AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center Tuesday,
February 28, 2023, 1:00 P.M.

Meeting No. 1311

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@in cog.org
Mail or In Person: City of Tulsa BOA c/o INCOG, 2 W. 2nd St., Suite 800 Tulsa 74103

1. Approval of Minutes of January 24, 2023 (Meeting No. 1309).

UNFINISHED BUSINESS

2. 23488 - Heather Thomas

Action Requested:
Special Exception to permit a Day Care use in the IM District (Sec.15.020, Table
15-2) Location: 2436 N. Lewis Ave

3. 23489 - Lucas Daffern

Action Requested:
Special Exception to increase the permitted driveway width in a Residential
District (Section 55.090-F.3) Location: 2547 E. 26th PI S (CD-4)
NEW APPLICATIONS

4. 23500 - Tom Neal

Action Requested:
Special Exception to allow an Accessory Dwelling Unit in an RS-4 District (45.031-D); Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6) Location: 2252 E. 8th St. (CD-4)

5. 23501 - Raul Cisneros

Action Requested:
Special Exception to allow a Small (Less than 250 person-capacity) Commercial Assembly & Entertainment Use in the IL District (CBD) (Sec.15.020, Table 15-2) Location: 747 N. Utica Ave. (CD-1)

6. 23502 - Shane Hood

Action Requested:
Special Exception to allow a Low-impact Manufacturing and Industry Use in the Central Business District (CBD) (Sec.15.020, Table 15-2) Location: 601 E. 4th St. (CD-4)

7. 23503 - Shane Hood

Action Requested:
Variance to allow a Bar within 300-feet of another Bar (Sec. 40.050-A.3) Location: 1732 S. Boston Ave. (CD-4)

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

Website: tulsaplanning.org E-mail: esubmit@incog.org
CD = Council District
NOTE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify Tulsa Planning Office at 918-584-7526. Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained by the Tulsa Planning Office at INCOG. All electronic devices must be silenced.
Case Report Prepared by: Austin Chapman

Owner and Applicant Information:
Applicant: Heather Thomas
Property Owner: Ampco Electric, INC

**Action Requested:** Special Exception to permit a Day Care use in the IM District (Sec.15.020, Table 15-2)

**Location Map:**

**Additional Information:**
Present Use: Vacant
Tract Size: 0.1 acres
Location: 2436 N. Lewis Ave.
Present Zoning: IM
RELEVANT PREVIOUS ACTIONS: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an "Employment" Land Use Designation and an "Area of Growth".

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity. Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

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 Day Care use in the IM District (Sec.15.020, Table 15-2).

There are no relevant supplemental regulations for this use in this zoning district. The applicant has provided a survey of the current conditions of the property without showing any proposed improvements on the property.
SAMPLE MOTION:

Move to ______ (approve/deny) a Special Exception to permit a Day Care use in the IM 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
Sec.15.020 Table 15-2: The proposed Day Care is designated a Public, Civic or Institutional/Day Care Use and is located in an IM zoned district. This will require a Special Exception approved by the BOA. Review comment: Submit an approved BOA Special Exception, reviewed and approved per Sec.70.120, to allow a Public, Civic or Institutional/Day Care Use in an IM zoned district. Contact INCOG at 918-584-7526 for further instructions and next steps.

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.
<table>
<thead>
<tr>
<th>Case Number: BOA-23489</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hearing Date: 02/28/2023 (Continued from 2/14/2023. The Board requested a more detailed site plan from the applicant.)</td>
</tr>
</tbody>
</table>

**Case Report Prepared by:**
Austin Chapman

**Owner and Applicant Information:**

**Applicant:** Lucas Daffern

**Property Owner:** JHA 2547 LLC

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

**Location Map:**

**Additional Information:**

**Present Use:** Residential

**Tract Size:** 0.7 acres

**Location:** 2547 E. 26 Pl. S.

**Present Zoning:** RS-2

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3.1

REVISED 2/17/2023
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9317                        Case Number: B0A-23489
CD: 4

HEARING DATE: 02/28/2023

APPLICANT: Lucas Daffern

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


PRESENT USE: Residential       TRACT SIZE: 30636.13 SQ FT

LEGAL DESCRIPTION: PRT LTS 5 & 6 BEG 14.06W SECR LT 6 TH NELY196.88 E14.06 SWLY17 E155 SWLY179.80 W169.06 POB BLK 1, WOODY-CREST 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 an “Existing Neighborhood” and an “Area of Stability”.

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

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

STAFF ANALYSIS: The applicant is requesting a Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3).
The applicant has shown a site plan with a circle drive and two curb-cuts totaling 34-feet.

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

- Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):
  
The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
APPLICATION NO: ROWSR 124896 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Project Location: 2547 E 26th Pi S
Description: Driveway Expansion

INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

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

IMPORTANT INFORMATION

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

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

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

(continued)
Note: Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project. Requests for variances from the Board of Adjustment require proof of a hardship per Section 70.130.

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

Please Notify Plans Examiner By Email When You Have Submitted A Revision. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online. The zoning review will resume after these modified plans are submitted.

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

[1] Maximum width applies to the composite of all driveways if multiple curb cuts are provided.

[2] Provided that for lot frontages less than 24 feet, a driveway up to 12 feet in width is permitted.

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 allowed in the Right Of Way (ROW) is 27' and 30' outside of ROW.

Review Comments: The submitted site plan proposes expanding the width of one entrance to the circle drive. Two approaches with a combined width of more than 27' wide in ROW which exceeds the maximum allowable driveway width within the ROW. Revise plans to indicate the combined driveway widths shall not exceed the maximum allowable widths or apply to the BOA for a special exception for the proposed combined driveway widths within the ROW.
NOTES:
1. CONTRACTOR SHALL INSTALL AND MAINTAIN ALL BARRIERS FOR EROSION CONTROL FOR THE DURATION OF THE PROJECT.
2. ALL GRADES ADJACENT TO THE STRUCTURE SHALL HAVE A MINIMUM SLOPE AWAY FROM THE STRUCTURE OF 6" PER 10'-0".
3. ALL GUTTERS, DOWNSPOUTS, AND SURFACE DRAINS SHALL TIGHTLINE TO STORM DRAIN SYSTEMS. ALL DRAINING ONTO DECK AND/OR PATIOS SHALL BE DIRECTED TO SUB-SURFACE SYSTEMS.
4. NEW CONSTRUCTION SHALL NOT CAUSE ANY ADDITIONAL RUNOFF ONTO ADJACENT PROPERTIES.
5. CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONDITIONS.
6. CONTRACTOR SHALL COORDINATE WITH OWNER ON PRESERVATION OR REMOVAL OF ANY AND ALL EXISTING TREES AND LANDSCAPING MATERIALS.
7. EXACT LOCATION OF HOUSE IS APPROXIMATE. CONTRACTOR SHALL VERIFY EXACT COORDINATES WITH OWNER.
8. CENTERLINE AND EDGE OF ROAD FOR CURB CUTS TO BE FIELD VERIFIED.

LEGAL DESCRIPTION:
THE WEST ONE HUNDRED FIFTY-FIVE (155) FEET OF LOT FIVE (5) LESS THE NORTH ONE HUNDRED FORTY-FIVE (145) FEET THEREOF AND PART OF LOT SIX (6), BLOCK ONE (1), WOODY CREST ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 628.

STREET ADDRESS:
2547 EAST 26TH PLACE SOUTH
TULSA, OK 74114-4303
<table>
<thead>
<tr>
<th>Case Report Prepared by:</th>
<th>Owner and Applicant Information:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austin Chapman</td>
<td>Applicant: Tom Neal</td>
</tr>
<tr>
<td></td>
<td>Property Owner: Truett Sage</td>
</tr>
</tbody>
</table>

**Action Requested:** Special Exception to allow an Accessory Dwelling Unit in an RS-4 District (45.031-D); Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6)

<table>
<thead>
<tr>
<th>Location Map:</th>
<th>Additional Information:</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="location_map.png" alt="Location Map" /></td>
<td>Present Use: Residential</td>
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<tr>
<td></td>
<td>Tract Size: 0.16 acres</td>
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<td></td>
<td>Location: 2252 E. 8 St. S.</td>
</tr>
<tr>
<td></td>
<td>Present Zoning: RS-4</td>
</tr>
<tr>
<td><strong>STR:</strong> 9306</td>
<td><strong>Case Number:</strong> BOA-23500</td>
</tr>
<tr>
<td><strong>CD:</strong> 4</td>
<td></td>
</tr>
</tbody>
</table>

**HEARING DATE:** 02/28/2023 1:00 PM

**APPLICANT:** Tom Neal

**ACTION REQUESTED:** Special Exception to allow an Accessory Dwelling Unit in an RS-4 District (45.031-D); Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6)

**LOCATION:** 2252 E 8 St. S.  
**ZONED:** RS-4

**PRESENT USE:** Residential  
**TRACT SIZE:** 7000.12 SQ FT

**LEGAL DESCRIPTION:** LOT 4 BLK 7, HILLCREST 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 Growth”.

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

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

**STATEMENT OF HARDSHIP:**

1. That the physical surroundings, shape, or topographic conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out: **Lot is a 44-foot wide non-conforming lot.**

2. That the literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose: **Literal enforcement will create hardship on the elderly owner.**

3. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification: **I have never seen a comparable situation.**

4. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner: **Hardship was imposed by contractor working without a permit.**

5. That the variance to be granted is the minimum variance that will afford relief: **Structure will not change in size.**
6. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property: Unpermitted builder reduces earlier nonconforming construction.

7. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan: Maintains existing situation.

**STAFF ANALYSIS:** The applicant is requesting **Special Exception** to allow an Accessory Dwelling Unit in an RS-4 District (45.031-D); **Variance** to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6)

Included in your packet are copies of sections 45.030 and 45.031 of the Zoning Code.

**Facts staff finds favorable for variance request:**
- Structure is existing and relief is a minimal 26 square feet.

**Facts Staff find unfavorable for the variance request:**
- None.

**SAMPLE MOTION:**

**Special Exception:**

Move to _________ (approve/deny) a Special Exception to allow an Accessory Dwelling Unit in an RS-4 District (45.031-D)

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

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

**Variance:**

Move to _________ (approve/deny) Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6)

- 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.”
EXIST. ADU SINCE 1923
546 S.F. > 500/520 S.F.
ALLOWED BY RIGHT
TOP OF PLATE 8°
TOP OF RIDGE ± 16°

SAGE
2252 EAST 84TH ST.
TULSA, OKLA. 74123

TOM NEAL DESIGN
Associate member, American Institute of Architects
918.231.7
Case Number: BOA-23501
Hearing Date: 02/28/2023 1:00 PM

**Case Report Prepared by:**
Austin Chapman

**Owner and Applicant Information:**
Applicant: Raul Cisneros
Property Owner: VIVE INVESTMENTS LLC

**Action Requested:** Special Exception to allow a Small (less than 250 person-capacity) Commercial Assembly & Entertainment Use in the IL District (Sec.15.020, Table 15-2)

**Location Map:**

![Location Map Image]

**Additional Information:**
- **Present Use:** Vacant Building
- **Tract Size:** 0.29 acres
- **Location:** 747 N UTICA AV E
- **Present Zoning:** IL
Note: Graphic overlays may not precisely align with physical features on the ground.

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

STR: 0331 Case Number: B0A-23501
CD: 1

HEARING DATE: 02/28/2023 1:00 PM

APPLICANT: Raul Cisneros

ACTION REQUESTED: Special Exception to allow a Small (less than 250 person-capacity) Commercial Assembly & Entertainment Use in the IL District (Sec.15.020, Table 15-2)

LOCATION: 747 N UTICA AV E ZONED: IL

PRESENT USE: Vaant Building TRACT SIZE: 12797.98 SQ FT

LEGAL DESCRIPTION: LTS 8, 9 AND THE ADJACENT ALLEY BLK 7, AUTO HGTS 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 a “Employment” Land Use Designation and an “Area of Growth”.

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity. Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

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 allow a Small (less than 250 person-capacity) Commercial Assembly & Entertainment Use in the IL District (Sec.15.020, Table 15-2):

35.050-B Assembly and Entertainment
Uses that provide gathering places for participant or spectator recreation, entertainment or other assembly activities. Assembly and entertainment uses may provide incidental food or beverage service. Typical uses include gun clubs,
The applicant is seeking to use the property as an event center. The existing building does encroach into the alley and is the permit center has made the determination that it is an existing non-conformity. Staff has recommended the applicant explore a closure of the alley.

**SAMPLE MOTION:**

Move to _________ (approve/deny) a Special Exception to allow a Small (less than 250 person-capacity) Commercial Assembly & Entertainment Use in the IL 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*
Sec.15.020 Table 15-2: The proposed event center is designated Commercial/Assembly and Entertainment/Other Indoor/Small(up to 250-person capacity)/Event Center use. It is located in an IL district. This will require a Special Exception approved by the BOA.

Review Comment: Submit an approved BOA Special Exception to allow a Commercial/Assembly and Entertainment/Other Indoor/Small(up to 250-person capacity)/Event Center use within an IL district.

Contact INCOG for further instruction at 918.584.7526
<table>
<thead>
<tr>
<th>Case Report Prepared by:</th>
<th>Owner and Applicant Information:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austin Chapman</td>
<td>Applicant: Shane Hood</td>
</tr>
<tr>
<td></td>
<td>Property Owner: WATKINS, GARY</td>
</tr>
</tbody>
</table>

**Action Requested:** Special Exception to allow a Low-impact Manufacturing and Industry Use in the Central Business District (CBD) (Sec.15.020, Table 15-2)

**Additional Information:**
- Present Use: Warehouse w/ Accessory Office
- Tract Size: 0.42 acres
- Location: 601 E 4 ST S
- Present Zoning: CBD
BOA-23502

19-12 01

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

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

STR: 9201
CD: 4

HEARING DATE: 02/28/2023 1:00 PM

APPLICANT: Shane Hood

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

LOCATION: 601 E 4 ST S
ZONED: CBD

PRESENT USE: Warehouse w/ Accessory Office
TRACT SIZE: 18266.09 SQ FT

LEGAL DESCRIPTION: PRT LTS 4 & 5 & PRT VAC S GREENWOOD AVE & PRT VAC ALLEY LYNG BETWEEN LTS 4 & 5 DESC AS BEG SWC LT 4 TH SW70 NW176.48 NE67.61 SE25 NE29.60 SE150 SW50 POB BLK 113, TULSA-ORIGINAL TOWN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:

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

Downtown Core is Tulsa’s most intense regional center of commerce, housing, culture, and entertainment. It is an urban environment of primarily high-density employment and mixed-use residential uses, complemented by regional-scale entertainment, conference, tourism, and educational institutions. Downtown Core is primarily a pedestrian-oriented area with generous sidewalks shaded by trees, in-town parks, open space, and plazas. The area is a regional transit hub. New and refurbished buildings enhance the pedestrian realm with ground-floor windows and storefronts that enliven the street. To support downtown’s lively and walkable urban character, automobile parking ideally is located on-street and in structured garages, rather than in surface parking lots.

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 requests a Special Exception to allow a Low-impact Manufacturing and Industry Use in the Central Business District (CBD) (Sec.15.020, Table 15-2)
Per the application the applicant is proposing the use as a Microbrewery.

**SAMPLE MOTION:** Move to ________ (approve/deny) a Special Exception to allow a Low-impact Manufacturing and Industry Use in the Central Business District (CBD) (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):
  
- Suggested Condition: *Use limited to a Microbrewery.*

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.
Sec. 15.020 Table 15-2: The proposed brewery is designated Industrial/Low-Impact Manufacturing & Industrial/Microbrewery use. It is located in the CBD zoning district. This will require a Special Exception approved by the BOA.

Review comment: Submit an approved BOA Special Exception to allow an Industrial/Low-Impact Manufacturing & Industrial/Microbrewery use in the CBD zoning district a revision to the on-line portal OR to the permit center on the 4th floor of City Hall.
**Case Number:** BOA-23503  
**Hearing Date:** 02/28/2023 1:00 PM

### Case Report Prepared by:
Austin Chapman

### Owner and Applicant Information:
- **Applicant:** Shane Hood
- **Property Owner:** Ithica Associates, LLC

### Action Requested:
Variance to allow a Bar within 300-feet of another Bar (Sec. 40.050-A.3)

### Location Map:
![Location Map](image)

### Additional Information:
- **Present Use:** Coffee Shop/ Bakery/ Storage
- **Tract Size:** 0.3 acres
- **Location:** 1732 S. Boston Ave.
- **Present Zoning:** CH
Subject Tract

BOA-23503

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

Aerial Photo Date: 2020/2021

7.3
BOA-23503

19-12 12

7.4
**BOARD OF ADJUSTMENT**  
**CASE REPORT**

**STR:** 9212  
**CD:** 4  
**Case Number:** B0A-23503

**HEARING DATE:** 02/28/2023 1:00 PM

**APPLICANT:** Shane Hood

**ACTION REQUESTED:** Variance to allow a Bar within 300-feet of another Bar (Sec. 40.050-A.3)

**LOCATION:** 1732 S BOSTON AV E  
**ZONED:** CH

**PRESENT USE:** Coffee Shop/ Bakery/ Storage  
**TRACT SIZE:** 12998.36 SQ FT

**LEGAL DESCRIPTION:** LTS 1 & 2 BLK 2, STUTSMAN ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

**RELEVANT PREVIOUS ACTIONS:**

Surrounding properties:

**BOA-19915:** On 09.28.04 the Board approved a Variance of the 300-foot spacing requirements for a bar from another bar and a Special Exception to permit required parking on a lot other hand the lot containing the use. Finding the hardship to be that other variance have been approved in the area. Property located 1747 S. Boston.

**BOA-18164:** On 09.08.98 the Board approved a Special Exception to permit a bar within 150-feet of a residential district and a Variance to allow a bar within 300-feet of another bar. Property located 112 & 116 E. 18th St.

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

**Downtown Neighborhoods** are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed-use residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

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

**STATEMENT OF HARDSHIP:** The applicant did not provide a statement of hardship with the application.

**STAFF ANALYSIS:** The applicants requesting a Variance to allow a Bar within 300-feet of another Bar (Sec. 40.050-A.3)
3. Bars may not be located within 300 feet of any other bar or sexually oriented business establishment, except in the CBD district. The required separation distance must be measured in a straight line between the nearest perimeter walls of the portions of the buildings occupied by the bar or sexually oriented business establishment.

**Facts staff finds favorable for variance request:**
- None.

**Facts Staff find unfavorable for the variance request:**
- The applicant has not provided staff with a Hardship as of the writing of this staff report. Should the Board approve the request they should record in the minutes a Hardship that demonstrably caused by the physical surroundings, shape, or topographical conditions of the subject property.

**SAMPLE MOTION:**
Move to ________ (approve/deny) a **Variance** to allow a Bar within 300-feet of another Bar (Sec. 40.050-A.3)
- Finding the hardship(s) to be______________________________.
- Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.
- Subject to the following conditions ___________________________.

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

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

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

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

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

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

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

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

Conflicting Bar

7.7
Sec. 40.050-A.3: Bars may not be located within 300 feet of any other bar or sexually oriented business establishment, except in the CBD district. The required separation distance must be measured in a straight line between the nearest perimeter walls of the portions of the buildings occupied by the bar or sexually oriented business establishment.

Review Comment: The Tulsa Zoning Code prohibits new bar uses within 300’ of an already established bars.
CONSTRUCTION DOCUMENT

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TENANT BUILD-OUT FOR A NEW BAR

CHANGES TO THE APPROVED DRAWINGS AND SPECIFICATIONS

CONTRACTOR DIRECTIVES

GENERAL INFORMATION:

A.2. INTERMEDIATE METAL INTERIOR WIREMOLD CLIPS CLIP PANELS OF ACCESSIBILITY

2018 INTERNATIONAL BUILDING CODE

B.1. ACOUSTIC CEILING TILE

2018 INTERNATIONAL MECHANICAL CODE

B.2. ACOUSTIC WOOL

2018 INTERNATIONAL ELECTRICAL CODE

B.3. ACOUSTIC PANEL

2018 INTERNATIONAL FUEL GAS CODE

B.4. ACOUSTIC ACCESS PANEL

2014 NATIONAL ELECTRICAL CODE

B.5. ACOUSTIC TILE

GENERAL AREA CALCULATIONS:

B.6. ACOUSTIC TILES

FOOTPRINT AREA: 4,525 SF

B.7. ACOUSTIC TILES (N)"
A. BAR 'MERCURY LOUNGE' LOCATED WITHIN 300 FEET OF ESTABLISHMENT.

BUILDING SUMMARY
- ASSEMBLY: 3A
- CF: COMMERCIAL

PARKING SUMMARY
- G: 1/300 GROSS

ZONING SUMMARY
- CH - COMMERCIAL HEAVY

EASTERN MERCURY LOUNGE

PARKING REQUIRED
- 1 PARKING IS REQUIRED

BUILDING SUMMARY
- TOTAL SF: 5,422.4 SF
- ASSEMBLY, A2

ZONING SUMMARY
- CH - COMMERCIAL HEAVY

1 SITE PLAN
Scale: 3/32 = 1'-0"
GENERAL NOTES

A. BAR "MERCURY LOUNGE" LOCATED WITHIN 300 FEET OF ESTABLISHMENT.

SITE PLAN

PARKING SUMMARY

PARKING REQUIRED 1 PARKING IS REQUIRED

BUILDING SUMMARY

TOTAL SF  5,422.4 SF
ASSEMBLY, A2 1/300 GROSS

ZONING SUMMARY

CH - COMMERCIAL HEAVY

WELDON BOWMAN, AIA
OK LICENSE NO. 6042
CA# 02461 EXPIRES 06/30/2023

TINA'S PROJECT # 22222.01
1730 S BOSTON AV
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74119

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01.03.2023

DRAWN BY: TBP

PROJECT:
TINA'S

CONSULTANT:

REVISIONS:

ISSUE DATE:
01.03.2023

SHEET #:
AS102

Sheet: 1/32 = 1'-0"

7.12
Regarding the development of 1732 S Boston Ave.

The owners of both, the Ring of Fire LLC dba ‘Mercury Lounge’ and the owners of Bukowski Properties LLC (1747 S Boston Ave) are 100% in support of the planned redevelopment of this space as a bar/restaurant.

Thanks
Ethan Warlick MD
Ring of Fire LLC Owner/Managing Member
Bukowski Properties LLC Owner/Managing Member

9188531634