

AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, February 14, 2017, 1:00 P.M.

Meeting No. 1177

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of January 10, 2017 (Meeting No. 1175).
2. Approval of **Minutes** of January 24, 2017 (Meeting No. 1176).

UNFINISHED BUSINESS

3. **22167—Lee Wade**
Special Exception to permit a duplex in the CH District (Section 15.020).
LOCATION: North of the NE/c of East 8th Street South and South Peoria Avenue East **(CD 4)**
4. **22190—Tom Neal**
Variance of the required street setback from East 101st Street from 35 feet to 20 feet; Variance of the required street setback from South Joplin Avenue from 15 feet to 5 feet (Section 5.030); Variance of the allowable height of detached accessory buildings from 10 feet to 11 feet to the top of the top plate (Section 90.90-C). **LOCATION:** 5910 East 100th Place South **(CD 8)**
5. **22192—Dennis Tuthill**
Variance to permit the total combined floor area of detached accessory buildings to exceed 750 square feet (Section 45.030-A). **LOCATION:** 8306 East 14th Street South **(CD 5)**
6. **22196—Shane Hood**
Verification of the 300 foot spacing requirement for a bar from public parks, schools, and religious assemblies and 50 feet from an R-zoned lot (Section 40.050). **LOCATION:** West of the SW/c of East 1st Street South and South Elgin Avenue East **(CD 4)**

NEW APPLICATIONS

7. 22197—George Wilson

Amendment of the previously approved site plan in BOA-20368 to permit addition of a storage building. **LOCATION:** 16933 East 21st Street South (CD 6)

8. 22201—Erik Enyart

Special Exception to permit alternative compliance parking ratios to allow an Assembly and Entertainment Indoor/Outdoor facility (sports and performance center) (Section 55.050-K). **LOCATION:** East of the NE/c West 81st Street South & South Elwood Avenue West (CD 2)

9. 22203—AAB Engineering – Alan Betchan

Variance of the open space requirement in an RS-3 District from 4,000 square feet to 3,250 square feet (Section 5.030). **LOCATION:** East of the NE/c of South Quincy Avenue East and East 38th Street South (CD 9)

10. 22204—Jack Arnold

Variance to reduce the street setback from 35 feet to 30 feet (Section 5.030, Table 5-3). **LOCATION:** 2641 East 65th Place South (CD 2)

11. 22206—Home Creations

Variance to permit a 9 foot high masonry wall within the street right-of-way; Special Exception to permit a fence and/or wall height greater than 4 feet within the required street setback of East 41st Street South (Section 45.080-A). **LOCATION:** 14815 East 41st Street South (CD 6)

OTHER BUSINESS
NEW BUSINESS
BOARD MEMBER COMMENTS
ADJOURNMENT

Website: www.cityoftulsa-boa.org

E-mail: esubmit@incog.org

CD = Council District

NOTE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify INCOG (918)584-7526. Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained at Land Development Services, INCOG. The ringing/sound on a cell phones and paggers must be turned off during the Board of Adjustment meeting.

NOTE: This agenda is for informational purposes only and is not an official posting. Please contact the INCOG Office at (918) 584-7526, if you require an official posted agenda.

THIS PAGE

INTENTIONALLY

LEFT BLANK

3.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9306

Case Number: **BOA-22167**

CZM: 37

CD: 4

A-P#: 399448

HEARING DATE: 02/14/2017 1:00 PM

APPLICANT: Lee Wade

ACTION REQUESTED: Special Exception to permit a duplex in the CH district (Section 15.020).

LOCATION: N of the NE/c of E 8th St S and S Peoria Ave **ZONED:** CH

PRESENT USE: Residential

TRACT SIZE: 13,000 SQ FT

LEGAL DESCRIPTION: LT 12-13 BLK 1, EAST LYNN ADDN, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Lot:

BOA 20330; on 09.12.06 the Board approved a variance of parking requirements from 76 to 5; and a variance of the screening requirement for a commercial property from a residential property to permit a restaurant in a CH district.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by CH zoned parking and mixed use residential and commercial on the north; a CH zoned restaurant on the south; and RS-4 zoned residences on the east. The subject site is abutted on the west by S Peoria Ave and mixed use Master Plan Development (Form Based Code) zoning.

STAFF COMMENTS:

The applicant proposes to remodel the existing structure on the subject site and convert it to a duplex. A special exception is required as the proposed duplex is a use which is not permitted by right in the CH district because of potential adverse affect, but which if controlled as to its relationship to the neighborhood and to the general welfare, may be permitted. The subject site is surrounded by a mixture of uses including commercial on the west, multi-family residential on the north, single-family residential to the east and a restaurant on the south.

The code requires that the proposed duplex be located on a single lot that is not occupied by other principal residential buildings which will require that the subject lot be split from the parent tract that contains an apartment complex. As the writing of this case report the applicant has not submitted an application to the TMAPC to split the subject site from the larger tract.

An interested party has requested that the existing curb-cut providing access to the site be removed leaving the streets and sidewalk more welcoming for pedestrian traffic. The 6th Street Infill Plan does recommend that when possible existing alley's (immediately east of the site) be utilized to provide access to parking areas. *"Alleys introduce secondary pathways through neighborhoods. Parking, and many services and utilities can be oriented towards the rear of properties, leaving the streets more hospitable for pedestrians as well as residents and visitors alike. Neighborhoods with alleys don't need to have cars and trucks backing over sidewalks, or street trees "topped" to clear utility wires."* (6th Street Infill Plan, pg. 73)

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use and future development of the subject property is compatible with and non-injurious to the surrounding area.

Sample Motion for a Special Exception:

Move to _____ (approve/deny) a Special Exception to permit a duplex in the CH district (Section 15.020).

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

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.

Presentation:

Nanette Ritter, 6231 East Oklahoma Street, stated her request for a variance is to replace her front porch cover after a tornado damaged the original. The original was in existence for fifteen years. They began construction before obtaining a permit. She informed the Board that her neighbors were in support (Exhibit A-3).

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Dunham**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the front yard requirement from the centerline of a street from 50 ft. to 37 ft – 6 in. to permit a covered porch in an RS-3 District, with condition that the porch not be enclosed, per plan, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

LT 12 BLK 6, MAPLEWOOD ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20330

Action Requested:

Variance of parking requirements from 76 to 5 (Section 1212); and a Variance of the screening requirement for a commercial property from a residential property (Section 1212.C.2) to permit a restaurant in a CH district, located: 643 South Peoria.

Presentation:

Pete Rommel, 5905 South Indianapolis, represented the applicant. They proposed to build a restaurant. He stated the lots are 50 ft. x 130 ft. and it would be hard to meet the current parking requirements. He submitted a site map and letters of support (Exhibits B-1 and B-2). The hours of operation would be 11:00 a.m. to 11:00 p.m., Tuesday through Sunday, and closed on Monday. The capacity seating is 165. The square footage is 7,512 sq. ft.

Comments and Questions:

Ms. Stead questioned Mr. Rommel about the parking spaces. She determined that he would need 76 parking spaces.

Kasey Rideout, 724 South Norfolk Avenue, informed the Board of the support of the neighborhood. She stated they plan to acquire Lot 16 to pave for parking to provide approximately fifteen spaces. She pointed out a public space adjacent to Central Park that is available for parking. She added that the on-street parking will

be helpful also. Ms. Rideout stated that they have obtained verbal and written approval to share parking at locations indicated on a color-coded site plan (Exhibit B-1). The Village at Central Park and the American Legion are two of those offering the use of their parking. She responded to other questions from the Board, stating they will serve alcohol and there will not be a dance floor. They planned to use the rocks on the property for landscaping. She proposed to offer valet parking on Friday and Saturday nights and she was not opposed to that condition to approval of the relief.

Interested Parties:

Gillermo Rojas, 4680 South Columbia, stated he has been in the restaurant business for many years. He expected this business to be good for Tulsa. He pointed out that it would create new jobs. He expressed his support for the application.

Christine Booth, 2332, South Evanston, stated she owns three properties in the Pearl District. She informed the Board she is the President of the Pearl District Association. She read a letter of support (Exhibit B-2) for this application. Ms. Booth stated the association is in support of mixed businesses and services. They have been observing the progress of this restaurant. They also encourage an emphasis on walking, cycling and the use of public transportation.

Theron Warlick, City of Tulsa, Urban Development Department, stated he is a planner. He informed the Board that he has been involved with the 6th Street Taskforce formally and now the Pearl District. He helped them develop their neighborhood plan, which was approved by the City Council in January 2006. It is an official amendment to the City of Tulsa Comprehensive Plan. This application is consistent with the neighborhood plan and the commercial corridor sub-area, which is about increased density. This also encourages constructing buildings that fit the neighborhood rather than letting the parking spaces dictate the size of the buildings. He indicated that under the current zoning it would be a small building surrounded by a large parking lot. He described plans to promote pedestrian activity at intersections and to provide a traffic calming affect.

Greg Jennings, 2260 South Troost, noted that the applicant is actually asking to park on a lot other than the one on which the business is located. He suggested a continuance of this case for the applicant to obtain leases for parking. He added that perhaps staff could create a parking matrix to keep track of the parking allotments so this area does not end up with the same problems as Brookside.

Marie Barnes, City Councilor for District 4, referred to a letter of support she sent to the Board. She suggested approval with a time limitation. They desire to encourage pedestrian use, and she is in support.

Ms. Stead expressed concern that they did not have written agreements for parking. She asked if the applicant has a signed parking agreement with the VFW.

Kasey Rideout, the applicant, replied that they met with the American Legion and received support for the use of their parking lot. The representatives were not sure how to write a legal agreement at the time, but they are willing.

Ann Thrasher, 5505 South Quincy Avenue, Cedar Street Enterprises, LLC, stated the Board should have received a letter from her. She expressed total support. She expected it to be a catalyst for bringing more business to this area.

Jamie Jamison, 706 South Owasso, referred to his letter of support (Exhibit B-2) for this application that he sent to the Board. He stated that he made it clear that he made an agreement with the applicant. He submitted a signed handwritten letter as well (see Exhibit B-2). Ms. Stead replied that she was referring to a formal agreement with the developer. She asked him if the agreement was revocable, to which he replied that it is but it would not be revoked soon or next year. Ms. Stead confirmed parking on his lot would be on an, "as available" basis.

Mr. Dunham out at 1:46 p.m.

Milford Carter, 1228 East 5th Street, Sr. Pastor of Evangelistic Church, stated they have been working with the 6th Street Task Force for five years.

Mr. Dunham returned at 1:53 p.m.

Mr. Carter expressed support of this application. He informed the Board that his church shares parking with the nearby credit union, print shop and Indian Health Center.

Ms. Stead noted that one car was parked in the alley and she could not pass it. She suggested the group needs to ask the City to put up, 'No Parking' signs for the alley.

Board Action:

On **Motion** of **Dunham**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of parking requirements from 76 to 5 (Section 1212); and a Variance of the screening requirement for a commercial property from a residential property (Section 1212.C.2) to permit a restaurant in a CH district, with the conditions: to provide valet parking during the hours of operation; secure a letter for parking from the American Legion and submit to the staff; to acquire Lot 16 and pave for parking; on the following described property:

LT 12 – LT 14 BLK 1, EAST LYNN ADDN, City of Tulsa, Tulsa County, State of Oklahoma



0 200 400
Feet



Subject
Tract

BOA-22167

19-13 06

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

Aerial Photo Date: February 2016



3.7



0 50 100
Feet



Subject
Tract

BOA-22167

19-13 06

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

Aerial Photo Date: February 2016

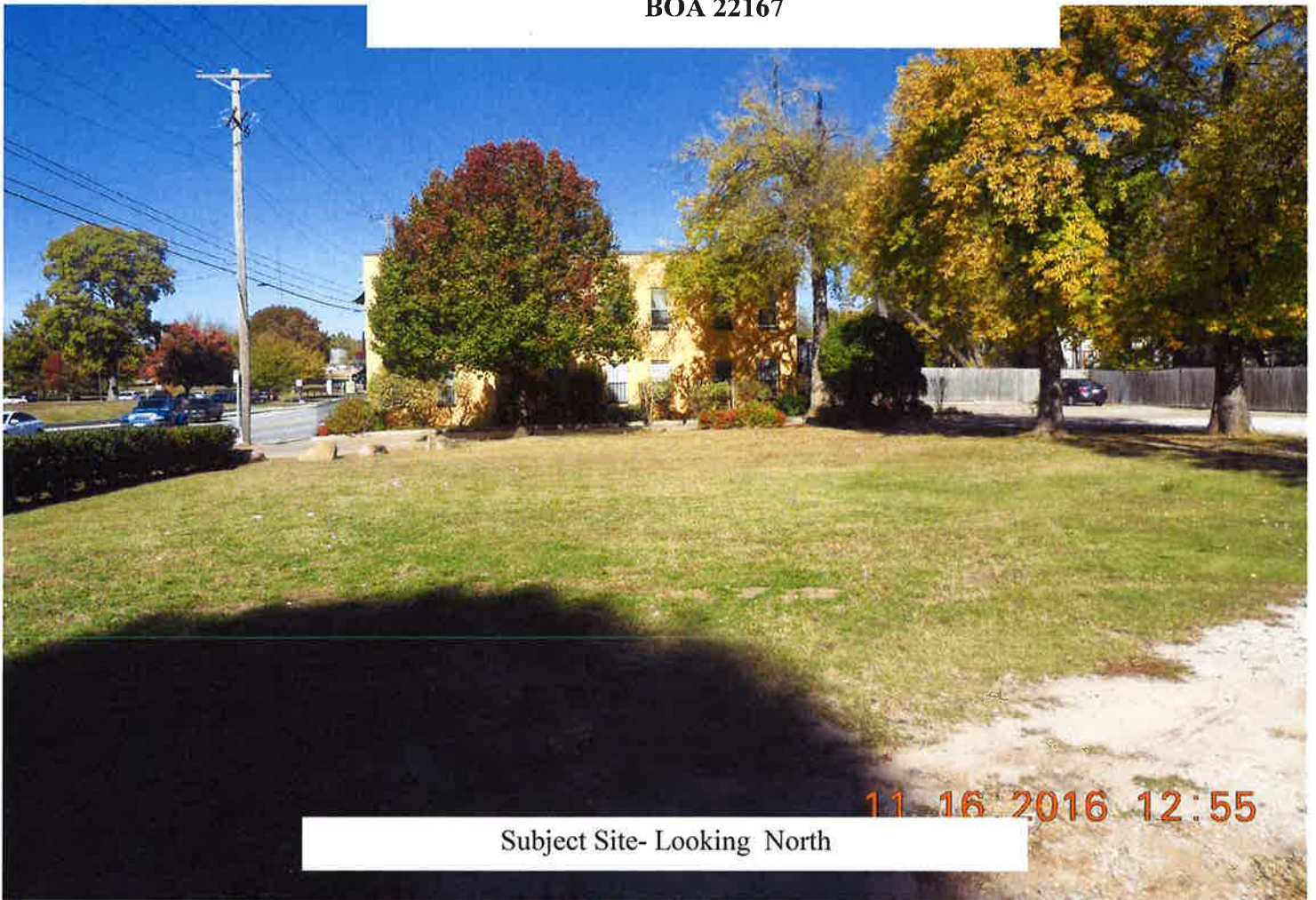
3.8





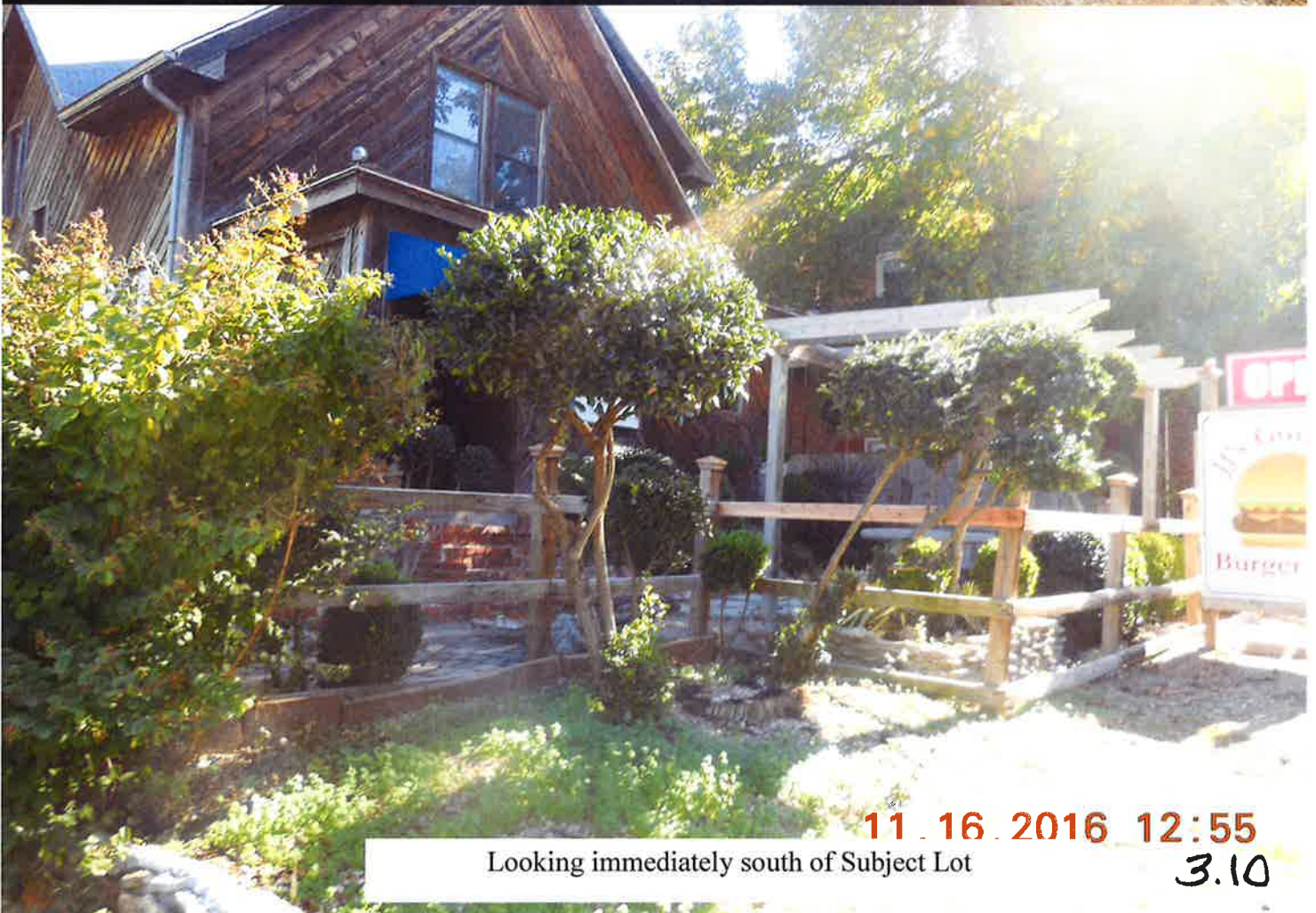
Subject Site- Looking East





11.16.2016 12:55

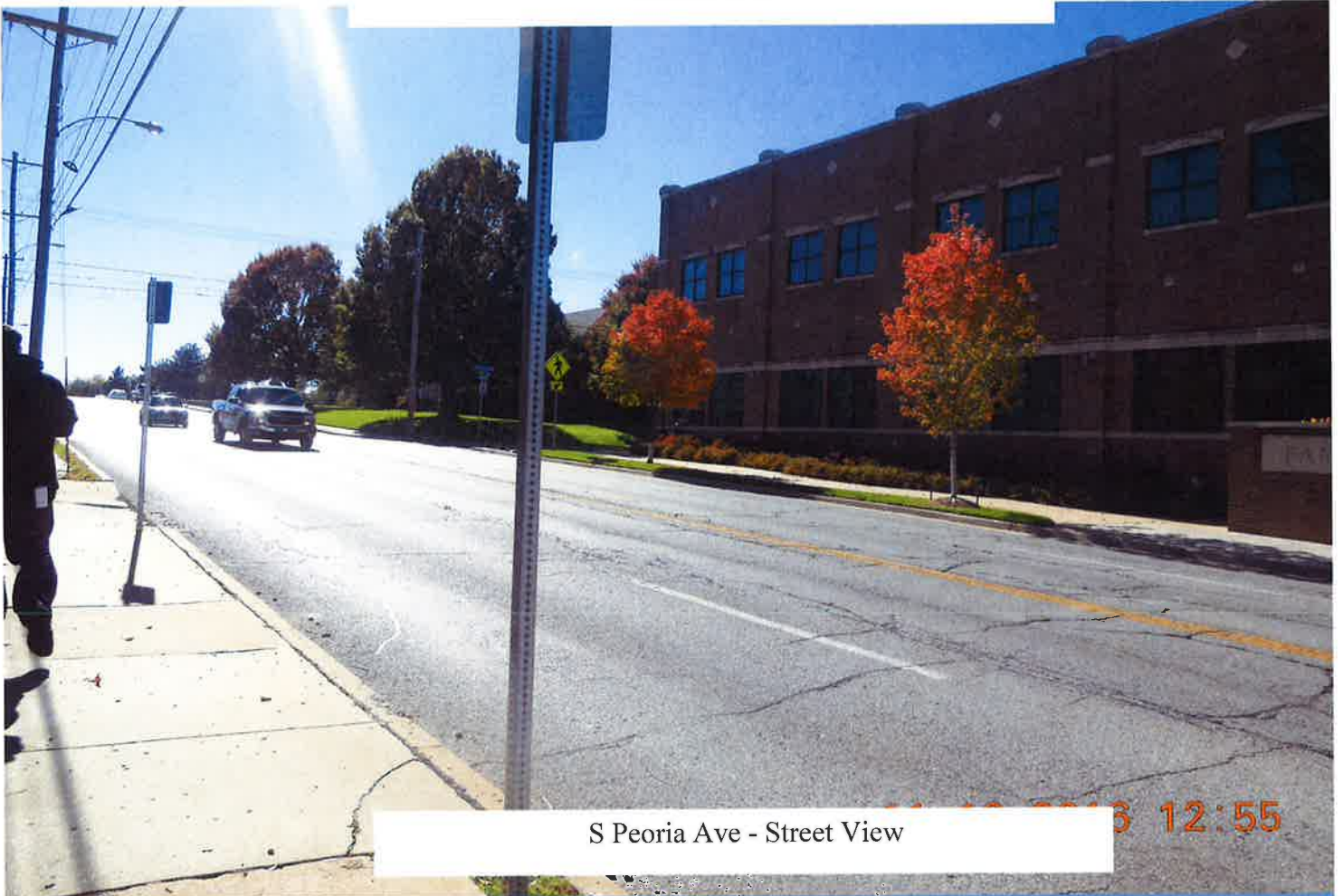
Subject Site- Looking North



11.16.2016 12:55

Looking immediately south of Subject Lot

3.10



S Peoria Ave - Street View

11.16.2016 12:55



S Peoria Ave - Street View

11.16.2016 12:55

3.11

PROPERTY AND SET BACK INFO

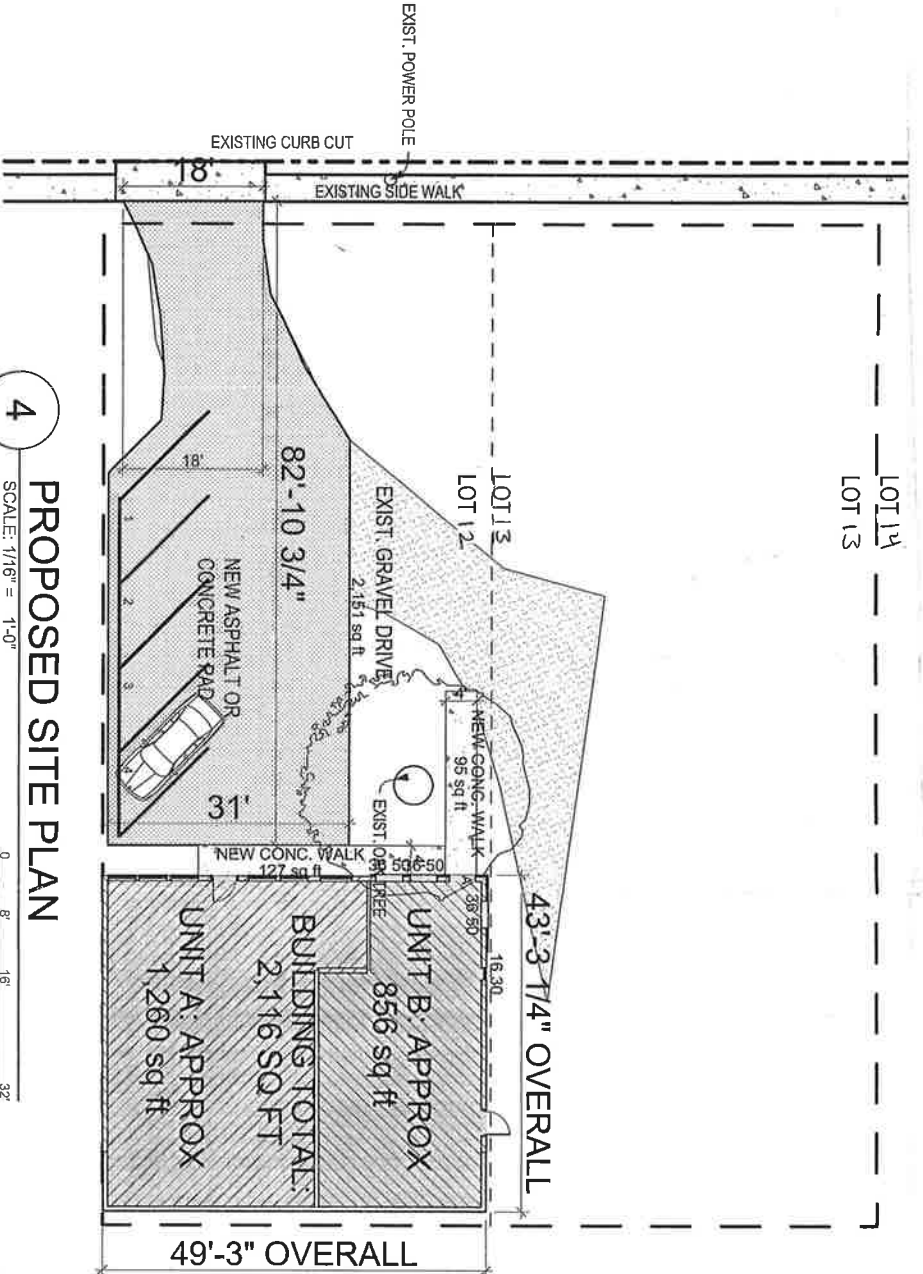
3.12

ADDRESS:
639 S PEORIA AVE TULSA OK 74120 USA

APPROX LOT AREA: 6,389 SF
BUILDING AREA: 1,941 SF
COVERAGE: 28%

PROPOSED SPLIT:
SPLIT LOTS 14 AND 15 FROM 12 AND 13.
LOTS 12-13: APPROXIMATE SF - 13,000
LOTS 14-15: APPROXIMATE SF - 13,000

PEORIA AVE

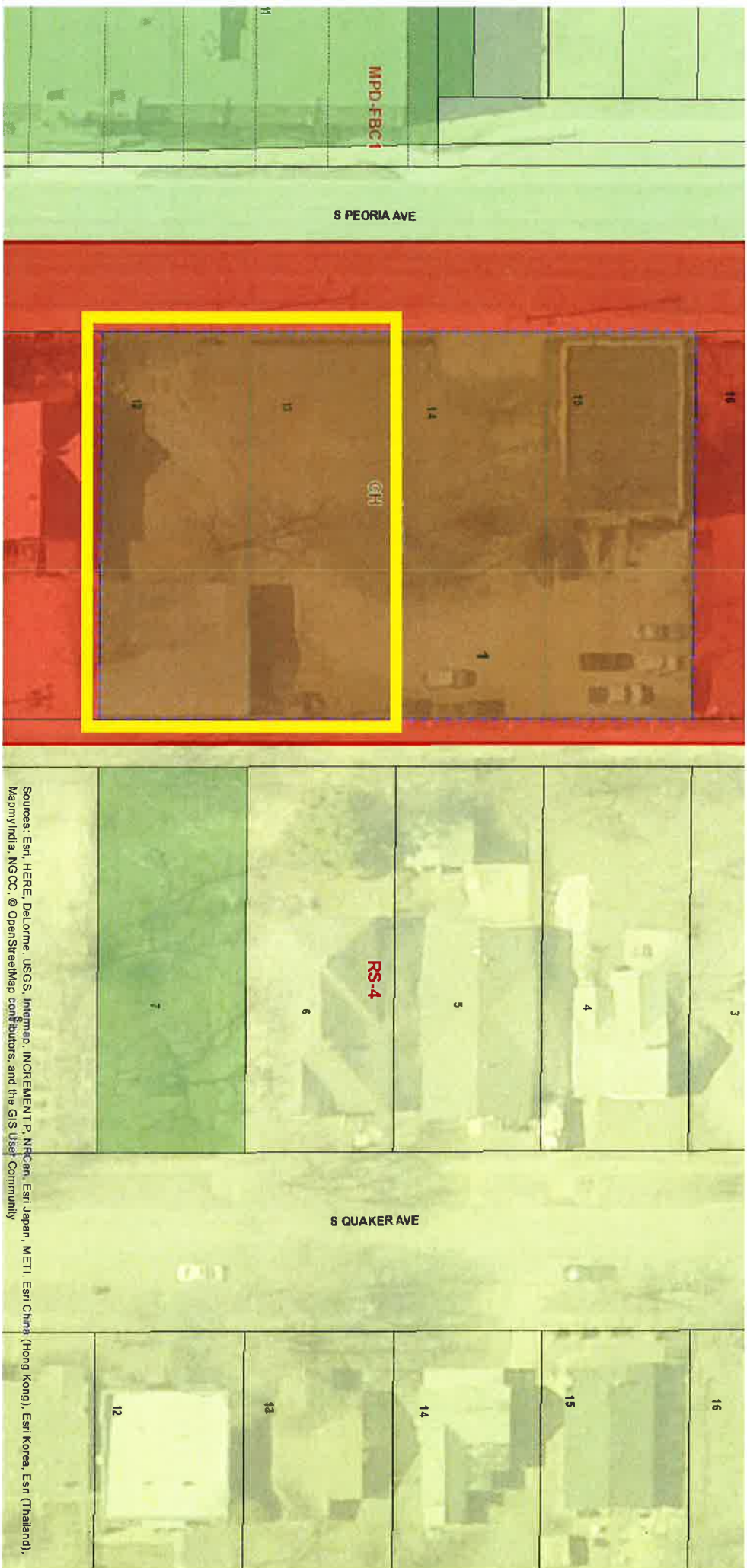


PROPOSED SITE PLAN

4

SCALE: 1/16" = 1'-0"





Sources: Esri, HERE, DeLorme, USGS, Imagmap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

JEFF S. TAYLOR
ZONING OFFICIAL
PLANS EXAMINER

TEL (918)596-7637
jstaylor@cityoftulsa.org



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 956973-2

January 20, 2017

DAVID SHARP
412 N BOSTON
TULSA, OK 74103

Phone: (918)633-5939

APPLICATION NO: **399448** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **639 S PEORIA AV E APT A**
Description: **ALTERATION - INTERIOR**

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" ☐ **IS** ☒ **IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

3.14

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT
WWW.CITYOFTULSA-BOA.ORG

Application No. 399448

639 S PEORIA AV E APT A

January 20, 2017

Note: As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. **Section 15.020 Table 15-2:** The proposed duplex Use is located in a CH zoned district. This will require a Special Exception approved by the BOA.

Review comment: Submit an approved BOA Special Exception to allow a duplex use in a CH district.

2. 35.010-E Duplex

A duplex is a principal residential building occupied by 2 dwelling units, both of which are located on a single lot that is not occupied by other principal residential buildings. The 2 dwelling units are attached and may be located on separate floors or side-by-side.

Review comments: A duplex must be located on a single lot.

1. Please apply for a lot combination at INCOG located at Two West Second Street, Suite 800. Please direct all questions concerning lot combination and all questions regarding TMAPC application forms and fees to an INCOG representative at 584-7526.

2. After you receive a copy of the lot combination agreement from INCOG you will need to go to the Tulsa county clerk's office at 500 s. Denver and have the lot combination agreement recorded.

3. Submit a copy of the lot combination agreement with the Tulsa county clerks recording sticker on it to this office as a revision.

3. **55.090-B Ingress and Egress:** All parking areas must be designed to allow vehicles to enter and exit a street and cross public sidewalks in a forward motion, except that this requirement does not apply to lots with access on a minor street.

Review Comment: Revise parking area to allow vehicles to exit parking area in a forward direction.

3.15

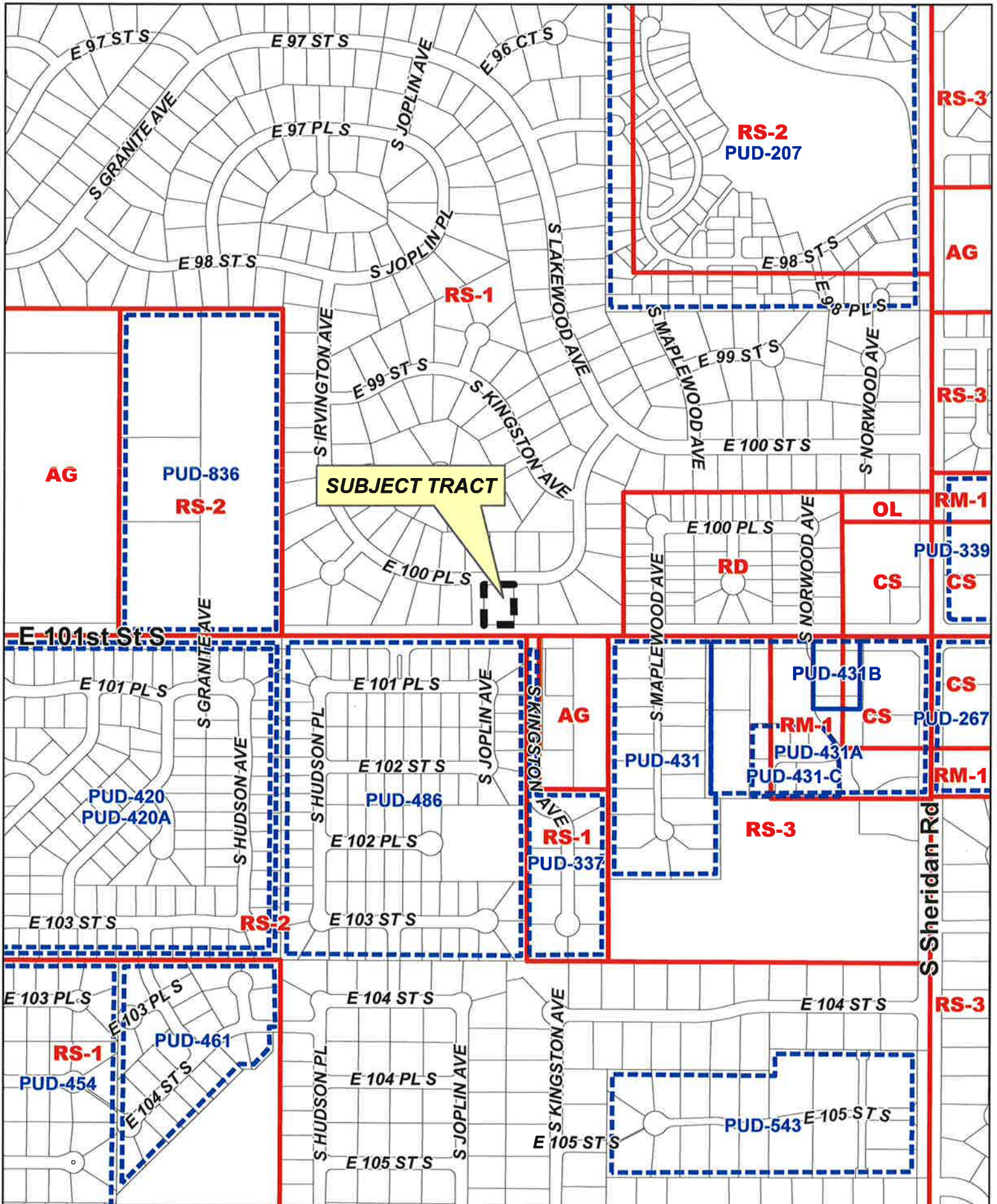
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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

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.



SUBJECT TRACT

BOA-22190

4.1



18-13 22



BOARD OF ADJUSTMENT CASE REPORT

STR: 8322
CZM: 57
CD: 8
A-P#: 8872

Case Number: BOA-22190

HEARING DATE: 02/14/2017 1:00 PM

APPLICANT: Tom Neal

ACTION REQUESTED: Variance of the required street setback from E 101st Street from 35' to 20'; Variance of the required street setback from S Joplin Avenue from 15' to 5' (Section 5.030); Variance of the allowable height of detached accessory buildings from 10' to 11' to the top of the top plate. (Section 90.090-C)

LOCATION: 5910 E 100 PL S

ZONED: RS-1

PRESENT USE: Residential

TRACT SIZE: 19201.33 SQ FT

LEGAL DESCRIPTION: LT 20 BLK 3, SUN MEADOW, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:
None Relevant.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an "Existing Neighborhood" and an "Area of Stability".

The **Existing Residential Neighborhood** category is intended to preserve and enhance Tulsa's existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by RS-1 zoned residences on the east, west and north; E 101 St S and RS-1/PUD-486 residential abuts the site on the south.

STAFF COMMENTS:

Current Staff Comments:

The case was heard by the Board at the 01.24.17 hearing. The Board continued the case to allow the applicant additional time to meet with the neighbors and prepare a drawing showing the exterior appearance of the proposed garage. As the writing of this case report the applicant has not submitted new drawings to staff.

Previous Staff Comments:

As shown on the attached plans the applicant is proposing construction of a 1056 sq. ft. garage/storage building on the subject site. The applicant provided the following statement: *"The owner's lot abuts a street on three sides (one an arterial) and there is an existing in-ground pool in the rear yard. The owner has no way to build an accessory building without the requested variances."*

The Code states that detached accessory buildings in the RS-1 district are limited to a floor area of 750 sq. ft. or 40% of the principal dwelling (whichever is greater). The existing residence on the lot is 2678 sq. ft.; therefore the maximum allowed floor area for detached accessory buildings on the lot is 1071.2 sq. ft. Detached accessory building are permitted in the rear yard as long 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 applicant has request a variance to increase the height at the top of the top plate to 11 ft.

Detached accessory buildings on the subject lot must maintain a street setback of 35 ft. from E. 101 St. S. and side street setback of 15 ft. from E. Joplin Ave. To permit the accessory building has proposed the applicant has requested a variance to reduce the side setback to 5 ft and a variance to reduce the street setback from E. 101 St. S. to 20 ft.

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use and future development of the subject property is compatible with and non-injurious to the surrounding area.

Sample Motion for a Variance

Move to _____ (approve/deny) a **Variance** of the required street setback from E 101st Street from 35' to 20'; **Variance** of the required street setback from S Joplin Avenue from 15' to 5' (Section 5.030); **Variance** of the allowable height of detached accessory buildings from 10' to 11' to the top of the top plate. (Section 90.90.C.a.1)

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

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.”*



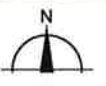
Subject
Tract

BOA-22190

18-13 22

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

Aerial Photo Date: February 2016



4.5



0 50 100
Feet



Subject
Tract

BOA-22190

18-13 22

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

Aerial Photo Date: February 2016



4.6



Subject Site- Looking East



Subject Site- Looking SE

01 06 2017 12:43

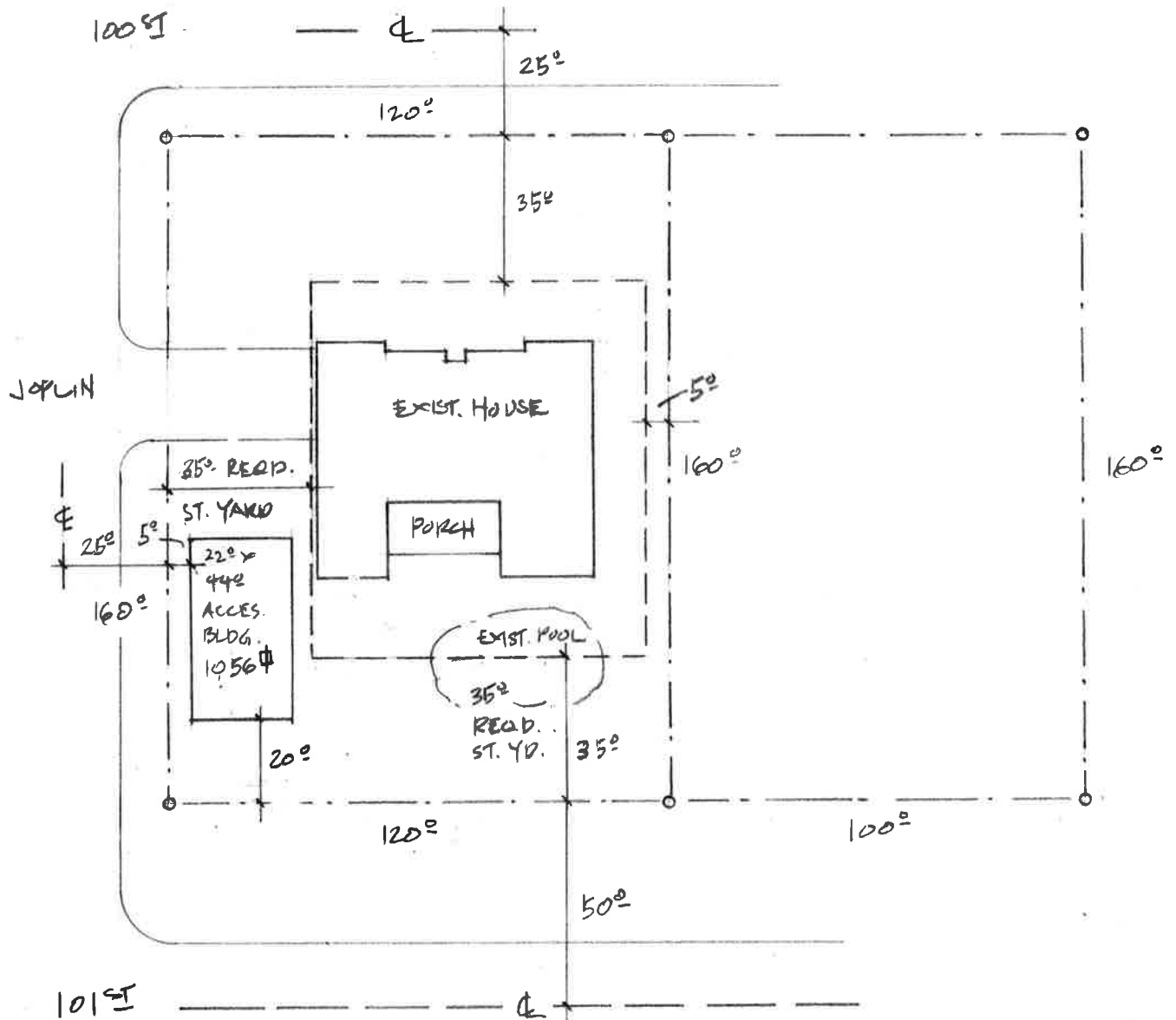
BOA 22190



Subject Site- Looking South



01.06.2017 12:43



SITE/DRAINAGE PLAN 1" = 40'



MANUEL PROJECT
5910 EAST 101ST
TULSA, OKLA
DEC. 2016

T. NEAL DESIGN

918-231-7372

4.9

Moye, Nikita

From: Tom Neal [tdlneal@gmail.com]
Sent: Friday, January 13, 2017 9:34 AM
To: Moye, Nikita
Subject: Re: BOA 22190

Dear Ms. Moye,

Thank you for visiting with me by phone just now.

As I explained, my client collects and restores old Jeeps as a hobby. The purpose of this building for which we seek a variance is to get these old collectibles off his open driveway and out of sight. He acknowledges that right now his collection is a little unsightly and is more visible because his lot has streets on three sides and is near the entry to the neighborhood. By-the-way, there is no commercial component to this structure.

We have yet to create a floor plan and elevations because if we don't receive the variances, there is no point in spending the time, and my client's money for a building which cannot be built.

The building is very simple: a rectangle of 22' x 48' feet, metal framed on a concrete slab with a plate height of 11 ft. rising to 14 ft. (roof slope 3-4"/12"). The final exterior is to be covered with brick veneer similar to my client's house. We anticipate that it may be a thin veneer brick product rather than dimensional brick for reasons of cost. The installed look is very similar.

My client is on a tight budget and is largely self financing the construction and hopes to do the work in phases. He hopes to be allowed to build the garage first and to hide his old cars, then to add the brick veneer in a reasonable time as he has the funds to complete the project. Shorter term the finish would be coordinated with that of his house.

Thank you for your help!

Tom Neal
Associate member, American Institute of Architects

918.231.7372

PS, I called the neighbor who had concerns but to date I've not heard back.

On Fri, Jan 13, 2017 at 8:57 AM, Moye, Nikita <nmoye@incog.org> wrote:

Mr. Neal

Do you have elevation drawings of the proposed buildings?

Thanks.

Moye, Nikita

From: Nancy Rausch [backeastdesigns@yahoo.com]
Sent: Tuesday, January 24, 2017 10:43 AM
To: Moye, Nikita; Sunny Meadows
Subject: BOA22190

Dear Ms. Moye:

The Sun Meadow Homeowners' Association objects to the proposed use and believes the 1,000 square foot metal framed building will be detrimental to the surrounding neighbors and impair the purposes, spirit, and intent of the zoning code and comprehensive plan. We respectfully request our letter that was hand delivered to Ms Moye yesterday be admitted into the record. Here is a copy of the objections. As stated, our objections fall under three general principles:

A. The proposed use is a prohibited use;

B. The alleged hardship is merely an inconvenience or self-imposed hardship; and

C. The size, location, and façade of the proposed structure inconsistent with the neighborhood.

Additionally, we do not agree with Mr. Neal's representations there is no commercial application to this proposed 1,000 square foot metal framed building. His client's stated he intended to use the proposed building as shop to repair and eventually resell cars.

If the shop were in fact to be used solely as a hobby as represented, why does it have to be

1,000 square feet or the size of a small home?

If the primary purpose is to work on cars, is it difficult to see that the surrounding homes won't be affected by having a 1,000 foot metal framed building designed to work on cars at the entrance of the neighborhood.

We believe a 200 or 400 square foot structure consistent with the home building is more in line with a hobby garage.

furthermore it is against the Covenants of Sun Meadow Phase 1 in which Mr. Manuel's property is located.

6. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence, either temporarily or permanently, and no structure of any description shall be moved from any other location to a lot in this Addition.

sha
law
or
vio
suci

7. No dwelling shall be erected on any residential lot in the addition, the ground floor of the main structure of which, exclusive of open porches, garages and carports, is less than eighteen hundred (1,800) square feet in area for a one-story dwelling, nor less than fourteen hundred (1,400) square feet on the main floor and not less than nine hundred (900) square feet on the second floor for a one and one-half story dwelling and two-story dwelling with a minimum of twenty-three hundred (2,300) square feet on both floors.

sha
assi

8. The exterior of all structures erected on any lot shall be constructed of a minimum of 35 percent masonry, measurements for computing the 35 percent masonry shall exclude actual size of windows, doors, walls of covered porches and patio areas, and shall apply to the first floor only of two-story or one and one-half story residences. All exposed foundations shall be of brick or stone.

9. Roofs: No asphalt composition shingles will be permitted on any structure erected on any lot. However, certain now existing and future types of synthetic or natural roofing materials may be used upon the written approval of the developer or his duly authorized representative. Other roofing materials shall be restricted to:

and

a. Cedar Shingles

b. Slate

c. "Built-up-roof" tar and gravel will be permitted on contemporary style residence.

Any other roofing materials recommended to be used must be approved by the developer prior to start of construction.

10. No fence, wall, hedge, or other barriers, whether ornamental or otherwise, shall be erected nearer to the front lot line than the building line or nearer to the side street lot line than the side street building line, shown on the recorded plat, except that Oklahoma Natural Development Corporation may erect a fence along the rear property line of lots backing up or siding to South Sheridan Road and East 101st Street, and along the rear property line of lots in Block 3 of the Addition. No fence on any lot shall be more than six (6) feet in height.

By

11. No vehicular traffic or ingress and egress shall be permitted over, across, through or under those areas designated "Limits of No Access", as shown on the recorded plat.

STA

12. No animals, livestock, or poultry of any kind shall be raised, bred, kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose.

COU

13. No lot will be used for the storage of materials for a period of greater than 30 days prior to the start of construction and then the construction shall be completed within 9 months. All lots shall be maintained in a neat and orderly condition at all times.

Stat.

14. No sign of any kind shall be displayed to the public view on any lot except that one

Sch

We respectfully ask that this be placed in the file and given to the Board.

Nancy Rausch
President
Sun Meadow HOA

Sun Meadow Homeowners Association
11063-D South Memorial Drive Box #317
Tulsa, OK 74133

January 23, 2017

VIA ELECTRONIC MAIL: NMOYE@INCOG.ORG

Ms. Moyer
c/o Ms. Nikita Moyer
Senior Planner
2 West Second Street
Suite 800
Tulsa, OK 74103

Dear Ms. Moyer:

RE: BOA-22190

Subject: Sun Meadow Homeowner Association Objection to Variance Request

Please accept this letter objecting to the proposed variance on behalf of the Sun Meadow Homeowner Association ("Association"). The Association objects to the request, as detailed below, fall under three general principles:

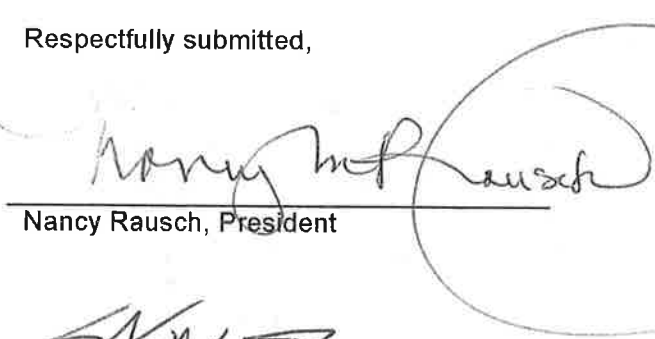
- A. The proposed use is a prohibited use;
- B. The alleged hardship is merely an inconvenience or self-imposed hardship; and
- C. The proposed structure and use will be detrimental to the Sun Meadow neighborhood and impair the purposes, spirit, and intent of the zoning code and comprehensive plan.

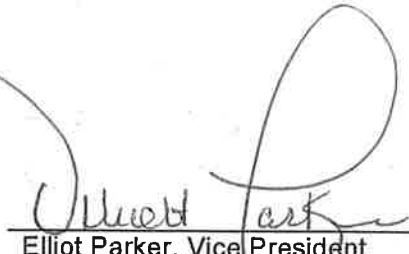
The detailed explanation of the objections is as follows:


1. The purpose of the application request is to place a nonconforming use into an RS-1 District.
2. 45-100-F of the Zoning Code prohibits any type of assembly, cleaning, maintenance, painting or repair of vehicles or equipment with internal combustion engines as a home occupation. Mr. Manuel, the property owner, acknowledged a conversation with the Association President, his goal is to restore the vehicles one at a time for resale to individuals affordably. The accessory building is being requested to restore vehicles for resale in violation of 45.100-F.
3. Additionally, the accessory building as proposed does not enhance nor preserve the existing neighborhood of Sun Meadow. The Association objects to the placement of a rectangle of 22' x 48' feet, metal framed building on a concrete slab with a plate height of 11 ft being placed at the 101st Street entrance to Sun Meadow. It's impossible to perceive how anticipating a final exterior covered with a thin veneer brick product rather than dimensional brick for reasons of cost and a tight budget largely self financed with the hope of performing the work in phases will enhance or preserve the existing neighborhood of Sun Meadow.


4. The property owner purchased the property in 2013 and is currently utilizing it for the purpose for which it is zoned. The 19,200 square foot lot with an existing swimming pool is not oddly shaped nor otherwise burdened.
5. In this case, allowing the 22 'x 48' (1,056 square foot) metal building at the entrance of Sun Meadow would, in fact, defeat the intended purpose of the RS-1 District by inserting a nonconforming use into a designated residential area.
6. The 2,278 SF home built in 1976 on a .44 acre (19,200 sq ft) lot is a corner lot with the same general conditions any other property within the neighborhood or another RS-1 District is subject to conform.
7. 5.010-B of the Zoning Code provides that residential zoning districts are primarily intended to create, maintain and promote a variety of housing opportunities for individual households and to maintain and promote the desired physical character of the existing Sun Meadow neighborhood.
8. The "applicants' hope" is to be allowed to build the garage first and to hide his old cars, then to add the brick veneer in reasonable time as he has the funds to complete the project. The purpose of the building is to resolve a self-imposed hardship of getting "these old collectibles off the street."
9. The subject lot abuts an arterial street (101st) and granting this variance at the entrance of Sun Meadow neighborhood will, in fact, alter the essential character of the neighborhood in which the subject property is located, and substantially or permanently impair use of the adjacent properties with the location of this prohibited use.
10. If the Board grants the proposed variance it will be in violation of the limits on authority as set forth in 70-130-B of the Zoning Code.
11. For the above stated reasons, the requested the variance will impair the purposes, spirit, and intent of the zoning code and the comprehensive plan which causes the Association to request the Board deny the application.

Respectfully submitted,


Nancy Rausch, President


Elliot Parker, Vice President


Steve Jaynes, Treasurer


Becky Lowe, Secretary

Moye, Nikita

From: Tom Neal [tdlneal@gmail.com]
Sent: Monday, January 23, 2017 4:51 PM
To: Moye, Nikita; Mike Manuel
Subject: Re: BOA 22190

Dear Ms. Moye,

After reviewing an email from the neighbors re: BOA 22190 and speaking with my client Mike Manuel, we'd like the public record to show that we challenge the claim that Mr. Manuel intends to sell cars out of this building.

He asserts that is a serious misrepresentation of his conversation with Nancy Rausch, an accident no doubt. He is a home hobbyist, restoring old cars, much like a home woodworker builds furniture for the pleasure of the craft.

As we stated before, there is no commercial component to this project.

Thank you for you help as always!

Tom Neal
Associate Member, American Institute of Architects

On Fri, Jan 13, 2017 at 10:13 AM, Moye, Nikita <nmoye@incog.org> wrote:

I will make sure the Board members receive your comments.

Thanks.

Nikita D. Moye, AICP

City of Tulsa and Tulsa County

Board of Adjustment Administrator

INCOG

2 West Second Street, Suite 800

Tulsa, OK 74103

Phone: [918-579-9437](tel:918-579-9437)

JEFF S. TAYLOR
ZONING OFFICIAL
PLANS EXAMINER

TEL (918)596-7637
jstaylor@cityoftulsa.org



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 978918-1

December 06, 2016

TOM NEAL
TOM NEAL DESIGN
2507 E 11 PL
TULSA, OK 74104

Phone: (918)231-7372

APPLICATION NO: **8872** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **5910 E 100 PL S**
Description: **DETACHED GARAGE 24 X 44**

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" ☐ **IS** ☒ **IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

4.17

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT WWW.CITYOFTULSA-BOA.ORG

Application No. 8872

5910 E 100 PL S

December 06, 2016

Note: As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. 90.90.C,2: Detached Accessory Buildings

b. Detached accessory buildings in the rear yard must be set back at least 3 feet from all interior lot lines; For lot lines abutting street right-of-way, detached accessory buildings must comply with the same setback requirements that apply to principal buildings;

Review Comments: This lot has street setbacks at the front and rear property lines. 101 st street is an arterial street. Revise plans to indicate that the detached accessory building will be set back at least 35 feet from the rear property line or apply to the BOA for a variance to allow an accessory structure to be located less than 35 feet from the rear property line.

2. 90.90.C: Detached Accessory Buildings

a. Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, provided that:

(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

Review Comments: Revise plans to indicate that the detached accessory building will not exceed 10 feet in height to the top of the top plate or apply to the BOA for a variance to allow an accessory structure to exceed 10 feet in height to the top of the top plate.

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.

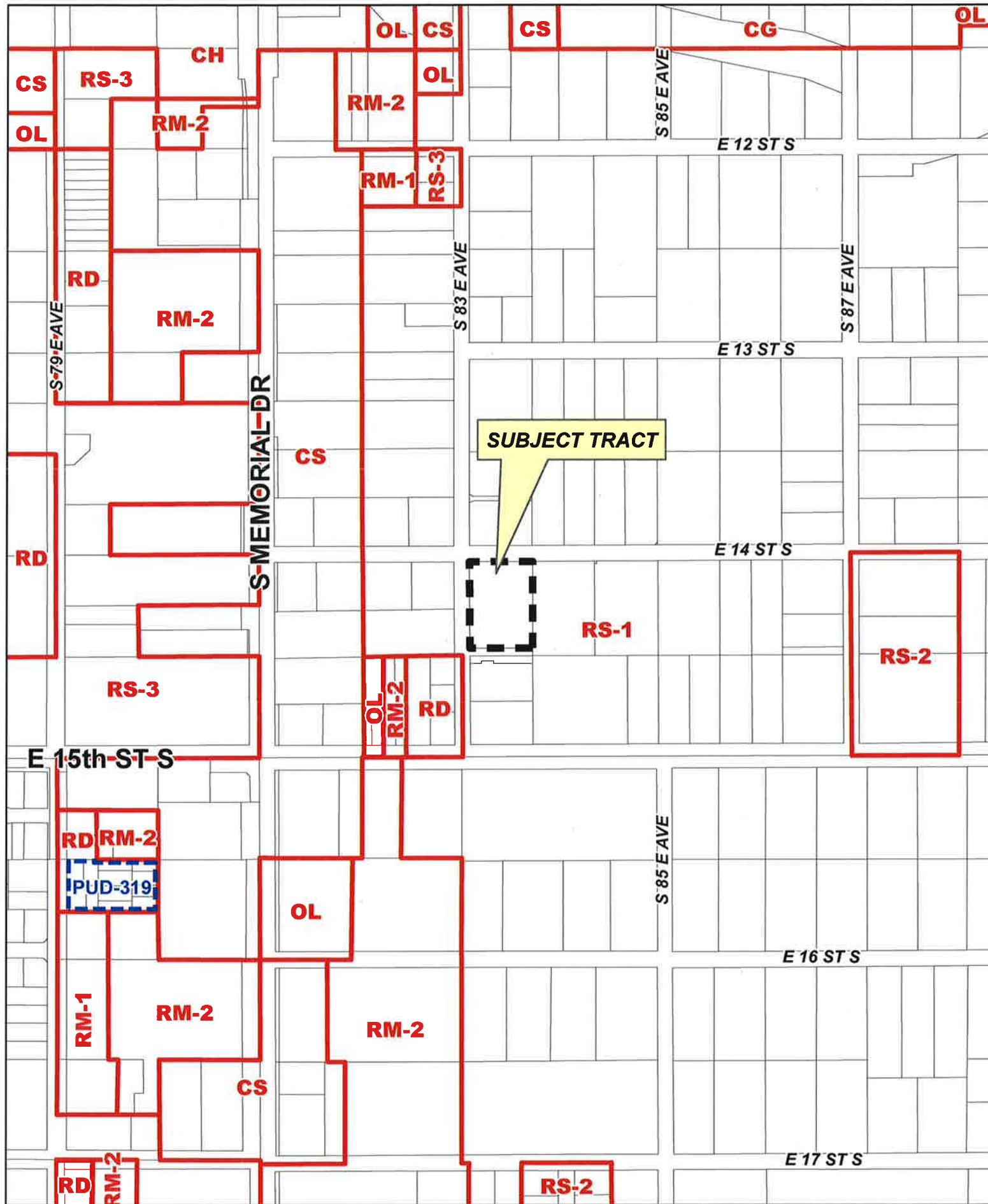
A hard copy of this letter is available upon request by the applicant.

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.

THIS PAGE
INTENTIONALLY
LEFT BLANK



SUBJECT TRACT

BOA-22192

5.1



19-13 12



BOARD OF ADJUSTMENT CASE REPORT

STR: 9312

Case Number: **BOA-22192**

CZM: 38

CD: 5

A-P#: 394552

HEARING DATE: 02/14/2017 1:00 PM

APPLICANT: Dennis Tuthill

ACTION REQUESTED: Variance to permit the total aggregate floor area of a detached accessory buildings to exceed 750 square feet (Section 45.030-A).

LOCATION: 8306 E 14 ST S

ZONED: RS-1

PRESENT USE: Residential

TRACT SIZE: 1.3 Acres

LEGAL DESCRIPTION: LT 6 BLK 9 LESS S25 FOR RD, FOREST ACRES, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA 15155; on 06.01.89 The Board **denied** a request for a variance of the size of an accessory building from 750 sq. ft. to 3832.5 sq. ft. Located at 8350 East 13th Street (west of the southwest corner of 13th Street and 87th East Avenue).

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an "Existing Neighborhood" and an "Area of Stability".

The **Existing Residential Neighborhood** category is intended to preserve and enhance Tulsa's existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RS-1 and RD zoned residences.

STAFF COMMENTS:

The applicant is before the Board requesting a **Variance** to increase the allowable square footage for detached accessory buildings in the RS-1 district to 876 sq. ft. The applicant has stated that the existing storage shed on the site is small and does not allow enough space for storage of lawn equipment and personal items. The applicant has stated that the existing shed on the site will be demolished when construction of the pole barn is complete.

The Code states that detached accessory buildings in the RS-1 district are limited to a floor area of 750 sq. ft. or 40% of the principal dwelling (whichever is greater). The existing residence on the lot is 908 sq. ft.; therefore the maximum allowed floor area for detached accessory buildings on the lot is 750 sq. ft. The existing shed on the site is 11' x 16' (176 sq. ft.); the applicant is proposing to construct a 25' x 28' (700 sq. ft.) pole barn on the site. The applicant has requested a variance to increase the maximum permitted floor area of a detached accessory buildings on the lot to 876 sq. ft. to permit construction of the pole barn.

Sample Motion for a Variance

Move to _____ (approve/deny) a Variance to increase the total combined floor area of detached accessory buildings from 750 sq. ft. to 876 sq. ft. (Section 45.030-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 _____.

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."

Case No. 15154

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209 - Request a special exception to allow for an existing mobile home in an RS-3 zoned district.

Variance - Section 440 - Special Exception Requirements - Use Unit 1209 - Request a variance of the time restriction from one year to permanently, located 2210 North Canton Avenue.

Presentation:

The applicant, **Wanda Hasting**, 2210 North Canton, Tulsa, Oklahoma, stated that the mobile home in question was installed approximately five years ago after her home was destroyed by fire. She asked the Board to allow the mobile to be located permanently at this address.

Comments and Questions:

Mr. Chappelle asked Ms. Hasting if she made application for the mobile home in 1984, and she answered in the affirmative.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Bradley, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow for an existing mobile home in an RS-3 zoned district; and to **APPROVE** a **Variance** (Section 440 - Special Exception Requirements - Use Unit 1209) of the time restriction from one year to permanently; finding that the mobile home has been at the present location for approximately five years, and has proved to be compatible with the surrounding neighborhood; on the following described property:

The E/2, Lot 10, Block 1, S. R. Lewis Addition to Dawson, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15155

Action Requested:

Variance - Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206 - Request a variance of the size of an accessory building from 750 sq ft to 3832.25 sq ft to allow for a new building (includes the size of existing accessory buildings), located 8350 East 13th Street.

Presentation:

The applicant, **John A. Charon**, 8350 East 13th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit F-1) and stated that he is proposing to build a 74' by 32' building, which will replace some older structures on the property that will be removed. He stated that he has antique cars, two boats and a tractor that will be stored in the new building.

Comments and Questions:

Ms. Bradley asked the applicant if all accessory buildings will be removed from the property, and he replied that the buildings shown on the plot plan will be retained.

Mr. Gardner noted that the applicant is requesting an increase of 400% above the permitted square footage for the tract, and will have approximately 1500 sq ft of accessory buildings in addition to the new building that is to be constructed.

In response to Mr. Gardner's inquiry, the applicant replied that he is retired, but occasionally does some gas and oil consulting.

A Department of Stormwater Management case review (Exhibit F-2) was submitted to the Board.

Protestants:

Ray Cosby, 8705 East 21st Street, Tulsa, Oklahoma, District 5 Co-Chairman, stated that the Charon property is well maintained, but surrounding property owners are opposed to the construction of the large storage facility in the area. He submitted yellow page ads (Exhibit F-4), and pointed out that neighbors are concerned that business operations may be moved to this location. Mr. Cosby noted that area residents have informed him that the owner of the property at 8341 East 13th Street, which has a paving business, is a relative of the applicant. He stated that they are concerned that the business will be moved to the subject tract when the new building is constructed. A letter (Exhibit F-3) recommending denial of the application was submitted.

Stan Symansky stated that he is representing his wife, who is the owner of property at 1330 South 87th East Avenue, Tulsa, Oklahoma. He pointed out that the approval of the large building would invite future commercial activity in the area if the property should be sold to another owner.

Applicant's Rebuttal:

The applicant stated that his property is well maintained, but the appearance could be improved if some of the old buildings were removed.

Mr. Smith asked Mr. Charon if he is in the paving business, and he replied that he is not in the paving business and will not use the property for commercial purposes.

Ms. Bradley inquired as to the height of the proposed building, and the applicant informed that the structure will be 15' 8" in height.

Mr. Gardner pointed out that the applicant is requesting more buildings than would normally be customary and accessory. He noted that the total square footage of all buildings, including the proposed building, may be more than 4000 sq ft, since the new structure is 2368 sq ft, and the existing 1722 sq ft barn will also remain.

Case No. 15155 (continued)

Board Action

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Chappelle, Bradley, Smith, "aye" no "nays" no "abstentions"; Quarles, White, "absent") to **DENY** a **Variance** (Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206) of the size of an accessory building from 750 sq ft to 3832.25 sq ft to allow for a new building (includes the size of existing accessory buildings); finding that there are numerous accessory buildings on the subject tract, and that the size of the proposed accessory building is excessive in a residential neighborhood; and finding that the request violates the spirit and intent of the Code; on the following described property:

Lots 2 and 3, Block 7, Forest Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15158

Action Requested:

Variance - Section 430.1 - Bulk & Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the required front setback from 25' to 20' on specific lots in an RS-3 zoned district, located east of Darlington Avenue at 87th Street South.

Presentation:

The applicant, **Greg Breedlove**, was represented by **Jack Cox**, 7935 East 57th Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit G-2) and requested a variance of the required front setback on the cul-de-sac lots of a new housing addition. A letter (Exhibit G-1) from the developer of the addition was submitted.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Bradley, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk & Area Requirements in Residential Districts - Use Unit 1206) of the required front setback from 25' to 20' on specific lots in an RS-3 zoned district; per plot plan submitted; finding a hardship demonstrated by the the irregular shape of the lots and the cul-de-sac location; on the following described property:

Lots 7, 8 and 9, Block 1; Lots 28, 29 and 30, Block 2; Lots 5, 6, 7, 8 and 9, Block 3, Lots 12, 13 and 14, Block 4; and Lots 6, 7, and 8, Block 6, Southern Point Second Addition, City of Tulsa, Tulsa County, Oklahoma.



0 200 400
Feet



Subject
Tract

BOA-22192

19-13 12

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

Aerial Photo Date: February 2016



5.7



S 83rd AVE

E 14th ST

E 15th ST S



Subject
Tract

BOA-22192

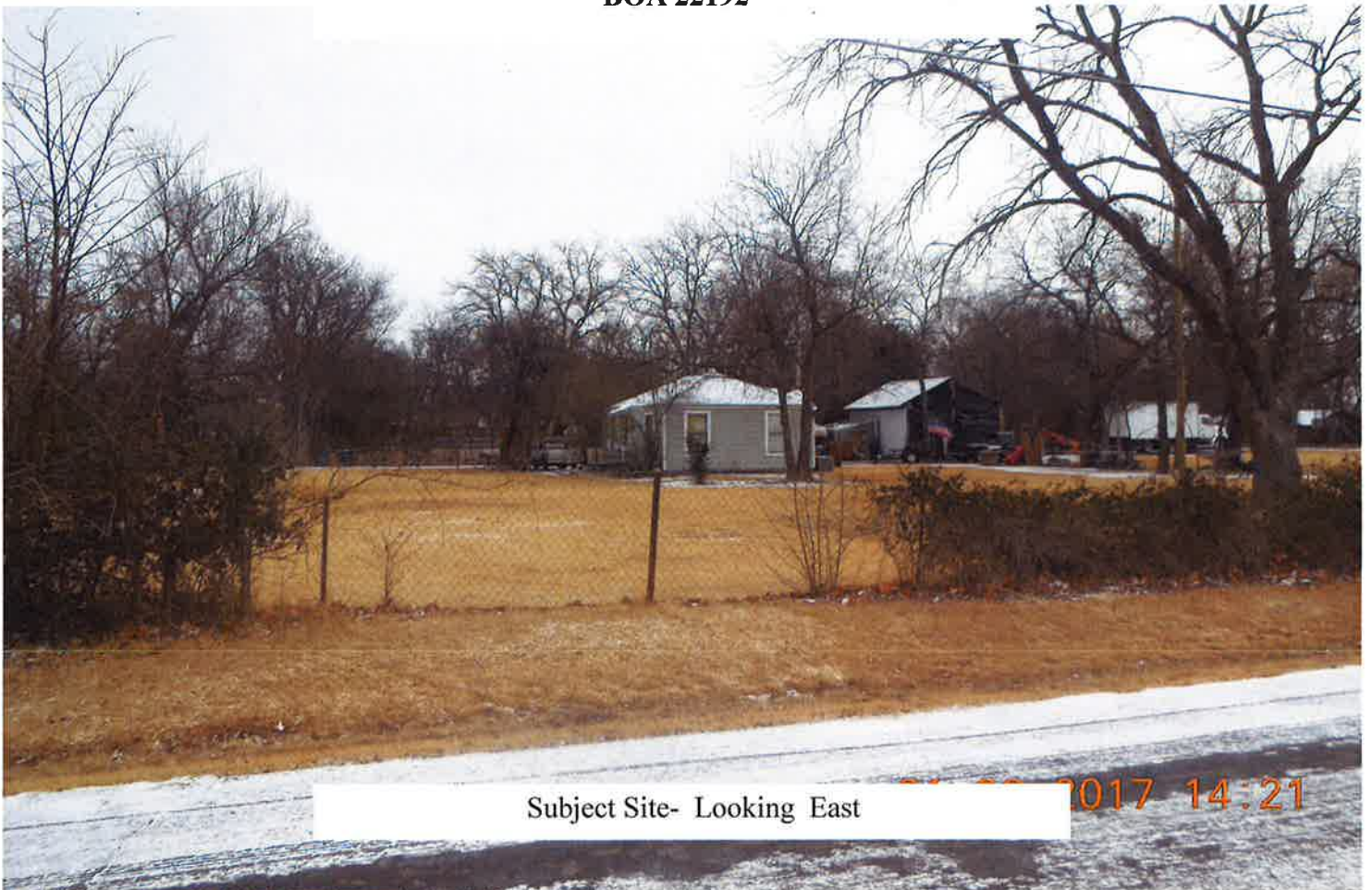
19-13 12

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

Aerial Photo Date: February 2016



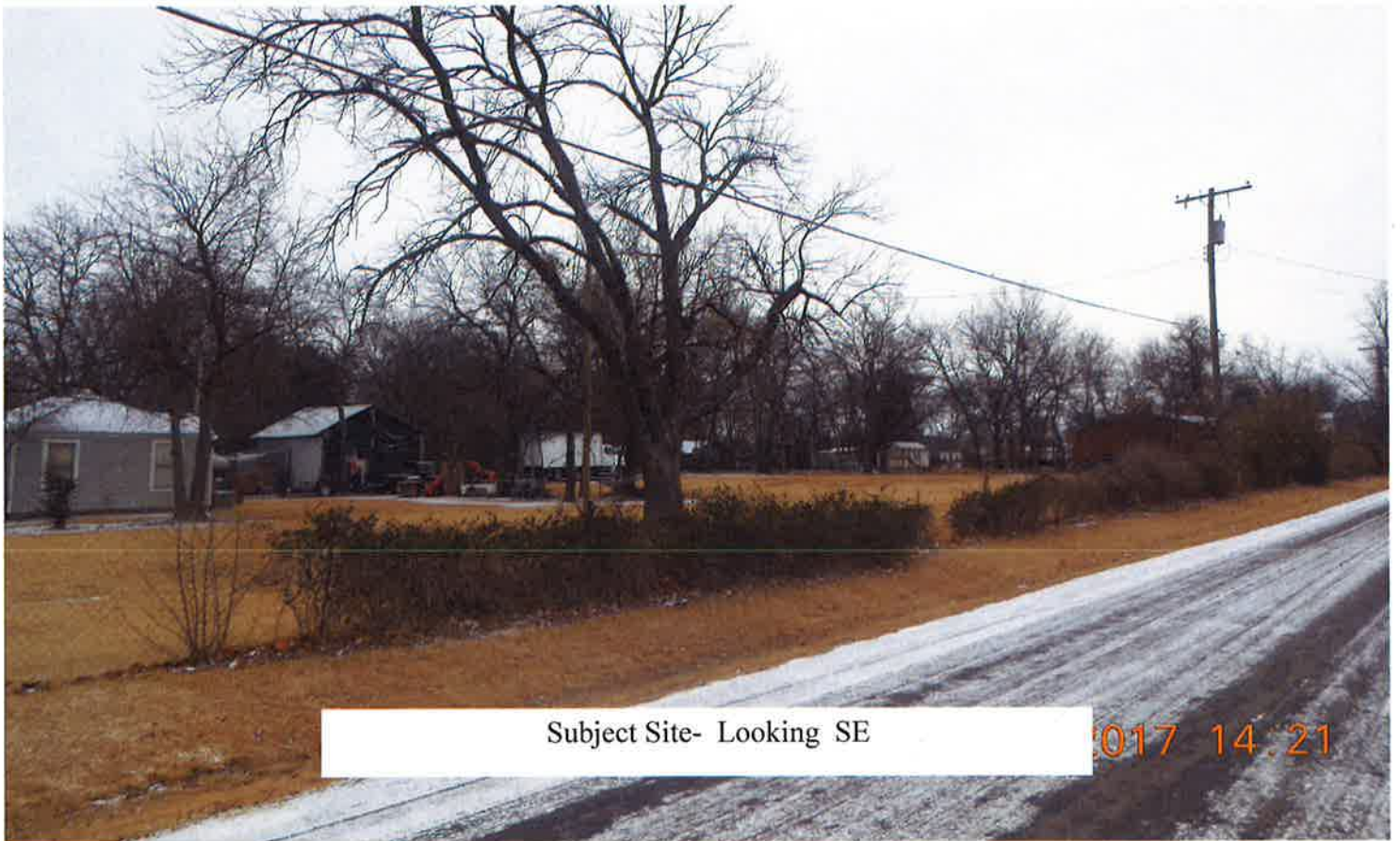
5.8



Subject Site- Looking East



Subject Site- Looking East



Subject Site- Looking SE

2017 14:21



Subject Site- Looking NE

2017 14:21



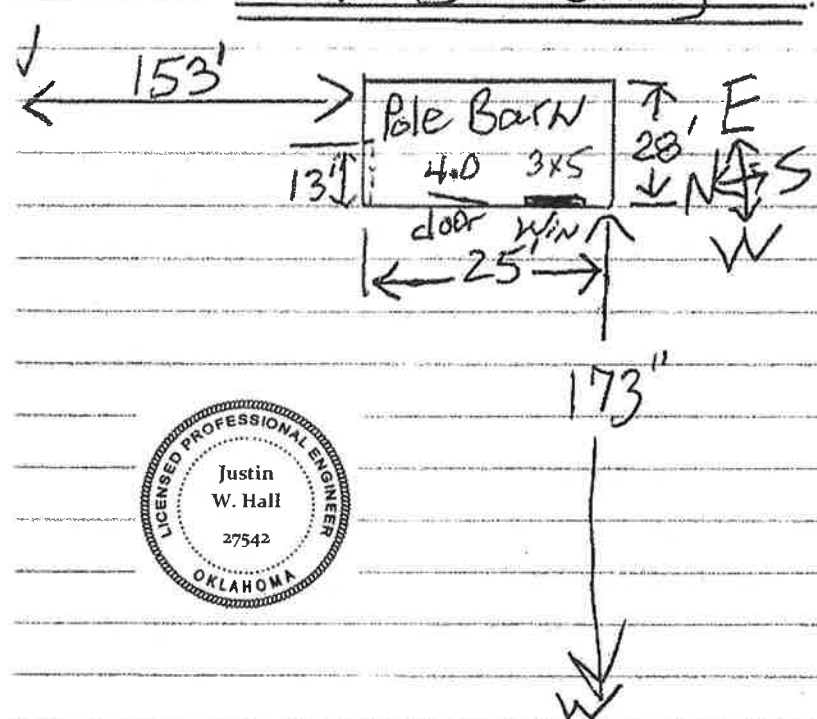






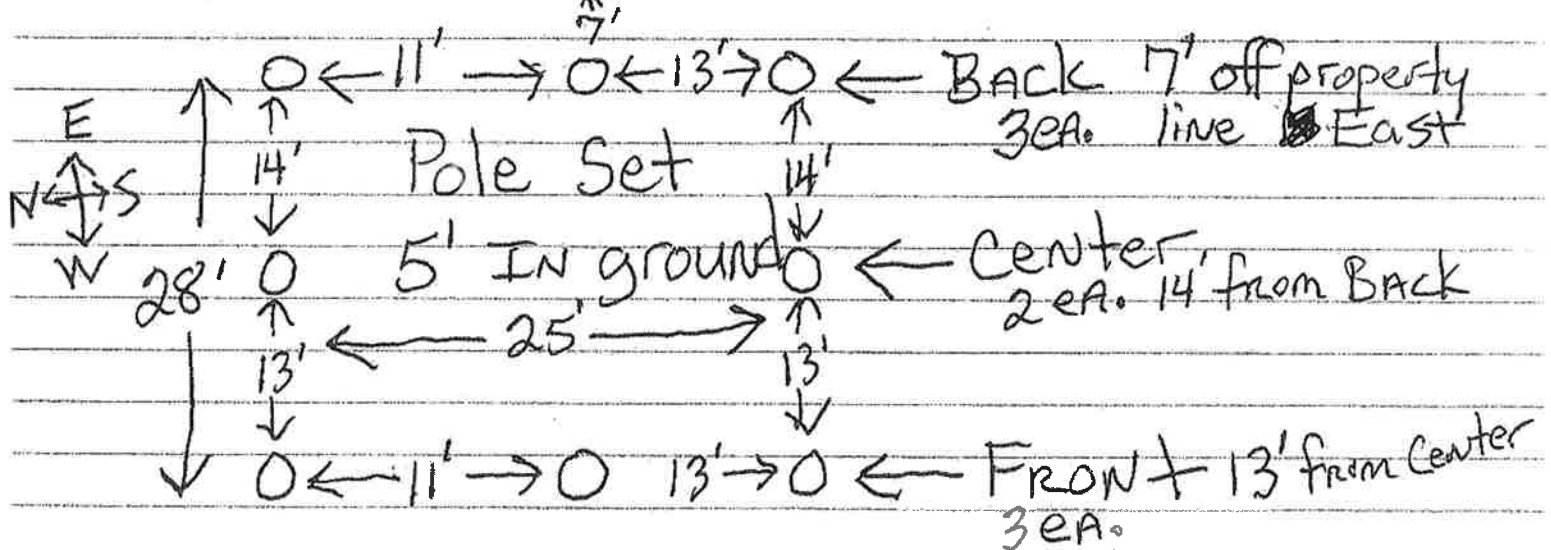


Pole Barn Design:



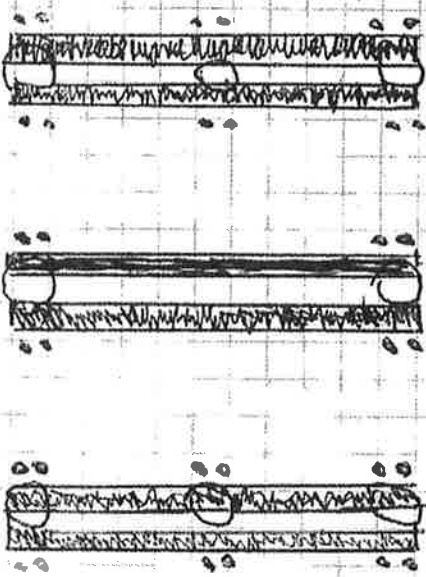
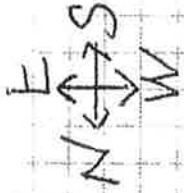
- 25' x 28' x 17' Center height
- 12' x 25' outside walls 2 ea.
- 17' x 25' Center Post 1 ea.
- 13' x 12' Overhead Door 1 ea.
- 4.0 Side Door 1 ea.
- 3 x 5 Window 1 ea.

- Pole's 8 ea. 12" x 22'
- 8 ea. Poles Barriach in ground.
- 3 ea. Both Side's 12" x 17" making 6 total.
- 2 ea. Center Post 12" x 17'
- 6 ea. 12" x 28' Zee Purlins



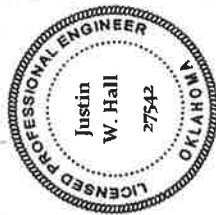
North Side Property line to Barn edge
153'

West Side Property line to Front Barn
173'

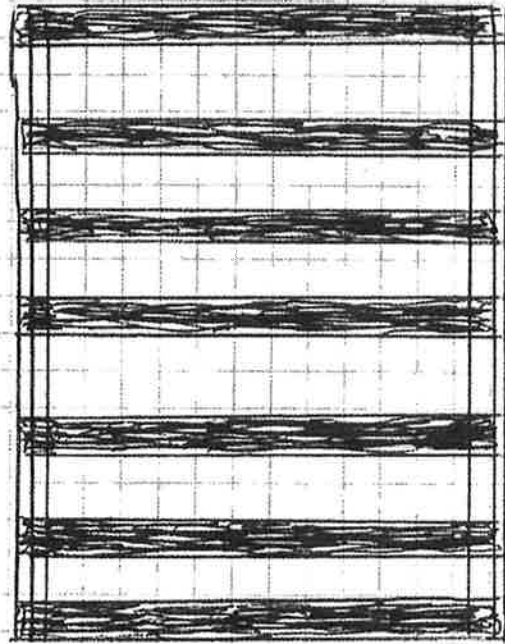


6 ea. 12" x 2" x 28' Zee Purlins
 2" Ends x 12" Center

12" All 6 zee's Purlins Bolted
 at top & Bottom of Purlins
 By 5/8" x 16" Carriage Bolts
 w/ Lock Washer & Nut. 36 ea.
 Bolts are GALVANISED.



Prebuilt Wall Sections:



Top Plate doubled 2 1/2" x 5 1/2" x ? Between Poles 10' Tall

← Wall Studs 2 1/2" x 5 1/2" x 8'
 Set at 24" centers

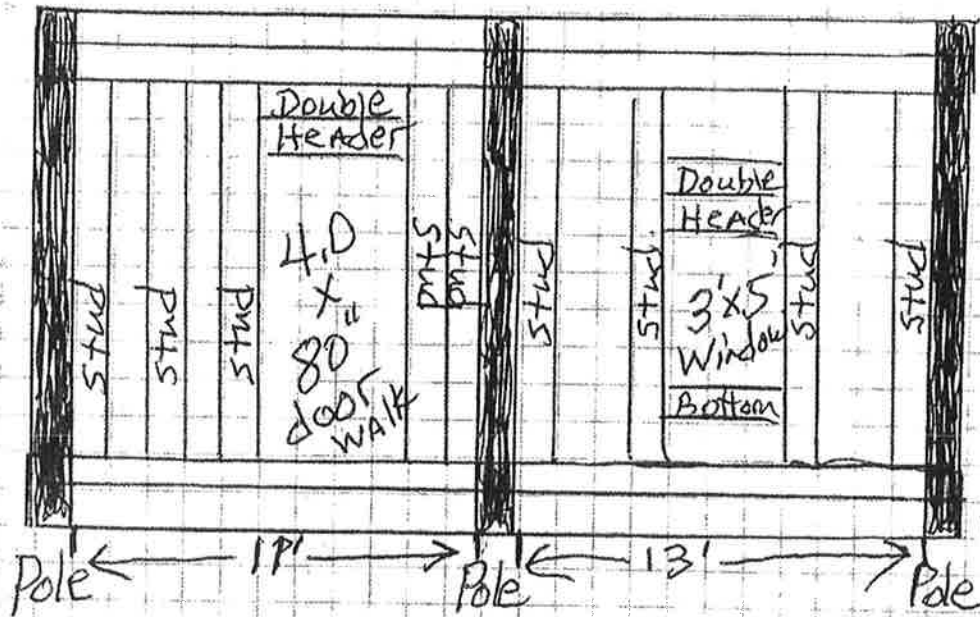
5 ea. Total

1 ea. w/ 4.0 Walkdoor
 Bottom plate doubled

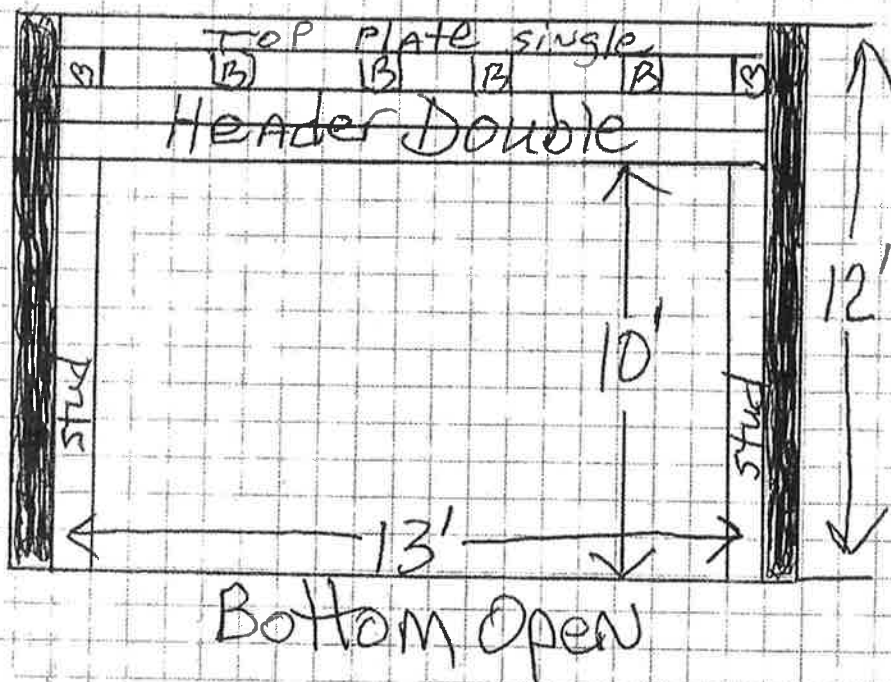
1 ea. w/ 3' x 5' window



Front of Pole Barn: page 4 of 6



2ea. Top Plate
 Door double
 studded HANGS
 w/double Header
 Window
 double Header
 single Bottom
 w/Hanging Flange
 all the way around
 2ea. Bottom Plate



Overhead
 Door frame

2ea. Studs
 Bolted to Pole
 Carried w/nu
 /wastes
 At Top & Bottom

Double Header
 Plates w/Block

Note: Not sure if putting up Rollup between Top Plate & Header
 door or slider:

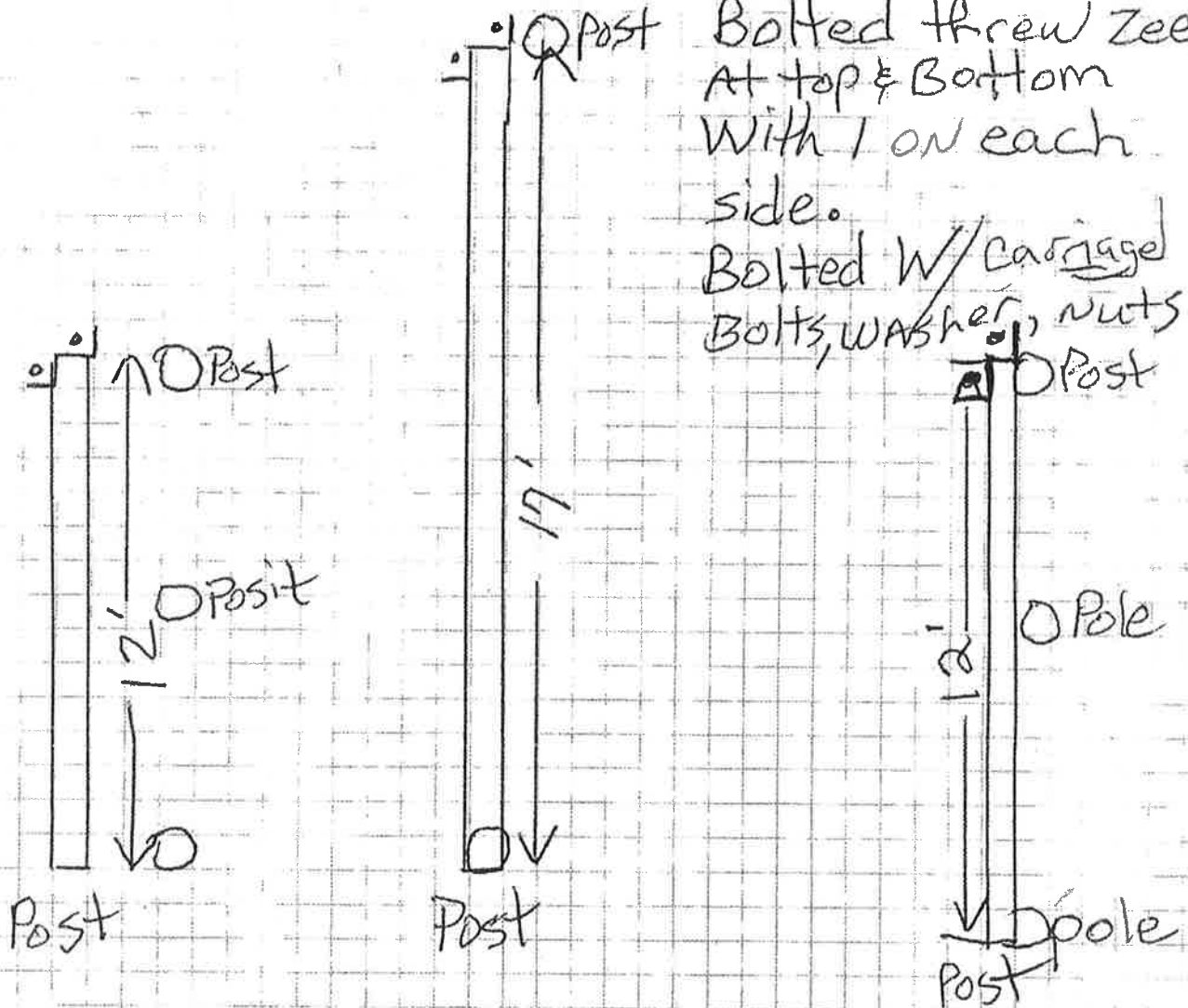
Roof Diagram:

page 5 of 6

2 ea. 12" x 25' Zee Purl

Bolted thru Zee;
At top & Bottom
With 1 on each
side.

Bolted w/ carriage
Bolts, washer, nuts



Note: 1. Zee Purlin's Hung on pole's Both sides w/ 14" x 5/8".

2. 4 of them Per Pole

3. Rafter's mount to Zee's
With Brackets & Welding.

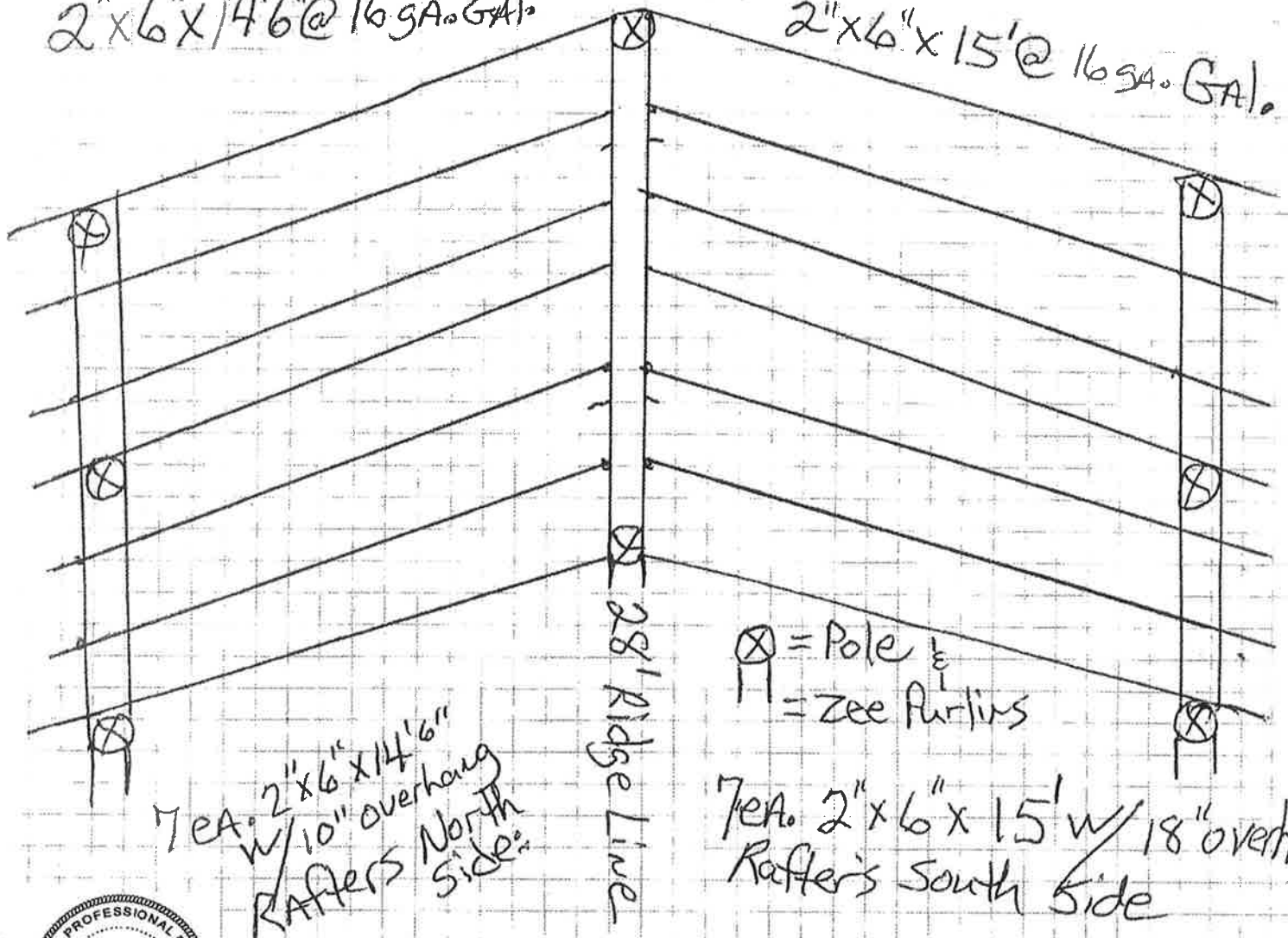


Rafters Diagram:

page 6 of 6

2"x6"x14'6"@16 GA. GAL.

2"x6"x15'@16 GA. GAL.



Note: Rafters are connected with Hangers & welded in place @ 4' center
All Rafters are cross braced running 2 5/8" Hat tracs w/1 at top ridge and 1 across bottom by overhang. The rest are at 4' sections or less.
Screwed w/ 2ea 3/4" Long 5/16" thick Hex Head
3500 # Test

JEFF S. TAYLOR
ZONING OFFICIAL
PLANS EXAMINER

TEL (918)596-7637
jstaylor@cityoftulsa.org



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 938413-1

May 19, 2016

DENNIS TUTHILL
8306 E 14 ST S
TULSA, OK 74112

APPLICATION NO: **394552** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 8306 E 014 ST S
Description: NEW

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" ☐ IS ☒ IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT
WWW.CITYOFTULSA-BOA.ORG

Application No. 394552

8306 E 014 ST S

May 19, 2016

Note: As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. 45.030-A RE and RS-1 Districts

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

Review comments: The combined accessory buildings exceed 750 sq ft on this lot. Reduce the combined total size of your proposed and existing detached accessory structures to be less than 750 sq ft or apply to BOA for a variance to allow the combined total of detached accessory structures to exceed 750 sq ft.

2. **55.090-F Surfacing.** All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of §55.090-F4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.

Review Comments: Provide an all-weather parking surface from the public street to the garage or apply to the Board of Adjustment for a special exception (section 70.120) to allow a material other than an approved material meeting the requirements of 55.090-F.

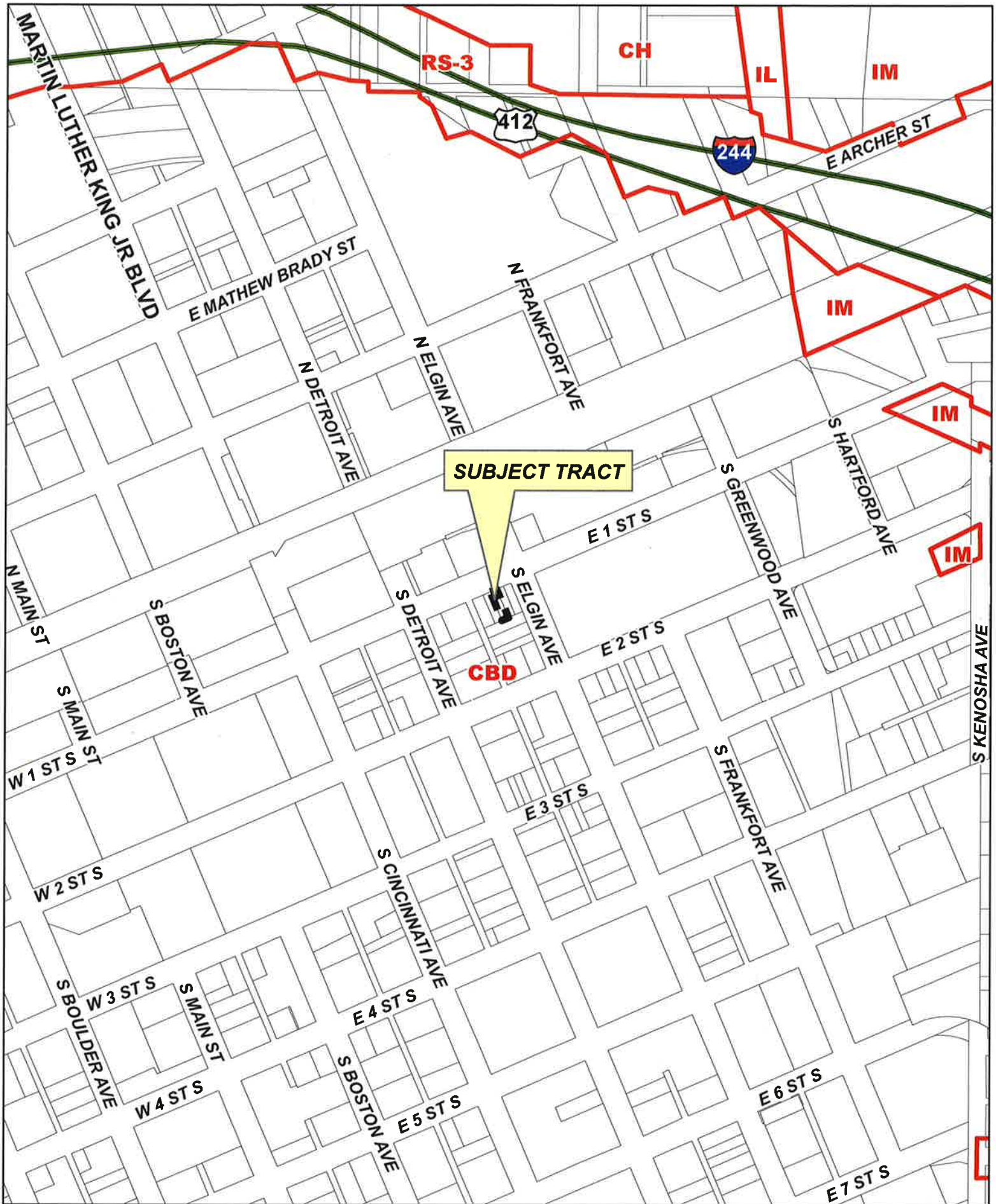
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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

END – ZONING CODE REVIEW

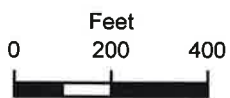
NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

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.



BOA-22196

19-12 01



6.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9201

Case Number: **BOA-22196**

CZM: 36

CD: 4

A-P#: n/a

HEARING DATE: 02/14/2017 1:00 PM

APPLICANT: Shane Hood

ACTION REQUESTED: Verification of the 300 foot spacing requirement for a bar from public parks, schools, and religious assemblies; and 50 ft. from an R-zoned lot (Sec. 40.050).

LOCATION: W of the SW/c of E 1 St S and S Elgin Ave **ZONED:** CBD

PRESENT USE: Mixed Use/Commercial

TRACT SIZE: 2500 SQ FT

LEGAL DESCRIPTION: W25 E75 LT 1 BLK 86, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA 21332; the on 10.25.11 the Board accepted a Verification of the spacing requirements Spacing verification for a liquor store in the CBD from blood banks, plasma centers, day labor hiring centers, other liquor stores, bail bond offices and pawn shops; located at 306 E 1 St S.

BOA 21055; on 04.13.10 the Board accepted a Verification of the spacing requirements for an adult entertainment establishment in a building in the CBD district from an R district, church, school, or park; located at the NW/c of S Elgin Ave and E 2nd St S.

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

Downtown Core is Tulsa's most intense regional center of commerce, housing, culture and entertainment. It is an urban environment of primarily high density employment and mixed-use residential uses, complemented by regional-scale entertainment, conference, tourism and educational institutions. Downtown core is primarily a pedestrian-oriented area with generous sidewalks shaded by trees, in-town parks, open space, and plazas. To support downtown's lively and walkable urban character, automobile parking ideally is located on-street and in structured garages, rather than in surface parking lots.

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

increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

ANALYSIS OF SURROUNDING AREA: The subject tract located in the CBD is surrounded by mixture of uses included surface office space commercial/retail and restaurants.

STAFF COMMENTS:

A bar is permitted in the CBD district as a use by right – subject to complying with the spacing requirements provided in Section 40.050-A of the Code. The Code provides the following spacing requirements for a bar in the CBD:

- *Public entrance doors of bars may not be located within 50 feet of any R-zoned lot, as measured in a straight line from the nearest point on the R-zoned lot (not including R-zoned expressway right-of-way) to the nearest public entrance door of the bar or the nearest portion of any outdoor seating/dining area, whichever results in a greater setback.*
- *Bars may not be located within 300 feet of a public park, school or religious assembly use; the separation distance must be measured from the nearest property line of such public park, school or religious assembly use to the nearest perimeter wall of the bar. Religious assembly uses include all contiguous property owned or leased by the religious organization upon which the principal religious assembly building is located, regardless of any interior lot lines. Schools include all contiguous property owned or leased by the school upon which the principal school building is located, regardless of any interior lot lines.*

The applicant has submitted a map indicating the required spacing radius of 300 ft from the perimeter subject site, the attached map also list surrounding uses within the 300 ft radius. There do not appear to be any public parks, churches, or schools within 300 ft of the proposed bar. There is not an R district within 50 ft the subject property.

The verification is executed through a public hearing to ensure that surrounding property owners are notified and have the ability to provide information to the Board relevant to the verification.

The Board must find that the proposed bar meets or does not meet the spacing requirement.

Language traditionally utilized by the Board in verifying the spacing requirement:

I move that based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing for the proposed bar subject to the action of the Board being void should another conflicting use be established prior to this bar.



0 200 400
Feet



Subject
Tract

BOA-22196

19-12 01

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

Aerial Photo Date: February 2016



6.4



0 50 100
Feet



Subject
Tract

BOA-22196

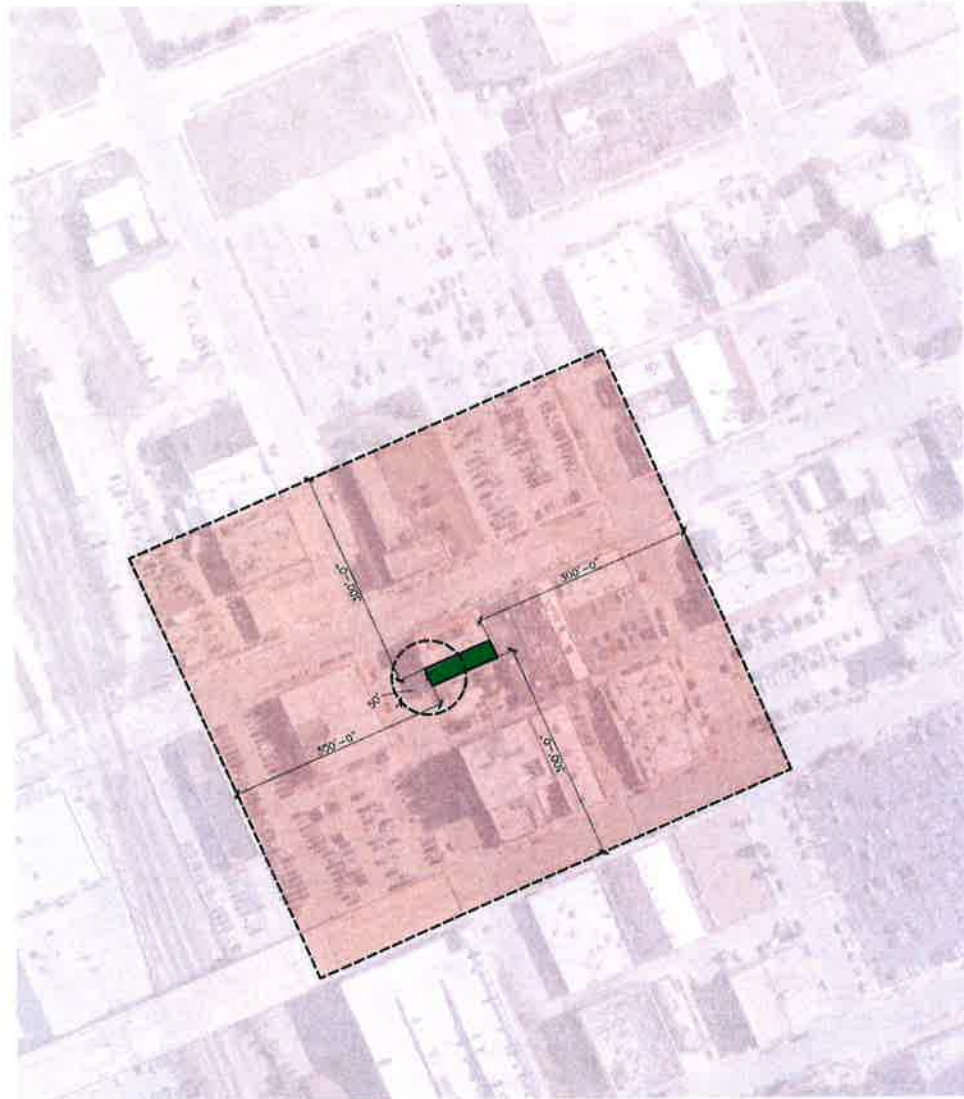
19-12 01

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

Aerial Photo Date: February 2016



6.5



HYGGE

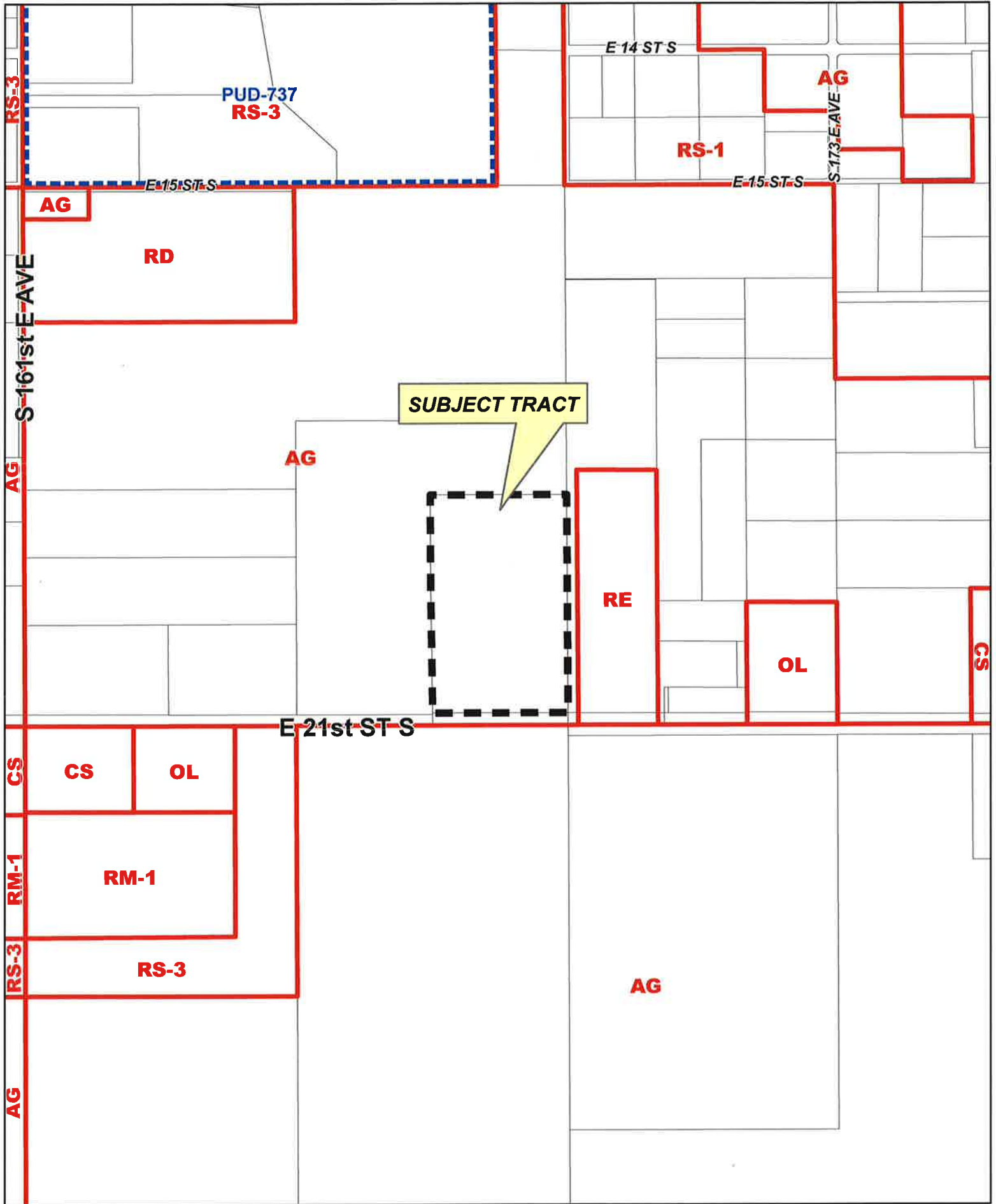
VERIFICATION OF SPACING REQUIREMENT FOR A PROPOSED BAR.

PROJECT OVERVIEW:

- A new bar in the Blue Dome District
- Measurement of the 300 feet was done from property line.
- Measurement of the 50 feet was done from the main entry doors

PROPERTY WITHIN THE MINIMUM PERIMETER

- | | |
|-------------------------|--------------------------|
| 1. Comedy Parlor | 16. Tailgrass Table |
| 2. El Guapos | 17. The Bramble |
| 3. Blue Dome Properties | 18. The Artery |
| 4. First Street Lofts | 19. Hurt's Donuts |
| 5. Whiskey Business | 20. Yokozuna |
| 6. Rib Crib | 21. Santa Fe Crossings |
| 7. McNellies | 22. David Sharp |
| 8. Joe Momma's | 23. Team Properties |
| 9. The Max | 24. Jeanie E Benbaum |
| 10. White Flag | 25. Southbridge Equities |
| 11. Albert G's | 26. Parkco Two |
| 12. Dilly Diner | |
| 13. Jinja | |
| 14. Amies | |
| 15. Rose Pawn | |



BOA-22197

19-14 11

7.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9411
CZM: 40
CD: 6
A-P#: 408037

Case Number: **BOA-22197**

HEARING DATE: 02/14/2017 1:00 PM

APPLICANT: George Wilson

ACTION REQUESTED: Amendment of the previously approved site plan in BOA 20368 to permit the addition of a storage building on the site.

LOCATION: 16933 E 21 ST S

ZONED: AG

PRESENT USE: Tam-Bao Buddhist Temple

TRACT SIZE: 12 Acres

LEGAL DESCRIPTION: LT 1 BLK 1 TAM-BAO BUDDHIST TEMPLE ADDN & N333 S663 E660SW & BEG 663 E660 SW & BEG 663N SECR SE TH W660 N462 E660 S462 POB SEC 11 19 14 12.045ACS, TAM-BAO BUDDHIST TEMPLE, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Lot:

BOA 20368; on 11.14.06 the Board approved a variance to reduce required rear yard in an AG District from 40 ft to 24 ft; a variance of the required number of parking spaces from 70 to 62; and a minor special exception to amend a previously approved site plan.

BOA-16408; on 8.10.93 the Board **approved** a special exception to permit church use in an AG district; per plan submitted.

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

The **New Neighborhood Residential** designation is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single family homes on a range of lot sizes, but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity, and shall be paired with an existing or new Neighborhood or Town Center.

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

7.2

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by undeveloped AG zoned parcels to the north; AG zoned undeveloped parcels to the west and south; and RE zoned undeveloped parcels to the east.

STAFF COMMENTS:

The applicant is before the board request a modification of a previously approved site plan to permit a temporary building as shown on the attached plan.

The applicant is proposing a 364 SF storage building as in the location shown on the attached plan. When the Board approved the special exception in BOA 20368 it was approved per plan (see attached minutes). Therefore the applicant is required to present any proposed modifications of the site plan to the Board for review and approval to allow the Board to ensure that the proposed modifications are keeping with the spirit and intent of the original approval.

Sample Motion for a Special Exception

Move to _____ (approve/deny) an Amendment of the previously approved site plan in BOA 20368 to permit addition of a storage building.

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

The Board finds that the requested Amendment 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.

to a home before. They did not have the room for a carport on the side or rear of the house.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a Special Exception to permit a carport in the required front yard in an RS-2 District (Section 210.B.10), on the following described property:

LT 10 BLK 16, PATRICK HENRY B13-23, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20368

Action Requested:

Variance to reduce the required rear yard in an AG District from 40 ft to 24 ft (Section 303); Variance of the required number of parking spaces from 70 to 62 (Section 1205.C); and a Minor Special Exception to amend a previously approved site plan, located: 16933 East 21st Street South.

Presentation:

Gregory Helms, 329 South Elm, Jenks, Oklahoma, represented the Tam-Bao Buddhist Temple. A site plan was provided (Exhibit D-1).

Mr. Stephens out at 2:21 p.m.

The existing structure is only 34 ft. from the rear property line. The owners of the subject property also own the two tracts to the north. The rear yard setback is to their other property. They propose to add on to the north side of the building.

Comments and Questions:

Mr. Dunham asked if they would be willing to landscape or screen to separate the properties on the north if they were to sell to another property.

Mr. Stephens returned at 2:24 p.m.

Ms. Stead asked what he considered are the practical parking demands. Mr. Helms replied that three or four different groups use the temple. He stated twenty-five cars is the maximum at any one time. He stated the only two sides where they could add on is to the west or north. The north has a utility easement against the property.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Dunham**, the Board voted 5-0-0 (Dunham, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance to reduce the required rear yard in an AG District from 40 ft to 24 ft (Section 303); Variance of the required number of parking spaces from 70 to 62 (Section 1205.C); and a Minor Special Exception to amend a previously approved site plan, per plan submitted today, finding the hardship is an existing building and the functions for which it will be used would be complicated if not impossible to locate them elsewhere; the property owner owns the adjacent property to the north; with a condition: if the property to the north is sold to a separate user that adequate screening be provided; and do not see a practical reason to add parking spaces, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; and this action supercedes the Board Action in BOA Case No. 16408, on the following described property:

LT 1 BLK 2, HICKORY MANOR ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20369

Action Requested:

Special Exception to permit a truck wash (Use Unit 23) and a truck oil and tire service facility in a CG district (Section 701), located: 13001 East Admiral Place.

Presentation:

Nicole Peltier, 10830 East 45th Street, with DeShazo, Tang and Associates, stated the request. She referred to a previously approved truck wash but it was not constructed. Her client purchased the property and sought the same relief. A site plan was provided (Exhibit J-1).

Comments and Questions:

Ms. Stead reminded Ms. Peltier of the requirements for maintenance of sidewalks on Admiral Place and all the surfaces must be asphalt or concrete.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit a truck wash (Use Unit 23) and a truck oil and tire service facility in a CG district (Section 701), with conditions that sidewalks on Admiral Place be maintained, and all surfaces including access from Admiral Place be asphalt or concrete; per plan, finding it will be in harmony with the spirit and intent

FILE COPY

Case No. 16407 (continued)

There was discussion concerning moving the garage farther toward the east, and it was the consensus of the Board that the garage could be moved back 7½'.

Protestants:

None.

Board Action:

On MOTION of S. WHITE, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a Variance of the required side yard from 20' to 7½' to permit the construction of a garage - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per revised plan; finding a hardship demonstrated by the location of the existing dwelling and an attempt to preserve large trees on the lot; on the following described property:

Lot 6, Block 10, Sheila Terrace, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16408

Action Requested:

Special Exception to permit church use in an AG zoned district - **Section 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 5, located 16933 East 21st Street.

Presentation:

The applicant, **TAM-BAO Buddhist Temple**, 542 South Maplewood Avenue, was represented by Ky Nguyen, who requested permission for church use on the subject property. He submitted a newspaper article (Exhibit K-2) and informed that the nearest Buddhist temple is in Oklahoma City. Mr. Nguyen stated that the property in question is not near other residences, and the proposed use would be compatible with the surrounding area. A plot plan (Exhibit K-3) and photographs (Exhibit K-1) were submitted.

Comments and Questions:

Ms. White asked if there will be uses other than a church, and Mr. Nguyen stated that the property will be for church use only.

Mr. Doverspike inquired as to the number of people that will attend services, and Mr. Nguyen replied that approximately 40 people are involved in the attempt to purchase the property.

Case No. 16408 (continued)

In response to Mr. Doverspike, Mr. Nguyen stated that the existing structures will be used for church services. He added that approximately 20 parking spaces will be installed if the application for church use is approved.

Protestants:

Ron MacKenzie, 5810 Skelly Drive, stated that he is counsel for his mother-in-law, who resides at 16415 East 21st Street, and owns land bordering the subject property on the north and west. He pointed out that the septic tank serving the house in question drains toward the stock ponds on his mother-in-law's property, which could cause contamination of the water. Mr. MacKenzie stated that normal farming activities are conducted on the property, some of which could generate noise that would interfere with the religious services. He pointed out that the land along 21st Street has the potential of becoming valuable in the future.

Interested Parties:

Stafford Davis, 2144 North Elwood, stated that he is supportive of the application.

Applicant's Rebuttal:

Mr. Nguyen stated that there are approximately 15 members meeting together at this time, and church services will only be held twice each week. He informed that a Health Department official has notified him that the existing septic system is adequate for the proposed church. He pointed out that there are other churches along 21st Street and the proposed use will not be detrimental to the area, or have an adverse impact on future development.

In response to Mr. Bolzle, Mr. Gardner advised that, if the application is approved, platting will be required. He noted that the church, which only meets twice each week, with no more than 15 people, would not produce as much waste water run-off as one family with laundry and normal water usage.

Board Action:

On MOTION of BOLZLE, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to APPROVE a Special Exception to permit church use in an AG zoned district - Section 301. **PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 5; per plan submitted, with the deletion of the future church designation; subject to platting; and subject to Health Department approval; finding the use to be compatible with the surrounding area; on the following described property:

Case No. 16408 (continued)

East 660' of the south 330', SW/4, Section 11,
T-19-N, R-14-E, City of Tulsa, Tulsa County,
Oklahoma.

Case No. 16409

Action Requested:

Variance of the height limitation for a sign from 20' to 21.9', variance to permit two signs on 21st Street frontage, variance of the maximum 2/10 square foot display surface area per lineal foot of street frontage and a variance of the required setback from the centerline of east 21st Street from 50' to 29' - Section 602.B.4.b., c., and e. Business Signs, and Section 1221.C.6. General Use Conditions for Business Signs - Use Unit 5, located 20 East 21st Street.

Presentation:

The applicant, Akdar Temple, 20 East 21st Street, was represented by Gordon Patton, 3015 East Skelly Drive, who submitted a sign plan (Exhibit L-1) and noted that the existing sign does not comply with current Code requirements. He requested permission for his client to elevate the existing sign approximately 2' to permit the addition of a panel for changeable copy, and permit the second sign to remain on the wall of the building.

Comments and Questions:

In response to the question concerning the height of the proposed sign, Gary Larson, 1248 East 29th Street, clarified that the actual height of the new sign is to be 21.9'.

Mr. Bolzle inquired as to the hardship for the variance requests, and Mr. Patton stated that the sign is not adequate for advertising special events, and the only area suitable for the marquee is on the sign.

Mr. Bolzle stated that he can support the location of the existing sign; however, he would not be amenable to increasing the amount of signage on the property.

Ms. White indicated agreement with Mr. Bolzle.

Board Action:

On MOTION of BOLZLE, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to DENY a Variance of the height limitation for a sign from 20' to 21.9', to APPROVE a Variance to permit two signs on 21st Street frontage, to DENY a Variance of the maximum 2/10 square foot display surface area per lineal foot of street



0 300 600
Feet



Subject
Tract

BOA-22197

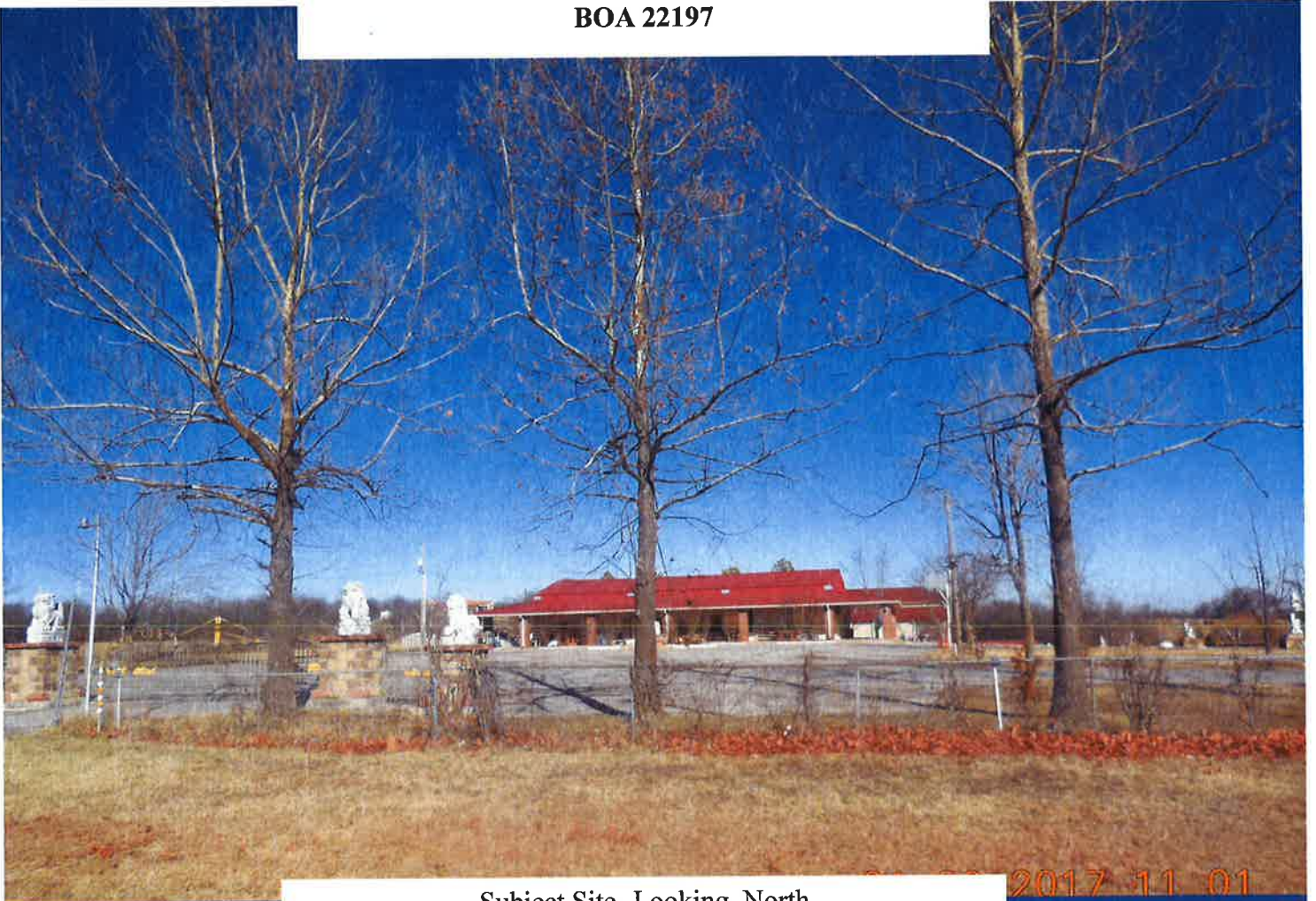
19-14 11

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

Aerial Photo Date: February 2016

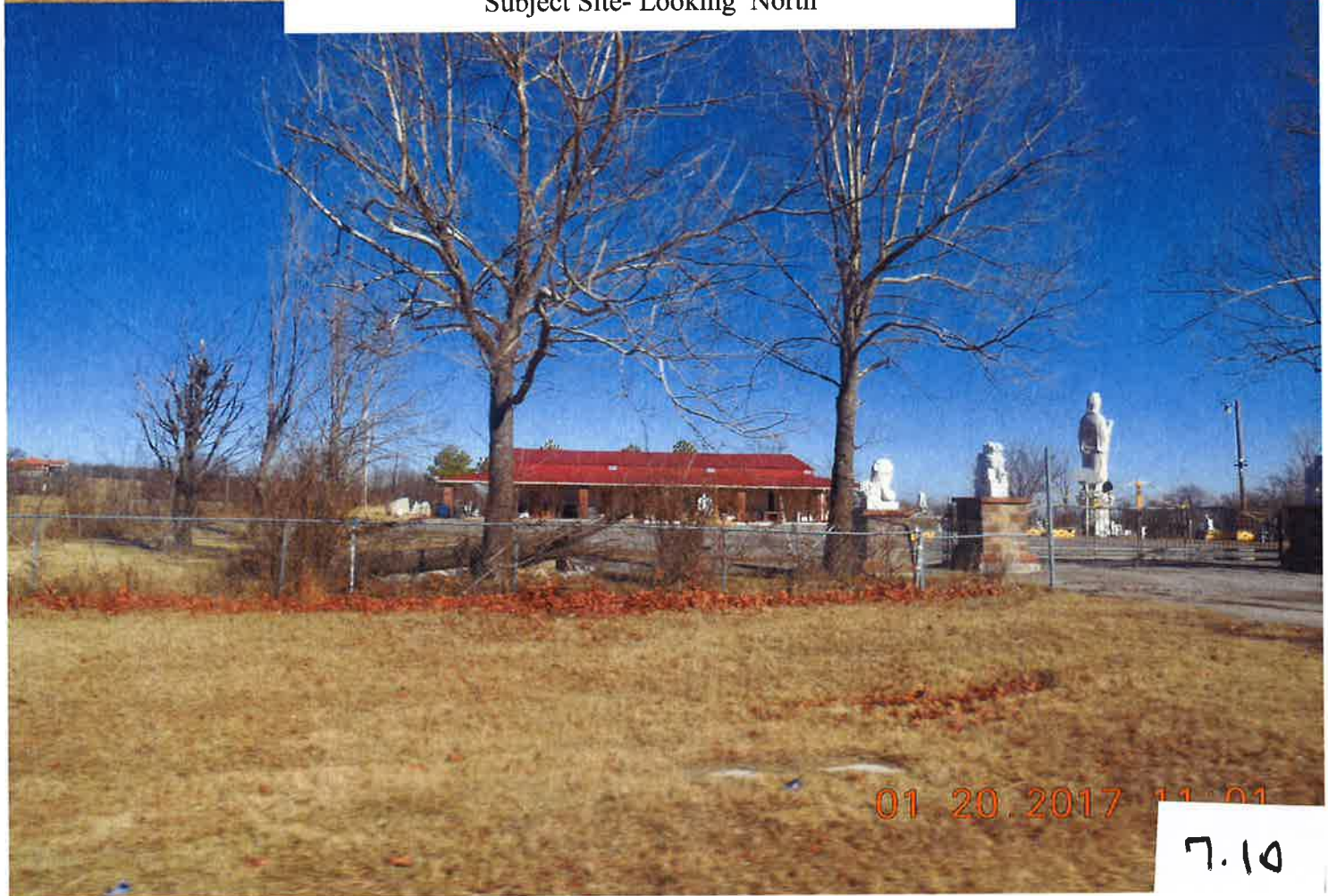
7.9





Subject Site- Looking North

01 20 2017 11 01



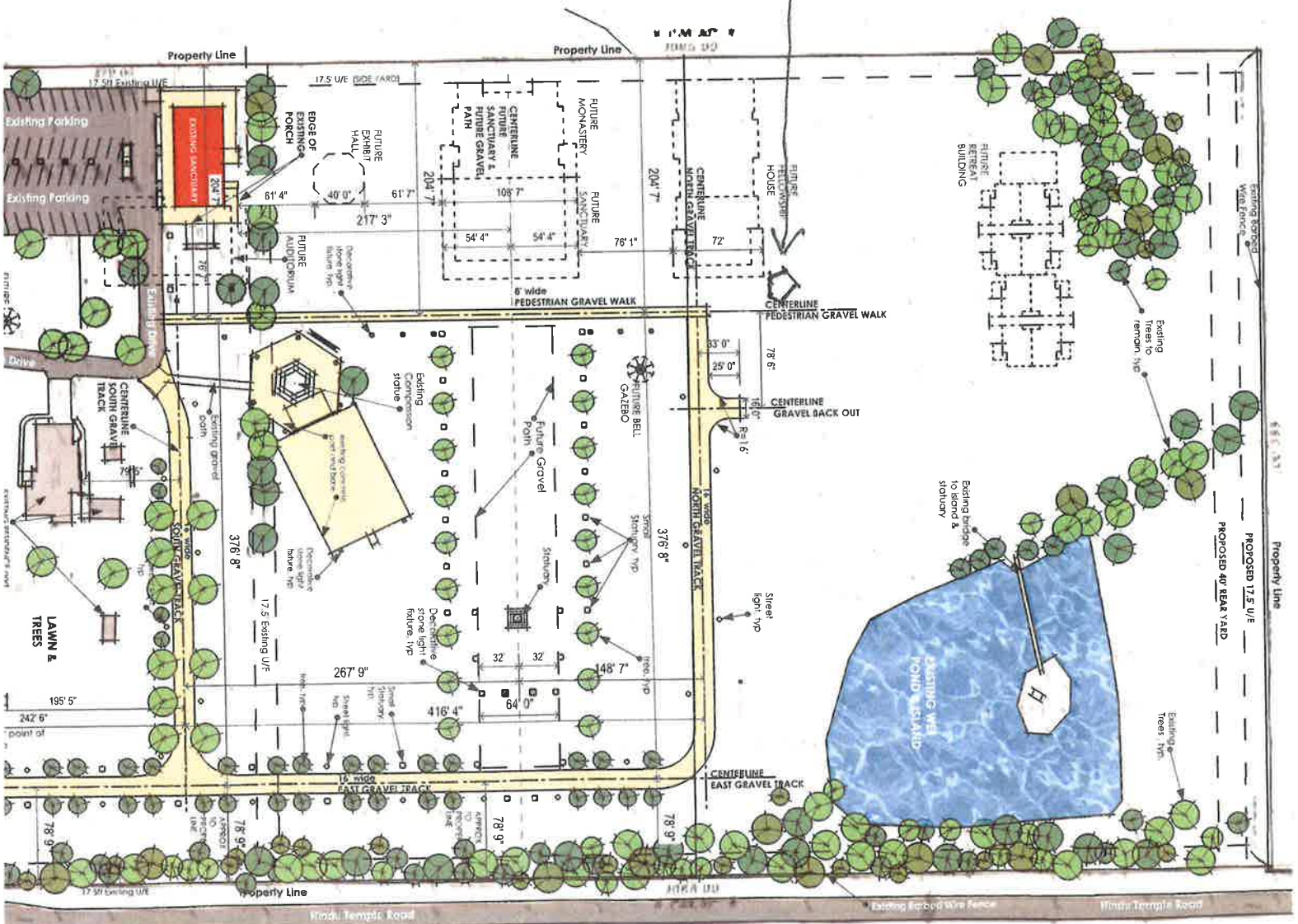
01 20 2017 11 01



E 21 St S - Street View (Looking West)

01.20.2017 11:00

Location of Storage Bldg on Property _____



CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

TEL (918)596-9688
clange@cityoftulsa.org



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 976029-1

November 18, 2016

GEORGE WILSON Phone: (918)671-
GEORGE WILSON 5733
ROOFING &
CONSTR
6433 S 45 W AV
TULSA, OK 74132

APPLICATION NO: **408037** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **16933 E 021 ST S**
Description: **NEW**

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" **[X] IS [] IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT WWW.CITYOFTULSA-BOA.ORG

Application No. 408037

16933 E 021 ST S

November 18, 2016

Note: Please direct all questions concerning Special Exceptions, and all questions regarding BOA application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

Sec.70.120-E1c: BOA approval of a minor special exception is required for an amendment to a plot plan that was made a condition of the granting of a special exception that involved an increase in building floor area of no greater than 15% and did not require the granting of any variances.

Review comment: BOA-20368:3/24/2009 required a minor special exception to a previously approved site plan for a statue at this location. The proposed storage building is a modification that site plan. This will require approval from the BOA for a minor amendment to the site plan approved on 3/24/2009. Submit a site plan that has been reviewed and approved in compliance with Sec. 70.120.

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.

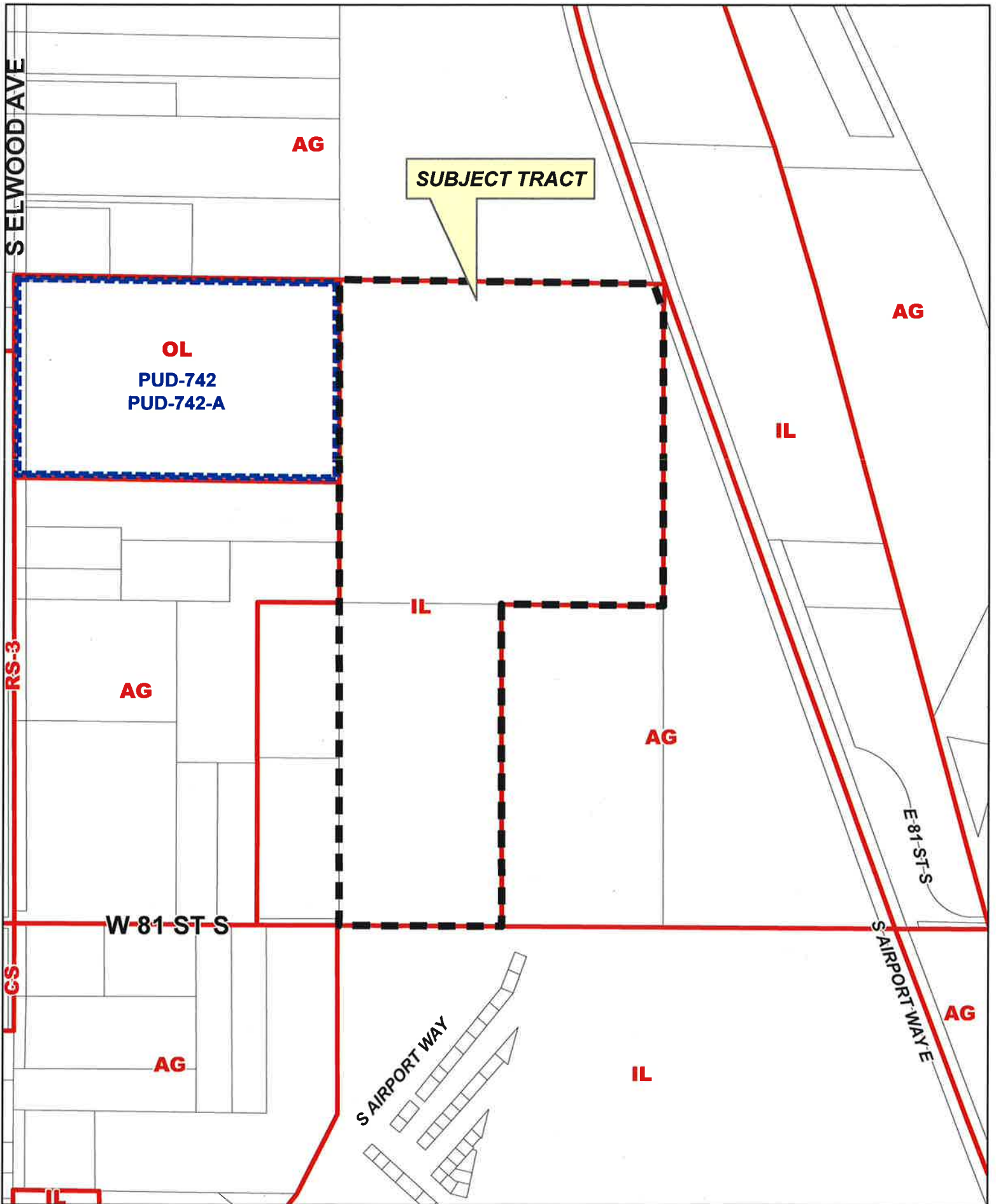
A hard copy of this letter is available upon request by the applicant.

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.

THIS PAGE
INTENTIONALLY
LEFT BLANK



BOA-22201

8.1

18-12 12

BOARD OF ADJUSTMENT CASE REPORT

STR: Case Number: **BOA-22201**

CZM: 51

CD: 2

A-P#: n/a

HEARING DATE: 02/14/2017 1:00 PM

APPLICANT: Erik Enyart

ACTION REQUESTED: Special Exception to permit alternative compliance parking ratios to allow an Assembly and Entertainment Indoor/Outdoor facility (sports and performance center). Section 55.050-K.

LOCATION: E of the NE/c W 81st ST S & S Elwood AV **ZONED:** IL

PRESENT USE: Undeveloped

TRACT SIZE: 59 Acres

LEGAL DESCRIPTION: THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE/4 SW/4) LYING SOUTH AND WEST OF THE RAILROAD RIGHT OF WAY IN SECTION TWELVE (12), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF AND THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (W/2 SE/4 SW/4) OF SECTION TWELVE (12), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

RELEVANT PREVIOUS ACTIONS:

Subject Lot:

BOA 22105; on 07.12.16 the Board **approved** a special exception to permit a sports and performance center with indoor and outdoor volleyball courts, basketball courts, soccer fields, fitness center, and high performance training in the IL district (Section 15.020).

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

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

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop

these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by IL and OL zoning on the west; AG zoning on the north and east; W 81st St S and IL zoning abuts the site on the south.

STAFF COMMENTS:

The Code requires that "Other Assembly and Entertainment (Indoor)" use provide 3.75 parking spaces per 1,000 square feet of building area. Therefore the 176,892 sq. ft. indoor sports and training facility will require 663 on-site parking spaces. The parking ratio for "Other Assembly and Entertainment (Outdoor)" is 1.10 parking spaces for every 1000 sq. ft. of entertainment/assembly area. The applicant has stated that the Code would require 867 parking spaces for the 15 fields and 8 volleyball courts. **The total parking required by Code for the indoor/outdoor sports facility is 1530 spaces.**

The applicant has stated that Institute of Transportation Engineers (I.T.E.) Common Trip Generation Manual, 9th Edition, calculates 17.70 trips per soccer field in a soccer complex. The trips may serve as an approximation for vehicle parking spaces, as most trips will be via single car parked onsite, although some share of local patrons may drop-off and pick-up. Using this formula, and carrying the 17.70 parking spaces ratio across for each field and volleyball court. There are a total of 23 outdoor fields and courts in the complex; therefore, 407 parking spaces should be planned for the outdoor fields.

The Code through special exception allows the stated parking ratios to be modified by **the Board**. **The applicant is requesting that the Board approve an alternative parking ratio for "Other Assembly and Entertainment (Outdoor)" of 17.70 parking spaces per outdoor field and court or 407 spaces to serve the 23 outdoor fields/courts.** The ratio provided by the Code is 1.10 parking spaces for every 1000 sq. ft. of outdoor field/court area or 867 parking spaces to serve the 23 outdoor fields and courts.

The applicant is proposing that the site contain the 663 parking spaces required by Code to serve the indoor facility and 407 parking spaces established by the modified parking ratio, resulting in 1,070 parking spaces (1,090 parking spaces are planned). With the proposed parking ratio **the applicant is requesting to reduce the total parking requirement from 1530 spaces to 1070 spaces; a reduction of 460 parking spaces for the facility.**

The Code states that alternative compliance parking ratios may be approved through the special exception procedures only if:

1. The applicant submits a parking study demonstrating that the motor vehicle parking ratios of Section 55.020 do not accurately reflect the actual day-to-day parking demand that can reasonably be anticipated for the proposed use based on field surveys of observed parking demand for similar use within the city or on external data from credible research organizations, such as the Urban Land Institute (ULI) or the Institute of Transportation Engineers (ITE);
2. The board of adjustment must determine that the other allowed parking reduction alternatives of Section 55.050 are infeasible or do not apply. The parking reduction alternatives are attached to this case report for the Board's review.

The applicant has stated that when examined the parking exemptions did not appear to be applicable to the project. Below is the applicant's response to the available parking exemptions and credits in Section 55.050:

- **Section 55.050-A Central Business District** - N/A
- **Section 55.050-B HP-zoned Property** - N/A
- **Section 55.050-C National Register of Historic Places** - N/A
- **Section 55.050-D Accessory Buildings** - N/A
- **Section 55.050-E Motorcycle and Scooter Parking** - This parking arrangement does not afford any spatial relief from standard parking spaces and is not feasible.
- **Section 55.050-F Car-Share and Bike-Share Service**- No city car share or bicycle share programs planned at this time.
- **Section 55.050-G Long-term Bicycle Parking** - Minimum required onsite bicycle parking will be provided. Additional bicycle parking is not planned, as this parking arrangement does not afford any spatial relief from standard parking spaces and is not feasible.
- **Section 55.050-H Public Parking** - No public parking facilities available to our site.
- **Section 55.050-I On-street Parking** - 81st Street South does not have the width or design necessary to support on street parking.
- **Section 55.050-J Shared Parking** - No other facilities available to share parking with.

3. The board of adjustment must determine that the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area.

Sample Motion for a Special Exception:

Move to _____ (approve/deny) a Special Exception to permit alternative compliance parking ratios to allow an Assembly and Entertainment Indoor/Outdoor facility (sports and performance center), Section 55.050-K.

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions:_____.
- The Board determines that the other allowed parking reduction alternatives of Section 55.050 are infeasible or do not apply to the proposed project.
- The Board determines that the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area.

The 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

55.040-F Outdoor Customer Seating/Dining Areas

Any outdoor customer seating/dining area exceeding 10% of a bar, restaurant or other use's indoor floor area must be counted as floor area for purposes of determining off-street parking requirements.

55.040-G Unlisted Uses

Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the development administrator is authorized to apply the off-street parking ratio specified for the listed use that is deemed most similar to the proposed use or establish a minimum off-street parking requirement for the proposed use in accordance with [§55.040-H](#).

55.040-H Establishment of Other Parking Ratios

The development administrator is authorized to establish required minimum parking ratios for unlisted uses and in those instances where authority to establish a requirement is expressly granted. Such ratios must be established on the basis of (1) a similar use/parking determination (as described in [§55.040-G](#)), (2) on parking data provided by the applicant or (3) other information available to the development administrator. Parking data and studies must include estimates of parking demand based on reliable data collected from comparable local uses or on external data from credible research organizations, such as the Urban Land Institute (ULI) and the Institute of Transportation Engineers (ITE). Comparability will be determined by density, scale, bulk, area, type of activity and location. Parking studies must document the source of all data used to develop recommended requirements.

Section 55.050 Parking Exemptions and Credits

55.050-A Central Business District

Uses within the CBD zoning district are exempt from compliance with all regulations of this chapter, except for the parking area design requirements of [§55.090-B](#) through [§55.090-G](#), which do apply in the CBD district.

55.050-B HP-zoned Property

Buildings within HP (Historic Preservation) overlay districts are exempt from the minimum off-street parking ratios of [Table 55-1](#).

55.050-C National Register of Historic Places

Buildings listed in the National Register of Historic Places and contributing buildings within National Register districts are exempt from the minimum off-street parking ratios of [Table 55-1](#).

55.050-D Accessory Buildings

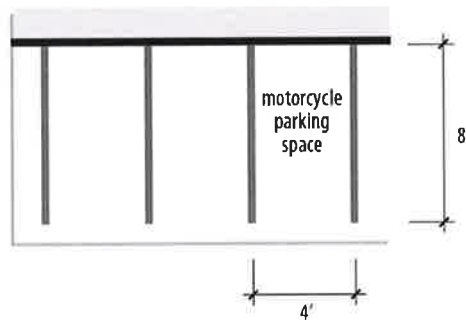
Accessory buildings are exempt from the minimum off-street parking ratios of [Table 55-1](#).

55.050-E Motorcycle and Scooter Parking

In parking lots containing more than 10 parking spaces, the provision of motorcycle or scooter parking spaces may be credited toward satisfying the minimum off-street parking ratios of [Table 55-1](#) at the rate of one motor vehicle parking space

for each 2 motorcycle or scooter parking spaces. The maximum credit allowed under this provision is 2 spaces or 10% of the total minimum motor vehicle parking requirement for the subject property, whichever is greater. To receive credit, each motorcycle and scooter space must have a concrete surface and minimum dimensions of 4 feet by 8 feet. This provision applies to existing and proposed parking lots.

Figure 55-2: Motorcycle Parking Space Dimensions



55.050-F Car-Share and Bike-Share Service

The following parking credits apply to nonresidential uses that are required to provide 10 or more motor vehicle parking spaces and to residential or mixed-use projects that are required to provide 25 or more motor vehicle parking spaces.

1. The number of required motor vehicle parking spaces is reduced by 4 spaces for each parking space that is leased by a city-approved car-share program for use by a car-share vehicle.
2. The number of required motor vehicle parking spaces is reduced by 2 spaces for uses that provide space for a city-approved bike-share program facility with a minimum of 10 bicycle parking docks.

55.050-G Long-term Bicycle Parking

Each 10 long-term bicycle parking spaces provided in accordance with [Section 55.060](#) is credited as one motor vehicle space.

55.050-H Public Parking

Nonresidential uses may receive credit for parking spaces within a nearby public parking lot or public parking garage, as follows:

1. The nearest pedestrian entrance to the public parking lot or garage must be located within 1,500 feet of the lot on which the subject use is located;
2. The parking facility must be open to the general public from at least 6:00 a.m. to 10 p.m.;
3. Minimum parking requirements may be reduced by one parking space for every 4 parking spaces within the public parking lot or garage, not to exceed a total reduction of more than 25 spaces.

55.050-I On-street Parking

Nonresidential uses may count on-street parking spaces on public street rights-of-way abutting the subject property towards satisfying off-street motor vehicle parking requirements. One on-street parking space credit may be taken for each 20 linear feet of abutting right-of-way where on-street parking is allowed. Only space on the same side of the street as the subject use may be counted, except that the opposite side of the street may be counted if the property on that side of the street does not have the potential for future development. In calculating credit for on-street parking, all fractional spaces are rounded down.

55.050-J Shared Parking

1. General

Shared parking refers to the practice of 2 or more users who have need for parking at different times voluntarily agreeing to make use of the same motor vehicle parking spaces. Shared parking is encouraged as a means of conserving scarce land resources, reducing stormwater runoff, reducing the heat island effect caused by large paved areas and improving community appearance.

2. Approval

The development administrator is authorized to approve shared parking arrangements among property owners who propose shared parking.

3. Eligibility

Shared parking may be approved for nonresidential uses that have different periods of parking demand. Required residential parking and accessible parking spaces (for people with disabilities) may not be shared, provided that this provision is not intended to prohibit shared driveways serving such uses.

4. Calculation

The number of parking spaces required under a shared parking arrangement must be determined in accordance with the following:

- Multiply the minimum parking required for each individual use, as set forth in [Table 55-1](#) by the percentage identified in [Table 55-2](#) for each of the 6 designated time periods.
- Add the resulting sums for each of the 6 columns in [Table 55-2](#).
- Select the time period with the highest total parking requirement and use that total as the shared parking requirement.

Table 55-2: Shared Parking Calculations

Land Use	Time					
	Weekday			Weekend		
	Midnight-7:00 a.m.	7:00 a.m.-6:00 p.m.	6 p.m.-Mid- night	Midnight-7:00 a.m.	7:00 a.m.-6:00 p.m.	6 p.m.-Mid- night
Office and Industrial	5%	100%	10%	0%	60%	5%
Lodging	100%	60%	90%	100%	65%	80%
Restaurants and Bars	50%	70%	100%	45%	70%	100%
Religious Assembly	0%	10%	30%	0%	100%	30%
Assembly & Entertain.	10%	50%	100%	5%	80%	100%

Land Use	Time					
	Weekday			Weekend		
	Midnight-7:00 a.m.	7:00 a.m. -6:00 p.m.	6 p.m. -Mid- night	Midnight-7:00 a.m.	7:00 a.m.-6:00 p.m.	6 p.m. -Mid- night
Retail Sales & Comm. Service	5%	70%	90%	0%	100%	60%

5. Other uses

If one or more of the land uses proposing to make use of a shared parking arrangement do not conform to the land use classifications in [Table 55-2](#), as determined by development administrator, then the applicant must submit sufficient data to indicate the principal operating hours of the uses. Based upon this information, the development administrator is authorized to determine the appropriate shared parking requirement, if any, for such uses.

6. Location

Shared parking may be located on-site or off-site. Off-site parking is subject to the regulations of [§55.080-D](#).

7. Agreement

Before final approval of a shared parking arrangement, a shared parking agreement must be provided guaranteeing the long-term availability of the shared parking, commensurate with the uses served. The agreement must be filed of record in the county clerk's office of the county in which the property is located. Shared parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If a shared parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this chapter.

55.050-K Alternative Compliance

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

1. The applicant submits a parking study demonstrating that the motor vehicle parking ratios of [Section 55.020](#) do not accurately reflect the actual day-to-day parking demand that can reasonably be anticipated for the proposed use based on field surveys of observed parking demand for similar use within the city or on external data from credible research organizations, such as the Urban Land Institute (ULI) or the Institute of Transportation Engineers (ITE);
2. The board of adjustment determines that the other allowed parking reduction alternatives of [Section 55.050](#) are infeasible or do not apply; and
3. The board of adjustment determines that the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area.

Section 55.060 Bicycle Parking

55.060-A Purposes

1. Short-term Bicycle Parking

Short-term bicycle parking is generally intended to serve the needs of cyclists who park their bicycles for short time periods, including customers, clients, students and other short-term visitors.

2. Long-term Bicycle Parking

Long-term bicycle parking is generally intended to serve the needs of cyclists who park their bicycles for long time periods, primarily employees and residents.

55.060-B Spaces Required

1. Short-term Bicycle Parking

Short-term bicycle parking spaces must be provided in accordance with the minimum ratios established in [Table 55-3](#).

Table 55-3: Minimum Required Bicycle Parking Ratios

USE CATEGORY	
Subcategory	Bicycle Spaces (% of Required Motor Vehicle Parking Spaces)
Specific use	
RESIDENTIAL	
Household Living	
Apartment/condo	10% or 2 spaces, whichever is greater
PUBLIC, CIVIC AND INSTITUTIONAL	
College or University	10% or 2 spaces, whichever is greater
Library or Cultural Exhibit	10% or 2 spaces, whichever is greater
Parks and Recreation	5% or 2 spaces, whichever is greater
School	
Elementary or Middle School	10% or 2 spaces, whichever is greater
Senior High	5% or 2 spaces, whichever is greater
COMMERCIAL	
Assembly and Entertainment	
Commercial Service	5% or 2 spaces, whichever is greater
Personal improvement service	5% or 2 spaces, whichever is greater
Financial Services	5% or 2 spaces, whichever is greater
Restaurants and Bars	
Restaurant	5% or 2 spaces, whichever is greater
Bar	5% or 2 spaces, whichever is greater
Retail Sales	
Consumer shopping goods	5% or 2 spaces, whichever is greater
Convenience goods	5% or 2 spaces, whichever is greater
Studio, Artist or Instructional Service	5% or 2 spaces, whichever is greater

55.060-C Long-term Bicycle Parking

Long-term bicycle parking and storage is not required, but as a means of encouraging the provision of long-term bicycle parking spaces for employees and bicycle commuters, motor vehicle parking credit is offered in accordance with [§55.050-G](#).

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bond, Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a **Special Exception** to permit a driveway width greater than 20 feet in the RS-4 District (Section 55.090-F.3), subject to conceptual plan 9.8. The Board has found that this will complete the solid surface required for the driveway in front of the existing residence. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

E70 OF S350 BLK 17, GILLETTE-HALL ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

22105—Eller & Detrich – Lou Reynolds

FILE COPY

Action Requested:

Special Exception to permit a sports and performance center with indoor and outdoor volleyball courts, basketball courts, soccer fields, fitness center, and high performance training in the IL District (Section 15.020). **LOCATION:** East of the NE/c of West 81st Street South & South Elwood Avenue **(CD 2)**

Presentation:

Lou Reynolds, Eller & Detrich, 2727 East 21st Street, Tulsa, OK; stated he represents the Titan Sports & Performance Center. The subject property is 59 acres in size and zoned IL. There have been several projects proposed for the subject property but the projects never work because of the neighboring airport. The new Jenks school is being built and Titan Sports will have after school activities arranged for the school children. The planned building will be 175,000 square feet and inside the building there will be eight basketball courts, 16 volleyball courts, two indoor soccer fields, and athletic training facilities for strengthening, speed and conditioning. Outside the building there will be 12 fields and 10 fields will be full time soccer fields and two will be Lacrosse fields that can also be used for soccer. Mr. Reynolds had renderings of the proposed building placed on the overhead projector. There are 1,907 parking spaces proposed for the building which is more than the Code requires, but he believes these are more parking spaces than the building will need. The parking is proposed to be paved with parking grass pavers so that it is not an all impervious surface. The proposed landscaping is more than the Code requires. There is an access point from 81st Street and there is another access point on the lower portion of the property. On the north side of the property the driveway will be extended so there is access from West 71st Street, and an agreement with the City is being worked on for this step. Everything is being done to minimize the effect on the area. Mr. Reynolds stated that he has worked very closely with the Airport Authority and kept them informed on the project. Mr. Reynolds stated that he has met with Councilor Cue and she is very supportive of the

FILE COPY

BOA-22105

project. Mr. Reynolds would request the Board to approve the Special Exception for the sports facility.

Interested Parties:

Mel Hair, 7703 South Elwood, Tulsa, OK; stated his property is immediately west of the subject property. He has lived in the area most of his life and is very knowledgeable about the property. Mr. Hair believes the project cannot be completed as proposed due to the fact that over half of the 59 acres are recognized as a wetland. Over a year ago he stood before the Board and showed that the Jenks school could not be built as proposed due to excessive runoff that occurs in the area. The neighbors were assured that all runoff would not affect the adjoining properties. Mr. Hair believes the proposed project cannot be completed without elevating the area causing the surrounding areas to flood. Mr. Hair had photos placed on the overhead projector showing extensive silting, 18 inches deep that has occurred on his property and on the neighbor's property to the south. Mr. Hair stated that the high property to the north is the sewage treatment plant, the high property to the east is the levee/railroad tracks, high ground to the south is Riverside Airport, and the Hager Creek Levee borders all the affluent runoff; it extends from south of Turkey Mountain from 71st Street all the way down Elwood. There are three major affluences that come into the zone and it is flooding consistently since the school has cleared their 14 acres. The Hager Creek Levee has forced the water upstream and in his topographical opinion there needs to be a holding pond, Hager Creek has to be reversed and the water has to flow through the levee to the river in flood stage. The Board needs to be aware of the Elwood and 81st Street flooding situation that is taking place. The wetland was originally an affluence to Hager Creek that originally flowed across Riverside Airport and came out through Jenks. The water has now been forced uphill by the Corp of Engineers and that is why the flooding exists. Mr. Hair stated that Mr. Reynolds is the same person that told Jenks School would not have a runoff problem and all the water would be contained. Mr. Hair stated that he hopes the Board will consider what is about to happen here because this project will flood all the adjoining properties.

Dennis Hall, 404 West 81st Street, Tulsa, OK; stated he lives at the southeast corner of 81st and Elwood and has lived there since 1994. He cannot remember how many times the streets and 81st and Elwood have been closed due to flooding. A person cannot pass the creek where it crosses 81st Street because the water is too deep in a good rain. He thinks the project would be a great project for the area but the problem is that the infrastructure is not in place to support 1,900 cars or even 1,000 cars in the area. Assuming all the area will be paved the runoff will be increased significantly because it will not drain now. Something has to be done with the drainage. He hopes the people that are proposing the development have given consideration to the fact that is going to be a real problem when it rains, particularly if there is an event happening. Flooding is virtually instantaneous in a downpour.

Mr. Van De Wiele stated that Mr. Reynolds has stated that there is a pervious surface proposed for the area, and a pervious surface allows water to drain through because it

BOA-22105

is not solid like asphalt or concrete. Mr. Hall stated that surface would be helpful but there will still be a lot more runoff after the facility is developed.

Mr. Hall stated that he is not opposed to the project but something has to be done with the runoff before there is any building in the area. At this point in time the proposal is not suitable. If the City would come in and do some work the project could be wonderful.

Bill Satterfield, 1 West 81st Street, Tulsa, OK; stated he has lived there since 1980 and he owned the subject property at one time. The neighbors are prodevelopment but there is a flooding problem there. The flooding problem is not natural. It is manmade because of the levee. This proposed project should not be burden with the outcome of something that can be corrected by the governmental agencies. Mr. Satterfield stated that he has spoken directly with the Corp of Engineers, the City, and the County and with Jenks. The flooding issue needs to be corrected by the government. Mr. Satterfield stated that a grant had been given to the airport for a retention pond with a 56" line all the way to the river with a back flap. At the time, he asked County Commissioner Miller why the 81st and Elwood flooding was not included in the grant, and Commissioner Miller stated that the City did not want to do that. The suggestions that have been made would impede the proposed development's use of land. The flooding issues are caused by a secondary levee that was installed in 1911 and never has had a useful purpose per the Corp of Engineers. This is a good project for Tulsa and the problems are fixable, please don't let another project go to Jenks.

Johnie Egbert, 1515 South Frisco, Tulsa, OK; stated she owns property located at 7817 South Elwood. She has investigated developing her property through the years, and she too would like to have access to 71st Street but that would not affect runoff. Every time it rains she cannot use 81st Street and that has always been a problem. Ms. Egbert stated that she is in favor of the project.

Rebuttal:

Lou Reynolds came forward and stated there has been a predevelopment meeting regarding this project, and he is before the Board of Adjustment on a land use matter. Stormwater is not something that is a Board of Adjustment venue, but because this is a stormwater sensitive area he went before the Predevelopment Committee at the City. What happened in the process was that to the extent that the subject property has runoff it will be captured and taken straight to the Arkansas River. That is what his client has been asked to do and that is what he plans to do. The property needs to be platted and the issues, whether access is appropriate or not appropriate, or how stormwater is treated will come about in the platting process.

Mr. Flanagan asked Mr. Reynolds if there would be a problem in granting community easement access. Mr. Reynolds stated that it depends on the terms and what they mean. Will the neighbor pay for the road? Will the neighbor pay for the maintenance? There are a lot of things that need to be figured out. If the City does not think there is an access that needs to be given he believes that community access is something that

BOA-22105

FILE COPY

is certainly not shared per gratis because the subject property is 60 acres and the neighbor has 15 acres. If this is something that is to be there has to be terms that are acceptable to his client. He does not know if community access is truly needed but he would be happy to discuss a mutual access easement. In the platting process the City of Tulsa can decide what kind of access should be there, but in terms of access easements if the neighbors want to discuss those, contribute and participate in the process he would be happy to sit down with them to work on agreement.

Mr. Van De Wiele asked Mr. Reynolds if the subject property was a ½ mile deep. Mr. Reynolds stated the subject property is a ½ mile north and south, and at the top it is ¼ mile. Mr. Van De Wiele asked Mr. Reynolds if he was talking about a ½ mile access drive all the way to 71st Street. Mr. Reynolds answered affirmatively.

Mr. Reynolds stated that to keep the numbers in perspective, on an average day there will be 1,700 cars over a 15 hour period.

Mr. Van De Wiele asked staff if the Board needed to make the approval subject to approval of the final platting if the Board should choose to vote that way. Ms. Miller stated this process triggers the platting requirement so that would not be necessary.

Comments and Questions:

Mr. Van De Wiele stated that this Board does not have jurisdiction over water retention and water runoff. Those items are reviewed and subject to platting requirements and permitting requirements. There are times when there are flooding issues in spite of all the permits and reviews and water retention plans being in place. It is something that is relevant to everything but it is not necessarily relevant to the use of the property and this Board's authority in requirements as to what they are approving or not approving in connection with uses.

Ms. Snyder stated that three of the surrounding property owners have stated that they are in support of the project and/or development. If in fact the flooding issues will be addressed once the Board approves this request it seems like this could be a good thing for everyone.

Mr. Bond stated that the Board is not being dismissive of the neighbors concerns; they sound very valid. It is just not something this Board deals with.

Board Action:

On **MOTION of WHITE**, the Board voted 5-0-0 (Bond, Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit a sports and performance center with indoor and outdoor volleyball courts, basketball courts, soccer fields, fitness center, and high performance training in the IL District (Section 15.020), subject to conceptual plan 10.7. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

BOA-22105

FILE COPY

W/2 SE SW SEC 12 18 12 AND NE SW LYING SW RR ROW SEC 12 18 12 39.85 AC,
CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

None.

NEW BUSINESS

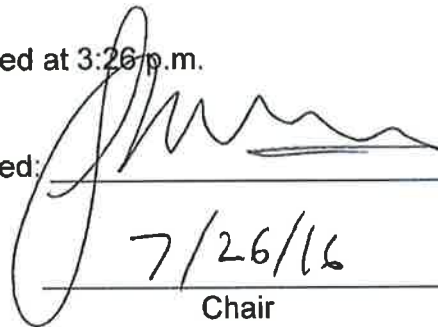
None.

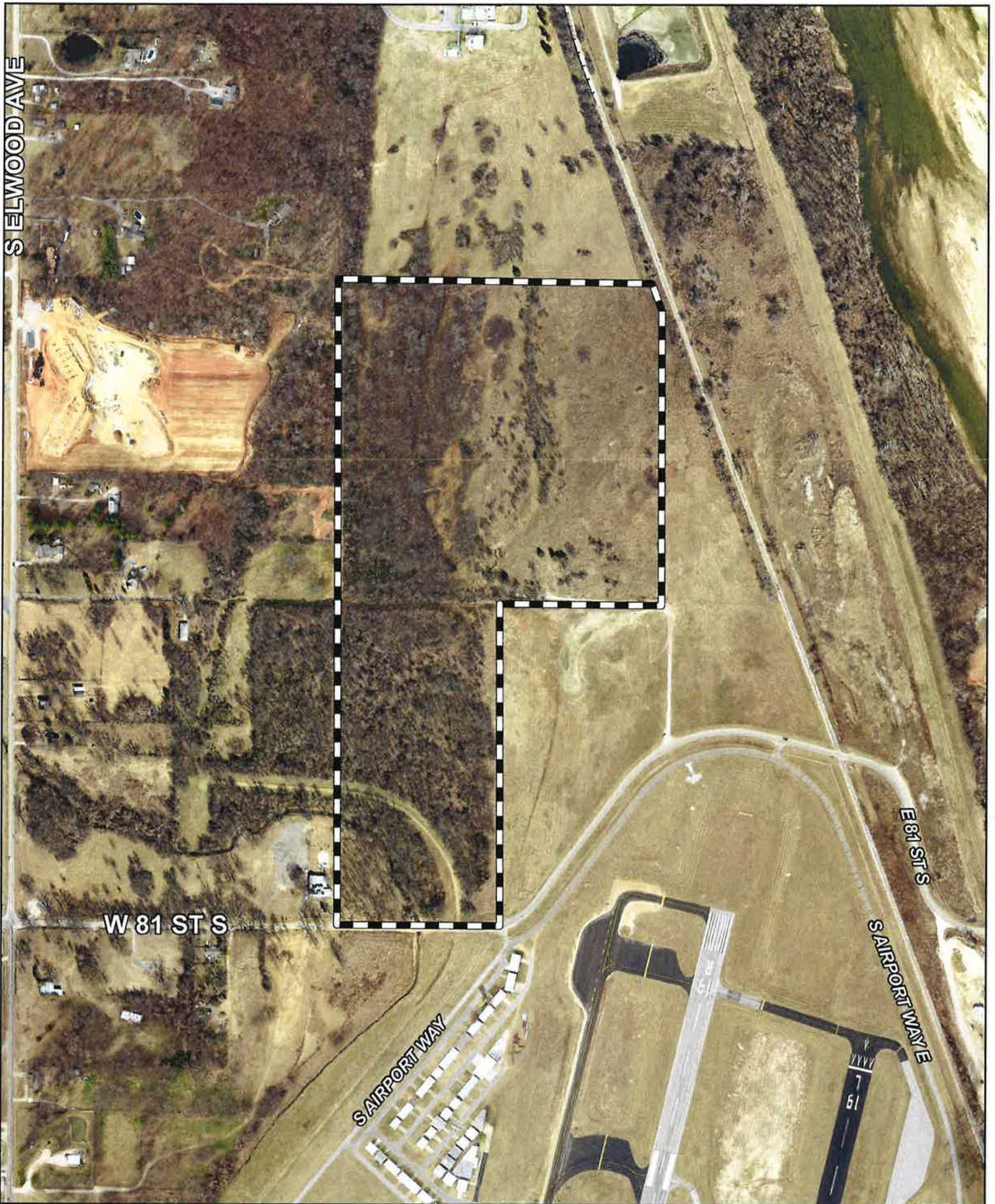
BOARD MEMBER COMMENTS

None.

There being no further business, the meeting adjourned at 3:26 p.m.

Date approved: _____


7/26/16
Chair



W 81 ST S

E 81 ST S

S AIRPORT WAY

S AIRPORT WAY

0 250 500
Feet



Subject
Tract

BOA-22201

18-12 12

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

Aerial Photo Date: February 2016

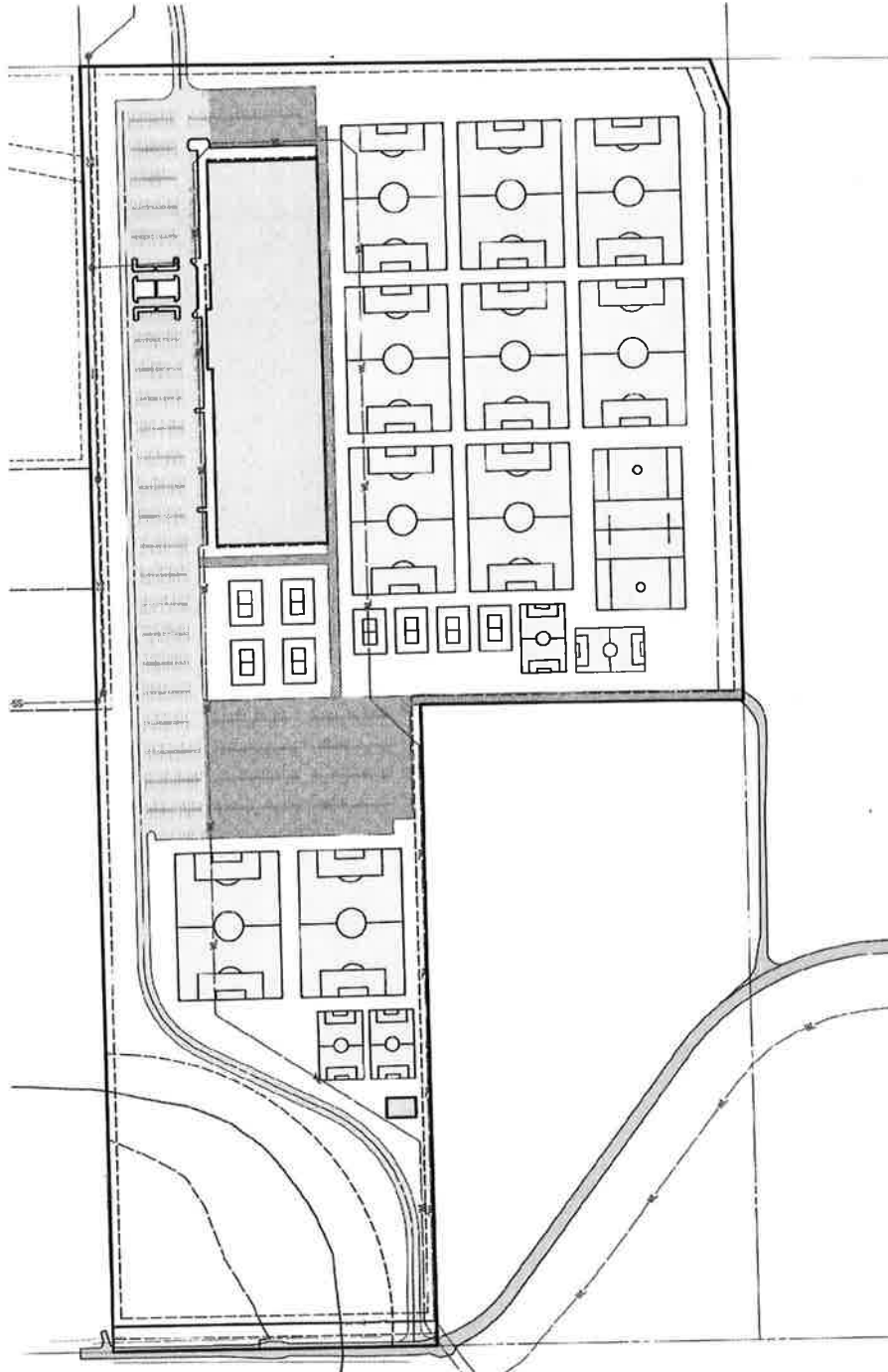
8.15



Titan Sports and Performance

EXHIBIT B

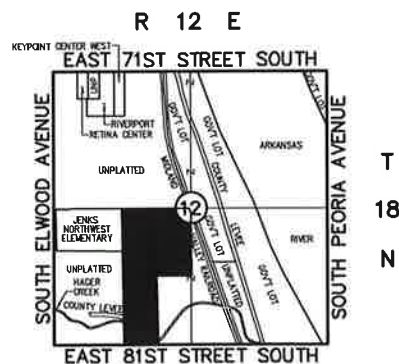
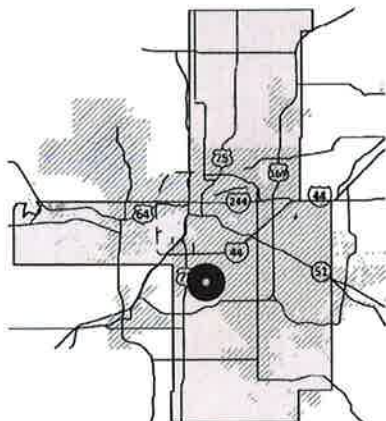
CONCEPTUAL SITE PLAN EXCERPT PRELIMINARY SITE PLAN



APPLICATION FOR ALTERNATIVE COMPLIANCE SPECIAL EXCEPTION

Titan Sports and Performance

APPROXIMATELY 59.665 ACRES
NORTH AND EAST OF 81ST ST. S. AND ELWOOD AVE.
TULSA, OKLAHOMA



Location Map
SCALE: 1"=2000'

JANUARY 2017

APPLICANT / OWNER:
TITAN SPORTS AND
PERFORMANCE CENTER, LLC
6476 E. 12TH ST. S.
TULSA, OK 74112
STAN@TITANSPORTSCOMPLEX.
COM
CONSULTANT:
TANNER CONSULTING LLC
c/o ERIK ENYART
5323 S LEWIS AVE
TULSA, OK 74105
EENYART@TANNERBAITSHOP.COM

8.17

TABLE OF CONTENTS

I. PROPERTY DESCRIPTION	2
II. PROJECT CONCEPT	3
EXHIBIT LIST:	
Exhibit A: Aerial Photography & Boundary Depiction	4
Exhibit B: Conceptual Site Plan	5
III. ALTERNATIVE COMPLIANCE PLAN	6

I. PROPERTY DESCRIPTION

The subject property consists of 59.665 acres located east of the northeast corner of 81st Street South and Elwood Avenue, in the City of Tulsa, Oklahoma, and is more particularly described within the following statement:

THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE/4 SW/4) LYING SOUTH AND WEST OF THE RAILROAD RIGHT OF WAY IN SECTION TWELVE (12), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

AND

THE WEST HALF OF THE SOUTHEAST QUARTER (W/2 SE/4 SW/4) OF SECTION TWELVE (12), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

The above described property will hereinafter be referred to as the "Site" or "Subject Property" and is depicted on Exhibit A, "Aerial Photography & Boundary Depiction."

II. PROJECT CONCEPT

Titan Sports and Performance Center, LLC, is constructing an indoor / outdoor multi-sports complex on the subject property of 59.665 acres. The facility will offer indoor soccer and related activities within a 176,892 square foot building and outdoor fields including 10 soccer, four (4) junior soccer, one (1) lacrosse, and eight (8) volleyball courts. Exhibit A is an aerial depiction and Exhibit B is a preliminary site plan.

Titan Sports and Performance Center, LLC, has studied similar sports complexes across the country and has determined the parking demands based on planned operations and as compared to peer facilities. The site proposes 1,090 parking spaces, as indicated on Exhibit B.

Titan Sports and Performance

EXHIBIT A

AERIAL PHOTOGRAPHY & BOUNDARY DEPICTION



III. ALTERNATIVE COMPLIANCE PLAN

Zoning Code Section 55.020 / Table 55-1 requires, for "Other assembly and entertainment (indoor)" occupancy, 3.75 parking spaces per 1,000 square feet of building, or 663 parking spaces.¹ The site will include all 663 parking spaces required for the indoor facility.

Table 55-1 does not appear to anticipate outdoor sports fields, as it would require 69 parking spaces for each soccer field measuring 63,000 square feet.² Altogether, Table 55-1 would require 867 parking spaces for the 15 fields and eight (8) volleyball courts.

Zoning Code Section 55.050-K does anticipate that Table 55-1 may not be universally applicable. It provides,

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

1. The applicant submits a parking study demonstrating that the motor vehicle parking ratios of Section 55.020 do not accurately reflect the actual day-to-day parking demand that can reasonably be anticipated for the proposed use based on field surveys of observed parking demand for similar use within the city or on external data from credible research organizations, such as the Urban Land Institute (ULI) or the Institute of Transportation Engineers (ITE);
2. The board of adjustment determines that the other allowed parking reduction alternatives of Section 55.050 are infeasible or do not apply; and
3. The board of adjustment determines that the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area."

The Institute of Transportation Engineers (ITE) Common Trip Generation Manual, 9th Edition, calculates 17.70 trips per soccer field in a soccer complex. The trips may serve as an approximation for vehicle parking spaces, as most trips will be via single car parked onsite, although some share of local patrons may drop-off and pick-up. Using this formula, and carrying the 17.70 parking spaces ratio across for the lacrosse field and volleyball courts, 407 parking spaces should be planned for the outdoor fields.

Altogether, the 663 parking spaces serving the indoor facility and 407 spaces serving the outdoor facilities results in 1,070 parking spaces required, and 1,090 parking spaces are planned.

The Smart Parking and Innovative Parking Solutions guidelines of the Tulsa Comprehensive Plan generally favor reducing minimum parking number requirements and allowing the "marketplace to determine how much parking is needed." Similarly, the Tulsa Zoning Code's stated parking purposes briefly acknowledge the need for [adequate] parking facilities and generally elevate transit and non-motorized forms of transportation and reduction of unnecessary parking. As stated previously, Titan Sports and Performance Center, LLC's business has studied and determined how much parking is needed for facility operations. Finally, new trends and emerging technology in transportation will further reduce parking needs in urban areas.

Thus, we propose an alternative compliance plan as outlined above, with 3.75 parking spaces required per 1,000 square feet of indoor facility floor area and 17.70 parking spaces per each outdoor field and court

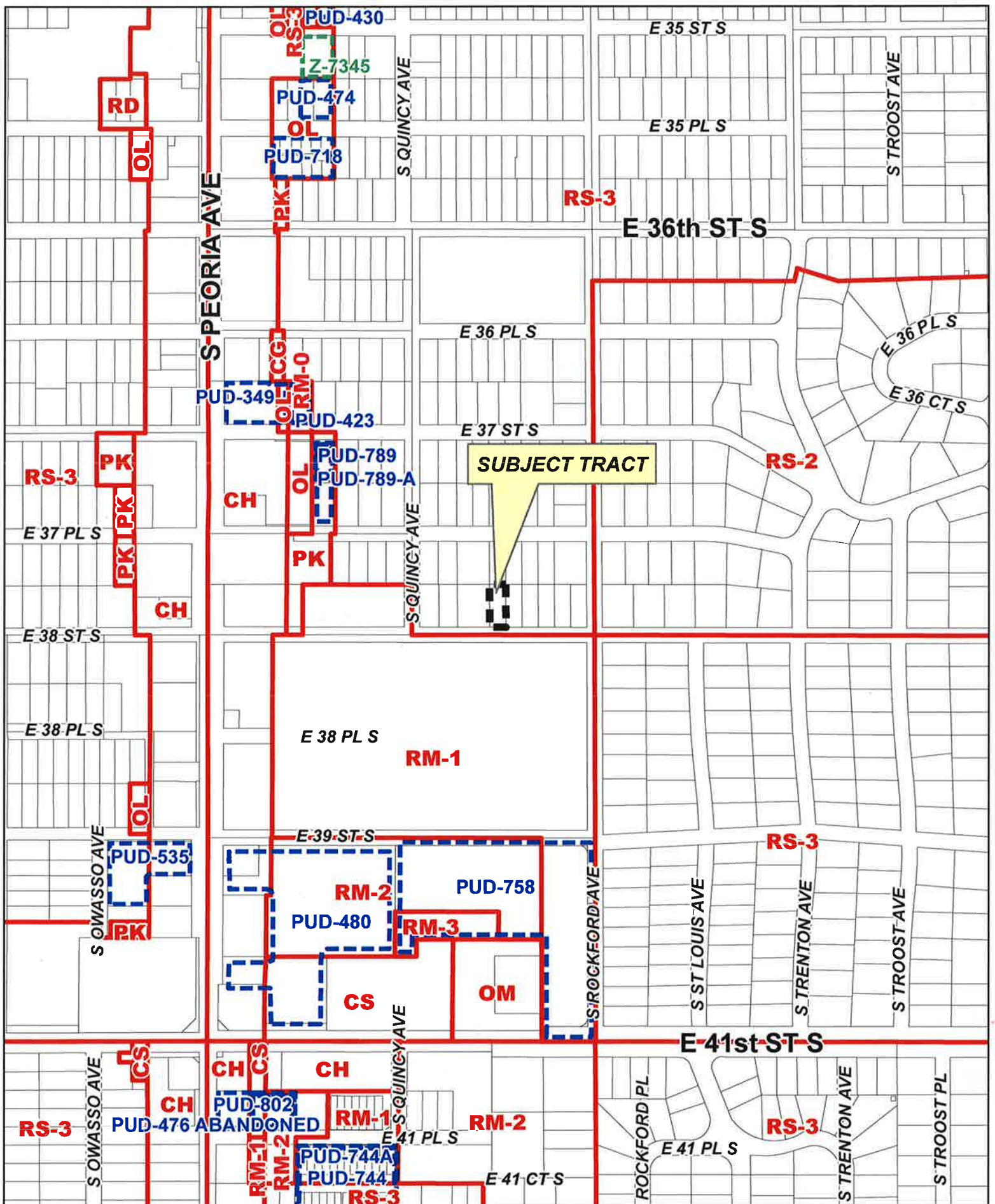
¹ Per the Architect's information, the indoor facility will have 1,800 seats. If the building were interpreted as a gymnasium, Zoning Code Section 55.020 / Table 55-1 would require 0.2 of a parking space per seat, or 360 parking spaces.

² Per "Other assembly and entertainment (outdoor)."

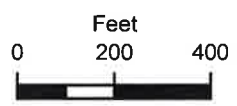
and a total of 1,070 parking spaces per the building size and number of fields and courts presently planned. Should building floor area or number of fields be reduced, the respective ratios would hold.

Basing parking needs on the ITE guidelines and market studies, and per the purposes and intent of the Tulsa Comprehensive Plan and Zoning Code, we believe and urge the Board of Adjustment to find that the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area.

**THIS PAGE
INTENTIONALLY
LEFT BLANK**



SUBJECT TRACT



BOA-22203

9.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9319

Case Number: **BOA-22203**

CZM: 47

CD: 9

A-P#: n/a

HEARING DATE: 02/14/2017 1:00 PM

APPLICANT: Alan Betchan

ACTION REQUESTED: Variance of the open space requirement in an RS-3 District from 4000 sq. ft. to 3250 sq. ft. (Section 5.030).

LOCATION: E of the NE/c of S Quincy Ave and E 38th St S **ZONED:** RS-3

PRESENT USE: Vacant

TRACT SIZE: 7350 SQ FT

LEGAL DESCRIPTION: The West half of Lot 8, Block 4, LEOKI PLACE, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Lot:

BOA 22017; on 1.12.16 the Board approved a variance of the lot width from 60' to 52.5' to allow a lot-split

Surrounding Property

BOA-21595; on 7.23.13, the Board approved a variance of the required lot width in RS-3 from 60' to 52.5' on the property immediately north of the subject tract.

BOA-21282; on 6.14.11, the Board approved a variance of the required lot width in RS-3 from 60' to 52.5' on the property immediately NE of the subject tract.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an 'Existing Neighborhood' and an 'Area of Stability'.

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

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

9.2

of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by RS-3 zoned residences on the north, east and west; and RM-1 zoned residences on the south.

STAFF COMMENTS:

The RS-3 district requires a minimum open space per dwelling unit requirement of 4,000 sq. ft. Open space per unit is defined by the Code as the amount of outdoor open space on a lot for each dwelling unit. The following may be counted toward satisfying minimum open space-per unit requirements:

1. Outdoor areas that are not occupied by buildings, driveways or parking areas and are generally useable by residents;
2. Driveways and parking areas located in the rear yard of a detached house or duplex; and
3. Green roofs covering 25% or more of the subject building's overall roof area.

To permit construction of a house the applicant has requested a variance to reduce the open space per unit to 3250 sq. ft. on the subject tract. The applicant provided the following comment: *"The lot was granted a variance to allow a minimum width to 52.50 ft in the RS-3 district. However the minimum open space remains at 4000 sq. ft. as prescribed by the Code; this limits the ability to construct a single story home that conforms to the area development pattern. The 52.5 ft. width more closely correlates to the lot widths prescribed in the RS-4 district which only requires 2500 sq. ft. of open space. Given the lot area is only 7350 sq. ft. the 4000 sq. ft minimum open space creates an undo hardship the restrict lot constructability."*

The Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use and future development of the subject property is compatible with and non-injurious to the surrounding area.

Sample Motion for a Variance:

Move to _____ (approve/deny) a Variance of the open space requirement in an RS-3 District from 4000 sq. ft. to 3250 sq. ft. (Section 5.030, Table 5-3).

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

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;

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.”

public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**N50 E/2 NW & LT 1 BLK 1 TULSA JUNIOR COLLEGE SOUTHEAST CAMPUS LESS
BEG NEC NW TH S541.87 NW305 N110.02 NW67.14 W700 NW101.98 W300 N10
W119.65 N50 E1320 POB, COLLEGE CENTER AT MEADOWBROOK, SOUTH
TOWNE SQUARE EXT, DAVIS VILLAGE, SOUTH TOWNE SQUARE, TULSA
JUNIOR COLLEGE SOUTHEAST CAMPUS, CITY OF TULSA, TULSA COUNTY,
STATE OF OKLAHOMA**

22017—CBC Builds, LLC

FILE COPY

Action Requested:

Variance of the lot width from 60 feet to 52.5 feet to allow a lot-split (Section 403.A). **LOCATION:** 1423 East 38th Street South (CD 9)

Mr. Henke recused and left the meeting at 5:04 P.M.

Presentation:

Alan Betchan, 17 East 2nd Street, Sand Springs, OK; stated this request is to keep in pace with what has redeveloped in the neighborhood. The neighborhood has gone through a revitalization for the past few years. This is an older plat that has been divided several times. Looking at the larger overall area this is in keeping with type of lot size, the 52'6" lot size. This same Variance has been granted on the lot directly to the north.

Interested Parties:

Jeff Bigby, 1415 East 38th Street, Tulsa, OK; stated he lives next door to the subject property. His lot is a 105'-0" wide single residential lot. The lots on the north side on the next street over have had this type Variance granted and some lot splits, which resulted in four houses being squeezed into two spots. Mr. Bigby stated he is opposed to the Variance for the issue of placing infill and density at the expense of the surrounding and existing neighbors. Mr. Bigby asked what would designate a hardship for this because there is a house on the lot that functions and has been lived in until the last couple of months.

Peggy Caudle, 1416 East 38th Street, Tulsa, OK; stated she lives across the street from the subject lot. She lives in the condominiums and it is heavy traffic. The lot is a deep lot so she can see two long narrow houses being put on the lot. There is a lot parking traffic from the Brookside restaurants and bars plus the people who live in the condos. The condos do have assigned off-street parking spots but if the resident of two houses has more than two cars they will be parking on the street. All the houses in the block have a single car driveway and most people have two cars so already the street is

BDA-22017

FILE COPY

packed with cars. Ms. Caudle stated that she too does not see a hardship because there is a nice little house on the lot. She knows developers want to make money on it because it is an optimum neighborhood but she opposes this request. Ms. Caudle asked the Board to explain what small scale infill means.

Ms. Miller stated this request is exactly what it means. The scale is basically single family homes or multi-family but a small scale not a monster apartment complex.

Rebuttal:

Mr. Alan Betchan came forward and stated this is in keeping with what has developed in the neighborhood. This neighborhood is going to go through redevelopment and that is what was contemplated with the purchase of the subject property. The development to the east and to the west are developments that are on smaller split lots too. Yes the houses have become larger nicer houses but it is in keeping with what is happening in the neighborhood today. And it is consistent with the development patterns happening in the neighborhood today. The hardship is that it cannot be done within the guise of the current Zoning Code.

Comments and Questions:

Mr. White stated that most of the lots to the east have been split and the two big lots have been split in two. Lots to the north of the subject property have been split. There are a few lots that have not been split, and he understands the concern about keeping the lots to the larger size but the growth in Brookside has been significant enough to where the best use are the splits.

Mr. Van De Wiele stated that this is an area where infill has happened and continues to happen. This seems to be one of the areas that certainly has improved with the lot splits. The standard is a 60 foot lot and this is a 7'-6" Variance.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 3-0-1 (Flanagan, Van De Wiele, White "aye"; no "nays"; Henke "abstaining"; Snyder absent) to **APPROVE** the request for a Variance of the lot width from 60 feet to 52.5 feet to allow a lot-split (Section 403.A), subject to conceptual plan 19.13 showing the lot split. The Board has found that the neighborhood is by in large consists of similar sized 50 to 60 foot lots, and this is in keeping with the development pattern in the neighborhood as well as the Comprehensive Plan identification for small scale infill projects as an existing neighborhood designation. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

BOA-22017

FILE COPY

LT 8 BLK 4, LEOKI PLACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. Henke re-entered the meeting at 5:13 P.M.

22018—James Boswell

Action Requested:

Variance to reduce the required parking to 150 parking spaces to permit a training facility (Sections 1211.D, 1215.D, and 1225.D). **LOCATION:** 2908 North Harvard Avenue East (CD 1)

Mr. Flanagan left the meeting at 5:14 P.M.

Presentation:

James Boswell, 1400 South Trenton Avenue, Tulsa, OK; stated he is an architect and represents the client on the project. Currently there are two buildings on 46th Street between Memorial and Mingo, so this is basically consolidating the two buildings. The Union Hall closes at 4:30 so all the spaces will not be needed because there are 220 existing spaces and the facility is not used at the same time.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 3-0-0 (Henke, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Flanagan, Snyder absent) to **APPROVE** the request for a Variance to reduce the required parking to 150 parking spaces to permit a training facility (Sections 1211.D, 1215.D, and 1225.D), subject to conceptual plan 20.10. The Board has found that the facility which is shown on conceptual site plan 20.10 of the Board's agenda packet will have varying uses on different days and different hours that tend to mitigate the practical parking requirements for the facility. The Board has also found that the new Zoning Code that is going into place also reduces the overall parking, certainly not below the 150 requested but would impact it by making a smaller request. The 150 parking spaces to be provided on conceptual site plan 20.10 are more than ample to address the practical needs of the facility. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or

needs to have more visibility via the signs. This approval is subject to per plan on 6.13 for the sign location. The approval is to conform to the zoning code outlined in Section 1221.C.2. The EMC portion of the sign will be allowed to operate 24 hours a day; scrolling is to be right to left only; there is to be no blinking, twinkling, flashing, rolling or animation. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

ALL BLK 20 LESS BEG SECR TH W395.90 N250 E319.05 SE260.90 POB BLK 20, SUBURBAN HILLS ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21595—Mike Alexander

FILE COPY

Action Requested:

Variance of the minimum required lot width in the RS-3 district from 60 feet to 52.5 feet to permit a lot split (Section 403.A, Table 3). **LOCATION:** 1424 East 37th Place South (CD 9)

Presentation:

Mike Alexander, 2202 East 49th Street, Tulsa, OK; no presentation was made but the applicant was available for any questions.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted to **APPROVE** the request for a **Variance** of the minimum required lot width in the RS-3 district from 60 feet to 52.5 feet to permit a lot split (Section 403.A, Table 3). Finding that this lot at 140 feet in depth will still have more than enough lot area in the RS-3 zoning to meet code. This area is part of the Brookside infill task force study and it has been found that a reduction of lot sizes available to be built is the coming trend, and the study is encouraging more of that. Also, within this neighborhood there are numerous houses on each side of the street at the 52.5 foot width. This approval will be per conceptual plan on page 8.10. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional

BOA-21595

FILE COPY

conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 3 BLK 4, LEOKI PLACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21597—Adam Kenes

Action Requested:

Variance of the building setback from an R District from 10 feet to 8 feet in a CS District (Section 703, Table 3). **LOCATION:** 2627 East Pine Street North (CD 3)

Presentation:

Adam Kenes, 16732 East 80th Street, Tulsa, OK; no presentation was made but the applicant was available for any questions.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance of the building setback from an R District from 10 feet to 8 feet in a CS District (Section 703, Table 3), subject to conceptual plan on page 10.12. Finding that the RS-3 property to the north does not have any dwellings on it and the property is separated from the RS property by a fence and trees so there will be no sight issue with that district. This will also allow for most of the tires, that are on the outside to be placed inside of the barn thus reducing the outside storage problem. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 10 BLK 1 LESS 8 1/2 TO CITY, JOHN MOORE SUB, WAVERLY PLACE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

as separation of light, air and access, between single-family detached dwellings in the district the City permits a reduction of the required sideyard by 20% as a minor variance; however, this applicant's request is two inches beyond that permissible consideration. The Board has found that there are extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure and building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, subject to per plan on page 8.6; for the following property:

LT 5 BLK 4, DELAWARE POINTE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Case No. 21282—Phil Marshall

Action Requested:

Variance of the minimum required lot width in the RS-3 district (Section 403) from 60 ft. to 52.5 ft. to permit a lot-split. **Location:** 1436 East 37th Place

Presentation:

Phil Marshall, P. O. Box 701316, Tulsa, OK; stated he represents the owners, Jack and Christa Samson. The property meets all of the bulk and area requirements in the zoning code. The property is located in the Brookside area. Mr. Marshall has visited with some of the neighbors, and Mr. Herb Beattie with the Brookside Neighborhood Association and they indicated no opposition to the lot width reduction or the lot-split. This request is following the new comprehensive plan in encouraging smaller lots and more density in some of the neighborhoods. The owner needs the reduction in the lot width to obtain a lot-split from the Planning Commission. This is also following the trend of the neighborhood where many similar cases have been approved by the Board of Adjustment in this area in the past. Mr. Marshall referred to a letter written by Mr. Brad Gemeinhart in support of the variance. In the letter Mr. Gemeinhart stated that lots on the north side of the street are all 52'-6" wide so the aesthetic value of the street would not be damaged. It would add to uniformity of the lots. In the letter Mr. Gemeinhart stated that he was the former Chairman of the Brookside Infill Development Task Force, which produced the Brookside Infill Plan which was approved in 2002, and this request is exactly what was envisioned with the work on the project and the goal was to ensure growth in the area through infill development without harming the unique qualities that make Brookside a desirable place to live, work and play. According to Mr. Gemeinhart this type of development attracts more people and increases property values of all who live in the area; it also helps the schools and infrastructure funding with the increased property taxes. Mr. Gemeinhart ended his letter stating that he fully supports the

BDA-21282

request and feels that it is in the best interest of the entire area of Brookside, as updated quality housing increases through infill development.

Mr. Henke asked if Mr. Brad Gemeinhart is a City Planner and works for INCOG, and Mr. Cuthbertson stated that Mr. Gemeinhart does work for INCOG but he is not a City Planner. Mr. Gemeinhart's letter was written in his capacity as a private citizen and neighbor.

Mr. Van De Wiele asked Mr. Marshall to tell the Board what the hardship is, and Mr. Marshall stated that the hardship is the lot width reduction is needed to be able to go before the Planning Commission to request and receive a lot-split. Also, per the Zoning Code, if there is something that prevents the owner from doing what they would like to do with the property, they come to the Board of Adjustment and request the Board's permission to do it and that should be the hardship.

Mr. Henke stated that there is nothing unusual about the lot and it is in compliance with the code. The other lots may or may not have been split with or without some relief, it was not done in the last 40 years, so the Board is trying to comprehend a valid hardship.

Ms. Stead stated that RS-3 requirements are 7,000 square feet and these lots, because of the depth, have 8,400 square feet even after they are divided.

Interested Parties:

Oakley Deisenroth, 1440 East 37th Place, Tulsa, OK; stated he lives right next door to the subject property. If the subject property is allowed to reduce the lot width, when the new house is built on the lot, that house would be right next to his privacy fence.

Mr. Henke stated that the setback would not be changed from Mr. Deisenroth's property, and Mr. Cuthbertson confirmed there would still be a five-foot setback requirement.

Mary Apperson, 1424 East 37th Place, Tulsa, OK; stated her parents were the original builders of her family home, and she will be listing her property on the market within a year or two. In 1938 her parents wanted a double lot because they expected a large family and wanted a large yard for that family. When she puts her property on the market she will be before the Board of Adjustment with a similar request because the area is going to smaller lots with new homes, and that will be the only way to sell these double lots.

Rebuttal:

Mr. Marshall presented a five win situation to the Board. No. 1, the seller is able to sell the property for the fair market value. No. 2, the property is worth more without the house on the lot. No. 3, the buyer is able to build a new house in a walkable neighborhood which the comprehensive plan really wants. No. 4, the City benefits with the increased sales tax and real estate taxes, and the neighborhood benefits by keeping

BOA-21282

the property values up. No. 5, the comprehensive plan benefits in keeping homeowners in the City of Tulsa and not moving to the suburbs, which is one of the important items discussed in the comprehensive plan, plus it, would create a smart growth neighborhood.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the **Variance** of the minimum required lot width in the RS-3 district (Section 403) from 60 ft. to 52.5 ft. to permit a lot split. Finding that this lot has 140 feet in depth will still have more than enough lot area in the RS-3 zoning to meet the code. This area is part of the Brookside Infill Task Force study and it was found that the reduction lot sizes available to be built is the coming trend and the study is encouraging more of that. Also, within this neighborhood there are numerous houses on the other side of the street at the 52'-6" width and there are two on this side of the street and there are six in the adjacent street to the rear. This is the trend in the area, and it would be a higher and better use of the property than currently exists. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 4 BLK 4, LEOKI PLACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Case No. 21283—James Tilly

Action Requested:

Variance of the rear yard requirement in the RS-2 district from 25 ft. to 4 ft. (Section 403) to permit an addition to an existing dwelling. **Location:** 2150 South Cincinnati Avenue

Presentation:

Robert Schaefer, 1208 East 26th Street, Tulsa, OK; stated he represents Mr. Tilly because of family matters that had to be dealt with.

Ms. Stead stated that there had been two previous items brought before the Board but nothing had been done with them, and Mr. Schaefer stated that it was true but it was because the project had changed and became much less complex. Mr. Tilly's existing



0 200 400
Feet



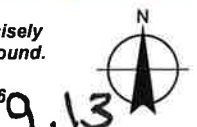
Subject
Tract

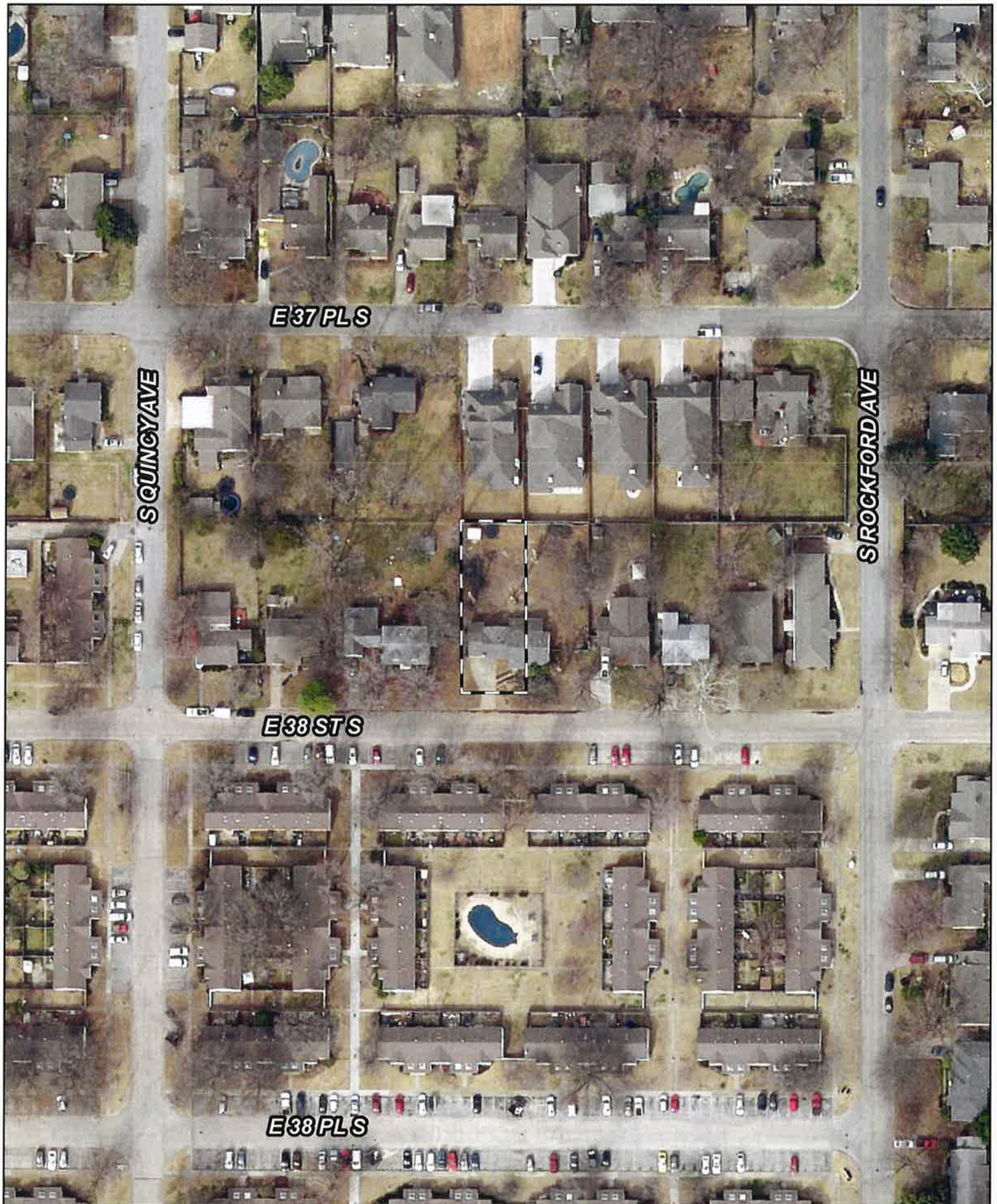
BOA-22203

19-13 19

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

Aerial Photo Date: February 2016





0 50 100
Feet



Subject
Tract

BOA-22203

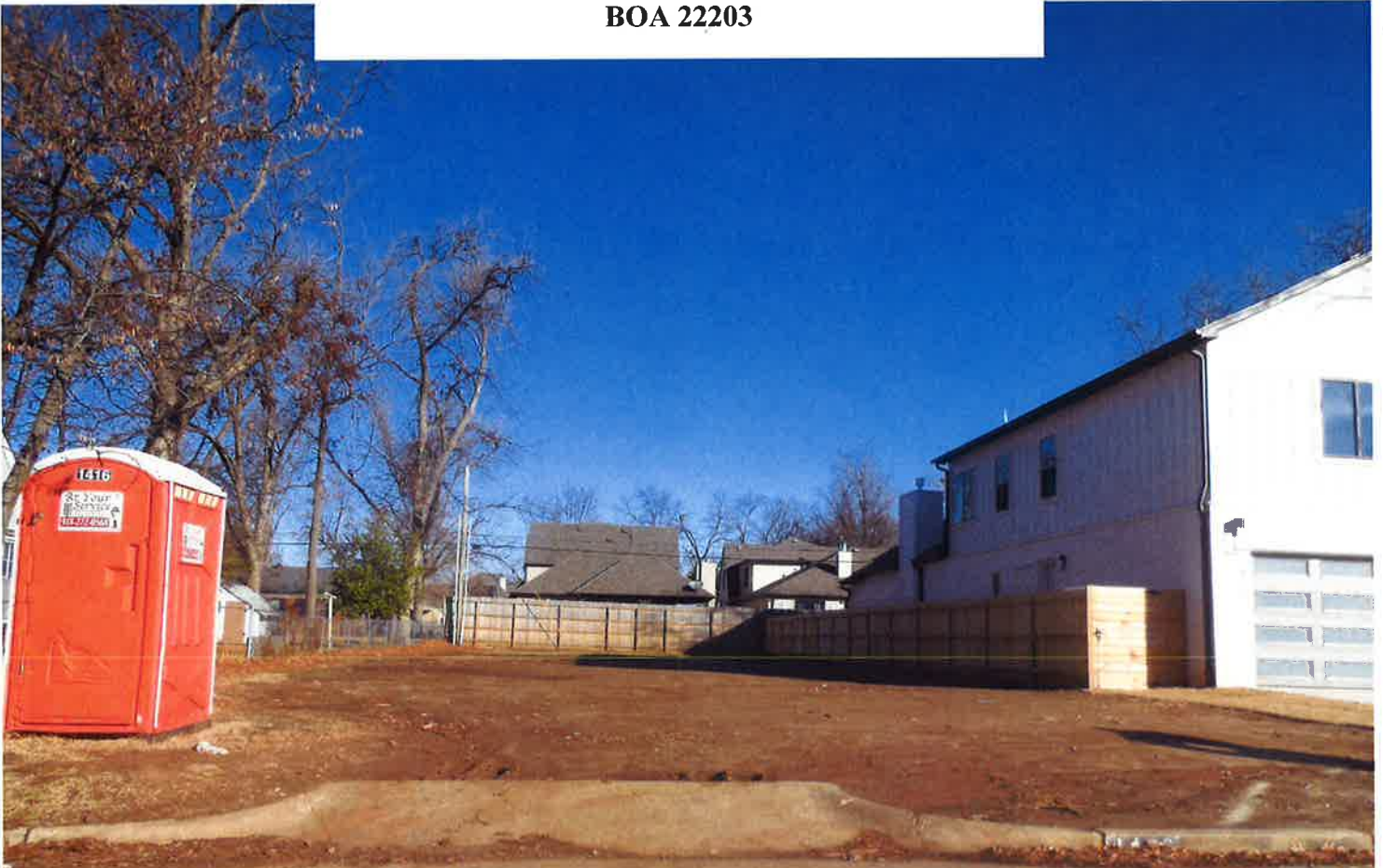
19-13 19

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

Aerial Photo Date: February 2016



9.14



Subject Site- Looking North

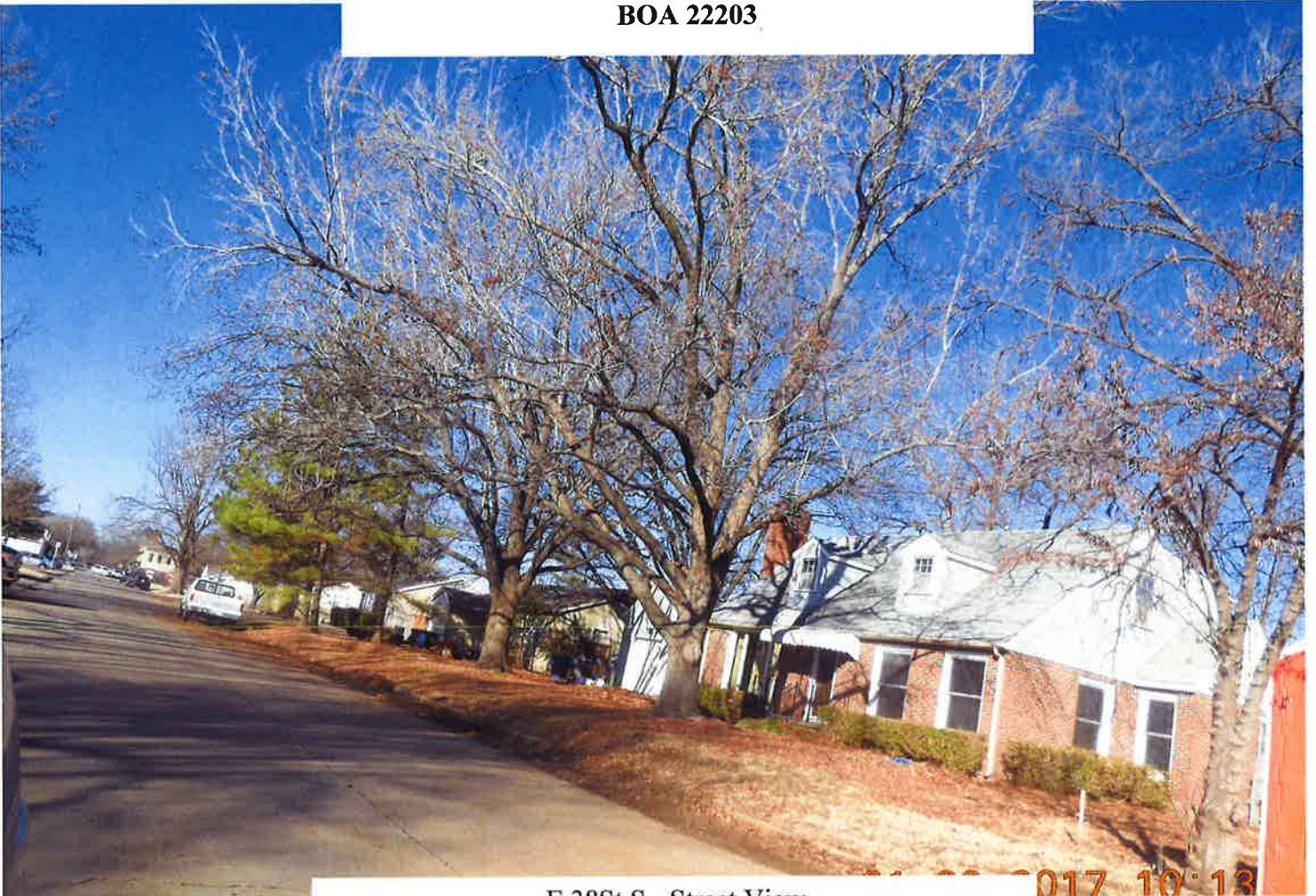
2017 10 13



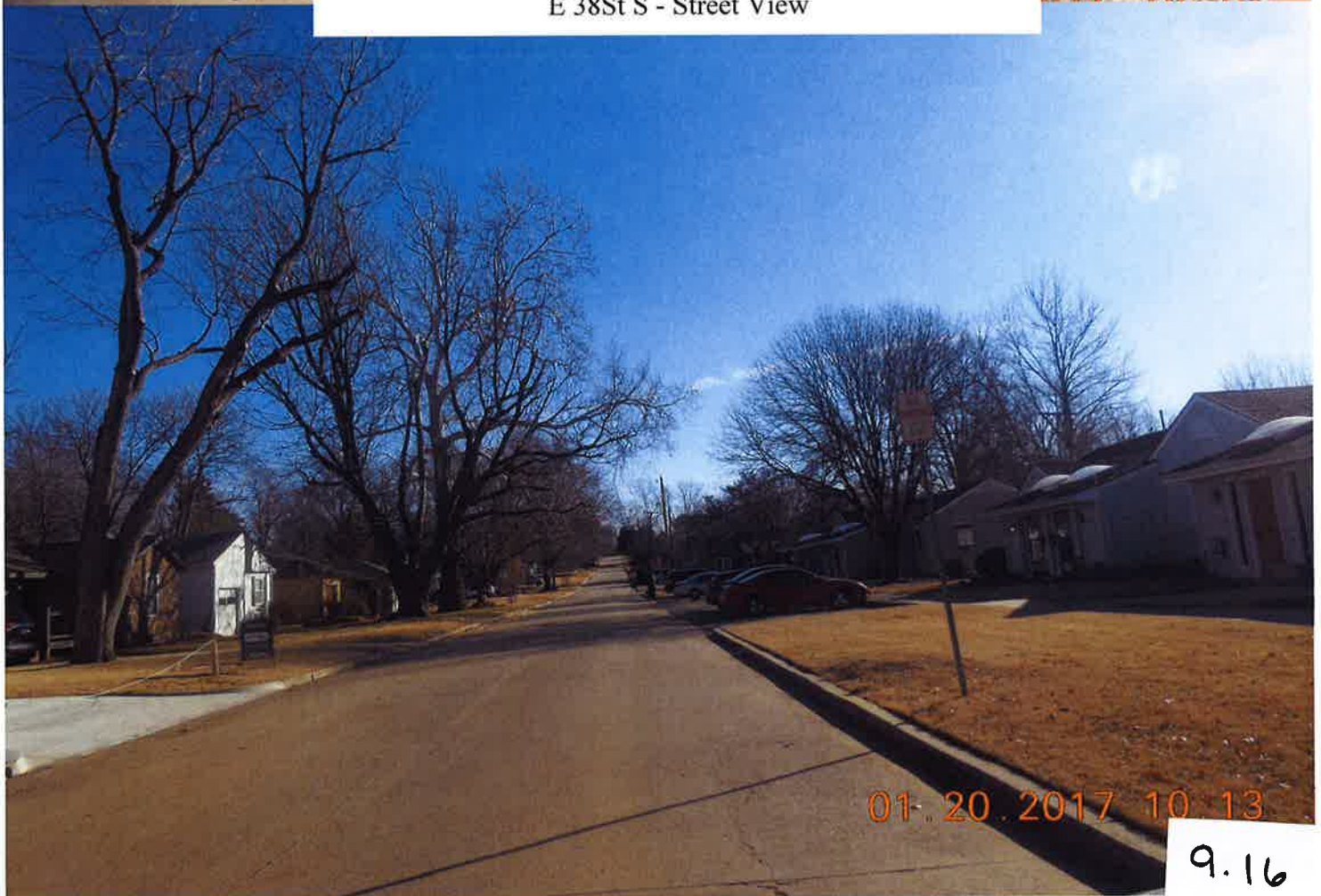
E 38 St S - Street View

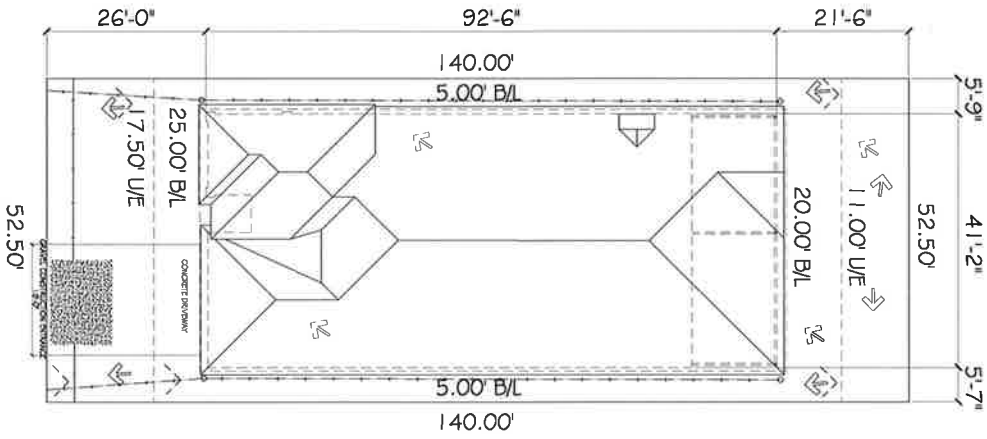
01 20 2017 10 13

9.15











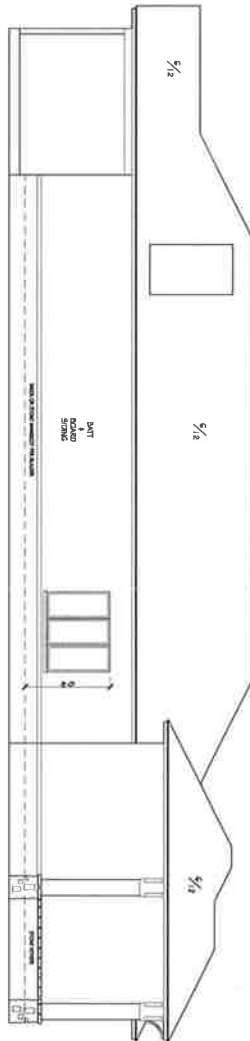
E 38St S - Street View



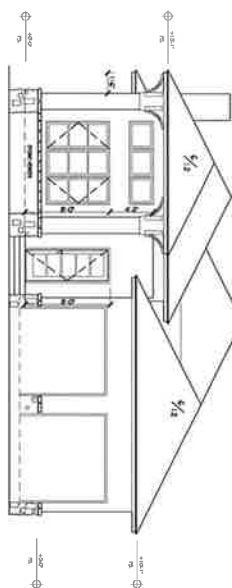


GENERAL NOTES:

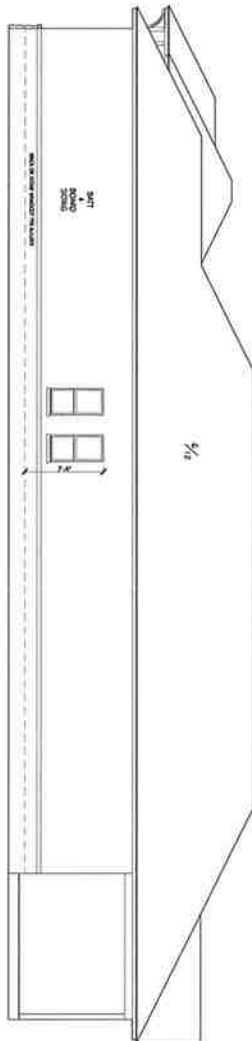
-  EXISTING PRE-CONSTRUCTION DRAINAGE
 -  GRAVEL CONSTRUCTION STRIP
 -  WATERSHED AND DRAIN
 -  ROOF DRAIN DOWNSPOUT
 -  OVERLAND FLOW
 -  SPLIT FENCE
 -  SPLIT
 -  NORTH
- EXISTING AND POST-
CONSTRUCTION DRAINAGE
PLAN, EROSION CONTROL
PLAN AND LAYOUT SITE PLAN
A
SCALE: 3/16" = 1'-0"



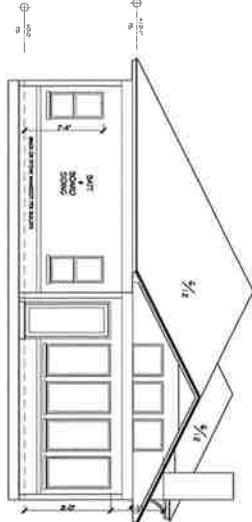
C SIDE ELEVATION
SCALE: 3/16"=1'-0"



A FRONT ELEVATION
SCALE: 3/16"=1'-0"



D SIDE ELEVATION
SCALE: 3/16"=1'-0"



B REAR ELEVATION
SCALE: 3/16"=1'-0"

CBC
BUILDS, LLC
TRACT A1, LOT 8 BLOCK 4, LEOKI PLACE

7715 E. 111th Street, Suite 100
Tulsa, Okla. 74133
O-918-364-3433 F-918-364-3808
BOLLENDER@GULF.NET

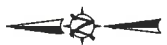
CONSTRUCTION
11.28.2018
A1.1

PROJECT NAME
11.28.2018

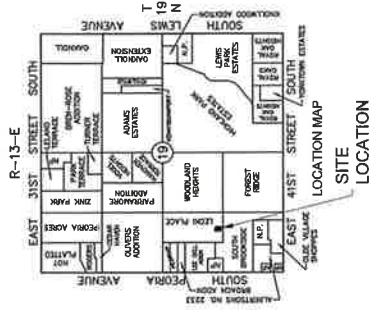
Lot Exhibit

LEGAL DESCRIPTION

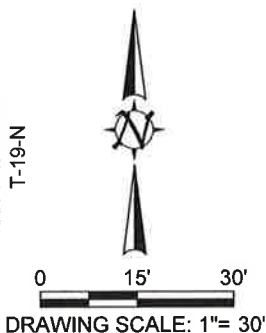
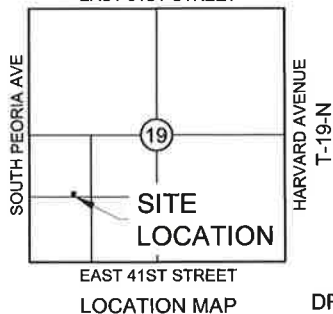
THE WEST HALF OF EIGHT (8) BLOCKS, CITY OF OKLAHOMA, ADJACENT TO THE CITY OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 838



0 20 40
DRAWING SCALE: 1"= 40'



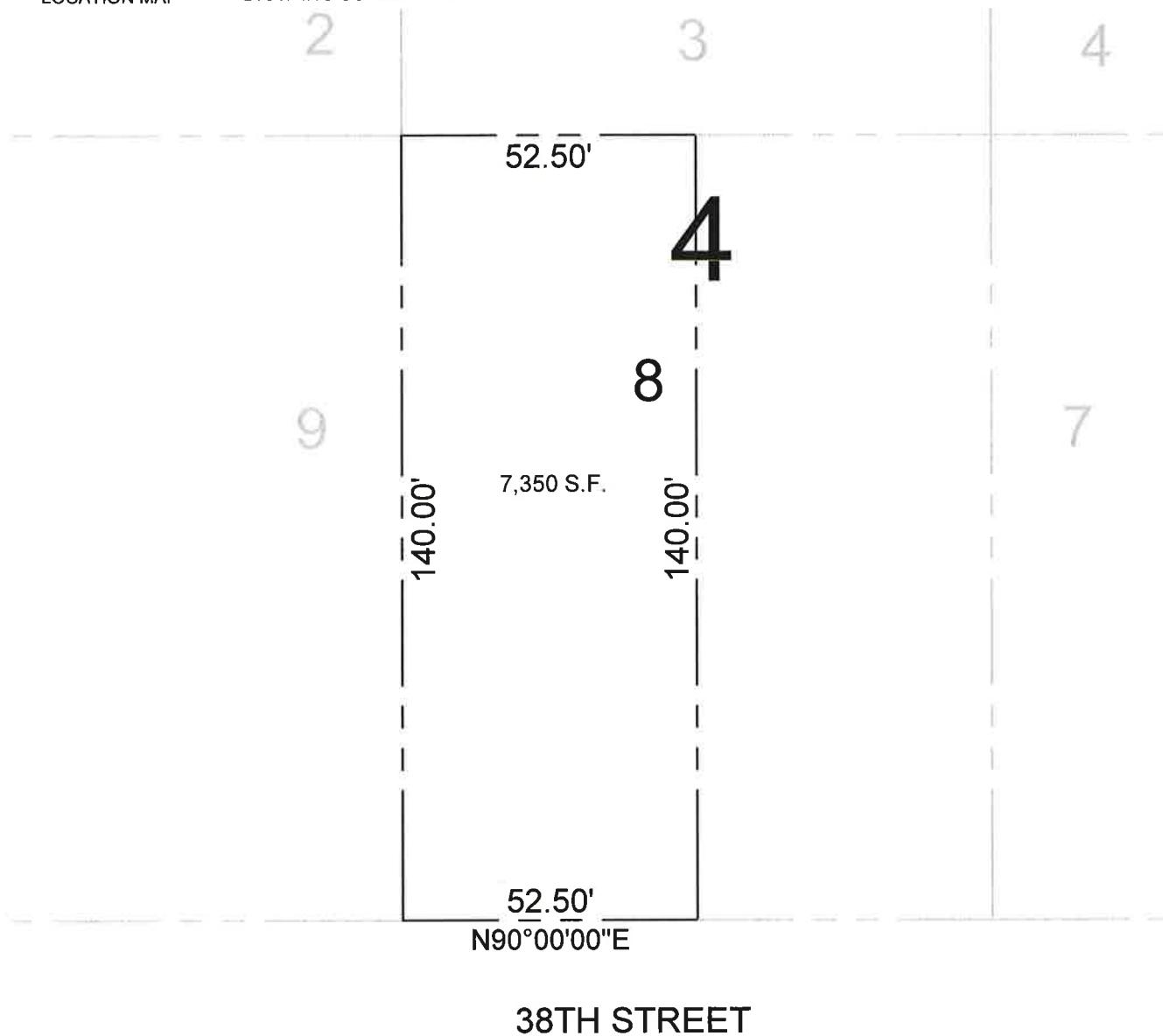
R-13-E
EAST 31ST STREET



Lot Exhibit

LEGAL DESCRIPTION

THE WEST HALF LOT EIGHT (8), BLOCK FOUR (4), LEOKI PLACE, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 835.



AAB Engineering, LLC



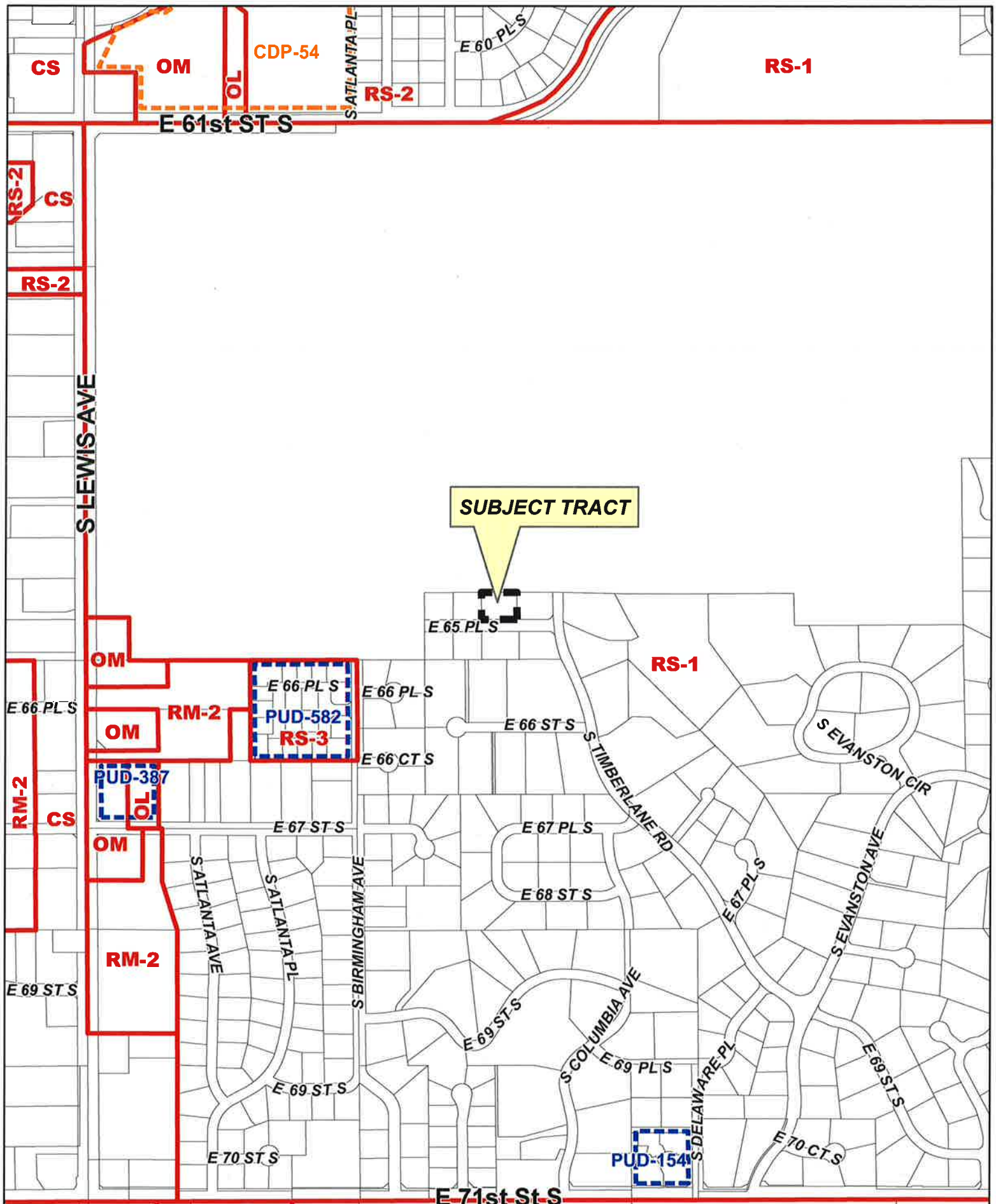
Engineering • Surveying • Land Planning

PO Box 2136 Sand Springs, OK 74063

OK CA#6318 Exp: June 30, 2018

KS CA#2292 Exp: Dec. 31, 2018

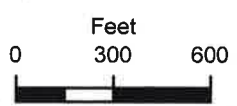
Office: (918) 514-4283 Fax: (918) 514-4288



SUBJECT TRACT

BOA-22204

10.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 8305

Case Number: **BOA-22204**

CZM: 52

CD: 2

A-P#: n/a

HEARING DATE: 02/14/2017 1:00 PM

APPLICANT: Jack Arnold

ACTION REQUESTED: Variance to reduce the street setback from 35' to 30' in the RS-1 district (Section 5.030, Table 5-3).

LOCATION: 2641 E 65 PL S

ZONED: RS-1

PRESENT USE: Vacant Residential Lot

TRACT SIZE: 23,627.04 SQ FT

LEGAL DESCRIPTION: LOT-2-BLK-1, TIMBERLANE ROAD ESTATES, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

None Relevant.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an 'Existing Neighborhood' and an 'Area of Stability'.

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by RS-1 zoned residences on the south, east and west; the Southern Hills Country Club abuts the site on the north

STAFF COMMENTS:

Based on the submitted drawing it appears that the proposed house will establish a front yard setback of 30 ft. The RS-1 district requires a front yard setback of 35 ft. in an attempt to establish and preserve desired development intensity and development patterns within the district; therefore, the applicant has requested a variance to reduce the required front yard setback to 30 ft. The applicant provided the following statement with their application: *"The lot is on the north side of 65th Place and the topography from the southeast corner of the lot to the northwest corner has a drop in the elevation 24 ft. This makes it difficult to position a new residence on this lot."*

Staff has received a letter of protest for a neighboring property owner; the letter is attached for the Board review.

Sample Motion for a Variance

Move to _____ (approve/deny) a Variance to reduce the street setback from 35' to 30' in the RS-1 district (Section 5.030, Table 5-3).

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

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."



0 300 600
Feet



Subject
Tract

BOA-22204

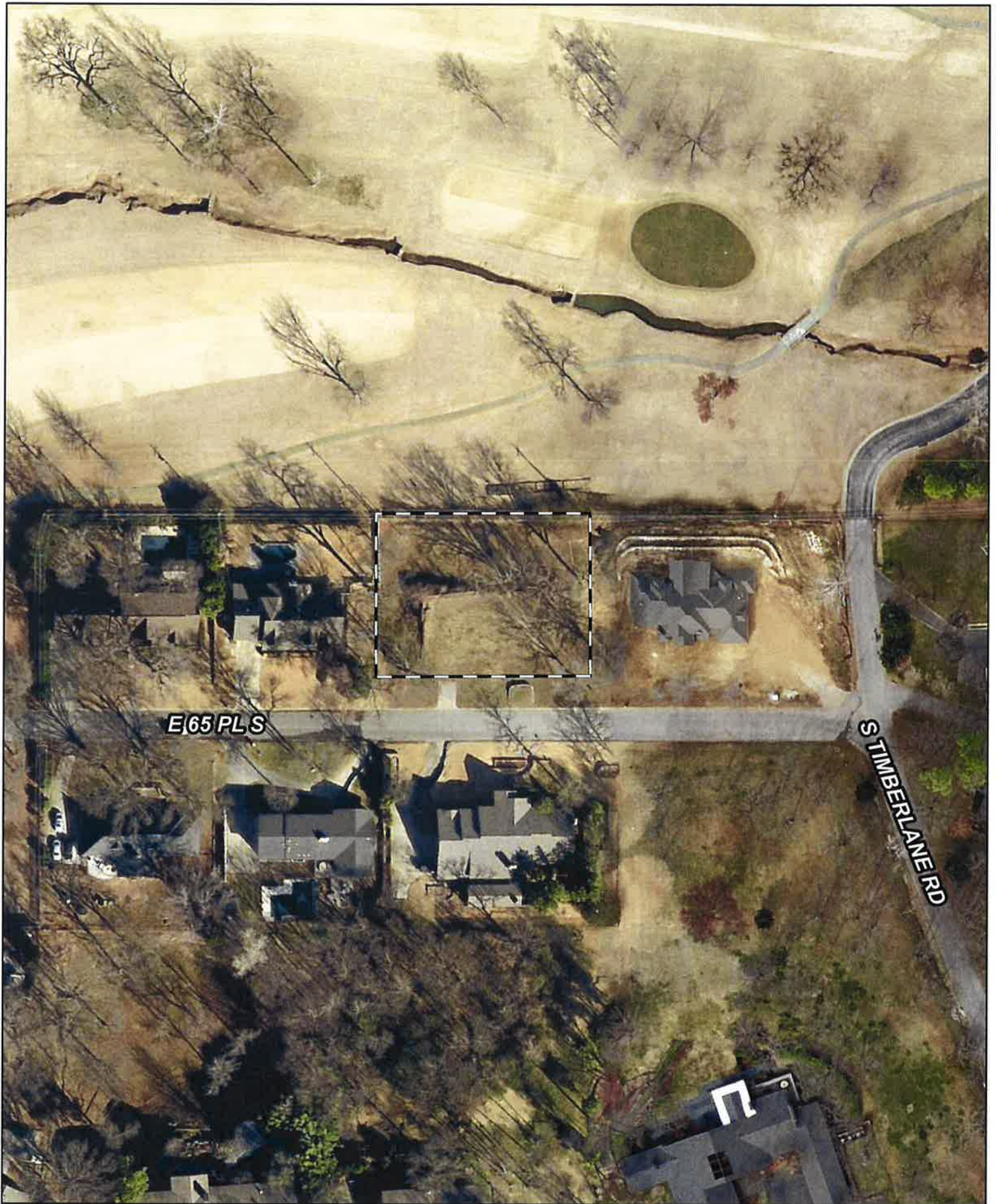
18-13 05

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

Aerial Photo Date: February 2016



10.4



E 65th PL S

S TIMBERLANE RD

0 50 100
Feet



Subject
Tract

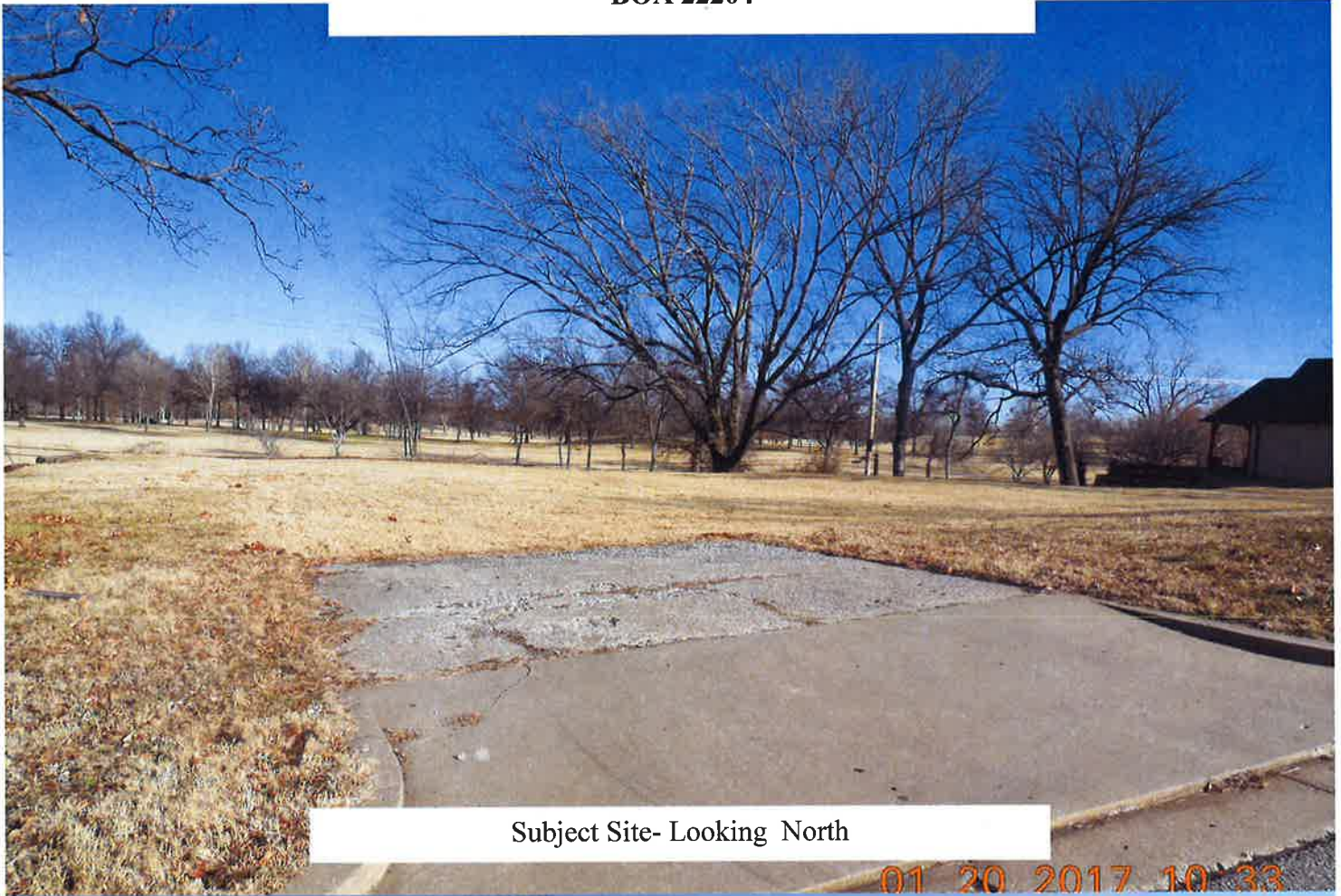
BOA-22204

18-13 05

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

Aerial Photo Date: February 2016





Subject Site- Looking North

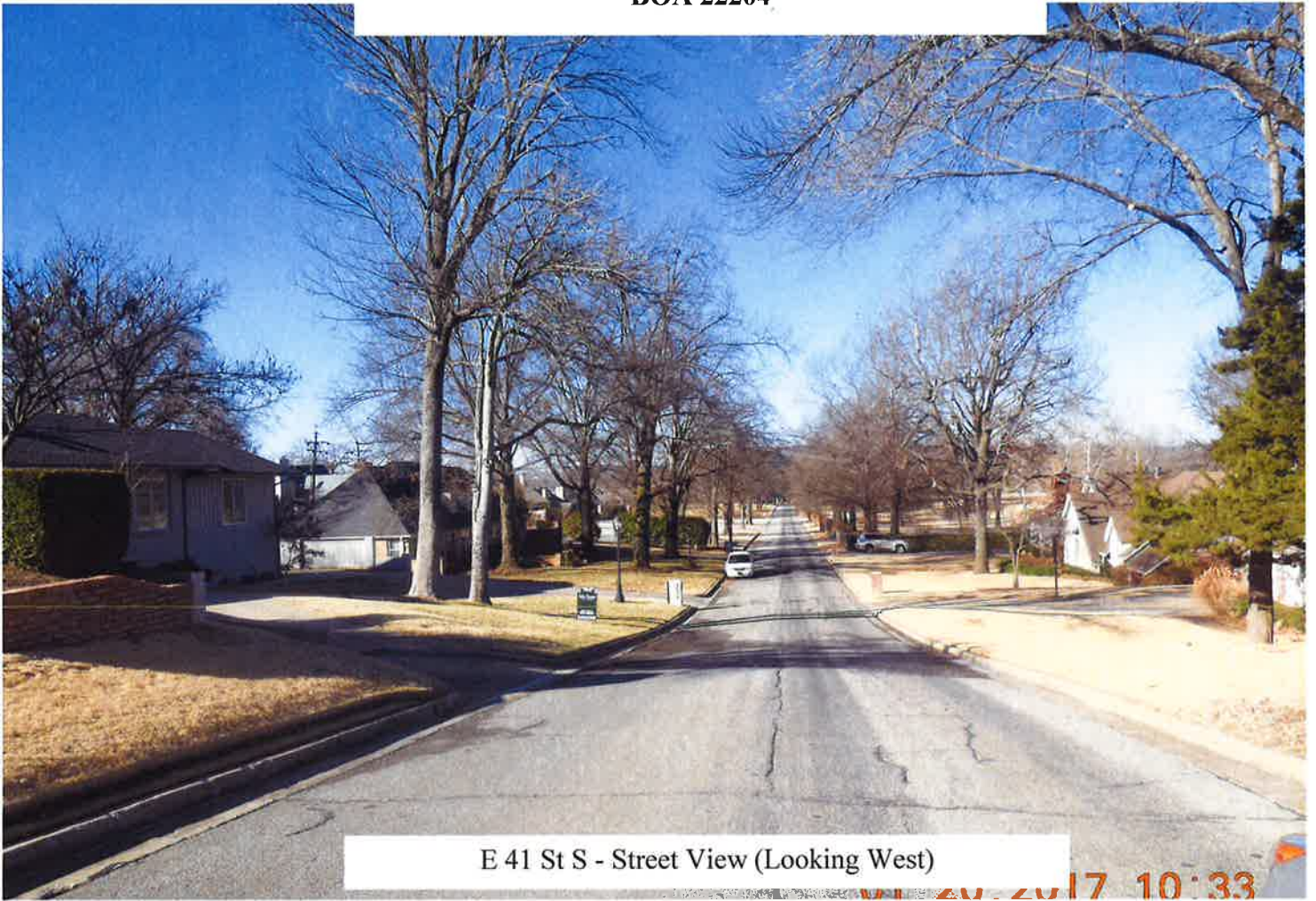
01.20.2017 10:33



E 41 St S - Street View (Looking East)

01.20.2017 10:33

10.6



E 41 St S - Street View (Looking West)

Moye, Nikita

From: Shane Marchand [Shane.Marchand@hpidc.com]
Sent: Friday, February 03, 2017 6:02 PM
To: Moye, Nikita
Cc: Blake Johnson
Subject: Protest of Case Number BOA-22204

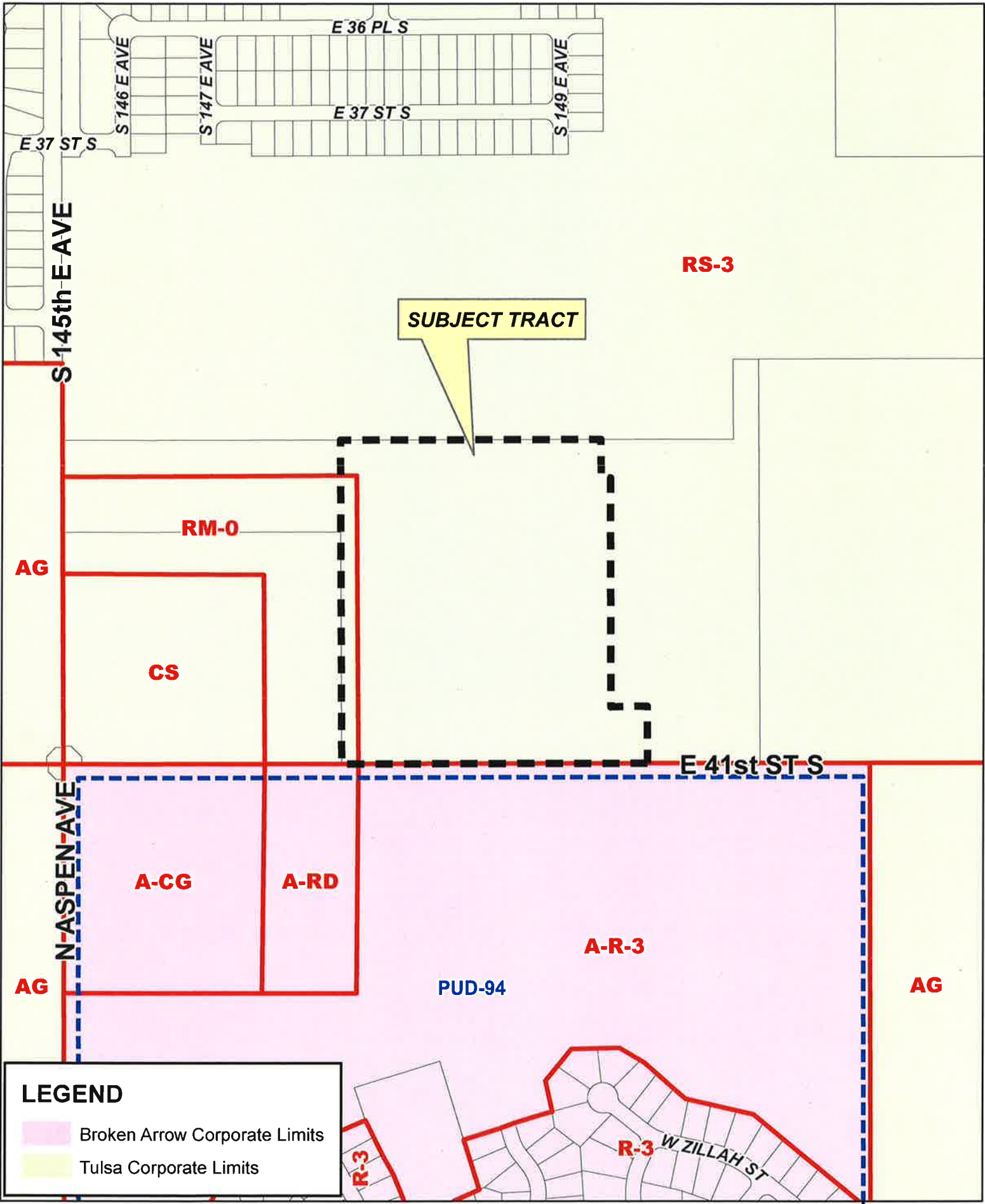
Ms. Moye

I have received the Notice of Hearing before the Board of Adjustment Case Number BOA-22204 in the mail. I live across the street from 2641 E. 65th Place S and I believe the granting of this variance will both negatively impact the beauty of our street and possibly hurt the value of homes. I therefore would like to protest this requested variance. I am unable to attend the hearing on Tuesday, February 14th and request that this date be rescheduled.

Best regards,

Shane Marchand

**THIS PAGE
INTENTIONALLY
LEFT BLANK**



SUBJECT TRACT

LEGEND

- Broken Arrow Corporate Limits
- Tulsa Corporate Limits



BOA-22206

19-14 22



BOARD OF ADJUSTMENT

STR: 9422
CZM: 50, 49
CD: 6
A-P#: 411756

Case Number: BOA-22206

HEARING DATE: 02/14/2017 1:00 PM

APPLICANT: Home Creations

ACTION REQUESTED: Variance to permit a 9 ft. high masonry wall within the street right of way; Special Exception to permit a fence and/or wall height greater than 4 ft. within the required street setback East 41st Street South (Section 45.080-A).

LOCATION: 14815 E. 41st St. S.

ZONED: RM-0, RS-3

PRESENT USE: Vacant

TRACT SIZE: 21.7 Acres

LEGAL DESCRIPTION: A part of the South half of the of Section 22, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma according to the Government Survey Thereof. More particularly described as follows: Commencing at the Southeast corner of the Southwest Quarter (SW/4) of said Section 22: Thence N 89°47'11" W; along the South line of said Southwest Quarter (SW/4), a distance of 729.24 ft. to a point that is 1907.45 ft. from the Southwest corner and said Southwest Quarter (SW/4) and the Point of Beginning. Thence continuing N 89°47'11" W along said South lot line a distance of 999.45 ft.; thence N 00°00'28" W parallel with the west line of said Southwest Quarter (SW/4), a distance of 1058.06; thence S 89°47'48"E parallel with the north line of said Southwest Quarter (SW/4), a distance of 850.00 ft.; thence S 00°12'12" W a distance of 125.00 ft.; thence S 89°47'47" E a distance of 29.91 ft.; thence S 00°00'28" E, parallel with the west line of said Southwest Quarter (SW/4), a distance of 748.22 ft.; thence S 89°47'11" E a distance of 120.00 ft.; thence S 00°00'28" E a distance of 185.00 ft. to a Point of the South line of said Southwest Quarter (SW/4) and the Point of Beginning. Said tract of land containing 949,066.78 SF or 21.788 Acres.

RELEVANT PREVIOUS ACTIONS:

None Relevant.

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

The **New Neighborhood Residential Building Block** is comprised of a plan category by the same name. It is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single family homes on a range of lot sizes, but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity, and shall be paired with an existing or new Neighborhood or Town Center.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop

11.2

these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by vacant RS-3 zoning on the north; RS-3 zoning abuts the site on the east and RM-0 zoning abuts the site on the west. E 41 ST S and the Broken Arrow City limits abut the site on the south.

STAFF COMMENTS:

The subject property is identified as part of the Battle Creek Park subdivision. The submitted site plan indicates that the applicant is proposing to construct a 6 ft screening fence and 9 ft masonry wall at the subdivision entry along located along E 41st St S. The fence and wall appear to be within the 35 ft. required street setback along E. 41 St. S. The Code states that fences and walls within the required street setback shall not exceed 4 ft in height; therefore the applicant has requested a special exception to modify the height requirement to allow the 6 ft. fence and a 9 ft. wall as proposed.

The applicant has also requested a variance to allow the masonry wall within the street right-of-way. Based on the submitted plans and drawings attached to this case report it does not appear that the proposed wall and screening fence extend into the street right-of-way. The applicant has the option of withdrawing the request at the hearing.

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use and future development of the subject property is compatible with and non-injurious to the surrounding area.

Sample Motion for a Special Exception

Move to _____ (approve/deny) a Variance to permit a 9 ft. high masonry wall within the street right of way; Special Exception to permit a fence and/or wall height greater than 4 ft. within the required street setback East 41st Street South (Section 45.080-A).

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

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

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.”



0 200 400
Feet



Subject
Tract

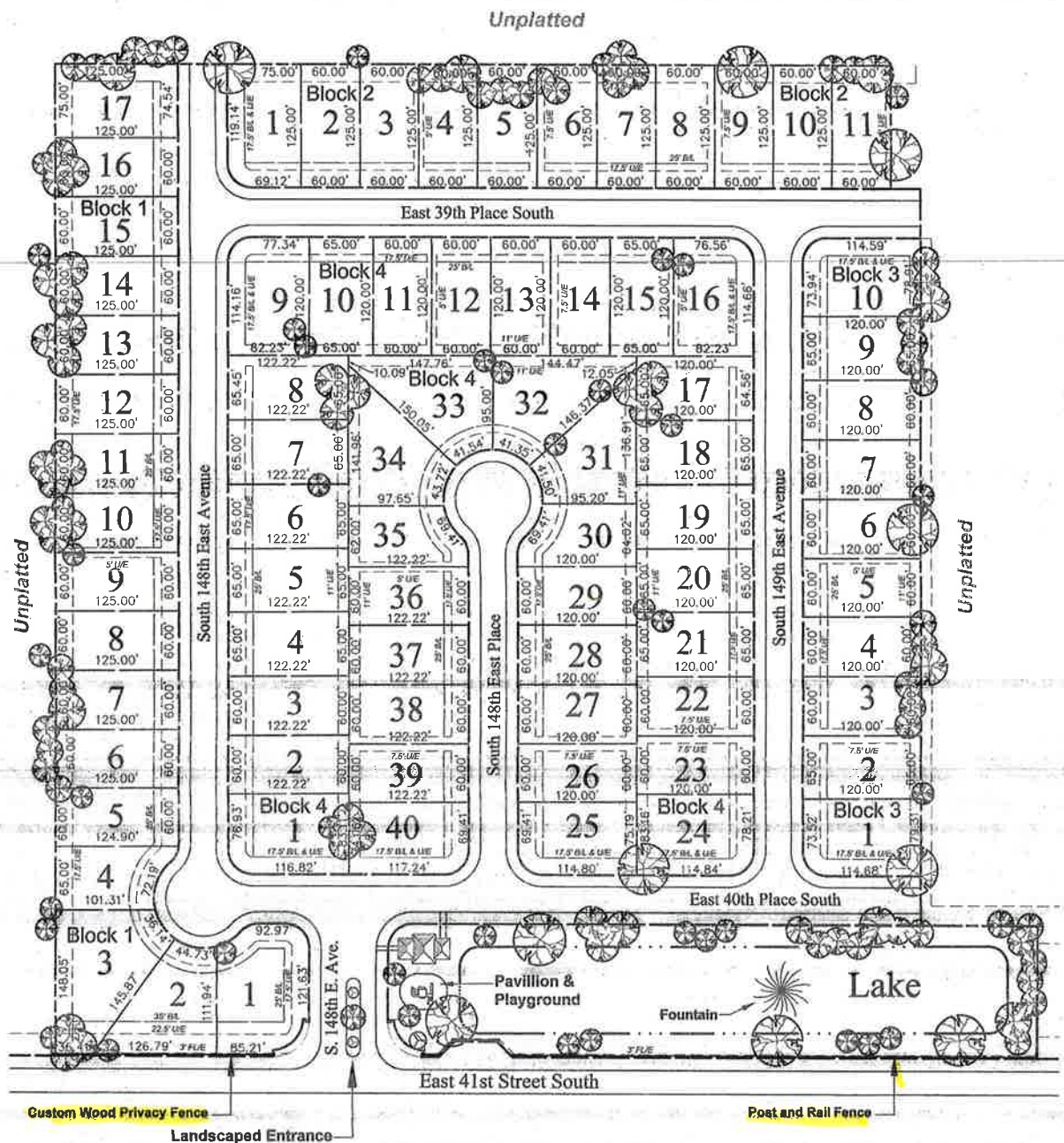
BOA-22206

19-14 22

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

Aerial Photo Date: February 2016





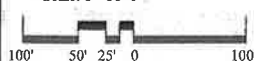
Battle Creek Park

Illustrative Sales Plat

Amenities and Features:
 Covered Pavilion and Playground
 Tornado Safety Features
 Energy Efficient Homes
 Lake and Fountain
 Broken Arrow Schools

Buyers agree the information and/or renderings and maps contained herein, such as lot dimensions, landscaping, terrain, and other amenities are for the sole purpose of depicting a possible use of the properties and are subject to change. No representation or warranty is made as to existing development, ownership or land use of such properties is being made. Buyers should not and will not rely on the information and/or rendering and maps or views contained herein in deciding to purchase any property. Home Creations, Inc. makes no warranty or representation of any kind or character, expressed or implied with respect to the matters depicted or covered by the renderings, drawings and other information herein. The details of existing developed areas, other than the recorded final plat. The owners of the property shown, their successors and assigns reserve the right to make zoning, development, ownership and/or land use changes in any part(s) of the properties.

Scale: 1"=50'-0"

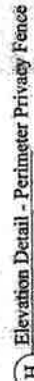


Development: Battle Creek Park
 Project: Subdivision Entry and Perimeter Plans
 Sheet No. 1 Plat Layout
 Owner/Developer:
 Home Creations, Inc.
 5711 East 71st Street Ste 240
 Tulsa, Oklahoma 74138
 918-532-0993
 Engineering:
 Cowan Group Engineering
 CA NO. 8414 Expiration Date 8-30-2108
 5418 South Yale Suite 210
 Tulsa, OK 74135
 PHONE: (918) 788-0210
 Landscaped Entrances and Perimeter Design By:
 Richard Conrad & Assoc., L.L.C.
 4942 East 73rd Street
 Tulsa, Oklahoma 74138
 918-491-4741
 Date: August 8, 2016

11.6



C Detail - Entrance Wall
Encl. 177421.00

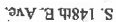


General/Diesel/Boat:
Home Creations, Inc.
915-332-6969
915-332-6969
Tulsa, Oklahoma 74108

Engine/Engine:
Cowan Group Engineering
CANO. 0414 Expiration Date 6-30-2018
5418 South Yale Tulsa 74110
Tulsa, OK 74108
PHONE: (918) 758-0210

Landscape Entrance and Perimeter Design By:
Linkamp Conrad & Assoc., LLC.
4442 East 72nd Street
Tulsa, Oklahoma 74130
(918)-681-4741

Date: August 8, 2016



Stormwater Detention & Utility Easement

Jun 1, 1997

irrigated Turf

Am. J. Pathology

Peel and Roll Fence

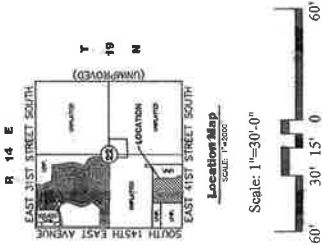
East 41st Street South

Plan View-Overall Entry and Perimeter

Scale: 1"=10.0'

Note:
See Sheet #1 for illustrative full layout information.
See Sheet #3 for detailed entrance landscape information.
See Sheet #4 for dimensioned perimeter layout information.
See Sheet #5 for dimensioned entrance layout information.
See Sheet #6 for illustrative entrance elevation information.
See Sheet #7 for entrance construction details.
See Sheet #8 for landscape installation details and lighting installation.

Battle Creek Park



Development: Battle Creek Park

Project: Subdivision Entry and Perimeter Plans

Sheet No. 2 Overall Entry and Perimeter Layout

Owner/Developer:

Home Creations, Inc.
5713 East 71st Street Ste 240
Tulsa, Oklahoma 74136
918-832-0999

Engineering:
Cowan Group Engineering
CA NO. 6414 Expiration Date 6-30-2108

Tulsa, OK 74135
PHONE: (918) 795-0210

**Landscaped Entrance and Perimeter Design By:
Richard Conrad & Assoc., L.L.C.**

Date: August:8, 2016

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

TEL (918)596-9688
clange@cityoftulsa.org



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 982473-1Revised

January 10, 2017

JARED SCOTT
GLENWOOD HOMES
2645 E ALBANY ST UNIT E
BROKEN ARROW, OK 74014

Phone: (918)340-3938

APPLICATION NO: 411756 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 14815 E 041 ST S ENTRANCE
Description: NEW

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" **IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

11.12

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT
WWW.CITYOFTULSA-BOA.ORG

Application No. 411756

14815 E 041 ST S ENTRANCE

January 10, 2017

Note: Please direct all questions regarding platting, special exceptions and BOA and TMAPC application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. **Sec.70.080-B.1:** Except as expressly stated in *Sec.70.080-B2*, no building permit or zoning clearance permit may be issued until that portion of the subject parcel for which the permit is sought has been included within a subdivision plat or replat, submitted to and approved by the planning commission, and filed of record in the county clerk's office of the county in which the property is located.

Review Comment: INCOG advises that pursuant to *Sec.70.080-B.1* this property is subject to a platting requirement. INCOG does not have a record showing the final approved plat having been approved and filed, nor a plat waiver granted. Submit a copy of the approved plat waiver, the subdivision plat, or replat, submitted to and approved by the Planning Commission, and filed of record in the office of the County Clerk where the property is situated. You may wish to consider submittal of an accelerated release of a building permit per *Sec.70.080-B2c*.

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

Review Comment: The proposed fence is located in an RS-3 zoning district and appears to run along the lot line abutting E 41 ST. The building setback for this district is 35'. This setback is measured from the E 41 ST Right-of-Way. If the fence is in the 35' setback, it is limited to 4' in height. A Special Exception, reviewed and approved per *Sec.70.120*, is required for a fence 6' in height. Submit a site plan providing the Right-of-Way, the 35' setback line, the location of the fence and, if necessary, a copy of the approved Special Exception.

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.

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.

11.13 2

