

**AMENDED
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 25, 2017, 1:00 P.M.**

Meeting No. 1182

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

UNFINISHED BUSINESS

None.

NEW APPLICATIONS

1. **22215—Leah Krautter**
Appeal of an Administrative Official's decision to classify the use of the property as a Bed & Breakfast under Section 35.050-G.1. **LOCATION:** 1315 East 19th Street South **(CD 4)**
2. **22225—Stanton Doyle**
Verification of spacing requirement of 300 feet from any public park, school or religious assembly use and the public entrance doors to not be located within 50 feet of any R-zoned lot to permit a jazz club/bar in the CBD District (Section 40.050-A). **LOCATION:** 108 North Detroit Avenue East (213 East Archer Street North) **(CD 4)**
3. **22226—Stephen Schuller**
Special Exception to permit an existing detached house in a CH District. **LOCATION:** 1508 South Gary Avenue East **(CD 4)**
4. **22227— Claude Neon Federal Signs**
Variance to permit seven signs (1 pole sign and 6 wall signs) in the OM District to be oriented toward South Yale Avenue; Variance to increase the permitted display area of signage on the lot to 224 square feet to allow one pole sign and 6 wall signs (Section 60.060). **LOCATION:** 7307 South Yale Avenue East **(CD 8)**

5. **22228—Phil Boushon**
Special Exception to allow the driveway width to exceed 30 feet in width on the lot and exceed 20 feet in width in the Right-Of-Way (Section 55.090-F3).
LOCATION: 10512 South Urbana Avenue East **(CD 8)**
6. **22229—A-MAX Sign Company**
Variance to permit a dynamic display sign to be located within 200 feet of the R District (Section 60.100-F). **LOCATION:** 5626 South Mingo Road East. **(CD 7)**
7. **22232—Tulsa Rowing Club – River Parks Authority**
Variance from the 40% transparency requirement of building facade facing the river and 20% transparency requirement of building facade facing parking or common area; Variance from the requirement that one building entrance have a direct connection to the river trail in the façade facing the river; Variance to permit vinyl and/or aluminum siding as a building material; and a Variance to permit a blank wall with no architectural detailing to exceed 35 ft. in height and/or width. (Section 20.050) **LOCATION:** 715 West 21st Street South **(CD 2)**
8. **22236—Millenia Housing Development, LLC – Andrew Bailey, EVP**
Variance to reduce the required parking to 572 parking spaces for an apartment complex (Section 55.020). **LOCATION:** NW/c of South Owasso Avenue East and East 60th Street South **(CD 9)**

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

Website: www.cityoftulsa-boa.org

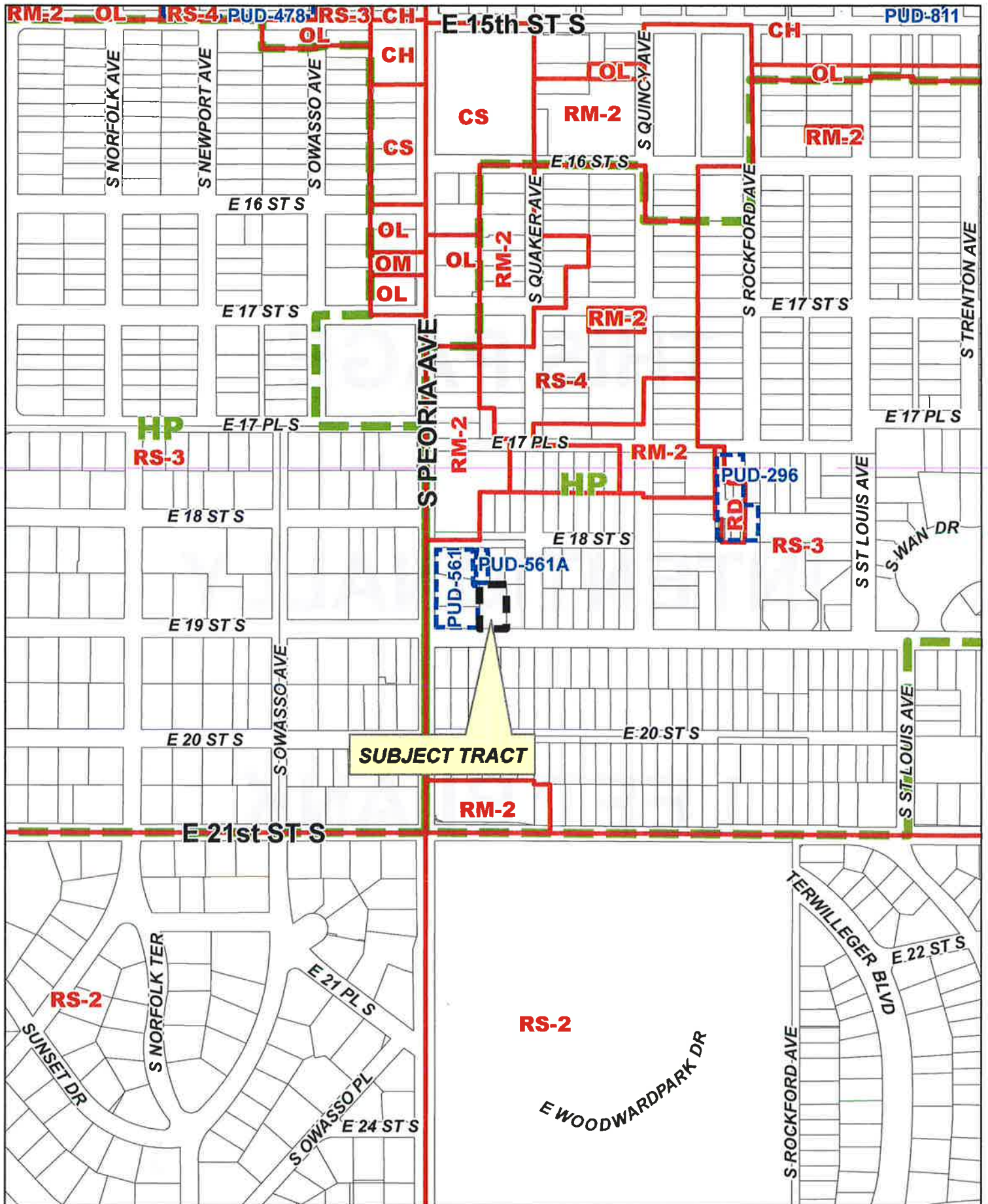
E-mail: esubmit@incog.org

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.

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BOARD OF ADJUSTMENT CASE REPORT

STR: 9307

Case Number: **BOA-22215**

CZM: 37

CD: 4

A-P#: N/A

HEARING DATE: 04/25/2017 1:00 PM

APPLICANT: Leah Krautter

ACTION REQUESTED: Appeal of an Administrative Official's decision to classify the use of the property as a Bed & Breakfast under Section 35.050-G.1.

LOCATION: 1315 E 19 ST S

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 12980.93 SQ FT

LEGAL DESCRIPTION: W90 E151 LT 6 BLK 25, PARK PLACE, SWAN LAKE TERRACE RESUB PRT L6&7 B25 PARK PLACE ADD, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Lot:

BOA 21981; on 01.12.16 the Board approved a variance to allow a two-story detached accessory building exceeding 18 feet in height; and exceeding 10 feet at the top of the top plate.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located in the Swan Lake Historic Preservation (HP) district and is surrounded by RS-3 zoned residences.

STAFF COMMENTS:

In the attached "Zoning Notice of Violation" the Administrative Official determined that the commercial use operated on the site is classified as a "Bed and Breakfast". The applicant is before the Board appealing the determination of an Administrative Official that a Bed and Breakfast is being operated on the subject site. The applicant and the Tulsa Working in Neighborhood Department have provided the Board with comments, documentation and records related to the requested appeal; these records are attached to this case report for the Board's review.

The applicant provided the following statement in the attached comments: *I have received notice that the City Zoning Official "received complaints" that I am running a bed and breakfast in my home without proper authorization from the City. My residence is very large; five of my children and I reside there. I am listed on the airbnb website, and ONLY that website. I do not prepare meals for my guests. I have no signage on my property. My guests do receive a welcome basket of bottled water and pre-packaged snacks. I have visited INCOG four times, and spent hours visiting with their helpful and knowledgeable staff. As nearly as we can determine, I do not technically fit the classification of a bnb (Bed and Breakfast) as described by the city zoning codes. I do not prepare meals, do not have any signage, do not advertise locally, and all activity is occurring within the family home where we also reside. Under RS-3 zoning, I have been advised that I may BY RIGHTS AND WITHOUT AN (SPECIAL) EXCEPTION rent rooms within my residence, as long as the total number of people residing in the home does not exceed that set by city zoning codes. I would assert that what I'm doing falls under the provision of simply "renting rooms".*

"Household Living" is a sub-category of the Residential Use Category.

Section 35.030-A: Household Living - This category includes uses that provide living accommodations for one or more persons. Household Living included residential occupancy of a dwelling unit by a household. When dwelling units are rented, tenancy is arranged on a month-to-month or longer basis. **Uses where tenancy is arranged for a shorter period are not considered residential; they are considered a form of lodging.**

Section 45.170 Rooming Units - Rooming units (a residential use) are permitted as an accessory to household living uses, provided that the total number of unrelated persons residing on the property does not exceed the number permitted in the household. No more than 8 unrelated people are permitted in a single household.

"Lodging" is a sub-category of the Commercial Use Category.

Section 35.050-G: Lodging - Uses that provide temporary **lodging for less than 30 days where rents are charged by the day or by the week.** Lodging uses sometimes provide food or entertainment, primarily to registered guests. Examples of specific lodging use types include but are not limited to:

- Bed and Breakfast -A detached house in which the owner/operator offers overnight accommodations and meal service to overnight guests for compensation.
- Hotel/Motel - An establishment, other than a bed and breakfast or rural retreat, in which short-term lodging is offered for compensation. A hotel/motel may include an accessory use bar.

In classifying uses on the basis of the use category, subcategory and specific use type the Code provides the following:

Section 35.020-E: Determination of Use Categories and Subcategories - When a use cannot be reasonably classified into a use category, subcategory or specific use type, or appears to fit into multiple categories, subcategories or specific use types, the development administrator or land use administrator is authorized to determine the most similar and thus most appropriate use category,

subcategory or specific use type based on the actual or projected characteristics of the principal use or activity in relationship to the use category, sub-category and specific use type descriptions provided in Chapter 35. In making such determinations, the development administrator or land use administrator must consider:

- The types of activities that will occur in conjunction with the use;
- The types of equipment and processes to be used;
- The existence, number and frequency of residents, customers or employees;
- Parking demands associated with the use; and
- Other factors deemed relevant to a use determination.

If a use can reasonably be classified in multiple categories, subcategories or specific use types, the development administrator or land use administrator is authorized to categorize each use in the category, subcategory or specific use type that provides the most exact, narrowest and appropriate "fit."

SECTION 70.140 APPEALS OF ADMINISTRATIVE DECISIONS

Appeals of administrative decisions may be filed by any person aggrieved by the land use administrator's, the development administrator's or other administrative official's decision or action. The board of adjustment is authorized to make determinations about whether individuals filing appeals are "aggrieved" by the decision or action.

In exercising the appeal power, the board of adjustment has all the powers of the administrative official from whom the appeal is taken. The board of adjustment may affirm or may, upon the concurring vote of at least 3 members, reverse, wholly or in part, or modify the decision being appealed.

The decision being appealed may be reversed or wholly or partly modified only if the board of adjustment finds that the land use administrator, the development administrator or other administrative official erred in their decision.

Sample Motion for an Appeal of an Administrative Official

Move to _____ (affirm, reverse or modify) the determination of an administrative official.

In reversing and/or modifying the determination the Board finds that the land use administrator, the development administrator or other administrative official erred in their decision.

Modification(s), if any _____

_____.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required; for the following property:

LTS 2 THRU 4 BLK 4, COLLEGE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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UNFINISHED BUSINESS

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21981—Leah Krautter

Action Requested:

Variance to allow a two-story detached accessory building exceeding 18 feet in height and exceeding 10 feet at the top of the top plate (Section 210.B.5).

LOCATION: 1315 East 19th Street South (CD 4)

Presentation:

Tom Neal, 2507 East 11th Place, Tulsa, OK; stated he is an Associate Member of American Institute of Architects and the Preservation Commissioner. The applicant is attempting to rebuild a garage and quarters that has been in place for over 80 years. The house itself dates from approximately 1918. There had been a two car garage with a living area upstairs, having two bedrooms and a bathroom. The building had been non-conforming in height for a number of years. There was a fire and some of the structure is still in place; the foundation and most of the east wall. Under the old and the new zoning code the building would probably qualify as an accessory building in terms of the setbacks and coverage of the required rear yard. There is a very unusual tree on the property; it is probably the first or second oldest Atlas Cedar in the State of Oklahoma and the homeowner is attempting to keep it alive. The hardship in this case is that Ms. Krautter has a rather large family, 12 children. While the house is fairly large there are times when her mother stays with her and the grown children, who now have children, stay with her so the idea is to recapture the two bedrooms that were lost in the fire. The proposed building is four feet taller than the original 22 feet and because it is a rebuild it is proposed to add two extra bathrooms. Mr. Neal had pictures placed on the overhead projector to show the relationship of the proposed garage in relation to the surrounding neighboring property.

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Mr. Van De Wiele asked Mr. Neal if the proposed garage was going to be larger than the original footprint. Mr. Neal stated that it will not be larger than the original footprint. The only difference will be that instead of a garage it will be more living space. Mr. Neal stated that the Zoning Code does not make any distinction whether there is an accessory building being built or a garage with quarters. Mr. Neal stated that it is also his understanding that the City treats an accessory building like the one proposed as allowable as long as the occupants are legally related to the occupants in the main house.

Mr. Neal stated that Ms. Krautter had entertained the idea of having a bed and breakfast for a source of income, but she was not aware of the zoning restrictions on a bed and breakfast so she is no longer considering that option.

Interested Parties:

Tom Baker, 1323 East 19th Street, Tulsa, OK; stated that he is opposed to the proposed project. Detached garages with quarters are not uncommon in the neighborhood because his garage had quarters when he purchased his house which is next door. He chose to convert the quarters to a small work shop. Last summer there was a fire in the subject garage while it was undergoing a non-permitted reconstruction. Mr. Baker stated that he mentioned the non-permitted aspect because it is consistent with the respect to public policy that the applicant demonstrates. The current proposal is not to recreate a garage but is to construct a second two-story 1,500 square foot residence with three bedrooms, each with an attached bath, and a kitchen and dining area. A second single family residence on the subject lot. While the applicant describes the need for the large and extended family sleeping area, which is self imposed situation, the plan repeated to many of the neighbors is expected to be operated as a bed and breakfast. The applicant can say that there will be no bed and breakfast but the construction is still the same as it was initially. The Comprehensive Plan describes the area as an existing neighborhood and an area of stability. Allowing a second residence and a commercial enterprise in this area will not contribute to the continued stability of the existing neighborhood. This plan will cause an increase in current heavy on-street parking, and will introduce a commercial enterprise into the residential HP District. The neighbors would ask the Board, should they approve this request, that they include appropriate language that ensures the structure will be used as presented; family sleeping quarters and not a commercial bed and breakfast use. That would be one way out and would place the burden on the neighborhood to make sure the applicant will comply with the public policy which they have repeatedly demonstrated an unwillingness to do.

Lynn Jones, 1320 East 19th Street, Tulsa, OK; stated that she has lived in the Swan Lake District since 1972 and she took part in the rally that turned the area into a historic area. Ms. Jones stated that she has been before the Preservation Board on three separate occasions to make changes to her property. She does follow the guidelines provided in the historic area outline. Ms. Jones stated that she is not in favor of the current application for the modification, to what she is now being told is a utility structure. The structure was presented to her by Ms. Krautter as a bed and breakfast

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with the remodeling of the existing and now burned down structure. Ms. Jones stated that she fears for her neighborhood and her neighbors if the structure is allowed to be over built. The occupation of that building, no matter whom, will create a major burden on what is now a stressed neighborhood street. There is only a single access lane when there is parking on both sides of the street. Due to the number of duplexes in a three block area the street is always full especially on the weekend when there are visitors. Ms. Jones stated that her driveway and Ms. Krautter's driveway are single car driveways spaced close together which limits the number of cars that can be parked in them. Nineteenth Street is a major thoroughfare for the Fire Department to St. John's Hospital. Almost daily a fire truck traverses the street to get to St. John's and they have completely blocked the street in fighting a fire, such as Ms. Krautter's. Ms. Krautter has access to a three-story house so the overbuild seems extreme. The architect has stated that Ms. Krautter has 12 children but three of the children are adults and live off site, there are several in college and at least one child lives with his father. Ms. Jones stated that the structure she has seen faces the street and looks like an additional house which is puzzling since the Preservation Committee is so stringent on what can be viewed from the street. Ms. Jones would ask the Board to consider the needs of the neighborhood and deny the application. Ms. Jones also suggested that Section 8E, E1-0-3 in the preservation zoning rules be reviewed which regards new construction on non-contributing structures.

Mr. Henke asked Ms. Jones if, in terms of the request today it is to increase the height by four feet, she is saying that is over building for the neighborhood and not in keeping with the neighborhood. Ms. Jones stated that the old garage was a two-bedroom with a kitchenette and a bath. Now the discussion is for three bedrooms, three baths, a dining and a kitchen which is the possibility of three separate people. Ms. Jones stated that for her it is an over build for the neighborhood, specifically, because the neighborhood does not have the street to accommodate the numbers of people that could be in the new structure. The neighbors also fear that it will be used as a bed and breakfast even though the architect has said that is not an issue. Mr. Henke stated there is no limitation on the number of bedrooms allowed in a structure or a number of bathrooms. Mr. Henke stated the structure is proposed to be taller but the footprint will be the same. The applicant is here today for the hardship of the height and if the Board were to approve this there would be conditions that the structure cannot be used for something that is not legal.

Mr. Van De Wiele asked if there was something in the old code or the new code that prohibits more than one dwelling unit per lot. Mr. Henke stated this is not an additional dwelling. Mr. Van De Wiele stated that if the things being added make it a dwelling unit it is. Ms. Miller stated there is a provision in the Code, Section 207, that does limit one dwelling unit per lot. Ms. Miller stated there are times when a person wants to add an accessory dwelling unit for a rental, but there is a Variance required for that. Mr. Van De Wiele stated the Board has had matters before the Board that determines what is and what is not a dwelling unit; isn't it sleeping quarters, bathroom, or kitchen? Ms. Miller stated that there are people that did not previously have an accessory building unit that built but they had to come before the Board for a Variance for the additional

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dwelling unit which contained a full kitchen, bathroom and all that. Mr. Swiney stated that his understanding is that there can be a second building, like a garage with living quarters in it, but with a kitchen, bath and bedroom in it as long as it is only family or employees of the family living in the structure. Mr. Van De Wiele asked if a person can have all of those things provided it is family members living there. Mr. Swiney answered affirmatively.

Ms. Jones asked that the Board members remember that the structure was a garage apartment with space for two cars. The initial footprint does allow for what is being discussed but the original structure was a garage.

Chip Atkins, 1638 East 17th Place, Tulsa, OK; stated that as an associate of the subcommittee for historic preservation and he has been called several times about this project. This project is not a garage. This structure looks like a house. It is a house because there is no garage to the proposed structure at all. This is actually a whole additional structure. The statements of imposing family is not a hardship; it is a self imposed hardship. This is injurious to the neighborhood. Mr. Atkins stated that he has looked at all the codes and tried to figure it out. Garage apartments are in the neighborhood and are prevalent in the neighborhood, but they are not a house. There are not garage apartments like this. They are called garage apartments because of the garage storing cars. He does not see this as an accessory structure, but sees it as a house and nothing more.

Mr. Henke stated that in the terms of the City's position this is an accessory building because it is not a garage for the car.

Mr. Van De Wiele asked if a second dwelling unit is an accessory? Ms. Miller stated that in looking at the definition for a dwelling unit in the Code, and it says, "a room or group of rooms arranged, intended, or designed as a habitable unit, containing kitchen, bath and sleeping facilities for not more than one family living independently of any other family." Ms. Miller stated this would be an interpretation of that. Mr. Van De Wiele stated this is all one family so is this an accessory building first? Ms. Miller stated that Mr. Swiney's thought is that it is all of that. It is one family constituting a dwelling. Mr. Swiney stated that is what he said when there is an accessory building, but Mr. Atkins pointed out that there is no garage in this structure. Mr. Van De Wiele asked if there is a definition for accessory building? Mr. Swiney stated that "Accessory Use Or Structure: is a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure." Mr. Swiney stated that clearly indicates a garage. By eliminating the garage feature of the accessory building that it is no longer an accessory building, then it becomes another dwelling unit.

Sheila Baker, 1323 East 19th Street, Tulsa, OK; stated she lives next door and would like to address one more issue. There is an issue of trash because there is always trash in the back yard. This will only add more trash that, obviously, they do not have a way to dispose of. In doing away with the garage means they will not have an area for their trash. Ms. Baker asked if the height Variance is approved what will be the next

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step after today. Mr. Van De Wiele asked Ms. Baker what she meant by that statement. Ms. Baker stated that if the Board approves the height Variance does that mean the Board is approving the whole structure to be built? Mr. Henke stated the applicant has only asked for relief under the Code for the height Variance, and the City's interpretation of the garage/accessory/dwelling unit. The Board is just addressing the height today. Depending on what happens today the neighbors can appeal the decision if they are unhappy with the decision or the applicant can appeal the decision if they are unhappy with the decision.

Ms. Baker stated that another point she would like the Board to consider is that everyone in the neighborhood have large extended families, and if all the neighbors were to build another house on their lots it would be a messy neighborhood. Parking is a big problem. Whether it is family living there or whether it is rented out it is still adding more cars.

Mr. Chip Atkins came forward and asked if the application is approved will there be any special conditions, because there will be two full houses on the subject lot which is zoned single family not RM-2. What happens to the house if the current owner chooses to sell? Mr. Henke stated that whoever buys the subject property would be bound by the Code and the Code is specific on how a property can be used. Mr. Atkins stated that he understands that but what happens under the new Code since it is less specific. He would like to have something in writing since this application is under the old Code.

Rebuttal:

Mr. Tom Neal came forward and stated that it is his understanding that the City of Tulsa has never designated specifically what an accessory building is. It has never mandated that a garage and only a garage can be an accessory building. Historically the City has had wash houses and other kinds of small dependencies on a house. Quarters that were sometimes separate from a garage. Garages that have been turned into quarters. Mr. Neal stated that he would like to make note that when driving past the subject property, there are six or seven houses immediately across the street and adjacent that have substantial quarters. Ms. Jones garage apartment in the back, from the street, looks as every bit as tall as what is proposed today. Mr. Neal reiterated that this is not in essence a brand new house, this is something rebuilt where there was something there before. There were two bedrooms. There were already living quarters.

Mr. Van De Wiele asked Mr. Neal that if the Board were to just focus on height, which he understands that is what the applicant would like for the Board to focus on, what is the hardship for going above 18 feet? What is the hardship from going from 18 to 26 feet or going from 22 to 26 feet? Mr. Neal stated that it allows the applicant to have a little more room and respect the existing footprint. Respect the existing footprint because the applicant is trying to work into the historic neighborhood. Also, in recognition that the applicant does have a very large family who come home for the holidays. There is a distinct possibility that the applicant's mother, who is 75, may come to live with her and it seems like an ideal situation to have a place where a senior can have some measure of independence but also be close enough to get help from the

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family. Mr. Neal stated that under the new Code or the old Code that the dependency and the main house be occupied by legally related people. That is not going to change. Mr. Neal stated that it is his understanding that the applicant could, by right, still build an accessory building with 10 foot height plate with an 18 foot maximum height based on 40% of the main house. The main house is 4,400 square feet using the basement which is legally allowed to be part of the tabulation even though it is not habitable. The applicant by right could build a 1,600 square foot dependency in the back yard. By attempting to save the old tree, what is being proposed has less impact.

Mr. Van De Wiele stated that the Board sees a lot of the old detached garages, and what he is hearing is that the basis and hardship that is given is to replace or rebuild a garage that was there. But the applicant is not doing that and that is what he is struggling with. The hardship is because the applicant is wanting to replace a garage with a couple of bedrooms into what Mr. Van De Wiele truly believes to be a second dwelling unit permitted or otherwise. Mr. Van De Wiele stated he is having a hard time with the hardship for the extra four feet or the 22 to 26 feet.

Mr. Neal asked if the applicant were asking to rebuild essentially what existed previously and 22 feet in height would that work? Mr. Van De Wiele stated that he can get the 22 feet because it is rebuilding what the applicant had. Mr. Neal stated that he believes the issue with the garage is irrelevant because it is the home owner's prerogative whether they use the space for lawnmowers, storage, garage or ping-pong table. Mr. Van De Wiele stated there houses all over Tulsa where people have made a bedroom out of an attached garage, so he does not think the Board can get into what the structure is being used for but he is having a hard time with the hardship.

Mr. Neal asked what he would need to do if his client were amiable to what the Board is suggesting. Mr. Henke stated the Board can grant less than what the applicant has asked for. Mr. Henke stated that he can agree with Mr. Van De Wiele and that is typically what the Board sees and allows structures to be rebuilt. Mr. Henke stated that he is having a hard time with the hardship for the Variance.

Mr. Neal conferred with his client and stated that his client is agreeable with the height. Mr. Flanagan asked Mr. Neal if his client were still considering running the structure as a bed and breakfast. Mr. Neal stated that his client understands that if she were to try that she would need to come before the Board to receive a Special Exception, and she has repeatedly stated that it is her intention to do everything to the letter of the Code and regulations.

Mr. Neal stated that to put it in context, there are several neighbors that rent out their properties, and are in large measure doing precisely that to which they are objecting. There may even be a bed and breakfast within the 300 foot notification limit.

Comments and Questions:

None.

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Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the request for a Variance to allow a two-story detached accessory building exceeding 18 feet but not exceeding 22 feet in height and exceeding 10 feet at the top of the top plate (Section 210.B.5), subject to conceptual plan 2.13 showing the existing footprint of the accessory building which is generally where the new accessory building will be located. This approval is subject to the further condition that the footprint of the building is not changing. Finding that the subject accessory building was damaged by fire and is need of reconstruction, and with the further condition that absent approval in the future this will be living quarters portion of the accessory building for family purposes only and not for commercial use as a bed and breakfast lease units or otherwise. Finding that due to the mentioned fire these constitute 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:

W90 E151 LT 6 BLK 25, PARK PLACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21995—Carl and Leslie Barnes

Action Requested:

Variance of the minimum lot width requirement for Tract 1 and Tract 2; Variance of the minimum lot area and land area per dwelling unit requirement for Tract 2 to permit a lot-split (Section 403, Table 3). **LOCATION:** 26 East 25th Street South (CD 4)

Mr. White recused at 1:49 P.M.

Presentation:

Carl Barnes, 214 Woodward Boulevard, Tulsa, OK; stated this is the second attempt to receive a Variance. What is presently there are two tracts which have always been taxed separately with separate legal descriptions. The previous application requested that 12'-6" be moved from the west tract to the east tract. Tract 1 is a vacant lot and Tract 2 has a residence on it. Tract 2 is 50'-0" wide and Tract 1 is 62'-6" wide. The objections under the first application were the 50 feet would not be wide enough to build a house that would be appropriate to the neighborhood. Based on observing the other houses in the neighborhood he thought differently because there are other 50 foot lots. Today the request is little different from the previous application. Mr. Barnes stated that

Moye, Nikita

From: Leah Krautter [dansingmom@gmail.com]
Sent: Thursday, March 30, 2017 1:52 PM
To: Moye, Nikita
Subject: Krautter response letter

Dear Board of Adjustment members,

My name is Leah Krautter, and I own the property at 1315 East 19th Street in Swan Lake historic district. I have received notice that the city zoning official "received complaints" that I am running a bed and breakfast in my home without proper authorization from the city.

My residence is very large. Five of my children and I reside there. I am listed on the airbnb website, and ONLY that website.

I do not prepare meals for my guests. I have no signage on my property. My guests do receive a welcome basket of bottled water and pre-packaged snacks.

I have visited INCOG four times, and spent hours visiting with their helpful and knowledgeable staff. As nearly as we can determine, I do not technically fit the classification of a bnb AS DESCRIBED BY THE CITY ZONING CODES. I do not prepare meals, do not have any signage, do not advertise locally, and all activity is occurring within the family home where we also reside.

Under RS-3 zoning, I have been advised that I may BY RIGHTS AND WITHOUT AN EXCEPTION rent rooms within my residence, as long as the total number of people residing in the home does not exceed that set by city zoning codes. I would assert that what I'm doing falls under the provision of simply "renting rooms". The crucial difference is that renting rooms as I currently do on airbnb results in a sprinkling of cars, typically 1-3, parked on my property or on the street, typically clustered on the weekends. These folks have already been checked out by airbnb, they have money to travel, and they are drawn from a generally much higher socioeconomic group than the average individual who might be seeking to rent out a room in a home. It is worth mentioning here that all three of the properties directly across from me rent out space. Two neighbors, including Ms. Jones, rent or have rented garage apartments and one rents out the lower floor of their duplex. All of these rentals result in street parking, which we all simply work around in a neighborly fashion. There is no shortage of parking. Additionally, I have already obtained a building permit for quarters on my property, and part of that project will involve provision for additional off-street parking.

There is no question that there really isn't a city "code" that particularly addresses airbnb. For my part, I'd much rather rent for fewer days each month to a select, pre-screened group than rent out rooms all month long to low income individuals whose vehicles would be parked on the street every day.

Finally, I'd like to communicate clearly that I'm coming before the board desiring to come up with a positive strategic plan. I believe we can address the needs and concerns of all, creating a plan that reflects well on Tulsa, is in keeping with the style and spirit of Swan Lake, and is in no way injurious to the neighborhood.

It is not my personal style to create an oppositional, combative climate amongst neighbors. Sadly, there are some in my area who would prefer gossip and dealing under the table to straightforward discussion with their neighbors. Often, people prejudice and fear what is new or different, but when fear and ignorance become actions that trample the basic rights and reputation of others, good folks need to stand up and draw reasonable boundaries.

For my part, I intend to do everything in my power to keep my family home, the home my children grew up in and return to for family gatherings, the home we've owned now for 27 years. At the same time, I will go out of my way to build community and demonstrate basic human kindness to others. Thank you so much for your time and thoughtful consideration of this issue.

Leah Krautter



Neighborhood Investigations
WORKING IN NEIGHBORHOODS

ZONING NOTICE OF VIOLATION

The City of Tulsa To:

Date: February 9, 2017

KRAUTTER, PAUL MARSH AND
LEAH RENEE
1315 E 19TH ST
TULSA OK 74120-7603

You are hereby notified that the violation (s) maintained, operated or permitted to exist by you at **W90 E151 LT 6 BLK 25, PARK PLACE**, addition to the City of Tulsa, TULSA County, State of Oklahoma.

And located at the address of: **1315 E 019 ST S**

Consisting of: (Official Ordinance Cited Information (if any) is on reverse.)

Title 42, Chap. 05, Sect. 020,
Title 42, Chap. 40, Sect. 060,
Title 42, Chap. 85, Sect. 020,

This Violation requires:

This Notice requires compliance to Use Restriction of Title 42 (Bed & Breakfast) Use in the RS-3 Zoned District is prohibited without a Special Exception from the Board of Adjustment. All commercial use and advertisement associated with the Bed and Breakfast is required to be removed until approval is granted by the Board of Adjustment.

To be in compliance with Municipal Codes, you will need to comply with this notice within 10 days. FAILURE TO COMPLY MAY RESULT IN THE ISSUANCE OF A CITATION OR CIVIL REMEDIAL PENALTIES NOT TO EXCEED \$1,000.00 PER DAY. You may appeal the administrative official's decision within 10 DAYS by filing a complete appeal application with the administrative official and INCOG located at Williams Tower II, 2 West 2nd Street, 8th Floor, Tulsa, Oklahoma, 74103. Appropriate fees must accompany your appeal application to INCOG. In addition, you may want to contact INCOG at 584-7526 to obtain information on filing an application for a special exception or variance related to your violation instead of appealing the decision.

Complaint No: 117799

TIM CARTNER
Neighborhood Inspector
(918)596-7218 Office phone
918-576-5468 Fax

Meetings with Inspectors require a scheduled appointment.

A copy of this notice has also been sent to (if applicable):

Moye, Nikita

From: Cartner, Tim [TCARTNER@cityoftulsa.org]
Sent: Friday, March 03, 2017 7:25 AM
To: Moye, Nikita
Cc: Miller, Susan; Stout, Traci
Subject: RE: BOA 22215, Appeal of an Admin. Official
Attachments: 1315 E 19th street.docx; Complain No. 117799, Leah Krautter

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red category

Good Morning Nikita,

Attached are commercial advertisements for the Bed& Breakfast for the property located at 1315 East 19th Street. Websites advertising at the time of notice issuance were;

Alltherooms.com
Airbnb.com
Tripadvisor.com/vacation rentals.com

I have also included email from Attorney Laurie Phillips representing Mrs. Krautter with information stating she will file for Special Exception to allow the Bed and Breakfast to operate lawfully.

Myself or a Lead Inspector will attend the appeal to represent the City.

Thanks so much

AllTheRooms.com Bringing you every room on the planet - Internet Explorer

http://alltherooms.com/search?location=1315%20E%2019th%20St,%20Tulsa,%20OK,%2074106

File Edit View Favorites Tools Help

ICOT - City of Tulsa Intranet Suggested Sites Web Site Gallery Change Internet Password City of Tulsa - Engineering ... CityWeb

Home/Apartments (36)
Hostels (0)
Bed & Breakfasts (4)
Other types (86)

reset

Booking Options

Refine your search

Price (Per night)
\$26 \$770

Distance
12 miles from City center

Landmark or address

User Reviews

Search by name

Hotel Star Rating*

Top Providers*

Airbnb (96)

Bedroom

Details Gallery Location Rating

Magnolia Suite
2br Bed & Breakfast

Website
Pets OK

flipkey
\$78

Visit Deal >

Address: 1315 E 19th St

Map Satellite

Map data ©2017 Google Terms of Use Report a map error

Hard Rock Hotel and Casino Tulsa Good
5-Star Hotel ★★★★★ 372 reviews

Gym - Parking - Pool - Win
Handpicked

Hotels.com
\$144

Visit Deal >

http://www.airbnb.com/rooms/11111111

Magnolia Suite at Magnolia House

File Edit View Favorites Tools Help

WIN (2) Agent Desktop WIN oscn The Oklahoma Supre... TULSA County - Login Suggested Sites Property Search - Tulsa C... Change Internet Password Content Mgt Doc Imaging

View Photos

\$59 Per Night

Overview Reviews The Host Location

Wendy

Private room 4 Guests 1 Bedroom 2 Beds

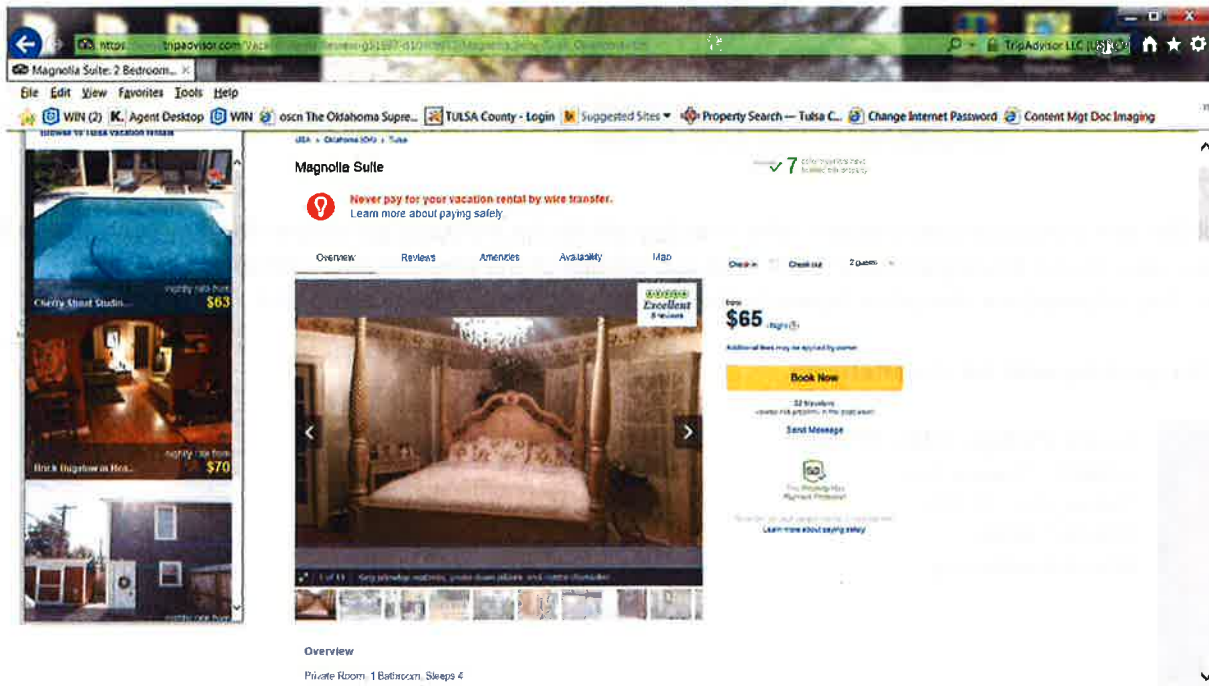
Check In: mm/dd/yyyy Check Out: mm/dd/yyyy

Cancellation: Equal

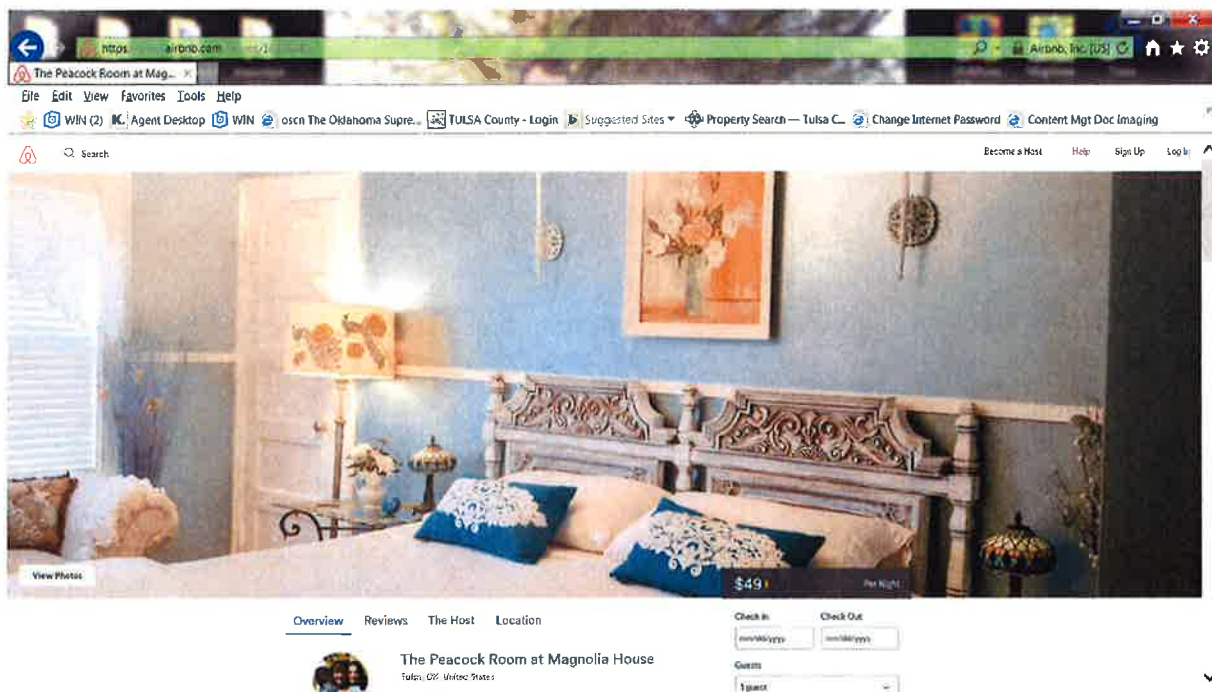
Book

You won't be charged yet

Share this listing



The Peacock Room at Magnolia House



Moye, Nikita

From: Laurie Phillips [LPhillips@918Lawyer.com]
Sent: Thursday, February 16, 2017 3:51 PM
To: Cartner, Tim
Cc: dansingmom@gmail.com; Sent Mail
Subject: Complain No. 117799, Leah Krautter

This will confirm our telephone conversation. Mrs. Krautter will file for an exception so that she may operate as a Bed & Breakfast pursuant to the municipal codes. I will keep you advised of the progress and send you a copy of the application. You informed me that other homes in the area also received a similar complaint.

Thank you for speaking with me this afternoon.



Laurie Phillips, OBA #19910
1408 S. Denver Ave.
Tulsa, OK 74119
918.587.8800
866.436.0304 fax



0 Feet 50 100



Subject
Tract

BOA-22215

19-13 07

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

Aerial Photo Date: February 2016



1.18



0 Feet
200
400



Subject
Tract

BOA-22215

19-13 07

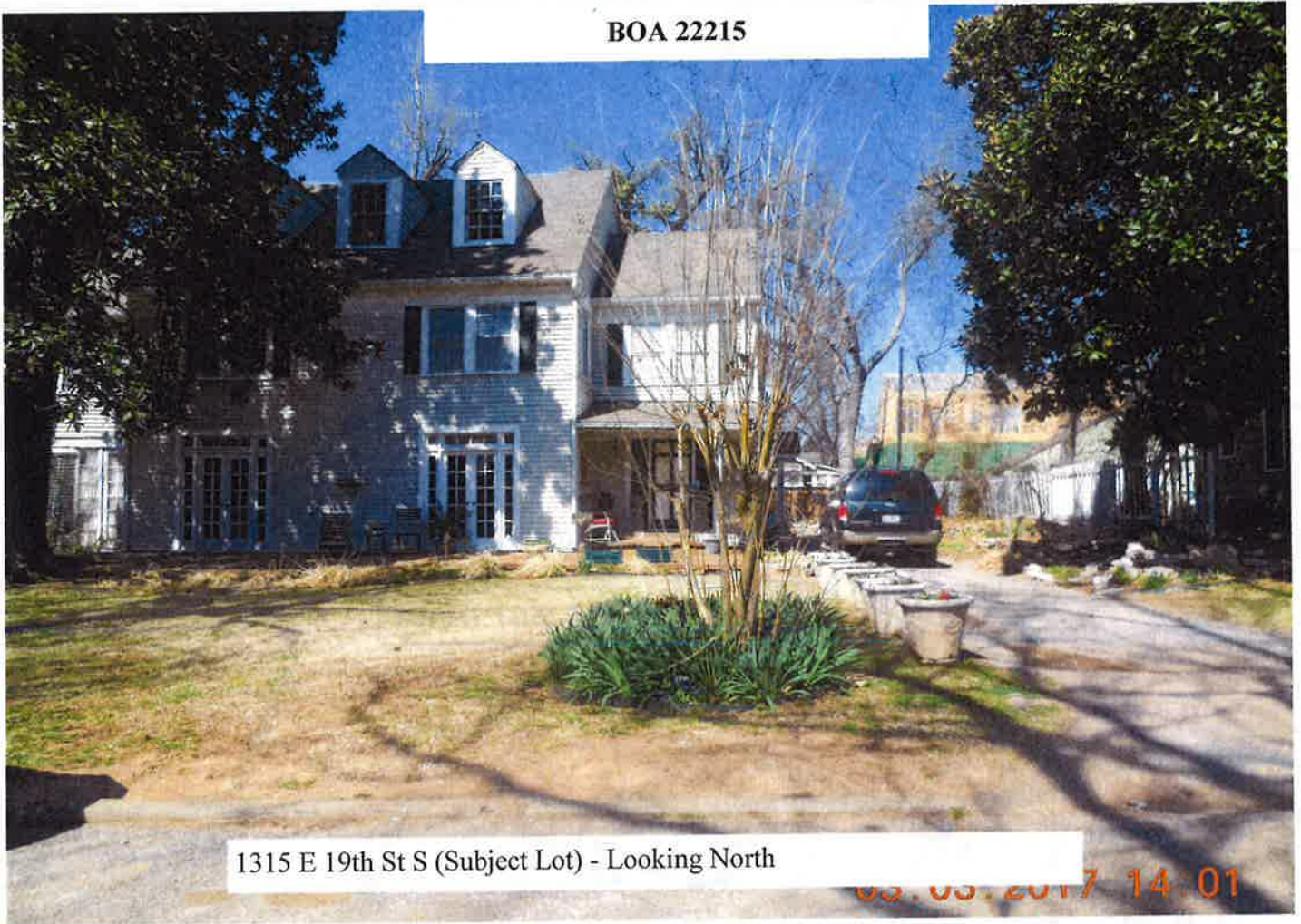
Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: February 2016



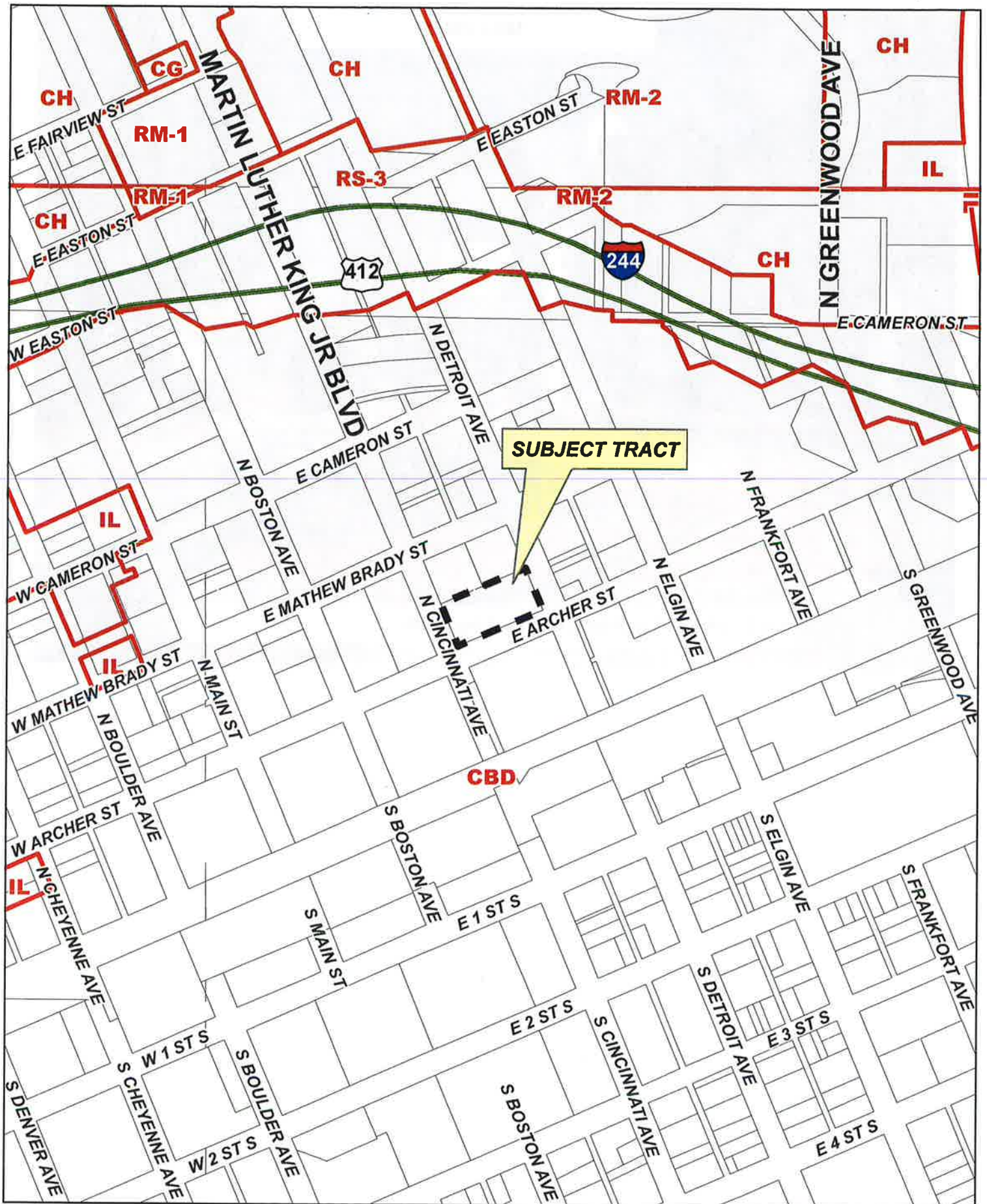
1.19

BOA 22215



1315 E 19th St S (Subject Lot) - Looking North

03.03.2017 14.01



BOA-22225

2.1

19-12 01



BOARD OF ADJUSTMENT CASE REPORT

STR: 9201

Case Number: **BOA-22225**

CZM: 36

CD: 4

A-P#: 416113

HEARING DATE: 04/25/2017 1:00 PM

APPLICANT: Stanton Doyle

ACTION REQUESTED: Verification of spacing requirement of 300 feet from any public park, school or religious assembly use and the public entrance doors to not be located within 50 feet of any R-zoned lot to permit a jazz club/bar in the CBD District (Section 40.050-A).

LOCATION: 108 N. Detroit Ave. (213 E ARCHER ST N) **ZONED:** CBD

PRESENT USE: Commercial Lot

TRACT SIZE: 43799.76 SQ FT

LEGAL DESCRIPTION: ALL LTS 3 & 4 & SLY46 LTS 2 & 5 & SLY 146 VAC ALLEY BLK 43, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA-22121; on 07.21.16, the Board accepted a spacing **verification** for a bar in the CBD district; located S of the SW/c E Mathew Brady St & N Boston Ave.

BOA-21389; on 02.14.12, the Board accepted a spacing **verification** for a bar in the CBD district; located at 13 E BRADY ST N

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by CBD zoning and a variety of Commercial and Retail uses.

STAFF COMMENTS:

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

1. Public entrance doors of bars may not be located within 50 feet of any R-zoned lot, as measured in a straight line from the nearest point on the R-zoned lot (not including R-zoned expressway right-of-way) to the nearest public entrance door of the bar or the nearest portion of any outdoor seating/dining area, whichever results in a greater setback.

2. Bars may not be located within 300 feet of a public park, school or religious assembly use; the separation distance must be measured from the nearest property line of such public park, school or religious assembly use to the nearest perimeter wall of the bar.

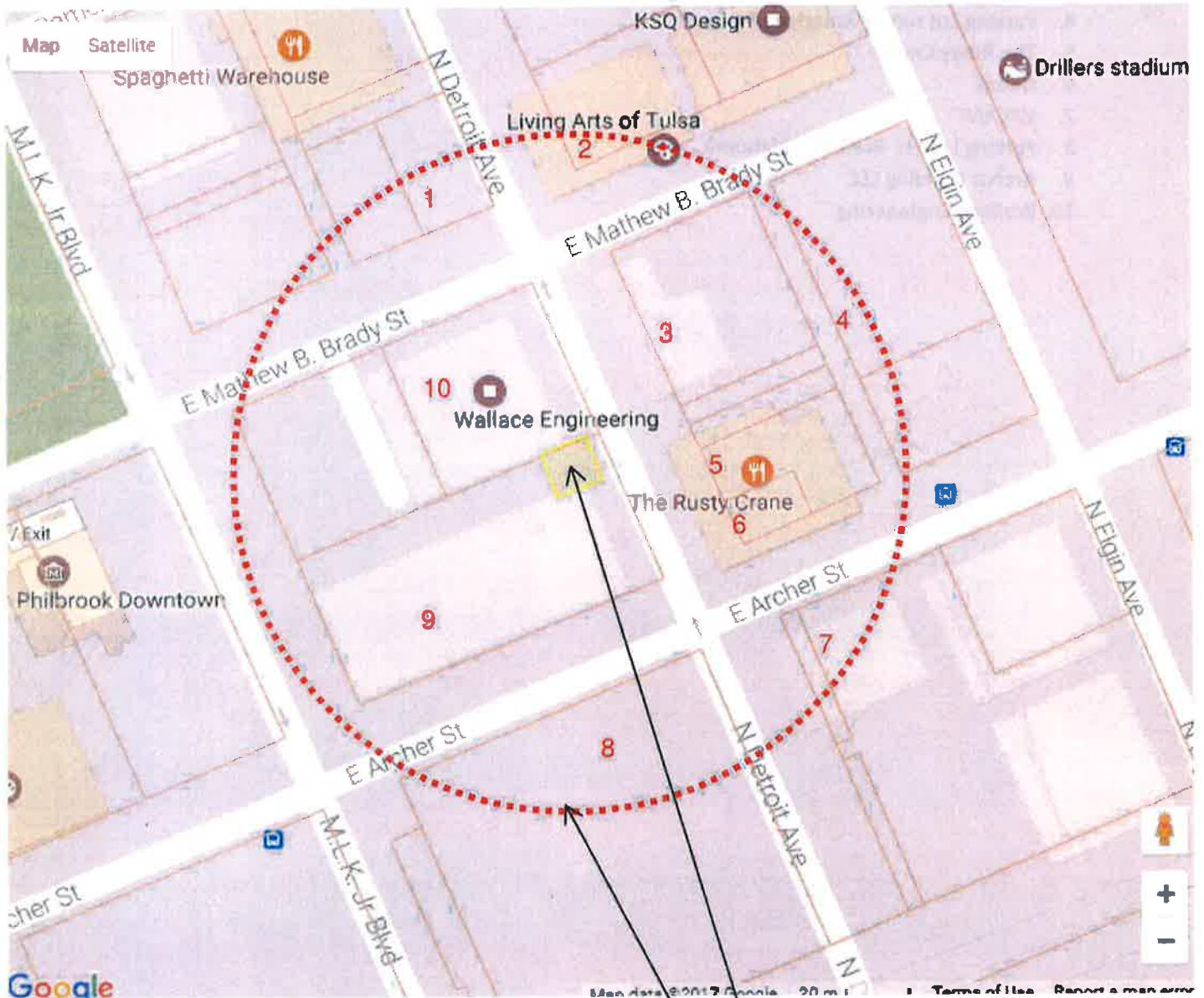
The applicant has submitted a map indicating the required spacing radius of 300 ft from the perimeter walls of the proposed club/bar; the attached map list surrounding uses within the 300 ft radius. There do not appear to be any public parks, churches, or schools within 300 ft of the proposed club/bar.

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

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

Sample Motion:

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



SPACING VERIFICATION (108 North Detroit Avenue, Tulsa, OK 74103)

1. Parking Lot for **Spaghetti Warehouse**
 2. **Living Arts of Tulsa**
 3. **Walsh Branding**
 4. Parking Lot run by **American Parking**
 5. **The Rusty Crane**
 6. **Gitwit**
 7. **VACANT**
 8. Parking Lot for **Bank of Oklahoma**
 9. **Archer Building LLC**
 10. **Wallace Engineering**
-



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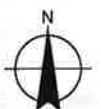
Subject Tract

BOA-22225

19-12 01

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

Aerial Photo Date: February 2016



2.6



0 Feet 50 100



Subject
Tract

BOA-22225

19-12 01

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

Aerial Photo Date: February 2016



2.7

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 992363-1

March 07, 2017

STANTON DOYLE
THE GEORGE KAISER FAMILY FOUNDATION
7030 S YALE AV STE 600
TULSA, OK 74136

Phone: (918)392-1612

APPLICATION NO: **416113** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **108 N DETROIT AV E**
Description: **ALTERATION - INTERIOR**

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

(continued)

REVIEW COMMENTS

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

Application No. 416113

108 N DETROIT AV E

March 07, 2017

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

Sec.40.050-A: The proposed nightclub is located in the CBD zoning district and is subject to the following separation distance requirements:

1. Public entrance doors of bars may not be located within 50 feet of any R-zoned lot, as measured in a straight line from the nearest point on the R-zoned lot (not including R-zoned expressway right-of-way) to the nearest public entrance door of the bar or the nearest portion of any outdoor seating/dining area, whichever results in a greater setback.
2. Bars may not be located within 300 feet of a public park, school or religious as-assembly use. The separation distance required by this paragraph must be measured from the nearest property line of such public park, school or religious as-assembly use to the nearest perimeter wall of the bar.
3. Bars may not be located within 300 feet of any other bar or sexually oriented business establishment, except in the CBD district. The required separation distance must be measured in a straight line between the nearest perimeter walls of the portions of the buildings occupied by the bar or sexually oriented business establishment.
4. Religious assembly uses include all contiguous property owned or leased by the religious organization upon which the principal religious assembly building is located, regardless of any interior lot lines.
5. Schools include all contiguous property owned or leased by the school upon which the principal school building is located, regardless of any interior lot lines.

Review comment: Submit a speciation verification that has been reviewed and approved per Sec.70.110.

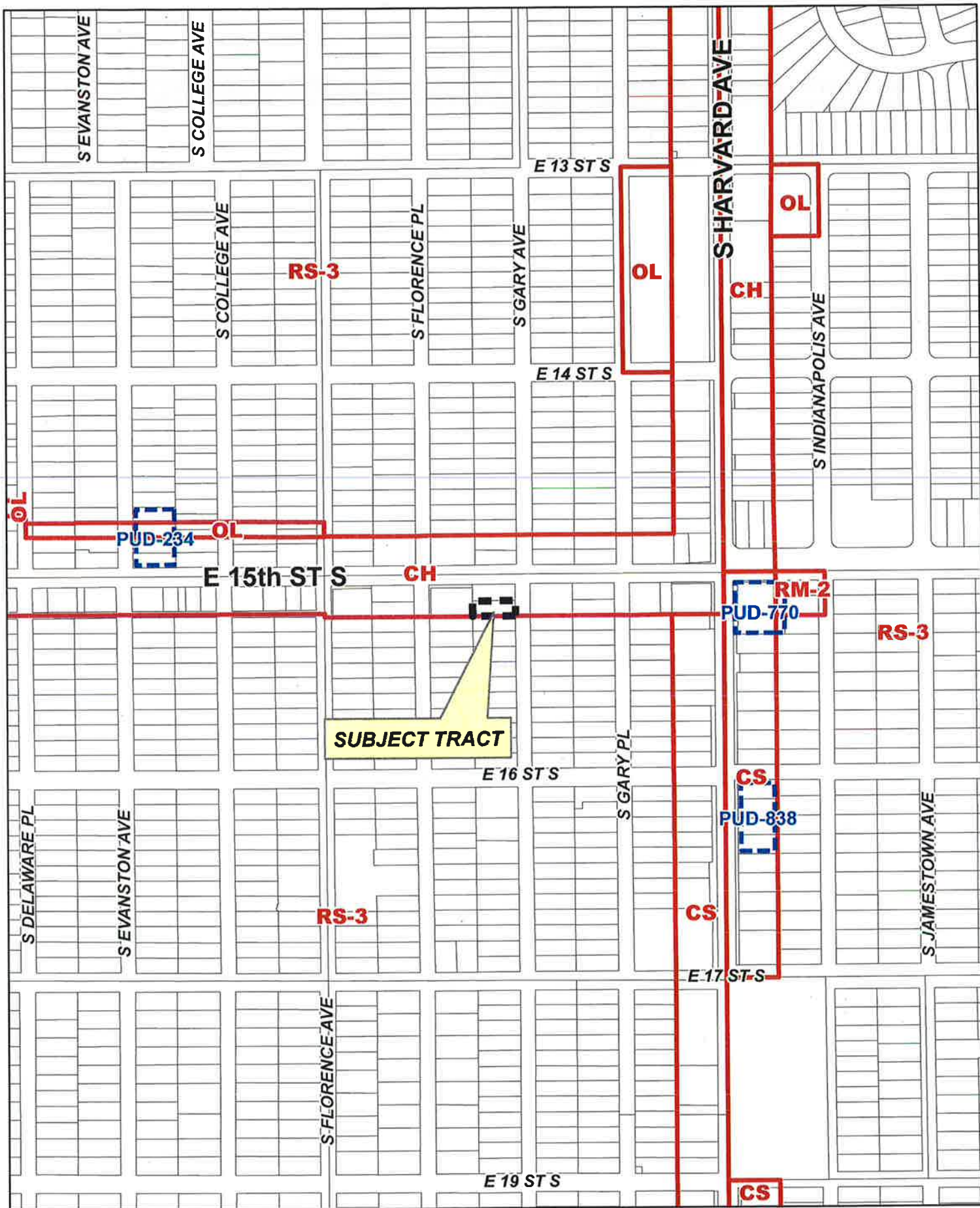
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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

END – ZONING CODE REVIEW

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

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



BOA-22226

19-13 08

3.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9308

Case Number: **BOA-22226**

CZM: 37

CD: 4

A-P#: N/A

HEARING DATE: 04/25/2017 1:00 PM

APPLICANT: Stephen Schuller

ACTION REQUESTED: Special Exception to permit an existing detached house in a CH district.
(Section 15.020, Table 15-2)

LOCATION: 1508 S GARY AV E

ZONED: CH

PRESENT USE: Residential

TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: LT 2 BLK 3, EXPOSITION HGTS ADDN, 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 a "Main Street" and an "Area of Growth".

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by CH zoned commercial on the north; RS-3 zoned residencies abuts the site on the south east and west.

STAFF COMMENTS:

The applicant is before the Board requesting a Special Exception to permit a existing single family home in a CH district; the applicant is attempting to bring the existing residence into conformance with the current zoning Code.

3.2

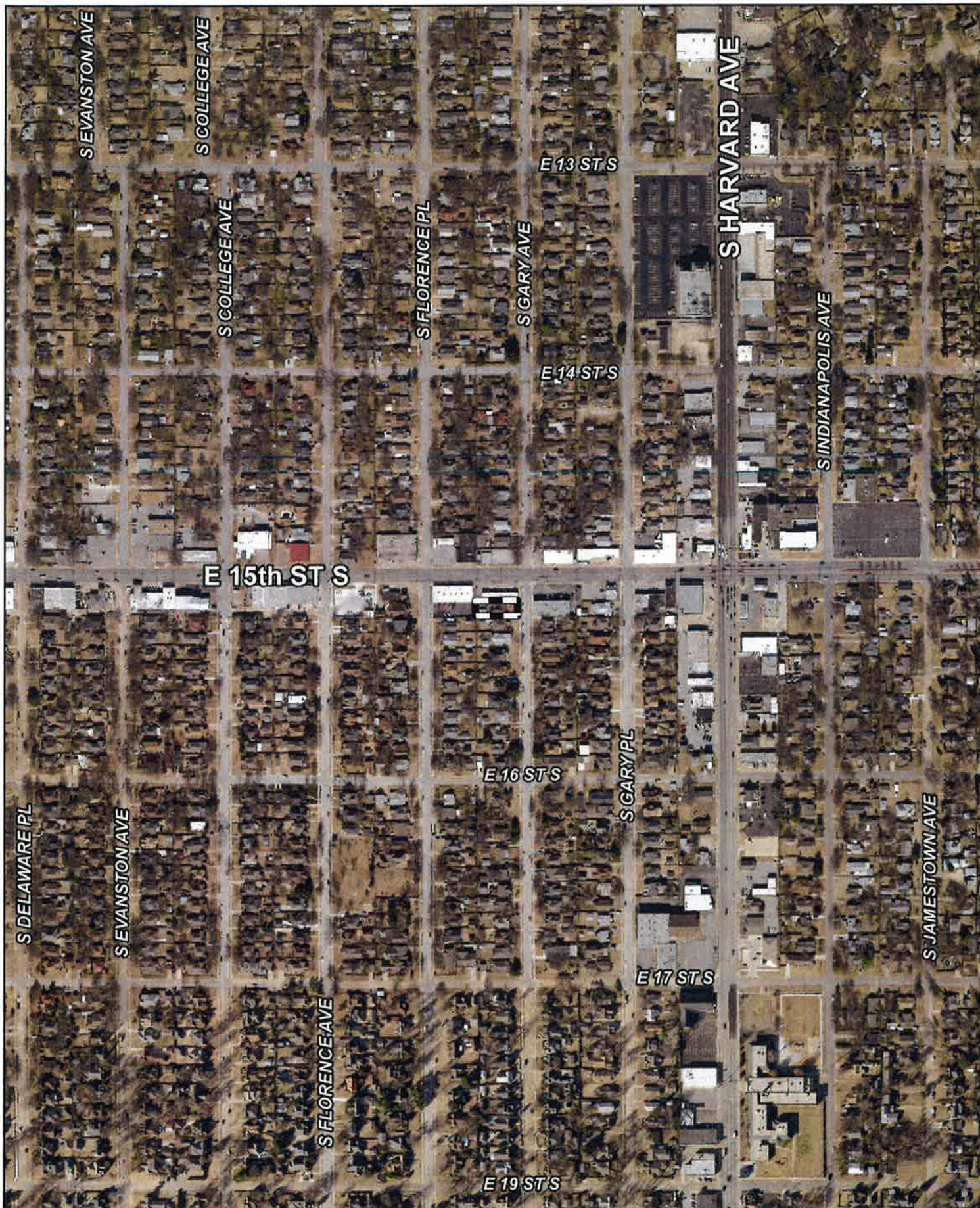
A Special Exception is required as the existing detached residence is a use which is not permitted by right in the CS district because of potential adverse affect, but if controlled as to its relationship with the surrounding neighborhood may be permitted.

Sample Motion for a Special Exception

Move to _____ (approve/deny) a Special Exception to permit an existing detached house in a CH district. (Section 15.020, Table 15-2)

- Subject to the following conditions, 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
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Subject
Tract

BOA-22226

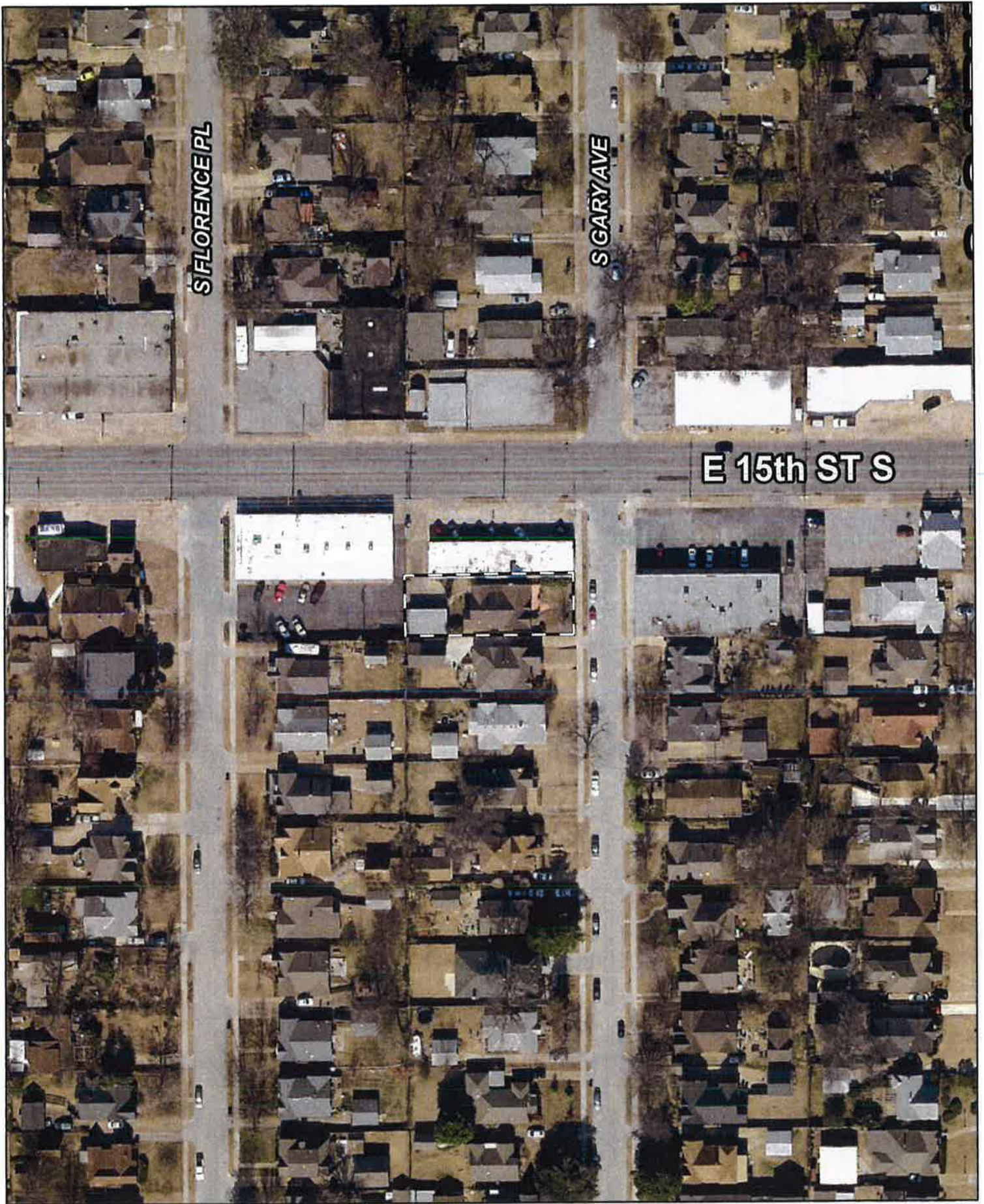
19-13 08

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

Aerial Photo Date: February 2016

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Subject
Tract

BOA-22226

19-13 08

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

Aerial Photo Date: February 2016

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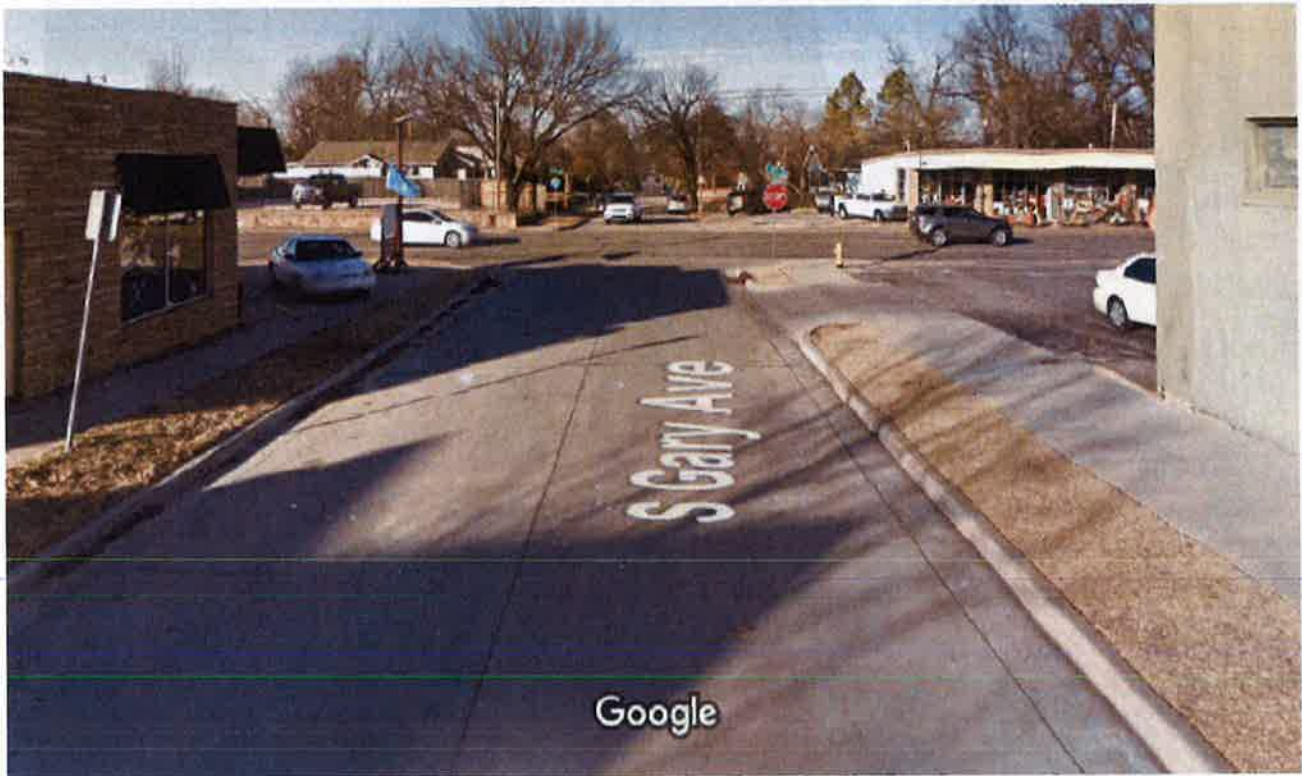


Subject Lot - Looking West



Gary Ave (Street View) - Looking South Amended 3.6

BOA 22226

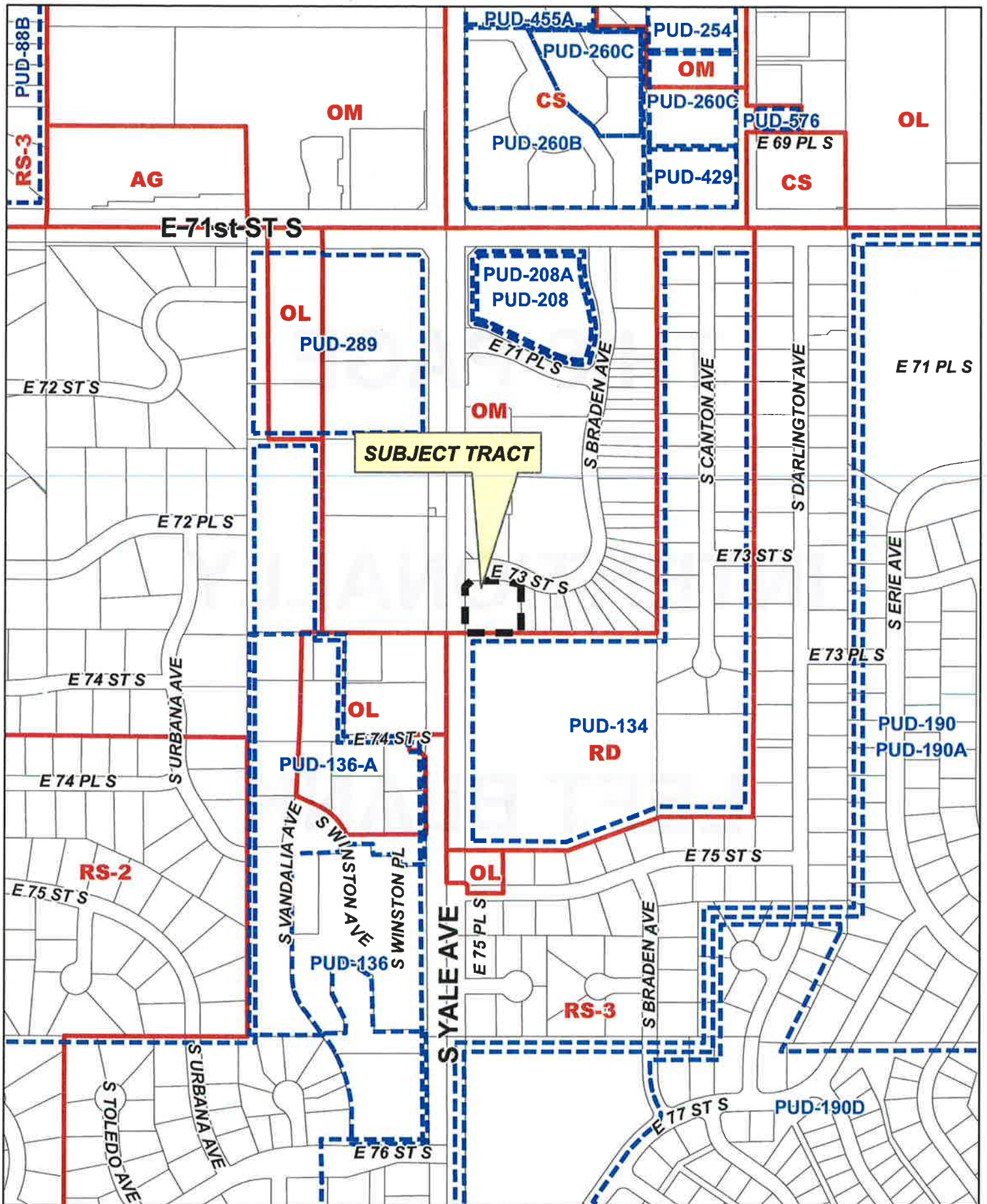


S Gary Ave (Street View) - Looking North



Amended 3.7

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BOA-22227

18-13 10

4.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 8310

Case Number: **BOA-22227**

CZM: 53

CD: 8

A-P#: 417281

HEARING DATE: 04/25/2017 1:00 PM

APPLICANT: Ed Horkey

ACTION REQUESTED: Variance to permit 7 signs (1 pole sign and 6 wall signs) signs in the OM district to be oriented toward S Yale Ave; and a Variance to increase the permitted display area of signage on the lot to 224 sq. ft. to allow one pole sign and 6 wall signs (Sec. 60.060).

LOCATION: 7307 S YALE AV E

ZONED: OM

PRESENT USE:

TRACT SIZE: 31054.05 SQ FT

LEGAL DESCRIPTION: LT 10 LESS BEG NWC LT 10 TH E20.89 SW29.55 N20.89 POB BLK 2, WOODCREST TWO RESUB PRT B2-3 WOODCREST ESTATES, NOB HILL, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Lot:

BOA 21772; on 07.24.14 the Board approved a variance to permit a 4' x 8' digital sign in the OM district.

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

Town Centers are medium-scale; one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods, and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

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.

Amended 4.2

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by OM zoning on the north and east; RD/PUD-134 zoned multi-family residential abuts the site on the south. S Yale Ave and OM zoning abuts the site on the west.

STAFF COMMENTS:

Lots in office districts are allowed one on-site sign per street frontage. Signs allowed in an OM 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 multi-tenant building appears to have 198 ft. of frontage along S Yale Ave. A total sign display area of 50.4 sq. ft. is permitted along S Yale Ave.

As shown on the attached plans the applicant is proposing to add 6 walls signs on the west elevation of the office building. The existing pole sign on the site is 32 SF. The 6 proposed wall signs shown on the attached exhibit total 129 sq. ft. The total proposed sign display area shown on the attached exhibit provides an example of what tenant signage will look like on the site. The applicant has requested a **Variance** to increase the permitted sign display area from 50.4 sq. ft. to 224 sq. ft. (to allow 32 sq. ft. for the existing pole sign and 192 sq. ft. of additional signage for tenants). The applicant has also requested a **Variance** to allow 7 signs on the South Yale Avenue frontage.

The Applicant provided the following statement with their application: *"The variance will allow each of the tenants to put their business name on the front of the building to allow the public to locate their businesses. Without this variance, it makes the building extremely difficult to lease since most of the businesses are service type businesses accessible to the public. These businesses need to have the ability to inform the public of both their location and services."*

Sample Motion for a Variance

Move to _____ (approve/deny) a Variance to permit 7 signs (1 pole sign and 6 wall signs) signs in the OM district to be oriented toward S Yale Ave; and a Variance to increase the permitted display area of signage on the lot to 161 sq. ft. to allow one pole sign and 6 wall signs on the lot (Sec. 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;

Amended 4.3

REVISED 4/20/2017

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. Van De Wiele asked if Hillcrest was providing the land and the initial funding. Mr. Reynolds answered affirmatively. Mr. Van De Wiele asked if the City would be providing the ongoing maintenance. Mr. Reynolds stated the City may provide the maintenance but Hillcrest will pay for that maintenance.

Mr. Tidwell asked how long the maintenance agreement would last. Mr. Reynolds stated the maintenance agreement between Hillcrest and the City of Tulsa will remain in effect as long as the subject property is a park.

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 public park (Use Unit 5) in an RM District (Section 401, Table 1). The approval is subject to the land being dedicated to and accepted by the City of Tulsa with all park improvements to be constructed thereon as approved by the City of Tulsa. 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:

LTS 17 TO 26 BLK 1, ORCHARD ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21772—Ray Toraby

FILE COPY

Action Requested:

Variance to permit a 4'-0" x 8'-0" digital sign in an OM District (Section 602.B.4.f).

LOCATION: 7307 South Yale Avenue (CD 8)

Presentation:

Ray Toraby, 7115 East 81st Place, Tulsa, OK; stated that for many years the subject property was a one tenant building, and has been vacant for many years. The new owners have spent a considerable sum of money to rehab the building, and designed it to have three tenants from the medical field. The tenants will be a medical spa, a walk-in clinic, and the third one will be a allergy doctor. In order for the building to be a successful business the names of the tenants need to be displayed to the public. The problem with a static sign is that traffic moving at 40 or 50 miles per hour cannot read it without creating a traffic hazard. The alternative is to have a high tech sign that will change copy approximately every six seconds without flashing, scrolling or animation.

BOA-21772

FILE COPY

The new sign will be installed on the existing sign pole with an architectural wrap around the pole.

Mr. Tidwell asked Mr. Toraby what size the existing sign is. Mr. Toraby stated that the existing sign is a 4'-0" x 8'-0" which is the same size as the proposed sign.

Mr. White asked staff if the sign conditions that have been signed by applicants in the past will apply to this sign. Ms. Miller stated this sign is a little different. The sign operating conditions was developed for signs located in either R or AG Districts, and this subject property is located in an OM District.

Mr. Toraby stated that the code addresses constantly lit signs, and in a sense this is a constantly lit sign because there will be no flashing. The proposed accommodates the three tenants without any distraction.

Mr. Van De Wiele asked staff, based on street frontage, how large a sign can be allowed for the subject property. Mr. Toraby stated the code allows 2/10 a square foot for the front. Ms. Miller stated that based on the Yale street frontage he would be allowed a 35 square foot sign, and his sign calculates at approximately 33 square feet. The sign could also be 20 feet tall. Mr. Toraby stated that the proposed sign will only be 12 feet tall.

Ms. Snyder asked Mr. Toraby if the sign would be displaying the name of the tenant. Mr. Toraby stated the name or the company logo would be displayed. The change from tenant name to the next will not be actually seen because there is not a detectable copy change. Ms. Snyder asked if this sign was different from the other electronic signs. Mr. Toraby stated the proposed sign has the capabilities of the other signs but a high resolution has been chosen for the high tech advanced sign.

Mr. Van De Wiele asked if there would be signage on the building. Mr. Toraby stated there will be an internally halo lit permanent sign on the side of the tower that will adhere to the code.

Ms. Snyder asked Mr. Toraby what his hardship is. Mr. Toraby stated the hardship is that if the proposed sign is not allowed the displayed names of the tenants will be so small that no one will be able to read them.

Mr. White asked Mr. Toraby if the height of the proposed sign will be the same height as the existing sign. Mr. Toraby answered affirmatively.

Mr. Van De Wiele asked which street the sign would be fronting. Mr. Toraby stated the sign will be on Yale Avenue. The tenant is using the pole sign allowance for the Yale side of the building and the building sign will be used for the 73rd East Avenue side of the building.

BOA-21772

Interested Parties:

There were no interested parties present.

Comments and Questions:

Ms. Snyder is concerned that if this sign is approved then every business in that area will want a similar sign.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-1-0 (Henke, Tidwell, Van De Wiele, White "aye"; Snyder "nay"; no "abstentions"; none absent) to **APPROVE** the request for a **Variance** to permit a 4'-0" x 8'-0" digital sign in an OM District (Section 602.B.4.f). The proposed sign will be located in the location of the existing sign on the property. The proposed sign will be the same overall height as the existing sign. The proposed sign will have the same overall display area as the existing sign. The conditions imposed will be those on page 6.4 in the Board's agenda packet with the exception of the first sentence is paragraph number one. The hardship is the change of occupancy of the building from one tenant to multiple tenants, making it necessary for the proper notification to the public that these businesses are actually incorporated within the structure. 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 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; for the following property:

**LT 10 LESS BEG NWC LT 10 TH E20.89 SW29.55 N20.89 POB BLK 2, NOB HILL,
CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**



0 200 400
Feet



Subject
Tract

BOA-22227

18-13 10

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

Aerial Photo Date: February 2016



4.8



E74 STS

S YALE AVE

E73 STS

S BRADEN AVE

0 50 100
Feet



Subject
Tract

BOA-22227

18-13 10

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

Aerial Photo Date: February 2016

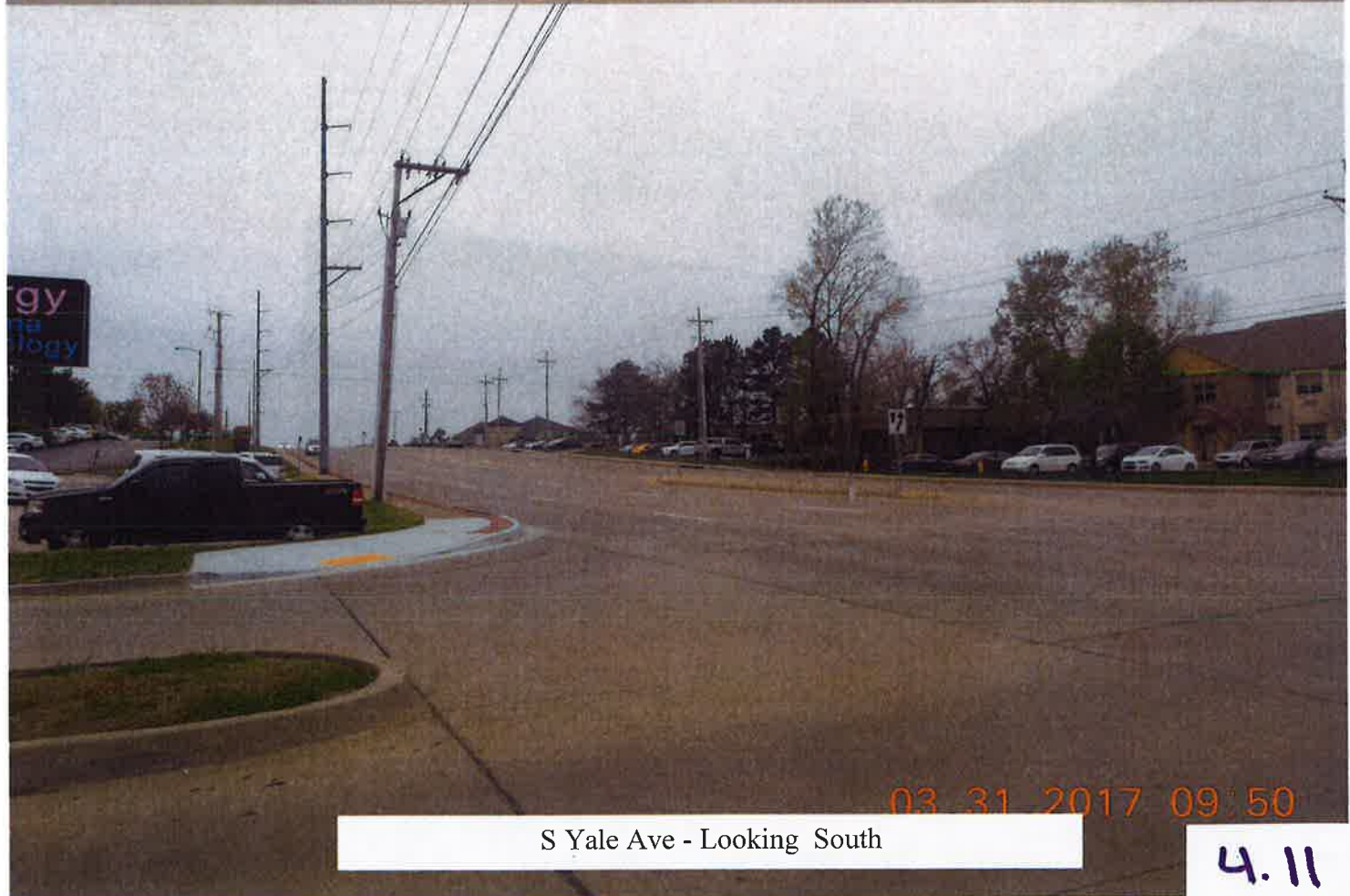
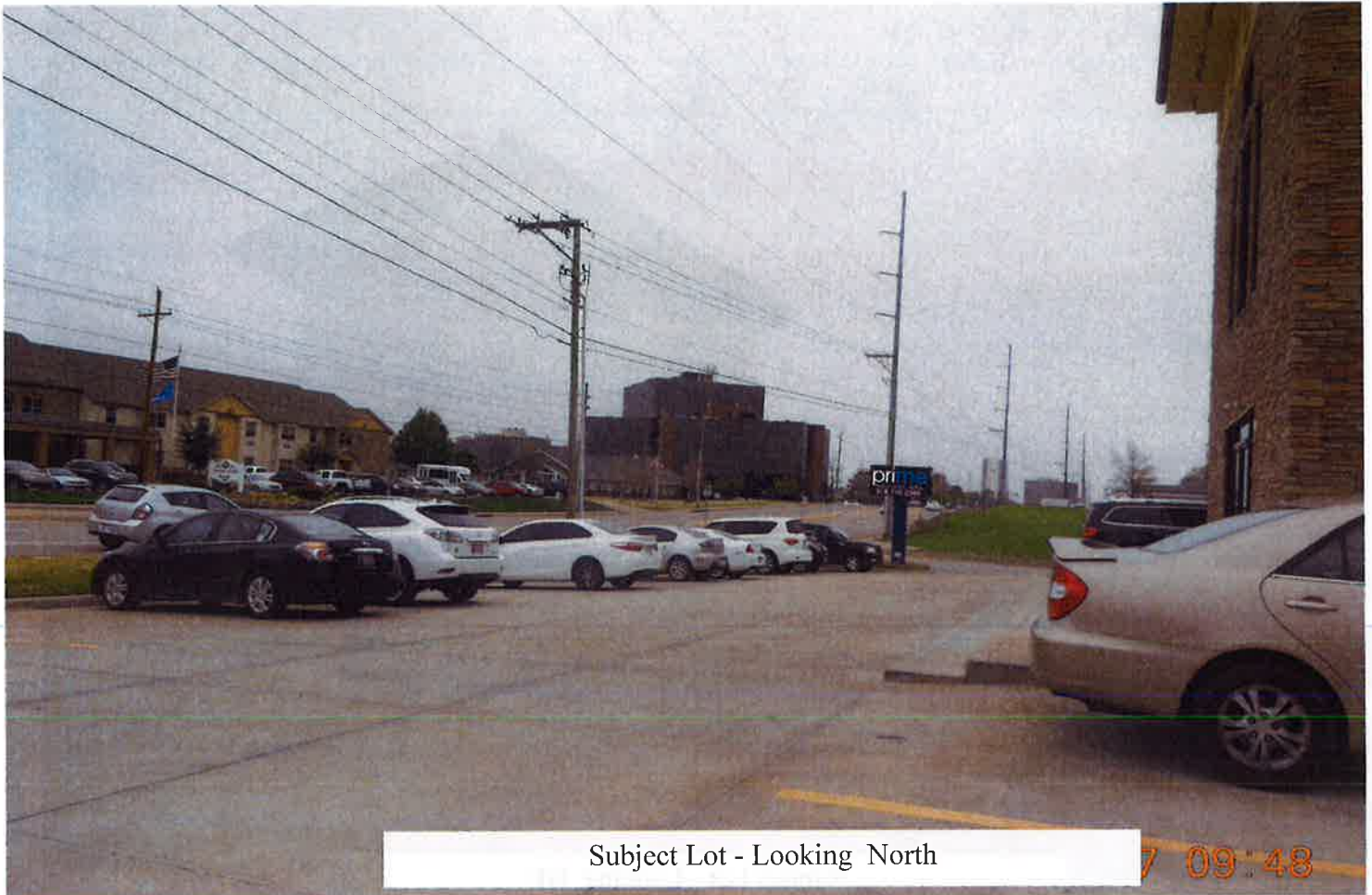


4.9

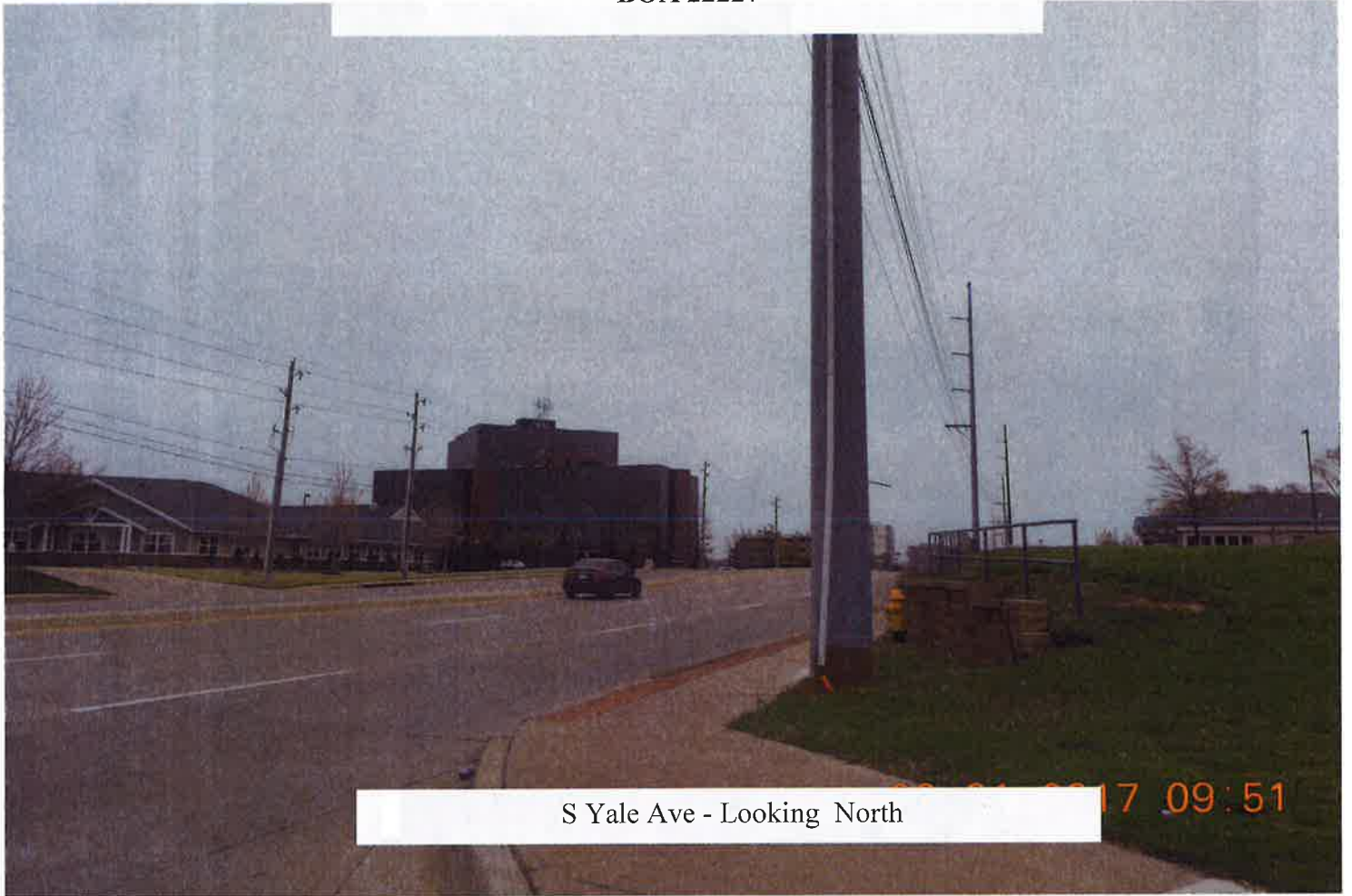


Subject Lot - Looking NE





BOA 22227



S Yale Ave - Looking North

Contempo Properties, LLC
7307 South Yale Avenue
Tulsa, OK 74136

The property currently is zoned OM – Office Medium. The sign code reads that in this zoning designation the property is allowed one on-premise sign per street frontage. The sign can be a wall sign, projecting sign or ground sign. Square footage is limited to 32 square feet. Ground signs may not exceed 20 feet in height.

The building is located between 71st and 81st streets and fronts on the east side of South Yale Avenue closest to 71st street. Based upon the most current 2014 traffic counts the average traffic on South Yale Avenue between 71st and 81st Streets is 19,300 vehicles per day.

The building currently has a single ground sign measuring 4 foot by 8 foot or 32 square feet.

The owners of this multi tenant building are asking for a variance in the number of signs and the allowable square footage per sign. The building is currently divided into six different medical related businesses. We are asking for a variance to allow up to six non-illuminated wall signs with no more than 32 square feet of sign area per sign. Because of the construction of the building, Claude Neon Federal Signs has recommended non-illuminated signs since the installation of electrical signs would be intrusive to the current construction and finishes of the building. Working with the owner of the building, it is his intention that should the variance be allowed, tenants must submit to the owner for ownership approval any sign proposals. This will allow the building owner to maintain control over the type and construction of the signage so it does not conflict with the owners preference for individual lettering and complimentary signage so as not to detract from the buildings overall appearance.

The variance will allow each of the tenants to put their business name on the front of the building to allow the public to locate their businesses. Without this variance, it makes the building extremely difficult to lease since most of the businesses are service type businesses accessible to the public. These businesses need to have the ability to inform the public of both their location and services.

We would cite a previous TMAPC case PUD-198-C-5 from TMAPC meeting number 2728, August 17th, 2016. The case is exactly the same situation that this building presents. The PUD reflected a Office Zoning that was not serving the Mutli Tenant use of the building. TMAPC granted a 32 square foot allowable for each of the six tenants in either illuminated or non-illuminated signs.

Moye, Nikita

From: Diane Wells [dwells@jackarnold.com]
Sent: Tuesday, April 18, 2017 3:47 PM
To: Moye, Nikita
Subject: Letter of protest for variance request - BOA-22227
Attachments: IMG_0745.jpg; Variance Request BOA-22227.pdf

From: Jack Arnold
7310 South Yale Avenue

Dear Nikita,

I received a notice of hearing before the BOA for case number BOA-22227. I am writing a protest to the proposed request to add seven (7) additional signs to the office building located at 7307 South Yale Avenue. The photo attached to my notice does not show the existing pole sign situated on the northwest corner of this property. I am attaching a photo for consideration, which does show this pole sign.

This pole signage is a dynamic-type of sign, which changes continually and often flashes to get a driver's attention (it is very distracting). I am concerned that allowing additional signs, which I assume will be lighted signage (hopefully not dynamic or streaming), will further lower the attractiveness of this major arterial street.

Could I get a copy of the previous variance request and the comments made for the pole sign? When the pole sign variance was approved I seem to recall that the requestor stated they would have nice landscaping around the building and their signage would blend in with the surrounding buildings. The current signage of this project and the proposed signage will not "promote an attractive visual environment."

Unfortunately I will not be able to attend the variance hearing next week as I am already committed to attend a conference that day. I would like to request that this request be postponed so that I may be present for the hearing.

Please let me know if this variance request is postponed.

Thank you.



1. The first step is to identify the problem.

2. The second step is to define the problem.

3. The third step is to analyze the problem.

4. The fourth step is to develop a solution.

5. The fifth step is to implement the solution.

6. The sixth step is to evaluate the solution.

7. The seventh step is to monitor the solution.

8. The eighth step is to report the results.

9. The ninth step is to conclude the project.

10. The tenth step is to reflect on the project and learn from the experience.

11. The eleventh step is to share the results with others.

12. The twelfth step is to celebrate the success of the project.



BOB KOLIBAS
SIGN PLANS EXAMINER
918-596-9664



DEVELOPMENT SERVICES

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

SIGN PLAN REVIEW

March 15, 2017

LOD Number: 994883-1

Sign contractor:
EDWARD HORKEY
CLAUDE NEON FEDERAL SIGNS INC
1225 NORTH LANSING
TULSA, OK 74106

Phone: (918)587-7171

APPLICATION NO: **417281** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 7307 S YALE AV E
Description: Prime Medical Spa

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)

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. 417281

7307 S YALE AV E

March 15, 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.

Section 60.060 Signs in Office Zoning Districts

1.) 60.060-B Signs Allowed

In addition to any sign exceptions allowed pursuant to Section 60.030, lots in office zoning districts are allowed a maximum of one on premise sign per street frontage. The allowed on premise sign may be a wall sign, a projecting sign or a freestanding sign. Roof signs and off-premise outdoor advertising signs are prohibited in office districts.

Review Comments: The proposed prime medical spa wall sign oriented toward S. Yale Avenue in addition to the permitted 32 square foot (4.0x8.0) ground sign exceed the maximum of one on premise sign per street frontage oriented toward S. Yale Avenue in an OM zoning district. You may pursue a variance from the BOA to permit two signs (one ground sign and one wall sign) in an OM district to be oriented toward the S. Yale Avenue street frontage.

2.) 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 wall sign for prime medical spa appears to have 168 feet of street frontage along S. Yale Avenue. Based on the street frontage of 168 feet times .3 the frontage will enable a total of 50.4 square feet of sign area. The proposed 24 square foot wall sign in addition to the existing 32 square foot ground sign exceeds the permitted display surface area by 5.6 square feet. As an option you may reduce the display surface area of the signs to be 50.4 square feet or less or you may pursue a variance from the BOA to permit one wall sign and one ground sign to exceed the permitted display surface area by 5.6 square feet from 50.4 square feet to 56 square feet.

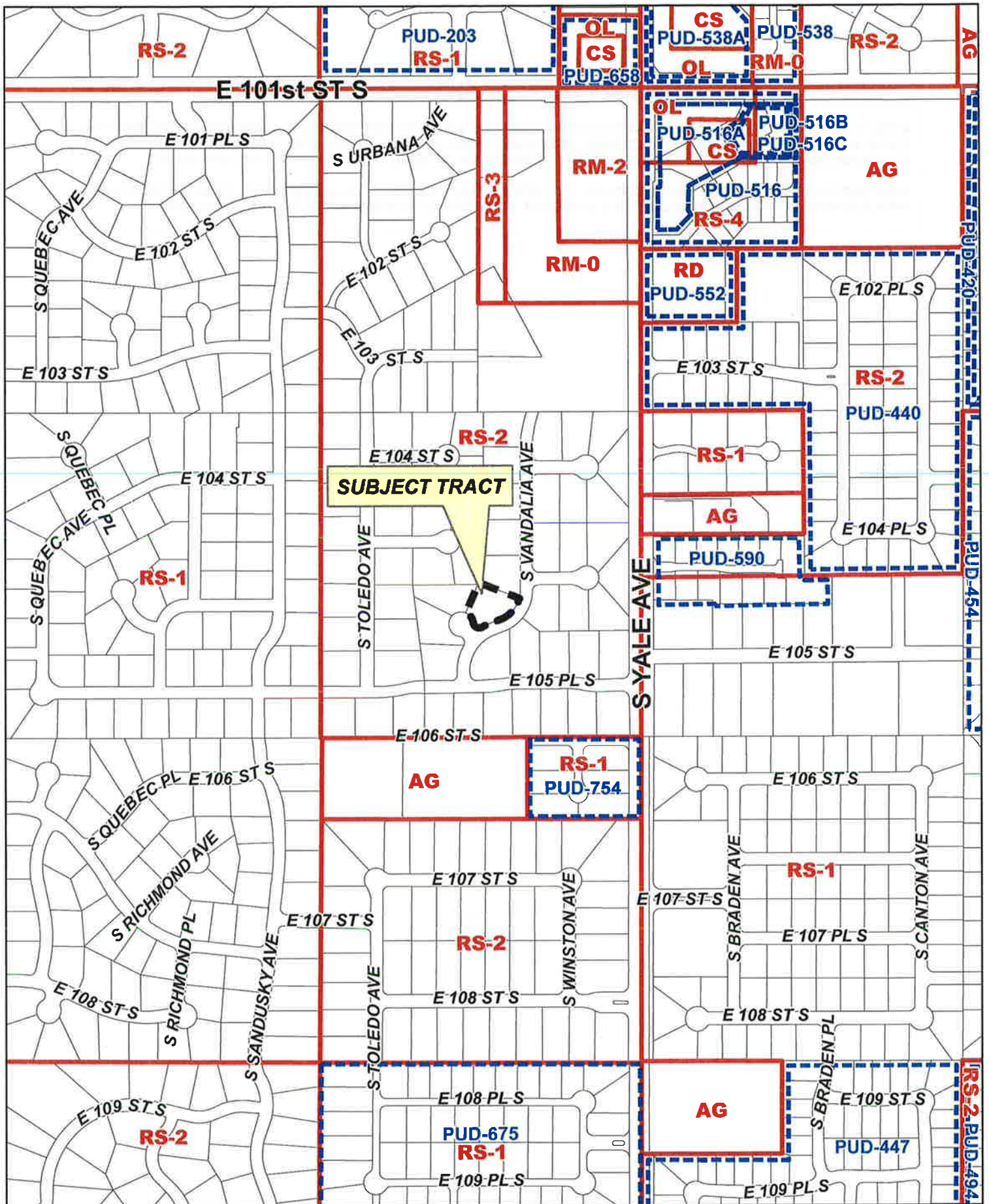
NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (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.

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.

05585-AC01



BOA-22228

18-13 28

5.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 8328

Case Number: **BOA-22228**

CZM: 56

CD: 8

A-P#: 417238

HEARING DATE: 04/25/2017 1:00 PM

APPLICANT: Phil Boushon

ACTION REQUESTED: Special Exception to allow the driveway width to exceed 30 feet in width on the lot and exceed 20 feet in width in the ROW (Section 55.090-F3).

LOCATION: 10512 S URBANA AV E

ZONED: RS-2

PRESENT USE: Residential

TRACT SIZE: 23370.04 SQ FT

LEGAL DESCRIPTION: LT 6 BLK 1, KNOLLWOOD ESTATES, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

None Relevant

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RS-2 zoned residences.

STAFF COMMENTS:

As shown on the attached site plan the applicant is proposing to pave and extend the existing driveway to the east side yard of the lot. The proposed driveway width of 37.16' in the right-of-way; and the driveway width of 56' on the lot exceeds the maximum allowed driveway width in a RS-2 district; therefore the applicant is requesting a Special Exception to increase the permitted driveway width on the RS-2 zoned lot.

In RE and RS zoning districts, driveways serving residential dwelling units may not exceed the following maximum widths unless a greater width is approved in accordance with the special exception procedures of [Section 70.120](#):

Maximum Driveway Width	RE	RS-1	RS-2	RS-3	RS-4	RS-5
Within Right-of-Way (feet)	20	20	20	20	20	12
On the Lot (Outside ROW) (feet)	30	30	30	30	20	12

Sample Motion for a Special Exception

Move to _____ (approve/deny) a Special Exception to allow the driveway width to exceed 30 feet in width on the lot and exceed 20 feet in width in the ROW (Section 55.090-F3).

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

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



0 Feet
250
500



Subject
Tract

BOA-22228

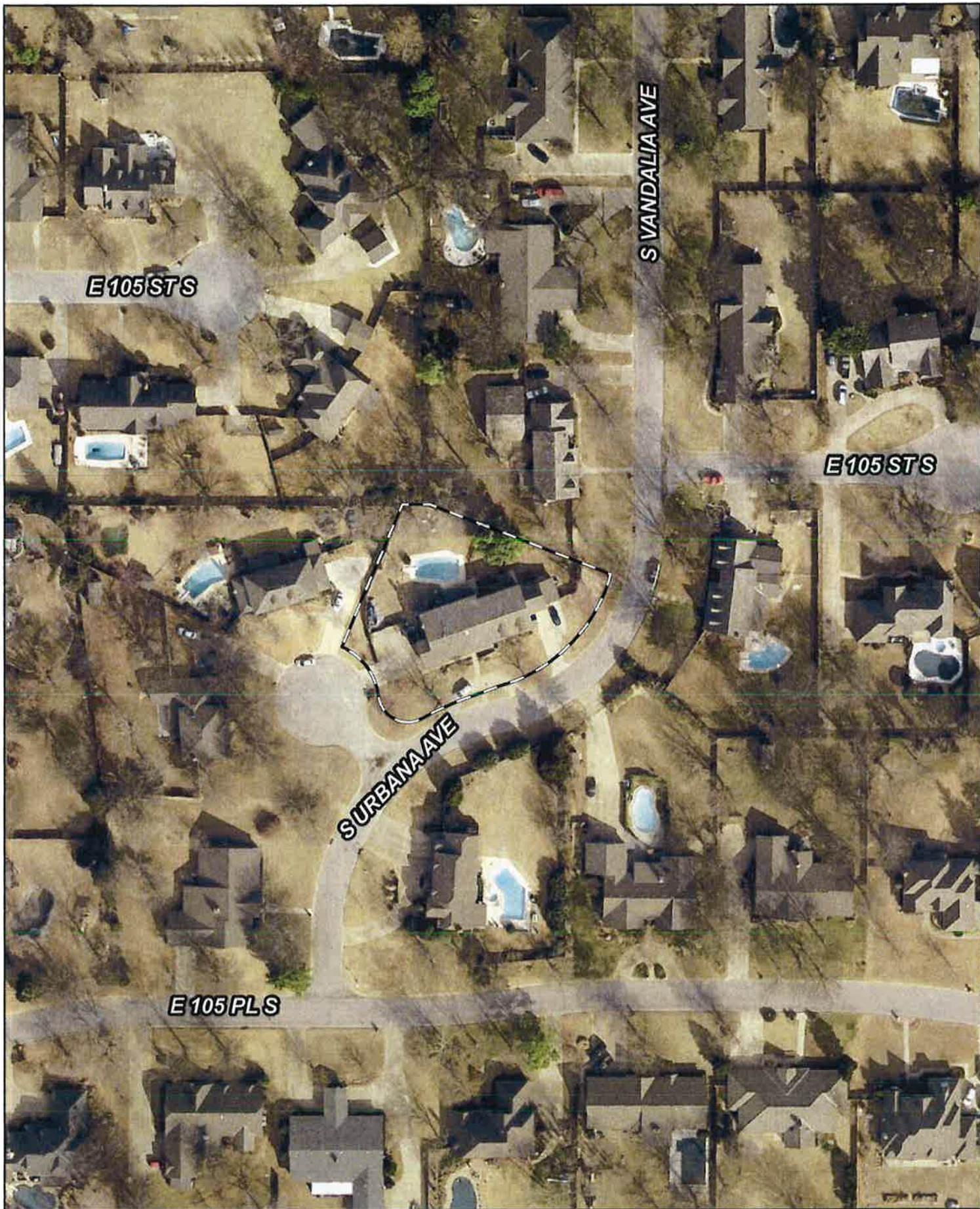
18-13 28

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

Aerial Photo Date: February 2016

5.4





Subject
Tract

BOA-22228

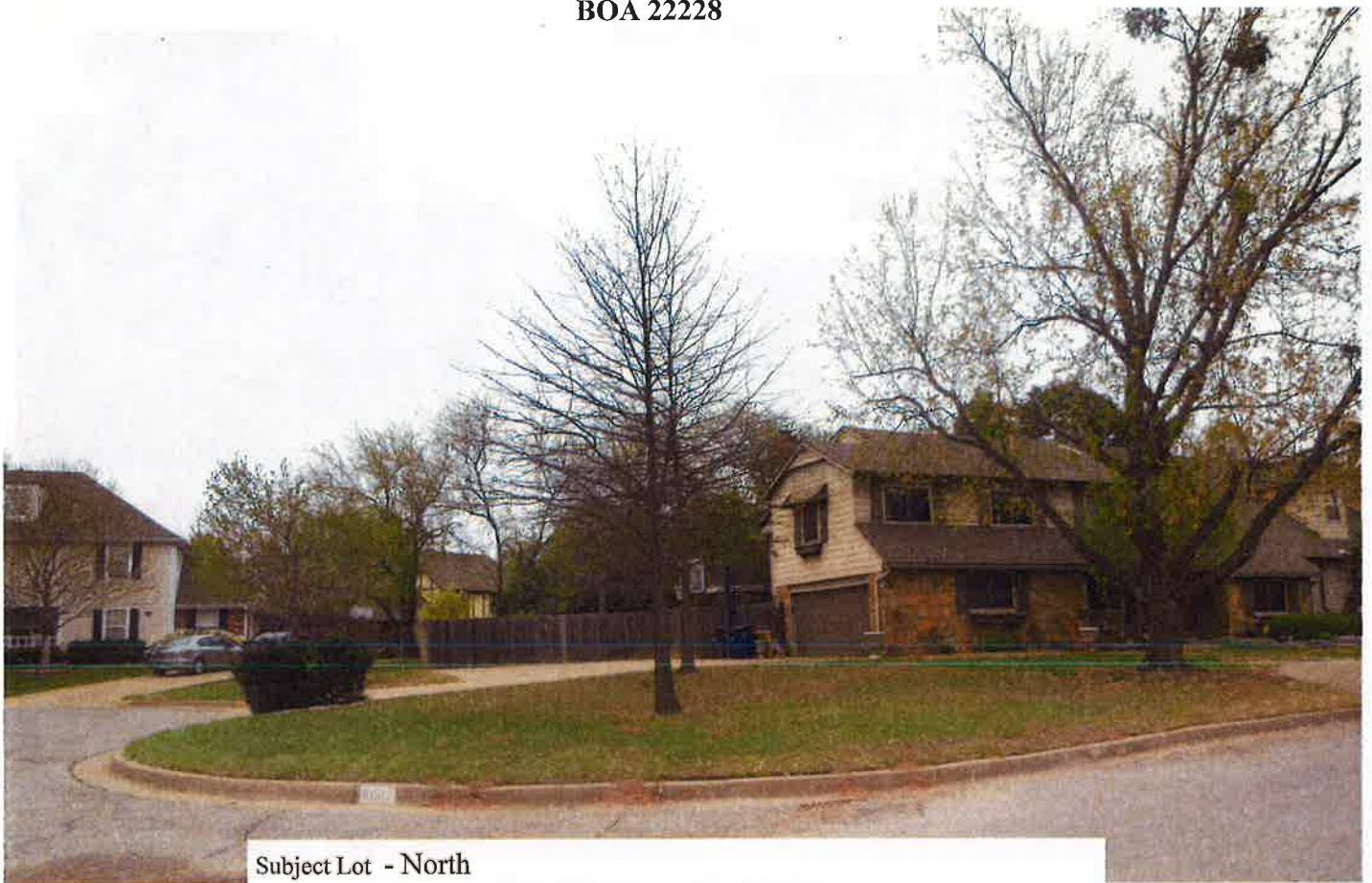
18-13 28

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

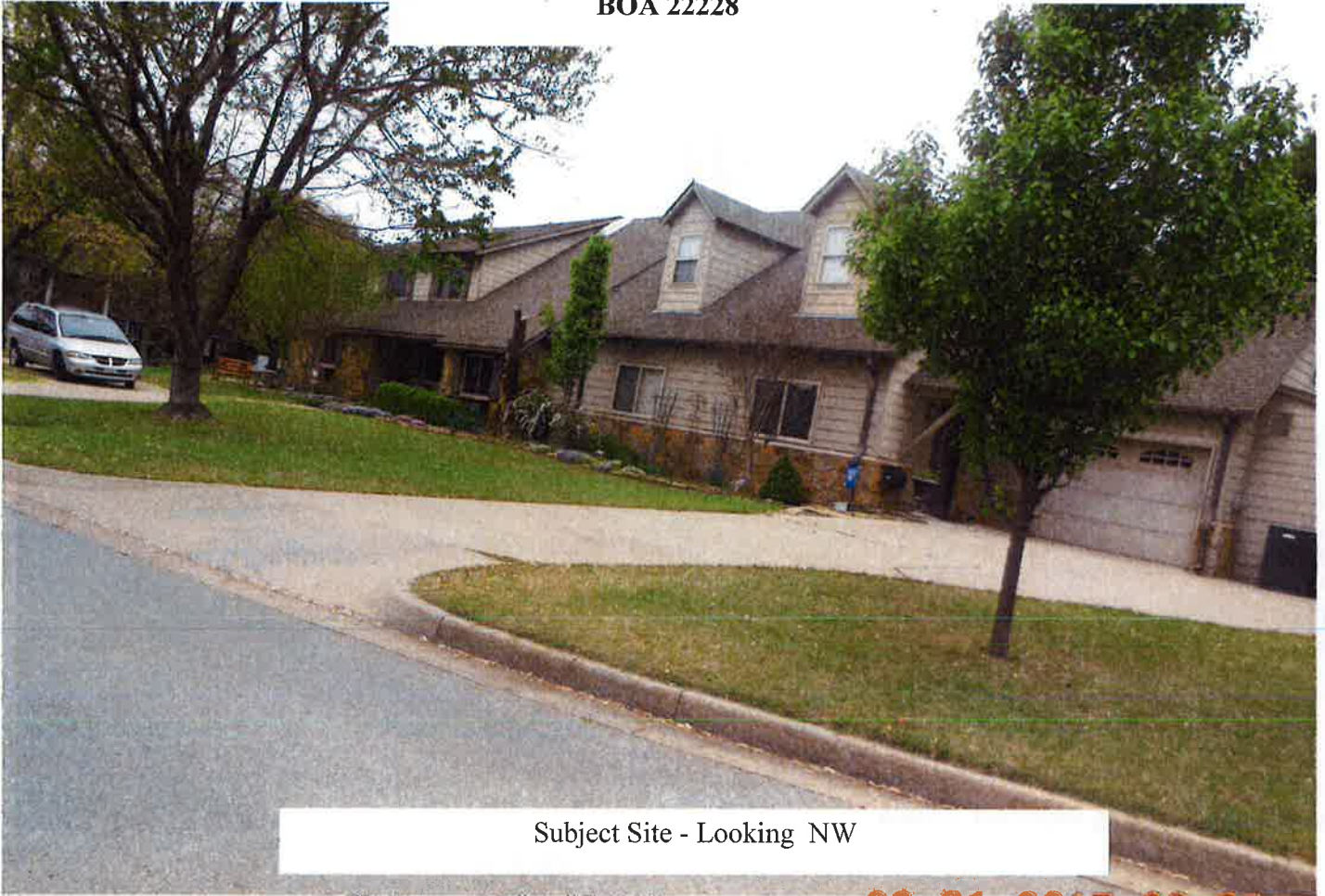
Aerial Photo Date: February 2016



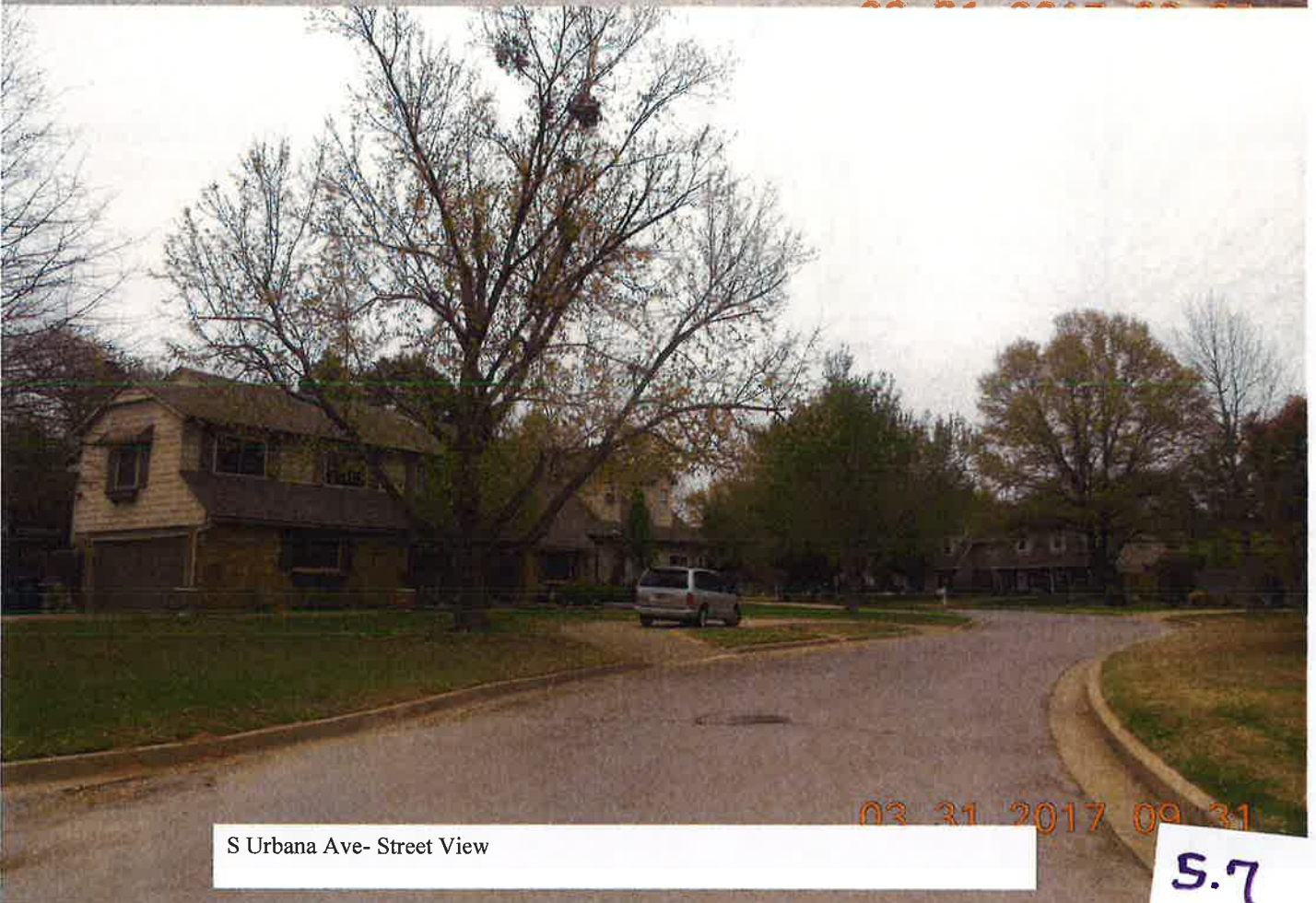
5.5



BOA 22228



Subject Site - Looking NW



S Urbana Ave- Street View

S.7

Project Title	608/609 S. Hubbard Ave.
EPC	(01.03)XndWood [R]
Package	Perm1 Set
Date	2017-01-21



Thomason Design

19225 S. 49th West Ave.
Mounds, OK
74047

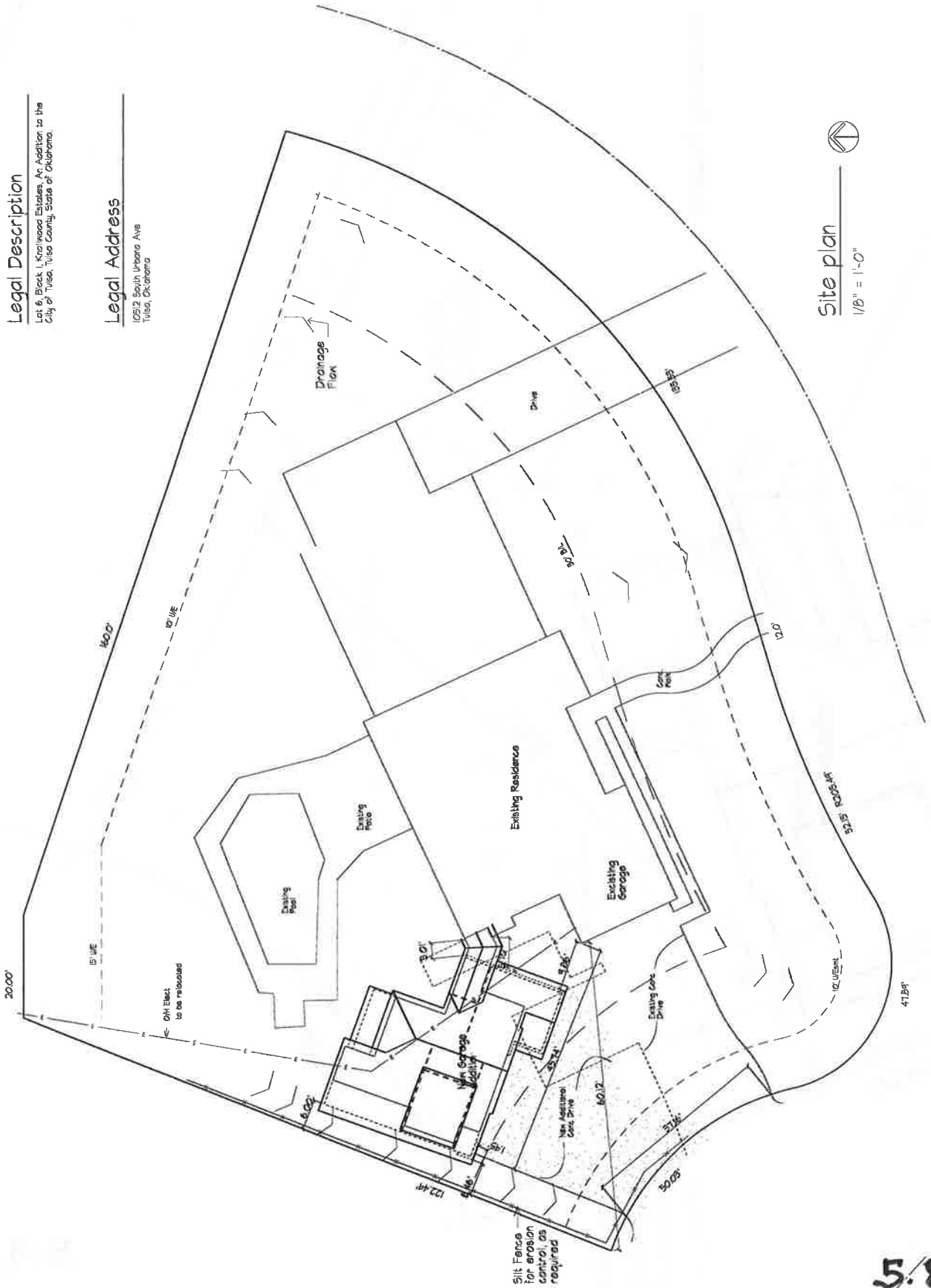
Legal Description

Lot 6, Block 1, Knollwood Estates, An Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Legal Address

10512 South Urbans Ave
Tulsa, Oklahoma

Site plan

$$|10\rangle = |1^-\bar{0}\rangle$$


Existing Residence

Existing Garage

Conc Walk

14' R205



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: 994819-1

March 17, 2017

PHIL BOUSHON
BLUELINE HOMES INC
16421 DUSTIN LN
EDMOND, OK 73013

Phone: (918)637-9788

APPLICATION NO: **417238** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **10512 S URBANA 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.).

5.10

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. 417238

10512 S URBANA AV E

March 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.

New zoning code went in affect 1/1/2016

55.090-F3 Surfacing. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed the following maximum widths unless a greater width is approved in accordance with the special exception procedures of Section 70.120. Maximum Driveway Width in the Right Of Way (ROW) is 20' and 30' outside of ROW.

Review Comments: This lot is zoned RS-2. The submitted site plan proposes a driveway width that exceeds the maximum allowable driveway width on the lot. Revise plans to indicate the driveway shall not exceed 30' in width on the lot and not more than 20' wide in the Right of Way (ROW) or apply to the BOA for a special exception to allow the driveway width to exceed 30' in width on the lot and exceed 20' in width in the Right of Way (ROW).

3. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed the following maximum widths unless a greater width is approved in accordance with the special exception procedures of Section 70.120:

Maximum Driveway Width	RE	RS-1	RS-2	RS-3	RS-4	RS-5
Within Right of Way (feet)	20	20	20	20	20	12
On the Lot (Outside ROW) (feet)	30	30	30	30	20	12

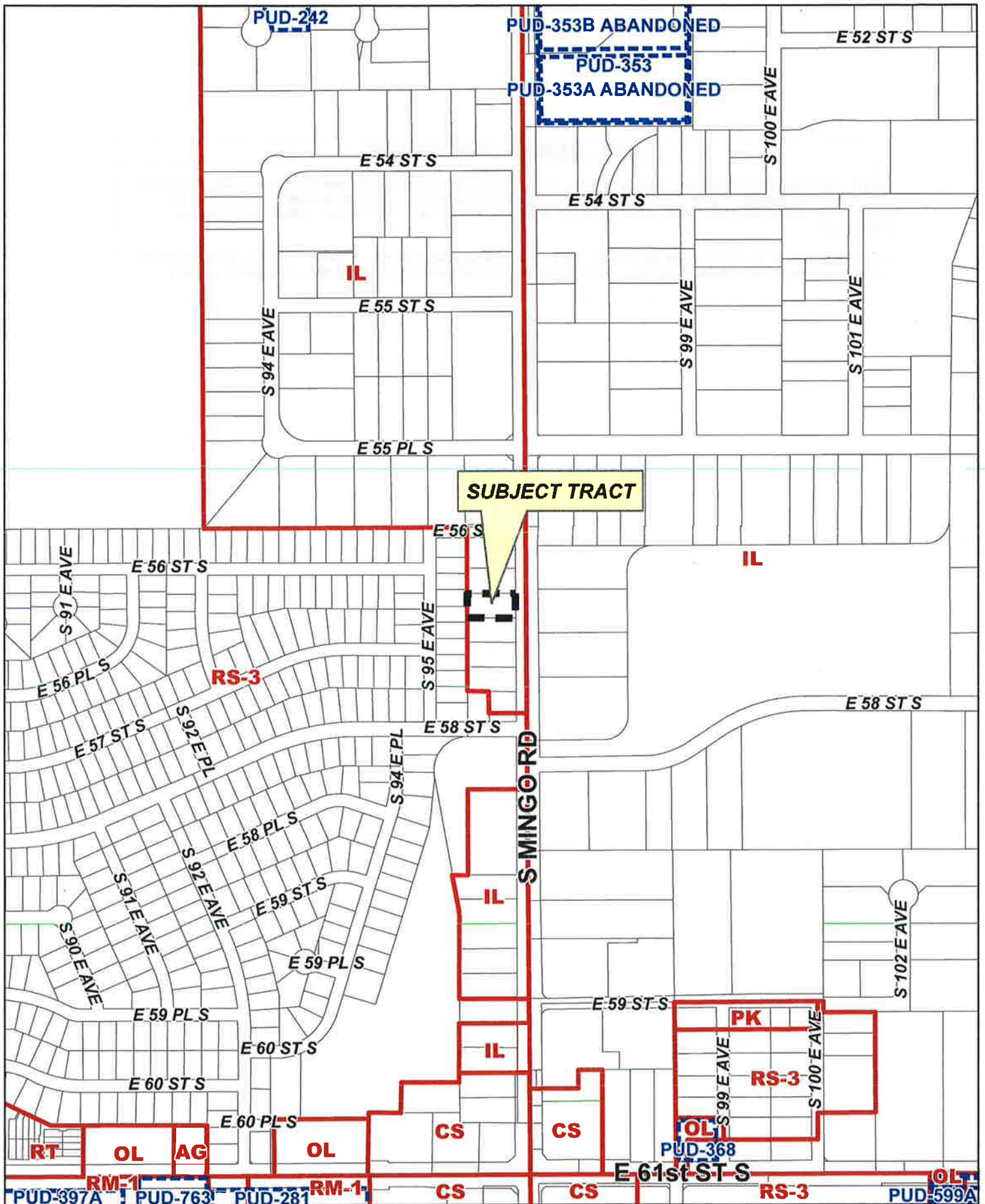
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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

END – ZONING CODE REVIEW

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

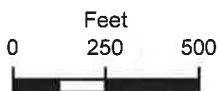
KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.



SUBJECT TRACT

BOA-22229

6.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9336

Case Number: **BOA-22229**

CZM: 48

CD: 7

A-P#: 415885

HEARING DATE: 04/25/2017 1:00 PM

APPLICANT: A-max Sign Company, Inc.

ACTION REQUESTED: Variance to allow a dynamic display within 200 ft. of an R district (Sec. 60.100)

LOCATION: 5626 S MINGO RD E

ZONED: IL

PRESENT USE: Commercial Lot

TRACT SIZE: 19,998.48 SQ FT

LEGAL DESCRIPTION: LT 3 BLK 1, WOODLAND VIEW PARK EAST, ANDERSEN ADDN, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

BOA 22218; on 03.28.17 the Board approved a variance to permit a dynamic display sign to be located within 200 ft. of a R district; located at 585 N MEMORIAL DR E.

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

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

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-3 zoned residential on the west; IL zoning on the south and north. S. Mingo Rd. and IL zoned businesses abut the site on the east.

6.2

REVISED 4/18/2017

STAFF COMMENTS:

The applicant is proposing to install a 3' x 8' (24 SF) dynamic display sign on the proposed ground sign as shown on the submitted plans and photos. It appears that the proposed dynamic display sign is 190 ft. from the RS-3 district on the west.

The Code requires that no dynamic display sign, if visible from an R district other than street, highway or freeway right-of-way, shall be located within 200 feet of the R district. The Code attempts to protect nearby and visible R districts from the impacts of digital signs. The applicant is requesting a variance to allow proposed dynamic display sign within 200' of an R-zoned district. The applicant provided the following hardship statement: *The Code does not allow for dynamic display within 200 ft. of an R district even though there is a building between the sign and the residential district. The light shadows will not be visible from the residential district.*

In a similar request (BOA 22218) the Board applied the following condition:

- No such dynamic display sign shall be operated between the hours of 10:00 P.M. to 6:00A.M.

Sample Motion for a Variance

Move to _____ (approve/deny) a Variance to permit a dynamic display sign to be located within 200 ft. of a R district (Section 60.100-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."*

The Board finds that the following facts, favorable to the property owner, have been established:

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

PRT LT 2 BEG 307.60W &154.61SE NEC LT 2 TH SE68.55 SW246.24 CRV RT 202.68 E269.21 POB BLK 1, QUIKTRIP COMMERCIAL CENTER #96, City of Tulsa, Tulsa County, State of Oklahoma

22218—Crown Neon Signs – Gary Haynes

Action Requested:

Variance to permit a dynamic display sign to be located within 200 feet of an R District (Section 60.100-F). **LOCATION:** 585 North Memorial Drive East (CD 3)

Presentation:

Gary Haynes, Crown Neon Signs, 5676 South 107th East Avenue, Tulsa, OK; stated he represents Golden Eagle Credit Union located on Memorial Drive. The sign will not be a full color display but a monochrome text only display sign. The display cabinet will be placed in the existing structure. The sign is within 200 feet of a residential area but neither side of the sign faces the residential area.

Mr. Van De Wiele asked Mr. Haynes if he would agree to time limitations on the sign if the Board were inclined to approve the request. Mr. Haynes answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 4-0-0 (Back, Bond, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Flanagan absent) to **APPROVE** the request for a **Variance** to permit a dynamic display sign to be located within 200 feet of an R District (Section 60.100-F), subject to conceptual plans 6.10 and 6.11 of the agenda packet. Finding that the hardship to be the proximity to the residential district. The sign is to be turned off between the hours of 10:00 P.M. to 6:00 A.M. The Board finds that the following facts, favorable to the property owner, have been established:

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

BG SWC LT 3 BLK 1 MINGO HGTS ADD TH W384.9 NW318.17 W169 N74 NELY ON CRV RT152.99 SELY ON CRV RT277.43 SE152.89 SE ON CRV LF227.25 S208.23 POB & PRT S VAC INDEP ST A/K/A SCENIC DR LESS W51.5 FOR ST SEC 36 20 13 4.27ACS, MINGO HGTS, City of Tulsa, Tulsa County, State of Oklahoma

22219—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' x 20' or 400 square feet (Section 90.090-C).. **LOCATION:** 3132 South Owasso Avenue East (CD 9)



0 Feet 50 100



Subject Tract

BOA-22229

19-13 36

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

Aerial Photo Date: February 2016



6.6



0 Feet 250 500



Subject Tract

BOA-22229

19-13 36

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

Aerial Photo Date: February 2016



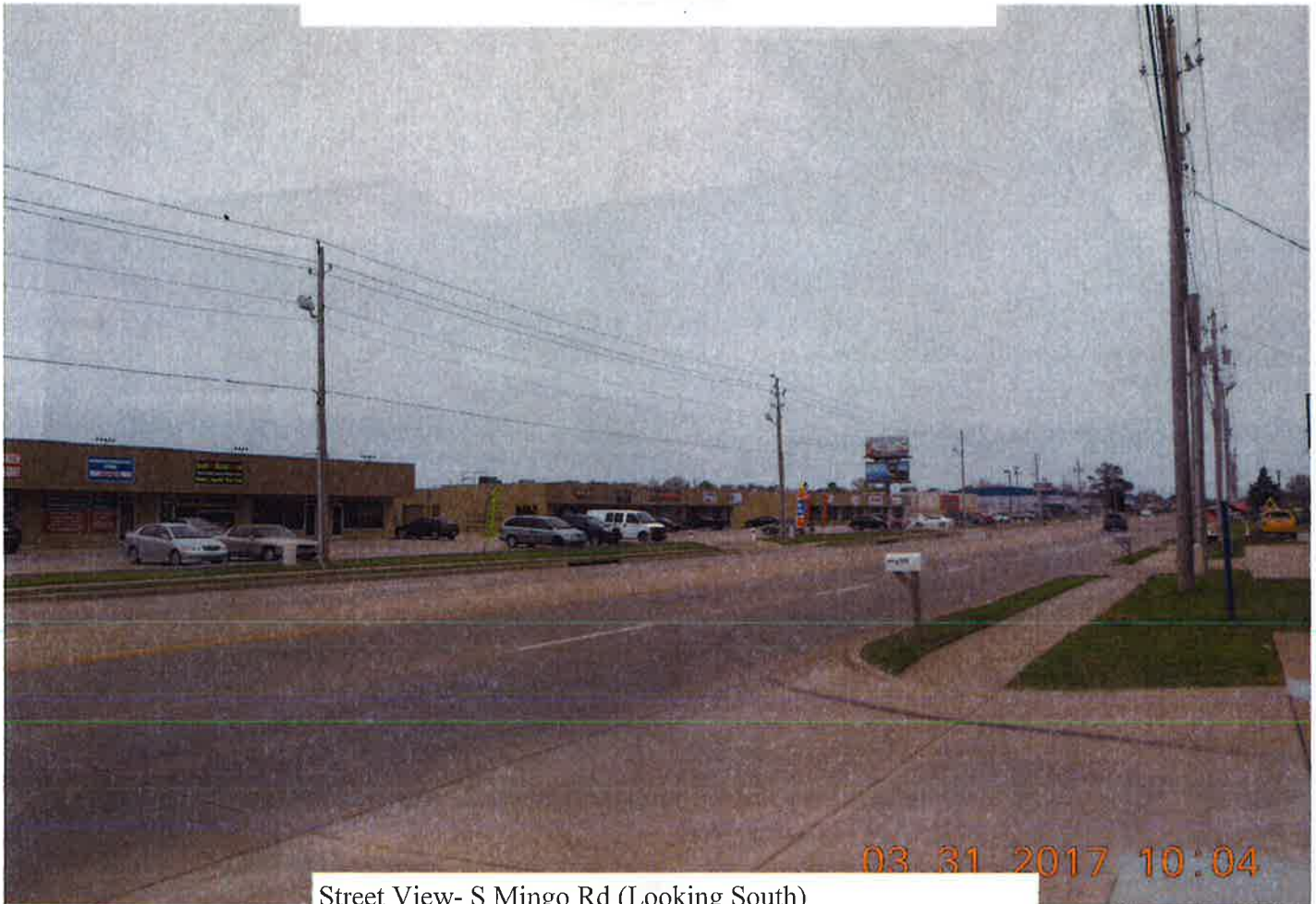
6.7



Subject Lot - Looking West



S Mingo Rd - Street View (Looking North)



Street View- S Mingo Rd (Looking South)





NEW D/F LIGHTED POLE SIGN

SCALE: 1/2" = 1'

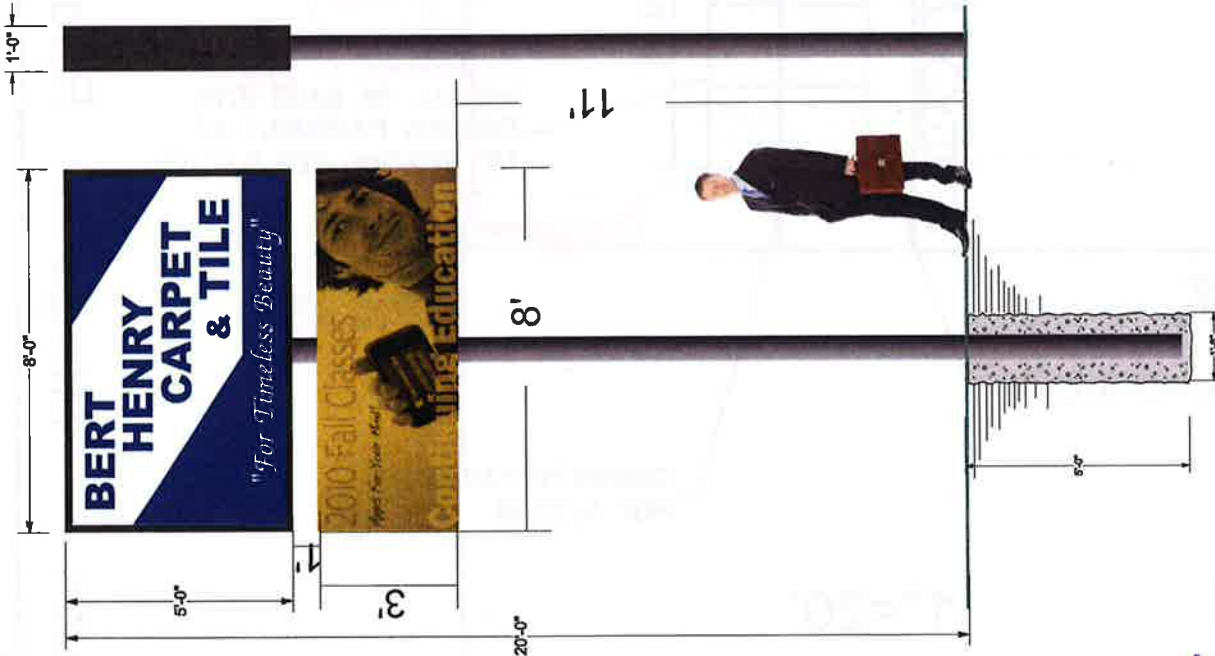
2.1

A EXISTING SIGN ON AMAX LOT

- Fabricated Metal Sign Cabinet.
- 2" Matte Black Pre-Finished Retainers and Cladding.
- 3/16" White Acrylic Face w/ Hangbar on Top.
- 3M 3630-87 Royal Blue
- Illuminated Using White ECL Boxstar LEDs.
- 6 5/8" Round Pole. Satin Black Painted Finish.

Pole Height & Placement Pending Permit Requirements

**DYNAMIC DISPLAY
MONOCHROME
24SQFT.**

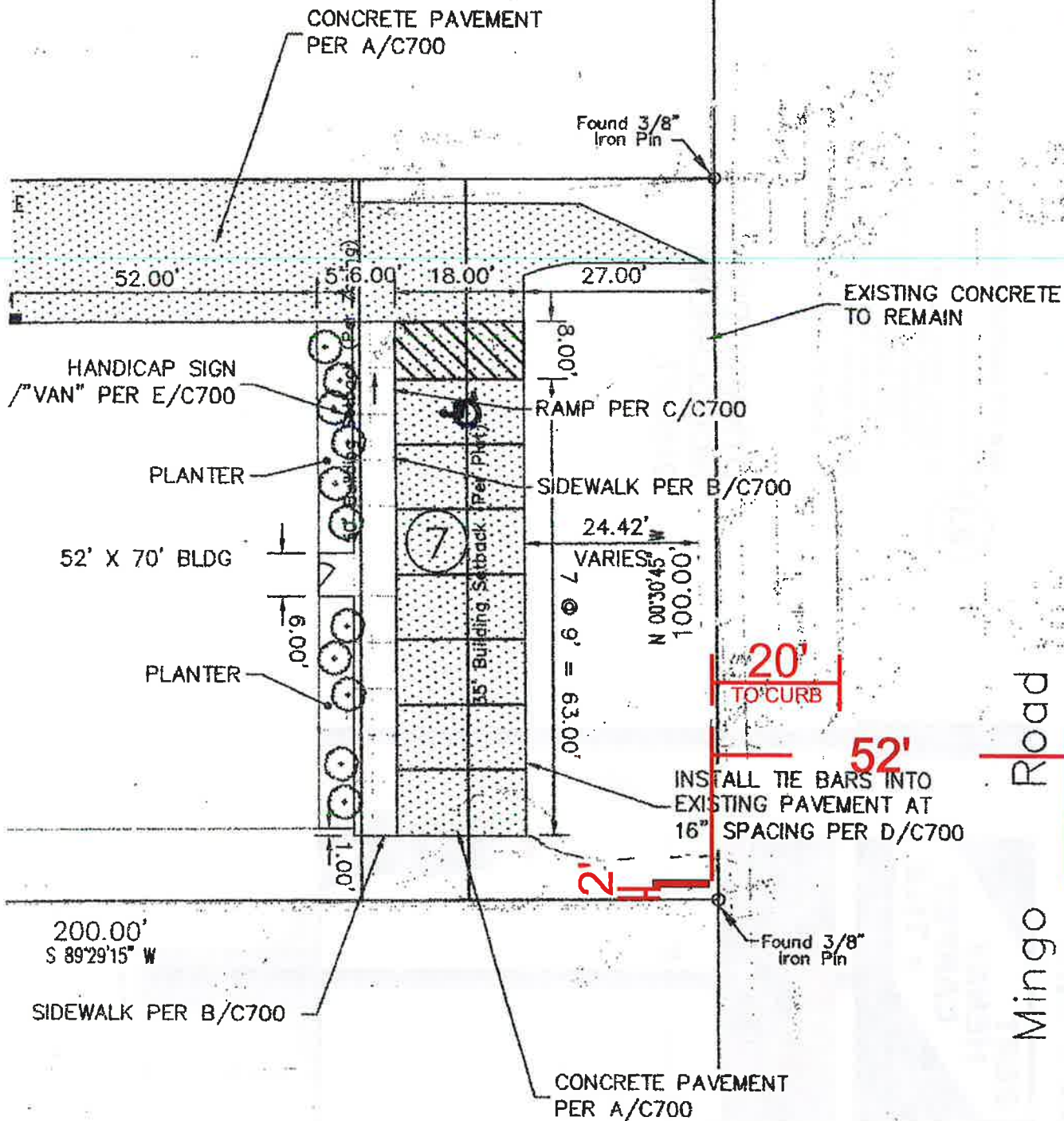


6.10

BERT HENRY
CARPET & TILE
5626 S MINGO

NORTH ↑

ot 2



Lot 4

1"=20'

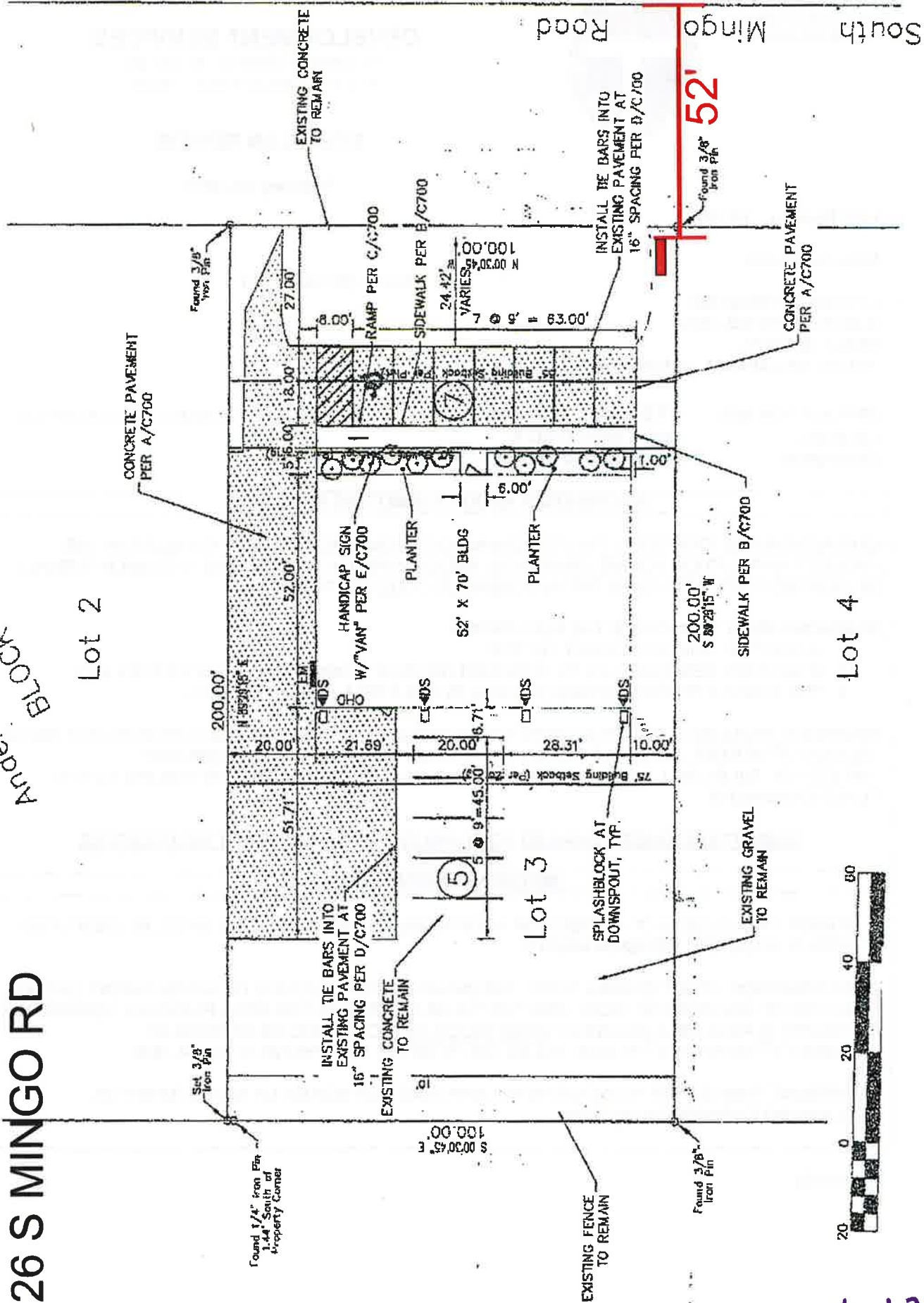
uth Mingo Road

6.11

BERT HENRY CARPET AND TILE 5626 S MINGO RD

Angels Block

Lot 2



6.12

BOB KOLIBAS
SIGN PLANS EXAMINER
918-596-9664



DEVELOPMENT SERVICES

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

SIGN PLAN REVIEW

February 23, 2017

LOD Number: 991654-1

Sign contractor:

Phone: (918)622-0651

LORI WORTHINGTON
A-MAX SIGNS CO., INC.
9520 E. 55TH PL
TULSA, OKLAHOMA 74145-8108

APPLICATION NO: **415885** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **5626 S MINGO RD E**
Description: **Bert Henry Carpet and Tile 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)

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)

6.13

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. 415885

5626 S MINGO RD E

February 23, 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.

Section 60.100 Dynamic Displays

60.100-F Dynamic displays may not be located within 200 feet of any of the following: (1) an R district (other than street, highway or freeway right-of-way); (2) a residential development area. This separation distance does not apply if the dynamic display is not visible from the referenced district, area or lot, and the requirements may be modified in R and AG districts if approved through the special exception process.

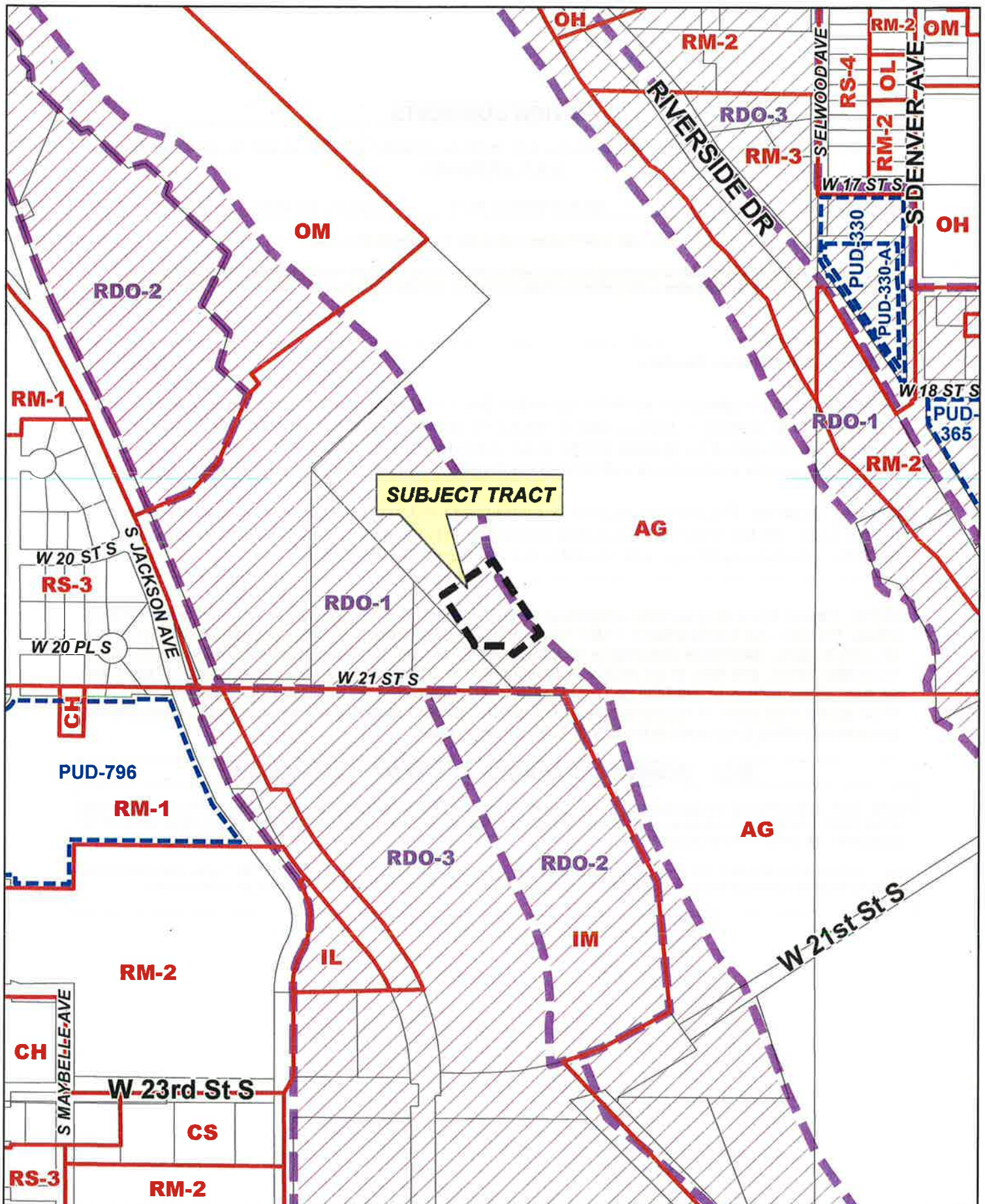
Review Comments: The proposed dynamic 24 square foot (8.0x3.0) dynamic display sign appears to be located within 200 feet of an RS-3 Residential zoning district to the west. You may pursue a variance from the BOA to permit a digital sign to be located within 200 feet of an RS-3 zoning district.

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.

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.



BOA-22232

19-12 11

7.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9211

Case Number: **BOA-22232**

CZM: 36

CD: 2

A-P#: N/A

HEARING DATE: 04/25/2017 1:00 PM

APPLICANT: Tulsa Rowing Club/River Parks Authority

ACTION REQUESTED: **Variance** from the 40% transparency requirement of building facade facing the river and 20% transparency requirement of building facade facing a parking or common area; **Variance** from the requirement that one building entrance have a direct connection to the river trail in the facade facing the river; **Variance** to permit vinyl and/or aluminum siding as a building material; and a **Variance** to permit a blank wall with no architectural detailing to exceed 35 ft. in height and/or width. (Section 20.050)

LOCATION: 715 W 21 ST S

ZONED: AG/RDO-1

PRESENT USE: Parks and Open Space

TRACT SIZE: 1.2 Acres

LEGAL DESCRIPTION:

LOT 11, SECTION 11, T-19-N, R-12-E, TULSA COUNTY, OKLAHOMA, BEGINNING AT THE NORTHWESTERLY CORNER OF AN EXISTING RIVERPARKS PARKING LOT ON THE WESTERLY BANK OF THE ARKANSAS RIVER AND WEST 21ST STREET SOUTH; THENCE DUE EAST A DISTANCE OF 74.29 FEET TO THE POINT OF BEGINNING; THENCE N34°58'09"W A DISTANCE OF 195.00 FEET; THENCE N55°01'51"E A DISTANCE OF 200.00 FEET; THENCE S34°58'09"E A DISTANCE OF 284.27 FEET; THENCE S52°35'52"W A DISTANCE OF 112.28 FEET; THENCE N46°44'46"W A DISTANCE OF 39.00 FEET; THENCE DUE WEST A DISTANCE OF 97.46 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 52108.4 SQ FT OF 1.2 ACRES MORE OR LESS, CITY OF TULSA, TULSA COUNTY, OKLAHOMA.

RELEVANT PREVIOUS ACTIONS:

Subject Lot:

BOA 15245-B; on 10.13.09 the Board approved an amendment to a previously approved site plan to permit expansion of an existing row club boathouse in the AG district.

BOA 15245-A; on 12.07.89 the Board approved an amendment to a previously approved site plan approved by the Board on 09.28.89.

BOA 15245; on 09.28.89 the Board approved a special exception to allow a row club boathouse in the AG and FD zoning district; per site plan.

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

The **Arkansas River Corridor** is located along the Arkansas River and scenic roadways running parallel and adjacent to the river. The Arkansas River Corridor is comprised of a mix of uses - residential, commercial, recreation, and entertainment - that are well connected and primarily

7.2

designed for the pedestrian. Visitors from outside the surrounding neighborhoods can access the corridor by all modes of transportation. This Corridor is characterized by a set of design standards that support and enhance the Arkansas River Corridor as a lively, people-oriented destination. The Corridor connects nodes of high quality development with parks and open space.

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 surrounded by AG zoned parks and open space; the Arkansas River abuts the site on the east.

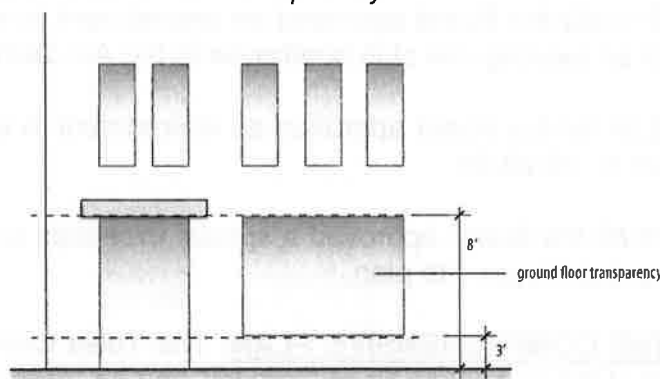
STAFF COMMENTS:

The applicant provided the following statement with their application: *"The Tulsa Rowing Club (TRC) was formed in 1982. The TRC rowed out of a storage container until, 1991, when the boathouse was built and dedicated. An addition to the Boathouse was constructed in 2009 to support the growing club. The boathouse was destroyed by arson on January 24, 2016. The building and its contents were determined to be a total loss and non-repairable by the Club's insurance carrier. The building was demolished in June 2016 because the destroyed building was determined to be a hazard to the area. The existing concrete pad remains in place and will be utilized for construction of the replacement boathouse on the same footprint. An amendment to the RDO-1 guidelines is currently in process. The amendment to the Code will make accessory uses to a park, such as the boathouse, exempt from the ground floor transparency requirements and the building entrance requirements. The amendment is expected to be effective by early May."*

In order to permit reconstruction of the boathouse on the subject site the application has requested the following variances:

1. The applicant has requested a **Variance** from the 40% transparency requirement of building facade facing the river and 20% transparency requirement of building facade facing parking or common area.

Figure 90-17: Ground Floor Transparency Measurement



The RDO-1 district requires a minimum ground floor transparency of 40% facing the river and 20% facing the park. Transparency regulations govern the percentage of a river and park facing building facade that must be covered by glazed elements (e.g., transparent windows

and doors). Unless otherwise expressly stated, the transparency of a ground floor facade is measured between 3 and 8 feet above the adjacent curb.

As shown on the attached elevation drawings the portion of the ground floor façade of the building facing the river and the park contains no transparent windows or doors thus requiring a variance from the 40% transparency requirement of building facade facing the river and 20% transparency requirement of building facade facing the parking or common area.

2. The applicant has requested a **Variance** from the requirement that one building entrance have a direct connection to the river trail in the façade facing the river. As shown on the attached elevation drawings the east façade facing the river contains no building entrances and no direct connections to the river. Therefore the applicant has requested relief from the requirement that the east façade facing the river contain one building entrance with a connection to the river trail.
3. The applicant has requested a **Variance** to permit vinyl and/or aluminum siding as a building material. The drawings call out the siding as Galvalume, which is a steel sheet coated in aluminum and zinc. Vinyl siding and aluminum siding are prohibited building materials in the RDO-1 zoning district. The applicant has stated that the, *"TRC boathouse is a functional, utilitarian storage structure for the storage of rowing boats and equipment for recreational use of the river. Building materials are suitable to the purpose of the structure."*
4. The applicant has requested a **Variance** to permit a blank wall with no architectural detailing to exceed 35 ft. in height and/or width. The east and west elevations of the proposed building are just over 100 ft. in width, thus requiring some type of architectural detailing or articulation. Articulation must be provided as a means of breaking the building face into separate visually distinct but attached or adjoining pieces by using different building materials, transparency, openings or by recesses or projections in facades. The applicant has stated that *"some design relief from the expanse of the wall fronting the river will be provided by building materials of stone facing the bottom and translucent panels along the top. The 100 ft. unbroken wall along east side of the building provides some flexibility in storage of big boats."*

The regulations of the RDO-1 district are primarily intended to apply to park, recreation and open space uses adjacent to the river. RDO-1 regulations help promote development that is compatible with public parks and green space and that complements park uses.

Sample Motion for a Variance

Move to _____ (approve/deny) a **Variance** from the 40% transparency requirement of building facade facing the river and 20% transparency requirement of building facade facing parking or common area; **Variance** from the requirement that one building entrance have a direct connection to the river trail in the façade facing the river; **Variance** to permit vinyl and/or aluminum siding as a building material; and a **Variance** to permit a blank wall with no architectural detailing to exceed 35 ft. in height and/or width. (Section 20.050)

- 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 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.”

Presentation:

Richard Borg, 5416 South Yale, Tulsa, Oklahoma, stated he represented Gladys Pearson, his aunt. The property was purchased in 1982, the variance issue and approval of the interior side yard is needed to clear the title.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of White**, the Board voted 3-0-0 (White, Stead, Van De Wiele "aye"; no "nays"; no "abstentions"; Tidwell, Henke "absent") to **APPROVE** a Variance of the other side yard from 5 ft. to 4.2 ft. in an RS-3 district (Section 403); to permit an existing dwelling, finding this is a non-conforming usage, and the house has been on this side yard location since it was built in 1955, with a condition there be no additions to the house; relief on the west side of the property only; and noting the request for a Variance of the minimum side yard requirement abutting a public street from 15 ft. to 5 ft., was already granted in 1974, per plan as shown on page 6.6 of the agenda packet, and 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, on the following described property:

LT 14 BLK 10, GLEASON VILLAGE, City of Tulsa, Tulsa County, State of Oklahoma

FILE COPY

Case No. 15245-B

Action Requested:

Amendment to a previously approved site plan to permit an expansion of the existing row club boathouse in the AG district, located: 715 West 21st Street.

Presentation:

Mike Kneafsey, 1840 East 16th Place, Tulsa, Oklahoma, stated he is on the Board of the Tulsa Rowing Club. They proposed to expand the site plan to the west (Exhibit D-1).

Interested Parties:

Tonja Pitzer, 717 South Houston, Suite 510, Tulsa, Oklahoma, represented the River Parks Authority. The Board of Trustees are in support of the application.

FILE COPY

Board Action:

On **Motion of White**, the Board voted 3-0-0 (White, Stead, Van De Wiele "aye"; no "nays"; no "abstentions"; Tidwell, Henke "absent") to **APPROVE** an Amendment to a previously approved site plan to permit an expansion of the existing row club boathouse in the AG district, finding this amendment is in agreement with the previously approved site plan, as to it's intent and usage of the area, per plan as shown on page 7.5 of the agenda packet, 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 on the following described property:

LOT 11, SECTION 11, T-19-N, R-12-E, TULSA COUNTY, OKLAHOMA, BEGINNING AT THE NORTHWESTERLY CORNER OF AN EXISTING RIVERPARKS PARKING LOT ON THE WESTERLY BANK OF THE ARKANSAS RIVER AND WEST 21ST STREET SOUTH; THENCE DUE EAST A DISTANCE OF 74.29 FEET TO THE POINT OF BEGINNING; THENCE N34°58'09"W A DISTANCE OF 195.00 FEET; THENCE N55°01'51"E A DISTANCE OF 200.00 FEET; THENCE S34°58'09"E A DISTANCE OF 284.27 FEET; THENCE S52°35'52"W A DISTANCE OF 112.28 FEET; THENCE N46°44'46"W A DISTANCE OF 39.00 FEET; THENCE DUE WEST A DISTANCE OF 97.46 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 52108.4 SQ FT OF 1.2 ACRES MORE OR LESS, CITY OF TULSA, TULSA COUNTY, OKLAHOMA.

Case No. 20871-A

Action Requested:

Variance of the setback requirement from the centerline of an abutting non-arterial street (E. 12th St.) from 50 ft. to 25 ft. for an approved mini-storage facility in the CS district (Section 703), located: 10540 East 11th Street South.

Presentation:

John Wilson, 10540 East 11th Street, Tulsa, Oklahoma, 74128, asked for the variance to allow room for a building. It is framed for a pad but the pad is not poured yet. He mentioned he may need a variance for landscaping also.

Comments and Questions:

Mr. Cuthbertson informed the Board that the COT Permit Office gave Mr. Wilson a letter of deficiency, which listed insufficient setback from 12th Street and expressed a lack of landscaping in the plans. Mr. Wilson applied for the setback relief but not the landscaping relief. Mr. Cuthbertson suggested the Board not make a final action on this case, if Mr. Wilson wants to apply for relief of the landscaping. Mr. White questioned why this relief was not sought with the original plans showing zero setback, and Mr. Cuthbertson did not know the reason.

Case No. 15324 (continued)

Presentation:

The applicant, Clifton Gibbs, 854 East 46th Street North, Tulsa, Oklahoma, requested permission to operate a recap tire shop in his garage.

Comments and Questions:

Ms. Bradley asked the applicant if he lives in the house, and he answered in the affirmative.

In response to Ms. Bradley, the applicant stated that he is purchasing the property from the Bank of Oklahoma.

Ms. Bradley pointed out that there are tires stored in the back yard, and Mr. Gibbs stated that the tires outside the garage will be removed from the property.

Ms. White asked if the all tires can be stored inside the garage, and he answered in the affirmative.

Ms. Bradley voiced a concern with the condition of the property, and Mr. Gibbs stated that he is clearing all tires from the property and there will be no outside storage when the work is completed.

In response to Ms. White, the applicant replied that he contemplates having only five to ten customers per day. Ms. White stated that she has not viewed the site, and suggested that the case be continued to the next scheduled meeting to allow the Board to visit the proposed location for the home occupation.

Protestants: None.

Board Action:

On MOTION of BOLZLE, the Board voted 3-0-0 (Bolzle, Bradley, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller, "absent") to CONTINUE Case No. 15324 to December 21, 1989, to allow the Board to view the site for the proposed home occupation.

OTHER BUSINESS

Case No. 15245

Action Requested:

Approval of amended plot plan.

Presentation:

The applicant, Sooner Rowing Club, was represented by Sam Stone, 320 South Boston, Tulsa, Oklahoma, who stated that they were previously before the Board requesting permission to construct a facility for storage of equipment. He noted that the plan was

Case No. 15245 (continued)

approved, however, when application was made for a building permit, it was discovered that the the location of the building was not according to the approved plans. He asked the Board to approve the amended plot plan (Exhibit M-2).

Interested Parties:

A letter of support (Exhibit M-1) was received from the River Parks Authority.

Board Action:

On MOTION of BRADLEY, the Board voted 3-0-0 (Bolzie, Bradley, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller, "absent") to APPROVE the amended plot plan for Case No. 15245, as submitted by the applicant.

Review and Approval of 1990 Meeting Schedule

Board Action:

On MOTION of BRADLEY, the Board voted 3-0-0 (Bolzie, Bradley, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller, "absent") to APPROVE the 1990 meeting schedule as presented.

There being no further business, the meeting was adjourned at 3:50 p.m.

Date of Approval Dec. 21, 1989

Harry White
Chairman

Case No. 15244 (continued)

occupation craft (bead) supply in a RS-3 zoned district; per Home Occupation Guidelines; subject to hours of operation being 10:00 a.m. to 6:00 p.m.; finding that the applicant has been selling craft supplies at this location for approximately 12 years; and finding that the home occupation, as presented, will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lot 4, Block 3, Longview Acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15245

Action Requested:

Special Exception - Section 310 - Permitted Uses In The Agriculture District - Use Unit 1205 - Request a special exception to allow a rowing club in on AG and FD zoned district, located West Side of Arkansas River at approximately West 20th Place.

Comments and Questions:

Mr. Jones informed that the tract is located in a floodway and a Watershed Development Permit will be required prior to development.

Presentation:

The applicant, James Jessup, was represented by Sam Stone, Sooner Rowing Association. He submitted a drawing and site plan (Exhibit F-1) for a storage facility which will be constructed at the above stated location, and will house the rowing equipment for the association. A letter (Exhibit F-2) from Jackie Bubenik, River Parks Authority, stated that sufficient parking is available to support the proposed rowing facility, and will be leased by the association.

Comments and Questions:

Mr. Gardner advised that a 40' building setback is required in an AG District and, according to the plot plan, the applicant may have to readvertise for a variance, or lease additional land, to comply with the Code setback requirements. He pointed out that, if additional land is acquired, a revised legal will be needed to reflection the change.

Mr. Stone stated that time is of the essence and that leasing of additional land would probably be the most simple solution to the setback problem, if one exists.

In response to Mr. Jackere's question concerning the 40' setback, Mr. Gardner clarified that the subject property, as well as the surrounding property, has an AG zoning classification and requires a 40' building setback.

Case No. 15245 (continued)

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzie, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to **APPROVE** a **Special Exception** (Section 310 - Permitted Uses in The Agriculture District - Use Unit 1205) to allow a rowing club in on AG and FD zoned district; per plot plan submitted; finding that the use will be compatible with the area, and in harmony with the spirit and intent of the Code; on the following described property:

All that part of Lot 11, Section 11, T-19-N, R-12-E, of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the official US Government Survey thereof more particularly described as follows, to-wit:

Beginning at the northwesterly corner of an existing concrete boat ramp on the westerly bank of the Arkansas River and West 21st Street South; thence due west a distance of 14.94'; thence N 49°22'19" W a distance of 45.49'; thence due west a distance of 35.36'; thence W 63°13'30" W a distance of 89.54'; thence N 32°5'53" W a distance of 142.38'; thence N 57°54'7" E a distance of 70.00'; thence N 73°42'5" E a distance of 127.10'; thence S 32°5'53" E a distance of 250.00'; thence S 55°0'0" W a distance of 90.00' to the Point of Beginning, containing 45,993.0 sq ft or 1.0559 acres more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15247

Action Requested:

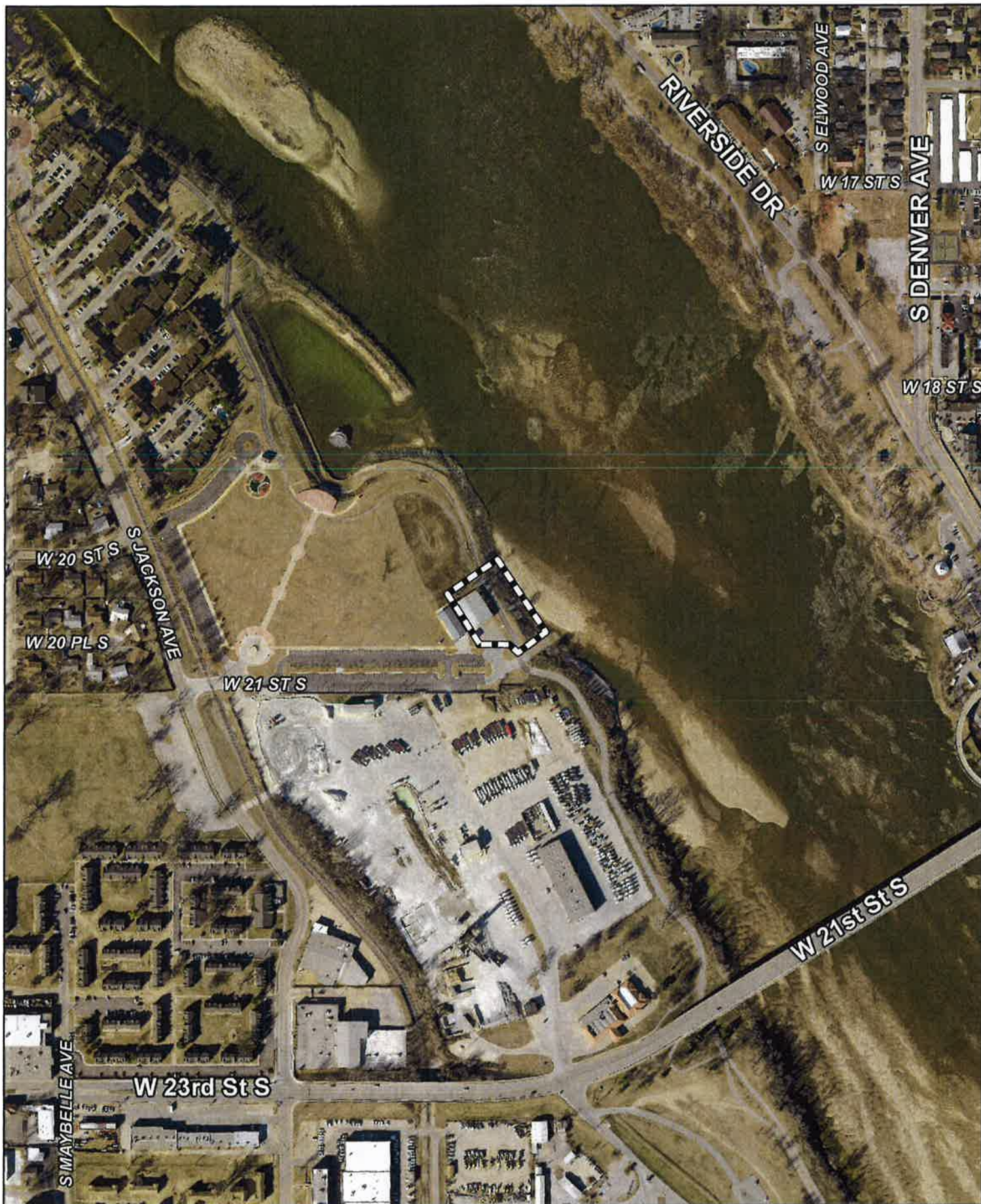
Variance - Section 430.1 - Bulk and Area Requirements in the Residential District - Use Unit 1206 - Request a variance of the required 50' front setback (measured from the centerline of East 6th Street) to 32' to permit an existing carport, located 7504 East 6th Street.

Presentation:

The applicant, **Geraldine Alverson**, Route 2, Box 428-P, Ft. Smith, Arkansas, stated that she is representing her mother who lives at the above stated location. She informed that a carport was recently constructed on her mother's property, and asked the Board to allow it to remain. A plat of survey (Exhibit X-1) was submitted.

Comments and Questions:

Mr. Chappelle asked how long the carport has been constructed, and the applicant replied that the carport was completed in August of this year. She explained that the existing garage and carport were destroyed by fire, and her mother paid the contractor to get a permit to convert the garage area into a den. She said that her mother did not know there was no permit for the carport.



0 Feet
200
400



Subject
Tract

BOA-22232

19-12 11

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

Aerial Photo Date: February 2016



7.12



0 Feet 50 100



Subject
Tract

BOA-22232

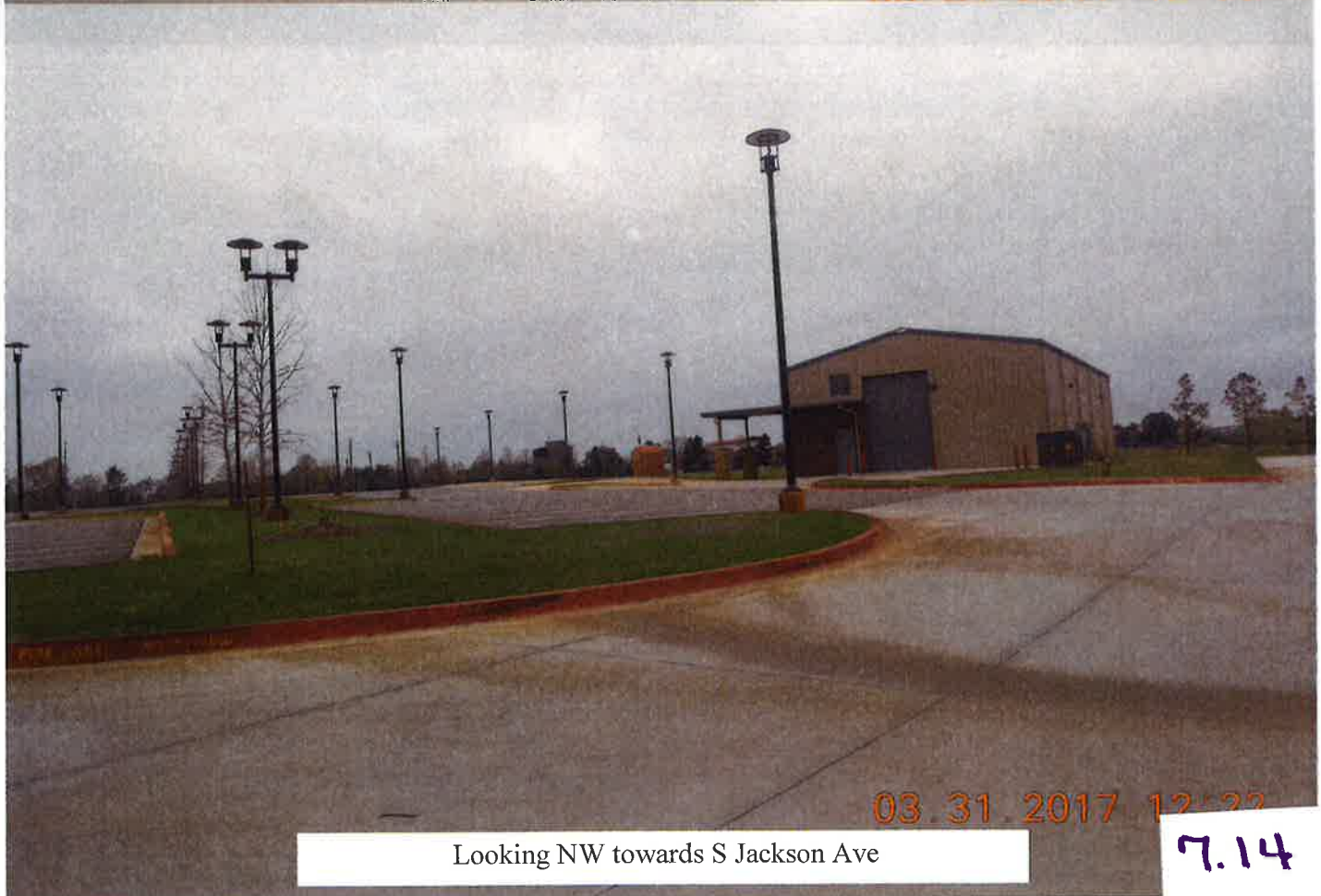
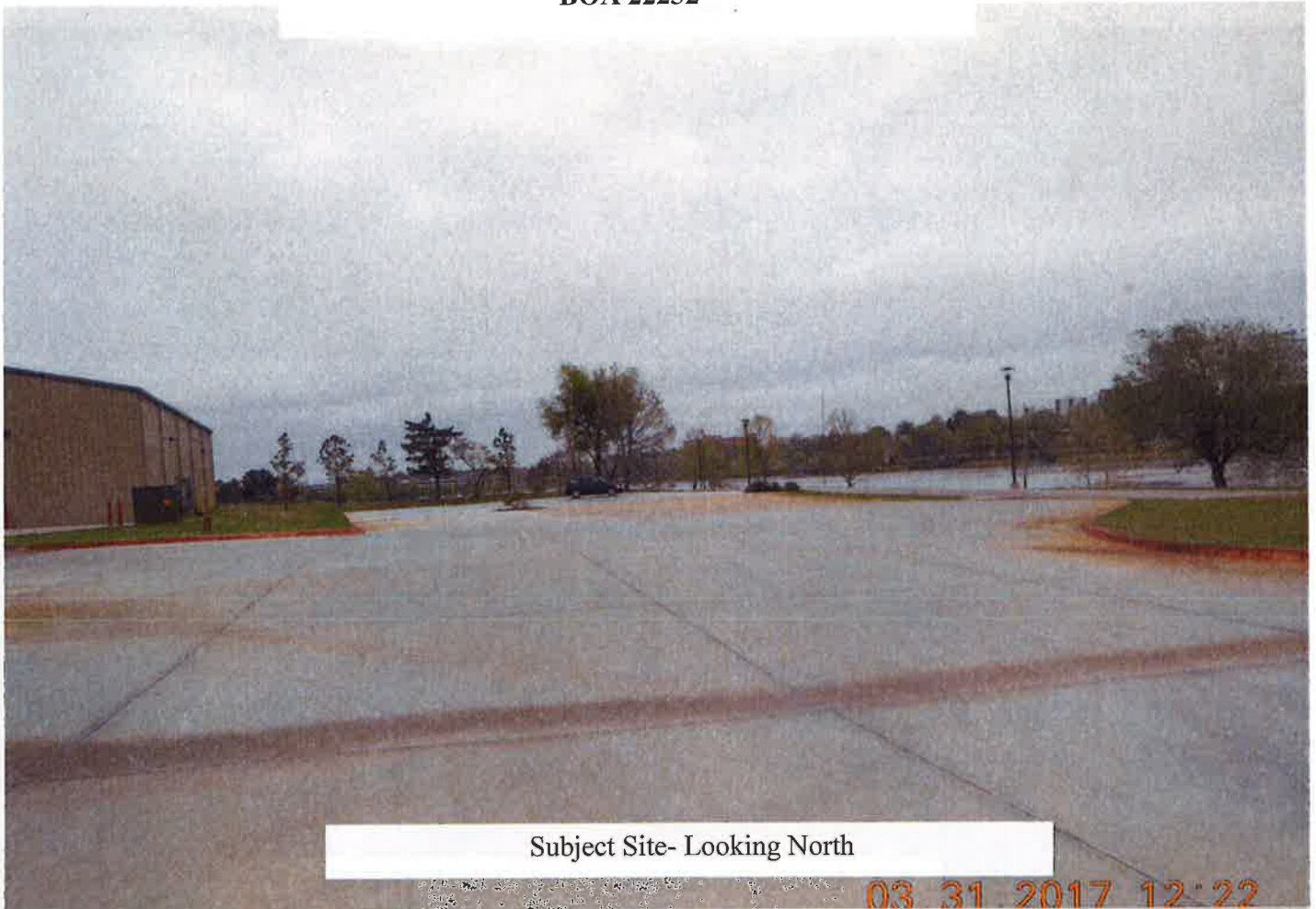
19-12 11

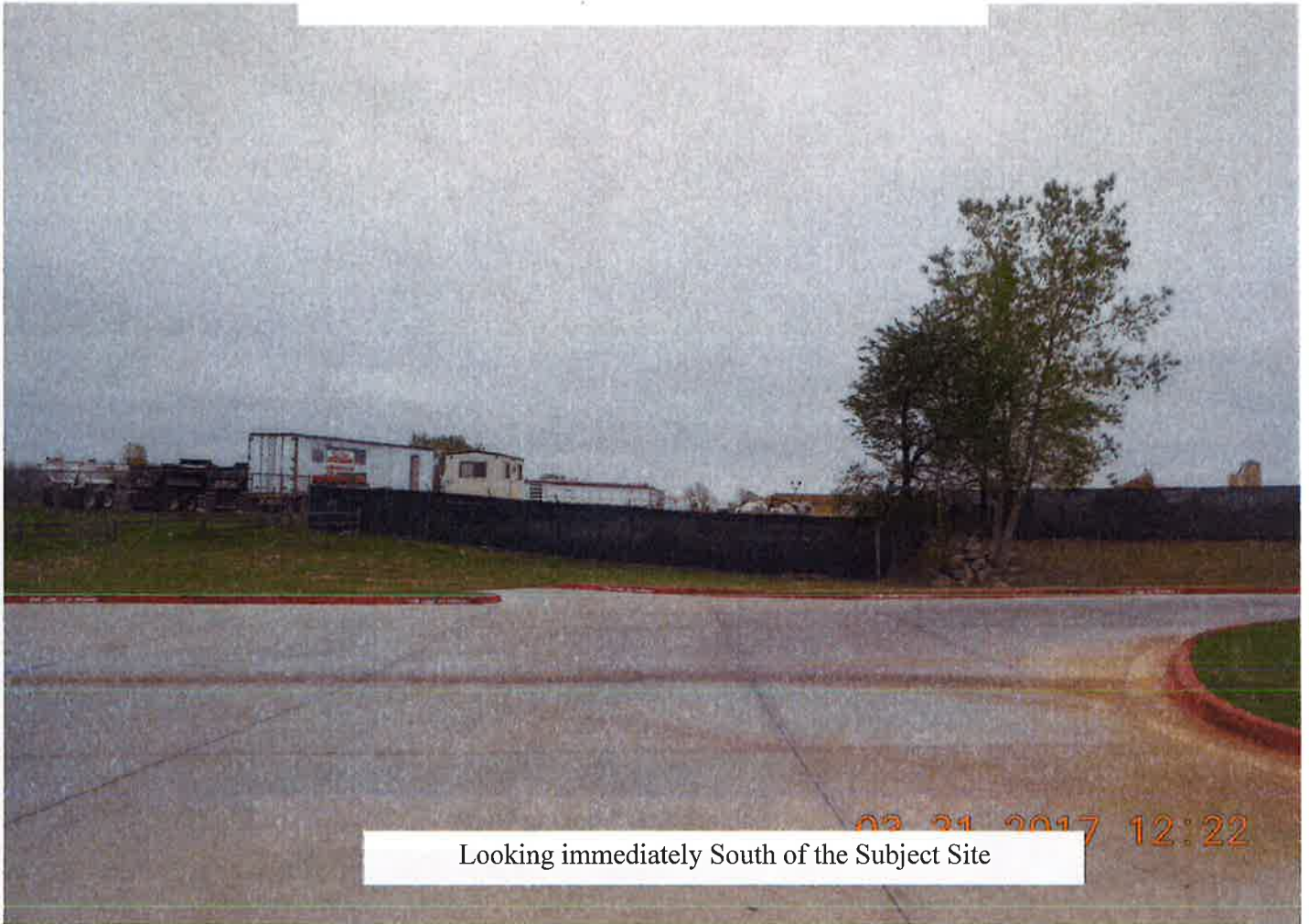
Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: February 2016

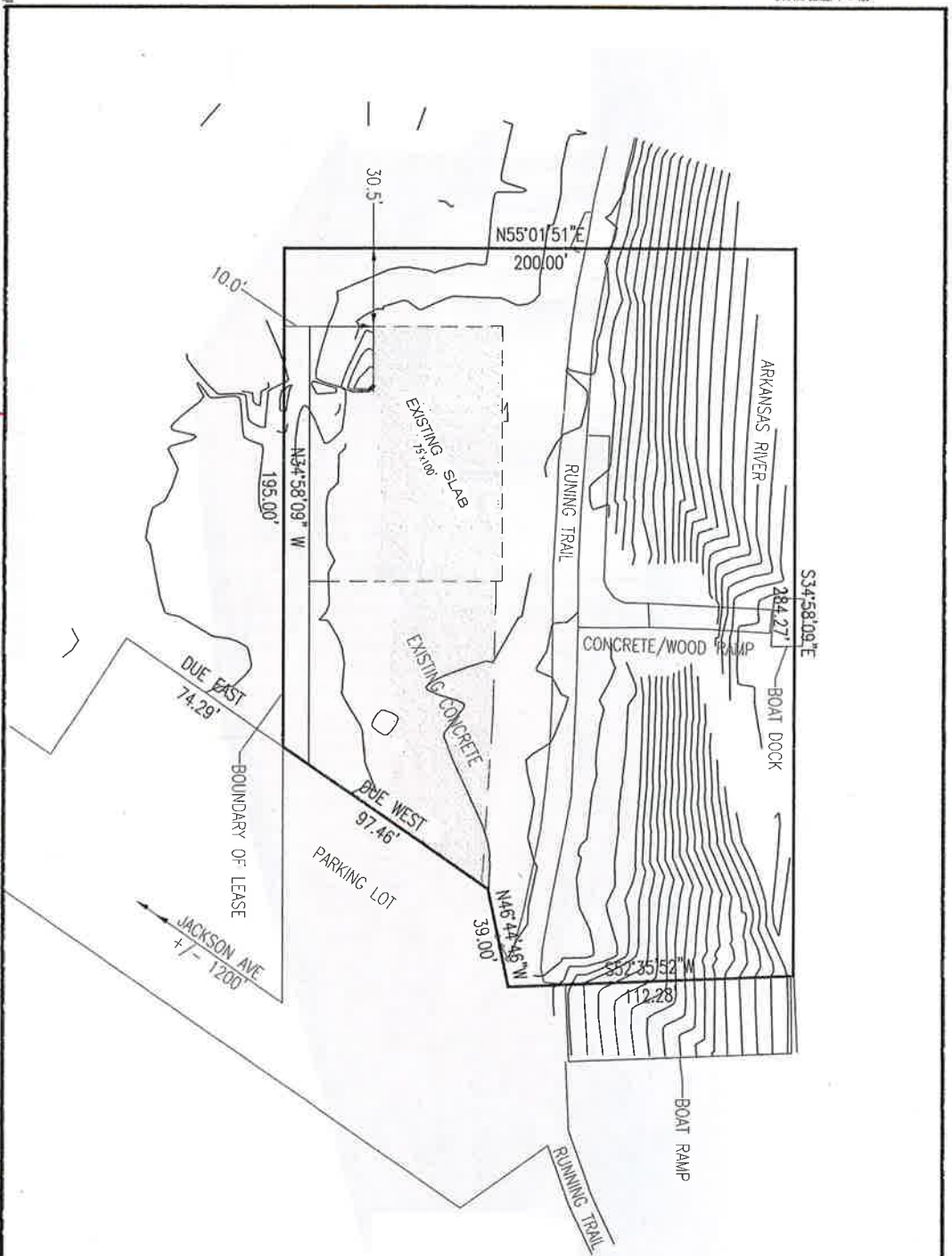


7.13





Looking immediately South of the Subject Site



BASE OF BEARINGS:
AS BUILT RIVERPARK DRAWINGS

ADJUSTED LEASE LEGAL DESCRIPTION:

LOT 11, SECTION 11, T-19-N, R-12-E, TULSA COUNTY, OKLA. BEGINNING AT THE NORTHWEST CORNER OF THE EXISTING RIVERPARK PARKING LOT ON THE WESTERN BANK OF THE ARKANSAS RIVER AND WEST 21ST STREET SOUTH; THENCE DUE EAST A DISTANCE OF 74.29 FEET TO THE POINT OF BEGINNING; THENCE N45°01'51\" E A DISTANCE OF 200.00 FEET; THENCE S34°58'09\" E A DISTANCE OF 284.27 FEET; THENCE N46°44'46\" W A DISTANCE OF 112.28 FEET; THENCE DUE WEST A DISTANCE OF 97.46 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 52108.4 SQ FT OF 1.2 ACRES MORE OR LESS, CITY OF TULSA, TULSA COUNTY, OKLAHOMA.

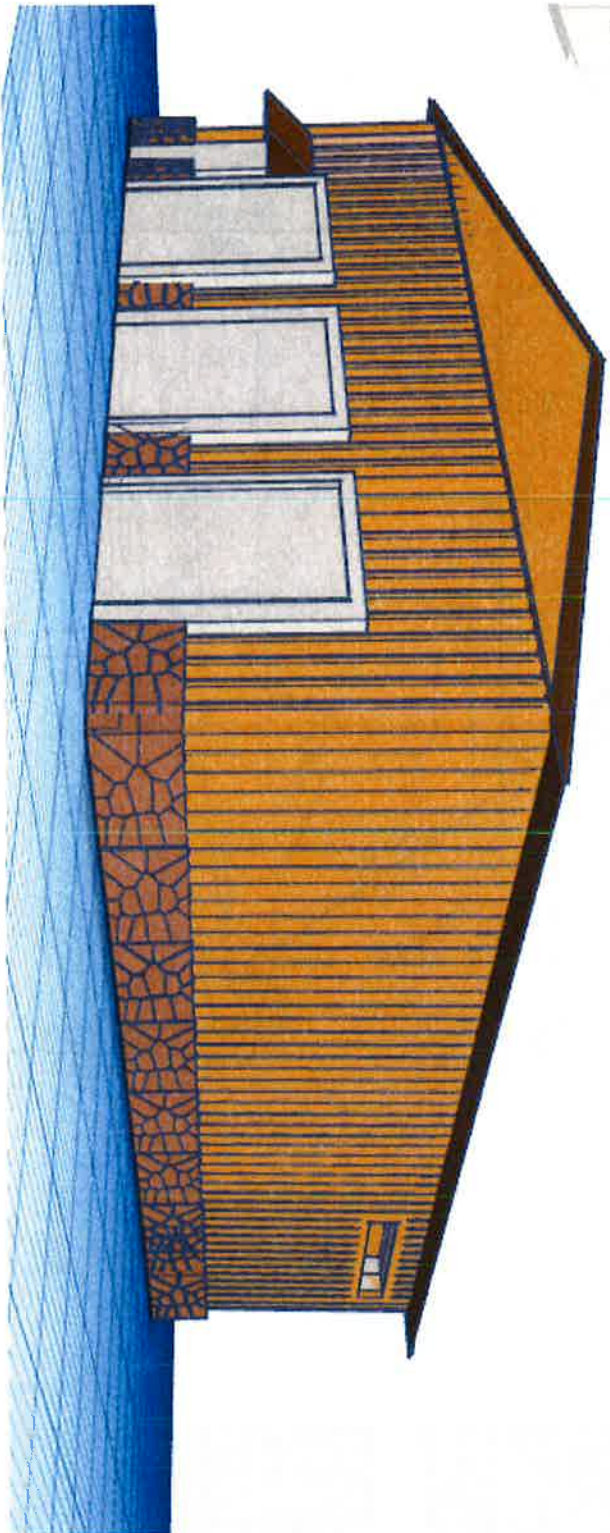
ORIGINAL LEASE LEGAL DESCRIPTION:

LOT 11, SECTION 11, T-19-N, R-12-E, TULSA COUNTY, OKLA. BEGINNING AT THE NORTHWEST CORNER OF THE EXISTING RIVERPARK PARKING LOT ON THE WESTERN BANK OF THE ARKANSAS RIVER AND WEST 21ST STREET SOUTH; THENCE DUE WEST A DISTANCE OF 14.9 FEET; THENCE N 48°22'39\" W A DISTANCE OF 45.49 FEET; THENCE DUE WEST A DISTANCE OF 35.38 FEET; THENCE N 63°12'30\" W A DISTANCE OF 88.54 FEET; THENCE N 77°55'17\" E A DISTANCE OF 142.38 FEET; THENCE N 97°54'47\" E A DISTANCE OF 70.00 FEET; THENCE N 77°55'17\" E A DISTANCE OF 127.10 FEET; THENCE S 34°58'09\" E A DISTANCE OF 284.27 FEET; THENCE N 46°44'46\" W A DISTANCE OF 112.28 FEET; THENCE DUE WEST A DISTANCE OF 97.46 FEET TO THE POINT OF BEGINNING. CONTAINING 55932.0 SQ FT OR 1.0559 ACRES MORE OR LESS, CITY OF TULSA, TULSA COUNTY, OKLAHOMA.

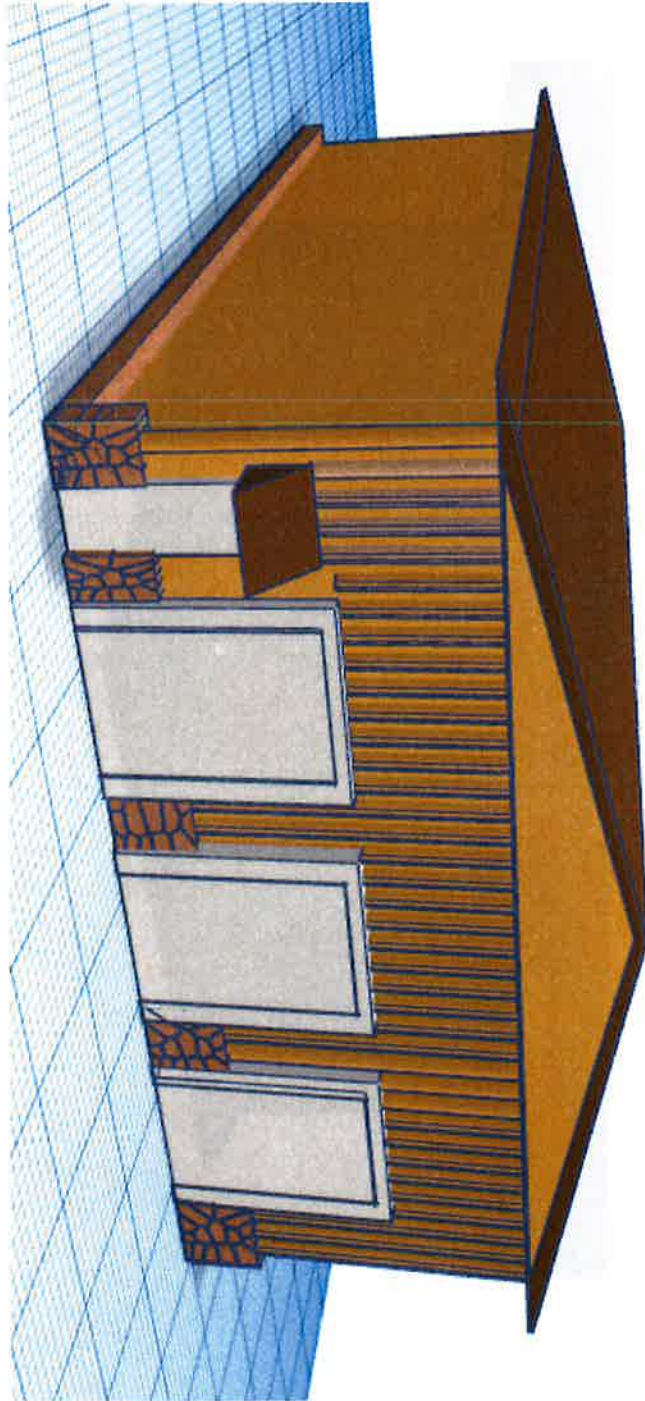
**TULSA ROWING CLUB
BOATHOUSE EXPANSION
SITE PLAN**

7.16

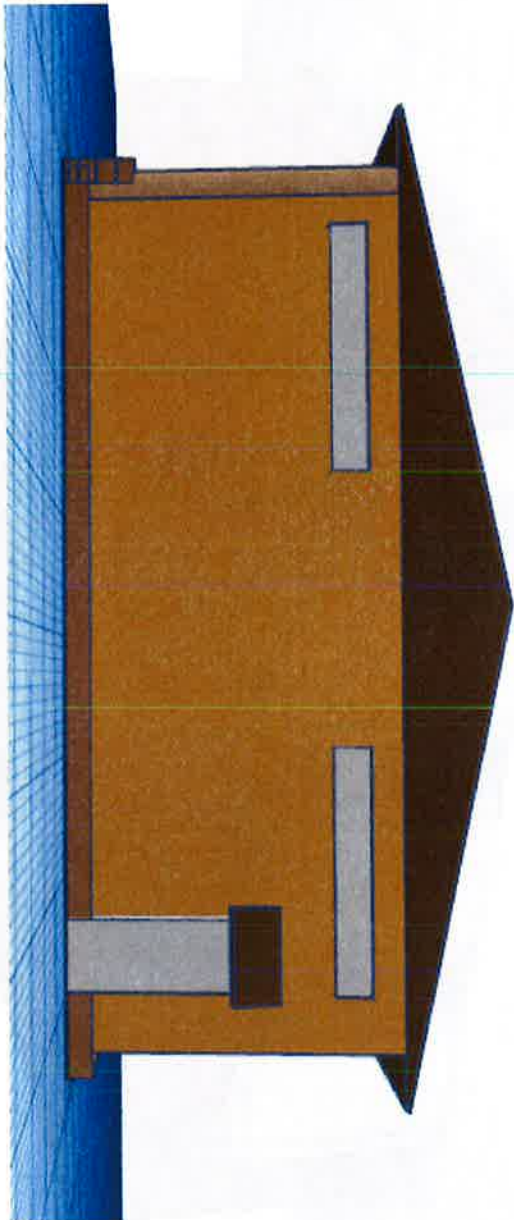
Looking North-West



Looking North-East



Looking South-East



Tulsa Rowing Club
Request to Board of Adjustment for Variances to RDO-1 Guidelines
April 2017

Circumstances of timing between the arson fire and vandalism that destroyed the Tulsa Rowing Club Boathouse on January 24, 2016, and the adoption of the River Design Overlay Guidelines and subsequent amendments to exempt park accessory uses, have necessitated this request to the BOA for variances to the RDO-1 on the basis of hardship.

Tulsa Rowing Club (TRC) was formed in 1982 upon completion of the Low Water Dam on Zink Lake. A lease between River Parks Authority and Tulsa Rowing Club for the property in the River West Festival Park was entered into on May 1, 1983. The Club rowed out of a storage container until 1991, when the Boathouse was built and dedicated. An addition to the Boathouse was constructed in 2009 to support the growing club. The Boathouse was destroyed by arson on January 24, 2016. The building and contents, including rowing boats, oars, and rowing machines were determined to be a total loss and non-repairable by the Club's insurance carrier. Final insurance settlement occurred in April 2016. The building was demolished in June 2016 because continued presence was determined to be a health hazard to the area. The existing concrete pad remains in place and will be utilized for the construction of the replacement boathouse on the same footprint. Building plans are in place and construction can begin as soon as variance relief is granted by BOA, and building permits have been approved.

Variance is requested to the following sections:

- Variance to 40% transparency of building façade facing the river and 20% transparency of building façade facing parking or common areas (Table 20-3).
- Variance to at least one building entrance required with direct connection to river trail in façade along the river (Table 20-3).
- Variance to prohibited materials of vinyl siding or aluminum siding (20.050-C.1d(2)).
- Variance to blank walls without architectural detailing/articulation may not exceed 35 feet in height or width (20.050-C.1d(3)).

An amendment to the RDO-1 guidelines is currently in process. This amendment to Section 20.050-A in the Zoning Code will allow exemptions to certain regulations for accessory uses to a park. This is expected be effective by early May. The amendment will remedy our need for variances to transparency and building entrance requirements. The amendment states:

4. Exemptions

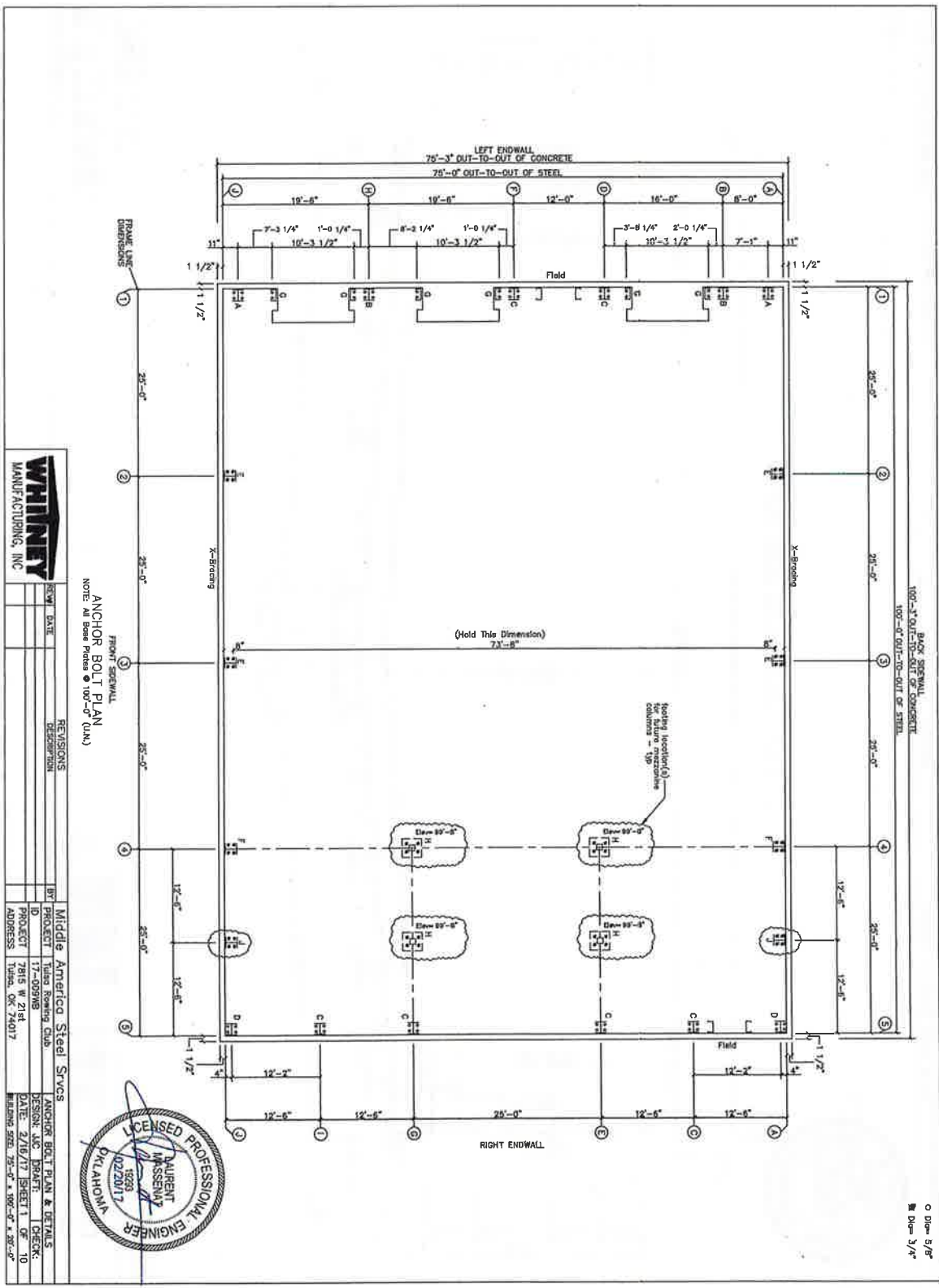
d. New or modified public utility and service uses, where allowed, and accessory uses customarily incidental to park and recreation uses (excluding restaurants) are exempt from compliance with the:

- (1) Build-to-zone regulations of [Table 20-2](#);
- (2) Ground floor transparency regulations of [Table 20-3](#); and
- (3) Building entrance requirements of [Table 20-3](#).

The Tulsa Rowing Club Boathouse is a functional, utilitarian storage structure for the storage of rowing boats and equipment for recreational use of the river. Building materials are suitable to the purpose of the structure. Some design relief from the expanse of the wall fronting the river will be provided by building materials of stone facing on the bottom and translucent panels along the top. The 100'

7.20

unbroken wall along the east side of the building provides maximum flexibility of storage of big boats such as 8's.

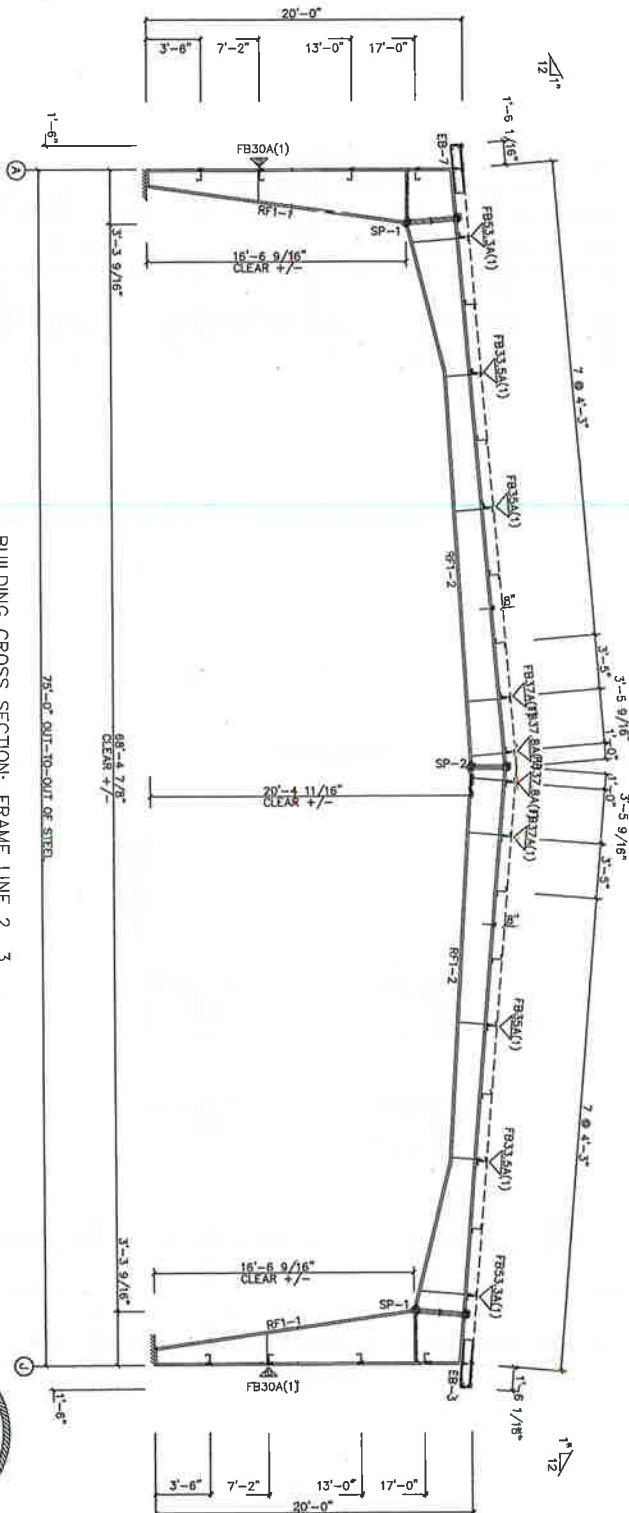


SOLAR RGT. MADE				
Work	Qty	Mat	Type	Length
SP-2	4	4	A225	0.750 2.00
SP-3	4	4	A225	0.750 2.00

FLANGE BRACES: FB30A (1 or 2)
 (1) One Side (2) Two Sides
 A - 1/2004/8

SOLAR RGT. MADE				
Work	Qty	Mat	Type	Length
SP-1	4	4	A225	0.750 2.00
SP-2	4	4	A225	0.750 2.00

SOLAR RGT. MADE				
Work	Qty	Mat	Type	Length
SP-1	4	4	A225	0.750 2.00
SP-2	4	4	A225	0.750 2.00



BUILDING CROSS SECTION: FRAME LINE 2 3



GENERAL NOTES:

1. ALL PRIMARY STRUCTURAL STEEL SHALL BE FABRICATED FROM 50 AND STEEL.
2. ALL FIELD CONNECTIONS OF PRIMARY TRUSS MEMBERS SHALL BE BOLTED.
3. ALL FIELD CONNECTIONS OF SECONDARY TRUSS MEMBERS SHALL BE BOLTED.
4. WITH ALSO ALL STEELS ARE INSTALLED BY THE TURN OF THE NUT METHOD.
5. ALL WELDED JOINTS SHALL BE WELDED BY WELDED BUILDINGS ARE IN ACCORDANCE WITH



REVISIONS		Middle America Steel Svcs	
REV	DATE	DESCRIPTION	BY
1		PROJECT	17-009WB
2		PROJECT	7815 W 21st
3		ADDRESS	Tulsa, OK 74017
4		DATE	2/16/17
5		DRAWN	10
6		CHECK	10

7.23



7.26

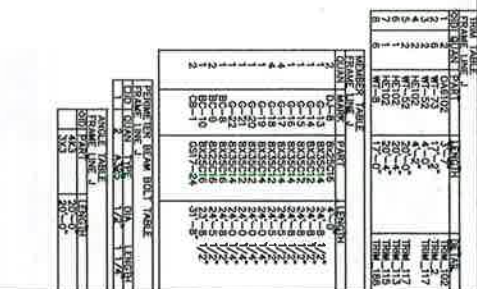


Figure 1: A detailed cross-section diagram of a 16' x 5' composite floor system. The diagram shows a series of 16' x 5' panels, each labeled '16'-5" [A]'. The panels are supported by a series of vertical columns. The columns are labeled with circled numbers 1 through 6. The diagram also shows a 'Gutter with 5 downspouts' on the right side. The floor system is shown in a perspective view, with a dashed line indicating the edge of the floor. The diagram is labeled 'Figure 1' at the bottom.

PANELS: 26 Gd. REVR - Lt Stone 40 yr
[A] PANELS: 26 Gd. REVR - Galvalume Plus

GENERAL NOTES:

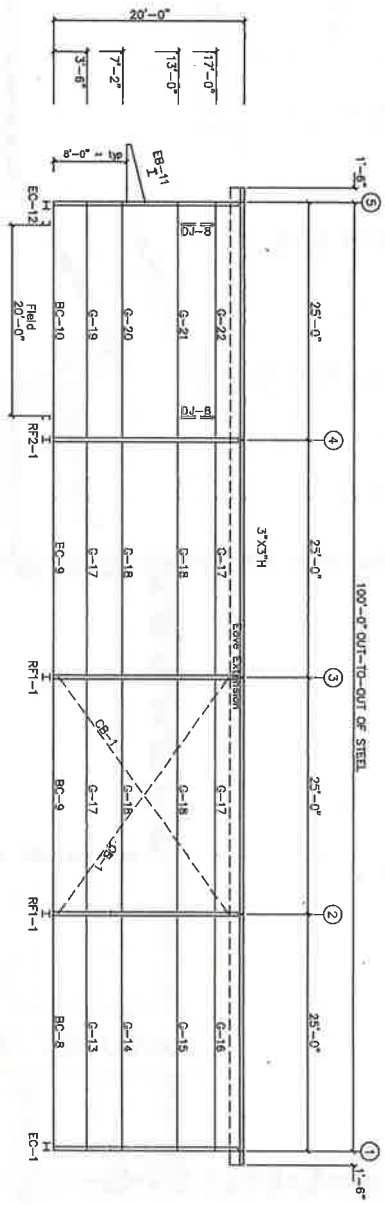
1. Cable lengths are the assembled length.
(END OF BOLT TO END OF BOLT)
2. Do not cut panels with an ABRASIVE BLADE.
(THIS WILL VOID THE WARRANTY ON THE PANEL.)

		REVISIONS		Middle America Steel Svcs	
REV	DATE	DESCRIPTION	BY	PROJECT	Tulsa Rowing Club
				ID	17-03986
				PROJECT	7815 W 21st
				ADDRESS	Tulsa, OK 74107
			SHEET/ALL FRAMING		
			DESIGN, JLC	CHECK:	
			DATE: 2/16/17	SHEET #	OF 10
			PULPINO SPEC: 7815-W x 102'-0" x 21'-0"		

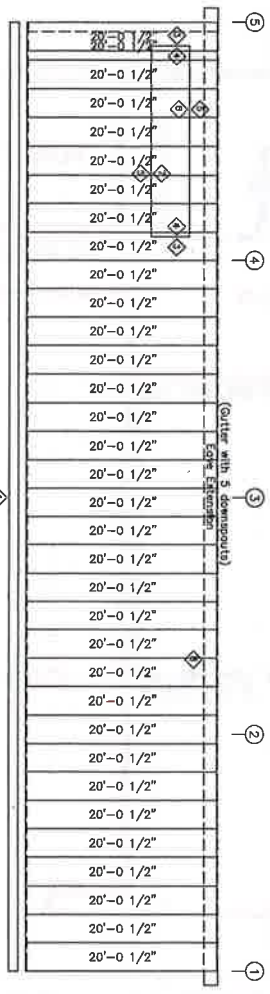


7.27

7.28



BACK SIDEWALL FRAMING: FRAME LINE A



BACK SIDEWALL SHEETING & TRIM: FRAME LINE A
PANELS: 26 Ga. RECK - Lt. Stone 40 yr

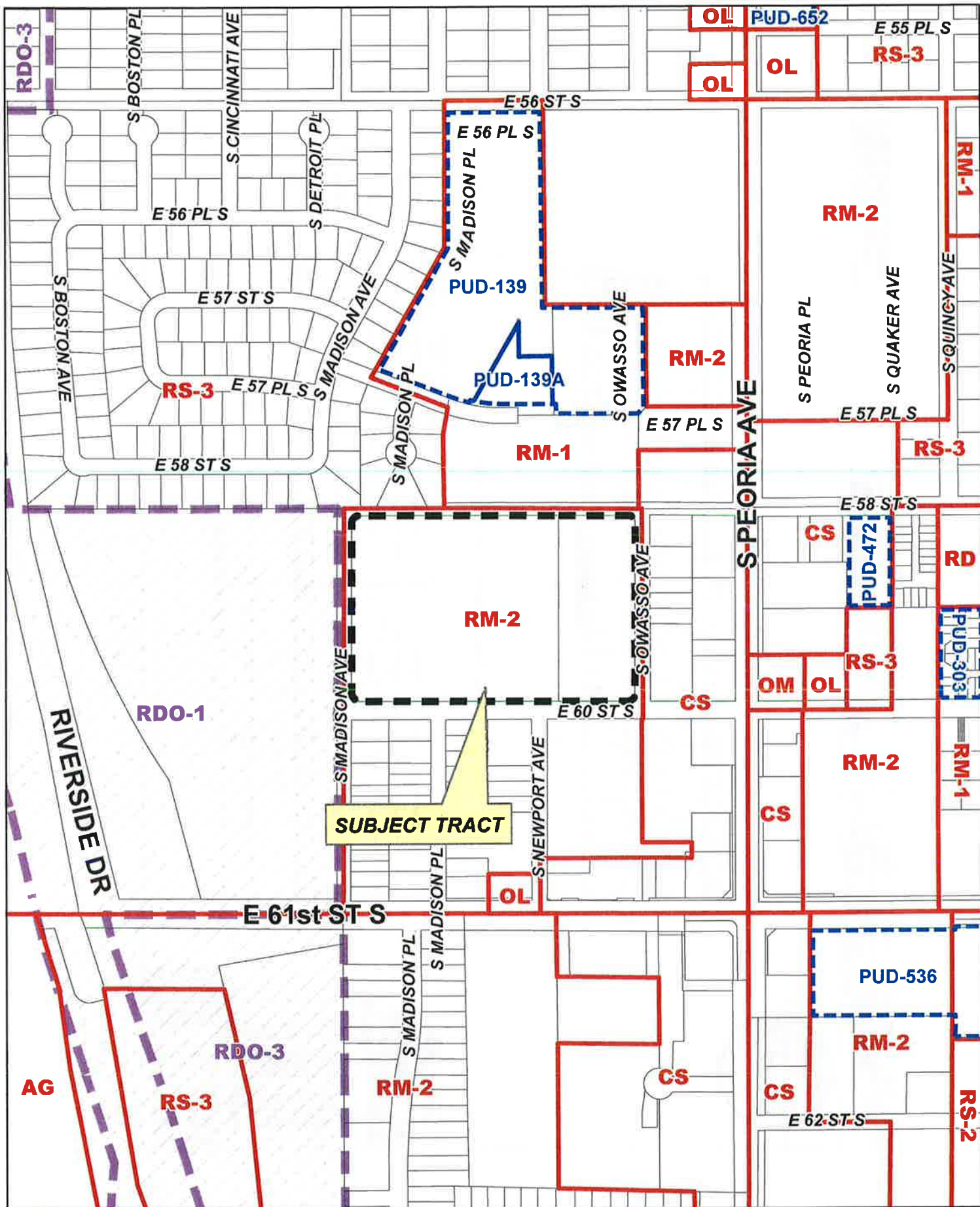
GENERAL NOTES:
1. Check lengths are the assembled lengths.
2. (END OF BOIT TO END OF BOIT)
THIS WILL COVER THE WARRANTY ON THE PANELS.



REV	DATE	REVISIONS	BY	PROJECT	LOCATION	DATE	CHECK
1		Middle America Steel Svcs		17-00000	7815 W 21st	2/16/17	10
2					Tulsa, OK 74017		



MEMBER TABLE		TOTAL	
MEMBER	LENGTH	MEMBER	LENGTH
EC-1	1'-6"	RC-1	1'-6"
EC-2	1'-6"	RC-2	1'-6"
EC-3	1'-6"	RC-3	1'-6"
EC-4	1'-6"	RC-4	1'-6"
EC-5	1'-6"	RC-5	1'-6"
EC-6	1'-6"	RC-6	1'-6"
EC-7	1'-6"	RC-7	1'-6"
EC-8	1'-6"	RC-8	1'-6"
EC-9	1'-6"	RC-9	1'-6"
EC-10	1'-6"	RC-10	1'-6"
EC-11	1'-6"	RC-11	1'-6"
EC-12	1'-6"	RC-12	1'-6"
EC-13	1'-6"	RC-13	1'-6"
EC-14	1'-6"	RC-14	1'-6"
EC-15	1'-6"	RC-15	1'-6"
EC-16	1'-6"	RC-16	1'-6"
EC-17	1'-6"	RC-17	1'-6"
EC-18	1'-6"	RC-18	1'-6"
EC-19	1'-6"	RC-19	1'-6"
EC-20	1'-6"	RC-20	1'-6"
EC-21	1'-6"	RC-21	1'-6"
EC-22	1'-6"	RC-22	1'-6"
EC-23	1'-6"	RC-23	1'-6"
EC-24	1'-6"	RC-24	1'-6"
EC-25	1'-6"	RC-25	1'-6"
EC-26	1'-6"	RC-26	1'-6"
EC-27	1'-6"	RC-27	1'-6"
EC-28	1'-6"	RC-28	1'-6"
EC-29	1'-6"	RC-29	1'-6"
EC-30	1'-6"	RC-30	1'-6"
EC-31	1'-6"	RC-31	1'-6"
EC-32	1'-6"	RC-32	1'-6"
EC-33	1'-6"	RC-33	1'-6"
EC-34	1'-6"	RC-34	1'-6"
EC-35	1'-6"	RC-35	1'-6"
EC-36	1'-6"	RC-36	1'-6"
EC-37	1'-6"	RC-37	1'-6"
EC-38	1'-6"	RC-38	1'-6"
EC-39	1'-6"	RC-39	1'-6"
EC-40	1'-6"	RC-40	1'-6"
EC-41	1'-6"	RC-41	1'-6"
EC-42	1'-6"	RC-42	1'-6"
EC-43	1'-6"	RC-43	1'-6"
EC-44	1'-6"	RC-44	1'-6"
EC-45	1'-6"	RC-45	1'-6"
EC-46	1'-6"	RC-46	1'-6"
EC-47	1'-6"	RC-47	1'-6"
EC-48	1'-6"	RC-48	1'-6"
EC-49	1'-6"	RC-49	1'-6"
EC-50	1'-6"	RC-50	1'-6"
EC-51	1'-6"	RC-51	1'-6"
EC-52	1'-6"	RC-52	1'-6"
EC-53	1'-6"	RC-53	1'-6"
EC-54	1'-6"	RC-54	1'-6"
EC-55	1'-6"	RC-55	1'-6"
EC-56	1'-6"	RC-56	1'-6"
EC-57	1'-6"	RC-57	1'-6"
EC-58	1'-6"	RC-58	1'-6"
EC-59	1'-6"	RC-59	1'-6"
EC-60	1'-6"	RC-60	1'-6"
EC-61	1'-6"	RC-61	1'-6"
EC-62	1'-6"	RC-62	1'-6"
EC-63	1'-6"	RC-63	1'-6"
EC-64	1'-6"	RC-64	1'-6"
EC-65	1'-6"	RC-65	1'-6"
EC-66	1'-6"	RC-66	1'-6"
EC-67	1'-6"	RC-67	1'-6"
EC-68	1'-6"	RC-68	1'-6"
EC-69	1'-6"	RC-69	1'-6"
EC-70	1'-6"	RC-70	1'-6"
EC-71	1'-6"	RC-71	1'-6"
EC-72	1'-6"	RC-72	1'-6"
EC-73	1'-6"	RC-73	1'-6"
EC-74	1'-6"	RC-74	1'-6"
EC-75	1'-6"	RC-75	1'-6"
EC-76	1'-6"	RC-76	1'-6"
EC-77	1'-6"	RC-77	1'-6"
EC-78	1'-6"	RC-78	1'-6"
EC-79	1'-6"	RC-79	1'-6"
EC-80	1'-6"	RC-80	1'-6"
EC-81	1'-6"	RC-81	1'-6"
EC-82	1'-6"	RC-82	1'-6"
EC-83	1'-6"	RC-83	1'-6"
EC-84	1'-6"	RC-84	1'-6"
EC-85	1'-6"	RC-85	1'-6"
EC-86	1'-6"	RC-86	1'-6"
EC-87	1'-6"	RC-87	1'-6"
EC-88	1'-6"	RC-88	1'-6"
EC-89	1'-6"	RC-89	1'-6"
EC-90	1'-6"	RC-90	1'-6"
EC-91	1'-6"	RC-91	1'-6"
EC-92	1'-6"	RC-92	1'-6"
EC-93	1'-6"	RC-93	1'-6"
EC-94	1'-6"	RC-94	1'-6"
EC-95	1'-6"	RC-95	1'-6"
EC-96	1'-6"	RC-96	1'-6"
EC-97	1'-6"	RC-97	1'-6"
EC-98	1'-6"	RC-98	1'-6"
EC-99	1'-6"	RC-99	1'-6"
EC-100	1'-6"	RC-100	1'-6"



BOA-22236

19-12 36

8.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9236

Case Number: **BOA-22236**

CZM: 46

CD: 9

A-P#: N/A

HEARING DATE: 04/25/2017 1:00 PM

APPLICANT: Andrew Bailey

ACTION REQUESTED: **Variance** to reduce the required parking to 572 spaces for the Savanna Landing Apartments (Section 55.020).

LOCATION: NW/c of S Owasso Ave and E 60 St S

ZONED: RM-2

PRESENT USE: Multi-Family Residential

TRACT SIZE: 13.3 Acres

LEGAL DESCRIPTION: PRT LT 1 & PRT VAC ST BEG MOST SELY COR TH W225 N630.70 E237.96 S TO PT TH ON CRV RT TO PT TH S550.70 TH ON CRV RT 39.21 POB BLK 1; PRT LT 1 & PRT VAC ST BEG MOST SWLY COR TH ON CRV RT 39.33 N550.70 TH ON CRV RT 39.21 W TO PT N30 E700 S630.70 W650 POB BLK 1, BROADVIEW HGTS 2ND ADDN RESUB B2-4 BROADVIEW HGTS ADDN, BROADVIEW HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Lot:

BOA 18662; on 2.22.00 the Board approved the special exception to modify the allowable fence height in a front yard from 4' to 8' to allow a wrought iron decorative fence surrounding an apartment project on property zoned RM-2.

BOA 16984; on 3.28.95 the Board approved a special exception to permit a head start program in an RM-2 zoned district subject to days and hours being Monday through Friday 8 a.m. to 4 p.m.

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

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by RM-1 zoned residential on the north and south; RS-3 zoned single family residences abuts the site on the north. RS-3 zoned parks and open space abuts the site on the west and CS zoned commercial abuts the site on the east.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance to reduce the required parking from 609 spaces to 572. The applicant provided the following statement with their application: *Savanna Landing Apartments, formerly Fairmont Terrace Apartments, has been a federally subsidized low income housing apartment project since 1976. In an effort to improve the physical conditions of the property, the safety of the residents and operational management of the apartments Millennia Housing Development worked with the City of Tulsa and the Department of Housing and Urban Development to rehabilitate the Savanna Landing Apartments. The rehabilitation of the apartments incorporates safety and security measures throughout the property while also addressing decades of physical neglect and deferred maintenance.*

The construction of 37 unnecessary, additional parking spaces, would require a redesign of the security plan, increased lighting and security cameras. Further, the addition of 37 parking spaces are not needed by the existing apartment community. In fact, given the limited income of the property's residents and ample access to public transportation, the property already has too many unused parking spaces.

Since the Savanna Landing Apartments rehab project is not adding any additional residential units of new uses to the property; and because the property does not need additional parking spaces; and because adhering to the current Code would create an unnecessary hardship to the project we request a formal variance of the parking requirement to allow the existing 572 parking spaces. Please note the property is not required to increase the number of parking spaces by the City of Tulsa. This action will satisfy the Owner's investor/lender requirements. The age, condition and use of the property is better served with the current number of spaces.

Table 55-1 in our current City of Tulsa Zoning Code provides the ratio for the number of required parking spaces for apartment buildings in an RM-2 zoning district. Each 0-1 bedroom dwelling unit requires 1.25 parking spaces. Each dwelling unit that has two or more bedrooms requires 2 parking spaces. The existing complex contains 84 dwelling units with 0-to-1-bedrooms; and 252 dwelling units with 2 or more bedrooms, the minimum onsite parking requirement is as follows:

- $84 \times 1.25 = 105$ parking spaces for the efficiency and one bedroom apartments
- $252 \times 2.0 = 504$ parking spaces for the dwelling units with 2 or more dwelling units.

The existing apartment complex is required by the Code to provide 609 on-site parking spaces; the site plan indicates that the lot currently contains 572 parking spaces. With regard to the parking requirement, the Code attempts to ensure that all uses provide adequate on site-parking to make certain that peak vehicle parking demand is accommodated.

Sample Motion for a Variance

Move to _____ (approve/deny) a **Variance** to reduce the required parking to 572 spaces for the Savanna Landing Apartments (Section 55.020).

- Finding the hardship(s) to be _____.

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

The Board finds that the following facts, favorable to the property owner, have been established:

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

Case No. 18662

Action Requested:

Special Exception to modify the allowable fence height in a front yard from 4' to 8' to allow a wrought iron decorative fence. SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards, located at 1111 E. 60th St.

Presentation:

Ted Gibson, 5569 S. Lewis, stated he represents the owner of Fairmont Terrace Apartment complex. The complex is located at 1111 E. 50th St.

Interested Parties/Protestants:

None.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** the **Special Exception** to modify the allowable fence height in a front yard from 4' to 8' to allow a wrought iron decorative fence, finding it would 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, on the property described as follows:

Lot 1, Block 1, Broadview Heights 2nd Addition, City of Tulsa, Tulsa County, Oklahoma

Case No. 18663

Action Requested:

Special Exception to allow church and accessory uses in an AG district. SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT; SECTION 1205. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES; and SECTION 1608, located N of E. 101st St. & E of Yale.

Mr. White announced that **Mr. Dunham** abstains in this case.

Presentation:

Steve Schuller, 100 W. 5th St, stated that he is representing Redeemer Covenant Church. He pointed out that there are about 15 acres wrapping around the existing church property on the west and north sides. The property came available, and the church opted to buy it if a Special Exception is available for the property, subject expressly to a detailed site plan that would be presented for approval at a later date. The applicant had a positive meeting with representatives of the two neighborhoods on the north and west side, including some property owners at Leisure Estates.

Case No. 16984

FILE COPY

Action Requested:

Special Exception to permit a head start program in an RM-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 2, located 5824 South Owasso Avenue.

Presentation:

The applicant, **Tulsa Community Action**, 531 East 36th Street North, was represented by **Sylvia Wilson**, who requested that a head start program be permitted at the above stated location. She advised that one of the apartments in the complex will be used for the teaching program.

Comments and Questions:

Mr. Doverspike inquired as to the hours of operation, and Ms. Wilson stated that the head start program will be conducted Monday through Friday, 8 a.m. to 4 p.m..

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **APPROVE** a **Special Exception** to permit a head start program in an RM-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit; subject to days and hours of operation being Monday through Friday, 8 a.m. to 4 p.m.; finding that approval of the request will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lot 1, Block 1, Broadview 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16985

Action Requested:

Special Exception to permit a public park in an RM-1 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICT** - Use Unit 2, located northeast corner of West 7th Street and 49th West Avenue.

