

**AGENDA**  
**CITY OF TULSA BOARD OF ADJUSTMENT**  
**Regularly Scheduled Meeting**  
**Tulsa City Council Chambers**  
**175 East 2<sup>nd</sup> Street, 2<sup>nd</sup> Level, One Technology Center**  
**Tuesday, May 9, 2017, 1:00 P.M.**

**Meeting No. 1183**

**CONSIDER, DISCUSS AND/OR TAKE ACTION ON:**

1. Approval of **Minutes** of April 11, 2017 (Meeting No. 1181).
2. Approval of **Minutes** of April 25, 2017 (Meeting No. 1182).

**UNFINISHED BUSINESS**

3. **22213—A-MAX Sign Company**  
Variance to increase the permitted display surface area from 70.5 to 88.7 square feet for a freestanding sign with a dynamic display in the OL District (Section 60.060-C). **LOCATION:** 4520 South Harvard Avenue East **(CD 9)**
4. **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 19<sup>th</sup> Street South **(CD 4)**
5. **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 in the CBD District (Section 40.050-A). **LOCATION:** 108 North Detroit Avenue East **(CD 4)**
6. **22227—Claude Neon Federal Signs – Ed Horkey**  
Variance to permit 7 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 on the lot (Section 60.060). **LOCATION:** 7307 South Yale Avenue East **(CD 8)**
7. **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)**



8. **22236—Millenia Housing Development – Andrew Bailey**

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 60<sup>th</sup> Street South **(CD 9)**

**NEW APPLICATIONS**

9. **22230—Troy Trauernicht**

Special Exception to allow a fence to exceed 4 feet in height within the required street setback (Section 45080-A). **LOCATION:** 3131 South 85<sup>th</sup> East Avenue **(CD 5)**

**The applicant has withdrawn the request.**

10. **22231—Judy Pankey**

Special Exception to permit a Public, Civic, and Institutional/Religious Assembly use in THE RS-3/OL District (Section 5.020); Variance to allow a parking area within the required street building setback (Section 40.320). **LOCATION:** 2607 & 2615 North Rockford Avenue East **(CD 1)**

11. **22234—Mazan Jabr**

Special Exception to allow for a bar/hookah lounge within 150 feet of the R District (Section 15.020-G); Verification of the 300 foot spacing requirement for a bar from public parks, schools, other bars and religious assemblies and the public entrance doors 50 feet from an R-zoned lot (Section 40.050). **LOCATION:** 7116 South Mingo Road East, Suite 107 **(CD 7)**

12. **22235—Pam Bickle**

Special Exception to allow two carports in the street setback area in the R District (Section 90.090-C.1); Variance to allow a non-all-weather off-street parking area (Section 55.090-F); Variance to allow a fence and structures within the street right-of-way (Section 90.090). **LOCATION:** 1615 South 151<sup>st</sup> Avenue East **(CD 6)**

13. **22237—W Design – Weldon Bowman**

Variance to allow the square footage of an accessory building to exceed 40% of the principal structure to permit a 2,375 square foot accessory building (Section 45.030). **LOCATION:** 6319 & 6323 East 119<sup>th</sup> Street South **(CD 8)**

14. **22240—Robert Moser**

Variance to allow aluminum siding on the south and east elevation of the proposed retail/commercial building in the CS/RDO-3 District (Section 20.050). **LOCATION:** North of the NE/c of Riverside Parkway and South Delaware Avenue East **(CD 2)**



## **OTHER BUSINESS**

### **15. 22230—Troy Trauernicht**

Special Exception to allow a fence to exceed 4 feet in height within the required street setback (Section 45080-A). **LOCATION:** 3131 South 85<sup>th</sup> East Avenue (CD 5)

The applicant requests a refund.

## **NEW BUSINESS**

## **BOARD MEMBER COMMENTS**

## **ADJOURNMENT**

**Website:** [www.cityoftulsa-boa.org](http://www.cityoftulsa-boa.org)

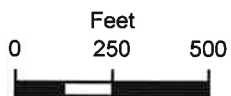
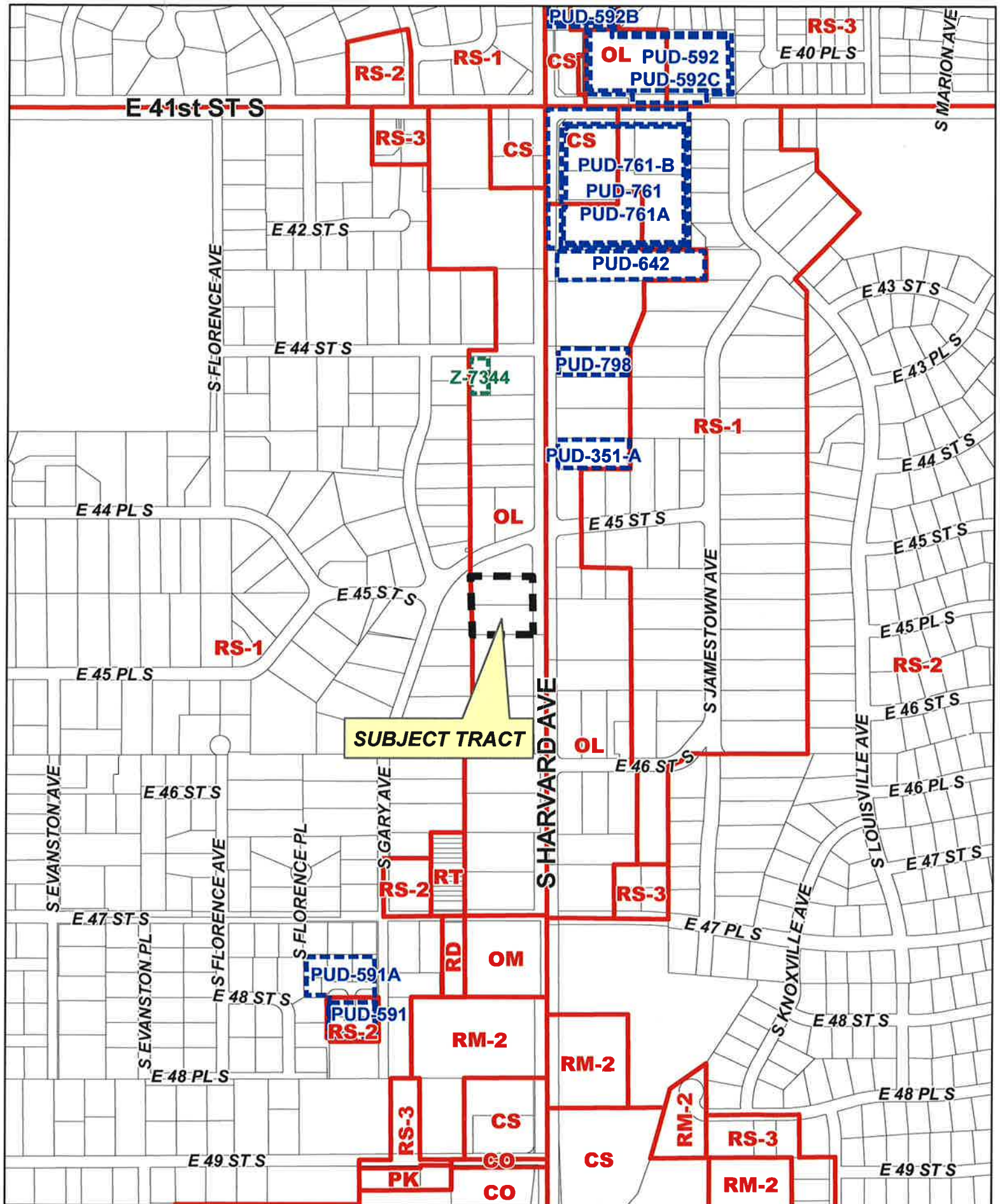
**E-mail:** [esubmit@incog.org](mailto:esubmit@incog.org)

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.





BOA-22213

19-13 29

3.1





# BOARD OF ADJUSTMENT CASE REPORT

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

Case Number: **BOA-22213**

**HEARING DATE:** 05/09/2017 1:00 PM

**APPLICANT:** A-Max Sign Company, Inc.

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

**LOCATION:** 4520 S Harvard Ave

**ZONED:** OL

**PRESENT USE:** Office

**TRACT SIZE:** 1.39 Acres

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

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Site:**

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

### **Surrounding Properties:**

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

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

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

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



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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is abutted by OL zoning on the north and south; S Harvard Ave and OL zoning on the east; and RS-1 zoning on the west.

**STAFF COMMENTS:**

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

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

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

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

**Sample Motion for a Variance**

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

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



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

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



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

**Presentation:**

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

**Interested Parties:**

There were several interested parties present.

**Comments and Questions:**

None.

**Board Action:**

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

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

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

**21813—A-MAX Sign Company – Lori Worthington**

**FILE COPY**

**Action Requested:**

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

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

**Presentation:**

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



BOA-21813

FILE COPY

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

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

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

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **APPROVE** the request for a **Variance** to increase the square footage from 47 square feet to 66.9 square feet to allow for a ground sign (Section 602.B.4). The Board has found that the sign to be constructed is basically a reconstruction and replacement of an existing non-conforming sign. The new sign will be the same size and dimension of the existing sign. The sign to be constructed will be placed no closer to Harvard than the current existing signage. This approval is subject to conceptual plan 5.15 for the location and 5.16 for the style and size. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

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

**21814—A-MAX Sign Company – Lori Worthington**

**Action Requested:**

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



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

\*\*\*\*\*

**Case No. 21151-Betty Earnest**

**Action Requested:**

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

**Presentation:**

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

**Interested Parties:**

There were no interested parties were present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **ACCEPT** the Verification of the spacing requirement for a family day care home of 300 ft. from another day care home on the same street (Section 402.B.5.g), as they presently exist, subject to the action of the Board being void should another family day care home be established prior to this family day care home; for the following property:

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

\*\*\*\*\*

**Case No. 21160-Global Sign Solutions**

**Action Requested:**

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



BOA-21160

**Presentation:**

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

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

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

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

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

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

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

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the **Variance** of the maximum number of signs permitted on a lot in the OL district from one (1) to two (2) signs (Section 602.B.4.b); and a **Variance** of the maximum permitted display surface area for a sign in the OL district from 32 S.F. to 100 S.F. (Section 602.B.4.c). The Board has found that the office lot is only 125'-0" wide by 325'-0" deep; this impairs the businesses to the east from having any identity in the area; the existing banner and the Accent Realtor ground real estate sign is to be removed. In granting this Variance the Board has found that these are extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the



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same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, subject to conceptual plan 5.7 relating to the sign dimensions; for the following property:

**LT 5 BLK 3, VILLA GROVE HGTS NO 1**

\*\*\*\*\*

**Case No. 21162-Erik Miller**

**Action Requested:**

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

**Presentation:**

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

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

**Interested Parties:**

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

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **ACCEPT** the Verification of the spacing requirement for a liquor store of 300 ft. from blood banks, plasma centers, day labor hiring centers, bail bond offices, pawn shops, and other liquor stores (Section 1214.C.3), subject to the action of the Board being void should another above referenced conflicting use be established prior to this liquor store; for the following property:

**LTS 1 & 2 BLK 1, DANA ANN ADDN**



**Case No. 17398**

**Action Requested:**

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

**Presentation:**

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

**Comments and Questions:**

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

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

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

**Board Action:**

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

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





S GARY AVE

E 45th ST

E 45th ST

S HARVARD AVE

0 50 100  
Feet



Subject  
Tract

**BOA-22213**

19-13 29

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

Aerial Photo Date: February 2016



3.11





0 Feet 250 500



Subject  
Tract

**BOA-22213**

19-13 29

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

Aerial Photo Date: February 2016



3.12





Subject Lot - Looking North



Subject Lot - Looking NW



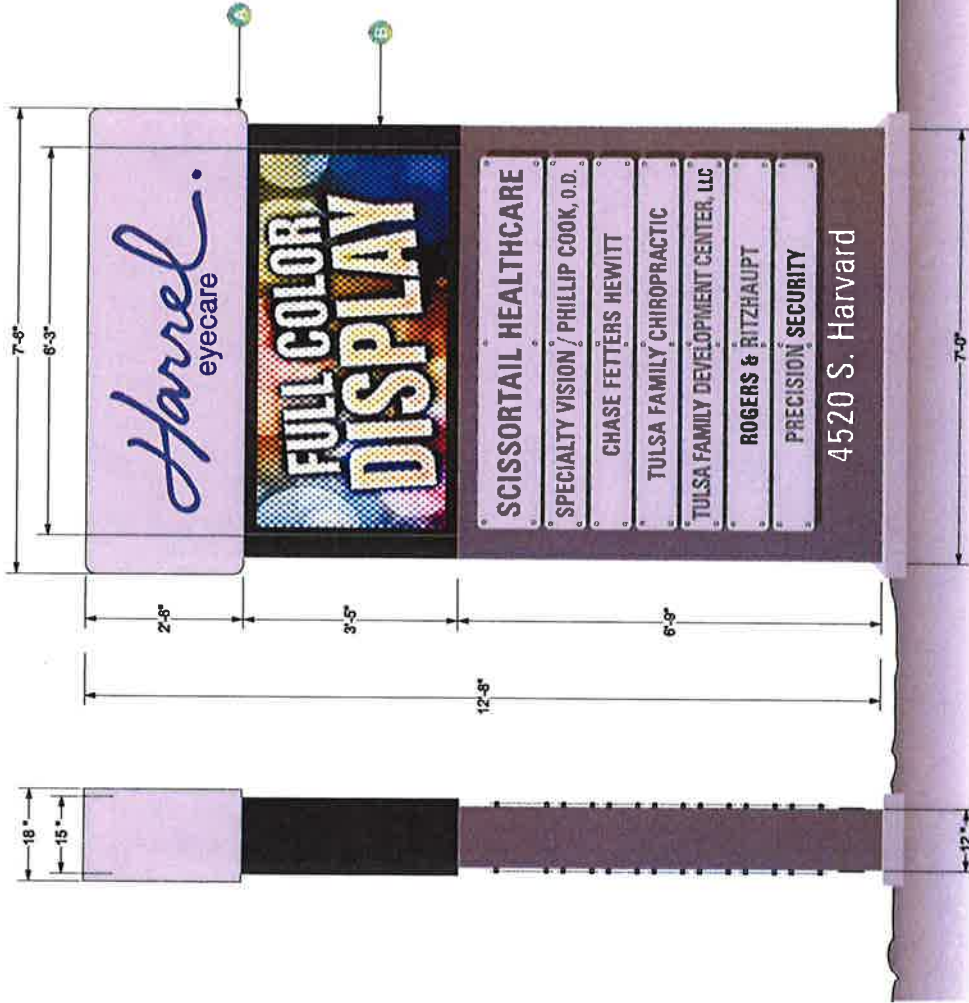


Street View- Harvard Ave





# ADDING A 3.5' X 6.25' DYNAMIC DISPLAY



1.1

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

- Existing Top Cabinet, Removed and Re-Installed on Top of New Electronic Message Center.
- New Watchfire 12mm RGB LED Programmable Message Center 72x144 Pixel Matrix. 3'x6' Image Area
- Modify Existing 4" Square Tube Support As Needed.



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



1.	
2.	
3.	
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6.	



# HARREL EYECARE 4520 S HARVARD

3.16

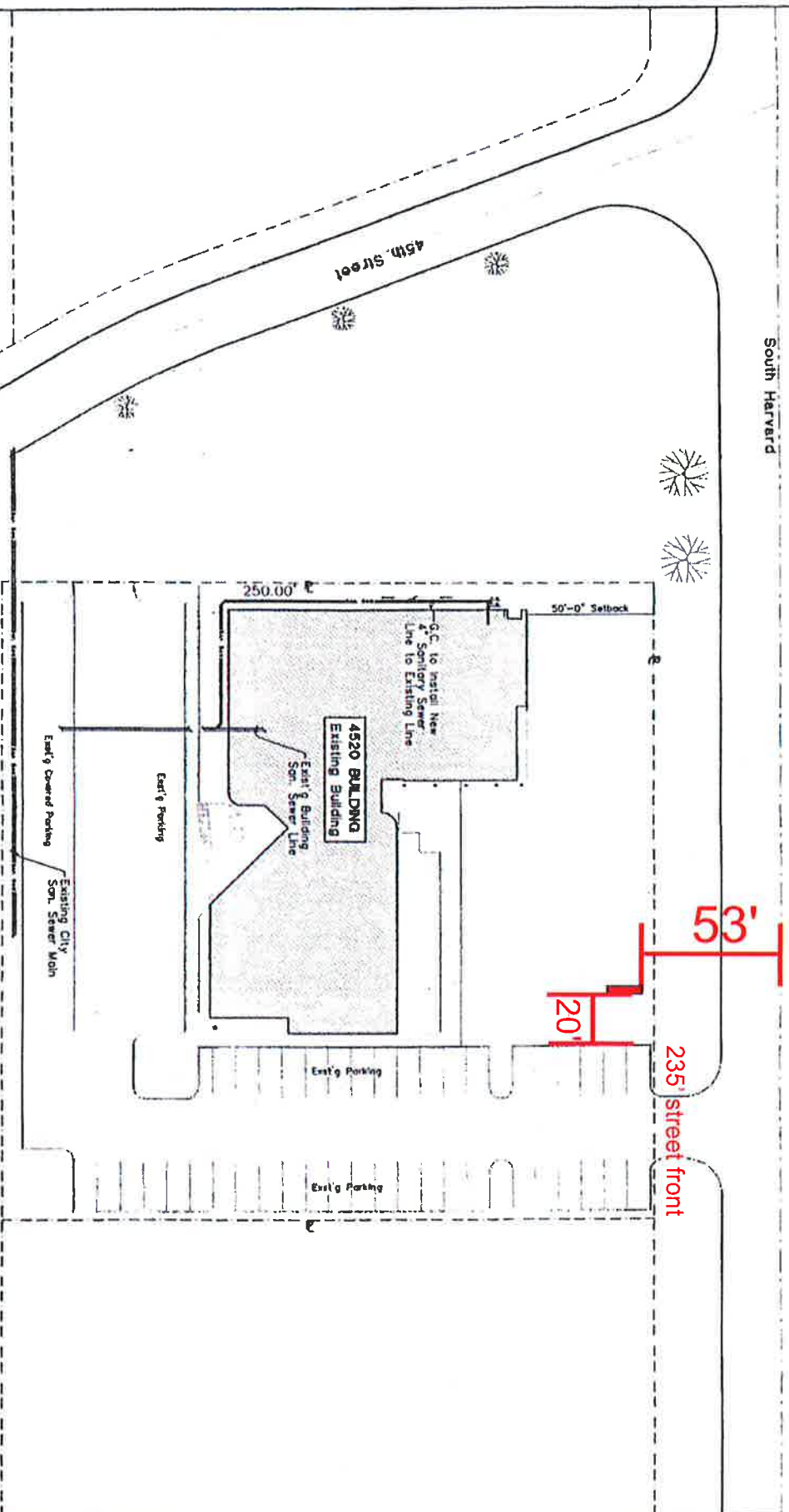
## LEGAL DESCRIPTION

The property is located in Tulsa County, Oklahoma, more particularly described as follows:

The North 1/2 of Lot Two (2), Block Three (3), and the South 1/2 of Lot Two (2), Block Three (3), ALL GROVE PARK ADDITION to the City of Tulsa, County of Tulsa, according to the recorded Plat thereof.

## A Site Plan

Scale: 1" = 40'-0"



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

Chase Fellers Hewitt - Architects  
4520 S. Harvard Suite 100  
Tulsa, Oklahoma 74135 918/747-8223

Dobbs Office Building  
Tulsa, Oklahoma

SHEET

C-1

06-18-97



BOB KOLIBAS  
SIGN PLANS EXAMINER  
918-596-9664



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### SIGN PLAN REVIEW

March 29, 2017

LOD Number: 987812-1R

Sign contractor:

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

Phone: (918)622-0651

Fax: (918)622-0659

**APPLICATION NO:** 414299 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
**Location:** 4520 S HARVARD AV E  
**Description:** Harrel Eye Care w/dynamic display sign

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

##### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 WEST 2<sup>ND</sup> STREET, 8<sup>TH</sup> 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)

3.17



## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT  
[WWW.INCOG.ORG](http://WWW.INCOG.ORG)

Application No. 414299

4520 S HARVARD AV E

January 31, 2017

This letter of deficiencies covers Sign Plan Review items only.

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

### 60.060 Signs in Office Zoning Districts

#### 1.)60.060-C Maximum Area

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

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

#### 2.)60.060-E Dynamic Displays

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

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

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

**NOTE:** Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to send the decision of any actions by the BOA or TMAPC affecting the status of your application for a Sign Permit to our office so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.



## **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.



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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:** 05/09/2017 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 e-mail: *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**

\*\*\*\*\*

**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 19<sup>th</sup> Street South (CD 4)

**Presentation:**

**Tom Neal**, 2507 East 11<sup>th</sup> 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 19<sup>th</sup> 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 19<sup>th</sup> 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 17<sup>th</sup> 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 19<sup>th</sup> 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 25<sup>th</sup> 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

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**From:** Leah Krautter [dansingmom@gmail.com]  
**Sent:** Monday, April 24, 2017 10:27 PM  
**To:** Moye, Nikita  
**Subject:** Fwd: Room

Hi Nikita,  
Please add this communication to my case, which is to be reviewed by the board May 9th.  
Leah (Wendy) Krautter

----- Forwarded message -----  
From: "Heather Anderson" <[heatherla@mac.com](mailto:heatherla@mac.com)>  
Date: Apr 24, 2017 8:01 PM  
Subject: Room  
To: <[dansingmom@gmail.com](mailto:dansingmom@gmail.com)>  
Cc:

To whom it may concern,

I recently came to Tulsa to visit my father who is dealing with multiple health issues. I usually stay with friends but this time I was traveling with my sister and her baby so we decided to stay in the Magnolia Room booked through airbnb. We stayed three nights. I want to make two points. First, it is an invaluable resource to have accommodations such as those at Mrs. Krautter's home. She rents her spare bedroom in the very informal atmosphere of her home. Her family lives there and they welcome the visitor to feel at home with 5 of her 12 kids getting ready for school, doing their chores and living their daily lives. Second, she does not provide meals or breakfast but instead offers the room at a very reasonable rate. Having to travel last minute to Tulsa is very expensive and her room was affordable and close to the hospital. I use and support the home sharing economy in our cities because it allows people to travel in new and different ways. These lodging opportunities are vital to a community like Tulsa which attracts a wide range of visitors.

Warmest Regards,

Heather Langenkamp Anderson

Sent from my iPhone

Sent from my iPhone



## 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, 8<sup>th</sup> 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**

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**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 19<sup>th</sup> 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

Suggested Sites Web Slice 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

Google

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

Hard Rock Hotel and Casino Tulsa Good  
5-Star Hotel ★★★★★  
272 reviews  
Hotels.com  
\$144  
Visit Deal >

https://airbnb.com/rooms/1315000

Magnolia Suite at Magnolia House

File Edit View Favorites Tools Help

WIN (2) Agent Desktop WIN oscon 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

**Magnolia Suite at Magnolia House**  
Tulsa, OK, United States ★★★★★  
4.9

Weekly Private space 4 Guests 1 Bedroom 2 Baths

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

Guests  
1 guest

Book

Share this listing



https://tripadvisor.com/Vacations/Screening51277-6114109012-Magnolia-Suite-Tulsa-Oklahoma.com

File Edit View Favorites Tools Help

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

USA • Oklahoma (OK) • Tulsa

### Magnolia Suite

7 verified travelers have scored this property

**Never pay for your vacation rental by wire transfer.**  
Learn more about paying safely

Overview Reviews Amenities Availability Map

Check in: Check out: 20 mins

from **\$65** /night (1)

Additional fees may be agreed by owner


**Book Now**

32 inquiries  
updated this property in the past week

[Send Message](#)

Free Parking Free  
Refund Protection

See also other top rated properties in your location  
[Learn more about paying safely](#)



1 of 14 - View gallery images, guest photos, and travel documents

Overview  
Private Room, 1 Bathroom, Sleeps 4

## The Peacock Room at Magnolia House


https://airbnb.com/rooms/18...

File Edit View Favorites Tools Help

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

Search


Become a Host Help Sign Up Log In



View Photos

**\$49** /Per Night

Overview Reviews The Host Location

 **The Peacock Room at Magnolia House**  
Tulsa, OK, United States

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

Guests: 1 guest

4.17



## Moye, Nikita

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**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

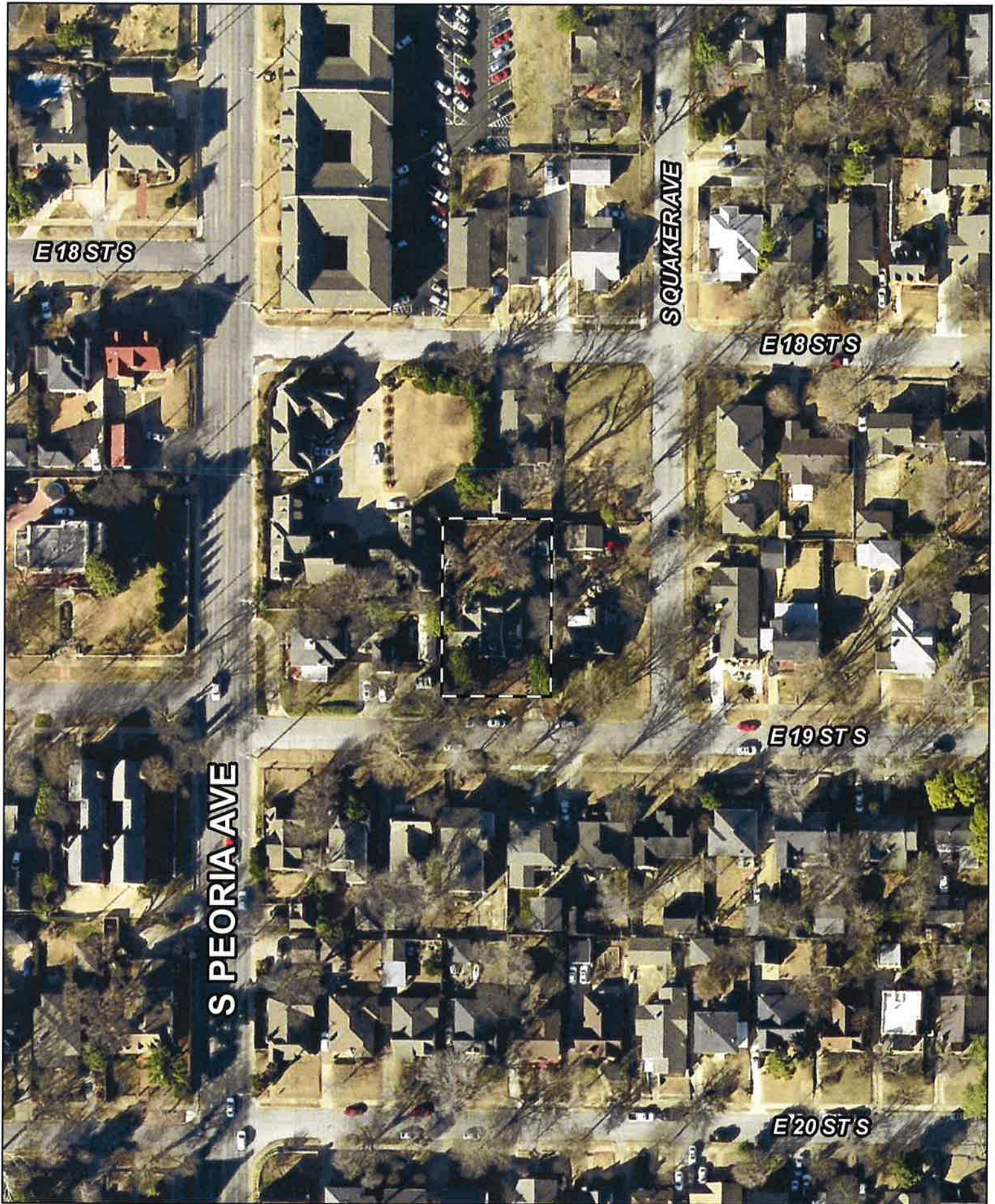
This will confirm our telephone conversation. Mrs. Krautter will file for an exception so that she may operate as a Bed & Breakfast pursuant to the municipal codes. I will keep you advised of the progress and send you a copy of the application. You informed me that other homes in the area also received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





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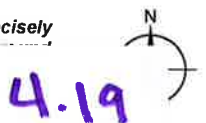
Subject  
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**BOA-22215**

19-13 07

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

Aerial Photo Date: February:







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Feet



Subject  
Tract

**BOA-22215**

19-13 07

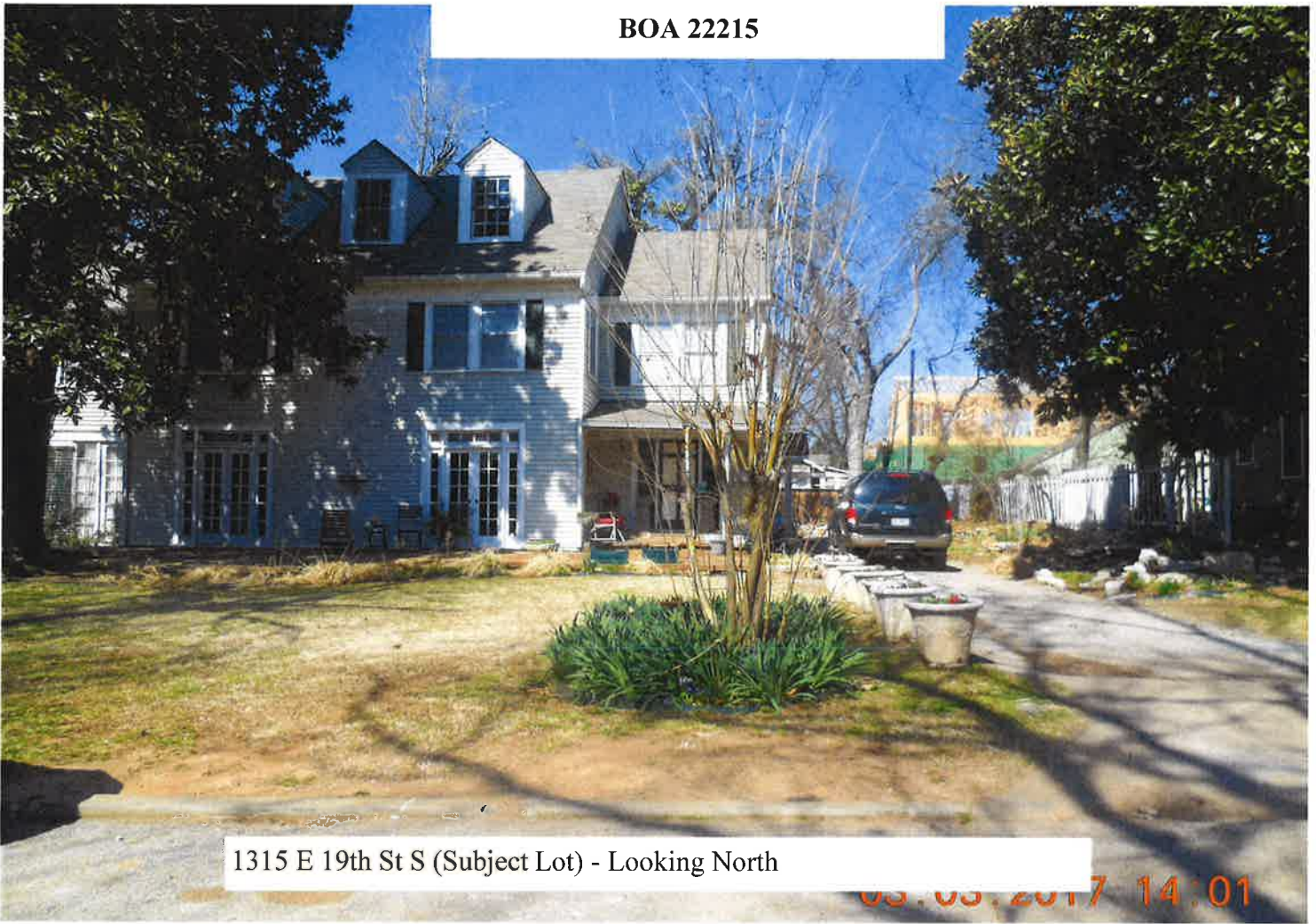
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February

4.20



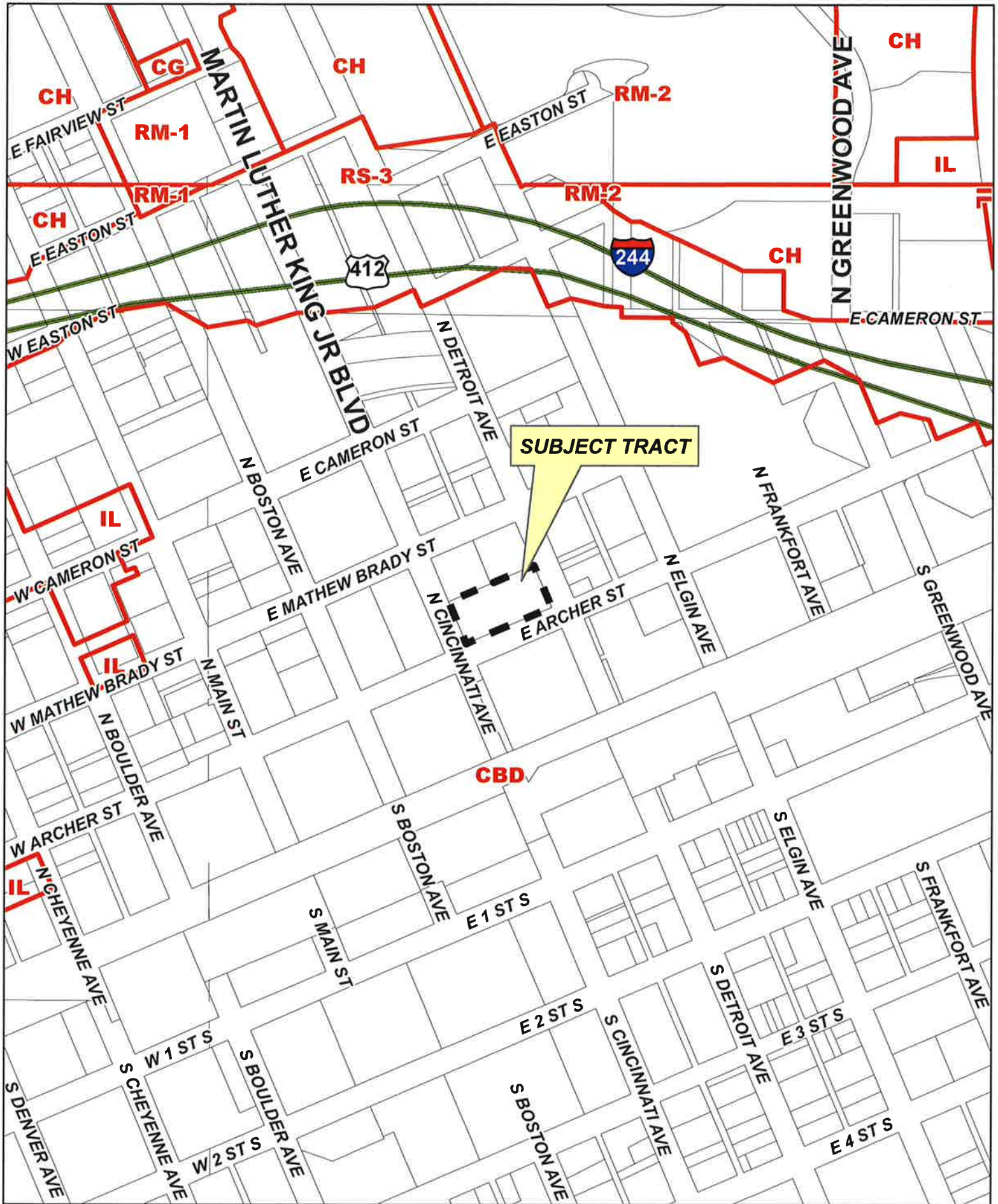






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**BOA-22225**

19-12 01

**5.1**





# BOARD OF ADJUSTMENT CASE REPORT

STR: 9201  
CZM: 36  
CD: 4  
A-P#: 416113

Case Number: **BOA-22225**

**HEARING DATE:** 05/09/2017 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 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.

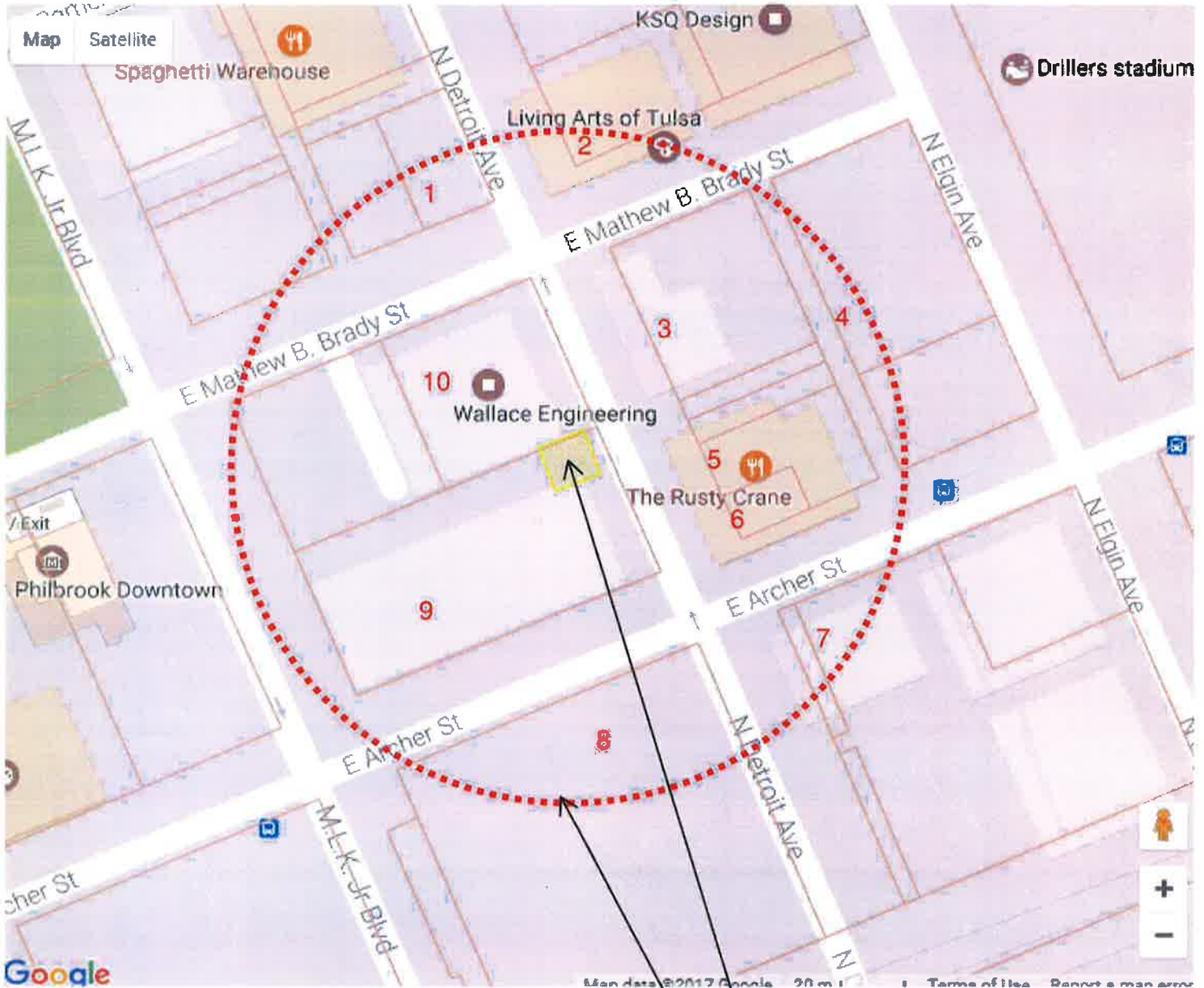
The verification is executed through a public hearing to ensure that surrounding property owners are notified and have the ability to provide information to the Board relevant to the verification.

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.**





PROPERTY LOCATION

300' RADIUS



## **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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Feet



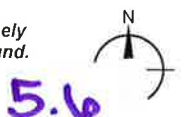
Subject  
Tract

**BOA-22225**

19-12 01

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

Aerial Photo Date: February 2







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Feet



Subject  
Tract

**BOA-22225**

19-12 01

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

Aerial Photo Date: February 201

5.7



**CHUCK LANGE**  
ZONING OFFICIAL  
PLANS EXAMINER

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



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> 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 2<sup>nd</sup> 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> 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](http://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

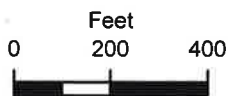
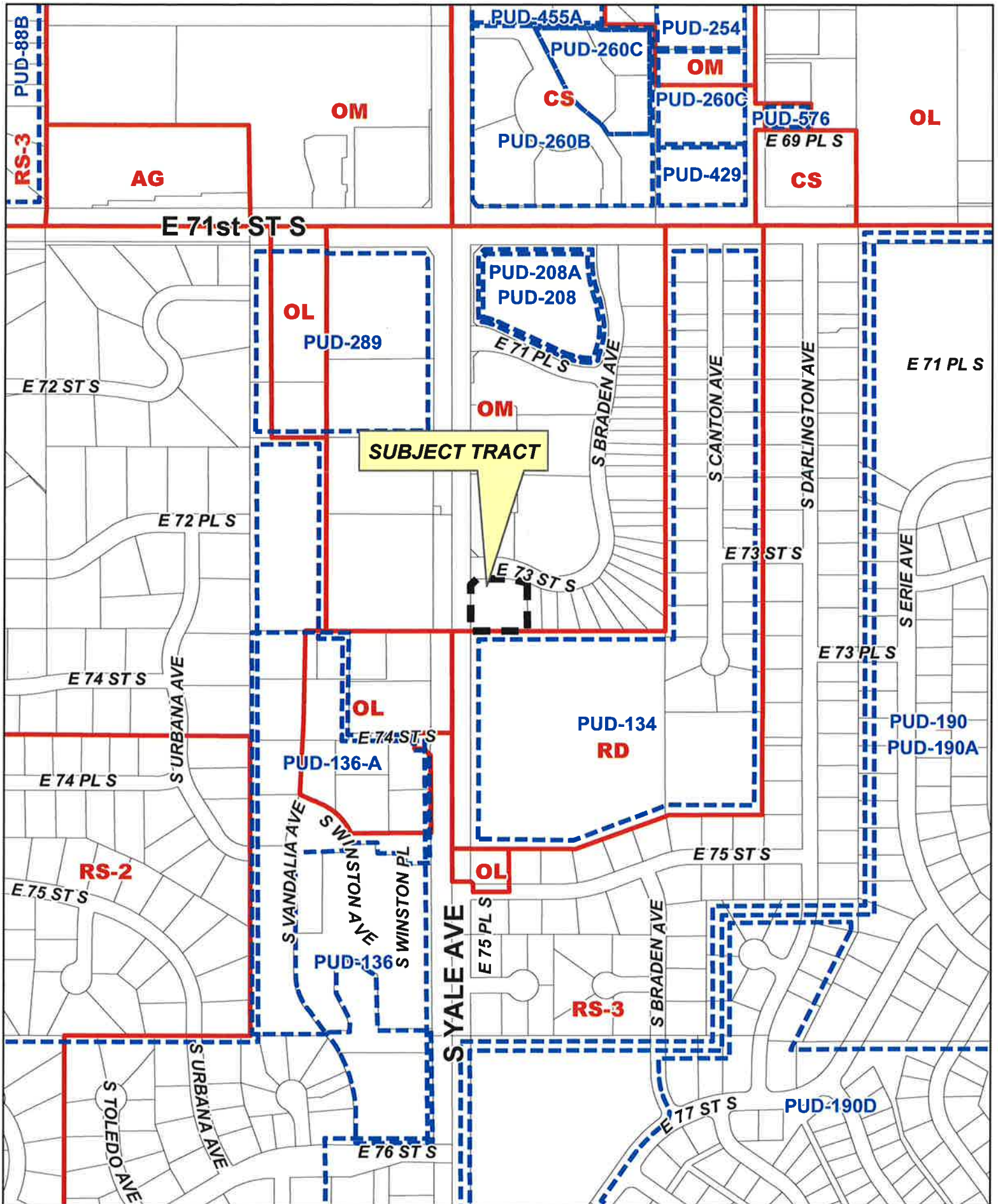
**NOTE:** THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

5.9



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-22227

18-13 10

6.1





# BOARD OF ADJUSTMENT CASE REPORT

STR: 8310  
CZM: 53  
CD: 8  
A-P#: 417281

Case Number: **BOA-22227**

**HEARING DATE:** 05/09/2017 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:** Office

**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.



**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:**

The Applicant provided the following statement: *"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. It is our intention that the individual tenants be allowed to install six separate signs with each of the six signs to use up to a maximum of 32 square feet of signage per sign. Additionally, we are asking for only non-illuminated signage to be allowed."*

Lots in office districts are allowed one on-site sign per street frontage. Signs allowed in an OM district may not exceed 32 sq. ft. in area or 0.30 sq. ft. of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 sq. ft. 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 sq. ft.; the total proposed signage shown on the attached exhibit provides an example of what typical 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.

**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 224 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;*
- 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 81<sup>st</sup> 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 73<sup>rd</sup> 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 2011



6.8





0 50 100  
Feet



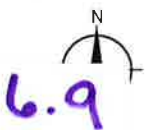
Subject  
Tract

**BOA-22227**

18-13 10

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

Aerial Photo Date: February 20



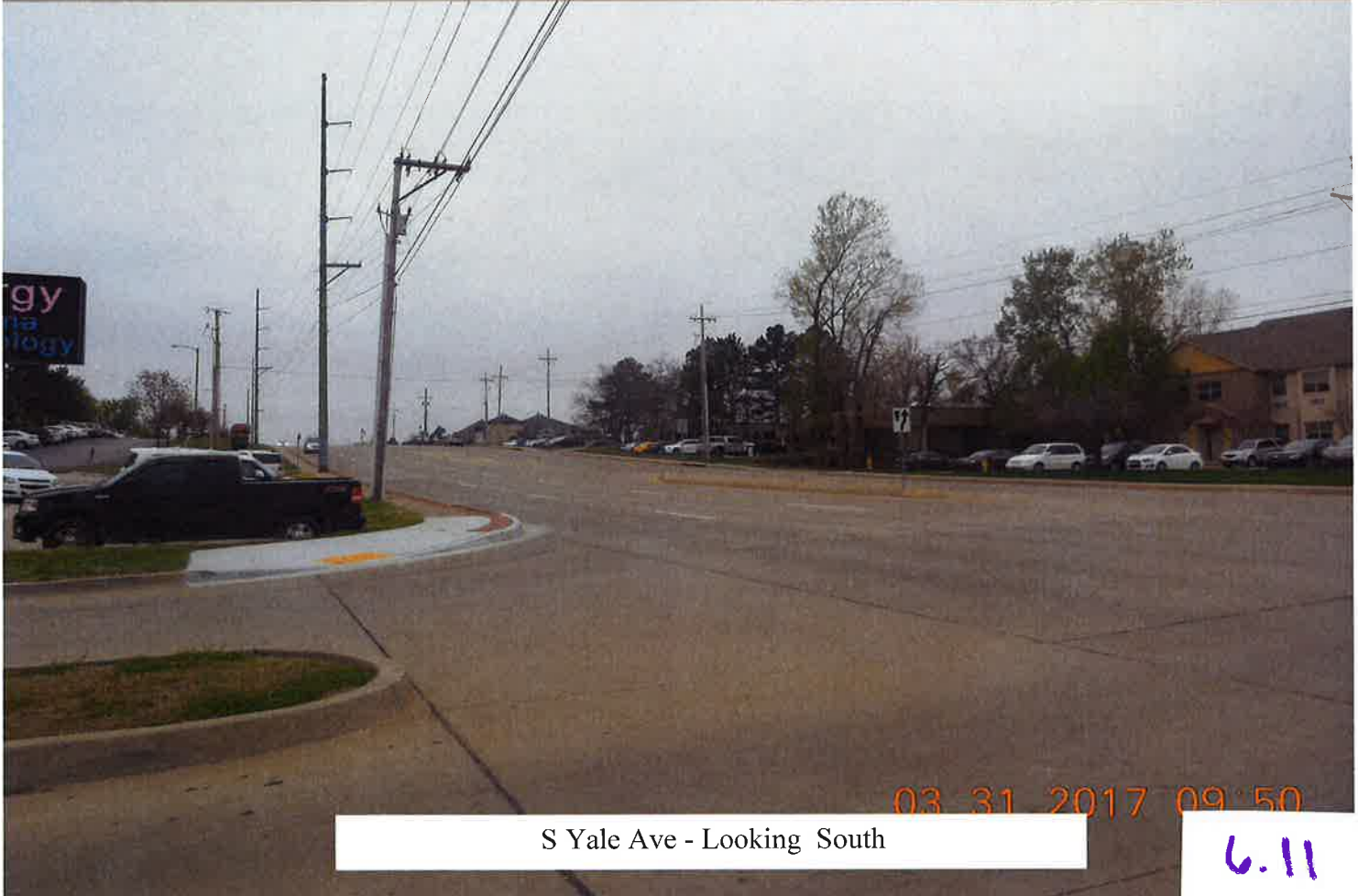
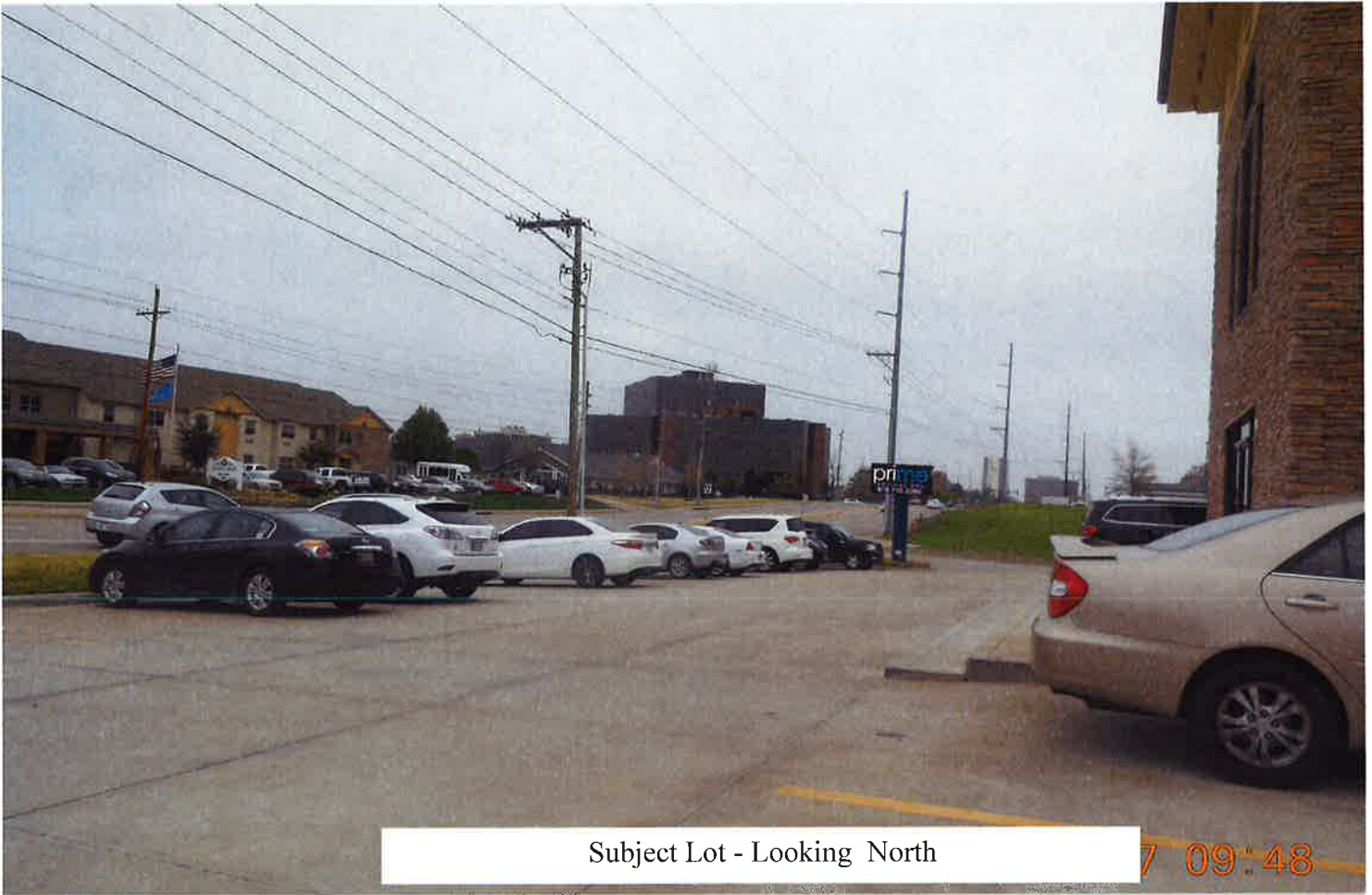




Subject Lot - Looking NE

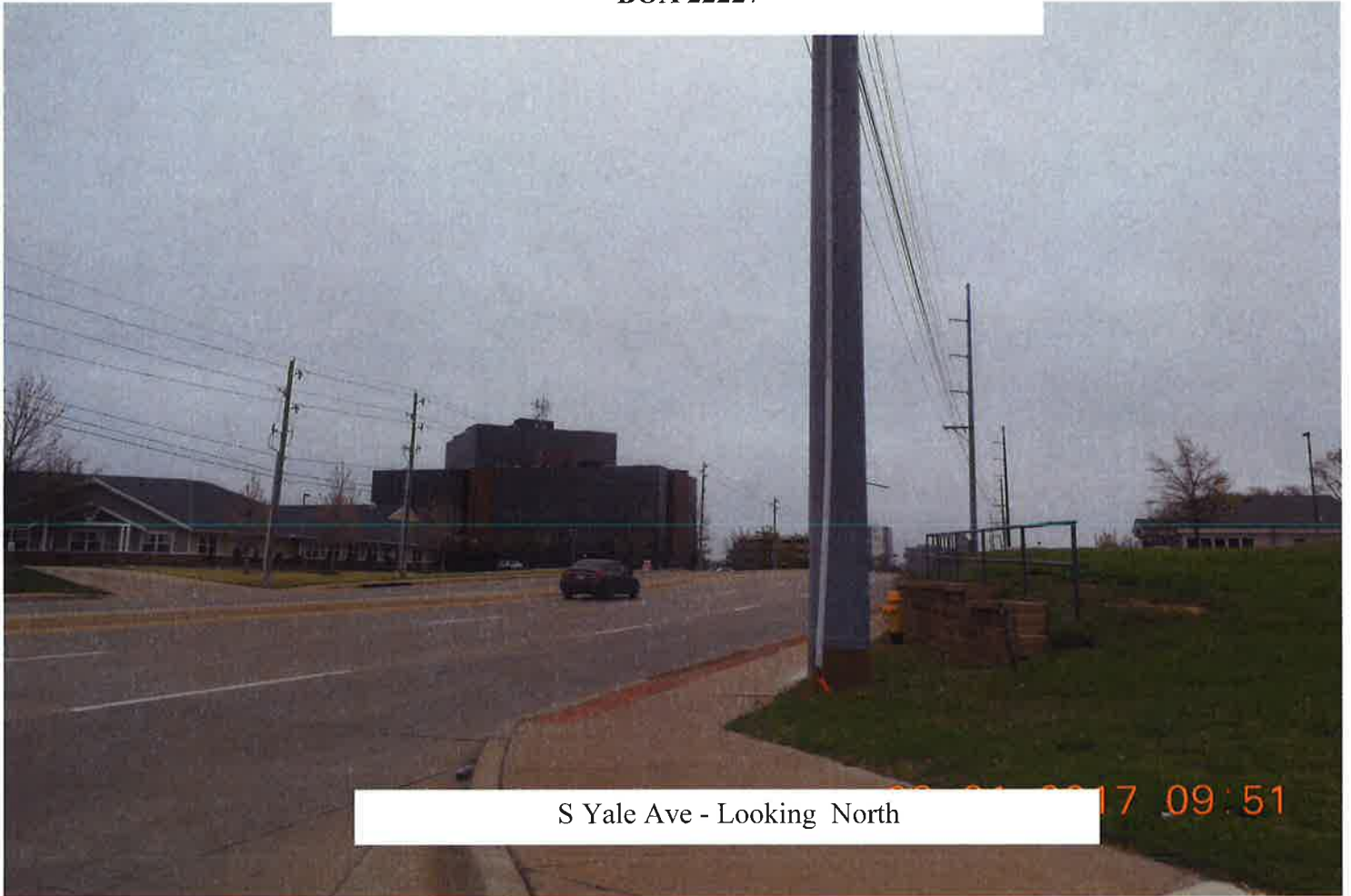






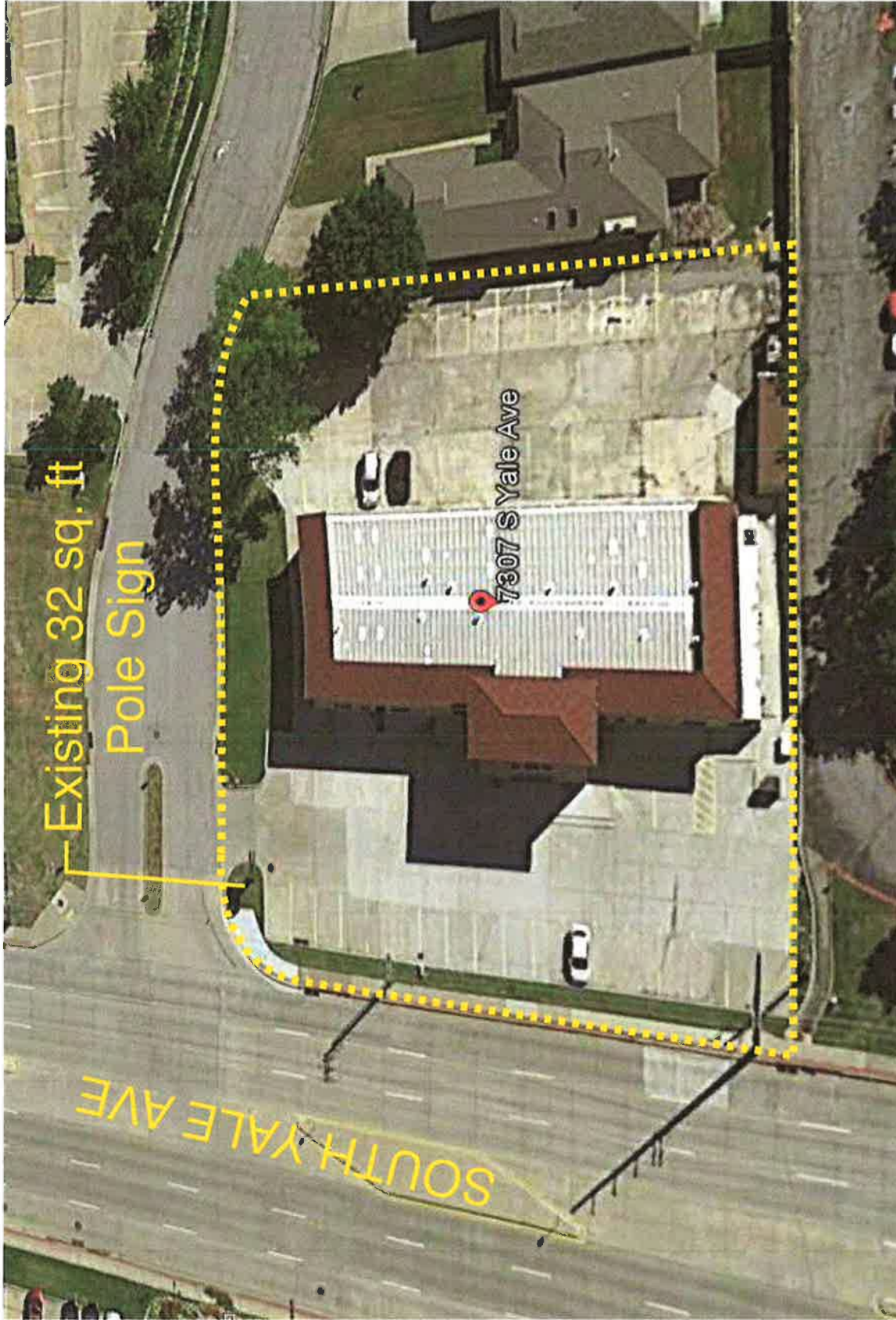


BOA 22227



S Yale Ave - Looking North





Existing 32 sq. ft  
Pole Sign

SOUTH YALE AVE

7307 S Yale Ave

These drawings are the exclusive property of Charles Hove Federal Signs, Inc. and are the result of original work by its employees. They are submitted for the sole purpose of your consideration of whether to purchase these plans, or to purchase from C.H.F. signage manufactured in accordance with these plans. Distribution or exhibition of these plans to others is expressly prohibited. © 2015 C.H.F. Signs

**C.H.F.**  
Charles Hove Federal Signs, Inc.  
1225 North Lansing Avenue  
Tulsa, Oklahoma 74106  
ph: 918.587.7171  
fax: 918.587.7178  
web: cshsigns.com

I hereby give my approval to proceed with fabrication of the signage depicted in these drawings in order to meet the project deadline in a timely fashion. I understand that any changes to the design, materials or construction of the sign must be made in writing and signed by the project manager. I understand that any changes to the design, materials or construction of the sign must be made in writing and signed by the project manager.

Approved as shown ☐ Approved as noted ☒ ☐ Other: \_\_\_\_\_

\_\_\_\_\_  
Date: \_\_\_\_\_

PROJECT/CLIENT NAME:  
**MEDICAL BUILDING**

LOCATION:  
**7307 S. YALE AVE.  
TULSA, OK**

DESIGNER:  
**DONALD DAVIS**

DATE OF ORIGINAL SUBMIT:  
**DECEMBER 6, 2016**

APPROVED BY:  
**JESSICA MCJANE**

REVISIONS: 12.06.16 v 1.0

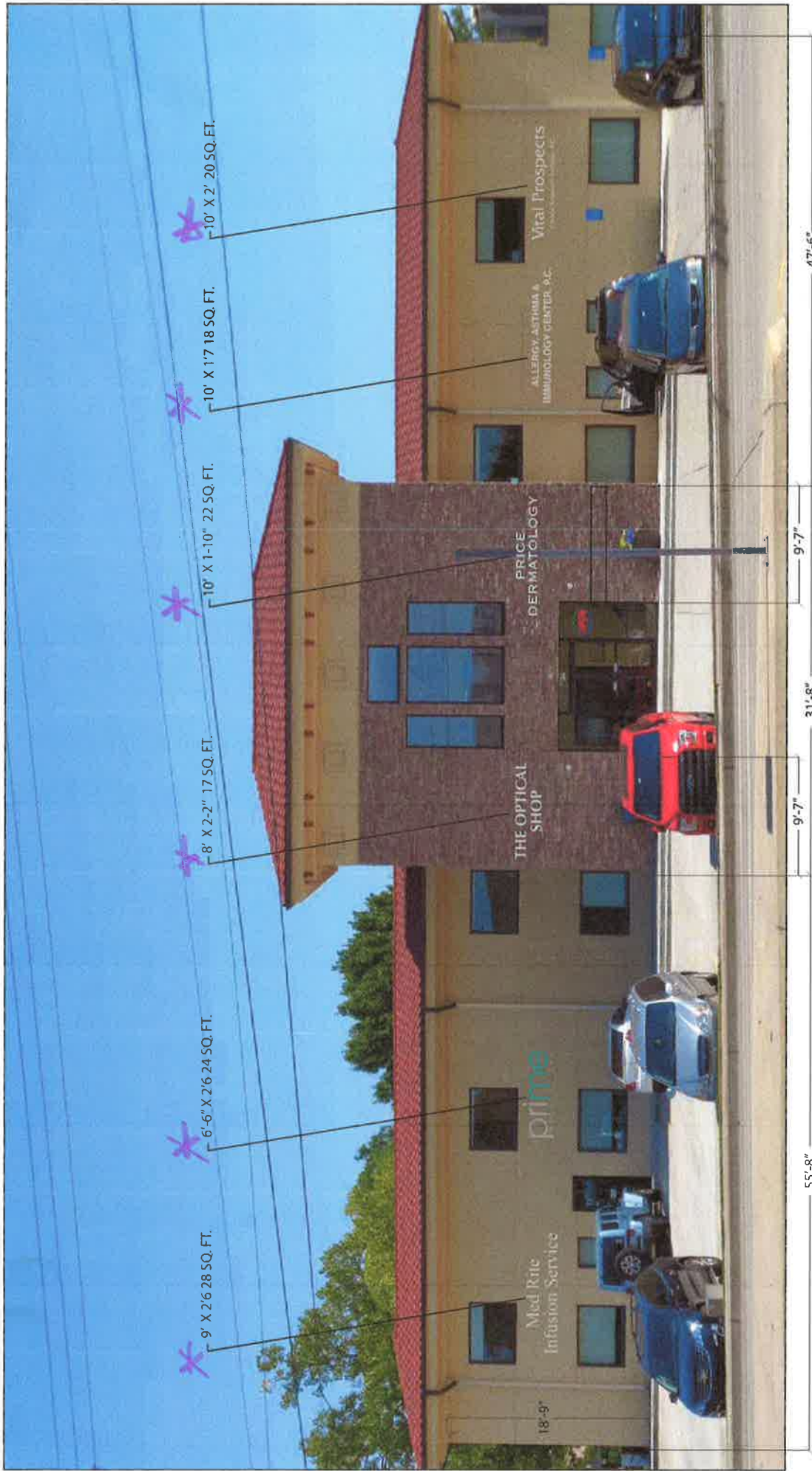
WORK	DESIGN	DUE DATE	PAINT	FINAL ASSEMBLY	INSTALLATION
DESIGN	DESIGN	DATE	DATE	DATE	DATE
DESIGN	DESIGN	DATE	DATE	DATE	DATE

SIGN TYPE/DESCRIPTION:  
**BOARD OF ADJUSTMENT EXHIBIT**

SHEET NAME:  
**SF-1.1**

6.13





1225 North Lincoln Avenue  
Tulsa, Oklahoma 74106  
PH: 918.587.7171  
FAX: 918.587.7175  
www.cncsigns.com

These drawings are the exclusive property of Charles, Ryan Federal Signage, Inc. and are the result of original work by its employees. They are submitted for the sole purpose of your consideration of whether to purchase these plans, or to purchase from Charles Ryan Federal Signage, Inc. in accordance with these plans. Distribution or exhibition of these plans to others is expressly forbidden. © 2015 CRF Sign.

**PROJECT/CLIENT NAME:**  
MEDICAL BUILDING

**LOCATION:**  
7307 S. VALE AVE.  
TULSA, OK

**ACCOUNT EXECUTIVE:**  
JESSICA MC ANE

**DESIGNER:**  
DONALD DAVIS

**REVISION HISTORY:**  
12.06.16 v 1.0

**DATE OF ORIGINAL DRAWING:**  
DECEMBER 6, 2016

**WORK ORDER #:**

**DEPT:** METAL FAB

**COPY:** RGB/UV/VINYL

**SHEET TYPE/DESCRIPTION:**  
BOARD OF ADJUSTMENT EXHIBIT

**DUE DATE:**

**PAINT:**

**NEON:**

**SHEET NAME:**  
ST-1.0

I hereby give my approval to proceed with fabrication of the signs depicted in these drawings in order to meet the project timeline as a family business. I understand that any change in location, dimensions or materials to the original design will require a change order. I agree to the completion date, all final costs, and payment as indicated.

\_\_\_\_\_  
Date: \_\_\_\_\_

6.14



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 71<sup>st</sup> and 81<sup>st</sup> streets and fronts on the east side of South Yale Avenue closest to 71<sup>st</sup> street. Based upon the most current 2014 traffic counts the average traffic on South Yale Avenue between 71<sup>st</sup> and 81<sup>st</sup> 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 17<sup>th</sup>, 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.







6.17



BOB KOLIBAS  
SIGN PLANS EXAMINER  
918-596-9664



## DEVELOPMENT SERVICES

175 EAST 2<sup>ND</sup> 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 2<sup>ND</sup> 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 WEST 2<sup>ND</sup> STREET, 8<sup>TH</sup> 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)

6.18



## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT  
[WWW.INCOG.ORG](http://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.

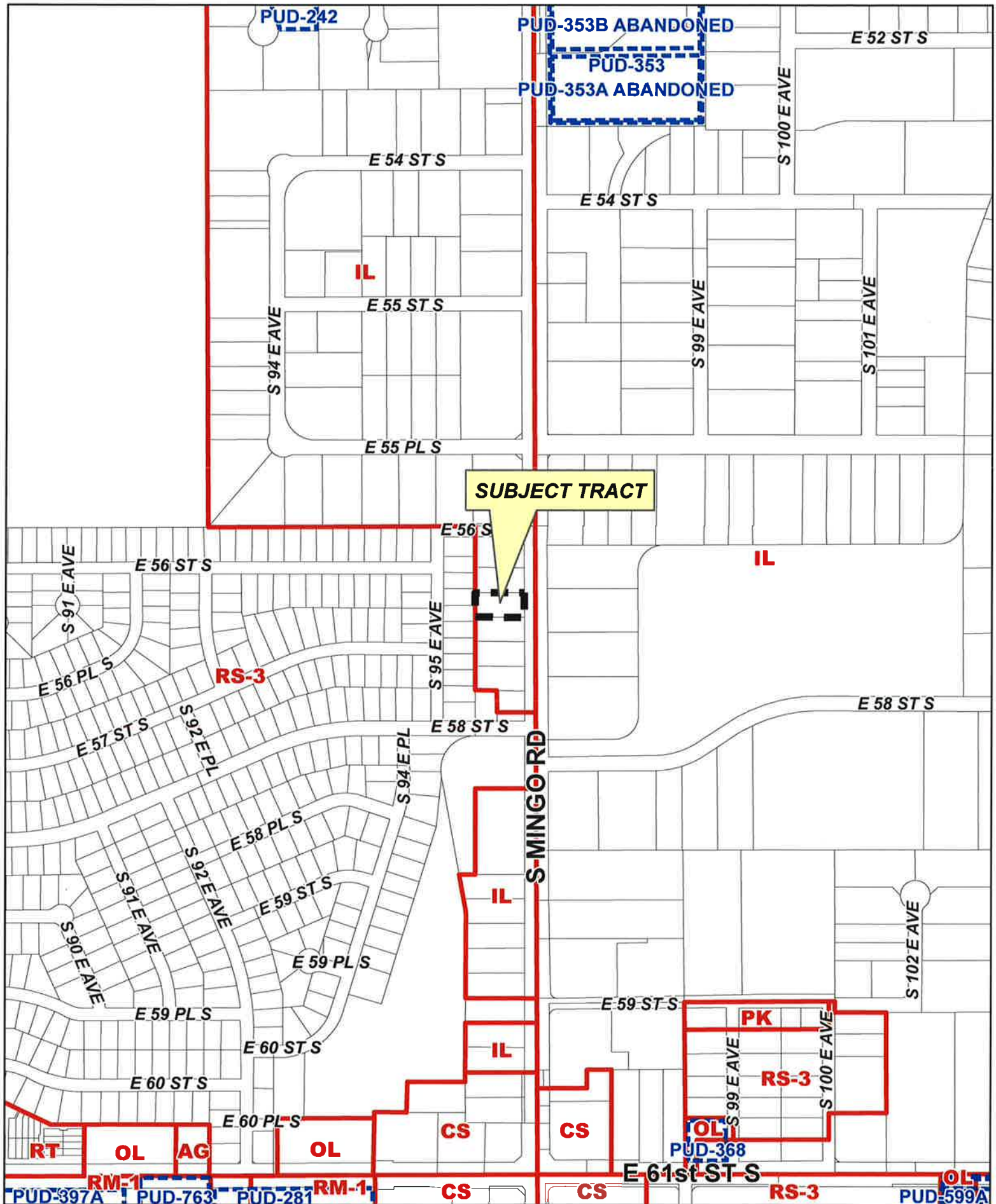


**END – ZONING CLEARANCE AND SIGN CODE REVIEW**

**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.





BOA-22229

19-13 36



# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9336

Case Number: **BOA-22229**

**CZM:** 48

**CD:** 7

**A-P#:** 415885

**HEARING DATE:** 05/09/2017 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.



### **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 107<sup>th</sup> 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 50 100  
Feet



Subject  
Tract

**BOA-22229**

19-13 36

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

Aerial Photo Date: February 20



7.6





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 201



7.7





Subject Lot - Looking West



S Mingo Rd - Street View (Looking North)





03.31.2017 10:04

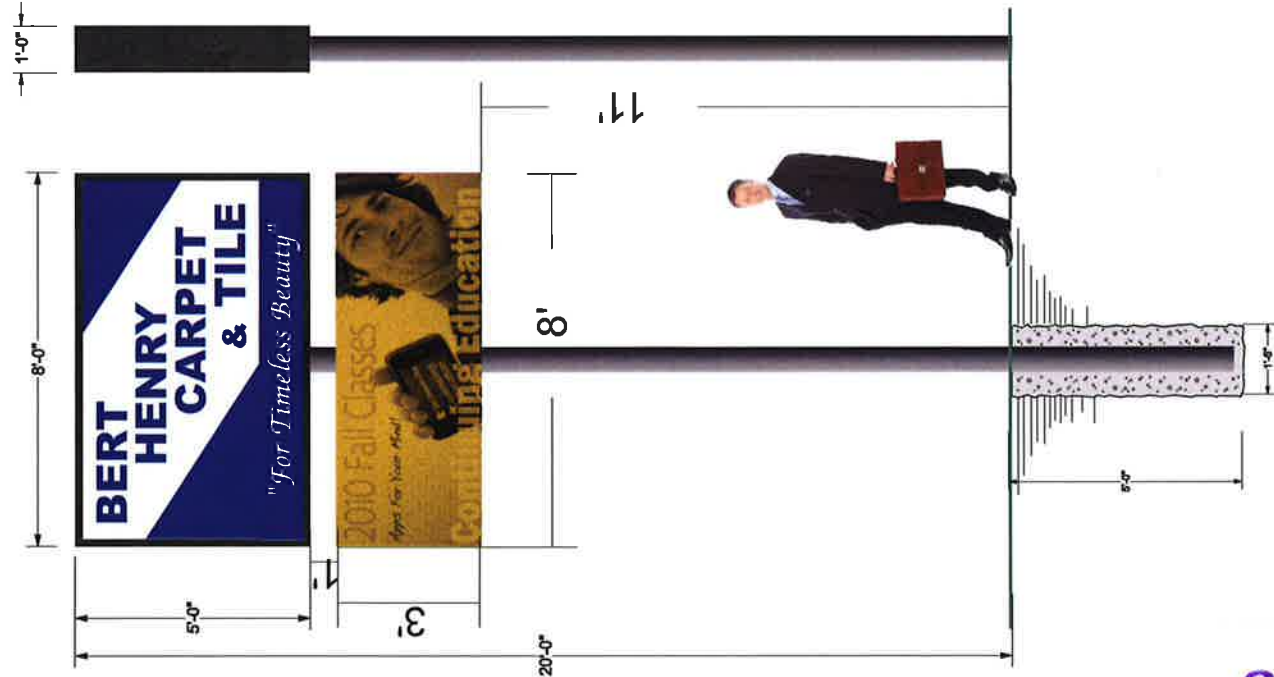
Street View- S Mingo Rd (Looking South)



03.31.2017 10:04

7.9





**2.1**  
NEW D/F LIGHTED POLE SIGN  
SCALE: 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 EGL Boxstar LEDs.
- B** 6 5/8" Round Pole, Satin Black Painted Finish.

Pole Height & Placement Pending Permit Requirements

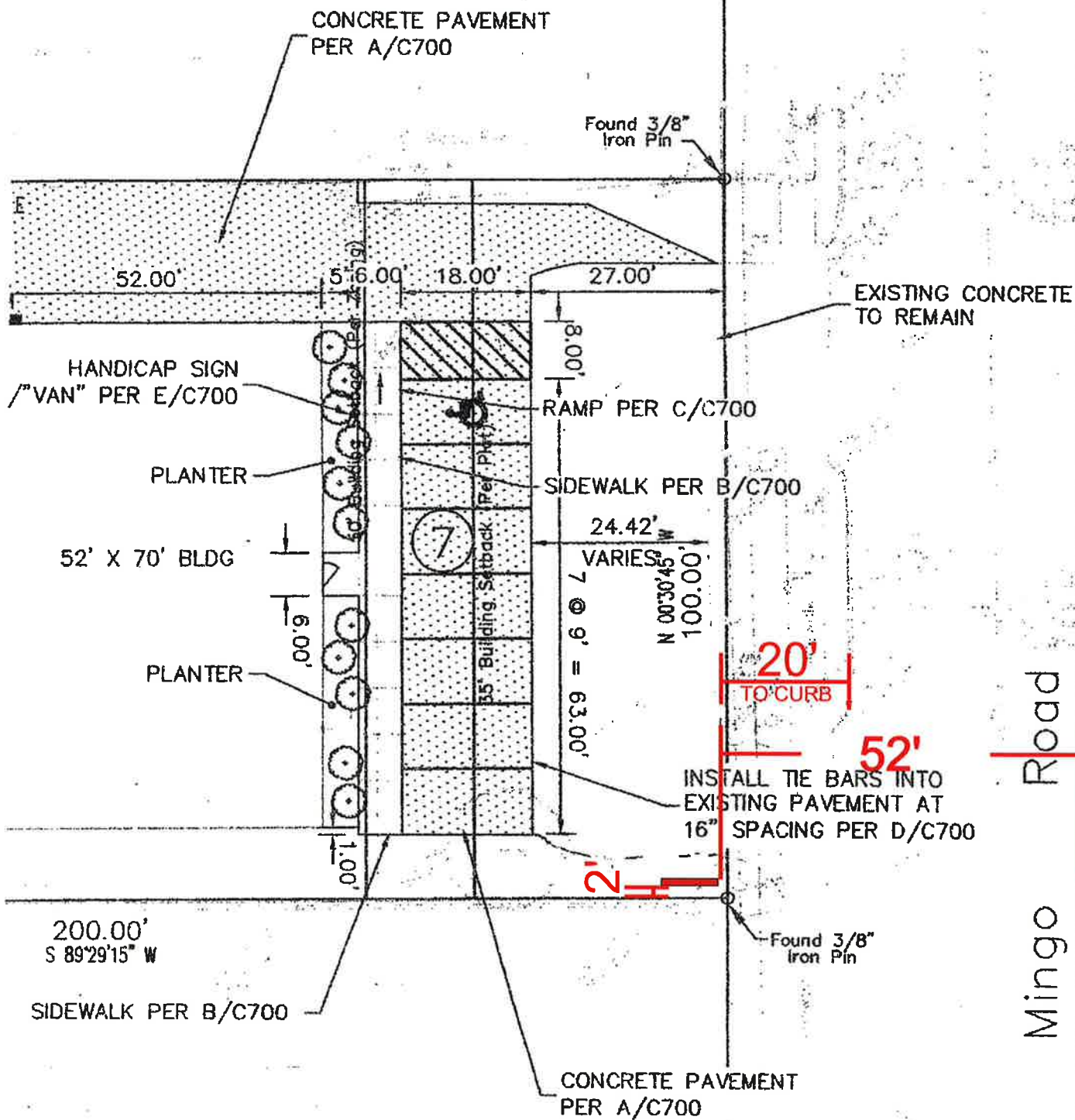
**DYNAMIC DISPLAY  
MONOCHROME  
24SQFT.**



BERT HENRY  
CARPET & TILE  
5626 S MINGO

NORTH ↑

Lot 2



Lot 4

1"=20'

North Mingo Road

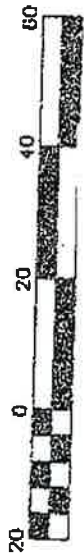
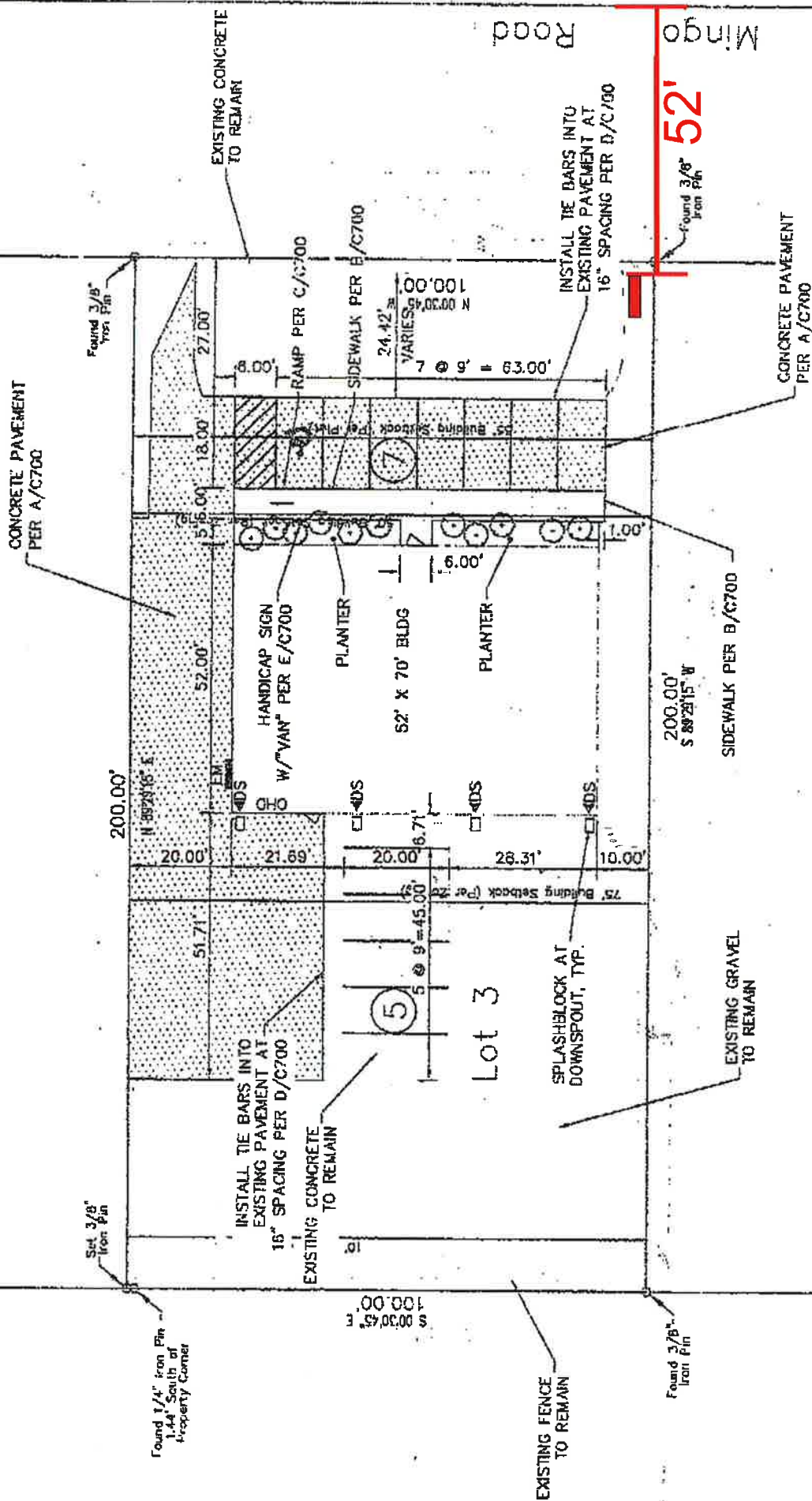
7.11



# BERT HENRY CARPET AND TILE 5626 S MINGO RD

Anderson Block

Lot 2



7.12



BOB KOLIBAS  
SIGN PLANS EXAMINER  
918-596-9664



## DEVELOPMENT SERVICES

175 EAST 2<sup>ND</sup> 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 2<sup>ND</sup> 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 WEST 2<sup>ND</sup> STREET, 8<sup>TH</sup> 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)

7.13



## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT  
[WWW.INCOG.ORG](http://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.







# BOARD OF ADJUSTMENT CASE REPORT

STR: 9236

Case Number: BOA-22236

CZM: 46

CD: 9

A-P#: N/A

**HEARING DATE:** 05/09/2017 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 case was heard by the Board during the 04.25.17 hearing; the applicant requested a continuance to the 05.09.17 hearing to allow additional review and consideration by the Board.

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. 60<sup>th</sup> St.

**Presentation:**

Ted Gibson, 5569 S. Lewis, stated he represents the owner of Fairmont Terrace Apartment complex. The complex is located at 1111 E. 50<sup>th</sup> 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 2<sup>nd</sup> 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. 101<sup>st</sup> St. & E of Yale.

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

**Presentation:**

Steve Schuller, 100 W. 5<sup>th</sup> 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.



FILE COPY

**Case No. 16984**

**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.





Feet  
0 200 400

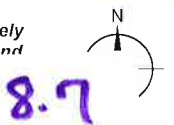
Subject  
Tract

**BOA-22236**

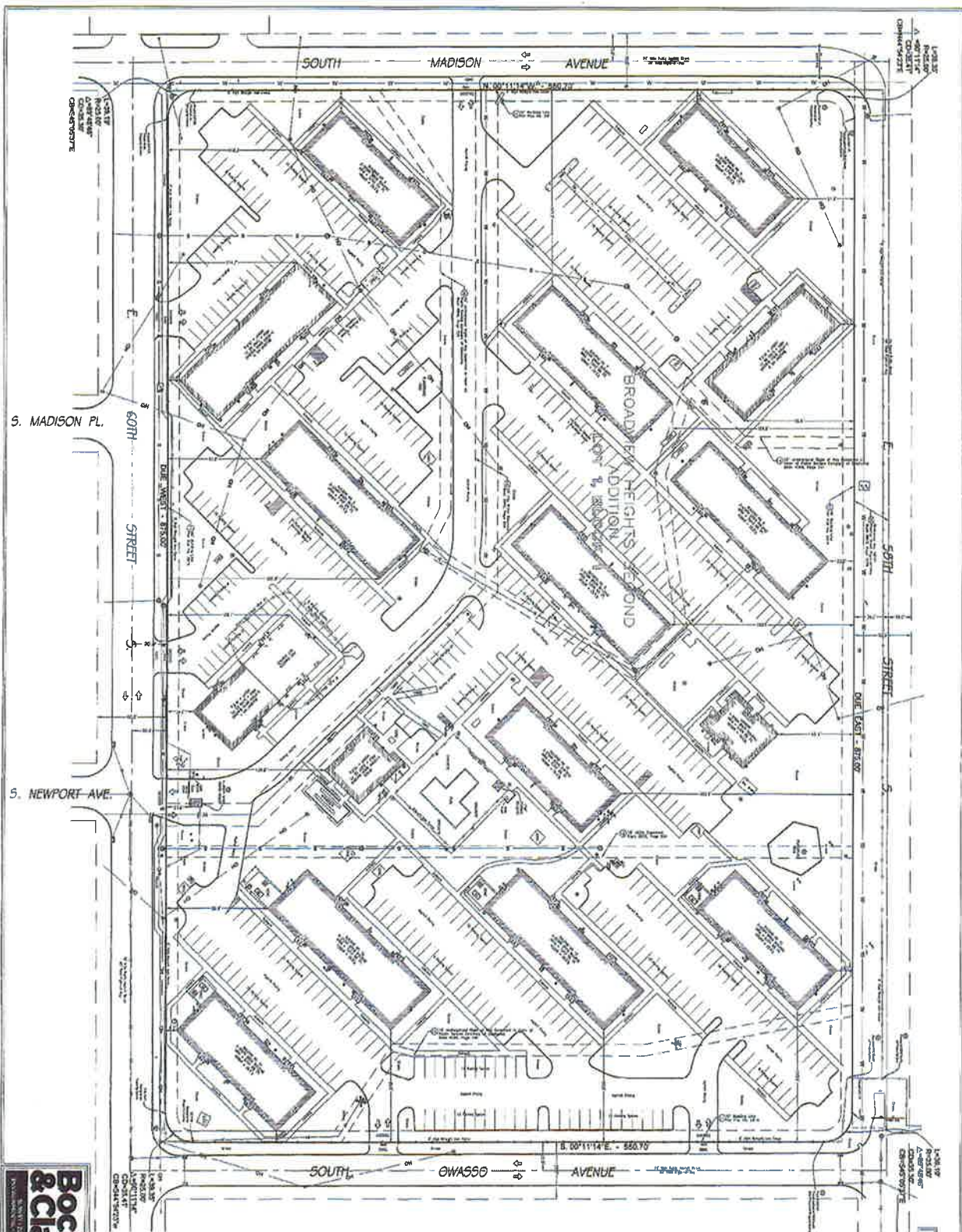
19-12 36

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

*Aerial Photo Date: February*







#### LEGEND OF SYMBOLS & ABBREVIATIONS

- | Item            | Unit           | Quantity | Unit Price | Total Price |
|-----------------|----------------|----------|------------|-------------|
| 1. Cement       | kg             | 1000     | 1.20       | 1200.00     |
| 2. Sand         | m <sup>3</sup> | 50       | 20.00      | 1000.00     |
| 3. Gravel       | m <sup>3</sup> | 30       | 30.00      | 900.00      |
| 4. Water        | liters         | 2000     | 0.05       | 100.00      |
| 5. Labor        | hr             | 100      | 10.00      | 1000.00     |
| 6. Transport    | km             | 50       | 2.00       | 100.00      |
| 7. Fuel         | liters         | 100      | 1.00       | 100.00      |
| 8. Maintenance  | hr             | 10       | 10.00      | 100.00      |
| 9. Safety       | hr             | 10       | 10.00      | 100.00      |
| 10. Insurance   | hr             | 10       | 10.00      | 100.00      |
| 11. Taxes       | hr             | 10       | 10.00      | 100.00      |
| 12. Profit      | hr             | 10       | 10.00      | 100.00      |
| 13. Contingency | hr             | 10       | 10.00      | 100.00      |
| 14. Total       |                |          |            | 7500.00     |

SCALE: 1" = 40'

**Bock & Clark**  
 1100 W. 25th St.  
 P.O. Box 10000 • Chicago, IL 60680

**ALTANSPS LAND TITLE SURVEY**  
 PROJECT AREA  
**Savanna Landing Apartments**  
 DATE OF FIELD SURVEY: May 24, 2016  
 NETWORK PROJECT NUMBER: 20160524-001  
**1-(800)-SURVEYS (787-8397)**  
 email: jay@spg.com | website: www.spg.com | phone: 787-839-7000







BoA 22.236

**Moye, Nikita**

---

**From:** Ben Kimbro [ben.kimbrow@withrossgroup.com]  
**Sent:** Monday, April 24, 2017 6:14 PM  
**To:** Tom Mignogna  
**Cc:** Nathan Wireman; Moye, Nikita; Jeannie.Cue@tulsacouncil.org  
**Subject:** Re: Email

Tom,

Great to speak with you today and apologize for City IT for our communication failures. I am in support of the variance being granted by BoA on the grounds that you currently have adequate parking for your current tenant needs and because your security plan cameras) utilizes current lines-of-sight.

Because we are under a short timeline, I took the initiative to reach out to one of my friends on the BoA and advised him of my support for granting the variance tomorrow. I made clear that safety and security were the prime "hardship," impacting this matter. Maximization of your investment in CCTV equipment and installation is essential, in both our opinions. He agreed and understood the nature of the request, contingent on a review in twelve (12) months.

As you or Nathan are able, please re-forward that gate staffing / security plan along with the lighting plan as well as intended timelines for implementation of both.

I hope this helps your cause tomorrow. I do not anticipate this variance request being especially controversial or objectionable.

Cheers,

Ben

> On Apr 24, 2017, at 5:30 PM, Tom Mignogna <[tmignogna@mhmltd.com](mailto:tmignogna@mhmltd.com)> wrote:

>

> Given the late nature of the days I would suggest you can send your support comments to Nikita Moye at INCOG and Nathan Wireman who will be presenting before the Board tomorrow morning.

>

> Thank you,

> TM

>

> Tom Mignogna

> Millennia Housing Development

> [tmignogna@mhmltd.com](mailto:tmignogna@mhmltd.com)

> 216.236.0465 office

> 440.221.0113 mobile

>

>

>

> -----Original Message-----

> From: Ben Kimbro [<mailto:ben.kimbrow@withrossgroup.com>]

> Sent: Monday, April 24, 2017 6:08 PM

> To: Tom Mignogna <[tmignogna@mhmltd.com](mailto:tmignogna@mhmltd.com)>

> Subject: Email

>

> Tom,



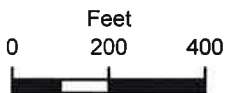
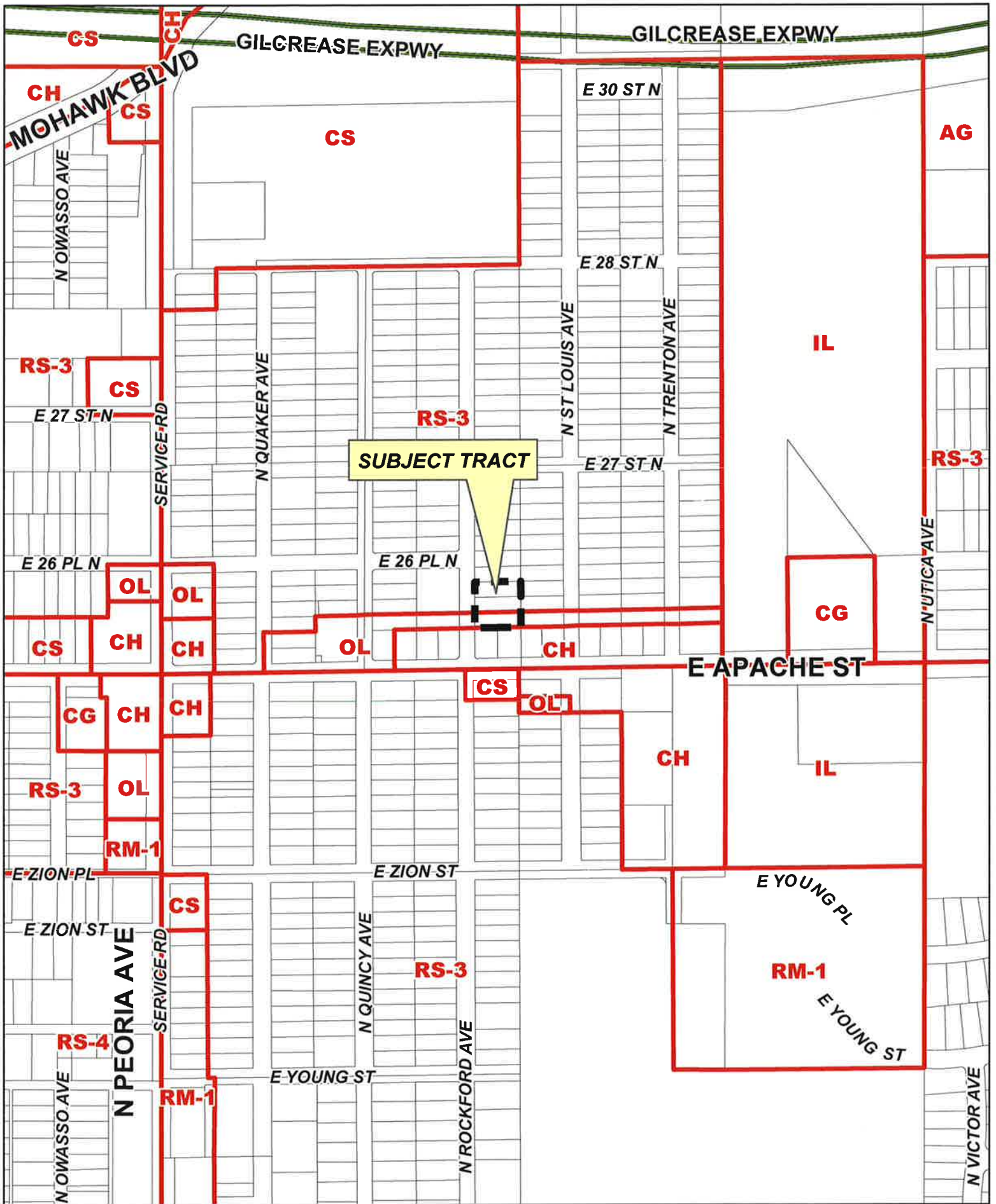
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**BOA-22230 – Tony Trauernicht**

**The applicant has withdrawn the  
application**





**BOA-22231**

20-13 19





# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 0319

Case Number: **BOA-22231**

**CZM:** 29

**CD:** 1

**A-P#:** 8671

**HEARING DATE:** 05/09/2017 1:00 PM

**APPLICANT:** Judy Pankey

**ACTION REQUESTED:** Special Exception to permit a Public, Civic, and Institutional/Religious Assembly use in an RS-3/OL district. Section 5.020; and a Variance to allow a parking area within the required street building setback. Section 40.320

**LOCATION:** 2615 and 2607 N ROCKFORD AV E

**ZONED:** OL, RS-3

**PRESENT USE:** Church

**TRACT SIZE:** 22,355.08 SQ FT

**LEGAL DESCRIPTION:** LT 8 BLK 4; LTS 9 & 10 BLK 4, APACHE PLACE ADDN, MARTIN ROLL ADDN, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Lot:**

**BOA 19701** on 01.13.04 the Board **approved** a special exception to allow a church and church related uses (Use Unit 5); a variance to allow parking to be located on a lot other than the lot containing the principal use; and a variance of the required one acre lot size for a church use.

**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 CH zoning on the south; RS-3 zoned residential on the north and east. OL and RS-3 zoning abuts the site on the west.



## **STAFF COMMENTS:**

The applicant provided the following statement: *"The church has grown in its membership and needs more room for Sunday school classes and youth activities."* In January, 2017 the TMPAC approved a lot combination (LC-839) to combine the subject lots. As shown on the submitted plan the applicant is proposing to expand the church use to the northern portion of the site by constructing a church classroom. A Special Exception is required as the church classroom shown on the conceptual plan was not a part of the original approval (BOA 19701) to allow a church use on the OL/RS-3 zoned site.

The supplemental use regulations below apply to religious assembly uses in AG and R districts.

- **40.320-A** In AG and R zoning districts, religious assembly uses must be located on lots with a minimum lot area of one acre and a minimum lot width of 100 feet.
- **40.320-B** In AG and R zoning districts, off-street parking on the site of a religious assembly use is prohibited in street building setbacks.

The applicant has requested a variance to allow off-street parking within the 25 ft. street setback as shown on the attached site plan.

## **Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Special Exception to permit a Public, Civic, and Institutional/Religious Assembly use in an RS-3/OL district, Section 5.020; and a Variance to allow a parking area within the required street building setback. Section 40.320

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

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.

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."*



## OTHER BUSINESS

### Case No. 19729

#### Action Requested:

Request for refund.

#### Presentation:

Mr. Beach stated the applicant, Jeffrey G. Levinson, asked for a refund on this case. Mr. Beach informed the Board that staff had only built a file for the application before it was withdrawn. Staff recommended a refund of \$221.00.

#### Board Action:

On **Motion** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a refund, as recommended by the staff, of \$221.00.

## MINUTES

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of December 9, 2003 (No. 878).

On **MOTION** of **Dunham**, the Board voted 4-0-1 (White, Dunham, Perkins, Stephens "aye"; no "nays"; Turnbo "abstained"; no "absences") to **APPROVE** the Minutes of December 22, 2003 (Special Meeting).

\*\*\*\*\*

## UNFINISHED BUSINESS

### Case No. 19701

#### Action Requested:

Special Exception to allow a church and church related uses (Use Unit 5). SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 5; a Variance to allow parking to be located on a lot other than the lot containing the principal use. SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS; and a Variance of the required one acre lot size. SECTION 1205.B.1.a. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, Included Uses, located: 2630 N. Rockford.

#### Presentation:

**Alton Davis**, 3504 N. Hartford, Ave., attended to present his case.



**Comments and Questions:**

Mr. Dunham asked Mr. Davis about the size of the sanctuary. He replied that it would be 39' x 50' x 50'. Mr. Beach interjected the parking requirement would be for 56 parking spaces. Mr. Davis replied that with the space where the old church would be torn down, they would meet the parking requirement. Mr. Beach responded to Mr. White that a tie-contract would be needed since part of the parking would be across the street from the church structure.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion** of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow a church and church related uses (Use Unit 5); a **Variance** to allow parking to be located on a lot other than the lot containing the principal use, subject to a tie agreement; and a **Variance** of the required one acre lot size, finding the hardship to be this will help the church meet the parking requirements, and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Lots 10, 11 and 12, Block 3, and Lots 9 and 10, Block 4, Martin Roll Addition, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*

**Case No. 19717**

**Action Requested:**

Variance of 100' required frontage in a CG district to 30' to permit a lot split. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS, located: 3717 N. Columbia Ave.

**Mr. White abstained from Case No. 19717.**

**Presentation:**

**Brian Summers**, 3717 N. Columbia Ave., stated his request.

**Comments and Questions:**

Mr. Dunham determined both properties would have access.

**Interested Parties:**

There were no interested parties present who wished to speak.



## MINUTES

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of October 28, 2003 (No. 875).

On **MOTION** of **Perkins**, the Board voted 4-0-1 (White, Turnbo, Perkins, Stephens "aye"; no "nays"; Dunham "abstained"; no "absences") to **APPROVE** the Minutes of November 4, 2003 (No. 876).

\*\*\*\*\*

## NEW APPLICATIONS

### Case No. 19701

#### Action Requested:

Special Exception to allow a church and church related uses (Use Unit 5). SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 5; and a Variance of the required one acre lot size. SECTION 1205.B.1.a. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, Included Uses, located: 2607 N. Rockford.

#### Presentation:

**Alton Davis**, 2607 N. Rockford, stated that the address for the subject property is 2630 N. Rockford, not the existing church address listed on the agenda. Mr. Beach determined that the legal description was correct for the subject property and it was advertised properly. Mr. Davis added they plan to demolish the existing structure.

#### Comments and Questions:

Mr. Beach asked the applicant to clarify where the project will actually occur and the church to be torn down. Mr. Davis replied that on the corner of Rockford and 26<sup>th</sup> Street North the old house would be torn down. Mr. Dunham pointed out the need for relief for parking on a lot other than the primary use. Mr. White noted they need relief for the use of the existing church in a RS district, as it has not been approved previously. Mr. Davis asked if they could go ahead and demolish the existing structure, which they own. Mr. Romig replied all they need is a demolition permit.

#### Interested Parties:

There were no interested parties present who wished to speak.

#### Board Action:

On **Motion** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case



No. 19701 to the meeting on January 13, 2004 for proper advertising and additional relief.

Lots 10, 11 and 12, Block 3, Martin Roll Addition, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*.

**Case No. 19702**

**Action Requested:**

Special Exception to allow Use Unit 12a in a CS district within 150' of an R zoned lot. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 12a; and a Special Exception of the required screening on the east and north. SECTION 1212a. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS; Use Conditions, located: 9801-9897 E. 11<sup>th</sup> St.

**Presentation:**

**Blas Gaytan**, 9012 E. 89<sup>th</sup> St., stated he owns a Spanish radio station. He proposed to purchase the subject property with an existing church building. He wants to convert it into an cultural event center. They would provide live music and serve beer for special events. They would also provide rooms for immigration informational meetings and language classes. A site plan was provided (Exhibit A-1).

**Comments and Questions:**

Mr. Gaytan responded to questions from the Board with the following information. The days/hours of operation would be Fridays and Saturdays from 9:00 a.m. to 2:00 a.m. The existing building would be enlarged from 12,000 sq. ft. to 22,000 sq. ft. They would have a commercial kitchen and serve up to forty people at a time for special events only. They planned to add the classrooms and hold classes from 5:00 p.m. to 9:00 p.m., probably Monday through Friday. The sale of alcohol (beer only) would be limited to only the weekends of special events. The events would be for general admission with music and dancing. There would be no adult entertainment.

**Interested Parties:**

**John Moody**, 1924 S. Utica, stated he is an attorney, representing the Riverview Corporation. Mr. Raymond Sponder, one of the principals of the corporation came from Florida to attend this hearing. Mr. Moody informed the Board that his client owns an apartment complex on the northeast of the subject property. An uncompleted church structure is on the property, but no parking lot has been built. He provided photographs (Exhibit A-2) of other investment properties owned and maintained by the corporation. Mr. Moody stated they understood the project is for a concert/dance hall. He indicated that there would be more appropriate locations. He identified a facility with over 500 parking spaces would be an intense use of the property. He compared it to the Caravan, at 41<sup>st</sup> and Memorial, for an example. It is open primarily Friday and Saturday nights. It is 18,110 sq. ft. according to the





0 200 400  
Feet



Subject  
Tract

**BOA-22231**

20-13 19

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

Aerial Photo Date: February 2016



10.9





0 50 100  
Feet



Subject  
Tract

**BOA-22231**

20-13 19

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

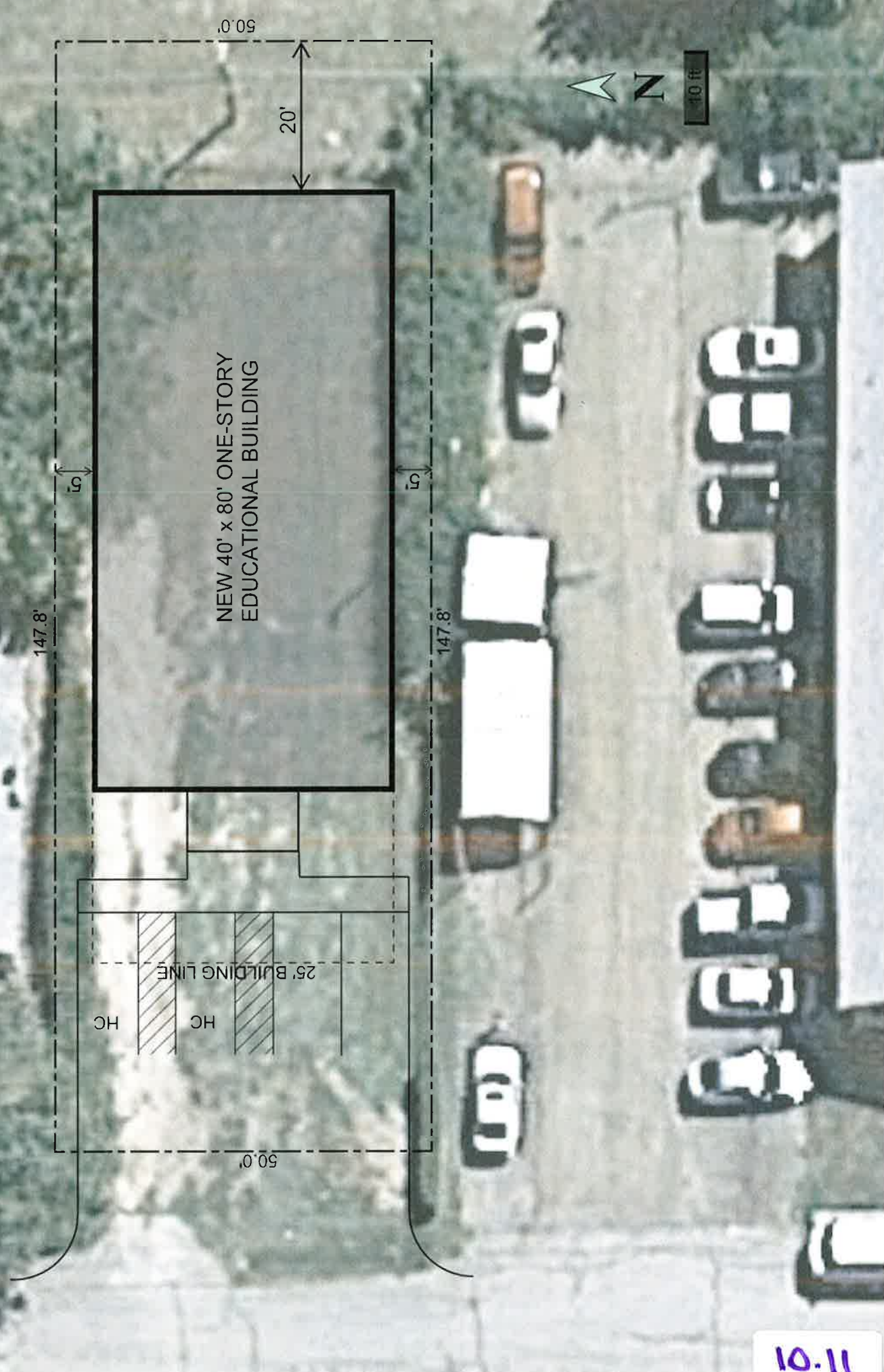
Aerial Photo Date: February 2016



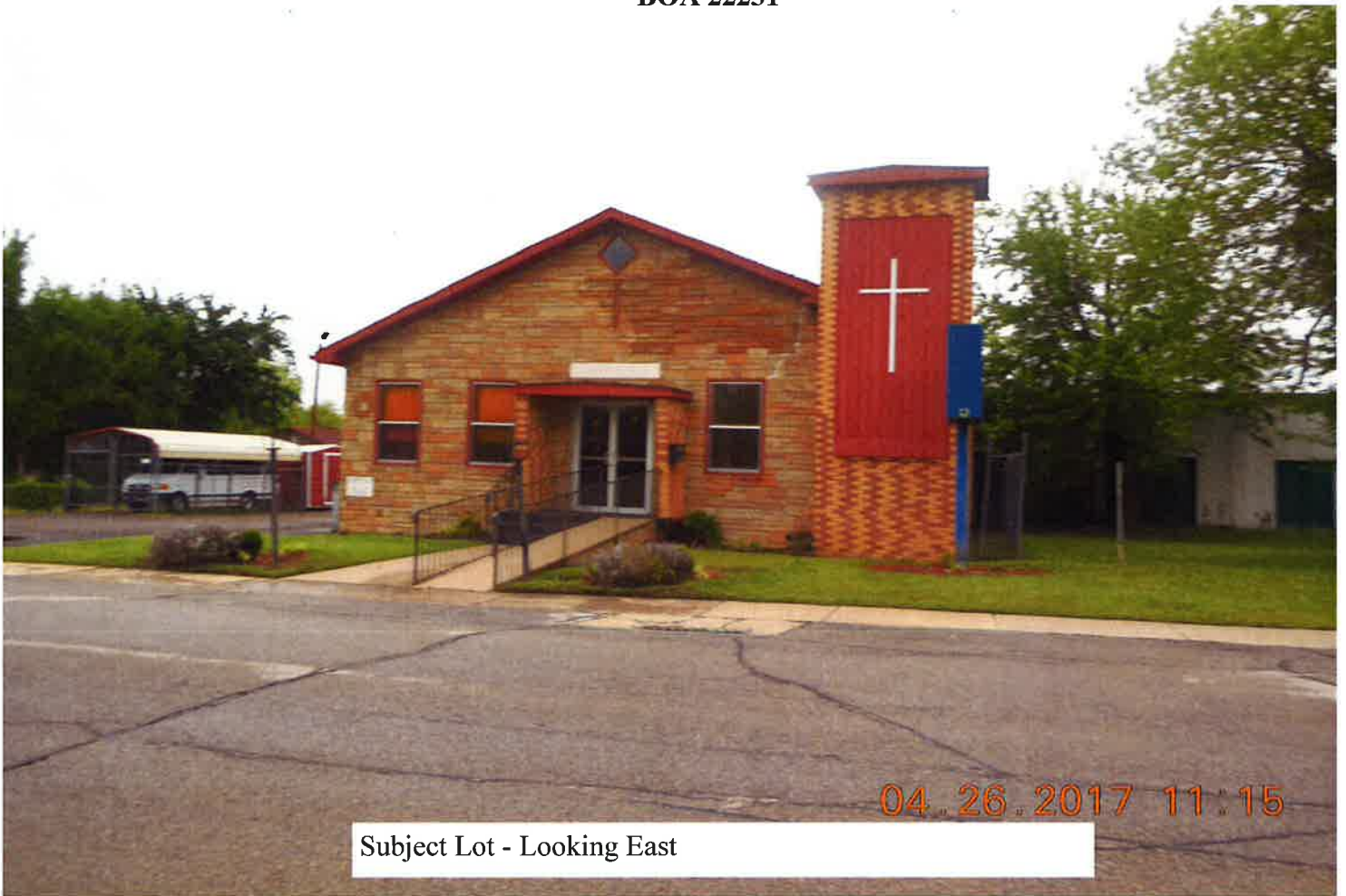
10.10



St. Luke Missionary Baptist Church  
Classroom Addition







Subject Lot - Looking East



Subject Lot - Looking NE

10.12





Subject Lot - Looking East







Street View- N Rockford Ave



10.14



St. Luke Missionary Baptist Church  
Classroom Addition





CHUCK LANGE  
ZONING OFFICIAL  
PLANS EXAMINER

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



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

LOD Number: 956864-1

August 10, 2016

JUDY PANKEY  
ST LUKE MISSIONARY BAPTIST CHU  
2607 N ROCKFORD AV E  
TULSA, OK 74106

Phone: (918)425-9319

APPLICATION NO: **8671** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: **2615 N ROCKFORD AV E**  
Description: **SUNDAY SCHOOL CLASSROOMS**

#### 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 2<sup>nd</sup> 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" ☒ IS ☐ IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

10.16



## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT  
[WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

Application No. 8671

2615 N ROCKFORD AV E

August 10, 2016

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

**Sec.35.050-M:** Your proposed Sunday school classroom building is designated Public, Civic & Institutional/Religious Assembly use and is located in an RS-3 zoning district.

**Review comment:** The proposed use will require you to obtain a Special Exception reviewed and approved in accordance with the Special Exception procedures of Section 70.120. Submit a copy of the approved Special Exception.

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

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

## END - ZONING CODE REVIEW

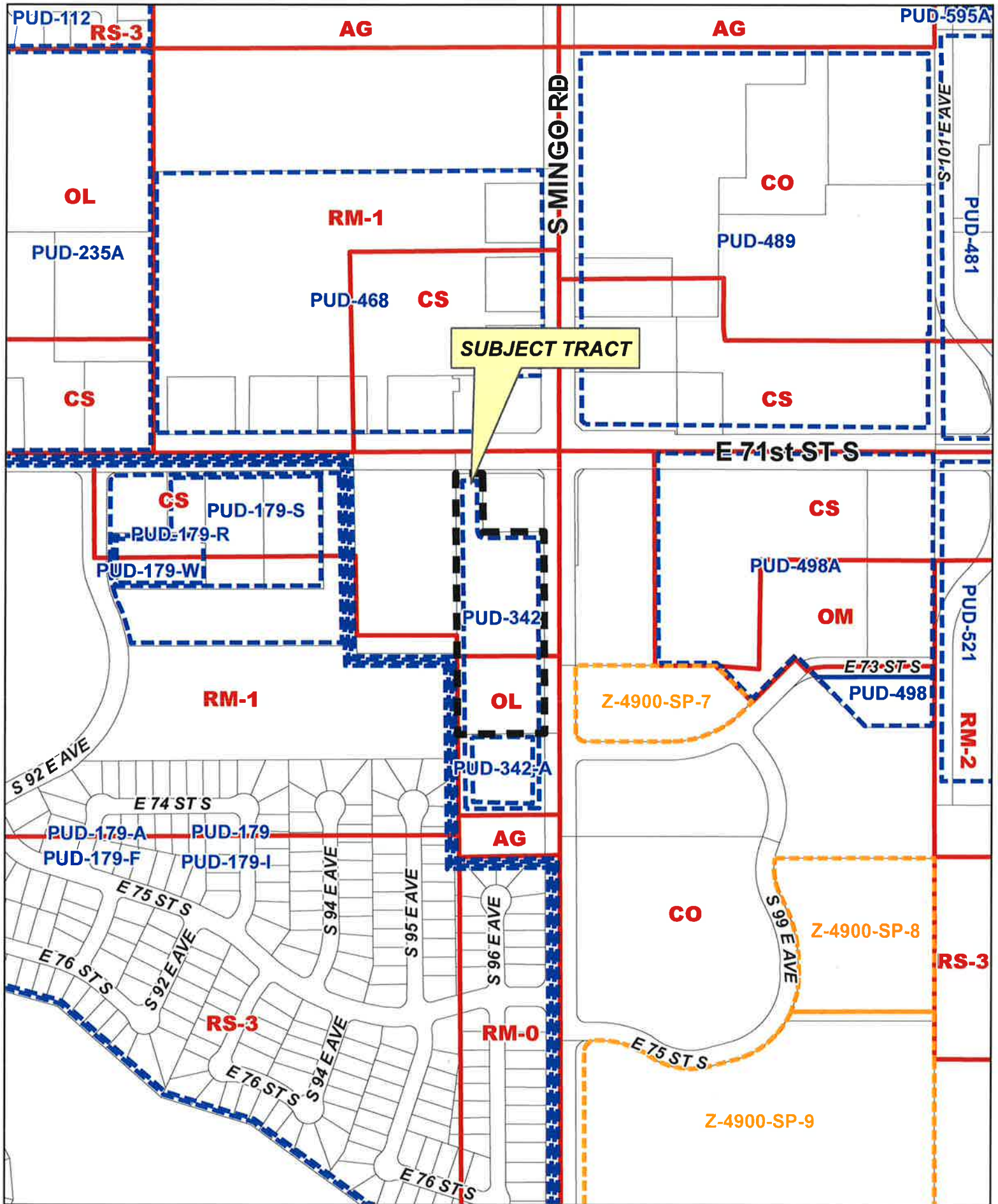
**NOTE:** THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

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



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**BOA-22234**

18-13 12





# BOARD OF ADJUSTMENT CASE REPORT

STR: 8312  
CZM: 53  
CD: 7  
A-P#: 417885

Case Number: BOA-22234

**HEARING DATE:** 05/09/2017 1:00 PM

**APPLICANT:** Mazen Jabr

**ACTION REQUESTED:** **Special Exception** to allow a bar/hookah lounge within 150 feet of an R-zoned district (Section 15.020-G); and a **Verification** of the 300 foot spacing requirement for a bar from public parks, schools, other bars and religious assemblies; and the public entrance doors 50 ft. from an R-zoned lot. (Sec. 40.050).

**LOCATION:** 7116 S MINGO RD E (Suite 107)

**ZONED:** CS/OL/PUD-342

**PRESENT USE:** Mixed-Use Commercial

**TRACT SIZE:** 4.6 Acres

**LEGAL DESCRIPTION:** LT 2 LESS BEG NWC TH E79.69 S12 W79.69 N12 POB BLK 1, WEMBLEY STATION, LIFESTYLES LIGHTING SHOWROOM, WOODLAND SPRINGS I PRT RSB WOODLAND SPRINGS, WOODLAND SPRINGS CENTER, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Lot:**

**BOA 15316;** on 12.07.89 The Board approved a variance of the required 150 feet setback from a residential area to 35 feet to permit a business sign in the CS/PUD-342 zoning district.

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

**Regional Centers** are mid-rise mixed-use areas for large scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

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 located is surrounded by a mixture of uses including RM-1 and CS zoning on the west. S Mingo Rd and CO zoning abuts the site on the east; OL zoning abuts the site on the south; and is abutted by

**STAFF COMMENTS:**

A bar is permitted in the CS district as a use by right – subject to complying with the spacing requirements provided in Sections 15.020-G and 40.050-A of the Code. The Code provides the following spacing requirements for a bar in the CS district:

- 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.*
- 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.*

The public entrance door of the bar appears to be 85 ft. from the R zoned district immediately west of the site, which meets the stated spacing requirement in Section 40.050-A. The applicant has requested a special exception as Section 15.020-G of Code requires special exception approval for a bar if intoxicating beverages or low-point beer are sold or served and the subject lot is located within 150 feet of any residential zoning district other than R-zoned street right-of-way.

Attached is a map indicating a spacing radius of 300 ft. from the perimeter walls of the proposed bar. The attached map and comments from the applicant list uses within the 300 ft. spacing radius. Staff visited the site and there do not appear to be any bars, public parks, churches, or schools within 300 ft. of the proposed bar.

**Sample Motions:**

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

Move to \_\_\_\_\_ (approve/deny) a Special Exception to allow a bar/hookah lounge within 150 feet of an R-zoned district (Section 30.010);

- 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 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.



Case No. 15326 (continued)

Lot 1, Block 1, Life Christian Center Addition, City of Tulsa,  
Tulsa County, Oklahoma.

### NEW APPLICATIONS

**Case No. 15316**

#### Action Requested:

Variance - Section 1130.2(B)1 - Accessory Uses - Use Unit 1213 -  
Request a variance to place a ground sign less than 150' from a  
residential area, located 7112 South Mingo.

#### Presentation:

The applicant, **Arlyn Mareburger**, 7112-J South Mingo, Tulsa, Oklahoma, submitted a plot plan and location map (Exhibit F-2), and explained that extensive landscaping is being completed for the Wembley Center, with a sign being installed that will compliment the project. He pointed out that the center has only 80' of frontage on 71st Street, with the major portion of frontage being on Mingo. As a result of the small amount of frontage on 71st Street, the applicant requested the variance of the spacing between the sign and the residential area. Mr. Mareburger stated that the property owners to the west are supportive of the application. A letter of support (Exhibit F-1) and photographs (Exhibit F-3) were submitted.

#### Comments and Questions:

Ms. Bradley inquired as to the distance from the sign to the residential area, and the applicant stated that the sign will be 40' from the property line. He informed that a Texaco service station bounds the subject tract on the east and an elderly housing project is located in the CS zoned district to the west.

Ms. Bradley asked if the PUD will be amended, and Mr. Gardner advised that, due to the PUD Ordinance, the sign requires Board of Adjustment and Planning Commission approval. He pointed out that the commercial zoned property requires a 40' setback from residentially zoned property, while the PUD requires a 150' setback from a residential use. Mr. Gardner stated that the PUD will not be amended.

Mr. Jones noted that the Planning Commission has approved the detail sign plan, subject to Board of Adjustment approval.

Protestants: None.



Case No. 15316 (continued)

**Board Action:**

On **MOTION** of BOLZLE, the Board voted 4-0-0 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** (Section 1130.2(B)1 - Accessory Uses - Use Unit 1213) to place a ground sign 40' from a developed residential area; per plot plan submitted; finding a hardship imposed on the applicant by the narrow frontage on 71st Street, and and the fact that commercial zoned property requires a 40' setback from residentially zoned property, while the PUD requires a 150' setback from a residential use, even though in this case the residential use is zoned commercial; on the following described property:

Lot 2, Block 1, Wembley Station, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15318**

**Action Requested:**

Special Exception - Section 910 - Permitted Uses in the Industrial Districts - Use Unit 1202 - Request a special exception to permit the operation of a concrete ready-mix plant (construction facility off-site) in an IL zoned district for a period of not more than two years, located southeast corner of East 45th Place South and South 100th East Avenue.

**Presentation:**

The applicant, Charles Norman, was represented by Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, who submitted a plan of Improvement (Exhibit G-1), and explained that the application deals with a temporary concrete ready-mix plant for a project which will widen the intersection at Mingo and 51st Street. He stated that the concrete will be poured in phases, and the actual pouring operation is short term, approximately 15 days. It was noted that each pouring could extend over a 30 to 45 day period if delays are encountered. Mr. Johnsen stated that there is substantial economic benefit to the bidder and the public to have the concrete facility near the project. He pointed out that the site selected is in an industrial area and close enough to the work site to allow the cement to be transported for the two 15-day pouring periods. Mr. Johnsen explained that the concrete for the street cannot be ordered from a commercial concrete ready-mix plant, as it is required to be a special grade which must be mixed near the project. Photographs (Exhibit G-3) were submitted.

**Comments and Questions:**

Ms. Bradley asked if the site will be used for mixing cement only during the pouring periods, and Mr. Johnsen answered in the affirmative.

In response to Mr. Bolzle's question concerning truck traffic in the area, Mr. Johnsen replied that equipment and materials will be brought to the site before the project begins, and trucks will travel to the plant only during pouring periods (two 15-day periods).

12.07.89:552(7)

11.5





0 200 400  
Feet



Subject  
Tract

**BOA-22234**

18-13 12

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

Aerial Photo Date: February 2016



11.6



E 71st ST S

S MINGO RD

0 50 100  
Feet



Subject  
Tract

**BOA-22234**

18-13 12

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

Aerial Photo Date: February 2016



11.7





Subject Lot - Looking West







Subject Lot - Looking NW

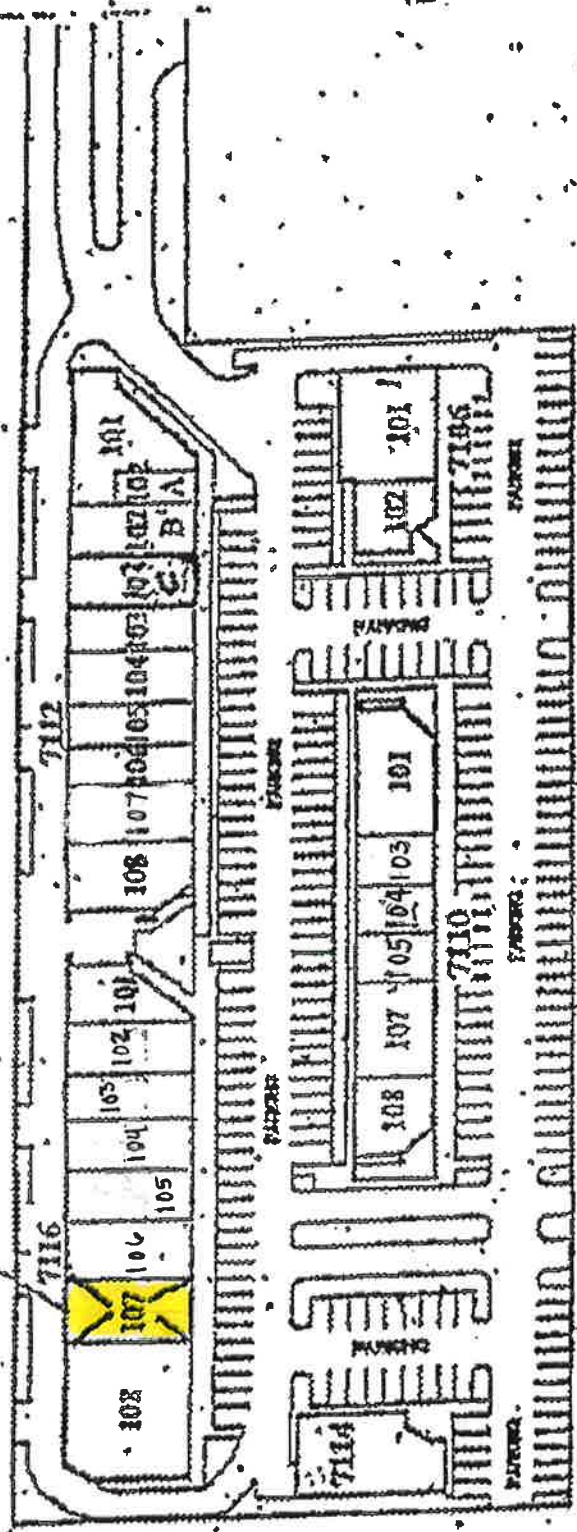


Subject Lot - Looking North

11.9



Exhibit "B"



WEMBLEY STATION

SOUTH MINGO ROAD



Ulmer, Amy

B6A-22234

**From:** Victoria Webb [vwwebb@icloud.com]  
**Sent:** Tuesday, March 28, 2017 5:06 PM  
**To:** Ulmer, Amy  
**Subject:** To the care of Mazen Jabr

Attention Amy Ulmer this is the list of businesses 300 ft radius of our lounge "Blue hookah bar" suite 107

1. The calling dance academy suite 106
2. Huntington learning centre suite 105
3. GTR newspaper suite 103
4. MACH 8 suite 102
5. Farmers Insurance suite 101
6. The Bust stop suite 106
7. Lifestyles 71st and mingo

And the apartment complex behind our location is Chardonay apartments 7209

This includes all the businesses around our location and I spoke with all of them , I told them to expect a letter from Tulsa county and explained what we would be doing as far as our hookah bar! Thank you Amy and if you have any questions or need more information please feel free to call me any time .. Victoria Webb 9727933203

Sent from my iPhone



Multi-Family  
Residential

Multi-Family  
Residential

S MINGO RD

Furniture Store

Residential

0 Feet 50 100



Subject  
Tract

**BOA-22234**

18-13 12

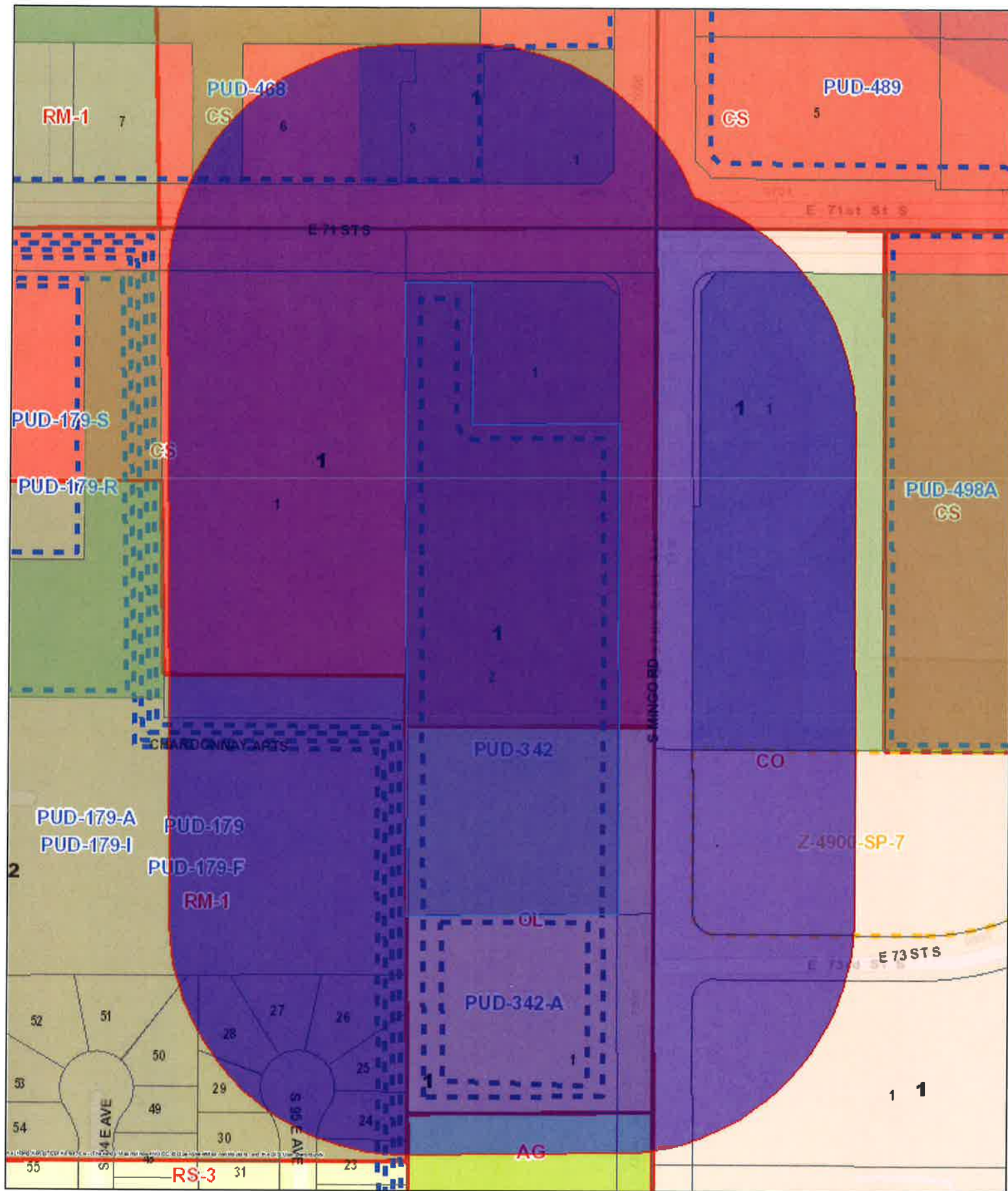
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016

11.12







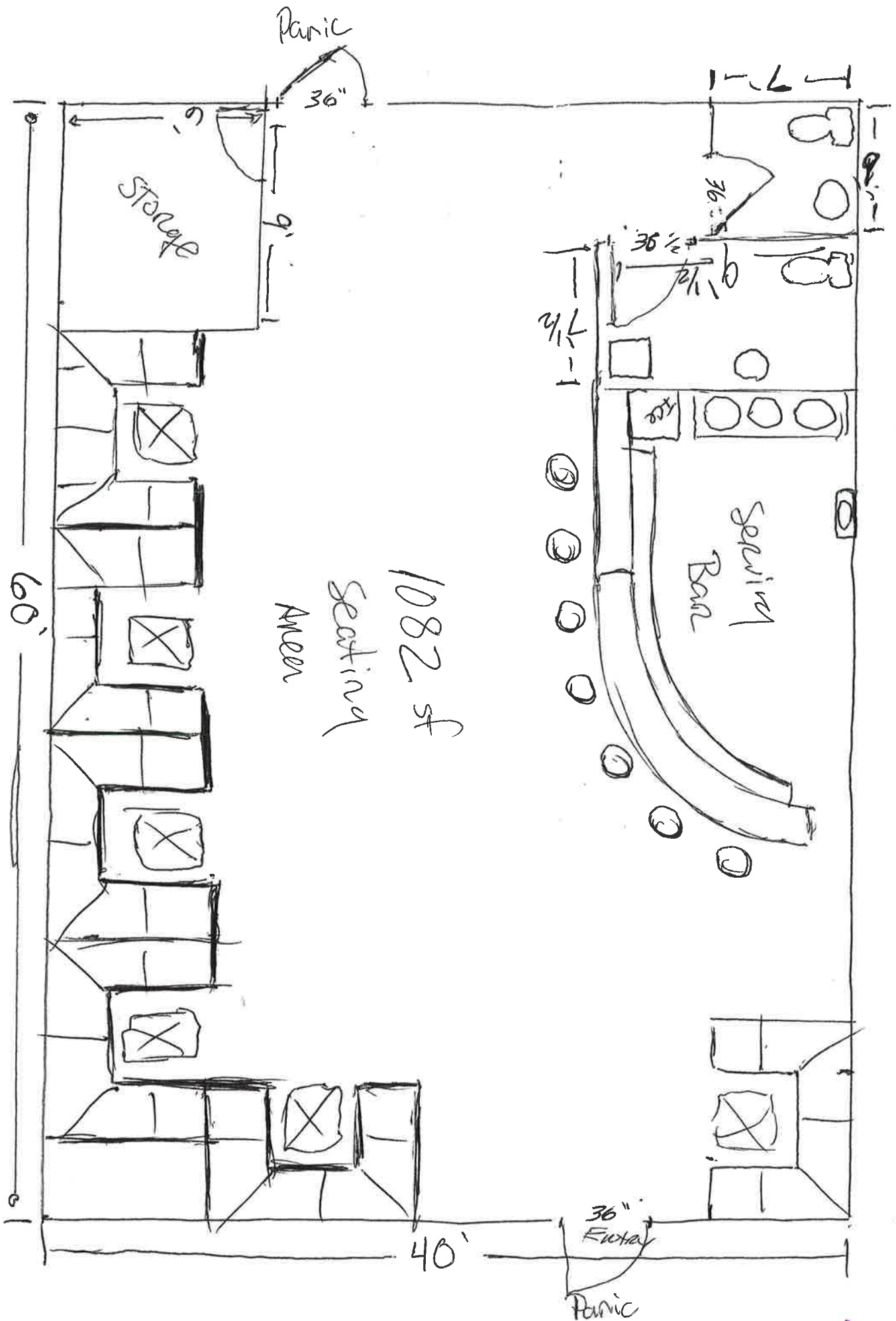
no bars within 300 ft.

no park, school, or church within 300 ft.

11.13









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



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

LOD Number: 996127-1

March 22, 2017

MAZEN JABR  
BLUE HOOKA BAR LLC  
7525 S 95TH AV E  
TULSA, OK 74133

Phone: (918)961-3788

APPLICATION NO: **417885** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: 7116 S MINGO RD E  
Description: NEW

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

##### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" ☐ IS ☒ IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

11.15



## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT [WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

Application No. 417885

7116 S MINGO RD E

March 22, 2017

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

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

### **1.) Section 30.010 PUD, Planned Unit Development (Legacy) District 30.010-A Legacy District Status**

1. Land classified in a PUD overlay zoning district on the effective date specified in Section 1.030 will continue to be classified in the PUD overlay district.

2. No applications to establish new PUD zoning districts or to expand the boundaries of existing PUD zoning districts may be accepted for processing after the effective date specified in Section 1.030, except that PUD rezoning applications that were in process on the effective date specified in Section 1.030 may continue to be processed and may be approved (see the transitional provisions of Section 1.110). Amendments to existing PUDs may be processed in accordance with the PUD amendment procedures of §30.010-I.

3. The PUD zoning district regulations of this section and all applicable conditions of approval of an approved PUD govern the use and development of PUD-zoned are-as unless and until the subject PUD is abandoned.

**Review Comments:** The proposed Bar/Hookah Lounge in PUD 342 appears to be within 150 feet from the RM-1 zoning district to the East and requires a special exception from the Board of Adjustment.

**2.) Section 40.050 Bars:** The supplemental use regulations of this section apply to all bars, except accessory use bars.

**Sec.40.050-A:** Bars are subject to all of 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. 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.
6. The spacing and separation distance is subject to the verification procedure presented in *Sec. 70.110-B1&2*; the procedure does not apply to a determination of compliance with building setback requirements that apply on individual lots. If a use, structure or development feature requiring spacing or separation is subject to public notice and review under other procedures of this chapter (e.g., special exception or variance), separate verification under the procedures of this section is not required.

**Review Comments:** The proposed Hookah Lounge requires a spacing verification in compliance with the requirements of 40.050-A from the Board of Adjustment.

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

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

#### END – ZONING CODE REVIEW

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

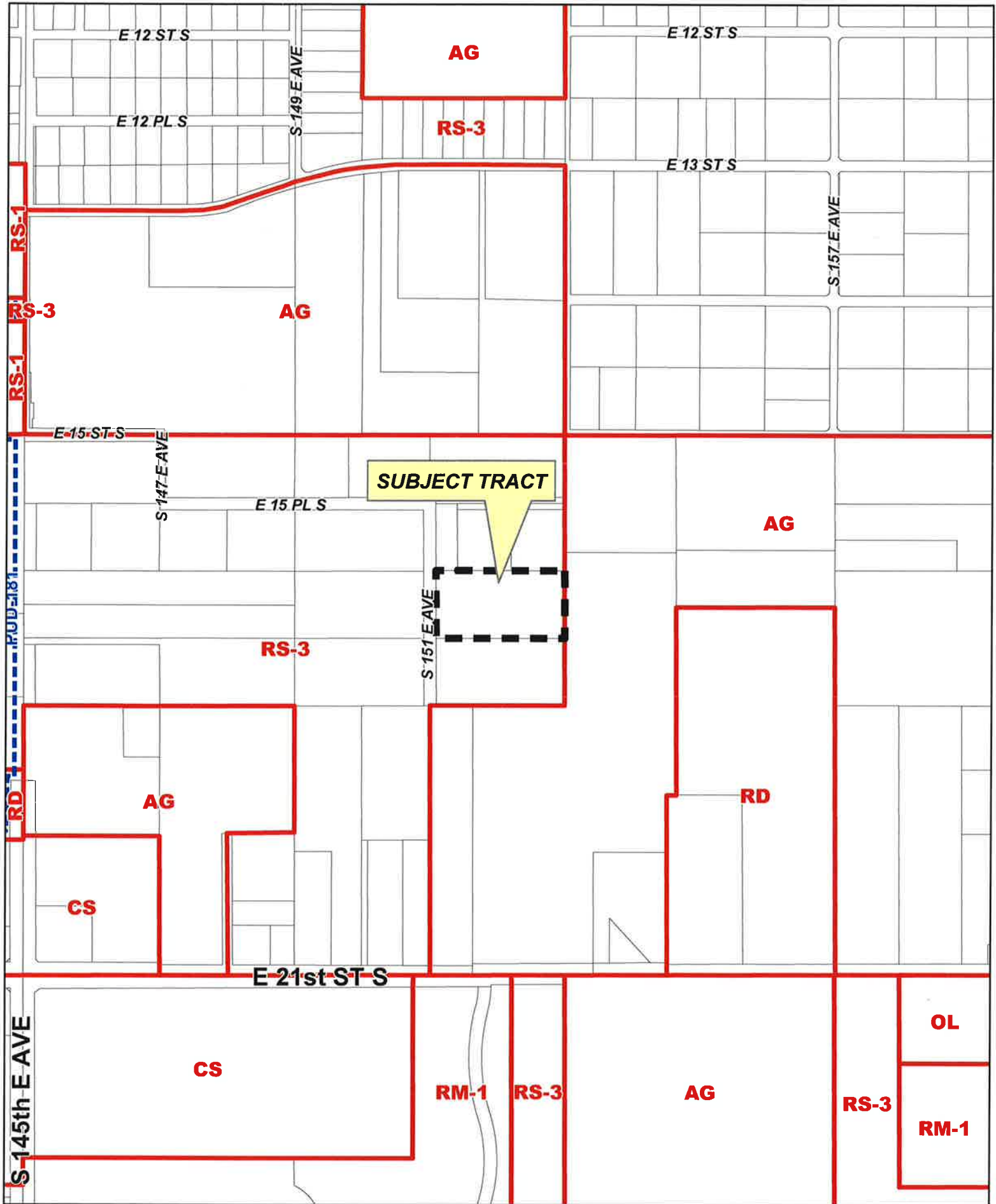
KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

11.17



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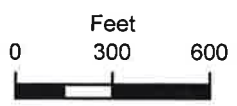




**SUBJECT TRACT**

**BOA-22235**

12.1



19-14 10





# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9410

**Case Number:** BOA-22235

**CZM:** 40

**CD:** 6

**A-P#:** 8962

**HEARING DATE:** 05/09/2017 1:00 PM

**APPLICANT:** Pam Bickle

**ACTION REQUESTED:** **Special Exception** to allow 2 carports in the street setback area in an R zoning District (Section 90.090-C.1). **Variance** to allow a non-all-weather off-street parking area (Section 55.090-F); **Variance** to allow a fence and structures within the street right-of-way (Section 90.090).

**LOCATION:** 1615 S 151 AV E

**ZONED:** RS-3

**PRESENT USE:** Residential

**TRACT SIZE:** 207782.05 SQ FT

**LEGAL DESCRIPTION:** N/2 SE NE SW LESS W30 FOR ST SEC 10 19 14 4.77ACS, FAMILY WORSHIP CENTER EXT, 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 "New Neighborhood" and an "Area of Growth".

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

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the City where general agreement exists that development or redevelopment is beneficial.

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

**STAFF COMMENTS:**

As shown on the attached pictures and site plan the existing carports on the site are located within the required street 25 ft. street yard setback of the site. Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures. Any carport that occupies all or a portion of the street setback or street yard area must comply with the



following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception:

- The area of a carport may not exceed 20 feet in length by 20 feet in width or 400 SF. According to the site plan supplied by the applicant, the carport is 16.7 ft wide by twenty 28.7 ft long.
- A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.
- The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.

Unless otherwise expressly stated, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan.

As shown in attached site plan and City of Tulsa comments the two existing carports, brick pillars, and metal fencing extends in to the street right-of-way. Therefore, the applicant has requested a variance to allow the existing metal fence and structures to extend into the right-of-way S. 151st Ave. E. As the writing of this case report, the applicant has not obtained an R-O-W license and removal agreement from the City.

### **Sample Motion for a Variance**

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to allow 2 carports in the street setback area in an R zoning District (Section 90.090-C.1). **Variance** to allow a non-all-weather off-street parking area (Section 55.090-F); **Variance** to allow a fence and structures within the street right-of-way (Section 90.090).

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

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

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



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





0 300 600  
Feet



Subject  
Tract

**BOA-22235**

19-14 10

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

Aerial Photo Date: February 2016



12.5





S151E AVE

0 50 100  
Feet



Subject  
Tract

**BOA-22235**

19-14 10

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

Aerial Photo Date: February 2016



12.6

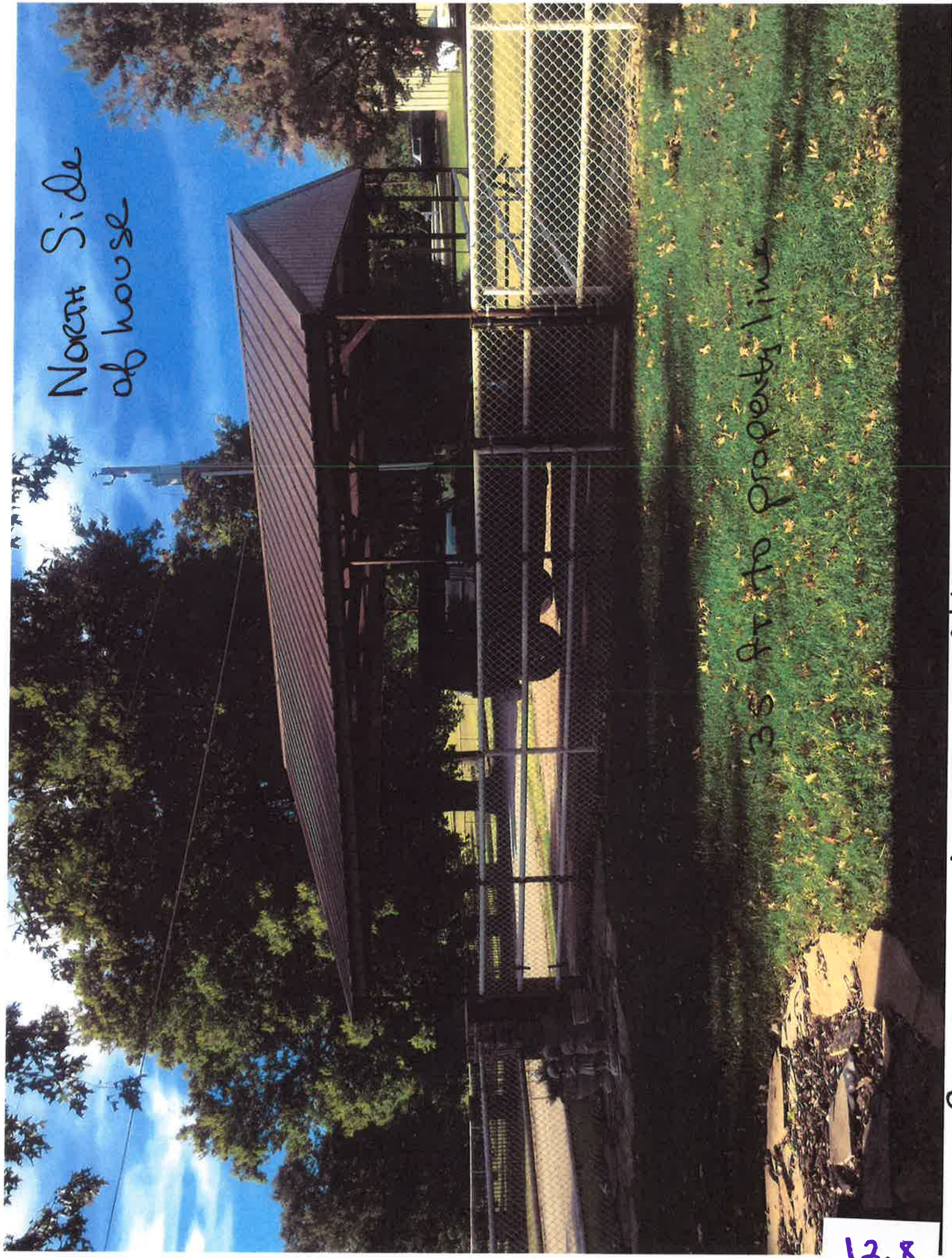


55 ft to property line  
South side of house

Overport  
12 ft high  
depth 24 ft  
width 30 ft

12.7





North Side  
of house

35 ft to property line

Carport 12 ft wide 11.0 ft 20 ft 20 ft





Subject Lot - Looking SE

04 26 2017 10:38



Subject Lot - Looking SE

04 26 2017 10:38

12.9









Subject Lot - Looking NE

04/26/2017 10:39



REGISTERED LAND SURVEYOR'S INSPECTION  
PLAT AND CERTIFICATE FOR MORTGAGE  
LOAN PURPOSE

COLLINS LAND SURVEYING, INC.

3340 W. 151st ST. S. - P.O. Box 250  
KIEFER, OK. 74041

OFFICE (918)321-9400 FAX (918)321-9404

J.O. NO.: 16-10-008

Customer: Mr. Robert J. Getchell

Borrower: Bickle, Victor C. and Pamela A.

Plat No: N/A

B/L=Building Line  
U/E=Utility Esmt.  
F/E=Fence Esmt.

OB/L=Out Building Line  
SW/E=Sidewalk Esmt.  
R/W=Right of Way

D/E=Drainage Esmt.  
B/E=Buried Tele. & Elec. Cable Esmt.  
S/E=Service Entrance

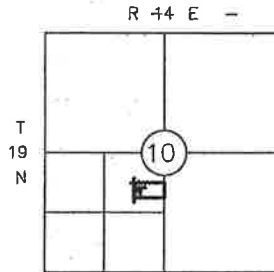
SCALE: 1"=100'

↑ NORTH

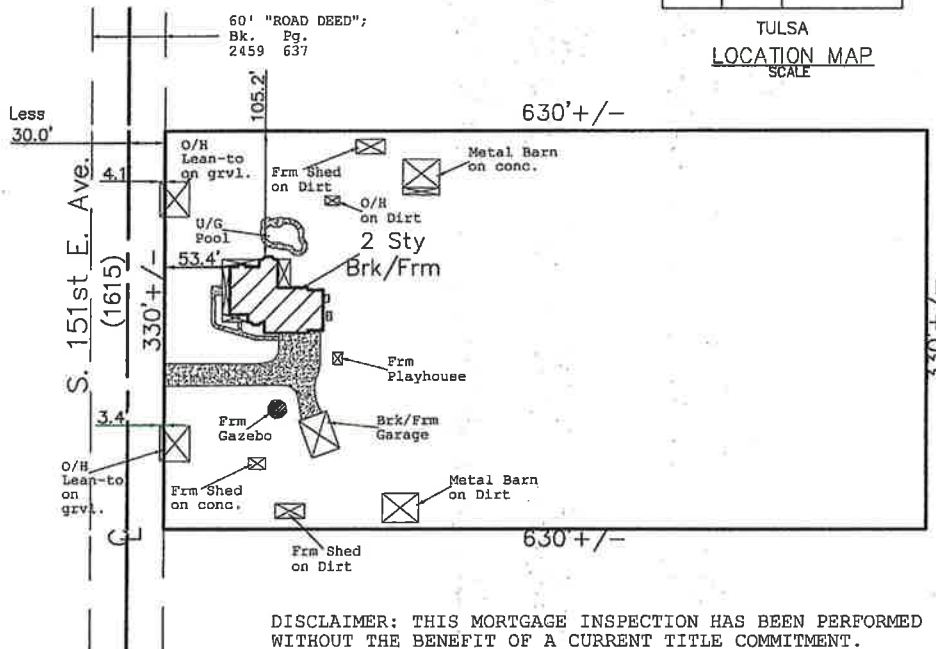
SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "UNSHADED X" AN AREA OF MINIMAL  
FLOOD HAZARD AS SHOWN ON FIRM MAP#405381 0270M, DATED 09/30/2016.

Note; North O/H Lean-to on  
gravel West property 4.1'+/-  
as shown.

Note; South O/H Lean-to on  
gravel encroaches property line  
3.4'+/- as shown.



TULSA  
LOCATION MAP  
SCALE



DISCLAIMER: THIS MORTGAGE INSPECTION HAS BEEN PERFORMED  
WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT.

THIS PLAT IS MADE FOR AND AT THE REQUEST OF:

Mr. Robert J. Getchell

FOR MORTGAGE LOAN PURPOSES ONLY COVERING LEGAL DESCRIPTION AS PROVIDED

The North Half of the Southeast Quarter of the Northeast Quarter of the Southwest Quarter,  
(N/2 SE/4 NE/4 SW/4) of Section Ten (10), Township Nineteen (19) North, Range Fourteen (14)  
East, Less the West 30 feet for street, City of Tulsa, Tulsa County, State of Oklahoma,  
according to the U.S. Government Survey thereof.

Property address: 1615 South 151st East Avenue, Tulsa, Oklahoma

SURVEYORS STATEMENT

COLLINS LAND SURVEYING INC., AN OKLAHOMA CORPORATION, AND THE UNDERSIGNED REGISTERED PROFESSIONAL LAND SURVEYOR DO  
HEREBY STATE THAT IN OUR PROFESSIONAL OPINION, THE ABOVE INSPECTION PLAT SHOWS THE DWELLING AS LOCATED ON THE PREMISES  
DESCRIBED, THAT IT IS ENTIRELY WITHIN THE DESCRIBED TRACT BOUNDARIES AND THERE ARE NO ENCROACHMENTS THEREON BY VISIBLE  
PERMANENT IMPROVEMENTS, EXCEPT AS INDICATED; THAT THE ABOVE INSPECTION PLAT SHOWS ALL RECORDED PLAT EASEMENTS AND OTHER  
SUCH EASEMENTS WHICH HAVE BEEN DISCLOSED BY A CURRENT TITLE OPINION OR BY COMMITMENT FOR TITLE INSURANCE AND COPIES  
THEREOF PROVIDED TO US; THAT THIS INSPECTION PLAT WAS PREPARED FOR IDENTIFICATION ONLY FOR THE MORTGAGEE AND IS NOT A  
LAND OR BOUNDARY LINE SURVEY. THAT NO PROPERTY CORNERS WERE SET, AND IS NOT TO BE USED OR RELIED UPON FOR THE  
ESTABLISHMENT OF FENCE, BUILDING, OR OTHER IMPROVEMENTS. THAT UNDERGROUND UTILITIES WERE NOT FIELD LOCATED AND THEREFORE  
ARE NOT SHOWN ON THIS INSPECTION PLAT UNLESS SPECIFICALLY REQUESTED BY THE CLIENT; THAT THIS INSPECTION PLAT WAS PREPARED  
SOLELY FOR THE CLIENT LISTED HEREON AND MAY NOT BE USED FOR ANY SUBSEQUENT LOAN CLOSING, REFINANCE, OR OTHER TRANSACTION;  
AND THAT NO RESPONSIBILITY OR LIABILITIES ASSUMED HEREBY TO THE PRESENT OR FUTURE LAND OWNER OR OCCUPANT BURIED SERVICE  
CABLE LOCATIONS ARE APPROXIMATE; CALL OKIE BEFORE DIGGING 1-(800)-522-6543

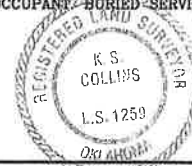
WITNESS MY HAND AND SEAL THIS DATE:

Final; 10/13/2016



*K.S. Collins*

K.S. COLLINS  
OKLAHOMA REGISTERED  
LAND SURVEYOR NO. 1259  
CA#2656 EXPIRES: 06/30/2018



12.12



# Right of Way Permit

## APPLICATION FOR LICENSE AGREEMENT TO CONSTRUCT AND MAINTAIN PRIVATE IMPROVEMENTS UPON PUBLIC WAY

APPLICANT NAME AND ADDRESS

(THIS PERSON WILL RECEIVE A COPY OF THE FILED AGREEMENT.)

Pam Bickle 1615 S. 151 E. Ave

DATE OF APPLICATION

2/10/2017

ADDRESS OF THE PUBLIC WAY

1615 S. 151 E. Ave

TELEPHONE NUMBER

918-234-2310

NAME OF CONTACT PERSON (IF OTHER THAN PROPERTY OWNER)

TELEPHONE NUMBER

918-234-2310

EMAIL pbickle@cox.net

ADDRESS AND LEGAL DESCRIPTION OF THE PUBLIC WAY TO BE OCCUPIED.

N/2 SE LESS W 30 For ST SEC 10 19 14 4.77acs  
unplatted

Explanation of purpose or need to occupy Public Way (relate to Criteria for Consideration).

Carport + Fence (pipe rail)

Type of improvement requested for License Agreement

Carport + Fence (pipe rail)

Plat of Survey or representative sketch or drawing has been attached delineating the described request showing all data pertinent to the property e.g. distance bearings and encroachments.

Submitted by:

OWNER SIGNATURE

PERSON SUBMITTING ON BEHALF OF OWNER BY (SIGNATURE)

Pam Bickle

Chris Kovac 918-596-9649

12.13



From: Banks, Lamar LBANKS@cityoftulsa.org  
Subject: Objections to License Agreement Application (File  
5-4-17-12)

Date: Mar 27, 2017, 3:05:16 PM

To: Pam Bickle pbickle@cox.net

Cc: Kovac, Chris CKOVAC@cityoftulsa.org

Ms. Bickle,

The 30 day review process for the License Agreement Application at 1615 S. 151<sup>st</sup> E. Ave has been completed. I have attached the objections and conflicts to this agreement that were forwarded to our office by the various department representatives. The objections will have to be satisfied before we can continue with the application process. I have included the City of Tulsa and/or Private Utilities Department Representatives contact information, so that you may communicate with them directly.

**The objections will have to be satisfied between the applicant and department representative(s).** If or when a satisfactory agreement has been reached, please have that representative email the revised response to me. If you need additional information or have questions, please contact our office.

**INCOG:** Dwayne Wilkerson, Assistant Director Land Development Services, [dwilkerson@incog.org](mailto:dwilkerson@incog.org) or 918.579.9475 ✓

**Street Maintenance:** Gary McColpin, Street Operations Inspections Manager, [gmccolpin@cityoftulsa.org](mailto:gmccolpin@cityoftulsa.org) or 918.576.5514

**Water Design:** Ryan McKaskle, Lead Engineer, [rmckaskle@cityoftulsa.org](mailto:rmckaskle@cityoftulsa.org) or 918.596.9566 ✓

Respectfully,

**Lamar Banks | Engineering Technician II**  
City of Tulsa Engineering Services Department  
2317 S Jackson Ave. Suite S207 Tulsa, OK 74107  
T: 918-596-9593  
F: 918-596-7277  
E: [lbanks@cityoftulsa.org](mailto:lbanks@cityoftulsa.org)  
[www.cityoftulsa.org](http://www.cityoftulsa.org)

pdf

INCOG\_...7-12.pdf  
29.2 KB

pdf

Street M...7-12.pdf  
139 KB

pdf

Water D...7-12.pdf  
285 KB



**From:** McColpin, Gary  
**Sent:** Wednesday, February 15, 2017 11:38 AM  
**To:** Banks, Lamar; Kovac, Chris  
**Cc:** McCorkell, Tim  
**Subject:** FW: License Agreement (5-4-17-12) 1615 S. 151st E. Ave  
**Attachments:** 5-4-17-12.pdf

Object... the permeant structures need to either be removed from the ROW or the ROW in question needs to be closed and vacated. The proposed obstructions in the ROW cannot be easily removed if the City should need to use the ROW.

**From:** Chaney, Ashley

**Sent:** Wednesday, February 15, 2017 11:12 AM

**To:** 'an9488@att.com'; Asare, Maxwell <xmasare@cityoftulsa.org>; Berg, Chris <CBerg@cityoftulsa.org>; Bruder, Rick <rbruder@cityoftulsa.org>; Carr, Steve <scarr@cityoftulsa.org>; Caruthers, Richard <xRCARUTHERS@cityoftulsa.org>; Dolman, Lucy <LDOLMAN@cityoftulsa.org>; Ling, Michael <MLing@cityoftulsa.org>; 'cblaes@odot.org'; 'Dwilkinson@incog.org'; Folks, Angelia <AFolks@cityoftulsa.org>; Haralson, Peyton <PHaralson@cityoftulsa.org>; Helt, Donald (Doug) <DHelt@cityoftulsa.org>; 'okrightofway@cox.com'; Hinds, Marsha <MHINDS@cityoftulsa.org>; 'jnobles@ong.com'; Lester, Michelle <MLester@cityoftulsa.org>; Liann Alfaro (lalfaro@tulsatransit.org) <lalfaro@tulsatransit.org>; 'lrgoodman@aep.com'; McClenny, Dwight <DMCCLENN@cityoftulsa.org>; McColpin, Gary <GMcColpin@cityoftulsa.org>; McKaskle, Ryan <RMCKASKLE@cityoftulsa.org>; Meldrum, Ray <rmeldrum@cityoftulsa.org>; Nichols, Dean <DNichols@cityoftulsa.org>; Pearson, James <JPearson@cityoftulsa.org>; 'rwhite@odot.org'; Robison, Bill <BROBISON@cityoftulsa.org>; 'stephenw@emsa.net'; Teeters, Roy <RTEETERS@cityoftulsa.org>; Vance, Britt <BVANCE@cityoftulsa.org>; Jackson, Brad <BradJackson@cityoftulsa.org>; VanLoo, Scott <SVanLoo@cityoftulsa.org>; Willey, Hazel <hwilley@cityoftulsa.org>; Young, Bryan <BYoung@cityoftulsa.org>; Stovall, Michelle <EStovall@cityoftulsa.org>; Murdock, Eric <EMurdock@cityoftulsa.org>; Poteete, Serena <SPOTEETE@cityoftulsa.org>; Ostler, Kristi <KOstler@cityoftulsa.org>; Hardt, Steve <SHARDT@cityoftulsa.org>; Thomas, April <ApThomas@cityoftulsa.org>; 'thdevereux@aep.com' <thdevereux@aep.com>; Glynn, Tony <TGLYNN@cityoftulsa.org>; Johnson, Aaron <AJohnson@cityoftulsa.org>; Simpson, Lisa <LSIMPSON@cityoftulsa.org>; Whitlatch, Michael <mwhitlatch@cityoftulsa.org>; Warren, Rick <rewarren@cityoftulsa.org>; 'John.Vanscoy2@cox.com' <John.Vanscoy2@cox.com>; Rhine, Kahle <KRHINE@cityoftulsa.org>; Liechti, Matt <MLIECHTI@cityoftulsa.org>; Youngblood, Iesha <IYoungblood@cityoftulsa.org>

**Cc:** Banks, Lamar <LBANKS@cityoftulsa.org>; Kovac, Chris <CKOVAC@cityoftulsa.org>

**Subject:** License Agreement (5-4-17-12) 1615 S. 151st E. Ave

All,

Please respond to Lamar Banks with your comments by mail (2317 S. Jackson, Rm S207, Tulsa 74107), email ( [LBANKS@cityoftulsa.org](mailto:LBANKS@cityoftulsa.org) ) or FAX (918-596-9708) *within 30 days from the date of the attached letter.*

Thank you,

Ashley

Ashley Chaney | Office Administrator II | TAB Administrator  
City of Tulsa Engineering Services Department  
2317 S Jackson Ave. Suite S312 Tulsa, OK 74107



File No: 5-4-17-12

CITY OF TULSA ENGINEERING SERVICES DEPARTMENT

Chris Kovac,  
Utilities Coordinator

RESPONSE: \_\_\_\_\_ CONCUR X DO NOT CONCUR

RESPONSE FROM(Company Name or Division): C.O.T./ENG SURS/WATER DESIGN

REASON FOR OBJECTION: BRICK PICKUPS NEXT TO DRIVEWAY  
ARE BUILT ON TOP OF 8" WATERLINE, LOOKS LIKE  
THERE IS ENOUGH CLEARANCE ALONG THE FENCE FOR  
Attach an extra page if further explanation is necessary.

D. McClenny  
Signature

DWIGHT MCCLENNY  
Print Name

2/16/15  
Date

WATERLINE MAINTENANCE.

E. Wall

Ryan McRae

2/16/17

3/28

talk to Dwight McClenny

OK



File No: 5-4-17-12

CITY OF TULSA ENGINEERING SERVICES DEPARTMENT

Chris Kovac,  
Utilities Coordinator

RESPONSE: \_\_\_\_\_ CONCUR \_\_\_\_\_ DO NOT CONCUR

RESPONSE FROM(Company Name or Division): \_\_\_\_\_

REASON FOR O  
INCOG does not support a license agreement for a carport or any structure that has not been approved by the Board of Adjustment when encroaching into the street yard. We have researched the site and determined that the Board has never granted permission to construct carports in the front yard.

Attach an extra pa  
The applicant should first apply to the building permit office for an official zoning clearance permit. If the applicant receives a letter of a letter of deficiency it is likely that the owner will be required to apply to the Board of Adjustment at INCOG for a special exception.

Signature

Additional relieve may be required if any of the fencing is greater than 4 feet in height.

3/28  
Talk to Dwayne Wilkerson 579-9475 +  
He called back + said  
start incog paperwork + he would  
waiver. Amy knows about it



JEFF S. TAYLOR  
ZONING OFFICIAL  
PLANS EXAMINER

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



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

LOD Number: 987986-1

February 08, 2017

PAM BICKLE  
HOMEOWNER  
1615 S 151 AV E  
TULSA, OK 74108

Phone: (918)234-2310

APPLICATION NO: **8962** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: **1615 S 151 AV E**  
Description: **Clearance for two existing car ports.**

#### 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 2<sup>nd</sup> 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> 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.).

12.18



## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT  
[WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

Application No. 8962

1615 S 151 AV E

February 08, 2017

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

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

**Special exception approval required; see §90.090-C1.**

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

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

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



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

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

3. **5.030-A :Setback(s) (Residential):** Required setback from the center of 151 street is 30'. Structures are required to be located on your lot outside the Right of Way.

**Review Comments:** The proposed carports appear to be located in the City of Tulsa ROW. The ROW width along 151 street is 60 in total width. The minimum required setback for the proposed carport is 30 feet from the C/L of 151 street. The proposed carports project into the Right-of-Way (R-O-W) of this street and therefore requires a City of Tulsa R-O-W license and removal agreement. You may relocate the carports to comply with the minimum setback requirements or contact Chris Kovac @ 918-596-9649 for information on acquiring a R-O-W license and removal agreement.

**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.**

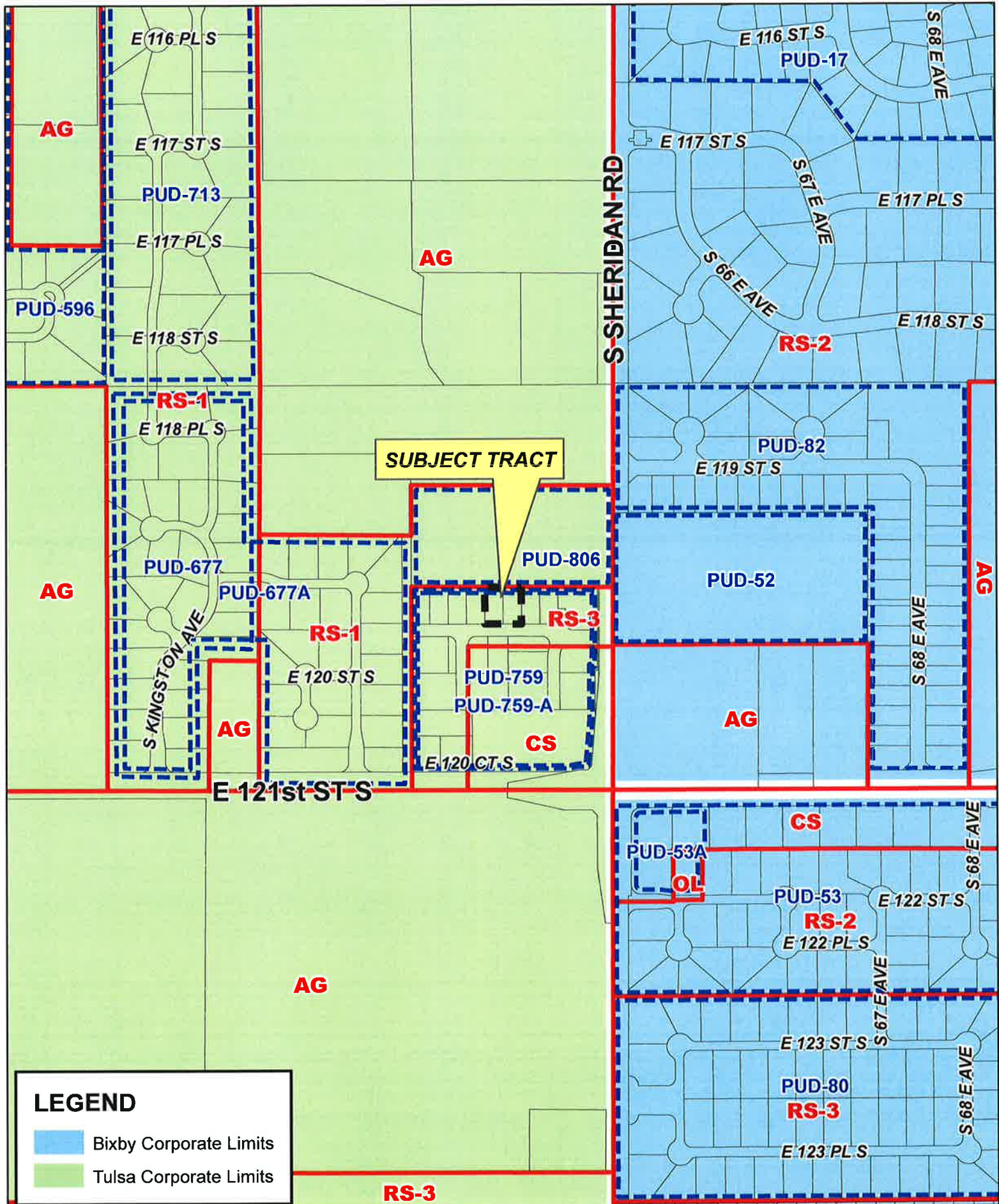
**A hard copy of this letter is available upon request by the applicant.**

#### **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.





## LEGEND

- Bixby Corporate Limits
- Tulsa Corporate Limits



BOA-22237

18-13 34

13.1





# BOARD OF ADJUSTMENT CASE REPORT

STR: 8334

Case Number: **BOA-22237**

CZM: 57

CD: 8

A-P#: 9036

**HEARING DATE:** 05/09/2017 1:00 PM

**APPLICANT:** Weldon Bowman

**ACTION REQUESTED:** Variance to allow the square footage of a accessory building to exceed 40% of the principal structure to permit a 2375 sq. ft. accessory building (Sec. 45.030).

**LOCATION:** 6323 and 6319 E 119 ST S

**ZONED:** RS-3/PUD 759

**PRESENT USE:** Residential

**TRACT SIZE:** 14,400.99 SQ FT

**LEGAL DESCRIPTION:** LOT 5 and LOT 6 BLOCK 5, CRESTWOOD VILLAGE, 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 "New Neighborhood" and an "Area of Growth".

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

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the City where general agreement exists that development or redevelopment is beneficial.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is abutted by RS-3 zoning on the east and west; and RS-1/PUD 806 zoning on the north. RS-3 and CS zoning abuts the site on the south.

**STAFF COMMENTS:**

The applicant is before the Board requesting a **Variance** to increase the allowable square footage for detached accessory buildings in the RS-3 district to from 4543 to 2375 sq. ft. In July, 2016 the TMAPC approved a lot combination (LC-789) to combine the subject lots. The applicant stated the following: *"The client has purchased the adjoining lot; the proposed detached structure covers less square footage than a typical house that would have been constructed/allowed on that lot."*



The Code states that detached accessory buildings in the RS-3 district are limited to a floor area of 500 sq. ft. or 40% of the principal dwelling (whichever is greater). The existing residence on the lot is 4543 sq. ft.; therefore the maximum allowed floor area for detached accessory buildings on the lot is 1817 sq. ft. The applicant is proposing to construct a 2375 sq. ft. accessory building on the subject site. The applicant has requested a variance to increase the maximum permitted floor area of a detached accessory building on the lot to 2375 sq. ft. (52% of the principal structure).

### Sample Motion for a Variance

Move to \_\_\_\_\_ (approve/deny) a Variance to allow the square footage of a accessory building to exceed 40% of the principal structure to permit a 2375 sq. ft. accessory building (Sec. 45.030).

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

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

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





0 Feet 200 400



Subject Tract

**BOA-22237**

18-13 34

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

Aerial Photo Date: February 2016



13.4





0 50 100  
Feet



Subject  
Tract

**BOA-22237**

18-13 34

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

Aerial Photo Date: February 2016



13.5





Subject Lot - Looking North







Subject Lot - Looking North

17 10:31





**wdesign**  
ARCHITECTURE & INTERIORS  
815 E. 3rd Street, Suite C  
Tulsa, OK 74120  
Office: 918.774.6616  
Fax: 918.774.6622  
www.wdesigninc.com

SEAL:

PROJECT:

**COMAN  
RESIDENCE  
DETACHED  
ACCESSORY**

PROJECT #  
16063

6323 E. 119th St.  
TULSA, OK  
74137

CONSULTANT:

REVISIONS:

ISSUE DATE:

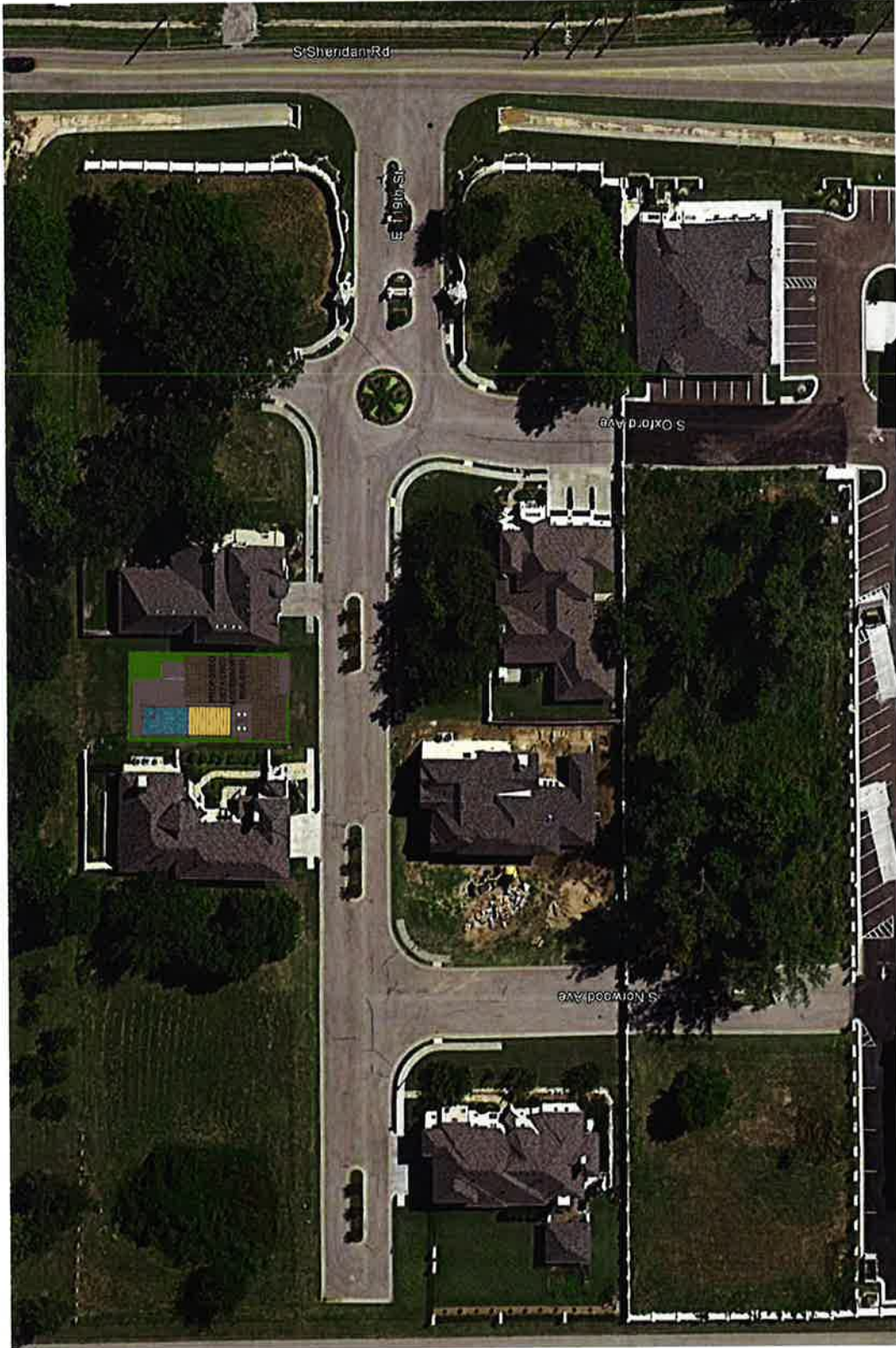
4.25.2017

SHEET NAME:  
**ARCHITECTURAL  
SITE PLAN**

SHEET #:

**SP2**

DRAWN BY: JPK



**1 OVERHEAD VIEW**  
SCALE: 1/8" = 1'-0"





**wdesign**  
ARCHITECTURE & INTERIORS  
815 CRESTWOOD VILLAGE  
TULSA, OK 74120  
Office: 918.794.6616  
Fax: 918.794.6602  
www.wdesignate.com

SEAL:

PROJECT:

**COMAN  
RESIDENCE  
DETACHED  
ACCESSORY**

PROJECT #  
18063

6323 E. 119th St.  
TULSA, OK  
74137

CONSULTANT:

REVISIONS:

ISSUE DATE:

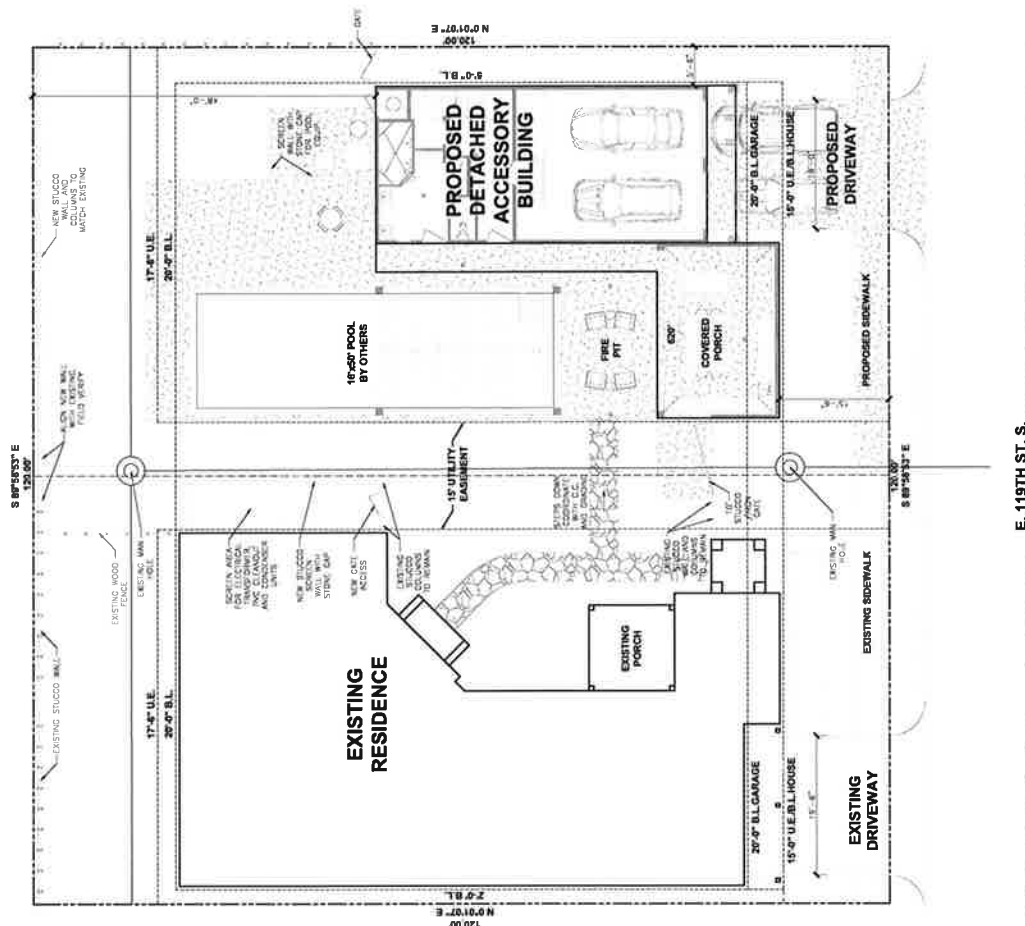
4.25.2017

SHEET NAME:  
**ARCHITECTURAL  
SITE PLAN**

SHEET #:

**SP**

DRAWN BY: PJK



E. 119TH ST. S.

**1** ARCHITECTURAL SITE PLAN  
SCALE: 1/8" = 1'-0"

## FLOOR AREA CALCULATIONS

- ZONING = RS-3, PUD-759-2
- EXISTING FIRST FLOOR FRAMED = 2,418 SQ.FT.
- EXISTING SECOND FLOOR FRAMED = 1,552 SQ.FT.
- EXISTING TOTAL FRAMED = 3,970 SQ.FT.
- EXISTING GARAGE = 681 SQ.FT.
- EXISTING DECKED ATTIC SPACE = 128 SQ.FT.
- EXISTING FLOOR AREA = 4,779 SQ.FT.
- MAX DETACHED ACCESSORY SQ.FT. = 40% OF EXISTING
- DETACHED ACCESSORY FLOOR AREA = 2,375 SQ.FT. OR 50% (OVER BY 10%)

## LEGAL DESCRIPTION

- LOT 586 (COMBINED), BLOCK 5  
CRESTWOOD VILLAGE  
TULSA, OKLAHOMA

## LIVABILITY SPACE

- ZONING = RS-3, PUD-759-2
- LOT SIZE = 14,400 SQ.FT.
- STRUCTURE HEIGHT = 31'-6"
- FIRST FLOOR FRAMED = 436 SQ.FT.
- SECOND FLOOR FRAMED = 1,353 SQ.FT.
- TOTAL FRAMED = 1,789 SQ.FT.
- GARAGE = 586 SQ.FT.
- PORCH = 575 SQ.FT.
- DRIVEWAY = 561 SQ.FT.
- EXISTING HOUSE LIVABILITY = 3,917 SQ.FT.
- LIVABILITY SPACE REQUIRED = 3,506 SQ.FT.
- LIVABILITY SPACE = 8,325 SQ.FT.

13.9





© 2000 HAWKINS DRUG COMPANY

© 2000 HAWKINS DRUG COMPANY

DRAWN BY: PJK

A



**1 FLOOR PLAN - FIRST FLOOR**  
SCALE: 1/4" = 1'-0"  
AS S.F.



SEAL:

PROJECT:

**COMAN  
 RESIDENCE  
 DETACHED  
 ACCESSORY**

PROJECT #  
 16063

6323 E. 119th St.  
 TULSA, OK  
 74137

CONSULTANT:

REVISIONS:

ISSUE DATE:

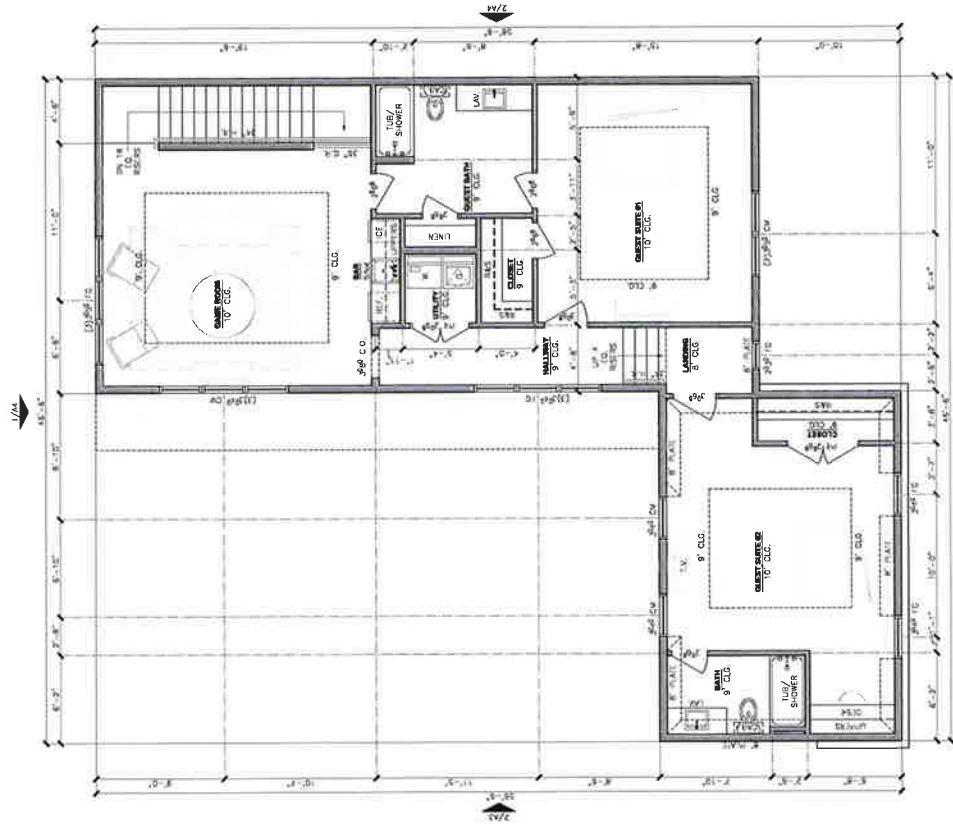
4.25.2017

SHEET NAME:  
**FLOOR PLAN  
 SECOND FLOOR**

SHEET #:

**A2**

DRAWN BY: J.K.



**1 FLOOR PLAN - SECOND FLOOR**  
 SCALE: 1/8" = 1'-0"

NOTE: WINDOWS ARE SHOWN AS 1/2" X 1/2" UNLESS NOTED OTHERWISE

NOTE: ALL EXTERIOR WALL ANGLES (E.O.) AND CASED OPENING (C.O.) WALLS ARE SHOWN AS PER REMAINING WALLS SHOWN AS PER

① - TYPICAL SWEET CASE

13.11



SEAL:

PROJECT:

**COMAN  
 RESIDENCE  
 DETACHED  
 ACCESSORY**

PROJECT #  
 16063

6323 E. 119th St.  
 TULSA, OK  
 74137

CONSULTANT:

REVISIONS:

ISSUE DATE:

4.25.2017

SHEET NAME:

3D VIEWS

SHEET #:

A3

DRAWN BY: P.J.S.



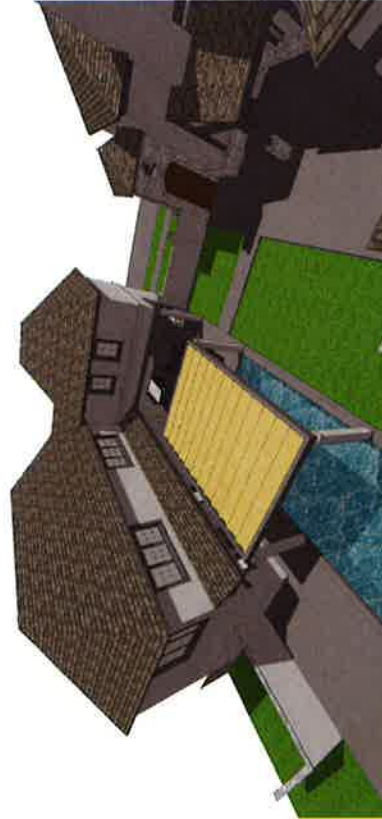
**2 SOUTH PERSPECTIVE**  
 SCALE: 1/8" = 1'-0"



**1 WEST PERSPECTIVE**  
 SCALE: 1/8" = 1'-0"



**2 SOUTH ELEVATION**  
 SCALE: 1/8" = 1'-0"



**1 OVERHEAD PERSPECTIVE**  
 SCALE: 1/8" = 1'-0"



SEAL:

PROJECT:

**COMAN  
RESIDENCE  
DETACHED  
ACCESSORY**

PROJECT #  
16063

6323 E. 119th St.  
TULSA, OK  
74137

CONSULTANT:

REVISIONS:

ISSUE DATE:

4.25.2017

SHEET NAME:

**EXISTING VIEW**

SHEET #:

**1** EXISTING RESIDENCE  
SCALE: 1/8" = 1'-0"





JEFF S. TAYLOR  
ZONING OFFICIAL  
PLANS EXAMINER

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



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

LOD Number: 996458-1

March 30, 2017

PETER KRONER  
W DESIGN  
815 E 3 ST STE C  
TULSA, OK 74120

Phone: (918)794-6616  
Fax: (918)794-6602

APPLICATION NO: **9036** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: **6323 E 119 ST S**  
Description: **DETACHED ACCESSORY BLDG OVER SQUARE FOOTAGE AND DRIVEWAY APPROVAL**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
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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.).

13.14



## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT [WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

Application No. 9036

6323 E 119 ST S

March 30, 2017

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

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

### 1. 45.010-D Location

Accessory uses and structures must be located on the same lot as the principal use to which they are accessory, unless otherwise expressly stated.

**Review Comments:** You are proposing a detached structure on a separate lot.

1. Please apply for a lot combination at INCOG located at Two West Second Street, Suite 800. Please direct all questions concerning lot combinations and all questions regarding TMAPC application forms and fees to an INCOG representative at 584-7526.
2. After you receive a copy of the lot combination agreement from INCOG you will need to go to the Tulsa county clerk's office at 500 s. Denver and have the lot combination agreement recorded.
3. Submit a copy of the lot combination agreement with the Tulsa county clerk's recording sticker on it to this office as a revision.

### 2. 45.030-B RS-2, RS-3, RS-4 and RS-5 Districts

In RS-3 district, the total aggregate floor area of all detached accessory buildings and accessory buildings not erected as an integral part of the principal residential building may not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater.

**Review comments:** You are proposing 2375 sq ft (52%) of detached accessory structure. The proposed detached structure exceeds 500 sq ft and 40% of the size of your house. Based on the size of your house (4543 sq ft) you are allowed 1817 sq ft of detached accessory structures on your lot. Reduce the size of your proposed detached accessory structure to be less than 1817 sq ft or apply to BOA for a variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure.

**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.**

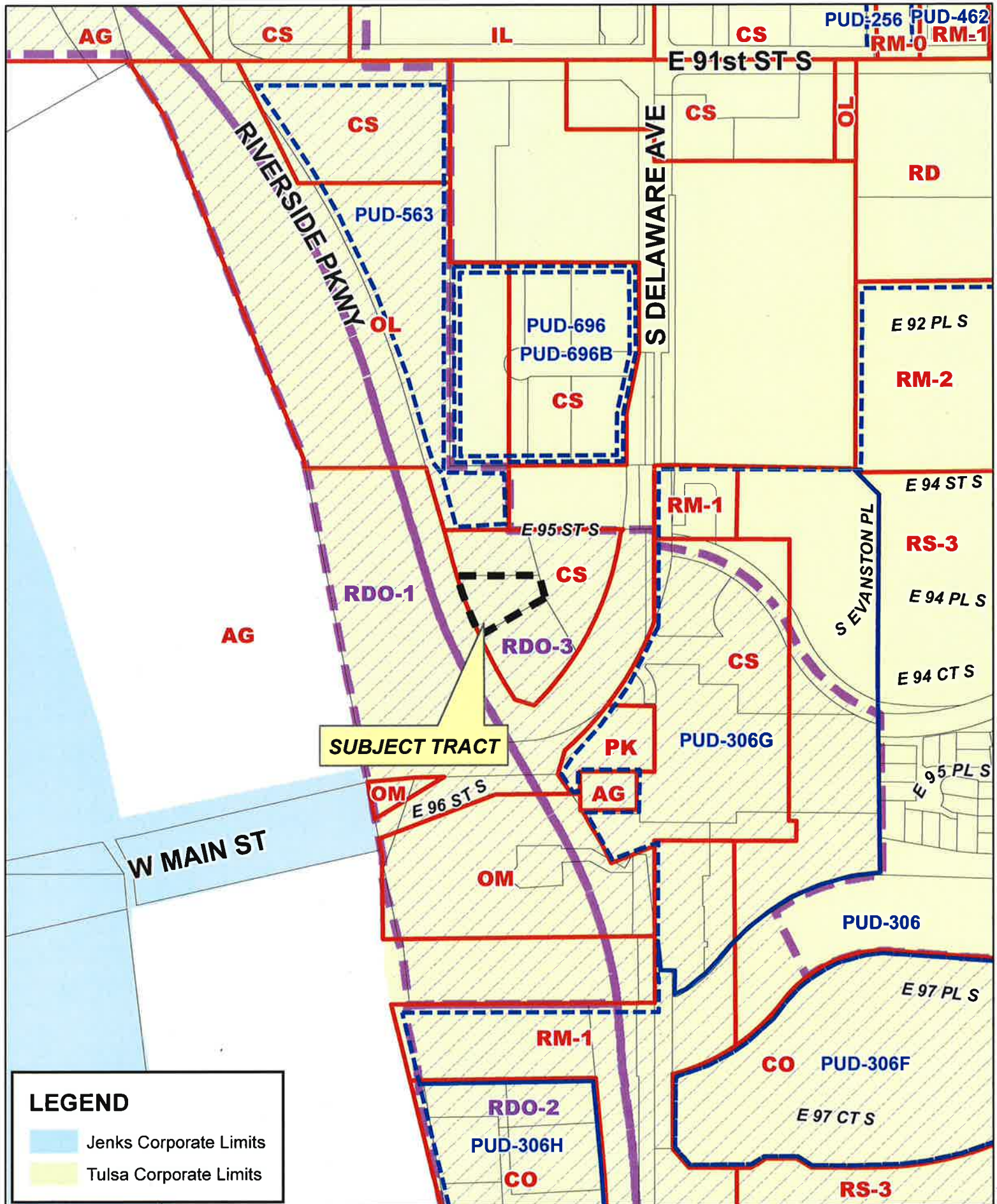


## **END – ZONING CODE REVIEW**

**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.





**LEGEND**

- Jenks Corporate Limits
- Tulsa Corporate Limits



**BOA-22240**

18-13 20

14.1





# BOARD OF ADJUSTMENT CASE REPORT

STR: 8320

Case Number: **BOA-22240**

CZM: 56

CD: 2

A-P#: N/A

**HEARING DATE:** 05/09/2017 1:00 PM

**APPLICANT:** Robert Moser

**ACTION REQUESTED:** Variance to allow aluminum siding on the south and east elevation of the a proposed retail/commercial building in the CS/RDO-3 district. (Sec. 20.050)

**LOCATION:** N of the NE/c of Riverside Parkway and S Delaware Ave      **ZONED:** CS/RDO-3

**PRESENT USE:** Commercial Lot

**TRACT SIZE:** 33911.6 SF

**LEGAL DESCRIPTION:** 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

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Lot:**

**BOA 22217;** on 03.28.17 the Board approved a variance of the required Build-to Zone (BTZ) to permit a building setback of 91 ft.; and a variance of the minimum parking area street setback from 30 ft. to 23 ft. to permit a AT&T retail store in the CS/RDO-3 district (Section 20.050-C).

**BOA 20873;** on 02.24.09 the Board approved a special exception to allow a car wash in the CS district.

**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 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 a mixture of uses including commercial/retail, a gas station and a car wash.

**STAFF COMMENTS:**

The applicant has requested a **Variance** to permit aluminum siding as a building material. The drawings call out the siding as aluminum. Vinyl siding and aluminum siding are prohibited building materials in the RDO-3 Overlay district. The applicant provided the following comment with their application: *"This is the new finish that the owner is using on many of the new projects."*

The material proposed by the applicant is architectural grade aluminum siding that is more structurally sound and durable than the typical aluminum siding that is prohibited in the RDO-3. The intent of the Code is to prohibit the use of low-quality building material with little to no architectural detail within the RDO-3 district.

**Sample Motion for a Variance**

Move to \_\_\_\_\_ (approve/deny) a Variance to allow aluminum siding on the south and east elevation of the proposed retail/commercial building in the CS/RDO-3 district. (Sec. 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."*



N 00°11'54" E along said tangency for 21.30 feet to a point of curve; thence Northerly and Northwesterly along a curve to the left with a central angle of 22°01'21" and a radius of 24.00 feet for 9.22 feet to the Point of Beginning, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Bond re-entered the meeting at 1:23 P.M.

22217—Kevin Braughton

**Action Requested:**

Variance of the required Build-to Zone (BTZ) to permit a building setback of 91 feet; Variance of the minimum parking area street setback from 30 feet to 23 feet to permit an AT&T retail store in the CS/RDO-3 District (Section 20.050-C)

**LOCATION:** North of the NE/Corner of Riverside Parkway and South Delaware Avenue East (CD 2)

**Presentation:**

**Mike Mellinger**, 3000 Alta Mesa Boulevard, Fort Worth, TX; stated when he purchased the property it was before the overlay zone was initiated. He met with the City last year but unfortunately had some delays pending the approvals with AT&T. During the meeting with City he was told that if he didn't get the plans in by a certain date the case would need to come before the Board. The building cannot be placed where the Code requires it to be because there is an easement benefitting the two property owners on either side of the subject property. The building is placed close to where the easement area allows. His company tries not to have a situation where parking is incurred on anyone else's property, but he owns and operates the store in the rear of the mall and he is moving out to the street primarily for better public viewing.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BACK**, 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 of the required Build-to Zone (BTZ) to permit a building setback of 91 feet; Variance of the minimum parking area street setback from 30 feet to 23 feet to permit a commercial structure in the CS/RDO-3 District (Section 20.050-C), per conceptual plans 5.11 and 5.12 of the agenda packet. Finding the hardship to be the size, the shape and the site is a remainder parcel from a previously developed site with existing concrete drives and shared access easements making it difficult to develop with the current RDO overlay.



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 107<sup>th</sup> 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.



**Applicant's Rebuttal:**

Mr. LaBass said the students have to be chosen thru a selection process. They have to want to get better in order to participate in this program. Mr. Tidwell asked Mr. LaBass to confirm that there would be 60 students four times a year. Mr. LaBass said the numbers could grow to that number but it would not start out with 60 students.

**Board Action:**

On Motion of White, the Board voted 4-0-0 (White, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Henke "absent") to **DENY** a Special Exception to permit a public school facility (Use Unit 5) in the IL district (Section 901), on the following described property:

LT 3 & 4 & W38 LT 2 BLK 2, INDUSTRIAL EQUIPMENT CTR

\*\*\*\*\*

**Case No. 20873**

FILE COPY

**Action Requested:**

Special Exception to permit an auto wash facility (Use Unit 17) in a CS district (Section 701), located: North of Northeast Corner of Riverside Drive & 96<sup>th</sup> Street.

**Presentation:**

Scott McLain, 1120 South Albert Pike, Fort Smith, Arkansas. The company he represents currently operates a car wash at 39<sup>th</sup> Street and Sheridan. They are looking forward to adding their second location in Tulsa and their twentieth location nationwide.

**Comments and Questions:**

Ms. Stead asked Mr. McLain if this would be affiliated with QuikTrip. Mr. McLain said it is next to QuikTrip but is not associated with them. Ms. Stead asked about the noise level. Mr. McLain said the vacuums are on the opposite side from the residential area. The vacuums are in a central vacuum system which minimizing the noise level. Ms. Stead asked Staff to address the need for sidewalks. Mr. Cuthbertson stated that efforts are made to be consistent in requiring sidewalks. This is a unique case that Riverside Drive does not have sidewalks in this area. Mr. McLain stated most foot traffic is on the opposite side of Riverside Drive along the River Trails. Ms. Stead asked if QuikTrip would be taking down their signs. Mr. McLain said the directional signs would be removed. Mr. Tidwell asked about the hours of operations. Mr. McLain said the typical hours are 8 a.m. to 8 p.m. but that is not set in concrete. They try to tailor the hours to their customers but it is not a 24 hour operation.

**Interested Parties:**

There were no interested parties who wished to speak.



**Board Action:**

On Motion of Stephens, the Board voted 4-0-0 (White, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Henke "absent") to **APPROVE** a Special Exception to permit an auto wash facility only (Use Unit 17) in the CS district (Section 701) per plan on page 14.6 and 14.7 with lighting per Kennebunkport formula, finding that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

LTS 1 & 2 LESS BEG NEC LT 2 TH W307.60 SE223.16 SE207.43 NELY CRV  
LF 422.21 POB BLK 1, QUIKTRIP COMMERCIAL CENTER #96

FILE COPY

**Case No. 20874**

**Action Requested:**

Special Exception to permit a child care center in the RS-3 district (Section 401); a Variance of the parking requirement for a child care center (Section 1205); and a Variance of the minimum lot size, minimum frontage required, and minimum building setback from an abutting R district (Section 404.F) to permit a child care center in the existing dwelling, located: 1619 North Boston Place.

**Comments and Questions:**

Mr. Cuthbertson stated that there had been an omission of the street address on the agenda. There had been proper notice and a sign had been placed on the property. Mr. Boulden stated that he felt the Board could discuss the issue but did not recommend taking action until the next meeting. Ms. Stead stated that if the Board could not take action then the case should not be discussed.

**Board Action:**

On Motion of White, the Board voted 4-0-0 (White, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Henke "absent") to **CONTINUE** this case until March 10, 2009 and that this case be the first case heard on March 10, 2009, on the following described property:

LT 17 BLK 1, MELROSE 2<sup>ND</sup> ADDN

\*\*\*\*\*

**Case No. 20875**

**Action Requested:**

Special Exception to permit a single family dwelling (Use Unit 6) in a CS district; in addition to a developing bank use, located: Southeast corner of South 33<sup>rd</sup> West Avenue and I-44.

**Presentation:**

Lou Reynolds, 2727 East 21<sup>st</sup> Street, Tulsa, Oklahoma. He represents Peoples Bank regarding the construction of a bank.





0 200 400  
Feet



Subject  
Tract

**BOA-22240**

18-13 20

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

Aerial Photo Date: February 2016



14.8





RIVERSIDE PKWY

E 95 ST S

S DELAWARE AVE

0 50 100  
Feet



Subject  
Tract

**BOA-22240**

18-13 20

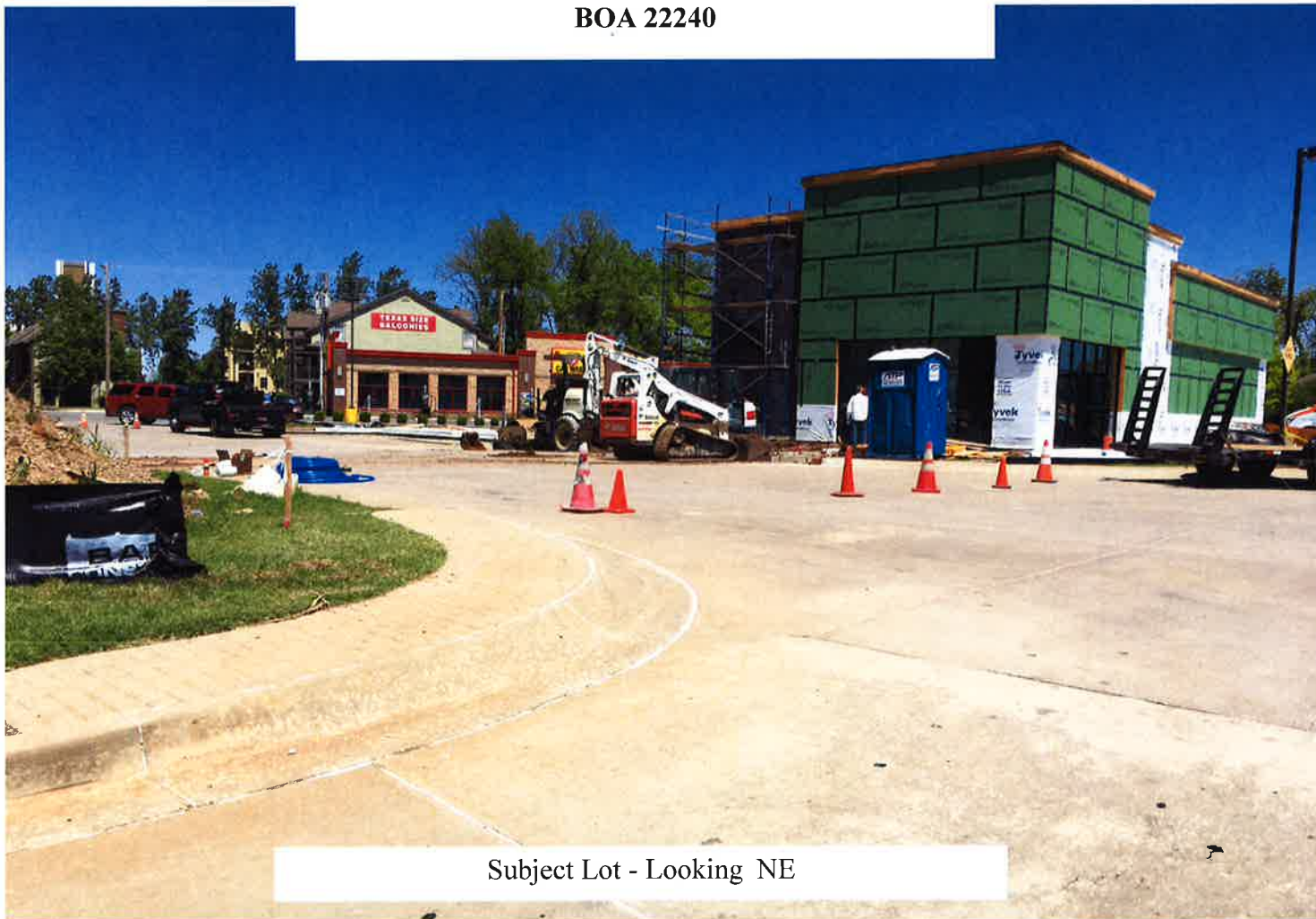
Note: Graphic overlays may not precisely  
align with physical features on the ground

Aerial Photo Date: February 2016



14.9





Subject Lot - Looking NE



Subject Lot - Looking NW

14.10





REVISIONS
DATE
DESCRIPTION



SITE PLAN  
QUAIL FLATS PROPERTIES, LP.  
TULSA, OKLAHOMA

DATE
PROJECT
CLIENT
SCALE



GRAPHIC SCALE

LEGEND
PROPOSED CONCRETE SIDEWALK
PROPOSED CONCRETE DRIVEWAY
PROPOSED CONCRETE DRIVEWAY
PROPOSED CONCRETE DRIVEWAY

- NOTE LEGEND**
1. NOT ACCESSIBLE SIDEWALK & DRIVEWAY ARE REQUIRED BY LOCAL LAW, TOWNSHIP
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**DEVELOPER INFORMATION**

DEVELOPER: [Name]  
ADDRESS: [Address]  
CITY: [City]  
STATE: [State]  
ZIP: [ZIP]

**SITE PLAN INFORMATION**

LOT AREA: [Area]  
TOTAL LOT AREA: [Area]  
TOTAL LOT AREA: [Area]

**PERCENT COVERAGE**

LOT AREA: [Area]  
TOTAL LOT AREA: [Area]  
TOTAL LOT AREA: [Area]

**PARKING**

PROPOSED 2,000 S.F. BUILDING  
CITY OF TULSA PARKING REQ. OF 3  
TOTAL LOT AREA: [Area]  
TOTAL LOT AREA: [Area]

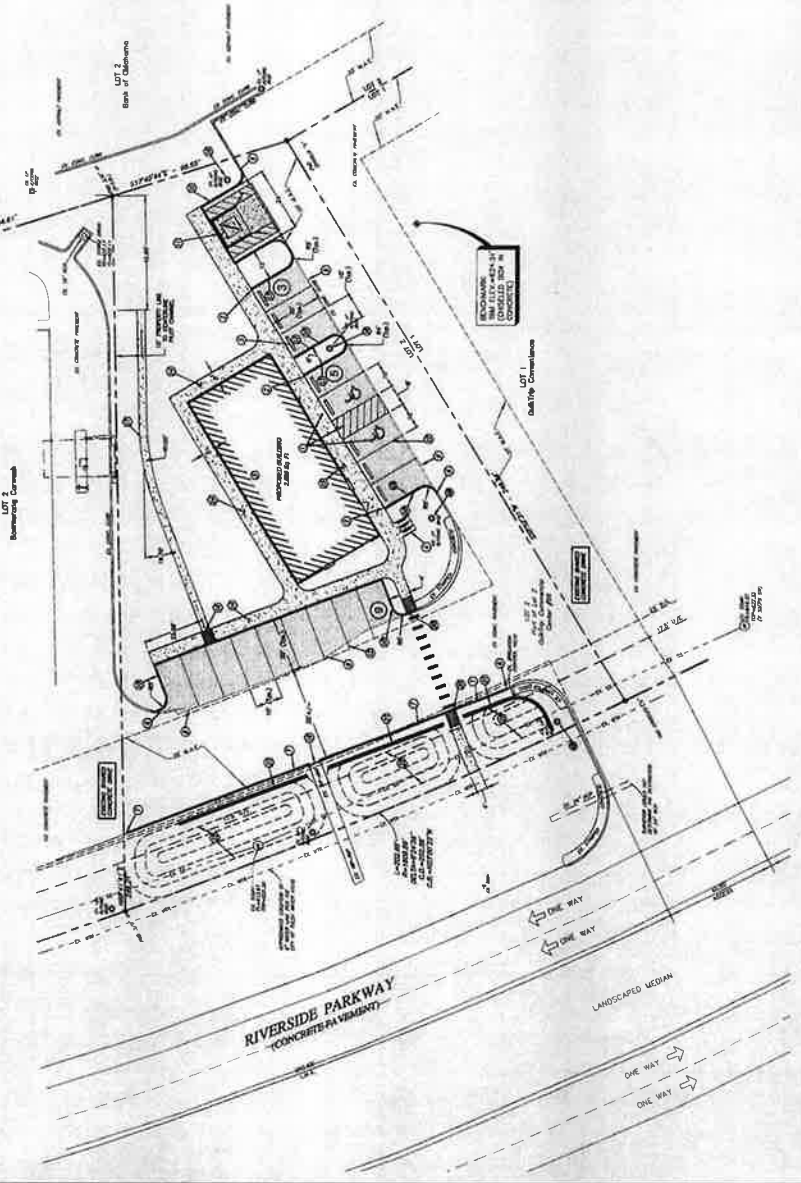
**STOP! CALL BEFORE YOU DIG!**

ALL UTILITY LOCATIONS SHOWN ON THIS PLAN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO ANY EXCAVATION WORK.

**NOTICE TO CONTRACTORS**

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF TULSA AND THE STATE OF OKLAHOMA PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE ADJACENT PROPERTY OWNERS PRIOR TO THE START OF CONSTRUCTION.

LOT 1  
Subsiding Corridor









Notes

- Exterior Materials and Colors
- Blue Dryvit and Stucco Colors
- Trim Color Colonial Tan #117
- Handpainted Texture
- Brick and Block Grout Plain
- Thin Set Stone Company
- Black Stone, Alderwood
- Aluminum Siding
- Longboard Siding and Soffit
- Profile: 4" V Groove
- Color: Light Natural Walnut 180903-716
- Window Frame Bronze
- Cap Flashing Bronze
- Trim and Siding House Bronze
- Brick Flashing Bronze

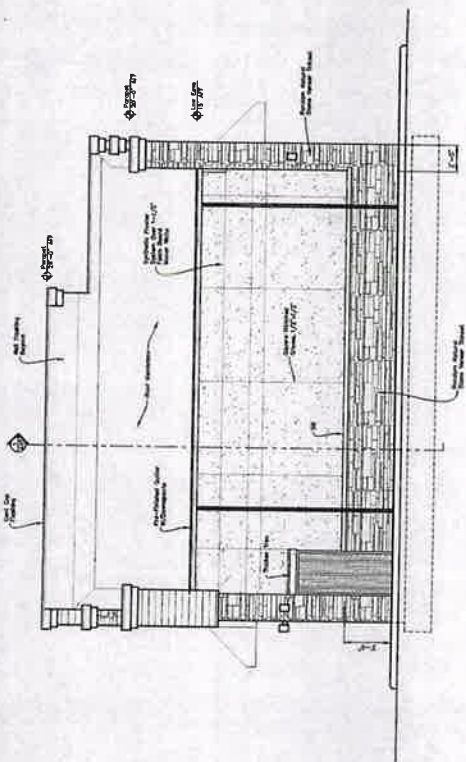


JAMES B. O'DONNELL III  
ARCHITECT  
200 North Main Avenue  
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Fax: 918.592.0001  
jbo@jboarchitect.com

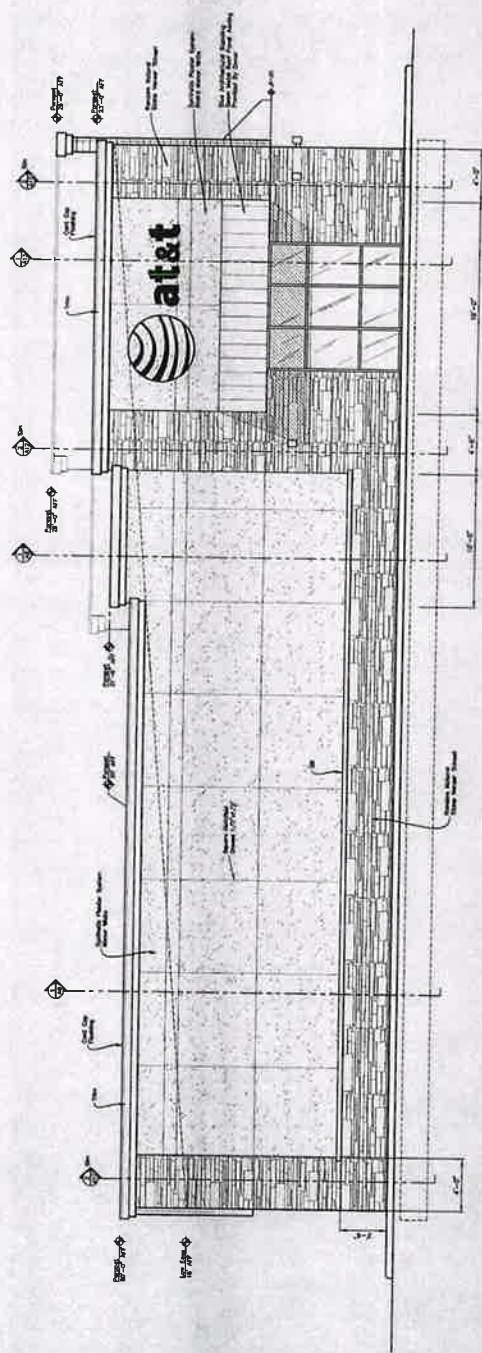
New Retail Building for  
Quikrete Properties, LLC.  
Lot 1 Quikrete Commercial  
Center #98, Tulsa, Oklahoma

Project: Building  
Elevations  
Date: January 20, 2017  
Scale: 1/4" = 1'-0"

Sheet: A6.0  
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West Building  
Elevation  
Scale: 1/4" = 1'-0"



North Building  
Elevation  
Scale: 1/4" = 1'-0"





*Longboard®*

We love architecture.

14.14





**SPECIFICATIONS BINDER UPDATED JULY, 2016**

**LONGBOARDPRODUCTS.COM**

Mayne Coatings Corp 27575 50 Ave Langley, B.C. V4W 0A2  
Ph. 604.607.6630 | Ph. 604-607-0198 | Em: info@longboardproducts.com

*Longboard®*

14.15



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## **Longboard® Product Summary**

- 4** Quality You Can Trust
- 5** Longboard® Cladding System
- 6+7** Longboard® Back Framing System
- 8+9** Longboard® Privacy Screen System
- 10+11** Longboard® Ceiling System

## **Focus on Color**

- 12+13** Wood Grain and Colour Options

## **Featured Projects:**

- 14+15** Sustainable Solutions | Immigration Services Society — Vancouver, BC
- 16+17** Philanthropic Vision | Casa Querétaro — Chicago, IL
- 18+19** Distinctive Attributes | Pemberton Plaza — North Vancouver, BC
- 20+21** Lively Design | Arden by Bosa, Chris Dikeakos Architects, Inc. — San Francisco, CA
- 22+23** Equilibrium | Ceiling System — Vancouver, BC





## QUALITY YOU CAN TRUST



We consider it a privilege to be involved in the design of your project!

Since 2006 Mayne Coatings Corp. has been the leading architectural powder coat supplier to the building industry on the Pacific West Coast. Our focus is environmentally sustainable, high performance powder coated architectural products.

The evolution of Longboard® and powder coated wood finishes has brought new design opportunities to the built environment. The naturally warm and inviting look of wood can now be achieved without the maintenance of wood and issues of combustibility.

Resilience is a core component of any coating system which begins with the pretreatment of the aluminum. In 2006, Mayne became the second operation in all North America to be certified by Akzo Nobel to the AAMA 2605 performance standard using a "chrome free" pretreatment system. As part of on-going certification Mayne is audited on an annual basis.

At Mayne we intentionally choose leading technology and processes for our pretreatment, application and packaging. We also have aligned with first-class suppliers in the industry to ensure we can consistently provide the best service possible.

Please feel free to contact us about any technical information you may require and visit our web site [longboardproducts.com](http://longboardproducts.com) for more information.

Best Regards,

Mr. Mike Heppell  
President, Mayne Coatings Corp



## THE MAKING OF TOP PERFORMANCE CLADDING

Equally important to environmental concerns is what goes into the making of a premium cladding product. The quality and performance of a product can only be as good as the sum of its parts. As the manufacture of Longboard®, Mayne Coatings' mission is to provide superior performing products by following the most stringent manufacturing standards and using only first-rate ingredients.

### **MAYNE COATINGS CORP. COMMITMENT:**

- Follow an exacting quality assurance program
- Source material from quality suppliers
- Use only top grade architectural aluminum
- AAMA 2604/2605 quality powder for all exterior products

### **PRODUCT TESTING BY IBC AND NBCC RECOGNIZED THIRD PARTY LABORATORY**

- ASTM E136 IBC: Non-combustibility test
- CAN/ULC S114: NBCC Non-combustibility
- ASTM E2768-11: Flame spread testing, Class A rating per ASTM E84 standards
- TAS 202, 203 and ASTM E8: 100 PSF Design Pressure, wind load testing



The Longboard® Quick-Screen Clip is made from the highest grade stainless steel and is a critical component in meeting building code standards for contraction/expansion and rain-screen requirements.



## TOP PERFORMING ENVIRONMENTALLY RESPONSIBLE CLADDING

There are many important environmental attributes applied to our line of premium architectural products:

- VOC Free
- Availability of Environmental Product Declarations (EPDs)
- 100% Recyclable
- LEED Credits
- Strong and Durable
- Corrosion Resistant



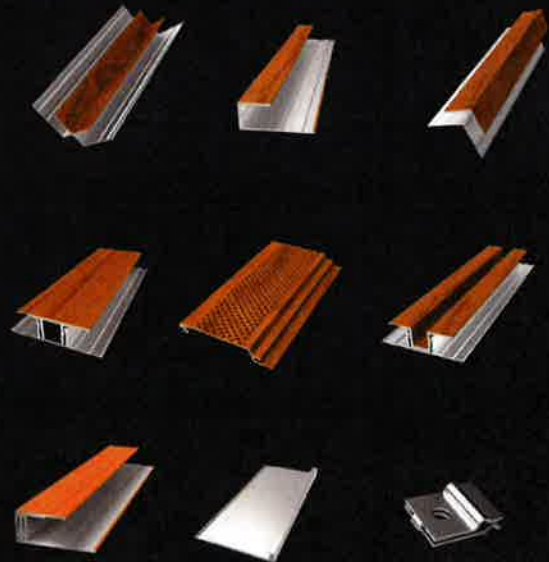
4" V Groove



6" V Groove



6" Channel



Components and trim pieces are available in a wide range of wood grains and solid colour options.





## SECTION 07460

### ALUMINUM SIDING AND SOFFITS

Display hidden notes to specifier. (Don't know how? [Click Here](#))

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**Contact the manufacturer for testing reports referenced in this document.**  
**[info@longboardproducts.com](mailto:info@longboardproducts.com)**

**\*\* NOTE TO SPECIFIER \*\*** Mayne Coatings Corp.; Longboard Prefinished Aluminum Siding and Soffits.

This section is based on the products of Mayne Coatings Corp., which is located at:

27575-50th Ave.

Langley, BC

Canada V4W 0A2

Tel: 604-607-6630

Fax: 604-607-6680

Email: [request info \(info@maynecoatings.com\)](mailto:request info (info@maynecoatings.com))

Web: [www.maynecoatings.com](http://www.maynecoatings.com)

[ [Click Here](#) ] for additional information.

Mayne Coatings Corp. is an innovative company with a fresh approach to high performance Powder Coatings for aluminum. Mayne's "Chrome Free" Alluminate line of high performance wood and solid color finishes provide the highest level of environmental stewardship available in organic coatings today. As an AAMA 2605 certified facility (the highest architectural spec in the world) we believe there is a tremendous opportunity to raise the standard within the coatings industry by offering products and services that will enhance the competitive advantages of the businesses we serve and bring excellence to the built environment.

Mayne Coatings has developed an extruded aluminum siding and soffit product



that exceeds every other available in the market place today. Longboard is completely maintenance free, is 100% recyclable, will not warp, rot or split and with the fully integrated venting design installs far more efficiently than regular wood products. Longboard Soffits are available in a variety of sizes and colors with matching fascia, J channel and venting.

Our Alluminate Line of Premium Architectural Finishes covers two distinct components; Architectural solid and metallic colors and Architectural Wood Finishes

The Alluminate line of finishes meets AAMA 2604 and AAMA 2605. In addition the Alluminate line also brings the added environmental benefit of coatings that are:

Chrome Free

Phosphate Free

Zero VOC's

TGIC Free

Alluminate finishes are used on aluminum components for residential and commercial doors, windows, railings, roll screens, soffit, store fronts and entrances, curtain walls and other elements.

## **PART 1 GENERAL**

### **1.1 SECTION INCLUDES**

**\*\* NOTE TO SPECIFIER \*\*** Delete items below not required for project.

- A. Aluminum Siding.
- B. Aluminum Soffits.
- C. Aluminum Thermally Broken Back framing System.
- D. Aluminum trim and accessories.
- E. Aluminum privacy screen system

### **1.2 RELATED SECTIONS**

**\*\* NOTE TO SPECIFIER \*\*** Delete any sections below not relevant to this project; add others as required.

- A. Section 05400 - Cold-Formed Metal Framing: Metal framing for support of aluminum soffits.



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## **OTHER BUSINESS**

**BOA-22230 – REQUEST FOR  
REFUND**



## REQUEST FOR REFUND

### Case No. BOA-22230

The applicant, Troy Trauernicht, 3131 South 85<sup>th</sup> East Avenue, Tulsa, Oklahoma, 74145, made application to the City of Tulsa Board of Adjustment, asked for a refund of fees paid for an application for:

Variance ( ) Special Exception ( X ) Verification ( ) Appeal ( ) Modification ( ) From the COT BOA ( X ) County BOA ( )		
	Fees Paid	Fees Used
Base Request	\$250.00	00.00
Additional Requests	00.00	00.00
Newspaper Publication	60.00	60.00
Sign (Special Exception Uses in COT only)	00.00	00.00
300' Property Owners Mailing and Postage	78.00	78.00
<b>Application Subtotal:</b>	388.00	138.00
Notice Subtotal:	388.00	138.00
<b>Total Fees Paid:</b>	388.00	138.00

**Recommended Refund:**


**\$250.00**

The application was withdrawn: yes ( X ) no ( )

**Application withdrawn by applicant.**

The staff recommends the refund listed above.

Per staff: \_\_\_\_\_

  
Nikita Moye, Senior Planner