

**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 23, 2017, 1:00 P.M.**

**Meeting No. 1184**

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

1. Approval of **Minutes** of May 9, 2017 (Meeting No. 1183).

**UNFINISHED BUSINESS**

2. **22213—A-MAX Sign Company**  
Variance to increase the permitted display surface area from 70.5 to 88.7 square feet; Variance to allow for a freestanding sign with a dynamic display in the OL District (Section 60.060-C). **LOCATION:** 4520 South Harvard Avenue East **(CD 9)**
3. **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)**
4. **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)**
5. **22232—Tulsa Rowing Club – River Parks Authority**  
Variance to permit vinyl and/or aluminum siding as a building material; Variance to permit blank walls with no architectural detailing to exceed 35 feet in height and/or width (Section 20.050). **LOCATION:** 715 West 21<sup>st</sup> Street South **(CD 2)**
6. **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)**

### **NEW APPLICATIONS**

**7. 22223—Paul Bush**

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:** 1533 South Owasso Avenue East **(CD 4)**

**8. 22233—Crown Neon Signs – Gary Haynes**

Variance from the requirement that dynamic displays not be located within 200 feet of an R District; Variance from the requirement that dynamic displays not be located within 20 feet of the driving surface of a street (Section 60.100). **LOCATION:** 465 South Sheridan Road East **(CD 3)**

**The applicant has requested a continuance to June 13, 2017 because of additional relief needed.**

**9. 22238—Nickia Ross-Greene**

Spacing Verification to allow a family child care home in the RS-3 District (Section 45.070-A). **LOCATION:** 6924 East 78<sup>th</sup> Place South **(CD 8)**

**10. 22239—Francisco Valdes**

Verification of the 300 foot spacing requirement for a bar from public parks, schools, sexually oriented establishments, other bars and religious assemblies; and the public entrance doors 50 ft. from an R-zoned lot. (Sec. 40.050) **LOCATION:** 6510 East 21<sup>st</sup> Street South **(CD 5)**

**11. 22241—Encinos 3D Custom Products – Christian Ortiz**

Variance to reduce the separation requirement for a freestanding sign from an outdoor advertising sign from 30 feet to 20 feet (Section 60.040-B); Variance to increase the permitted sign display area to 907.75 square feet to allow two freestanding signs on a CS zoned lot not located in the freeway corridor. **LOCATION:** 6100 South Sheridan Road East **(CD 9)**

**12. 22242—Dewberry – Phillip Condley**

Variance to permit 884 square feet of sign display area to permit 4 signs along Southwest Boulevard; Variance to permit 738 square feet of sign display area to permit 5 signs along West 17<sup>th</sup> Street South; Variance to permit 6 wall signs with a total of 937 square feet sign display area on the north elevation with no street frontage (Section 60.060). **LOCATION:** NE/c of Southwest Boulevard and West 17<sup>th</sup> Street South **(CD 2)**

**13. 22244—Ronnie Herron**

Special Exception to allow a driveway outside the right-of-way to exceed 30 feet in width to 48 feet, in the RS-1 District (Section 55.090-F3). **LOCATION:** 3220 East 61<sup>st</sup> Street South **(CD 2)**

**14. 22245—Wallace Engineering – Jim Beach**

Special Exception to allow an institutional/religious assembly use in the RS-3 District (Section 5.020). **LOCATION:** 14905 East 21<sup>st</sup> Street South **(CD 6)**

**OTHER BUSINESS**

**15. REFUND REQUEST:**

**22241—Encinos 3D Custom Products – Christian Ortiz**

Variance to reduce the separation requirement for a freestanding sign from an outdoor advertising sign from 30 feet to 20 feet (Section 60.040-B); Variance to increase the permitted sign display area to 907.75 square feet to allow two freestanding signs on a CS zoned lot not located in the freeway corridor. **LOCATION:** 6100 South Sheridan Road East **(CD 9)**

**The applicant was over charged.**

**16. REFUND REQUEST:**

**22242—Dewberry – Phillip Condley**

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**The applicant was over charged for signs that were not needed.**

**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)

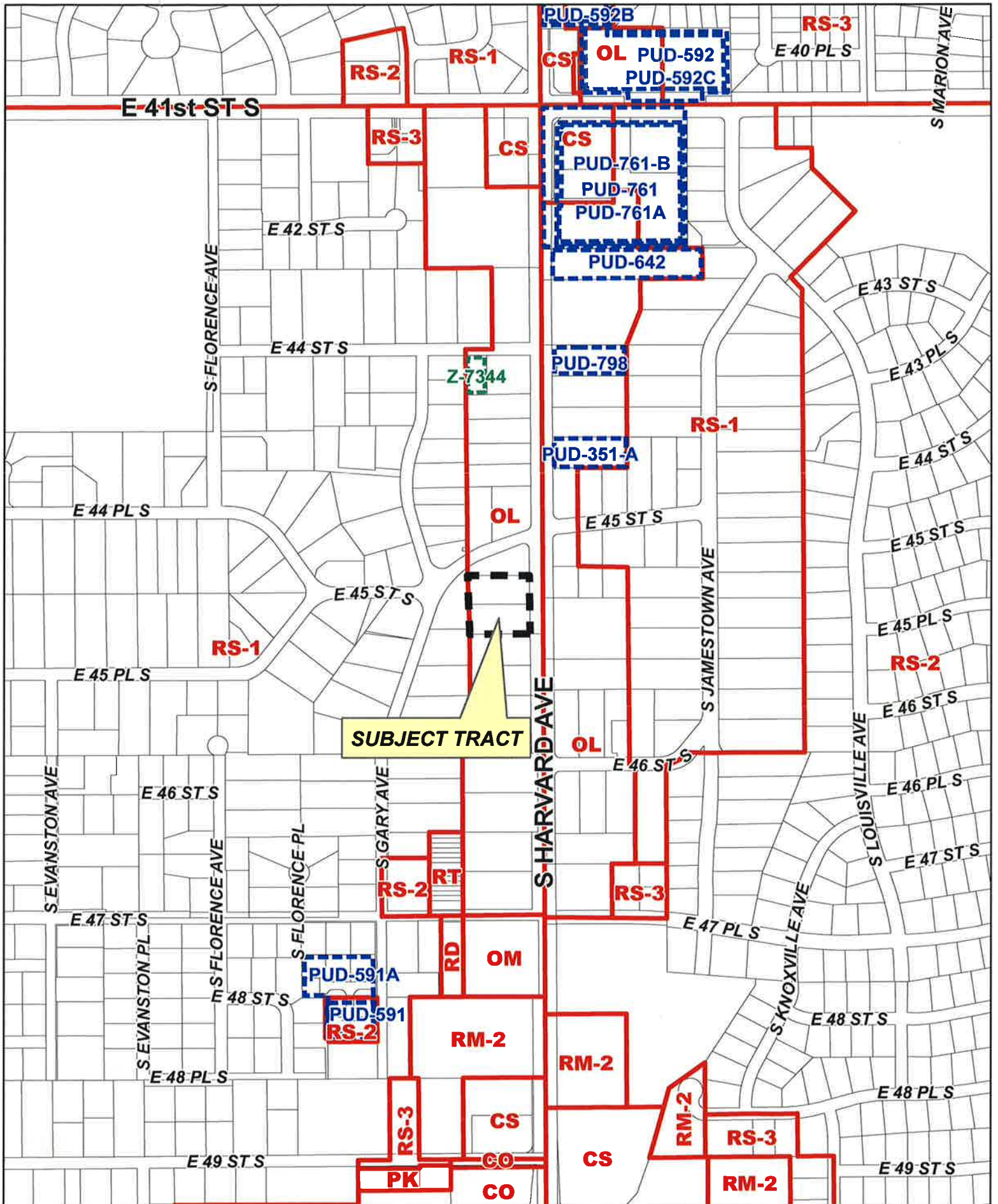
**CD = Council District**

**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.



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SUBJECT TRACT

BOA-22213

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# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9329

Case Number: **BOA-22213**

**CZM:** 47

**CD:** 9

**A-P#:** 414299

**HEARING DATE:** 05/23/2017 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."*

**Presentation:**

The applicant has withdrawn the case.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

No action required of the Board; for the following property:

**LOT 1 BLOCK 1, OPEN ARMS CHILD DEVELOPMENT CENTER, City of Tulsa,  
Tulsa County, State of Oklahoma**

\* \* \* \* \*

Mr. Van De Wiele explained to the applicants and interested parties that there were only four board members present at this meeting, and if an applicant or an interested party would like to postpone his or her hearing until the next meeting he or she could do so. If the applicant wanted to proceed with the hearing today it would be necessary for him to receive an affirmative vote from three board members to constitute a majority and if two board members voted no today the application would be denied. Mr. Van De Wiele asked the applicants and the interested parties if they understood and asked the applicants or interested parties what they would like to do. The audience nodded their understanding and no one requested a continuance.

\* \* \* \* \*

**NEW APPLICATIONS**

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**22213—A-MAX Sign Company – Lori Worthington**

**Action Requested:**

Variance to increase the permitted display surface area from 70 square feet 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)**

**Presentation:**

**Brian Ward**, A-Max Sign Company, 9520 East 55<sup>th</sup> Place, Tulsa, OK; stated the request is for an existing small monument sign located in an office zone, and the owner would like to add a dynamic display to it. By doing so it will go over about 18.2 square feet over what is allowable. The display will be an LED display and has all the features for dimming.



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Mr. Van De Wiele asked Mr. Ward to tell the Board his hardship for this request. Mr. Ward stated the hardship is that there are existing tenants listed on the monument sign and they cannot be removed to add the dynamic display.

Mr. Van De Wiele stated that the tenant placards could be made smaller. Mr. Ward agreed but stated that if the placards are made smaller then the names will not be visible from Harvard.

Mr. Van De Wiele stated that he is struggling with the stated hardship.

Mr. Van De Wiele asked Ms. Miller if the address component of the sign counted against the square footage of the sign. Ms. Miller stated that she is not sure if the Permit Office included that portion. Ms. Moye stated that she thinks the Permit Office included the whole entire sign which includes the address. Mr. Ward stated that it is his understanding that the address is not advertising so it typically not counted in the display surface area.

Mr. Van De Wiele stated that he believes the tenant panels could be reorganized to allow for the dynamic display. Mr. Van De Wiele asked Mr. Ward if he would like to continue this case to see if there was a way the sign could be reorganized or to give more thought to the hardship. Mr. Ward requested a continuance.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

Ms. Back stated that she too is having a hard time with the hardship as well. She does not see any hardship whatsoever that would allow the Board to approve the Variance.

**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 **CONTINUE** the request for a Variance to increase the permitted display surface area from 70 square feet to 88.7 square feet for a freestanding sign with a dynamic display in the OL District (Section 60.060-C) to the April 11, 2017 Board of Adjustment meeting; for the following property:

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

**22214—It's All Good Construction – Mary Christian**

**Action Requested:**

Special Exception to permit a 720 square foot carport in the required street yard with a modification to increase the permitted height from 8 feet to 9 feet at the

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**

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**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



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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

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**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**



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Case No. 17398

## Action Requested:

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

## Presentation:

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

## Comments and Questions:

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

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

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

## Board Action:

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

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

06:11:96:705(15)

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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



2.13





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



2.14





Subject Lot - Looking North



Subject Lot - Looking NW



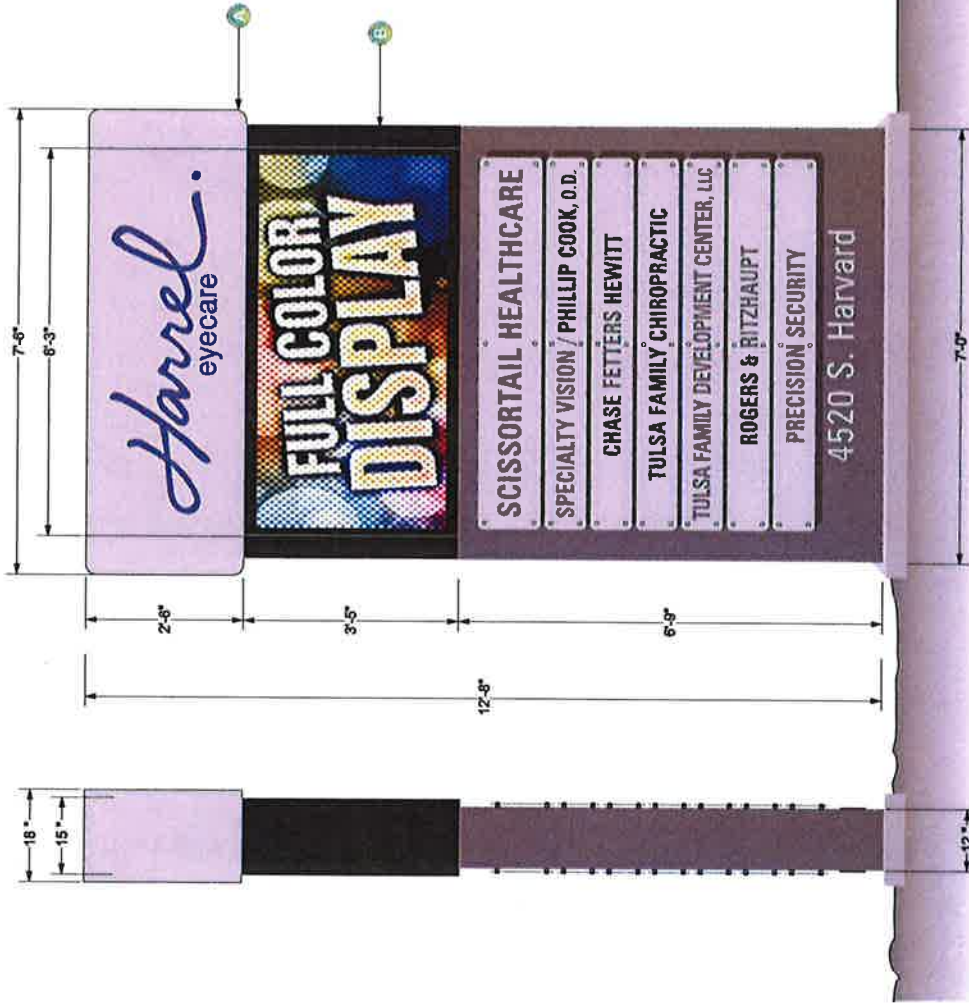


Street View- Harvard Ave





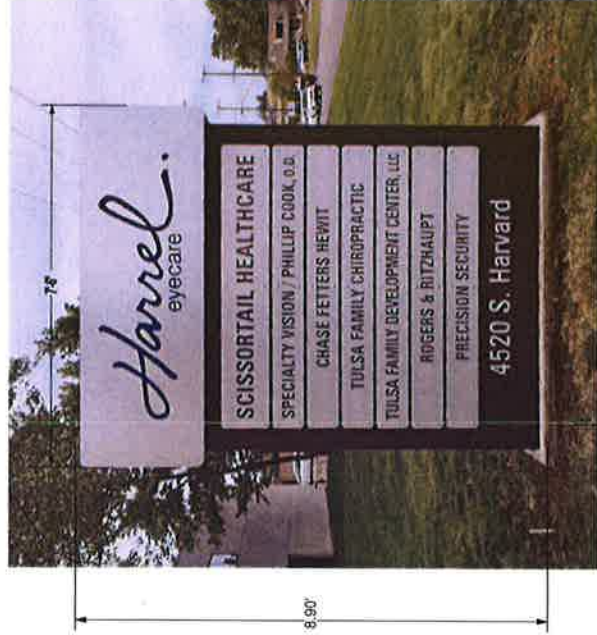
# ADDING A 3.5' X 6.25' DYNAMIC DISPLAY



1.1

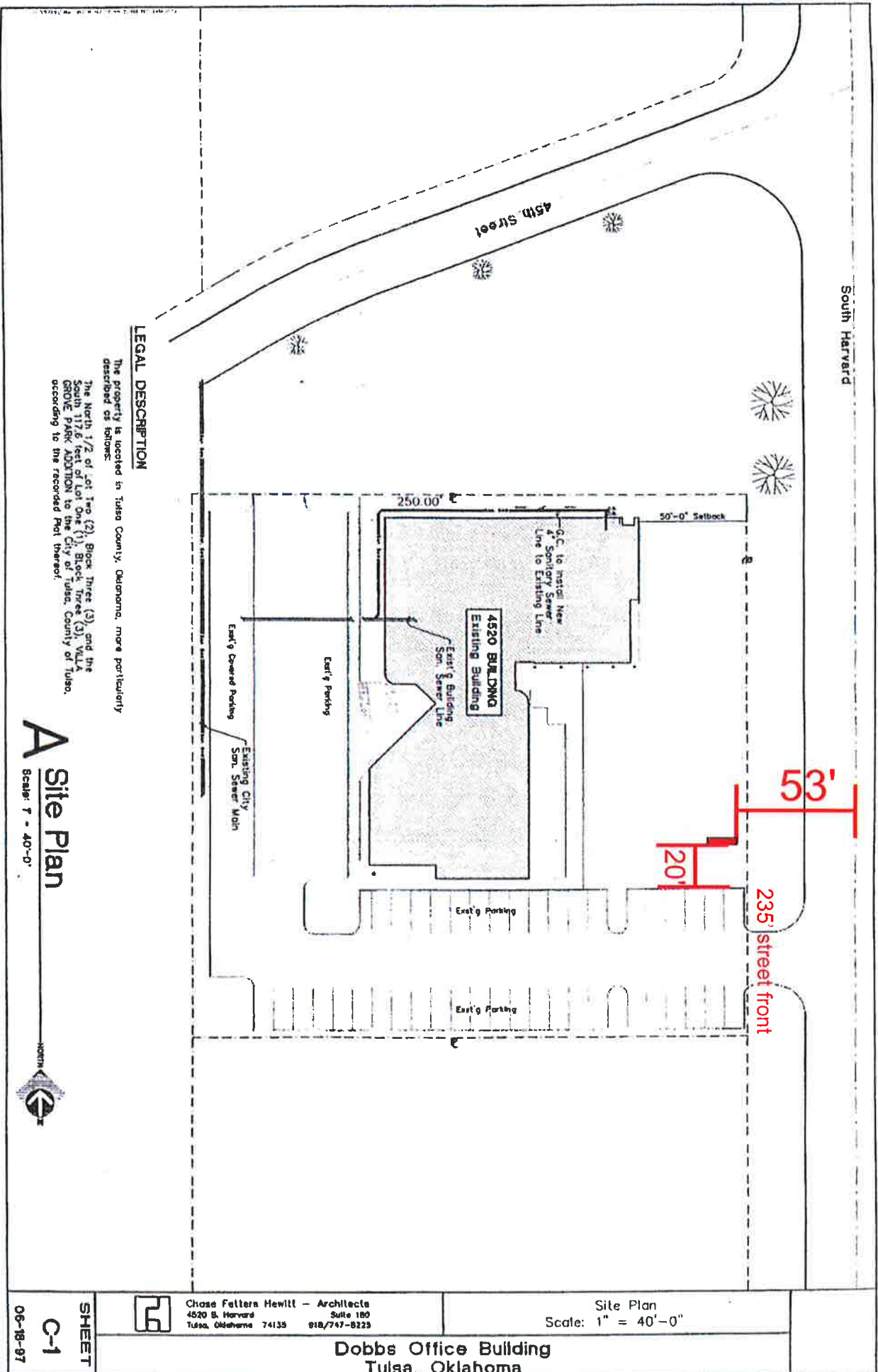
ADD ELECTRONIC MESSAGE CENTER  
TO EXISTING D/F STRUCTURE  
SCALE: 1/2"=1'-0"

- 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, 3x6' Image Area
- Modify Existing 4" Square Tube Support As Needed.



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

# HARREL EYECARE 4520 S HARVARD



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

Dobbs Office Building  
Tulsa, Oklahoma

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



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)

2-19



## 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:** 05/23/2017 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.
- Recreational Vehicle Park/Campground - An establishment that provides temporary overnight accommodations for camping in recreational vehicles or tents.
- Rural Retreat - An establishment that is part of a working farm or ranch that provides temporary overnight accommodations for individuals or groups engaged in supervised training or personal improvement activities. Examples include corporate retreat facilities, educational retreat facilities and dude ranches or working farm learning centers.

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.

BOA-21981

FILE COPY

**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

01/12/2016-1153 (10)

3.11

## 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

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**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

3.15



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

http://alltherooms.com/search#/location=1315%20E%2019th%20St,%20Tulsa,%20OK,%2076103

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

\$78

Visit Deal >

Address: 1315 E 19th St

Map Satellite

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

Hard Rock Hotel and Casino Tulsa  
5-Star Hotel ★★★★★

Good 372 reviews

\$144

Visit Deal >

http://airbnb.com/rooms/10101010

Magnolia Suite at Magnolia House

File Edit View Favorites Tools Help

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

View Photos

\$59 Per Night

Overview Reviews The Host Location

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

Wendy

4 Guests 1 Bedroom 2 Beds

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

Guests  
1 guest

Book

You won't see this page

3.16

tripadvisor.com/...review-g51697-d10409912-Magnolia-Suite.html

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

USA > Oklahoma (OK) > Tulsa

### Magnolia Suite

7 excellent reviews

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

Overview Reviews Amenities Availability Map

Check in Check out 2 guests

From **\$65** /night

Additional fees may be applied by owner

**Book Now**

33 travelers viewed this property in the past week

[Send Message](#)

100% Free Booking Protection

Learn more about paying safely

1 of 14 King platform mattress, queen down pillow, and crystal chandelier

Overview  
Private Room, 1 Bathroom, Sleeps 4

## The Peacock Room at Magnolia House

airbnb.com/...magnolia-house

The Peacock Room at Mag... Search


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

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  Check Out

Guests

3.17

## 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



BOA 22215

**Moye, Nikita**

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**From:** sheila\_baker@ca10.uscourts.gov  
**Sent:** Wednesday, May 03, 2017 10:58 AM  
**To:** Moye, Nikita  
**Cc:** sheilaann@cox.net; thomaslbaker@cox.net  
**Subject:** Hearing for May 9, 2017  
**Attachments:** Magnolia Suite.pdf; Peacock Room.pdf

Ms. Moye:

Please find below our letter to the City of Tulsa Board of Adjustment, which outlines our objections to having a Bed & Breakfast in our neighborhood.

This action is scheduled for hearing on May 9, 2017 at 1:00 p.m. Applicant is Leah Krautter at 1315 E. 19th St., Tulsa, OK.

Introduction: Sheila and Thomas L. Baker; 1323 E. 19th Street, Tulsa, OK

- We support the Administrative Official's decision to classify the use of the applicant's property as a Bed & Breakfast
- In the hearing for BOA-21981 on November 10, 2015 the applicant testified that she had no intent to operate a Bed & Breakfast on her property; that the requested exception, which was to construct a detached accessory building, was a need she had in order to accomodate her large family
- The applicant's request was approved subject to the 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." The applicant was put on notice that approval would be required to operate a Bed & Breakfast in this neighborhood
- As early as at least May 2016, applicant began operating her residence as a Bed & Breakfast. This is evidenced by the on-line advertisements on Airbnb and reviews from guests who have stayed at "Magnolia House" (the name she has given her house) in the "Magnolia Suite" and the recently added "Peacock Room" (names she has given the rooms she rents on Airbnb). Despite the fact that applicant claims in her letter she is not operating a Bed & Breakfast and that she is merely "renting rooms," applicant has named her home and the rooms she rents. Applicant also states that she does not serve breakfast, but breakfast and numerous other

services are both advertised and provided. Proof of breakfast being served is evidenced in the reviews from the guests who have stayed there. (Documents attached)

- At the present time, applicant offers a total of three rooms and two bathrooms for rent. A total of 6 to 8 people at a time. This, by her own admission equals three or more cars parked in a street that is already overcrowded. In applicant's Airbnb advertisements, she states that parking is provided on the street. In most instances, it is in front of our home, the Bakers' home.
- In addition, applicant advertises a kennel on her property where guests can board their pets if they wish to bring them. There is already an existing problem with applicant's own dog, who barks continually when placed in the kennel. Applicant also advertises dog walking for an additional fee. These offerings suggest that applicant is not simply "renting rooms."
- The final straw for us occurred on March 3rd, during one of this year's instances of high fire danger and wild fires spreading across Oklahoma. We had just returned home from Stroud, Oklahoma where we had experienced wild fires that had closed areas of the Turner Turnpike. We pulled into our drive and were greeted by the applicant's advertised fire pit with a flame at least 6' in the air burning in the applicant's back yard. An accelerant had been thrown on the smoldering pit! The penalty for this act is:

Tulsa County penalty - \$500 fine and 1 year imprisonment

Governor declared ban - \$1000 fine and 1 year imprisonment

Both were in effect. Why didn't I call the fire department? Because I'm weary of being in the role of public policy enforcer.

**But in this instance we have no choice since we are one of the most directly impacted by these practices, the applicants continued disregard for public policy created for residents who chose to live in the City of Tulsa.**

- After being directly informed of city policy regarding Bed & Breakfast businesses, the applicant has initiated a Bed & Breakfast business in her home, offering and providing meals and other services.
- Lastly, we would like to point out that our objections to having a Bed & Breakfast next door to our home and in our historic neighborhood are not born of fear or ignorance, as applicant states. We and the other residents on our street and in Swan Lake take great pride in our homes and we have all invested a great deal of time and money in restoring our homes and simply in the upkeep of our very old homes. Applicant, as she has indicated in her advertising of the opening of the "Peacock Room" on Airbnb, clearly intends to keep making more guest rooms as her children move out. Even though she told this board at previous hearings that she needed to build an "accessory building" on her property to be able to house her large family. If applicant needs more room for her large family, so much so that she must build another house, along with a parking lot in her backyard (stated in the documents provided), then we ask this board why is she suddenly renting out rooms instead? And why does she need a parking lot? We would point out to this board that applicant has been less than honest in her dealings with the board and with her neighbors.

- **We support the Administrative Official's decision to classify the use of the applicant's property as a Bed & Breakfast and we request that the applicants request be denied and the conduct cease!**

Sheila & Thomas L. Baker  
1323 E. 19<sup>th</sup> St.  
Tulsa, Ok 74120  
(918) 671-0564



Airbnb, Inc.



Airbnb for iOS

★★★★ (6,761)

Install



\$59

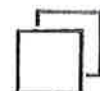
★★★★★ 45 reviews

Magnolia Suite at Magnolia House

Private room · 2 beds · 4 guests

Map

Filters



3.22



Airbnb for iOS



(6,761)

**Install**

## Description

### The space

This private 700 sq.ft. Master suite offers self-sufficient luxury at a great price. 2nd bonus room has a comfy queen bed (because who really sleeps great on a sofa bed?) but can be converted to a sitting area at guest request. The suite sprawls in an "L" shape around the upstairs southeast corner of our nearly 100 year old Colonial Revival home.

Kitchenette with snacks, keurig, fruit, and breakfast sandwiches provided; also a microwave and mini-fridge. Bistro table. Fresh flowers, chocolates, and sparkling clean welcomes all our guests!

### Guest access

Guests have access to all common areas

9

**Book**

"I can't hear in the big kitchen, just let us know."

We are a family of musicians and readers. We



Airbnb for iOS



(6,761)

**Install**

## The space

Magnolia House is a 3800 square foot, nearly 100- year- old, Colonial Revival. It was constructed around the shell of an old farmhouse. The shell was moved to its current location, and the land it sits on was purchased on the authorized signature of a 12-year-old native American boy, the only one of his family who could write.

Nine of my twelve children were brought home from the hospital to this house. As they've gotten older and left home, the rooms are being renovated and converted to guest

**Book**

## Guest access

You won't be charged yet

3.24





Airbnb for iOS



(6,761)

**Install**

and left home, the rooms are being renovated and converted to guest rooms.

### Guest access

Guests have full access to all common areas downstairs, the kennels if they have pets, and the gardens and patios.

### Interaction with guests

I am available at all times via cellphone. Many of our guests just slip on upstairs to rest, close the door, and enjoy their privacy. (To access both rooms, you only cross

**Book**

You won't be charged yet





Airbnb for iOS



(6,761)

Install

## Interaction with guests

I am available at all times via cellphone. You can interact with our family as little or as much as you choose. We're a friendly group and there's always something going on. We're kid and(well-behaved) pet friendly, but if adults just want to hide out in the suite, we're not nosy! Please note: suite is upstairs. Registered guests can enter through front foyer and head straight on up.

## The neighborhood

Swan Lake Historic District is close to EVERYTHING. Downtown is a 5 minute drive. Cherry Street offers art, shops and restaurants within walking distance, and upscale Utica Square shopping and Brookside are 2 and 5 minute drives. River parks is less than 5 minutes and the bike trail that connects to it

ru

Book

W



Airbnb for iOS



(6,761)

**Install**

Guests have access to all common areas, gardens, and patios. If you'd like to cook a "real" meal in the big kitchen, just let us know.

We are a family of musicians and readers. We own a concert harp, guitars, and piano available for your use. Books are...well, everywhere. We do have wifi.

We have a lovely shade garden with easy to use propane firepit and fairy lights. Street parking. Large dog kennel at the rear of property. Dog sitting /walking for fee.

### Interaction with guests

I am available at all times via cellphone. You can interact with our family as little or as much as you choose. We're a friendly group and there's always something going on. We're kid and (well-behaved) pet friendly, but if adults just want to hide out in the suite, we're not

n  
g

**Book**

straight on up.

3.27



Airbnb for iOS



(6,761)

Install

## Getting around

There's a bus stop at the end of our street but for most folks, Uber seems most convenient.

We can fetch you from the airport if you need a ride. We have street parking. Cherry Street, Woodward Park, Utica Square, St. John's Hospital, and Swan Lake are all within walking distance.

## Other things to note

We live in a safe nicer historic neighborhood. Parking is in front of the house on the street. If you have trouble getting around or just prefer it, we really don't mind swapping and giving you the driveway. Suite has a TV; floorplan puts you 2 rooms away from anyone else... so we don't hear you. The family dog, Gus, goes between the downstairs and the spacious outdoor kennel. He's a gentle GIANT. Gus is n  
d  
kenneled. FLOWERS are standard here but if

Book



Airbnb for iOS



(6,760)

Install

## Other things to note

We live in a safe nicer historic neighborhood. Parking is in front of the house on the street. If you have trouble getting around or just prefer it, we really don't mind swapping and giving you the driveway. Suite has a TV; floorplan puts you 2 rooms away from anyone else... so we don't hear you. The family dog, Gus, goes between the downstairs and the spacious outdoor kennel. He's a gentle GIANT. Gus is not allowed upstairs or on furniture. If you're a dog lover, he'll hang around. If not, he'll be kenneled. FLOWERS are standard here but if you'd like Wendy to create something specific for a special occasion she'd be happy to!

### House Rules

Check-in is after 3PM

Book

-No smoking, but ashtrays are provided in

3.29



Airbnb, Inc.

Diane

P

Wendy and her family were very welcoming.

She has a very lovely home, absolutely gorgeously decorated, yet comfortable. I love the little touches she took time to add--fresh spanish lavender cuttings in a little dish, twinkling lights in mercury glass, chocolates on the pillows. I especially loved the healthy choices to eat for breakfast. There was a wonderful bowl of freshly prepared berries in the fridge, plus half and half for morning's coffee! The grounds were very nice--nice garden area. I would love to have more time to spend there--actually now I will have a excuse to go back there. This would be(URL HIDDEN) great place to spend a relaxing few days at. It is close to restaurants and shopping. Wendy's dog was lovable and friendly, a gentle giant. I love pets, so her dog was a big plus for me. If you don't much care for pets, he will kept separately. Her son provided tech support with the wi-fi on my computer. I couldn't ask for a better place to stay at! I would highly recommend this listing!

Airbnb, Inc.

nice twinkle lights that served as the perfect  
+ More



Cory

P

Wendy's place was amazing! The house is big and historic. The room is immaculately clean and well equipped. We're talking robes, high quality towels, stocked fridge, even the occasional breakfast in bed. You'll meet and love the entire family (good luck remembering names) Wendy is a treasure and it's easy to see how much she cares for her guests. Gus the big, friendly dog is also a treat to have around. Location is great, right next to Cherry St and minutes from Downtown Tulsa. Definitely recommend staying here!

[See more](#)

Airbnb, Inc.



Reviews



Verified

## Reviews (5)

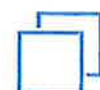
### Reviews From Hosts



Wendy

May 2016 · F

Diane booked last minute for a run here in Tulsa. She was VERY easy, tidy, quiet, and considerate. She left barely a footprint! She has an inquisitive mind and is interesting to talk with-an overall delightful lady!



3.32



Airbnb for iOS



(6,761)

Install

Overview

Reviews

The Host

# Peacock Room at Magnolia House

Tulsa, OK, United States

★★★★★ 29 reviews

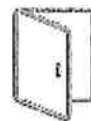


Private  
room



2

Guests



1

Bedroom



1 Bed

Book

You won't be charged yet

3.33





Airbnb for iOS

★★★★ (6,761)

Install

## About this listing

The creators of **Magnolia Suite** in historic Swan Lake have a new addition...the **Peacock Room at Magnolia House!** Richly color-saturated, it's an elegant space with a king pillowtop bed, sofa, and private bath. In-room snacks and coffee provided.

## Contact host

## The space

Book

You won't be charged yet

3.34



Airbnb for iOS



(6,761)

Install

## The space

Accommodates: 2

Bathrooms: 1

Bed type: Real Bed

Bedrooms: 1

Beds: 1

Check In: 3PM - 12AM (midnight)

Check Out: 12PM (noon)

Pet Owner: Some pet(s)

Property type: House

Book

You won't be charged yet

3.35



Airbnb for iOS



(6,761)

Install

Our street is part of the citywide biking trail system; Riverparks is less than 5 minutes drive. Every major run in Tulsa goes right down our street. So much to do, all so close, IF you can stand to leave your comfy beautiful room!

### Getting around

There is a bus stop at the end of our street. Uber is prevalent and cheap here, too. We will do all we can to fetch your party to and from the airport if possible! Just please not at DARK:30!

Other things to note

Book

You won't be charged yet

3.36

Airbnb, Inc.



Airbnb for iOS



(6,761)

Install



Debra



150 lb. dog runs free and monitors the unlocked front door, meaning there is no lock on the front door. You must learn to meet and greet the dog for entrance. (Not the dog's fault, just doing his job. He's actually sweet, but this went unmentioned in the information about the space.) Children are living in the home. There was a lack of privacy and an element of noise. There was an odor issue. This is more like making do by staying at a relative's house than a professional air bnb.



3.37



## Flexible: Full refund 1 day prior to arrival

- Cleaning fees are always refunded if the guest did not check in.
- The Airbnb service fee is refundable (up to 3 times per year) if the guest cancels before the trip starts. If a guest books a reservation that overlaps with any part of an existing reservation, we won't refund the Airbnb service fee if they decide to cancel.
- Accommodation fees (the total nightly rate you're charged) are refundable in certain circumstances as outlined below.
- If there is a complaint from either party, notice must be given to Airbnb within 24 hours of check-in.
- Airbnb will mediate when necessary, and has the final say in all disputes.
- A reservation is officially canceled when the guest clicks the cancellation button on the

## Moye, Nikita

---

**From:** Lynn Jones [mommacop1@cox.net]  
**Sent:** Monday, May 08, 2017 2:30 PM  
**To:** Moye, Nikita  
**Cc:** esubmit; thomaslbaker@cox.net; sheilaann@cox.net  
**Subject:** Case Number BOA 22215 Applicant Leah Krautter  
**Attachments:** Attachment A.pdf

Dear Ms. Moye,

I am unable to attend this rescheduled Board of Adjustment meeting and so I would like to submit the following to curtail the use of Ms. Krautter's Bed and Breakfast.

1. I checked with the Board's recording secretary and was advised that all Board hearings are recorded. I would ask the Board to refresh it's memory as

Ms. Krautter had her architect advise the Board that she needed the out building exception to house her 12 children. At least ten of which were in attendance.

In granting the exception this Board told her that the outbuilding could not be used as a Bed and Breakfast and that application for such was needed. True to

form Ms. Krautter circumvented all regulations and started running her Bed and Breakfast in her home. The same problems that were presented as problem areas for the neighborhood still exist.

2. In the past six months two cars on my side the street directly behind Ms. Krautter's driveway have been hit in the door. I witnessed one and stopped the lady

who hit the vehicle and was able to get restitution. The other car was hit and no note of apology or ownership was left. The bumper impression was not hard to miss.

3. The street is simply too narrow to accommodate more vehicles. A majority of Ms. Krautter's own children drive and they also park on the street, the congestion

mandates that a vehicle going in either direction stop in front of our houses to allow the opposing vehicle to stop. Please see attached comments from my

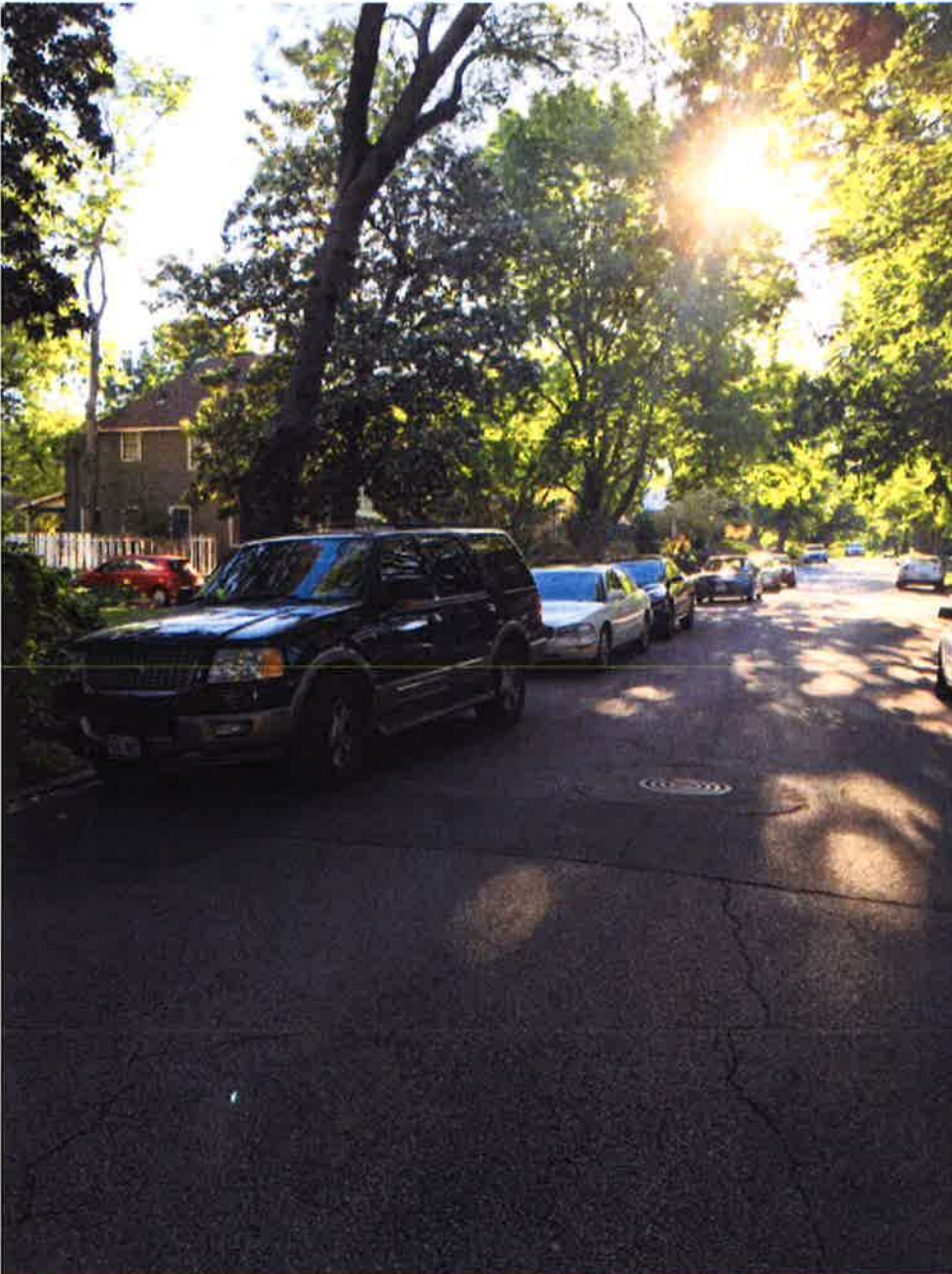
Deputy Chief David Been in 2002 about our street and the congestion problems. Prior to that date, two police cars and one personal car had been hit by family

or people trying to exit her driveway. Ms. Krautter wanted my side of the street posted as a no parking zone.

4. I don't know when Ms. Krautter was told to stop operating her home as a Bed and Breakfast but I do know that Mr. Philip Thompson stayed there in April and he

is available to confirm this. Also, there were several people there just this past week-end with vehicles. The attached picture is from this week-end and starting

at the edge of her property to Quaker. The large SUV back, a total of 5 vehicles. The SUV belongs to Ms. Krautter.



Thank You for your attention to this issue.

Lynn L. Jones  
1320 E. 19th  
Tulsa, Oklahoma 74120  
Mobile 918 606 2422

TRANSMITTAL AND  
TELEPHONE SLIP

aa-1

Date

01/03/02

Time

To MAJOR JONES / ITS

Department

CALLER	Name	Phone No.	
	Company	Ext.	Call Back No.
PHONE	<input type="checkbox"/> PHONED	<input type="checkbox"/> WILL CALL BACK	
	<input type="checkbox"/> PLEASE CALL	<input type="checkbox"/> WILL COME BACK	
TRANS-MITTAL	<input type="checkbox"/> RETURNED CALL	<input type="checkbox"/> CAME IN	
	<input type="checkbox"/> FOR YOUR COMMENTS	<input type="checkbox"/> PLEASE NOTE AND RETURN	
	<input type="checkbox"/> FOR YOUR APPROVAL	<input type="checkbox"/> REPLY AND SEND ME A COPY	
	<input type="checkbox"/> FOR YOUR INFORMATION	<input type="checkbox"/> PER YOUR REQUEST	
	<input type="checkbox"/> FOR YOUR SIGNATURE	<input type="checkbox"/> RETURN WITH MORE DETAILS	
	<input type="checkbox"/> PLEASE HANDLE	<input type="checkbox"/> INVESTIGATE AND REPORT	

LYNN, I ALWAYS THINK ABOUT  
THE POSSIBILITIES OF DAMAGE TO YOUR  
VEHICLE WHEN I RUN BY AND SEE IT  
ON THE STREET. YOUR STREET IS SO  
NARROW AND PEOPLE PARK ON BOTH  
SIDES. I USUALLY ENVISIONED A  
"SIDESWIPE" OR REAR END DAMAGE.  
JUST FYI SINCE IT SAYS  
"PREFERABLY" & YOU HAVE A LONG DRIVE.

PROCEDURE

Page

1

Procedure No. 10

30-202.4

Take-Home Cars/Off Duty

052486

- A. Reside within the corporate limits of the City of Tulsa unless otherwise authorized by the Chief of Police (or designee).
- B. Provide a secure environment for the police vehicle.
- C. Have a safe driving record.
- D. Maintain a satisfactory performance level.
- E. Meet any other factors that may be determined to be appropriate by the Division Commander.
2. When selected to participate in the program, officers must sign an agreement outlining the responsibilities, operation, and maintenance of take-home vehicles.
3. Officers assigned take-home vehicles must ensure that when the vehicle is not in use, it is legally parked and locked at all times, preferably in the officer's driveway.
4. While operating a take-home vehicle off duty, officers are required to monitor the appropriate police frequency. When it becomes necessary to use the police radio, officers should use their individually assigned radio designator.
5. Officers driving marked units while off duty may stop and cite a motorist for a traffic violation provided the violation is hazardous in nature.
6. Officers driving marked units while off duty are expected to provide assistance to all persons in need, including motorist assists. Officers are required to respond to any life threatening call for service in their immediate vicinity and remain at the scene until properly relieved.
7. Officers responding to calls during off duty hours will not normally be required to remain on the call as the primary unit. However, should the officer's presence be required, compensation will be provided based on the current agreement between the City of Tulsa and The Fraternal Order of Police (the 2 hour minimum does not apply at this time). An on duty supervisor must approve the overtime compensation at the time of its occurrence.

3.41



**Moye, Nikita**

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**From:** Rebecca Loper [salsaymerenge@hotmail.com]  
**Sent:** Monday, May 08, 2017 10:35 PM  
**To:** Moye, Nikita  
**Subject:** Re: Leah Krautter: 1315 East 19th Street

To Whom It May Concern:

My name is Rebecca Loper and I am a resident of the Swan Lake neighborhood. I live at 1714 S Quincy Avenue. I am writing on behalf of my neighbor and friend, Leah Krautter, who lives just a few blocks from me. She has chosen to create an in-home business by renting out a couple of rooms in her home. I have visited her webpage on *Airbnb* and am impressed with the work she has put forth to make it a professional endeavor. I travel to her street often and have never experienced any sort of traffic or parking issues. She has been of great assistance to a number of out-of-town guests who have come to Tulsa to be near loved ones in the nearby hospitals. By having chosen to be associated with the *Airbnb* organization, Leah has set her standards high for the guests whom she allows to stay in the home in which she and her children reside. She works hard to provide for her family in a home she has lived in for more than two decades. She doesn't strike me as someone who would want to risk the safety and security of her family and neighbors for a haphazard business venture. She has done her due diligence to set her business up in a methodical, responsible, and legal manner. Thank you for considering my opinion of Leah Krautter in your decision making process.

Respectfully,  
Rebecca Loper

**Moye, Nikita**

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**From:** Joshua Schultz [schultja@gmail.com]  
**Sent:** Tuesday, May 09, 2017 8:44 AM  
**To:** Moye, Nikita  
**Cc:** Alicia Schultz  
**Subject:** Wendy Krautter hearing

Dear Sir or Madam,

I am writing in support of my neighbor, Wendy Krautter. We have known Wendy and her family for over three years, and she and her family have always been kind and considerate to us. Her younger children are well-behaved, good students at their school and respectful of others. Her adult children have become productive and respected members of the community; one is a medical doctor and a mother. As neighbors, we have never had cause for concern from any members of her family, (including Gus the dog).

Wendy currently rents two suites in her home to out-of-town guests through the website Airbnb.com. Her reviews on the site are among the most positive in the Tulsa area, and not once have her guests caused any sort of nuisance or loud noise. From the reviews, it is clear that her guests patronize the many businesses in the Cherry Street area, producing a positive economic impact for the city and the neighborhood. Furthermore, her children actively contribute to the effort and learn valuable business skills as a result.

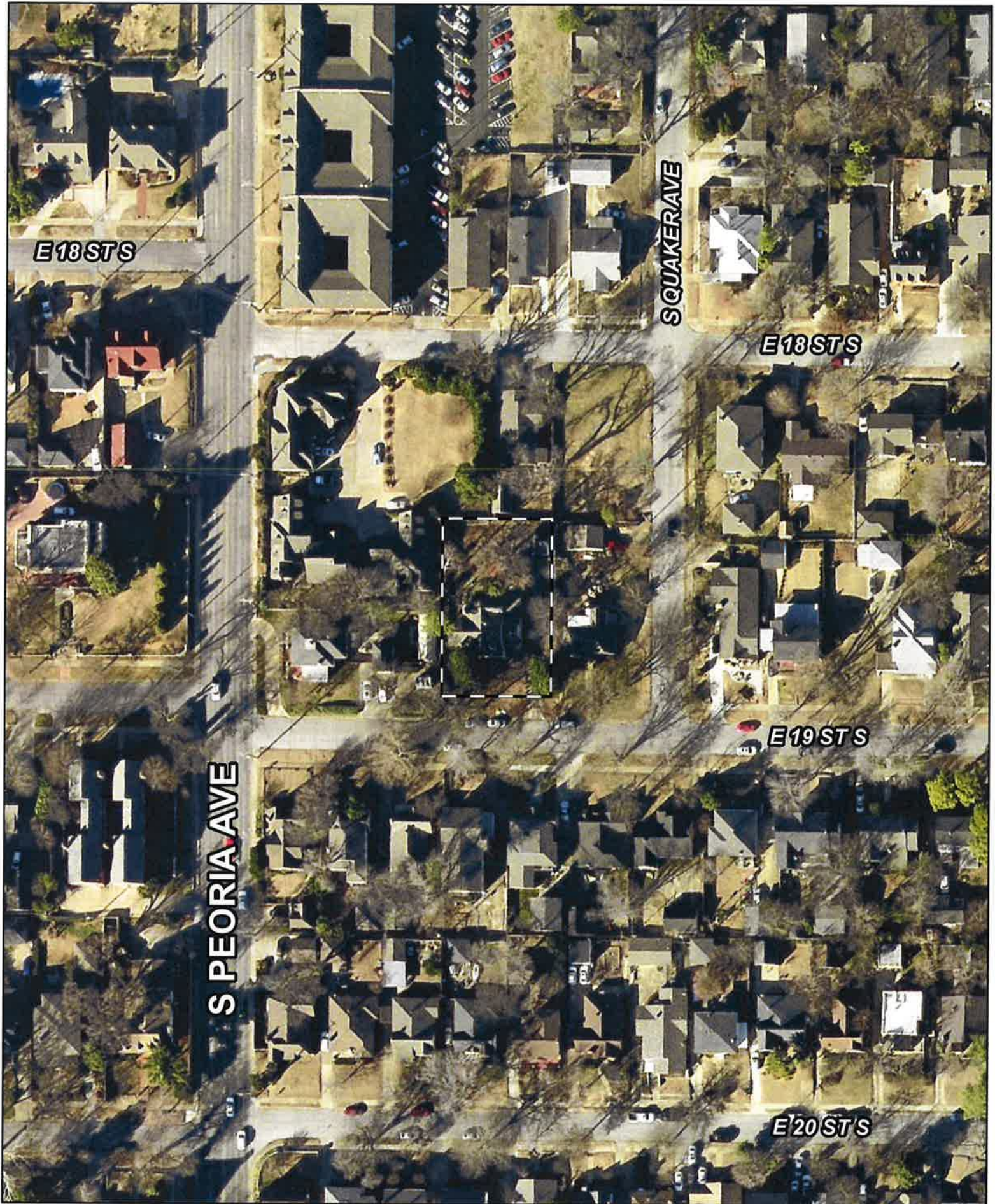
Wendy also provides a useful service to visitors to the Tulsa area; Other than the Campbell Hotel and the Inn at Woodward Park, both of which have a small capacity, as far as I know there are no other traditional hotel/bed and breakfast options in Midtown Tulsa and her rooms give visitors the proximity they are looking for. Recent guests of hers included the family of a graduating University of Tulsa student from overseas, for whom staying downtown or South of 41st may have imposed an undue hardship.

Finally, I should mention that providing this service is a big part of Wendy's livelihood, and to post an injunction preventing her from renting rooms will almost certainly prove injurious to her family's financial situation. I hope and trust that the board will find in her favor.

Sincerely,

-Joshua A. Schultz, Swan Lake Resident





0 50 100  
Feet



Subject  
Tract

**BOA-22215**

19-13 07

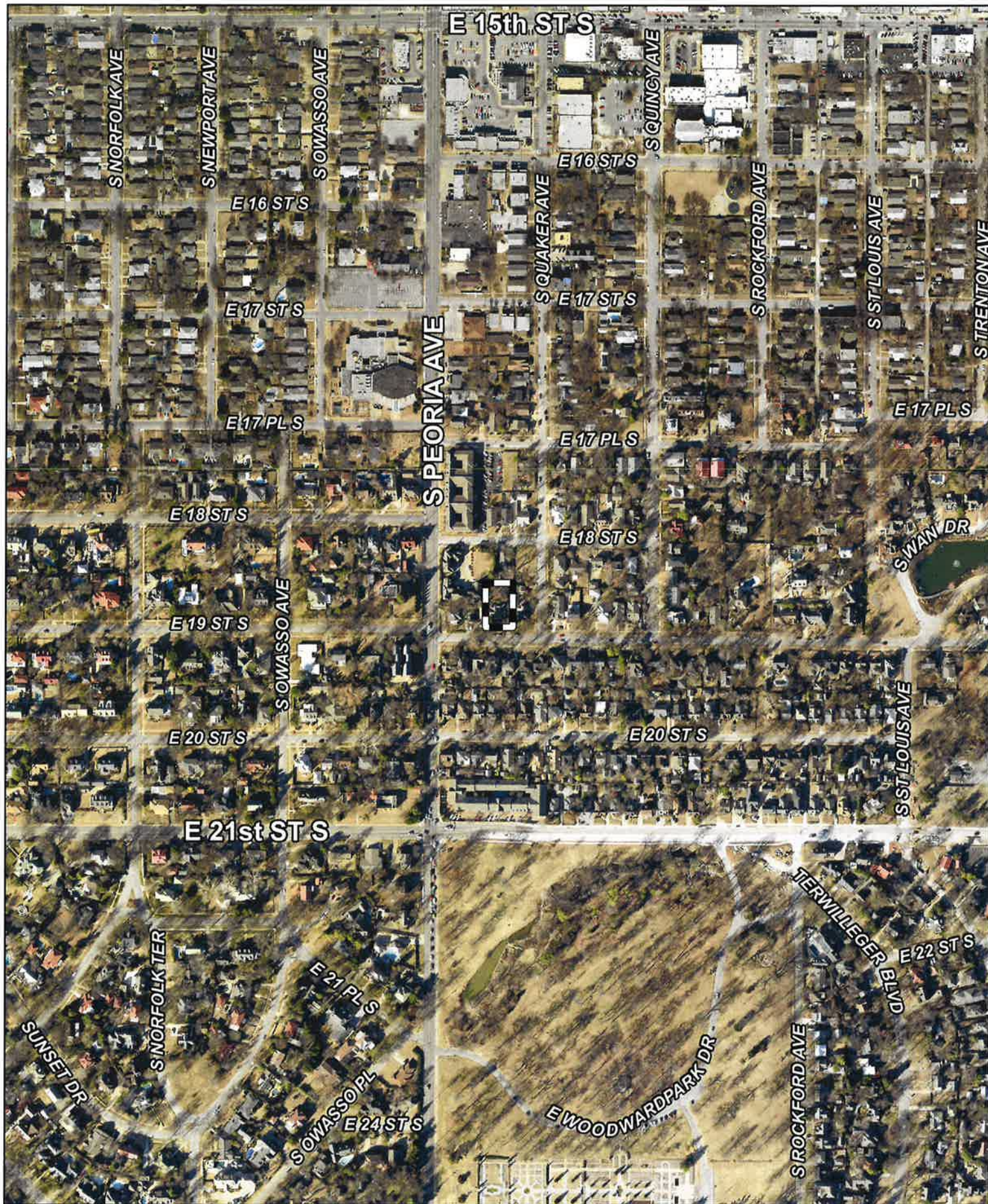
Note: Graphic overlays may not precisely  
align with physical features on the

Aerial Photo Date: February :

3.44







0 Feet  
200  
400



Subject  
Tract

**BOA-22215**

19-13 07

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

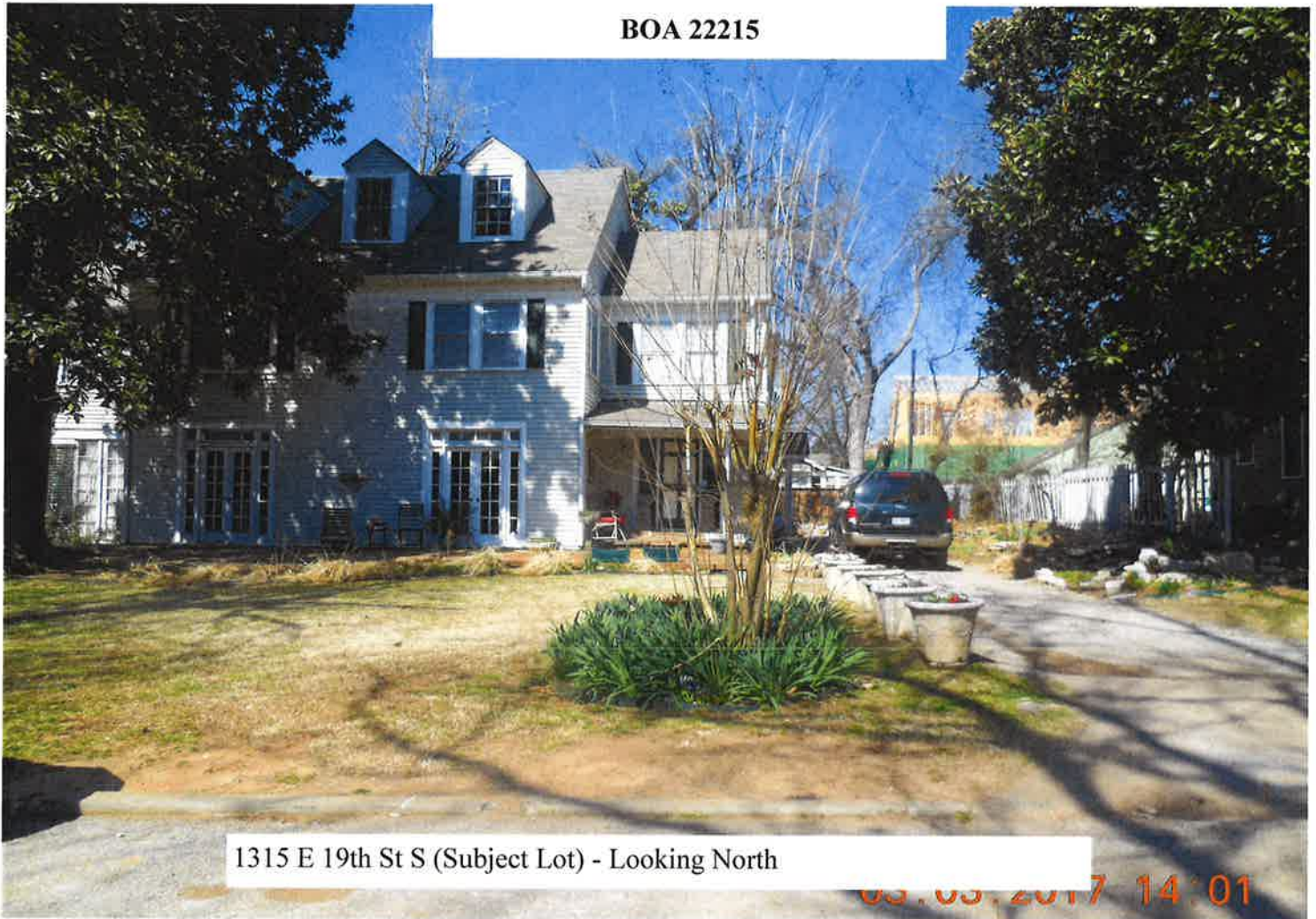
Aerial Photo Date: February

3.4.5





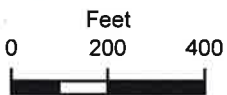
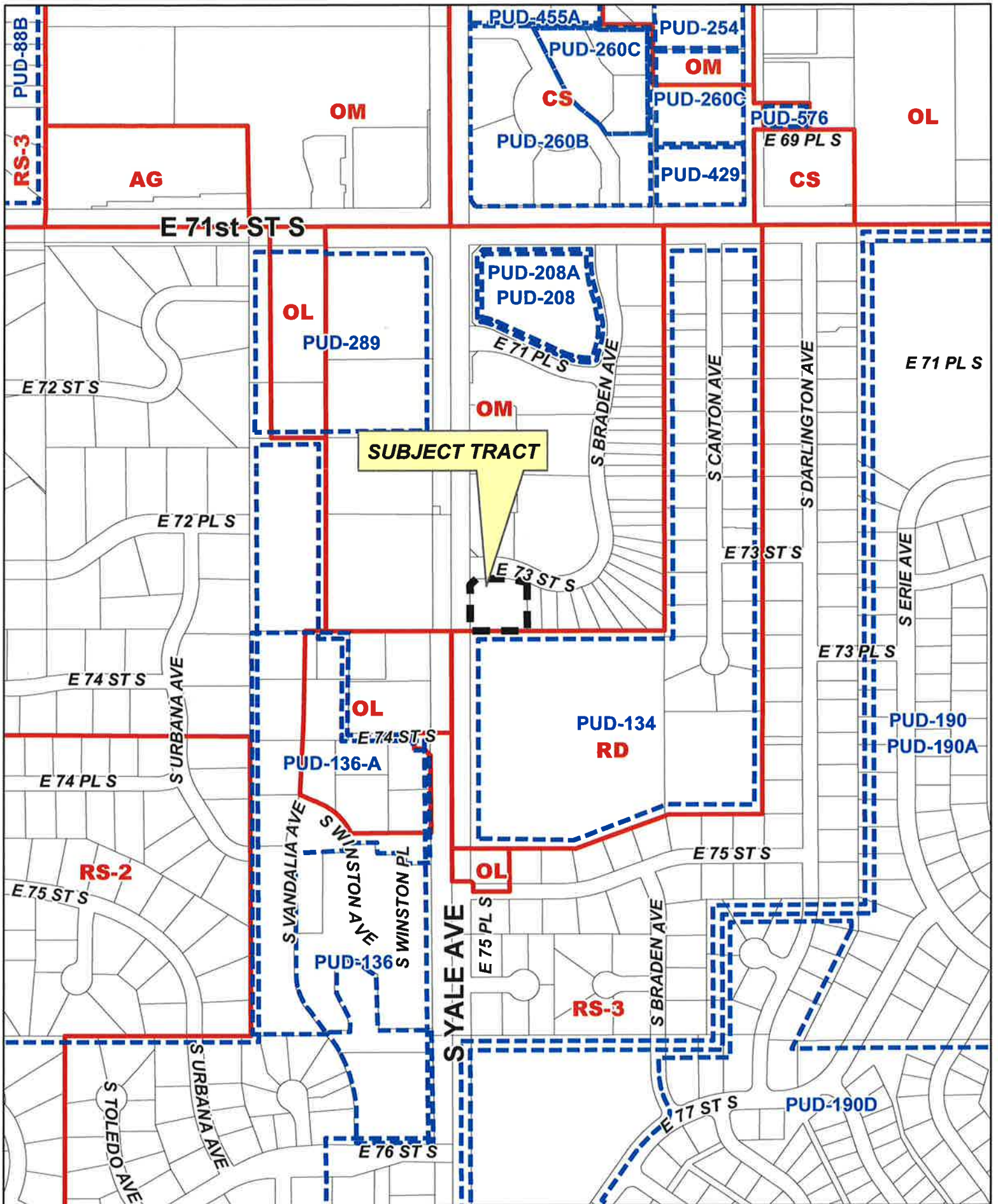
BOA 22215



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

03.03.2017 14:01





**BOA-22227**

18-13 10

4.1



# BOARD OF ADJUSTMENT CASE REPORT

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

Case Number: BOA-22227

**HEARING DATE:** 05/23/2017 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**





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Feet



Subject  
Tract

**BOA-22227**

18-13 10

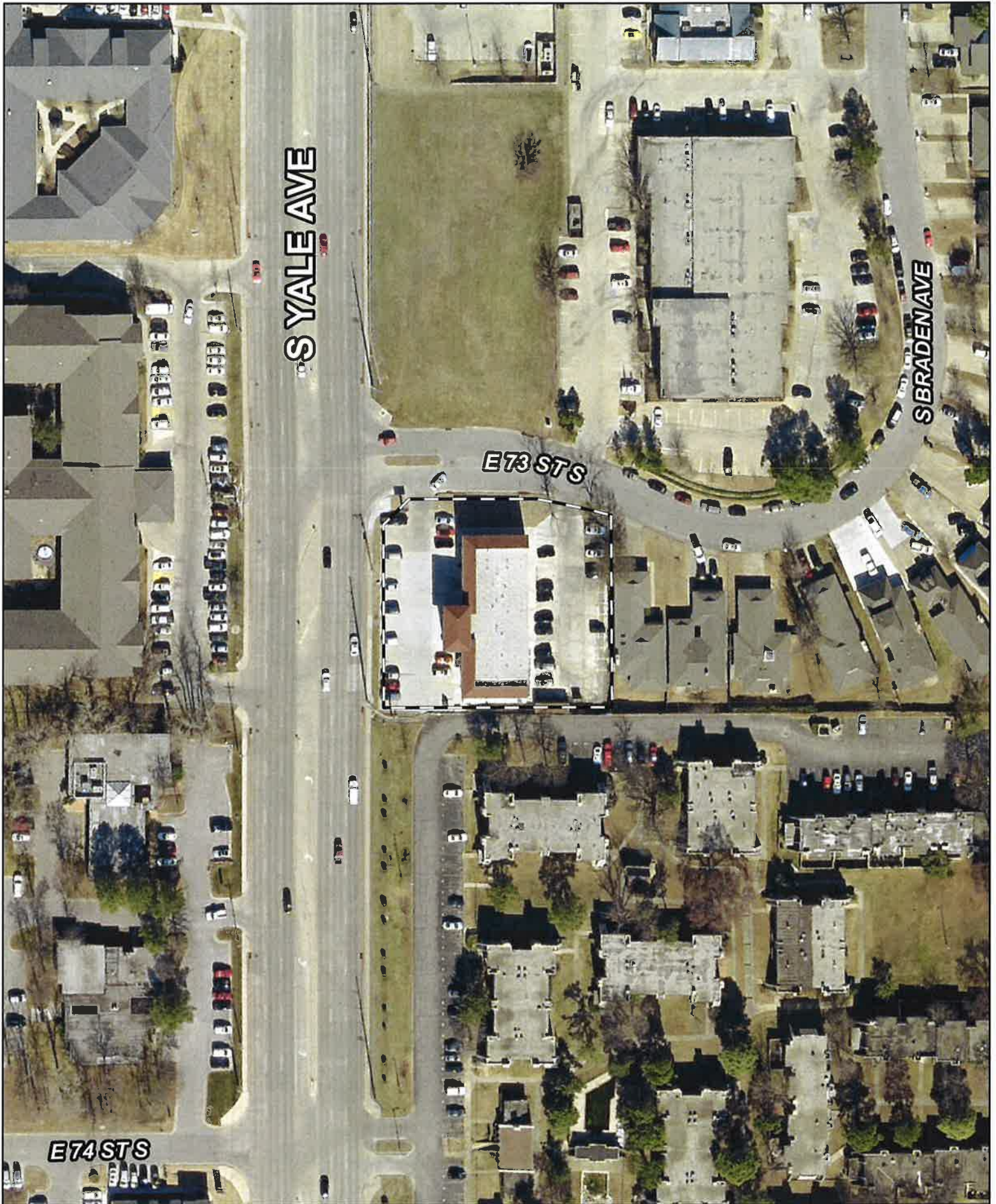
Note: Graphic overlays may not precisely  
align with physical features on the ground

Aerial Photo Date: February 201



4.8





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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

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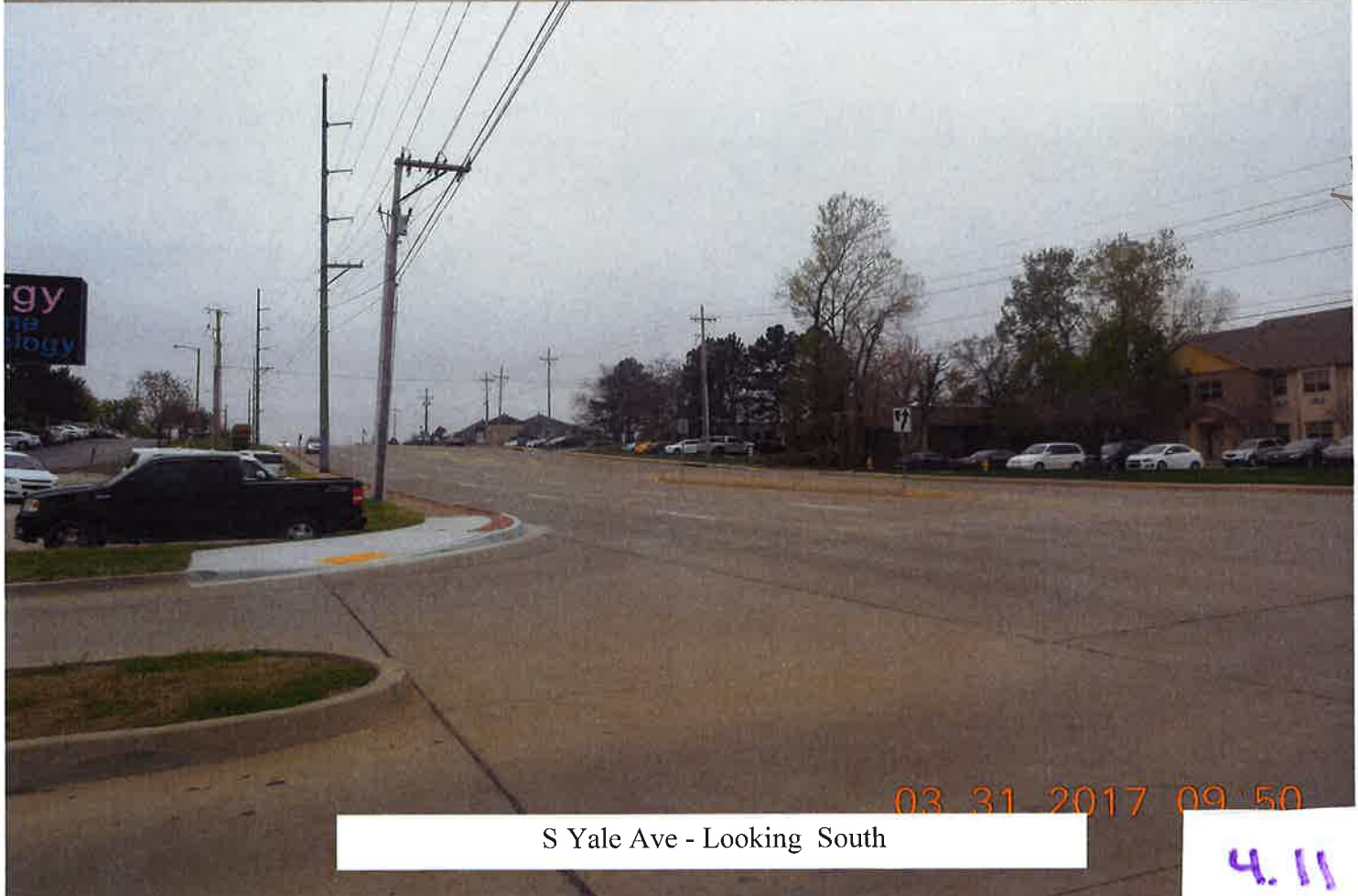
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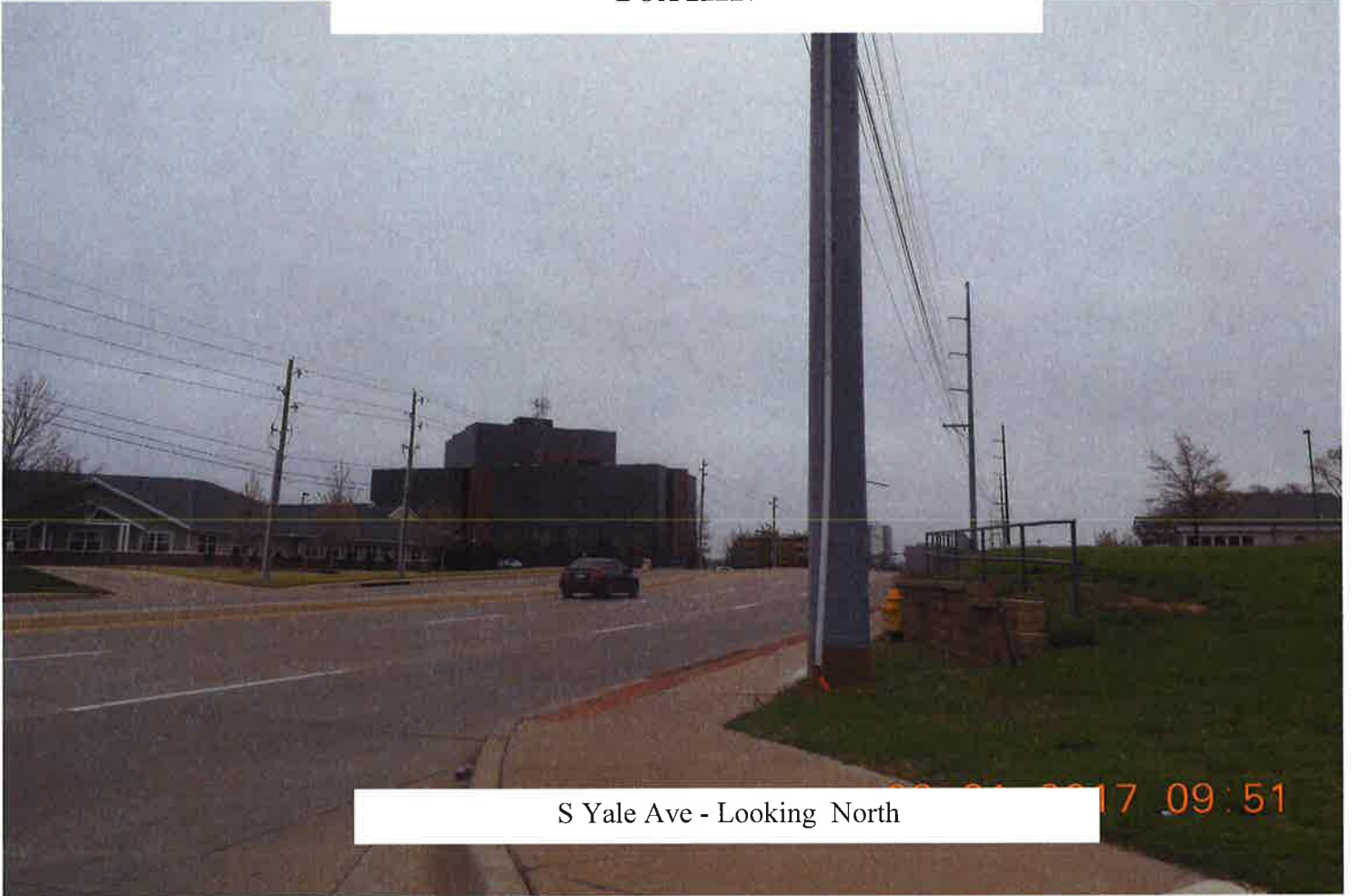
Subject Lot - Looking NE



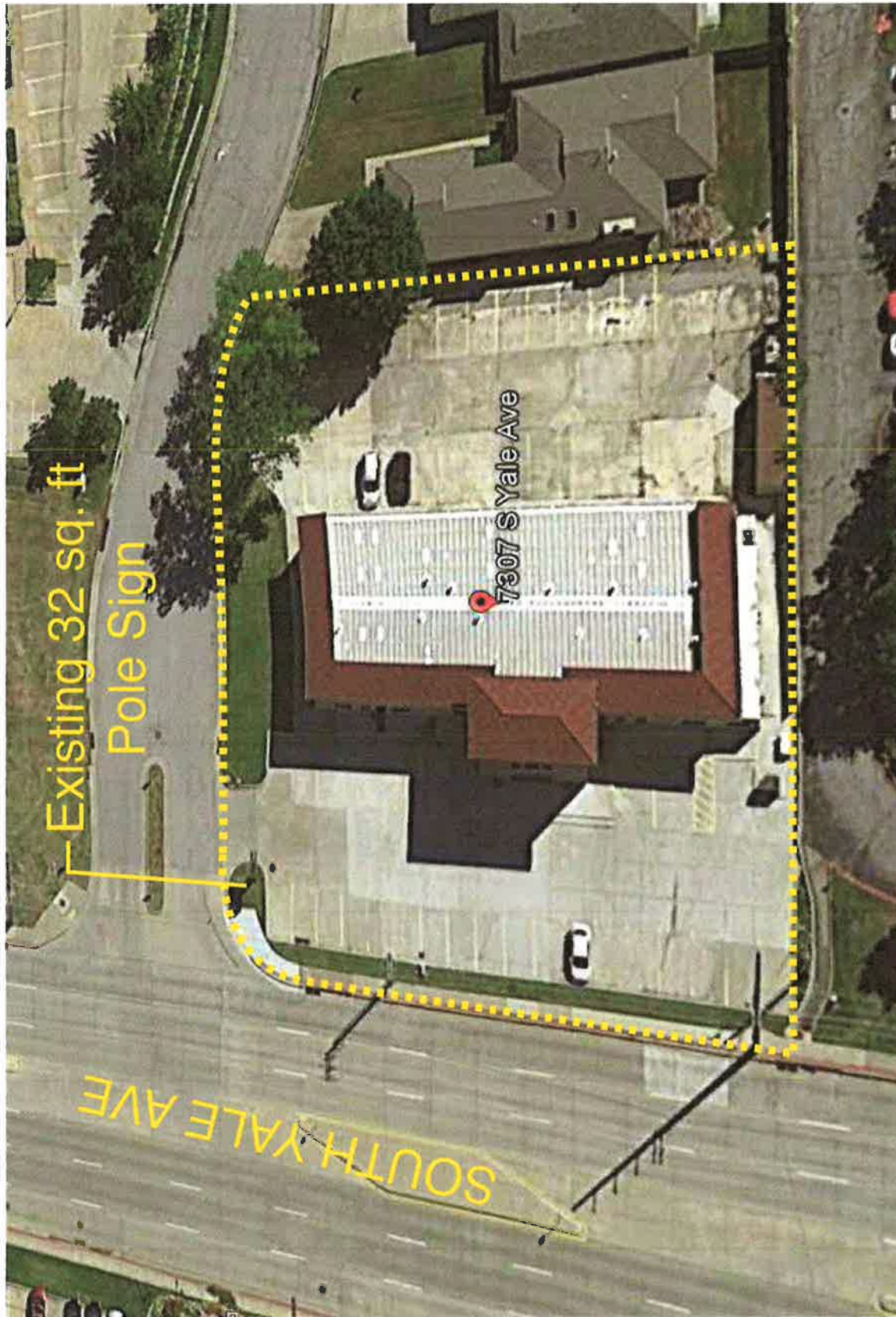




BOA 22227



S Yale Ave - Looking North



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 1225 North Lansing Avenue Tulsa, Oklahoma 74106 Tel: 918.582.2111 Fax: 918.582.2176 Email: info@casigns.com Website: www.casigns.com		PROJECT/CLIENT NAME <b>MEDICAL BUILDING</b>		LOCATION: <b>7307 S. YALE AVE.          TULSA, OK</b>		DESIGNER: <b>DONALD DAVIS</b>		REVISION HISTORY: <b>12.06.16 V 1.0</b>		WORK ORDER #: <b>10000000000000000000</b>		SIGN TYPE/DESCRIPTION: <b>BOARD OF ADJUSTMENT EXHIBIT</b>		SHEET NAME: <b>SF-1.1</b>	
I hereby give my approval to proceed with fabrication of the signs depicted in these drawings in order to meet the project deadline in a timely fashion. I understand that my company's policies, procedures, and standards in its operations shall be followed by design or the quality of work at this time. I am responsible for the completion of the required permits and installation of the signs.		Approved as shown <input type="checkbox"/>		Approved as noted <input checked="" type="checkbox"/>		DATE: <b>12/06/16</b>		DUE DATE:		ORDER #: <b>10000000000000000000</b>		METAL FAB: <input type="checkbox"/>		PAINT: <input type="checkbox"/>	
ACCOUNT EXECUTIVE: <b>JESSICA McLANE</b>		DATE OF ORIGINAL DWD: <b>DECEMBER 6, 2016</b>		DEPT: <b>DEPT</b>		CUP: <b>CUP</b>		ROOT/VINYL: <b>ROOT/VINYL</b>		MED: <input type="checkbox"/>		FINAL ASSEMBLY: <input type="checkbox"/>		INSTALLATION: <input type="checkbox"/>	

413







1225 North Lansing Avenue  
Tulsa, Oklahoma 74106  
ph: 918.587.7171  
fax: 918.587.7178  
www.cncsigns.com

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Tulsa, Oklahoma 74106  
ph: 918.587.7171  
fax: 918.587.7178  
www.cncsigns.com

18'-9"

9' X 2'6 28 SQ. FT.

6'-6" X 2'6 24 SQ. FT.

8' X 2'-2" 17 SQ. FT.

10' X 1'-10" 22 SQ. FT.

10' X 1'7 18 SQ. FT.

10' X 2' 20 SQ. FT.

55'-8"

9'-7"

31'-8"

9'-7"

47'-6"

PROJECT/CLIENT NAME:  
**MEDICAL BUILDING**

LOCATION:  
7307 S. VALE AVE.  
TULSA, OK

DESIGNER:  
DONALD DAVIS

REVISION HISTORY:  
12.06.16 v 1.0

DATE OF ORIGINAL DRAFT:  
DECEMBER 6, 2016

ACCOUNT EXECUTIVE:  
JESSICA MCANE

ORDER #:

DATE:

DEPT: METAL FAB

DEPT: PAINT

DEPT: ROUT/VINYL

DEPT: MED

DEPT: FINAL ASSEMBLY

DEPT: INSTALLATION

SIGN TYPE/DESCRIPTION:  
BOARD OF ADJUSTMENT EXHIBIT

SHEET NAME:  
**SF-1.0**

414



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.







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)

4.18

## 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.

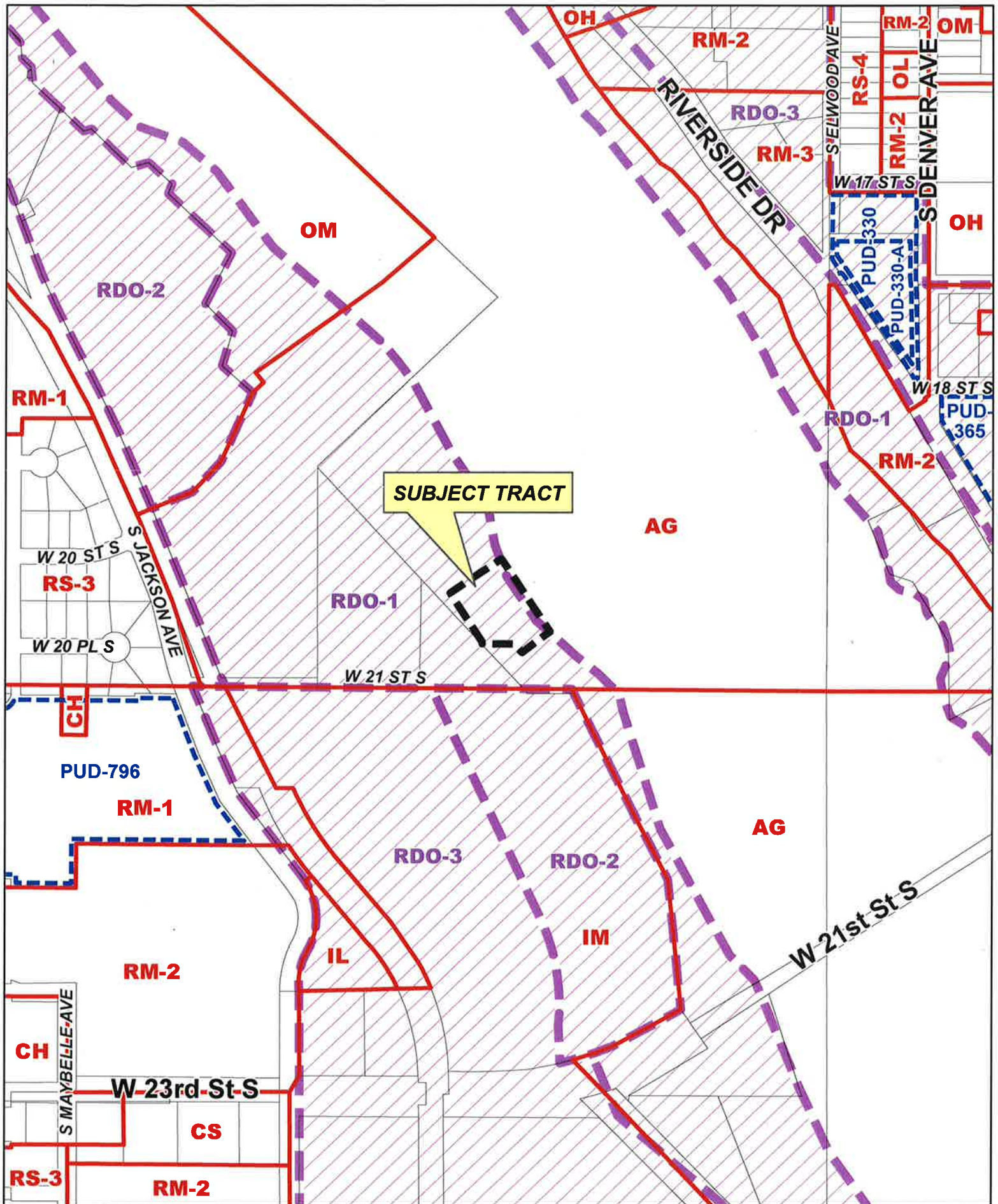
4.19

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

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

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





**BOA-22232**

**5.1**



19-12 11



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9211

Case Number: **BOA-22232**

CZM: 36

CD: 2

A-P#: N/A

**HEARING DATE:** 05/23/2017 1:00 PM

**APPLICANT:** Tulsa Rowing Club/River Parks Authority

**ACTION REQUESTED:** **Variance** to permit vinyl and/or aluminum siding as a building material; and a **Variance** to permit blank walls with no architectural detailing to exceed 35 ft. in height and/or width. (Section 20.050)

**LOCATION:** 715 W 21 ST S

**ZONED:** AG/RDO-1

**PRESENT USE:** Parks and Open Space

**TRACT SIZE:** 1.2 Acres

**LEGAL DESCRIPTION:**

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

**RELEVANT PREVIOUS ACTIONS:**

**Subject Lot:**

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

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

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

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

The **Arkansas River Corridor** is located along the Arkansas River and scenic roadways running parallel and adjacent to the river. The Arkansas River Corridor is comprised of a mix of uses - residential, commercial, recreation, and entertainment - that are well connected and primarily designed for the pedestrian. Visitors from outside the surrounding neighborhoods can access the corridor by all modes of transportation. This Corridor is characterized by a set of design standards

that support and enhance the Arkansas River Corridor as a lively, people-oriented destination. The Corridor connects nodes of high quality development with parks and open space.

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by AG zoned parks and open space; the Arkansas River abuts the site on the east.

**STAFF COMMENTS:**

The applicant provided the following statement with their application: *"The Tulsa Rowing Club (TRC) was formed in 1982. The TRC rowed out of a storage container until, 1991, when the boathouse was built and dedicated. An addition to the Boathouse was constructed in 2009 to support the growing club. The boathouse was destroyed by arson on January 24, 2016. The building and its contents were determined to be a total loss and non-repairable by the Club's insurance carrier. The building was demolished in June 2016 because the destroyed building was determined to be a hazard to the area. The existing concrete pad remains in place and will be utilized for construction of the replacement boathouse on the same footprint."*

The attached drawings call out the siding as Galvalume, which is a steel sheet coated in aluminum and zinc. Vinyl siding and aluminum siding are prohibited building materials in the RDO-1 zoning district. The applicant has requested a **Variance** to permit vinyl and/or aluminum siding as a building material. The applicant has stated that the, *"TRC boathouse is a functional, utilitarian storage structure for the storage of rowing boats and equipment for recreational use of the river. Building materials are suitable to the purpose of the structure."*

The Code states that blank walls without architectural detailing/articulation may not exceed 35 feet in height or width. The north, south, east and west facing walls of the proposed building exceed 35 ft. in width, thus requiring some type of architectural detailing or articulation along the facade. Articulation must be provided as a means of breaking the building face into separate visually distinct but attached or adjoining pieces by using different building materials, transparency, openings or by recesses or projections in facades. As shown on the attached drawings the north, east and west elevations exceed 35 ft. and contain no architectural detailing/articulation. The applicant has requested a **Variance** to permit blank walls with no architectural detailing to exceed 35 ft. in height and/or width.

The regulations of the RDO-1 district are primarily intended to apply to park, recreation and open space uses adjacent to the river. The intent of the Code is to prohibit the use of low-quality building material with little to no architectural detail within the RDO-1 district.

**Sample Motion for a Variance**

Move to \_\_\_\_\_ (approve/deny) a **Variance** to permit vinyl and/or aluminum siding as a building material; and a **Variance** to permit blank walls with no architectural detailing to exceed 35 ft. in height and/or width. (Section 20.050)

- Finding the hardship(s) to be \_\_\_\_\_.



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

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

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

**Presentation:**

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

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion** of **White**, the Board voted 3-0-0 (White, Stead, Van De Wiele "aye"; no "nays"; no "abstentions"; Tidwell, Henke "absent") to **APPROVE** a Variance of the other side yard from 5 ft. to 4.2 ft. in an RS-3 district (Section 403); to permit an existing dwelling, finding this is a non-conforming usage, and the house has been on this side yard location since it was built in 1955, with a condition there be no additions to the house; relief on the west side of the property only; and noting the request for a Variance of the minimum side yard requirement abutting a public street from 15 ft. to 5 ft., was already granted in 1974, per plan as shown on page 6.6 of the agenda packet, and finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

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

\*\*\*\*\*

FILE COPY

**Case No. 15245-B**

**Action Requested:**

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

**Presentation:**

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

**Interested Parties:**

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

FILE COPY

**Board Action:**

On Motion of White, the Board voted 3-0-0 (White, Stead, Van De Wiele "aye"; no "nays"; no "abstentions"; Tidwell, Henke "absent") to **APPROVE** an Amendment to a previously approved site plan to permit an expansion of the existing row club boathouse in the AG district, finding this amendment is in agreement with the previously approved site plan, as to it's intent and usage of the area, per plan as shown on page 7.5 of the agenda packet, finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare on the following described property:

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

\*\*\*\*\*

**Case No. 20871-A**

**Action Requested:**

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

**Presentation:**

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

**Comments and Questions:**

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



Case No. 15324 (continued)

Presentation:

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

Comments and Questions:

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

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

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

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

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

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

Protestants: None.

Board Action:

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

OTHER BUSINESS

Case No. 15245

Action Requested:

Approval of amended plot plan.

Presentation:

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

Case No. 15245 (continued)

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

Interested Parties:

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

Board Action:

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

Review and Approval of 1990 Meeting Schedule

Board Action:

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

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

Date of Approval Dec. 21, 1989

Harry White  
Chairman

Case No. 15244 (continued)

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

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

**Case No. 15245**

Action Requested:

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

Comments and Questions:

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

Presentation:

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

Comments and Questions:

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

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

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



Case No. 15245 (continued)

Protestants: None.

Board Action:

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

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

Beginning at the northwesterly corner of an existing concrete boat ramp on the westerly bank of the Arkansas River and West 21st Street South; thence due west a distance of 14.94'; thence N 49°22'9" W a distance of 45.49'; thence due west a distance of 35.36'; thence W 63°13'30" W a distance of 89.54'; thence N 32°5'53" W a distance of 142.38'; thence N 57°54'7" E a distance of 70.00'; thence N 73°42'5" E a distance of 127.10'; thence S 32°5'53" E a distance of 250.00'; thence S 55°0'0" W a distance of 90.00' to the Point of Beginning, containing 45,993.0 sq ft or 1.0559 acres more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15247

Action Requested:

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

Presentation:

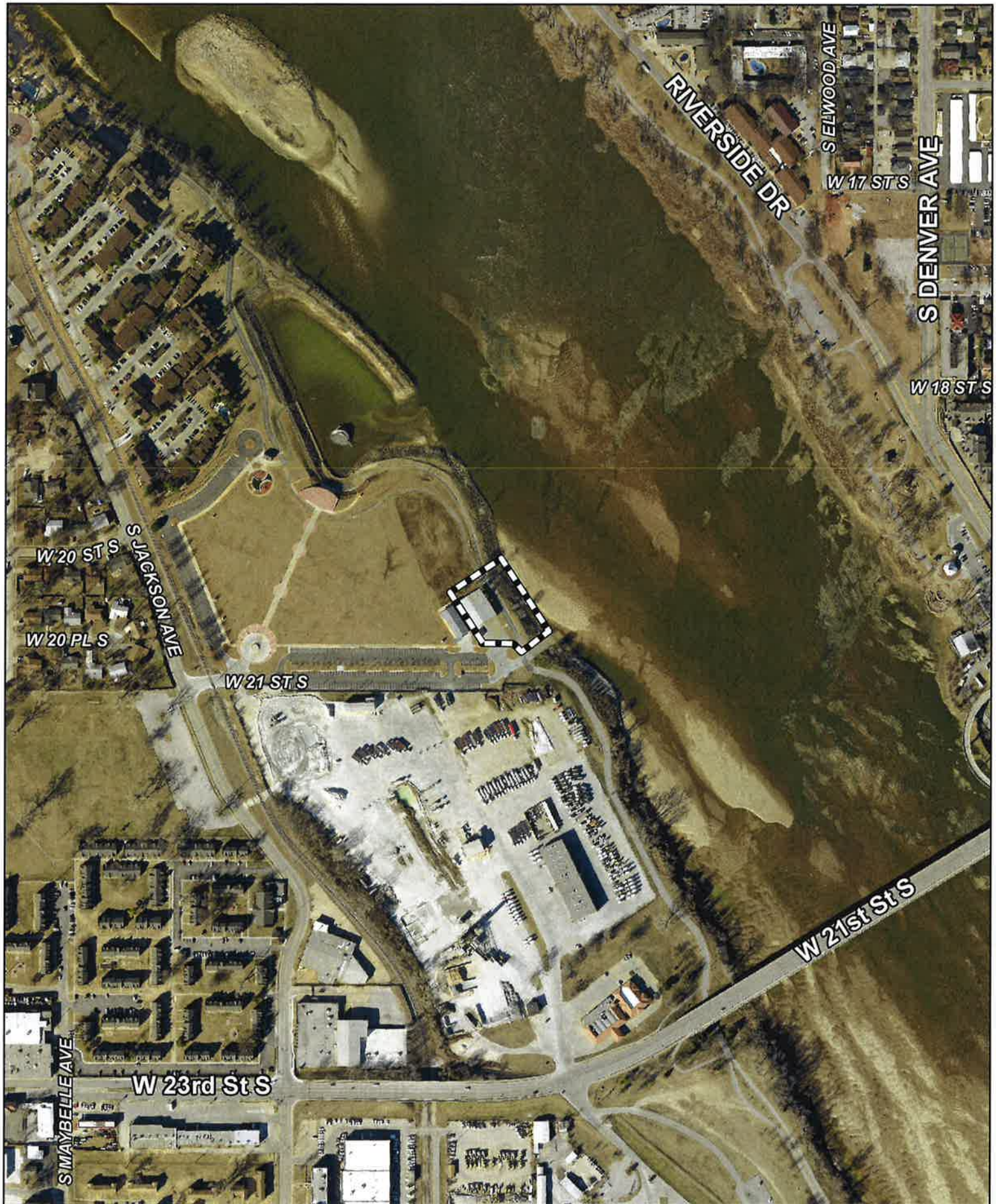
The applicant, Geraldine Alverson, Route 2, Box 428-P, Ft. Smith, Arkansas, stated that she is representing her mother who lives at the above stated location. She informed that a carport was recently constructed on her mother's property, and asked the Board to allow it to remain. A plat of survey (Exhibit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

Comments and Questions:

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

09.28.89:547(11)





0 Feet  
200  
400



Subject  
Tract

**BOA-22232**

19-12 11

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

Aerial Photo Date: February 2016



5.11





0 50 100  
Feet



Subject  
Tract

**BOA-22232**

19-12 11

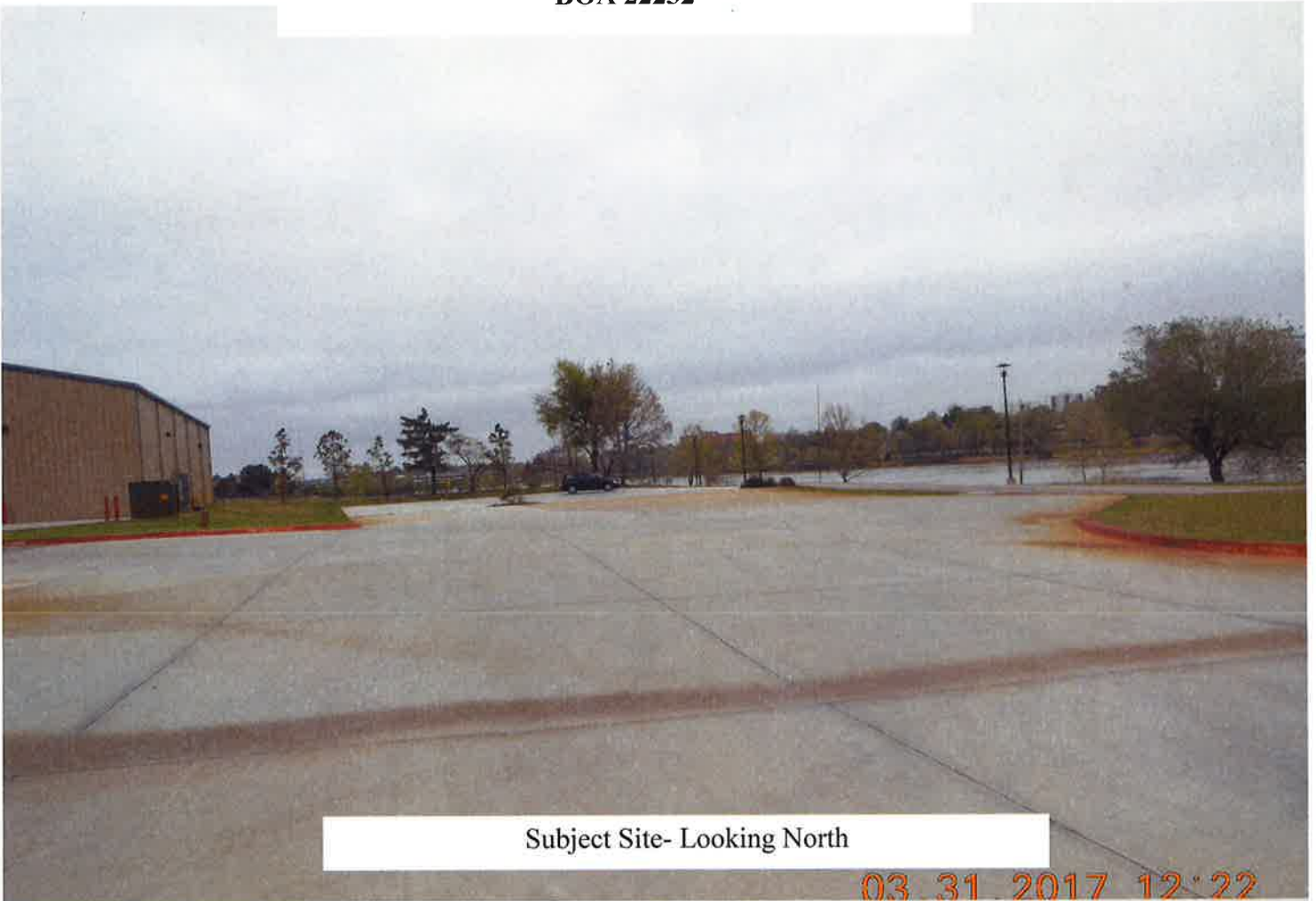
Note: Graphic overlays may not precisely  
align with physical features on the

Aerial Photo Date: February 21



5.12





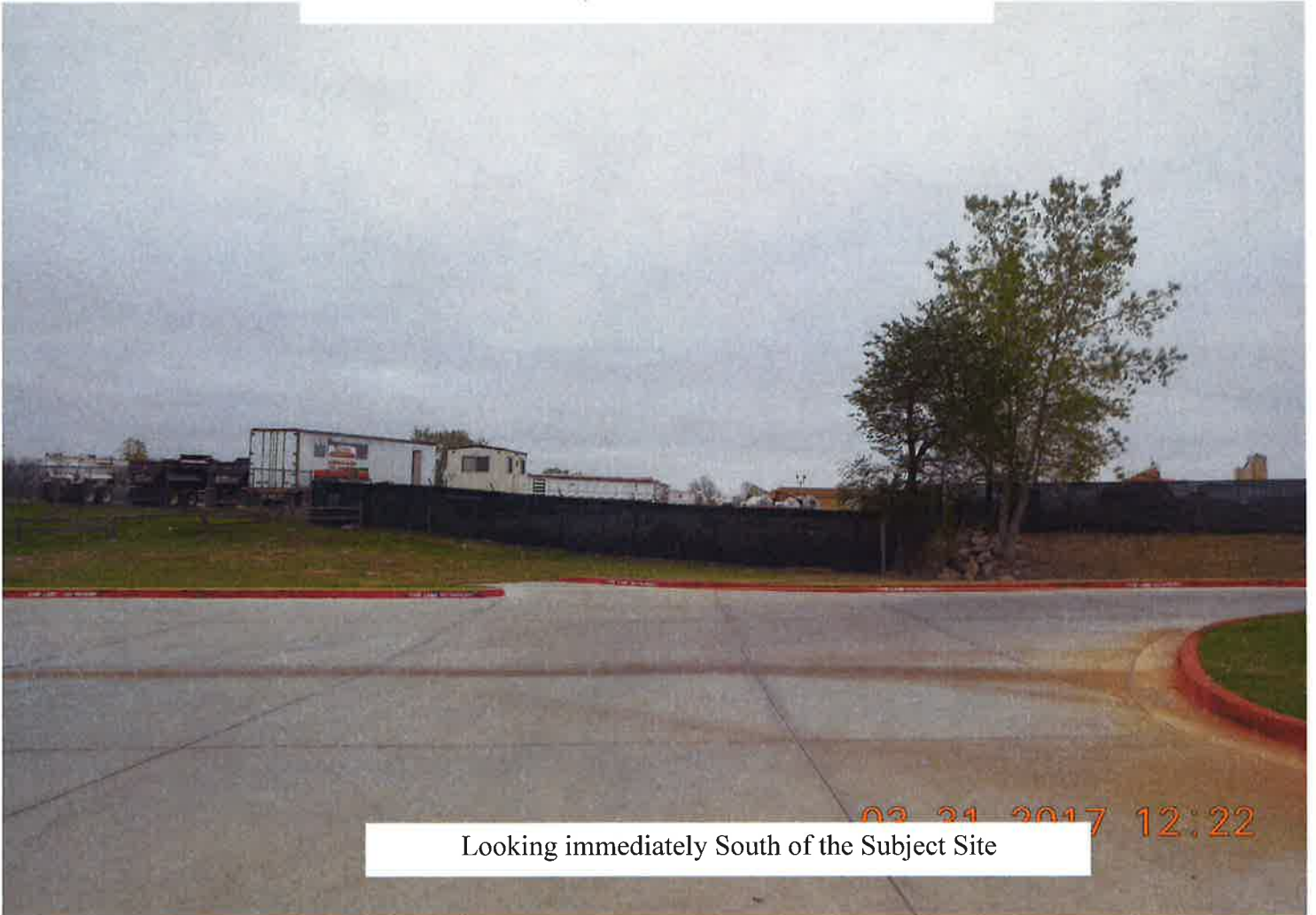
Subject Site- Looking North

03.31.2017 12:22

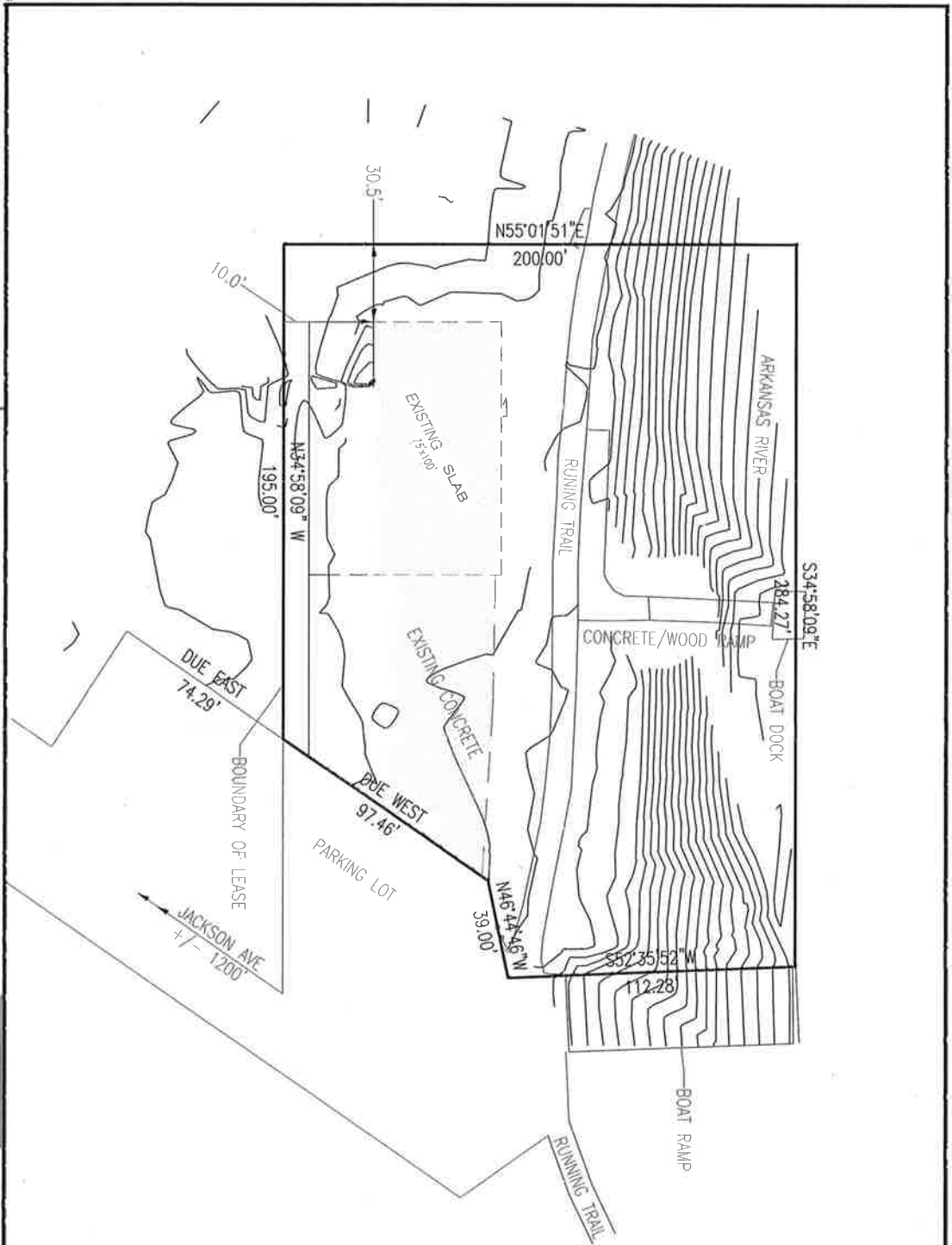


Looking NW towards S Jackson Ave

03.31.2017 12:22



Looking immediately South of the Subject Site



BASE OF BEARINGS  
AS BUILT RIVERPARK DRAMAS



5.15

**ADJUSTED LEASE LEGAL DESCRIPTION:**

LOT 11, SECTION 11, T-19-N, R-12-E, TULSA COUNTY, OKLA. BEGINNING AT THE NORTHWEST CORNER OF AN EXISTING RIVERPARKS PARKING LOT ON THE WESTERN BANK OF THE ARKANSAS RIVER AND WEST 21ST STREET SOUTH, THENCE DUE EAST A DISTANCE OF 74.29 FEET TO THE POINT OF BEGINNING, THENCE N34°58'09" W A DISTANCE OF 195.00 FEET, THENCE N55°01'51" E A DISTANCE OF 200.00 FEET, THENCE S52°35'52" W A DISTANCE OF 112.28 FEET, THENCE DUE WEST A DISTANCE OF 97.46 FEET TO THE POINT OF BEGINNING, SMO PROCEED CONTAINING 37,024 SQ FT OF 11.2 ACRES MORE OR LESS, CITY OF TULSA, TULSA COUNTY, OKLAHOMA.

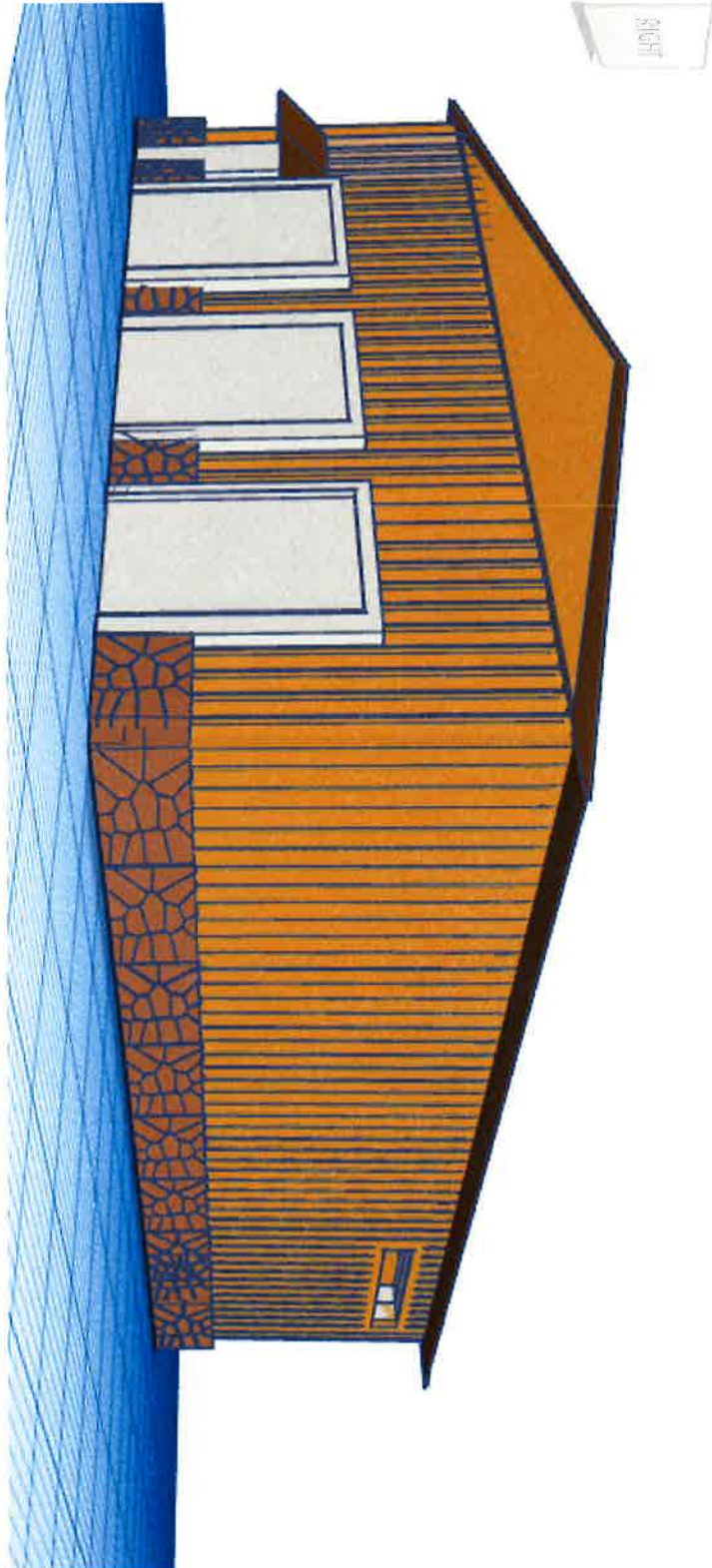
**ORIGINAL LEASE LEGAL DESCRIPTION:**

LOT 11, SECTION 11, T-19-N, R-12-E, TULSA COUNTY, OKLA. BEGINNING AT THE NORTHWEST CORNER OF AN EXISTING CONCRETE BOAT RAMP ON THE WESTERN BANK OF THE ARKANSAS RIVER AND WEST 21ST STREET SOUTH, THENCE DUE WEST A DISTANCE OF 74.29 FEET, THENCE N46°44'45" W A DISTANCE OF 39.00 FEET, THENCE DUE WEST A DISTANCE OF 97.46 FEET, THENCE N34°58'09" W A DISTANCE OF 195.00 FEET, THENCE N55°01'51" E A DISTANCE OF 200.00 FEET, THENCE S52°35'52" W A DISTANCE OF 112.28 FEET, THENCE DUE WEST A DISTANCE OF 97.46 FEET TO THE POINT OF BEGINNING, CONTAINING 45,993.0 SQ FT OF 1,059 ACRES MORE OR LESS, CITY OF TULSA, TULSA COUNTY, OKLAHOMA.

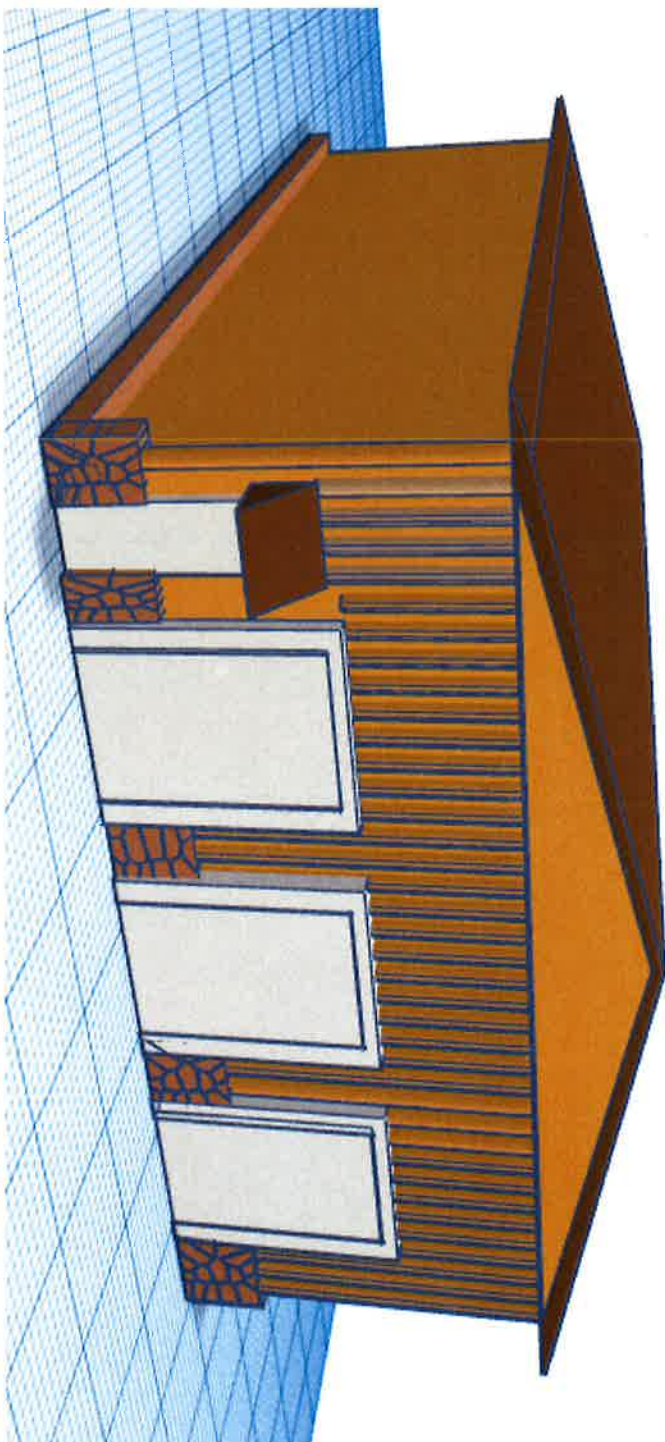
**TULSA ROWING CLUB  
BOATHOUSE EXPANSION  
SITE PLAN**



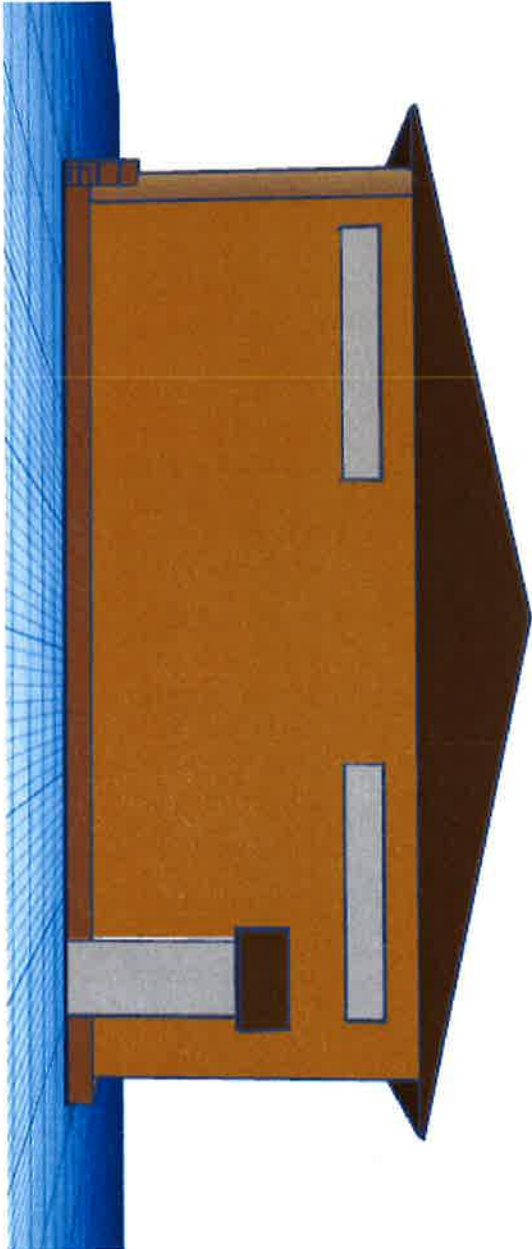
Looking North-West



Looking North-East



Looking South-East





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

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

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

Variance is requested to the following sections:

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

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

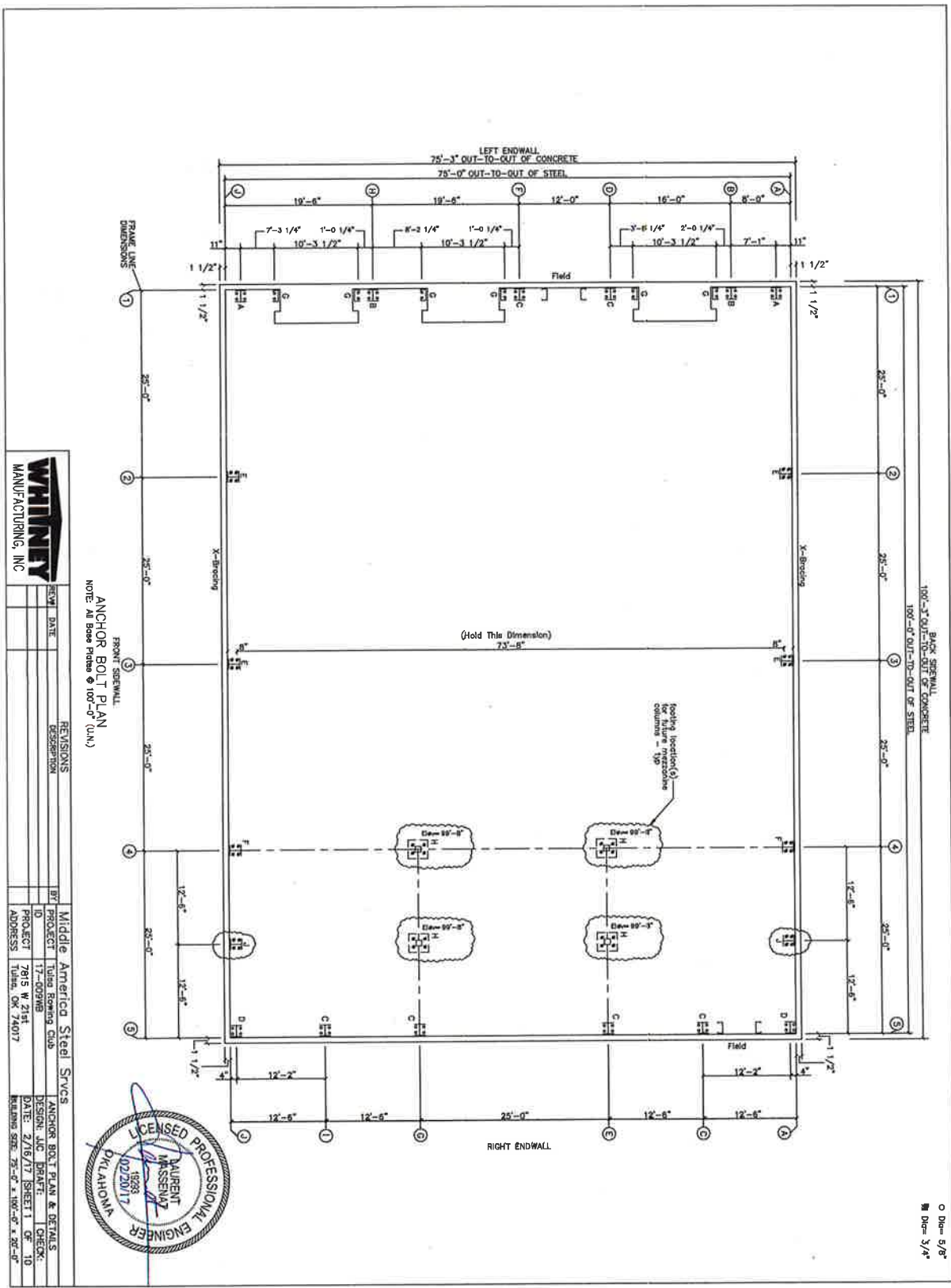
**4. Exemptions**

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

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

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

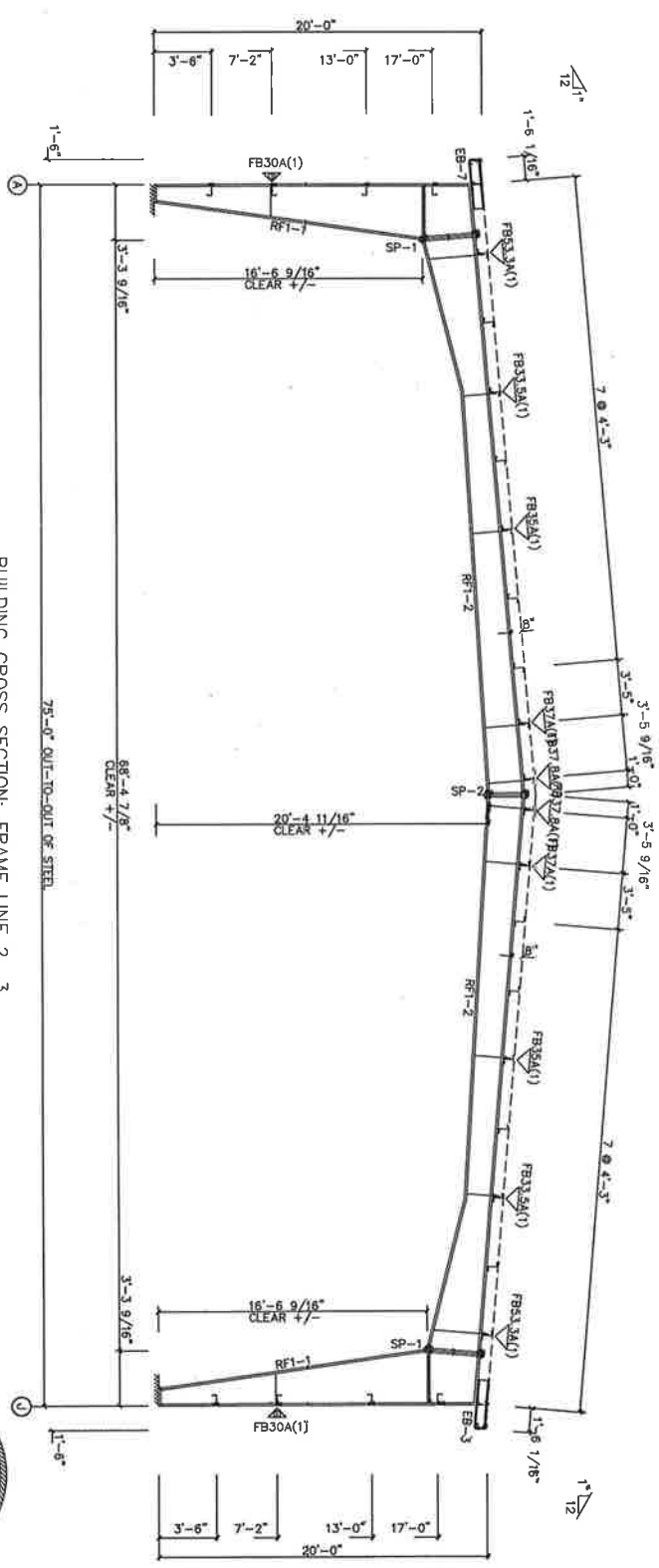
unbroken wall along the east side of the building provides maximum flexibility of storage of big boats such as 8's.





SPACE JOIST TABLE				
Span	Top	Bot	Int	Dis
SP-1	4	4	4	4
SP-2	4	4	4	4

TRAVERSE BRACES: FBX (1 or 2)  
 CONNECTIONS: (1) One Side, (2) Two Sides  
 A - 12000/18



BUILDING CROSS SECTION: FRAME LINE 2 3

Member	Span	Top	Bot	Int	Dis	Notes
RB1-1	10'-0"	0.250	0.250	11.2	6	6 x 5/8 x 23.1.2
RB1-2	10'-0"	0.250	0.250	11.2	6	6 x 5/8 x 23.1.2
SP-1	10'-0"	0.250	0.250	11.2	6	6 x 5/8 x 23.1.2
SP-2	10'-0"	0.250	0.250	11.2	6	6 x 5/8 x 23.1.2

Member	Span	Top	Bot	Int	Dis	Notes
SP-1	10'-0"	0.250	0.250	11.2	6	6 x 5/8 x 23.1.2
SP-2	10'-0"	0.250	0.250	11.2	6	6 x 5/8 x 23.1.2

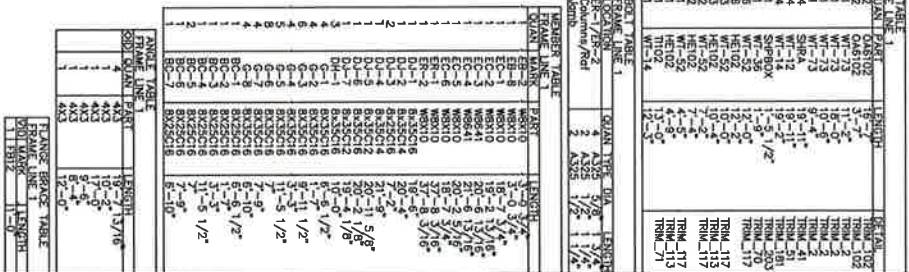


GENERAL NOTES:  
 1. ALL PRIMARY STRUCTURAL STEEL SHALL BE FABRICATED FROM A36 STEEL.  
 2. ALL FIELD CONNECTIONS OF PRIMARY FRAMING MEMBERS SHALL BE BOLTED.  
 3. ALL FIELD CONNECTIONS OF SECONDARY FRAMING MEMBERS SHALL BE BOLTED.  
 4. ALL FIELD CONNECTIONS OF SECONDARY FRAMING MEMBERS SHALL BE BOLTED.  
 5. ALL FIELD CONNECTIONS OF SECONDARY FRAMING MEMBERS SHALL BE BOLTED.



REV	DATE	REVISIONS
1	2/16/17	17-DOINGB
2	2/16/17	17-DOINGB
3	2/16/17	17-DOINGB
4	2/16/17	17-DOINGB
5	2/16/17	17-DOINGB

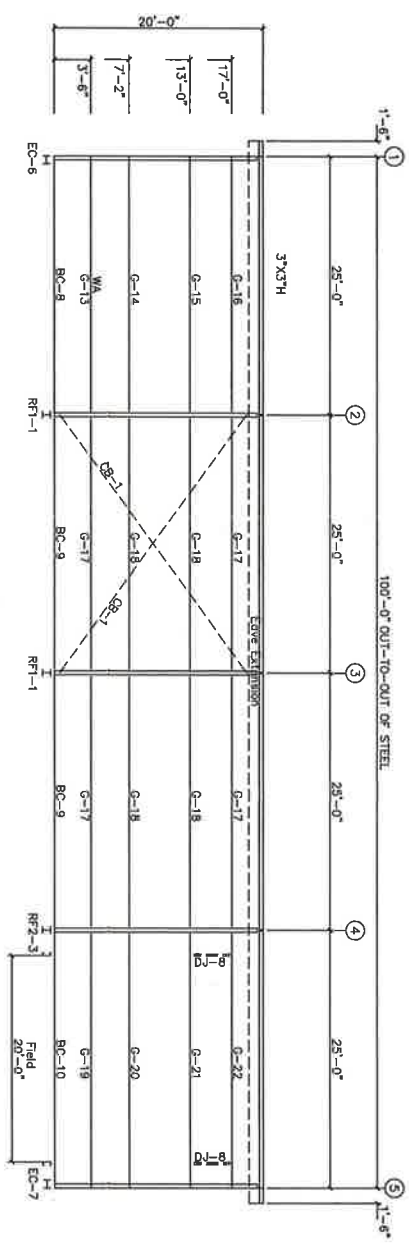




ENDWALL FRAMING:	
DESIGN: JJC	DRAFT: CHECK:
DATE: 2/16/17	SHEET 7 OF 10
LOADING SIZE: 75'-0" x 100'-0" x 20'-0"	

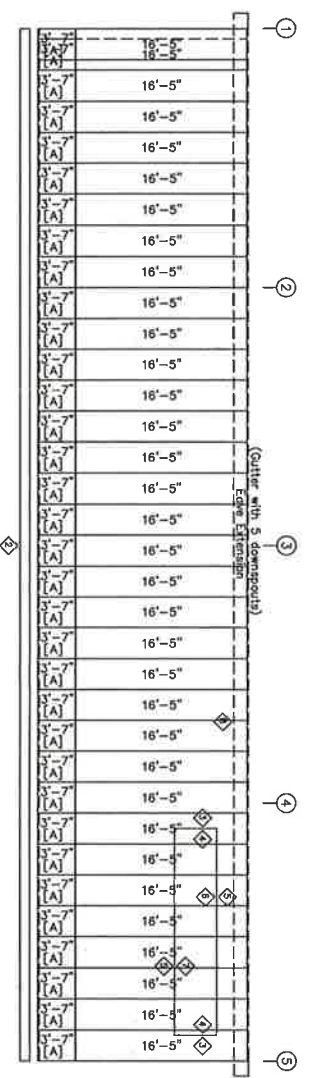






**MEMBER TABLE**

MEMBER	SECTION	LENGTH	REMARKS
1	W12x14	100'-0"	MAIN MEMBER
2	W12x14	100'-0"	MAIN MEMBER
3	W12x14	100'-0"	MAIN MEMBER
4	W12x14	100'-0"	MAIN MEMBER
5	W12x14	100'-0"	MAIN MEMBER
6	W12x14	100'-0"	MAIN MEMBER
7	W12x14	100'-0"	MAIN MEMBER
8	W12x14	100'-0"	MAIN MEMBER
9	W12x14	100'-0"	MAIN MEMBER
10	W12x14	100'-0"	MAIN MEMBER
11	W12x14	100'-0"	MAIN MEMBER
12	W12x14	100'-0"	MAIN MEMBER
13	W12x14	100'-0"	MAIN MEMBER
14	W12x14	100'-0"	MAIN MEMBER
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18	W12x14	100'-0"	MAIN MEMBER
19	W12x14	100'-0"	MAIN MEMBER
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88	W12x14	100'-0"	MAIN MEMBER
89	W12x14	100'-0"	MAIN MEMBER
90	W12x14	100'-0"	MAIN MEMBER
91	W12x14	100'-0"	MAIN MEMBER
92	W12x14	100'-0"	MAIN MEMBER
93	W12x14	100'-0"	MAIN MEMBER
94	W12x14	100'-0"	MAIN MEMBER
95	W12x14	100'-0"	MAIN MEMBER
96	W12x14	100'-0"	MAIN MEMBER
97	W12x14	100'-0"	MAIN MEMBER
98	W12x14	100'-0"	MAIN MEMBER
99	W12x14	100'-0"	MAIN MEMBER
100	W12x14	100'-0"	MAIN MEMBER



**GENERAL NOTES:**  
 1. Check lengths on the completed length.  
 2. Check of bearing on the bearing plate.  
 (THIS WILL VOID THE WARRANTY ON THE PANELS)

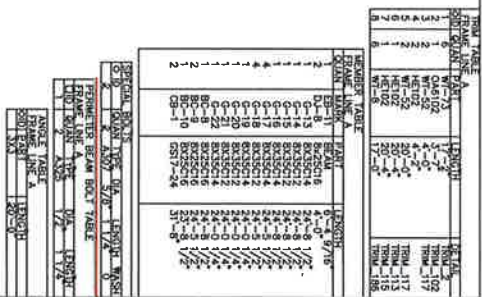
REV	DATE	REVISIONS	BY
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			



FRONT SIDEWALL SHEETING & TRIM: FRAME LINE J

PANELS: 26 Ga. REVR - Lt. Stone 40 yr  
 [A] PANELS: 26 Ga. REVR - Sandstone Plus

5.26



2	4.507	5/8	1 1/2	0
3	4.507	5/8	1 1/2	0
4	4.507	5/8	1 1/2	0
5	4.507	5/8	1 1/2	0
6	4.507	5/8	1 1/2	0
7	4.507	5/8	1 1/2	0
8	4.507	5/8	1 1/2	0
9	4.507	5/8	1 1/2	0
10	4.507	5/8	1 1/2	0
11	4.507	5/8	1 1/2	0
12	4.507	5/8	1 1/2	0
13	4.507	5/8	1 1/2	0
14	4.507	5/8	1 1/2	0
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17	4.507	5/8	1 1/2	0
18	4.507	5/8	1 1/2	0
19	4.507	5/8	1 1/2	0
20	4.507	5/8	1 1/2	0
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22	4.507	5/8	1 1/2	0
23	4.507	5/8	1 1/2	0
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31	4.507	5/8	1 1/2	0
32	4.507	5/8	1 1/2	0
33	4.507	5/8	1 1/2	0
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73	4.507	5/8	1 1/2	0
74	4.507	5/8	1 1/2	0
75	4.507	5/8	1 1/2	0
76	4.507	5/8	1 1/2	0
77	4.507	5/8	1 1/2	0
78	4.507	5/8	1 1/2	0
79	4.50			



PANELS: 26 Go. REVR - Lt. Stone 40 yr

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



BOA 22232  
**Moye, Nikita**

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**From:** Carlos Moreno [tulsadesigner@gmail.com]  
**Sent:** Friday, April 21, 2017 2:10 PM  
**To:** Clark, Casey; Blake Ewing; Ben Kimbro; ben.kimbro@tulsacouncil.org; esubmit; Miller, Susan; Teresa Burkett  
**Subject:** Re: Tulsa Rowing Club Boat House BOA request for variance

Clark,

Thank you for your response.

Unfortunately I will not be able to attend the meeting. It is during the day and I have to work.

According to our zoning code:

1. No variance may be approved unless the board of adjustment determines 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.

In my estimation, having read and understood the requirements to grant a variance, there is no justification for the BOA to grant these variances.

It is my understanding that a boathouse facility can be built, following the RDO-1 guidelines. There is nothing about the site location or the context of the river / river trails that would impede the building of a great boathouse facility. There is no reason why additional transparency cannot be added to the building design. Access to the boathouse from the river trails would be an asset, and not a liability. Vinyl and/or aluminum siding is a cheap building material and would not be fitting with the character and desired quality of development along our River Parks system. A blank wall with no architectural detailing to exceed 35 ft. in height and/or width would be an eyesore to the area, and not in keeping with the desired goal of the River Parks system to be a place that is friendly to bike & pedestrian activities. This frankly sounds like a building that is cheap and easy to build, but that does not take in to account the people who will be using it on a daily basis, or

the people who will pass by this space on a daily basis. A building like this will be a shame to Riverparks and not an asset to this region of the city.

I do believe that NOT following the River Overlay guidelines that were worked on by then-city councilor GT Bynum and Council Ewing, and approved by the City of Tulsa, INCOG, and the TMAPC, would alter the essential character of the neighborhood (east and west banks of the river). The variance request in my view seeks to impair the purposes, spirit, and intent of this zoning code and the comprehensive plan. Our civil servants worked hard on these guidelines and they should be followed.

I recently visited the Devon Boathouse in Oklahoma City. That building has nearly 100% transparency and looks beautiful, and is perfectly in context with the place that it is built. There is no reason that we in Tulsa cannot build a great boathouse building that is in keeping with the beauty and the standards we have set for ourselves, regarding development along the river.

On a personal note, I am a designer by profession. Should the boathouse organization wish to reconsider a creative design that would meet the RDO-1 guidelines and be completed under budget (or creative solutions to increase the budget, such as was employed in OKC by offering naming rights), I would gladly offer my creative services & experience. This is a problem that can be solved relatively easily, without having to sacrifice our city's standards.

-carlos moreno  
resident, district 9.

--  
Carlos Moreno  
5272 S Lewis Ave. #250  
Tulsa, OK 74105

phone: (918) 876-0974

--  
could a greater miracle take place than for us to look through each other's eyes for an instant? -- henry david thoreau

On Fri, Apr 21, 2017 at 1:42 PM, Clark, Casey <[cclark@tulsacouncil.org](mailto:cclark@tulsacouncil.org)> wrote:

Carlos,

Thank you for your email to Councilor Ewing. Will you be attending the meeting next week? Is there a specific message that you would like for me to relay to Councilor Ewing regarding the Tulsa Rowing Club?

Thank you!

**Casey Clark | Council Aide**  
Tulsa City Council

175 E. 2<sup>nd</sup> St, 4<sup>th</sup> Floor

Tulsa, OK 74103

## **Moye, Nikita**

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**From:** Carolyn Back [carolynback@gmail.com]  
**Sent:** Monday, April 24, 2017 11:27 AM  
**To:** 'Tulsa Rowing Discuss'  
**Cc:** Moye, Nikita; Miller, Susan; Sparger, Janet  
**Subject:** PLEASE READ ASAP

ALL TRC members...I cannot emphasize how important this is:

Please do NOT "reply all" to any more BOA related Boathouse emails. Please start a new email string that has me removed from the emails.

Again, I have to forward all emails to BOA staff for distribution to all Board members to avoid any appearance of ex parte communications.

Thank you,

Carolyn Back



## Moye, Nikita

---

**From:** Carolyn Back [cback@wallacesc.com]  
**Sent:** Monday, April 24, 2017 11:21 AM  
**To:** Moye, Nikita  
**Cc:** Miller, Susan; Sparger, Janet  
**Subject:** Fwd: FW: Boathouse update

Please put in file for next hearing

Carolyn Back  
Senior Land Use Planner

Wallace Engineering • Structural Consultants, Inc.  
Structural and Civil Consultants  
200 East Mathew Brady Street  
Tulsa, Oklahoma 74103  
[918.584.5858](tel:918.584.5858)  
[918.806.7352](tel:918.806.7352) Direct  
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[www.wallacesc.com](http://www.wallacesc.com)

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----- Forwarded message -----

**From:** Carolyn Back <[carolynback@gmail.com](mailto:carolynback@gmail.com)>  
**Date:** Mon, Apr 24, 2017 at 11:18 AM  
**Subject:** FW: Boathouse update  
**To:** [cback@wallacesc.com](mailto:cback@wallacesc.com)

**From:** Brierre, Claudia [mailto:[cbrierre@incog.org](mailto:cbrierre@incog.org)]  
**Sent:** Monday, April 24, 2017 9:13 AM  
**To:** 'Mike Kneafsey' <[kneafseym@swbell.net](mailto:kneafseym@swbell.net)>; Tulsa Rowing <[discuss@tulsarowing.org](mailto:discuss@tulsarowing.org)>; Kevin Harris <[kevin-harris@utulsa.edu](mailto:kevin-harris@utulsa.edu)>; Cyril Kazmierczak <[president@okrowing.org](mailto:president@okrowing.org)>; Liz Ferrari <[eferrari@sbcglobal.net](mailto:eferrari@sbcglobal.net)>; [neil@coachbergenroth.com](mailto:neil@coachbergenroth.com)  
**Cc:** Neil Bergenroth <[nbergenroth@hollandhall.org](mailto:nbergenroth@hollandhall.org)>; 'Matt Meyer' <[mattmeyer@riverparks.org](mailto:mattmeyer@riverparks.org)> (<[mattmeyer@riverparks.org](mailto:mattmeyer@riverparks.org)>) <[mattmeyer@riverparks.org](mailto:mattmeyer@riverparks.org)>  
**Subject:** RE: Boathouse update

Hello Again,

I've just been informed that the Board of Adjustment will not have a quorum tomorrow, so our case will be continued to the May 9<sup>th</sup> meeting. I will attend tomorrow's meeting and ask for the continuance. Thanks for your offers to attend the 25<sup>th</sup> meeting. Please put May 9<sup>th</sup> on your calendar as the next opportunity to lend support.

---

**Claudia Brierre** | Community & Economic Development Planner

INCOG | Williams Tower II

2 West Second Street Suite 800 | Tulsa, Oklahoma 74103

ph: [918.579.9431](tel:918.579.9431) | fax: [918.579.9531](tel:918.579.9531)

web: [www.incog.org](http://www.incog.org) | email: [cbrierre@incog.org](mailto:cbrierre@incog.org)



*Celebrating 50 Years of Service  
to the Tulsa Region*

---

**From:** Brierre, Claudia

**Sent:** Sunday, April 23, 2017 8:02 AM

**To:** 'Mike Kneafsey'; Tulsa Rowing; Kevin Harris; Cyril Kazmierczak; Liz Ferrari; [neil@coachbergenroth.com](mailto:neil@coachbergenroth.com)

**Cc:** Neil Bergenroth

**Subject:** RE: Boathouse update

Hello All,

Mike's email to everyone to garner support for our requests to the City of Tulsa Board of Adjustment is appreciated, but I wanted to clarify a few pieces of information he stated in order to forestall any righteous indignation you might be feeling.

TRC and River Parks Authority have made a joint application to the BOA for variances to be granted on 4 items that our building does not comply with in the new River Development Overlay guidelines. The BOA grants variances based on hardship determinations, and we will endeavor to present a strong case of hardship to build the structure that we are proposing. I will caution you that financial hardship is not just cause to grant the variances, and so we will not be stating that we can't afford a better building.

The Board of Adjustment is a five member board and agendas are posted in the BOA website and are public record. A private citizen, who feels he is a watch dog of community affairs, has written an email to City Councilors Ewing and Kimbro, the BOA members, and the RPA Chair opposing our request for variances. He is NOT a BOA member, as Mike stated. That would be unethical for a BOA member to publically state a recommendation of denial prior to the meeting, and no BOA member has done so. I just wanted to clarify that misstatement by Mike. This private citizen is a "designer" (perhaps of websites) and he has offered his "creative services and experience" if we want to reconsider a creative design. The BOA will be apprised of the process we have already been through to secure a more creative design.

You are welcome to attend the meeting if your schedule permits at 1:00 on Tuesday. It's always good to have a show of support for the issues to be determined and for our future. The number of speakers (1-2) will be limited, (it's not like the Planning Commission). One speaker will present our case and Matt Meyer with River Parks has indicated he will speak in support. Then the BOA will ask questions. Our own Carolyn Back is a member of the BOA and she will recuse herself and leave the room when our item comes up.

---

**From:** Mike Kneafsey [<mailto:kneafseym@swbell.net>]

**Sent:** Saturday, April 22, 2017 9:36 PM

**To:** Tulsa Rowing; Kevin Harris; Cyril Kazmierczak; Liz Ferrari; [neil@coachbergenroth.com](mailto:neil@coachbergenroth.com)

**Subject:** Boathouse update

Sorry has been a while, but little has been happening. We have an important meeting Tuesday in front of the board of adjustment. We need an exemption to rebuild what we had. Under the new River overlay we need to make many changes, which we could not afford. One of the member of the board has recommended that they deny and we build something more like the Devon Boathouse, but he was gracious enough to offer his firms design services (huge conflict of interest). Devon boathouse costs 10 million, we have just a bit less than that.

Bottom line if you are available we would love to have members there to support us at the meeting. Junior parents, TU Rowers or anyone just as a positive show of the flag.

Meeting is 1pm

**AGENDA**  
**CITY OF TULSA BOARD OF ADJUSTMENT**  
**Regularly Scheduled Meeting**  
**Tulsa City Council Chambers**  
**175 East 2nd Street, 2nd Level, One Technology Center**  
**Tuesday, April 25, 2017, 1:00 P.M.**

**Meeting No. 1182**



CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

**UNFINISHED BUSINESS**

None.

**NEW APPLICATIONS**

1. **22215—Leah Krautter**  
Appeal of an Administrative Official's decision to classify the use of the property as a Bed & Breakfast under Section 35.050-G.1. **LOCATION:** 1315 East 19th Street South (CD 4) [Exhibit](#)
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Verification of spacing requirement of 300 feet from any public park, school or religious assembly use and the public entrance doors to not be located within 50 feet of any R-zoned lot to permit a jazz club/bar in the CBD District (Section 40.050-A). **LOCATION:** 108 North Detroit Avenue East (213 E ARCHER ST N) (CD 4) [Exhibit](#)
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Variance to permit seven signs (1 pole sign and 6 wall signs) in the OM District to be oriented toward South Yale Avenue; Variance to increase the permitted display area of signage on the lot to 161 sq. ft. to allow one pole sign and 6 wall signs (Section 60.060). **LOCATION:** 7307 South Yale Avenue East (CD 8) [Exhibit](#)
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Variance to reduce the required parking to 572 parking spaces for an apartment complex (Section 55.020). **LOCATION:** NW/c of South Owasso Avenue East and East 60th Street South (CD 9) [Exhibit](#)

Mike

## Moye, Nikita

---

**From:** Carolyn Back [cback@wallacesc.com]  
**Sent:** Monday, April 24, 2017 11:20 AM  
**To:** Moye, Nikita  
**Cc:** Miller, Susan; Sparger, Janet  
**Subject:** Fwd: FW: Boathouse update

Please put in file for next hearing

Carolyn Back  
Senior Land Use Planner

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**From:** Carolyn Back <[carolynback@gmail.com](mailto:carolynback@gmail.com)>  
**Date:** Mon, Apr 24, 2017 at 11:16 AM  
**Subject:** FW: Boathouse update  
**To:** [cback@wallacesc.com](mailto:cback@wallacesc.com)

**From:** Kurt Kraus [mailto:[kurt@stratofire.com](mailto:kurt@stratofire.com)]  
**Sent:** Monday, April 24, 2017 5:51 AM  
**To:** Brierre, Claudia <[cbrierre@incog.org](mailto:cbrierre@incog.org)>  
**Cc:** Mike Kneafsey <[kneafseym@swbell.net](mailto:kneafseym@swbell.net)>; Tulsa Rowing <[discuss@tulsarowing.org](mailto:discuss@tulsarowing.org)>; Kevin Harris <[kevin-harris@utulsa.edu](mailto:kevin-harris@utulsa.edu)>; Cyril Kazmierczak <[president@okrowing.org](mailto:president@okrowing.org)>; Liz Ferrari <[eferrari@sbcglobal.net](mailto:eferrari@sbcglobal.net)>; [neil@coachbergenroth.com](mailto:neil@coachbergenroth.com); Neil Bergenroth <[nbergenroth@hollandhall.org](mailto:nbergenroth@hollandhall.org)>  
**Subject:** Re: Boathouse update

Glass walls a security problem?



Sent from Yahoo Mail for iPhone

On Sunday, April 23, 2017, 9:47 PM, Brierre, Claudia <[cbrierre@incog.org](mailto:cbrierre@incog.org)> wrote:

Metal building construction is best suited to the facility function ( a storage facility). Long expanse of wall on river side without articulation is necessary for storage of long boats.

Cannot cite financial hardship!

Claudia Brierre

Sent from my iPhone

On Apr 23, 2017, at 9:20 PM, Kurt Kraus <[kurt@stratofire.com](mailto:kurt@stratofire.com)> wrote:

What are the hardship arguments to be put forth if not financial hardship?

Sent from Yahoo Mail for iPhone

On Sunday, April 23, 2017, 8:01 AM, Brierre, Claudia <[cbrierre@incog.org](mailto:cbrierre@incog.org)> wrote:

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[Complete Agenda Packet](#)

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

## UNFINISHED BUSINESS

None.

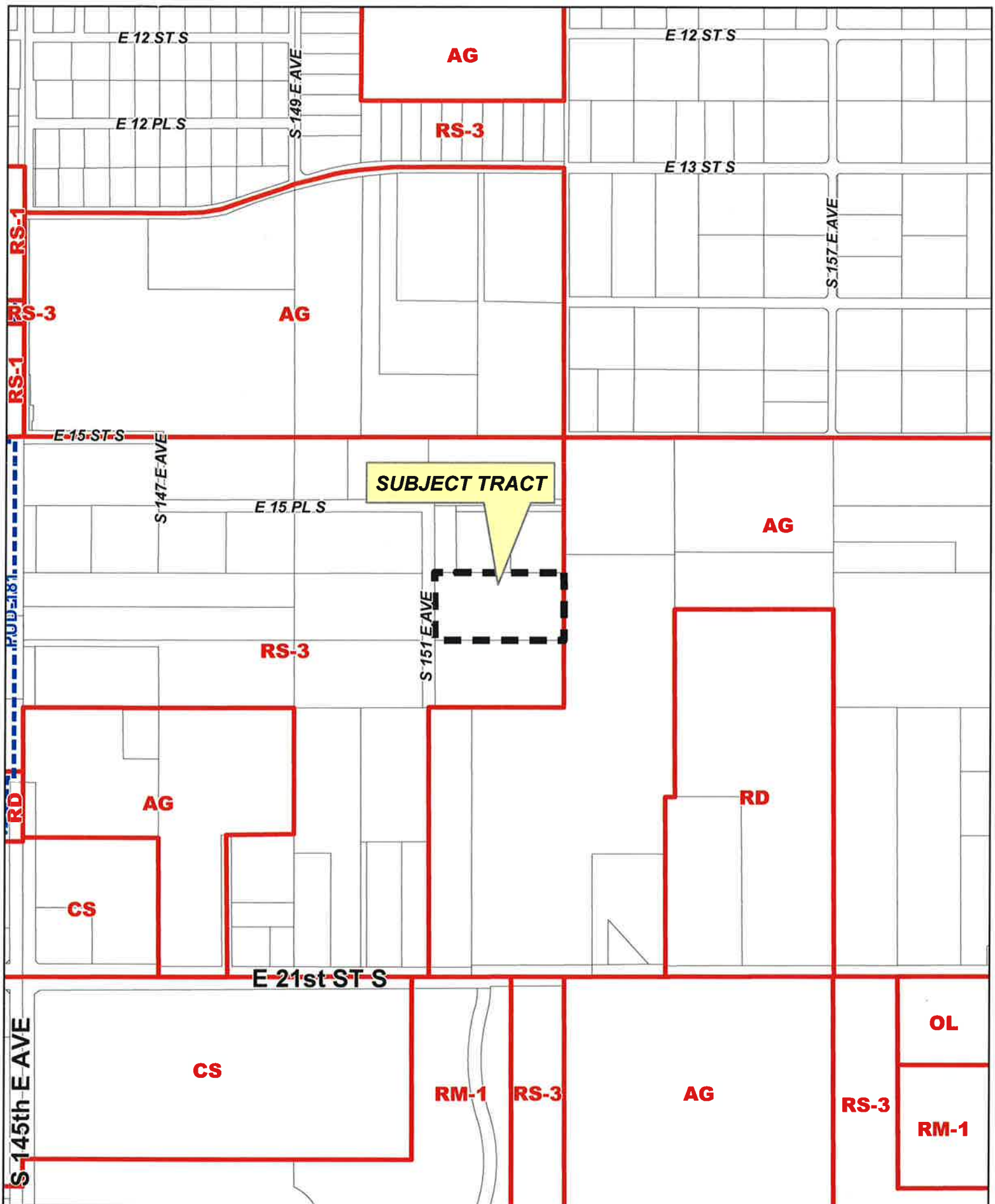
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Mike



**BOA-22235**

6.1



19-14 10



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9410  
CZM: 40  
CD: 6  
A-P#: 8962

Case Number: **BOA-22235**

**HEARING DATE:** 05/23/2017 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:** 4.77 Acres

**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.

A neighboring property owner has submitted comments for the Board's review.

### **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 20



6.5





S 151 E AVE

0 Feet 50 100



Subject Tract

**BOA-22235**

19-14 10

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

Aerial Photo Date: February 201



6.6





Subject Lot - Looking East

017 10:40



E 151 E Ave- Looking South

04 26 2017 10 38

6.7





Subject Lot - Looking NE



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

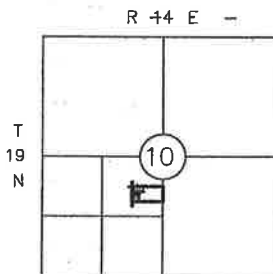
SCALE: 1"=100'

↑ NORTH

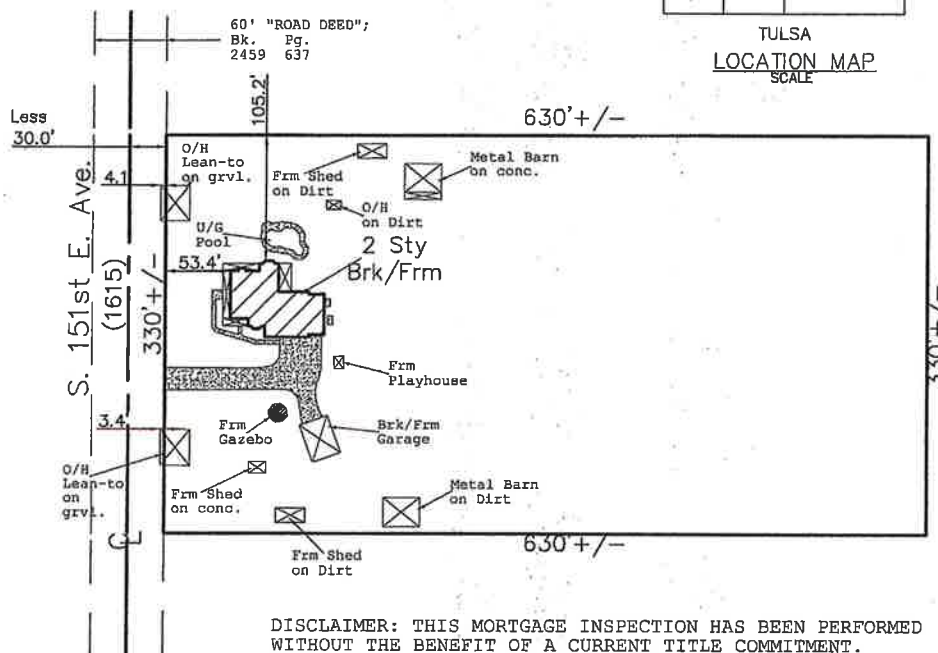
SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "UNSHADED X" AN AREA OF MINIMAL  
FLOOD HAZARD AS SHOWN ON FIRM MAP#405381 0270M, DATED 09/30/2016.

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

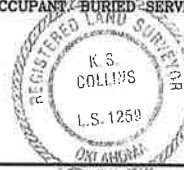
WITNESS MY HAND AND SEAL THIS DATE:

Final; 10/13/2016



*K.S. Collins*

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



6.9



55 ft to property line  
South side of house

Overport  
12 ft high  
length 24 ft  
width 30 ft



North Side  
of house

35 ft to property line

Carport 12 ft wide with 20 ft ramp

6.11





Subject Lot - Looking SE



Subject Lot - Looking SE

6.10

**Moye, Nikita**

---

**From:** S Malone [068@cox.net]  
**Sent:** Monday, May 15, 2017 3:37 PM  
**To:** Moye, Nikita  
**Subject:** BOA-22235

Scott Malone  
1616 s 151 e ave  
Tulsa, Ok 74108

Dear BOA,

Per your instructions; I received at the May 9, 2017 meeting; I am emailing my objections in regard to case number BOA-22235

Driveway gate. The current gate interferes with my enjoyment of my home and property due to the many delivery trucks (several times a day) and personal vehicles using my driveway as a turn around and or parking spot while making deliveries or visiting the Bickles. I have personally witnessed a Fed Ex truck and a personal car drive the whole distance of my circular driveway, after having been at the Bickles. I feel if their gate was sit back the distance from the street required this would not happen. It didn't happen with the gate they had before the current one. By using my driveway the heavy trucks have cracked my asphalt. By using the property between the street and my fence the yard has been rutted out many times. If I had of known before receiving the letter in regards to the easement I surly would have filed a complaint the first time a delivery truck used my driveway. I would very much appreciate and thank the board to have the gate set in the proper distance for the easement

Carports. if the roofs were taller or non existent the afore mentioned delivery trucks could turn around there instead of one of my 2 properties combined 5 drive ways. if the roofs were removed that would solve that problem.

I have no problem with the gravel parking area. The fence was at it's current location when we bought my house 14 years ago so the fence presents no problem. Thank you for your time and consideration.

Scott Malone  
1616 s 151 e ave  
Tulsa, Ok 74108

# 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

6.12



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 PICCAR'S 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.

Z. Twell

Ryan McRoscoe

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 OI 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  
waive. 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.).

6.17

## REVIEW COMMENTS

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

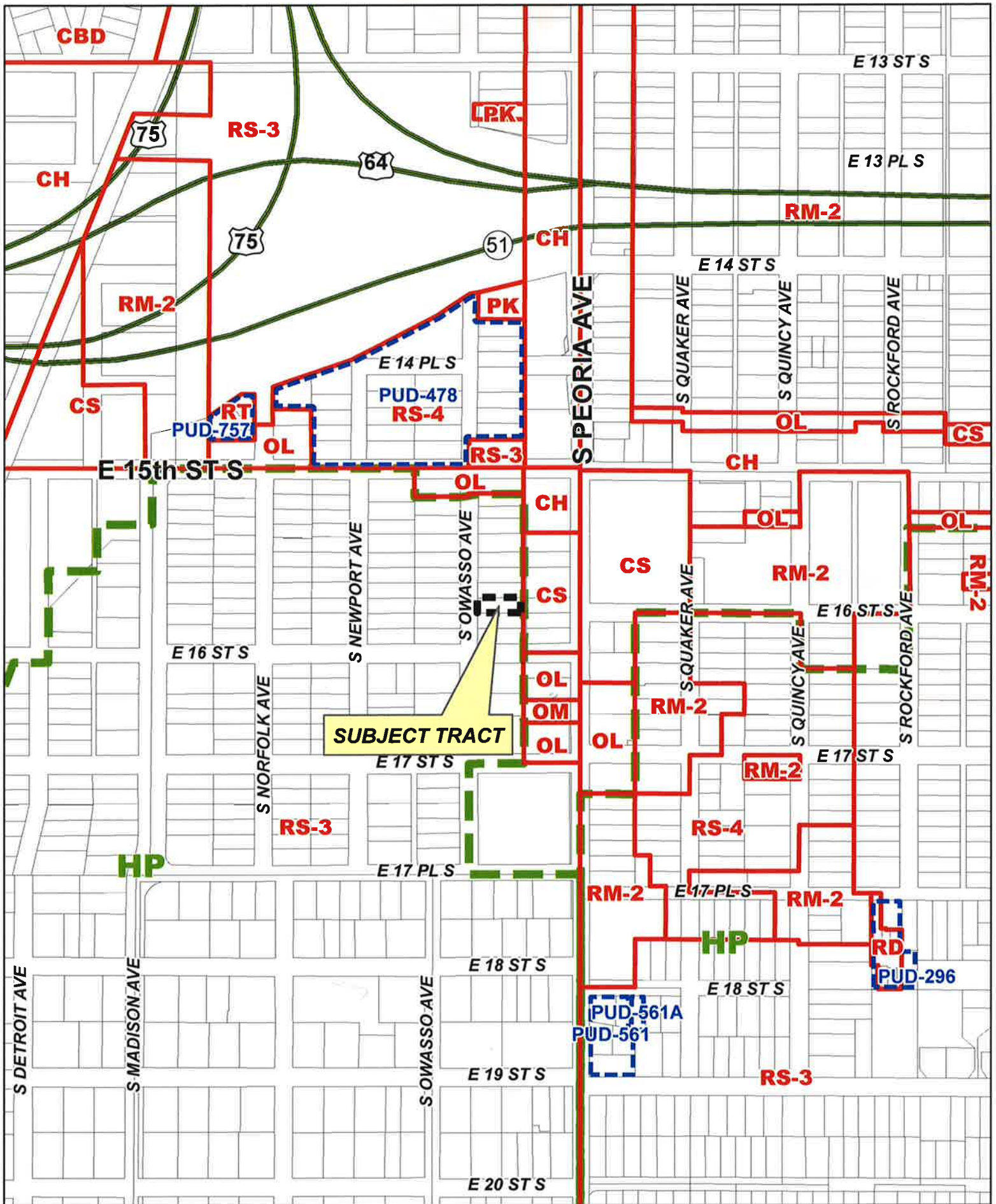
#### **END – ZONING CODE REVIEW**

**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.

6.19

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BOA-22223

19-12 12

7.1





# BOARD OF ADJUSTMENT CASE REPORT

STR: 9212

Case Number: **BOA-22223**

CZM: 36

CD: 4

A-P#: N/A

**HEARING DATE:** 05/23/2017 1:00 PM

**APPLICANT:** Paul Bush

**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:** 1533 S OWASSO AV E

**ZONED:** RS-3/HP

**PRESENT USE:** Residential

**TRACT SIZE:** 7000.12 SQ FT

**LEGAL DESCRIPTION:** LTS 17 & 18 BLK 6, MORNINGSIDE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:**  
None Relevant.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of 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 North Maple Ridge 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 Neighborhoods Department

7.2

REVISED 5/16/2017

have provided the Board with comments, records related to the requested appeal. The comments and records submitted to staff are attached to this case report for the Board's review.

The applicant provided the following statement: *"We do not use our residence as a Bed and Breakfast and do not wish to be classified as one. We received notice of a violation without stated cause or evidence to support the claim being made."*

"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.
- Recreational Vehicle Park/Campground - An establishment that provides temporary overnight accommodations for camping in recreational vehicles or tents.
- Rural Retreat - An establishment that is part of a working farm or ranch that provides temporary overnight accommodations for individuals or groups engaged in supervised training or personal improvement activities. Examples include corporate retreat facilities, educational retreat facilities and dude ranches or working farm learning centers.

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 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Dear Friends and Neighbors:

Thank you for taking the time to read this letter. I would like to use this opportunity to introduce myself and my family to you. My name is Paul Bush, my wife is Taylor, our beautiful newborn baby girl, Scarlett Madeline, was born May 4<sup>th</sup>, 2017. I graduated from Bartlesville High School and it has always been a dream of mine to own a property in the historic center of Tulsa. My Oklahoma roots reach back five generations to the ranching country of Osage County. I love Oklahoma and I am proud to raise my family here. My great grandfather Alfred Drummond and his brother Cecil founded what many know today as the Drummond Ranch. My family still maintains a ranch in the heart of the tallgrass prairie.

My wife and I were taken by surprise when the City of Tulsa board of zoning inspector made a false determination that our residence is a bed and breakfast. We do not use our residence as a bed and breakfast and do not wish it to be classified as one. We received notice of a violation without stated cause or evidence to support the claim being made. It is our desire to live in peaceful harmony with our neighbors and to be a positive addition to our community. We look forward to meeting you.

Thank you and have a blessed day!

Paul, Taylor, and Scarlett Bush

A handwritten signature in blue ink, appearing to read "Paul Bush".A handwritten signature in blue ink, appearing to read "Taylor Bush".

Scarlett Bush



ZONING NOTICE OF VIOLATION

The City of Tulsa To:

Date: February 28, 2017

Paul J Bush, Taylor J Bush  
5843 FORAKER ROAD  
SHIDLER OK 74652

You are hereby notified that the violation (s) maintained, operated or permitted to exist by you at **LTS 17 18 BLK 6, MORNINGSIDE ADDN**, addition to the City of Tulsa, TULSA County, State of Oklahoma.

And located at the address of: **1533 S OWASSO AV E**

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: 118009

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):

MERS  
P.O. BOX 2026  
FLINT, MI 48501-2026

ASSOCIATED MORTGAGE CORPORATION  
6911 S 66TH E AVE SUITE 100  
TULSA, OK 74133

Table 5-2: R District Use Regulations

USE CATEGORY	RE	1	2	3	4	5	RD	RT	0	1	2	3	RMH	Supplemental Regulations
Subcategory														
Specific use														
<b>RESIDENTIAL</b>														
Household Living														
<b>COMMERCIAL</b>														
Broadcast or Recording Studio	-	-	-	-	-	-	-	-	-	S	S	S	-	
Financial Services (except as below)	-	-	-	-	-	-	-	-	-	S	S	S	-	
Personal credit establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	
Funeral or Mortuary Service	-	-	-	-	-	-	-	-	-	S	S	S	-	
Lodging														
Bed & breakfast	S	S	S	S	S	S	S	S	S	S	S	S	S	Section 40.060
Marina	S	S	S	S	S	S	S	S	S	S	S	S	S	
Office														Section 40.260
Business or professional office	-	-	-	-	-	-	-	-	-	S	S	S	-	
Medical, dental or health practitioner office	-	-	-	-	-	-	-	-	-	S	S	S	-	
Self-service Storage Facility	-	-	-	-	-	-	-	-	-	S	S	S	-	Section 40.360
Studio, Artist or Instructional Service	-	-	-	-	-	-	-	-	-	S	S	S	-	Section 40.380

#### Section 40.060 Bed and Breakfasts

The supplemental use regulations of this section apply to all bed and breakfast uses.

**40.060-A** Bed and breakfast are limited to a maximum of 12 guest rooms unless a lower limit is established by the board of adjustment as a condition of an approved special exception.

**40.060-B** The maximum length of stay for any guest is limited to 30 consecutive days.

**40.060-C** The owner/operator must maintain a register of bed and breakfast guests and on-site events for each calendar year and make the register available to city code enforcement upon request.

**40.060-D** Cooking facilities are prohibited in guest rooms.

**40.060-E** Signs are allowed in accordance with the sign regulations of the subject zoning district unless the board of adjustment establishes stricter conditions at the time of special exception approval.

**40.060-F** Public restaurants are prohibited. Meals may be served only to overnight guests and for on-site events expressly authorized by the board of adjustment at the time of special exception approval. The board of adjustment may authorize bed and breakfasts to be rented for events, such as weddings, receptions, anniversaries, private dinner parties, business seminars, etc. The use of bed and breakfasts for on-site events requires express authorization of the board of adjustment, in accordance with the special exception procedures of Section 70.120. As part of approval of the special exception, the board of adjustment is authorized to establish the maximum number of on-site events per year and the maximum number of guests per any single event, based on the availability of off-street parking and the facility's likely impacts on the area.





0 200 400  
Feet



Subject  
Tract

**BOA-22223**

19-12 12

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

Aerial Photo Date: February 2016

7.8







0 50 100  
Feet



Subject  
Tract

**BOA-22223**

19-12 12

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

Aerial Photo Date: February 2016





BOA 22223



Subject Lot - Looking East

2017 12 39



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LEFT BLANK**

**BOA-22233 – CROWN NEON SIGNS**

**THE APPLICANT HAS REQUESTED A  
CONTINUANCE TO JUNE 13, 2017  
BECAUSE OF ADDITIONAL RELIEF  
NEEDED**





# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 8311

Case Number: **BOA-22238**

**CZM:** 53

**CD:** 8

**A-P#:** N/A

**HEARING DATE:** 05/23/2017 1:00 PM

**APPLICANT:** Nickia Ross-Greene

**ACTION REQUESTED:** Spacing Verification to allow a family child care home in an RS-3 district (Section 45.070-G).

**LOCATION:** 6924 E 78 PL S

**ZONED:** RS-3

**PRESENT USE:** Residential

**TRACT SIZE:** 11425.83 SQ FT

**LEGAL DESCRIPTION:** LT 2 BLK 7, SWEETBRIAR B1-12, City of Tulsa, Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:**

None Relevant.

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by RS-3 zoned residences.

**STAFF COMMENTS:**

The applicant is before the Board requesting a **Verification** of the spacing requirement for a family child care home of 300 ft. from any another family child care home on the same street (Section 45.070).

*The Code provides that No family day care home may be located on a lot within 300 feet of another lot containing a Family Child Care Home if any boundary of said lots abut the same street. "Street" as used herein shall mean any named or numbered street along its full length, irrespective of any intervening street.*

The subject property abuts E 78 Place S; the spacing requirement is only applicable along E 78 Place S. The list of the closest care providers registered with the Oklahoma Department of Human Services is attached and the applicant has created a map which illustrates a 300 ft. radius measured from the subject property boundaries.

The applicant has stated on the attached exhibit that there are no existing child care homes abutting E 78 Place S within 300 ft of the subject site. During a site visit staff did not notice any existing child care homes along E 78 Place S

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. Staff has not received any comments from the surrounding neighbors or property owners.

Sample motion that can be utilized by the Board in verifying the spacing requirement:

**I move that based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing shown on the attached exhibit, indicating that there are no existing Family Child Care Homes operating within the required spacing radius of the subject lot.**





**Subject  
Tract**

**BOA-22238**

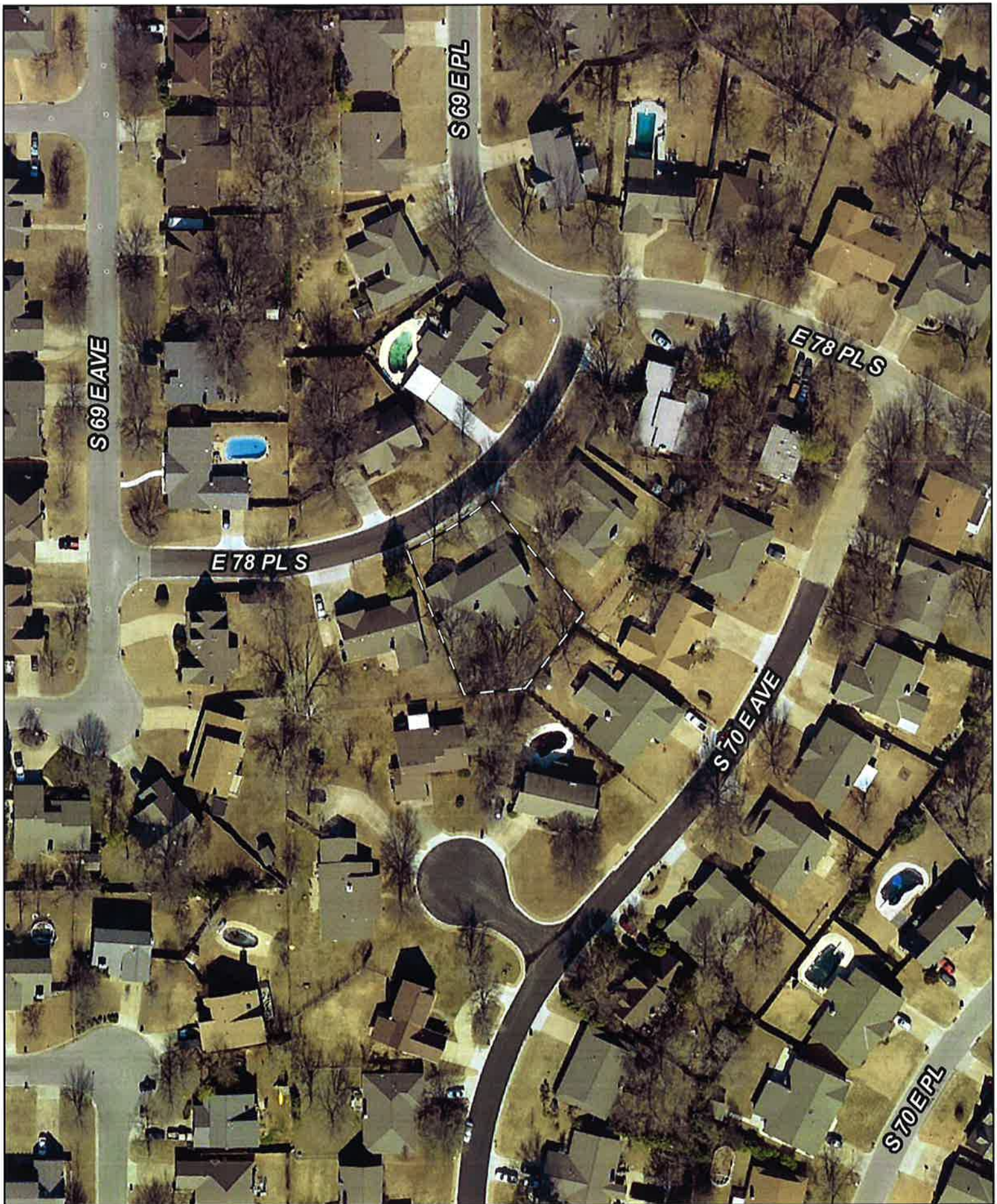
**18-13 11**

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

**Aerial Photo Date: February 2016**







0 50 100  
Feet



Subject  
Tract

**BOA-22238**

18-13 11

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

Aerial Photo Date: February 2016







Subject Lot - Looking South

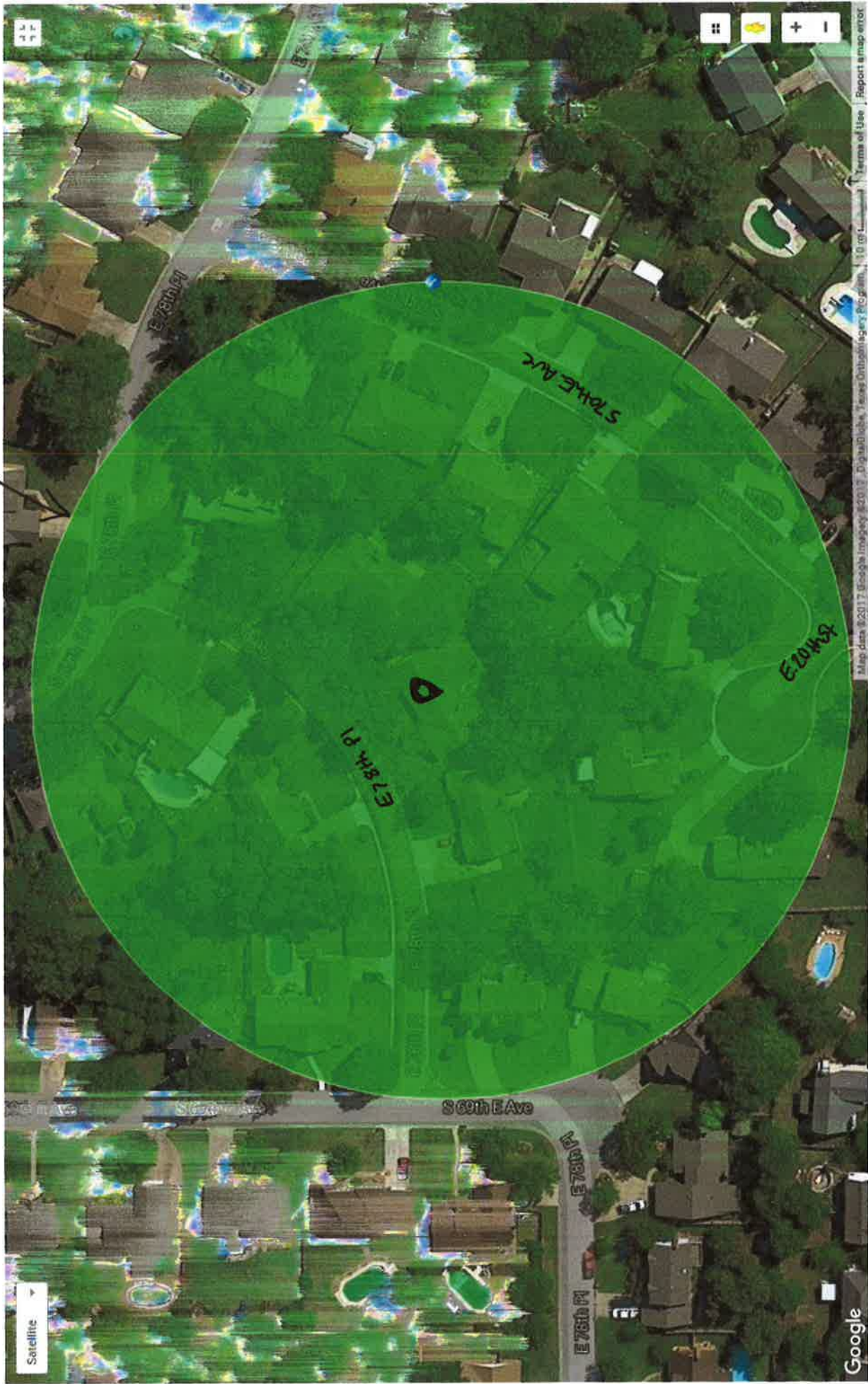


E 78 Place S -Street View

05 05 2017 12:52

9.6





300 ft  
radius

6924 E. 78th PL.  
= Tulsa, OK 74133

\* No homedaycares w/in  
300ft.





Oklahoma Department of Human Services  
Sequoyah Memorial Office Building, 240 N. Lincoln Blvd. • Oklahoma City OK 73105  
(405) 521-3646 • Fax (405) 521-6684 • Internet: [www.okdhs.org](http://www.okdhs.org)

## Oklahoma Child Care Locator

**Selection Criteria:** County=All; ZipCode=74133; Star Level=All; All Centers and Homes; Facilities are sorted first by Star Level, then by town, then by zip code, then by Facility Name.

**Click the facility number or name for more information and non-compliance issues.**

Number	Subsidy Star Contract Level	Star Effective Date	Facility Name	Facility Type	Address	City	Zip	Phone	Capacity
<a href="#">K830023211</a>	27518 ***	9/1/2005	BLOSSOM CHILD CARE #5	Center	9135 E 61ST	TULSA	74133	(918) 250-5537	90
<a href="#">K830022042</a>	27151 ***	5/1/2007	BETHANY COMMUNITY SCHOOL	Center	6730 S SHERIDAN	TULSA	74133	(918) 492-5865	90
<a href="#">K820053223</a>	59541 **	8/9/2016	GREENE-ROSS, NICKIA CHILD CARE HOME	Home	6924 E 78TH PL	TULSA	74133	(213) 300-5805	12
<a href="#">K820050641</a>	59173 **	11/1/2015	GREEN, KY CHILD CARE HOME	Home	9304 E 76TH ST	TULSA	74133	(918) 254-7590	12
<a href="#">K820052885</a>	59489 **	12/15/2015	KELLY, EARNESTINE CHILD CARE HOME	Home	8229 S 74 EAST AVE	TULSA	74133	(918) 948-3214	12
<a href="#">K820047910</a>	58519 **	11/1/2014	JONES, CARISSA CHILD CARE HOME	Home	8806 E 79TH ST	TULSA	74133	(918) 212-4201	7

K830024436	28329	★★	9/1/2008	JEFFERSON ELEMENTARY EXTENDED DAY PROGRAM	Center 8418 S 107TH E AVE TULSA 74133	(918) 357- 4339	120
K830025002	28791	★★	5/1/2012	UNION 6TH/7TH GRADE EDP	Center 10100 E 61 ST TULSA 74133	(918) 357- 4321	40
K830025041	28727	★★	12/1/2011	TREEHOUSE ACADEMY OF TULSA LLC	Center 6605 EAST 93RD ST TULSA 74133	(918) 392- 7852	106
K830022851	27442	★★	4/1/2007	GRISSOM BEFORE/AFTER CARE PROGRAM	Center 6646 S 73RD E AVE TULSA 74133	(918) 833- 9466	40
K830023797		★★	4/10/2015	ASBURY EARLY HEAD START	Center 6767 S MINGO TULSA 74133	(918) 392- 4598	10
K830023875		★★	1/1/2011	KINDER CARE (MINGO)	Center 9625 S. MINGO RD TULSA 74133	(918) 461- 7000	190
K830021188	26657	★★	2/1/2007	GROVE ELEMENTARY- EXTENDED DA	Center 10202 E. 62ND ST TULSA 74133	(918) 657- 6024	80
K830021189	26604	★★	11/1/2006	JARMAN ELEMENTARY	Center 9015 E. 79TH ST TULSA 74133	(918) 357- 8945	120
K830021463	26921	★★	6/1/2006	DARNABY ELEM-EXT DAY PROGRAM	Center 7625 E 87 ST TULSA 74133	(918) 357- 8749	120
K830021464	26926	★★	5/1/2007	CEDAR RIDGE ELEM-EXT. DAY PR	Center 9817 S MINGO TULSA 74133	(918) 357- 4321	120
K820053179		★	6/13/2016	OLSON, KIMBERLY CHILD CARE HOME	Home 10022 S 68TH E AVE TULSA 74133	(918) 728- 1041	7
K820053465		★	10/4/2016	RAMKARAN, BRITNEY CHILD CARE HOME	Home 9021 S 73RD E AVE TULSA 74133	(918) 636- 7336	7
K820053329		★	8/9/2016	MCLAURIN, DANIELLE	Home 9003 S. 73RD E. AVE TULSA 74133	(918)	7

K820050424	★	1/23/2012	CHILD CARE HOME	Home	6422 S 110TH EAST AVE	TULSA 74133	694-3250 (918) 250-7505	7
K830025101	★	6/1/2012	MAURER, LAURI CHILD CARE HOME	Center	10642 SOUTH MEMORIAL ROAD	TULSA 74133	694-3250 (918) 250-7505	150
K820051654	★	11/18/2013	LIFE TIME FITNESS KID'S CAMP	Home	9321 S 94TH E AVE	TULSA 74133	694-3250 (918) 250-7505	7
K830052305	★	12/1/2014	MARGALSKI, REBEKAH CHILD CARE HOME	Center	8061 E 106TH PLACE	TULSA 74133	694-3250 (918) 250-7505	439
K820047308	★	11/1/2009	CHILDREN'S LEARNING ADVENTURE	Home	6625 E 103RD ST	TULSA 74133	694-3250 (918) 250-7505	12
K830024338	★	6/9/2008	PETERS, TONYA CHILD CARE HOME	Center	7715-D EAST 91ST STREET	TULSA 74133	694-3250 (918) 250-7505	59
K830025017	★	9/6/2011	POLLIWOG'S PLAYGROUND	Center	9725 E 79TH ST	TULSA 74133	694-3250 (918) 250-7505	22
K830023394	★	11/28/2006	RAINBOW MONTESORRI SCHOOL	Center	6767 S MINGO	TULSA 74133	694-3250 (918) 250-7505	269
K820010841	★	11/28/2006	ASBURY PRESCHOOL	Home	7828 E 79 ST	TULSA 74133	694-3250 (918) 250-7505	12
K820011882	★	6/15/2003	KOONS, ANITA CHILD CARE HOME	Home	9314 EAST 93RD ST	TULSA 74133	694-3250 (918) 250-7505	12
K820033965	★	7/1/2007	HAMILTON, LINDA CHILD CARE HOME	Home	8427 S 111 E AVE	TULSA 74133	694-3250 (918) 250-7505	12
	★		REIDENBACH, TERRI CHILD CARE HOME					



---

• **Facilities with an OKDHS Subsidy Contract are indicated by a ♦ preceding the NUMBER.**

Printing problems? The browser File menu contains Page Setup options for printing. To ensure that all information prints, please change the left/right margins to “narrow” and print in “landscape” mode.



[Go back to the form](#) to enter another search.

The case files of child care centers and family child care homes are open to the public. Appointments may be made to view these files in the county OKDHS Licensing Services office. A Child Care Licensing Specialist will be available to discuss the file with you and answer any questions you may have about the contents of a file. To locate the telephone number and address of the [Child Care Licensing Specialist](#) for your county go to Office Locations found on the Division Information page.

**[Contact us by e-mail - Oklahoma Child Care Services](#)**

Last Updated: 3/11/2014

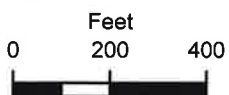
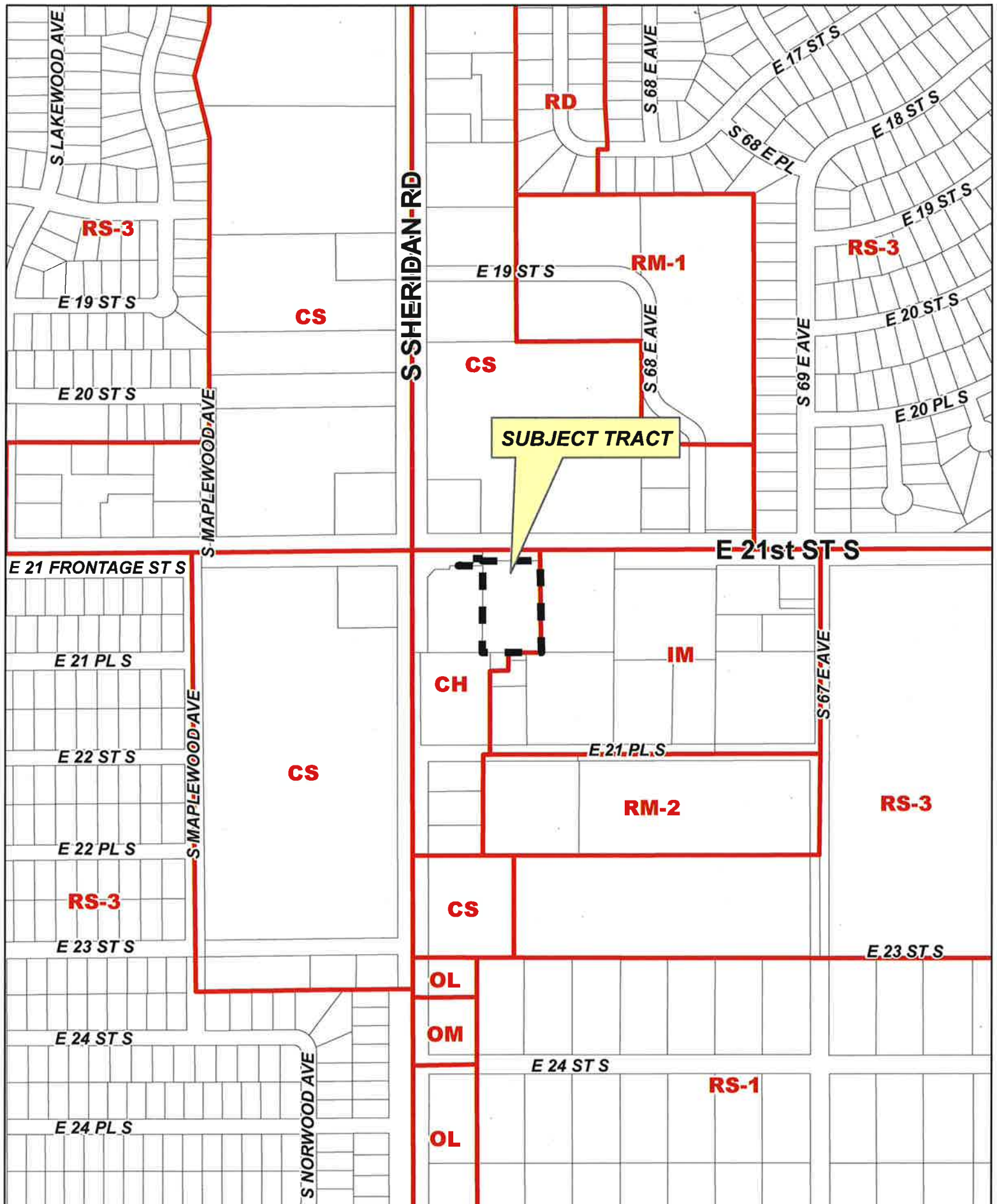


Oklahoma Department of Human Services  
Sequoyah Memorial Office Building, 240 N. Lincoln Blvd. • Oklahoma City OK 73105  
(405) 521-3646 • Fax (405) 521-6684 • Internet: [www.okdhs.org](http://www.okdhs.org)

## Oklahoma Child Care Locator

**Selection Criteria:** County=All; ZipCode=74133; Star Level=All; All Centers and Homes; Facilities are sorted first by Star Level, then by town, then by zip code, then by Facility Name.  
**Click the facility number or name for more information and non-compliance issues.**

Number	Subsidy Star Contract Level	Star Effective Date	Facility Name	Facility Type	Address	City	Zip	Phone	Capacity
K820037866	★	11/28/2006	GALBREATH, ROSEMARY CHILD CARE HOME	Home	10031 S 91ST E AVE	TULSA	74133	(918) 254-7964	7
K820041913	★	10/1/2010	OAKLEY, STEPHANIE CHILD CARE HOME	Home	9046 E. 99TH ST	TULSA	74133	(918) 521-0055	12
K830021482	★	11/28/2006	FAITH UNITED METHODIST CHURCH	Center	7431 E. 91ST ST.	TULSA	74133	(918) 254-1934	89
K830022177	★	11/28/2006	HOPE LEARNING CENTER	Center	8304 S 107TH E AVE	TULSA	74133	(918) 252-1893	100



**BOA-22239**

19-13 14

10.1





# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9314

Case Number: **BOA-22239**

**CZM:** 38

**CD:** 5

**A-P#:**

**HEARING DATE:** 05/23/2017 1:00 PM

**APPLICANT:** Fransisco Valdes

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

**LOCATION:** 6510 E 21 ST S

**ZONED:** CH

**PRESENT USE:** Commercial Shopping Center

**TRACT SIZE:** 1.25 Acres

**LEGAL DESCRIPTION:** E425 N/2 NW NW NW LESS E239 AND LESS BEG 235.08 NE NWC NW TH E186 S36 W186 N36 POB SEC 14 19 13 1.255 ACS, 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 "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 E. 21st Street S. and CS zoning on the north; IM zoning on the east and south. CS zoned commercial/retail abuts the site on the south and west.

**STAFF COMMENTS:**

A bar is permitted in the CH district as a use by right – subject to complying with the spacing requirements provided in Section 40.050-A of the Code. The Code provides the following spacing requirements for a bar in the CH 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 attached map illustrates a spacing radius of 300 ft. from the subject site. 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, sexually oriented businesses, public parks, churches, or schools within 300 ft. of the proposed bar. There are no the R zoned districts within 50 ft. of the subject site; it appears the site meets the stated spacing requirements for a bar.

**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 bar subject to the action of the Board being void should another conflicting use be established prior to this bar.





0 Feet 200 400



Subject Tract

**BOA-22239**

19-13 14

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

Aerial Photo Date: February 2016



10.4

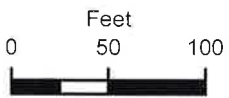




S SHERIDAN RD.

E 21st ST S

E 21st PL S



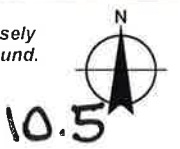
Subject  
Tract

**BOA-22239**

19-13 14

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

Aerial Photo Date: February 2016

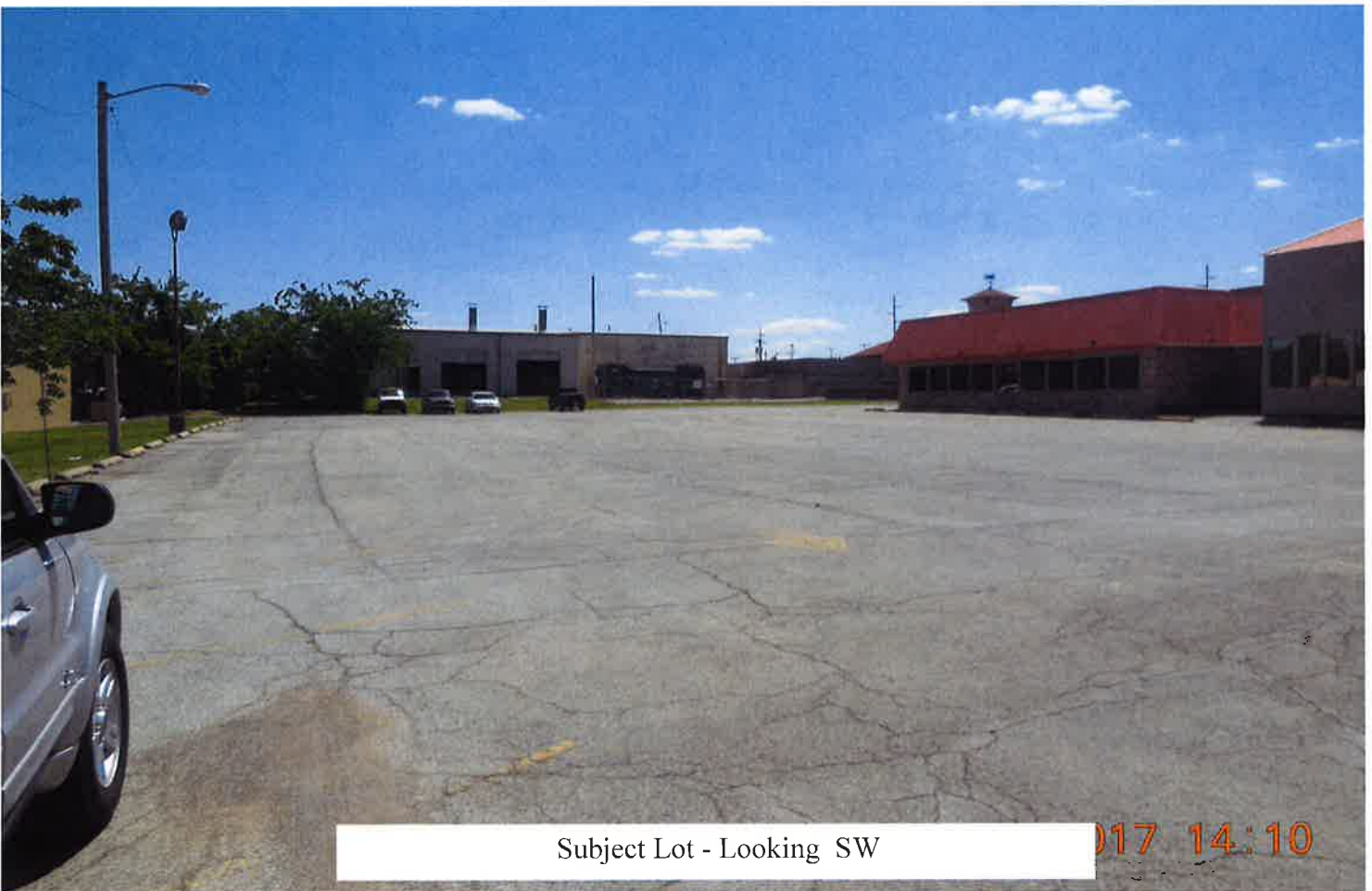






Subject Lot - Looking West

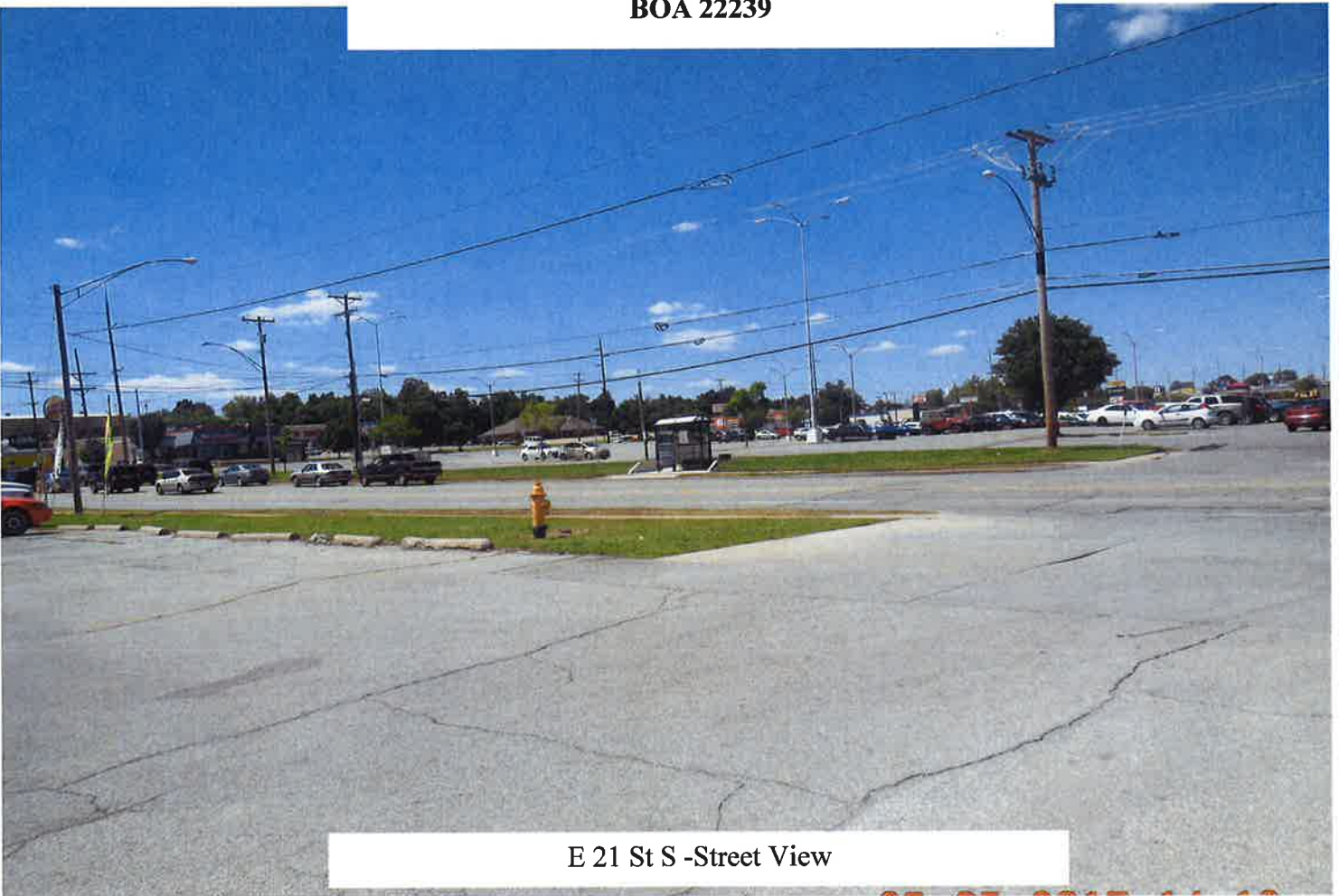
05.05.2017 14:10



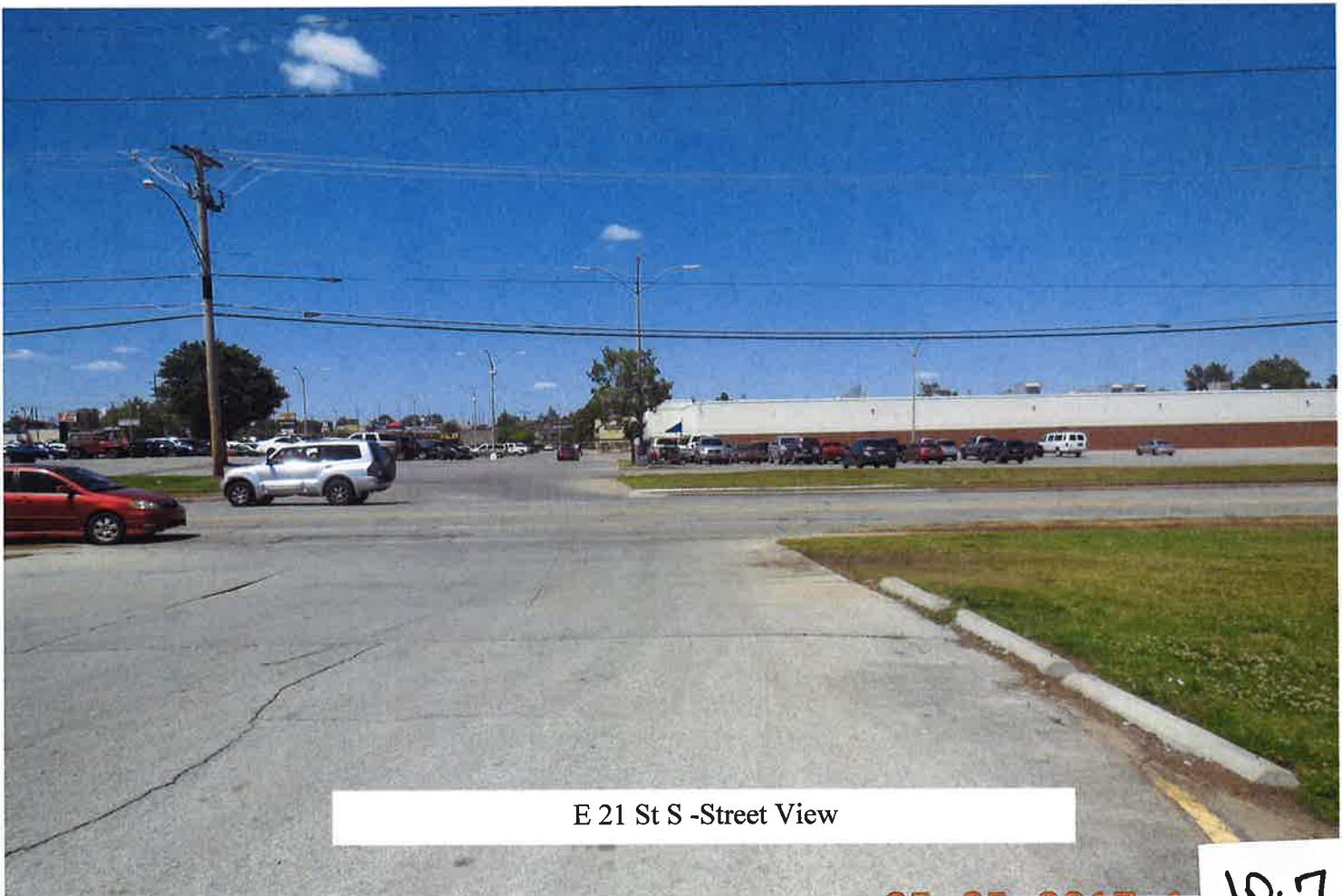
Subject Lot - Looking SW

017 14:10





E 21 St S -Street View



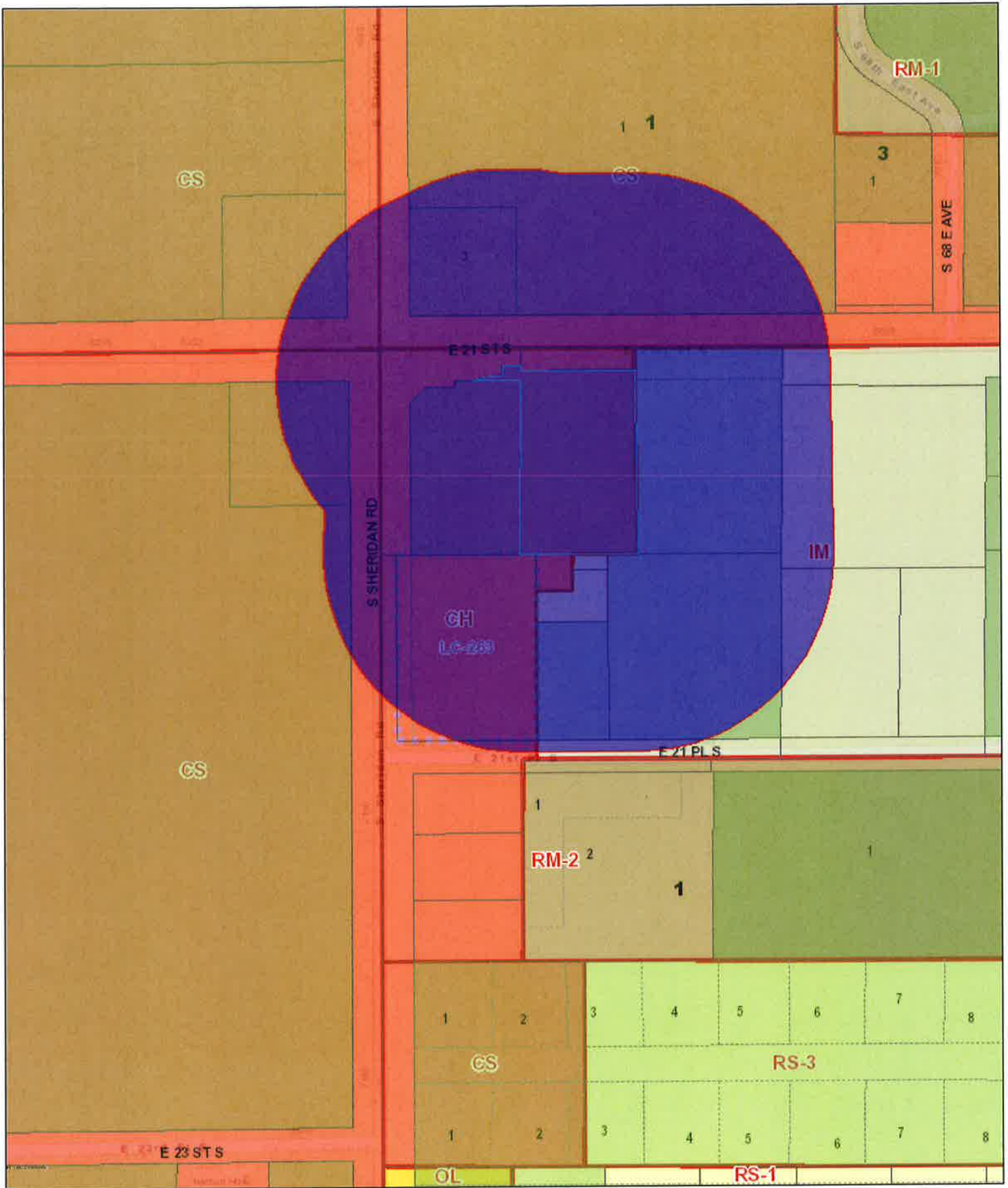
E 21 St S -Street View





E 21 St S -Street View

17 14:10

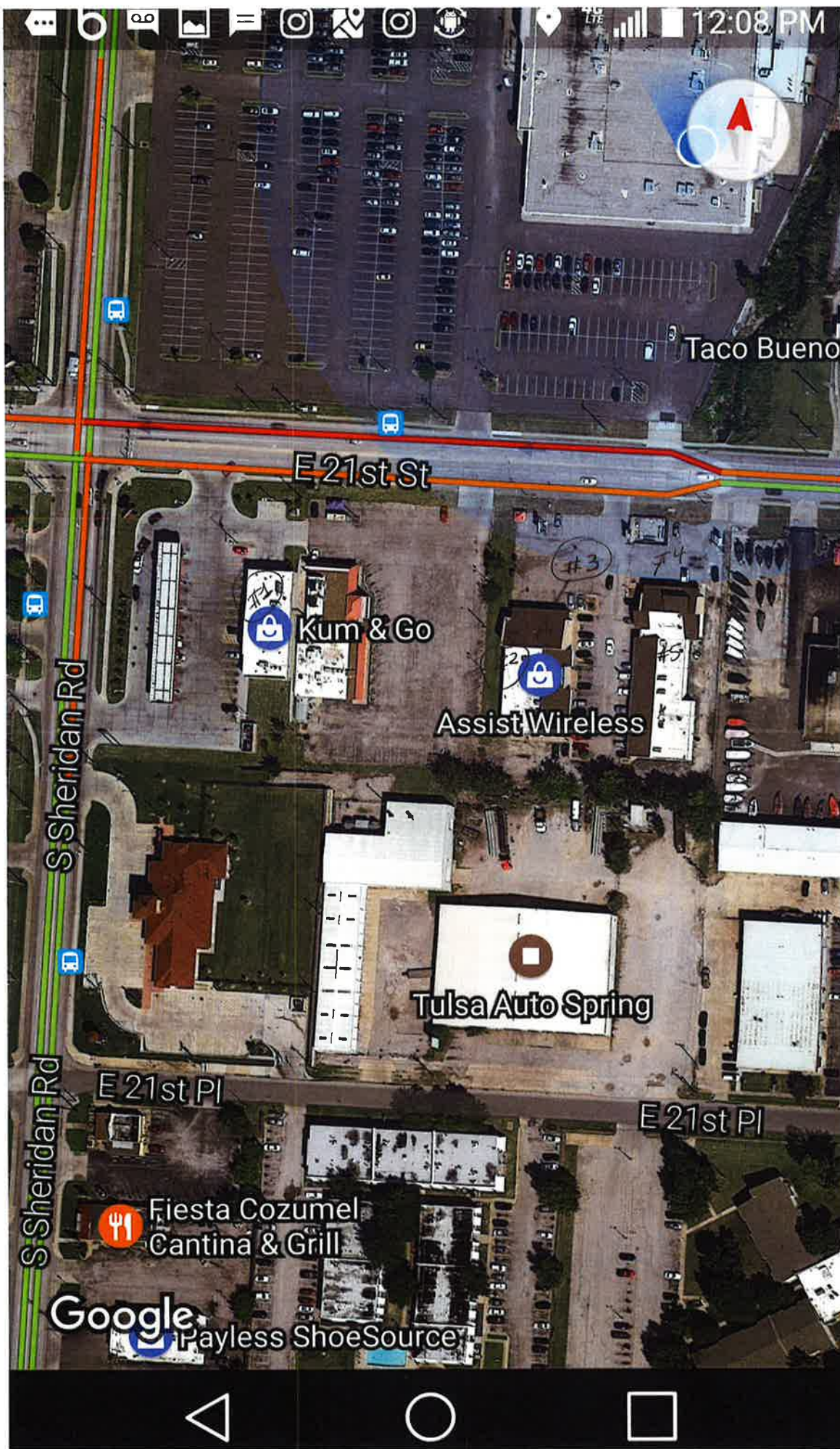


Feet  
0 100 200

10.9







12:08 PM

Taco Bueno

E 21st St

Kum & Go

Assist Wireless

Tulsa Auto Spring

E 21st Pl

E 21st Pl

Fiesta Cozumel  
Cantina & Grill

Google

Payless ShoeSource

10.10



April 12, 2017

Based on the record research

To: INCOG Staff

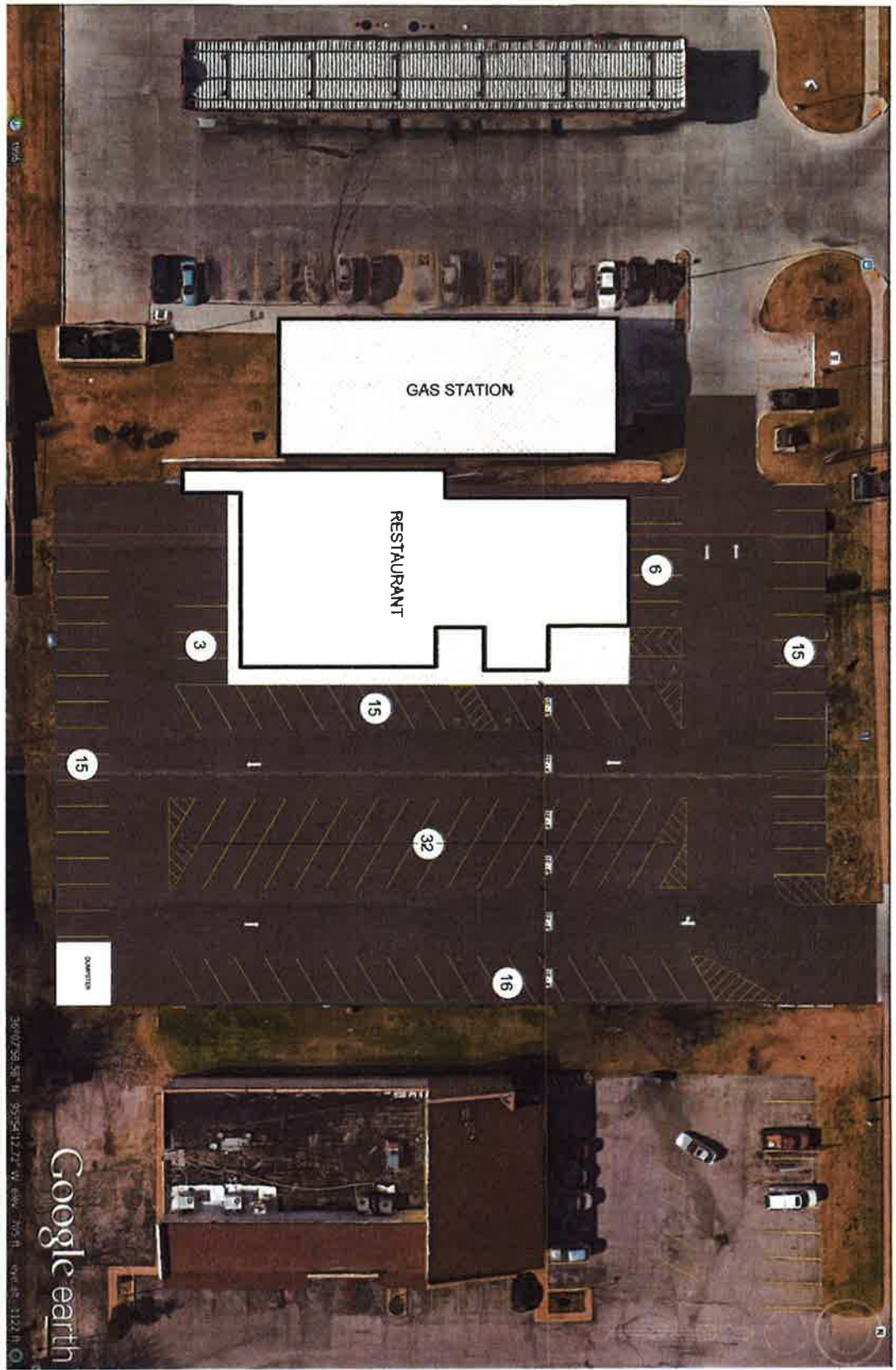
From: Miami Nights Restaurant and Lounge

List of the nearby businesses - *W/in 300 ft. Radius*

1. Kum & Go
2. Asssist Wireless
3. Covington Credit
4. Midwestern Loan
5. New Expresion Hair Salon

There is not a R zone, Bars, Religious Assembly or schools.

Sincerely Frank Valdes



Scale  
1" = 100'



RESTAURANT REMODEL  
6510 E 21st ST

SHEET  
A100  
SITE PLAN

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: 998019-1

April 04, 2017

FRANCISCO VALDES  
8321 E 81 ST  
SUITE 1512  
TULSA, OK 74133

Phone: (786)447-1905

APPLICATION NO: **418742** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: **6510 E 021 ST S**  
Description: **Proposed Bar Use**

#### 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 **[ X ]** 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. 418742

6510 E 021 ST S

April 04, 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.

**Sec.40.050-A:** The proposed bar is located in the CH 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 spacing verification that has been reviewed and approved per Sec.70.110 by the Board of Adjustment. Contact INCOG at 918-584-7526 for spacing verification information.

**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.**

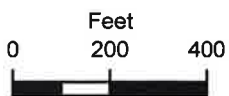
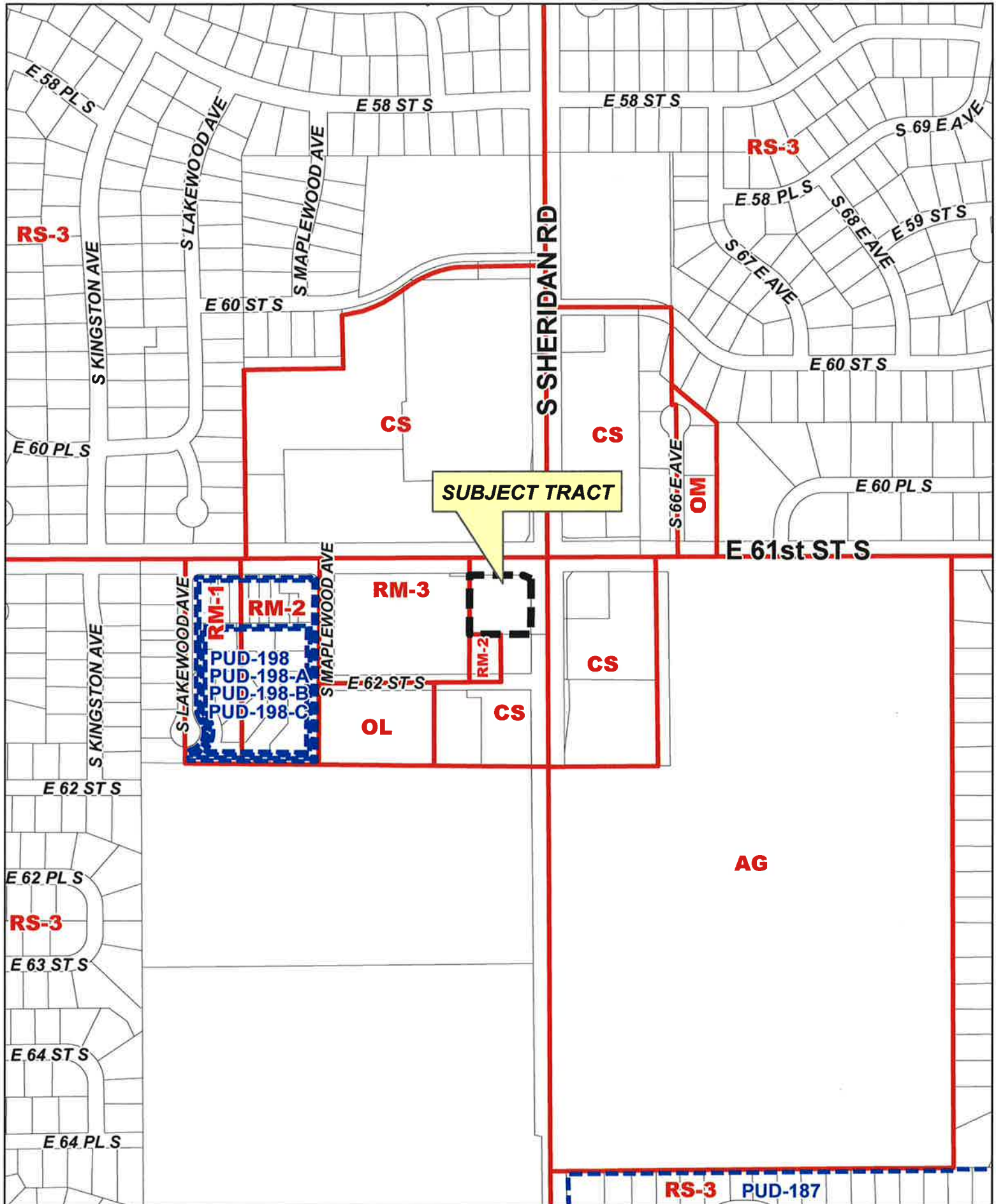
## END – ZONING CODE REVIEW

**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.

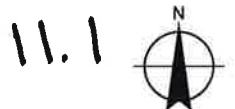
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**BOA-22241**

18-13 03



# BOARD OF ADJUSTMENT CASE REPORT

STR: 8303

Case Number: BOA-22241

CZM: 53

CD: 9

A-P#: 412144

**HEARING DATE:** 05/23/2017 1:00 PM

**APPLICANT:** Christian Ortiz

**ACTION REQUESTED:** Variance to reduce of the separation requirement for freestanding sign from outdoor advertising sign from 30 ft. to 20ft. (Section 60.040-B); Variance to increase the permitted sign display area fro 388 sq. ft. to 907.75 sq. ft. to allow two freestanding signs on a CS zoned lot not located in the freeway corridor. (Section 60.080-C)

**LOCATION:** 6100 S Sheridan Rd

**ZONED:** CS

**PRESENT USE:** Commercial Lot

**TRACT SIZE:** 38,828.15 SQ FT

**LEGAL DESCRIPTION:** PRT NE BEG NEC NE TH S250 W250 N250 E250 TO POB LESS BEG NEC NE TH S250 W50 N180 NW24.48 TO PT 73W & 55S NEC NE TH W177 N55 E250 POB SEC 3 18 13 .891AC, DEBORAH JEAN ADDN, DEBORAH JEAN ADDN RESUB L2 B1, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Lot**

**BOA 19869;** the Board **denied** a special exception to permit auto sales in a CS district; and a Variance to allow outdoor display of merchandise within 300' of an R zoned district.

**BOA 17126;** on 08.08.95 the Board **approved** a variance of the required setback from the west side property line from 10' to 7.5' to permit an addition to an existing structure per plan.

**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 CS zoned commercial/retail on the north, south and east. RM-3 zoning abuts the site on the west and RM-2 zoning abuts the site on the south.

**STAFF COMMENTS:**

On-site freestanding signs are allowed in CS districts however freestanding signs may not exceed an aggregate area of more than 1 square foot per linear street frontage. The site has a total of 388 ft. of major street frontage along E 61 ST S and S Sheridan Rd; the existing commercial site is allowed 388 sq. ft. of sign display surface area.

The site currently contains one outdoor advertising sign that totals 720 sq. ft. As shown on the site plan the applicant proposed to install one 187.75 sq. ft. ground sign on the site. The applicant has requested a **Variance** to increase the permitted sign display area from 388 sq. ft. to 907.75 sq. ft. to permit a ground sign and an outdoor advertising sign on the site.

All on-premise projecting signs, roof signs and freestanding signs and all off-premise outdoor advertising signs must be separated from all other roof signs, projecting signs, freestanding signs and off-premise outdoor advertising signs by a minimum distance of 30 feet. The applicant has requested a **Variance** to reduce the required setback between signs to 20 ft. to permit the Tally's Cafe sign and the existing outdoor advertising sign as proposed.

**Sample Motion for a Variance**

Move to \_\_\_\_\_ (approve/deny) a Variance to reduce of the separation requirement for freestanding sign from outdoor advertising sign from 30 ft. to 20 ft. (Section 60.040-B); Variance to increase the permitted sign display area to 907.75 sq. ft. to allow two freestanding signs on a CS zoned lot not located in the freeway corridor. (Section 60.080)

- 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.”*

**Comments and Questions:**

Mr. Dunham noted a couple of large trees that would have to come out if they did not obtain this relief. He commented that would be more detrimental to the neighborhood than the variance.

**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 **Variance** of required yard abutting a public street from 30' to 15' to permit a new garage and an addition to an existing dwelling, per plan, finding the hardship to be this is to replace an existing garage at a 15' setback; and to move it further east would require the removal of some large trees in the back yard; and a **Variance** to expand a nonconforming structure, per plan, finding it will not extend further than the garage, on the following described property:

LT 1 BLK 2, BREN-ROSE ADDN, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*

**Case No. 19869**

**Action Requested:**

Special exception to permit auto sales in a CS district; Variance to allow outdoor display of merchandise within 300' of an R zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS; 1217.C.2.; SECTION 1217.C.2. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES; Use Conditions, located: 6100 S SHERIDAN RD.

**Presentation:**

**Bob Zelm**, 6762 E. 25<sup>th</sup> Pl., stated he represented the applicant, Abdul Alhlou. It is not his intention change the steakhouse to a used car dealership. He proposed to have no more than ten cars at any one time. There would be no detail work, no repairs at any time. They would be placed on the frontage with a sale sign only. Ms. Perkins questioned the use of ten parking spaces for car sales when they fill the parking lot at times. Mr. Zelm replied there are 88 parking spaces according to the plat, and the required spaces are only 54. The parking lot fills up on special occasions, but is not that way all of the time. The lube shop to the south allows them to use their parking.

**Comments and Questions:**

Mr. Stevens asked about a sales office. Mr. Zelm replied there is no sales office. Ms. Perkins commented on the busy intersection. Ms. Turnbo expressed concern about the R zoned district within 300'. Mr. Zelm stated the cars would be parked

on the extreme northeast corner of the property. There would be no more than ten cars with sale signs in the cars.

**Interested Parties:**

**Mike Myers**, 7060 S. Yale, Ste. 704, with Realty Operating Company, stated they are the manager of Park Plaza Shopping Center. They have a problem with individuals parking cars on their lot to sell and he expected this would encourage it. They do not believe it is an appropriate use.

**Applicant's Rebuttal:**

Mr. Zelm did not consider this to be a negative impact on the shopping center because of the distance and elevation differences. He stated that the cars for sale would be removed for increased parking needs on special holidays.

**Comments and Questions:**

Mr. Alberty stated from a planning stand point, staff would be opposed to this use. Staff would need a detail site plan showing the number of parking spaces, how many employees it takes to staff the restaurant. He considered it to be an inappropriate use. Mr. Boulden noted it would be two principal uses on the lot, not accessory to the restaurant.

**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 **DENY** a **Special exception** to permit auto sales in a CS district; **Variance** to allow outdoor display of merchandise within 300' of an R zoned district, finding it would 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:

BEG 50S & 50W NEC NE TH S200 W200 NE 282.8 POB LES S BEG NEC THEREOF TH S20 NW14.46 TO WLY L TH NE17. 11 POB SEC 3 18 13 .456AC, BEG NEC NE NE TH W250 S250 NE POB LESS BEG NEC THE REOF TH W250 S55 E177 SE13.02 TO ELY L TH NE APROX 87.83 POB FOR ST SEC 3 18 13 .435AC, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*

**Case No. 19870**

**Action Requested:**

Special exception to permit an automobile car wash in a CS zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17, located: 250' N of NE/c E. 91st St. and S. Yale Ave.

**Presentation:**

**Eric Sack**, 1111 S. Elgin, proposed an automatic car wash. It is not tied to the Quik Trip. A site plan was provided (Exhibit G-1).



FILE COPY

Case No. 17118 (continued)

**Protestants:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Doverspike, White, "aye"; no "nays"; no "abstentions"; Bolzle, Turnbo, "absent") to **APPROVE** a **Special Exception** to permit a public park to be located in an RM-1 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan for funded items; finding that unfunded items are not major and require no further Board of Adjustment approval; and finding that the public park is existing and approval of the proposed improvements will not be detrimental to the neighborhood; on the following described property:

Lot 11, Block 3, Aviation View Subdivision, an addition to the City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17125**

**Action Requested:**

Variance of the required setback from the centerline of South Florence from 65' to 55' to permit an existing structure - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 3144 East 33rd Street South.

**Presentation:**

The applicant, **Steve Herrin**, 3048 East 38th Place, was not present.

**Board Action:**

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Abbott, Doverspike, White, "aye"; no "nays"; no "abstentions"; Bolzle, Turnbo, "absent") to **CONTINUE** Case No. 17125 to August 22, 1995.

**Case No. 17126**

**Action Requested:**

Variance of the required setback from the west side property line from 10' to 7.5' to permit an addition to an existing structure - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 12, located 6102 South Sheridan Road.

Case No. 17126 (continued)

**Presentation:**

The applicant, **Mike Hughes**, 8301 East 51st Street, Suite 203, advised that he is the architect for the project and explained that the existing structure is to be used for a restaurant and is in need of a kitchen addition. Mr. Hughes pointed out that the placement of the building on the lot causes the corner of the addition to encroach into the required setback. A plot plan (Exhibit G-1) was submitted.

**Protestants:** None.

**Board Action:**

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Abbott, Doverspike, White, "aye"; no "nays"; no "abstentions"; Bolzle, Turnbo, "absent") to **APPROVE** a **Variance** of the required setback from the west side property line from 10' to 7.5' to permit an addition to an existing structure - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 12; per plan submitted; subject to the new addition being one story only; finding a hardship demonstrated by the elevation of the property and the placement of the building on the lot; and finding that only the corner of the building will extend over the setback line; on the following described property:

Beginning at the NE/c Section 3, T-18-N, R-13-E, IBM, Tulsa County, Oklahoma, thence west 250'; thence south 250'; thence east 250'; thence north 250' to the POB less and except that portion either dedicated or conveyed for road purposes to establish either 61st street or Sheridan Road, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17127**

**Action Requested:**

Special Exception to permit a beauty salon as a home occupation - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 7821 East 21st Place.

**Presentation:**

The applicant, **Bill Glenn**, 3804 East 21st Place, submitted a packet and plot plan (Exhibit H-1) concerning the proposed home occupation and explained that his wife is proposing to relocate her beauty salon to the new residence they have purchased. He stated that the former occupant of the house operated a bookkeeping service; however, there is no evidence that the use was approved by the Board. Mr. Glenn informed that the shop is open Wednesday through Saturday, 10 a.m. to 6:30 p.m., with the exception of special holidays. He stated that the business will comply with the home occupation guidelines and any restrictions imposed by the Board. The applicant noted that the driveway has sufficient parking for four vehicles, which will eliminate street parking.





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Feet



Subject  
Tract

**BOA-22241**

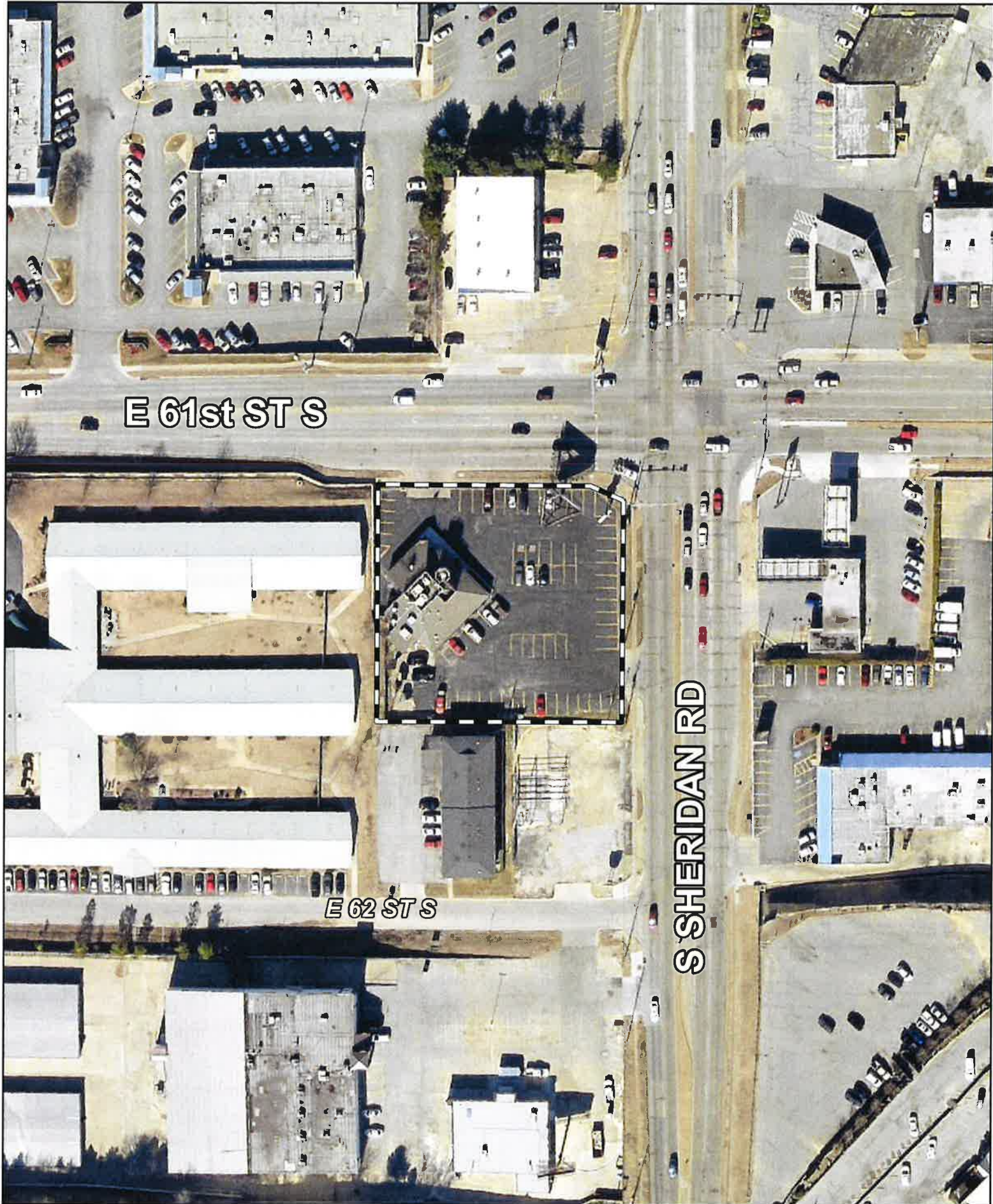
18-13 03

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

Aerial Photo Date: February 2016







Feet  
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Subject  
Tract

**BOA-22241**

18-13 03

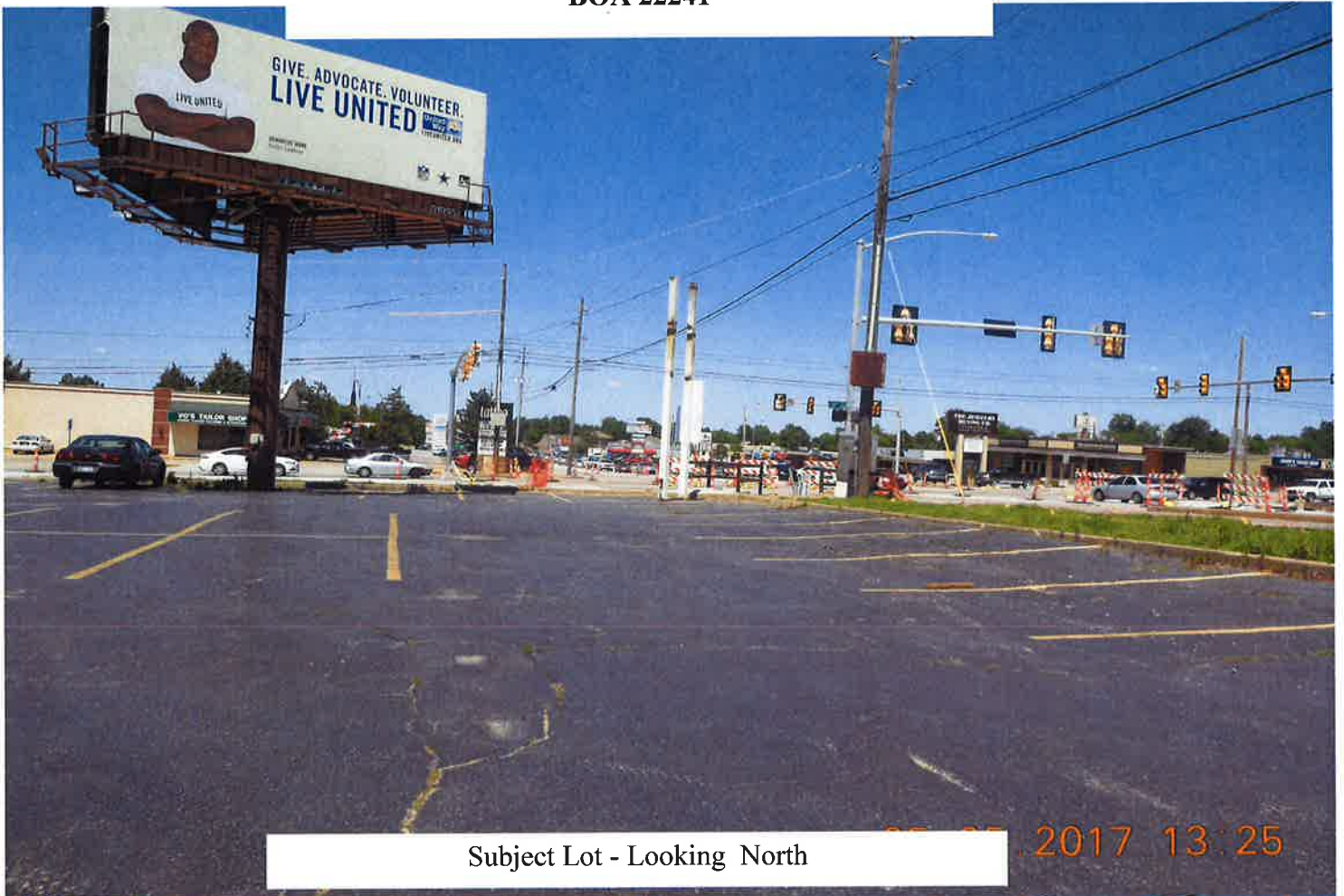
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2016



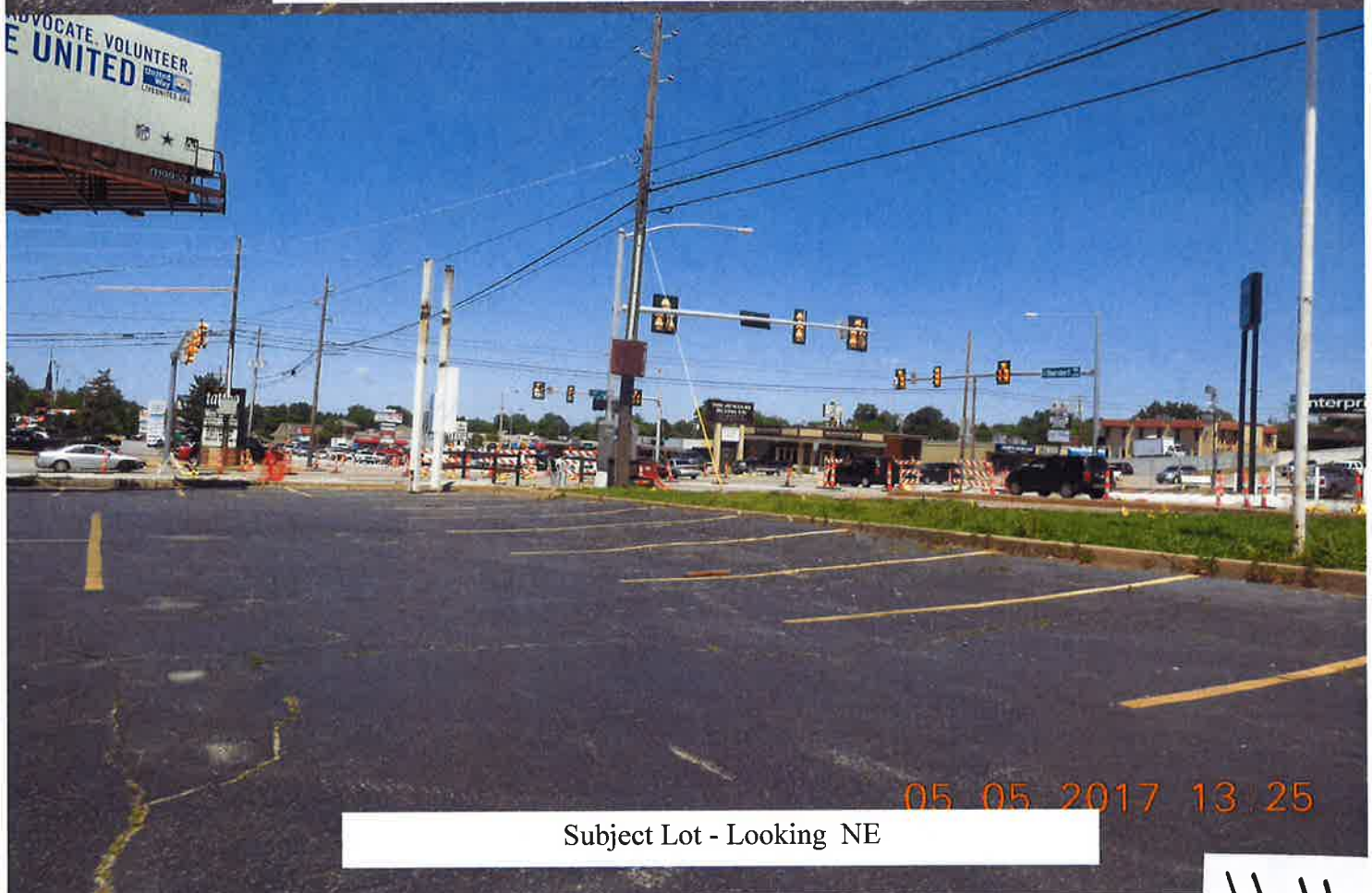
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Subject Lot - Looking North

05 05 2017 13:25



Subject Lot - Looking NE

05 05 2017 13:25

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05.05.2017 13:25

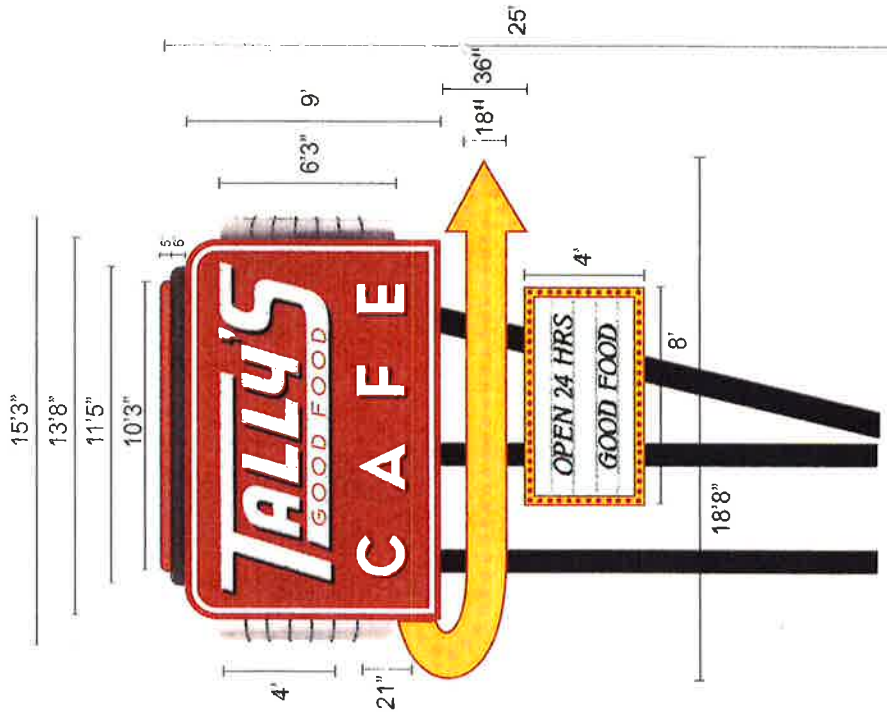
Subject Lot - Looking NW



05.05.2017 13:25

11.12





## New Sign Cabinet Installed on Existing Poles

**ENCINOS**  
3D CUSTOM PRODUCTS, LLC

TULSA, OK  
(918) 286-8535  
1010 E East 55th Place, T445

www.encinos3d.com

Customer: **Tally's**  
City and State: **Tulsa, Ok.**

Job Location: **61 st and Sheridan**

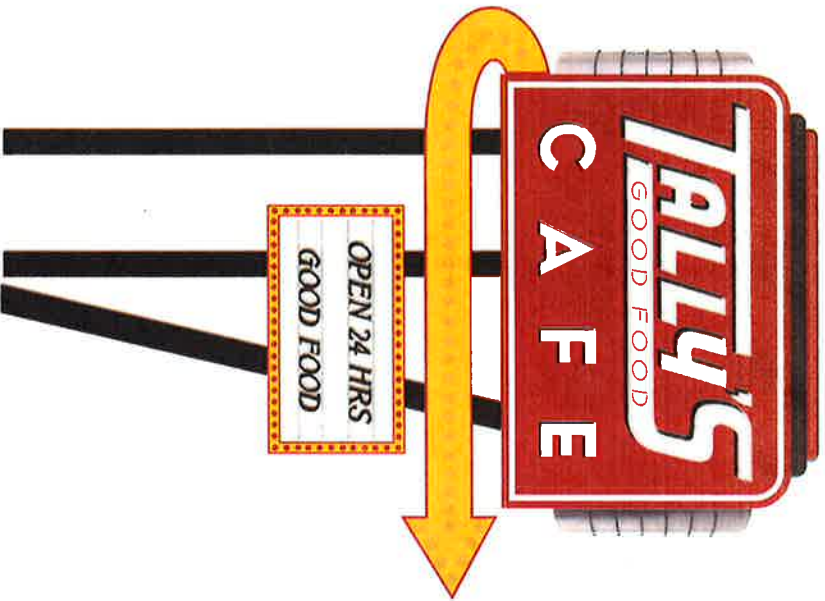
Drawn By: **Luis Fonseca**  
Sold By: **Jesus Ortiz**

Drawing Number: **TCO41817-002**

Approved By: \_\_\_\_\_  
Date Approved: \_\_\_\_\_

Scale: \_\_\_\_\_

Pylon Sign - Cross Sign - Monument Sign - Neon Sign - Blade Sign - Wall Sign - Channel Letter - Interior Sign - Way Finding Sign - Post & Panel - LED Display - Commercial & Architectural Sign



**ENCINOS**  
3D CUSTOM PRODUCTS, LLC  
(918) 286-8535  
10010 E Ford Street, Muskogee, MO 64455  
www.encinos3d.com

Customer:  
**Tally's**  
City and State:  
**Tulsa, Ok.**

Job Location:  
**61 st and Sheridan**

Drawn By:  
**Luis Fonseca**  
Sold By:  
**Jesus Ortiz**

Drawing Number:  
**TC041417-003**  
Scale:

Approved By:  
Date Approved:

BOB KOLIBAS  
SIGN PLANS EXAMINER  
918-596-9664



## DEVELOPMENT SERVICES

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

LOD Number:

### SIGN PLAN REVIEW

999527-3

April 20, 2017

Sign contractor:

Phone: (918)835-8039

TALAL ALAME  
TALLY'S CAFE  
1102 S YALE  
TULSA, OK 74112

APPLICATION NO: **412144** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: 6100 S SHERIDAN RD E  
Description: Tally's Cafe

#### 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)



## 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. 412144

6100 S SHERIDAN RD E

April 20, 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.

### 1.) 60.040-B Required Setbacks, Spacing and Separations

2. All on premise projecting signs, roof signs and freestanding signs and all off-premise outdoor advertising signs must be separated from all other roof signs, projecting signs, freestanding signs and off-premise outdoor advertising signs by a minimum distance of 30 feet. Additional spacing requirements apply between off-premise outdoor advertising signs (See §60.080-F5).

**Review comment:** The proposed freestanding sign appears to be within 20 feet of the existing outdoor advertising sign. You may relocate the proposed freestanding sign with a 30 foot separation from the outdoor advertising sign or you may pursue a variance from the BOA to permit two freestanding signs to be separated from each other 20 feet in lieu of the required 30 feet.

### 60.080-C Sign Budget

#### 3. Maximum Area

##### b. Lots with Frontage on Major Streets

(2) The maximum aggregate sign area of all on premise projecting and freestanding signs and off-premise outdoor advertising signs allowed on lots with frontage on one or more major streets may not exceed the limits established in Table 60-3:

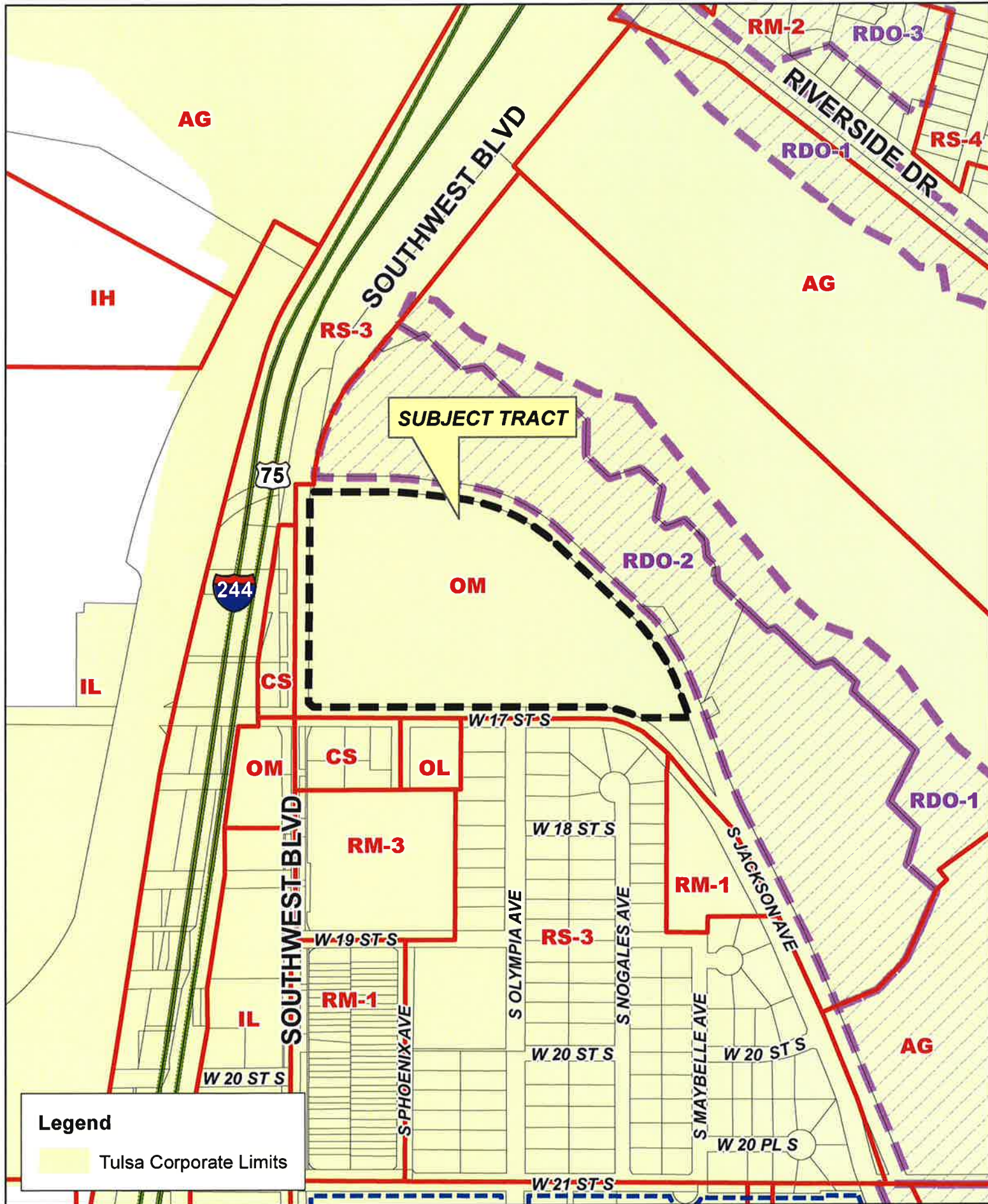
**Review Comments:** The proposed freestanding sign for Tally's Café appears to have a combined total of 388 feet of major street frontage along the E. 61<sup>st</sup> Street and S. Sheridan Road frontages. Based on the major street frontage of 388 feet times 1 square foot of display surface area will permit 388 square feet of freestanding sign display surface area. The proposed 187.75 sq. ft. Tally's Café sign plus the 720sq. ft. existing freestanding outdoor advertising sign exceed the permitted display area by 519.75square feet. You may pursue a variance from the BOA to permit two freestanding signs in a CS zoned lot not located in the freeway corridor to exceed the permitted display area from 388 sq. ft. to 907.75 sq. ft.

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-22242

12.1



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9211

Case Number: BOA-22242

CZM: 36

CD: 2

A-P#: 416161, 416159, 416158

**HEARING DATE:** 05/23/2017 1:00 PM

**APPLICANT:** Phillip Condley

**ACTION REQUESTED:** Variance to increase the permitted sign display area from 150 sq. ft. to 884 sq. ft. to permit 4 signs along Southwest Blvd.; Variance to increase the permitted sign display area from 150 sq. ft. to 738 sq. ft. to permit 5 signs along W 17 St S; Variance to permit 6 wall signs with a total 937 sq. ft. of sign display area on the north elevation, with no street frontage (Section 60.060).

**LOCATION:** NE/c of Southwest Blvd and W 17 ST S

**ZONED:** OM

**PRESENT USE:** OSU College Campus

**TRACT SIZE:** 15.57 Acres

**LEGAL DESCRIPTION:** ALL BLK 5 & N35 VAC ST ADJ ON S BETWEEN RR R/W & JACKSON AVE, RIVERVIEW PARK SECOND ADDN RESUB, WEST TULSA ADDN, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Property:**

**BOA-21807;** on 12.9/14 the Board **approved** a *variance* of the allowable floor area ratio in the OM district from .50 to .57 subject to plans; and a *variance* of the required setback from Southwest Boulevard from 60' to 20'.

**BOA-20988;** on 10.27.09 the Board **approved** a Variance of the maximum number of signs permitted in an OM district; a Variance of the maximum aggregate display surface area permitted for multiple signs in an OM district; and a Variance to permit a roof sign in an OM district; to permit two additional signs to a developing complex.

**BOA-20529;** on 7.10.07 the Board **approved** a *variance* of the maximum number of signs permitted in the OM district; and a *variance* of the maximum permitted display surface area; to permit two additional wall signs on an existing structure, finding this will make a total of seven signs, three on the north side of the building, three on the south side of the building and one monument sign in front of the building.

**BOA-19174;** on 8.28.01 the Board **approved** a *variance* of the allowable signage in an OM district from 150 sq. ft. to 390 sq. ft. for both the north and south side of the existing building; and a *variance* to allow two signs per building wall per street frontage, per plan.

**BOA-16815;** on 10.11.94 the Board **approved** a *variance* of the maximum square footage for a sign; and **approved** a *variance* of the maximum height for a sign in the OM 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 along a major expressway and is surrounded by mixtures of uses and zoning districts. The subject site is abutted by Southwest Boulevard and Highway 75/I-244 on the west; OM/RDO-2 zoned apartments about the site on the north and east. CS zoning abuts the site on the west and south. OL zoned offices and RS-3 zoned residences abut the site on the south; and a small amount of OM zoning abuts the site on the southeast.

#### **STAFF COMMENTS:**

Lots in office districts are allowed one on premise sign per street frontage. Signs allowed in an OM district may not exceed 32 SF in area or 0.30 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

The proposed OSU Center for Health Sciences building has 689 ft. of street frontage along Southwest Boulevard. On the subject site one sign is permitted and a maximum sign area of 150 sq. ft. is allowed along the Southwest Boulevard frontage. On the existing OSU building there appears to be three existing signs oriented towards Southwest Boulevard; the three existing signs contain a total display area of 419 sq. ft. As shown on the attached plans the applicant is proposing to add a 464.47 sq. ft. OSU wall sign (logo) on the west elevation of the proposed building. The applicant has requested a **Variance** to allow 4 signs on the Southwest Boulevard frontage with a total sign display area of 883.47 sq. ft.

On the subject site the Code permits one sign along the W. 17<sup>th</sup> St. S. frontage and a maximum sign area of 150 sq. ft. On the existing OSU building there appears to be 4 existing signs oriented toward W. 17<sup>th</sup> St. S.; the 4 existing signs contain a total display area of 521 sq. ft. As shown on the attached plans the applicant is proposing to add a 217 sq. ft. Tandy/A.R. & Mary Louise Tandy Building wall sign on the south elevation of the proposed building. The applicant has requested a **Variance** to allow 5 signs on the W. 17<sup>th</sup> St. S. frontage with a total sign display area of 738 sq. ft.

The proposed OSU building has no street frontage along the north elevation of the building; therefore the proposed 217 sq. ft. Tandy/A.R. & Mary Louise Tandy wall sign is not permitted on the north face of the building. Currently there appears to be 5 existing wall signs on the north face of the existing OUS building; the 5 existing signs contain a total display area of 720 sq. ft. As shown on the attached plans the applicant is proposing to add a 217 sq. ft. OSU wall sign on the north elevation of the building. The applicant has requested a **Variance** to allow 6 signs on the on the north elevation with a total sign display area of 937 sq. ft.

The Applicant provided the following hardship statement with their application: *"The hardship is to provide clear identification and direction to the new building and existing site which are located between two busy highways with multiple exits and several other university facilities in the general area. It is necessary for people to locate this facility quickly from the highway and clearly when adjacent to the building by recognizing the logo and building name. The signage sizes are designed to be appropriate and proportional to the building with the North and South "TANDY" signage covering only 1.02 % of the building face and the OSU logo covering just 2.81 % of the west façade facing the highway. The new OSU signage is significantly elevated and will not impact the immediate surrounding area."*

The proposed signs are located on large building walls and appear to be proportional. The signs are situated fairly high on the building and the impact of the proposed signage would appear to be minimal at the street level and minimal to surrounding low intensity districts.

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

Move to \_\_\_\_\_ (approve/deny) a Variance to increase the permitted sign display area from 150 sq. ft. to 884 sq. ft. to permit 4 signs along Southwest Blvd.; Variance to increase the permitted sign display area from 150 sq. ft. to 738 sq. ft. to permit 5 signs along W 17 St S; Variance to permit 6 wall signs with a total 937 sq. ft. of sign display area on the north elevation, with no street frontage (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."*





**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the request for a **Variance** to reduce the required setback from the centerline of West 36<sup>th</sup> Street from 45 feet to 35 feet to permit a detached accessory building in the required rear yard (Section 210.B.5.b); **Variance** to increase the permitted square footage of a detached accessory building from 500 square feet to 1,760 square feet (Section 402.B.1.d); **Variance** to increase the permitted height of a detached accessory building from 18 feet to 20 feet (Section 210.B.5.a) to permit the construction of a proposed carport for a recreation vehicle. The Board has found that the property in question has industrial property fronting on two sides to the north and to the east, and a vacant residential lot to the south. The subject property is more narrow than the typical RS-3 lot. This approval is subject to the conceptual plan on page 3.12. 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 1 BLK 1, GARDEN CITY, FIRST MCBIRNEY SUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21807—Roy D. Johnsen**

**FILE COPY**

**Action Requested:**

**Variance** of the required building setback from Southwest Boulevard from 60 feet to 20 feet (Section 603, Table 3); **Variance** of the allowable floor area ratio (FAR) in the OM District from .50 to .57 (Section 603, Table 3). **LOCATION:** 1111 West 17<sup>th</sup> Street (CD 2)

**Presentation:**

**Roy Johnsen**, 1 West 3<sup>rd</sup> Street, Suite 1010, Tulsa, OK; stated he is representing Dewberry Architects who is working for Oklahoma State University. Oklahoma State University will be erecting an academic classroom on the subject property which will be 84,000 square feet and 45 feet in height with a parking garage. The subject property was platted in 1975 and is approximately 15 acres, which is one lot. On the east boundary of the subject property is a railroad track and the west boundary is Southwest

Boulevard, and next to it is I-244. This is not a typical situation for office zoning within the city. The subject property is on the northeast corner of Southwest Boulevard and West 17<sup>th</sup> Street. Mr. Johnsen had some exhibits placed on the overhead projector to give a visual of the subject property in relation to I-244 and Southwest Boulevard. This is a good piece of property that will not interfere with any other properties. After studying the property and calculating the floor area ratio it was discovered that it is just slightly above the allowable .50 thus the request for that Variance in the OM zoning. At the time this property was platted the dedicated right-of-way was 40 feet to the centerline. On the south end of the property there are two utilities, one is water and the other is stormwater drainage. The stormwater drainage will remain in place but the 42" water line will be relocated. This will create a building setback of 20 feet from the existing right-of-way for Southwest Boulevard.

Mr. White asked Mr. Johnsen about how many additional parking spaces are going to be required for the proposed project. Mr. Johnsen stated there will be an additional 743 parking spaces which exceed code, because there will be a five-story parking garage on site.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the request for a Variance of the required building setback from Southwest Boulevard from 60 feet to 20 feet (Section 603, Table 3); Variance of the allowable floor area ratio (FAR) in the OM District from .50 to .57 (Section 603, Table 3), subject to conceptual plans on pages 4.19 and 4.20. The Board has found that the hardship is because of the dedication of the right-of-way on Southwest Boulevard and the existing utility placement, and the fact that I-244 and Southwest Boulevard are both on the west side of the property and the 20 foot setback will not be a problem. The Board has found that the height of the building is going to be increased taking the floor area ratio to .57, and has the same restrictions of the street right-of-way on the west and the utilities easement on the east causing the building to go up in height. 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:

BOA-21807

FILE COPY

ALL BLK 5 & N35 VAC ST ADJ ON S BETWEEN RR R/W & JACKSON AVE,  
RIVERVIEW PARK SECOND ADDN RESUB, CITY OF TULSA, TULSA COUNTY,  
STATE OF OKLAHOMA

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**NEW BUSINESS**

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**21808—William Farr**

**Action Requested:**

Modification to a previously approved site plan (BOA-16031) for a car wash in the CS District. **LOCATION:** 5022 South Yale Avenue (CD 9)

**Presentation:**

**William Farr**, 5022 South Yale Avenue, Tulsa, OK; no formal presentation was made but the applicant was available for any questions.

Mr. Henke stated there was correspondence from Council for the neighboring property to the south of the subject property. The neighbor raised questions about a mutual access agreement for a mutual access that is shared by you both. Mr. Henke stated that he had also read an e-mail from the applicant stating the mutual access would stay open and not be affected. Mr. Farr answered affirmatively.

Mr. Henke asked Mr. Farr if he was planning on demolishing the existing car wash and install a new automatic car wash. Mr. Farr answered affirmatively.

Mr. Tidwell asked Mr. Farr if he had any correspondence with the concerned neighbor. Mr. Farr stated that he had not. Mr. Farr stated that he could not close the access even if he wanted to do so because his property line is further to the north.

Mr. Van De Wiele asked Mr. Farr if the letter from Mr. White, regarding his client, is concerning the property that is on the corner of 51<sup>st</sup> and Yale. Mr. Farr answered affirmatively. Mr. Van De Wiele stated the letter is confusing because it refers to a property west of the subject property and the subject property does not border the concerned party's property on the west side.

Mr. Tidwell asked Mr. Farr if the interested party had a car wash. Mr. Farr stated that he has a filling station with an attached car wash on the west side of his property.

Mr. Van De Wiele asked Mr. Farr if he was installing anything along the south side, because the common line blocks the mutual access between the subject property and



**Interested Parties:**

There were no interested parties.

**Board Action:**

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the requirement that illumination of a sign shall be by constant light to permit an LED element on a sign for a church in the RS-3 district (Section 402.B.4); and a Variance of the maximum display surface area permitted for a sign in the RS-3 district to 108 sq. ft. (Section 402.B.4); to permit a replacement sign on the property, subject to the provisions of Section 1221.C.2 of the zoning code; no flashing, running, blinking or twinkle lights, no animation, revolving or rotating signs; restricted to static images, other than messages with horizontal scrolling only and never vertical scrolling; LED to occupy no more than 60 sq. ft.; per plan as shown on pages 12.8, and 12.10, finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional 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, on the following described property:

LT 3 BLK 1, WOODLAND VIEW SIXTH ADDN, City of Tulsa, Tulsa County,  
State of Oklahoma

\*\*\*\*\*

**Case No. 20988**

**Action Requested:**

Variance of the maximum number of signs permitted in an OM district (Section 602.B.4.b); a Variance of the maximum aggregate display surface area permitted for multiple signs in an OM district (Section 602.B.4.c); and a Variance to permit a roof sign in an OM district (Section 602.B.4.g); to permit two additional signs in the developing complex, located: 1111 West 17<sup>th</sup> Street South.

**FILE COPY**

**Presentation:**

**Mary Kell**, 2317 West Jackson, N-218, Tulsa, Oklahoma, 74107, with the City of Tulsa, stated the variances are for two new signs at their new facility for a forensics lab for the Tulsa Police Department and Oklahoma State University. She stated the hardship is to direct people to the site, which is between two busy highways, and it is very important to provide clear direction to the facility.

**Mr. White out at 3:29 p.m.**

She stated this is only one of two joint laboratory facilities in the country. She pointed out there is only one entrance for the police department on the south side of the facility. There are numerous exits from the highways in this area and several university facilities in the general area. They felt it is necessary for people to locate this facility quickly by recognizing the logo. Due to the size of the building the signage for OSU is only 2.76% of the overall elevation and faces the highway rather than residential or anything else.

**Mr. White returned at 3:32 p.m.**

The sign sizes are proportional to the large size of the new building. The TPD sign is small and directional in nature. The new OSU sign is significantly elevated and will not impact the immediate surround area.

**Interested Parties:**

There were no interested parties.

FILE COPY

**Board Action:**

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the maximum number of signs permitted in an OM district (Section 602.B.4.b); a Variance of the maximum aggregate display surface area permitted for multiple signs in an OM district (Section 602.B.4.c); and a Variance to permit a roof sign in an OM district (Section 602.B.4.g); to permit two additional signs in the developing complex, finding this tract of 15.5 acres contains numerous large buildings, for which previous approvals have been made for signage, this bringing the total number of permitted signs to nine on this property; it is near two very busy highways, and these two signs are needed to provide specific dual identification as to directions to enable the public to better find the facility they need; it will be specific to the presented logos and perspectives on pages 13.7, 13.8, and 13.9, as shown in the agenda packet; in granting these variances, the Board found by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan on the following described property:

ALL BLK 5 & N35 VAC ST ADJ ON S BETWEEN RR R/W & JACKSON AVE,  
RIVERVIEW PARK SECOND ADDN RESUB, City of Tulsa, Tulsa County, State  
of Oklahoma

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The rules are very different for the established business owner and the temporary businesses. He made the objection that this applicant's tent was set up without the appropriate permit and allowed to stay up.

**Applicant's Rebuttal:**

Mr. Ogilvy responded to insinuations that he does business the wrong way. He did everything that he thought he was supposed to do and hired a very capable person to obtain the permit, which was approved. He stated that over a month later he was contacted by the City and informed that he had made a mistake and he would have to go before the Board of Adjustment.

**Comments and Questions:**

Mr. Ackermann noted that the confusion was probably over which type of permit the applicant needed. When the drug store closed their store, the issue was brought to light.

**Board Action:**

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit temporary produce and flower sales (Use Unit 2) in a CH district, subject to a total of 179 days; for sales allowed from April 25<sup>th</sup> through October 31<sup>st</sup>, as long as the adjoining business is not open or the property is not redeveloped, finding the special exception will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

LTS 4 & 5 & PRT VAC ST BEG 50S & 50W NEC SEC 17 19 13 TH S108.9 TH  
ON CRV LF 157.6 TH E108.9 POB LESS W45 LT 4 & LESS S40 LT 5 BLK 3 ,  
BONNIE BRAE, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

**Case No. 20529**

**Action Requested:**

Variance of the maximum number of signs permitted in the OM district (Section 602.B.4) and a Variance of the maximum permitted display surface area (Section 602.B.4); to permit two additional wall signs on an existing structure, located: 1111 West 17<sup>th</sup> Street South.

**Presentation:**

**James Adair**, 7508 East 77<sup>th</sup> Street, for Claude Neon, proposed to build two signs to be added to Oklahoma State University Center for Health Sciences on the subject property. This contains a recognizable logo for directional help for clients, visitors and customers that would be visible from the expressway. The applicant provided site plans (Exhibit D-1).



**Erick Pollock**, 10476 South 86<sup>th</sup> East Avenue, represented the Oklahoma State University. He stated they were in agreement with the staff comments. This would bring the total number of signs to seven.

**Interested Parties:**

**Jessie Felmlee**, RR 1, Box 345, Cleveland, Oklahoma, stated she owns the property across the street from the subject property. She wanted to know the details of the sign plans.

**Sidney McNeally**, 2624 East 21<sup>st</sup> Street, Suite 2, attorney for Mrs. Felmlee, asked about the lighting and wattage.

**Applicant's Rebuttal:**

Mr. Adair stated the logo would be illuminated by internal lighting of less than 70 foot-candles at two feet.

**Board Action:**

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the maximum number of signs permitted in the OM district (Section 602.B.4) and a Variance of the maximum permitted display surface area (Section 602.B.4); to permit two additional wall signs on an existing structure, finding this will make a total of seven signs, three on the north side of the building, three on the south side of the building and one monument sign in front of the building; finding the logos applied for, will better identify the facility with recognizable land marks; and in granting this variance there are circumstances peculiar to the structure and buildings involved that the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, subject to the locations shown on page 6.6 of the agenda packet, details of the logos on page 6.7; noting this provides for two additional logos instead of three as shown on page 6.7, on the following described property:

ALL BLK 5 & N35 VAC ST ADJ ON S BETWEEN RR R/W & JACKSON AVE ,  
RIVERVIEW PARK SECOND ADDN RESUB, City of Tulsa, Tulsa County, State  
of Oklahoma

\*\*\*\*\*

**Case No. 20530**

**Action Requested:**

Variance of the maximum permitted square footage for accessory buildings in an RS-1 district from 750 sq. ft. to 986.25 sq. ft. (Section 402.B.1.d), located: 6559 East 25<sup>th</sup> Place South.

along the W property line a distance of 0.5' to the POB; **AND** Lot 18, Block 3, Ohio Place Addition, less and except: Beg. at the SE/c of Lot 18; thence W along the S property line of Lot 18, a distance of 52' to a point on said S property line; thence N a distance of 10' to a point; thence E a distance of 52' to a point on the E property line of Lot 18; thence S along the E property line to the POB; **AND** Lot 19, Block 3, Ohio Place Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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#### **Case No. 19174**

##### **Action Requested:**

Variance of the allowable signage in an OM district from 150 sq. ft. to 390 sq. ft. for both north and south side of building. SECTION 602.4.b&c. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS -- Use Unit 5, a Variance of the height to 76.6' and 73.4'. SECTION 602.4.b&c. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, and a Variance to allow two signs per building wall per street frontage. SECTION 602.4.b&c. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, located 1111 W. 17<sup>th</sup> St.

##### **Presentation:**

Mue Kessry, 1801 N. Willow Ave., Broken Arrow, Oklahoma, stated they propose to add 98 square feet to the existing sign. The existing sign reads, Oklahoma State University College of Osteopathic Medicine. They desire to add the words, Center for Health Sciences. He pointed out that in 1994 the Board heard Case No. 16815 regarding this sign. A site plan was provided (Exhibit E-1).

##### **Comments and Questions:**

Mr. Dunham questioned Mr. Kessry about the additional square footage needed and if he was properly advertised. Mr. Beach indicated that they might already be over the allowed square footage of sign area. There is no existing pole sign and the applicant therefore withdrew the request for a variance of the height. Mr. Boulden determined that the applicant was properly advertised. Mr. Cooper asked for a hardship.

##### **Interested Parties:**

Tom Dooley, 4220 E. 77<sup>th</sup> St., stated that he is the Dean of Administrative Affairs at the College of Osteopathic Medicine. He explained the significance of the proposed change in wording is that the Center of Health Sciences allows more than one college to participate there. The purpose for the old Board case was to place the sign where it could be seen from the elevated expressway. Mr. Kessry informed the Board that in 1994 Mr. Bob Gardner defined the hardship, stating it was a large tract of land, surrounded by mixed zoning.

##### **Board Action:**

On MOTION of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a

**Variance** of the allowable signage in an OM district from 150 sq. ft. to 390 sq. ft. for both north and south side of building; and a **Variance** to allow two signs per building wall per street frontage, per plan, finding the hardship to be the configuration of the land and the relationship of the land to the existing highway system and that the zoning pattern surrounding the property suggests that it could be zoned for a heavier zoning, on the following described property:

Block 5, Riverview Park 2<sup>nd</sup> Addition, Blocks 5-12, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*

**Case No. 19175**

**Action Requested:**

Variance of required rear yard of 25' down to 10'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS -- Use Unit 6, located 3135 E. 42<sup>nd</sup> St.

**Presentation:**

Dean Nunneley, 3514 E. 69<sup>th</sup> Pl., stated the owners have asked him to build an addition to their home. He found that only one place would be appropriate to add on to the house. It is a corner lot so it has more frontage and it makes the lot a little narrower than the others. A site plan was submitted (Exhibit F-1).

**Comments and Questions:**

Mr. Beach informed the applicant that he could select the front yard for purposes of establishing the yard. The opposite yard becomes the rear yard and the other two the side yards. Mr. Nunneley stated that the neighbors to the north and west that would be most affected are in support. He submitted three letters (Exhibits F-2, F-3 and F-4) of support to the Board.

**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, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of required rear yard of 25' down to 10', the north property line to be the rear yard, per plan, finding this to be an existing home on a corner lot making it difficult if not impossible to expand otherwise, on the following described property:

S 160' of Lot 4, Block 1, Sunnybrook Acres, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*



Case No. 16814 (continued)

Beginning 3856.48' north and 50' west of the southeast corner thence west 140', north 112.84', east 140', south 111.99' to POB, Section 15, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16815**

**Action Requested:**

Variance of the maximum square footage for a sign, a variance of the maximum height for a sign and a variance to permit a roof sign - **SECTION 1221.C. General Conditions for Business Signs** - Use Unit 2, located 1111 West 17th Street.

**Presentation:**

The applicant, **Michael Marney**, 509-A North Redbud, Broken Arrow, Oklahoma, was represented by **Richard Craig**, who requested that a wall sign be permitted on the top portion of the building. He explained that the proposed sign for the Oklahoma State University College of Osteopathic Medicine is located on a large tract in an office district; however, there are mixed zoning classifications (commercial/office) in the area and the larger sign would not be detrimental to the neighborhood. A sign plan (Exhibit C-2) and photographs (Exhibit C-1) were submitted.

**Comments and Questions:**

In response to Mr. Doverspike, Mr. Craig advised that he did not request a roof sign and asked that that portion of the application be withdrawn.

Mr. Gardner advised that the tract is large and commercial zoning could be obtained at this location. He added that the proposed signage would be appropriate for the area.

**Protestants:**

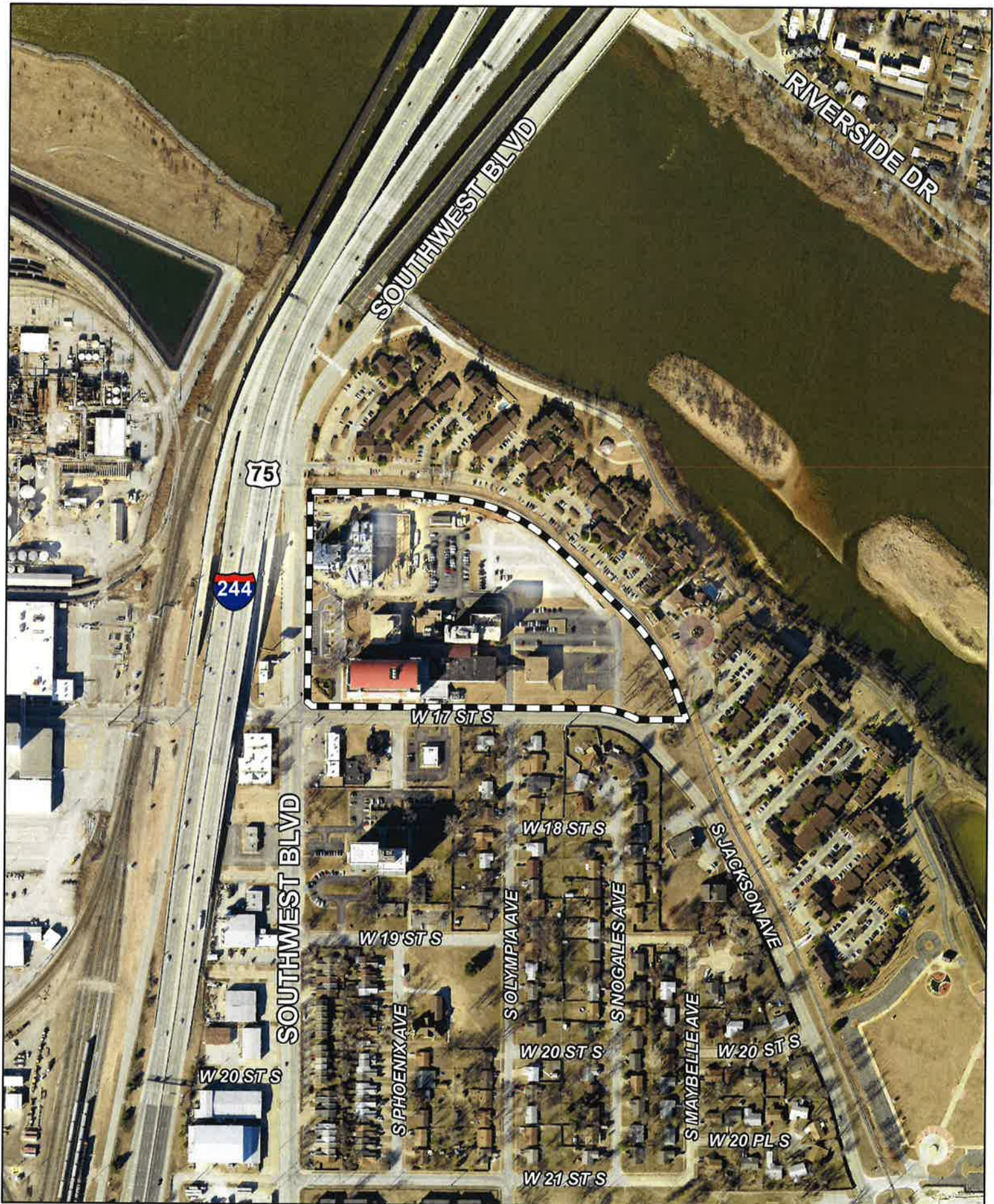
None.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Variance** of the maximum square footage for a sign, a variance of the maximum height for a sign and a variance to permit a roof sign - **SECTION 1221.C. General Conditions for Business Signs** - Use Unit 2; finding a hardship demonstrated by the size of the tract, the location of the property and mixed zoning classifications in the area; finding that approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Block 5, Riverview Park II Addition, City of Tulsa, Tulsa County, Oklahoma.





0 200 400  
Feet



Subject  
Tract

**BOA-22242**

19-12 11

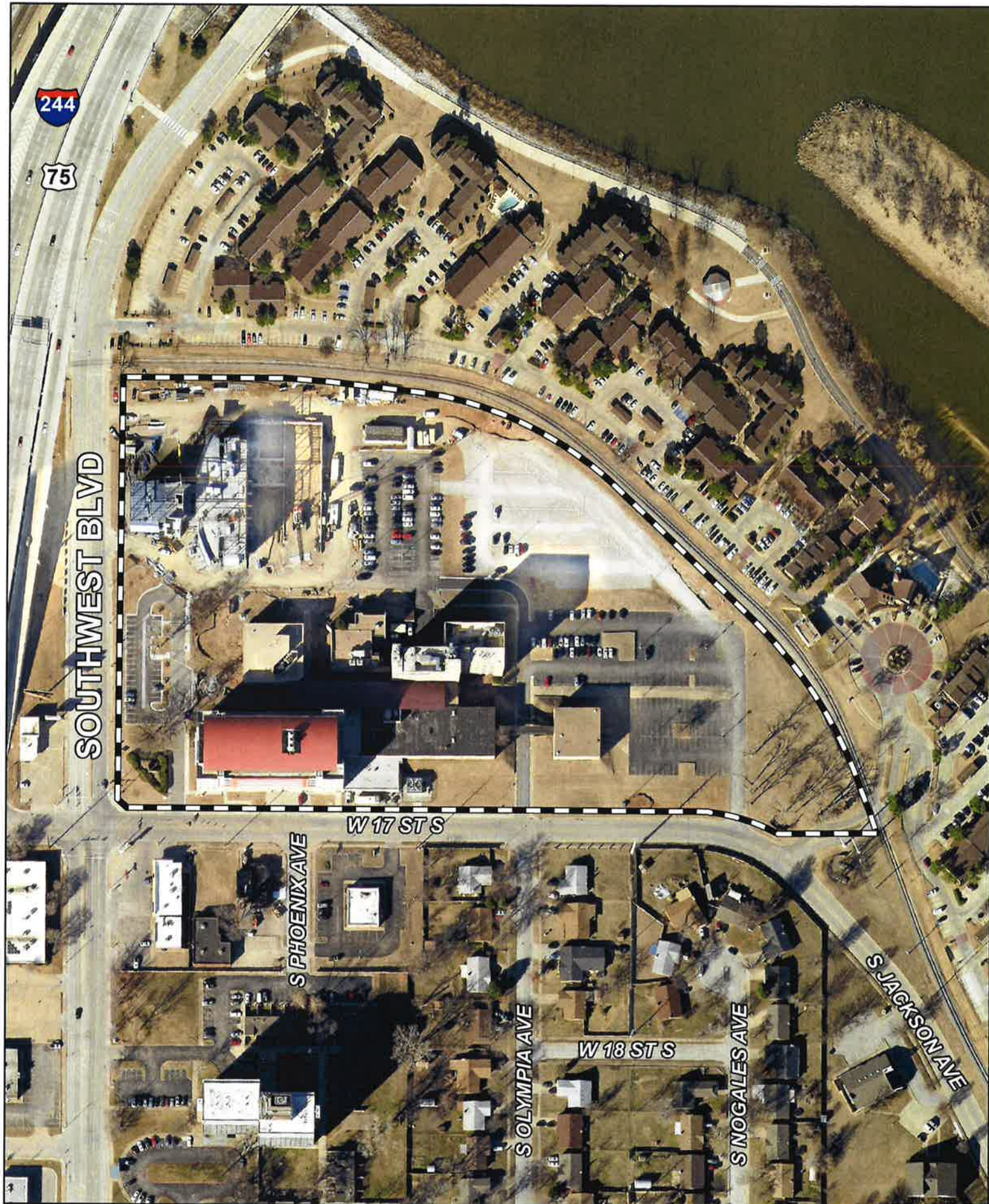
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2016



12.16





0 100 200  
Feet



Subject  
Tract

**BOA-22242**

19-12 11

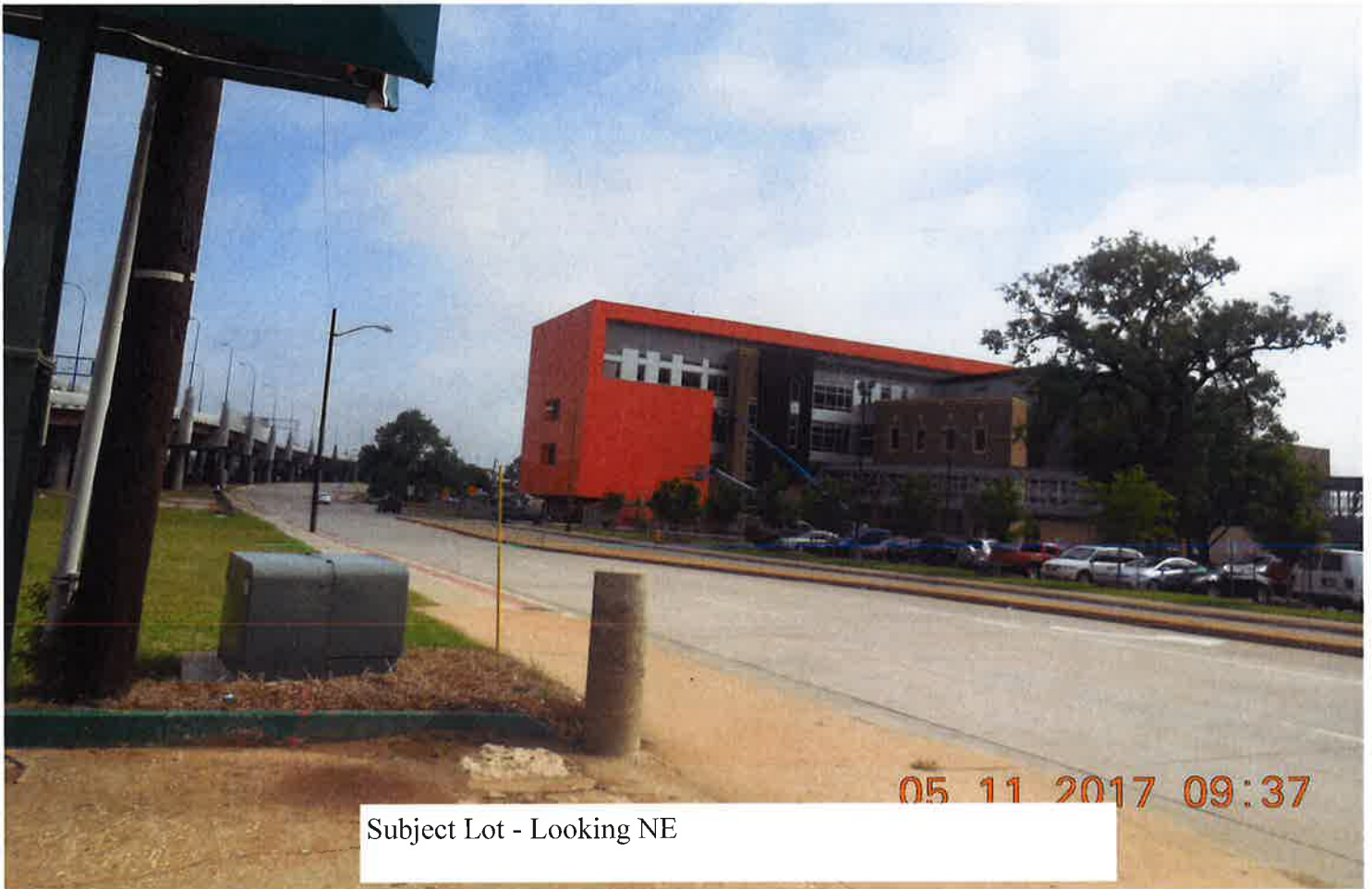
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2016



12.17





Subject Lot - Looking NE



Subject Lot - Looking SE



Subject Lot - Looking SE







Subject Lot - Looking North from W 17th St S



05.11.2017 00:41

12.20





Subject Lot - Looking East



12.21

[illegible]

OSU CHS  
Medical Academic Building  
Tulsa, OK 74107  
COMPOSITE DOCUMENT SET

[illegible]

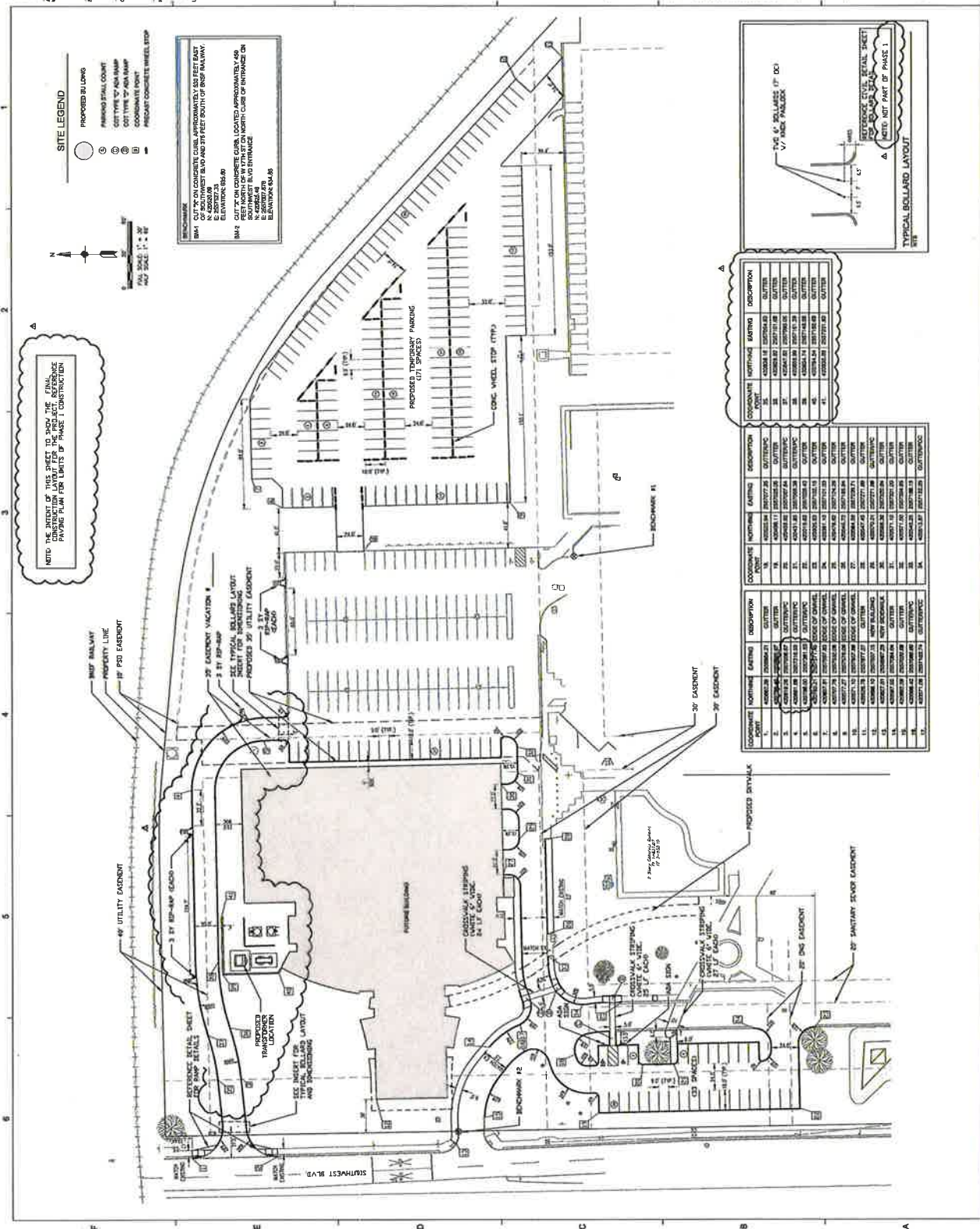
REVIEWED BY	JAT
DRAWN BY	FLM
APPROVED BY	FLM
CHECKED BY	04-04-2016
DATE	

## SITE PLAN

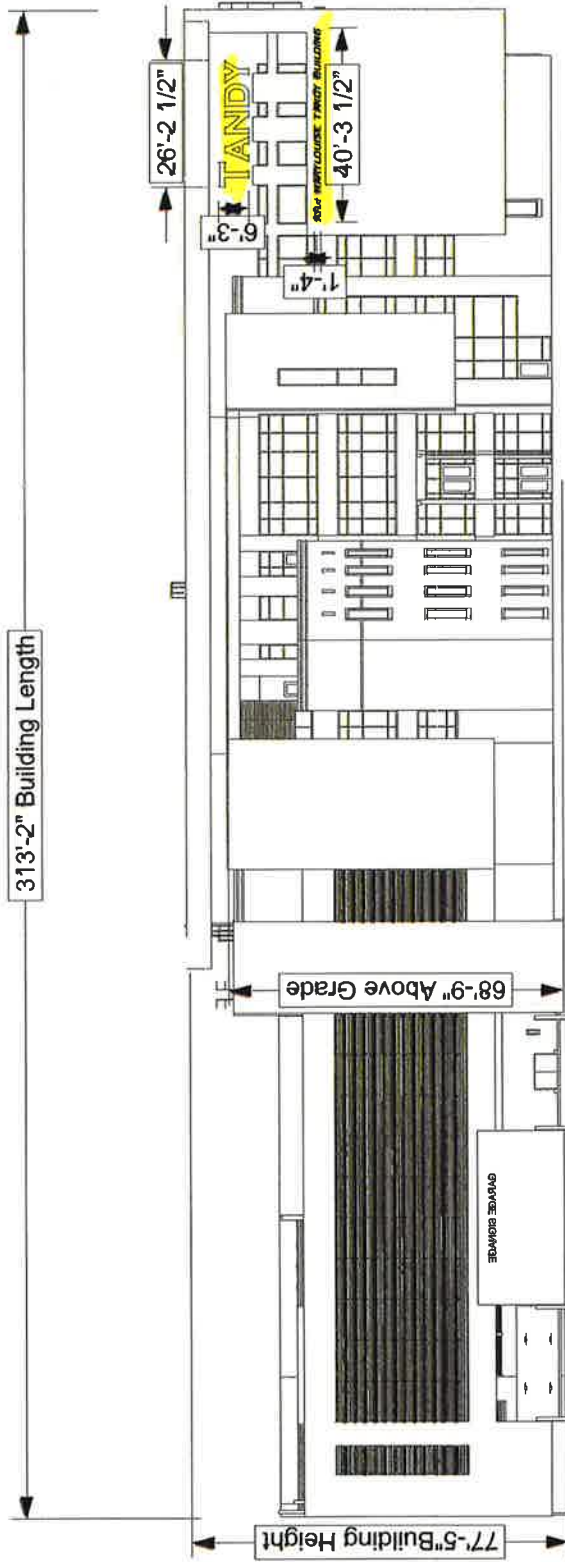
PROJECT NO.	8002097
-------------	---------

# C400

अनुसूची क्र. ३.



Permit  
217.5 sqft



NORTH SIGNAGE ELEVATION

**GSS**  
GLOBAL  
SIGN SOLUTIONS  
www.globalsignsolutions.com

**918.827.6561**  
17424 S. UNION AVE.  
MOUNDS, OK. 74047

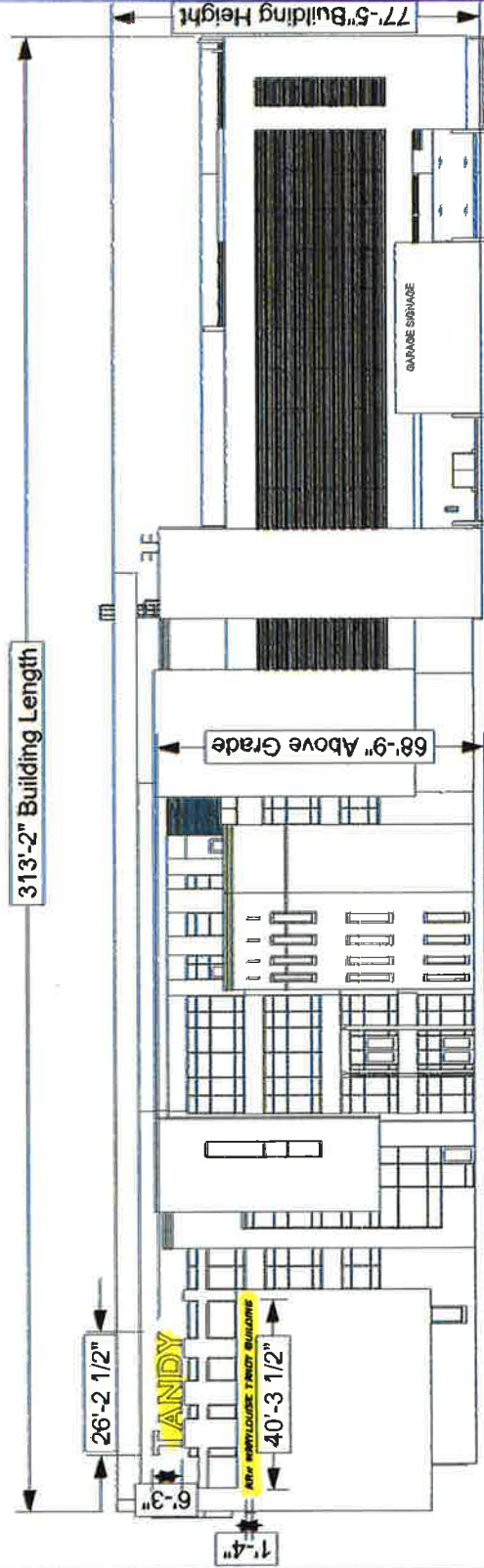
Drwg#: 2K170215-0930  
Address: NA  
City, State: Tulsa, OK

Date: Feb. 15, 2017  
Sales Rep: John  
Customer: OSU Medical

Job Details: Install illustrated signage



Permit  
217.5 sqft



## SOUTH SIGNAGE ELEVATION



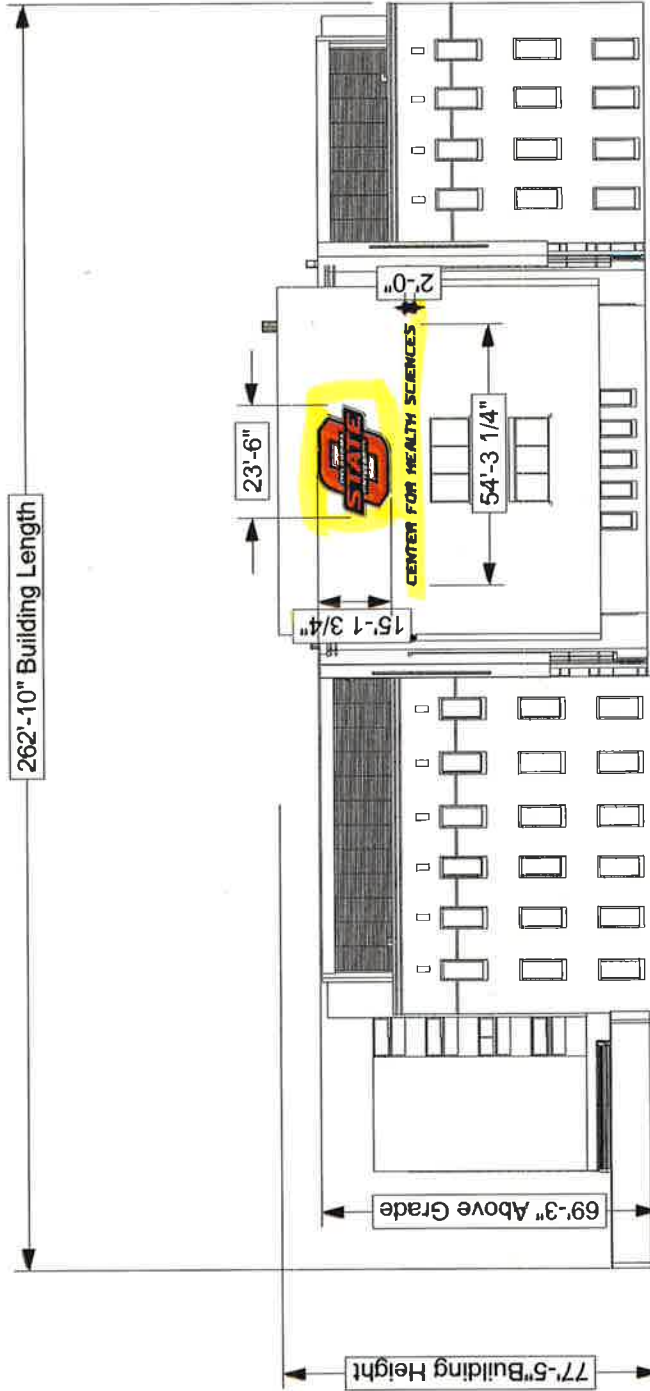
**918.827.6561**  
17424 S. UNION AVE.  
MOUNDS, OK. 74047  
[www.globalsignsolutions.com](http://www.globalsignsolutions.com)

Drwg#: 2K16  
Address: NA  
City, State: OK

Date: 2K16  
Sales Rep: NA  
Customer: OK

Job Details:

Permit  
464.47 sqft



West Signage Elevation



**918.827.6561**  
17424 S. UNION AVE.  
MOUNDS, OK. 74047  
[www.globalsignsolutions.com](http://www.globalsignsolutions.com)

Drwg#: 2K170215-0930  
Address: NA  
City, State: Tulsa, OK

Date: Feb. 15, 2017  
Sales Rep: John  
Customer: OSU Medical

Job Details: Install illustrated signage

# SOUTH BUILDING ELEVATION





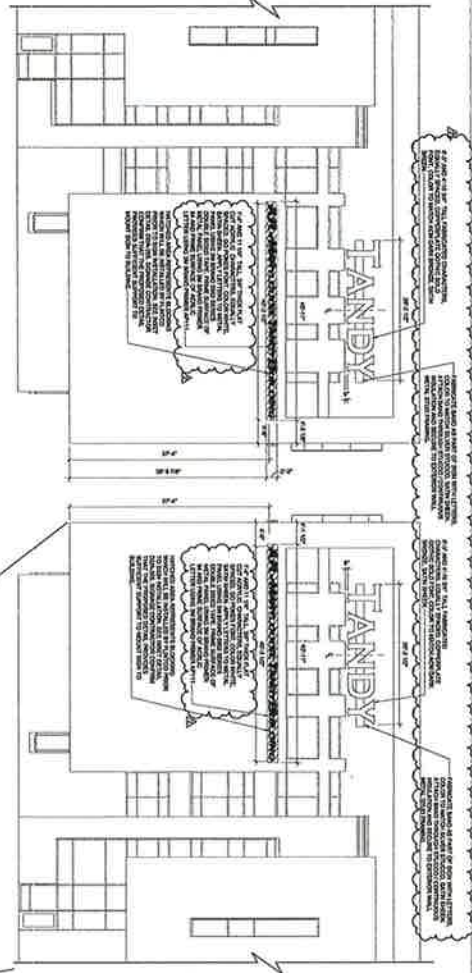
# NORTH BUILDING ELEVATION



# WEST BUILDING ELEVATION



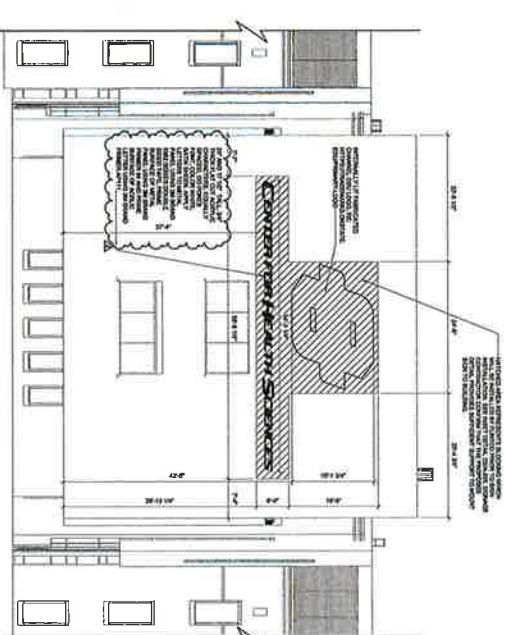
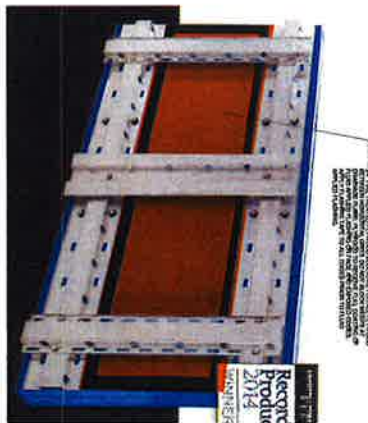
GENERAL NOTE: ALL FONT TO BE VERIFIED AND FINAL APPROVED BY OKLAHOMA STATE UNIVERSITY ARCHITECT.



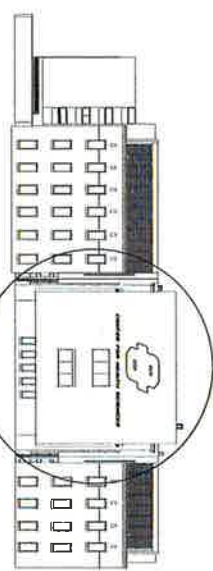
D1 NORTH SIGNAGE ENLARGED ELEVATION  
Scale: 1/8" = 1'-0"

D3 SOUTH SIGNAGE ENLARGED ELEVATION  
Scale: 1/8" = 1'-0"

D2 INSET DETAIL  
Scale: 1/8" = 1'-0"



D4 WEST SIGNAGE  
Scale: 1/8" = 1'-0"



D5 WEST SIGNAGE ELEVATION  
Scale: 1/8" = 1'-0"



D6 SOUTH SIGNAGE ELEVATION  
Scale: 1/8" = 1'-0"

REVISIONS	DATE	BY	APPROVED BY	DATE
1	01/11/17	AD	AD	01/11/17
2	01/11/17	AD	AD	01/11/17
3	01/11/17	AD	AD	01/11/17
4	01/11/17	AD	AD	01/11/17
5	01/11/17	AD	AD	01/11/17
6	01/11/17	AD	AD	01/11/17
7	01/11/17	AD	AD	01/11/17
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9	01/11/17	AD	AD	01/11/17
10	01/11/17	AD	AD	01/11/17

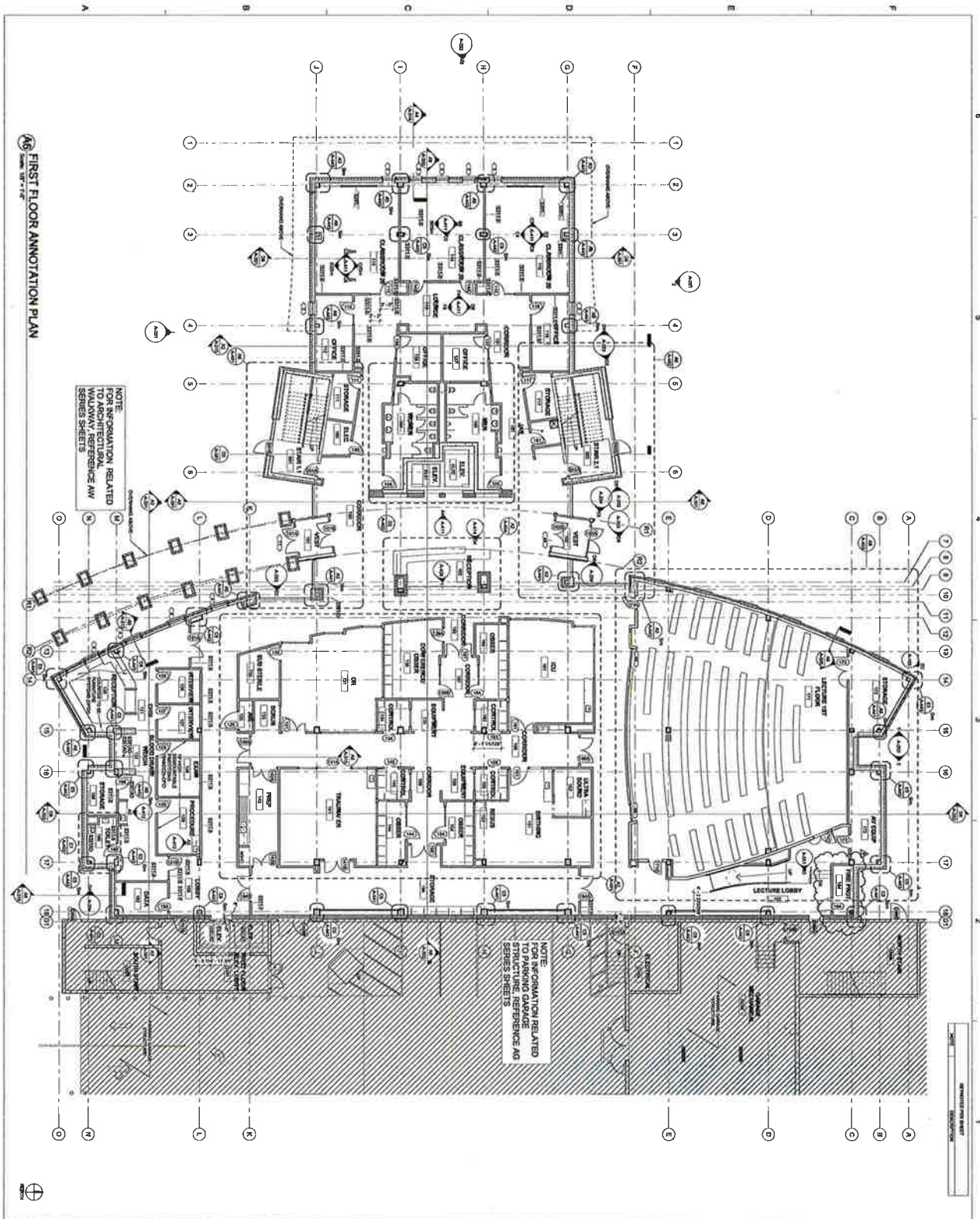


**OSU CHS**  
MEDICAL ACADEMIC BUILDING  
1631 S Southwest Blvd W  
Tulsa, OK 74107  
COMPOSITE DOCUMENT SET

**Dowberry**  
ARCHITECT  
1631 S Southwest Blvd W  
Tulsa, OK 74107  
Tel: 918.596.1111  
Fax: 918.596.1112  
www.dowberry.com  
OSU CHS  
1631 S Southwest Blvd W  
Tulsa, OK 74107  
Tel: 918.596.1111  
Fax: 918.596.1112  
www.dowberry.com  
OSU CHS  
1631 S Southwest Blvd W  
Tulsa, OK 74107  
Tel: 918.596.1111  
Fax: 918.596.1112  
www.dowberry.com







**AS FIRST FLOOR ANNOTATION PLAN**  
Scale: 1/8" = 1'-0"

NOTE:  
FOR INFORMATION RELATED  
TO PARKING GARAGE  
STRUCTURE, REFERENCE AN  
SERIES SHEETS

NOTE:  
FOR INFORMATION RELATED  
TO PARKING GARAGE  
STRUCTURE, REFERENCE AN  
SERIES SHEETS

**A-111**

**FIRST FLOOR  
ANNOTATION  
PLAN**

DESIGNED BY:                       
APPROVED BY:                       
CHECKED BY:                       
DATE:                     

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	01/15/11
2	FOR INFORMATION	01/15/11
3	FOR INFORMATION	01/15/11
4	FOR INFORMATION	01/15/11
5	FOR INFORMATION	01/15/11

SCALE: 1/8" = 1'-0"



**OSU CHS**  
Medical Academic Building  
1633 S Southwest Blvd W  
Tulsa, OK 74107  
COMPOSITE DOCUMENT SET

**Dewberry**  
Architect  
1000 N. Lincoln Blvd.  
Suite 100  
Tulsa, OK 74107  
Tel: 918.596.1111  
Fax: 918.596.1112  
www.dewberry.com  
OSU CHS Medical Academic Building  
1633 S Southwest Blvd W  
Tulsa, OK 74107  
Tel: 918.596.1111  
Fax: 918.596.1112  
www.dewberry.com







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

May 01, 2017

LOD Number: 993158-2

Sign contractor:  
Global Sign Solutions  
17424 S Union Avenue  
Mounds OK 74047

**APPLICATION NO:** 416161 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
**Location:** 1633 S SOUTHWEST BL W  
**Description:** Tandy/A.R.& Mary Louise Tandy Building (South Building Elevation)

#### 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)

12.33

## 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. 416161

1633 S SOUTHWEST BL W

May 01, 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

#### 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.

#### 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 Tandy/A.R.& Mary Louise Tandy Building wall sign appears to have 982 feet of street frontage along W. 17<sup>th</sup> Street. Based on the street frontage of 982 feet times .3 the street frontage will enable a maximum sign area of 150 square feet in an OM zoning district. Currently there appears to be one 85 sq. ft. freestanding sign, one 275 sq. ft. Oklahoma State University Center for Health Sciences wall sign, one 150 sq. ft. college of Osteopathic Medicine wall sign and one 11 sq. ft. Tulsa Police Department forensic laboratory police evidence and property unit wall sign. The additional 217 square foot proposed Tandy/A.R.& Mary Louise Tandy Building wall sign exceeds the permitted display surface area of 150 square feet. As an option you may reduce the total display surface area of the signs to be 150 square feet or you may pursue a variance from the BOA to permit five signs, one 85 sq. ft. freestanding sign, one 275 sq. ft. Oklahoma State University Center for Health Sciences wall sign, one 150 sq. ft. college of Osteopathic Medicine wall sign, one 11 sq. ft. Tulsa Police Department forensic laboratory police evidence and property unit wall sign and the additional 217 square foot proposed Tandy/A.R.& Mary Louise Tandy Building wall sign to exceed the maximum permitted display surface area from 150 square feet to 738 square feet oriented toward the W. 17<sup>th</sup> street frontage.

**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.



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

May 01, 2017

LOD Number: 993067-2

Sign contractor:  
Global Sign Solutions  
17424 S Union Avenue  
Mounds OK 74047

**APPLICATION NO:** 416158 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
**Location:** 1633 S SOUTHWEST BL W  
**Description:** Tandy/A.R & Mary Louise Tandy Building (North Building Elevations)

#### 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.

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3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(continued)

12.36

## 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. 416158

1633 S SOUTHWEST BL W

May 01, 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

#### 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 217 square foot Tandy/A.R & Mary Louise Tandy Building wall sign on the North elevation located in an OM zoning district does not appear to have any street frontage along the North side of the lot and is not permitted. Currently there appears to be 5 existing wall signs, they include Oklahoma State University Center for Health Sciences 325 sq. ft., OSU logo 225 sq. ft., College of Osteopathic Medicine 150 Sq. Ft., Office of the Chief Medical Examiner 11 sq. ft. and E.T. Dunlap Auditorium 9 sq. ft. on the North facing building elevations with a display surface area of 720 square feet. As an option you may pursue a variance from the BOA to permit the proposed 217 square foot Tandy/A.R & Mary Louise Tandy Building wall sign for a total of 6 wall signs in an OM zoning district to exceed the maximum display surface area from 150 square feet to 937 square feet of display surface area to be installed along the North facing building elevations without street frontage.

**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.

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

May 01, 2017

LOD Number: 993030-2

Sign contractor:  
Global Sign Solutions  
17424 S Union Avenue  
Mounds OK 74047

**APPLICATION NO:** 416159 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
**Location:** 1633 S SOUTHWEST BL W  
**Description:** OSU State LOGO/Center for Health Sciences (West facing Elevation)

#### 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.

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3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(continued)



## REVIEW COMMENTS

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[WWW.INCOG.ORG](http://WWW.INCOG.ORG)

Application No. 416159

1633 S SOUTHWEST BL W

May 01, 2017

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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

#### 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.

#### 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 OSU logo Center for Health sciences wall sign appears to have 689 feet of street frontage along Southwest Boulevard. Based on the street frontage of 689 feet times .3 the street frontage will enable a maximum sign area of 150 square feet in an OM zoning district. Currently there appears to be one 85 sq. ft. freestanding sign, one 325 sq. ft. OSU roof sign and one 9 sq. ft. E.T. Dunlap Auditorium wall sign. The additional 464.47 square foot proposed OSU/logo Center for Health Sciences wall sign exceeds the permitted display of 150 square feet. As an option you may reduce the total display surface area of the signs to be 150 square feet or you may pursue a variance from the BOA to permit four signs, one 85 sq. ft. freestanding sign, one 325 sq. ft. OSU roof sign, one 9 sq. ft. E.T. Dunlap Auditorium wall sign and the 464.47 square foot proposed OSU/logo Center for Health Sciences along the Southwest Boulevard street frontage to exceed the maximum permitted display surface area from 150 square feet to 883.47 square feet oriented toward the Southwest Boulevard street frontage.

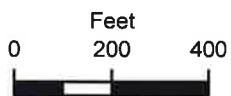
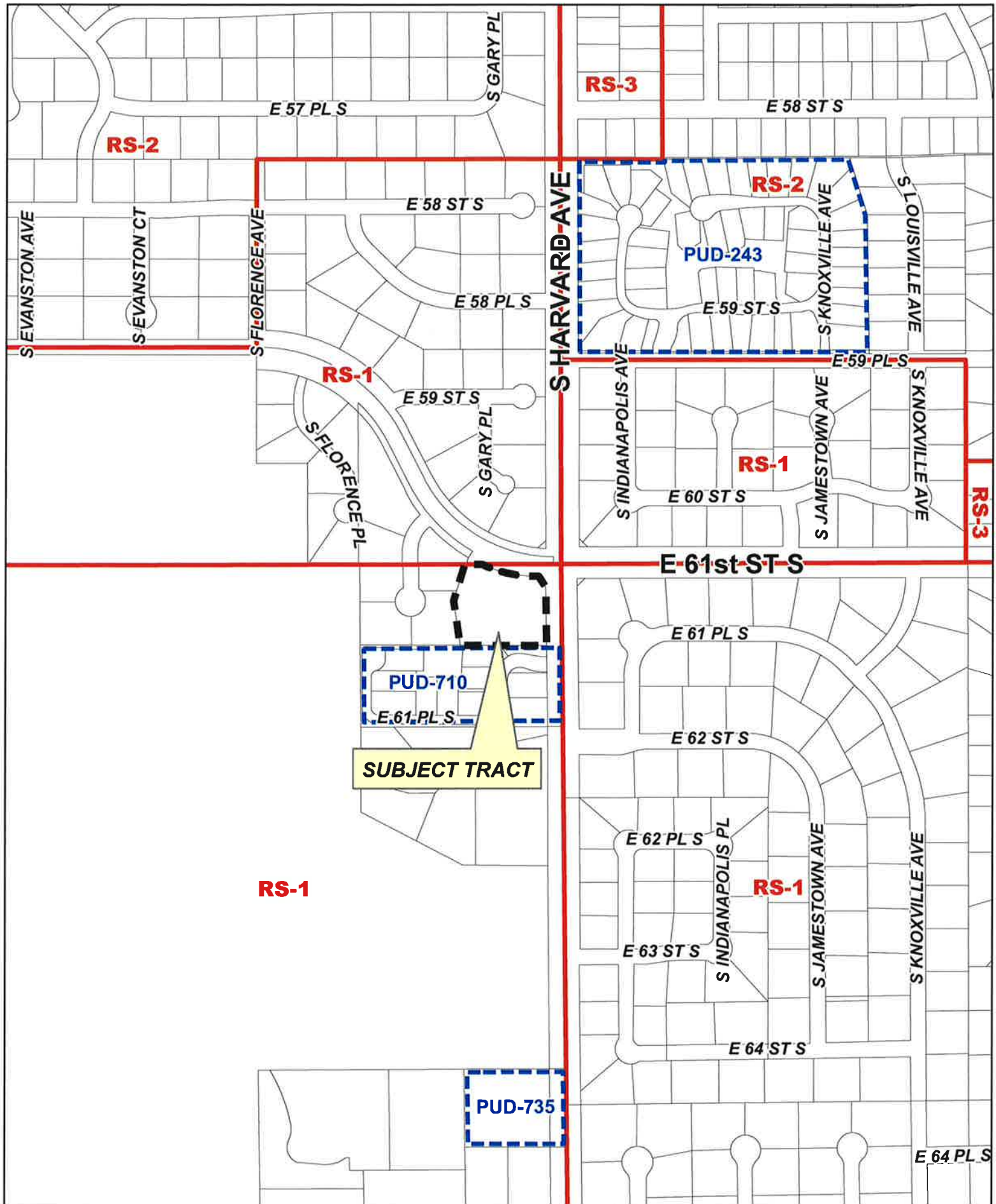
**NOTE:** Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (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-22244

13.1





# BOARD OF ADJUSTMENT CASE REPORT

STR: 8305  
CZM: 52  
CD: 2  
A-P#: 417394

Case Number: **BOA-22244**

**HEARING DATE:** 05/23/2017 1:00 PM

**APPLICANT:** Ronnie Herron

**ACTION REQUESTED:** Special Exception to allow a driveway outside the right-of-way to exceed 30 ft. in width to 48 ft., in an RS-1 district (Section 55.090-F3).

**LOCATION:** 3220 E 61 ST S

**ZONED:** RS-1

**PRESENT USE:** Residential

**TRACT SIZE:** 71913.5 SQ FT

**LEGAL DESCRIPTION:** PRT NE NE BEG NEC NE TH W355 SW120.61 SE145 E335 N265.07 POB LESS BEG NEC NE TH S265.07 S50 N193.26 NW32.42 CRV RT TO PT ON NL SEC E TO POB SEC 5 18 13 1.65AC, City of Tulsa, Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:**  
None Relevant.

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

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

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

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

**STAFF COMMENTS:**

As shown on the attached site plan the applicant is proposing to pave and extend the existing driveway to the east side yard of the lot. The proposed driveway width of 48 ft. on the lot exceeds the maximum allowed driveway width in a RS-1 district; therefore the applicant is requesting a Special

Exception to increase the permitted driveway width on the lot from 30 ft. to 48 ft. per the submitted site plan.

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

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

### Sample Motion for a Special Exception

Move to \_\_\_\_\_ (approve/deny) a Special Exception to allow a driveway outside the right-of-way to exceed 30 ft. in width to 48 ft., in an RS-1 district (Section 55.090-F3)

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

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





Feet

0 200 400



*Subject  
Tract*

**BOA-22244**

18-13 05

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

**Aerial Photo Date: February 2016**





0 50 100  
Feet

Subject  
Tract



BOA-22244

18-13 05

Note: Graphic overlays may not precisely  
align with physical features on the ground.  
Aerial Photo Date: February 2016



S HARVARD AVE

E61PLS

SGARYAVE

E 61st ST S

SGARYPL

13.5







Subject Lot - Looking South







E 61 St S- Street View

05.05.2017 13:17



05.05.2017 13:17

13.7



# **KRK Properties, LLC**

PO Box 303  
Jenks, OK 74037  
918-770-6102

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April 11, 2017

INCOG  
Board of Adjustment  
2 West 2<sup>nd</sup> Street  
Tulsa, OK 74103

RE: Request for special exception at 3220 East 61<sup>st</sup> Street

Dear Sirs:

Please find attached the following documents regarding this request for a special exception for the drive way included in the construction of a new home at 3220 East 61<sup>st</sup> Street:

- Copy of the LOD from the City of Tulsa regarding 55.090-F3 Surfacing;
- Copy of the survey for the property;
- Copy of the permitted site plan for the property;
- Copy of the proposed site plan for the property.

This tract of land sits on the southwest corner of 61<sup>st</sup> and Harvard and consists of approximately 1.6 acres of land that is unplatted. My clients, Dr. Dave Malone and Martha Mars-Malone wish to build a new residence on this property.

The access to the attached and detached garage exceeds the newly adopted City of Tulsa code 55.090-F3 surfacing whereby a driveway cannot exceed 30' in width. We hereby request a special exception be granted to allow for a drive in excess of the 30' maximum.

As can be seen on the proposed site plan, the actual driveway maintains the 30' maximum to the point it begins to approach the area between the detached garage and the main house. In order to have comfortable access into and out of both the attached garage and the detached garage, this area must exceed 30'. As shown on the proposed site plan, this area would connect the main house, the attached garage and the detached garage. Additionally, it allows access to a walk door into the main house and a walk door out of the attached garage.

As you can also see on the permitted site plan, the 30' maximum width is inadequate for access even into the attached 3 car garage (garage doors highlighted in pink)

I respectfully request a special exception be granted based on the proposed site plan to allow for the necessary access to the garage of this new home.

Thank you in advance for your time and consideration.

Kind Regards,  
KRR Properties, LLC

Ronnie W. Herron  
Manager

13.10

3220 EAST 61ST STREET  
TULSA, OK 74136

LEGAL DESCR

LOT  
BLOCK 1  
MANOR NEW  
ESTATES

LOT  
BLOCK 1  
MANOR VIEW  
ESTATES

FENCE LOCATED  
0.6' WEST OF  
PROPERTY CORNER

E 61ST STREET

STATUTORY RIGHT-OF-WAY

SE CORNER  
SECTION 3  
NE CORNER  
SECTION 4

SECTION 5, T-18-N, R-13-E

POINT OF FOUND BRASS CAP  
(LESS AND BEGINNING EXCEPT)

WALL

CHRG=5 73 47'44"  
CH=241 43'  
35 B/L

FOUND EXIST DRAINAGE  
#3 REBAR

STATUTORY RIGHT-OF-WAY

S HARVARD AVE

EAST LINE OF NE/4 SECTION 5

S 01 44'58" E  
192.76'(FM)  
193.26'(D)

PART OF THE NE 1/4 NE 1/4 NE 1/4  
SECTION 5, T-18-N, R-13-E  
PART OF THE SE 1/4 SE 1/4 SE 1/4  
SECTION 32, T-19-N, R-13-E  
(DOCUMENT #20161083)

RESERVE 'A'  
VILLAS AT  
SOUTHERN HILLS

LOT 1 BLOCK 2  
VILLAS AT  
SOUTHERN HILLS

FENCE LOCATED 1.7'  
SOUTH & 1.7' WEST OF  
PROPERTY CORNER

RESERVE 'B'  
VILLAS AT  
SOUTHERN HILLS

# PROPOSED SITE PLAN

WALL  
CORNER  
LOCATED 0.5' SOUTH  
CORNER OF PROPERTY

[illegible]





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: 995116-1

March 20, 2017

RONNIE HERRON  
KRK PROPERTIES  
P O BOX 303  
JENKS, OK 74037

Phone: (918)770-6102

APPLICATION NO: **417394** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: **3220 E 061 ST S**  
Description: **NEW**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 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)

13.12

## REVIEW COMMENTS

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

Application No. 417394

3220 E 061 ST S

March 20, 2017

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

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

**1.) Site plan:** A site plan is required for this application.

**Review Comment:** Your application did not include a complete site plan and appears to encroach into the City of Tulsa Right of Way. Submit two copies of a site plan that provides following information:

- Legal description of the property;
- Boundaries and dimensions of property and names of bordering streets. All property lines must be shown;
- Drawing to scale with location, dimensions and identification of existing and proposed buildings, structures and driveway.
- Drawing to scale with distances from all property lines to the proposed building or structures, and the distance from the proposed work to the centerline of the street;
- Identify any easements and public rights of way;
- Include all architectural projections; i.e. stairs, porches, balconies, fireplaces, etc.;

The zoning clearance review for your permit application will resume after a complete site plan is submitted. Please note that additional deficiencies may be found and will need to be resolved prior to approval of your application.

## 2.) Section 35.010 Building Types

This section establishes and describes the building types regulated by this zoning code.

### Accessory building use

#### 35.010-A Detached House

A detached house is a principal residential building, other than a manufactured housing unit or mobile home, that contains only one dwelling unit and that is located on a single lot that is not occupied by other principal residential buildings. Detached houses are not attached to and do not abut other dwelling units. Detached houses include conventional ("stick-built") construction and construction involving modular or system-built components as long as such construction complies with city building codes.

#### Review Comments:

1. Provide a written statement describing use of the second story that its use is NOT designated for use by a family that is independent of the occupants of the primary residence, or



2. Obtain a Variance from the Board of Adjustment (BOA), to permit two Detached Houses per lot of record, if it is a dwelling unit designated for use by a family that is independent of the occupants of the primary residence.

**3.) 55.090-F3 Surfacing.** In RE and RS zoning districts, driveways serving residential dwelling units may not exceed the following maximum widths unless a greater width is approved in accordance with the special exception procedures of Section 70.120. Maximum Driveway Width in the Right Of Way (ROW) is 20' and 30' outside of ROW.

**Review Comments:** The submitted site plan proposes a driveway width that exceeds the maximum allowable driveway width outside the Right of Way. Revise the site plan to indicate the driveway shall not exceed 30 feet in width on the lot or apply for a special exception from the Board of Adjustment to allow a driveway outside the Right of Way to exceed 30 feet in width.

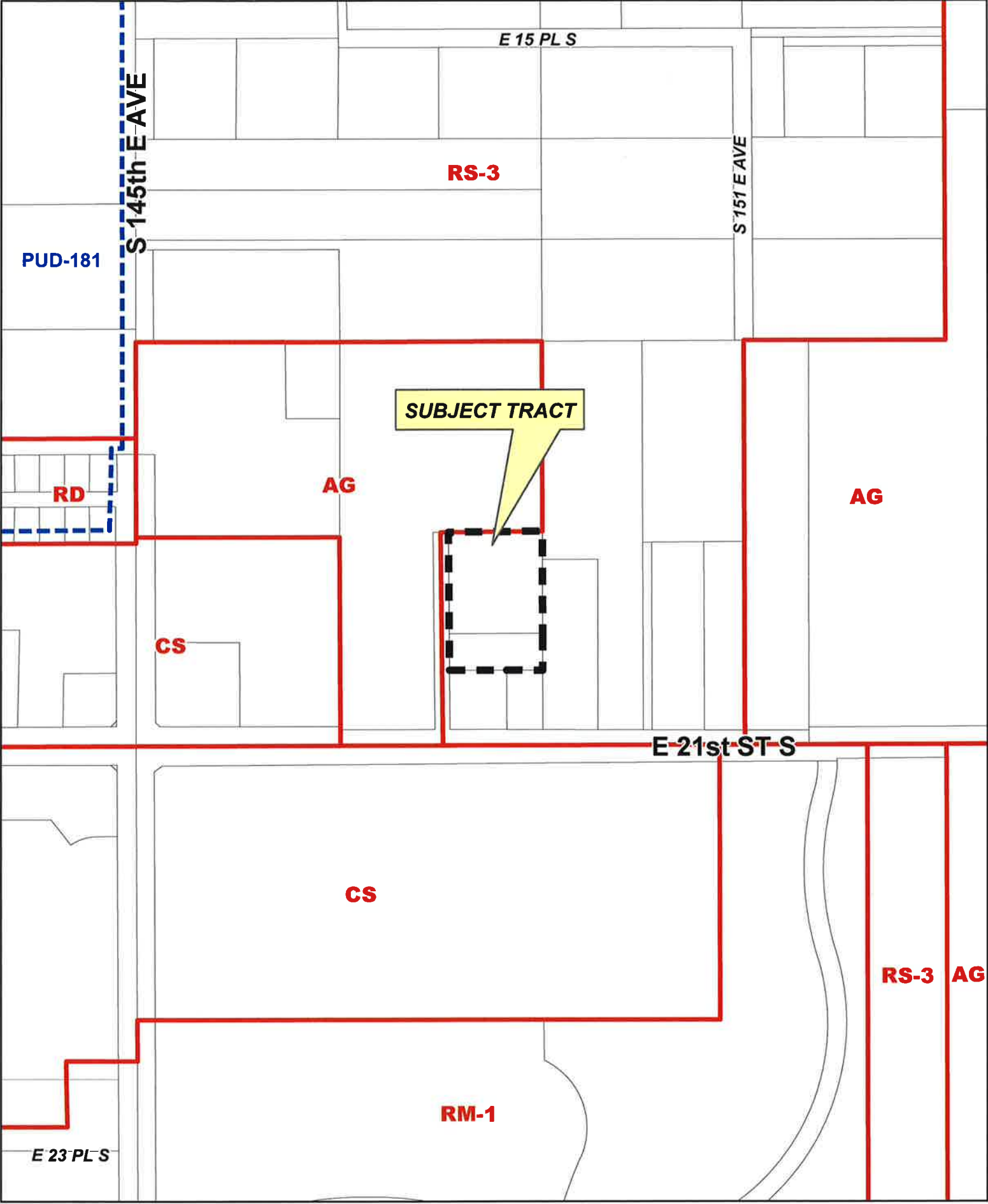
**This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.**

**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.



PUD-181

S 145th E AVE

E 15th PL S

RS-3

S 151st E AVE

SUBJECT TRACT

RD

AG

AG

CS

E 21st ST S

CS

RS-3 AG

RM-1

E 23rd PL S

BOA-22245

14.1



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9410  
CZM: 40  
CD: 6  
A-P#: 9029

Case Number: **BOA-22245**

**HEARING DATE:** 05/23/2017 1:00 PM

**APPLICANT:** Jim Beach

**ACTION REQUESTED:** Special Exception to allow a institutional/religious assembly use in a RS-3 zoned district. (Section 5.020)

**LOCATION:** 14905 E 21 ST S

**ZONED:** RS-3

**PRESENT USE:** Church

**TRACT SIZE:** 3 Acres

**LEGAL DESCRIPTION:** BEG 363N SECR SW SW TH N331 W330 S331 E330 POB LESS W25 THEREOF FOR RD SEC 10 19 14 2.31ACS; N120 S363 OF E330 E/2 SW SW LESS W25 THEREOF FOR RD SEC 10 19 14 .77ACS, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Surrounding Properties:**

**BOA 19966;** on 01.11.05 the Board **approved** a Minor Special Exception to amend a previously approved site plan to add a storage building; located immediately east of the subject site.

**BOA 19783;** on 03.23.04 the Board **approved** an amendment to a previously approved site plan; located immediately east of the subject site.

**BOA 17475;** on 08.27.96 the Board **approved** a special exception to allow an existing church in a RS-3 district, variance to allow an expansion of a lobby entrance to a non-conforming structure and variance to allow parking within the front yard per plan submitted; located immediately east of the subject site.

**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 RS-3 and CS zoning on the north, east and west; E 21 St S and CS zoning abuts the site on the south.

**STAFF COMMENTS:**

The applicant is before the Board requesting a Special Exception to allow a religious assembly use in the RS-3 district to permit expansion of an existing church. The lot combination, LC-901 will be approved by the TMAPC on 05.17.17 to combine the subject lot with the existing church site on the east.

As shown on the submitted site plan the applicant is proposing to construct an 11,924 sq. ft. church building and accessory parking area on the subject site. A Special Exception is required as the church is a use which is not allowed by right in the RS-3 district because of potential adverse affect, but which if controlled in its relationship to the RS-3 zoned district may be permitted.

The subject tract is surrounded by large tracts of undeveloped land. It appears that the proposed church expansion will have a minimal impact on the surrounding residential properties. As the writing of this case report staff has not received any comments from the neighboring property owners.

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Special Exception to allow a institutional/religious assembly use in a RS-3 zoned district. (Section 70.120)

- 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. 19782**

**Action Requested:**

Variance of required side yard from 15' to 9' to permit an addition to an existing garage. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located: 2131 East 29<sup>th</sup> Street.

**Presentation:**

Kurt Barron, 1424 S. Harvard, stated he represented Bob and Jackie Poe, regarding their personal residence. They propose to add to the rear of an existing garage. The addition would not encroach any further than the existing structure. A site plan was provided (Exhibit H-1).

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On Motion of Dunham, the Board voted 4-0-0 (White, Dunham, Perkins, Stephens "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a ***Variance*** of required side yard from 15' to 9' to permit an addition to an existing garage, per plan, finding this is a continuation of a non-conforming existing structure; 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:

Lot 9, Block 9, Forest Hills, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*

**Case No. 19783**

**Action Requested:**

Amendment of previously approved site plan (BOA 17475). SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5, located: 14905 East 21<sup>st</sup> Street.

**Presentation:**

Sy Pham, 11500 N. Stemmons Frwy. #144, Dallas, Texas, stated he is the architect engineer for St. Joseph Catholic Church. They propose to build a fellowship hall for the church. They plan to remove the existing house and garage. This project would not increase the size of the sanctuary. A site plan was provided (Exhibit I-1).

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On Motion of Dunham, the Board voted 4-0-0 (White, Dunham, Perkins, Stephens "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** an Amendment

of a previously approved site plan (BOA 17475), on the following described property:

W 180' of S 609' of W/2 W/2 SE SW S 10-19-14, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*

**Case No. 19784**

**Action Requested:**

Special Exception to approve a change in a previous site plan. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5; and a Variance of no parking permitted within a required front yard. SECTION 1205.B.1.b. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, located: 10310 South Sheridan Road.

**Presentation:**

Jerry Ledford, Jr., 6737 S. 85<sup>th</sup> E. Ave., stated he represented South Tulsa Baptist Church. The church has a new Master Site Plan (Exhibit J-1). The 16.6 acre tract was platted. Additional building plans are for the land closer to the commercial property on the north rather than toward the residential property. They have acquired the tract to the north, about 8.68 acres. It is in PUD 431 and is unplatted and will go through a separate process for a minor amendment and PUD site plan approval. They will have two plats in the future, Lot 1, Block 1, South Tulsa Baptist Church and the 8.68 acres. Everything to the west, south and east would not change much except for the way they dove-tail the new parking lot on the north into the existing lot. He asked that this master plan to be accepted until the PUD to the north is approved, and then allow them to replace it with a new plan that includes both properties.

**Comments and Questions:**

Ms. Perkins noted the plan was named a conceptual site plan. She asked if the foot print would remain the same. Mr. Ledford stated that the plans for the proposed structures are still the same within a couple of feet.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion of Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Stephens "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Special Exception** to approve a change in a previous site plan; and a **Variance** of no parking permitted within a required front yard, per plan submitted today, 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:



Case No. 17474 (continued)

**Protestants:** None.

**Comments and Questions:**

Ms. Turnbo stated she had no problem with this application.

Mr. White concurred with Ms. Turnbo.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays" no "abstentions"; Box "absent") to **APPROVE** an amendment to a previously approved site plan. **SECTION 601. and 401. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS AND PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per amended plan submitted; finding that the approval of this request will not be injurious to the area, nor harmful to the spirit and intent of the Code; on the following described property:

E/2, E/2, NE/4, NW/4, Sec. 16, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17475**

**Action Requested:**

Special Exception to allow an existing church in a RS-3 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**; Variance to allow an expansion of a lobby entrance to a non-conforming structure. **SECTION 1402.A. NONCONFORMING USE OF BUILDINGS, OR BUILDINGS AND LAND IN COMBINATION**, Use Unit 2; and a Variance to allow parking within the required front yard. **SECTION 1202.C.5.b. USE UNIT 2, AREA-WIDE SPECIAL EXCEPTION USES**; Use Conditions, located 14905 East 21st Street.

**Presentation:**

The applicant, **Sy Pham**, 14905 East 21st Street, representing St. Joseph Catholic Church, submitted a site plan (Exhibit F-1), plat of survey (Exhibit F-2) and stated the church was purchased approximately seven (7) years ago and due to increase of membership, the church would like to expand to provide for 100 additional people.

**Comments and Questions:**

Ms. Abbott asked the staff if the church meets the parking requirement? Mr. Beach stated according to the plan submitted he exceeds the parking requirement.

Mr. White asked the applicant if the building to the rear of the church is the Minister's home? He stated the building is the residence of the Minister's.

Case No. 17475 (continued)

Ms. Abbott asked if the applicant if the parking will be over the front or rear setback line? Mr. Beach stated the parking would be across the front setback line.

Ms. Abbott asked if the applicant would still meet the parking requirements if the parking across the front setback line were not allowed? Mr. Beach answered affirmatively.

Ms. Turnbo asked the staff if they are requesting the Board not to approve the variance for the parking in the front yard? Mr. Beach stated the variance for the front yard parking is unnecessary to meet the parking requirement and asked that the Board not approve the variance.

Mr. White asked if the variance could be approved with a removal contract? Mr. Beach answered affirmatively.

Mr. Gardner asked the applicant if the parking spaces on the plan in front of the existing church are existing? He answered affirmatively.

Mr. Pham stated he is not expanding the parking, it already exists.

Mr. Gardner stated the applicant bought a previous church where the parking in the front yard already existed and now he wants to clear up the record by requesting a variance to allow the front yard parking.

Ms. Abbott asked if the Board denied the variance for the front yard parking could it remain as nonconforming? Mr. Gardner answered affirmatively.

Mr. Gardner stated if the existing parking in the front yard was built without a permit or proper relief then it is illegal. He further stated the church does not have a legal nonconforming use. He explained the church is asking the Board to approve what is physically already existing so the church can keep the parking as it is and not be an issue in the future. He further explained it amounts to nine (9) spaces.

Mr. Beach stated 21st Street is a primary arterial with 120' planned right-of-way, 21st Street may or may not ever be expanded, the staff was concerned about the approval of the variance for the front yard parking, which would allow the parking spaces to always be there. He explained if the parking spaces should ever be removed, the parking spaces should be removed and never replaced.

Case No. 17475 (continued)

Mr. Gardner stated churches are often located in residential areas and that is why the parking is not allowed in the front yard. He further stated having the parking setting behind the building and around the sides would harmonize better with residences that might be on either side. He explained the subject church has commercial property across the street and the commercial property does not have any setback on their parking. He stated the Board will have to look at the particular area and see if that aspect of the Code is being accomplished.

Mr. Bolzle stated with CS zoning across the street he did not see why the Board would not approve the front yard parking spaces.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays" no "abstentions"; Box "absent") to **APPROVE** a **Special Exception** to allow an existing church in a RS-3 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS; Variance** to allow an expansion of a lobby entrance to a non-conforming structure. **SECTION 1402.A. NONCONFORMING USE OF BUILDINGS, OR BUILDINGS AND LAND IN COMBINATION**, Use Unit 2; and a **Variance** to allow parking within the required front yard. **SECTION 1202.C.5.b. USE UNIT 2, AREA-WIDE SPECIAL EXCEPTION USES**; Use Conditions; per plan submitted; finding the area consists of commercial and office zoning which allows parking to the property lie and finding that the approval of this application will not be injurious to the area, nor harmful to the spirit or intent of the Code; on the following described property:

W 180', S 609', W/2, W/2, SE, SW, Sec. 10, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17477**

**Action Requested:**

Special Exception to permit a home occupation, water pump repair, in a RM-1 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 136 North Delaware Avenue.

**Comments and Questions:**

Mr. Bolzle asked the staff if this application is where the Board needs to make a determination whether this use is a Use Unit 15 before it hears the case? Mr. Beach answered affirmatively. He further stated that the Code excludes Use Units 15-28 as possible home occupations.



work out the parking issues. He considered the requested for relief of 18 spaces to be a lot, not including what they might want in the future.

**Board Action:**

On Motion of Dunham, the Board voted 3-1-0 (White, Dunham, Stephens, "aye"; Paddock "nay"; no "abstentions"; no "absences") to **DENY** a Variance of the distance required for an Adult Entertainment Establishment from any other Adult Entertainment Establishment from 300 ft to 210 ft, Section 1212a.C.3.c and a **Special Exception** to meet parking requirements on another lot other than where the principle use is located, Section 1301.E and a Variance of the required number of parking spaces for a U.U.12a from 76 to 58, Section 1212a.D, finding a lack of hardship for the variances, on the following described property:

LT 7,8,9,10, & 11 BLK 2, HARBOUR ADDN, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*.

**Case No. 19966**

**Action Requested:**

Minor Special Exception to amend a previously approved site plan to add a storage building, 14905 East 21<sup>st</sup> Street South.

**Presentation:**

The applicant was not present. Mr. White noted this was an amendment of a previously approved site plan. Mr. Alberty responded that with the information presented, the Board could take action in the absence of the applicant.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On Motion of Dunham, the Board voted 4-0-0 (White, Dunham, Stephens, Paddock "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Minor **Special Exception** to amend a previously approved site plan to add a storage building, per plan, though applicant is absent, on the following described property:

S609 W180 W/2 W/2 SE SW LESS S50 THEREOF FOR ST SEC 10 19 14  
2.31ACS, City of Tulsa, Tulsa County, State of Oklahoma

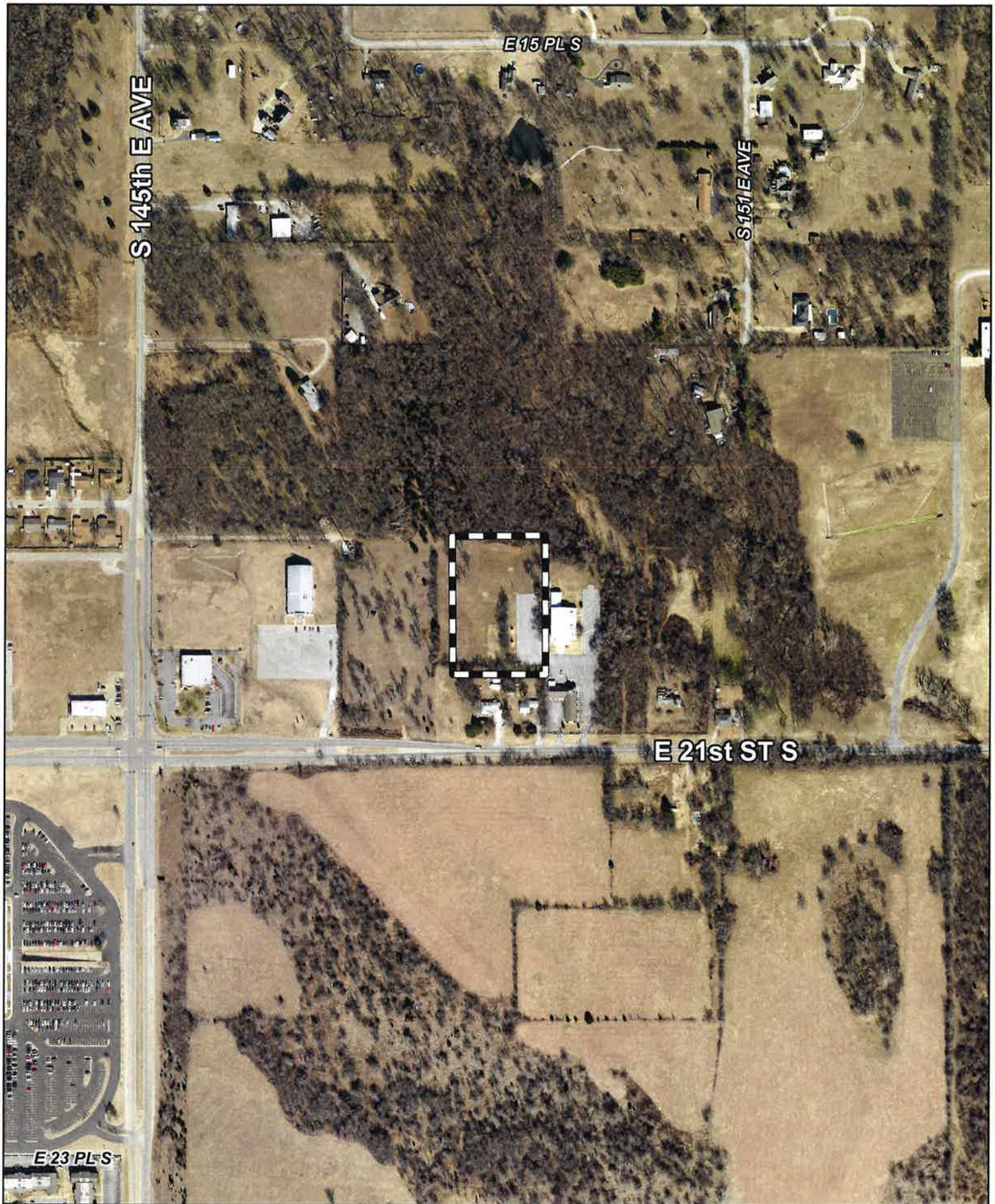
\*\*\*\*\*.

**Case No. 19968**

**Action Requested:**

Variance of the required lot width from 100 ft to 75 ft in an RS-1 district for a lot split, located: 2632 South Columbia Place East.





S 145th E AVE

E 15 PL S

S 151 E AVE

E 21st ST S

E 23 PL S



Subject  
Tract

**BOA-22245**

19-14 10

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

Aerial Photo Date: February 2016



14.10





**E 21st ST S**

0 Feet 50 100



*Subject  
Tract*

**BOA-22245**

19-14 10

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

*Aerial Photo Date: February 2016*







05.05.2017 13:49

Subject Lot - Looking North



05.05.2017 13:49

14.12

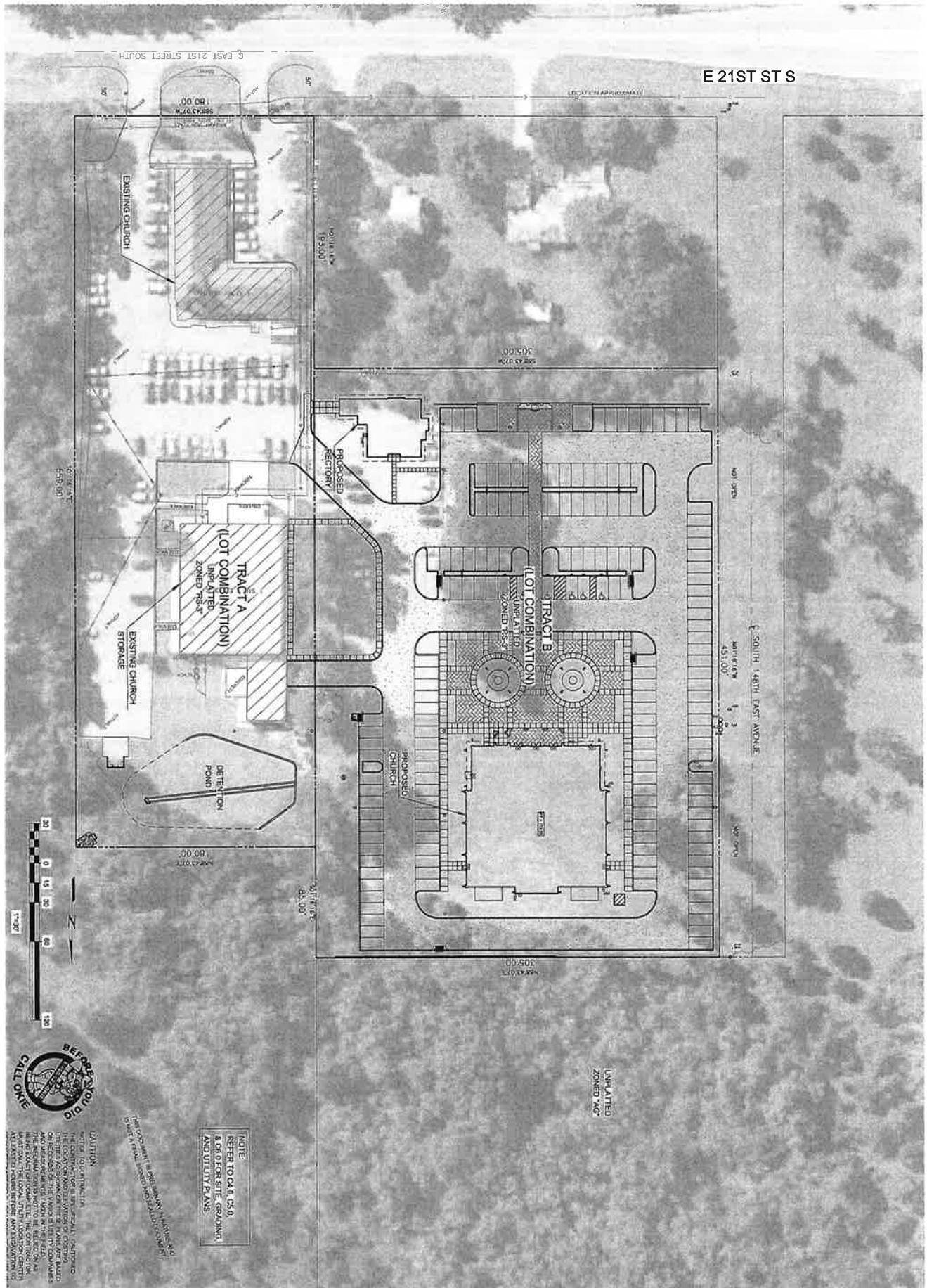




E 21 ST S - Street View







C4.1

DATE	DESCRIPTION
04/20/2017	ORIGINAL SITE PLAN

**ST JOSEPH VIETNAMESE CATHOLIC CHURCH**  
TULSA, OKLAHOMA

**CNK ARCHITECTS, INC.**

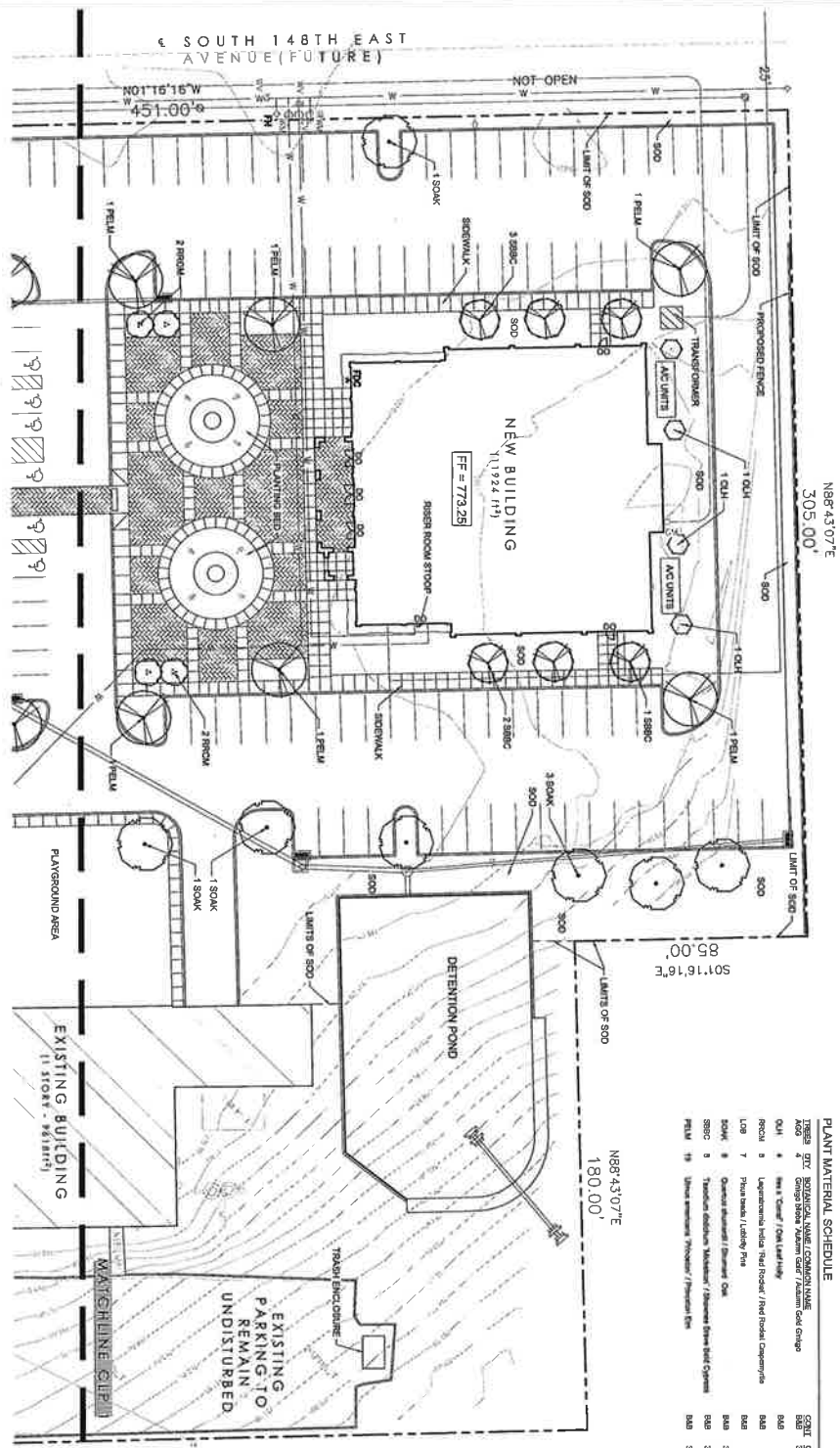
1001 W. ADAMS STREET, SUITE 100  
TULSA, OKLAHOMA 74106-1001

RESPONSE: TULSA 1001  
1001@cnkarch.com

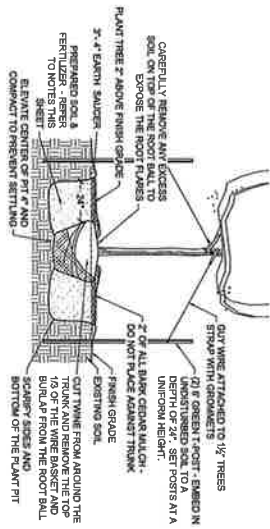
14.14





[illegible]

**A TREE PLANTING - WITH STAKING**  
SCALE: NTS



## GENERAL NOTES

[illegible]

**SOD**  
**ALL ST**

GRASS SOIL.

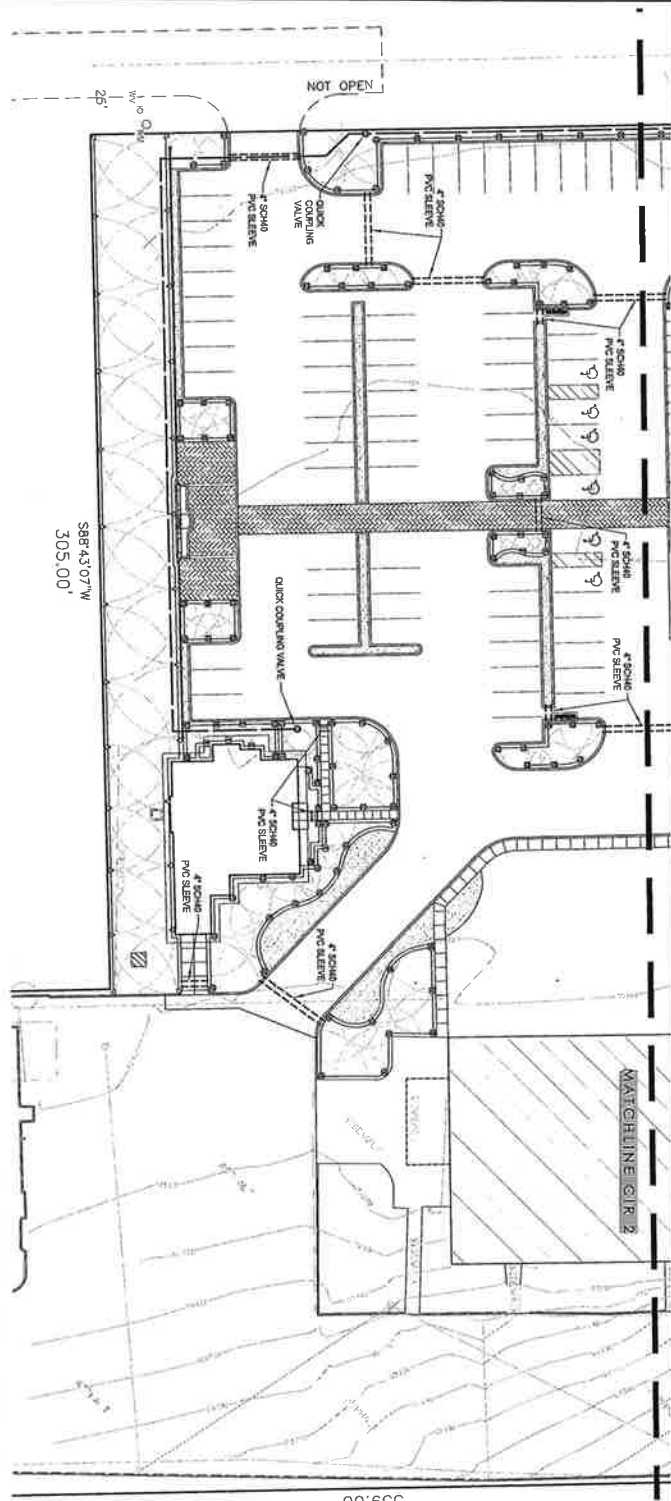
GRASS CONTRACTORS SHALL BE RESPONSIBLE FOR PROVIDING FINISH GRADE (1 1/2" FOR SODDING, LANDSCAPING CONTRACTORS (1/2" DASH) PROVIDE FINE GRADE PRIOR TO SODDING, L.C.T. PROVIDE HIGH QUALITY TOPSOIL AS REQUIRED FOR THE FINE GRADE. A FEW TO BE SODDED. FINE GRADE OF LAWN GRASS SHALL PROVIDE A SMOOTH TRANSITION IN EXISTING GRADE AND BE FREE OF CLUMPS, STONES OR OTHER RESIDUALS. SETTING OF BUSHES SHALL BE DETERMINED BY THE CONTRACTOR.

APPLY FERTILIZER ACCORDING TO TIME OF INSTALLATION. MAY 1, AUGUST 31, APRIL 15, & 15-20 LBS FERTILIZER AT A RATE OF 5 POUNDS PER 1,000 SQUARE FEET.

MULCH. THREE INCHES OF BARKING BERRY MULCH, GRADE 4 MULCH, COARSE MULCH TO A DEPTH OF TWO (2) INCHES. DO NOT PLACE MULCH AGAINST THE TRUNK.

IRRIGATION. AN IRRIGATION SYSTEM IS REQUIRED BY CODE. THE REQUIRED LANDSCAPE WILL BE COVERED BY A PERMANENTLY MAINTAINED IRRIGATION SYSTEM.

[illegible]



### GENERAL IRRIGATION NOTES

1. CALL 811 PRIOR TO DIGGING FOR INFORMATION ON THE LOCATION OF ALL UNDERGROUND UTILITIES.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE CAUSED TO THE UTILITIES PRIOR TO OVERHEAD AND BURIED WHICH MAY OCCUR DUE TO HIS ACTION OR LACK OF ACTION ON THE PROJECT SITE DURING LANDSCAPE OR CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES AND SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES PRIOR TO PERFORMING TRENCHING OPERATIONS IN ANY AREA.
3. GENERAL CONTRACTOR TO SUPPLY METER AS SHOWN ON DRAWING.
4. CONTRACTOR SHALL GENERALLY VERIFY A MINIMUM REMAINING WATER PRESSURE OF 10 PSI AT ALL LATERAL AND MAIN WATER METER LOCATIONS. IF THE MINIMUM WATER PRESSURE IS LESS THAN 10 PSI, CONTRACTOR SHALL NOTIFY THE OWNER OF SUCH AND SHALL RECEIVE OWNER'S APPROVAL PRIOR TO BEGINNING INSTALLATION OPERATIONS.
5. GENERAL CONTRACTOR IS RESPONSIBLE FOR INSTALLATION OF SCHEDULE 40 BACK OF CURB AND CURB UNIT. CONTRACTOR IS READY TO BEGIN INSTALLATION OF SYSTEM, STAKE LOCATION OF SLEEVE WITH T-POSTS AND FLAG.
6. GENERAL CONTRACTOR IS RESPONSIBLE FOR PROVIDING A JBOX WITH 115VAC, SINGLE PHASE POWER TO THE CONTROLLER LOCATION AND A GFI OUTLET AT THE BACKFLOW PREVENTER LOCATION. IRRIGATION CONTRACTOR SHALL HARD WIRE CONTROLLER TO JBOX.
7. THE IRRIGATION DESIGN IS TO BE A MINIMUM OF 1/2\"/>

QUANTITIES SHOWN ARE FOR CONVENIENCE ONLY. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CALCULATE ALL MATERIALS NECESSARY FOR A COMPLETE IRRIGATION SYSTEM.

### IRRIGATION EQUIPMENT LEGEND

- 1. IRRIGATION METER WITH 1\"/>

SEE CIR 2 FOR IRRIGATION DETAILS



**ST. JOSEPH'S CATHOLIC CHURCH**  
14905 E 21st St, Tulsa, OK 74134

NO.	DATE	DESCRIPTION

**CITY IRRIGATION PLAN**  
CIR 1

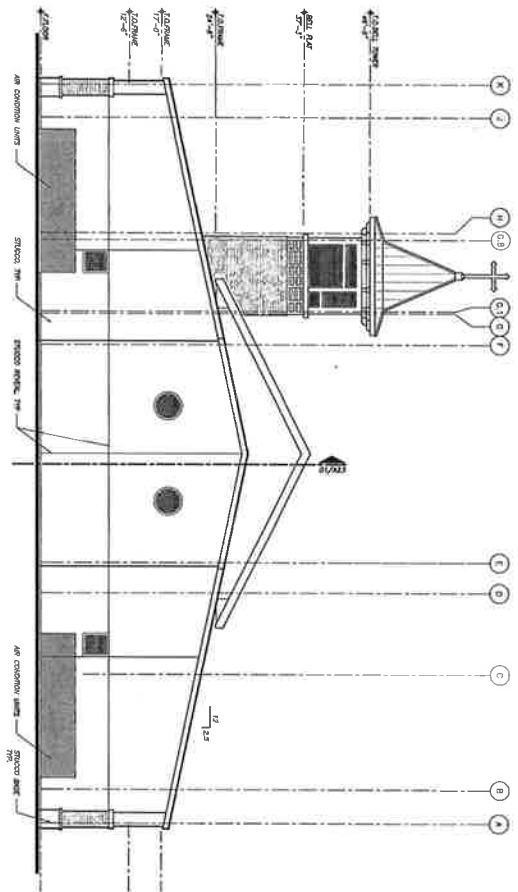
12/17/15  
1:05:55

12/17/15  
1:05:55

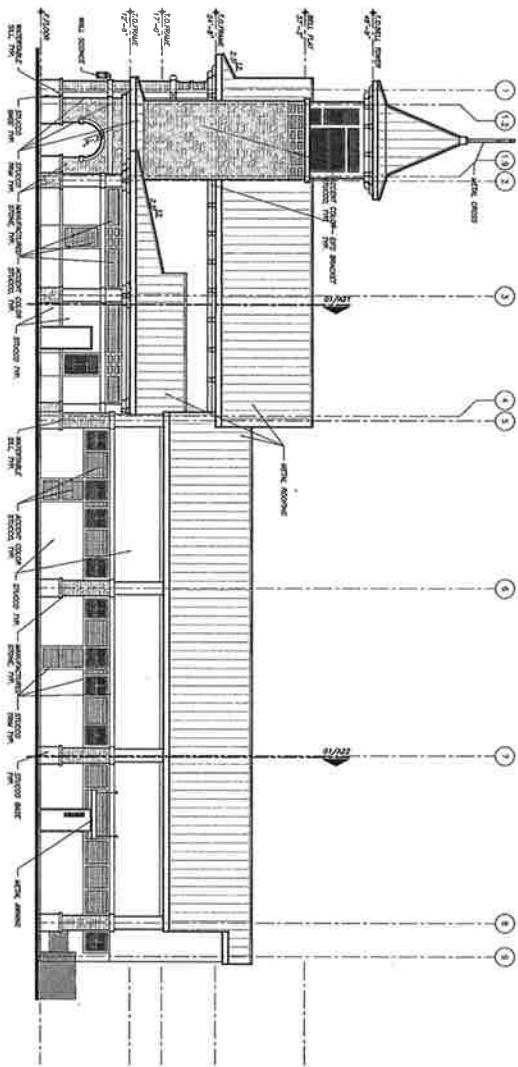
14.17



[illegible]



02 BACK (NORTH) ELEVATION  
SCALE: 1/8"=1'-0"



01 SIDE (EAST) ELEVATION  
SCALE: 1/8"=1'-0"

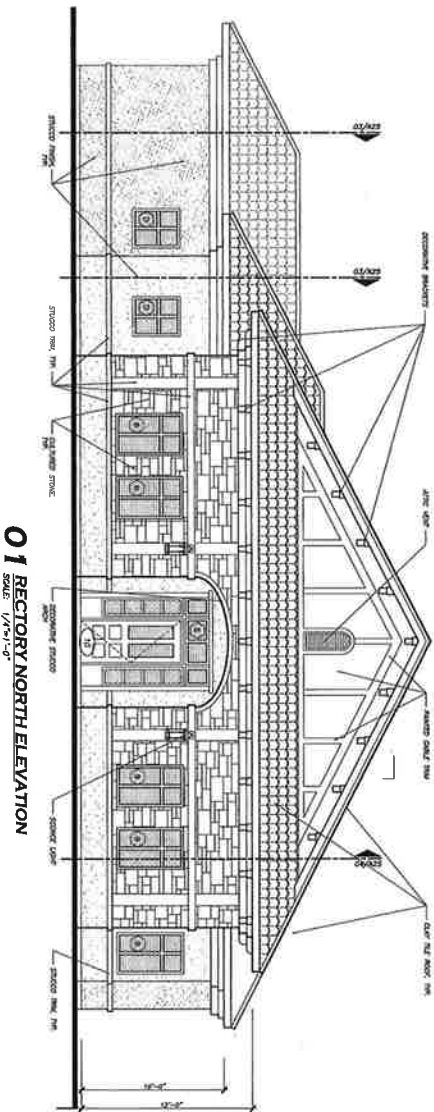
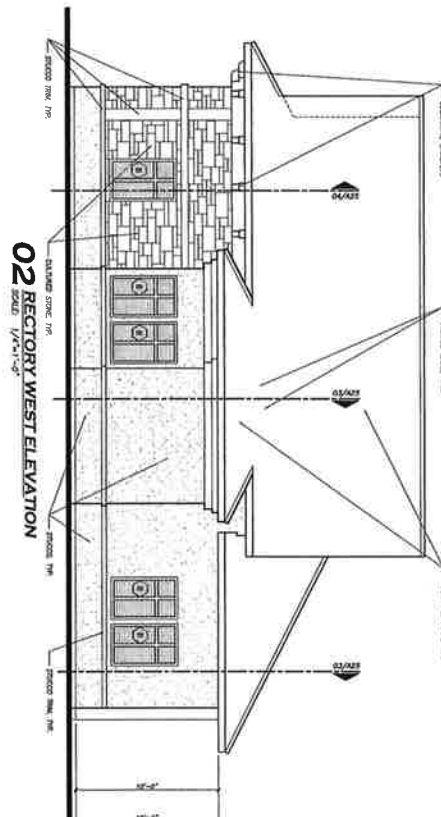
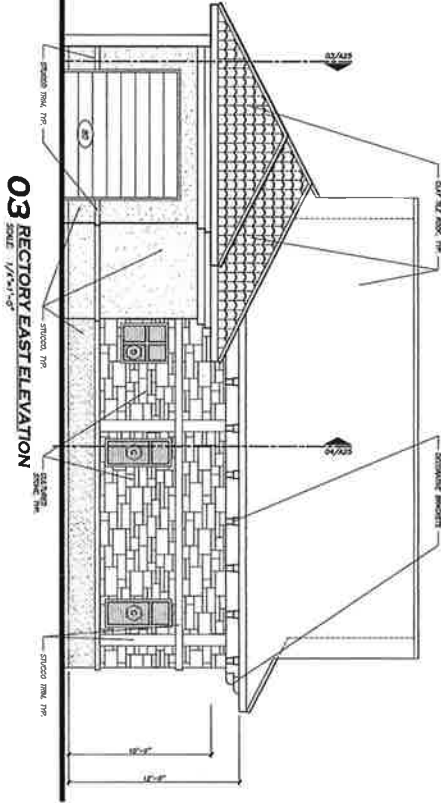
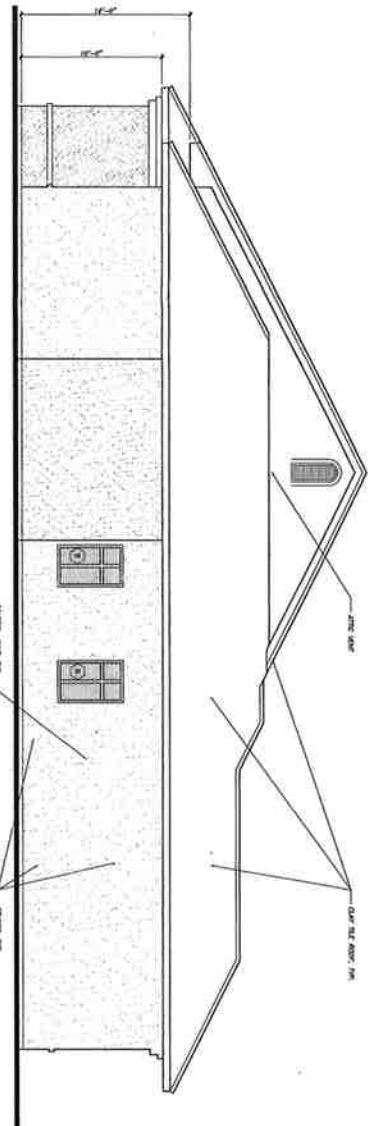
ST JOSEPH VIETNAMESE CATHOLIC CHURCH  
TULSA, OKLAHOMA

3201 W. AIRPORT FREEWAY, SUITE 120 REDFORD, TEXAS 76071  
(817) 684-0588 info@cnkarch.com

CNK ARCHITECTS, INC.

A14

14.19



Project Name	ST JOSEPH VIETNAMESE CATHOLIC CHURCH
Location	TULSA, OKLAHOMA
Architect	CNK ARCHITECTS, INC.
Scale	1/4"=1'-0"
Sheet No.	A31

ST JOSEPH VIETNAMESE CATHOLIC CHURCH  
TULSA, OKLAHOMA

1301 W. AIRPORT FREEWAY, STE 120 BEDFORD, TEXAS 76021  
917.748.0568 info@cnkarch.com

CNK ARCHITECTS, INC.

14.20



**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: 995285-1

March 21, 2017

**JIM BEACH**  
**WALLACE ENGINEERING**  
**200 E MATHEW BRADY ST**  
**TULSA, OK 74103**

Phone: (918)806-7421  
Fax: (918)584-5858

**APPLICATION NO:** 9029 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
**Location:** 14905 E 021 ST S  
**Description:** CHURCH CAMPUS EXPANSION PER ATTACHED SITE PLAN

#### 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)

14.21

## 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. 9029

14905 E 021 ST S

March 21, 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.

**NOTE:** This review is based on the assumption the following lots/parcels will be combined:

- Lot on which the existing church is located: Parcel # 99410-94-10-24440,
- Lot on which the church expansion will be located: Parcel # 99410-94-10-25640, and
- Lot abutting the church expansion to the south: Parcel # 99410-94-10-23340.

1. **Sec.5.020 Table 2:** The proposed Church is designated a Public, Civic & Institutional/Religious Assembly Use and is located in an RS-3 zoned district.

**Review comment:** This use requires a Special Exception reviewed and approved per *Sec.70.120*. Submit a copy of the approved Special Exception to permit a Religious Assembly use in an RS-3 district.

2. **Sec.70.080-B1a(2):** No building permit or zoning clearance permit may be issued until that portion of the subject parcel for which the permit is sought has been included within a subdivision plat or replat, submitted to and approved by the planning commission, and filed of record in the county clerk's office of the county in which the property is located. This platting requirement applies to any property for which a special exception was approved for a Public, civic or institutional use. The planning commission is authorized to waive the platting requirement.

**Review comment:** Submit a copy of the approved subdivision plat submitted to and approved by the Planning Commission and filed of record in the office of the Tulsa County Clerk or an approved plat waiver.

3. **Chapt.65:** The landscaping, screening and lighting regulations of this chapter apply as set forth in the individual sections of this chapter:

**A. Sec.65.040-A1:** Parking lot landscaping:

- a. Off-street parking areas located within 25 feet of a street right-of-way, residential zoning district or residential development area must be separated from the abutting rights-of-way, residential districts and abutting residential development areas by a landscaped area that is at least 10 feet in width and that contains an S1 screen (see *Sec.65.060-C1*) containing at least 3, 5-gallon shrubs per 10 linear feet. This area may be counted towards

satisfying the minimum street landscaping requirements of *Sec.65.030-B1* if it is located within the street yard.

- b. All parking spaces must be located within 50 feet of a tree. Required parking lot trees must be located in a landscaped area that is at least 64 square feet in area and that has a minimum width or diameter of 8 feet.

**B. Sec.65.050: Tree planting and preservation**

**C. Sec.65.070: Landscape installation, irrigation and maintenance**

**D. Sec.65.080: Required landscaping must be installed in accordance with an approved landscape plan that includes at least the following information:**

1. The date, scale, north arrow, and name of the owner;
2. The location of property lines and dimensions of the site;
3. The approximate center line of existing water courses, the approximate location of significant drainage features, the location and size of existing and pro-posed streets and alleys, existing and proposed utility easements and over-head utility lines on or adjacent to the lot, and existing and proposed sidewalks on or adjacent to the lot;
4. The location, size and type (tree, shrub, ground cover) of proposed landscaping and the location and size of the proposed landscape areas;
5. Planting details and/or specifications;
6. The method of protecting any existing trees and vegetation proposed to be preserved, including the identification of existing and finished contours illustrating the limits of grading near the drip line of any trees;
7. The proposed irrigation plan for each required landscape area, including a list of abbreviations and symbols, water main size, water meter size and location, point of connection, backflow prevention assembly size, make and model;
8. The schedule of installation of required trees, landscaping and appurtenances;
9. The location of all proposed drives, alleys, parking and other site improvements;
10. The location of all existing and proposed structures on the site;
11. The existing topography and proposed grading;
12. The area in which grading and vegetation removal will occur; and
13. The area and dimensions of each landscape area and the total landscape area provided on the site.

**E. Sec.65.060: Screening**

**F. Sec.65.090: Outdoor Lighting**

4. **Sec.25.020 Table 1:** The proposed Aerobic Septic System and Detention Pond are a Public, Civic & Institutional/Utilities & Public Service Facility, Minor Use and located in an AG zoned district.

**Review comment:** This is a permitted use in an AG district.

**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.

## **ITEM #15 – REFUND REQUEST**

**BOA-22241 – Encinos 3D Custom  
Products – Christian Ortiz**

## REQUEST FOR REFUND

### Case No. BOA-22241

The applicant, Encinos 3D Custom Products, Christian Ortiz, 9810 East 58<sup>th</sup> Street, Tulsa, Oklahoma, 74146, made application to the City of Tulsa Board of Adjustment, asked for a refund of fees paid for an application for:

Variance ( <input checked="" type="checkbox"/> ) Special Exception ( <input type="checkbox"/> ) Verification ( <input type="checkbox"/> ) Appeal ( <input type="checkbox"/> ) Modification ( <input type="checkbox"/> ) From the COT BOA ( <input checked="" type="checkbox"/> ) County BOA ( <input type="checkbox"/> )		
	Fees Paid	Fees Used
Base Request	\$500.00	500.00
Additional Requests	00.00	50.00
Newspaper Publication	80.00	80.00
Sign (Special Exception Uses in COT only)	125.00	00.00
300' Property Owners Mailing and Postage	45.00	45.00
<b>Application Subtotal:</b>	750.00	675.00
Notice Subtotal:	750.00	675.00
<b>Total Fees Paid:</b>	750.00	750.00

**Recommended Refund:**


**\$75.00**

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

**Applicant over charged.**

The staff recommends the refund listed above.

Per staff:

  
Nikita Moye, Senior Planner



## **ITEM #16 – REFUND REQUEST**

**BOA-22242 – Dewberry – Phillip  
Condley**

## REQUEST FOR REFUND

### Case No. BOA-22242

The applicant, Dewberry, Phillip Condley, 1350 South Boulder Avenue, Suite 600, Tulsa, Oklahoma, 74119, made application to the City of Tulsa Board of Adjustment, asked for a refund of fees paid for an application for:

Variance ( <input checked="" type="checkbox"/> ) Special Exception ( <input type="checkbox"/> ) Verification ( <input type="checkbox"/> ) Appeal ( <input type="checkbox"/> ) Modification ( <input type="checkbox"/> ) From the COT BOA ( <input checked="" type="checkbox"/> ) County BOA ( <input type="checkbox"/> )		
	Fees Paid	Fees Used
Base Request	\$500.00	500.00
Additional Requests	200.00	200.00
Newspaper Publication	60.00	60.00
Sign (Special Exception Uses in COT only)	250.00	00.00
300' Property Owners Mailing and Postage	59.00	59.00
<b>Application Subtotal:</b>	1,069.00	819.00
Notice Subtotal:	1,069.00	819.00
<b>Total Fees Paid:</b>	1,069.00	819.00

**Recommended Refund:**

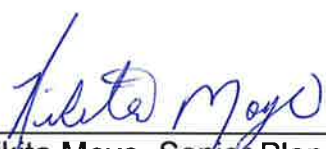
**\$250.00**

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

**Applicant charged for signs that were not needed.**

The staff recommends the refund listed above.

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

  
Nikita Moye, Senior Planner