

**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, June 13, 2017, 1:00 P.M.**

**Meeting No. 1185**

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

1. Approval of **Minutes** of May 23, 2017 (Meeting No. 1184).

**UNFINISHED BUSINESS**

2. **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; and a Variance to allow a dynamic display within 50 ft. of a signalized intersection (Section 60.100). **LOCATION:** 465 South Sheridan Road East (**CD 3**)

**NEW APPLICATIONS**

3. **22243—Conquer Fitness, LLC – David Mainprize**  
Variance of the required parking to permit a health club/gym in the IM District (Section 55.020). **LOCATION:** NW/c of East 6<sup>th</sup> Street South & South Troost Avenue East (**CD 4**)
4. **22246—Barry Goldstein**  
Variance to increase the permitted building height to 40 feet; Special Exception to increase the permitted driveway width beyond 30 feet on the lot (Sections 5.030-A and 55.090-F3). **LOCATION:** 1366 East 27<sup>th</sup> Place South (**CD 4**)
5. **22247—Janet Garcia**  
Special Exception to allow an Indoor Commercial/Assembly and Entertainment use (Community Event Center) in the IL District (Section 15.020). **LOCATION:** 825 North Sheridan Road East (**CD 3**)
6. **22248—Crown Neon Signs – Gary Haynes**  
Special Exception to permit a dynamic display for a church in the RS-2 District (Section 60.050). **LOCATION:** 5603 South New Haven Avenue East (**CD 9**)

7. **22250—Corbin Smith**  
Special Exception to allow the driveway width to exceed 20 feet in width on the lot and in the Right-of-Way in the RS-4 District (Section 55.090-F3). **LOCATION:** 4110 South 185<sup>th</sup> Avenue East (CD 6)
8. **22252—Sisemore Weisz & Associates – Mark Capron**  
Variance of the side yard setback from 15 feet to 13 feet to permit an existing home in the RE District (Section 5.030-A); Variance of the setback from an interior lot line from 3 feet to 1 foot to permit an existing pool house (Section 90.090-C). **LOCATION:** 2121 East 26<sup>th</sup> Place South (CD 4)
9. **22253—A-Max Sign Company – Lori Woethington**  
Special Exception to allow a dynamic display in the R District on a lot occupied by a public, civic, or institutional use (Section 60.050); Special Exception to permit a sign to project into the City of Tulsa Right-Of-Way (Section 60.020) to permit a ground sign as proposed. **LOCATION:** 8707 East 51<sup>st</sup> Street South (CD 7)
10. **22255—A-Max Sign Company – Lori Worthington**  
Variance to permit the separation of two projecting signs to be less than 30 feet (Section 60.040-B); Variance to permit four projecting signs to be installed along South Boulder Avenue with frontage of 183 feet (Section 60.080-C); Variance to permit a dynamic display within 20 feet of the edge of the road on South Boulder Avenue (Section 60.100-E). **LOCATION:** 423 South Boulder Avenue West (CD 4)
11. **22256—A-Max Sign Company – Lori Worthington**  
Variance to permit two dynamic display signs on the lot (Section 60.080-E); Variance to permit a dynamic display sign within 20 feet of the driving surface of South Cheyenne Avenue (Section 60.100-E). **LOCATION:** 100 West 1<sup>st</sup> Street South (CD 4)
12. **22257—A-Max Sign Company – Lori Worthington**  
Variance from the requirement that no more than one dynamic display be permitted on a single CBD zoned lot (Section 60.080-E); Variance to increase the allowed display surface area of a dynamic display sign to 49 sq. ft. (Section 60.080-E); and a Variance to permit a dynamic display within 20 ft of the driving surface of Main Street (Section 60.100-E). **LOCATION:** 11 East 1<sup>st</sup> Street South (CD 4)
13. **22258—Eller & Detrich – Lou Reynolds**  
Variance to permit a part of an elevated deck structure to be located in the planned right-of-way of East 6<sup>th</sup> Street South (Section 90.090-A). **LOCATION:** 1109 East 6<sup>th</sup> Street South (CD 4)

## **OTHER BUSINESS**

### **14. REFUND REQUEST:**

#### **22246— Barry Goldstein**

Variance to increase the permitted building height to 40 feet; Special Exception to increase the permitted driveway width beyond 30 feet on the lot (Sections 5.030-A and 55.090-F3). **LOCATION:** 1366 East 27<sup>th</sup> Place South **(CD 4)**

**The applicant was charged for a sign that was not needed.**

### **15. REFUND REQUEST:**

#### **22253—A-Max Sign Company**

Special Exception to allow a dynamic display in the R District on a lot occupied by a public, civic, or institutional use (Section 60.050); Special Exception to permit a sign to project into the City of Tulsa Right-Of-Way (Section 60.020) to permit a ground sign as proposed. **LOCATION:** 8707 East 51<sup>st</sup> Street South **(CD 7)**

**The applicant was charged for a sign that was not needed.**

## **NEW BUSINESS**

### **BOARD MEMBER COMMENTS**

## **ADJOURNMENT**

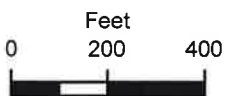
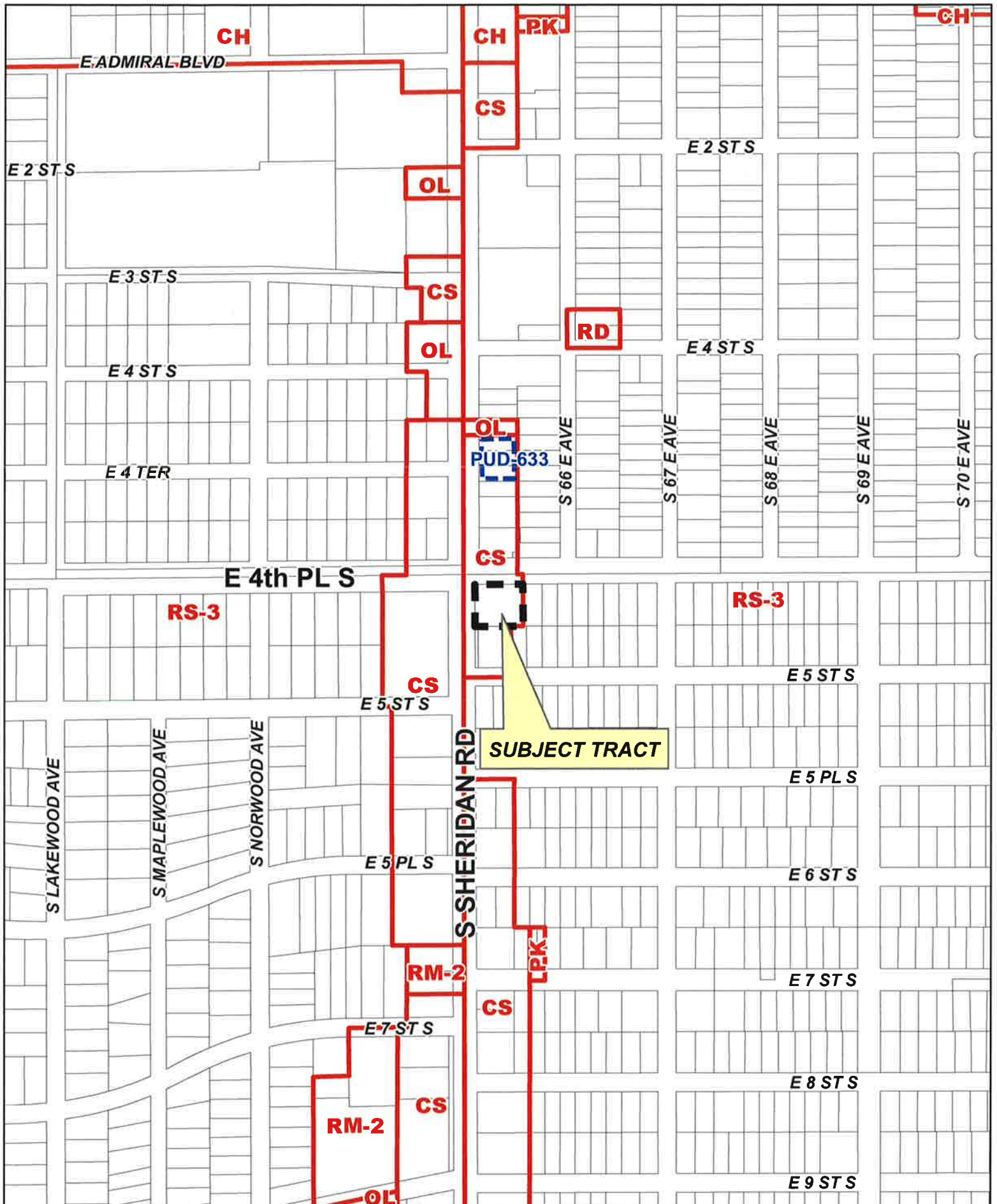
**Website:** [www.cityoftulsa-boa.org](http://www.cityoftulsa-boa.org)

**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.



BOA-22233

19-13 02

2.1





# BOARD OF ADJUSTMENT CASE REPORT

STR: 9302  
CZM: 38  
CD: 3  
A-P#: 416467

Case Number: BOA-22233

**HEARING DATE:** 06/13/2017 1:00 PM

**APPLICANT:** Gary Haynes

**ACTION REQUESTED:** Variance from requirement that dynamic displays not be located within 200 ft of an R district; Variance from the requirement that dynamic displays not be located within 20 ft of the driving surface of a street; and a Variance to allow a dynamic display within 50 ft. of a signalized intersection. (Section 60.100).

**LOCATION:** 465 S SHERIDAN RD E

**ZONED:** CS

**PRESENT USE:** Commercial

**TRACT SIZE:** 21,444.68 SQ FT

**LEGAL DESCRIPTION:** W40 LT 9 ALL LT 10 & 11 BLK 4, SHERIDAN HILLS, 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 "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 RS-3 zoned residences on the east; CS and RS-3 zoning on the south. CS zoned commercial/retail abuts the site on the north and west.

2.2

REVISED 6/5/2017

### **STAFF COMMENTS:**

The existing signs contain a 32 SF dynamic display as shown on the submitted plans and photos. It appears that the dynamic display sign is 130 ft. from the RS-3 district on the east and northeast. The Code requires that no dynamic display sign, if visible from an R district other than street, highway or freeway right-of-way, shall be located within 200 feet of the R district. The Code attempts to protect nearby and visible R districts from the impacts of digital signs. The applicant has requested a variance to allow a dynamic display sign within 200' of an R-zoned district.

**Section 60.100-D** of the Code requires that no dynamic display sign shall be located within 20 feet of the driving surface of a street, measured in a straight line from the nearest point on a sign structure to the nearest point of the street curb, or edge of the traveled roadway. **Section 60.100-D** of the Code states that dynamic display signs shall not be located within 50 ft of the driving surface of a signalized intersection, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the intersection.

The applicant has also requested a variance from the requirement that dynamic displays not be located within 20 ft of the driving surface of a street; and a variance to allow the dynamic display within 50 ft. of a signalized intersection. It appears that the sign is 12 ft. from the curb/roadway of E 4<sup>th</sup> Place S. The applicant has stated that the business sign has been on the site for 30 years and the LED sign was installed without a permit.

The Code provides minimum setbacks in an attempt to establish and maintain desired separation between a digital sign and signalized intersections as well as driving surfaces so as to mitigate the impact of the digital signage, or more specifically its lighting, on the motoring public.

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

Move to \_\_\_\_\_ (approve/deny) Variance from requirement that dynamic displays not be located within 200 ft of an R district; Variance from the requirement that dynamic displays not be located within 20 ft of the driving surface of a street; and a Variance to allow a dynamic display within 50 ft. of a signalized intersection. (Section 60.100).

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

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

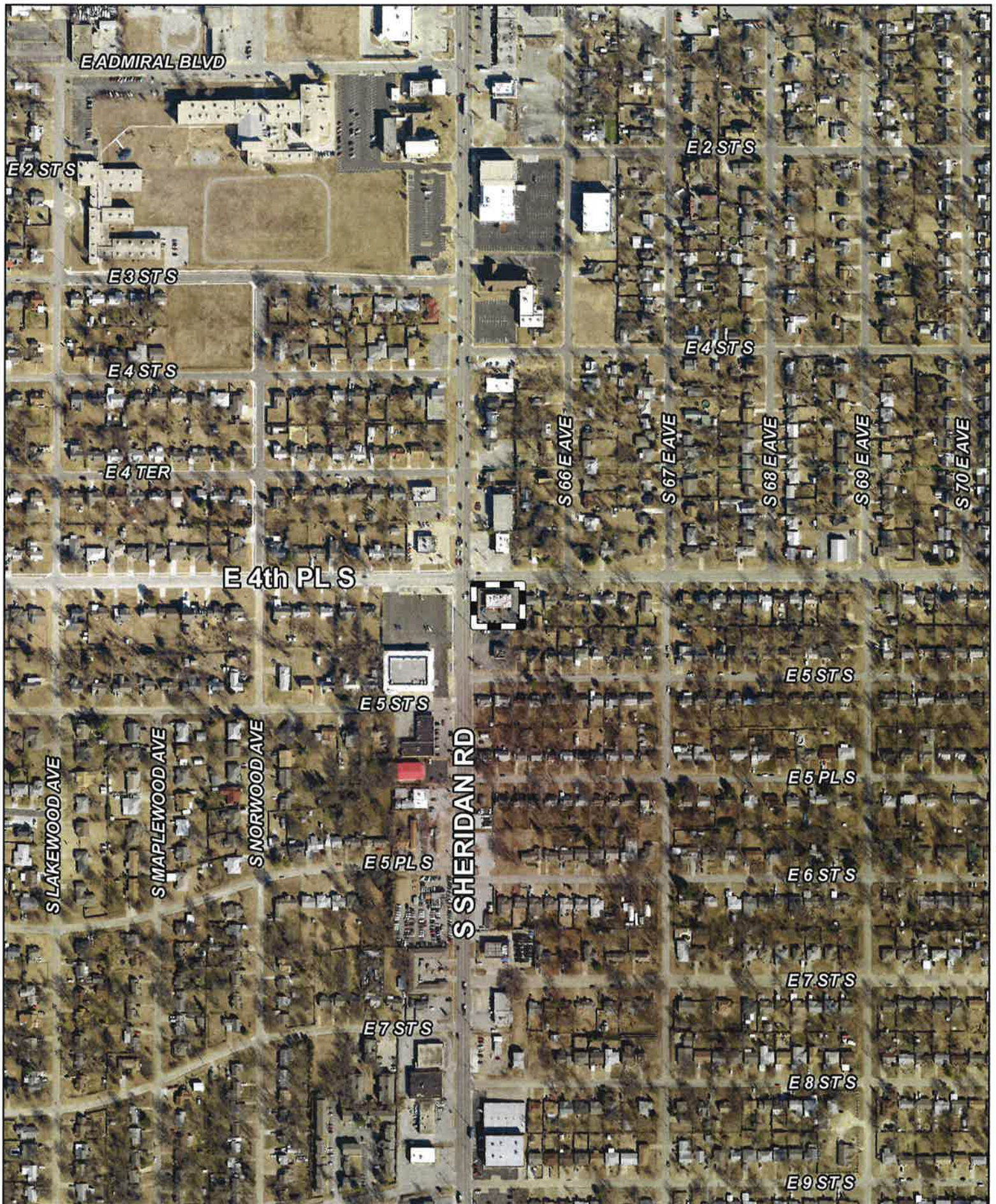
*"a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*

*b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*

*c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*

- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- e. That the variance to be granted is the minimum variance that will afford relief;*
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”*





0 Feet  
200  
400



Subject  
Tract

**BOA-22233**

19-13 02

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

Aerial Photo Date: February 2016

2.5





E4TER

S 66 E AVE

E 4th PL S

S SHERIDAN RD

E5STS

E5STS

**BOA-22233**

19-13 02

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

Aerial Photo Date: February 2016



2.6



Subject  
Tract





Subject Lot - Looking SW



E Sheridan Ave- Looking South



04.26.2017 11:01

Subject Lot - Looking North



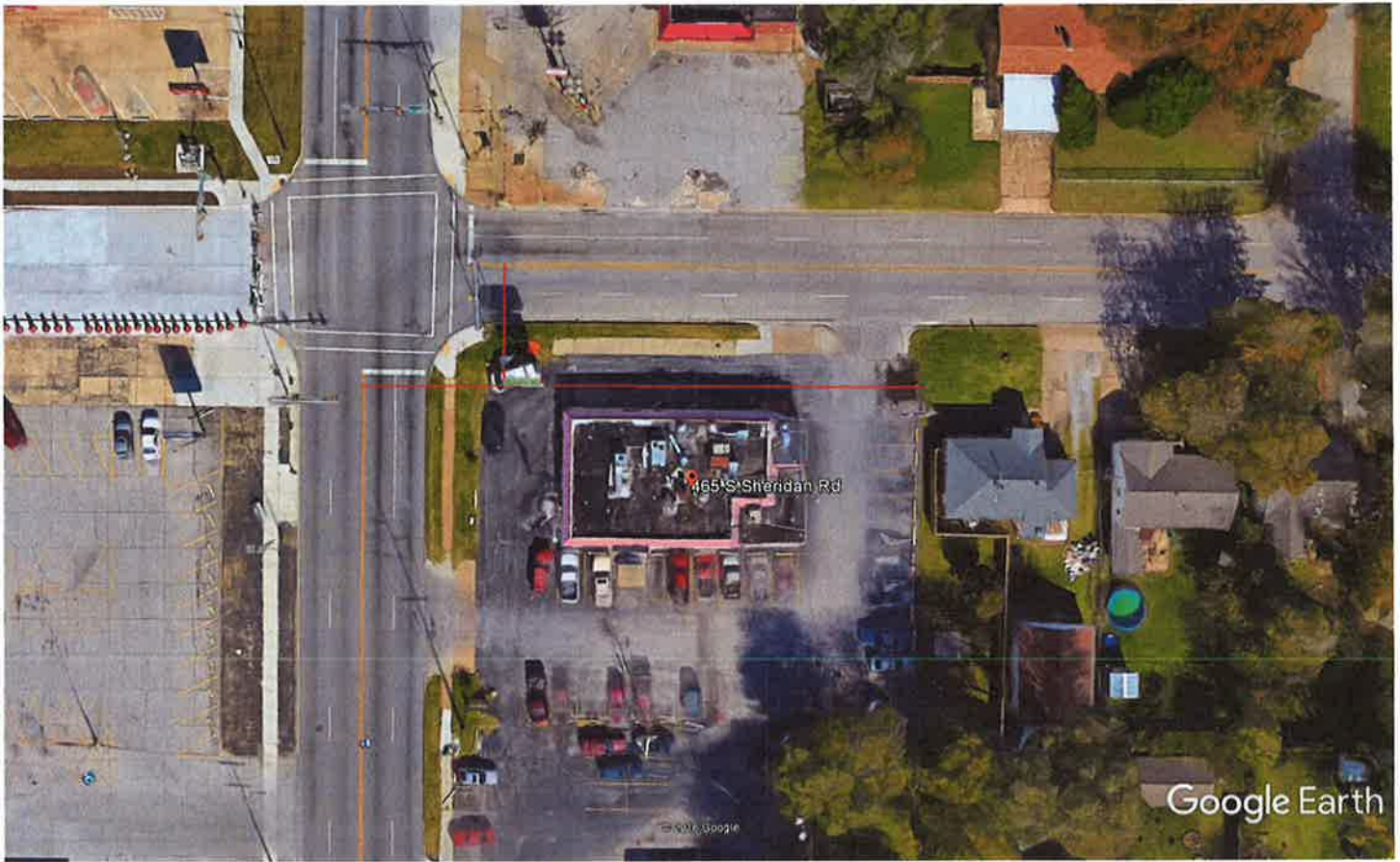
04.26.2017 11:01

Subject Lot - Looking East









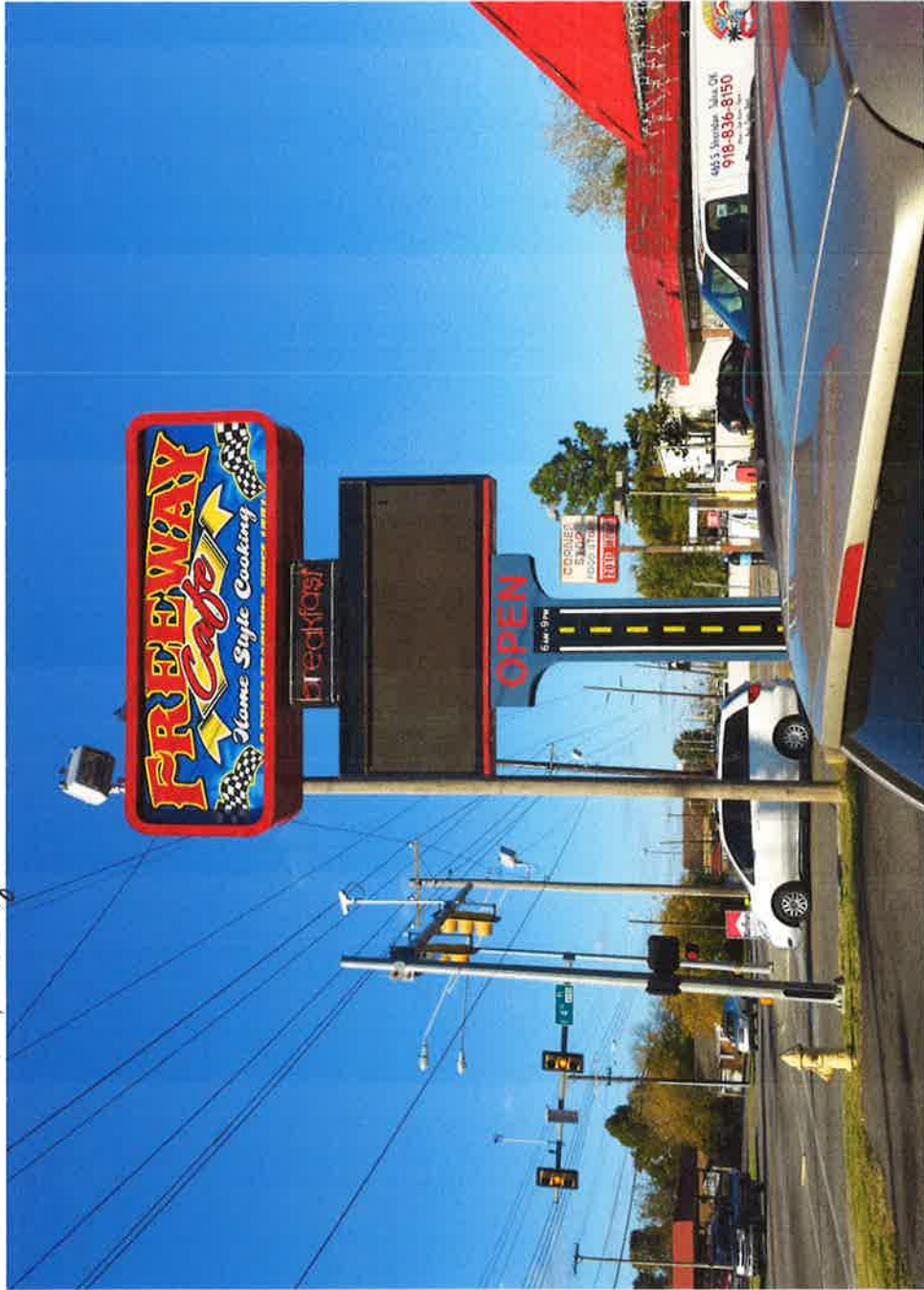
Google Earth

feet  
meters



130' From Residential  
55' To Middle of Sheridan  
40' To Middle of 4th Street

Bld LED Display 50' x 8' Ft



New LED Display 32 Sq Ft





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 06, 2017

LOD Number: 993097-1R

Sign contractor:

Phone: (918)872-8425

GARY HAYNES  
CROWN NEON SIGNS  
5676 S 107 E AVE  
TULSA, OK 74146

APPLICATION NO: **416467** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: **465 S SHERIDAN RD E**  
Description: **Freeway Café/dynamic display**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

#### IMPORTANT INFORMATION

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

(continued)

## 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. 416467

465 S SHERIDAN RD E

March 06, 2017

This letter of deficiencies covers Sign Plan Review items only.

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

### Section 60.100 Dynamic Displays

1.) **60.100-D** Dynamic displays may not be located within 50 feet of a signalized intersection, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the intersection.

**Review Comments:** The proposed 28.28 sq. ft. dynamic display sign appears to be within 50 feet of a signalized intersection along S. Sheridan Road and E. 4th Place. You may relocate the dynamic display sign outside of the 50 foot area or you may pursue a variance from the BOA to permit a dynamic display sign to be located within 50 feet of a signalized intersection.

2.) **60.100-E** Dynamic displays may not be located within or within 20 feet of the driving surface of a street, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the street curb or edge of the traveled road-way marked or understood as such.

**Review Comments:** The proposed 28.28 square foot dynamic display appears to be within 20 feet of the driving surface of the road along E. 4<sup>th</sup> Place. You may relocate the dynamic display sign 20 feet from the edge of the curb/roadway or you may pursue a variance from the BOA to permit a dynamic display sign to be located closer than 20 feet to the edge of the curb/roadway along E. 4<sup>th</sup> Place.

3.) **60.100-F** Dynamic displays may not be located within 200 feet of any of the following :( 1) an R district (other than street, highway or freeway right-of-way); (2) a residential development area. This separation distance does not apply if the dynamic display is not visible from the referenced district, area or lot, and the requirements may be modified in R and AG districts if approved through the special exception process.

**Review Comments:** The proposed 28.28 square foot dynamic display sign appears to be located within 200 feet of an RS-3. You may pursue a variance from the BOA to permit a dynamic display sign to be located within 200 feet of a RS-3 Residential zoning district.

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

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

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

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

**THIS PAGE  
INTENTIONALLY  
LEFT BLANK**



19-13 06



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9306

Case Number: BOA-22243

CZM: 37

CD: 4

A-P#: 412172

**HEARING DATE:** 06/13/2017 1:00 PM

**APPLICANT:** David Mainprize

**ACTION REQUESTED:** **Variance** to reduce the required parking to permit a health club/gym in an IM District (Section 55.020).

**LOCATION:** Northwest corner of E. 6<sup>th</sup> St. and S. Troost Ave. **ZONED:** IM

**PRESENT USE:** Commercial building **TRACT SIZE:** 18,761.37 SQ FT

**LEGAL DESCRIPTION:** E7 LT 17, ALL LT 18, W43 OF LT 17, and E45 OF LT 16, BLK 3, GLASS FACTORY ADDN, City of Tulsa, Tulsa County; State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Site:**

**BOA 22205;** on 02.28.17 the Board **approved** a Special Exception to allow Indoor Commercial/Assembly and Entertainment (small, less than 250 persons) in the IM district to permit a gym/health club.

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

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

The Land Use Category, **Area of Stability**, includes approximately 75% of the city's total parcels. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by a mixture of industrial and commercial uses in the IM district.

### **STAFF COMMENTS:**

The applicant is before the Board requesting a Variance to reduce the required parking from 33 spaces to 16 as proposed on the attached site plan. The applicant provided the following statement with their application: *"The requirement of 33 parking spaces is a practical impossibility in this area. The Pearl District is a growing area and there are many flourishing businesses that only use on street parking. The literal enforcement of the Code is not necessary in that we are going to be operating a small gym and will only need 10 or less parking spaces at any given time. Granting this variance will not disturb the area and infact will help the City's plan for this district."*

According to the submitted site plan the health/fitness club is required to provide 33 parking spaces. The Code allows 10 long-term bicycle parking spaces to be credited as one motor vehicle parking space. The Code permits nonresidential uses to count on-street parking spaces on public streets abutting the subject property towards satisfying vehicle parking requirements. The submitted site plan indicates that the site can accommodate 9 off-street vehicle parking spaces; 10 long-term bicycle parking spaces counting as 1 vehicle parking space; and 5 on-street parking spaces along S Troost Ave. The Code attempts to ensure that all uses provide adequate on site-parking to make certain that peak vehicle parking demand is accommodated.

### **Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a **Variance** to reduce the required parking to permit a health club/gym in an IM District (Section 55.020).

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

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

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

*b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*

*c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*

*d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*

*e. That the variance to be granted is the minimum variance that will afford relief;*

*f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*

*g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."*

**22205—David Mainprize**

**FILE COPY**

**Action Requested:**

Special Exception to allow Indoor Commercial/Assembly and Entertainment (small, less than 250 persons) in the IM district to permit a gym/health club. (Section 15.020) **LOCATION:** 1635 East 6<sup>th</sup> Street South (CD 4)

**Presentation:**

**David Mainprize**, 1721 West Easton Street, Tulsa, OK; stated he and his family own an obstacle course and they would like to build an obstacle course and training facility.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BACK**, the Board voted 3-0-0 (Back, Bond, Van De Wiele "aye"; no "nays"; no "abstentions"; Flanagan, White absent) to **APPROVE** the request for a Special Exception to allow Indoor Commercial/Assembly and Entertainment (small, less than 250 persons) in the IM district to permit a gym/health club (Section 15.020), per the conceptual plan on page 5.12 of the agenda packet. 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; for the following property:

**E45 OF LT 16 BLK 3; W43 OF LT 17 BLK 3; E7 LT 17 ALL LT 18 BLK 3, GLASS FACTORY ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

**22207—TCG Development, LLC – Rachel Marquis**

**Action Requested:**

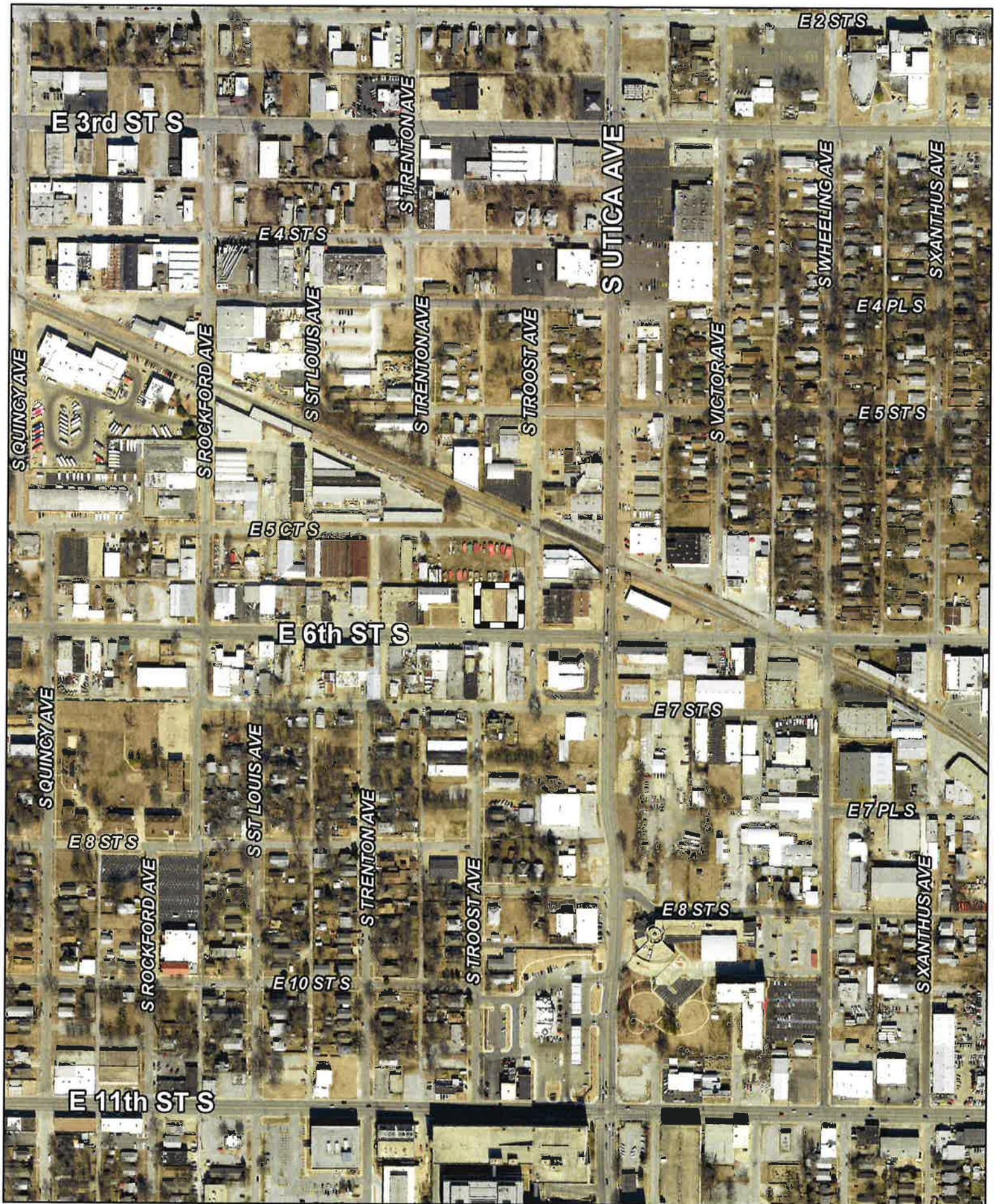
Special Exception to permit a fence and/or wall height greater than 4 feet within the required street setback (Section 45.080-A). **LOCATION:** 18001 East 51<sup>st</sup> Street South (CD 6)

**Presentation:**

**Rachel Marquis**, TCG Development, 801 Cherry Street, Suite #2400, Fort Worth, TX; stated TCG Development is building a senior living community on the subject property and they would like to erect an iron and brick wall fence on the front of the property.

Mr. Van De Wiele asked what the remainder of the fence would be constructed of if the portion facing 51<sup>st</sup> Street is wrought iron and brick. Ms. Marquis stated the remainder of the fence will be cedar picket.





0 Feet  
200  
400



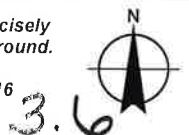
Subject  
Tract

**BOA-22243**

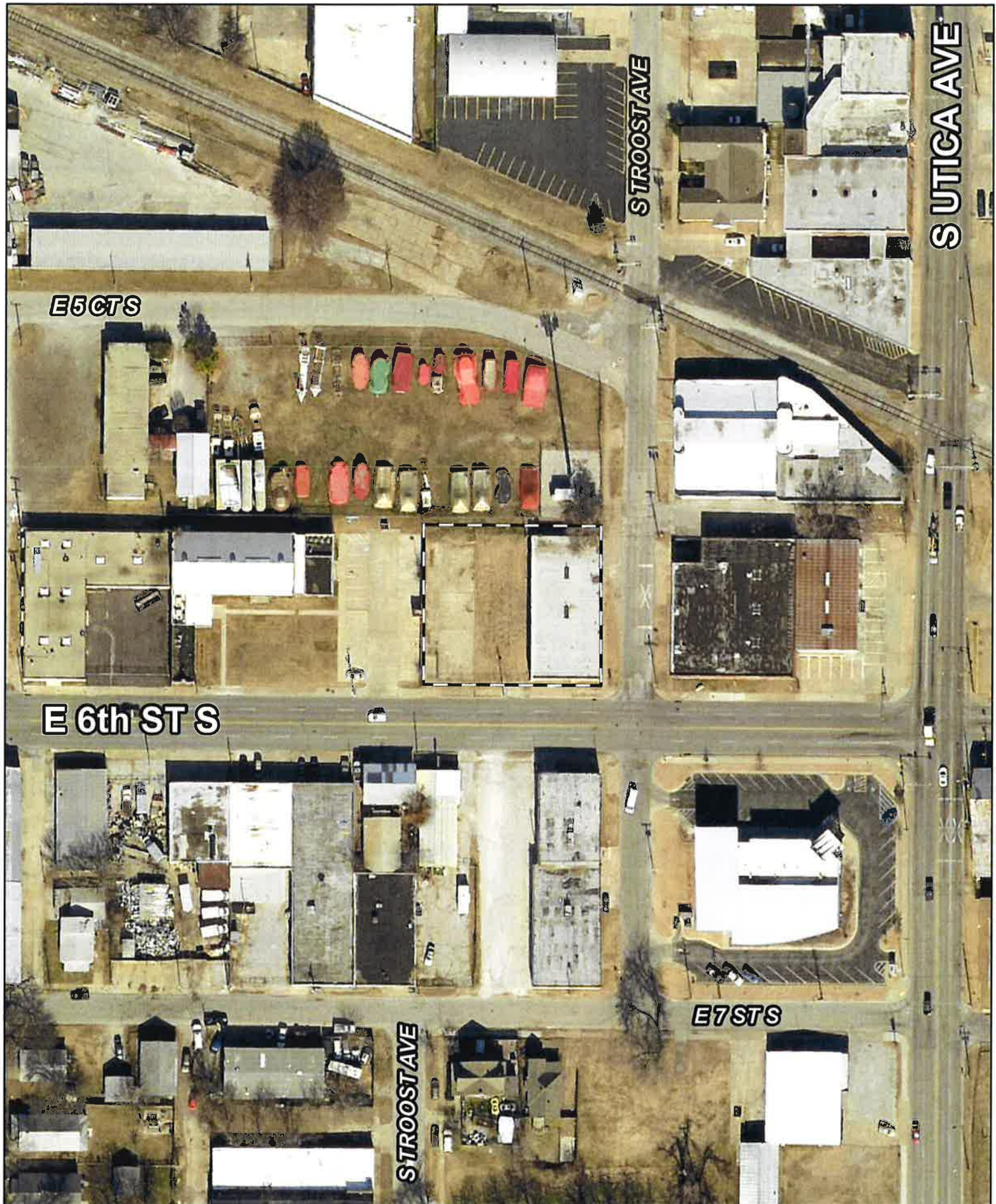
19-13 06

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

Aerial Photo Date: February 2016







0 50 100  
Feet



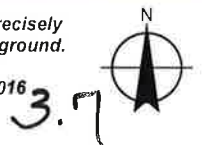
Subject  
Tract

**BOA-22243**

19-13 06

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

Aerial Photo Date: February 2016







Subject Lot - Looking NW

02.03.2017 13:07



Subject Lot - Looking NE

02.03.2017 13:06

3.8





Subject Lot - Looking NE

02.03.2017 13:06



Subject Lot - Looking NW

02.03.2017 13:06

3.9





E 6 ST S - Street View

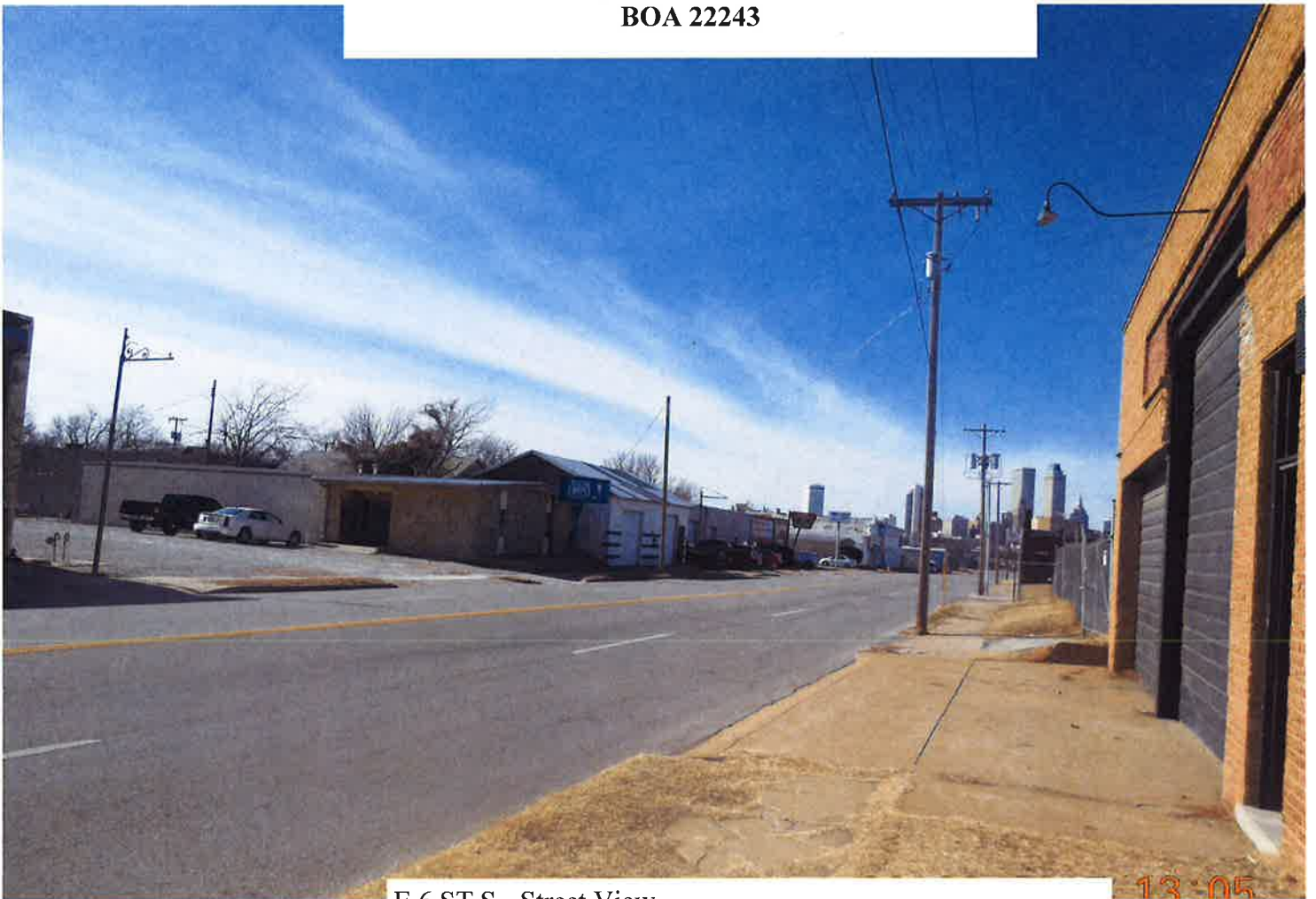
02.03.2017 13:05



02.03.2017 13:06

3.10





E 6 ST S - Street View





05/31/17

**Conquer Fitness**  
1635 E 6th Street  
Tulsa, OK 74120  
OWNER INFORMATION:  
**Conquer Fitness, LLC**  
1635 E 6th Street  
Tulsa, OK 74120

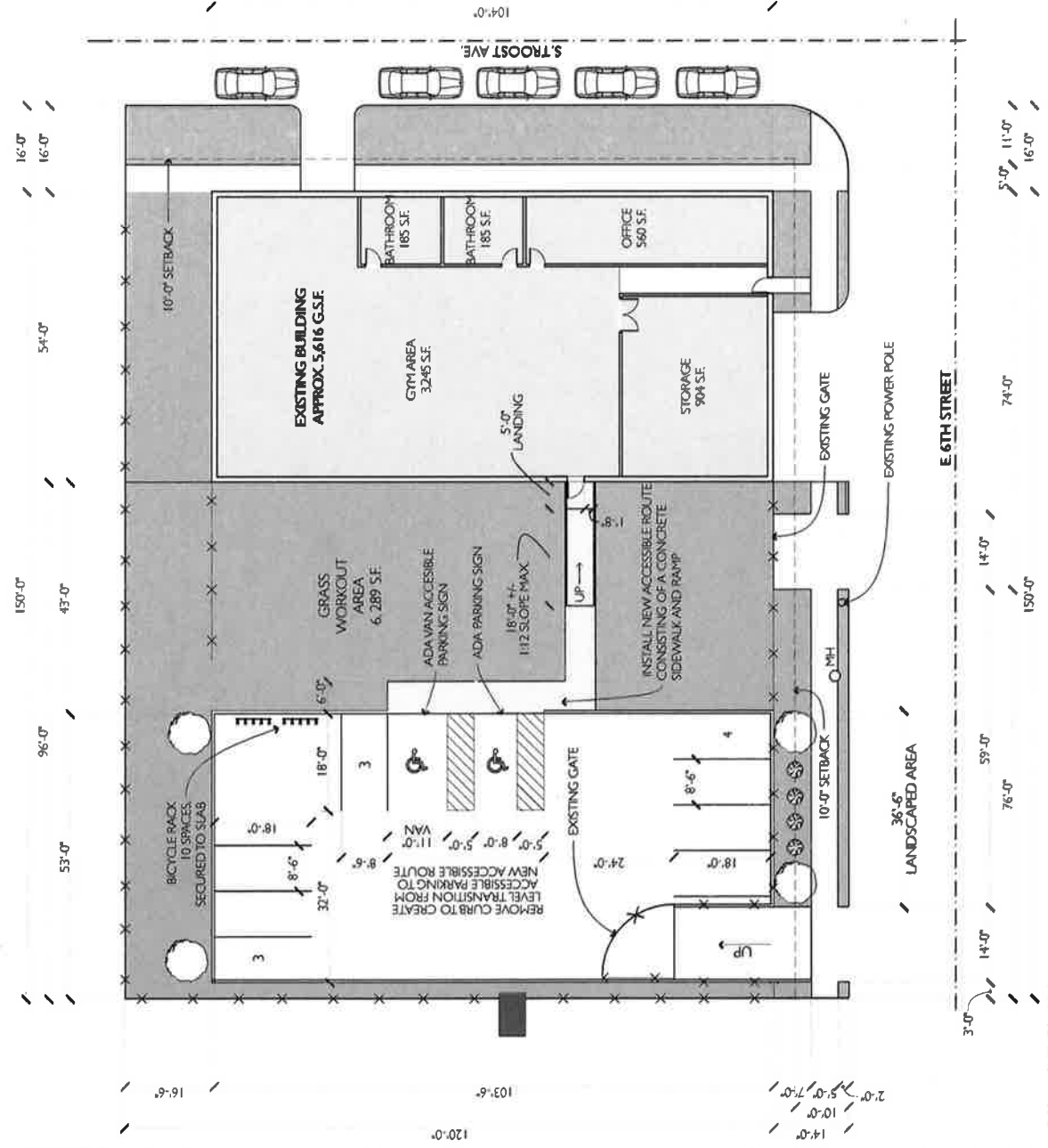
NO.	DATE	DESCRIPTION
01	5/31/17	BOA Submission
PROJECT NO: 1600		
SHEET TITLE		

**ARCHITECTURAL  
SITE PLAN**

**ASI**

© 2017 by Jones Design Studio, LLC. All Rights Reserved.

**Zoning Code Notes:**  
Building Area: 5,616 square feet  
Property District: IM  
Abutting Districts: IM  
Use Category: Commercial  
Building Type: Special Exception to allow Indoor Commercial/Assembly and Entertainment (small, less than 250 persons) in the IM district to permit a Gyrnrl-Health Club. (Section 15.020)  
Landscape & Fencing Requirements: At least 1 tree (8 feet diameter) within 50 feet from all parking spaces on at least 64 sq. ft. of a landscaped area.  
Minimum Parking Ratios: 5.5 spaces per 1,000 square feet (Table 55-1).  
Required parking: 31 spaces  
(5,616 SF / 1,000 SF) x 5.5 = 31  
Off-street parking: 10 spaces on site  
10 Long-term bicycle parking spaces provided counting as 1 vehicle parking spaces  
On-street parking: 5 spaces  
Total Spaces: 16 spaces



**1 SITE PLAN**  
SCALE: 1" = 20'

## Moye, Nikita

---

**From:** David Denham [ddd1943@sbcglobal.net]  
**Sent:** Monday, June 05, 2017 10:51 AM  
**To:** Moye, Nikita  
**Subject:** Case # BOA-22243 Variance to reduce the required parking

Dear Ms. Moye; I have received a notice of hearing before the Board Of Adjustment as concerns the above subject. I did not object to Conquer Fitness, LLC using the building as a health club facility. I own the warehouse at 541 S. Troost. The Jones Design Studio drawing shows 5 cars parked on Troost; this would involve taking up the whole West lane of Troost. Large trucks use this section of Troost to make deliveries to the commercial businesses adjacent to the proposed variance. The Pearl District is in an embryonic stage of development and I believe giving a variance at this time would be imprudent. David Denham-Cell 918-633-5782

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: 983201-1

March 16, 2017

STEPHEN MAINPRIZE  
CONQUER FITNESS, LLC  
5969 E 27TH ST  
TULSA, OK 74114

Phone: (918)510-0464

APPLICATION NO: **412172** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: **1635 E 006 ST S**  
Description: **ALTERATION - INTERIOR**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

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

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

#### IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT [WWW.INCOG.ORG](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" 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)

3.14

## REVIEW COMMENTS

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

Application No. 412172

1635 E 006 ST S

March 16, 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. **RESOLVED** Sec.15.020 Table 15-2: The proposed Health club is designated Commercial /Assembly and Entertainment / Indoor, Small < 250 person capacity. It is located in an IM zoned district. This will require a Special Exception approved by the BOA. Submit an approved BOA Special Exception Commercial / Assembly and Entertainment / Indoor, Small < 250 person capacity to be allowed in an IM zoned district.

2. **UNRESOLVED** Sec.55.020: Off-street motor vehicle parking spaces must be provided in accordance with minimum ratios established in Table 55-1. The minimum off-street parking ratio for this use is 5.50 spaces per 1,000 sq. ft. of building area. Your application indicates the building area is 6,000 sq. ft. This will require 33 off-street parking spaces.

➤ **ACTION REQUIRED:** *The location and design of the parking area (including parking stalls was not approved in your BOA case. Revise your site plan to provide a parking area containing 33 off-street parking stalls. Please note the parking area includes the parking spaces, the maneuvering areas necessary to enter and exit the spaces and the drives providing access to the parking spaces and maneuvering areas from a public or private street or other parking areas. The design is required to comply with Sec.55.090 and required to comply with:*

- **Sec.55.080-A:** *Required off-street parking areas, unless otherwise specified in this section, must be located on the same lot as the building or use. A lot combination may be required to meet his requirement.*
- **Sec.55.090-F1:** *All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code.*
- **Sec.65.020A1g:** *New paving in excess of 30 ft<sup>2</sup> will be required to comply with the applicable landscaping, screening and lighting provisions listed in Chapt 65.*

3. **UNRESOLVED** Sec.55.080-D: All or a portion of required off-street parking for nonresidential uses may be provided off-site, in accordance with regulations. Unless otherwise specified in this section required accessible parking spaces may not be located off site. Submit a site plan providing 33 spaces compliant with design criteria specified in Section 55.090.



➤ **ACTION REQUIRED:** *If you choose this option, you will need to revise your site plan to provide a parking area containing 33 off-street parking stalls. Please note the parking area includes the parking spaces, the maneuvering areas necessary to enter and exit the spaces and the drives providing access to the parking spaces and maneuvering areas from a public or private street or other parking areas. The design is required to comply with Sec.55.090 and required to comply with:*

- **Sec.55.080-D.4:** *The property to be occupied by the off-site parking facilities must be under the same ownership as the lot containing the use to be served by the parking.*
- **Sec.55.080-D:** *All or a portion of required off-street parking for nonresidential uses may be provided off-site, in accordance with the regulations of this section. Required accessible parking spaces (see Section 55.110) may not be located off site. The property to be occupied by the off-site parking facilities must be under the same ownership as the lot containing the use to be served by the parking. The off-site parking area may be under separate ownership only if an agreement is provided guaranteeing the long-term availability of the parking, commensurate with the use served by the parking. The agreement must be filed of record in the county clerk's office of the county in which the property is located. Off-site parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this chapter. Off-site parking areas must be located within a 1,000-foot radius of the use served by such parking, measured between the nearest public entrance door of the use to be served and the outer perimeter of the furthest parking space within the off-site parking lot. Off-site parking lots are allowed only in zoning districts that permit non-accessory parking or in districts that allow the principal use to be served by the off-site parking spaces.*
- *Please note the parking area includes the parking spaces, the maneuvering areas necessary to enter and exit the spaces and the drives providing access to the parking spaces and maneuvering areas from a public or private street or other parking areas.*
- **Sec.55.090-F1:** *All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code.*
- **Sec.65.020A1g:** *New paving in excess of 30 ft<sup>2</sup> will be required to comply with the applicable landscaping, screening and lighting provisions listed in Chapt 65.*

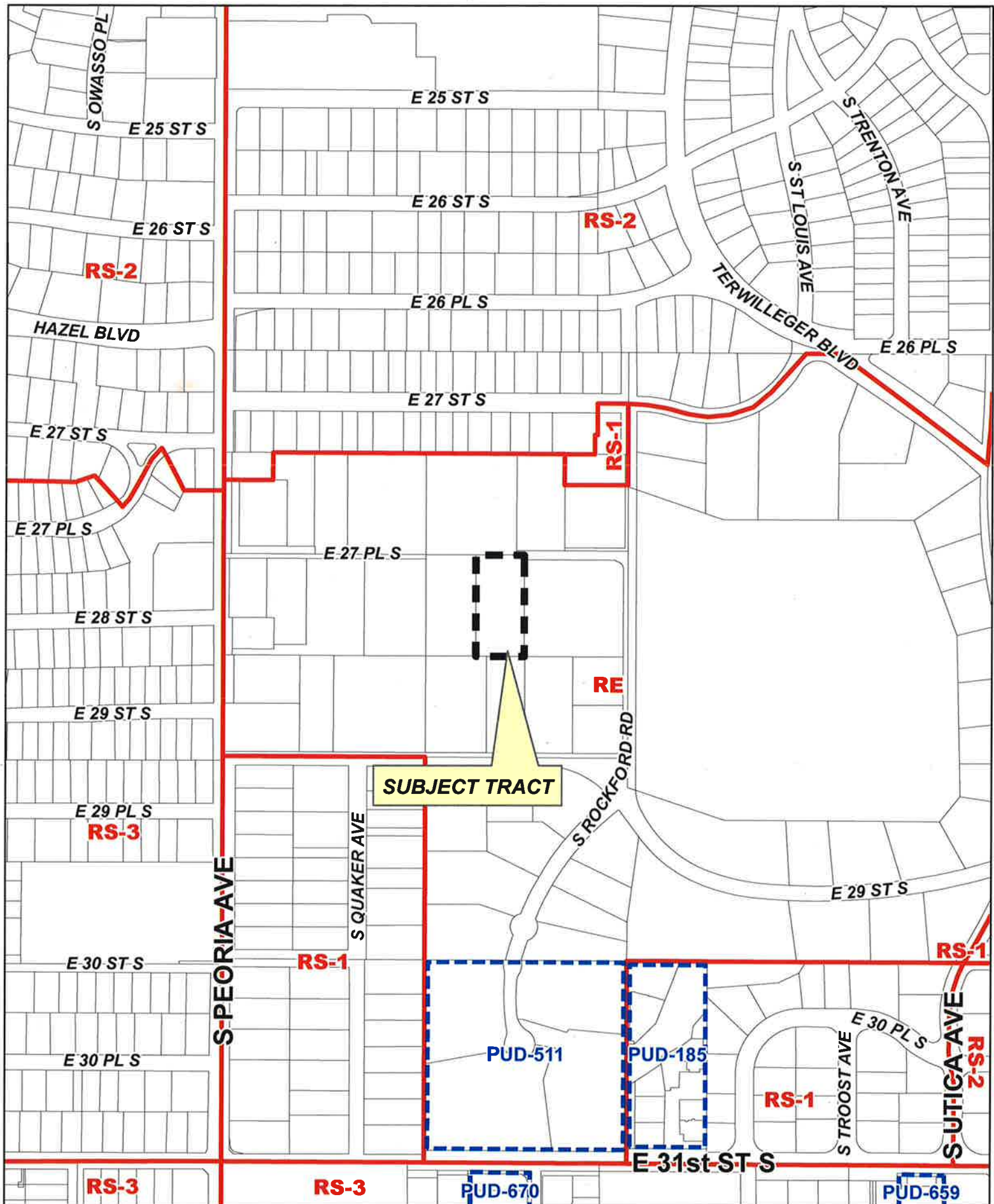
**This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.**

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

### **END – ZONING CODE REVIEW**

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

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



BOA-22246

19-13 18

4.1





# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9318  
**CZM:** 37  
**CD:** 4  
**A-P#:** 9075

Case Number: **BOA-22246**

**HEARING DATE:** 06/13/2017 1:00 PM

**APPLICANT:** Barry Goldstein

**ACTION REQUESTED:** Variance to increase the permitted building height to 40 ft.; and Special Exception to increase the permitted driveway width beyond 30 ft. on the lot (Sections 5.030-A and 55.090-F3).

**LOCATION:** 1366 E 27 Place S

**ZONED:** RE

**PRESENT USE:** Vacant Residential Lot

**TRACT SIZE:** 1.19 Acres

**LEGAL DESCRIPTION:** BEG 1650N & 980.3E SWC OF SW TH W157.8 N330 E158.7 SLY POB SEC 18 19 13, 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 RE zoned residences.

**STAFF COMMENTS:**

As shown on the attached site plan the proposed driveway width of 70 ft. on the lot exceeds the maximum allowed driveway width in a RE; therefore the applicant is requesting a special exception to increase the permitted driveway width on the lot from 30 ft. to 70 ft.. The applicant has also requested a variance to increase the permitted building height from 35 ft. to 40 ft. to permit construction of the home as proposed.

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Variance to increase the permitted building height to 40'; and Special Exception to increase the permitted driveway width beyond 30' on the lot (Sections 5.030-A and 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.

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

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





0 200 400  
Feet



Subject  
Tract

**BOA-22246**

19-13 18

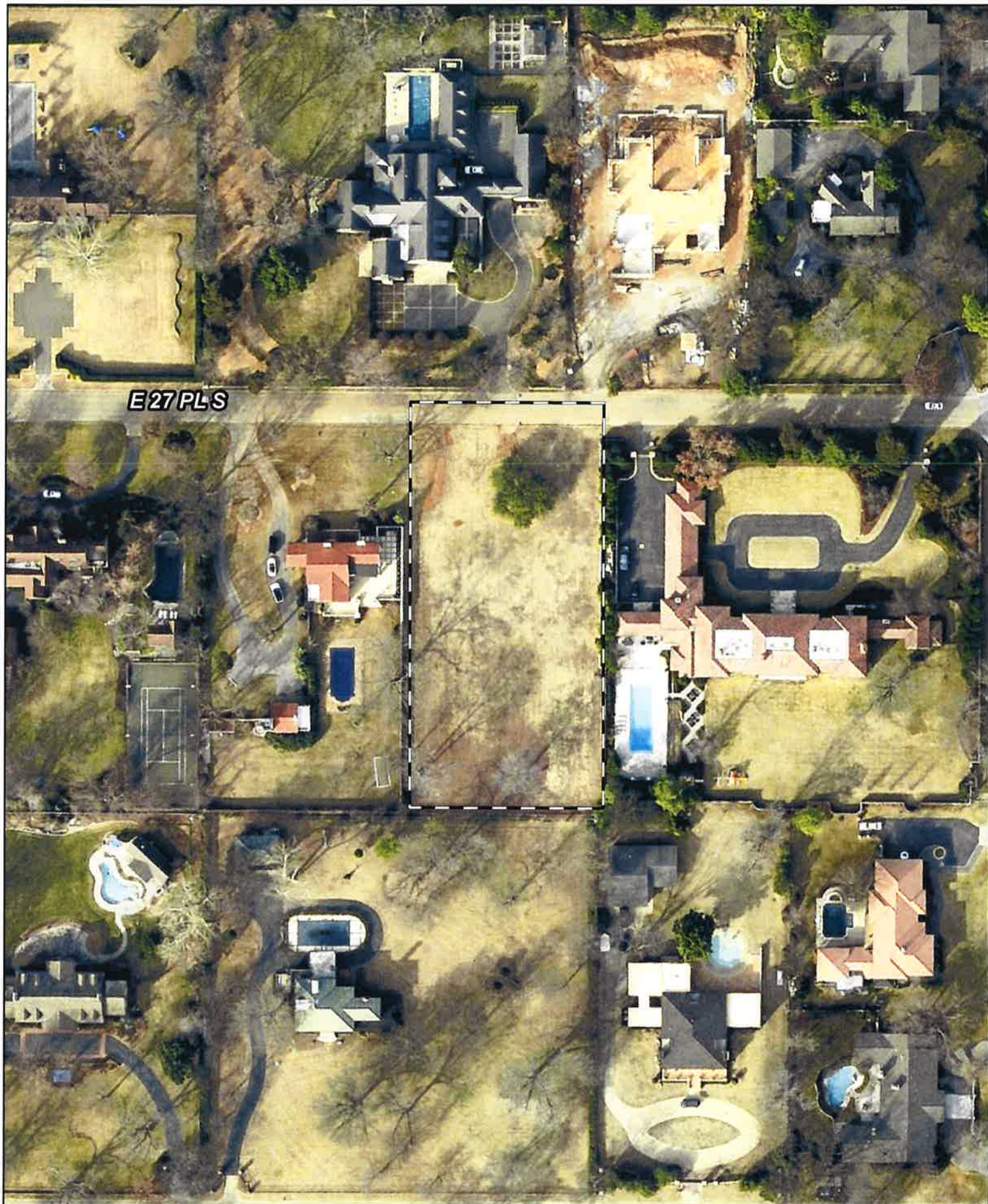
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2016



4.4





E27PLS

E27PLS

0 50 100  
Feet



Subject  
Tract

**BOA-22246**

19-13 18

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

Aerial Photo Date: February 2016

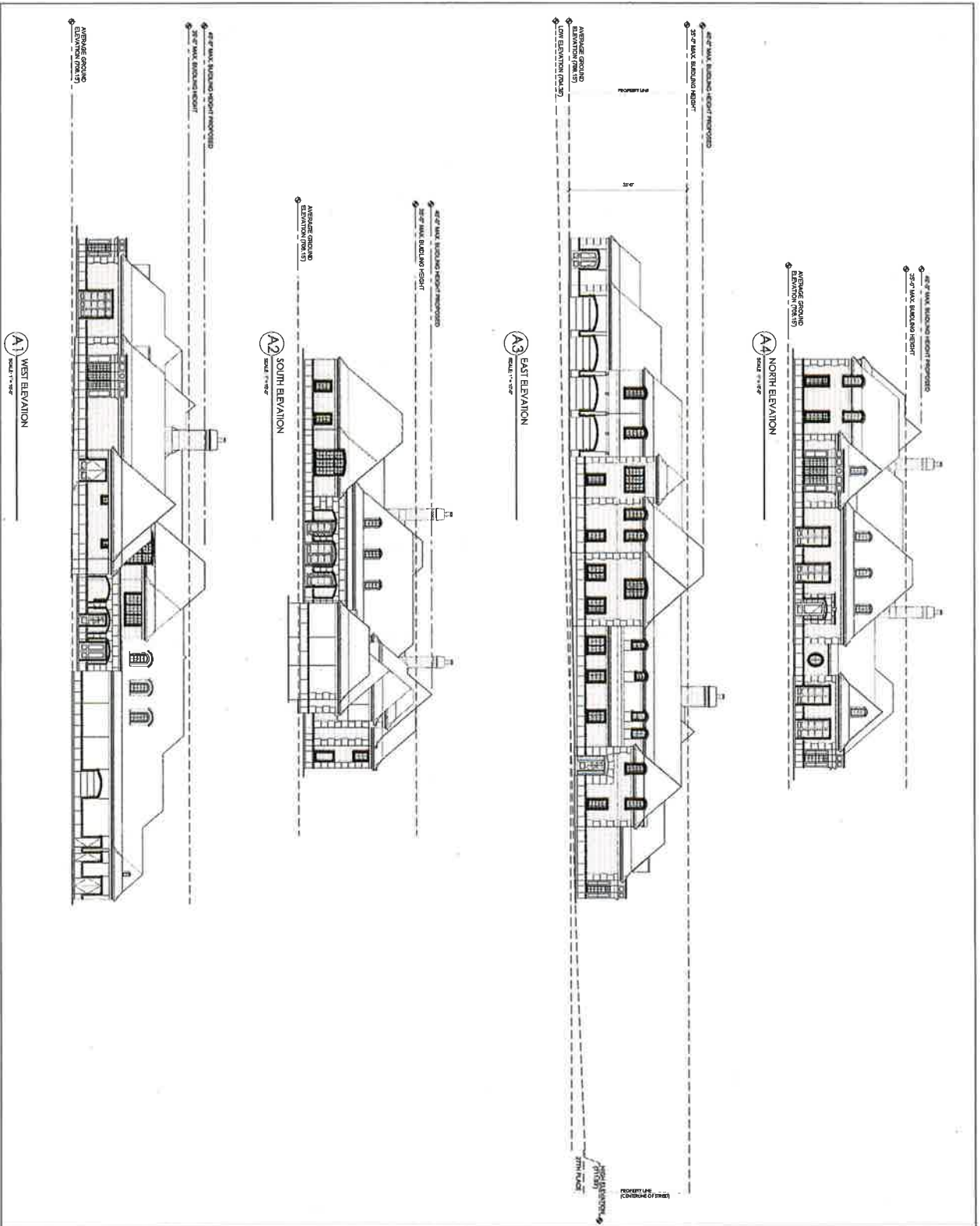


4.5









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: 1000002-1

April 27, 2017

BARRY GOLDSTEIN  
MILES ASSOCIATES  
320 S BOSTON AVE SUITE 1800  
TULSA, OK 74103

Phone: (918)582-6377  
Fax: (918)582-6225

APPLICATION NO: **9075** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: 1366 E 027 PL S  
Description: INCREASE MAXIMUM BUILDING HEIGHT FROM 35'0" TO 40'0"

#### 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.).

## 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. 9075

1366 E 027 PL S

April 27, 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. 5.030-A Table of Regulations

The lot and building regulations of Table 5-3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90.

**Review Comments:** You are proposing a 40' structure height. Residential detached houses on an RE zoned lot have a maximum structure height of 35'. Reduce the height of this structure to no more than 35' or apply to the BOA for a variance to allow this structure to exceed 35' in height.

### 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:** No parking surface provided on site plan. Provide an all-weather parking surface from the public street to the garage 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. 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 30' driveway width on the lot. Revise plans to indicate the driveway shall not exceed 30' in width on the lot or apply to the BOA for a special exception to allow the driveway width to exceed 30' in width on the lot.



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

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

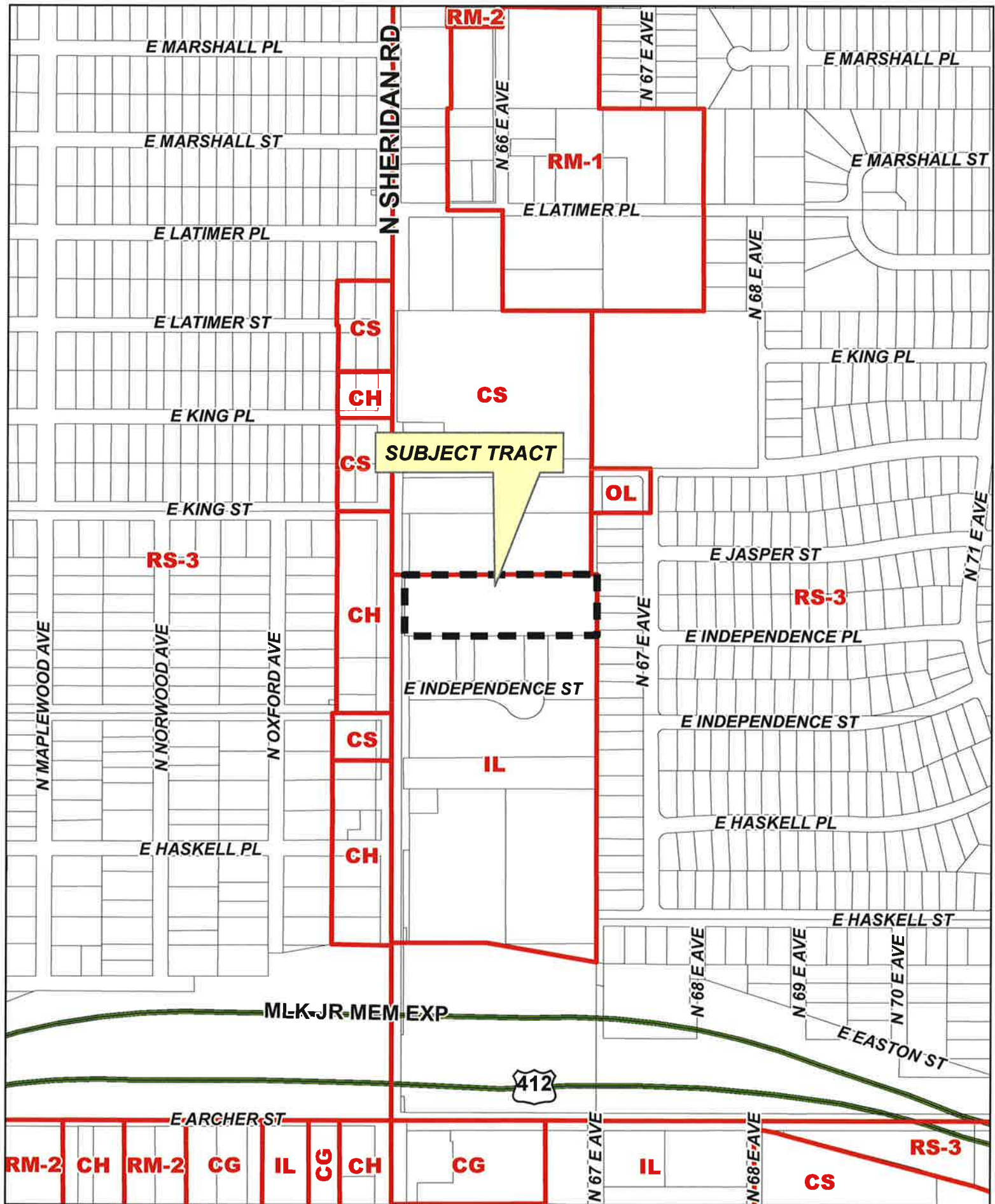
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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

### END – ZONING CODE REVIEW

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

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



**BOA-22247**

**5.1**



# BOARD OF ADJUSTMENT CASE REPORT

STR: 0335

Case Number: **BOA-22247**

CZM: 30

CD: 3

A-P#: N/A

**HEARING DATE:** 06/13/2017 1:00 PM

**APPLICANT:** Janet Garcia

**ACTION REQUESTED:** Special Exception to allow a Indoor Commerical/Assembly and Entertainment Use (Community Event Center) in the IL district (Section 15.020).

**LOCATION:** 825 N SHERIDAN RD E

**ZONED:** IL

**PRESENT USE:** Community Event Center

**TRACT SIZE:** 2.89 Acres

**LEGAL DESCRIPTION:** LTS 3 & 4 LESS W 5' TO CITY, VAL-CHARLES ADDN, WALTER SQUARE ADDN RESUB L1-24 NORTHEAST CENTER ADDN, POLSTON SECOND SUB, NORTHEAST CENTER ADDN RESUB L5-8 POLSTON SECOND SUB, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Property:**

**BOA-21437**; on 06.26.12, the Board **approved** a Special Exception to permit a Community/Event Center (Use Unit 5) in an IL district with conditions. The approval expired on 06.26.17.

**BOA-21097**; on 06.22.10, the Board **approved** a Special Exception to permit a Community/Event Center (Use Unit 5) in an IL district. Time limit imposed: 2 years from 06.22.10.

**BOA-20916**; on 05.26.09, the Board **approved** a Special Exception to permit a Community/Event Center (Use Unit 5) in an IL district with conditions of approval. Approval limited to six months from 05.26.09.

**BOA-20664**; on 04.08.08 the Board **approved** a *Modification of Conditions of a previous approval* to eliminate or extend a time limitation for a community center in an IL district. Time limit imposed on approval was twelve months from April 8, 2008.

**BOA-19993**; on 03.08.05 the Board **approved** a *Special Exception* to permit a Community Center in an IL district with conditions; subject to a 5 year time limit.

**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

5.2

REVISED 6/5/2017

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 surrounded by a CS zoned commercial/retail to the north; IL zoned warehouses/offices to the south; RS-3 zoned residential to the east; and CH zoned commercial uses to the west across Sheridan Ave.

**STAFF COMMENTS:**

The applicant is before the Board requesting a special exception to permit a community center in the IL district in the building and on the site as it exists presently. As shown in the case history the special exception approval in **BOA 21437** has expired and the applicant is before the Board requesting that the Community Event Center be permitted on the site permanently.

A special exception is required as the existing community center is a use which is not permitted by right in the IL district because of potential adverse affect, but which if controlled in the particular instance as to its relationship to the surrounding area and to the general welfare, may be permitted. As this application is essentially a request to continue a use that has been in operation on the property for several years testimony provided at the public hearing may aid the Board in determining if the use has been compatible with the surrounding area.

Anticipated events at the community center include birthday parties, weddings, receptions/dinners and similar events. The applicant should be able to provide additional information about the types of events that will be held at the center. As the writing of this case report staff has not received any comments for the neighbors or surrounding property owners.

Conditions imposed in previous approvals included:

- Center to close at 2:00 a.m. on Fridays and Saturdays, and on other nights closing at 12:00 midnight;
- Provide adequate security and trash pick-up at all events;
- Construction of 8 ft. wooden fence on the east and south boundaries of the lot;
- Music heard outside of the building to be kept at acceptable decibel levels per City Ordinances.

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Special Exception to allow a Indoor Assembly and Entertainment Use (Community Event Center) in the IL district (Section 15.020).

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

- Subject to the following conditions: \_\_\_\_\_.

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



depth of no more than 28'-0" by 20'-0" and no more than a 20'-0" height maximum. The accessory building is not to be used for an additional dwelling unit and will not contain the amenities for such use. In granting the variances the Board has found by reason of extraordinary or exceptional conditions or circumstances, being the size of the lot 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:

**N10 LT 12 & ALL LT 13 & S5 LT 14 & W10 VAC ALLEY ADJ ON E THEREOF BLK 1, MORNINGSIDE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

FILE COPY

**21437—Ernest Ehimika**

**Action Requested:**

Special Exception to permit a Community/Event Center (Use Unit 5) in an IL District (Section 901). **LOCATION:** 825 North Sheridan Avenue (CD 3)

**Presentation:**

**Michael Bethel**, 14217 East 38<sup>th</sup> Street, Tulsa, OK; stated he is representing Mr. Ernest Ehimika because he is unable to attend today's meeting due to a death in the family. He will be happy to answer any questions the Board may have at this time.

Ms. Stead asked how long Mr. Ehimika has owned or leased the subject property. Mr. Bethel stated that he was not sure, but has just recently purchased or leased the property.

**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"; none absent) to **APPROVE** the request for a Special Exception to permit a Community/Event Center (Use Unit 5) in an IL District (Section 901). The Board makes this approval subject to previous conditions set by the Board of Adjustment. The previous conditions are closing at 2:00 A.M. on Friday and Saturday, closing at 12:00 midnight all other nights, provide adequate security for all events, trash pick up at all events, a fence was required in the April 8, 2008 Board decision and it has been constructed, it is required that the fences be maintained in

BOA-21437

FILE COPY

good condition, and any music heard outside of the building is to be kept acceptable decible levels per City Ordinances. The Board makes this approval for a period of five years from today's date of June 26, 2012. The Board of Adjustment finds there have been no complaints in the last two years, but the ownership has changed frequently and that is the reason for the limitation. In granting the special exception the Board has found that it 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 3 & 4 LESS W 5' TO CITY, NORTHEAST CENTER ADDN RESUB L5-8 POLSTON SECOND SUB, POLSTON SECOND SUB, VAL-CHARLES ADDN, WALTER SQUARE ADDN RESUB L1-24 NORTHEAST CENTER ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21438—Hayden Ryan**

**Action Requested:**

Variance of Rear Yard Setback from 25 feet to 10 feet in the RS-2 zone (Section 403.A, Table 3). **LOCATION:** 2833 South Gary Avenue (CD 4)

**Presentation:**

**Hayden Ryan**, 2833 South Gary Avenue, Tulsa, OK; stated he purchased the home in 2006 while single, and now he is married with a family. He would like to add onto the property. The house is directly across from a pond and the lot is curved to accommodate the pond. The property behind the house is a church.

**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, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance of Rear Yard Setback from 25 feet to 10 feet in the RS-2 zone (Section 403.A, Table 3). The Board has found the hardship to be that this lot is of an unusual shape and shallow depth, combining the two where there is very little backyard. In order to have any additional expansion of the dwelling the only way is to go into the required rear yard which is what the request is for. The Board makes this approval per conceptual plan on page 6.7. 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

**Board Action:**

On **MOTION** of **STEAD**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance of the 25 ft. setback requirement from an abutting R district (Section 404.F.4); and a Modification of a previously approved site plan; both to permit additions to the north side of the existing elementary school. The uniquely shaped school building layout is abutting the R district to the north; this R district is utilized exclusively by a City Park and the three additions will encroach into the 25 ft. setbacks required. The board makes this recommendation per plan pg. 7.5 and in granting the special exception it 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:

**ALL LTS 1-8 & 17-24 BLK 3 ALL LTS 20-24 & PRT LTS 1- 5 & 17-24 BLK 4  
HIGHLANDS 2<sup>ND</sup> & ALL LTS 21-24, 57, 58 & PRT LTS 25-32, 1, 54, 55, & 56 BLK 4 &  
ALL LTS 6,7,8, & 23-34 & 47-58 BLK 5 COLLEGE VIEW AMD & VAC STS &  
ALLEYS THERE OF BEG SECR LT 17 BLK 3 HIGHLAND2ND TH W855.8 N300 E75  
N130 NE109.94 SWC LT32 BLK 4 COLLEGE VIEW NE 275.21 E50 SE267.91  
SE218.60 S350 POB**

\* \* \* \* \*

**Case No. 21097-Nestor Antonio Casillas**

**Action Requested:**

Special Exception to permit a Community/Event Center (Use Unit 5) in an IL district (Section 901). **Location:** 825 N. SHERIDAN RD.

**Presentation:**

**Paul Wilkening**, 320 South Boston Avenue, Tulsa, OK; represents Mr. Nestor Antonio Casillas who wants to re-establish a Community/Event Center on North Sheridan. Mr. Casillas also requests the special exception be granted permanently without a time limitation because the center would be under a new operator.

**Comments and Questions:**

Ms. Stead stated in the past the board has twice made the requirement that the south boundary be screened with an 8 ft. fence and it has been ignored, the fencing will not be ignored any longer. Mr. Wilkening stated he has told his client about the fencing.

Mr. Henke stated it would be necessary to stipulate a time limitation because Mr. Casillas is a new operator and there are pre-existing problems with this property.

**Interested Parties:**

No interested parties were present.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Stead, Tidwell, White "aye"; no



"nays"; no "abstentions") to **APPROVE** the Special Exception to permit a Community/Event Center (Use Unit 5) in an IL district (Section 901); with the following conditions: security at all events; trash pick up at all events; a closing time of 12:00 midnight for all weekday events, and a 2:00 A.M for Friday and Saturday events; approved for a two year time period only; and there be an acceptable decimble noise level for noise per city ordinances. A 6 ft. wooden fence be built on the east side; a 6 ft. chain link fence be constructed from the northeast corner of the existing fence on the south side of the subject property (southwest of the subject building's façade) for the purpose of preventing attendees at the community/event center walking onto the properties directly to the south; 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 3 & 4 LESS W 5' TO CITY, POLSTON SECOND SUB**

\* \* \* \* \*

**Case No. 21098-Roy Johnsen**

**Action Requested:**

Special Exception to permit office use (Use Unit 11) in an RM-2 district (Section 403); a Special Exception to modify the screening requirement of an office use from an abutting R district (Section 212.C); a Variance of the setbacks from abutting public streets (Section 603); and a Variance of the parking requirement for an office use from 13 spaces to 8 spaces (Section 1211.D); all to permit an expansion of an existing office use in the RM-2 district. **Location:** 107 S. Phoenix Ave.

**Presentation:**

**Roy Johnsen**, 201 West 5<sup>th</sup> Street, Tulsa, OK; represents Dan Buford, Quapaw Investments, Inc. This property is the old Fire Station #9 and Mr. Buford purchased the property in the 80's and this board approved this property for office use at that time. In 2007 the board approved an application for a small parking lot and office space, but that did not occur. The special exception to permit office use on this entire tract is a reaffirmation of the office use. The special exception to modify the screening requirement is due to the mixed use in this area, and the fencing could create a possible security hazard. From a consensus of the neighborhood, fencing will be a place for graffiti or a place for someone to hide, therefore, we are asking the screening to be modified as unnecessary or not be constructed. The variance on the setbacks are for the Phoenix and 1<sup>st</sup> Street frontage. The existing right-of-way is 60 feet and the major street plan would call for 50 feet; the code establishes setbacks from the centerline; there is a 30 feet right-of-way and 20 feet more would bring the setback to 50 feet. We are asking for 8 feet making the setback 42 feet. On the 1<sup>st</sup> Street side topography limits construction. The proposal for the 1<sup>st</sup> Street side is a medical records storage building. The variance on the parking requirement is to alleviate a car from backing into the street to maneuver.

**Action Requested:**

Special Exception to permit a Community Center (Use Unit 5) in an IL district (Section 901); to allow an existing community center to continue, located: 825 North Sheridan Road.

**Presentation:**

(inaudible), 8112 East 93<sup>rd</sup> Street, Tulsa, Oklahoma, came on behalf of the applicant, Jannett Talbert.

**Comments and Questions:**

Ms. Stead noted the Board approved a special exception for the applicant with a time limit and she let it expire. Mr. Stephens asked if he was the new operator. He replied that he is the manager. He responded to Board questions, stating Ms. Talbert put up a fence on the north, but not the south and east. He replied that they have not had any more problems with their customers parking in the wrong places.

**Interested Parties:**

Andre Chenault, 17712 East 94<sup>th</sup> Street North, Owasso, Oklahoma, 74055, stated he manages the property at 802 through 842 North Sheridan. He considers the term 'community center' for this facility as a misnomer. He stated that they have had drive-by shootings. He was advised by police to put up signs for no loitering and no parking. His tenant at 802 North Sheridan Road complains of loitering and harassment from customers attending the subject property. They have observed chases across the 802 property with firearms involved. He submitted a letter from the police (Exhibit C-1).

**Comments and Questions:**

In answer to Board questions Mr. Chenault mentioned a couple of shootings last summer and fall. He stated the security and trash pick-up does not seem to be an issue now.

**Applicant's Rebuttal:**

The applicant's representative responded that the drive-by shooting had nothing to do with the community center.

Aaron Durham, 7419 East 3<sup>rd</sup> Street, Tulsa, Oklahoma, 74112, Head of Security for the event center, stated he has been in law enforcement since 1999 and an employee of this center since it began. They have ten armed security and they patrol the parking lot and the neighboring area. He added they have eight unarmed security within the center. They would only call the police if police action were necessary.

Ms. Stead asked if the center is still rented out to other entities, as she did before. The applicant replied that they still do that, but the same security still works the

events. The applicant thought Ms. Talbert misunderstood the conditions about the fencing. One neighboring property already had a fence between their properties. She has obtained an estimate to finish the fencing. Ms. Stead reminded him that the fence is supposed to be a wood screening fence.

FILE COPY

**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 a Community Center (Use Unit 5) in an IL district (Section 901); to allow an existing community center to continue, subject to original conditions: security at all events; trash pick-up at all events; construct 8 ft. screening fence on south and east, closing at midnight on weekdays, and 2:00 a.m. on Friday and Saturday events; for this operator only; approval for a period of six months only; acceptable decibel per city ordinance, 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 3 & 4 LESS W 5' TO CITY, POLSTON SECOND SUB, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

**Case No. 20918**

**Action Requested:**

Request for refund. Case was withdrawn before notices.

**Comments and Questions:**

Mr. Cuthbertson stated the applicant asked for the Board to do something they could not. Therefore the application was not processed and the applicant requested a full refund of \$233.00.

Mr. White asked Mr. Cuthbertson to explain Mr. Patel's request. Mr. Cuthbertson stated the applicant owns a motel and one customer renting a room was making methamphetamines.

The police were notified and the customer was arrested for having the lab. The room was cleaned. The owner of the hotel was cited by Neighborhood Inspections for manufacturing of drugs on the property. The applicant was perplexed and sought recourse to have his name cleared. Mr. Cuthbertson informed the applicant that the Board could not remove the citation or clear his name. Mr. Patel withdrew his request.



detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

E 4 LT 25 & ALL LT 26 LESS ST BEG SEC LT 26 W 3.5NE TO E L S 13 TO  
BEG BLK 4, SOUTHMOOR ADDN, City of Tulsa, Tulsa County, State of  
Oklahoma

\*\*\*\*\*

**Case No. 20664**

**FILE COPY**

**Action Requested:**

Modification of conditions of a previous approval to eliminate or extend a time limitation for a community center in an IL district (Section 901), located: 825 North Sheridan Road.

**Presentation:**

Joe Wells, 502 West 6<sup>th</sup> Street, represented the Community Center. His client leased the subject property. It is time to renew the special exception.

**Comments and Questions:**

Ms. Stead mentioned an anonymous letter (Exhibit E-1), which is supposed to be from business owners. She asked to have his client respond to the letter.

Jannett Talbert, 825 North Sheridan Road, introduced herself to the Board.

Ms. Stead addressed the complaint of loud noise around the subject property. Ms. Talbert responded that this complaint has not been brought to her attention before. She hires security guards to work the parking lot for events. No business owners have approached her or the landlord with this complaint. She assured the Board that she would deal with any such complaint. She has had about ten events since she leased the property in January. They are on Fridays and Saturdays. They are concerts, gospel shows, stomp dance competitions, plays and dances. There are no outside speakers. Trash is cleaned up after every event on the property. There are two or three other late night businesses down the street.

**Interested Parties:**

David Bemis, 6514 East King Street, Tulsa, Oklahoma, 74115, stated he owns the business on the end of the strip center at this address. He stated it is a courier service with the hours of operation, 8:00 a.m. to midnight, sometimes cars return between midnight and 7:00 a.m. They deliver in five states. They have had occasions that they cannot access their building because cars are parked in front of their overhead door. He added that glass bottles, trash, garbage tossed on his area. He has seen people park their cars in front of his overhead door at 3:30 and 4:00 a.m. and asked them not to park there. The people responded with verbal abuse. He had to hire security. He did not have these problems until recently. He stated these problems happen primarily on Friday and Saturdays.

Tim Lewis, 7305 East Latimer Place, stated he represented the owners of a business to the south of the event center. He added the businesses along Independence have put up 'No Trespassing' signs.

**Applicant's Rebuttal:**

Mr. Bemis stated his client asked the Tulsa Police Department to tape off the neighboring lots during events to discourage parking on other lots. They do not sell alcoholic beverages on the subject property. Ms. Talbert started opening the gate for parking on the back of the subject property. She is open to communication with neighboring business owners so she can deal with any issues.

**Board Action:**

**FILE COPY**

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 Modification of conditions of a previous approval to eliminate or extend a time limitation for a community center in an IL district (Section 901), subject to closing at 2:00 a.m. on Fridays and Saturdays, and on other nights closing at 12:00 midnight; provision for adequate security and trash pick-up at all events; construction of 8 ft. board fences on the east and south sides; approval is for twelve months from this date, April 8, 2008 only; music heard outside of the building to be kept at acceptable decibel levels per City Ordinances, 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 3 & 4 LESS W 5' TO CITY, POLSTON SECOND SUB, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

**Case No. 20673**

**Action Requested:**

Minor Variance of the 5 ft. side yard requirement in an RS-2 district to 4 ft. (Section 403) to permit a structural addition to an existing dwelling, located: 203 Sunset Drive.

**Presentation:**

Paul Nelson, 9203 Sunset Drive, presented the request for a minor variance as above. The relief is for a one-foot encroachment into the five-foot setback to four feet. Due to the shape of the lot the encroachment would only be about 5.9 sq. ft. at a v-shaped point. The site plan is (Exhibit F-1).

**Interested Parties:**

Roy Stevenson, 204 East 21<sup>st</sup> Street, asked if it is required that everyone in a 300 ft. radius receive notice. Mr. Cuthbertson responded that it is not required for a minor variance, just notice to the abutting neighbors. He asked if the applicant could pull the extension back one foot. He stated there is no hardship. He

Alan Farley, 1241 South 103<sup>rd</sup> East Avenue, stated the homes in this neighborhood are well-built and could last for many years. He was opposed to anything that would cause the neighborhood to deteriorate.

**Applicant's Rebuttal:**

Mr. Lee responded that when he went to apply for a building permit he was instructed to seek relief through the Board of Adjustment first. He determined the square footage for his building by the square footage of his home. Mr. Dunham stated the staff comments show it is figured on the square footage of the floor area, not the living area. Ms. Stead pointed out there was no hardship.

**Board Action:**

On **Motion of Stephens**, the Board voted 4-0-0 (Dunham, Stephens, Stead, Henke "aye"; no "nays"; no "abstentions"; Paddock "absent") to **DENY** a **Variance** to allow construction of an accessory building from the permitted 1,028 sq. ft. (40% of sq. feet of dwelling) to 1,500 sq. ft. in an RS-2 district, SECTION 402.B.1.d. -- Use Unit 6, finding lack of a hardship, on the following described property:

LT 24 BLK 2, CRESCENT HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

**Case No. 19993**

**Action Requested:**

Special Exception to permit a Community Center in an IL zoned district; SECTION 9 -- Use Unit 5, located: 825 North Sheridan Road East.

**Presentation:**

**Uberto Burkett**, spoke for the applicant, as he has trouble with the English language. They proposed to use the building on the subject property as a community center, mainly inclined for the Hispanic community. It would be used for organized events, dances, weddings, receptions and private parties.

**Comments and Questions:**

Mr. Dunham asked if they would serve alcoholic beverages. Mr. Burkett replied they would serve beer. Mr. Dunham asked how often they would have such events. Mr. Burkett indicated it would be on weekends mainly. Ms. Stead asked if alcoholic beverages would be served there or brought in. He replied they would sell it there. She asked about plans to keep the property clean. He stated they would have a cleaning crew that cleans up the parking lot after every event. He responded to other questions, stating there will be no flashing lights, just parking lot lights, and no outside speakers.



**Interested Parties:**

Howard Joiner, 7015 East Haskell, stating he came to find out what were the applicant's plans. They were open to family oriented activities and advantageous to the community.

Tim Lewis, 7305 East Latimer Place, stated there has been a history of vandalism, when the bowling alley existed.

Mr. Dunham offered the applicant and interested parties time to discuss the application outside of the room to resolve any issues and be heard later in the meeting.

**Board Action:**

To be heard later in the meeting.

\*\*\*\*\*

**Case No. 19994**

**Action Requested:**

Verification of required 300 ft distance from another family day care home (Section 402.B.5.g), located: 11866 East 36<sup>th</sup> Street South.

**Presentation:**

Jerry Ray, 4750 Hobbyhorse Lane, stated he is the father of the applicant. He added they did a survey and did not find another home day care within 300 ft.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On Motion of Stephens, the Board voted 4-0-0 (Dunham, Stephens, Stead, Henke "aye"; no "nays"; no "abstentions"; Paddock "absent") to **APPROVE** a Verification of required 300 ft distance from another family day care home (Section 402.B.5.g), on the following described property:

LT 9 BLK 6, GARNETT PARK ADDN, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

**Case No. 19995**

**Action Requested:**

Variance of front yard requirement from 35 feet to 11 feet to allow for the establishment of a single-family dwelling in the RS-3 District, SECTION 4 -- Use Unit 6, located: 1612 West Edison Street.

LT 6 BLK 1, SOUTHPARK CENTER, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

**Case No. 19997**

**Action Requested:**

Variance to permit a 72 sq ft ground sign with changing message board from the permitted 32 sq ft for church announcements in a RS-1 district, SECTION 402.B.4.a. -- Use Unit 5, located: 1200 Lynn Lane.

**Presentation:**

**Gary Venable**, (no address given) stated he represented Lynn Lane Baptist Church, as a trustee. The sanctuary is on Lynn Lane and there is no room to put a sign in front of the building. He pointed out the wooded area that will not be used for residential. They proposed to place a larger sign because it would be set back farther. The area is mostly commercial. The nearest houses are on 179<sup>th</sup> East Avenue and over on 12<sup>th</sup> Street. They do not plan for any flashing messages, but it will be lighted and they can change the sign per a computer.

**Comments and Questions:**

Mr. Dunham noted the nearby commercial property and that the residential area is not the typical residential property.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion** of **Stephens**, the Board voted 4-0-0 (Dunham, Stephens, Stead, Henke "aye"; no "nays"; no "abstentions"; Paddock "absent") to **APPROVE** a **Variance** to permit a 72 sq. ft. ground sign with changing message board from the permitted 32 sq. ft. for church announcements in a RS-1 district, SECTION 402.B.4.a. -- Use Unit 5, finding the setbacks and two arterial streets, 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:

LT 1- 8 BLK 3, LYNN LANE DRIVE SUB TR 1-3&5 B1, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

**Case No. 19993**

**Action Requested:**

Special Exception to permit a Community Center in an IL zoned district; SECTION 9 -- Use Unit 5, located: 825 North Sheridan Road East.

FILE COPY

**Presentation:**

The applicant and interested parties returned to the meeting room.

**Interested Parties:**

Mr. Joiner informed the Board that it appeared to be something he could support if it is maintained as it was presented to them. He understood it is to be a community center for scheduled, controlled events; and that ample security would be provided.

**Comments and Questions:**

Mr. Dunham asked if they discussed days and hours of operation and frequency of events. Mr. Joiner replied they would be renting the building so he questioned restriction of the frequency and the applicant informed the interested parties that events would end by 1:00 – 1:30 a.m. on any night and cleaned up and closed by 2:00 a.m. Mr. Joiner asked what recourse they have if it is not operated as it has been presented. Mr. Dunham suggested a limited time for approval, subject to returning to the Board. Mr. Ackermann also commented that the neighbors can contact Neighborhood Inspections if there are problems that arise if approved.

**Interested Parties:**

Megan Burngart, 1408 North 66<sup>th</sup> East Avenue, expressed concern that she has observed when the tenant lives outside of this area that the property they use in this neighborhood is neglected. She also mentioned the proximity to an elementary school and wondered about the use of the center during the week for events or if the events would just be on the weekends.

Tim Lewis, stated one of his concerns was vandalism. He discussed the construction of a fence to discourage crime.

**Applicant's Rebuttal:**

Mr. Burkett stated they have discussed the application with the interested parties and were willing to put up a fence and provide security for events. Mr. Dunham stated he was searching for a compromise of the hours of operation to end earlier during the week nights so as not to interfere with the school activities.

**Board Action:**

On **Motion of Stead**, the Board voted 4-0-0 (Dunham, Stephens, Stead, Henke "aye"; no "nays"; no "abstentions"; Paddock "absent") to **APPROVE** a **Special Exception** to permit a Community Center in an IL zoned district; **SECTION 9 -- Use Unit 5**, subject to the following conditions: security at all events; trash pick up at all events; on construction of 8' fence on the south, midnight closing for weekday events and 2:00 a.m. closing for Friday and Saturday events; for this operator only; approved for a three-year time period only; acceptable decible level per the city ordinances, on the following described property:



LTS 3 & 4 LESS W 5' TO CITY, POLSTON SECOND SUB, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

**Case No. 19998**

**Action Requested:**

Special exception to allow Use Unit 17 - Automotive & Allied Activities - for automobile sales in a CS zoned district (Section 701); and a Variance of the required 300 ft distance from an R district for outside display of merchandise for sale (Section 1217.C.2), 1720 South Memorial Drive East.

**Presentation:**

**Calvin Shwiyat**, 1720 South Memorial Drive East, proposed to open a used car lot on the subject property, which they purchased. He stated they built a 7' 6" high fence of sheet metal with wood posts.

**Comments and Questions:**

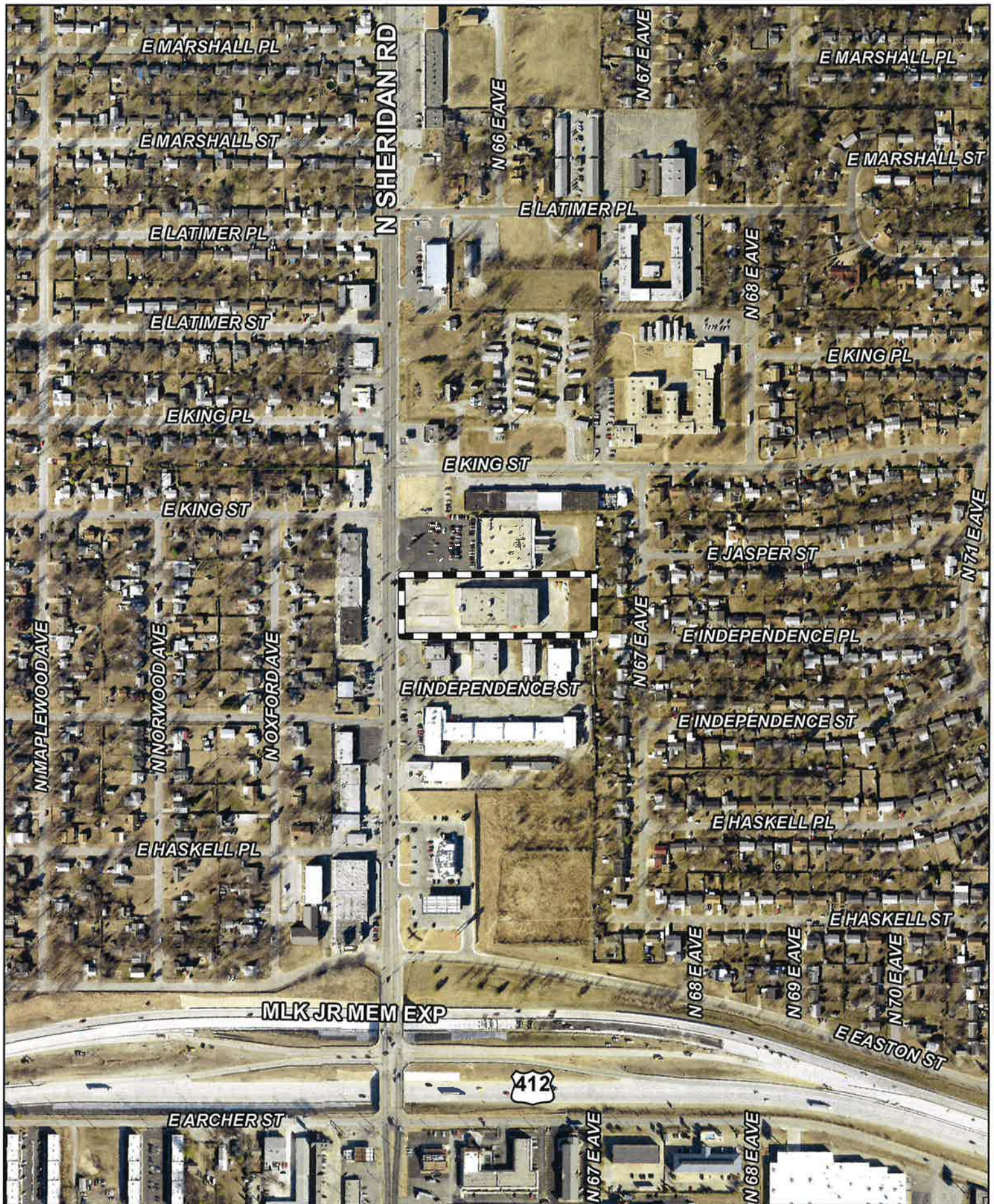
Mr. Dunham called the applicant's attention to the staff comments, suggesting conditions to approval. Ms. Stead asked why he only built the fence 300' deep and asked for a special exception for 361'. Mr. Shwiyat replied that he didn't think he needed that much. He was unclear of where the measurement begins on Memorial. She noted the clearing of trees on the rear lot and access to 79<sup>th</sup> East Avenue. She asked if he owns that property also. Mr. Shwiyat replied that he does own it. He explained that he put in a gate at the access just to be able to get in to mow and not to provide access for the business.

**Interested Parties:**

**Shirley Hammonds**, 1723 South 79<sup>th</sup> East Avenue, stated she lives directly behind the subject property. She expressed concern that there would not be any business activity between the fence and her property. She also asked if it would devalue her property to have a car lot that close. Mr. Dunham noted she already has a car lot next door.

**Frances Cervantes**, 1736 South 79<sup>th</sup> East Avenue, stated she was concerned about a gate that would allow a lot of vehicles through to the property. She was opposed to more commercial encroachment near them that will bring more traffic to 17<sup>th</sup> Street and 79<sup>th</sup> East Avenue. She opposed car repairs, storage of inoperable vehicle, used tires or dead batteries. The neighboring lot has old cars and trucks for sale, not the antique relics as promised. There are also old campers that can be seen over the fence. Ms. Cervantes indicated she should not have to continually contact Neighborhood Inspections regarding neighboring properties being out of compliance to the zoning code.





0 200 400  
Feet



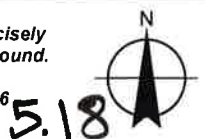
Subject  
Tract

**BOA-22247**

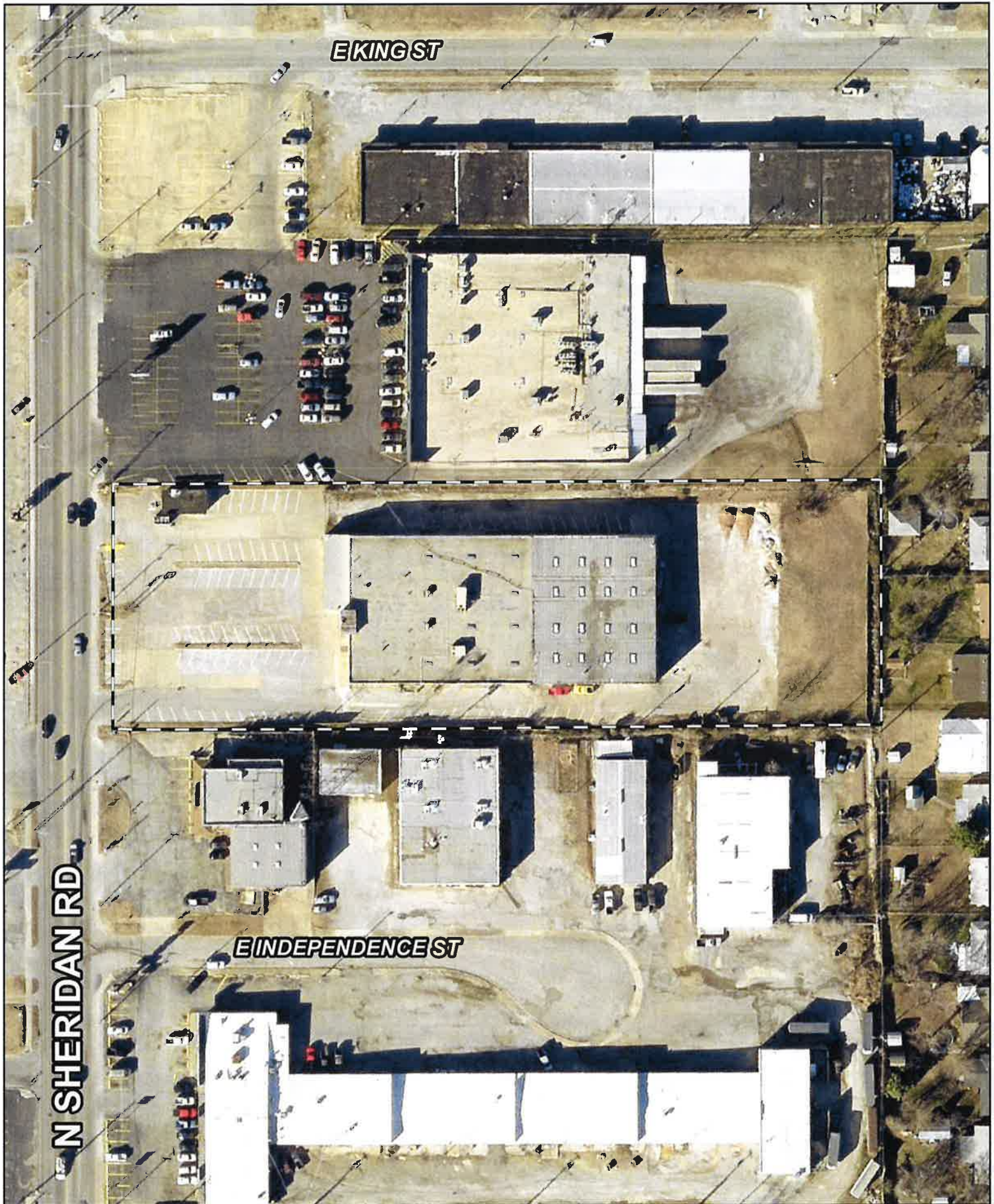
20-13 35

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

Aerial Photo Date: February 2016







0 50 100  
Feet



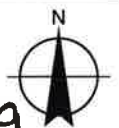
Subject  
Tract

**BOA-22247**

20-13 35

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

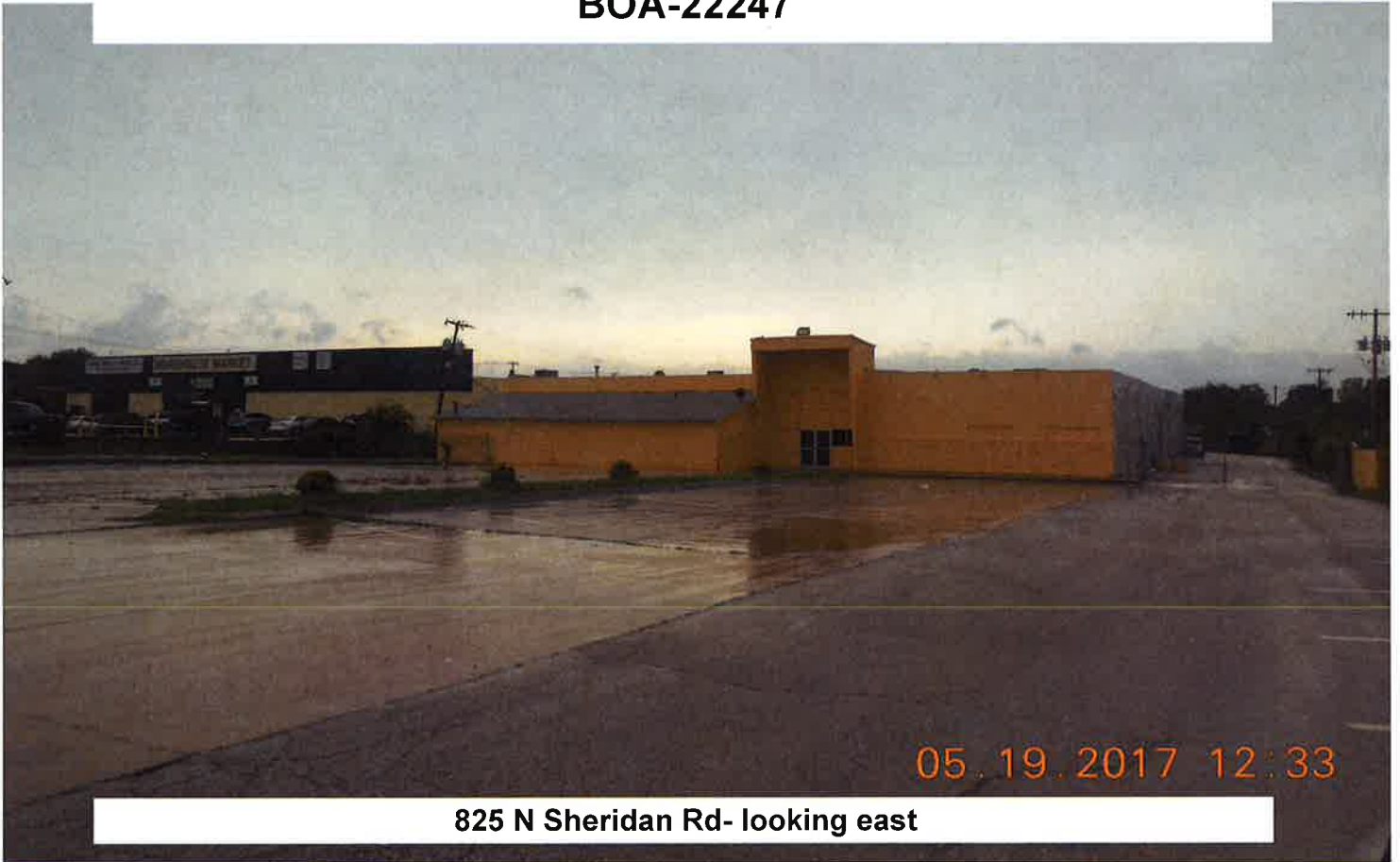
Aerial Photo Date: February 2016



5.19



BOA-22247



05.19.2017 12:33

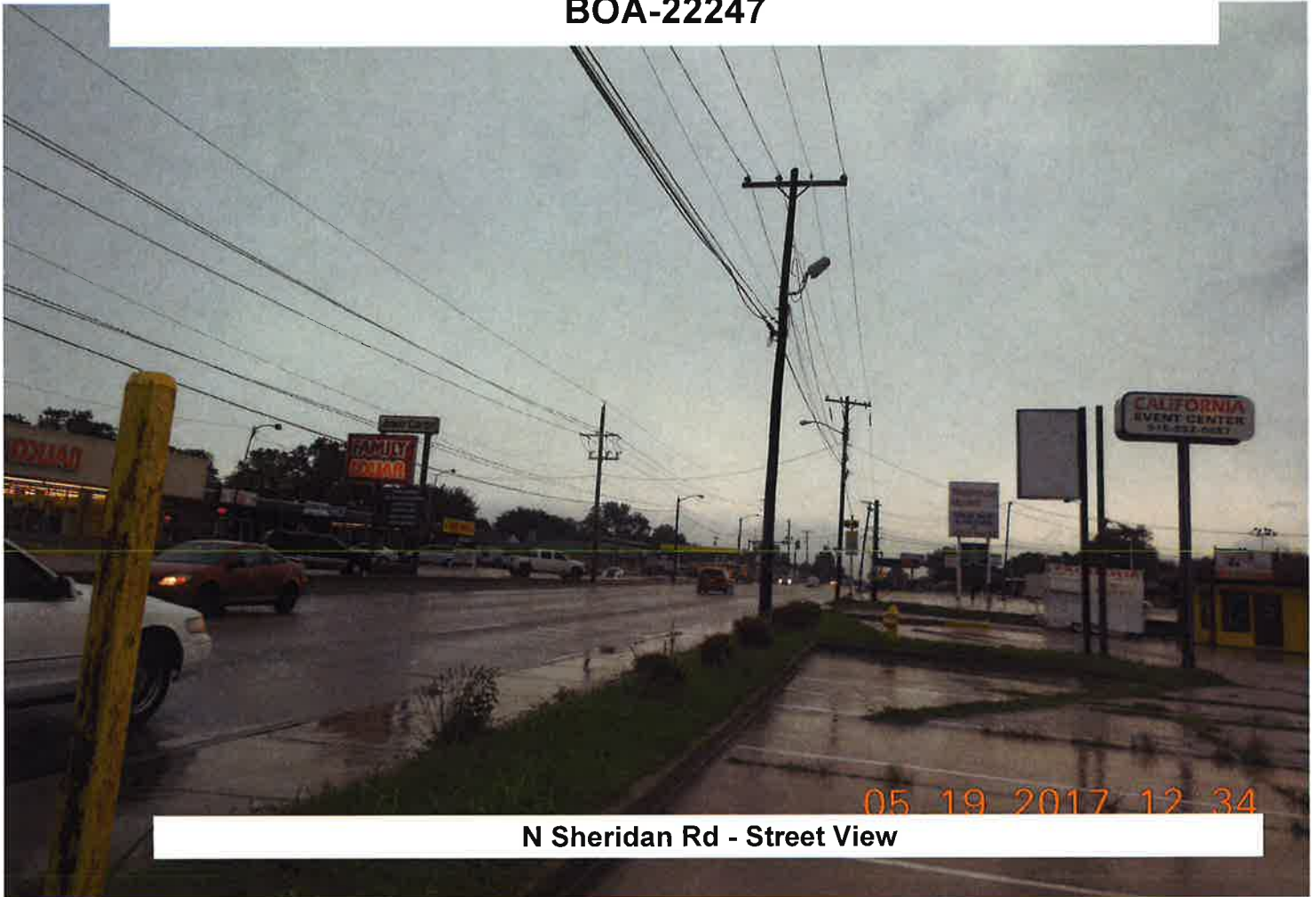
825 N Sheridan Rd- looking east



05.19.2017 12:34

N Sheridan Rd - Street View

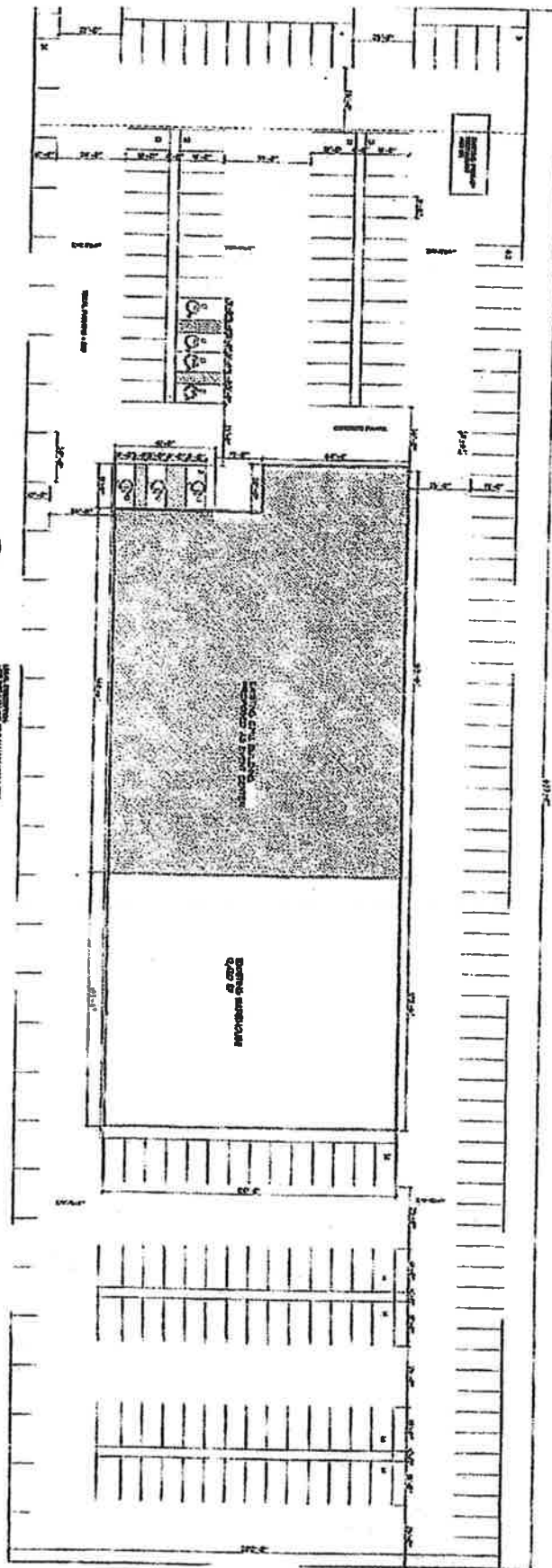
BOA-22247



DRAWING IN PLAN  
 1" = 100'



THE INFORMATION CONTAINED HEREIN IS FOR THE EXCLUSIVE USE OF THE CLIENT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.



SITE PLAN  
 1" = 100'

PROJECT: 825 NORTH SHERIDAN  
 CLIENT: TULSA COUNTY



EVENT CENTER  
 825 NORTH SHERIDAN  
 TULSA, OKLAHOMA







# BOARD OF ADJUSTMENT CASE REPORT

STR: 9333  
CZM: 47  
CD: 9  
A-P#: 420450

Case Number: BOA-22248

**HEARING DATE:** 06/13/2017 1:00 PM

**APPLICANT:** Gary Haynes-Crown Neon Signs

**ACTION REQUESTED:** Special exception to permit a dynamic display sign for a church in an RS-2 zoned district. (Section 60.050)

**LOCATION:** 5603 S New Haven Ave E

**ZONED:** RS-2

**PRESENT USE:** Church

**TRACT SIZE:** 3.65 Acres

**LEGAL DESCRIPTION:** BEG NE COR NE NE SW TH S 460.01 W 317.53 N 460.01 E 317.56 TO BEG SEC 33 19 13, HOLLIDAY HILLS ADDN B21-29, LOU NORTH WOODLAND ACRES 4TH ADDN, RUSTIC HILLS 2ND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Lot:**

BOA 3293; on 12.16.59 the Board approved a church use on the subject site.

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by RS-2 and RS-3 zoned residences.

### **STAFF COMMENTS:**

According to the submitted site plan and drawings the proposed ground sign located on the northwest corner of the site will contain a 21.87 SF dynamic display in the bottom cabinet. The Code defines a dynamic display sign as a *sign capable of displaying words, symbols, figures, images or messages that can be electronically or mechanically changed by remote or automatic means. This also includes any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows a sign to present a series of images, messages pr displays.*

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

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

Staff has received comments for the neighbors and surrounding property owners; the comments are attached to this case report for the Board's review.

### **Sample Motion:**

Move to \_\_\_\_\_ (approve/deny) a Special exception to permit a dynamic display sign for a church in an RS-2 Zoned district. (Section 60.050)

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

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



owner and occupant be given until July 1, 1960 to comply with all zoning regulations applicable to said property.  
All members voting yea. Carried.

Case No. 3293-A ✓  
New Haven Methodist  
Church - N. 460' of E.  
320' of NE, SW, Sec.  
33-19-12

This being the date set down for public hearing on the application of the New Haven Methodist Church for permission to erect a church on the North 460 feet of the East 320 feet of the NE 1/4, SW 1/4, of Section 33-19-12 a U-1-B District. There appeared Mr. Robert W. Noever on behalf of the Church. Mr. Noever presented plot plans of the church.

MOVED by Avery (Shaul) that this matter be granted subject to parking on rear only.  
All members voting yea. Carried.

Case No. 3305-A ✓  
Forty-First Church of  
Christ - Lots 1 to 16,  
inclusive, Resub. of  
Lots 3 & 4, Block 2,  
Suburban Highlands  
Addition

This being the date set down for public hearing on the application of the Forty-First Street Church of Christ for permission to erect a church on Lots 1 to 16, inclusive, Resubdivision of Lots 3 & 4, Block 2, Suburban Highlands Addition a U-1-C District, same was read aloud.

Appearing in behalf of the application, Dean Smith, Attorney for applicant.

Appearing in protest, Charles Gotwals, Attorney for Van D. Stone, who stated that a church in this neighborhood would be as objectionable to his client as Mr. Stone's trucking business was to the residents neighborhood.

Mr. Claude H. Keith of 4774 South Tacoma Avenue stated that, while he had protested the trucking operation conducted in the neighborhood, he was fully in accord with the proposed church.

There being no other protest, it was,

MOVED by Avery (Shaul) that protest be over ruled and approval given for the use of this property for church purposes.  
All members voting yea. Carried.

Case No. 3320-A ✓  
Limestone Methodist  
Church - Lot 11, Block  
8, Sunset Addition to  
Sand Springs

This being the date set down for public hearing on the application of the Limestone Methodist Church for permission to use Lot 11, Block 8, Sunset Addition to Sand Springs a U-1-C District for church purposes. There appeared Mr. William Underwood on behalf of the church. No protest was offered.

BOA-22248



5603 S New Haven Ave E - looking south



5603 S New Haven Ave E - looking east

6.5



BOA-22248



06.01.2017 10:28

E 56 St S - Street View, looking west



06.01.2017 10:29

S New Haven Ave - Street View, looking South

6.6





0 400 800  
Feet



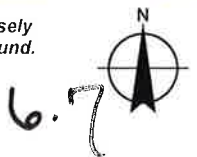
Subject  
Tract

**BOA-22248**

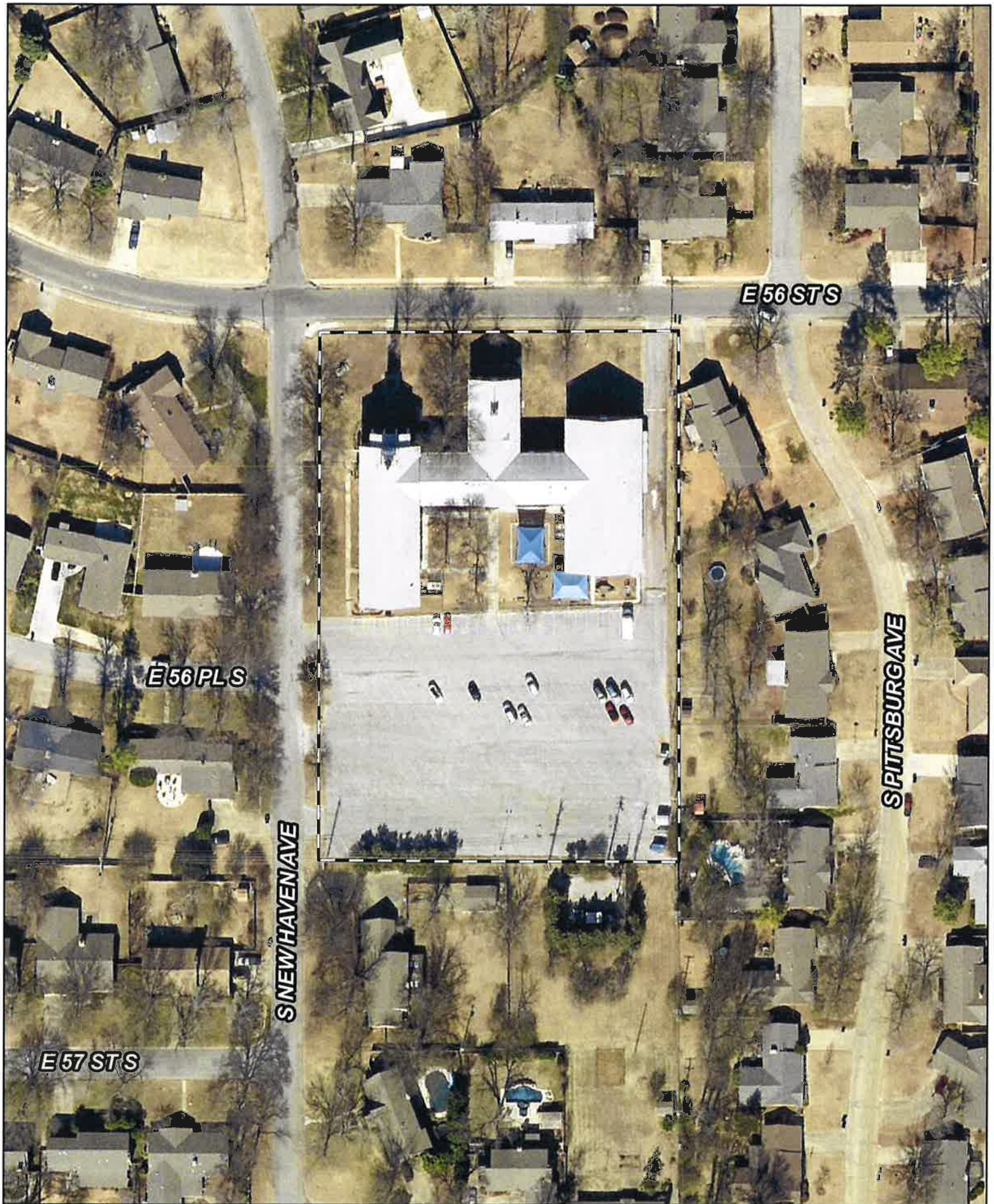
19-13 33

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

Aerial Photo Date: February 2016







Feet  
0 50 100



Subject  
Tract

**BOA-22248**

19-13 33

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

Aerial Photo Date: February 2016





$3/4''-1'$ 

\* This is NOT final artwork. Artwork will be finalized after order is placed.  
\* Site survey needed. The measurements shown below are an estimate only.

## SCALE

## SCALE

**New Haven United Methodist**

## CLIENT

Monument Sign w/ LED

## PROJECT

5603 S New Haven Ave

ADDRESS

Tulsa, OK 74135

CITY, STATE, ZIP CODE

2-21-17

DATE \_\_\_\_\_

022117-01

DESIGN NUMBER

Vanessa Davis

**DRAWN BY**

APPROVED	DATE
----------	------

**APPROVED**

Revisions



A

△

△

151

This is an original unpublished drawing created by Crown Neon. It is submitted for your personal use in conjunction with a project being planned for you. It is not to be shown to anyone outside your organization nor is it to be used, reproduced, copied or exhibited in any fashion without the express written consent of Crown Neon.



THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRIC CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER A BOLLING AND BOLLING OF THE SIGN.



**www.crownneonsigns.com**

**5676 S. 107th E. Ave**

Tulsa, OK 74146

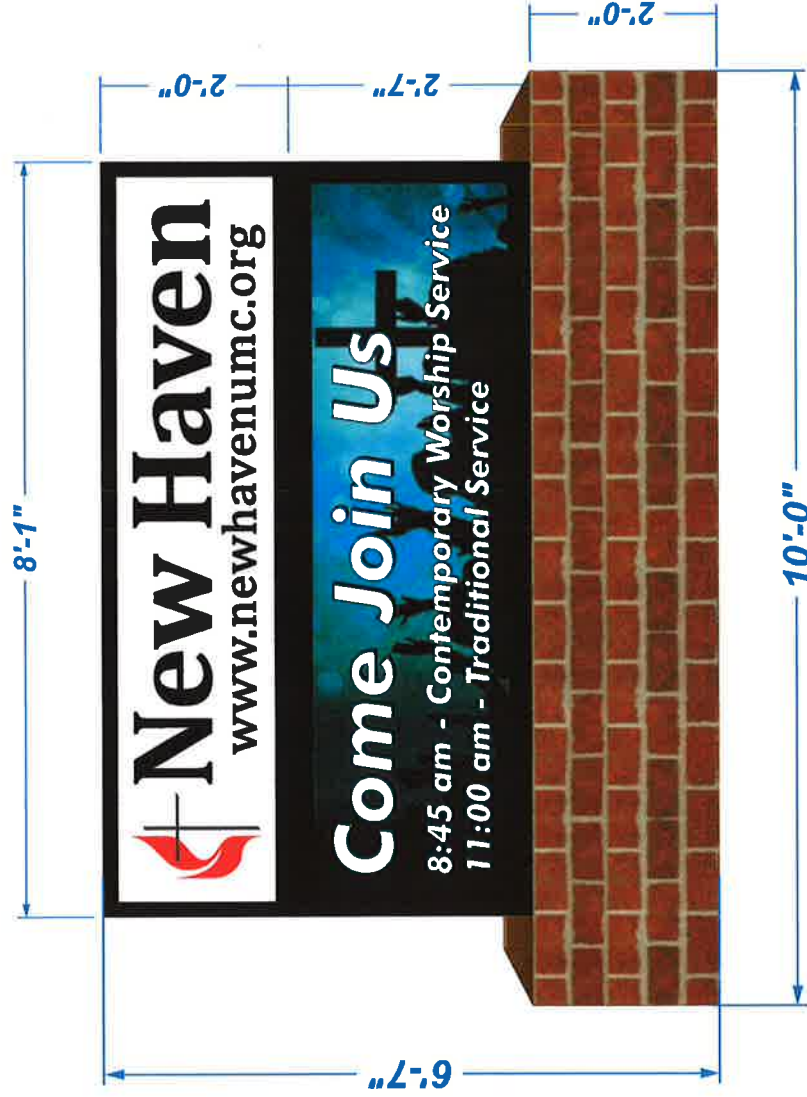
**918.872.8425 Sales**  
**918.872.8246 Fax**

Date:

(signature)

(print)

Approved by:



6.9





Google Earth

feet  
meters



50' From Center of 56<sup>th</sup>  
40' From Center of New Haven

## Moye, Nikita

---

**From:** Serjik L Zargarian [Serjklzargarian@att.net]  
**Sent:** Tuesday, June 06, 2017 4:47 PM  
**To:** Moye, Nikita  
**Subject:** BOA/22248

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Red category

I live couple blocks from the church (3403 East 56th Place) and believe it's a terrible idea.

This is a neighborhood and not Las Vegas strip.

We are talking about commercializations of religious institution with no benefits to the neighborhood or local community.

No urban planner would even think about approving such a crazy idea. This is one of "NOT TO DO" items with no benefits and plenty of harm.

We already have such signs alongside 56th and Harvard that are nothing but eyesores. The lights are on all the time advertising coffee hour, Zika classes... and that's what we can look forward to in our neighborhood.

BAD IDEA

SERJIK L ZARGARIAN

Sent from my iPhone



## Moye, Nikita

---

**From:** Katherine Castleberry [KatherineCastleberry@banksnb.com]  
**Sent:** Tuesday, June 06, 2017 10:38 AM  
**To:** Moye, Nikita  
**Subject:** BOA-22248

I will state I do believe New Haven Methodist does need a NEW sign in front of their church. What they have now has had better days and the church needs a better way to communicate events. That being said, I have concern with the proposed neon or bright LED signage since this is a neighborhood. Houses around there already deal with the lighting to make the church so beautiful at night. Adding bright colorful lights seems unfair to those home owners. I understand the church has petitioned to have the signage off from 9:00 pm until 6:00 or 7:00 am. If they are going to have something like this, I do believe the requirement needs to be that the signage must be turned off prior to 9:00 pm, especially in the winter. Small children, and some live across and to the side of the church, often have bedtimes earlier than 9:00 am. In respect to the neighbors the signage should be required to go off by 7:00 pm. We also have several senior citizens living in this area. The bright lights on signage can often hurt their eyes when its dusk or night – I learned this by watching my parents. Having the signage go off earlier will benefit more than just those living so close to the church.

My personal opinion is maybe there is another option for signage, other than the proposed drawing they have, that should fit their needs and be a little more considerate to the neighbors.

It's my understanding you need to verify I live in this area. Our address is 3911 E 58<sup>th</sup> Place. Although we are not members of New Haven Methodist this church is a special place to our family. Not only is it beautiful, it's an asset to our neighborhood and where our daughter attended after school programs while a student at Carnegie Elementary. I am sincere when I say I'd like to find a solution to help the church and be acceptable to the neighbors.

Thank you for taking the opinions for those who live in this area,  
Katherine Castleberry



**Katherine Castleberry** | SVP, Manager, Project Management  
✉ KatherineCastleberry@banksnb.com  
📍 1500 S. Utica, Tulsa, OK 74104  
☎ 918.808.0127 📠 918.523.3613

## Moye, Nikita

---

**From:** Shirley Courtney [scourtney@sbcglobal.net]  
**Sent:** Tuesday, June 06, 2017 12:59 PM  
**To:** Moye, Nikita  
**Subject:** Case # BOA-22248

I live in Holliday Hills, homeowner for more than 30 years, my address is 5618 S Richmond Ave. As much as I would like to be supportive of New Haven Methodist Church, I have to say that a neon sign at that location will be detrimental for a number of reasons.

\* the people that live across the street would have to deal with looking at neon , and especially bad at nighttime.

\*\* that corner is a magnet for accidents as it is

\*\*\* we have a major problem with speeders on this main through street (56th) and I am afraid that sign will just be more distracting.

\*\*\*\* I think that it would lessen the property values as it is in the middle of a neighborhood yet would make it look more commercial.

I would attend the meeting but I will be out of state. Thank you for addressing my thoughts.

Shirley Courtney  
918-496-3639

**Yesterday is just a memory, tomorrow is never what it's supposed to be!**

**Bob Dylan**



**Moye, Nikita**

---

**From:** Don Davis [ddavis121@cox.net]  
**Sent:** Tuesday, June 06, 2017 9:45 AM  
**To:** Moye, Nikita  
**Subject:** New Haven Methodist Church BOA-22248

To the members of the Tulsa Board of Adjustment:

My wife and I have lived in our home for 41 years. We wish to voice our **opposition** to the digital sign being proposed by the church.

The church sits in the middle of our neighborhood, and is not on a major thoroughfare as other churches are that use digital signs. The church has a beautiful traditional Colonial architecture that should maintain traditional signage.

The lights of a digital sign are exceedingly bright and can be distracting to drivers, creating potential traffic hazards, both vehicular and pedestrian. The lights will be invasive on houses directly in site of the sign; even if there are no flashing displays, there will be changes in the display messages. Controlling the time when the sign would be turned off would help but not totally resolve this issue.

Another issue is the effect on property values. Potential buyers would not know the timetable for the sign lights to be on and off. It would also be a commercial-style sign in a very proud neighborhood that doesn't want this kind of encroachment.

Thank you for your consideration.

Don and Rhonda Davis  
5649 S. Pittsburg Ave.  
Tulsa, OK 74135

Sent from my iPad

**Moye, Nikita**

B5A 22248

---

**From:** theresa ingram [tingram8@icloud.com]  
**Sent:** Saturday, June 03, 2017 11:08 AM  
**To:** Moye, Nikita; esubmit  
**Subject:** LED sign objection

I would like to submit my objection to the placement of an LED sign in my neighborhood at 56th St and New Haven.

Theresa Ingram  
3748 E 56th St  
918-261-3077

Sent from my iPad



**Moye, Nikita**

---

**From:** Shawn Donahue [sdonahue@coreorthopedics.net]  
**Sent:** Monday, June 05, 2017 10:29 AM  
**To:** Moye, Nikita  
**Subject:** New Haven Sign

Hello, my name Shawn Donahue I own a home just south on Pittsburg from the church, I love the church it's makes the neighborhood feel like a neighborhood of the past, where kids are always running around riding their bikes/family's walking/running. It reminds me of an easier time, the church has a lot to do with that, it's a beautiful older white church and all I think an LED/lighted sign would do is make: one the church look tacky. I went to cascina hall and hated that they added the LED sign and majority of the graduates agree. I think it'll take value from the church and our homes. I hope that it doesn't get pushed through. But a sign like Kirk of the Hills has I would be all for it.

Thanks,

Shawn Donahue  
CoreOrtho, LLC  
3015 East Skelly Drive Suite 117  
Tulsa, OK 74105  
(918) 760-8632 cell  
[sdonahue@coreorthopedics.net](mailto:sdonahue@coreorthopedics.net)

## Moye, Nikita

---

**From:** Mary Diacon [mdiacon@prodigy.net]  
**Sent:** Saturday, June 03, 2017 8:47 AM  
**To:** Moye, Nikita  
**Subject:** BOA-22248 Hearing

Dear Ms. Moye:

I am opposed to the particular neon dynamic display proposed for Special Exception in BOA-22248. The sight of New Haven United Methodist Church as you drive south on New Haven is the most picturesque scene in this square mile and I feel this neon sign will detract from the aesthetics of not only the church but the entire neighborhood. I live two houses from the church and will be directly affected by this display. The members of the church have been excellent neighbors and I completely support their mission but hope they will choose a less-garish sign.

Thank you,

*Mary Diacon  
5529 S New Haven Ave.  
Tulsa, OK 74135*

text\_0  
Hello! This is regarding BOA-22248. I would like to go on record as a resident of Lou North Woodland Acres that I am opposed to an LED sign being placed in the middle of our residential neighborhood. As a realtor, I believe it will negatively affect the aesthetics of the neighborhood, which will have a negative affect on home values for the surrounding homes. I appreciate what the church does for the neighborhood, but don't believe it is a necessary addition and makes the residential area feel like a commercial area. Thanks for listening to my input.

Thank you, Grace Toninato



BOB KOLIBAS  
SIGN PLANS EXAMINER  
918-596-9664



LOD Number:

1001871-1

Sign contractor:  
Crown Neon Signs  
5676 S 107  
Tulsa OK 74146

## DEVELOPMENT SERVICES

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

### SIGN PLAN REVIEW

May 02, 2017

**APPLICATION NO:** 420450 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
**Location:** 5603 S NEW HAVEN AV E  
**Description:** New Haven w/dynamic display

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

**REVISIONS NEED TO INCLUDE THE FOLLOWING:**

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

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. 420450

5603 S NEW HAVEN AV E

May 02, 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.) Section 60.050 Signs in R and AG Zoning Districts

#### 3. Nonresidential Uses

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

#### c. Dynamic Displays

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

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

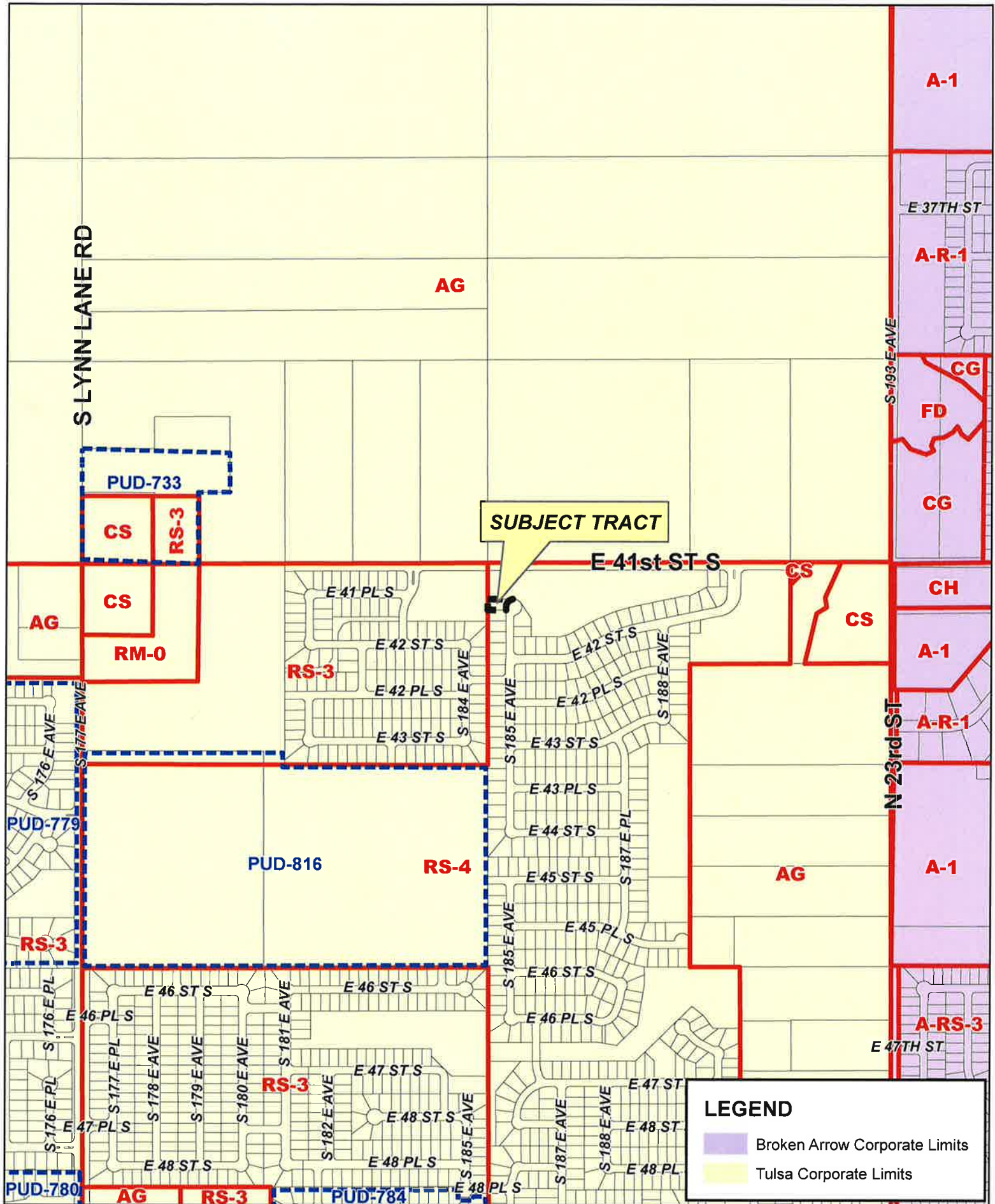
**Review Comments:** The proposed 21.87 sq. ft. (8.1x2.7) freestanding dynamic display sign is located in an RS-2 zoning district and requires a special exception from the BOA to be located in an RS-2 zoning district. See other listed conditions 1-4 that apply in R zoning districts.

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.

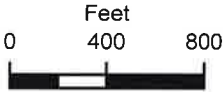
KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A CITY OF TULSA SIGN PERMIT.



SUBJECT TRACT

**LEGEND**

-  Broken Arrow Corporate Limits
-  Tulsa Corporate Limits



BOA-22250

19-14 25

7.1





# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9425

Case Number: **BOA-22250**

**CZM:** 50

**CD:** 6

**A-P#:** 9103

**HEARING DATE:** 06/13/2017 1:00 PM

**APPLICANT:** Corbin Smith

**ACTION REQUESTED:** Special Exception to allow the driveway width to exceed 20 ft. in the right-of-way and on the lot (Section 55.090-F).

**LOCATION:** 4110 S. 185<sup>th</sup> E. Ave.

**ZONED:** RS-4

**PRESENT USE:** Residential

**TRACT SIZE:** 9125.86 SQ FT

**LEGAL DESCRIPTION:** LT 1 BLK 2, CYPRESS CREEK, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Surrounding Properties:**

**BOA 22181;** on 01.10.17 the Board approved a special exception to increase the maximum driveway width, within the right-of-way and on the lot from 20 ft. to 30 ft. in an RS-4 district; located on various lots within the Cypress Creek Subdivision.

**BOA 22155;** on 11.08.16 the Board approved a special exception to increase the maximum driveway width, within the right-of-way and on the lot from 20 ft. to 30 ft. in an RS-4 district; located at 18521 E 44<sup>th</sup> St.

**BOA 21440;** on 06.26.12 the Board approved Variance to increase maximum area of all-weather material from 34% to 36% in the RS-3 district; located at 4102 S 181<sup>st</sup> E Ave.

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

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

The **Areas of Stability** includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small

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

**ANALYSIS OF SURROUNDING AREA:** The subject tracts are located in an RS-4 zoned subdivision.

**STAFF COMMENTS:**

As shown on the attached drawing the driveway width of 27 ft. exceeds the maximum 20 ft. allowed driveway width in the RS-4 zoning district. The applicant is requesting that the Board approve a driveway width of 27 ft. on the lot and in the right-of-way.

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

As shown in the case history the Board has approved special exceptions to increase the maximum driveway width, within the right-of-way and on the lot to 30 ft. on various lots within the Cypress Creek Subdivision. The only relief from the maximum driveway width requirements are provided through the special exception process at the Board.

**Sample Motion:**

Move to \_\_\_\_\_ (approve/deny) a Special Exception to allow the driveway width to exceed 20 ft. in the right-of way and on the lot (Section 55.090-F).

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

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

**22180—Ronnie Potter**

**Action Requested:**

Verification of the spacing requirement for liquor stores of 300 feet from plasma centers, day labor hiring centers, bail bonds offices, pawn shops, and other liquor stores (Section 40.300-A). **LOCATION:** 11512 East 21<sup>st</sup> Street South (CD 6)

**Presentation:**

**Ronnie Potter**, 15405 East 530 Road, Inola, OK; no formal presentation was made but the applicant stated he is the agent for the owner.

Mr. Van De Wiele stated the Board is in receipt of the applicant's spacing verification.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) 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 liquor store subject to the action of the Board being void should another liquor store or other conflicting use be established prior to the establishment of this liquor store; for the following property:

**LT 1 BLK 1, BURRIS SQUARE, City of Tulsa, Tulsa County, State of Oklahoma**

**22181—J. D. Harp**

**FILE COPY**

**Action Requested:**

Special Exception to increase the permitted driveway width from 20 feet to 30 feet in the right-of way and on the lot within in an RS-4 District (Section 55.090-F). **LOCATION:** West and South of the SW/c of South 193<sup>rd</sup> Avenue East and East 41<sup>st</sup> Street South (CD 6)

**Presentation:**

**J. D. Harp**, 11885 South Yale, Tulsa, OK; stated the property was developed in 2007 and due to economic dips it has taken longer than expected to complete. About 98% of the houses in the subdivision have three car garages. In January 2017 the zoning code changed and only allowed two car garages in an RS-4 District. Originally the RS-4 zoning was chosen because of the 20 foot setback for garages. He would like to complete the development with three car garages as it was started.



FILE COPY

BOA-22181

Ms. Miller stated this situation is not impacted by the change that is being proposed in regards to driveway widths. This is an example of looking at things on a case by case basis, because it could be argued that it would be appropriate to have that size of driveway because it is in character with the neighborhood. The change in the driveway width in the Zoning Code have to do with recognizing the fact that it was already approved in a PUD, that the approval is still valid, and the applicant does not need to go through the Special Exception process.

Mr. Van De Wiele asked if it would be an appropriate statement to say that when the neighborhood was platted the driveway widths were approved. Ms. Miller stated that it was a different measure. It was not a width, it was a lot coverage. There are examples where it was a complicated math equation, and the inspectors did not check it so a lot of three car driveways were approved when in fact they were not in compliance with the Code. Ms. Miller stated there were no approvals for these driveways so she is not sure if they meet the lot coverage that would have allowed it or not.

Mr. White asked Ms. Miller if this will create problems for the Code. Ms. Miller stated that it would not because it is an example of a neighborhood that is in character. The key is that it is in character with the neighborhood.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a **Special Exception** to increase the permitted driveway width from 20 feet to 30 feet in the right-of way and on the lot within in an RS-4 District (Section 55.090-F), subject to the property description shown on page 9.2, under legal description and indicated on the subdivision plat shown on 9.10. 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; for the following property:

**LT 1 BLK 3; LT 7 BLK 2; LT 2 BLK 3; LT 8 BLK 3; LT 10 BLK 3; LT 4 BLK 8; LT 3 BLK 9; LT 14 BLK 9; LT 3 BLK 4; LT 3 BLK 7; LT 25 BLK 6; LT 9 BLK 7; LT 12 BLK 7; LT 13 BLK 7, CYPRESS CREEK, City of Tulsa, Tulsa County, State of Oklahoma**

**22182—Brent Barnes**

**Action Requested:**

**Special Exception** to permit used car sales in the CS District (Section 15.020).

**LOCATION:** 1901 South Garnett Road East (CD 6)

**SAID SOUTH LINE 225.00 FEET TO THE WEST LINE OF LOT 1; THENCE NORTH 00°09'51" WEST ALONG SAID WEST LINE 125.00 FEET; THENCE NORTH 89°42'15" EAST A DISTANCE OF 225.00 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 0.646 ACRES, City of Tulsa, Tulsa County, State of Oklahoma**

**22155—Charles Sanders Homes, Inc.**

**Action Requested:**

Special Exception to increase the maximum driveway width within the right-of-way and on the lot from 20 feet to 30 feet in an RS-4 District (Section 55.090-F.3).

**LOCATION:** 18521 East 44<sup>th</sup> Street South (CD 6)

**Presentation:**

**Charles Sanders**, Charles Sanders Homes, Inc., 107 South Ash, Broken Arrow, OK; no formal presentation was made by the applicant but he was available for any questions.

Mr. Van De Wiele asked Mr. Sanders if the other driveways in the neighborhood were 20 or 30 feet. Mr. Sanders stated that he counted the houses on the street and there are 19 and only one house had a 20 foot driveway while all the others had 30 foot driveways.

Mr. Sanders stated that he picked up his building permit from the City on March 28, 2016 and built the house. In the middle of September the City Inspector said the regulations had been changed in January and they were aware of it but approved the plan that had been turned in. Mr. Sanders he built the house and the driveway was poured when he was informed the Code had been changed.

Mr. White stated this is a problem the Board has encountered before the Code change in January. Other properties in the area, which are very close to Broken Arrow city limits, had over width by Tulsa standards that were allowed by Broken Arrow. He does not know how many applications the Board has heard for basically the very same thing. This is the first application that has come before the Board as a "gotcha" situation because of the Zoning Code change. At this point, since the Board will probably have more, the Board needs to come up with a procedure where the applicant will have similar problems.

Ms. Miller stated driveways are being treated differently in the new Code, the driveway is based on the width rather than lot coverage which use to require a Variance which requires a hardship, a higher test. In order to offset that, the City does not want anyone to pave half or more of the front yard, so a wider driveway is now requested by a Special Exception. Code changes are being worked on to clarify that process.

Ms. Back asked staff if she understood correctly that Mr. Sanders received his permit in March and the City missed the new Code change. Ms. Miller stated she was not sure,

but the new Code change took effect on January 1, 2016. The permit center had more flexibility on how they reviewed an application.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a **Special Exception** to increase the maximum driveway width within the right-of-way and on the lot from 20 feet to 30 feet in an RS-4 District (Section 55.090-F.3), as constructed as shown per 7.8. The Board finds that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

**LT 17 BLK 9, CYPRESS CREEK, City of Tulsa, Tulsa County, State of Oklahoma**

**22156—Perry Dunham**

**Action Requested:**

**Special Exception** to allow a non-conforming 2-story detached garage to be reconstructed (Section 80.030); **Variance** to increase the footprint of a non-conforming structure; **Variance** to allow an accessory structure to exceed 10 feet at the top of the top plate; **Variance** to allow a building to cover more than 25% of the rear yard setback area (Section 90.090). **LOCATION:** 2619 South Boston Place East (CD 4)

**Presentation:**

**Perry Dunham**, 2619 South Boston Place, Tulsa, OK; stated he is the owner of the subject property. He would like to rebuild the existing garage that had been built in 1930 and it is in poor condition. He would like to extend the garage to facilitate a modern vehicle because the existing garage is not deep enough. The stairs originally were set behind the structure on the outside on the utility easement and he wants to bring the stairs to the interior of the garage.

Mr. Van De Wiele asked Mr. Dunham if he was expanding the garage toward the house. Mr. Dunham answered affirmatively.

Mr. Van De Wiele asked Mr. Dunham if he had visited with his neighbors to see if they had any issues. Mr. Dunham stated that he had visited with everyone on the block and their general opinion is that the new garage will be a significant improvement to the neighborhood.



Mr. Henke stated the Board had received a letter from Jane Malone, President of the Chamberlain Neighborhood Association.

**Rebuttal:**

Ms. Thomas stated that the manufactured home has been twice in seven years and has been well kept.

Ms. Stead asked Ms. Thomas if she owned the lot where the manufactured home is proposed to be placed. Ms. Thomas stated that she just recently acquired the property immediately next to it. Her Godmother owns the subject property so in the future it will be hers. Ms. Thomas believes the manufactured would become an asset to the neighborhood because the houses closest to the subject property appear to be abandoned, are in very poor condition and an eyesore. If her request is approved it will create a hardship for her, but this is something she has worked for. If she is allowed to place the manufactured home on the subject property she and her son will have access public transportation relieving one of her worries.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 4-1-0 (Henke, Tidwell, Van De Wiele, White "aye"; Stead "nay"; no "abstentions"; none absent) to **APPROVE** the request for a **Special Exception** to permit a manufactured home (Use Unit 9) in an RS-3 district (Section 401); **Special Exception** to extend the time limitation from 1 year to 5 years from today's date (Section 404.E.1), finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. This approval is subject to the site plan on page 7.6 with a time limit of 5 years from today's date of June 26, 2012; for the following property:

**LT 1 BLK 4, THE BEN C FRANKLIN ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21440—Shaw Homes, Inc.**

**FILE COPY**

**Action Requested:**

**Variance** to increase maximum surface area of all-weather material from 34% to 36% in the RS-3 district (Section 1303.D). **LOCATION:** 4102 South 181<sup>st</sup> East Avenue (CD 6)

**Presentation:**

**Glen Shaw**, 1420 West Kenosha Street, Broken Arrow, OK; stated this is a large cul-de-sac lot with a narrow front, and the covenant require two parking spaces on the

BDA-21440

FILE COPY

outside. The zoning code only allows for 34% front coverage, and to be able to have a two-car driveway to the street an additional 2% is needed. This 36% coverage would allow for a normal driveway to the street.

**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"; none absent) to **APPROVE** the request for a **Variance** to increase maximum surface area of all-weather material from 34% to 36% in the RS-3 district (Section 1303.D). The Board finds that the very unusual, triangular lot contains over 15,000 square feet has requirements which prohibit ordinary building practices according to the current zoning code. The Board makes this approval per conceptual plan on page 8.6. In granting this variance the Board has found that by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**LT 12 BLK 1, OAK RIDGE PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21441—Paul Crosby**

**Action Requested:**

**Variance** of the front yard setback from 25 feet to 22.7 feet in the RS-3 district; **Variance** of the side yard (west) setback from 5 feet to 4.9 feet in the RS-3 district (Section 403.A, Table 3). **LOCATION:** 421 West 77<sup>th</sup> Street South (CD 2)

**Presentation:**

**Michael Miller**, 655 West 79<sup>th</sup> Street, Tulsa, OK; no presentation was made.

**Mr. White left the meeting at 2:41 p.m.**





0 400 800  
Feet



Subject  
Tract

**BOA-22250**

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

19-14 25

Aerial Photo Date: February 2016



7.10





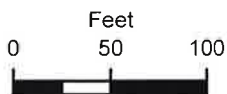
E 41st ST S

E 42 ST S

S 184 E AVE

S 185 E AVE

E 42 ST S



Subject  
Tract

**BOA-22250**

19-14 25

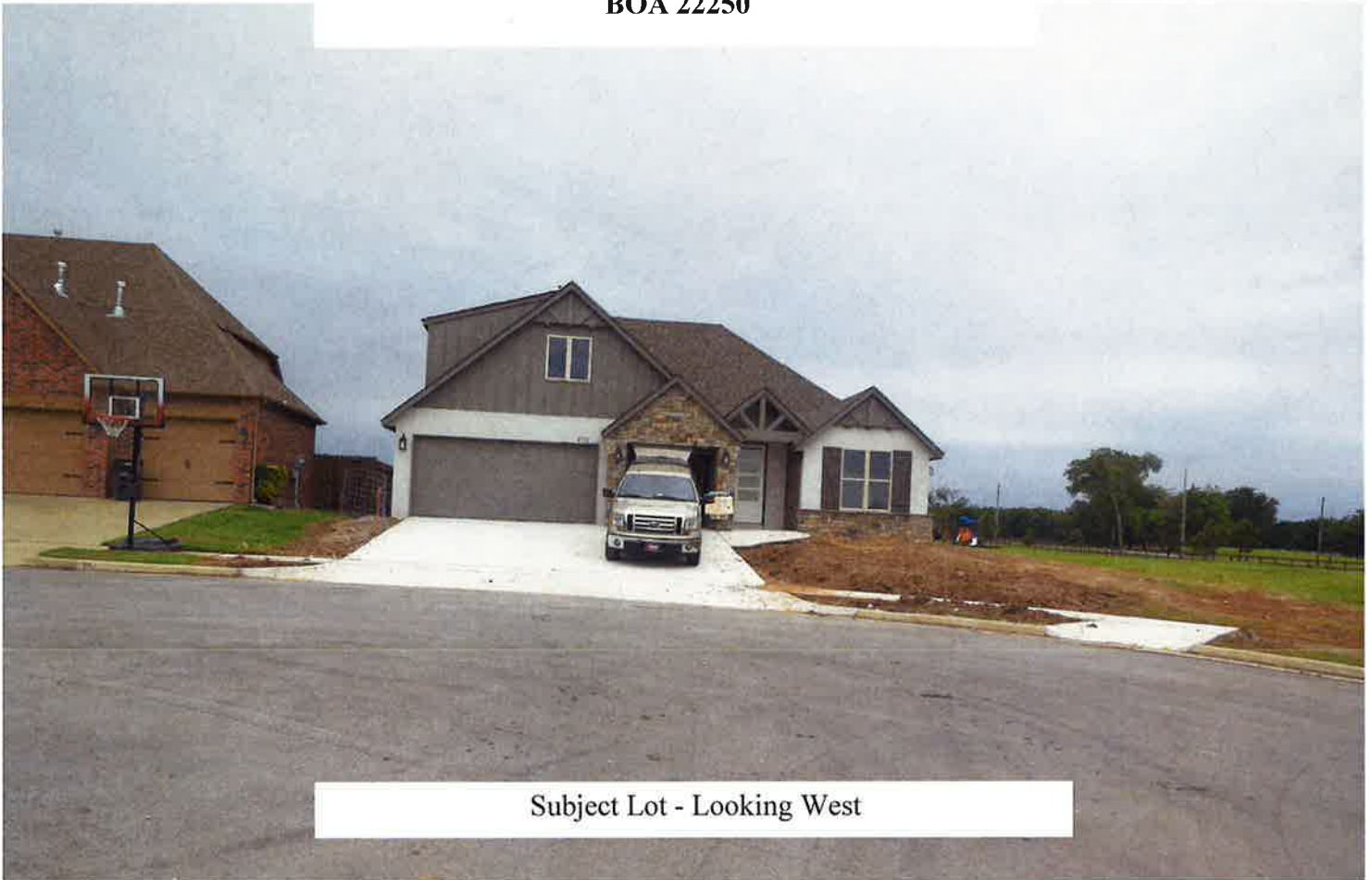
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016



7.11





Subject Lot - Looking West



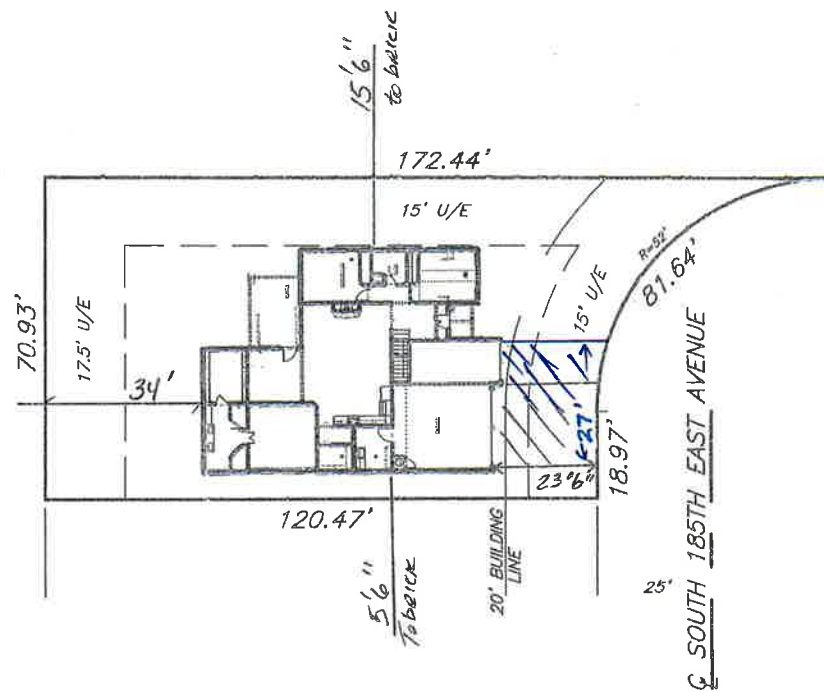
S 185 E Ave - Street View

05 19 2017 10:27

7.12



CLIENT: TRADITION HOMES



LEGAL DESCRIPTION AS PROVIDED:

4110 S 185TH E AVE L1B2 CYP CREEK AKA 4110 S 185TH E AVE



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:

1002400-1

May 08, 2017

CORBIN SMITH  
TRADITION HOMES, LLC  
9959 E 51ST ST S  
TULSA, OK 74146

Phone: (918)261-2535  
Fax: (918)627-5661

APPLICATION NO: **9103** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: **4110 S 185 AV E**  
Description: **single family 27 foot driveway**

#### 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.).

7.14

## REVIEW COMMENTS

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

Application No. 9103

4110 S 185 AV E

May 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.

1. **55.090-F3 Surfacing.** In RS-4 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 27' driveway width that exceeds the maximum allowable driveway width on the lot and in the ROW. Revise plans to indicate the driveway shall not exceed 20' in width on the lot and in the ROW or apply to the BOA for a special exception to allow the driveway width to exceed 20' in width on the lot and in the ROW.

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

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

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

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

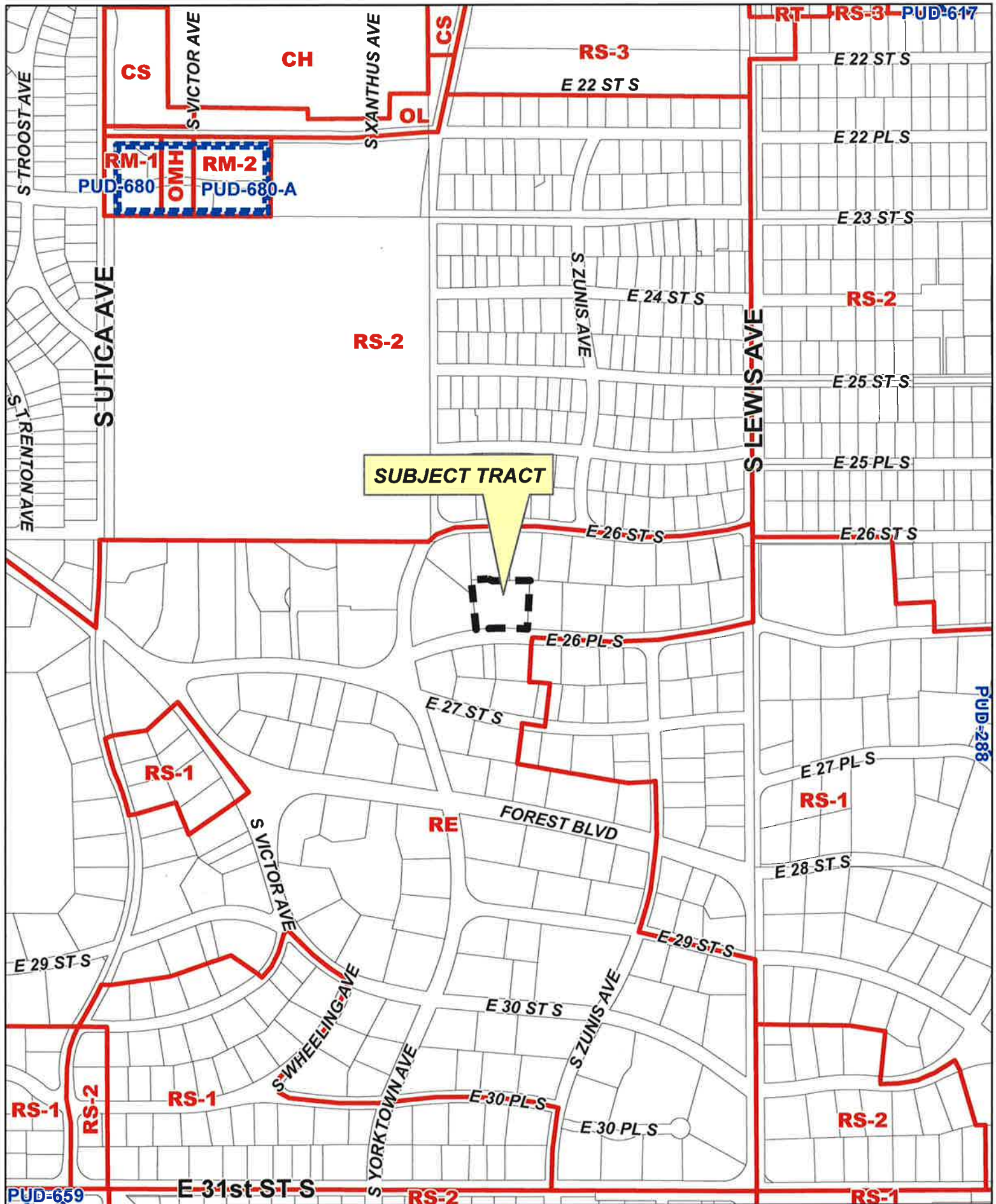
## END – ZONING CODE REVIEW

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

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

**THIS PAGE  
INTENTIONALLY  
LEFT BLANK**





SUBJECT TRACT

BOA-22252

8.1



19-13 18



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9318

Case Number: BOA-22252

CZM: 37

CD: 4

A-P#: 9074

**HEARING DATE:** 06/13/2017 1:00 PM

**APPLICANT:** Mark Capron

**ACTION REQUESTED:** Variance of the side yard setback from 15' to 13' to permit an existing home in an RE district (Section 5.030-A); and a Variance of the setback from an interior lot line from 3' to 1' to permit an existing pool house (Section 90.090-C).

**LOCATION:** 2121 E 26 PL S

**ZONED:** RE

**PRESENT USE:** Residential

**TRACT SIZE:** 44,344.26 SQ FT

**LEGAL DESCRIPTION:** A TRACT OF LAND THAT IS PART OF LOTS TEN (10), ELEVEN (11), FOURTEEN (14) AND FIFTEEN (15), IN BLOCK TWO (2), OF FOREST HILLS, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 958, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID LOT FIFTEEN (15), SAID POINT BEING TWENTY-NINE (29.00) FEET WESTERLY OF THE NORTHEAST CORNER OF LOT FIFTEEN (15); THENCE SOUTH 3°59'50" WEST FOR TWO HUNDRED TWO AND THIRTY-SIX HUNDREDTHS (202.36) FEET TO A POINT ON THE SOUTHERLY LINE OF LOT FIFTEEN (15), SAID POINT BEING TWENTY (20) FEET WESTERLY OF THE SOUTHEAST CORNER OF LOT FIFTEEN (15); THENCE NORTH 83°43'22" WEST ALONG THE SOUTHERLY LINE OF LOT FIFTEEN (15) FOR TWENTY-THREE AND TWENTY-THREE HUNDREDTHS (23.23) FEET TO A POINT OF CURVE; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF LOT FIFTEEN (15) AND LOT FOURTEEN (14) ON A CURVE TO THE LEFT, WITH A CENTRAL ANGLE OF 10°51'49" AND A RADIUS OF NINE HUNDRED EIGHT-FIVE (985.00) FEET FOR ONE HUNDRED EIGHTY-SIX AND SEVENTY-SIX HUNDREDTHS (186.76) FEET TO THE SOUTHWEST CORNER OF LOT FOURTEEN (14); THENCE NORTH 3°10'05" WEST ALONG THE WESTERLY LINE OF LOT FOURTEEN (14) FOR ONE HUNDRED NINETY-NINE AND SEVENTY HUNDREDTHS (199.70) FEET TO THE NORTHWEST CORNER LOT FOURTEEN (14); THENCE NORTH 0°10'36" EAST A DISTANCE OF EIGHT AND FIFTY HUNDREDTHS (8.50) FEET; THENCE NORTH 87°00'45" EAST A DISTANCE OF SIXTY-SIX AND THIRTY-THREE HUNDREDTHS (66.33) FEET; THENCE SOUTH 56°39'02" EAST A DISTANCE OF TWENTY-THREE AND SEVENTY-FIVE HUNDREDTHS (23.75) FEET; THENCE EASTERLY ALONG THE NORTHERLY LINE OF LOT FOURTEEN (14) AND LOT FIFTEEN (15) A DISTANCE OF ONE HUNDRED FORTY-EIGHT AND SIXTY HUNDREDTHS (148.60) FEET TO THE POINT OF BEGINNING.

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Lot:**

BOA 12031; the Board **approved** a variance of the required setback from E. 26<sup>th</sup> Place S. from 60 ft. to 54 ft.

### **Surrounding Properties:**

BOA 19928; the Board **approved** a Variance of the required side setback from 15 ft. to 5.7 ft. to build a detached accessory building; located at 2128 E 26 St S, immediately north of the subject site.

BOA 19457; the Board **approved** a Variance of the required side setback from 15' to 5'9" to rebuild a non-conforming building and to add an addition on the rear of the existing house; located at 2128 E 26 St S, immediately north of the subject site.

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

The **Existing Residential Neighborhood** category is intended to preserve and enhance Tulsa's existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as

8.2

permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is abutted by RS-2 zoned residential on the north and RE zoned residential on the south, east and west.

**STAFF COMMENTS:**

As shown on the attached survey the existing home/green house has a west side-yard setback of 13.78'. The applicant is before the Board requesting a variance to reduce the RE district side yard setback from 15' to 13' to permit the existing home. The existing pool house in the northwest corner of the site has a setback of 1.93' from the west lot line; the applicant has requested a Variance of the setback from an interior lot line from 3' to 1' to permit the existing pool house. The applicant submitted the following statement with their application: *"The existing encroachments were existing when the current Owners purchased their home in 1994. A recent survey revealed the violations. The applicant proposes no new construction, only existing improvements."*

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Variance of the side yard setback from 15' to 13' to permit an existing home in an RE district (Section 5.030-A); and a Variance of the setback from an interior lot line from 3' to 1' to permit an existng pool house (Section 90.090-C).

- 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. Hjelm, the applicant, stated he objected to a continuance, and would like to get his structure built before the bad weather. He has met with one neighbor the Friday before the meeting and he did not suggest a continuance at that time. Mr. White suggested the applicant and interested parties meet outside the room to discuss the issues and they would call the case in the order of the agenda.

\*.\*\*\*\*\*.

### **NEW APPLICATIONS**

#### **Case No. 19927**

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

Minor variance of required rear yard setback from 25 ft. to 23 ft.-10 in. SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS, located: 3030 South Wheeling Avenue East.

##### **Presentation:**

Laurence Pinkerton, 3030 South Wheeling Avenue East, submitted a packet of exhibits (Exhibit B-1). He stated the fence has existed for thirty to forty years. He and the neighbors considered the possibility that if it were the true border there might not be a need for relief.

Mr. White stated he would be abstaining from Case No. 19927.

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

Carol Ashcraft, 1754 E. 30<sup>th</sup> Street, stated she had no objection. She has obtained a survey. The only problem she could see was an existing sewer line that would have to be addressed.

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

On Motion of Turnbo, the Board voted 3-0-1 (Dunham, Turnbo, Stephens "aye"; no "nays"; White "abstained"; Paddock "absent") to **APPROVE** a **Minor variance** of required rear yard setback from 25 ft. to 23 ft.-10 in., finding the lay of the land and existing fence as the hardship, on the following described property:

BEG 17.81 SW NEC LT 17 TH SWLY 97.78 TH SELY TO PT ON SL LT 16 TH NELY 130 TO PT 10 S SECR LT 17 TH NW POB BLK 17, FOREST HILLS

\*.\*\*\*\*\*.

#### **Case No. 19928**

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

Variance of required side yard from 15 ft to 5.75 ft to permit a detached accessory building. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located: 2128 East 26<sup>th</sup> Street South.

EX-100 COPY

**Presentation:**

**Kerry Miller**, 3511 South Birmingham, stated he represented Helen Stobb, and Sharon Boskell. The rear yard is in the floodway of Crow Creek. The original 25-year old, wood gazebo was removed to be replaced with a new masonry gazebo. A site plan was provided (Exhibit C-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, Turnbo, Stephens "aye"; no "nays"; no "abstentions"; Paddock "absent") to **APPROVE** a **Variance** of required side yard from 15 ft to 5.75 ft to permit a detached accessory building, per plan, finding most of the rear yard is floodway with very limited room to construct the gazebo and the original existed for 25 years, on the following described property:

PRT LT 8 BEG NWC THEREOF TH E10 SLY TO PT 10E SWC LT 8 W10 NLY  
190.95 POB & ALL LT 9 BLK 2, FOREST HILLS

\*\*\*\*\*.

**Case No. 19929**

**Action Requested:**

Special Exception to permit off-street parking in an RM-2 District -- Section 401-- Use Unit 10; Variance of required 10' foot rear building setback to 5 feet to permit a parking garage in an RM-2 district -- Section 403.A. -- Use Unit 10, located: 252 West 15<sup>th</sup> Street South.

**Presentation:**

**C.R. Hjelm**, stated that after discussion with the interested party they were in agreement to request a continuance to November 9, 2004. A letter requesting continuance was provided (Exhibit D-1).

**Board Action:**

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Stephens "aye"; no "nays"; no "abstentions"; Paddock "absent") to **CONTINUE** Case No. 19929 to the meeting on November 9, 2004, regarding the following described property:

LT 9 AND LT 10, BLK 3, STONEBRAKER HGTS ADDN

\*\*\*\*\*.



## MINUTES

On **MOTION** of Dunham, the Board voted 3-0-0 (White, Dunham, Perkins, "aye"; no "nays"; no "abstentions"; Turnbo, Cooper "absent") to **APPROVE** the Minutes of October 8, 2002 (No. 851).

\*\*\*\*\*

## UNFINISHED BUSINESS

### Case No. 19453

#### Action Requested:

The Board tabled this case until Mr. Cooper's arrival.

\*\*\*\*\*

## NEW APPLICATIONS

### Case No. 19456

#### Action Requested:

Mr. White discovered he would need to abstain. The case was tabled until Mr. Cooper's arrival.

\*\*\*\*\*

### Case No. 19457

#### Action Requested:

Variance of the required side setback from 15' to 5' 9" to rebuild a non-conforming building and to add an addition on the rear of the existing house. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 2128 E. 26<sup>th</sup> St.

#### Presentation:

**Alan Staab** stated he is the home owner and **Brian L. Freese**, 6144 S. Lewis, #300, is the architect for this project. The existing structure is non-compliant, as it was built before the zoning changes. They propose to extend the garage wall to the south an additional 14', which would bring it to 5'9" from the lot line. The back yard slopes down to the 100 year flood plain line, prohibiting building further in that direction. They have shared the plans with the neighbors to the west and they have no objection to the application. A site plan was provided (Exhibit B-1).

#### Interested Parties:

There were no interested parties who wished to speak.

**Board Action:**

On **MOTION** of **Dunham**, the Board voted 3-0-0 (White, Dunham, Perkins, "aye"; no "nays"; no "abstentions"; Turnbo, Cooper "absent") to **APPROVE** a **Variance** of the required side setback from 15' to 5' 9" to rebuild a non-conforming building and to add an addition on the rear of the existing house, per plan, finding this is the continuation of an existing non-conforming building, 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:

All of Lot 9 and part of Lot 8, more particularly described as follows, to-wit: Beg. at the NW/c Lot 8; thence Ely along the N line of said lot 10' to a point; thence Sly on a straight line to a point on the S line of said lot 10' Ely from the SW/c of said lot; thence Wly along the S line of said lot 10' to the SW/c of said lot; thence Nly along the W line of said lot 190.95' to the POB, all in Block 2, Forest Hills, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*

**Case No. 19458**

**Action Requested:**

Variance of 47.5 square feet (display area) to allow 101.17 square feet (ground sign on Memorial Drive frontage). SECTION 602.B.4.c ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, Accessory Use Conditions; a Variance of height of sign from 20' to 23'-11". SECTION 602.B.4.e. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, Accessory Use Conditions; and a Variance to allow a changeable copy sign to show time and temperature. SECTION 1221.C.2. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs, located 218 S. Memorial Dr.

**Presentation:**

**Randall Pickard**, 10051 S. Yale, Ste. 203, stated he is an attorney and he was representing Arvest Bank. He introduced Larry Choate, and Kathy Thompson for Arvest Bank, and Mir Khezri for Acura Neon, Inc. Mr. Pickard stated that on December 11, 2001 an application was presented to the Board for a special exception for a drive-through bank on this property on Memorial Drive. The zoning was OL and the Board approved the special exception. The bank has been constructed and should be ready to occupy in about one month. A site plan was provided with the application (Exhibit C-1) and Mr. Pickard submitted a labeled aerial photograph (Exhibit C-2). He pointed out the CH zoning to the north; the Wal-Mart Supercenter to the east (CH zoned); Keyport Self-Storage to the east; RSM (CH zoned) also to the east; and to the south is OL zoning with a very large parking lot. There is a residential district to the north, with two residences that front on Memorial, and the two houses to the north are used for businesses according to the signs. He submitted photographs (Exhibit C-4) to show the intersection with signals and other views of the intersection, bank and surrounding area. He submitted a sign plan (Exhibit C-3). He indicated that the commercial districts

MINOR VARIANCES AND EXCEPTIONS:

Case No. 12031

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the required setback from 26th Place from 60' to 54'. This property is located at 2121 East 26th Place.

Presentation:

H. G. Tracy, 1338 East 2nd Street, was present to address the Board representing the owners of the subject property, Mr. and Mrs. Charles Thornton. Mr. Tracy submitted plans consisting of the plot plan, floor plan, and elevation plan (Exhibit "C-1") and a drawing of the proposed structure (Exhibit "C-2"). Mr. Tracy advised that the Thorntons are requesting a variance of the setback from 26th Place to make a small addition to the front of their house.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the required setback from 26th Place from 60' to 54', per plot plan submitted, on the following described property:

Lots 14 and 15, Block 2, Forest Hills Addition to the City of Tulsa, Oklahoma.

Case No. 12042

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the Bulk and Area Requirements to permit a lot-split. This property is located at 3925 and 3927 South 131st East Avenue.

Presentation:

Dean Graber, 4203 East 101st Place, was present to address the Board proposing to split an existing duplex containing 1,400 square feet per side, into two separate pieces of property. The property is presently being used as rental property, but will be owned by two individual owners if the application is approved. There will be no exterior changes to the existing structure. Mr. Graber submitted the plat of survey (Exhibit "D-1").

Protestants: None.

Comments:

Mrs. Miller, Protective Inspections, advised that a fire wall is required in any construction which is within 6' of the lot line and the subject property will be on the lot line if approved.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, 7.8.82:366(5)





0 250 500  
Feet



Subject  
Tract

**BOA-22252**

19-13 18

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-22252**

19-13 18

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

Aerial Photo Date: February 2016



8.11





Subject Lot - Looking West

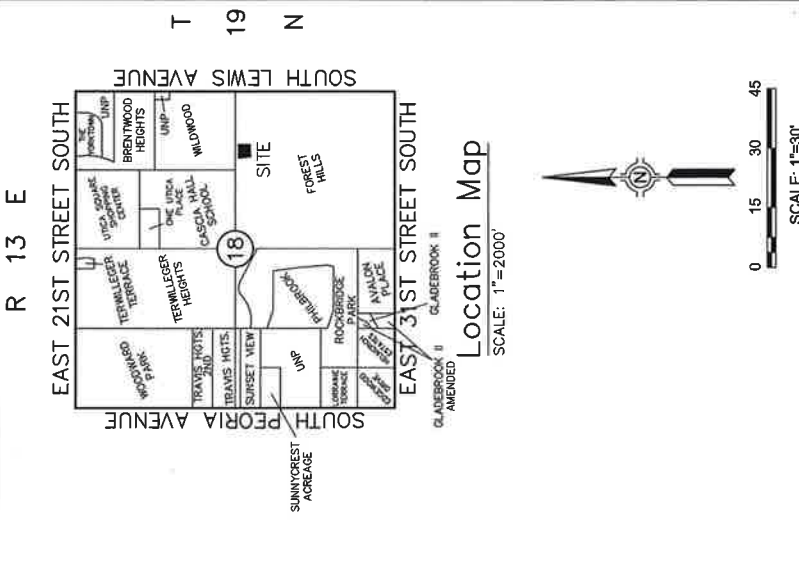
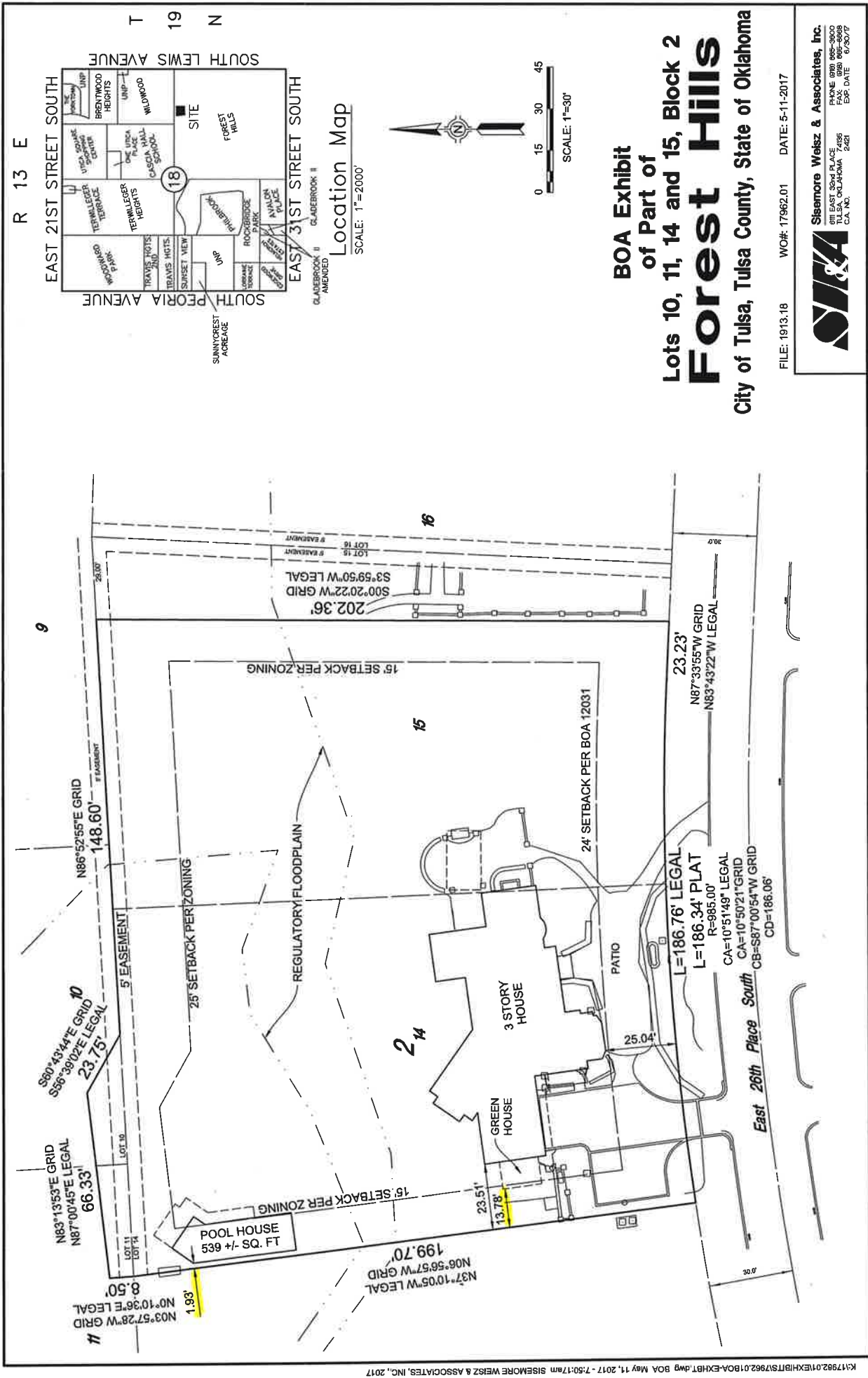
05 19 2017 09:40



E 26 Pl S - Street View

17 C 8.12





**BOA Exhibit**  
**of Part of**  
**Lots 10, 11, 14 and 15, Block 2**  
**Forest Hills**  
 City of Tulsa, Tulsa County, State of Oklahoma

FILE: 1913.18    WORK: 17962.01    DATE: 5-11-2017

**Sisemore Weisz & Associates, Inc.**  
 811 EAST 34TH PLACE  
 TULSA, OKLAHOMA 74106  
 CA. NO. 2421    EXP. DATE 6/30/17  
 PHONE 918 982-8800  
 FAX 918 982-8898

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: 999915-1

April 28, 2017

MARK CAPRON  
SISEMORE WEISZ & ASSOC  
6111 E 32 PL  
TULSA, OK 74135

Phone: (918)665-3600  
Fax: (918)663-9606

APPLICATION NO: **9074** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: **2121 E 026 PL S**  
Description: **SINGLE FAMILY RESIDENT - SET BACK ISSUES**

#### 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.).

8.14

## REVIEW COMMENTS

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

Application No. 9074

2121 E 026 PL S

April 28, 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. **5.030-A:** In the RE zoned district the minimum side yard setback shall be 15 feet from the side property line.

**Review Comments:** Revise your plans to indicate a 15' side setback to the property line for the green house, or apply to INCOG for a variance to allow less than a 15' side setback.

2. **90.90.C,2: Detached Accessory Buildings**

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

**Review Comments:** Revise plans to indicate that the detached accessory building will set back at least 3 feet from all interior lot lines or apply to the BOA for a variance to allow an accessory pool house structure to be located less than 3 feet from an interior lot line.

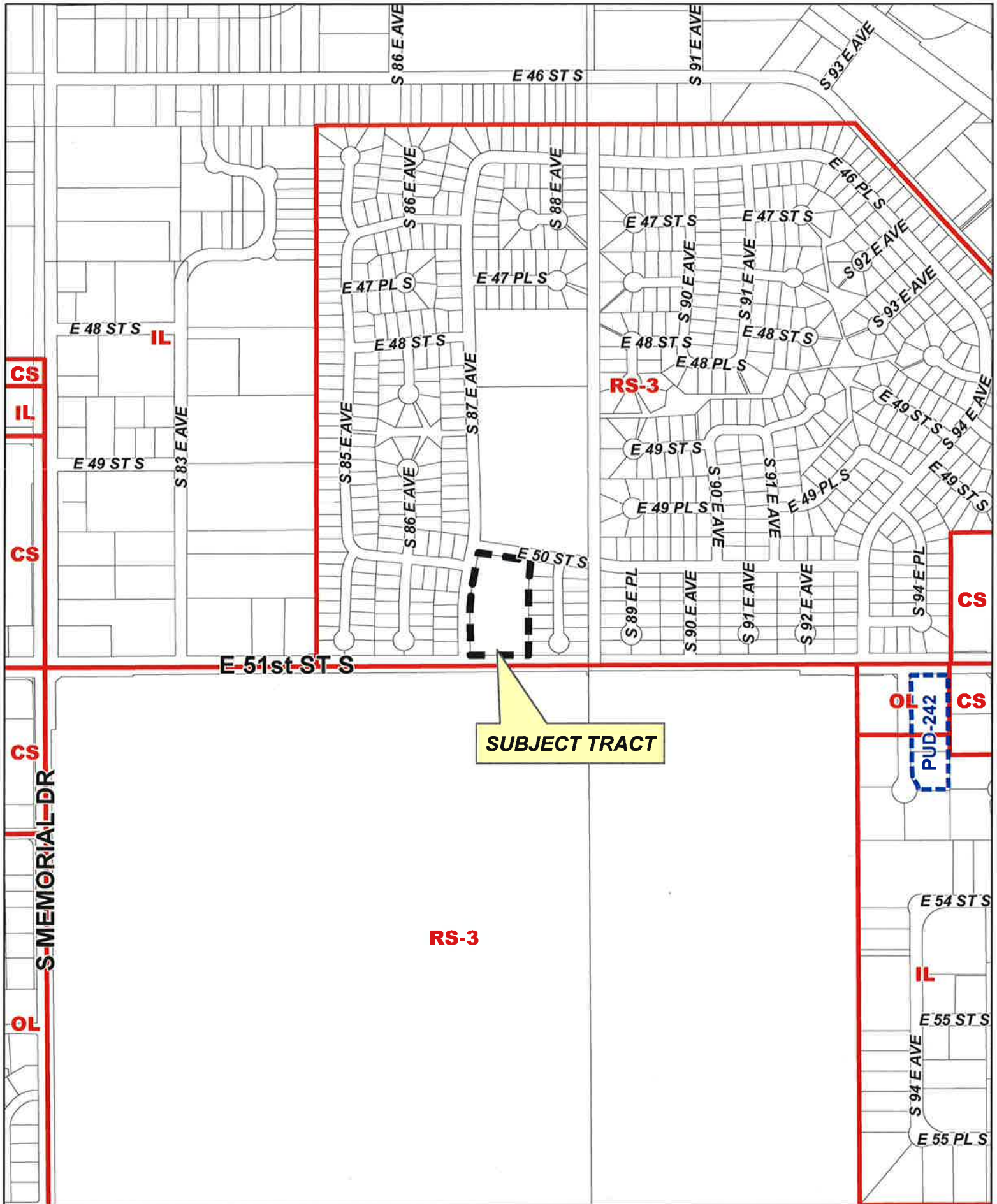
**Comments:** On 7/8/1982 the BOA granted a variance to allow a 54' front setback from the center of 26<sup>th</sup> place for 2121 E 26<sup>th</sup> place.

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.



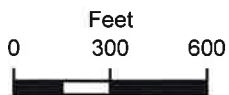
**THIS PAGE  
INTENTIONALLY  
LEFT BLANK**



SUBJECT TRACT

BOA-22253

9.1



19-13 25



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9325  
CZM: 48  
CD: 7  
A-P#: 418160

Case Number: **BOA-22253**

**HEARING DATE:** 06/13/2017 1:00 PM

**APPLICANT:** Lori Worthington

**ACTION REQUESTED:** **Special Exception** to allow a dynamic display in an R zoned district on a lot occupied by a public, civic, or institutional use (Section 60.050) and a **Special Exception** to permit a sign to project into the City of Tulsa Right-Of-Way (Section 60.020) to permit a ground sign as proposed.

**LOCATION:** 8707 E 51 ST S

**ZONED:** RS-3

**PRESENT USE:** Church

**TRACT SIZE:** 2.35 Acres

**LEGAL DESCRIPTION:** LTS 15 – 19, BLK 1, REGENCY PARK WEST, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Property:**

**BOA 18607-C;** on 4.28.15, the Board **approved** an amendment to a previously approved site plan for a church use in the RS-3 district to permit site and building expansions (BOA-18607-B) subject to plans.

**BOA-18607-B;** on 8.14.12, the Board **approved** an amendment to a previously approved site plan for a church use in the RS-3 district to permit site and building expansions (BOA-18607-A) subject to plans.

**BOA-18607-A;** on 1.11.11, the Board **approved** an amendment to a previously approved site plan for the church property to permit church building additions and expansion/reconfiguration of parking lots.

**BOA-18607;** on 12.14.99, the Board **approved** a minor amendment to a previously approved site plan for all parcels.

**BOA-17058;** on 6.13.95, the Board **approved** an amended site plan to permit expansion of church; a special exception to permit daycare/school accessory use to a church in RS-3; per plan submitted and additional conditions.

**BOA-16243;** on 1.12.93, the Board **approved** a special exception to permit a church use in an RS-3 district; approved with conditions.



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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located north of E 51<sup>st</sup> St S an arterial street but extends into a single-family neighborhood. A public park is immediately north of the site and cemetery is located south of the subject property across E. 51<sup>st</sup> Street S. The subject tract is surrounded by RS-3 zoned single-family residences on the east and west.

**STAFF COMMENTS:**

According to the submitted site plan and drawings the proposed ground sign located on the northwest corner of the site will contain a 32 SF dynamic display in the top cabinet. The Code defines a dynamic display sign as a *sign capable of displaying words, symbols, figures, images or messages that can be electronically or mechanically changed by remote or automatic means. This also includes any display that incorporates rotating panels, LED lights manipulated through digital input, “digital ink” or any other method or technology that allows a sign to present a series of images, messages pr displays.*

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

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

The submitted site plan indicates that the proposed ground sign extends into the 50 ft. right-of-way along E 51 St S. **Section 60.020-E** of the Code states, signs are not allowed to project into the right-of-way or planned right-of-way of a public street, unless a license has been granted by the City and a special exception has been approved by the Board of Adjustment.

The Code traditionally prohibits signs in the planned right-of-way to enable future expansion of the right-of-way and to enable adequate provision of public services along a right-of-way. The required license agreement will enable the City to ensure that the proposed sign does not conflict with provision of public services. The City will also ensure the proposed sign does not obstruct existing sidewalks and streets.

As the writing of this case report staff has not received any comments for the neighbors or surrounding property owners.

### **Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to allow a dynamic display in an R zoned district on a lot occupied by a public, civic, or institutional use (Section 60.050) and a **Special Exception** to permit a sign to project into the City of Tulsa Right-Of-Way, (Section 60.020) to permit a ground sign as proposed.

- 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.

hours ago does not seem to be in the process of being corrected. Mr. Van De Wiele stated that the Board knows the other lights are in violation of the Zoning Code, and if this message center were on the other side of the property where the building were blocking it that would be the type of circumstance where he could see justifying something like this request. Mr. Van De Wiele stated that based on the location he cannot support the application.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, White, Van De Wiele "aye"; no "nays"; no "abstentions"; Tidwell absent) to **DENY** the request for a Variance to allow an electronic message center within 200 feet of an R District (Section 1221.C.2); for the following property:

**LT 1 LESS N10, MICHAEL'S GLEN RESUB L2-4 OF RESUB L1 PECAN ACRES, PECAN ACRES, PECAN ACRES RESUB L1, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

\* \* \* \* \*

**NEW BUSINESS**

**FILE COPY**

**18607-C—Rob Coday**

**Action Requested:**

Amendment to a previously approved site plan (BOA-18607-B) for a church use in the RS-3 District to permit site and building expansions. **LOCATION:** 8707 East 51<sup>st</sup> Street (CD 7)

**Presentation:**

**Sherry Duvall**, 9131 East 77<sup>th</sup> Street, Tulsa, OK; stated she represents Rob Coday Architect.

Mr. Henke asked Ms. Duvall what this expansion was for. Ms. Duvall stated this is an amendment to a previously approved site plan for church use.

**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, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **APPROVE** the request for an Amendment to a previously approved site plan (BOA-18607-B) for a church use in the



BOA-18607-C

FILE COPY

RS-3 District to permit site and building expansions, subject to conceptual plan 5.26. The Board has found that the request for the proposed modifications are compatible with and non-injurious to the surrounding area and meets the previously granted Board relief, and meets the zoning requirements per code; for the following property:

**LT 18 BK 1; LT 17 BK 1; LT 16 BK 1; LT 15 BK 1; LT 19 BK 1, REGENCY PARK WEST, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21874—Robert Rainbolt**

**Action Requested:**

Appeal of an Administrative Official that a home occupation is operating on the subject lot (Section 402.B.6). **LOCATION:** 7116 East Jasper Street (CD 3)

**Presentation:**

**Robert Rainbolt**, 7116 East Jasper Street, Tulsa, OK; stated that he was cited for operating a business out of his home but he is not doing so. He has his wrecker parked at the house because he hauls for law enforcement and he has 15 minutes to be at wreck site anywhere in Tulsa. Mr. Rainbolt stated he does have a business located at 1455 North Fulton where he directly takes the vehicles. The wrecker is there only while he is sleeping and is out of the street.

Mr. Van De Wiele asked if it was the Tulsa Police Department he hauled vehicles for. Mr. Rainbolt stated that he also hauls for Tulsa County and Oklahoma Highway Patrol. Mr. Van De Wiele asked Mr. Rainbolt after he receives a call to pick up a vehicle where is the vehicle taken. Mr. Rainbolt stated that he takes it to his business on North Fulton.

**Interested Parties:**

**Dana Goldman**, City of Tulsa Neighborhood Inspections, 175 East 2<sup>nd</sup> Street, Tulsa, OK; stated the department received a complaint on the subject property on March 12<sup>th</sup> regarding trash and debris. On her inspection of the property there was a wrecker parked in the driveway and there were nuisance violations resulting in the property being notified for various violations. Among the citations was a violation for a vehicle not customary to a residence. Ms. Goldman stated she posted the property and received a call from Mr. Rainbolt on March 17<sup>th</sup>, and they discussed the issue of the wrecker. He advised her at that time that he has a business located on North Fulton and that he parks the wrecker at the subject location when he sleeps because of the 15 turn around for law enforcement response. Ms. Goldman explained to Mr. Rainbolt that by doing this he is creating a satellite office for his wrecker service because he is taking calls and being dispatched from the subject property. Ms. Goldman stated that she has been by the subject property three times and each time the wrecker was at the subject location including today. Ms. Goldman stated that she does not know what Mr. Rainbolt's hours of operation are but if he receives a call from law enforcement at 2:00 A.M. then he is firing up the wrecker at that time.

Mr. White re-entered the meeting at 2:26 P.M.

**21357-A—Andrew Shank**

**Action Requested:**

Approval of license agreement to locate ground sign within City right-of-way (Section 1221.C.14) for sign previously approved under BOA-21357 and PUD-397-B-1.

**LOCATION:** SW/c of East 61<sup>st</sup> Street and South 91<sup>st</sup> East Avenue (CD 7)

**Presentation:**

Andrew Shank, 2727 East 21<sup>st</sup> Street, Suite 200, Tulsa, OK; stated this case was previously before the Board of Adjustment for two variances; one for illumination by less than constant light and for a setback issue. During the permitting process it was determined the sign, when originally built, was in the right-of-way. So, per the code, an application must be submitted for construction in the right-of-way which is approved by the City. And because it is a sign, the City requires an appearance before the Board of Adjustment for approval. The City has approved the agreement with no objections to the existing sign.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of VAN DE WIELE, 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 Approval of license agreement to locate ground sign within City right-of-way (Section 1221.C.14) for a sign previously approved under BOA-21357 and PUD-397-B-1; for the following property:

LT 1 BLK 1, WOODLAND VALLEY OFFICE PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

**18607-B—Rob Coday**

FILE COPY

**Action Requested:**

Amendment to a previously approved site plan for a church use in the RS-3 district to permit site and building expansions (BOA-18607-A). **LOCATION:** 8707 East 51<sup>st</sup> Street (CD 7)

**Presentation:**

**BOA-18607-B** **FILE COPY**  
**Rob Coday**, P. O. Box 128, Kiefer, OK; stated the modification request is for a building addition is 30'-0" x 77'-0" plus the parking lot.

Mr. White asked Mr. Coday about the two houses that are shown on the site plan. Mr. Coday stated that one house, the one located on Lot 18, is to be removed.

Mr. White asked Mr. Coday if there are plans to pave the existing gravel parking lot where the buses are now parking. Mr. Coday stated that at this time there are no plans to pave the parking lot.

Ms. Snyder asked Mr. Coday if the residents next to the parking lot had been contacted, and if there are plans for screening the residents from the parking lot. Mr. Coday plans for screening had not been discussed.

Mr. Van De Wiele stated this case had been before the Board approximately a year ago, and asked Mr. Coday if the plans presented today were additional improvements. Mr. Coday stated these plans were completely separate plan. The previously approved modifications had been abandoned and today's plans are the replacement.

**Interested Parties:**

**Geoffrey Gunter**, 1213 South Umbrella, Broken Arrow, OK; stated he is the pastor of the church which is the subject property. He stated that the residents east of the church have been told that a wooden fence will be built to screen them from the parking lot. Rev. Gunter stated that the gravel parking lot can be replaced with concrete or asphalt.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, 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 an **Amendment** to a previously approved site plan for a church use in the **RS-3** district to permit site and building expansions (**BOA-18607-A**), subject to conceptual plan on page 9.7. Finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

**LT 15 BK 1, LT 16 BK 1, LT 17 BK 1, LT 18 BK 1, LT 19 BK 1, REGENCY PARK WEST, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**



**Case No.13914-A-Sportstech Properties**

**Action Requested:**

Amendment to a condition of a previous approval to expand the list of permitted uses of an indoor recreational facility in an IL district from 'soccer only'. **Location:** 10909 East 56th Street

**Presentation:**

**Dan McIntosh**, 10909 East 56<sup>th</sup> Street, Tulsa, OK; stated he will be training athletes and it will not be a health club.

**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, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the Amendment to a condition of a previous approval to expand the list of permitted uses of an indoor recreational facility in an IL district from 'soccer only' to be an athletic training facility, expanding it to gymnasium, physical fitness, and athletic training activities; 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:

**LT 6 BLK 1, CARTER INDUSTRIAL PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

\*\*\*\*\*

**Case No. 18607-A-Keith Robertson**

**Action Requested:**

Amendment to a previously approved site plan for a church use in the RS-3 district to permit site and building expansions. **Location:** 8707 East 51st Street

**Presentation:**

**Keith Robertson**, Architect, 5567 South Lewis, Tulsa, OK; stated he represents the client, The Regency Park Church of the Nazarene. The original site plan was given an approval in 1999, Case No. 18607. The expansion is proposed for the north side of the building, the vestibule on the east and west side, and the extension of the sanctuary. The client would also like to modify the parking by removing three houses and making that area parking; one house has been removed.

**Interested Parties:**

There were no interested parties present.

BOA - 18607-A

**Comments and Questions:**

None.

Mr. White left the room at 3:58 P.M. and returned at 4:03 P.M.

**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 **Amendment** to a previously approved site plan for a church use in the RS-3 district to permit site and building expansions. The Board has found that these amendments are compatible with the original approval on June 13, 1995, Case No. 17508 and on December 14, 1999, Case No. 18607. The applicant is aware that the property extension to the southwest is required to remain out of the 35'-0" front yard abutting East 51<sup>st</sup> Street. Lighting shall be shielded down and away from any surrounding R districts. This approval is made per plan 25.6. This approval does not relieve the applicant from any code requirements; for the following property:

LT 15 – 19, BK 1, REGENCY PARK WEST, CITY OF TULSA, TULSA COUNTY,  
STATE OF OKLAHOMA

\*\*\*\*\*

**Case No. 21207-TCC/Tulsa Fire Department**

**Action Requested:**

Special Exception to permit a fire safety training center (Use Unit 5) in an RS-3 district (Section 401). **Location:** North and East of the NE/c of North New Haven Avenue and East Apache Street

**Presentation:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, Tulsa, OK; stated this proposed facility will train firemen from a large area, i.e., Arkansas, Missouri, Kansas, and the entire state of Oklahoma. The parking spaces for the subject building will comply with the code.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

Case No. 18606 (continued)

**Presentation:**

**John Moody**, 7146 South Canton, representing the Hillcrest Federal Employees Credit Union requests the variances based on low number of employees and customers in the facility per every hour of the day, and the approval of the City Traffic Engineer for use of the alleyway for parking, because of its width.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** the **Variance** of the required number of parking spaces from ten to five for a credit union, and **Variance** to permit access to parking spaces via public alleyway, finding the hardship that it is an old CH building, and adequate parking is provided.

Lots 21 & 22, Block 9, Park Dale Addition, City of Tulsa, Tulsa County, Oklahoma and being located in a CH zoned district.

\*\*\*\*\*

**Case No. 18607**

**Action Requested:**

Minor amendment to a previously approved site plan. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS, located at 8707 East 51<sup>st</sup> Street..

**Presentation:**

**Rev. Danny Dyer**, pastor of Regency Park Church of the Nazarene, 8707 East 51<sup>st</sup> Street, presented the case. They do not have adequate parking on Sundays and it spills over into the neighborhood. To prevent that, they would like to proceed with a plan that was designed several years ago. The church owns four dwellings just north of the church. One house was damaged by a tree that fell on it. They would like to tear the house down and extend the parking lot.

**Interested Parties:**

**John H. Miller**, 8730 East 50<sup>th</sup> Street, stated that his property joins the church's rental houses, located on the corner. He is opposed to a parking lot, which could cause excessive water flow onto personal property. The lot attracts kids at night and increases the noise level.

**Mitchell O'Donnell**, attorney in the Petroleum Club Building, representing the Regency Park Homeowners' Association. They object to the variance because a parking lot degrades the neighborhood to some degree. The four lots were to

12:14:99:785(20)

9.11



**Case No. 18607 (continued)**

be used for residential property, as stated in the deed of dedication and provided for by the restrictive covenants.

**Margo Henthorne**, 1529 South 94<sup>th</sup> East Avenue, stated her concern is that the parking lot will lessen the value of the homes in the vicinity.

**Vickie Morris**, P.O. Box 54139, opposed the destruction of the homes for parking lots, because previously Mr. Moody and Pastor Bolerjack of the church met with the homeowners. They assured the homeowners that the four houses would stay the same, and not be torn down.

**Sue Miller**, 8730 East 50<sup>th</sup> Street, opposes the variance to the plan.

**Applicant's Rebuttal:**

Rev. Dyer stated that there are no basketball goals or anything to attract kids to the parking lot. The new parking spaces will be an extension of the existing lot, and will improve traffic flow by providing parking spaces rather than parking on the streets.

**Board Action:**

On **MOTION** of **COOPER**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** the

**Minor Amendment** to a previously-approved site plan, finding it meets the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Legal Description: Lots 15-19, Block 1, Regency Park West, City of Tulsa, Tulsa County, Oklahoma

\*\*\*\*\*.

**Case No. 18608**

**Action Requested:**

Variance of the required landscape width for the east 105' of the East 73<sup>rd</sup> Street frontage to less than 5' in width. SECTION 1002.A.2. LANDSCAPE REQUIREMENTS, Frontage and Perimeter Requirements, and Variance of the required off-street parking spaces from 137 to 112 spaces (U.U. 19) or from 132 to 115 (U.U. 13 and 14). SECTION 1213. USE UNIT 13. CONVENIENCE GOODS AND SERVICES; SECTION 1214. USE UNIT 14. SHOPPING GOODS AND SERVICES; and SECTION 1219. USE UNIT 19. HOTEL, MOTEL AND RECREATION FACILITIES – Use Unit 13 & 14, located on the SE/c of E. 73<sup>rd</sup> St. and Memorial Dr.

12:14:99:785(21)

# FILE COPY

Case No. 17057 (continued)

**Board Action:**

On MOTION of TURNBO, the Board voted 4-1-0 (Abbott, Doverspike, Turnbo, White, "aye"; Bolzle, "nay"; no "abstentions"; none "absent") to **APPROVE** a Variance of the required rear yard from 20' to 12' to permit an addition to an existing structure - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding a hardship demonstrated by the cul-de-sac location and the irregular shape of the lot; on the following described property:

Lot 53, Block 3, Regency Park West, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17058

**Action Requested:**

Amend previously approved site plan (BOA 16423) to permit expansion of church facilities Use Unit 2, and special exception to permit daycare/school as an accessory use to a church in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 11, located 8707 East 51st Street.

**Presentation:**

The applicant, **Kay Hilton**, 8707 East 51st Street, submitted a plot plan (Exhibit D-3) and informed that the church is proposing an expansion. She added that a day care/school is also proposed.

**Comments and Questions:**

In reply to Mr. Doverspike, Ms. Hilton informed that fellowship and education space are included in the expansion plans. She stated that seven parking spaces will be displaced by the project, however, the church will continue to comply with parking requirements.

Mr. Doverspike asked if the day care will be limited to church members, and Ms. Hilton stated that the use will be a ministry of the church and not a commercial venture.

In reply to Mr. Doverspike, the applicant stated that enrollment will be limited to 45 children, with days and hours of operation being Monday through Friday, 7:30 a.m. to 5 p.m.

Ms. Turnbo inquired as to the age of the children, and Ms. Hilton advised that the age range will be from two and one-half to six years.

06:13:95:682(6)

9.13

**Case No. 17058 (continued)**

In response to Mr. Bolzle, the applicant stated that the play area will be located to the rear of the corner structure (converted dwelling) that will be used as a classroom.

Ms. Abbott asked if a tie contract has been executed on all properties, and the applicant answered in the affirmative.

Mr. Gardner noted that the previous Board condition that the houses retain their residential character would still apply, unless otherwise specified, and the applicant stated that the church is aware of this requirement. She noted that the garage door of the dwelling will be removed and a wall with a conventional door will be installed.

In reply to Mr. Gardner, the applicant stated that the students will enter the structure from the church parking lot, because all children are required to sign in at the church.

Mr. Doverspike inquired as to the type of fencing proposed, and Ms. Hilton stated that the neighbors have requested that chain link fencing be retained between their property and the school.

In reply to Mr. Doverspike, the applicant stated that the height of the new building will not exceed the 35' requirement, and the size of the size and location of the sanctuary will not change. She informed that a heavily treed area is located on the boundary between the church property and the residential area. Photographs (Exhibit D-2) were submitted. Ms. Hilton stated that a proposed ingress on the east side of the building is depicted on the plot plan.

**Interested Parties:**

**Perry Anderson**, 4914 South 90th East Avenue, stated that he is concerned with the commercial aspect of the day care center. He noted that there is a traffic problem in the area and the operation of the center would add to existing traffic. Mr. Anderson pointed out that the treed lot line to the east also has a board fence in place.

**Harvey Davidson**, 8520 East 48th Street, stated that the detention area in the park abutting to the north is no longer used for soccer fields, which has greatly reduced traffic in the neighborhood.

**Joe Sanders**, 4872 South 87th East Avenue, stated that he is opposed to the application because of the traffic issue. He pointed out that he has lived in the neighborhood for many years and voiced a concern that he was not previously informed of the project.



Case No. 17058 (continued)

**Applicant's Rebuttal:**

The applicant stated that a commercial operation is not proposed at this location. She noted that the use is a ministry of the church. Ms. Hilton stated that a director of traffic will be available at peak traffic periods, and pointed out that all students will not arrive or be dismissed at the same time. A letter of support (Exhibit D-1) from the Regency Park Homeowners Association was submitted.

**Comments and Questions:**

Mr. Bolzle stated that he is opposed to a main entrance being located on the street side of the dwelling and suggested that this entrance be used for emergency purposes only. He asked the applicant if she would be amenable to installing an alarm on this door to ensure that it be used strictly for an emergency exit, and Ms. Hilton stated that she is not opposed to this request.

Ms. Turnbo asked if the trees on the east boundary belong to the church property, and Ms. Hilton replied that they are on property belonging to the abutting property owner.

In response to Mr. Bolzle, John Moody, 5555 East 71st Street, council for the applicant, reviewed Ms. Hilton's presentation and stated that he is not sure of the distance from the proposed canopy to the east property line.

Mr. Doverspike stated that he would be opposed to any day care use in the front or side yards, and is in agreement with Mr. Bolzle's suggestion that the doors facing the street be used for emergency exits only. Mr. Doverspike stated that it is his opinion that, although some day care operations are for church members only as an accessory use, it is his opinion that each case should be reviewed by the Board.

Mr. Bolzle advised that he is in agreement with Mr. Doverspike.

Ms. Turnbo noted that, after the day care is in operation, the neighbors may be opposed to nothing more than a chain link fence between the two properties, and suggested that screening be reviewed in one year.

**Board Action:**

On MOTION of BOLZLE, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** an amended previously approved site plan (BOA 16423) to permit expansion of church facilities Use Unit 2, and special exception to permit daycare/school as an accessory use to a church in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 11; per plan submitted, except for encroaching canopy on east boundary; subject to days and hours of operation being Monday

**Case No. 17058 (continued)**

through Friday, 7:30 a.m. to 6 p.m.; subject to a maximum of 45 children (2½ to 6 years.); subject to the day care center being located in the residential structure on Lot 18, with entry being only from the church parking lot through the fenced play yard, and all other doors being alarmed for emergency exit only; subject to play yard being located in the rear yard of Lot 18 only, with no activities being permitted in the front or side yard; subject to all lighting being directed away from the residential uses; subject to review potential need for additional screening one year from this date; and subject to the four dwellings owned by the church maintaining their residential character; finding that approval of the use, per conditions, will not be detrimental to the area; on the following described property:

Lots 15, 16, 17, 18 and 19, Block 1, Regency Park West, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17059**

**Action Requested:**

Special Exception to permit a private club/pool in an RS-3 zoned district, - **SECTION 1202. AREA WIDE SPECIAL EXCEPTION USES** - Use Unit 2, and a variance to permit a 6' fence in the required front yard - **SECTION 210.B.3. Permitted Obstructions in Required Yards** - Use Unit 2, located 4862 South 67th East Avenue.

**Presentation:**

The applicant, **Leigh Romanello**, 5018 South 68th East Avenue, stated that the swimming pool in question is membership owned and operated by a nine-member pool board. Ms. Romanello submitted a plot plan (Exhibit E-1) and informed that the existing fence is set back 37' 2" from the street, with a row of trees in front of the fence. She requested that the fence be approved 15' closer to South 67th East Avenue from the existing fence and 3' from the sidewalk. Photographs (Exhibit E-2) were submitted.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a private club/pool (homeowners swimming pool) in an RS-3 zoned district, - **SECTION 1202. AREA WIDE SPECIAL EXCEPTION USES** - Use Unit 2, and a variance to permit a 6' fence in the required front yard - **SECTION 210.B.3. Permitted Obstructions in Required Yards** - Use Unit 2; per plan submitted; subject to the fence extending no closer than the property line; finding that

FILE COPY

Case No. 16242 (continued)

Board Action:

On MOTION of S. WHITE, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE Special Exception to permit a tent revival/carnival from May 19 - May 23, 1993 - Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS - Use Unit 2; and to CONTINUE the balance of the application to February 9, 1993; subject to hours of services being from 5 p.m. to 10 p.m., Monday through Thursday, 5 p.m. to midnight on Friday, 10 a.m. to midnight on Saturday and from 1 p.m. to midnight on Sunday; subject to no festival activities being located to the north of the church, or on the east 100' of the tract; subject to adequate security and rest room facilities being provided; finding that the temporary use, as described, will not be detrimental to the area; on the following described property:

Tract 1: All of Block 2, Northland Center Addition to the City and County of Tulsa, and

Tract 2: That part of the SW/4, SW/4, SE/4, Section 13, T-20-N, R-12-E of the IBM, Tulsa County, more particularly described as follows, to-wit: Beginning at the SE/c, SW/4, SW/4, SE/4; thence west along the south boundary of said SW/4, SW/4, SE/4 a distance of 501.19'; thence north a distance of 50' to the SE/c Block 2, Northland Center; thence north along the east boundary of said Block 2, Northland Center, a distance of 611.46'; thence east along the north boundary of said SW/4, SW/4, SE/4 a distance of 501.11' to the NE/c of said SW/4, SW/4, SE/4; thence south along the east boundary of said SW/4, SW/4, SE/4 a distance of 661.37' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16243

Action Requested:

Special Exception to permit church use in an RS-3 District - Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 5, located 8707 East 51st Street.

Presentation:

The applicant, Church of the Nazarene, 8707 East 51st Street, was represented by Phillip Bolderjack. The applicant informed that the church has acquired four residential dwellings abutting church property, which will be used for church purposes.

01.12.93:624(16)

9.17



Case No. 16243 (continued)

Comments and Questions:

Mr. Bolzle inquired as to the specific uses for the houses, and the applicant informed that one will be used for staff, one for church purposes, a member of the church lives in one dwelling and the fourth house will be rented.

In response to Mr. Doverspike, the applicant stated that the church could build a fellowship hall in the future; however, they would seek Board approval for any new construction.

Mr. Doverspike asked if any existing structures will be used for day care purposes, and the applicant stated that no commercial use is intended at the present time.

Protestants:

Linda Harper, a representative of Regency Park Homeowners Association, stated that some members of the organization are concerned that additional parking will be permitted on the property, and requested that the residential character of the street be preserved.

In response to Mr. Bolzle, the applicant stated that there will be no change to the existing dwellings.

Board Action:

On MOTION of CHAPPELLE, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit church use in an RS-3 District - Section 401. **PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plan submitted; subject to the execution of a tie contract tying the four lots containing the dwellings to the existing church property; and subject to the existing houses retaining their residential character; finding that the use of the property will not change substantially; and finding that approval of the request will not be detrimental to the neighborhood; on the following described property:


Lots 15, 16, 17 and 18, Block 1, Regency Park West, City of Tulsa, Tulsa County, Oklahoma.





Feet

0 300 600

Subject  
Tract

**BOA-22253**

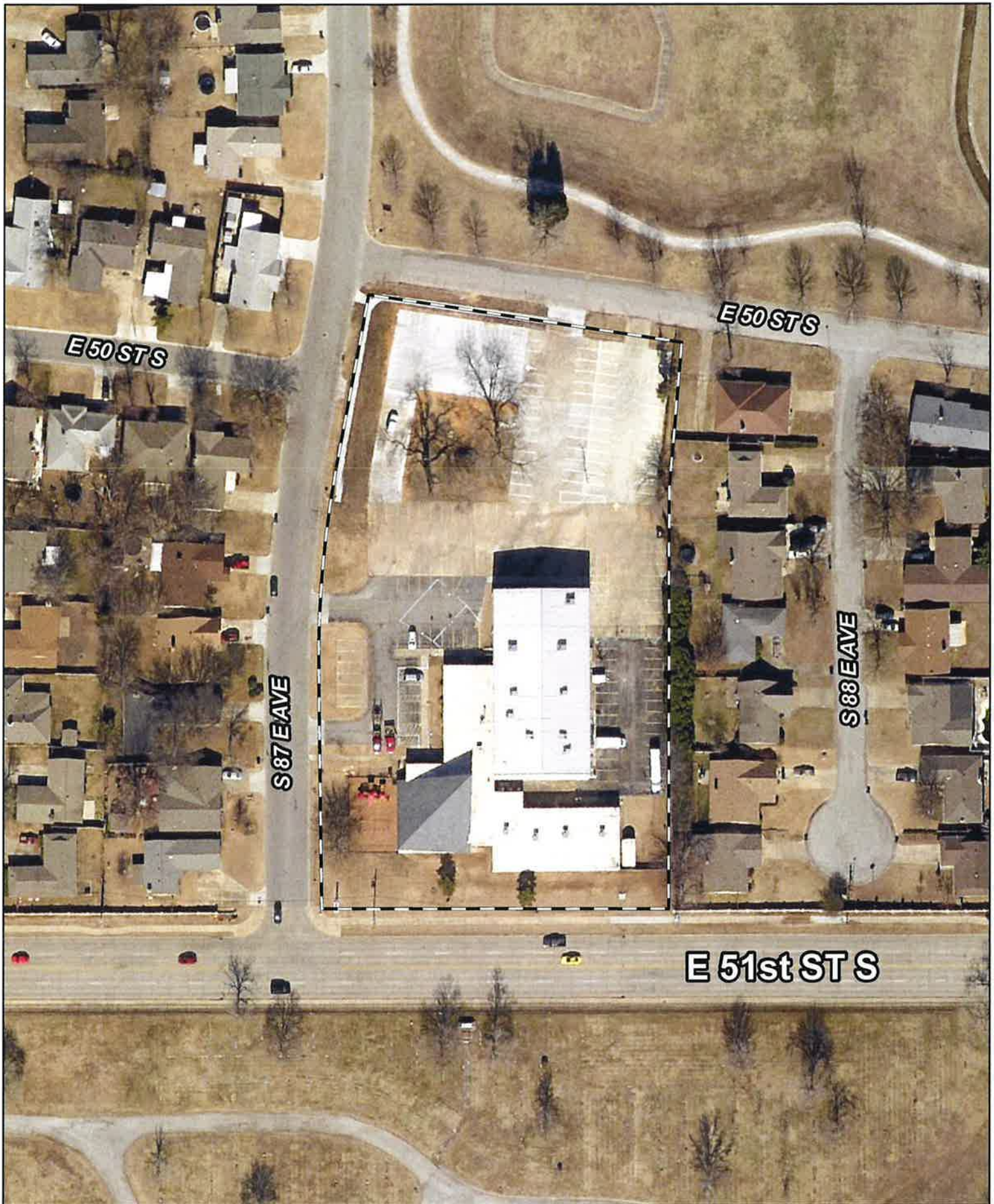
19-13 25

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

*Aerial Photo Date: February 2016*

 $9.19^{(6)}$





0 50 100  
Feet



Subject  
Tract

**BOA-22253**

19-13 25

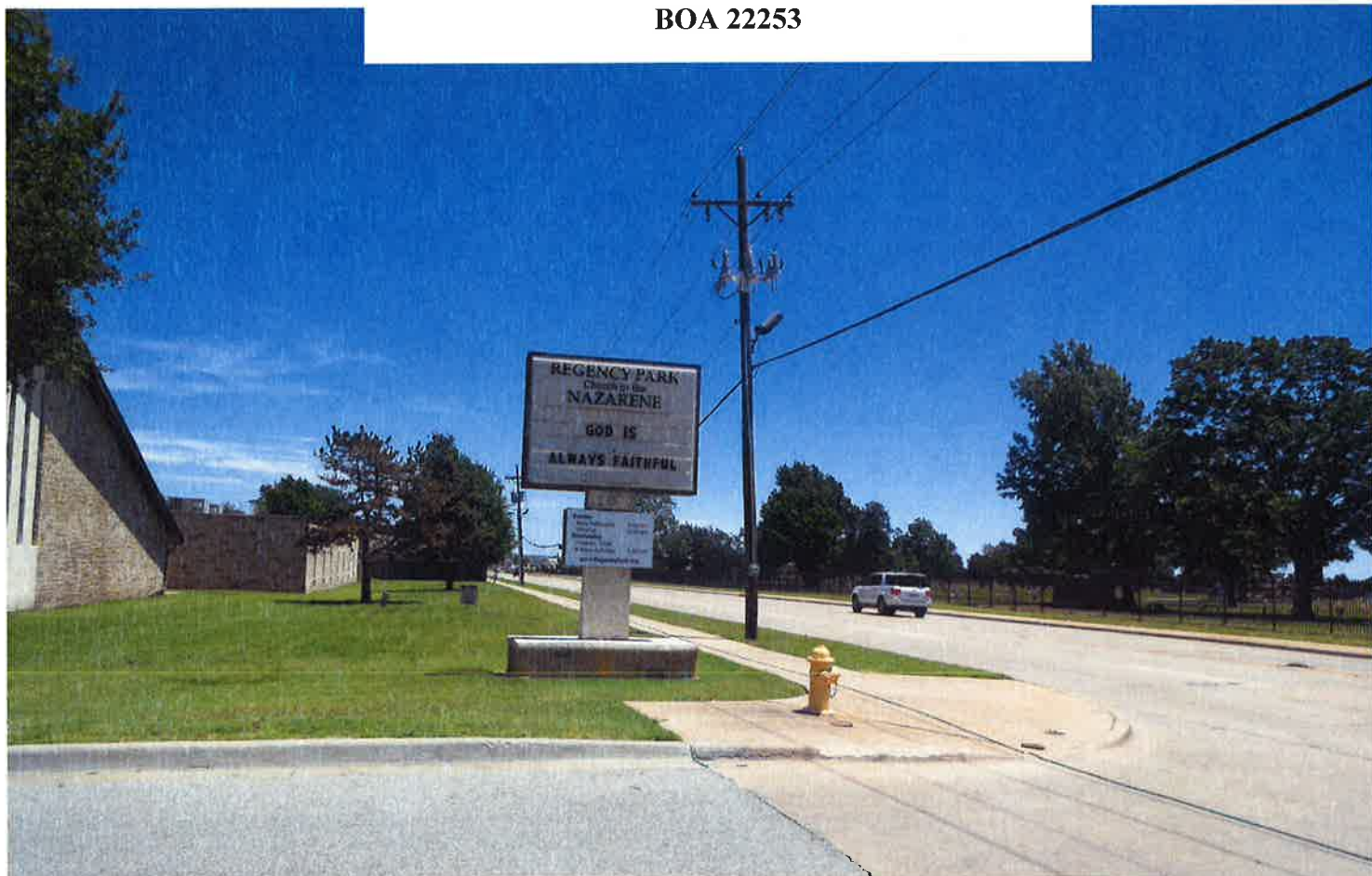
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2016



9.20





8707 E 51 ST S - Looking East

05 25 2017 12:46



S 87 E Ave - Street view, looking north

05 25 2017 12:57

9.21



05 25 2017 12:46

S 87 E Ave - Street view, looking north





**DF MAIN ID AND MESSAGE CENTER**

SCALE: 1/2" = 1'

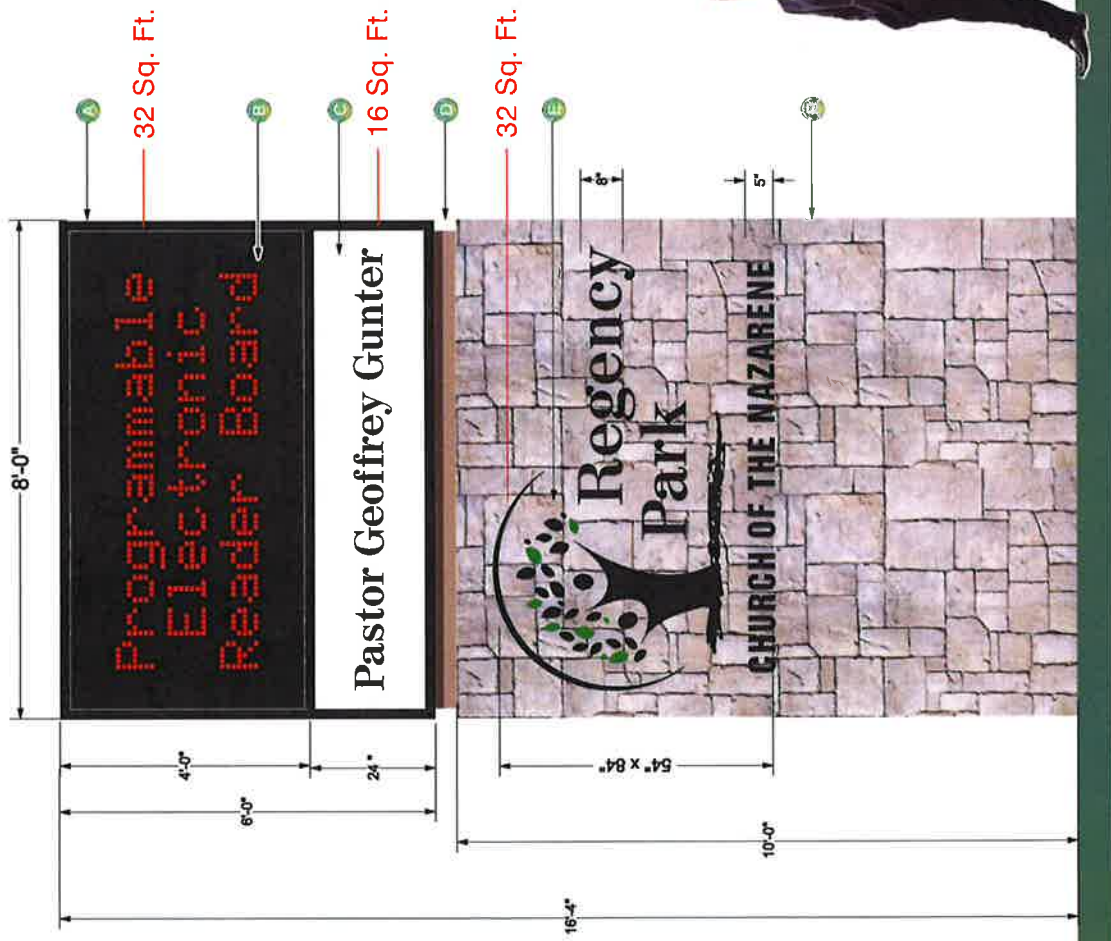
**1.2**

- Existing Sign Cabinet, Sides/Retainers Painted Black Divider Added.
- Daktronics Monochrome Programmable Reader Board In Top Section.
- White Acrylic Face w/ Applied Vinyl Graphics
- 4" Reveal, Painted Finish
- 1/8" Routed Aluminum, Painted Finish, Flush Stud Mount.
- Faux Stone Pola Cover Side



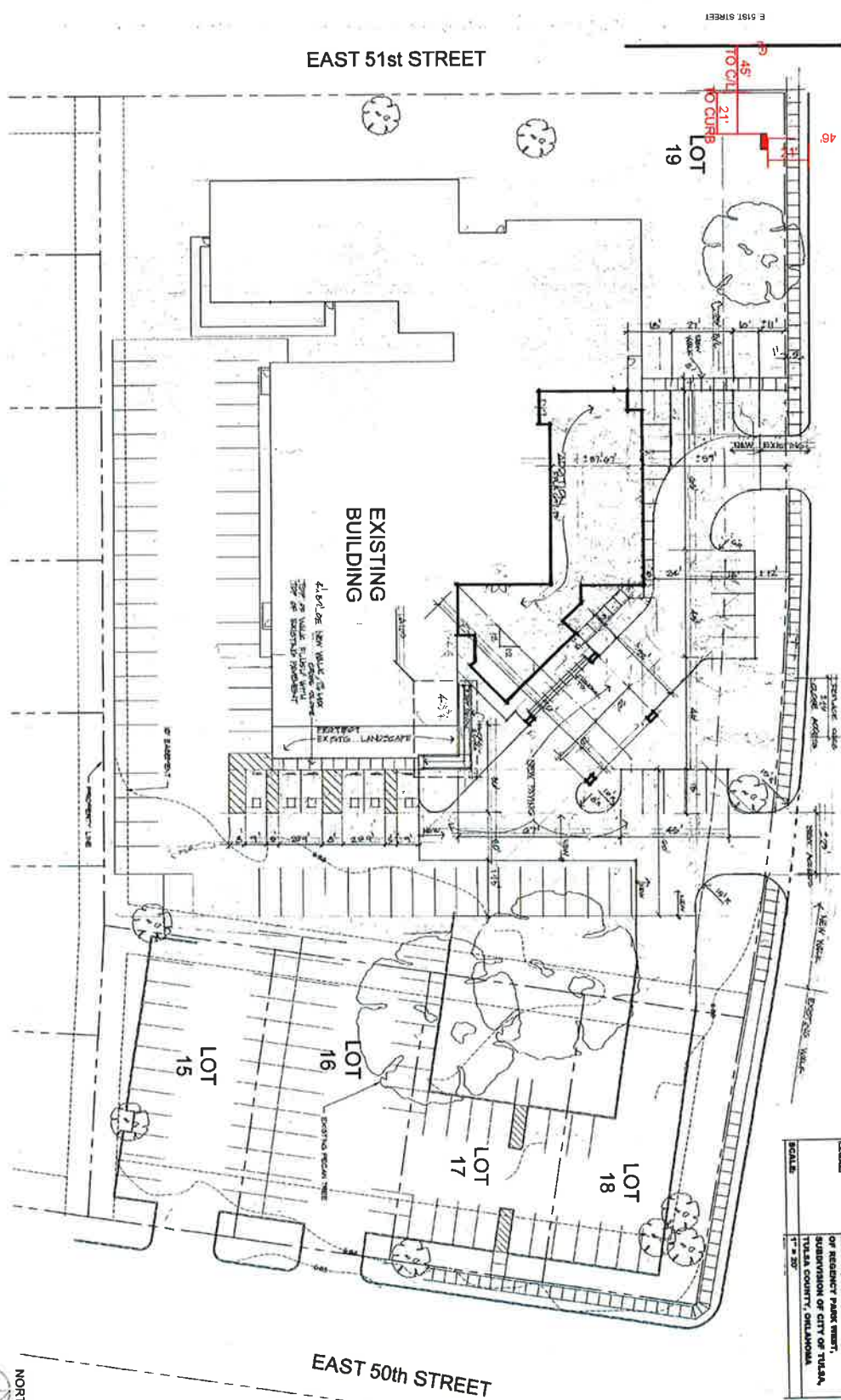
**EXISTING**  
SCALE: NTS

Existing sign has a setback of approximately 45'.  
New sign must have a setback of 50'



\* Dimensions subject to minor changes due to detailed design considerations.  
\* A-Max Sign Company will endeavor to supply materials, including PMS colors where specified. We cannot guarantee exact matches due to varying manufacturing tolerances of surface materials, vinyl and paints used.





SUMMARY	
ZONING DISTRICT	RS-3
FLOODZONE	
PLAY NUMBER	2441
PLAY DATE	FREQUENCY PARK WENT
BLOCK NUMBER	1
LEGAL	LOTS 15, 16, 17, 18 & 19, BLOCK 4, OF RESIDENCY PARK WENT, SUBDIVISION OF CITY OF TULSA, TULSA COUNTY, OKLAHOMA.
SCALE	1" = 20'

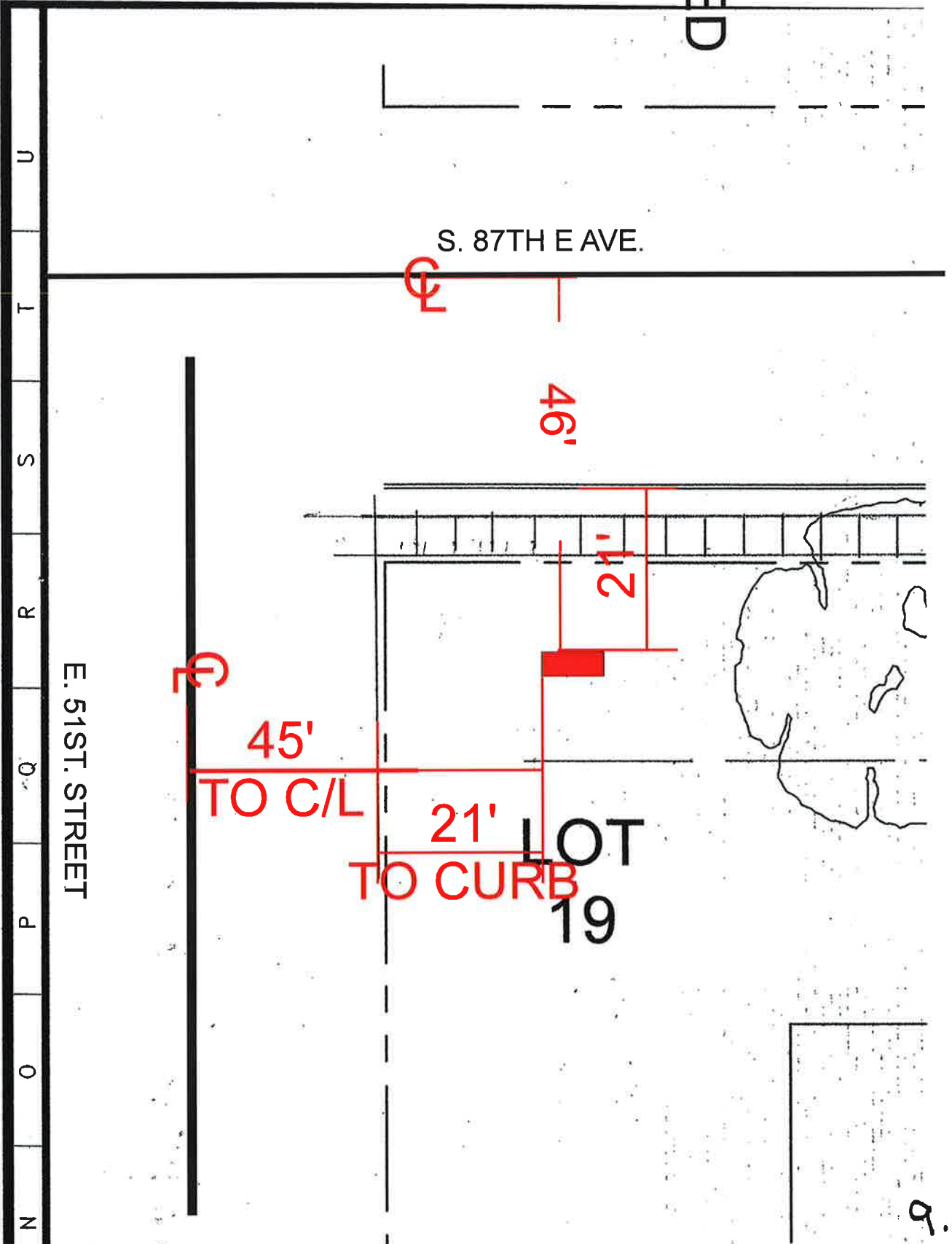
## fireside room addition

**Regency Park Church of the Nazarene**  
8707 east 91<sup>st</sup> street  
tulsa, oklahoma 74116

A101

REGENCY PARK  
8707 E 51

# EXPLODED VIEW





## DEVELOPMENT SERVICES

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

### SIGN PLAN REVIEW

March 27, 2017

LOD Number: 996863-1

Sign contractor:  
Amax Sign Company  
9520 E. 55<sup>th</sup> Place  
Tulsa OK 74145

APPLICATION NO: **418160** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: **8707 E 051 ST S**  
Description: **Regency Park Church of the Nazarene/dynamic display**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

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

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

#### IMPORTANT INFORMATION

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

(continued)

9.26



## 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. 418160

8707 E 051 ST S

March 27, 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.) Title 51 ¶ 106.1.1 Information on construction documents.** Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.

**Review comment:** Provide a site plan with the setback from the C/L of S. 87th E. Avenue to the leading edge of the proposed ground sign. Revise and submit.

### **2.) Section 60.020 Prohibited Signs and Sign Characteristics**

**60.020-E** Signs located in or that project into the right-of-way or planned right-of-way of a public street, unless a license has been granted by the city and a special exception has been approved by the board of adjustment in accordance with the procedures of Section 70.120.

**Review Comments:** The proposed Regency Park Church of the Nazarene sign with a 32 square foot dynamic display sign appears to be located in the City of Tulsa ROW. The ROW width along E. 51<sup>st</sup> Street is 100 feet total. The minimum setback for the proposed ground sign is 50 feet from the C/L of E. 51<sup>st</sup> Street. This sign projects 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 and a Special Exception from the COT Board of Adjustment (BOA). You may relocate the sign to comply with the minimum setback requirements or contact Chris Kovac @ 918-596-9649 for information on acquiring an R-O-W license and removal agreement and for INCOG @ 918-584-7526 to apply for a special exception to permit a freestanding sign to be located in the ROW with a 45 foot setback from the center of E. 51<sup>st</sup> Street.

### **3.) Section 60.050 Signs in R and AG Zoning Districts**

#### **Nonresidential Uses**

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

#### **c. Dynamic Displays**

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

(1) The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.

(2) The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.

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

**Review Comments:** The proposed freestanding sign with a 32 square foot dynamic display is located in a RS-3 zoning district and requires a special exception from the BOA prior to issuance of a sign permit.

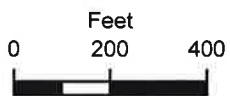
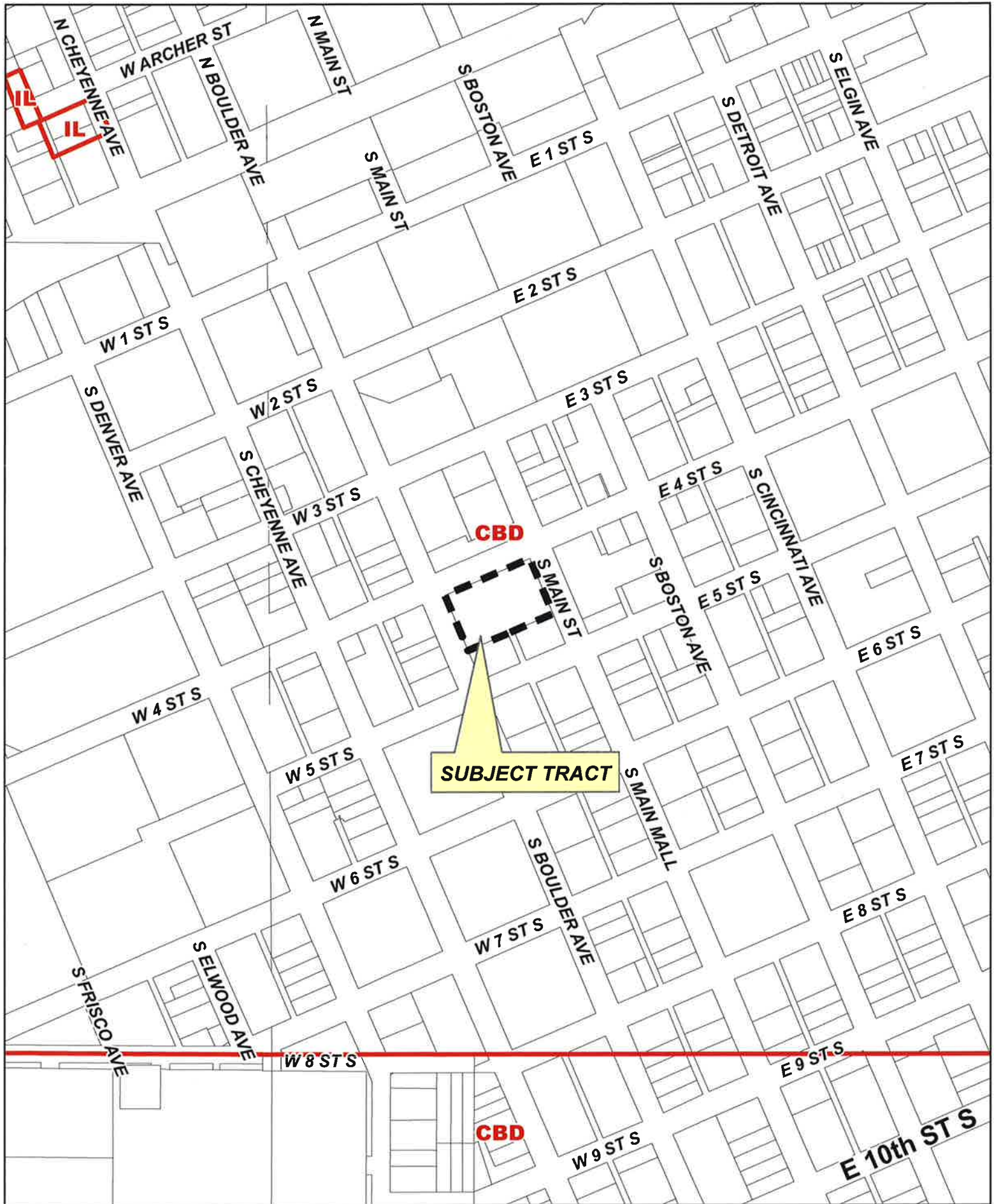
---

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-22255**

19-12 01

10.1





# BOARD OF ADJUSTMENT CASE REPORT

STR: 9201  
CZM: 36  
CD: 4  
A-P#: 419073

Case Number: **BOA-22255**

**HEARING DATE:** 06/13/2017 1:00 PM

**APPLICANT:** Lori Worthington

**ACTION REQUESTED:** Variance to permit the separation of projecting signs to be less than 30 ft. (Section 60.040-B); Variance to permit four (4) projecting signs to be installed along S. Boulder Ave. with a frontage of 183 ft. (Section 60.080-C); Variance to permit a dynamic display within 20 ft. of the edge of the road on S. Boulder Ave. (Section 60.100-E)

**LOCATION:** 423 S Boulder Ave

**ZONED:** CBD

**PRESENT USE:** Parking Garage

**TRACT SIZE:** 1.37 Acres

**LEGAL DESCRIPTION:** LTS 1 & 2 & N50 LT 3 LTS 7 & 8 & N50 LT 6 ALL IN BLK 135 & N200 VACATED ALLEY IN BLK 135, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Property:**

**BOA-21982;** on 12.08.15, the Board **approved** a *variance* to permit three projecting signs along S Boulder Avenue on the subject lot; and a *variance* to allow projecting signs to be less than 30 ft apart.

**BOA-20021;** on 4.12.05, the Board **approved** a *variance* of the setback requirement for a projecting sign from 40' to 34' 7" to accommodate the installation of two projecting signs in the CBD district.

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

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

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement 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 located in the CBD district and is surrounded by a mixture of land uses including commercial/retail, government offices, hotels and office space.

**STAFF COMMENTS:**

The Code states that not more than one business sign may be erected per 100 ft of major street frontage of a lot within the CBD district. The subject lot has 183 ft. of frontage along S Boulder Avenue; therefore one business sign is permitted along S. Boulder Avenue on the subject lot.

As shown on the exhibits the applicant is proposing to install a dynamic display projecting sign along the South Boulder Avenue frontage. In **BOA 21982** the Board approved a request to permit three projecting signs (one Dominos sign and two Tulsa Parking Authority signs) along the west face of the building. The applicant is requesting a variance from the Board to allow four projecting signs (one Dominos sign and three Tulsa Parking Authority signs) along the S. Boulder Ave. frontage as proposed.

Section 60.404-B of The Code requires a minimum 30 ft. separation between business projecting signs. The three *Park Tulsa* projecting signs shown on the attached exhibit appear to be less than 30 ft. apart; the applicant has requested a variance of the 30 ft. separation requirement between business projecting signs. The Code's restrictions on signage is intended to limit the intensity of signage and visual clutter along streetscapes.

The submitted drawing indicates that the projecting dynamic display sign is 12 ft. from the curb/roadway of S. Boulder Ave. Therefore, applicant has also requested a variance from the requirement that dynamic displays not be located within 20 ft of the driving surface of a street.

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Variance to permit the separation of projecting signs to be less than 30 ft. (Section 60.040-B); Variance to permit four (4) projecting signs to be installed along S Boulder Ave with frontage of 183 ft. (Section 60.080-C); Variance to permit a dynamic display within 20 ft. of the edge of the road on S. Boulder Ave. (Section 60.100-E)

- 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. Flanagan stated that in regards to what Mr. Murphy, Mr. Christensen, Mr. Coates, and Mr. Momeni said he would tend to think this will not be harmonious to the area. He would not vote in favor of the request.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Flanagan, Snyder, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **DENY** the request for a Special Exception to permit a quarry in the IM and AG Districts (Section 301 & Section 901) for being injurious to the neighborhood; for the following property:

**PRT N/2 SEC BEG 988.86E SWC SW NW TH N1319.83 E1648.86 TO PT ON EL NW S660.64 E2637.58 TO NEC S/2 S/2 NE S661.79 W4285.09 POB SEC 20 20 14 90.006ACS; PRT LT 1 BEG NWC LT 1 TH E5173.94 S823.63 W3856.50 W1317.35 N920.35 POB BLK 1; W/2 NE SW & NW SW LESS BEG NWC N/2 N/2 SW TH E1991.67 S17 NW189.65 W1324.54 S446 W477.63 N456 POB SEC 21 20 14 54.637ACS; BEG SWC NW TH N311 E302 N349.06 E687.09 S659.91 W988.86 POB LESS W50 THEREOF FOR RD SEC 20 20 14 12.202ACS; BEG NWC N/2 N/2 SW TH E1991.67 S17 NW189.65 W1324.54 S446 W477.63 N456 POB SEC 21 20 14 5.363ACS; LT-9-BLK-2; LT-10-BLK-2; LTS 11 & 12 BLK 2; LTS 6 7 & 8 BLK 2; LT-5 BLK-2; N.490.95' OF LT 4 BLK 2 LESS N.5' & LESS E.25' TO PUBLIC; S.150' OF LT 4 BLK 2 LESS E.25 TO PUBLIC; LT 3 BLK 2; LT 2 LESS W140.78 S150 THEREOF BLK 2; W140.78 S150 LT 2 BLK 2; LT-1-BLK-2; LTS 1 & 2 BLK 1; LT-3-BLK-1; LT-4-BLK-1; LT-5-BLK-1; LT-6-BLK-1; LT-7-BLK-1; LT-8-BLK-1; LT-9-BLK-1; LT-10-BLK-1; LT-11-BLK-1; LT 12 LESS E250 & LESS W25 & S5 THEREOF BLK 1; W125 E250 LT 12 LESS S5 THEREOF BLK 1; E125 LT 12 LESS S5 THEREOF BLK 1, APACHE ADDN, AIRPARK DISTRIBUTION CENTER, GOFIT, RACEWAY ADDN, LANGLEY ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21982—Peyton Haralson**

**Action Requested:**

Variance to permit three (3) projecting signs along South Boulder Avenue on the subject lot; Variance to allow projecting signs to be less than 30 feet apart (Section 1221.C). **LOCATION: 423 South Boulder Avenue West (CD 4)**

*Domino's, Park Tulsa, Dynamic Display*

**Ms. Snyder recused and left the meeting at 3:10 P.M.**

**Presentation:**

**Peyton Haralson**, Tulsa Parking Authority, 175 East 2<sup>nd</sup> Street, Suite #410, Tulsa, OK; stated this is a request for three projecting signs along Boulder Avenue; 423 South Boulder is where the garage structure is located. This is to replace an existing sign.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-1 (Henke, Flanagan, White "aye"; no "nays"; Snyder "abstaining"; Van De Wiele absent) to **APPROVE** the request for a **Variance** to permit three (3) projecting signs along South Boulder Avenue on the subject lot; **Variance** to allow projecting signs to be less than 30 feet apart (Section 1221.C), subject to conceptual photos 4.12 and 4.14. The hardship being that the buildings located in the CBD District are built to the property line not leaving any room for signs to be installed on the property itself, hence they will be projecting on to the City property. The signs are necessary to provide notice to the public of the available parking in the area. 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:

**LTS 1 & 2 & N50 LT 3 LTS 7 & 8 & N50 LT 6 ALL IN BLK 135 & N200 VACATED ALLEY IN BLK 135, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**Ms. Snyder re-entered the meeting at 3:14 P.M.**

\*\*\*\*\*

**NEW APPLICATIONS**

**21996—Jim Congleton**

**Action Requested:**

**Special Exception** to permit a 6 foot fence in the required front yard with an 8 foot gate height in the RS-1 District (Section 210.B.3). **LOCATION:** 2929 East 73<sup>rd</sup> Street South (CD 2)

**Presentation:**

**Jim Congleton**, 3120 South Owasso Avenue, Tulsa, OK; stated this is a newly acquired property and he would like to build a six foot fence around the property. There

**Comments and Questions:**

Mr. Dunham asked if they are building a new structure on one lot and keeping the existing structure on the other lot, will they meet the parking requirements for both. Mr. Kelly replied that they will meet the parking requirements.

**Interested Parties:**

Julie Parrett, 25904 South 125<sup>th</sup> East Avenue, Coweta, Oklahoma, stated they own a house that abuts the subject property, at 5611 South 95<sup>th</sup>. She expressed concern for an unattended parking lot after hours and abutting residential property. They also had concern regarding lighting and screening. Photographs were provided (Exhibit D-1).

**Comments and Questions:**

The Board members assured Ms. Parrett that the applicant will have to meet the zoning code requirements for lighting and screening. Mr. Ackermann added that the applicant will be required to install a six-foot solid wood fence.

**Applicant's Rebuttal:**

Mr. Kelly responded that lighting, screening and landscaping will be provided in compliance with the zoning code.

**Board Action:**

On **Motion of Stephens**, the Board voted 3-0-0 (Dunham, Stead, Stephens "aye"; no "nays"; no "abstentions"; Paddock, Henke "absent") to **APPROVE a Special Exception** to meet parking requirements on a lot other than the lot containing the principal use, finding it 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, with condition for a tie agreement between the two lots, on the following described property:

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

\*\*\*\*\*

**Case No. 20021**

**Action Requested:**

Variance of setback requirement for a projecting sign from 40 ft. to 34 ft. 7 in. to accommodate the installation of two projecting signs in the CBD district.

**Presentation:**

**Sean Flaherty**, 111 South Greenwood, with the Tulsa Parking Authority, stated they entered into an agreement with PSI Investments to put a Domino's in their facility. He submitted photographs (Exhibit E-1) of similar signs in the downtown area. They proposed to put up two projecting signs, which are relatively small, for visibility from the north and south and east and west. One of the reasons they



could not put up a surface sign is because of the aluminum slats, which are removable.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion of Stead**, the Board voted 3-0-0 (Dunham, Stead, Stephens "aye"; no "nays"; no "abstentions"; Paddock, Henke "absent") to **APPROVE** a **Variance** of setback requirement for a projecting sign from 40 ft. to 34 ft. 7 in. to accommodate the installation of two projecting signs in the CBD district, according to the plan submitted, finding that because of extraordinary and exceptional zero lot line conditions the literal enforcement of the terms of the code would result in unnecessary hardship; 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:

LTS 1 & 2 & N50 LT 3 LTS 7 & 8 & N50 LT 6 ALL IN BLK 135 & N200 VACATED ALLEY IN BLK 135, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

**Case No. 20022**

**Action Requested:**

Special exception to allow Use Unit 17 - Automotive and Allied Activities - Automobile Sales in a CS zoned district; and a Variance of the required 300 ft distance from an R zoned district for outside display of merchandise for sale, 1431 N HARVARD AV E.

**Presentation:**

**Hector Guitierrez**, 2108 East Oklahoma Street, proposed to open a used car lot, which was previously a tire shop. He leased the property for one year. He planned to clean up and improve the property, including the building.

**Comments and Questions:**

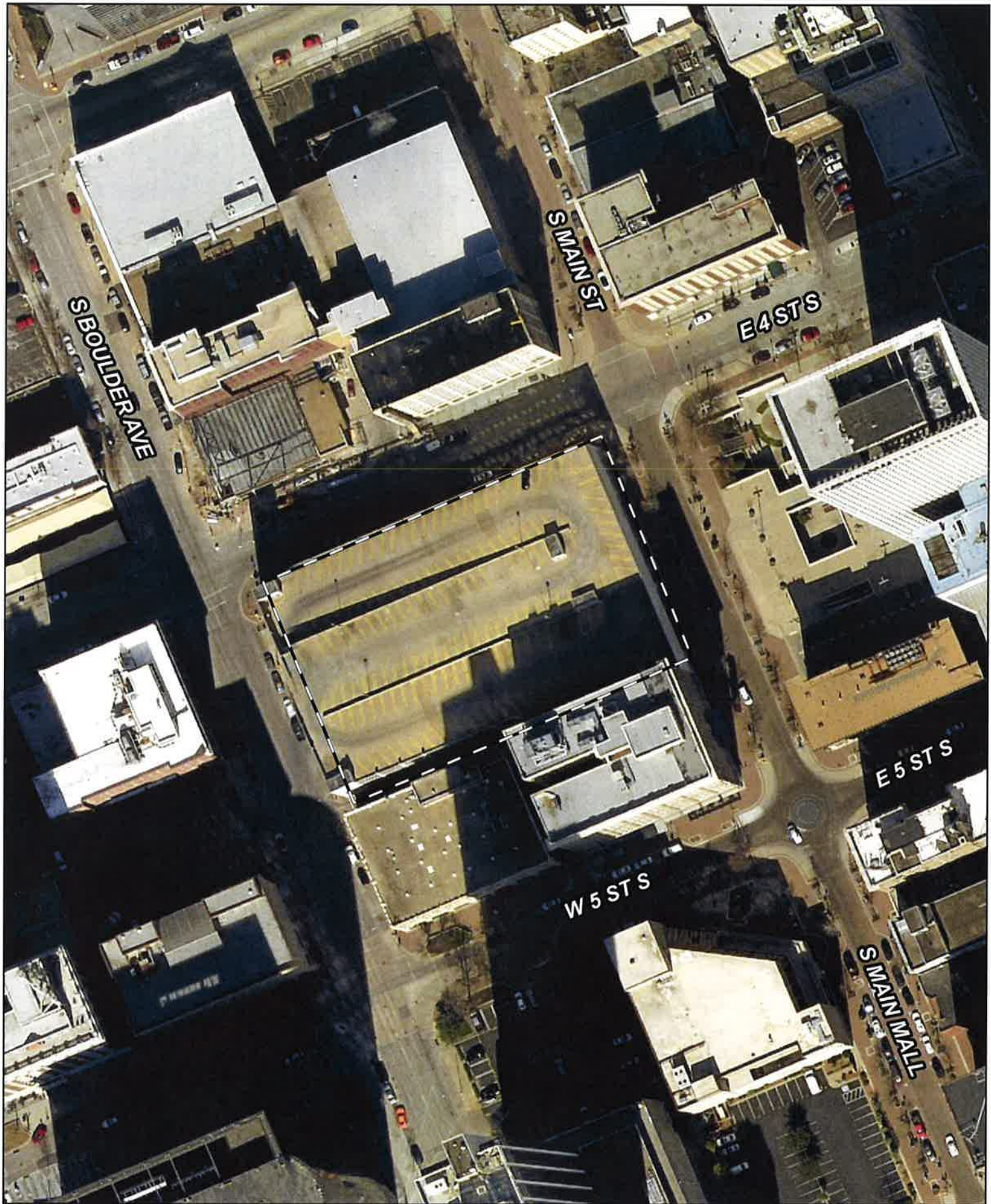
Mr. Dunham encouraged the applicant to read the staff recommendation for conditions to approval.

**Interested Parties:**

**Roger Coffman**, 1443 North Harvard, stated he is the Associate Pastor at Sanctuary of Praise next door. He and his church were concerned about outside storage.

**Richard Ganders**, 1825 South Columbia, stated his property has been in his family since 1925.





Feet  
0 50 100



Subject  
Tract

**BOA-22255**

19-12 01

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

Aerial Photo Date: February 2016



10.9





Feet  
0 200 400



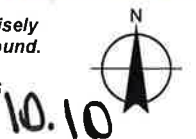
Subject  
Tract

**BOA-22255**

19-12 01

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

Aerial Photo Date: February 2016

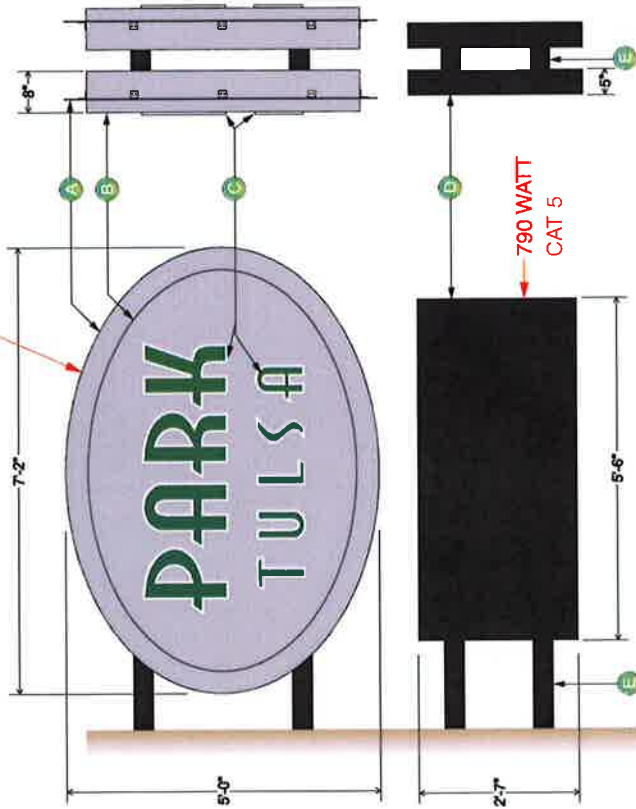




# PERMIT APP FOR MESSAGE UNIT

4.1 MAIN PARK PLAZA GARAGE WEST ELEVATION

4 AMP @ 120 V

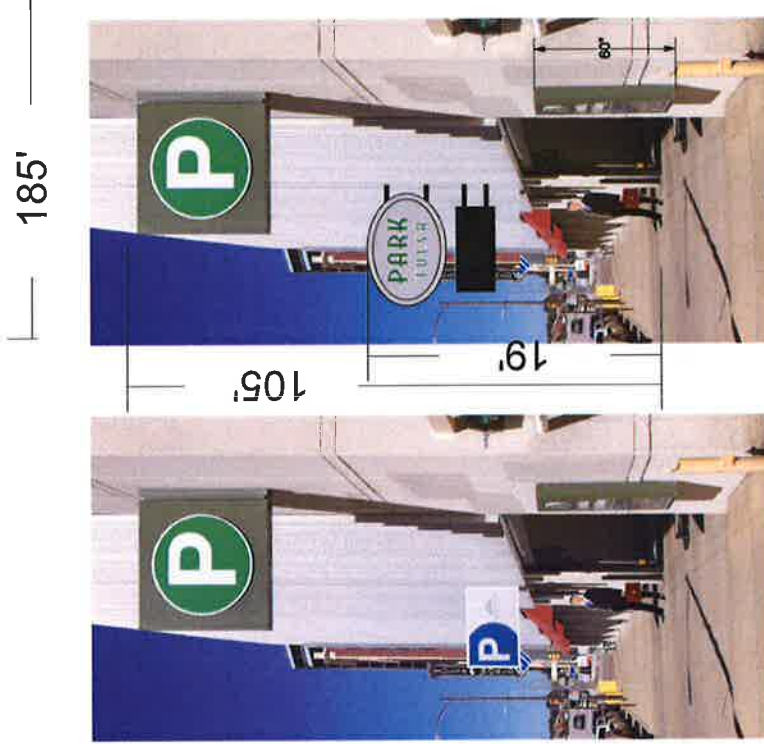


BOA APPROVAL FOR THREE SIGNS  
PARK TULSA, MESSAGE UNIT AND  
DOMINO'S. CASE #21982 DATED 12-08-15  
PARK TULSA SIGN PERMIT#376742

D/F ILLUMINATED WALL SIGN W/  
LED MESSAGE UNIT.  
SCALE: 1/2"=1'

- 1/2" Thick Aluminum Accent Piece, Silver Painted Finish, Clip Mount to Sign Cabinet.
- Fabricated Metal Sign Cabinet, Steel Painted Finish, Road Cut Text From Face to Accommodate Push-Thru Letter.
- 3/4" Thick Acrylic Push-Thru Letter, (1/2" Projection) Green Vinyl Overlay.
- Light Diffuser Vinyl Applied Sub-Surface, 15.85cm 40X100 Pixel Matrix.
- Datronics GSS Full Color LED Message Unit.
- Square Tubing Mounting Brackets, Satin Black Painted Finish.

2.5'8" x 5.5' = 14.19



EXISTING  
SCALE: 1/8"=1'

PROPOSED  
SCALE: 1/8"=1'

## COLOR LEGEND

- MAP CLOUD SILVER MP 18101
- 3M 3630-26 GREEN

\* Dimensions subject to minor changes due to  
clarified design considerations.  
\* A-Max Sign Company will endeavor to closely  
match materials and finishes. We cannot  
guarantee exact matches due to varying  
compatibility of surface materials, vinyl and  
paints used.



**a·max**  
SIGN COMPANY, INC.

WWW.A-MAXSIGN.COM  
9520 E. 55th Place  
Tulsa, Oklahoma 74145  
ph: (918)622-0651 fax: (918)622-0659

QUALITY VALUE ASSURANCE

SCALE: 1/2"=1'

DATE: 10/12/16

FILE: Sign 4-1

SALES REP: BRIAN WARD

DRAWN BY: PW

PROJECT: PARK TULSA

LOCATION: TULSA OK

ADDRESS: 423 S. BOULDER (WEST ELEV)

CLIENT APPROVAL SIGNATURE & DATE:

USP Signs will be built to meet UL specifications as required.

All signs and outline lighting must comply with Article 600 of the NEC and all wiring, including proper grounding and bonding.

REVISIONS:

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

These drawings are the property of A-Max Sign Company and should not be copied, reproduced, or displayed in any fashion other than for the purposes intended. A-Max Sign Company is not responsible for any errors or omissions in these drawings or for any damage to property or persons resulting from the use of these drawings.

© A-Max Sign Company, 2016

How to Apply: 10/12/16

SHEET NUMBER  
7 of 9  
DWG  
101216-04

10.11

N ↑



Google Earth

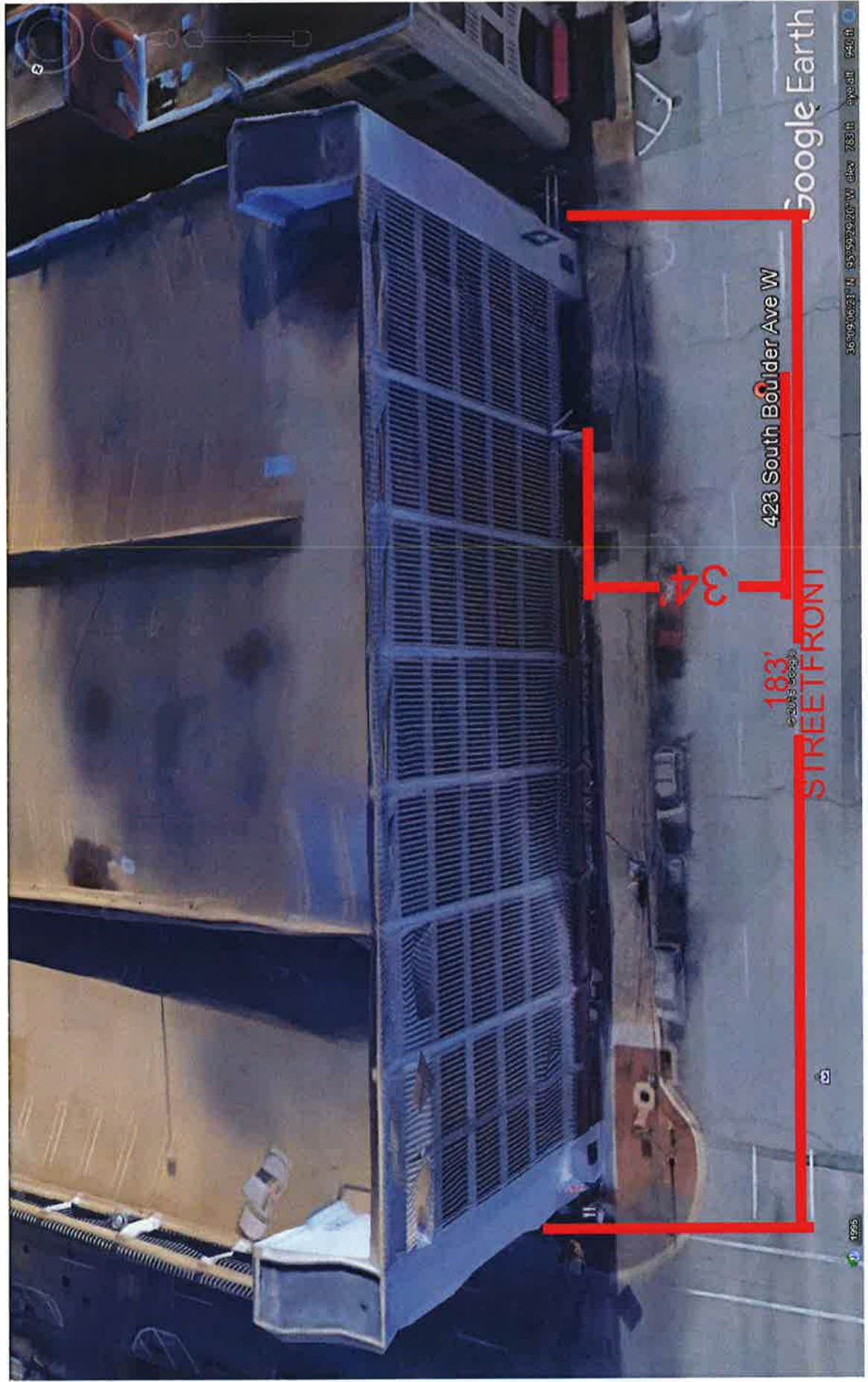
feet  
meters



423 S Boulder  
BOA-22255



PARK TULSA  
423 S BOULDER





423 S. Boulder

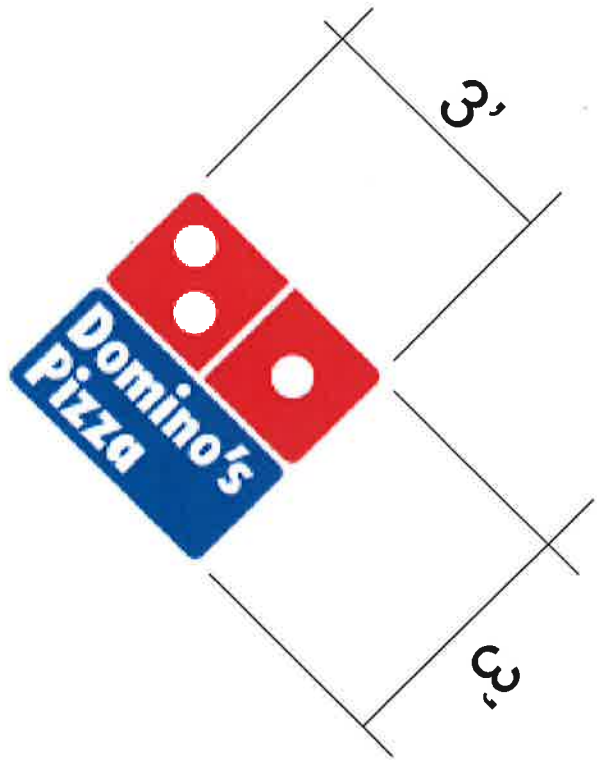
BOA-2225



10.14

PARK TULSA  
423 S BOULDER  
WEST ELEVATION  
DOMINO'S SIGN

10.15



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

LOD Number:  
998682-1

April 11, 2017

Sign contractor:

**APPLICATION NO:** 419073 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
**Location:** 423 S BOULDER AV W  
**Description:** Dynamic Display projecting 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)

10.16



## 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. 419073

423 S BOULDER AV W

April 11, 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 Comments:** The two parking projecting signs appear to be less than 30 feet apart. The provided plan indicates the separation distance between the projecting signs is less than thirty feet. You may increase the separation of the projecting signs to a minimum separation of thirty feet or you may seek a variance from the BOA to permit the separation of two projecting signs to be less than 30 feet.

### 2.) 60.080-C Sign Budget

#### Maximum Area

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

(1) 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:

#### 2. Maximum Number

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

The maximum aggregate number of projecting, freestanding 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-.

**Review Comments:** There appears to be three existing projecting signs installed by variance 21982 approved 12/8/2015 along S Boulder Avenue at this location with 183 feet of street frontage (two parking signs and one Dominos sign). The proposed dynamic display projecting sign exceeds the amount of projecting signs permitted in the CBD zoning district and is not permitted. You may seek a variance from the BOA to permit 4 projecting signs to be installed along S. Boulder Avenue with 183 feet of major street frontage.

3.) 60.100-E Dynamic displays may not be located within or within 20 feet of the driving surface of a street, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the street curb or edge of the traveled road-way marked or understood as such.

**Review Comments:** The proposed dynamic display appears to be within 20 feet of the driving surface of the road along S. Boulder Avenue. You may relocate the dynamic display sign 20 feet from the edge of the curb/roadway or you may pursue a variance from the BOA to permit a dynamic display sign to be located closer than 20 feet to the edge of the curb/roadway.

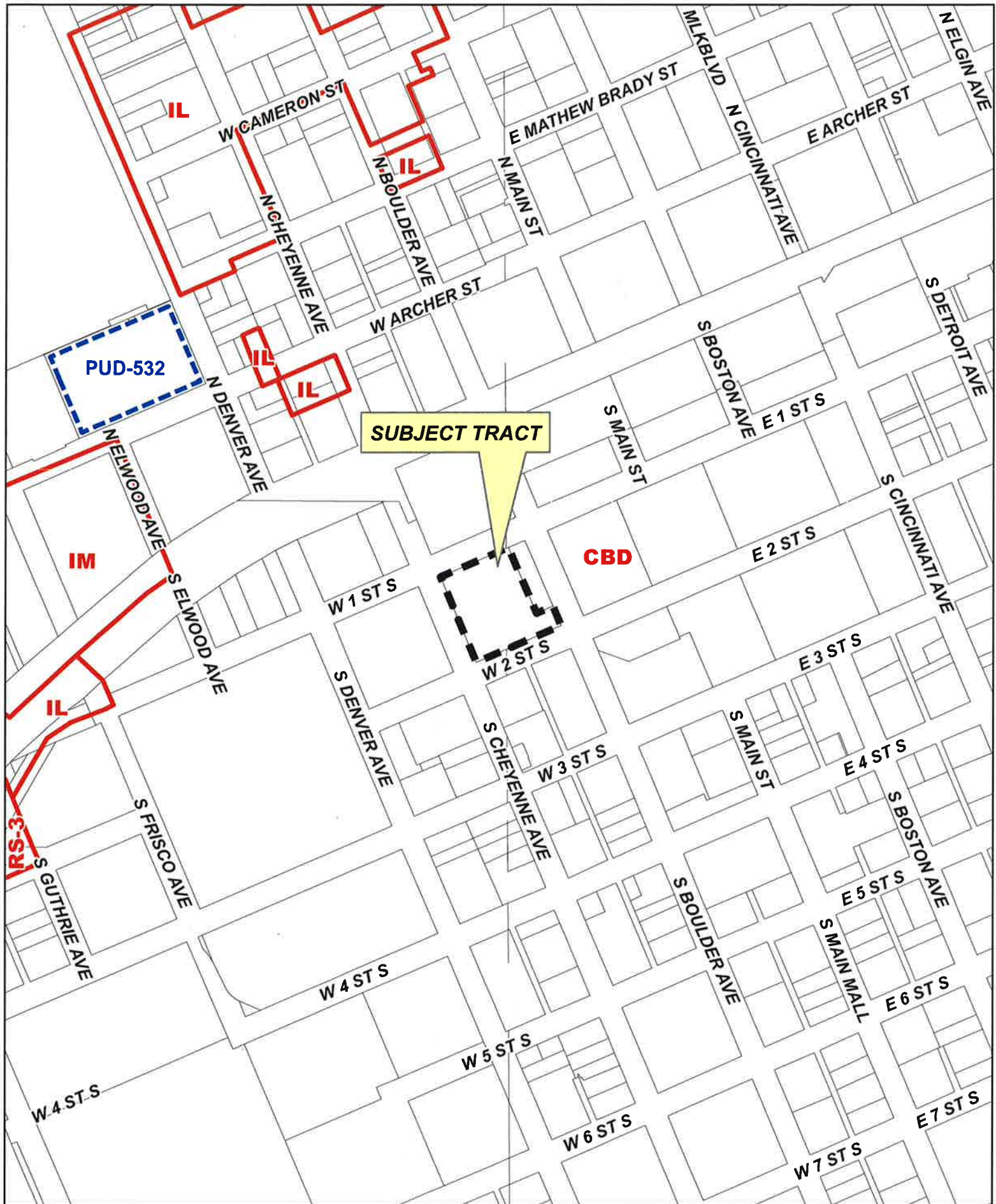
NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (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-22256**

19-12 01 & 02





# BOARD OF ADJUSTMENT CASE REPORT

STR: 9202  
CZM: 36  
CD: 4  
A-P#: 419056

Case Number: **BOA-22256**

**HEARING DATE:** 06/13/2017 1:00 PM

**APPLICANT:** Lori Worthington

**ACTION REQUESTED:** Variance to permit two dynamic display signs on the lot. (Section 60.080-E)  
Variance to permit a dynamic display sign within 20 ft of the driving surface of S. Cheyenne Ave.  
(Section 60.100-E).

**LOCATION:** 100 W 1<sup>st</sup> St S

**ZONED:** CBD

**PRESENT USE:** Parking Garage

**TRACT SIZE:** 2 Acres

**LEGAL DESCRIPTION:** PRT LTS 1 THRU 8 & VAC ALLEY ADJ THERETO BLK 91 BEG NWC  
BLK 91 TH NE242 SE230 NE58 SE70 SW300 NW300 POB, TULSA-ORIGINAL TOWN, City of  
Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Property:**

**BOA-21985;** on 1.12.10, the Board **approved** a *variance* to allow one digital projecting sign within 20 ft of the driving surface of the street on the north parking garage entrance/exit; *variance* to allow one digital projecting sign within 20 ft of the driving surface of the street on the south parking garage entrance/exit.

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

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

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement 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 located in the CBD district and is surrounded by a mixture of land uses including commercial/retail, government offices, entertainment and office space.

**STAFF COMMENTS:**

The Code states that a maximum of one of the permitted on premise wall signs, projecting signs and freestanding signs on a CBD zoned lot is allow to contain a dynamic display. Sign permit # 376749 has been issued to permit installation of one digital sign on the lot. As shown on the attached drawing the applicant is proposing to install a digital wall sign on the west face of the parking garage along S. Cheyenne Ave. The applicant has requested a variance to allow two dynamic display signs on the lot to permit the digital wall sign as proposed.

The applicant has requested a variance to permit a dynamic display within 20 ft. of the driving surface of a street as it appears that the proposed sign is within 12 ft. of the curb/roadway of S. Cheyenne Ave. The Code establishes separation between a digital sign and driving surfaces in an attempt to mitigate the impact of the digital signage, or more specifically its lighting, on the motoring public.

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Variance to permit two dynamic display signs on the lot (Section 60.080-E); and Variance to permit a dynamic display sign within 20 ft. of the driving surface of S. Cheyenne Ave. (Section 60.100-E).

- 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.”*



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:

**PRT BLKS 105 & 106 & VAC BOSTON AVE BETWEEN BLKS & VAC ALLEY BLK 105 BEG NEC LT 7 BLK 105 TH NELY374 SELY300 SWLY374 NWLY300 POB BLK 105, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21985—Peyton Haralson**

FILE COPY

**Action Requested:**

Variance to allow one digital projecting sign within 20 feet of the driving surface of the street on the north parking garage entrance/exit (Section 1221.C.2); Variance to allow one digital projecting sign within 20 feet of the driving surface of the street on the south parking garage entrance/exit (Section 1221.C.2). **LOCATION:** 100 West 1<sup>st</sup> Street South **(CD 4)**

**Presentation:**

**Peyton Haralson**, Tulsa Parking Authority, 175 East 2<sup>nd</sup> Street, Tulsa, OK; stated this request is fairly similar to the previous request, but this structure does have two different entrances on two different streets. The 2<sup>nd</sup> Street side of the structure is an exit only with the entrance side is on 1<sup>st</sup> Street.

Mr. Van De Wiele asked Mr. Haralson if the existing projecting sign was going to be removed. Mr. Haralson stated that the existing sign is staying as it is the international parking symbol.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Henke, Flanagan, Van De Wiele, White "aye"; no "nays"; Snyder "abstaining"; none absent) to **APPROVE** the request for a Variance to allow one digital projecting sign within 20 feet of the driving surface of the street on the north parking garage entrance/exit (Section 1221.C.2); Variance to allow one digital projecting sign within 20 feet of the driving surface of the street on the south parking garage entrance/exit (Section 1221.C.2), subject to conceptual plan 7.9 and 7.10. These signs will be used for strictly providing information to the motoring public as

BOA-21985

FILE COPY

to the availability and location of the parking within the subject structure. This approval is to comply with Section 1221.C.2 except there will be no time limitation for the hours of operation. 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:

**PRT LTS 1 THRU 8 & VAC ALLEY ADJ THERETO BLK 91 BEG NWC BLK 91 TH NE242 SE230 NE58 SE70 SW300 NW300 POB, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21986—Peyton Haralson**

**Action Requested:**

**Variance** to allow a digital ground sign within 20 feet of the driving surface of a street (Section 1221.C.2). **LOCATION:** 522 West 3<sup>rd</sup> Street South (CD 4)

**Presentation:**

**Peyton Haralson**, Tulsa Parking Authority, 175 East 2<sup>nd</sup> Street, Tulsa, OK; stated this request is similar to the previous request.

**Interested Parties:**

There were no interested parties present.

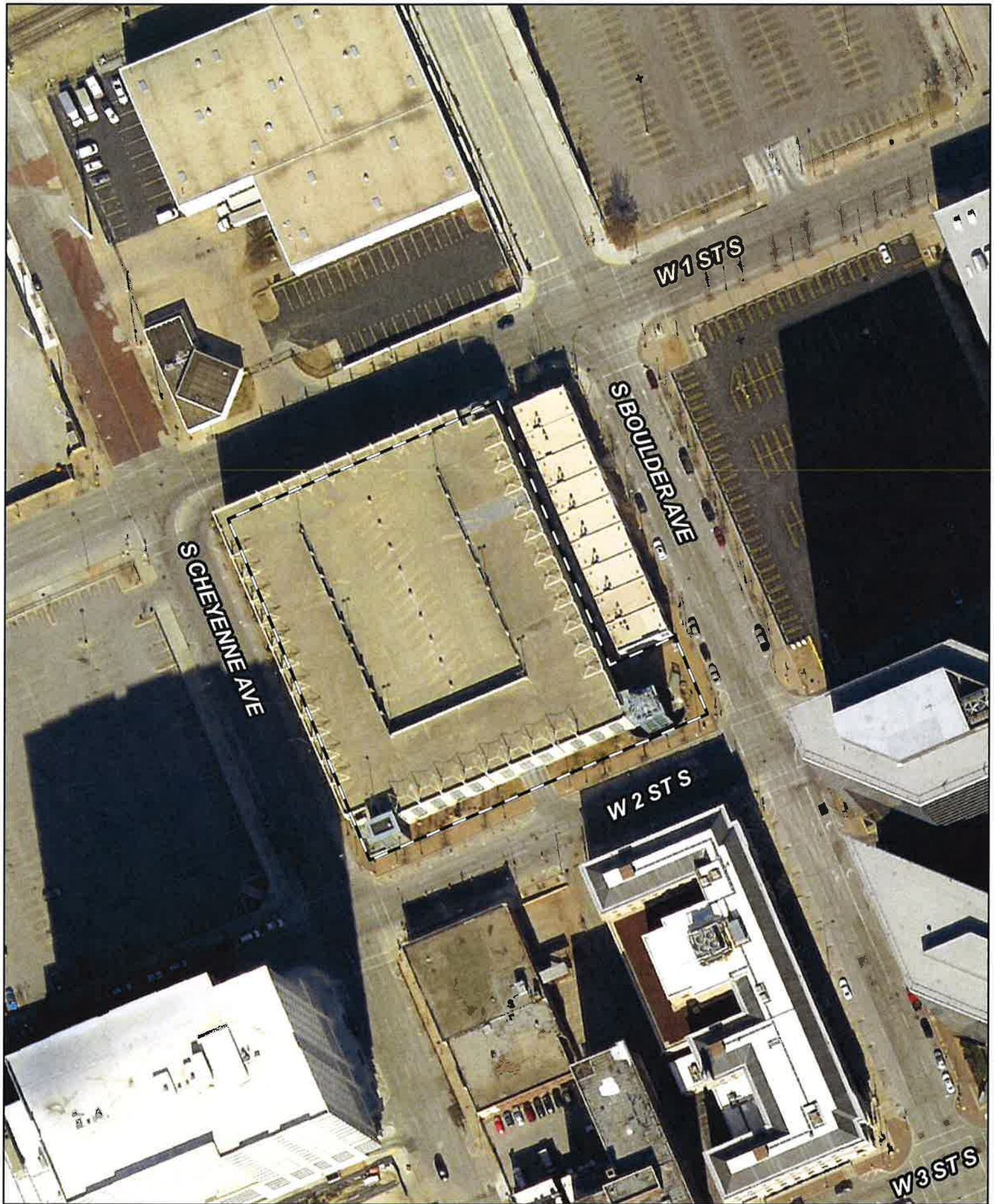
**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Henke, Flanagan, Van De Wiele, White "aye"; no "nays"; Snyder "abstaining"; none absent) to **APPROVE** the request for a **Variance** to allow a digital ground sign within 20 feet of the driving surface of a street (Section 1221.C.2), subject to conceptual plan 8.11 and 8.12. The Board has found that the information on the sign will be limited to the available parking and the location thereof within the structure. This approval is to comply with Section 1221.C.2 except there will be no time limitation for the hours of operation. 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:





0 50 100  
Feet



Subject  
Tract

**BOA-22256**

19-12 01 & 02

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

Aerial Photo Date: February 2016



11.7





Feet  
0 200 400



Subject  
Tract

**BOA-22256**

19-12 01 & 02

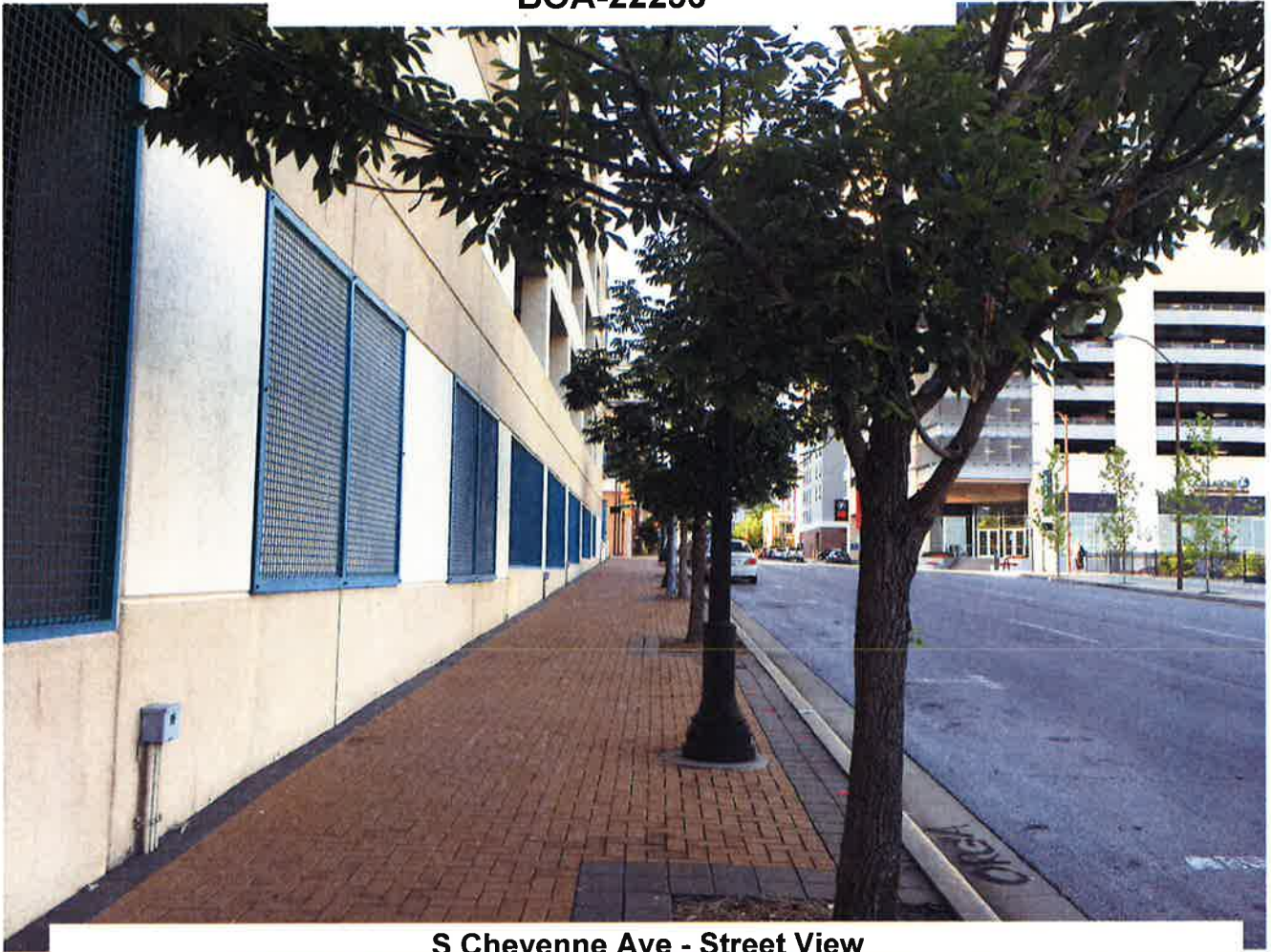
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016

11.8







S Cheyenne Ave - Street View



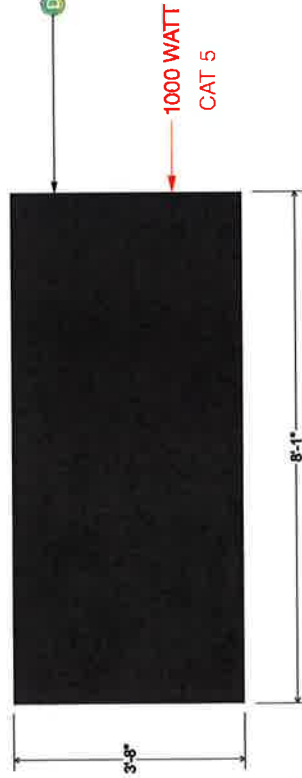
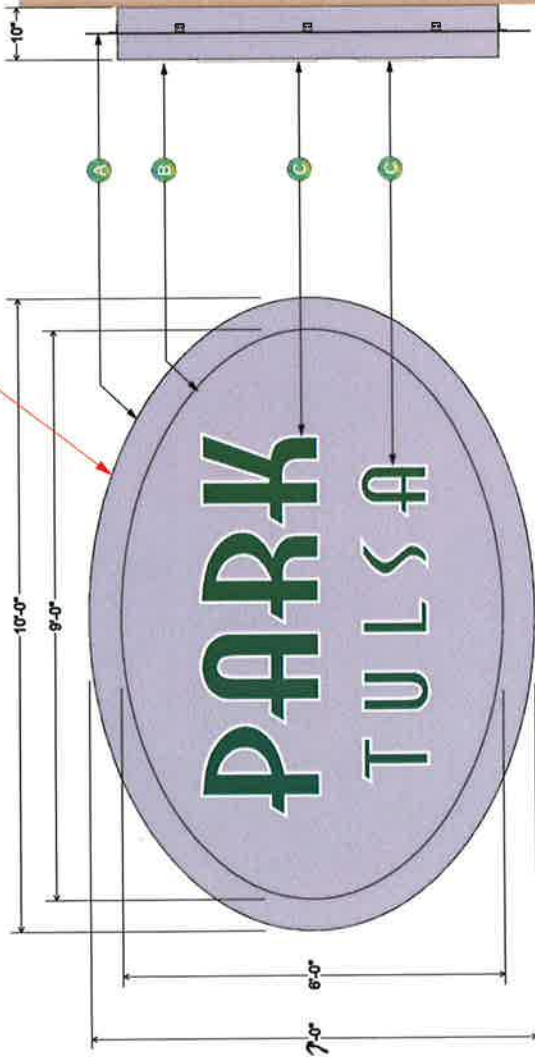
# PERMIT APP FOR DYNAMIC DISPLAY

100 WEST SIGNAGE  
WEST ELEVATION

1.1



3 AMP @ 120 V



BOA APPROVAL CASE #21983  
11-10-15 ATTACHED

3.66' x 8' = 29.28 ft

S/F ILLUMINATED WALL SIGN W/  
LED MESSAGE UNIT.  
SCALE: 1/2"=1'

- 1/8" Thick Aluminum Accent Piece, Silver Painted Finish, Clip Mount to Sign Cabinet.
- Fabricated Metal Sign Cabinet, Silver Painted Finish, Router Cut Text From Face to Accommodate Push-Thru Letter, Illuminated Using White LEDs.
- 3/4" Thick Acrylic Push-Thru Letter, (1/2" Projection) Green Vinyl Overlays, Light Diffuser Vinyl Applied Sub-Surface.
- 15.85mm 60 X 150 Pixel Matrix, Daktronics GS6 Full Color LED Message Unit.



WEST ELEVATION  
SCALE: 3/32"=1'



**a.max**  
SIGN COMPANY, INC.

www.amaxsign.com  
9520 E 55th Place  
Tulsa, Oklahoma 74145  
ph. (918)622-0651 fax. (918)622-0659

QUALITY VALUE ASSURANCE

SCALE: 1/2"=1'  
DATE: 10/11/16  
FILE: Sign 1-1  
SALES REP: BRIAN WARD  
DRAWN BY: PW

PROJECT: PARK TULSA  
LOCATION: TULSA OK  
ADDRESS: 100 W 1ST (WEST SIDE)

CLIENT APPROVAL SIGNATURE & DATE:

UL Signs will be built to meet UL specifications as required.

All signs and outline lighting must comply with Article 600 of the N.E.C. standards, including proper grounding and bonding.

REVISIONS:

1.  
2.  
3.  
4.  
5.

These drawings are the property of A-Max Sign Company, and should not be copied, reproduced, or displayed in any fashion other than for the purpose of the project described herein. Any unauthorized use or alteration is prohibited and will be prosecuted to the fullest extent of the law.

A-Max Sign Company, 2016

100 W 1ST (WEST SIDE)

SHEET NUMBER  
1 of 9  
DWG  
101116-07

11.10



100 W 1ST S

NORTH 

NORTH ELEV.  
WEST DOOR

240'

50'

W 1st St

100 W 1st St

WEST ELEV.

285'

S Cheyenne Ave

200'

Beylder

SOUTH ELEV.



## DEVELOPMENT SERVICES

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

### SIGN PLAN REVIEW

April 11, 2017

LOD Number: 998627-1

Sign contractor:  
Amax Sign Company Inc.  
9520 E 51<sup>st</sup> Street  
Tulsa OK 74145

**APPLICATION NO:** 419056 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
**Location:** 100 W 001 ST S  
**Description:** 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)

## 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. 419056

100 W 001 ST S

April 11, 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.

### 60.080-C Sign Budget

#### 1.) 60.080-E Dynamic Displays on On-premise Wall, Projecting and Freestanding Signs

A maximum of one of the on premise wall signs, projecting signs or freestanding signs allowed on a lot in a mixed-use, commercial or industrial zoning district may include a dynamic display. The dynamic display may not exceed the maximum sign area allowed for the respective sign type or 48 square feet, whichever is less. The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall, projecting or freestanding sign, but rather is counted as part of the maximum area of the wall, projecting or freestanding sign. Only one, contiguous dynamic display is allowed on a wall, projecting or freestanding sign face.

**Review Comments:** Only one wall sign per lot may contain a dynamic display. Based on issued digital sign permit 376749 you may pursue a variance to permit two digital wall signs to be located on the lot.

2.) 60.100-E Dynamic displays may not be located within or within 20 feet of the driving surface of a street, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the street curb or edge of the traveled road-way marked or understood as such.

**Review Comments:** It appears the 3.66x8.0 square foot dynamic display sign is located within 20 feet of the driving surface of the road. You may pursue a variance from the BOA to permit a dynamic display sign to be located within twenty feet of the driving surface of S. Cheyenne Avenue.

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.

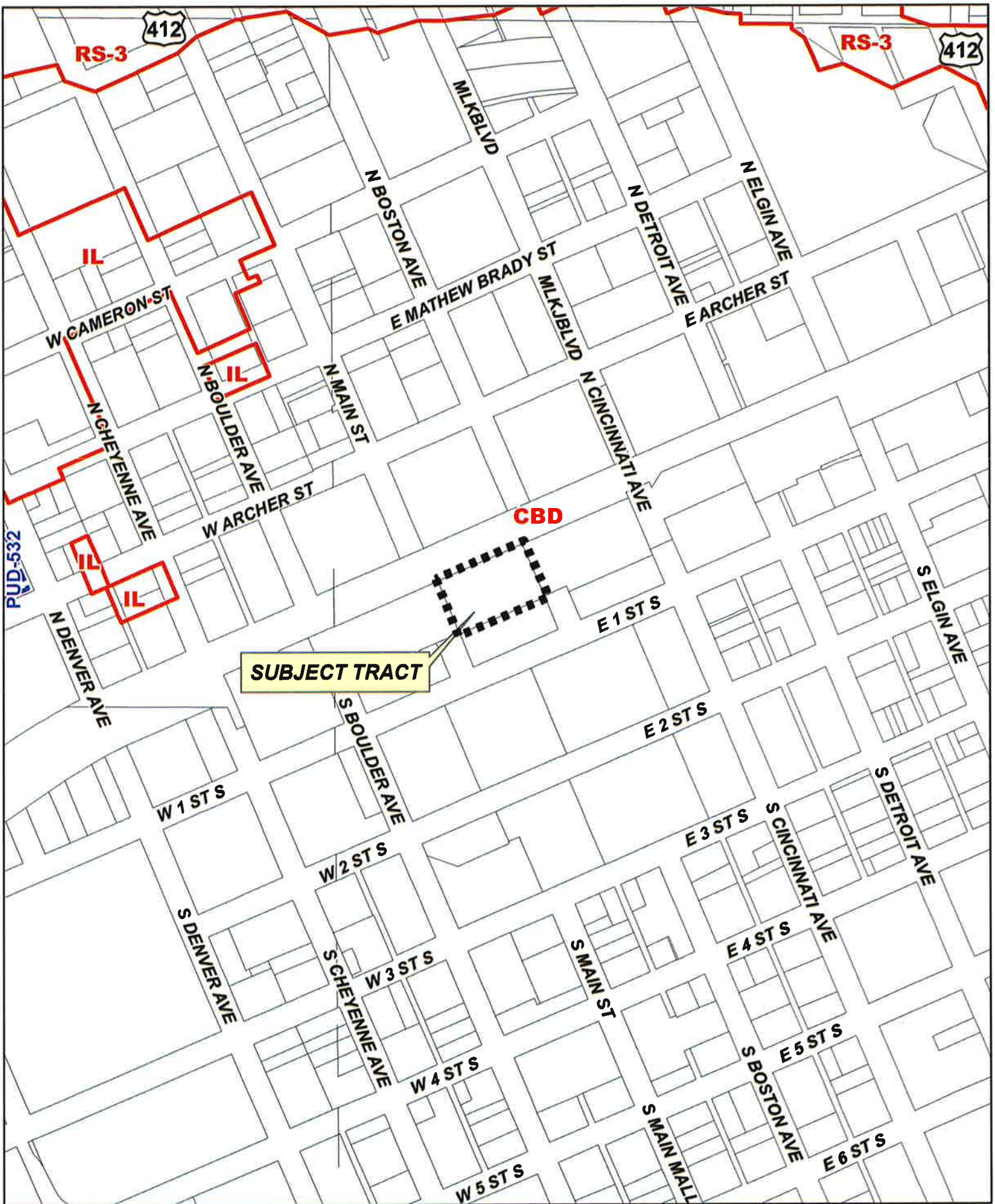
## END – ZONING CLEARANCE AND SIGN CODE REVIEW

**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.



**THIS PAGE  
INTENTIONALLY  
LEFT BLANK**

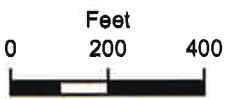


SUBJECT TRACT

CBD

BOA-22257

12.1



19-12 01



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9201  
CZM: 36  
CD: 4  
A-P#: 419052

Case Number: **BOA-22257**

**HEARING DATE:** 06/13/2017 1:00 PM

**APPLICANT:** Lori Worthington

**ACTION REQUESTED:** Variance from the requirement that no more than one dynamic display be permitted on a single CBD zoned lot. (Section 60.080-E) Variance to increase the allowed display surface area of a dynamic display sign to 49 sq. ft. (Section 60.080-E) Variance to permit a dynamic display within 20 ft of the driving surface of Main Street. (Section 60.100-E)

**LOCATION:** 11 E. 1 Street S.

**ZONED:** CBD

**PRESENT USE:** Parking Gargage

**TRACT SIZE:** 1.27 Acres

**LEGAL DESCRIPTION:** PRT NW & PRT LTS 1 THRU 4 & PRT LT 9 BEG 5.75S NWC LT 9 TH E300 N185.75 W300 S185.75 POB BLK 72, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Property:**

**BOA 21983;** on 1.12.10, the Board **approved** a variance to allow a digital sign within 20 ft of the driving surface; variance to allow a emc wall sign within 50 ft of a signalized intersection (sec.1221.c.2).

**BOA 21015;** on 1.12.10, the Board **approved** a *variance* of the setback requirement from the centerline of the abutting right-of-way to permit a portion of a public parking garage and a pedestrian bridge to be constructed over and in the public street.

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

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



The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement 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 located in the CBD district and is surrounded by a mixture of land uses including commercial/retail, government offices and residential

**STAFF COMMENTS:**

The Code states that a maximum of one of the permitted on premise wall signs, projecting signs and freestanding signs on a CBD zoned lot is allow to contain a dynamic display. A dynamic display sign in the CBD district cannot exceed 48 sq. ft. The applicant has requested a variance to increase the permitted dynamic display sign area to 49 sq. ft. to allow the dynamic display wall sign as proposed.

Sign permit # 376745 has been issued to permit installation of one digital sign on the lot. As shown on the attached drawing the applicant is proposing to install an additional dynamic display wall sign on the northwest face of the parking garage. The applicant has requested a variance from the requirement that no more than one dynamic display be permitted on the lot to allow two dynamic display signs on the site to permit the digital wall sign as proposed.

The applicant has requested a variance to permit a dynamic display within 20 ft. of the driving surface of a street as it appears that the proposed digital sign is within 20 ft. of the curb/roadway of Main Street. The Code establishes separation between a digital sign and driving surfaces in an attempt to mitigate the impact of the digital signage, or more specifically its lighting, on the motoring public.

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Variance from the requirement that no more than one dynamic display be permitted on a single CBD zoned lot. (Section 60.080-E) Variance to increase the allowed display surface area of a dynamic display sign to 49 sq. ft. (Section 60.080-E) Variance to permit a dynamic display within 20 ft of the driving surface of Main Street. (Section 60.100-E)

- 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."*

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:

BLK 1, FRANKLIN SECOND ADDN AMD; LTS 2,3,4 & 5; BLK 1, Emmons Addn;  
City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

**Case No. 21015**

**Action Requested:**

Variance of the setback requirement from the centerline of the abutting right-of-way (E. 1st St.) (Section 215); to permit a portion of a public parking garage and a pedestrian bridge to be constructed over and in a public street, located: 42 South Boston Avenue.

**Presentation:**

**David Giacomo**, 175 East 2<sup>nd</sup> Street, Tulsa, Oklahoma, 74103, represented the City of Tulsa Parking Authority. He informed the Board that with the expansion of the garage, the new pedestrian bridge will be shorter than the existing bridge and extend to the bank lobby (Exhibit C-1). He stated they will need to obtain a licensing agreement from the City of Tulsa.

**Eric Sack**, 111 South Elgin, Tulsa, Oklahoma, 74120, represented Tulsa Parking Authority. He pointed out a parking garage with two bay parking on the site plan. The existing surface parking is 114 ft. deep, but the project needs about 121 ft. He reviewed the plans in more detail for the Board. He stated they asked for a variance from 40 ft. to 0 ft. on the south of the centerline, as well as on the north of it, for the pedestrian bridge to cross the street. He added that they asked for a variance of ten feet instead of seven feet to allow the parking structure and architectural elements to encroach into the north portion of the right-of-way. They proposed to apply screens on the outside of the bridge above ground level for security and aesthetics. They protrude about eight inches to a foot from the structure. There is also a roof over the structure with an overhand of 18 in. to two feet. Mr. Sack stated they are presently seeking a license agreement or easement as needed with the City.

**FILE COPY**

**Comments and Questions:**

Ms. Stead questioned if the application was adequately advertised. Mr. Cuthbertson replied this is a general variance of the setback requirement, which can address the two elements, for the parking structure and the pedestrian bridge. Ms. Stead asked about the discrepancy in the plan and staff report on the number of levels in the parking structure. Mr. Sack explained that the addition will be the surface level and four levels above it, and in the existing structure there are six



levels. Mr. Boulden asked if there are any plans for commercial use in the area of the variance.

**George Shahadi**, Director of Corporate Real Estate, for the Williams Companies, One Williams Center, 45<sup>th</sup> Floor, Tulsa, Oklahoma, 74172. He responded to Mr. Boulden that at this time there are no plans for commercial. If they should decide to put in a commercial use they would come back to the Board of Adjustment.

**Interested Parties:**

There were no interested parties who wished to speak.

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 setback requirement from the centerline of the abutting right-of-way (E. 1st St.) (Section 215); to permit a portion of a public parking garage and a pedestrian bridge to be constructed over and in a public street, subject to obtaining a license agreement or other sufficient agreement with the COT for this structure over the street, and evidence of this licensing should be made available to staff when it is available; per plan as shown on page 7.8 of the agenda packet; finding that agreements have heretofore been made among various entities approving this project; finding in the CBD district, that such development and re-development is to be encouraged; therefore the Board finds 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 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:

BLK 72 & VAC ALLEY LESS BEG NWC LT 9 TH E300 S5.75 W300 N5.75 POB,  
TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

**Case No. 21016**

**Action Requested:**

Special Exception to modify the height of a fence located in the required front yard in an RM-2 district from 4 ft. (Section 210.B.3), located: Northwest of East 8<sup>th</sup> Street and South Florence Avenue.

**Presentation:**

**Jim Beach**, 200 East Brady, Tulsa, Oklahoma, stated this property is in the middle of the Tulsa University campus (Exhibit D-1). There is an existing chain link fence with slats all the way around the property that has been there many years. As part

**Action Requested:**

Variance to allow a digital wall sign within 20 feet of the driving surface of a street;  
Variance to allow an Electronic Message Center wall sign within 50 feet of a signalized intersection (Section 1221.C.2). **LOCATION:** NW/c of South Boston Avenue and East 1<sup>st</sup> Street South **(CD 4)**

**Presentation:**

**Peyton Haralson**, Tulsa Parking Authority, 175 East 2<sup>nd</sup> Street, Tulsa, OK; stated this request is for a parking garage located on 1<sup>st</sup> Street.

Mr. Henke asked Mr. Haralson what the sign was going to display. Mr. Haralson stated the digital sign will display the garage status and will not be flashing any advertisements or anything of that nature.

Mr. Van De Wiele asked Mr. Haralson what his hardship would be for the sign. Mr. Haralson stated that as he understands the ordinance it is that the garage is within so many feet of a signalized intersection and/or the driving surface and there is limited frontage to the street.

Mr. Swiney stated that this location is extraordinary insofar as there is a high volume of traffic going by at a fairly high speed for a street. The structure itself is built right up to the property line so as a service to the traveling public who might be looking for a parking space or looking for an economical place to park a sign would be very useful to the public. It is a function of the amount of traffic going down the street and the difficulty of being able to see a parking opportunity before a person is already past that point.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Henke, Flanagan, Van De Wiele, White "aye"; no "nays"; Snyder "abstaining"; none absent) to **APPROVE** the request for a Variance to allow a digital wall sign within 20 feet of the driving surface of a street; Variance to allow an Electronic Message Center wall sign within 50 feet of a signalized intersection (Section 1221.C.2), subject to conceptual plan 5.13 and 5.14. The Board has found that the signs in question are essential to notifying the motoring public as to the status and location of potential parking places in the subject structure. The messages contained on the signs will be strictly relevant to the actual parking condition and availability at the subject structure. This approval is to comply with Section 1221.C.2 except there will be no time limitation for the hours of operation. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar

BOA-21983

FILE COPY

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:

**BLK 72 & VAC ALLEY LESS BEG NWC LT 9 TH E300 S5.75 W300 N5.75 POB; PRT NW & PRT LTS 1 THRU 4 & PRT LT 9 BEG 5.75S NWC LT 9 TH E300 N185.75 W300 S185.75 POB BLK 72, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21984—Peyton Haralson**

**Action Requested:**

Variance to allow a digital projecting message board within 20 feet of the driving surface of a street (Section 1221.C.2). **LOCATION:** 100 East 2<sup>nd</sup> Street South (CD 4)

**Presentation:**

**Peyton Haralson**, Tulsa Parking Authority, 175 East 2<sup>nd</sup> Street, Tulsa, OK; stated this request is similar to the previous request.

Mr. Van De Wiele asked if this request is for one or two signs because on page 6.8 there are two signs depicted. Mr. Haralson stated that the request is for one sign at this point in time.

Mr. Henke asked Mr. Haralson to confirm the request is for just as it was advertised. Mr. Haralson answered affirmatively.

**Interested Parties:**

There were no interested parties present.

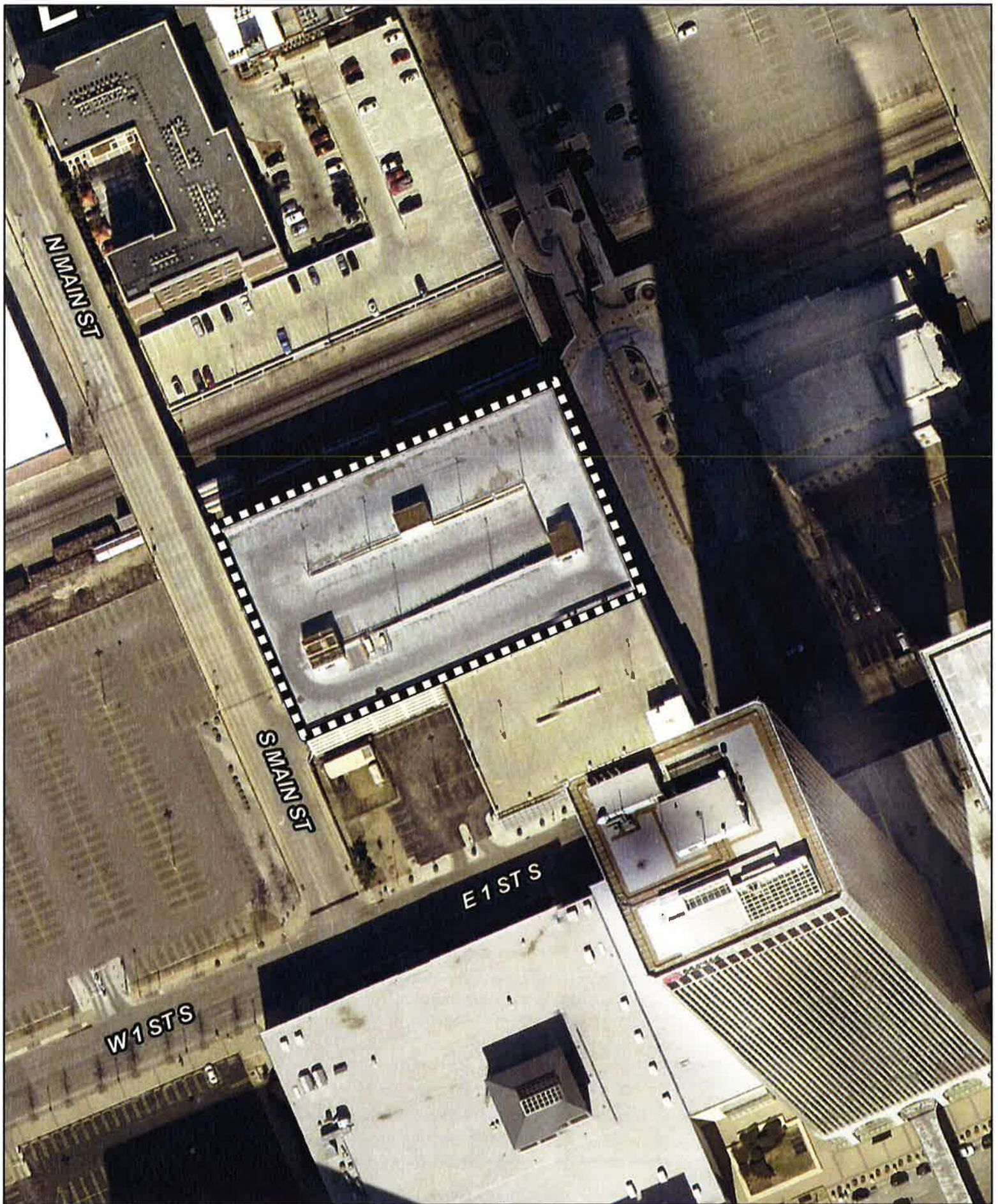
**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Henke, Flanagan, Van De Wiele, White "aye"; no "nays"; Snyder "abstaining"; none absent) to **APPROVE** the request for a Variance to allow a digital projecting message board within 20 feet of the driving surface of a street (Section 1221.C.2), subject to conceptual plan 6.8 for the most westerly location only and for one location only. The Board has found that the sign will be advertising the availability and location of parking for events in the subject parking structure. This approval is to comply with Section 1221.C.2 except there will be no time limitation for the hours of operation. Finding by reason of extraordinary or exceptional





0 Feet 50 100



Subject  
Tract

**BOA-22257**

19-12 01

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



Aerial Photo Date: February 2016

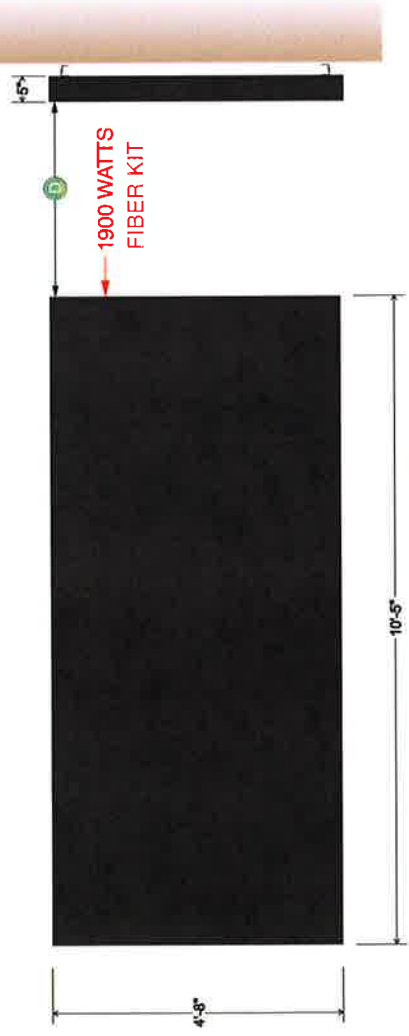
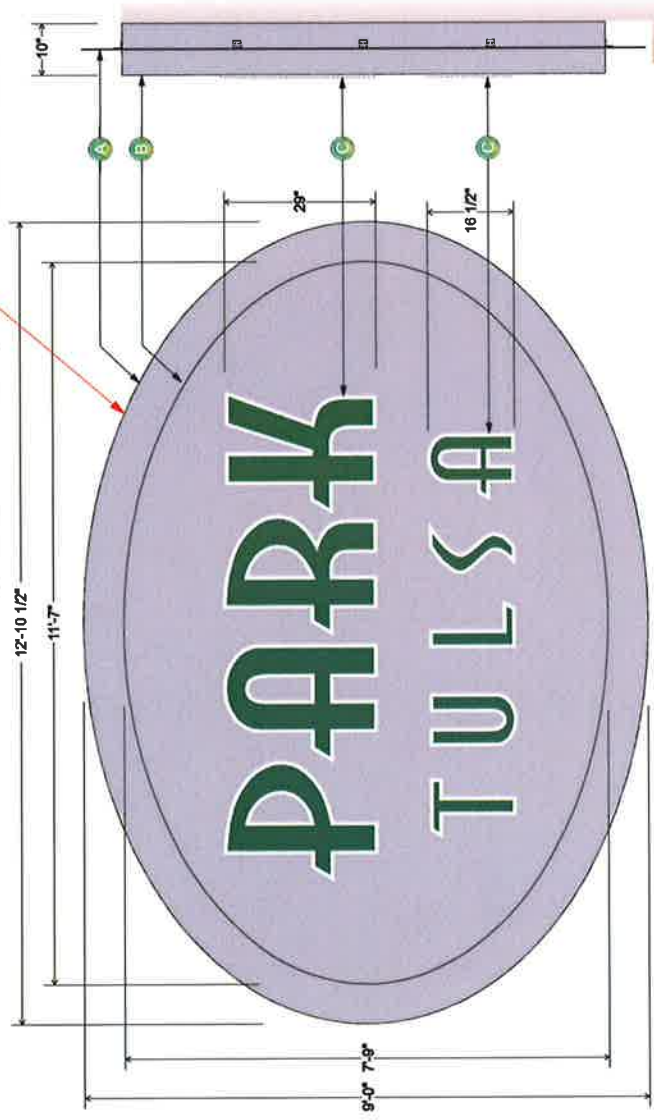




**PERMIT APP FOR MESSAGE UNIT**  
**NORTH GARAGE SIGNAGE**  
**NORTH ELEVATION**  
**NW CORNER**

**2.1**

COLOR LEGEND	
	MAP CLOUD SILVER MP 15101
	3M 3630-26 GREEN



**BOA APPROVAL CASE#21983**  
**11-10-15 ATTACHED.**

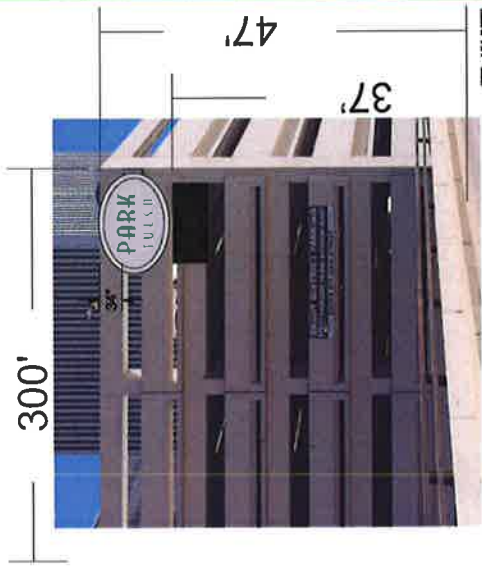
12.10

**S/F ILLUMINATED WALL SIGN W/  
LED MESSAGE UNIT.**  
**SCALE: 1/2"=1'**

- 1/8" Thick Aluminum Accent Piece, Silver Painted Finish, Clip Mount to Sign Cabinet.
- Fabricated Metal Sign Cabinet, Silver Painted Finish, Router Cut Text From Face to Accommodate Push-Thru Letter, Illuminated Using White LEDs.
- 3/4" Thick Acrylic Push-Thru Letter, (1/2" Projection) Green Vinyl Overlay, Light Diffuser Vinyl Applied Sub-Surface.
- 19.8mm 64X168 Pixel Matrix Daktronics GS6 Full Color LED Message Unit.



**EXISTING**  
**SCALE: 1/16"=1'**



**PROPOSED**  
**SCALE: 1/16"=1'**



QUALITY VALUE ASSURANCE	
SCALE: 1/2"=1'	DATE: 2/10/17
FILE: Sign 2-1	SALES REP: BRIAN WARD
DRAWN BY: PW	PROJECT: PARK TULSA
LOCATION: TULSA OK	ADDRESS: 11 E 1ST (NORTH WALL)
CLIENT APPROVAL SIGNATURE & DATE:	
<div>UL</div> <div>LED</div> <div>NEC</div>	
Signs will be built to meet UL specifications as required. All signs and outline lighting must comply with Article 600 of the N.E.C. standards, including proper grounding and bonding.	
REVISIONS: 1. _____ 2. _____ 3. _____ 4. _____ 5. _____	
These drawings are the property of A-Max Sign Company and shall remain the confidential property of the company. No reproduction or use of the drawings without the express written permission of A-Max Sign Company. 2014	



Google Earth

feet  
meters

300

100

11 E 1st  
BOA 22257



12.11



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

LOD Number:  
998622-1

April 10, 2017

Sign contractor:  
Amax Sign Company Inc  
9520 E 51<sup>st</sup> Street  
Tulsa OK 74145

**APPLICATION NO:** **419052** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
**Location:** 11 E 001 ST S  
**Description:** 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)

12.12

## 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. 419052

11 E 001 ST S

April 10, 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.

### 60.080-C Sign Budget

#### 1.) 60.080-E Dynamic Displays on On-premise Wall, Projecting and Freestanding Signs

A maximum of one of the on premise wall signs, projecting signs or freestanding signs allowed on a lot in a mixed-use, commercial or industrial zoning district may include a dynamic display. The dynamic display may not exceed the maximum sign area allowed for the respective sign type or 48 square feet, whichever is less. The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall, projecting or freestanding sign, but rather is counted as part of the maximum area of the wall, projecting or freestanding sign. Only one, contiguous dynamic display is allowed on a wall, projecting or freestanding sign face.

**Review Comments:** The maximum display surface area for a dynamic display in the CBD zoning district is 48 square feet. The proposed dynamic display sign is 48.93 square feet and not permitted. You may pursue a variance from the BOA to permit a dynamic display wall sign to exceed the maximum permitted display surface area from 48.0 square feet to 48.93 square feet. In addition only one wall sign per lot may contain a dynamic display. Based on issued digital permit 376745 you may pursue a variance to permit two digital wall signs to be located on the lot.

2.) 60.100-E Dynamic displays may not be located within or within 20 feet of the driving surface of a street, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the street curb or edge of the traveled road-way marked or understood as such.

**Review Comments:** Provide the distance from the driving surface of the road (Main Street) to the leading edge of the dynamic display sign. Revise and submit.

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.

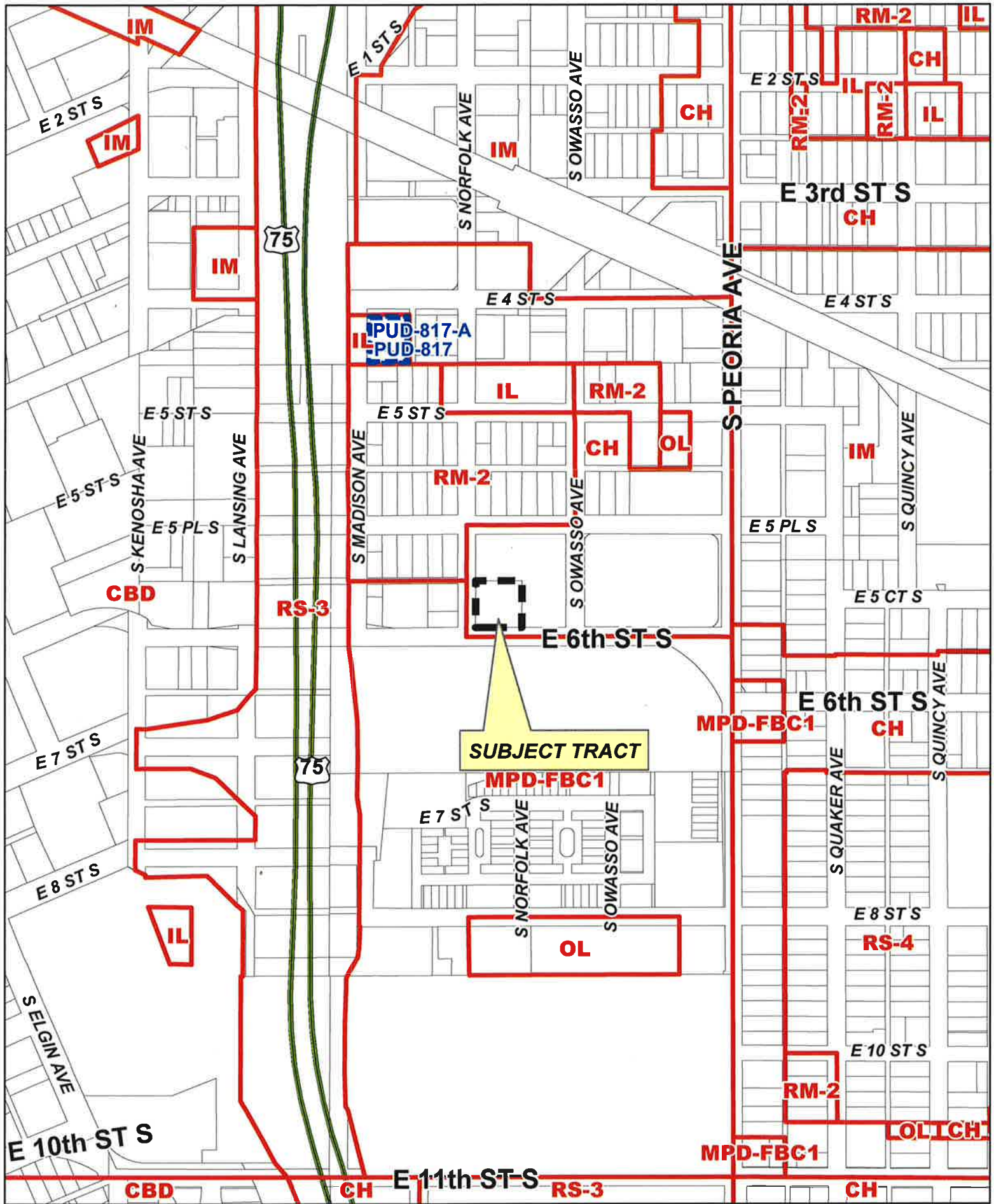
## END – ZONING CLEARANCE AND SIGN CODE REVIEW

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.

**THIS PAGE  
INTENTIONALLY  
LEFT BLANK**





**BOA-22258**

19-12 01

13.1



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9201  
CZM: 36  
CD: 4  
A-P#: 405395

Case Number: **BOA-22258**

**HEARING DATE:** 06/13/2017 1:00 PM

**APPLICANT:** Lou Reynolds

**ACTION REQUESTED:** **Variance** to permit a part of an elevated deck structure to be located in the planned right-of-way of E. 6th St. (Section 90.090-A)

**LOCATION:** 1109 E 6 ST S

**ZONED:** CH

**PRESENT USE:** Tulsa Post of Veterans of Foreign Wars

**TRACT SIZE:** 22,498.83 SQ FT

**LEGAL DESCRIPTION:** LTS 7 THRU 9 & S10 VAC ALLEY ADJ ON N BLK 10, CENTRAL PARK PLACE, 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 "Downtown Neighborhood" and an "Area of Stability".

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

The 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 CH zoned parking on the north and east; IL zoning abuts the site on the west. MPD-FBC1 a mixed use development abuts the site on the south.

## **STAFF COMMENTS:**

The Code states unless otherwise expressly stated that no part of any structure may be located within the right-of-way or planned right-of-way of E. 6<sup>th</sup> St.

The proposed outdoor deck addition to the second story of the building extends 10 ft. into the E. 6<sup>th</sup> St. planned right-of-way (ROW). The applicant has requested a variance to allow the proposed elevated deck to be located in the planned right-of-way of E. 6th St.

The applicant provided the following statement: *"The building on the property is over 100 years old. The applicant plans to construct an attached deck to the building for an outdoor sitting area. The Major Street and Highway Plan identifies E 6<sup>th</sup> Street as a Commercial Collector with a 60 ft. R.O.W. and a 80 ft. planned R.O.W. The building as it currently exists encroaches into the planned R.O.W. approximately ten feet and thus the deck addition to the building will also encroach ten feet. The hardship for the variance request is a result of the historic nature of the site and the age of the existing building, which is unique to the property. The deck addition to the second story will not affect pedestrian traffic as it will not encroach into the actual R.O.W. Further, the variance will not cause any detriment to the public or impair the use of adjacent properties."*

## **Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a **Variance** to permit a part of an elevated deck structure to be located in the planned right-of-way of E. 6th Street South (Section 90.090-A).

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

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

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





0 200 400  
Feet



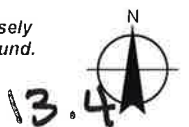
Subject  
Tract

**BOA-22258**

19-12 01

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

Aerial Photo Date: February 2016







**E 6th ST S**

**SNORFOLK AVE**

**SOWASSO AVE**

**E 6th ST S**

0 50 100  
Feet



Subject  
Tract

**BOA-22258**

19-12 01

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

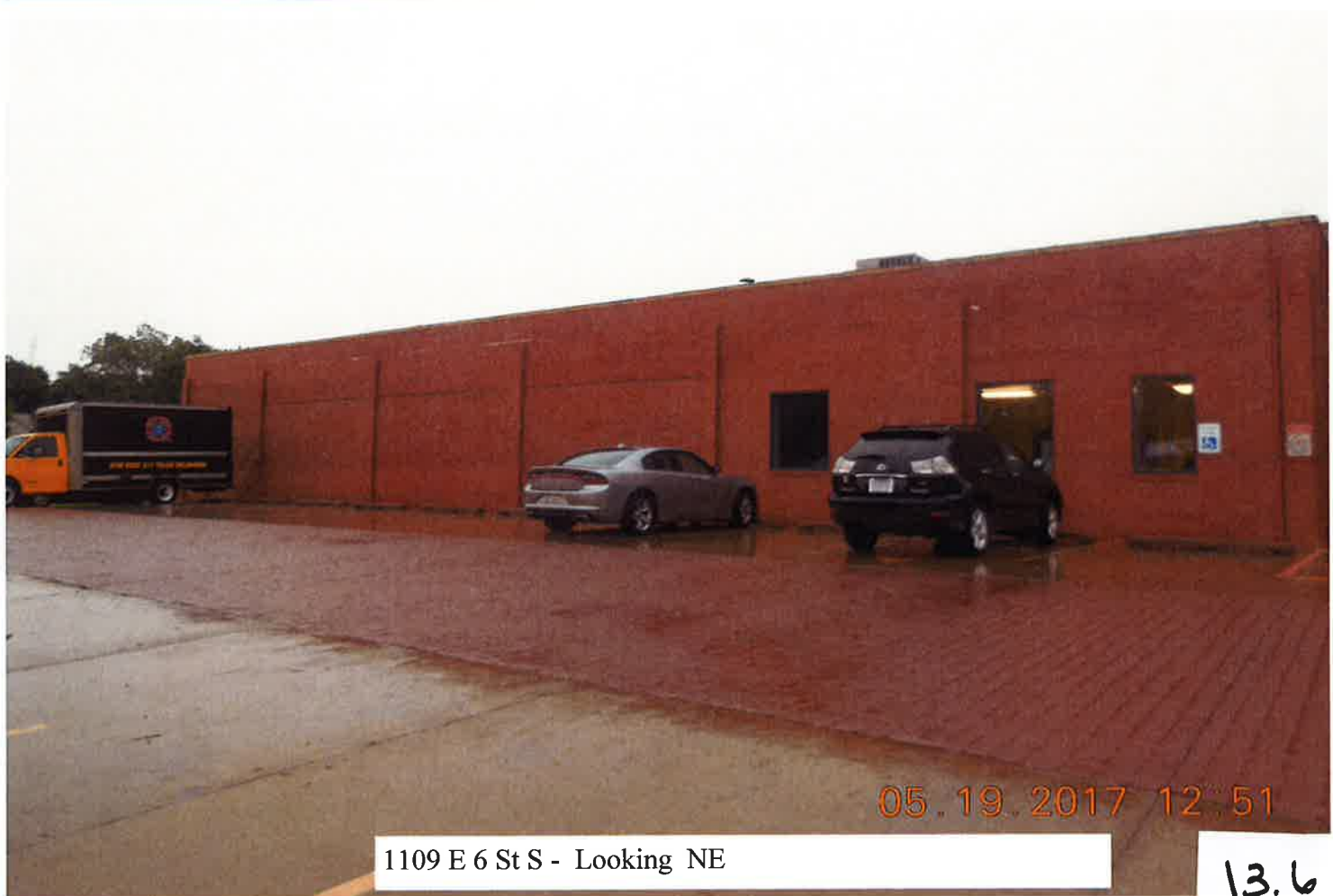
Aerial Photo Date: February 2016







1109 E 6 St S - Looking East



1109 E 6 St S - Looking NE

13.6





E 6th Street S - Street view, looking north





INVOICE NO. TULPWF 17-07888  
 WORKFACOR:

CLIENT: TULSA POST OF VETERANS OF FOREIGN WARS #577

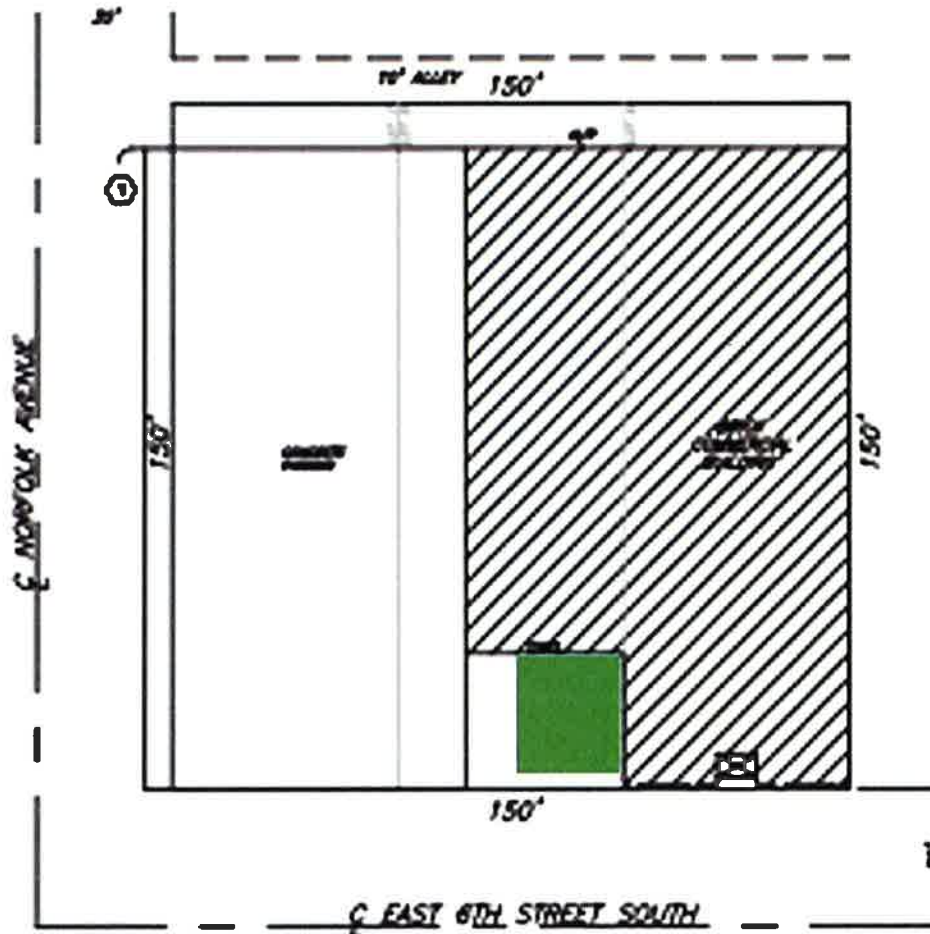
THE EAST 6TH PLAT TULSA, OKLAHOMA 74110 DATE 09-09-06

# SITE PLAN

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

LEGEND:

- ① - CONCRETE IS OVER LOT LINE AS SHOWN.



LEGAL DESCRIPTION AS PROVIDED:

PLAT NO. 26

LEFT SEVEN (7), EIGHT (8), NINE (9) AND SOUTH 33 FEET OF VACATED ALLEY, BLOCK TEN (10), CENTRAL PARK PLACE, IN ADDITION TO TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND KNOWN AS 1108 EAST 6TH STREET SOUTH.

13.8

## **EXHIBIT "A"**

Applicant requests a variance from Section 90.090-A of the Tulsa Zoning Code (the "Code") to permit part of an elevated deck addition to be located in the planned right-of-way of East 6<sup>th</sup> Street.

The building on the property is over 100 years old and serves as the Tulsa Post of Veterans of Foreign Wars. The Applicant plans to construct an attached deck to the building for an outdoor sitting area. The Major Street and Highway Plan identifies E. 6<sup>th</sup> Street as a commercial collector street with a 60 foot actual ROW but a planned ROW of 80 feet. The building as it sits currently encroaches into the planned ROW approximately ten (10) feet and thus the deck addition to the building will also encroach approximately 10 feet.

The hardship for the variance request is a result of the historical nature of the site and the age of the existing building, which is unique to the property. The deck addition to the second story will not affect pedestrian or vehicular traffic as it will not encroach into the actual ROW. Further, the variance will not cause any detriment to the public or impair the use of the adjacent properties.



**From:** John Cowen [<mailto:johnc@cowenconstruction.com>]  
**Sent:** Tuesday, June 6, 2017 8:14 AM  
**To:** R. Louis Reynolds <[LReynolds@ellerdetrich.com](mailto:LReynolds@ellerdetrich.com)>  
**Subject:** RE: BOA-22258

Lou,

I got your message and thanks for call back and explanation. I'm good with the plan. If you think need anything in support I'm happy to help.

**John Cowen**  
President  
Cowen Construction  
2200 S. Utica Place, Suite 100  
Tulsa, OK 74114  
Phone: (918) 582-2220  
Fax: (918) 584-8922  
[johnc@cowenconstruction.com](mailto:johnc@cowenconstruction.com)  
[www.cowenconstruction.com](http://www.cowenconstruction.com)



**From:** John Cowen  
**Sent:** Monday, June 05, 2017 2:04 PM  
**To:** 'rlreynolds@ellerdetrich.com' <[rlreynolds@ellerdetrich.com](mailto:rlreynolds@ellerdetrich.com)>  
**Subject:** BOA-22258

Hi Lou,

I own the hard N.W. corner at 6<sup>th</sup> and Norfolk. Can you give me a little more detail about the proposed project across the street "part of an elevated deck structure in right of way" ?

I'm almost positive I will be a supporter as I have been holding that property for years waiting on development to come.

Thanks.

**John Cowen**  
President  
Cowen Construction  
2200 S. Utica Place, Suite 100  
Tulsa, OK 74114  
Phone: (918) 582-2220  
Fax: (918) 584-8922

[johnc@cowenconstruction.com](mailto:johnc@cowenconstruction.com)  
[www.cowenconstruction.com](http://www.cowenconstruction.com)



ESTABLISHED 1896

**cowen**  
CONSTRUCTION

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: 978517-3

December 20, 2016

MAX TANKERLEY  
VFW POST 577  
1312 E 26TH ST.  
TULSA, OK 74114

Phone: (918)747-3607

APPLICATION NO: **405395** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: **1109 E 006 ST S**  
Description: **ADDITION**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

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

175 EAST 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" **[ THIS ]** ~~**[ X ]**~~ **IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

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. 405395

1109 E 006 ST S

December 20, 2016

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

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

1.) **Sec.70.080-B:** INCOG has advised our office that pursuant to Sec.70.080-B of the City of Tulsa Zoning Code, this property is subject to a platting requirement. INCOG does not have a record showing the final approved plat having been approved and filed, nor a plat waiver granted.

**Review Comment:** No building permit or zoning clearance permit shall be issued until that portion of the tract on 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 office of the County Clerk where the property is situated. Submit a copy of the approved plat waiver or the subdivision plat or replat, submitted to and approved by the Planning Commission, and filed of record in the office of the County Clerk where the property is located.

**Note:** The property was rezoned from FBC to CH on 7/23/2014.

2.) **Sec.90.090-A Measurement:** Required setbacks are measured from the applicable lot line, right-of-way, planned right-of-way or location referred to below. 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.

**Review Comment:** The proposed outdoor deck addition appears to be in the planned ROW along E. 6<sup>th</sup> street identified as a Commercial collector on the Major Street and Highway plan. The planned ROW along E. 6<sup>th</sup> street is 80 feet in width on the MSHP. You may relocate the deck to addition to be out of the planned Right of way (40 feet from the C/L of E. 6<sup>th</sup> Street) or you may pursue a variance from the BOA to permit a deck structure to be located in the Right of Way and a removal agreement with the City of Tulsa engineering services. Please contact Chris Kovak at 918-596-9649 for information regarding a license agreement for a structure in the ROW and INCOG for information on applying for a variance from INCOG at 918-584-7526.

**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.**

**THIS PAGE  
INTENTIONALLY  
LEFT BLANK**

**ITEM #14:**

**BOA-22246 – BARRY GOLDSTEIN**

**REQUEST FOR REFUND**



## REQUEST FOR REFUND

### Case No. BOA-22246

The applicant, Barry Goldstein, 320 South Boston Avenue, Suite 1800, Tulsa, Oklahoma, 74103, 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	100.00	100.00
Newspaper Publication	70.00	70.00
Sign (Special Exception Uses in COT only)	125.00	00.00
300' Property Owners Mailing and Postage	46.00	46.00
<b>Application Subtotal:</b>	841.00	716.00
Notice Subtotal:	841.00	716.00
<b>Total Fees Paid:</b>	841.00	716.00

**Recommended Refund:**

**\$125.00**

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

**Applicant charged for a sign that was not needed.**

The staff recommends the refund listed above.

Per staff:

  
Nikita Moye, Senior Planner

**ITEM #15:**

**BOA-22253 – A-MAX SIGN COMPANY**

**REQUEST FOR REFUND**

## REQUEST FOR REFUND

### Case No. BOA-22253

The applicant, Lori Worthington, A-Max Sign Company, 9520 East 55<sup>th</sup> Place, Tulsa, Oklahoma, 74145, made application to the City of Tulsa Board of Adjustment, asked for a refund of fees paid for an application for:

Variance ( ) Special Exception ( X )		
Verification ( ) Appeal ( ) Modification ( )		
From the COT BOA ( X ) County BOA ( )		
	Fees Paid	Fees Used
Base Request	\$500.00	500.00
Additional Requests	50.00	50.00
Newspaper Publication	60.00	60.00
Sign (Special Exception Uses in COT only)	125.00	00.00
300' Property Owners Mailing and Postage	74.00	74.00
<b>Application Subtotal:</b>	829.00	684.00
Notice Subtotal:	829.00	684.00
<b>Total Fees Paid:</b>	829.00	684.00

**Recommended Refund:**

**\$125.00**

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

**Applicant charged for a sign that was not needed.**

The staff recommends the refund listed above.

Per staff:

  
Nikita Moye, Senior Planner