

CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level
One Technology Center
Tuesday, August 8th, 2023, 1:00 PM

Meeting No. 1321

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: planning@cityoftulsa.org

Mail or In Person: City of Tulsa BOA, 175 E. 2nd St., Suite 480 Tulsa 74103

MINUTES

1. Approval of **Minutes** of June 13th, 2023 (Meeting No. 1318).

Unfinished Business

2. **23548 – Joseph I Hull, IV**

Action Requested:

Variance to increase the permitted size of Temporary Mobile Storage Units on a non-residential lot(Sec. 50.030-F.2.C)

Location: 35 E. 18th St. **(CD 4)**

3. **23549 - Criminal Justice and Mercy Ministries of Oklahoma, Inc.**

Action Requested:

Special Exception to permit a Residential Treatment Center/ Transitional Living Center Use in the RS-3 District (Table 5.020, Table 5-2)

Location: 5707 S. Memorial Dr. **(CD 7)**

4. **23550 - Cyntergy/ Linda Waytula**

Action Requested:

Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.2)

Location: NE/c of S. Braden Ave. and E. 51st Street S. **(CD 5)**

5. **23553 – Joe Kesterson**

Action Requested:

Variance to allow a roof sign to exceed 500 square feet in area (Sec. 60.080-B.5b)

Location: 505 E. 2nd St. **(CD 1)**

NEW APPLICATIONS

6. 23556 – Farron Hollabaugh

Action Requested:

Special Exception to increase the allowed fence height of 8-feet inside a building setback (Sec. 45.080-A)

Location: 4845 S. 83rd E. Ave. **(CD 7)**

(Staff requests a continuance to Aug 22, 2023)

7. 23557 – Lou Reynolds

Action Requested:

Special Exception to permit a Library in the RS-3 District (Table 5.020, Table 5-2, Table 5-2.5); Variance to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3)

Location: 1110 E. 45th Pl. S. **(CD 9)**

8. 23558 – Thomas L. Vogt & John W. Cannon

Action Requested:

Special Exception to permit a Religious Assembly Use in the IL District (Sec. 15.020, Table 15-2)

Location: NE/c of E. 41st St. S. and S. 79th E. Ave. **(CD 5)**

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

Website: tulsaplanning.org **E-mail:** planning@cityoftulsa.org

CD = Council District

NOTE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify Tulsa Planning Office at 918-596-7526. 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 Tulsa City Hall. All electronic devices must be silenced.

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1318
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center Tuesday,
June 13, 2023, 1:00 P.M.

Meeting No. 1318

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS
Bond, Chair			
Radney, Vice Chair		A. Chapman	A. Blank, Legal
Wallace		S. Tauber	
Barrientos		J. Banes	
Stauffer			

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on June 12, 2023, at 10:37 p.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

Mr. Bond called the meeting to order at 1:04 p.m.

Mr. Banes read the rules and procedures for the Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **Wallace**, the Board voted 3-0-0 (Bond, Radney, Wallace "ayes", no "nays"; no "abstentions", Barrientos, and Stauffer "absent") to **CONTINUE** the **Minutes** of April 11, 2023 (Meeting No. 1314) to the next BOA meeting on July 11, 2023.

On **MOTION** of **Wallace**, the Board voted 3-0-0 (Bond, Radney, Wallace "ayes", no "nays"; no "abstentions", Barrientos, and Stauffer "absent") to **CONTINUE** the **Minutes** of May 9, 2023 (Meeting No. 1316) to the next BOA meeting on July 11, 2023.

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UNFINISHED BUSINESS

23530 - Nathalie Cornett

Action Requested:

Special Exception to permit a Small (up to 250-person capacity) Indoor Commercial Assembly and Entertainment use in the CS District serving alcohol within 150-feet of a residential zoning 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)**

Presentation:

Nathalie Cornett, 2727 East 21st Street, Suite 200, Tulsa, Oklahoma, 74114, stated that she was there on behalf of the applicant. The 1st Special Exception pertains to the Lincoln Plaza at the Southeast corner of 15th Street and Peoria, where Jason's Deli, Chimi's, and NOLA's are located. On the second floor of NOLA, they want to put an event center. It is permitted there by right because of its' size. However, it is located within 150 feet of RM2 district directly east of it and Marquette School. That has triggered a Special Exception for the event center to serve alcohol. Given the nature of the Lincoln Plaza, and given the fact that alcohol is already served at the large restaurants as well as the nature of Cherry Street, and the existence of bars and restaurants serving alcohol she did not believe this would prove to be injurious to the neighborhood.

The second exception is to permit an alternative parking ratio for the entire Lincoln Plaza. It is to establish 230 parking spaces, which is what currently serves the center. For retail centers like this, your required parking is always a moving target because your parking spaces depend on your use. Each tenant has its own number of parking spaces and that required parking number changes as the tenant changes. This parking lot has had numerous Variances and Special Exceptions granted in the past to address parking in the entire center and parking for individual tenants. So instead of seeking another parking Variance for the center, they would like to establish an alternative parking ratio of 230 parking spaces.

Currently, in the main parking lot there are 150 parking spaces. There is also an adjacent parking lot that serves the center, and it has thirty-three parking spaces. There are additionally thirty-one parking spaces to the east. Quaker Avenue has been closed and vacated, and various parking spaces have been designated to serve the uses surrounding it. Then there are eight spaces on the street, so that totals 230 parking spaces.

This will establish the minimum parking ratio and keep any spaces from being taken away. These spaces could not be removed because anything under 230 would not be in

compliance with the parking ratio. They are requesting that for the entire center, and she was happy to answer any questions the Board might have.

Mr. Bond asked if there had been any issues with neighbors or tenants.

Ms. Cornett stated that she had several neighbors call who are at the meeting, both residential and commercial neighbors. They amended this request for relief, and they sent out a letter to everyone within three hundred feet of the property. The letter explained that this is a small event center and that the parking request is just to establish the status quo. The event center has a parking agreement with ECDC for any event over fifty people. The neighbors were concerned about the parking overflowing onto the neighborhood streets. The event center has an agreement with Marquette School to use their seventy-nine spaces for valet parking.

Ms. Radney asked if Ms. Cornett was saying that they are not talking about changing the ultimate capacity for the center, they were just talking about depending on the assortment of tenants there at any given time.

Ms. Cornett stated that establishing the minimum parking ratio takes away the uncertainty from the property owner and for any new and existing businesses.

Interested Parties:

Terry Eichor, 1601 South Quaker, Tulsa, Oklahoma 74120, stated that he lives directly south of Lincoln Plaza. His concern was that their neighborhood is currently used as a parking lot by the center already. Seven days a week there are people that park to the south and west of their house and walk to the center because it is more convenient for them. He does not see how this is not going to have a further impact on them. The other thing is that there are a lot of employees that work at the Plaza that park in the neighborhood also. With the Valet parking, if there is an event at Marquette going on, that will not be available. Lincoln Plaza had originally wanted to put in a two-story parking garage, and they ran out of money for that before it could be built, and we have suffered due to that. He is highly concerned and not sure that he is in favor of that at all.

Denise Da Ros-Voseles, 1208 East 16th Street, Tulsa, Oklahoma, 74120, stated that the problem with the valet parking at ECDC is that right beside them is their auditorium where they lots of sports events. There is spill over when those events happen. Christ the King is a very active church, and they bought a house on the corner of Quincy and 16th Street to help with overflow. Parking is an issue all the time there. She respectfully does not think this should happen.

Jim McCoy, 2704 East 44th Place, Tulsa, Oklahoma, 74105, stated that he is also the owner of Cherry Street Market and the lots to the east that are behind the salon. He submitted three slides this morning from Google Earth taking the most current date and going back two dates to show what is the parking load on the area. If you notice the

availability of parking spaces on any given day during the weekdays, not high occupancy evenings, or weekends. There are very few parking spaces available in the corridor.

The second Special Exception that has been requested for an alternative parking ratio does not consider that if the vacancies became a restaurant, you would significantly more demand for parking put on the whole area. They could make all those vacancies and put in high occupancy uses putting an undue number of parking requirements on the whole area.

He stated that he was fine with the first Special Exception with the use of alcohol. However, putting a blanket on top of all of Lincoln Plaza and asking for the separation of the uses that are currently in the spaces and making sure that the parking requirement or any Variance there of is not tied to what the uses are in each one of the individual spaces. So that the whole thing could not become a restaurant. Thank you for your time.

Dee Ann Paisley, 1530 South Trenton Avenue, Tulsa, Oklahoma, 74120, stated that her address is about four blocks away from Lincoln Plaza, but because she is on the corner of 16th and Trenton, they experience horrible parking problems. She sees about ten cars parked illegally on her street a day. If we allow this Special Exception to go forward, what is that saying to the community? There is no hardship on the business, you would be putting it on the neighborhood. This would create more problems and further the safety danger to everyone.

She is also concerned about playing with the Zoning Codes and granting Special Exceptions for no other reason than to allow a business that is too large to go into this center. What does that say to the people of Tulsa? Plus, there will be additional noise. There is an event center half a block away that the police have had problems with due to altercations in their parking lot.

How is this Special Exception beneficial to the City of Tulsa? Thank you.

Shelby Navarro, 1434 South Quincy Avenue, Tulsa, Oklahoma, 74120, stated that right outside his home window has become an alley and he is acutely aware of the noise issues of this area. He would love to see a comprehensive parking plan for this area to help with some these issues because he loves the neighborhood. He is concerned with the fact that people will be coming into the neighborhood from all around that do not understand that it is a walking neighborhood. He has not heard any safeguards for the issues, and it seems open ended. We walk to their businesses and walk home. They have dump trucks coming in at 2:00 a.m. and 4:00 a.m. and we must live with all the noise and disturbances. There are a lot of things going on that burden the residents,

that do not burden the businesses. This would push the challenges too far. It does seem that it would be injurious and dangerous for the neighborhood.

Mr. Bond asked Mr. Navarro if he would like to see more parking lots along Cherry Street.

Mr. Navarro stated that he would prefer it to be discussed by planners and traffic engineers to sit down, discuss it, and produce a parking plan than to have it decided here. He would rather see a comprehensive plan in partnership with the neighborhood and allows it in a safe way that works for everyone rather than the businesses just taking what they could get. Thank you.

Rebuttal:

Ms. Cornett thanked the Chair and stated that 1) The businesses of Lincoln Plaza are part of the fabric of Cherry Street, and they want the safety of their employees, neighbors, and patrons just as much as everyone here does. This is not to “take what we can get.”

She also wanted to verify that this is not a Variance request; this is a Special Exception request. The Code specifically establishes this process for an alternative compliance ratio and here is the reason that it gives, “because the motor vehicle parking ratios are not intended to prevent development and redevelopment, or to make development or redevelopment economically impractical”.

We have a shopping center that has existed on Cherry Street for decades. It has acquired as much parking as the owners have been able to do. That includes additional overflow parking area and working with its other neighbors to make Quaker available for parking. The buildings exist, the tenants exist. For the most part, it is almost maxed out as far as restaurant uses. The vacant spaces are about eight hundred square feet spaces and she doubted they could accommodate a restaurant.

Mr. McCoy has received two parking Variances for their own parking lot. All business owners experience this challenge on Cherry Street and neighbors must deal with it too. We acknowledge that. The nature of Cherry Street has gotten increasingly pedestrian friendly. Parking is shared all up and down Cherry Street. The 230 parking spaces are what exist today and that is the ratio that they are asking for. She has crunched the numbers and the parking ratio produces between two hundred as a minimum and 275 as a maximum. The two hundred that exist today serve as a middle ground between what the fluctuations may be, and they would like to establish that as their required parking. The operator that runs the event center is also the operator of NOLA's and Kilkenny's, so he has a distinct understanding of what the parking challenges are. In Lincoln Plaza itself, he does not want to negatively affect the parking for his other

businesses operating there. It really is to acknowledge that parking that we have available.

She knows that the event center is permitted by right. For the Boards information, events will be capped at 120 people and there will not be events larger than that. Any event of fifty people would require valet parking. She was happy to address any further questions.

Comments and Questions:

Ms. Radney stated that Ms. Cornett has elegantly stated as it related to redevelopment and the restriction on parking, but every place does not have to be redeveloped to everything all at once. There is already a lot that is being done here that has varying parking loads as point sources. It does imply that on the given uses that are currently there that there is probably an adequate amount of parking there for the current assortment of uses. She does think that the neighbors have a valid point that you are talking about an impulse event and that is going to affect the entire neighborhood when that event is happening. To the extent that within a walking district people park all over the district and walk about. That is one of the things that makes it attractive, but a pulse event that has dropped in a hundred new visitors into an already well utilized neighborhood, but that is a different matter. She is not persuaded that this property owner has met the test of why there should not be a compelling need to accommodate all their tenants on their property.

Ms. Cornett stated that the tenants are currently accommodated on their property. Even with the event center, which requires twenty-six spaces and that is what the Code requires.

Ms. Radney stated that she thought Ms. Cornett was saying that 100% occupancy of the Plaza would not meet Code requirements. She thinks that the property owner must strike that balance themselves. She is not ready to give a blanket Special Exception to just give a blanket Approval when we do not know what they would be. She was in support of the alcohol being served, but the parking has not convinced her.

Mr. Bond asked Ms. Cornett to walk them through when Alternative Compliance was amended into the Code there was a parking study was required and that is no longer part of the mix if he understood correctly. What is the burden here as to being allowed to use the Alternative Compliance before we even get to the Special Exception. He thought that City Legal was interested in saying something.

Ms. Cornett stated that what the Code says is the Board of Adjustment determines that other allowed parking reduction alternatives are infeasible or do not apply. Those reduction alternatives include things like putting in certain amounts of motorcycle parking and things like that. It is her understanding that they have put in as much as

they can such as bike racks and things like that. Those are not available to us. The second one determines that they are not likely to cause material adverse impact of traffic circulation and safety or the general welfare of property owners in the surrounding areas. We have met that burden because the shopping center, despite not being at full occupancy, is intense of use is as intense as it is going to be. There are three large restaurants in Lincoln Plaza and an event center is not going to have as much of a material effect on the activity of the area than is already happening. In addition to addressing parking for events, that has been addressed by the property owner regardless of it being required or not by the Code. They will have valet parking and from the Board's perspective, if fifty people trigger your valet parking that would be twenty-five spaces for parking because most people do not go to an event alone.

Ms. Radney stated that she agreed with that, but it is not just parking, it is also traffic. She was saying that the holding capacity for vehicles that need to get out and park to go to an event is near its capacity for the neighborhood. She concurs that a broader approach to how this district can handle those pulse events is needed. She was not satisfied with what Ms. Cornett presented today to meet the Boards obligation to health and safety. Full disclosure, her mother attends the church across the street, and she knows how long it takes to find a space close enough to let her out, so she does not have to walk far, and her mother is not even parking. Ms. Cornett is not here to solve it; it is a policy issue.

Ms. Cornett asked if they could put a relatively short-term limit on this to see how it works for the area. If it is not working, they should come back to the Board and answer for it.

Ms. Radney asked how space is vacant now.

Ms. Cornett stated that 8,400 square feet is the amount of space vacant and that does not include this space. The upstairs of the event center is about 7,500 square feet; the actual space being used for the event center is 2,500 square feet. The prep rooms and other things will take up the rest of the square footage.

Mr. Bond stated that the Board is usually a five-person body, and we only have three members here today. It takes three affirmative votes to pass, and it might be appropriate to Continue this until our next meeting.

Mr. Wallace stated that he was in the middle at this point, and he thought a Continuation would be good. If there was more information provided, he did not know what that would be. There is not a shared philosophy in parking in this area from his personal experience. There needs to be a comprehensive look at this whole district. There are some things that need to be done to make it right with the neighborhood.

Mr. Bond stated that he would like in a Continuance to see what else can be done here with this request. His problem is that when you are talking about parking, he does not know what the answer is as he is not a parking engineer or City Planner. He is loath to do something which is going to cause somebody to tear down houses and put up more grey space or put up a parking garage on the corner of 15th and Peoria. The concept of Special Exceptions is to give us levity in cases like this. He would push for a Continuance and ask the applicant to do the impossible. Let them see what else they can do here for more parking.

Ms. Radney stated that the vast amount of people coming to this area are not from the neighborhood and we know that already. Ms. Cornett is a very bright attorney, and she may be able to produce a good alternative, but Ms. Radney just could not see what it would be.

Board Action:

On **MOTION** of **Wallace**, the Board voted 3-0-0 (Bond, Radney, Wallace “ayes”, no “nays”; no “abstentions”, Barrientos, and Stauffer “absent”) to **CONTINUE** the **Special Exception** to permit a Small (up to 250-person capacity) Indoor Commercial Assembly and Entertainment use in the CS District serving alcohol within 150-feet of a residential zoning 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) until the July 11, 2023 Board of Adjustment meeting.

**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.**

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NEW APPLICATIONS

23533 - Tom Neal

Action Requested:

Variance to reduce the required 20-foot street setback and 5-foot side setback in the RS-4 District (Sec. 5.030-A, Table 5-3) **Location:** 2216/2218 E. Archer St. N **(CD 1)**

Presentation:

Tom Neal, 2507 East 11th Place, Tulsa, Oklahoma, 74104, stated that he was there to represent Ms. Flores. This is a 1930's house on a very non-conforming lot, forty-four feet wide by 115 feet deep and the lot runs sideways on an alleyway. It has been added on to through the years. It was non-conforming from the beginning as far as the setback. Ms. Flores unfortunately had a contractor do substantial work on her house without advice from the city or a permit. The work is done, and they want to find an appropriate and graceful compromise. The front porch is basically how it was originally, and they would like that to continue. The side yards have been built out with concrete to the property line. According to Jeff Taylor with the City, the rebuilding of the formerly wood porch with concrete is acceptable standards, however the porch that is over it is not. We are looking for relief for the porch on the east which is substantial will remain though there will have to be alterations because it will not meet fire safety standards in terms of it being three feet from the property line. What we propose is that we allow her to keep her porch, but they would have to cut it back so that they have that clearance.

On the west side, there is also a porch that is built out to the property line, but because that is an alleyway, we may have some grace there because the required fire setback is different when it is on an alley. All of this was done before he was hired to handle the situation. It was a wood porch before, but it did go all the way to the property line. They added a ramp to the rear of the east side.

Ms. Radney asked if the work that was done was just an improvement of what was already built because it was not as durable as concrete.

Mr. Neal stated that even though it is elevated on both sides which does not have to have permission to leave it in place although it would be nice.

Interested Parties:

Stuart McDaniel, 827 North Madison, Tulsa, Oklahoma, 74106, stated that he is the property owner of the house to the east of this parcel. The nine months of unpermitted work that just kept going on has been frustrating. We get nailed to putting a window and

they are putting in thirty yards of concrete daily. It is a self-imposed hardship. There is room for grace. He wants to build a multi-family unit on the corner, and he would not be able to build to zero lot line on his. By allowing theirs it could potentially force his building to accommodate for their space. Their porch roof can be cut back and that may negate some of those issues. The gravel driveway that they use every day is his. It is not a great arrangement. Multiple permits should have been put on this property. Electrical has not been done and there are several things that were not permitted on this property. He wants some level of forgiveness here because he knows there is a language barrier. Short of putting a fence up, he cannot stop them from parking on his property. They have gotten away with adding onto the front of their property little by little since about 2008.

Mr. Chapman stated that with the current zoning and conditions that Mr. McDaniel has, he would not be able to build up to the lot line. You would be in the predicament that they are. In terms of the Fire Code, relying on the statement that Mr. Neal said, they are addressing the roof line issue. From what he is hearing, Mr. McDaniel will need additional relief with multi-family zoning.

Mr. McDaniel stated that the concrete he was reasonably less concerned about because it is non-combustible, but the roof line must be pulled back to the lot line limits of that zoning.

Ms. Radney stated that it was germane that this is a non-conforming lot, and the house was built prior to the existing code, which is categorically different from infill building on an improved lot. She is sensitive to the concern, but in this part of town, this type of situation is everywhere.

Comments and Questions:

Mr. Bond stated that the neighbor had some valid concerns, but this was already a non-conforming structure from the 1930's. There is no relief the Board could give that would allow anyone to go over their property line that would in any way go against the Fire Code. He looks at it as this property is unique not self-imposed. We give a lot of these to older homes, historical homes, homes that predate the comprehensive zoning code.

Mr. Wallace commends the owner for cleaning up the property. It is a safer property but there are codes that we are not able to give relief on.

Mr. Bond asked Mr. Chapman how far back they are going to have to bring the roof back for the Fire Code.

Mr. Chapman stated that the representatives from the permit department were in the audience. He asked Mr. Whitehead if it was three feet that the roof needed to come off the property line.

Mr. Whitehead confirmed that was correct. The eaves themselves could be closer, but they would have to use fire blocking and methods that are non-combustible to assure that.

Board Action:

On **MOTION** of **Wallace**, the Board voted 3-0-0 (Bond, Radney, Wallace “ayes”, no “nays”; no “abstentions”, Barrientos, and Stauffer “absent”) to **APPROVE** a Variance to reduce the required 20-foot street setback and 5-foot side setback in the RS-4 District (Sec. 5.030-A, Table 5-3), per the Conceptual Plans shown on page 4.10, with the following condition that this is pending final review by City Code Officials. Finding the hardship to be that this is a non-conforming lot, and the house predates the existing comprehensive zoning code.

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

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

For the following property:

W44 LTS 1 2 3 4 & 5 BLK 3, EASTLAND ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23534 - Robert McMurtry - McPride Roofing

Action Requested:

Special Exception to permit a carport in the street setback and yard with modifications in the increase the allowed height (Sec. 90.090-C1) **Location:**
2342 S. Florence PI (CD 4)

Presentation:

Robert McMurtry, 6598 East 25th Place, Tulsa, Oklahoma, 74129, stated that he had been hired to build a carport on Ms. Jackson's house. We knew there had to be a permit to do the work. He was very close to being with the build lines. Making this large enough for Ms. Jackson's vehicles puts them just over the build lines. When he came down for the permitting process, they printed a neighborhood plat. It showed the 30' setback from the center of the street instead of the 25' setback that Ms. Jackson got when she was closing on the house. This build line Variance makes it to where he cannot build a car port large enough to accommodate a vehicle, so he is asking for a Variance so he can make it large enough for her vehicles. He will be beyond the build line by three feet. The drawing shows that he is still forty-six feet and three inches from the center of the street. This will not be any obstructed views from up or down the street. This will be tied into the existing house and will look just like the rest of the house.

Ms. Radney stated that she could see on the satellite view on 5.4 so this carport will not extend any further than the trunk of that tree or beyond where it shows a car parked.

Mr. McMurtry stated that it will not extend past the sidewalk that goes up to her front door.

Ms. Radney stated that she was concerned that it would block the view of that street.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Bond stated that he did not have any issues with this.

Mr. Chapman stated that any time that you have something coming off the house and going into the street setback, you must have a Special Exception just to be there.

Mr. Wallace asked if 5.11 showed a twenty-five-foot building line and have we clarified that it is a thirty-foot building line.

Mr. Chapman stated that he was not certain of what he was referring to. He may have had some conflicting information. This is RS 3, which is twenty-five feet. There was a

typo, and it is just modification to increase the height. They are allowed eight feet close to the side lot line, thirteen feet at the ridge, and nine feet at the top plate of the roof. Anytime it is in the street setback or in the street yard, he must get a Special Exception.

Board Action:

On **MOTION** of **Radney**, the Board voted 3-0-0 (Bond, Radney, Wallace “ayes”, no “nays”; no “abstentions”, Barrientos, and Stauffer “absent”) to **APPROVE** a **Special Exception** to permit a carport in the street setback and yard with modifications to increase the allowed height (Sec. 90.090-C1), per the Conceptual Plans shown on pages 5.10 – 5.13 of the Agenda packet.

The Board finds that the requested **Special Exception** will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, for the following property:

LT 2 BLK 3, WIL-REY TERRACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23535 - Midwest Used Auto Sales, LLC c/o Haley Wiggins

Action Requested:

Special Exception to permit Personal Vehicle Sales in the CS District (Sec. 15.020, Table 15-2) **Location:** 3637 N. Lewis Ave. E. **(CD 1)**

Presentation:

Haley Wiggins, P.O. Box 480920, Tulsa, Oklahoma 74148, stated that they are requesting to add Personal Vehicles Sales onto their auto salvage yard. We will be using an overflow parking area for that purpose. The owners of this property own a lot of the property in that area.

Mr. Bond asked if on page 6.6 of the Agenda packet was if he was looking at the existing property.

Ms. Wiggins stated that was correct and the auto salvage yard already has a 10-to-12-foot privacy fence, and they want the used auto portion fences in as well.

Mr. Wallace asked if this property had been a car lot prior to this.

Ms. Wiggins stated that lot is in the CS zone. They brought a Special Exception to the Board a couple of years ago to move the zoning for the salvage lot from CS to Heavy Industrial, but it did not include this lot. Before they owned it, it was a halfway house, and the rest was vacant.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Bond stated that there had been some that were controversial for salvage yards recently, and he does not see that controversy here. He did not think it would be detrimental to the neighborhood.

Board Action:

On **MOTION OF Radney**, the Board voted 3-0-0 (Bond, Radney, Wallace “ayes”, no “nays”; no “abstentions”, Barrientos, and Stauffer “absent”) to **APPROVE** a Special Exception to permit Personal Vehicle Sales in the CS District (Sec. 15.020, Table 15-2), per the Conceptual Plans shown on page 6.7 of the Agenda packet; for a term of 10 years June 13, 2033.

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

**The W 200 of of the following: BEG 351N & 50E SWC SW TH E200 N475 E385 S620
W85 S25 W488.2 N55.02 W12 N116 POB SEC 17 20 13 CITY OF TULSA, TULSA
COUNTY, STATE OF OKLAHOMA**

23536 - Waltherbach Properties

Action Requested:

Variance to reduce the minimum required drive aisle width of 24-feet (Table 55.090-D) **Location:** 1140 S. Quincy Ave. **(CD 4)**

Presentation:

Tim Waltherbach, 1011 North 4th, Broken Arrow, Oklahoma, 74012, stated that the address of this lot is situated between two 1930 era apartments. Parking is on the street. The hardship is that there is a sewer line that runs through half of the lot. He thinks this is a good solution for this lot.

Mr. Bond asked if Mr. Waltherbach was talking about building a townhouse or apartment structure.

Mr. Waltherbach stated that they want to build a three-bedroom townhouse with a garage that will be entered into through the alley. We plan on it being a three-story building. The infill overlay is what makes this possible.

Mr. Chapman stated that in our code there are parking standards. There are geometrics when you are parking on how it faces. The Code says when you have a situation where the parking faces the drive isle, there is supposed to be twenty-four feet of width to navigate out.

Interested Parties:

Laquinnia Lawson, 1 East 20th Place, Tulsa, Oklahoma 74114, stated that he owns the building directly north of this lot. Development is always a good thing, but one of his concerns is what he is showing on his plot plan a three-foot lot line to the north and he understood from the Code that the setback needs to be ten feet.

Mr. Bond stated that the issue before the Board was only the driveway.

Mr. Chapman stated that the property was within the neighborhood overlay and there is a three-foot side setback. They will have to go through fire review, and this is only zoning.

Comments and Questions:

Mr. Wallace asked what the hardship would be.

Board Action:

On **MOTION** of **Wallace**, the Board voted 3-0-0 (Bond, Radney, Wallace “ayes”, no “nays”; no “abstentions”, Barrientos, and Stauffer “absent”) to **APPROVE** a Variance to reduce the minimum required drive aisle width of 24-feet (Table 55.090-D), per the

Conceptual Plan shown on 7.16 of the Agenda packet. Finding the hardship to be the existing utility structure running along the southern edge of the property.

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

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

For the following property:

LTS 19 20 BLK 3, ORCHARD ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23537 - James W. Heath

Action Requested:

Special Exception to permit a carport in the street setback and yard with modifications in the increase the allowed height and dimensions (Sec. 90.090-C1) **Location:** 9417 E. 38th Place. **(CD 6)**

Presentation:

James Heath, 9417 East 38th Place, Tulsa, Oklahoma, 75145, stated that he had a carport constructed not knowing that he needed a permit. The City Inspector for the area has inspected the area and stated that the materials and construction are well within the Code. The setback was not far enough from the center of the street. He has written statements from his neighbors that they are not impacted, and they have no problems with the carport. He said that he provided examples of carports in the neighborhood that show a pattern of tolerance that are within the same setback that his is.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Bond stated that it was not out of character with the other carports in the neighborhood.

Ms. Radney stated that she appreciated the neighbor's signatures as well.

Board Action:

On **MOTION** of **Radney**, the Board voted 3-0-0 (Bond, Radney, Wallace "ayes", no "nays"; no "abstentions", Barrientos, and Stauffer "absent") to **APPROVE** a Special Exception to permit a carport in the street setback and yard with modifications in the increase the allowed height and dimensions (Sec. 90.090-C1), per the Conceptual Plans shown on 8.10 in the Agenda packet.

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

LT 21 BLK 7, BRIARWOOD SECOND ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23539 - Hunter's Precision RX, LLC

Action Requested:

Special Exception to permit a Convenience Goods (Pharmacy) with a Drive-through facility in the OM district (Sec. 15.020, Table 15-2); Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.2) **Location:** 6111 E Skelly Dr **(CD 5)**

Presentation:

Ross Mash, 10001 North Broadway, Oklahoma City, Oklahoma 73114, stated that Hunter Precision RX, LLC is part of the Hunter Care Health Family of companies. They are an Oklahoma City based organization that has been providing clinical pharmacy services since 2004. They have grown to encompass pharmacy, laboratories, and software companies designed for the behavioral healthcare industry. The location in question is going to be part of Grand Mental Health's Tulsa campus. Grand has twenty clinics across twelve counties in Oklahoma. They have become a national standard for mental health services.

The patients that are treated here are some of the most vulnerable in our population and they have a broad spectrum of behavioral healthcare issues and needs. Our pharmacy deals specifically with their needs and the challenges that they face. We are set up as an amenity for those patient services.

They are here today for two specific zoning requests. Our business does not have a retail component. They will not function as a CVS or Walgreens. It is specifically designed for those patients who are visiting this pharmacy. This space has more than 430 parking spaces on over four acres. No residential areas will be impacted by their use. The drive through will be to serve many of their patients that have mobility issues. It will be located at the rear of the property away from Skelly Avenue.

They provided a traffic plan study for your review. They will have two to three patients utilizing the drive through an hour. The walk-in component will only be for patients of Grand Mental Health and other medications will not be available. They do some compounding, but it is specifically for these patients. It will be a closed-door pharmacy and not open to the general public. There will not be methadone distribution there.

The hardship is if they do not have the drive through it will affect the patients that have mobility issues. There is not any other place they could put this realistically, because this serves the population that goes to Grand Mental Health specifically for that treatment.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Bond stated that the hardship addresses the code and does not face an arterial street. There is not a place that would be better on the lot, and this addresses the topographical uniqueness of this lot.

Board Action:

On **MOTION** of **Radney**, the Board voted 3-0-0 (Bond, Radney, Wallace “ayes”, no “nays”; no “abstentions”, Barrientos, and Stauffer “absent”) to **APPROVE** a Special Exception to permit a Convenience Goods (Pharmacy) with a Drive- through facility in the OM district (Sec. 15.020, Table 15-2); and a Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.2), per the Conceptual Plan shown on 9.13 of the Agenda packet. Finding the hardship to be the unusual shape and proportion of this lot.

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.”*

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

**LT 1 BLK 1, TULSA SCOTTISH RITE SUB AMD RESUB PRT TULSA SCOTTISH RITE,
CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

23540 - Aaron Spahr

Action Requested:

Special Exception to permit alternative compliance parking ratios to reduce the required number of parking spaces for an apartment/office use in the CH District (Section 55.050-K; Section 55.020 Table 55-1) **Location:** 8181 E 41st. **(CD 5)**

Presentation:

Aaron Spahr, 164 Bent Tree Drive, Palm Beach Gardens, Florida, 33418, stated that he and his partner, Adam Rosenberg, acquired this property, 8181 East 41st Street, last month. We went through a zoning change to go from IL to CH with the intention of turning the property into affordable housing. This property was contiguous to 41st Street, was split up, and the front section was converted into condominiums. Prior to this it was an extended stay hotel. There are four office buildings there. When that happened, the parking was split in an uneven ratio. The subject property lost spaces and the front property gained spaces.

Many of our projects we have converted other properties in other states like this and there will be one space per unit. Most of the property is studio apartments and some one bedrooms. There is a small handful of two bedrooms. The focus of this project for us is to deliver high quality and affordable prices. It may have some voucher-based portions which are Section 8 here. The whole place will be affordable housing. We would put more parking spaces if we could, but we know this enough with the current Code requirements. There are about eighty-six parking spaces on the site now and we will be adding twelve more parking spaces for about ninety-six parking spaces.

Mr. Bond asked what their estimate of tenant was.

Mr. Spahr stated that there are ninety-six units.

Ms. Radney asked Mr. Chapman what the ratio of code was.

Mr. Chapman stated that it varies by the number of bedrooms, and they are about twenty spaces short. In the neighborhood use overlay it is one space per unit.

Interested Parties:

No interested parties were present.

Comments and Questions:

Ms. Radney stated for the record that she is a proponent of affordable housing, and she would like to see what they expect the mix to be. This is out of the boundary for concessions the Board has made with other properties. She did not see how the target market here was different than River West. She is inclined to support it but would like more details in the future.

Mr. Bond stated that alternative parking was new to the city and new to us. When they had the requirement for parking study there was no metric on what that exact study was. As far as consistency is concerned, he felt like the Board has had similar request for other places.

Mr. Bond stated that he thought that a 10-year term limit would be appropriate.

Mr. Wallace stated that he did not know if that was the appropriate number. This is an industrial sliver off the Broken Arrow Expressway, and he thought 15 years would be more appropriate.

Ms. Radney stated that she could back a 15-year term limit.

Mr. Wallace asked Ms. Radney what strain it puts on the neighborhood that would not put more on the property owners.

Ms. Radney stated that it would put more of a strain on the residence. They are also going to need to affirm with the underwriters that this has been resolved with an appropriate timeline. Most lenders would be satisfied with twenty and probably fifteen years.

Adam Rosenberg, 1012B West Grove Avenue, Nashville, Tennessee, 37203, stated that he has been part of the Nashville development community for many years now. They are moving towards zero parking requirements especially when it comes to workforce development housing. They are passionate about finding affordable housing for people that are being forced out of their city because they cannot afford housing. Typically, a loan is thirty years and we have never come across this type of exception before. We are sensitive to people's lifestyle and want to create that here in Tulsa.

Mr. Wallace stated that he really appreciated what they had presented to the Board. The other thing is that if you were to sell this, the agreement is tied to the property, not to your company.

Ms. Radney stated that she is inclined to go with fifteen years and that the parking ratio does not go below this amount of one space per unit.

Board Action:

On **MOTION of Radney**, the Board voted 3-0-0 (Bond, Radney, Wallace "ayes", no "nays"; no "abstentions", Barrientos, and Stauffer "absent") to **APPROVE** a **Special Exception** to permit alternative compliance parking ratios to reduce the required number of parking spaces for an apartment/office use in the CH District (Section 55.050-K; Section 55.020 Table 55-1), per the Conceptual Plan shown on page 10.11 of the Agenda

packet. With the following conditions that there be one parking space per unit and it will be a fifteen-year term ending 6-12-2038.

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

**PRT LT 3 BEG SECR LT 3 TH W39 N187.86 W57.95 SW19.16 NW34.53 W104.50
NW36.82 W48.71 N392.92 E337.86 S578.87 POB BLK 1, BOND SECOND ADDN AMD,
CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

23541 - Twister Concrete Work

Action Requested:

Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3) **Location:** South of the SE/c of E. Tecumseh St. and N. Xanthus Ave. **(CD 1)**

Presentation:

The applicant was not at the meeting.

Interested Parties:

Comments and Questions:

Board Action:

On **MOTION** of **Radney**, the Board voted 3-0-0 (Bond, Radney, Wallace “ayes”, no “nays”; no “abstentions”, Barrientos, and Stauffer “absent”) to **APPROVE** a Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3) per.

For the following property:

**W 140 OF S 200 LT 8 & E 60 OF S 200 LT 9 BLK 5, CONSERVATION ACRES SUB,
CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

OTHER BUSINESS

Mr. Chapman stated that Tulsa Planning was moving to the City of Tulsa as of July 1, 2023, and Sherri Tauber is going to stay with INCOG to work with the County Board of Adjustment. This will be her last meeting with the City Board of Adjustment.

Mr. Bond thanked Ms. Tauber for her work and she would be missed.

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

There being no further business, the meeting adjourned at 3:57 p.m.

Date approved: _____

Chair



CITY OF Tulsa

Board of Adjustment

Case Number: BOA-23548

Hearing Date: 08/08/2023 (Cont. from
7/11/23)

Case Report Prepared by:

Austin Chapman

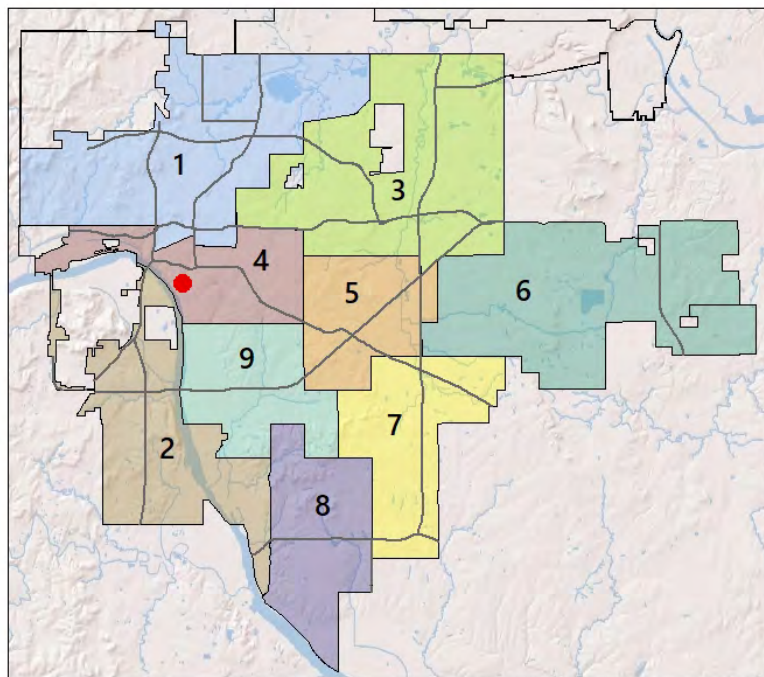
Owner and Applicant Information:

Applicant: Joseph L. Hull IV

Property Owner: Boston Avenue Realty LLC

Action Requested: Variance to increase the permitted size of Temporary Mobile Storage Units on a non-residential lot(Sec. 50.030-F.2.C)

Location Map:



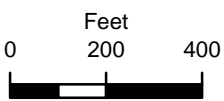
Additional Information:

Present Use: Parking Lot

Tract Size: 0.15 acres

Location: 35 E. 18 St. S.

Present Zoning: CH



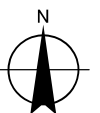
Subject
Tract

BOA-23548

19-12 12

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

Aerial Photo Date: 2023



2.2



0 50 100
Feet



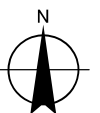
Subject
Tract

BOA-23548

19-12 12

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

Aerial Photo Date: 2023



2.3

BOARD OF ADJUSTMENT CASE REPORT

STR: 9212

Case Number: BOA-23548

CD: 4

HEARING DATE: 8/08/23 (Cont. from 07/11/2023)

APPLICANT: Joseph L. Hull IV

ACTION REQUESTED: Variance to increase the permitted size of Temporary Mobile Storage Units on a non-residential lot(Sec. 50.030-F.2.C)

LOCATION: 35 E 18 ST S

ZONED: CH

PRESENT USE: Parking Lot

TRACT SIZE: 6499.18 SQ FT

LEGAL DESCRIPTION: LT 7 BK 2, STUTSMAN 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 "Multiple Use" Land Use designation.

Multiple Use areas are "Mostly Commercial or Retail Uses" which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

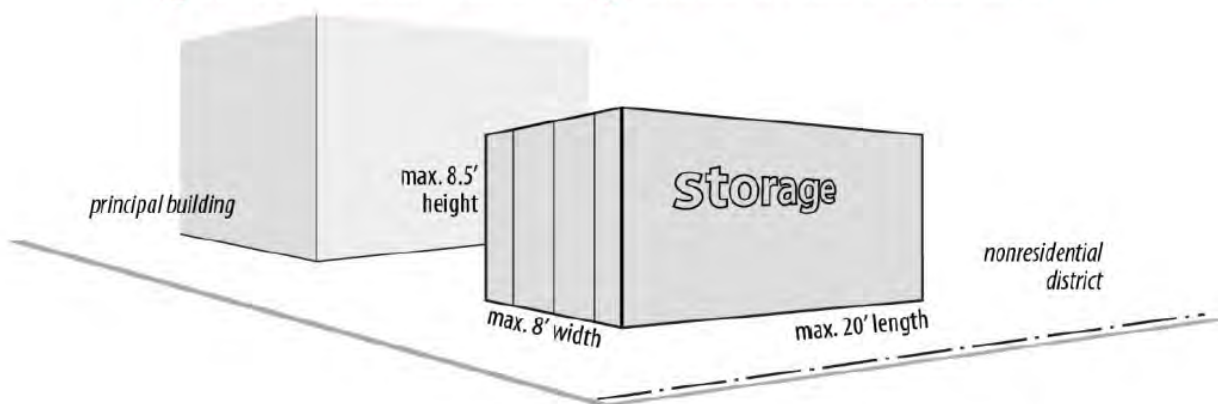
STATEMENT OF HARDSHIP:

Applicant has provided a separate exhibit included in you packet describing their hardship.

STAFF ANALYSIS: The applicant is requesting a Variance to increase the permitted size of Temporary Mobile Storage Units on a non-residential lot(Sec. 50.030-F.2.C):

- c.** Temporary mobile storage units may not exceed 20 feet in length, 8 feet in width, and 8.5 feet in height. See [Figure 50-2](#).

Figure 50-2: Maximum Mobile Storage Unit Size in Nonresidential Districts



The applicant is requesting permission to allow 2 storage units that are both 8-feet wide and 40-feet long.

Facts staff finds favorable for variance request:

- None.

Facts Staff find unfavorable for the variance request:

- The property would be allowed 3 storage units at a size of 20-feet x 8-feet by right. The applicant has not provided reasons why that would not be adequate toward the needs of the property owner.

SAMPLE MOTION: Move to _____ (approve/deny) a Variance to increase the permitted size of Temporary Mobile Storage Units on a non-residential lot (Sec. 50.030-F.2.C)

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

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

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

Permit Number: TMH-148583-2023

[Report History](#) | [Table History](#) | [Map Menu](#)

Type:	Manufactured/Mobile Temp Use: Commercial	Status:	In Review	Project Name:	
IVR Number:	249396	Applied Date:	05/10/2023	Issue Date:	
District:	Council District 4	Assigned To:		Expire Date:	
Finalized Date:					
Description:	40' shipping container will be used for temporary storage and office space for adjacent food truck business.				

Temporary Use Review

Submital Status	Received Date	Due Date	Completed Date
Requires Re-submit	05/15/2023	06/28/2023	06/02/2023

❗ Planning/Zoning • Requires Re-submit • Bush Jeff • Completed : 05/25/2023

Due Date	Completed Date
06/28/2023	05/25/2023

Comment

Exceeds length. Marked plan 5/25/23

HARDSHIPS

In Feb 2022, the largest unit within the shopping center (1738 S Boston Ave) was destroyed in a fire. Proposed variance will allow for the efficient construction process that will significantly expand the shopping center's gross area leading to substantial increases in annual gross taxable revenues. The expansion of the gross area is a requirement for the feasibility of the project due to the current market and cost of construction conditions.

The adjacent shopping center will be undergoing a \$5.9MM re-development beginning in July 2023, with material procurement beginning immediately requiring storage. . Applicant is the owner of the surrounding and adjacent shopping center properties at 1734,1738,1740,1742 S Boston, 1735-1739 S Baltimore, and 39 E 18th, and as such has no objection to the variance(s) sought.

In January 2023 applicant/owner/developer demolished the derelict improvements atop the subject real estate at 35 E 18th St., with the purpose that the lot be used as a construction staging and storage site, in preparation for adjacent shopping center re-development project.

The proposed variance(s) in 50.030-f.2c (a-g) will allow for the temporary use of 35 E 18th for construction staging and storage during the 9-14 month construction period. The primary purpose of the proposed variances sought by applicant would to allow for the temporary use of (2) 40' shipping containers, to be situated at the NE corner of 6,500 SF asphalt parking lot at 35 East 18th Street. The 40' containers will be occupied within footprint left by the former 35 E

18th building, at the North and East perimeter walls. Approval of the proposed variance will help applicant surmount practical difficulties related to the volume and size requirements of the construction materials that will need to be stored in close proximity to the construction site.

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;

The physical surroundings of the subject 35 East 18th Street lot make it a part of an assemblage of properties that compose the 18th and Boston Ave shopping center, and is the only lot suitable for the dual use of construction storage and close proximity storage for operating restaurants that will be effected during new construction and shopping center renovation.

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

The intended purpose of 50.030-f.2c (a-g) collectively is to limit the size and term of use of temporary manufactured storage buildings in residential and commercial zones. The subject property is CH zoned, and is located in a historic business district that is undergoing historic levels of investment and re-development. The variance would allow for the proper storage of several large construction components within close proximity to the construction site, which can be achieved without the need for enforcement of the stated provisions.

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;

The mixed purpose of the variance(s) requested are 2-fold, 1) to act as storage for contractors during construction on adjacent 1738 S Boston Ave lot, 2) to act as storage for the operating businesses that will be effected by shopping center construction and renovations, which is a unique when compared to existing completed properties within the same zoning classification.

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

The hardship was not intentionally created by owner.

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

Affirmed.

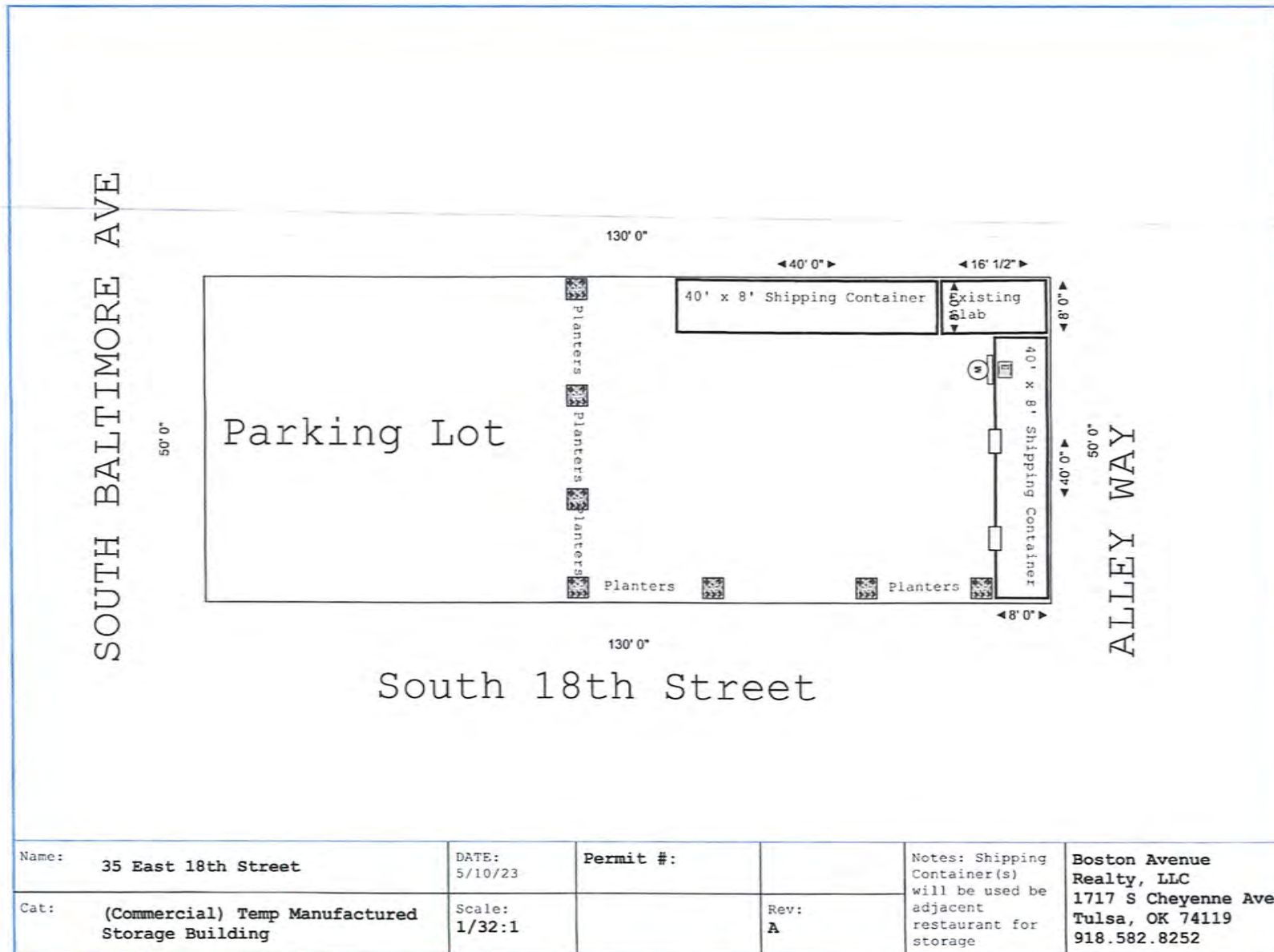
6. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property;
and

Affirmed. The temporary variance to be granted will only serve to facilitate the restoration of the essential character of adjacent historic fire ravaged property while enabling the efficient

operation of the existing businesses during the re-development of the shopping center as a whole.

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.

Affirmed.



Markups

Text	Added By	Page
50.030-F.2.a- Temporary mobile storage units are permitted for a period not to exceed a total of 90 days within any calendar year unless a valid building or construction permit is in place for the subject property, in which case the temporary mobile storage unit may remain in place for a maximum of 180 days or until the permit expires, whichever occurs first. If the principal building on the subject lot has been damaged by natural disaster act of God, the development administrator is authorized to grant time extensions of otherwise applicable temporary mobile storage unit time limits. Review Comment: Temporary mobile storage unit not to exceed 180 days.	Jeffrey Bush	1
50.030-F.2.c. Temporary mobile storage units may not exceed 20 feet in length, 8 feet in width, and 8.5 feet in height. See Figure 50-2. Review Comment: Please submit plans indicating storage units no longer than 20' in length.	Jeffrey Bush	1

From: [Joseph L. Hull, III](#)
To: [Chapman, Austin](#)
Cc: [Joseph Hull](#)
Subject: Application for Variance of Boston Avenue Realty, LLC set for hearing July 11, 1:00 PM
Date: Monday, July 10, 2023 4:56:47 PM

Mr. Chapman: Please be advised that the captioned application, which involves the placement of storage containers at 35 East 18th, needs to be continued to the next BOA meeting in August. The wind storm of June 18th, 2023, actually blew one of the containers strapped with chains to the top of the other one into one of the restaurants at 39 East 18th, resulting in the need to rethink the basis for the application.

Please note this request and advise if I still need to be present for the hearing tomorrow to seek this continuance, or if the request can be confirmed by a responsive email.

I will await your advice. Thanks

Joseph L. Hull, III



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CITY OF Tulsa

Board of Adjustment

Case Number: BOA-23549

Hearing Date: 08/ 08/2023 (Cont. from 07/11/2023)

Case Report Prepared by:

Austin Chapman

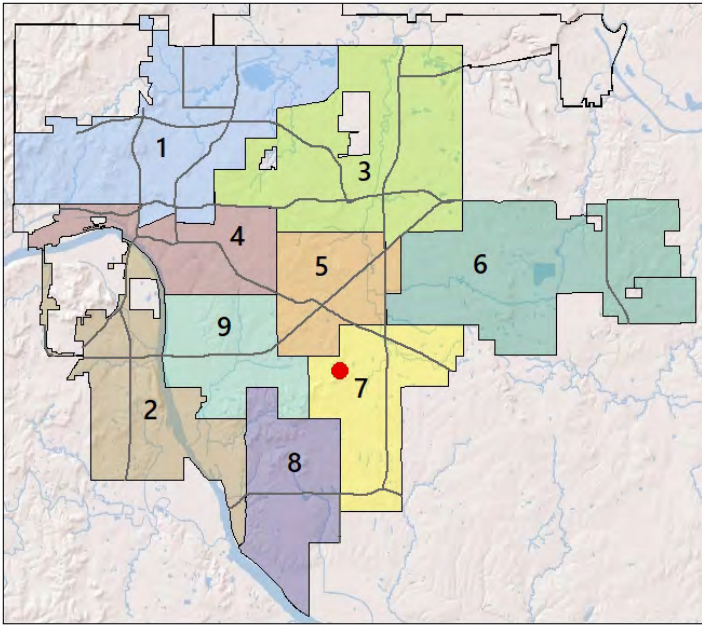
Owner and Applicant Information:

Applicant: Criminal Justice and Mercy Ministries of OK, Inc.

Property Owner: Southtown Holding Company LLC

Action Requested: Special Exception to permit a Residential Treatment Facility/ Transitional Living Center Use in the RS-3 (Table 5.020, Table 5-2);

Location Map:



Additional Information:

Present Use: Former Retirement Home/ Nursing Home

Tract Size: 2.65 acres

Location: 5707 S. Memorial Dr.

Present Zoning: RS-3



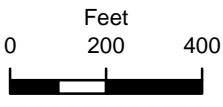
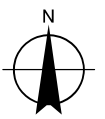
SUBJECT TRACT

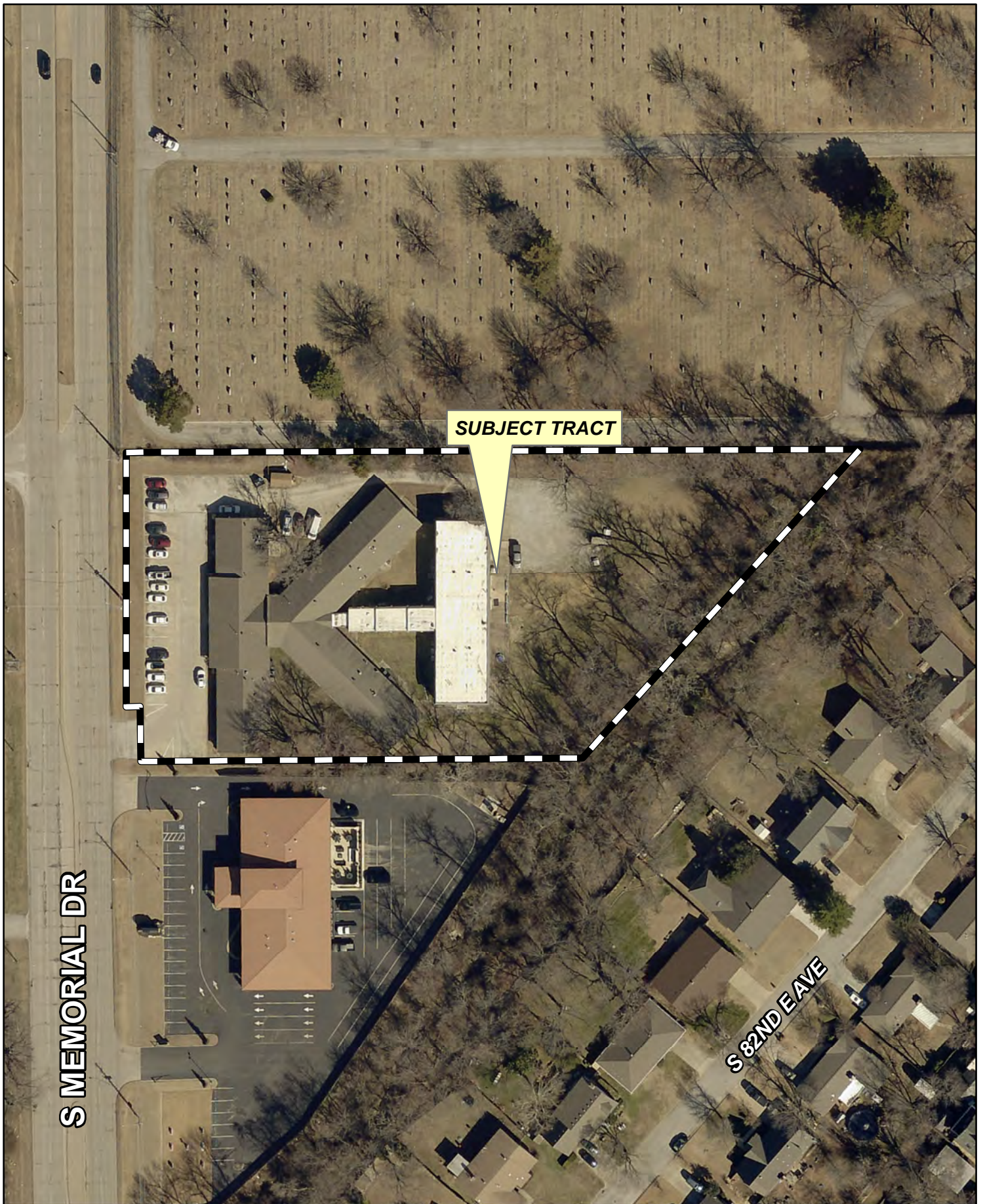
BOA-23549

19-13 36

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

Aerial Photo Date: 2023

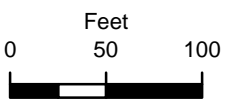




S MEMORIAL DR

S 82ND E AVE

SUBJECT TRACT



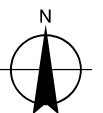
Subject Tract

BOA-23549

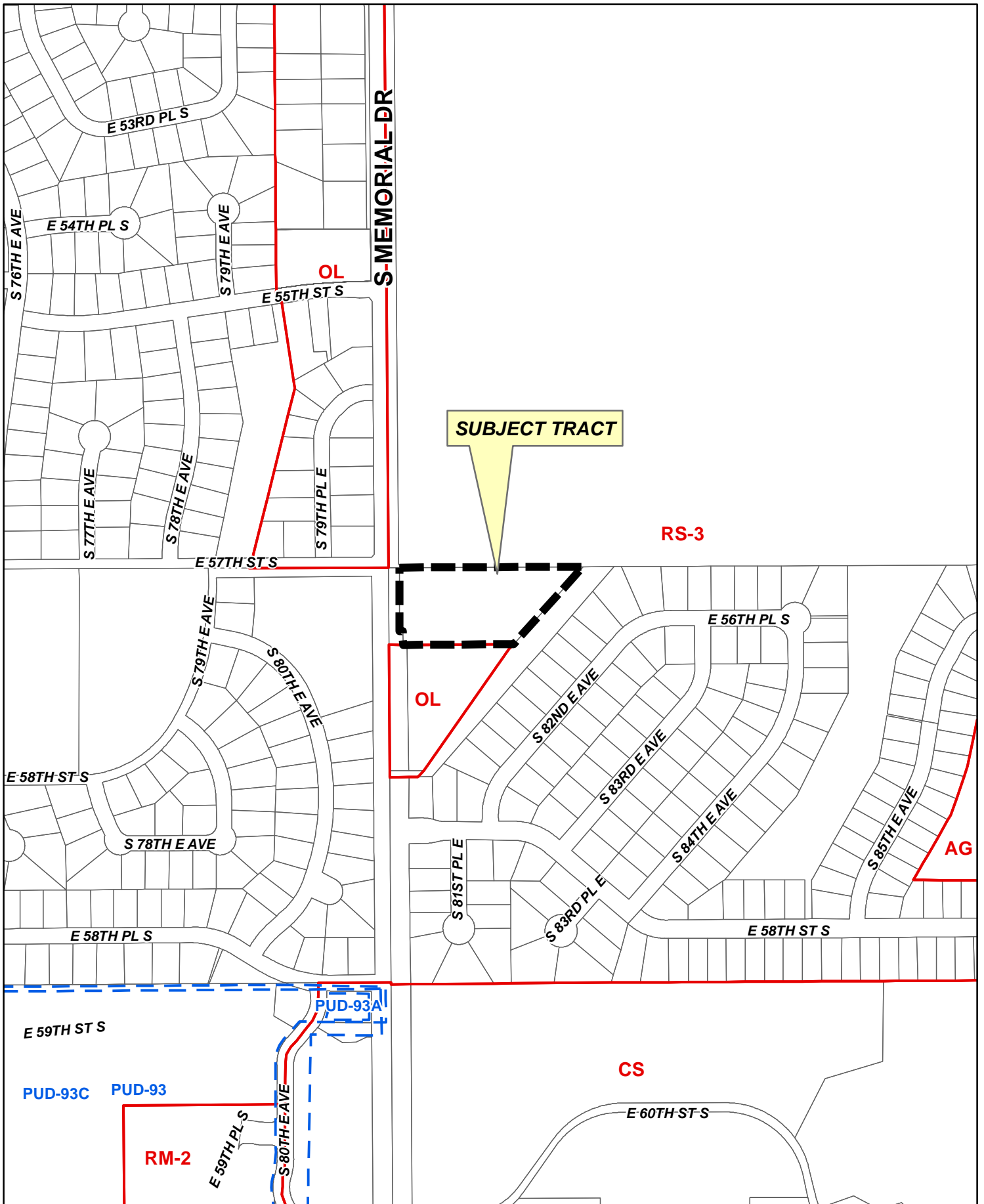
19-13 36

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

Aerial Photo Date: 2023



3.3



BOA-23549

19-13 36

3.4

BOARD OF ADJUSTMENT
CASE REPORT

STR: 9336

Case Number: **BOA-23549**

CD: 7

HEARING DATE: 08/ 08/2023 (Cont. from 07/11/2023)

APPLICANT: Criminal Justice and Mercy Ministries of OK, Inc.

ACTION REQUESTED: Special Exception to permit a Residential Treatment Facility/ Transitional Living Center Use in the RS-3 (Table 5.020, Table 5-2);

LOCATION: 5707 S. Memorial Dr.

ZONED: RS-3

PRESENT USE: Former Retirement Home/ Nursing Home

TRACT SIZE: 115530.31 SQ FT

LEGAL DESCRIPTION: BEG NWC SW TH E620.64 SW349.40 SW479.64 W104.88 N646.57 POB LESS BEG NWC SW TH S646.57 E60 N5 W10 N125 W5 N311.57 W10 N205 W35 POB & LESS BEG 45E & 250S NWC NW SW TH E332.21 SW.89 SW479.64 W44.88 N5 W10 N125 W5 N266.57 POB SEC 36 19 13 2.65ACS, 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 "Multiple Use" Land Use Designation.

Multiple Use areas are "Mostly Commercial or Retail Uses" which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

STAFF ANALYSIS: The applicant is requesting a Special Exception to permit a Residential Treatment Facility/ Transitional Living Center Use in the RS-3 (Table 5.020, Table 5-2);

Transitional Living Center

A community-based residential facility that provides room and board, a supervised living environment, counseling and rehabilitation services for persons with a history of juvenile delinquency, behavioral disorders, alcoholism or drug abuse for a continuous period of no more than 120 consecutive days.

Residential Treatment Center

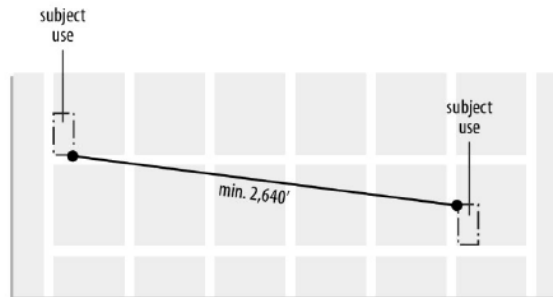
A community-based residential facility that provides diagnostic or therapeutic services, counseling, or treatment and long-term room and board in a highly structured environment for persons receiving active treatment for alcoholism, drug abuse or behavioral disorders.

Transitional living uses are subject to the following supplemental regulations:

Section 40.130 Dispersal Standards for Specified Land Uses

- 40.130-A** The supplemental use regulations of this section apply to all detention and correctional facilities, emergency and protective shelters, homeless centers, residential treatment centers and transitional living center uses.
- 40.130-B** To avoid over-concentration, all detention and correctional facilities, emergency and protective shelters, homeless centers, residential treatment centers and transitional living center uses must be separated from one another by a minimum distance of 2,640 feet, as measured in a straight line from the nearest point on the lot line of the property occupied by one of these uses to the nearest point on a lot line of the other property occupied by one of the subject uses (see [Figure 40-6](#)). The separation distance requirements of this subsection may be reduced if approved through the special exception approval process.

Figure 40-6: Dispersal Standards Measurement



Staff would recommend approving the the exception per conceptual plan showing the footprint and location of the exisitng structures. Additonal parking may need to be added to meet code.

SAMPLE MOTION:

Move to _____ (approve/deny) a Special Exception to permit a Residential Treatment Facility/ Transitional Living Center Use in the RS-3 (Table 5.020, Table 5-2);

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

_____;

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



Subject Property



Facing North on Memorial



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

CITY OF TULSA

CORRECTIONS SUMMARY

ZCO-149727-2023 (5707 S MEMORIAL DR E Tulsa, OK 74145) Markup Summary #1

Note (3)



Subject: Note
Page Label: 1
Author: danabox
Date: 5/30/2023 8:40:07 AM
Color: ■

Sec. 40.130-B To avoid over-concentration, all detention and correctional facilities, emergency and protective shelters, homeless centers, residential treatment centers and transitional living center uses must be separated from one another by a minimum distance of 2,640 feet, as measured in a straight line from the nearest point on the lot line of the property occupied by one of these uses to the nearest point on a lot line of the other property occupied by one of the subject uses (see Figure 40-6). The separation distance requirements of this subsection may be reduced if approved through the special exception approval process.

Review Comment: Clearly identify the radius measurement, measure the distance from your property to the closest facility near your property. Identify on the map. Your facility can be no closer than 2,640 feet to the next facility.



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

CITY OF TULSA

CORRECTIONS SUMMARY



Subject: Note
Page Label: 2
Author: danabox
Date: 5/30/2023 8:42:17 AM
Color: ■

Sec.70.080-C: Applications for Zoning Clearance must be accompanied by a legal description of the lot and plans, drawn to scale.

Review comment: Submit a site plan with the following information:

- Actual shape and dimensions of the lot;
- Location and dimensions of all easements;
- Lot lines and names of abutting streets;
- The location, size and height of any existing buildings or structures to be erected or altered, including distances to lot lines;
- The location, dimensions and height of proposed buildings or structures to be erected or altered;
- The intended use of existing and proposed buildings, structures or portion of the lot;
- Location and dimensions of parking areas. This includes the parking spaces, the maneuvering areas necessary to enter and exit the spaces and the drives providing access to the parking spaces and maneuvering areas from a public or private street or other parking areas.



Subject: Note
Page Label: 1
Author: danabox
Date: 5/30/2023 8:47:12 AM
Color: ■

Sec.5.020 Table 5-2: Your proposed facility is designated a Residential/Group Living/Transitional Living Center use and is located in an RS-3 zoning district.

Review Comments: Transitional Living Center uses are only allowed in an RS-3 zone by Special Exception. Submit a Special Exception reviewed and approved per Sec.70.120 to allow a Transitional Living Center use in a RS-3 zoned district. Contact the Tulsa Planning Office at 918-584-7526 for next steps and further instruction.

Intended Use: Transitional Housing and Residential Treatment Facility

These are all the existing and proposed buildings, structures or portions of the lot. There are no plans to erect or alter proposed buildings or structures. Parking spaces and entries and exits are shown.



5707 S. Memorial Dr. E., Tulsa, OK 74145

Legal: BEG NWC SW TH E620.64 SW349.40 SW479.64 W104.88 N646.57 POB LESS BEG
NWC SW TH S646.57 E60 N5 W10 N125 W5 N311.57 W10 N205 W35 POB & LESS BEG 45E
& 250S NWC NW SW TH E332.21 SW.89 SW479.64 W44.88 N5 W10 N125 W5 N266.57 POB
SEC 36 19 13 2.65ACS

calcmaps.com

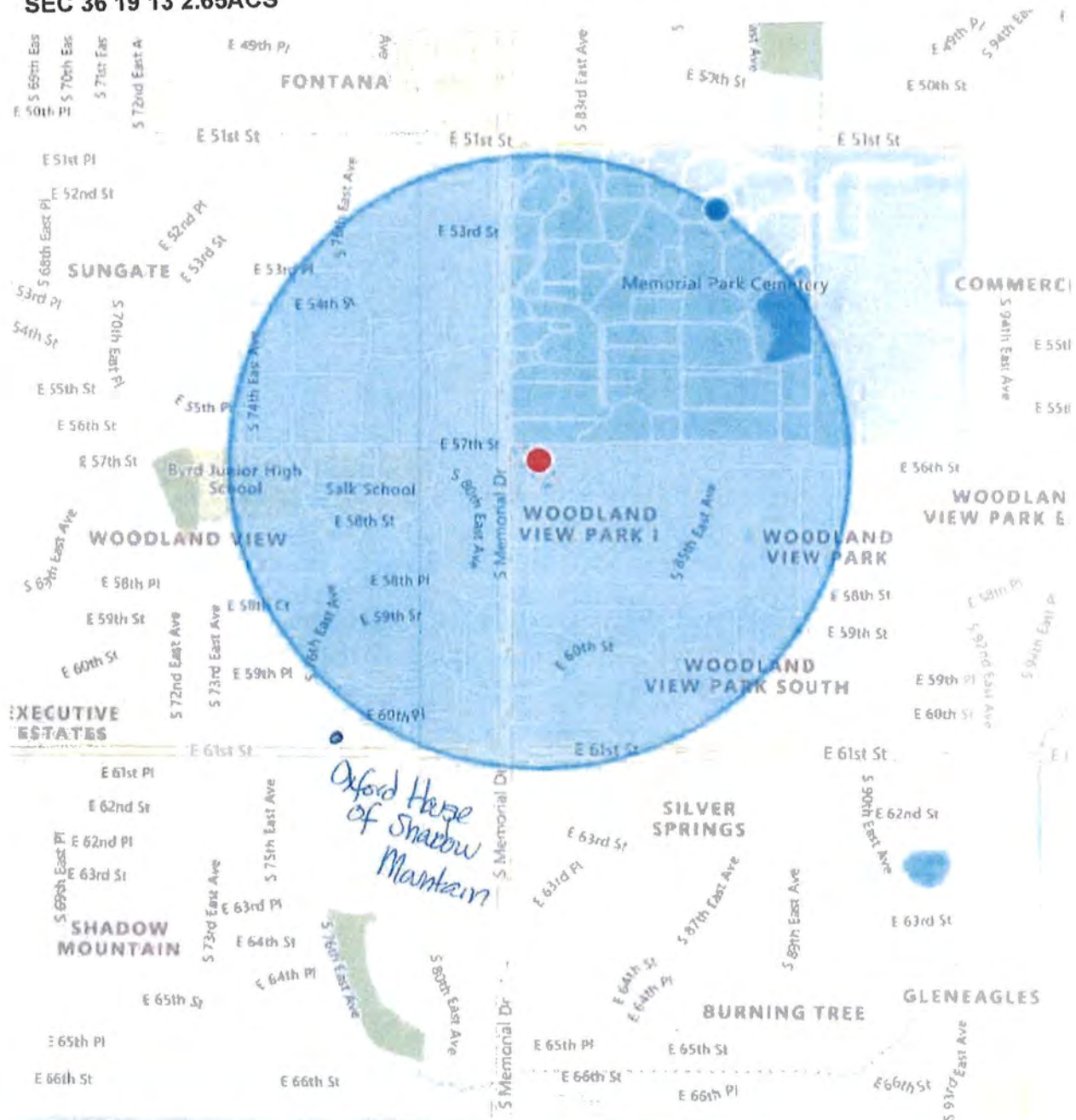
Radius: 805.67 m | 0.81 km | 0.50 mi | 2643 ft | 881.1 yd | 0.44 nm

Circle Area: 2039217 m² | 2.04 km² | 0.79 mi² | 21949951 ft²

Lat,Lon: 36.08232, -95.88549

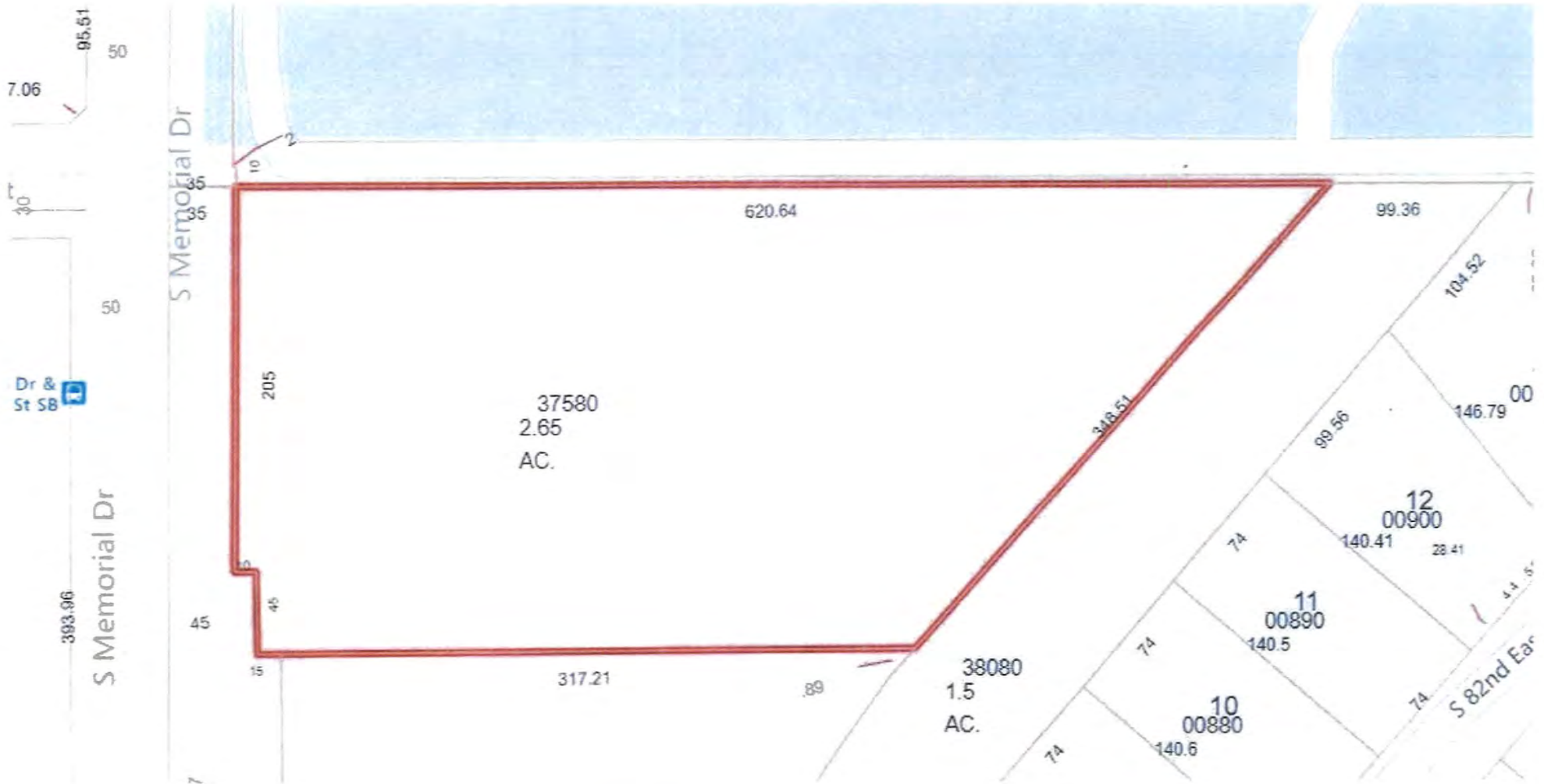
5707 S. Memorial Dr. E., Tulsa, OK 74145

Legal: BEG NWC SW TH E620.64 SW349.40 SW479.64 W104.88 N646.57 POB LESS BEG
 NWC SW TH S646.57 E60 N5 W10 N125 W5 N311.57 W10 N205 W35 POB & LESS BEG 45E
 & 250S NWC NW SW TH E332.21 SW.89 SW479.64 W44.88 N5 W10 N125 W5 N266.57 POB
 SEC 36 19 13 2.65ACS



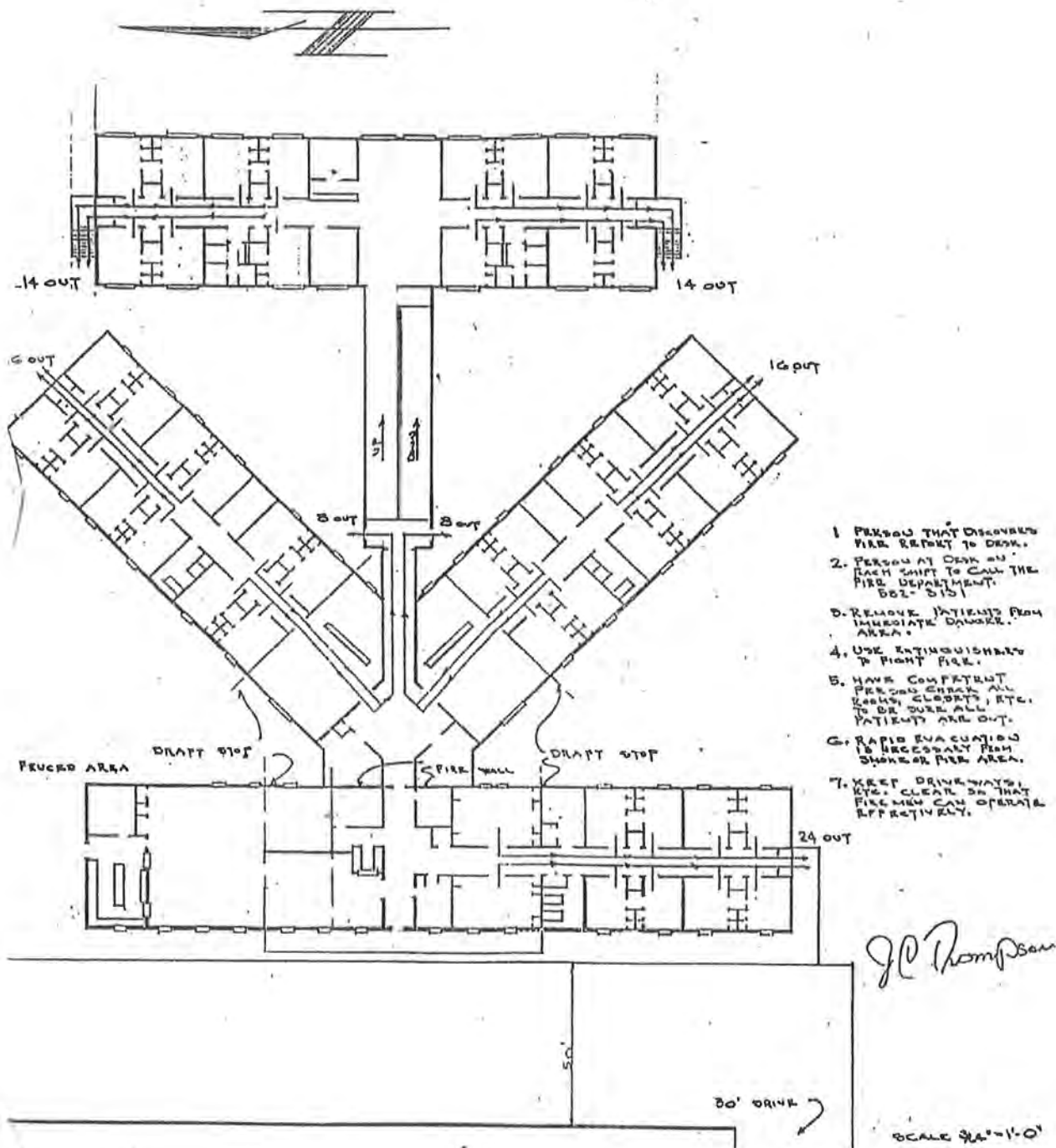
No detention and correctional facilities, emergency and protective shelters, homeless centers, residential treatment centers and transitional living centers are located within a 2,640 foot radius of the location.

Actual shape and dimensions of the lot with lot lines and names of abutting streets.



5707 S. Memorial Dr. E., Tulsa, OK 74145

Legal: BEG NWC SW TH E620.64 SW349.40 SW479.64 W104.88 N646.57 POB LESS BEG
NWC SW TH S646.57 E60 N5 W10 N125 W5 N311.57 W10 N205 W35 POB & LESS BEG 45E
& 250S NWC NW SW TH E332.21 SW.89 SW479.64 W44.88 N5 W10 N125 W5 N266.57 POB
SEC 36 19 13 2.65ACS





Meeting re: Case Number BOA-23446

Julie Potter <potteju357@gmail.com>

Mon 10/24/2022 3:21 PM

To:Chapman, Austin <AChapman@incog.org>

I am the current president of the Woodland View Park I neighborhood association. I received an email notification of the proposed zoning change to the property located in our neighborhood. Sounds like they want to build a monestary senior living structure on that hill. I have discussed this with some of our residents and all of us are against having such a structure built on that hill. It would overlook more than 70 homes. It would also increase the traffic on 58th street causing congestion. I am unable to attend the meeting on Tuesday, but would cast a NO vote along with other home owners in WVPI. Respectfully,

Julie Potter

WVPI Neighborhood Association President

5649 S. 84th E. Ave.

Tulsa, OK

918-695-8810

Sent from my U.S.Cellular© Smartphone

Get [Outlook for Android](#)



CITY OF Tulsa

Board of Adjustment

Case Number: B0A-23550

Hearing Date: 07/11/2023 1:00 PM

Case Report Prepared by:

Austin Chapman

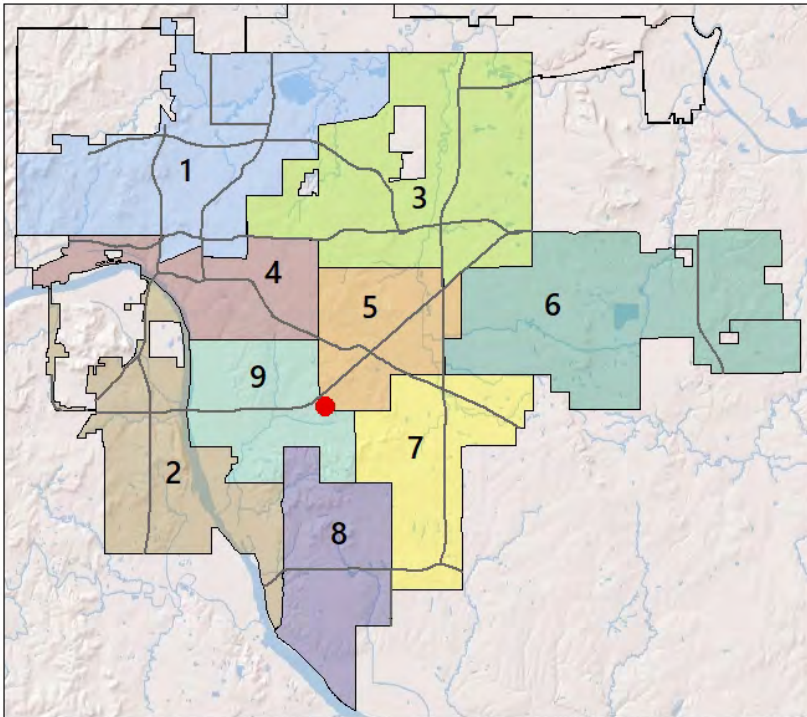
Owner and Applicant Information:

Applicant: Linda Waytula

Property Owner: Jeff McCoy

Action Requested: Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.2)

Location Map:



Additional Information:

Present Use: Vacant lot

Tract Size: 1.1 acres

Location: 5115 E. 51 St.

Present Zoning: CS



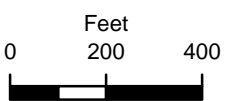
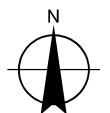
SUBJECT TRACT

BOA-23550

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

19-13 27

Aerial Photo Date: 2023



Subject
Tract

4.2



0 50 100
Feet



Subject
Tract

BOA-23550

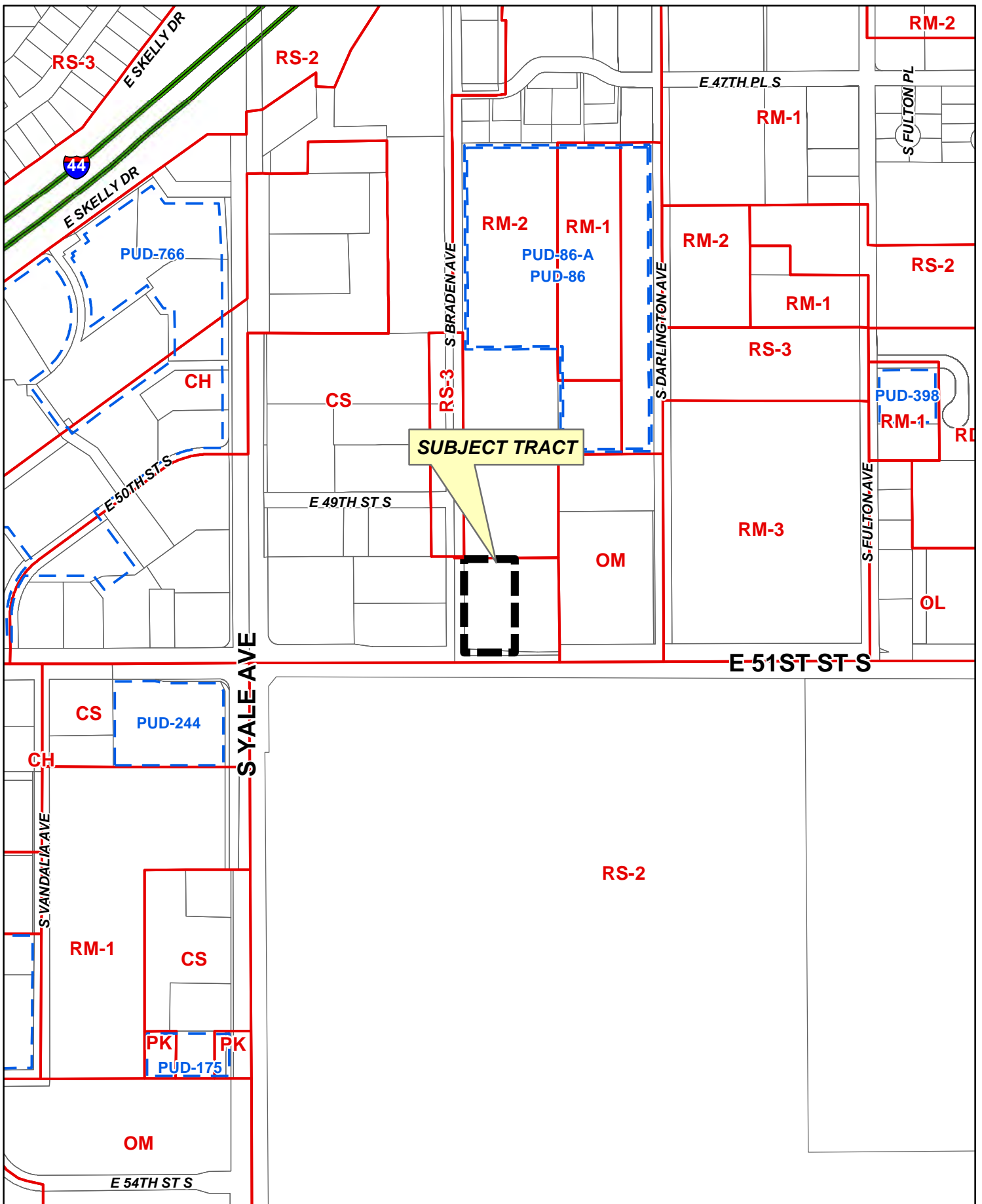
19-13 27

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

Aerial Photo Date: 2023

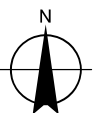
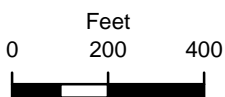


4.3



BOA-23550

19-13 27



BOARD OF ADJUSTMENT CASE REPORT

STR: 9327

Case Number: BOA-23550

CD: 5

HEARING DATE: 07/11/2023 1:00 PM

APPLICANT: Linda Waytula

ACTION REQUESTED: Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.2)

LOCATION: 5115 E. 51 St.

ZONED: CS

PRESENT USE: Vacant lot

TRACT SIZE: 47835.61 SQ FT

LEGAL DESCRIPTION: PRT LTS 17 & 18 BEG SWC LT 18 TH N22.41 SE19.60 SE216.56 E69.07 S7.42 W304.50 POB; LTS 17 & 18 LESS PRT BEG SWC LT 18 TH N22.41 SE19.60 SE216.56 E69.07 S7.42 W304.50 POB, CANFIELD SUB CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Neighborhood" Land Use designation.

Neighborhoods are "Mostly Residential Uses" which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low-intensity uses that support residents' daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

STATEMENT OF HARDSHIP: Please see attached exhibit.

STAFF ANALYSIS: The applicant is requesting a Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.2)

55.100-C Location and Design

1. Stacking lanes must be located on the subject property. They may not be located within required driveways or drive aisles, parking spaces or loading areas and may not interfere with access to parking and ingress and egress from the street.
2. All areas associated with drive-through facilities, including drive-through signs, stacking lanes, trash receptacles, loudspeakers and service windows must be located to the rear or on the non-street-facing side of the property. Drive-through lanes must be set back at least 10 feet from abutting R- or AG-R- zoned lots, and a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.070-C.

Applicant is proposing a drive through restaurant with lanes and windows facing Braden Ave.

Facts staff finds favorable for variance request:

- None.

Facts Staff find unfavorable for the variance request:

- The applicant has not provided any physical constraints on the property other than it being a corner lot.
- Property is currently vacant and it is unclear why a drive-through cannot be designed to meet code.
- As of the writing of this staff report the applicant has not provided any alternative to show what hardship would be created if the drive through were to meet the zoning code.

SAMPLE MOTION: Move to _____ (approve/deny) a Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.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 _____.

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."*

Statement of Hardship:

VARIANCES:

The applicant must prove a hardship to the Board. The Board of Adjustment is allowed to approve variances only after determining that the following conditions exist. Please describe how your request satisfies each of these conditions at the hearing. (You may include a separate page)

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;

The physical surroundings of our site creates a hardship and practical difficulties of laying out this site for the owner. The property is located with streets on the south and west sides of the property and a residential area to the north. This restricts being able to have a drive-thru and meet the full restrictions of Sec. 55.100-C of the Zoning Code.

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

Our proposed layout minimizes the impact of the existing surrounding area. We are proposing to place the quietest part of the drive-thru process to face S. Braden Ave (the pickup window) and the residential area to the north (cars idling). We feel this is a benefit to not have the order point or the pickup window facing the residential area.

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;

See attached Exhibit A which contains a list of restaurants located within the City of Tulsa that are commercial properties that have a similar layout to what we are proposing that do not comply with Sec. 55.100-C of the Zoning Code.

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

While working on splitting the lot, the buyer of the East side of the property determined they wanted to be on the East side leaving us with the West portion of the property.

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

We have worked on multiple site layouts to try to get this site to work. All layouts don't comply due to the nature of a drive-thru flow requiring three sides of a building to be able to complete the process. The pick-up window faces a Residential Collector. What we are proposing keeps all of the drive-thru associated services from facing any Arterial streets.

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;

and

the adjacent properties to the east/west are currently zoned Commercial. We will not impair any streets due to this layout keeping all queueing internal to the site.

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.

We feel the proposed solution is best for the public as well as the owner.

In granting a variance, the Board may make appropriate conditions or safeguards and may require a bond or other guarantee necessary to enforce compliance with the conditions. Please sign to acknowledge that you understand the conditions that the Board must find to grant your request and that the information included in this application is truthful.

Applicant Signature: Linda Wraytula



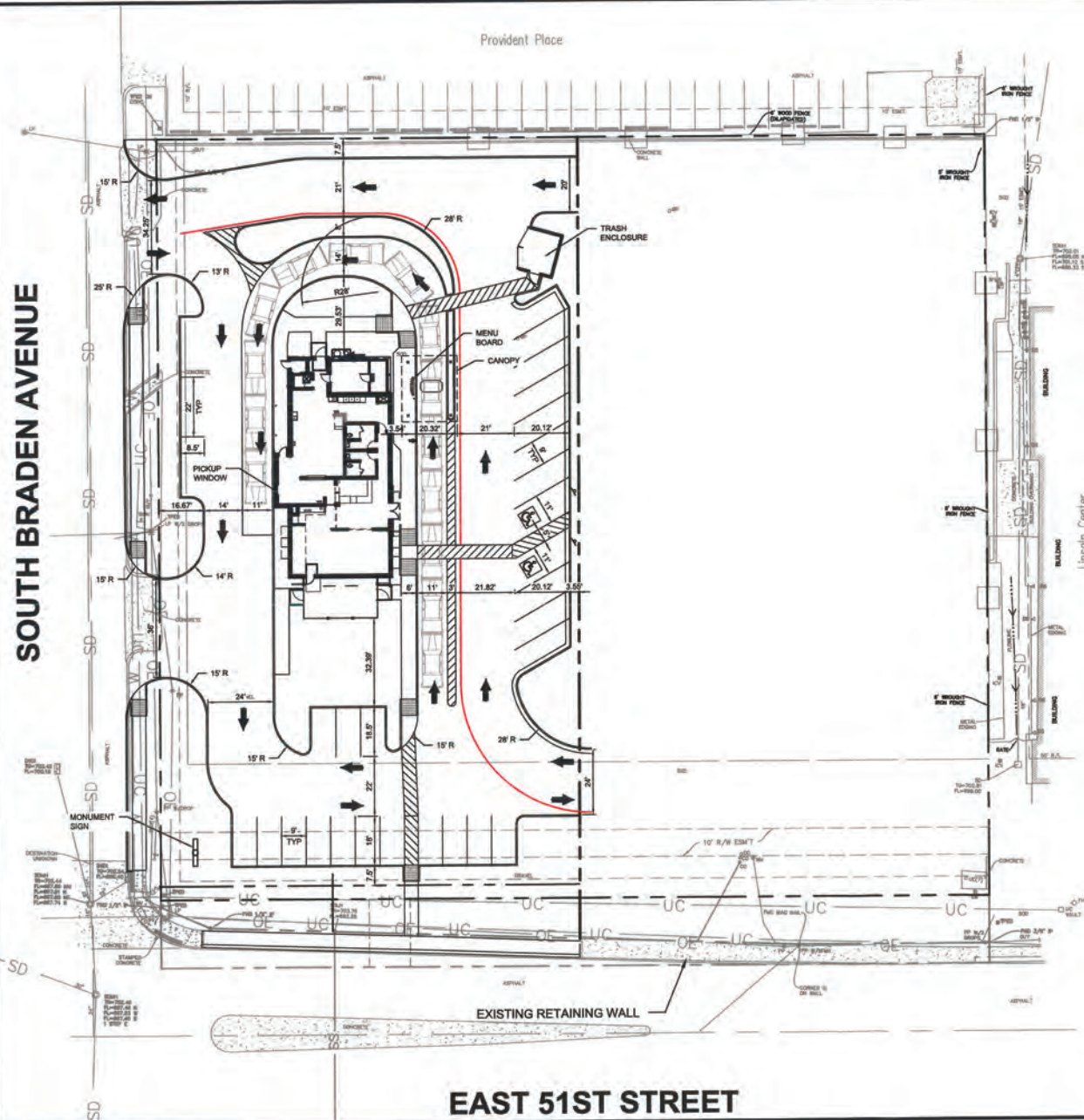
Facing North on Braden Ave.



Subject property

SOUTH BRADEN AVENUE

Provident Place



EAST 51ST STREET

NOTE:

THIS DRAWING IS CONCEPTUAL IN NATURE AND SHOULD NOT BE CONSIDERED A FINAL DRAWING FOR CONSTRUCTION OR PERMITTING PURPOSES. BELOW IS A LIST OF EXCLUSIONS THAT HAVE NOT BEEN FULLY VETTED AT THIS TIME.

- LANDSCAPING REQUIREMENTS
- SITE DETENTION REQUIREMENTS
- BUILDING SETBACKS AND EASEMENTS
- ACCESS REQUIREMENTS / RESTRICTIONS

PARCEL SIZES

OVERALL	85,269 S.F. (1.95± ACRES)
SLIM CHICKENS PARCEL	43,351 S.F. (0.99± ACRES)
REMAINDER	41,918 S.F. (0.96± ACRES)

PROTO

JOURNEY (2,194 NET S.F., 410 S.F. PATIO, 309 S.F. COOLER AREA)

PARKING COUNT

REQUIRED (8.5 SPACES / 1000 S.F.)
22 STANDARD SPACES INCLUDING 2 ADA SPACES
PROVIDED
29 SPACES INCLUDING 2 ADA

STACKING

REQUIRED
3 SPACES FROM MENU BOARD PER LANE
PROVIDED
5 SPACES FROM MENU BOARD PER LANE

CYNTERGY



SLIM CHICKENS

CONCEPTUAL SITE PLAN - OP 2h

1 TULSA, OK - 51st & YALE

SCALE: 1" = 40'-0"

05.18.2023

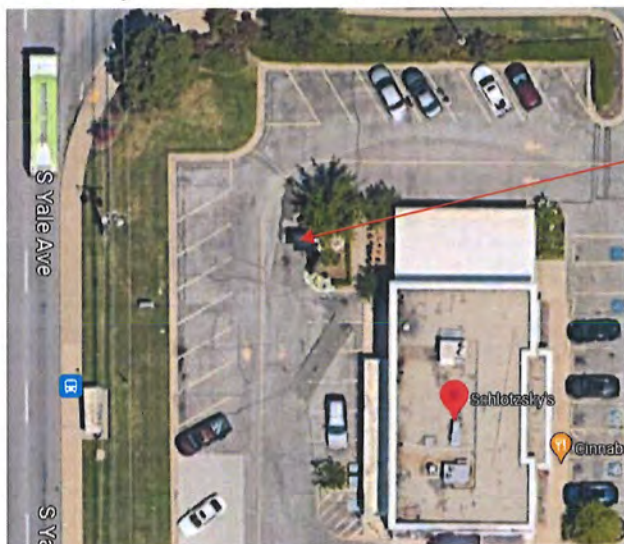
EXHIBIT A

1. Carl's Jr. - 4994 E. 41st St, Tulsa, OK 74135 (Drive-Thru window faces S. Darlington Ave)



Drive-Thru pick up window

2. Schlotzsky's - 4905 E. 41st St, Tulsa, OK 74135 (Order Point faces S. Yale Ave)



Menu board/order point

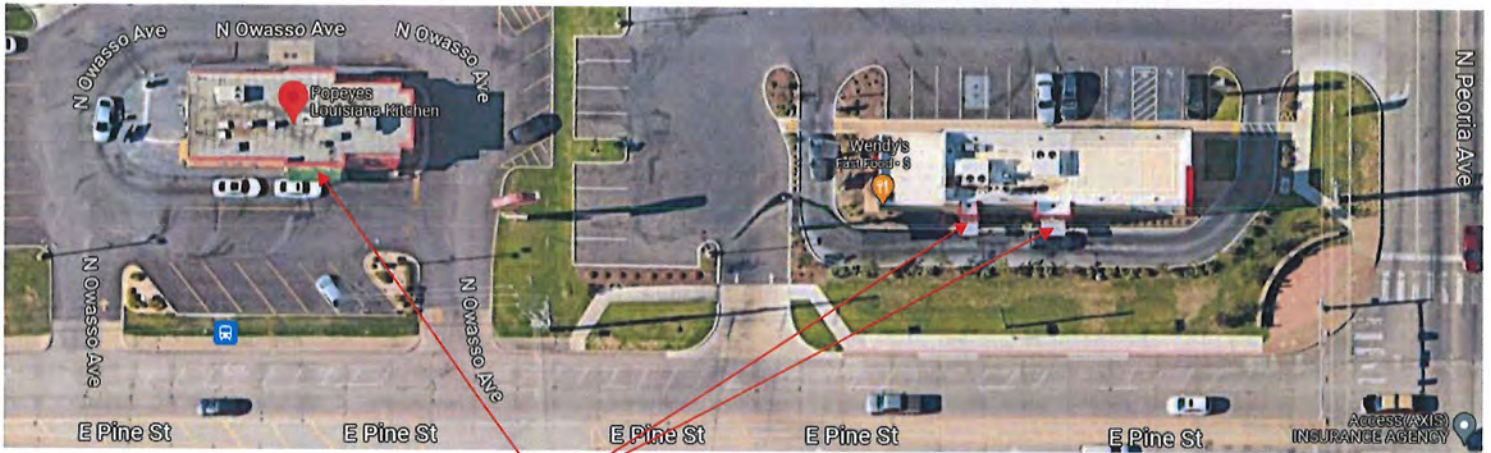
3. Wendy's - 2098 S Wheeling Ave, Tulsa, OK 74104 (Drive-Thru window faces S. Wheeling Ave)



Drive-Thru pick up window

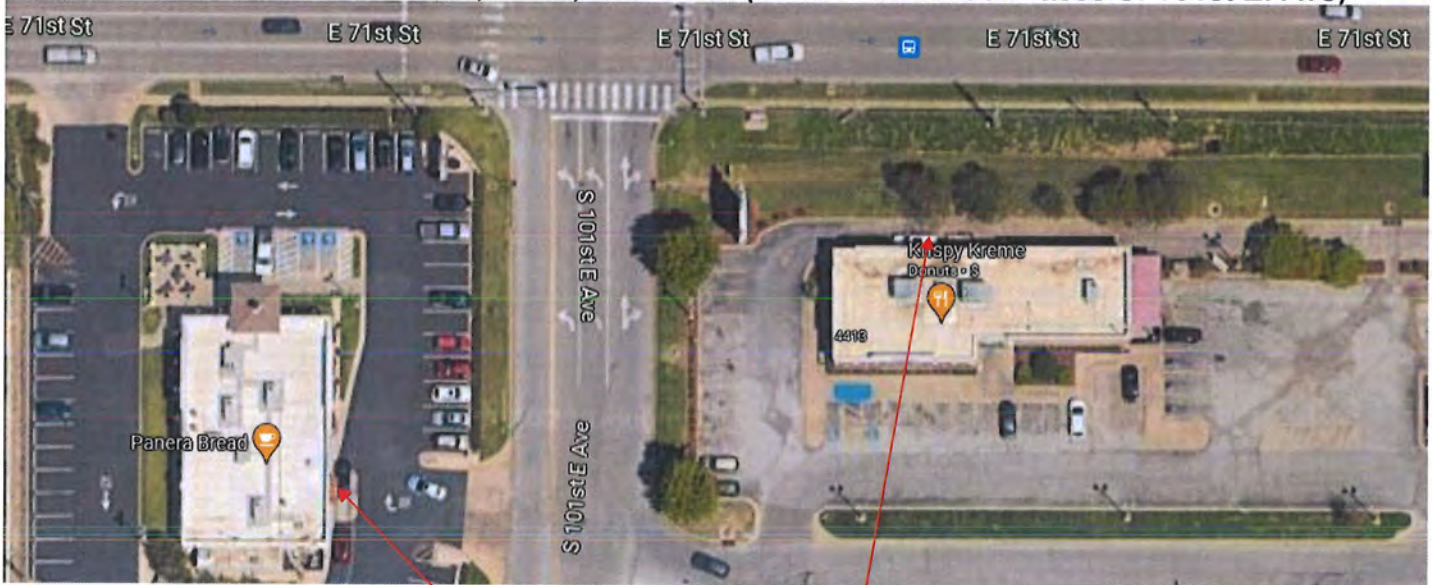
EXHIBIT A

4. Wendy's - 1209 E. Pine St., Tulsa, OK 74106 (Drive-Thru window faces E. Pine St)
5. Popeyes - 1117 E. Pine St., Tulsa, OK 74106 (Drive-Thru window faces E. Pine St)



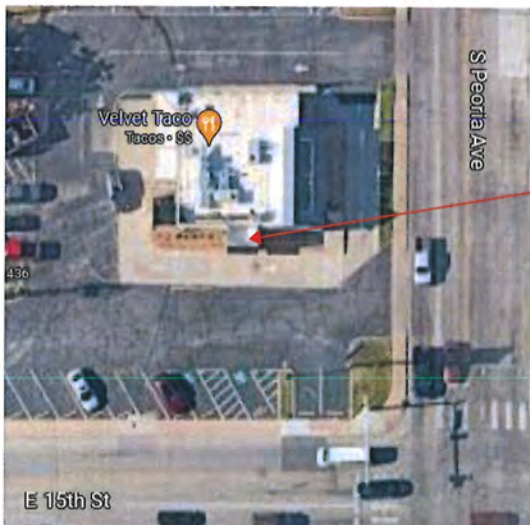
Drive-Thru pick up window

6. Krispy Kreme - 10128 E. 71st St., Tulsa, OK 74133 (Drive-Thru window faces E. 71st St)
7. Panera Bread - 10027 E. 71st St., Tulsa, OK 74133 (Drive-Thru window faces S. 101st E. Ave)



Drive-Thru pick up window

8. Velvet Taco - 144 S. Peoria Ave, Tulsa, OK 74120 (Drive-Thru window faces E. 15th Street)
9. McDonald's - 1216 E. 15th St, Tulsa, OK 74120 (Drive-Thru window faces S. Peoria Ave)



Drive-Thru pick up window

EXHIBIT A

10. Whataburger – 4888 E. 21st St., Tulsa, OK 74114 (Drive-Thru window faces E. 21st St and the Order Point faces S. Yale Ave)



Drive-Thru pick up window

Menu board/order point

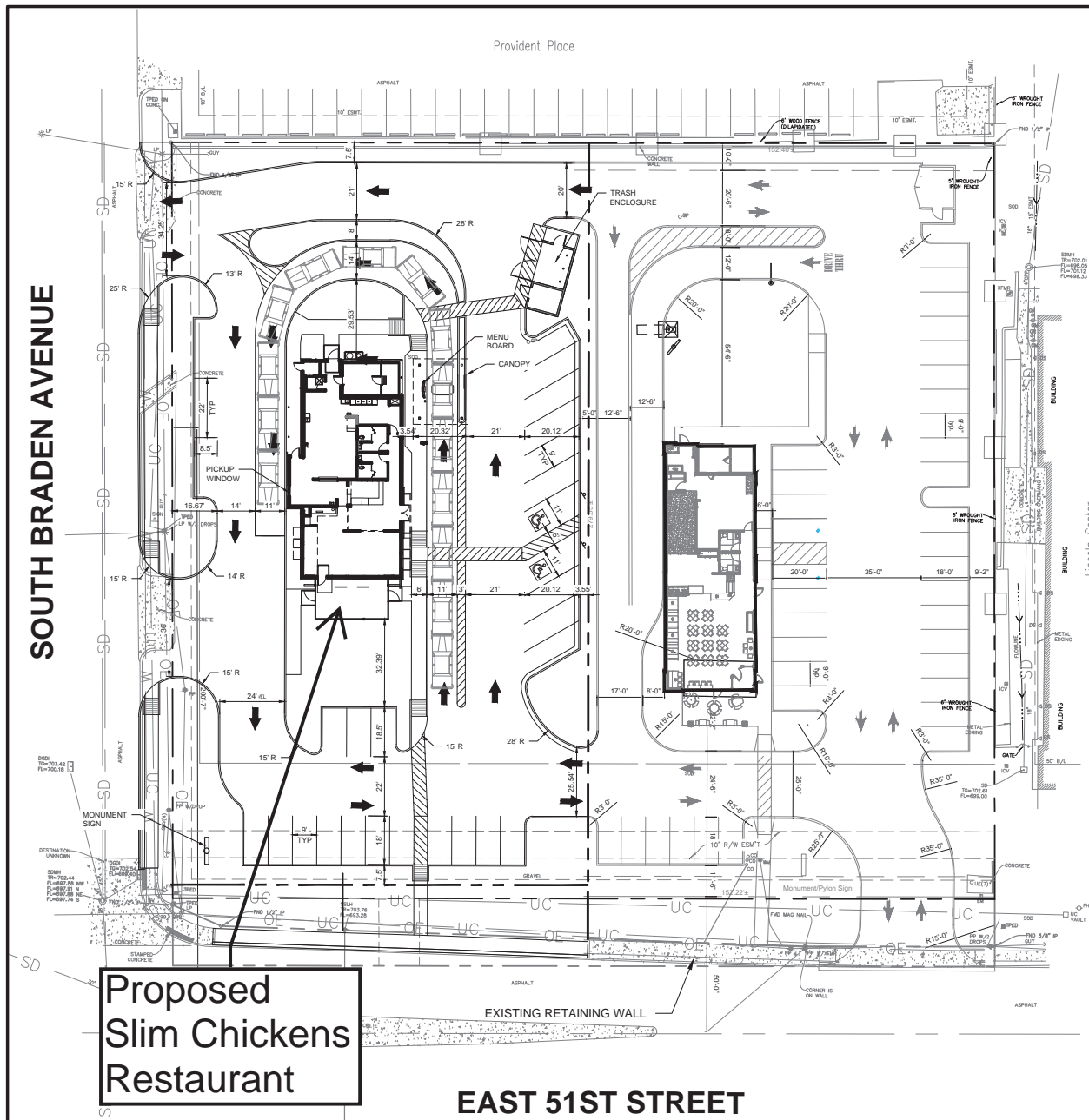
11. McDonald's - 7010 S Zurich Ave, Tulsa, OK 74136 (Drive-Thru window faces S. Yale Ave and the Order Points face S. Zurich Ave)



Menu board/order points

Drive-Thru pick up window

12. Chick-fil-A - 7129 S Olympia Ave, Tulsa, OK 74132 (Order Point faces Tulsa Hills Drive)
13. Arby's - 7117 S Olympia Ave, Tulsa, OK 74132 (Order Point faces W. 71st St. S.)
14. McDonald's - 8952 S Memorial Dr, Tulsa, OK 74133 (Drive-Thru window faces E. 71st St.)
15. Freddy's Frozen Custard - 10305 S Memorial Dr, Tulsa, OK 74133 (Drive-Thru window faces E. 103rd St. and the Order Point faces S. 82nd E. Ave)
16. Burger King - 3242 E. 11th St., Tulsa, OK 74104 (Drive-Thru window faces S. Harvard Ave)





JULY 10, 2023

SLIM CHICKENS | TULSA | EXTERIOR RENDERINGS



JULY 10, 2023

SLIM CHICKENS | TULSA | EXTERIOR RENDERINGS



JULY 10, 2023

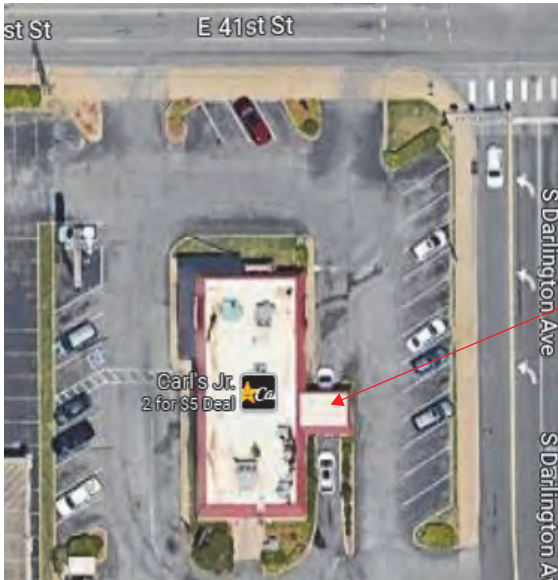
SLIM CHICKENS | TULSA | EXTERIOR RENDERINGS



JULY 10, 2023

SLIM CHICKENS | TULSA | EXTERIOR RENDERINGS

1. Carl's Jr. - 4994 E. 41st St, Tulsa, OK 74135 (Drive-Thru window faces S. Darlington Ave)



Drive-Thru pick up window

2. Schlotzsky's - 4905 E. 41st St, Tulsa, OK 74135 (Order Point faces S. Yale Ave)



Menu board/order point

3. Wendy's - 2098 S Wheeling Ave, Tulsa, OK 74104 (Drive-Thru window faces S. Wheeling Ave)



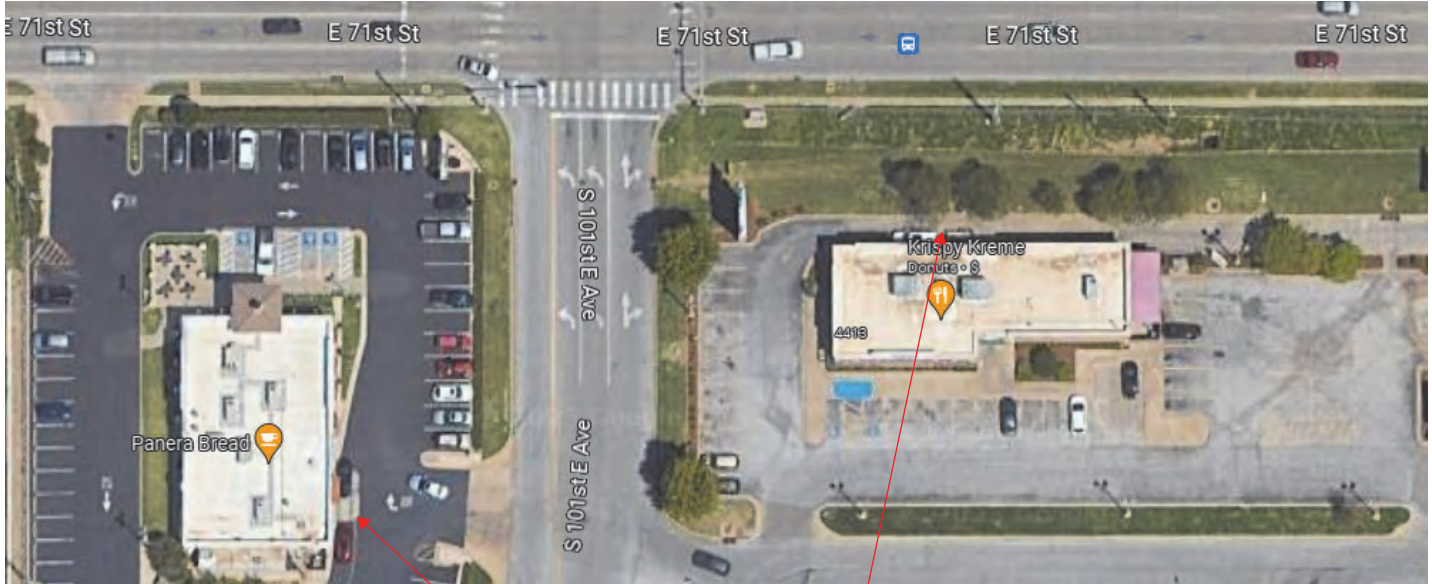
Drive-Thru pick up window

4. Wendy's - 1209 E. Pine St., Tulsa, OK 74106 (Drive-Thru window faces E. Pine St)
 5. Popeyes - 1117 E. Pine St., Tulsa, OK 74106 (Drive-Thru window faces E. Pine St)



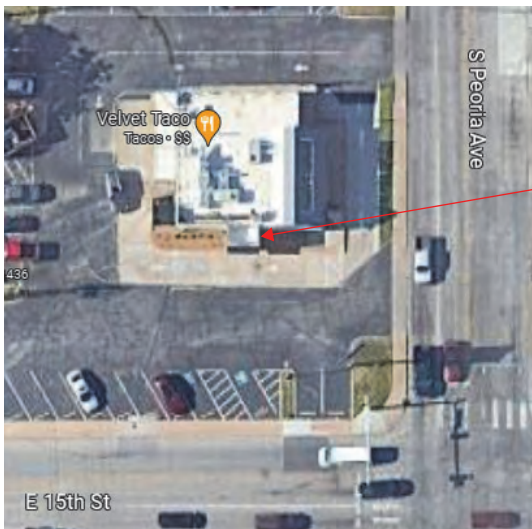
Drive-Thru pick up window

6. Krispy Kreme - 10128 E. 71st St., Tulsa, OK 74133 (Drive-Thru window faces E. 71st St)
7. Panera Bread - 10027 E. 71st St., Tulsa, OK 74133 (Drive-Thru window faces S. 101st E. Ave)



Drive-Thru pick up window

8. Velvet Taco - 144 S. Peoria Ave, Tulsa, OK 74120 (Drive-Thru window faces E. 15th Street)
9. McDonald's - 1216 E. 15th St, Tulsa, OK 74120 (Drive-Thru window faces S. Peoria Ave)



Drive-Thru pick up window

10. Whataburger – 4888 E. 21st St., Tulsa, OK 74114 (Drive-Thru window faces E. 21st St and the Order Point faces S. Yale Ave)



Drive-Thru pick up window

Menu board/order point

11. McDonald's - 7010 S Zurich Ave, Tulsa, OK 74136 (Drive-Thru window faces S. Yale Ave and the Order Points face S. Zurich Ave)



Menu board/order points

Drive-Thru pick up window

12. Chick-fil-A - 7129 S Olympia Ave, Tulsa, OK 74132 (Order Point faces Tulsa Hills Drive)
 13. Arby's - 7117 S Olympia Ave, Tulsa, OK 74132 (Order Point faces W. 71st St. S.)
 14. McDonald's - 8952 S Memorial Dr, Tulsa, OK 74133 (Drive-Thru window faces E. 71st St.)
 15. Freddy's Frozen Custard - 10305 S Memorial Dr, Tulsa, OK 74133 (Drive-Thru window faces E. 103rd St. and the Order Point faces S. 82nd E. Ave)
 16. Burger King - 3242 E. 11th St., Tulsa, OK 74104 (Drive-Thru window faces S. Harvard Ave)



CITY OF Tulsa

Board of Adjustment

Case Number: BOA-23553

Hearing Date: 07/25/2023 (Cont.
from 7/11/23)

Case Report Prepared by:

Austin Chapman

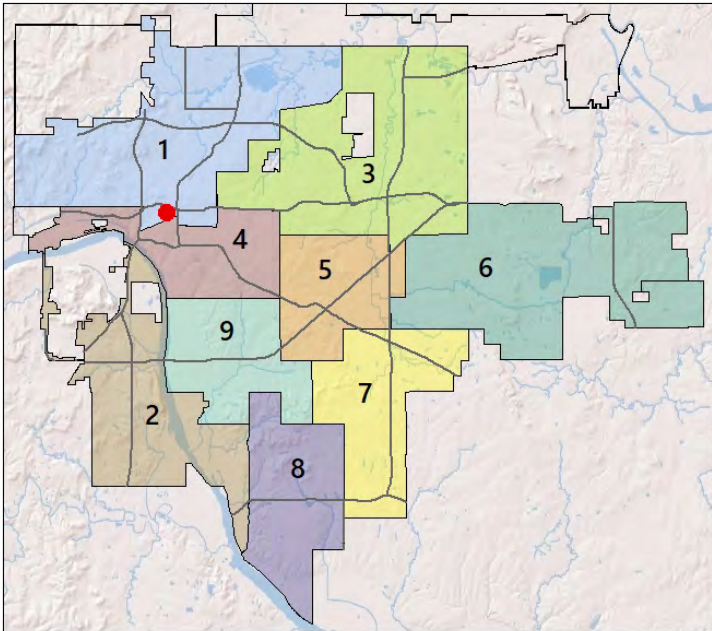
Owner and Applicant Information:

Applicant: Joe Kesterson

Property Owner: SANTA FE CROSSINGS
MULTIFAMILY LLC

Action Requested: Variance to allow a roof sign to exceed 500 square feet in area (Sec. 60.080-B.5b)

Location Map:



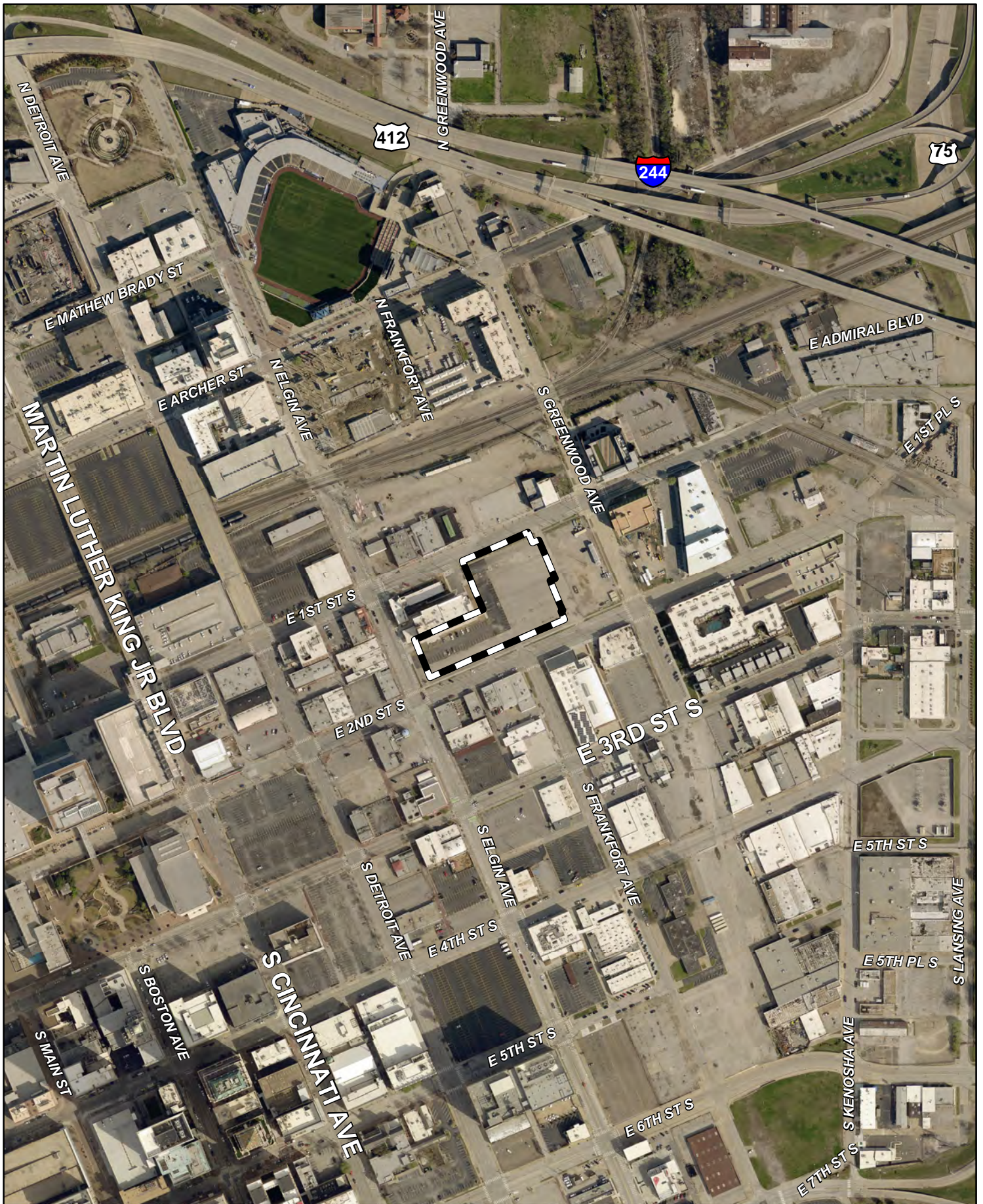
Additional Information:

Present Use: Mixed-use development

Tract Size: 2.38 acres

Location: 505 E. 2nd St. S.

Present Zoning: CBD



0 200 400
Feet



Subject
Tract

BOA-23553

19-12 01

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

Aerial Photo Date: 2021



5.2



0 50 100
Feet



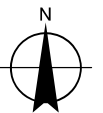
Subject
Tract

BOA-23553

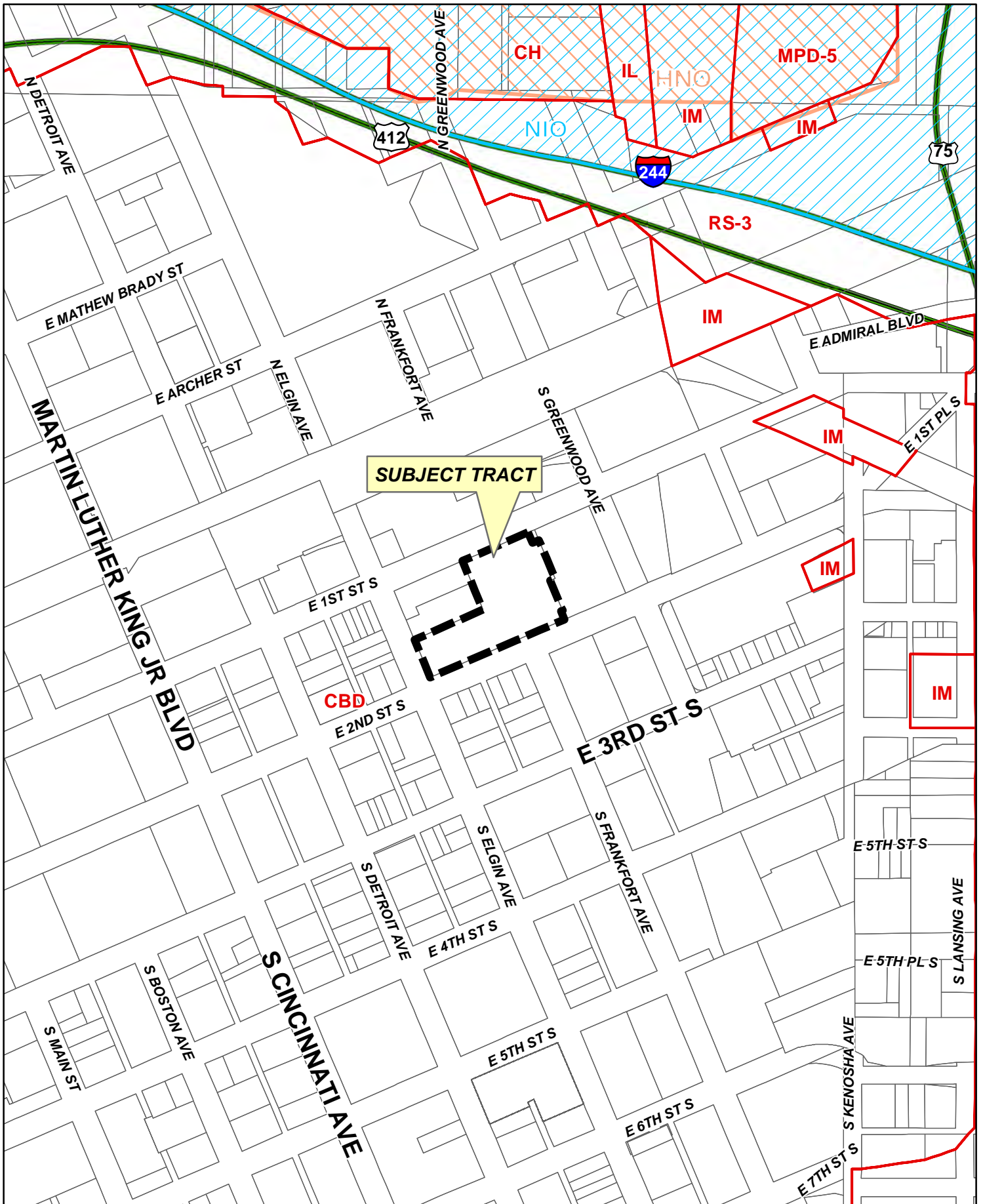
19-12 01

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

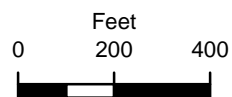
Aerial Photo Date: 2021



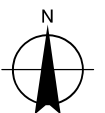
5.3



BOA-23553



19-12 01



5.4

**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9201
CD: 1

Case Number: **BOA-23553**

HEARING DATE: 07/25/2023 1:00 PM

APPLICANT: Joe Kesterson

ACTION REQUESTED: Variance to allow a roof sign to exceed 500 square feet in area (Sec. 60.080-B.5b)

LOCATION: 505 E. 2nd St. S.

ZONED: CBD

PRESENT USE: Mixed-use development

TRACT SIZE: 103673.44 SQ FT

LEGAL DESCRIPTION: ALL BLKS 84 & 85 & ALL VAC ALLEYS THEREIN & ALL ST ROW OF FRANKLIN AVE THEREIN LESS LTS 6 & 7 & N20 LT 5 & LESS W80 LT 1 & W80 N70 LT 2 BLK 85 & LESS ALL LTS 1 -3 & 8 & VAC ALLEY THEREIN & PRT LTS 4 - 7 BEG NEC LT 1 TH SE300 SW211.39 NW29.34 NE5.80 N, TULSA- ORIGINAL TOWN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:

Subject Property:

Surrounding Properties:

BOA-22477; On 7.10.18 the Board approved a Variance to permit a projecting sign to exceed the maximum permitted height of 35-feet to be installed at 79.16-feet. Property located 121 S. Elgin (Hotel Indigo).

BOA-22830; On 1.28.20 the Board approved a Variance to allow two roof signs to be located on a building outside the Downtown Entertainment District.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Downtown" Land Use Designation.

The area within the Inner Dispersal Loop (IDL) highway is generally understood to be the downtown area of Tulsa. This area has fewer development limitations than most areas of the city, and a high density of employment, residential, mixed-use, commercial, retail, and institutional uses. Land uses and transportation infrastructure in this area should be primarily pedestrian-oriented, with parking either on street, behind buildings, or in structured parking garages.

STATEMENT OF HARDSHIP: Please see attached exhibit provided by the applicant.

STAFF ANALYSIS: The applicant is requesting a Variance to allow a roof sign to exceed 500 square feet in area (Sec. 60.080-B.5b)

5. Roof Signs

- a. Roof signs are prohibited in all mixed-use, commercial and industrial zoning districts, except that one roof sign is allowed per business address within the Downtown Entertainment District and the Route 66 Overlay, provided that:
 - (1) The sign does not include any dynamic display; and
 - (2) They do not extend more than 25 feet above the point where the sign is attached to the roof, measured in a vertical line from the horizontal plane of the lowest point where the sign is attached to the roof to the horizontal plane of the highest location on the sign's structure.

The subject property is located in the Downtown Entertainment District and the proposed sign is 643 square feet.



Facts staff finds favorable for variance request:

- Property the sign is serving is a large property that serves a large city block.

Facts Staff find unfavorable for the variance request:

- It is not clear what difference the additional square footage would make for visibility of the sign.

SAMPLE MOTION:

Move to _____ (approve/deny) a Variance to allow a roof sign to exceed 500 square feet in area (Sec. 60.080-B.5b)

- 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

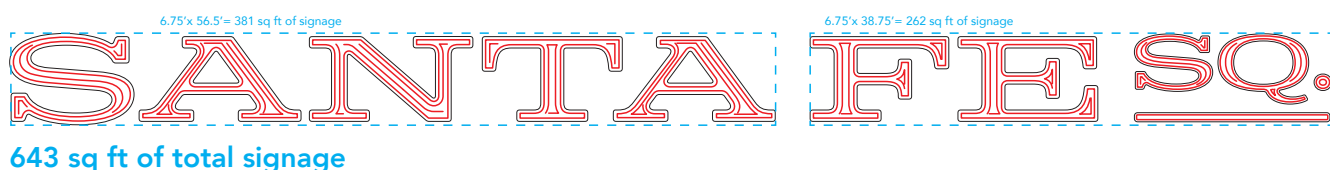
Santa Fe Square is a development that stretches from Elgin on the West to Greenwood on the East and from 1st St. on the North to 2nd St. on the South of the property. It is a mixed use property consisting of 3 buildings on separate lots (See Map Exhibit A). The East most building (BLDG 3) is office space and a public parking garage. The Center building (BLDG 1) is residential with retail on the first floor and is where the sign in question is proposed. The building at the SW corner of the property (2nd and Elgin- BLDG 2) is also residential on upper floors with leasing office and retail on the street level.

The development falls within the downtown entertainment district and the Blue Dome district. Code allows each building 500 square feet of roof top, double-face monument, and/or flag mount building signage.

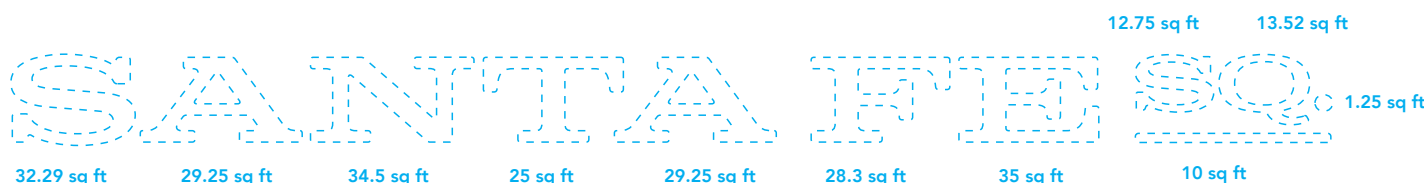
The proposed sign display has been situated on the central most building to identify the entire property, all 3 buildings, taking up most of a city block. BLDG 1 (See map exhibit A) is set back 107 feet from 2nd Street. This is a unique situation to this property and not generally applicable to other properties in the surrounding district. The setback creates a public "square" that is being built by the property owner for the use of all citizens in the area and will be open to all. This means the sign will not be easily seen from drivable surfaces downtown and will be located on a low rise building that is much smaller than the surrounding buildings.

The proposed sign is 643 Square feet. 143 square feet over the allowed budget for rooftop signs. The letters will be mounted on a decorative frame structure that is designed to mimic the style of historic Tulsa in the era of industrial train bridges. The sign has been designed to be an aesthetically pleasing addition to the entertainment district and the Tulsa skyline, while not being overpowering. The owner acknowledges that code allows for 3 separate roof top signs at 500 square feet, one on each of the 3 buildings in the development, but has chosen to ask to be allowed one ID sign, that is only 143 square foot over the allowed amount for a single building.

We believe if granted, that the variance will not alter the character of the neighborhood and will instead enhance it by creating a property ID that is respectful to neighbors and is an enhancement of the skyline and the sense of place created with the public square.



The sign letterforms and frame they install to, is mostly open area which makes it appear much smaller than a "box style" sign which would be 500 square feet of completely filled background and letters.





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

CITY OF TULSA CORRECTIONS SUMMARY

SIGN-144402-2023 (505 E 2ND ST S Tulsa, OK 74120) Markup Summary #1

Zoning Review (3)



Subject: Zoning Review
Page Label: 1
Author: DWhiteman
Date: 4/6/2023 10:57:54 AM
Color: ■

Section 60.080-B.5.b. Roof signs are counted against a lot's allowed sign budget, pursuant to 60.080-C, and no individual roof sign may exceed 500 square feet in area.

REVIEW COMMENT: Roof signs are allowed in the Downtown Entertainment District; however, the maximum roof sign area allowed is 500 square feet for an individual roof sign.



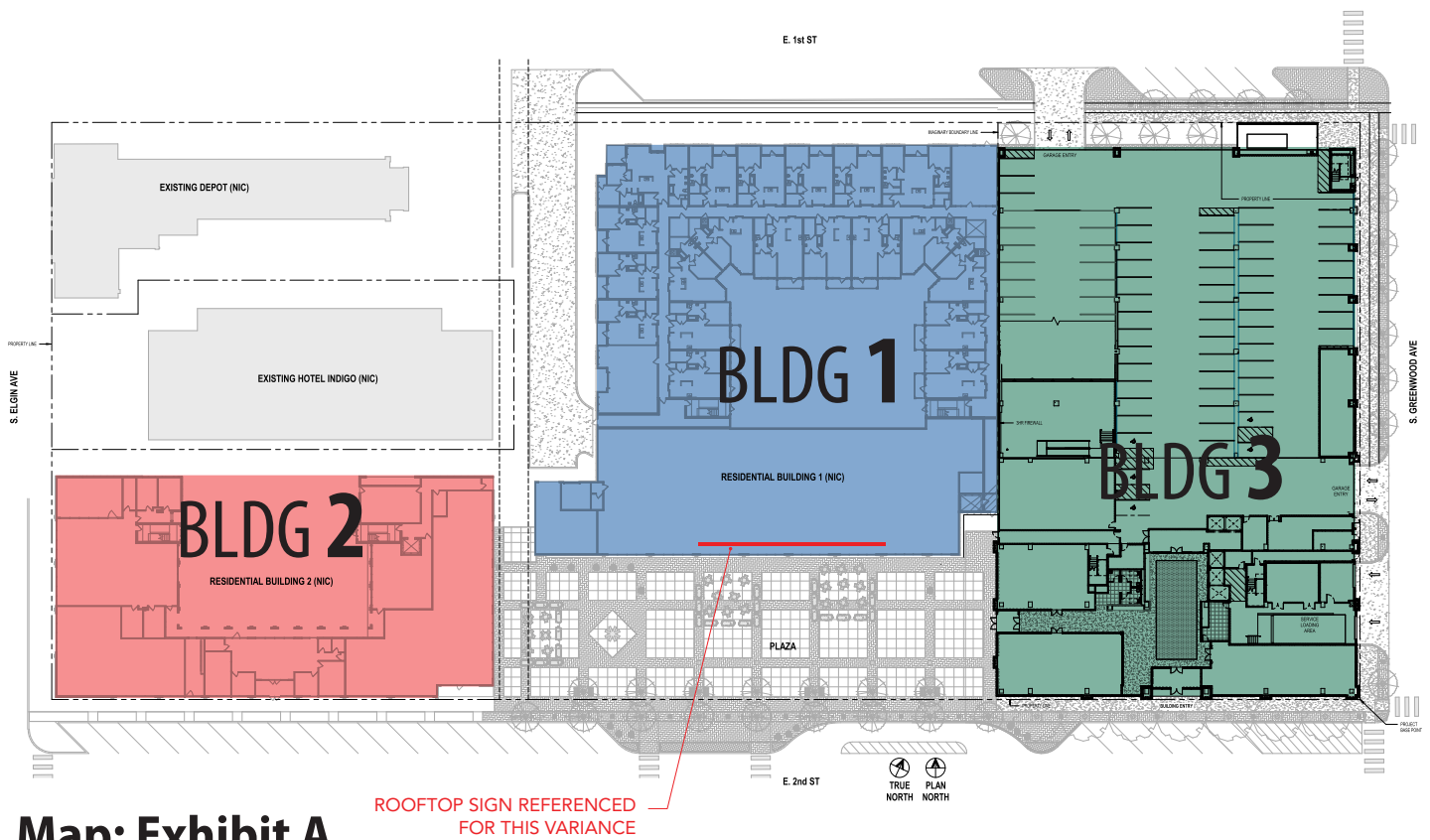
Subject: Zoning Review
Page Label: 1
Author: DWhiteman
Date: 4/6/2023 10:52:48 AM
Color: ■

Section 60.110-A, Administration. Any person proposing to erect any sign requiring a sign permit must submit a sign permit application to the development administrator. Applications for such permit must be accompanied by detailed plans, including scaled drawings of the proposed sign, a detailed site plan and other information deemed necessary by the development administrator to determine compliance with applicable regulations. Review Comments: Please provide a site plan indicating where this sign will be located on this lot.



Subject: Zoning Review
Page Label: 1
Author: DWhiteman
Date: 4/6/2023 10:57:41 AM
Color: ■

Note: with one sign, the total aggregate sign area on this lot for freestanding and projecting signs is not exceed per Table 60-3. Any future freestanding or projecting signs on this lot will exceed the aggregate sign area allowed.



3D Rendering: Exhibit A



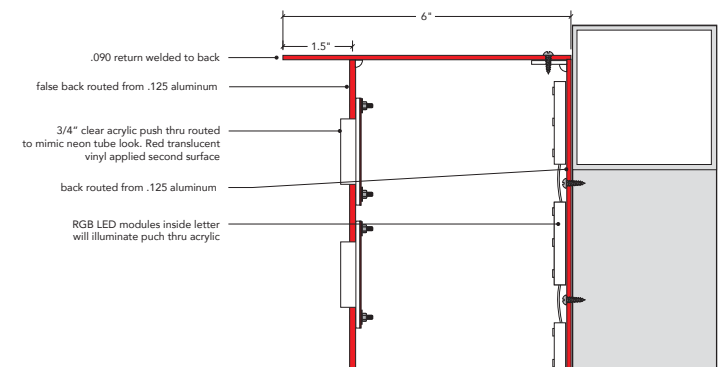
A SOUTH ELEVATION
SCALE: 1/16"=1'-0"

If City of Tulsa Neon Grant is awarded a maintenance warranty will be included and will last 3 years from date of install.
Maintenance warranty will not cover storm damage or vandalism

505 E 2nd St S, Tulsa 74120
Santa Fe Crossings Multifamily LLC
2624 E 21st St Tulsa, 74114
Robert Leikam
918-748-8636

5.12

BUILDING ELEVATION-PERMIT



- 440' of RGB LED modules to backlight acrylic with red translucent overlay
- 10- self adjusting power supplies- 10amp draw
- Requires 1-20 AMP circuit to power sign
- Controller to allow entire set of letters to change between colors

6.75'x 56.5' = 381 sq ft of signage

6.75'x 38.75' = 262 sq ft of signage

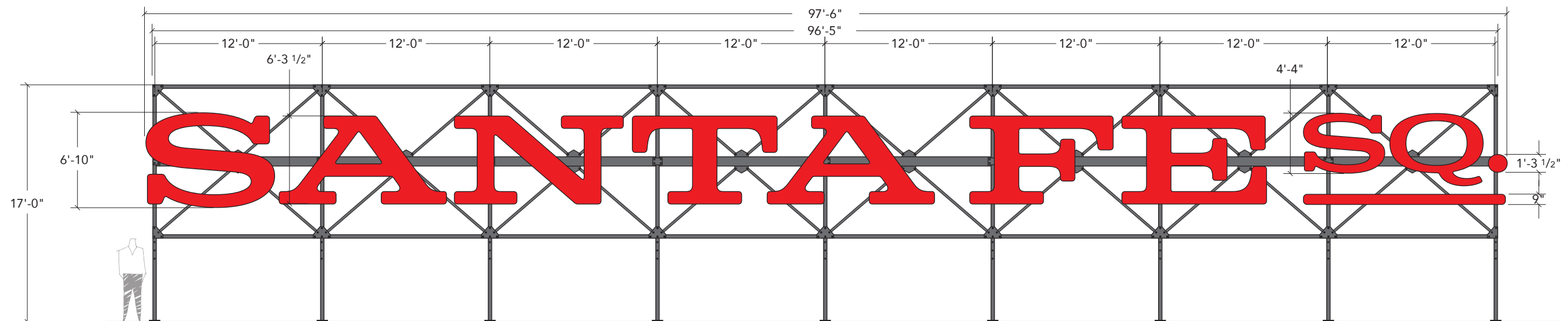
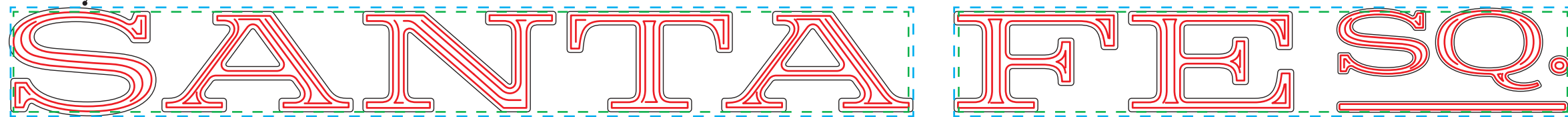
643 sq ft of total signage

6.25'x 56' = 350 sq ft of lighting

6.25'x 38' = 237.5 sq ft of lighting

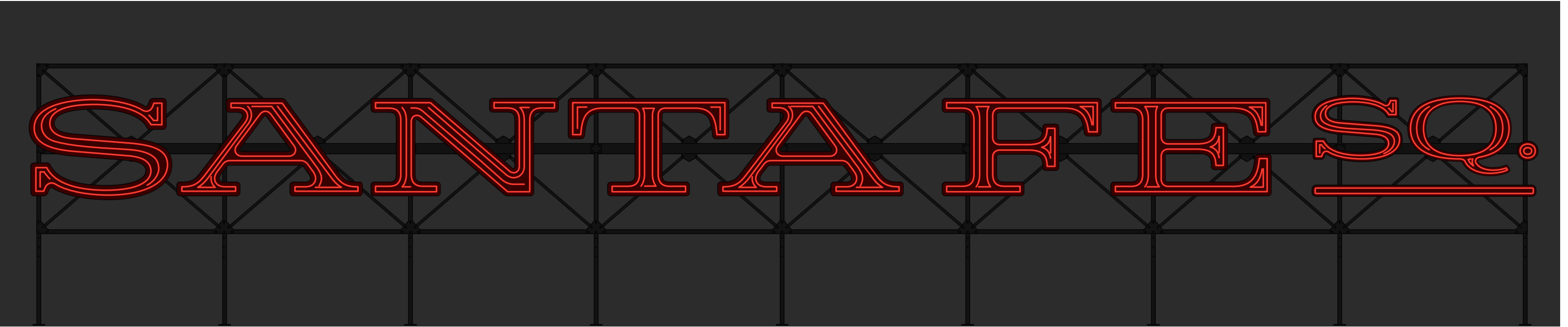
587.5 sq ft of total lighting

91.5% of sign is lighted



5.13

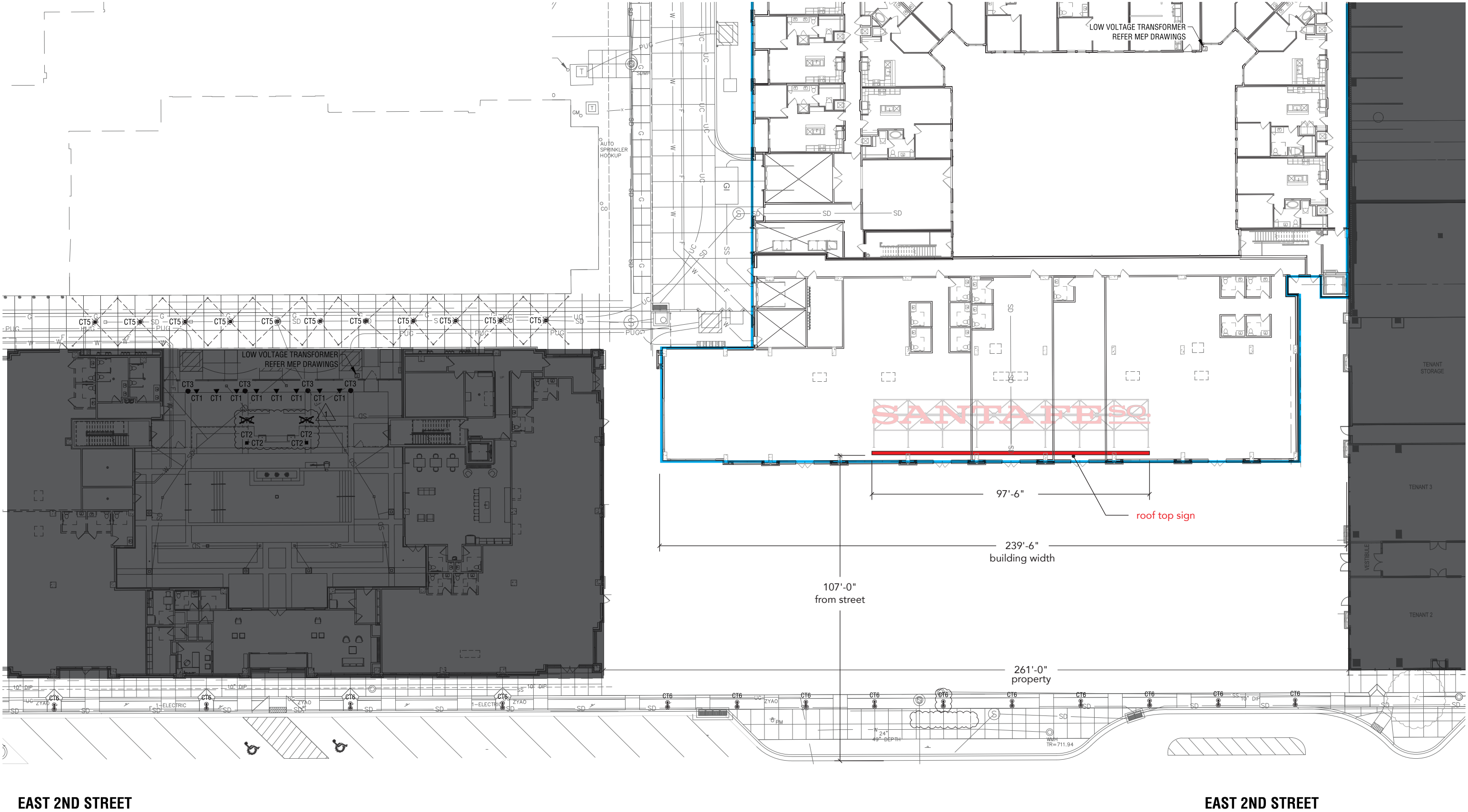
LETTER STRUCTURE



A NIGHTTIME ILLUMINATION
SCALE: NTS

5.14

LETTER STRUCTURE



From: [Chapman, Austin](#)
To: farron@pibf.com
Subject: BOA-23556
Date: Monday, July 31, 2023 4:52:00 PM
Attachments: [BOA-23556.pdf](#)

Mr.

We are reviewing your application, it came to our attention that in your application it only included a single parcel, the property you are interested in is broken up into multiple parcels. We will need to re-notice this item to include all of the property. Unfortunately, this means will have to continue your item until the August 22nd, 2023 Board of Adjustment hearing.

Best,

Austin Chapman | Senior Planner, AICP
Tulsa Planning Office
Department of City Experience
175 E. 2nd Street, Suite 480
Tulsa, OK 74103-3216
T: 918-596-7597
E: achapman@cityoftulsa.org
www.tulsaplanning.org



CITY OF Tulsa

Board of Adjustment

Case Number: BOA-23557

Hearing Date: 08/08/2023 1:00 PM

Case Report Prepared by:

Austin Chapman

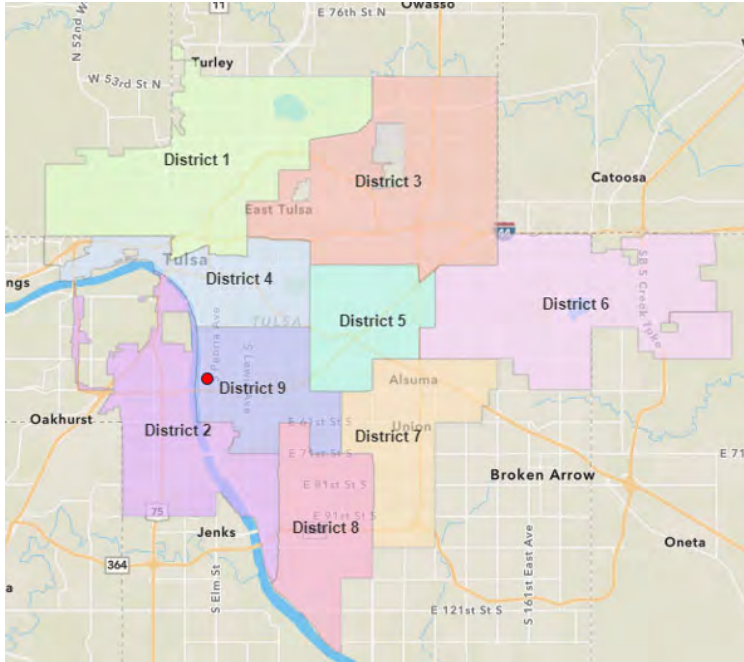
Owner and Applicant Information:

Applicant: Lou Reynolds

Property Owner: Independent School District No. 1

Action Requested: Special Exception to permit a Library in the RS-3 District (Table 5.020, Table 5-2, Table 5-2.5); Variance to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3)

Location Map:



Additional Information:

Present Use: School

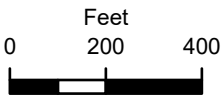
Tract Size: 3.87 acres

Location: 1110 E. 45th Pl. S.

Present Zoning: RS-3



SUBJECT TRACT



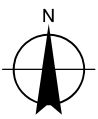
Subject
Tract

BOA-23557

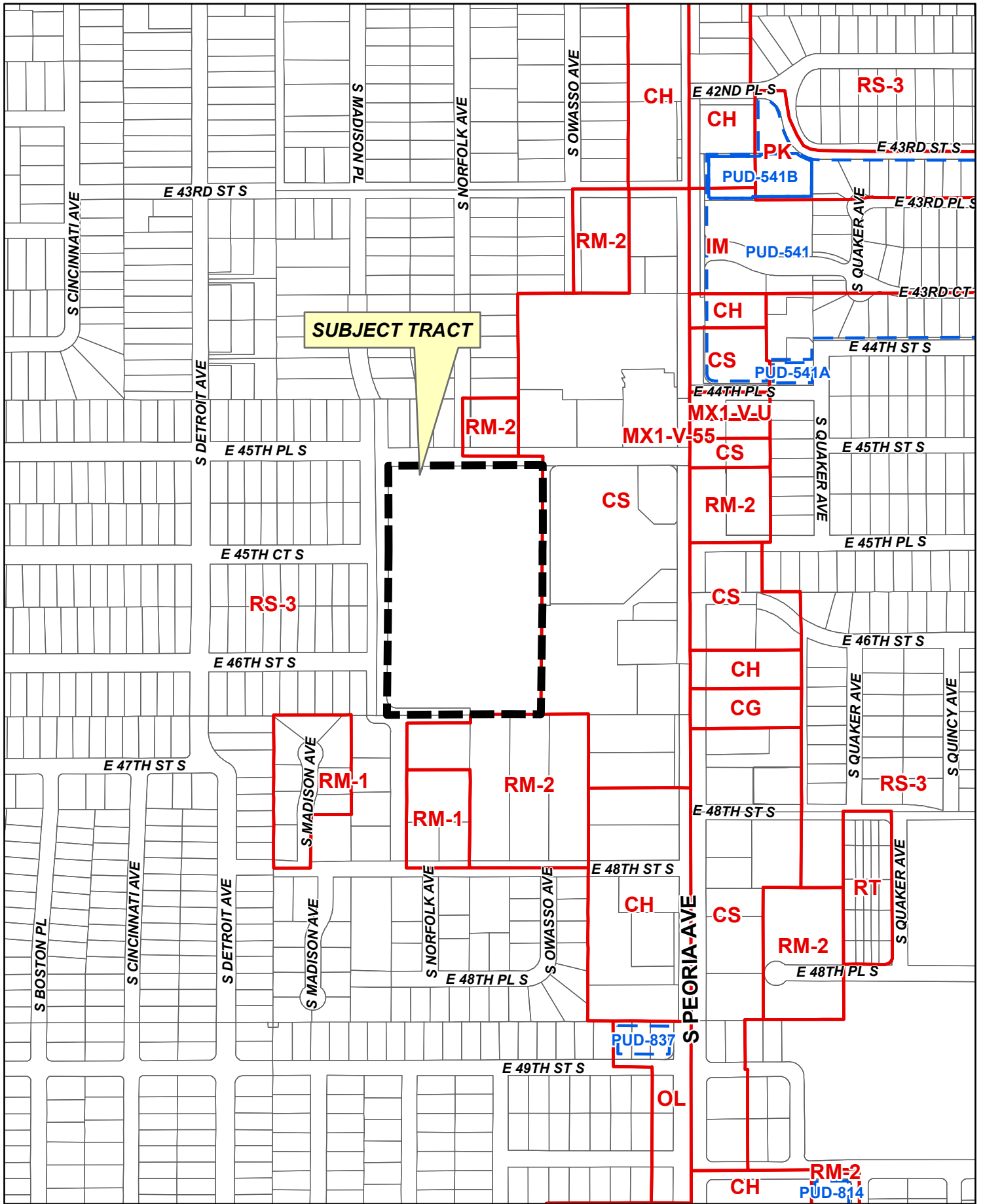
19-12 25

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

Aerial Photo Date: 2021

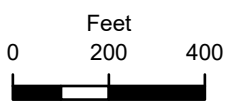


7.2

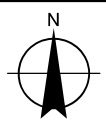


SUBJECT TRACT

BOA-23557



19-12 25



7.3

**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9225
CD: 9

Case Number: **BOA-23557**

HEARING DATE: 08/08/2023 1:00 PM

APPLICANT: Lou Reynolds

ACTION REQUESTED: Special Exception to permit a Library in the RS-3 District (Table 5.020, Table 5-2, Table 5-2.5); Variance to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3)

LOCATION: 1110 E 45 PL S

ZONED: RS-3

PRESENT USE: School

TRACT SIZE: 168591.83 SQ FT

LEGAL DESCRIPTION: See attached.

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-21380; On 02.28.12 the Board ***approved*** a Variance to permit a digital sign to have non-constant light and a Variance to permit a digital sign within 200-feet of a residential district.

BOA-12091; On 08.19.82 the Board ***approved*** a Special Exception to permit a daycare use accessory to Wright Elementary School.

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

Neighborhoods are "Mostly Residential Uses" which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low-intensity uses that support residents' daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

STATEMENT OF HARDSHIP: See attached exhibits.

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

35.040-I Library or Cultural Exhibit

Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art or library collections of books, manuscripts and similar materials for study and reading. Includes aquariums and planetariums.

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

Table 5-3: R District Lot and Building Regulations

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

Applicant is requesting to reduce the street setback from 25-feet to 15-feet for non-arterial streets.

Facts staff finds favorable for variance request:

- The presence of the storm easement on the site as identified on the property does present a physical limitation of the building area of the site.

Facts Staff find unfavorable for the variance request:

- None.

SAMPLE MOTION:

Special Exception:

Move to _____ (approve/deny) a Special Exception to permit a Library in the RS-3 District (Table 5.020, Table 5-2, Table 5-2.5);

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

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

Variance:

Move to _____ (approve/deny) a _____

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

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

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

Exhibit "A"

A tract of land located in the City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit:

The East 995 feet of the South 474 feet of the Annie May Grant Tract "B" of the L.J.F. Rooney Survey of Annie May Grant (née Abdo) and Harry N. Abdo lands in Section 25, Township 19 North, Range 12 East, according to the recorded plat thereof, the East boundary thereof being the center of the Section line between said Section 25, T-19-N, R-12-E, and Section 30 T-19-N, R-13-E; and the East 995 feet of the Annie May Grant Tract "C" of the L.J.F. Rooney Survey of Annie May Grant (née Abdo) and Harry N. Abdo lands in Section 25, Township 19 North, Range 12 East, according to the recorded plat thereof, the East boundary thereof being the center of the Section line between said Section 25, T-19-N, R-12-E, and Section 30, T-19-N, R-13-E, LESS a tract of ground in the Southwest corner of the Annie May Grant "C" Tract (which is part of the N/2 of NE/4 of SE/4 of 25-19-12) specifically described as: Beginning at a point in the center of Section line on the East side of said Section 25 at the Southeast corner of the Annie May Grant "C" Tract, according to the recorded plat and running thence North in the center of said Section line along the East boundary of said Section 25 a distance of 160 feet, thence due West and parallel with the South boundary line of said Section 25 a distance of 170 feet, thence South and parallel with the East boundary line of said Section 25 a distance of 160 feet, thence East along the South boundary line of said Annie May Grant "C" Tract a distance of 170 feet to the Point of Beginning.

Exhibit "B"

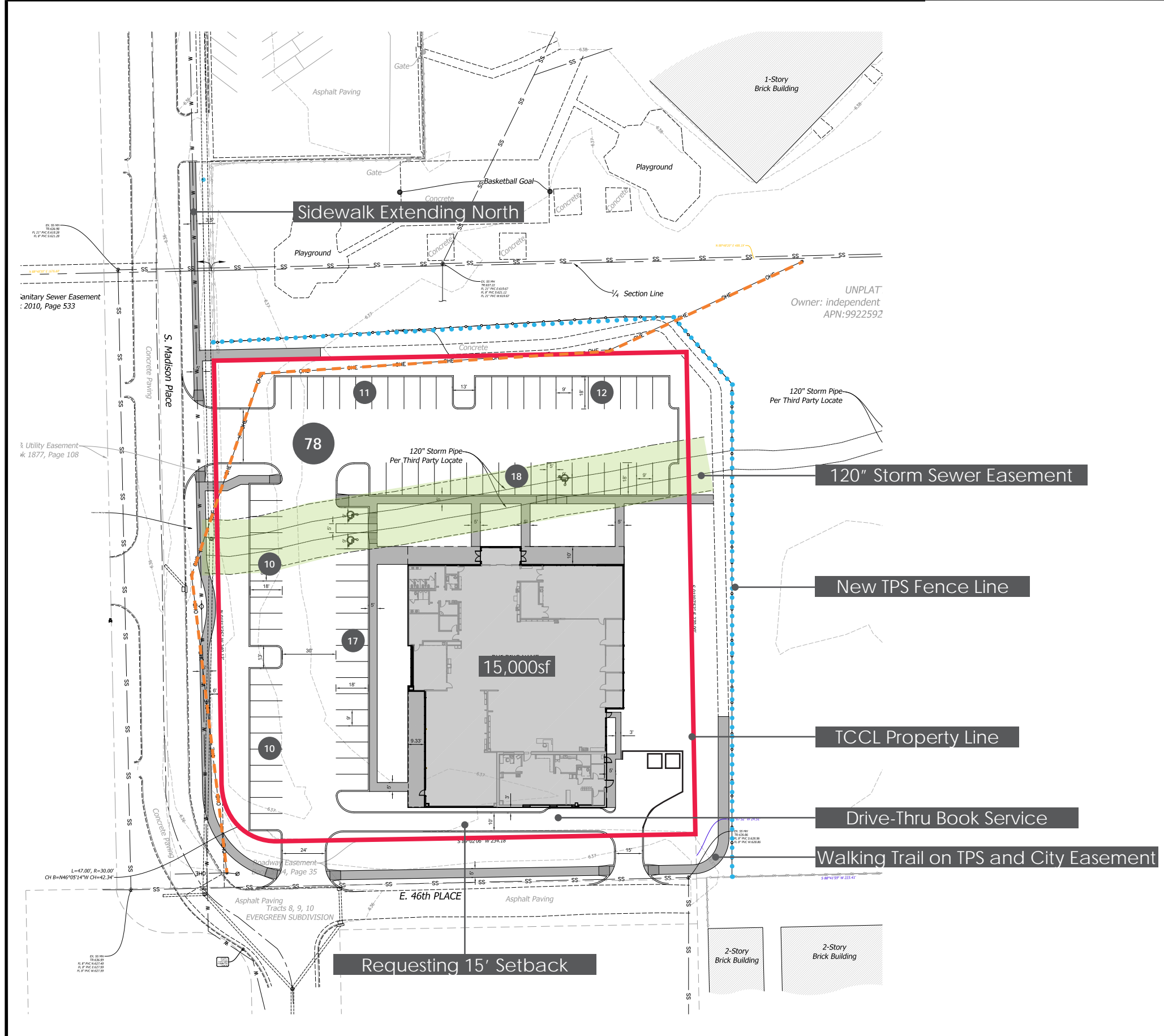
The Applicant requests (1) a Special Exception pursuant to Table 5-2 of the Tulsa Zoning Code (the "Code") to permit a Library in the RS-3 district; and (2) a Variance to reduce the minimum non-arterial street setback from 25 feet to 15 feet, all for property located at 1110 E. 45th Place S. (the "Property").

The Property is comprised of approximately 9 acres, with Collegiate Hall, a public charter school, located on the northern half of the Property. The Tulsa City-County Library Commission desires to build a new Brookside Library at the southwest corner of the Property. A Conceptual Site Plan of the new library facility is attached hereto. Currently, Brookside Library is located just north of the Property, across E. 45th Place. The proposed 15,000 SF library will be a much needed upgrade to the current 7,000 SF library built in 1970.

Given the existence of a library in this neighborhood just a couple of blocks away for over 50 years, the proposed Library use will not be injurious to the neighborhood and the Special Exception is in harmony with the spirit and intent of the Code.

The RS-3 zoning district requires a 25 foot building setback from non-arterial streets. Due to an existing storm sewer easement crossing the northern portion of the Property, the location of the proposed Library is confined to the area of the Property to the south of the easement. In order to accommodate the building on the site, the Applicant requests a Variance to reduce the 25 foot street setback to 15 feet.

Taking into account the existing 50 feet of right-of-way of E. 47th Street, the Library building will be setback 65 feet from the residential property boundary to the south and 85 feet from the nearest residential building wall to the south. Accordingly, the literal enforcement of the setback established by the Code is not necessary to achieve its intended purpose and the Variance will not impair the use of the adjacent property or the spirit and intent of the Code.





From: [Kelsey Royce](#)
To: [Chapman, Austin](#)
Subject: Request for Continuance BOA-23557
Date: Friday, July 28, 2023 4:15:57 PM

Good afternoon,

Per our conversation, I am requesting a continuance for BOA-23557 which is scheduled for August 8, 2023. A continuance is appropriate for the reason that it coincides with an election and would overburden residents who might have to make a choice between the two for reasons of personal or work-related obligations.


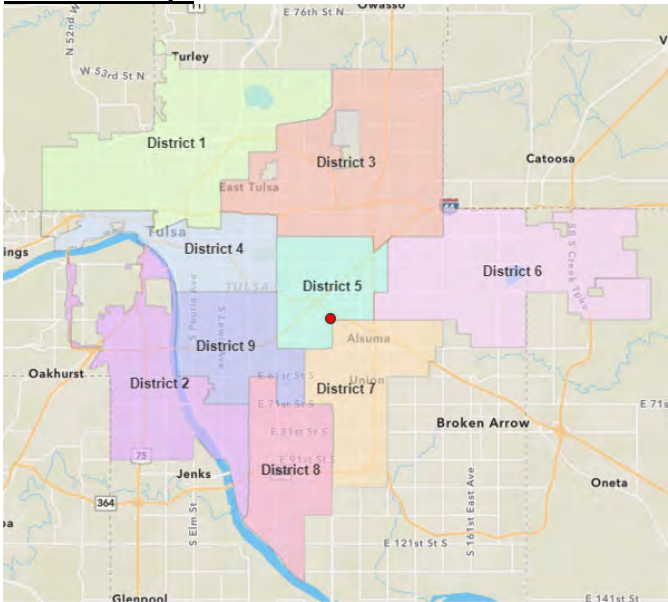
To date, no mail has been received notifying those of us living within 300 feet (or distance otherwise specified by law) that a variance has been requested for this project. I would also ask that a public hearing be held so that those of us who have concerns may bring them before the body that governs these changes.

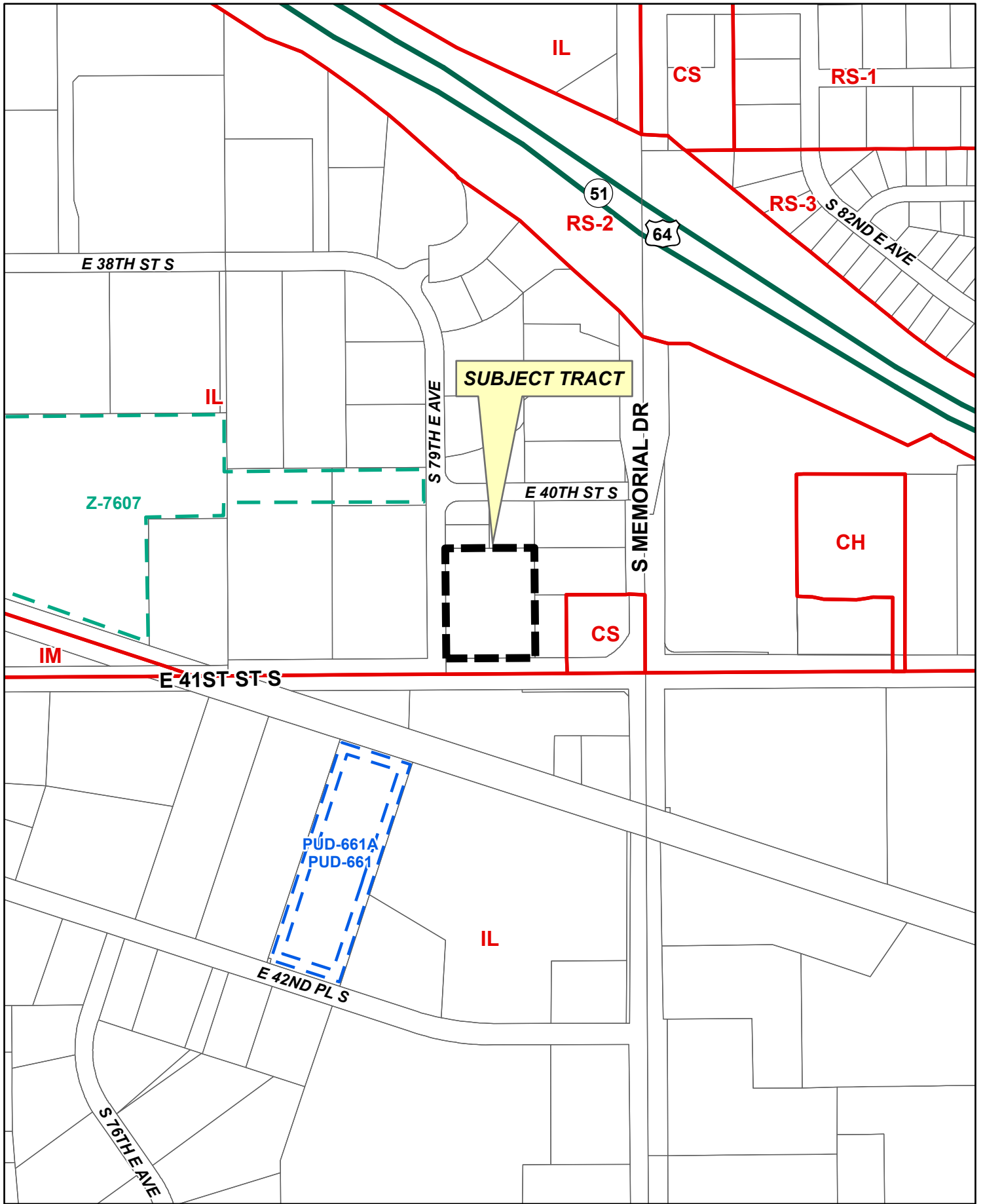
If there are any other steps to be taken in order to ensure that affected residents are able to engage and fully participate in this process, please advise.

Regards,

Kelsey Royce
918-955-5007

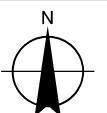
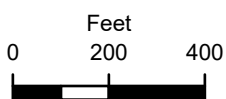
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 <p>CITY OF Tulsa Board of Adjustment</p>	<p><u>Case Number:</u> BOA-23558</p> <p><u>Hearing Date:</u> 08/08/2023 1:00 PM</p>
<p><u>Case Report Prepared by:</u></p> <p>Austin Chapman</p>	<p><u>Owner and Applicant Information:</u></p> <p>Applicant: Thomas L. Vogt Thomas W. Cannon</p> <p>Property Owner: Andrew J. And Judith A. Brotton</p>
<p><u>Action Requested:</u> Special Exception to permit a Religious Assembly Use in the IL District (Sec. 15.020, Table 15-2)</p>	
<p><u>Location Map:</u></p> 	<p><u>Additional Information:</u></p> <p>Present Use: Former Dance Hall</p> <p>Tract Size: 2.27 acres</p> <p>Location: 7901 E 41 ST S</p> <p>Present Zoning: IL</p>



BOA-23558

19-13 23



8.2

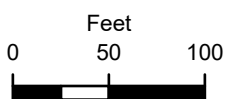


S 79TH AVE

E 40TH ST S

SUBJECT TRACT

E 41ST ST S



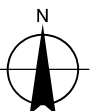
Subject
Tract

BOA-23558

19-13 23

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

Aerial Photo Date: 2021



8.3

BOARD OF ADJUSTMENT
CASE REPORT

STR: 9323

Case Number: **BOA-23558**

CD: 5

HEARING DATE: 08/08/2023 1:00 PM

APPLICANT: Thomas L. Vogt ; Thomas W. Cannon

ACTION REQUESTED: Special Exception to permit a Religious Assembly Use in the IL District (Sec. 15.020, Table 15-2)

LOCATION: 7901 E 41 ST S

ZONED: IL

PRESENT USE: Former Dance Hall

TRACT SIZE: 99086.34 SQ FT

LEGAL DESCRIPTION: A tract of land in the SE/4 of the SE/4 of Section 23, Township 19 North, Range 13 East, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows: Beginning at a point on the South line of the SE/4 of the SE/4 of Section 23, Township 19 North, Range 13 East, Tulsa County, State of Oklahoma, said point being 350 feet West of the Southeast corner of said SE/4 of the SE/4; thence North and parallel to the East line of the said SE/4 of the SE/4 a distance of 400 feet to a point; thence West and parallel to the South line of the SE/4 of the SE/4 a distance of 313.12 feet to a point; thence Southerly 400 feet to a point on the South line of Section 23; thence East a distance of 313.09 feet to the point of beginning, LESS the West 30 feet thereof and the South 50 feet thereof dedicated for street purposes.

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-8343; On 09.05.74 the Board approved a Special exception to permit Use Units 12,13 and 14 and a Use Variance to use the property for Use Unit 19 to permit a ballroom with retail uses.

Surrounding property:

BOA-16076; On 08.25.92 the Board **approved** a Special Exception to permit a Sexually Oriented Business (Use Unit 14) in an Industrial District. Property located 7925 E. 41st St. S. Immediately east of the subject property.

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

The employment designation is intended to accommodate offices, warehousing and storage, manufacturing and assembly, and industrial processes. The "Industrial Site Suitability" map corresponds to the Employment land use designation and indicates where uses that are potentially incompatible with sensitive land uses are best suited to locate. This directs industrial uses to particular areas of the city while discouraging industrial in close proximity to Neighborhood areas.

STAFF ANALYSIS: Applicant is requesting to permit a Special Exception to permit a Religious Assembly Use in the IL District (Sec. 15.020, Table 15-2) :

35.040-M Religious Assembly

Religious services involving public assembly that customarily occur in churches, synagogues, temples, mosques and other facilities used for religious worship.

Applicant is proposing to use the former dance hall on the property as a church. Applicant has presented a site plan showing no exterior changes to the site layout.

SAMPLE MOTION:

Move to _____ (approve/deny) a Special Exception to permit a Religious Assembly 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.



Facing East on 41st Street from Subject Property



Subject property

Exhibit "A"

Legal Description

A tract of land in the SE/4 of the SE/4 of Section 23, Township 19 North, Range 13 East, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows:

Beginning at a point on the South line of the SE/4 of the SE/4 of Section 23, Township 19 North, Range 13 East, Tulsa County, State of Oklahoma, said point being 350 feet West of the Southeast corner of said SE/4 of the SE/4; thence North and parallel to the East line of the said SE/4 of the SE/4 a distance of 400 feet to a point; thence West and parallel to the South line of the SE/4 of the SE/4 a distance of 313.12 feet to a point; thence Southerly 400 feet to a point on the South line of Section 23; thence East a distance of 313.09 feet to the point of beginning, LESS the West 30 feet thereof and the South 50 feet thereof dedicated for street purposes.

