTED: Variance to reduce the required 20-foot rear setback in the RS-3 District (5.030-A, Table 5-3)

LOCATION: 12 W. Queen St. N.

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 6952.2 SQ FT

LEGAL DESCRIPTION: LT 24 BLK 2, ENGLEWOOD ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of 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.

STATEMENT OF HARDSHIP: See attached.

STAFF ANALYSIS: The applicant is proposing a Variance to reduce the required 20-foot rear setback in the RS-3 District (5.030-A, Table 5-3)

Facts staff finds favorable for variance request:
- Staff does not see any facts favorable to the applicant without more information provided.

Facts Staff find unfavorable for the variance request:
- It is unclear what the physical surroundings, shape, or topographical conditions exist that present a hardship. Currently the existing structure sits on a retaining wall, the applicant should explain why the structure cannot be expanded to the West.
SAMPLE MOTION:
Move to _________ (approve/deny) a Variance to reduce the required 20-foot rear setback in the RS-3 District (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.”
City of Tulsa Board of Adjustment,

I hope this letter finds you well. I am filing a hardship for the property on 12 West Queen Street, Tulsa, Oklahoma 74106 parcel number 13200-02-26-01010. The property sits on an irregular forming property line that supports a request for the proposed action.

The proposed action is to extend the livable space by building a one-story extension to the east facing side of the property. Currently, the east side of the home is non-usable land that does not allow for other use outside of extending the dwelling. If the dwelling cannot be extended I have seen this property become a temporary camp for members of the transit community, rodents and other unsafe happenings.

The extension to this property in the requested area will help turn the blight area into a usable living area that will increase the value of the home and community. Thank you for your time and consideration.

Kiana Smith
ksmith18009@gmail.com
678-227-3193
Subject property and proposed location of addition.

Subject property facing East from corner of W. Queen St. and N. Cheyenne Ave.
South facing
Case Report Prepared by:
Austin Chapman

Owner and Applicant Information:
Applicant: Nathalie Cornett
Property Owner: Warren Clinic Inc c/o Nickel & Company LLC

Action Requested: Variance to increase the maximum aggregate sign area in the CS District (Sec.60.080-C, Table 60-3)

Location Map:

Additional Information:
Present Use: Commercial
Tract Size: 3.13 acres
Location: 3218 S. 79th Ave. E.
Present Zoning: CS, OMH
HEARING DATE: 10/25/2022 (Continued from 10/11/2022)

APPLICANT: Nathalie Cornett

ACTION REQUESTED: Variance to increase the maximum aggregate sign area in the CS District (Sec.60.080-C, Table 60-3)

LOCATION: 3218 S. 79th E. Ave.  ZONED: CS/OMH

PRESENT USE: Commercial  TRACT SIZE: 136421.77 SQ FT

LEGAL DESCRIPTION: See attached.

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-21919: On 07.28.15 the Board accepted a verification of spacing for dynamic display off-premise outdoor advertising sign.

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.

STATEMENT OF HARDSHIP: The applicant has provided a separate exhibit identified as Exhibit “B” in your packet.

STAFF ANALYSIS: The applicant is requesting a Variance to increase the maximum aggregate sign area in the CS District (Sec.60.080-C, Table 60-3)
The applicant is allowed 3 signs on site with a total display area of 538 square feet for the entire property. The applicant is requesting 2 signs and to increase aggregate display area of the existing off-premise outdoor advertising sign to 672 square feet and the display area of the existing on-premise advertising sign.

The proposed sign is multisided, below is how the code measures those signs.

The proposed sign face are roughly 21 degrees from being parallel so only once sign face is counted as display area.
Facts staff finds favorable for variance request:
- Staff does not see any facts favorable to the applicant without more information provided.

Facts Staff find unfavorable for the variance request:
- Applicant has not provided any exhibits showing the display area of the existing on-premises sign. This exhibit has been requested by the applicant, but the Board should only act with complete information about their potential approval.
- The applicant has not presented any evidence the hardship of the lots being reconfigured have not been caused by the current property owner.
- The current size seem adequately sized and provide visibility from the highway. The board may wish to request of the applicant a rendering showing what the proposed signs with their new size would look like from the highway.

Taken from Goodle Street view, image capture July of 2022. Image shown from South face of sign. Red arrow indicates the current sign.
SAMPLE MOTION:

Move to ________ (approve/deny) a Variance to increase the maximum aggregate sign area in the CS District (Sec.60.080-C, Table 60-3)

- 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.”
On-Premise Sign
Height: 25 feet
Sign Frame: ~132 sq. ft.
All Saints Sign Face: ~37 sq. ft.
**Case Number:** BOA-23446  
**Hearing Date:** 10/25/2022 1:00 PM

### Case Report Prepared by:

Austin Chapman

### Owner and Applicant Information:

**Applicant:** Elite Agricultural Properties LLC  
**Property Owner:** ELITE AGRICULTURAL PROPERTIES LLC

### Action Requested:

Special Exception to allow a Group Living/ Monastery Use in the AG District (Sec. 25.020-B, Table 25-1)

### Location Map:

![Location Map](image)

### Additional Information:

**Present Use:** Agriculture  
**Tract Size:** 7.33 acres  
**Location:** 8533 E 58 ST S  
**Present Zoning:** AG,RS-3
Subject Tract

BOA-23446

19-13 36

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

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

STR: 9336  
CD: 7

HEARING DATE: 10/25/2022 1:00 PM

APPLICANT: Elite Agricultural Properties LLC

ACTION REQUESTED: Special Exception to allow a Group Living/ Monastery Use in the AG District (Sec. 25.020-B, Table 25-1)

LOCATION: 8533 E 58 ST S

ZONED: AG, RS-3

PRESENT USE: Agriculture

TRACT SIZE: 319130.58 SQ FT

LEGAL DESCRIPTION: PRT NE BEG 393.86W & 330S NEC SW TH SW484.35 SE297.98 NW364.68 S123.11 WLY50.15 N120 W214.15 NE240 NE166.55 NE193.21 NE136.91 E310.72 POB SEC 36 19 13 7.26ACS, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-6667; On 05.19.70 the Board approved an Exception to permit a children’s day nursery.

BOA-6159; On 01.07.69 the Board approved an Exception to permit a church.

BOA-5389; On 04.04.67 The Board approved an Exception to allow a recreation center.

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.

STAFF ANALYSIS: The applicant is requesting a Special Exception to allow a Group Living/ Monastery Use in the AG District (Sec. 25.020-B, Table 25-1)

Group Living usea are subject to the following supplemental regulations:
The approval of a Special Exception would trigger a requirement for the property to be platted prior to the approval of any zoning clearance permits on the property. A description of the use provided by the applicant is included in your packet.

**SAMPLE MOTION:** Move to _________ (approve/deny) a **Special Exception** to allow a Group Living/ Monastery Use in the AG District (Sec. 25.020-B, Table 25-1);

- 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.
Subject property

Entrance to subject property from 58th St.
Elite Agricultural Properties LLC
3336 E 32 Street #100
Tulsa, OK 74135

Subject property: 8533 E 58 Street, Tulsa, OK 74145

The above referenced property is presently zoned Agricultural (AG). We are requesting special exception to allow use of subject property to build a monastery on it. Current regulations of Board of Adjustments do allow special exception for such purpose.

Historically, there was a church on this land until 1980s when the church was burnt down. For some time thereafter, the church community used it as their retreat. Subsequently, it was sold to previous owners and the land went in to disarray. Due to its topography, commercial agriculture is difficult on this land. This land has hill that is rocky and sits 30-40 feet above rest of the land. Current ownership has struggled to use it for purely agricultural purposes. The subject property is surrounded by single-family residences an all sides and has attracted undesirable elements in the neighborhood.

The monastery on the property will be run by a not for profit organization (Transcendental Union with Love and Spiritual Advancement) and house a small group of retired clergy that will enjoy small time gardening and farming activities and quietly practice their religion in private without any public involvement. This use if permitted by the Board, will be in line with history of the property and its current intended use/zoning. The monastery will not draw excessive traffic to the neighborhood or create loud noise. The monastery will bring mature men and women of faith to the neighborhood and that should bring more good energy. An aesthetically pleasing architecture of the monastery will increase the property values in the neighborhood.

The monastery is expected to be 29,000-30,000 Sq feet in size and will be situated on top of the hill. In our concept drawing that is attached, we propose 58 guest rooms for the retired clergy. The guest clergy are expected to self sufficient and able bodies and will not require significant help from others for their daily activities. We expect staff of 5-10 to maintain grounds and facility and any helping hand to guests as needed. We do not intend to provide any specialized treatments/medical care. The monastery will not be run as an assisted living or nursing center. We do not expect any licensing requirements however, if any such requirements do arise, compliance will be assured.

There is no such monastery in the vicinity. There are no schools, parks, child day care centers in close proximity. The monastery will be in single-family residential district however; we do not expect that it will add any burden to the neighborhood. We expect less than 10 people per acre on the subject property. Thus not causing any overcrowding. There are city's supply of water and sewer and Public electricity and gas supply available. The monastery will not add significant load on such infrastructure. We will work with city engineers to ensure compliance with building codes. There will be ample of parking on the property. We do not anticipate any need for on street parking. We do not expect any significant increase in traffic in the neighborhood, as most of our guests will likely not have private cars. We expect the monastery will provide a self-contained abode to our guests and they will not have to go in and out regularly.
**Case Number:** BOA-23447

**Hearing Date:** 10/25/2022 1:00 PM

<table>
<thead>
<tr>
<th>Case Report Prepared by:</th>
<th>Owner and Applicant Information:</th>
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</thead>
<tbody>
<tr>
<td>Austin Chapman</td>
<td>Applicant: Brent Brownlee</td>
</tr>
<tr>
<td></td>
<td>Property Owner: MANLEY, ANGELA AND BRENT BROWNLEE</td>
</tr>
</tbody>
</table>

**Action Requested:** Special Exception to allow a fence or wall to exceed 4-feet in height in the street setback (Sec. 45.080-A)

<table>
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<th>Location Map:</th>
<th>Additional Information:</th>
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<tr>
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<td>Present Use: Residential</td>
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<td>Tract Size: 0.23 acres</td>
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<td>Location: 2536 E. 57 St. S.</td>
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<tr>
<td></td>
<td>Present Zoning: RS-2</td>
</tr>
</tbody>
</table>
BOA-23447

Subject Tract 19-13 32

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

Aerial Photo Date: 2020/2021

8.4
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9332  Case Number: B0A-23447
CD: 9

HEARING DATE: 10/25/2022 1:00 PM

APPLICANT: Brent Brownlee

ACTION REQUESTED: Special Exception to allow a fence or wall to exceed 4-feet in height in the street setback (Sec. 45.080-A)

LOCATION: 2536 E 57 ST S  ZONED: RS-2

PRESENT USE: Residential  TRACT SIZE: 10001.42 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 6, SOUTH LEWIS TERRACE AMD CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of 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.

STAFF ANALYSIS: The applicant is requesting a Special Exception to allow a fence or wall to exceed 4-feet in height in the street setback (Sec. 45.080-A)

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

**SAMPLE MOTION:** Move to _________ (approve/deny) a Special Exception to allow a fence or wall to exceed 4-feet in height in the 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; area highlighted in yellow is the area where the relief is requested.*
NOTICE OF VIOLATION – ZONING

To: MANLEY, ANGELA AND BRENT BROWNLEE
2536 E 57TH ST
TULSA, OK 741057516

Date: 8/9/2022
Case: 51952-2021

Compliance Date: 8/23/22

Dear Property Owner and/or Occupant,

You are hereby notified of zoning (Title 42) violations at LT 1 BLK 6 SOUTH LEWIS TERRACE

City of Tulsa, Tulsa County State of Oklahoma; And located at the address of:
2536 E 57 ST S TULSA 74105

Violations:

<table>
<thead>
<tr>
<th>Code Section</th>
<th>Explanation of violation</th>
</tr>
</thead>
<tbody>
<tr>
<td>46.080-A</td>
<td>Fences and walls within the front building setback may not exceed four feet (4') in height, unless a special exception has been granted by the Board of Adjustment.</td>
</tr>
</tbody>
</table>

To comply, you must: Reduce the fence height within the front setback to four feet (4’) or less, or seek the required Special Exception from the Board of Adjustment at INCOG (contact information below).

See back of page for what the resolution of each violation requires.

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

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

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

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

Thank you,

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

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

INCOG – Indian Nations Council of Governments
2 West Second Street
Suite 800
Tulsa, OK 74103
918.596.7526

City of Tulsa – City Clerk
175 East Second Street
Suite 250
Tulsa, OK 74103
918.596.7513

Monday-Friday
8 a.m. – 5 p.m.

Zoning 1

To view the full Zoning Code please visit www.tulsa planning.org/resources/plans
September 1, 2022

Scott and Tracy Hearn
2528 E 57th St.
Tulsa, OK 74105

City of Tulsa
INCOG
Attn: Austin Chapman

Dear Mr. Chapman:

On behalf of my husband and me, I am writing to you regarding the fence issue in the cul-de-sac at the end of our street. I fully support keeping the fence that Angela Manley and Brent Brownley erected on their property. Since having the fence, Maddie Brady and Jason Brazeal, who live at 2540 E 57th St., have been much less confrontational, it has been much more quiet, we have had fewer police calls, and it seems there has been less traffic coming and going from their house.

Scott and I have lived at 2528 E. 57th St. since 1999. We have been married for 34 years and raised 5 children from this home. All five children are responsibility living on their own, have jobs, and some are married. We are a household that has valued and lived by the “Golden Rule” to love God and your neighbor. We have had little trouble with our neighbors and, if there has been a disagreement, we have been able to resolve our differences respectfully and live peaceably. However, resolution has been fleeting with Maddie and Jason. I do not believe that they are capable of mature discourse. Since 2015, there have been several incidents which demonstrate this.

When she first moved into this neighborhood, she was married, employed, and had a toddler. Now, she is unemployed, divorced, living with a man who has a criminal record who is also unemployed, her child has been taken away, she has had another baby, and had her home raided by the police on May 24, 2019. For several weeks prior to the police raid, a few of the neighbors and I noticed all kinds of cars, people on bikes, and people walking up to their house all hours of the day and night. They would be there for a very short time and leave. We were pretty sure they were selling drugs but didn’t know what to do about it. The day before the raid, they were hauling off trash bags full of something and hosing out the garage. Apparently, someone tipped them off. I have pictures of Maddie in handcuffs. Also, in that year Jason and another man broke into a vacant house in the cul-de-sac one evening. We called the police and caught them. Several neighbors witnessed this and testified to the policeman. We had another house that was for sale in the cul-de-sac that was broken into in the middle of the day around the same time. We called the police, and the burglars took off. It wasn’t Jason but somehow, I believe with all the unusual traffic in our neighborhood created by Maddie and Jason’s dealings that they have some culpability. In a personal incident in 2019, two of my daughters were sitting in their car parked along the curb and Jason and Maddie drove up in their car (blocking my daughter’s car) and threatened them because Maddie said that they made an obscene gesture toward Maddie. Their manner was very confrontational and frightened my daughters. I filed an online police report.

Since 2015, except for the first time I talked to Maddie, any contact me or my family has had with her has been irrational. She yells and throws false accusations rather than discussing an issue to resolve it. She threatens and uses bad language. The police are frequently called to their house, they deliberately
play loud music from their house and cars, they let their dogs run loose in the neighborhood and don’t bother to clean the mess. I would describe both of them as immature, manipulative, irresponsible, narcissistic, and enabled. They seem to enjoy the attention and they cannot get as much attention with the fence intact. The fence needs to stay.

Best regards,

Scott and Tracy Hearon
Austin Chapman
INCOG Division
City of Tulsa

August 31, 2022

Dear Mr. Chapman,

This letter is in regard to the fence of Angela Manley and Brent Brownley at 2536 E. 57th St.

I am a neighbor of theirs, Melissa Hoffman-Noble, of 2527 E. 57th St. I would like to state, that I am not bothered by their fence. It was built as a last resort to escape the frequent and years long harassment of their neighbor Maddie Brady. It is my understanding that it was built to code and I see no reason for it to be removed.

Thank you for your attention.
Melissa Hoffman-Noble
To: The City of Tulsa

From: Jon and Michelle Kaufman at
2530 E 57th St

We support Brent in his efforts to retain intact and with that future review or restriction from your agency the privacy fence he and his wife have installed.

Thank you, and the Lord bless you in consideration of this and all matters, (Romans 13)

Michelle Kaufman
Case Report Prepared by: Austin Chapman

Owner and Applicant Information:
Applicant: Tom Neal
Property Owner: Roger Marshall, LLC

Action Requested: Special Exception to allow an Accessory Dwelling Unit in the RS-4 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)

Location Map:

Additional Information:
Present Use: Vacant
Tract Size: 0.16 acres
Location: 2826 E. 11 St. S.
Present Zoning: RS-4
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9308  
CD: 4  

HEARING DATE: 10/25/2022 1:00 PM

APPLICANT: Tom Neal

ACTION REQUESTED: Special Exception to allow an Accessory Dwelling Unit in the RS-4 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)

LOCATION: 2826 E 11 ST S  
ZONED: RS-4

PRESENT USE: Vacant  
TRACT SIZE: 6751.83 SQ FT

LEGAL DESCRIPTION: N40 OF LT 19 S20 OF LT 20 BLK 2, SIGNAL ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of 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.

STATEMENT OF HARDSHIP:

1. That the physical surroundings, shape, or topographic 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: Typical midtown lots in Renaissance are 140-feet deep this lot is 112.5-feet, Renaissance also mostly has separate garages frequently with apartments.

2. That the literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose: See above.
3. 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: Most lots are deeper than this one.

4. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner: The limitations derive from the non-standard size.

5. That the variance to be granted is the minimum variance that will afford relief: Cannot fit 2 cars with less square feet.

6. 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: Relief will reinforce the typical patterns and character of the mostly 1920’s neighborhood.

7. 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: See above.

**STAFF ANALYSIS:** The applicant is requesting a Special Exception to allow an Accessory Dwelling Unit in the RS-4 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).

A copy of Sec. 45.031 and Sec. 45.030 of the zoning code is included in your packet.

**(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)

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

![Figure 90-9](image)

<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>

Allowed floor area: 720 square feet  
Allowed Height: One story , 18-feet to ridge and 10-feet to plate  
Allowed rear setback coverage: 30% or 300 square feet 397.5-feet

Proposed floor area: 1,087 square feet  
Proposed Height: Two Stories, 22.5-feet to ridge, 16.5-feet to plate  
Proposed Rear yard Coverage: 39.75 % or

Staff waived the requirement for a Letter of Deficiency on this application.
Facts staff finds favorable for variance request:
- The amount of relief requested does appear to be the minimum amount required to accomplish a garage w/ an accessory dwelling unit on this lot.

Facts Staff find unfavorable for the variance request:
- The properties described in Renaissance neighborhood are a different zoning classification. This property was recently re-zoned to RS-4 from RS-3 by the current property owner. The standards of the code require a hardship to be unique to the property when compared to properties within the same zoning classifications. The lot is a conforming to the RS-4 standards.
- While there may be several two story detached garages within the general Renaissance neighborhood, that does not appear to be the character of the block on which this project is proposed. The majority of the homes on the block South of the subject property to E. 12th Street are attached single-car garages with the exception of the lot at the NE/c of S. Delaware Pl. and E. 12th St. S. which has a single-story two-car detached garage.

SAMPLE MOTION:

**Special Exception:**

Move to ______ (approve/deny) a **Special Exception** to allow an Accessory Dwelling Unit in the RS-4 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.

**Variances:**

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 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)
- 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.”
**Case Report Prepared by:**

Austin Chapman

**Owner and Applicant Information:**

**Applicant:** Jose Perez

**Property Owner:** PEREZ, LUIS OMAR & JOSE ANTONIO PEREZ

**Action Requested:** Special Exception to allow a manufactured housing unit in the RS-3 District (Sec. 5.020, Table 5-2); Special Exception to extend the one-year time limit to allow the Manufactured Housing Unit permanently (Sec.40.210-A)

**Location Map:**

**Additional Information:**

**Present Use:** Residential

**Tract Size:** 4.24 acres

**Location:** 2602 E 51 ST N

**Present Zoning:** RS-3

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10.1
BOA-23449

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

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

STR: 0308
CD: 1

HEARING DATE: 10/25/2022 1:00 PM

APPLICANT: Jose Perez

ACTION REQUESTED: Special Exception to allow a manufactured housing unit in the RS-3 District (Sec. 5.020, Table 5-2); Special Exception to extend the one-year time limit to allow the Manufactured Housing Unit permanently (Sec.40.210-A)

LOCATION: 2602 E 51 ST N

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 184682.09 SQ FT

LEGAL DESCRIPTION: W495 N330 NW NE SW & W/2 SW NW NE SW LESS E102 N215 W267 NW NE SW & LESS E15 & N16.5 THEREOF FOR RD SEC 8 20 13 4.24ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-12574; On 05.05.83 the Board approved a Special Exception to permit a mobile home and a variance to allow 2 dwelling units on a single lot of record, limited to a period of one-year.

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

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STAFF ANALYSIS: The applicant is requesting Special Exception to allow a manufactured housing unit in the RS-3 District (Sec. 5.020, Table 5-2); Special Exception to extend the one-year time limit to allow the Manufactured Housing Unit permanently (Sec.40.210-A).
SAMPLE MOTION: Move to _________ (approve/deny) a Special Exception to allow a manufactured housing unit in the RS-3 District (Sec. 5.020, Table 5-2); Special Exception to extend the one-year time limit to allow the Manufactured Housing Unit permanently (Sec.40.210-A);

- 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.