

AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, April 11, 2017, 1:00 P.M.

Meeting No. 1181

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of March 28, 2017 (Meeting No. 1180).

UNFINISHED BUSINESS

2. **22202—Michael Jones**
Variance to permit the expansion of a non-conforming use (neon signage company) to allow a 1,092 square foot storage building on the site (Section 80.040). **LOCATION:** 915 North 33rd Avenue West **(CD 1)**
3. **22209—Hall Estill – Hugh Long**
Special Exception for a temporary use as a storage and staging area for construction equipment and materials (Section 50.020-D). **LOCATION:** North of the NW/c of West 14th Street South and South Denver Avenue West **(CD 4)**
4. **22213—A-MAX Sign Company**
Variance to increase the permitted display surface area from 70.5 square feet to 88.7 square feet; and a Variance to allow a freestanding sign with a dynamic display in the OL District (Section 60.060). **LOCATION:** 4520 South Harvard Avenue East **(CD 9)**
5. **22219—Pat White**
Special Exception to allow a carport in the street setback in the R District and allow for the area of a carport to exceed 20 feet in length and 20 feet in width (Section 90.090-C.1). **LOCATION:** 3132 South Owasso Avenue East **(CD 9)**

NEW APPLICATIONS

6. **22222—A-MAX Sign Company**
Special Exception to permit a dynamic display sign in an the R district; and a Variance of the allowable display surface area for signs in the R district to

permit a 86.17 SF ground sign. (Section 60.050). **LOCATION:** 5590 South Lewis Avenue East **(CD 9)**

7. **22224—Stacie Chambers**

Variance to allow a material other than an all-weather surface material for a new driveway and parking area (Section 55.090-F). **LOCATION:** 14636 East 13th Street South **(CD 6)**

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

Website: www.cityoftulsa-boa.org

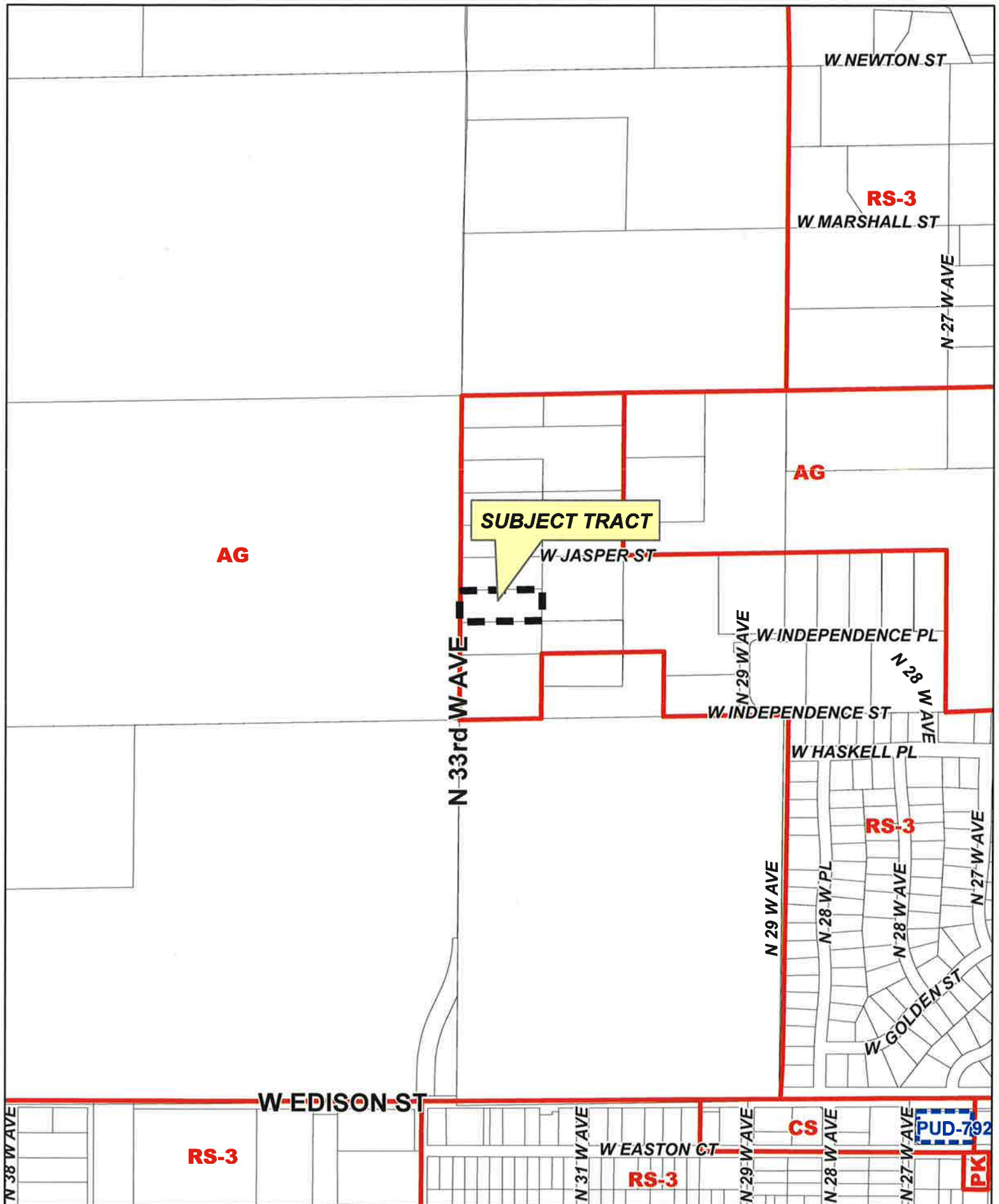
E-mail: esubmit@incog.org

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**



BOA-22202

20-12 33

2.1

BOARD OF ADJUSTMENT CASE REPORT

STR: 9203

Case Number: BOA-22202

CZM: 36

CD: 1

A-P#: 398496

HEARING DATE: 04/11/2017 1:00 PM

APPLICANT: Michael Jones

ACTION REQUESTED: Variance to permit the expansion of a non-conforming use (neon signage company) to allow a 1092 square foot storage building on the site (Section 80.040).

LOCATION: 915 N 33 Ave W

ZONED: RS-3

PRESENT USE: Residential/Commercial

TRACT SIZE: 43,560 SQ FT

LEGAL DESCRIPTION:

N 132' OF S 528' OF W 330' OF SW/4 SW/4 NE/4, City of Tulsa, Osage County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Lot:

BOA 20704; 06.24.08 the Board **dismissed** an Appeal of the determination of a zoning official to deny a permit for the addition of a structure to accommodate a business in the RS-3 district. Appeal was dismissed because the applicant failed to specify any error made in the decision on of the Administrative Official.

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-3 zoned residential on the north, east and south; and AG zoning on the west.

STAFF COMMENTS:

The commercial sign business on the RS-3 zoned subject lot is lawful non-conforming use on the site. The applicant has stated that in order to continue the "Osage Neon" sign business additional storage and work space is needed. The open length of the building and doors allow for a better work space for working on neon tubes for signs. The business needs to expand to remain competitive with similar businesses in the area.

The Code states that a nonconforming use of a portion of a building may be expanded or extended into the remaining portions of the building if the development administrator determines that the areas of the building in which the expansion is proposed were arranged and designed for the use. Nonconforming use may not be expanded or extended in any other way unless the expansion reduces or eliminates the nonconformity.

Addition of the 1092 SF detached accessory structure for the storage of sign materials and equipment is an expansion of the non-conforming use on the site which is not permitted. The applicant is seeking a Variance to permit a 1092 SF accessory storage building to be used in conjunction with the existing commercial sign business located on the site.

Sample Motion for a Variance

Move to _____ (approve/deny) a Variance to permit the expansion of a non-conforming use (neon signage company) to allow a 1092 square foot storage building on the site (Section 80.040).

- 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."

Board Action:

On Motion of White, the Board voted 5-0-0 (White, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **ACCEPT** a Verification of the spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2), based upon the facts in this matter as they presently exist, subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign, with the condition that the existing Whistler sign in the immediate vicinity of the new sign, be removed prior to constructing the new sign, on the following described property:

LT1 LESS BEG 596.90 E 249.64 N & 63.49 NELY SWC SEC 31 20 14 TH NELY 77.35 E 435.51 CRV RT 933.65 E 20.78 SE 306.21 NW 155.14 NW 68.09 CRV LF 76.83 W 46 .22 CRV RT 80.98 NW 196.05 CRV LF 92.95 W 27.22 CRV RT 110.61 NW 29.54 CRV LF 269.35 SW 89.74 W 259.27 N 66.50 WLY 109.51 POB & LESS 120 W 120 BLK1, CROSSTOWN CENTER RESUB PRT VAN ESTATES NO 2 AMD, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20704

Action Requested:

Appeal the determination of the zoning official denying the permit for the addition of a structure to accommodate a business in the RS-3 district, located: 915 North 33rd West Avenue.

FILE COPY

Presentation:

Harold Hawkins, 915 North 33rd West Avenue, Tulsa, Oklahoma, gave an opening statement. In summary he stated the buildings were constructed in the 1960's and the needs to improve the property and comply with the zoning code, suggesting it would improve the character of the property. Materials and machinery would be stored out of sight. He indicated that a restriction on his use rights should not be imposed if it does not bear a substantial relation to public health, safety, morals or general welfare. He asked for consideration of his extraordinary situation that his proposal is in keeping with spirit and intent of the Comprehensive Plan. The physical nature of the neighborhood and surrounding property has not change since this home was built and the business was established, which is over forty years. There are no new homes or housing developments in over forty years.

Comments and Questions:

Mr. Henke asked if the applicant filed the appeal with the City Clerk and Administrative Official and stated the reason for the appeal. Mr. Hawkins replied that he did. He did not have a copy of the appeal to the Board. Mr. Henke could not find that a reason for the appeal was given at the time of filing. He asked Mr. Ackermann for assistance. Mr. Ackermann replied that the notice of appeal is required to be filed within ten days of the decision of the Administrative Official and

the notice shall specify the grounds for the appeal. He stated that the notice of the appeal appears not to specify the grounds for the appeal. This means the notice does not appear to be perfected and at this time the Board would not have jurisdiction to hear the case. Mr. Cuthbertson stated this notice of appeal was filed April 9, 2008, the application officially establishing the appeal to the Board was made on May 2, 2008. There was no justification or support for the appeal in the application. Mr. Cuthbertson stated he received correspondence from the appellant around May 28, 2008 that gave justification and support for the appeal.

Board Action:

On Motion of White, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **DISMISS** the Appeal for lack of jurisdiction, on the following described property:

N 132 of the S 528 of the W 330 of the SW/4 of the SW/4 of the NE/4 Section 33, T-20-N, R-12-E, City of Tulsa, Osage County, State of Oklahoma

Mr. Alberty stated that in this situation where there was a non-conforming use that can continue as long as it is not changed. When he changed it by expanding it, the Inspector was correct in his decision, according to the code. Mr. Ackermann pointed out that the instruction for appealing the Administrative Official's decision was on the deficiency letter that the applicant received.

Case No. 20705

Action Requested:

Site plan approval for an approved industrial use in a CG district, located: 65 North Mingo Road East.

Presentation:

Gale Plummer, stated he requested approval of this application. A site plan was provided (Exhibit D-1).

Comments and Questions:

Mr. Plummer was informed that a sidewalk would be required on this site plan only; as well as, no outside storage of material, all manufacturing inside the building, and all parking and driving surfaces 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 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Site plan approval for an approved industrial use in a CG district, per site plan as

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

In the Matter of the Appeal of **HAROLD**)
CRAIG HAWKINS from a Decision of the)
BOARD OF ADJUSTMENT OF THE)
CITY OF TULSA, OKLAHOMA, in Board)
of Adjustment Case Number 20704)
DISMISSING the Appeal for Lack of)
Jurisdiction.)

Case No. CJ-2008-6328

Judge Rebecca Brett Nightingale

DISTRICT COURT
FILED

MAR 24 2010

SALLY HOWE SMITH, CLERK
STATE OF OKLAHOMA
DISTRICT COURT, TULSA COUNTY

FINAL JOURNAL ENTRY OF JUDGMENT

This matter came before this Court on February 22, 2010 for a non-jury trial *de novo* from an appeal taken by Mr. Harold Craig Hawkins (Hawkins) from a decision of the Board of Adjustment of the City of Tulsa (Board) dismissing his appeal to that Board from the determination of an administrative official. The Plaintiff in trial *de novo*, Mr. Hawkins, represented himself *pro se* and the Defendant in trial *de novo*, the City of Tulsa (City), *ex rel*, the Board of Adjustment of the City of Tulsa, was represented by Sr. Assistant City Attorney Patrick Boulden. Upon consideration of the evidence admitted by stipulation of the parties and the argument and authority presented, this Court enters the following findings, conclusions and final journal entry of judgment:

1. This matter is before this Court pursuant to Hawkins' filing of a Notice of Appeal with the Clerk of the Board and the City Clerk of the City of Tulsa, Oklahoma, on Wednesday, July 2, 2008.

2. Hawkins has appealed an action of the Board taken on Tuesday, June 24, 2008, in Board of Adjustment Case Number 20704, in which the Board denied his appeal of a Zoning Official's determination, finding that it had no jurisdiction to hear the matter because Hawkins' Notice of Appeal to the Board failed to specify the grounds for appeal, as required by 11 O.S.2001, §44-109(1) and Title 42 Tulsa Revised Ordinances, Section 1605.B.

3. A board of adjustment has jurisdiction to hear appeals from any order, requirement, decision or determination made by an administrative official in the enforcement of any zoning ordinance. 11 O.S.2001 §44-104(1) and 42 Tulsa Revised Ordinances §1605.

4. A municipality must provide by ordinance procedures whereby applicants can seek relief from its board of adjustment. 11 O.S.2001, §44-109.

5. Once a board of adjustment renders a decision, any person aggrieved, any taxpayer or any municipal official may appeal any action, decision, ruling, judgment or order of a board of adjustment to the district court of the county in which the municipality is situated. 11 O.S.2001, §44-110.

6. Before a district court, an appeal is heard and tried *de novo* and the court may reverse or affirm, in whole or in part, or modify, the decision brought up for review. 11 O.S.2001, §44-110(F).

7. When a board of adjustment decision is appealed to the district court, the scope of inquiry is the same as that at the board level. *City of Oklahoma City v. Harris*, 1941 OK 331, 126 P.2d 988, &15; *Board of Adjustment of Oklahoma City v. Shanbour*, 1967 OK 189, 435 P.2d 569, &13.

8. When an appeal is taken from a board of adjustment, it must be initiated by filing a notice with the municipal clerk and the clerk of the board of adjustment. Such a notice must specify the grounds for the appeal and must be filed within the time limits fixed by ordinance. 11 O.S.2001, §44-110.

9. On March 1, 2008, Hawkins submitted an application seeking a building permit to construct an accessory storage building to be used in conjunction with his existing commercial sign business located at 915 North 33rd West Avenue (the Property).

10. The use of the Property as a commercial sign business is lawfully nonconforming because, although the property is zoned for residential single-family dwelling use (RS-3), the business was already located on the site when it was annexed into the City.

11. On April 24, 2008, Mr. Dustin Wright, then a City Zoning Official/Plans Examiner, issued a Letter of Deficiency (LOD) to Hawkins, notifying him that, although the Tulsa Zoning Code permits the use of his property to continue as a nonconforming commercial sign company, allowing the nonconforming use to be enlarged or extended, except to a use permitted in an RS-3 zoned district, would be a violation of the Tulsa Zoning Code. Accordingly, Mr. Wright LOD denied Hawkins a Zoning Clearance Permit.

12. On Friday, May 2, 2008, Hawkins delivered a notice (Notice), purporting to appeal the decision of Dustin Wright to the secretary for the Board of Adjustment and to Mr. Wright. Hawkins attached to that Notice Mr. Wright's LOD denying him a Zoning Clearance Permit.

13. The Notice Hawkins provided reflected that it was an appeal from the "Decision by Dustin Wright" and referenced a "Notice Zoning Clearance Application Denied (attached herewith)". Attached to the Notice was the LOD from Mr. Wright to Mr. Hawkins dated April 24, 2010. With this Notice, Hawkins also filed a Board of Adjustment appeal form which was filled in by hand and signed by Hawkins. In the blank area of the Board's appeal form, titled "ACTION(S) REQUESTED", was the handwritten statement: "Appealing an Administrative official."

14. At a hearing before the Board on June 24, 2008, in Board of Adjustment Case Number 20704, the Board denied Hawkins' appeal of a Zoning Official's determination, finding that it had no jurisdiction to hear the matter because Hawkins' Notice to the Board failed to

specify the "grounds" for appeal as required by 11 O.S.2001, §44-109(1) and Title 42 Tulsa Revised Ordinances, Section 1605.B. From this decision, Hawkins appealed to this Court.

15. Hawkins' position before this Court is that, taken together, both the typed Notice provided by him, containing the decision of Dustin Wright, and the Board of Adjustment appeal form sufficiently apprised the Board of what was being appealed.

16. Title 42, Tulsa Revised Ordinances, Section 1605 provides, in pertinent part, as follows:

SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL

A. **General.** An appeal to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureaus of the city affected, where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Code.

B. **Notice of Appeal.** An appeal shall be taken within 10 days from the determination complained of by filing with the appropriate administrative official and with the Clerk of the Board, a notice of appeal, specifying the grounds thereof. The administrative official, upon receipt of notice, shall forthwith transmit to the Clerk of the Board, certified copies of all the papers constituting the record of said matter. Upon receipt of the record the Clerk shall set the matter for public hearing. (Underlined emphasis added.)

* * *

17. State statutes regulating appeals to a board of adjustment provides, in pertinent part, as follows:

Section 44-109 - Procedure for Appeals to the Board of Adjustment.

The municipal governing body shall provide by ordinance for appeals from any action or decision of an administrative officer acting pursuant to any zoning ordinance to the board of adjustment in the following manner:

1. Appeals from the action of any administrative officer to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer;

2. An appeal shall be taken within the time limits as fixed by municipal ordinance by filing with the officer from whom the appeal is taken and by filing with the board of adjustment a notice of appeal specifying the grounds therefor. The officer from whom the appeal is taken shall forthwith transmit to the board of adjustment certified copies of all the papers constituting the record of the matter, together with a copy of the ruling or order from which the appeal is taken;
* * * (Underlined emphasis added.)

18. In *Hargrave v. Tulsa Board of Adjustment*, 2002 OK 73, 55 P.3d 1088, ¶15; 55 P.3d 1088, 1093, the court wrote,

¶15 We hold the statutory requirements set out in 11 O.S.2001 §44-110 for perfecting an appeal from a decision of a municipal board of adjustment are mandatory. Failure to file a proper notice of appeal with the board of adjustment and with the municipal clerk within the time limit fixed by ordinance is fatal. If a proper notice of appeal is timely filed with both the board of adjustment and the municipal clerk, the district court obtains jurisdiction over the appeal when the board of adjustment, pursuant to notice of appeal, transmits to the district court clerk the original or certified copies of all papers constituting the record in the proceedings before the board of adjustment. (Bold and Underlined emphasis added.)

19. The appeal before this Court differs from the one considered by the court in *Hargrave*, in that the defect asserted by the City in Hawkins' appeal occurred while Hawkins was attempting to exhaust his administrative remedies pursuant to requirements established conjointly by 11 O.S.2001, §44-109 and 42 Tulsa Revised Ordinances, Section 1605.B. In *Hargrave*, the faulty appeal was to the district court, not an appeal to the Board of Adjustment, as is the case here. The particular defect asserted by the City here is that Hawkins' filing with the Board did not specify any grounds for the appeal, as required by 11 O.S.2001, §44-109 and 42 Tulsa Revised Ordinances, Section 1605.B and therefore was not a "proper notice".

20. While the dismissal of an appeal to an administrative board for the failure to "specify grounds" has not yet been addressed by Oklahoma's courts, other state courts have.

A. In Pennsylvania, that state's Commonwealth Court reviewed a lower court's dismissal of an appeal from the Zoning Hearing Board of Upper Milford Township. In

Pennsylvania, state statutes required that a notice of appeal set forth "the grounds on which the appellant relies." *Gall v. Zoning Hearing Board of Upper Milford Township*, 723 A.2d 758, 759, citing 53 P.S. Section 1003 A(a), the Pennsylvania Municipalities Planning Code. Upon affirming the dismissal by the zoning board, that court wrote: "It is well settled that failure to include the grounds for appeal in the land use appeal notice warrants dismissal of the appeal. See *Gall supra.*, citing *Kreitz v. Zoning Board of Adjustment of City of Easton*, 4 Pa.Cmwlth, 602, 287 A.2d 884 (1972). (See also *Town of Derry v. Diorio*, 113 N.H. 375, 308 A.2d 523, where statutes require an appeal to specify the grounds upon which the appeal was claimed and failing to do so made the board of adjustment decision binding.)

B. In *State ex rel. Russell v. Board of Appeals of Village of Prairie Du Sac* 27 N.W.2d 378, (Wis.1947), an ordinance governing an appeal from a building inspector to the village's Board of Appeals provided that the "appellant shall file with the Building Inspector and with the Board of Appeals a notice of appeal, specifying the grounds thereof." (Underlined emphasis added.) However, the notice filed by the appellant did not specify any grounds for appeal. It merely requested "consideration" by the board. Upon denying the appellant's right to appeal, the court ruled,

There is an indication in the trial court's decision that all the parties concerned in this case knew the reason for Curtis' appeal even though it was not stated and that therefore the defect in his appeal should not stand in his way. Although it may be true that in this particular case there was such general knowledge of the reason for the appeal, this court cannot in effect change legislation which requires a written notice of appeal specifying the grounds thereof.

While not literally in point so far as the facts are concerned, the following case presents the general rule in an opinion by Chief Justice Kephart, *Colteryahn Sanitary Dairy v. Milk Control Comm.*, 1938, 332 Pa. 15, 1 A.2d 775, 779; 122 A.L.R. 1049 at page 1056: 'The form of the petition for appeal to the court below in these cases has also been called to our attention. The law requires that the petitioner shall state facts in support of his objections sufficient to constitute a *prima facie* case. Since this was not done in the present cases, the omission

would be fatal to the proceedings. It is well settled, * * * that where statutory remedies are provided, the procedure prescribed by the statute must be strictly pursued, to the exclusion of other methods of redress. * * * This is particularly true of special statutory appeals from the action of administrative bodies.'

Inasmuch as the matter was not properly before the Board of Appeals, the broad powers given to that board by section 7 of Article IX of ordinance 12.17 cannot be invoked. Neither can we here consider the merits of the case: whether Curtis had acquired a sufficient vested interest to permit the issuance of a permit in spite of the amendment of the zoning ordinance changing the nature of the district in which his property was located.

State ex rel. Russell v. Board of Appeals of Village of Prairie Du Sac 27 N.W.2d 378, 379, (Wis.1947).

21. The specification of grounds for any appeal to the Tulsa Board of Adjustment from the decision and determination made by the City's Zoning Official/Plans Examiner, imposed by 11 O.S.2001, §44-109 and Title 42 Tulsa Revised Ordinances, Section 1605.B is mandatory.

22. Hawkins' failure to file a proper notice of appeal, specifying the grounds thereof was jurisdictional for any appeal to the Tulsa Board of Adjustment and bars any further right of review by the district court.

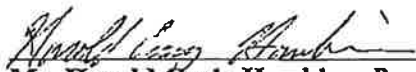
NOW THEREFORE, this Court finds that the notice of appeal and accompanying documents filed by Hawkins failed to invoke the jurisdiction of the Board of Adjustment of the City of Tulsa to hear his appeal, because it failed to specify any error made in the decision of the administrative official, Mr. Dustin Wright, as grounds for his appeal. Consequently, the appeal lodged by Mr. Hawkins from the Board of Adjustment to this Court fails in a trial *de novo* for failing to invoke the jurisdiction of this Court. Accordingly the appeal of Mr. Hawkins to this Court should be and is hereby **DISMISSED. SUCH IS THE FINAL JUDGMENT AND ORDER OF THIS COURT.**

Dated this 23 day of March 2010.


Rebecca Brett Nightingale

District Judge Rebecca Brett Nightingale

APPROVED:

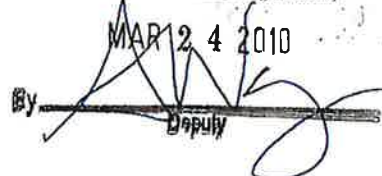

Mr. Harold Craig Hawkins, Pro se
915 North 33rd West Avenue
Tulsa, Oklahoma 74127-5003
Telephone: (918) 583-4430
E-mail: osageneon@cox.net

PRO SE APPELLANT/PLAINTIFF IN TRIAL DE NOVO


Mr. Patrick T. Boulden, OBA No. 10210
Sr. Assistant City Attorney
Tulsa City Attorney's Office
175 East Second Street, Suite 685
Tulsa, Oklahoma 74103-3203
Telephone: (918) 596-7717
Facsimile: (918) 596-9700
E-mail: pboulden@cityoftulsa.org

**FOR THE CITY OF TULSA, OKLAHOMA,
EX REL. BOARD OF ADJUSTMENT OF THE CITY OF TULSA
APPELLEE/DEFENDANT IN TRIAL DE NOVO**

I, Sally Howe Smith, Court Clerk, for Tulsa County, Oklahoma,
hereby certify that the foregoing is a true, correct and full
copy of the instrument herewith set out as appears on record
in the Court Clerk's Office of Tulsa County, Oklahoma, this

MAR 24 2010
By  Deputy



0 250 500
Feet



Subject
Tract

BOA-22202

20-12 33

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

Aerial Photo Date: February 2016



2.15



N 33rd W AVE

W JASPER ST

0 50 100
Feet



Subject
Tract

BOA-22202

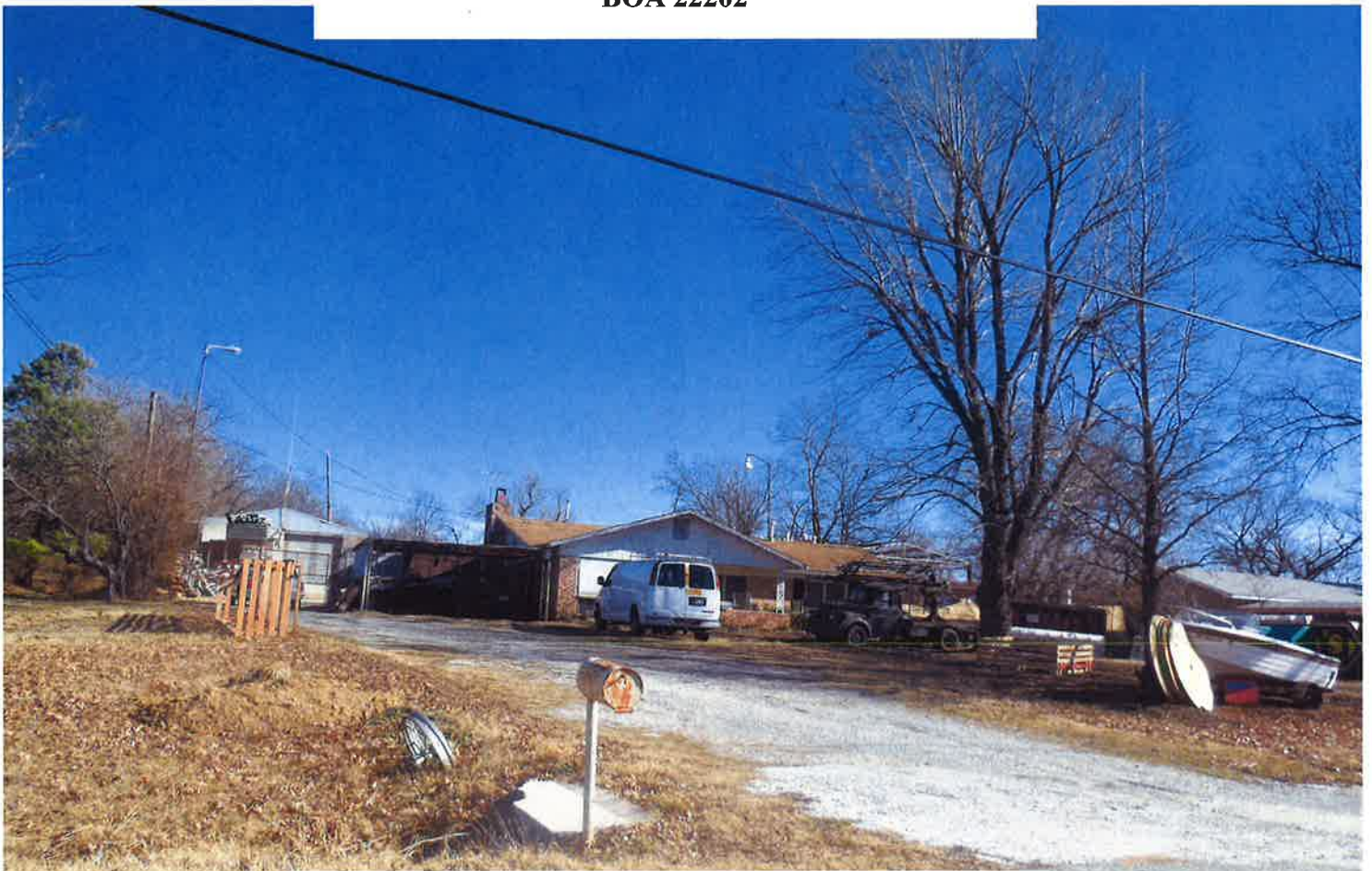
20-12 33

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

Aerial Photo Date: February 2016



2.16



Subject Site- Looking East

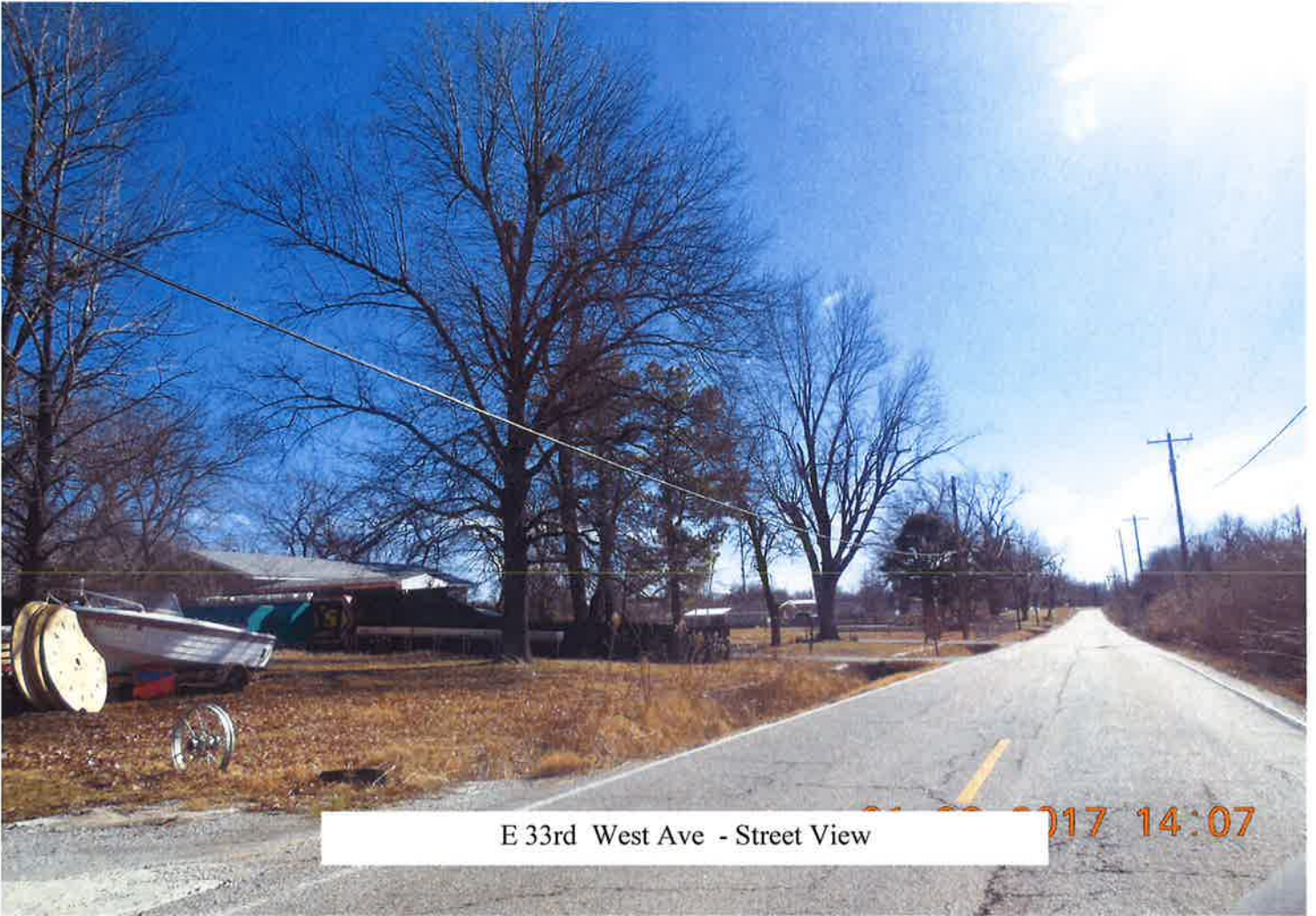
2017 14:07



Subject Site- Looking East

01 20 2017 14:07

2.17



330'

30'

EXISTING
BUILDING

78'

20'

STORAGE SHED

32'

55'

14'

← N

DRAINAGE

TRUCK
CARPORT

50'

27'

EXISTING SINGLE
FAMILY RESIDENCE

48'

27'

8'

27'

21'

SEPTIC

DRAINAGE

DRAINAGE

DRIVEWAY

22'

35'

75'

North 33 West Avenue

132'

2.19

BOB KOLIBAS
ZONING OFFICIAL
PLANS EXAMINER
TEL918-596-9664



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 950371-1

August 11, 2016

HAROLD HAWKINS
HOMEOWNER
915 N 33 AV W
TULSA, OK 74127

Phone: (918)583-4430

APPLICATION NO: **398496** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **915 N 033 AV W**
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 [X] 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)

2.20

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. 398496

915 N 033 AV W

July 15, 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.

80.040-C Expansion of Use

A nonconforming use of a portion of a building may be expanded or extended into the remaining portions of the building if the development administrator determines that the areas of the building in which the expansion is proposed were manifestly arranged and designed for the use. Nonconforming use may not be expanded or extended in any other way unless the expansion reduces or eliminates the nonconformity.

Review comments: The proposed detached accessory structure for the storage of sign materials is an expansion of a non-conforming use which is not permitted. You may pursue a variance from the BOA to permit the expansion of a non-conforming use for a 1092 square foot storage building.

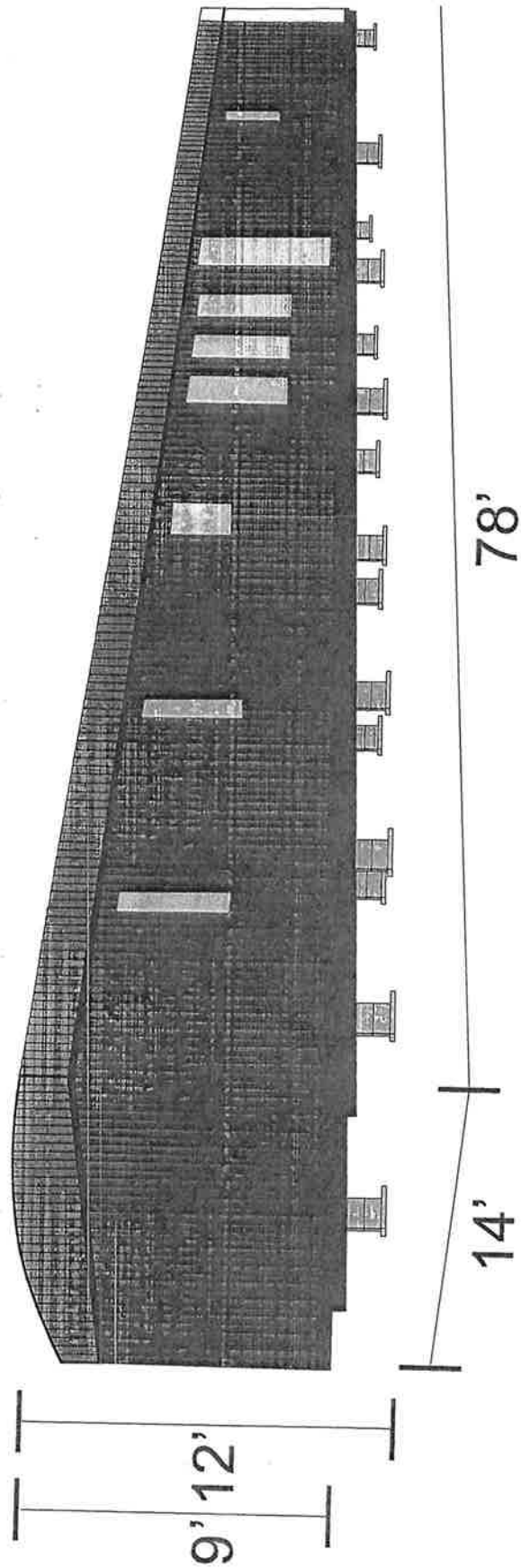
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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

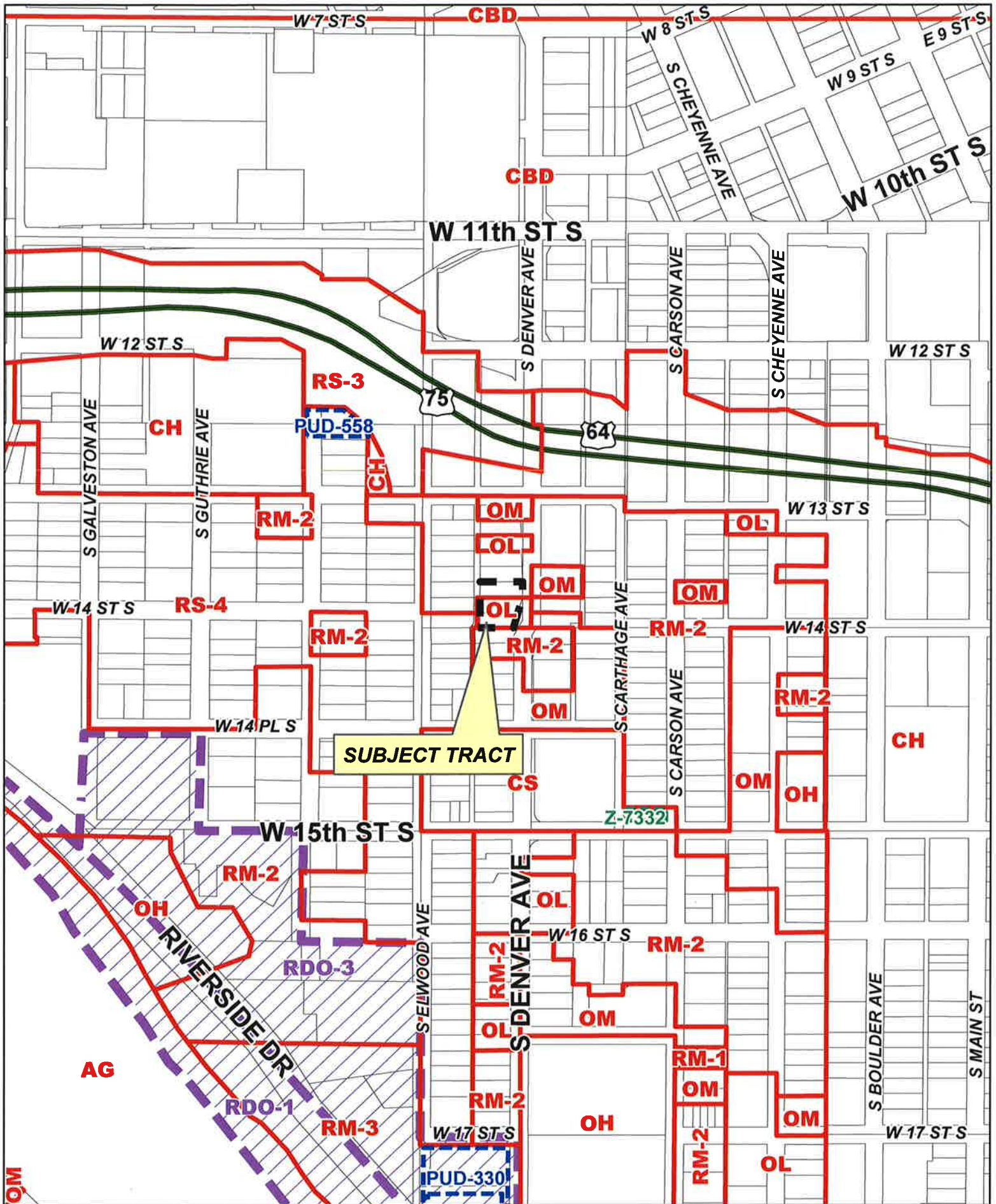
END – ZONING CODE REVIEW

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.



Elevation



BOA-22209

3.1



19-12 12



BOARD OF ADJUSTMENT CASE REPORT

STR: 9212

Case Number: **BOA-22209**

CZM: 36

CD: 4

A-P#: 8923

HEARING DATE: 04/11/2017 1:00 PM

APPLICANT: Hugh Long-Hall Estill

ACTION REQUESTED: Special Exception for a temporary use as a storage and staging area for construction equipment and materials in the OL and RM-2 district. (Section 50.020-D)

LOCATION: N of the NW/c of W 14 ST S and S Denver Ave

ZONED: OL, RM-2

PRESENT USE: Vacant Lot

TRACT SIZE: 19628.22 SQ FT

LEGAL DESCRIPTION: LT 6 BLK 3; LT 7 LESS BEG NEC TH SW TO PT APROX 15W SECR E15 N50 POB FOR ST BLK 3; LT 8 LESS BEG NEC TH W APROX 15 SW TO PT 15W SECR E15 EL NE TO PT N25 POB FOR ST BLK 3, CAMPBELL ADDN, T T T ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

BOA 21784; on 09.23.14 the Board approved a Special Exception to permit offsite construction facilities including staging and storage of construction equipment and materials; Variance of 2-year time limitation on constructions facilities to allow 5 years; Variance to permit construction facilities to be located within 100 feet of an occupied dwelling without consent of the owner; Variance from the bulk and area requirements set forth in Section 404.F. **Located at the NW/c of E 31 Street S & S Boston and the SE/c of S Riverside Drive & E 31 Street S.**

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

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 Land Use Category, **Area of Stability**, includes approximately 75% of the city's total parcels. 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 RM-2 zoned residential on the north and south; S Peoria Ave, OM and RM-2 zoning abuts the site on the east. RM-2 and RS-4 zoned residential abuts the site on the west.

STAFF COMMENTS:

In a attached letter the applicant has stated that the subject site will be used to store and stage construction equipment and materials related to a multi-family development project at the southwest corner of W 17th St S and S Peoria Ave. Development of the multi-family project is anticipated to commence on or around March 1, 2017 and is anticipated to be complete on December 31, 2018. Within 45 days of completion of the Project, the developer will remove all equipment and materials from the subject property. The applicant has stated that the Project is being constructed with a “zero setback” development with buildings and improvements being constructed near the street. As such, the Project site is constrained in its ability to store and stage construction equipment and materials on site.

There is a concern that truck traffic will travel through the residential neighborhood immediately east of the subject site; the applicant has not provided information related to the anticipated route of truck traffic. Staff encourages the Board to ask the applicant about the anticipated hours and days of operation, site lighting (if any) and the amount of noise and truck traffic anticipated to take place on-site.

The Code requires that temporary construction and staging areas be located on the Project site; therefore the proposed off-site temporary storage and staging area does not meet the applicable zoning regulations. **Section 50.020-D** of the Code states that temporary uses that do not comply with the applicable regulations and conditions of approval may be approved by the board of adjustment as a special exception.

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. The Board may consider imposing a time limit, hours of operation and requiring that the applicant construct and maintain a 6 ft. screening fence around the perimeter of the site.

Sample Motion for a Special Exception

Move to _____ (approve/deny) a Special Exception for a temporary use as a storage and staging area for construction equipment and materials in the OL and RM-2 district. (Section 50.020-D)

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

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



0 200 400
Feet



Subject
Tract

BOA-22209

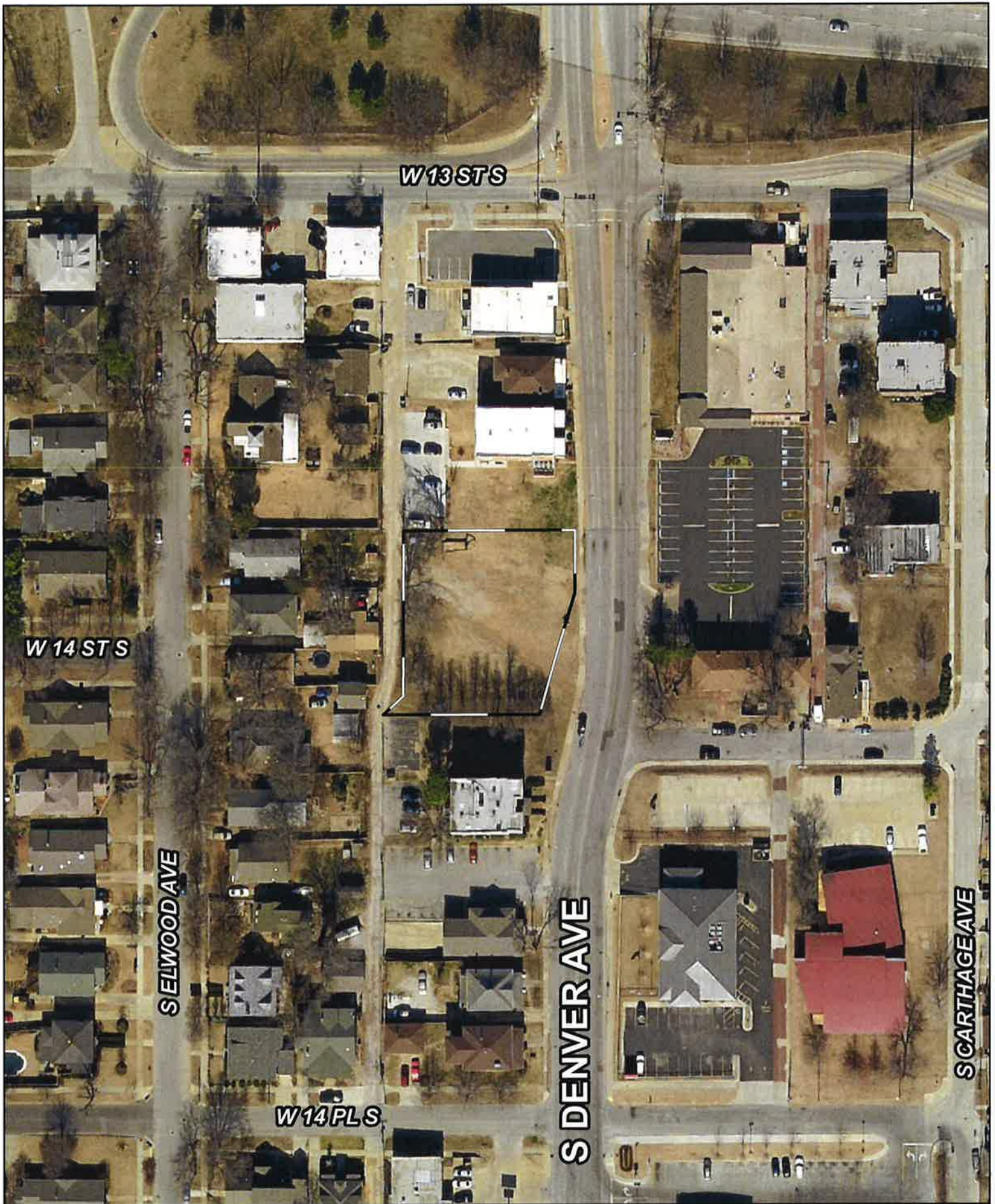
19-12 12

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

Aerial Photo Date: February 2016



3.4



0 50 100
Feet



Subject
Tract

BOA-22209

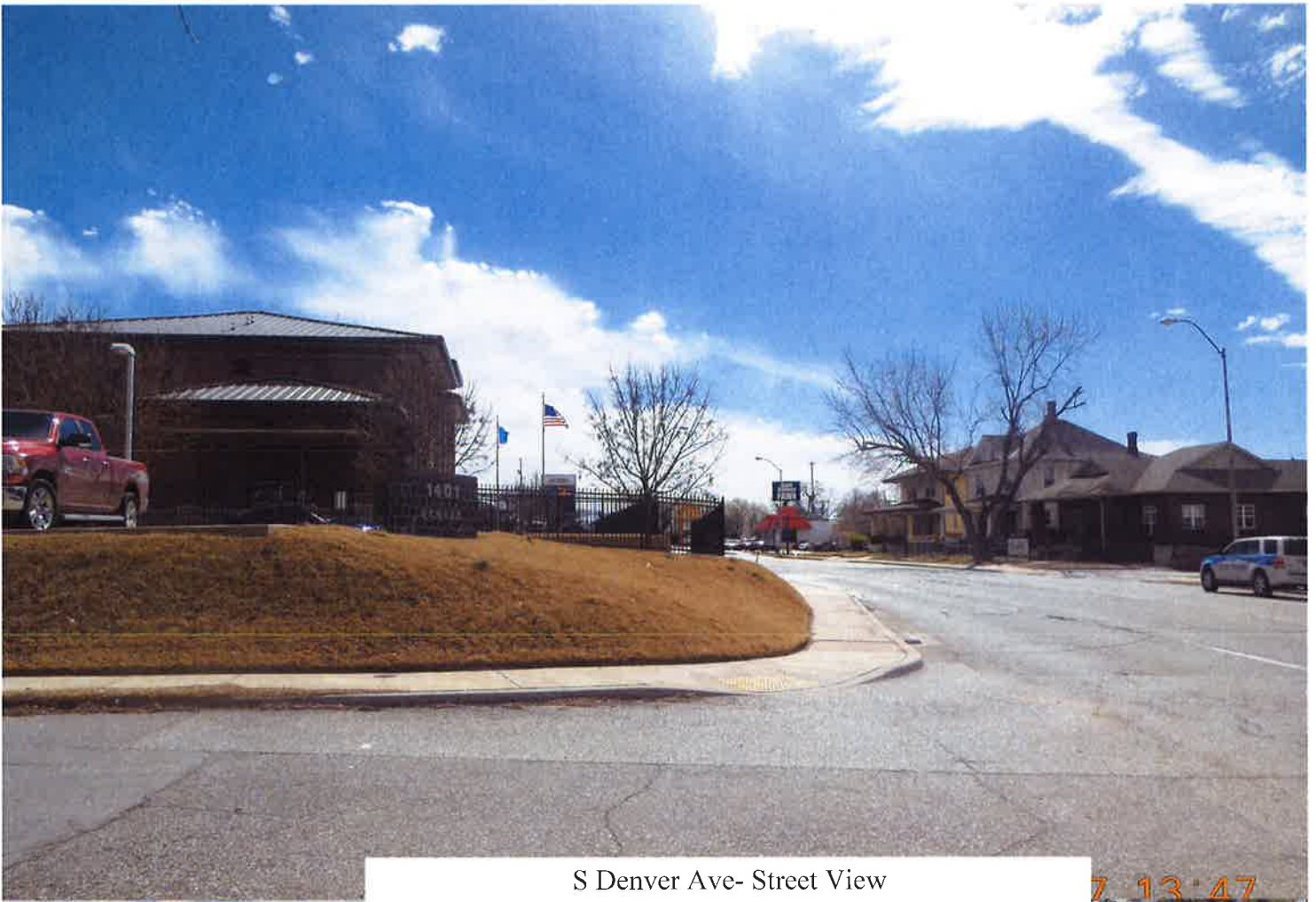
19-12 12

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

Aerial Photo Date: February 2016



3.5



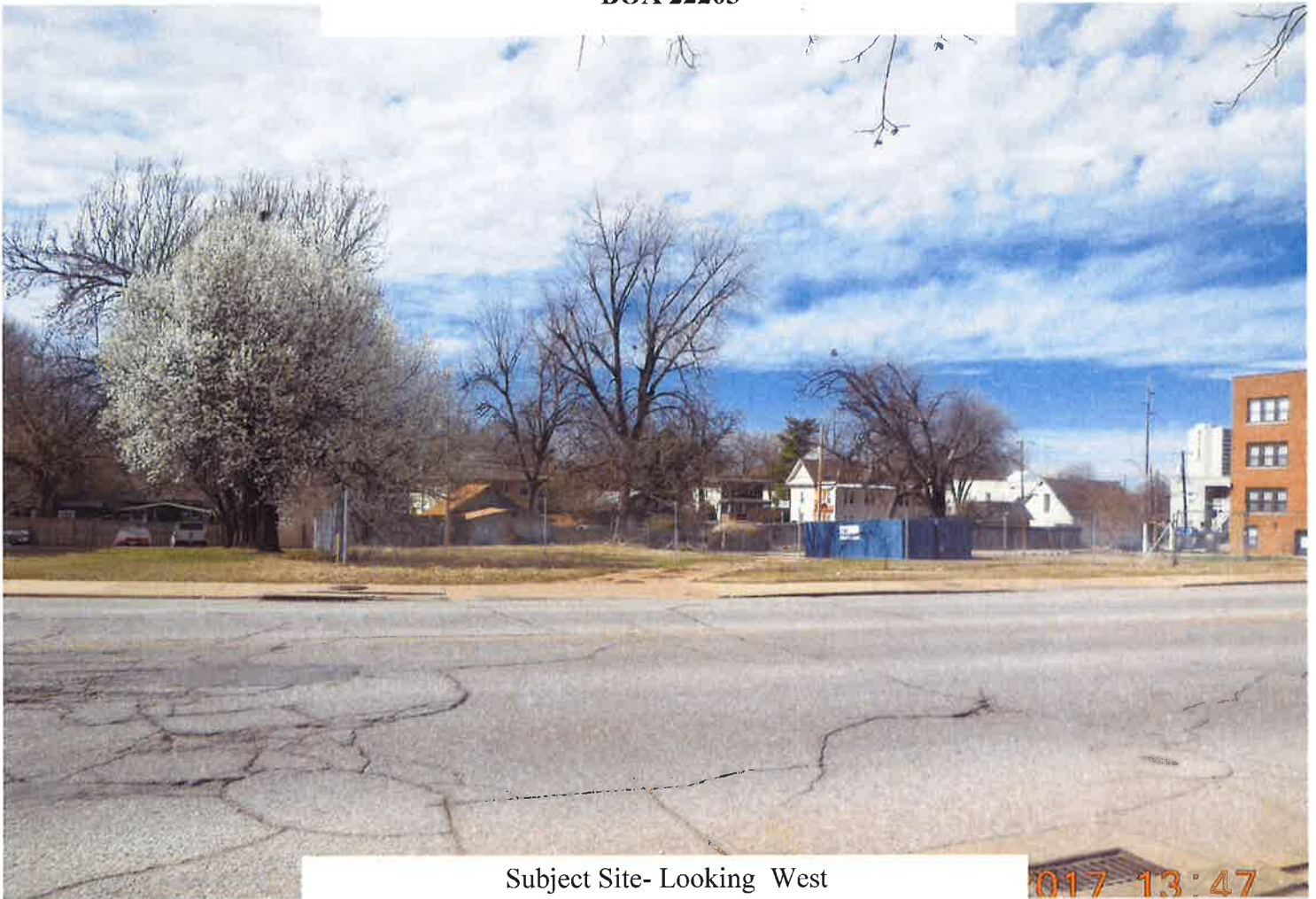
S Denver Ave- Street View

7 13 47



02 23 2017

3.6



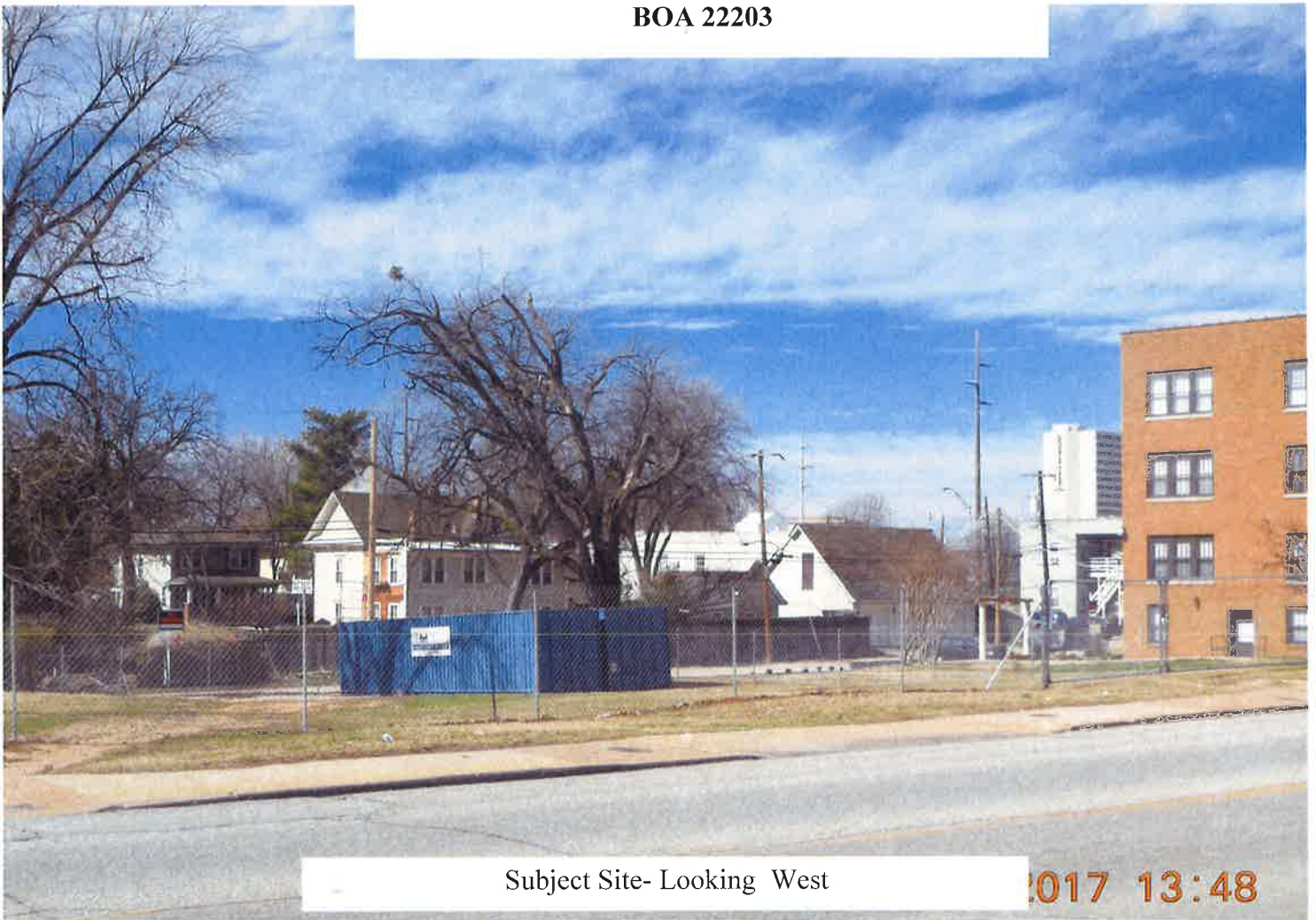
Subject Site- Looking West

02.23.2017 13:47



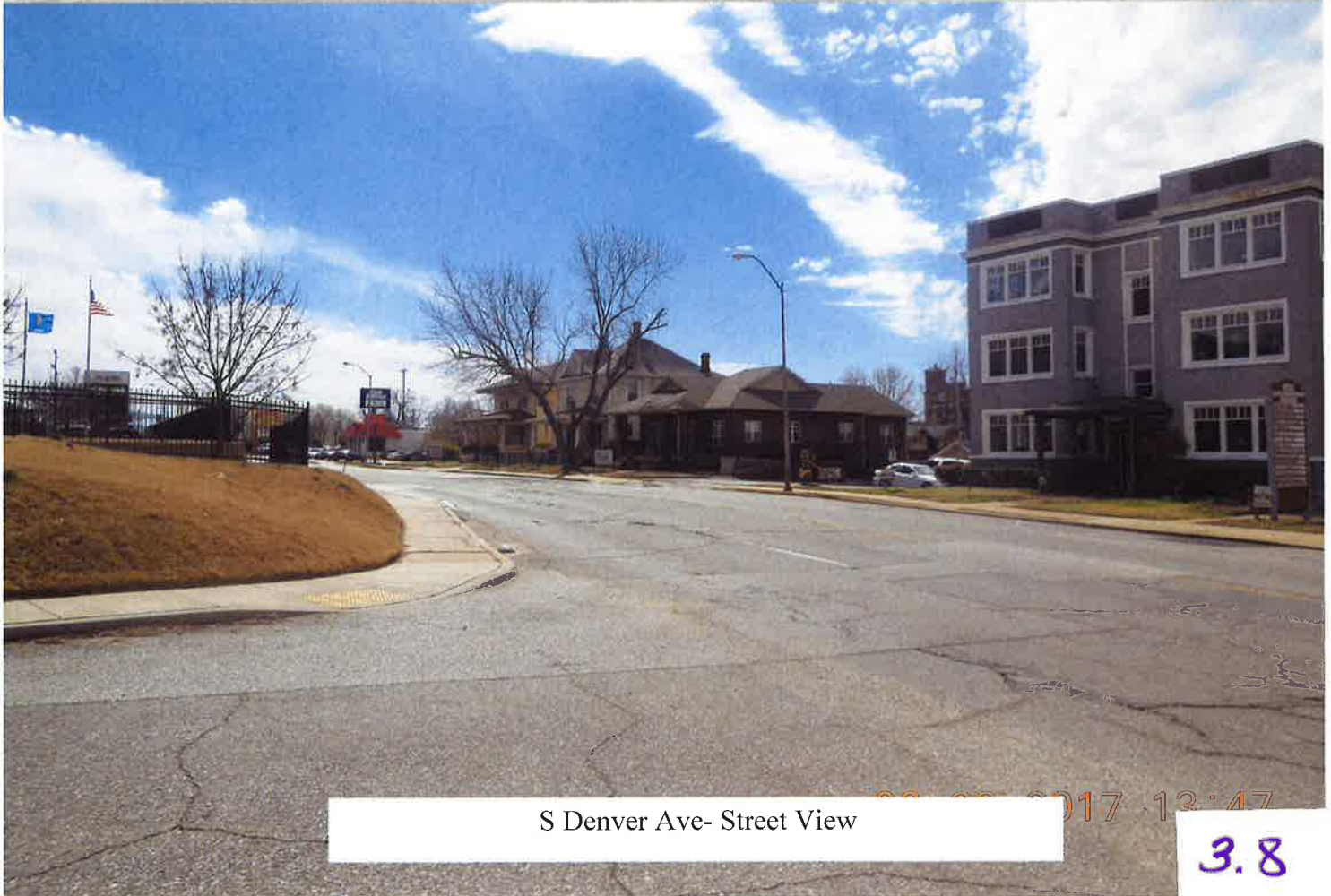
02.23.2017 13:47

3.7



Subject Site- Looking West

2017 13:48



S Denver Ave- Street View

2017 13:47

Mr. White asked if this was a private playground that is open to the public. Mr. Beach answered affirmatively.

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 Special Exception to permit a playground (Use Unit 5) in an OL District (Section 601, Table 1). This approval will be as located on pages 6.6 and 6.14. 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:

S132 OF N264 E/2 NE SE SE SEC 23 20 12; N198 OF S396 E/2 NE SE SE SEC 23 20 12; S198 E/2 NE SE SE LESS S30 & E16.5 FOR ST SEC 23 20 12 1.209ACS, HIGHLAND HILLS AMD, DEVONSHIRE PLACE FOURTH RESUB BOULEVARD ACRES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21784—Roy Johnsen

FILE COPY

Action Requested:

Special Exception to permit offsite construction facilities (Use Unit 2) including staging and storage of construction equipment and materials (Section 401, Table 1 and Section 1202.B); Variance of 2-year time limitation on construction facilities to allow 5 years (Section 1202.C.4.a); Variance to permit construction facilities to be located within 100 feet of an occupied dwelling without consent of the owner (Section 1204.C.4.c); Variance from the bulk and area requirements set forth in Section 404.F. **LOCATION:** NW/c of East 31st Street and South Boston Place **AND** SE/c of Riverside Drive and East 31st Street (CD 4, 9)

Ms. Snyder recused herself and left the meeting at 1:17 P.M.

Presentation:

Roy Johnsen, 1 West 3rd Street, Suite 1010, Tulsa, OK; stated he is representing the Kaiser Family Foundation. A PUD was approved by the City Council and Tulsa Metropolitan Area Planning Commission in July 2013 for the subject property with no objections. Now is the time to prepare for the construction and this will be a large

difficult job with tremendous detail. In the Zoning code Use Unit 2 provides for Special Exceptions in any district, and one of the Special Exceptions is the use of off-site property for construction purposes. Mr. Jeff Stava held a neighborhood meeting last evening and presented a good outline of the project. The Gathering Place project will be a wonderful project for the City of Tulsa.

Jeff Stava, 7030 South Yale, Suite 600, Tulsa, OK; stated this is an incredibly complex project. There will be a 100 acre park built between a river and a neighborhood. The project has been in planning for almost seven years and publicly engaged for two years. The contractor was hired in early May 2014 and through that process it was learned that a very large layout area was needed in order to stage construction for the project. The fences will be erected this week for the project site and it will take about two weeks to get the site fully contained. In preconstruction the lay down yard will be located on the south side of 31st Street across Crow Creek to the back of the homes located on 33rd Place across Cincinnati. This will include all of the Legacy Apartment Complex and the Sundance Apartment Complex. There is also a lot on the corner of 31st and Boston Place that is owned for the Gathering Place. The apartments located on the east side of Cincinnati will not be torn down in this phase. There are several tenants that have special needs and it will be at least a year as the transition is begun for those tenants. Everything on the west side of Cincinnati including the Sundance Apartment Complex will be razed and the Variance request is to allow the preconstruction yard in that area. At this point Mr. Stava used pictures on the overhead projector to give a visual of the subject area and the proposed fencing. Many of the residents asked for a parking lot or storage in the area closest to the houses, it was determined that with all the morning noise it would be ill advised so by placing the building in that location it will shield the residents from a lot of the noise that will occur. In the second stage of the project there will be approximately 7,000 trees and 50,000 plants will be brought in for storage before planting. It is very important that the contractors be adjacent to the site to be able to evaluate and see the condition and quality of the project as it progresses. If there is a problem they need to be able to immediately go back to the sample and models that have been approved so progress can smoothly continue. There will also be a designated area for parking and construction trailers for all the subcontractors. There will be anywhere from 50 to 100 workers at the beginning of the project and go up to approximately 500 workers on the site. Some of these workers will park on the subject site but it is also anticipated that some off site parking locations will be needed as well for the workers. Mr. Stava stated that his company had sent out a six page packet notice to the all of the residents within 300 feet, they visited door to door with the residents that live within 100 feet, and they sat down with each of the homeowners that are immediately adjacent to the site. All of the residents concur that the building is the best and most passive use to be next to the project.

Mr. Van De Wiele asked Mr. Stava if he worked with the residents on the layout of the project. Mr. Stava answered affirmatively.

Mr. Stava had a picture of the proposed project building placed on the overhead projector. The building is 11'-6" from the edge of the curb line, and it sits 20 feet from

the front edge of an adjacent house. The fencing will be run behind the building on the east side then block Boston Place to prevent construction traffic on the street, and proposing to block 31st Street west of Boston Court and at Riverside Drive. This will prevent any detour traffic on Riverside from using 31st Street and traveling through the neighborhood to go downtown. It will also prevent construction workers from parking on the street. The back of the construction site will be with the neighborhood and not have the front of the construction site into the neighborhood. The street closures chosen work for many reasons. The City must run a new major stormwater line which will cross Riverside Drive to dump into the Arkansas River, and it will allow the 440,000 cubic yards of dirt to be moved. The City hosted a neighborhood meeting with Maple Ridge and some of the other neighbors regarding Riverside Drive, and he attended that meeting. A lot of the concerns of the residents was what happens to the detour traffic if the road is not closed, and that aided in the decision to recommend the street closure.

Mr. Henke reminded Mr. Stava and the audience that the Board of Adjustment does not deal with street closures. Mr. Stava acknowledged the statement and stated that it is important in context because the building is facing west and the back of the building is facing the neighborhood. There will be no construction entrances or exits anywhere along the neighborhood side of the project site.

Interested Parties:

Mark Graham, 2551 South Owasso Avenue, Tulsa, OK; stated he has lived in Maple Ridge for 35 years. This \$300 million to the City is the result of a lot of community conversation, a lot of empathy with the neighborhood, and there has been no hiding of that fact. In the last year in Maple Ridge the neighborhood has had gas lines replaced, water lines being prepared for replacement, and in his neighborhood they have been maneuvering detours for months. It is a reality what people go through in order to have a better city. This iconic gift will set Tulsa apart from any other city in the United States. He would ask the Board not handcuff the construction with a requirement that will potentially be more costly, more time consuming and could create more inconvenience for the neighborhood and the city.

Blake Ewing, City Councilor, 175 East 2nd Street, Tulsa, OK; stated that as a Councilor he becomes the complaint line for the citizens of Tulsa. People are concerned about this project and how it might affect the way they live in the Maple Ridge neighborhood. What he can attest to is that he knows Paul Zachary and the City staff, as it relates to the City of Tulsa's part of this project, are doing everything they can to mitigate the imposition to the citizens of Tulsa and the affected neighborhoods. He feels Mr. Stava was quite thorough in his presentation at the meeting last evening. As Councilor he know numbers matter, and the sentiment of the public matters as decisions are being made in land use. There was frustration voiced in the meeting last evening but his sentiment is that it was overwhelmingly positive. There is no way around what is coming. Streets are going to be closed and people will need to take a different route to and from work. There are things in the city that are taken for granted, and at some point those things caused great imposition. The Broken Arrow Expressway was not always in existence. Those were just neighborhoods that it now splits into two. As community

things like this have been dealt with before with the understanding that it was for the long term greater good of the community. The citizens have been able to see that such investments have made the city better, and the short term sacrifice was worth it in the long run. The proposals presented today are worth it. This type of investment on this scale requires a great deal of space in order to stage the project, and they are already short on space. The hardship, in his words, is the issue of how to make this enormous project happen with the limited area utilized. Mr. Ewing thinks this is a justified request and he believes his constituents would that statement.

Adam Burney, 3016 South Boston Place, Tulsa, OK; stated he objects to the building and the Variances. He thinks the park is a positive thing for Tulsa. He thinks it is something that will be a world class destination. He objects to the building because it is a commercial entity entering a residential neighborhood. It is so close to the curb and he believes it will constitute a public nuisance. It is so close to the street that it blocks the sight triangle into the intersection of South Boston Place and 31st Street. Allowing a building that large on a lot that small will constitute a problem for traffic flow. He thinks that the spirit and intent of the zoning regulations are being exceeded in this instance because of the five year request. It has been stated that Phase I will take three or four years so he thinks the Variance should only be for four years not five. He attended the meeting last evening and he heard information that he has not heard before, i.e., from the City Engineer regarding drainage. The drainage projects are going to be happening concurrently with the construction of the park. One of the projects will be the drainage on 30th Street which deadends into the park. The Engineer stated that at times the street will be closed and that creates a problem for the residents of South Boston Place. Because of the street plan that has been laid out by the applicant for closing 31st Street, if they also close 30th Street the residents will essentially be marooned. There has to be an alternate plan for traffic because of the building, and he would like to hear about an alternate plan. He believes this process could have been a lot simpler if the lot had been included in a PUD. It is not included in the park plan. It is a separate lot and that is why there are all the Variances being requested. He has only heard a lot of this information in the last week and he lives six houses away from the project, and he did not know it was going up until there were signs placed in the subject property. He understands the 300 foot rule, but if they want to go above and beyond to communicate with the community they need go past 300 feet to inform everyone. Mr. Burney quoted Section 1202.C.4.b, "the ingress and egress of this building must be from an arterial or collector street". The applicant has stated that the entrance will be from the west side. There is no arterial or collector street on the west side of the building, it is part of the construction site. He feels that since the building is oriented as it is the applicant will be in violation of the zoning code. He thinks the park objectives can be met without the building. They can construct a world class park without having the building in a residential neighborhood.

David Brennan, 3020 South Boston Place, Tulsa, OK; stated he has lived in the neighborhood for five years. On September 9th he received a letter in the mail from the management team regarding the project, stating that the building would be erected. That is the first he knew about it. There have been a lot of things that have come up

BOA-21784

FILE COPY

and the neighborhood was not aware of just recently. There was a meeting with the management team on September 12th to discuss what the options were for the neighborhood and what was the neighborhood willing to compromise on. The neighborhood was informed that the building would be on the site for the duration of the project. His first concern is the impact this project will have on his property value. He did some research and it is not clear the benefits that will come from the park. Most of the economic benefit will be from the quality of the park and for the dwellings that are within 500 feet of the park. In his research he found that problematic parks decrease property value by 5% for dwellings within 500 feet. A problematic park is a park that has noise, lights, and parking. For the next five years The Gathering Place project will be assumed and profiled as a problematic park thus decreasing the value of his home even if it is transitory for the next five to eight years. He will not be able to sell his house. He is 60 years old and he could retire in five years and not be able to sell his house because of the devalued price. He believes there was a fabulous job done in selling the park, but it could have been done better when it comes to the residents within 500 feet of the project. He thinks there should have been a proportional consensus from the community because this is a huge park, and what he saw at the meeting last evening was minimal. This is a hardship on the neighborhood. He would ask on behalf of the neighborhood that they be allowed more time to consider other options, like reduce the building size. There is a 1,000 square foot conference room with a second conference room. He has never seen a construction building like this. The building is huge and it does not fit the property. It is 7,000 square feet being erected on a 9,000 square foot piece of property. This building is ill conceived and he thinks it can be done better.

James Daniel "Dan" Simpson, 2916 South Detroit, Tulsa, OK; stated he will be inconvenienced by all of this for the next four to five years as will any of his neighbors. There will be a building that people may not want to look at, however, it is a temporary construction building. A temporary building that will be used by the safety officers; site management keeping as close to the project as possible. As for the street closures he would like to hear the option of moving the barriers when 30th Place is closed and when they will be open and the installation of a gate. All of the neighbors will not agree with him but they will all agree that when this project is completed Tulsa will have a world class park. It is the largest gift to a city in the history of this nation, not just the state of Oklahoma. He would encourage the Board to move forward and minimize the inconvenience where possible and get started.

Casey Robinson, 3026 South Boston Place, Tulsa, OK; stated he lives three houses away from the subject site and has lived there for four years. He did not purchase the house ever thinking that a commercial building would be allowed in a residential neighborhood. Forget how many millions are going into this park. If this were any other project a commercial building would not be allowed in a residential neighborhood. He attended the meeting last evening and heard information that had never been heard before. He would like some more time to review the information presented. He would like the Board to consider that this is not the right place for the proposed building. He also has concerns over whether the building will be temporary, because when he looks

BOA-21784

FILE COPY

at a building like that he does not think temporary. As a neighborhood they would like to have some assurance, something in writing, that the building will be temporary.

Debbie Saunders, 3116 South Boston Court, Tulsa, OK; stated she learned something today that she did not know, and she was not invited to the meeting of last evening. Her back yard backs up to the project site, and she pointed to an area on the map that was on the overhead projector. She knew the staging would be placed in that area designated on the map but she did not know the parking would be staged next to her fence. This will be horrifying and she does not know if she will be able to stay. She and her sister share in the care of their aging disabled mother. The noise will be unbearable and will drive her dogs crazy. She would like to see the parking and the noisier operations moved to another area.

Anita Saunders, 3126 South Boston Court, Tulsa, OK; stated she has been looking forward to the start of this project, and she realizes there will be pains along the way. Ms. Saunders stated that the neighborhood was not informed as to how things were going to be laid out. She is concerned over the road closure because her street is a dead end street. She thinks that once the street is blocked off it will become a turn around area. She understands that there will be noise associated with the project but she wishes they would move the parking or create some kind of barrier between the back of the houses and the activity. She would like to have the Board give the neighborhood additional time to work with Mr. Stava.

Millie York, 3020 South Boston Place, Tulsa, OK; stated she filed a formal letter of protest against the building. In doing research she understands the applicant must prove hardship to receive an approval. When she asked Mr. Stava what the hardship was he answered \$350 million dollars. She does not think that is a hardship. There is one hundred acres to place this building on and having one hundred acres is not a hardship. There are plenty of places away from a single family neighborhood for the building to be placed, it is just where the applicant wants it to go. In spite of the applicant saying this is for five years she knows the Board can grant them an additional five years. Mr. Stava told her that the proposed building would be the first building up and the last building down when Stage II is completed. Ten years is not temporary. A ten year construction building at the end of the neighborhood block is going to cause the residents a hardship. Blocking both ends of the street causes response time delays. That is a public safety hazard and needs to be addressed. She wants to have this meeting continued to next month because the neighbors were not given all the information and the neighbors need more time to gather data.

Mr. Van De Wiele asked Ms. York where she was getting the ten year time frame. Ms. York stated the ten year time frame comes from the fact that Mr. Stava told her in his office on September 12th that the proposed building will be the first building up and the last building down when Phase II is complete. She understands that and is not against the building because she agrees it is being placed in the best place, if the building is built to the style, rhythm and size of the neighborhood. She is very concerned about the road closures at both ends of the street because it really is a safety issue. She would

BOA-21784

FILE COPY

request more time be given so the neighbors can gather data of the impact of this oversized building on the little neighborhood.

Mr. Henke asked Ms. York if she was objecting to the number of square feet. Ms. York stated that she was not objecting to that but is objecting to the amount of space it occupies on the lot. Another construction company has donated the metal building to Manhattan Construction so they are saving money. This is about the residents lives, our peace, our quiet and inconveniences.

Mr. Henke stated the Board must focus on this piece of property and the relief requested for the building. Some of the neighbors may disagree with the height at 20 feet and some may be supportive with the design. Ms. York stated that if Manhattan Construction wants the building to look like a tin construction building then reduce the size of the building. If they don't want to reduce the size and have the option of making it something that will not devalue the homes over the next ten years that should be considered. Mr. Henke stated the request today is for five years.

Jennifer Kisamore, 137 East 34th Street, Tulsa, OK; stated she lives at the corner of 34th Street and Cincinnati. She would like to have the Board continue this request because the size of the building and the closing of 31st Street. Traffic will be routed down Cincinnati because it is a through street which is a narrow residential street that people already run the stop sign at 34th Street. The community needs more time to consider the issue.

Millie Clark, 3025 South Boston Place, Tulsa, OK; stated she is one of the elderly people that lives on Boston Place which will be blocked off on both ends. Due to visual and ambulatory difficulties she has she objects to the street closing because she will not be able to get in or out. She also has reservations made to enter a retirement center and if the street is blocked off and the neighborhood is marooned as an island how will she be able to move. How will her property values be affected? Her moving into a retirement center is totally contingent upon the sale of her house. She would prefer something else be done for a short period of time. Mr. Henke stated the Board does not have the ability to open and close street but he understands her concern. Mr. Henke stated he will ask the City about marooning the neighbors.

Brooke Caviness, Senior Engineer, City of Tulsa, 175 East 2nd Street, Tulsa, OK; stated the City is planning on performing drainage improvements to the neighborhood at 30th Street. The plan is to parallel a line with another 48 inch line. When the construction starts the City need to cut across Boston Place but the City will maintain access. There may 20 feet of rock but the City will maintain access. If there is a situation where the City cannot maintain the access they will open 31st Street. The City will not maroon any residents. The City anticipates the project to last approximately two weeks to perform the work across Boston Place.

Herb Beattie, 3474 South Zuni Avenue, Tulsa, OK; stated he has been representing the Brookside Neighborhood Association for over a decade. Projects like this are

associated with street closings. He has attended many meetings with Mr. Stava, the City Engineering Department, City Councilors and the neighbors for the last two or three years on related matters to this project. They have been consistently responsive, considerate and gone out of their way to understanding the needs and concerns of the neighbors and to make adjustments where it is appropriate.

Jason Brimer, 3045 South Boston Place, Tulsa, OK; stated he lives directly east of the proposed construction office site. He is in favor of moving forward with the project. He understands the reluctance of some of the neighbors and their concerns. He appreciates what GKFF and Manhattan has done in turning the building and the whole construction area so the backend faces the neighborhood. The look and feel of the building will blend in as well as possible considering in the southwest portion there is going to be nothing but construction machinery.

Mr. Van De Wiele asked Mr. Brimer if his preference is the mock up presented today. Mr. Brimer answered affirmatively.

Mr. Henke left the meeting at 2:21 P.M. and re-entered the meeting at 2:22 P.M.

Jeff Stava came forward. The original concept that was submitted there was a 14 foot eave with a 20 foot peak on the building. There was an eight foot cedar fence with plantings in front of it. As they went around the neighborhood there were some people that did not want the fence and some people did not want the plantings. Mr. Stava recommended that the fencing around the building be vetoed, and just have the fencing from the corner of the building across Boston Place and plantings elsewhere. So there would be fencing on the north and east sides and plantings across it so the building will fit more into the fabric of the neighborhood. On the south side of the building there will be doorway and no fence, and the site will be open to 31st Street. On the west side there will be a doorway and no fence. The building would consist of stone and painted shake style hardie board with a galvanized metal roof. There are two houses in the neighborhood with metal roofs and he plans to match the metal to the house that is the farthest north on the block.

Mr. White informed Mr. Stava that if he should need to go beyond the five year period being requested he would need to come back before the Board for permission of an extension. Mr. Stava stated that he was not aware of that until last evening.

Mr. White asked Mr. Stava if it would be a problem for him if the Board were to make a condition that at the end of a five year period the subject building were to be removed, if the Board approves today's request. Mr. Stava stated that at the end of Phase I there will be a pocket park that opens up to the neighborhood. That construction phase is expected to end in 2017. So the building would stay up to five years then be replaced by the pocket park.

BOA-21784

FILE COPY

Mr. Van De Wiele asked Mr. Stava if construction of Phase II were to start early what would happen to the building. Mr. Stava stated there will not be a requirement for as large a building for Phase II and Phase III so the construction office building will be scaled down.

Mr. Tidwell asked if the construction office building would be moved to a different location during Phase II and Phase III. Mr. Stava answered affirmatively.

Jana Monforte, 3041 South Boston Place, Tulsa, OK; stated she is thrilled about the park. She feels that GKFF has done a great job in keeping the neighborhood informed on what is going to happen. At times the residents are going to be frustrated but in the end there be a park right across the street from her house. Sometimes you must give up something to gain something.

Rebuttal:

Roy Johnsen came forward. The meeting last evening was packed and most of the people at that meeting are here today. The Board of Adjustment is dealing with two issues, Special Exceptions and Variances. The Board must find "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". It seems like this project is right on the money in a situation of an extraordinary circumstance. Many times a Variance being sought is a small thing but this project is a large thing. There is nothing else like this in the entire city. In Use Unit 2, it does not make any distinction from retail or industrial or office or any other category. It is a document that was written that says construction activities can be on site. This is far past that simplicity. For example, there is an office building on the north side of 31st Street and there is no parking on site. It is as good a neighbor as anyone can have. This company is going to do the best they can to keep the dust down and reduce the noise level. Use Unit 2 does not work for the present situation because it is a very large project that will take a very long to complete. The conditions for the hardship are met by looking at the facts. The neighbors have agreed with the proposal. There are provisions in Use Unit 2, i.e., the length of time is two years. That two year time limit simply will not work so a Variance is being requested. There is also a provision that within 100 feet the resident's permission must be received. That statement does not make sense, and the Board has the power to grant the Variance requested for that. In the zoning code there is a section that addresses the ingress and egress from a collector street, and that collector street is 31st Street. Section C under the Use Unit 2 states that a site shall not be located within 100 feet of an occupied dwelling without permission, but as a practical matter people will sign a statement such as that. Mr. Johnsen did say that the four residents that are within 100 feet of the project are in support of the project. A Use Unit 2 Special Exception in the residential district is one of the things the Board can approve. This project is in a residential district. In the zoning code it specifies certain things, i.e., maximum floor area ratio of .5, maximum lot size of 12,000 square feet, minimum frontage of 100 feet, a minimum building setback and these items simply cannot be met with the situation presented.

BDA-21784

FILE COPY

The lot is smaller than the 12,000 square feet. The minimum frontage of 100 feet is not there. That is why the Variance for those items has been requested.

Mr. Van De Wiele asked Mr. Johnsen to speak to the need of the size of the building. Mr. Johnsen stated there will be a lot of offices for meetings and the larger building will provide greater protection to the people to the north of the subject site. The contractor thinks the building size is appropriate for the leadership of the construction project.

Mr. Tidwell asked Mr. Johnsen if there would be work performed on the site on Saturdays. Mr. Johnsen stated there would be work all day during the daylight hours.

Comments and Questions:

Mr. Henke thinks there is a valid hardship for the Variance requests. The Special Exception clearly needs to be not detrimental to the neighborhood, and there will be arguments on both sides to that, but what has been discussed today is probably the most attractive temporary construction office building he has seen.

Mr. Van De Wiele agreed. Everyone is going to be inconvenienced to some degree. The closer one is the more inconvenience, and he certainly has already started looking for another route into downtown. When this project is finished it will be a great improvement and asset.

Mr. Tidwell agreed there is a valid hardship, and believes the Foundation will be responsive to problems that may arise during the construction.

Mr. White agreed with the other Board members. He would suggest that after the five year time frame is complete that the building be removed from the site. He understands the applicant has stated that the building would be removed but the Board has not stated that condition in a motion as of yet.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the request for a **Special Exception** to permit offsite construction facilities (Use Unit 2) including staging and storage of construction equipment and materials (Section 401, Table 1 and Section 1202.B); **Variance** of 2-year time limitation on construction facilities to allow 5 years (Section 1202.C.4.a), with the condition that at the end of the five year period the construction office facility be removed; **Variance** to permit construction facilities to be located within 100 feet of an occupied dwelling without consent of the owner (Section 1204.C.4.c); **Variance** from the bulk and area requirements set forth in Section 404.F. The Board has found that the project in question is an exceptional size and undertaking as part of the City. The facilities to be constructed on the lot in question are located at the optimal and most efficient location to provide the least amount of detrimental impact. The applicant has agreed as part of the approval given today that the north and east side of the construction office will be covered by a stone and painted shake style hardie board siding as presented at today's meeting. The south and west sides of the building

BOA-21784

FILE COPY

will be of typical construction material and will not be required to be fenced. Also, along the north and east sides of the building there will be landscaping and plantings. The Board has found in conjunction with the Special Exception that 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. 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:

S17 LT 11 & ALL LT 12 BLK 11, TRAVIS PARK ADDN; ALL 3200 RIVERSIDE DRIVE ADDN; PRT GOV LT 1 & PRT NW NE BEG 24.7S & 410.6E NWC NW NE TH W481.57 SE303.97 TH ON RT CRV 236.89 SE104.61 E371.67 N635.3 POB SEC 24 19 12 6.22ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

Review and Approval of the 2015 City Board of Adjustment meeting dates.

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the 2015 City Board of Adjustment meeting date schedule provided with the exception of the removal of the November 24th meeting and the December 22nd meeting.



Six foot (6') open chain link fence
around perimeter of all three (3) lots

Conceptual Site Plan for Cosmopolitan Apartments Storage and Staging Area

Summary of Special Exception Request
Cosmopolitan Apartments – Material Storage and Staging Area

The owner of the property located at the intersection of South Denver Avenue and Riverside Drive (the “Project Site”) is developing that property in compliance with PUD No. 330 (as amended by PUD-330-A and PUD-330-A-1, collectively, the “PUD”). That project, known as the Cosmopolitan Apartments, is an infill development of new construction of upscale apartments and related accessory uses and amenities (the “Project”).

In keeping with current building trends, City of Tulsa design and building guidelines and the PUD, the Project is being constructed as a “zero setback” development with the buildings and improvements constructed very near the adjacent streets. As such, the Project will be quite constrained in its ability to store and stage construction equipment and materials on the Project Site. Accordingly, the developer has leased three (3) contiguous lots located approximately five (5) blocks to the North of the Project Site at 1328, 1326 and 1322 South Denver Avenue (the “Subject Property”) to temporarily store and stage such equipment and materials during the construction of the Project. For purposes related to the security of its equipment and materials, the developer has installed and will maintain during the temporary use of the Subject Property, a six foot (6’) open chain link fence around the perimeter of the Subject Property.

Construction of the Project is anticipated to commence on or about March 1, 2017 and is anticipated to be complete by December 31, 2018. Within forty five (45) days of completion of the Project, the developer will remove all remaining items from the Subject Property, return the Subject Property to its previous condition, and remove the perimeter fencing from Subject Property.

The developer is requesting a Special Exception to allow the temporary storage and staging on the Subject Property of the construction equipment and materials necessary for the Project.

The developer believes that the Special Exception is in harmony with the spirit and intent of the zoning code as (i) it is a necessary and customary use related to the construction of the Project (similar to the temporary uses near the Gathering Place for storage and staging of trees, shrubs, construction equipment and construction trailers), (ii) such temporary uses are the ideal candidate for the Special Exception process, and (iii) a contrary result would frustrate the purposes underlying the PUD’s development standards encouraging development nearer to the property lines.

Furthermore, the developer believes that the Special Exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare as (i) the request is for a non-permanent / temporary period expiring December 31, 2018 (and will likely be in use for less than the full amount of that time period), (ii) the perimeter fencing will tend to prevent any passersby from unintentionally trespassing amongst the equipment or construction materials, and (iii) the portion of South Denver Avenue immediately contiguous to the Subject Property and the Project Site (from Riverside to the Broken Arrow Expressway) will be under construction (and widening in certain areas) in the same general time frame as the Project is under construction, which (along with the current diminished use of Denver due to Riverside Drive limited access) will tend to mitigate against any traffic issues or impact.

BOB KOLIBAS
ZONING OFFICIAL
PLANS EXAMINER
TEL 918-596-9664



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 984189-1

January 30, 2017

STUART VANDEWIELE
HALL ESTILL
320 S BOSTON AV STE 200
TULSA, OK 74103

Phone: (918)594-0816
Fax: (918)594-0505

APPLICATION NO: **8923** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 1326 S DENVER AV W
Description: TEMPORARY STORAGE AND STAGING OF CONSTRUCTION MATERIALS FOR
PROJECT AT DENVER & RIVERSIDE (UNTIL 12-31-2018). PLAN IS TO PUT UP A 6 FT CHAIN LINK
FENCE AROUND PROPERTIES: 1322, 1326 & 1328 S DENVER AV.

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.).

(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. 8923

1326 S DENVER AV W

January 30, 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.

Section 50.010 Description and Purpose

50.020-D Temporary uses that do not comply with all applicable regulations and all conditions of approval may be approved as special exceptions in accordance with Section 70.120. The development administrator is authorized to refer any temporary use to the board of adjustment for consideration in accordance with special exception procedures of Section 70.120.

Review Comments: The proposed Temporary storage and staging of construction materials off site in an OL/RM-2 zoning district for a construction project at Denver Avenue and Riverside Drive requires a special exception from the BOA.

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.

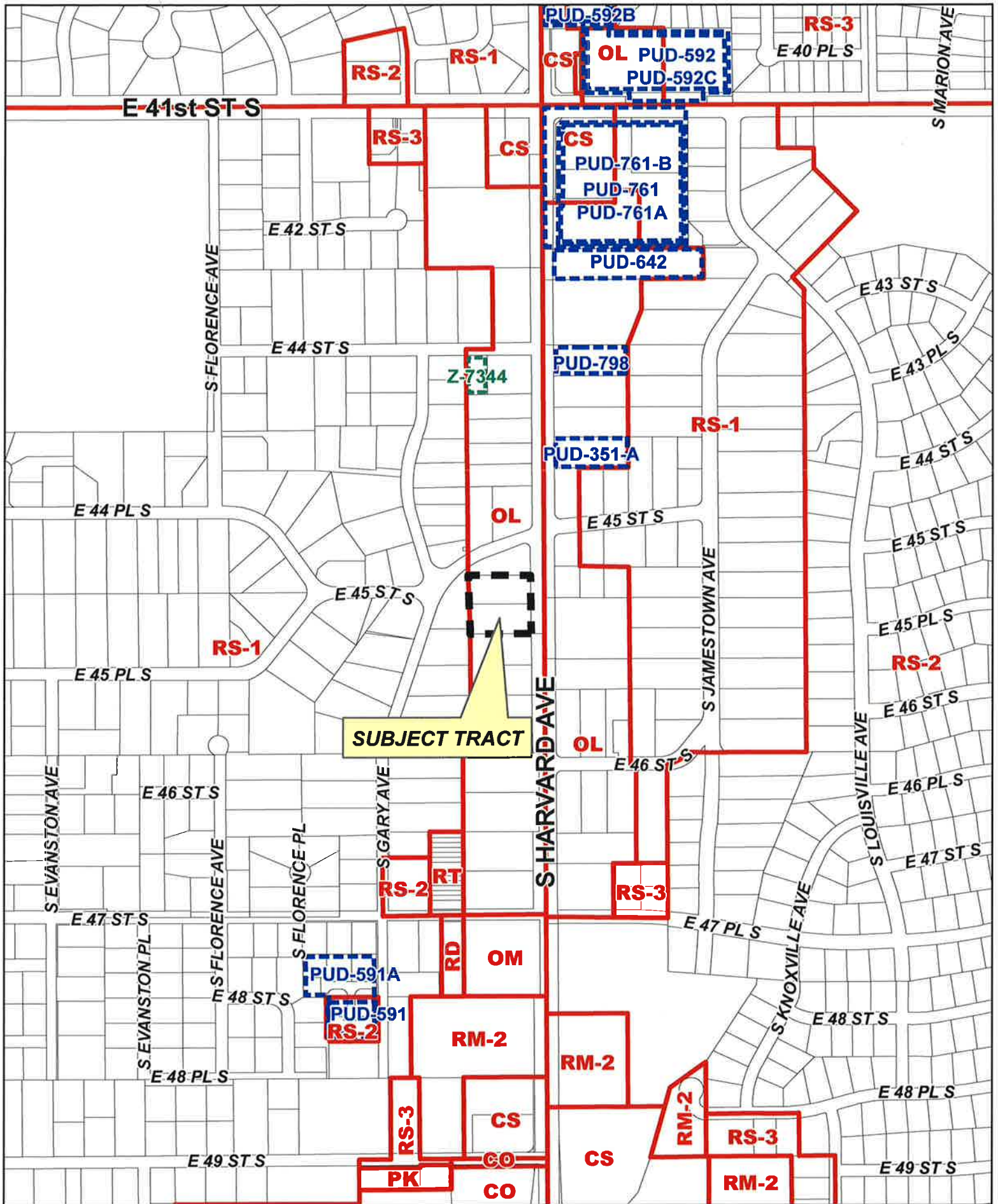
A hard copy of this letter is available upon request by the applicant.

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-22213

4.1



19-13 29



BOARD OF ADJUSTMENT CASE REPORT

STR: 9329
CZM: 47
CD: 9
A-P#: 414299

Case Number: **BOA-22213**

HEARING DATE: 04/11/2017 1:00 PM

APPLICANT: A-max Sign Company, Inc.

ACTION REQUESTED: Variance to increase the permitted display surface area from 70.5 square feet to 88.7 square feet; and a Variance to allow a freestanding sign with a dynamic display in the OL District (Section 60.060).

LOCATION: 4520 S Harvard Ave

ZONED: OL

PRESENT USE: Office

TRACT SIZE: 1.39 Acres

LEGAL DESCRIPTION: N. 1/2 OF LT 2 BLK 3; S117.6 LT 1 BLK 3, VILLA GROVE PARK, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Site:

BOA 21813; on 01.13.15 the Board **approved** a variance to increase the permitted display surface area of a ground from 47 square feet to 66.9 square feet to allow a ground sign.

Surrounding Properties:

BOA-21160; on 11.9.10, the Board **approved** a variance of the maximum number of signs permitted in the OL district from 1 to 2; and a variance of the maximum permitted display surface area for a sign in the OL district from 32 SF to 100 SF. LOCATED: 4625 S HARVARD AVE

BOA-17398; on 6.11.96, the Board **approved** a variance of the maximum permitted display surface area for business signs from 32 SF to 68 SF in the OL district. LOCATED: 4564 S HARVARD AVE

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

Mixed-Use Corridors are Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path

across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

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 OL zoning on the north and south; S Harvard Ave and OL zoning on the east; and RS-1 zoning on the west.

STAFF COMMENTS:

The case was heard by the Board during the 03.28.17 hearing; the applicant requested a continuance to the 04.11.17 hearing to allow additional time to identify a hardship. The Applicant states the following as their hardship: *"The sign regulation in the OL is too restrictive. The current sign that has increased in size but customers are driving pass the office and missing the building entrance"*. During a site visit staff noted that there were no circumstances peculiar to the land, structure or building involved that made it difficult to locate the subject lot; the existing signage on the site is visible from the S Harvard Avenue.

Signs allowed in an OL district may not exceed 32 SF in area or 0.30 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The subject property has frontage on S Harvard Ave that totals 235 lineal feet. A total sign display area of 70.5 SF is permitted. The applicant is requesting a Variance to increase the permitted display surface area from 70 SF to 88.7 SF in an OL district to allow the ground sign as proposed in the attached drawings.

Dynamic displays are prohibited in O districts except that on a lot occupied by an allowed public, civic or institutional use, either the allowed wall sign or the allowed free-standing sign may include a dynamic display. The applicant has requested a variance to allow a dynamic display sign for a commercial/office building. The Code states that **dynamic displays in O districts may operate only between the hours of 7:00 a.m. and 9:00 p.m.**

Board history indicates that the Board has approved three Variances to increase the intensity of signage in the immediate area. The Code establishes limitations on signage in an attempt to preserve the low intensity character of the OL district. In addition, the OL district sign limitations were established with significant consideration for the City's general streetscape aesthetics.

Sample Motion for a Variance

Move to _____ (approve/deny) Variance to increase the permitted display surface area from 70.5 square feet to 88.7 square feet; and a Variance to allow a freestanding sign with a dynamic display in the OL District (Section 60.060).

- 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."*

Variance to increase the building height from 35 feet to 40 feet (Section 403.A, Table 1). **LOCATION:** 1445 South Carson Avenue (CD 4)

Presentation:

Matt King, King Architectural Solutions, 1513 East 15th Street, Tulsa, OK; stated that in light of several recent conversations with members of the neighborhood association he would ask for a continuance to allow him time to make a presentation to the neighborhood association.

Interested Parties:

There were several interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **CONTINUE** the request for a Variance to reduce the required side yard setback from 10 feet to 0 feet; Variance to reduce the setback from the centerline of 15th Street from 70 feet to 40 feet; Variance to increase the building height from 35 feet to 40 feet (Section 403.A, Table 1) to the Board of Adjustment meeting on February 24, 2015; for the following property:

LT 36 BLK 2, CARLTON PLACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. Henke left the meeting at 1:25 P.M.

21813—A-MAX Sign Company – Lori Worthington

FILE COPY

Action Requested:

Variance to increase the square footage from 47 square feet to 66.9 square feet to allow for a ground sign (Section 602.B.4). **LOCATION:** 4520 South Harvard Avenue (CD 9)

Mr. Henke re-entered the meeting at 1:28 P.M.

Presentation:

Brian Ward, 9520 East 55th Place, Tulsa, OK; stated there is an existing 47 square foot monument sign on the subject site, and since his initial site visit there has been an arched addition to the top increasing the sign to approximately 67 square feet. The

BOA-21813

FILE COPY

client now wants to revamp the entire structure and place their ad on the top. The client wants to bring the sign into compliance, and to do that a Variance is needed.

Mr. Van De Wiele asked Mr. Ward how long he thought the arched top had been on the existing monument sign. Mr. Ward he would guess that it is less than five years.

Mr. White asked Mr. Ward if the sign would remain in the same location. Mr. Ward stated that actually the sign will be moved farther south approximately 75 feet on the property for better visibility. The sign will not be moved any farther east or no closer to Harvard.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **APPROVE** the request for a **Variance** to increase the square footage from 47 square feet to 66.9 square feet to allow for a ground sign (Section 602.B.4). The Board has found that the sign to be constructed is basically a reconstruction and replacement of an existing non-conforming sign. The new sign will be the same size and dimension of the existing sign. The sign to be constructed will be placed no closer to Harvard than the current existing signage. This approval is subject to conceptual plan 5.15 for the location and 5.16 for the style and size. 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:

N. 1/2 OF LT 2 BLK 3, VILLA GROVE PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21814—A-MAX Sign Company – Lori Worthington

Action Requested:

Variance of the square footage of display surface area per lineal foot of street frontage from 32 square feet to 124.6 square feet to permit a ground sign (Section 602.B.4). **LOCATION:** 2121 South Columbia Avenue (CD 4)

GOV LT 4 BEG 50W NEC SE NW TH W417.2 S208.6 E417.2 N208.6 POB LESS BEG
50W NEC TH SLY ALONG R/W 208.6 WLY51.51 NLY120.87 NLY88.28 TO A PT NL
E40 POBSEC 20 18 13

Case No. 21151-Betty Earnest

Action Requested:

Verification of the spacing requirement for a family daycare home of 300 ft. from another daycare home on the same street (Section 402.B.5.g). **Location:** 6520 South Hudson Place

Presentation:

Betty Earnest, 6520 South Hudson Place, Tulsa, OK; stated the daycare home that was going to move into the neighborhood across from her house has moved to another location after learning that Ms. Earnest had applied for her permit with the City and applied her verification request with the Board.

Interested Parties:

There were no interested parties were present.

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 **ACCEPT** the Verification of the spacing requirement for a family day care home of 300 ft. from another day care home on the same street (Section 402.B.5.g), as they presently exist, subject to the action of the Board being void should another family day care home be established prior to this family day care home; for the following property:

LT 6 BLK 3, HIDDEN VALLEY EST RESUB L15-20 B2 & B3-5 SOUTHMONT EST

Case No. 21160-Global Sign Solutions

Action Requested:

Variance of the maximum number of signs permitted on a lot in the OL district from one (1) to two (2) signs (Section 602.B.4.b); and a Variance of the maximum permitted display surface area for a sign in the OL district from 32 S.F. to 100 S.F. (Section 602.B.4.c). **Location:** 4625 South Harvard Avenue

BOA-21160

Presentation:

Richard Craig, 1889 North 105th East Avenue, Tulsa, OK; Mr. Craig did not make a presentation but did take questions from the Board.

Ms. Stead asked Mr. Craig where the proposed sign was to be placed, because there is an existing ground sign located to the south and there is a huge bush located north of the lot. Mr. Craig stated the proposed sign and the existing signs would be more than 30 feet apart.

Mr. Van De Wiele asked Mr. Craig if the realtor signs were going to be removed and he stated they would be removed.

Mr. Henke asked Mr. Craig what the hardships were for the Variances. Mr. Craig stated there is a dental office and two other tenants in the office space that have no recognition.

Ms. Stead stated the irregular shaped commercial property, 125'-0" and 325'-0" deep, impairs businesses to the east of being identified thus creating a hardship.

Mr. Cuthbertson asked Mr. Craig if the sign on the building in the back of the lot is a wall sign. Mr. Craig replied that he thought it was a banner.

Ms. Stead asked Mr. Craig if the existing banners would be removed. Mr. Cuthbertson stated the banners, as promotional signs, are permitted in addition to permanent ground and wall signs. Banners are permitted as promotional signs on the buildings, which is differentiated from banners on poles.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the **Variance** of the maximum number of signs permitted on a lot in the OL district from one (1) to two (2) signs (Section 602.B.4.b); and a **Variance** of the maximum permitted display surface area for a sign in the OL district from 32 S.F. to 100 S.F. (Section 602.B.4.c). The Board has found that the office lot is only 125'-0" wide by 325'-0" deep; this impairs the businesses to the east from having any identity in the area; the existing banner and the Accent Realtor ground real estate sign is to be removed. In granting this Variance the Board has found that these are 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

BOA - 21160

same use district; and that the variances 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 conceptual plan 5.7 relating to the sign dimensions; for the following property:

LT 5 BLK 3, VILLA GROVE HGTS NO 1

Case No. 21162-Erik Miller

Action Requested:

Verification of the spacing requirement for a liquor store of 300 ft. from blood banks, plasma centers, day labor hiring centers, bail bond offices, pawn shops, and other liquor stores (Section 1214.C.3). **Location:** 2237 North Harvard Avenue

Presentation:

Erik Miller, P. O. Box 566, Tulsa, OK; Mr. Miller did not make a presentation but did take questions from the Board.

Mr. White asked Mr. Miller if the proposed liquor store was going to be in the same place as the former liquor store on North Harvard, and Mr. Miller stated affirmatively.

Interested Parties:

Jack Manns, 3330 East Xyler, Tulsa, OK; Mr. Henke stated the case was before the Board strictly as a verification of spacing and asked Mr. Manns if he knew of another liquor store, blood bank, plasma center, day labor hiring center, bail bond office or pawn shop within 300 feet of the proposed liquor store. Mr. Manns stated he was not aware of any of the mentioned businesses being in that area. Mr. Henke stated this Board could not address anything else at this time.

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 **ACCEPT** the Verification of the spacing requirement for a liquor store of 300 ft. from blood banks, plasma centers, day labor hiring centers, bail bond offices, pawn shops, and other liquor stores (Section 1214.C.3), subject to the action of the Board being void should another above referenced conflicting use be established prior to this liquor store; for the following property:

LTS 1 & 2 BLK 1, DANA ANN ADDN

FILE COPY

Case No. 17398

Action Requested:

Variance of the required setback from Harvard from 50' to 47'. **SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING SIGNS;** General Use Conditions for Business Signs, and a Variance of the allowable signage in an OL district to allow an additional 36 SF for a total of 68 SF. **SECTION 602.B.4 ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 21, located 4564 South Harvard Avenue.

Presentation:

The applicant, **Hightech Signs/Mary Lynn Huskey**, 9902 East 43rd Street South, representing Dr. Dobson, submitted a site plan (Exhibit H-1) and architectural drawing (Exhibit H-2). Ms. Huskey stated Dr. Dobson has an existing sign that is a 4' x 8' that list his name and his associate Dr. Lang. She stated the doctors have a laser surgery center that is not advertised on the sign and would like to add it to the existing sign for advertising the new center. She stated to add the sign it would go over the required amount of signage and it would encroach 2' on the required setback from Harvard.

Comments and Questions:

Ms. Turnbo asked the applicant if the variance was granted on the setback would the owner mind having a removal contract with the City of Tulsa? The applicant stated it would not be a problem.

In response to Mr. White, the applicant stated the new proposed sign will be set on top of the existing sign and the existing sign will remain unchanged.

In response to Mr. White, the applicant explained the sign is in a median and if the sign was moved to the required setback it would be in the driveway.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Box "absent") to **APPROVE a Variance** of the required setback from Harvard from 50' to 47'. **SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING SIGNS;** General Use Conditions for Business Signs, and a **Variance** of the allowable signage in an OL district to allow an additional 36 SF for a total of 68 SF. **SECTION 602.B.4 ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 21; per plan submitted; subject to a removal contract with the City of Tulsa; finding that if the sign were moved to the required setback it would be in the driveway; finding that the approval of this application will not be injurious to the area nor harmful to the spirit and intent of the Code; on the following described property:

Lot 4, Block 3, Villa Grove Park, City of Tulsa, Tulsa County, Oklahoma

06:11:96:705(15)

4.10



0 Feet 250 500



Subject Tract

BOA-22213

19-13 29

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

Aerial Photo Date: February 2016



4.11



0 50 100
Feet



Subject
Tract

BOA-22213

19-13 29

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

Aerial Photo Date: February 2016



4.12



Subject Lot - Looking North



Subject Lot - Looking NW



03.03.2017 13:41

Street View- Harvard Ave



03.03.2017 13:41

4.14

SCALE: as noted

DATE: 01-13-17

FILE: DfMultiTNT-ADD MSGCNTR

SALES REP: BRIAN WARD

DRAWN BY: BB

PROJECT: HARREL EYE CARE

EDUCATION: TULSA, OK.

ADDRESS: 4520 S. HARVARD

STE 120

Signs will be built to meet UL specifications

63 All signs and outline lighting must comply

including proper grounding and bonding.

PATIENT APPROVAL / DATE: _____



These diagrams are the property of **DeLia Sign Company** and should not be copied, reproduced, or displayed in any fashion other than for the purposes of the article illustrated.

REVISIONS:

1.

23

4.

9

3475

SHEET NUMBER

1 of 1 011317-28

ADDING A 3.5' X 6.25' DYNAMIC DISPLAY

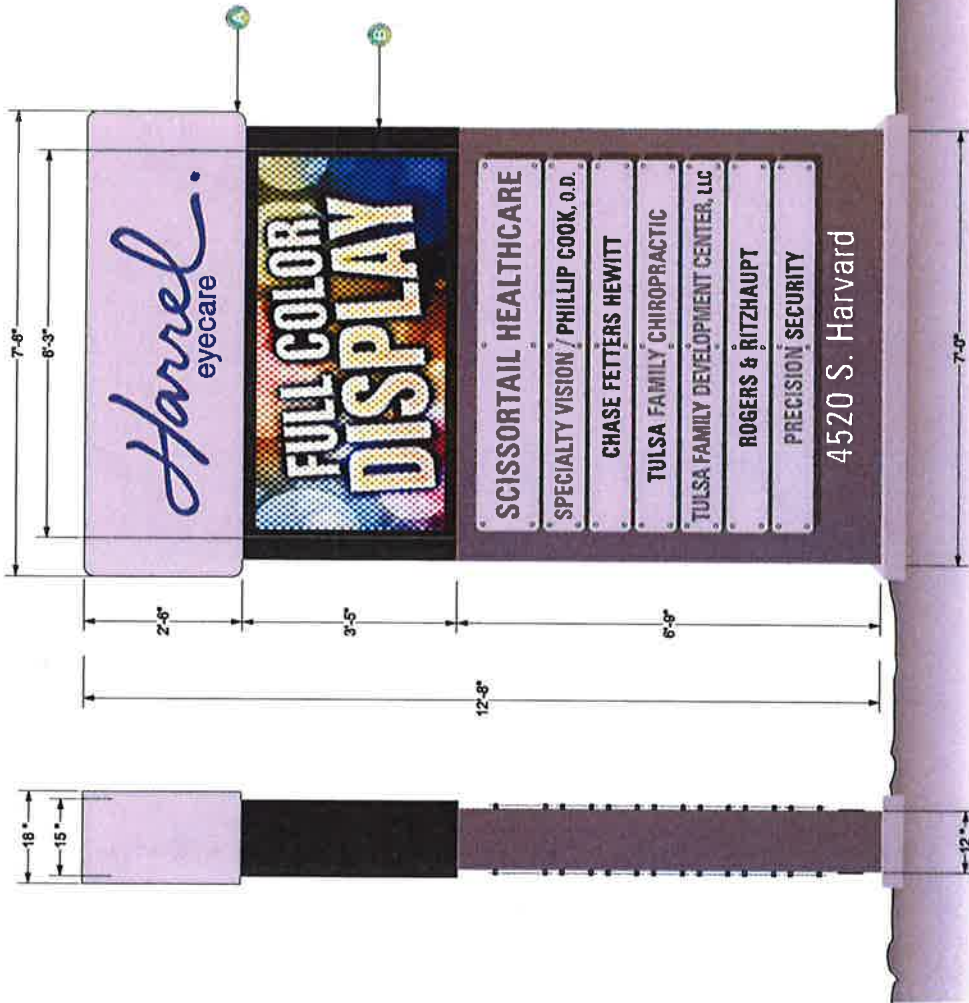
**ADD ELECTRONIC MESSAGE CENTER
TO EXISTING D/F STRUCTURE**
SCALE: 1/2"=1'-0"

11

 Existing Top Cabinet, Removed and Re-Installed on Top of New Electronic Message Center.

**New Watchfire 12mm RGB LED Programmable Message Center
72x144 Pixel Matrix, 3"x6" Image Area**

Modify Existing 4" Square Tube Support As Needed.



EXISTING STRUCTURE
SCALE: 3/8"=1'-0"

HARREL EYECARE 4520 S HARVARD

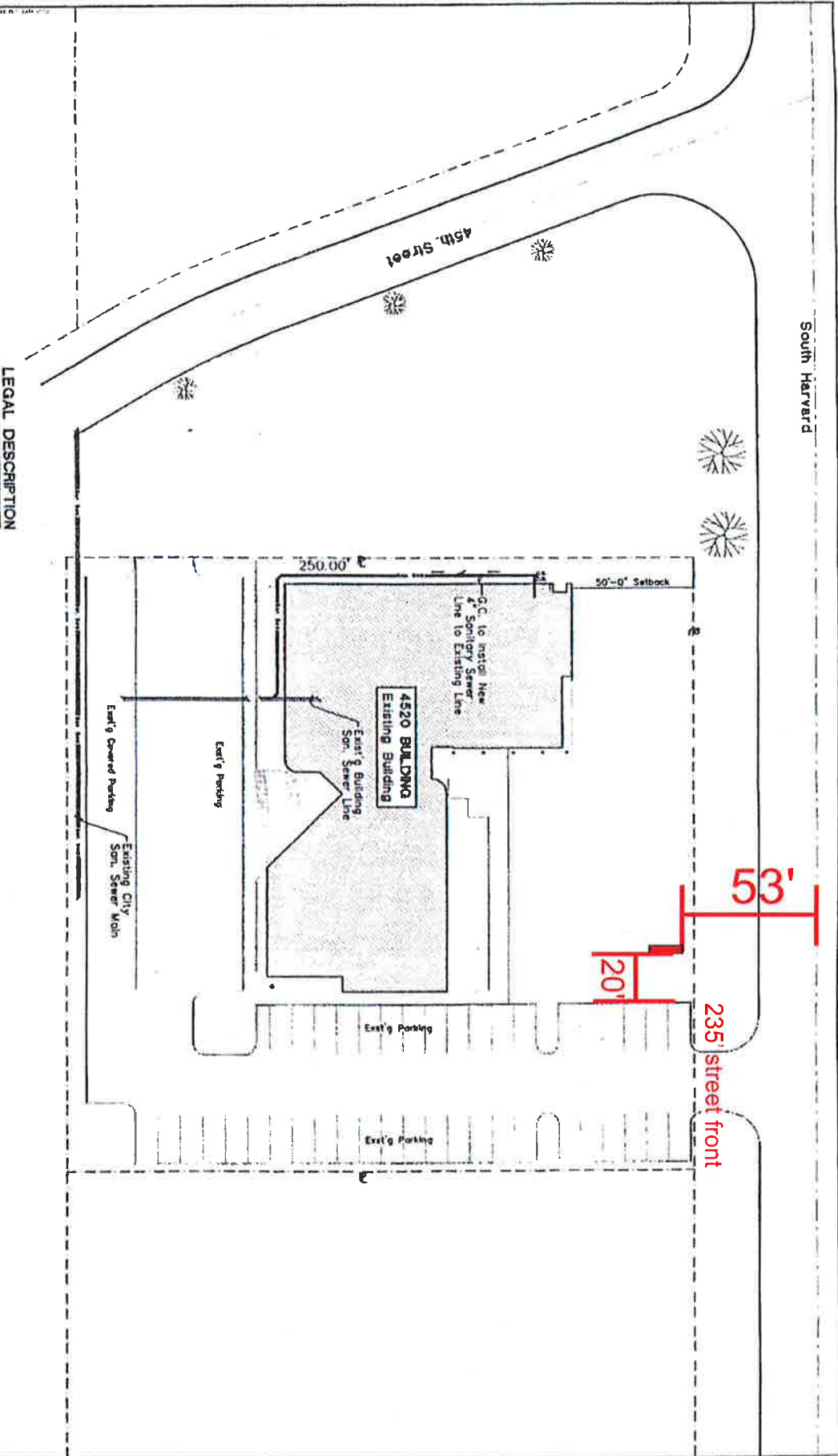
4.16

LEGAL DESCRIPTION

The property is located in Tulsa County, Oklahoma, more particularly described as follows:
The North 1/2 of Lot Two (2), Block Three (3), and the South 1/2 of Lot One (1), Block Three (3), VALLEY GROVE PARK ADDITION to the City of Tulsa, County of Tulsa, according to the recorded plat thereof.

A Site Plan

Scale: 1" = 40'-0"



Chase Fellers Hewitt - Architects
4520 S. Harvard Suite 100
Tulsa, Oklahoma 74135 918/747-8225

Site Plan
Scale: 1" = 40'-0"

Dobbs Office Building
Tulsa, Oklahoma

SHEET

C-1

06-18-97

BOB KOLIBAS
SIGN PLANS EXAMINER
918-596-9664



DEVELOPMENT SERVICES

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

SIGN PLAN REVIEW

March 29, 2017

LOD Number: 987812-1R

Sign contractor:

LORI WORTHINGTON
A-MAX SIGN CO
9520 E 55 PL
TULSA, OK 74145

Phone: (918)622-0651

Fax: (918)622-0659

APPLICATION NO: **414299** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **4520 S HARVARD AV E**

Description: **Harrel Eye Care w/dynamic display sign**

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)

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 OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, THE INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 WEST 2ND STREET, 8TH FLOOR, TULSA, OK, 74103 OR TELEPHONE (918) 584-7526.
3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(continued)

4.17

REVIEW COMMENTS

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

Application No. 414299

4520 S HARVARD AV E

January 31, 2017

This letter of deficiencies covers Sign Plan Review items only.

For ground, monument, pole & outdoor advertising structure sign applications only, you may receive additional letters from other disciplines such as Water/Sewer/Drainage for additional deficiencies regarding Utility Easement placement which are not addressed in this letter.

60.060 Signs in Office Zoning Districts

1.)60.060-C Maximum Area

Signs allowed in the OH district may not exceed 48 square feet in area or 0.50 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may a sign in an OH district exceed 225 square feet in area. Signs allowed in all other O districts may not exceed 32 square feet in area or 0.30 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

Review Comments: The proposed freestanding sign for Harrel Eye care appears to have 235 feet of street frontage along S. Harvard Avenue. Based on the street frontage of 235 feet times .3 the frontage will permit 70.5 square feet of sign area. The existing 66.9 square foot freestanding sign (application 358567) for Harrel Eye care plus the 21.8 square foot dynamic display sign exceeds the permitted display area by 18.2 square feet. As an option you may reduce the display surface area of the freestanding sign to be 70.5 square feet in total area or pursue a variance from the BOA to permit an existing freestanding sign with a dynamic display to exceed the permitted display surface area by 18.2 square feet from 70.5 square feet to 88.7 square feet in an OL zoning district.

2.)60.060-E Dynamic Displays

Dynamic displays are prohibited in O districts except that on a lot occupied by an allowed public, civic or institutional use, either the allowed wall sign or the allowed free-standing sign may include a dynamic display.

1. The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.
2. The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.
3. Dynamic displays in O districts may operate only between the hours of 7:00 a.m. and 9:00 p.m.
4. Dynamic displays are subject to the dynamic display regulations of Section 60.100.

Review Comments: According to the City of Tulsa Zoning Code Chapter 15 Section 15.020 the Harrel Eye care office is considered a Commercial Use. You may pursue a variance from the BOA to permit a dynamic display to be located in an OL zoning district for a Commercial use business.

NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to send the decision of any actions by the BOA or TMAPC affecting the status of your application for a Sign Permit to our office 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.

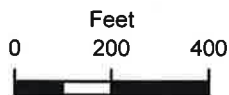
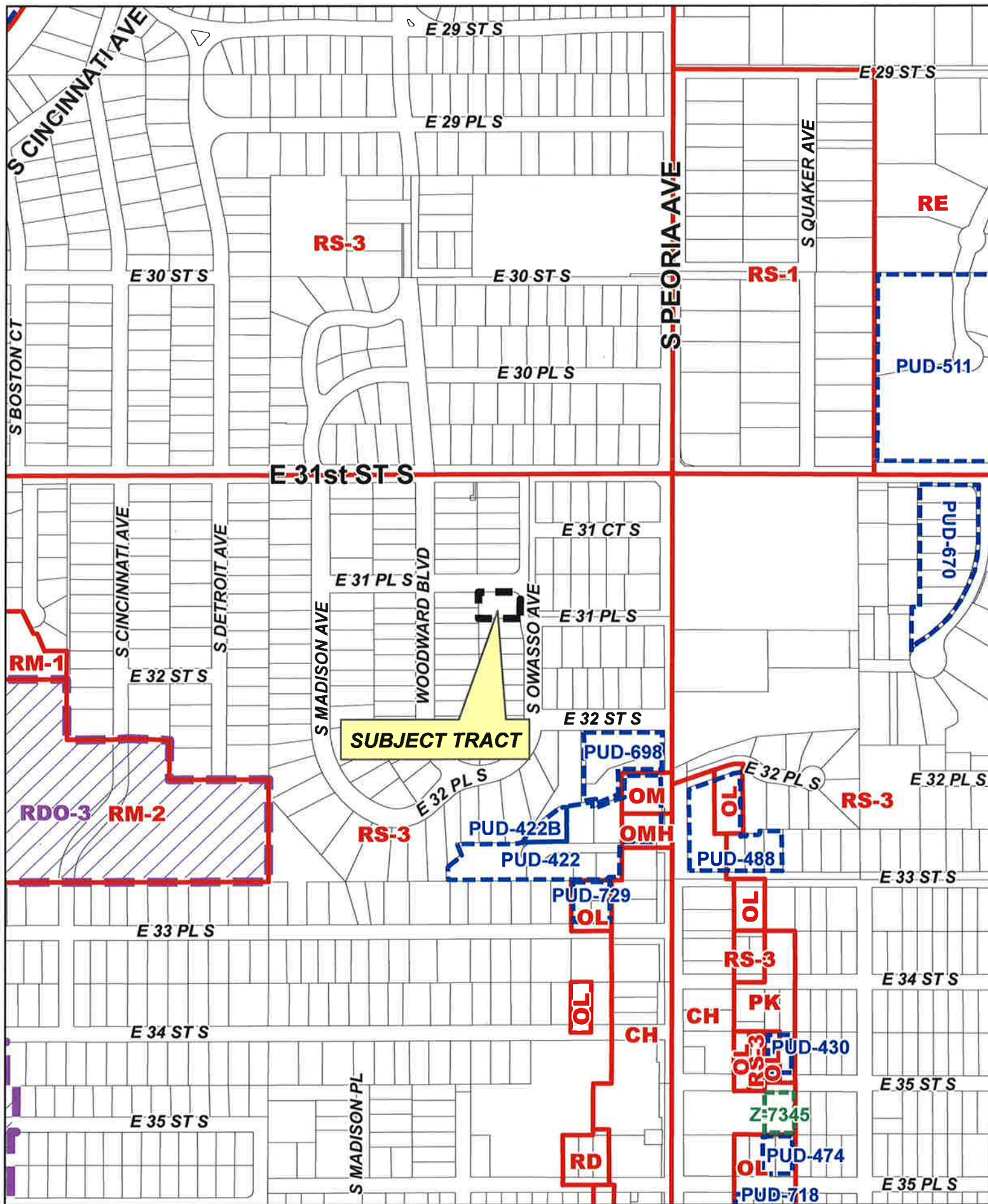
4.18²

END – ZONING CLEARANCE AND SIGN 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 CITY OF TULSA SIGN PERMIT.

**THIS PAGE
INTENTIONALLY
LEFT BLANK**



BOA-22219

5.1

19-12 24



BOARD OF ADJUSTMENT CASE REPORT

STR: 9224

Case Number: **BOA-22219**

CZM: 46

CD: 9

A-P#: 414075

HEARING DATE: 04/11/2017 1:00 PM

APPLICANT: Pat White

ACTION REQUESTED: **Special Exception** to allow a carport in the required street setback on an RS-3 zoned lot, with a modification to allow the area of the carport to exceed 20'-0" x 20'-0" or 400 sq. ft. (Section 90.090-C).

LOCATION: 3132 S OWASSO AV E

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 11826.59 SQ FT

LEGAL DESCRIPTION: LTS 1 & 2 LESS S15 LT 2 BLK 2, BROOKSIDE ADDN AMD, 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 surrounded by RS-3 zoned residences.

STAFF COMMENTS:

As shown on the attached plans the applicant is proposing to construct a carport within the required street setback of the site. Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception:

- The area of a carport may not exceed 20 feet in length by 20 feet in width or 400 SF. According to the site plan supplied by the applicant, the proposed addition to the existing carport will increase the total size of the carport to 22 ft. x 24 ft. (528 SF). The applicant has requested that the Board modify the square footage limitation to permit the carport as proposed.

The Code’s limitation on the carport size is intended to ensure that carports located within front yards are compatible with a minimum desired residential character found in the neighborhood and don’t consume an entire required front yard eclipsing the presence of the home on the streetscape.

Sample Motion for a Special Exception

Move to _____ (approve/deny) a **Special Exception** to allow a carport in the required street setback on an RS-3 zoned lot, with a modification to allow the area of the carport to exceed 20’-0” x 20’-0” (Section 90.090-C).

- 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.



Feet
0 200 400



Subject
Tract

BOA-22219

19-12 24

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

Aerial Photo Date: February 2016

N

5.4



0 50 100
Feet



Subject
Tract

BOA-22219

19-12 24

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

Aerial Photo Date: February 2016

N

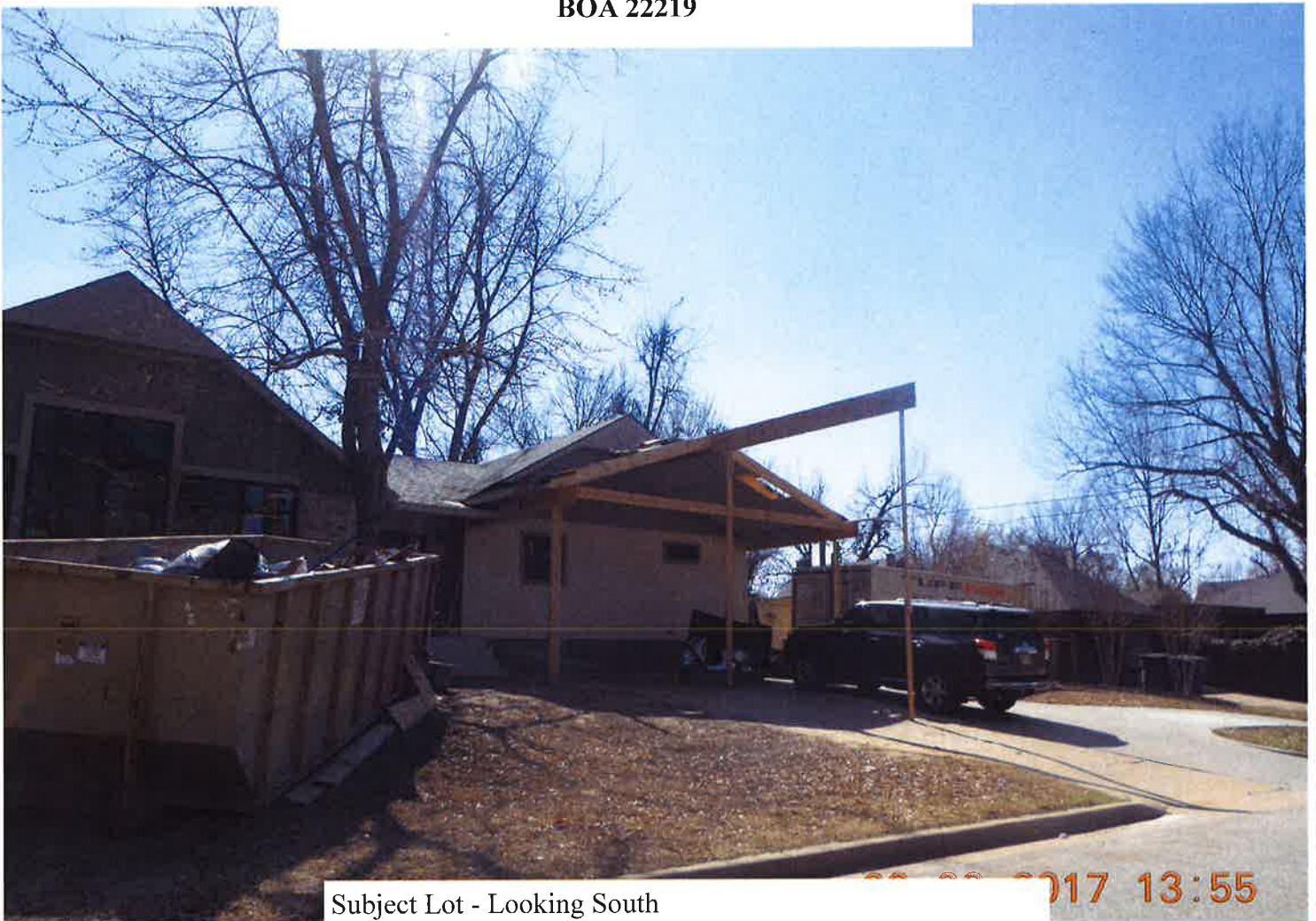
5.5



Subject Lot - Looking South



E 31 Pl S - Street View

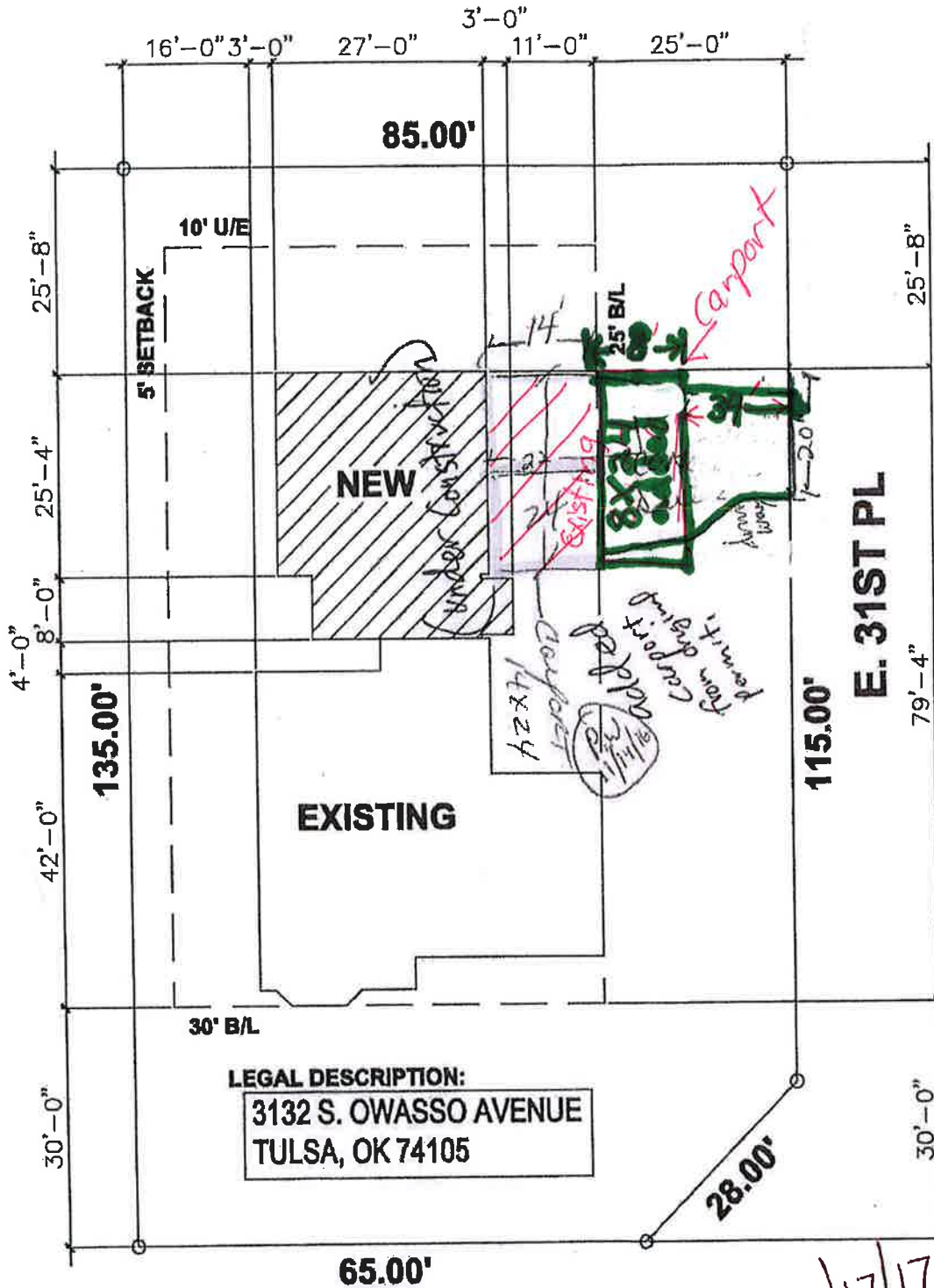


Subject Lot - Looking South

03.03.2017 13:55



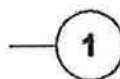
03.03.2017 13:55



S. OWASSO AVE.



north



SITE PLAN

Scale: 1" = 20'

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: 989629-2

February 17, 2017

GILBERT FLETCHER
HOMEOWNER
3132 S OWASSO AV
TULSA, OK 74037

Phone: (918)348-0298

APPLICATION NO: **414075** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **3132 S OWASSO AV E**
Description: **ADDITION**

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. 414075

3132 S OWASSO AV E

February 17, 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.

Special exception approval required; see §90.090-C1.

1. **Sec.90.090-C.1 Carports:** Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 70.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

- a. A carport may be a detached accessory building or an integral part of the principal building.
- b. The area of a carport may not exceed 20 feet in length by 20 feet in width.
- c. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.
- d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.
- e. The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.
- f. All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.
- g. The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed

Review comment: The proposed carport is located in the street setback area and requires special exception granted by the BOA. Please contact an INCOG representative at 918-584-7526 for further assistance. Please note: the regulations above must be addressed as part of the special exception process as the proposed structure is not in compliance with said regulations as submitted. If approved, submit a copy of the approved special exception as a revision to your application.

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.

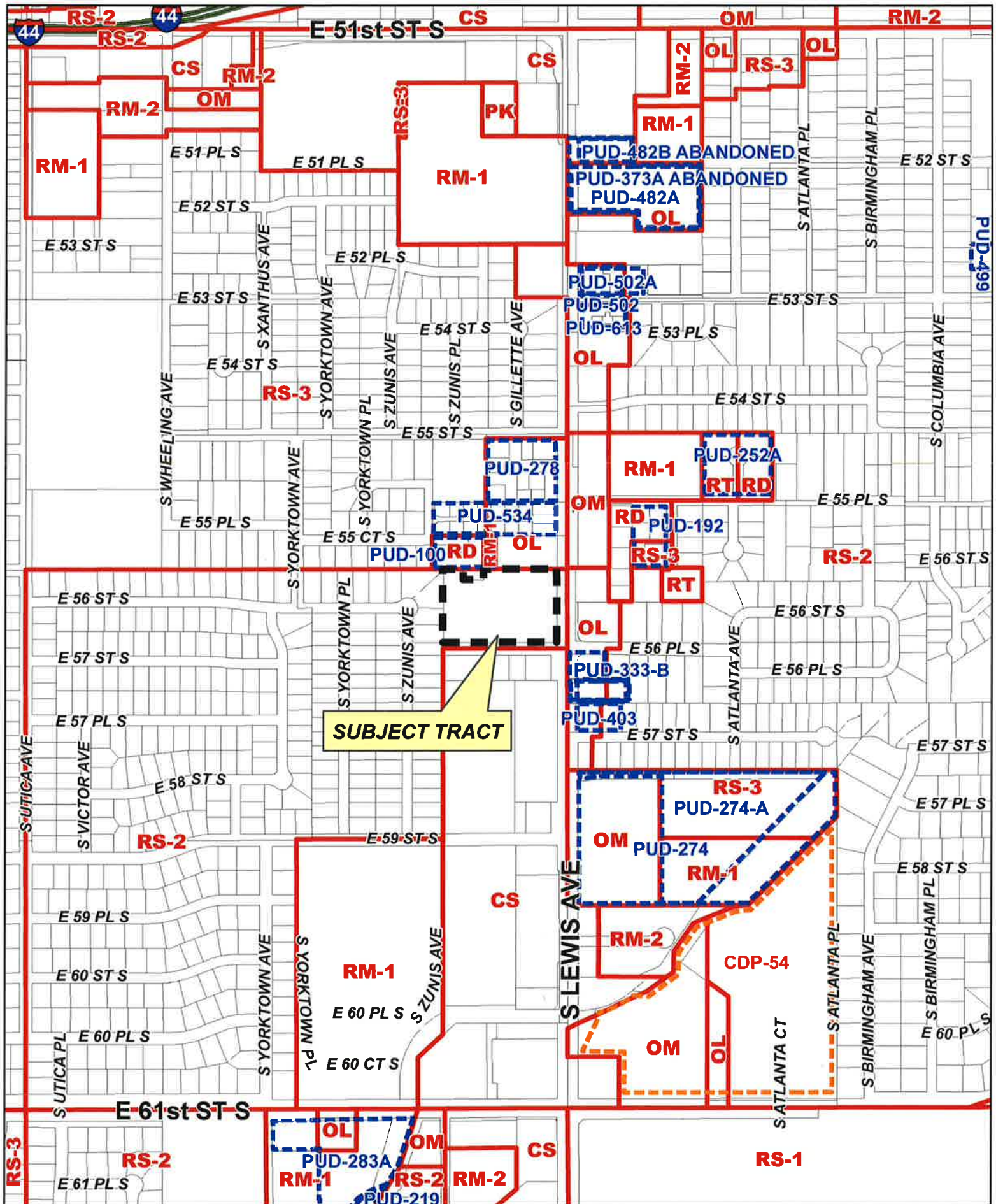
A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

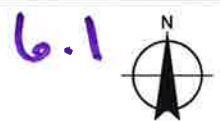
NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

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-22222



BOARD OF ADJUSTMENT CASE REPORT

STR: 9331
CZM: 47
CD: 9
A-P#: 415001

Case Number: **BOA-22222**

HEARING DATE: 04/11/2017 1:00 PM

APPLICANT: A-MAX Sign Company

ACTION REQUESTED: Special Exception to permit a dynamic display sign in an the R district; and a Variance of the allowable display surface area for signs in the R district to permit a 86.17 SF ground sign. (Section 60.050)

LOCATION: 5590 S LEWIS AV E

ZONED: RS-2

PRESENT USE: Southern Hills Baptist Church

TRACT SIZE: 4.4 Acres

LEGAL DESCRIPTION: PRT NE SE BEG NEC SE TH W408 S50 W100 N50 W100 S358 E608 N358 POB LESS E50 THEREOF FOR ST SEC 31 19 13 4.47ACS, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Lot:

BOA 15569: 10.4.90 the Board approved a variance to reduce the street setback for a parking area to 50 ft; and a variance to reduce the parking area setback from an R district to 30 ft.

BOA 2725: on 08.10.55 the Board approved construction of a church the subject site.

Surrounding Properties:

BOA 21860; on 03.10.15 the Board **approved** a variance to allow a digital sign within 200' of an R District; located at 2242 E 56 PL S (immediately south of the subject lot).

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

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 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 RS-2 zoned residences on the west; OL, RD and RM-1 zoning abuts the site on the north. CS zoned commercial/retail on the south.

STAFF COMMENTS:

The applicant is before the Board requesting a Special Exception to permit a dynamic display for Southern Hills Baptist Church in an the R district (Section 60.050-C); and a Variance of the allowable display surface area for signs in the R district to permit a 86.17 SF ground sign. (Section 60.050)

The applicant proposes to replace the existing ground sign on the site with the new sign shown as shown the attached exhibit; the proposed ground sign will setback 170 ft. from E 56th Place S and 28 ft. from S Lewis Ave. According to the submitted drawing the top cabinet of the sign will be 57.96 SF; the top cabinet will be lit by an internal light source. The 28.21 SF bottom cabinet of the sign will contain a dynamic display.

Dynamic displays are prohibited in R districts except that on a lot occupied by an allowed public, civic or institutional use, the board of adjustment is authorized to approve a special exception for the allowed freestanding sign to include a dynamic display. **The permitted dynamic display in an R district is subject to the following regulations:**

- (1) The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.**
- (2) The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.**
- (3) Dynamic displays in R districts and in AG districts may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the special exception process.**
- (4) Dynamic displays are subject to the dynamic display regulations of Section 60.100.**

Nonresidential uses in R districts are allowed a maximum of one freestanding sign per street frontage. Allowed freestanding signs are subject to a maximum height limit of 20 feet and may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The existing site is allowed 71.6 SF of sign display surface area along the S Lewis Ave frontage. Therefore the applicant has requested a variance of the permitted display surface area from 71.6 SF to 86.17 SF to permit a ground sign as shown on the attached exhibits.

Sample Motion:

Move to _____ (approve/deny) a Special Exception to permit a dynamic display for Southern Hills Baptist Church in an the R district (Section 60.050-C); and a Variance of the allowable display surface area for signs in the R district to permit a 86.17 SF ground sign. (Section 60.050).

- 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 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.

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."*

Mr. Henke asked Mr. Schuller if he had seen the e-mail from Carolyn Harder, dated February 26th, that was sent to staff. Mr. Schuller stated that he had seen it, and he understands that she wants a restriction on outside storage but that will be restricted by the size of the lot. The zoning code permits only so much outside storage. There will be no repairs of vehicles on site or storage of disabled vehicles. This will be only a small sales office. The subject property will have landscaping so it will be in compliance with the code.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the request for a **Special Exception** to permit used and new automobile sales in the CS District (Section 701, Table 1). 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:

**N250 E250 NE NE NE LESS TR BEG NEC NE TH W250 S58 E176 TO PT 58S & 74W
NEC NE TH SE36.88 TO PT 86S & 50 W NEC NE TH S164 E50 N250 POB FOR ST
SEC 8 19 14 .873AC, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

21860—Oil Capital Neon – Brandon Moydell

FILE COPY

Action Requested:

Variance to allow a digital sign within 200 feet of an R District (Section 1221.C.2.c).

LOCATION: 2242 East 56th Place (CD 9)

Presentation:

Justin Reed, Oil Capital Neon, 4419 East 55th Place, Tulsa, OK; stated he is representing Dr. Robards of Southern Hills Veterinary Hospital. The message center will be a single sided message center. The sign height will not be changed. The upper part of the sign face will be changed with the message center installed on the bottom portion. The hardship is that it falls within 200 feet of an R District, and the church parking lot north of the subject property is the only building that falls within that district. The message center will only be facing east so it will not be facing the residential neighborhood to the west. The western side of the subject sign will be a changeable letter board.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

BOA-21860

FILE COPY

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the request for a **Variance** to allow a digital sign within 200 feet of an R District (Section 1221.C.2.c), subject to conceptual plan 8.8 showing the size and location of the sign. The Board has found that the proposed digital sign is on the east face only. The only residential area possibly impacted by this sign is a church property to the north and church parking lot of the church facility and, as such, the protection afforded by the code would propose a hardship for the placement of this sign. 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:

BEG. 543'S & 205'W NE COR. NE SE TH. N. 125'W 80'S 125'E. 80' TO BEG. SEC 31-19-13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21861—Roger Eldredge

Action Requested:

Special Exception to permit parking on a lot other than the lot containing the principal use (Section 1301.D); **Acknowledgement** that the tie agreement imposed by BOA-20647 has been terminated. **LOCATION:** SE/c of East Admiral Place and North Sandusky Avenue (CD 4)

Presentation:

Roger Eldredge, Attorney, Ladner & Eldredge, 320 South Boston Avenue, Tulsa, OK; stated he represents the applicants, Paula and Stuart Wright. In 2008 the Wrights purchased two separate tracks of land that are on either side of Sandusky Avenue. At the time of the purchase the plan was that the land on the western side of Sandusky would be used for their funeral home business. There was a small historic church on Tract A that they also purchased separately, and the plan there was to use the church on the property as a chapel that was to be associated with the general funeral operations. In 2008 Mr. Eldredge's former business partner came before the Board and requested for a few Variances and Special Exceptions, and the result was the two tracts of land were tied together with a tie agreement. In a couple of years it became apparent to the owners that there was no need for the church property because the majority of their work is cremation without services. The owners have contracted to sell Tract A to

Case No. 15569

Action Requested:

Variance of the front setback requirement for parking from 85' to 50' - SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 5, and SECTION 1205.C.1.b. Use Conditions - Use Unit 5.

Variance of the setback requirement for parking in an R District from 50' to 30' - SECTION 1302. SETBACKS - Use Unit 5, located 5590 South Lewis.

Comments and Questions:

Mr. Bolzie informed that he will abstain from hearing Case No. 15569.

Presentation:

The applicant, Ed Bates, 4502 East 75th Street, Tulsa, Oklahoma, submitted a site plan (Exhibit N-1), and stated that he is representing Southern Hills Baptist Church. He informed that the project is surrounded on most of three sides by a shopping center and office use. Mr. Bates informed that parking for the church is 28' from the curb, while London Square has parking extending to within 8' of the curb. He stated that parking on the side street is 30' from the curb, and is consistent with the existing buildings.

Board Action:

On MOTION of CHAPPELLE, the Board voted 3-0-1 (Chappelle, Fuller, White, "aye"; no "nays"; Bolzie, "abstaining"; Bradley, "absent") to APPROVE a Variance of the front setback requirement for parking from 85' to 50' - SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 5, and SECTION 1205.C.1.b. Use Conditions - Use Unit 5; and to APPROVE a Variance of the setback requirement for parking in an R District from 50' to 30' - SECTION 1302. SETBACKS - Use Unit 5; per plot plan submitted; finding that the setbacks for the church parking lots are consistent with the existing parking lots in the area; on the following described property:

East 608' of the north 358' of the NE/4, NE/4, SE/4, Section 31, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

MOVED by Grubb (Davisson) that this application be approved for a building not larger than 10' x 60' and upon condition that the old buildings be removed upon completion of the new building.

All members voting yea.

Carried.

Case No. 2719-A ✓
Second Presbyterian
Church, Pt. of
Section 10-19-13

This being the date set down for public hearing on the application of the Second Presbyterian Church for permission to use for church purposes part of the SW 1/4, SE 1/4, SE 1/4, of Section 10-19-13. There being no protest it was,

MOVED by Lashley (Grubb) that this matter be granted.

All members voting yea.

Carried.

Case No. 2725-A ✓
Southern Hill Baptist
Church, Pt. of the
NE, SE, Section 31-
19-13

This being the date set down for public hearing on the application of the Southern Hill Baptist Church for permission to use for church purposes the North 358 feet of the East 608 feet of the NE 1/4, SE 1/4, of Section 31-19-13. There being no protest it was,

MOVED by Davisson (Lashley) that this matter be granted.

All members voting yea.

Carried.

Case No. 2727-A ✓
Suburban Hills Assembly
of God Church.
Section 13-20-12

This being the date set down for public hearing on the application of the Suburban Hills Assembly of God Church for permission to use for church purposes part of the NW 1/4, NW 1/4, SE 1/4, of Section 13-20-12. There being no protest it was,

MOVED by Lashley (Grubb) that this matter be granted.

All members voting yea.

Carried.

Case No. 2728 ✓
T. G. Johnson, Jr.
Lots 1 & 2, Block 2,
Magnolia Addition

T. G. Johnson, Jr. request for permission to erect a dwelling on the rear of Lots 1 & 2, Block 2, Magnolia Addition.

MOVED by Davisson (Grubb) that this matter be granted subject to only two houses be permitted on these two lots.

All members voting yea.

Carried.

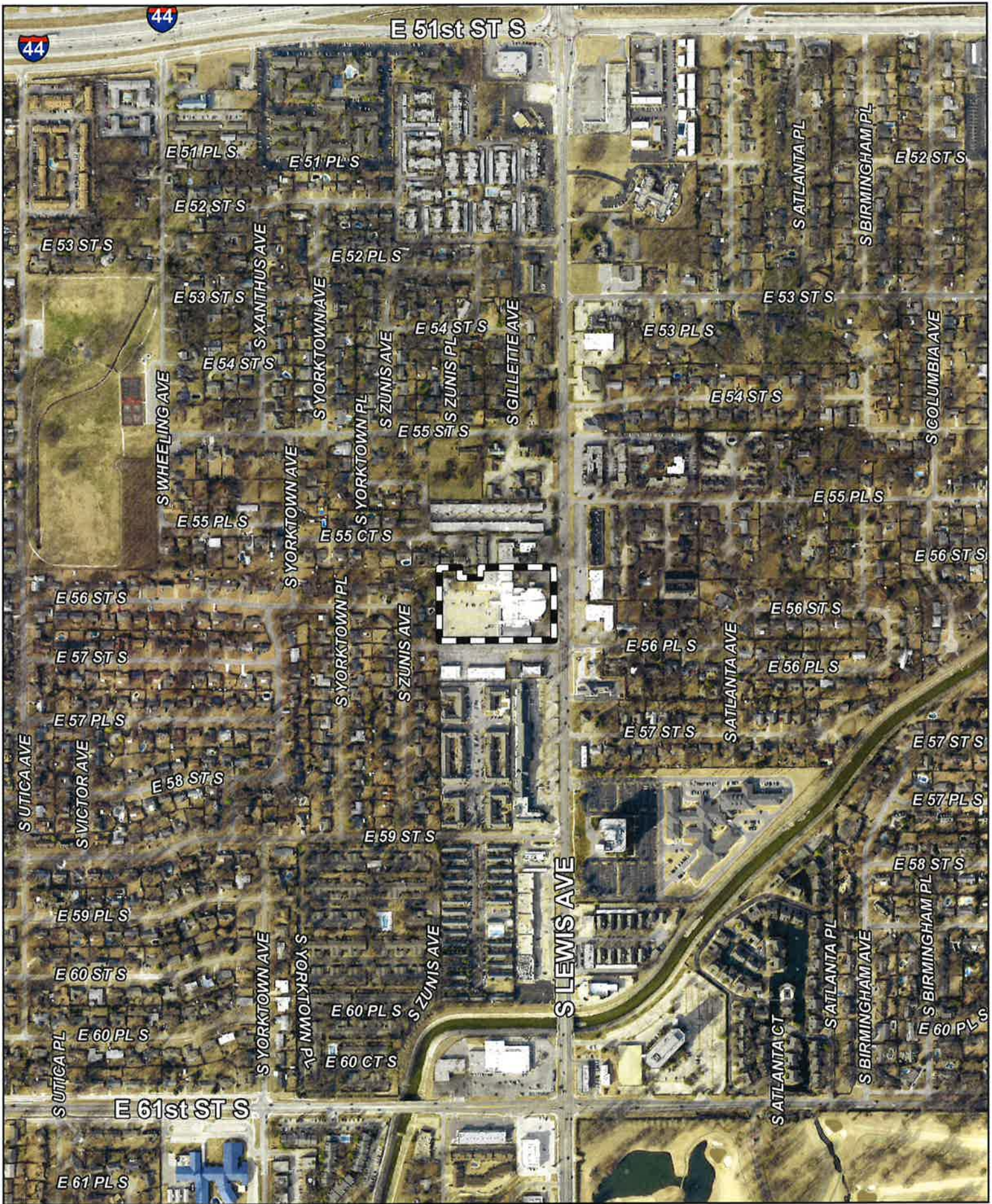
Case No. 2729 ✓
Big Red Warehouse, Inc.
Lot 1, Block 6,
Wakefield Addition

Big Red Warehouse, Inc. request for permission to use lot 1, Block 6, Wakefield Addition temporarily for parking of vehicles and storage at night pending outcome of application for rezoning.

MOVED by Davisson (Grubb) that this matter be granted for a period of sixty days only pending outcome of application before the Tulsa Metropolitan Area Planning Commission for rezoning.

All members voting yea.

Carried.



Feet
0 300 600



Subject
Tract

BOA-22222

19-13 31

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

Aerial Photo Date: February 2016

6.9





0 Feet 50 100



Subject
Tract

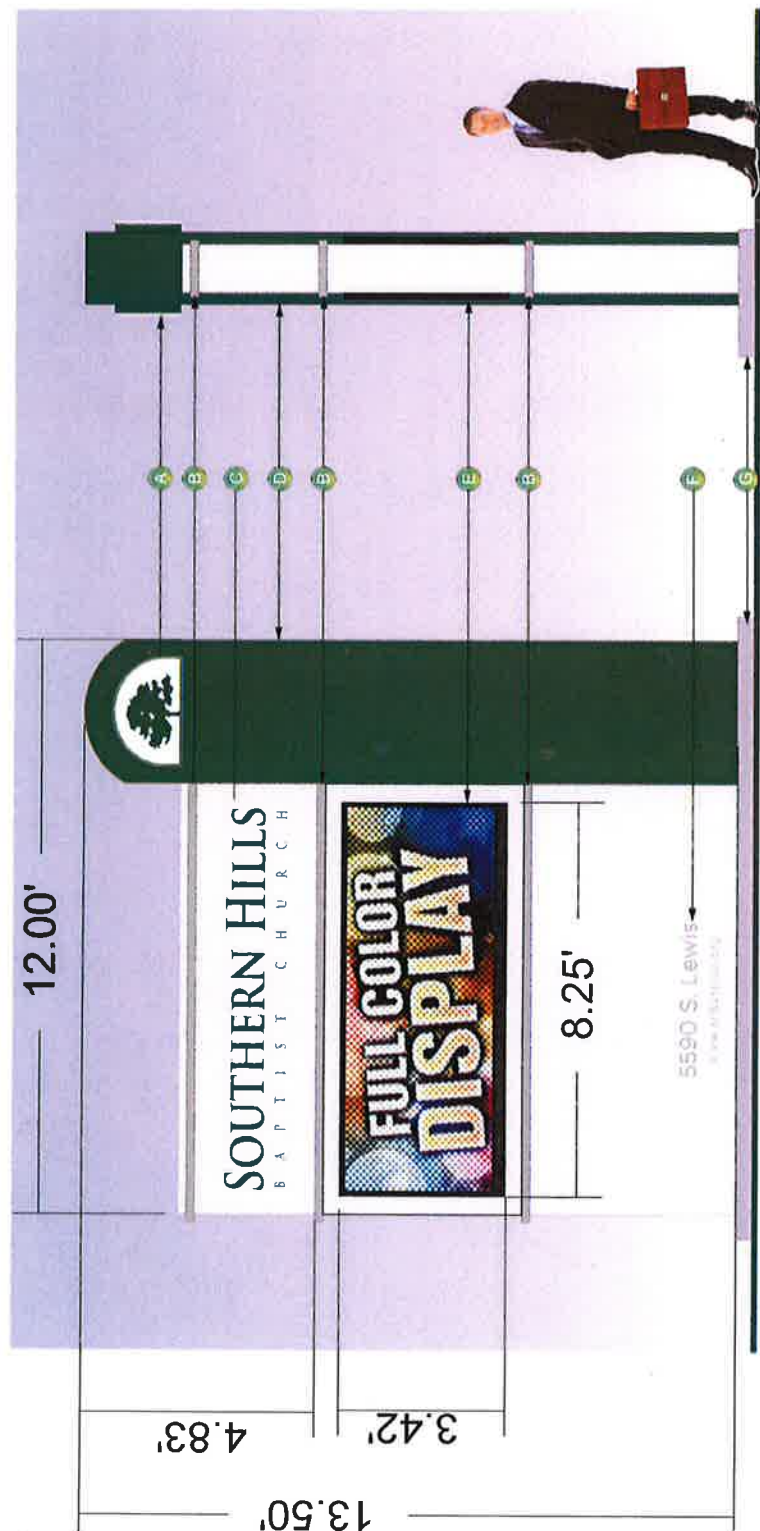
BOA-22222

19-13 31

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

Aerial Photo Date: February 2016





**D/F INTERNALLY ILLUMINATED MAIN I.D. SIGN
W/ FULL COLOR LED DISPLAY.**

4.83' x 12' = 57.96sqft
3.42' x 8.25' = 28.21sqft
total = 86.17sqft

1.1

- 1. Fabricated Aluminum Channel Logo w/ Green Return and White Trim.
3/16" 7328 White Acrylic Face w/ 3M 3630-126 Dark Emerald Green Vinyl Graphi
Illuminated Using White LEDs.
- 2. 1"x2" Aluminum Channel w/ Silver Metallic Painted Finish.
- 3. Fabricated Aluminum Sign Cabinet w/ Satin White Painted Finish.
Text Routed From 1/8" Thick Aluminum and Backed w/ Acrylic.
3M 3630-126 Dark Emerald Green Vinyl Overlays.
Illuminated Using White LEDs.
- 4. Fabricated Aluminum Column Cover. Green Painted Finish.
- 5. 19mm Full Color LED Display 64X112 Pixel Matrix.
Sizes will Vary Depending on Brand. Brand TBD.
- 6. Vinyl Graphics
- 7. Concrete 'Mow' Pad.



EXISTING
BEING REMOVED

1. Dimensions subject to minor change due to site conditions.
2. A New Sign Company will provide all materials and labor for the removal of the existing sign structure.
3. The existing sign structure is to be removed and replaced with a new sign structure.

- 1.
- 2.
- 3.
- 4.
- 5.

This drawing is the property of a.m.s. Signs Company and shall not be copied, reproduced, or distributed in any fashion other than for the purposes of this project. It is to be used only for the purposes of this project.

PARKING SUMMARY

212 STAMIN80

30 COMPACT

270 TOTAL

a. DATA PERTAINING TO BUILDING CODES 1900 EDITION

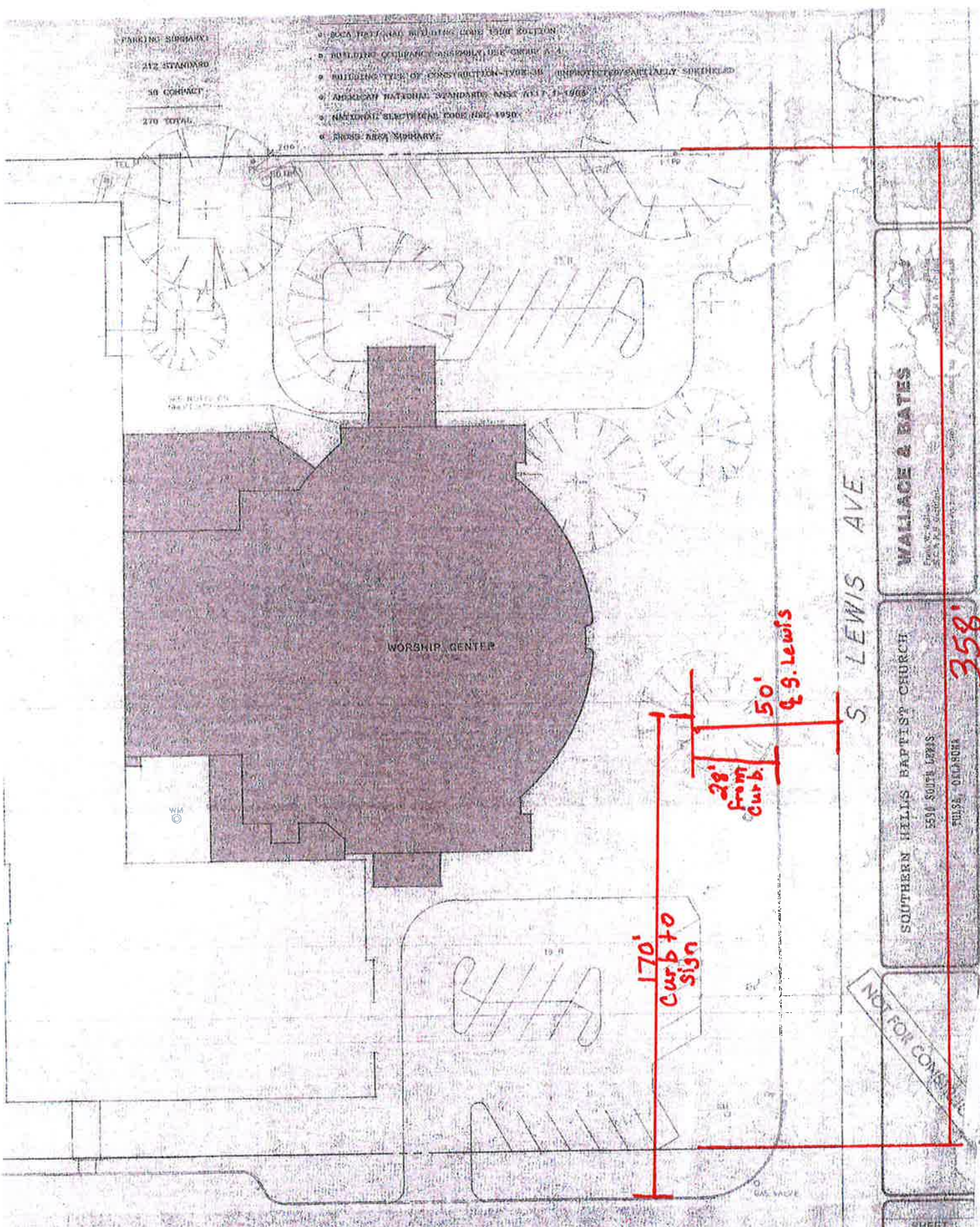
b. BUILDING CODES AND CONSTRUCTION CODES

c. BUILDING TYPE OF CONSTRUCTION - TYPE III UNPROTECTED/PARTIALLY SPRINKLERED

d. AMERICAN NATIONAL STANDARDS ANS A17.1-1903

e. NATIONAL ELECTRICAL CODE (NEC) 1950

f. CROSS AREA SUMMARY



WORSHIP CENTER

S. LEWIS AVE

WALLACE & BATES

SOUTHERN HILLS BAPTIST CHURCH

5501 SOUTH LEWIS

THURSDAY, OAKLAND

NOT FOR CONSTRUCTION

SHEET 101 OF 101

A SITE PLAN

TREET SOUTH

358' Street front

6.12

BOB KOLIBAS
ZONING OFFICIAL
PLANS EXAMINER
TEL 918-596-9664



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 990936-2

February 22, 2017

LORI WORTHINGTON
A-MAX SIGN CO
9520 E 55 PL
TULSA, OK 74145

Phone: (918)622-0651
Fax: (918)622-0659

APPLICATION NO: 415001 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 5590 S LEWIS AV E
Description: Southern Hills Baptist Church W/ Dynamic Display

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.).

(continued)

6.13

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. 415001

5590 S LEWIS AV E

February 22, 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.) 60.050 B Nonresidential Uses

The following regulations apply to all principal nonresidential uses in R districts and AG districts.

b. Freestanding Signs

Nonresidential uses in R districts and AG districts are allowed a maximum of one freestanding sign per street frontage. Allowed freestanding signs are subject to a maximum height limit of 20 feet and may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

Review Comments: The proposed freestanding sign for Southern Hills Baptist Church with a dynamic display appears to have 358 feet of major street frontage along S. Lewis Avenue. Based on the major street frontage of 358 square feet times .2 square feet of display surface area for a freestanding sign the 358 lineal feet of street frontage will permit 71.6 square feet of freestanding sign display surface area. As an option you may reduce the display surface area of the ground sign to be 71.6 square feet in total or pursue a variance from the BOA to permit a freestanding sign in an RS-2 zoning district to exceed the permitted display area from 71.6 sq. ft. to 86.17 sq. ft.

2.) Section 60.050 Signs in R and AG Zoning Districts

2. Nonresidential Uses

The following regulations apply to all principal nonresidential uses in R districts and AG districts.

c. Dynamic Displays

Dynamic displays are prohibited in R districts and AG districts except that on a lot occupied by an allowed public, civic or institutional use, the board of adjustment is authorized to approve a special exception for the allowed wall sign or the allowed freestanding sign to include a dynamic display.

- (1) The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.
- (2) The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.

- (3) Dynamic displays in R districts and in AG districts may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the special exception process.
- (4) Dynamic displays are subject to the dynamic display regulations of Section 60.100.

Review Comments: The proposed 86.17 square foot freestanding sign includes a 28.2 (3.42x8.25) square foot dynamic display located in an RS-2 zoning district and requires a special exception from the BOA prior to issuance of a sign permit. **Note:** See additional requirements for dynamic displays in R districts above.

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.

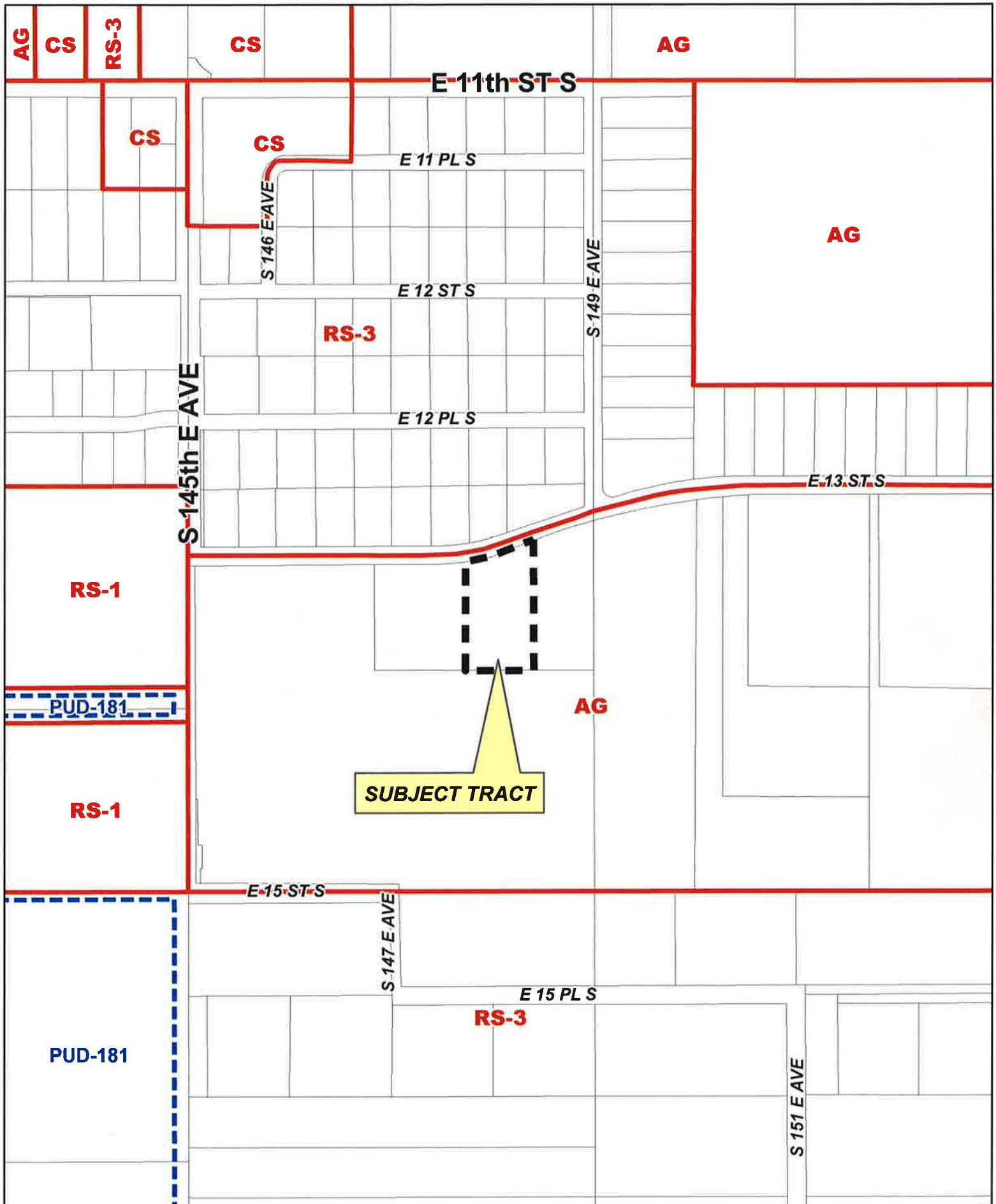
A hard copy of this letter is available upon request by the applicant.

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-22224

19-14 10

7.1



BOARD OF ADJUSTMENT CASE REPORT

STR: Case Number: **BOA-22224**
CZM: 40
CD: 6
A-P#: 415472

HEARING DATE: 04/11/2017 1:00 PM

APPLICANT: Stacie Chambers

ACTION REQUESTED: Variance to allow a material other than an all-weather surface material for a new driveway/parking area. (Section 55.090-F)

LOCATION: 14636 E. 13th St. S.

ZONED: AG

PRESENT USE: Vacant Lot

TRACT SIZE: 2 Acres

LEGAL DESCRIPTION: A tract of land in the Southwest Quarter of the Northwest Quarter of Section 10, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey. Said tract more particularly described as follows: Commencing at the NW/c of the SW/4 of the NW/4; thence S 01°49'55" E along the W line thereof a distance of 249.24 ft. to the SW/c of Carol Acres; Thence N 88°14'51" E along the S right-of-way line of E 13th St a distance of 659.58 to a point on the W line of the E/2 SW/4 NW/4; Thence continuing N 88°12'51" E a distance of 134.35 ft. to a point of curve; Thence Northeasterly along a curve to the left with a radius of 773.27 ft., a chord bearing of N 84°08'08" E, a chord distance of 110.90 ft. and an arc length of 110.99 ft. to the Point of Beginning; Thence continuing along said curve to the NE with a radius of 773.27 ft., a chord bearing of N 75°04'08" E a chord distance of 133.57 ft. and an arc length of 133.73 ft.; Thence N 70°06'53" E a distance of 98.85 ft.; Thence S 01°31'53" E a distance of 423.66 ft.; Thence S 88°14'51" W a distance of 223.73 ft.; Thence N 01°31'53" W distance of 362.45 ft. to the Point of Beginning.

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.

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

STAFF COMMENTS:

The Code requires that all off-street parking areas be surfaced with a dustless, all-weather surface. The applicant is before the Board requesting a variance to allow a gravel driveway as shown on the attached plan. It appears that most of the homes in the surrounding neighborhood have concrete driveways; however there are some AG zoned residences east of the subject lot that contain gravel driveways.

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 to allow a material other than an all-weather surface/material for a new driveway. (Section 55.090-F)

- 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 Feet 200 400



Subject Tract

BOA-22224

19-14 10

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

Aerial Photo Date: February 2016



7.4



E 13 STS

S 149 E AVE

0 50 100
Feet



Subject
Tract

BOA-22224

19-14 10

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

Aerial Photo Date: February 2016

7.5



TRACT 1

TRACT 2

TRACT 3

CL EAST 13TH STREET SOUTH

98.85'
PROPERTY LINE

244.72'

EDGE OF PAVING

274'-10 1/4"

GRAVEL
DRIVE

423.66'
PROPERTY LINE

362.45'
PROPERTY LINE

282'-7 7/8"

5" CONC.
PARKING

CANOPY

PROPOSED
50'x60'
METAL
BUILDING

COVERED PORCH

SEPTIC
TANK

LATERAL
FIELD

143'-11"

50'-0"

30'-0"

50'-0"

PROPERTY LINE

223.75'

60'-0"

10'-0"

75'-0"

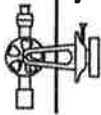


1 Site Plan

1" = 50'-0"

TRACT 2 OF RECORDED PLAT (SUBMITTED AS SEPARATE INSTRUMENT)
Tulsa, Oklahoma

7.6



WHITE SURVEYING COMPANY

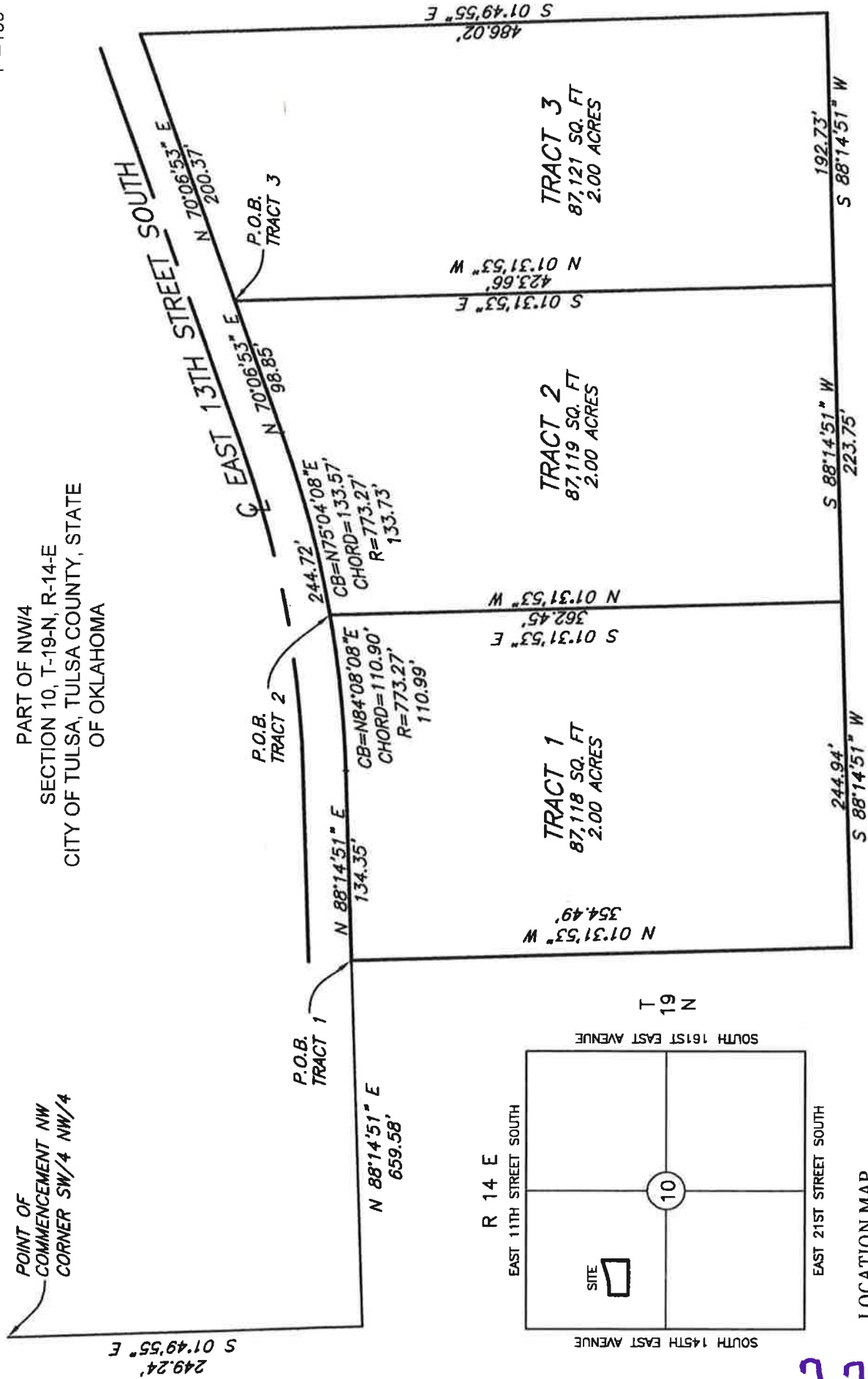
• 9936 EAST 55TH PLACE TULSA, OKLAHOMA 74146 • (918) 683-8924

EXHIBIT A

POINT OF
COMMENCEMENT NW
CORNER SW/4 NW/4

PART OF NW/4
SECTION 10, T-19-N, R-14-E
CITY OF TULSA, TULSA COUNTY, STATE
OF OKLAHOMA

1" = 100'



BOB KOLIBAS
ZONING OFFICIAL
PLANS EXAMINER
TEL 918-596-9664



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 992648-2

March 22, 2017

DON & STACIE CHAMBERS
HOMEOWNERS
6715 E 95 ST
TULSA, OK 74108

Phone: (918)381-0719

APPLICATION NO: **415472** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **14636 E 013 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 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)

7.8

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. 415472

14636 E 013 ST S

March 03, 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.) 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 Detached House/garage or apply to the Board of Adjustment for a variance to allow a material other than an approved material for the driveway surface.

95.040 Definitions: All-Weather Surface (or Material)

A hard surface, dustless material capable, during ordinary use, of withstanding without substantial deterioration, normal weather conditions. Gravel, rock or screenings alone, without use of a road surface binder, does not meet the definition of an all-weather surface.

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.