

**AGENDA**  
**CITY OF TULSA BOARD OF ADJUSTMENT**  
**Regularly Scheduled Meeting**  
**Tulsa City Council Chambers**  
**175 East 2nd Street, 2nd Level, One Technology Center Tuesday,**  
**November 8, 2022, 1:00 P.M.**

**Meeting No. 1306**

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](mailto:esubmit@incog.org)

**Mail or In Person:** City of Tulsa BOA c/o INCOG, 2 W. 2<sup>nd</sup> 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)
2. Approval of **Minutes** of October 11, 2022 (Meeting No. 1303)

**UNFINISHED BUSINESS**

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

**3. 23325 - Ryan Neuhor, Image Builders**

**Action Requested:**

Special Exception to permit a Dynamic Display sign in a Residential District containing a School Use (Sec. 60.050-B.2.c) Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)

**Location:** 1127 S. Columbia Ave. (Mayo Demonstration Academy) **(CD-4)**

4. **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)**

5. **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)**

6. **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)**

**NEW APPLICATIONS**

7. **23450-OSAGE - Demahco Ousley**

**Action Requested:**

Special Exception to permit duplexes in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5). Request is to allow up to 5 duplexes. **Location:** 1503 W. Newton St. **(CD-1)**

8. **23452-Tom Neal**

**Action Requested:**

Special Exception to permit a duplex in the RS-4 district (Table 5.020, Table 5-2, Table 5-2.5) **Location:** 514 S. Wheeling Ave. E. **(CD-1)**

9. **23453 - Tulsa Minded, LLC**

**Action Requested:**

Special Exception to permit a Salon (Personal Improvement Service Use) in the OL District (Sec.15.020, Table 15-2) **Location:** 4436 S. Harvard Ave. **(CD-9)**

**10.23456 - Nathalie Cornett**

**Action Requested:**

Variance to reduce the required 15-foot side setback in the RE District for a swimming pool (Sec. 5.030, Table 5-3; Sec. 90.090-C, Table 90-1) **Location:** 2131 E. 29th St. **(CD-4)**

**11.23457 - Zach Burrow**

**Action Requested:**

Special Exception to allow a fence to exceed 4-feet in height inside a required street setback (Sec. 45.080-A) **Location:** 5780 S. Peoria Ave. **(CD-9)**

**NEW BUSINESS**

**12.** Review and Approval of 2023 Meeting Schedule.

**13.** Review and approval of changes to the City of Tulsa Policies and Procedure.

**BOARD MEMBER COMMENTS**

**ADJOURNMENT**

**Website:** [tulsaplanning.org](https://tulsaplanning.org)

**E-mail:** [esubmit@incog.org](mailto: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.





# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9308

**CD:** 4

Case Number: **BOA-23325**

**PREPARED BY:** Austin Chapman

**HEARING DATE:** 11/08/22(Continued from 10/11/2022)

Case was continued from 5/10/2022. Applicant to meet with clients regarding moving the sign closer to 11th street.

**APPLICANT:** Ryan Neurohr ,Image Builders

**ACTION REQUESTED:** Special Exception to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)

**LOCATION:** 1127 S COLUMBIA AV E(Mayo Demonstration Academy) **ZONED:** RS-3

**PRESENT USE:** School

**TRACT SIZE:** 435601.78 SQ FT

**LEGAL DESCRIPTION:** NE NE NW SEC 8 19 13,

**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 COMMENTS:** The applicant is requesting a Special Exception to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F).

Included in your packet are the standards for Sec. 60.050 and 61.100 for Dynamic Display signs in a Residential District and the general Regulations for Dynamic Display Signs.

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) **Special Exception** to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)

- 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.

**60.040-D Dynamic Displays**

Unless otherwise expressly stated, all signs that include a dynamic display are subject to the supplemental regulations of [Section 60.100](#).

**60.040-E Off-Premise Business Signs**

Off-premise business signs may be approved for multi-tenant developments only when such developments are included in a mandatory development plan (See [Section 70.040](#)). The authority to approve off-premise business signs is intended to be used only when the location of the identified business or activity precludes placement of a sign that is visible to motorists and pedestrians along the highest (traffic) volume street that provides access to the subject development and when the result of the approval will be in keeping with the stated purposes of this chapter ([§60.010-A](#)). The intent of this off-premise business sign authorization is to provide flexibility in overcoming the locational and visibility challenges of lots within a mandatory development plan area, not to allow an overall increase in the amount of signage allowed or encourage a proliferation of signs within the area covered by the mandatory development plan. Any waiver, modification, or variance to the regulations of [Section 60.040-E](#) is considered a use variance and is thereby prohibited in accordance with [§70.130-B1](#).

**60.040-F Illumination**

Except for authorized dynamic displays, the illumination on the face of any sign where illumination is permitted must be by constant light and may not exceed 70 foot candles measured at a distance of 2 feet from the face of the sign.

**Section 60.050 Signs in R, AG, and AG-R Zoning Districts**

**60.050-A Applicability**

The regulations of this section apply to signs in R, AG, and AG-R districts. See also the general regulations of [Section 60.040](#).

**60.050-B Signs Allowed**

The following signs are allowed in R, AG, and AG-R districts in addition to any signs allowed pursuant to [Section 60.030](#). On-premise roof signs, on-premise projecting signs and all off-premise outdoor advertising signs are prohibited in R, AG, and AG-R districts.

**1. Apartment/Condo Buildings and Neighborhood and Subdivision Identification Signs**

- a. Lots occupied by one or more apartment/condo buildings are allowed a maximum of one freestanding sign per street frontage and a maximum of one wall sign per building wall. Wall signs may not exceed 32 square feet in area.
- b. Residential neighborhoods and residential subdivisions, including manufactured housing parks, are allowed a single freestanding sign at each street entrance to the neighborhood or subdivision.
- c. The freestanding signs allowed by this section may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on

the street frontage to which the sign is oriented. Maximum height may not exceed 20 feet.

## 2. Nonresidential Uses

The following regulations apply to all principal nonresidential uses in R, AG, and AG-R districts.

### a. Wall Signs

Nonresidential uses in R, AG, and AG-R districts are allowed a maximum of one wall sign per public building entrance. No individual wall sign may exceed 32 square feet in area. In buildings with multiple public building entrances, the sign area of all wall signs may not exceed 32 square feet in the aggregate.

### b. Freestanding Signs

Nonresidential uses in R, AG, and AG-R districts are allowed a maximum of one freestanding sign per street frontage. Allowed freestanding signs are subject to a maximum height limit of 20 feet and may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

### c. Dynamic Displays

Dynamic displays are prohibited in R, AG, and AG-R districts except that on a lot occupied by an allowed public, civic or institutional use, the board of adjustment is authorized to approve a special exception for the allowed wall sign or the allowed freestanding sign to include a dynamic display.

- (1) The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.
- (2) The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.
- (3) Dynamic displays in R, AG, and AG-R districts may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the special exception process.
- (4) Dynamic displays are subject to the dynamic display regulations of [Section 60.100](#).

## Section 60.060 Signs in Office Zoning Districts

### 60.060-A Applicability

The regulations of this section apply to signs in all office zoning districts. See also the general regulations of [Section 60.040](#).

- a. Off-premise outdoor advertising signs;
- b. Dynamic displays;
- c. Inflatable signs; and
- d. Roof signs.

**60.090-E MPD District**

Except as otherwise expressly allowed as part of an approved MPD development plan:

- 1. Residential development areas are subject to the sign regulations that apply to R districts; and
- 2. Nonresidential development areas are subject to the sign regulations that apply to CS districts.

**Section 60.100 Dynamic Displays**

The supplemental regulations of this section apply to all signs with dynamic displays. Except as otherwise expressly stated, these regulations apply whether incorporated into off-premise outdoor advertising signs or on-premise signs that are allowed to include a dynamic display.

**60.100-A** The images and messages displayed on a dynamic display must have a minimum dwell time of at least 8 seconds and may not contain any movement, animation, audio, video, pyrotechnics or other special effects.

**60.100-B** The transition or change from one message to another must occur in one second or less and involve no animation or special effects.

**60.100-C** The images and messages displayed must be complete in and of themselves within the required dwell time.

**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.

**60.100-E** Dynamic displays may not be located within or within 20 feet of the driving surface of a street, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the street curb or edge of the traveled roadway marked or understood as such.

**60.100-F** Dynamic displays may not be located within 200 feet of any of the following: (1) an R or AG-R district (other than street, highway or freeway right-of-way); (2) a residential development area. This separation distance does not apply if the dynamic display is not visible from the referenced district, area or lot, and the requirements may be modified in R, AG, and AG-R districts if approved through the special exception process. Required separation distances must be measured horizontally in a straight line from the nearest point on a sign structure to the nearest point of an R or AG-R district or residential development area boundary.

**60.100-G** Dynamic displays must be equipped with a default mechanism that freezes the display in one position or presents a static or blank display if a malfunction occurs.

- 60.100-H** Dynamic displays must be equipped with a light detector/photocell that automatically adjusts the display's brightness according to natural ambient light conditions.
- 60.100-I** The maximum brightness level of a dynamic display may not exceed 6,500 nits (candelas per square meter) during daylight hours or 500 nits between 30 minutes after sunset and 30 minutes before sunrise, as those times are determined by the National Weather Service (Actual Time). Brightness must be measured from the brightest element of the sign's face.
- 60.100-J** Any outdoor advertising sign that includes a dynamic display that was lawfully established before January 1, 2010, must be separated by a minimum distance of 1,200 feet from any other outdoor advertising sign that includes a dynamic display. This spacing limitation does not apply between signs separated by a freeway. The 1,200-foot distance must be measured in a straight line from the center of the subject sign structures, as located on the ground.
- 60.100-K** Except as provided in [§60.100-J](#), any outdoor advertising sign that includes a dynamic display and that was approved by a permit issued on or after January 1, 2009, must be separated by a minimum distance of 1,200 feet from any other outdoor advertising sign that includes a dynamic display facing the same traveled way. The 1,200-foot distance must be measured in a straight line from the center of the subject sign structures, as located on the ground

#### **Section 60.110      Administration**

- 60.110-A** Any person proposing to erect any sign requiring a sign permit must submit a sign permit application to the development administrator. Applications for such permit must be accompanied by detailed plans, including scaled drawings of the proposed sign, a detailed site plan and other information deemed necessary by the development administrator to determine compliance with applicable regulations.
- 60.110-B** Sign permit fees must be paid prior to the issuance of a sign permit.
- 60.110-C** If the work associated with a sign permit has not been completed within 180 days of the date of the issuance of the permit, such permit will lapse and become null and void.

#### **Section 60.120      Nonconforming Signs**

See [Section 80.060](#).

#### **Section 60.130      Rules of Measurement**

##### **60.130-A      Sign Area**

##### **1.      Signs Enclosed in Frames or Cabinets**

The area of a sign enclosed in a frame or cabinet is determined based on the outer dimensions of the frame or cabinet surrounding the sign face (see [Figure 60-2](#)).

City of Tulsa Board of Adjustment  
2 West 2<sup>nd</sup> Street, Suite 800  
Tulsa, OK 74103

Thanks to Tulsa voters who approved funding for digital marquees in the 2021 bond package, Tulsa Public Schools will be submitting requests for approval for approximately 45 digital school marquees over the next year. The district is sensitive to neighborhood concerns and aware of city regulations. We intend to adhere to all elements of the Tulsa Zoning Code including those of Section 60.100 relating to dynamic displays.

Nearly all of the marquees will be replacing older, manually managed signs. Schools are truly excited about this opportunity to install dynamic digital signs for several reasons including:

***Improved communication with families and neighbors:***

- Messages can be easily displayed in multiple languages to match community needs
- Displays can be quickly changed to share emergency information when needed
- Sharing information about multiple and varied school activities helps spark and grow family and neighborhood interest and connections

***Improved safety:***

- The displays can be centrally managed via a cellular network to quickly share emergency notifications in multiple languages if needed. Messages can be controlled individually by school, by neighborhood or district wide.
- School staff will no longer need to climb on ladders in challenging weather to change out manual marquees.

***Improved appearance and perception of our schools:***

- New marquees will brighten and modernize the look and “curb appeal” of our schools and show the community that we are investing in our children, schools, and neighborhoods.

We know the importance of keeping families informed and we use multiple lines of communication to reach the families of our more than 33,000 students. We see the digital marquees as another valuable tool, especially for families who don't have reliable access to internet and technology. The marquee project was one of the bond items that generated the most positive response from parents and school leaders during the 2021 bond election and we look forward to meeting with members of the Board of Adjustment to discuss this work and answer any questions. We appreciate your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Robles', with a stylized flourish extending from the bottom left.

Jorge Robles

Chief Finance and Information Officer

Tulsa Public Schools

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



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103-3227

### SIGN PLAN REVIEW

March 9, 2022

LOD Number: 1

Phone: 918-232-8024

**Bonnie Moore**  
204 E. 5<sup>th</sup> Ave.  
Owasso, OK 74055

**APPLICATION NO:** SIGN-111960-2022 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)  
**Location:** 1127 S. Columbia Ave.  
**Description:** Freestanding sign with dynamic display

#### 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 2<sup>nd</sup> 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 REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, THE INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT [WWW.INCOG.ORG](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 WEST 2<sup>ND</sup> STREET, 8<sup>TH</sup> 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](http://WWW.INCOG.ORG)

Application No. SIGN-111960-2022

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 60.050 Signs in R and AG Zoning Districts

**60.050-B.2.c** Dynamic displays are prohibited in R districts and AG districts except that on a lot occupied by an allowed public, civic or institutional use, the board of adjustment is authorized to approve a special exception for the allowed wall sign or the allowed freestanding sign to include a dynamic display.

- (1) The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.
- (2) The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.
- (3) Dynamic displays in R districts and in AG districts may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the special exception process.
- (4) Dynamic displays are subject to the dynamic display regulations of Section 60.100.

**Review comments:** The proposed freestanding sign with a dynamic display is located in a RS-3 zoning district and requires a special exception from the BOA prior to issuance of a sign permit.

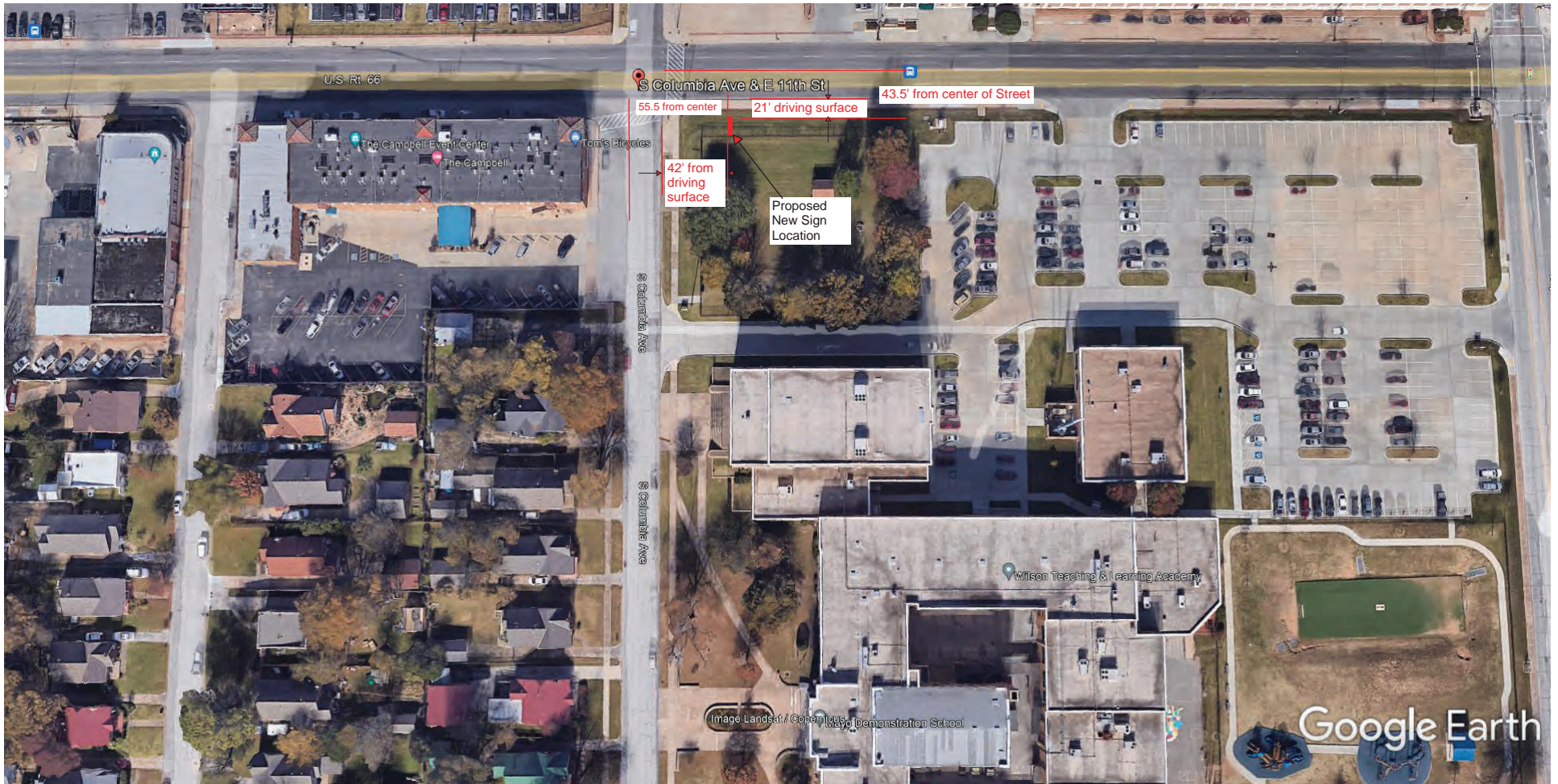
The sign review will resume once the required revised plans and BOA approval paperwork is submitted.

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

## END – ZONING CLEARANCE AND SIGN CODE REVIEW

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

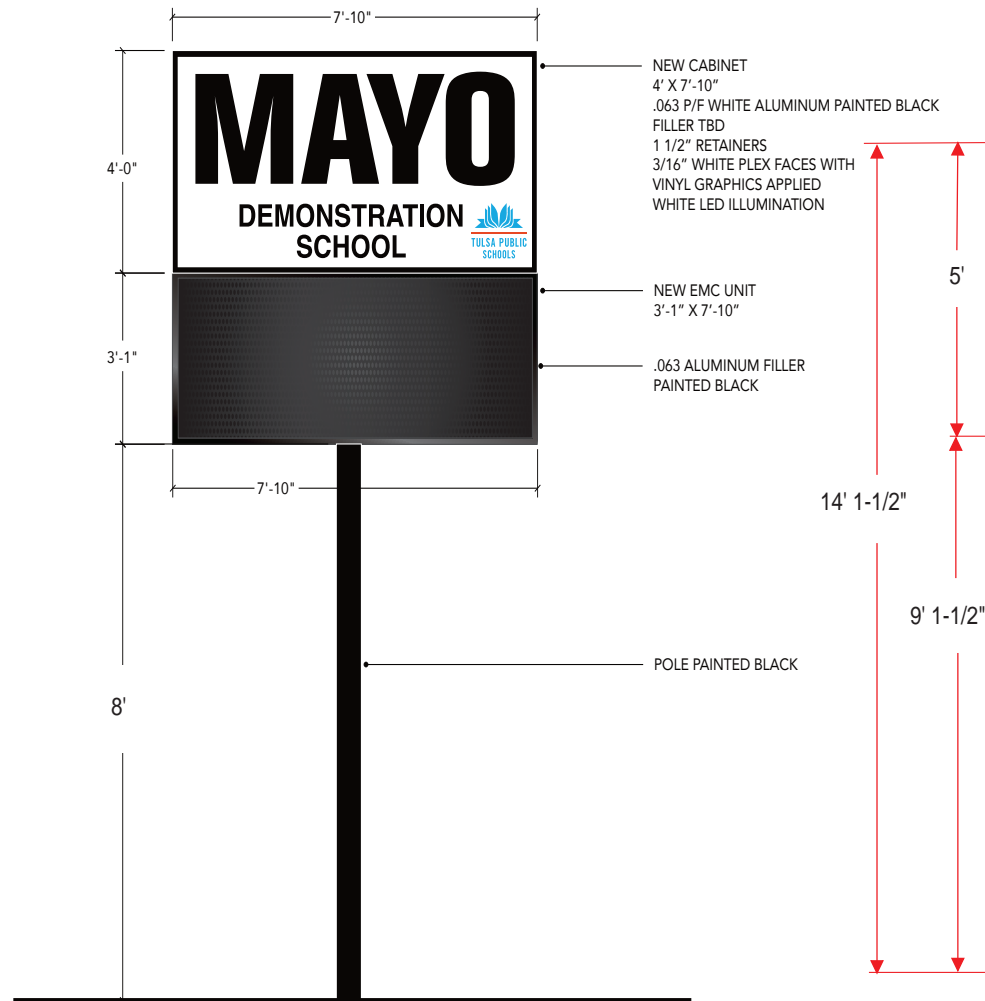
KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A CITY OF TULSA SIGN PERMIT.



Overhead Site Plan

Mayo Demonstration School  
1127 S Columbia Ave  
Tulsa, OK





A | ELEVATION  
SCALE: 3/8" = 1'-0"  
D/F ILLUMINATED

THESE DRAWINGS ARE THE EXCLUSIVE PROPERTY OF IMAGE BUILDERS, AND ARE THE RESULT OF ORIGINAL WORK BY IT'S EMPLOYEES. THEY ARE SUBMITTED FOR THE SOLE PURPOSE OF YOUR CONSIDERATION OF WHETHER TO PURCHASE THESE PLANS, OR TO PURCHASE FROM IMAGE BUILDERS. SIGNAGE MANUFACTURED IN ACCORDANCE TO THESE PLANS. DISTRIBUTION OR EXHIBITION OF THESE PLANS TO OTHERS IS EXPRESSLY FORBIDDEN. © 2019 I.B.



**IMAGE BUILDERS**  
image design • installation • maintenance • painting

☐ APPROVED AS SHOWN ☐ APPROVED AS NOTED  
X  
CLIENT NAME  
DATE

PROJECT/CLIENT NAME:  
MAYO DEMONSTRATION  
SCHOOL

LOCATION:  
1127 S COLUMBIA AVE  
TULSA, OK 74104  
ACCOUNT EXECUTIVE:  
RYAN NEUROHR

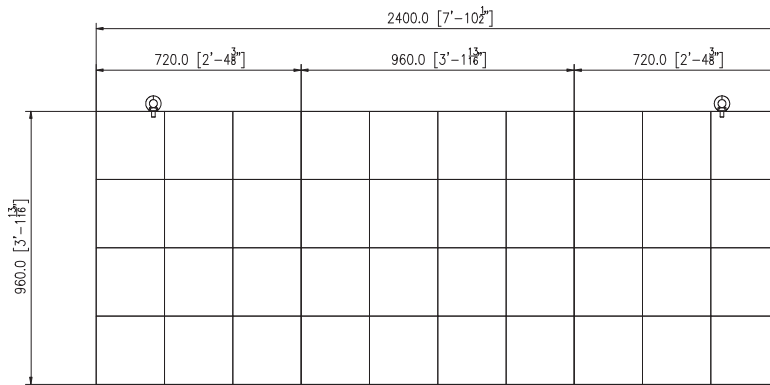
DESIGNER:  
BILL SAMPLE  
DATE OF ORIGINAL DWG:  
FEB 10, 2022

REVISION HISTORY:

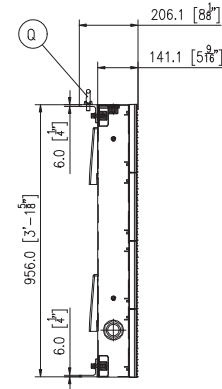
SIGN TYPE/DESCRIPTION:  
D/F ILLUMINATED

SHEET NAME:

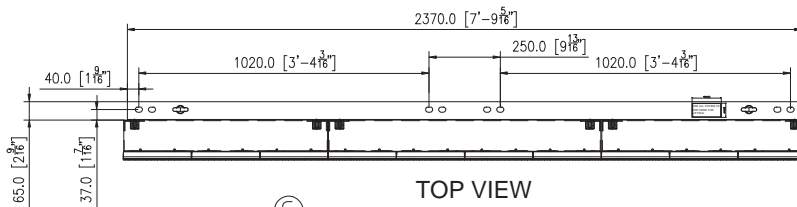
3.1



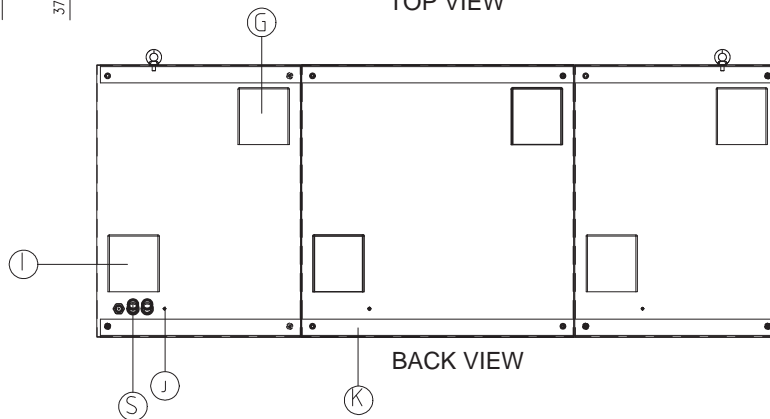
FRONT VIEW



SIDE VIEW



TOP VIEW




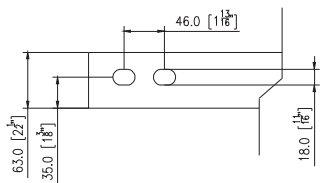
BACK VIEW

Note:  
Positions and dimensions of the vents in this drawing are for reference only.  
For accurate drawing, please request production drawing from Optec.

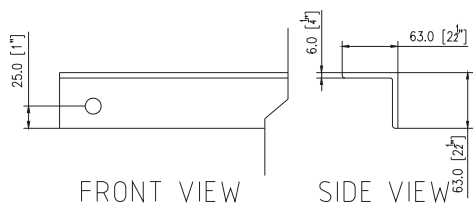
K	ANGLE IRON-SEE DETAIL K
Q	EYEBOLT-SEE DETAIL Q
S	STRAIGHT CONDUIT-SEE DETAIL S
J	GROUND LUG
I	VENTILATION INTAKE
G	VENTILATION EXHAUST

NOTES:  
MATERIAL: 5052  
FINISHING: MATT PLASTIC SPRAY, BLK  
SPECS: 60x150 1R1G1B  
PITCH: 16mm  
WEIGHT:294 lbs/FACE

REV.	DATE	DESCRIPTION	BY	APPR
		COPYRIGHT OPTEC DISPLAYS, INC. ALL RIGHTS RESERVED. UNAUTHORIZED REPRODUCTION AND DISTRIBUTION PROHIBITED		
DISPLAY MODEL				
DRAWING NUMBER		2021-000755-INF-MOD-16mm-1R1G1B-QR-60X150-DF-V2		
REFERENCE				
DESIGNED BY		SCALE/SHEET SIZE	1:1	
DRAWN BY		TOLERANCE	±1/4"	
DATE	2021/09/02	UNITS	MM (INCHES)	
PAGE		REVISION		



TOP VIEW

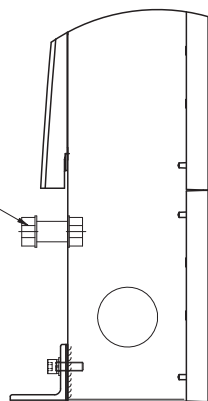


FRONT VIEW

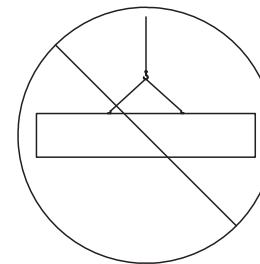
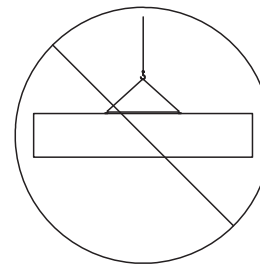
SIDE VIEW

DETAIL K

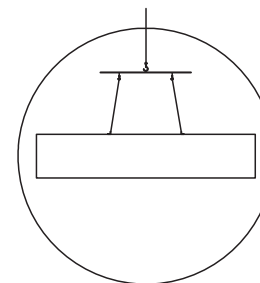
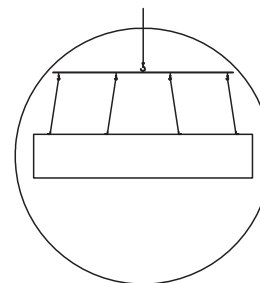
EMT 3/4 compression X  
NPSM Male




DETAIL S

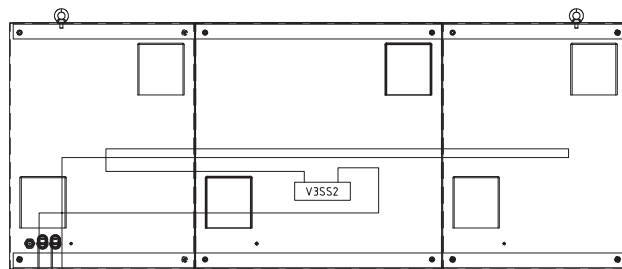


WRONG

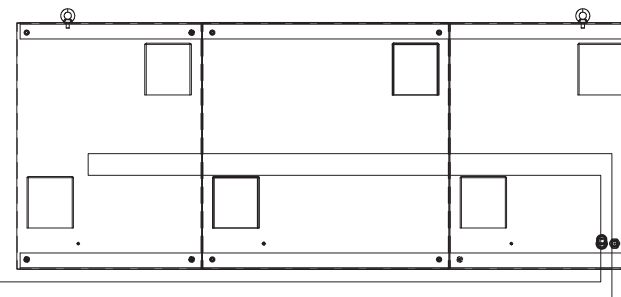


RIGHT

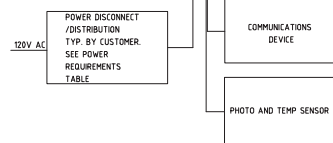
REV.	DATE	DESCRIPTION	BY	APPR
		COPYRIGHT OPTEC DISPLAYS, INC. ALL RIGHTS RESERVED. UNAUTHORIZED REPRODUCTION AND DISTRIBUTION PROHIBITED		
DISPLAY MODEL				
DRAWING NUMBER		2021-000755-INF-MOD-16mm-1R1G1B-QR-60X150-DF-V2		
REFERENCE				
DESIGNED BY		SCALE/SHEET SIZE	1:1	
DRAWN BY		TOLERANCE	±1/4"	
DATE	2021/09/02	UNITS	MM [INCHS]	
PAGE		REVISION		



PRIMARY BACK VIEW



SECONDARY BACK VIEW



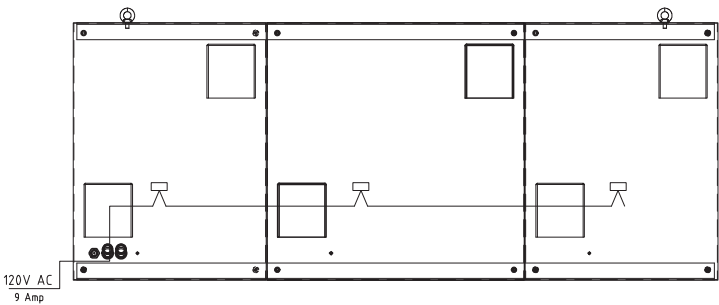
Total Power Required: 1080 Watt/Face  
Avg Operating Power: 360 Watt/Face

Max Power Load Per Single Face					
# of Circuits	120 VOLT Each Circuit		240 VOLT Each Circuit		
	WATTS	AMPS	WATTS	AMPS	
Primary	1	1080	9		
Secondary	1	1080	9		
Total number of circuits per face: 1					
INPUT VOLTAGE FOR DISPLAY MUST BE SPECIFIED AT TIME OF ORDER					

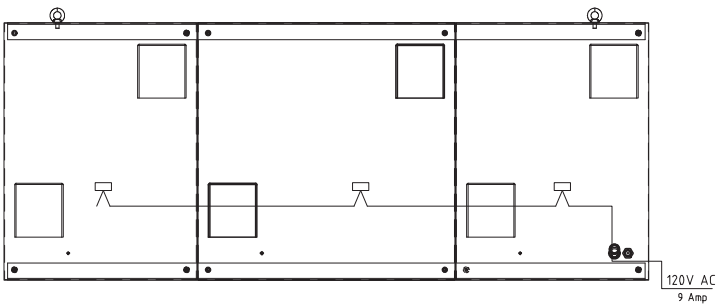
\*\*Electrical must be installed in accordance with the requirements of National Electrical Codes or local codes.

REV.	DATE	DESCRIPTION	BY	APPR
		COPYRIGHT OPTEC DISPLAYS, INC. ALL RIGHTS RESERVED. UNAUTHORIZED REPRODUCTION AND DISTRIBUTION PROHIBITED		
DISPLAY MODEL		2021-000755-INF-MOD-16mm-1916/18-GR-60X150-DF-V2		
DRAWING NUMBER				
REFERENCE				
DESIGNED BY		SCALE/SHEET SIZE		1:1
DRAWN BY		TOLERANCE		±1/4"
DATE		UNITS		MM (INCHES)
PAGE		REVISION		

AC wiring Diagram



PRIMARY BACK VIEW




SECONDARY BACK VIEW

Total Power Required: 1080 Watt/Face  
Avg.Operating Power: 360 Watt/Face

Max.Power Load Per Single Face					
		120 VOLT Each Circuit		240 VOLT Each Circuit	
# of Circuits		WATTS	AMPS	WATTS	AMPS
Primary	1	1080	9		
Secondary	1	1080	9		

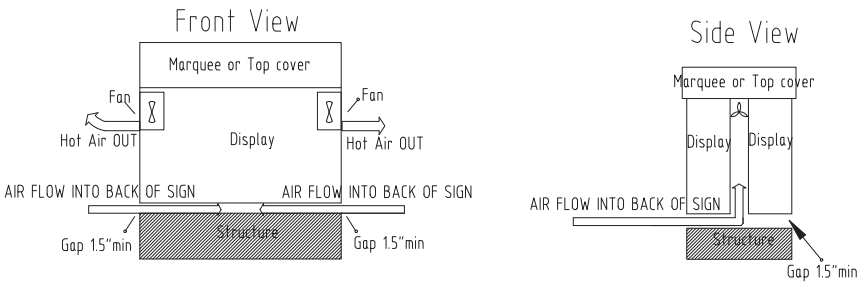
Total number of circuits per face 1  
INPUT VOLTAGE FOR DISPLAY MUST BE  
SPECIFIED AT TIME OF ORDER

\*\*Electrical must be installed in accordance  
with the requirements of National Electrical  
Codes or local codes.

REV.	DATE	DESCRIPTION	BY	APPR
 <div>COPYRIGHT OPTEC DISPLAYS, INC. ALL RIGHTS RESERVED. UNAUTHORIZED REPRODUCTION AND DISTRIBUTION PROHIBITED</div>				
DISPLAY MODEL				
DRAWING NUMBER		2021-000755-INF-MOD-16mm-1R1G1B-QR-60X150-DF-V2		
REFERENCE				
DESIGNED BY		SCALE/SHEET SIZE		1:1
DRAWN BY		TOLERANCE		±1/4"
DATE		UNITS		MM (INCHES)
PAGE		REVISION		

Air Ventilation Requirements(Force Air):  
FAN CFM = 3.19 x Total Watts/20

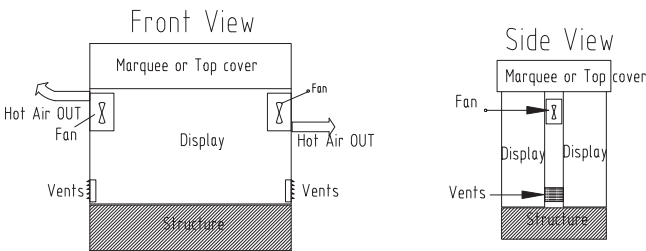
Forced Air Circulation



DO

- DO Provide Sufficient Vents to allow outside air into a skinned/closed structure
- DO Provide Fans if necessary to push Hot Air out of closed Structures
- DO Maintain minimum of 1.5 inch clearance at bottom of enclosed sign
- DO Maintain Temperature inside sign between 22to +130 Degrees F
- DO Keep Temperatures below 110 Degrees F inside cabinet
- DO Provide Axial Air Fans if Air Flow Restricted inside Frame/Structure
- DO Provide Thermal Switches to turn on Fans at 90-105 degrees F

Forced Air Circulation



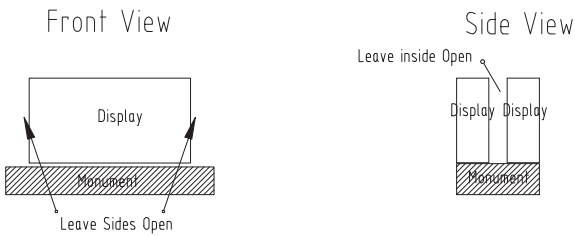
DON'T

- DON'T Block Cabinet Vents at back of Display
- DON'T Place cabinet against a wall without back side of cabinet open to outside air
- DON'T Allow Heat to Rise above 110 Degrees F inside cabinet
- DON'T Mount an ID Sign/Marquee Cover above or below the Optec LED Sign without 1.5" clearance needed for ventilation

NOTE: THE WARRANTY DOES NOT COVER DAMAGES CAUSED BY IMPROPER VENTILATION

AIR Ventilation Requirements(Natural Convection):

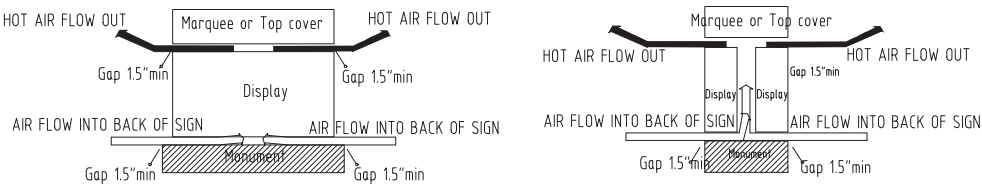
Natural Convection



DO

- DO Provide Outside Air TO Reach Cabinet Air input Vents
- DO Maintain Temperature inside sign 22 to +130 Degrees F
- DO Provide Sufficient Venting For Natural Convection if Skinned
- DO inspect Vents Periodically to Ensure they are Clear/Open
- DO Keep inside cabinet temperature below 110 degrees F
- DO Maintain clearance above and below cabinet a min of 1.5"

Natural Convection II



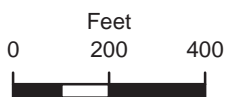
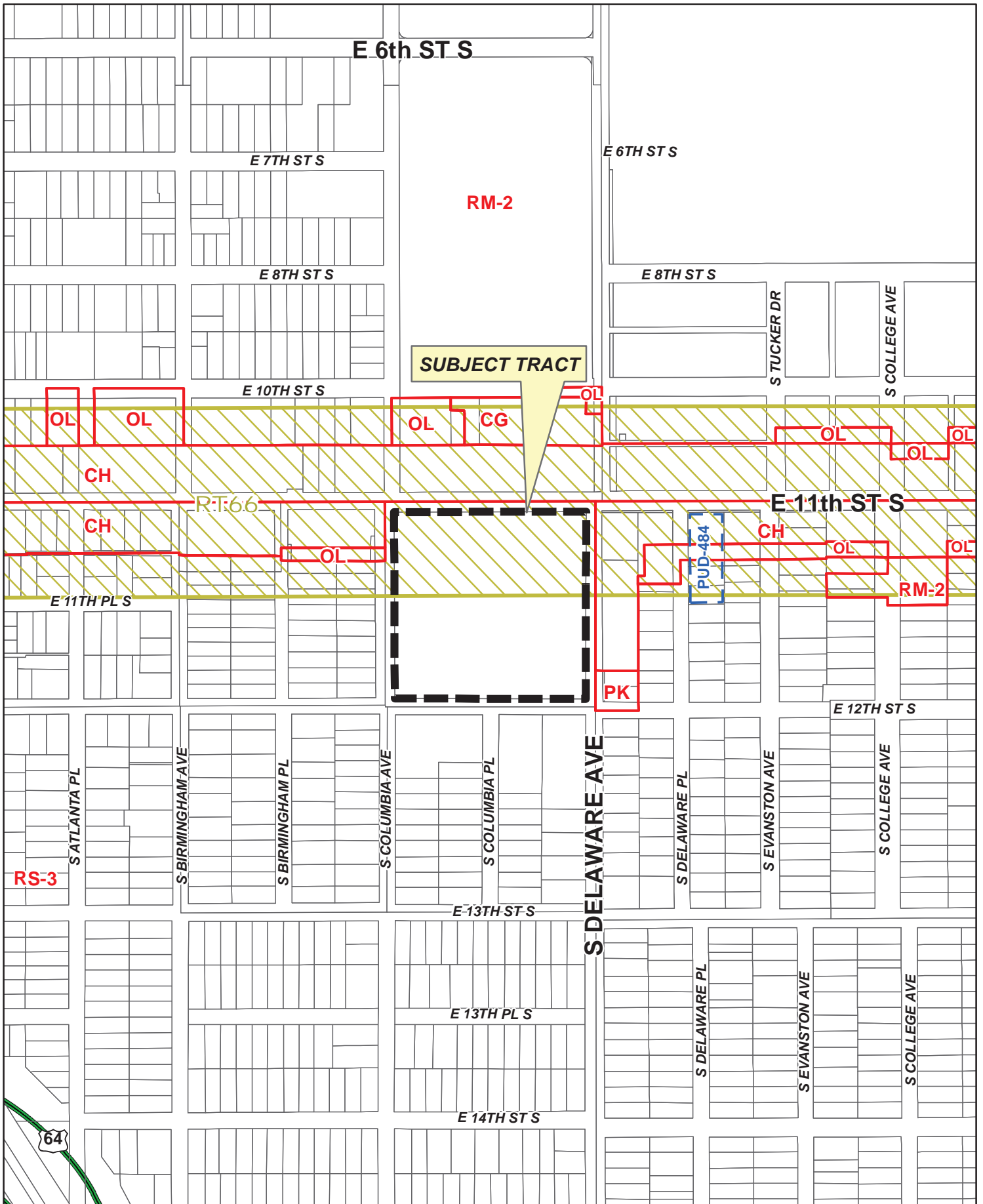
DON'T

- DON'T Block Cabinet Air Vents in back of Display
- DON'T Allow Temperature to Rise Above 110 degrees F

NOTE: THE WARRANTY DOES NOT COVER DAMAGES CAUSED BY IMPROPER VENTILATION

REV.	DATE	DESCRIPTION	BY	APPR
COPYRIGHT OPTEC DISPLAYS, INC. ALL RIGHTS RESERVED. UNAUTHORIZED REPRODUCTION AND DISTRIBUTION PROHIBITED				
DISPLAY MODEL				
DRAWING NUMBER				
REFERENCE				
DESIGNED BY				
DRAWN BY				
DATE				
PAGE				
SCALE/SHEET SIZE			1:1	
TOLERANCE			±1/4"	
UNITS			MM (INCHES)	
REVISION				





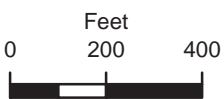
**BOA-23325**

19-13 08



**3.17**





Subject  
Tract

**BOA-23325**

19-13 08

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

Aerial Photo Date: 2020/2021



**3.18**



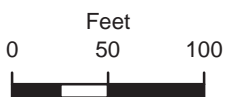


**E 11th ST S**

**S COLUMBIA AVE**

**S DELAWARE AVE**

**E 12TH ST S**



*Subject  
Tract*

**BOA-23325**

19-13 08

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

*Aerial Photo Date: 2020/2021*



**3.19**





# CITY OF Tulsa

## Board of Adjustment

**Case Number: BOA-23441**

**Hearing Date: 11/08/2022** (Cont. from  
10/25/2022; Scaled site plan requested,  
not yet provided)

**Case Report Prepared by:**

Austin Chapman

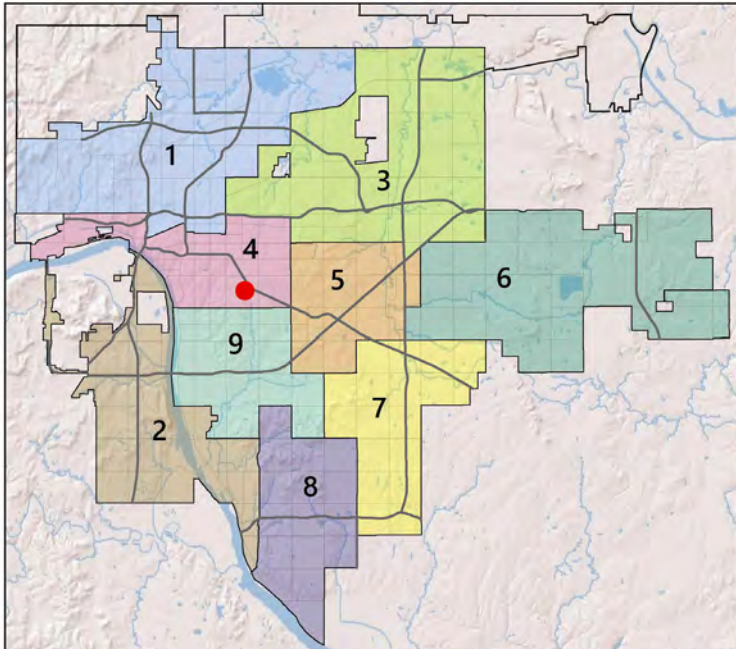
**Owner and Applicant Information:**

**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:** BOA-23441

**CD:** 4

**HEARING DATE:** 11/08/2022

**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-foot setback from the centerline of E. 25<sup>th</sup> 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 25<sup>th</sup> 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.

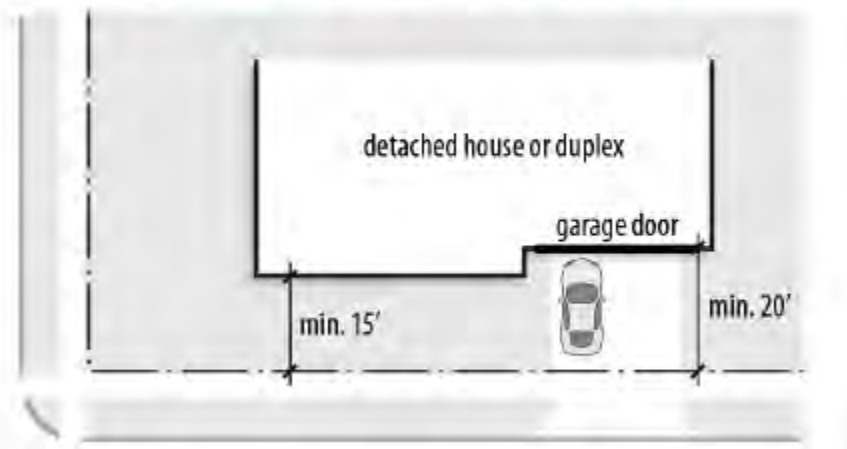
**STAFF ANALYSIS:** Th applicant is requesting a **Variance** to reduce the required 15-foot side street building setback and 20-foot setback for a street facing garage door (5.080-B Table note [3]) **Special Exception** to increase the permitted driveway width (Section 55.090-F.3)

The applicant is requesting to decrease their side street setback to 2-feet.



- [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.

Figure 5-1: Street Side Setback on Corner Lots



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. 25<sup>th</sup> St. Frontage.

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

Maximum Driveway Width					
Lot Frontage	75'+	60' - 74'	46' - 59'	30' - 45'	Less than 30' [2]
Driveway Within Right-of-Way (feet) [1]	27'	26'	22'	20'	12'
Driveway Within Street Setback (feet)	30'	30'	--	--	--

[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.

**Facts staff finds favorable for variance request:**

- None.

**Facts Staff find unfavorable for the 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.

- 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.

**Variance:**



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 25<sup>th</sup> St.*



*Subject property (Location of proposed garage)*





*Facing West on 25<sup>th</sup> St.*



*Subject property*

Lauren Parker  
PLANS EXAMINER

TEL (918) 596-9499  
lauren.parker@cityoftulsa.org



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103-3227

## ZONING CLEARANCE PLAN REVIEW

LOD Number: 01

May 12, 2022

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

Phone: (918) 855-1306

APPLICATION 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 2<sup>nd</sup> 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" **IT IS ~~IX~~ 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](http://WWW.CITYOFTULSA-BOA.ORG)

Application No. BLDR-116446-2022

2507 S Evanston Ave E

May 12, 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. Site Plan:** Provide a dimension line from the centerline of 25<sup>th</sup> 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.

Maximum Driveway Width

Lot Frontage	75'+	60' - 74'	46' - 59'	30' - 45'	Less than 30' [2]
Driveway Within Right-of-Way (feet) [1]	27'	26'	22'	20'	12'
Driveway Within Street Setback (feet)	30'	30'	--	--	--

**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

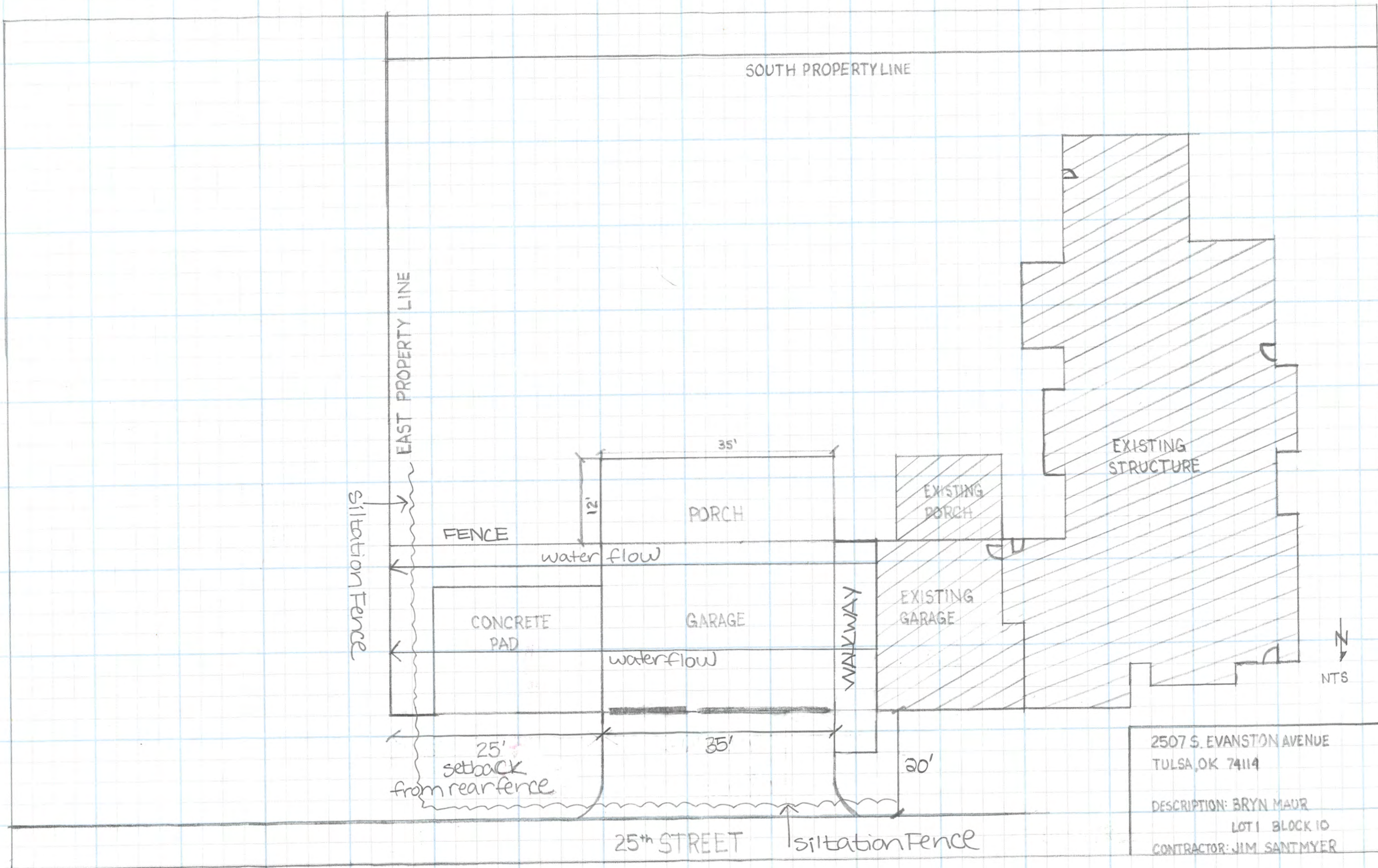
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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





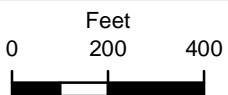
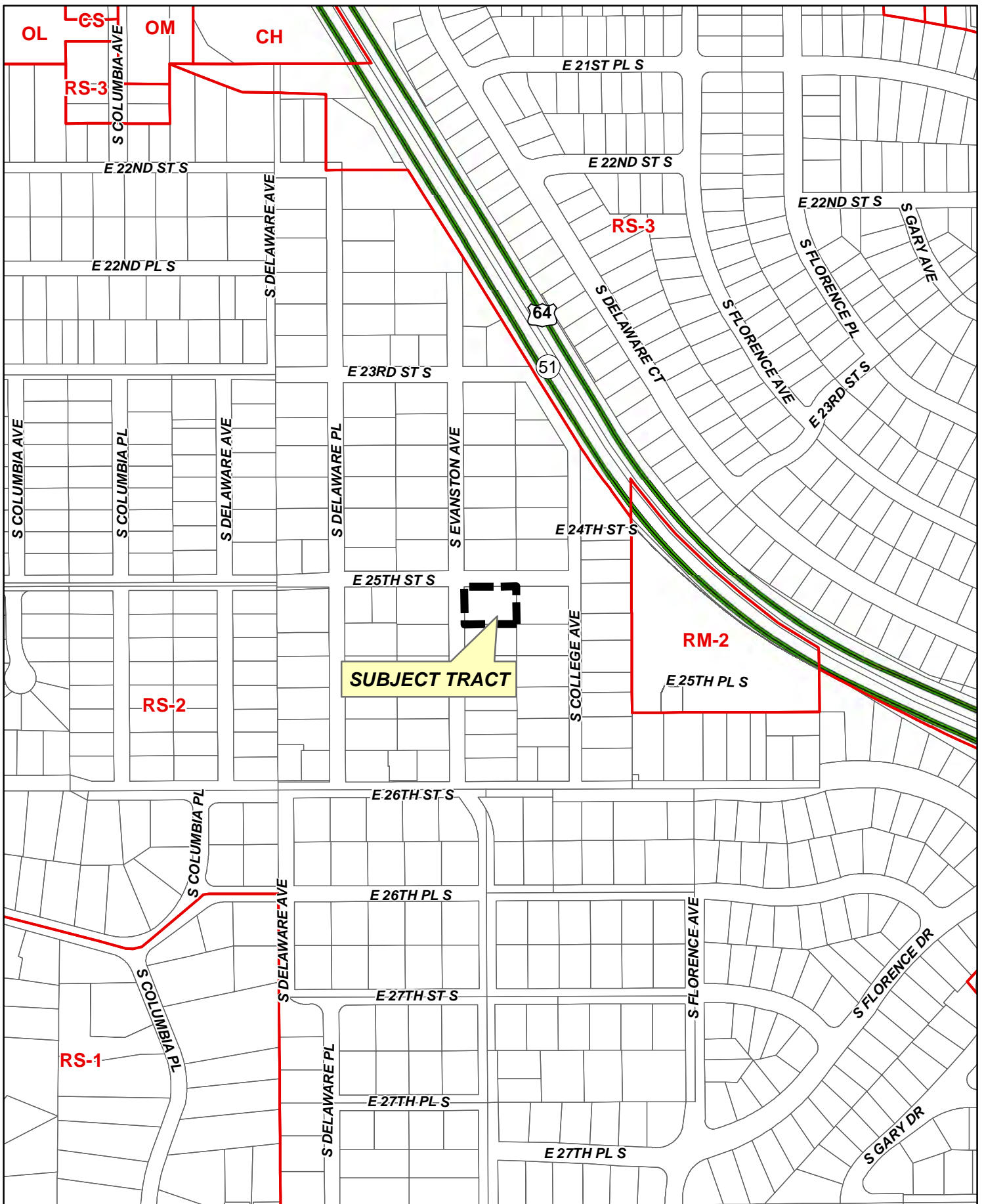






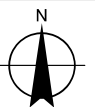




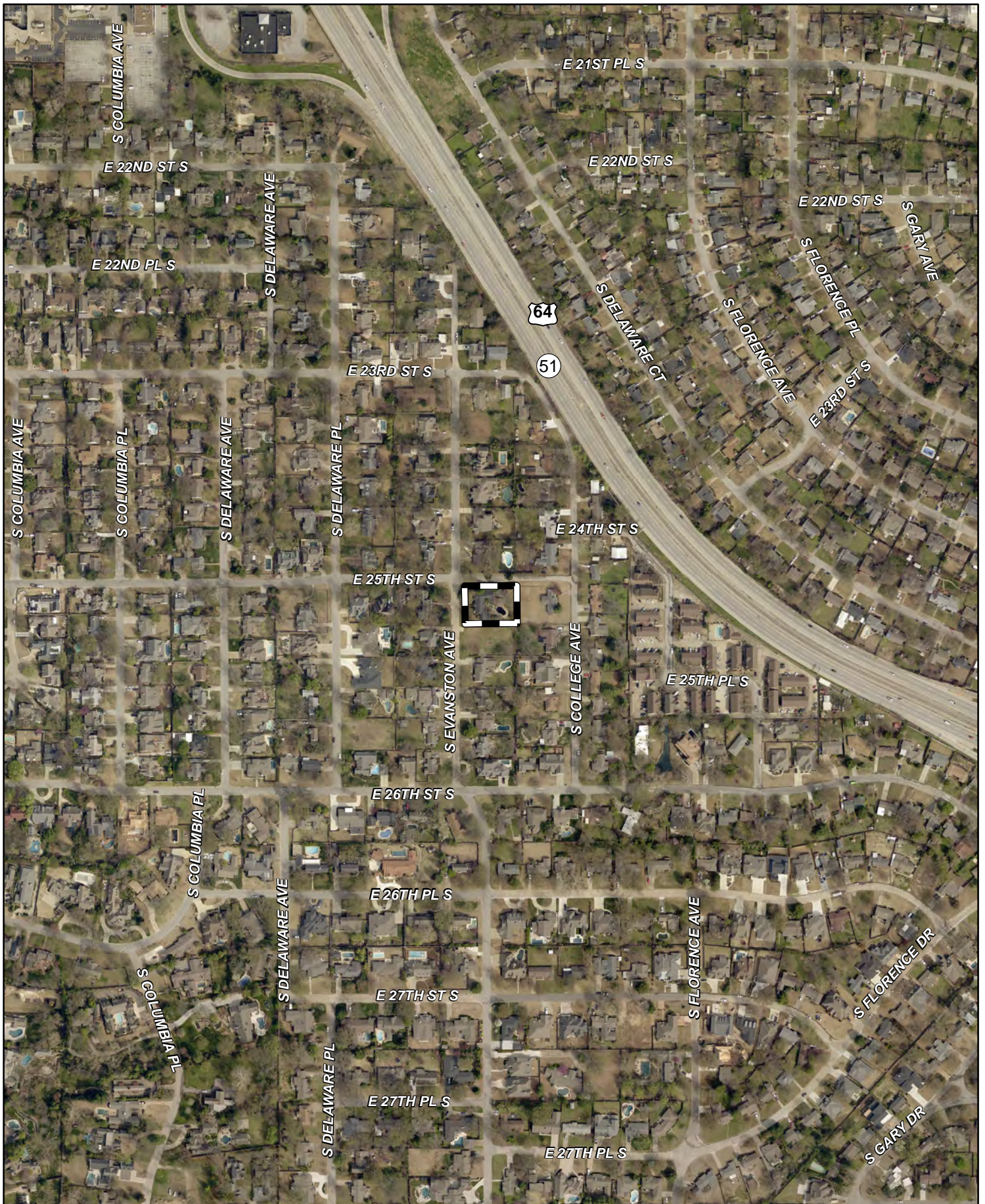


**BOA-23441**

19-13 17







0 200 400  
Feet



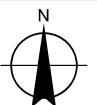
Subject  
Tract

**BOA-23441**

19-13 17

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

Aerial Photo Date: 2020/2021



4.14





E 25TH ST S

S EVANSTON AVE

S COLLEGE AVE

0 50 100  
Feet



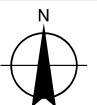
Subject  
Tract

**BOA-23441**

19-13 17

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

Aerial Photo Date: 2020/2021

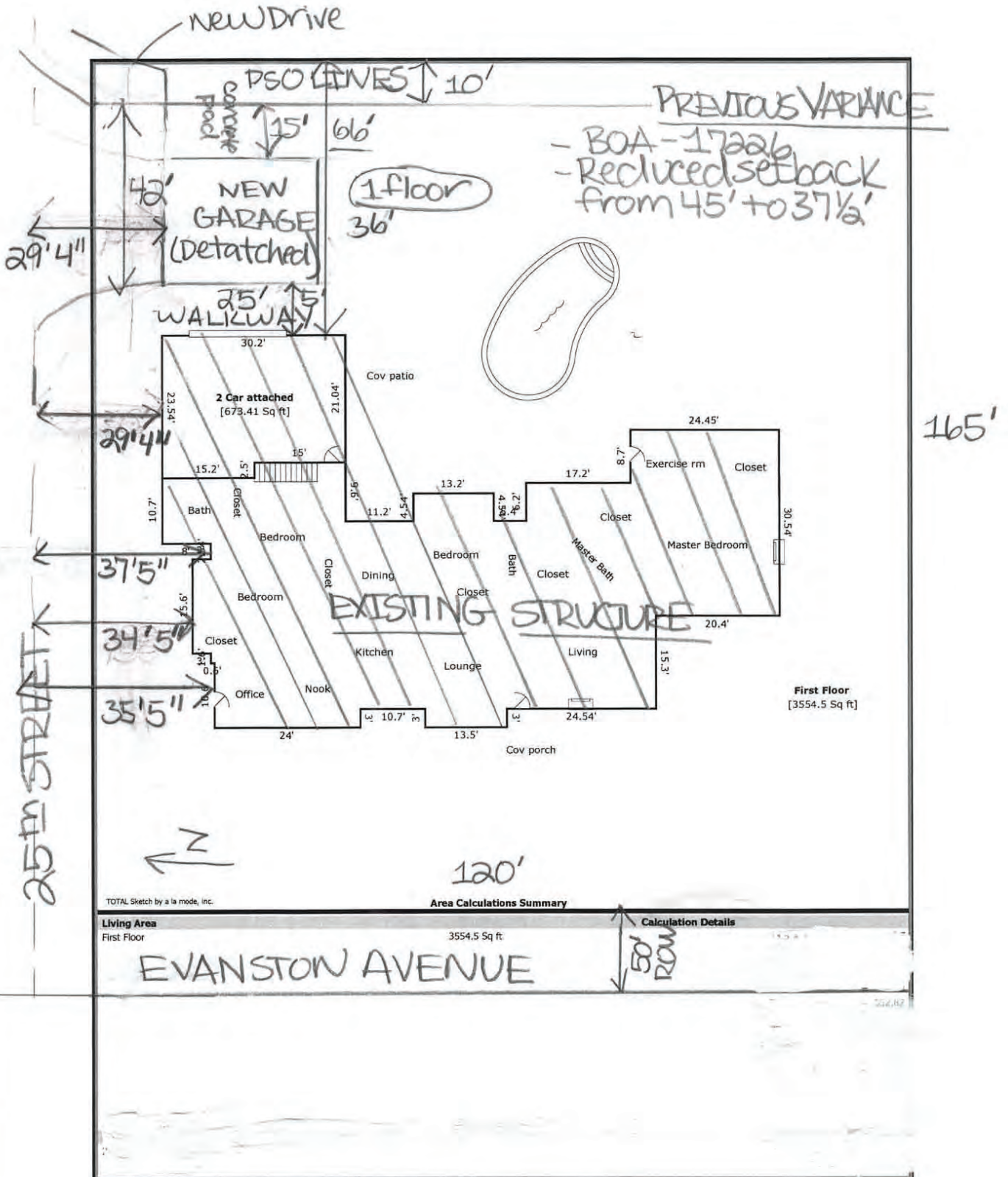


4.15

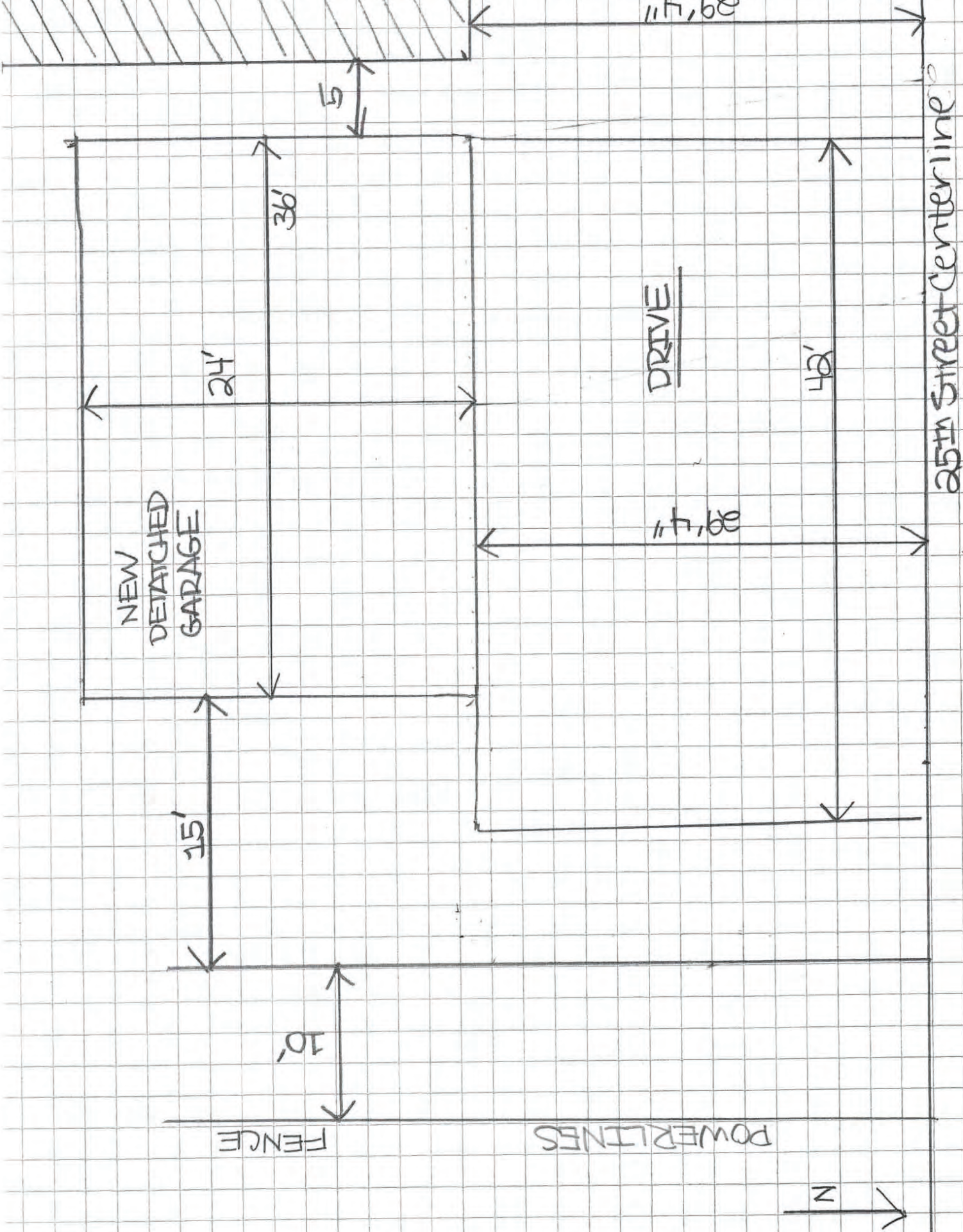


# Building Sketch (Page - 1)

Borrower	Elizabeth & Clinton Childs				
Property Address	2507 S Evanston Ave				
City	Tulsa	County	Tulsa	State	OK
				Zip Code	74114



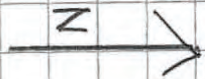




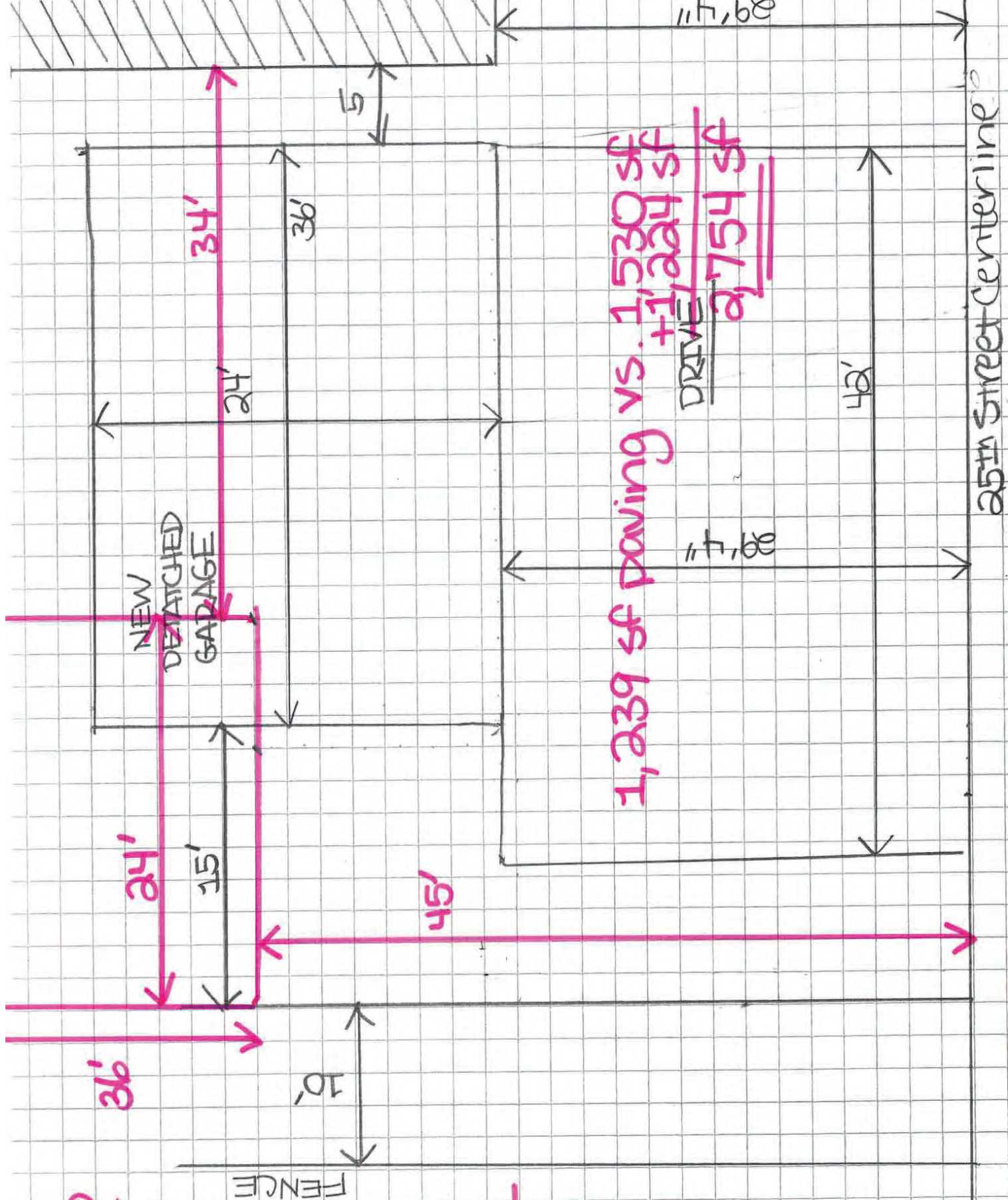


26' INTO  
BACKYARD

STAFF'S  
PROPOSAL



4.18





# CITY OF Tulsa

## Board of Adjustment

**Case Number:** BOA-23443

**Hearing Date:** 11/08/2022 (Cont. from  
10/25/2022; Scaled site plan requested, not yet  
provided)

**Case Report Prepared by:**

Austin Chapman

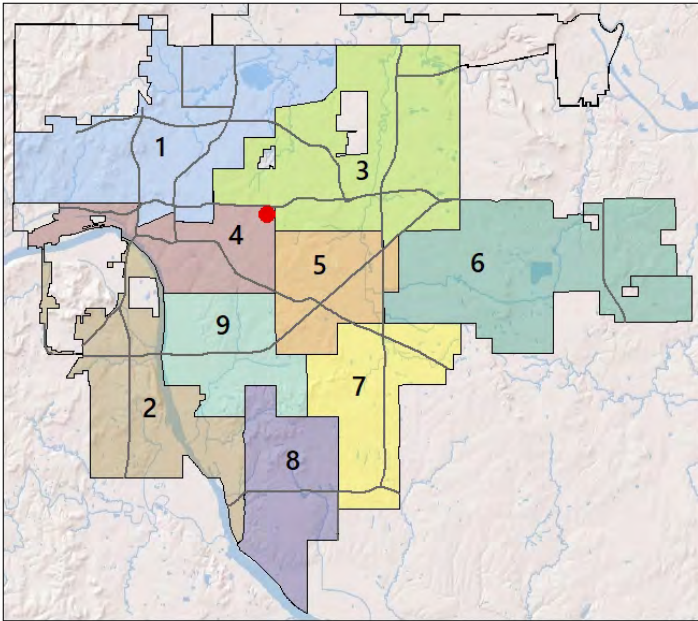
**Owner and Applicant Information:**

**Applicant:** Max McGuirk

**Property Owner:** TRIPLE M REAL ESTATE  
LLC

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

**Location Map:**



**Additional Information:**

**Present Use:** Single-family

**Tract Size:** 0.17 acres

**Location:** 209 S. Urbana Ave.

**Present Zoning:** RS-3



# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9304

**Case Number:** BOA-23443

**CD:** 4

**HEARING DATE:** 11/08/2022

**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.



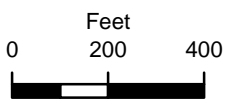
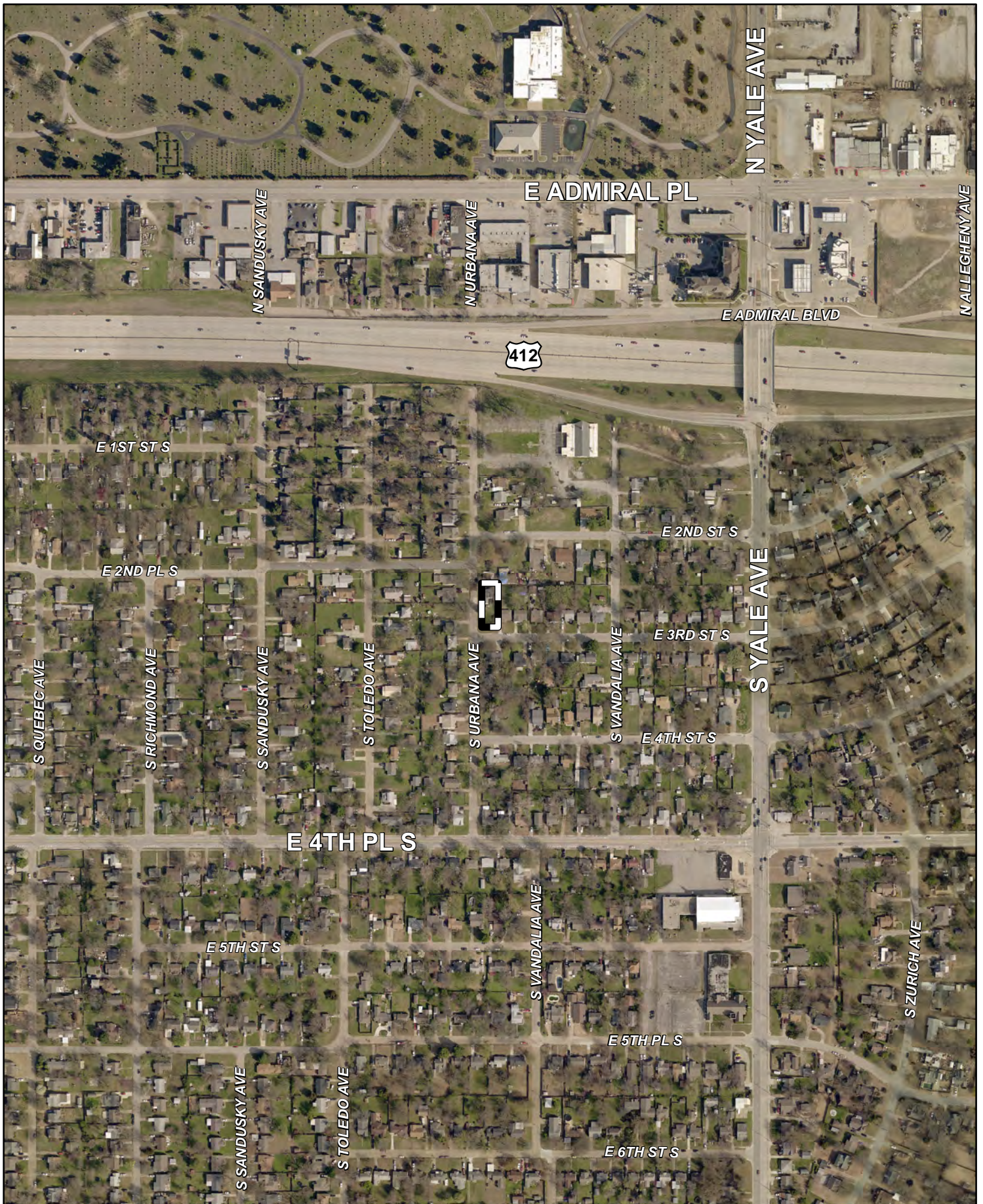


*Subject property facing East*



*Subject property facing North*





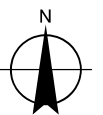
Subject  
Tract

**BOA-23443**

19-13 04

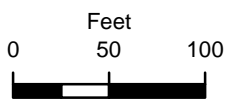
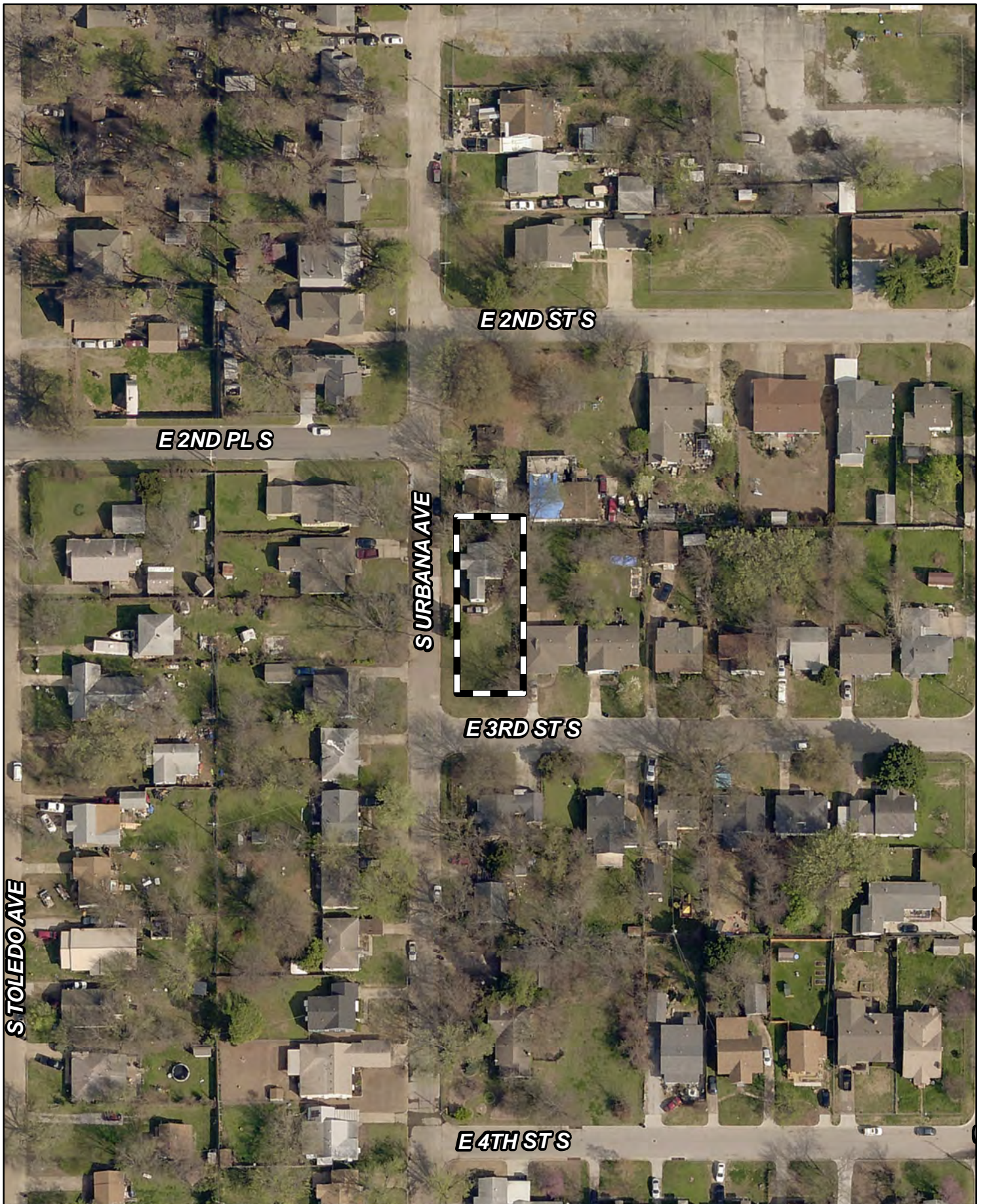
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: 2020/2021



5.4





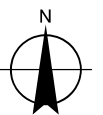
Subject  
Tract

**BOA-23443**

19-13 04

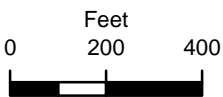
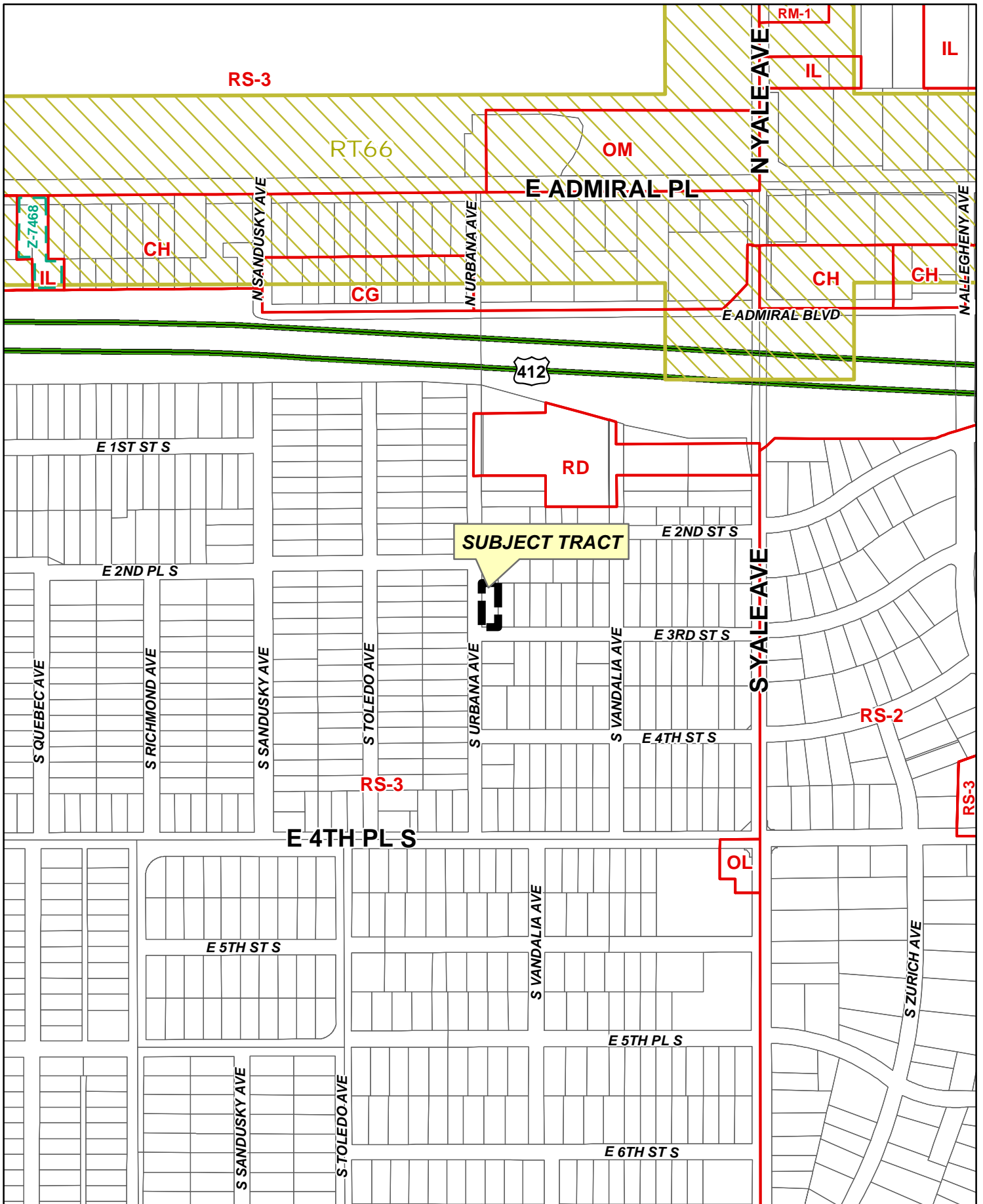
*Note: Graphic overlays may not precisely align with physical features on the ground.*

Aerial Photo Date: 2020/2021



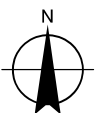
**5.5**





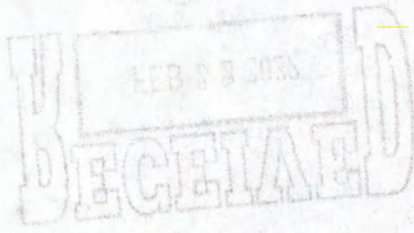
**BOA-23443**

19-13 04

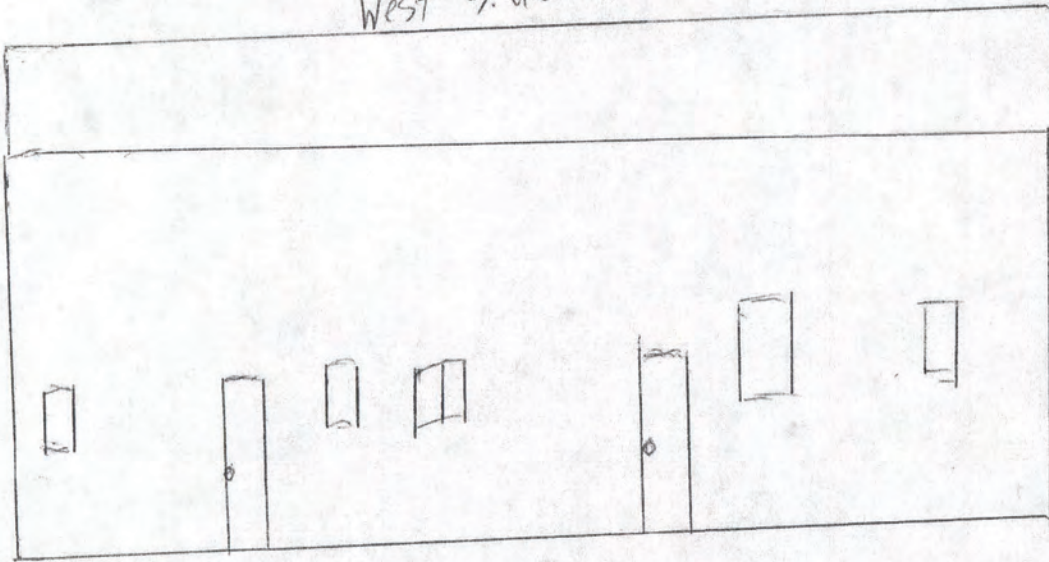


5.6

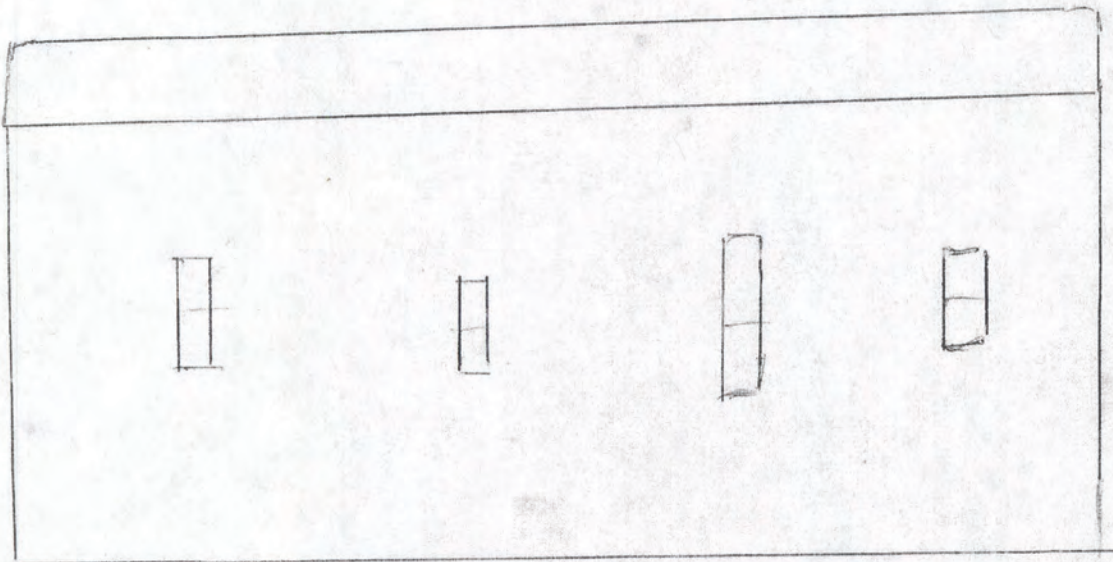
207 S. Urbana Ave.



West side of House



Back of House  
East side of House





Front Double Windows

- (2) 36" x 60"
- (4) 36" x 60" Windows
- (1) 36" x 36" Window
- (1) 32" x 70" Window
- (1) 32" Front door
- (1) 32" Landing door

## Addition

- (1) 32x36 windows
- (2) 36x60 windows
- (2) 32x60" windows
- (1) 32" Front door

2095. Urbana Ave.

East

14 Four

### Neighbor Fence

### Addition

Down  
spout

3rd  
street

Scyth

Front of House  
to center of  
3rd street  
70 feet

32 Post  
down  
spout

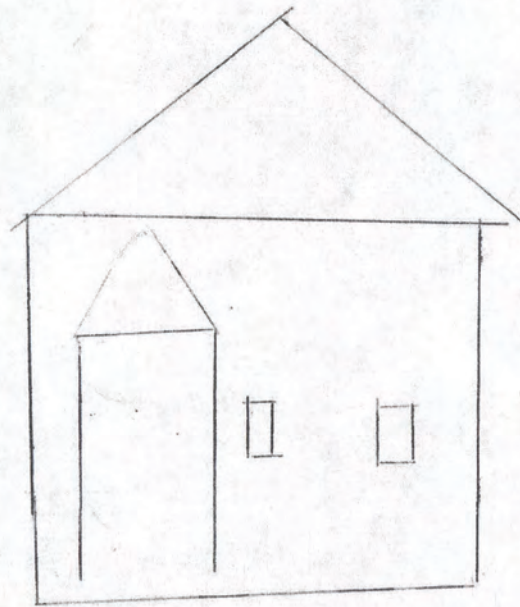
S. H. Fence

## Drainage Plan

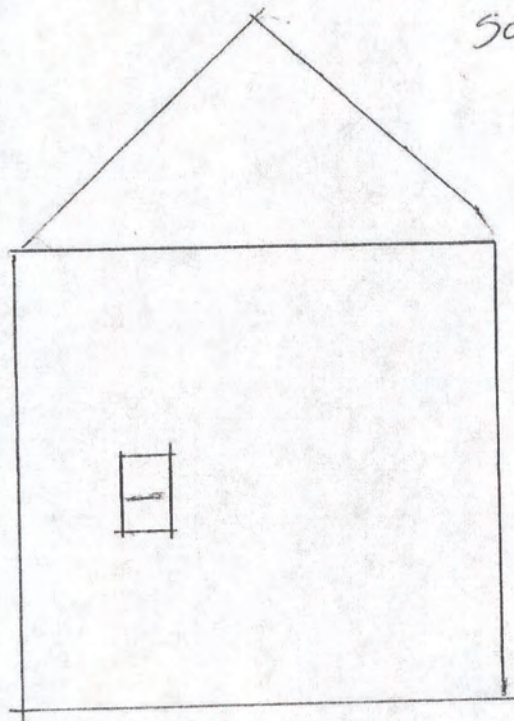
Urbana Ave

Front of Hoag 40  
center of Urbana  
37 1/2 feet

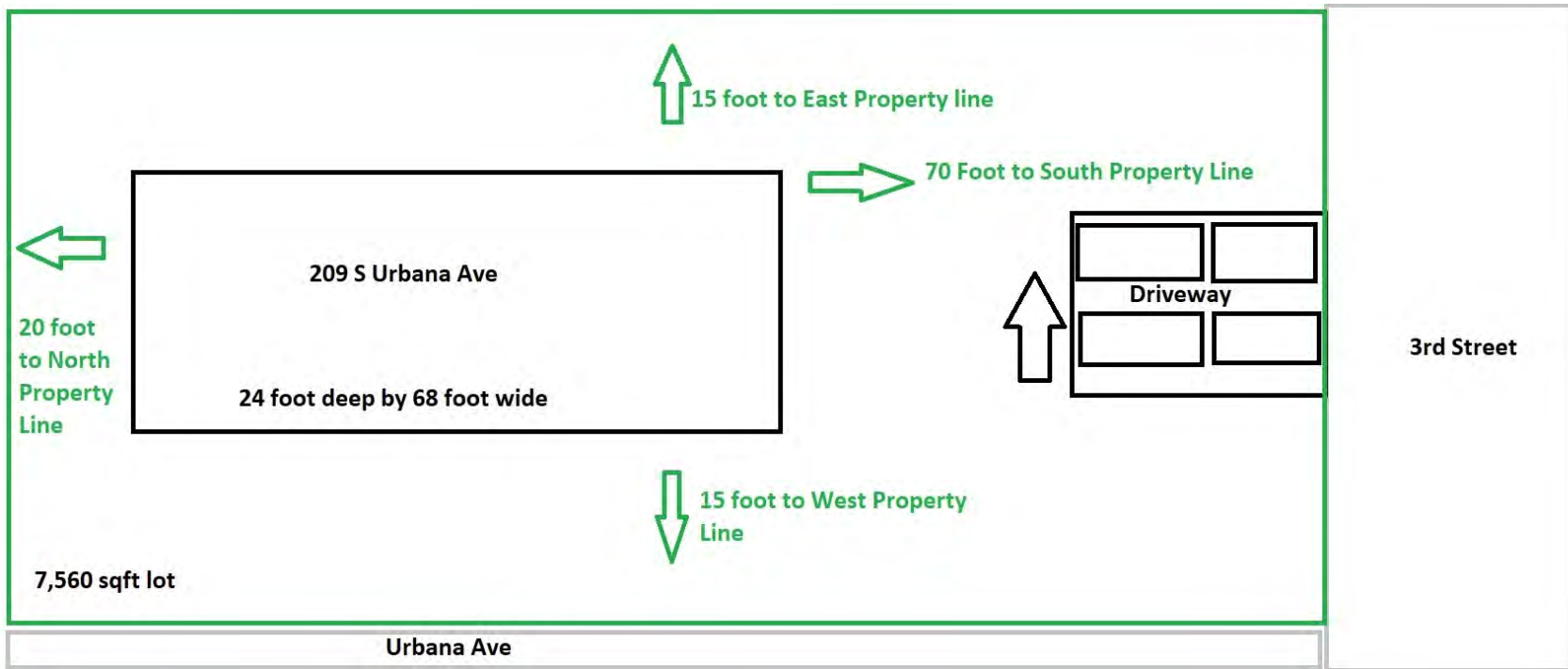




North side



South side



## Chapman, Austin

---

**From:** Benjamin Gruey <benjamingruey@gmail.com>  
**Sent:** Monday, October 24, 2022 9:41 PM  
**To:** esubmit; Chapman, Austin  
**Subject:** Comments OPPOSED to BOA-23443, hearing continued on Oct. 25, 2022  
**Attachments:** roofline.jpg

Dear Board of Adjustment Members of the City of Tulsa,

My name is Benjamin Gruey, and I currently own and reside at 4607 East 3rd Street, Tulsa, OK. I am here to voice my opposition to [BOA-23443](#), the application for a Special Exemption to permit a duplex at [209 South Urbana Avenue](#). As the next-door neighbor of the property, I have observed several causes for concern regarding the construction of this duplex. I am not only concerned about the safety and reliability of the construction, but also the impact on parking and increased flooding from the proposed double driveway on 3rd Street.

As a remote worker, I observed much of the construction on the damaged roof and new addition from my backyard.

The recent work done on the roof of the original house was only to replace the shingles, foregoing the underlying structural problems. In the attached image, you can see the sagging ridgeline, slanted vents, and caving in of the backside of the roof. This is also visible from the front on Urbana Avenue. The slanted vents and curved roof are a clear sign of structural issues. It's clear that what work was done was an attempt to cover up the true problems, rather than address them.

Additionally, in the 24-foot span from the front door to the kitchen of the addition, there aren't any supports for the floor joists. Although this might be safe if they were continuous, they are not. Instead, they used two 2x12s or 2x14s nailed together in the middle. I did not see any supports where the individual joists met before they were covered by the floor. After voicing my concerns to a few contractors, I learned that there should be pier blocks and a beam for the joists to rest on where they meet to ensure stability.

Although they may not be direct violations of building codes, the caved-in roof and unsupported floor cast doubt on the quality of both recent and upcoming construction. At the very least, the building should undergo a thorough inspection to ensure it is safe for tenants.

This inspection is especially needed because last year the house at [303 South Urbana Avenue](#) suffered from an electrical fire causing six figures in damages. While this may not seem relevant, the home was built in 1940, the same year as the house at [209 South Urbana Avenue](#). It's fair to say their original electrical systems are probably quite similar and very dated.

To prevent another fire or electrical disaster in our neighborhood, [209 South Urbana Avenue](#) must undergo a significant upgrade to its electrical system. Quadrupling the number of bedrooms will put a significant strain on an already questionable electrical system. Additionally, the plan doesn't show a propane heater, adding heating to the electrical system. The safety of all tenants and neighbors, myself included, is clearly at risk.

Additionally, I have been informed of an application for a double driveway on 3rd Street between my house and the stop sign. There is very little on-street parking on 3rd Street; I often park near the stop sign to keep the street open for thru traffic. This proposed driveway would further limit on-street parking, and endanger all incoming traffic due to its close proximity to the stop sign. There simply isn't the space for it.

This driveway would also increase flooding, a problem that already plagues our neighborhood. The east side of my property alone turns into a swamp after heavy rain. If the flooding were to increase, it would be entirely unusable, as would several other yards on our street.

I support exemptions to zoning laws for exceptional circumstances. However, I fail to see anything exceptional about this duplex. If anything, it is a safety concern for the tenants, as well as the neighborhood as a whole. I implore the Board to deny this application, demand the property revert to a single-family home, and require a thorough inspection to ensure it is fit for habitation.

Thank you for your time,  
Benjamin Gruey  
4607 E 3rd St  
Tulsa, OK, 74112











**Case Number:** BOA-23443  
**Hearing Date:** 11/08/2022 (Continuance requested by interested party)

**Case Report Prepared by:**

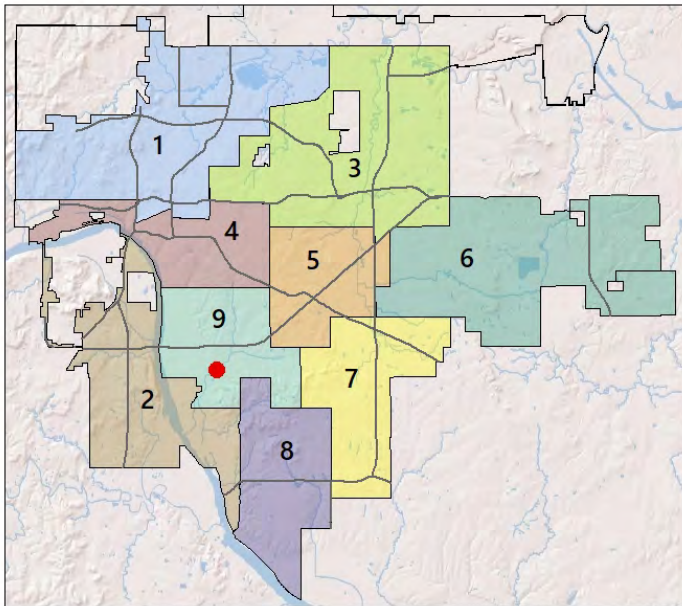
Austin Chapman

**Applicant:** Brent Brownlee

**Property Owner:** MANLEY, ANGELA  
AND 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 Map:**



**Additional Information:**

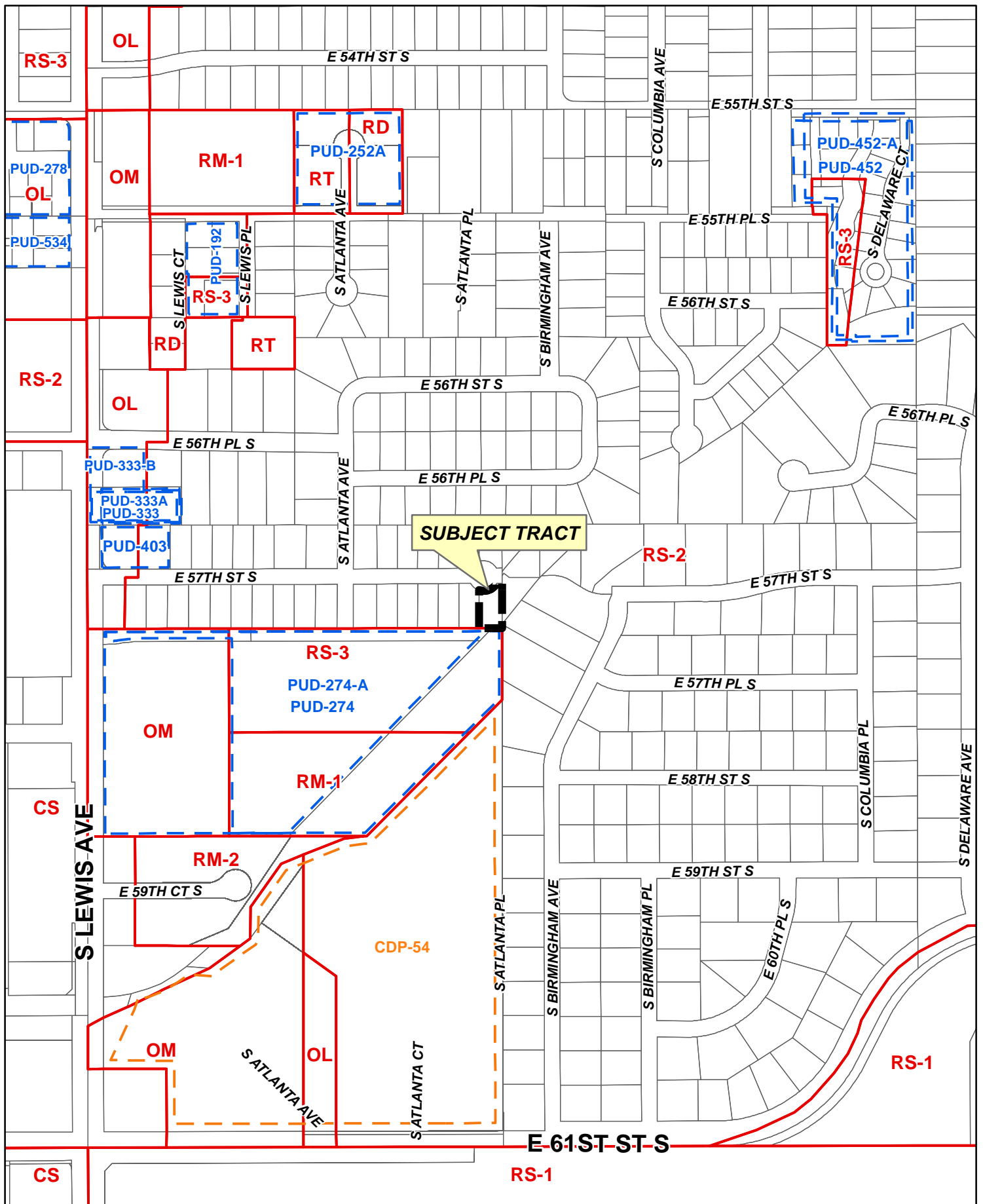
**Present Use:** Residential

**Tract Size:** 0.23 acres

**Location:** 2536 E. 57 St. S.

**Present Zoning:** RS-2



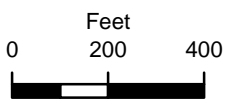
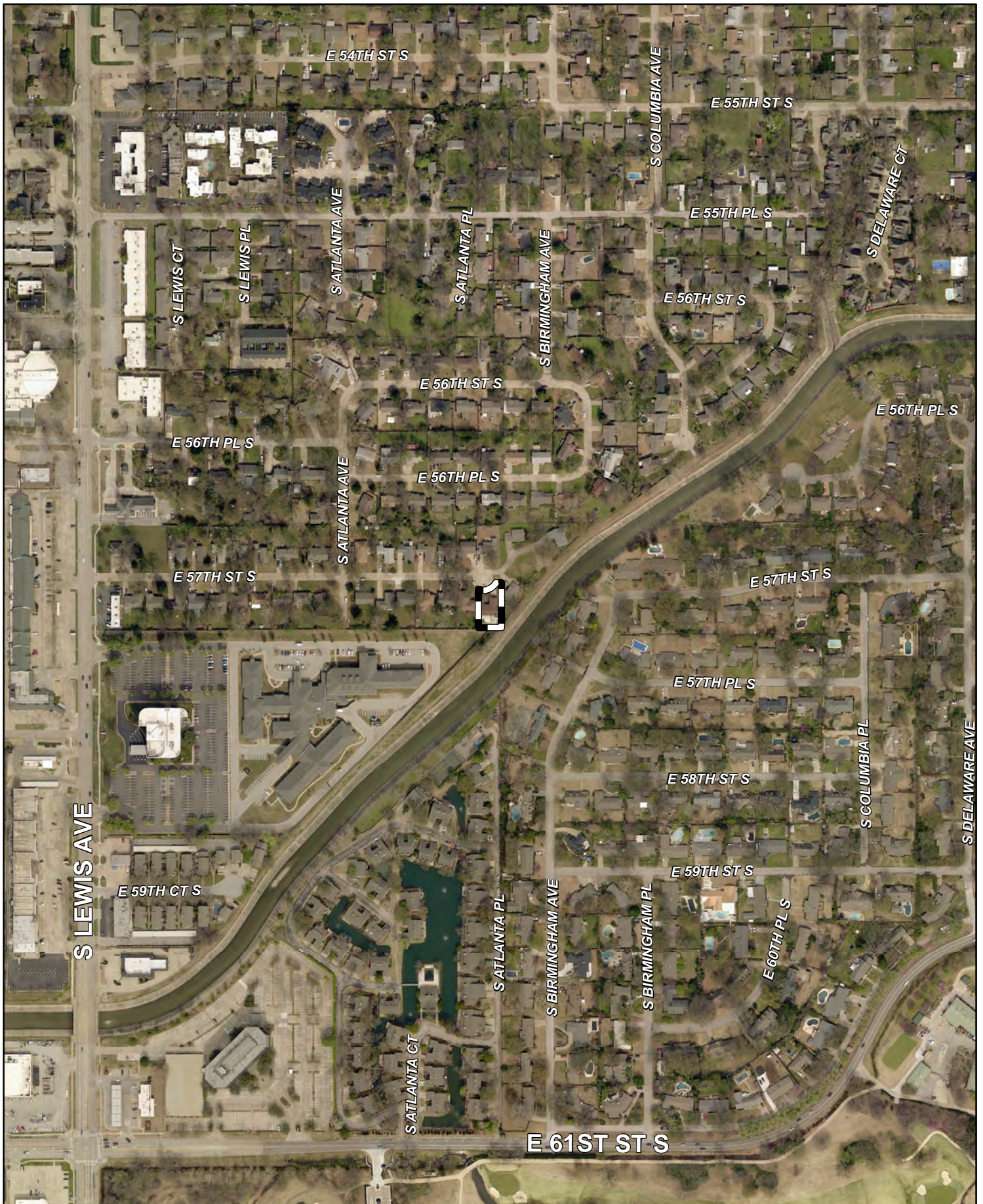


**BOA-23447**

19-13 32

6.2





Subject  
Tract

**BOA-23447**

19-13 32

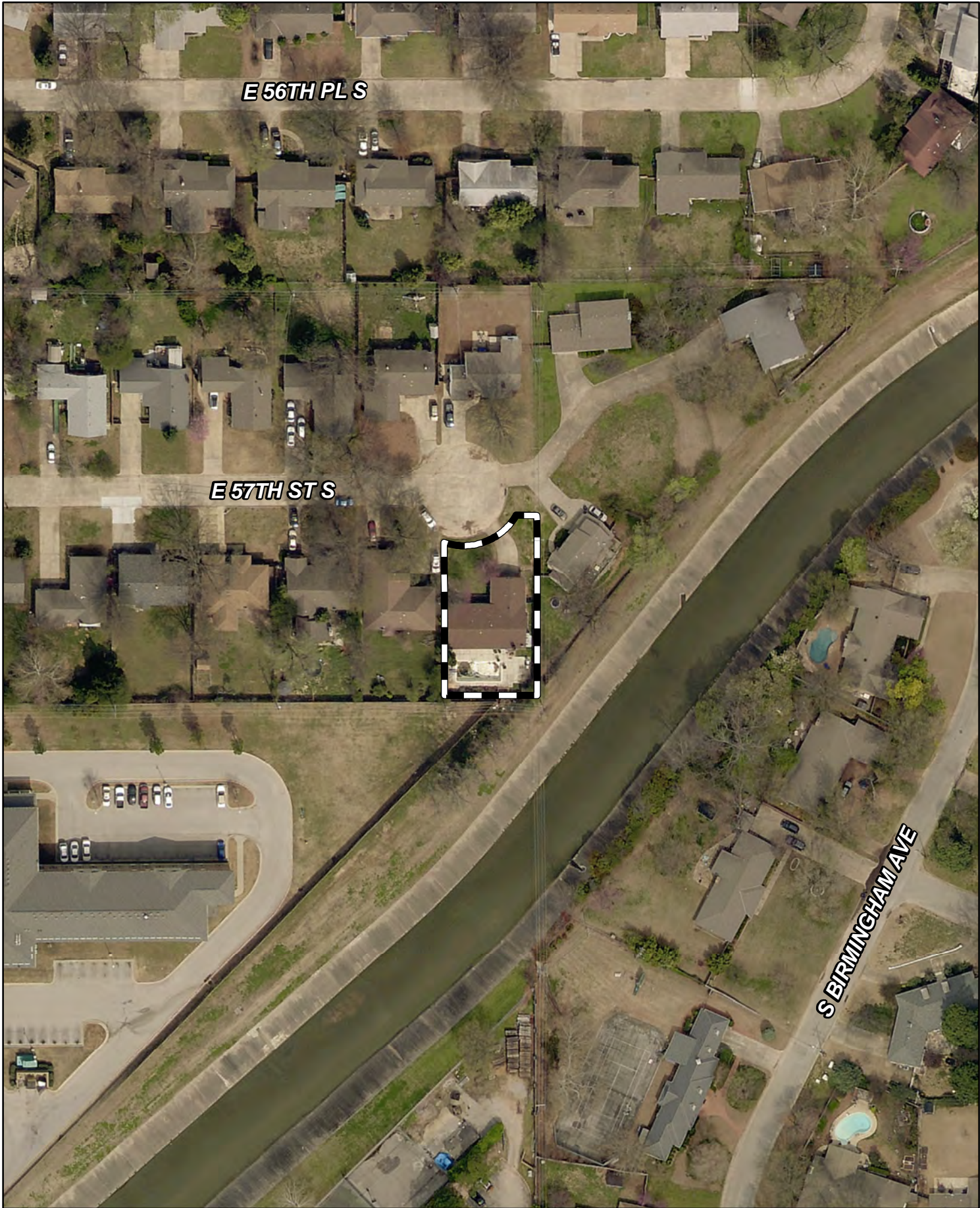
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021



6.3

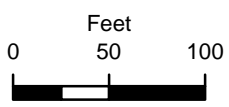




E 56TH PL S

E 57TH ST S

S BIRMINGHAM AVE



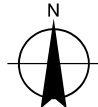
Subject  
Tract

**BOA-23447**

19-13 32

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

Aerial Photo Date: 2020/2021



6.4



# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9332

**Case Number:** BOA-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.***





Neighborhood Investigations  
WORKING IN NEIGHBORHOODS

**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  
AMD

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

**Violations:**

Code Section	Explanation of violation
45.080-A	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.

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*

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, Title 42 Tulsa Revised Ordinances, Appeals of Administrative Decisions.

INCOG – Indian Nations Council of Governments		City of Tulsa – City Clerk	
2 West Second Street	Monday-Friday 8 a.m. – 5 p.m.	175 East Second Street	Monday-Friday 8 a.m. – 5 p.m.
Suite 800		Suite 260	
Tulsa, OK 74103		Tulsa, OK 74103	
918.584.7526		918.596.7513	

To view the full Zoning Code please visit [www.tulsaplanning.org/resources/plans](http://www.tulsaplanning.org/resources/plans)

September 1, 2022

Scott and Tracy Hearon  
2528 E 57<sup>th</sup> 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 57<sup>th</sup> 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. 57<sup>th</sup> St. since 1999. We have been married for 34 years and raised 5 children from this home. All five children are responsibly 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. 57<sup>th</sup> St.

I am a neighbor of theirs, Melissa Hoffman-Noble, of 2527 E. 57<sup>th</sup> 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

8-21-2022

From: Jon and Michelle Kahan at  
2530 E 37th St

We support Brent in his efforts to retain intact  
and without future review or restriction from your  
agency the privacy fence he and his wife have  
installed,

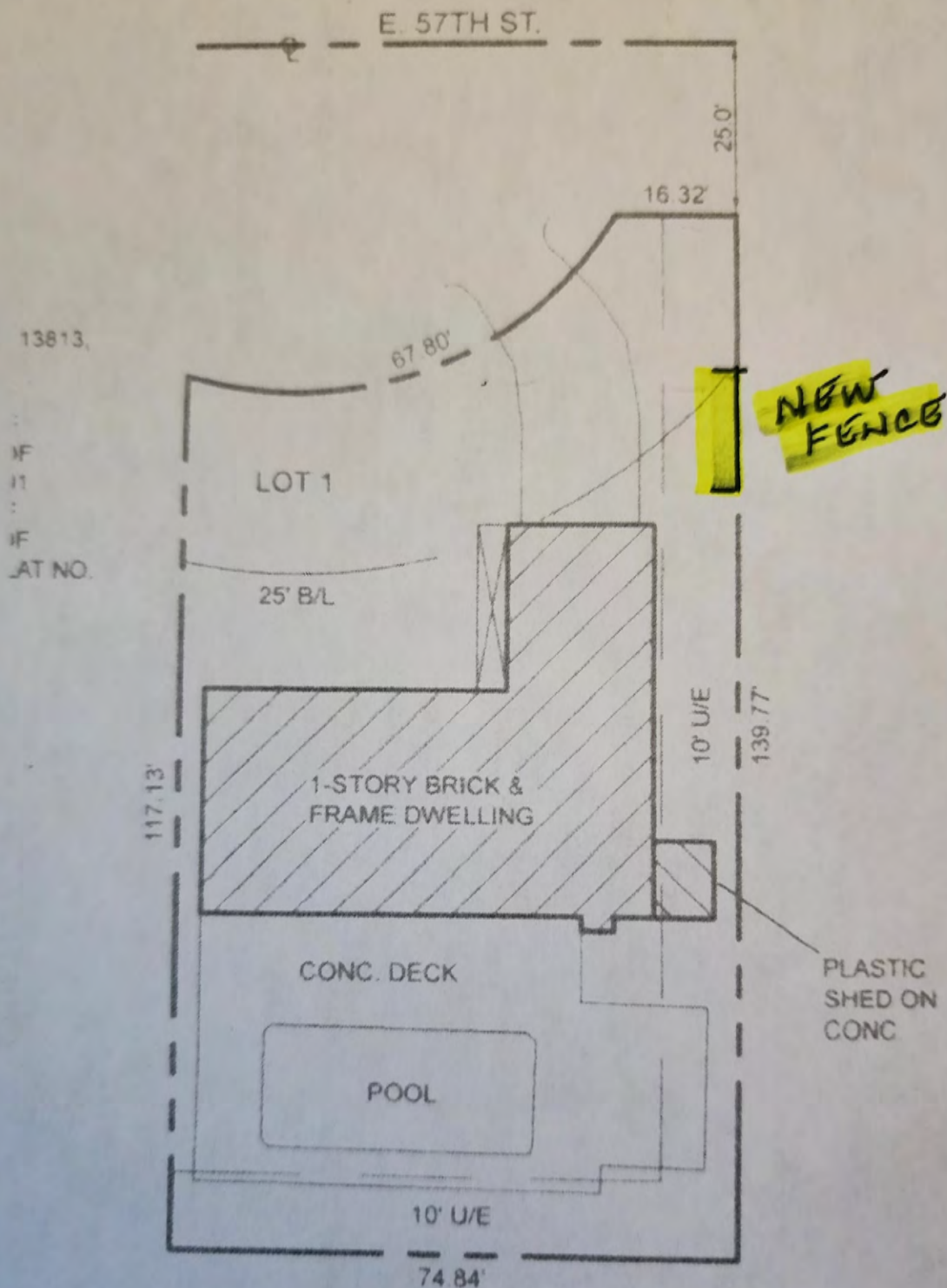
Thank you, and the Lord  
bless you in consideration of  
this and all matters, (Romans 13)

  
Michelle Kahan









**LEGAL DESCRIPTION:**

LOT ONE (1), BLOCK SIX (6), AMENDED SOUTH LEWIS TERRACE ADDITION, AND THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO RECORD PLAT THEREOF.

# Add tag





# CITY OF Tulsa

## Board of Adjustment

**Case Number:** BOA-23450-OSAGE

**Hearing Date:** 11/08/2022 1:00 PM

**Case Report Prepared by:**

Austin Chapman

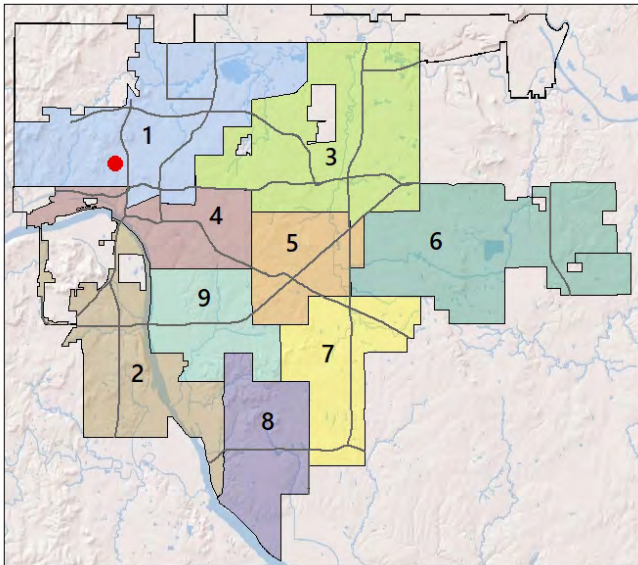
**Owner and Applicant Information:**

**Applicant:** Demahco Ousley

**Property Owner:** Otherside Investments LLC (Applicant under contract to buy)

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

**Location Map:**



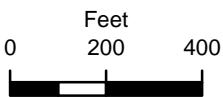
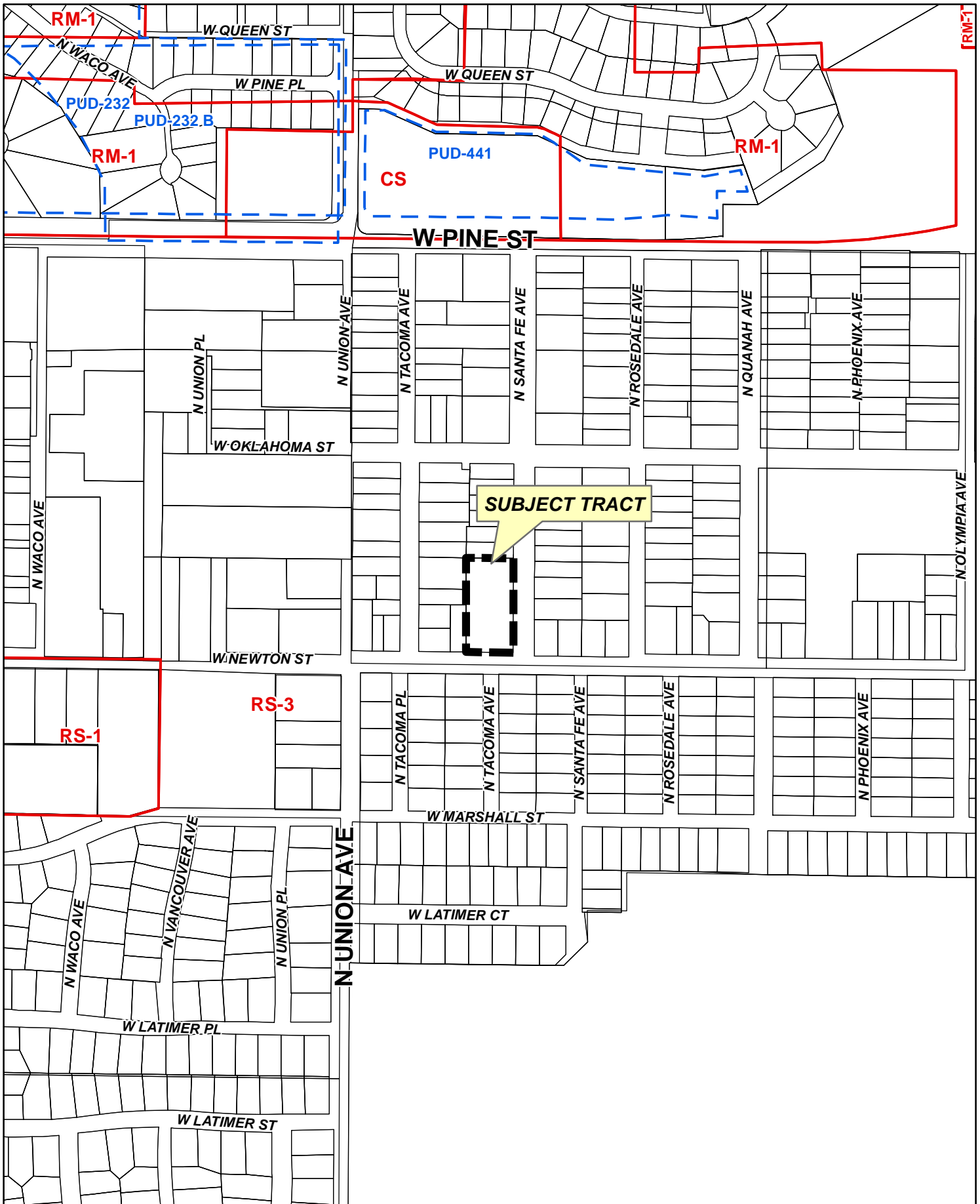
**Additional Information:**

**Present Use:** Vacant

**Tract Size:** 1.03 acres

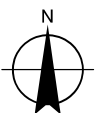
**Location:** 1503 W. Newton St..

**Present Zoning:** RS-3



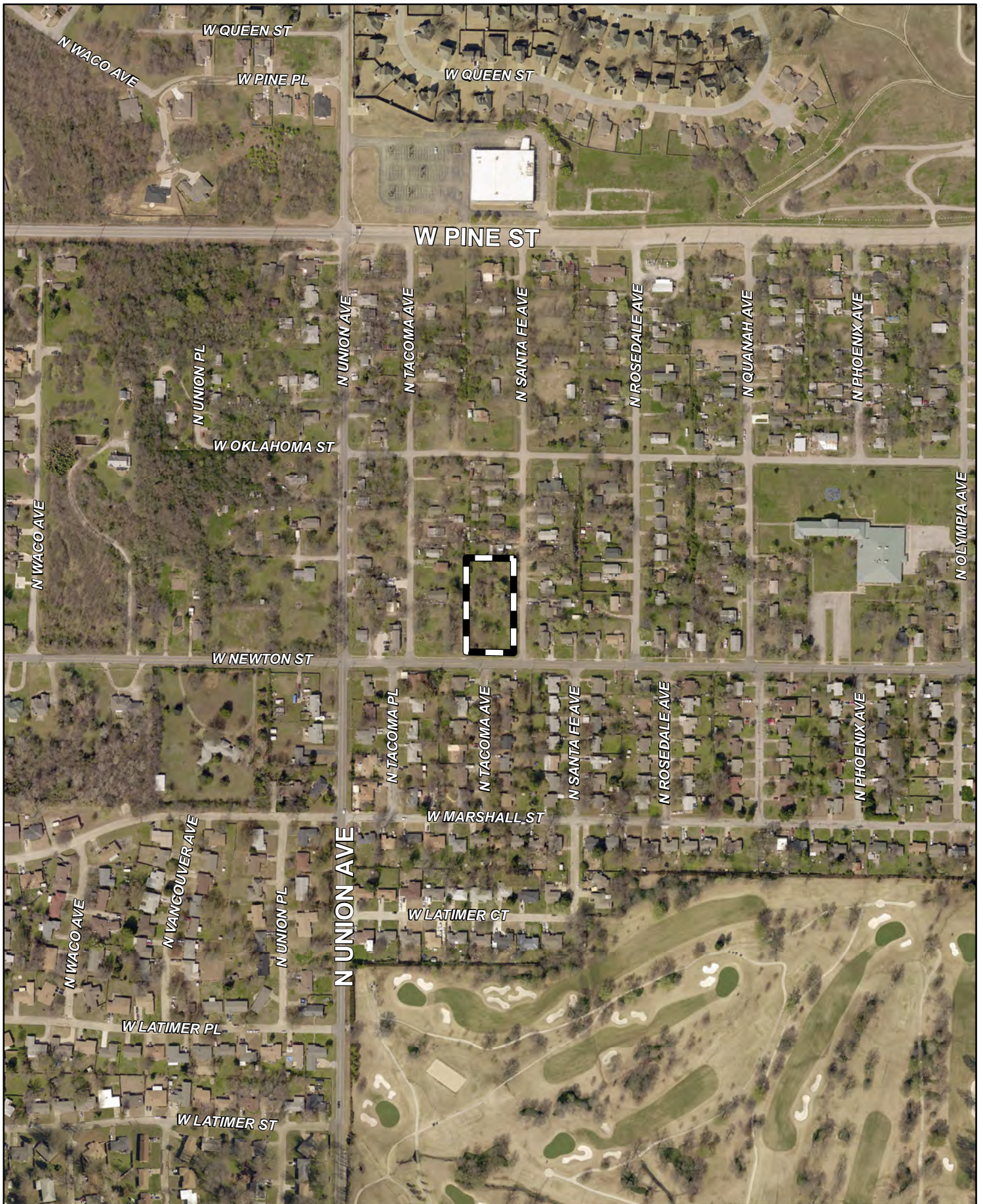
**BOA-23450-OSAGE**

20-12 27



7.2





0 200 400  
Feet



Subject  
Tract

**BOA-23450-  
OSAGE**

20-12 27

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

Aerial Photo Date: 2020/2021



7.3





N TACOMA AVE

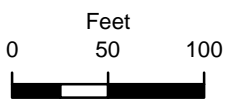
N SANTA FE AVE

W NEWTON ST

N TACOMA PL

N TACOMA AVE

N SANTA FE AVE



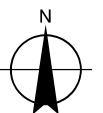
Subject  
Tract

**BOA-23450-  
OSAGE**

20-12 27

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

Aerial Photo Date: 2020/2021



7.4



# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 0712

**Case Number:** BOA-23450-OSAGE

**CD:** 1

**HEARING DATE:** 11/08/2022 1:00 PM

**APPLICANT:** Demahco Ousley

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

**LOCATION:** 1503 W. Newton St..

**ZONED:** RS-3

**PRESENT USE:** Vacant

**TRACT SIZE:** 45,000 SQ FT

**LEGAL DESCRIPTION:** E/2 LT 2, BLK 6 Lombard CITY OF TULSA, OSAGE COUNTY, STATE OF OKLAHOMA

## **RELEVANT PREVIOUS ACTIONS:**

Surrounding properties:

**BOA-23300-OSAGE;** On 04.12.22 the Board approved a Special Exception to permit 2 duplexes in the RS-3 District. Property located 1305 and 1307 S. Tacoma Ave.

**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 permit duplexes in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5)

Currently the property is single 45,000 square foot house and the applicant is proposing splitting the property into 5 equal parcels and to place a single duplex on each lot for a total of 10 dwelling units.

## **SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to permit duplexes in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5)

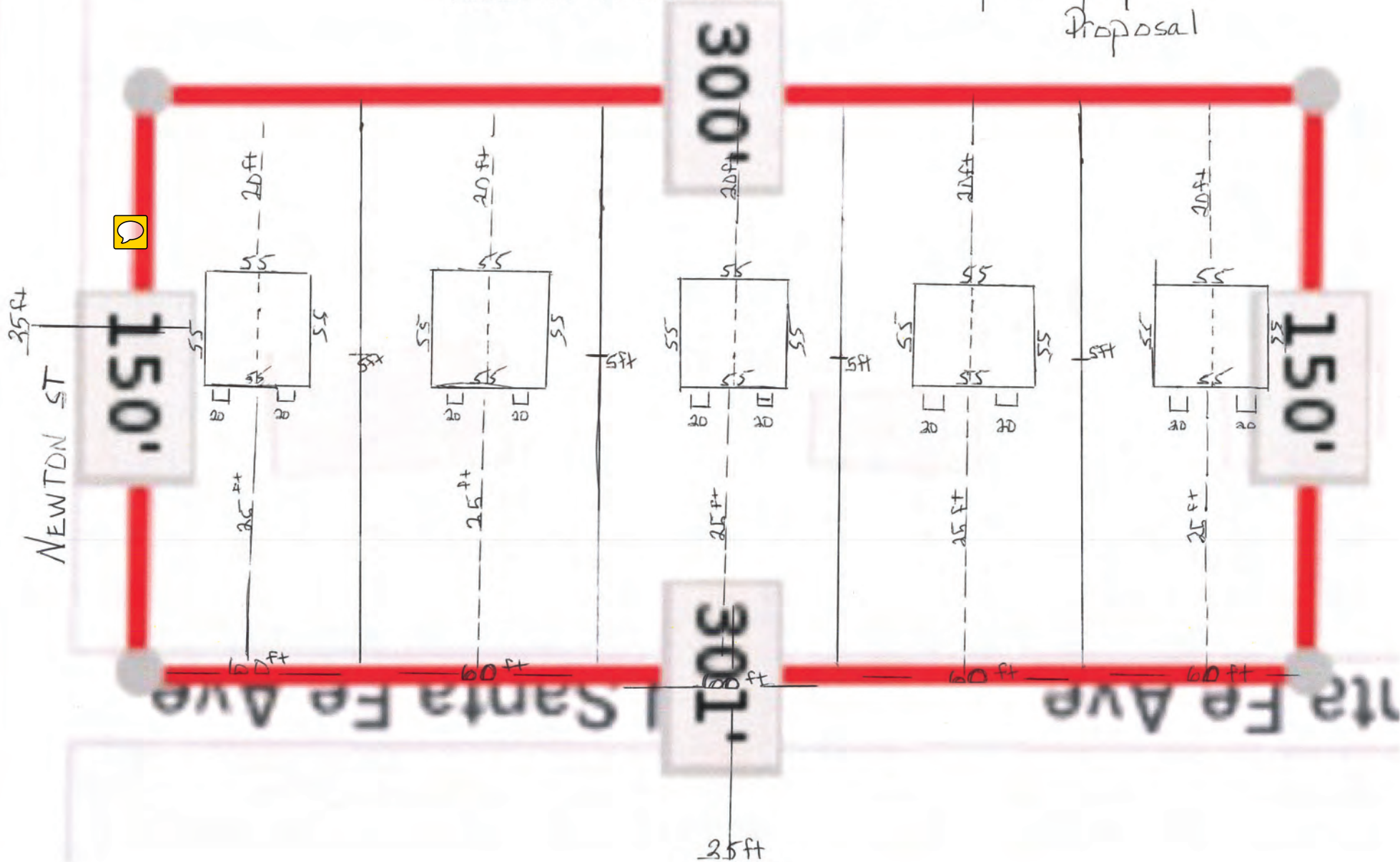
- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):  
\_\_\_\_\_.

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.





5 Duplex ~~Proposal~~  
Proposal





FOR REVIEW ONLY /  
NOT FOR CONSTRUCTION

ISSUED  
X - X

NEWTON & SANTE FE DUPLEX  
DEVELOPMENT  
Tulsa , OK

SQUARE FOOTAGE  
TOTAL :

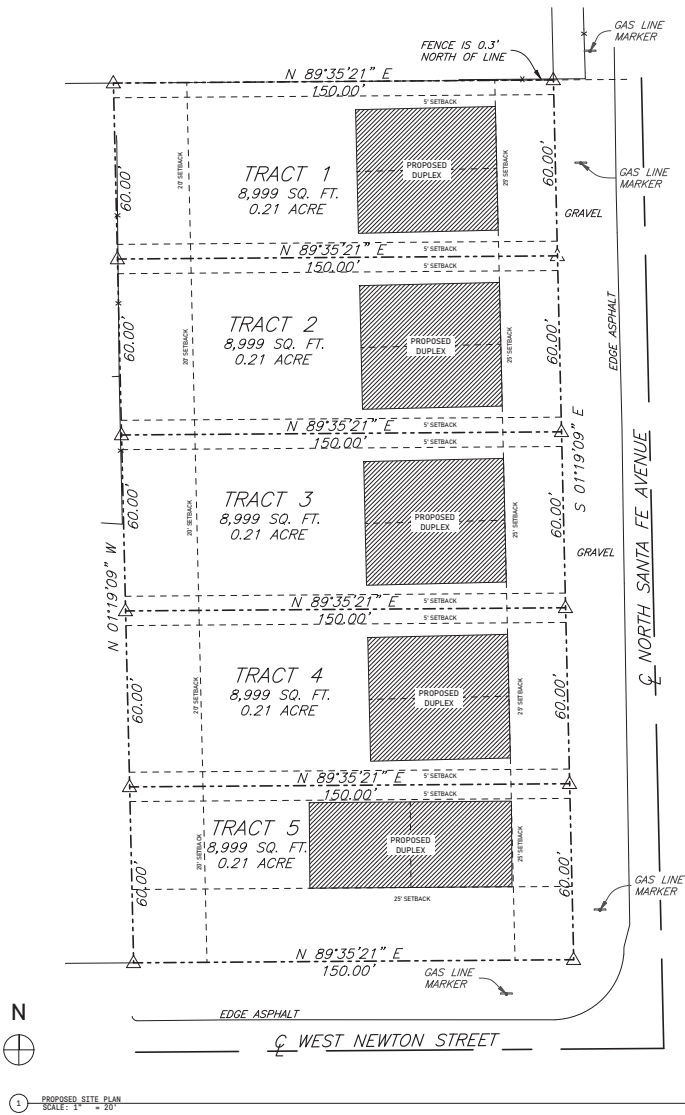
REVISIONS  
NO. NAME DATE

PROJECT NO.  
2022\_00  
DRAWN BY  
LSB

ARCHITECTURAL SITE  
PLAN

SP1

Min. Building Setbacks (ft.)		RES	
Street (S)	25	25	25
Arterial or Hwy service rd.	35	35	35
Other streets	25	25	25
Side (interior) (S)	5	5	5
Rear (S)	5	5	5
Min. Open Sp./Yard (sq. ft.)	4,000	4,000	4,000
Max. Building height (feet)	35	35	35







# CITY OF Tulsa

## Board of Adjustment

**Case Number:** BOA-23452

**Hearing Date:** 11/08/2022 1:00 PM

**Case Report Prepared by:**

Austin Chapman

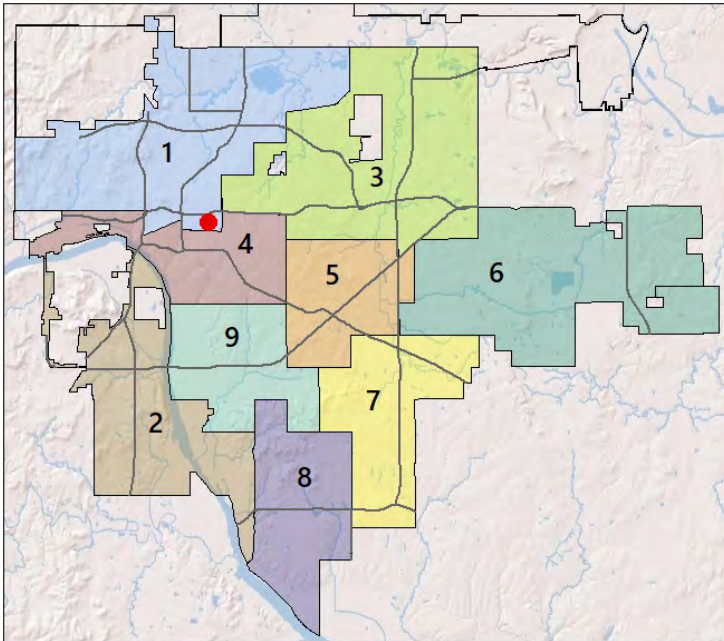
**Owner and Applicant Information:**

**Applicant:** Tom Neal

**Property Owner:** Marcos Domingos

**Action Requested:** Special Exception to permit a duplex in the RS-4 district (Table 5.020, Table 5-2, Table 5-2.5)

**Location Map:**



**Additional Information:**

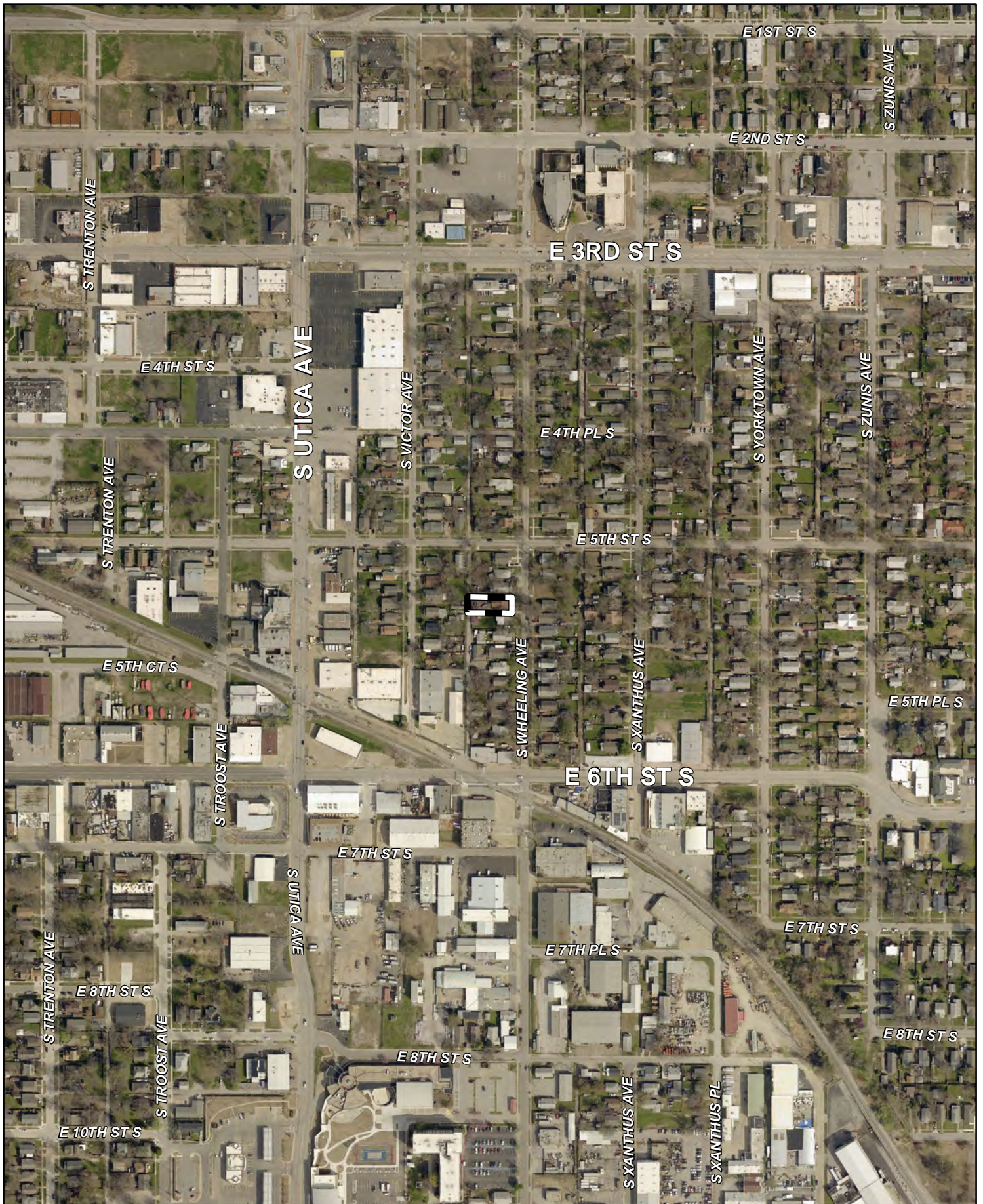
**Present Use:** RS-4

**Tract Size:** 0.16 acres

**Location:** 514 S. Wheeling Ave.

**Present Zoning:** RS-4





0 200 400  
Feet



Subject  
Tract

**BOA-23452**

19-13 06

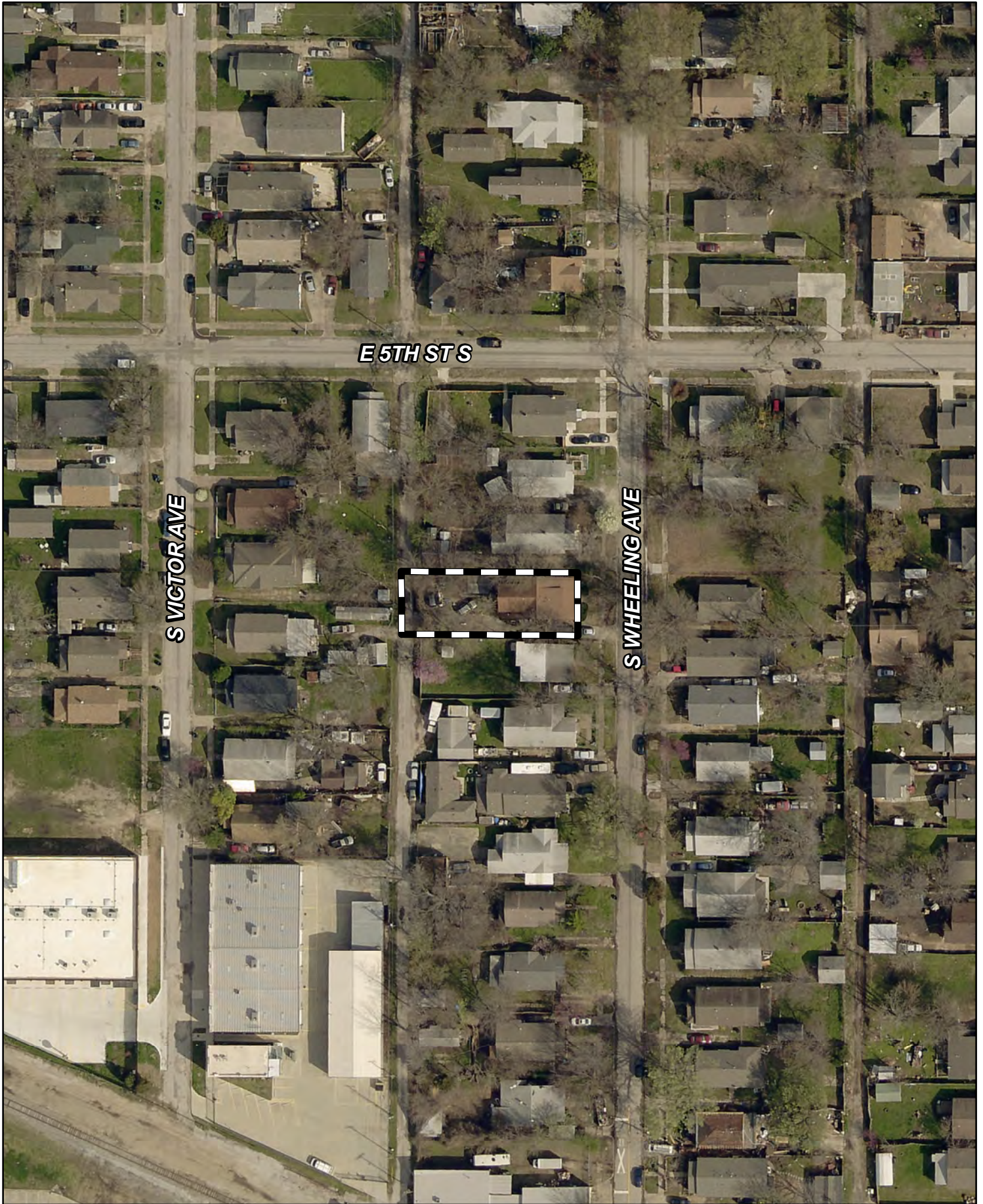
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021



8.2

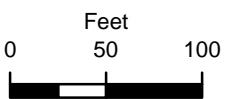




**E 5TH ST S**

**S VICTOR AVE**

**S WHEELING AVE**



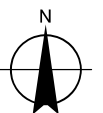
**Subject  
Tract**

**BOA-23452**

19-13 06

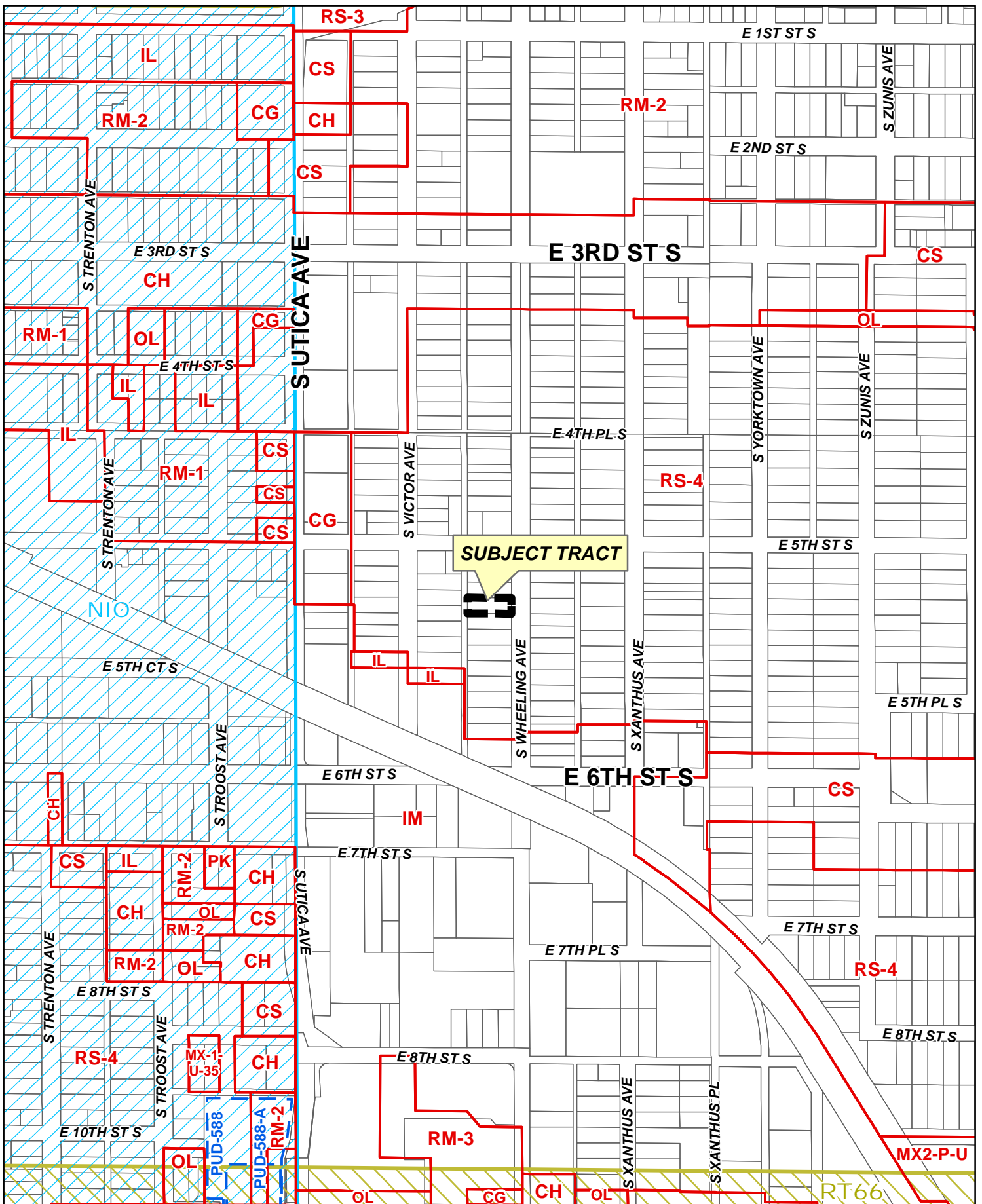
*Note: Graphic overlays may not precisely  
align with physical features on the ground.*

Aerial Photo Date: 2020/2021



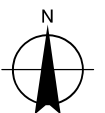
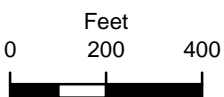
**8.3**





**BOA-23452**

19-13 06



8.4



# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9306

**Case Number:** BOA-23452

**CD:** 1

**HEARING DATE:** 11/08/2022 1:00 PM

**APPLICANT:** Tom Neal

**ACTION REQUESTED:** Special Exception to permit a duplex in the RS-4 district (Table 5.020, Table 5-2, Table 5-2.5)

**LOCATION:** 514 S. Wheeling Ave.

**ZONED:** RS-4

**PRESENT USE:** RS-4

**TRACT SIZE:** 7000.12 SQ FT

**LEGAL DESCRIPTION:** LTS 7 & 8 BLK 8, ABDO'S 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.

**STAFF ANALYSIS:** 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)

Per the applicant the property has been used as a duplex previously though no formal approval of that use has been approved by the Board of Adjustment.

**SAMPLE MOTION:** Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to permit a duplex in the RS-4 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***



***Subject property***



Lauren Parker  
PLANS EXAMINER

TEL (918) 596-9499  
lauren.parker@cityoftulsa.org



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103-3227

## ZONING CLEARANCE PLAN REVIEW

LOD Number: 01

September 22, 2022

Tom Neal  
Tom Neal Design  
2507 E 11<sup>th</sup> S  
Tulsa, OK 74104

Phone: (918) 231-7372

APPLICATION NO: **ZCO-125847-2022** (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)  
Location: 514 S Wheeling Ave E  
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)

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" **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)

## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT  
[WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

Application No. ZCO-125847-2022

514 S Wheeling Ave E

September 22, 2022

### 1. 80.040-E-3 Loss of Nonconforming Status

If a nonconforming use of a building is discontinued for 36 consecutive months or for 36 months during any 4-year period, the nonconforming use may not be re-established. Periods of time when governmental action impedes access to or the use of the premises are not counted as periods of discontinuance.

#### 80.010-C-1 Determination of Nonconforming Status

The burden of proving that a nonconformity exists (as opposed to a zoning code violation) rests entirely with the subject owner.

#### 80.010-C-3 Determination of Nonconforming Status

Building permits, zoning clearance reports, lawfully recorded plats, lawfully recorded instruments of conveyance, aerial photography owned by a governmental agency and other official government records that indicate lawful establishment of the use, lot or structure constitute conclusive evidence of nonconforming status. If such forms of conclusive evidence are not available, the development administrator is authorized to consider whether other forms of evidence provided by the owner are reliable and adequate to document nonconforming status. Common examples of evidence that may be determined to be reliable and adequate include:

- a. Professional registrations or business licenses;
- b. **Utility billing records;**
- c. Rent records;
- d. Advertisements in dated publications;
- e. Listings in telephone or business directories; and
- f. **Notarized affidavits affirming the date of lawful establishment of the use or structure.**

**Review Comment:** The utility records submitted do not provide enough information to determine that the structure in question meets the requirements of TZC Section 80.040-E-3 above. Please provide a notarized affidavit affirming the date of lawful establishment of the use of the structure and that it has continued to be as a duplex without being discontinued for 36 consecutive months or for 36 months during any 4-year period until present day.



**Note:** Staff review comments may 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.

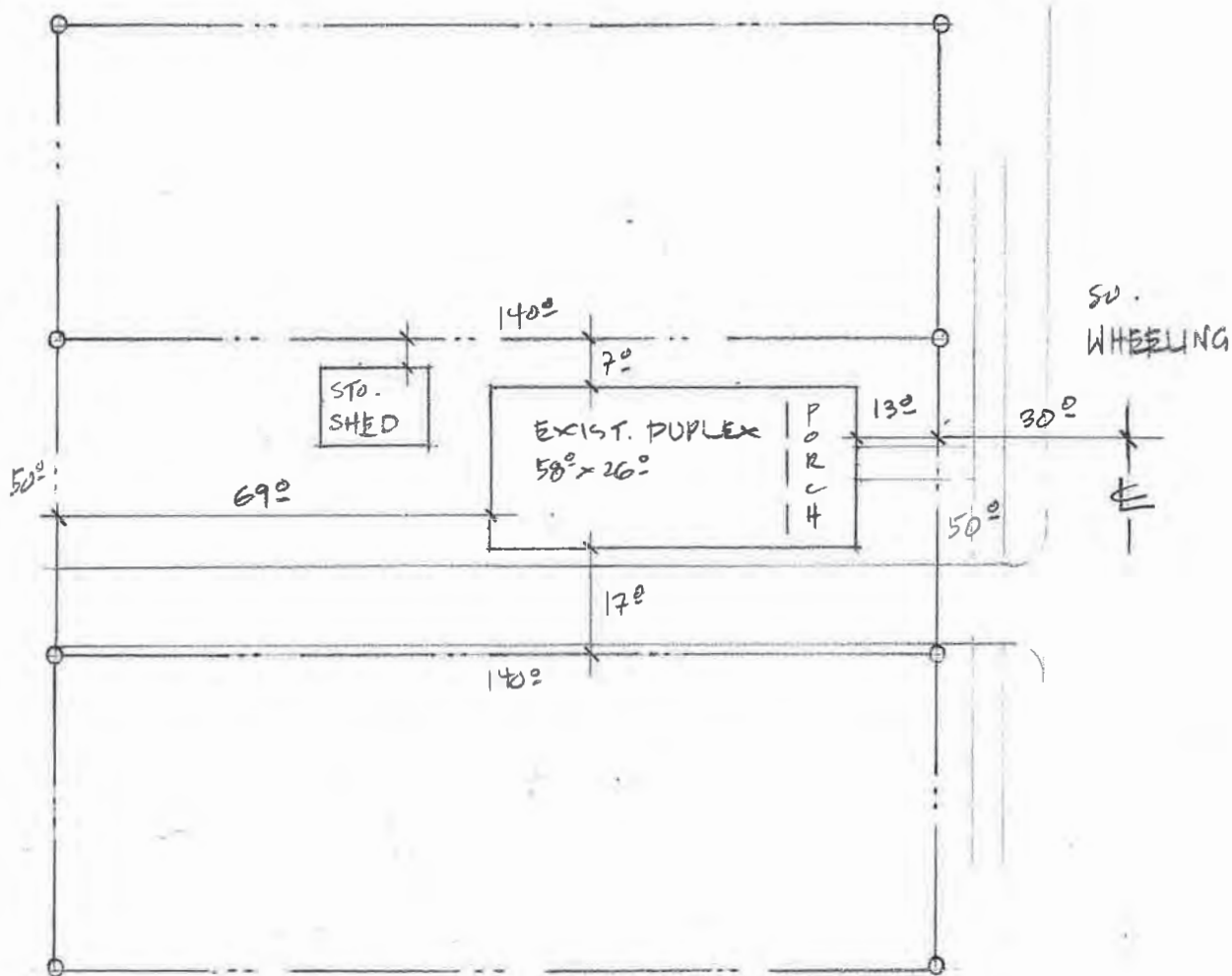
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter. A hard copy of this letter is available upon request by the applicant.

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 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.



SITE DRAINAGE PLAN 1" = 30'

NOTE: PROPERTY HAS TWO

METERS: GAS, ELEC. + WATER

NORTH

DOMINGOS

514 SO. WHEELING AVE.

TULSA - OKLA 9.30.2022

TOM NEAL  
DESIGN

Associate member, American Institute of Architects

918.231.7372

8.10





# CITY OF Tulsa

## Board of Adjustment

**Case Number:** BOA-23453

**Hearing Date:** 11/08/2022 1:00 PM

**Case Report Prepared by:**

Austin Chapman

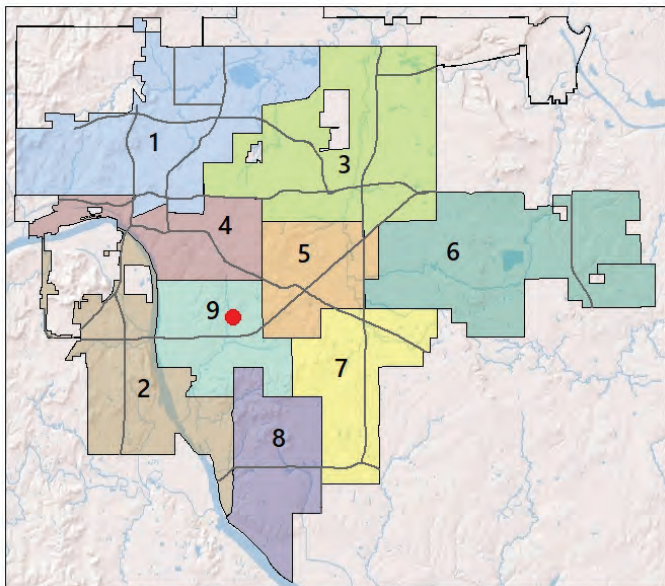
**Owner and Applicant Information:**

**Applicant:** Tulsa Minded, LLC

**Property Owner:** Tulsa Minded, LLC

**Action Requested:** Special Exception to permit a Salon (Personal Improvement Service Use) in the OL District (Sec.15.020, Table 15-2)

**Location Map:**



**Additional Information:**

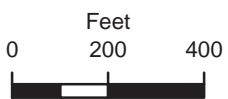
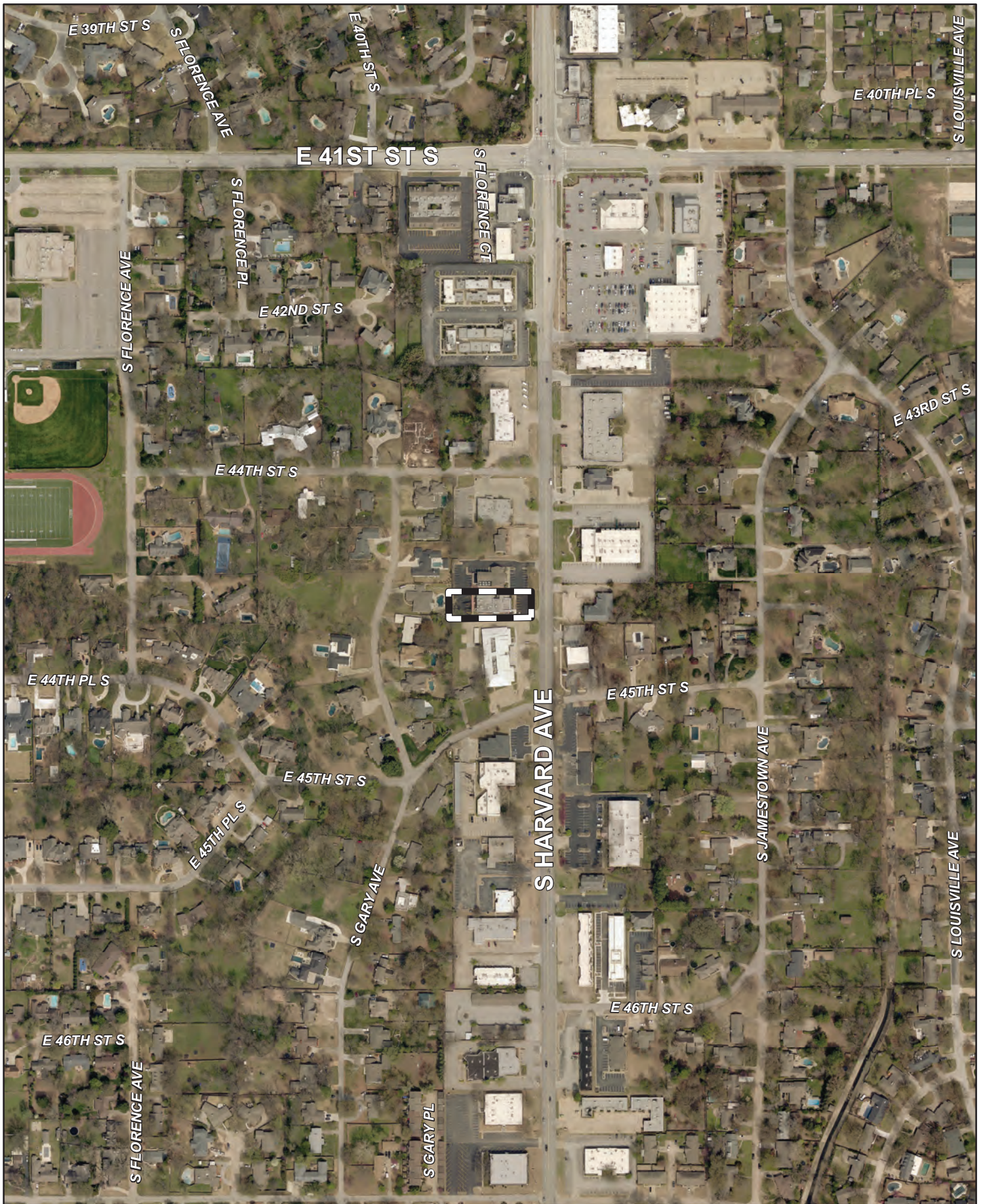
**Present Use:** Vacant

**Tract Size:** 0.52 acres

**Location:** 4436 S. Harvard Ave.

**Present Zoning:** OL





Subject  
Tract

**BOA-23453**

19-13 29

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

Aerial Photo Date: 2020/2021



9.2



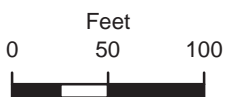


E 44TH ST S

S GARY AVE

S HARVARD AVE

E 45TH ST S



Subject  
Tract

**BOA-23453**

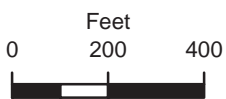
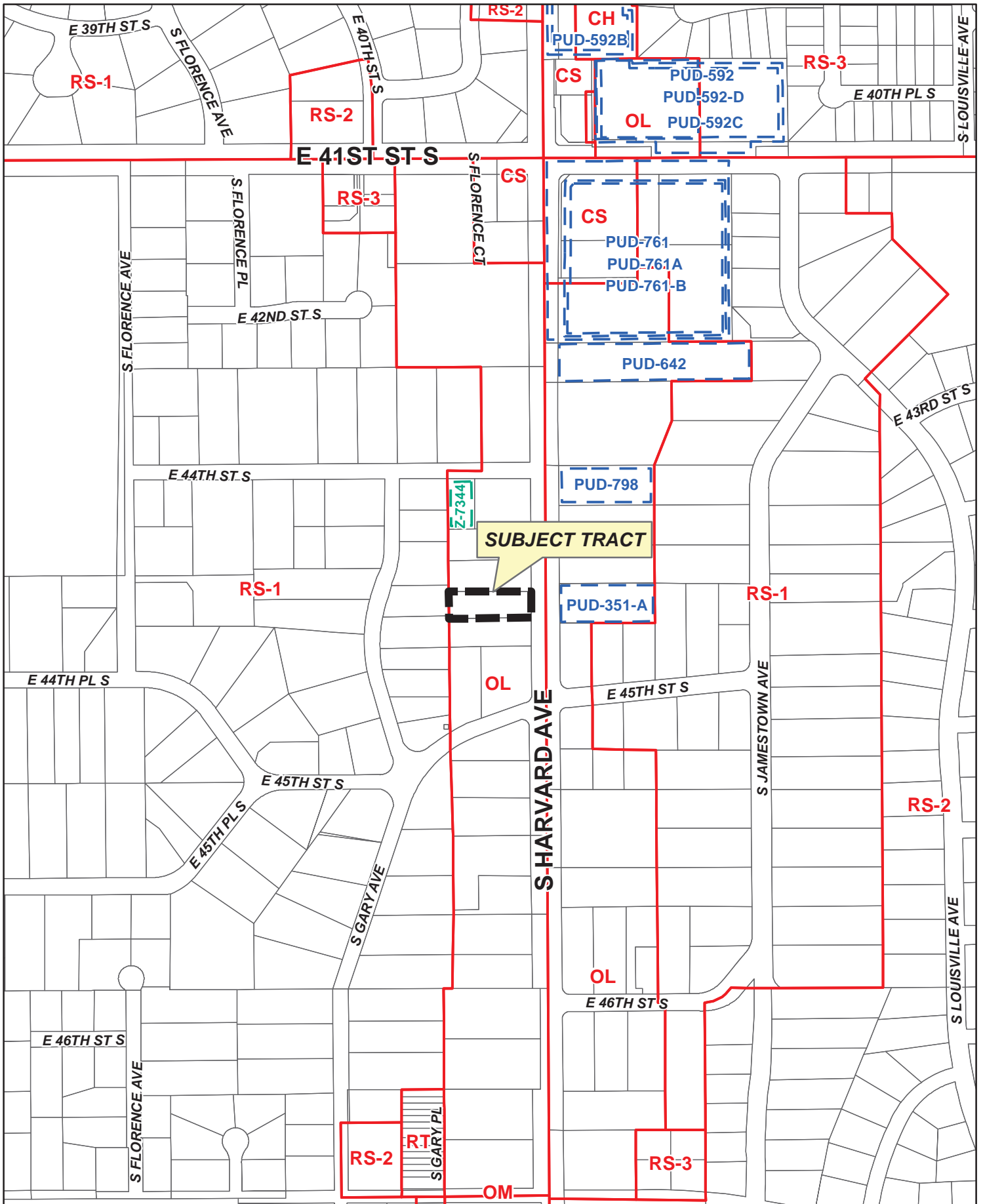
19-13 29

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

Aerial Photo Date: 2020/2021



9.3



**BOA-23453**

19-13 29



9.4



# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9329

**Case Number:** BOA-23453

**CD:** 9

**HEARING DATE:** 11/08/2022 1:00 PM

**APPLICANT:** Tulsa Minded, LLC

**ACTION REQUESTED:** Special Exception to permit a Salon (Personal Improvement Service Use) in the OL District (Sec.15.020, Table 15-2)

**LOCATION:** 4436 S HARVARD AV E

**ZONED:** OL

**PRESENT USE:** Vacant

**TRACT SIZE:** 22498.83 SQ FT

**LEGAL DESCRIPTION:** N.90 OF S. 180 OF LT 3 BLK 2, VILLA GROVE PARK 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 “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

**STAFF ANALYSIS:** The applicant is requesting a Special Exception to permit a Salon (Personal Improvement Service Use) in the OL District (Sec.15.020, Table 15-2)

**SAMPLE MOTION:** Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to permit a Salon (Personal Improvement Service Use) in the OL 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):

\_\_\_\_\_.

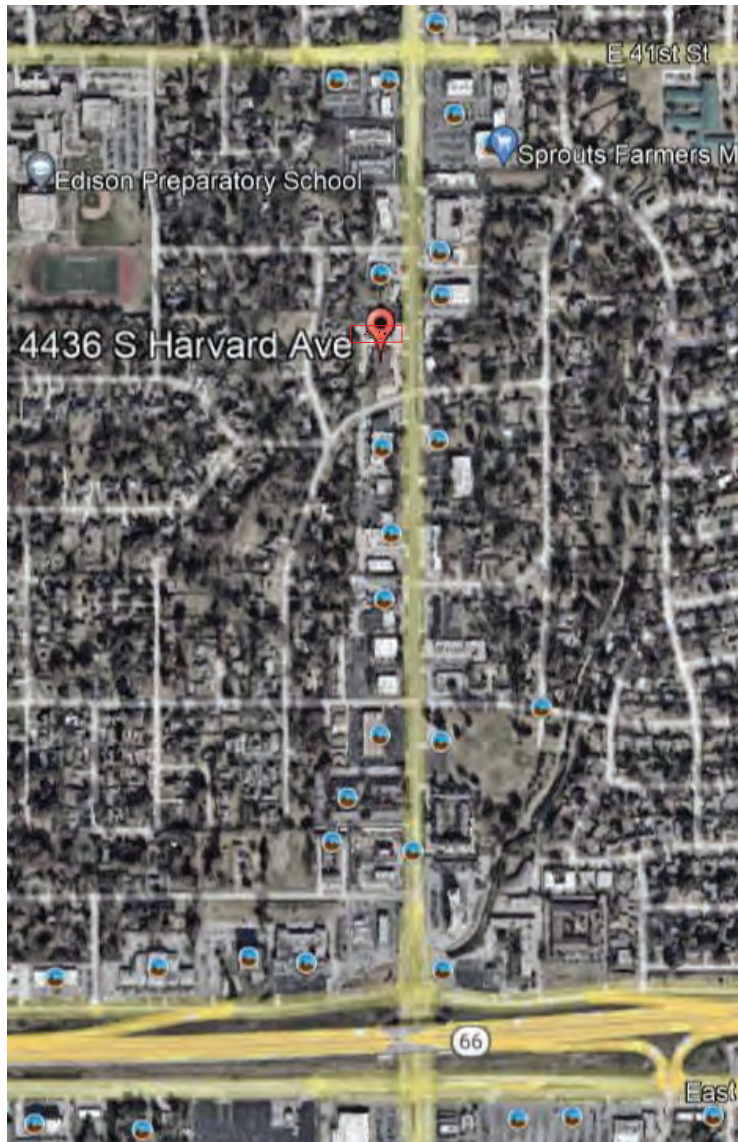
The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.



***Subject property***



THESE DRAWINGS ARE PRELIMINARY IN NATURE AND INTENDED FOR REVIEW AND PERMITTING. DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION WITHOUT ARCHITECT'S AND ENGINEER'S SIGNATURE AND THEIR DATE OF ISSUE FOR CONSTRUCTION.



1 AREA  
SCALE: 1" = 300'-0"



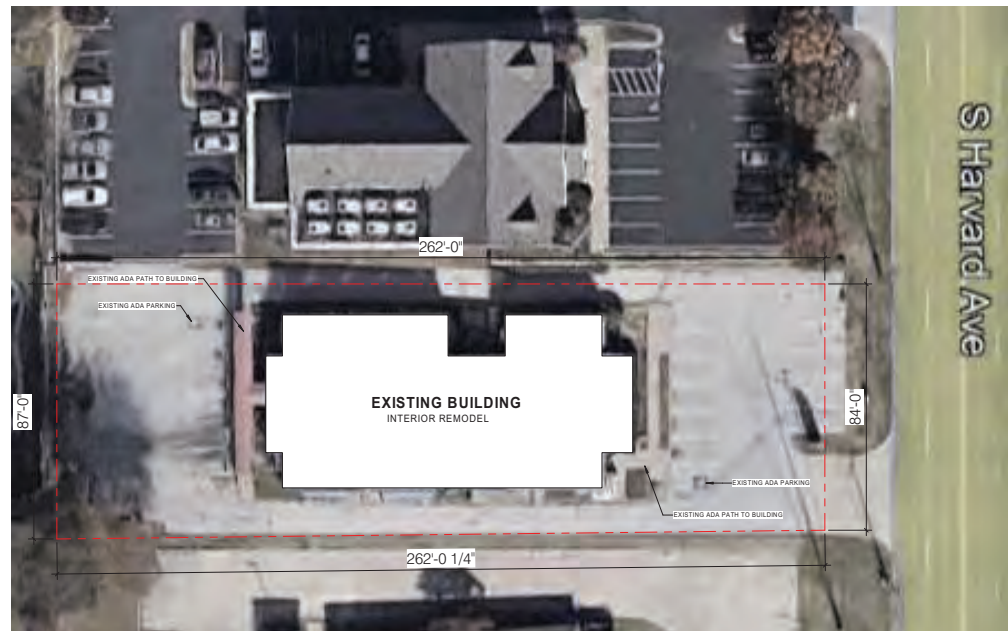
# CITY SALONS

## 4436 S HARVARD AVE

### TULSA, OK

Sheet List	
Sheet Number	Sheet Name
A100	SITE PLAN
A101	1st FLOOR PLAN
A101D	DEMO PLAN
A121	1st FLOOR RCP
A800	DOOR SCHEDULE
A900	LIFE SAFETY & PARTITION TYPES

LEGAL: N.90 OF S. 180 OF LT 3 BLK 2



2 Site  
SCALE: 1" = 20'-0"



THESE DRAWINGS ARE PRELIMINARY IN NATURE AND INTENDED FOR REVIEW AND PERMITTING. DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION WITHOUT ARCHITECT'S AND ENGINEER'S SIGNATURE AND THEIR DATE OF ISSUE FOR CONSTRUCTION.

**Jsa**  
ARCHITECTS

9728 E 42nd St SUITE 153  
TULSA, OK 74146  
918.640.6800  
JHNSANFORD@AOL.COM

Copyright 2022 John Sanford

JOHN SANFORD,  
AIA, NCARB  
OKLAHOMA LICENSE # 2773



NOT VALID FOR  
CONSTRUCTION UNLESS  
SIGNED IN THIS BLOCK.

CITY SALONS  
4436 S HARVARD AVE  
TULSA, OK

PERMIT NO.: —  
8/4/2022  
9:27:15 AM

No.	Description	Date

SHEET

A100  
SITE PLAN



# CITY OF Tulsa

## Board of Adjustment

**Case Number:** BOA-23456

**Hearing Date:** 11/08/2022 1:00 PM

**Case Report Prepared by:**

Austin Chapman

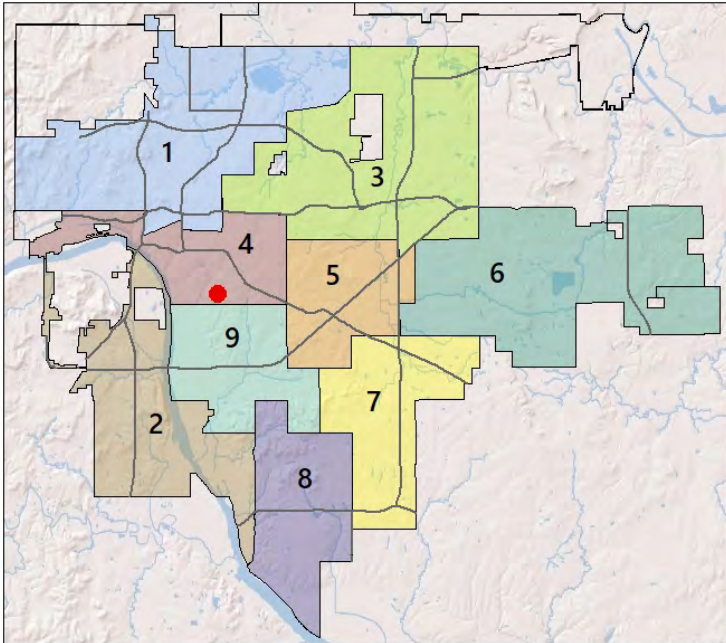
**Owner and Applicant Information:**

**Applicant:** Nathalie Cornett

**Property Owner:** Bradmore LLC

**Action Requested:** Variance to reduce the required 15-foot side setback in the RE District for a swimming pool (Sec. 5.030, Table 5-3; Sec. 90.090-C, Table 90-1)

**Location Map:**



**Additional Information:**

**Present Use:** Residential

**Tract Size:** 0.79 acres

**Location:** 2131 E 29 ST S

**Present Zoning:** RE



# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9318

**Case Number:** BOA-23456

**CD:** 4

**HEARING DATE:** 11/08/2022 1:00 PM

**APPLICANT:** Nathalie Cornett

**ACTION REQUESTED:** Variance to reduce the required 15-foot side setback in the RE District for a swimming pool (Sec. 5.030, Table 5-3; Sec. 90.090-C, Table 90-1)

**LOCATION:** 2131 E. 29 St. S.

**ZONED:** RE

**PRESENT USE:** Residential

**TRACT SIZE:** 34347.2 SQ FT

**LEGAL DESCRIPTION:** All of Lot Nine (9) and that part of Lot Ten (10), Block Nine (9), FOREST HILLS, an Addition to 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 Southwest corner of said Lot 10; thence in a Northerly direction along the West line of said Lot to the Northwest corner thereof; thence in an Easterly direction along the Northerly line of said Lot a distance of 77 feet; thence in a Southerly direction on a straight line to a point on the South line of said Lot 10 a distance of 75 feet Easterly from the Southwest corner of said Lot; thence in a Westerly direction along the South line of said Lot a distance of 75 feet to the Southwest corner thereof, to the POINT AND PLACE OF BEGINNING.

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject property:**

**BOA-19782;** On 03.23.04 the Board **approved** a Variance of the required side yard from 15-feet to 9-feet for the West property line.

**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.

**STATEMENT OF HARDSHIP:** Please see "Exhibit" B included in the packet.

**STAFF ANALYSIS:** The applicant is requesting a Variance to reduce the required 15-foot side setback in the RE District for a swimming pool (Sec. 5.030, Table 5-3; Sec. 90.090-C, Table 90-1)

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

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
<b>Min. Building Setbacks (ft.)</b>													
<b>Street [3]</b>													
Arterial or fwy service rd.	35	35	35	35	35	35	35	35	10	10	10	10	35
Other streets	35	35	30	25	20	20	25	10	10	10	10	10	25
Side (interior) [4]	15	5	5	5	5	5	5	5[5]	5[6]	5[6]	5[6]	5[7]	10

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

Obstruction	Setback		
	Street	Side	Rear
Accessory buildings (see also <a href="#">§90.090-C2</a> )	No	No	Yes
Air conditioning units	No	Yes	Yes
Arbors and trellises	Yes	Yes	Yes
Awnings, canopies, light shelves and architecturally integrated solar shading devices projecting no more than 2 feet into the setback	Yes	Yes	Yes
Barbeque pits and outdoor fireplaces	No	No	Yes
Bay windows projecting no more than 2 feet into the setback	Yes	Yes	Yes
Carports	Yes [1]	Yes [2]	Yes [2]
Chimneys and flues projecting no more than 2 feet into the setback	Yes	Yes	Yes
Clotheslines	No	Yes	Yes
Decks, patios, and other features and structures less than 30 inches in height above grade	Yes	Yes	Yes
Eaves and gutters projecting no more than 2 feet into the setback	Yes	Yes	Yes
Fences and walls (see also <a href="#">Section 45.080</a> )	Yes	Yes	Yes
Fire escapes projecting no more than 4.5 feet into the setback	Yes	Yes	Yes
Flagpoles and similar features	Yes	Yes	Yes
Geothermal heat pumps and geothermal heat exchange system equipment up to 4 feet in height above grade	No	No	Yes
Green houses and hoop houses	No	No	Yes
Insulation added to the outside of the exterior wall of an existing building	Yes	Yes	Yes
Plants and cold frames	Yes	Yes	Yes
Rainwater harvesting equipment projecting no more than 4.5 feet into the setback	Yes	Yes	Yes
Recreational equipment (e.g., swing sets, playground equipment, tree houses, etc.)	No	No	Yes
Satellite dish antennas	See <a href="#">Section 45.180</a>		
Signs (see also <a href="#">Chapter 60</a> )	Yes	Yes	Yes
Sills, belt courses, cornices and similar architectural features projecting no more than 2 feet into the setback	Yes	Yes	Yes
Solar energy systems, building-mounted	No	Yes	Yes
Solar energy systems, ground-mounted	No	No	Yes
Swimming pools and tennis courts	No [3]	No	Yes
Vehicle parking/storage, inoperable (see also <a href="#">Section 45.140</a> )	No	No	Yes
Wheelchair lifts and ramps that meet federal, state and local accessibility standards	Yes	Yes	Yes

The applicant is seeking to allow a swimming pool inside the 15-foot side approximately 5 to 10-feet from the property line.

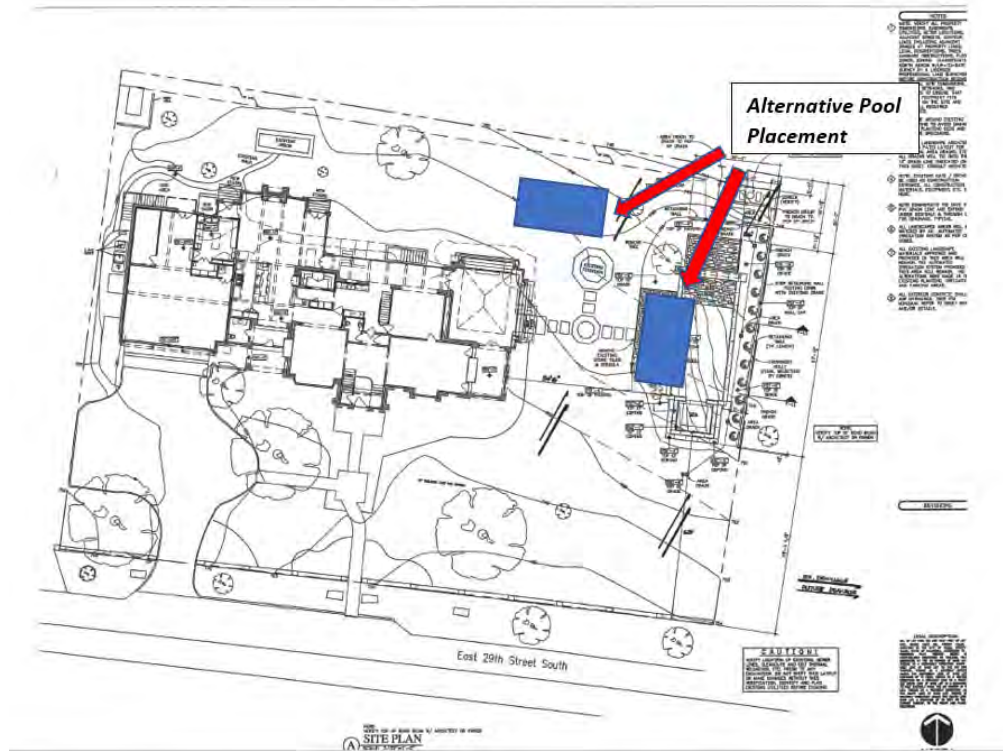
**Facts staff finds favorable for variance request:**

- None, without further explanation of how the physical conditions of the property prevent alternative siting of the pool

**Facts Staff find unfavorable for the variance request:**

- The proposed pool and location are a design choice, and the applicant should explain why the features of property prevent the location of the pool in the rear setback away from the tree, or in the alternative scale the pool size down to fit East of the residence outside the setback.





**SAMPLE MOTION:** Move to \_\_\_\_\_ (approve/deny) a Variance to reduce the required 15-foot side setback in the RE District for a swimming pool (Sec. 5.030, Table 5-3; Sec. 90.090-C, Table 90-1)

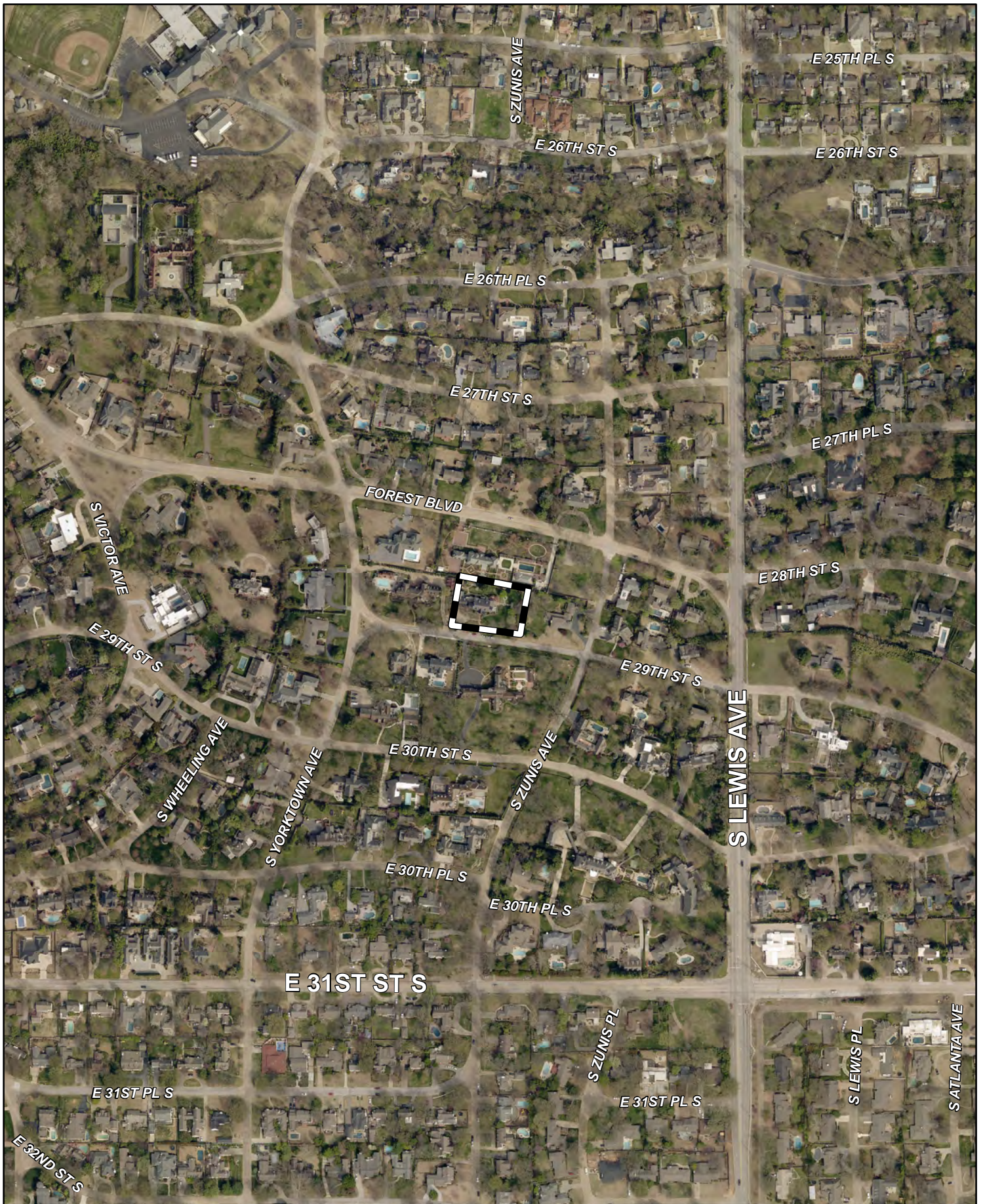
- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):  
\_\_\_\_\_.

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 location of proposed encroachment.*





0 200 400  
Feet



Subject  
Tract

**BOA-23456**

19-13 18

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

Aerial Photo Date: 2020/2021



10.6





0 50 100  
Feet



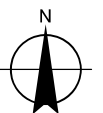
Subject  
Tract

**BOA-23456**

19-13 18

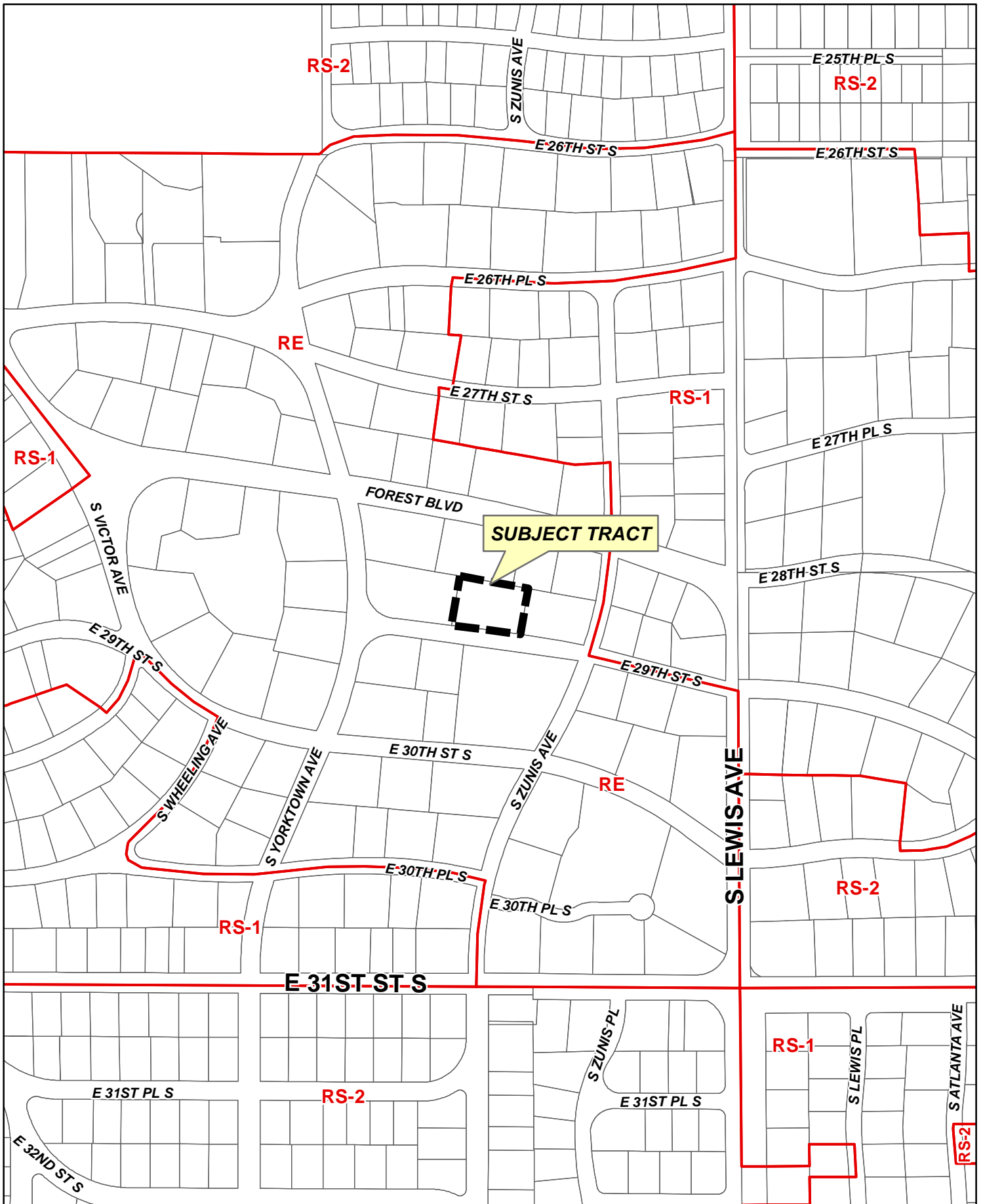
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: 2020/2021



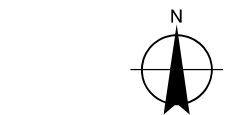
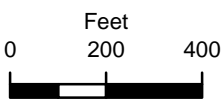
10.7





**BOA-23456**

19-13 18



10.8

# Summary of Comments on Scanned by Scan2Net

---


Page: 1

---

 Number: 1 Author: Mike Henley Subject: WSD Comment Date: 9/28/2022 2:52:41 PM

---

All developments shall be designed, constructed, and completed in a manner which minimizes the exposure of bare earth to precipitation, please provide an Erosion Control Plan containing detailed location of all silt fence and other erosion and sedimentation control methods.

 Number: 2 Author: Mike Henley Subject: WSD Comment Date: 9/28/2022 2:55:41 PM

---

Retaining wall building details required. Revise plans to include building materials and height from bottom of footing. **Please Note:** Walls constructed of stone or brick masonry, reinforced concrete, segmented block four feet and over in height shall be designed, approved and signed by a licensed professional engineer. Please provide engineered plans for the proposed walls designed, signed and sealed by a licensed professional engineer (Licensed in the state of Oklahoma). No part of any wall shall be built or constructed, which shall extend beyond the property line along any street or alley or any other public way. Nor shall such a wall be built within a dedicated public utility easement or rights-of-way without approval of the director Ord. #21988.

 Number: 3 Author: LParker Subject: ZON - POOLR-129736-2022 Date: 10/4/2022 12:30:00 PM

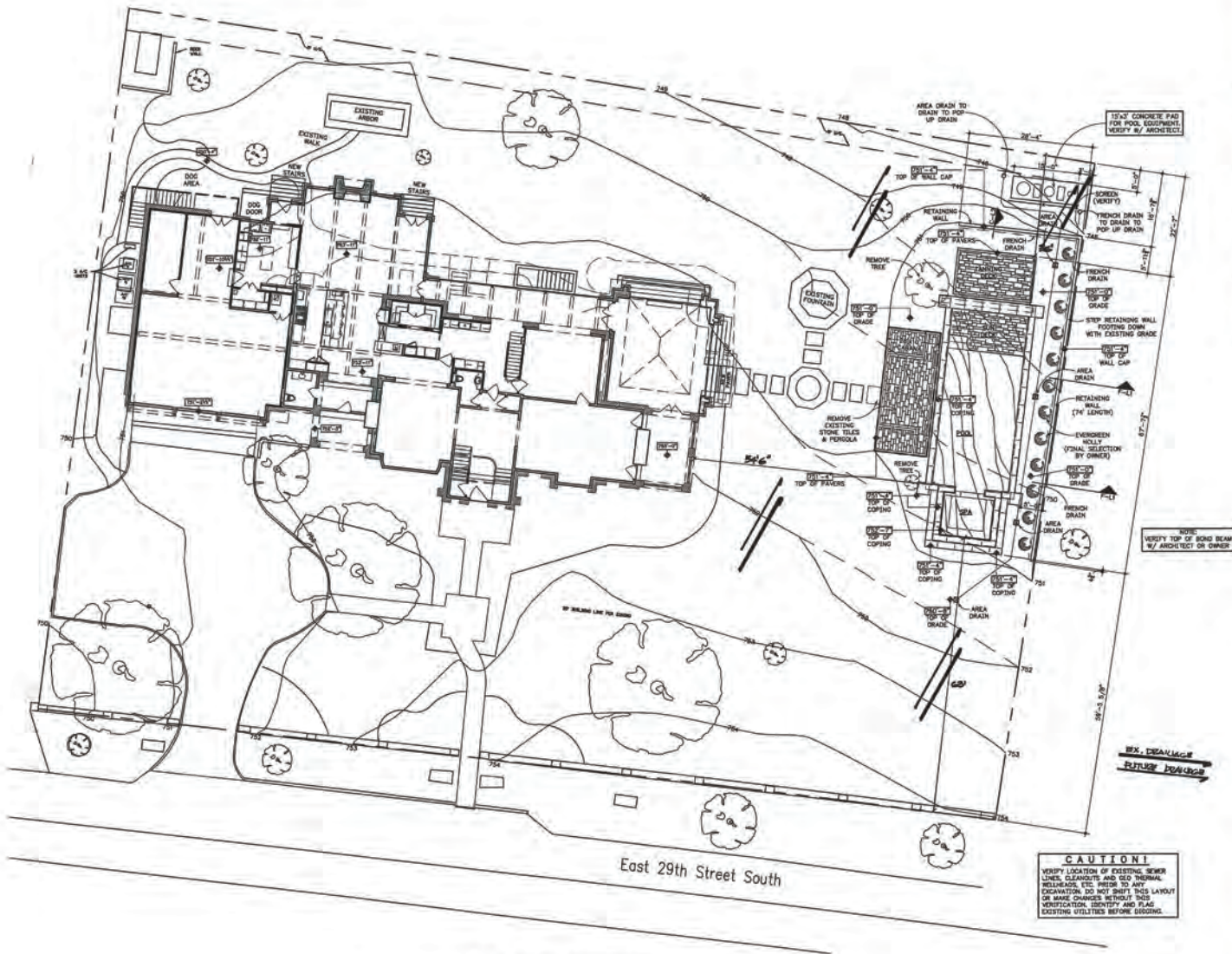
---

5.030-A Table of Regulations

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

Review Comments: The proposed pool addition requires a 15 foot setback from the side property line in a RE zoning district. Revise plans to provide a code compliant design.





NOTE: VERIFY TOP OF BOND BEAM W/ ARCHITECT OR OWNER.  
**(A) SITE PLAN**  
 SCALE: 1/32" = 1'-0"

- NOTES**
- NOTE: VERIFY ALL PROPERTY DIMENSIONS, EASEMENTS, UTILITIES, METER LOCATIONS, ADJACENT STREETS & DRIVEWAY LINES INCLUDING ADJACENT GRADES AT PROPERTY LINES, LEGAL DESCRIPTIONS, FLOOD ZONES, ZONING CLASSIFICATION, NORTH ARROW W/UP-TO-DATE SURVEY BY A LICENSED PROFESSIONAL LAND SURVEYOR BEFORE CONSTRUCTION BEGINS. VERIFY ALL SETBACKS, BUILDING SETBACKS AND EASEMENTS TO ENSURE THAT BUILDING FOOTPRINT FITS PROPERLY ON THE SITE AND WITHIN ALL REQUIRED BOUNDARIES.
  - TAKE CARE AROUND EXISTING LANDSCAPING TO AVOID DAMAGING EXISTING PLANTING BEDS AND LANDSCAPE SPECIMENS.
  - REFER TO LANDSCAPE ARCHITECT'S PLAN AND PATIO LAYOUT FOR ADDITIONAL AREA DRAINS, ETC. ALL DRAINS WILL TIE INTO THE 4" DRAIN LINE INDICATED ON THIS SHEET. CONSULT ARCHITECT.
  - NOTE: EXISTING DATE / DRIVE TO BE USED IN CONSTRUCTION. ENTRANCE, ALL CONSTRUCTION MATERIALS, EQUIPMENT, ETC. ENTER HERE.
  - NOTE: DOWNPOUTS TIE INTO 4" PVC DRAIN LINE AND EXTEND AWAY FROM AREA & THROUGH CURB FOR DRAINAGE, TYPICAL.
  - ALL LANDSCAPED AREAS WILL BE WATERED BY AN AUTOMATIC IRRIGATION SYSTEM AS PER CITY CODES.
  - ALL EXISTING LANDSCAPE MATERIALS APPROVED AND PROVIDED IN THIS AREA WILL REMAIN. THE AUTOMATIC IRRIGATION SYSTEM PROVIDED IN THIS AREA WILL REMAIN. NO ALTERATIONS WERE MADE IN THE EXISTING PLANTING, IRRIGATION AND PARKING AREAS.
  - ALL EXISTING CONCRETE SHALL BE AIR ENTRAINED, 3000 PSI MINIMUM. REFER TO SHEET SHY AND/OR DETAILS.

**REVISIONS**

**LEGAL DESCRIPTION**



A NEW REMODEL FOR:  
**BUSTER & KRISTIN BRADSHAW**  
 2131 E. 29th Street, Tulsa, OK 74114

ISSUED 8/18/2022  
 JOB NO: 1801  
 DRAWN BY: RAY  
 REVISED:

ARCHITECTURAL REPRESENTATIVE  
**JACKARNOLD**  
 7110 South Yale • Tulsa, Oklahoma 74116 • 918.484.2790 • www.jackarnold.com

Sheet:  
**SP2**

### **Exhibit “B”**

The Applicant requests a Variance of Table 5-3 of the Tulsa Zoning Code (the “Code”) to permit a portion of a pool to be located in the 15 foot side setback in the RE District for property located at 2131 E. 29<sup>th</sup> Street (the “Property”).

The Property is located in the Forest Hills Subdivision approximately one block west of S. Lewis Ave. and two blocks north of E. 31<sup>st</sup> Street. The existing residence located on the 0.80 acre Property was built in 1934. The Property owners desire to build a swimming pool on the east side of the residence, approximately 5 to 10 feet from the east property boundary. A site plan showing the proposed location of the pool is attached hereto.

In the back yard (on the north side of the residence) is a large, mature magnolia tree with an extensive root system that prevents locating the pool in the back without removing or severely damaging the tree. An existing stone fountain and pergola are located in the east (side) yard. The owners intend to utilize the existing footprint and foundation of the pergola for a covered cabana area.

The existing physical features prevent the proposed pool from being located elsewhere on the Property. These features are unique to the Property and were not created by the current owners. The lot itself is horizontally oriented. The residence to the east fronts Zuni Ave., with its rear yard abutting the side yard of the Property, resulting in over 160 feet between the residence on the Property and the residence to the east. The substantial space between the three residences on the north side of 29<sup>th</sup> Street achieves the intended purpose of a large side setback in the RE district. Accordingly, the Variance will not cause any detriment to the public good nor impair the spirit and intent of the Code.





# CITY OF Tulsa

## Board of Adjustment

**Case Number:** BOA-23457

**Hearing Date:** 11/08/2022 1:00 PM

**Case Report Prepared by:**

Austin Chapman

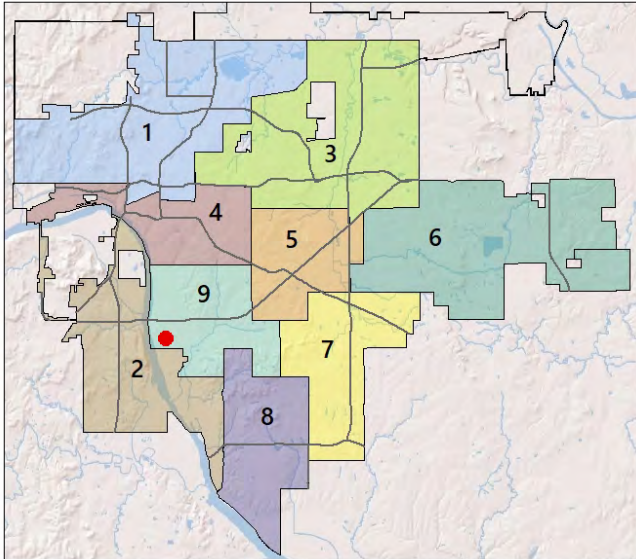
**Owner and Applicant Information:**

**Applicant:** Zach Burrow

**Property Owner:** SOUTH PEORIA  
NEIGHBORHOOD CONNECTION

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

**Location Map:**



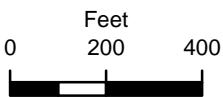
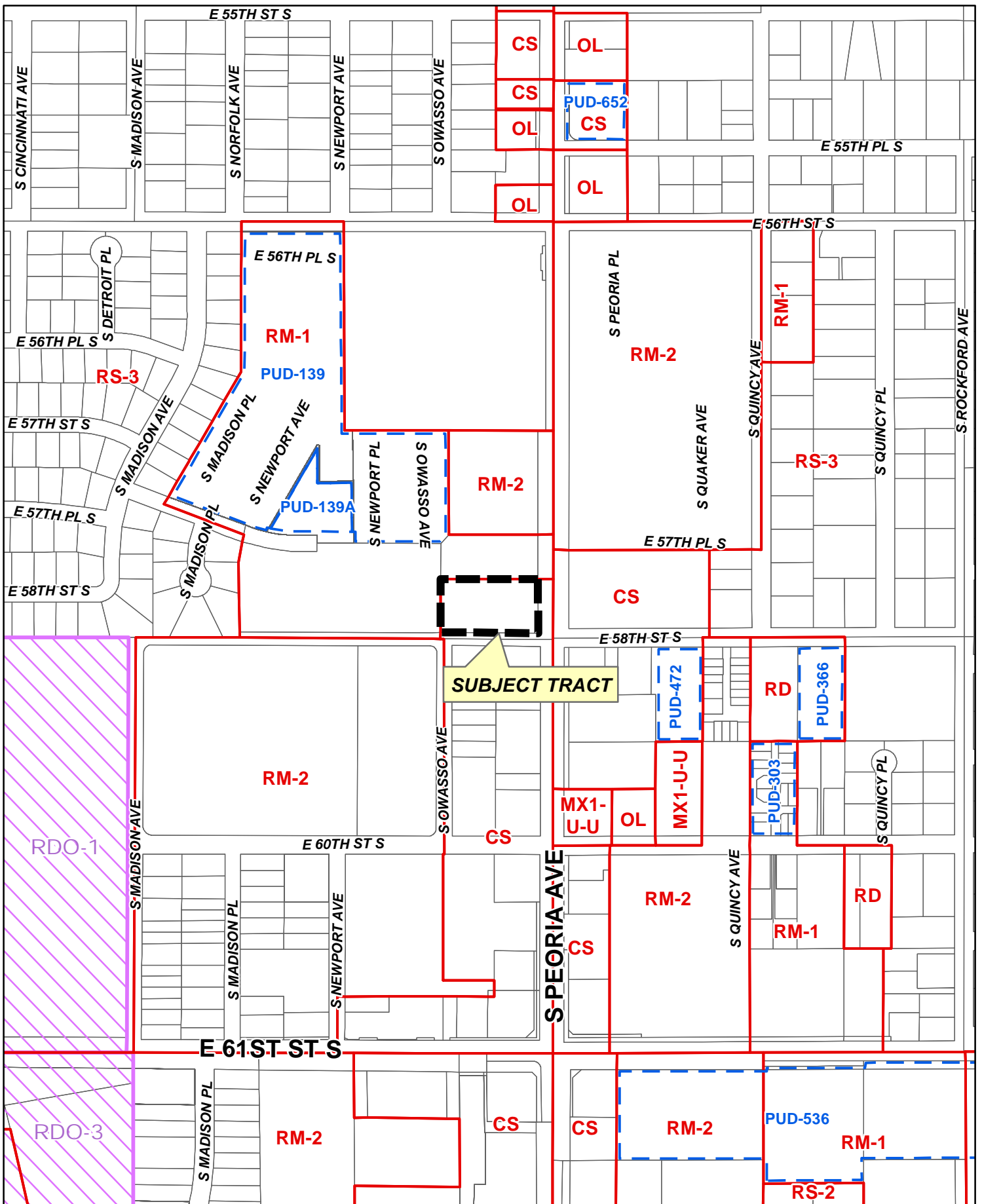
**Additional Information:**

**Present Use:** Non-profit

**Tract Size:** 1.2 acres

**Location:** 5780 S PEORIA AV E

**Present Zoning:** CS

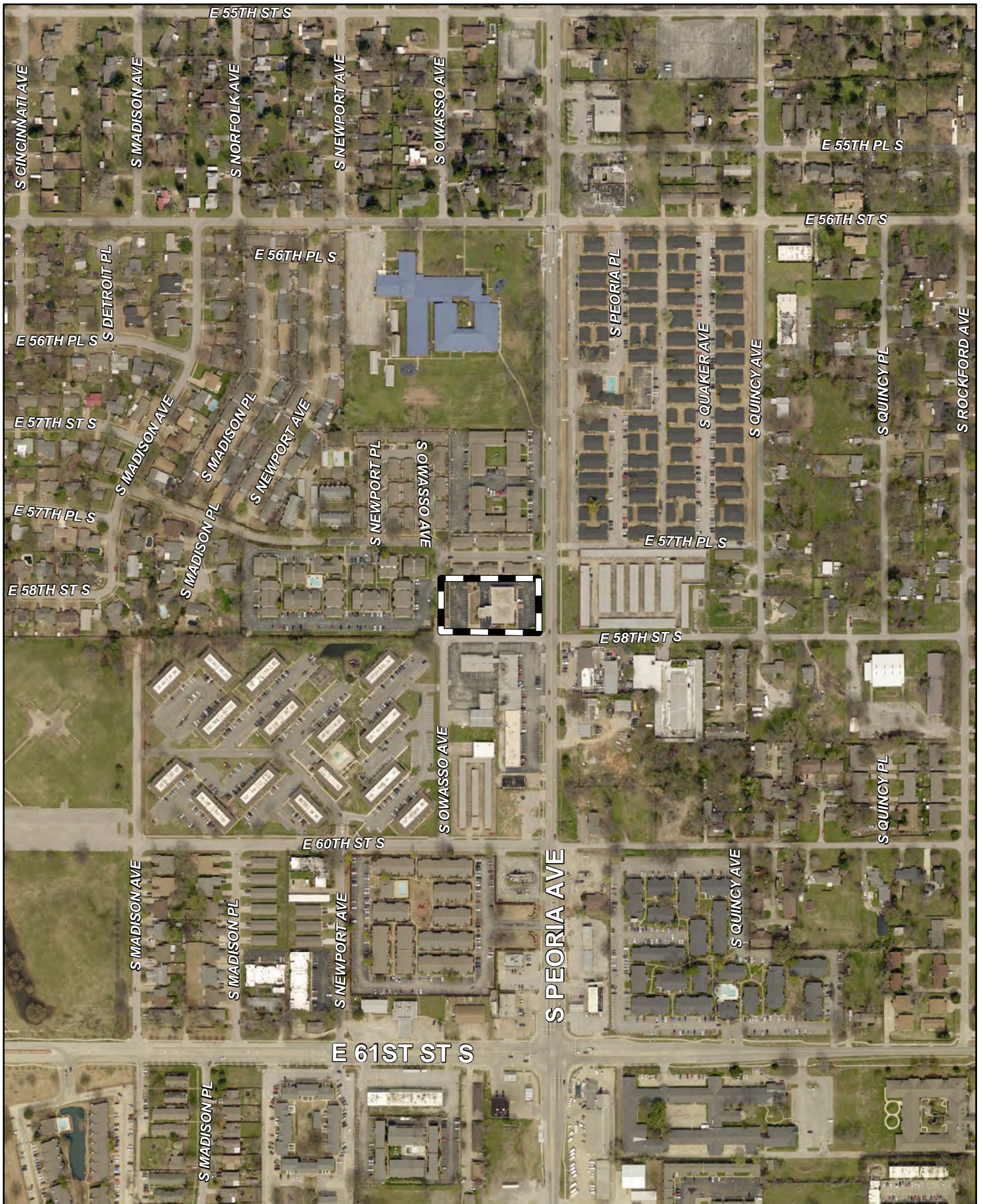


**BOA-23457**

19-12 36







0 Feet 200 400



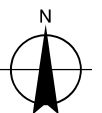
Subject Tract

**BOA-23457**

19-12 36

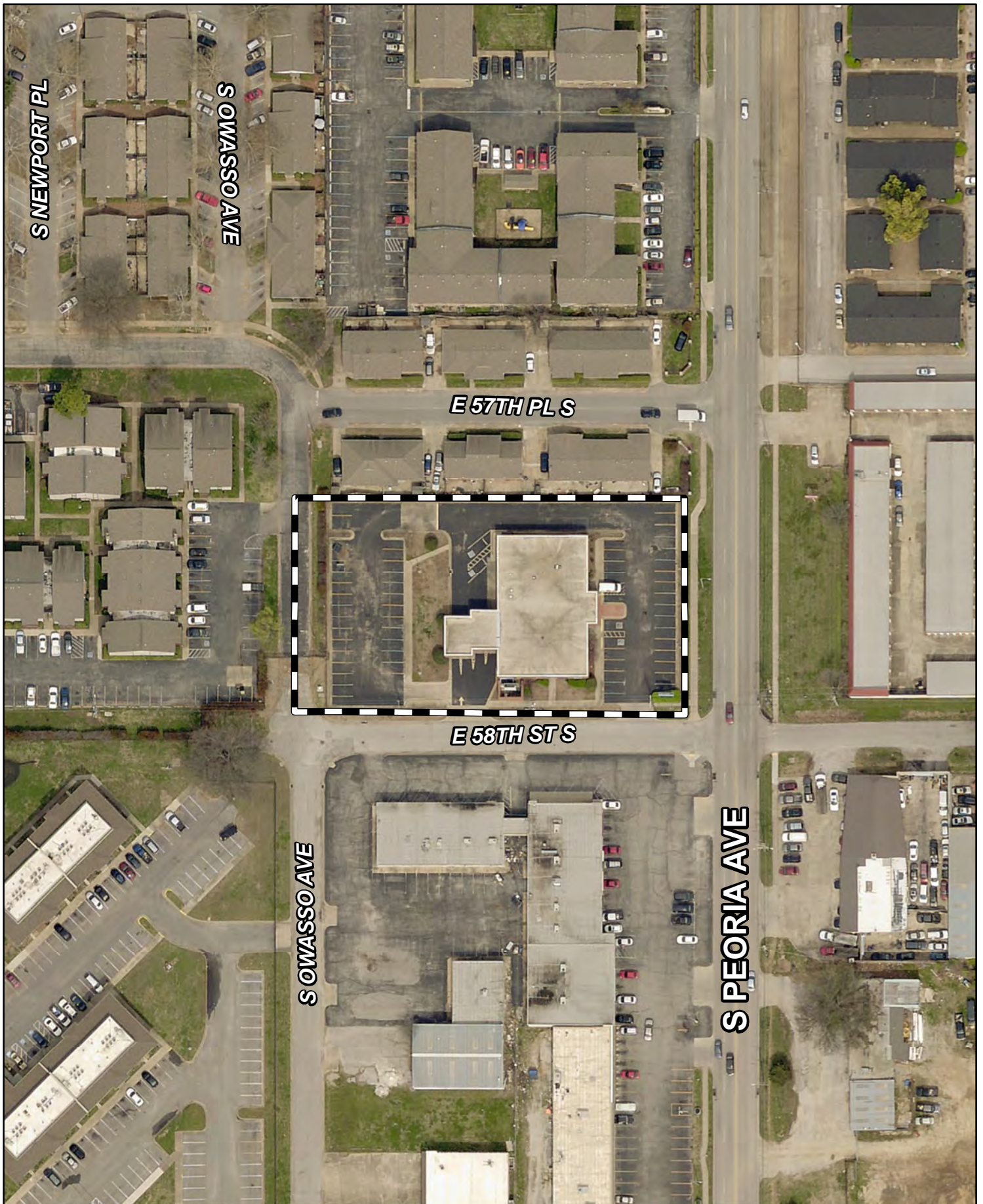
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021



11.3





0 50 100  
Feet



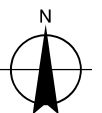
Subject  
Tract

**BOA-23457**

19-12 36

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

Aerial Photo Date: 2020/2021



11.4



# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9236

**Case Number:** BOA-23457

**CD:** 9

**HEARING DATE:** 11/08/2022 1:00 PM

**APPLICANT:** Zach Burrow

**ACTION REQUESTED:** Special Exception to allow a fence to exceed 4-feet in height inside a required street setback (Sec. 45.080-A)

**LOCATION:** 5780 S. Peoria Ave.

**ZONED:** CS

**PRESENT USE:** Non-profit

**TRACT SIZE:** 52289.64 SQ FT

**LEGAL DESCRIPTION:** PRT BLK 2 BEG SECR TH W282.04 N170.29 E282.04 S170.32 POB & E25 VAC ST ADJ ON W, RIVERSIDE SOUTH COMPLEX 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 "Mixed-use Corridor" 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.

**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.

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

## 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 applicant is seeking to construct a 6-foot iron ornamental fence within the street setback on the South and East around the property and a Black metal panel fence on the West and North boundaries of the property.

### **SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) 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***





DEVELOPMENT SERVICES  
175 E 2ND ST., STE 405  
TULSA, OK 74103  
918-596-9456

# CITY OF TULSA

## CORRECTIONS SUMMARY

### BLDC-128934-2022 (5780 S PEORIA AVE E Tulsa, OK 74105) south tulsa house\_v1.pdf Markup Summary #1

---

#### Note (1)

---



**Subject:** Note  
**Page Label:** 1  
**Status:**  
**Author:** isupit  
**Date:** 9/30/2022 3:38:56 PM  
**Color:** ■

2018 IBC - 105.1 Permits - Required.  
Submit for "Zoning Clearance" approval.

---

#### Zoning BLDC-128934-2022 (2)

---



**Subject:** Zoning BLDC-128934-2022  
**Page Label:** 1  
**Status:**  
**Author:** Jeffrey Bush  
**Date:** 9/29/2022 10:43:32 AM  
**Color:** ■

Sec.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. The board of adjustment is authorized to modify these fence and wall regulations in accordance with the special exception procedures of Sec.70.120.

Review comment: Your proposed iron fence is approximately 6' in height and is within the required street setback. Submit a revised site plan providing a fence 4' in height or you may consider submitting a special exception, reviewed and approved by the Board of Adjustment per Sec.70.120, to increase the height to 6'. Contact INCOG/Tulsa Planning Office at 918-584-7526 for further instructions and next steps.



**Subject:** Zoning BLDC-128934-2022  
**Page Label:** 1  
**Status:**  
**Author:** Jeffrey Bush  
**Date:** 9/29/2022 10:56:22 AM  
**Color:** ■

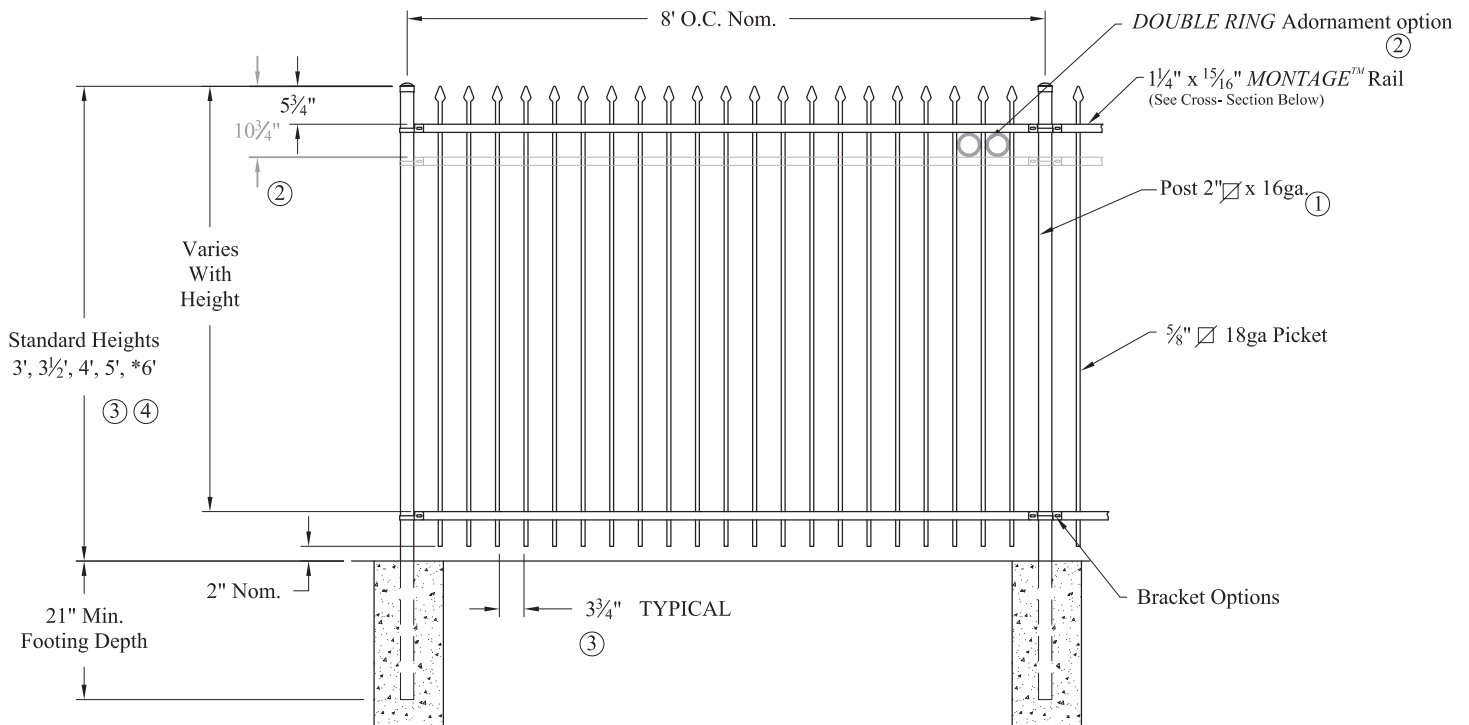
Sec.45.080-A: Fences and walls within required building setbacks may not exceed 8 feet in height, except that in required street setbacks fences and walls may not exceed 4 feet in height. The board of adjustment is authorized to modify these fence and wall regulations in accordance with the special exception procedures of Sec.70.120.

Review comment: Please provide height of R-Panel fence.

This constitutes a Plan Review to date in response to the information submitted with and after 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 client. Any code items not reviewed are still in force, and it shall be the responsibility of the owner and design professional(s) to ensure that all code requirements are satisfied.

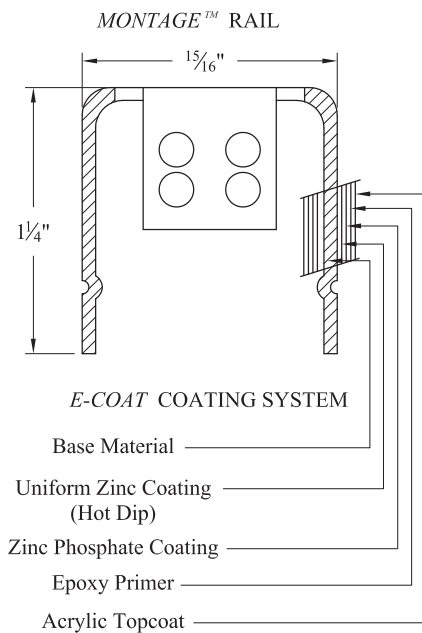






#### NOTES:

- 1.) Post size depends on fence height and wind loads. See *MONTAGE™* specifications for post sizing chart.
- 2.) Third rail required for *Double Rings*.
- 3.) Available in 3" air space and/or Flush Bottom on most heights.
- 4.) Three rails required for 6' tall.

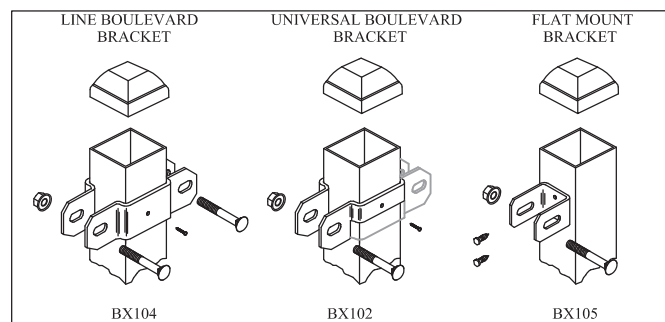
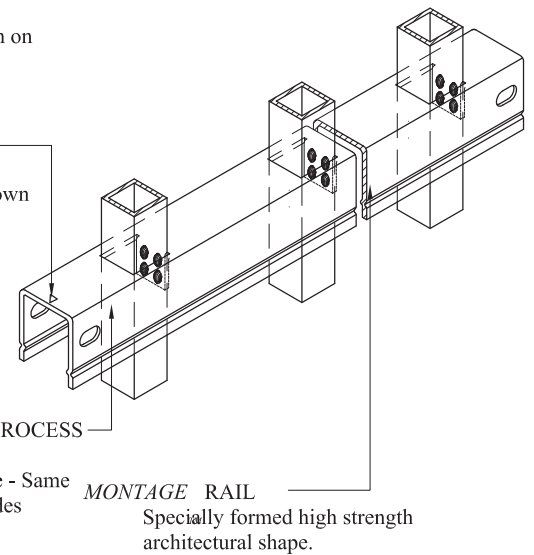


#### RAKING DIRECTIONAL ARROW

Welded panel can be raked 45" over 8' with arrow pointing down grade.

#### PROFUSION™ WELDING PROCESS

No exposed welds,  
Good Neighbor profile - Same  
appearance on both sides



### RESIDENTIAL WELDED STEEL PANEL PRE-ASSEMBLED

Title:  
**MONTAGE CLASSIC 2/3-RAIL**

DR: CI SH . 1 of 1 SCALE: DO NOT SCALE

CK: ME Date 7-19-11 REV: c

Ameristar Montage Classic Fence  
Distributed by:  
Ornamental Fence Supply, LLC  
Big Rock, IL Phone: 800-448-1293

Values shown are nominal and not to be used for  
installation purposes. See product specification  
for installation requirements.

RCISO

11.9  
www.ornamentalfencesupply.com





**PROPOSED MEETING DATES FOR 2023**  
**CITY BOARD OF ADJUSTMENT**

**JANUARY**

10  
24

**JULY**

11  
25

**FEBRUARY**

14  
28

**AUGUST**

08  
22

**MARCH**

14  
28

**SEPTEMBER**

12  
26

**APRIL**

11  
25

**OCTOBER**

10  
24

**MAY**

09  
23

**NOVEMBER**

14  
28 (week after  
Thanksgiving)

**JUNE**

13  
27

**DECEMBER**

12  
26 (Christmas week)





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

**SECTION I - RULES OF PROCEDURE**

**A. Name**

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

**B. Membership**

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

**C. Removal**

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

**D. Officers**

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

- 1) The duties of the Chairman shall include:
  - a) Presiding over meetings with all powers under parliamentary procedure, unless the Chairman designates another member to preside;
  - b) Signing official documents of the Board;
  - c) Appointing a Vice-Chairman and Secretary in the event the said officers are absent from the meeting.
- 2) The duties of the Vice-Chairman shall include:
  - a) Presiding over all meetings in the absence of the Chair and shall have full powers of the Chair in matters that come before the Board; and
  - b) Assuming the duties of the Secretary in the event that the Secretary is absent from the meeting.

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

#### **E. Quorum**

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

#### **F. General Procedures**

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

#### **G. Public Meeting Procedures**

1. The Board shall consider only public meeting items which have been properly advertised as required by law and only those where all fees have been paid, including fees for legal advertising.
2. The Chair can modify the order in which the cases will be considered from the order in which they are listed on the agenda. The procedure for each case shall normally be as follows:
  - a) Staff will announce the case by reading the item number, case number and applicant's name.
  - b) Staff will read the location of the subject tract and the action requested from the case report.
  - c) The Chair calls on the applicant for a presentation, **not to exceed fifteen (15) minutes**. If the applicant presents a significantly changed application from that submitted for BOA staff review (as determined by BOA staff and the BOA at the time of the presentation), such action is considered grounds for continuance.



- d) Any member of the public may address the Board at a regular or special meeting after signing in for a specific item. When recognized by the Chair, a member of the public should state his or her name and address. Speakers will be given **five (5) minutes to speak on an item**; however, the Chair may further limit that time based on the number of speakers for an item or impose an aggregate time for all speakers.
  - e) The Chair may rule a comment out of order if it is redundant, irrelevant, indecorous or untimely.
  - f) The applicant is given the opportunity to rebut and is allowed **no more than ten (10) minutes to speak**. If the applicant, in the Chair's opinion, should present new facts or information, the Chair may allow the protestants time to rebut same.
  - g) The Chair announces the public hearing is closed on the case and opens the review session, during which the Board members will discuss the case among themselves and make a recommendation.
  - h) BOA members shall address only the presiding Chair for recognition and shall confine their remarks to the question under discussion.
  - i) During the review session, which shall be open and public, no new evidence shall be admitted unless specifically requested by a member of the Board and permitted by the Chair. However, any Board member may make a motion at any point in time when he/she feel they have sufficient information to do so.
  - j) Before a motion is made, there shall be an opportunity for discussion of the case by the Board and for each Board member to make comments. After a motion is made, there shall be further opportunity for discussion by the Board, and the maker of the motion may refine the terms of the motion pursuant to such discussion. When the motion is formalized, the Chair shall restate the motion, state the name of the maker of the motion and the member seconding the motion, and call for a vote. If a Board member desires to amend the motion following the Chair's restatement of the motion but prior to the Chair's call for a vote, the Board member suggesting the amendment may ask unanimous consent to modify the motion. If any Board Member objects to the modification of the motion, the Board Member proposing the amendment shall move that the motion be amended. The motion to amend must be seconded, is debatable, and must be adopted by a majority vote of the members present.
- 3. A second is required on all motions in order to bring the question to a vote of the Board.
  - 4. Three affirmative votes are required to approve all variances, special exceptions, and appeals of administrative officials.
  - 5. No variance may be approved unless the Board determines that the all the facts required by Section 70.130-H have been established.
  - 6. No special exception may be approved unless the Board makes each of the findings required by Section 70.120-G.

## H. Meetings

- 1. The Board shall generally meet only on the second and fourth Tuesday of each month in a designated location in accordance with its approved calendar.

2. Special public meetings or work sessions may be held on approval by the Board Chair or a majority vote of the Board upon 48 hours notice.
3. The meeting agenda must be posted at least 24 hours in advance of the meeting for all regularly scheduled and special meetings and work sessions.
4. Board staff will make every effort to post the meeting agenda 6 days in advance of all regularly scheduled meetings, work sessions and special meetings.

## **SECTION II – GENERAL POLICIES**

### **A. Letter of Deficiency (LOD)**

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

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

### **B. Incomplete application**

If the applicant has failed to provide sufficient site plan and other factual details in its application, the BOA staff may defer the hearing date until the applicant has provided a complete application with the detail necessary for the BOA to consider and possibly act upon said application.



### **C. Applicant's obligation to be truthful**

The BOA is a quasi-judicial body which evaluates testimony from applicants and interested parties, each of which has the obligation to present testimony that is accurate and truthful to the Board.

## **SECTION III - CODE OF ETHICS**

### **A. Conflict of Interest**

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

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

### **B. Ex Parte Communication**

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

**C. Release of Information**

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

Date Approved

\_\_\_\_\_

\_\_\_\_\_

Chairman

ATTEST:

\_\_\_\_\_

Secretary