AGENDA CITY OF TULSA BOARD OF ADJUSTMENT Regularly Scheduled Meeting Tulsa City Council Chambers 175 East 2nd Street, 2nd Level One Technology Center Tuesday, December 12, 2023, 1:00 p.m.

Meeting No. 1328

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, OK 74103

MINUTES

- 1. Approval of Minutes of August 22, 2023 (Meeting No. 1322)
- 2. Approval of Minutes of September 12, 2023 (Meeting No. 1323)
- 3. Approval of Minutes of September 26, 2023 (Meeting No. 1324)
- 4. Approval of Minutes of October 10, 2023 (Meeting No. 1325)
- 5. Approval of Minutes of October 24, 2023 (Meeting No. 1326)
- 6. Approval of Minutes of November 14, 2023 (Meeting No. 1327)

UNFINISHED BUSINESS

7. 23557 – Lou Reynolds

<u>Action Requested</u>: <u>Special Exception</u> to permit a Library in the RS-3 District (Table 5.020, Table 5-2, Table 5-2.5); <u>Variance</u> 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)

(Item was approved on August 8th, 2023; the Board moved to reconsider item on September 12th, 2023; Board further continued item until 12/12/2023)

NEW APPLICATIONS

8. 23600 – Bell Land Use LLC, Robert Bell

Action Requested: Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); <u>Variance</u> to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-B) <u>Variance</u> to allow a detached Accessory Dwelling Unit to exceed one story or 18 feet in height and to exceed 10 feet in height to the top of the top plate. (Section 90.090-C) Location: 1624 S. Troost Ave. (CD 4)

9. 23602 – Robby A. Coday

<u>Action Requested</u>: <u>Special Exception</u> to permit a Public, Civic, and Institutional/ Religious Assembly Use in the RS-2 District (Table 5.020, Table 5-2, Table 5-2.5) **Location:** 641 S. 129th E. Ave. **(CD 3)**

10. 23603 – Janet Espino

Action Requested: <u>Special Exception</u> to permit a Manufactured Housing Unit in the AG zoning district. (Section 25.020-C; Table 25-1.5); <u>Special Exception</u> to allow the Manufactured Housing Unit permanently (Sec.40.210); <u>Special Exception</u> to reduce the required parking ratio for a Manufactured Housing Unit in the AG District (Sec. 55.050-K) Location: 2703 E. 41st St. (CD 1)

11. 23604 – Randy Glad

Action Requested: Special Exception to permit a parks and recreation use in an AG District (Table 25-1) Location: 14717 E. 11th St. (CD 6)

12. 23605 – Ashton Prickett

Action Requested: Special Exception to permit an Assembly and Entertainment Use in an AG zoned district (Sec. 25.020; Table 25-1) Location: N. of the NW/c of E. 21st St. S. and S. 193rd E. Ave. (CD 6)

13. 23606 – Chris Ossenbeck

Action Requested: Special Exception to increase the permitted driveway width in a RS-3 district (Sec. 55.090-F.3)

Location: 8108 S. Florence Ave. (CD 2)

14. 23608 - SBWG, LLC

Action Requested: <u>Variance</u> to permit a dynamic display sign in the OL District (Sec. 60.060-E); <u>Variance</u> to allow a dynamic display sign within 20-feet of the driving surface (Sec. 60.100-D); <u>Variance</u> to permit a dynamic display sign within 200-feet of an R district (Sec. 60.100-F) Location: 7318 S. Yale Ave. (CD 8)

15. 23609 – Tim Boeckman, CJC Architects

<u>Action Requested</u>: <u>Minor Special Exception</u> to modify a previously approved site plan for a religious assembly use in the RS-3 District (Table 5.020, Table 5-2; Sec.70.120) Location: 10310 S. Sheridan Rd. (CD 8)

16. 23611 – David Brunson

Action Requested: Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); <u>Variance</u> to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6)

Location: 2807 E. 3rd St. (CD 4)

17. 23612 – Nathan Cross

<u>Action Requested</u>: <u>Special Exception</u> to permit a Mining and Mineral Processing Use in the IM District (Sec. 15.020; Table 15-2) **Location:** E. of Highway 169 between 46th St. N. and 56th St. N. (CD 3)

18. 23613 – AAB Engineering, LLC

Action Requested: Variance to permit a dynamic display sign to exceed 48 square feet (Sec. 60.080-E)

Location: 4948 E. Admiral Pl. (CD 2)

19. 23614 – Mark Capron, Wallace Design Collective

Action Requested: Special Exception to permit a Large Assembly and Entertainment Use (greater than 250-person capacity) in the CH District (Sec. 15.020, Table 15-2) Location: 909 W. 23rd St. (CD 2)

20. 23616 - Nathan Cross

Action Requested: Special Exception to expand a previously approved self-storage facility in the CS district (Sec. 15.020, Sec.15.020) Location: 2817 N. Peoria Ave. (CD 1)

21. 23617 – Harry Bjornberg

Action Requested: Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-B): Variance to allow more than 30% coverage by an Accessory Dwelling Unit in the rear setback in the RS-3 District (Section 90.090-C); Variance to allow a detached Accessory Dwelling Unit to exceed one story or 18 feet in height and to exceed 10 feet in height to the top of the top plate in the rear setback (Section 90.090-C)

Location: 1520 S. St. Louis Ave. (CD 4)

OTHER BUSINESS

NEW BUSINESS

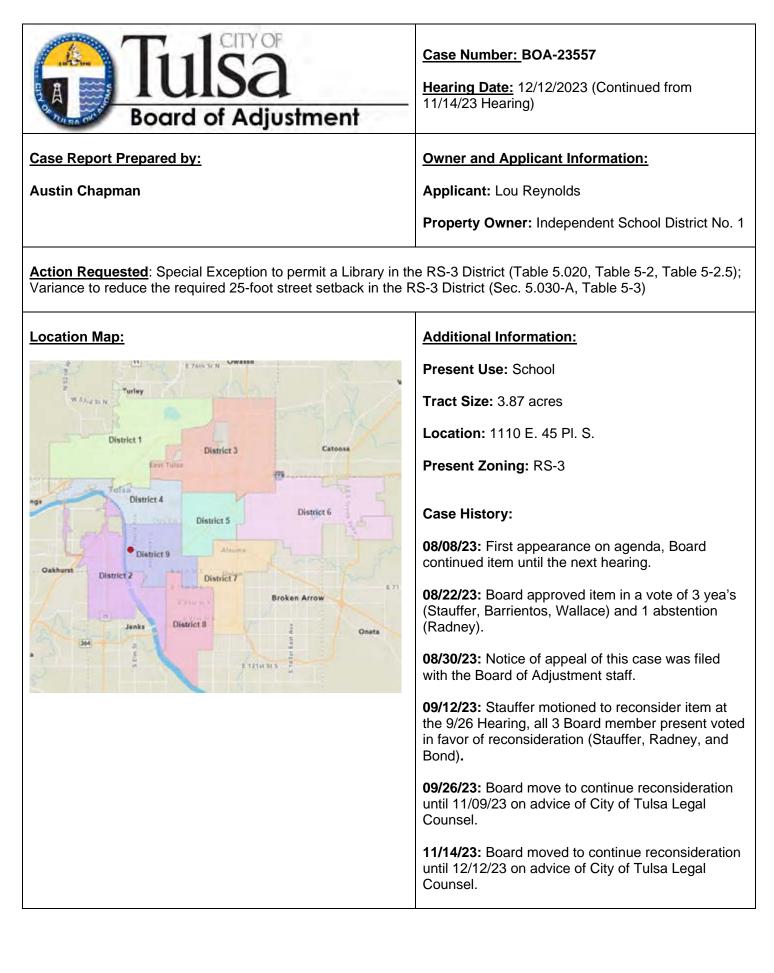
BOARD MEMBER COMMENTS

ADJOURNMENT

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

CD = Council District

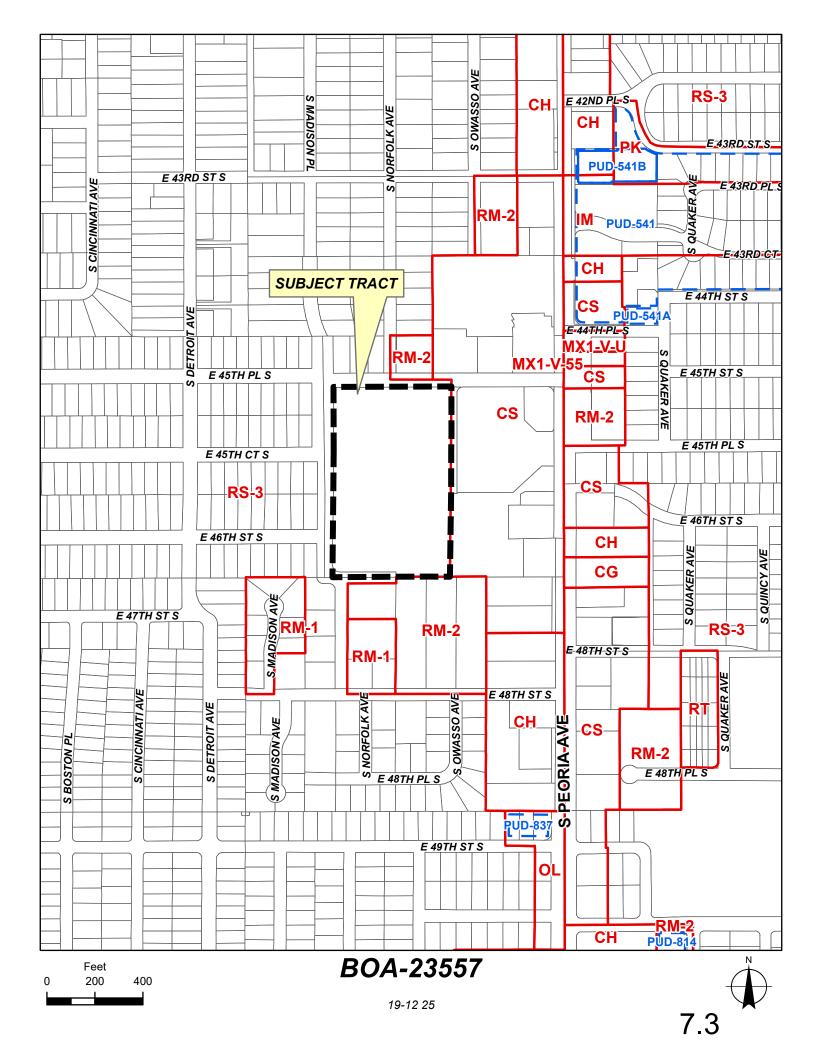
NOTE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify Tulsa Planning Office at 918-596-7526. Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained by the Tulsa Planning Office at Tulsa City Hall. All electronic devices must be silenced.





Aerial Photo Date: 2021

7.2



BOARD OF ADJUSTMENT CASE REPORT

STR: 9225 **CD:** 9

Case Number: BOA-23557

HEARING DATE: 12/12/2023

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.

<u>RELATIONSHIP TO THE COMPREHENSIVE PLAN</u>: 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 [2]
 Stree [2]
 Stree [2]

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:

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

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"

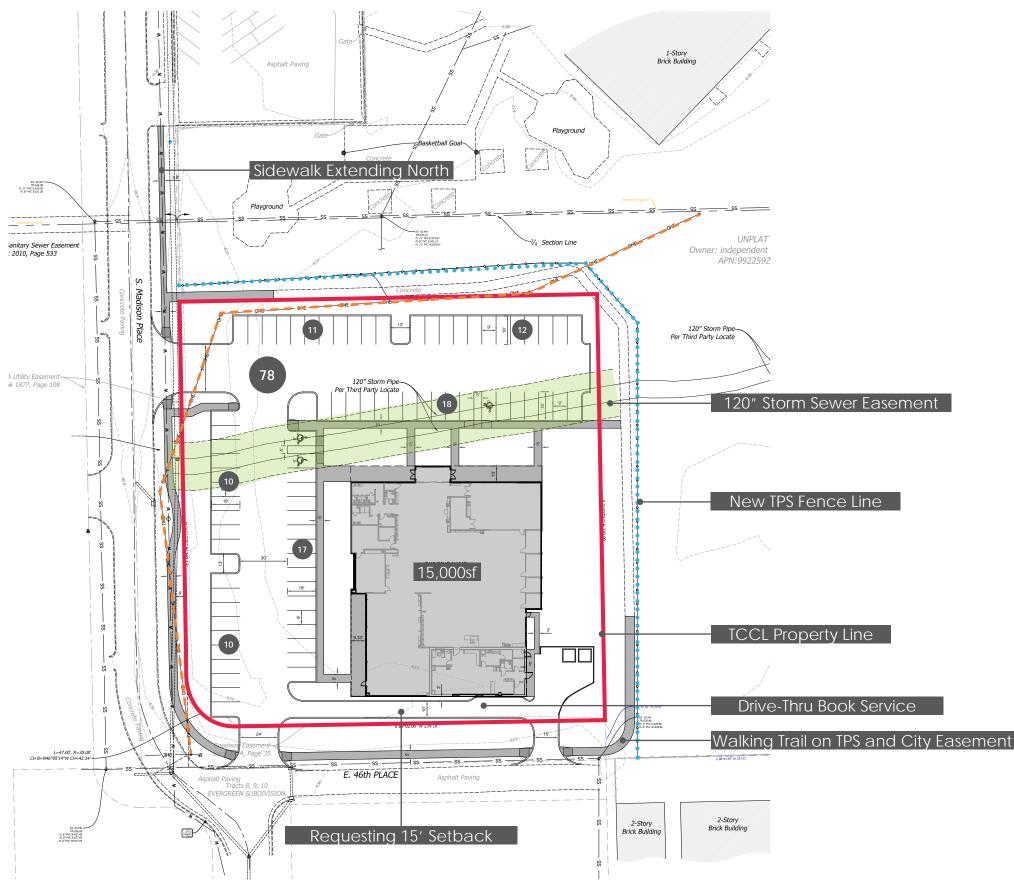
The Applicant requests (1) a Special Exception pursuant to Table 5-2 of the Tulsa Zoning Code (the "<u>Code</u>") to permit a Library in the RS-3 district; and (2) a Variance to reduce the minimum non-arterial street setback from 25 feet to 15 feet, all for property located at 1110 E. 45° Place S. (the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

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.



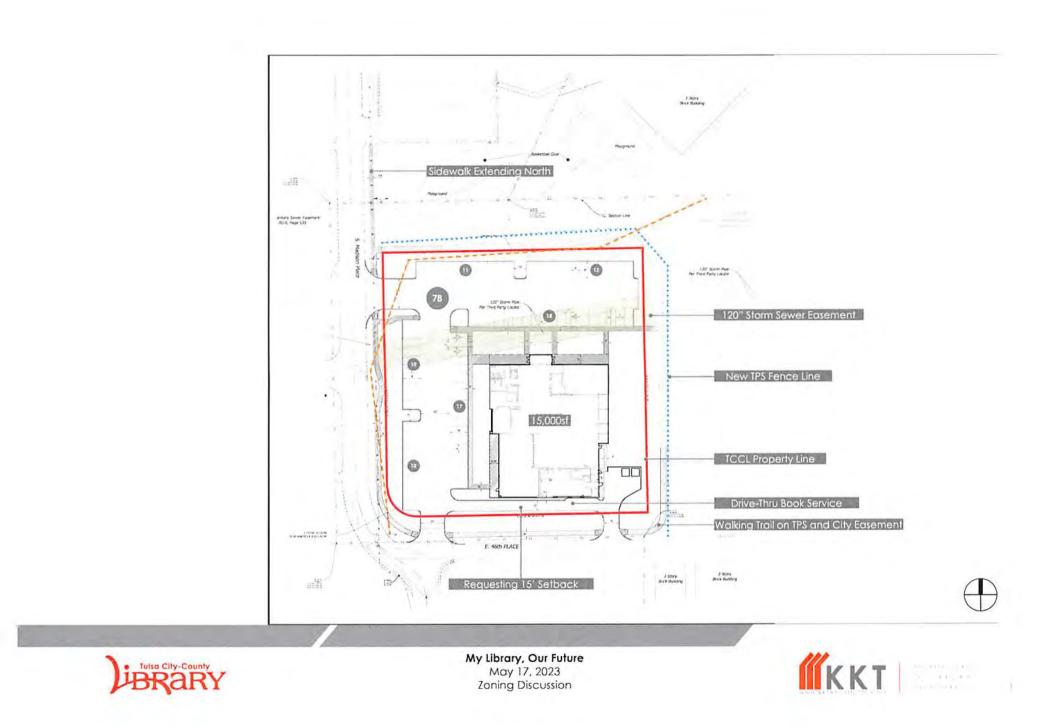


My Library, Our Future May 17, 2023 Zoning Discussion





ARCHITECTURE ENGINEERING







My Library, Our Future May 17, 2023 Zoning Discussion



 δ)etA Professional Corporation

Philip J. Eller Kevin H. Wylie R. Louis Reynolds Daniel C. Cupps Andrew A. Shank Shanann Pinkham Passley Mac D. Finlayson Steven P. Flowers Kenneth E. Crump, Jr. Sloane Ryan Lile Nathalie M. Cornett Natalie J. Marra Jacob W. Purdum

Of Counsel

Donald L. Detrich, *Retired* Jerry M. Snider Katherine Saunders, PLC Heidi L. Shadid Joshua M. Tietsort *Telephone* (918) 747-8900

Toll Free (866) 547-8900

Facsimile (918) 747-2665

Writer's Direct Line (918) 392-9400 Writer's Direct Fax (918) 392-9406 Writer's E-Mail rlreynolds@ellerdetrich.com

July 26, 2023

Antony & Najat Abdo 2020 Revocable Trust 7726 S. 69th East Ave. Tulsa, OK 74133-3414

> Re: Brookside Library, 1110 E. 45th Place South, Tulsa, Oklahoma 74105 Board of Adjustment Case No. BOA-23557

Dear Mr. and Ms. Abdo:

If you have not already, you will be receiving a notice in the mail from the Tulsa Planning Office regarding our application for Case No. BOA-23557, which will be heard by the City of Tulsa Board of Adjustment on Wednesday, August 8, 2023, at 1:00 p.m.

The Tulsa City-County Library Commission is in the design process for a new Brookside Library facility. The existing Brookside Library, on the north side of 45th Place, was built over fifty years ago in 1970 and, with approximately 7,000 square feet, simply does not have the space or amenities of a modern library.

The new Brookside Library facility is proposed to be built on the south side of Collegiate Hall, on South Madison Place. The new building on Madison will be approximately 15,000 square feet and in addition to a larger book selection, will have meeting areas, computers and multi-media resources available to the public.



July 26, 2023 Page 2

The purpose of this Board of Adjustment application is for a Special Exception for the library use to be in a residential district and, due to a large storm sewer bisecting the Property, a Variance to reduce the street setback by 10 feet (from 25 feet to 15 feet) along E. 46th Place. Attached to this letter are a Conceptual Site Plan and Building Elevation that will be provided to the Board.

We are excited for the new Brookside Library and think it will be a wonderful, much needed upgrade for the community and you, as its neighbors. If you have any questions about the project, please do not hesitate to call me at (918) 747-8900.

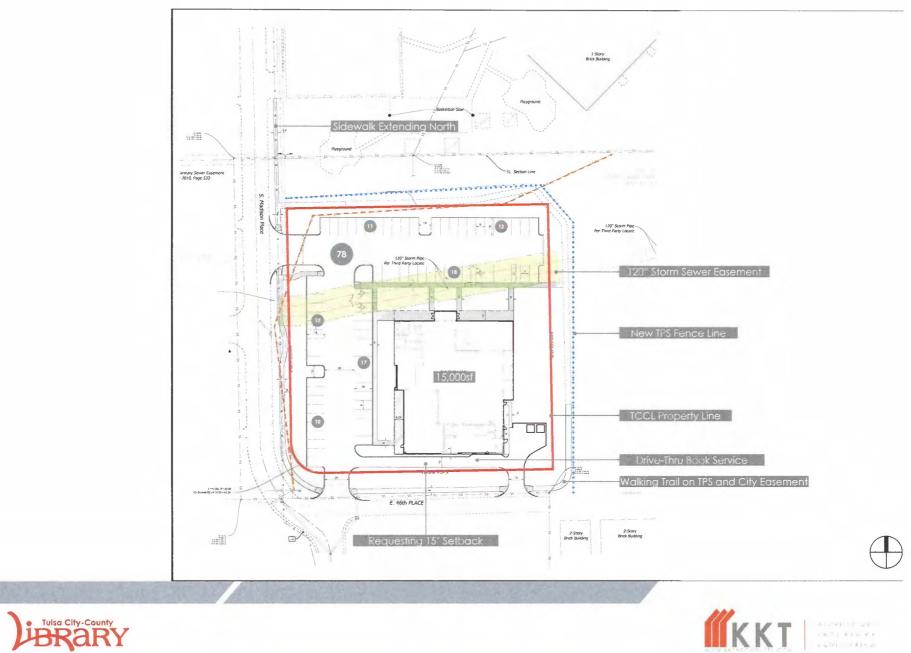
Yours very truly,

ELLER & DETRICH A Professional Corporation

Lou Repolds

Counsel for Tulsa-City County Library Commission

Enclosure













3

Greetings,

I am writing regarding Case BOA-23557 and the Brookside Library's planned new location. I wrote an earlier letter of concern to the Tulsa Library. Since writing that letter, I have spoken with some nearby residents. I have heard concerns that the project is unnecessary (regardless, the planned residential location seems very poor, all things considered). I have heard some strong concerns about the loss of green space. The large field has been in use for recreation and relaxation by many community members for decades (and would continue to be if left intact). Its size should not be substantially diminished, as it will be if this project proceeds. I have also become aware of concerns about this project contributing to the unnecessary existence of what the EPA calls a "heat island" in our neighborhood, which seems quite a serious consideration. There are other concerns as well. I agree with the statement that to grant the Special Exception/variance would do more harm than good for the local community. It seems that this project needs serious reconsideration.

Best wishes,

Jonathan Pinkey

4754 S Boston PL Tulsa OK 74105-4418

P.S. Why not move the library somewhere else, perhaps on Peoria? (Possibly where the old Arby's was—there is a big field behind it that could provide plenty of parking. There are other possible locations that might be considered as well.)

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

Members of the Board,

I am a resident of the affected neighborhood and strongly oppose granting the applicant's request in Case No. BOA-23557. I urge the Board to deny the requested special exception and variance because it is a commercial endeavor that is inappropriate for our quiet neighborhood and would be deleterious to our community.

Sincerely, Anique Swanson

Sent from my iPhone

We are the owners of property located within 300 ft of the proposed Brookside Library. We strongly oppose this proposal and urge the BOA to deny the applicant's request.

As we understand it, there are two requests that the library is making of the BOA:

1) to be granted a special exception

2) to be granted a variance in the event that the exception is approved.

No variance can be granted.

The criteria for BOA approval of an exception are:

1) the exception will be in harmony with the spirit of the zoning code to the current residential zoning (RS-3)

2) it will not harm community or public welfare

We contend that the exception is not in harmony and will harm us. Therefore, an exception and resultant variance must be denied.

There is no proof that the library needs an "upgrade" and the Library Commission, as a fiduciary, must give the public evidence of such need.

We believe in and support the public library system ! As residents of the Brookside area, as well as owners of numerous properties in same neighborhood (that we pay real estate taxes on, and, in turn, support the library's existence), we want a safe and healthy environment for our neighborhood that protects the community's right to quiet enjoyment.

The applicant's proposal for a special exemption and the request for a variance that is to be brought before the BOA on Tuesday (8/22/23) is incomplete, confusing, and unprofessional.

We oppose the proposal and urge the BOA to deny the Applicant's request.

Sincerely,

Gary & Marianne Haddad 4128 S Norfolk Avenue Tulsa, Ok 74105

Chapman, Austin

From:	callanhenrik@gmail.com
Sent:	Monday, August 21, 2023 6:52 PM
То:	Tulsa Planning Office
Subject:	Case No. BOA-23557 - Opposition to Request for Special Exception and Variance

Members of the Board,

I am a resident of the affected neighborhood and strongly oppose granting the applicant's request in Case No. BOA-23557. I urge the Board to deny the requested special exception and variance because it is a commercial endeavor that is inappropriate for our quiet neighborhood and would be deleterious to our community.

Sincerely, Callan Swanson

Sent from my iPhone

Chapman, Austin

From:	Cherry swanson <cherlei1969@gmail.com></cherlei1969@gmail.com>
Sent:	Monday, August 21, 2023 6:52 PM
То:	Tulsa Planning Office
Subject:	Case No. BOA-23557 - Opposition to Request for Special Exception and Variance

ChMembers of the Board,

I am a resident of the affected neighborhood and strongly oppose granting the applicant's request in Case No. BOA-23557. I urge the Board to deny the requested special exception and variance because it is a commercial endeavor that is inappropriate for our quiet neighborhood and would be deleterious to our community.

Sincerely, cherry Swanson

Sent from my iPhone

QUESTIONS FROM OUR NEIGHBORHOOD COMMUNITY

RE: BOA- 23557 Proposed Change to Applicable Code and Easement Minimum for 15,000 Sq Ft Library in Predominantly Single-family Neighborhood without Requisite Impact Studies.

1) The proposed building is a very large 15,000 square feet and requests setback of 15 feet instead of existing legal minimum of 25 feet. To accommodate the storm easement, the proposed setback is designated for the side and rear portions of the building, which are adjacent to multi-family dwellings.

1.1) Does this imperil adjacent buildings, and residents of those buildings, due to proximity in case of fire or emergency event?

1.2) What remedies exist in the case of fire, or emergency event? How will a fire truck and other emergency vehicles access the side and back of building with such limited space to navigate or turn?

2) This proposed new 15,000 square foot library is part of a developed parcel which houses a Charter School and serves our most vulnerable and treasured community members- our children. 2.1) Are we placing them at risk in the event of fire or, God forbid, armed hostility, by reducing clear and navigable access by emergency vehicles to all parts of the building?

2.2) Are there security risks and vulnerabilities due to the reduced easement of minimum 25 feet to proposed 15 feet?

3) Documents ask if there are any, "Facts staff find unfavorable," and in advance of tomorrow's hearing expressly answer, "None."

3.1) Where are the surveys of traffic flow, studies which identify impacts upon neighborhood residents, adjoining properties and existing infrastructure (i.e., roads, sewer, electrical, technology, etc.)?

3.2) Where are the studies and findings, including impacts upon community and taxpayers due to increased use and consumption of resources, as well as how hours of operation and afterhours special events may negatively impact individuals and families in a neighborhood predominantly of pre-existing single-family dwellings?

3.3) Will there be disruption of our quiet, tranquil neighborhood and how will it negatively affect our property values as tax paying homeowners?

3.4) If there are studies, who, or which company, conducted them?

3.5) Were there any Environmental Impact Reports requested, conducted and/or filed for this proposed use of the soccer and playground parcel?

3.6) Were impacts upon the loss of carbon-processing ancestral oaks and trees of large diameter identified and considered?

3.7) Were the impacts and devastation of habitat of resident and protected wildlife identified or considered? If so, how?

3.8) Most importantly, were the devastating impacts upon our most treasured community members - our children - identified and considered? When so many children in the world do not have a safe place, or chance, to play, breathe clean air and interact with God's Creation, why would we take one that already exists and is beloved here in Tulsa?

3.9) What were the methodologies, criteria, analysis and dates of any studies?

4. Was there Notice of Proposed Changes to Easement?

4.1) If so, how was legal Notice given and when?

4.2) Was each property owner and resident within the adjoining buildings and communities given Notice or asked how the new library would affect them positively or negatively?

TRAFFIC ON MADISON PLACE AFTERSCHOOL





STREET VARIOUSLY NAMED BY APPLICANT 47th & 46th PL



From:	Jim Diacon
To:	Tulsa Planning Office
Cc:	Chapman, Austin
Subject:	BOA-23557 New Library Proposed for 1110 E. 45th Place, Tulsa
Date:	Friday, August 18, 2023 3:05:46 PM
Attachments:	preview.png



BOA-23557 PDF Document · 9.1 MB

I own the apartments at 4611-4623 S. Madison Place. My property is located across the alley/46th Place to the south of the proposed location for the new library.

I am opposed to the applications to both allow from he library to be build and to reduce the setback from he the street from 25 to 15 feet.

Reasons are:

-This large commercial building will be huge change to the look and feel to what is now a residential neighborhood. It is not an appropriate use of the space.

-We purchased the property assuming that the open green space to the north would be protected by zoning requirements. The current park-like setting is a big draw for our tenants. -What will basically be a two story building will loom over our property, especially if it allowed to be built 10 feet closer to the street than what is normal.

-Added car and foot traffic is bound to create a nuisance for all that live in the neighborhood, especially those adjacent to the property.

-In its current from, 46th Place is basically an alley; not a real street. There is no way that it can handle the extra curb cuts and traffic in existing form.

-According the plan, the curb cut located at the SE corner of the new building will be primarily used by trucks for deliveries and trash collection. That could cause extra noise and disruption for my tenants.

-Covering the current green space with a building and parking is bound to lead to water runoff problems for all adjacent property owners.

-If allowed, the project has the potential to REDUCE my property value.

At a minimum, if the project is allowed to move forward, we would expect that the alley on the south perimeter (46th PL) be totally brought up to current standards. This would require removal of the existing material, re-grading, addition of curbs and gutters, curb cuts on the south side to provide access to my tenant parking, etc. All of the cost of improving the alley into a real street should be borne by the project/library system.

Thanks for your time. Please don't hesitate to contact me if you have questions.

Jim Diacon Owner and Managing Member JNP, LLC

Jim Diacon jdiacon@me.com 918-688-8950

From:	Evan Inman
To:	Tulsa Planning Office
Subject:	Case No. BOA-23557 - Opposition to Request for Special Exception and Variance
Date:	Sunday, August 20, 2023 11:31:05 AM

Members of the Board,

I am a resident of the affected neighborhood and strongly oppose granting the applicant's request in Case No. BOA-23557. I urge the Board to deny the requested special exception and variance because it is a commercial endeavor that is inappropriate for our quiet neighborhood and would be deleterious to our community.

Sincerely, Evan Inman

From:	Mary C
То:	Tulsa Planning Office
Subject:	Case No. BOA-23557 - Opposition to Request for Special Exception and Variance
Date:	Sunday, August 20, 2023 7:50:15 PM

Members of the Board,

I am a resident of the affected neighborhood and strongly oppose granting the applicant's request in Case No. BOA-23557. I urge the Board to deny the requested special exception and variance because it is a commercial endeavor that is inappropriate for our quiet neighborhood and would be deleterious to our community. I have lived across the street from the school/greenspace since 1988 and the greenspace has been used and enjoyed by countless numbers of Tulsa residents to exercise their dogs, meet for ball practice and basketball and walk the perimeter for exercise. The greenspace is even a stop for the local geese on their way to the Arkansas River. I would like to see these activities continue in our little neighborhood. I think it's important to the residents' overall enjoyment with the area of town we live in.

Thank you,

Mary Campbell 331 East 45th Court Tulsa, OK 74105

Chapman, Austin

From:Katie Roberts <katieblue69@gmail.com>Sent:Monday, August 21, 2023 4:39 PMTo:Tulsa Planning OfficeSubject:Case BOA-23557

Hello. I oppose this case! We use that are to play, walk and socialize. Please do not make it a parking lot!
Sincerely
Katera Roberts
918-636-5393
4762 S Boston Pl
Tulsa OK 74105

Date: 8/22/2023

Case No. BOA - 23557

Name: Luka Gogibedashvili

Address: 4712 South Boston Avenue, Tulsa, OK, 74105

Contact Information: 202-227-7902; Email: lukagog@gmail.com

To the distinguished board members of Tulsa City Hall,

My name is Luka Gogibedashvili, I am a resident near the Collegiate Hall and the public park of the same, located at the intersection of S. Madison Pl and E 45th PL.

In this letter I would like to briefly convey my interest and reasoning in favor of keeping the public green space for the use of the local community. I do ask that the interests of residents be considered when ruling regarding the starting of a construction project that would pave away the lovely green space that has become so dear to us.

My wife, April Elise Gordon, and I visit the park every day, we have met and have become friends with people that also frequent the park. I see residents there that bring their children to play in the field and the playgrounds, I regularly see my former student playing basketball with his friends on the basketball court, a girls' soccer team uses the property to train for their games. I know people that have met, become friends, and started dating, all from meeting at this park. Many people bring their dogs, and the latter have formed a cheerful community of their own. The passers-by say hello and stop by for a chat, exchanging local news and to complain about the weather.

Speaking of the weather, the greenery acts as a heat sink, which is a welcome reprieve in hot Oklahoma summers. While the construction, which would bring even more cement than the area already has, would do the opposite. The green space does also, as one would imagine, serve as a failsafe against flooding, a benefit that extends far beyond the immediate vicinity of the surrounding houses.

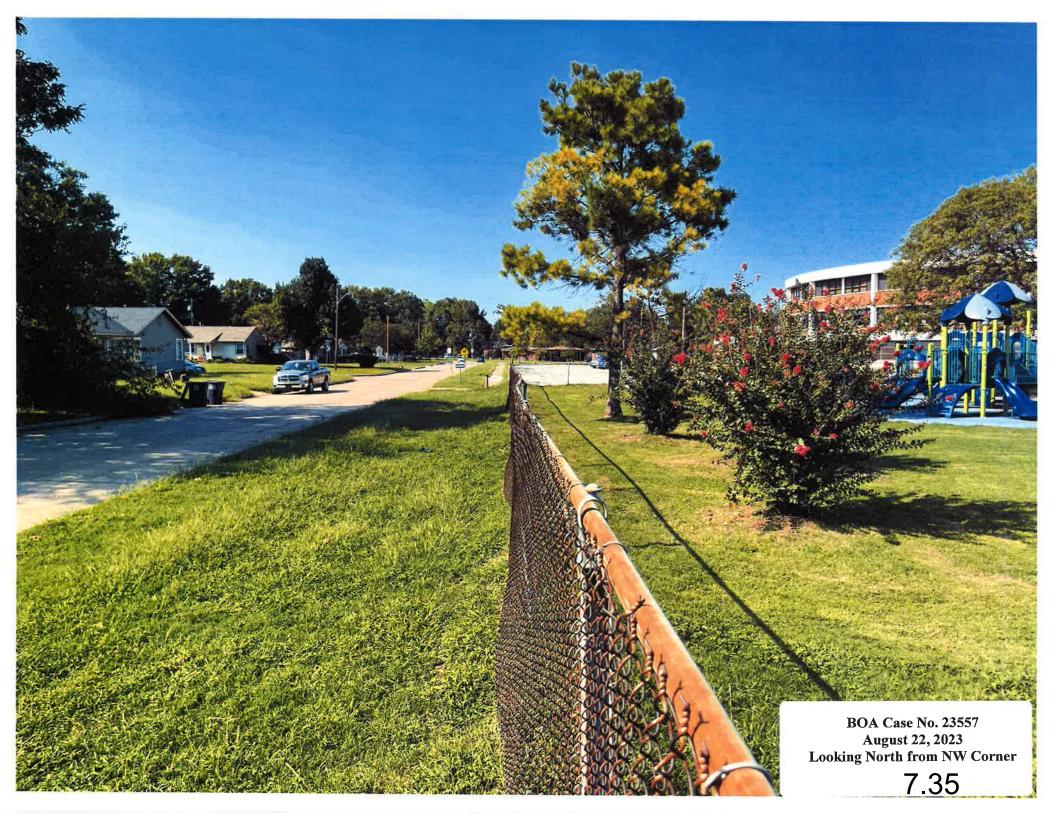
As for the construction of the library itself, we welcome it, but surely an alternative location could be found that is not as important for the mental, physical, and social well-being of the community.

I regret that my work does not let me attend the hearing on August 22nd, 13:00, and I have to send this letter instead, I hope it will find you well. I implore you to consider the interests of the community and not deprive us of a public space that we use daily.

Respectfully Yours,

Luka Gogibedashvili

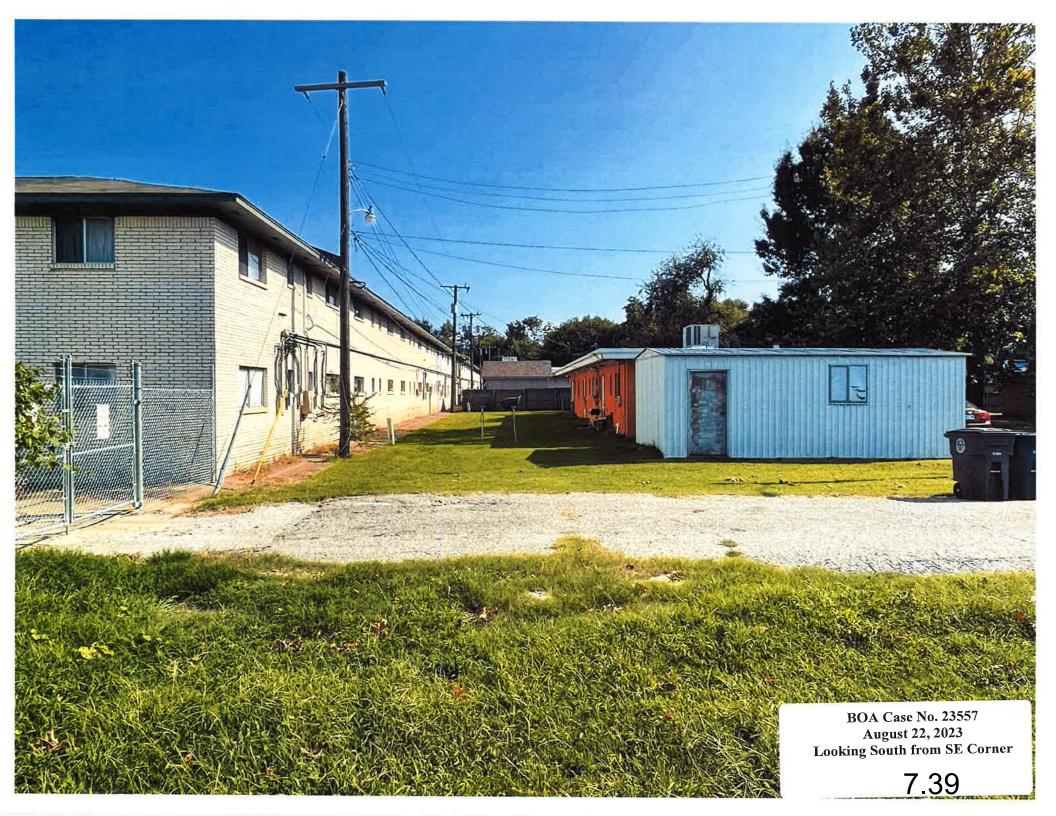














Adjusted Fence Line

Existing walking trail is maintained and becomes publicly accessible (no longer behind the school's fence)

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Library Parking

10100

HERE WERE AND

All playground equipment remains

New sidewalk to extend and connect to the school

Existing school fence line to Remain (pink dotted lines)

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School Building

LEDWARD R.

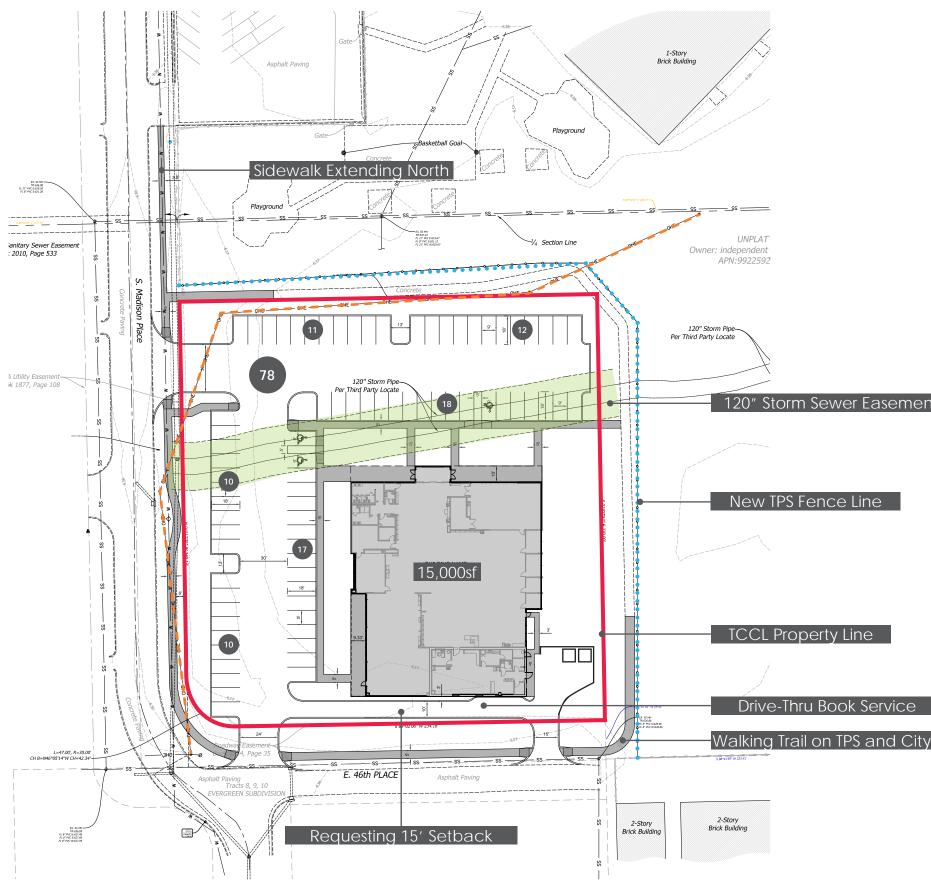
Tulsa City-County \bullet BRARY

School and Brookside Library Sites

S. Madison Pl.

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My Library, Our Future May 17, 2023 Zoning Discussion



architecture interiors engin**F**r**42**



Walking Trail on TPS and City Easement

120" Storm Sewer Easement





My Library, Our Future May 17, 2023 Zoning Discussion



7.43

ARCHITECTURE INTERIORS ENGINEERING





My Library, Our Future May 17, 2023 Zoning Discussion





7.44 ENGINEERING

NOTICE OF INTENT TO APPEAL FROM CITY OF TULSA BOMED OF ADJUSTMENT

This constitutes notice of Intent to Appeal the decision of the Board of Adjustment (city of Tulia) BOA-23557 August 22, 2023, to District Court. CV-2023-1809

Sept. 1,2023

Kilm Com Ct.

FILED CITY OF TULSA BOARD OF ADJUSTMENT DATE: 9/1/23 TIME: 4:14 (AMD) RECEIVED BY: 84 CLERK OF THE BOARD: Awstin Chapman



IN AND FOR THE DISTRICT COURT OF TULSA COUNTY STATE OF OKLAHOMA



AUG 3 1 2023

DON NEWBERRY, Court Clerk

STATE OF OKLA. TULSA COUNTY

<u>ک</u>

KELSEY ROYCE and Others, Home Owners and Residents

Petitioners,

CV-2023-01809

Vs.

Caroline Wall

CITY OF TULSA BOARD OF ADJUSTMENT Defendants,

IN RE: Appeal from the City of Tulsa Board of Adjustment meeting decision of August 8th and continued on August 22, 2023 on Agenda No. 1322, Case No. BOA-23S57 when the BOA approved the special exception for the Tulsa $^{\hookrightarrow}$ City-County Library Commission to build a library on Tulsa Public Schools property in a residential neighborhood (RS-3) and resultant variance to the D setback to 15ft. ÷

NOTICE OF APPEAL FROM CITY OF TULSA BOARD OF ADJUSTMENT

COMES NOW, Kelsey Royce and Other Home Owners and Residents, the Petitioners vs. The City of Tuisa Board of Adjustment Agenda No. 1322, in Case No. BOA-23557, hereby appeal the decision of said Board of Adjustment rendered on said application. In support of this Appeal, Petitioners state the following:

FILED CITY OF TULSA CITY OF TULSA BOARD OF ADJUSTMENT SEP 01 2023 DATE 9 Page 1 RECEIVED BY: OLEFTIC OF THE BOARD AUSTIN Chapma 7.46

1. The City of Tulsa Board of Adjustment ("BOA") is a quasi-judicial body organized under the authority of (11 O.5. 44-10) for the purpose of issuing final decisions on findings of fact in City land use zoning, special exceptions, and variances.

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- Pursuant to Tulsa Zoning Code 70.120-F approval of a special exception requires an alfirmative vote of at least 3 members of the board of adjustment.
- <u>Pursuant to Tulsa Zoning Code 70.130-G</u>, approval of a variance requires an affirmative vote of at least 3 members of the board of adjustment.
- 4. On August 22, 2023, 80A approved Case No. BOA-23557 to build a Library on 1110 with the following votes: 3 yea; 1 absent; 1 abstain.
- On August 22, 2023, conflicted 8OA Member, Whitney Stauffer, dld not recuse from discussion and voted to approve BOA-23557.
- <u>Pursuant to Tulsa Zoning Code 70.120-B Authority to File</u> Applications for special exception approval may be filed only by the owner of the subject property or by the property owner's authorized agent.
- Pursuant to Tulsa Zoning Code 70.130-C Authority to File Variance applications may be filed only by the owner of the subject property or by the property owner's authorized agent.
- The property owner of 1110 E. 45th Place ("the Property") is Independent School District No. 1 Tulsa, Tulsa County ("Property Owner").
- The governing body of the Property Owner is a body of 7 elected members of the local Board of Education (BOE).
- The governing body of the Property Owner did not approve the application for BOA-23557 and did not retain Lou Reynolds to represent them in the aforementioned case.
- 11. Lou Reynolds (Eller & Detrick) was retained as Counsel for the Tuisa City-County Library Commission ("TCCL") to apply for a special exception and variance for property that is not owned by TGCL as a result of the transformer of transformer of the transformer of the transformer of the transformer of transformer of transformer of the transformer of the transformer of tr

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- 12. The BOA is held to standards outlined in its Ethics Policy which instruct members to avoid what a reasonable person would understand to be a conflict of interest or appear to be a conflict of interest (General Policy & Procedures, Section III).
- 13. The Property Owner is currently under investigation by state and federal authorities.
- 14. Independent Auditor's Report Dated January 27, 2021, found a significant deficiency in internal control over financial reporting related to "inappropriate revenue recognition related to transactions with the Foundation" (Foundation for Tulsa Schools, hereafter, "FTS").

BOA Member Conflict of Interest

- 15. City of Tulsa 8oard of Adjustment ("BOA") Member, Whitney Stauffer, was appointed to the BOA on April 12, 2023.
- 16. BOA member, Whitney Stauffer, is Chairman of the Board of Directors of the Foundation for Tulsa Schools (FTS), a charitable entity organized to support the mission of the Property Owner.
- 17. The interests of FTS have become so confused with the operations of the Property Owner that it is inconceivable that Whitney Stauffer in her role as BOA Member and simultaneously Chair of FTS could make an unbiased decision when it comes to BOA-23557.
- Moises Echeverria-Ashworth is the President and CEO of FTS and is a TCCL Commission Member.
- 19. Ellen Duecker is a TCCL Commission Member and is employed by the Property Owner as Special Bond Projects manager.
- 20. 8OA Member, Whitney Stauffer, works closely with Moises Echeverria-Ashworth at FTS.
- 21. 8OA Member, Whitney Stauffer, worked closely with TCCL Commission Member, Ellen Duecker on the 2021 Bond Committee for the Property Owner.

- 22. On August 15, 2023, BOA Member, Whitney Stauffer, presided over a meeting of FTS which included the Property Owner's Chief Financial Officer and now-resigned former superintendent Deborah Gist.
- 23. The interests of FTS have become so confused with the operations of Independent School District No.1, Tulsa, Tulsa County, that it is inconceivable that Whitney Stauffer in her role as BOA Member and simultaneously Chair of FTS could make an unbiased decision when it comes to BOA-23557.

BOA failed to Consider the Concerns Brought Forth by Neighborhood

- 24. Questions and concerns emailed to Austin Chapman, Senior Planner at the Tulsa Planning Office in charge of BOA-23557, were not raised to the BOA.
- 25. Comments from residents and property owners all opposed the special exception and Variance.
- 26. Findings of fact for approval were not made pursuant to 70.120G as required.

WHEREFORE, Kelsey Royce and others were deprived of their rights to an impartial public hearing before the City of Tulsa Board of Adjustment. The District Court should stay all proceedings on BOA-23557 and conduct a trial de novo to show that there was not only a conflict of interest when Whitney Stauffer was allowed to vote to approve the special exception for the construction for the building of library and variance; but also violated the rules when Lou Reynolds was allowed to represent the Library Commission because they aren't the property owner.

CERTIFICATE OF SERVICE

This is to certify that on this 30th day of August, 2023 the above was filed with the Tulsa County Court Clerk with a request that a filed and stamped copy be forwarded and sent to the Judge Presiding over this case and the City of Tulsa Board of Adjustment.

336 E. 45th Ct. Tulsa, OK 74105



Board Meeting Minutes and Notes Tuesday, August 15, 2023

The Foundation for Tulsa Schools held its Board of Directors Meeting in person on August 15, 2023.

Board members present: 20 board members present, which represents quorum.

Attended: Dr. Deborah Gist, Daniel Regan, Larry Faulkner, Brad White, Lachelle Xing, Jared Kuykendall, Annie Tomecek, Joey Wignarajah, Whitney Stauffer, Drew France, Maggie Hille Yar, Mary Spears, Sarah Gould, Emily Fuller, Rick Kelly, Shanese Slaton, Molly Aspan, Judie Hackerott, Steffanie Bonner, Teil Blackshare, Lauren Sherry

Staff present: Moises Echeverria, Brena Meadows Thrash, Joey Oneal, Sam Tinker

- Welcome & Call to Order Whitney Stauffer, Board Chair
 - Call to Order (Whitney Stauffer) 7:35AM
 - Board portal will be available on FTS website this week. Link will be sent out by staff
 - New board members
 - Lachelle King, City of Tulsa
 - Jared Kuykendall, JP Morgan
 - Emily Fuller, Intern & Reading Partners
 - o Addressing issues brought up by State Superintendent.
- Board Member Spotlight
 - Lachelle King, City of Tulsa
 - Bared Kuykendall, JP Morgan
 - Emily Fuller, Intern & Reading Partners
 - 0
- Consent Agenda 7:41
 - (MOTION) To approve [Joey Wignarejah]. Seconded (Molly Aspan], passed unanimously.
 - Consent agenda items;
 - Finance Report
 - Committee Reports
 - Partners in Education
 - Program Evaluation & Development
 - Tulsa Public Schools Update Dr. Deborah Gist speaks (7:42)

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- Accreditation
 - Accreditation officer visits each school as well as the district for the accreditation process annually.
 - Originally the district had 1 accreditation deficiency when process concluded in May, due to report late by 1 week

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- 2nd deficiency was added by state after Dr. Gist had reviewed and signed document
- Deficiencies are not cumulative, start over each year, if deficiency is resolved
- The accreditation process does not look at student outcomes
- Accountability
 - Student outcomes measured by school report cards.
 - When schools with failing grades consolidate, their grades start over, examples can be seen by districts like Oklahoma City
 - Two major goals in Strategic Plan for TPS-- literacy for all ages and college/career readiness. Plan available for review.
- Audit
 - Misconduct found internally by TPS
 - Reported the employee immediately to authorities once discovered and district has been as transparent as possible throughout the process as there is an open investigation
 - TPS does have strong internal controls
 - Dr. Gist and CFO met with State Superintendent to discuss the new requests for documentation
- Additional Information Discussed
 - Claims that TPS disregard religious liberties Opposite of what is established in law.
 - 65 school districts with the same or lower accreditation status than TPS.
- Open to questions.
 - Timeline for accreditation? (7:54AM)
 - o Accreditation status remains same until state issues changes.
 - State board meeting Thursday, August 24 and accreditation has been stated to be on agenda
 - If tabled again, State Superintendent must address TPS accreditation by Dec.
 - If OSDE votes for accreditation with probation , the state has the ability to make leadership changes within the district
 - What happens to the kids? (8:05AM)
 - We will not know the long-term impact to students, but schools will still be open with instruction continuing
 - TPS has already lost teachers due to the accreditation question and will lose more if accreditation changes
 - There has not been public discussion from OSDE to change leadership in the 6 districts that are currently accredited with probation.
 - State Superintendent falsely claimed that 52% of TPS budget were administrative costs. The figure he used contained nutrition, buses, counselors, reading interventionists which are not administrative costs.
 - There is a cap by the state for every school district's administrative costs of 5% and there is dollar for dollar penalty if over 5%.
 - TPS; administrative costs are 4%

- What is the strategy moving forward for TPS? (8:14AM)
 - Launching landing page tulsapublicschools.org/facts
 - Would love to see business leaders take on addressing facts and media miscommunications.
- Has anyone spoken to legislators to address checks and balances in OSDE? (8:23AM)
 - Statutes need to be written more tightly to strengthen procedures and clarify step-by-step processes for accreditation
- Anything FTS can do to be proactive to address conversations relating to programs? (8:29AM)
 - Addressing it, but hard to plan for something that is unprecedented. Gathering data, we have strong arguments to show impact of our programs that support community.
- Dr. Gist meets with Chamber board members today (Aug 15th 2023).
- President's Report Moises Echiverria, President & CEO (8:39AM)
 - Discussing long-term strategies, current issues might create a temporary pause in philanthropic support.
 - Discussing worst-case scenarios while continuing to support schools.
 - Moving forward with what is already scheduled.
 - o Outreach to officials is critical.
 - ProtectTPS.com -- most organized support effort.
 - Letter campaign, draft included in packet.
 - Other Updates Whitney Stauffer
 - o Calendar in board packet.
 - 80ard social networking at Driller's game September 16th.
 - Next Board Meeting: October 17th at 7:30AM at Memorial MS.
 - MagIc City Books have T-Shirts in support of TPS
- Adjourn
 - (MOTION) To Adjourn [Drew France]. Seconded [Larry Falkner], passed unanimously.
 - Adjourned 9:03AM



Thursday, July 20, 2023 July Regular Meeting

12:00 p.m.

Central Library Executive Conference Room on Level "L" 400 Civic Center Tulsa, OK 74103

1. Opening of Meeting

- A. Call to Order Leanne Heimerich, Chair
- B. Roll Call/Announcement of a Quorum

2. Chief Executive Officer's Monthly Report

- A. CEO Remarks Kimberly Johnson, CEO
- B. Employee Recognition

3. Committee Report

A. Physical Facilities Committee Discussion and vote to Adopt, Reject or Modify an Agreement for Naming Rights for the new Brookside Library. Ellen Duecker (Action)

B. Personnel Committee -Vote to Adopt, Reject or Modify the Proposed 2024 Library Commission Meeting Schedule-Dr. Wimberly (Action)

4. Consent Agenda

- A. Approval of Consent Agenda 🐋
- B. Approval of June 2023 Minutes
- C. YCCL June Financial Reports
- D. Resolution: Declaring IT Surplus Property

5. Nominating Committee

A. Appointment of commissioners to the NomInating Committee - Leanne Heimerich, Chair (Report)

6. Closing of Meeting

A. Announcement of Next Meeting: August 17, 2023 at Rudisili Regional Library - 1520 N. Hartford Avenue, Tulsa, OK - Leanne Helmerich, Chair

B. Adjournment - Leanne Helmerich, Chair



General Policies and Rules of Procedure Board of Adjustment of the City of Tulsa

SECTION I - RULES OF PROCEOURE A. Name

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

B. Membership

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

C. Removal

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

D. Officers

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

1) The duties of the Chairman shall include:

 a) Presiding over meetings with all powers under partiamentary procedure, unless the Chairman designates another member to preside;

b) Signing official documents of the Board;

c) Appointing a Vice-Chairman and Secretary in the event the said officers are absent from the meeting.

2) The dulies of the Vice-Chairman shall include:

a) Presiding over all meetings in the absence of the Chair and shall have full powers of the Chair in matters that come before the Board; and

b) Assuming the duties of the Secretary in the event that the Secretary is absent from the meeting.

3) The duties of the Secretary shall include:

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

E. Quorum

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

F. General Procedures

1. If inclined, the Board may grant a continuance of a scheduled public meeting at the request of the applicant, interested parties, or Board staff.

2. A motion to reconsider any action of the Board can be made by a Board member who voted for the prevailing party.

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a) The Board may take a vote to reconsider an action of the Board during the meeting or at the next regularly scheduled meeting of the Board.

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b) The action to be reconsidered will be placed on the subsequent meeting agenda and written notice must be given to all interested parties at least five working days in advance of the scheduled meeting.

3. When the public wishes to communicate with Board members, the appropriate way is through a letter or e-mail correspondence to Board staff, who will in turn distribute it to the Board members and the applicant.

G. Public Meeting Procedures

1. The Board shall consider only public meeting items which have been properly advertised as required by law and only those where all fees have been paid, including fees for legal advertising.

2. The Chair can modify the order in which the cases will be considered from the order in which they are listed on the agenda. The procedure for each case shall normally be as follows:

a) Staff will announce the case by reading the item number, case number and applicant's name.

b) Staff will read the location of the subject tract and the action requested from the case report.

c) The Chair calls on the applicant for a presentation, not to exceed fifteen (15) minutes. If the applicant presents a significantly changed application from that submitted for 80A staff review (as determined by BOA staff and at the BOA at the time of the presentation), such action is considered grounds for continuance.

d) Any member of the public may address the Board at a regular or special meeting after signing in for a specific item. When recognized by the Chair, a member of the public should state his or her name and address. Speakers will be given five (5) minutes to speak on an item; however, the Chair may further limit that time based on the number of speakers for an item or impose an aggregate time for all speakers.

e) The Chair may rule a comment out of order if it is redundant, irrelevant, indecorous or unlimely.

f) The applicant is given the opportunity to rebut and is allowed no more than ten (10) minutes to speak. If the applicant, in the Chair's opinion, should present new facts or information, the Chair may allow the protestants time to rebut same.

g) The Chair abnounces the public hearing is closed on the case and opens the review session, during which the Board members will discuss the case among themselves and make a recommendation.

h) BOA members shall address only the prosiding Chair for recognition and shall confine their remarks to the question under discussion.

i) During the review session, which shall be open and public, πo new evidence shall be admitted unless specifically requested by a member of the Board and permitted by the Chair. However, any Board member may make a motion at any point in time when he/she feel they have sufficient information to do do.

j) Before a motion is made, there shall be an opportunity for discussion of the case by the Board and for each Board member to make comments. After a motion is made, there shall be further opportunity for discussion by the Board, and the maker of the motion may refine the terms of the motion pursuant to such discussion. When the motion is formalized, the Chair shall restate the motion, state the name of the maker of the motion and the member seconding the motion, and call for a vote. If a Board member desires to amend the motion following the Chair's restatement of the motion but prior to the Chair's call for a vote, the Board member suggesting the amendment may ask unanimous consent to modify the motion. If any Board Member objects to the motification of the motion, the Board Member proposing the amendment shall move that the motion be amended. The motion to amend must be seconded, is debatable, and must be adopted by a majority vote of the members present.

3. A second is required on all motions in order to bring the question to a vote of the Board.

Tulsa Public Schools Independent School District No. I-1, Tulsa County, Okiahoma

Schedule of Findings and Questioned Costs (Continued) Year Ended June 30, 2020

- II. Findings Relating to the Financial Statement Audit as Required to be Reported in Accordance with *Government Auditing Standards*
 - A. Internal Control

Finding 2020-001 Significant deficiency in internal control over financial reporting

<u>Finding</u>: The Foundation for Tulsa Schools (the Foundation) is a legally separate not-for-profit organization whose purpose is to enhance the educational programs of the District by providing a permanent entity (brough which contributions can be received and distributions made for the benefit of the District and its students. During the course of performing the FY 2020 audit, we noted the following matters with regards to the Foundation:

- District management did not perform a timely review to determine whether the Foundation met the reporting requirements of a component unit, as defined in GASB Statement No. 39, Determining Whether Certain Organizations Are Component Units, an Amandment of GASB Statement No. 14.
- The District did not adequately review contribution funds received from the Foundation In both FY2019 and FY2020 as described in the condition below. The misstatement was corrected by the District and recorded in its 2020 financial statements.

<u>Criteria</u>: Effective internal controls should be established and maintained to prevent, or detect and correct material misstatements in the annual financial statements on a timely basis. In addition, monitoring procedures should be established to ensure that potential component units are evaluated at least annually as to whether inclusion in the District's financial statements is required.

<u>Condition</u>: The Foundation is a legally separate but related organization. As such, transactions with them need to be subject to the same review and scrutiny as all other transactions. In the current year, certain Foundation receipt journal entries were posted in the financial statements incorrectly resulting in:

- (1) An overstatement of 2020 other local revenue in the government-wide activities financial statements (of approximately \$1,5 million) as there were revenues related to 2019 that were incorrectly recognized in 2020; and
- (2) An understatement of 2020 other local revenue in the government-wide activities financial statements (of approximately \$1.6 million) as there were receipts related to 2020 that were incorrectly recognized in 2021. This misstatement was corrected by the District and recorded in its 2020 financial statements.

In addition, U.S. GAAP requires that certain legally separate not-for-profit organizations be evaluated for potential inclusion in the primary government financial statements as a component unit. The District did not perform a limity review to determine whether the Foundation met those requirements. Although District management ultimately concluded that inclusion in the District's financial statements was not required, this is an accounting policy that needs to be reviewed in a timely manner in order to facilitate accurate financial reporting.

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Tulsa Public Schools Independent School District No. I-1, Tulsa County, Oklahoma

Schedule of Findings and Questioned Costs (Continued) Year Ended June 30, 2020

<u>Cause</u>: With regards to the inappropriate revenue recognition related to transactions with the Foundation, the errors were caused by a combination of factors, including tack of review and scrutiny of Foundation-related transactions. With regards to the consideration of whether the Foundation financial statements should be included in the District's CAFR, this is the result of not having an accounting policy that specifically addresses monitoring of potential component units,

Effect: Preliminary fund financial statements, government-wide financial statements and note disclosures contained errors that were significant to its 2020 financial statements. Such errors were corrected and revised by the District, and are properly reflected in its 2020 financial statements.

Although it was ultimately determined that the Foundation did not meet the reporting requirements of inclusion in the District's financial statements as a component unit, failing to include a discrete component unit in accordance with U.S. GAAP would result in the District's financial statements being materially misstated.

<u>Recommendation</u>: We recommend that the District implement procedures to ensure that Foundation transactions are reviewed for proper cutoff. We also recommend that the District establish an accounting policy that requires regular review, at least annually, of all organizations that could meet the requirements for inclusion in the District's financial statements as a component unit.

District Management's Response: The District agrees with the finding and recommendation.

Tuisa Public Schools Independent School District No. I-1, Tuisa County, Oklahoma

Schedule of Findings and Questioned Costs (Continued) Year Ended June 30, 2020

Finding 2020-002

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Significant Deficiency in Internal Control Over Financial Reporting

<u>Finding</u>: The District's internal controls over financial reporting failed to detect significant errors in the District's financial statements in the recording of the Net Pension Liability and Deferred Inflows of Resources and Deferred Outflows of Resources related to the District's participation in employee retirement system sponsored by Oklahoma Teachers' Retirement System (OTRS). The District's internal control system also failed to detect errors in the recording and disclosures of the Net OPEB Asset and Deferred Inflows of Resources related to the District's participation in the post-employment benefits sponsored by OTRS.

<u>Criteria</u>: Effective internal controls should be established and maintained to prevent, or detect and correct material misstatements in the annual financial statements on a timely basis.

<u>Condition</u>: The District's financial statements as originally prepared contained significant misstalements in the recording of the financial statement amounts, specifically Deferred Inflows and Deferred Outflows of Resources related to the District's participation in the OTRS defined benefit pension plan. In addition, recorded amounts and disclosures related to the District's participation in the OTRS other Post-Employment Benefit Obligation were also misstated.

<u>Cause</u>: District personnel understand the financial reporting regularements of GASB Statement No. 68 and GASB Statement No. 75; however due to tack of experienced accounting personnel, there was not an adequate review of the supporting schedules maintained by the District to determine that the amounts reported by the District were correct.

<u>Effect</u>: Amounts reported for Deferred Outflows and Deferred Inflows of Resources were misstated in the original financial statements. The District subsequently corrected its June 30, 2020 financial statements.

<u>Recommendation</u>: More than one member of the District's financial reporting staff should be Irained to have a deeper knowledge of the accounting and reporting requirements of GASB 68 and GASB 75, and an independent review of the supporting schedules and journal entries prepared by the District should be performed.

District's Management Response: The District agrees with the finding and recommendation.

B. Instance of Noncompliance

No matters to report.

Findings and Questioned Costs for Federal Awards

A. Internal Control

No matters to report.

B. Instances of Noncompliance

No matters to report.

A Professional Corporation

Philip J. Eller Kevin H. Wylie R. Louis Reynolds Daniel C. Cupps Andrew A. Shank Shanann Pinkham Passley Mac D. Finlayson Steven P. Flowers Kenneth E. Crump Jr. Stoane Ryan Lile Nathalie M. Cornett Natalie J. Marra Jacob W. Ponfum

Of Coursel Jerry M. Snider Katherine Saunders, PLC Heidi L. Shadid Joshua M. Tietsort

Donald L. Detrich, Retired

Telephone (916) 747-8900

Tolt Free (666) 547-8900

Facsimile (918) 747-2665

Writer's E-Mail <u>LReynolds@EllerDetrich.com</u>

September 6, 2023

FILED CITY OF TULSA BOARD OF ADJUSTMENT DATE 9/6/23 TIME: 2:37 JANN(PM) RECEIVED BY: AC_____ CLERK OF THE BOARD: AUSTIN Chapman

VIA HAND DELIVERY & E-MAIL City of Tulsa Board of Adjustment c/o Tulsa Planning Office Tulsa City Hall 175 E. 2nd Street, 4th Floor

Tulsa, Oklahoma 74103 <u>Achapman@cityofiulsa.org</u>

Re: BOA-23557 Request for Reconsideration

Dear Mr. Chapman:

This letter serves as the Applicant's request for the Board of Adjustment to reconsider its decision in BOA Case No. BOA-23557 on August 22, 2023. The Applicant requested a Special Exception for a Library in the RS-3 District and a Variance to reduce the required 25-foot street setback to 15 feet.

After hearing from the Applicant and interested parties and following robust Board discussion, the Board voted to *approve* the Special Exception and the Variance. However, without explanation, acting Chairperson Radney abstained from the vote, resulting in a 3(aye) - 1(abstain) vote.

Following the Board's decision, a Notice of Appeal was filed by Kelsey Royce alleging that Board Member Stauffer had a conflict of interest and should not have voted. Because only four of the five Board members were present, acting Chairperson Redney's abstention has made the allegation of Board Member Stauffer's conflict of interest material to the resolution of the case. Accordingly, the Applicant requests that Case No. BOA-23557 be placed on the September 12, 2023 Board agenda to be reconsidered by the full membership of the Board in order to resolve any potential impact of such alleged conflict of interest.

Sincerely,

ELLER & DETRICH A Professional Corporation

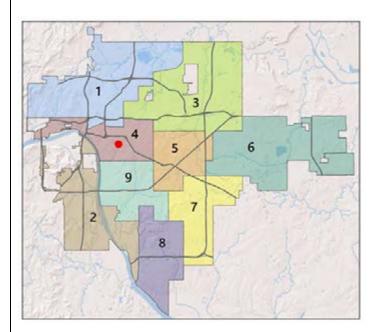
Lou Reynolds

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Tulsa Board of Adjustment	Case Number: BOA-23600 Hearing Date: 12/12/2023 1:00 PM
Case Report Prepared by:	Owner and Applicant Information:
Dylan Siers	Applicant: Robert Bell
	Property Owner: GAYTAN, BLAS

<u>Action Requested</u>: Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-B) Variance to allow a detached Accessory Dwelling Unit to exceed one story or 18 feet in height and to exceed 10 feet in height to the top of the top plate. (Section 90.090-C)

Location Map:



Additional Information:

Present Use: Residential

Tract Size: 0.16 acres

Location: 1624 S TROOST AV E

Present Zoning: RS-3



STR: 9307 **CD:** 4

Case Number: BOA-23600

HEARING DATE: 12/12/2023 1:00 PM

APPLICANT: Robert Bell

<u>ACTION REQUESTED</u>: Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-B)Variance to allow a detached Accessory Dwelling Unit to exceed one story or 18 feet in height and to exceed 10 feet in height to the top of the top plate. (Section 90.090-C)

LOCATION: 1624 S TROOST AV E

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: LT 6 BLK 14, ORCUTT ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:

BOA-18035 – 1628 S Troost Ave – May 1998 - Board approved a variance to allow an accessory building covering an area that is over 20% of required rear yard, a variance of the required 3' setback for a detached accessory building to 1.5' to permit rebuilding a detached garage per plan submitted.

BOA-22804 – 1611 S Trenton Ave - December 2019 - Board appr oved Variance to allow a lot to have less than 50% open space (Sec. 80.020-B); Variance to allow an accessory structure to exceed one story, 18 feet in height overall & 10 feet in height to the top of the top plate (Sec. 90.90.C); Variance to allow an accessory building to cover more than 30% of the rear setback (Sec. 90.090-C.2); Variance to allow accessory buildings to exceed 40% of the floor area of the principal structure (Sec. 45.030-B); Special Exception to allow an addition to a nonconforming structure (80.030-D)

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, is 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: The purpose of allowing accessory dwelling units within Residential districts is to accommodate new housing units while preserving the character of existing neighborhoods, allow efficient use of the city's existing housing stock and infrastructure, and providing housing options and choices that respond to changing lifestyle needs. The code specifies that new buildings and modifications to existing buildings should be designed with sensitivity to their context in terms of building placement, proportions, building materials, and similar design features. The Accessory Dwelling proposed is being placed on the same foundation without expansion as the garage facility. The structure is utilizing a brick wainscot along with the same siding and roofing material as the primary residence. The owner has gone to great detail to blend the building materials associated with the accessory structure to that of the primary residence. Due to the non-conformity of the adjacent properties to the south and southwest, creating a condition of deficiency of Livability Space, it was determined to be extremely important to maintain the open space associated with the subject property. The findings verify that it is common for Accessory Dwellings to be located on the properties of the 1600 block of Troost and Trenton Avenue. It is further identified that to maintain the livability space of the parcel sets the tone of preserving a more desirable neighborhood character.

The introduction of an Accessory Dwelling on the subject tract is in compliance with the intent of the zoning code as outlined. The proposed use is in harmony with the existing development and character of the neighborhood.

STAFF ANALYSIS: Applicant is requesting to get a Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-B)Variance to allow a detached Accessory Dwelling Unit to exceed one story or 18 feet in height and to exceed 10 feet in height to the top of the top plate. (Section 90.090-C)

Facts staff finds favorable for variance request:

• There have been similar projects near the subject property and the accessory dwelling unit is being built on the same foundation as the previous structure.

Facts Staff find unfavorable for the variance request:

• None.

SAMPLE MOTION:

Move to ______ (approve/deny) a **Special Exception** to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D)

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

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

Variance:

Move to ______ (approve/deny) a Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-B)Variance to allow a detached Accessory Dwelling Unit to exceed one story or 18 feet in height and to exceed 10 feet in height to the top of the top plate. (Section 90.090-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;

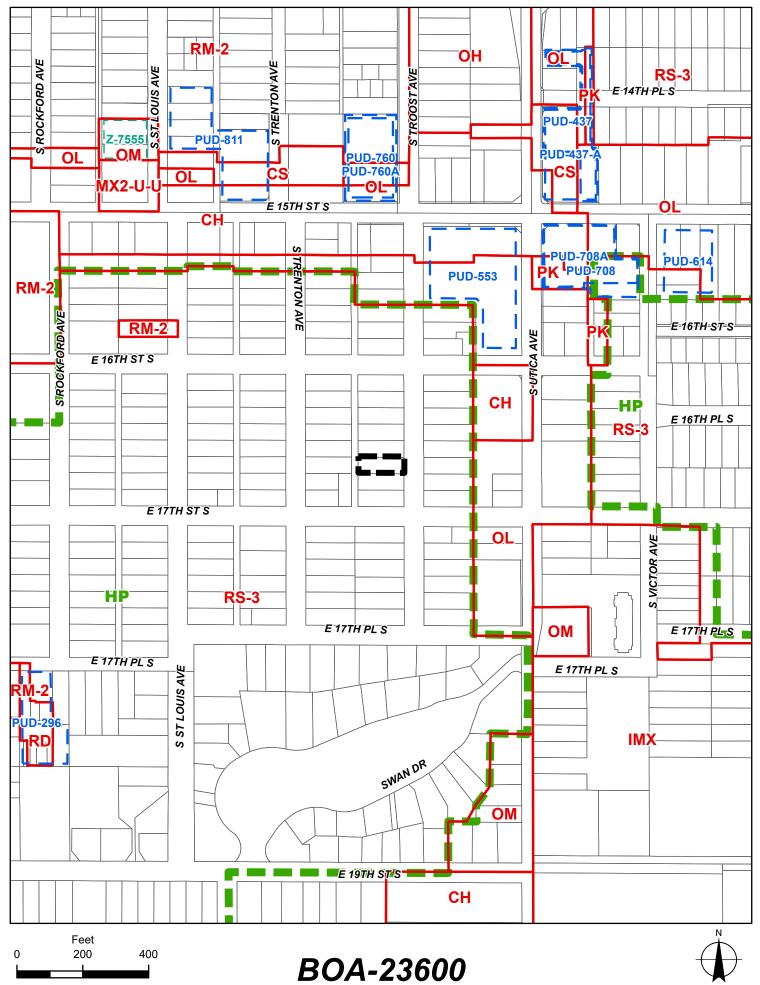
e. That the variance to be granted is the minimum variance that will afford relief;



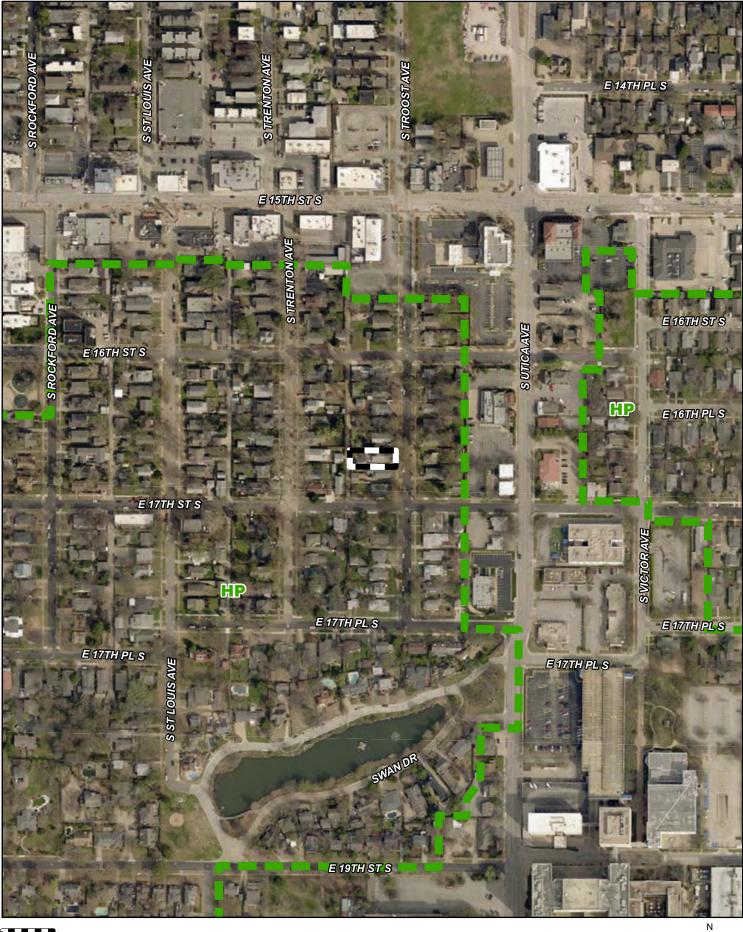
f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

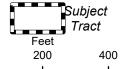
g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."





8.5

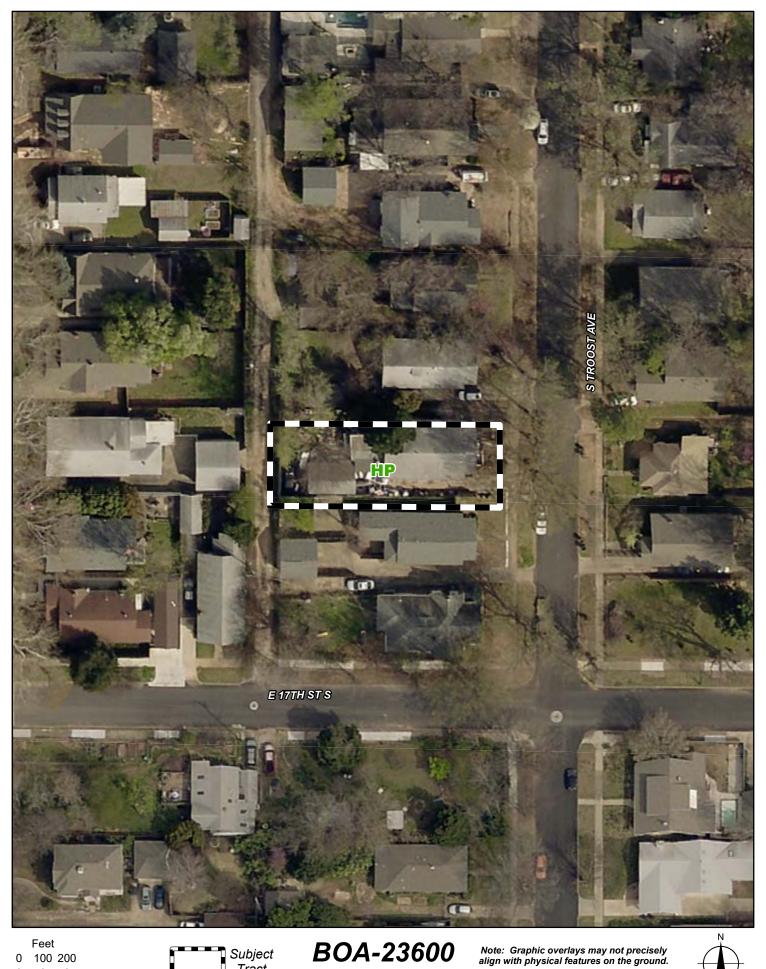




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Note: Graphic overlays may not precisely align with physical features on the ground.

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



Aerial Photo Date: 2021

8.7

1624 S. Troost Tulsa OK 74120 Special Exception Accessory Dwelling Findings of Fact

Criteria:

- 1. The special exception will be in harmony with the spirit and intent of the Zoning Code.
- 2. The special exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Findings:

- 1. The accessory dwelling is new construction to replace and on same foundation of a Garage Accessory building that was constructed prior to Zoning and physical condition required removal.
- 2. The existing foundation meets the required setbacks related to property lines and distance from primary dwelling.
- 3. A site plan and elevation drawing have been submitted with application.
- 4. A Variance Application has been submitted in conjunction with the Special Exception related to the height and size of the structure.
- 5. Lots 9 and 10 Orcutt Addition located at the southwest corner of the subject tract were divided into three parcels. These parcels are 4000, 5000 and 5000 square feet in size and have been developed with single family dwellings. Each parcel has been developed with little or no Livability Space and per code would be recognized as pre-existing non-conforming. (Attached is pictures of two of these lots)
- 6. Numerous properties within the 1600 block of Troost and Trenton Avenues, both streets within the Orcutt Addition, have been developed with Accessory Dwellings. (Attached is pictures of 5 accessory dwellings).
- 7. The Historic Preservation Staff specified that the accessory building is exempt from the HP Permit requirement because it is detached and not located in the street yard, so no preservation commission action is required. See attached email. It should be noted that the owner has designed the accessory building to comply with the Historic Preservation criteria.
- 8. The following Board of Adjustment cases for Accessory Dwellings in the area have been approved.
 - a. BOA-18035-1628 S Troost Ave E variance to allow an accessory building covering an area that is over 20% of required rear yard, a variance of the required 3' setback for a detached accessory building to 1.5' to permit rebuilding a detached garage per plan submitted.
 - b. BOA-22804- 1611 S Trenton Av E Variance to allow a lot to have less than 50% open space (Sec. 80.020-B); Variance to allow an accessory structure to exceed one story, 18 feet in height overall & 10 feet in height to the top of the top plate (Sec. 90.90.C); Variance to allow an accessory building to cover more than 30% of the rear setback (Sec. 90.090-

C.2); Variance to allow accessory buildings to exceed 40% of the floor area of the principal structure (Sec. 45.030-B); Special Exception to allow an addition to a nonconforming structure (80.030-D).

c. BOA-23035 - 1524 S Trenton Ave E - Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Variance to allow a detached Accessory Dwelling Unit to exceed one story or 18 feet in height and to exceed 10 feet in height to the top of the top plate. (Section 90.090-C); Variance to allow the floor area of a Detached Accessory Dwelling Unit to exceed 500 square feet or 40% of the floor area of the principal residential structure (Section 45.030-A2; 45.031-D6.a); Variance to allow more than 30% coverage by a Detached Accessory Dwelling Unit in the rear setback in an RS-3 District (Section 90.090-C).

The purpose of allowing accessory dwelling units within Residential districts is to accommodate new housing units while preserving the character of existing neighborhoods, allow efficient use of the city's existing housing stock and infrastructure, and providing housing options and choices that respond to changing lifestyle needs.

The code specifies that new buildings and modifications to existing buildings should be designed with sensitivity to their context in terms of building placement, proportions, building materials, and similar design features.

The Accessory Dwelling proposed is being placed on the same foundation without expansion as the garage facility. The structure is utilizing a brick wainscot along with the same siding and roofing material as the primary residence. The owner has gone to great detail to blend the building materials associated with the accessory structure to that of the primary residence.

Due to the non-conformity of the adjacent properties to the south and southwest, creating a condition of deficiency of Livability Space, it was determined to be extremely important to maintain the open space associated with the subject property.

The findings verify that it is common for Accessory Dwellings to be located on the properties of the 1600 block of Troost and Trenton Avenue. It is further identified that to maintain the livability space of the parcel sets the tone of preserving a more desirable neighborhood character. The introduction of an Accessory Dwelling on the subject tract is in compliance with the intent of the zoning code as outlined. The proposed use is in harmony with the existing development and character of the neighborhood.

Exhibit A Houses with no Livability Space



4000 Square Foot Lot



5000 Square Foot Lot Exhibit B

Existing Accessory Dwelling Located on Troost and Trenton Avenues









Two Accessory Dwellings side by side on Trenton Ave. Northern structure is two stories.

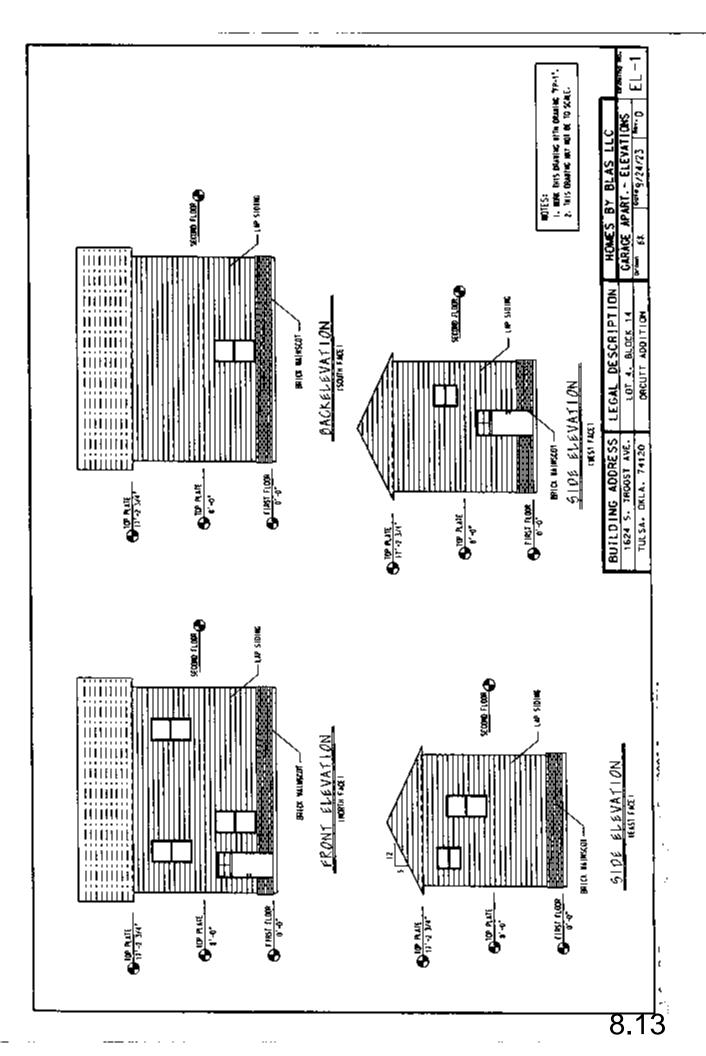
Hi Robert,

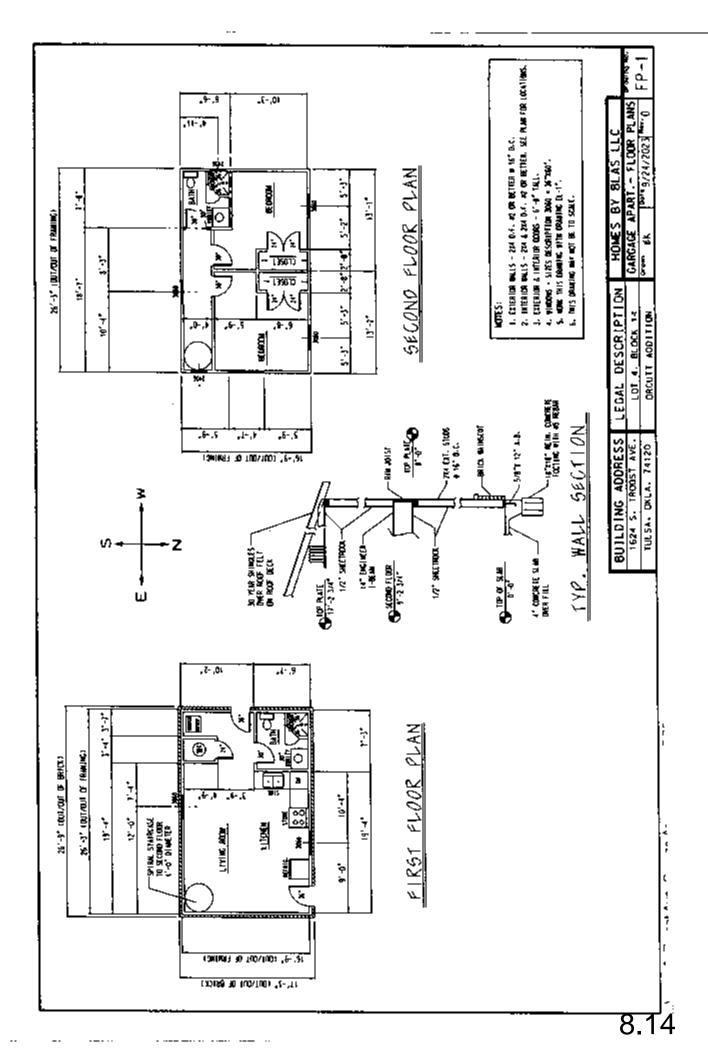
Thank you for your email! The preservation commission denied the application of paint to masonry, as our <u>Unified Design Guidelines</u> do not allow it (see A.2.5). He has the option to submit a revised application, submit an application for the removal of the paint, or appeal to the Board of Adjustment (see <u>Tulsa Zoning Code</u>, Sec. 70.140). I can forward you the email I sent Blas on Friday.

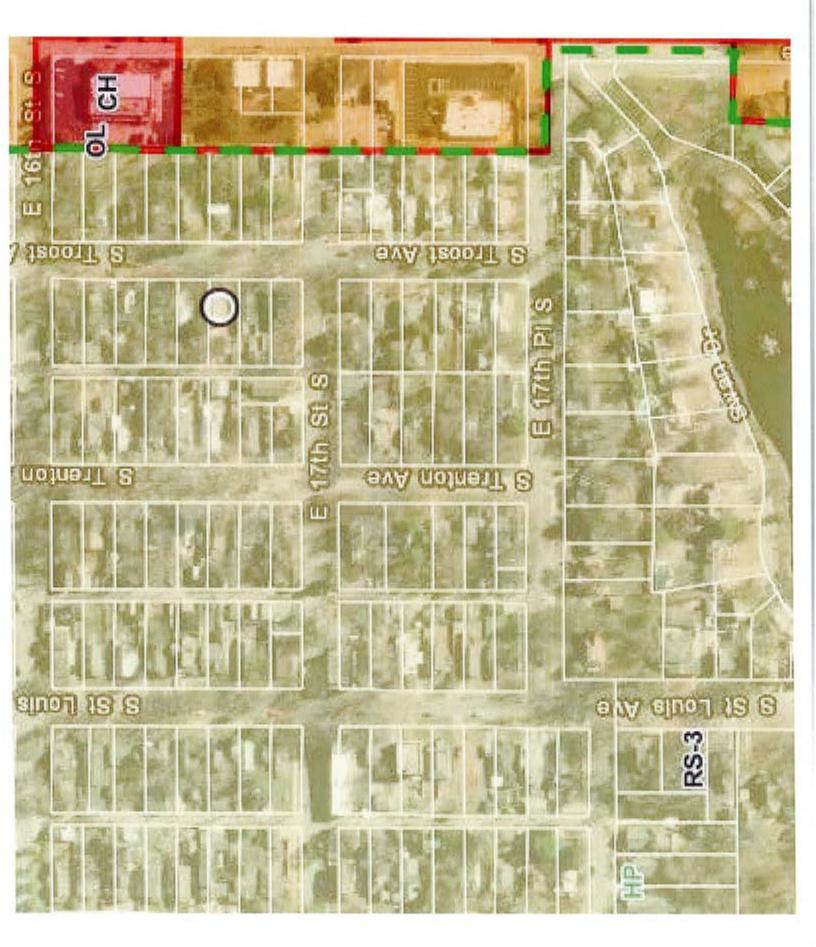
The accessory building is exempt from the HP Permit requirement because it is detached and not located in the street yard, so no preservation commission action is required.

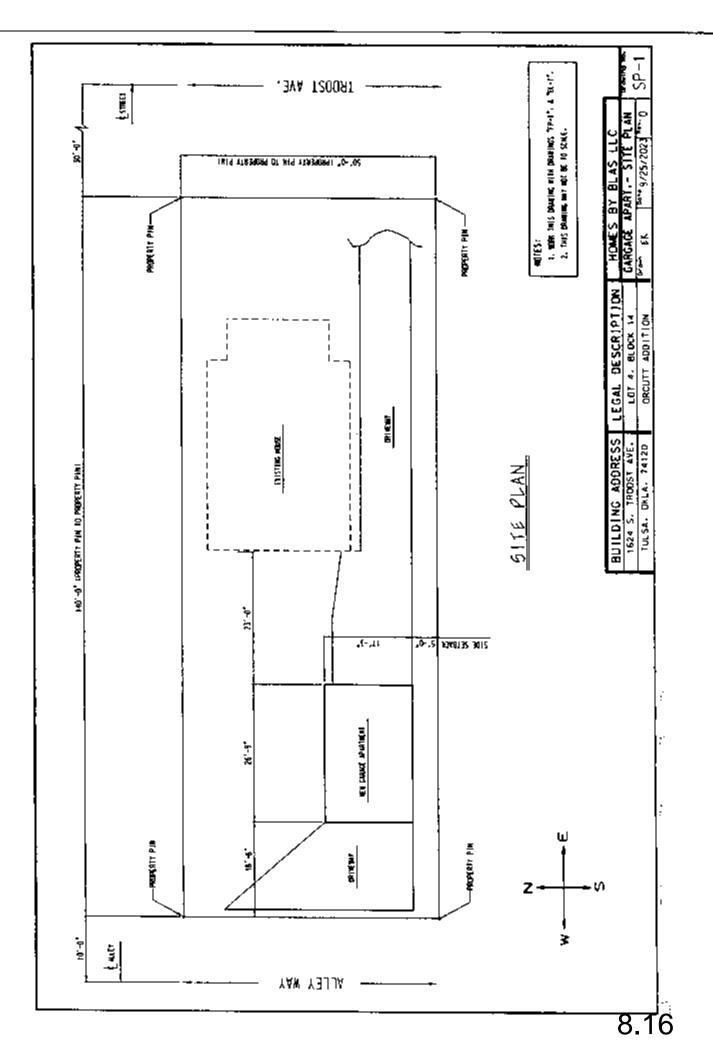
Thank you,

Felicity Good, AICP | Senior Planner Tulsa Planning Office Department of City Experience 175 E. 2nd Street, Suite 480 Tulsa, OK 74103-3216 T: 918-596-7602 E: fgood@cityoftulsa.org www.tulsaplanning.org

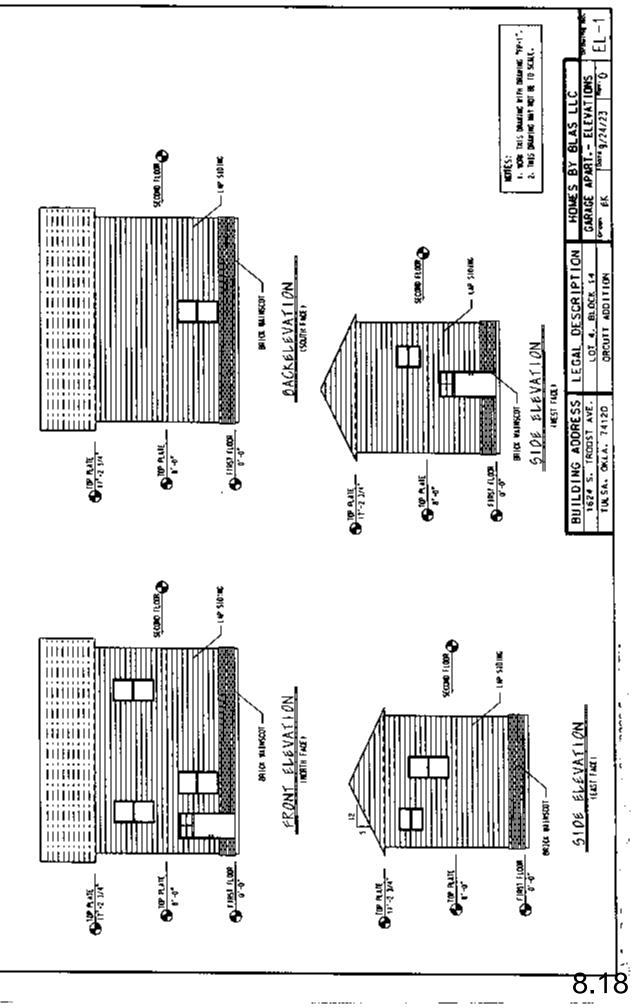


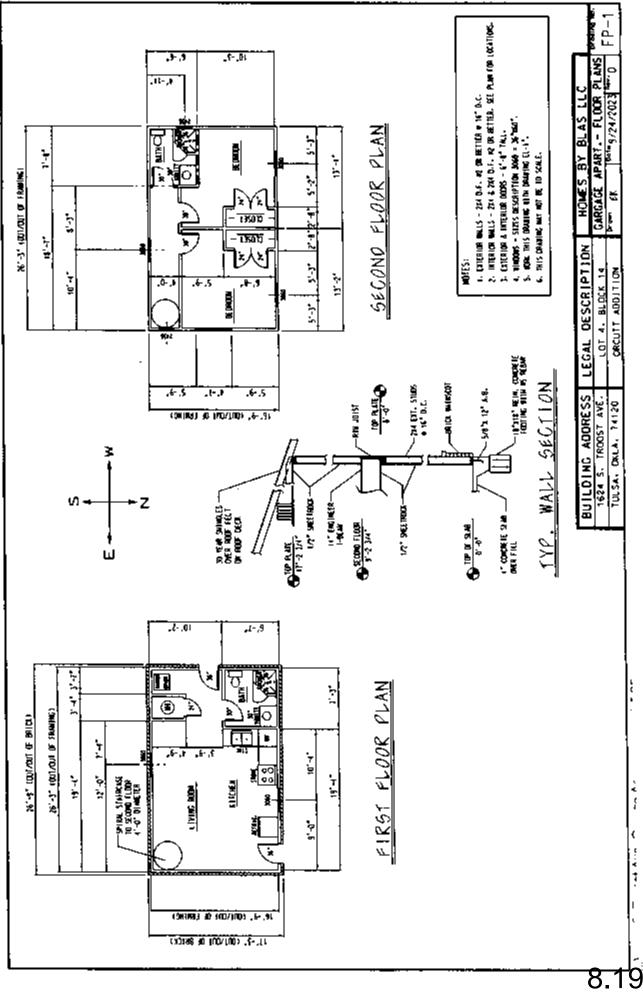






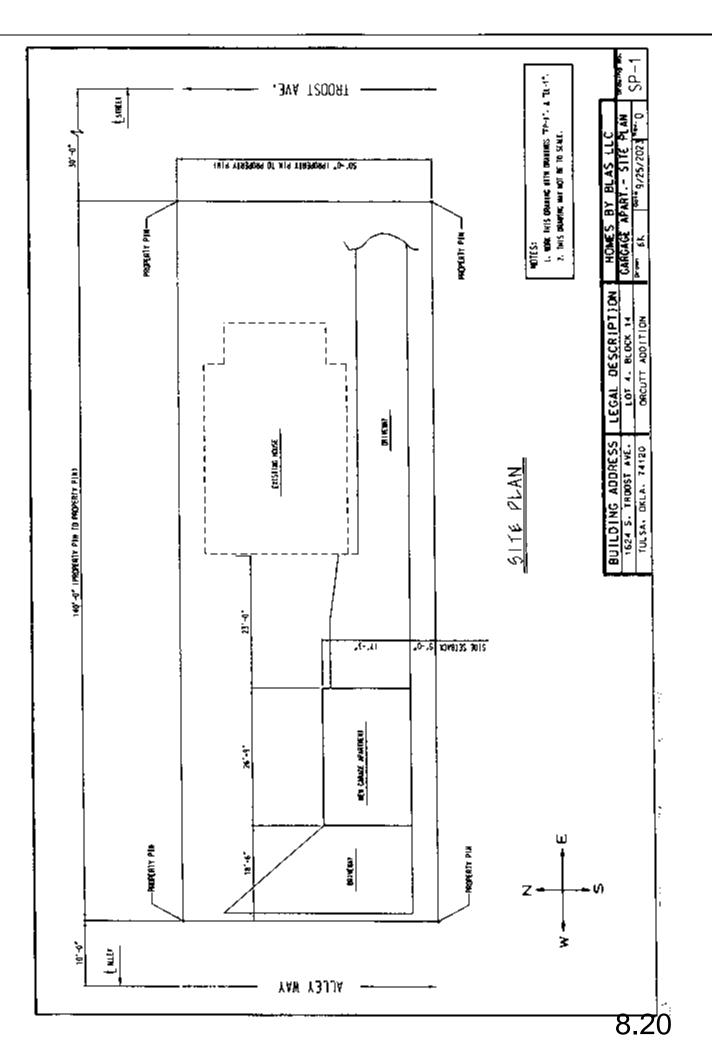






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1624 S. Troost Tulsa OK 74120 Variance Building Height Accessory Dwelling - Section 90-90C2 and Building Size Accessory Dwelling Section 45.03 for RS3 Zone Findings of Fact

Introduction

The facts show that the building height and the building size variance request are related. The relief requested from the conditions causing the hardship requiring the need for approval to allow a greater height to the structure create the criteria and a hardship that needs to be addressed through a Variance to the size limitations of the Accessory Dwelling.

Section 90.090-C.2.a.1, detached accessory buildings, may be located in rear setbacks in Single Family Residential districts, provided that the building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate.

The proposed accessory dwelling is to be constructed on the existing foundation related to the garage accessory building that has been established on the property for numerous years. A need exists as outlined in the findings to construct the building with two stories to remain within the boundaries of the existing foundation. The size of the building is16'9" x 26'3" or 445 square feet per floor with a proposed top of the top plate being 17 feet and 2 ³/₄ inches. With a 5/12 roof pitch the total height at the top of the roof will be 21.5 feet. The total height remains equal to or less than the height of the primary dwelling as indicated by the attached exhibits.

Section 45.030-A.2, for an RS-3 zoned lots, for detached accessory buildings, including accessory dwelling units, and accessory buildings not erected as an integral part of the principal residential building may not exceed 40% of the floor area of the principal residential structure. Based on the floor area of the house (1,680 square feet, first floor plus basement according to county assessor) the property is allowed 672 square feet of detached accessory structure floor area. The submitted floor plan identified that $\frac{1}{2}$ of the second story was to be unfinished attic space. The original proposed finished area would comply with the allowed square footage. Staff made a determination that the unfinished area, being within 4 enclosed walls, would have to be counted as a part of the square footage. This determination makes the total square footage, determined to the outer wall of the structure, to be 901 square feet and 229 square feet above the criteria of Section 45.030.

Criteria and Findings:

- 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.
 - a. The purpose of allowing accessory dwelling units within Residential districts is to accommodate new housing units while preserving the character of existing neighborhoods, allow efficient use of the city's existing housing stock and infrastructure, and providing housing options and choices that respond to changing lifestyle needs.
 - b. The proposed accessory dwelling is limited to the existing foundation of the garage associated with the subject property. This limitation is related to two separate hardships affecting the design of the proposed improvement. This foundation minimally complies with the required setbacks to the north and west property boundaries. Expansion of the structure to the south not only encroaches into the existing driveway but would also create encroachment to the required setbacks from the primary residence.
 - c. Due to the limited size of the area of the garage facility an area for a bedroom needs to be added to the structure to provide the basics of the areas of a dwelling unit to comply with the intent as identified in the zoning code.
 - d. The only areas available for expansion of the structure are to the east or to increase the height of the structure. The service infrastructure is located east of the garage structure that provides utility services to the garage and to the primary dwelling. The required relocation of these services will be considered an undue hardship to the owner.
 - e. It recognized that due to the three pre-existing dwellings constructed in an area of 14,0000 square feet located at the southwest corner of the subject tract that decreasing the existing livability space of the subject tract will create a hardship and impact to the character of the neighborhood (see aerial photos).
 - f. The protection of the existing livability space on Lot 4 is important to re-establishing the intent of the zoning code for the properties to the north. It could further be determined that the increased height of the proposed structure could establish a barrier that would alleviate any justification for expansion of this pre-existing condition.
 - g. With the determination that any enclosed space is counted towards the total square footage of the facility, it would be an extreme hardship to create half the 2nd story with open walls. This would make the structure very dysfunctional for maintenance and to the aesthetics of the property. Therefore, the addition of the 250 square feet is not only necessary but practical,
- 2. That the literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose.
 - a. The area requested for a variance is less the 450 square feet. This height and floor area design of the structure has received Board of Adjustment approval on other parcels within the subdivision. The proposed structure at the size and height requested is in character with the subdivision and like properties. The benefits to the approval of the height expansion is in far greater conformance to the code than the impacts of decreasing the livability space of the subject Lot.

- 3. That the conditions leading to the need of the requested variance are unique to the subject property and notapplicable, generally, to other property within the same zoning classification.
 - a. The relief requested is related to the need to maintain the site plan of the existing improvements located on Lot 4 Block 14 Orcutt Addition and therefore are site specific to the subject property.
- 4. That the alleged practical difficulty or unnecessary hardship was not created or selfimposed by the current property owner.
 - a. The creation of the 3 Lots less than 5000 square feet was totally out of the control of current and past owner of the subject property.
 - b. These properties were developed prior to zoning or development criteria and the standards being addressed were not considered with the original development of the site.
- 5. That the variance to be granted is the minimum variance that will afford relief.
 - a. The height and area relief is the minimum necessary to address the need for proper development of structure to maintain characteristics as identified.
- 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.
 - a. To the contrary, in consideration of the conditions as outlined in item 1 above, the variance to be granted will support the protection of the character of the neighborhood and protect the adjacent property.
- 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.
 - a. Cases within a block of the subject property.

BOA-22804- 1611 S Trenton Av E - Variance to allow a lot to have less than 50% open space (Sec. 80.020-B); Variance to allow an accessory structure to exceed one story, 18 feet in height overall & 10 feet in height to the top of the top plate (Sec. 90.90.C); Variance to allow an accessory building to cover more than 30% of the rear setback (Sec. 90.090-C.2); Variance to allow accessory buildings to exceed 40% of the floor area of the principal structure (Sec. 45.030-B); Special Exception to allow an addition to a nonconforming structure (80.030-D).

BOA-23035 - 1524 S Trenton Ave E - Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Variance to allow a detached Accessory Dwelling Unit to exceed one story or 18 feet in height and to exceed 10 feet in height to the top of the top plate. (Section 90.090-C); Variance to allow the floor area of a Detached Accessory Dwelling Unit to exceed 500 square feet or 40% of the floor area of the principal residential structure (Section 45.030-A2; 45.031-D6.a); Variance to allow more than 30% coverage by a Detached Accessory Dwelling Unit in the rear setback in an RS-3 District (Section 90.090-C).

b. The Board of Adjustment has previously concluded that the height of an accessory building within the subject neighborhood is not a detriment to the area or spirit of the code. The two cases outlined did not protect the livability space, but that need for the subject property is related to the development of Lots 9 and 10 Orcutt Addition which is located at the southwest corner of the subject tract.

The attached photos help identify the impacts of Lots 9 and 10 to the western end of the subject block. They identify the height of nearby accessory dwellings and that the proposed structure is compatible with the existing developments. The pictures of the site identify that the proposed structure will meet the standard of the Historic Preservation guidelines and conform to an aesthetically pleasing site. The photos also show that the height of the proposed structure is equal to or less than the primary dwelling on the lot and the dwelling on adjacent properties further showing the compatibility of proposed variance.

8. The Historic Preservation Staff specified that the accessory building is exempt from the HP Permit requirement because it is detached and not located in the street yard, so no preservation commission action is required. See attached email. It should be noted that the owner has designed the accessory building to comply with the Historic Preservation criteria.

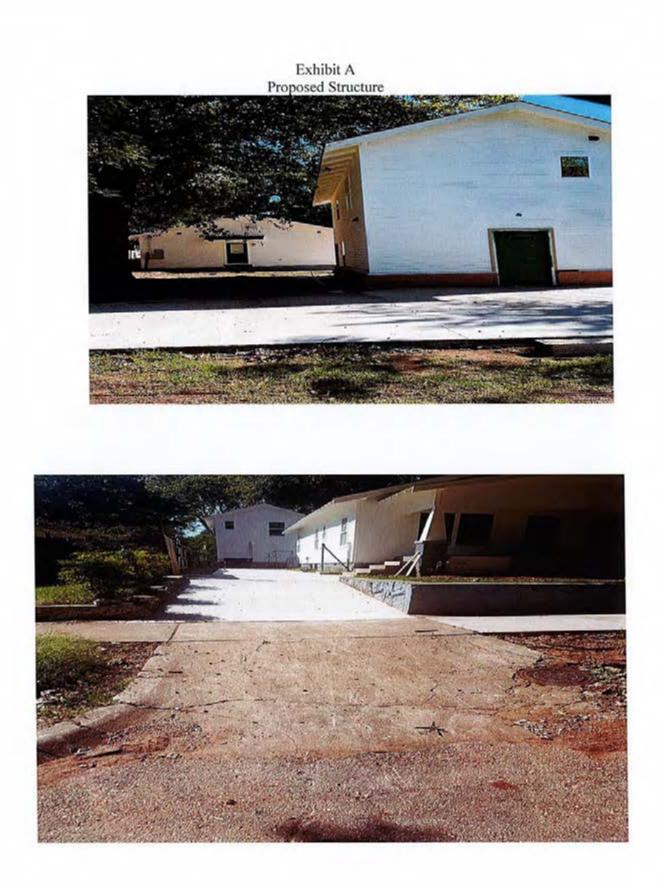


Exhibit B Lots 9 and 10 Site Garage Facility



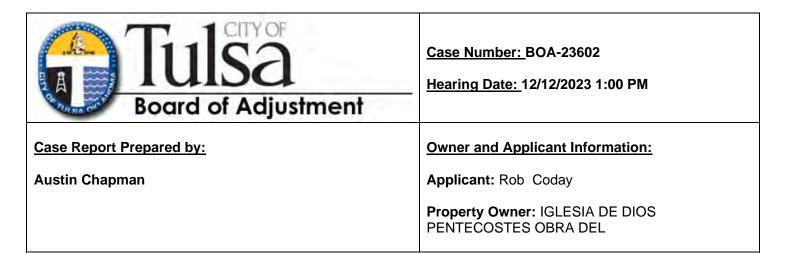


Exhibit C

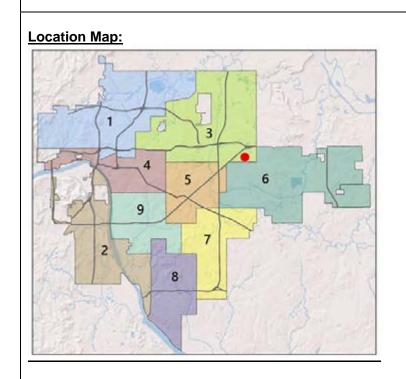
Existing Two-Story Accessory Dwelling Located on Trenton Avenue



Two Accessory Dwellings side by side on Trenton Ave. Northern structure is two stories.



<u>Action Requested</u>: Special Exception to permit a Public, Civic, and Institutional / Religious Assembly Use in the RS-2 District (Table 5.020, Table 5-2, Table 5-2.5)



Additional Information:

Present Use: Church

Tract Size: 2.16 acres

Location: 641 S 129 AV E

Present Zoning: RS-2

STR: 9404 **CD:** 3

HEARING DATE: 12/12/2023 1:00 PM

APPLICANT: Rob Coday

<u>ACTION REQUESTED</u>: Special Exception to permit a Public, Civic, and Institutional / Religious Assembly Use in the RS-2 District (Table 5.020, Table 5-2, Table 5-2.5)

LOCATION: 641 S 129 AV E

ZONED: RS-2

PRESENT USE: Church

TRACT SIZE: 93998.51 SQ FT

LEGAL DESCRIPTION: LTS 4 THRU 10 BLK 4 & W25 VAC ALLEY ADJ ON E & LT 4 BLK 6 & E25 VAC ALLEY ADJ ON W, MEADOWBROOK HGTS ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

<u>RELATIONSHIP TO THE COMPREHENSIVE PLAN</u>: 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, is a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

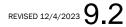
<u>STAFF ANALYSIS</u>: The applicant is requesting a Special Exception to permit a Public, Civic, and Institutional / Religious Assembly Use in the RS-2 District (Table 5.020, Table 5-2, Table 5-2.5)

As it currently sits the property seems more suitable for a religious assembly use rather than a residential use.

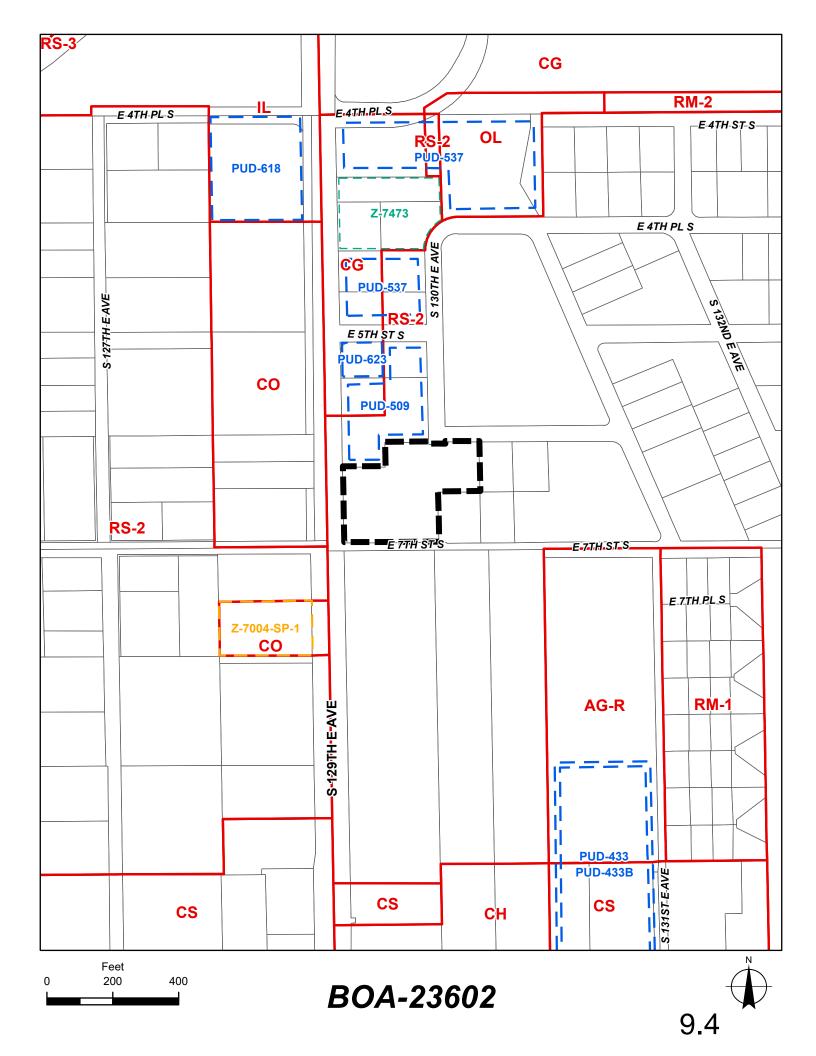
<u>SAMPLE MOTION:</u> Move to ______ (approve/deny) a Special Exception to permit a Public, Civic, and Institutional / Religious Assembly Use in the RS-2 District (Table 5.020, Table 5-2, Table 5-2.5)

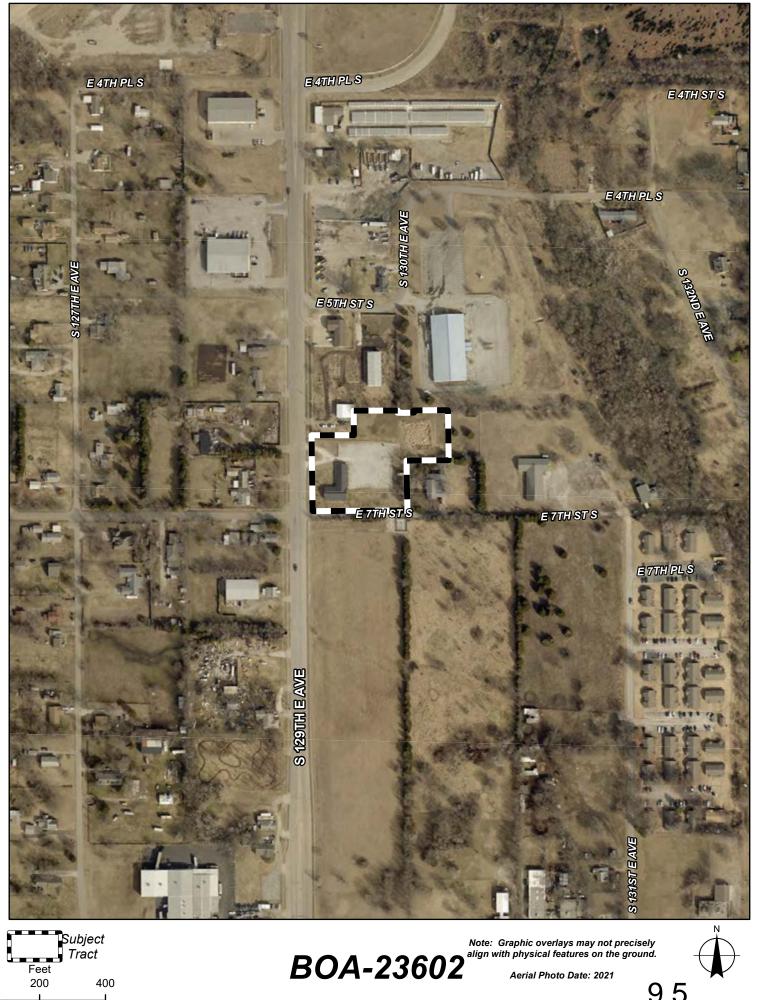
- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):

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

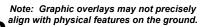






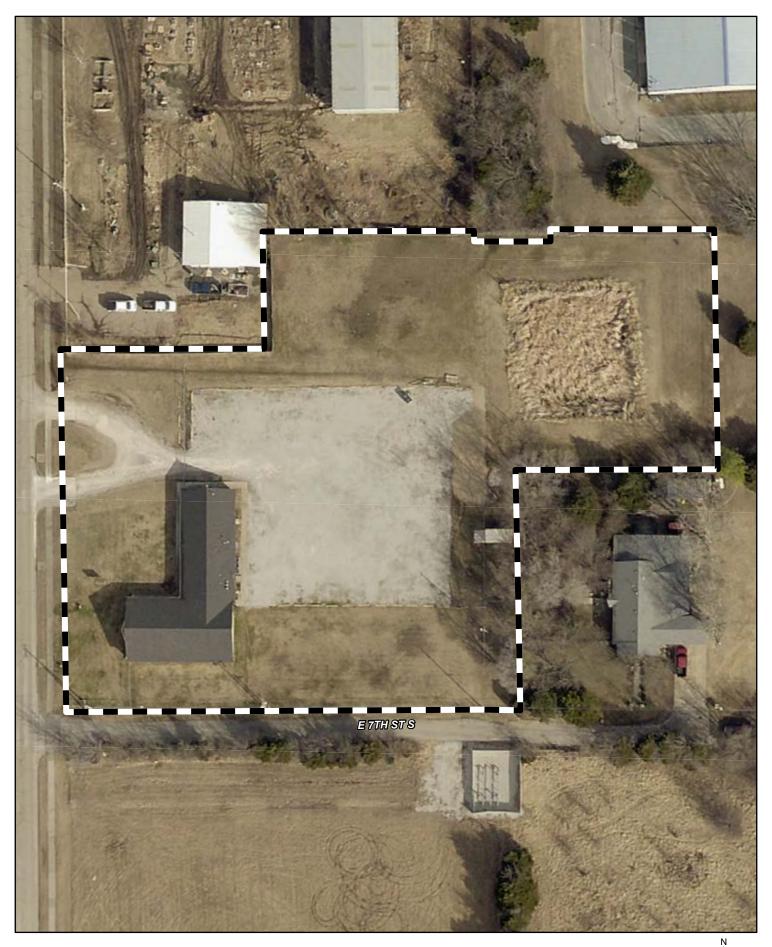


Subject Tract Feet 200 400



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	Subject Tract
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Feet

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BOA-23602

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



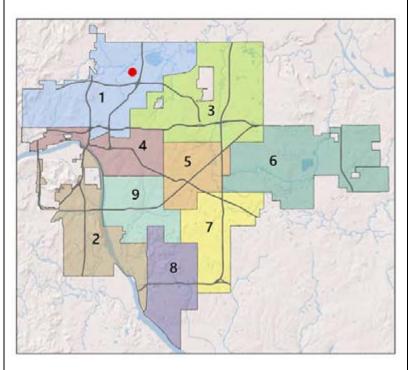
Aerial Photo Date: 2021

200

Tulsa Board of Adjustment	<u>Case Number:</u> BOA-23603 <u>Hearing Date:</u> 12/12/2023 1:00 PM
Case Report Prepared by:	Owner and Applicant Information:
Dylan Siers	Applicant: Janet Espino
	Property Owner: ESPINO, DANIEL & JANET & DANIEL JR

<u>Action Requested</u>: Special Exception to permit a Manufactured Housing Unit in the AG zoning district. (Section 25.020-C; Table 25-1.5); Special Exception to allow the Manufactured Housing Unit permanently (Sec.40.210); Special Exception to reduce the required parking ratio for a Manufactured Housing Unit in the AG District (Sec. 55.050-K)

Location Map:



Additional Information:

Present Use: Vacant

Tract Size: 2.5 acres

Location: 2703 E 41 ST N

Present Zoning: AG



STR: 207 **CD:** 1

HEARING DATE: 12/12/2023 1:00 PM

APPLICANT: Janet Espino

<u>ACTION REQUESTED</u>: Special Exception to permit a Manufactured Housing Unit in the AG zoning district. (Section 25.020-C; Table 25-1.5); Special Exception to allow the Manufactured Housing Unit permanently (Sec.40.210); Special Exception to reduce the required parking ratio for a Manufactured Housing Unit in the AG District (Sec. 55.050-K)

LOCATION: 2703 E 41 ST N

ZONED: AG

PRESENT USE: vacant

TRACT SIZE: 108900.45 SQ FT

LEGAL DESCRIPTION: W/2 W/2 SE SE NW SEC 17 20 13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

<u>RELATIONSHIP TO THE COMPREHENSIVE PLAN</u>: 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, is a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

STAFF ANALYSIS: Applicant is requesting to obtain a Special Exception to permit a Manufactured Housing Unit in the AG zoning district. (Section 25.020-C; Table 25-1.5); and a Special Exception to allow the Manufactured Housing Unit permanently (Sec.40.210); Special Exception to reduce the required parking ratio for a Manufactured Housing Unit in the AG District (Sec. 55.050-K)

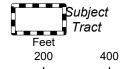
SAMPLE MOTION: Move to ______ (approve/deny) a Special Exception to permit a Manufactured Housing Unit in the AG zoning district. (Section 25.020-C; Table 25-1.5); and a Special Exception to allow the Manufactured Housing Unit permanently (Sec.40.210); Special Exception to reduce the required parking ratio for a Manufactured Housing Unit in the AG District (Sec. 55.050-K)

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

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







BOA-23603

Note: Graphic overlays may not precisely align with physical features on the ground. Aerial Photo Date: 2021

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Subject 0

Feet

100

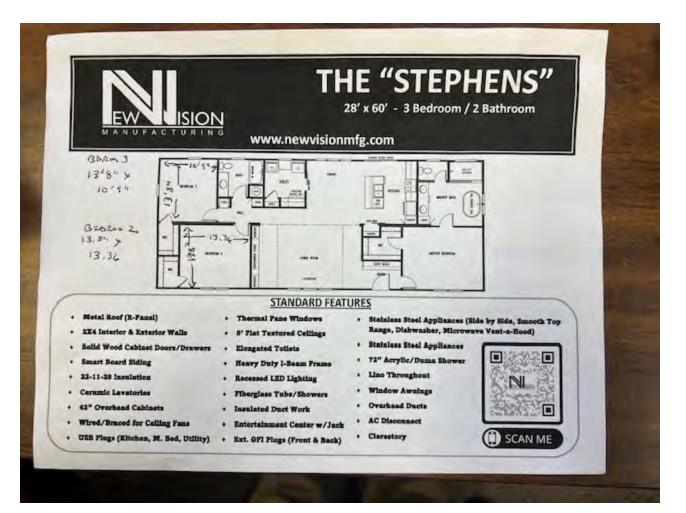
BOA-23603

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

10.5

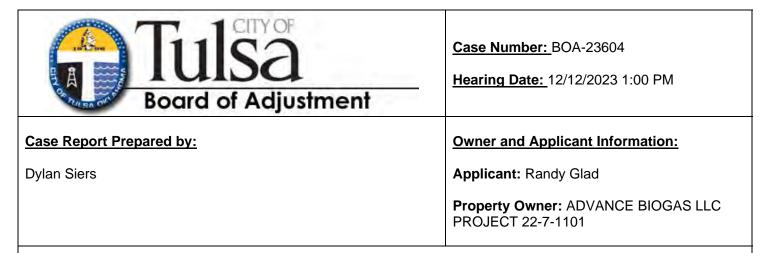
Aerial Photo Date: 2021

200

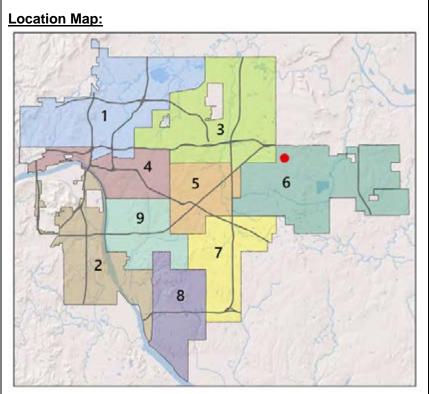




Sent from my iPhone



Action Requested: Special Exception to permit a parks and recreation use in an AG District (Table 25-1)



Additional Information:

Present Use: Agriculture

Tract Size: 20 acres

Location: East of the Northeast corner of South 145th East avenue and East 11th Street

Present Zoning: AG

STR: 9403 **CD:** 6

HEARING DATE: 12/12/2023 1:00 PM

APPLICANT: Randy Glad

ACTION REQUESTED: Special Exception to permit a parks and recreation use in an AG District (Table 25-1)

LOCATION: East of the Northeast corner of S 145th E avenue and East 11th Street **ZONED**: AG

PRESENT USE: AG

TRACT SIZE: 871203.57 SQ FT

LEGAL DESCRIPTION: E/2 SW SW SEC 3 19 14 20.00ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

<u>RELATIONSHIP TO THE COMPREHENSIVE PLAN</u>: 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.

STAFF ANALYSIS: Applicant is requesting to obtain a Special Exception to permit a parks and recreation use in an AG District (Table 25-1) for a baseball facility.

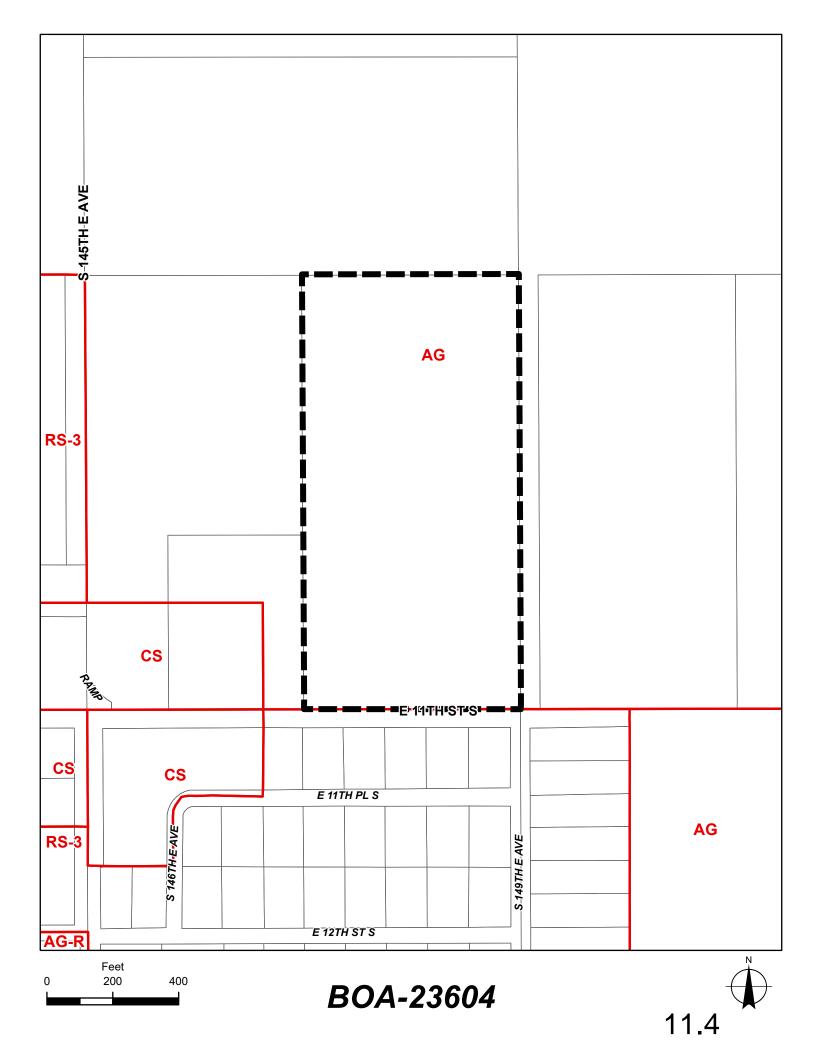
<u>SAMPLE MOTION:</u> Move to ______ (approve/deny) a Special Exception to permit a parks and recreation use in an AG District (Table 25-1) for a baseball facility.

Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

• Subject to the following conditions (including time limitation, if any):

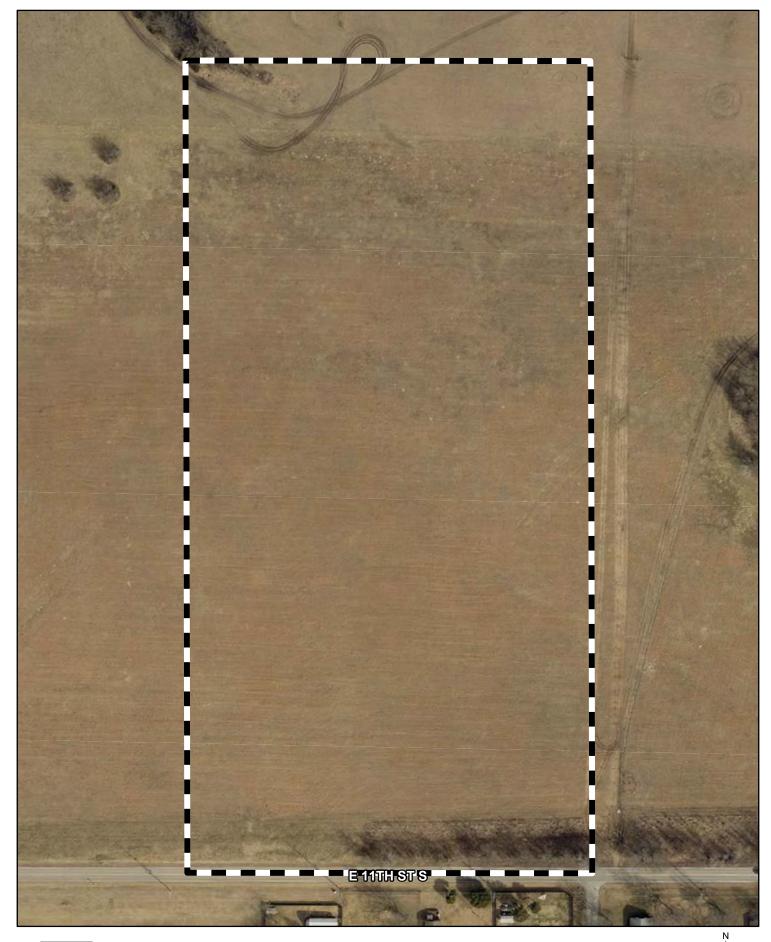
The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.







11.5



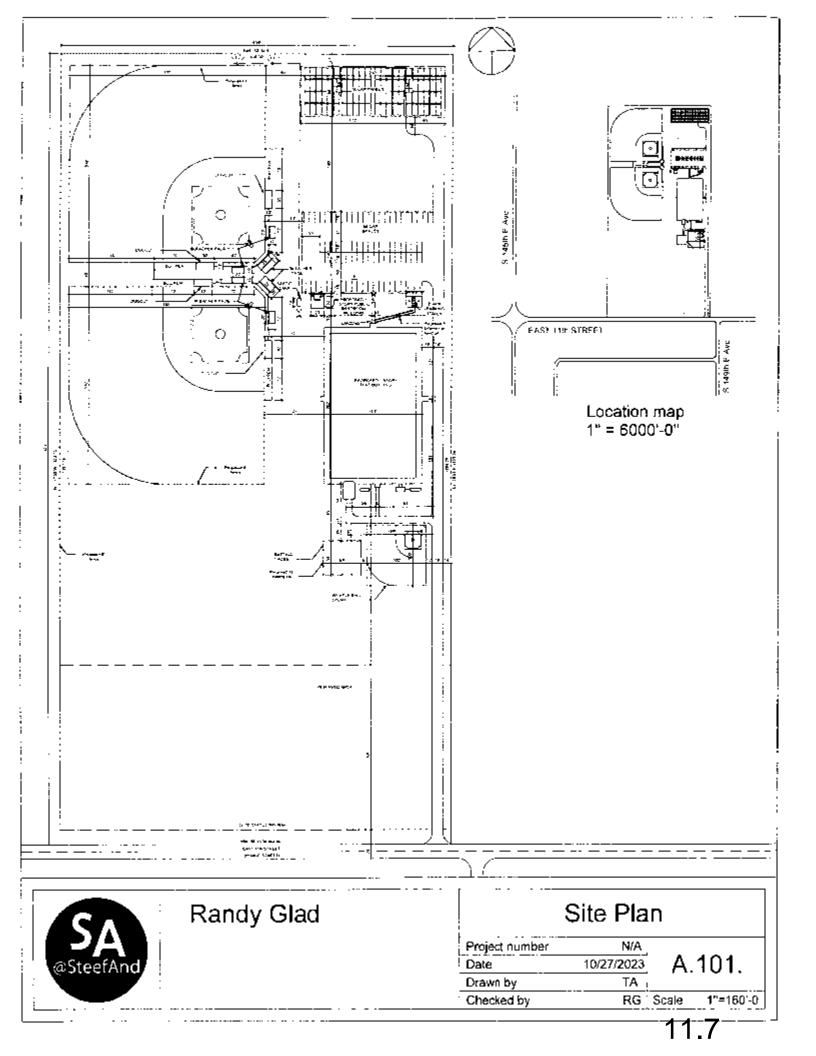
BOA-23604

Subject Tract Feet 100 200 0

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

11.6

Aerial Photo Date: 2021





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

CITY OF TULSA CORRECTIONS SUMMARY

zoning (1)



Subject: zoning Page Label: 3 Author: Jeffrey Bush Date: 9/21/2023 2:36:31 PM Status: Color: Layer: Space:

Sec.25.020-B Table 25-1: The proposed Baseball restrooms are designated Public, Civic and Institutional/Parks and Recreation Use. It is located in an AG zoned district.

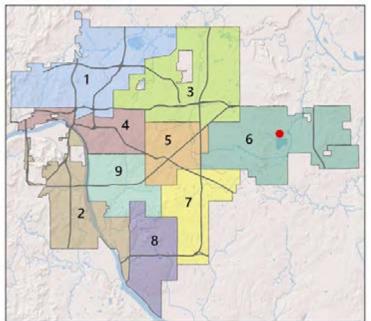
Review Comment: The Public, Civic and Institutional/Parks and Recreation Use will require a Special Exception approved by the BOA. Contact the Tulsa Planning Office for further instructions and next steps. 918-596-7526.

This constitutes a Plan Review to date in response to the information submitted with and after the above referenced application. Additional issues may develop when the review continues upon receipt of additional information requested in this letter or upon additional submittal from the client. Any code items not reviewed are still in force, and it shall be the responsibility of the owner and design professional(s) to ensure that all code requirements are satisfied.



Action Requested: Special Exception to permit an assembly and entertainment use in the AG District.

Location Map:



Additional Information:

Present Use: Vacant

Tract Size: 10.2 acres

Location: North of the Northwest corner of East 21st Street South and South 193rd East Avenue

Present Zoning: AG



BOARD OF ADJUSTMENT CASE REPORT

STR: 9412 **CD:** 6

HEARING DATE: 12/12/2023 1:00 PM

APPLICANT: Ashton Prickett

<u>ACTION REQUESTED</u>: Special Exception to permit an Assembly and Entertainment Use in an AG zoned district (Sec. 25.020; Table 25-1).

LOCATION: North of the Northeast corner of East 21st Street South and South 193rd East Avenue ZONED: AG

PRESENT USE: Vacant

TRACT SIZE: 444357.38 SQ FT

LEGAL DESCRIPTION: BEG SECR NE TH W1134.19 N344.98 NE695.92 NE68.74 NE174.14 NE52.65 NE69.50 NE136.45 S533.27 POB SEC 12 19 14 10.201ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:

BOA-21148 – 10/26/2010 – North of Subject property – The board denied a request for a Special Exception to permit a paint ball park (Use Unit 20 - Commercial Recreation) in an AG district; and a Variance of the paving requirement for parking and driving surfaces (Section 1303.D)

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, is a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

STAFF ANALYSIS: The applicant is requesting a special exception to permit an assembly and entertainment use in the AG district.

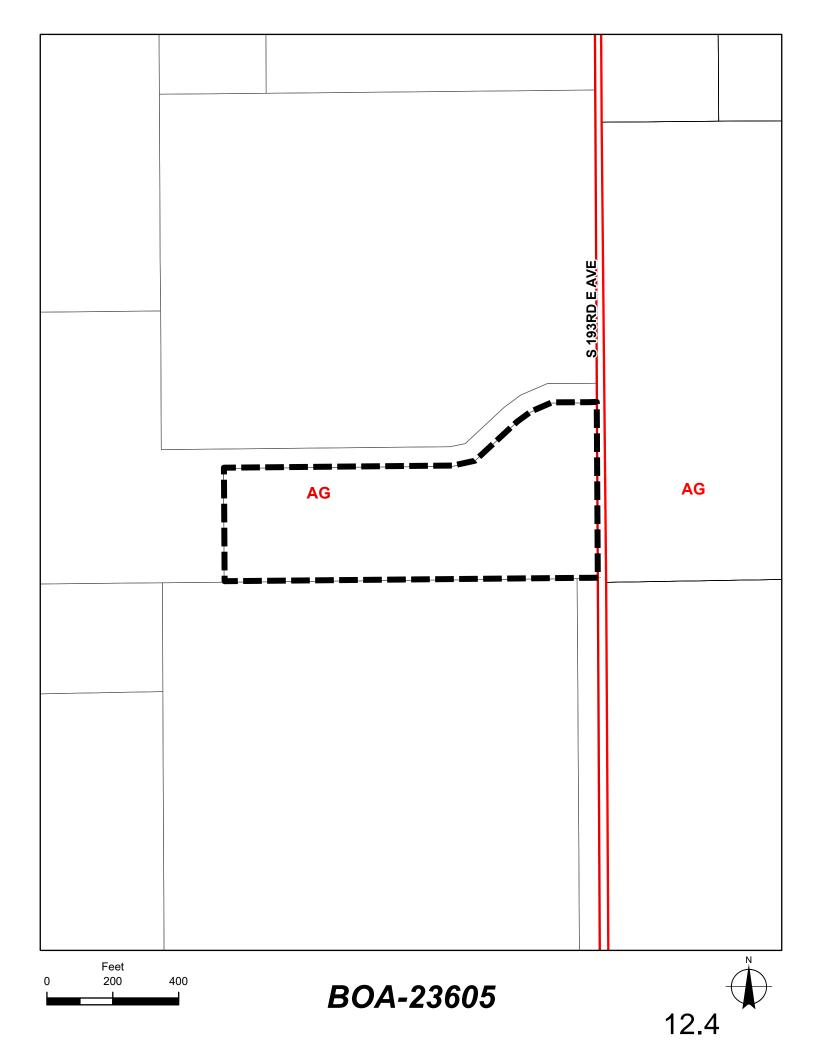
The applicant will need to obtain a certificate of occupancy to ensure the building meets code requirements for an assembly and entertainment use if special exception is approved.

<u>SAMPLE MOTION:</u> Move to _____ (approve/deny) a Special Exception to permit an Assembly and Entertainment Use in an AG zoned district (Sec. 25.020; Table 25-1)

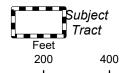
• Subject to the following conditions (including time limitation, if any):

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.





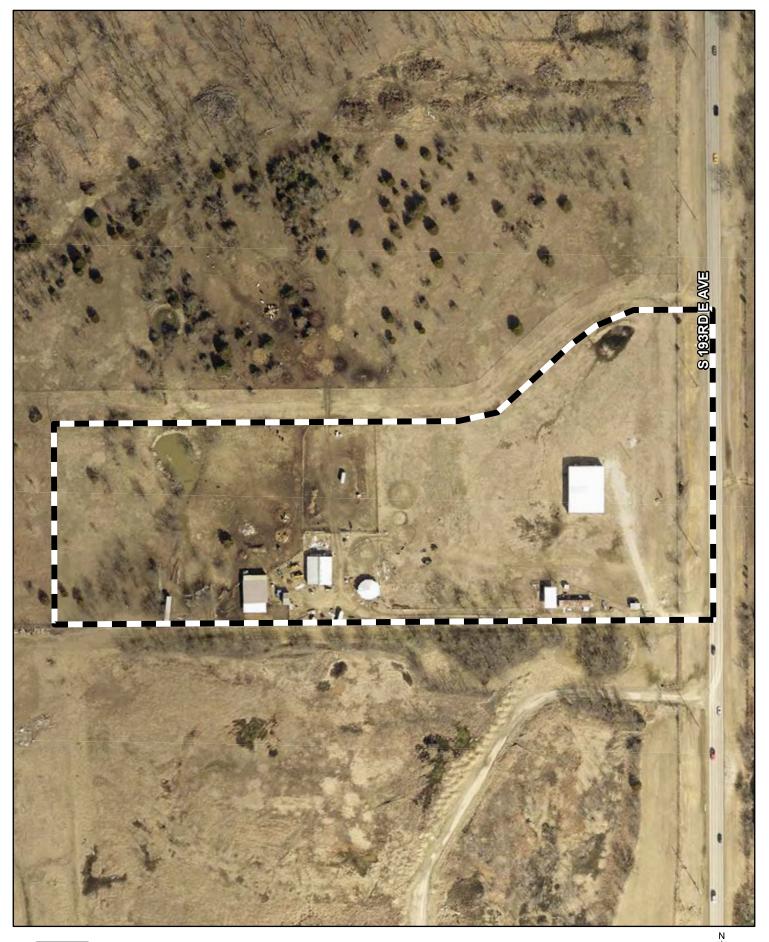




Note: Graphic overlays may not precisely align with physical features on the ground. Aerial Photo Data

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BOA-23605

Subject Tract Feet 100 200 0

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

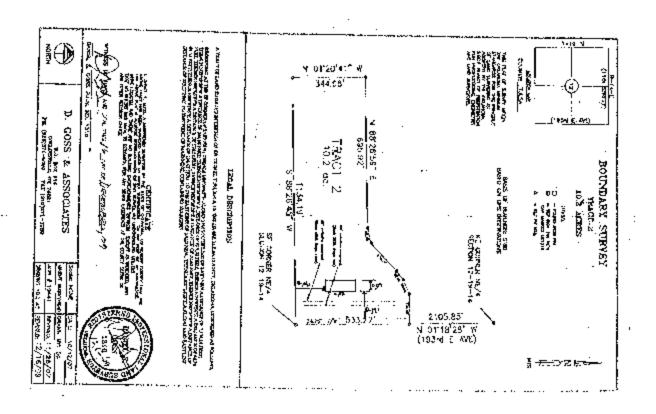
12.6

Aerial Photo Date: 2021







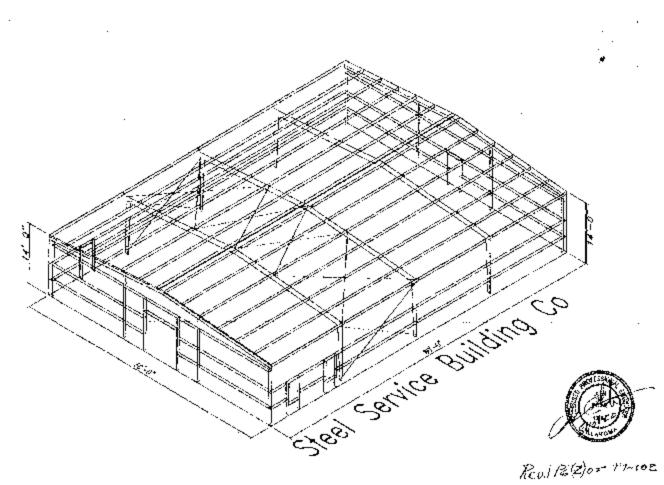


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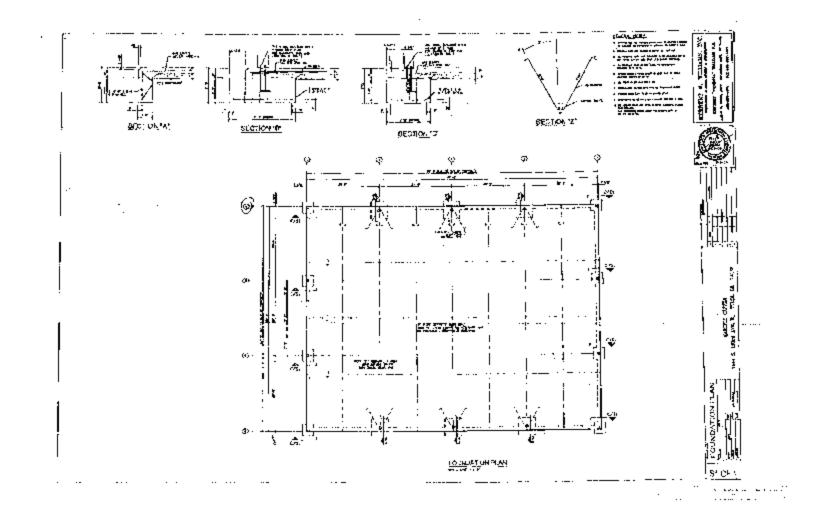
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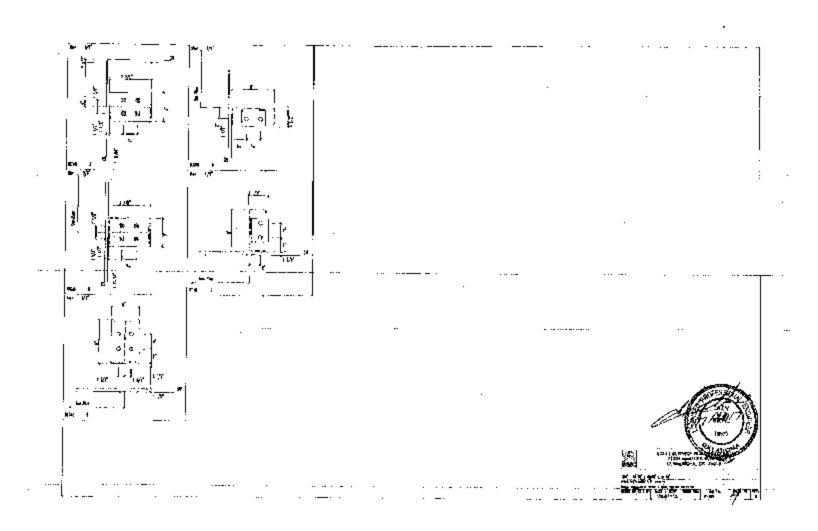
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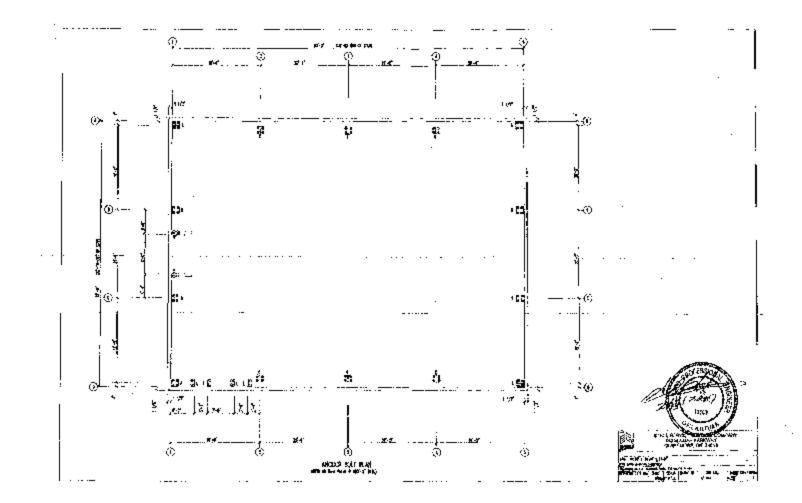
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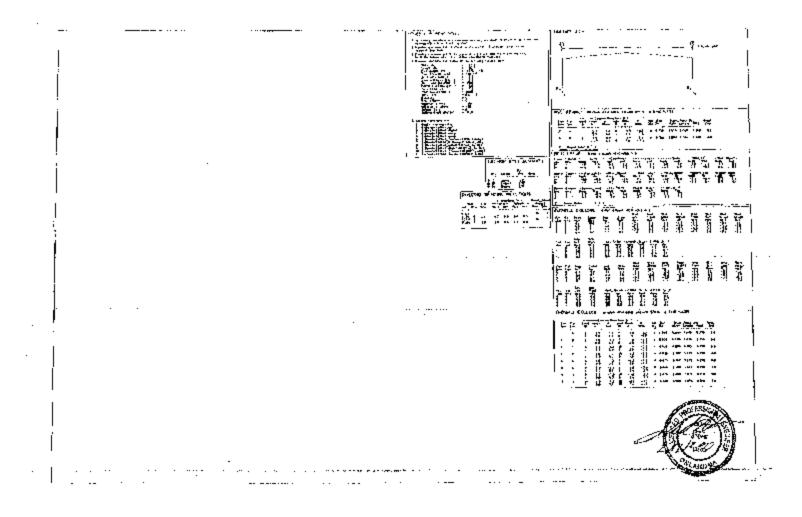


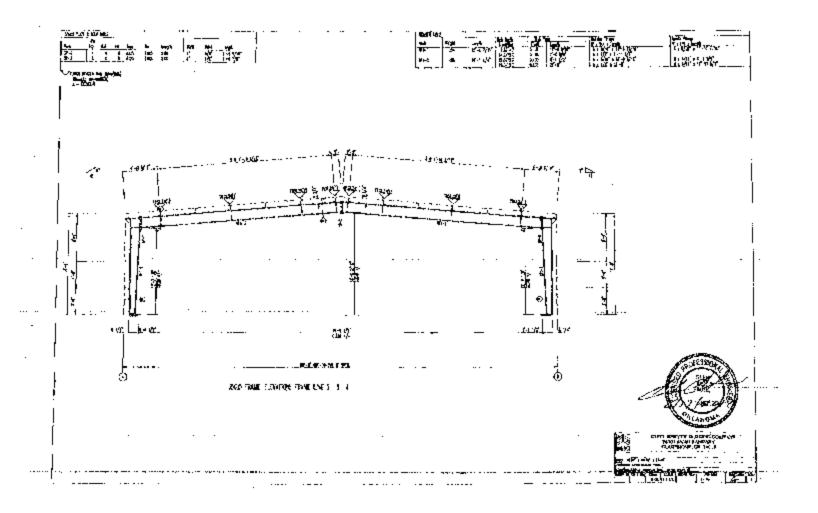
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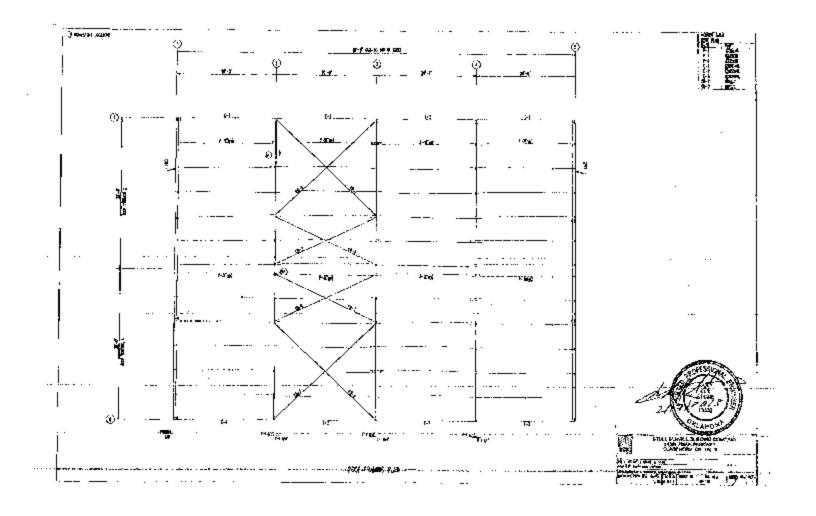


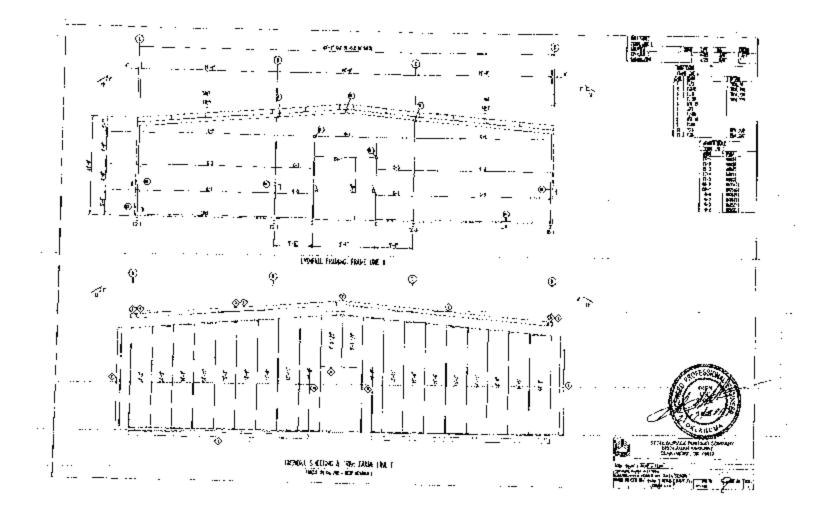


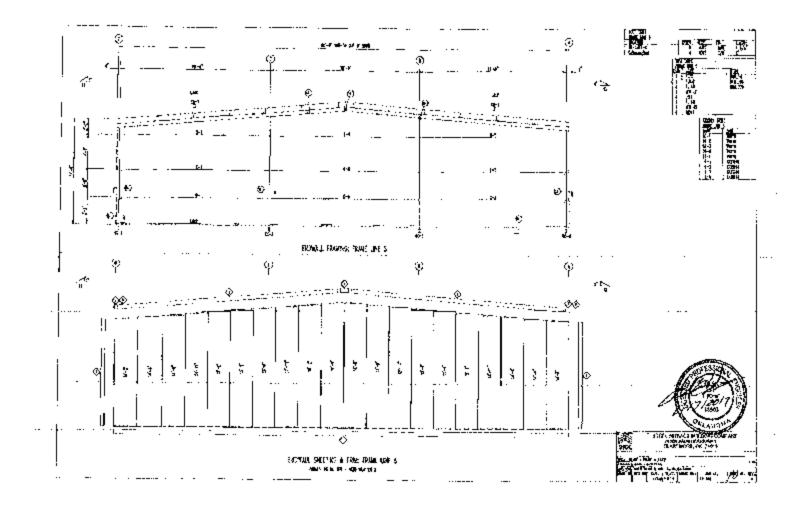


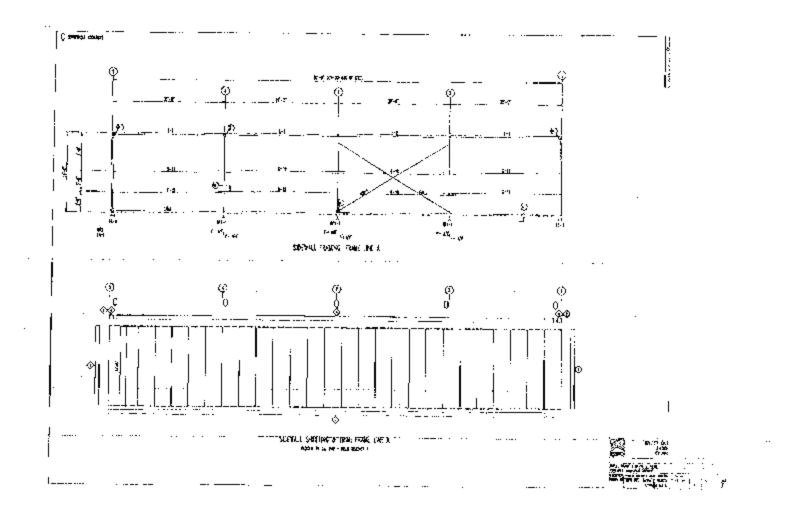


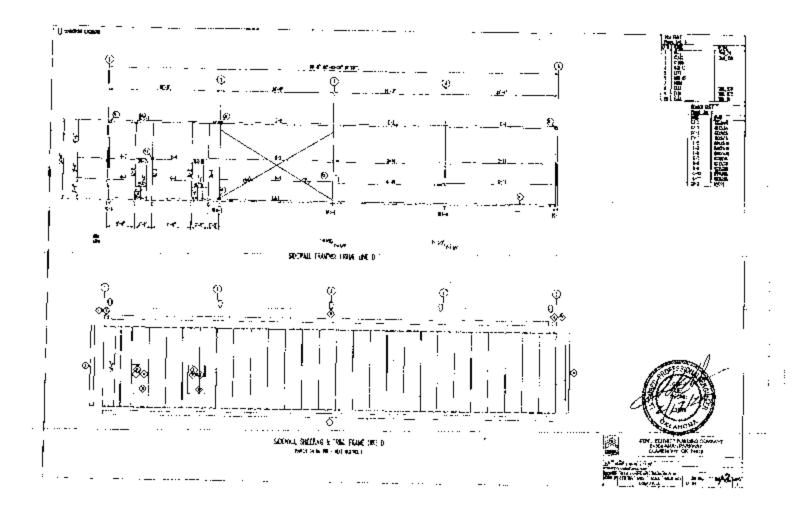


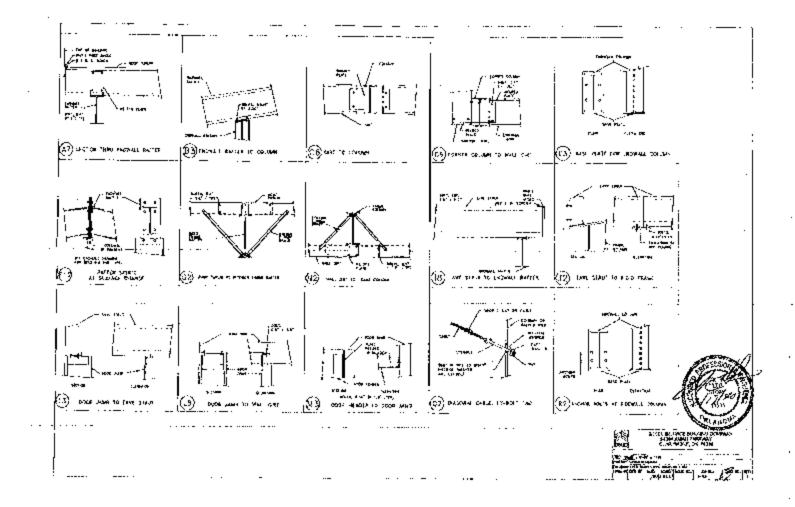


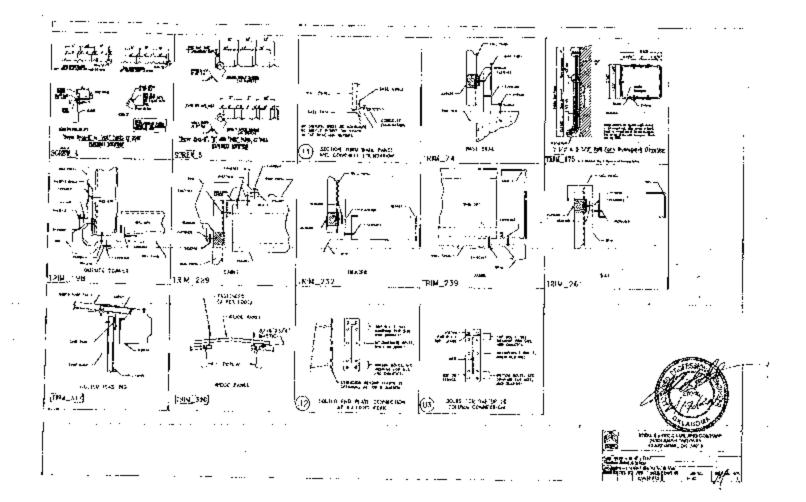


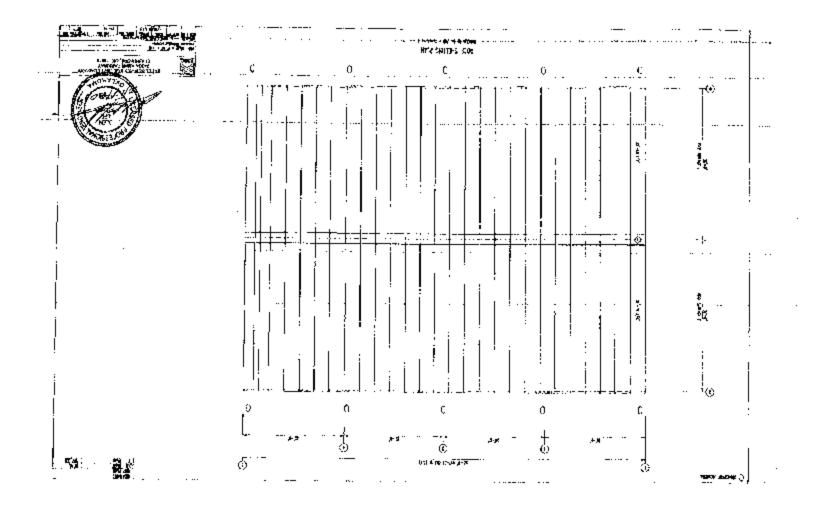








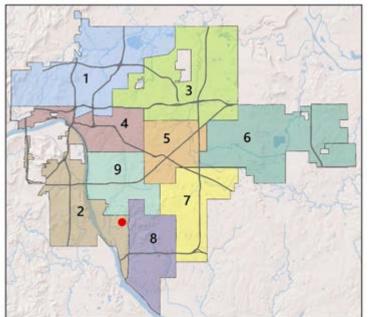






Action Requested: Special Exception to increase the permitted driveway width in a RS district (Sec. 55.090-F.3)

Location Map:



Additional Information:

Present Use: Residential

Tract Size: 0.41 acres

Location: 8108 S FLORENCE AV E

Present Zoning: RS-3

STR: 8317

Case Number: BOA-23606

CD: 2

HEARING DATE: 12/12/2023 1:00 PM

APPLICANT: Chris Ossenbeck

<u>ACTION REQUESTED</u>: Special Exception to increase the permitted driveway width in a RS-3 district (Sec. 55.090-F.3)

LOCATION: 8108 S FLORENCE AV E

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 17968.57 SQ FT

LEGAL DESCRIPTION: PRT BLK 1 BEG 35S NEC TH S163.36 W110 N163.36 E110 POB, ORAL ROBERTS UNIVERSITY HGTS 3RD ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

<u>RELATIONSHIP TO THE COMPREHENSIVE PLAN</u>: 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.

STAFF ANALYSIS: Applicant is requesting a Special Exception to increase the permitted driveway width in a RS district (Sec. 55.090-F.3).

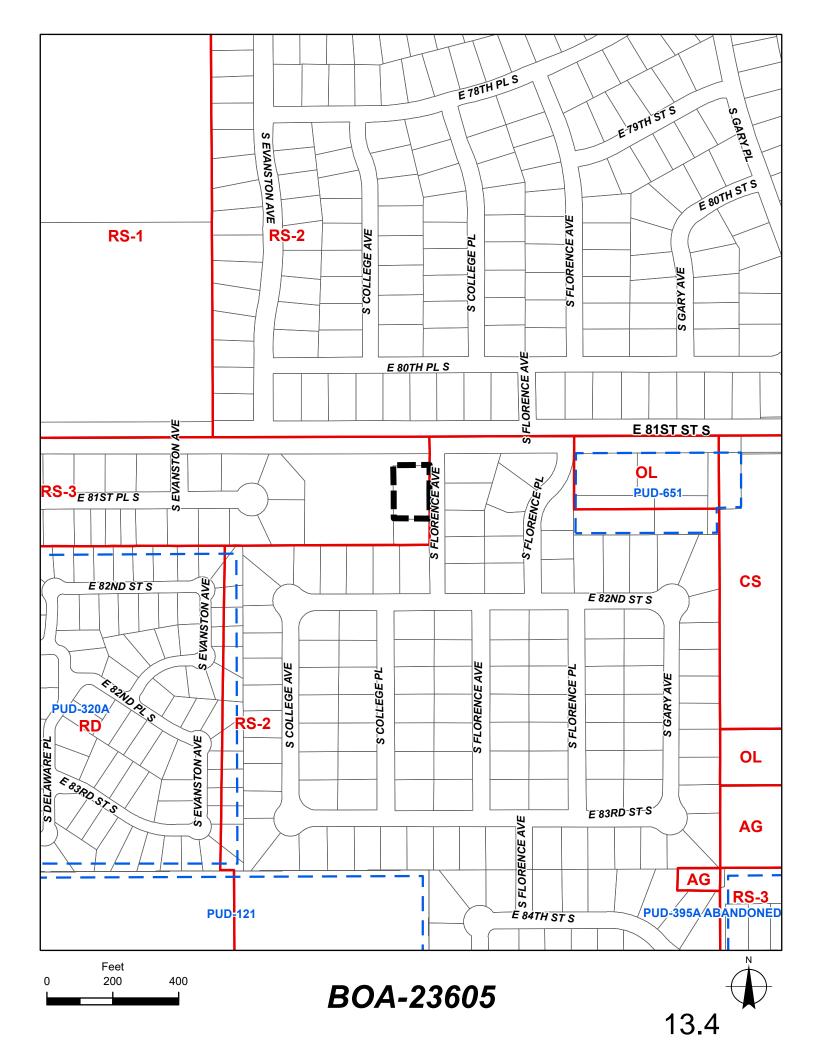
<u>SAMPLE MOTION:</u> Move to _____ (approve/deny) a Special Exception to increase the permitted driveway width in a RS-3 district (Sec. 55.090-F.3).

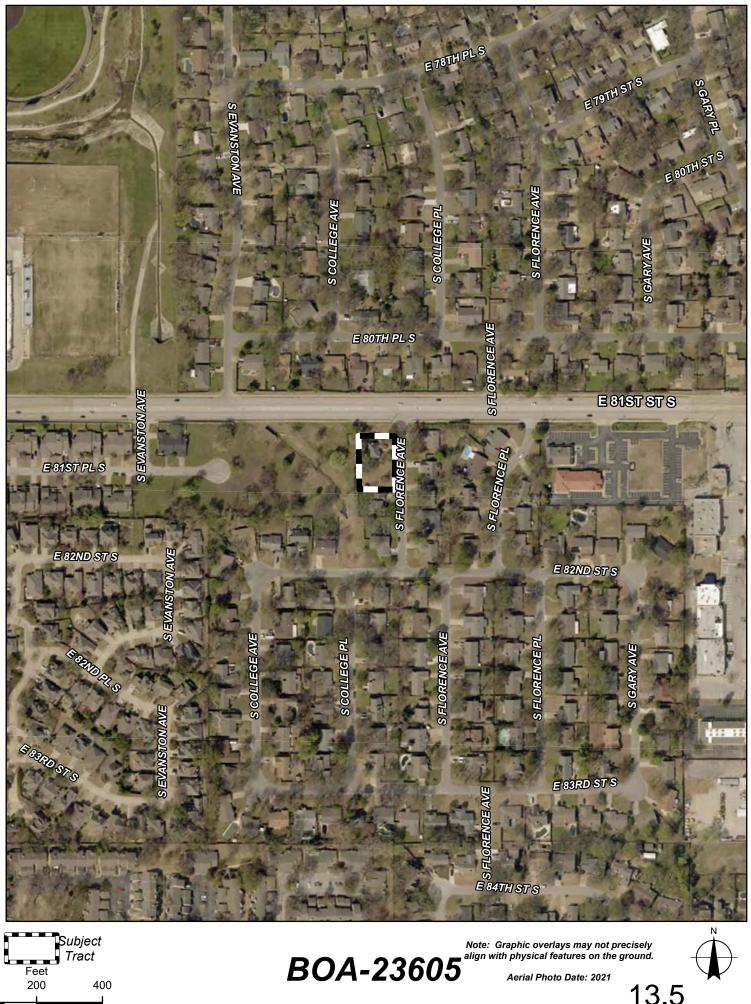
Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet

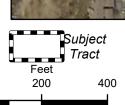
• Subject to the following conditions (including time limitation, if any):

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



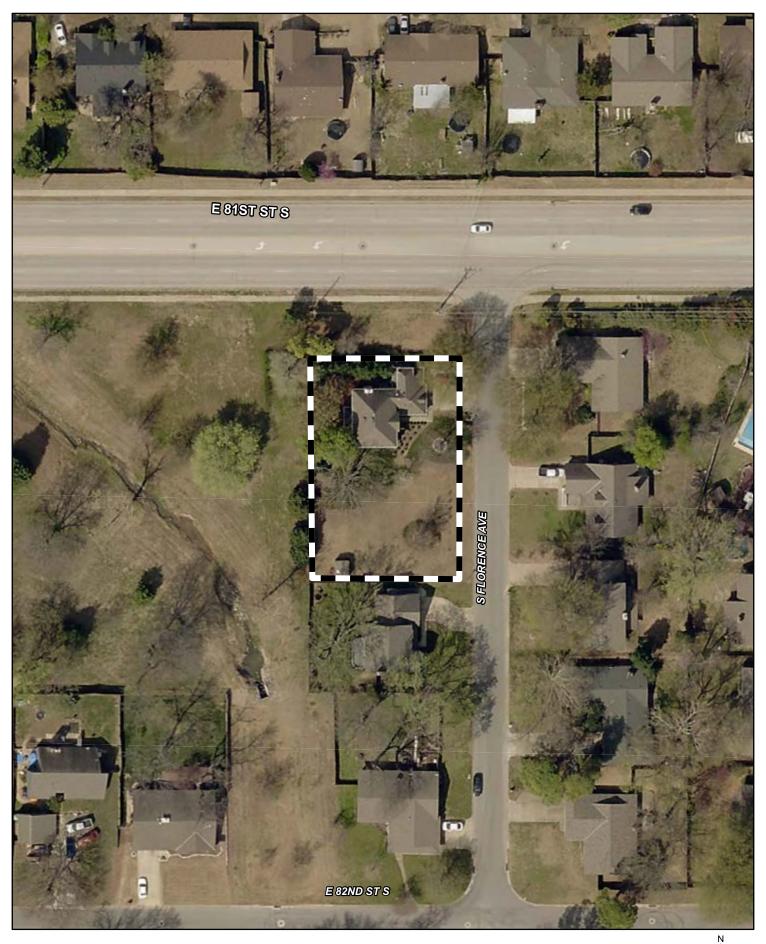






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Subject Tract

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Feet

100

BOA-23606

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

13.6

Aerial Photo Date: 2021

200

Jeff S. Taylor Zoning Official Building Plans Review Supervisor TEL (918) 598-7637 jstaylor@cityoftulsa.org



DEVELOPMENT SERVICES

175 EAST 2rd STREET, SUITE 450 TULSA, OKLAHOMA 74103

ZONING CLEARANCE PLAN REVIEW

John Whitaker jw@lococoncrete.com

10/26/2023

APPLICATION NO: ROWSR 184424 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE) Project Location: 8108 S Florence Ave E Description: Driveway Expansion

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

- SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
- INFORMATION ABOUT ZONING CODE, TULSA PLANNING OFFICE, BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT <u>https://tulsaplanning.org</u> OR AT 175 E. 2rd ST., 4th FLOOR, TULSA, OK, 74103, PHONE (918) 596-7526.
- 3. A COPY OF A "RECORD SEARCH" [_]IS [_X]IS NOT INCLUDED WITH THIS LETTER, PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO TULSA PLANNING OFFICE STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION, UPON APPROVAL BY THE BOARD OF ADJUSTMENT, TULSA PLANNING OFFICE STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT http://tulsaplanning.org/plans/TulsaZoningCode.pdf

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

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

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

Maximum Driveway Width

Lot Frontage	75'+	60' - 74'	46' - 59'	30' - 45'	Less than 30' [2]
Driveway Within Right-of-Way (feet) [1]	27'	26'	22'	20'	12
Driveway Within Street Setback (feet)	30'	307			

[1] Maximum width applies to the composite of all driveways if multiple curb cuts are provided.[2] Provided that for lot frontages less than 24 feet, a driveway up to 12 feet in width is permitted.

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

Review Comments: The submitted site plan proposes two driveways with a combined driveway width of more than 30' in width on the lot in the street setback and more than 27' wide in ROW which exceeds the maximum allowable driveway widths both within and outside of the ROW. Revise plans to indicate the combined driveway widths shall not exceed the maximum allowable widths or apply to the BOA for a <u>special</u> <u>exception</u>, one for the proposed combined driveway widths within the ROW and also for the proposed combined driveway widths outside of the ROW.

Contact Tulsa Planning Office to apply for a special exception (918) 596-7526

END -ZONING CODE REVIEW

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

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



CITY OF TULSA REVISED/ADDITIONAL PLANS ROUTING SLIP FOR APPLICATION PRIOR TO ISSUANCE OF PERMIT

DATE:	
A/P#:	

Note: Please print or type all data

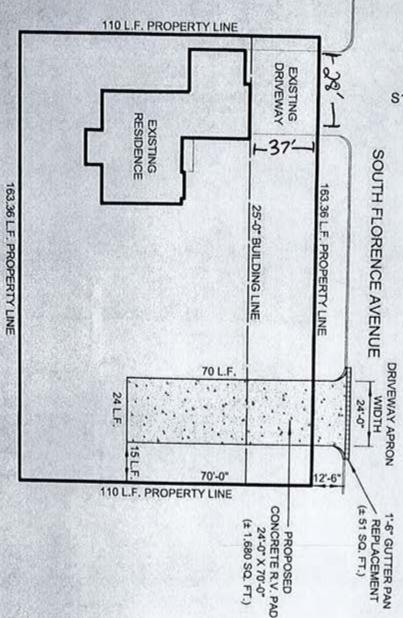
PLEASE NOTE THAT IF YOU SUBMITTED YOUR PERMIT APPLICATION ONLINE USING THE CSS SYSTEM, YOU SHOULD SUBMIT SINGLE SETS OF **REVISIONS OR ADDITIONAL PLANS THROUGH THAT SYSTEM.**

•	Permit Type: 🗆 Residential 🛛 Commercial 🗆 Other: _	
	C Revised Plans - Type of revision: Site plan	□ Structurat plan
	• D Other:	
	 Additional Plans -Type of revision: Site plan 	Structural plan
	• 🗆 Olher:	
•	Construction Address:	Suite Number:
•	No. Of Plans: No. of Pages of One set	et of Plans & Specifications:

PHONE NO.	EMAIL	
-	PHONE NO.	PHONE NO.

Steps for submitting revised or additional paper plans:

- 1. Complete this form and submit it with two (2) sets of revised or additional plans to the Permit Center if you submitted paper plans originally. If you applied for your permit online then you need to submit your revision online.
- 2. A fee as set forth in the current Title 49, Section 106 of the Tulsa Revised Ordinances will be collected for each additional submission at the time of permit issuance,



30

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COAL E

15 30

LEGAL:

Oral Roberts University Heights 3rd Addition (71540) PRT BLK 1 BEG 35S NEC TH S163.36 W110 N163.36 E110 POB

DRIVEWAY PERMIT

CLIENT:

Chris Ossenbeck 8108 South Florence Avenue Tulsa, OK 74137

CONTRACTOR:

Loco Concrete and Construction 3701 S. Harvard, Suite A # 152 Tulsa OK 74135

DP-1

DATE: 10-23-2023

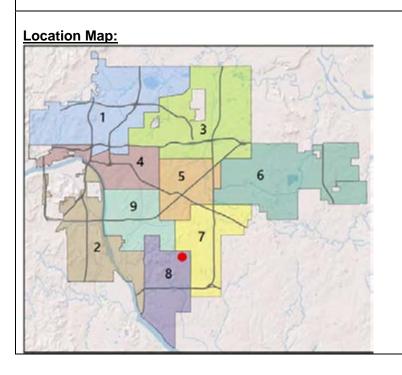


60

NORTH

Tulsa Board of Adjustment	Case Number: BOA-23608 Hearing Date: 12/12/2023 1:00 PM
Case Report Prepared by:	Owner and Applicant Information:
Dylan Siers	Applicant: SBWG LLC
	Property Owner: SBWG LLC

<u>Action Requested</u>: Variance to permit a dynamic display sign in the OL District (Sec. 60.060-E); Variance to allow a dynamic display sign within 20-feet of the driving surface (Sec. 60.100-D); Variance to permit a dynamic display sign within 200-feet of an R district (Sec. 60.100-F)



Additional Information:

Present Use: Office

Tract Size: 0.55 acres

Location: 7318 S YALE AV E

Present Zoning: OL

STR: 8309 CD: 8 Case Number: BOA-23608

HEARING DATE: 12/12/2023 1:00 PM

APPLICANT: SBWG LLC

<u>ACTION REQUESTED</u>: Variance to permit a dynamic display sign in the OL District (Sec. 60.060-E); Variance to allow a dynamic display sign within 20-feet of the driving surface (Sec. 60.100-D); Variance to permit a dynamic display sign within 200-feet of an R district (Sec. 60.100-F)

LOCATION: 7318 S YALE AV E

ZONED: OL

PRESENT USE: Office

TRACT SIZE: 24058.29 SQ FT

LEGAL DESCRIPTION: S159.70 E147 & S5 W122.68 LT 1 BLK 1, STACY PARK, SILVER RIDGE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

<u>RELATIONSHIP TO THE COMPREHENSIVE PLAN</u>: The Tulsa Comprehensive Plan identifies the subject property as part of a "Local Center".

Local Centers serve the daily needs of those in the surrounding neighborhoods. This designation implies that the center generally does not serve an area beyond the nearby neighborhoods. Typical uses include commercial or retail uses that serve the daily needs of nearby residents. In order to introduce a regional trip generator, the entire local center designation should be amended to be Regional Center with significant input from all affected properties and nearby neighborhoods.

STATEMENT OF HARDSHIP:

- 1. That the physical surroundings, shape, or topographic conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
 - a. The north side of the property has a thick section of trees, which hide our building from all who are driving south on Yale. Central States Research is often hard for patients to find when coming in for a visit.
- 2. That the literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
 - a. Section 60.100-F: Dynamic displays may not be located within 200 feet of certain zones, including residential (R) districts.
 - i. The dynamic display will not cause any significant disturbance to the nearby residential district. To minimize any potential impact on the neighboring residential area, the dynamic display will not have any flashing or strobe lights.
 - b. Section 60.100-E: Dynamic displays may not be located within 20 feet of the street curb.
 - i. The dynamic display will be 14 feet from the street curb, which will be in place of an existing monument sign. This will be located as far from the curb as possible in that area without compromising safety, aesthetics, or traffic considerations. The existing sign has had no trouble in the years that it has been there, and the dynamic sign would not feature any distracting elements such as flashing or strobe lights.
 - c. Section 60.060-E: Dynamic displays are prohibited in Office (O) districts except for certain cases.
 - i. In an effort to maintain the professional and non-commercial feel of our office district, the sign will have a similar look aesthetically as other existing signs nearby. Central States Research conducts clinical trials and serves a crucial role in public health and medical research. This display will support

patient recruitment, which in turn helps achieve business objectives without causing undue harm to the community or office district.

- 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;
 - a. Section 60.100-F: Dynamic displays may not be located within 200 feet of certain zones, including residential (R) districts. Central States Research conducts clinical trials, and patient recruitment directly correlates to the success of the business. Advertising through a dynamic display in front of the building will be used primarily to provide important information related to clinical trials and to show which types of trials are being offered at a given time. Due to the nature of this business, the available clinical trials are changing often. Each study has different criteria and there are always new studies starting and others closing enrollment. Having the ability to change the verbiage on the dynamic display to fit current needs will help tremendously. The need for a dynamic display is unique to this property because it is essential for effectively reaching potential patients and participants in clinical trials. Central States Research is often the only research site conducting these trials in the entire state, and even sometimes the entire region, so a dynamic display is a vital means of communication to inform the public. The trials offered are oftentimes the last options for those who have tried everything else that they could think of, but many aren't aware of Central States Research or what they do. The familiarity that this dynamic display would bring could help tremendously. Without these participants, new drug development or new indications for existing drugs would not be possible.
- 3. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
 - a. The need for advertising arises from the unique characteristics and requirements of conducting clinical trials. This is not a choice made by the property owner or Central States Research, but a necessity to effectively operate a business for clinical trials. The physical hardship of the trees on the north side of the property was not created or self- imposed by the current property owner, as they are large and have likely been there for several decades.
- 4. That the variance to be granted is the minimum variance that will afford relief;
 - a. Central States Research is not requesting any more variances than those that are required. The dynamic display will serve as an advertising tool that will draw in more participants, which in turn will is a benefit to the entire community, as our services are completely free.
- 5. 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
 - a. The design of the dynamic sign (and all other parts of the sign) will be cohesive with the rest of the office park. The look and feel of the sign will not stand out and will match nearby signs well. The existing sign that it would replace matches the other signs in our area, and the new one would as well. If anything, this dynamic sign would add value to the properties around Central States Research due to an increase in traffic in and around the office park. With each person that this dynamic sign brings in, the neighboring properties have greater recognition. It will also help to differentiate between businesses. Central States Research has people come in extremely often asking for directions for other buildings in our area. The building just to the south looks very similar, so this sign is very important. Also, just across South Yale Avenue there is a business that has a dynamic display sign by the road, which is much larger than what we are requesting.
- 6. 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.
 - a. This dynamic display serves a legitimate and important purpose without unduly burdening the community. The dynamic display will not have any flashing or strobe lights, so it will not disturb the community (office, residential, and those in traffic). Being less than 200 feet from a residential district and less than 20 from a street curb, it is important that the dynamic sign does not feature abrupt flashes of light. Before changing or updating the dynamic sign, it would be required that the marketing staff of Central States Research consult the manager and owner. By doing so, the dynamic sign would always abide by these rules.

<u>STAFF ANALYSIS</u>: The applicant is requesting a variance to permit a dynamic display sign in the OL District (Sec. 60.060-E); Variance to allow a dynamic display sign within 20-feet of the driving surface (Sec. 60.100-D); Variance to permit a dynamic display sign within 200-feet of an R district (Sec. 60.100-F)

Facts staff finds favorable for variance request:

• Existing screening from residential zoned property will help with light pollution to those areas.

Facts Staff find unfavorable for the variance request:

None.

SAMPLE MOTION:

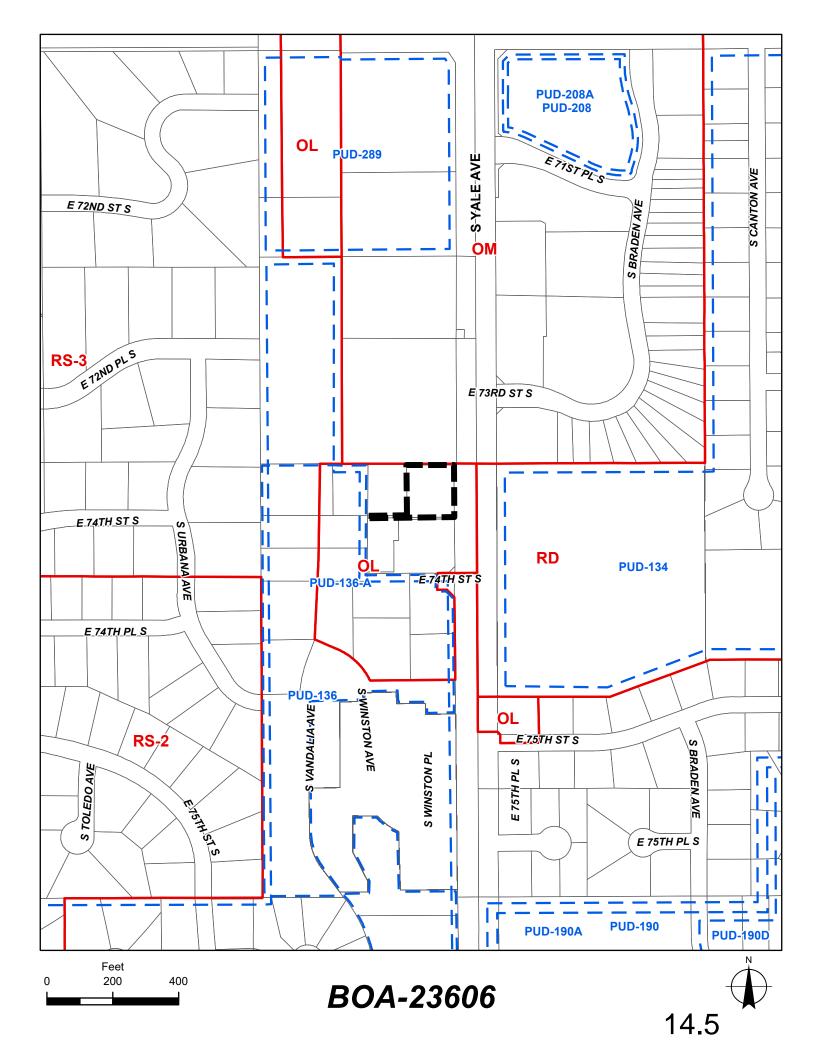
Move to ______ (approve/deny) a Variance to permit a dynamic display sign in the OL District (Sec. 60.060-E); Variance to allow a dynamic display sign within 20-feet of the driving surface (Sec. 60.100-D); Variance to permit a dynamic display sign within 200-feet of an R district (Sec. 60.100-F)

Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet

• Subject to the following conditions (including time limitation, if any):

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



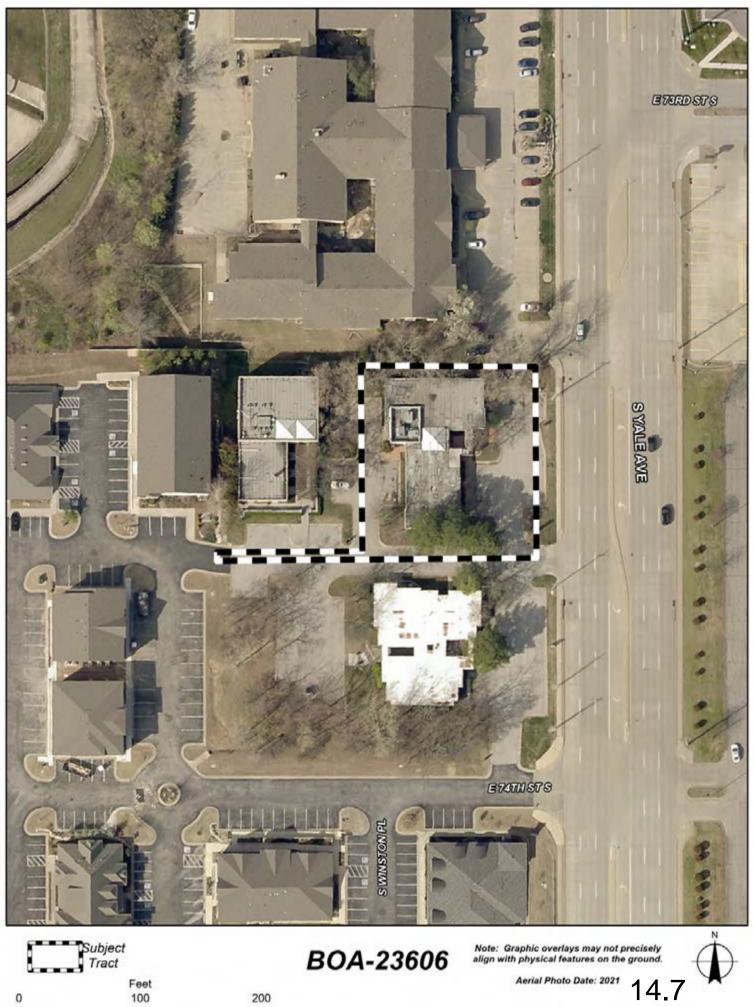




Subject Tract 200 400

14.6

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14.7

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)

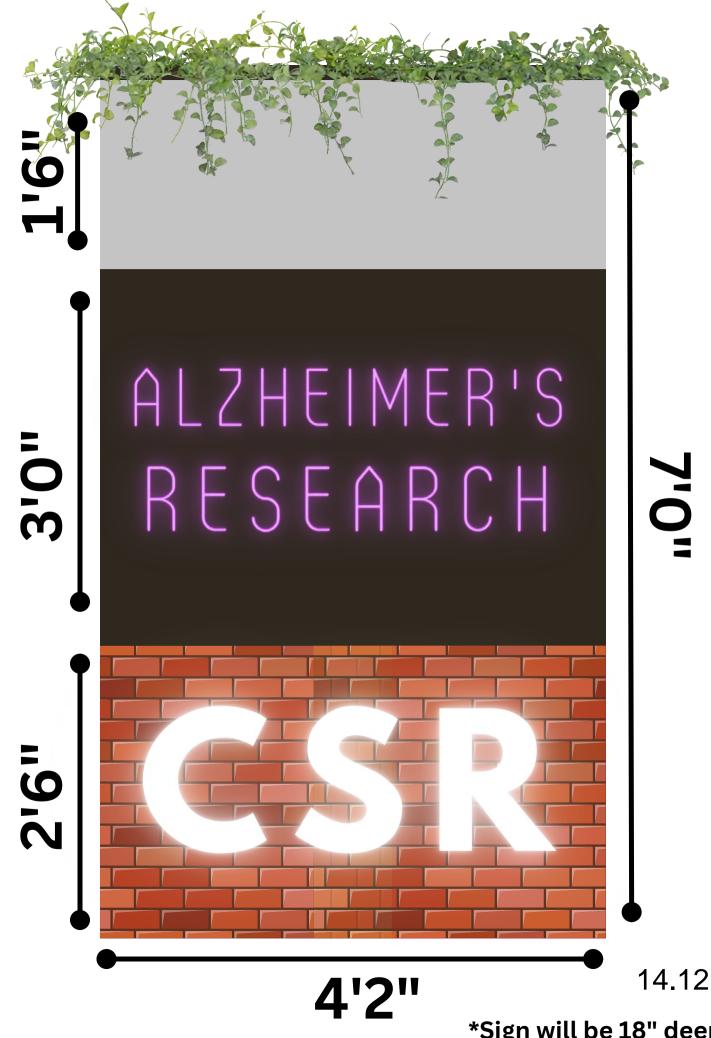
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- 2. That the literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
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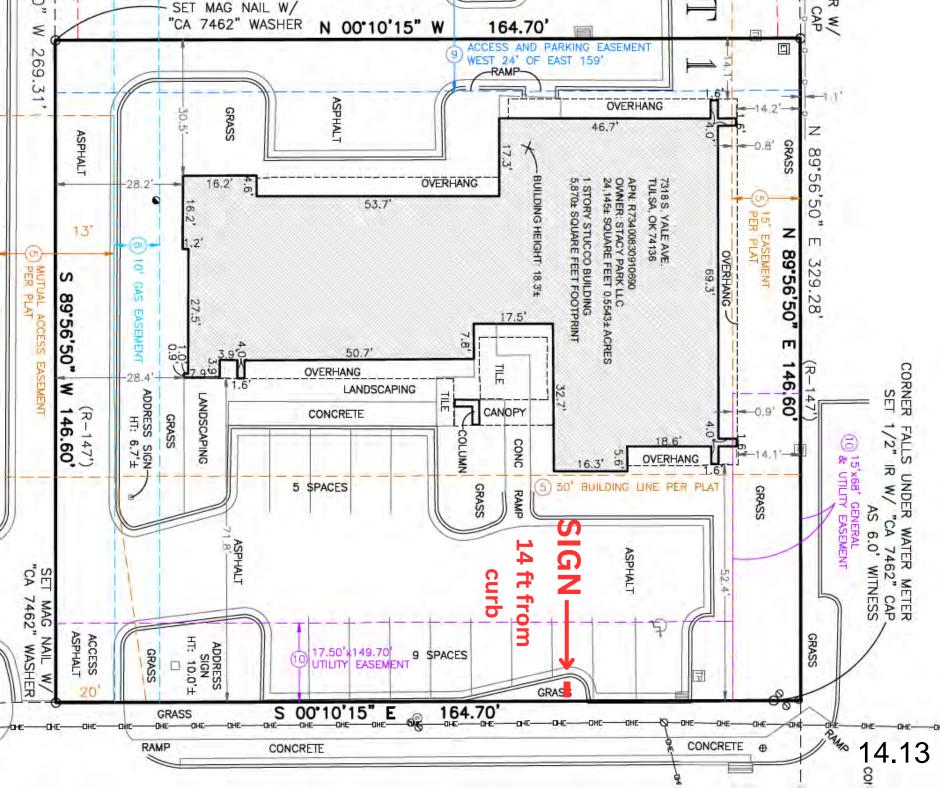
- 4. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
 - a. The need for advertising arises from the unique characteristics and requirements of conducting clinical trials. This is not a choice made by the property owner or Central States Research, but a necessity to effectively operate a business for clinical trials. The physical hardship of the trees on the north side of the property was not created or self-imposed by the current property owner, as they are large and have likely been there for several decades.
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- 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
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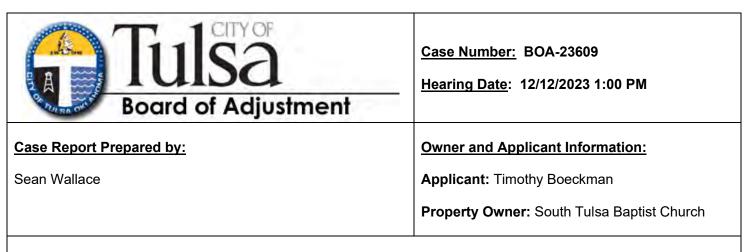
changing or updating the dynamic sign, it would be required that the marketing staff of Central States Research consult the manager and owner. By doing so, the dynamic sign would always abide by these rules.





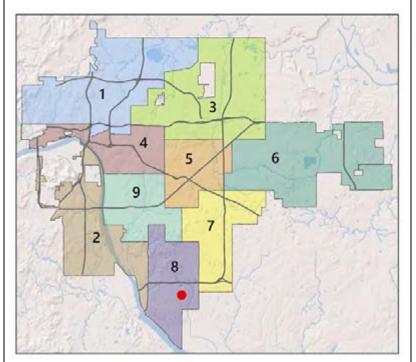
*Sign will be 18" deep





<u>Action Requested</u>: Minor Special Exception to modify a previously approved site plan for a religious assembly use in the RS-3 District (Table 5.020, Table 5-2; Sec.70.120)

Location Map:



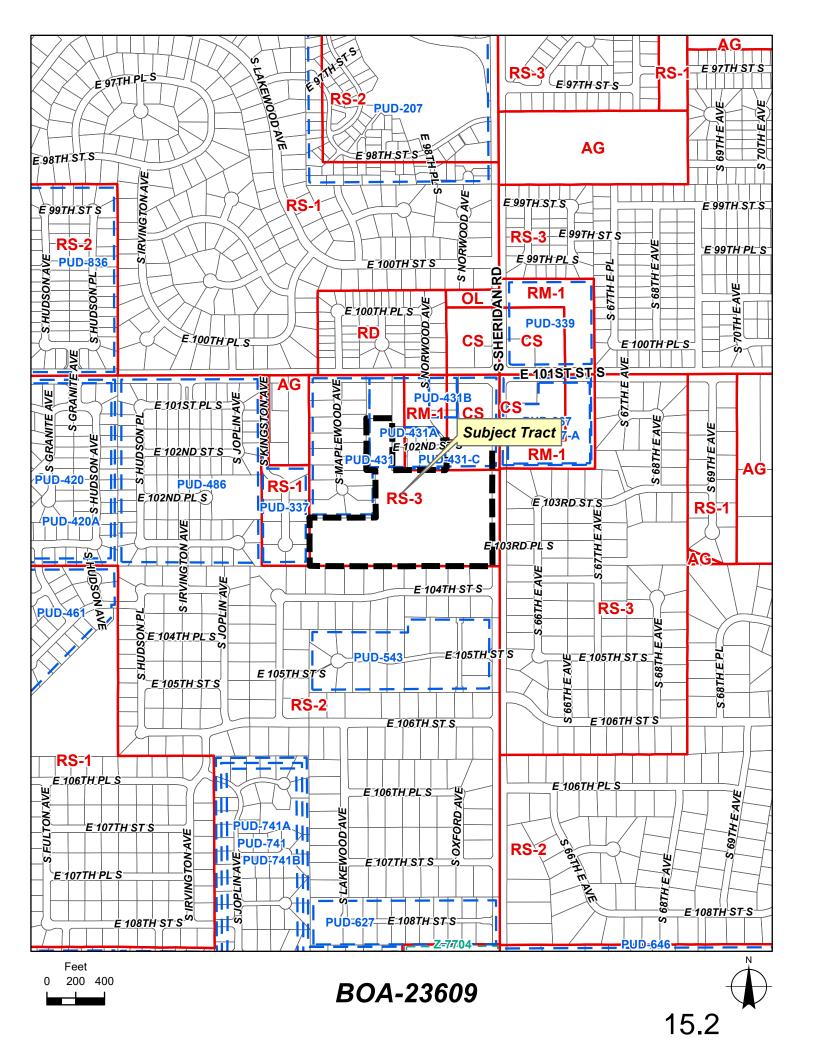
Additional Information:

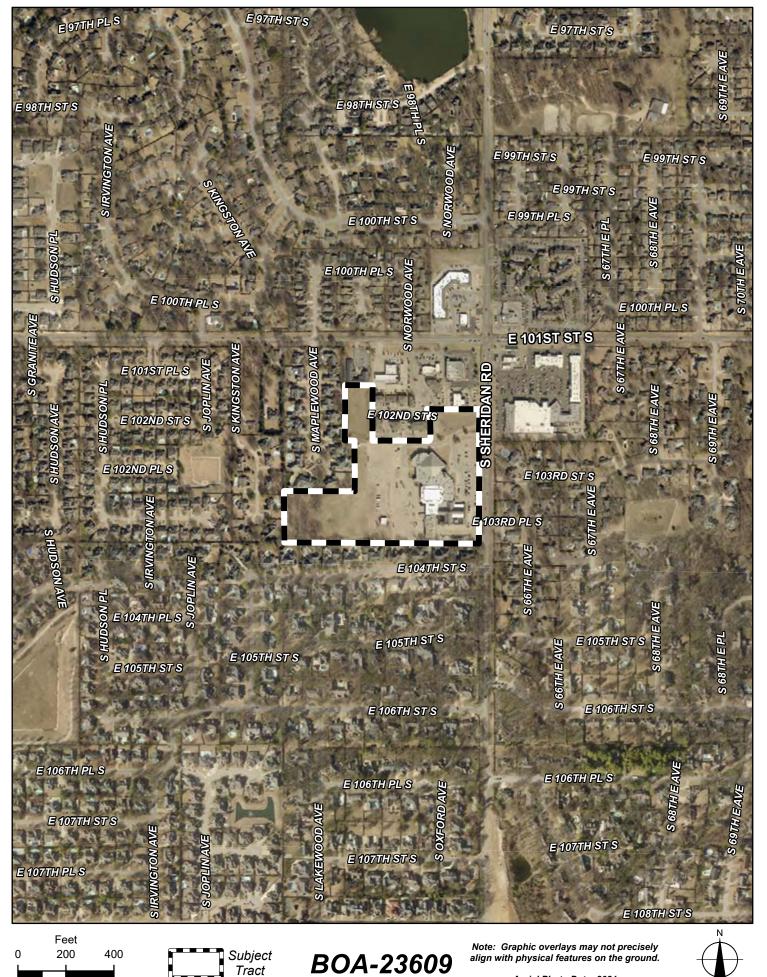
Present Use: Church

Tract Size: 19.62 acres

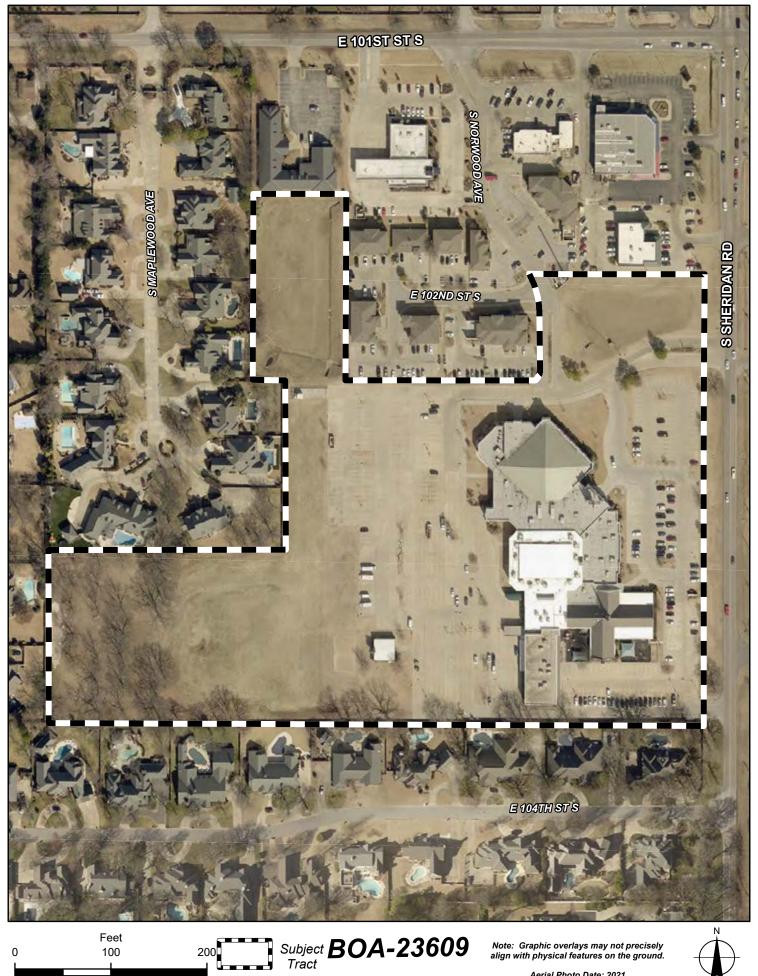
Location: 10310 S. Sheridan Rd. E

Present Zoning: RS-3,RM-1





Aerial Photo Date: 2021



Aerial Photo Date: 2021

15.4

STR: 8327 **CD**: 8 Case Number: BOA-23609

HEARING DATE: 12/12/2023 1:00 PM

APPLICANT: Timothy Boeckman

<u>ACTION REQUESTED</u>: Minor Special Exception to modify a previously approved site plan for a religious assembly use in the RS-3 District (Table 5.020, Table 5-2; Sec.70.120)

LOCATION: 10310 S. Sheridan Rd. E

ZONED: RS-3,RM-1

PRESENT USE: Church

TRACT SIZE: 854778.51 SQ FT

LEGAL DESCRIPTION: RES A, B, C SOUTH TULSA BAPTIST CHURCH EXT & RES A & LT 1 BLK 1,SOUTH TULSA BAPTIST CHURCH, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:

BOA-21371: Sept. 2013, Board APPROVED a Special Exception to approve a change in previous site plan; Special Exception to permit Utility/Communications facility (Use Unit 4) in an RS-3 district (Section 401).

BOA-19784, Feb. 2004, Board APPROVED a Special Exception to approve a change in a previous site plan; Variance of no parking permitted within a required front yard, per plan submitted.

BOA-19235, Oct. 2001, Board APPROVED an amended site plan to add a 40' x 40' x 12' storage building per plan and specifications submitted on 12/11/01 namely that it be located no closer than 120' north of the south property line.

BOA-14497, Jul. 1998, Board APPROVED a special exception to permit church use in a RS-3 zoned district. Expansion of church use approved by cases **BOA-9182** and **BOA-10314**.

<u>RELATIONSHIP TO THE COMPREHENSIVE PLAN</u>: 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 a lower-order street separated from the arterial, then it would be considered Neighborhood.

<u>STAFF ANALYSIS</u>: Applicant is adding a 2,679 sq ft indoor children's playground and classroom to the existing church building.

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.

SAMPLE MOTION:

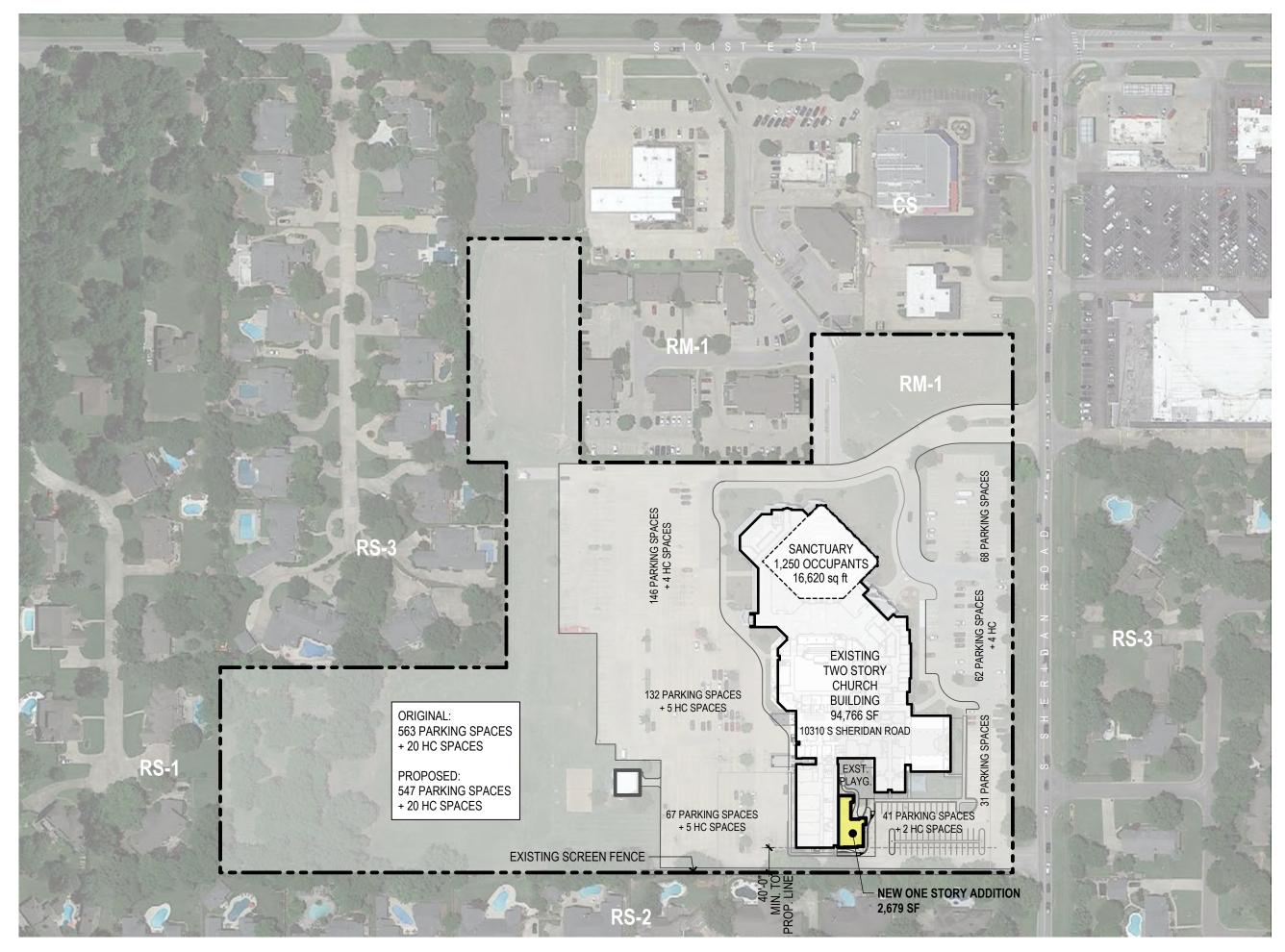
Move to ______ (approve/deny) a Special Exception to modify a previously approved site plan for a religious assembly use in the RS-3 District (Table 5.020, Table 5-2; Sec.70.120).

- 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)



CJC Architects, Inc.

1401 S Denver Ave, Suite B Tulsa, OK 74119-3445 918-582-7129 cjcarchitects.com

Project Title



BAPTIST CHURCH 10310 S. Sheridan Road, Tulsa, OK 74133

Sheet Title

SITE PLAN

Project Number	2236
Date	11/7/2023

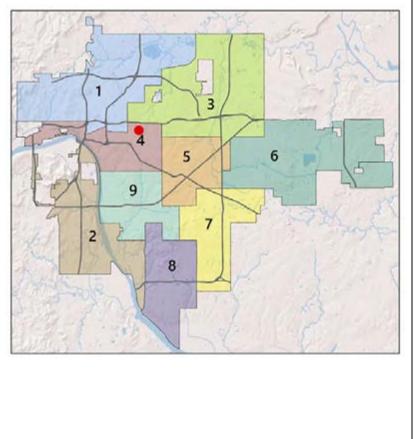
Drawing Number

A1 15.7

Tulsa Board of Adjustment	<u>Case Number:</u> BOA-23611 <u>Hearing Date:</u> 12/12/2023 1:00 PM
Case Report Prepared by:	Owner and Applicant Information:
Sean Wallace	Applicant: David Brunson
	Property Owner: In His Name Construction LLC

<u>Action Requested</u>: Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6)

Location Map:



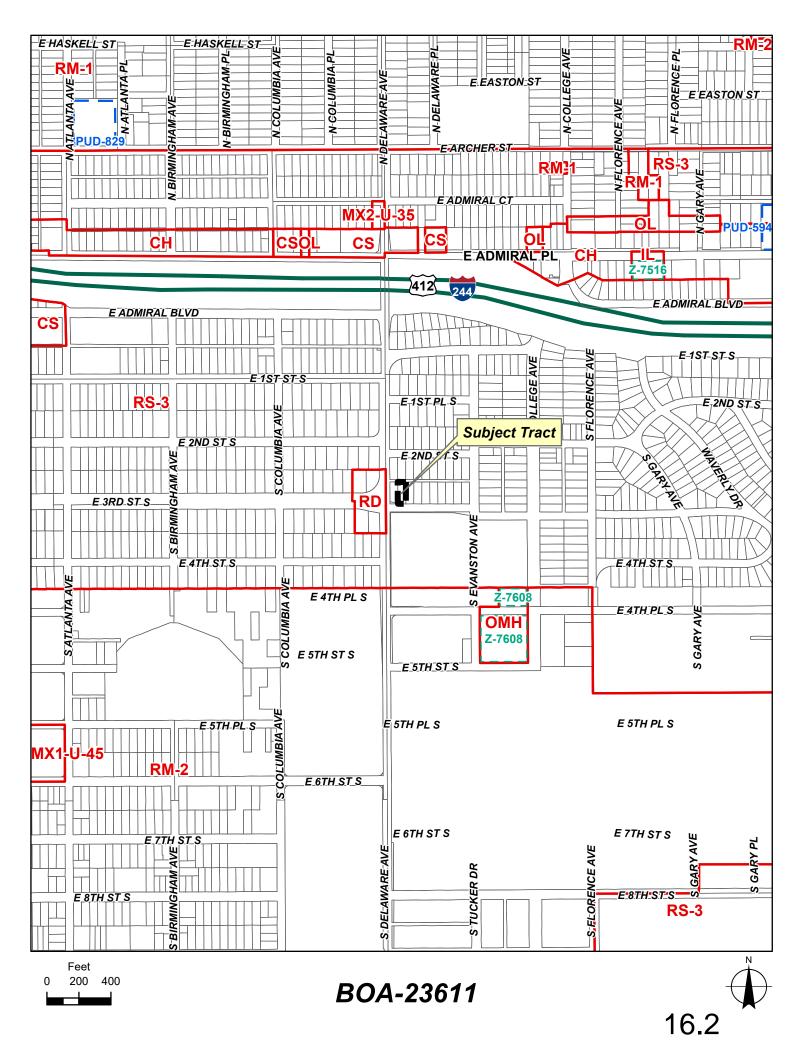
Additional Information:

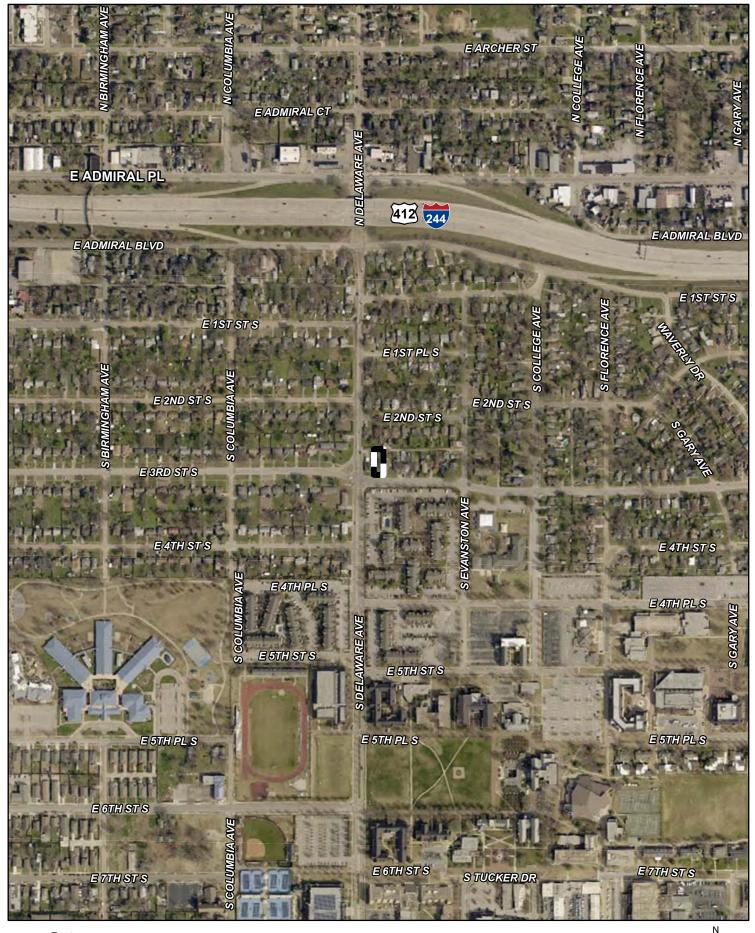
Present Use: Residential

Tract Size: 0.16 acres

Location: 2807 E. 3rd St. S

Present Zoning: RS-3





Feet 0 200

400



BOA-23611 Note: Graphic overlays may not precisely align with physical features on the ground.

ound. 16.3

Aerial Photo Date: 2021



4

200

100

0

Note: Graphic overlays may not precisely align with physical features on the ground. Aerial Photo Date: 2021

STR: 9305 **CD:** 4

Case Number: BOA-23611

HEARING DATE: 12/12/2023 1:00 PM

APPLICANT: David Brunson

<u>ACTION REQUESTED</u>: Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6)

LOCATION: 2807 E. 3rd St. S

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 6751.83 SQ FT

LEGAL DESCRIPTION: E 1/2 LT 6 BLK 5, PLEASANT VIEW ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS: None.

<u>RELATIONSHIP TO THE COMPREHENSIVE PLAN</u>: 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.

STAFF ANALYSIS: The applicant is requesting a Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A; 45.031-D.6).

A copy of sections 45.030 and 45.031 are included in your packet.

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

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



(subject property)

SAMPLE MOTION:

Move to ______ (approve/deny) a Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D).

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

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

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

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

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

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

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

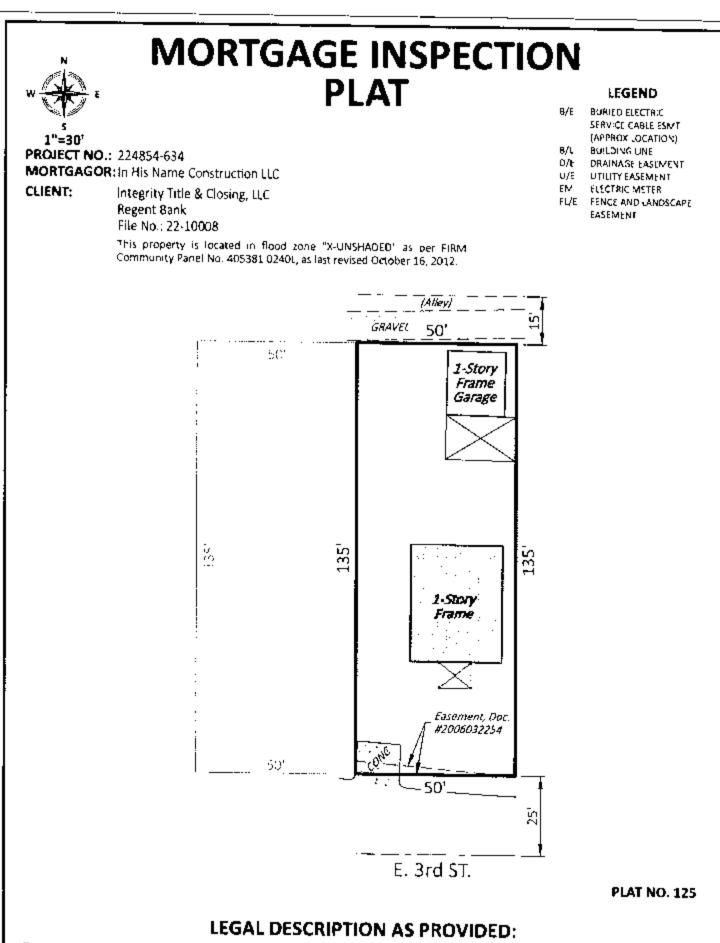
c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

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

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

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

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



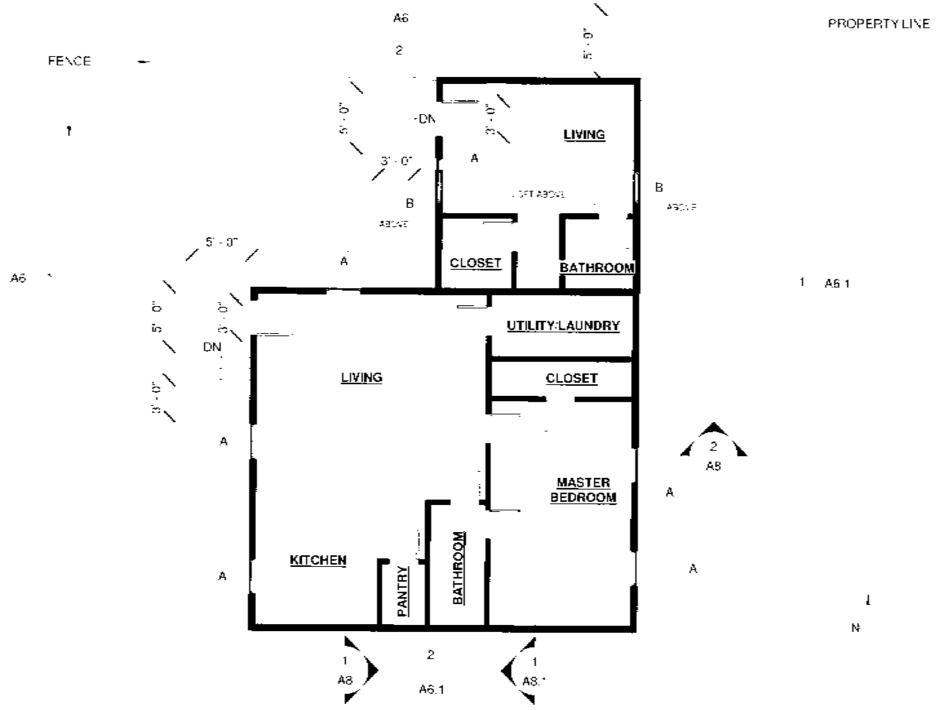
THE EAST 50 FEET OF LOT SIX (6), BLOCK FIVE (5), PLEASANT VIEW ADDITION TO TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 125, AND KNOWN AS 2807 EAST 3rd STREET.

SURVEYOR'S STATEMENT

Harden & Associates, Surveying and Mapping, PC, an Oklahoma corporation, and the undersigned Registered Professional Land Surveyor, under Certificate of Authorization No. CA4556 renewal date. June 30, 2023, do hereby state that in our professional opinion the above inspection Plat shows the dwelling as located on the premises described, that it is entirely within the described tract boundaries, and there are no encroachments thereon by visible permanent improvements, except as indicated; that the above inspection Plat shows all Recorded Plat casements and other such easements which have been disclosed by a current Title Opinion or by Commitment for Title Insurance and copies thereof provided to us; that this inspection Plat was prepared for identification purposes only for the mortgagee and is not a land or Boundary Line Survey, that no property corners were set, and is not to be used or relied upon for the establishment of fence, building or other improvements; that underground or above ground utilities were not field located and therefore are not shown on this inspection Plat is subsequent loan closing, refinance, or other transaction and that no responsibility or liability is assumed herein or hereby to the present or future land owner or occupant.

WITNESS MY HAND AND SEAL THIS DATE: DOID REVISED: UPDATED: 5807 South Gamett Road, Suite K Tulsa, Okiahoma 74145	COLORANDEL J. REGISTERED EXORESSIONALIAND SOME ADD REGISTERED EXORESSIONALIAND SOME ADD NATHANIEL J. REED P.L.S. 1744 (S18) 234-4859 Office SURVEYING AND MAPPING, PC SURVEYING AND MAPPING, PC

PROPERTY LINE



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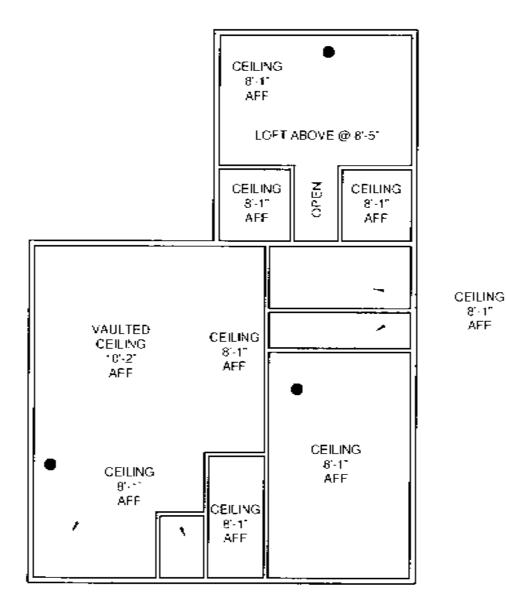
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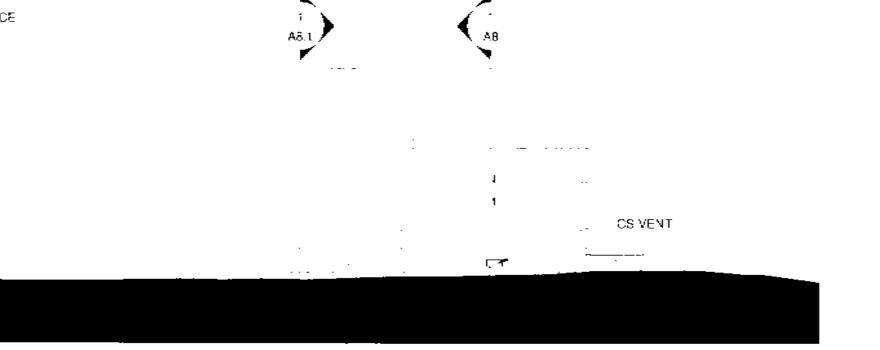
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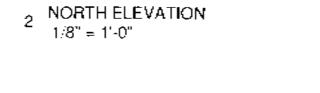
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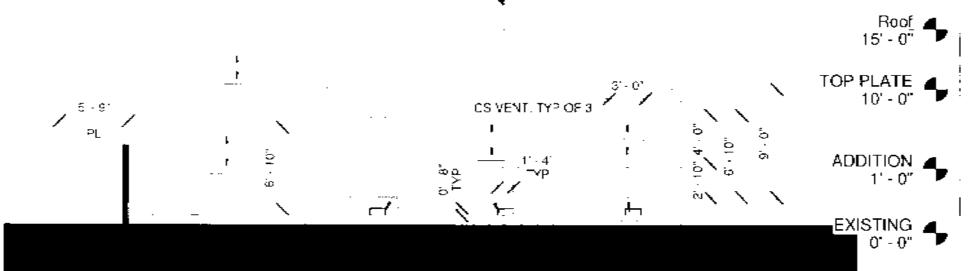
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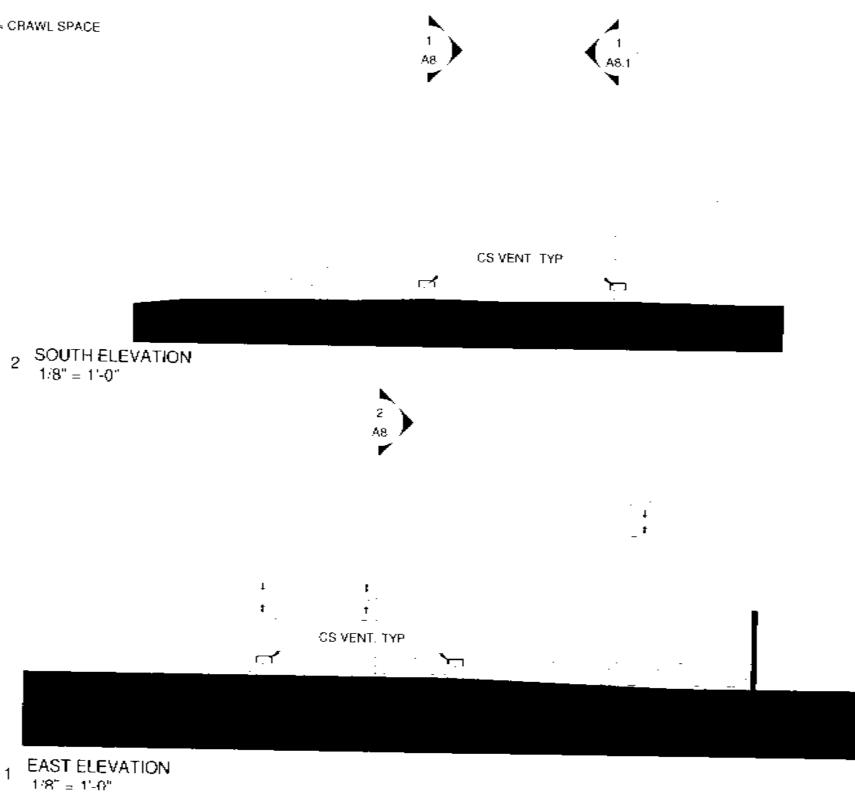




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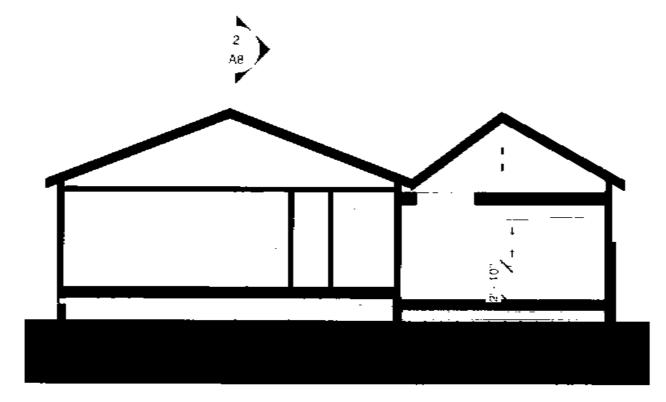
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Window Schedule

Rough Opening				
Type Mark	Width	Heigh l	Туре	Comments
A	3 0.,	4' - 0"	Window-Double-Hung	
А	3' - 0"	4' - 0"	Window-Double-Hung	
A	3' - 0"	4' - 0"	Window-Double-Hung	
А	3' - 0"	4' - 0"	Window-Double-Hung	
А	3' - 0"	4' - 0"	Window-Double-Hung	
А	3' - 0"	4' - 0"	Window-Double-Hung	
B	2' - 8"	3' - 0"	Window-Double-Hung	
B	2 · 8"	3' - 0"	Window-Double-Hung	

Door Schedule

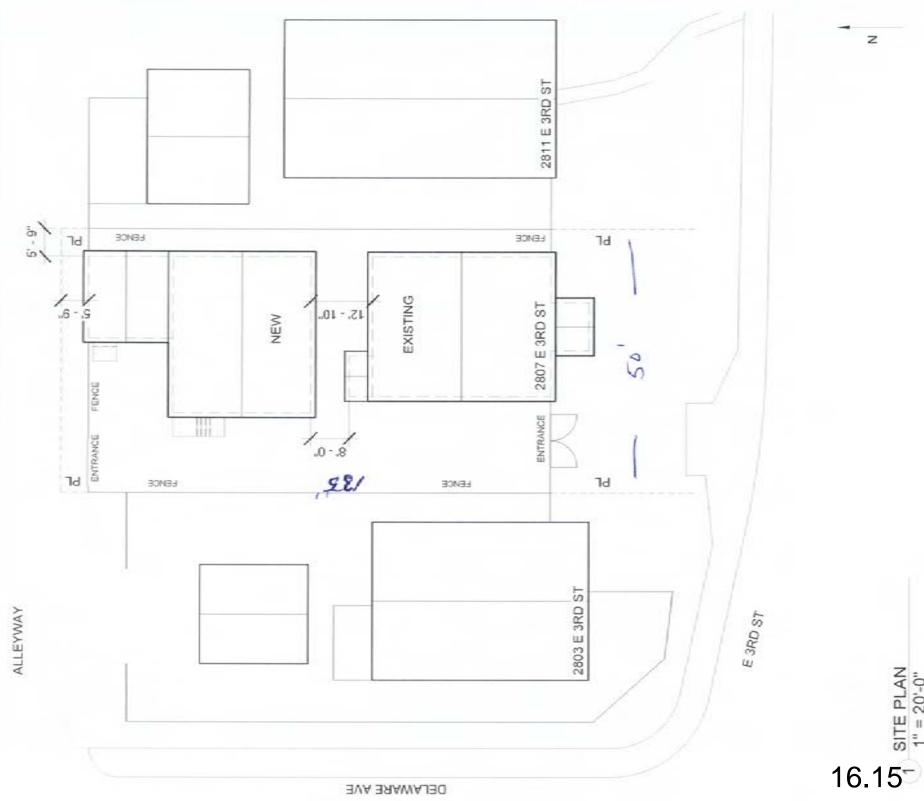
Door Nu m ber	Door Size	Finish Comments
2	30" x 80"	
3	30" x 80"	
4	30" x 80"	
5	30" x 80"	
6	30" x 80"	
7	36" x 80"	
8	36" x 80"	
9	30" x 80"	
10	30" x 80"	
11	30" x 80"	

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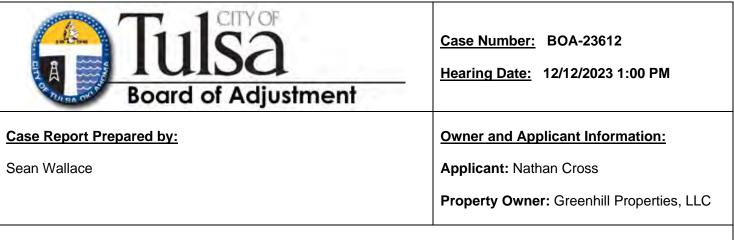
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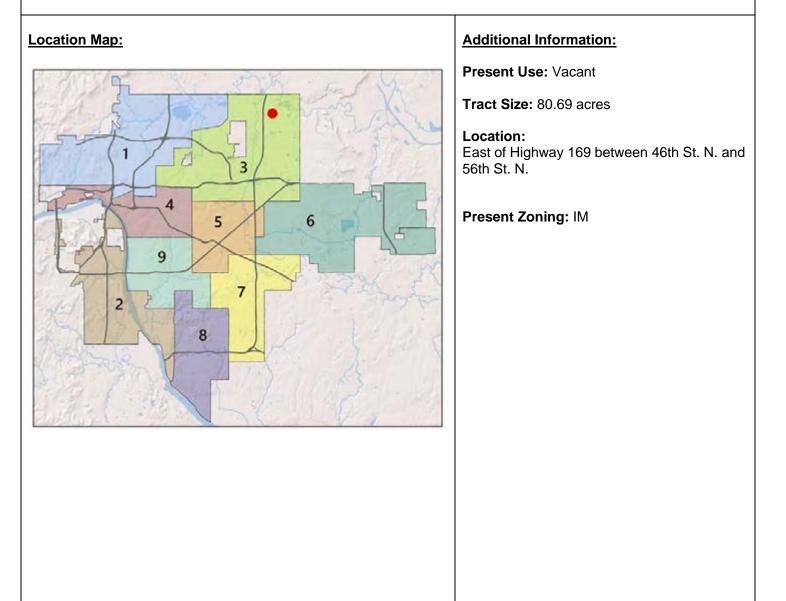
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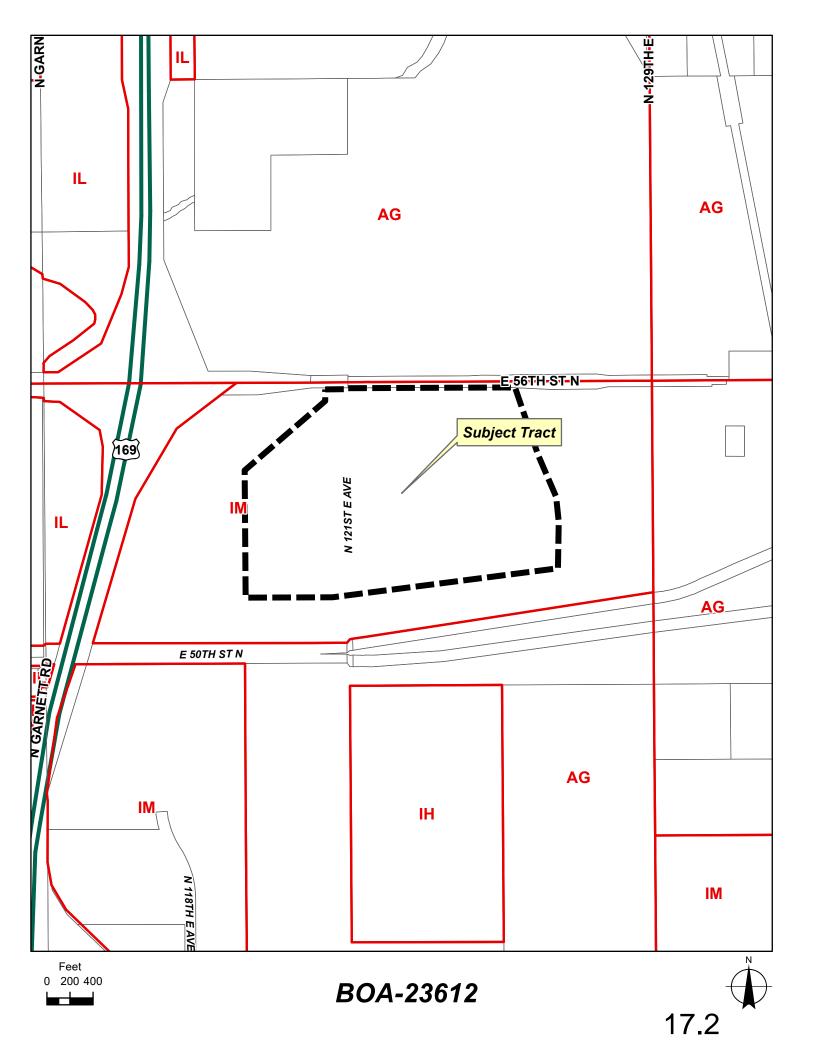


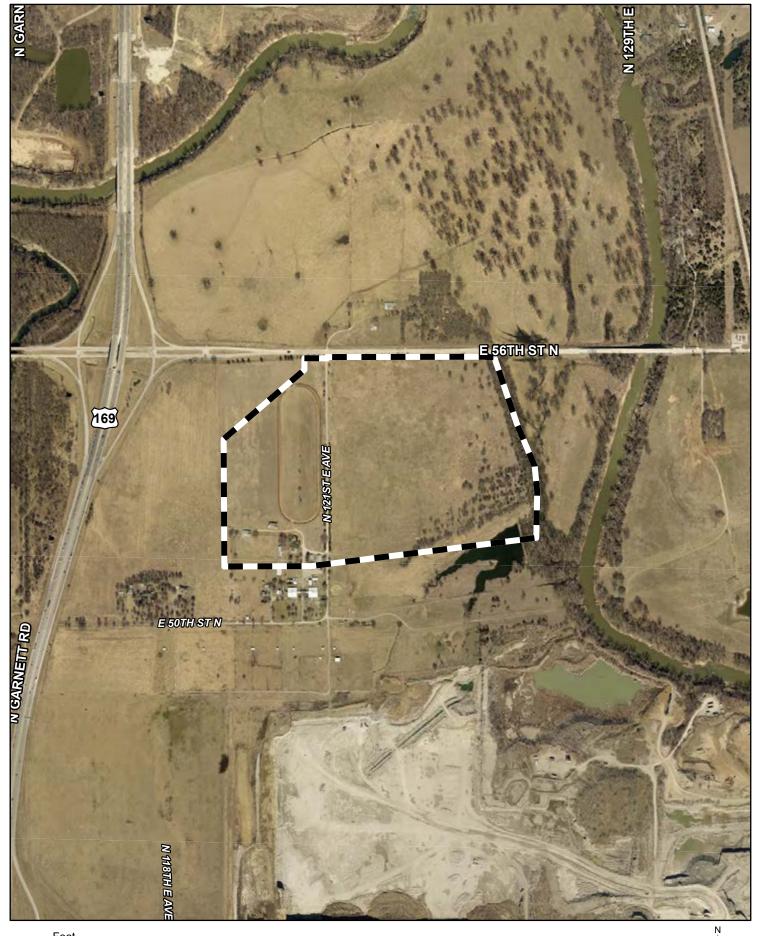
SITE PLAN 1" = 20'-0"

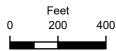


<u>Action Requested</u>: Special Exception to permit a Mining and Mineral Processing Use in the IM District (Sec. 15.020; Table 15-2)









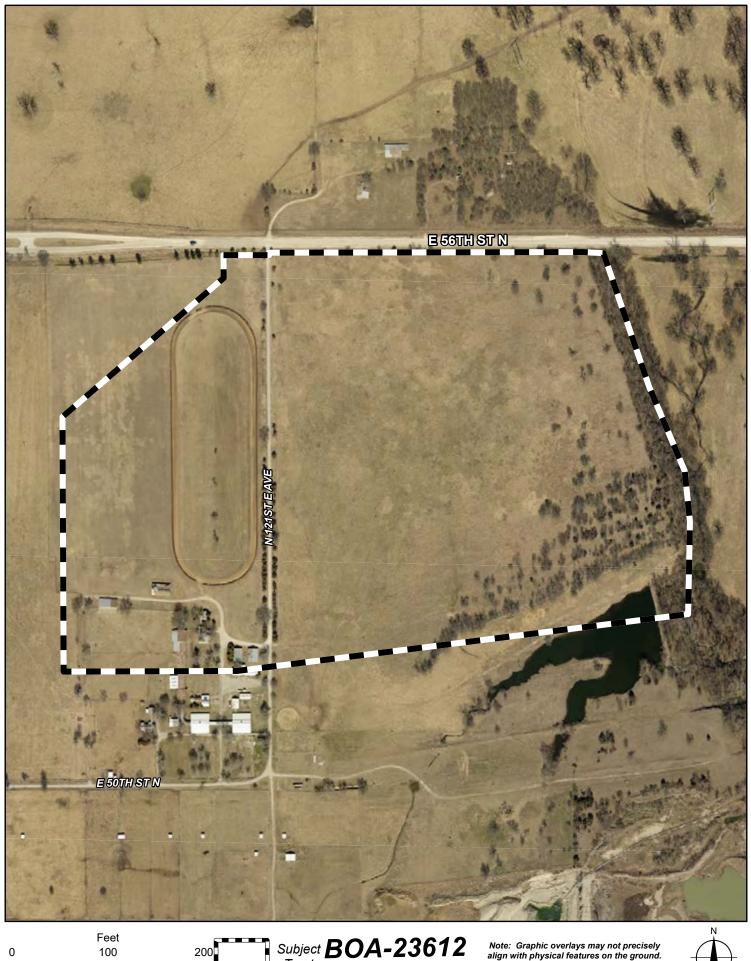


BOA-23612

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



Aerial Photo Date: 2021



Subject **BOA-23612** Tract

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

Aerial Photo Date: 2021 17.4 **STR:** 261 **CD:** 3

HEARING DATE: 12/12/2023 1:00 PM

APPLICANT: Nathan Cross

<u>ACTION REQUESTED</u>: Special Exception to permit a Mining and Mineral Processing Use in the IM District (Sec. 15.020; Table 15-2)

LOCATION: East of Highway 169 between 46th St. N and 56th St. N

ZONED: IM

PRESENT USE: Vacant

TRACT SIZE:

LEGAL DESCRIPTION: See attached.

RELEVANT PREVIOUS ACTIONS:

Z-7705, on 5.17.23 the TMAPC **approved** a re-zoning of the property from AG to IM.

BOA-20800, on 10.28.08 the Board approved a special exception to permit a Rock Quarry in an AG district.

BOA-19674, on 9.23.03 the Board **approved** a special exception to permit within an 80 acre tract in the IH and AG zoning districts, the mining, quarrying and extraction of stone, sand and gravel for utilization off the premises.

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

Existing regional trip generators define the Regional Centers in contrast to Local Centers. These centers should be the most connected land use pockets outside of downtown for public transit access and high-capacity arterial streets. New regional trip generators should be permitted in the area with special consideration given to transportation access and circulation. Regional trip generators include universities, malls, large medical campuses, casinos, big-box shopping centers, and very large churches.

The Tulsa Comprehensive Plan also identifies the subject property as part of an "Employment" center.

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.

<u>STAFF ANALYSIS</u>: The applicant is requesting a special exception to permit a Mining and Mineral Processing Use in the IM District (Sec. 15.020; Table 15-2).

SAMPLE MOTION:

Move to ______ (approve/deny) a Special Exception to permit a Mining and Mineral Processing Use in the IM District (Sec. 15.020; Table 15-2).

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

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



(subject property looking south from 56th St N)

USE CATEGORY												Supplemental
Subcategory	OL	ОМ	ОМН	ОН	CS	CG	СН	CBD	IL	IM	Ш	Regulations
Specific use												
Financial Services (except as below)	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	
Personal credit establishment	-	_	-	_	Р	Р	Р	Р	Р	Р	Р	Section 40.300
Funeral or Mortuary Service	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Section 40.150
Lodging				•	•			•				
Bed & breakfast	S	S	S	S	Р	Р	Р	Р	S	S	S	Section 40.060
Short-term rental	P	P	P	P	P	P	P	P	P	P	P	Section 40.375
Campgrounds and RV parks	-	-	-	-	S	P	P	P	P	P	P	50000110.57.5
Hotel/motel	_	_	S	S	P	P	P	P	S	S	S	Section 40.170
Marina	S	S	S	S	S	S	S	S	S	S	S	Section 40.170
Office	5	5	5	5	5	5	5	5	5	5	5	Section 40.260
Business or professional office	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Section 40.200
Medical, dental or health practitioner	P	P	P	P	P	P	г Р	P	P	P	г Р	
office	Р	P	P	r	•		•	-	-	-	•	
Plasma center	-	-	-	-	P	Ρ	Р	Р	Р	Р	Р	Section 40.300
Parking, Non-accessory	Р	Р	P	Р	Р	Ρ	Р	Р	Р	Ρ	Ρ	
Restaurants and Bars												
Restaurant	P[1]	P[1]	P[1]	Р	Р	Р	Р	Р	Р	Ρ	Р	Section 40.330
Bar (except as below)	-	-	-	-	P[2]	P[2]	P[2]	P[2]	S	S	S	Section 40.050
Brewpub	-	_	-	-	S	S	S	P[2]	S	S	S	Section 40.050
Retail Sales												Section 40.340
Building supplies and equipment	-	-	_	-	Р	Р	Р	Р	Р	Р	Р	
Consumer shopping goods	-	S[3]	S[3]	P[3]	Р	Р	Р	Р	Р	Р	Р	
Convenience goods	-	S[3]	S[3]	P[3]	P	P	P	P	P	P	P	Section 40.300
Grocery Store			S[3,6]		P	P	P	P	P	P	P	500000
Small Box Discount Store	-		S[3,6]		-	-	P[6]	•		•	P[6]	
Medical Marijuana Dispensary	_	5[5,0]	5[5,0]	5[5,0]	P	P	P	P	P	P	P	Section 40.225
Medical Manjuana Dispensary					•		•				•	Section 40.225
Self-service Storage Facility	S	S	S	S	S	Р	Р	Р	Р	Р	Р	Section 40.360
Sexually Oriented Business Establishment	-	_	_	-	P	P	P	P	S	S	S	Section 40.370
Studio, Artist or Instructional Service	Р	Р	Р	Р	P	P	P	P	P	P	P	Section 40.380
Trade School	г _	S	S	r S	г S	P	P	P	P	P	P	Section 40.500
Vehicle Sales and Service	_	3	3	5	5	F	Г	Г	Г	Г	F	Section 40.400
	_	_	_	_	S	Р	Р	Р	Р	Р	Р	Section 40.400
Commercial vehicle repair/maintenance					-	P	-		P	P P	P P	
Truck stop	-	-	-	-	-	S P	S P	-	P P	P P	P P	
Commercial vehicle sales and rentals	-	-	-	-	S		-	P	•	•	•	
Fueling station	-	-	-	-	P	P	P	P	P	P	P	
Personal vehicle repair and maintenance	-	-	-	-	P	P	P	P	P	P	P	
Personal vehicle sales and rentals	-	-	-	-	S	P	P	P	P	P	P	
Vehicle part and supply sales	-	-	-	-	P	P	P	P	P	P	P	
Vehicle body and paint finishing shop	-	-	-	-	S	Р	Р	Р	Р	Р	Р	
WHOLESALE, DISTRIB. & STORAGE												Section 40.410
Equip. & Materials Storage, Outdoor	-	-	-	-	S	Р	Р	Р	Р	Р	Р	
Trucking and Transportation Terminal	-	-	-	-	S	Р	Р	Р	Р	Р	Ρ	
Warehouse	-	-	_	-	S	Р	Р	Р	Р	Р	Р	
Wholesale Sales and Distribution	-	-	-	-	S	Р	Р	Р	Р	Р	Р	
INDUSTRIAL												Section 40.180
Low-impact Manufacturing & Industry	-	-	-	-	-	S	S	S	Р	Р	Р	
Moderate-impact Manufacturing &	-	_	_	_	_	-	-	_	S	P	Р	Section 40.225
Industry										•	.	
High-impact Manufacturing & Industry	_	_	_	_	_	-	_	_	_	S	Р	
Mining or Mineral Processing	-	_	_	_	_	-	-	_	-	S	S	Section 40.230
Junk or Salvage Yard	-	_	_	_	_	+	_	_	_	S S	P	Section 40.190
Junk of Jarvaye Latu				_	_	_	_	_	_	5	ſ	50001 40.190

Chapter 15 | Office, Commercial and Industrial Districts

EXHIBIT "B"

HISTORY

The property at issue in this request (the "Subject Property") is part of the small remaining undeveloped property in north Tulsa that has been primarily vacant since statehood. For 50 years, the Subject Property has been a working ranch owned by the Oxley family. No significant development has occurred on the Subject Property.

MINING

At some point in the distant past, a rich vein of limestone was discovered in and around the Subject Property. After that discovery, mining operations began to grow in the area. Currently, there are 3 active mining operations within roughly a two-mile radius of the Subject Property. As such, this portion of the City of Tulsa has become a significant source of regional limestone for use in construction. These mining activities have been further bolstered by increased demand due to depletion of other mining resources in the area to the point that this area of Tulsa is now the primary provider of limestone for construction in Tulsa and Oklahoma City as well as other places within the region.

SPECIAL EXCEPTION

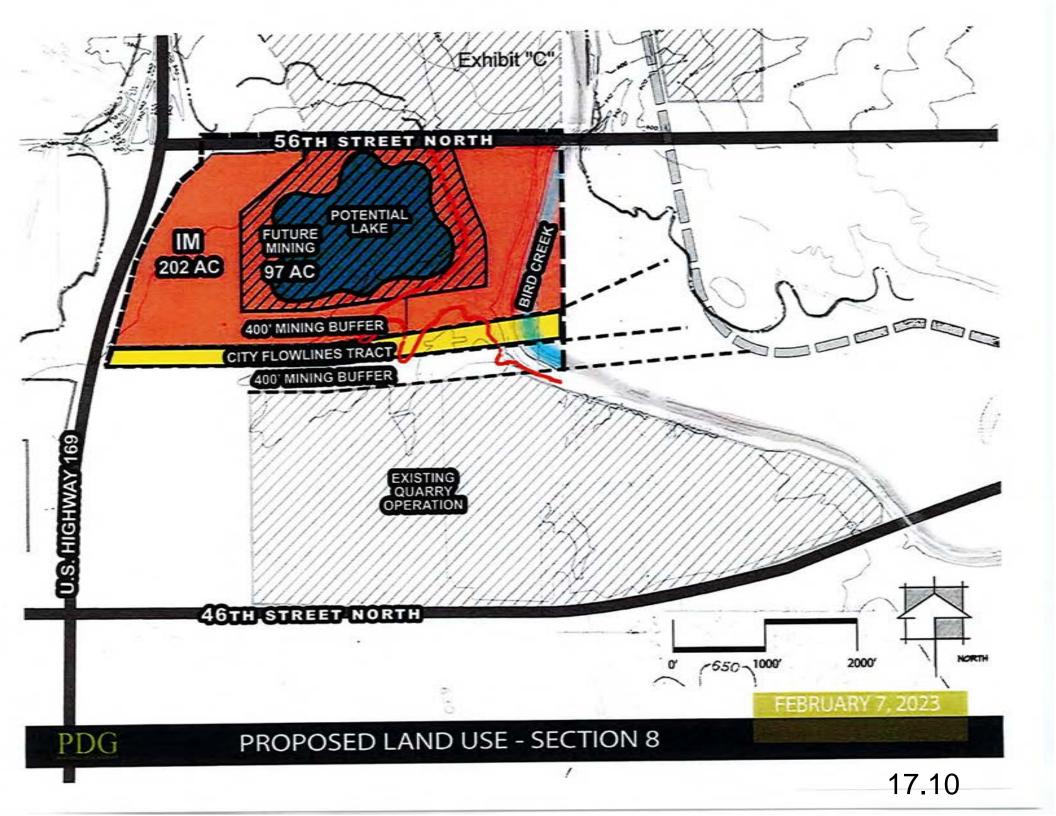
The proposed mining use referenced above is only allowed Special Exception within IM and IH Districts under the City of Tulsa Zoning Code. As the Subject Property is to be partial used for moderate industrial uses along the Highway 169 corridor and frontage, the Applicant proposes to rezone the Subject Property to IM to accommodate this moderate industrial use along the Highway 169 frontage and then follow with a Special Exception to allow the additional use of "Mining or Mineral Processing" in the area hash marked on Exhibit "C" with the remainder of the property to be IM uses without the Mining or Mineral Processing use. This request represents the minimal amount of relief necessary to accomplish the proposed uses outlined in this application. As referenced above, this would allow for additional access to a vital natural resource that is necessary for construction in Oklahoma as well as continued warehouse and similar industrial uses along the Highway 169 frontage consistent with other developments already in progress and completed (such as Costco).

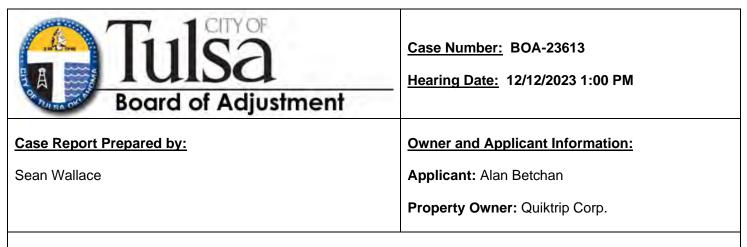
EXHIBIT "A"

(Legal Description)

A TRACT OF LAND LYING IN THE NORTH HALF (N/2) OF SECTION EIGHT (8), TOWNSHIP TWENTY (20) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT:

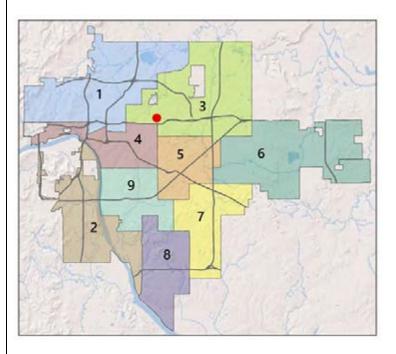
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION EIGHT (8); THENCE N88°44'19"E AND ALONG THE NORTH LINE OF SAID SECTION EIGHT (8) FOR A DISTANCE OF 2442.21 FEET; THENCE S01°15'41"E FOR A DISTANCE OF 59.85 FEET TO THE POINT OF BEGINNING; THENCE N88°45'00"E FOR A DISTANCE OF 198.03 FEET; THENCE N01°24'14"W FOR A DISTANCE OF 10.00 FEET; THENCE N88°44'17"E FOR A DISTANCE OF 1359.86 FEET; THENCE S88°23'58"E FOR A DISTANCE OF 91.33 FEET; THENCE S19°56'00"E FOR A DISTANCE OF 613.62 FEET; THENCE S24°04'04"E FOR A DISTANCE OF 396.59 FEET; THENCE S07°04'38"E FOR A DISTANCE OF 220.73 FEET; THENCE S00°00'00"E FOR A DISTANCE OF 401.74 FEET; THENCE S81°41'11"W FOR A DISTANCE OF 1972.65 FEET;. THENCE S88°39'25"W FOR A DISTANCE OF 753.23 FEET; THENCE N01°24'14"W FOR A DISTANCE OF 1105.00 FEET; THENCE N48°09'00"E FOR A DISTANCE OF 923.73 FEET; THENCE N01°35'18"W FOR A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 96.63 ACRES MORE OR LESS ^{6433024.1}





Action Requested: Variance to permit a dynamic display sign to exceed 48 square feet (Sec. 60.080-E);

Location Map:



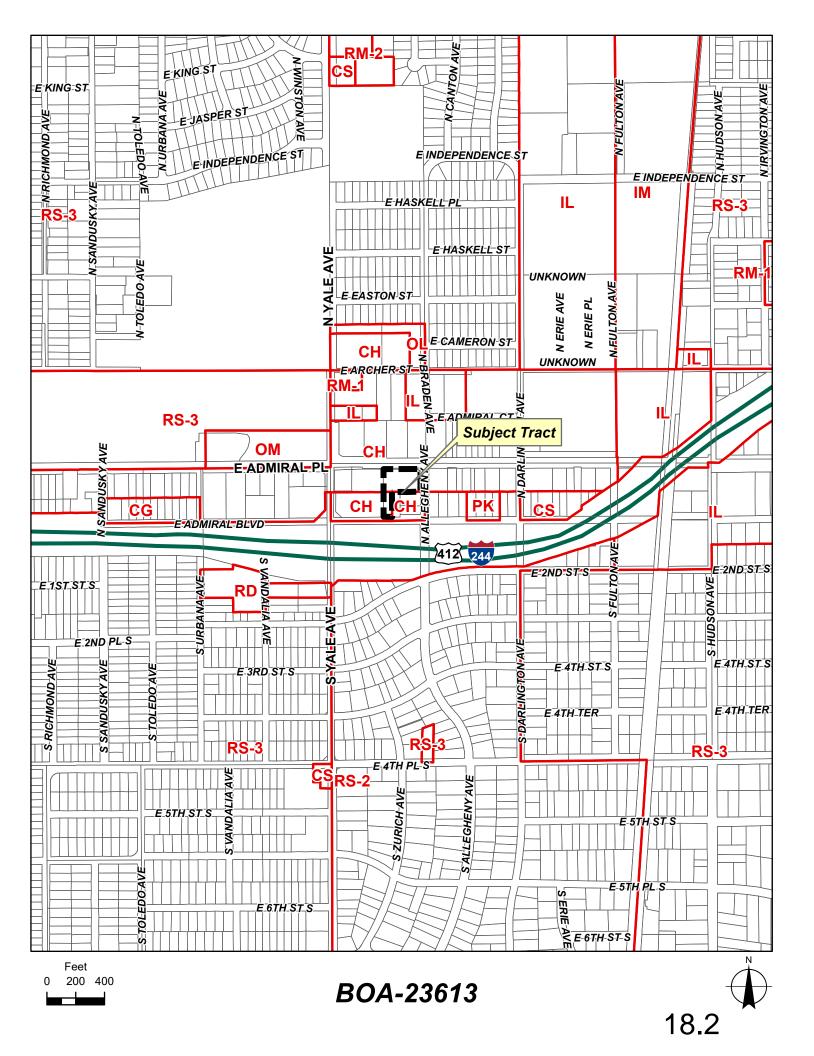
Additional Information:

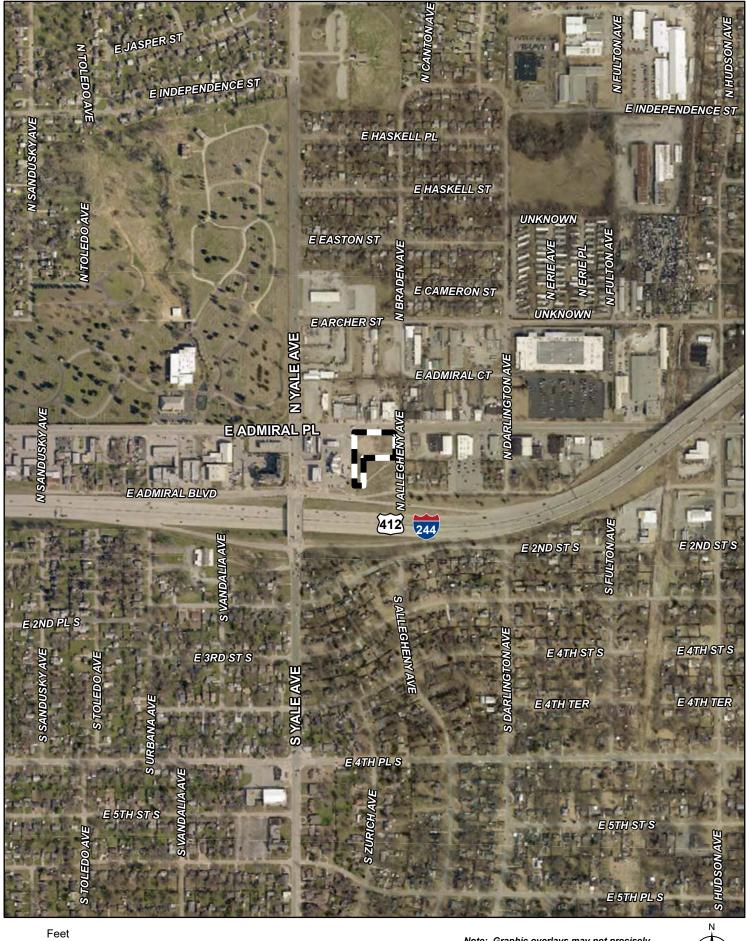
Present Use: Convenience Store

Tract Size: 1.16 acres

Location: 4948 E. Admiral Pl.

Present Zoning: CH





0 200 400



BOA-23613

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

Aerial Photo Date: 2021

18.3



STR: 9303 **CD:** 3

Case Number: BOA-23613

HEARING DATE: 12/12/2023 1:00 PM

APPLICANT: Alan Betchan

ACTION REQUESTED: Variance to permit a dynamic display sign to exceed 48 square feet (Sec. 60.080-E);

LOCATION: 4948 E. Admiral Pl.

ZONED: CH

PRESENT USE: Convenience Store

TRACT SIZE: 50614.23 SQ FT

LEGAL DESCRIPTION: Lot 2 Block 1, QUIKTRIP NO 0007 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 "Multiple-Use."

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:

Please describe how your hardship meets the following criteria:

1. 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; **Static digital pricing is the industry standard for signage along major highways**.

2. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose; The static nature of the proposed pricer is equivalent to a non-dynamic display.

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 location at the site with respect to the highway and the general character of the use make the case unique among similarly zoned parcels.

4. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner; A literal interpretation of the code will require an outdated mechanical pricer. The code inadvertently captures long term static digital displays in its definition of a dynamic display.

5. That the variance to be granted is the minimum variance that will afford relief; Allowing a digital pricer of 192 square feet affords the minimum relief available.

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 static nature of the display will not significantly impact surrounding properties.**

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." The static nature of the sign is substantially similar to the signage specifically authorized by the code.

STAFF ANALYSIS: Applicant is requesting a variance to allow a dynamic display sign of 192 sq ft.

60.080-E Dynamic Displays on On-premise Wall, Projecting and Freestanding Signs

A maximum of one of the on-premise wall signs, projecting signs or freestanding signs allowed on a lot in a mixed-use, commercial or industrial zoning district may include a dynamic display. The dynamic display may not exceed the maximum sign area allowed for the respective sign type or 48 square feet, whichever is less. The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall, projecting or freestanding sign, but rather is counted as part of the maximum area of the wall, projecting or freestanding sign. Only one, contiguous dynamic display is allowed on a wall, projecting or freestanding sign face. Off-premise outdoor advertising signs that incorporate a dynamic display are subject to the dynamic display regulations of <u>Section 60.100</u>.



(subject property)

Sample Motion:

Move to ______ (approve/deny) a dynamic display sign to exceed 48 square feet.

- 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;

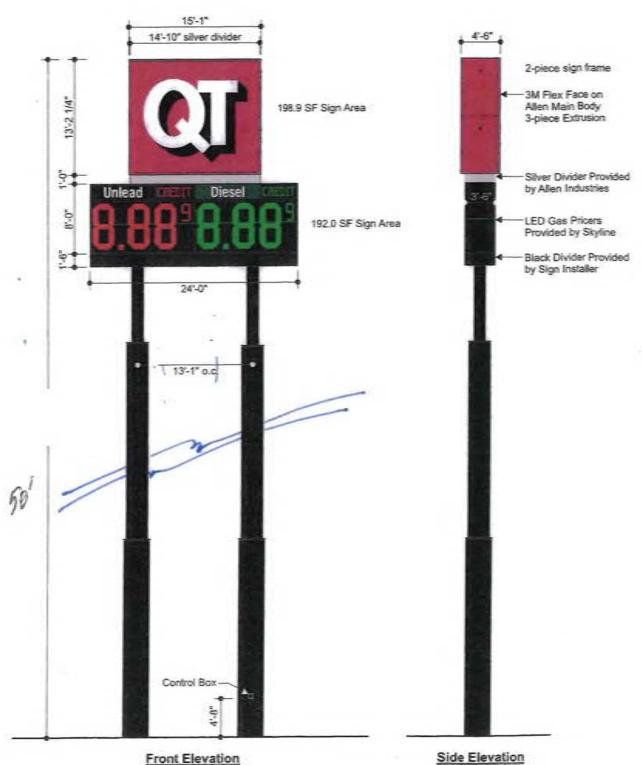
c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

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."



Scale: 3/32* = 1'-0*

TCHR15-ELSSP-CC **High Rise Sign**

- QT Logo
- Silver Fabricated Aluminum Divider
- Two (2) Product LED Gas Price Sign • 390.9 Square Feet Sign Area
- Notes: 1.) Engineering provided by QT.
- 2.) Steel supports provided by QT.

Color Specifications



Regarding Fabrication Fit & Finish of All QT Signs: · Visible fabrication seams and welded joints are to be sanded smooth, filled and finished to QT specifications. · Any visible fasteners are to be countersunk and have

- painted heads.
- · Face retainers must fit flush and have even, minimal seams.
- . Any variation from this directive must be brought to the attention of the QT Quality Control Manager without delay.







Item #QT-TCHR15-ELSSP-CC

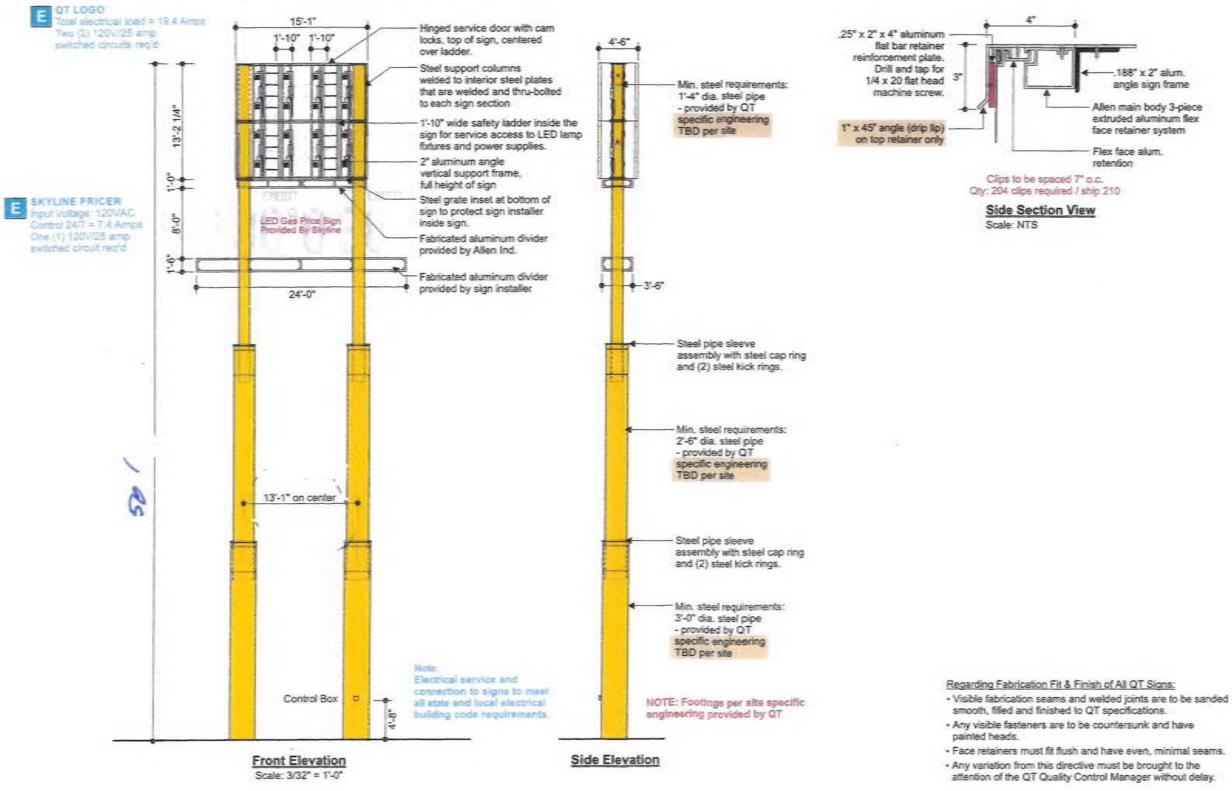
Project Information Client QuikTrip Location

Various

Sales House	Design CT	Project Manager James Gentry
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connection with the project being planned to you by Alex Industries, Inc. and is not to be shown to anyone outside your organization, nor used, reproduced, copied or exhibited in any fashion whatsoever. The designs shown on the drawing jescept for any registered trademarks that may belong to a dient of Allen Industries, Inc.) remain the property of Alen industries, Inc.







Construction Details



Item #QT-TCHR15-ELSSP-CC

Client QuikTrip		
Location Various		
File QT-TCHR1	5-ELSSP-CO	18
Sales House	Design CT	Project Manager James Gentry
Date / De		
10208000 8	ssue Date	

Client Review Status

Aler Industries, Inc. requires that an "Mapproved" drawing be obtained from the dient prior to any production release or production release evision.

Approved

Title

18.9

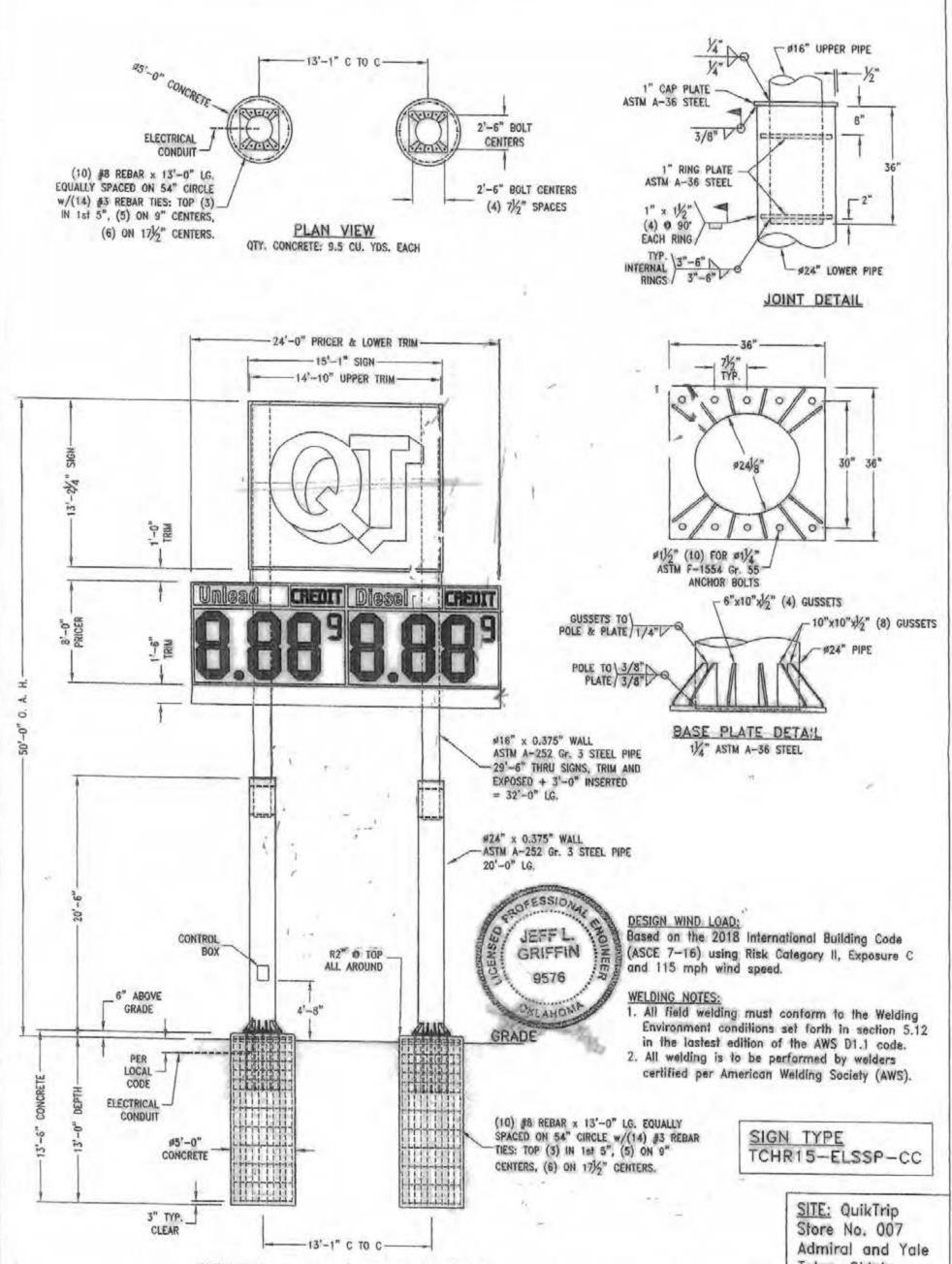
Approved Revise & Resubmi

Declaration

Copyright © 2019 Allen Industries, Inc.

This is an original, unpublished drawing, created by Allen Industries, Inc. This drawing is submitted to you in confidence for your use solely in connection with the project being planned for you by Allen Industries, Inc. and is not to be shown to anyone outside you organization, nor used, reproduced, copied or exhibited in any fashion whatsoever. The designs shown on the drawing (except to any registend tademarks that may belong to a client of Allen industries, Inc.) remain the property of Allen Industries, Inc.



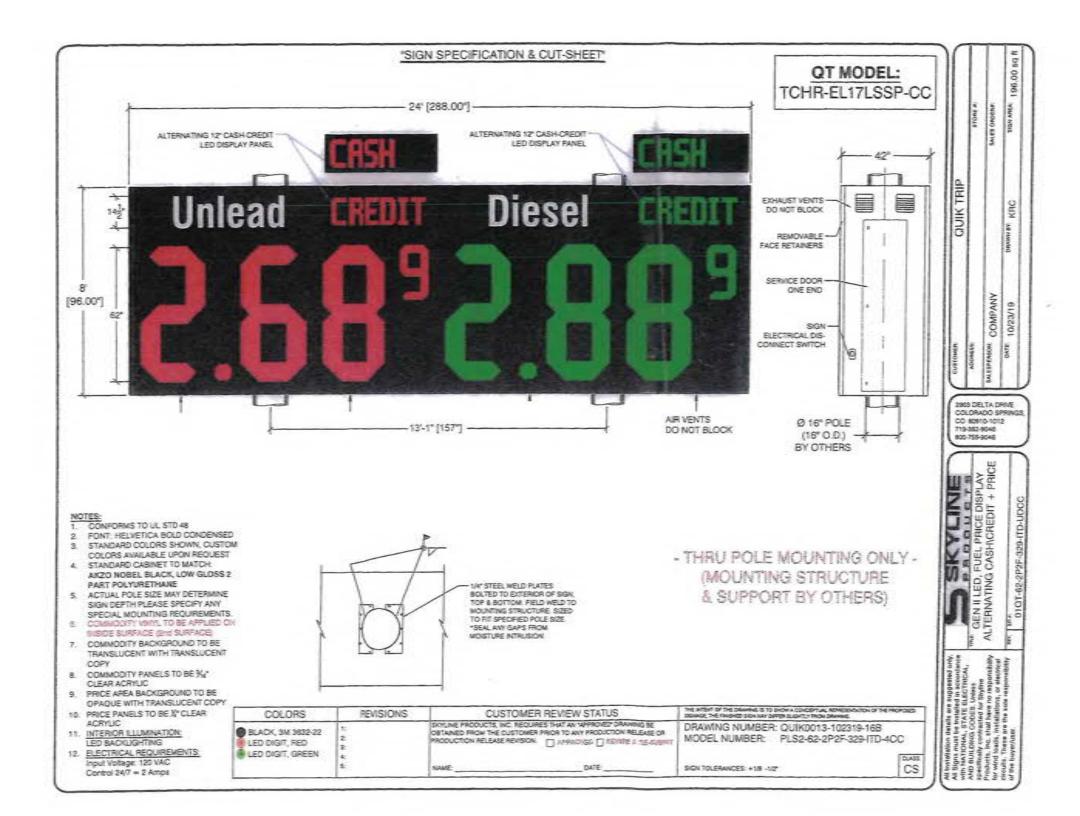


ELEVATION VIEW w/CAISSON FOOTINGS

FOUNDATION DESIGN NOTES:

- Concrete shall have a minimum compressive strength of 4000 PSI at 28 days.
 Reinforcing steel shall be ASTM A-615 Grade 60.
- Footings designed using soil bearing forces of 2500 PSF Static, 3325 PSF Dynamic and 215 PSF per foot Lateral based on soil conditions found in GFAC Engineering, Inc. Project No. 2014002-2 geotechnical report dated September 22, 2015.
- 4. Anchor bolts shall be ASTM F-1554 Gr. 55 steel.

$14R \times 13'-0"$ LG. EQUALLY 54" CIRCLE w/(14) #3 REBAR 1) IN 1st 5", (5) ON 9" 1) ON 17 $\frac{1}{2}$ " CENTERS.		<u>N TYPE</u> IR15-ELS	SP-C	c
· · · · · · · · · · · · · · · · · · ·		<u>SITE:</u> Qu Store No Admiral Tulsa, O	and Y	
A 08 May 23 RELEASED FOR PER		J. HOGA		
REV DATE	DESCRIPTION		1.0	APPROVED
Robert-James 12255 West 187th Street phone: 708-479-8385 fax	S & A , Mokena : 708–479–8	llinois 60448- 395 email: rjaž	15, In 19737 1970comcas	C.
Robert-Jame: 12255 West 187th Street phone: 708-479-8385 fax	S & A , Mokena : 708-479-8 ALL HEI ID ANI	llinois 60448- 395 email: rja3 GHT TWIN	9737 9737 578camcas	C. t.net



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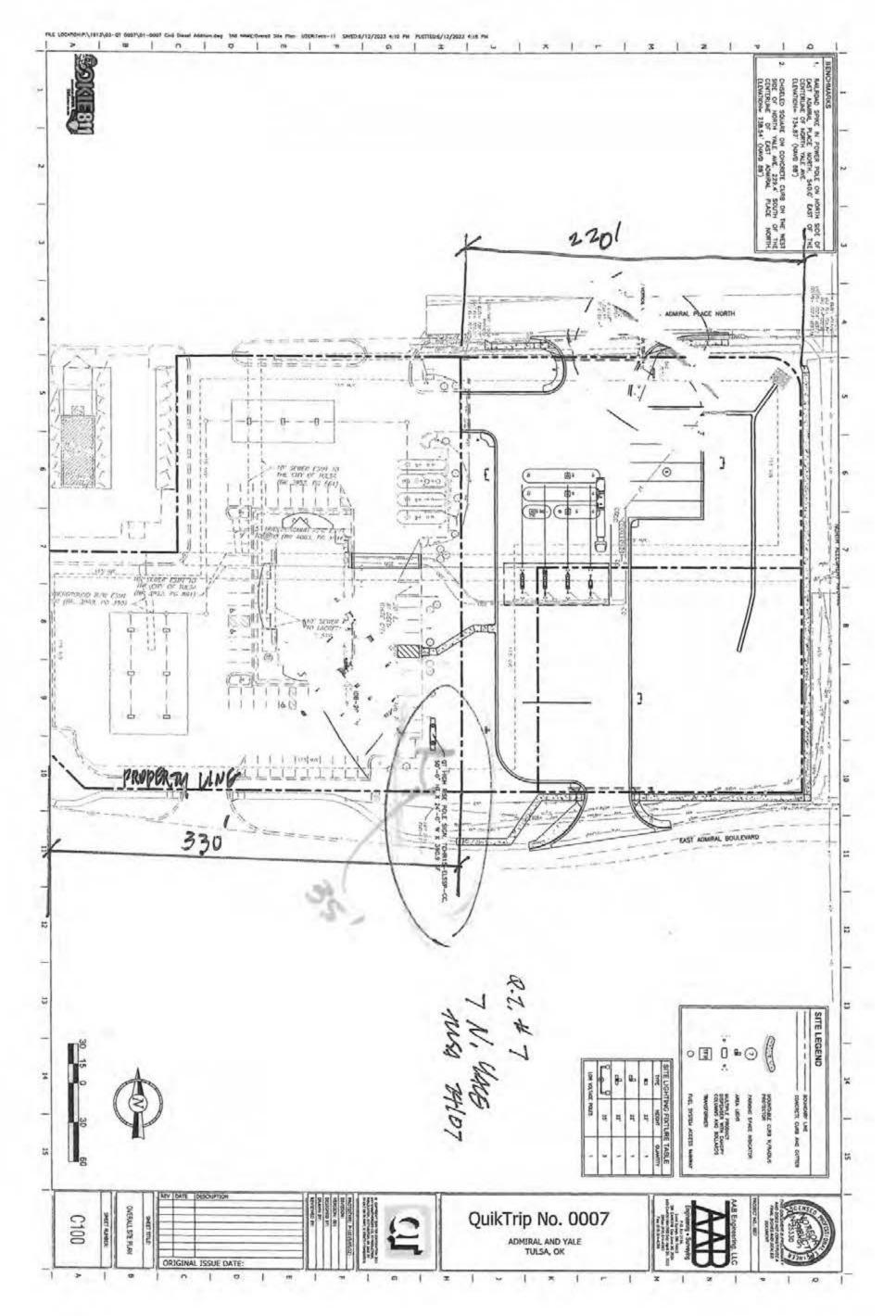


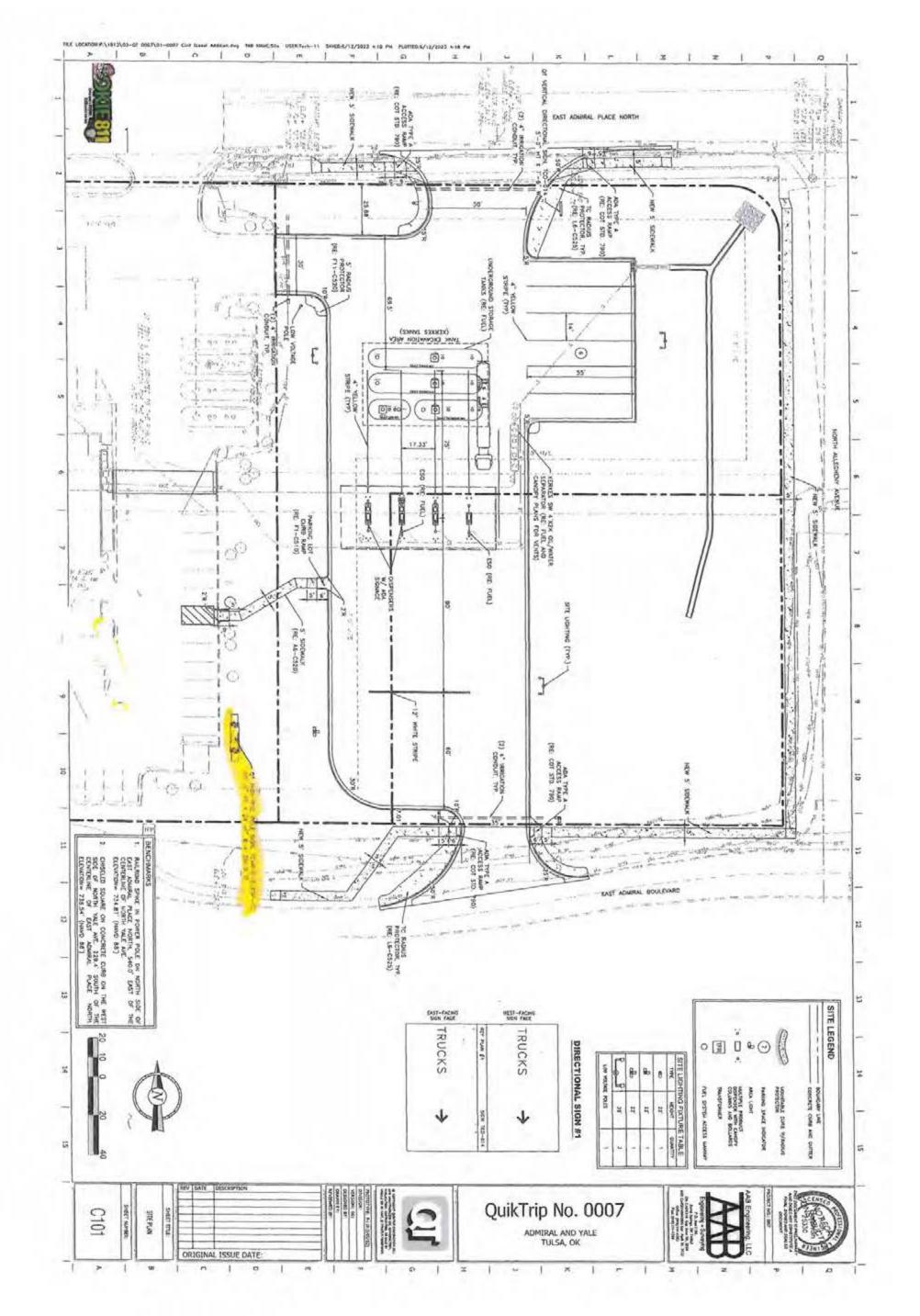
Item #Q7	TCHR15-E	LSSP-CC
Project In	nformation	and the second second
Client		
QuikTrip		
Various		
File QT-TCHR1	5-ELSSP-CC	
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Copyright © 20 This is an original, uno	ublished drawing case	the Alex Industries Inc.
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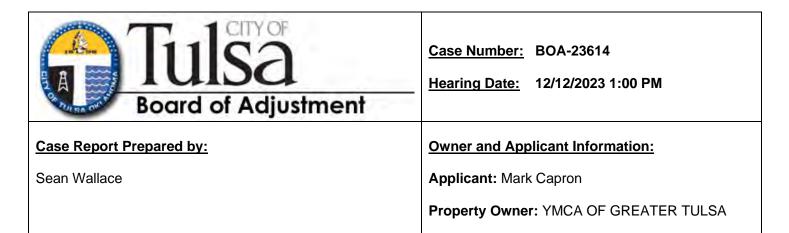
Allen Industries

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1-800-967-2553 www.allenindustries.com

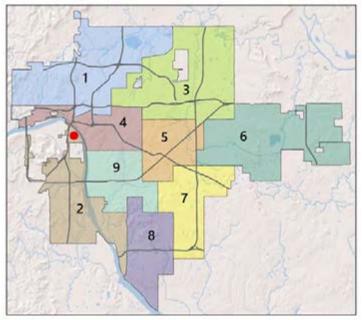






<u>Action Requested</u>: Special Exception to permit a Large Assembly and Entertainment Use (greater than 250-person capacity) in the CH District (Sec. 15.020, Table 15-2)

Location Map:



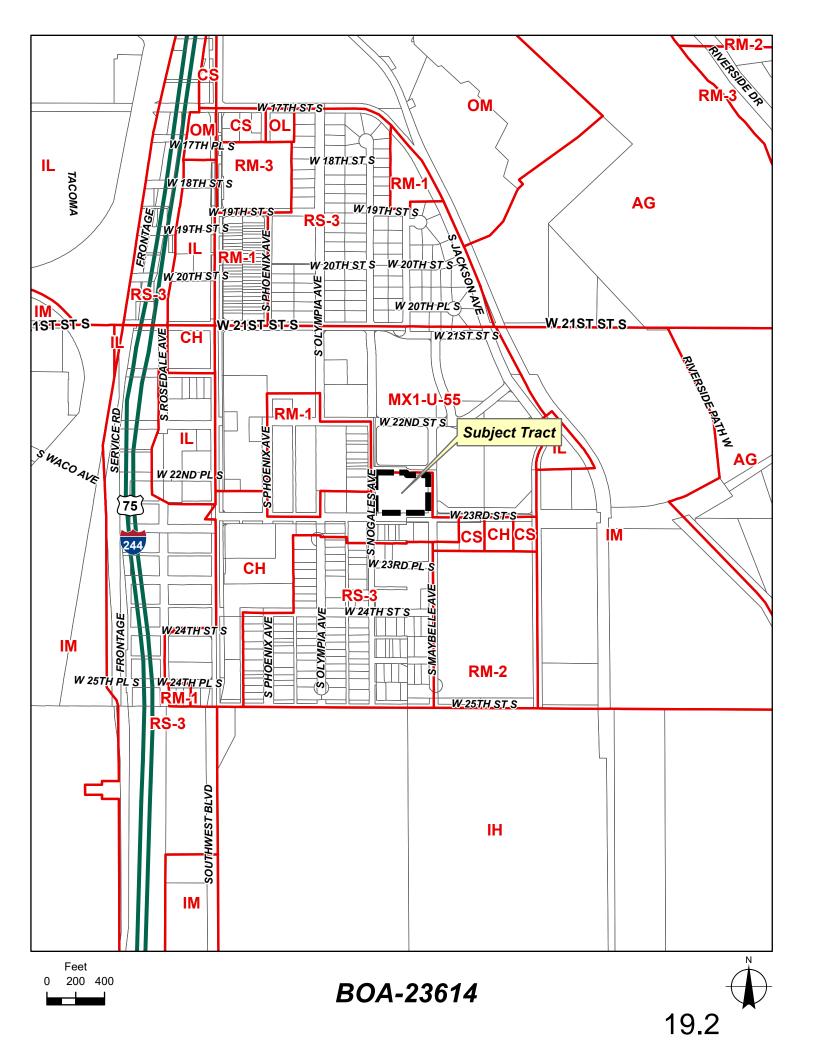
Additional Information:

Present Use: Vacant

Tract Size: 2.29 acres

Location: 909 W. 23rd St. S

Present Zoning: CH







BOA-23614

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



Aerial Photo Date: 2021

19.3



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



Aerial Photo Date: 2021

STR: 9214 **CD:** 2 Case Number: BOA-23614

HEARING DATE: 12/12/2023 1:00 PM

APPLICANT: Mark Capron

ACTION REQUESTED: Special Exception to permit a Large Assembly and Entertainment Use (greater than 250-person capacity) in the CH District (Sec. 15.020, Table 15-2).

LOCATION: 909 W. 23rd St. S

ZONED: CH

PRESENT USE: Vacant

TRACT SIZE: 99552.43 SQ FT

LEGAL DESCRIPTION: See attached.

RELEVANT PREVIOUS ACTIONS: None.

<u>RELATIONSHIP TO THE COMPREHENSIVE PLAN</u>: The Tulsa Comprehensive Plan identifies the subject property as "Multiple Use."

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:

Assembly and Entertainment uses are described in the Tulsa Zoning Code as follows:

Uses that provide gathering places for participant or spectator recreation, entertainment or other assembly activities. Assembly and entertainment uses may provide incidental food or beverage service. Typical uses include gun clubs, shooting ranges, health clubs, gymnasiums, riding stables and academies, banquet halls, entertainment centers, event centers, billiard centers, bowling centers, cinemas, go-cart tracks, laser tag, paintball, miniature golf courses, stadiums, arenas, video arcades, race-tracks, fairgrounds, rodeo grounds, water parks, amusement parks, food truck courts, and live theaters. Outdoor seating and dining areas that exceed 50% of the indoor floor area of the subject principal use (e.g., bar, restaurant or indoor assembly and entertainment use) are regulated as an outdoor assembly and entertainment use.



(subject property)

SAMPLE MOTION:

Move to ______ (approve/deny) a Special Exception to permit a Large Assembly and Entertainment Use (greater than 250-person capacity) in the CH 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.



ARCHIFFECTS

.....

Anne & Henry Zarrow YMCA

1









GH2 ARCIHITECTS

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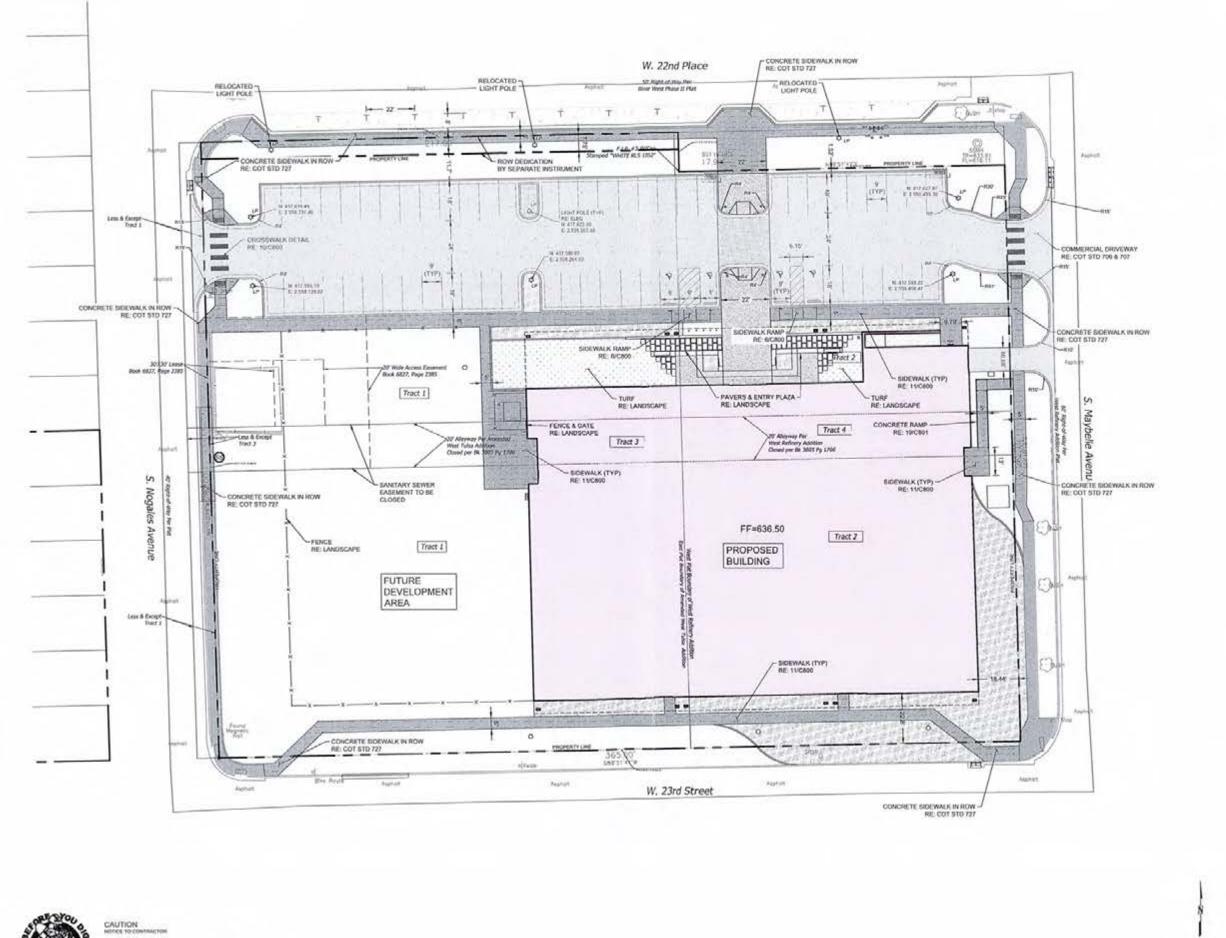








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ANNE & HENRY ZARROW YMCA BOO WEST 22RD STREET TULSA. OK 74107
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BOA SPECIAL EXCEPTION EXHIBIT 19.16

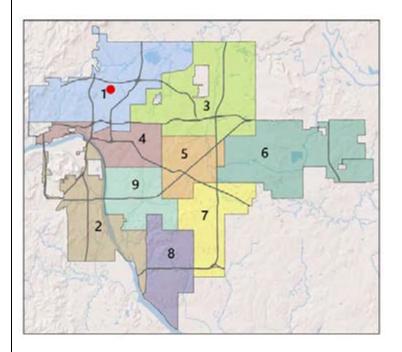
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Y-16

Tulsa Board of Adjustment	Case Number: BOA-23616 Hearing Date: 12/12/2023 1:00 PM
Case Report Prepared by:	Owner and Applicant Information:
Sean Wallace	Applicant: Nathan Cross
	Property Owner: Zebra Development LLC

<u>Action Requested</u>: Special Exception to expand a previously approved self-storage facility in the CS district (Sec. 15.020, Sec.15.020)

Location Map:



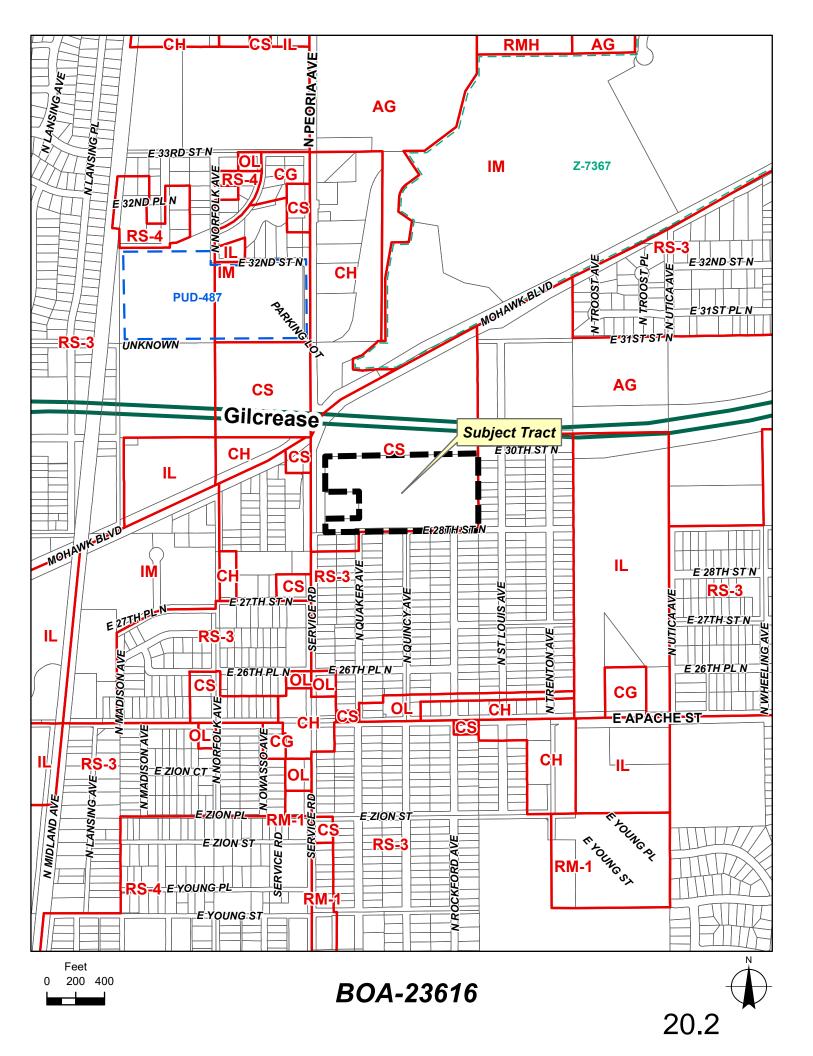
Additional Information:

Present Use: self-storage

Tract Size: 11.42 acres

Location: 2817 N. Peoria Ave.

Present Zoning: CS





Feet 0 200 400



BOA-23616

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



Aerial Photo Date: 2021

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



Aerial Photo Date: 2021 20.4

BOARD OF ADJUSTMENT CASE REPORT

STR: 0319 **CD:** 1

Case Number: BOA-23616

HEARING DATE: 12/12/2023 1:00 PM

APPLICANT: Nathan Cross

<u>ACTION REQUESTED</u>: Special Exception to expand a previously approved self-storage facility in the CS district (Sec. 15.020, Sec.15.020)

LOCATION: 2817 N. Peoria Ave.

ZONED: CS

PRESENT USE: Self-storage

TRACT SIZE: 497653.26 SQ FT

LEGAL DESCRIPTION: See attached

RELEVANT PREVIOUS ACTIONS:

BOA-22401: Feb, 2018, Board APPROVED a Special Exception to allow a self-storage facility in a CS zoned district.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as "Multiple Use."

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.

<u>STAFF ANALYSIS</u>: The applicant is seeking to expand an existing self-storage facility. The self-storage facility is only allowed by Special Exception in the CS district.

Section 40.360 Self-Service Storage Facilities 40.360-A General

 The general provisions of this section apply to all self-service storage facilities. A screening fence or masonry wall is required along all lot lines that abut R- or AG-R- zoned lots. Required screening fences and walls must be at least 8 feet in height. If buildings are masonry, the building wall can serve as the screening wall, provided that any open spaces between perimeter buildings are screened with a masonry screening wall at least 8 feet in height. The screening fence/wall requirements of this section do not apply to climatecontrolled self-storage buildings in which self-storage spaces are accessed only from within the building.

40.360-C CS District

In the CS district, no outdoor (open-air) storage of any kind is allowed that is visible at ground level from abutting R, O, or AG-R districts or from any street rights-of-way.



(subject property)



(subject property)

SAMPLE MOTION:

Move to ______ (approve/deny) a special exception to expand a previously approved self-storage facility in a

CS District. • 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. abutting R, O, or AG-R districts or from any street rights-of-way.



EXHIBIT "A"

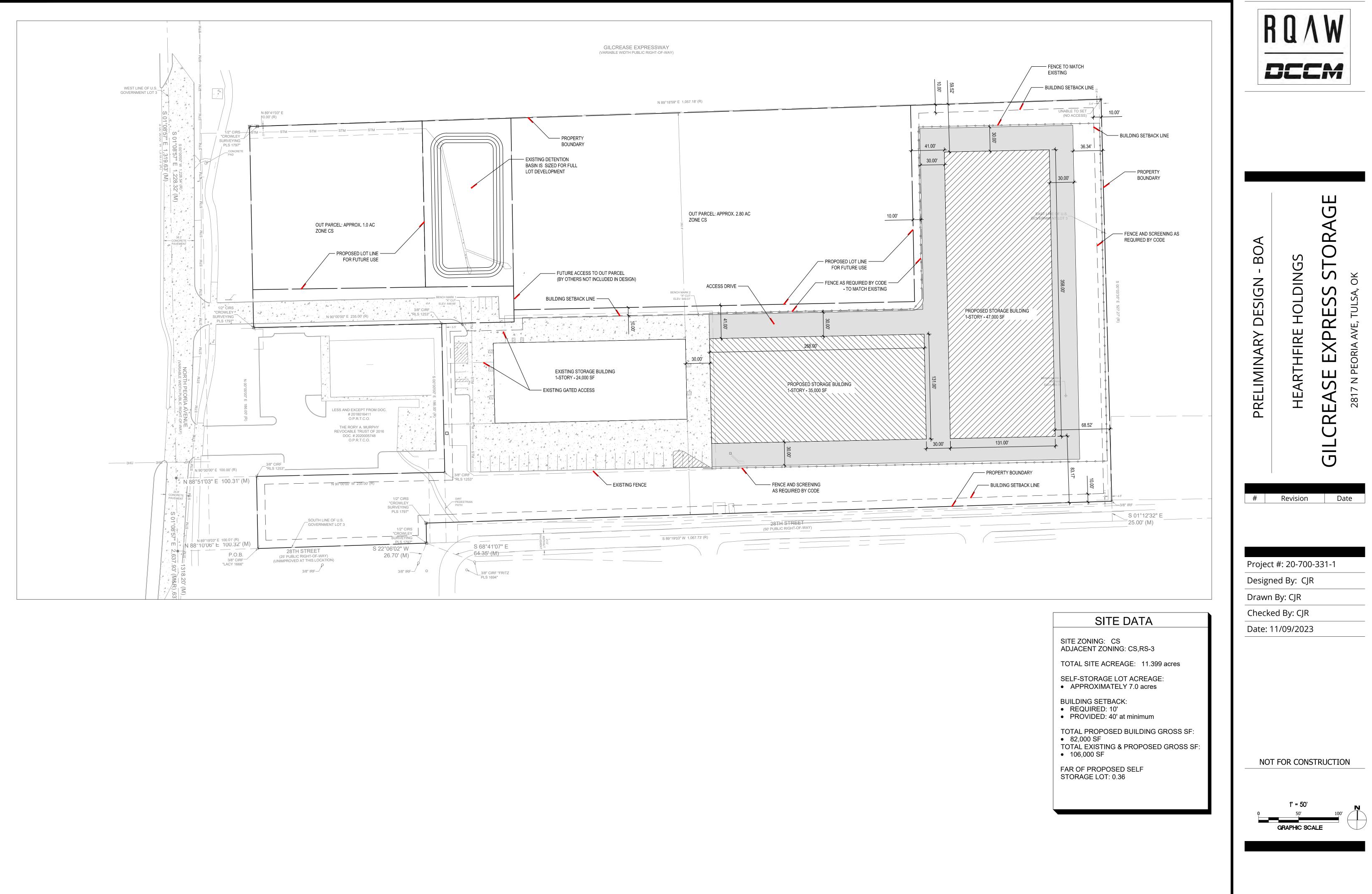
SW/4), in Section Nineteen (19), Township Twenty (20) North, Range Thirteen (13)East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, being more particularly described as follows:

Commencing at the Northwest corner of U.S. Government Lot Three (3), also being the West Quarter corner of Section Nineteen (19), Township Twenty (20) North Range Thirteen (13) East of the Indian Meridian, a chiseled "X"; thence South $00^{\circ}00'00''$ West along the West line of the SW/4 of Section Nineteen (19) a distance of 1319.73 feet to the Southwest corner of U.S. Government Lot Three (3); thence North 89°19'03" East along the South line of U.S. Government Lot Three (3) a distance of 100.01 feet to a point that is 100.00 feet measured perpendicular from the West line of the SW/4 of Section Nineteen (19), being the East Right of Way for Peoria Avenue, the Point of Beginning; thence North 00°00'00" East along the East Right of Way for Peoria Avenue a distance of 527.32 feet; thence North 89°41'03" East along the East Right of Way for Peoria Avenue, a distance of 10.00 feet; thence North 89°18'59" East along the South Right of Way for "Gilcrease Expressway", a distance of 1057.18 feet to the East line of U.S. Government Lot Three thence South 00°03'35" East along the East line of U.S. Government Lot Three (3) a distance of 527.27 feet to the Southeast corner of U.S. Government Lot Three (3); thence South 89°19'03" West along the South line of U.S. Government Lot Three (3) a distance of 1067.73 feet to the POINT OF BEGINNING.

LESS AND EXCEPT:

Commencing at the Northwest corner of U.S. Government Lot Three (3), also being the West Quarter corner of Section Nineteen (19), Township Twenty (20) North, Range Thirteen (13) East of the Indian Meridian, a chiseled "Y"; thence South 00°00'00" West along the West line of the SW/4 of Section Nineteen (19), a distance of 1228.54 feet; thence North 90°00'00" East a distance of 100.00 feet to the East Right- of-Way for Peoria Avenue, the Point of Beginning; thence North 00°00'00" East along the East Right-of-Way for Peoria Avenue a distance of 186.00 feet; thence North 90°00'00" East a distance of 235.00 feet; thence South 00°00'00" West a distance of 186.00 feet; thence South 90°00'00" W a distance of 235.00 feet to the POINT OF BEGINNING.

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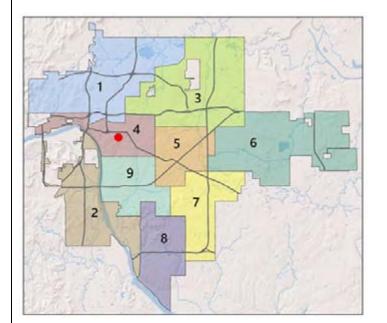




Tulsa Board of Adjustment	<u>Case Number:</u> BOA-23617 <u>Hearing Date:</u> 12/12/2023 1:00 PM		
Case Report Prepared by:	Owner and Applicant Information:		
Sean Wallace	Applicant: Harry Bjornberg		
	Property Owner: Brosis Enterprises LLC		

<u>Action Requested</u>: Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-B); Variance to allow more than 30% coverage by an Accessory Dwelling Unit in the rear setback in the RS-3 District (Section 90.090-C); Variance to allow a detached Accessory Dwelling Unit to exceed one story or 18 feet in height and to exceed 10 feet in height to the top of the top plate in the rear setback (Section 90.090-C).

Location Map:



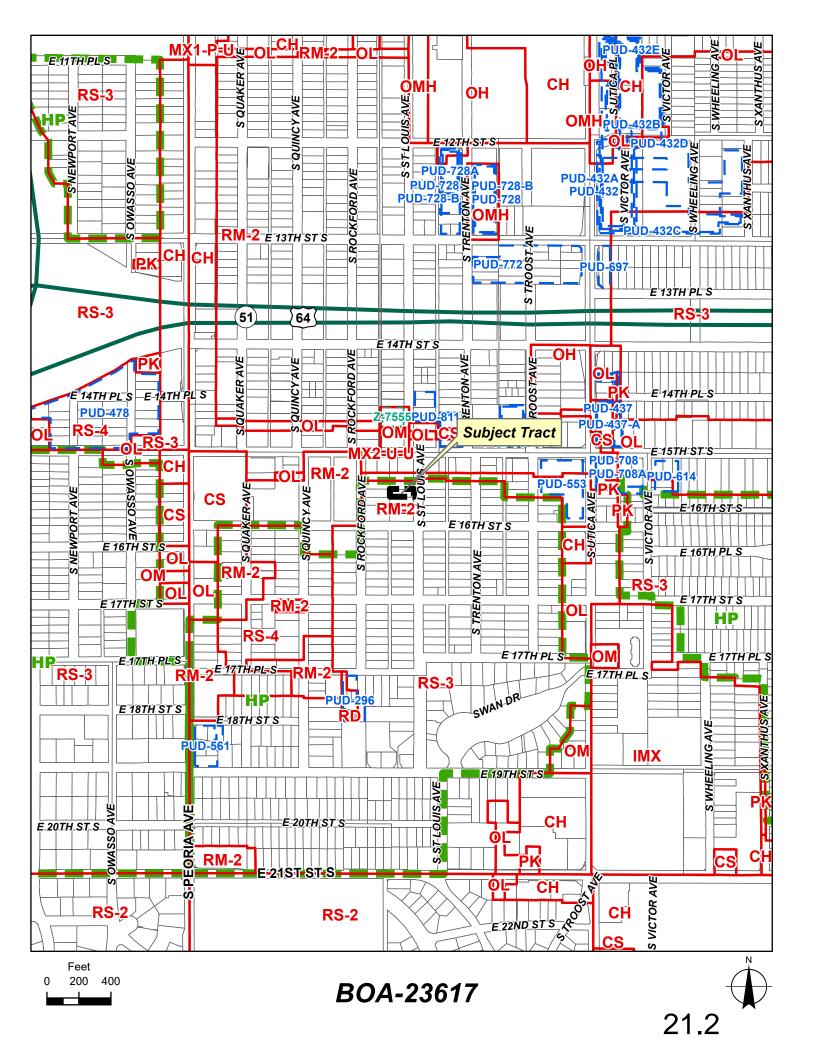
Additional Information:

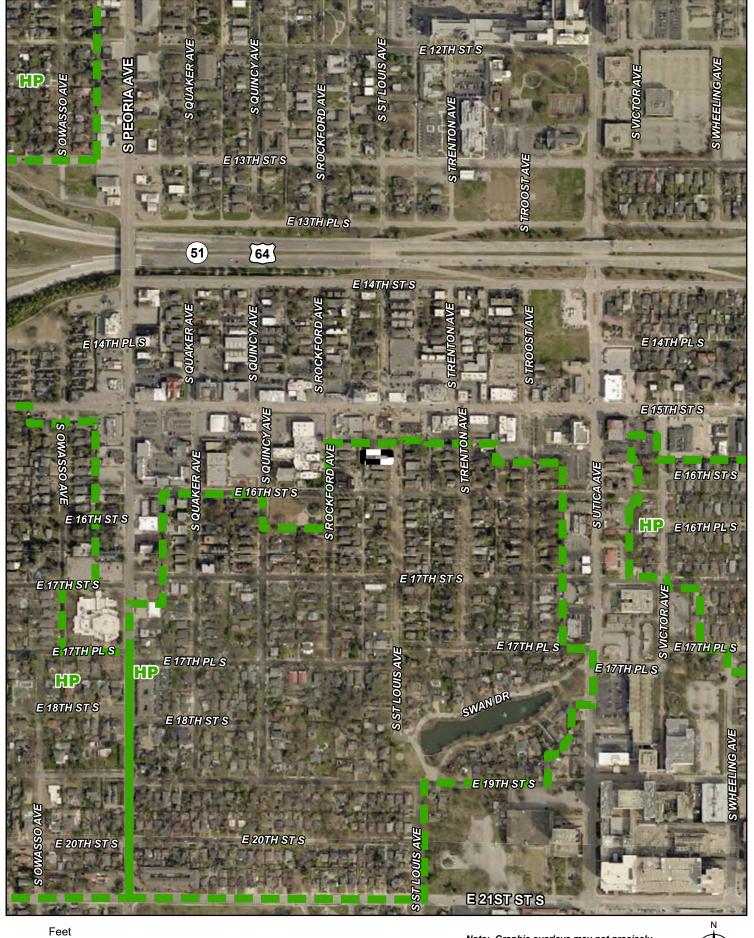
Present Use:

Tract Size: 0.18 acres

Location: 1520 S. St. Louis Ave. E

Present Zoning: RS-3



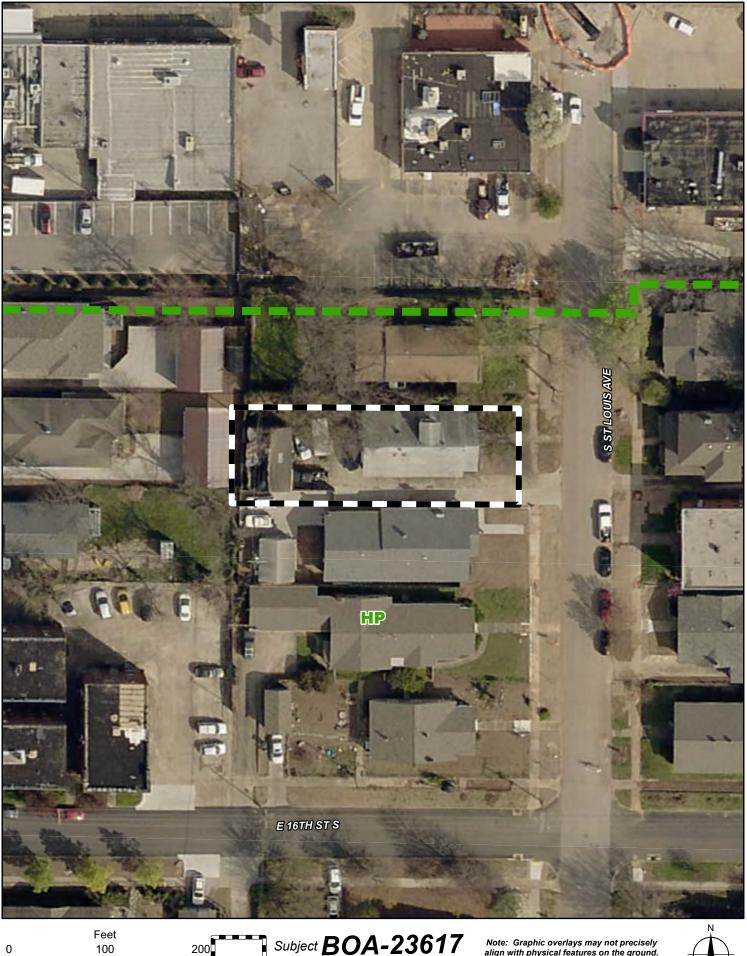


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BOA-23617 Note: Graphic overlays may not precisely align with physical features on the ground. Aerial Photo Date: 2021

21.3



Subject **BOA-23617** Tract

200

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

Aerial Photo Date: 2021 21.4 **STR:** 9307 **CD:** 4

Case Number: BOA-23617

HEARING DATE: 12/12/2023 1:00 PM

APPLICANT: Harry Bjornberg

ACTION REQUESTED: Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-B);Variance to allow more than 30% coverage by an Accessory Dwelling Unit in the rear setback in the RS-3 District (Section 90.090-C); Variance to allow a detached Accessory Dwelling Unit to exceed one story or 18 feet in height and to exceed 10 feet in height to the top of the top plate in the rear setback (Section 90.090-C).

LOCATION: 1520 S. St. Louis Ave. E

ZONED: RS-3

PRESENT USE: garage

TRACT SIZE: 8002 SQ FT

LEGAL DESCRIPTION: LT 5 BLK 5 & 10 FT VAC ALLEY, ORCUTT ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS: None.

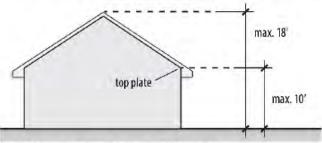
<u>RELATIONSHIP TO THE COMPREHENSIVE PLAN</u>: The Tulsa Comprehensive Plan identifies the subject property as "Neighborhood."

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, or Region

STAFF ANALYSIS: The applicant is requesting a Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-B; 45.031.6.a); Variance to allow more than 30% coverage by an Accessory Dwelling Unit in the rear setback in the RS-3 District (Section 90.090-C); Variance to allow a detached Accessory Dwelling Unit to exceed one story or 18 feet in height and to exceed 10 feet in height to the top of the top plate in the rear setback (Section 90.090-C).

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

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



detached accessory building or accessory dwelling unit

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

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

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

The applicant seeks to build a 2-story accessory building that is 21.6-feet in height at its peak (18ft allowed); with a floor area of 1,085 sq ft (allowed 824sq ft) covering 672 square feet (allowed 300sq ft) of the rear setback.



(subject property)

SAMPLE MOTION:

Special Exception:

Move to ______ (approve/deny) a Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D);

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

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

Variance:

Move to _________ (approve/deny) a **Variance** to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6); **Variance** to allow more than 30% coverage by an Accessory Dwelling Unit in the rear setback in the RS-3 District (Section 90.090-C); **Variance** to allow a detached Accessory Dwelling Unit to exceed one story or 18 feet in height and to exceed 10 feet in height to the top of the top plate in the rear setback (Section 90.090-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;

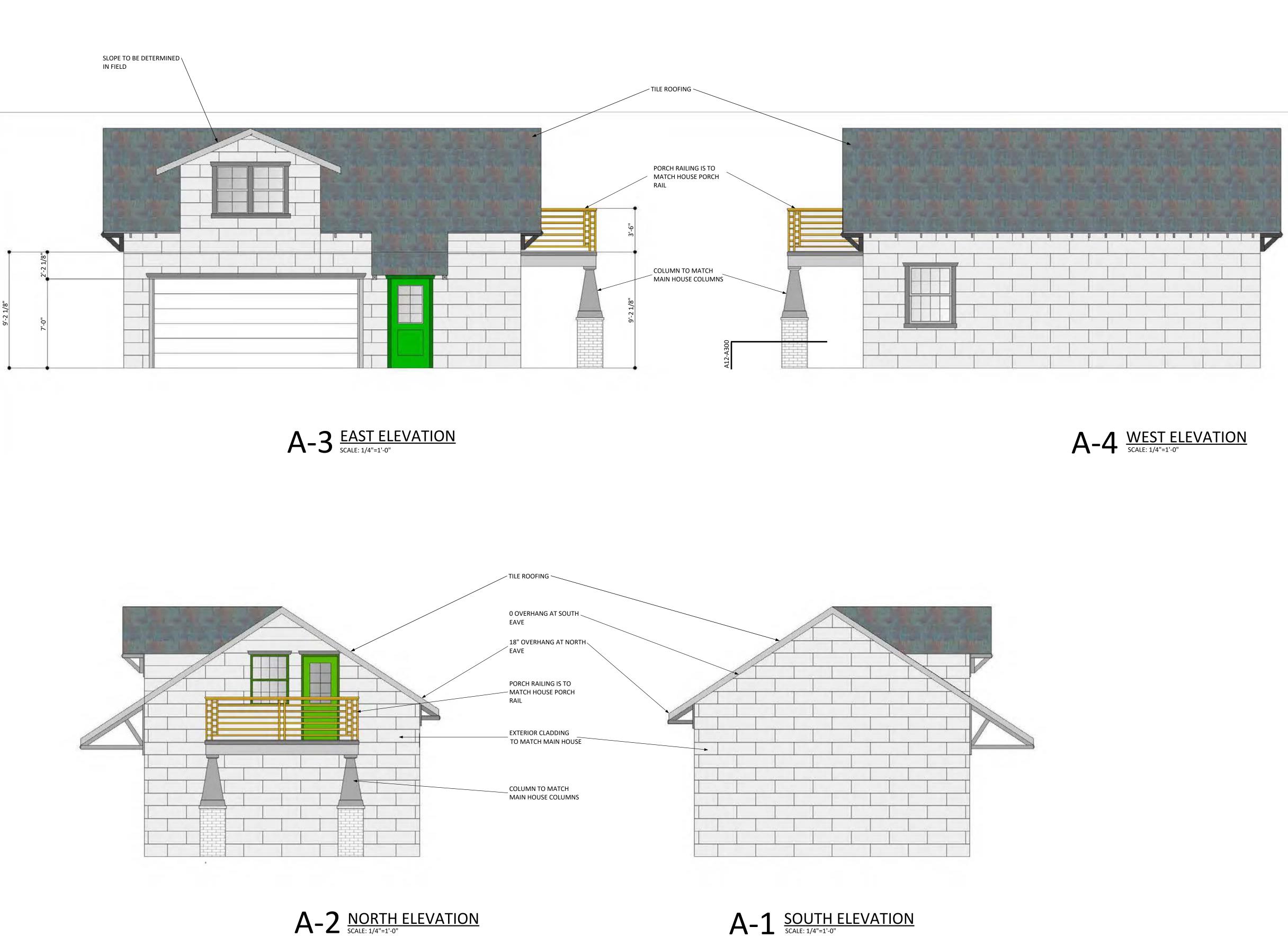
c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

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."



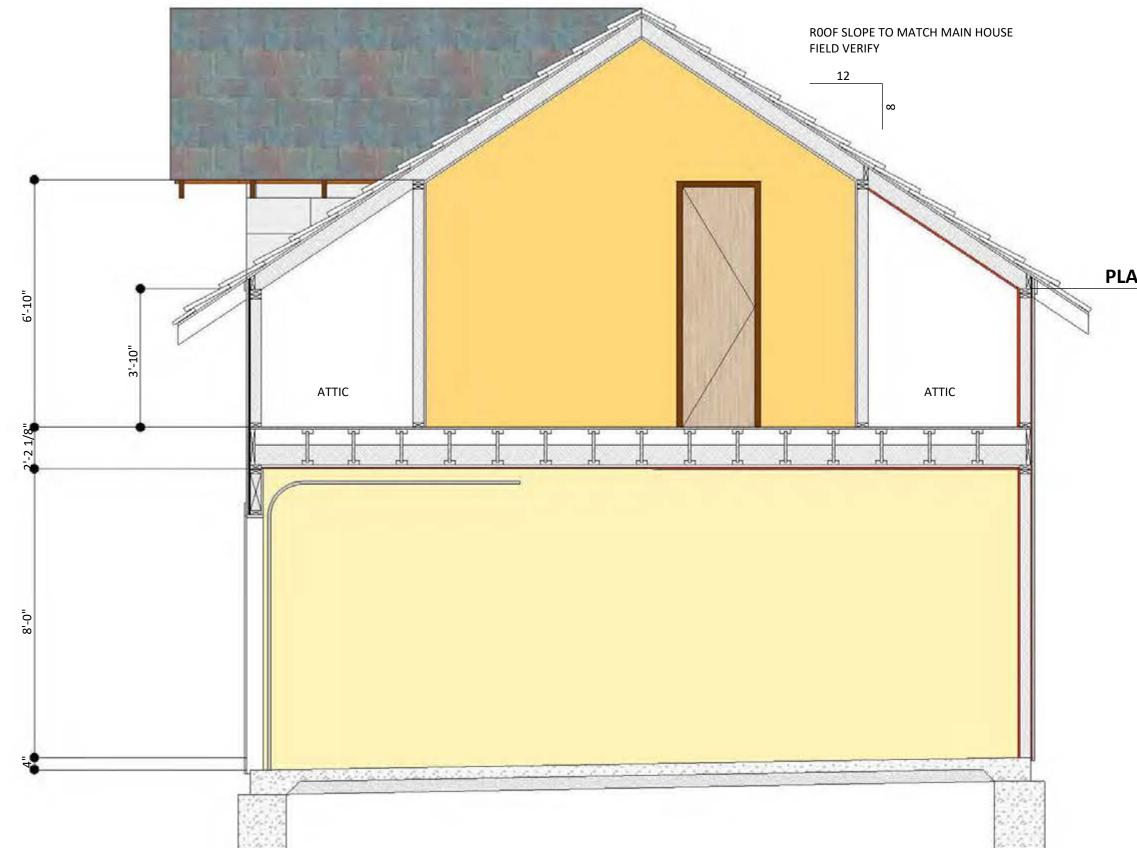
A-1 SOUTH ELEVATION SCALE: 1/4"=1'-0"



REVISIONS	REMARKS					
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A-2 BUILDING SECTION SCALE: 1/2"=1'-0"



EXTERIORCLADDING TO MATCH EXISTING HOUSE

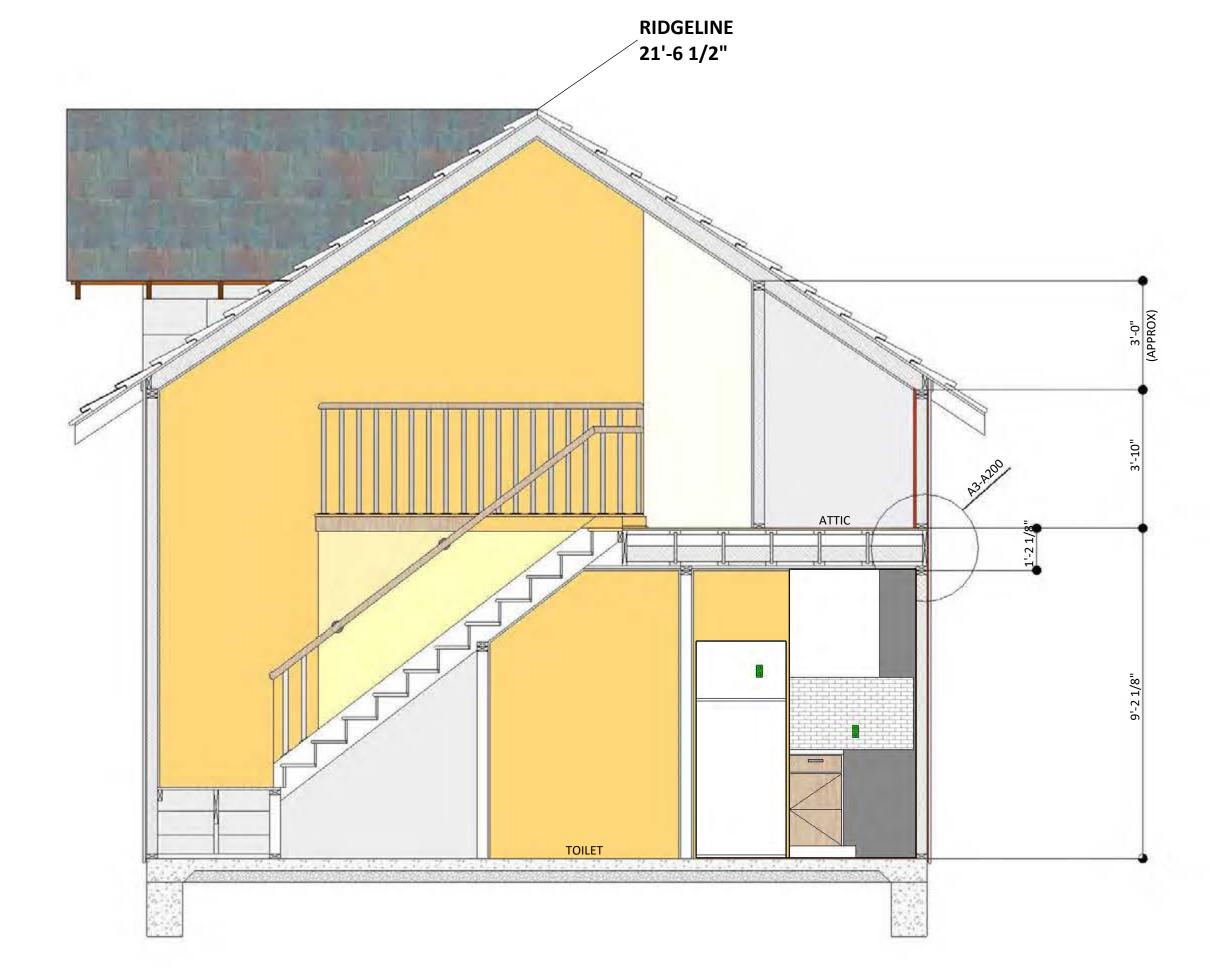
AT EAST AND NORTH WALLS INTERIOR 5/8" GYP BD 🖳 EXTERIOR OSB SHEATHING REFER TO STRUCTURAL DRAWINGS

AT WEST AND SOUTH WALLS INTERIOR 5/8" TYPE X FIRECODE GYP BD EXTERIOR 5/8" TYPE X GYPSUM CORE eXP FIRE SHIELD SHEATHING PLYWOOD FLOORING RE STRUCTURAL 11 7/8" I JOISTS -

> 5/8" GYP BD ON 7/8"/ RESILIENT FURRING CHANNELS

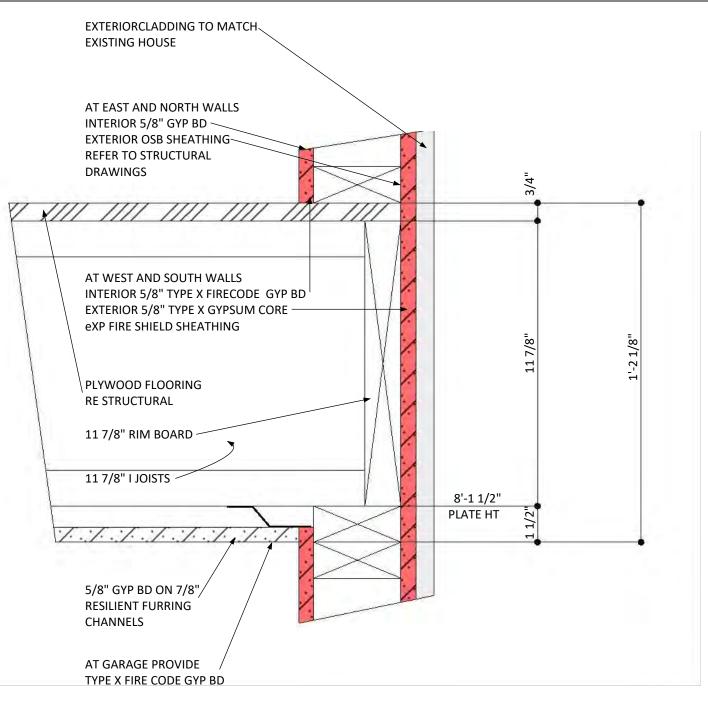
AT GARAGE PROVIDE TYPE X FIRE CODE GYP BD



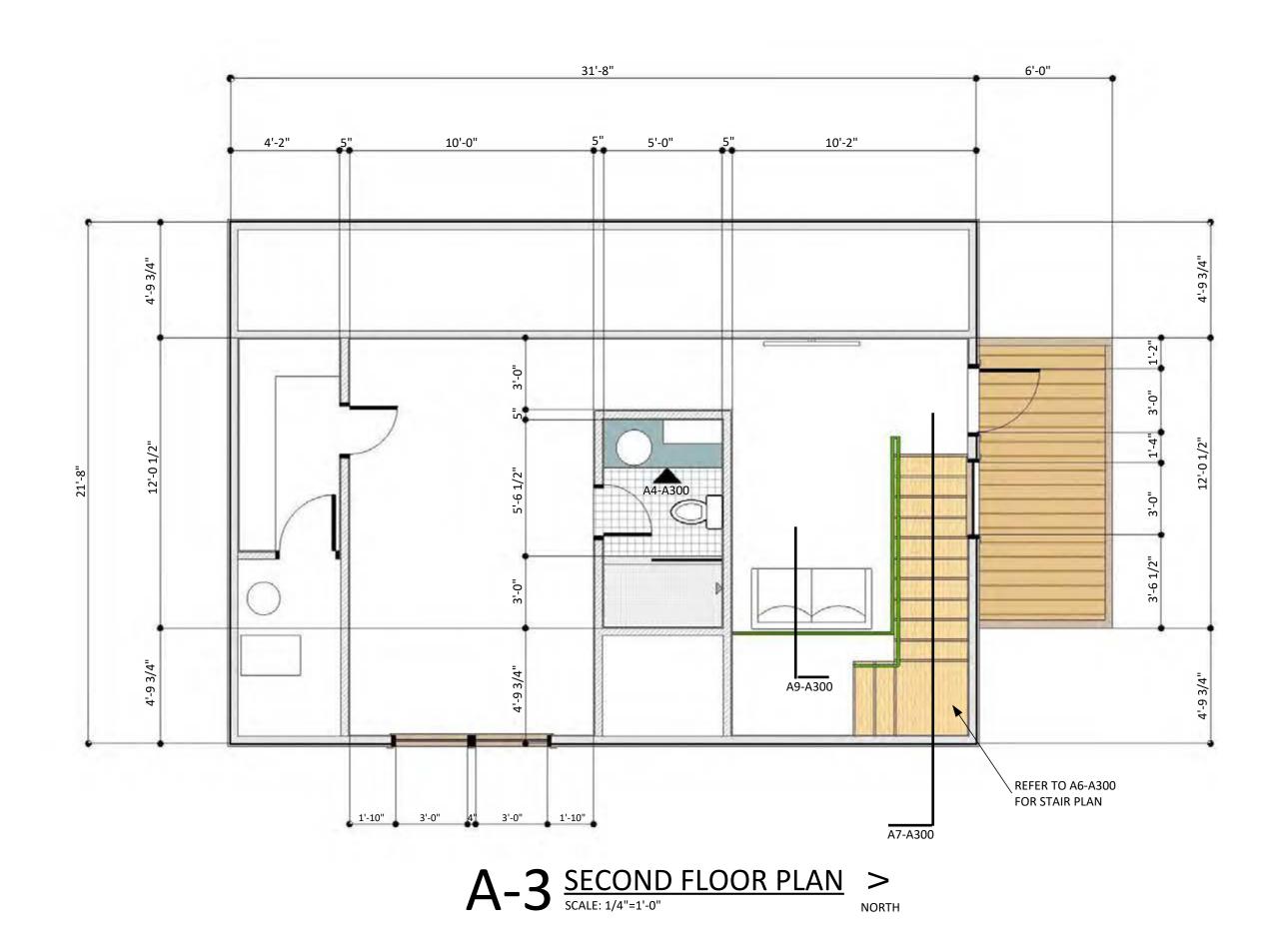


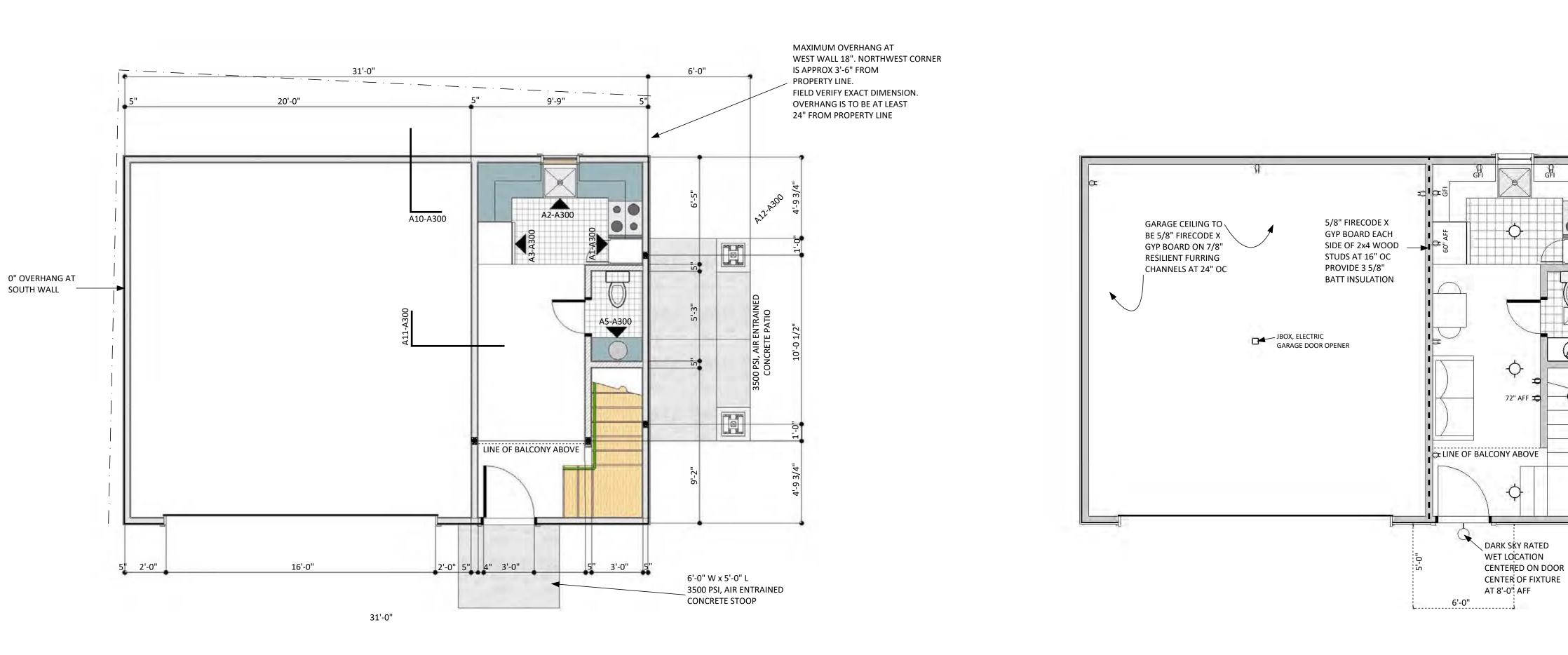
A-1 $\frac{\text{BUILDING SECTION}}{\text{SCALE: 1/2"=1'-0"}}$

PLATE HT - 14'-0 1/8"

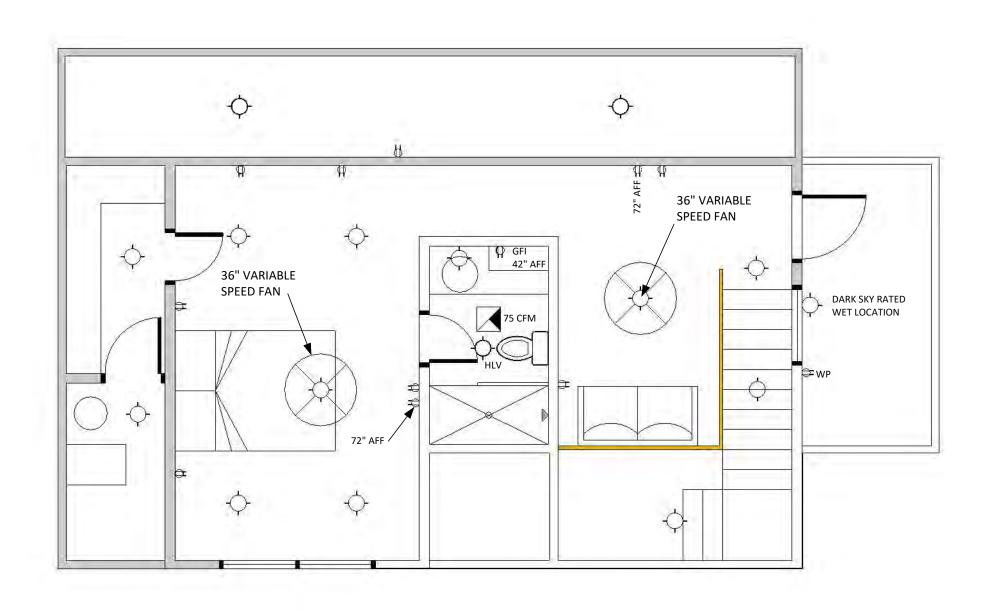






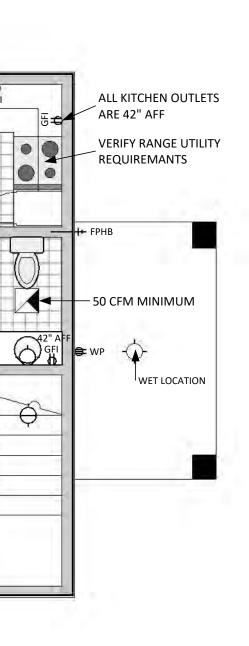


A-2 GROUND FLOOR PLAN >

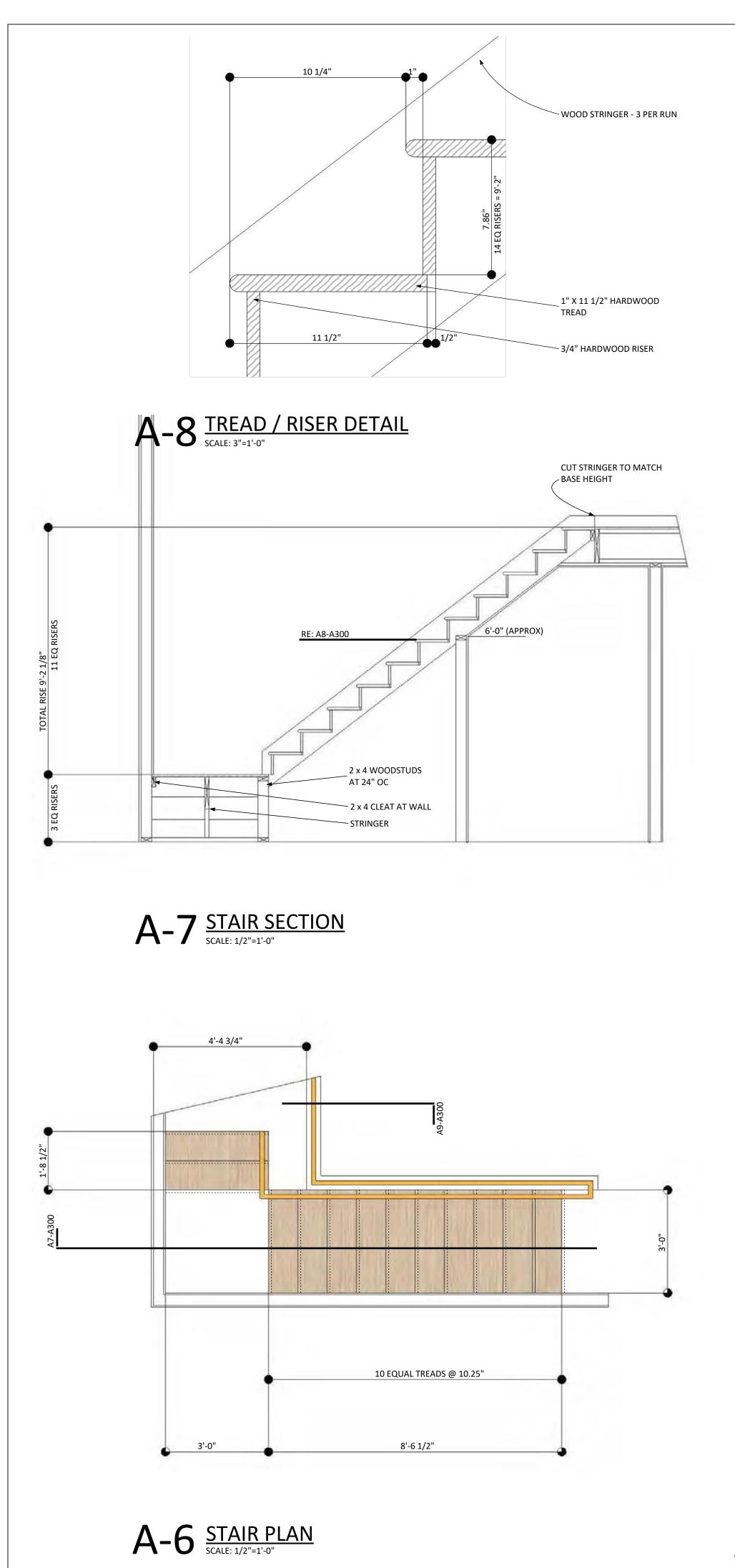


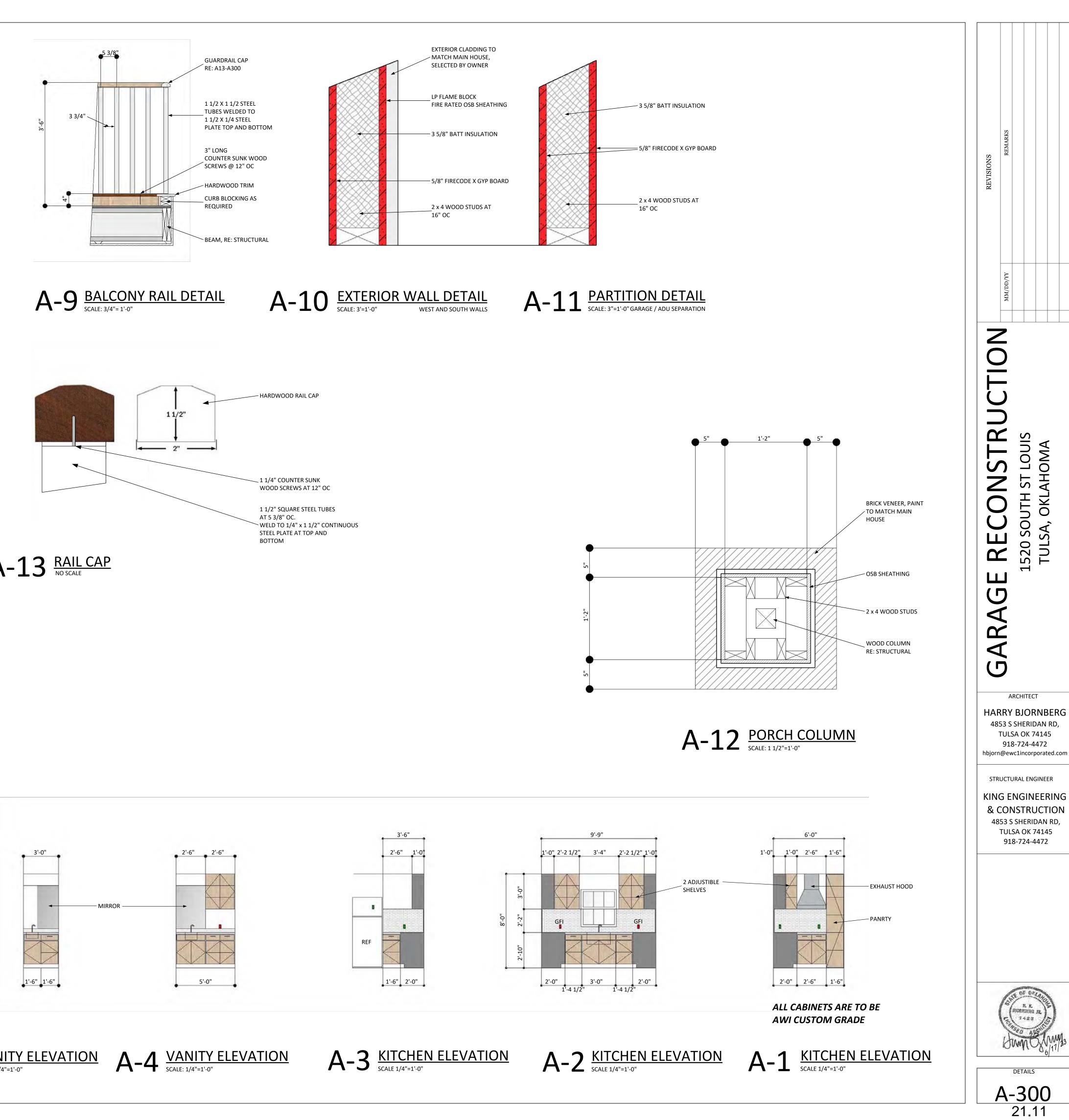
A-4 <u>SECOND FLOOR POWER / LIGHTING</u> >

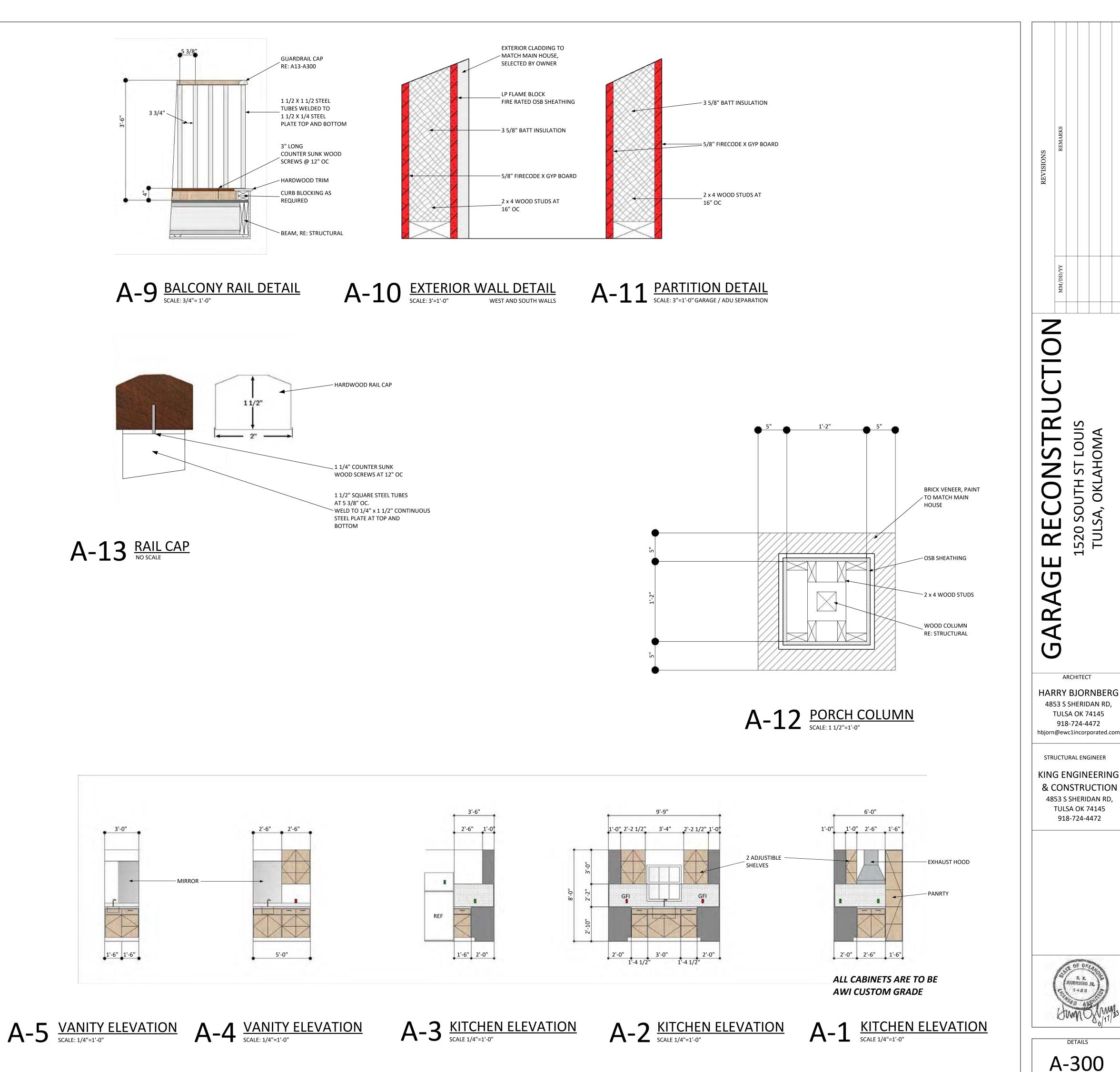
















GARAGE RECONSTRUCTION WITH AN ADU

1520 SOUTH ST LOUIS TULSA, OKLAHOMA

DRAWING INDEX

ARCHITECTURAL

A-000 COVER SHEET

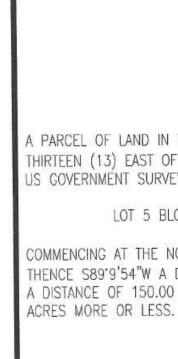
A-100 FLOOR PLAN / CEILING PLAN

A-200 BUILDING ELEVATIONS A-300 DETAILS

A-500 BUILDING SECTIONS

STRUCTURAL

- S-1 FLOOR AND ROOF FRAMING PLAN
- S-2 SECTIONS AND ELEVATIONS S-3 FOUNDATION PLAN AND DETAILS



LINE

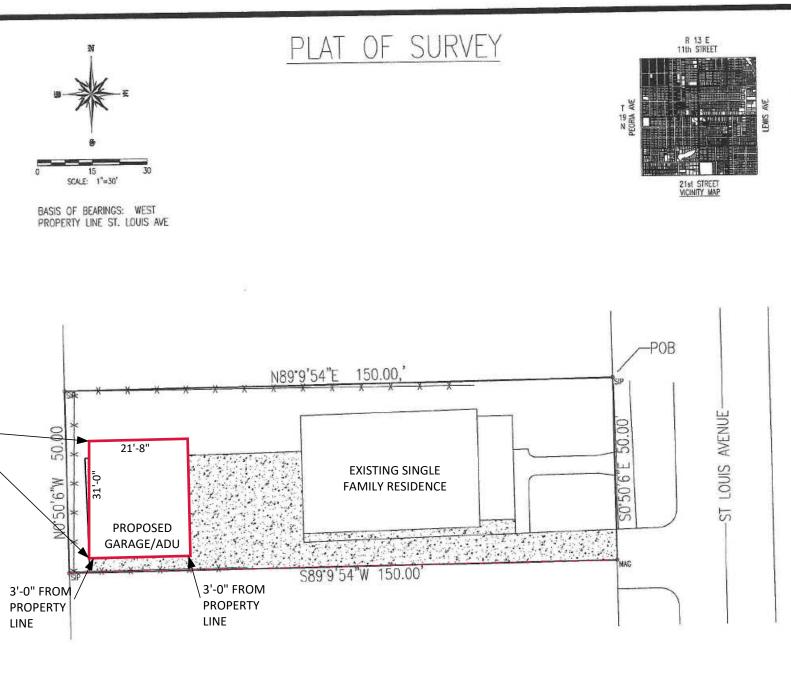
5'-0" FROM 、 PROPERTY

LINE

OWASSO, OK 74055 (918) 645-8392 CA 4454 EXP 6/30/2024

DEMOLISHED GARAGE.

WITH IRC 2018. GARAGE AREA: ADU AREA:



DESCRIPTION

A PARCEL OF LAND IN THE SOUTHWEST QUARTER (SW/4) OF SECTION SEVEN (7), TOWNSHIP NINETEEN (19), RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE US GOVERNMENT SURVEY THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 5 BLOCK 5 AND EAST 10 FEET OF VACATED ALLEY

COMMENCING AT THE NORTHEAST (NE) CORNER OF SAID LOT 5: THENCE SO'50'6"E A DISTANCE OF 50.00 FEET; THENCE S89'9'54"W A DISTANCE OF 150.00 FEET; THENCE NO'50'6"W A DISTANCE OF 50.00 FEET; THENCE N89'9'54"E A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 7,500.00 SQUARE FEET OR 0.17

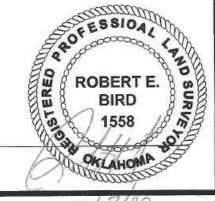
CERTIFICATION

I, ROBERT E. BIRD, A REGISTERED LAND SURVEYOR IN THE STATE OF OKLAHOMA DO HEREBY CERTIFY THAT THE ABOVE PLAT IS TRUE AND A CORRECT REPRESENTATION OF THE SURVEY OF THE ABOVE DESCRIBED PROPERTY AND THAT THIS SURVEY MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROCESSIONAL ENGINEERS AND LAND SURVEYORS. WITNESS MY HAND AND SEAL ON THIS 3rd DAY OF MARCH, 2023.

DATE OF LAST SITE VISIT MARCH 3, 2023.

BIRD SURVEYING & DESIGN, PLLC 9020 NORTH 175TH EAST AVENUE

ROBERT E. BIRD, PE, PLS OK PLS 1558 MARCH 3, 2023



3/7/23

PROJECT DESCRIPTION

THIS PROJECT INCLUDES THE RECONSTRUCTION OF A PREVIOUSLY DEMOLISHED GARAGE WITH THE ADDITION OF AN ACCESSORY DWELLING UNIT (ADU).

THE GARAGE / ADU IS TO BE CONSTRUCTED ON THE ORIGINAL FOOTPRINT OF THE PREVIOUSLY

THE NEW CONSTRUCTION WILL BE IN COMPLIANCE

GARAGE AREA:	444 SF	
ADU AREA:		
GROUND FLOO	R: 220 SF	
SECOND FLOO	<u>R: 421 SF</u>	
ADU TOTAL:	641 SF	
TOTAL AREA:	1,085 SF	
CONSTRUCTION TYPE:	WALLS: 2x	4 WOOD STUDS
	FLOOR: W	OOD I JOISTS WITH
	PL	YWOOD DECKING
	ROOF: W	OOD STICK FRAMING (RESTR'
ADU SEPARATION:	COMPLIES	WITH TABLE 302.6

