

AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, July 11, 2017, 1:00 P.M.

Meeting No. 1187

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

UNFINISHED BUSINESS

1. 22260—Donna Emmons

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 60.080-F.5); 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:** 10718 East Marshall Street South **(CD 3)**

2. 22265—Lemuel Adams

Variance to permit two ground signs on a R zoned lot (Section 60.050-B); Variance to allow two ground signs to be separated by less than 30 feet (Section 60.040-B); Variance to allow a dynamic display sign to exceed 32 square feet in size; Special Exception to permit a dynamic display on a R zoned lot (Section 60.050). **LOCATION:** South of the SW/c of East 7th Street South and South Garnett Road East **(CD 3)**

NEW APPLICATIONS

3. 22249—Josh Hamilton

Variance to allow outdoor storage and outside display of merchandise within 300 feet of the abutting R District (Section 15.040-A). **LOCATION:** 708 South Sheridan Road East **(CD 5)**

4. **22273—Paul Bush**

Special Exception to permit a Bed and Breakfast (VRBO) on the property (Section 40.060). **LOCATION:** 1533 South Owasso Avenue East **(CD 4)**

Staff requests a continuance to the July 25, 2017 Board of Adjustment meeting due to the sign being posted in the incorrect location.

5. **22274—Mark Grimm & Debra Faye**

Special Exception to permit a Bed and Breakfast on the property (Section 40.060). **LOCATION:** 1228 East 20th Street South **(CD 3)**

The applicant requests a continuance to the August 8, 2017 Board of Adjustment meeting as he will be out of town.

6. **22275—Mark Grimm & Debra Faye**

Special Exception to permit a Bed and Breakfast on the property (Section 40.060). **LOCATION:** 3163 Woodward Boulevard East **(CD 9)**

The applicant requests a continuance to the August 8, 2017 Board of Adjustment meeting as he will be out of town.

7. **22276—Fred Frampton**

Variance to allow an accessory structure to exceed 18 feet in height, exceed one-story, and exceed 10 feet at the top of the top plate (Section 90.090-C); Variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure (Section 45.030-B). **LOCATION:** NW/c of East 16th Street South and South College Avenue East **(CD 4)**

8. **22277—Rigoberto Flores**

Special Exception to permit a fence in the front setback higher than 4 feet (Section 45.080-A). **LOCATION:** 2312 North Birmingham Avenue East **(CD 3)**

9. **22278—Tom Neal**

Special Exception to allow a carport in the street setback in the R District (Section 90.090-C1); Variance to reduce the interior setback for a detached accessory building from 3 feet to 2 feet (Section 90.090-C-2.b). **LOCATION:** 1629 South Trenton Avenue East **(CD 4)**

10. 22280—D-A-C Events

Special Exception to allow an Indoor Commercial/Assembly and Entertainment Use (Event Center) in the IL District (Section 15.020). **LOCATION:** 4955 South Memorial Drive East, Unit F **(CD 7)**

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

Website: www.cityoftulsa-boa.org

E-mail: esubmit@incog.org

CD = Council District

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

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

BOARD OF ADJUSTMENT CASE REPORT

STR: 0431

Case Number: BOA-22260

CZM: 31

CD: 3

A-P#: NA

HEARING DATE: 07/11/2017 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.

1.2

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.



0 50 100
Feet



Subject
Tract

BOA-22260

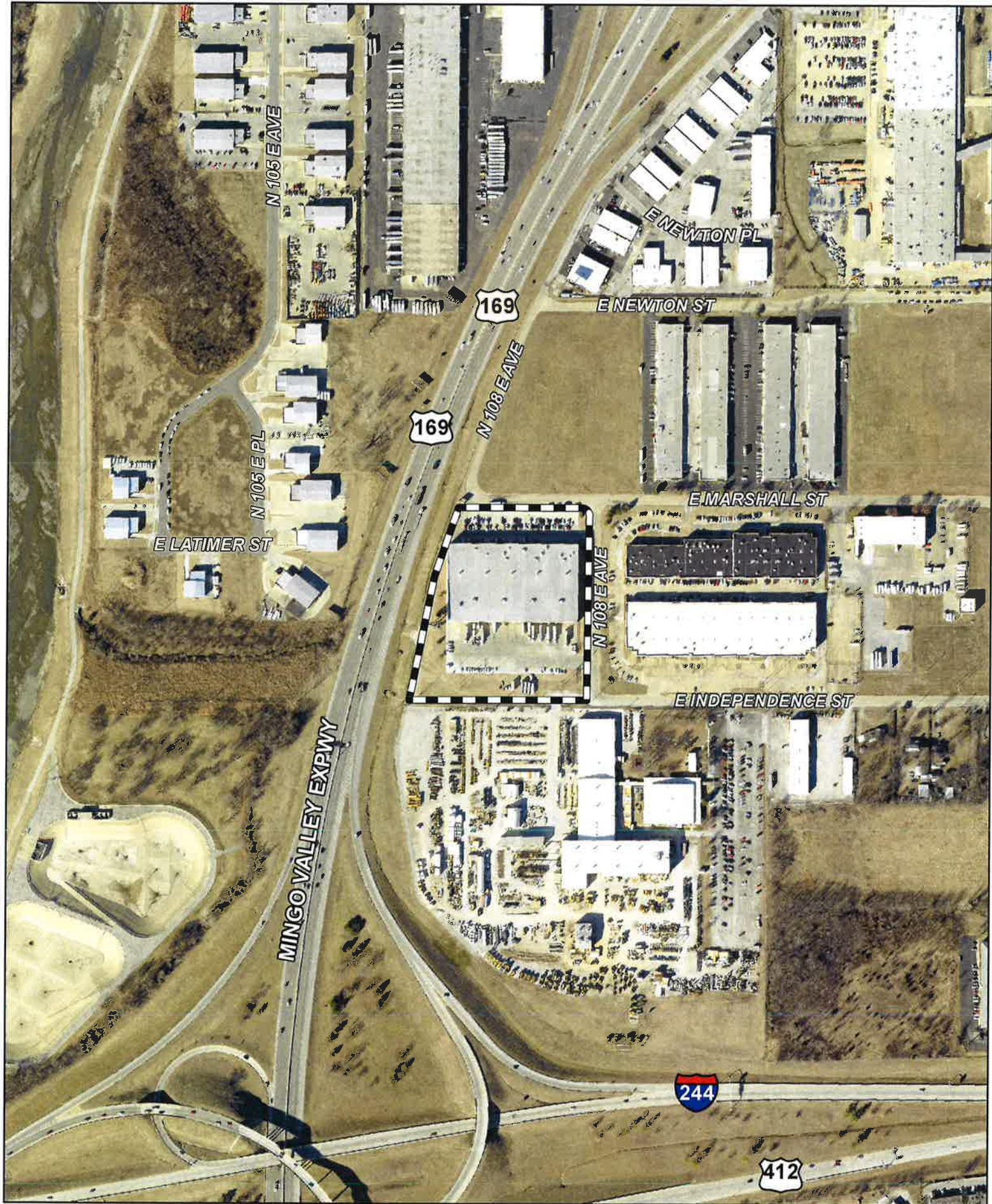
20-14 31

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

Aerial Photo Date: February 2016



1.4



0 200 400
Feet



Subject
Tract

BOA-22260

20-14 31

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

Aerial Photo Date: February 2016

N
1.5

THE BUILDING SHALL BE 1000' X 100' EAST

1000'

ACCESS ROAD

1200'

SOUTHBOUND HIGHWAY 168

NORTHBOUND HIGHWAY 168

1000'

100'

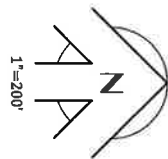
EAST WASHINGTON STREET

STIRCO AND CONCRETE BUILDING

1000' X 100'

EAST WASHINGTON STREET

NORTH 10TH EAST PLACE



LOCATION MAP
SCALE: 1"=2000'

M/P	METERING POINT
C8	CHORD BEARING
B/E	BURIED ELECTRIC & TELEPHONE CABLE EASEMENT (APPROXIMATE LOCATION)



BRIDGE, TOWNSHIP,
CALL ONE FOR
LOCATION OF
UNDERGROUND UTILITIES
DIAL 811

GENERAL NOTES

THE BEARINGS SHOWN HEREON ARE BASED ON: THE OKLAHOMA STATE PLANE COORDINATE SYSTEM.

EXHIBIT

INVOICE NO.: STK 16-83953
CLIENT: LDF SALES AND DISTRIBUTING

LEGAL DESCRIPTION:

LOT ONE (1), BLOCK ONE (1), THE INTERCHANGE BUSINESS PARK, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 4488,



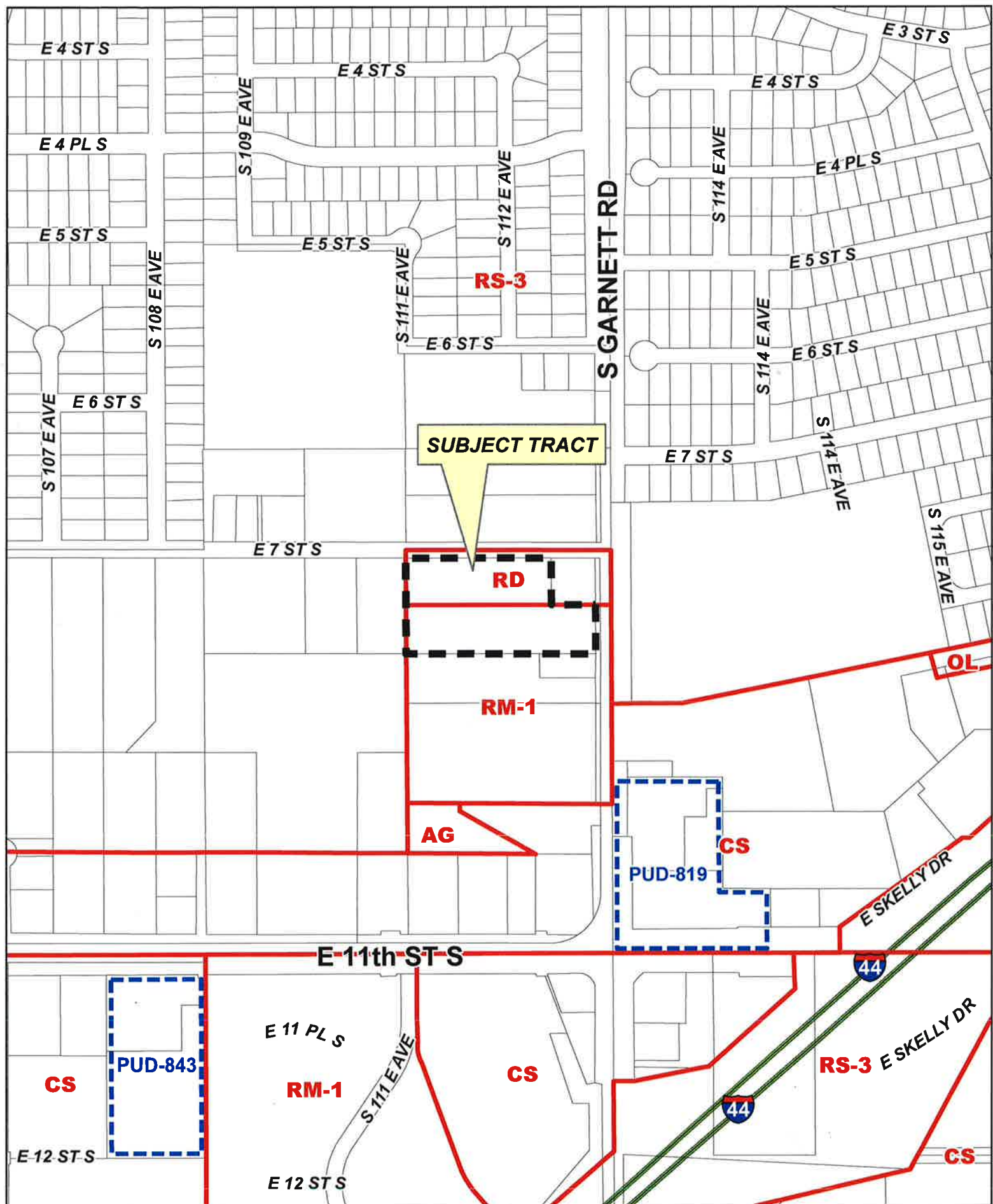
WHITE SURVEYING COMPANY
CERTIFICATE OF
AUTHORIZATION NO. CA1098
(RENEWAL 6/30/2017)



WHITE SURVEYING COMPANY

9936 E. 55th Place • Tulsa, OK 74146 • 918.663.6924 • 918.664.8366 fax

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Feet

0 200 400

BOA-22265

19-14 06

2.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9406
CZM: 39
CD: 3
A-P#: 420440

Case Number: **BOA-22265**

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

APPLICANT: Lemuel Adams

ACTION REQUESTED: **Variance** to permit two ground signs on an R zoned lot (Section 60.050) **Variance** to allow two ground signs to be separated by less than 30 ft. (Section 60.040-B) **Variance** to allow a dynamic display sign that is 35.28 sq. ft. in size; **Special Exception** to permit a dynamic display on an R zoned Lot. (Section 60.050)

LOCATION: S of SW/c of E 7 ST S and S Garnett Rd

ZONED: RM-1, RD

PRESENT USE: Moose Lodge

TRACT SIZE: 3.9 Acres

LEGAL DESCRIPTION: LTS 1 & 2 LESS E162 LT 1 & LESS E15 LT 2 BLK 2, EAST ELEVENTH PARK SUB, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Lot:

BOA 18728; on 05.09.00 the Board approved an amendment to a previous condition established in BOA 17544 to increase the length of stay to 96 hours and to wave the required screening.

BOA 17544; on 10.22.96 the Board approved a special exception to permit RV parking as an accessory use to the Tulsa Moose Lodge.

BOA 16762; on 08.23.94 the Board approved a special exception to amend the previously approved site plan in BOA 15192.

BOA 15192; on 06.15.89 the Board approved a special exception to amend a previously approved site plan in BOA 10561 to allow an addition to the Moose Lodge.

BOA 10561; on 07.05.79 the Board approved a special exception to operate a Moose Lodge (Cultural/Recreational Facility) to be used for all types of meetings and recreational purposes.

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 RM-1 zoning on the south; RS-3 zoning on the west; and RD and RS-3 zoning on the north. S Garnett Rd and RS-3 zoning abuts the site on the east.

STAFF COMMENTS:

According to the submitted site plan and drawings the proposed ground sign along S. Garnett Rd. will contain a 35.28 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 or 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. 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.**

An allowed dynamic display component may not exceed 32 square feet in area. The applicant has requested a variance to increase the permitted size of a dynamic display to allow the 35.28 sq. ft. dynamic display sign as proposed.

All on-premise projecting signs, roof signs and freestanding signs and all off-premise outdoor advertising signs must be separated from all other roof signs, projecting signs, freestanding signs and off-premise outdoor advertising signs by a minimum distance of 30 feet. Nonresidential uses in AG districts are allowed a maximum of one freestanding sign per street frontage. The applicant has requested a variance to allow two freestanding signs less than 30 ft. apart along S. Garnett Rd. to permit the existing signs as shown in the attached pictures.

Sample Motion

Move to _____ (approve/deny) a **Variance** to permit two ground signs on an R zoned lot (Section 60.050) **Variance** to allow two ground signs to be separated by less than 30 ft. (Section

60.040-B) **Variance** to allow a dynamic display sign that is 35.28 sq. ft. in size; **Special Exception** to permit a dynamic display on an R zoned Lot. (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."

Case No. 18718 (continued)

that point a screening fence be provided on the north property line, for a period of five years, on the following described property:

N/2 S/2 NW SW SW and N .29' of E 200' of a tract beg. 726' N of SW/c SW SW, thence E 250' N 100' W 250' S 100' to POB less W 50' and E 25' thereof for road, Section 17, T-20-N, R-13-E containing 2.216 acres, City of Tulsa, Tulsa County, State of Oklahoma

Case No.18728

Action Requested:

Amend previous conditions established by BOA 17544 limiting length of stay for RVs to 48 hours to allow length of stay of up to 96 hours and the requirement that a screening fence be installed separating the residence to the east to waive required screening. SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 2, located SW/c E. 7th St. & S. Garnett.

Presentation:

Dan Frietus, 1309 N. 78th E. Ave., stated that Moose International has changed their agenda. He informed the Board that they have extended their quarterly conferences to include Thursday, Friday, Saturday and Sunday, and therefore they are asking for 96 hours. Mr. Frietus, stated that they in no way want to make an RV-lot on the property, they just want to be able to use it when they have their functions for people coming from out of town in RV's.

Comments and Questions:

Mr. Dunham asked the applicant how many functions they have in a year. Mr. Frietus replied that they have four legion celebrations, plus their spring and fall conferences. Mr. Dunham asked if the residence adjacent to the east, which is on the RD zoned property belongs to the Moose Lodge. Mr. Cooper asked when the scheduled activities are throughout the year. Mr. Frietus replied that they have activities scheduled in January, February, April, July, September, October and December, but only four are held in Tulsa. He stated that the February and September activities are definite dates for Tulsa. Mr. Dunham asked if known dates are January, April, July, October and December are known dates with one of them not in Tulsa. Ms. Turnbo asked if they have seven electrical hook-ups, as allowed in the 1996 Board of Adjustment action. Mr. Frietus responded in the affirmative. She also asked about the wording regarding a maximum of ten hook-up sites. Mr. Frietus stated that on the north lot there are ten electrical boxes, and each box has two hook-ups, which would allow twenty motor homes to connect to electricity. Mr. Frietus added that there is space for twenty motor homes to park, but some of them use their own generators.

05:09:00:795(5)

Interested Parties:

Robert Johnson, 704 S. Garnett, stated that he lives in the house on the corner adjacent to the property. He stated that he has never seen a problem on the property. He added that the largest number of RV's he has counted at one time was thirteen.

Comments and Questions:

Ms. Turnbo mentioned a comment from the 1996 minutes of the previous case that stated occasionally a member would visit the lodge on their way through town. Mr. Frietus stated that it is true that a member may make an overnight stay on occasion.

John Roy, 9018 E. 38th St., stated he was representing the East Tulsa Mingo Valley Association, and that they oppose the application to extend the activities from 48 hours to 96 hours. He stated that the neighbors do not want the appearance of an RV park. He also added that the Lodge is a well-maintained property, and if they own the property on the corner, then the neighbors see no need for the screening fence. Mr. Roy indicated that the neighborhood association would have one condition to request, that if the occupancy of the property changes that no more RV's be allowed on the property (Exhibit B-1).

Applicant's Rebuttal:

Mr. Frietus stated that Moose International owns the property, and they have no intention of making it an RV park. He pointed out that there are no public water or toilet facilities available, and no one other than members may use the facility to park an RV, and the RV's can only be parked on the black-top.

Comments and Questions:

Ms. Turnbo commented that in the minutes of the previous action, the Lodge was required to put up a screening fence, and it was not constructed. Mr. Frietus apologized, stating that he overlooked that requirement when he heard a Board member comment that a fence would spoil the property and the view. Discussion by the Board ensued.

Board Action:

On **MOTION** of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a request to Amend previous conditions established by BOA 17544 limiting length of stay for RVs to 48 hours to allow length of stay of up to 96 hours not to exceed the six events of the year, including the third weekend in February, the third weekend in September, and a weekend in four of the five months of January, April, July, October and December; at any other time than those scheduled events the 48 hour stay would apply; any motor home or recreational vehicle must be parked on the hard-surfaced area; and to **WAIVE** the requirement for a screening fence between the paved area and the existing RD zoned area.

Case No. 18728 (continued)

N 317.5' of Lots 24 & 25, Block 2, East Eleventh Park Subdivision and Lot 1 less E 162.0', Block 2, East Eleventh Park Subdivision, City of Tulsa, Tulsa County, State of Oklahoma

Case No.18729

Action Requested:

Variance of required livability space from 4,000 square feet to 3,100 square feet. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6; and a Variance of rear yard coverage from required 20% to 53%. SECTION 210.B. YARDS, Permitted Obstructions in Required Yards, located 2507 E. 17th Pl.

Presentation:

Donald L. Barkman, 5210 S. 74th St. E. Ave., stated he is an agent for the owner of the property, Tom Drummond. He submitted a letter from Mr. Drummond (Exhibit C-7).

Comments and Questions:

Mr. Cooper asked Mr. Barkman if he saw the staff comments. Mr. Barkman replied that he had not seen them. Mr. Cooper informed him that there were a number of questions regarding the dimensions the applicant provided to the staff. Mr. Beach explained that the zoning map based on the county assessor's record shows the property to be 150' deep north and south, but the applicant's site plan only shows it to be 130.2' deep. Mr. Beach asked what happened to the extra 20' and where would it be on the plan; and it raises the possibility that no relief is needed. Mr. Barkman stated that the extra footage would be out front, because the garage is definitely five feet from the rear property line. Mr. White read the letter submitted by the applicant, which stated that the purpose would be to eliminate parking one car on the street and one on the driveway. Ms. Perkins questioned why the garage would be 18' x 40'. Mr. Barkman explained that because the shape of the yard and a tree, the only way to build was to make it long enough to park two cars end to end instead of side by side. Mr. White asked how he would access the garage. Mr. Barkman replied that he purchased an easement from the neighbor to the west to come in from Atlanta Street to the garage. Mr. White asked if he is aware of the 24' storm sewer easement with the 54' storm sewer in place across the back of the property. Mr. White stated that the proposed garage plans would place it about halfway into it. Mr. Barkman stated that this was not addressed by the City at any time during the application process.

05:09:00:795(7)

FILE COPY**Case No. 17544****Action Requested:**

Special Exception to permit RV parking as an accessory use to the Tulsa Moose Lodge. **SECTION 402. ACCESSORY USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located Southwest of 7th Street and Garnett Road.

Presentation:

The applicant, **Dan Freitas**, 1106 East 7th, submitted a site plan (Exhibit K-1), photographs (Exhibit K-2) and stated the plan shows the location of the 10 hookups for the RV's. He further stated that the RV hookups, in the past, have been abused by members for winter storage of their RV's. He indicated that the abuse will no longer occur. Mr. Freitas explained that each and everyone of the RV's have been removed and now the Moose Lodge would like permission to use the hookups for people from out of town who attend special events. He further explained the RV's would only be there Friday and Saturday night. Mr. Freitas indicated that the members will have to come to him personally for permission to park in the lots. He further indicated that the lodge has intentions of paving the spaces. He commented that some of the RV's were not owned by Moose members and he had to find the owners to have the RV's removed. He stated the lodge owns all of the land from the creek to the street and from Garnett to 330' past the property line, which the lodge recently purchased. He further stated that all of the functions held at the lodge are done so without any problems and the motor homes will be there once or twice a year. He explained that there are 2300 lodges in the United States and the lodge has visitors from all over from time to time. He further explained that if a lodge member from another club is passing through town, they will usually visit one night and then be gone the next day.

Comments and Questions:

Ms. Turnbo asked the applicant if he indicated that once or twice a year for special occasions the motor homes will be brought in Friday and Saturday, then leave Sunday? He answered affirmatively.

Ms. Turnbo asked the applicant if he also indicated that Moose members would be using the RV parking while passing through town? He explained that Moose members visit other lodges while traveling and that would occur from time to time.

Ms. Turnbo asked the applicant how often Moose members will be coming in for visits for one or two nights? He stated his lodge has only had two visitors so far this year and there are only two functions planned each year. He further stated the lodge recently had a convention and there were only six motor homes attending Saturday only. He informed the Board that there are no sewer or water hookups for the motor homes.

Mr. Dunham asked the applicant if this is something that would occur on a regular basis? He answered negatively.

Ms. Abbott asked the applicant if he had a problem with locating this accessory use near the west edge of the lodge? He stated he could string electricity down through the west edge, but that is property recently purchased and it is land that the lodge would like to use for a park.

Interested Parties:

Jim Doherty, stated Councilor Justis asked him to look at the subject property and there had been some previous abuses on the RV parking. He further stated he met with the former director and two councilors on site and walked the site. Mr. Doherty explained the subject property is isolated and the only residence close by is a residence that fronts on Garnett. He further explained the reason the applicant would like to park the RV's at this point is that it is the parking lot and isolates the use from the residential use further to the west. He stated there are 10 electric hookups already in place. He further stated there is no water or sewer hookups and this is not a RV park. He commented the use is well separated from residential uses and given the occasional usage, with the restrictions the lodge has adopted, this will not be an inappropriate use or detrimental to the neighborhood.

Comments and Questions:

Mr. Bolzle asked Mr. Doherty if he thought screening would be appropriate? He stated screening to the east would be appropriate, but the north should be left open for security reasons.

Interested Parties:

Councilman David Patrick, stated that the Moose Lodge has always been an asset to the City of Tulsa and they have been located at the subject property for over 17 years. He further stated the RV park is a convenience for the Moose Lodge members. He commented he is in support of this application.

Additional Comments:

Candy Parnell stated the only thing she has a concern with is that previously most of the recreational vehicles were owned by people who lived in town and parked them in anticipation of drinking too much alcohol and didn't want to drive home. She further stated she received numerous complaints on the subject property from several residences in the area. She commented that there are no protestants present today to support or oppose this application. Ms. Parnell stated she does not have a problem with this application if it will be limited to only the members of the lodge from out of town that are coming through. She further stated she cannot think of reason why the local members would need to store or park their recreational vehicles on this property.

Case No. 17544 (continued)

Mr. Freitas stated he agreed with Ms. Parnell's statements. He acknowledged that the members took advantage of the parking spaces for recreational vehicles. He stated that when he became Regional Director, he found out that the members were using the subject property for storage of their recreational vehicles, he cleaned it out and there are no longer any recreational vehicles parked there.

Mr. Dunham asked the applicant if the application should be approved would he pave the area? He stated he would have no problem with paving the spaces.

Ms. Abbott asked the applicant if the subject property was in the City right-of-way? He stated the subject area is 25' in from the centerline of 7th Street. He further stated the electric outlets are 28' from the centerline of 7th Street.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Abbott, Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; no "absent") to **APPROVE** a **Special Exception** to permit RV parking as an accessory use to the Tulsa Moose Lodge. **SECTION 402. ACCESSORY USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; subject to the recreational vehicles belonging to out of town Moose Lodge members; subject to a maximum stay of 48 hours; subject to electrical hook ups available only; subject to the surface being paved and a screening fence installed separating the residence to the east; subject to a maximum of 10 hook up sites; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

N 317.5' of Lots 24 & 25, Block 2, East Eleventh Park Subdivision AND Lot 1, Less the E 162.0', Block 2, East Eleventh Park Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17545

Action Requested:

Special Exception to allow a community center, Use Unit 2, in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, located 5000 West Charles Page Boulevard.

Presentation:

The applicant, **Rita L. Icenogle**, Executive Director of Neighbors Along The Line, 4138 West Charles Page Boulevard, submitted a site plan (Exhibit L-1), a plot plan (Exhibit L-2) and stated the proposed site will be a site for a social services agency community center. She further stated that the structure will be a one story structure. Ms. Icenogle explained that the immediate east neighbor is a heating & air conditioning company and the immediate west neighbor across the street is a tire company.

FILE COPY

Case No. 16761 (continued)

East 47.5' of Lots 13 and 14, and the east 47.5' of the S/2 of Lot 15, Block 4, and the east 10' of the vacated alley on the east in Lake View Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16762

Action Requested:

Special Exception to amend a previously approved plot plan - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 2, located 11106 East 7th Street.

Presentation:

The applicant, **Stephen Olsen**, 324 East 3rd Street, was represented by **Terry Walls**, 11106 East 7th Street, who requested permission for the Moose Lodge to construct an addition (20' by 120') to the rear of an existing building. He informed that the addition will replace a mobile unit that has been used for storage. A plot plan (Exhibit J-1) was submitted.

Comments and Questions:

In response to Mr. Doverspike, Mr. Walls stated that the roof height begins at 14' and continues along the existing roofline.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to amend a previously approved plot plan - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; subject to the removal of the existing mobile home; finding that the new construction will be compatible with the area; on the following described property:

Lots 1 and 2, East Eleventh Park Subdivision, less the east 15' of Lot 2 and less east 162' of Lot 1, Block 2, East Eleventh Park, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16763

Action Requested:

Variance of the required setback from the centerline South Lewis Avenue to permit a sign - **Section 1221.C.6 General Use Conditions For Business Signs** - Use Unit 12, located 1509 South Lewis Avenue.

08:23:94:663(13)

2.11

Case No. 15113

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1208 - Request a special exception to allow for a nursing home in an RS-2 zoned district, located south of SW/c of 101st Street and South Yale Avenue.

Comments and Questions:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma, requested by letter (Exhibit A-1) that Case No. 15113 be withdrawn.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Chappelle, Bradley, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **WITHDRAW** Case No. 15113, as requested by the applicant.

Case No. 15162

Action Requested:

Variance - Section 1221.4(820.2c) - Use Conditions for Business Signs - Use Unit 1221 - Request a variance to allow for more than one sign per street frontage and a variance of the allowed display surface area from 175 sq ft to 210 sq ft.

Presentation:

The applicant, **Terry Howard**, was not present.

Comments and Questions:

Mr. Gardner stated that the application was previously continued by this Board to allow the TMAPC to hear the case. He informed that the application has been denied by that Commission.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** Case No. 15162.

Case No. 15192

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception/amended plot plan to allow for an addition to the existing Moose Lodge, located 11106 East 7th Street.

Comments and Questions:

Mr. Chappelle explained that it was determined at the previous Board meeting that the changes in the site plan were significant enough to warrant readvertising of the application.

Presentation:

The applicant, Terry Walls, 11106 East 7th Street, Tulsa, Oklahoma, submitted a parking layout and site plan (Exhibit B-1), and stated that the Moose Lodge is proposing to construct an additional 4800 sq ft of floor space to an existing 16,000 sq ft building. He informed that the lodge presently has 84 parking spaces and approximately 20 spaces will be added, with an additional driveway.

Comments and Questions:

Ms. White stated that she has noticed that the organization has a parking problem when meetings are held at this location, and the applicant replied that they have experienced a parking problem and some vehicles have been parking on the grassy area.

Mr. Smith indicated out that there are two signs on the property, one of which is portable with flashing perimeter lighting, and asked if either of the signs is on city right-of-way. Mr. Walls stated that the portable sign will be moved if it is on the right-of-way, and noted that no additional signs will be installed. Mr. Smith pointed out that the flashing portion of the sign is prohibited by the Code.

Mr. Gardner substantiated Mr. Smith's statement concerning the flashing sign, and pointed out that only 32 sq ft of signage is permitted per street frontage.

Mr. Smith pointed out that there is a great deal of traffic congestion as visitors to the lodge enter the driveway, and the applicant replied that the additional driveway will alleviate some of the congestion. Mr. Smith also noted that the rock work was not completed on the building as was indicated on the previous plot plan submitted to the Board.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception/amend plot plan (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow for an addition to the existing Moose Lodge; per plot plan submitted; subject to compliance with all Sign Code requirements; subject to the building being rocked halfway up on the north and entry side of the building (requirement of board action Case No. 10561); and subject to Traffic Engineer approval; on the following described property:

Lots 1 and 2, East Eleventh Park Subdivision, An Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof; less the east 15' of Lot 2, and less the east 162' of Lot 1, Block 2, East Eleventh Park Subdivision. Also known as 11106 East 7th Street, Tulsa, Oklahoma.

10559 (continued)

Board Action:

On MOTION of THOMPSON, the Board voted 4-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Mobile Homes) to locate a mobile home in an RS-3 District, for a period of one year, removal bond required, on the following described property:

Lots 5 and 6, Block 60, Taneha Addition to the City of Tulsa, Oklahoma.

10560

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) to permit a Use Unit 15 in a CS District (Mail, parcel and contract courier service) at 302 South Nogales.

Presentation:

John West, 1116 East 21st Place, stated he operates a business, Mercury Express, and had purchased the subject property with the intention of clearing the property and possibly remodeling one existing structure. Mr. West would also park his nine vans on the lot and if the business expanded there is a possibility of having 15 vehicles involved, which would be parked on the lot. Mr. West presented a plot plan (Exhibit "M-1") and stated he held contracts with many large businesses and delivered mail to them on a regular basis.

Protestants: None.

Board Action:

On MOTION of LEWIS, the Board voted 4-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) to permit a Use Unit 15 as described in a CS District (Mail and parcel and contract courier service), per plot plan submitted, on the following described property:

Lots 1 and 2, Block 7, Crosbie Heights Addition to the City of Tulsa, Oklahoma.

10561

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to construct, maintain and operate a Moose Lodge to be used for all types of meetings and recreational purposes at the southwest corner of 7th Street and Garnett Road.

Presentation:

Merle Hoffman, representing the Moose Lodge, stated he had spent a great deal of time getting the Moose Lodge sold, the bank loan taken care of, etc., and by the time this was done the application had expired. Mr. Hoffman presented a plot plan (Exhibit "N-1") and advised the Board that it was the identical plan which had been submitted previously, no changes have been made to the plans. Mr. Hoffman noted that noise would not be a factor with the proposed use of the property. The City requirements included two driveways, one on Garnett and the other on 7th Street.

Richard Osborne, Secretary of the Moose Lodge, also noted the two driveways which the City had approved and pointed out the parking areas; however, the parking area will have to be changed because of an existing sewer line in that area on the property.

Interested Party:

Nuel Burns, stated he owns 2½ acres to the west of the property and was appearing at the meeting to learn more about the plans for the property. Mr. Burns advised that the proposed parking area would be only 20' from his property line.

Mr. Lewis stated that since the parking would need to be changed, the Board could approve the use at this time, subject to the applicant returning to the Board with an amended parking plan. The Board questioned what type of building will be constructed and was informed by Mr. Hoffman that the proposed building will be a blue metal, Braden building. The building has been ordered and is under construction at this time. The Moose Lodge plans to rock the front of the building as soon as funds become available. The Board members expressed concern with the constructing a metal building in a residential area.

Board Action:

On MOTION of LEWIS, the Board voted 4-0 (Lewis, Purser, Thompson, Wait "aye"; no "nays"; no "abstentions"; Smith "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to construct, maintain and operate a Moose Lodge to be used for all types of meetings and recreational purposes as presented, subject to the existing plot plan with regard to the building itself, the building to be rocked halfway up on the north or entry side, within three years of the completion of the building, with the applicant returning to the Board with a revised parking plan, on the following described property:

Lots 1 and 2, Block 2, East Eleventh Park Addition to the City of Tulsa, Oklahoma.

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements on corner lots from 30' to 15' in an RS-2 District at 111th Street and Union Avenue.



Feet
0 200 400



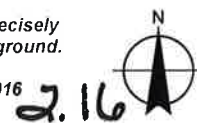
Subject
Tract

BOA-22265

19-14 06

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

Aerial Photo Date: February 2016





E7 STS

S GARNETT RD

0 50 100
Feet



Subject
Tract

BOA-22265

19-14 06

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

Aerial Photo Date: February 2016



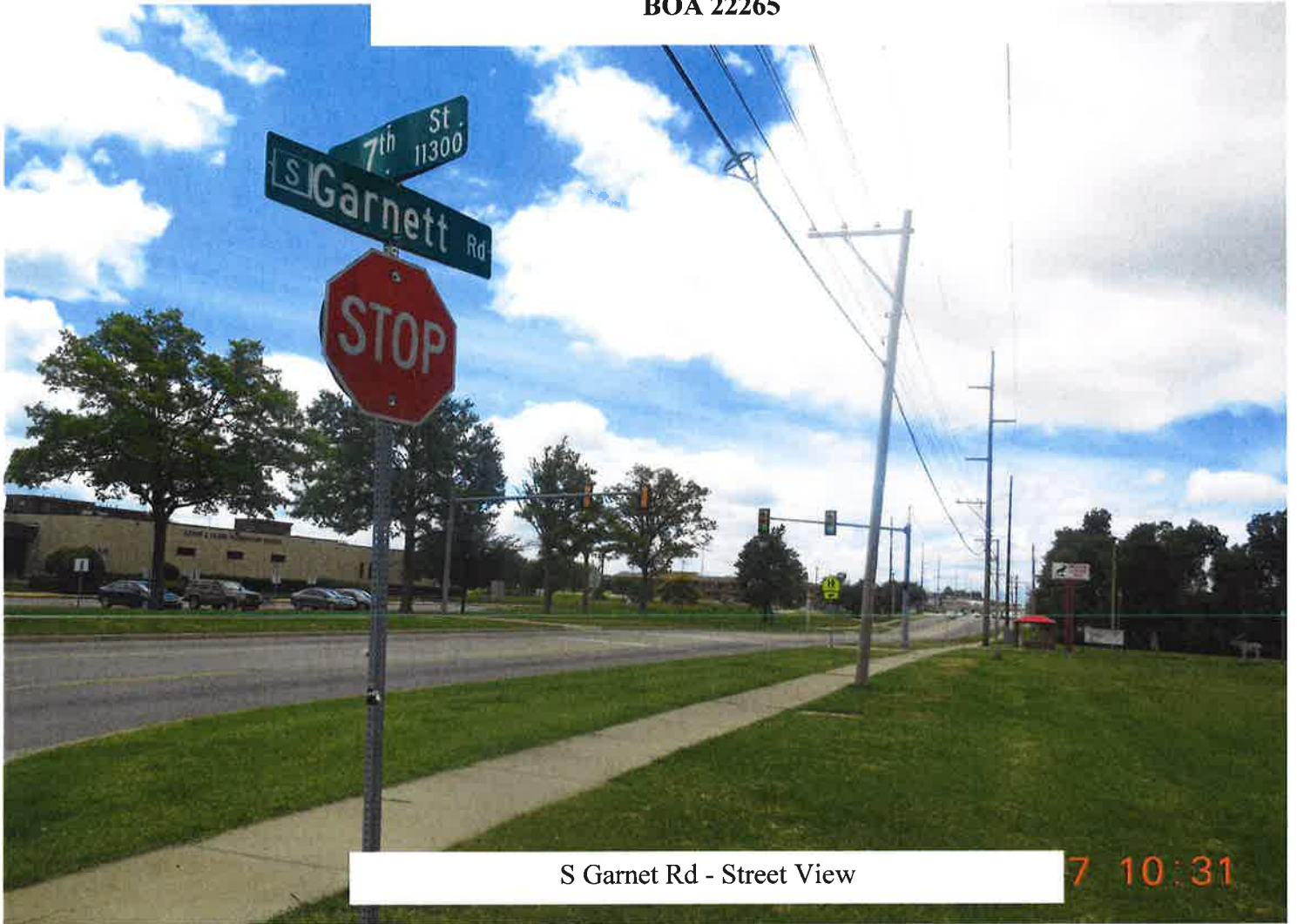
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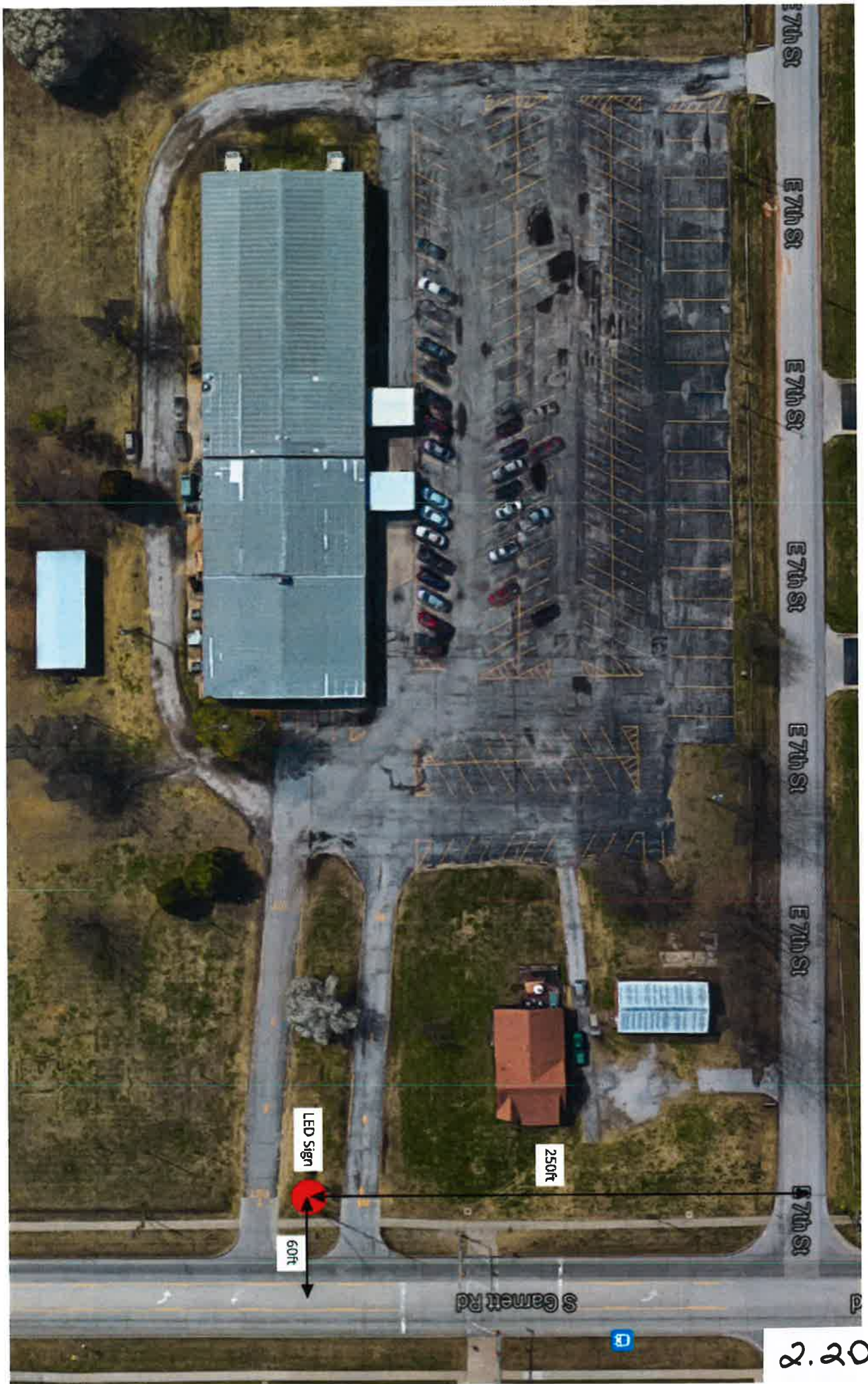
Subject Lot - Looking SW



Subject Lot - Looking West

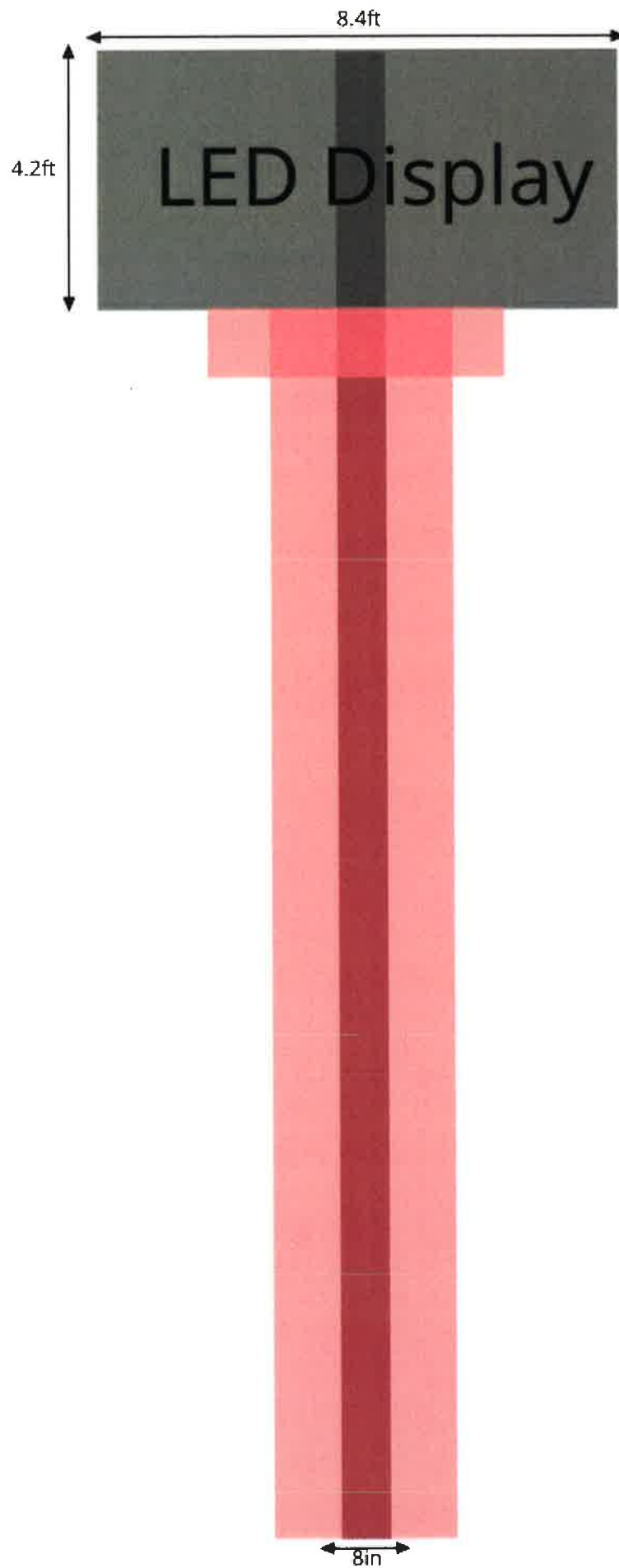


S Garnet Rd - Street View



4x8 LED Sign Rendering







BOB KOLIBAS
SIGN PLANS EXAMINER
918-596-9664



DEVELOPMENT SERVICES

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

SIGN PLAN REVIEW

May 02, 2017

LOD Number: 1001847-1

Sign contractor:

Phone: (918)720-5533

LEMUEL ADAMS
EXPERIUS ADVERTISING
714 W MAIN ST
JENKS, OK 74037

APPLICATION NO: **420440** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **11106 E 007 ST S**
Description: **Dynamic Display sign**

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 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. 420440

11106 E 007 ST S

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

60.050-B Signs Allowed

2. 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: There appears to be two ground sign located along the S. Garnett Road street frontage. You may remove one of the ground signs or pursue a variance from the BOA to permit two ground signs to be located on a RM-1 zoned lot.

2.) Section 60.040 Sign Regulations of General Applicability

60.040-B Required Setbacks, Spacing and Separations

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

Review Comments: The proposed freestanding sign with a dynamic display appears to be located within 30 feet of a ground sign. You may remove/relocate the ground signs to be separated by a 30 foot distance from the leading edge of one sign to the other or pursue a variance from the BOA to permit two freestanding signs to have less than a thirty foot separation from each other.

3.) 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.

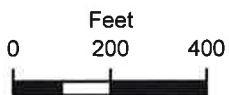
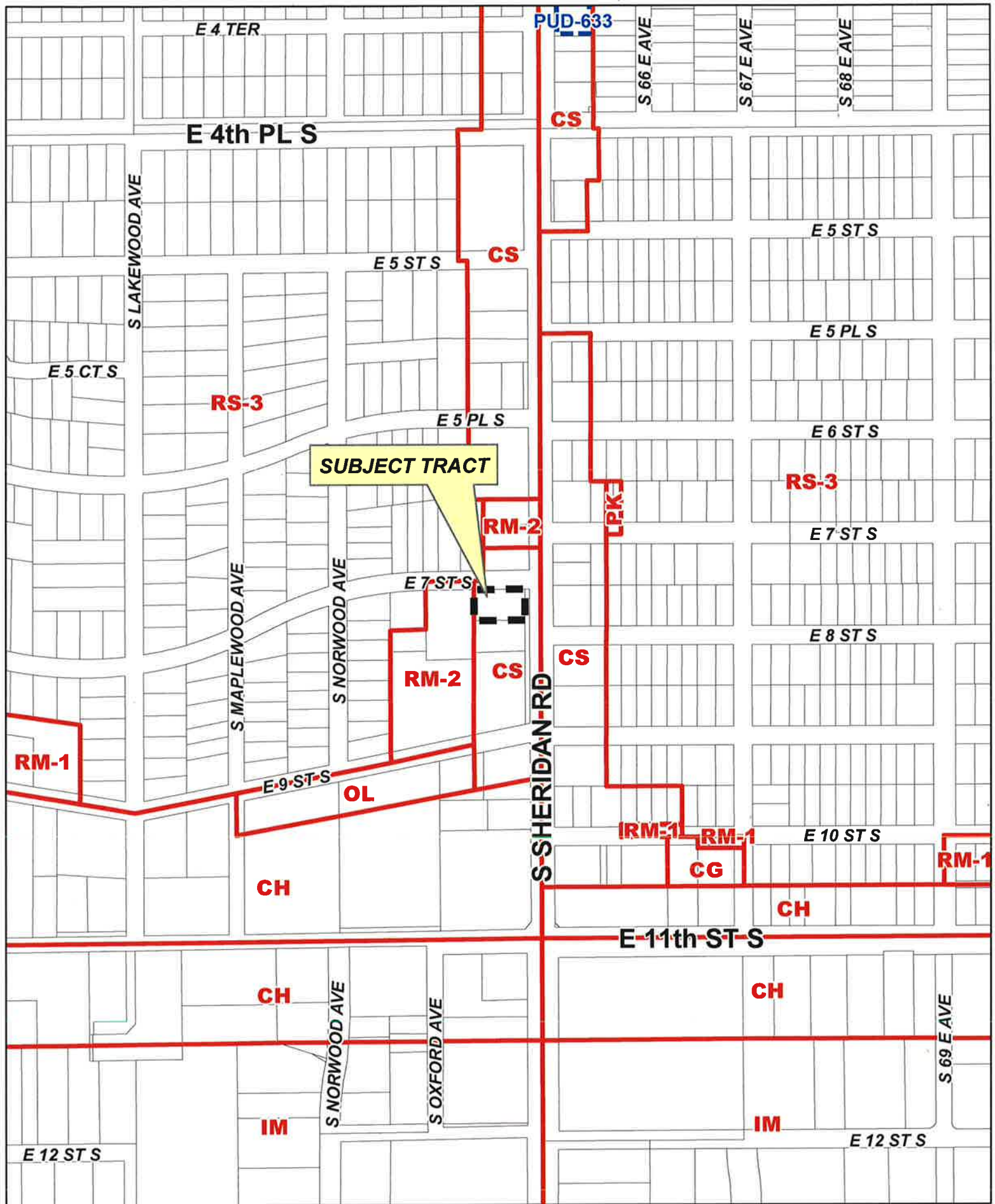
Review Comments: The proposed 35.28 sq. ft. (8.4x4.2) freestanding dynamic display sign is located in an RM-1 zoning district and requires a special exception from the BOA to be located in an RM-1 zoning district and a variance to exceed the 32 square foot maximum display surface area. See other listed 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.



BOA-22249

19-13 03

3.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9303

Case Number: **BOA-22249**

CZM: 38

CD: 5

Notice of Violation #: 118160

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

APPLICANT: Josh Hamilton

ACTION REQUESTED: Variance to allow outdoor storage and outside display of merchandise within 300' of a abutting R district. (Section 15.040-A)

LOCATION: 708 S SHERIDAN RD E

ZONED: CS

PRESENT USE: Car Sales

TRACT SIZE: 16500.6 SQ FT

LEGAL DESCRIPTION: N 100 OF W 165 OF E 180 BLK 59, GLENHAVEN, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Lot:

BOA 22001; on 12.08.15 the Board **approved** a special exception to allow car sales on the subject lot.

Surrounding Property:

BOA 22174; on 12.13.16 the Board special exception to permit vehicle sales in a CS district; located at the northeast corner of S Sheridan Rd and E 8 St S.

BOA 22067; on 7.12.16 the Board **approved** a special exception to permit car sales in the CS district; variance to allow outside display of merchandise within 300' of the R district; located at the northeast corner of S Sheridan Rd and E 7 St S.

BOA-20318; on 8.8.06, the Board **approved** a special exception to permit auto sales in the CS district and a variance of the requirement that no merchandise may be displayed outside within 300' of an R district; located at the southwest corner of S Sheridan Rd and E 5 PL S.

BOA-20208; on 2.28.06 the Board **denied** a special exception to allow sales of used cars in a CS zoned district; and **denied** a variance of the 300 ft. distance from an R district to display merchandise on the property, due to a lack of hardship; located at the southeast corner of E Sheridan Rd and E 5th PI S.

BOA-12101; on 8.5.82 the Board **approved** a special exception to permit an auto detail shop in the CS district; located at the northeast corner of S Sheridan Rd and E 5 St S.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by CS zoning on the east, north and south. RM-2 zoned residences abut the subject lot on the west.

STAFF COMMENTS:

The applicant is before the Board requesting a **Variance** to permit open air storage and display of merchandise for sale within 300 ft of an abutting R district. The applicant provided the following statement: *"The building has been broken into and it is no longer safe to store cars inside."*

The subject lot is located in a commercial area that contains a variety of uses. There are a significant amount of existing car lots and auto related businesses clustered along this section of S Sheridan Rd. The site abuts an RM-1 zoned neighborhood on the west; therefore the applicant has requested a Variance of the requirement that no merchandise may be stored or displayed outside within 300 ft. of an abutting R district.

The Code (Section 40.400-B) requires when vehicle sales are within 300 ft. of an R-zoned lot, off-street parking and vehicle display areas must be designed in accordance with the standards stated in Section 55.090. The applicant has submitted a parking lay-out plan in compliance with Section 55.909-D. Section 55.090-D of the Code is attached for the Board reference.

Sample Motion

Move to _____ (approve/deny) a Variance to allow outdoor storage and outside display of merchandise within 300' of the abutting R district. (Section 15.040-A)

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

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

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

55.090-D Parking Area Layout (Geometrics)

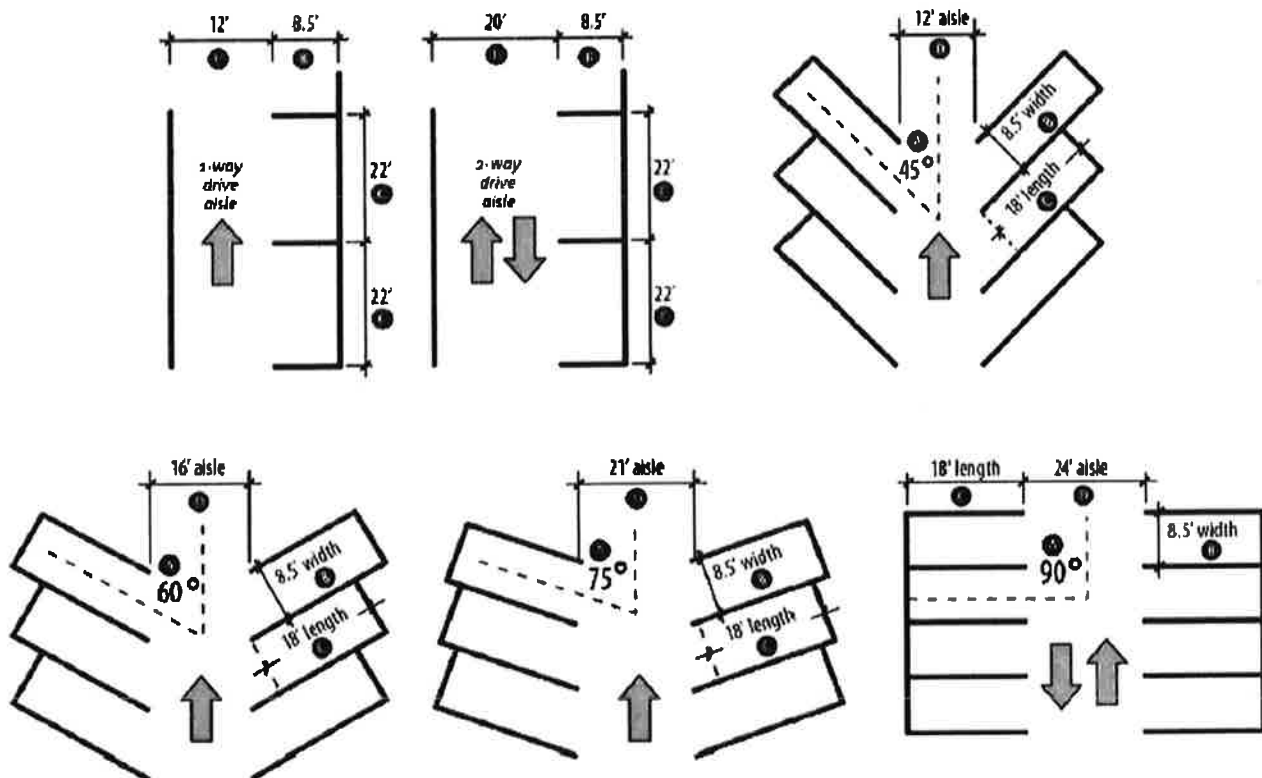
Parking areas must be designed in accordance with the dimensional standards of Table 55-5, which shows minimum dimensions for various parking layouts (angles). Requirements for layouts or angles not shown in Table 55-5 may be interpolated from the layouts shown, as approved by the development administrator.

Table 55-5: Parking Area Geometrics

A	B	C	D
0°	8.5	22.0	12.0/20.0
	9.0	22.0	12.0/20.0
45°	8.5	18.0	12.0/20.0
	9.0	18.0	11.0/19.0
60°	8.5	18.0	16.0/21.0
	9.0	18.0	15.0/20.0
75°	8.5	18.0	21.0/22.0
	9.0	18.0	20.0/21.0
90°	8.5	18.0	~24.0
	9.0	18.0	~22.0
	10.0	18.0	~20.0

A = Stall Angle, B = Stall Width, C = Stall Length, D = Aisle Width (1-way/2-way)

Figure 55-5: Parking Area Geometrics



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

LT 3 BLK 1, MANOR VIEW ESTATES ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22173—Angela Cherry

Action Requested:

Verification of the spacing requirement for liquor stores of 300 feet from plasma centers, day labor hiring centers, bail bonds offices, pawn shops, and other liquor stores (Section 40.300-A). **LOCATION:** 4612 East 31st Street South – **Tenant Space:** 4628 East 31st Street South (CD 9)

Presentation:

Angela Cherry, 4628 East 31st Street, Tulsa, OK; no formal presentation was made but the applicant was available for any questions.

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

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Back, Bond, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Flanagan absent) I move that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing for the proposed liquor store subject to the action of the Board being void should another liquor store or other conflicting use be established prior to the establishment of this liquor store; for the following property:

LTS 11 & 12 BLK 2, CONWAY PARK, City of Tulsa, Tulsa County, State of Oklahoma

22174—Edward Jones

FILE COPY

Action Requested:

Special Exception to permit vehicle sales in the CS District (Section 15.020-C).
LOCATION: 715 South Sheridan Road East (CD 3)

BOA-22174

FILE COPY

Presentation:

Edward Jones, 3437 East 84th Street, Tulsa, OK; stated he represents Domingo Muldanado. Mr. Muldanado purchased the subject property for a car lot. Mr. Muldanado has another car lot located on Admiral Boulevard. When Mr. Muldanado purchased the subject lot there was an existing car lot but he discovered that it had been operating illegally. Mr. Muldanado wants to operate his car lot legally and maintain his good reputation. Mr. Jones stated that a parking layout has been submitted to INCOG so that the lot will comply with the City Zoning Code.

Mr. White asked Mr. Jones if there would be any storing of tires or anything like that. Mr. Jones stated there would be no storing of tires and there would be no storage at all.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION of BOND**, the Board voted 4-0-0 (Back, Bond, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Flanagan absent) to **APPROVE** the request for a Special Exception to permit vehicle sales in the CS District (Section 15.020-C). The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LTS 12 & 13 BLK 20, SHERIDAN HILLS, City of Tulsa, Tulsa County, State of Oklahoma

Theresa Landers, 6930 East 7th Street, Tulsa, OK; stood up and stated that she has an interest in the case that was just heard.

Mr. Van De Wiele stated that he asked if there were any interested parties and no one raised their hand or stood up.

Ms. Landers stated that she signed in with the case number and wanted to give her opinion on this case. Ms. Landers asked the Board to deny this case. She is before the Board on behalf of herself and the neighborhood association of 1,500 houses. The streets that surround the neighborhood are already lined with used junker shops and have more junker shops than used car lots. Ms. Landers stated there is a used car lot at the corner of 11th and Sheridan. There is another shop, Frank's Tires, that has only five cars and the lot is well maintained.

BOA-22174

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Mr. Van De Wiele stated the Board has already acted on this case and the other thing that is now applicable to these type of small lots are measures to prevent the packing of a lot that has been seen in the past.

Ms. Landers stated the neighborhood needs business development. There is a proliferation of used car lots in the area. There are six on Sheridan now. The market does not sustain that kind saturation. Mr. Van De Wiele stated that if the market won't sustain the lot and Ms. Landers interrupted by saying that a failed business does not help the neighborhood. In the meantime, if the proposed business does go belly up and he quits he will not do anything to clean up the neighborhood. Used car lots tear down the neighborhood even farther because they prevent someone else from doing business. Car lots do not take care of their trash, they do not take care of their easement, they do not take care of anything.

Mr. Van De Wiele told Ms. Landers that he is sorry that she did not hear him invite the interested parties in this case. Ms. Landers stated that she did sign in to be heard. Mr. Van De Wiele stated that the sign in process is not how this Board recognizes interested speakers. Ms. Landers stated that she understands it is a late hour and she has a life too. Mr. Van De Wiele apologized to Ms. Landers and stated there are measures in place to address concerns.

22175—Fidencio Jaimes

Action Requested:

Special Exception to permit a carport in the street (front) yard with modifications to the allowable height, square footage and setback requirements; Variance to allow a structure to extend into the street right-of-way and/or planned street right-of-way (Section 90.090). **LOCATION:** 7118 East Easton Place North (CD 3)

Presentation:

Fidencio Jaimes, 7118 East Easton Place, Tulsa, OK; stated she is requesting a carport because she does not have a garage.

Mr. Van De Wiele asked Ms. Jaimes if she plans on finishing the project if the Board approves the request. Ms. Jaimes answered affirmatively.

Ms. Miller stated the applicant will need to obtain a license agreement for the carport being in the right-of-way, and the staff report states the applicant does not have one. Ms. Miller asked Ms. Jaimes if she has applied for the license. Ms. Jaimes stated that she has not. Mr. Van De Wiele stated that the license agreement with the City is because the carport is in the easement of the City right-of-way so a license agreement with the City is required.

Interested Parties:

There were no interested parties present.

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

LTS 9 10 11 & 12 & E10 VAC ALLEY ADJ ON W BLK 8, MORNINGSIDE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Van De Wiele and Mr. White both re-entered the meeting at 1:35 P.M.

NEW APPLICATIONS

22067—Frank Alchami

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Action Requested:

Special Exception to permit a car sales in the CS District (Section 35.050); Variance to allow outdoor storage and merchandise within 300 feet of an abutting R-zoned lot (Section 15.040). **LOCATION:** 621 South Sheridan Road East (CD 3)

Presentation:

Cecil Drummond, Attorney, 5200 South Yale, Suite #507, Tulsa, OK; stated Mr. Alchami has been a member of the community for many years and use to have Frank's Restaurant on South Sheridan. Mr. Alchami has always helped other people in need and now has opened a tire business on South Sheridan. There are several people here today that are in support of the application and there is a letter with signatures from the

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neighbors. Mr. Alchami's business has increased property values in the area because the subject property was in a deteriorated state and he has now improved the subject property. Mr. Alchami has satisfied any requests from the neighbors to include the installation of a privacy fence. Mr. Alchami would like to start selling cars on the subject property. He has his license, insurance and permits that are required and now he is before the Board to obtain relief needed.

Fawaz "Frank" Alchami, 5616 South 89th East Avenue, Tulsa, OK; stated that he renovated the building to open the tire store. Originally he installed a chain link fence with razor wire across the top but one of the neighbors complained saying the fence made the business look like a jail. So he removed the razor wire. Then the neighbor complained that the neighbors could see the tires so he installed a tennis court type screen. The neighbor then complained about mosquitoes and Mr. Alchami showed her that he had a pest control company spraying the property every other week. This neighbor then requested that a privacy fence be erected around the business so he had a privacy fence installed and painted it. Mr. Alchami stated that all his tires are stacked on pallets to keep them off the ground and he has a contract with a pest control company to spray every other week for mosquitoes, and an inspector from Oklahoma City made an inspection of the property and found nothing wrong.

Mr. Van De Wiele asked Mr. Alchami how many cars he planned to have on the subject property at any given time. Mr. Alchami stated there would be no more than 15 cars. Mr. Van De Wiele asked Mr. Alchami if any of the cars would be junk cars or cars that needed to be worked on. Mr. Alchami stated that when he purchases cars he takes the car to a mechanic shop for any repairs and then he places it on his lot for sale.

Mr. White commended Mr. Alchami on initiating the pest control procedure because the water in tires and the mosquitoes is a problem the Board has been dealing with for years.

Interested Parties:

Theresa Landers, 6930 East 7th Street, Tulsa, OK; stated she lives about two blocks from the subject property. Ms. Landers stated that she is not a fan of car and tire businesses because of bad past experiences. When Frank's came into the neighborhood he installed nice chain link fencing with the prison wire on top. The neighbors requested a privacy fence and to do away with the prison wire which he did. The neighbors discussed the possible mosquito problems and he presented them with a pest control contract for spraying every two weeks. Ms. Landers stated that she is out in her yard a lot and she has had no extra mosquitoes this year, and probably has fewer this year than in the past. Ms. Landers stated that she does have a concern over the cars becoming more than 15. Ms. Landers stated that Mr. Alchami keeps everything nice and neat and therefore she has not objections to the business coming into the neighborhood.

Derek Wunch, 1709 East 50th Street South, Apt. #10, Tulsa, OK; stated he has known Mr. Alchami a little over 20 years. Mr. Wunch stated that he has worked with car

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dealerships in the past and now he is in business for himself. Mr. Wunch stated that he has painted Mr. Alchami's store front windows for several years and Mr. Alchami is a very generous person.

Sher Nunley, 7309 South Mingo Road, Apt. #1514, Tulsa, OK; stated that she does not live in the subject neighborhood but is a customer of Mr. Alchami's. She met him because she was in desperate need of a tire. Ms. Nunley stated that he is very concerned about his business and his customers, and his entire staff is very courteous and respectful. It is very important for Tulsa to have honest business people that do not take advantage of their customers.

Al Stewart, P. O. Box 1029, Haskell, OK; stated that he has known Mr. Alchami for 20 years. Mr. Alchami fed him when he was hungry and gave him work when he needed work. Mr. Alchami will be there to help anyone with a tire whether they have money or not.

Stephanie Daywalt Clay, 6518 East 7th Street, Tulsa, OK; stated she lives in front of Frank's Tire Shop and has been lived there for a little over eight years. Ms. Clay stated that Mr. Alchami's staff is very respectful and Mr. Alchami has become a friend that she has coffee with in the morning. She is impressed with how clean he keeps his lot. The privacy fence Mr. Alchami installed is very nice and she feels secure in her house now. Ms. Clay stated that Mr. Alchami has been very accommodating to the neighbors to make sure they are pleased with what he is doing and has done. Ms. Clay stated the Mr. Alchami is an asset to the community.

Michael Williams, 7304 East 6th Street, Tulsa, OK; stated he used to be the block captain for the neighborhood watch. Mr. Williams stated he has known Mr. Alchami since 2003. Mr. Williams stated that he was glad to hear that Mr. Alchami purchased the subject property because it used to be riddled with crime.

Ron Kelly, 29859 East 154th Street South, Coweta, OK; stated he is an Area Field Manager for U-Haul. Mr. Kelly stated that he met Mr. Alchami at the end of 2015. Since Mr. Alchami purchased the subject property he cannot believe the change in the area and the City of Tulsa needs to keep Mr. Alchami.

Anthony Eversole, 9324 South Oxford Avenue, Tulsa, OK; stated he has been a friend of Mr. Alchami's for years. Mr. Eversole stated that Mr. Alchami is a true and honest man and whatever he says he will do he will do. Mr. Eversole stated that Mr. Alchami is very meticulous in whatever he does.

Comments and Questions:

Mr. White stated that this is his 20th year on the Board of Adjustment and he wants to commend Mr. Alchami on all his achievements, because there are always complaints from neighbors about tire stores, mosquitoes and their uncleanness. Mr. White stated that he appreciates what Mr. Alchami has done and has no problem with this request.

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Mr. Flanagan stated that Mr. Alchami is an excellent tenant and he takes care of the property as if it is his own. Mr. Flanagan stated that he too has no problem with the request.

Mr. Bond stated that after reviewing the litany of procedural histories of the adjoining properties he thinks this is in keeping with and a bonus to the neighborhood. Mr. Bond stated that it is very heartening to see these people here speaking about a great Tulsan and a great American.

Ms. Snyder stated that she has not problems with the request. She expressed her thanks to Mr. Alchami because it is really nice to have an applicant come before the Board that has worked with the neighborhood and makes them proud.

Mr. Van De Wiele stated that he too does not have a problem with the request, especially by placing a limitation on the number of cars. He thinks the pest control is a great idea. The level of neighborhood involvement, not only this matter, but it sounds like in the day-to-day business it is commendable. Mr. Van De Wiele stated that Mr. Alchami should be proud because he does done a good job in all aspects of his business and he is proud to have Mr. Alchami as a Tulsan.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bond, Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit a car sales in the CS District (Section 35.050); Variance to allow outdoor storage and merchandise within 300 feet of an abutting R-zoned lot (Section 15.040), subject to "as built" and as it is currently in operation. The approval for car sales will be for a maximum of 15 cars and they need to comply in accordance with the City's parking standards in Section 55.090. Sales will be limited to tires and operable vehicles only. The pest control procedure that the applicant has started is to be a continuing process through the months of April through September. 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. The Board determines that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;

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- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

LT 12, 13, 14 and W 25 LT 15 BLK 13; SHERIDAN HILLS, City of Tulsa, Tulsa County, State of Oklahoma

20318-C—Mike Asfour

Action Requested:

Modification of a previously approved Special Exception (BOA-20318-A) to increase the allowed amount of displayed vehicles from 85 to 145. **LOCATION:** 602 South Sheridan Road East (CD 5)

Presentation:

Mike Asfour, 6920 East 50th Place, Tulsa, OK and **Tina Soin**, Gable Gotwals, 100 West 5th Street, Suite #1100, Tulsa, OK; Ms. Soin stated the applicant is requesting a modification to a previously approved Special Exception to allow an increase in the number of vehicles allowed on the lot from 85 to 145.

Mr. Van De Wiele asked Ms. Soin how this request is different from the application that was before the Board last November. Ms. Soin stated that the main difference is that the applicant now has a site plan showing how the parking will be distributed on the lot and that there will be 151 spaces to accommodate 145 cars for sale plus six customer parking spaces.

Mr. Van De Wiele asked Ms. Soin how many cars are on the lot today. Mr. Asfour stated that today there are approximately 160 cars. Mr. Asfour the number of cars has been reduced by about 100 cars from the last hearing. Mr. Asfour stated that he has been working on the plan for about six months to get close to the presented site plan.

Mr. Van De Wiele asked staff if the parking lot diagram has been submitted and meets Section 55.090 as far as stall width, driving lane, etc. Ms. Moyer stated that as far as she knows the parking shown on page 6.26 has not been submitted to the City of Tulsa but she does not know whether it meets the zoning requirement because there are not measurements included. Ms. Soin stated the applicant would be willing to submit the plan to the City and go through the process.

Mr. White stated that the plan does not have any dimensions on it and he would like to see it dimensioned and indicated as an engineering plan or a proper survey layout with the signature of a licensed engineer or surveyor.

good neighbors, but because it is unsightly when driving down the road to see all the pallets.

Rebuttal:

Mr. Cooks came forward and stated that he does not have a business; he rebuilds them and people ask him for them but it is not a business. Mr. Cooks stated that if that is the problem he can move the pallets or get rid of them.

Comments and Questions:

None.

Board Action:

On **MOTION** of **SNYDER**, the Board voted 4-0-0 (Henke, Flanagan, Snyder, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **APPROVE** the request for a Variance of the maximum floor area for a detached accessory building to 936 square feet (Section 402.B.1), subject to conceptual plan 12.12. The Board has found that this is an unusually large lot and so it has the capacity for the proposed size garage. This garage cannot be used for a business or any business type purpose. 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:

33-20-12 S 264' of W 330' of SW SW NE LESS S 15' RD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

22001—Josh Hamilton

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Action Requested:

Special Exception to permit car sales in the CS District (Section 701, Table 1); Variance to allow outside display of merchandise within 300 feet of the R District (Section 1217.C.2). **LOCATION:** 708 South Sheridan Road East (CD 5)

Presentation:

Josh Hamilton, 708 South Sheridan Road, Tulsa, OK; stated he owns the property across the street at 715 South Sheridan which was vacant for about four years. He would like to move across the street. He can store his cars inside without any worries of the cars being broke into or vandalized. He will not be displaying any cars outside but was advised by INCOG that if he would ever want to display cars outside he would need the Variance relief. Mr. Hamilton stated that he has spoke with all the neighbors and they all have said they are fine with the proposal.

BDA-22001

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Mr. White asked Mr. Hamilton if he could live with just having the sales inside the building. Mr. Hamilton answered affirmatively. Mr. Hamilton stated that he does pull the car outside to wash them but he will never have any stickers on them and they will not be displayed. Mr. Hamilton stated that all his cars will be inside the building with sales to be by appointment only.

Mr. Hamilton stated that he only has five cars now and he only has 2008 or newer, so he would not want to leave the car outside.

Mr. White asked Mr. Swiney if the applicant were to withdraw the Variance request would that make it more open for the applicant to come back later should he ever feel the necessity, because he is inclined to approve the Special Exception and deny the Variance. Mr. Swiney stated that if Mr. Hamilton withdrew his request for the Variance today it would be better. Mr. Hamilton stated that he will withdraw the Variance request now.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Flanagan, Snyder, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **APPROVE** the request for a **Special Exception** to permit car sales in the CS District (Section 701, Table 1). The applicant has withdrawn the Variance request. 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:

N 100 OF W 165 OF E 180 BLK 59, GLENHAVEN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

22003—Eller & Detrich – Andrew Shank

Action Requested:

Variance of the allowable height for an outdoor advertising sign in the IM District (Section 1221.F.15). **LOCATION:** 2976 North Florence Avenue East (**CD 1**)

Presentation:

Andrew Shank, Eller & Detrich, 2727 East 21st Street, Suite #200, Tulsa, OK; had a photo placed on the overhead projector to show the elevation of the Gilcrease Expressway. This will not be the typical 50 foot outdoor advertising that a person sees driving on the highway. In the City of Tulsa, most of the very elevated portions of the highways are either owned by ODOT or the City of Tulsa for right-of-way interchanges

than to build a tower and it is their first choice. He stated that he would provide a letter for the case file that shows they comply with the FCC regulations for RF emissions.

Board Action:

On Motion of Stead, the Board voted 4-0-0 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Special Exception to allow a 120 ft. communications tower (Use Unit 4) in an AG district (Section 301); Special Exception to reduce the required setback from adjoining AG zoned districts (Section 1204.C.3.g.1), finding it meets all of the requirements listed in Section 1204. A, B, C and D; subject to the letter of June 24, 2006 from Ferris Consulting and the three site plans on pages 2.10, 2.11 and 2.12 of the agenda packet; the applicant to provide a letter to INCOG staff showing RF emissions are within the federal guidelines; a light pole design; site to be screened by an 8 ft. wood fence with two security wires, and wood gate with lock; no landscaping necessary, finding it will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

In the City of Tulsa, Tulsa County, the State of Oklahoma: A parcel of land in the Northwest Quarter of the Northeast Quarter of Section 21, Township 18 North, Range 13 East: Beginning at the Northwest Corner of the aforesaid Quarter; Thence East 814' and South 827.15' to the Point of Beginning; Thence West 790'; Thence South 429.9'; Thence East 790'; Thence North 429.9' to the Point of Beginning, the same as the Southeast Corner of the Vacated Booker T. Washington Memorial Park, Tulsa County, State of Oklahoma

Case No. 20318

Action Requested:

Special Exception to permit auto sales in a CS district (Section 701); a Variance of the requirement that no merchandise may be displayed outside within 300 ft. of an R district (Section 1217.C.2); and a Variance of the minimum street frontage required in a CS district from 150 ft. to 116 ft. (Section 703), located: 602 South Sheridan Road.

Presentation:

David Ellis, 6901 South Redbud Avenue, Broken Arrow, Oklahoma, with Modern Star Builders, represented the applicant, Sam Mouchantaf. They proposed to use both lots as a car lot. There is an old service station on the subject property. They would like to split the lot in the middle with 116 ft. on each side. They would use the garage to wash the cars on the lot.

Comments and Questions:

Ms. Stead reviewed the requirements Mr. Ellis had not covered in the presentation such as, paving or asphalt on the south lot. She asked if they plan to park cars on the west portion, to which Mr. Ellis replied they do not. She informed him the fence along Sheridan would be limited in height. There was discussion among the Board regarding a hardship.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-0 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Special Exception to permit auto sales in a CS district (Section 701); a Variance of the requirement that no merchandise may be displayed outside within 300 ft. of an R district (Section 1217.C.2); with approval limited to a maximum of five years from August 8, 2006; all parking surfaces to be concrete or asphalt; maintain sidewalks on 5th Place and Sheridan; screening on south and west of the entire property; no outside repair of vehicles, storage of parts, batteries, et cetera; any fence along Sheridan limited to 3 ft. in height; having read the criteria for the special exception and variance and finding those requirements are met; and to **DENY** a Variance of the minimum street frontage required in a CS district from 150 ft. to 116 ft. (Section 703), on the following described property:

E195 TR 31, GLENHAVEN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20319

Action Requested:

Verification of the spacing requirement for an Outdoor Advertising Sign from another outdoor advertising sign along the same side of the expressway (Section 1221.F.2), located: 9510 East Broken Arrow Expressway.

Presentation:

John Moody, represented Lamar Central Outdoor, LLC. He submitted a survey for spacing verification (Exhibit B-1). He stated the nearest outdoor advertising sign is 1,670 ft. away.

Interested Parties:

Jonathon Sutton, 4401 South Harvard, represented Guts Church. He indicated that the proposed sign would be in violation of Section 1221.C.8.a and Section 1221.C.2.b of the zoning code relative to the existing sign on the church property.

Verification of the spacing requirement for a bar in the CBD (Use Unit 12a), on the following described property:

E50 LT 3 BLK 86, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20207

Action Requested:

Verification of spacing requirements for a bar/nightclub - public entrance doors located at least 50 feet from R district and use located a minimum 300 feet from public park, school, or church Section 1212a.C.3 & 5 1601 & 1603, located: 222 North Main Street.

Presentation:

Steve Schuller, 1100 ONEOK Plaza, 100 West 5th Street, stated he has verified there are no churches, parks or schools within the 300' radius. His map of the 300' radius was in the agenda packet.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (Dunham, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Verification of spacing requirements for a bar/nightclub - public entrance doors located at least 50 feet from R district and use located a minimum 300 feet from public park, school, or church Section 1212a.C.3 & 5 1601 & 1603, as submitted this day, on the following described property:

S50 LT 1, N70 LT 2 BLK 29, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20208

Action Requested:

Special Exception to allow Use Unit 17 - to permit sales of used cars in a CS zoned district and a Variance of the 300 foot distance from an R district to display merchandise on the property, located: 523 South Sheridan Road East.

Presentation:

Richard Howard, 2431 East 61st Street, Suite 306, proposed a used car lot on the subject property. He responded to questions in the staff report. There is a curb cut for access to the property on the southwest corner of the lot and one on the north side.

Comments and Questions:

Mr. Dunham asked him to address the 50' distance from an R district versus the 300' distance required in the zoning code. Ms. Stead asked about the placement of a security fence the applicant referred to in the application.

Mr. Howard indicated they planned to limit the number of vehicles to five to eight for sale on the lot at a time. The one-story frame structure would serve as the office. On the east of the property is an existing wood privacy fence, which he stated they would be willing to replace if requested by the Board. He added the security fencing would be about three feet high. They plan to use the lot for used car sales and parking limousines overnight. Mr. Ackermann pointed out that limousine services is a Use Unit 17, which is within the same use category as car sales and car repair. Mr. Howard stated they proposed to use the existing ambient lighting. He added there would be no maintenance, body work or mechanical work of any kind operated on the premises. They planned to put down asphalt for an all-weather surface and had no plans for landscaping. He stated the hardship is that it is a property that needs to be used and this is a use that would fit.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On Motion of Henke, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a Special Exception to allow Use Unit 17 - to permit sales of used cars in a CS zoned district; and a Variance of the 300 foot distance from an R district to display merchandise on the property, due to a lack of hardship; on the following described property:

LT 11 BLK 12, SHERIDAN HILLS, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20209

Action Requested:

Variance of the maximum permitted size of an accessory building to permit a 2400 sq. ft. accessory building, located: 8255 South Yukon Avenue.

Presentation:

Bill Ryan, introduced his wife also, Renee Ryan, 8255 South Yukon, stated they have a two and one-half acre tract, with low density zoning. They are surrounded by houses on one to four acres. There is AG property on the south. He stated they proposed to build a 40' x 60' storage building/garage. He needs to store lawn equipment, ATV's with trailers and other such items. He pointed out there are other accessory buildings of similar size on nearby properties (Exhibit D-1). Mr. Ryan planned to build it with the same materials as his home. He described it as

Case No. 12101

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial District - Request to allow an auto detail shop in a CS District. This property is located at 715 South Sheridan Road.

Presentation:

Richard Preston, 715 South Sheridan Road, was present and submitted a plot plan (Exhibit "G-1") and a picture of the proposed construction (Exhibit "G-2"). The applicant is proposing to construct a two-car garage for an auto detailing shop which will be 26' x 30'. The proposed construction will be located behind the existing building.

Protestants: None.

Board Comments:

Mr. Smith asked if all of the work would be done inside the building and Mr. Preston answered in the affirmative.

Mr. Victor asked what the building would be constructed of and Mr. Preston stated that it would be wood frame with asphalt shingles and would be very similar to the picture which he submitted earlier.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial District) to allow an auto detail shop in a CS District, per plot plan on the following described property:

Lots 12 and 13, Block 20, Sheridan Hills Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12102

Action Requested:

Variance - Section 1215.3 - Use Conditions - Request for a variance of the required screening to an abutting R District to the east. This property is located at 5555 South 104th East Avenue.

Presentation:

Kenneth Stephenson, 5555 South 104th East Avenue, was present requesting permission to waive the screening requirement on the far east side of the property as the City has requested the applicant. Mr. Stephenson advised that in the future it will be the adjacent property line to Highway #169. He also advised that there are no other screening fences enclosing other warehousing facilities in the surrounding area.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 1215.3 - Use Conditions) of the required screening to an abutting R District to the east on the following described property:

Lot 2, Block 18, Tulsa Southeast Industrial Addition to the City of Tulsa, Tulsa County, Oklahoma.

8.5.82:368(10)



0 50 100
Feet



Subject
Tract

BOA-22249

19-13 03

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

Aerial Photo Date: February 2016

3.21





Feet

0 200 400



**Subject
Tract**

BOA-22249

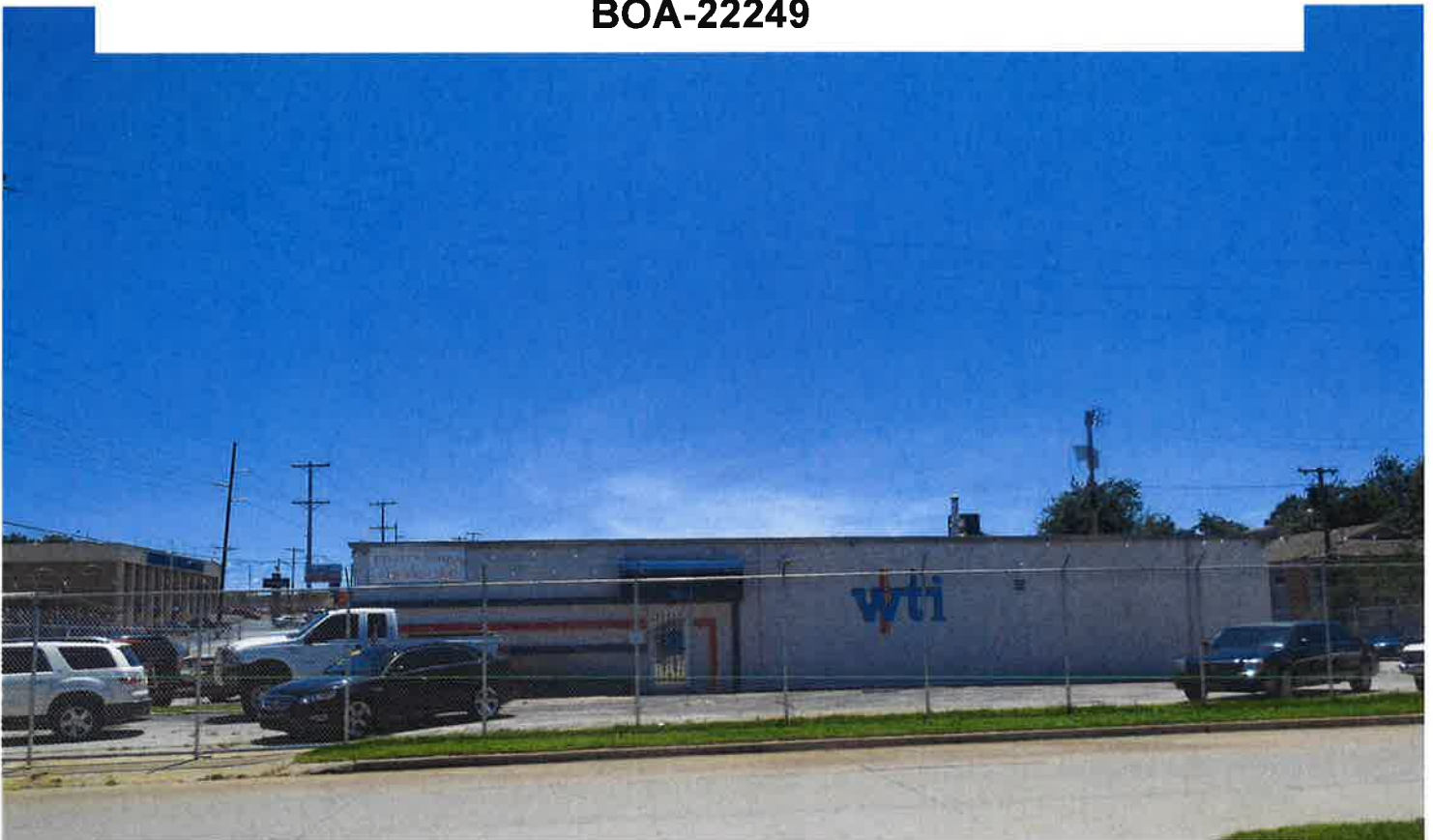
19-13 03

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

Aerial Photo Date: February 2016.



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3.22



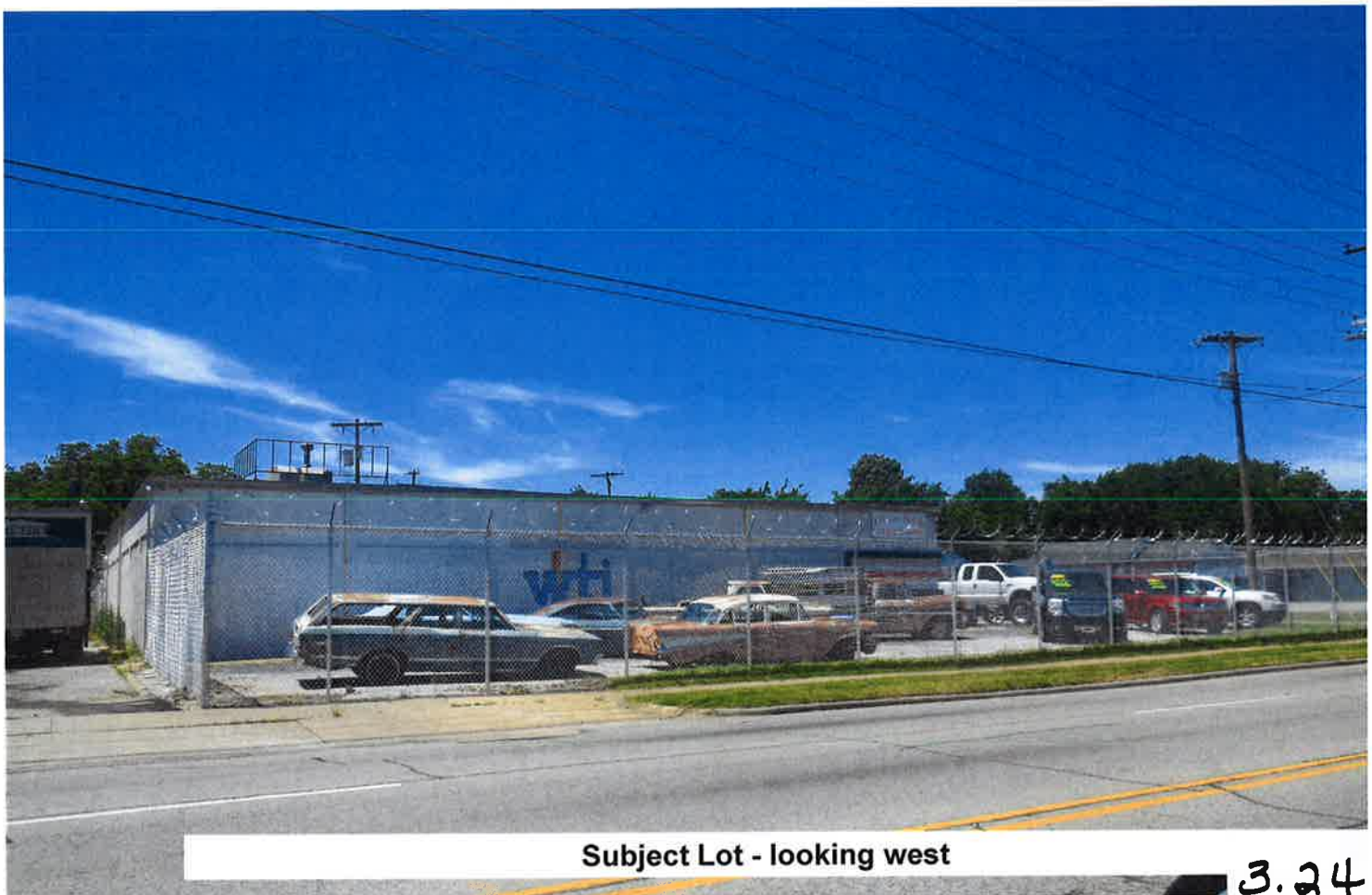
Subject Lot - looking south



Subject Lot - looking south



E 7th St S - Street View, looking west



Subject Lot - looking west

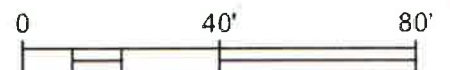


E Sheridan Rd - Street View





Approx. Property Boundary ---
 Parking Space ---
 Limits of Structure ---



MAP SOURCE: GOOGLE INC., 2017



**A & M ENGINEERING AND
ENVIRONMENTAL SERVICES, INC.**

ENGINEERING — ENVIRONMENTAL — CONSTRUCTION

Parking Lot Site Map

J-Wayne Motors
708 S. SHERIDAN ROAD E.
TULSA, OKLAHOMA

SCALE: GRAPHIC	DATE: 06/20/2017	FIGURE NO. FIGURE 1
APPROVED BY: TE	DRAWN BY: JPB	PROJECT NO. 2279-001

3.26



**Neighborhood Investigations
WORKING IN NEIGHBORHOODS**

ZONING NOTICE OF VIOLATION

The City of Tulsa To:

Date: March 15, 2017

RUMLEY, WARREN BURCH & ANNA ELLEN
TRUSTS C/O WARREN B RUMLEY TTEE
PO BOX 700005
TULSA, OK 74170-0005

You are hereby notified that the violation (s) maintained, operated or permitted to exist by you at **N 100 OF W 165 OF E 180 BLK 59, GLENHAVEN**, addition to the City of Tulsa, TULSA County, State of Oklahoma.

And located at the address of: **708 S SHERIDAN RD E**

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

Title 42, Chap. 15, Sect. 040, A,
Title 42, Chap. 85, Sect. 020, F,

This Violation requires:

To violate the terms of any permit or approval granted under this zoning code or under previous zoning codes of the city or any condition imposed on the permit or approval warrants a zoning violation and notice violation. The outside storage of vehicle in a CS zoned district is a direct violation of the agreement when issued the special exceptions permit and directly affects the integrity of the abutting RS zoned district. In the CS district, outdoor storage and out for merchandise displayed is prohibited within 300 feet of an abutting R district. Place all vehicles inside of the building per special exceptions permit or apply for a variance that allows such activity through incog.

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: 118160

Byron Huel

3.27

Warren Burch Rumley, Trustee
4105 South Redwood Ave
Broken Arrow, OK 74011

J Wayne Motors
715 S Sheridan Rd
Tulsa, OK 74112

J Wayne Motors
708 S Sheridan Rd
Tulsa, OK 74112

Title 42, Chap. 15, Sect. 040, A.

In the CS district, outdoor storage and outdoor merchandise display is prohibited with-in 300 feet of an abutting R district.

Title 42, Chap. 85, Sect. 020, F.

To violate the terms of any permit or approval granted under this zoning code or under previous zoning codes of the city or any condition imposed on the permit or approval

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BOA-22273 – PAUL BUSH

**STAFF REQUESTS A CONTINUANCE TO
THE JULY 25, 2017 BOARD OF
ADJUSTMENT MEETING DUE TO THE
SIGN BEING POSTED IN THE
INCORRECT LOCATION**

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**BOA-22274 – MARK GRIMM 7
DEBRA FAYE**

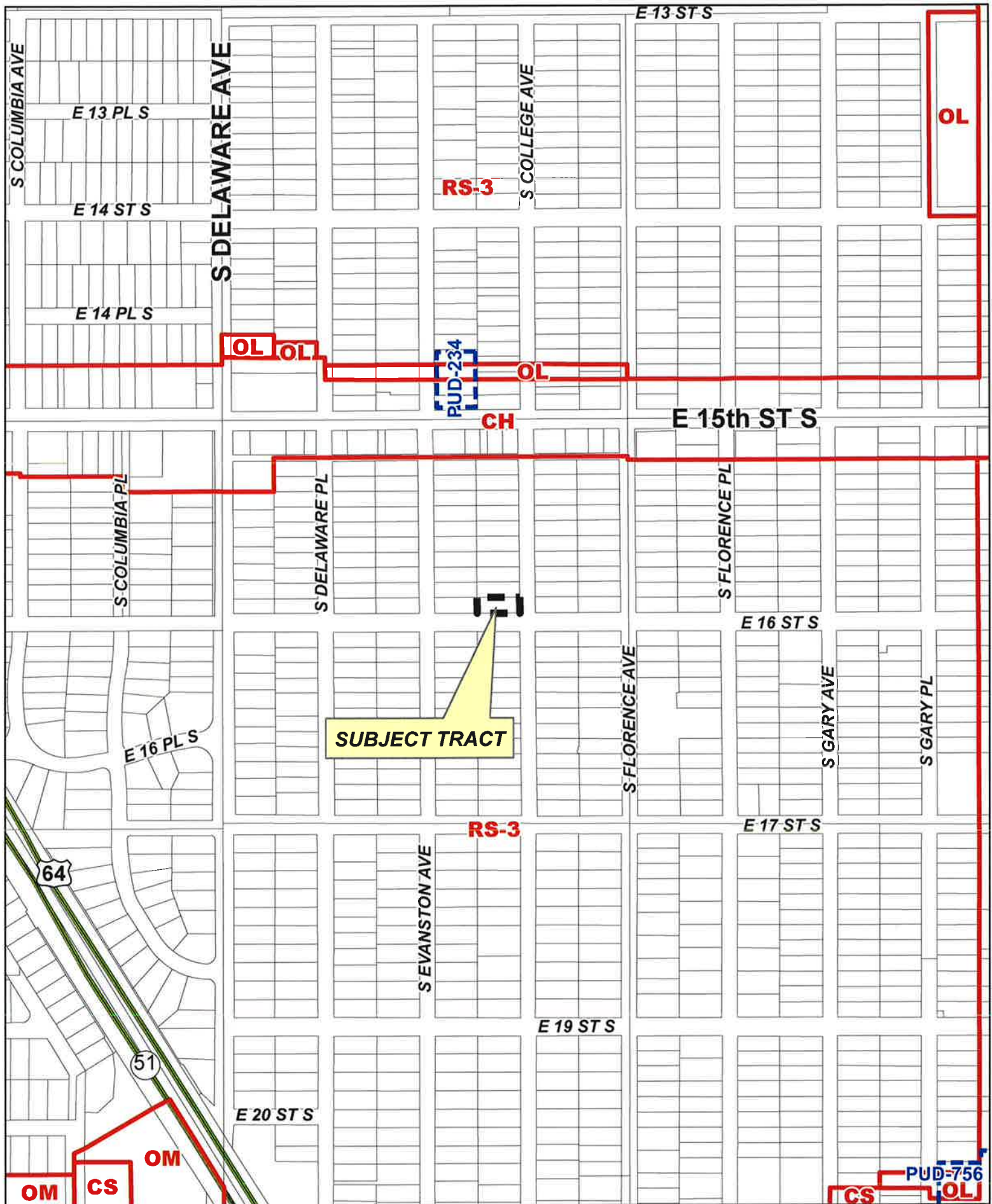
**THE APPLICANT REQUESTS A
CONTINUANCE TO THE AUGUST 8, 2017
BOARD OF ADJUSTMENT MEETING AS
HE WILL BE OUT OF TOWN**

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BOA-22275 – MARK GRIMM 7

DEBRA FAYE

**THE APPLICANT REQUESTS A
CONTINUANCE TO THE AUGUST 8, 2017
BOARD OF ADJUSTMENT MEETING AS
HE WILL BE OUT OF TOWN**



BOA-22276

19-13 08

7.1

BOARD OF ADJUSTMENT CASE REPORT

STR: 9308

Case Number: **BOA-22276**

CZM: 37

CD: 4

A-P#: 422292

HEARING DATE: 07/11/2017 1:00 PM

APPLICANT: Fred Frampton

ACTION REQUESTED: **Variance** to allow an accessory structure to exceed 18 ft. in height; exceed one-story, and exceed 10 ft. at the top of the top plate. (Section 90.090-C) **Variance** to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure. (Section 45.030-B)

LOCATION: NW/c of E 16 ST S and S College Ave

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 7562.05 SQ FT

LEGAL DESCRIPTION: LT 21 BLK 2, AVONDALE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA 20421; on 02.13.17 the Board **approved** a variance of the setback for a detached accessory building from 3 ft. to 2 ft.; and a variance of the allowable coverage of a required rear yard by a detached accessory building from 30% to 38%; located at 1547 S Delaware Place 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 surrounded by RS-3 zoned residences.

7.2

STAFF COMMENTS:

The applicant is before the Board requesting a **Variance** to increase the allowable square footage for detached accessory buildings in the RS-3 district to from 826 sq. ft. (40% of the principal structure) to 1200 sq. ft. The applicant stated the following: *"The owner want to stay on the property, but the family needs more living area and bathrooms. There is a similar structure parallel to the proposed structure. Many properties in the neighborhood have a 2-story gargage. There is no room to expand the existing house on the site."*

The Code states that detached accessory buildings in the RS-3 district are limited to a floor area of 500 sq. ft. or 40% of the principal dwelling (whichever is greater). The existing residence on the lot is 2066 sq. ft.; therefore the maximum allowed floor area for detached accessory buildings on the lot is 826 sq. ft. The applicant has requested a variance to increase the maximum permitted floor area of a detached accessory building on the lot to 1200 sq. ft.

The RS-3 district permits detached accessory buildings to be located in the required rear yard so long as they are limited to one-story; 18 ft. in height and 10 ft. at the top of the top plate. According to the submitted site plan the proposed two-story detached accessory building is 22'-7" in height and 17' at the top of the top plate. The applicant has requested a **Variance** to allow the proposed garage to exceed 18 ft. in height; exceed one-story and exceed 10 ft. at the top of the top plate.

Sample Motion

Move to _____ (approve/deny) a **Variance** to allow an accessory stucture to exceed 18 ft. in height; exceed one-story, and exceed 10 ft. at the top of the top plate. (Section 90.090-C) **Variance** to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure. (Section 45.030-B)

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

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

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

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

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

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

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

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

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

conditions or circumstances 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; 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:

N/2 LT 2 BLK 30, OWEN ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20421

Action Requested:

Variance of the setback from an abutting property line for a detached accessory building from 3 ft. to 2 ft (Section 210.B.5.b); and a Variance of the allowable coverage of a required rear yard by a detached accessory building from 30% to 38% (Section 210.B.5.a), located: 1547 South Delaware Place East.

Presentation:

Lester A. Ghan, 1547 South Delaware Place, stated they were cited for building without a permit and his contractor stopped building his garage. The contractor had removed the original garage and concrete. Mr. Ghan added that he proposed to add one foot to the depth and extra width so that both of their cars will fit in it. He stated it would be in character with the neighborhood, with a hipped roof, and the same siding.

Comments and Questions:

Mr. Alberty counted twenty letters of support for this application.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of White**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Variance of the setback from an abutting property line for a detached accessory building from 3 ft. to 2 ft (Section 210.B.5.b); and a Variance of the allowable coverage of a required rear yard by a detached accessory building from 30% to 38% (Section 210.B.5.a), finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and

intent of the Code, or the Comprehensive Plan, on the following described property:

LT 22 BLK 3, AVONDALE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20422

Action Requested:

Verification of spacing requirements for a liquor store, 300 ft. from other liquor stores, blood banks, plasma centers, day labor hiring centers, and pawn shops (Section 1214.C.3), located: 2130 South Sheridan Road East.

Presentation:

Kevin Gable, 2130 South Sheridan, introduced his partner, Marty Colburn. He provided a list of other businesses within 350 ft., which is in the agenda packet. They did not find any of the businesses not permitted within 300 ft. per the zoning code.

Comments and Questions:

Ms. Stead noted that staff did not find any business not permitted in the 300 ft. radius.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Verification of spacing requirements for a liquor store, 300 ft. from other liquor stores, blood banks, plasma centers, day labor hiring centers, and pawn shops (Section 1214.C.3), as submitted, on the following described property:

BEG 50W & 250S NEC NE TH S1012.56 W630.88 N1211.54 E440 S200 E200
POB SEC 15 19 13, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20423

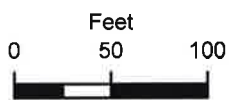
Action Requested:

Variance of the maximum permitted square footage for a detached accessory building in an RS-1 district (Section 402.B.1.d), located: 1735 South Lynn Lane East.

BOA 22276



Subject Site - Looking West



Subject
Tract

BOA-22276

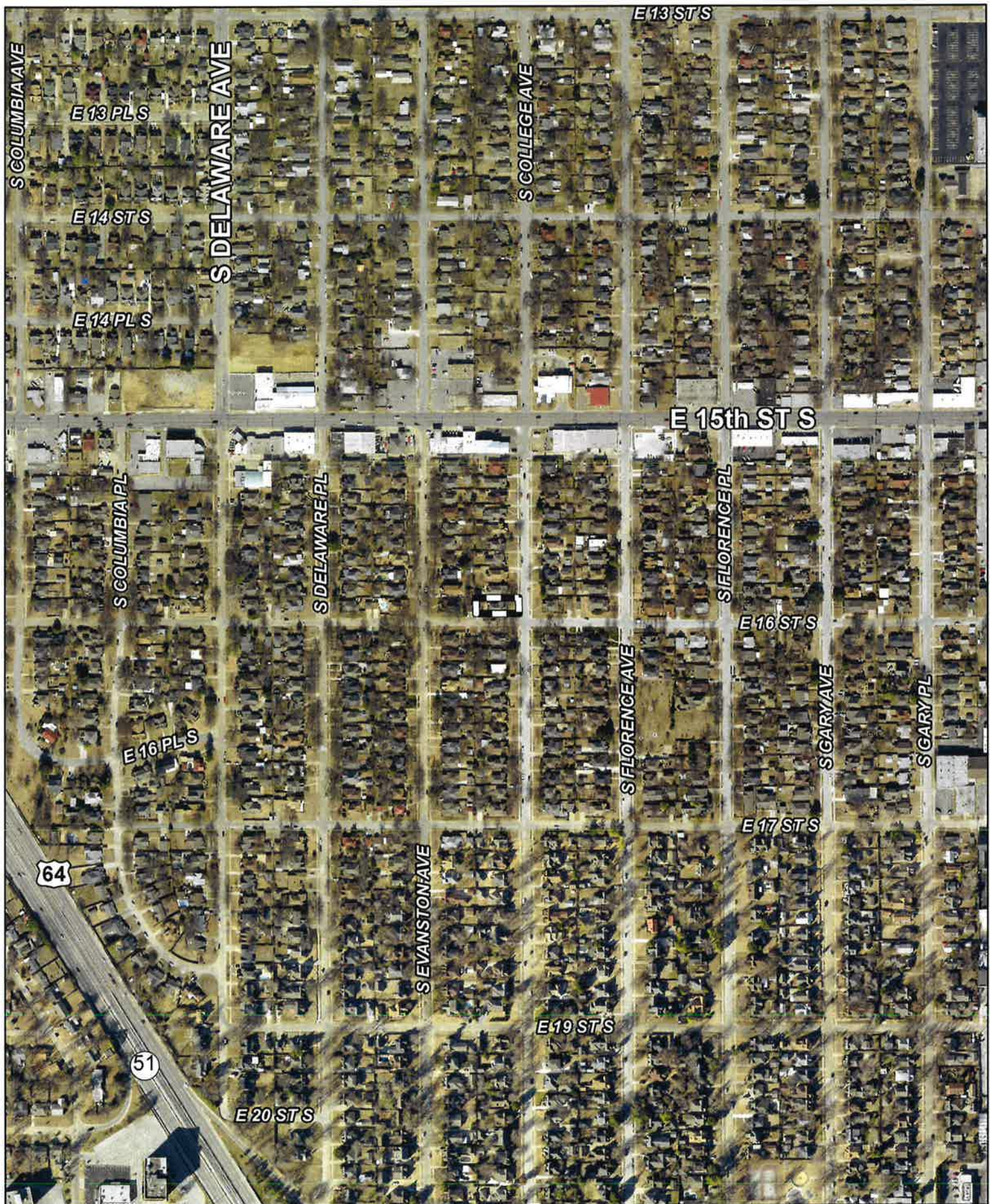
19-13 08

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

Aerial Photo Date: February 2016

7.8





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Feet



Subject
Tract

BOA-22276

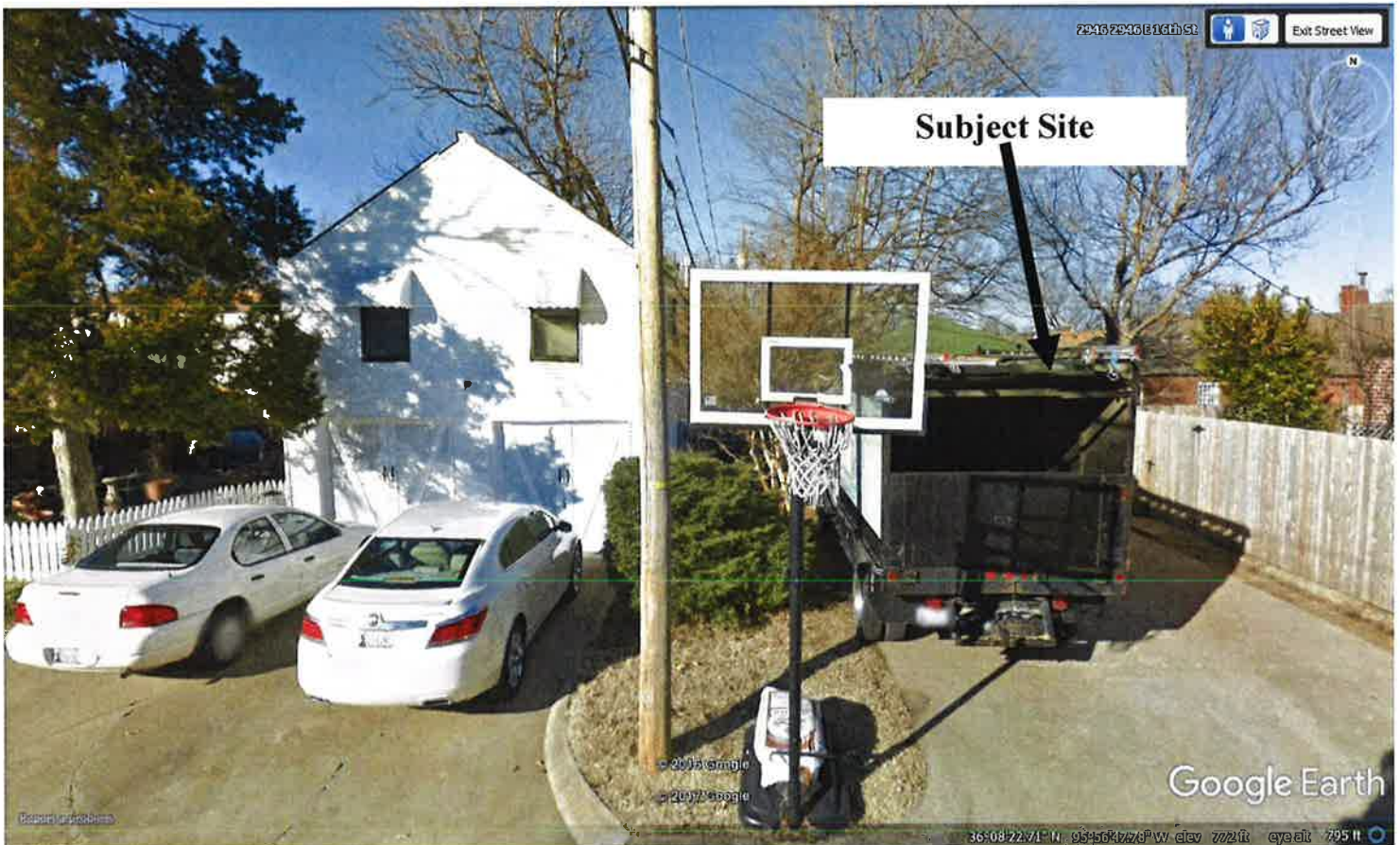
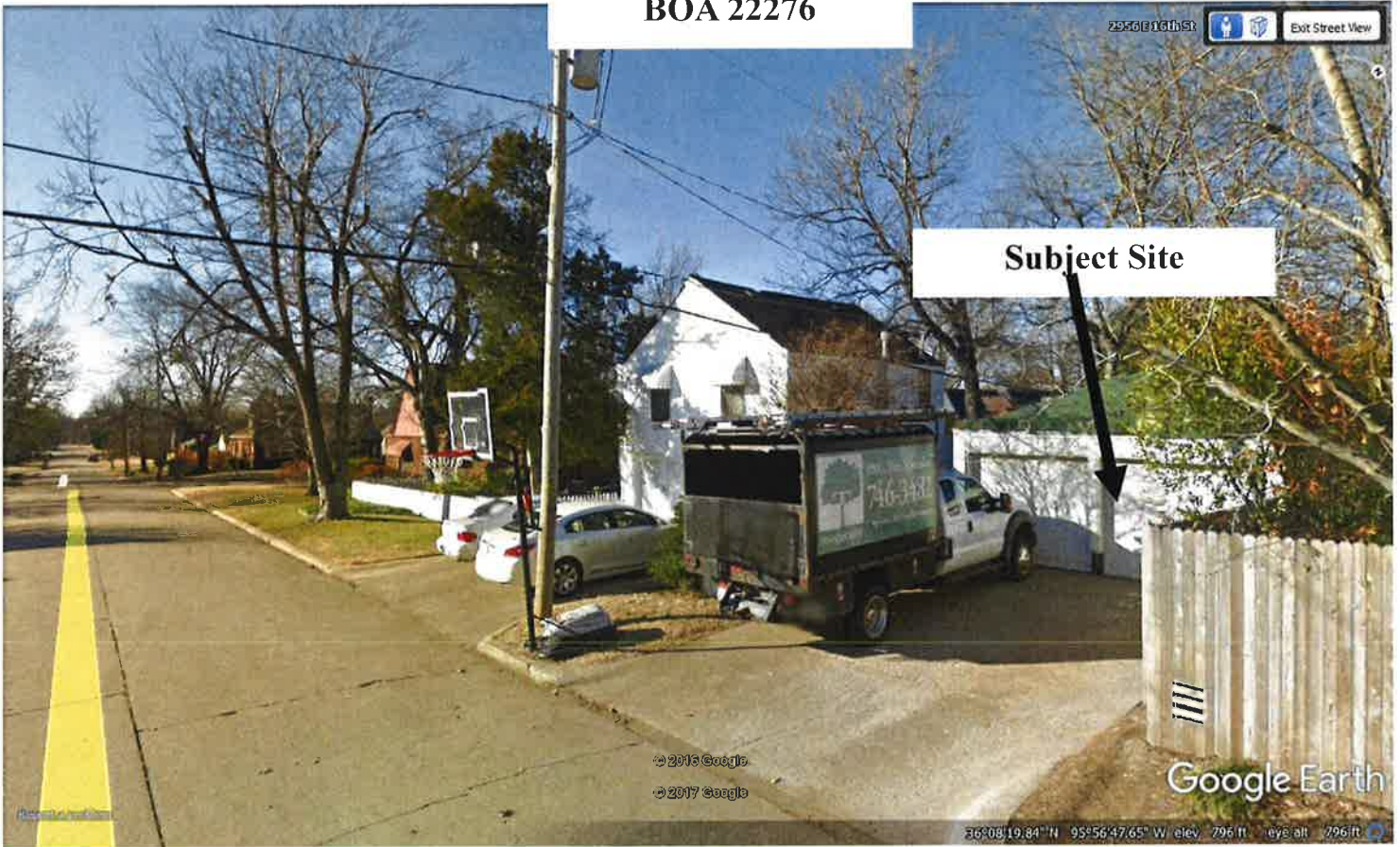
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Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016



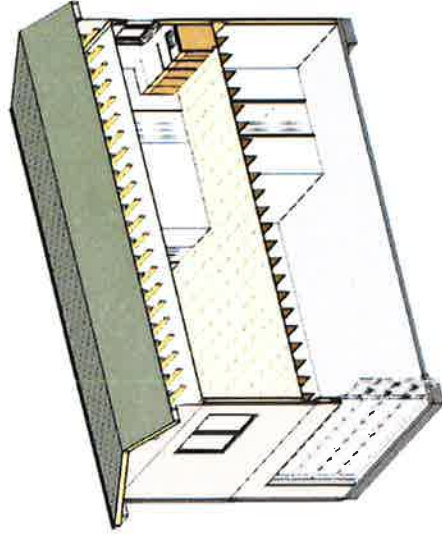
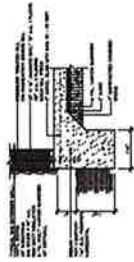
BOA 22276

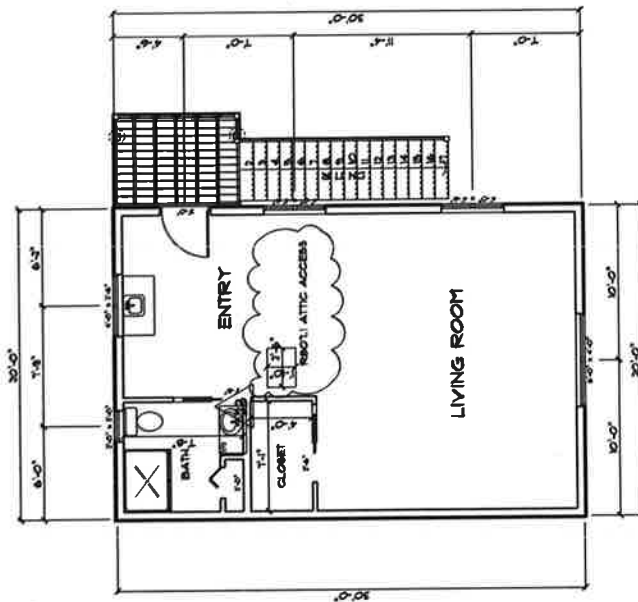
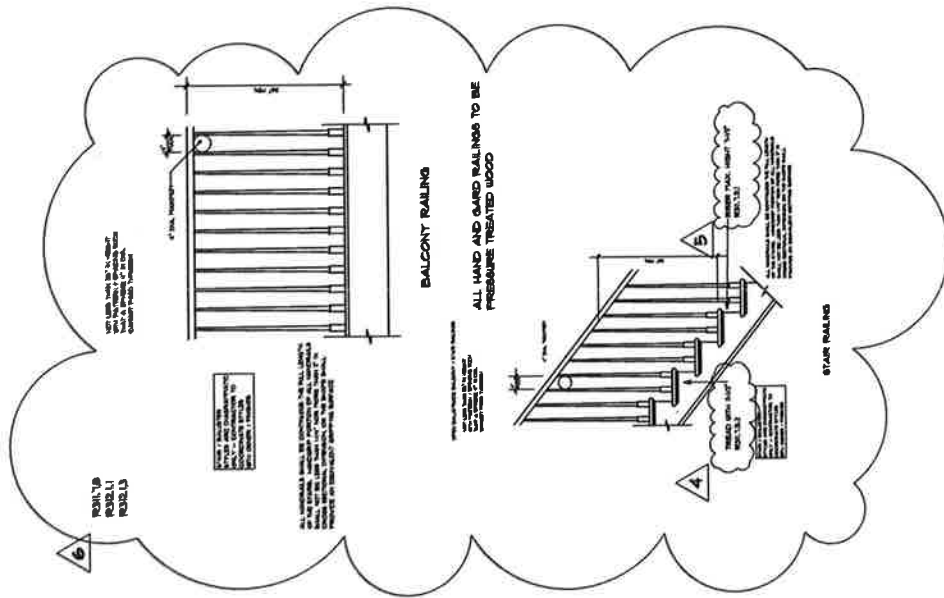


7.10

REVISED 3/24/2017

7.12





COLE RESIDENCE
1948 S COLLEGE AVENUE
TULSA, OK 74104
FRAMPTON DESIGN
918-439-6515

SECOND FLOOR
SCALE 1/8"

REVISED 5/24/2017

June 8, 2017

To: City of Tulsa

From: Lara and Greg Cole
1548 S. College Ave
Tulsa, Ok 74104

RE: Variance

To whom it may concern:

We are requesting a variance to construct a detached garage apartment on our property located at 1548 S. College Ave Tulsa, OK 74104. We have explored an addition on to our main house and none of the plans can keep integrity of original structure. The garage apartment would serve as an additional living space with bathroom for our family of five. Our neighbors to the west have a similar structure on their property and our design will mimic the look. If further information is required, please contact Greg 918-638-4737 or Lara 918-576-9980.

Sincerely



Lara Cole

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:

1007217-1

June 01, 2017

FRED FRAMPTON
FRAMPTON BUILDING AND DESIGN
3713 W 45 ST
TULSA, OK 74107

Phone: (918)439-6575

APPLICATION NO: **422292** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **1548 S COLLEGE AV E**
Description: **NEW**

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

7.15

REVIEW COMMENTS

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

Application No. 422292

1548 S COLLEGE AV E

June 01, 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. **35.010-A Detached House.** A detached house is a principal residential building, other than a manufactured housing unit or mobile home, that contains only one dwelling unit and that is located on a single lot that is not occupied by other principal residential buildings. Detached houses are not attached to and do not abut other dwelling units. Detached houses include conventional ("stick-built") construction and construction involving modular or system-built components as long as such construction complies with city building codes.

Review Comments:

- a. Provide a written statement describing the use of the detached garage second story, and that its use is NOT designated for use by a family that is independent of the occupants of the primary residence, or
 - b. Obtain a Variance from the Board of Adjustment (BOA), to permit two Detached Houses per one lot of record, if it is a dwelling unit designated for use by a family that is independent of the occupants of the primary residence.
2. **5.030-A – Setback(s) footnote [3]:** In the RS-3 zoned district, the minimum front yard setback requirement shall be 25 feet from the front property line, the minimum rear yard requirement shall be 20 feet from the rear property line, the minimum side yard requirement not abutting a public street shall be 5 feet, and the minimum side yard setback requirement abutting a public street shall be 15 feet from the property line abutting the street (20' for the garage accessing the street).

Review Comments: Revise plans to indicate a 45' street setback from center of 16th street to the proposed garage. If you are unable to meet the street setback requirements mentioned above, then you will need to apply to the City of Tulsa Board of Adjustment (BOA) for an Administrative Adjustment to reduce the required street setback.

3. 90.90.C: Detached Accessory Buildings

- a. Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, provided that:

(1) The building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate; and

(2) Building coverage in the rear setback does not exceed the maximum limits established in Table 90-2:

Review Comments: Revise plans to indicate that the detached accessory building will not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate or apply to the BOA for a variance to allow an accessory structure to exceed 18 feet in height and be 2 story in height and exceed 10, height to the top of the top plate located in the rear setback.

4. **45.030-B RS-2, RS-3, RS-4 and RS-5 Districts.** In RS-3 districts, the total aggregate floor area of all detached accessory buildings and accessory buildings not erected as an integral part of the principal residential building may not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater.

Review comments: You are proposing 1200 sq ft of detached accessory structure. The proposed detached structure exceeds 500 sq ft and 40% of the size of your house. Based on the floor area of your house (2066 sq ft) you are allowed 826 sq ft of detached accessory structures on your lot. Reduce the size of your proposed detached accessory structure to be less than 826 sq ft or apply to BOA for a variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure.

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

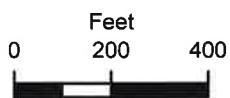
A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

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

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

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BOA-22277

20-13 29

8.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 0329

Case Number: **BOA-22277**

CZM: 29

CD: 3

A-P#: 8989

HEARING DATE: 07/11/2017 1:00 PM

APPLICANT: Rigoberto Flores`

ACTION REQUESTED: Special exception to permit a fence higher than 4 ft. in the front setback of the property (Section 45.080-A).

LOCATION: 2312 N Birmingham Ave E

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 5501.65 SQ FT

LEGAL DESCRIPTION: LT 66 & N 5 LT 65 BLK 6, TULSA HGTS, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

None relevant.

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

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

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

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

STAFF COMMENTS:

As shown in the attached pictures the property owner has constructed a 6 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

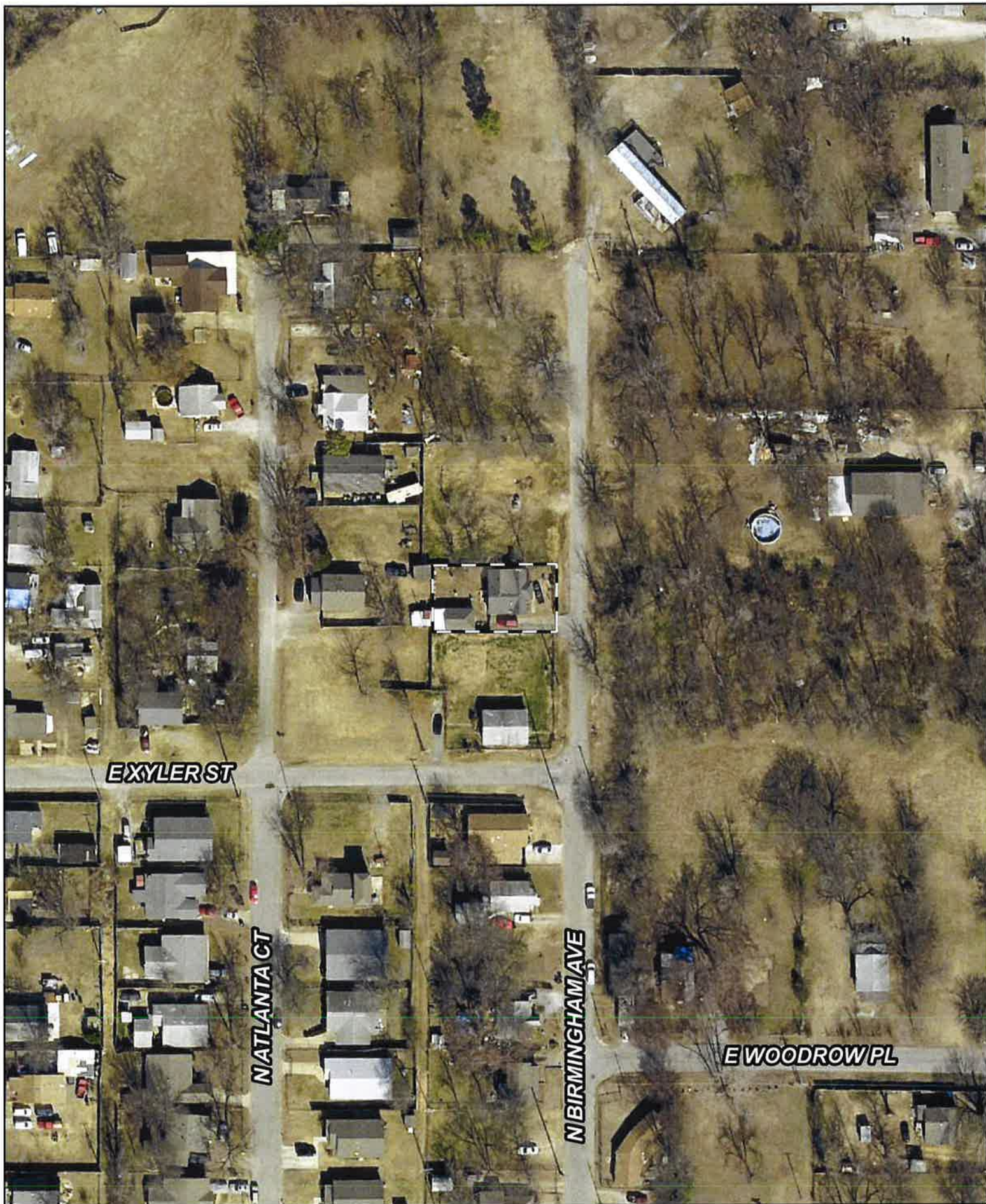
Code's fence height restrictions is to maintain a minimal level of transparency or connection between a house and the surrounding neighborhood.

Sample Motion

Move to _____ (approve/deny) a Special exception to permit a fence higher than 4 ft. in the front setback of the property (Section 45.080-A).

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

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



0 50 100
Feet



Subject
Tract

BOA-22277

20-13 29

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

Aerial Photo Date: February 2016

8.4





0 200 400
Feet



Subject
Tract

BOA-22277

20-13 29

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

Aerial Photo Date: February 2016

8.5





Subject Lot - West





N Birmingham Ave. - Street View

2017 09 43



06.22.2017 0

8.7

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: 993613-2

May 23, 2017

RIGOBERTO FLORES
OWNER
2312 N BIRMINGHAM
TULSA, OK 74110

Phone: (918)852-4132

APPLICATION NO: **8989** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **2312 N BIRMINGHAM AV E**
Description: **FENCE 6 FT IN HEIGHT AROUND THE HOUSE**

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. 8989

2312 N BIRMINGHAM AV E

May 23, 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.

45.080-A Fences and walls within required building setbacks may not exceed 8 feet in height, except that in required street setbacks (front yard) fences and walls may not exceed 4 feet in height. The board of adjustment is authorized to modify these fences and wall regulations in accordance with the special exception procedures of Section 70.120.

Review Comments-You are proposing a 6' tall fence in a front setback. Lower the fence to 4' in the front setback or apply to INCOG Board of adjustment for a variance to allow a fence in the front setback to exceed 4' in height.

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

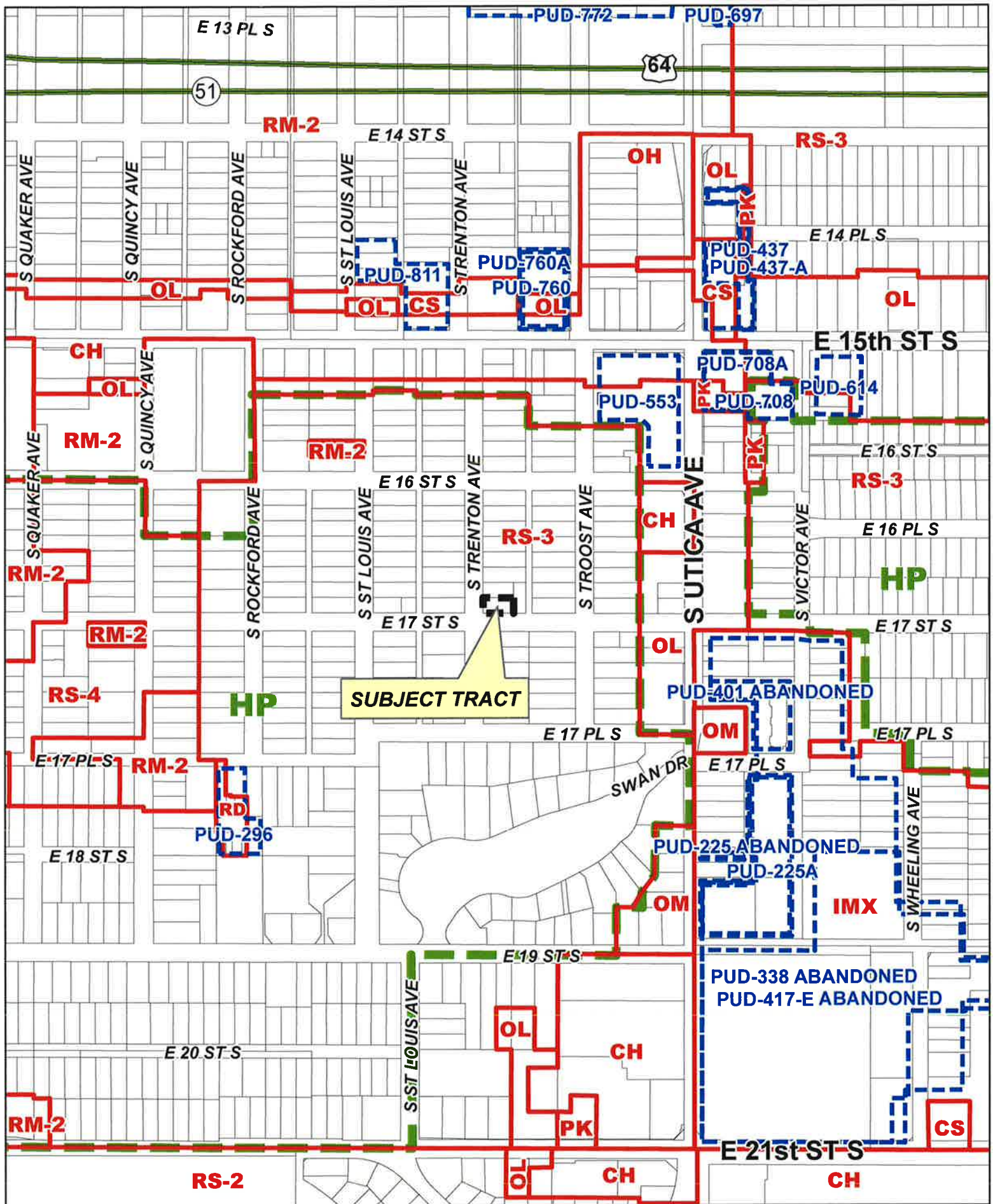
A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

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

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

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BOA-22278

9.1

BOARD OF ADJUSTMENT CASE REPORT

STR: 9307

Case Number: **BOA-22278**

CZM: 37

CD: 4

A-P#: 9153

HEARING DATE: 07/11/2017 1:00 PM

APPLICANT: Tom Neal

ACTION REQUESTED: **Special exception** to allow carport in the street setback in R district (Section 90.090-C1). **Variance** to reduce the interior setback for a detached accessory building from 3 ft. to 2 ft. (Section 90.090-C-2.b).

LOCATION: 1629 S TRENTON AV E

ZONED: RS-3/HP

PRESENT USE: Residential

TRACT SIZE: 5000.71 SQ FT

LEGAL DESCRIPTION: W 100 LT 9 BLK 14, ORCUTT ADDN, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA 18035; on 05.15.98 the Board **approved** a variance to allow an accessory building covering an area that is over 20% of required rear yard and a variance of the required 3' setback for a detached accessory building to 1.5' to permit rebuilding a detached garage. Located at 1628 S Troost Ave.

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

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

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

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

9.2

STAFF COMMENTS:

As shown on the attached site plan the proposed 12' x 18' (216 sq. ft.) carport is located within the required 15 ft. side street setback of the site. Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

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

The Code requires that detached accessory buildings in the rear yard be setback at least 3 feet from all interior lot lines. The applicant has requested a variance to reduce the interior rear setback of the detached garage to 2 ft. as shown on the attached site plan.

Sample Motion

Move to _____ (approve/deny) a **Special exception** to allow carport in the street setback in R district (Section 90.090-C1). **Variance** to reduce the interior setbacks for a detached accessory building from 3 ft. to 2 ft. (Section 90.090-C-2.b).

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

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

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

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

Case No. 18033 (continued)

Comments and Questions:

Ms. Turnbo asked the applicant if other houses in the area have detached garages. Mr. Giacomo replied yes.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Dunham, Turnbo, Perkins, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Variance of the required maximum 20% coverage of a required rear yard to allow construction of a detached accessory building. **SECTION 210.B.5. YARDS, Permitted Obstructions in Required Yards** finding that it fits 1607 C, per plan submitted on the following described property:

Lot 15, Block 1, Emerson Second Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18035

Action Requested:

Variance to allow an accessory building covering an area that is over 20% of required rear yard. **SECTION 210.B.5. YARDS, Permitted Obstructions in Required Yards** and a Variance of the required 3' setback for a detached accessory building to 1.5' to permit rebuilding a detached garage. **SECTION 402.B.1.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions** located 1628 S. Troost.

Presentation:

The applicant, **Matt Gawey**, 1628 S. Troost, stated he and his next door neighbor share a driveway that goes to the back of their properties. Mr. Gawey and his wife purchased the property last spring and have completely rebuilt the home. Mr. Gawey stated that the existing garage was a health hazard and he has torn it down and they are before the Board to ask permission to rebuild a garage in its place. Mr. Gawey stated that the plans submitted stated that they want to rebuild it in its current position. They are also asking that it be expanded by 5'. The old garage was 15' x 20'. Mr. Gawey wants to build a 20' x 20' garage.

Comments and Questions:

Mr. White asked the applicant if he is proposing a zero lot line both on the south and the west. Mr. Gawey said no, 1.5 on the south. Mr. Gawey stated that his next door neighbor wants to take his garage down as well. Mr. Gawey said Steve Jackman, Building Permits, mentioned that by putting in a one hour fire wall, it would pass their inspection as long as it was approved by the Board.

5:12:98:749(11)

Mr. Dunham asked the applicant if he was aware that his property was in a historical preservation district and he would have to get permission from the Historic Preservation Commission, regardless of what the Board of Adjustment approves. Mr. Gawey said yes, he brought that up with the building permits office and they said he did have to go before the Commission and then they said he did not have to. Mr. Gawey will do what he needs to do.

Ms. Turnbo asked if garages are included within historic regulations. Mr. Stump answered if it was visible from the street he would have to get a Certificate of Appropriateness from the Tulsa Preservation Commission.

Mr. White asked Staff what the order of approval should be, Board of Adjustment or Tulsa Preservation Commission first. Mr. Stump answered that it does not matter.

Interested Parties:

David Robertson, 1632 S. Troost, stated that he is happy with what the Gaweys have done to the home and they want him to be able to get the garage that he wants. Mr. Robertson also wants to tear down his garage and rebuild it also.

Mr. White asked Mr. Robertson if he has coordinated his garage in design or any way. Mr. Robertson answered that they have not made any plans at this point in time.

Paul Atkins, President of Swan Lake Homeowners Association, stated that they approved this project, but the Homeowners Association was a little concerned about how the garage was going to be designed, because right now, they are connecting garages as the photos show. Swan Lake does not understand the 1.3' variance. Mr. Stump answered that there would not be a requirement for variance if he had rehabilitated the existing garage. Once he tore it down, it no longer had nonconforming status and they have to meet the current requirements which is 3' from the property line for the new structure. Mr. Atkins asked if the garage was going to have a rear exit or entrance. The neighbors are talking about abandoning the alleyway in the future. If the alleyway is abandoned, the entrance and exit to that drive will be deleted.

Applicant's Rebuttal:

Mr. Gawey stated that their plan is to build a standard, pitched-roof garage to match the house. It will be a single entrance and exit through the front.

Comments and Questions:

Mr. Stump stated that if the alley was abandoned and each abutting property owner got 10 feet, they would not need that relief.

Case No. 18035 (continued)

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Turnbo, Perkins, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Variance to allow an accessory building covering an area that is over 20% of required rear yard. **SECTION 210.B.5. YARDS, Permitted Obstructions in Required Yards** and a Variance of the required 3' setback for a detached accessory building to 1.5' to permit rebuilding a detached garage. **SECTION 402.B.1.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions** per plan submitted, finding the hardship to be the size of the lot and subject to the applicant getting a certificate of appropriateness from the Historic Preservation Commission on the following described property:

Lot 7, Block 14, Orcutt Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18038

Action Requested:

Special Exception to allow car sales in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17** and a Variance to allow outside display of merchandise within 300' of an R district. **SECTION 1217.C. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES** and a Special Exception to allow automobile repair and painting in CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17** located 1810 N. Lewis.

Presentation:

The applicant, **Warren G. Morris**, stated that property contains a building that was built by the Bricklayers Union and had a school in it. The building has over 5,000 SF and the front of it is used for office and the back was used for classes. There is an overhead door that goes into it. The property also has a parking lot with a brick wall around it. Mr. Morris stated that the building to the south is a company that sells sandwiches and they have an area where they repair their trucks. The north side of the property is a vacant lot and across the street there is a small area of CH zoning. Mr. Morris stated that his client buys vans, remodels them and takes them to California to sell them. His client would like some space to park some of them on the lot next to his building. Mr. Morris stated that his client's intention is to put ornamental iron above the existing fence on the north side to screen the vehicles.

Comments and Questions:

Mr. White asked the applicant if the parking was for storing vehicles or for employees. Mr. Morris answered for employees.



0 50 100
Feet



Subject
Tract

BOA-22278

19-13 07

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

Aerial Photo Date: February 2016

9.8





0 200 400
Feet



Subject
Tract

BOA-22278

19-13 07

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

Aerial Photo Date: February 2016 9.9





Subject Lot - Looking East

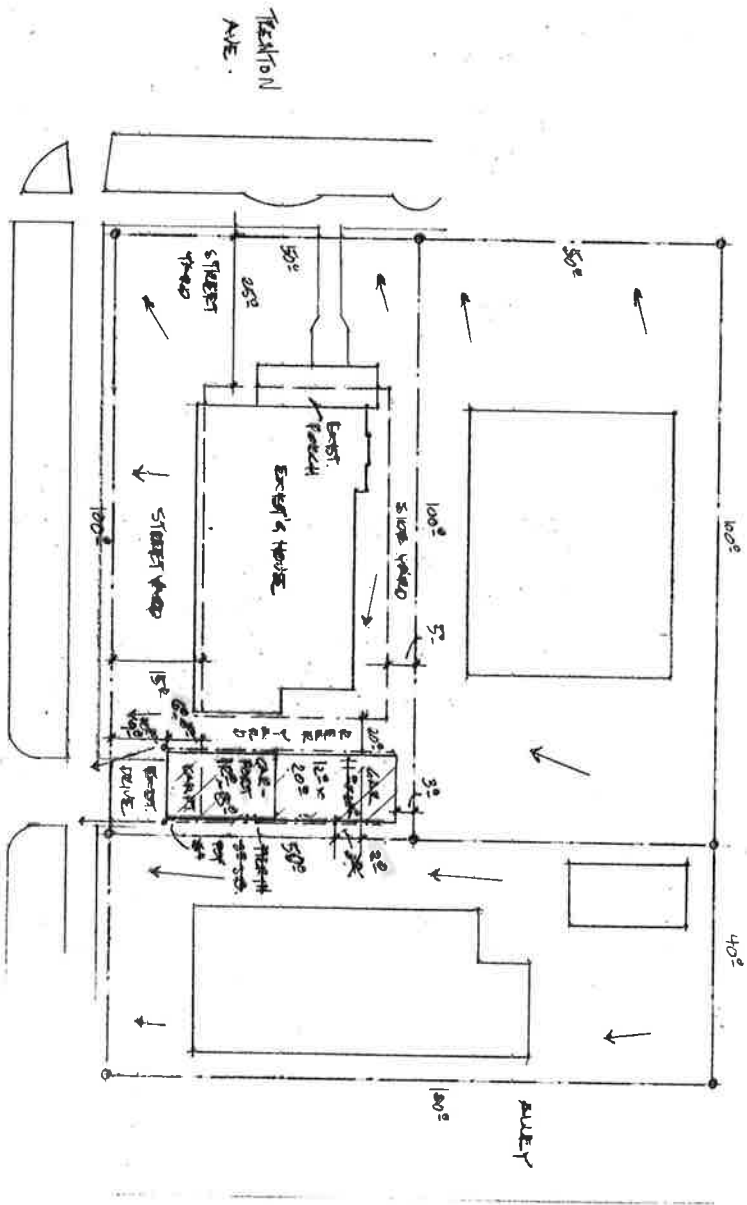
07.03.2017 11:49



07.03.2017 11:48

Subject Lot - Looking North

9.10

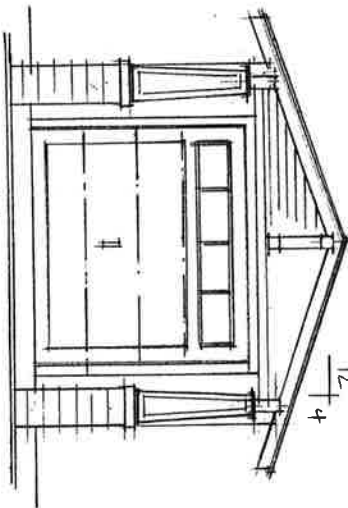
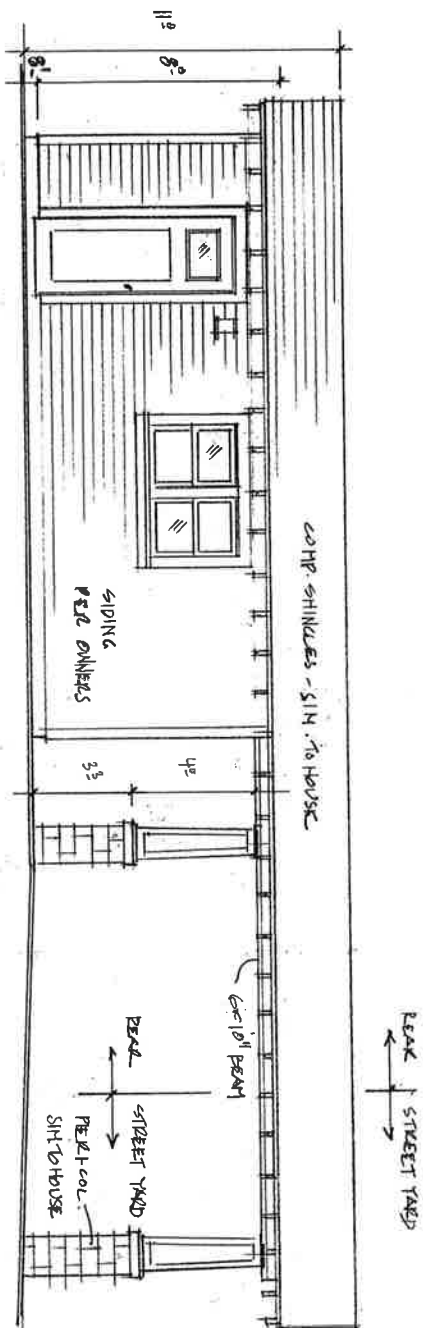


SITE DRAINAGE PLAN 1" = 20'



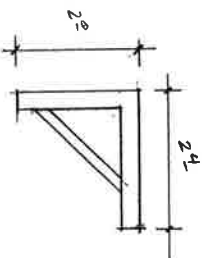
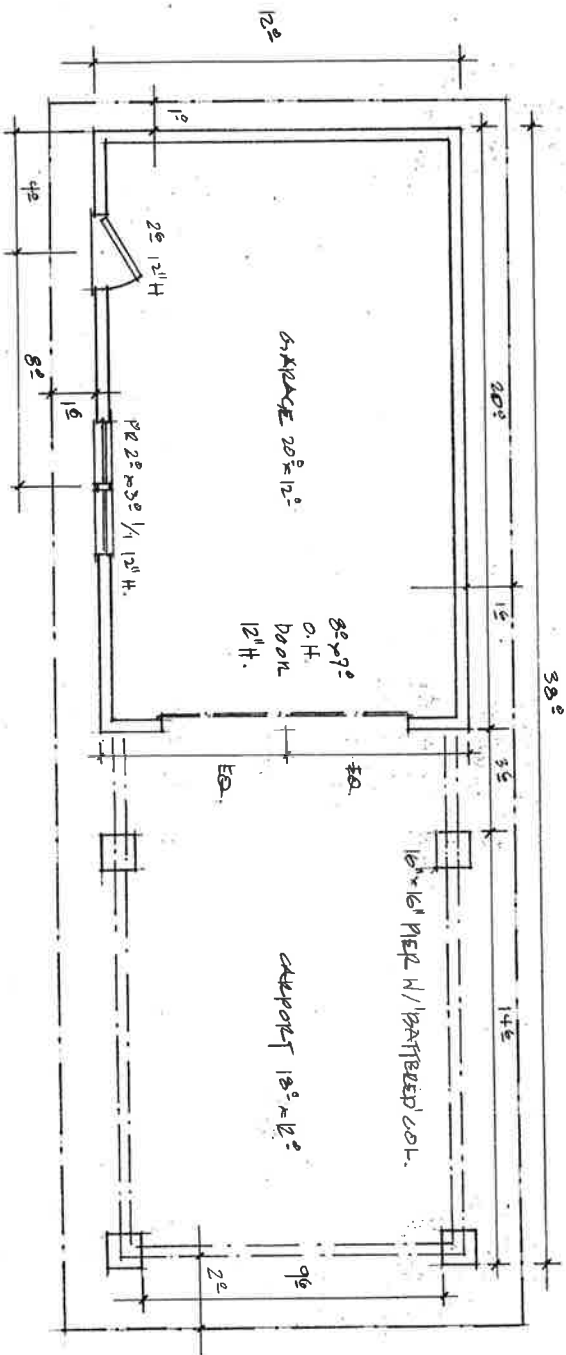
TOTAL AREA OF PROJECT: 240' x 410' = 98,400 sq. ft.
 AVAILABLE 20% OF TOTAL AREA (19,680 sq. ft.)
 PROJECT TO BE IN 100' SIDE ST. WALK

TOPICS: PORTLAND PROJECT
 100' x 410' TRENCH AVE.
 TOTAL AREA: 98,400 sq. ft.
 TOTAL DESIGN 6.5.17
 918.231.9372



WEST ELEV. 1/4" = 1'-0"

SIDE ELEV. 1/4" = 1'-0"



BRACKET DET.
1/2" = 1'-0"

FLOOR PLAN 1/4" = 1'-0"

HARRIS-POLYMER PROJECT
629 SO. TRENTON AVE.
TULSA, OKLA.
6-5-12
TINA DESIGN
918-231-9372

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:

1007395-1

May 24, 2017

TOM NEAL
TOM NEAL DESIGN
2507 E 11 PL
TULSA, OK 74104

Phone: (918)231-7372

APPLICATION NO: **9153** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **1629 S TRENTON AV E**
Description: **GARAGE WITH CARPORT**

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

9.13

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. 9153

1629 S TRENTON AV E

May 24, 2017

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

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

Special exception approval required; see §90.090-C1.

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

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

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

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

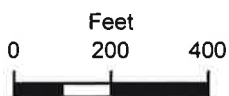
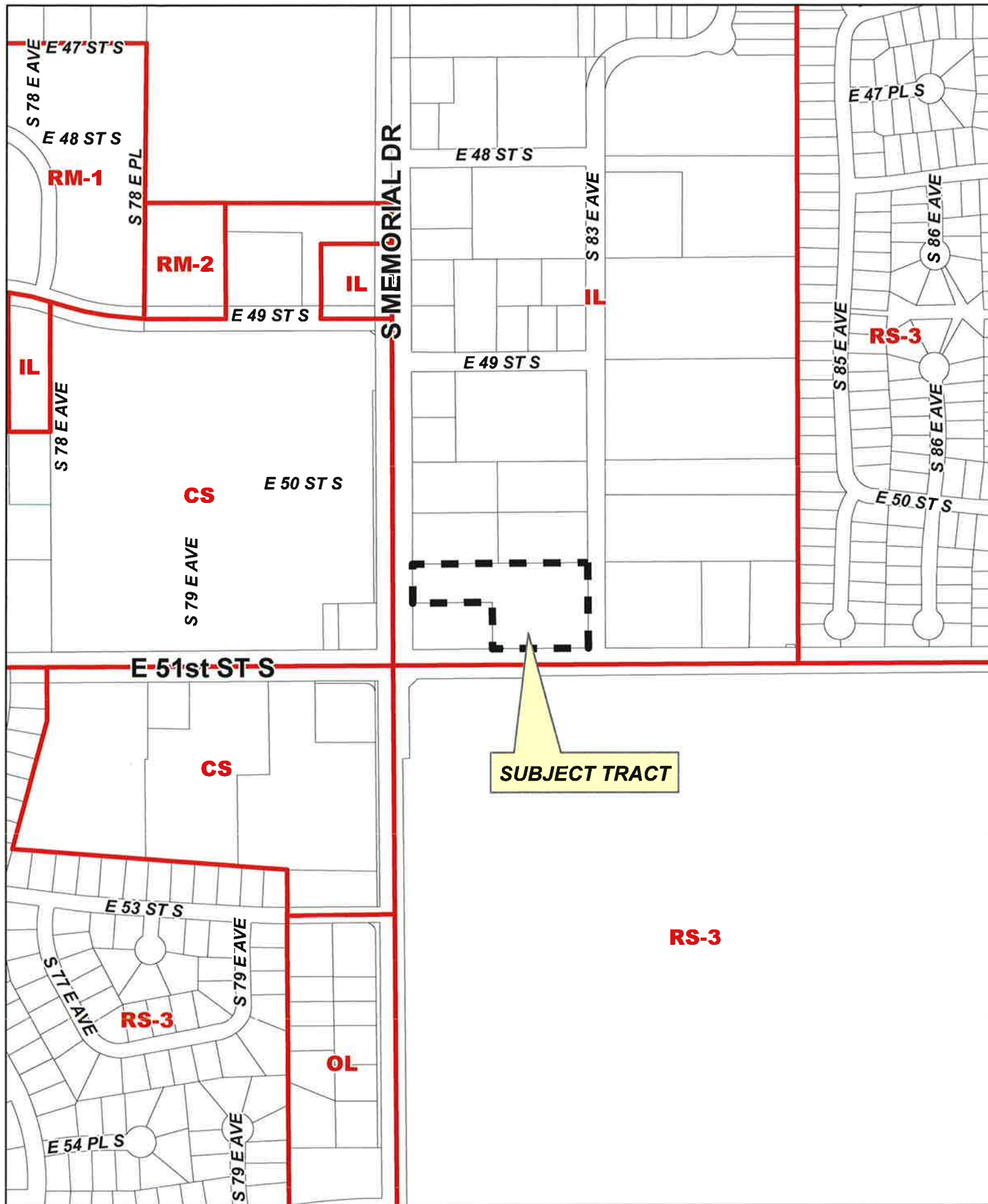
A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

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

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

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BOA-22280

19-13 25

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BOARD OF ADJUSTMENT CASE REPORT

STR: 9325

Case Number: **BOA-22280**

CZM: 48

CD: 7

A-P#: None

HEARING DATE: 07/11/2017 1:00 PM

APPLICANT: D-A-C Events

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

LOCATION: 4955 S. Memorial Dr. E. #F

ZONED: IL

PRESENT USE: Commercial

TRACT SIZE: 2.8 Acres

LEGAL DESCRIPTION: LTS 6, 8 & 9 LESS W110 S150 LT 6 BLK 4, SECOND RESEARCH & DEVELOPMENT CTR RESUB, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA 21544; 03.26.13 the Board **approved** a special exception to permit an event center in the IL district; approval expired on March 26, 2016.

BOA 16395; on 07.27.93, the Board **approved** a variance of the setback from E 51ST ST from 100 ft to 94 ft and a special exception to permit retail sales in an IL zoned district.

BOA 8262; on 05.16.74, the Board **approved** a variance to operate a commercial family recreation center in an IL district.

BOA 7805; on 03.01.73, the Board **approved** a special exception to allow a retail sales shopping center in an IL district.

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

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

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

increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted on the north and east by IL zoning and a mix of commercial shopping and fast food uses, on the south by E 51st Street and RS-3 zoning for Memorial Park Cemetery, and on the west by S Memorial Drive and CS zoning with a mix of commercial shopping center uses.

STAFF COMMENTS:

The applicant is before the Board requesting a special exception to permit a community center in the IL district in the building and on the site as it exists presently. As shown in the case history the special exception approval in **BOA 21544** has expired and the applicant is before the Board requesting that the Event Center be permitted on the site permanently.

A special exception is required as the existing community center is a use which is not permitted by right in the IL district because of potential adverse affect, but which if controlled in the particular instance as to its relationship to the surrounding area and to the general welfare, may be permitted.

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

Conditions imposed in BOA 21544 include:

- Hours of operation will be no later than 2:00 a.m. for a period no longer than three years expiring on March 26, 2013.

Sample Motion

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

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

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

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a **Variance** of the building setback from the centerline of an abutting arterial street from 100 feet to 75 feet in the CS District to permit an ice kiosk (Section 703, Table 2). This approval will be per conceptual plan 4.6. Finding that the layout of the subject parking lot and the configuration of the entrance and the curbing layout around the kiosk will create a hardship to locating it 100 feet from the centerline. 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 50W & 250S NEC NE TH S1012.56 W630.88 N1211.54 E440 S200 E200 POB
SEC 15 19 13 16.76ACS, MARY FRANCES ADDN, CITY OF TULSA, TULSA
COUNTY, STATE OF OKLAHOMA**

21544—Jennifer Andres

FILE COPY

Action Requested:

Special Exception to permit an event center (Use Unit 5) in an IL district (Section 901). **LOCATION:** 4960 South 83rd Avenue East (Tenant space 4955 South Memorial Drive, #F) (CD 3)

Presentation:

Jennifer Andres, 8922 East 60th Street, Tulsa, OK; stated that she had been operating a restaurant out of this space and she has now converted the space to a special event center. She converted the space to a special event center about 1 ½ years ago, and did not know that she would need to obtain a special exception to do so. The center is booked for private parties, i.e., birthday parties. The parties are usually in the evening and on a weekend, starting around 5:00 P.M. until 2:00 A.M. Occasionally there will be a private meeting held in the center during the week.

Mr. White asked Ms. Andres if alcoholic beverages were served during the events or meetings. Ms. Andres stated that the clients provide their own beverages; she does not supply or sell them.

Interested Parties:

There were no interested parties present.

Comments and Questions:
None.

BOA-21544

FILE COPY

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a **Special Exception** to permit an event center (Use Unit 5) in an IL district (Section 901). This approval will be for tenant space 4955 South Memorial Drive, Suite F. The hours of operation will be no later than 2:00 A.M., and will be for a period of no more than three years from today's date of March 26, 2013. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LTS 6 8 & 9 LESS W110 S150 LT 6 BLK 4, SECOND RESEARCH & DEVELOPMENT CTR RESUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21545—Lowell Peterson

Action Requested:

Variance to allow a 2.25 foot x 7.66 foot electronic message center in an AG district (Section 302.B.2.a); Variance to allow an electronic message center within 200 feet of a residential development area boundary line (Section 1221.C.2.c). **LOCATION:** 840 West 81st Street (CD 2)

Presentation:

Lowell Peterson, Attorney, P. O. Box 70, Glenpool, OK; stated he is representing Rev. Jim Thornton. No presentation was made, but the applicant's representative was available for questions.

Interested Parties:

Wayne Allen, 728 West 79th Street, Tulsa, OK; stated he is representing five homeowners that live in the same block. All the homeowners purchased their property specifically to that location so that they would abutt two water retention ponds with lighted fountains and a beautiful view. All these homeowners feel that a digital sign will detract from the beauty of the area and destroy the view. Mr. Allen stated that he will be able to see the proposed digital sign from his living room window.

Mr. Van De Wiele asked Mr. Allen what side of the detention pond the houses are located. Mr. Allen stated the houses are located on the north side of the detention ponds.

Mr. White asked Mr. Allen if he was aware that the sign would be facing east and west. Mr. Allen answered affirmatively.

Case No. 16394 (continued)

awning and seating extending into the required setback; and finding that approval of the requests will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

East 100' of Lots 1 and 2 and all of Lot 3, Block 5, Orcutt Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16395

Action Requested:

Special Exception to permit retail sales (Use Units 13 and 14) in an IL zoned district, and a variance of the required setback from the centerline of East 51st Street from 100' to 94' to permit a 6' canopy - Section 901. **PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS - Section 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS - Use Units 13 and 14, located 4971 South Memorial.**

Presentation:

The applicant, Larry Kester, 4200 East Skelly Drive, Suite 750, was represented by Joe McCormick, who submitted a site plan (Exhibit R-1) and explained that an existing gas station will be replaced with a new building, which will house a Wallgreens Drugstore. He stated that an L-shaped shopping center wraps around the property. Mr. McCormick stated that the encroaching portion of the building consists of a 6' canopy, which will be attached to the building.

Protestants:

None.

Board Action:

On MOTION of BOLZLE, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE a Special Exception to permit retail sales (Use Units 13 and 14) in an IL zoned district, and a variance of the required setback from the centerline of East 51st Street from 100' to 94' to permit a 6' canopy - Section 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS - Section 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS - Use Units 13 and 14; per plan submitted; finding that the use is compatible with the area and in harmony with the spirit and intent of the Code; on the following described property:**

Lot 7, Block 4, Resub of Second Research and Development Center, City of Tulsa, Tulsa County Oklahoma.

07.27.95:03:21

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Industrial Districts - Section 1020 - Commercial Recreation: Intensive) to operate a commercial family recreation center in an IL District located northeast of 51st Street and Memorial Drive.

Presentation:

John Sublett advised that the subject property contains the Valley Glen Center in an IL District, stating that most of the frontage properties in this area have developed in some type of retail operation. He pointed out that the Board previously permitted by exception the construction and operation of the Center which was recently constructed. The subject application was filed because the Building Inspector's Office did not feel that a family recreation center was included within Use Units 12, 13 and 14 in the IL District. The Building Inspector felt that Use Unit 20 was the appropriate category for the use intended as a family recreational center with soft drinks as the only beverages being served on the premises.

In reviewing the subject application, Mr. Gardner stated that the use without question would be permitted within Use Unit 19, Hotel, Motel and Recreation Facilities, which permits commercial amusement establishments ordinarily not requiring large sites and which have use characteristics permitting their location in or near developed commercial trade areas. Use Unit 20, Commercial Recreation: Intensive, he advised permitted commercial recreation facilities, the principal activities of which are usually open-air, located in undeveloped, outlying sections of the City.

David Pauling, Assistant City Attorney, advised the Board that Use Unit 19 is not permitted in an IL District by exception at present, although an amendment to the Zoning Code to permit same will be processed in the future. He advised that they could find the proposed use to be appropriate in this instance without making a blanket interpretation that the use is a permitted use by right in an IL District.

Protests:

None.

Board Action:

On MOTION of SMITH, the Board (3-0) approved a Variance (Section 710 - Principal Uses Permitted in the Industrial District) to operate a commercial family recreation center in an IL District on the following described tract:

Lots 6, 8, & 9, Block 4, Second Research and Development Center Addition to the City of Tulsa, Oklahoma.

5.16.74:164(9)

Protests

7805

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Industrial Districts) for permission to have retail sales in an IL District located at the north-east corner of 51st Street and Memorial. (Proposed strip shopping center - 40,000 square feet)

Presentation:

Bob Parmalee, Jr., representing Par Development Company, presented the plot plan to the Board and advised that the property is zoned IL and the Company proposes to construct a 40,000 square foot shopping center.

Protests:

None.

Board Action:

On MOTION of COHEN, the Board (4-0) approved an Exception (Section 710 - Principal Uses Permitted in Industrial Districts) for permission to have retail sales shopping center, (Use Units 12, 13 and 14) per plot plan, in an IL District on the following described tract:

Lots 6, 8 & 9, Block 4, Second Research and Development Center to the City of Tulsa, Oklahoma.

7806

Action Requested:

Exception (Section 250.3 - Modification of the Screening Wall or Fence Requirements) for a waiver of the screening requirements on the south and east in a CS District located southwest of 62nd Street and Peoria Avenue.

Presentation:

John Sublett, the applicant, presented the plot plan to the Board and explained his request for a waiver of the screening requirements.

Protests:

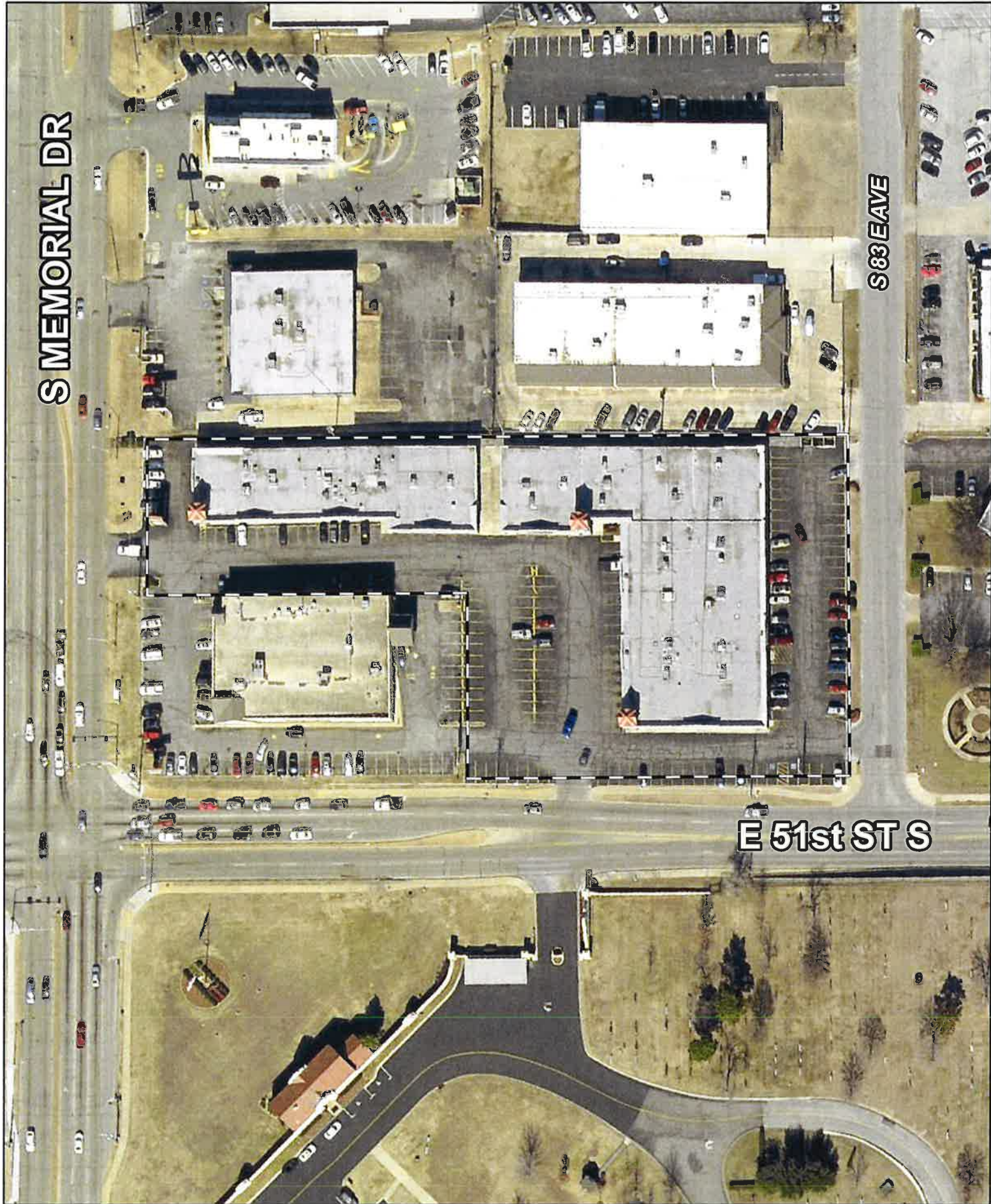
None.

Board Action:

On MOTION of BLANKENSHIP, the Board (4-0) approved an Exception (Section 250.3 - Modification of the Screening Wall or Fence Requirements) for a waiver of the screening requirements on the east of the property and on the resub. portion of Lots 7 and 8 to the south in a CS District on the following described tract:

The West 488.68 feet of Lots 5 and 6, Block 2, Valley View Addition to the City of Tulsa, Oklahoma.

3.1.73:132(11)



S MEMORIAL DR

S 83 E AVE

E 51st ST S

0 50 100
Feet



Subject
Tract

BOA-22280

19-13 25

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

Aerial Photo Date: February 2016





0 Feet
200
400



Subject
Tract

BOA-22280

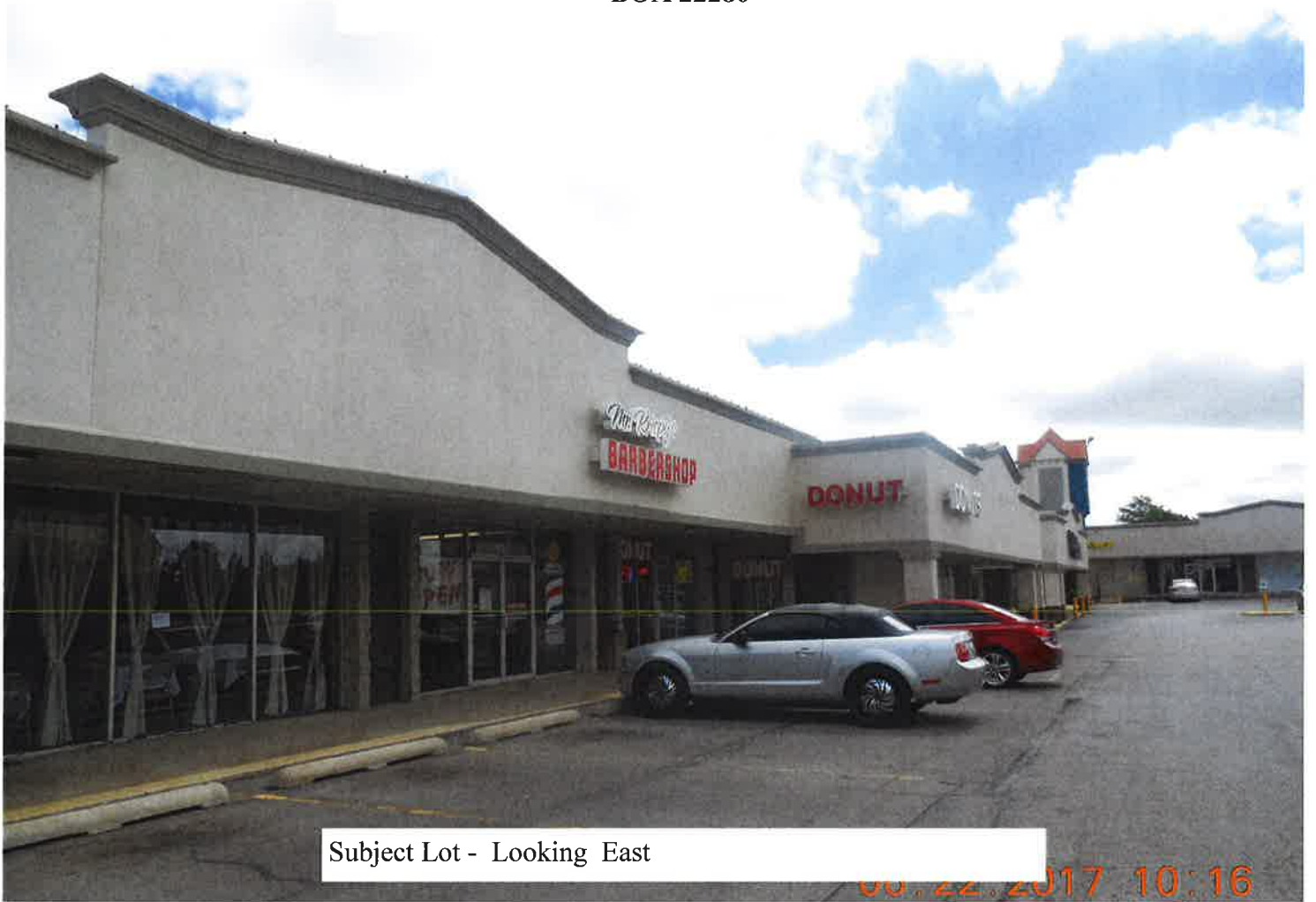
19-13 25

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

Aerial Photo Date: February 2016







Subject Lot - Looking East

SF-Tenants

4955

- (A) - 1,000
- (B) - 1,000
- (C) - 2,000
- (F) - 2,340
- (G) - 660
- (H) - 1,000
- (K) - 3,600

MEMORIAL PARK SHOPPING CENTER

SITE PLAN

0 30 50



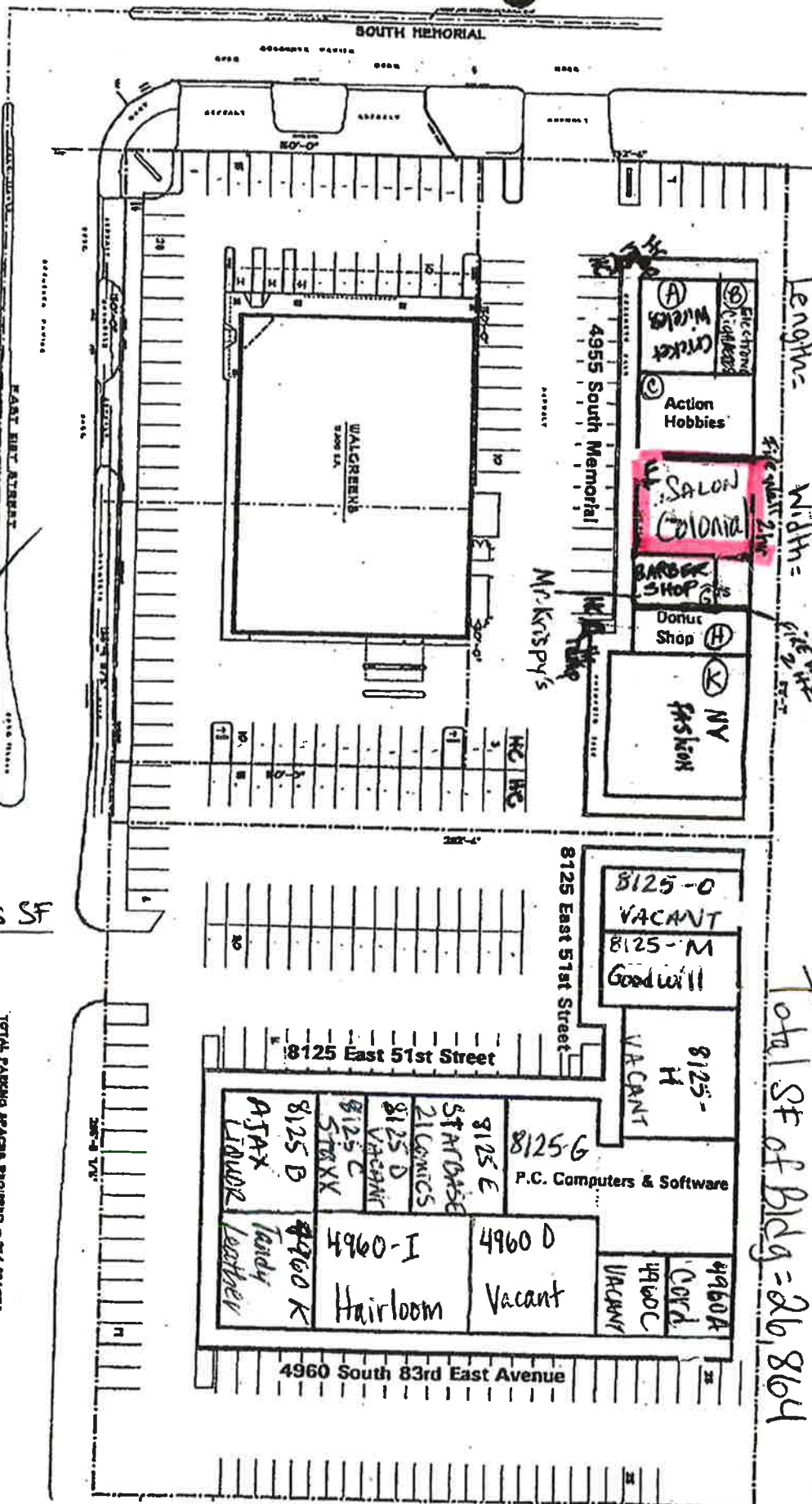
8125 Tenants SF

- (G) - 1800
- (M) - 1800
- (H) - 3000
- (G) - 3300
- (E) - 2,000
- (D) - 1,000
- (C) - 1,000
- (B) - 2,000

TOTAL PARKING SPACES REQUIRED - 24 SPACES
TOTAL PARKING SPACES PROVIDED - 34 SPACES

4960 Tenants SF

- (K) - 2,000
- (I) - 2,964
- (D) - 3,000
- (C) - 1,500
- (A) - 1,500



Total SF of Bldg. = 4955
 Length = 11,600
 Width = 425

Total SF of Bldg = 26,864

PROPERTY

Address: 4955 S MEMORIAL D R E F

Legal: Lot PRT 6, ALL 8-9, Block 6, Subdivision Second Research and Development Center Resub

ZONING USE

Zoning District: IL

Use Unit: 5 - EVENT CENTER

Use Conditions: In compliance with BOA #21544, a Special Exception is approved to permit an event center (Use Unit 5) in an IL district (Section 901). This approval will be for tenant space 4955 South Memorial Drive, Suite F. The hours of operation will be no later than 2:00 am and will be for a period of no more than three years from today's date of March 26, 2013. It is not approved for use as a bar or nightclub.

BUILDING OCCUPANCY

BUILDING CODE EDITION: IBC 09

Use Grp Const.Type Floor Area Occ Ld Descriptive Area

A2 IIB 2,360 99 ENTIRE TENANT SPACE

Floor Area Of Certificate Of Occupancy: 2,360

Floor Area Of Permit: 2,360

OCCUPANCY CONDITIONS:

Warming kitchen is for event center only. This Temporary Certificate of Occupancy expires March 26, 2016.

POSTED