AGENDA CITY OF TULSA BOARD OF ADJUSTMENT

Regularly Scheduled Meeting Tulsa City Council Chambers 175 East 2nd Street, 2nd Level, One Technology Center Tuesday, June 27, 2017, 1:00 P.M.

Meeting No. 1186

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of June 13, 2017 (Meeting No. 1185).

UNFINISHED BUSINESS

2. <u>22222—A-Max Sign Company – Lori Worthington</u>

<u>Special Exception</u> to permit a dynamic display in the RS-2 District; <u>Variance</u> of the allowable display surface area for freestanding signs in the RS-2 District (Section 60.050). <u>LOCATION</u>: 5590 South Lewis Avenue East (**CD 9**)

3. 22248—Crown Neon Signs – Gary Haynes

<u>Special Exception</u> to permit a dynamic display for a church in the RS-2 District (Section 60.050). <u>LOCATION:</u> 5603 South New Haven Avenue East **(CD 9)**

NEW APPLICATIONS

4. 22254—A-Max Sign Company – Lori Worthington

<u>Variance</u> to permit two freestanding dynamic display signs on the lot (Section 60.080-E); <u>Variance</u> to allow a dynamic display ground sign within 20 feet of the driving surface of a street (Section 60.100-E). <u>LOCATION:</u> 522 West 3rd Street South (**CD 4**)

5. 22259—Jim Thomas

<u>Special Exception</u> to allow a non-conforming detached accessory building to be reconstructed with a 1 foot side yard setback (Section 80.030-E). <u>LOCATION:</u> 2631 East 14th Street South **(CD 4)**

6. 22260—Donna Emmons

<u>Verification</u> of the spacing requirement for an outdoor advertising sign of 1,200 feet from another outdoor advertising sign on the same side of the highway (Section 60.080-F.5); <u>Verification</u> of the spacing requirement for a digital outdoor advertising sign of 1,200 feet from any other digital outdoor advertising sign facing the same traveled way (Section 60.100). <u>LOCATION:</u> 10718 East Marshall Street South **(CD 3)**

7. 22261—Mark D. Lyons

Appeal of an Administrative Official's decision to classify the use of the property as a Bed & Breakfast under Section 35.050-G.1, 2. **LOCATION:** 2409 East 31st Street South (**CD 4**)

8. 22262—Mark Bahlinger

<u>Verification</u> of the 300 foot spacing requirement for a bar from public parks, schools, other bars and religious assemblies and 50 feet from an R-zoned lot (Section 40.050). **LOCATION:** 5800 South Lewis Avenue East **(CD 9)**

9. <u>22263—KKT Architects, Inc. – Nicole Watts</u>

<u>Special Exception</u> to allow a Commercial Assembly/Entertainment (large, >250 persons) use in the CBD District to permit an event center (Section 15.020). <u>LOCATION:</u> 621 East 4th Street South **(CD 4)**

10. <u>22264—Phillip Doyle</u>

<u>Special Exception</u> to allow expansion of existing non-conforming structure with a rear setback of 22 feet (Section 80.030-D); <u>Special Exception</u> to permit construction of a driveway greater than 30 feet to allow a width of 35 feet on the lot (Section 55.090-F). <u>LOCATION:</u> 2931 and 2939 South Quaker Avenue East **(CD 4)**

11. <u>22265—Lemuel Adams</u>

<u>Variance</u> to permit two ground signs on a R zoned lot (Section 60.050-B); <u>Variance</u> to allow two ground signs to be separated by less than 30 feet (Section 60.040-B); <u>Variance</u> to allow a dynamic display sign that is 36 square feet in size; <u>Special Exception</u> to permit a dynamic display on a R zoned lot (Section 60.050-B). <u>LOCATION:</u> S of the SW/c of East 7th Street South and South Garnett Road East **(CD 3)**

The applicant is out of town and requests a continuance to the July 11, 2017 Board of Adjustment meeting.

12. <u>22266—Mac Rosser</u>

<u>Special Exception</u> to allow a Public, Civic, & Institutional/School Use in the OL District (Section 15.020, Table 15-2). <u>LOCATION:</u> 4300 South Harvard East (CD 9)

13. <u>22267—Mike Jones</u>

<u>Special Exception</u> to allow for Wholesale Distribution & Storage/Warehouse use in the CS District (Section 15.020, Table 15-2). <u>LOCATION:</u> 10855 East Admiral Place North **(CD 3)**

14. <u>22268—A-Max Sign Company – Lori Worthington</u>

<u>Variance</u> to increase the permitted height of a projecting sign to from 25 feet to 62 feet in the CBD District (Section 60.080-D). <u>LOCATION:</u> 616 South Boston Avenue East (**CD 4**)

15. 22269—Natalie Hynes

<u>Special Exception</u> to permit a Bed & Breakfast (Airbnb) in the R District (Section 5.020). <u>LOCATION:</u> 3540 East 21st Place South **(CD 4)**

16. 22270—Austin Hingey

<u>Special Exception</u> to increase the permitted height of a fence within the required street (front) setback (Section 45.080). <u>LOCATION:</u> 1541 East 4th Street South **(CD 4)**

17. 22271—GH2 Architects – Michael Hall

Special Exception to permit two dynamic display signs in the AG District (Section 60.050); Special Exception to permit a dynamic display within 200 feet of an R District (Section 60.100-F); Variance to permit a dynamic display within 50 feet of a signalized intersection (Section 60.100-D); Variance of the allowable display surface area for two dynamic displays (Section 60.050); Variance of the allowable display surface area for freestanding signs in the AG District (Section 60.050-B,2); Variance of the allowable number of freestanding signs in the AG District (Section 60.050-B,2); Variance of the allowable height of freestanding signs in the AG District (Section 60.050-B,2). LOCATION: 4145 East 21st Street South (Tulsa County Fairgrounds) (CD 4)

18. 22272—Brian Riddle

<u>Special Exception</u> to permit a dynamic display located within 200 feet of the R District (Section 60.100-F); <u>Variance</u> to permit two wall signs; <u>Variance</u> to increase the permitted display surface area of wall signs in the AG District (Section 60.050-B-2); <u>Special Exception</u> to permit a dynamic display in the AG District (Section 60.050). **LOCATION:** 12000 East 31st Street South **(CD 6)**

OTHER BUSINESS

19. REFUND REQUEST:

22259— Jim Thomas

<u>Special Exception</u> to allow a non-conforming detached accessory building to be reconstructed with a 1 foot side yard setback (Section 80.030-E). <u>LOCATION:</u> 2631 East 14th Street South **(CD 4)**

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

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

Website: www.cityoftulsa-boa.org <u>E-mail:</u> esubmit@incog.org

CD = Council District

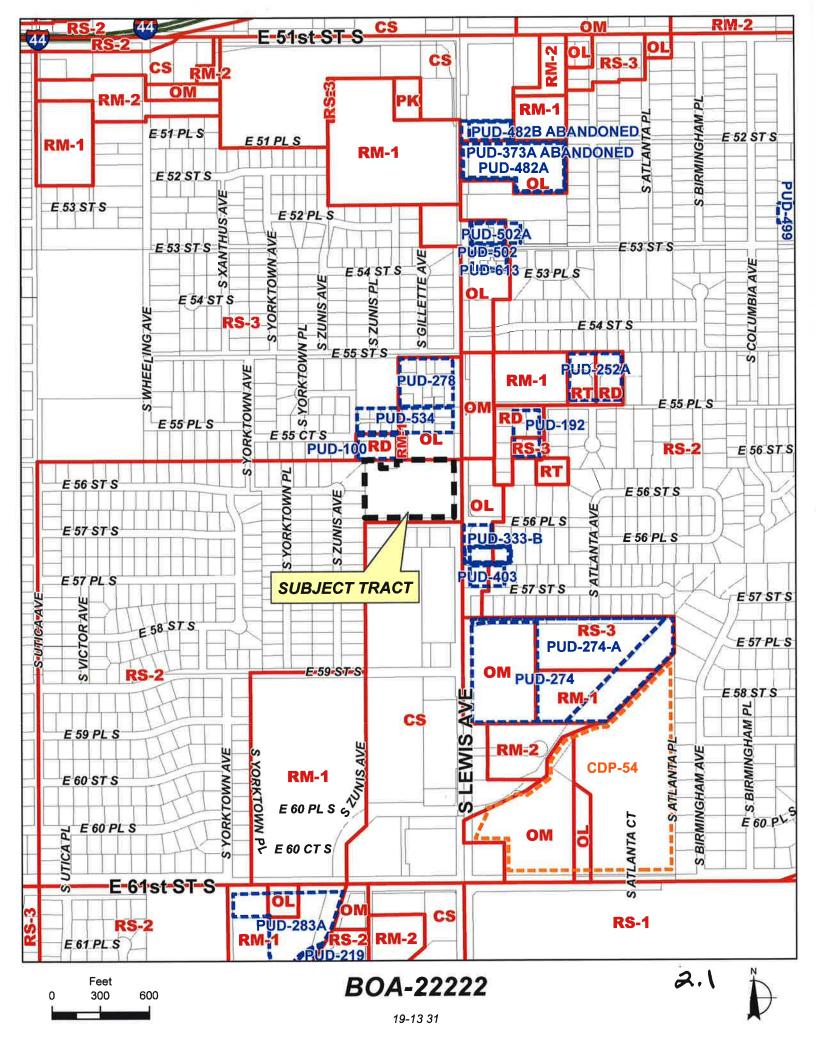
<u>NOTE:</u> If you require special accommodation pursuant to the Americans with Disabilities Act, please notify INCOG (918)584-7526. Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained at Land Development Services, INCOG. The ringing/sound on a <u>cell phones</u> and <u>pagers</u> must be <u>turned off</u> during the Board of Adjustment meeting.

<u>NOTE:</u> This agenda is for informational purposes only and is not an official posting. Please contact the INCOG Office at (918) 584-7526, if you require an official posted agenda.

THIS PAGE

INTENTIONALLY

LEFT BLANK



BOARD OF ADJUSTMENT CASE REPORT

STR: 9331 Case Number: BOA-22222

CZM: 47 **CD:** 9

A-P#: 415001

HEARING DATE: 06/27/2017 1:00 PM

APPLICANT: Lori Worthington/A-Max Sign Company

<u>ACTION REQUESTED</u>: <u>Special Exception</u> to permit a dynamic display in the RS-2 District; <u>Variance</u> of the allowable display surface area for freestanding signs in the RS-2 District (Section 60.050).

LOCATION: 5590 S LEWIS AV E **ZONED**: RS-2

PRESENT USE: Southern Hills Baptist Church TRACT SIZE: 4.4 Acres

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

RELEVANT PREVIOUS ACTIONS:

Subject Lot:

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

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

Surrounding Properties:

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

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

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

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop

REVISED6/19/2017

these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by RS-2 zoned residences on the west; OL, RD and RM-1 zoning abuts the site on the north. CS zoned commercial/retail on the south.

STAFF COMMENTS:

The applicant proposes to replace the existing ground sign on the site with the new sign shown as shown the attached exhibit; the proposed ground sign will setback 170 ft. from E 56th Place S and 28 ft. from S Lewis Ave. According to the submitted drawing the top cabinet of the sign will be 24.75 SF; the top cabinet will be lit by an internal light source. The bottom cabinet of the sign will contain a 31.5 SF dynamic display.

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

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

Nonresidential uses in R districts are allowed a maximum of one freestanding sign per street frontage. Allowed freestanding signs are subject to a maximum height limit of 20 feet and may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The existing site is allowed 71.6 SF of sign display surface area along the S Lewis Ave frontage. It appears that the requested variance of the permitted display surface area can be withdrawn by the applicant, as the 56.25 SF ground sign does not exceed the permitted display area along the S Lewis Ave frontage.

Move to _____ (approve/deny) Special Exception to permit a dynamic display in the RS-2 District; Variance of the allowable display surface area for freestanding signs in the RS-2 District (Section 60.050). • Finding the hardship(s) to be______. • Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet. • Subject to the following conditions _____.

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

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

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

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

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the request for a Special Exception to permit used and new automobile sales in the CS District (Section 701, Table 1). Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

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

21860—Oil Capital Neon - Brandon Moydell

FILE COPY

Action Requested:

Variance to allow a digital sign within 200 feet of an R District (Section 1221.C.2.c). LOCATION: 2242 East 56th Place (CD 9)

Presentation:

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

Interested Parties:

There were no interested parties present.

FILE GOPY

Comments and Questions:

None.

BOA - 21860

Board Action:

On MOTION of VAN DE WIELE, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to APPROVE the request for a Variance to allow a digital sign within 200 feet of an R District (Section 1221.C.2.c), subject to conceptual plan 8.8 showing the size and location of the sign. The Board has found that the proposed digital sign is on the east face only. The only residential area possibly impacted by this sign is a church property to the north and church parking lot of the church facility and, as such, the protection afforded by the code would propose a hardship for the placement of this sign. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

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

21861—Roger Eldredge

Action Requested:

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

Presentation:

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

Case No. 15569

12.00

Action Requested:

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

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

Comments and Questions:

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

Presentation:

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

Board Action:

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

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

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

All members voting yea.

Carried.

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

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

MOVED by Lashley (Grubb) that this matter be granted. Carried. All members voting yea.

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

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

MOVED by Davisson (Lashley) that this matter be granted. Carried. All members voting yea.

Case No. 12727-A of God Church. Section 13-20-12

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

> MOVED by Lashley (Grubb) that this matter be granted. Carried. All members voting yea.

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

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

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

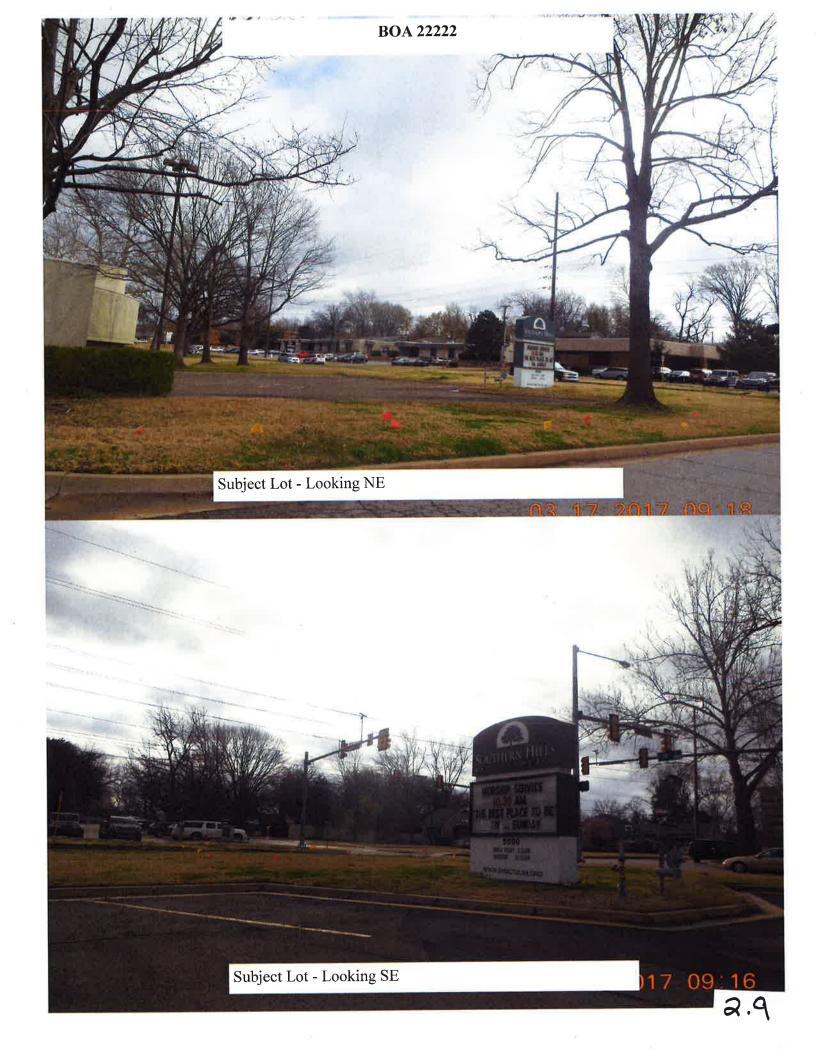
Case No. 2729 Lot 1, Block 6, Wakefield Addition

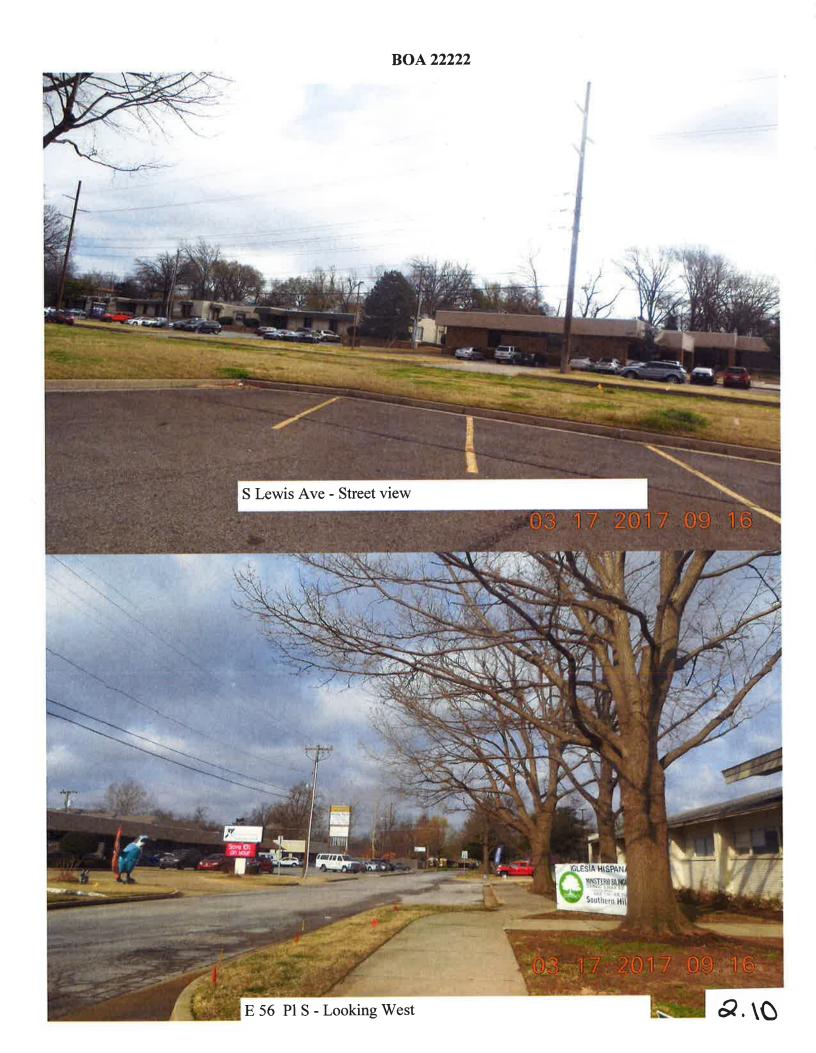
Big Red Warehouse, Inc. request for permission to use lot 1, Big Red Warehouse, Inc. Block 6, Wakefield Addition temporarily for parking of vehicles and storage at night pending outcome of application for rezoning.

> MOVED by Davisson (Grubb) that this matter be granted for a period of sixty days only pending outcome of application before the Tulsa Metropolitan Area P1 anning Commission for rezoning.

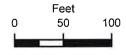
All members voting yea.

Carried.









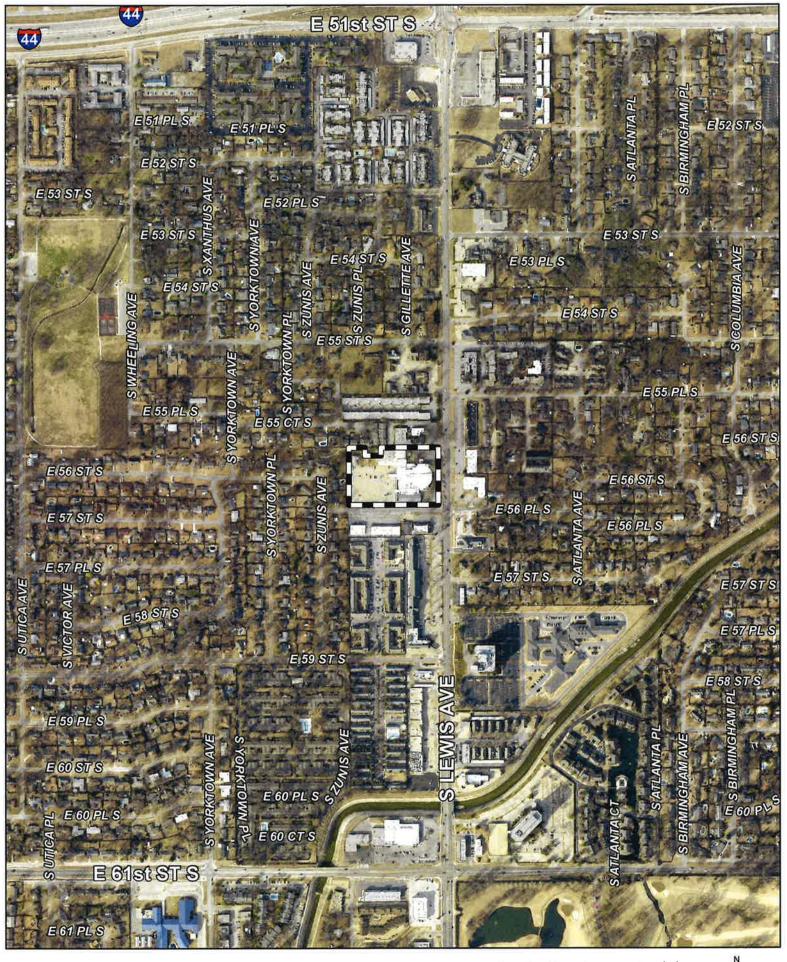


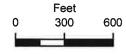
BOA-22222

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

Aerial Photo Date: February 2016









BOA-22222

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

Aerial Photo Date: February 2016







2 - Max SIGN COMPANY, INC.

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

FILE: Main 10 Sign Rev3

DATE: 05-10-17 SCALE 3/8" = 1'

SALES REP. Bruce Anderson

DRAWN BY: 88

PROJECT: Southern Hills Baptist

LOCATION: Tulsa, OK

ADDRESS: 5590 S. Lewis

CLIENT APPROVAL SIGNATURE & DATE:

Signs will be built to meet U. specifications using

All sopes and outline logicing must com night Aricle 680 of the 14.E.C. samidards including proper grounding and hondon

REVISIONS

358' X .2=71.5SQFT STREETFRONT IS

ALLOWED

1 of 1 SHEET NUMBER

Description suggests a nature Observe each to created compart Extramediations.

A this Set Compare and extracted to compare the Compare and extracted to compare the Compare of the Compar

051017-26 **9M0**

8.75 -ත 19.5 2.75

TOTAL=56.25SQFT 3.60' X 8.75'=31.50SQF1 2.75' X 9'=24.75SQFT

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

SCALE: 3/8"=11

T-

1"X2" Channel w/ Satin Green Painted Finish.

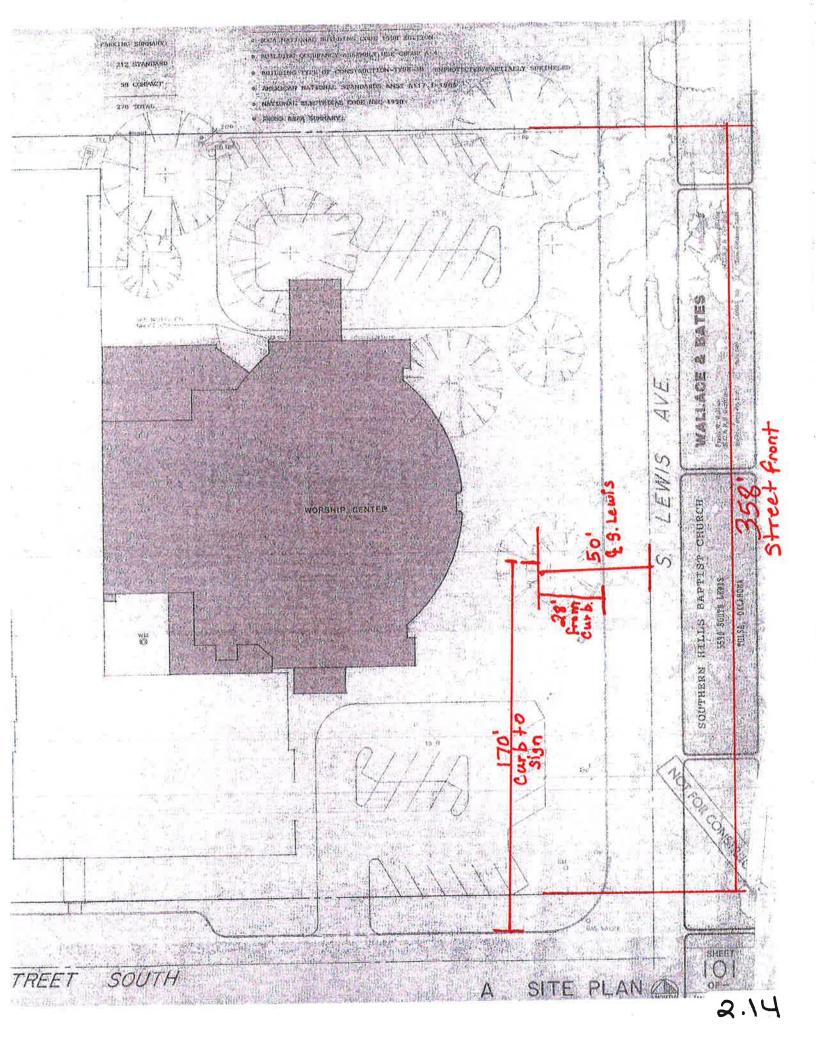
1/8" Aluminum Face w/ Text and Logo Routed Out and Backed w/ White Plex. 3M 3630-126 Dark Emerald Green Vinyl Overlays. Black Painted Finish. Illuminated Using White LEDs.

12" Half Round Ends, Black Painted Finish.

19mm Full Color LED. 64X112 Pixel Matrix. Sizes Vary Depending on Brand. Brand TBD.

1/8" Thick Router Cut Aluminum Letters w/ Satin Dark Gray Painted Finish. Stud Mounted Flush to Sign.

2.13



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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 990936-2

February 22, 2017

LORI WORTHINGTON A-MAX SIGN CO 9520 E 55 PL TULSA, OK 74145 Phone: (918)622-0651 Fax: (918)622-0659

APPLICATION NO:

415001 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location:

5590 S LEWIS AV E

Description: Southern Hills Baptist Church W/ Dynamic Display

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

REVIEW COMMENTS

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

Application No. 415001

5590 S LEWIS AV E

February 22, 2017

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

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

1.) 60.050 B Nonresidential Uses

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

b. Freestanding Signs

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

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

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

2. Nonresidential Uses

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

c. Dynamic Displays

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

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

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

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

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

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

END – ZONING CODE REVIEW

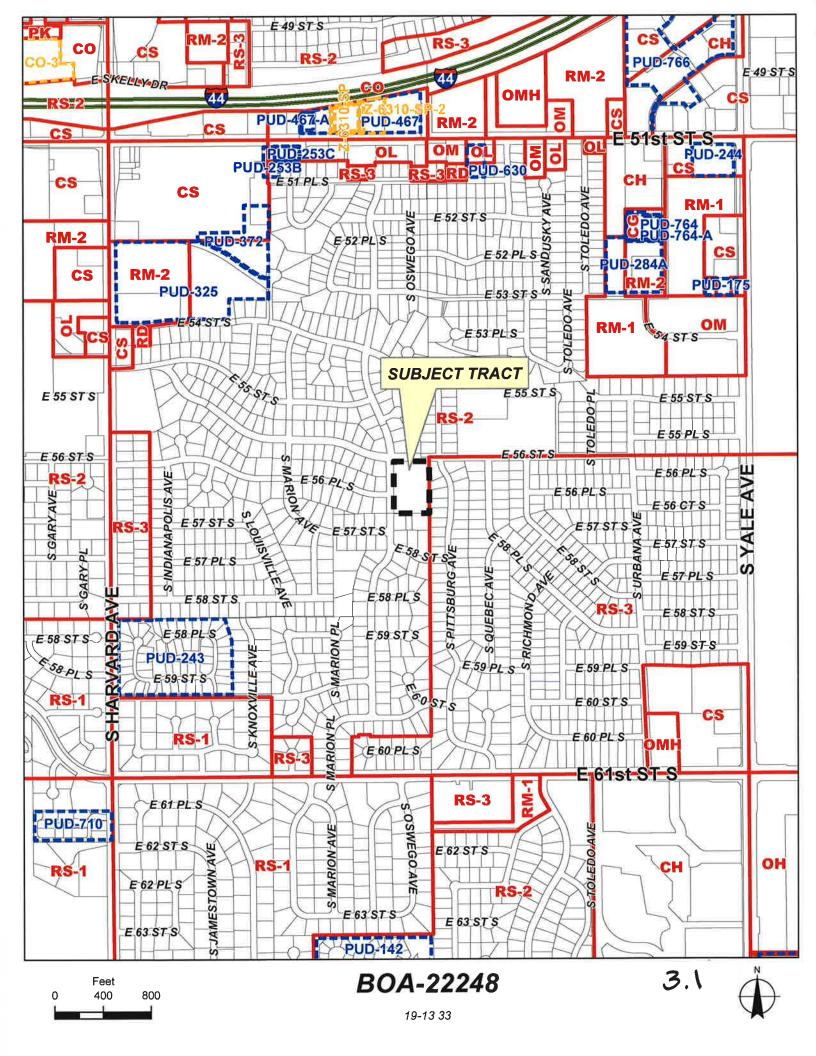
NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

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

THIS PAGE

INTENTIONALLY

LEFT BLANK



BOARD OF ADJUSTMENT CASE REPORT

STR: 9333 Case Number: BOA-22248

CZM: 47 **CD**: 9

A-P#: 420450

HEARING DATE: 06/27/2017 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.

CURRENT STAFF COMMENTS:

The case was heard by the Board at the 06.13.17 hearing. The Board continued the case to allow the applicant additional time to meet with the neighbors.

PREVIOUS 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:	
	to (approve/deny) a Special exception to permit a dynamic display sign for a church 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.

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

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

owner and occupant be given until July 1, 1960 to comply with all zoning degulations applicable to said property.

All members voting yea.

Carried.

This beidng 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 (Shaull) that this matter be granted subject to parking on rear only.

All members voting yea.

Carried.

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 (Shaull) 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.



Feet 0 400 800

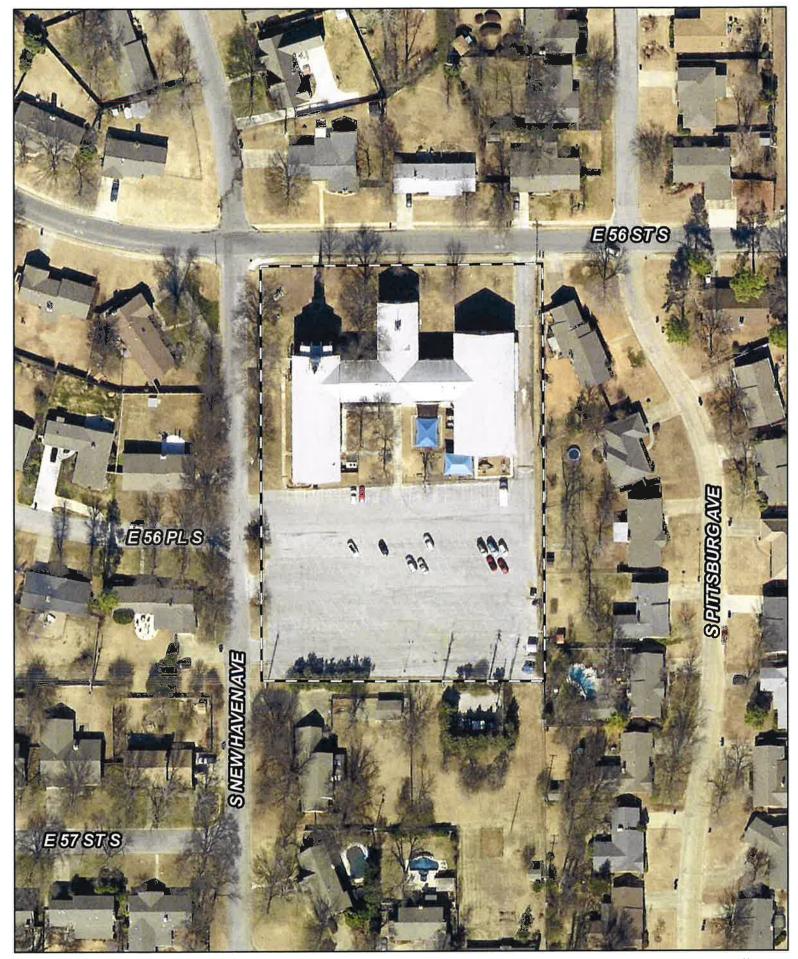


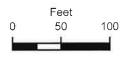
BOA-22248

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

Aerial Photo Date: February 2016









BOA-22248

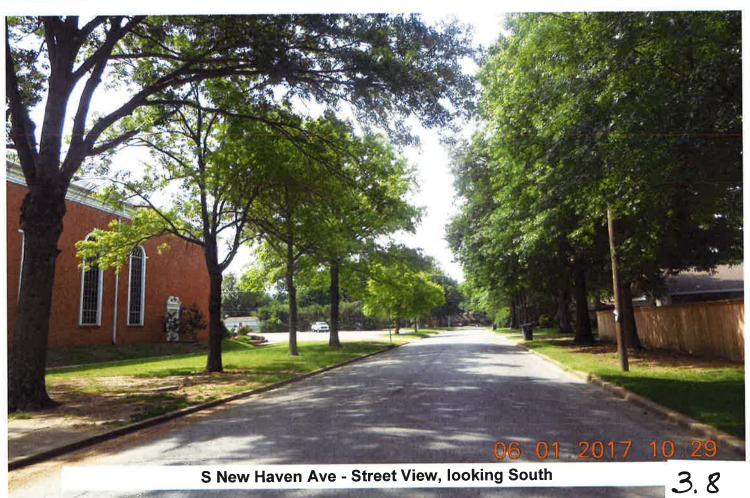
Note: Graphic overlays may not precisely align with physical features on the ground.







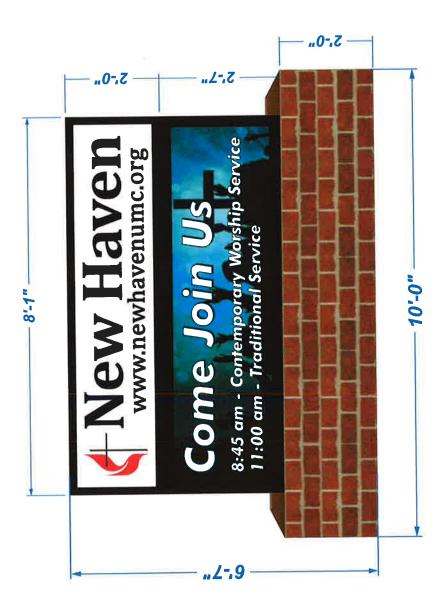




MONUMENT SIGN - with LED Display

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.



DATE New Haven United Methodist 5603 S New Haven Ave ADDRESS Monument Sign w/ LED Revisions CITY, STATE, ZIP CODE Tulsa, OK 74135 Vanessa Davis DESIGN NUMBER 022117-01 APPROVED **DRAWN BY** 2-21-17 PROJECT CLIENT SCALE DATE \triangleleft 44

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 y organization nor is it to be ur reproduced, opied or exhibited in any fathion without the express writh consent of Crown Neon.



, HIS SCHIS INTENDED TO BE ASSILLED IN ACCORDANCE WITH THE TENDERWENT OF ASTICLE LOCAL (DODG). THIS MICHIBLES PROPER PROPER OTHER APPLICALE LOCAL (DODG). THIS MICHIBLES PROPER PERSONNERS AND BOUNDED OT THE STAIR.



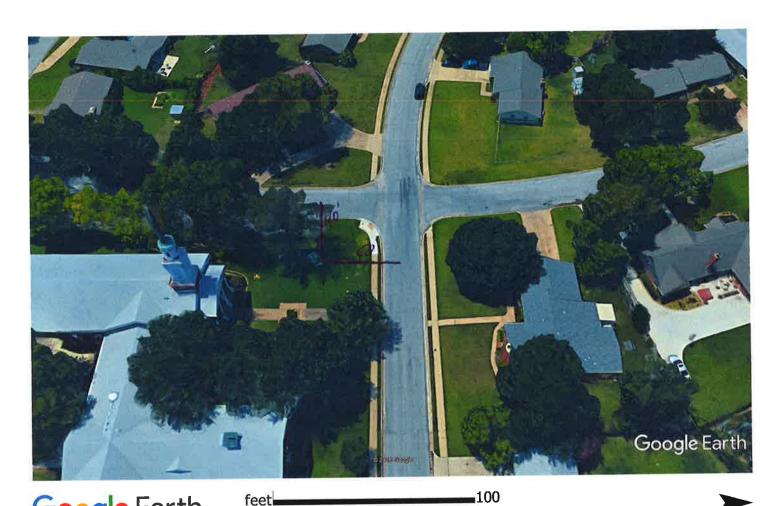
5676 S. 107th E. Ave Tulsa, OK 74146 918.872.8425 Sales 918.872.8246 Fax

Date:

(signature)

oved by:

(print)



Google Earth feet meters

50' From Conter of 5624

40' From Conter of New Haven

-50

Sparger, Janet

BOX 22248

From:

Serjik L Zargarian [Serjiklzargarian@att.net]

Sent:

Tuesday, June 20, 2017 9:28 PM

To: Subject: esubmit BOA-22248

This sign is not only against our zoning laws, but will indeed be an eyesore to the neighborhood.

There is nothing wrong with the existing sign and the digital sign will have no added value.

Maybe we should go to the media rather than deal with the zoning commission.

Sent from my iPhone

Moye, Nikita

From: Sent:

Lauren Wood [lewood13@gmail.com] Tuesday, June 20, 2017 10:14 PM

To:

Moye, Nikita

Subject:

Case BOA-22248

Nakita Moye,

I am a resident on 56th Street (3858) which is two doors down from New Haven United Methodist Church. We love the church being in such close proximity to our home, but we are extremely concerned with the proposed sign the church is planning to build. I believe this sign does not fit the style of the church or our neighborhood, will lower my property values, and will be a complete eyesore to my family as we play on our driveway almost every day. I'm also concerned, especially with the winter months when bedtimes are earlier, with brightness from the lights of the sign shining into the bedrooms of our home. This commercial sign is for a commercial area, not a residential area. Please do not approve the exemption for this sign. It requires an exemption because it's something that doesn't belong there in the first place. Thank you very much for your time and allowing members of a concerned, proud community to voice their opinions.

Sincerely, Lauren Wood Lewood13@gmail.com

Sent from my iPhone

Moye, Nikita

From: Sent: Mary Diacon [mdiacon@prodigy.net] Tuesday, June 20, 2017 8:36 PM

To:

Moye, Nikita

Subject:

BOA-22248 Hearing on June 27th

Dear Ms. Moye:

I attended the informational meeting at New Haven United Methodist Church tonight. I wish to reaffirm my opposition to the Special Exception for a dynamic display sign for the reasons stated previously. A commercial-type sign simply does not belong in a neighborhood. Thank you for expressing my opposition to the Board.

Sincerely,

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

---- Forwarded Message -----

From: Mary Diacon <mdiacon@prodigy.net>
To: "nmoye@incog.org" <nmoye@incog.org>
Sent: Saturday, June 3, 2017 8:47 AM

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

Sparger, Janet

From:

Serjik L Zargarian [Serjiklzargarian@att.net]

Sent:

Tuesday, June 20, 2017 9:28 PM

To: Subject: esubmit BOA-22248

This sign is not only against our zoning laws, but will indeed be an eyesore to the neighborhood.

There is nothing wrong with the existing sign and the digital sign will have no added value.

Maybe we should go to the media rather than deal with the zoning commission.

Sent from my iPhone

From: chad mikell [mikell.chad@gmail.com]
Sent: Sunday, June 11, 2017 10:06 AM

To: Moye, Nikita

Subject: Case # BOA-22248

I am writing in reference to the request New Haven United Methodist Church has made re: a zoning variance. I live at 3909 E. 56th St which is literally across the street from the church. My front door faces their front door. I would like to oppose this zoning variance as it is my opinion that a sign with digital features will diminish the over all aesthetic of the neighborhood, reduce property values immediately surrounding the church and create a commercial feel in a residential area. I would suggest the church develop a new design that more closely matches their current style of architecture and current zoning.

I take care of my property for the benefit of myself and my neighborhood. I would hope the church can update their sign using a more thoughtful design as they too are a significant contributor to our neighborhood 's overall feel and ensuing property values.

Thank you.

Chad Mikell

3.15

From:

Margolis Mike [mmargolis99@yahoo.com] Wednesday, June 07, 2017 11:38 AM

Sent: To:

Moye, Nikita

Subject:

BOA-22248 New Haven sign requested zoning variance

Follow Up Flag: Flag Status:

Follow up Flagged

Categories:

Red category

I am writing in opposition to the requested sign zoning variance (BOA-22248) for the New Haven church. I live in the neighborhood (5616 S. Indianapolis Ave.). I believe the sign requested would be out of place in the neighborhood and would decrease property values. The church is in the interior of the neighborhood and is surrounded by houses and a school. No other similar signs are located within the neighborhood.

Please deny the request for the zoning change and the sign.

Sincerely, Michael Margolis 918-269-7097

From: Sent: Jeff Cowan [jeff.cowan13@gmail.com] Wednesday, June 07, 2017 11:44 AM

To: Subject:

Moye, Nikita Fwd: BOA-22248

Follow Up Flag: Flag Status:

Follow up Flagged

Categories:

Red category

I realized I messed up the email address on my first attempt in sending, just in case it isn't too late, I'm resending this.

Thank you.

Sent from my iPhone

Begin forwarded message:

- > My name is Jeff Cowan, and I live at 5927 S Richmond Ave, Holliday Hills subdivision. This email is in regards to the proposed LED sign at the New Haven church here in our neighborhood.
- > In my opinion, I am not against the sign if:
- > 1) It is NOT animated,
- > 2) It is turned off at night, WITH the hours adjusted earlier for winter time.
- > If the above conditions are fully met, I am ok with it. If not FULLY met, then I am against the sign.
- > I don't find value in the animated signs, especially in the middle of an established neighborhood. I think it detracts from the appeal and value of the area. I also find them very distracting, and being a runner, especially within this neighborhood, that's just not safe. We already deal enough with distracted drivers, speeders, and failure to stop correctly. An added animated distraction is not welcome.
- > Thank you very much for your time
- > Jeff Cowan

>

> Sent from my iPhone

From:

Serjik L Zargarian [Serjiklzargarian@att.net]

Sent:

Tuesday, June 06, 2017 4:47 PM

To: Subject:

Moye, Nikita BOA/22248

Follow Up Flag: Flag Status:

Follow up 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

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 58th 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



1500 S. Utica, Tulsa, OK 74104

918.808.0127 918.523.3613

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

From:

Don Davis [ddavis121@cox.net] Tuesday, June 06, 2017 9:45 AM

Sent: To:

Move, 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 distractive 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

B6A 22248

From:

theresa ingram [tingram8@icloud.com] Saturday, June 03, 2017 11:08 AM Moye, Nikita; esubmit

Sent: To:

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

From:

Shawn Donahue [sdonahue@coreorthopedics.net]

Sent:

Monday, June 05, 2017 10:29 AM

To: Subject:

Moye, Nikita 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 cascia 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

From: Sent: Mary Diacon [mdiacon@prodigy.net] Saturday, June 03, 2017 8:47 AM

To: Subject: Moye, Nikita 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.

BOB KOLIBAS SIGN PLANS EXAMINER 918-596-9664



DEVELOPMENT SERVICES

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

SIGN PLAN REVIEW

1001871-1

May 02, 2017

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

APPLICATION NO:

420450 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: Description:

5603 S NEW HAVEN AV E 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[™] STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

IMPORTANT INFORMATION

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

(continued)

REVIEW COMMENTS

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

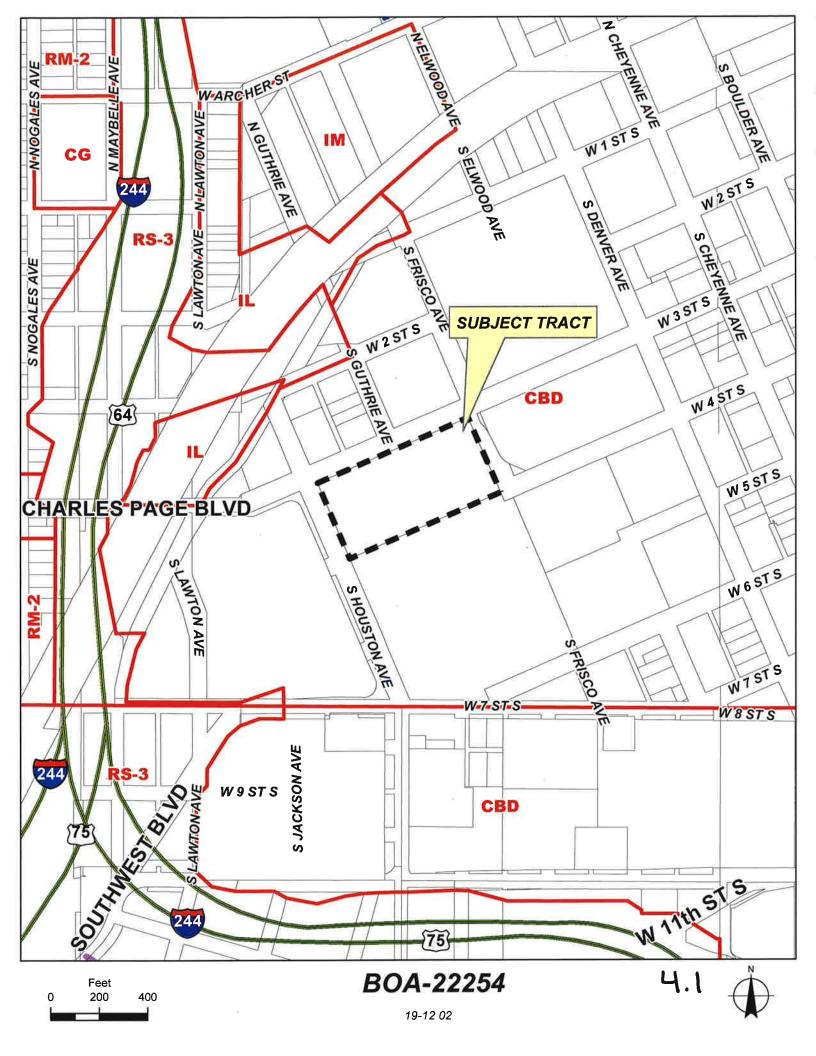
NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

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.

THIS PAGE

INTENTIONALLY

LEFT BLANK



BOARD OF ADJUSTMENT CASE REPORT

STR: 9202 Case Number: **BOA-22254**

CZM: 36 **CD**: 4

A-P#: 419069

HEARING DATE: 06/27/2017 1:00 PM

APPLICANT: Lori Worthington

ACTION REQUESTED: Variance to permit two freestanding dynamic display signs on the lot (Section 60.080-E). Variance to allow a dynamic display ground sign within 20 ft of the driving surface of a street. (Section 60.100-E).

LOCATION: 522 West 3rd Street South **ZONED**: CBD

PRESENT USE: Parking Garage TRACT SIZE: 5.3 Acres

LEGAL DESCRIPTION: ALL BLKS 125 & 126 & ALL 20 VAC ALLEY ADJ LTS 1 THRU 6 BLKS 125 & 126 & 80 VAC GUTHRIE ST ADJ BLKS 125 & 126 & N40 VAC ST BEG SECR LT 3 BLK 125 TH SE40 SW680 NW40 NE680 POB BLKS 125 & 126, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-21986; on 11.10.15, the Board **approved** a *variance* to allow a digital ground sign within 20 ft of the driving surface of a street (Sec.1221.C.2).

BOA-21472; on 9.25.12, the Board **approved** a *variance* to allow an 8' by 187.8' illuminated roof sign (east elevation); a *variance* to allow a 5.4' by 125.2' illuminated roof sign (west elevation); and a *variance* to allow an 8' by 187.8' illuminated roof sign (north elevation) 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

REVISED6/19/2017

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.

<u>ANALYSIS OF SURROUNDING AREA</u>: 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 the BOK Center.

STAFF COMMENTS:

According to the submitted drawings the applicant is proposing to install ground sign on the east entrance of the parking garage. The new ground sign will contain a digital electronic message center. The Code (Section 60.080-E) 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 #376750 has been issued to permit installation of one digital sign on the lot. The applicant has requested a **Variance** to allow two dynamic display signs on the lot to permit the digital ground sign as shown in the attached drawing.

The Code requires that no digital sign shall be <u>located within 20 ft. 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 roadway marked or understood as such. A **Variance** to allow a digital ground sign within 20 ft. of the driving surface of a street is needed, as it appears that the digital sign is within 20 ft. of the Civic Center street/roadway.</u>

Sample Motion:

the lo	ove to (approve/deny) a Variance to permit two freese lot (Section 60.080-E) and a Variance to allow a dynamic displaying surface of a 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 Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

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

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

- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

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

UNFINISHED BUSINESS

21469—Tony Jordan Building Company

Action Requested:

Special Exception to increase the height of a fence in the required front yard from 4'-0" to 7'-4" (Section 210.B.3). LOCATION: 2141 East 30th Place (CD 4)

Presentation:

Tony Jordan, Jordan and Sons Building Company, 10139 Bonnie Bridge, Owasso, OK; no presentation was made but Mr. Jordan was available for questions.

Mr. Van De Wiele asked Mr. Jordan how tall the iron sections of the fence are, and Mr. Jordan stated they are five feet from the top of the stone to the top of the iron. All the columns are 7'-4" to the grade maximum, and the two stone walls on each side of the pedestrian gates are 5'-0".

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to APPROVE the request for a Special Exception to increase the height of a fence in the required front yard from 4'-0" to 7'-4" (Section 210.B.3), subject to per plan on pages 2.8 and 2.9. 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 10 LESS W 25 & ALL OF LT 11 BLK 15, FOREST HILLS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21472—J & B Graphics

FILE COPY

Action Requested:

Variance to allow an 8 foot by 187.8 foot illuminated roof sign (east elevation); Variance to allow a 5.4 foot by 125.2 foot illuminated roof sign (west elevation); Variance to allow an 8 foot by 187.8 foot illuminated roof sign (north elevation/parking garage) outside the Downtown Entertainment District, within the CBD District (Section 1221.C.10). LOCATION: 100 South Civic Center Avenue (CD 4)

BOA-21472

Ms. Snyder recused herself and left the meeting at 1:12 P.M.

FILE COPY

Presentation:

Jackie Turner, J & B Graphics, 2130 N.W. 40th Street, Oklahoma City, OK; stated she appeared before the Board two weeks ago regarding this case. Since the meeting two weeks ago Brian Barnes and Cox Business attended a Home Owner's Association meeting. At this point Ms. Turner deferred to Mr. Barnes.

Brian Barnes, Ghost Design, 929-A North Broadway Avenue, Oklahoma City, OK; stated that he and Cox Business met with the Home Owner's Association last Thursday evening and it was a very good meeting. The Home Owner's Association had an issue with the illumination of the actual letters that comprise the sign. After some discussion it was agreed by all parties that the sign letters could be installed on a dimmer and the power to the sign itself would be dimmed at a specific hour for a specific length of time.

Mr. Van De Wiele asked Mr. Barnes by how much would the sign be dimmed. Mr. Barnes stated that after discussion with the Home Owner's Association the sign would be dimmed by 50% starting at 2:00 A.M. Mr. Van De Wiele then asked what constitutes 50% of the allowable code. Mr. Barnes stated that his was not aware of a code limit.

Bob Kolibas, City of Tulsa, Sign and Site Section, 175 East 2nd Street, Tulsa, OK; stated that under general conditions lighting is 70 foot candles at two feet, which is the industry standard for a conventional electric sign.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On MOTION of VAN DE WIELE, the Board voted 4-0-1 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; Snyder "abstains"; none absent) the Board APPROVE the request for a Variance to allow an 8 foot by 187.8 foot illuminated roof sign (east elevation); Variance to allow a 5.4 foot by 125.2 foot illuminated roof sign (west elevation); Variance to allow an 8 foot by 187.8 foot illuminated roof sign (north elevation/parking garage) outside the Downtown Entertainment District, within the CBD District (Section 1221.C.10). The Board has found that the buildings and structures in question are unique in architecture and structure, and that the locations of the roof signs are the most feasible way of allowing the signage in question. This approval is subject to the condition that the east elevation sign will be dimmed to 50% of normal operating capacity, which is 70 foot candles at 2'-0", from the hours of 2:00 A.M. until dawn. This approval is subject to per plan drawings on pages 3.8, 3.9, 3.10 and 3.11. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar BOA-21472

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 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:

ALL BLKS 125 & 126 & ALL 20 VAC ALLEY ADJ LTS 1 THRU 6 BLKS 125 & 126 & 80 VAC GUTHRIE ST ADJ BLKS 125 & 126 & N40 VAC ST BEG SECR LT 3 BLK 125 TH SE40 SW680 NW40 NE680 POB BLKS 125 & 126, ALL BLKS 129 130 154 & 155 & ALL 20 VAC ALLEYS & ALL 80 VAC GUTHRIE AV & W40 VAC FRISCO AV ADJ ON E & VAC 5TH ST BEG SWC BLK 129 TH ELY720 SLY80 WLY720 NLY80 POB & VAC 4TH ST BEG NWC BLK 129 TH NLY40 ELY680 SLY40 WLY680 POB, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Ms. Snyder re-entered the meeting at 1:21 P.M.

NEW BUSINESS

21471—Lori Worthington - A-MAX Sign Company

Action Requested:

Variance to permit a projecting sign height from 25'-0" to 62'-0" in the CBD District (Section 1221.E.1). LOCATION: 616 South Boston Avenue (CD 4)

Mr. Van De Wiele recused himself and left the meeting at 1:22 P.M.

Presentation:

Brian Ward, 9520 East 55th Place, Tulsa, OK; stated the variance request before the Board today allows the maximum height for a projecting wall sign or a ground sign. The minimum setback for such a sign is 25'-0". This particular building is located one inch behind the building setback required. Currently code allows a projecting sign to overhang the right-of-way so the setback is not an issue. The issue before the Board

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 3rd Street South (CD 4)

Presentation:

Peyton Haralson, Tulsa Parking Authority, 175 East 2nd 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:

BOA-21986

ALL BLKS 125 & 126 & ALL 20 VAC ALLEY ADJ LTS 1 THRU 6 BLKS 125 & 126 & 80 VAC GUTHRIE ST ADJ BLKS 125 & 126 & N40 VAC ST BEG SECR LT 3 BLK 125 TH SE40 SW680 NW40 NE680 POB BLKS 125 & 126, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Ms. Snyder re-entered the meeting at 1:30 P.M.

21987—Eller & Detrich - Lou Reynolds

Action Requested:

<u>Variance</u> of the required off-street parking for a medical office in the OL District from 31 spaces to 26 spaces (Section 1211.D). <u>LOCATION:</u> 2622 East 21st Street South (CD 4)

Presentation:

Lou Reynolds, 2727 East 21st Street, Tulsa, OK; stated he represents Dr. Steve Wiseman and he is purchasing the west three buildings at the Park 21 Office Center. The building has no access into the neighborhood and shares an access with the office building on the east side. This office building has 8,879 square feet with 26 existing parking spaces. To comply with the current code there would be 30 spaces required and to convert 2,160 square feet to medical there would be 31 spaces required. This project has a shared parking agreement so everyone can share parking on the property. Mr. Reynolds stated that the hardship is that the Zoning Code treats all office uses as they are all alike, and medical uses are not the same. This is a single doctor practice and he will not have any impact on the parking in the Center.

Mr. Swiney asked Mr. Reynolds about the mutual parking agreement. Mr. Reynolds stated that it is a recorded parking agreement and it the recorded number has been referred to in the packet.

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, Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to <u>APPROVE</u> the request for a <u>Variance</u> of the required off-street parking for a medical office in the OL District from 31 spaces to 26 spaces (Section 1211.D), subject to conceptual plan 9.8. The Board has found that the office building in question has a shared parking configuration and a shared parking agreement with two adjacent properties and office



Feet 0 200 400

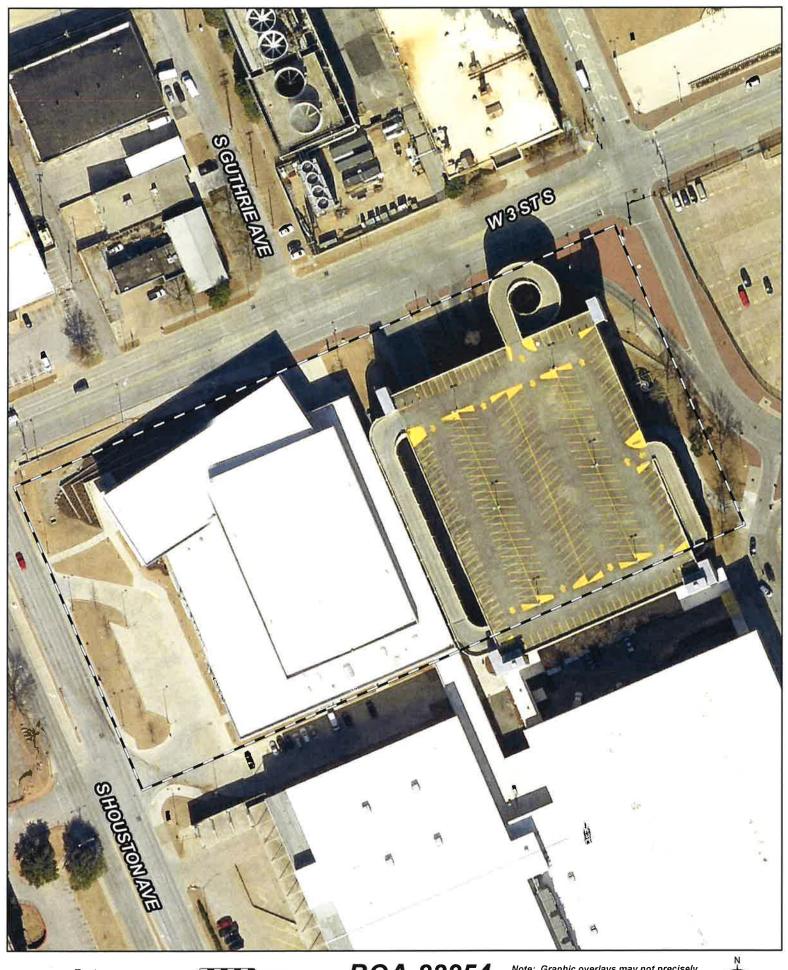


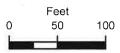
BOA-22254

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

Aerial Photo Date: February 2016









BOA-22254

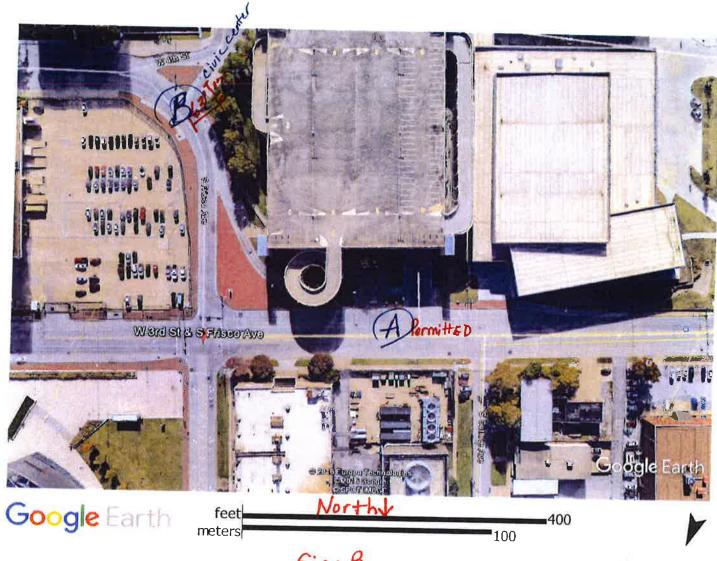
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016

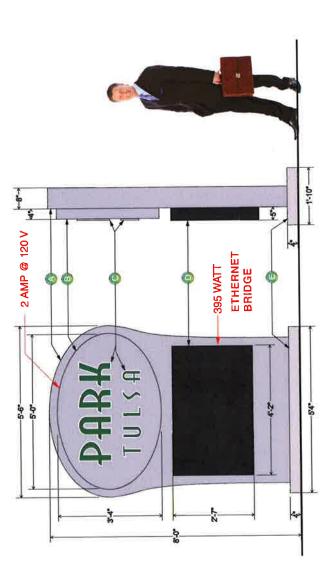








Sign B 522 W.3 BOA-22254





EAST ENTRANCE CIVIC GARAGE

S/F ILLUMINATED SIGN W/ LED MESSAGE UNIT.

Tulsa, Oklahoma 74145 ph. (918)622-0651 ... fax. (918)622-0659

SIGN COMPANY, INC.

ಡ

www.amaxsign.com 9520 E, 55th Place

Fabricated Metal Column Cover w/ Aluminum Cladding. Silver Painted Finish,

SCALE: 1/2"=11

Fabricated Metal Sign Cabinet.
Silver Painted Finish.
Router Cut Text From Face to Accommodate
Push-Thru Letter. Illuminated Using White LEDs.

SALES REP: BRIAN WARD

DRAWN BY: PW

DATE: 10/12/16 FILE: Sign 5-2

SCALE: 1/2"=1"

- 34* Thick Acrylic Push-Thru Letter. (1/2" Projection) Green Vinyl Overlays, Light Diffuser Vinyl Applied Sub-Surface.
 - 15.85mm 40 X 75 Pixel Matrix Daktronics GS6 Full Color LED Message Unit.
- Concrete 'Mow Pad'

ADDRESS: 522 W. 3RD (3RD & FRISCO) CLIENT APPROVAL SIGNATURE & DATE:

PROJECT: PARK TULSA

LOCATION: TULSA OK

COLOR LEGEND

ENTER

MAP CLOUD SILVER MP 18101

3M 3630-26 GREEN

PARK UISA



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

BYER as required.

BYER Aggres and outlining must commy with Active BOD of the N E C. Standords.

Man Active BOD of the N E C. Standords.

Including proper grounding and bending.

REVISIONS:

9 of 9 SHEET NUMBER

101216-06

DMC

Dimensions subject to minor changes due to detailed design considerations

A-Max Sign Company will andeavor to closely might hoose, incuding PMX solors where specified We comet guarantee exact matches due to verying compatibility of surface materials, vinyl and points used.

ACTUAL SIGN PLACEMENT TO BE VERIFIED / MARKED

PROPOSED SCALE: 1/4"=1'

BOB KOLIBAS SIGN PLANS EXAMINER 918-596-9664



DEVELOPMENT SERVICES

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

SIGN PLAN REVIEW

LOD Number: 998637-1

April 11, 2017

Sign contractor:
Amax Sign Company Inc
9520 E 51st Street
Tulsa OK 74145

APPLICATION NO:

419069 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: Description:

522 W 003 ST S

Dynamic Display Sign

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

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

IMPORTANT INFORMATION

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

(continued)

REVIEW COMMENTS

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

Application No. 419069

522 W 003 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.) 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 lot lines and the length of street frontage of the lot including the setback from the C/L of S. Frisco Avenue to the leading edge of the proposed ground sign and the distance from the driving surface of the road to the leading edge of the ground sign. Revise and submit.

2.) 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 sign per lot may contain a dynamic display. Based on issued freestanding digital sign permit 376750 you may pursue a variance to permit two digital signs to be located on the lot.

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

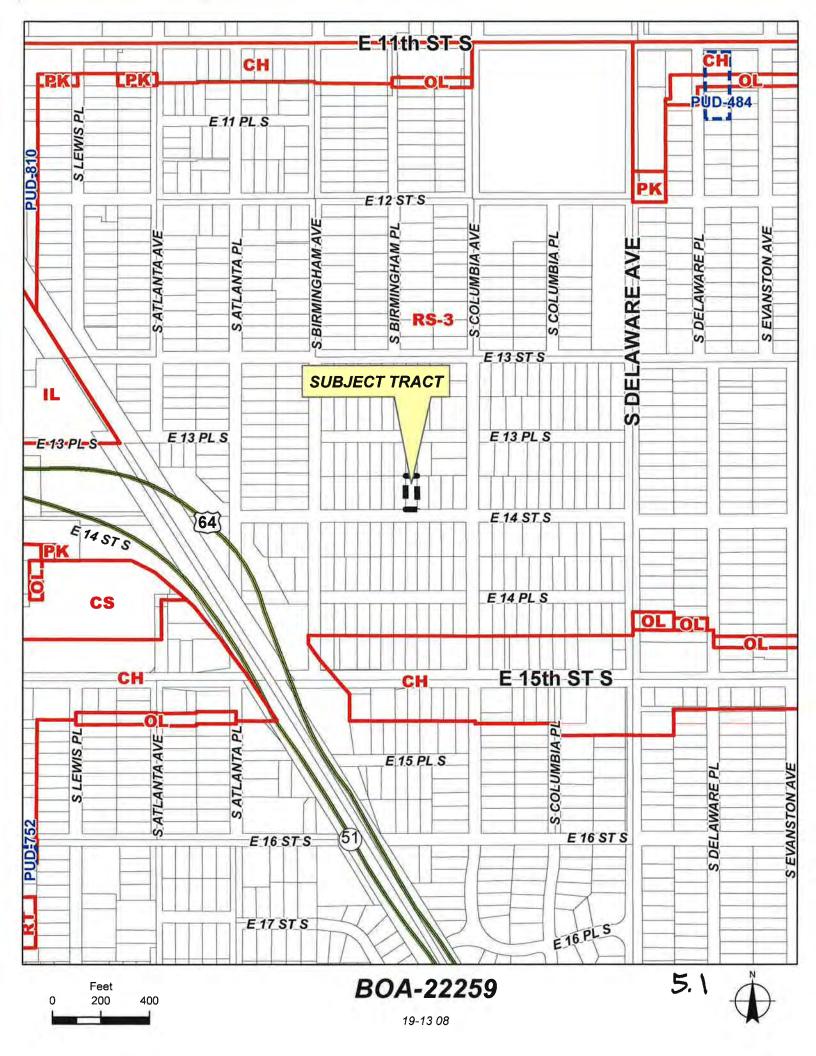
NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

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



BOARD OF ADJUSTMENT CASE REPORT

STR: 9308 Case Number: **BOA-22259**

CZM: 37 **CD**: 4

A-P#: 420512

HEARING DATE: 06/27/2017 1:00 PM

APPLICANT: Jim Thomas

ACTION REQUESTED: Special Exception to allow a non-conforming detached accessory building to

be reconstructed with a 1 ft. side yard setback. (Section 80.030-E)

LOCATION: 2631 E. 14th St. S. **ZONED:** RS-3

PRESENT USE: Residential TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: LT-20-BLK-2, HURST'S RESUB B5 FAIR ACRES ADDN, FAIR ACRES

ADDN, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS

Surrounding Lots:

BOA 20975; the Board **approved** a variance of the minimum setback requirement for a detached accessory building located in the required rear yard from 3 ft. to .7 ft.; a variance of the maximum permitted coverage of a required rear yard by a detached accessory building; and a variance of the permitted height of a detached accessory building. Located at 2628 E. 14 St. S.

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

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

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

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

STAFF COMMENTS:

Detached accessory buildings within the required rear yard of an RS-3 district must maintain a 3 ft. setback from interior lot lines. The existing detached garage on the site currently has a 1 ft. west side-yard setback and defined as a non-conforming structure.

Section 80.030-E.2 the Code states that if any nonconforming structure is damaged or partially destroyed by any means to the extent of more than 50% of its replacement cost at time of damage, the Board by special exception may approve it to be restored or re-established as a nonconforming structure. In order to approve a special exception for re-establishment of the nonconforming detached garage, the board of adjustment must find that restoration as a conforming structure cannot reasonably be made in relation to the nature and extent of the non-conformity and the nature and extent of the damages. The applicant has stated the following: "Due to the size of the lot and existing structures on the property it would be impossible without reduction of the setback. The building predates the current and prior Code."

Based on the submitted plans and drawings the proposed reconstruction of the non-conforming garage will maintain the 1 ft. side yard setback. Therefore, the applicant has requested a special exception to allow reconstruction of the non-conforming detached garage with a 1 ft. setback from the west lot line.

Move to (approve/deny) a <u>Special Exception</u> to allow a non-conforming detac accessory building to be reconstructed with a 1 ft. side yard setback. (Section 80.030-E)	1100
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.

Board Action:

On **Motion** of **White**, the Board voted 3-0-0 (White, Stead, Van De Wiele "aye"; no "nays"; no "abstentions"; Tidwell, Henke "absent") to **CONTINUE** Case No. 20967 to the meeting on October 27, 2009, on the following described property:

LTS 1 & 2 LESS W447.79 LT 1 BLK 2, MAGIC CIRCLE SOUTH ADDN, City of Tulsa, Tulsa County, State of Oklahoma

MINUTES

On **MOTION** of **White**, the Board voted 3-0-0 (White, Stead, Van De Wiele "aye"; no "nays"; no "abstentions"; Tidwell, Henke "absent") to **APPROVE** the Minutes of September 22, 2009 (No. 1010)

UNFINISHED BUSINESS

Case No. 20975

Action Requested:

FILE COPY

Variance of the minimum setback requirement for a detached accessory building located in the required rear yard from 3 ft. to .7 ft. (Section 210.B.5.b); a Variance of the maximum permitted coverage of a required rear yard by a detached accessory building in the RS-3 district from 30% to 40.8% (Section 210.B.5.a); and a Variance of the maximum height permitted for a detached accessory building located in the required rear yard from one story, 10 ft. at the top plate, and 18 ft. total (Section 210.B.5.a); to permit a new detached accessory building, located: 2628 East 14th Street.

Presentation:

Rick Saltzman, 2628 East 14th Street, Tulsa, Oklahoma, submitted a petition of support (Exhibit A-2). He had provided site plans to the Board (Exhibit A-1).

Comments and Questions:

Ms. Stead asked if the staircase is to living quarters on the second story, as she would be opposed. She asked the height at the peak of the second story. Mr. Saltzman replied it is not for living quarters, but for storage only. He thought the peak was about 7 ½ ft. inside the second story. He explained that a tree fell on the original structure. He kept the same setback as the pad on the west side, and discovered later that the original pad was too close to the property line. He extended it past the pad on the north, south and east. Mr. White asked when he began the reconstruction, to which Mr. Saltzman replied it has been over a year. The stop work order came in about May.

Interested Parties:

There were no interested parties. Mr. White noted four signatures on the petition from close neighbors. Mr. Saltzman also mentioned there is no water or sewer to the structure. It was determined that there are other two-story detached buildings located in the neighborhood.

Board Action:

On Motion of White, the Board voted 3-0-0 (White, Stead, Van De Wiele "aye"; no "nays"; no "abstentions"; Tidwell, Henke "absent") to APPROVE a Variance of the minimum setback requirement for a detached accessory building located in the required rear yard from 3 ft. to .7 ft. (Section 210.B.5.b), finding this was the original side yard dimension of the structure that was destroyed in the storm, and the applicant is re-establishing that location; a Variance of the maximum permitted coverage of a required rear yard by a detached accessory building in the RS-3 district from 30% to 40.8% (Section 210.B.5.a), finding it is only a 50 ft. lot, and there are several detached structures within the same block and they appear to go over the 30% level; and a Variance of the maximum height permitted for a detached accessory building located in the required rear yard from one story, 10 ft. at the top plate, and 18 ft. total (Section 210.B.5.a), finding the lot width is narrow; to permit a new detached accessory building; with conditions that the second story is for storage only; no utilities in the new building except electric; and no windows on south, west or east sides of the building; and allow only a standard pedestrian door on the north; per plan as shown on pages 4.7 and 4.8; finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

LT 6 BLK 2, CITY VIEW HILL ADDN, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

Case No. 20977

Action Requested:

Special Exception to modify the maximum permitted height of a fence in the required front yard from 4' to 6' to permit an existing fence (Section 210.B.3), located: 2520 Woodward Boulevard.

NOTICE OF HEARING BEFORE THE BOARD OF ADJUSTMENT CITY OF TULSA, OKLAHOMA

CASE NUMBER: BOA-22260

Notice is hereby given that a public hearing will be held before the Board of Adjustment to consider the following application. All persons interested in this matter may attend this hearing and present their objections to or arguments for the request.

APPLICANT: Donna Emmons (918-633-4690 / donna.emmons@gmail.com)

ACTION REQUESTED: Verification of the spacing requirement for an outdoor advertising

sign of 1,200 feet from another outdoor advertising sign on the same side of the highway (Section 60.0805); **Verification** of the spacing requirement for a digital outdoor advertising sign of 1,200 feet from any other digital outdoor advertising sign facing the same

traveled way (Section 60.100).

LOCATION: N of NE/c of HWY 169 and HWY 412

PROPERTY LEGAL LT 1 & PRT VAC E INDEPENDENCE ST N BEG SWC LT 1 TH

DESCRIPTION: E546.45 CRV LF47.05 S59.93 W581.90 N30.52 POB ADJ ON S

BLK 1, INTERCHANGE BUSINESS PARK, THE, City of Tulsa,

Tulsa County, State of Oklahoma

PRESENT ZONING: IL

HEARING DATE: Tuesday, 06/27/2017 1:00 PM

The meeting will be held at: City Council Chambers

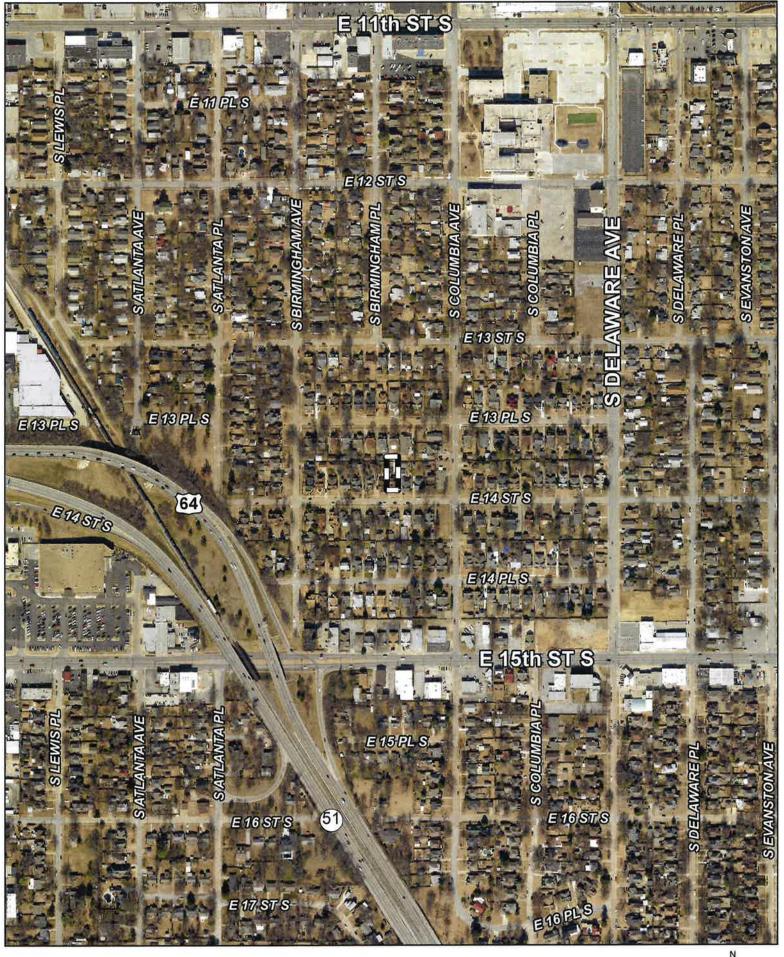
City Hall

2nd level, 175 East 2nd St. TULSA, OKLAHOMA

BOA Staff Contact: Nikita Moye at (918)579.9437/ nmoye@incog.org OR

Land Regulation Specialist at (918) 584-7526/ esubmit@incog.org

To view the submitted application visit: www.cityoftulsa-boa.org/BOAcases/BOA-22260.pdf



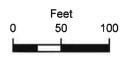
BOA-22259

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

Aerial Photo Date: February 2016







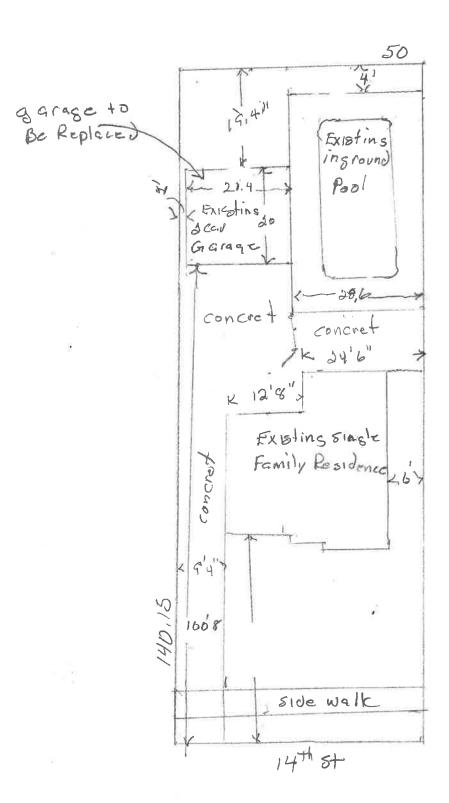


BOA-22259

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

Aerial Photo Date: February 2016 5. 8





JEFF S. TAYLOR ZONING OFFICIAL PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

May 09, 2017

Phone: (918)519-6359

LOD Number: 1002025-1

CORBIN HOPKINS HOMEOWNER 2631 E 14TH ST S TULSA, OK 74104

APPLICATION NO:

420512 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location:

2631 E 014 ST S

Description:

NEW

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

REVIEW COMMENTS

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

Application No. 420512

2631 E 014 ST S

May 09, 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.

80.030-E Restoration or Re-establishment of Damaged or Destroyed Structures

1. If any other nonconforming structure is damaged or partially destroyed by any means to the extent of more than 50% of its replacement cost at time of damage, it may be restored as a nonconforming structure only if approved in accordance with the special exception procedures of Section 70.120. In order to approve a special exception for re-establishment of a nonconforming structure, the board of adjustment must find that restoration as a conforming structure cannot reasonably be made in view of the nature and extent of the nonconformity and the nature and extent of the damages.

Review Comments: You are proposing to reconstruct a detached accessory structure located 1' from side property line. Nonconforming structures damaged more than 50% of its replacement cost will need to seek a <u>special exception</u> from INCOG Board of Adjustment in order to rebuild as a nonconforming structure with a 1' side setback, or provide a 3' side setback from property line.

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

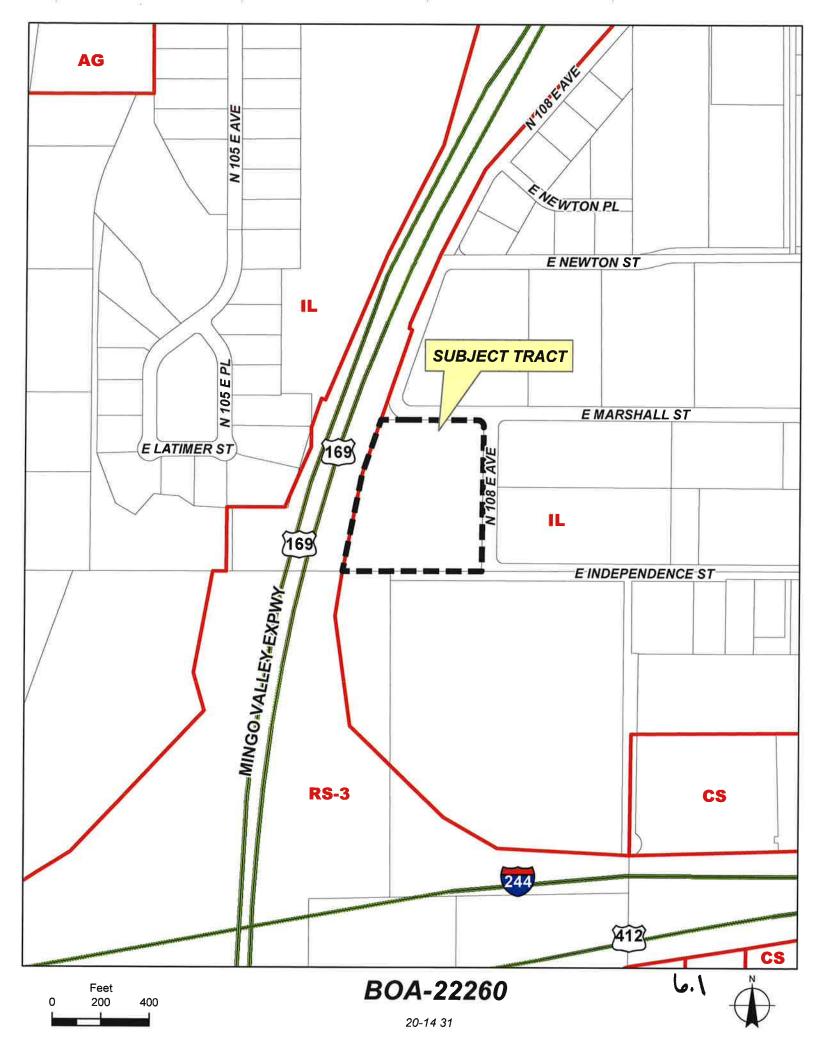
NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

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



BOARD OF ADJUSTMENT CASE REPORT

STR: 0431

Case Number: BOA-22260

CZM: 31

CD: 3

A-P#: NA

HEARING DATE: 06/27/2017 1:00 PM

APPLICANT: Donna Emmons

ACTION REQUESTED: Verification of the spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 60.080) and a Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from any other digital outdoor advertising sign facing the same traveled way (Section 60.100)

LOCATION: 10718 E. Marshall St. ZONED: IL

PRESENT USE: Industrial TRACT SIZE: 6.7 Acres

LEGAL DESCRIPTION: LT 1 & PRT VAC E INDEPENDENCE ST N BEG SWC LT 1 TH E546.45 CRV LF47.05 S59.93 W581.90 N30.52 POB ADJ ON S BLK 1, INTERCHANGE BUSINESS PARK, THE, 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 **Employment Area** and an **Area of Growth**.

Employment Areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity. **Employment Areas** require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by IL zoning on the north, east and south; Highway 169 abuts the site on the west.

STAFF COMMENTS:

The applicant is before the Board to verify the spacing requirement for a dynamic display outdoor advertising sign on the subject lot.

The Code requires outdoor advertising signs to be separated a minimum distance of 1,200 feet from any other outdoor advertising sign. **Spacing limitations shall not apply between signs separated by the freeway.** The 1,200 feet shall be measured in a straight line from the center of an outdoor advertising sign's structure to the center of any other outdoor advertising sign's structure.

Section 60.100-K requires any dynamic display outdoor advertising be separated by a minimum distance of 1,200 feet from any other dynamic display outdoor advertising sign **facing the same traveled way**. The 1,200 feet shall be measured in a straight line from the center of the sign structures, as located on the ground.

There is an existing billboard on the site. The requested space verification is to permit installation of a dynamic display on the on the existing billboard. According to the attached survey the proposed dynamic display billboard meets the spacing requirement for a dynamic display and standard outdoor advertising sign.

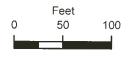
The verification is executed through a public hearing process to ensure that surrounding property owners are notified and have the ability to provide information to the Board relevant to the verification.

The Board must find that the proposed outdoor advertising sign meets or does not meet the spacing requirement.

Language traditionally utilized by the Board in verifying the spacing requirement:

I move that based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing between outdoor advertising signs (for either a dynamic display or conventional billboard) subject to the action of the Board being void should another dynamic display and/or standard outdoor advertising sign be constructed within the required spacing radius prior to this sign.





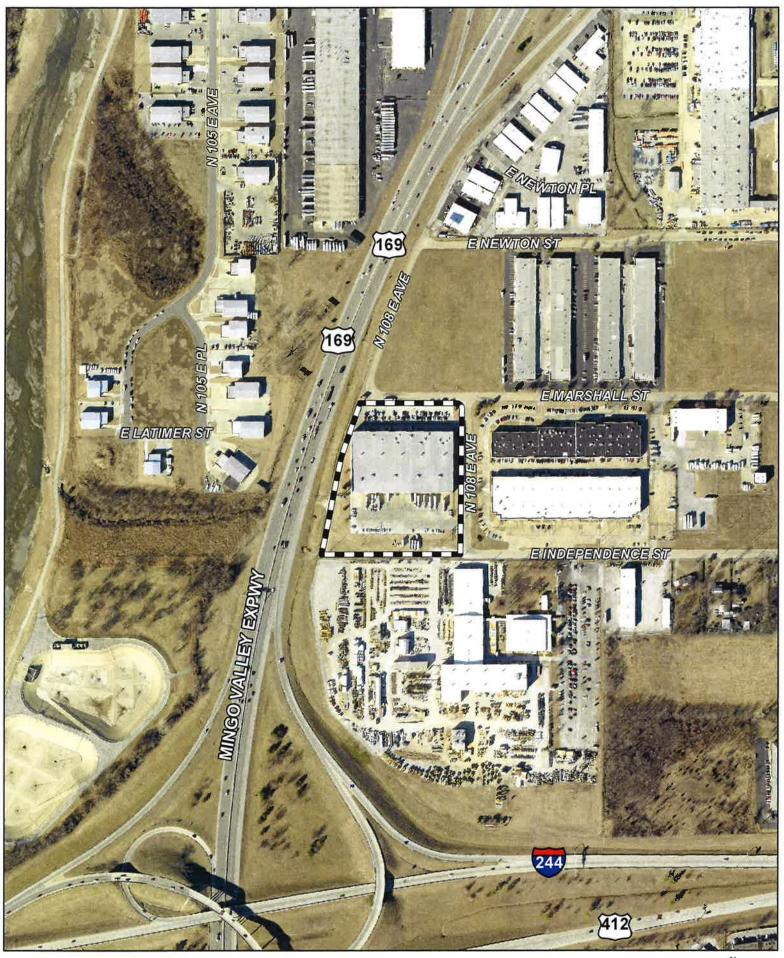


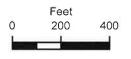
BOA-22260

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

Aerial Photo Date: February 2016







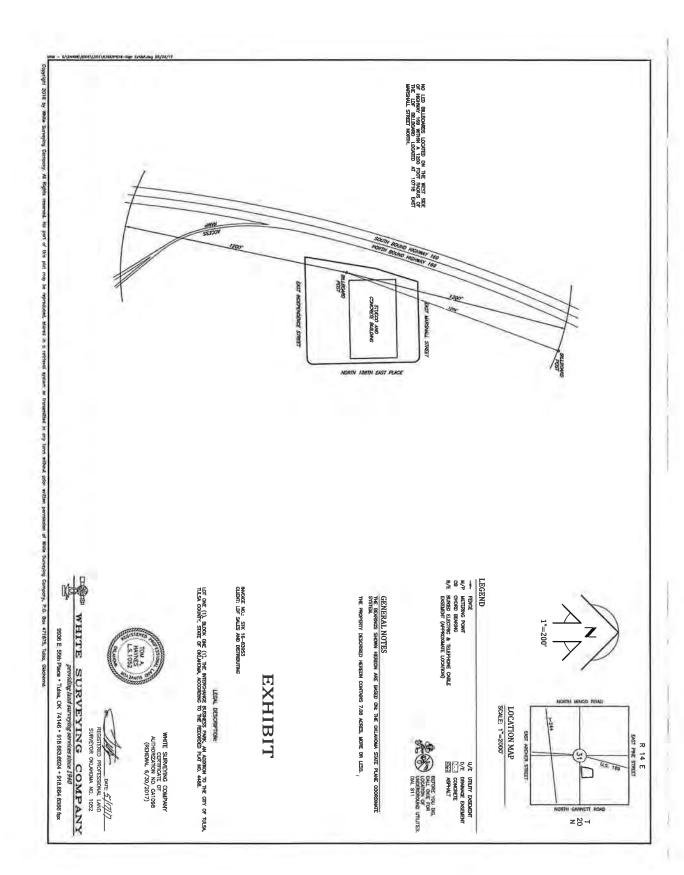


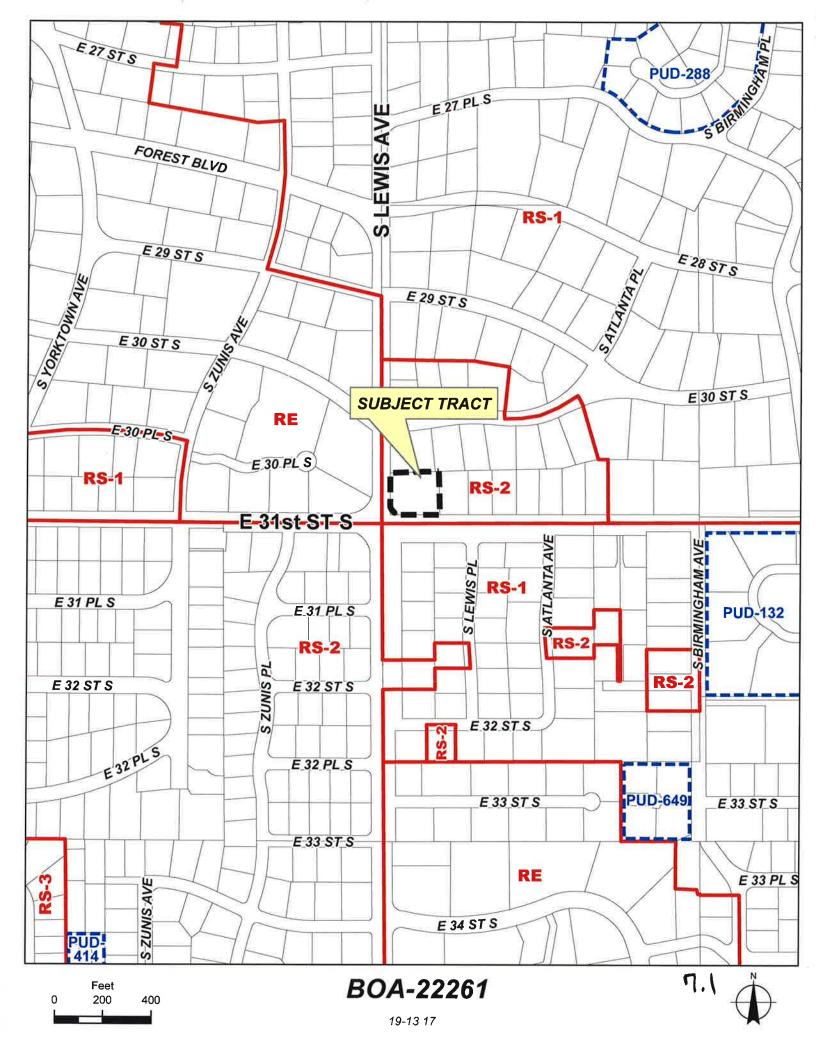
BOA-22260

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

Aerial Photo Date: February 2016 .







BOARD OF ADJUSTMENT CASE REPORT

STR: 9317 Case Number: **BOA-22261**

CZM: 37 **CD:** 4

Complaint #: 118966

HEARING DATE: 06/27/2017 1:00 PM

APPLICANT: Mark D. Lyons

ACTION REQUESTED: Appeal of an Administrative Official's decision to classify the use of the

property as a Bed & Breakfast under Section 35.050-G.1, 2.

LOCATION: 2409 E 31 ST S **ZONED**: RS-2

PRESENT USE: Residential TRACT SIZE: 36,864.98 SQ FT

LEGAL DESCRIPTION: LT 13 LESS BEG SWC TH E 35 NW ON CRV TO WL S 35 POB TO CITY & W 80 LT 14 BLK 5, SOUTH LEWIS PARK, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS

BOA 22215; on 5.23.17 the Board upheld/affirmed an Administrative Official's decision to classify the use of a R zoned lot as a Bed & Breakfast under Section 35.050-G.1, 2; located at 1315 E 19 ST S.

BOA 22223; on 5.23.17 the Board upheld/affirmed an Administrative Official's decision to classify the use of a R zoned lot as a Bed & Breakfast under Section 35.050-G.1, 2; located at 1533 S OWASSO AV E.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by RS-2 zoned residential on the north and east; and S Lewis Ave and RE zoning on the west. E 31 ST S and RS-1 zoning abuts the site on the south.

STAFF COMMENTS:

In the attached "Zoning Notice of Violation" the Administrative Official determined that the use of the property (Lodging less than 30 days) in an RS-2 district is not allowed without a special exception approval from the BOA. The applicant is before the Board appealing the determination of an Administrative Official that a Bed and Breakfast is being operated on the subject site. The applicant has provided the Board with comments and records related to the requested appeal; these records are attached to this case report for the Board's review.

The applicant provided the following statement in the attached letter:

- Section G-1 and 2 relate to lodging. Mr. Cartner charged the Appellant with running a bed and breakfast. This is patently and provably false. Again, this house is a personal residence and does not fall into any of the categories described in 35.050-G (1), (2) Lodging.
- This is not a bed and breakfast. This is not a detached house in which the owner/operator offers overnight accommodations and meal service to overnight guest for compensation. This is a residence.
- This is not a Hotel/Motel. First this is not an "establishment", as defined in the regulation, other than a bed and breakfast or a rural retreat, in which short term lodging is offered for compensation. Since this house is a residence, it is not an establishment.

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

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

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

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

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

- <u>Bed and Breakfast</u> -A detached house in which the owner/operator offers overnight accommodations and meal service to overnight guests for compensation.
- <u>Hotel/Motel</u> An establishment, other than a bed and breakfast or rural retreat, in which short-term lodging is offered for compensation. A hotel/motel may include an accessory use bar.
- <u>Recreational Vehicle Park/Campground</u> An establishment that provides temporary overnight accommodations for camping in recreational vehicles or tents.
- <u>Rural Retreat</u> An establishment that is part of a working farm or ranch that provides temporary overnight accommodations for individuals or groups engaged in supervised training or personal improvement activities. Examples include corporate retreat facilities, educational retreat facilities and dude ranches or working farm learning centers.

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

<u>Section 35.020-E: Determination of Use Categories and Subcategories</u> - When a use cannot be reasonably classified into a use category, subcategory or specific use type, or appears to fit into multiple categories, subcategories or specific use types, the development administrator or land use administrator is authorized to determine the most similar and thus most appropriate use category, subcategory or specific use type based on the actual or projected characteristics of the principal use or activity in relationship to the use category, sub-category and specific use type descriptions provided in Chapter 35. In making such determinations, the development administrator or land use administrator must consider:

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

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

SECTION 70.140 APPEALS OF ADMINISTRATIVE DECISIONS

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

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

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

Sample Motion for a	n Appeal of an Administrative Official	
Move to	_(affirm, reverse or modify) the determination of an administrative official,	
	nodifying the determination the Board finds that the land use administrator, t trator or other administrative official erred in their decision.	he
Modification(s), if any		

22215—Leah Krautter

Action Requested:

Appeal of an Administrative Official's decision to classify the use of the property as a Bed & Breakfast under Section 35.050-G.1. LOCATION: 1315 East 19th Street South (CD 4)

Mr. Van De Wiele stated that he will have the City zoning official come forward first to present their findings, then the Board will hear from the applicant and then the interested parties. Mr. Van De Wiele asked the interested parties to avoid repeating comments so the case will proceed more quickly.

Presentation:

Traci Jenkins, City of Tulsa Working In Neighborhoods Inspector, 175 East 2nd Street, Tulsa, OK; stated WIN received a citizen complaint on February 9th that stated there was a bed and breakfast being operated out of the residential structure. WIN inspected the property and did internet research that revealed two rooms listed for rent on multiple websites; one is listed as Magnolia Suite at Magnolia House and the Peacock Room at Magnolia House. The research revealed customer reviews of their stays. WIN researched INCOG records which revealed a previous Board of Adjustment case for a Variance to allow a two-story detached accessory building which was approved with wording stating there would be no commercial bed and breakfast to be operated out of the structure. Ms. Jenkins stated she reviewed the zoning code which describes lodging as uses that provide temporary lodging for less than 30 days, where rents are charged by the day or by the week. Table 5-2 of the Zoning Code states that in an RS-3 zoned district a Special Exception is required by the Board of Adjustment in order to operate a bed and breakfast in that zoning district.

Mr. Van De Wiele asked Ms. Jenkins about the lodging distinction as opposed to buying a house in a residentially zoned neighborhood and rent it out for income, is it the fact that the house will be leased for six months or a year time frame places that outside of the lodging. Ms. Jenkins stated that was correct because it is rented for more than 30 days. Mr. Van De Wiele asked Ms. Jenkins if lodging was more akin to a hotel. Ms. Jenkins stated, "ves, if it is less than 30 days".

Ms. Jenkins stated on February 9th a notice was issued requiring the operator to receive a Special Exception from the Board of Adjustment in order to operate in the residential district. Ms. Jenkins stated that Tim Cartner received a telephone call from Attorney Lori Phillips on behalf of the property owner, and Mr. Cartner explained the Ordinances and the requirements of the Special Exception. Ms. Phillips e-mailed Mr. Cartner confirming the conversation and advised him that there would be a Special Exception filed to operate as a bed and breakfast pursuant to the Code. On March 2nd WIN received information that the owner had filed for an appeal of the notice.

Lori Phillips, 1408 South Denver Avenue, Tulsa, OK; stated that in regards to the email she sent regarding Ms. Krautter filing for a Special Exception, Ms. Krautter changed her mind and decided to appeal. Ms. Phillips stated that in her opinion Ms. Krautter could do either or.

Ms. Phillips stated the bed and breakfast regulations are set out in Section 40.060, however, it must be first determined whether Ms. Krautter renting rooms through Airbnb is in fact a bed and breakfast subject to the regulations of Section 40.060. A bed and breakfast as defined in Section 35.05-G, Subsection 1, is a detached house in which the owner/operator offers overnight accommodations and meal services to overnight guests for compensation. Ms. Phillips stated there are two elements involved; the overnight compensation which Ms. Krautter does not dispute; and the second element is meal service to overnight guests. Ms. Phillips stated she could not locate a definition of meal services within the Ordinances so the question is what is a meal service. Attempting to define that she went to the City Ordinances and the City Ordinances governing health regulations created a joint City/County Health Department located at Title 17, Section 101 of the City Ordinances. Within Title 17, Section 400 of the Ordinance it incorporates the State Administrative Code which is 310, Column 257 which is published by the Oklahoma State Department of Health. In the Oklahoma Administrative Code it specifically exempts food service establishments being a bed and breakfast. It states a kitchen in a private home, such as a small family day care provider or a bed and breakfast operation that prepares and offers food to guests if the home is owner occupied the number of guest bedrooms do not exceed three, breakfast is the only meal offered. Pursuant to State regulations through the Health Department, which the City of Tulsa has adopted, it is exempt.

Mr. Van De Wiele asked Ms. Phillips to go over that again because there are two lawyers on the Board and he is lost. Ms. Phillips stated she has copies of the regulations for the Board. Mr. Van De Wiele asked Ms. Phillips what a bed and breakfast is exempt from. Ms. Phillips stated that it is exempt from Health Department regulations as a food service so long as the house is three bedrooms and it is owner occupied. Mr. Van De Wiele asked Ms. Phillips if she was saying the subject house is not a bed and breakfast. Ms. Phillips answered affirmatively.

Mr. Van De Wiele asked Ms. Phillips how she was relying on a bed and breakfast definition if she is before the Board saying the applicant is not a bed and breakfast. Ms. Phillips stated that she looked at the analysis and determined what is food service? Mr. Van De Wiele asked Ms. Phillips to repeat her analysis.

Ms. Phillips stated that according to the Health Department a bed and breakfast is exempt from Health Department regulations so there is no food service. They are not a food service based on Health Department regulations.

Ms. Phillips stated Ms. Krautter was cited for non-compliance and it alleges she operates a bed and breakfast. The critical class is meal service. What is a meal

service? According Merriam-Webster's unabridged dictionary, which is required to be used for an interpretation in Title 42, defines meal as a portion of food taken at a particular time to satisfy hunger or appetite and act at the time of eating a meal. Service is defined as the condition or occupation of a servant serving the master. So meal service would be the preparation of the food and the serving to a customer or someone who stays overnight. Ms. Phillips stated that Ms. Krautter does not provide meal service, but does provide a bed and snacks. Ms. Phillips stated she has witnesses here today to attest to that fact. In addition, Ms. Krautter occupies the home along with her children. Ms. Phillips stated that Ms. Krautter is exempt from regulation as stated in Section 45.100. In Section 45.100-D, it specifically states "non-residential uses that are expressly allowed in conjunction with residential uses, i.e., bed and breakfast uses, day family child care home, are not subject to home occupation regulations. Ms. Phillips stated the Title itself exempts Ms. Krautter specifically should this body determine she is in fact a bed and breakfast she is still exempt. There is no violation.

Mr. Bond stated that according to Section 35.050-G-2 Lodging, it states "Hotel/Motel – an establishment, other than a bed and breakfast or rural retreat, in which short-term lodging is offered for compensation."

Mr. Van De Wiele agreed with Mr. Bond. If Ms. Phillips client is agreeing that she admits to short term overnight lodging, there is no question to that. If this is just a meal service issue then that either puts the subject in the bed and breakfast box or outside the bed and breakfast box. Either way the subject is going to be under lodging definition. Ms. Phillips disagreed and stated she is arguing the bed and breakfast, and she has not researched or done an analysis on the other.

Mr. Van De Wiele asked Ms. Phillips if she admitted that her client rents rooms for less than 30 days. Ms. Phillips answered affirmatively. Mr. Van De Wiele stated that is the definition of lodging. Ms. Phillips stated she is not admitting or denying that is the definition of lodging.

Mr. Van De Wiele asked Ms. Phillips if this is not a bed and breakfast then what is it? Ms. Phillips stated she has stayed at an Airbnb and she did not receive breakfast and she was not served anything.

Mr. Van De Wiele stated that he went back and watched the last January 2016 or 2015 meeting on TGOV when the applicant had Tom Neal representing her, and at one point Mr. Neal stated that "Ms. Krautter had been entertaining the notion of a bed and breakfast. She is aware that is not a legal option without applying for a Special Exception". Ms. Phillips stated that she believes Ms. Krautter stated she would not run a bed and breakfast in an accessory building and she is not doing that. Ms. Krautter is not renting any rooms of the accessory building. Ms. Phillips stated the accessory building is not even completed, and the bed and breakfast is in her house which was not before the Board previously.

Mr. Van De Wiele stated that Mr. Flanagan had asked Ms. Krautter if she was going to rent it. At that time Mr. Neal stated that it will not be rented as a bed and breakfast, and Mr. Van De Wiele stated he understood that the discussion was primarily about the detached accessory building, and if Ms. Krautter were to try that Ms. Krautter would need to come before the Board with a Special Exception request. Mr. Neal then stated that they had assured Ms. Jones and Mr. Baker and everybody else that Ms. Krautter has repeatedly told the neighbors that it was her intention to follow the letter of the Code. Ms. Phillips stated that Ms. Krautter is not operating a bed and breakfast.

Mr. Van De Wiele asked Ms. Phillips if in room snacks and coffee was considered a meal. Ms. Phillips stated that is not a meal according to the Merriam-Webster unabridged most current dictionary.

Ms. Back stated that under the lodging definition under the subcategory of the commercial use category, Section 35.050-2 Lodging, "Uses that provide temporary lodging for less than 30 days where rents are charged by the day or by the week. Lodging uses sometimes provide food or entertainment, primarily to registered guests. A detached house in which the owner/operator offers overnight accommodations and meal service ...". Ms. Back stated that under the lodging definition it says "sometimes" so she is having a hard time with the meal service and it is not helping her.

Mr. Van De Wiele asked staff if there was no cereal or bacon and eggs served is that a bed and breakfast? Ms. Blank stated that it is her understanding the administrative official analyzed the Code going from the general category of Lodging and then listed typical examples, which would be the bed and breakfast, the hotel/motel, recreational vehicle park and campground, and rural retreat. The determining factor is the period of rental whether it is less than 30 days. Then there are different kinds of lodging uses contemplated by the Code.

Mr. Bond stated that he does not think that what, how much or the quality of a meal is eaten in a particular lodging is relevant, but it is plainly a hotel/motel environment. He does not think that the analysis can make the determination what level of an English muffin constitutes breakfast. He does not think the Board needs to do that.

Ms. Phillips stated that the interested parties will bring forth complaints that are really not relevant to the issue, which are things that happened in 2002, so she asks the Board limit those things. Ms. Phillips stated that she has approached Mr. Baker and asked if he would like to participate in an early settlement and he had no interest in it.

Interested Parties:

Thomas Baker, 1323 East 19th Street, Tulsa, OK; stated that he is the one that pointed out the history of disregard for public policy in the information which the applicant's advocate is speaking about. As for early settlement, he lives right next door and he is willing to talk about being informed about what is going on anytime. He recognizes that a lot of the history has no relevance in this issue he just wishes that they would go back to the request to build the accessory building in which several in the neighborhood were

told it was going to be used for a bed and breakfast. He does not place much confidence in what the applicant has to say. Mr. Baker stated that additional information has been submitted to the Board which supports the Administrative Official's decision to classify the use of the applicant's property as a bed and breakfast. The information provided in advance was to demonstrate a history of acting contrary to public policy and The applicant had prior notice and without consideration of the neighborhood. knowledge that operating a bed and breakfast could not be done without approval granted by the Board of Adjustment. The reviews and testimonials demonstrate stays in the facility and that there have been repeated overnight guests. The reviews and testimonials from people who have stayed there reflect that a meal service from a light fare in the room to a guest being invited to dinner with the family, so a meal service is The facility has been commercially advertised as a bed and breakfast commercial operation. Mr. Baker stated that he understands these are the elements defining a bed and breakfast use, and those standards that support the classification as Mr. Baker stated that he and the neighbors support the a bed and breakfast. Administrative Official's decision to classify the use of the applicant's property as a bed and breakfast. He and the neighbors request the application be denied and the conduct cease.

Lydia Krautter, 1315 East 19th Street, Tulsa, OK; stated she is the daughter of Leah Krautter who owns the B & B. Ms. Krautter stated that there no breakfast served now. The one person who wrote the review regarding breakfast is her brother and breakfast was stopped after that. Ms. Krautter stated she helps with the bed and breakfast by setting flowers around the room. Ms. Krautter stated that people never stay more than 30 days and it is usually one or two nights. Ms. Krautter stated this helps her mother a lot, because she is divorced and it helps with tuition. Ms. Krautter stated that her mother is very good at running the bed and breakfast because she is very hospitable and has the gift of hospitality.

Mr. Bond asked Ms. Krautter who lives at the residence in question. Ms. Krautter stated that she, her three younger siblings and her mother live at the residence.

Mr. Van De Wiele asked Ms. Krautter if she considered it a bed and breakfast. Ms. Krautter answered no and stated it is a place where a person can stay the night in a prepared room and it is not a hotel but more like a home as described by people. Ms. Krautter stated there is Kuerig machine to prepare coffee and a basket of snacks but it is not a bed and breakfast.

Mr. Bond asked Ms. Krautter if she provided lodging. Ms. Krautter stated that the definition of lodging is up for debate, so she is not sure. It is for one or two nights so she would guess so.

Elizabeth Craddock, 611 West 15th Street, Tulsa, OK; stated she has known the Krautter family for a long time, back to the time when Ms. Krautter would rent a room from time to time. Ms. Craddock stated that Ms. Krautter asked her to rent a room so she could write a review about it to get the bed and breakfast going. Ms. Craddock

Krautter is not operating a bed and breakfast pursuant to the definition that is set out in Ordinance itself.

Comments and Questions:

Mr. Bond stated that he understands that the violation should note the proper ordinance that is being violated. Here in the quasi judicial administrative body Section 70.140 states, "in exercising appeal power, the board of adjustment has all the powers of the administrative official from whom the appeal is taken. The board of adjustment may affirm or may, upon the concurring vote of at least three members, reverse, wholly or in part, or modify the decision being appealed." If that is the argument, that is simply in power of notice Mr. Bond would like to point out that whether that is success or not before this Board what will likely happen is that it must react in the state of the administrative official. The administrative official will go back cite Ms. Krautter for the proper violation which would be Section 35 taking the case back to square one. Or Ms. Krautter can file a Special Exception for a bed and breakfast. Mr. Bond stated that he has no intention of being forced to articulate what constitutes an adequate breakfast. Mr. Bond stated that he hopes the Board can find that this in violation of Section 35.050-G. Mr. Bond stated that it sounds like this is a great place. This is a service and he understands this the way people a doing now, and he is not here to knock that but there is a proper path to make the bed and breakfast a lawful activity.

Mr. Flanagan stated that this sounds like the applicant needs to apply through the proper channels if the applicant wants a bed and breakfast. It does not seem like that has been done.

Ms. Back stated that in going through Codes, the official in this particular instance, would go to the commercial use, under commercial use you would go to lodging, from lodging you would go to bed and breakfast, then back up the food chain to get all of the definitions or all the references. In that she is having a difficult time with this. She does not question whether it is a good service or whether the people have enjoyed the place, but she does believe there is a process where the applicant could apply for a bed and breakfast. Ms. Back stated that she does know there are a lot of neighbors that are not happy so she would probably get a lot of opposition. Ms. Back stated that as a Board member she cannot say whether she would support or deny the request at this point. There is a process for the applicant to go through and right now Ms. Back stated she cannot support this request.

Mr. Van De Wiele stated that he understands the technical question of whether there has to be a breakfast in order for it to be a bed and breakfast. That is a fine line to frame the question and the appeal. He thinks a second and just as equally large important issue is if the Board accepts the applicant's argument that this is not a bed and breakfast it some other form of lodging would be the necessary conclusion from that. It is not allowed. There may be a process of some sort of notice and another appeal or a cease and desist type action, that all seems to be unnecessary to go through that process. The question at hand, as to whether this is a bed and breakfast he looks back at the representations that were made by the applicant's prior

representative. The Board asked about a bed and breakfast and that representative told the Board that Ms. Krautter wanted to operate a bed and breakfast but that she had abandoned those plans. Mr. Van De Wiele stated he asked about it. Mr. Flanagan asked about it. And right before the motion was made Mr. Van De Wiele stated that he wanted to be clear that this will not be run as a bed and breakfast. and the representative stated that Ms. Krautter understood that and she also understands that she would need the Board's approval to do that. Mr. Van De Wiele stated that with all those things to him are pointing out that Ms. Krautter intended to run a bed and breakfast. What the Board heard a year and a half ago was the dire need for additional room for her family that would stay in the accessory building after it was rebuilt. It has not been built in a year and a half, and now there are two extra rooms that are available for rent to the public. Mr. Van De Wiele stated that he is having a difficult time matching with what this Board has heard as far as Ms. Krautter's intent on running a bed and breakfast. He sees reviews on the Airbnb website that talks about some degree of food being served. All of which together leads him to believe that this is a bed and breakfast for which no Special Exception has been applied for or granted by this Board. All of the other lodging questions aside he thinks this is a bed and breakfast and he supports the administrative official's determination.

Ms. Back stated that in Section 35.020-E the Code talks about determination use categories and subcategories. The Code states, "if a use can reasonably be classified in multiple categories, subcategories or specific use types, the development administrator or land use administrator is authorized to categorize each use in the category, subcategory or specific use type that provides the most exact, narrowest and appropriate 'fit'." It is not down to that it must meet every letter of the law it is just the most exact fit. Ms. Back believes the Tulsa Administrative Official classified it correctly.

Mr. Flanagan stated that what is confusing to him is that Ms. Krautter and her previous representative said that this is absolutely not a bed and breakfast. Even if Ms. Krautter goes through the steps to file for a Special Exception for a bed and breakfast, she will be before the Board again to say it is a bed and breakfast.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; White absent) to **AFFIRM** the determination of an administrative official and to **DENY** the <u>Appeal</u> of an Administrative Official's decision to classify the use of the property as a Bed & Breakfast under Section 35.050-G.1; for the following property:

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

Ms. Miller left the meeting at 2:12 P.M.

stated that she has three friends from high school that get together and last year they booked a room with Ms. Krautter. The bed and breakfast is on Airbnb and a place can be on Airbnb and not be a bed and breakfast. Ms. Craddock stated that she has stayed at places like Ms. Krautter's throughout the nation and it is the way to go these days. Ms. Craddock thinks Ms. Krautter is doing a good thing and it is done a lot all over town, it is a wonderful thing.

Mr. Van De Wiele asked staff if a person was allowed to have a bed and breakfast in a residentially zoned neighborhood if they had a Special Exception. Ms. Miller stated that is correct and that is the only type allowed in a residential district by Special Exception. Mr. Van De Wiele asked Ms. Miller if it was a lodging of any sort other than a bed and breakfast it cannot be done, not by right, not by Special Exception? Ms. Miller answered affirmatively. Mr. Van De Wiele asked if a person was going to rent a room on a short term basis in any R zoned district, then the person better get a Special Exception, correct? Ms. Miller answered affirmatively.

Dawn Slattery, 5824 South 170th West Avenue, Sand Springs, OK; stated that in February she and her husband were having work done on their house and had to stay some place. She discovered there is a plethora of places to stay in Tulsa and Ms. Krautter's was a nice alternative to a hotel. Ms. Slattery stated they walked into a home and stayed with the family and they reimbursed Ms. Krautter for being able to stay there. She and her husband chose Ms. Krautter's location so they would be close to Utica Square and places to eat. She and her husband stayed there for three nights. She and her husband contributed to the economy in the area. Ms. Slattery stated this is a good thing and it is going on all over the place.

Raeshelle Sharpnak, 518 North Willow Court, Jenks, OK; stated that in March her son was having his Bar Mitzvah and she needed a place for her aunts to stay. Her aunts are strictly kosher vegan so they brought their own food in. Ms. Krautter's placed is within walking distant of the synagogue so it was a big benefit to her family. Ms. Sharpnak stated that her family really enjoyed their stay at Ms. Krautter's.

Mr. Van De Wiele stated there is nothing wrong with making an application to have a bed and breakfast in a neighborhood, but there cannot be a hotel in a R District. There cannot be a hotel, a rooming house, the only kind of lodging with 30 days or less that can be in a R District is a bed and breakfast. Mr. Van De Wiele stated he understands the convenience of it and that it is a current trend that is probably here to stay but there is a process of doing this the right way and that is make an application before to the City to receive a permit to operate a bed and breakfast in a person's home.

Rebuttal:

Lori Phillips came forward and reiterated that there is a notice that is required, even with the City. Her client received notice from the City that she was in violation of the Ordinance regarding a bed and breakfast only, not lodging, not all the other incarnations. It was specific to bed and breakfast only. Ms. Phillips stated that Ms.

22223—Paul Bush

Action Requested:

<u>Appeal</u> of an Administrative Official's decision to classify the use of the property as a Bed & Breakfast under Section 35.050-G.1. <u>LOCATION</u>: 1533 South Owasso Avenue East **(CD 4)**

Presentation:

Traci Jenkins, City of Tulsa Working In Neighborhoods Inspector, 175 East 2nd Street, Tulsa, OK; stated on February 28th Working in Neighborhoods received a complaint about a bed and breakfast operating out of residential structure. WIN inspected the property and was still unsure if the structure was vacant or occupied. The department researched water records and reviewed INCOG records and found no previous Board of Adjustment actions. Staff researched the internet and found the property listed on multiple websites, listed as a "cute and cozy craftsman bungalow in downtown Tulsa". Staff then reviewed the Zoning Code to determine the lodging based on the rental of less than 30 days and being charged by the day or week, and cross filed it as a bed and breakfast. A zoning notice was sent to the property owner whose address is listed as being in Shidler, Oklahoma. On April 21 and May 5 WIN received additional complaints regarding the subject property. Staff was told the bed and breakfast was still operating during the time of their appeal and until the appeal. A neighbor stated that the current owner lives over 11 ½ hours away and does not use it for any purpose other than transient rentals. The owners have never provided any of the neighbors with contact information and never told anyone of their plan to be absent owners. There is a cleaning company that comes to clean the subject property. The subject house is listed on at least five sites and has several rentals during the week. The owners are never present, do not live there, and do not use the house as a home but use it to make money and allow revolving door of strangers to move in.

Paul Bush, 1533 South Owasso Avenue, Tulsa, OK; stated he is the home owner and it is his only home that he owns. Mr. Bush stated that his circumstances are unique and different, especially from the prior case heard today. He is a cattle rancher by profession. He was born in the industry and chose to come back to Oklahoma. He lived in Georgia and Colorado. He received his Masters in Real Estate and Finance while in Colorado, and he came back to Oklahoma to be closer to family. The ranch is a big part of his life; it is something he is committed to and always will be. He has also had a dream to own property in Tulsa. This is the only house he and his wife own. They spent their entire savings on the down payment. They do not hire out to have someone clean the house and they do not operate all the time. The house is only available when they are not using it. His occupation is seasonal and he is in charge of the well being of a 1,000 cows. He and his wife wanted to reserve the house as a vacation rental by owner. When the house is rented there is no food served. Mr. Bush believes he was classified incorrectly as a bed and breakfast. The house is not offered on an open policy. The house is not offered all the time, full time. If the house is rented you get the entire property, not one room at a time. He and his wife are not on the property serving a renter while they stay there. He thinks it is very important to clarify that because this is an issue that is going to be seen more and more, especially in Tulsa. In the neighborhood about three streets away there is a bed and breakfast. He did not reach out to the neighbors but none of them reached out to him either. Mr. Bush stated that it is absolutely hearsay about their intent for the property and it is completely disrespectful. No one asked how he intended to use the property moving forward as his child grows. Mr. Bush stated that he was blatantly violated with the slap of the Code and to refuse him the ability to generate short term income on the subject property seems absolutely ridiculous. This situation can be made as messy as we want it to be but he wants to work with his neighbors for a resolution, but many of them feel like they own the street, own the neighborhood and should tell him what to do with his property. Mr. Bush stated that at this time given that there are no specific laws put in place in regards to defining one night entire rental property residential use without meal service that the Board uphold the appeal at this time.

Mr. Van De Wiele asked Mr. Bush how often a renter uses his property and how long is the duration? Mr. Bush stated he has had guests that range from one night at a time to entire weeks depending on their circumstance. A lot of the people come in for weddings, funerals or events.

Mr. Bush stated there is also a system of responsibility in place on the rental platforms. We have the ability to deny guests to stay and he has done that and has proof.

Mr. Van De Wiele asked Mr. Bush how many times does he have the one night to one week rentals. Mr. Bush stated that at this time it is about eight nights a month every weekend, but the house has not even been available for the first half of May. Mr. Van De Wiele asked Mr. Bush where he is when someone is renting out the subject property. Mr. Bush stated that typically he is on the ranch.

Mr. Van De Wiele stated that he understands that Mr. Bush wants to use the property as a rental and that it happens a lot, but he has to appreciate that the Board is bound by the Zoning Code. Mr. Van De Wiele stated that if the property is being rented for periods of 30 days or less the property will fall into the lodging category. The property is in an in a RS-3 District and the only type of lodging that can be had as a 30 day or less rental is a bed and breakfast. The Board has the authority and the power to grant a person a Special Exception to use a residential property as a bed and breakfast. Even if the Board were to agree with Mr. Bush that he is not a bed and breakfast he asked Mr. Bush what can the Board say he is. Mr. Bush stated that he is a residential home. He wants to work with the solution that justifies all parties. He is fine with not even renting the house on a temporary basis but he thinks long term denying the right is wrong and wrong for anyone. Why do we work for what we have? It is for our personal property and the right of that property. If that is gone then what do we work for? He sees this as denying his family income and he does not want it to be a full time rental.

Mr. Van De Wiele stated that is his point. He told Mr. Bush that neither he nor his neighbors have the ability or authority to reach that sort of agreement, that one night a month is okay or eight nights a month is okay. A person cannot use a residentially

zoned piece of property for a cattle holding pen. There are zoning limitations and the Board has to operate within the bounds of those limitations granting Special Exceptions and Variances where they can and where they are justified.

Interested Parties:

Cyrus Lawyer, 225 East 29th Street, Tulsa, OK; stated he is a board member of Neighborhood's Neighbors. The Neighborhood's Neighbors enforces the enforcement of the Tulsa City Zoning Codes. Under the code Maple Ridge is designated as a residential single family district. A commercial use of a property specifically, to use as a short term rental as the primary purpose in a residential single family district must be reviewed and granted a Special Exception by the City of Tulsa. The Code sets forth that the commercial use of a residential single family property must not be detrimental to the public welfare, must be compatible with the surrounding and not injurious to the neighborhood. When it is proposed that a residential single family property be used as a short term rental the Board is to review each application on a case by case basis to determine if the proposed use in harmony with the spirit and intent of the Code.

Emily Bolusky, 1532 South Owasso Avenue, Tulsa, OK; stated that she took a key over to the neighbors and introduced herself when they moved in because she had the previous neighbors spare key. She did not know to ask them if they intended on living in the house or not. The applicant may thinks this is a big deal but there are many children that live on that street and they do not know the people coming in and out of the house. The neighborhood has large front yards and tiny back yards so everyone plays in the front yard. Ms. Bolusky stated that she was excited when the applicant moved in and she does not think that they would like to live next door to a house that had 10 to 15 new people a week. It is not what people want. A person does not move into a neighborhood to have constant new neighbors and if she wanted that she would move into an apartment building. When a person moves into a neighborhood you live by the fact that people are neighbors and they support each other, and the applicant does not live there. The applicant has lived in the house five or six nights total.

Mr. Van De Wiele asked Ms. Bolusky in what time frame was she talking about for the five or six nights. Ms. Bolusky stated that it would be since February 2017.

Ryan Scharnell, 1525 South Owasso, Tulsa, OK; stated he lives one house north of the subject property. Mr. Scharnell stated the fact that Mr. Bush says they are not there is outrageous, that means they do not know who is coming in and out of the house. If there is an issue with a gas leak or anything the owner is not there. This is absent owner. Mr. Scharnell stated there are 15 elementary school children within four houses of the subject property and the fact that the owners are not in the house is a concern.

Jim Lee, 1520 South Owasso, Tulsa, OK; stated he and his wife purchase their home in 1977. His house is on the west side of Owasso, it was built in 1915, the neighborhood is unique and he knows all his neighbors. The neighborhood is a very social neighborhood and today is the first time he has seen Mr. Bush. South Owasso is a narrow street and there is parking on one side of the street only. Mr. Lee thinks Mr.

Bush made a mistake by not coming before the Board of Adjustment in the beginning and now he is asking for an approval on his mistake at the neighborhood's expense. There are 18 houses in the neighborhood and all of them are single family residences except Mr. Bush's which is clearly a business. It should not be the neighborhood's responsibility to take care of Mr. Bush's mistake. Mr. Lee stated he is opposed to any business coming into the neighborhood and that would include Mr. Bush's business. There are two houses in the neighborhood that have tenants living in the house's garage but the main house residents live there full time so they are able to supervise the renters for any problems. Mr. Bush lives one hour away from his property so what will happen should the police be called? This is clearly a business establishment in a single family home with an absentee owner.

Paul Stevenson, 1537 South Owasso Avenue, Tulsa, OK; stated he lives next door to the subject property and he has lived there for 24 years. When he and his wife moved into the neighborhood it was old and run down and his house was only livable. At that time the front driveways were gravel and filled with dead cars, and gradually the neighborhood has been rehabilitated. There are at least eight children living in the area and they play on the street. The houses in the neighborhood are very close together with very little parking. There are retired residents that help keep an eye on things. Mr. Stevenson stated that he has met Mr. Bush and they had a nice talk but he does not believe Mr. Bush has an understanding of city life. Mr. Stevenson stated that he did give Mr. Bush his e-mail address and asked that he send him his e-mail address, but he never did and that was the last contact he had with Mr. Bush. Mr. Stevenson stated that he rarely sees the Bush's car at the house and there is a constant stream of strangers coming in and out.

Erica Townsend Bell, 1524 South Owasso, Tulsa, OK; stated that she would like to echo what the others have said, until today she had no idea who the Bush's are. She would like to get to know them and to see them become a part of the neighborhood. The house is not owner occupied and that means they have no relationship and the neighborhood is a social neighborhood. The problem that rises is that the neighbors have very little recourse. She appreciates hearing that the Bushes are screening the people that stay in the house but she has nothing but his word to take on that with no way to contact Mr. Bush to verify that.

Rebuttal:

Paul Bush came forward and stated that is wonderful to have concerned neighbors. He cares about their wishes and respects. Mr. Bush stated that he did notify Mr. Stevenson that he would be interested in renting the house out on a night-to-night basis and his response was "no you cannot do that". With that answer Mr. Bush stated he got the impression that Mr. Stevenson thought he ran the neighborhood putting him on the defensive. The first contact he has had with his neighbors is today even though he has been at the house several times and stayed several nights. Mr. Bush stated that when he received the notice from the City he had not received any compensation or payment for anyone staying in the house. On February 28th when the notice was received he had not received a dime for anyone staying in the house so at that time he was not a

bed and breakfast. He would like to have a relationship with a neighbor who could police the property, and he asked Mr. Stevenson if anyone had been an issue and Mr. Stevenson replied no. Mr. Bush stated he is concerned about the people being respectful to the neighbors that live there. He also has constant communication with the renters at the time they are there. He would like to make this a good relationship with everyone involved and he believes it is possible.

Comments and Questions:

Ms. Back stated that the Code is not keeping Mr. Bush from making money on his property, he would just have to do long term rental for 30 days or more so that is an option. That is probably not what the neighborhood would like but that is an option in the Code.

Mr. Flanagan stated that if Mr. Bush wants to have a bed and breakfast he should apply for a Special Exception. Unfortunately that did not happen.

Mr. Van De Wiele asked staff what the definition of a bed and breakfast is in the Code, because he always got the sense that the owner or proprietor was on the property. Ms. Miller stated the definition of a bed and breakfast is "a detached house in which the owner/operator offers overnight accommodations and meal service to overnight guests for compensation". So the Code does not say the owner has to be on the property but that is the tradition. Mr. Van De Wiele stated this seems less like a bed and breakfast to him than the first case heard today. If this is not a bed and breakfast then it is not allowed at all, by Special Exception or otherwise. Mr. Van De Wiele asked Ms. Miller what the other lodging classifications are. Ms. Miller stated they are under the subcategories and they are hotel/motel, recreational vehicle parks, campground and rural retreat none of which are allowed in residential.

Mr. Bond stated that he believes Mr. Bush is stuck between the rock and a hard place. It is arguable that he provides lodging for commercial purposes. That places him in the hotel/motel category which not where he wants to be.

Ms. Blank stated that the Code states that in acting upon the appeal the Board of Adjustment must grant to the official's decision of presumption of correctness placing the burden and persuasion of error on the applicant.

Board Action:

On **MOTION** of **BOND**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; White absent) to **AFFIRM** the determination of an administrative official and to **DENY** the <u>Appeal</u> of an Administrative Official's decision to classify the use of the property as a Bed & Breakfast under Section 35.050-G.1; for the following property:

LTS 17 18 BLK 6, MORNINGSIDE ADDN, City of Tulsa, Tulsa County, State of Oklahoma



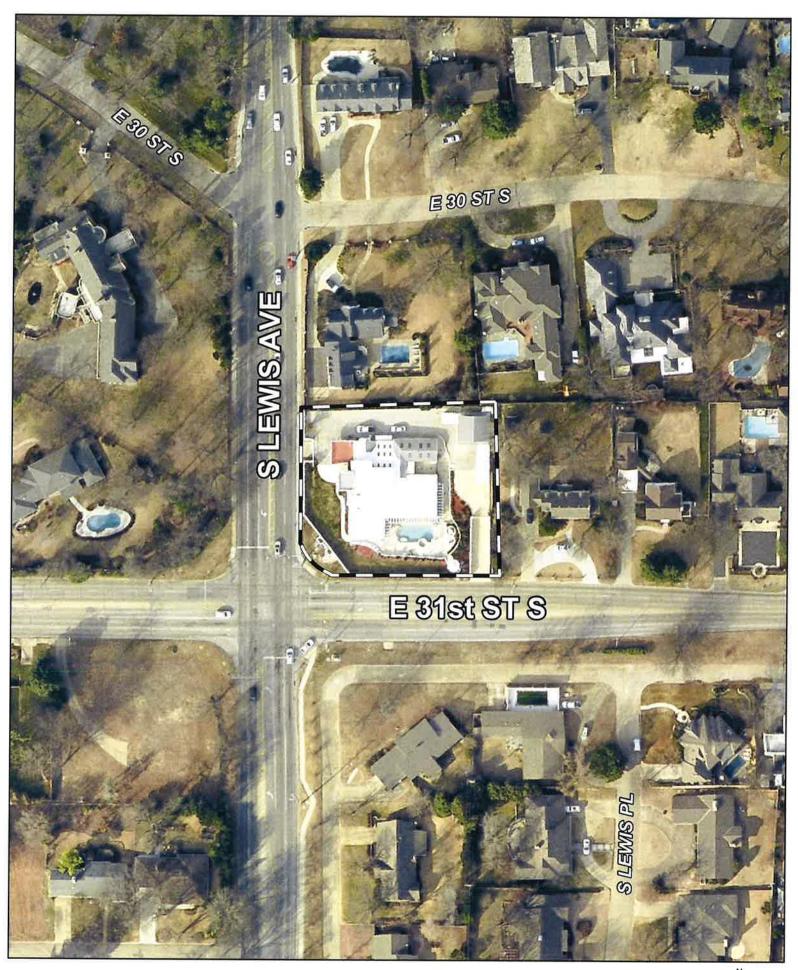


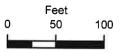
BOA-22261

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

Aerial Photo Date: February 2016 7.18









BOA-22261

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

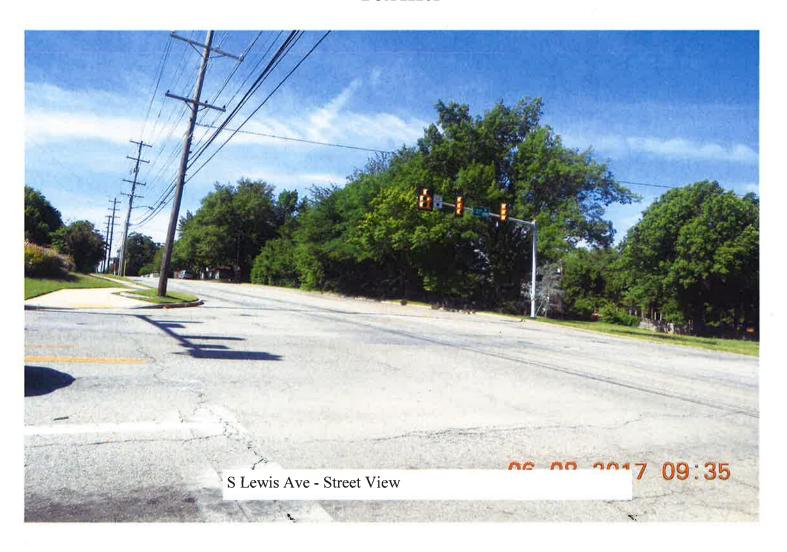
Aerial Photo Date: February 2016 7.19







BOA 22261



LYONS & CLARK, INC. ATTORNEYS AT LAW

TWO MAIN PLAZA 616 SOUTH MAIN, SUITE 201 TULSA, OKLAHOMA 74119-1260

MARK D. LYONS MARTHA L. BLACKBURN lyonscla@swbell.net TELEPHONE (918) 599-8844 FAX (918) 599-8585 CARY W. CLARK (1950-1988)

CURTIS W. KAISER, Of Counsel curtkaiser@swbell.net

May 19, 2017

APPEAL

HAND DELIVERED

Tim Cartner, Neighborhood Inspector City of Tulsa 175 E. 2nd Street, Suite 590 Tulsa, OK 74013 INCOG, Board of Adjustment Williams Tower II 2 West 2nd Street, 8th Floor Tulsa, OK 74103

Re:

APPEAL 2 Twisted Sisters, LLC

Complaint No: 118966

Zoning Notice of Violation, Dated May 11, 2017 2409 E. 31st Street, Tulsa, Oklahoma 74105

Dear Mr. Cartner and INCOG Board of Adjustment,

First and foremost, I do not believe the matters for which the Twisted Sisters, LLC, have been cited, need to be appealed. The citation is patently incorrect as the subject property is not in violation of the City of Tulsa Zoning Code.

Also Mr. Cartner specifically advised the undersigned in a May 17 telephone call that the 10 day appeal time was 10 business days. A call to INCOG said the appeal time is 10 calendar days. Someone needs to be clear on the advice given for the time to appeal.

The home that is subject to this appeal is located at 2409 E. 31st Street, and the legal description is as follows:

Lot Thirteen (13) and All of Lot Fourteen (14), LESS the East Twenty (20) feet thereof, Block Five (5), SOUTH LEWIS PARK, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat No. 799

This is an appeal to the Zoning Notice of Violation dated May 11, 2017. See attached Exhibit "A" incorporated herein.

SUBJECT PROPERTY

The above described property is used daily as the personal residence of Martha Blackburn, her sister (when she is in town) and their brother (again when he is in town). It is located on the NE corner of 31st and Lewis in Tulsa. The entire property is surrounded by an 8-10 brick wall that is painted white. Being on the corner of this intersection, there is no curbside parking that can be, or is used, since the property is bordered by 31st Street on the south and S. Lewis Avenue on the west. Both streets are four lane, heavy traffic streets for which there is no on street parking.

ZONING VIOLATIONS CITED

Mr. Cartner, the Neighborhood Inspector, advised that this residence and the owners were given multiple citations for advertising a bed and breakfast. That is patently and provably incorrect. There never has been any such advertisement nor is this residence being run as a bed and breakfast or where meals are served with lodging. See the Bed and Breakfast definition in Title 42, §40.060. and §35.050-G (1)¹

The citations give were for Title 42, Chap. 35.050-G-1 and 2. Chapter 42 is the City of Tulsa zoning code. Chapter 35 is titled "Commercial Use Category".

Sections G-1 and 2 relate to lodging. Mr. Cartner charged the Appellant with running a bed and breakfast. That is patently and provably false. Again, this house is a personal residence and does not fall into any of the categories described in 35.050-G (1), (2) Lodging:

- (1) This is not a Bed and Breakfast. This is not a detached house in which the owner/operator offers overnight accommodations and meal service to overnight guests for compensation. This is a residence.
- (2) This is not a Hotel/Motel. First, this is not an "establishment", as defined in the regulation, other than a bed and breakfast or rural retreat, in which short term lodging is offered for compensation. Since the house is a residence, it is not an "establishment". It is also note a hotel/motel because the City of Tulsa tax code definition for a Hotel/Motel must have "sleeping accommodations in which five (5) or more rooms are used for the accommodation of such guests".

[&]quot;1. Bed and Breakfast. A detached house in which the owner/operator offers overnight accommodations <u>and meal service</u> to overnight guests for compensation." (emphasis added)

May 19, 2017 Page -3-

The personal residence of Ms. Blackburn only has four bedrooms.

This house is not in any way used in such a way that it is a violation of the Tulsa Zoning Code. Furthermore, Mr. Cartner admitted to the undersigned that since he had no proof the residence was a bed and breakfast, he then claimed the regulation of this property was under the Hotel/Motel category. Again, he has zero proof of this. There is an entire chapter of the City Code dealing with hotels and motels that require numbering of rooms, guest registrations, etc., that simply do not apply to a personal, four bedroom residence.

I have also reviewed the City Zoning Code and there is nothing in the code that regulates short term rentals. A review of the online website of Home Away notes 67 advertisements for home rentals in Tulsa and Air B&B offers 300 + rentals in Tulsa.

The Appellant therefore asks that the citations against the Twisted Sisters, LLC, be dismissed.

In the event there is some sort of authority to regulate the use of her private residence, I request that she be formally advised of the specific zoning code authority so she may properly defend the claim.

Also in the event you believe that Mr. Cartner's citation sufficiently charges violations for which this body has authority, the Appellant requests that this appeal also be considered as a request for a special exception from whatever zoning regulations this body advises are applicable to this case, and I ask that she be given a hearing on all matters.

Sincerely,

Mark D. Lyons

LYONS & CLARK, INC.

MDL/rr Encl.

ZONING NOTICE OF VIOLATION

The City of Tulsa To:

Date: May 11, 2017

2 TWISTED SISTERS LLC C/O MARTHA BLACKBURN 2409 E 31ST ST TULSA, OK 74105-2305

You are hereby notified that the violation (s) maintained, operated or permitted to exist by you at LT 13 LESS BEG SWC TH E 35 NW ON CRV TO WL S 35 POB TO CITY & W 80 LT 14 BLK 5, SOUTH LEWIS PARK, addition to the City of Tulsa, TULSA County, State of Oklahoma.

And located at the address of: 2409 E 031 ST S

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

Title 42, Chap. 05, Sect. 020, Title 42, Chap. 40, Sect. 060, Title 42, Chap. 85, Sect. 020, Title 42, Chap. 35, Sect. 050-G-1, 2

This Violation requires:

This Notice requires compliance to Use Restriction of Title 42 (Lodging less than 30 days). The Use in the RS-2 Zoned District is prohibited without a Special Exception from the Board of Adjustment. All commercial use and advertisement associated with the Lodging less than 30 Days/Event Rental is required to be removed until a Zoning Clearance Permit is issued and approval is granted by the Board of Adjustment.

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

Complaint No: 118966

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

Meetings with Inspectors require a scheduled appointment.

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

Tab	le 5-2	2: R	Dist	rict (Use	Reg	ulat	ions							
USE CATEGORY		RS-						1		R	M-			Jan San	
Subcategory Specific use		1	2	3	4	5	RD	RT	0	1	2	3	RMH	Supplemental Regulations	
RESIDENTIAL Household Living	J.E	10	, C. 9					- 1	30			-5		7/10_3 X 1	
COMMERCIAL	7					ō =	1			7	6.1				
Broadcast or Recording Studio	-	-	-	\geq	-	-	-	-	-	5	S	5			
Financial Services (except as below)	-	-	-	-	-	-	-	-	-	5	5	5	i e		
Personal credit establishment	-	-	-	~	-	-	-	-	3-3	-	-	-	Dec.		
Funeral or Mortuary Service	TE	-	-	-	-	-	-	-	-	S	S	S	-		
Lodging						3							1		
Bed & breakfast	S	S	S	5	S	S	S	5	S	S	S	S	S	Section 40,060	
Marina	S	S	S	S	5	S	S	S	S	S	5	5	5		
Office														Section 40.260	
Business or professional office	1 -	-	-	-	-	-	-	-	-	S	5	S	-		
Medical, dental or health practitioner office	-	-	-	-	-	-	-	-	-	S	S	5	-		
Self-service Storage Facility	-	-	5	-	-	-	-	-	-	5	5	5	-	Section 40.360	
Studio, Artist or Instructional Service	1=	-	-	-	-	-	-	-	-	S	S	S	7	Section 40,380	

Section 40.060 Bed and Breakfasts

The supplemental use regulations of this section apply to all bed and breakfast uses. 40.060-A Bed and breakfast are limited to a maximum of 12 guest rooms unless a lower limit is established by the board of adjustment as a condition of an approved special exception.

40.060-B The maximum length of stay for any guest is limited to 30 consecutive days. 40.060-C The owner/operator must maintain a register of bed and breakfast guests and on-site events for each calendar year and make the register available to city code enforcement upon request.

40.060-D Cooking facilities are prohibited in guest rooms.

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

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

35.050-G Lodging

Uses that provide temporary lodging for less than 30 days where rents are charged by the day or by the week. Lodging uses sometimes provide food or entertainment, primarily to registered guests. Examples of specific lodging use types include:

1. Bed and Breakfast

A detached house in which the owner/operator offers overnight accommodations and meal service to overnight guests for compensation.

2. Hotel/Motel

An establishment, other than a bed and breakfast or rural retreat, in which short-term lodging is offered for compensation. A hotel/motel may include an accessory use bar.

Section 85.020 Violations

Unless otherwise expressly allowed by this zoning code or state law, any violation of a provision of this zoning code—including any of the following—are subject to the remedies and penalties provided for in this zoning code.

85.020-A To use land, buildings or other structures in any way that is not consistent with the requirements of this zoning code;

85.020-D To engage in the use of a building, structure or land, the use or installation of a sign, or any other activity requiring one or more permits or approvals under this zoning code without obtaining such required permits or approvals;

85.020-I To continue any violation after receipt of notice of a violation.

Moye, Nikita

BOX 22261

From: Sent:

George Kaiser [georgek@gbkcorp.net] Tuesday, June 20, 2017 7:14 PM

Sent: To:

Moye, Nikita

Subject:

31st Street and Lewis zoning exception

We believe that the proposed use for the residence at 2409 E. 31^{st} Street is inappropriate, out of character for the neighborhood and should be rejected.

Myra and George Kaiser 2511 E. 31st Street

Moye, Nikita

From:

Victoria Bartlett [victoria.ann.bartlett@gmail.com]

Sent:

Tuesday, June 20, 2017 10:34 PM

To: Cc:

Subject:

Moye, Nikita Kathleen Murphy Case No. BOA-22261

Dear Ms. Moye,

Please inform the members of the Board of Adjustment of my <u>strong</u> objection to the appeal of the zoning violation citation regarding the property located at the northeast corner of 31st Street and South Lewis Ave. The subject property is currently zoned RS-2. I am requesting this zoning destination be continued and allow it to stay in conformity to the real property situated in this locale.

My home is located at 2426 East 30th Street. Title is held in the name of the Victoria A. Bartlett Revocable Trust. I was properly given legal notice of the zoning appeal. My real estate is in the immediate lot behind, connected to, and adjacent to the subject property.

The construction of many of the homes in this historic neighborhood date back to the 1920's. The homes are generally two stories, with large yards, and are all zoned residential. The neighborhood is peaceful and oriented to a family lifestyle. The property values are substantial.

If the Board of Adjustment were to allow a zoning change/or waiver to permit commercial development of an existing house for a bed & breakfast or for a hospitality house, this variance would adversely affect residential development today, in the future, and the property values in this historic area. Moreover, it would open a flood gate for commercial development of other historic home to be converted for commercial/ for-profit development and destroy our neighborhood for residential living.

I am appalled that the current owner of the subject property is a licensed attorney. She elected to purchase and enhance the subject property for the specific intent to convert it into a for-profit bed & breakfast and hospitality house, knowing or she should have known the property is zoned residential. I believe the purchaser put the cart before the horse. By your vote to deny her appeal of the zoning violation, the Board will be making a strong statement, that zoning change request should be made at the time of purchase rather than after substantial modifications are made to the property with a belated plea to allow the zoning variance.

I urge you to maintain the residential value of the many historic residential homes in this charming area of Tulsa for the families today and those of our families to follow.

As a side note, in the past several months, the property owner hosted for-profit entertainment and hospitality events in the subject property in direct violation of the zoning code. There is insufficient parking for such activities in our neighborhood. Consequentially the side streets were full of cars presenting risks to children playing outdoors, hazards to homeowners backing their cars out of driveways, and families personal parking inconveniences.

7.28

I will be out of the country on a scheduled vacation during the date set for hearing on this matter. Please present my letter objecting to allowing any modification of the pre-existing zoning of the property in question.

Thank you kindly for your consideration.

Victoria Bartlett 918-527-1404 Moye, Nikita

BOA 22261

From: Sent:

Elizabeth Rainey [ebrainey@cox.net] Tuesday, June 20, 2017 1:16 PM

To:

Moye Nikita

Subject:

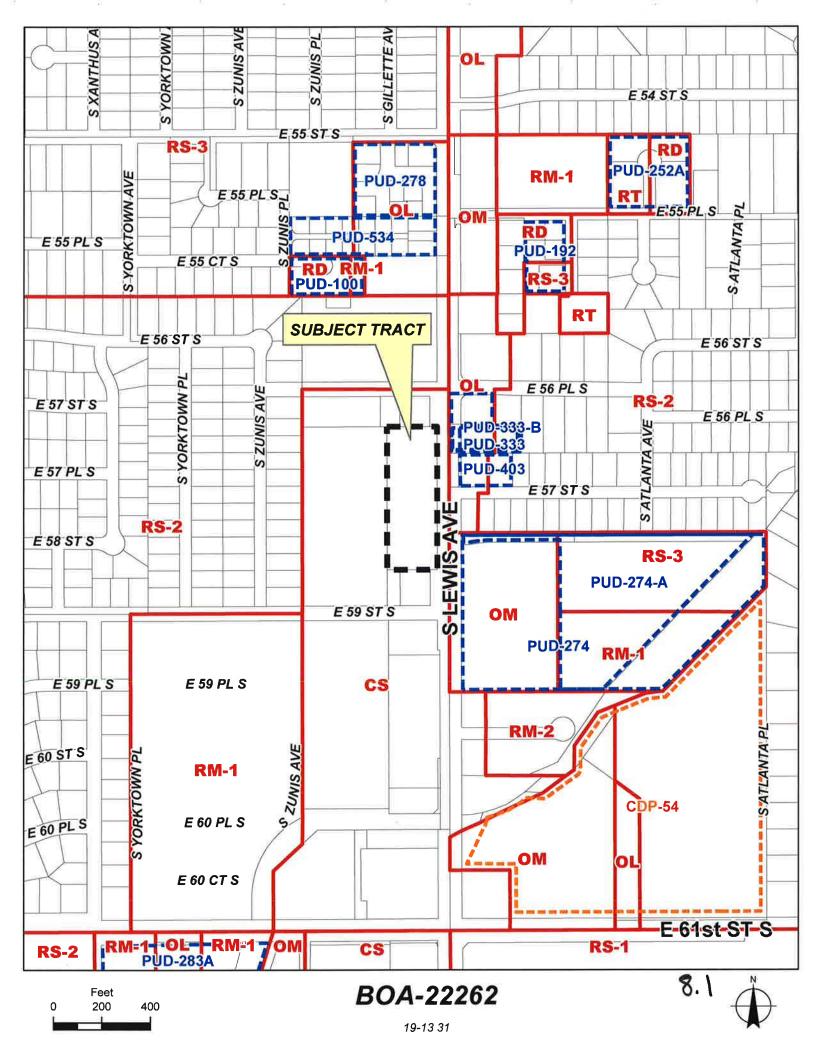
White Lion Villa Special Exception

Ms. Moye

We are absolutely opposed to the White Lion Villa being operated as a bed and breakfast— or any other commercial venture.

To allow this special exception would open up a beautiful neighborhood to commercial development. This is totally unacceptable!! If this were allowed to happen, 31st Street might well become another Cherry Street. Please do not let this happen to one of the most special and beautiful neighborhoods in Tulsa.

Sincerely, Elizabeth and James Rainey 2410 E. 32nd Street



BOARD OF ADJUSTMENT CASE REPORT

STR: 9331

Case Number: BOA-22262

CZM: 47

CD: 9 **A-P#**: 420070

HEARING DATE: 06/27/2017 1:00 PM

APPLICANT: Mark Bahlinger

ACTION REQUESTED: Verification of the 300 foot spacing requirement for a bar from public parks, schools, religious assemblies and other bars/adult entertainment establishments; and 50 feet from an R-zoned lot (Section 40.050).

LOCATION: 5800 S LEWIS AV E **ZONED**: CS

PRESENT USE: Bar TRACT SIZE: 2.84 Acres

LEGAL DESCRIPTION: PRT NE SE BEG 543S NEC SE TH W258 S595.62 E258 N595.50 POB LESS E50 THEREOF FOR ST SEC 31 19 13 2.84 ACS, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Lot:

BOA 20609-A; on 01.22.08 the Board **approved** a variance to reduce required parking to 254 spaces for a shopping center built prior to code parking requirements, per plan.

BOA-20609; on 12.11.07 the Board **accepted** spacing verification for a bar and **approved** a special exception to permit a bar on a lot located within 150 ft. of R zoned land for a period of six years from 12.11.07.

BOA-20587; on 10.23.07 the Board **approved** a verification of the spacing requirement for a Wine Bar; and a special exception to permit a bar on a lot located within 150 ft. of R zoned land.

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".

A **Mixed-Use Corridor** is a plan category used in areas surrounding Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. The streets 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.

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.

<u>ANALYSIS OF SURROUNDING AREA</u>: The subject tract is surrounded by CS zoned commercial uses to the north and south; OL and OM zoned office uses to the east; and CS zoned multi-family residential uses to the west.

STAFF COMMENTS:

In BOA 20587 it appears that the Board approved a spacing verification to allow a Wine Bar in the existing commercial space. The applicant is proposing to expand the existing Bull and Bear Tavern (bar); to permit the expansion of the existing bar the applicant is requesting verification of the 300 ft. spacing requirement. A bar is permitted in the CS district as a use by right – subject to complying with the spacing requirements provided in Section 40.050-A of the Code. The Code provides the following spacing requirements for a bar in the CS district:

- 1. Public entrance doors of bars may not be located within 50 feet of any R-zoned lot, as measured in a straight line from the nearest point on the R-zoned lot (not including R-zoned expressway right-of-way) to the nearest public entrance door of the bar or the nearest portion of any outdoor seating/dining area, whichever results in a greater setback.
- 2. Bars may not be located within 300 feet of a public park, school or religious assembly use; the separation distance must be measured from the nearest property line of such public park, school or religious assembly use to the nearest perimeter wall of the bar.
- 3. Bars may not be located within 300 feet of any other bar or sexually oriented business establishment, except in the CBD district. The required separation distance must be measured in a straight line between the nearest perimeter walls of the portions of the buildings occupied by the bar or sexually oriented business establishment.

The attached map illustrates a spacing radius of 300 ft. from the perimeter walls of the bar. The attached map and comments from the applicant list uses within the 300 ft. spacing radius. Staff visited the site and there do not appear to be any bars, sexually oriented businesses, public parks, churches, or schools within 300 ft. of the proposed bar. There are no the R zoned districts within 50 ft. of the subject site; it appears the bar expansion meets the stated spacing requirements for a bar.

Sample Motion:

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

CITY BOARD OF ADJUSTMENT

MINUTES of Meeting No. 972
Tuesday, January 22, 2008, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS
PRESENT
Henke, Chair
Stead, Vice Chair
Stephens
Tidwell, Secretary
White

MEMBERS ABSENT

STAFF PRESENT Alberty Butler Cuthbertson OTHERS
PRESENT
Ackermann, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Thursday, January 17, 2008, at 3:16 p.m., as well as at the Office of INCOG, 201 W. 5th St., Suite 600.

After declaring a quorum present, Chair Henke called the meeting to order at 1:00 p.m.

Mr. Cuthbertson read the rules and procedures for the Board of Adjustment Public Hearing.

MINUTES

There were no minutes submitted to the Board for approval.

NEW APPLICATIONS

Case No. 20609-A

Action Requested:

Variance of the parking requirement for a mixed use commercial shopping center (Section 1212.a), located: 5800 South Lewis Avenue.

Presentation:

Tom Dittus, 2032 East 14th Place, Tulsa, Oklahoma, stated the original owner, Harold Burlingame, Sr. Now the business is run by his son, Haden Burlingame, Mr. Burlingame did not know why the parking lot was not re-striped. It would have

raised the parking capacity from 224 to 254 spaces. The site plan and a tenant list (Exhlbit A-1 and A-3) are in the agenda packet. He added that only three businesses will be open after normal business hours. The hours of operation for this bar would be 2:00 p.m. to 2:00 a.m. He stated the hardship is the majority of his business would be after normal business hours.

Comments and Questions:

Mr. Cuthbertson commented that the parking provided after the re-striping per this variance request would accomodate both bars. Mr. Stephens stated he would like to see documentation from Architects' Collective that they can provide 30 more parking spaces. Ms. Stead stated she expected them to provide proof of the restriping with the 30 extra spaces by May 1st. A letter was provided to the Board (Exhibit A-2).

interested Parties:

There were no interested parties who wished to speak.

Board Action:

On Motion of White, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Variance of the parking requirement for a mixed use commercial shopping center (Section 1212.a), with condition that documentation be given to INCOG by May 1, 2008 of the completion of the re-striping to include 254 parking spaces, per the plan approved in 2003, 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; and that actual usage of the parking lot is significantly less than the code requires; 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:

PRT NE SE BEG 543S NEC SE TH W258 S595.62 E258 N595.50 POB LESS E50 THEREOF FOR ST SEC 31 19 13 2.84ACS, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20625

Action Requested:

Variance of the maximum height of a detached accessory building located in the required rear yard from 18 ft. to 27 ft. (Section 210.B.5.a), located: 8603 South Gary Avenue.

City Councilor Dennis Troyer, was agreeable to a continuance.

Comments and Questions:

Mr. Alberty informed the Board that the applicant needs more relief.

Interested Parties:

There were no interested parties who wished to speak.

Board Action

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20612 to January 8, 2008, on the following described property:

LT 1 LESS BEG SWC TH N26 SE35.38 W24 POB BLK 1, SKELLY HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20609

Action Requested:

Verification of the spacing requirement for an adult entertainment establishment for a bar (Section 1212a.C); and a Special Exception to permit a bar (adult entertainment establishment) on a lot with 150 ft. of R zoned land (Section 701), located: 5800 South Lewis Avenue.

Presentation:

Tom Dittus, 2032 East 14th Place, noted that this Board approved the same special exception for the Metropolitan Line Bar in BOA Case No. 20587, in the same center. They meet all other requirements and they are 386 ft. away from that establishment. All new leases in this center will be required to pay for 24-hour security. He stated the two properties zoned R are actually used as OL.

Interested Parties:

Mr. Henke mentioned the Board received one letter of protest from Al Grosech, President of Car Care Corporation.

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 **Accept** verification of spacing and, to **APPROVE** a Special Exception for a period of six years from December 11, 2007, 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:

PRT NE SE BEG 543S NEC SE TH W258 S595.62 E258 N595.50 POB LESS E50 THEREOF FOR ST SEC 31 19 13 2.84ACS, City of Tulsa, Tulsa County, State of Oklahoma

structure (Section 1405.B); and a Special Exception to reduce the front yard requirement by 4 ft. 8 in. to permit a bay window addition (Section 403.A), and to include construction to cover the existing porch slab; the Board is Issuing permission to rebuild a legal non-conforming house, which was partially damaged by fire; finding the dwelling's restoration to a conforming structure cannot be reasonably made in view of the nature and extent of the non-conformity and the nature and extent of the damages; the restoration shall be in accordance with partial site plan on page 4.7 and site plan on page 4.8 of the agenda, 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 23 & 24 BLK 3, ROSEMONT HGTS, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20587

Action Requested:

Verification of the spacing requirement for a Use Unit 12a (Wine Bar) (Section 1212a.C.3); a Variance of the spacing requirement of 300 ft. for a bar from a church property line (Section 1212a.C.3.b); and a Special Exception to permit a bar on a lot located within 150 ft. of R zoned land (Section 701), located: 5800 South Lewis Avenue.

Presentation:

Lou Reynolds, 1717 East 21st Street, stated the church tenant on the south has vacated the premises and he withdrew the variance request. He stated they meet the spacing requirement except for two properties that are OL and R-zoned within PUD's that are within the 150 ft. from the property line. They have OL use, with offices. The distance of the R-zoned lot is 400 ft. from the front door.

Comments and Questions:

In response to questions from the Board members, Mr. Reynolds replied the bar has 1,103 sq. ft. Mr. Ackermann asked if there was a reason he specified a wine bar. Mr. Reynolds wanted to be descriptive so all would know what they were planning. FILE COPY

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On Motion of Stead, the Board voted 4-0-0 (White, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; Tidwell "absent") to ACCEPT a Verification by the applicant of the spacing requirement for a Use Unit 12a (Wine Bar) (Section 1212a.C.3); and APPROVE a Special Exception to permit a bar on a lot located

within 150 ft. of R zoned land (Section 701), 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; noting the variance originally requested was withdrawn, on the following described property:

PRT NE SE BEG 543S NEC SE TH W258 S595.62 E258 N595.50 POB LESS E50 THEREOF FOR ST SEC 31 19 13 2.84ACS, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20585

Action Requested:

Special Exception to permit (Use Unit 5) accessory church use (parking) in an RS-1 district (Section 401); and a Special Exception to permit required parking on a lot other than the one containing the principal use (Section 1301,E), located: Southwest corner of East Admiral Place and South 183rd East Avenue.

Presentation:

D. Leon Ragsdale, stated he is the architect for the church. The church acquired some more property. They seek relief to use it for a parking lot. He provided a hydrology report to the City of Tulsa as part of the platting process.

Comments and Questions:

Mr. Ragsdale replied to questioning, that a retention pond will not be required in this case. He responded that he would inform the church of complaints of maintenance of the drainage area that has caused further drainage problems.

Interested Parties:

Angela Dooley, 18203 East 2nd Street, asked for more explanation of where they would construct the parking lot and building.

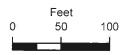
Mr. Ragsdale responded that the parking lot would be about 300 ft. from the south boundary line. He mentioned the church planned to leave a landscaped area along Admiral.

There was Board and staff discussion regarding landscaping, sidewalks and street trees. Mr. Ragsdale stated they have developed a landscape plan, which will be filled with the plat. Mr. Ackermann asked if the applicant has plans to light the parking lot. Mr. Ragsdale replied that someone else designed the parking lot and could not answer that question.

Board Action:

On **Motion** of **White**, the Board voted 4-0-0 (White, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; Tidwell "absent") to <u>APPROVE</u> a Special Exception to permit (Use Unit 5) accessory church use (parking) in an RS-1 district (Section 401); and a Special Exception to permit required parking on a lot other than the







BOA-22262

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

Aerial Photo Date: February 2016



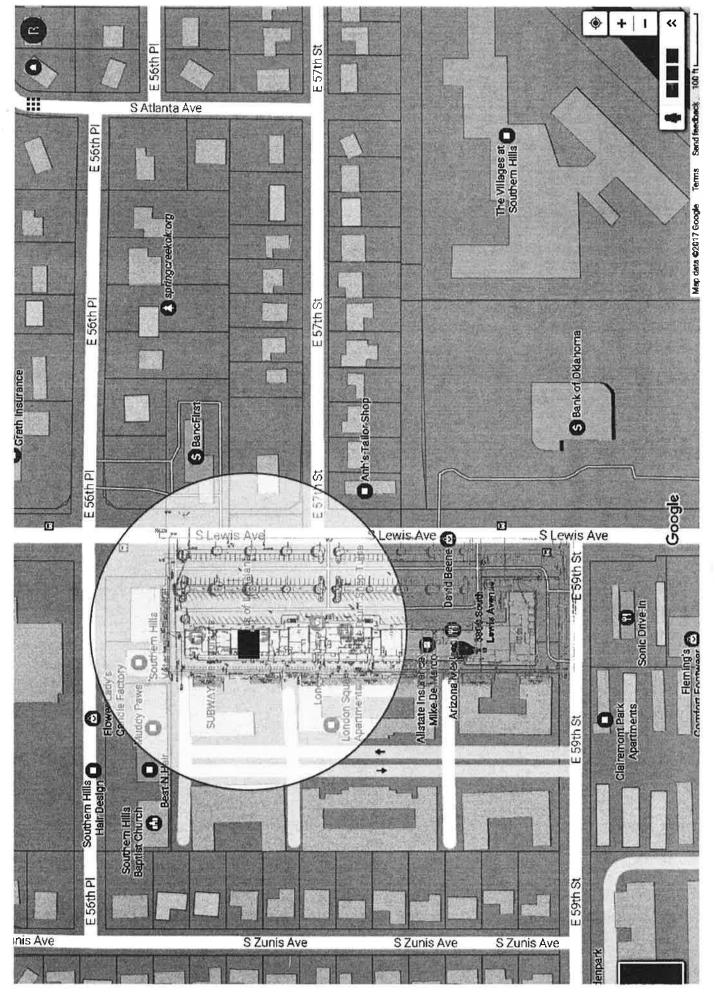


BOA-22262

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

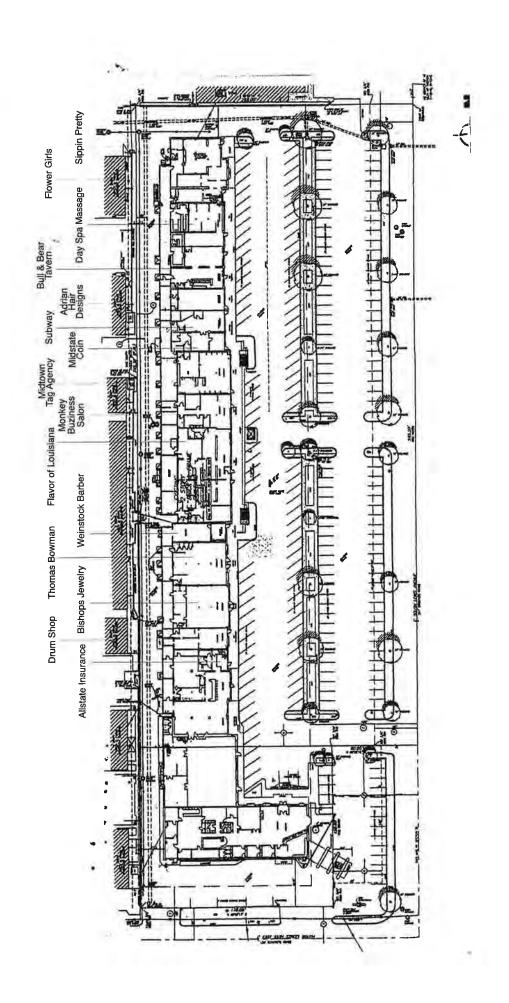
Aerial Photo Date: February 2016

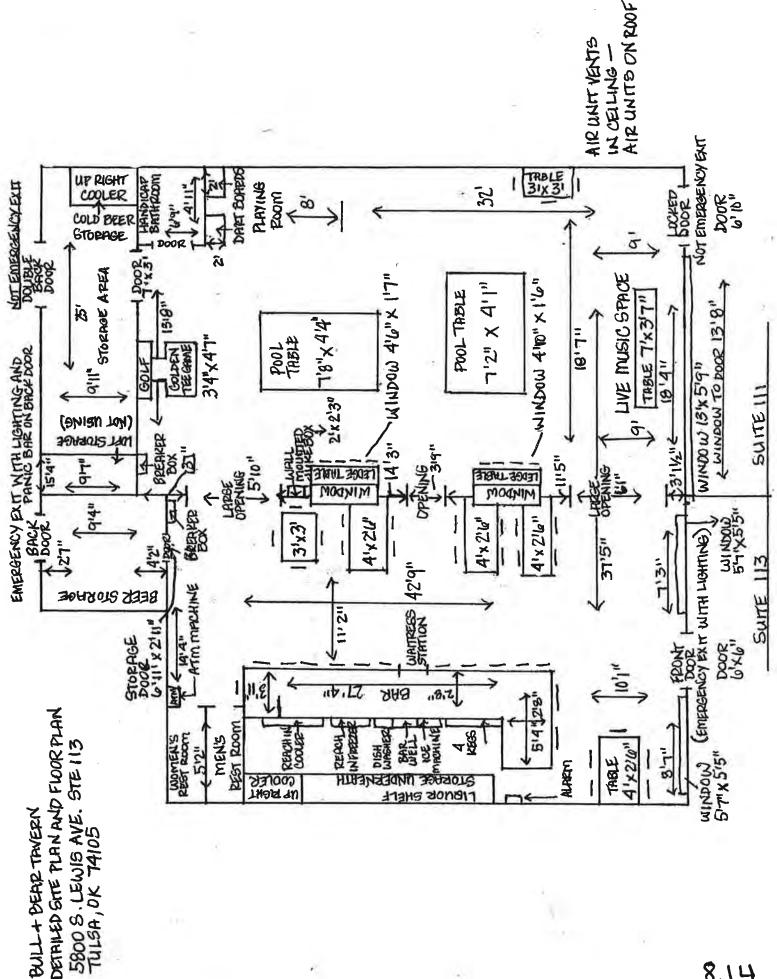




Businesses Within 300 feet of 5800 S. Lewis Ave., Ste. 113 Tulsa, OK 74105

Name	Address
Sippin Pretty	5800 S. Lewis Ave., Ste. 101
Flower Girls	5800 S. Lewis Ave., Ste. 103
Day Spa Massage	5800 S. Lewis Ave., Ste. 109
Florence Park Café	5800 S. Lewis Ave., Ste. 115
Subway	5800 S. Lewis Ave., Ste. 117
Midstate Coin & Militaria	5800 S. Lewis Ave., Ste. 119 - VACANT
Midtown Tag Agency	5800 S. Lewis Ave., Ste. 125
Monkey Buziness Salon	5800 S. Lewis Ave., Ste. 127
Flavor of Louisiana	5800 S. Lewis Ave., Ste. 131
Weinstock Barber	5800 S. Lewis Ave., Ste. 137
Thomas Bowman	5800 S. Lewis Ave., Ste. 139
Bishops Jewelry	5800 S. Lewis Ave., Ste. 141
Drum Shop	5800 S. Lewis Ave., Ste. 147
Allstate Insurance	5800 S. Lewis Ave., Ste. 149
Dunham Heat Flo	5800 S. Lewis Ave., Ste. 263
Acuity Camera	5800 S. Lewis Ave., Ste. 266A
London Square North, LLC	5800 S. Lewis Ave., Ste. 267
John Weller	5800 S. Lewis Ave., Ste. 268
National Data	5800 S. Lewis Ave., Ste. 269
Law Offices	5800 S. Lewis Ave., Ste. 271
Dry Dock Inc.	5800 S. Lewis Ave., Ste. 273
Morrison Tax Accountants	5800 S. Lewis Ave., Ste. 275
David Beene	5800 S. Lewis Ave., Ste. 279
Water From the Rock	5800 S. Lewis Ave., Ste. 289
Life Changes Health	5800 S. Lewis Ave., Ste. 291
Grimshaw Homes	5800 S. Lewis Ave., Ste. 293
Alice April	5800 S. Lewis Ave., Ste. 296
Southern Hills Barber Shop	5701 S. Lewis Ave.
Hilborne & Weidman PC	2405 E. 57 th St.
BancFirst	5623 S. Lewis Ave.
Mortgage Clearing Corp	5612 S. Lewis Ave.
Southern Hills Veterinary Hospital	2242 E. 56th Pl.
Muddy Paws	2234 E. 56th Pl.
Best N Hair	2226 E. 56th Pl.
London Square Apartments	2217 E. 59th St.





CHUCK LANGE ZONING OFFICIAL PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

April 26, 2017

Phone: (918)706-0816

LOD Number: 1000940-1

CHARLENE LOCKART BULL & BEAR TAVERN 2005 E. 52ND ST TULSA, OK 74105

APPLICATION NO:

420070 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: Description:

5800 S LEWIS AV E SUITE 113 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^{nd} 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

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

(continued)

REVIEW COMMENTS

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

Application No. 420070

5800 S LEWIS AV E SUITE 113

April 26, 2017

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

Sec.40.050-A: The proposed interior remodel is for a bar located in the CS zoning district. The remodel has expanded the floor area of the bar and is subject to the following separation distance requirements:

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

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

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

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

END - ZONING CODE REVIEW

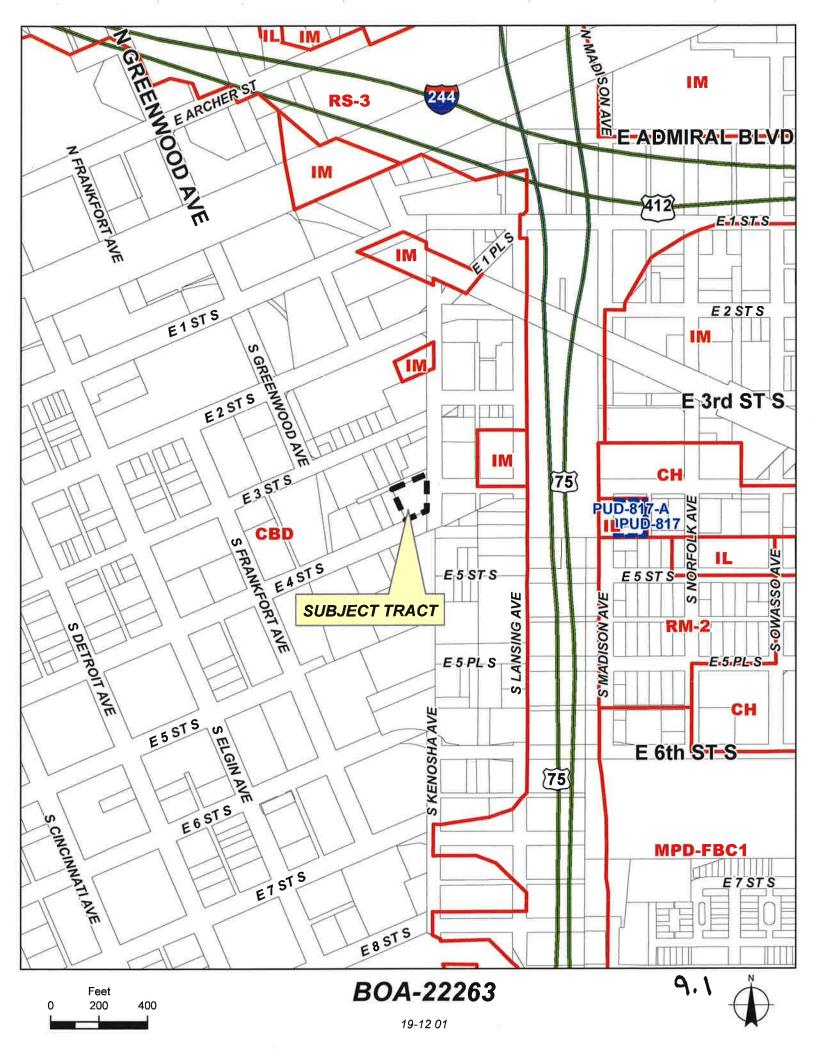
NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

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

THIS PAGE

INTENTIONALLY

LEFT BLANK



BOARD OF ADJUSTMENT CASE REPORT

STR: 9201 Case Number: **BOA-22263**

CZM: 36 **CD**: 4

A-P#: 415489

HEARING DATE: 06/27/2017 1:00 PM

APPLICANT: KKT Architects, Inc./ Nicole Watts

ACTION REQUESTED: Special Exception to allow a Commercial, Assembly/Entertainment (large,

>250 persons) use in a CBD district to permit a event center (Section 15.020).

LOCATION: 621 E 4 ST S **ZONED**: CBD

PRESENT USE: Mixed Use Commercial/Office TRACT SIZE: 18,234.29 SQ FT

<u>LEGAL DESCRIPTION</u>: LT 1 & PRT LT 2 BEG SELY COR LT 2 TH WLY 47 NLY 140 ELY 46.60 SLY 140 PDB BLK 113, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Lots:

BOA 19189; on 10.09.01 the Board **approved** a special exception to permit an Art Gallery, not for profit, in an IM district; and a variance of the required number of parking spaces from 9 to 0. Located at 308 S Kenosha Ave, immediately north of the subject lot.

<u>RELATIONSHIP TO THE COMPREHENSIVE PLAN</u>: 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.

<u>ANALYSIS OF SURROUNDING AREA</u>: 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 applicant is before the Board requesting a **Special Exception** to allow a Commercial, Assembly/Entertainment (large, >250 persons) use in a CBD district to permit a Event Center on the existing site.

The applicant provided the following statement: "The proposed project is an interior remodel, no new construction is being proposed. The event space will be used by the facility as well as being available to rent for various programs, awards banquets, fundraisers, meetings, weddings/receptions, parties, etc. The black box theater will also be used by the facility as well as being available to rent for various types of performances such as choir performances, musical performances, dance and theater. This space may also be used to house various vendors during certain events."

A special exception is required due to the potential adverse affects of the proposed Event Center in the CBD district, however if controlled in the particular instance as to its relationship to the neighborhood, the event center may be permitted.

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

Sample Motion for a Special Exception

Move to	(appr	ove/de	ny)	а	Spec	ial		Except	tion t	0	allow	а	Comr	nercial,
Assembly/Entertainment	(large,	>250	perso	ons)	use	in	а	CBD	district	to	permit	а	Event	Center
(Section 15.020).														

- 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.

UNFINISHED BUSINESS

Case No. 19189

Action Requested:

Special Exception to permit an Art Gallery, not for profit, in an IM district. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS -- Use Unit 5; and a Variance of the required number of parking spaces from 9 to 0. SECTION 1205.C. COMMUNITY SERVICES AND SIMILAR USES; Off-Street Parking and Loading Requirements, located 308 S. Kenosha.

Presentation

Steve Liggett, 308 S. Kenosha, stated he is the Director of the Living Arts of Tulsa. He stated that they have been at this location since February 2000. He stated his request to the Board.

Comments and Questions:

Ms. Turnbo asked where the patrons and employees have parked. Mr. Liggett replied that all of their events are after 5:30 p.m. He added that all of the neighbors leave by 5:00 or 5:15 p.m, and they have never had a parking problem. The patrons and employees park on the street. Mr. Beach asked what days of the week they use the facility. Mr. Liggett replied the gallery is open from 5:00 to 8:00 p.m. on Thursdays, 1:00 to 4:00 p.m. on Saturdays and special events on Thursday, Friday and Saturday afternoons and nights. Mr. Dunham asked what precipitated this application. Someone told him that they should go through this process.

Interested Parties:

Willis Thompson, 10006 S. Braden, stated he is the owner of the property adjacent to the north, 222 S. Kenosha, to the subject property. He stated that parking in the area is a serious problem and he provides adequate parking for his tenants. He put a gate on his enclosed parking to keep unauthorized people from parking there. He stated his objection to the application.

Comments and Questions:

Mr. Dunham asked Mr. Thompson if the Board approved after 5:00 p.m. on Thursday night and 1:00 p.m. to 4:00 p.m. on Saturday, would he still consider there to be a lack of parking on the street. Mr. Thompson replied that he would object because there were problems with other businesses using his parking for evening meetings. Mr. Dunham asked how often they have the special events.

Mr. Cooper arrived at 1:16 p.m.

Mr. Thompson replied the special events are about once per month. Ms. Turnbo asked about late events on Fridays and Saturdays. Mr. Thompson replied that a late event on Friday or Saturday would be about 7:00 p.m. to 11:00 p.m.

Board discussion ensued.

Board Action:

On Motion of Dunham, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye", no "nays", no "abstentions", Perkins "absent") to <u>APPROVE</u> a *Special Exception* to permit an Art Gallery, not for profit, in an IM district; and a *Variance* of the required number of parking spaces from 9 to 0 with the conditions that days and hours of operation on a regular basis are Thursday from 5:00 p.m. to 8:00 p.m. and Saturday from 1:00 p.m. to 4:00 p.m. and allowing one event per month on either Friday from 7:00 p.m. to 11:00 p.m. or Saturday from 7:00 p.m. to 11:00 p.m., finding the hardship to be that it is an existing condition of parking deficiencies in the area; there is no use that would not require some parking; and this is the least intrusive, on the property described as follows:

Original Town, E 50' S 120' Lot 8, and E 35' W 50' S 32' Lot 8, and S 120' Lot 9, Block 113, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19200

Action Requested:

Special Exception to allow indoor soccer facility in an IL zoned district. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS -- Use Unit 19; and a Variance of the all-weather surface for parking on a portion of the tract. SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located S of SW/c E. 56th St. & S. Garnett Rd.

Presentation:

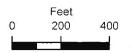
Mendy Ward, the applicant, was not present. Mr. Beach informed the Board that it was apparent from an e-mail that the applicant intends to withdraw the variance from an all-weather surface, and they have already been re-advertised for a variance from the number of parking spaces required. The case will come up on October 23, 2001.

Board Action:

No Board action is needed.

* * * * * * * * *







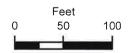
BOA-22263

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

Aerial Photo Date: February 2016









BOA-22263

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

Aerial Photo Date: February 2016 9.7



CHUCK LANGE ZONING OFFICIAL PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

May 05, 2017

Phone: (918)504-3300

LOD Number: 1004736-2

TOBY JENKINS EQUALITY FESTIVAL P O BOX 2687 TULSA, OK 74101

APPLICATION NO:

415489 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location:

621 E 004 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 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

IMPORTANT INFORMATION

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

REVIEW COMMENTS

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

Application No. 415489

621 E 004 ST S

May 05, 2017

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

Sec.15.020 Table 15-2: Your building contains two uses, an Event Center which is designated a Commercial/Assembly & Entertainment/Large (>250) Use and offices which are designated a Commercial/Office/Business & Professional Office Use. This facility is in the CBD zoned district. The offices, Commercial/Office/Business & Professional Office Use, are permitted in the CBD district. The Event Center, Commercial/Assembly & Entertainment/Large (>250) Use, will require a <u>Special Exception approved by the BOA</u>.

Review comment: Submit an approved BOA <u>Special Exception, reviewed and approved per Sec. 70.120</u>, to allow a Commercial/Assembly & Entertainment/Large (>250) Use in the CBD district.

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

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

END – ZONING CODE REVIEW

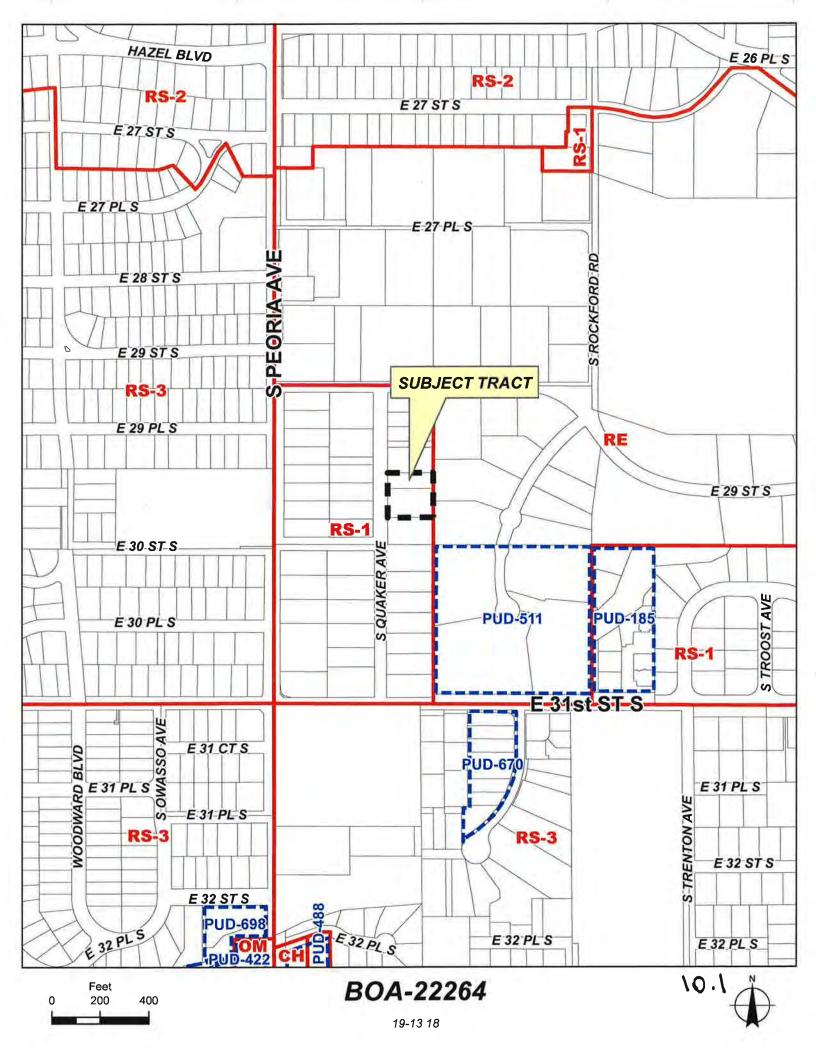
NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

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

THIS PAGE

INTENTIONALLY

LEFT BLANK



BOARD OF ADJUSTMENT CASE REPORT

STR: 9318 Case Number: **BOA-22264**

CZM: 37 CD: 4

A-P#: 421782

HEARING DATE: 06/27/2017 1:00 PM

APPLICANT: Philip Doyle

ACTION REQUESTED: Special Exception to allow expansion of existing non-conforming structure with a rear setback of 22 ft. (Section 80.030-D); and a Special Exception to permit construction of a driveway greater than 30 ft. to allow a width of 35 ft. on the lot (Section 55.090-F).

LOCATION: 2939 and 2931 S Quaker Ave ZONED: RS-1

PRESENT USE: Residential TRACT SIZE: 35,340.37 SQ FT

LEGAL DESCRIPTION: LT 6 BLK 1; ALL LT 7 N 54 LT 8 BLK 1, ROCKBRIDGE PARK, LORRAINE

TERRACE AMD, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Lot:

BOA 20346; on 10.10.06 the Board approved a variance of the rear yard requirement in the RS-1 district from 25 ft. to 16.5 ft. to permit an addition to the house.

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.

<u>ANALYSIS OF SURROUNDING AREA</u>: The subject tract is surrounded by RS-1 and RE zoned residences.

STAFF COMMENTS:

The applicant is before the Board requesting a **Special Exception** to allow expansion of existing non-conforming structure with a rear setback of 22 ft. (Section 80.030-D); and a **Special Exception** to permit constrution of a driveway greater than 30 ft. in width on the lot (Section 55.090-F) as shown on the submitted site plan. A lot combination (LC-917) will be heard by the TMAPC on 07.05.17 to combine the subject lots.

Based on the submitted drawing it appears that the applicant is proposing to expand the existing house on the RS-1 zoned subject lot. The existing house on the site currenty has a rear yard setback of 22 ft.; therefore the house is considered a non-conforming structure because it does not meet the minmum required rear yard setback of 25 ft.

It appears the proposed addition will maintain the existing 22 ft. rear yard setback. <u>The Code (Section 80.030-D)</u> allows the Board to permit horizontal and vertical extensions of the exterior walls of a non-confroming structure by special exception.

As shown on the attached plan the proposed driveway (Motorcourt) width of 35 ft. exceeds the maximum allowed driveway width on the lot in the RS-1 zoning district.

In RE and RS zoning districts, driveways serving residential dwelling units may not exceed the following maximum widths unless a greater width is approved in accordance with the special exception procedures of Section 70,120:

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

Sample Motion

Move to _____ (approve/deny) a <u>Special Exception</u> to allow expansion of existing non-conforming structure with a rear setback of 22 ft. (Section 80.030-D); and <u>Special Exception</u> to permit construction of a driveway greater than 30 ft. to allow a width of 35 ft. 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.

Comments and Questions:

Mr. Dunham noted the fence to the north extended closer to the street than the proposed garage. Mr. Powers stated they would have ten feet of driveway to the street.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Dunham**, the Board voted 4-0-0 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Variance of the required setback for a garage facing a street in a residential district from 20 ft. (Section 403), per plan submitted today, finding the hardship is the topography and configuration of the lot; and finding 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, on the following described property:

LT 6 BLK 2, SOUTHERN HILLS TERRACE SUB PRT L1 B3 BRANIFF HILLS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20346

Action Requested:

Variance of the rear yard requirement in the RS-1 district from 25 ft. to 16.5 ft. to permit an addition to the rear garage (Section 403), located: 2931 South Quaker Avenue.

Presentation:

Michael Graves, stated he was the owner of the subject property. They proposed to build an addition to the rear of the house. The plan involves about a nine-foot encroachment on the rear setback. He added that his property is from a lot-split. He presented his plans to all of his neighbors and found them in support. He noted they have 66 ft. of frontage instead of the usual 100 ft. in this neighborhood. 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 4-0-0 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** the Variance of the rear yard requirement in the RS-1 district from 25 ft. to 16.5 ft. to permit an addition to the rear garage (Section 408), per plan, finding a non-conforming lot of 66 ft. and the adjacent lot is in an RE district, and a substantial distance between the proposed garage and the neighbors garage; finding 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 on the following described property:

LT 6 BLK 1, LORRAINE TERRACE AMD, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20347

Action Requested:

Variance of the requirement that illumination of a sign in an R district be by constant light, to permit an LED message board for Marshall Elementary School (Section 402.B.4.b), located: 1142 East 56th Street South.

Presentation:

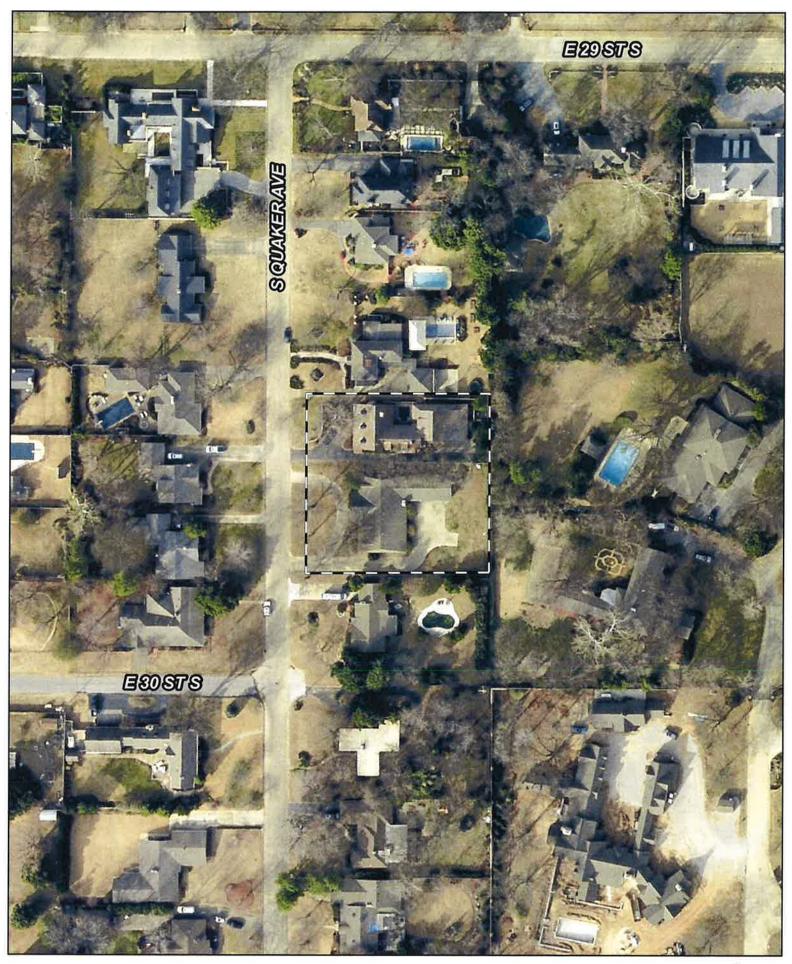
Les Pace, with Tulsa Public Schools, stated this would be an upgrade of an existing marquee, though smaller. The message would change only once or twice per week. It is important to inform the community of things going on at the school, like elections and parent conferences. Outsiders can manually change the current sign to inappropriate messages. A site plan and photographs were provided to demonstrate the upgrade (Exhibits C-1 and C-2).

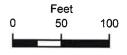
Interested Parties:

Wendy Ward, 1742 East 59th Place, represented South Peoria Neighborhood Connection Foundation. They have worked with the school on several projects to improve the image. They are in support of this application.

Board Action:

On **Motion** of **Dunham**, the Board voted 4-0-0 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Variance of the requirement that illumination of a sign in an R district be by constant light, to permit an LED message board for Marshall Elementary School (Section 402.B.4.b), per plan, finding that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building







BOA-22264

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

Aerial Photo Date: February 2016

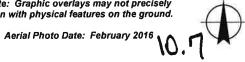




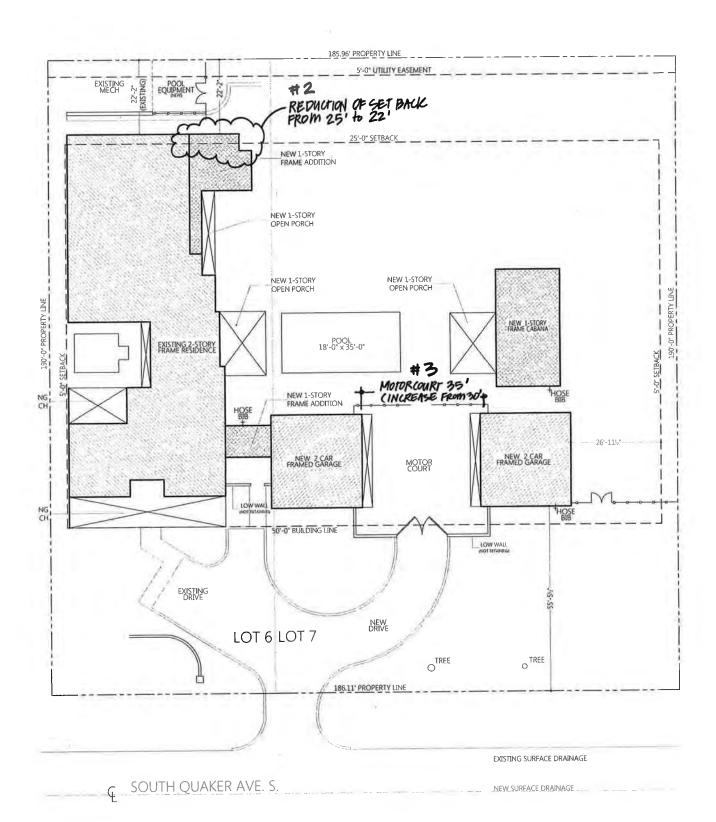


BOA-22264

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







B SITE PLAN 10.9

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number:

1005752-1

May 22, 2017

SCOTT BUTTERS
MASTERSCRAFT REMODELING
3027 W 68TH PL
TULSA, OK 74132

Phone: (918)688-2927 Fax: (866)302-3407

APPLICATION NO:

421782 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location:

2931 S QUAKER AV E

Description:

ADDITION

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

REVIEW COMMENTS

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

Application No. 421782

2931 S QUAKER AV E

May 22, 2017

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

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

1.) 45.010-D Location

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

Review Comments: The proposed accessory structure and Cabana building are located on a separate lot. You may pursue a lot combination for the accessory garage and cabana buildings to be located on the same lot as the principle residence. Apply to INCOG for a lot combination to combine the 2 lots (lot 6 and all LT 7 N 54 LT 8 BLK 1) into one lot.

2.) 55.090-F Surfacing

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.

Review Comments: The proposed motor court exceeds 30 feet in width on the lot and requires a special exception from the BOA.

3.) 80.030-D Alterations, Enlargements and Expansions

Alterations, including enlargements and expansions, are permitted if the proposed alteration or expansion complies with all applicable lot and building regulations and does not increase the extent of the nonconformity. A building with a nonconforming street setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback regulations and all other applicable lot and building regulations. Horizontal and vertical extensions of an exterior wall that is nonconforming with regard to applicable setbacks may be approved in accordance with the special exception procedures of Section 70.120.

Review Comments: The proposed addition to the rear of the detached house requires a 25 foot setback in an RS-1 zoning district. You may reduce the rear setback of the addition to 25 feet or pursue a special exception from the BOA to permit an addition to an existing non-conforming building with a 22ft. 2 in. setback from the rear property line.

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

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

END - ZONING CODE REVIEW

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

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

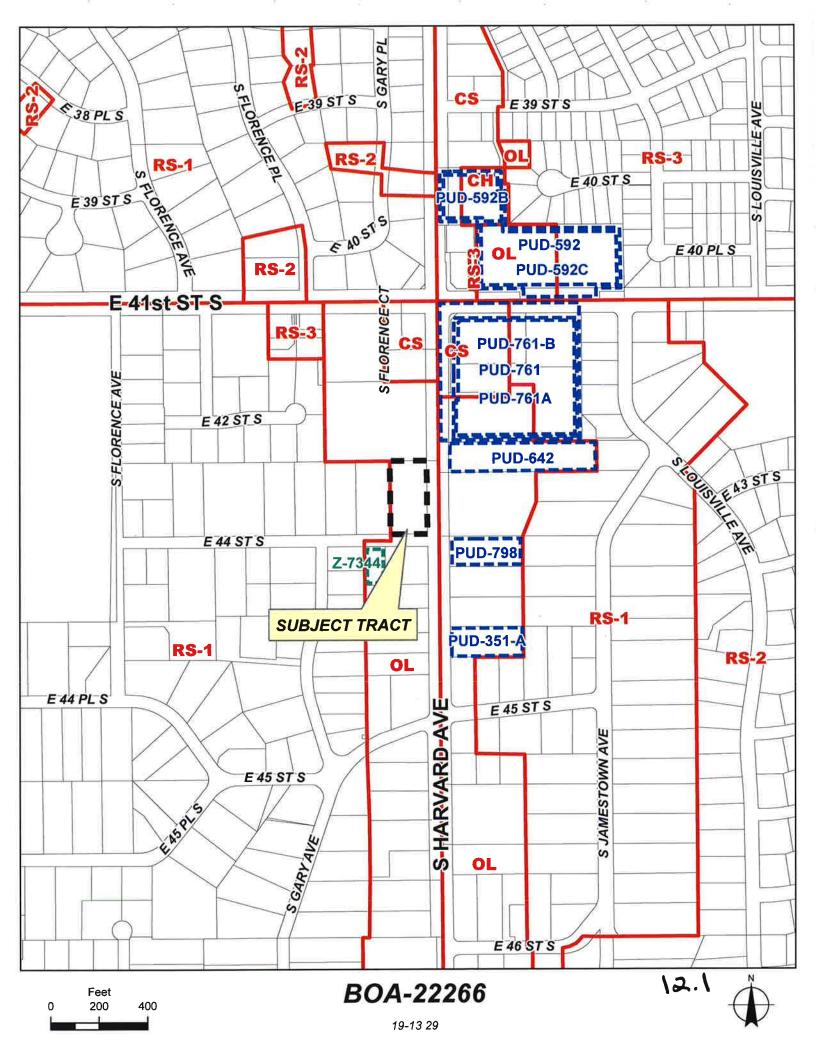
THIS PAGE

INTENTIONALLY

LEFT BLANK

BOA-22265 – LEMUEL ADAMS

THE APPLICANT REQUESTS A CONTINUANCE TO JULY 11, 2017



BOARD OF ADJUSTMENT CASE REPORT

STR: 9329 Case Number: **BOA-22266**

CZM: 47 **CD**: 9

A-P#: 9159

HEARING DATE: 06/27/2017 1:00 PM

APPLICANT: Mac Rosser

ACTION REQUESTED: Special Exception to allow a Public, Civic, & Institutional/ School Use in an

OL district (Section 15.020, Table 15-2).

LOCATION: 4300 S HARVARD AV E **ZONED**: OL

PRESENT USE: Vacant office building TRACT SIZE: 47,275.86 SQ FT

LEGAL DESCRIPTION: E155 LT 1 & E155 LT 2 BLK 1, VILLA GROVE PARK, City of Tulsa, Tulsa

County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Lot:

BOA 10858; on 01.10.80 the Board **approved** a variance to increase the permitted size of a business sign from 32 sq. ft. to 64 sq. ft. in the OL district.

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".

A **Mixed-Use Corridor** is a plan category used in areas surrounding Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. The streets 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.

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.

<u>ANALYSIS OF SURROUNDING AREA</u>: The subject tract is abutted by RS-1 zoned residences; OL zoning abuts the site on the north, east and south.

STAFF COMMENTS:

The applicant is before the Board requesting **Special Exception** to allow a Public, Civic, & Institutional/School Use in an OL district. According to the attached statement submitted with the application the existing office building on the site will be converted to a facility that provides treatment for children and adolences experience mental health and behavioral problems. The medical/metal health office is a use allowed by right in the OL district.

The facility will also provide educational services to children and adolescents. These educational services will be provided on-site at the facility by teachers from Tulsa Public Schools (T.P.S.). A school use is permitted in the OL district only by special exception. Each client receives three hours of educational services per day during the T.P.S. school year. Educational services are not provided when school is not in session. A special exception is required due to potential adverse affect, but if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted.

_					4.	
Sa	m	ומ	e i	VIC) ti	on

Move Scho	e to (approve/deny) a Special Exception to allow a Public, Civic, & Institutional/ol Use in an OL district (Section 15.020).
•	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.

10854 (continued)

a distance of 250'; thence South 0^{0} -02'-13" West, for a distance of 250' to the Point of Beginning.

10855

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the frontage requirements from 35' to 25' in order that an existing porch might remain at 6133 West 8th Street.

Presentation:

Mrs. Thomas Bearrick, 4909 Greenan Drive, Sand Springs, advised that she had sold the subject tract. There is a building setback line on the plat which does not pertain to the zoning; however, the lending agency for the buyer requires approval of the structure.

Bob Gardner advised the Board that a letter should be sent to the bank stating that the zoning setback is only 10'.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to send a letter to the lending agency advising them that the zoning setback is 10' and to refund the filing fee to the applicant.

7 10858 📻

Action Requested:

Variance (Section 620 - Accessory Uses Permitted in Office Districts - Section 620.2 (d) - Business Signs - Under the Provisions of Section 1670 - Variances) of the size of a sign from 32 sq. ft. to 64 sq. ft. in an OL District at 4300 South Harvard Avenue.

Presentation:

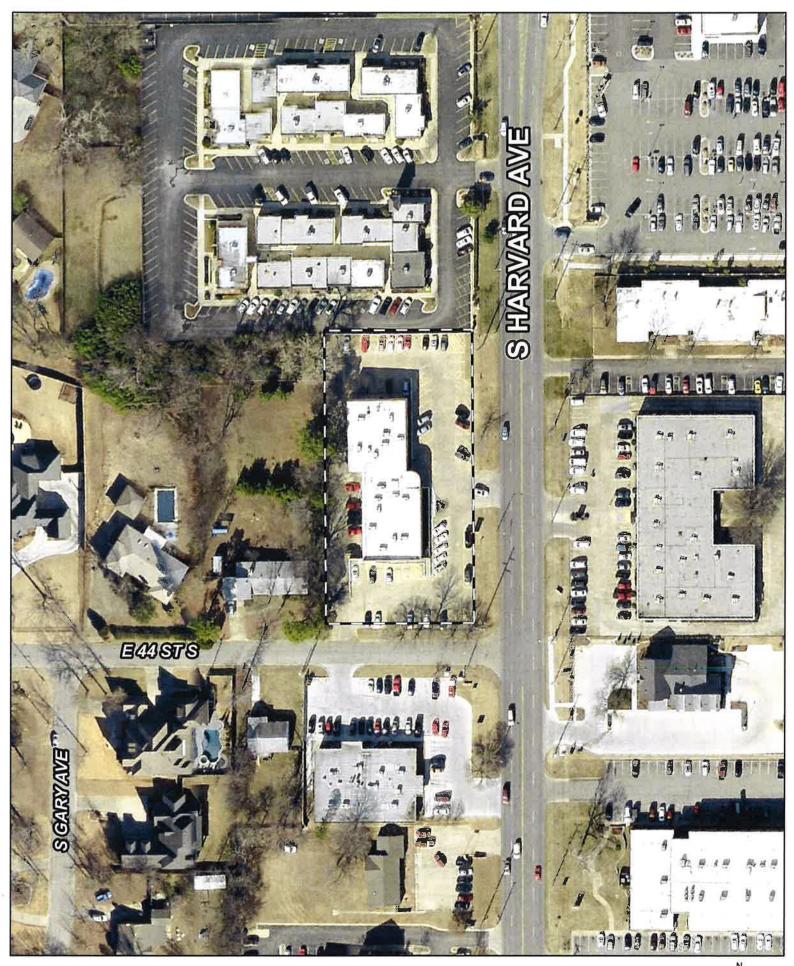
Howard Johnson, 4300 South Harvard Avenue, Suite 205, presented a plot plan (Exhibit "U-1") and a drawing (Exhibit "U-2") of the proposed sign. The applicant requested approval to place one sign, 8' x 8' on the subject tract in lieu of two smaller signs.

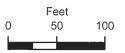
Protests: None.

Board Action:

On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve a Variance (Section 620 - Accessory uses Permitted in Office Districts-Section 620.2 (d) - Business Signs - Under the Provisions of Section 1670 - Variances) of the size of a sign from 32 sq. ft. to 64 sq. ft. in an OL District, per plot plan and drawings submitted, on the following described property:

The East 155' of Lots 1 and 2, Block 1, Villa Grove Park Addition, to the City of Tulsa, Oklahoma.

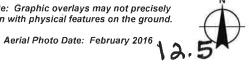






BOA-22266

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





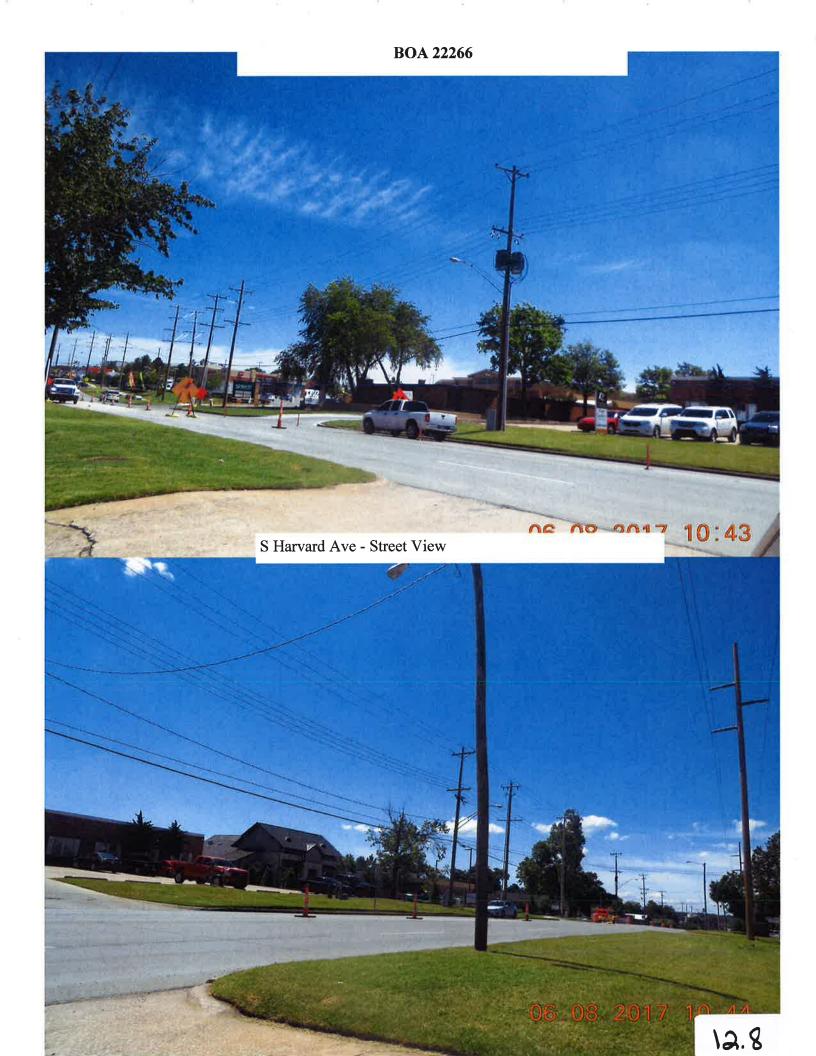


BOA-22266

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

Aerial Photo Date: February 2016





PART DIADICO 2 OF 3

A SITE PLAN

McFarland

Architects 12.9

Attachment to Tulsa Board of Adjustment Application LBL Investments, LLC BOA Case No.

PROPOSED USE:

The applicant has purchased the building and property located at 4300 South Harvard Avenue which was previously owned by Domestic Violence Intervention Services. The facility will be used to provide clinical diagnosis and treatment for children and adolescents who are experiencing mental health and behavioral problems. Typically, clients accepted at the clinic have been unsuccessful in making progress at a less intensive treatment setting or are being stepped down from a more intensive level of care. The program is designed to help clients develop the skills necessary to continue to progress at an outpatient level of care.

Services will be provided during normal business hours only. There will be no inpatient treatment and no overnight stays.

The facility will follow the best practice model of mental health, milieu therapy, and recovery principles of psychiatric intervention. All clients are admitted under the care of a psychiatrist who oversees all aspects of care. The staff of licensed master's level therapists and nurses work in partnership with internal and external referral sources to ensure smooth transitions from one level of care to another. Psychiatric treatment will also be provided by medical residents from the OU-Tulsa College of Medicine.

PROGRAM FEATURES:

- Individualized treatment planning to address specific behavioral, emotional and educational needs.
- Individual and group psychotherapy
- Specialty psychotherapy groups addressing substance abuse, relationships, problem-solving and decision-making
- Behavior management
- Milieu therapy
- Medication management
- Family therapy
- State-accredited school
- Board-certified child psychiatrists
- Nursing interventions
- Post program outpatient therapy and follow up
- Accreditation by The Joint Commission

The program at this facility was created to provide an intensive, day-long, multidisciplinary treatment opportunity for children and adolescents who require high intensity clinical care, but can adequately function at home during the evenings and weekends. Clients receive individual, family and group therapies as well as milieu therapy with a licensed master's level therapist.

Upon completion of the program, clients/families can transition into a weekly outpatient level of care.

The facility will be open Monday through Friday all year, with the exception of six holidays. The daily operating hours of the facility will be approximately 8:00 a.m. to 5:00 p.m.

Because the children and adolescents are at the facility for the entire day, they are required to receive, as part of their overall treatment program, compulsory educational services. These services will be provided on-site at the facility by teachers from Tulsa Public Schools ("TPS"). Each client receives three hours of educational services per day during the TPS school year. Educational services are not provided when school is not in session. The services are provided in five rooms at the facility which serve as both classrooms and group therapy rooms.

Due to the intensive nature of the treatment at the facility, clients are at the facility from 8:00 a.m. to 5:00 p.m. every day. TPS utilizes a 177-day school year. Thus, only 23% of the facility's time is devoted to educational services. The classrooms/group therapy rooms constitute 12% of the total building area. The number of other staff, clinicians and therapists at the facility will number approximately 25-30. TPS will have four teachers at the facility, and there will be no other TPS teachers or staff of any type located at the facility.

On days that educational services are provided, the clients will be transported to the clinic on TPS school buses. The buses will pull up to the back of the building from Harvard Avenue, using the entrance on 44th Street, and will not enter the neighborhood behind the clinic.

The educational component is one of a number of services, such as meals, that are provided at the clinic due to the all-day nature of the program.

Moye, Nikita

From:

Ulmer, Amy

Sent:

Monday, June 19, 2017 11:22 AM

To:

Moye, Nikita

Subject:

FW: Positive Changes a Counseling and Therapy Service (BOA No. 22266) (Email of

Support)

Nikita,

I received this email regarding BOA-22266. Please add this to the file. Thanks!

Amy Ulmer | Assistant Planner, Land Development Services 2 West Second Street, Suite 800 Tulsa, OK 74130 918.579.9471

918.579.9571 fax aulmer@incog.org



From: Juli Balman [mailto:juli.balman@crowedunlevy.com]

Sent: Monday, June 19, 2017 10:52 AM

To: Ulmer, Amy

Cc: Malcolm E. Rosser IV

Subject: FW: Positive Changes a Counseling and Therapy Service (BOA No. 22266) (Email of Support)

From: Becky Miska [mailto:bdmiska@gmail.com]

Sent: Wednesday, June 14, 2017 5:17 PM

To: Malcolm E. Rosser IV

Subject: Positive Changes a Counseling and Therapy Service

Mr. Rosser,

I am writing about the Patrick Henry Neighborhood Association meeting this evening to discuss the Positive Changes Therapy service occupying the old DVIS building. I am in support of them occupying this building. I think that any concern that this will cause any inconvenience or trouble for the neighborhood is unfounded.

Thank you for taking questions on this topic.

Becky Miska

bdmiska@gmail.com

Resident of Patrick Henry Neighborhood

CHUCK LANGE ZONING OFFICIAL PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1008721-2

May 24, 2017

MALCOLM ROSSER IV CROWN & DUNLEVY 321 S BOSTON AV TULSA, OK 74103

Phone: (918)592-9800 Fax: (918)592-9801

APPLICATION NO:

9159 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location:

4300 S HARVARD AV E

Description:

Medical clinic

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

REVIEW COMMENTS

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

Application No. 9159

4300 S HARVARD AV E

May 24, 2017

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

1. Sec.15.020 Table 15-2: You are proposing two use categories for this location. The first is designated a Commercial/Office/Medical, Dental and Health Practitioner Use and the second is a Public, Civic, & Institutional /School Use. This facility is in an OL zoned district. The Commercial/Office/Medical, Dental and Health Practitioner Use is permitted as a use by right. The Public, Civic, & Institutional /School Use is only allowed by Special Exception approved by the BOA.

Review comment: Submit an approved BOA Special Exception, reviewed and approved per *Sec. 70.120*, to allow a Public, Civic, & Institutional /School Use in an OL district.

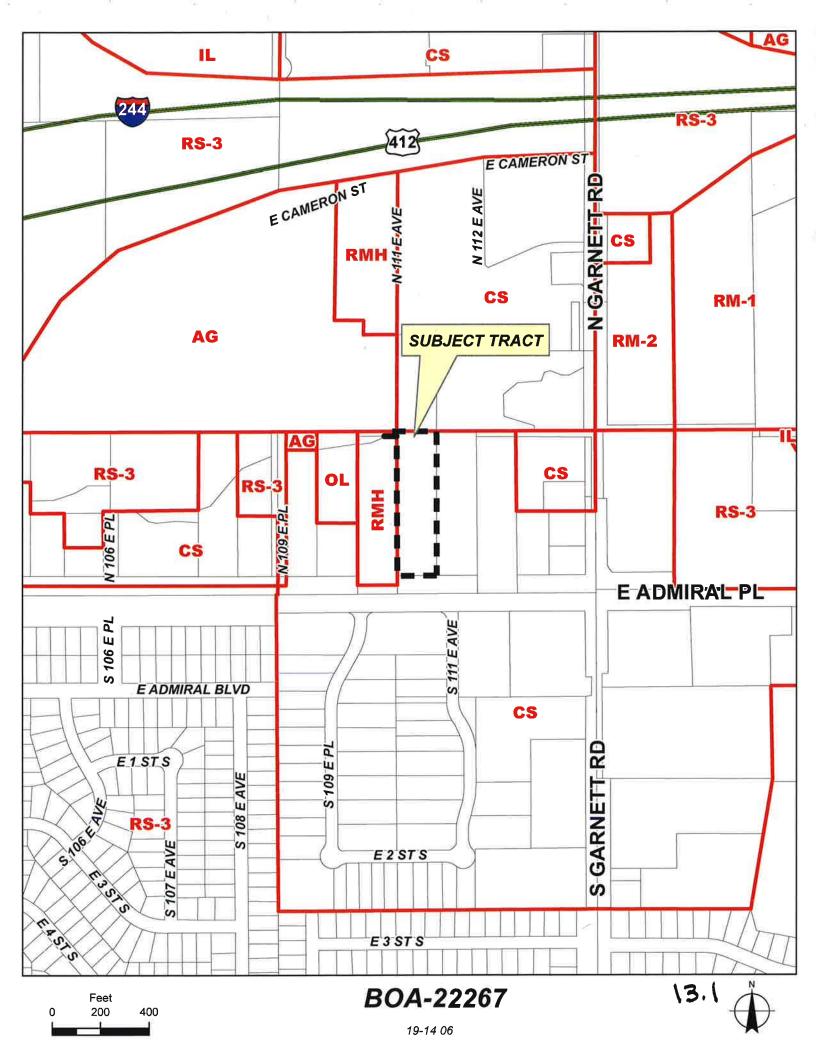
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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

END - ZONING CODE REVIEW

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

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



BOARD OF ADJUSTMENT CASE REPORT

STR: 9406

Case Number: BOA-22267

CZM: 39 **CD**: 3

A-P#: 9011

HEARING DATE: 06/27/2017 1:00 PM

APPLICANT: Mike Jones

ACTION REQUESTED: Special Exception to allow for Wholesale, Distribution &

Storage/Warehouse use in a CS district. (Section 15.020, Table 15-2)

LOCATION: 10855 E. Admiral Pl N. **ZONED:** CS

PRESENT USE: Vacant TRACT SIZE: 2.29 Acres

LEGAL DESCRIPTION: E/2 E/2 W/2 LT1 LESS S75 FOR ST & N17 W/2 E/2 W/2 LESS BEG NWC W/2 E/2 W/2 LT 1 TH E165.06 SW30.33 SW28.23 W111.34 N17 POB SEC 6 19 14 2.29 8ACS, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Lot:

BOA 18320; on 02.23.99 the Board denied a special exception to allow a 300 ft. cell tower to be closer to than the required 110% setback from an R district; a special exception to allow a cell tower that in not monopole design; and a special exception to remove the screening requirement of a cell tower use.

BOA 17203; on 04.17.86 the Board approved a special exception to allow an auto repair business in the CS district.

BOA 13275; on 09.20.84 the Board approved a variance to allow open-air storage and display of merchandise within 300 ft. of an R district.

BOA 13275; on 08.23.84 the Board approved a special exception to permit mobile home sales in a CS district.

Surrounding Properties:

BOA 14033; 04.17.86 the Board approved a use variance to permit a wholesale and warehouse meat operation in the CS district. Located immediately east of the subject lot.

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

Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the

13.2 REVISED6/19/2017 edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods, and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

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

<u>ANALYSIS OF SURROUNDING AREA</u>: The subject tract is abutted by CS zoning on the north, south and east; RMH zoned residential abuts the site on the west.

STAFF COMMENTS:

The applicant is proposing to construct a office/warehouse facility on the vacant site. The applicant is requesting a Special Exception as the proposed warehouse facility is a use only allowed by a special exception in the CS district due to the potential adverse affects. The applicant has stated that the warehouse will be used for long-term and short-term storage of supplies and equipment for a commercial drywall company.

Whenever any wholesale, distribution & storage use is located on a lot abutting an R-zoned lot, the installation of a 6 ft. screening fence or masonry wall with a minimum height of 6 ft. must be provided along the common lot line in.

Sample Motion

Move Stora	to (approve/deny) a Special Exception to allow for Wholesale, Distribution & ge/Warehouse use in a CS district. (Section 15.020 Table 15-2)
•	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.

Case No. 18319 (continued)

Comments and Questions:

Mr. White stated that the Board is in receipt of several letters from neighbors (Exhibit M-2) who are in opposition to a wood fence along Knoxville. There are no other objections. Staff noted that the plans submitted show a wood fence along Knoxville.

Interested Parties:

Bill Weinreck, President of the Sunrise Terrace Association, stated that they are supportive of the wrought iron fence and especially on Knoxville.

Board Action:

On MOTION of DUNHAM, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye", no "nays", no "abstentions"; no "absent") to APPROVE Special Exception to permit a 6' fence which encloses a required front yard. SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards - Use Unit 6, 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, subject to a wrought iron fence being located on Knoxville, Jamestown and 21st Streets, and the fence along the north property line shall be wood, on the following described property:

Lot 9, Block 18, Suburban Hills, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18320

Action Requested:

Special Exception to permit a 300' self-supporting tower to be closer than the required 110% setback from residential districts. SECTION 1204.C.3.g.1. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions - Use Unit 4; a Special Exception to allow a self-supporting tower that is not of monopole design. PUBLIC PROTECTION AND UTILITY USE UNIT 4. SECTION 1204.C.3.b.2. FACILITIES, Use Conditions and a Special Exception from requirement to provide a continuously maintained buffer of plantings to screen the tower compound from property within 300' used for residential purposes. SECTION 1204.C.5.c. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions, located 10875 E. Admiral.

Presentation:

The applicant, Titan Towers, L. P., was represented by David Buskirk of Cimmaron Land Services, P.O. Box 2284, Edmond, OK 73083. Mr. Buskirk submitted a site plan (Exhibit N-1) and stated that they are requesting a tower type and setback variance to allow the construction of a 300' antennae support structure and the placement of a 12'

2:23:99:767 (18)

Case No. 18320 (continued)

x 28' equipment building on a parcel. Once constructed, the tower will serve the applicant and the community as a wireless networking center as well as the location being made available for any other wireless provider. The area surrounding this proposed location is primarily commercial in the highway corridor and there is residential property to the west. The proposed location of the tower is in the rear portion of a 460' x 850' tract of land known as Young's Four-Wheel Drive Repair Shop. Mr. Buskirk submitted a packet of maps and information to the Board. Mr. Buskirk stated that the hardship is their grid system. Without the approval of this application Titan Towers will not be able to serve the public and the community as well as they should. Another hardship is their required height and they must have the height in order to function well. The applicant will be licensed by the FCC and the FAA to provide wireless networking services.

Comments and Questions:

Mr. Stump asked the applicant if his hardship is because he needs this for good coverage but they can't tell where the other towers are because they can't reveal who they are covering. Mr. Buskirk stated that they already have one tower in the City and they will utilize other structures as well. Mr. Jackere pointed out that this is an application for special exceptions and not variances and there is no need for a hardship finding.

Interested Parties:

Billy Young, stated that he is the owner of the property and he believes that this tower will take the place of several small towers in the immediate area. Mr. Young stated that this is a good location for the tower. North of his property is a creek and the police training facility.

Mr. Ballentine, Neighborhood Inspector stated that he received a call from one of the neighborhood associations in the area with some objections but they are not present to voice their objections.

Comments and Questions.

Mr. Beach asked the applicant how many antennas will be located on the tower. Mr. Buskirk replied that he does not know at this time. Mr. Beach asked why the tower needs to be 300' tall and he stated that the Board has the ability to approve something less than 300' and he is looking for a reason why they should approve 300' and not 100'. Mr. Buskirk stated that preliminary engineering indicated that they would need 400'. Because of some changes they made and a case that was denied they were able to reduce this particular site to 300'.

Mr. Stump asked how many feet from the nearest residence is the tower located and Mr. Dunham replied 27' from the RS boundary. Mr. Stump mentioned that probably none of the mobile home owners in the RMH district were notified because the notice would have gone to the owner of the mobile home park.

Case No. 18320 (continued)

Mr. Cooper stated that he continues to struggle with these towers that are being put up in or near residential areas. Mr. Dunham stated that it appears that the applicant has done his homework in contacting most of the owners but they were given guidelines by people who studied this and the towers are supposed to be setback 110% of the tower height. Mr. Dunham believes that this tower is just too close. Ms. Perkins agrees.

Mr. White mentioned that earlier in the year the Board approved a 500' tower for this same company. Mr. White stated that the corridor that they are working in now does have some other high structures and towers.

Board Action:

On MOTION of DUNHAM, the Board voted 3-1-1 (Cooper, Dunham, Perkins "aye"; White "nays", Turnbo "abstentions"; no "absent") to DENY Special Exception to permit a 300' self-supporting tower to be closer than the required 110% setback from residential districts. SECTION 1204.C.3.g.1. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions - Use Unit 4; a Special Exception to allow a self-supporting tower that is not of monopole design. SECTION 1204.C.3.b.2. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions and a Special Exception from requirement to provide a continuously maintained buffer of plantings to screen the tower compound from property within 300' used for residential purposes. SECTION 1204.C.5.c. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions, on the following described property:

A tract of land located in the E/2 of the E/2 of the W/2 of Lot 1, Section 6, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma, more particularly described as follows: Beginning at a point S 88°44'42" W a distance of 745.19' and S 01°09'31" E a distance of 67.00' from the NE/c of said Lot 1; thence S 01°09'31" E a distance of 80.0'; thence S 88°44'42" W a distance of 80.0'; thence N 01°09'31" W a distance of 80.0'; thence N 88°44'42" E a distance of 80.0' to the point of beginning.

* * * * * * * * *

Case No. 18321

Action Requested:

Special Exception for expansion of a church in an AG district. SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT - Use Unit 5, located 10811 E. 41st St. S.

FILE COMM

Case No. 17202

Action Requested:

Special Exception to permit school use in an AG zoned district - SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURAL DISTRICT .- Use Unit 2, located 3101 West Edison (Central High School).

Presentation:

The applicant, Aaron Peters/Tulsa Public Schools, 1555 North 77th East Avenue, submitted a plot plan (Exhibit M-1) and informed that two temporary classrooms are being installed to comply with House Bill 1017 in regard to teacher/student ratio. He pointed out that they are behind the building and barely visible from the street.

Interested Parties:

Jim Carter stated that he is opposed to the addition of permanent structures on the school property, because he is currently experiencing water problems.

Board Action:

On MOTION of BOLZLE, the Board voted 4-0-0 (Abbott, Bolzle, Tumbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to <u>APPROVE</u> a Special Exception to permit school use in an AG zoned district - SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURAL DISTRICT .- Use Unit 2; finding that the temporary use (classroom trailers) will not be detrimental to the neighborhood; on the following described property:

Lot 3 and NW/4, SE/4, Section 33, T-20-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17203

Action Requested:

Special Exception to permit auto repair in a CS District - SECTION 701. PRINCIPAL USED PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 17, located 10875 East Admiral Boulevard.

Presentation:

The applicant, Billy Young, 12 South 111th East Avenue, requested permission to conduct an automobile repair business at the above stated location. A plot plan (Exhibit N-1) was submitted.

Comments and Questions:

Mr. Bolzle asked Mr. Young if he is proposing to utilize only a portion of the building, and he replied that one-third (north) of the building will be used for auto repair, with the south potion being reserved for retail sales.

Case No. 17203 (continued)

Mr. Bolzle noted that the plot plan depicts a shooting range and training facility, and Mr. Young informed that those uses are permitted by right in the CS District and are not included in this application.

Mr. Bolzle asked if the new building will be of metal construction, and the applicant answered in the affirmative.

In reply to Mr. White, the applicant stated that there will be gun sales on the property.

Ms. Turnbo asked if the business in question will be restricted to automobile repair only, and Mr. Young answered in the affirmative.

In response to Mr. Bolzie, the applicant stated that the east half of the tract will be used for the business.

Protestants:

Julia Becwar, 10845 East Admiral, informed that she owns the nearby mobile home park and voiced a concern with the proposed shooting range, and Mr. Bolzle advised her there is an empty tract between the proposed use and her property. He added that the shooting range is permitted by right in the CS zoned district.

Lula McBride, 10877 East Admiral Place, stated that her lot abuts the tract in question and that she is concerned with the possibility of junk cars being stored on the property. Ms. McBride requested that a screening fence be installed on the property line and that the business be operated during regular business hours.

Mr. Bolzle advised Ms. McBride that the auto repair portion of the business will be in the extreme north end of the building.

Dominic White informed that he owns the property across the street from the proposed use (1 South 109th East Place) and, although he is not opposed to the use, is concerned with the possibility of vehicles remaining on the property for long periods of time. He inquired as to the type of parking that will be provided.

Applicant's Rebuttal

Mr. Young stated that outside storage is not proposed, and noted that space for 10 vehicles will be provided inside the building. He informed that the business will be open from 8 a.m. to 6 p.m., Monday through Saturday. Mr. Young stated that a privacy fence will be installed and the property will be cleaned up and properly maintained

Case No. 17203 (continued)

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to APPROVE a Special Exception to permit auto repair in a CS District - SECTION 701. PRINCIPAL USED PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 17; per plan submitted; subject to days and hours of operation being Monday through Saturday, 8 a.m. to 6 p.m.; and subject to no outside storage of vehicles or parts; finding the use to be compatible with the area and in harmony with the Code; on the following described property:

All of W/2, W/2, E/2, Lot 1, Section 6, T-19-N, R-14-E, less and except southerly 75' thereof; and all of the E/2, E/2, W/2, Lot 1, Section 6 except the southerly 75' thereof and the northerly 17' of the W/2, E/2, W/2, Lot 1, Section 6, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17204

Action Requested:

Variance of the required front setback from 35' to 30.5' to permit an existing garage, and a variance to permit an existing accessory building in the required front yard - SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS and SECTION 402.B.1.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS - Use Unit 6, located 7744 South Indianapolis.

Presentation:

The applicant, Jordan Lindsay, 5801 East 41st Street, advised that this problem was discovered during a recent sale of the dwelling and requested that the variances be approved to clear the title to the property. He submitted a plot plan (Exhibit P-1) and informed that the house was built approximately 15 years ago. It was noted that the property has two street frontages.

Comments and Questions:

Mr. White noted that there is an approximate 50' change in elevation on the property.

Protestants:

None.

Board Action:

On MOTION of BOLZLE, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to <u>APPROVE</u> a Variance of the required front setback from 35' to 30.5' to permit an existing garage, and a variance to permit an existing accessory building in the required front yard - SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS and

Case No. 14032 (continued)

prevent adjoining residents from using their back yards. He suggested that a single window would be the ideal solution.

Ms. Patrick pointed out that the driver of the car must be on the same side as the building.

Ms. White commented that she feels it would be impossible to prevent customers from turning left into the neighborhood.

Board Action:

On MOTION of BRADLEY, the Board voted 3-1-0 (Bradley, White, Wilson, "aye"; Chappelle, "nay"; no, "abstentions"; Clugston, "absent") to UPHOLD an Appeal (Section 1650 - Appeals from the Building Inspector) to the decision of the Building Inspector determining that the submitted plans and specifications constitute a drive-in bank facility; and to DENY a Special Exception (Section 610 - Principal Uses Permitted in Office Districts - Use Unit 11) to allow a drive-in bank facility in an OL District as per revised plans; finding that the granting of the special exception request would be detrimental to the neighborhood; on the following described property:

Lots 9 and 10, Block 2, Gilbert Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14033

Action Requested:

Use Variance - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 23 - Request a use variance to permit a wholesale and warehouse meat operation in a CS District, located west of the NW/c of Admiral Place and Garnett Road.

Presentation:

Roy Hinkle, 1515 East 71st Street, Tulsa, Oklahoma, submitted photographs (Exhibit P-1) and explained to the Board that his client owns a 5-acre tract and would like to construct a building to be used for a wholesale meat operation. Mr. Hinkle informed that there are several businesses across the street from the subject property.

Comments and Questions:

Ms. Bradley asked Mr. Hinkle to explain the intended use of the property. He stated that meat would be brought to the location, processed and packaged, and sold to grocery stores. He informed that Hodges Meat Packing Company has been in business in Tulsa for several years and need to expand their operation. Mr. Hinkle pointed out that there is no odor or noise involved in the processing of the meat.

Case No. 14033 (continued)

Ms. Wilson asked Mr. Hinkle if the property in question is zoned CS or RMH and he replied that it is supposedly zoned CS.

Mr. Gardner informed that the property was zoned CS by the City Commission and FD if there was any floodway, but it was determined that there is not floodway. He pointed out that there are some wholesale type uses in Use Unit 15 and also, there is a frozen food use in Use Unit 15. He stated that this business has some characteristics of this unit, but is not specifically noted.

Ms. Hubbard informed that Use Unit 23, Warehousing and Wholesaling, would not specifically include this use either. She suggested that the Board will need to determine whether this business would fit appropriately in Use Unit 15 or Use Unit 23.

Mr. Gardner pointed out that, if the business is found to be Use Unit 15, it will need a special exception, but if it is determined to be Use Unit 23, a variance is required because it is zoned CS commercial. He informed that, if the owner was merely storing packaged frozen goods and trucking them out, he would not need to come before the Board.

Ms. Wilson asked Mr. Hinkle to state the size of the proposed building and the number of employees for the business. He answered that the building will be approximately 35,000 to 40,000 sq. ft. and the company will employ about 40 people.

Ms. Wilson asked if there will be retail sales on the property and he replied that the business will be wholesale only.

Mr. Gardner informed that the area to the south is a new subdivision where the Board has approved Use Unit 15 by special exception and others have been approved on the same street.

Board Action:

On MOTION of WHITE, the Board voted 3-1-0 (Chappelle, White, Wilson, "aye"; Bradley, "nay"; no, "abstentions"; Clugston, "absent") to APPROVE a Use Variance (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 23) to permit a wholesale and warehouse meat operation in a CS District; finding a hardship demonstrated by the fact that the wholesale meat operation is not specifically addressed in the Code, but has similar characteristics to Use Unit 15; on the following described property:

Tract A

All of the W/2 of the W/2 of the E/2 of Lot 1 of Section 6, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma, Less and except the southerly 75.00' thereof.

Case No. 13238 (continued)

Lots 5, 6 and 20, and N/2 of Lot 19, Block 6, Standard Heights Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13251

Action Requested:

Special Exception—Section 910—Principal Uses Permitted in the Industrial Districts—Use Unit 1202—Request an exception to allow a pre-release center in an iL zoned district under the provisions of Section 1680, located at 20th East Archer.

Presentation:

The applicant, David S. King, Route 5, Box 164, Sand Springs, was not present, but requested by letter (Exhibit D-1) that the case be continued until October 18, 1984.

Protestants: None

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to CONTINUE Case No. 13251 until October 18, 1984.

Case No. 13275

Action Requested:

Variance—Section 1217.3—Use Conditions—Request a variance to allow open air storage or display of merchandise offered for sale within 300 feet of an adjoining R district, located W. of NW/c of Admiral Place & Garnett.

Presentation:

Charles E. Norman, Attorney representing the applicant, informed that this case was heard on August 23, 1984 and at that time a Special Exception was approved for use of the land. At that time it was advised that the applicant readvertise for open air storage within 300 feet of an adjoining R district.

Protestants: None

Comments and Questions:

There was discussion about the necessity of a screening wall between the open air storage area and the abutting R district. Mr. Norman was informed that since he did not advertise for relief of a screening wall, his client must meet the standard requirements (which include a screening wall).

Board Action:

on MOTION of VICTOR and SECOND by CHAPPELLE, the Board vote 3-1-0 (Chappelle, Clugston, Victor, "aye"; Smith "nay"; no "abstentions"; Purser, "absent") to APPROVE a Variance (Section 1217.3--Use Conditions) to allow open-air storage or display of merchandise offered for sale within 300 feet of an adjoining R district, on the following described property:

Case No. 13275 (continued)

All of the West Half of the West Half of the East Half (W/2, W/2, E/2) of Lot One (1), of Section Six (6), Township Nineteen (19) North, Range Fourteen (14) East, City of Tulsa, Tulsa County, Oklahoma less and except the Southerly 75.00 feet thereof: and All of the East Half of the East Half of the West Half (E/2, E/2, W/2) of Lot One (1) of Section Six (6) Township Nineteen (19) North, Range Fourteen (14) East, City of Tulsa, Tulsa County, Oklahoma less and except the Southerly 75.00 feet thereof, and the Northerly 17.00 feet of the West Half of the East Half of the West Half (W/2, E/2, W/2) of Lot One (1) of Section Six (6), Township Nineteen (19) North, Range Fourteen (14) East, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13286

Action Requested:

Special Exception--Section 410--Principal Uses Permitted in the Residential Districts--Use Unit 1209--Request an exception to permit a mobile home (double wide) in an RS-3 zoned district under the provisions of Section 1680; and a

Variance—Section 440.6—Special Exception Uses in Residential Districts, Requirements—Request a variance of the one-year time limitation for a mobile home to permanently, located at 10833 1/2 East 11th Street.

Presentation:

The applicant, Mildred Whiten, was not present.

Comments:

There was discussion about Ms. Whiten's intent to build a house on the property rather than install a mobile home. This was discussed at the Board meeting on September 6, 1984 and the case was continued to allow time to apply for a Building Permit. (Due to her absence at this meeting, the Board concluded that she planned to build a home.)

On MOTION of CLUGSTON and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to DENY without prejudice a Special Exception (Section 410--Principal Uses Permitted in the Residential Districts--Under the Provisions of Use Unit 1209) to permit a mobile home (double wide) in an RS-3 zoned district under the provisions of Section 1680; and a Variance (Section 440.6--Special Exception Uses in Residential Districts, Requirements) of the one-year time limitation for a mobile home to permanent use; on the following described property:

Lot 8, Block 2, less south 300'; East Eleventh Park, an addition to the City of Tulsa, Tulsa County, Oklahoma.

9.20.84:422(7)

Case No. 13274 (Continued)

Lot 5, Block 2, Braniff Subdivision of Lots 22 and 23, Glen Acres, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13275

Action Requested:

Special Exception-Section 710-Principal Uses Permitted in the Commercial Districts-Use Unit 1217-Request an exception to permit mobile home sales in a CS (pending) zoned district under the provisions of Section 1680, located W. of NW/c of Admiral Place & Garnett.

Presentation:

Charles E. Norman, 900 Kennedy Building, represented Paul Savage and informed that Mr. Savage has been a mobile home retailer for a number His present business is located on the north side of Admiral Place west of Mingo where he has been flooded three times. He submitted pictures (Exhibit P-1) showing the damage that was incurred in the flooding in May of 1984. As a result of that flood Mr. Savage's insurance has been cancelled. Mr. Norman submitted a plot plan (Exhibit P-2) and requested that Mr. Savage be allowed to move his operation to the subject tract which is zoned CS. The property was rezoned last Tuesday by the City Commission from RMH to CS. Directly south of Admiral Place is a large area approved by this Board for Use Unit 15 (Trades and Services) to permit the development of individual lots for automotive repair, plumbing shops, and other uses involving repair and storage. He submitted a copy of proposed development and use restrictions (Exhibit P-3) and discussed these restrictions with the board. He stated their intention to remove all tongues from displayed homes or to conceal them with skirting. He suggested that these standards and the site plan would be a significant step forward in the design and use of land for mobile home sales purposes from what the standard has been in the past along Admiral. He submitted 11 pictures (Exhibit P-4) of the adjacent area.

Protestants: None

Comments and Questions:

Mr. Victor suggested that the parking lot be restricted to an all-weather surface and Mr. Norman had no objection.

Ms. Hubbard reminded that the lot will be subject to the 300' outside storage or display of merchandise restriction, pending the zoning change to CS (on which this case is contingent).

Mr. Gardner offered a brief history of the area, stating that the SE/c of this intersection (which is also commercially zoned) was denied mobile home sales lot and that application is pending District He informed there had been several mobile home sales lots without approval in the area which have been removed. A stop order is in the process of being issued prohibiting storage of mobile homes on the SW/c, which were moved there after the recent flood. A new office building has been built in the area where mobile home sales used to be.

Case No. 13275 (Continued)

Mr. Smith reminded that the Board has been careful to restrict the use of land east of highway 169 and the Mingo Valley Expressway from mobile home sales in the past.

Board Action:

On MOTION by VICTOR and SECOND by CHAPPELLE the Board voted 3-1-0 (Chappelle, Purser, Victor, "aye"; Smith, "nay"; no "abstentions"; Clugston, "absent") to Approve a Special Exception (Section 710—Principal Uses Permitted in the Commercial Districts—Under the provisions of Use Unit 1217) to permit mobile home sales in a CS (pending) zoned district under the provisions of Section 1680, subject to publication of the zoning ordinance, subject to the site plan submitted and subject to the following restrictions:

 Mobile home sales shall be the only use permitted on the property.

 No camper, recreation vehicle, or pickup shell sales shall be permitted.

 No more that 13 mobile homes, including the sales office, shall be displayed on the property at any one time.

4. No more than 6 mobile homes shall be under preparation at any one time within the Preparation Area as shown on the Site Plan.

5. The use of the property for mobile home sales and preparation shall be limited to the South 400 feet of the property included in the Application.

6. A 50 foot building setback line shall be maintained from the South property line and a 15 foot building setback line shall be maintained from the East and West property lines.

7. Mobile home tongues shall be removed or concealed on all units displayed for sale.

8. The fronts or ends of mobile homes on display which are visible from East Admiral Place shall be skirted or underpinning installed.

Mobile homes on display shall be arranged as shown on the Site Plan submitted by the Application.

10. The parking area shall be an all-weather surface.

11. The front portion of the property shall be maintained as a grassy area, and

The balance of the application be continued to readvertise for outside storage of merchandise within 300 feet of a residential district, on the following described property:

All of the West Half of the West Half of the East Half (W/2, W/2, E/2) of Lot One (1), of Section Six (6), Township Nineteen (19), North, Range Fourteen (14) East, City of Tulsa, Tulsa County, Oklahoma less and except the Southerly 75.00 feet thereof: and All of the East Half of the East Half of the West Half (E/2, E/2, W/2) of Lot One (1) of Section Six (6) Township Nineteen (19) North, Range Fourteen (14) East, City of Tulsa, Tulsa County, Oklahoma less and except the Southerly 75.00 feet thereof, and the Northerly 17.00 feet of the West Half of the



Feet 0 200 400



BOA-22267

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

Aerial Photo Date: February 2016





Feet 0 50 100



BOA-22267

19-14 06

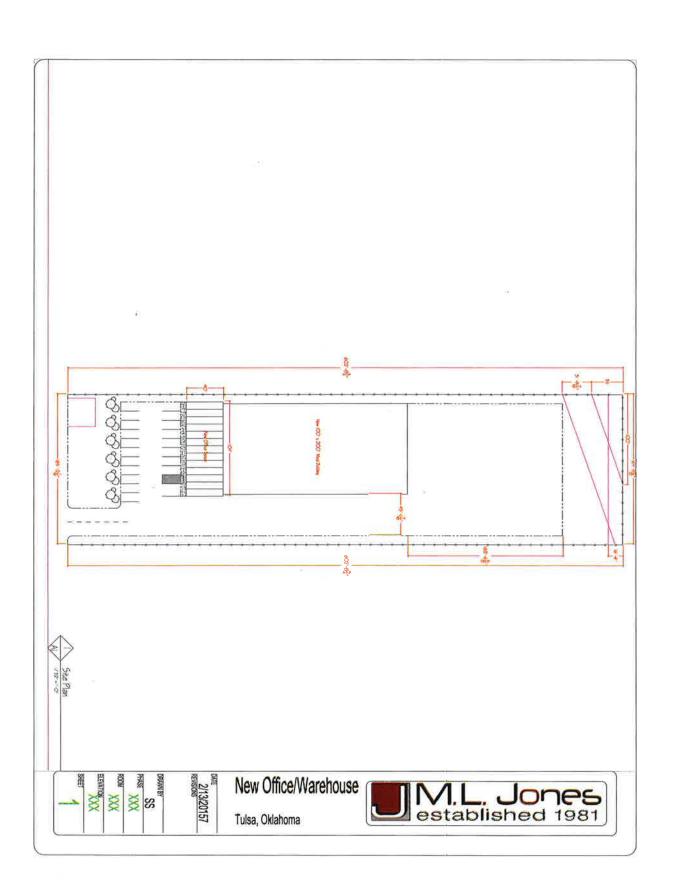
Note: Graphic overlays may not precisely align with physical features on the ground.

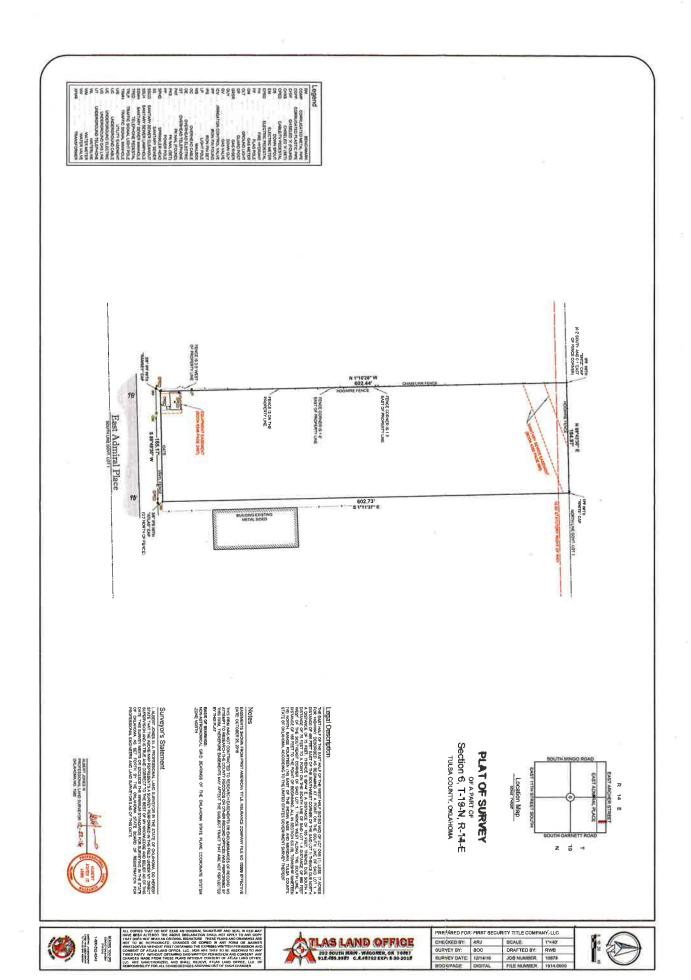
Aerial Photo Date: February 2016













CHUCK LANGE ZONING OFFICIAL PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

March 03, 2017

Phone: (918)830-7820

MIKE JONES ML JONES LLC

LOD Number: 993361-1

8 S 111 AV E TULSA, OK 74128

APPLICATION NO:

9011 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: Description:

10855 E ADMIRAL PL N New office Warehouse

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

REVIEW COMMENTS

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

Application No. 9011

10855 E ADMIRAL PL N

March 03, 2017

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

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

- 1. Sec.15.020 Table 15-2: The proposed office/warehouse facility is designated a Commercial/Office/Business & Professional Office Use and Wholesale, Distribution & Storage/Warehouse Use. This facility is in a CS zoned district. The Warehouse Use will require a Special Exception approved by the BOA.
 - **Review comment:** Submit an approved BOA Special Exception, reviewed and approved per *Sec. 70.120*, to allow a Wholesale, Distribution & Storage/Warehouse Use in a CS district.
- 2. 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.
- **3. Sec.70.080-C:** Applications for a Building Permit shall include a site plan that provides zoning data for the Zoning review portion of the Building Permit application

Review comment: Submit a site plan for zoning review providing the following:

- North arrow
- Appropriate drawing scale;
- Legal description of the lot;
- Actual shape and dimensions of the lot;
- Lot lines and names of abutting streets;
- Public rights-of-way;
- The location and dimensions of existing buildings or structures, including distances to lot lines;
- The location, dimensions and height of proposed buildings or structures;
- Architectural projections for existing and proposed buildings and structures, i.e. stairs,

- porches, balconies, fireplaces, roof overhangs, etc.;
- The intended use of existing and proposed buildings, structures or portion of the lot;
- The setbacks from the proposed new buildings or structures and alterations of existing buildings or structures to the centerline of abutting Right-of-Way;
- Location and dimensions of parking areas. This 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.
- 4. Sec.55.020 Table 55-2: The proposed office/warehouse facility is designated a Commercial/Office/Business & Professional Office Use and Wholesale, Distribution & Storage/Warehouse Use. Lots containing more than one use or tenant must provide parking in an amount equal to the total aggregate number of spaces required for each use or tenant on the lot. The office us will require 12 spaces and the warehouse will require 4 spaces, for a total of 16 spaces. Review comment: Submit a site plan a providing parking area with 16 off-street parking spaces that comply with the following:
 - 1. Sec.55.080-A: The parking area is required to be located on the same lot as the building or use they are required to serve.
 - 2. Sec.55.090-A: All parking areas must be designed to allow vehicles to enter and exit a street and cross public sidewalks in a forward motion. Parking areas which include 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 must be designed in accordance with the dimensional standards of *Table 55-5*.
 - 3. Sec.55.090-F1: All off-street parking areas must be surfaced with a dustless, all-weather surface. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.
 - **4. Sec.55.090-G:** All parking spaces must have overhead vertical clearance of at least 7 feet.
 - 5. Sec.55.130: A pedestrian circulation system must be provided to allow for safe, direct and convenient pedestrian access connecting main entrances of buildings and uses with all other such entrances and with available access points including parking, streets, sidewalks and transit stops.
 - **6. Sec.55.110 Accessible Parking for People with Disabilities:** Accessible parking facilities must be provided in accordance with the building code.
- 5. Sec.65.080: A landscape plan designed per Sec.65.080 must be submitted providing the following:
 - A. Sec.65.030-Street Yard Landscaping
 - B. Sec.65.040-Parking Lot Landscaping
 - C. Sec.65.050-Tree Planting and Preservation
 - D. Sec.65.070-Screening
 - E. Sec.95.070-Landscape Installation, Irrigation and Maintenance
- 6. Sec.65.090: Outdoor lighting must be provided in compliance with this section.

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.

END - ZONING CODE REVIEW

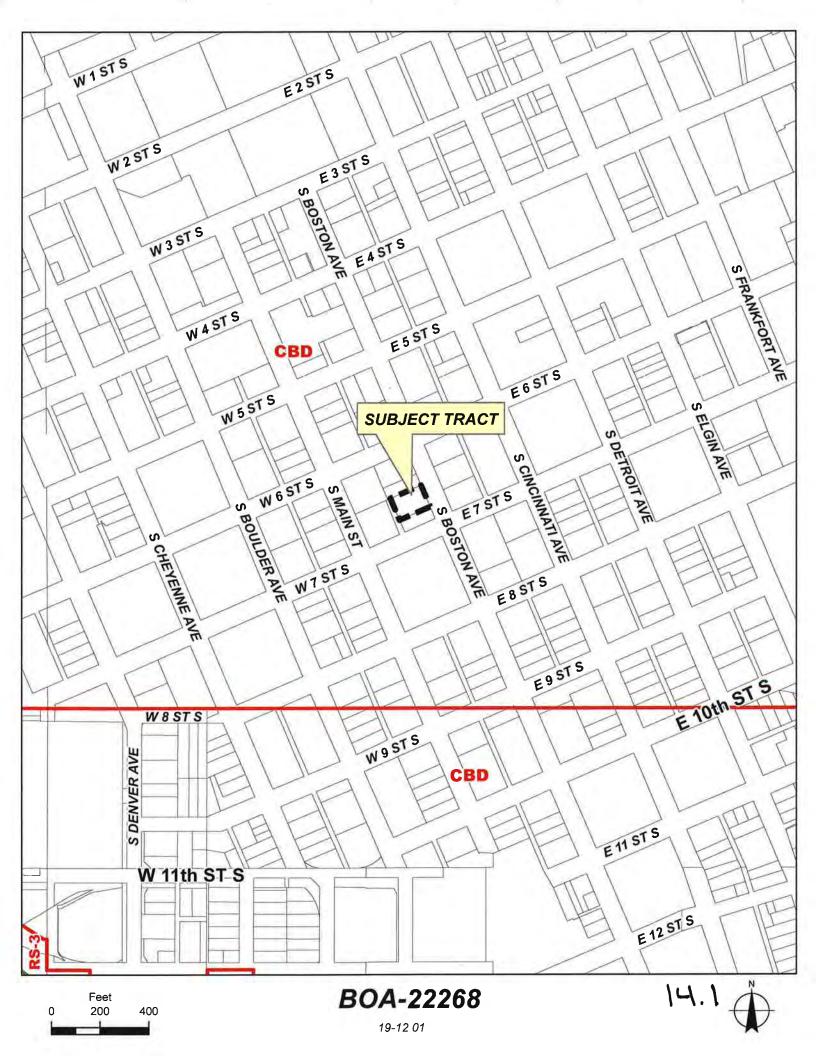
NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

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



BOARD OF ADJUSTMENT CASE REPORT

STR: 9201 Case Number: **BOA-22268**

CZM: 36 **CD**: 4

A-P#: 422321

HEARING DATE: 06/27/2017 1:00 PM

APPLICANT: Lori Worthington/A-Max Sign Company

ACTION REQUESTED: Variance to increase the permitted height of a projecting sign from 25 ft. to

62 ft. in the CBD district. (Section 60.080-D)

LOCATION: 616 S BOSTON AV E **ZONED**: CBD

PRESENT USE: Office TRACT SIZE: 14,000.24 SQ FT

LEGAL DESCRIPTION: LT 3 & N50 LT 4 BLK 163, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa

County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Lot:

BOA 21471; on 09.25.12 the Board approved a variance to increase the permitted height of a projecting sign from 25 ft. to 62 ft.

Surrounding Property:

BOA-20063; on 06.28.05, the Board approved a variance of the setback for a projecting sign from the required 40 feet to 37 feet. LOCATED: 514 S BOSTON AV E

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

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

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by CBD zoning and a blend of downtown urban uses to include, but not limited to, office, restaurant, parking, commercial, hospitality, and municipal uses.

STAFF COMMENTS:

The applicant is before the Board requesting variance to to increase the permitted sign height of a projecting sign from 25 ft. to 62 ft. in the CBD district and shown on the attached plans. The proposed sign is 31' 9" tall, and will be mounted on the northeast corner of the building approximately 62 ft. above ground elevation. It appears the sign orientation is directed towards S. Boston Avenue.

The Code (Section 60.080-D) states in the CBD district on-premise projecting signs and freestanding signs on lots with frontage on major streets may not exceed 25 feet in height, except that a maximum height of 40 feet is allowed if the sign is set back from the planned right-of-way line at least one foot for each foot of sign height in excess of 25 feet. Projecting signs and free-standing signs may not exceed 40 feet in height unless the subject lot abuts a freeway, in which case the maximum allowed height is 50 feet. The Code attempts to manage the presentation and impact of signage along a given corridor within the CBD district.

Sa	m	-	۱۸	М	_	4:	_	n
Sa	m	D	ıe	IVI	o	u	O	n

Move from:	to (approve/deny) a Variance to increase the permitted height of a projecting sign 25 ft. to 62 ft. in the CBD district. (Section 60.080-D)
•	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."

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:

ALL BLKS 125 & 126 & ALL 20 VAC ALLEY ADJ LTS 1 THRU 6 BLKS 125 & 126 & 80 VAC GUTHRIE ST ADJ BLKS 125 & 126 & N40 VAC ST BEG SECR LT 3 BLK 125 TH SE40 SW680 NW40 NE680 POB BLKS 125 & 126, ALL BLKS 129 130 154 & 155 & ALL 20 VAC ALLEYS & ALL 80 VAC GUTHRIE AV & W40 VAC FRISCO AV ADJ ON E & VAC 5TH ST BEG SWC BLK 129 TH ELY720 SLY80 WLY720 NLY80 POB & VAC 4TH ST BEG NWC BLK 129 TH NLY40 ELY680 SLY40 WLY680 POB, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Ms. Snyder re-entered the meeting at 1:21 P.M.

NEW BUSINESS

21471—Lori Worthington – A-MAX Sign Company

Action Requested:

Variance to permit a projecting sign height from 25'-0" to 62'-0" in the CBD District (Section 1221.E.1). **LOCATION:** 616 South Boston Avenue **(CD 4)**

Mr. Van De Wiele recused himself and left the meeting at 1:22 P.M.

Presentation:

Brian Ward, 9520 East 55th Place, Tulsa, OK; stated the variance request before the Board today allows the maximum height for a projecting wall sign or a ground sign. The minimum setback for such a sign is 25'-0". This particular building is located one inch behind the building setback required. Currently code allows a projecting sign to overhang the right-of-way so the setback is not an issue. The issue before the Board

today is the height of the sign. The sign in discussion today was previously located at 111 West 5th Street in Tulsa.

Mr. Henke asked Mr. Ward if the sign being discussed today is the exact same sign that was located on 5th Street, and Mr. Ward confirmed that it is.

Mr. White asked Mr. Ward if the sign was going to be mounted on the building at a 45 degree angle. Mr. Ward stated that it would be mounted at a 45 degree angle off the northeast corner of the building.

Mr. Swiney stated to Mr. Henke that he reads the site plan of the proposed sign to have wording on the spine of the sign. Mr. Henke asked Mr. Ward if there was a proposal to add text to the spine of the sign. Mr. Ward stated that he was proposing to add text to the spine of the sign, but if it were a deal breaker for this case he would relinquish the proposal. Mr. Ward stated that the drawing that is in the Board's packet is a proposal drawing that was given to Garrett Law, and he does not know it was part of the original application.

Mr. White asked Mr. Swiney if the third face on the sign would be an issue. Mr. Swiney stated that he did not know if the proposed third face on the sign is prohibited, but it sounds as though A-MAX did not apply for the third face of the sign.

Ms. Back stated that staff was not aware that there was to be proposed wording on the spine of the sign. Mr. Kolibas, from the City, was present to comment on whether the sign meets the requirements or needs additional relief.

Mr. White asked if the text on the spine of the existing sign exists or not. Mr. Ward stated that the text is not present on the existing sign.

Mr. Swiney stated that the current application only deals with the front and back of the sign, not the proposed information on the spine of the sign. The Board can approve the sign, front and back, and not deal with the spine issue. If the applicant would like to come back under a separate application that addresses the text on the spine of the sign, the Board can hear and act upon the spine issue then.

Mr. Ward stated that if the client is in agreement, the text on the spine of the sign can be stricken from the proposed drawing.

Interested Parties:

David Garrett, 2221 Forest Boulevard, Tulsa, OK; stated he finds it unusual that this is the third process he has gone through to re-install his sign. In 2004 this sign was approved by the Board of Adjustment, and because of that approval he believes that Tulsa World installed their sign. Since that time many more signs have been installed in the downtown area because of the development. Mr. Garrett stated that he is sorry his application was not properly documented to have text on the spine. He has waited three months to mount the sign, and wants to have it installed.

Bob Kolibas, City of Tulsa, Sign and Site Section, 175 East 2nd Street, Tulsa, OK; stated there is a section in the Tulsa Zoning Code, Section 1221.E.4, regarding signs. Projecting signs cannot contain more than two sides of display surface area.

Mr. Henke stated that statement simplifies the issue for the Board, because Mr. Garrett wants Garrett Law displayed on both sides of the sign.

Rebuttal:

Mr. Ward came forward and stated his client would like to seek approval to relocate and install the sign without the slogan or text on the spine. The sign in discussion is a double-sided, old-fashioned neon sign that was previously approved at another location.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Henke, Snyder, Tidwell, White "aye"; no "nays"; Van De Wiele "abstains"; none absent) to **APPROVE** the request for a <u>Variance</u> to permit a projecting sign height from 25'-0" to 62'-0" (Section 1221.E.1). This approval is for a double-sided sign only and is subject to per plan on page 4.11. Finding that the sign was previously mounted on a separate structure it is being moved to this structure with new offices. While initially the setback was an issue that was resolved in the 2004 case, this case only deals with the height; finding that the height of this sign on this structure will actually be somewhat lower than it was on the earlier structure. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the 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 3 & N50 LT 4 BLK 163,TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. Van De Wiele re-entered the meeting at 1:37 P.M.



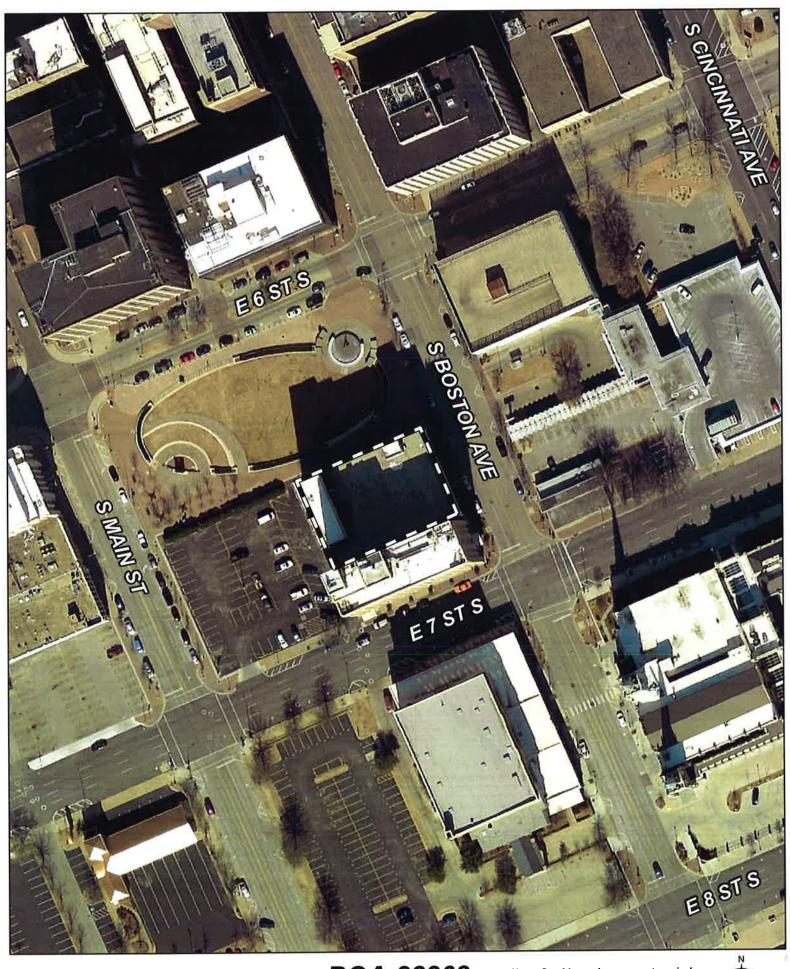
BOA-22268

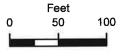
19-12 01

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

Aerial Photo Date: February 2016









BOA-22268

19-12 01

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

Aerial Photo Date: February 2016



DWG 062512-03

SIGN COMPANY, INC. www.amaxsign.com

9520 E. 55th Place Tulsa, Oklahoma 74145 ph. (918)622-0659

SCALE: AS NOTED

FILE NAME: PROJ_MNT

DATE: 6/25/12

SALES REP: BRIAN WARD

DRAWN BY: PW

PROJECT: GARRETT LAW

ADDRESS: 616 S. BOSTON LOCATION: TULSA, OK

⊣4≥#

Signs will be built to meet Ut, specifications

LETTED

as required.

Ages and outline lighting must comply with Artists 600 of the N.E. E. smalleding, proper grounding and bonding.

CLIENT APPROVAL / DATE:

LANDLORD APPROVAL / DATE:

REVISIONS:

1 of 1 SHEET NUMBER

E. 6TH ST. S.

S. BOSTON AVE.

65,

本の食はははます

،94

25.2

98.

TOP VIEW SCALE: NTS

CORRECTOR

PERSPECTIVE VIEW. SCALE: NTS



9520 E. 55th Place Tulsa, Oklahoma 74145 ph. (91 E)622-0651 ___ fax. (91 E)622-0659

FILE NAME: TOPVIEW DATE: 7/5/12

SCALE: 1/8"=1"

SALES REP: BRIAN WARD

DRAWN BY: PW

PROJECT: GARRETT LAW

ADDRESS: 616 S. BOSTON AVE. LOCATION: TULSA, OK

REVISIONS:

SHEET NUMBER

SOUTH BOSTON AVE. ← 4'-1" →

FOUND BOD NAIL AT BUILDING DORNER T

PARK LOT 2

SALDING IS ON!

TOP BUILDING VIEW W/ SIGN PLACEMENT. SCALE: 1/4"="

A.1

BOB KOLIBAS SIGN PLANS EXAMINER 918-622-0651



DEVELOPMENT SERVICES

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

SIGN PLAN REVIEW

May 23, 2017

LOD Number: 1007311-1

Sign contractor: A-Max Sign Company 9520 E 55 Place Tulsa OK 74145

APPLICATION NO:

422321 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: Description:

616 S BOSTON AV E Garrett Law Firm

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

(continued)

REVIEW COMMENTS

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

Application No. 422321

616 S BOSTON AV E

May 23, 2017

This letter of deficiencies covers Sign Plan Review items only.

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

1.) Section 60.080-D Maximum Height of On-premise Projecting and Freestanding Signs

2. Lots with Frontage on Major Streets

On-premise projecting signs and freestanding signs on lots with frontage on major streets may not exceed 25 feet in height, except that a maximum height of 40 feet is allowed if the sign is set back from the planned right-of-way line at least one foot for each foot of sign height in excess of 25 feet. Projecting signs and freestanding signs may not exceed 40 feet in height unless the subject lot abuts a freeway, in which case the maximum allowed height is 50 feet.

Review Comments: The proposed projecting sign height of 62 feet exceeds the permitted 25 foot height above grade with a 35.9 foot setback from the C/L of S. Boston Avenue. You may seek a variance from the BOA to permit a projecting sign to exceed the maximum permitted height of 25 feet to be installed 62 feet above grade with a 35.9 foot setback from the C/L of S. Boston Avenue.

2.) 70.130-I Lapse of Approval

- 1. An approved variance will lapse and become void 3 years after it is granted by the board of adjustment, unless a building permit for the work or improvements authorized has been issued and the project has commenced and is diligently pursued to completion. If no building permit is required, the improvement that is the subject of the variance must be in place within the 3-year period.
- 2. The board of adjustment may extend the expiration period by up to one year at the time of approval of the variance or any time before expiration of the approval. Requests for extensions after the variance is approved must be processed in accordance with the variance procedures, including applicable fees, notices and public hearings.

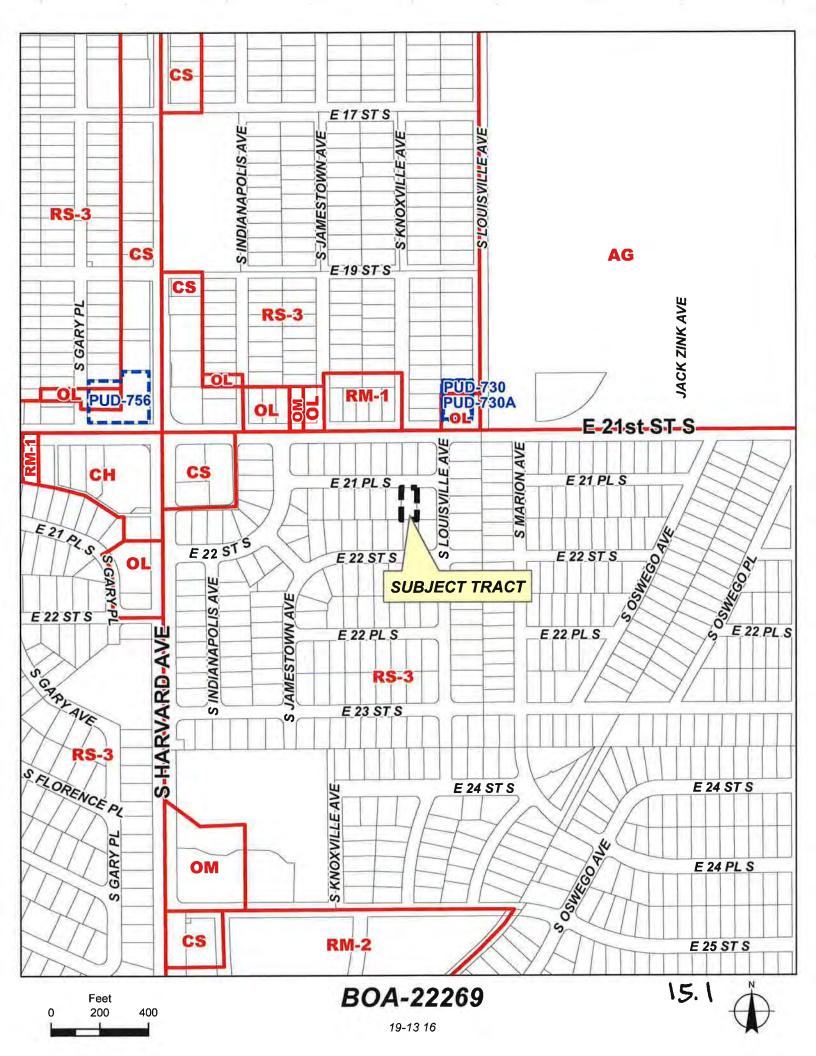
Review Comments: The attached variance from 9/25/2012 has expired based on the three year lapse. You may apply to the BOA to approve the projecting sign per item 1.

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

END – ZONING CLEARANCE AND SIGN CODE REVIEW

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

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



BOARD OF ADJUSTMENT CASE REPORT

STR: 9316

Case Number: BOA-22269

CZM: 37

CD: 4

A-P#: N/A

HEARING DATE: 06/27/2017 1:00 PM

APPLICANT: Allen and Natalie Hynes

ACTION REQUESTED: Special Exception to permit a Bed & Breakfast (Airbnb) in the RS-3 district

(Section 5.020).

LOCATION: 3540 E 21 PL S **ZONED**: RS-3

PRESENT USE: Residential TRACT SIZE: 8646.7 SQ FT

LEGAL DESCRIPTION: LT 2 BLK 5, JEFFERSON HILLS ADDN, City of Tulsa, Tulsa County, State

of Oklahoma

RELEVANT PREVIOUS ACTIONS:

None Relevant.

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

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

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

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

STAFF COMMENTS:

The applicant is before the Board requesting a Special Exception to permit a Bed & Breakfast (Airbnb) in the existing house on the subject site. The request is to permit short-term (less than 30 days) lodging/rental on the site. The applicant has not expressed a desire to have events (weddings/receptions) on the site; it appears that the site will be used for short-term lodging/rental only.

The applicant provided the following statement: "We do not live on-site; the home has three bedrooms, to be used as one booking. The entire home would be rented-out as an Airbnb space. Bedroom will NOT be rented separately. We intend to rent year-round. It's impossible to gauge the public, but we would set a two-night minimum booking on the house. I'm assuming most of the guests would be coming in for various events around the fairgrounds. We anticipate that a typical stay would be the week/weekend."

The following supplemental use regulations in Section 40.060 apply to all bed and breakfast uses.

- Bed and breakfast are limited to a maximum of 12 guest rooms unless a lower limit is established by the board of adjustment as a condition of an approved special exception.
- The maximum length of stay for any guest is limited to 30 consecutive days.
- The owner/operator must maintain a register of bed and breakfast guests and on-site events for each calendar year and make the register available to city code enforcement upon request.
- Cooking facilities are prohibited in guest rooms.
- Signs are allowed in accordance with the sign regulations of the subject zoning district unless the board of adjustment establishes stricter conditions at the time of special exception approval.

Section 60.050-B.2,a - Wall Signs - Nonresidential uses in R districts are allowed a maximum of one wall sign per public building entrance. Such signs may not exceed 32 square feet in area.

Section 60.050-B.2,b - Freestanding Signs - Nonresidential uses in R districts are allowed a maximum of one freestanding sign per street frontage. Allowed freestanding signs are subject to a maximum height limit of 20 feet and may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

Section 60.050-B.2,c - **Dynamic Displays** - Dynamic displays are prohibited in R districts except that on a lot occupied by an allowed public, civic or institutional use, the board of adjustment is authorized to approve a special exception for the allowed wall sign or the allowed freestanding sign to include a dynamic display.

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

Move to _____ (approve/deny) a Special Exception to permit a Bed & Breakfast (Airbnb) in the RS-3 district (Section 5.020).

• 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.



BOA-22269

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

Aerial Photo Date: February 2016



Feet 0 50 100



BOA-22269

19-13 16

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

Aerial Photo Date: February 2016

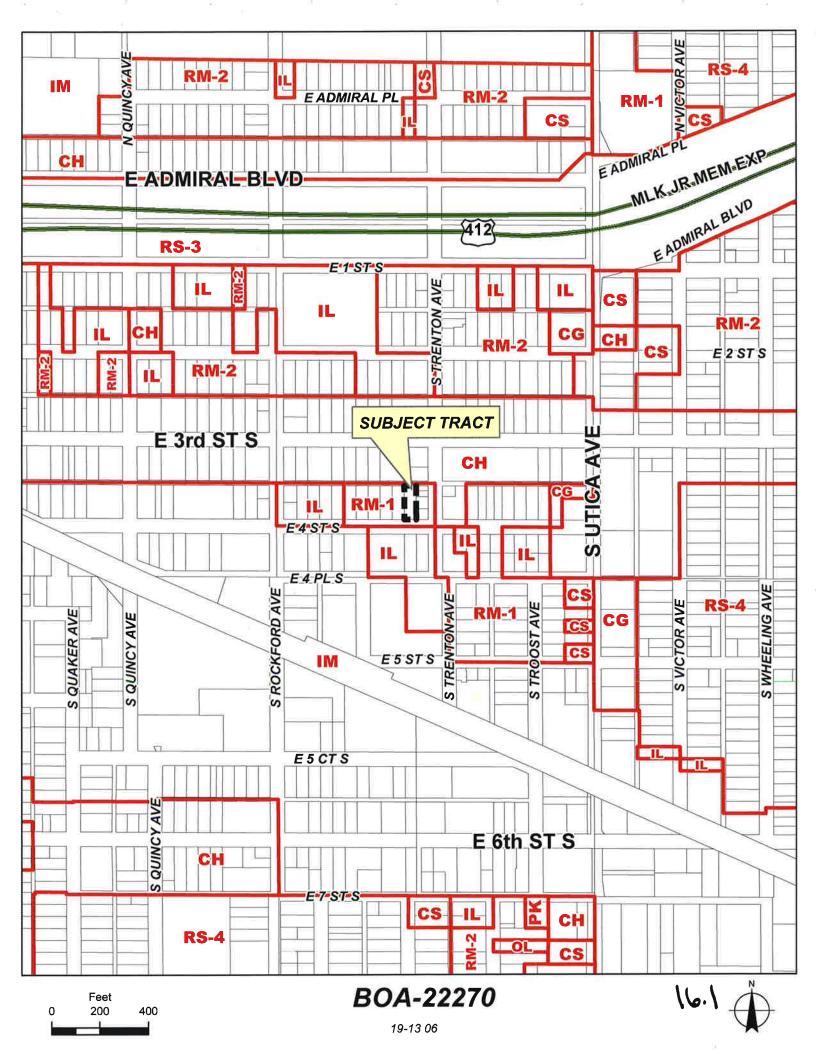




THIS PAGE

INTENTIONALLY

LEFT BLANK



BOARD OF ADJUSTMENT CASE REPORT

Case Number: BOA-22270

STR: 9306

CZM: 37 **CD**: 4

A-P#: 9105

HEARING DATE: 06/27/2017 1:00 PM

APPLICANT: Austin Hingey

ACTION REQUESTED: Special Exception to increase the permitted height of a fence in the required

street (front) setback from 4' to 7'-8" (Section 45.080).

LOCATION: 1541 E 4 ST S ZONED: RM-1

PRESENT USE: Community Garden TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: LT 23 BLK 5, MIDWAY ADDN, City of Tulsa, Tulsa County, State of

Oklahoma

RELEVANT PREVIOUS ACTIONS:

None Relevant.

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

Employment Areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity. **Employment Areas** require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances.

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.

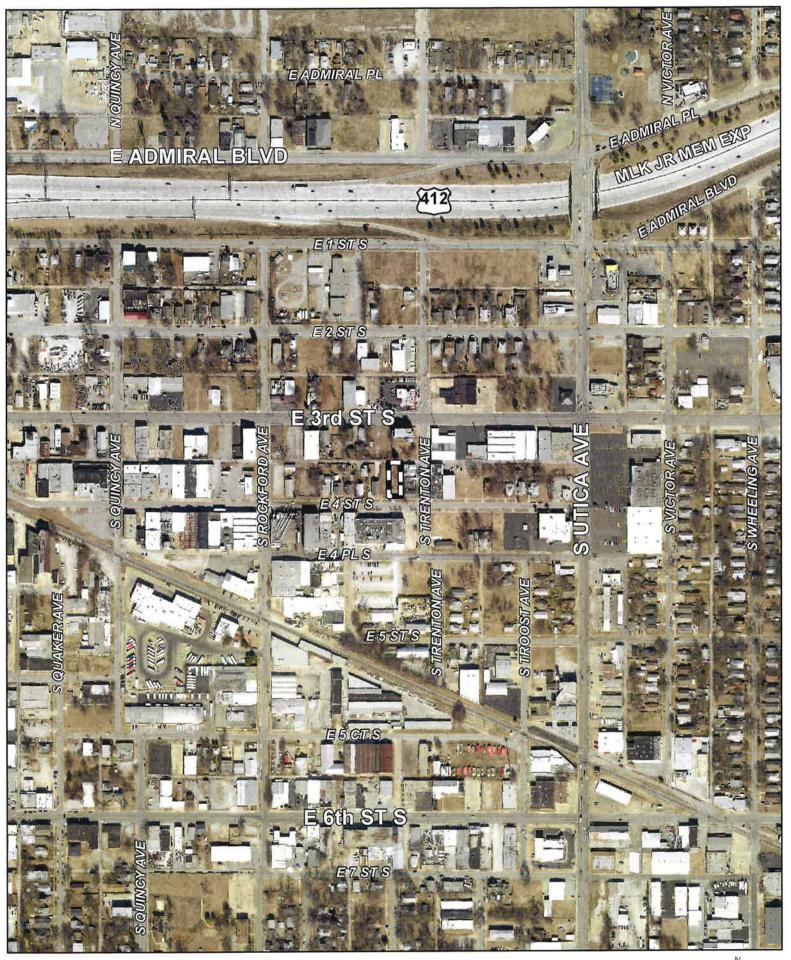
ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RM-1 zoned residences on the east and west. IL zoning abuts the site on the south; and CH zoning abuts the site on the north.

STAFF COMMENTS:

As illustrated in the attached site plan and pictures the property owner has constructed a 7'-8" ft. fence within the required 25 ft. street setback of the lot. The Code (**Section 45.080**) limits fence and wall heights in the required front setback of residential districts to 4'. However, the Code permits the Board of Adjustment to modify the height limitation through special exception approval. The intent of the Code's fence height restrictions is to maintain a minimal level of transparency or connection between a house and the surrounding neighborhood.

Move in the	to (approve/deny) a Special Exception to increase the permitted height of a fence required street setback from 4' to 7'-8" (Section 45.080).
•	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.



BOA-22270

19-13 06

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

Aerial Photo Date: February 2016

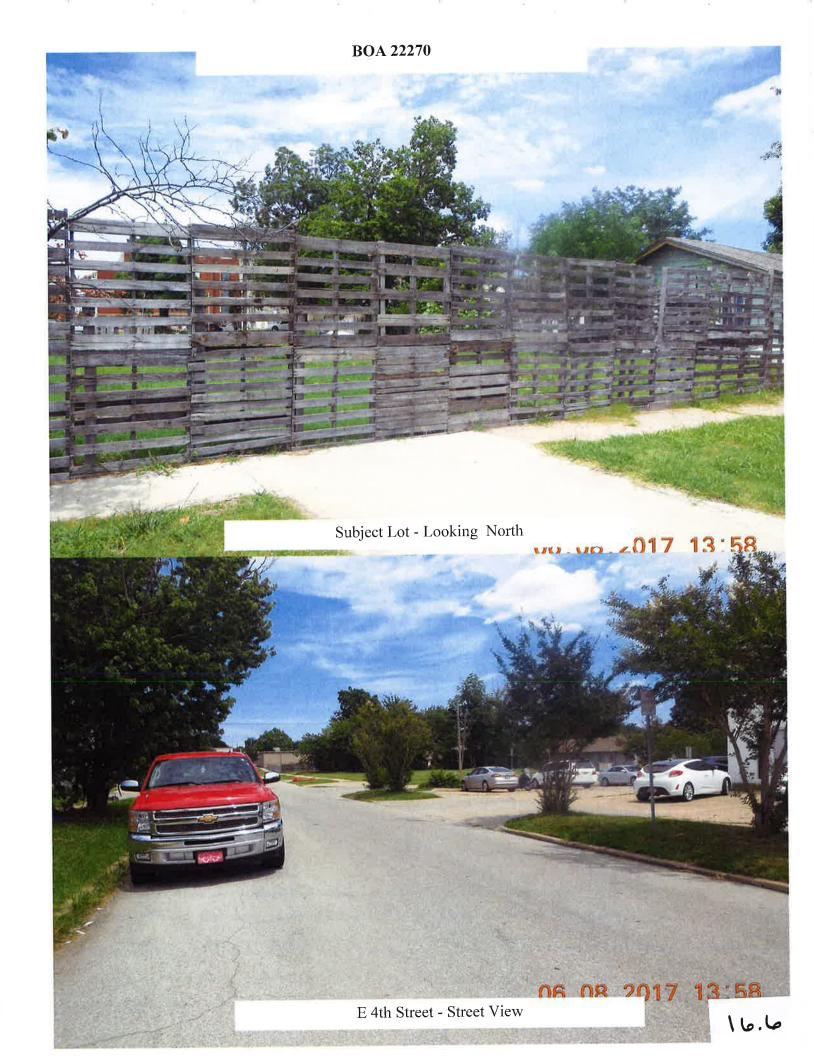


BOA-22270

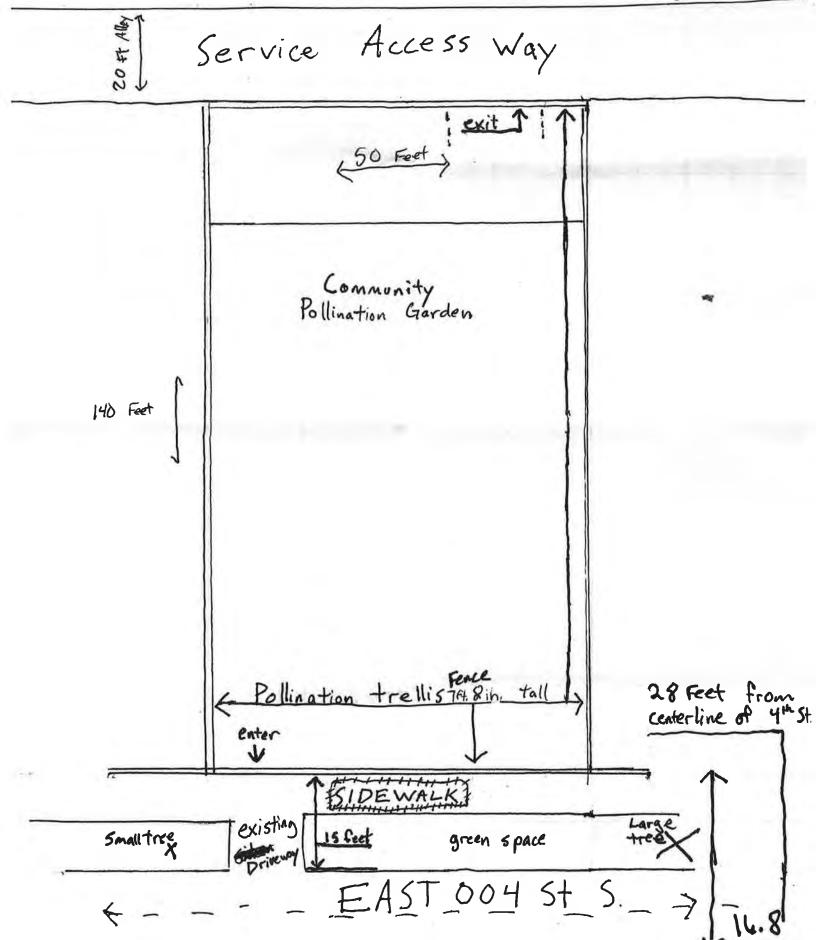
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016 6.5



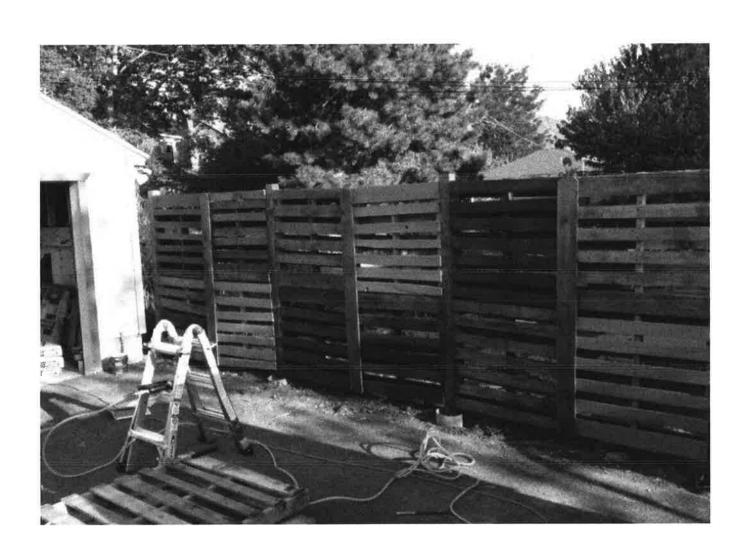








point of View from inside community pollination garden



Point of view from outside of community pollination garden

JEFF S. TAYLOR ZONING OFFICIAL PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1002571-1

May 08, 2017

AUSTIN HINGEY OWNER 314 S TRENTON AV E TULSA, OK 74120 Phone: (918)640-2465

APPLICATION NO:

9105 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location:

1541 E 004 ST S

Description:

eight foot tall pollenation trellis

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

REVIEW COMMENTS

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

Application No. 9105

1541 E 004 ST S

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. Your application did not include a complete site plan. The zoning clearance review for your permit application will resume after a complete site plan is submitted. Please note that additional deficiencies may be found and will need to be resolved prior to approval of your application. The site plan must show:
 - · Location, dimensions and identification of existing and proposed buildings, structures and driveway.
 - Distances from all property lines to the proposed building or structures, and the distance from the proposed work to the centerline of the street;
 - · Identify any easements and public rights of way;

Revise and resubmit your site plan containing the information listed above.

2. 45.080-A Fences and walls within required building setbacks may not exceed 8 feet in height, except that in required street setbacks fences and walls may not exceed 4 feet in height. However' in R zoned districts, fences up to 8 feet in height are permitted in side street setbacks of detached houses or duplexes located on corner lots and in street setbacks abutting the rear lot line of houses and duplexes located on double frontage lots. The board of adjustment is authorized to modify these fence and wall regulations in accordance with the special exception procedures of Section 70.120.

Review Comments- Provide documentation indicating the proposed fence/trellis located in the street setback will not exceed 4' in height measured from grade or apply to BOA for a <u>special exception</u> to allow a fence to exceed 4' in height in a street setback.

3. 45.010-D Location

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

Review Comments: You are proposing an accessory structure on a lot separate from the primary structure.

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

After receiving your revisions there could be more LOD items.

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



BOARD OF ADJUSTMENT CASE REPORT

STR: 9309 Case Number: BOA-22271

CZM: 37 **CD**: 4

A-P#: N/A

HEARING DATE: 06/27/2017 1:00 PM

APPLICANT: Michael Hall

ACTION REQUESTED: Special Exception to permit two dynamic display signs in the AG District (Section 60.050); Special Exception to permit a dynamic display within 200' of an R-district (Section 60.100-F); Variance to permit a dynamic display within 50' of a signalized intersection (Section 60.100-D); Variance of the allowable display surface area for two dynamic display signs in the AG district from 32 sq. ft. to 41.4 sq. ft. (Section 60.050-B). Variance of the allowable display surface area for freestanding signs in the AG district (Section 60.050-B,2); Variance of the allowable number of freestanding signs in the AG district (Section 60.050-B,2); Variance of the allowable height of freestanding signs in the AG district (Section 60.050-B,2).

LOCATION: 4145 E 21 ST S **ZONED**: AG

PRESENT USE: Tulsa County Fairgrounds TRACT SIZE: 209 Acres

LEGAL DESCRIPTION: SE & E/2 SW LESS W35 & N40 E/2 SW & LESS N40 SE & LESS BEG SECR SE TH N2597.68 W370 SE72.8 E230 SE14.13 S1892.68 W900 S590 W591.74 S50 E1572.48 POB FOR STS & LESS BEG 35N & 1547.5E SWC SW TH N200 E296. 23 SW74.6 SWLY CRV 283.14 W25 POB & LESS 60W & 7 AND TR IN SW SE SW BEG 35N & 1547.5E SWC SEC TH N200 E296.23 SW74.6 SWLY CRV RT 283.14 W25 POB SEC 9 19 13 1.01 ACS City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Lot:

CBOA 1220; on 02.21.93 the Tulsa County Board approved a variance to permit an outdoor advertising sign in a AG district; and a variance to permit two identification signs along E 21 St S.

CBOA 819; on 05.17.88 the County Board approved a special exception to allow a identification sign as an accessory use in an AG district; a variance to allow a sign larger than 32 sq. ft. and taller than 15 ft.; and a variance to allow a EMC sign, per plans submitted.

CBOA 469; on 06.15.84 the County Board approved a variance to permit a sign larger than 32 sq. ft.; and a special exception to allow a identification sign in an AG district.

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

Regional Centers are mid-rise mixed-use areas for large scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit

hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.

<u>ANALYSIS OF SURROUNDING AREA</u>: The tract is abutted RS-3 residential on the north and south. IL and CS zoned commercial/retail abuts the site on the east.

STAFF COMMENTS:

The applicant provided the following statement: "Because of the unique size, nature, usage and history of the fairgrounds, the limits and restrictions on height, location, size, and number of signs, including dynamic displays, impose a hardship. The Fairgrounds consists of over 240 acres of land, with over 12,000 feet of frontage on 15th street, 21st street, Yale Avenue and Louisville Avenue. There are nine (9) official gates/entrances to the Fairgrounds. The Fairgrounds has numerous buildings and parking lots. The Fairgrounds has been included within the City limits of Tulsa for less than 10 years, and most all of the buildings, parking lots and other improvements were constructed prior to that time.

Because of the enormous size of the Fairgrounds and the large number of events which occur there, including multiple events often occurring simultaneously, traffic and parking management and safety is of major importance. Multiple signs are needed to prominently identify the Fairgrounds and its many different gates/entrances, since different gates are the preferred entry points for different events. The dynamic displays at Gate 1 on 21st street and Gate 7 on 15th street, because of their flexibility and adaptability, will be an integral component of the overall traffic and parking management and safety plan. The dynamic displays will be able to update, inform and direct visitors to the best available entrances and parking as circumstances change, particularly for heavily attended events like the Tulsa State Fair.

Existing improvements limit the potential locations of the dynamic display signs at Gate 1 and Gate 7. There are also line of sight factors that constitute a hardship if the variances are not granted. Because of the importance of signage in directing traffic entering the Fairgrounds, maximum visibility of the dynamic displays through location, height and size is extremely important. The north right of way of 21st has a number of improvements, including a bus stop and overhead power lines which affect visibility.

Please note that along the south side of 21st the houses are screened by a substantial barrier of trees. Along 15th street, the center medium is improved with trees that will provide screening for the houses to the north. The dynamic displays at both locations will face east and west, and will not directly face any of the houses to the north or south or south of the fairgrounds. There are no houses with more than 2,000 feet directly to the east or west."

Tulsa County is updating gateway and entry signage for the Fairgrounds. To permit installation of new signage on the site the applicant has requested the following relief from the Board.

1. The applicant has requested a Special Exception to permit two dynamic display signs in the AG District (Section 60.050-B).

According to the attached plans and drawings the proposed ground signs located at Gates 1 and 7 (See Sheet # D101) will contain a 41.4 sq. ft. dynamic display sign.

Dynamic displays are prohibited in AG 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. If approved 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.

2. To permit the proposed dynamic display sign the applicant has requested a Variance of the allowable display surface area for two dynamic display signs in the AG district from 32 sq. ft. to 41.4 sq. ft. (Section 60.050-B).

An allowed dynamic display component may not exceed 32 square feet in area. Based on the attached plans the proposed ground signs located at Gates 1 and 7 (See Sheet # D101) will contain a 41.4 sq. ft. dynamic display. The applicant has requested a variance to increase the permitted size of a dynamic display to allow the 41.4 sq. ft. LED message boards at Gates 1 and Gate 7, as proposed in the attached plans.

3. To permit the proposed dynamic display signs the applicant has requested a Special Exception to permit a dynamic display within 200' of an R-district (Section 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. The applicant has requested a special exception to permit a dynamic display located within 200 ft. of an R district, as it appears the dynamic display signs at Gates 1 and 7 will be within 200 ft. of the R zoned districts immediately north and south of the subject site.

4. To permit the proposed dynamic display sign at Gate 1 (See Sheet # D101) the applicant has requested a Variance to permit a dynamic display within 50' of a signalized intersection (Section 60.100);

Section 60.100-D of the Code states that <u>dynamic display signs shall not be located within 50 ft.</u> 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 requested a variance to allow the dynamic display within 50 ft. of a signalized intersection, as it appears that the dynamic dusplay sign is 35 ft. from the signalized street/intersection of E. 21 St. S. and Sandusky Ave (Gate 1).

5. To permit installation of new signage on the Fairgrounds site the applicant has requested a Variance of the allowable display surface area for freestanding signs in the AG district from 150 sq. ft. to 313.4 sq. ft. along the <u>E. 15th St. S.</u> frontage; and from 150 sq. ft. to 321.4 sq. ft. along the <u>E. 21 St. S.</u> frontage (Section 60.050-B,2).

Allowed freestanding signs may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign(s) exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

> Based on the attached plans it appears the freestanding signs along E. 21 St. S. at the Administrative Entry, Gates 3, 2 and 1 will contain a total display area of 321.4 sq. ft.

> Based on the attached plans it appears the freestanding signs along S. Yale Ave. at Gate 9 will contain a total display area of 112 sq. ft.

▶ Based on the attached plans it appears the freestanding signs along E. 15th St. S. Gates 5, 6, 7and 8 will contain a total display area of 313.4 sq. ft.

> Based on the attached plans it appears the freestanding signs along S. Louisville Ave. at Gate 4 will contain a total display area of 80 sq. ft

6. To permit installation of new signage on the Fairgrounds site the applicant has requested a Variance of the allowable number of freestanding signs in the AG district from one to two along the <u>S. Yale Ave.</u> frontage; from one to six along the <u>E. 15th St. S.</u> frontage; from one to seven along the <u>E. 21 St. S.</u> frontage; and from one to two along the <u>S. Louisville Ave.</u> frontage (Section 60.050-B,2).

Nonresidential uses in AG districts are allowed a <u>maximum of one freestanding sign per street</u> frontage.

- ▶ Based on the attached plans there will be seven freestanding signs along the E. 21 St. S. frontage at Gates 3, 2, 1 and the Administrative Entry.
- > Based on the attached plans there will be two freestanding signs along S. Yale Ave. at Gate 9.
- Based on the attached plans there will be six freestanding signs along E. 15th St. S. Gates 5, 6, 7 and 8.
- > Based on the attached plans there will be two freestanding signs along S. Louisville Ave. at Gate 4.
- 7. To permit installation of new signage on the Fairgrounds site the applicant has requested Variance of the allowable height of freestanding signs in the AG district (Section 60.050-B,2).

In the AG district allowed <u>freestanding signs are subject to a maximum height limit of 20 feet.</u> Based on the attached plans the proposed ground signs located at Gates 1, 3, 5, 6, 7, 8 and 9 will exceed 20 ft. in height.

- Based on the attached plans, a sign at Gates 1 and 7 (See Sheet# D101) will be 22'-10" tall, exceeding the 20 ft. height limitation.
- > Based on the attached plans, a sign at Gates 3 and 5 (See Sheet# D102) will be 22'-10" tall, exceeding the 20 ft. height limitation.
- ▶ Based on the attached plans, a sign at Gates 6, 8 and 9 (See Sheet# D102) will be 28'-1" tall, exceeding the 20 ft. height limitation.

Sample Motion:

dis inte dis alle Va	S Di strict erse splay owa u ria r	(approve/deny) a Special Exception to permit two dynamic display signs in the strict (Section 60.050); Special Exception to permit a dynamic display within 200' of an Rection 60.100-F); Variance to permit a dynamic display within 50' of a signalized ection (Section 60.100-D); Variance of the allowable display surface area for two dynamic y signs in the AG district from 32 sq. ft. to 41.4 sq. ft. (Section 60.050-B). Variance of the ble display surface area for freestanding signs in the AG district (Section 60.050-B,2); nce of the allowable number of freestanding signs in the AG district (Section 60.050-B,2); nce of the allowable height of freestanding signs in the AG district (Section 60.050-B,2).
	•	Finding the hardship(s) to be
	•	Per the Conceptual Plan(s) shown on page(s) of the agenda packet.
	•	Subject to the following conditions

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

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

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



Case No. 1220

Action Requested:

Variance to permit an outdoor advertising sign in an AG zoned district not abutting a state or federal highway and a variance to permit a second identification sign on street frontage (21st Street) for permitted non-residential use (Expo Square) - SECTION 1221.4. AG DISTRICT USE CONDITIONS - Use Unit 21, located northeast corner of East 21st Street and South Pittsburg Avenue.

Presentation:

The applicant, Lorry Roberts, P.O. Box 4735, advised that she is representing Expo Square and is requesting an electronic message board directly in front of the Exposition Building, which is located on the fairgrounds. She explained that the sign will advise the public of events that are taking place in the building. A sign plan (Exhibit G-1) was submitted. Ms. Roberts noted that the sign will be approximately 8' from the ground, and will be 29" in height and 10' long.

Comments and Questions:

In reply to Mr. Alberty, the applicant informed that Casa Bonita proposes to share the sign (which makes the sign an off-premise sign requiring a variance).

Mr. Looney asked how far the sign will be from the street, and Ms. Roberts stated that the sign will be placed in the grassy area, approximately 50' from the centerline of the street.

Protestants:

None.

Board Action:

On MOTION of ELLER, the Board voted 4-0-0 (Alberty, Eller, Looney, Tyndall, "aye"; no "nays"; no "abstentions"; Walker, "absent") to APPROVE a Variance to permit an outdoor advertising sign in an AG zoned district not abutting a state or federal highway and a variance to permit a second identification sign on street frontage (21st Street) for permitted non-residential use (Expo Square) - SECTION 1221.4. AG DISTRICT USE CONDITIONS - Use Unit 21; per plans submitted; finding that the primary purpose of the sign is to advertise activities on the fairgrounds; and finding that the sign will not cause substantial detriment to the public good, or violate the spirit and intent of the Code; on the following described property:

West 50' of the north 50' of the south 85' of the east 2675' of Section 9, T-19-N, R-13-E, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:47 p.m.

Date Approved

Case No. 816 (continued)

Mr. Looney stated that the business seems to have grown, which has caused a substantial increase in traffic, and liberties have been taken which may be in violation of the Code.

Mr. Jones pointed out that the burden is on the applicant to prove the business has not expanded, and stated that the Board could continue the application to allow the applicant sufficient time to obtain additional information to substantiate his case.

Mr. Looney pointed out that it is not the intention of the Board to shut down businesses, but neither is it the intention of the Board to overlook the rights of the property owners in the area.

Mr. Tyndali stated that he feels the Board could act on both the appeal and the use variance at this time.

Mr. Walker stated that it is evident that the Zoning Code has been violated, but that he is willing to give the applicant additional time to supply more information concerning the case and attempt to comply with the wishes of the surrounding property owners.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, "absent") to CONTINUE Case No. 816 to June 21, 1988 to allow the applicant to meet with Staff and the surrounding property owners and attempt to arrive at a workable solution for the applicant, as well as the residents of the area.

Case No. 819

Action Requested:

Special Exception - Section 310 - Principal uses permitted in the agricultural district - Use Unit 1220 - Request an exception to permit a new identification sign as an accessory use in an AG zoned district under the provisions of Section 1680.

Variance - Section 320.2 (b)2 - Accessory Signs in AG and AG-R Districts - Use Unit 1221 - Request a variance to permit a sign larger than 32 sq. ft. of display surface area and taller in height than 15° .

Variance - Section 1221.4 - AG District Use Conditions - Use Unit 1223 - Request a variance to permit outdoor advertising and changing message sign, located NW/c 21st Street and Yale Avenue.

Presentation:

The applicant, Pat Lloyd, was represented by Denny Tuttle, Assistant Manager for Tulsa County Public Facilities Authority, who submitted a sign plan (Exhibit D-1) for a sign which will be placed at 21st and Yale. He explained that the electronic message center will clean up the visual clutter on the corner and allow professional advertising.

Case No. 819 (continued)

Comments and Questions:

Mr. Looney asked the difference between Case No. 469, which was approved in 1984, and the present request, and Mr. Tuttle replied that this sign is smaller than the one previously requested. He pointed out that the time limitation has expired for the previous approval.

Board Action:

On MOTION of WALKER, the Board voted 4-0-0 (Eller, Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, "absent") to APPROVE a Special Exception (Section 310 - Principal uses permitted in the agricultural district - Use Unit 1220) to permit a new identification sign as an accessory use in an AG zoned district under the provisions of Section 1680; to APPROVE a Variance (Section 320.2 (b)2 - Accessory Signs in AG and AG-R Districts - Use Unit 1221) to permit a sign larger than 32 sq. ft. of display surface area and tailer in height than 15'; and to APPROVE a Variance (Section 1221.4 - AG District Use Conditions - Use Unit 1223) to permit outdoor advertising and changing message sign; per sign plan submitted; finding that the sign in question is smaller than the one previously approved for the location; on the following described property:

The south 110' of the east 110' of the SE/4, SE/4 of Section 9, T-19-N, R-13-E, Tulsa County, Oklahoma, less the south 60' thereof and less the east 60' thereof.

There being no further business, the meeting was adjourned at 4:45 p.m.

Date Approved

Case No. 467 (continued)

Principal Uses Permitted in a Residential District - under the provisions of Use Unit 1209) of the 150' lot width in an RE District under the provisions of Section 1670, for a total of 12 lots as shown on the plat submitted, subject to Health Department approval, and subject to it meeting all agency requirements, on the following described property:

Beginning at the NE corner of the NW/4 of Section 27, Township 19 North, Range 10 East; thence West 250' to the Point of Beginning; thence West 850'; thence South 545'; thence East 850'; thence North 545' to the Point of Beginning, Tulsa County, Oklahoma.

Case No. 468

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1209 - Request for an exception to allow a mobile home in an RS District under the provisions of Section 1680, located west of the southwest corner of 76th Street North and Victor Avenue.

Presentation:

The applicant, Roger D. McKinney, 1704 East 76th Street North, informed the subject tract is owned by his mother-in-law. He lives next door to the subject tract. The mobile home will be for his use. There are other mobile homes in the area--one is adjacent to his mother-in-law's property. He described where other mobile homes are located. He will be connecting to a sanitary sewer system, and he would like approval for permanent use.

Protestants: None.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to approve a Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - under the provisions of Use Unit 1209) to allow a mobile home in an RS District under the provisions of Section 1680, subject to the issuance of a Building Permit and Health Department approval, on the following described property:

Lot 7, Block 1, Golden Hills Addition to Tulsa County, Oklahoma.

Case No. 469

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agricultural District - Use Unit 1220 - Request for an exception to permit a new identification sign as an accessory use in an AG District under the provisions of Section 1680, a Variance - Section 320.2 (b) (2)-Accessory Signs in AG and AG-R Districts - Use Unit 1221 - Request for a variance to permit a sign larger than 32 sq. ft. of display surface area and taller in height than 15 feet, and a Variance - Section 1221.4 -AG District Use Conditions - Use Unit 1223 - Request for a variance to permit outdoor advertising and changing message sign, located at the northwest corner of 21st Street and Yale Avenue.

Case No. 469 (continued)

Presentation:

The applicant Pat Lloyd, Expo Square, Box 4735, informed he is the General Manager of the Tulsa County Public Facilities Authority. The applicant of record is the Authority. Mr. Lloyd submitted a drawing of what the proposed sign will look like (Exhibit "E-1") and 6 photographs of the existing sign (Exhibit "E-2"). The existing sign was constructed in the mid '70s as part of an effort to try to improve the overall appearance of the fairgrounds. The Authority feels that the proposed sign will improve the overall appearance of the fairgrounds even more. The sign will become property of the Authority if it is approved and will be managed and operated by the Authority. The sign will be programmable. The primary purpose for the sign, in addition to providing advertisment for the fairground, is to provide a means of advertising for events at the fairgrounds. They feel that having this sign will help reduce the visual clutter around the perimeter of the fairgrounds. Mr. Lloyd informed they are not going into this from a profit-making standpoint, but they would like to charge to pay for the cost of the electricity.

Protestants: None.

Comments and Questions:

There was discussion about the nature of the sign and how it will affect traffic in the area. Mr. Lloyd described the proposed sign which is three sided. The existing sign is about 40 feet high, and the proposed sign will be 34 feet high. The new sign will be quite a bit wider than the existing sign. The sign will be all aluminum and it will be entirely back lit. There will not be any spotlights.

Mr. Gardner informed that the reason for the third variance is the fact that sponsors are actually outdoor advertising. The other variance and special exception could be justified by the size of the subject tract.

Board Action:

On MOTION of MARTIN and SECOND by WALKER, the Board voted 3-0-0 (Alberty, Martin, Walker, "aye"; no "nays"; no "abstentions"; Tyndall, Wines, "absent") to approve a Special Exception (Section 310 - Principal Uses Permitted in the Agricultural District - Under the provisions of Use Unit 1220) to permit a new identification sign as an accessory use in an AG District under the provisions of Section 1680, a Variance (Section 320.2 (b) (2) - Accessory Signs in AG and AG-R Districts - Under the provisions of Use Unit 1221) to permit a sign larger than 32 sq. ft. of display surface area and taller in height than 15 feet, and a Variance (Section 1221.4 - AG District Use Conditions - under the provisions of Use Unit 1223) to permit outdoor advertising and changing message sign, subject to the submitted plans, on the following described property:

The South 110' of the East 110' of the SE/4 of the SE/4 of Section 9, Township 19 North, Range 13 East, Tulsa County, Oklahoma, less the South 60' thereof and less the East 60' thereof.

There being no further business, the Chair adjourned the meeting at 10:30 a.m.

Date	Approved_			



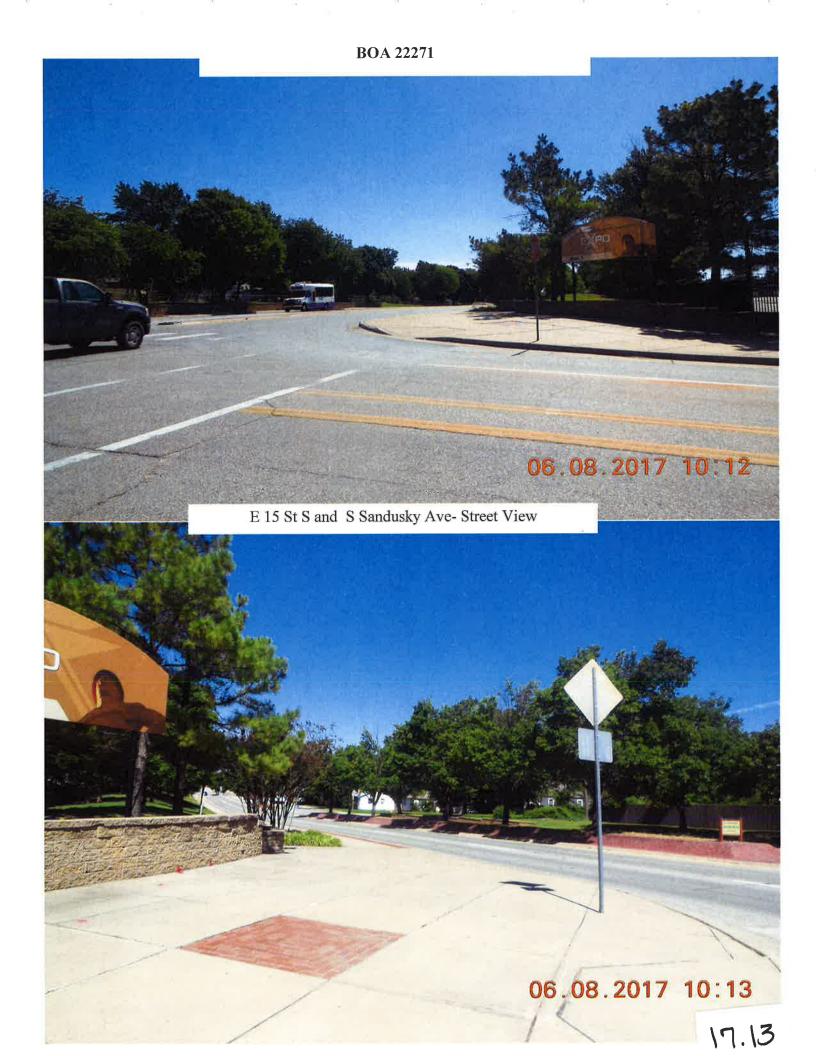


BOA-22271

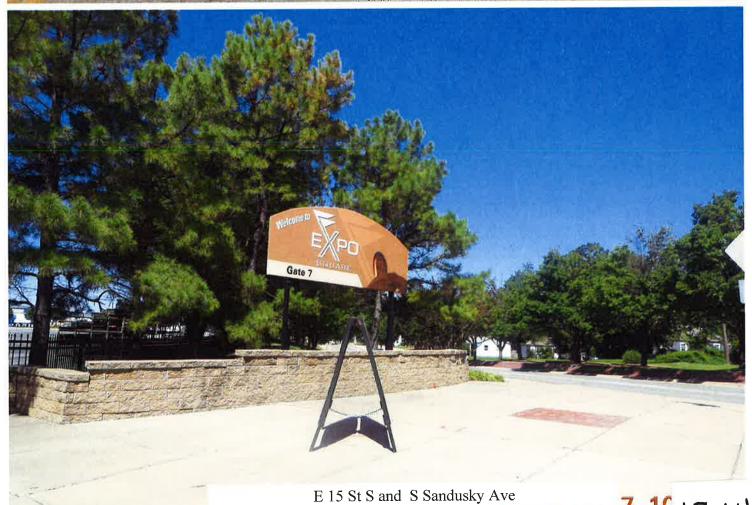
Note: Graphic overlays may not precisely align with physical features on the ground.

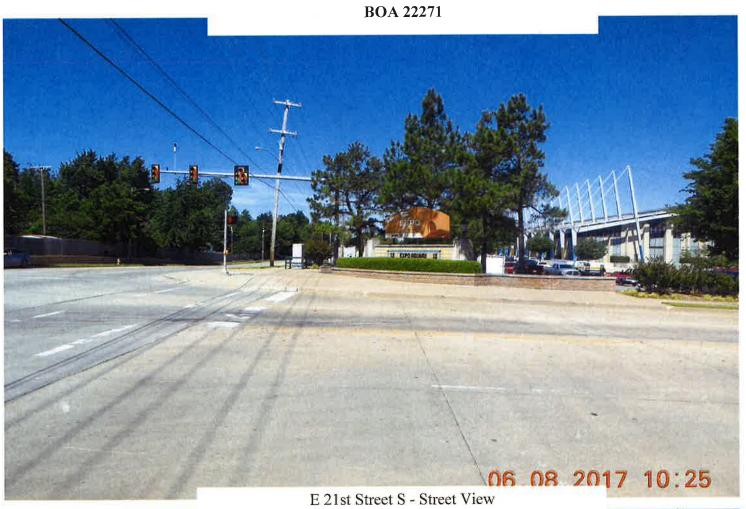
Aerial Photo Date: February 2016

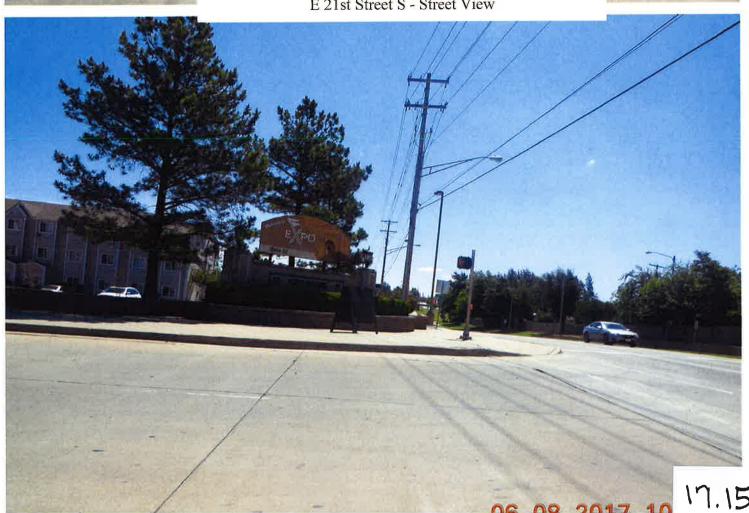


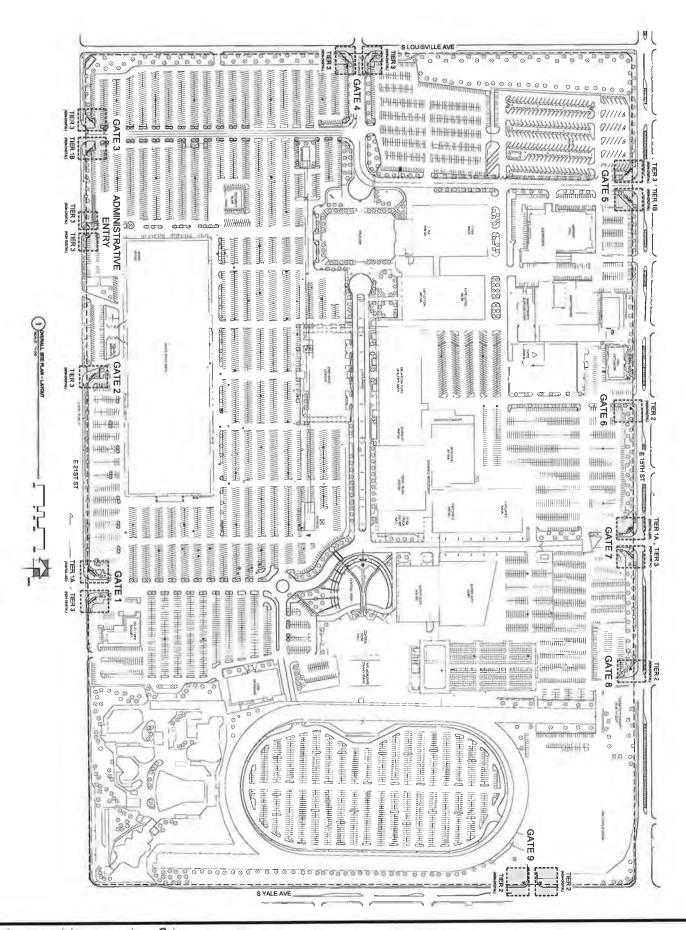






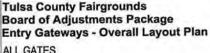






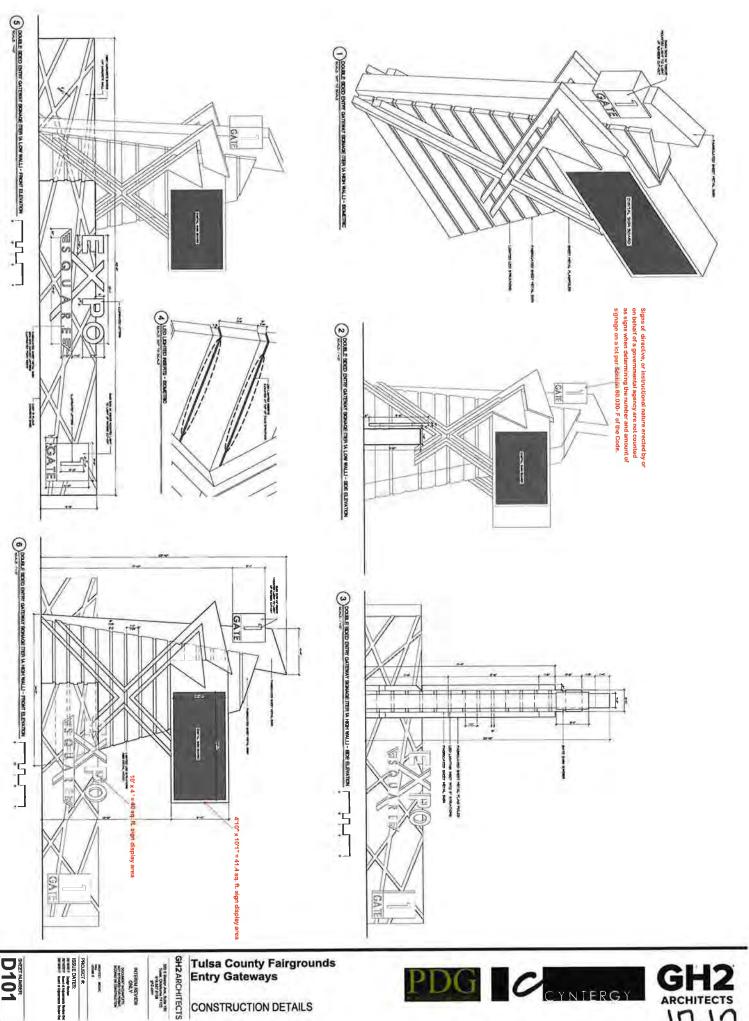
STATE STATE









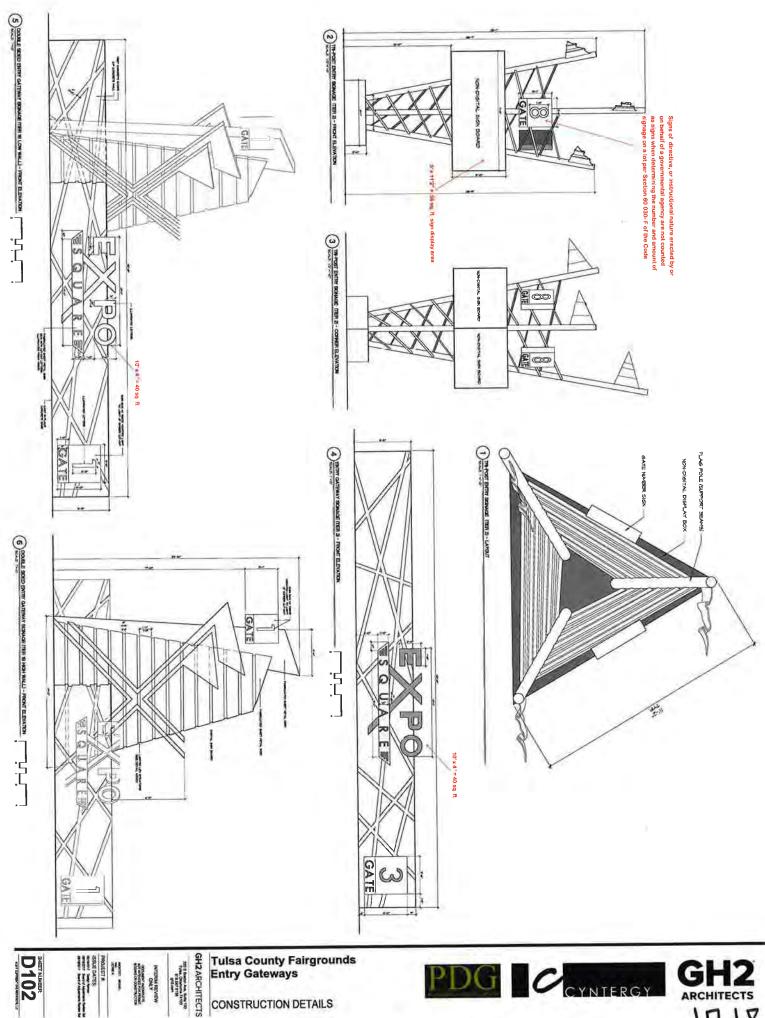




CONSTRUCTION DETAILS







D102

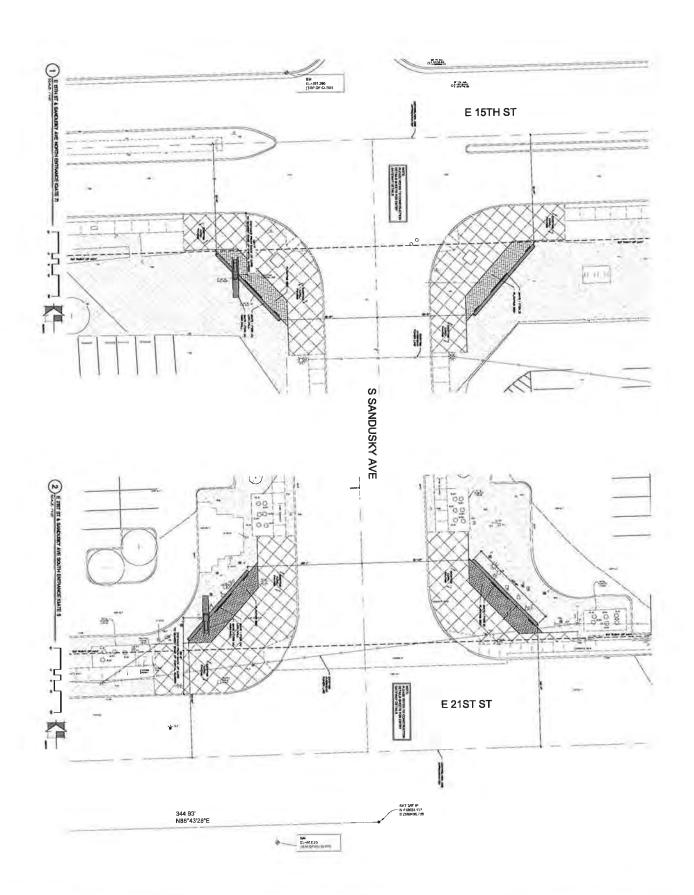


CONSTRUCTION DETAILS





17.18

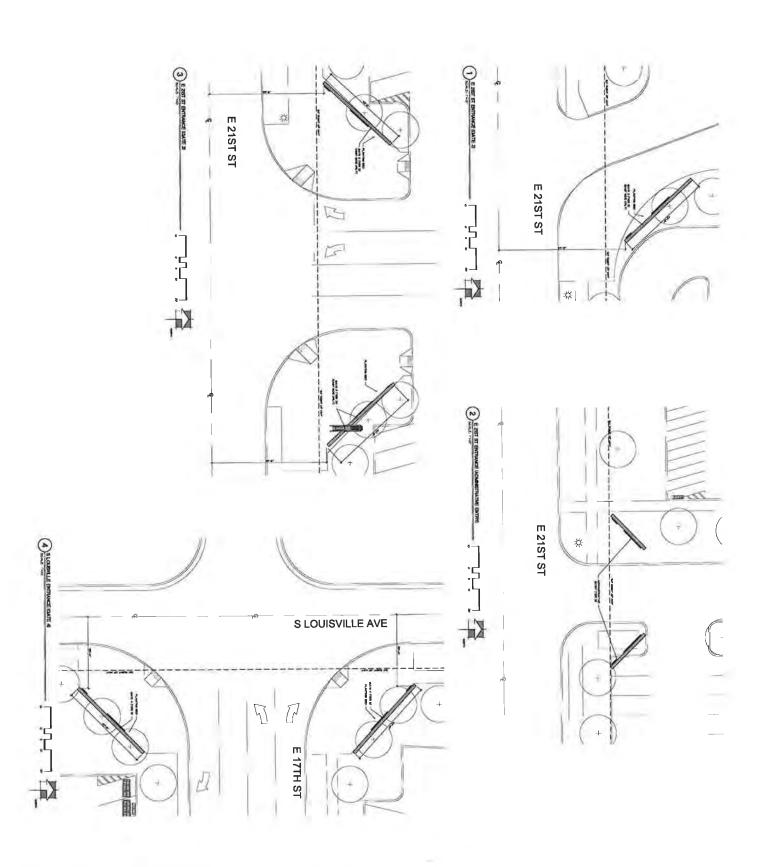




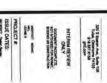


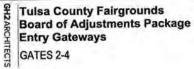








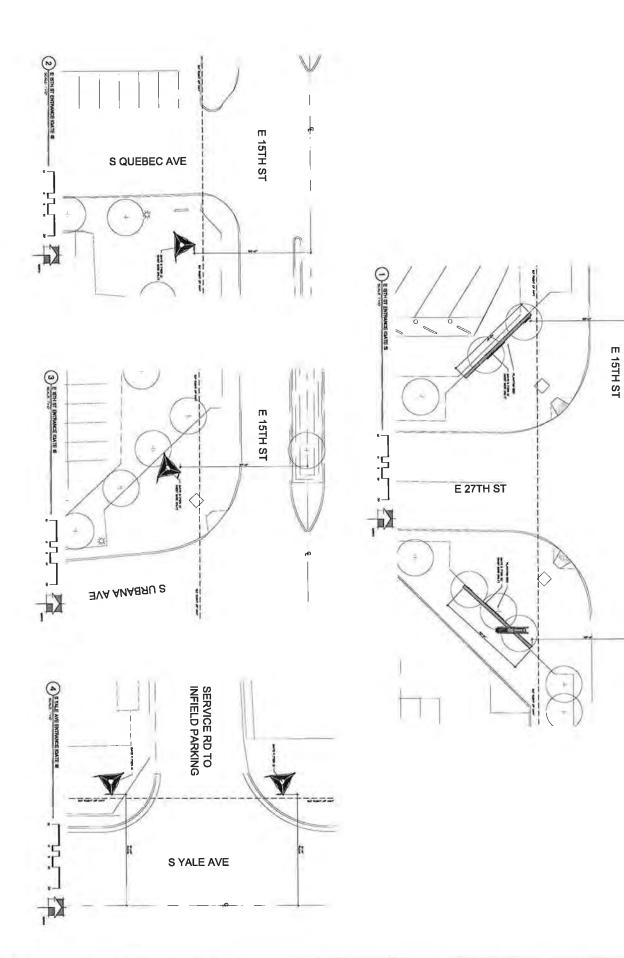














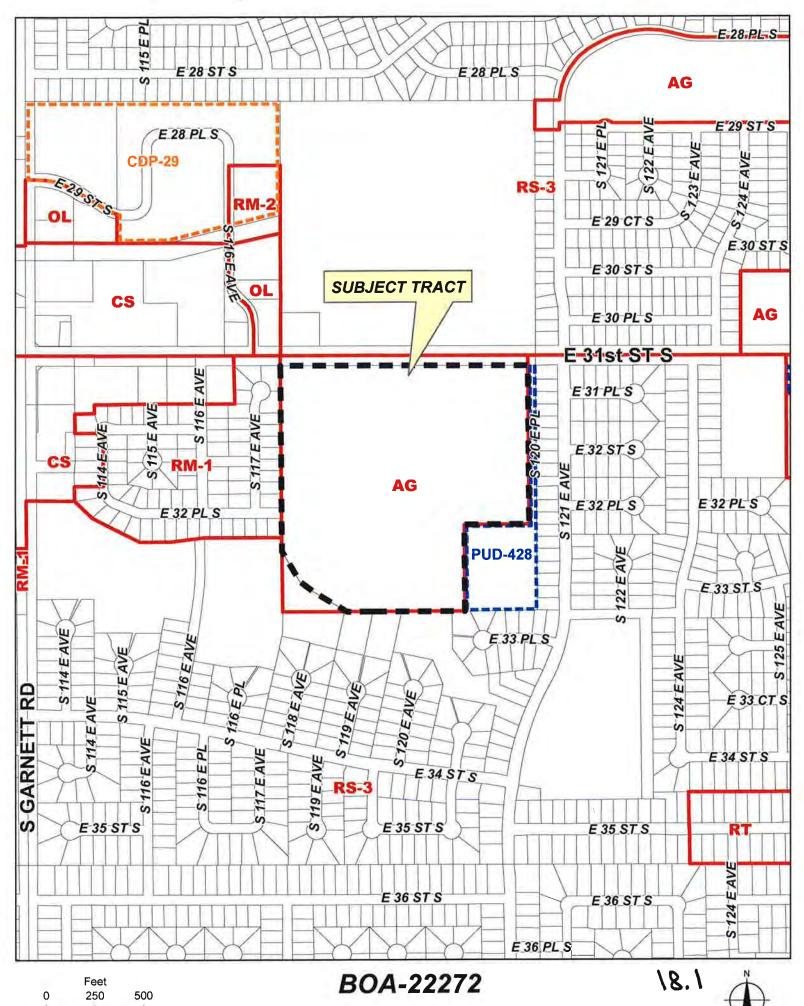




THIS PAGE

INTENTIONALLY

LEFT BLANK



BOARD OF ADJUSTMENT CASE REPORT

STR: 9420 Case Number: BOA-22272

CZM: 49 **CD:** 6

A-P#: 421779, 420461

HEARING DATE: 07/11/2017 1:00 PM

APPLICANT: Brian Riddle

ACTION REQUESTED: Special Exception to permit a dynamic display located within 200 ft. of an R district. (Section 60.100-F); Variance to increase the number of permitted walls signs on a building in an AG district from one to two; Variance to increase the permitted sign display surface area of wall signs from 32 sq. ft. to 95.5 sq. ft. (Section 60.050-B-2); Special Exception to permit a dynamic display in an AG zoned district (Section 60.050).

LOCATION: 12000 E 31 ST S **ZONED**: AG

PRESENT USE: Elementry School TRACT SIZE: 32.9 Acres

LEGAL DESCRIPTION: NE NW LESS BEG SWC NE NW TH N315 SE182.47 SE93.88 SE193.49 W330 POB & LESS BEG 50S NEC NE NW TH S1269.23 W377 N450 E337 N819.25 E40 POB & LESS N50 FOR ST SEC 20 19 14 32.937ACS, BRIARGLEN ADDN, BRIARGLEN CENTER RESUB PRT AMD RESUB B2-3, GARNETT VILLAGE, BRIARGLEN EXT PRT RES A BRIARGLEN, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA 21749; on 07.22.14 the Board **approved** a special exception to permit a Elementary School in an AG district.

BOA 17541; on 10.22.96 the Board **approved** a special exception to allow a 100' self-supported tower antenna in an AG district subject.

BOA- 9735; on 11.3.77 the Board **approved** a special exception to use the property for church and church related uses.

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

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

183

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 exist 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.

<u>ANALYSIS OF SURROUNDING AREA</u>: The subject tract is abutted by E 31st St to the north, RM-1 zoning to the west, and PUD, RS-3 zoning to the south and east.

STAFF COMMENTS:

According to the submitted site plan and drawings the proposed ground sign along E. 31st St. S. will contain a 24 sq. ft. dynamic display sign. 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 AG 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. If approved the permitted dynamic display in an AG 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.

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. The applicant has requested a special exception to permit a dynamic display located within 200 ft. of an R district, as it appears the dynamic display will be within 200 ft. of the RS-3 zoned park immediately north of the subject site.

The Code (**Section 60.050-B-2.a**) states that nonresidential uses in R and AG districts are allowed a maximum of one wall sign per public building entrance. Such signs may not exceed 32 square feet in the aggregate. As shown on the attached plans it appears that the applicant is proposing to construct one 14.5 SF Ellen Ochoa wall sign and one 81 SF Union School logo/wall sign along the north building wall elevation. It appears each proposed wall signs will be lit by constant light. To permit the wall signs as proposed the applicant has requested a <u>variance</u> to increase the number of permitted walls signs on the north face of the school building to two and a <u>variance</u> to increase the permitted sign display surface area of wall signs from 32 sq. ft. to 95.5 sq. ft.

Sample Motion for a Variance

Move	to (approve/deny) a Special Exception to permit a dynamic display located within
200 ft	of an R district. (Section 60.100-F); Variance to increase the number of permitted walls signs
on a	building in an AG district from one to two; Variance to increase the permitted sign display
surfac	e area of wall signs from 32 sq. ft. to 95.5 sq. ft. (Section 60.050-B-2); Special Exception to
permi	t a dynamic display in an AG zoned district (Section 60.050).
•	Finding the hardship(s) to be
•	Per the Conceptual Plan(s) shown on page(s) of the agenda packet.
•	Subject to the following conditions

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

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

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



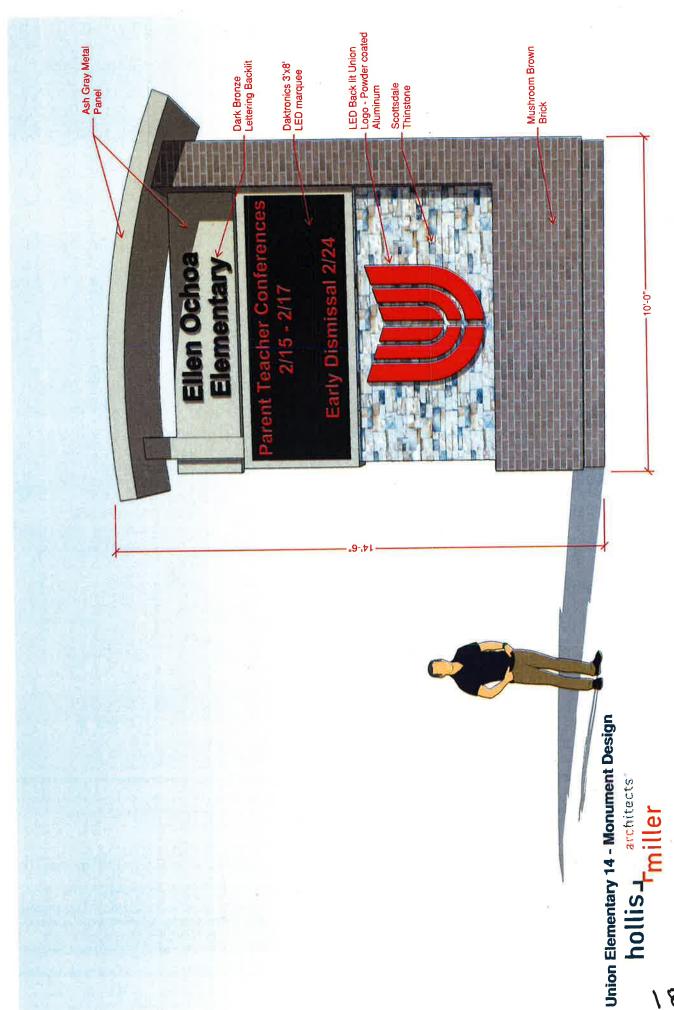
BOA-22272

19-14 20

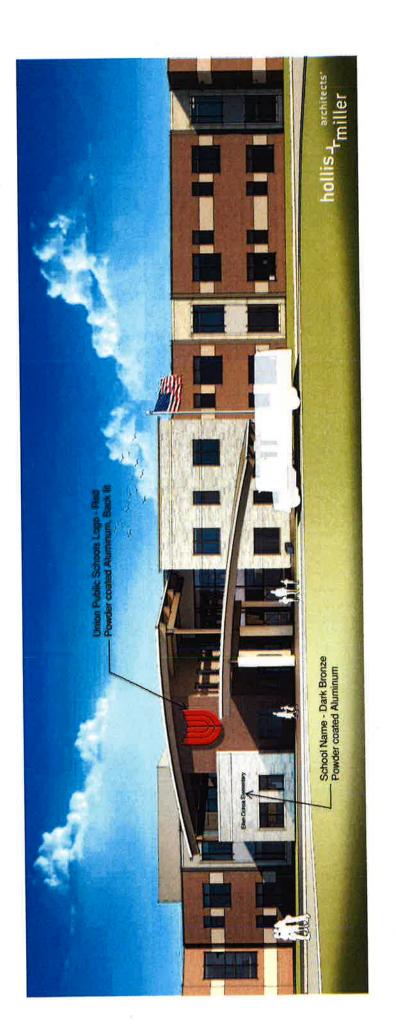
Note: Graphic overlays may not precisely align with physical features on the ground.



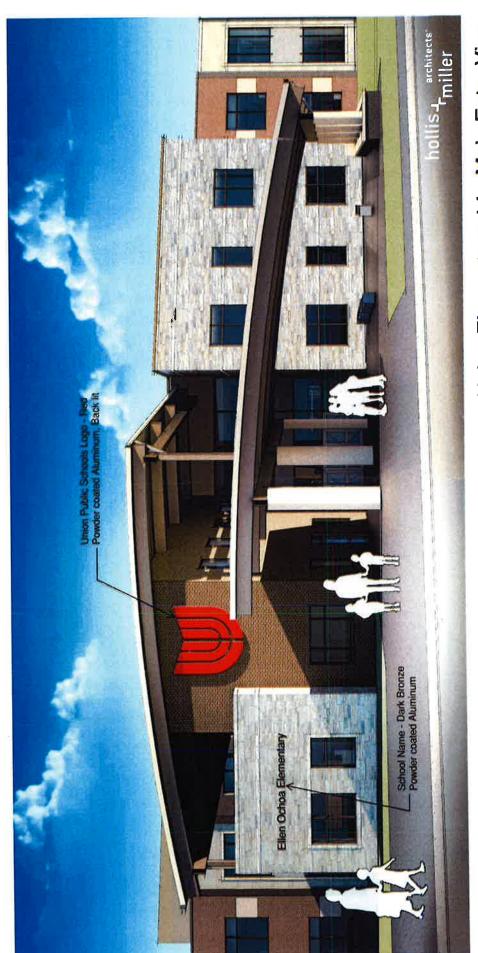




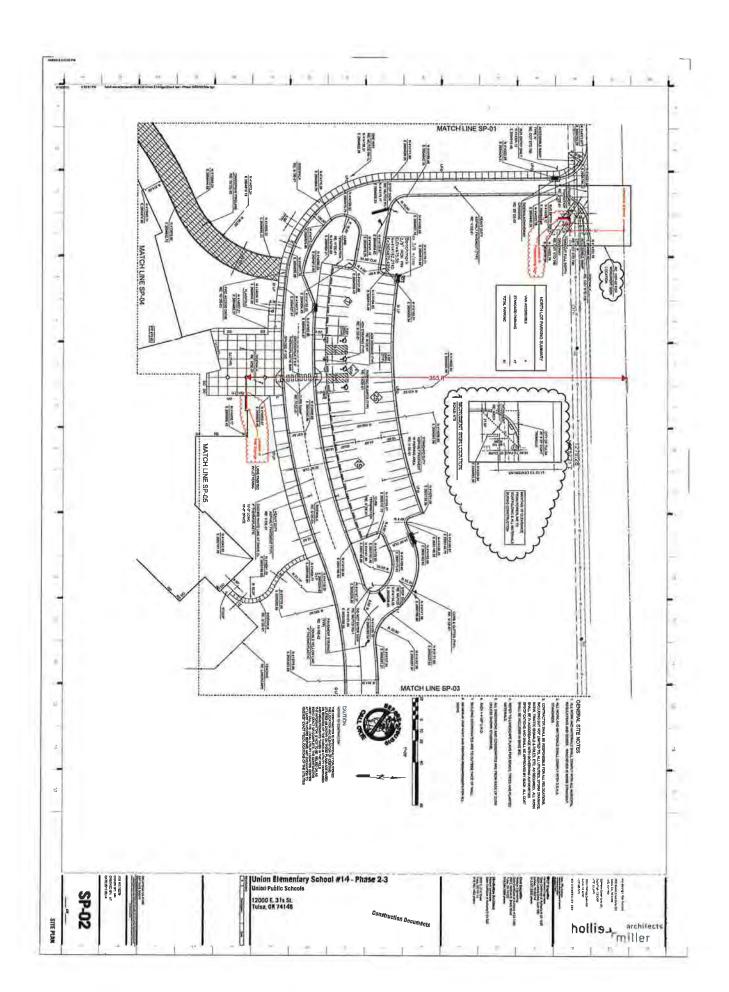
18.8

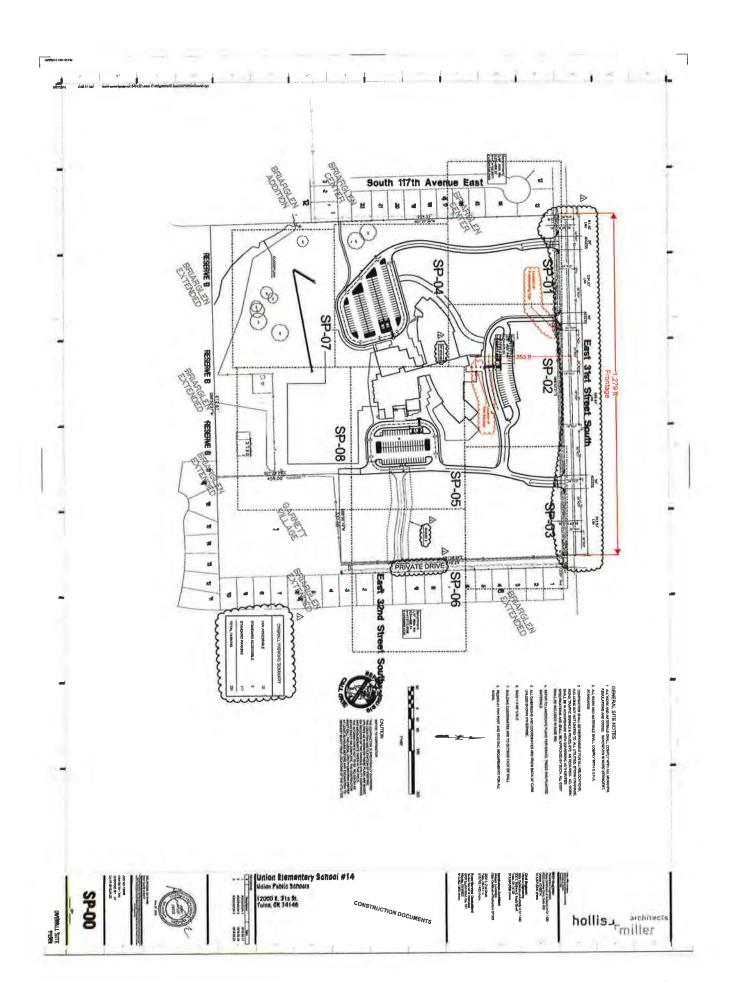


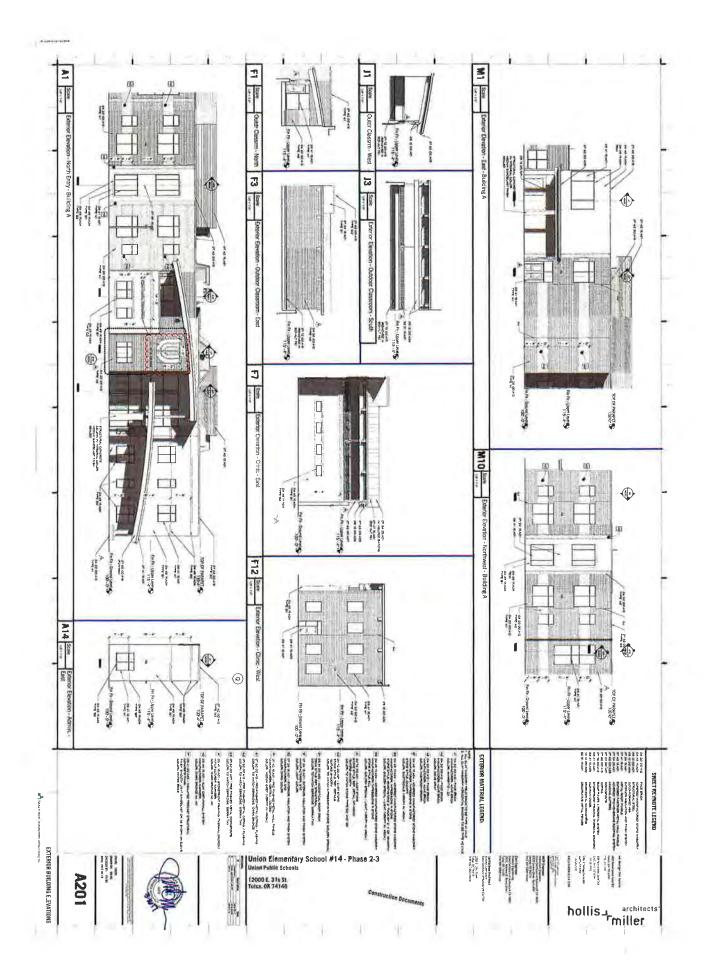
Union Elementary 14 - Main Entry View

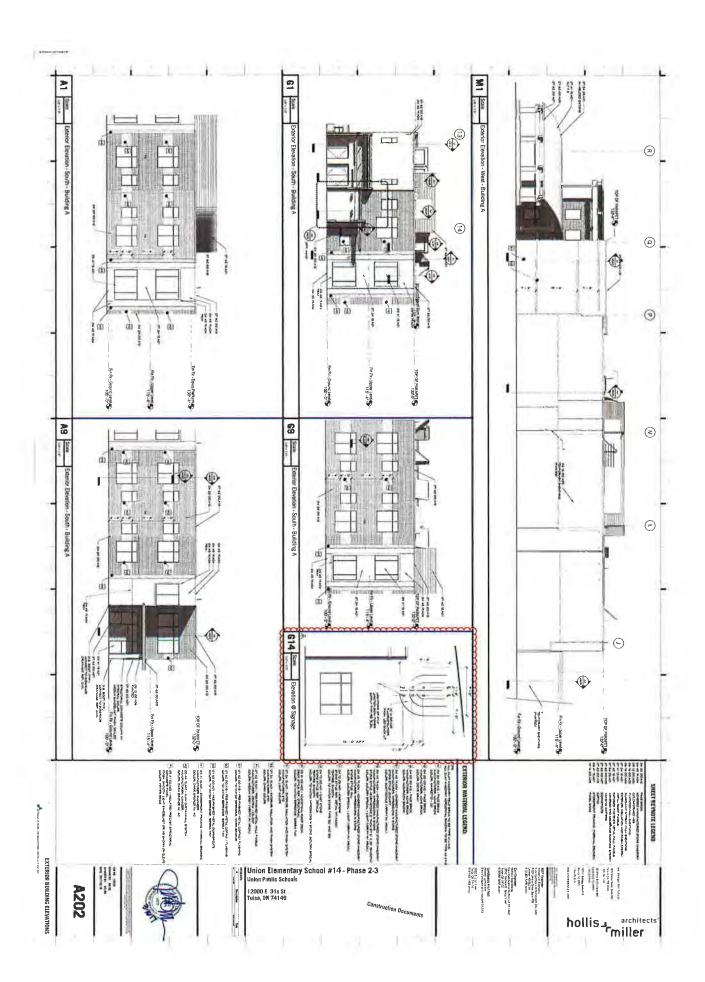


Union Elementary 14 - Main Entry View









BOB KOLIBAS SIGN PLANS EXAMINER 918-596-9664



DEVELOPMENT SERVICES

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

SIGN PLAN REVIEW

June 15, 2017

LOD Number: 1001903-1R

Sign contractor: Flintco 1624 W 21st Street Tulsa OK 74107

APPLICATION NO:

420461 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location:

12000 E 031 ST S

Description:

Ellen Ochoa Elementary/dynamic display

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

- 1. SUBMIT TWO (2) SETS OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
- 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 <u>WWW.INCOG.ORG</u> OR AT INCOG OFFICES AT 2 WEST 2ND STREET, 8TH FLOOR, TULSA, OK, 74103 OR TELEPHONE (918) 584-7526.
- 3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(continued)

REVIEW COMMENTS

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

Application No. 420461

12000 E 031 ST S

May 03, 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 60.050 Signs in R and AG Zoning Districts

1. 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 24 sq. ft. (8.0x3.0) freestanding dynamic display sign is located in an AG zoning district is not permitted. You may pursue a special exception from the BOA for the dynamic display to be located in an AG zoning district. See other listed conditions 1-4 that apply in R and AG zoning districts.

Section 60.100 Dynamic Displays

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

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

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

END – ZONING CLEARANCE AND SIGN CODE REVIEW

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

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

BOB KOLIBAS SIGN PLANS EXAMINER 918-596-9664



DEVELOPMENT SERVICES

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

SIGN PLAN REVIEW

May 16, 2017

LOD Number: 1005739-1

Sign contractor: Flintco LLC 1624 W 21st Street Tulsa OK 74017

APPLICATION NO:

421779 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location:

12000 E 031 ST S

Description:

Union Public School/Logo

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

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

IMPORTANT INFORMATION

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

(continued)

REVIEW COMMENTS

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

Application No. 421779

12000 E 031 ST S

May 16, 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 60.050 Signs in R abs AG Zoning Districts

60,050-B Signs Allowed

2. Nonresidential uses

a. Wall Signs

Nonresidential uses in R and AG districts are allowed a maximum of one wall sign per public building entrance. No individual wall sign may exceed 32 square feet in area. In buildings with multiple public building entrances, the sign area of all wall signs may not exceed 32 square feet in the aggregate.

Review Comments: Based on the 14.5 square foot permitted Ellen Ochoa elementary sign (permit 420451) in addition to the proposed 81 square foot Union School Logo sign exceeds the maximum number of signs and the display surface area permitted on a public building with multiple entrances in an AG zoning district. You may pursue a variance to permit two wall signs with a combined display surface area of 95.5 square feet to be permitted on a building with multiple public entrances in an AG 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

BOA-22259 – JIM THOMAS

REQUEST FOR REFUND

REQUEST FOR REFUND

Case No. <u>BOA-22259</u>

The applicant, Jim Thomas, 13823 North 77th West Avenue, Skiatook, Oklahoma, 74070 made application to the City of Tulsa Board of Adjustment, asked for a refund of fees paid for an application for:

Variance (X) Special Exception (X)		
Verification () Appeal () Modification ()		
From the COT BOA (X) County BOA ()		
	Fees Paid	Fees Used
Base Request	\$300.00	300.00
Additional Requests	00.00	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	90.75	90.75
Application Subtotal:	575.75	450.75
Notice Subtotal:	575.75	450.75
Total Fees Paid:	575.75	450.75

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