

AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center Tuesday,
May 23, 2023, 1:00 P.M.

Meeting No. 1317

If you wish to present or share any documents, written comments, or exhibits during the hearing, please **submit them by 9:00 a.m. the day of the hearing**. Remember to reference the case number and include your name and address.

Email: esubmit@incog.org

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

1. Approval of **Minutes** of April 25, 2023 (Meeting 1315).

NEW APPLICATIONS

2. **23528 - Joel Collins**

Action Requested:

Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Variance to allow a Detached Accessory Building/ Dwelling Unit to exceed one story or 18-feet in height and to exceed 10-feet in height to the top of the top plate in the rear setback (Section 90.090-C2); Variance to permit the entrance of an Accessory Dwelling Unit to face a side lot line (Sec. 45.030-D.8.a); Variance to allow an accessory Dwelling Unit to be less than 10-feet behind the detached house (Sec. 45.030-D.8.b) **Location:** 1207 E. 21st St. **(CD 4)**

3. **23529 - Tanner Consulting, LLC**

Action Requested:

Variance to reduce the required street frontage in the AG district from 30-feet to 0-feet to permit a lot split (Sec. 25.020-D, Table 25-2) **Location:** 2123 W. 91st St. **(CD 2)**

4. **23530 - Nathalie Cornett**

Action Requested:

Special Exception to permit a Large (>250-person capacity) Commercial Assembly and Entertainment use in the CS District (Sec.15.020, Table 15-2); Special Exception to permit an alternative compliance parking ratio to reduce the required number of parking spaces (Sec. 55.050-K) **Location:** 1330 E. 15th St. **(CD 4)**

5. 23531 - Luke Gaylor

Action Requested:

Special Exception to allow a manufactured housing unit in the RS-3 district (Sec. 5.020, Table 5-2); Special Exception to extend the one-year time limit to allow the Manufactured Housing Unit permanently (Sec.40.210-A) **Location:** 4106 W. 57th Pl. (CD 2)

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.



CITY OF Tulsa

Board of Adjustment

Case Number: BOA-23528

Hearing Date: 05/23/2023 1:00 PM

Case Report Prepared by:

Austin Chapman

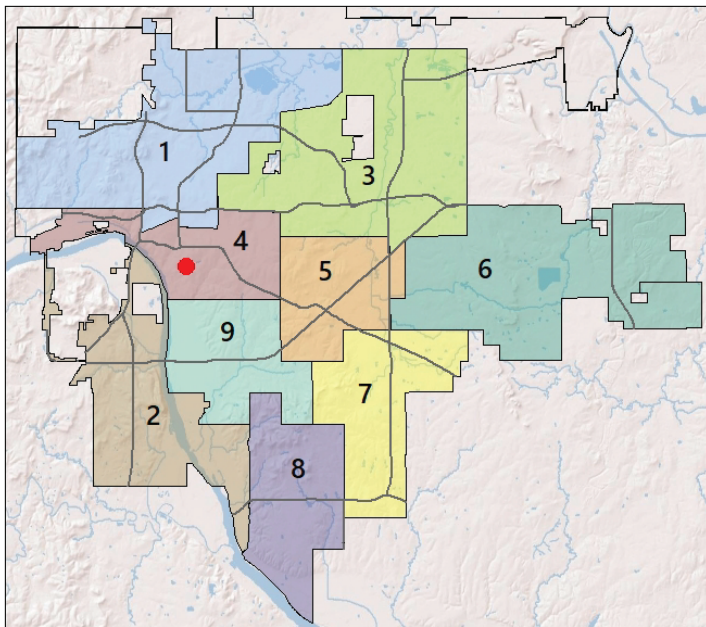
Owner and Applicant Information:

Applicant: Joel Collins

Property Owner: John T Main & Lea M Wolfe

Action Requested: Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Variance to allow a Detached Accessory Building/ Dwelling Unit to exceed one story or 18-feet in height and to exceed 10-feet in height to the top of the top plate in the rear setback (Section 90.090-C2); Variance to permit the entrance of an Accessory Dwelling Unit to face a side lot line (Sec. 45.030-D.8.a); Variance to allow an accessory Dwelling Unit to be less than 10-feet behind the detached house (Sec. 45.030-D.8.b)

Location Map:



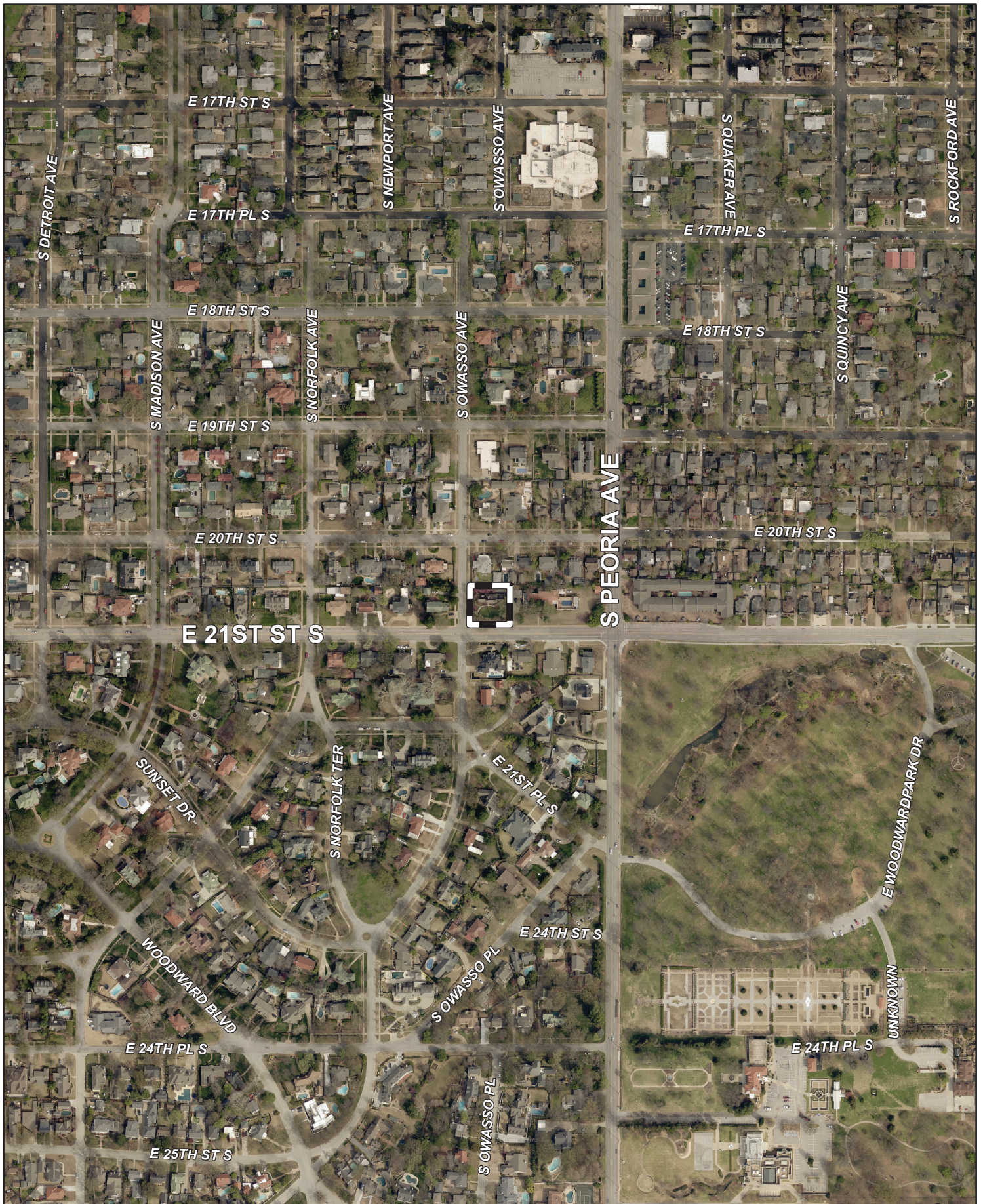
Additional Information:

Present Use: Single-family Residential

Tract Size: 0.35 acres

Location: 1207 E. 21 St. S.

Present Zoning: RS-3



0 200 400
Feet



Subject
Tract

BOA-23528

19-12 12

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

Aerial Photo Date: 2020/2021



2.3



E 20TH ST S

SOWASSO AVE

SPEORIA AVE

E 21ST ST S

0 50 100
Feet



Subject
Tract

BOA-23528

19-12 12

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

Aerial Photo Date: 2020/2021



2.4

BOARD OF ADJUSTMENT CASE REPORT

STR: 9212

Case Number: BOA-23528

CD: 4

HEARING DATE: 05/23/2023 1:00 PM

APPLICANT: Joel Collins

ACTION REQUESTED: Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Variance to allow a Detached Accessory Building/ Dwelling Unit to exceed one story or 18-feet in height and to exceed 10-feet in height to the top of the top plate in the rear setback (Section 90.090-C2); Variance to permit the entrance of an Accessory Dwelling Unit to face a side lot line (Sec. 45.030-D.8.a); Variance to allow an accessory Dwelling Unit to be less than 10-feet behind the detached house (Sec. 45.030-D.8.b)

LOCATION: 1207 E 21 ST S

ZONED: RS-3

PRESENT USE: Single-family Residential

TRACT SIZE: 15376.74 SQ FT

LEGAL DESCRIPTION: LT 5 & W 25 OF LT 6 BLK 4, MAPLE 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 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.

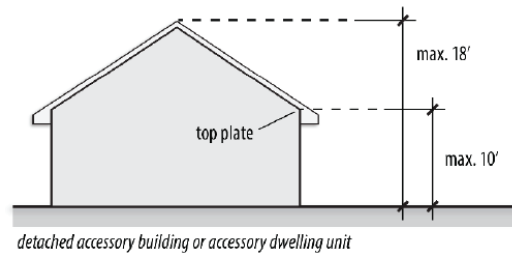
STATEMENT OF HARDSHIP: The location of the existing residence is set 65.6-feet off the front property line leaving only 27-feet in rear of the property. It is not practical to locate in front of house. This is needed as more rear yard space is taken by the structure the structure. This is the minimum to allow a 2-car garage size.

STAFF ANALYSIS: The applicant is requesting a Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Variance to allow a Detached Accessory Building/ Dwelling Unit to exceed one story or 18-feet in height and to exceed 10-feet in height to the top of the top plate in the rear setback (Section 90.090-C2); Variance to permit the entrance of an Accessory Dwelling Unit to face a side lot line (Sec. 45.030-D.8.a); Variance to allow an accessory Dwelling Unit to be less than 10-feet behind the detached house (Sec. 45.030-D.8.b)

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

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

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



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

Table 90-2: Accessory Building, Including Accessory Dwelling Units, Coverage Limits in Rear Setback

Zoning District	Maximum Coverage of Rear Setback
RS-1 and RE Districts	20%
RS-2 District	25%
RS-3, RS-4, RS-5 and RD Districts	30%
RM zoned Lots Used for Detached Houses or Duplexes	30%

Allowed Height: One story, 18-feet to ridge and 10-feet to plate .

Proposed Height: Two Stories, 22-feet total height

Facts staff finds favorable for variance request:

- Though the detached garage does not require a Historic Preservation Permit, the improvements to the residence have received a Historic Preservation permit.

Facts Staff find unfavorable for the variance request:

None.

SAMPLE MOTION:

Special Exception:

Move to _____ (approve/deny) a Variance to allow a Detached Accessory Building/ Dwelling Unit to exceed one story or 18-feet in height and to exceed 10-feet in height to the top of the top plate in the rear setback (Section 90.090-C2); Variance to permit the entrance of an Accessory Dwelling Unit to face a side lot line (Sec. 45.030-D.8.a); Variance to allow an accessory Dwelling Unit to be less than 10-feet behind the detached house (Sec. 45.030-D.8.b)

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

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

Variances:

Move to _____ (approve/deny) a Variance to allow a Detached Accessory Building/ Dwelling Unit to exceed one story or 18-feet in height and to exceed 10-feet in height to the top of the top plate in the rear setback (Section 90.090-C2); Variance to permit the entrance of an Accessory Dwelling Unit to face a side lot line (Sec. 45.030-

D.8.a); Variance to allow an accessory Dwelling Unit to be less than 10-feet behind the detached house (Sec. 45.030-D.8.b);

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

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

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- e. That the variance to be granted is the minimum variance that will afford relief;*
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."*



Subject property facing East



Subject property facing North

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

Section 45.030 Accessory Buildings and Carports in R Districts

45.030-A Accessory Building Size

1. RE and RS-1 Districts

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

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

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

[1] For detached accessory buildings, including accessory dwelling units, located within rear setbacks see [90.090-C](#).

45.030-B Carports

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

Section 45.031 [ADU, Accessory Dwelling Units in R, AG, and AG-R Districts](#)

Section 45.031-A Definition

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

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

Section 45.031-B Purpose

1. The purpose of allowing accessory dwelling units within R, AG, and AG-R districts is to:
 - a. accommodate new housing units while preserving the character of existing neighborhoods;
 - b. allow efficient use of the city's existing housing stock and infrastructure;
 - c. provide housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs; and

- d. provide a means for residents—particularly seniors, single parents, and empty-nesters—to remain in their homes and neighborhoods, and obtain extra income, security, companionship and assistance.
2. The ADU supplemental regulations are also intended to help ensure that that new buildings and modifications to existing buildings are designed with sensitivity to their context in terms of building placement, proportions, building materials, and similar design features.

Section 45.031-C Applicability

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

Section 45.031-D Regulations

1. Where Allowed

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

2. Number

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

3. Methods of Creation

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

- a. Constructing an accessory dwelling unit on a lot with a new or existing detached house; or
- b. Converting or increasing existing floor area within an accessory building on a lot with an existing detached house.

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

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

5. Open space (Minimum open space per unit)

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

6. Accessory Dwelling Unit Size

- a. RE and RS-1 Districts

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

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

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

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

7. Building and Fire Codes

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

8. Additional Regulations for Accessory Dwelling Units

a. Entrances

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

b. Setbacks

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

c. Exterior Finish Materials

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

d. Roof Pitch

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

Section 45.040 Compressed Natural Gas (CNG) Refueling Appliances

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

Section 45.050 Dumpsters

45.050-A Regulations

Dumpsters established or placed on or after the effective date specified in [Section 1.030](#) are subject to the following regulations:

- 1.** Dumpsters may only be placed with the written permission of the owner of the subject property.
- 2.** Dumpsters must be located on a dustless, all-weather surface.
- 3.** Dumpsters may not:
 - a.** Obstruct motorized or non-motorized traffic;
 - b.** Reduce any sidewalk or walkway designed for the passage of pedestrians to less than 5 feet in width;



LEGEND

M/P METERING POINT
C.B. CHORD BEARING
B/E BURIED ELECTRIC
TELEPHONE CABLE
EASEMENT (APPROXIMATE
LOCATION)

U/E UTILITY EASEMENT
D/E DRAINAGE EASEMENT



BEFORE YOU DIG,
CALL OR FOR
LOCATION OF
UNDERGROUND UTILITIES.
1-800-522-6843

GENERAL NOTES

BASIS OF BEARINGS: BASED ON THE SOUTH LINE OF BLOCK 4 BEING ASSUMED N 89°42'47" W.

NO BUILDING LINES OR EASEMENTS ARE SHOWN ON THE RECORDED PLAT OF MAPLE HEIGHTS ADDITION, PLAT NO. 185.

THE PROPERTY DESCRIBED HEREON CONTAINS 0.35 ACRES, MORE OR LESS.

FIELD WORK COMPLETED FEBRUARY 14, 2012.

FM = FIELD MEASURED COURSE.
CALC = CALCULATED COURSE.
DESC = DESCRIBED COURSE.

PLAT OF SURVEY

INVOICE NO: 5TK 12-59283
CLIENT: LEA WOLFE

LEGAL DESCRIPTION:

LOT FIVE (5) AND THE WEST TWENTY-FIVE (25) FEET OF LOT SIX (6), BLOCK FOUR (4), MAPLE HEIGHTS, AN ADDITION IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

SURVEYOR'S STATEMENT

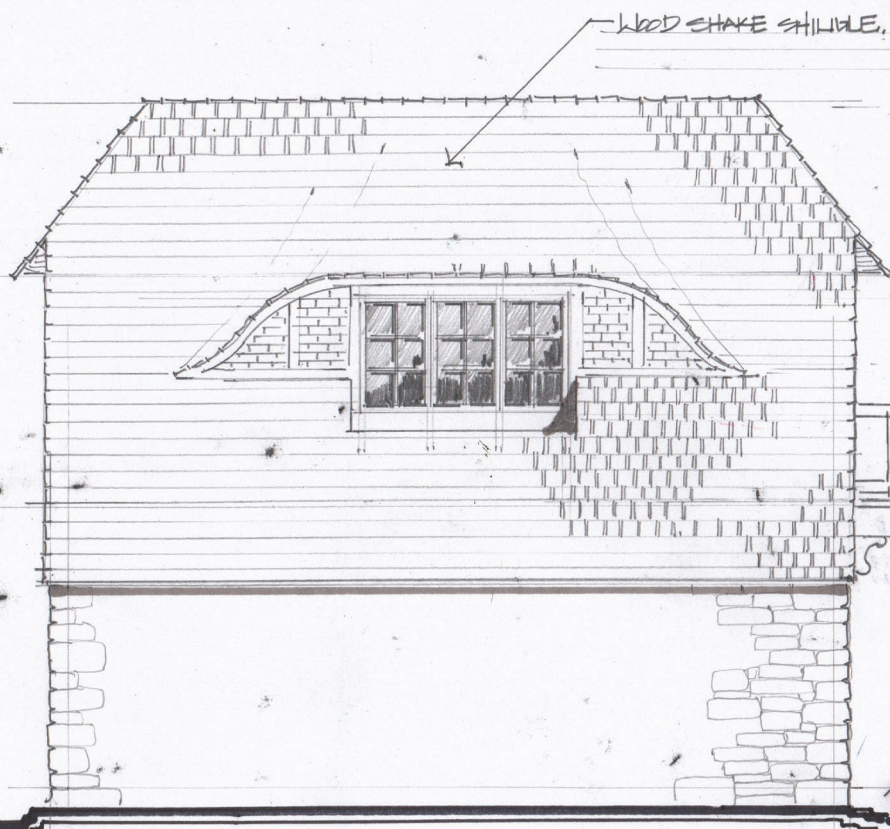
WHITE SURVEYING COMPANY, AN OKLAHOMA CORPORATION, AND THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT IN OUR PROFESSIONAL OPINION THE ABOVE PLAT OF SURVEY IS AN ACCURATE REPRESENTATION OF A CAREFUL BOUNDARY SURVEY OF THE PROPERTY DESCRIBED HEREON AND FEET OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION. WE FURTHER STATE THAT THE ABOVE AND FOREGOING PLAT OF SURVEY ACCURATELY SHOWS THE LOCATION OF THE BOUNDARY CORNERS AND THEIR IDENTIFICATION, THE DIMENSIONS OF THE PROPERTY, THE LOCATIONS OF ALL BUILDINGS ON PERMANENT FOUNDATIONS, ALL RECORDED PLAT EASEMENTS AND BUILDING SETBACK LINES (IF APPLICABLE), AND ALL OTHER SUCH EASEMENTS WHICH HAVE BEEN DISCLOSED BY A CURRENT TITLE OPINION OR COMMITMENT FOR TITLE INSURANCE AND COPIES THEREOF PROVIDED TO US PRIOR TO THE TIME OF THIS SURVEY; THAT UNDERGROUND OR ABOVE GROUND UTILITIES WERE NOT FIELD LOCATED AND THEREFORE ARE NOT SHOWN ON THIS PLAT OF SURVEY UNLESS SPECIFICALLY REQUESTED PRIOR TO THE TIME OF THIS SURVEY; THAT EXCEPT AS SHOWN, THERE ARE NO ENCROACHMENTS FROM ADJOINING PREMISES ONTO THE PROPERTY DESCRIBED HEREON OR ONTO ADJOINING PREMISES FROM THE PROPERTY DESCRIBED HEREON BY VISIBLE PERMANENT IMPROVEMENTS; AND THAT THIS PLAT OF SURVEY IS PREPARED SOLELY FOR THE PARTIES LISTED HEREON AS OF THIS DATE AND MAY NOT BE USED FOR ANY SUBSEQUENT LOAN CLOSING, REFINANCE, OR OTHER TRANSACTION.

WHITE SURVEYING COMPANY
CERTIFICATE OF AUTHORIZATION
NO. CA1098
(RENEWAL 6/30/2013)

BY: _____ DATE: _____
REGISTERED PROFESSIONAL LAND
SURVEYOR OKLAHOMA NO. 1052



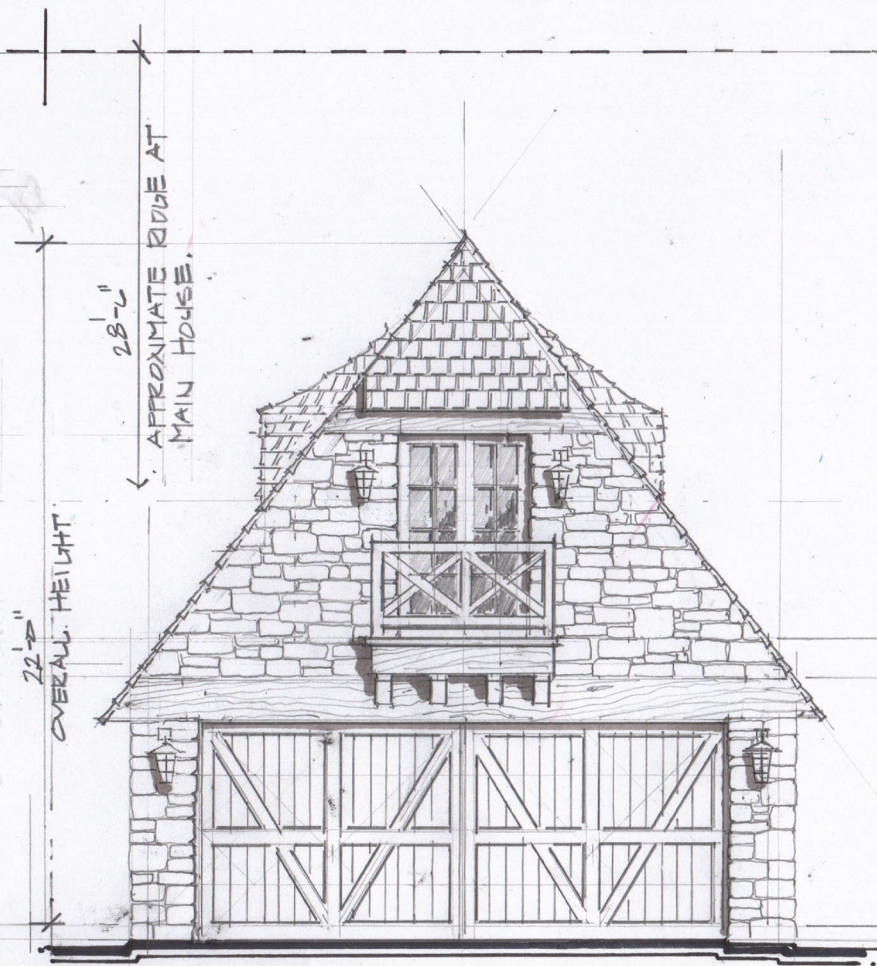
WHITE SURVEYING COMPANY
providing land surveying services since 1940
9936 E. 55th Place • Tulsa, OK 74146 • 800.262.0682 • 918.663.6924 • 918.664.8366 fax



WOOD SHAKE SHINGLE.

LEFT SIDE ELEVATION AT NEW GARAGE.

SCALE $\frac{1}{4}" = 1'-0"$



28'-0"
APPROXIMATE RIDGE AT
MAIN HOUSE.

22'-0"
OVERALL HEIGHT.

8'-0" PLATE.

FINISH FLOOR.

FRONT ELEVATION AT NEW GARAGE.

SCALE $\frac{1}{4}" = 1'-0"$

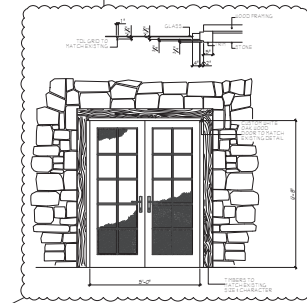
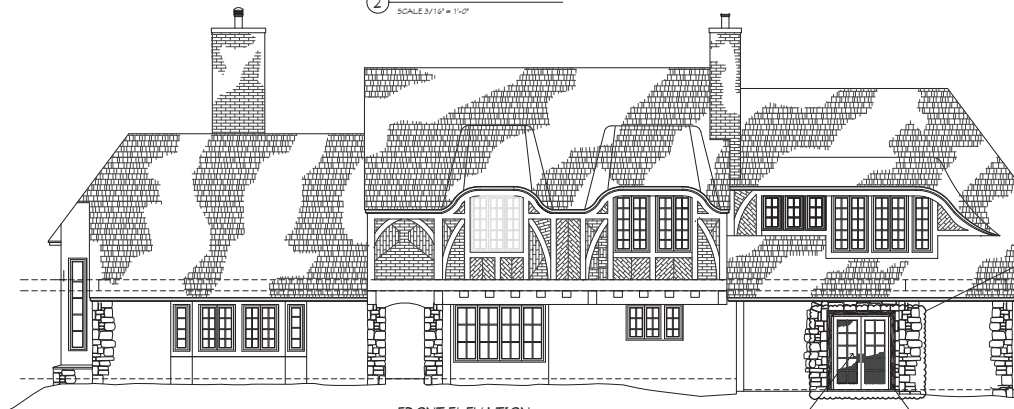
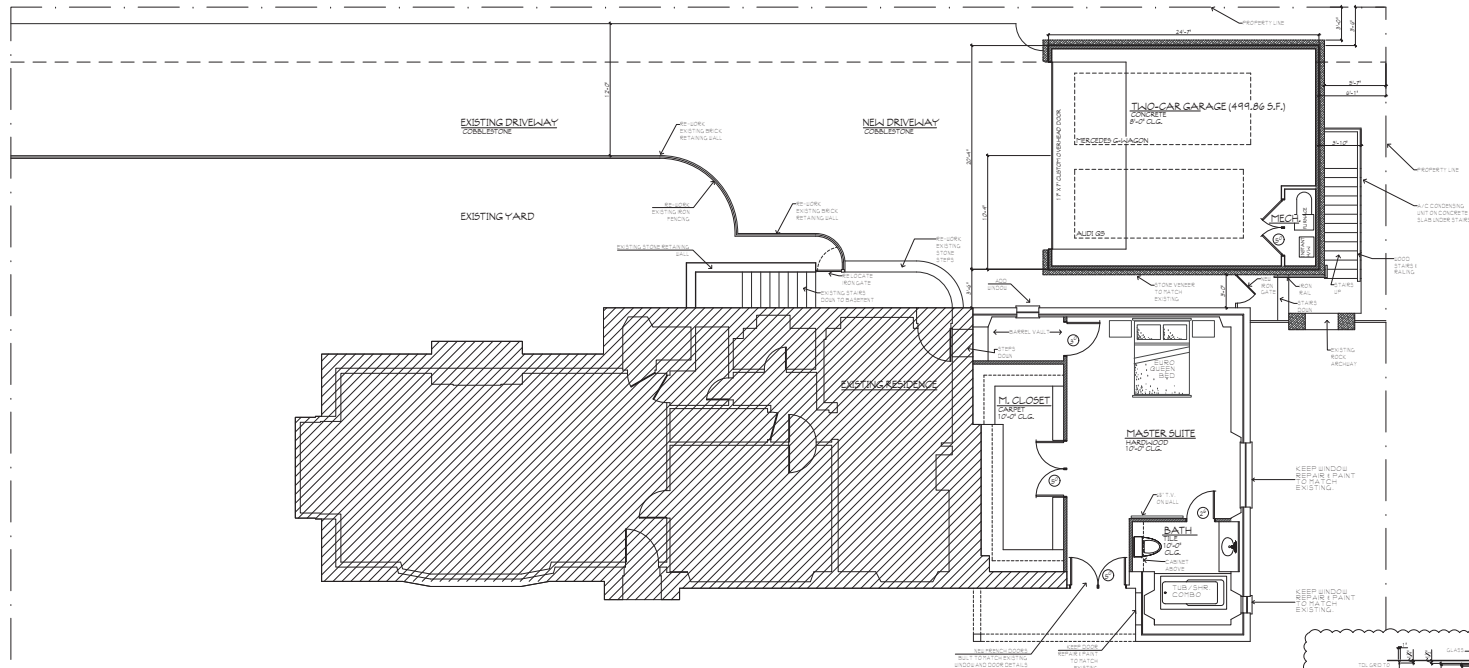
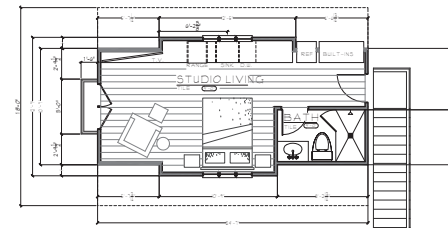
PROJECT
A CUSTOM
DESIGN FOR
LEA
WOLFE

TULSA
OKLAHOMA

DESIGNER
j. Collins & Associates

SQUARE FOOTAGE
SCHEDULE

FIRST FLOOR (FAS) = 1381-S.F.
GARAGE (G) = 971-S.F.
NEW DETACHED
GARAGE (G) = 800-S.F.



WALL SECTION	WALL SECTION
BUILDING SECTION	BUILDING SECTION
INTERIOR ELEVATION	INTERIOR ELEVATION
WALL TYPE	WALL TYPE
ROOM NUMBER	ROOM NUMBER
DOOR NUMBER	DOOR NUMBER
WINDOW NUMBER	WINDOW NUMBER
CEILING HEIGHT	CEILING HEIGHT
FINISH FLOOR	FINISH FLOOR
ROOF PITCH	ROOF PITCH
CUT WALL	CUT WALL
CUT WALL	CUT WALL

LEGEND	LEGEND
A.F.F.	ABOVE FINISH FLOOR
C.	CENTER LINE
C.L.	CLOSET
C.J.	CONTROL JOINT
C.L.G.	CEILING
D.B.L. R.B.	DOUBLE ROD & SHELF
D.W.	DISH WASHER
E.S.	ESCAL
F.F.	FINISH FLOOR
F.P.	FIRE PLACE
H.W.	HOT WATER
M.H.	MECHANICAL CLOSET
O.H.D.	OVER HEAD DOOR
P.D.R.	PORCH DOOR
R.B.	ROD & SHELF
R.F.	REFRIGERATOR
T.O.A.	TOP OF WINDOW

ISSUED FOR
PERMIT

DRAWN BY
J.V.C.
SCALE
3/16" = 1'-0"
DATE
02/15/2023
REVISED
04/20/2023

TITLE
PLANS & ELEV'S
PAGE
A1.01









CITY OF Tulsa

Board of Adjustment

Case Number: BOA-23529

Hearing Date: 05/23/2023 1:00 PM

Case Report Prepared by:

Austin Chapman

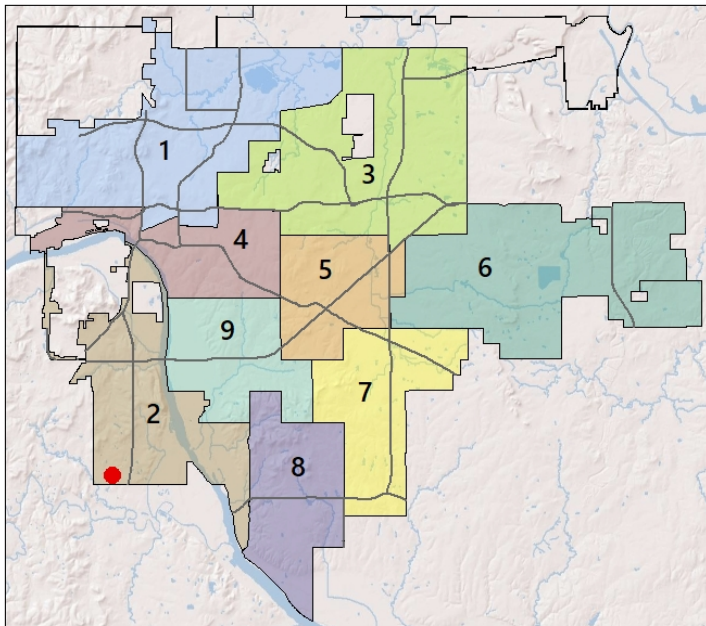
Owner and Applicant Information:

Applicant: Erik Enyart

Property Owner: SCHIESEL 2020 TRUST

Action Requested: Variance to reduce the required street frontage in the AG district from 30-feet to 0-feet to permit a lot split (Sec. 25.020-D, Table 25-2)

Location Map:



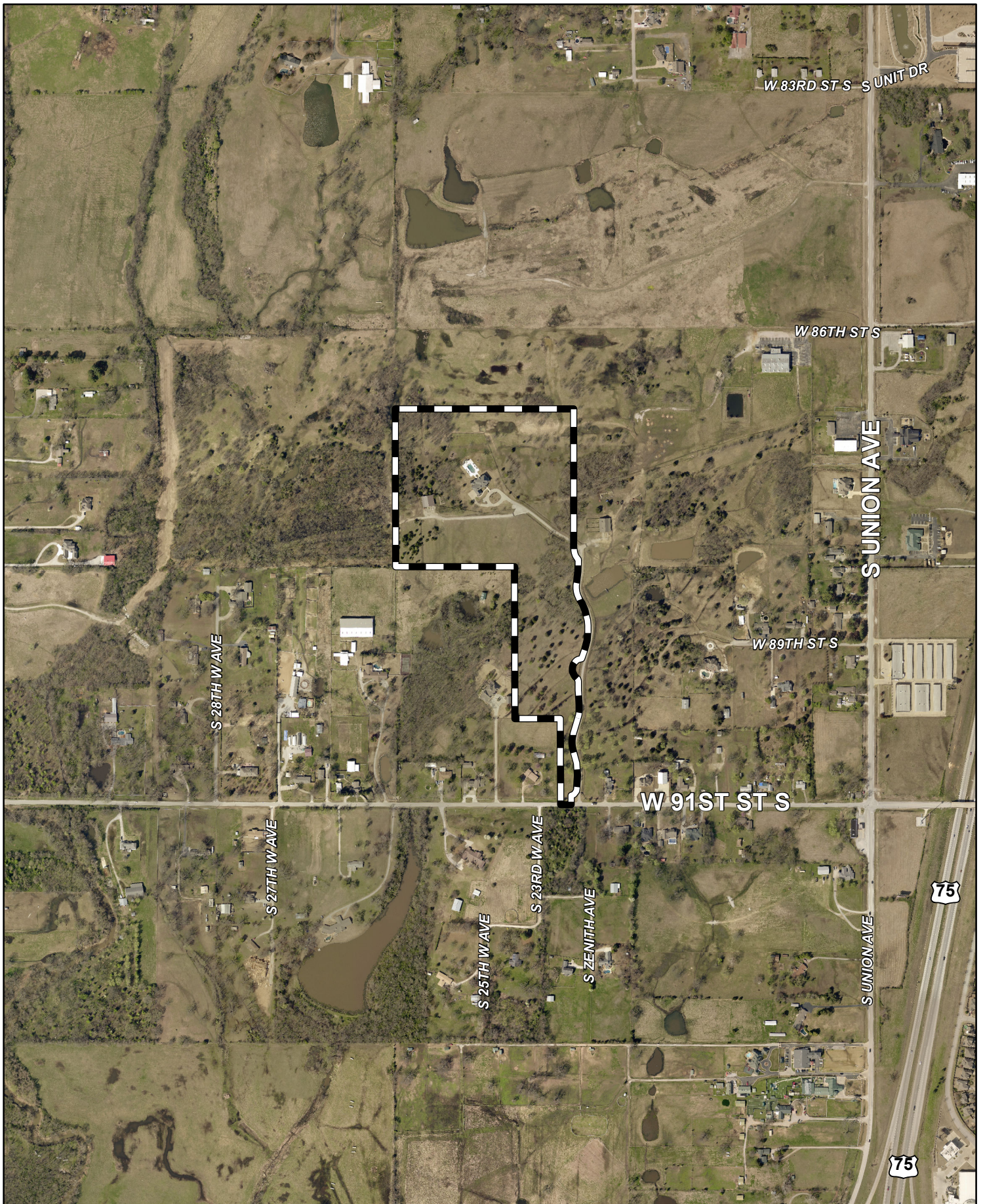
Additional Information:

Present Use: 1 single-family dwelling and agricultural

Tract Size: 27.89 acres

Location: 2123 W. 91 St. S.

Present Zoning: RS-3,AG



0 Feet 350 700



Subject
Tract

BOA-23529

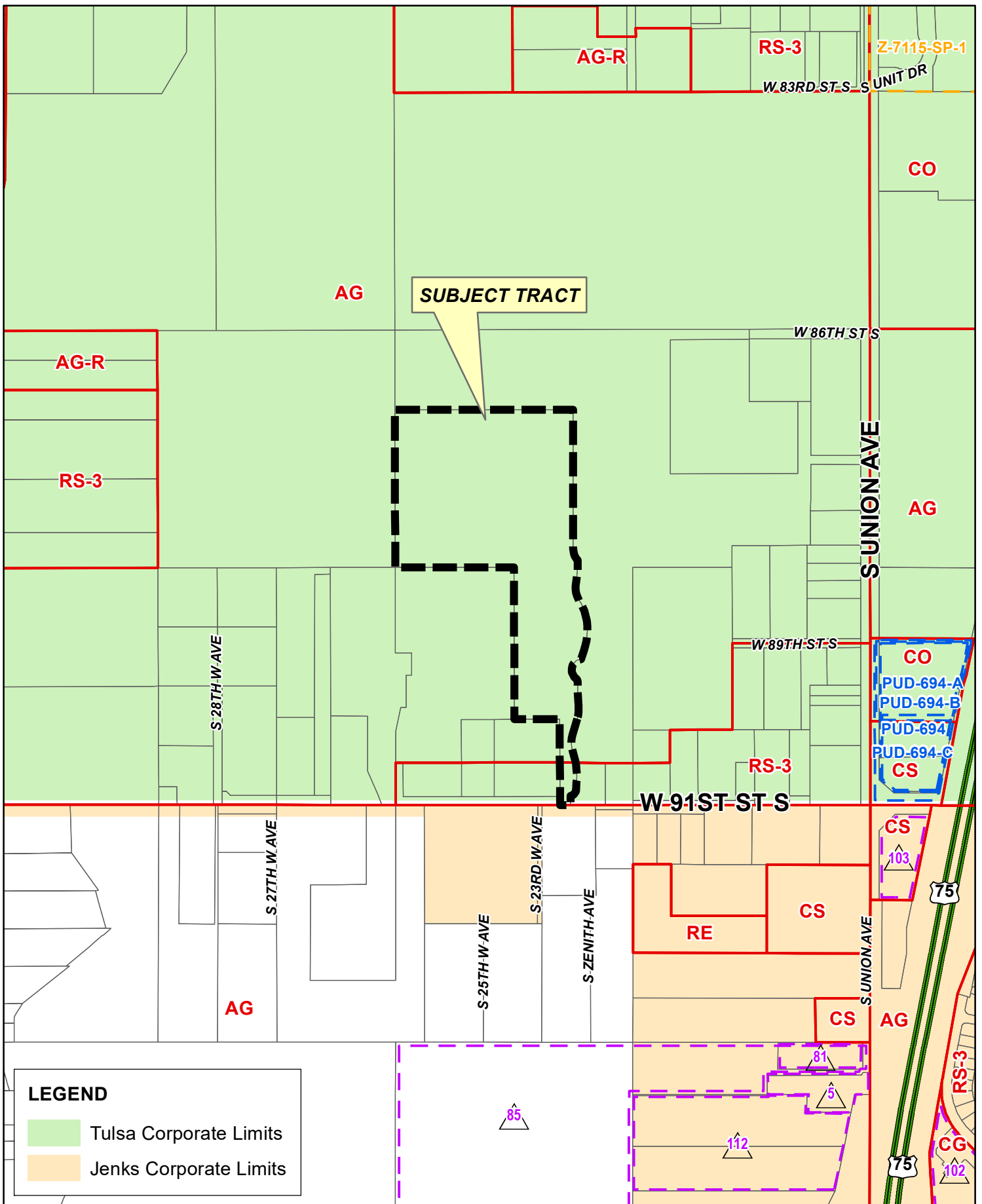
18-12 15

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

Aerial Photo Date: 2020/2021



3.2



BOA-23529

18-12 15

3.3

BOARD OF ADJUSTMENT CASE REPORT

STR: 8215

Case Number: BOA-23529

CD: 2

HEARING DATE: 05/23/2023 1:00 PM

APPLICANT: Erik Enyart

ACTION REQUESTED: Variance to reduce the required street frontage in the AG district from 30-feet to 0-feet to permit a lot split (Sec. 25.020-D, Table 25-2)

LOCATION: 2123 W 91 ST S

ZONED: RS-3,AG

PRESENT USE: 1 single-family dwelling and agricultural

TRACT SIZE: 1214680.98 SQ FT

LEGAL DESCRIPTION: See attached.

RELEVANT PREVIOUS ACTIONS: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of 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: The applicant has provided an exhibit in your packet detailing their stated hardship.

STAFF ANALYSIS: The applicant is requesting **Variance** to reduce the required street frontage in the AG district from 30-feet to 0-feet to permit a lot split (Sec. 25.020-D, Table 25-2)

Table 25-2: AG District Lot and Building Regulations

Regulations	AG	AG-R
Min. Lot Area	2 acres	1 acre
Min. Lot Area per Unit	2 acres	1 acre
Minimum Lot Width (feet)	200	150
Min. Street Frontage (feet)	30	30
Min. Building Setbacks (feet)		
Street	25	25
Side (one side/other side)	10/5	15
Rear	40	25
Max. Building Height (feet)	–	35

Facts staff finds favorable for variance request:

- None.

Facts Staff find unfavorable for the variance request:

- The deed presented that created the 'Former 2-acre " described by the applicant was an illegal lot split not approved by the Tulsa Metropolitan Area Planning Commission. To staff's knowledge that 2-acre tract never served as its own tract for purposes of Zoning or Land Use and was always titled to the same owner as the larger parcel.
- The applicant has not stated what hardship the current lot configuration presents to the property owner. For the purposes of Zoning the use allowances will not change and the zoning will remain AG.

SAMPLE MOTION: Move to _____ (approve/deny) a Variance to reduce the required street frontage in the AG district from 30-feet to 0-feet to permit a lot split (Sec. 25.020-D, Table 25-2)

- Finding the hardship(s) to be _____.
- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions _____.
- ***Suggested Condition:*** The approved variance does not endorse any additional relief related to other City of Tulsa Subdivision and Development Regulations or City of Tulsa Ordinances.

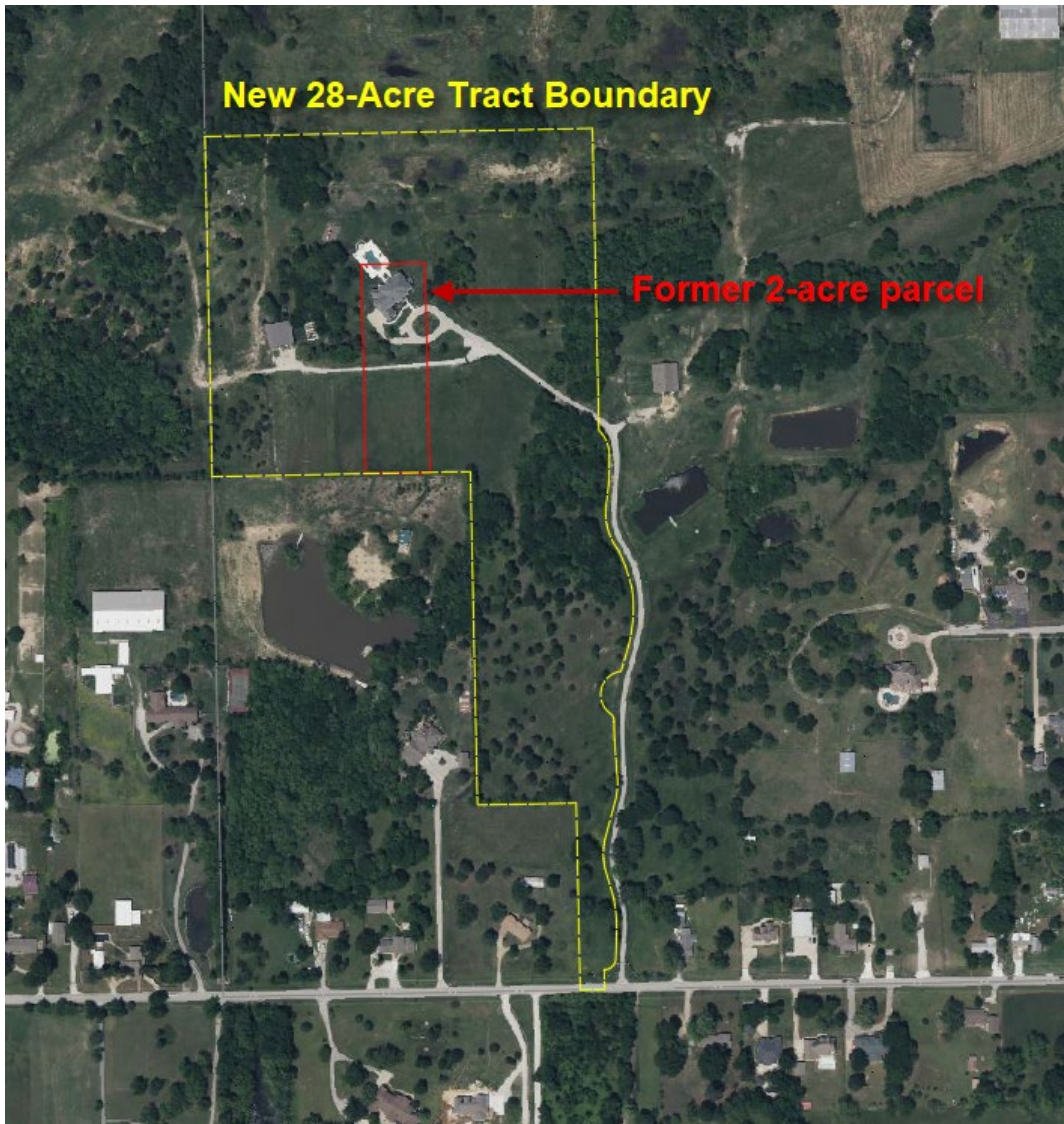
In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

- 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."*

2123 West 91st Street South

Tulsa, Oklahoma

BOA-____



April 2023

OWNER:
Michael Schiesel

2123 W. 91st St. S.
Tulsa, OK 74132
Phone: (918) 810-5868

CONSULTANT:
Tanner Consulting, L.L.C.

5323 South Lewis Avenue
Tulsa, Oklahoma 74105
Phone: (918) 745-9929

TABLE OF CONTENTS

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I. PROPERTY DESCRIPTION

The subject property consists of 27.901 acres addressed 2123 W. 91st St. S., in the City of Tulsa, Oklahoma, and is more particularly described within the following statement:

A TRACT OF LAND THAT IS A PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION FIFTEEN (15), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SE/4; THENCE SOUTH 88°52'36" WEST AND ALONG THE SOUTH LINE OF SAID SE/4 FOR A DISTANCE OF 1653.58 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 88°52'36" WEST AND CONTINUING ALONG SAID SOUTH LINE FOR A DISTANCE OF 76.28 FEET; THENCE NORTH 1°11'43" WEST FOR A DISTANCE OF 477.40 FEET; THENCE SOUTH 88°53'58" WEST FOR A DISTANCE OF 252.45 FEET; THENCE NORTH 1°13'14" WEST FOR A DISTANCE OF 852.05 FEET; THENCE SOUTH 88°52'36" WEST FOR A DISTANCE OF 660.00 FEET TO A POINT ON THE WEST LINE OF SAID SE/4; THENCE NORTH 1°13'14" WEST AND ALONG SAID WEST LINE FOR A DISTANCE OF 869.39 FEET; THENCE NORTH 88°46'46" EAST FOR A DISTANCE OF 990.52 FEET; THENCE SOUTH 1°13'14" EAST FOR A DISTANCE OF 772.08 FEET TO A POINT ON AN EXISTING FENCE LINE; THENCE ALONG SAID EXISTING FENCE LINE FOR THE FOLLOWING EIGHTEEN (18) COURSES; ALONG A 88.41 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 45°50'23" EAST, A CENTRAL ANGLE OF 46°51'32", A CHORD BEARING AND DISTANCE OF SOUTH 22°24'37" EAST FOR 70.31 FEET, FOR AN ARC DISTANCE OF 72.31 FEET; THENCE SOUTH 1°01'11" WEST FOR A DISTANCE OF 67.24 FEET; THENCE SOUTH 6°46'19" WEST FOR A DISTANCE OF 59.88 FEET; THENCE ALONG A 157.61 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 7°00'58" WEST, A CENTRAL ANGLE OF 45°17'46", A CHORD BEARING AND DISTANCE OF SOUTH 15°37'55" EAST FOR 121.38 FEET, FOR AN ARC DISTANCE OF 124.60 FEET; THENCE SOUTH 23°16'25" EAST FOR A DISTANCE OF 42.88 FEET; THENCE SOUTH 16°28'36" EAST FOR A DISTANCE OF 57.14 FEET; THENCE SOUTH 6°39'39" EAST FOR A DISTANCE OF 28.87 FEET; THENCE ALONG A 411.51 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 2°31'31" EAST, A CENTRAL ANGLE OF 19°05'29", A CHORD BEARING AND DISTANCE OF SOUTH 7°01'14" WEST FOR 136.48 FEET, FOR AN ARC DISTANCE OF 137.12 FEET;

THENCE SOUTH 16°33'58" WEST FOR A DISTANCE OF 50.79 FEET; THENCE ALONG A 60.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 82°25'47" WEST, A CENTRAL ANGLE OF 135°57'50", A CHORD BEARING AND DISTANCE OF SOUTH 14°26'52" WEST FOR 111.25 FEET, FOR AN ARC DISTANCE OF 142.38 FEET; THENCE ALONG A 25.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 54°16'55", A CHORD BEARING AND DISTANCE OF SOUTH 26°23'35" EAST FOR 22.81 FEET, FOR AN ARC DISTANCE OF 23.69 FEET; THENCE ALONG A 592.13 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 4°30'35", A CHORD BEARING AND DISTANCE OF SOUTH 1°30'25" EAST FOR 46.59 FEET, FOR AN ARC DISTANCE OF 46.61 FEET; THENCE SOUTH 3°45'47" EAST FOR A DISTANCE OF 83.39 FEET; THENCE ALONG A 183.88 FOOT RADIUS CURVE NON-TANGENT CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 8°33'31" EAST, A CENTRAL ANGLE OF 23°38'24", A CHORD BEARING AND DISTANCE OF SOUTH 3°15'41" WEST FOR 75.33 FEET, FOR AN ARC DISTANCE OF 75.87 FEET; THENCE SOUTH 15°04'53" WEST FOR A DISTANCE OF 88.57 FEET; THENCE ALONG A 166.70 FOOT RADIUS NON-TANGENT CURVE TO THE

LEFT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 16°26'34" WEST, A CENTRAL ANGLE OF 32°35'10", A CHORD BEARING AND DISTANCE OF SOUTH 0°08'59" WEST FOR 93.54 FEET, FOR AN ARC DISTANCE OF 94.81 FEET; THENCE SOUTH 16°08'35" EAST FOR A DISTANCE OF 73.60 FEET; THENCE ALONG A 460.45 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 9°51'04" EAST, A CENTRAL ANGLE OF 12°46'42", A CHORD BEARING AND DISTANCE OF SOUTH 3°27'43" EAST FOR 102.48 FEET, FOR AN ARC DISTANCE OF 102.69 FEET; THENCE SOUTH 1°56'40" WEST FOR A DISTANCE OF 48.82 FEET; THENCE ALONG A 30.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 86°55'59", A CHORD BEARING AND DISTANCE OF SOUTH 45°24'39" WEST FOR 41.28 FEET, FOR AN ARC DISTANCE OF 45.52 FEET; THENCE SOUTH 1°07'24" EAST FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING;

SUBJECT TRACT CONTAINS 1,215,374 SQUARE FEET OR 27.901 ACRES.

THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83).

The above described property will hereinafter be referred to as the "Site" or "Subject Property" and is depicted on the title page.

II. SITE DESCRIPTION

The subject property is a 27.901-acre ("28-acre") tract of land containing a single-family dwelling and agricultural and wooded land, along with buildings and structures accessory to the dwelling and agricultural buildings and structures. It is a "flag lot" which has a narrower strip of land extending to and fronting along West 91st Street South. The land was created by deed dated the 12th day of August, 2022 and filed of record September 01, 2022 as Document # 2022089791 in the records of the County Clerk, Tulsa County, Oklahoma. The land division creating the tract was too large to be subject to the requirement for Lot-Split approval, but it was reviewed and approved as an Exempt Land Division Application, case number ELD-39.

III. VARIANCE REQUEST AND JUSTIFICATION

The 28-acre tract contained a former 2-acre tract which itself contained the single-family dwelling. The 2-acre tract was contained within and subsumed by the 28-acre tract due to the legal description used in the deed. The current owner desires to restore a 2-acre “residential” tract separate from the balance of the property, which is considered for various reasons to be “agricultural.” Having the entire 28-acre tract now considered “residential” has presented a substantial practical and financial hardship on the new owner, who had expected the 2-acre tract to carry through as a separate parcel. The former 2-acre tract did not have street frontage but had legal access via an access easement created and contained in conveyances, which roughly corresponded with the existing, long driveway connecting the dwelling to West 91st Street South. If and upon approval of this variance, the proposed 2-acre tract will have the same circumstances, albeit with a different configuration more appropriate and befitting the dwelling, its orientation, and pool and other accessory residential site features. The proposed configuration is shown below.

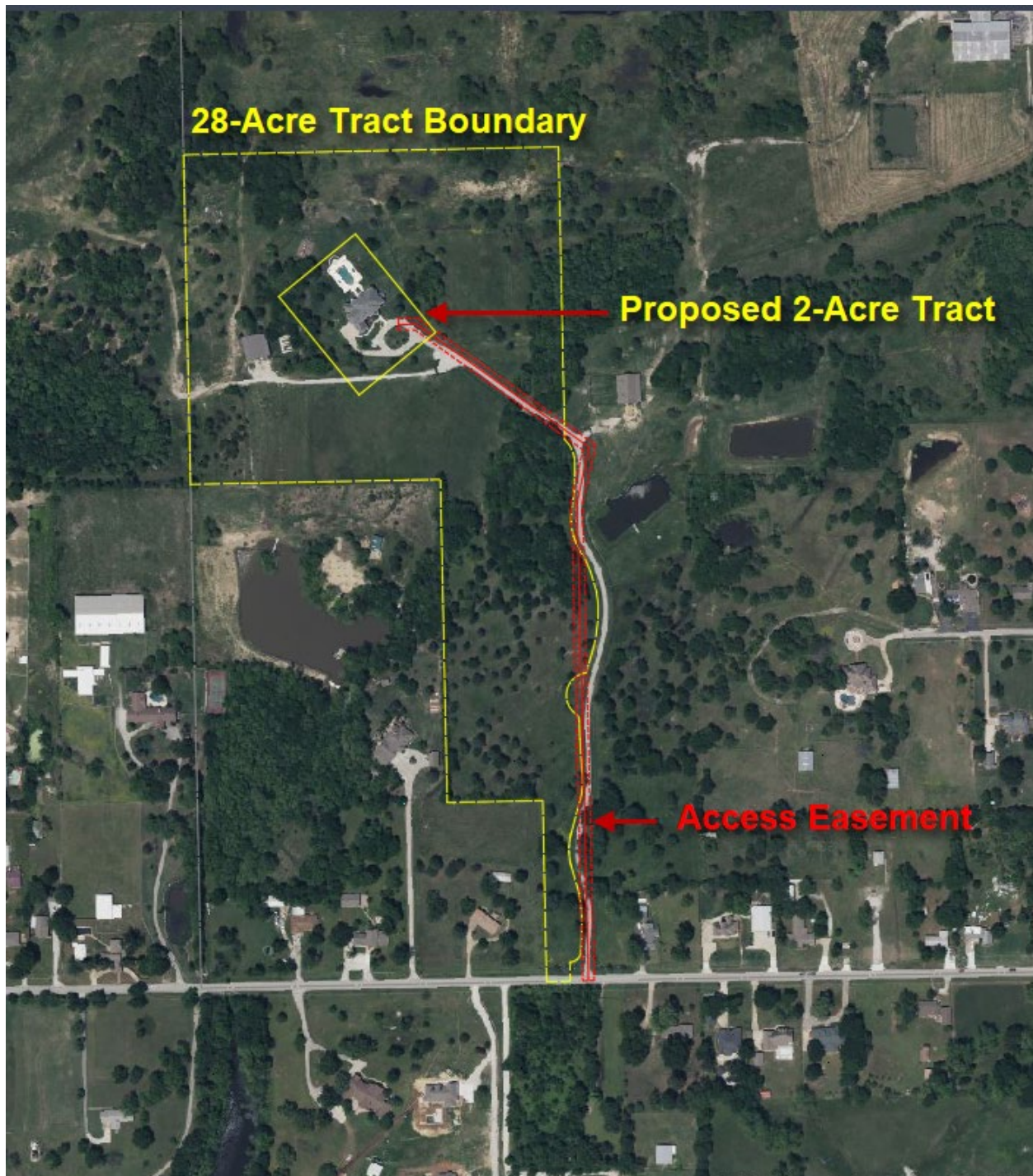
These conditions giving rise to the requested variance are unique to the subject property and not applicable, generally, to other properties within the same zoning classification and the practical difficulty and unnecessary hardship was not created or self-imposed by the current property owner.

The street frontage requirement of the Zoning Code’s is intended to ensure all tracts of land have legal and convenient access. The subject property already has an existing driveway providing access to West 91st Street South, secured by an access easement, and further has a “panhandle” portion of the property in which a new driveway could be constructed if ever required.

The variance requested is the minimum necessary, allowing a 2-acre tract to replace the 2-acre tract which was subsumed by recent conveyance of the 28-acre tract.

Since there had been a 2-acre tract peaceably existing for some time, access is secured, and no physical changes to the site would result from the approval of the variance or Lot-Split, the variance to be granted will preserve the essential character of the neighborhood in which the subject property is located and will not substantially or permanently impair use or development of adjacent property, and will not cause substantial detriment to the public good or impair the purposes, spirit, or intent of the Zoning Code or the Comprehensive Plan.

For all the reasons above, we believe that the variance requested (1) if the strict letter of the regulations were carried out, the physical surroundings, shape, and other inherent physical conditions of the subject property would result in unnecessary hardship and/or practical difficulties for the property owner, as distinguished from a mere inconvenience, (2) that the literal enforcement of the subject Zoning Code provisions is not necessary to achieve the provisions’ intended purposes, (3) that the conditions giving rise to the requested variance are unique to the subject property and not applicable, generally, to other properties within the same zoning classification, (4) that the practical difficulty and unnecessary hardship was not created or self-imposed by the current property owner, (5) that the variance requested is the minimum variance that will afford relief, (6) that the variance to be granted will preserve the essential character of the neighborhood in which the subject property is located and will not substantially or permanently impair use or development of adjacent property, and (7) that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, or intent of the Zoning Code or the Comprehensive Plan.



Proposed Lot-Split showing existing Access Easement



CITY OF Tulsa

Board of Adjustment

Case Number: BOA-23530

Hearing Date: 05/23/2023 1:00 PM

Case Report Prepared by:

Austin Chapman

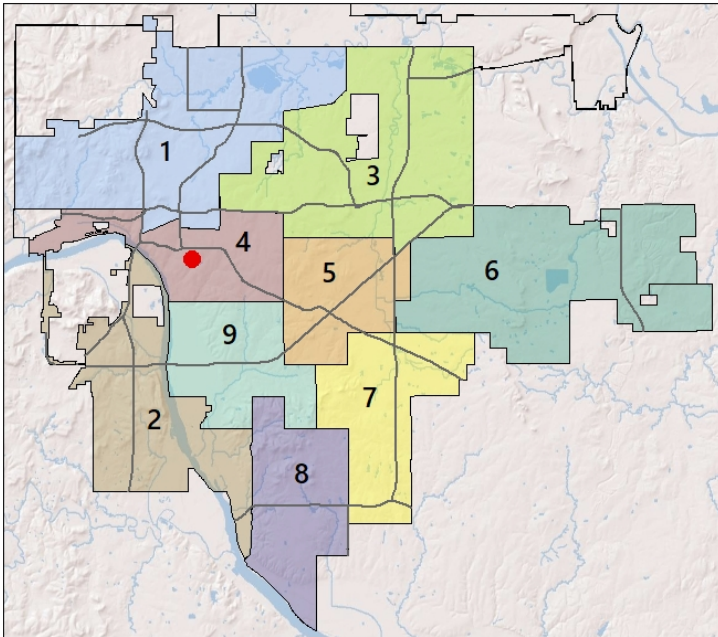
Owner and Applicant Information:

Applicant: Nathalie Cornett

Property Owner: Irmas Ahwatukee LLC

Action Requested: Special Exception to permit a Large (>250 person capacity) Indoor Commercial Assembly and Entertainment use in the CS District (Sec.15.020, Table 15-2); Special Exception to permit an alternative compliance parking ratio to reduce the required number of parking spaces (Sec. 55.050-K)

Location Map:



Additional Information:

Present Use: Commercial

Tract Size: 3.18 acres

Location: 1330 E. 15 St. S.

Present Zoning: RM-2,CS



0 200 400
Feet



Subject
Tract

BOA-23530

19-13 07
19-12 12

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

Aerial Photo Date: 2020/2021



4.2

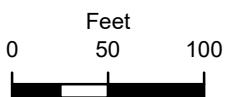


E 15TH ST S

E 16TH ST S

S PEORIA AVE

S QUAKER AVE



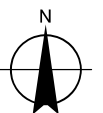
Subject
Tract

BOA-23530

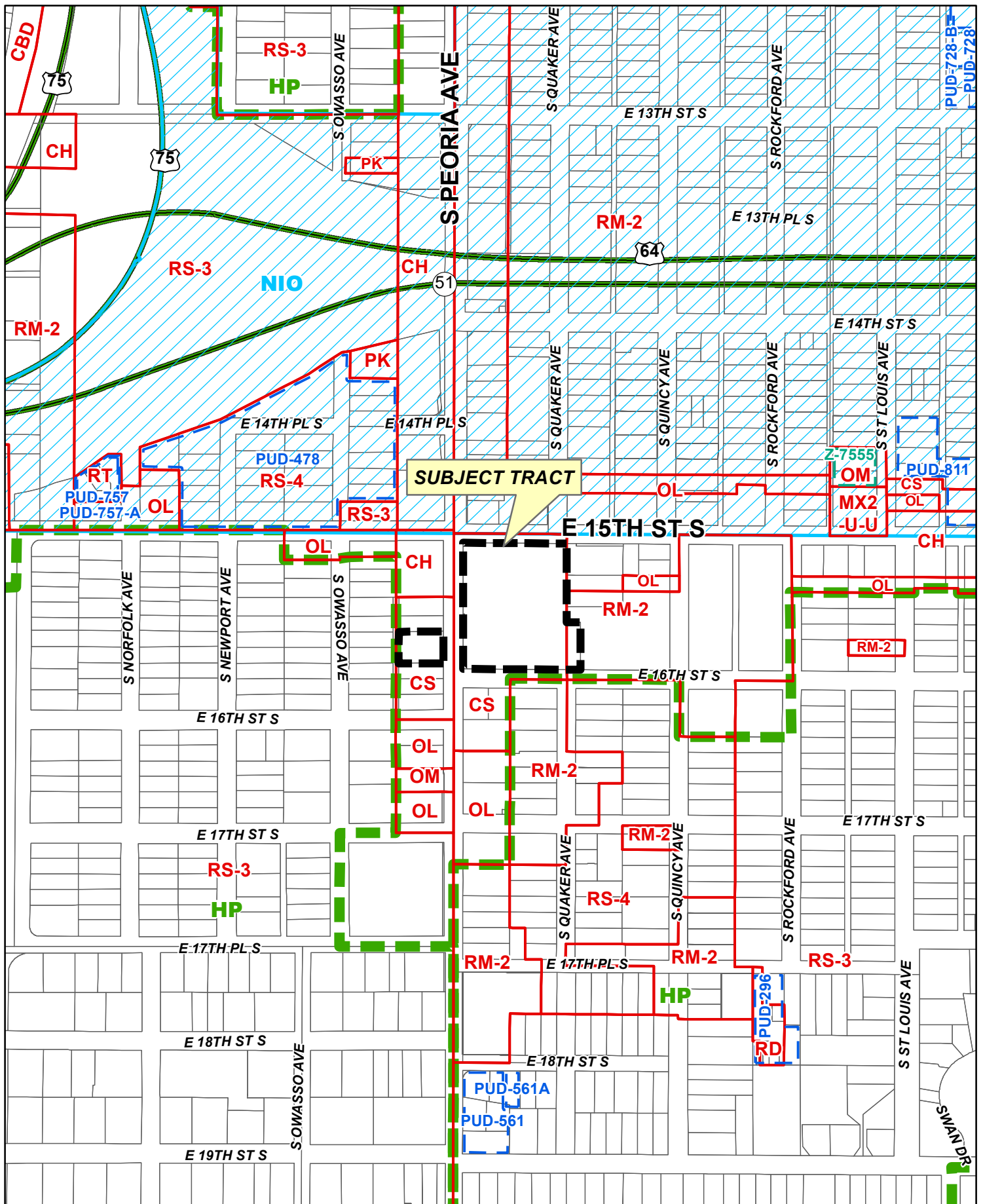
19-13 07
19-12 12

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

Aerial Photo Date: 2020/2021



4.3



BOA-23530

19-13 07
19-12 12

4.4

BOARD OF ADJUSTMENT CASE REPORT

STR: 9307

Case Number: BOA-23530

CD: 4

HEARING DATE: 05/23/2023 1:00 PM

APPLICANT: Nathalie Cornett

ACTION REQUESTED: Special Exception to permit a Large (>250 person capacity) Indoor Commercial Assembly and Entertainment use in the CS District (Sec.15.020, Table 15-2); Special Exception to permit an alternative compliance parking ratio to reduce the required number of parking spaces (Sec. 55.050-K)

LOCATION: 1330 E 15 ST S

ZONED: RM-2,CS

PRESENT USE: Commercial

TRACT SIZE: 138613.58 SQ FT

LEGAL DESCRIPTION: Lots Three (3), Four (4), Five (5) and Six (6), Block Six (6), AMENDED PLAT OF MORNINGSIDE ADDITION to the City of Tulsa, Tulsa county, State of Oklahoma, according to the Recorded Plat thereof; AND Lots One (1) through Sixteen (16) inclusive, Block Eight (8), and the vacated alley lying within said Block Eight (8), ORCUTT ADDITION, an Addition to the City of Tulsa, Tulsa county, State of Oklahoma, according to the Recorded Plat thereof; AND The West Half (30') of Vacated Quaker Avenue lying adjacent to the East line of Block Eight (8) from 15th Street to 16th Street, ORCUTT ADDITION, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof; AND The West Fifteen (15) feet of Lots Nine (9), Ten (10) and Eleven (11), Block Seven (7), ORCUTT ADDITION, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, AND the East Half (E/2) of Vacated South Quaker Avenue between 15th Street and 16th Street lying adjacent to the West line of said Lots 9, 10, and 11, Block 7.

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-21091; 05.25.10 the Board **approved** a Special exception to allow a Cigar Shop within 150-feet of R zoned property.

BOA-16927; On 02.14.95 the Board **approved** a Special Exception to permit parking in an RM-2 zoned lot.

BOA-16384; On 07.13.93 the Board **approved** a Variance of the required off-street parking spaces from 224 to 170, a Variance of the setback requirement from E. 15th and S. Quaker Ave. and Variance of the screening requirement along E. 16th St. and S. Quaker Ave.

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

Main Streets are Tulsa's classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

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: Special Exception to permit a Large (>250 person capacity) Indoor Commercial Assembly and Entertainment use in the CS District (Sec.15.020, Table 15-2); Special Exception to permit an alternative compliance parking ratio to reduce the required number of parking spaces (Sec. 55.050-K):

Assembly and Entertainment uses are described as follows per Sec. 35.050-B of the Zoning Code:

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, shooting ranges, health clubs, gymnasiums, riding stables and academies, banquet halls, entertainment centers, event centers, billiard centers, bowling centers, cinemas, go-cart tracks, laser tag, paintball, miniature golf courses, stadiums, arenas, video arcades, race tracks, fairgrounds, rodeo grounds, water parks, amusement parks, food truck courts, and live theaters. Outdoor seating and dining areas that exceed 50% of the indoor floor area of the subject principal use (e.g., bar, restaurant or indoor assembly and entertainment use) are regulated as an outdoor assembly and entertainment use.

55.050-K Alternative Compliance

The motor vehicle parking ratios of this chapter are not intended to prevent development and redevelopment or to make development and redevelopment economically impractical. In order to allow for flexibility in addressing the actual expected parking demand of specific uses, alternative compliance parking ratios may be approved through the special exception procedures of [Section 70.120](#), only if:

1. The board of adjustment determines that the other allowed parking reduction alternatives of [Section 55.050](#) are infeasible or do not apply; and
2. The board of adjustment determines that the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area.

The applicant provided an exhibit labeled “Exhibit B’ explaining their request in more detail, but they are requesting the current number of 222 parking spaces to serve the entire 42,381 square feet of commercial space on the lot. Current code would require them to provide 275 spaces including the proposed Assembly and Entertainment use. That ratio is equal to approximately 5.238 spaces per every 1,000 square feet.

SAMPLE MOTION:

Use:

Move to _____ (approve/deny) a Special Exception to permit a Large (greater than 250-person capacity) Indoor Commercial Assembly and Entertainment use in the CS District (Sec.15.020, Table 15-2);

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

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

Parking Reduction:

Move to _____ (approve/deny) a Special Exception to permit an alternative compliance parking ratio to reduce the required number of parking spaces (Sec. 55.050-K);

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

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, that the other allowed parking alternative of Section 55.050 are infeasible or do not apply and the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area.



Subject Property

Exhibit "A"

Lots Three (3), Four (4), Five (5) and Six (6), Block Six (6), AMENDED PLAT OF MORNINGSIDE ADDITION to the City of Tulsa, Tulsa county, State of Oklahoma, according to the Recorded Plat thereof;

-AND-

Lots One (1) through Sixteen (16) inclusive, Block Eight (8), and the vacated alley lying within said Block Eight (8), ORCUTT ADDITION, an Addition to the City of Tulsa, Tulsa county, State of Oklahoma, according to the Recorded Plat thereof;

-AND-

The West Half (30') of Vacated Quaker Avenue lying adjacent to the East line of Block Eight (8) from 15th Street to 16th Street, ORCUTT ADDITION, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof;

-AND-

The West Fifteen (15) feet of Lots Nine (9), Ten (10) and Eleven (11), Block Seven (7), ORCUTT ADDITION, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, AND the East Half (E/2) of Vacated South Quaker Avenue between 15th Street and 16th Street lying adjacent to the West line of said Lots 9, 10, and 11, Block 7.

Exhibit “B”

The Applicant requests (1) a Special Exception pursuant to Table 15-2 of the Tulsa Zoning Code (the “Code”) to permit a large indoor (>250-person capacity) Assembly and Entertainment use in the CS district; and (2) a Special Exception pursuant to Section 55.050-K of the Code to permit an alternative compliance parking ratio, all on the subject property located at 1330 E. 15th Street (the “Property”).

The Property is the Lincoln Plaza on Cherry Street located at the southeast corner of E. 15th Street and S. Peoria Avenue. The Property is comprised of approximately 3.2 acres with approximately 42,381 square feet of commercial buildings, including Chimi’s, Jason’s Deli, Nola’s, and various offices and retail stores. The property owner desires to put an indoor event center/banquet hall in the currently vacant 6,900 SF space located on the second story above Nola’s Restaurant.

The current Code requires approximately 275 parking spaces for the Property - inclusive of an additional 26 parking spaces for the proposed banquet hall. The Property currently has 222 existing parking spaces which serve the entire commercial center. Multiple parking Variances have been granted over the past 35 years for the Property, with each request tied to a specific tenant or use in the center. The Applicant is requesting the alternative compliance parking ratio to establish the existing 222 parking spaces as the required minimum off-street parking for the entire Property.

Given the variety of uses which serve customers at different times throughout the day and evening, the existing 222 parking spaces adequately serve the actual and expected parking demand. Additionally, the availability of on-street parking along Cherry Street and its pedestrian-oriented nature encourage and result in the public parking on street and walking to the various amenities offered on and off the Property.

Based on the foregoing, the requested Special Exceptions 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.



CITY OF Tulsa

Board of Adjustment

Case Number: BOA-23531

Hearing Date: 05/23/2023 1:00 PM

Case Report Prepared by:

Austin Chapman

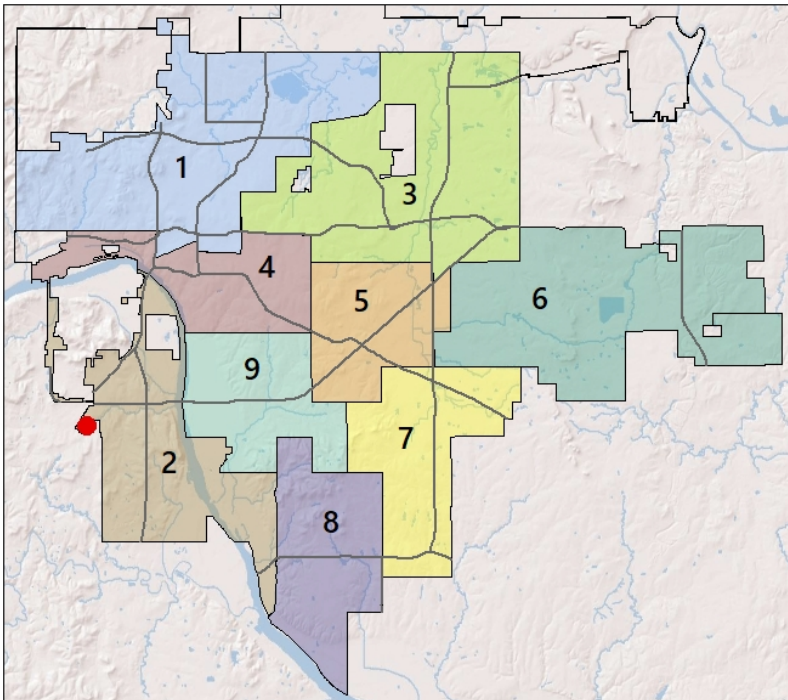
Owner and Applicant Information:

Applicant: Luke Gaylor

Property Owner: Jonathan Cherry

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

Location Map:



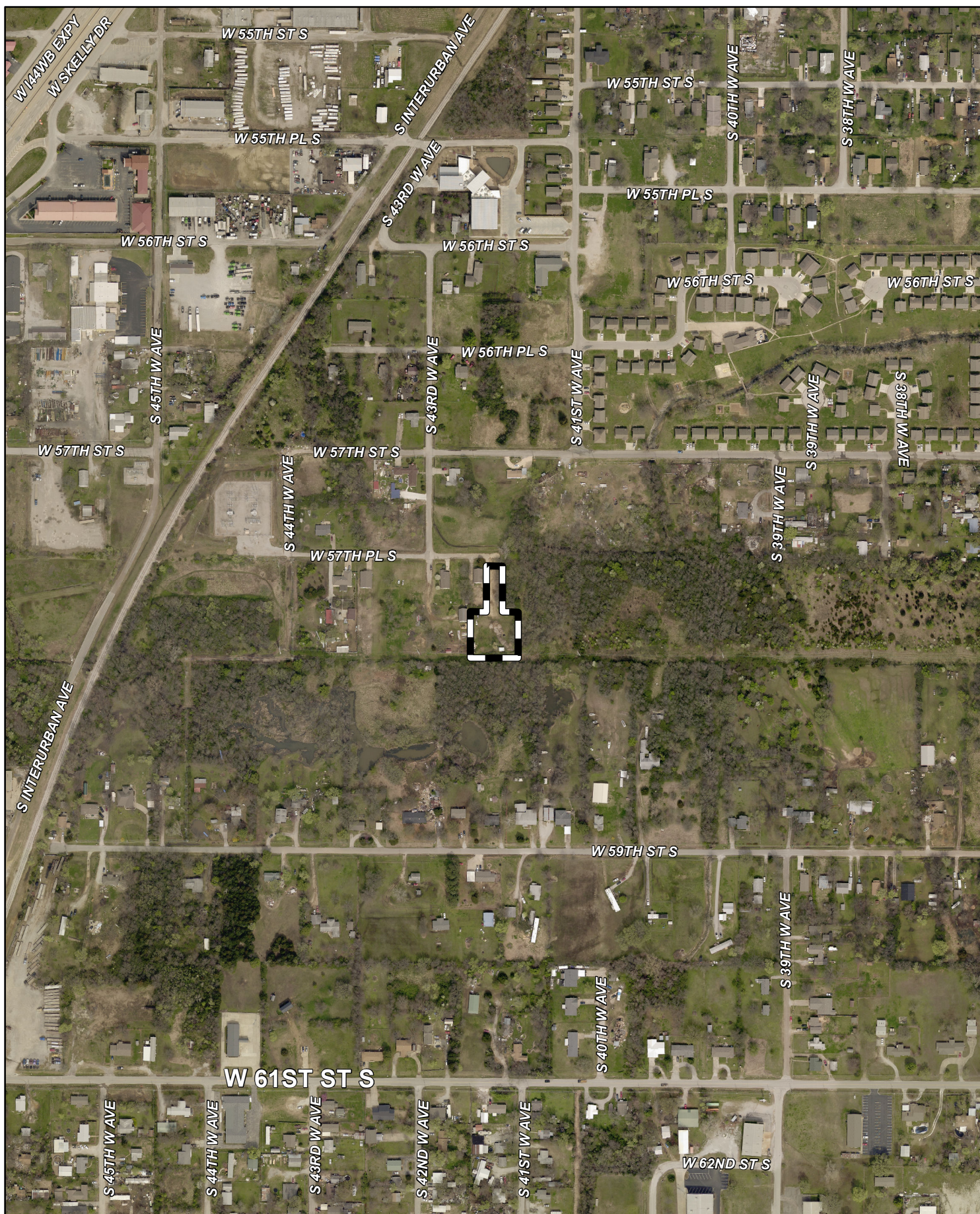
Additional Information:

Present Use: Vacant

Tract Size: 0.67 acres

Location: 4106 W. 57th Pl.

Present Zoning: RS-3



Feet

0 200 400

A horizontal number line with tick marks at 0, 200, and 400. The word "Feet" is centered above the line. The segment between 100 and 200 is shaded gray.



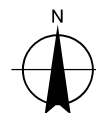
*Subject
Tract*

BOA-23531

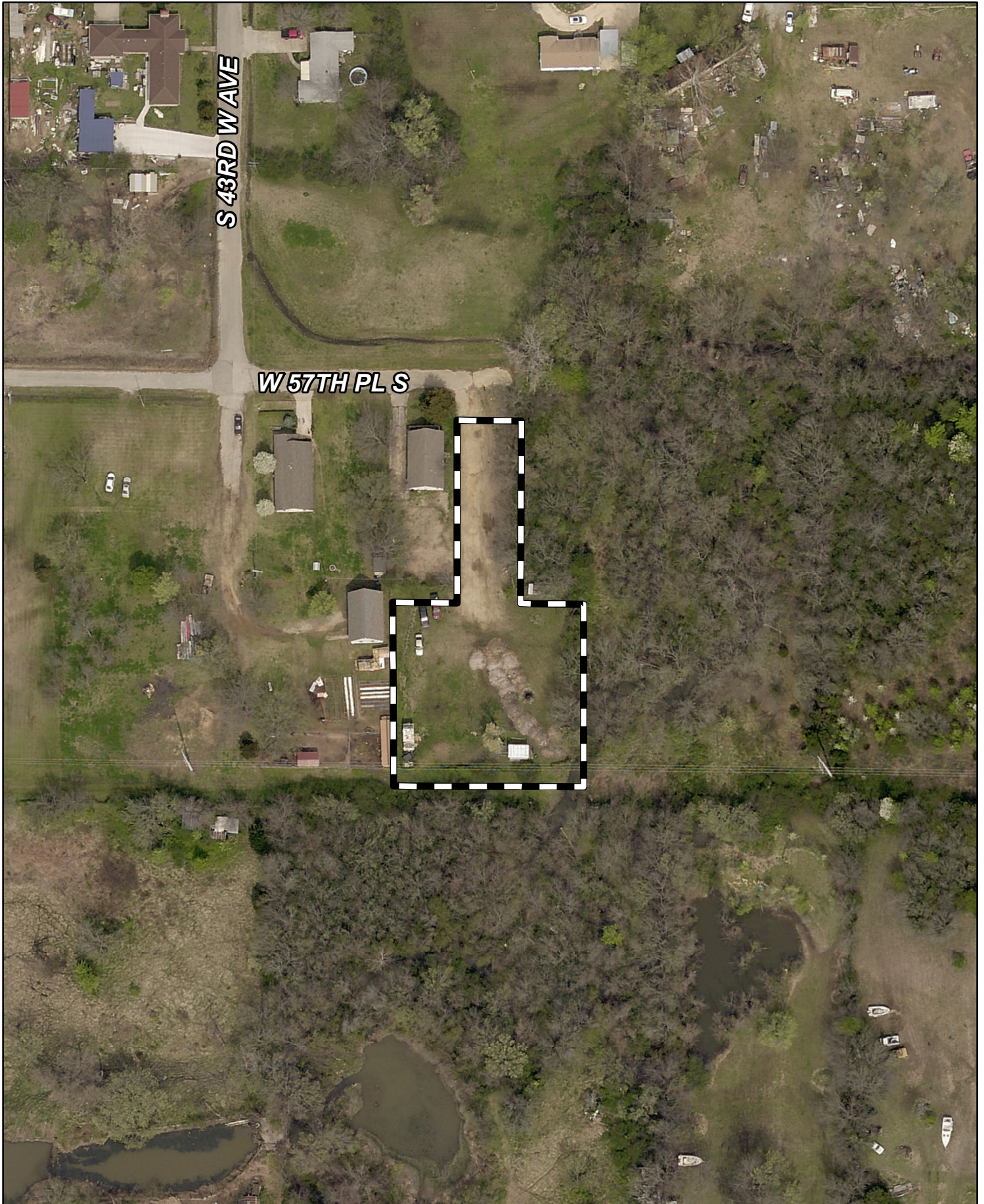
19-12 33

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

Aerial Photo Date: 2020/2021

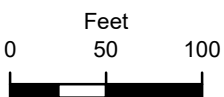


5.2



S 43RD W AVE

W 57TH PL S



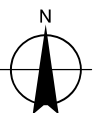
Subject
Tract

BOA-23531

19-12 33

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

Aerial Photo Date: 2020/2021



5.3

BOARD OF ADJUSTMENT CASE REPORT

STR: 9233

Case Number: BOA-23531

CD: 2

HEARING DATE: 05/23/2023 1:00 PM

APPLICANT: Luke Gaylor

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

LOCATION: 4106 W. 57th Pl.

ZONED: RS-3

PRESENT USE: Vacant

TRACT SIZE: 29268.08 SQ FT

LEGAL DESCRIPTION: LTS 5 & 11 THRU 13 BLK 12, DOCTOR CARVER CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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.

RELEVANT PREVIOUS ACTIONS: None.

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

Section 40.210 Manufactured Housing Units

The supplemental regulations of this section apply only to manufactured housing units approved as special exception uses in R or AG-R zoning districts.

40.210-A The manufactured housing unit must be removed from the lot within one year of the date of special exception approval. The board of adjustment is authorized to extend the one-year limit through approval of a subsequent special exception if the (special exception) extension request is filed before expiration of the one-year time limit.

40.210-B No more than one manufactured housing unit may be located on a lot.

40.210-C Manufactured housing units are required to comply with the same lot and building regulations that apply to detached houses in the subject zoning district.

The applicant has not requested relief on the hard surfacing requirements and has been notified a dustless, all-weather parking surface will need to be installed.

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

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

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



Subject Property



WHITE SURVEYING COMPANY

providing land surveying services since 1940

9936 E. 55th Place • Tulsa, OK 74146 • 918.663.6924 • 918.664.8366 fax

SITE PLAN



INVOICE NO.: STK 23-111351
CLIENT: OAKWOOD HOMES

LEGEND

— FENCE
U/E UTILITY EASEMENT
D/E DRAINAGE EASEMENT
M/P METERING POINT
CB CHORD BEARING
B/E BURIED ELECTRIC & TELEPHONE CABLE EASEMENT (APPROXIMATE LOCATION)



BEFORE YOU DIG,
CALL ONE FOR
LOCATION OF
UNDERGROUND UTILITIES.
DIAL 811

GENERAL NOTES

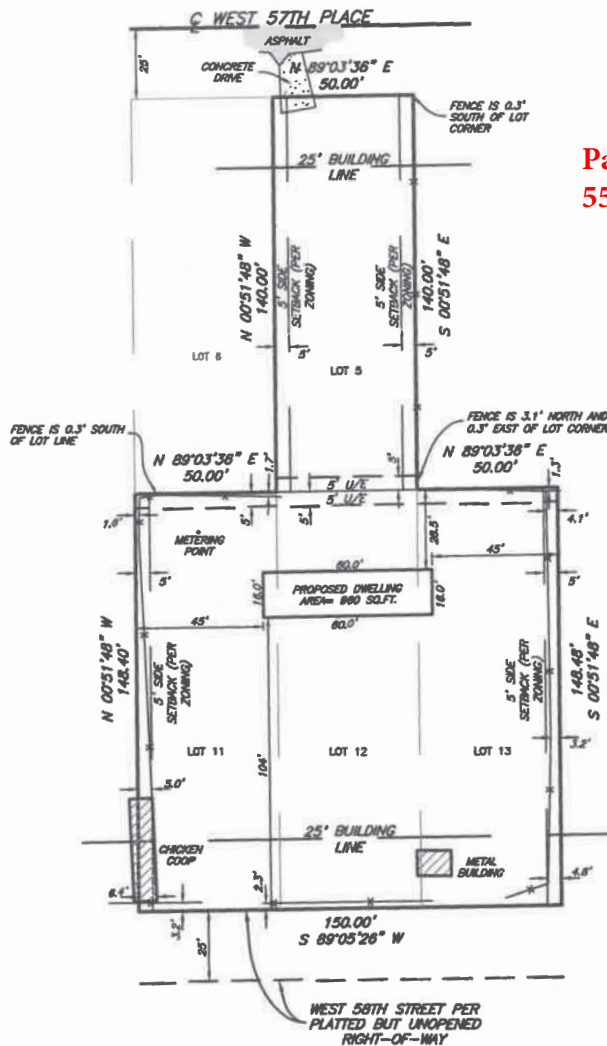
THE BEARINGS SHOWN HEREON ARE BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM NAD 83 (2011) AND THE SOUTH LINE OF LOTS 11-13, BLOCK 12, DOCTOR CARVER ADDITION BEING S 89°05'28" W.

THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT. THIS SURVEYOR HAS NOT ABSTRACTED THE SUBJECT TRACT. THERE MAY BE UNDERLYING ISSUES OF TITLE THAT ARE NOT SHOWN.

THE PROPERTY DESCRIBED HEREON CONTAINS 0.67 ACRES, MORE OR LESS.

FIELD WORK COMPLETED MARCH 29, 2023.

Parking must meet Design Standards of 55.090-F



LEGAL DESCRIPTION:

LOTS FIVE (5), ELEVEN (11), TWELVE (12), THIRTEEN (13), BLOCK TWELVE (12), DOCTOR CARVER ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND KNOWN AS 4106 WEST 57TH PLACE.



WHITE SURVEYING COMPANY
CERTIFICATE OF
AUTHORIZATION NO. CA1098

Randy K. Shoeffstall
DATE: 4/17/23
REGISTERED PROFESSIONAL LAND
SURVEYOR OKLAHOMA NO. 1676



1"=40'



INVOICE NO.: STK 23-111351
CLIENT: OAKWOOD HOMES



WHITE SURVEYING COMPANY

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BOUNDARY SURVEY

LEGEND

— FENCE
U/E UTILITY EASEMENT
D/E DRAINAGE EASEMENT
M/P METERING POINT
CB CHORD BEARING
B/E BURIED ELECTRIC & TELEPHONE CABLE EASEMENT (APPROXIMATE LOCATION)



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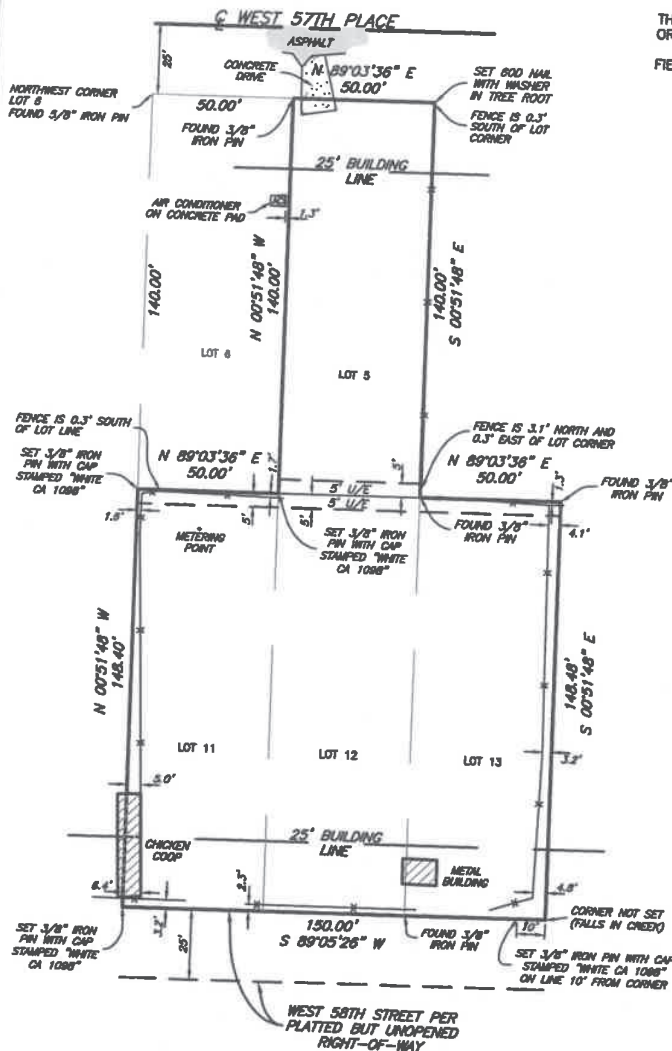
GENERAL NOTES

THE BEARINGS SHOWN HEREON ARE BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM NAD 83 (2011) AND THE SOUTH LINE OF LOTS 11-13, BLOCK 12, DOCTOR CARVER ADDITION BEING S 89°05'26" W.

THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT. THIS SURVEYOR HAS NOT ABSTRACTED THE SUBJECT TRACT. THERE MAY BE UNDERLYING ISSUES OF TITLE THAT ARE NOT SHOWN.

THE PROPERTY DESCRIBED HEREON CONTAINS 0.67 ACRES, MORE OR LESS.

FIELD WORK COMPLETED MARCH 29, 2023.



LOTS FIVE (5), ELEVEN (11), TWELVE (12), THIRTEEN (13), BLOCK TWELVE (12), DOCTOR CARVER ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND KNOWN AS 4106 WEST 57TH PLACE.


LEGAL DESCRIPTION:

SURVEYOR'S STATEMENT

I, RANDY K. SHOEFSTALL, CERTIFY THAT THIS PROJECT WAS COMPLETED UNDER MY DIRECT AND RESPONSIBLE CHARGE FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION AND THIS PLAT OF SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.



WHITE SURVEYING COMPANY
CERTIFICATE OF
AUTHORIZATION NO. CA1098

BY:  DATE: 4/17/23
REGISTERED PROFESSIONAL LAND
SURVEYOR OKLAHOMA NO. 1676