

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

**Meeting No. 1188**

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

1. Approval of **Minutes** of June 27, 2017 (Meeting No. 1186).
2. Approval of **Minutes** of July 11, 2017 (Meeting No. 1187).

**UNFINISHED BUSINESS**

3. **22273—Paul Bush**  
Special Exception to permit Bed and Breakfast (VRBO) on the property (Section 5.020). **LOCATION:** 1533 South Owasso Avenue East **(CD 4)**
4. **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 16<sup>th</sup> Street South and South College Avenue East **(CD 4)**

**NEW APPLICATIONS**

5. **22279—David Lofton**  
Variance to reduce the required 25 foot street (front) setback (Section 5.030-A). **LOCATION:** 4207 East 7<sup>th</sup> Street South **(CD 4)**
6. **22282—Eller & Detrich – Andrew Shank**  
Special Exception to permit a dynamic display within 200 feet of the R District (Section 60.100-F). **LOCATION:** East of NE/c of South Riverside Drive East and East 101<sup>st</sup> Street South **(CD 2)**

7. **22284—Lamar Outdoor Advertising – Lorinda Elizando**

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 dynamic display outdoor advertising sign of 1,200 feet from any other dynamic display outdoor advertising sign facing the same traveled way (Section 60.100-K). **LOCATION:** NW/c of North 145<sup>th</sup> Avenue East & I-44 **(CD 3)**

8. **22285—Valorey Totten**

Special Exception to allow a Type 2 Home Occupation in the RS-1 District to permit a Landscaping Business (Section 45.100). **LOCATION:** 19140 East 7<sup>th</sup> Street South **(CD 6)**

**The applicant request a continuance to the September 12, 2017 Board of Adjustment meeting to allow additional time to prepare a survey/site plan.**

9. **22286—Simon Reyes**

Special Exception to permit a Commercial/Building Service Use in the CS District (Section 15.020). **LOCATION:** 4702 East Apache Street North **(CD 1)**

10. **22287—Encinos 3D – Christian Ortiz**

Variance to allow a neon border sign to be visible within 50 feet of the R District (Section 60.040). **LOCATION:** 6100 South Sheridan Road East **(CD 9)**

11. **22288—Donald Swope**

Variance to allow a detached accessory building to exceed 500 square feet in size (Section 45.030). **LOCATION:** 21 South 66<sup>th</sup> Avenue East **(CD 3)**

12. **22295—KKT Architects , Inc. – Nicole Watts**

Special Exception to permit a school and accessory uses in the R District (Section 5.020-F). **LOCATION:** Between East Independence Avenue North & East Latimer Street North and Between North M. L. King, Jr. Boulevard West & North Main Street **(CD 1)**

**OTHER BUSINESS**

**NEW BUSINESS**

**BOARD MEMBER COMMENTS**

**ADJOURNMENT**

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

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

**CD = Council District**

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

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





# BOARD OF ADJUSTMENT CASE REPORT

STR: 9212

Case Number: **BOA-22273**

CZM: 36

CD: 4

A-P#: NA

**HEARING DATE:** 07/25/2017 1:00 PM

**APPLICANT:** Paul Bush

**ACTION REQUESTED:** Special Exception to permit Bed and Breakfast (VRBO) on the property (Section 5.020).

**LOCATION:** 1533 S Owasso Ave.

**ZONED:** RS-3/HP

**PRESENT USE:** Residential

**TRACT SIZE:** 7000.12 SQ FT

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

## **RELEVANT PREVIOUS ACTIONS:**

**BOA 22269;** on 06.27.17 the Board approved a special exception to allow a bed and breakfast (Airbnb) in an R district; approved with conditions.

### **Subject Lot:**

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

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located in the North Maple Ridge Historic Preservation (HP) district and is surrounded by RS-3 zoned residences.

**STAFF COMMENTS:**

The applicant is before the Board requesting a Special Exception to permit a Bed & Breakfast in the existing house on the subject site. The request is to permit short-term (less than 30 days) lodging/rental on the site. The applicant provided the following statement: *"I would like to rent my property on a nightly basis to parties when my family is not occupying the property."*

The following supplemental use regulations in **Section 40.060** apply to all bed and breakfast uses.

- Bed and breakfast are limited to a maximum of 12 guest rooms unless a lower limit is established by the board of adjustment as a condition of an approved special exception.
- The maximum length of stay for any guest is limited to 30 consecutive days.
- The owner/operator must maintain a register of bed and breakfast guests and on-site events for each calendar year and make the register available to city code enforcement upon request.
- Cooking facilities are prohibited in guest rooms.
- Signs are allowed in accordance with the sign regulations of the subject zoning district unless the board of adjustment establishes stricter conditions at the time of special exception approval.
  - Section 60.050-B.2,a - Wall Signs** - Nonresidential uses in R districts are allowed a maximum of one wall sign per public building entrance. Such signs may not exceed 32 square feet in area.
  - Section 60.050-B.2,b - Freestanding Signs** - Nonresidential uses in R districts are allowed a maximum of one freestanding sign per street frontage. Allowed freestanding signs are subject to a maximum height limit of 20 feet and may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.
  - Section 60.050-B.2,c - Dynamic Displays** - Dynamic displays are prohibited in R districts except that on a lot occupied by an allowed public, civic or institutional use, the board of adjustment is authorized to approve a special exception for the allowed wall sign or the allowed freestanding sign to include a dynamic display.
- Public restaurants are prohibited. Meals may be served only to overnight guests and for on-site events expressly authorized by the board of adjustment at the time of special exception approval. The board of adjustment may authorize bed and breakfasts to be rented for events, such as weddings, receptions, anniversaries, private dinner parties, business seminars, etc. The use of bed and breakfasts for on-site events requires ex-press authorization of the board of adjustment, in accordance with the special exception procedures of Section 70.120. As part of approval of the special exception, the board of adjustment is authorized to establish the maximum number of on-site events per year and the maximum number of guests per any single event, based on the availability of off-street parking and the facility's likely impacts on the area.

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Special Exception to permit a Bed & Breakfast (VRBO) in the RS-3 district (Section 5.020).

- Subject to the following conditions (including time limitation, if any): \_\_\_\_\_

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



## **22223—Paul Bush**

### **Action Requested:**

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

### **Presentation:**

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

**Paul Bush**, 1533 South Owasso Avenue, Tulsa, OK; stated he is the home owner and it is his only home that he owns. Mr. Bush stated that his circumstances are unique and different, especially from the prior case heard today. He is a cattle rancher by profession. He was born in the industry and chose to come back to Oklahoma. He lived in Georgia and Colorado. He received his Masters in Real Estate and Finance while in Colorado, and he came back to Oklahoma to be closer to family. The ranch is a big part of his life; it is something he is committed to and always will be. He has also had a dream to own property in Tulsa. This is the only house he and his wife own. They spent their entire savings on the down payment. They do not hire out to have someone clean the house and they do not operate all the time. The house is only available when they are not using it. His occupation is seasonal and he is in charge of the well being of a 1,000 cows. He and his wife wanted to reserve the house as a vacation rental by owner. When the house is rented there is no food served. Mr. Bush believes he was classified incorrectly as a bed and breakfast. The house is not offered on an open policy. The house is not offered all the time, full time. If the house is rented you get the entire property, not one room at a time. He and his wife are not on the property serving a renter while they stay there. He thinks it is very important to clarify

that because this is an issue that is going to be seen more and more, especially in Tulsa. In the neighborhood about three streets away there is a bed and breakfast. He did not reach out to the neighbors but none of them reached out to him either. Mr. Bush stated that it is absolutely hearsay about their intent for the property and it is completely disrespectful. No one asked how he intended to use the property moving forward as his child grows. Mr. Bush stated that he was blatantly violated with the slap of the Code and to refuse him the ability to generate short term income on the subject property seems absolutely ridiculous. This situation can be made as messy as we want it to be but he wants to work with his neighbors for a resolution, but many of them feel like they own the street, own the neighborhood and should tell him what to do with his property. Mr. Bush stated that at this time given that there are no specific laws put in place in regards to defining one night entire rental property residential use without meal service that the Board uphold the appeal at this time.

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

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

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

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

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

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

**Interested Parties:**

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

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

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

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

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



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

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

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

**Rebuttal:**

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

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

**Comments and Questions:**

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

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

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

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

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

**Board Action:**

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

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

**22223—Paul Bush**

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

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

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

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

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

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

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

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

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

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

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

**Rebuttal:**

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



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

**Comments and Questions:**

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

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

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

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

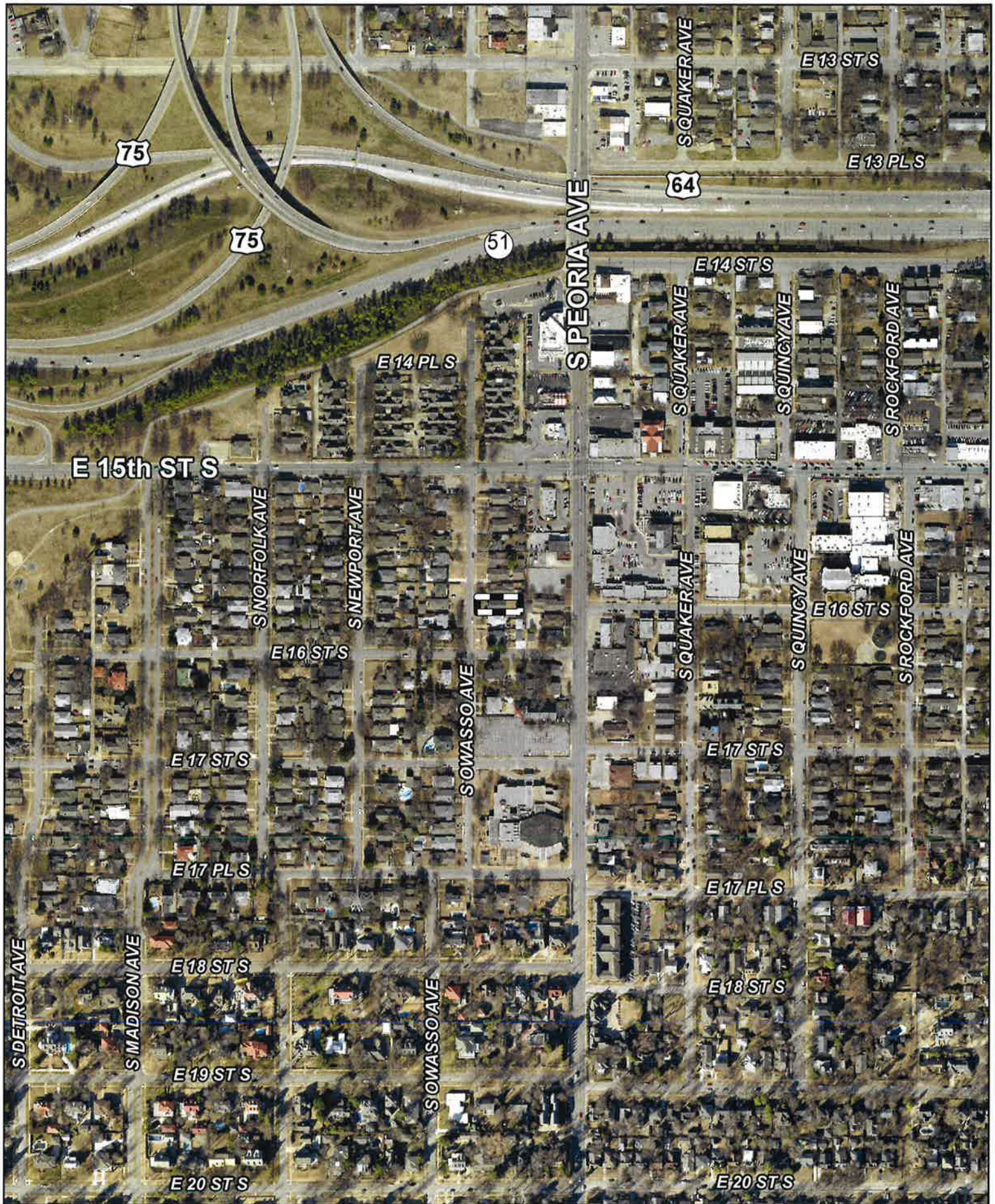
Ms. Blank stated that the Code states that in acting upon the appeal the Board of Adjustment must grant to the official's decision of presumption of correctness placing the burden and persuasion of error on the applicant.

**Board Action:**

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

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





0 Feet 200 400



Subject Tract

**BOA-22273**

19-12 12

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

Aerial Photo Date: February 2016

3.15







0 50 100  
Feet



Subject  
Tract

**BOA-22273**

19-12 12

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

Aerial Photo Date: February 2016

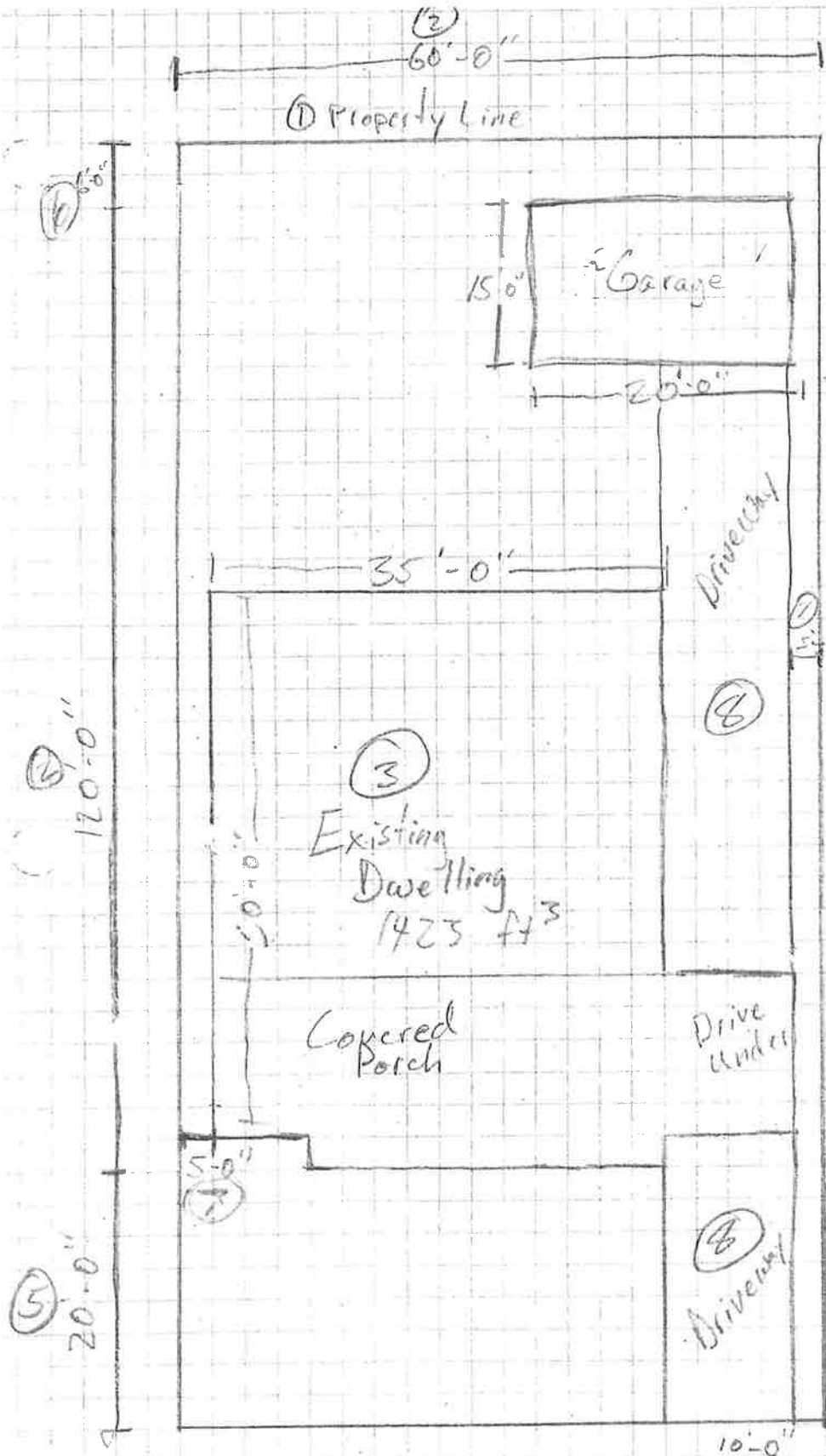






Subject Lot - Looking East

2017 12:39



↑ Adjacent property to the East is zoned Commercial (CS)

- ① Property Line
- ② Property Dimensions
- ③ Existing Dwelling
- ④ No New Additions
- ⑤ Front Setback
- ⑥ Rear Setback
- ⑦ Side-yard setback
- ⑧ Driveway

1533 S Owasso Ave

S OWASSO AVE

BoA 22273

**Moye, Nikita**

---

**From:** Maple Ridge Neighborhood Association [contactus@mapleridgeneighborhood.com]  
**Sent:** Monday, July 10, 2017 10:33 AM  
**To:** Moye, Nikita  
**Cc:** Chuck & Jennifer Sloan; natelawyer@toonlawfirm.com  
**Subject:** Bed and Breakfast Application for Exemption - July 11

Ms Moye,

In the event a representative from Maple Ridge Neighbors Board is unable to attend tomorrow's BOA hearing. I wanted to forward our position statement again regarding Short-Term Rentals:

**Maple Ridge Neighbors supports the enforcement of the City of Tulsa Zoning Codes. Under the Code, Maple Ridge is designated as a residential single family district. The commercial use of a property, specifically the use as a short-term rental as the primary purpose, in a residential single family district must be reviewed and granted a Special Exemption by the City of Tulsa. The Code sets forth that the commercial use of a residential single family property must not be detrimental to the public welfare, must be compatible with the surrounding area, and non-injurious to the neighborhood. When it is proposed that a residential single family property be used as a short-term rental (STR), Maple Ridge Neighbors supports the careful review of each application, on a case by case basis, to determine if the proposed use is in harmony with the spirit and intent of the Code.**

I believe you already have this statement on file as it was presented to the BOA during your May 23rd session.

Thank you.

Cullen Koger

MRN, President



Paul and Nancy Stevenson  
1537 S. Owasso Ave.  
Tulsa, Oklahoma 74120

My wife and I live next door to the proposed Bed and Breakfast. We have lived in our home for 44 years and have raised four children there. When we bought our home, the neighborhood was, to say the least, rough. Some of the houses were literally falling apart and many of the front yards were graveled to accomidate dead vehicals. Over the years, the neighborrhood very gradually improved, new families moved in and out, each making improvements to the homes. A number of years ago it was placed on the Register of Historic Places. As homes were restored, families with young children moved in.

A little more than a year ago, the final home, vacant for almost ten years with the appearance of a haunted house, was restored and is now the lovely home of a young family. We now have at least 10 young children on the block and we can sit on our porch and hear the sound of birds singing and happy youngsters playing. Our block has several retired folks, like ourselves, who can keep an eye on things while others are at work. We have block parties several times a year. In short, it has become the kind of neighborhood Mr. Rogers would have loved. It is now one of Tulsa's most desirable.

We strongly object to the Bed and Breakfast business next door. Having a constant stream of strangers in and out is very troubling, particularly with the number of young children playing. Parking is permitted on only one side of the street and there is no room for the number of cars at the B and B which frequently hosts parties and gatherings of various kinds. We have observed renters on more than one occasion, obviously impaired, having difficulty getting their cars into and out of the driveway. People come and go at all hours of the day and night.

I met the owners soon after they purchased the house and welcomed them to the neighborhood. Mr. Bush said that they lived on a ranch and intended to use the house when they wanted to come to town and rent it as a Band B the rest of the time. I told him that there would probably be zoning issues and that he should check with the city before he started renting it. He was dismissive. I gave him my e-mail address and asked for his so we could get him on the neighborhood newsletter and keep in touch. He never gave it to me, and at this point, I don't think there is any way anyone could contact him if there were problems or even if the house caught on fire. After the first hearing, when Mr. Bush was told that he could not rent the house for less than 30 days, he continued to advertise it on the internet and to rent it on a day to day basis. We are aware of at least 12 separate rentals since the hearing.

We urge the Board to preserve the character of our neighborhood by denying Mr. Bush's request to operate a business in our residential neighborhood.

Thank you,

Paul and Nancy Stevenson



Neighborhood Investigations  
WORKING IN NEIGHBORHOODS

ZONING NOTICE OF VIOLATION

The City of Tulsa To:

Date: February 28, 2017

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

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

And located at the address of: **1533 S OWASSO AVE**

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

Title 42, Chap. 05, Sect. 020,  
Title 42, Chap. 40, Sect. 060,  
Title 42, Chap. 85, Sect. 020,

This Violation requires:

This Notice requires compliance to Use Restriction of Title 42 (Bed & Breakfast) Use in the RS-3 Zoned District is prohibited without a Special Exception from the Board of Adjustment. All commercial use and advertisement associated with the Bed and Breakfast is required to be removed until approval is granted by the Board of Adjustment.

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

Complaint No: 118009

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

Meetings with Inspectors require a scheduled appointment.

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

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

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

Table 5-2: R District Use Regulations

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

#### Section 40.060 Bed and Breakfasts

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

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

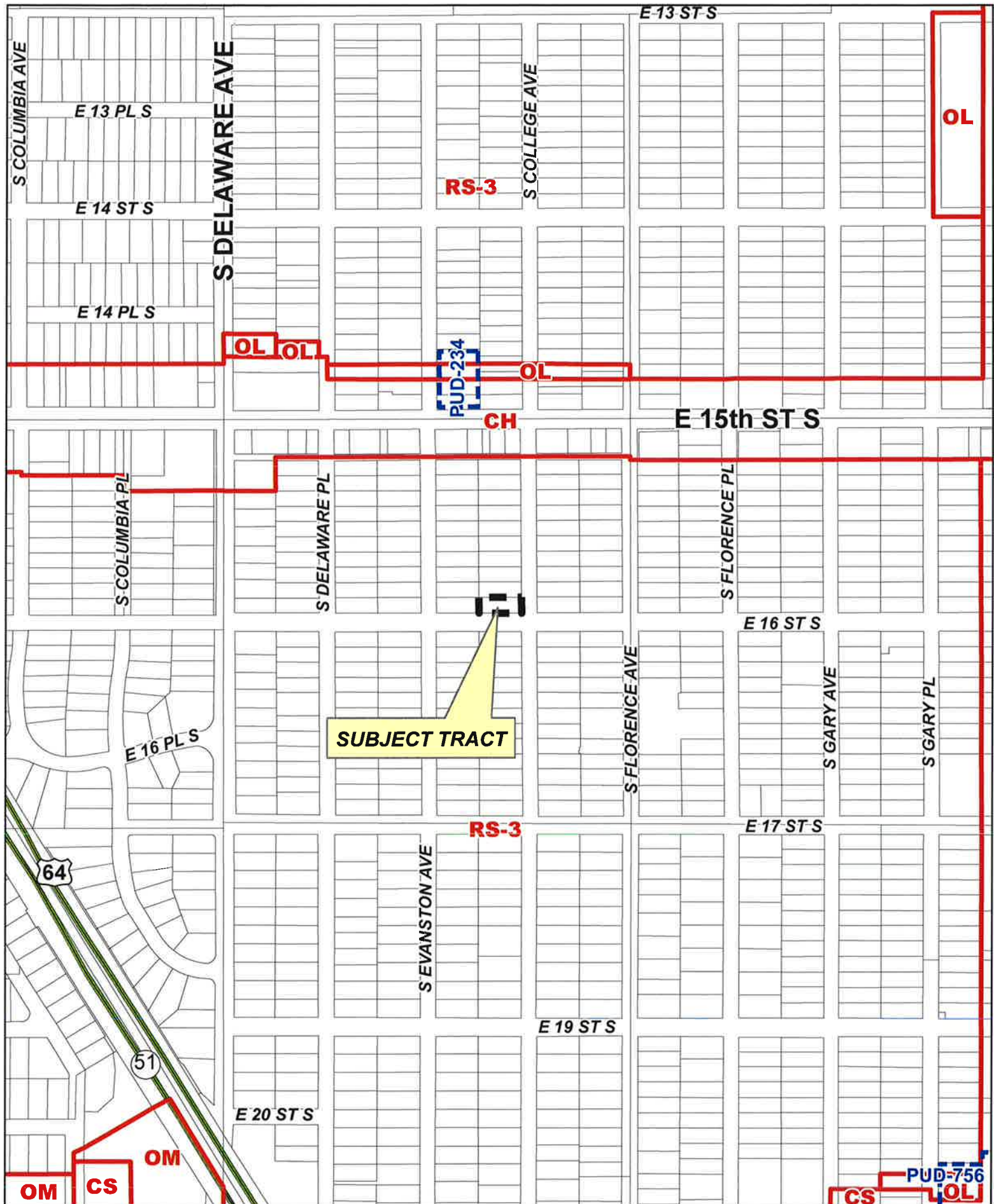
**40.060-B** The maximum length of stay for any guest is limited to 30 consecutive days.

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

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

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

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



BOA-22276

4.1



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9308

Case Number: **BOA-22276**

CZM: 37

CD: 4

A-P#: 422292

**HEARING DATE:** 07/25/2017 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.



## **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 from 826 sq. ft. (40% of the principal structure) to 1200 sq. ft. The applicant stated the following: *"The owner wants 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 garage. 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 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)

- 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:**

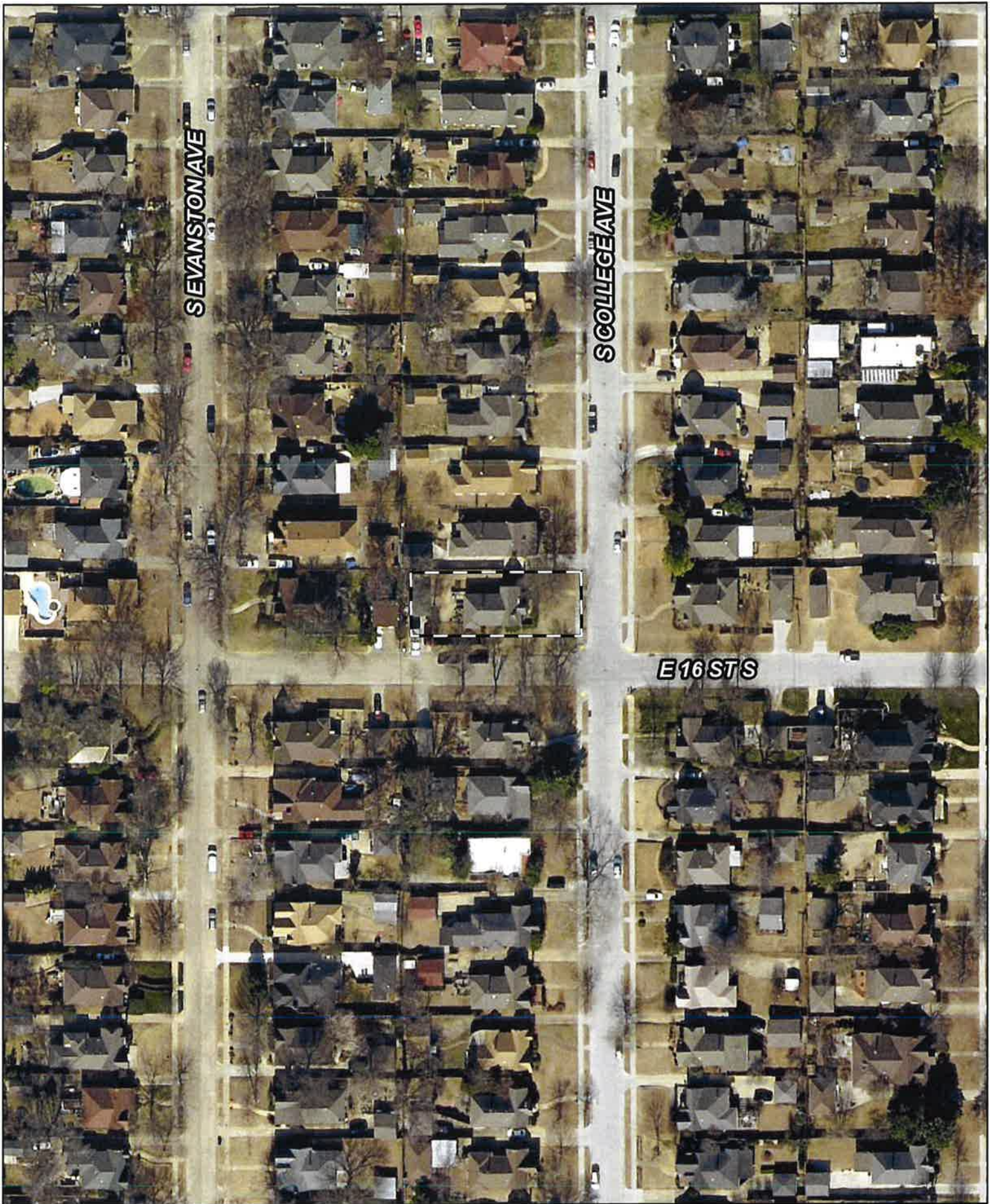
Variance of the maximum permitted square footage for a detached accessory building in an RS-1 district (Section 402.B.1.d), located: 1735 South Lynn Lane East.

BOA 22276



Subject Site - Looking West





0 50 100  
Feet



Subject  
Tract

**BOA-22276**

19-13 08

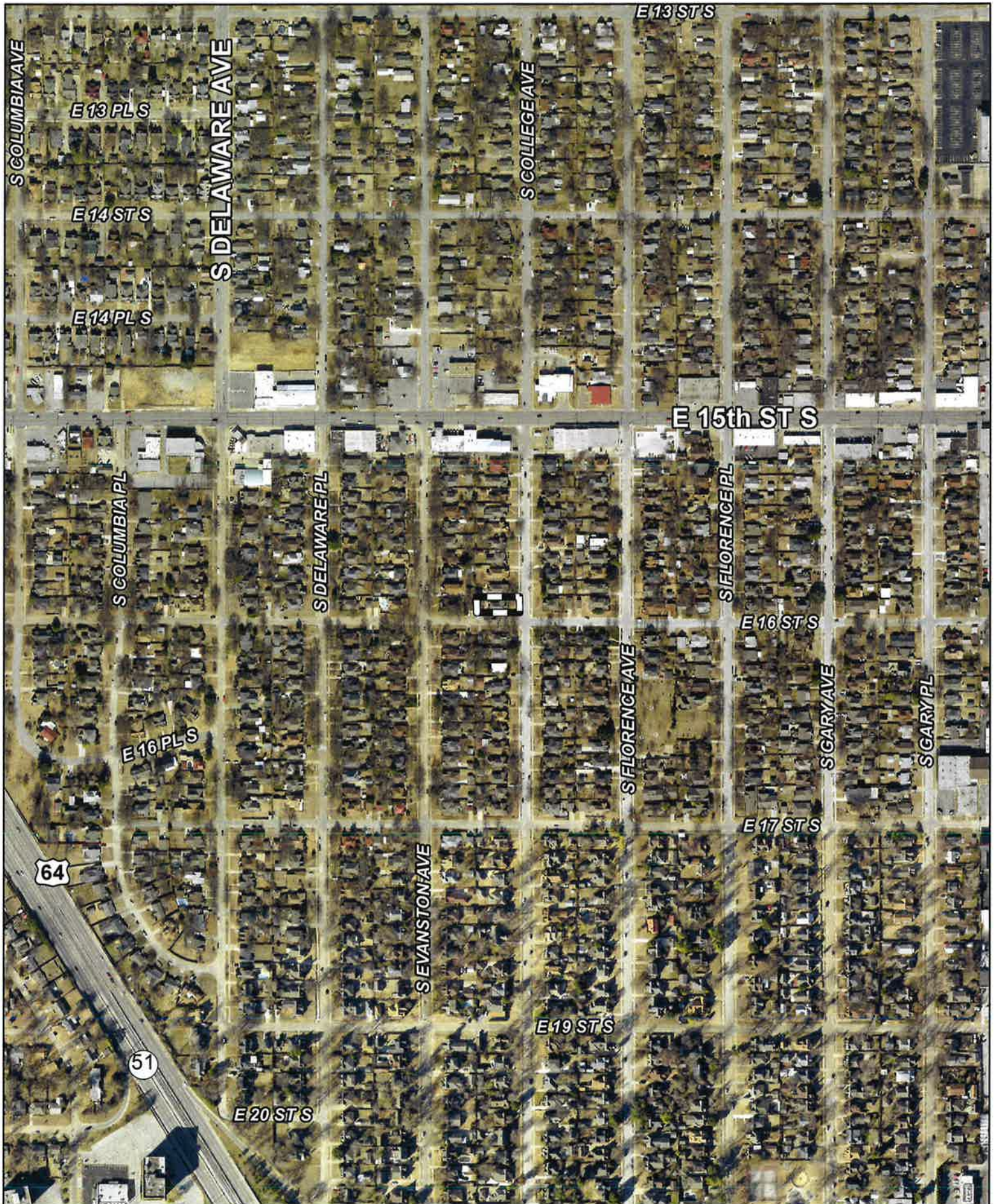
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016



4.8





0 200 400  
Feet



Subject  
Tract

**BOA-22276**

19-13 08

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

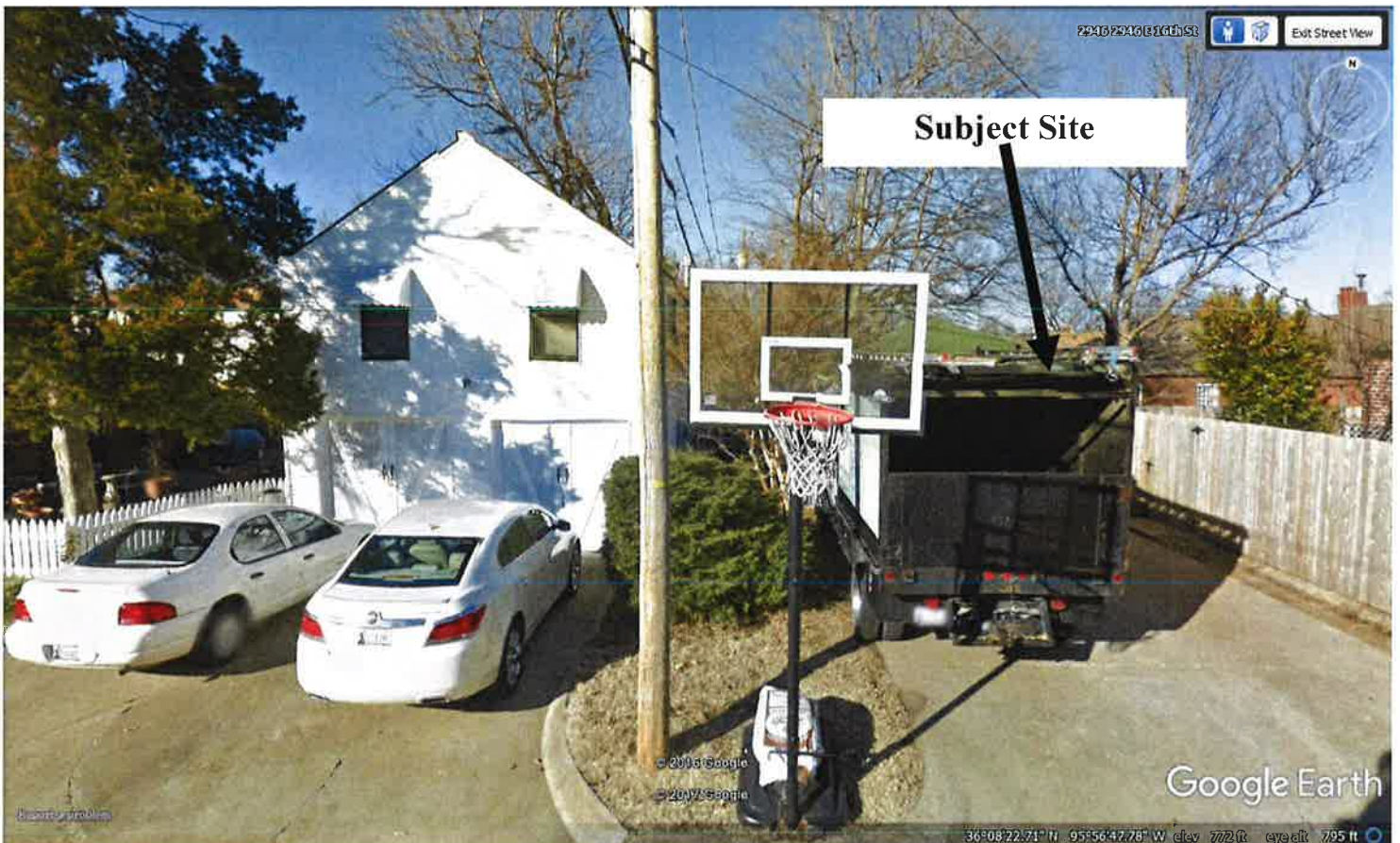
Aerial Photo Date: February 2016



4.9



BOA 22276

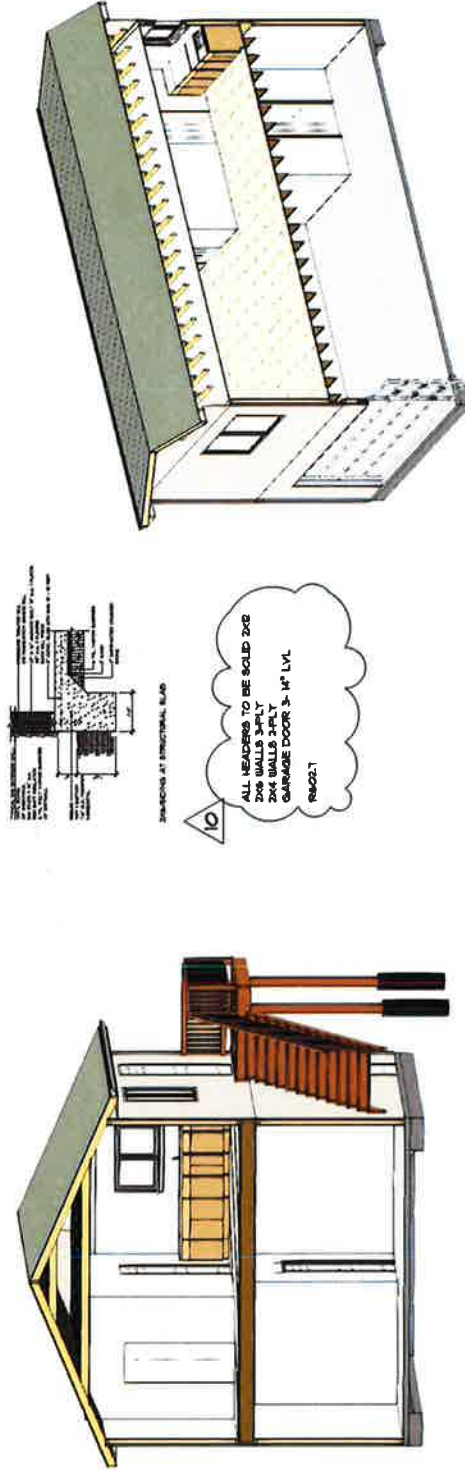
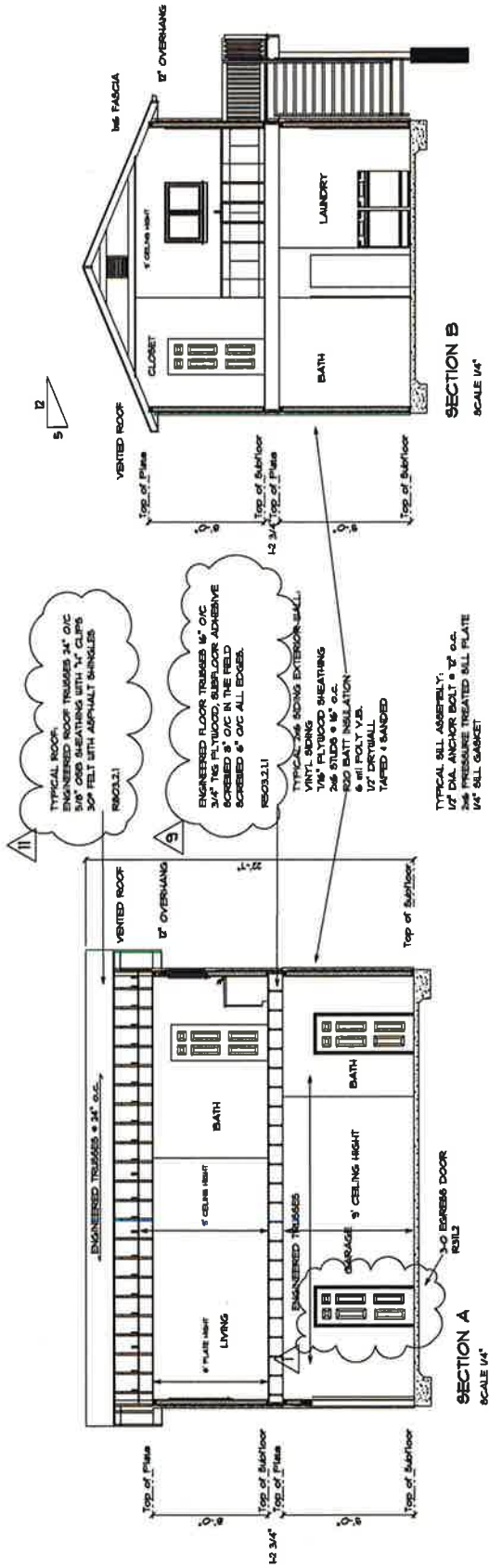






**SECTION PLAN**  
**SCALE 1/8"**

4.12





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

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

#### IMPORTANT INFORMATION

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

## REVIEW COMMENTS

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

Application No. 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 16<sup>th</sup> 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:

4.16



(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.**

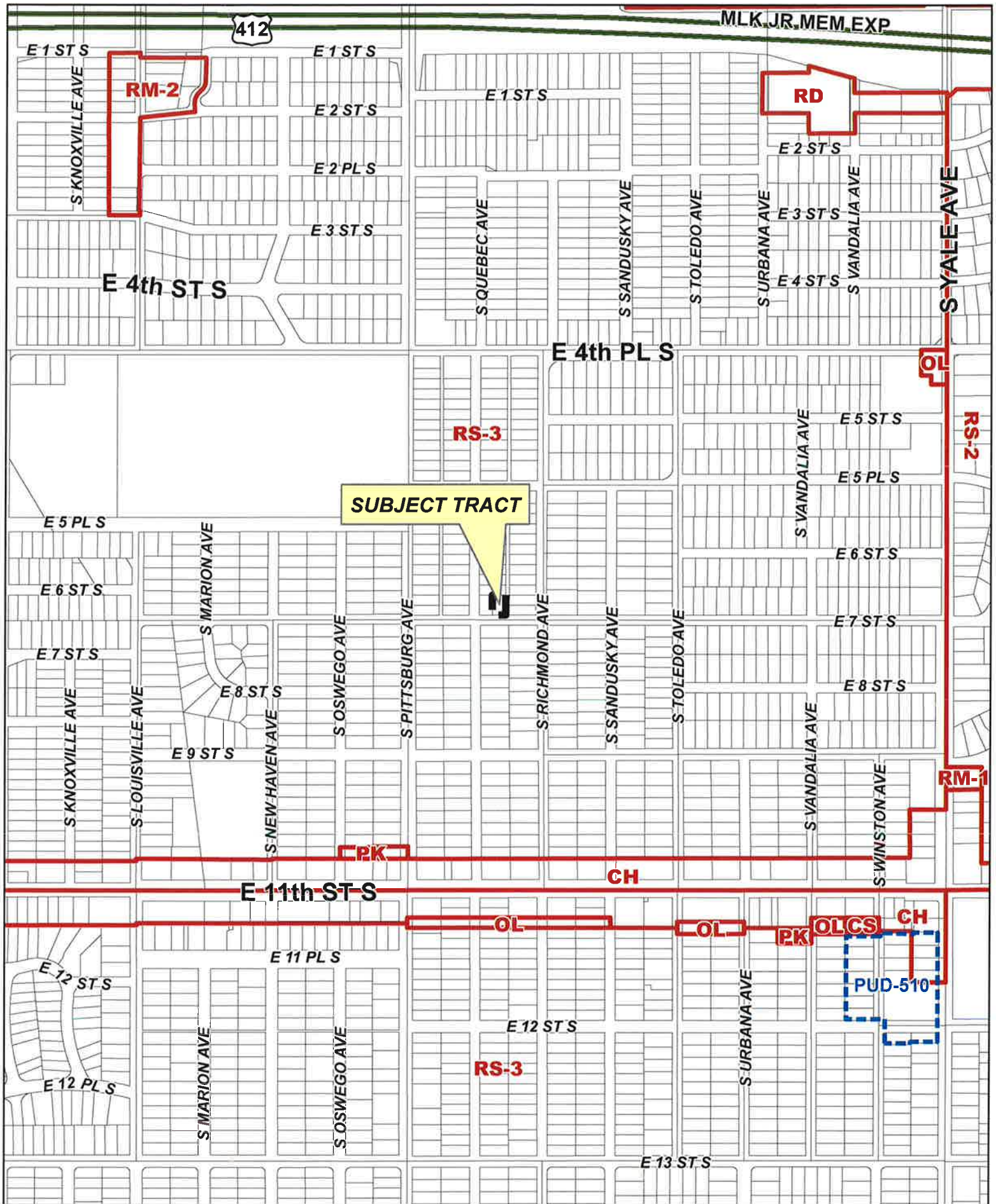
**A hard copy of this letter is available upon request by the applicant.**

### **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-22279

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19-13 04



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9304

Case Number: BOA-22279

CZM: 37

CD: 4

A-P#: 422901

**HEARING DATE:** 07/25/2017 1:00 PM

**APPLICANT:** David Lofton

**ACTION REQUESTED:** Variance to reduce the required 25' street (front) setback to 18'. (Section 5.030-A)

**LOCATION:** 4207 E 7 ST S

**ZONED:** RS-3

**PRESENT USE:** Residential

**TRACT SIZE:** 6699.56 SQ FT

**LEGAL DESCRIPTION:** E 67 LTS 13 & 14 BLK 4, UNIVERSITY PLACE, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Surrounding Properties:**

**BOA 6672;** on 05.19.70 the Board approved a variance to reduce the front setback to permit extending the garage 3'6" into the front setback; located at 566 S. Richmond Ave.

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

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

The intent of an **Area 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.

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

## **STAFF COMMENTS:**

The applicant is before the Board requesting a **Variance** to reduce the required 25' street setback to 18' (31' from the centerline of the street) to permit a garage addition as proposed in the attached drawings. The applicant stated the following: *"The existing house sits 31 feet from the center of the street. The garage hooks on the side of the house at 41 feet from the center of the street. The existing one car garage is in poor shape and is in the way. The only place on the house where a connection can be placed in at the area where the variance is needed."*

The existing house (built in 1929) is a non-conforming structure because it does not meet the required 25 ft. street setback. In order to bring the existing residence into conformance with the current Code and to permit the garage addition, the applicant is requesting a variance to reduce the required front setback of the residence to 18'.

### Sample Motion

Move to \_\_\_\_\_ (approve/deny) a Variance to reduce the required 25' street (front) setback to 18' (Section 5.030-A).

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

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

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

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

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

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

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

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

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

6670 (continued)Board Action:

On MOTION of LANGAN, the Board of Adjustment (4-0) postponed consideration of application no. 6670 to the June 2, 1970 meeting, to allow the Board to survey the property.

6671Action Requested:

Exception (Section 5 (d) (2)), to permit utilizing property for church purposes and off-street parking, on a tract located at 2632 East Admiral Place.

Presentation:

None.

Remarks:

Mr. Jones advised that the church is constructed and they have not had approval. They are purchasing an additional lot for Sunday School rooms and parking.

Interested Party:

The abutting property owner to the West stated that she did not object to the use, but did request a solid surface fence 5 to 6 feet in height between her residence and the church.

Board Action:

On MOTION of DISLER, the Board of Adjustment (4-0) granted an exception (Section 5 (d) (2)), to permit utilizing property for church purposes and off-street parking in a U-1C district, subject to the off-street parking standards being followed, and subject to the erection of a solid surface fence, 5' in height, on the Western boundary, on the following described tract:

Lots 5 and 6, Fairmont Addition to the City of Tulsa, Oklahoma.

6672Action Requested:

Variance (Section 23) of the front yard setback requirements of U-1C (Section 5 (d) (1)), to permit extending a garage 3'6" into the front yard, on a tract located at 566 South Richmond Avenue.

Presentation:

James Dossie, representing Erle Adams, stated that the existing garage is 18' in length and will not accommodate an automobile.

Protests:

None.

Remarks:

Mr. Jones advised that there are two carports in the area and the applicant has letters of no objection from the adjacent property owners (Exhibit "F-1").

Board Action:

On MOTION of DISLER, the Board of Adjustment (4-0) granted a variance (Section 23) waiving the frontage

5.19.70:57(11)

6672 (continued)

requirements of U-1C (Section 5 (d) (1)), to permit extending a garage 3'6" into the front yard, on the following described tract:

Lot 10, Block 4, University Place Addition  
to the City of Tulsa, Oklahoma.

COMMUNICATIONS:

6629

Remarks:

Mr. Jones advised that the Building Inspector's office has requested that some type of action be taken.

Board Action:

The Chair instructed the Staff to notify the applicant that unless the application is completed within the next 30 days it will be dropped from the docket.

There being no further business, the Chair declared the meeting adjourned at 3:47 p.m.

Date Approved

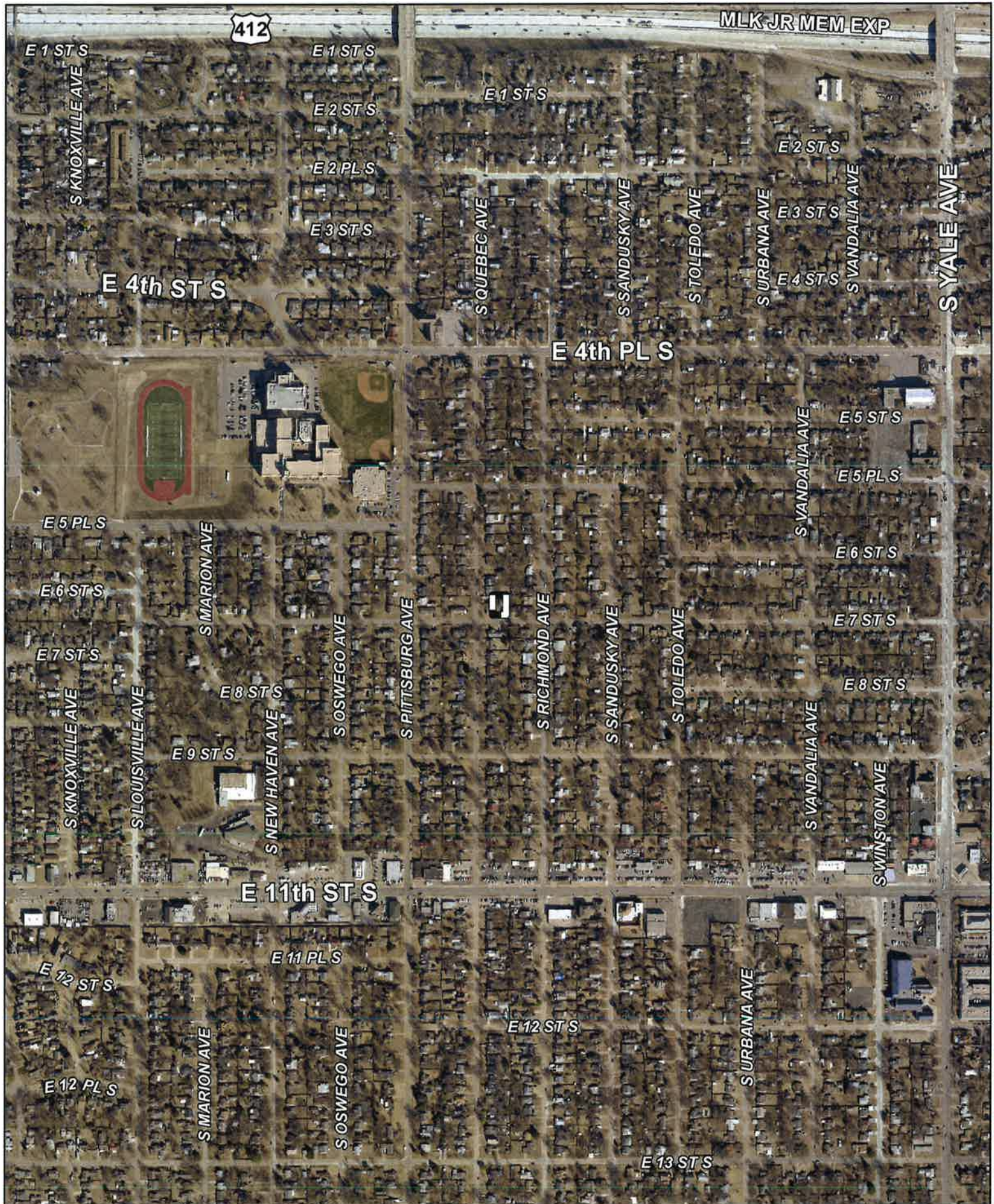
8/4/70



Chairman

5.19.70:57(12)





0 300 600  
Feet



Subject  
Tract

**BOA-22279**

19-13 04

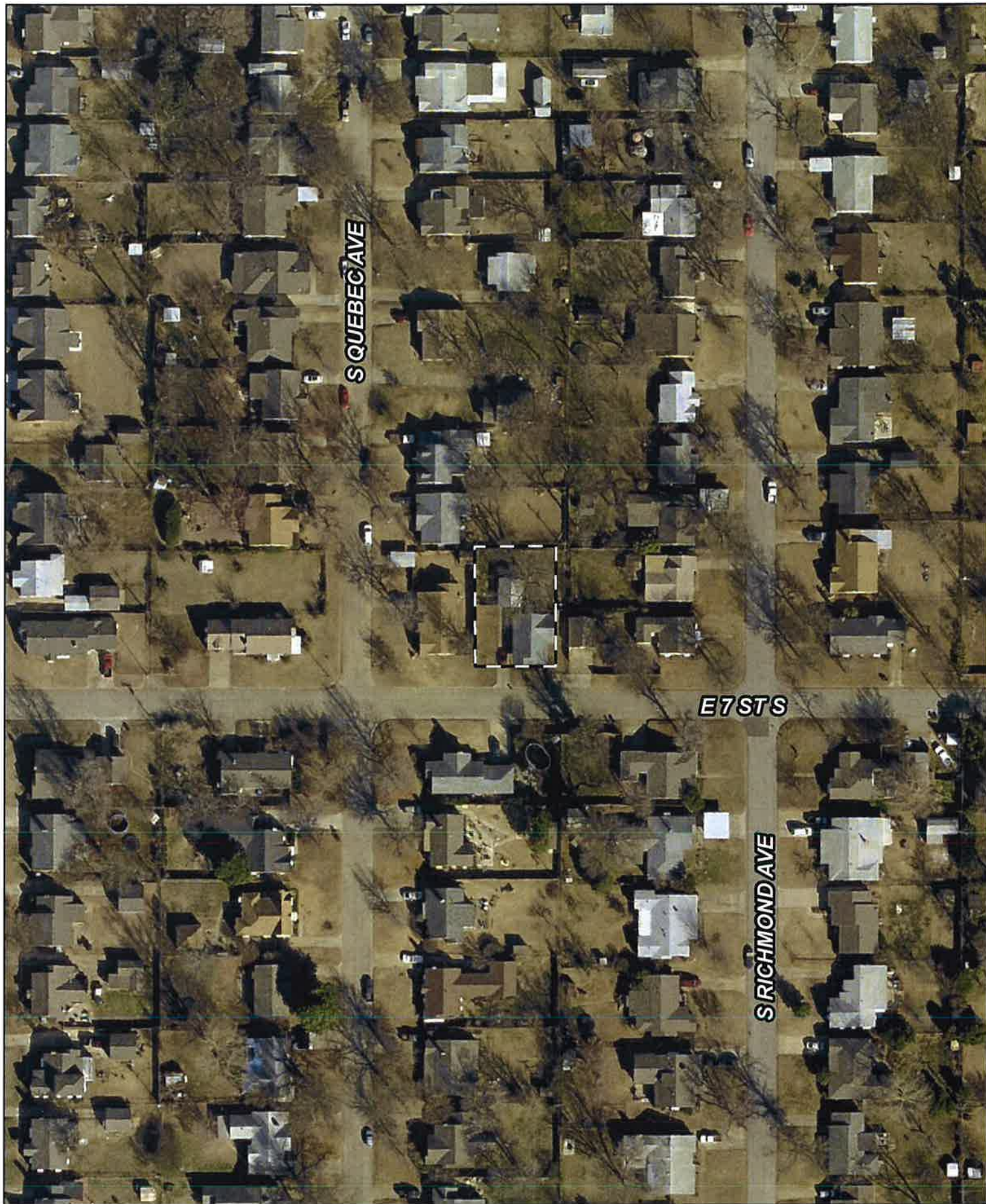
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016



5.6





0 50 100  
Feet



Subject  
Tract

**BOA-22279**

19-13 04

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

Aerial Photo Date: February 2016



5.7





Subject Lot - Looking North



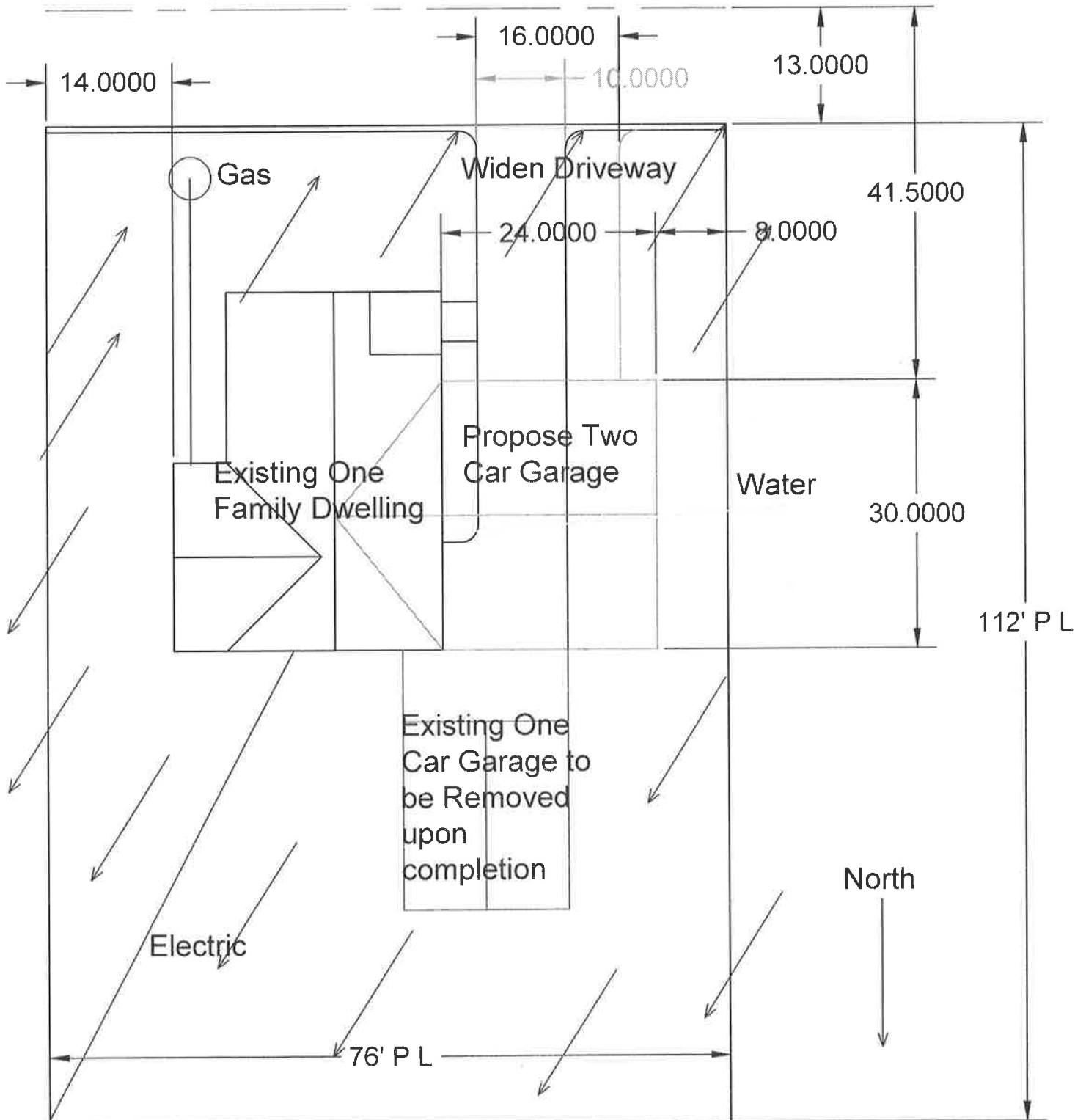




E 7 St S - Street View

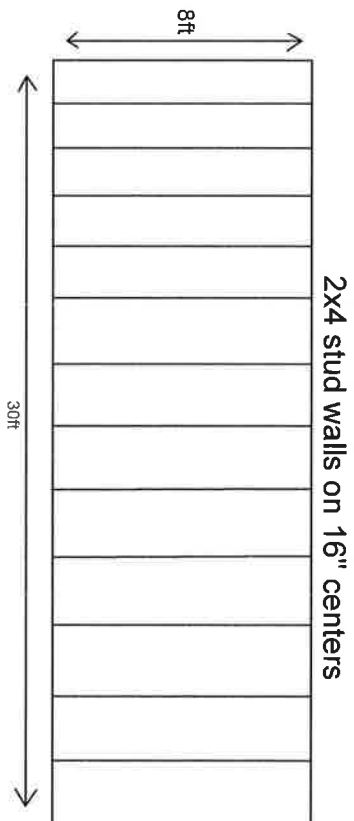
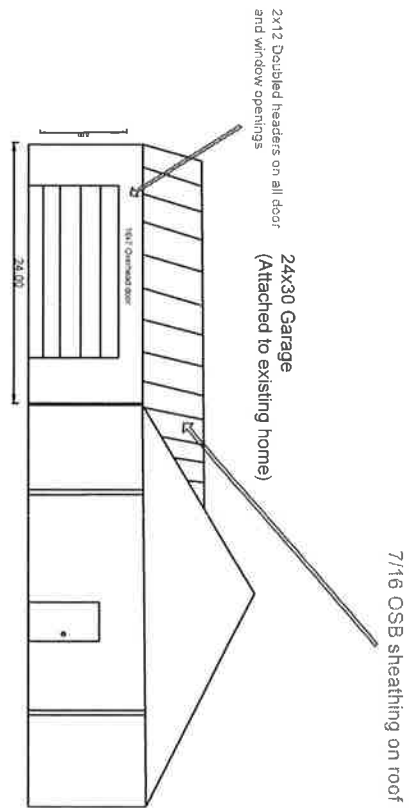
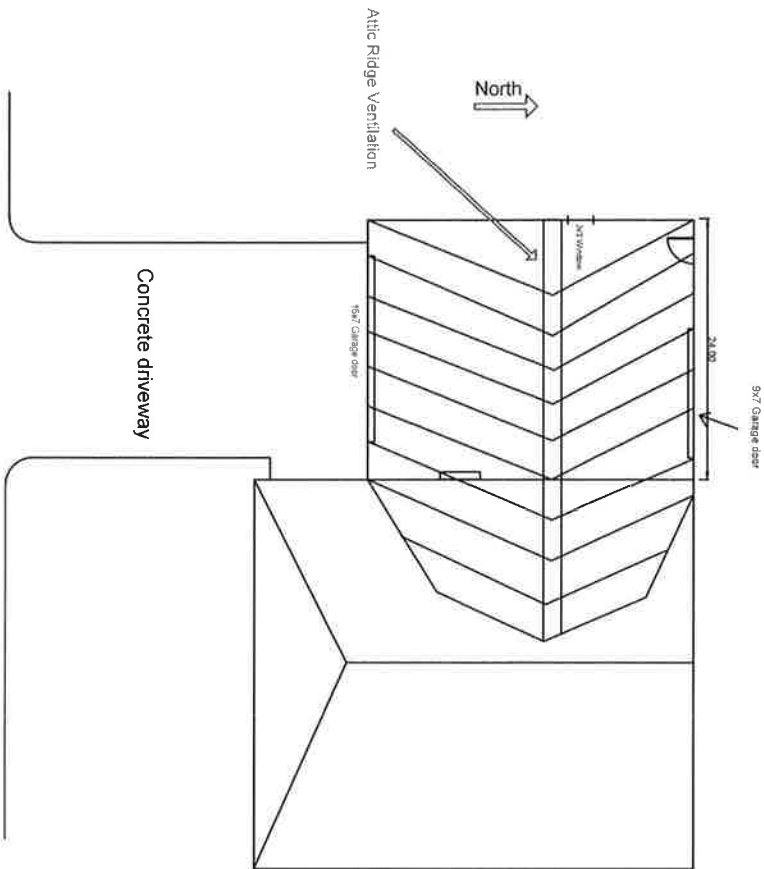


Centerline of East 7th Street

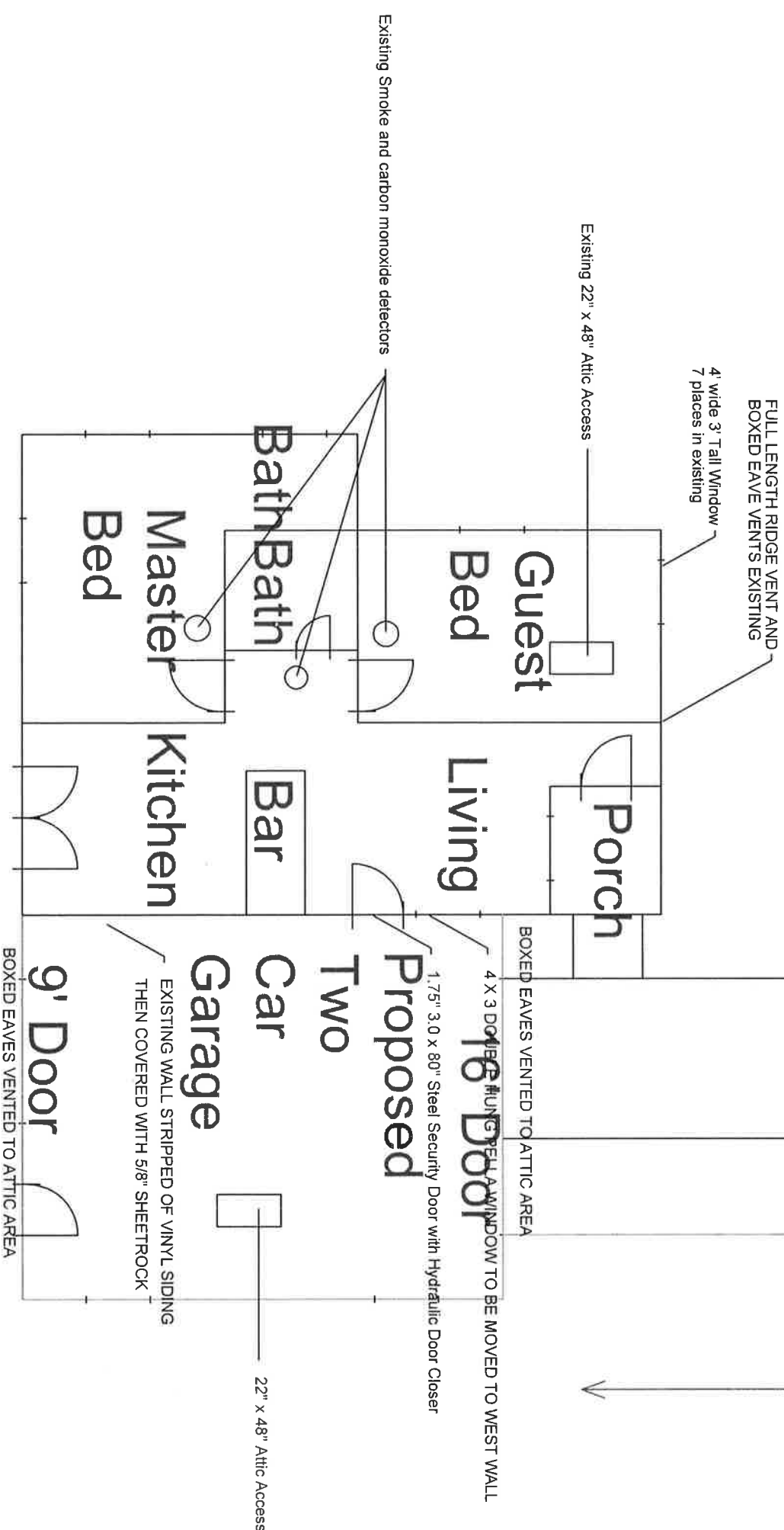


## 24x30 Garage - Dave Lofton

- 4/12 roof pitch
- Metal roof (Matching house)
- 8ft walls
- Engineered trusses
- Attaching Garage to the house (Grade 1 materials)
- 2x4 stud walls on 16" centers
- Doubled 2x12 Headers will be used on all door and window openings
- 4" concrete slab with a 16"x16" footing
- Walls anchor bolted to the concrete slab
- Adding 6" in width to the existing driveway
- Customer installing vinyl siding
- Walls wrapped in 7/16 OSB sheathing
- Kingspan House wrap all the way around the Garage



North  
5.12



FLOOR PLAN 4207 E 7TH ST

## DEVELOPMENT SERVICES

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

**JEFF S. TAYLOR**

ZONING OFFICIAL  
PLANS EXAMINER

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

## ZONING CLEARANCE PLAN REVIEW

**June 08, 2017**

**LOD Number:** 1008920-1

**DAVID LOFTON**  
**HOMEOWNER**  
**4207 E 7TH ST**  
**TULSA, OK 74112**

**Phone: (918)906-9635**

**APPLICATION NO: 422901** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING  
OUR OFFICE)

**Location:** 4207 E 007 ST S

**Description:** NEW

<b>INFORMATION ABOUT SUBMITTING REVISIONS</b>
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## REVIEW COMMENTS

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

Application No. 422901  
08, 2017

4207 E 007 ST S

June

**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.

**5.030-A :Setback(s) (Residential):** In the RS-3 zoned district the minimum street setback shall be 25 feet from the property line, or measured from the centerline of the abutting street add to the setback distance  $\frac{1}{2}$  the right-of-way (ROW) designated on the major street plan.

**Review Comments:** Revise your plans to indicate a 25' front setback to the property line which would be 50 feet from the center of 7<sup>th</sup> street, or apply to INCOG for a variance to allow less than a 25' front setback.

**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.**

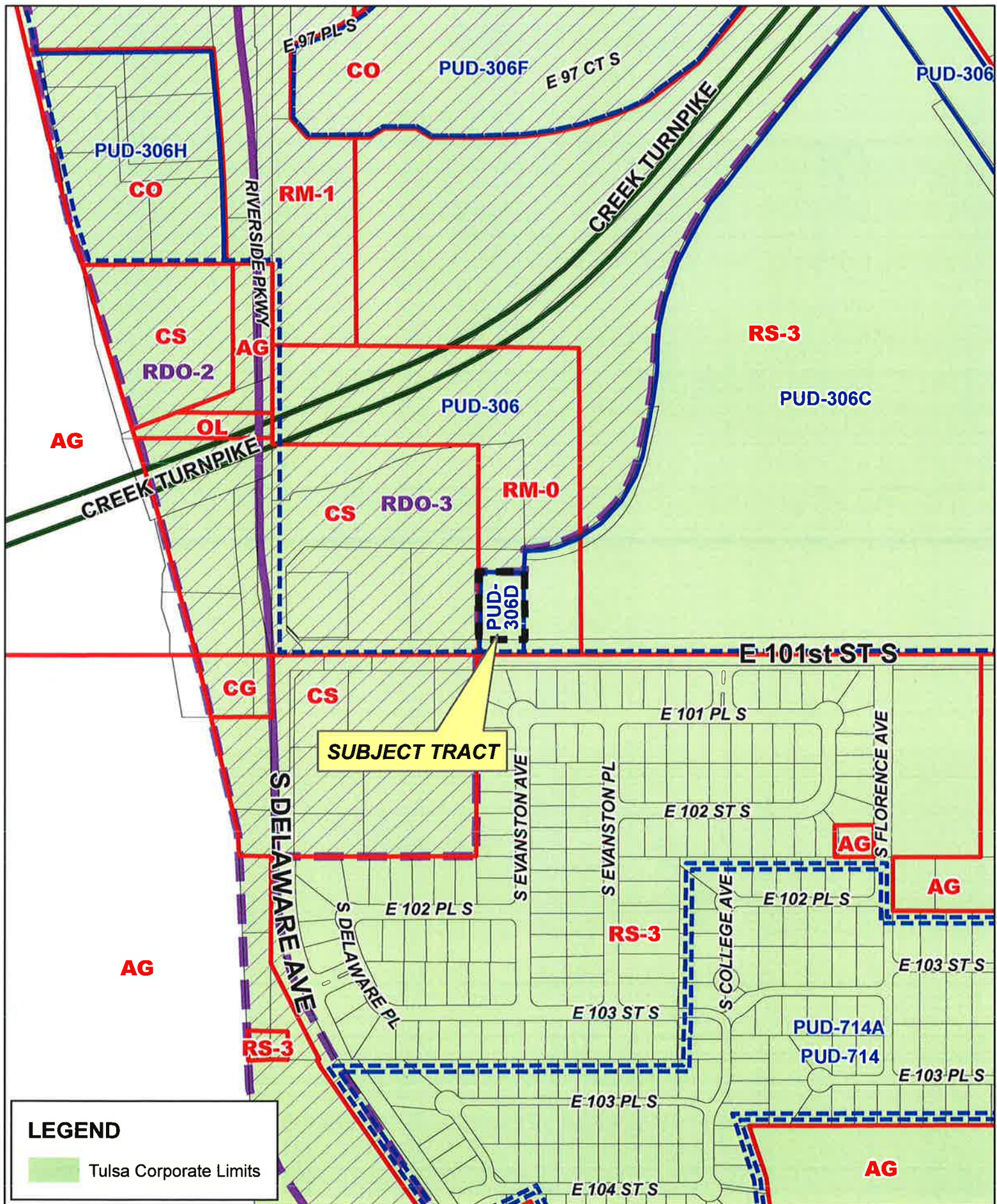
**A hard copy of this letter is available upon request by the applicant.**

## END – ZONING CODE REVIEW

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





# LEGEND

Tulsa Corporate Limits



BOA-22282

18-13 20

6.1



# BOARD OF ADJUSTMENT CASE REPORT

STR: 8320

Case Number: **BOA-22282**

CZM: 56

CD: 2

A-P#: N/A

**HEARING DATE:** 07/25/2017 1:00 PM

**APPLICANT:** Andrew Shank

**ACTION REQUESTED:** Special Exception to permit a dynamic display sign within 200 ft. of an R district. (Section 60.100-F)

**LOCATION:** E of NE/c of S Riverside Dr and E 101 St S      **ZONED:** RM-0/PUD-306-D

**PRESENT USE:** Commercial/Retail

**TRACT SIZE:** 33,001.19 SQ FT

**LEGAL DESCRIPTION:** LT 3 BLK 1, JENKS GRADE CENTER, RIVER CREEK VILLAGE, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Lot:**

**PUD-306-D;** on 10.18.95 the TMPAC **approved** the PUD to permit commercial/retail uses including equipment rental and outdoor storage/display areas on the subject site.

### **Surrounding Properties:**

**BOA 20639;** on 02.26.08 the Board **approved** a Variance of the maximum permitted display surface area for a school bulletin board in an R district from 32 sq. ft. to 53.9 sq. ft.; and a Variance of the requirement that illumination of a sign in an R district shall be by constant light to permit an LED message board; located immediately east of the subject lot.

**BOA 20378;** on 11.28.06 the Board **accepted** Verification of spacing requirements for an outdoor advertising sign, 1,200 ft. from another outdoor advertising sign on the same side of the freeway; and **approved** a Variance of the minimum 200 ft. setback from an R district. Located immediately west of the subject site.

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

**Town Centers** are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods, and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is abutted by RM-0 zoning on the north; RM-0 and RS-3 to the east and south; and CS zoned commercial to the west.

**STAFF COMMENTS:**

Dynamic displays may not be located within 200 feet of any of the following: (1) an R district (other than street, highway or freeway right-of-way); (2) a residential development area. This separation distance does not apply if the dynamic display is not visible from the referenced district, area or lot, and the requirements may be modified in R and AG districts if approved through the special exception process. The applicant has requested a special exception to permit a dynamic display located within 200 ft. of an R district, as it appears the proposed 29 sq. ft. dynamic display will be within 200 ft. of the R zoned lots immediately south and east of the subject site.

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Special Exception to permit a dynamic display sign within 200 ft. of an R district. (Section 60.100-F)

- 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.



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

LT 1 BLK 1, JENKS SOUTHEAST CAMPUS, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

**Case No. 20639**

**Action Requested:**

Variance of the maximum permitted display surface area for a school bulletin board in an R district from 32 sq. ft. to 53.9 sq. ft. (Section 402.B.4.a); and a Variance of the requirement that illumination of a sign in an R district shall be by constant light (Section 402.B.4.a) to permit an LED message board, located: 3019 East 101<sup>st</sup> Street South.

**Presentation:**

**Ben Ferem**, 205 East B Street, Jenks, Oklahoma, 74037, stated they proposed the sign for rapid communication to the students and parents. He added that it would not blink, wink, or roll, and would only be used in a scrolling format and meet the brightness limitation of 500 NITS. The site plan is (Exhibit E-1).

**Comments and Questions:**

Ms. Stead noted a lot of ground clutter. She noted a large sign near PUD 306 and four small ground signs along 101<sup>st</sup> Street. Mr. Ferem replied that the smaller monument signs are only 2 ½ to 3 ft. tall, and 1 to 1 ½ ft. wide are informational signs for bus parking, entrance to cafeteria, and parent drop-off locations. This sign is to replace the existing sign. He added this is a two-sided sign.

**Interested Parties:**

**Patrick Arch**, 3005 East 101<sup>st</sup> Place, stated the existing sign shines in his bedroom window. He would not oppose a lighted sign that does not shine into the neighborhood.

The Board members and the applicant discussed items including height and the distance from centerline of the street.

**Board Action:**

**FILE COPY**

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the maximum permitted display surface area for a school bulletin board in an R district from 32 sq. ft. to 53.9 sq. ft. (Section 402.B.4.a); and a Variance of the requirement that illumination of a sign in an R district shall be by constant light (Section 402.B.4.a) to permit an LED message board, with conditions limiting the brightness of 500 candelas per square meter (NITS) at any focal point on any roadway or any vehicular approach to any roadway at any time between 6:00 p.m. until 7:00 a.m.; the LED portion of the board will not contain flashing, blinking or

## FILE COPY

rolling from top to bottom or bottom to top; per plan as shown on pages 8.6 and 8.7 of the agenda packet with the exception, that the new sign will be placed a minimum of 85 ft. from the center line of East 101<sup>st</sup> Street South instead of 65 ft. as shown on page 8.7; that it shall be a double-sided sign oriented to the east and west; the Board considers safety and information issues in granting this variance; finding the literal enforcement of the terms of the code would result in an unnecessary hardship, and that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district; finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

LT 1 BLK 1, JENKS GRADE CENTER, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

### Case No. 20640

#### Action Requested:

Variance of the maximum permitted display surface area for a school bulletin board in an AG district from 32 sq. ft. to 53.9 sq. ft. (Section 302.B.2.a); and a Variance of the requirement that illumination of a sign in an AG district shall be by constant light (Section 302.B.2.a) to permit an LED message board, located: 3933 East 91<sup>st</sup> Street.

#### Presentation:

**Ben Ferem**, 205 East B Street, Jenks, Oklahoma, 74037, stated they proposed the sign for rapid communication to the students and parents. The proposed sign is double-sided, but they would be willing to make it with one lighted side. He pointed out the location of the sign. He offered to discuss it with the nearest residential neighbors. He stated they were willing to adjust the height of the fence or other adjustments the Board deemed necessary.

#### Comments and Questions:

Ms. Stead suggested a continuance for revision of the application.

#### Interested Parties:

There were no interested parties who wished to speak.

#### Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20640 to the meeting on March 11, 2008, on the following described property:

S/2 SE SW LESS W660 THEREOF & LESS S50 THEREOF FOR RD SEC 16 18 13 9.24ACS; W528 E1056 N/2 S/2 SW SEC 16 18 13 8ACS; E528 N/2 S/2 SW SEC 16 18 13 8AC, City of Tulsa, Tulsa County, State of Oklahoma



(Section 1221.D.3), (see Case No. 20376 Motion, amended below) on the following described property:

PRT SW SW BEG 330E NWC SW SW SW TH E106.24 S201.74 SE70.31  
E155.08 N546.12 W239 SW151.28 SWLY65.50 S139 POB SEC 28 19 13  
3.40ACS, BEG 221.12 E NWC SW SW SW S 155.86 SELY ON BYPASS220 N  
201.74 W 215.12 TO BEG SEC 28-19-13 , BEG 50 E OF NW COR SW SW SW  
TH S 119.37 SELY ON BYPASS 175 N 155.86 W 171.12 TO BEG SEC 28-19-  
13, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*.

### NEW APPLICATIONS

#### **Case No. 20378**

##### Action Requested:

Verification of the spacing requirement for an outdoor advertising sign, 1,200 ft. from another outdoor advertising sign on the same side of the freeway (Section 1221.F.2); and a Variance of the minimum 200 ft. setback from an R district (Section 1221.F.4.b), located: South of the Creek Turnpike, 600 ft. East and 280 ft. North of the Northeast corner of South Delaware Avenue, and East 101<sup>st</sup> Street.

##### Presentation:

**John Moody**, 1800 South Baltimore, provided the verification for the spacing requirement found in the agenda packet. He noted this property is in a PUD with underlying residential zoning. The area has been developed for non-residential uses, and though the Jenks' school is located there, they are substantially set back from the school. A cell tower was approved for this area, so this type of structure and the height would not be a problem. The PUD could be amended for commercial to allow the sign but they thought a variance was more practical.

##### Interested Parties:

**Rick Westcott**, City Councilor for District 2, stated he was contacted by members and officers of the Delaware Homeowners Association. He noted the site is located within 200 ft. of two residentially zoned areas. He stated the applicant had a self-imposed hardship, because he cannot meet the requirements. He asked for a denial. Ms. Stead asked if there are any homes built within 150 ft. of the site. Mr. Westcott replied there are not any homes within that area but plans change and that they need to protect the zoning.

Mr. Henke asked if the applicants met with the homeowners association. Mr. Moody replied they did not.

##### Applicant's Rebuttal:

Mr. Moody stated that essentially all of this part of the PUD is designated for commercial. He added that the area zoned residential they are referring to would

have to be rezoned in a major amendment to the PUD to be used for non-commercial development. Mr. Henke asked if it would help for the homeowners and the applicant to discuss the application. Mr. Westcott was not sure it would be beneficial.

**Board Action:**

On **Motion of Dunham**, the Board voted 3-2-0 (Dunham, Stephens, Henke "aye"; Stead, Tidwell "nay"; no "abstentions"; no "absences") to **APPROVE** a Verification of the spacing requirement for an outdoor advertising sign, 1,200 ft. from another outdoor advertising sign on the same side of the freeway (Section 1221.F.2); and a Variance of the minimum 200 ft. setback from an R district (Section 1221.F.4.b), finding that the actual PUD and proposed usage of the property will not be used for an R district use; and finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

LT 2 LESS BEG SECR LT 1 TH N220 W200 N12.21 NE93.14 E340.01 S297.88  
W200 POB BLK 1, RIVER CREEK VILLAGE, City of Tulsa, Tulsa County, State  
of Oklahoma

\*\*\*\*\*

Mr. Alberty asked to clarify his response to Ms. Stead in the hearing of Case No. 20376. He stated that to deny a variance is to imply the applicant did not sufficiently meet a hardship.

**Case No. 20376**

Case No. 20376 was re-opened to amend the Motion. Mr. Moody objected to the Board re-opening Case No. 20376 and to an amendment of the original motion.

On **Motion of Stead**, the Board voted 4-0-1 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; Stephens "abstained"; no "absences") to **APPROVE** a 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 1221.F.2); and **DENY** a Variance to combine frontages of lots along major streets for calculating display surface area (Section 1221.C.4); and a Variance of the maximum display surface area for an Outdoor Advertising Sign to permit 672 sq ft. or less (Section 1221.D.3), finding the hardship requirements have not been met, on the following described property:

(Section 1221.D.3), (see Case No. 20376 Motion, amended below) on the following described property:

PRT SW SW BEG 330E NWC SW SW SW TH E106.24 S201.74 SE70.31 E155.08 N546.12 W239 SW151.28 SWLY65.50 S139 POB SEC 28 19 13 3.40ACS, BEG 221.12 E NWC SW SW SW S 155.86 SELY ON BYPASS220 N 201.74 W 215.12 TO BEG SEC 28-19-13 , BEG 50 E OF NW COR SW SW SW TH S 119.37 SELY ON BYPASS 175 N 155.86 W 171.12 TO BEG SEC 28-19-13, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

### **NEW APPLICATIONS**

#### **Case No. 20378**

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

Verification of the spacing requirement for an outdoor advertising sign, 1,200 ft. from another outdoor advertising sign on the same side of the freeway (Section 1221.F.2); and a Variance of the minimum 200 ft. setback from an R district (Section 1221.F.4.b), located: South of the Creek Turnpike, 600 ft. East and 280 ft. North of the Northeast corner of South Delaware Avenue, and East 101<sup>st</sup> Street.

##### **Presentation:**

**John Moody**, 1800 South Baltimore, provided the verification for the spacing requirement found in the agenda packet. He noted this property is in a PUD with underlying residential zoning. The area has been developed for non-residential uses, and though the Jenks' school is located there, they are substantially set back from the school. A cell tower was approved for this area, so this type of structure and the height would not be a problem. The PUD could be amended for commercial to allow the sign but they thought a variance was more practical.

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

**Rick Westcott**, City Councilor for District 2, stated he was contacted by members and officers of the Delaware Homeowners Association. He noted the site is located within 200 ft. of two residentially zoned areas. He stated the applicant had a self-imposed hardship, because he cannot meet the requirements. He asked for a denial. Ms. Stead asked if there are any homes built within 150 ft. of the site. Mr. Westcott replied there are not any homes within that area but plans change and that they need to protect the zoning.

Mr. Henke asked if the applicants met with the homeowners association. Mr. Moody replied they did not.

##### **Applicant's Rebuttal:**

Mr. Moody stated that essentially all of this part of the PUD is designated for commercial. He added that the area zoned residential they are referring to would

have to be rezoned in a major amendment to the PUD to be used for non-commercial development. Mr. Henke asked if it would help for the homeowners and the applicant to discuss the application. Mr. Westcott was not sure it would be beneficial.

**Board Action:**

On **Motion of Dunham**, the Board voted 3-2-0 (Dunham, Stephens, Henke "aye"; Stead, Tidwell "nay"; no "abstentions"; no "absences") to **APPROVE** a Verification of the spacing requirement for an outdoor advertising sign, 1,200 ft. from another outdoor advertising sign on the same side of the freeway (Section 1221.F.2); and a Variance of the minimum 200 ft. setback from an R district (Section 1221.F.4.b), finding that the actual PUD and proposed usage of the property will not be used for an R district use; and finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

LT 2 LESS BEG SECR LT 1 TH N220 W200 N12.21 NE93.14 E340.01 S297.88  
W200 POB BLK 1, RIVER CREEK VILLAGE, City of Tulsa, Tulsa County, State  
of Oklahoma

\*\*\*\*\*

Mr. Alberty asked to clarify his response to Ms. Stead in the hearing of Case No. 20376. He stated that to deny a variance is to imply the applicant did not sufficiently meet a hardship.

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Case No. 20376 was re-opened to amend the Motion. Mr. Moody objected to the Board re-opening Case No. 20376 and to an amendment of the original motion.

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0 200 400  
Feet



Subject  
Tract

**BOA-22282**

18-13 20

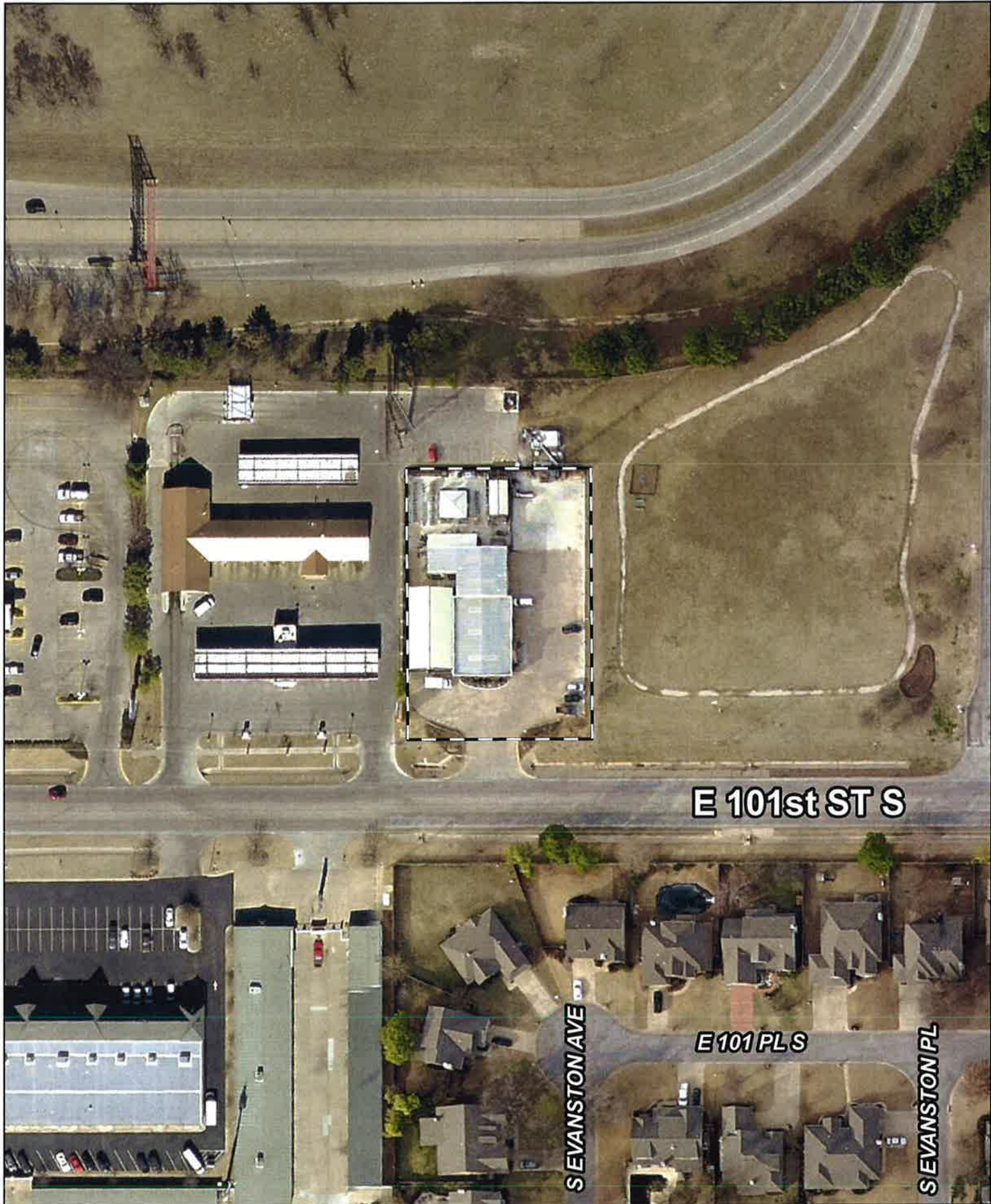
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2016

6.10







E 101st ST S

E 101 PLS

SEVANSTON AVE

SEVANSTON PL

0 50 100  
Feet



Subject  
Tract

**BOA-22282**

18-13 20

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

Aerial Photo Date: February 2016

6.11







Subject Site - Looking East







07.07.2017 09:38

E 101 ST S- Street View



07 07 2017 09 38



## Exhibit "A"

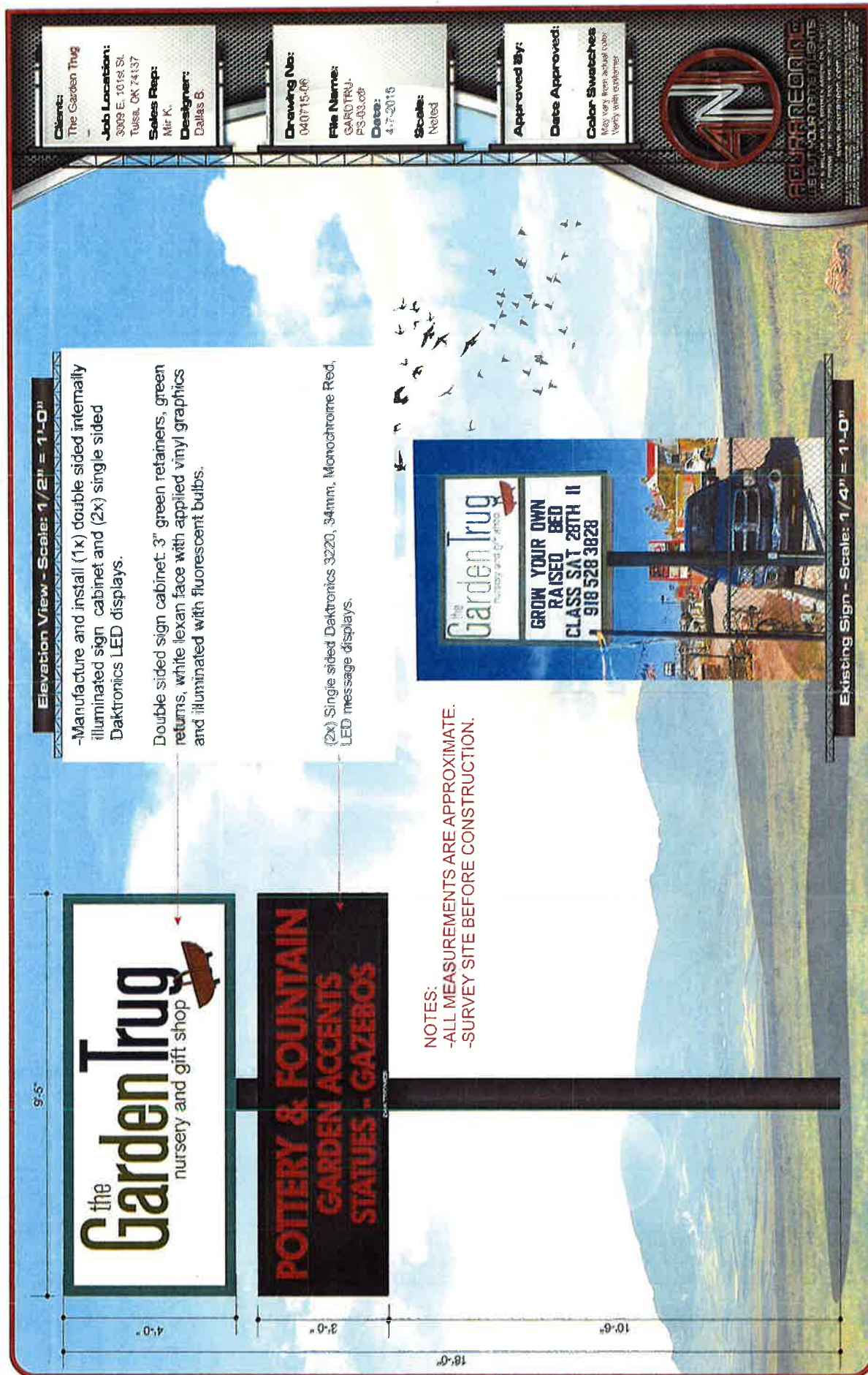
The Applicant requests a Special Exception to permit a dynamic display sign to be located within 200 feet of an R district, pursuant to section 60.100-F of the Tulsa Zoning Code (the "Code"). Located just east of Riverside Drive on 101<sup>st</sup> Street (the "Property"). The Garden Trug operates its local nursery and florist shop on the Property. Garden Trug seeks to update its existing on-premise sign from changeable copy to incorporate a modest digital display.

The requested Special Exception is in harmony with the spirit and intent of the Code. Dynamic display signs are a permitted use within PUD 306 and the existing ground sign is permitted by the development standards of PUD 306-D. The Code allows permitted uses in a PUD to be reallocated within the development irrespective of any base zoning district boundaries. Pursuant to Section 30.010-D.3 of the Code, all dynamic display signs within a PUD must comply with the sign regulations of Chapter 60. Section 60.100-F states:

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

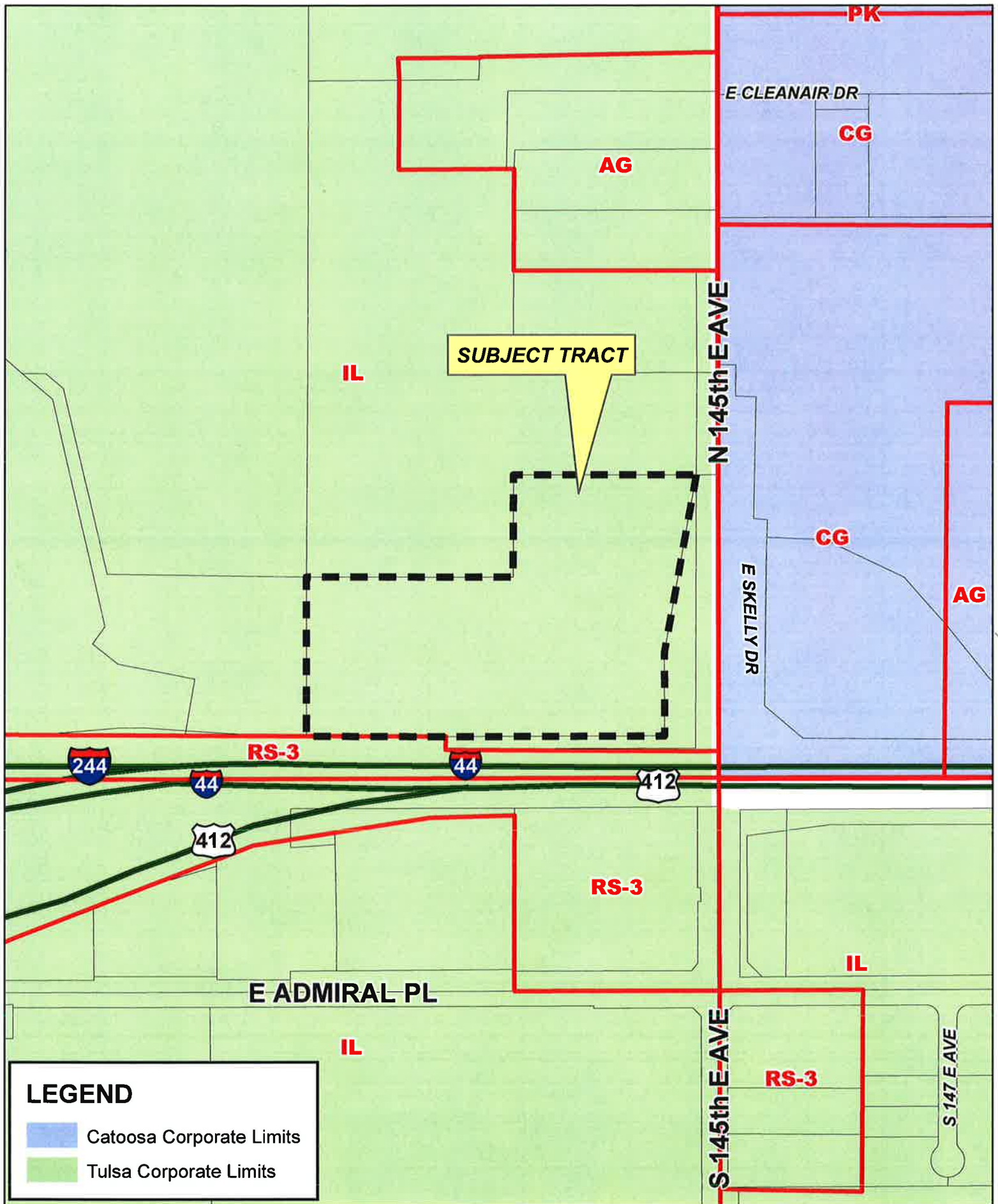
The current sign is 48 SF and the dynamic display will be limited to a surface area of only 29 SF. PUD 306-D currently allows this particular sign to be 25 feet tall with up to 150 SF of display surface area, dimensions which the proposed sign will more than meet. The sign will be oriented toward traffic traveling on 101<sup>st</sup> Street (facing East/West). The distance from the sign to nearest residential structure is approximately 150 feet. Additionally, multiple dynamic display signs are located in the immediate vicinity, both in and out of PUD 306.

Based on these facts and the existing conditions of the surrounding property, the proposed sign will not be injurious to the surrounding neighborhood or otherwise detrimental to the public welfare and the Special Exception is in harmony with the spirit and intent of the Code.



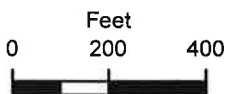
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**BOA-22284**

7.1



# BOARD OF ADJUSTMENT CASE REPORT

STR: 0433

Case Number: BOA-22284

CZM: 31

CD: 3

A-P#: N/A

**HEARING DATE:** 07/25/2017 1:00 PM

**APPLICANT:** Lamar Outdoor Advertising

**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-F.5) and a **Verification** of the spacing requirement for a dynamic display outdoor advertising sign of 1,200 ft. from any other dynamic display outdoor advertising sign facing the same traveled way (Section 60.100-K)

**LOCATION:** Northwest corner of N. 145<sup>th</sup> E. Ave. and I-44 **ZONED:** IL

**PRESENT USE:** Vacant

**TRACT SIZE:** 18.63 Acres

**LEGAL DESCRIPTION:** S/2 NE SE SE & S/2 SE SE LESS BEG SECR SE TH W1328.18 N138.98 E1147.84 N273.12 NE589.42 E70 S991.73 POB SEC 33 20 14 18.632 ACS, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Lot:**

**BOA 18661;** on 02.22.00 the Board **approved** a variance of minimum required spacing between outdoor advertising signs from 1200' to 800' per plan on subject lot.

### **Surrounding Properties:**

**BOA 22178;** on 01.10.17 the Board **accepted** a verification of spacing requirement for a digital outdoor advertising sign 1,200 feet from another digital outdoor advertising sign on the same side of the highway; and 1200 feet from another digital outdoor advertising sign facing the same traveled way. Located immediately south of the subject lot.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of an "Employment" 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 surrounded by I-44 on the south; and IL zoning on the north. Rogers County abuts the site on the east.

**STAFF COMMENTS:**

The applicant is requesting a spacing verification to permit a digital outdoor advertising sign on the subject lot. The Code requires any outdoor advertising sign constructed be separated a minimum distance of 1,200 feet from any other outdoor advertising sign. **This spacing limitation shall not apply between signs separated by a 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.

The Code also requires that a **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 a sign's structure, as located on the ground, to the center of any other outdoor advertising sign's structure, as located on the ground.

The existing Whistler outdoor advertising (**labeled *Existing Sign #1* on the attached survey**) was issued a sign permit on March 7, 2017 to permit installation of a two-sided digital billboard sign. Because Whistler has completed their spacing verification (**see BOA 22178**) and obtained a permit for their digital outdoor advertising they can install the digital billboard sign.

The Whistler billboard has been constructed however the digital component of the sign has not been installed. Whistler has stated that they will install their digital billboard within the next two weeks. Due to the issued permit and the pending installation of the digital billboard within the required spacing radius it appears that the applicant does not meet the spacing requirement for a digital billboard.

Based on the attached survey it appears that the proposed outdoor advertising sign does meet the spacing requirement for a 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.

**Sample Motion to Deny the Spacing Verification for a Digital Outdoor Advertising Sign:**

I move that based upon the facts in this matter as they presently exist, we deny the applicant's verification of spacing between dynamic display (digital) outdoor advertising signs.

**Sample Motion to Accept the Spacing Verification for a Standard (non-digital) Outdoor Advertising:**

I move that based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing between non-digital outdoor advertising signs subject to the action of the Board being void should another outdoor advertising sign or conflicting use be constructed prior to this sign.





E CLEANAIR DR

N 145th E AVE

E SKELLY DR

244

44

44

412

412

E ADMIRAL PL

S 145th E AVE

S 147 E AVE

0 Feet 200 400



Subject Tract

**BOA-22284**

20-14 33

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

Aerial Photo Date: February 2016

7.4





# City of Tulsa Board of Adjustment

## Location and Distance Table

Existing Sign #	Latitude	Longitude	Dist. to Proposed
1	36°09'42.78"	95°49'09.80"	593'
2	36°09'47.24"	95°48'31.55"	2,718'
3	36°09'43.19"	95°48'29.73"	2,892'

All existing Billboards are non-digital

Proposed  
Digital

Location

36°09'46.93" N  
95°49'04.70" W

Sec. 33, T-20-N,  
R-14-E,  
Rogers County

Sec. 34, T-20-N,  
R-14-E,  
Rogers County

Interstate Hwy. 44

N. 145th E. Ave.

Sec. 4, T-19-N,  
R-14-E,  
Tulsa County

Sec. 3, T-19-N,  
R-14-E,  
Tulsa County

Whistler Sign

I, Bobby D. Long, of Tulsa Engineering & Planning Associates, Inc. and a Professional Land Surveyor registered in the State of Oklahoma, hereby certify that this exhibit accurately portrays the locations of and distances between existing and proposed outdoor advertising signs as determined by field survey data gathered on 05/15/2017.

*Bobby D. Long*  
Bobby D. Long

05/18/17  
Date



## CITY OF TULSA - OUTDOOR ADVERTISING SIGNS LOCATION AND SPACING EXHIBIT



Tulsa Engineering & Planning Associates, Inc.  
9820 East 41st Street, Suite 102 Tulsa, OK 74146  
Phone: 918-252-9621 Fax: 918-250-4566  
Civil Engineering • Land Surveying • Land Planning  
Certificate of Authorization No. CA 531 PE/LS Renewal Date June 30, 2017



Job No: 17-042.00  
Scale: 1" = 500'  
Date: 05/18/2017



Existing Location



Lat: 36°09'46.93"  
Lon: 95°49'04.70"

765' to Centerline 145th East Avenue

16' Permanent ODOT  
Utility Easement

20'

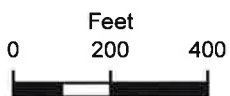
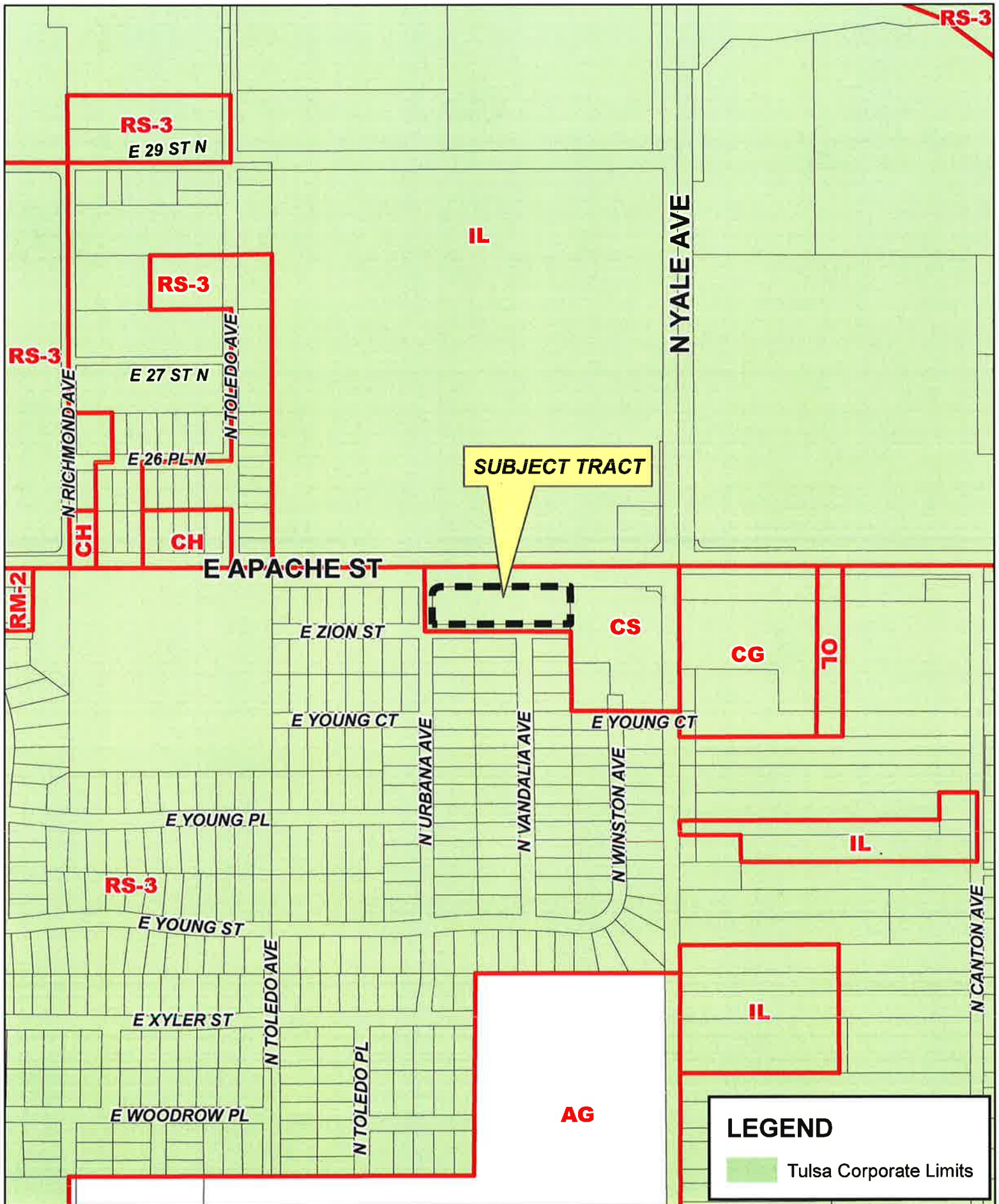
ODOT Right of Way



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**BOA-22285 – VALOREY TOTTEN**

**THE APPLICANT REQUESTS A  
CONTINUANCE TO SEPTEMBER 12,  
2017 BOARD OF ADJUSTMENT  
MEETING TO ALLOW ADDITIONAL  
TIME TO PREPARE A SURVEY/SITE  
PLAN**



**BOA-22286**

20-13 28





# BOARD OF ADJUSTMENT CASE REPORT

STR: 0328

Case Number: **BOA-22286**

CZM: 29

CD: 1

A-P#: 9144

**HEARING DATE:** 07/25/2017 1:00 PM

**APPLICANT:** Simon Reyes

**ACTION REQUESTED:** Special Exception to permit Commercial/Building Service Use in a CS zoned district. (Section 15.020)

**LOCATION:** 4702 E APACHE ST N

**ZONED:** CS

**PRESENT USE:** Commercial/Truck Repair

**TRACT SIZE:** 22074.12 SQ FT

**LEGAL DESCRIPTION:** LTS 1 THRU 7 LESS PRT LT 1 BEG 25E NWC LT 1 TH CRV LF 39.25 N25 E25 POB BLK 2, SMITHDALE, City of Tulsa, Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:**

None Relevant.

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

**Neighborhood Centers** are small-scale, one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive can park once and walk to number of destinations.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. 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; RS-3 zoning on the west and south. CS zoning abuts the sited on the east.

**STAFF COMMENTS:**

The existing commercial site will be used as an office and for storage space of company vehicles/equipment. The site will also be used for temporary storage of items and material from customers whose property is undergoing repair and/or restoration. The applicant is requesting a Special Exception as the proposed Commercial/Building Service is a use only allowed by a special exception in the CS district due to the potential adverse affects.

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Special Exception to permit Commercial/Building Service Use in a CS zoned district. (Section 15.020)

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

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





0 Feet  
200  
400



Subject  
Tract

**BOA-22286**

20-13 28

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

Aerial Photo Date: February 2016

9.4







0 Feet 50 100



Subject Tract

**BOA-22286**

20-13 28

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

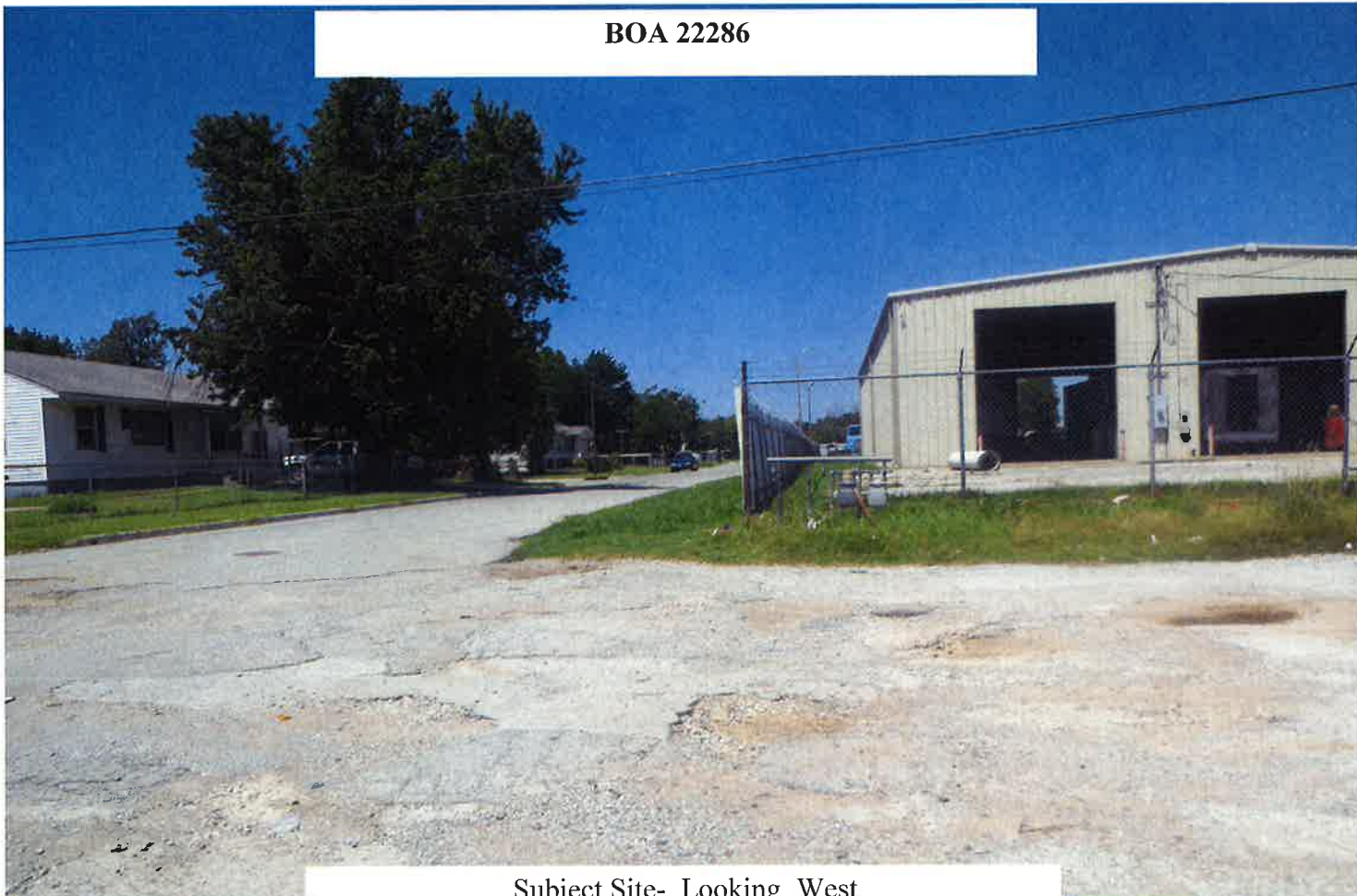
Aerial Photo Date: February 2016

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BOA 22286



Subject Site- Looking West



07.07.2017 11:24

9.6



BOA 22286



Subject Site- Looking West

07.07.2017 11:24

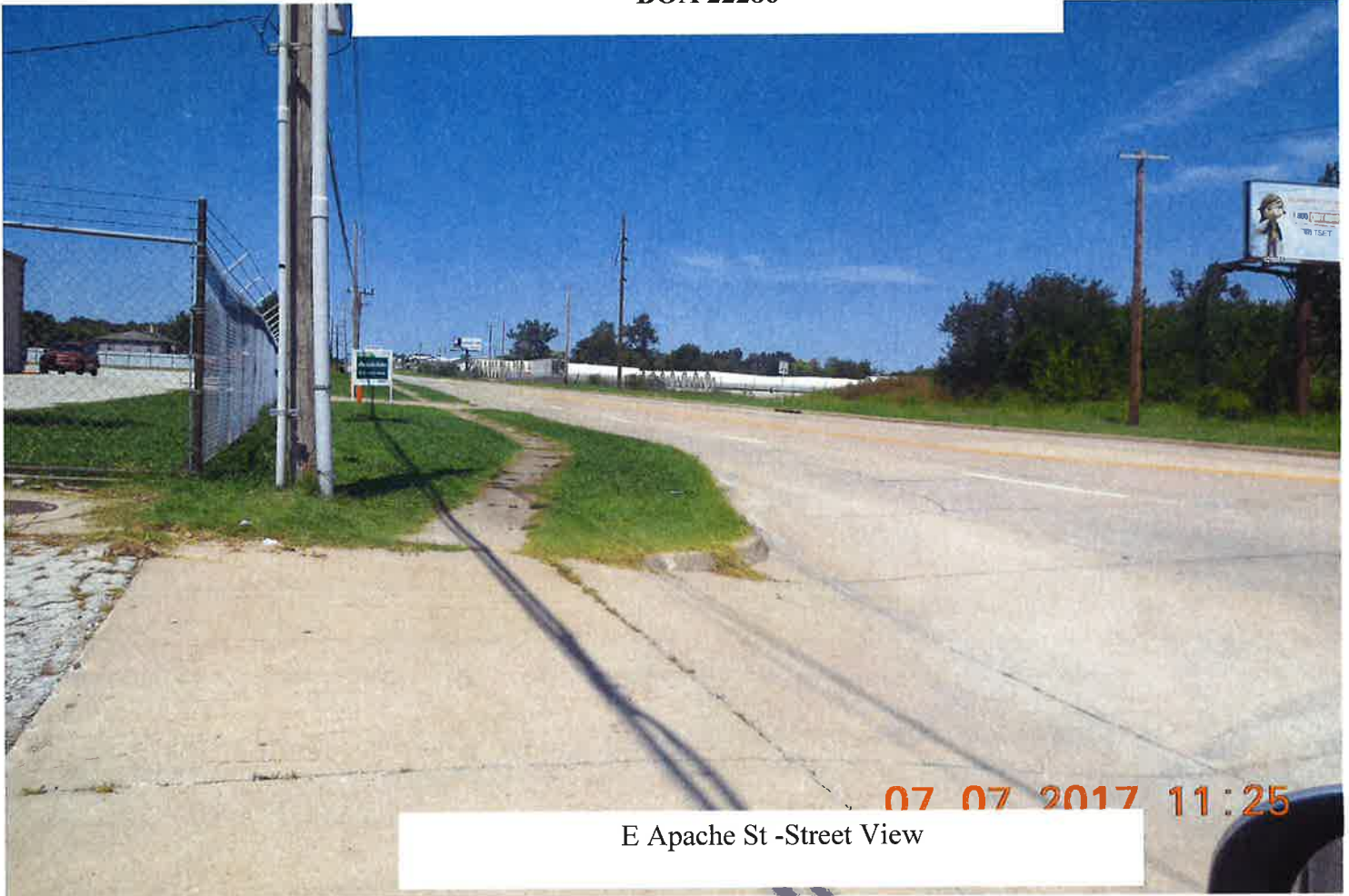


E Apache St -Street View

07.07.2017 11:25

9.7

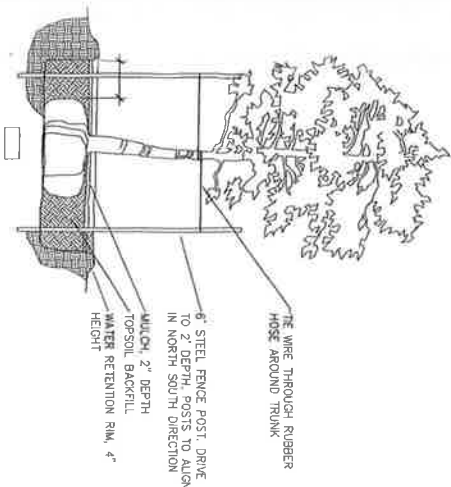




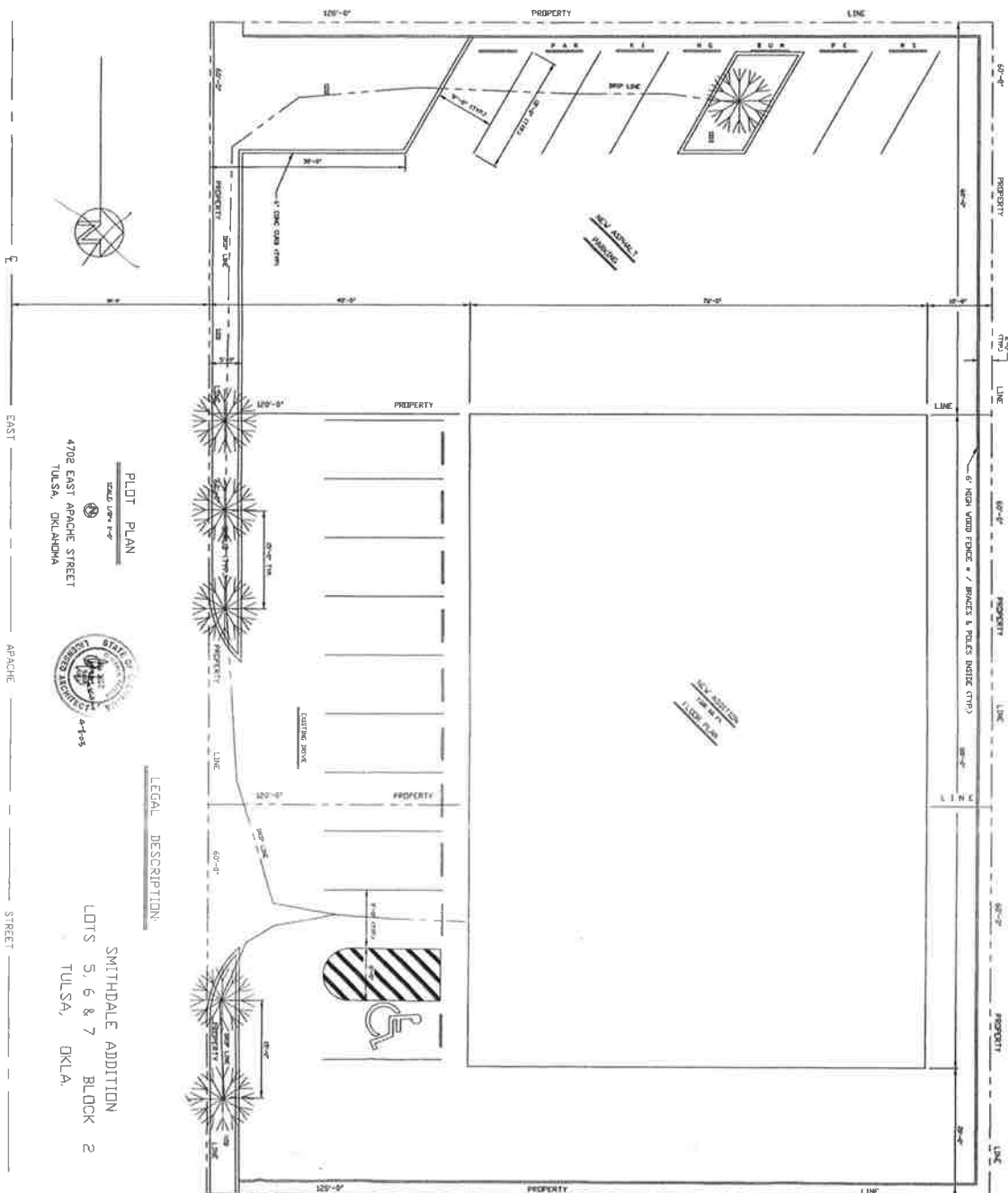
E Apache St -Street View

4702 EAST APACHE STR. TULSA	
LANDSCAPE REQUIREMENTS	
GROSS BUILDING SQ. FT.	7,000 SQ. FT.
NET LOT AREA SQ. FT.	21,600 SQ. FT.
TOTAL LANDSCAPED AREA	2,160 SQ. FT.
TOTAL LANDSCAPE AREA PERCENT	10.09%
STREET YARD SQ. FT.	7,200 SQ. FT.
STR. YD. LANDSCAPE AREA PERCENT	16.38%
STR. YD. TREE RECD.	5 TREES
STR. YD. TREE PROVIDED	5 TREES
PARKING LOT TREE RECD.	1 TREE
PARKING LOT PROVIDED	1 TREES
TOTAL IMPERVIOUS AREA	19,240 SQ. FT.

IRRIGATION SYSTEM: DRIP SYSTEM  
 TREE TYPE & CALIPER : ENGLISH OAK 1" CALIPER  
 TO THE BEST OF MY KNOWLEDGE, THIS LANDSCAPE PLAN  
 MEETS THE SPECIAL REQUIREMENTS (OF THE CITY OF TULSA  
 ZONING CODE TITLE 42) SECTION 1002



TREE PLANTING DETAIL  
 N.T.S.



SCOPE OF PROJECT : ADD 70' x 100' METAL ASSEMBLY BUILDING

CHUCK LANGE  
ZONING OFFICIAL  
PLANS EXAMINER

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



## DEVELOPMENT SERVICES

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

### ZONING CLEARANCE PLAN REVIEW

LOD Number: 1006284-1

May 18, 2017

SIMON REYES  
1933 E OKLAHOMA ST  
TULSA, OK 74110

Phone: (918)619-2495  
Fax: (918)794-8175

APPLICATION NO: **9144** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: **4702 E APACHE ST N**  
Description: **Storage of company vehicals, temporarily store customer's goods while their property is repaired, clean customer belongings, and a company office.**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

#### IMPORTANT INFORMATION

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

(continued)

9.10



## REVIEW COMMENTS

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

Application No. 9144

4702 E APACHE ST N

May 18, 2017

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

**Sec.35.050-D:** The proposed use for this building is designated Commercial/Commercial Service/Building Service and is located in a CS zoned district.

**Review comment:** This use is only permitted by a Special Exception reviewed and approved in accordance with Sec.70.120. Submit a copy of the approved Special Exception to permit Commercial/Commercial Service/Building Service use in a CS zoned district

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

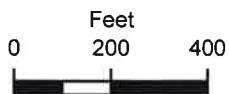
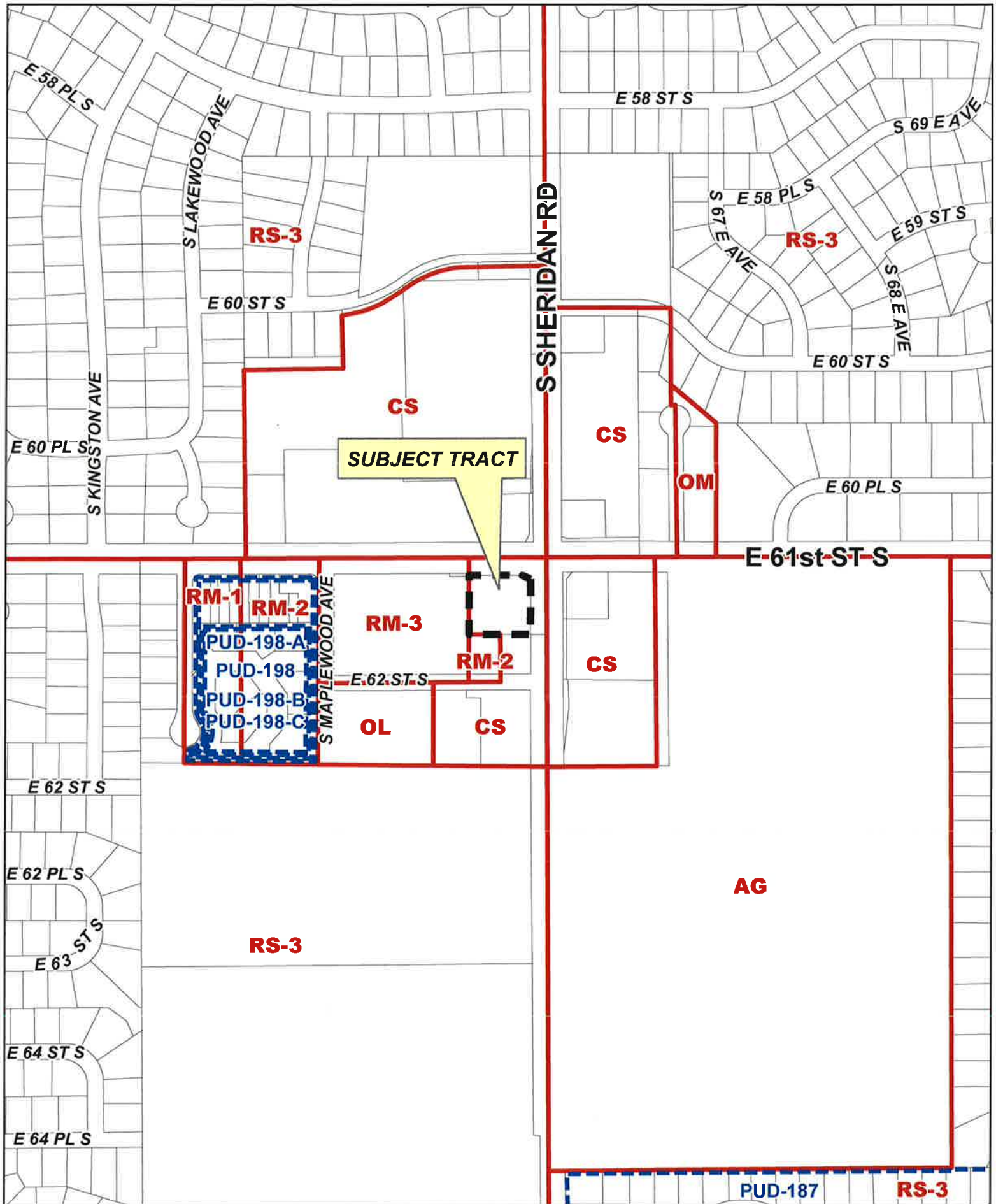
A hard copy of this letter is available upon request by the applicant.

## END – ZONING CODE REVIEW

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

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

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**BOA-22287**

18-13 03

10.1





# BOARD OF ADJUSTMENT CASE REPORT

STR: 8303  
CZM: 53  
CD: 9  
A-P#: 424041

Case Number: **BOA-22287**

**HEARING DATE:** 07/25/2017 1:00 PM

**APPLICANT:** Christian Ortiz

**ACTION REQUESTED:** Variance to allow a neon border sign to be visible within 50 ft. of an R district (Section 60.040).

**LOCATION:** 6100 S SHERIDAN RD E

**ZONED:** CS

**PRESENT USE:** Commercial

**TRACT SIZE:** 38828.15 SQ FT

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

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Lot**

**BOA 22241;** on 05.23.17 the Board **approved** a variance to reduce of the separation requirement for freestanding sign from outdoor advertising sign from 30 ft. to 20 ft.; variance to increase the permitted sign display area fro 388 sq. ft. to 907.75 sq. ft. to allow two freestanding signs on a CS zoned lot not located in the freeway corridor.

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

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

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

**Town Centers** are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods, and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is abutted by CS zoned commercial/retail on the north, south and east. RM-3 zoning abuts the site on the west and RM-2 zoning abuts the site on the south.

**STAFF COMMENTS:**

The proposed commercial building contains a neon border classified as a sign under the current Code. The Code (**Section 95.220**) defines a sign as any object, device, structure or part thereof used to advertise, identify, display or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. Signs as defined herein do not include the flag or emblem of any nation, organization of nations, state, city or any fraternal, religious or civic organizations; one corporate flag; works of art that in no way identify a product; temporary holiday decorations; or landscape features that display no words or symbols.

Signs that are visible from an R district (other than street, highway or freeway right-of-way) or from a designated residential development area must be separated from the R district or residential development area by a minimum distance of 50 feet.

The neon border sign appears to be within 50 ft. of the R zoned multi-family residential complex immediately north of the site. The applicant has requested a **Variance** to allow the neon border on the commercial building as proposed. The applicant provided the following statement: *"The proposed neon border along the NE elevation is within 50 ft. of a RM zone. The building on the subject site is pre-existing and it has been remodeled as a 1950's diner. The neon borders face a windowless back wall on the RM zoned building. The neon border does not emit light more than a few feet from the wall."*

**Sample Motion:**

Move to \_\_\_\_\_ (approve/deny) a Variance to allow a neon border sign to be visible within 50 ft. of an R district (Section 60.040).

- 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.”*



restaurant Miami Nights because all of the seafood will be shipped from Miami. The restaurant is being dedicated to his son who is in the service and will be coming home soon. This will not be a regular night club because he would like to bring a little Cuba to Tulsa and the dancing will be similar to ballroom dancing.

Mr. Van De Wiele expressed the Board's appreciation to Mr. Valdes son and the family for his service to this country.

Mr. Van De Wiele stated the spacing verification has been received by the Board and it is on pages 10.9 and 10.11 in the Board's agenda packet.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; White 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 bar subject to the action of the Board being void should another conflicting use be established prior to this bar, per exhibit 10.9 and 10.11; for the following property:

**E425 N/2 NW NW NW LESS E239 AND LESS BEG 235.08 NE NWC NW TH E186 S36 W186 N36 POB SEC 14 19 13 1.255ACS, City of Tulsa, Tulsa County, State of Oklahoma**

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

**FILE COPY**

**Action Requested:**

Variance to reduce the separation requirement for a freestanding sign from an outdoor advertising sign from 30 feet to 20 feet (Section 60.040-B); Variance to increase the permitted sign display area to 907.75 square feet to allow two freestanding signs on a CS zoned lot not located outside the freeway corridor.

**LOCATION:** 6100 South Sheridan Road East (CD 9)

**Presentation:**

**Christian Ortiz**, Encinos 3D Custom Products, 9810 East 58<sup>th</sup> Street, Tulsa, OK; stated the subject property is location at 6100 South Sheridan which was the previous Silver Flame Restaurant. On the same property is outdoor advertising operated by Lamar and it has been there since the previous owner. Tally's Good Food took possession of the subject property about a year ago. When Tally's purchased the subject property they did not obtain any rights to the Lamar billboard which has been there since the late

BOA-22241

1970s. The Variance request is to replace the sign on the existing post that held the Silver Flame sign. The new sign will be slightly larger than the old sign which will 187.75 square feet which accounts for the arrow. The hardship is the existing billboard because if the billboard were not there everything would be in compliance, but the owner has no control over the billboard and cannot remove it.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; White absent) to **APPROVE** the request for a **Variance** to reduce the separation requirement for a freestanding sign from an outdoor advertising sign from 30 feet to 20 feet (Section 60.040-B); **Variance** to increase the permitted sign display area to a total of 907.75 square feet to allow two freestanding signs on a CS zoned lot not located in the freeway corridor. The Board finds the hardship to be a new tenant needing a new sign with an existing three sided billboard sign on the property. The approval is per conceptual plan shown on pages 11.11 as constructed for the three sided billboard, and conceptual plan 11.13 for the new sign. The Board finds that the following facts, favorable to the property owner, have been established:

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

**PRT LT 1 & PRT VAC ST BEG MOST SELY COR TH W225 N630.70 E237.96 S TO PT TH ON CRV RT TO PT TH S550.70 TH ON CRV RT 39.21 POB BLK 1; PRT LT 1 & PRT VAC ST BEG MOST SWLY COR TH ON CRV RT 39.33 N550.70 TH ON CRV**

BOA-22241

FILE COPY

RT 39.21 W TO PT N30 E700 S630.70 W650 POB BLK 1, BROADVIEW HGTS 2ND  
ADDN RESUB B2-4 BROADVIEW HGTS ADDN, BROADVIEW HGTS ADDN, City of  
Tulsa, Tulsa County, State of Oklahoma

**22242—Dewberry – Phillip Condley**

**Action Requested:**

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

**Ms. Back left the meeting at 4:01 P.M.**

**Presentation:**

**Phillip Condley**, 1350 South Boulder, Suite 600, Tulsa, OK; stated he represent Oklahoma State University Center for Health Sciences campus. The Variance requests are to allow three additional exterior building signs to be mounted on the north, south and west face of the subject building. The hardship is to provide clear identification and direction to the new building, an existing site, which is located between two highways with multiple exits and there are several other university facilities in the general area. It is necessary for people to locate this facility quickly from the highway by recognizing the logo and the building name.

**Ms. Back re-entered the meeting at 4:03 P.M.**

The signage is designed to be appropriate and proportional to the building with the north and south signage coverage only being 1.02% of the building face, and the OSU Center for Health Sciences logo covering 2.81% of the west façade facing the highway. The new OSU signage is significantly elevated and will not impact the immediate surrounding area. The OSU campus is committed to being a good neighbor and respects the gateway presence in the downtown area. Granting this Variance will allow the university to continue to fulfill their mission statement which is, "Oklahoma State University Center for Health Sciences educates and trains Osteopathic physicians, research scientists, and other health care professions with emphasis on serving rural and underserved Oklahoma".

**Interested Parties:**

There were no interested parties present.



**Comments and Questions:**

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

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of required yard abutting a public street from 30' to 15' to permit a new garage and an addition to an existing dwelling, per plan, finding the hardship to be this is to replace an existing garage at a 15' setback; and to move it further east would require the removal of some large trees in the back yard; and a **Variance** to expand a nonconforming structure, per plan, finding it will not extend further than the garage, on the following described property:

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

\*\*\*\*\*

**Case No. 19869**

**Action Requested:**

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

**Presentation:**

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

**Comments and Questions:**

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

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

**Interested Parties:**

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

**Applicant's Rebuttal:**

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

**Comments and Questions:**

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

**Board Action:**

On **Motion of Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Special exception** to permit auto sales in a CS district; **Variance** to allow outdoor display of merchandise within 300' of an R zoned district, finding it would cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

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

\*\*\*\*\*

**Case No. 19870**

**Action Requested:**

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

**Presentation:**

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

## FILE COPY

Case No. 17118 (continued)

**Protestants:**

None.

**Board Action:**

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

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

**Case No. 17125**

**Action Requested:**

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

**Presentation:**

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

**Board Action:**

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

**Case No. 17126**

**Action Requested:**

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



Case No. 17126 (continued)

**Presentation:**

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

**Protestants:** None.

**Board Action:**

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

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

**Case No. 17127**

**Action Requested:**

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

**Presentation:**

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





0 Feet 200 400



Subject Tract

**BOA-22287**

18-13 03

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

Aerial Photo Date: February 2016







0 Feet 50 100



Subject Tract

**BOA-22287**

18-13 03

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

Aerial Photo Date: February 2016

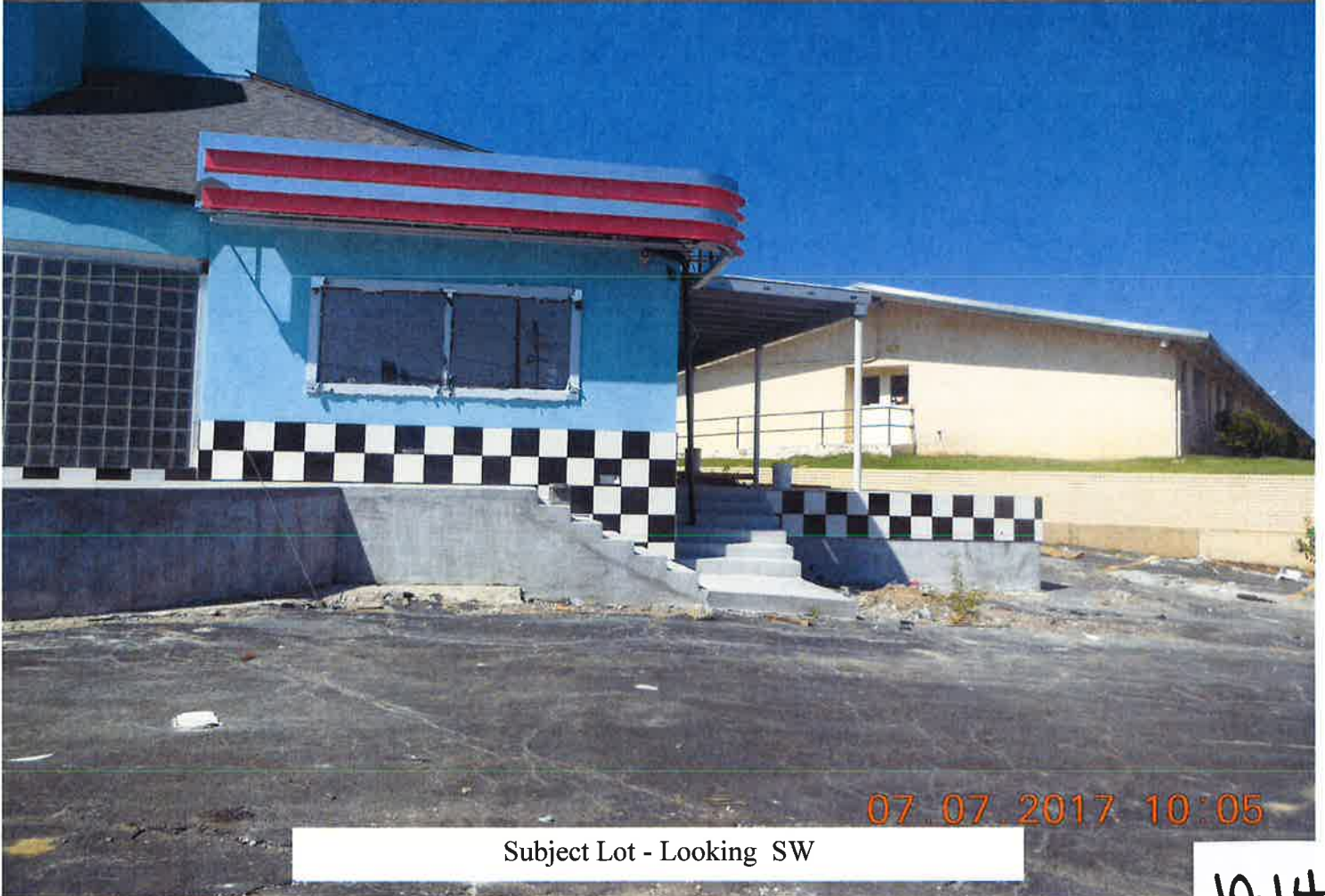






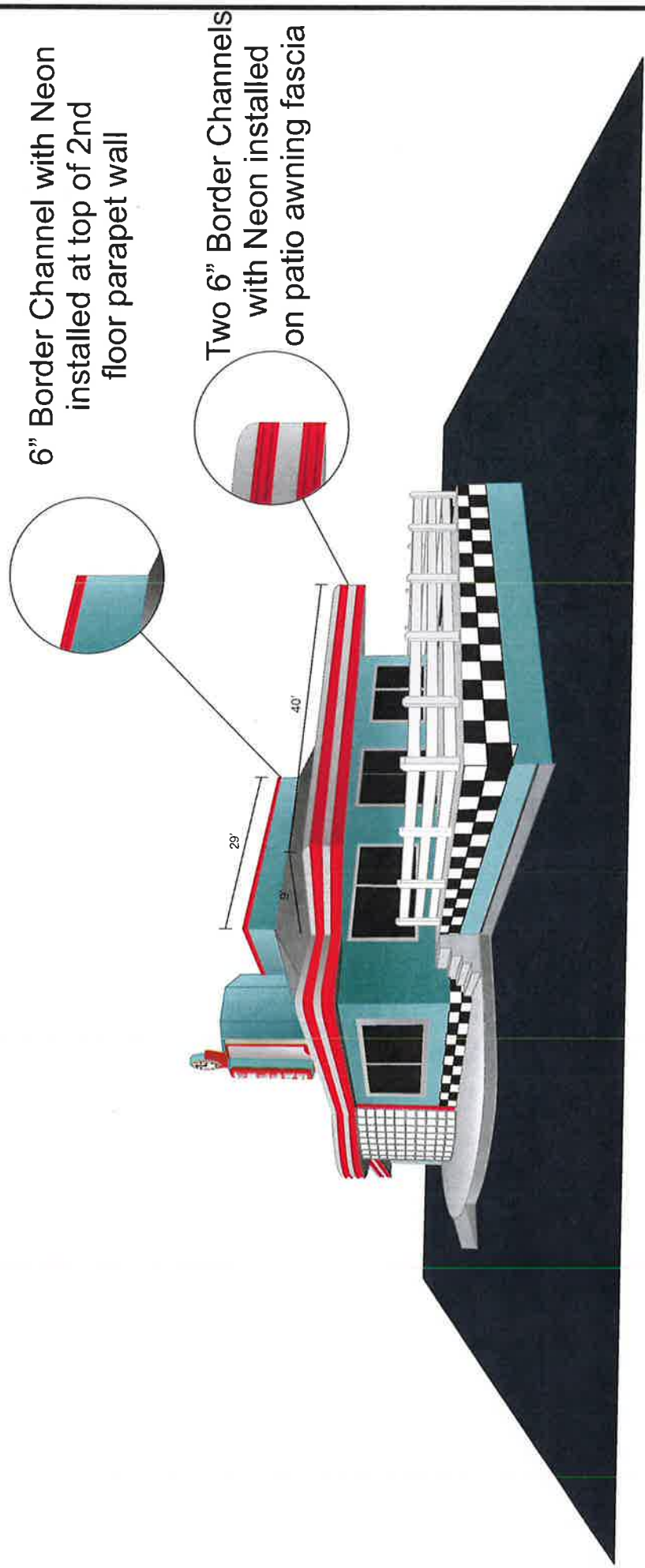
Subject Lot - Looking NW

07.07.2017 10:05



Subject Lot - Looking SW

07.07.2017 10:05



Total 1st Floor Wall Length 47' - Total Neon Border Area 49 sq ft  
 Total 2nd Floor Wall Length 29' - Total Neon Border Area 14.5 sq ft

**TULSA, OK**  
 (918) 286 8535  
 10110-B East 55th Place, Tulsa, OK 74145  
For more information, visit our website at [www.encinos3d.com](http://www.encinos3d.com)

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

**Job Location:**  
 61 st and Sheridan

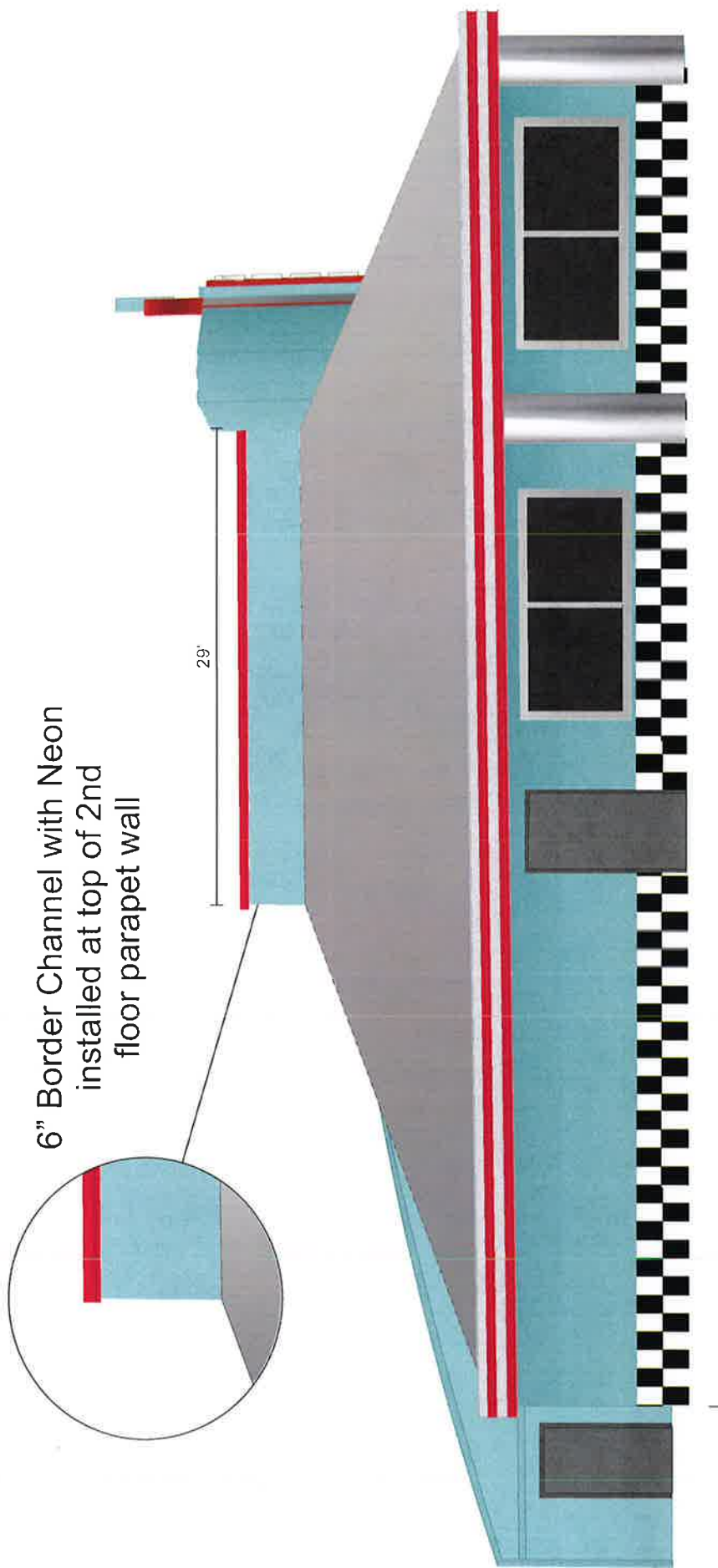
**Drawn By:**  
 Luis Fonseca  
**Sold By:**  
 Jesus Ortiz

**Drawing Number:**  
 TCO60917-003  
**Scale:**

**Approved By:**  
 Date Approved:

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





Total 2nd Floor Wall Length 29' - Total Neon Border Area 14.5 sq ft

**TULSA, OK**  
 (918) 286 8535  
 1010-B East 55th Place, 74145  
 "We create your vision. We deliver the reality."  
[www.encinos3d.com](http://www.encinos3d.com)

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

**Job Location:**  
 61 st and Sheridan

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

**Drawing Number:**  
 TCO60917-002  
**Scale:**

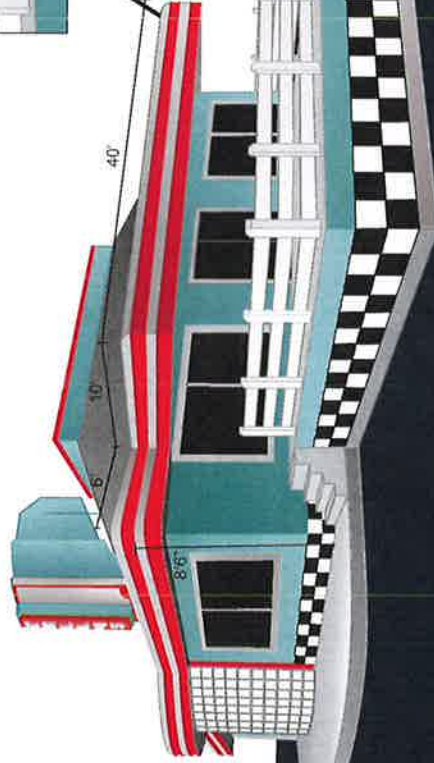
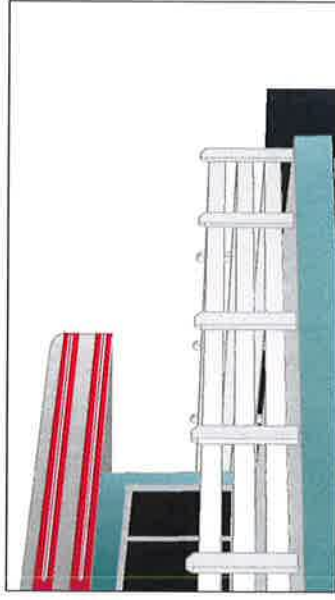
**Approved By:**  
 Date Approved:

Pylon Signs - Canopy Signs - Monument Signs - Neon Signs - Blade Signs - Wall Signs - Channel Letters - Interior Signs - Way Finding Signs - Post & Panel - LED Display - Commercial & Architectural Signs

10.16



# Expose Neon Border in 6" Channel



56' linear feet of 6" channel with exposed neon - Total of 28 Sq feet

TULSA, OK

(918) 286 8535

10110-B East 55th Place, 74145

The Encinos Group, Inc. is a leading provider of custom neon signs and architectural lighting solutions. We have been in business for over 30 years and have a proven track record of delivering high-quality, long-lasting signs and lighting systems to our clients.

www.encinos3d.com



Pylon Signs - Canopy Signs - Monument Signs - Neon Signs - Blade Signs - Wall Signs - Channel Letters - Interior Signs - Way finding Signs - Post & Panel - LED Display - Commercial & Architectural Signs

Customer:  
**Tally's**

City and State:  
**Tulsa, Ok.**

Job Location:  
**61 st and Sheridan**

Drawn By:  
**Luis Fonseca**

Sold By:  
**Jesus Ortiz**

Drawing Number:  
**TCO41817-005**

Scale:

Approved By:

Date Approved:

10.17



6" Border Channel with Neon  
installed at top of 2nd  
floor parapet wall

Total 2nd Floor Wall Length 9'6" - Total Neon Border Area 4.75 sq ft

<b>ENCINOS</b> <small>3D CUSTOM PRODUCTS, LLC</small> <b>TULSA, OK</b> (918) 286 8535 10110-B East 55th Place, 74145 <small>ENCINOS 3D CUSTOM PRODUCTS, LLC is a wholly owned subsidiary of ENCINOS 3D CUSTOM PRODUCTS, LLC. All rights reserved. © 2018 ENCINOS 3D CUSTOM PRODUCTS, LLC. All rights reserved.</small> <a href="http://www.ENCINOS3D.com">www.ENCINOS3D.com</a>	Customer: <b>Tally's</b> City and State: <b>Tulsa, Ok.</b>	Job Location: <b>61 st and Sheridan</b>	Drawn By: <b>Luis Fonseca</b> Sold By: <b>Jesus Ortiz</b>	Drawing Number: <b>TC060917-001</b> Scale: Approved By: Date Approved:
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## DEVELOPMENT SERVICES

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

### SIGN PLAN REVIEW

June 22, 2017

LOD Number: 1012783-1

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

APPLICATION NO: **424041** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: **6100 S SHERIDAN RD E**  
Description: **Border Neon Signs (North elevation)**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

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

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

#### IMPORTANT INFORMATION

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

(continued)



## REVIEW COMMENTS

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

Application No. 424041

6100 S SHERIDAN RD E

June 22, 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 60.040 Sign Regulations of General Applicability

#### 60.040-A Applicability

The regulations of this section apply to on premise wall, projecting and freestanding signs and all off-premise outdoor advertising signs, except as otherwise expressly stated. These regulations are in addition to any other applicable regulations established in this chapter.

3. Signs that are visible from an R district (other than street, highway or freeway right-of-way) or from a designated residential development area must be separated from the R district or residential development area by a minimum distance of 50 feet.

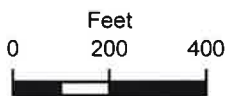
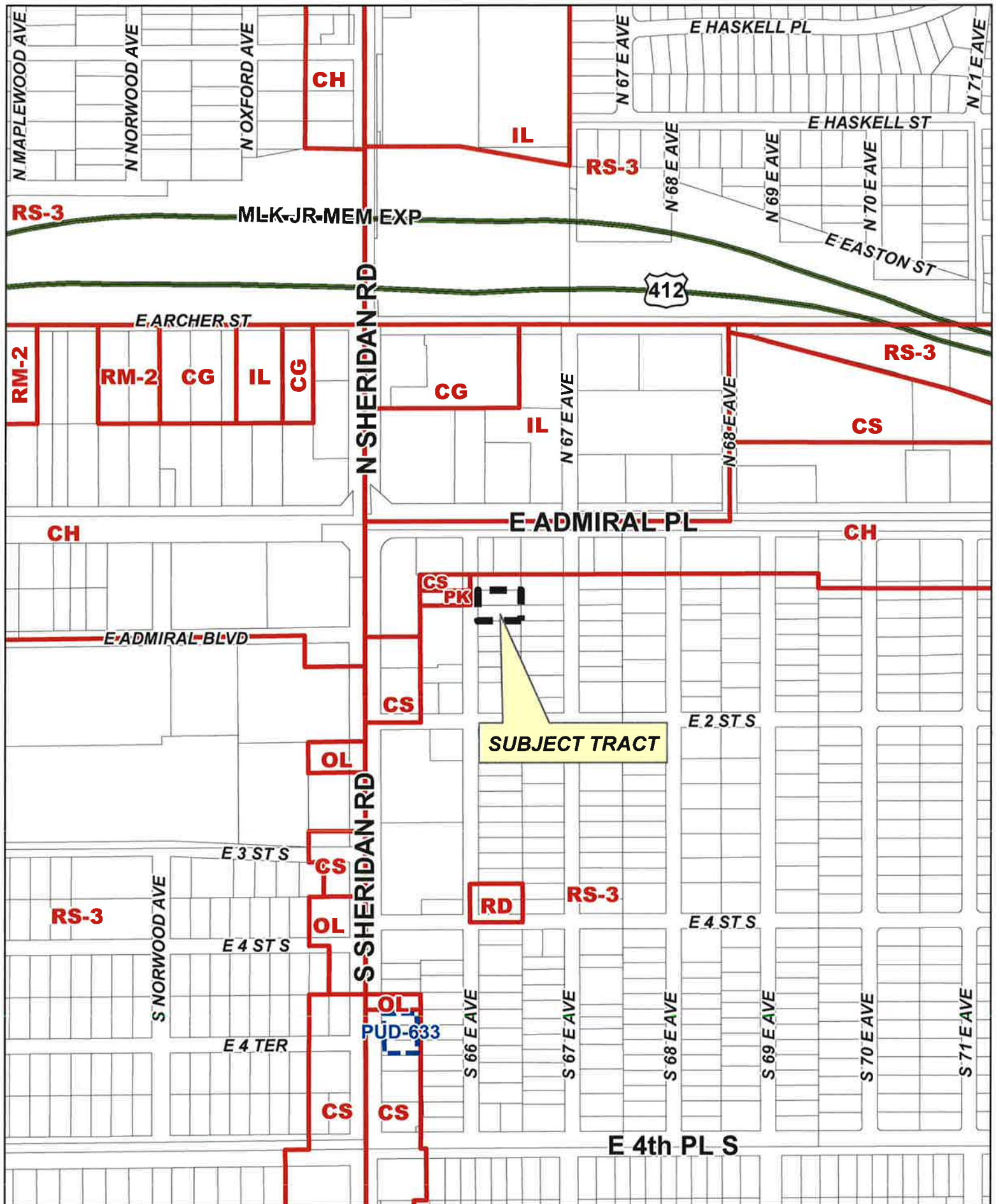
**Review Comments:** The border neon signs on the North elevation appear to be within 50 feet of the RM-3 Residential zoning district to the West. You may remove all signage within 50 feet of the RM-3 zoning district to the West or pursue a variance from the BOA to permit border neon signs to be visible within 50 feet of an RM-3 zoning district.

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

## END – ZONING CLEARANCE AND SIGN CODE REVIEW

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

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



**BOA-22288**

19-13 02



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9302

Case Number: **BOA-22288**

CZM: 38

CD: 3

A-P#: 421057

**HEARING DATE:** 07/25/2017 1:00 PM

**APPLICANT:** Donald Swope

**ACTION REQUESTED:** **Variance** to allow a detached accessory building to exceed 500 sq. ft. to permit a 1200 sq. ft. detached accessory building (Section 45.030).

**LOCATION:** 21 S 66 AV E

**ZONED:** RS-3

**PRESENT USE:** Residential

**TRACT SIZE:** 14000.24 SQ FT

**LEGAL DESCRIPTION:** LT 22 BLK B; LT 23 BLK B, CREST VIEW ESTATES, City of Tulsa, Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:**

None Relevant.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the portions of the subject property as part of an Existing Neighborhood; a Mixed-use Corridor; an Area of Stability and an Area of Growth.

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

A **Mixed-Use Corridor** is a plan category used in areas surrounding Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. The streets usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use.

The intent of an **Area 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 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. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.



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

**STAFF COMMENTS:**

The applicant is before the Board requesting a **Variance** to increase the allowable square footage of a detached accessory building in the RS-3 district to from 500 sq. ft. to 1200 sq. ft. The applicant stated that the existing storage sheds/buildings on the site will be removed when the new storage building is built; and the site will be cleaned-up. On 06.21.17 the TMAPC approved a lot combination (LC-912) to combine the subject lots.

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 960 sq. ft.; therefore the maximum allowed floor area for detached accessory buildings on the lot is 500 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. as proposed on the attached site plan.

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a **Variance** to increase the permitted size of an accessory building from 500 sq. ft. to 1200 sq. ft. (Section 45.030)

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

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

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

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

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

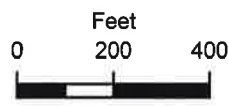
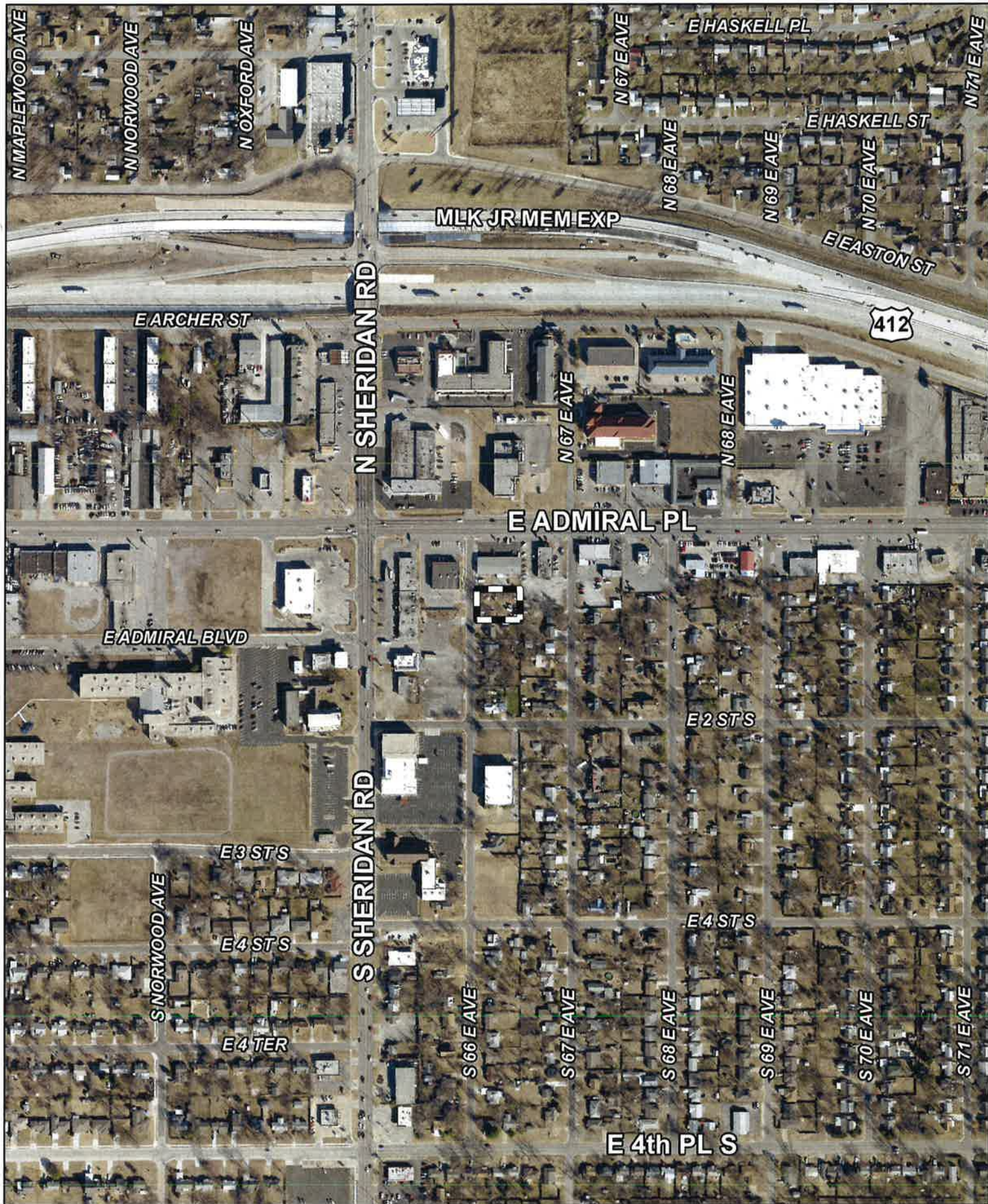
*d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*

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

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

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





 Subject Tract

**BOA-22288**

19-13 02

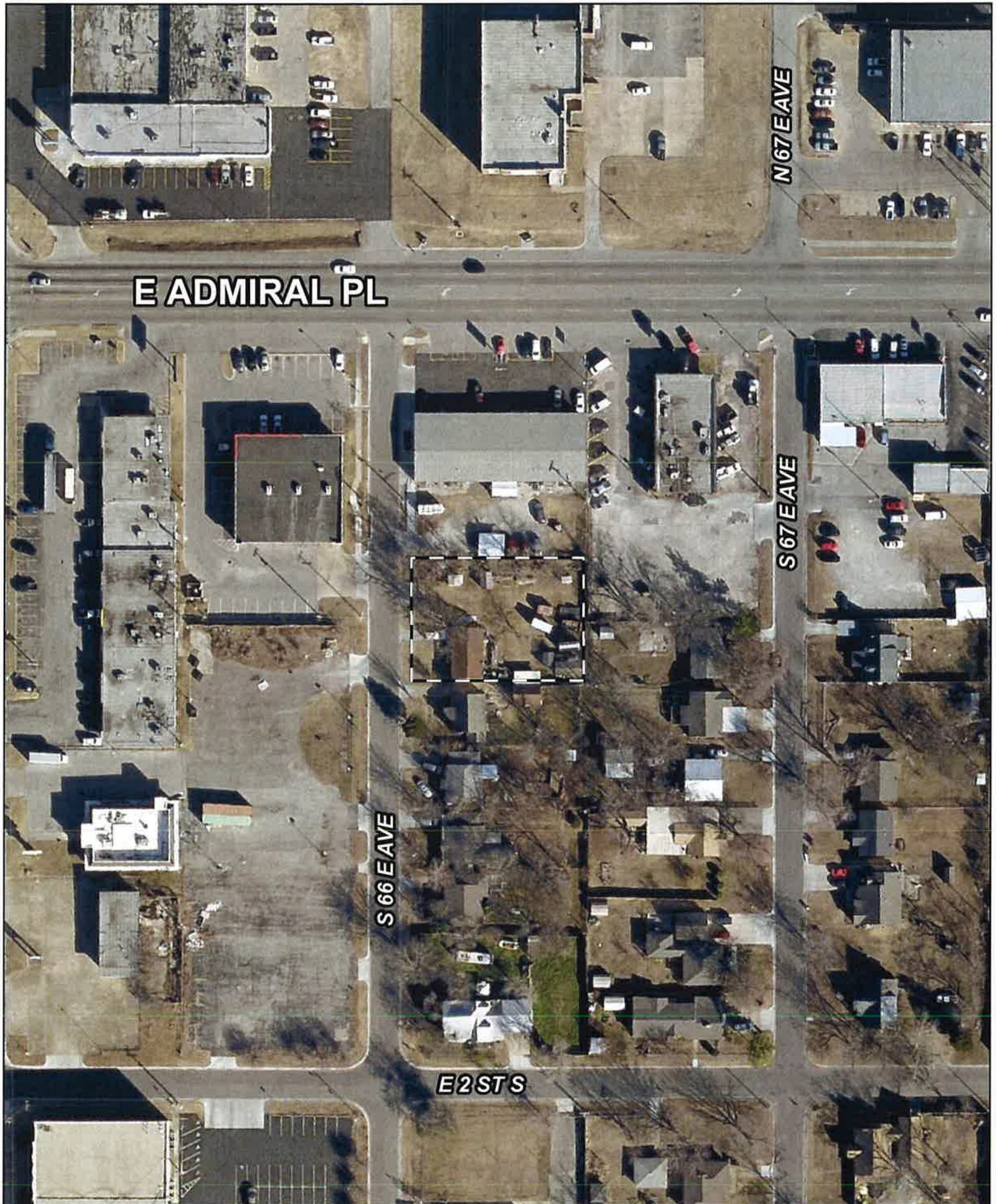
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016

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0 50 100  
Feet



Subject  
Tract

**BOA-22288**

19-13 02

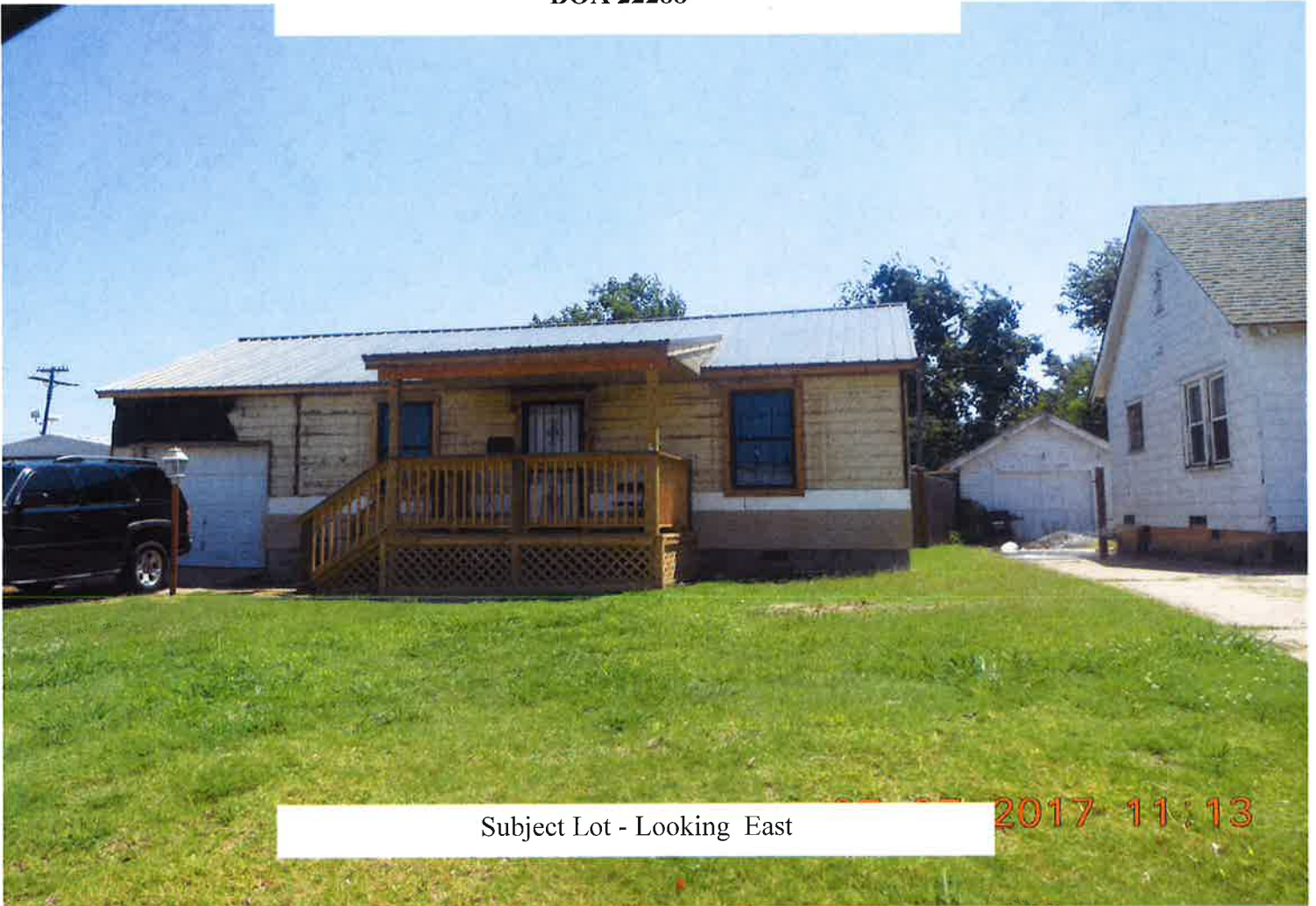
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2016

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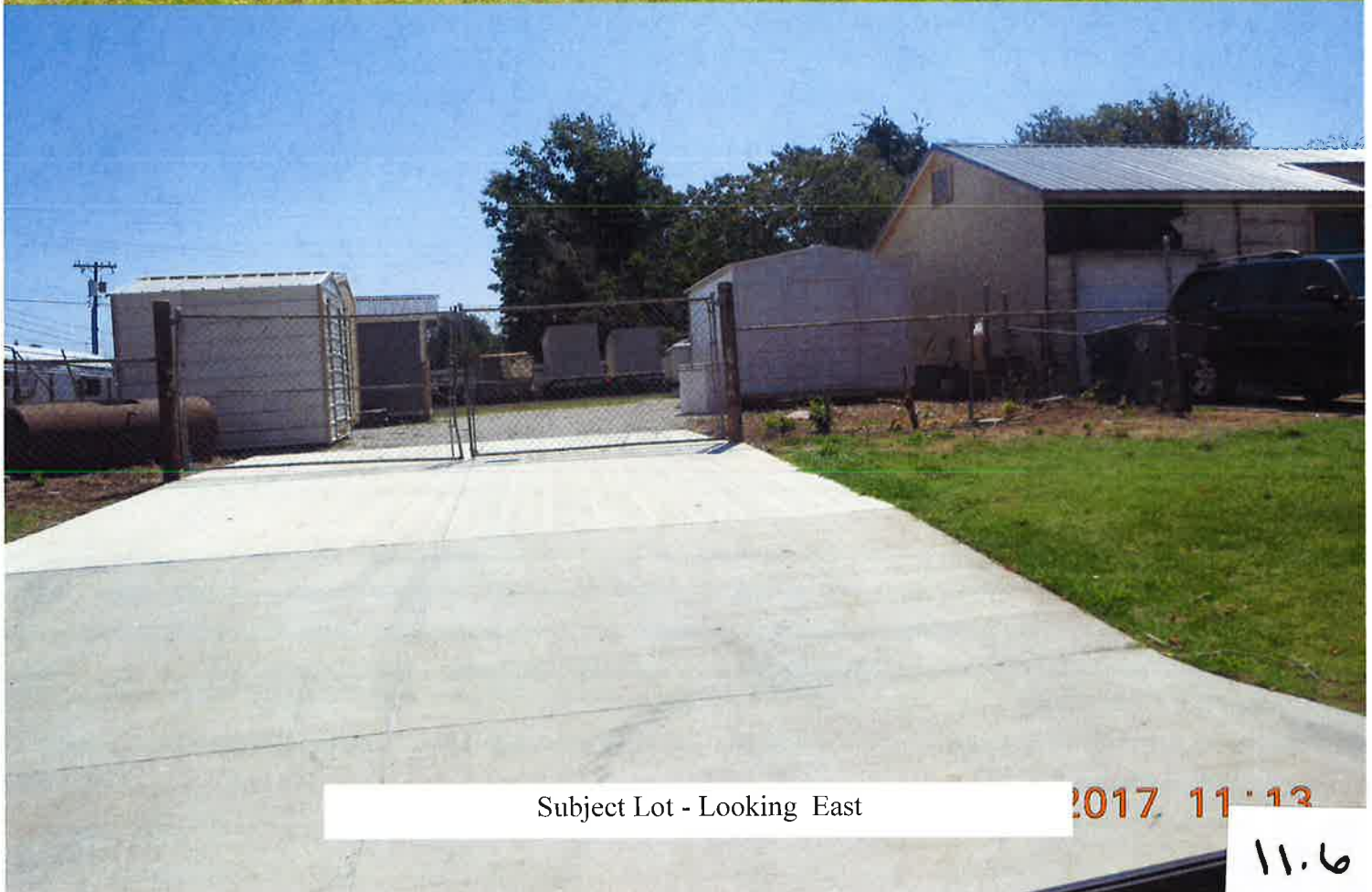






Subject Lot - Looking East

2017 11 13



Subject Lot - Looking East

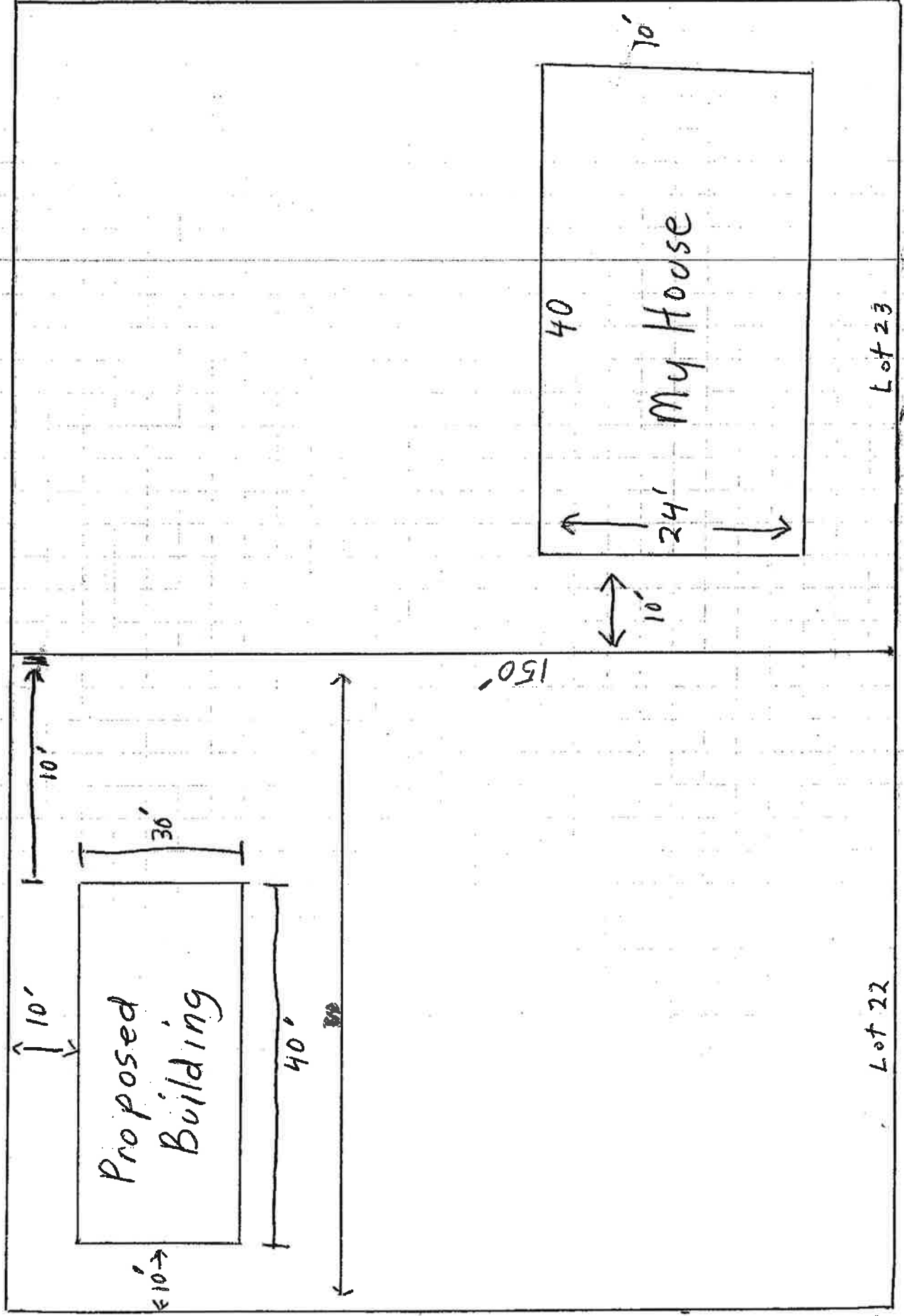
2017 11 13

11.6

21 SOUTH DULIN, EAST AVE.

Garage

Plot Plan

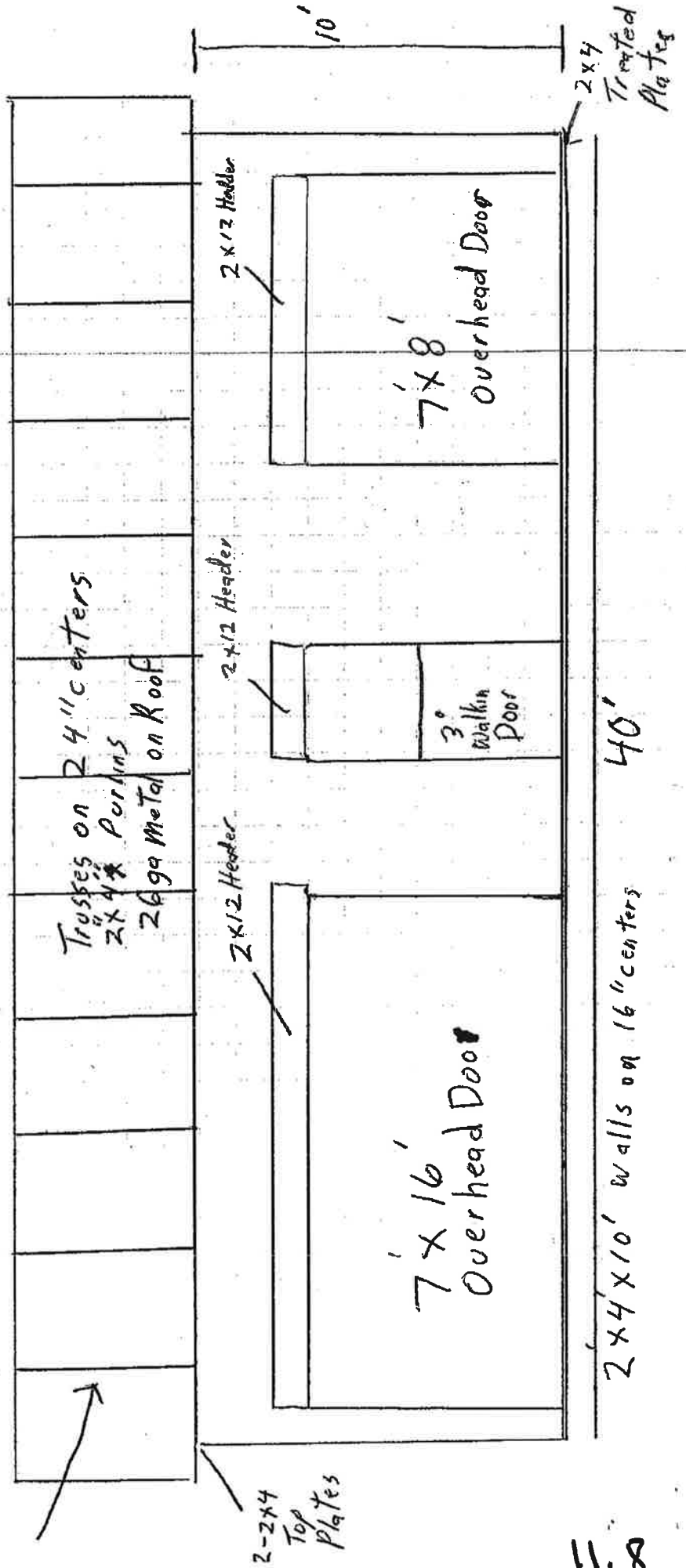


21 S. 66th East Ave

Don Swope  
Garage

Front Wall

Metal Roof





Back Wall

Wood Framing

Don Swope  
Garage

2x4x10" walls on 16" centers  
Trusses on 24" centers

on 24" center

Trusses Built By Truss Co

4/12 Pitch

4/12 Pitch

2x4 Purlins

42'

60"

4/12 Pitch

Double 2x4 Top Plate

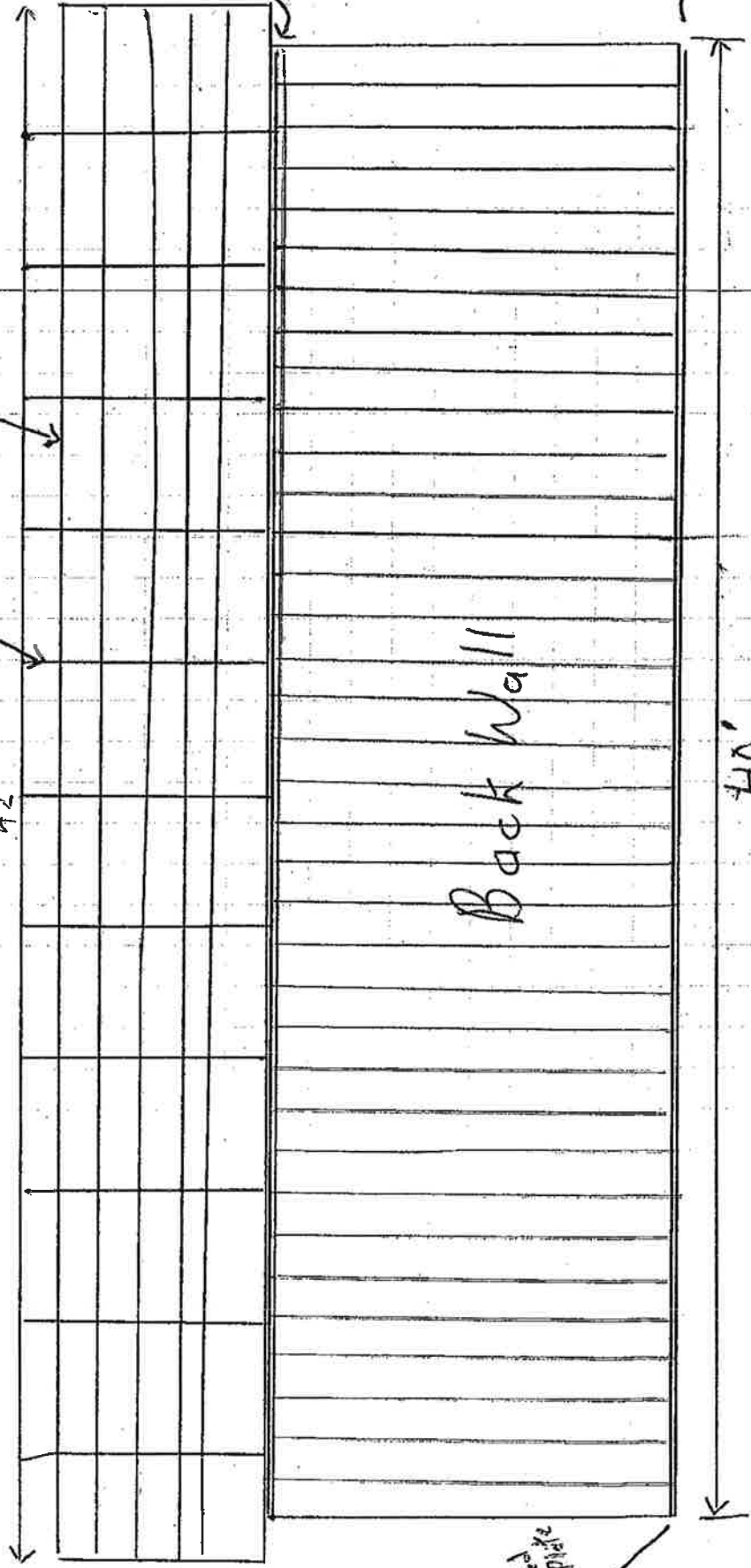
10'

Back Wall

40'

2x4 Top Truss Plate

11.9



Building 30' wide  
40' long

Don Swope  
garage

Both Walls

sides

Walls covered with

1/2" Waferboard with

the covered Siding Back and Front  
the 11 Lap Purlins on 24" centers

2x4 Purlins

2x6 g9 Metal

Trusses on 24" centers

Double Top Plates

Single Bottom Treated Plates

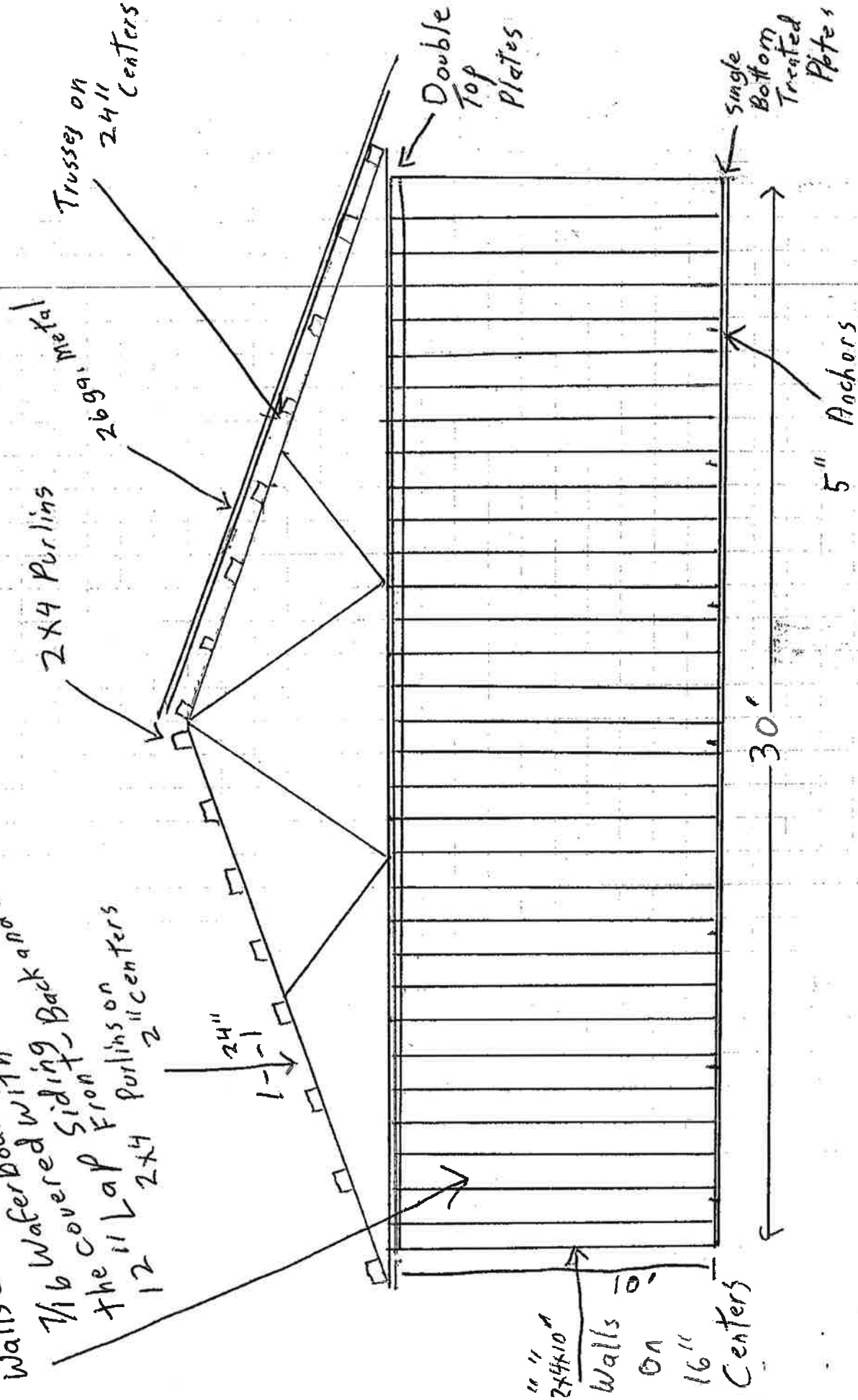
5" Anchors

30'

2x4x10" Walls on 16" centers

10'

11.10



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



## DEVELOPMENT SERVICES

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

### ZONING CLEARANCE PLAN REVIEW

LOD Number: 1003550-1

May 11, 2017

DONALD SWOPE  
HOMEOWNER  
21 S 66TH AV E  
TULSA, OK 74112

Phone: (918)697-9974

APPLICATION NO: **421057** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: **21 S 066 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 2<sup>nd</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

#### IMPORTANT INFORMATION

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

(continued)

11.11



## REVIEW COMMENTS

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

Application No. 421057

21 S 066 AV E

May 11, 2017

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

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

### 1.) Section 5.020 Use Regulations

#### 5.020-F Accessory Uses

Accessory uses, such as home occupations, are not regulated by Table 5-2. Customary accessory uses are allowed in conjunction with principal uses permitted by right or by special exception, subject to compliance with all applicable accessory use regulations of Chapter 45.

**Review Comments:** The proposed accessory building must be located on the same lot as the principle residential structure. Revise the site plan to show the detached accessory building on lot 23 or you may pursue a lot combination for lots 22 and 23 block 8.

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

In RS-2, RS-3, RS-4 and RS-5 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 a 1200 sq. ft. detached accessory structure. The proposed detached structure exceeds 500 sq. ft. or 40% of the size of your house. Based on the size of your house (1075 sq. ft.) you are allowed a 500 sq. ft. detached accessory structure on your lot. Reduce the size of your proposed detached accessory structure to be 500 sq. ft. or less. You may pursue a variance from the BOA to permit a detached accessory structure to exceed 500 square feet and 40% of the floor area of the principal residential structure from 500 square feet to 1200 square feet.

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

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

## **END – ZONING CODE REVIEW**

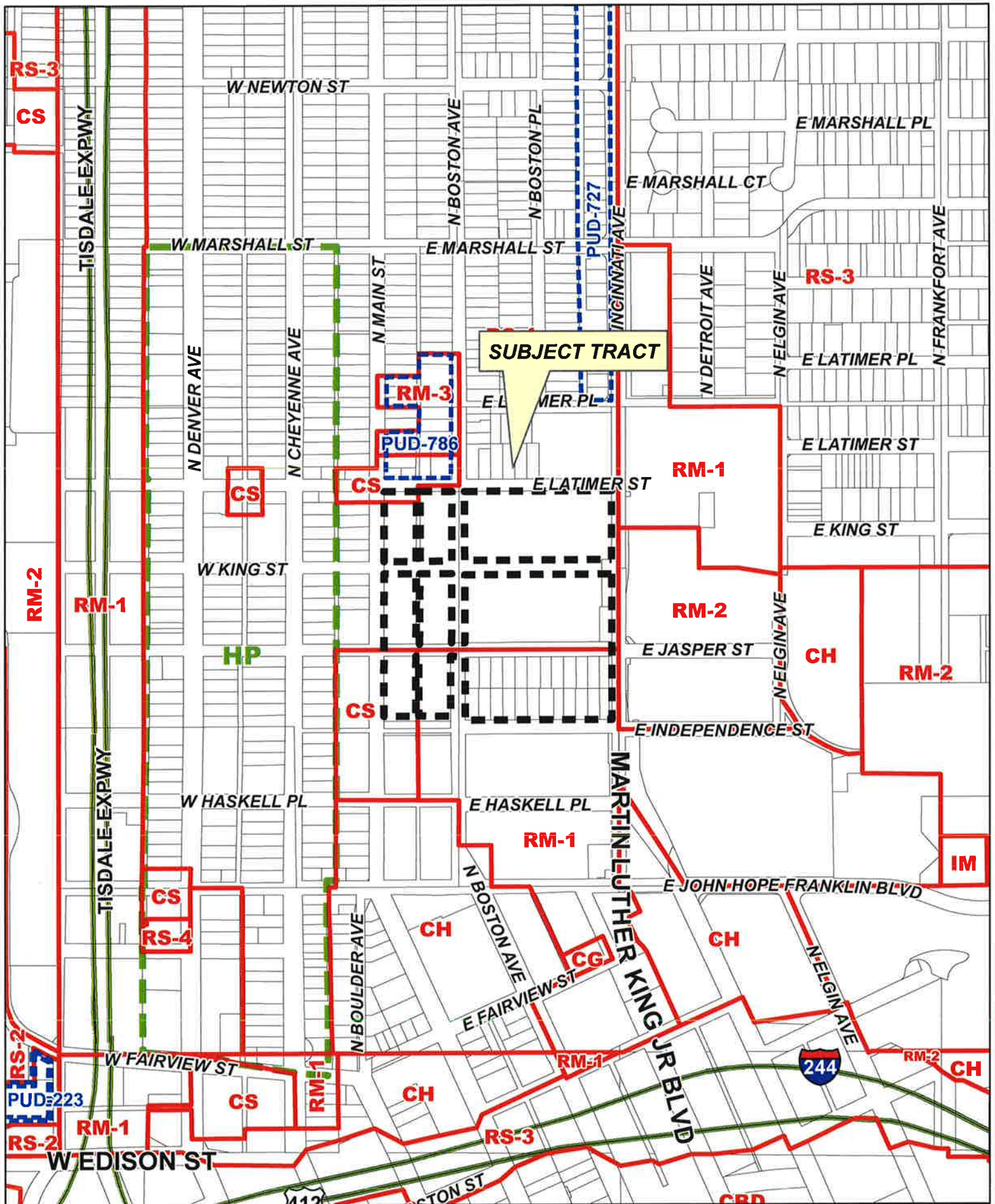
**NOTE:** THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

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

11.13

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BOA-22295

20-12 35

12.1



# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 0235

Case Number: **BOA-22295**

**CZM:** 28

**CD:** 1

**A-P#:** 420555

**HEARING DATE:** 07/25/2017 1:00 PM

**APPLICANT:** KKT Architects, Inc.

**ACTION REQUESTED:** Special Exception to permit a school and accessory uses in an R district (Section 5.020-F).

**LOCATION:** Between E. Independence Ave. & E. Latimer St. and between N. M.L.K. Jr. Blvd. & N. Main St.

**ZONED:** RM-1, RS-4, CS

**PRESENT USE:** Elementary School and Vacant Lots

**TRACT SIZE:** 17.82 Acres

**LEGAL DESCRIPTION:** Lots 1-12, Block 19, Lots 1-12, Block 20, Lots 1-5 and Lots 18-22, Block 21, Burgess Hill Addition; Lots 1-24, Block 2, Lots 1-24, Block 3, and Lots 1-24, Block 4, Kirkpatrick Heights and vacated East Jasper Street Right of Way between Main Street and MLK Jr. Blvd., CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, SECTION 35, TOWNSHIP 20 NORTH, RANGE 12 EAST

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Lot:**

**BOA 16829;** on 09.27.94 the Board approved an amended site plan to allow mobile classrooms on the subject site.

**BOA 8851;** on 02.04.75 the Board approved a special exception to allow a public school use; and a minor variance for permission to build across lot lines on the subject property.

**BOA 6296;** on 05.06.69 the Board approved a special exception to allow a school use on the subject property.

**BOA 5659;** on 12.06.67 the Board approved a special exception to allow a school use on the subject property.

### **Surrounding Properties:**

**BOA 22042** on 04.12.16 the Board approved special exception to permit a school use in an RM-2 district; located at the northeast corner of E. Jasper St. and N. M.L.K. Jr. Blvd.

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

12.2

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

**Downtown Neighborhoods** are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed use residential areas.

The intent of an **Area 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 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. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is abutted by RS-4 zoned residential on the west; CS and RM-1 zoned vacant lots on the south. RM-1 and RM-2 zoning abuts the site on the east; CS zoning and RS-4 zoned residential abuts the site on the north.

**STAFF COMMENTS:**

As shown on the attached site plan the school expansion includes a 8,690 SF auditorium addition and parking area expansion south of the existing school campus; and a 11,195 SF Pre-K addition on the northwest portion of the school.

To permit expansion of the existing Elementary School the applicant is before the Board requesting special exception to permit a school use and accessory uses in an R district. A special exception is required as the portion of the site immediately south of E. Jasper St. was not included in the original Board approvals to allow a school use on the subject site.

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Special Exception to permit a school and accessory uses in an R district (Section 5.020-F).

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

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



\*\*\*\*\*.

UNFINISHED BUSINESS

FILE COPY

22042—Eller & Detrich – Lou Reynolds

Action Requested:

Special Exception to permit a school use in the RM-2 District (Section 5.020-C).

LOCATION: 301 East Jasper Street North (CD 1)

Mr. Henke recused and left the meeting at 1:13 P.M.

Presentation:

Lou Reynolds, Eller & Detrich, 2727 East 21<sup>st</sup> Street, Tulsa, OK; stated he represents the Drexel Academy and this request to allow the operation of a school on the subject property for two years and six months. Mr. Reynolds had a zoning map placed on the overhead projector and discussed the surrounding zoning and the subject property's zoning. The property has been vacant for several years and is owned by the University of Tulsa Center Authority. The Drexel Academy has leased the property and this will be a temporary location while Drexel Academy looks for a permanent location. Mr. Reynolds presented a new site plan and had it placed on the overhead projector. The original buildings that Drexel Academy intended to purchase have been sold but the new site plan is similar to the original site plan. Mr. Reynolds had a new building plan placed on the overhead projector and stated that the facility will be totally fenced in. There is a designated place for the parents to drop off and pick up their children. Drexel Academy is a non-profit charter school and they are focused on underserved neighborhoods and the subject property is in the center of their area. Drexel Academy is authorized by Oklahoma State University, the Oklahoma State Board of Regents sponsors the school, and the Oklahoma State College of Education provides their governments. Commencing on August 1, 2016 Drexel Academy will operate three grades, K-2 which will have 15 students in each grade. Next year on August 1, 2017 Drexel Academy will operate four grades, K-3 with 15 students in each grade. There will not be more than 60 children in attendance and they will attend school 11 months out of the year. The typical day is 7:30 A.M. to 5:00 P.M. for ten months; then in June the day will be from 9:00 A.M. to 3:00 P.M., and the students will take July off. This will not be injurious to the neighborhood and behalf of Drexel Academy he would request the Board approve the Special Exception per the conceptual site plan for two years and six months.

Mr. Van De Wiele asked staff about the e-mail from Julie Miner regarding the zoning and the land use issue. Ms. Miner is raising concerns about the buildings being trailers

BOA-22042

FILE COPY

and Mr. Van De Wiele asked if that was accurate. Mr. Reynolds stated they are not trailers, they are temporary buildings. They will be dressed up in a nice way and skirted. The buildings will be there temporarily only and they are very appropriate for the area. There is no one around the subject property and Mr. Reynolds believes the complaint saying the buildings are trailers is a mischaracterization.

Mr. White asked Mr. Reynolds about how this will affect the other educational facilities in the area and will this interfere with their development plans. Mr. Reynolds stated that he cannot imagine this will interfere because Drexel Academy has leased the property from the University Center Authority which is a public authority. This has been through all the City processes and no one has come forward to lease the subject property.

Mr. Snyder asked Mr. Reynolds how long the lease is for the subject property. Mr. Reynolds stated that lease is for one year with three one year options.

Ms. Moye stated that the application was noticed to the property owners within 300 feet and to date she has not received any comments from any of the neighboring property owners, other than the comment this is included in the Board's agenda packet. In terms of the temporary buildings and the City of Tulsa has stated that the temporary buildings will be allowed.

Ms. Miller stated the Ms. Julie Miner had a meeting to attend or she would have been in attendance today. It is Ms. Miller's understanding that the TDA had meetings to work on the renderings of the buildings and their appearance and today's submittal looks totally different than what was originally submitted which is a concern for her.

Mr. Van De Wiele asked Ms. Miller if her concern was that it is going from better to worse. Ms. Miller stated that her concern is that the process this went through before it reached INCOG possibly did not see what was submitted to the Board today. Ms. Miller stated that Ms. Miner had commented on the rendering that is in the Board's agenda packet and Ms. Miller stated that she has seen iterations of today's submittal and saw how it evolved over time aesthetically, and now it looks like it took a few steps backward with a stripped down look of what was submitted today. Ms. Miller stated this is a concern given all the improvements made in Emerson School and the other things happening in the area.

Mr. Reynolds stated that Drexel Academy will be on the subject property for two years and six months only. The buildings that were presented in the Board's agenda packet were lost because another party paid a higher price for them than Drexel did after a hand shake and an agreement.

Ms. Snyder asked Mr. Reynolds if the plans are to remove the buildings after the two years and six months. Mr. Reynolds answered affirmatively.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

BOA-22042

FILE COPY

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-1 (Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; Henke "abstaining"; none absent) to **APPROVE** the request for a Special Exception to permit a school use in the RM-2 District (Section 5.020-C), subject to the conceptual plan submitted today, April 12, 2016. The Special Exception approval will expire two years and six months from today's date. This approval is with the further understanding that the buildings to be located on the subject property will be removed within three months after the expiration of the two years and six month period. 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 1 - 24 LESS BEG SWC LT 13 TH N18 SELY TO A PT ON SL LT 13 TH W12 POB & LESS BEG NWC LT 12 TH S77.07 TO PT ON NL W8.56 POB BLK 1 & E38 LT 4 & ALL LTS 5 THRU 9 & W5 LT 10 BLK 1 RAMONA ADDN & ALL VAC STREETS ADJ THERETO & LESS BEG 18 N SWC LT 13 TH, SUNSET HILL ADDN, RAMONA ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

Mr. Henke re-entered the meeting at 1:24 P.M.

\*\*\*\*\*

**NEW APPLICATIONS**

**22048—Don Oltman**

**Action Requested:**

Variance to reduce the minimum lot width from 60 feet to 50 feet to permit a duplex, per lot, in the RM-2 District (Section 5.030-A). **LOCATION:** N of NW/c of South Newport Avenue & East 61<sup>st</sup> Street (CD 9)

**Presentation:**

**Marilyn Oltman**, Oltman Homes, Inc., P. O. Box 713, Jenks, OK; stated she has purchased nine lots and six of the lots have duplexes on them that her firm built. Those six duplexes were sold and the lady that purchased them reserved the right to purchase the three subject lots. During this process it was discovered that a Variance is now needed to be able to build duplicate duplexes.



## OTHER BUSINESS

### Case No. 16829

#### Action Requested:

Amended site plan approval

#### Comments and Questions:

Ms. Russell informed that school use, per plot plan, was previously approved at this location; however, the addition of a mobile classroom is proposed, which requires an amendment to the previously approved plan.

#### Presentation:

The applicant, **Tulsa Public Schools**, was represented by **Aaron Peters**, 1555 North 77th East Avenue, who requested that the previously approved plan be amended to include a mobile classroom. An amended plot plan (Exhibit T-1) was submitted.

#### Protestants:

None.

#### Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** an amended site plan, as submitted.

### Case No. 16830

#### Action Requested:

Amended site plan approval

#### Comments and Questions:

Ms. Russell informed that school use, per plot plan, was previously approved at this location; however, the addition of a mobile classroom is proposed, which requires an amendment to the previously approved plan.

#### Presentation:

The applicant, **Tulsa Public Schools**, was represented by **Aaron Peters**, 1555 North 77th East Avenue, who requested that the previously approved plan be amended to include a mobile classroom. An amended plot plan (Exhibit W-1) was submitted.

#### Protestants:

None.

8850

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a children's nursery in an RS-3 District located at 18538 East 1st Street.

Presentation:

Jim Baker advised the Board that he and his wife reside at 18532 East 1st Street and plan to operate a children's nursery on the subject property, noting that he had been in contact with the Welfare Department and City-County Health Department who advised that 37 children could be cared for in the existing structure. Mr. Baker advised that they were operating a nursery, at the present time, at 185th and Admiral which is too small for their needs. The hours of operation are 6 a.m. to 6 p.m. and the traffic varies such that there are usually no more than two persons at the center at one time. The present facility has a double driveway and the proposed facility has a single driveway. Mrs. Baker advised that the present facility is located on a corner and they have experienced traffic problems because of the amount of traffic on Admiral. She advised that she had spoken with neighbors in the area and they have no objection to parents parking on-street in front of their residences. She also noted that the driveway of her residence can also be used for parent parking if necessary.

The Staff advised that the Board should consider that this Section permits a 32 square foot sign by right unless the Board specifically prohibits a sign or reduces the size of the sign.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (3-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a children's nursery between the hours of 6 a.m. and 6 p.m., subject to no advertising signs being permitted, in an RS-3 District on the following described tract:

Lot 10, Block 4, Rolling Hills Third Addition to the City of Tulsa, Oklahoma.

8851

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for public school use; and a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for permission to build across lot lines in an RM-1 and CS District located at 103 East King Street.

12.4.75:201(7)

12.8

8851 (continued)

Presentation:

Alan Fedman, representing Tulsa Independent School District #1, submitted the plot plan (Exhibit "E-1") advising that the seven acres adjacent to Emerson Elementary was acquired from the Tulsa Urban Renewal Authority and is to be used for a new and larger Emerson Elementary School. He noted that the plan as proposed will require a vacation of King from Main to Cincinnati and a vacation of Boston from Latimer to Jasper, which will require District Court action. He requested approval of the proposal per plot plan.

The Staff noted that the Board's action should they choose to support the application will in no way be an endorsement of the vacation of the proposed streets for the completion of the development. That is a matter for the City and the Courts to decide.

Interested Parties:

Interested citizens, unnamed, were present and concerned with which portions of the streets were to be vacated. Mr. Fedman reviewed the plan with the citizens for clarification purposes.

R. C. Simpson, Sapulpa, advised the Board that he owns two properties in the area and questioned whether or not the development would devalue his properties by placing the children closer to his properties, after which the Chair noted that this would be a question of environmental impact which is something that the Board cannot answer.

Mr. Gardner advised that a campus theme is proposed, noting that the school itself will be more than a block to the east of Mr. Simpson's properties. For the most part, the school will be visible, but the area between will be of a park-like nature. He felt that there would be no adverse impact on the neighborhood.

Board Action:

On MOTION of SMITH, the Board (3-0) approved an Exception (Section 410-Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for public school use; and a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) to build across lot lines, per plot plan, in an RM-1 and CS District on the following described tract:

The vacated Boston and King Streets; and All of Blocks 19 and 20, Burgess Hill Addition; Block 2, Kirkpatrick Heights Addition; All of Block 3, Kirkpatrick Heights Addition, less the east 40' of Lot 1, and Lot 24, All in the City of Tulsa, Oklahoma.

8852

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1225 - Light Manufacturing and Industry) to operate a light machine shop in a CH District located at 1228 South Detroit Avenue.

12.4.75:201(8)



6294 (continued)Parcel No. 3

Beginning at a point in the South line of said SE/4 of the NW/4, 325 feet from the Southwest corner thereof; thence Easterly along said South line a distance of 150 feet; thence Northerly and parallel to the West line of said SE/4 of the NW/4 a distance of 100 feet; thence Westerly and parallel to the South line of said SE/4 of the NW/4 a distance of 150 feet; thence Southerly and parallel to the West line of said SE/4 of the NW/4 a distance of 100 feet to the point of beginning, comprising 19.36 acres, more or less, to the City of Tulsa, Tulsa County, Oklahoma.

6296

Action Requested: Exception (Section 5 (e) (aa)) to permit utilizing the property for school purposes, in a U-2A district, on a tract located at 143 East King Street.

Presentation: H. H. Edwards, representing the School Board, stated that the ground would be used for a parking lot.

Protests: None.

Board Action: On MOTION of REEDS, the Board of Adjustment (5-0) granted an Exception (Section 5 (e) (aa)), to permit utilizing the property for school purposes, in a U-2A district, on the following described property:

Lot 23, Block 2, Kirkpatrick Heights Addition,  
to the City of Tulsa, Tulsa County, Oklahoma.

6297

Action Requested: Exception (Section 5 (d) (2)) to permit erecting a public school in a U-1C district, on a tract located at 13th Street and 137th East Avenue.

Presentation: H. H. Edwards, representing the School Board, was present.

Protests: None.

Board Action: On MOTION of DISLER, the Board of Adjustment (5-0) granted an Exception (Section 5 (d) (2)), to permit erecting a public school in a U-1C district, on the following described property:

5.6.69:31(17)





Feet  
0 250 500

Subject  
Tract

**BOA-22295**

20-12 35

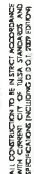
*Note: Graphic overlays may not precisely align with physical features on the ground.*

*Aerial Photo Date: February 2016*



12.17



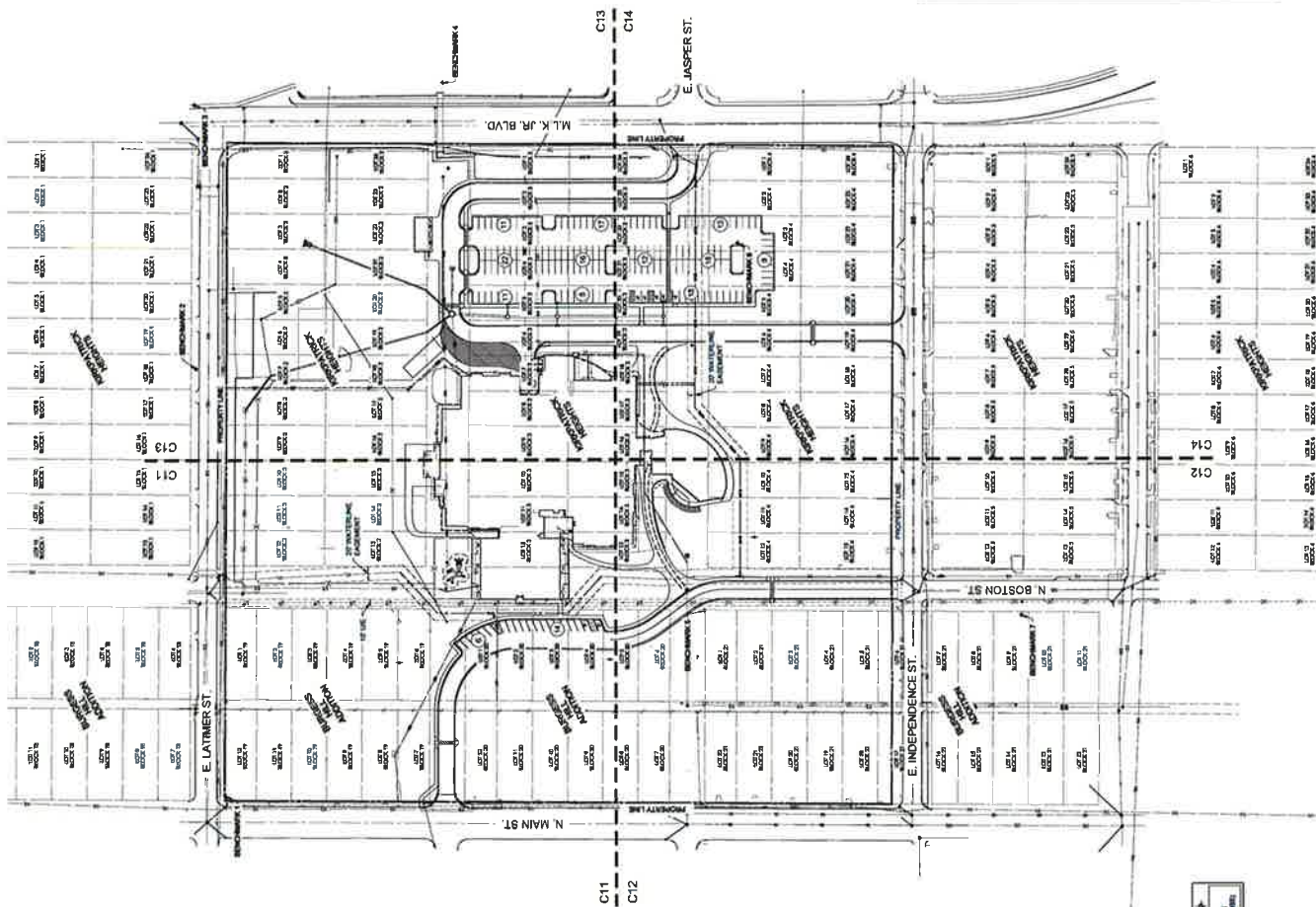
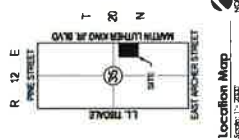


EMERSON  
ELEMENTARY  
REMODEL/  
ADDITION

910 N. MLK JR BLVD.  
TULSA, OK 74106

[illegible]OVERALL SITE  
PLAN

**GE10**

[illegible]

Land Area Summary		Net Land Area	
Site	Dedicated	Area	Acres
Zone	Commercial		
<p><b>Building Data</b></p> <p>EXISTING BUILDING 35,025 SF</p> <p>PROPOSED MAINTENANCE ADDITION 8,600 SF</p> <p>PROPOSED OFFICE ADDITION 11,915 SF</p> <p>PROPOSED PEDESTAL ADDITION 77,664 SF</p> <p><b>TOTAL BUILDINGS 133,204 SF</b></p>			
<p><b>Off-Street Parking Requirements:</b></p> <p>REQUIRED: 605 SPACES/100 SF</p> <p>PROVIDED: 123 PARKING SPACES</p>			
<p><b>Handicap Parking Requirements</b></p> <p>REQUIRED: 4 HANDICAP SPACES</p> <p>PROVIDED: 4 HANDICAP SPACES</p>			
<p><b>Impervious Area</b></p> <p>EXISTING IMPERVIOUS AREA 382,514.65 SF (22.26 AC)</p> <p>TOTAL IMPERVIOUS AREA 382,514.65 SF (22.26 AC)</p> <p>EXISTING IMPERVIOUS AREA 24,885.57 SF (0.56 AC)</p>			

**Legal Description:**  
 LOTS 1-12 BLOCK 19, LOTS 1-12 BLOCK 20, LOTS 1-22 BLOCK 21, BURGESS HILL ADDITION; LOTS 1-24  
 BLOCK 2, LOTS 1-24 BLOCK 3, LOTS 1-24 BLOCK 4, LOTS 1-24 BLOCK 5, BURGESS HILL ADDITION;  
 VACATED E. JAVIER STREET BEG. OF WAY BETWEEN MAIN STREET AND AVE. IN N.W. AN ADDITION  
 TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, SECTION 36, TOWNSHIP 20 NORTH,  
 RANGE 12 EAST.

Benchmark 1	Benchmark 2	Benchmark 3
-------------	-------------	-------------

ELEVATION = 752.24 (NAVD83)	<b>Benchmark 5</b>	IRON PIPE 330954 RD. E 2800033 (11)
ELEVATION = 750.09 (NAVD83)	<b>Benchmark 6</b>	IRON PIN MC 432026 RD. E 2800254 (88)
ELEVATION = 745.10 (NAVD83)	<b>Benchmark 7</b>	IRON PIN 7N 43264 RD. E 2800006 (01)

12.12





KKT ARCHITECTS, INC.  
ARCHITECTS & ENGINEERS  
TULSA, OKLAHOMA 74114  
P: 918.744.4200 F: 918.744.7899  
WWW.KKTARCHITECTS.COM



ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH CURRENT CITY OF TULSA ORDINANCES AND SPECIFICATIONS INCLUDING D.O. 17891 (2009)

TPS

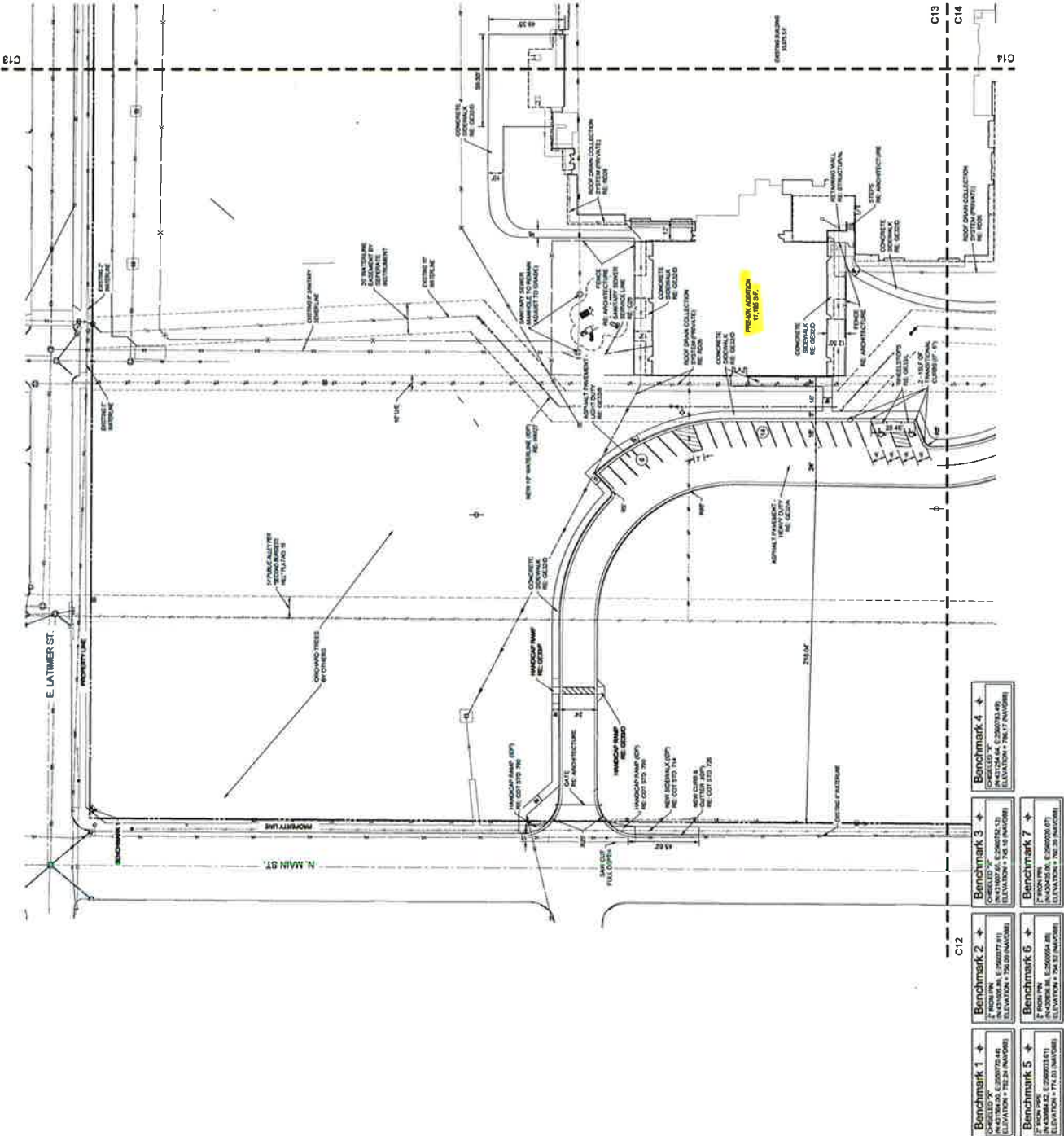
# EMERSON ELEMENTARY REMODEL/ ADDITION

910 N. MLK JR BLVD.  
TULSA, OK 74106



HORIZONTAL SCALE	1"=20'
VERTICAL SCALE	1"=20'
DATE	08/11/2017
PROJECT NO.	22
CLIENT	TPS
MANAGER	ANM
DESIGNER	ST
CONSTRUCTION	08/11/2017
RESIDENTIAL	08/11/2017

NORTHWEST SITE  
PLAN  
**GE11**



**Legend**

EXISTING DRIVEWAY	NEW DRIVEWAY
EXISTING SIDEWALK	NEW SIDEWALK
EXISTING CURB	NEW CURB
EXISTING LANDSCAPE	NEW LANDSCAPE
EXISTING UTILITY	NEW UTILITY
EXISTING FENCE	NEW FENCE
EXISTING WALL	NEW WALL
EXISTING ROOF	NEW ROOF
EXISTING FLOOR	NEW FLOOR
EXISTING CEILING	NEW CEILING
EXISTING DOOR	NEW DOOR
EXISTING WINDOW	NEW WINDOW
EXISTING PORCH	NEW PORCH
EXISTING PATIO	NEW PATIO
EXISTING DECK	NEW DECK
EXISTING STAIR	NEW STAIR
EXISTING ELEVATOR	NEW ELEVATOR
EXISTING HATCH	NEW HATCH
EXISTING SIGN	NEW SIGN
EXISTING LIGHT	NEW LIGHT
EXISTING PLANT	NEW PLANT
EXISTING TREE	NEW TREE
EXISTING SHrub	NEW SHrub
EXISTING FLOWERING	NEW FLOWERING
EXISTING FRUITING	NEW FRUITING
EXISTING SEEDLING	NEW SEEDLING
EXISTING SPROUT	NEW SPROUT
EXISTING SHOOT	NEW SHOOT
EXISTING BRANCH	NEW BRANCH
EXISTING TWIG	NEW TWIG
EXISTING STEM	NEW STEM
EXISTING BARK	NEW BARK
EXISTING LEAF	NEW LEAF
EXISTING FLOWER	NEW FLOWER
EXISTING FRUIT	NEW FRUIT
EXISTING SEED	NEW SEED
EXISTING SPROUT	NEW SPROUT
EXISTING SHOOT	NEW SHOOT
EXISTING BRANCH	NEW BRANCH
EXISTING TWIG	NEW TWIG
EXISTING STEM	NEW STEM
EXISTING BARK	NEW BARK
EXISTING LEAF	NEW LEAF
EXISTING FLOWER	NEW FLOWER
EXISTING FRUIT	NEW FRUIT
EXISTING SEED	NEW SEED



KKT ARCHITECTS, INC.  
2201 SOUTHWICK PLACE, SUITE 200  
TULSA, OKLAHOMA 74114  
[P] 918.744.4270 [F] 918.744.7849  
WWW.KKTARCHITECTS.COM



ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE  
OKLAHOMA CITY OF JULIA STANDARDS AND  
SPECIFICATIONS INCLUDING D.O.D. 1200 DESIGN

TPS

EMERSON  
ELEMENTARY  
REMODEL/  
ADDITION

910 N. MLK JR BLVD.  
TULSA, OK 74106

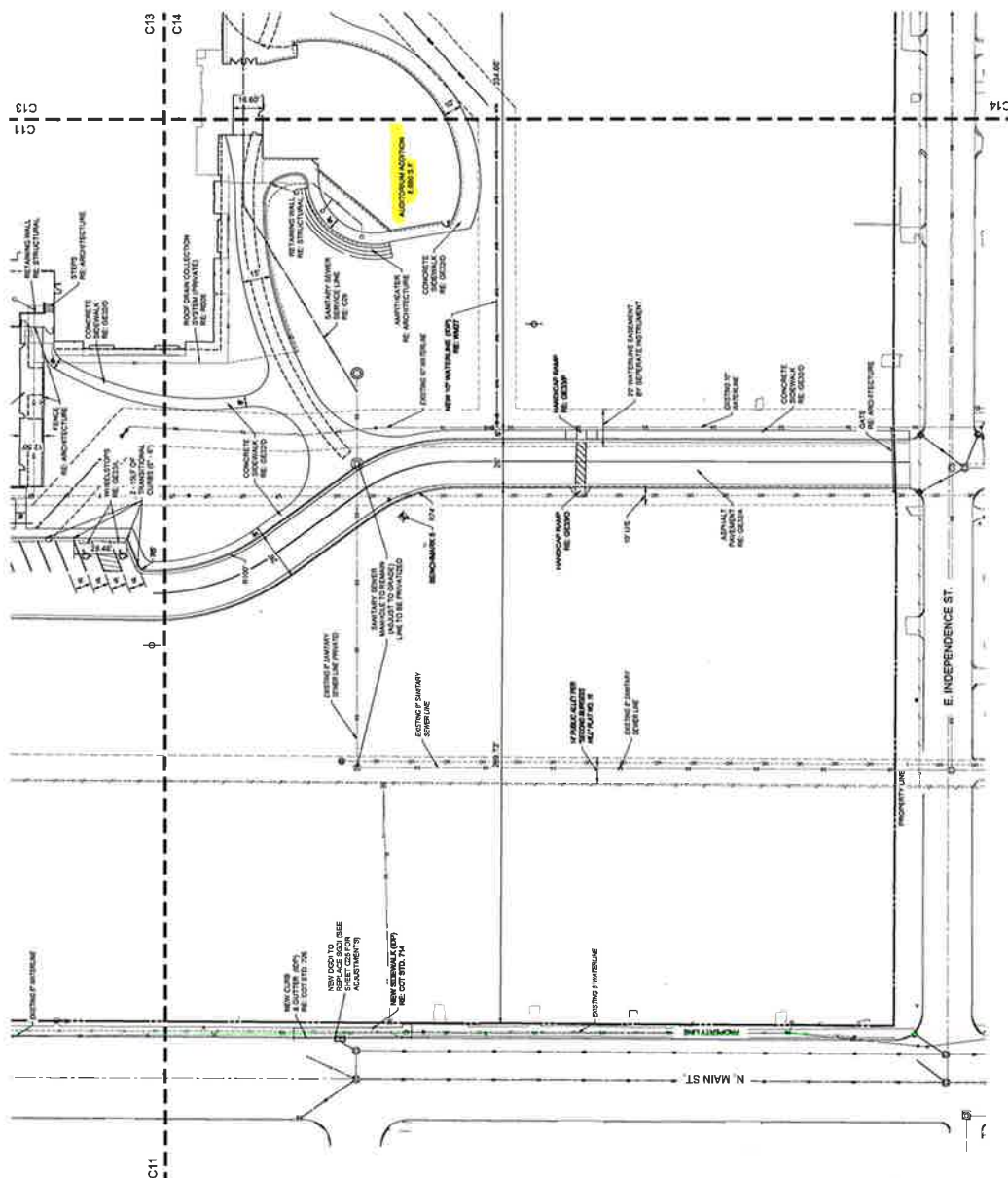


1"=30'  
VERTICAL  
SCALE  
BY NO.  
MANAGER  
DRAWN BY  
CHECKED BY  
DATE  
06/15/2017

SOUTHWEST SITE  
PLAN

GE12

24



Legend

1"=30'	VERTICAL
SCALE	BY NO.
MANAGER	DRAWN BY
CHECKED BY	DATE
06/15/2017	

<b>Benchmark 1</b> + CHISELED "X" P. 1000 (N) E. 2800000.00 ELEVATION = 722.24 (NAVD83)	<b>Benchmark 2</b> + CHISELED "X" P. 1000 (N) E. 2800000.00 ELEVATION = 722.24 (NAVD83)	<b>Benchmark 3</b> + CHISELED "X" P. 1000 (N) E. 2800000.00 ELEVATION = 722.24 (NAVD83)	<b>Benchmark 4</b> + CHISELED "X" P. 1000 (N) E. 2800000.00 ELEVATION = 722.24 (NAVD83)
<b>Benchmark 5</b> + CHISELED "X" P. 1000 (N) E. 2800000.00 ELEVATION = 722.24 (NAVD83)	<b>Benchmark 6</b> + CHISELED "X" P. 1000 (N) E. 2800000.00 ELEVATION = 722.24 (NAVD83)	<b>Benchmark 7</b> + CHISELED "X" P. 1000 (N) E. 2800000.00 ELEVATION = 722.24 (NAVD83)	<b>Benchmark 8</b> + CHISELED "X" P. 1000 (N) E. 2800000.00 ELEVATION = 722.24 (NAVD83)

12.14



ARCHITECTS & ENGINEERS

KKT ARCHITECTS, INC.  
1000 WEST 10TH AVENUE  
TULSA, OKLAHOMA 74106  
TEL 918.744.4200 FAX 918.744.7849  
WWW.KKTARCHITECTS.COM



ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF TULSA, OKLAHOMA AND PROVISIONS INCLUDING 5.01.2007 (2) (C) ON

TPS

# EMERSON ELEMENTARY REMODEL/ ADDITION

910 N. MLK JR BLVD.  
TULSA, OK 74106

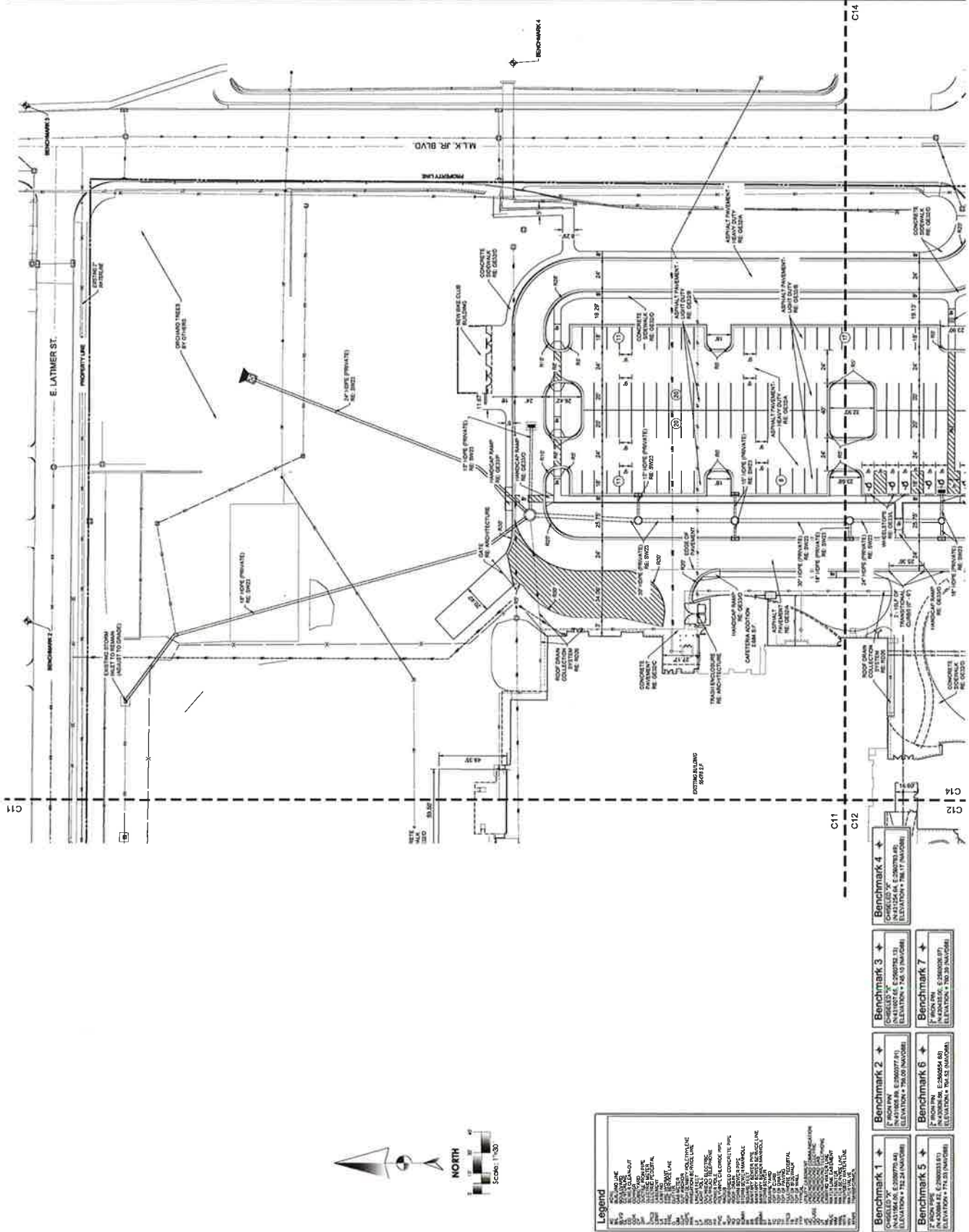


VERTICAL SCALE  
OF 1" = 10'  
MANAGER  
DRAWN BY  
CHECKED BY  
DATE  
06/15/2017

NORTHEAST SITE  
PLAN

## GE13

OF 34



12.15





ALL CONSTRUCTION TO BE IN STRICT ACCORDANCE WITH CURRENT CITY OF TULSA STANDARDS AND SPECIFICATIONS (INCLUDING D.D.T. 2009 EDITION)

## TPS

EMERSON  
ELEMENTARY  
REMODEL/  
ADDITION

910 N. MLK JR BLVD.  
TULSA, OK 74106

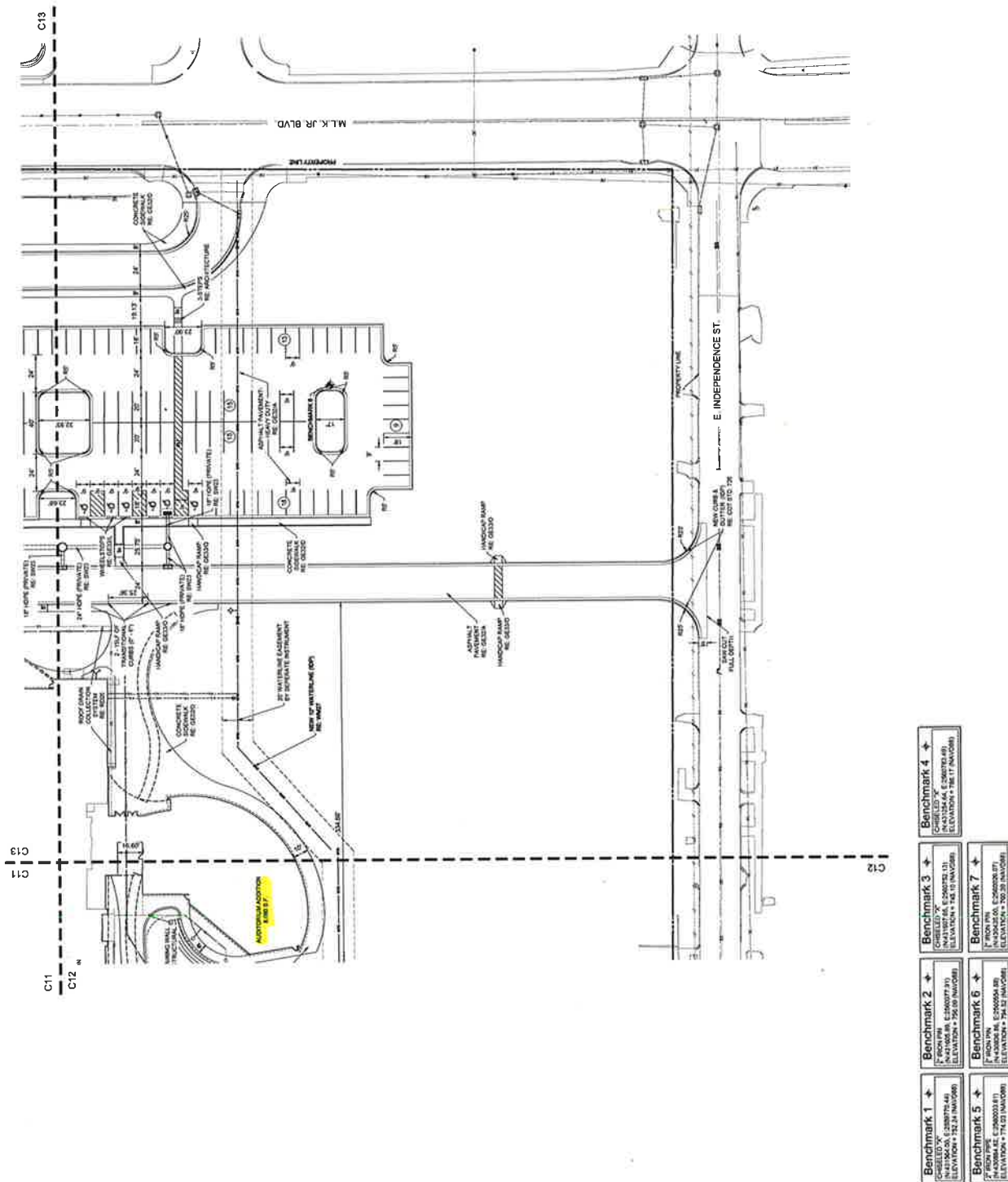


1	PORT SCALE	1"=30'
2	VERT SCALE	22
3	ATLAS PAGE NO	8922
4	DP NO.	ANW
5	MANAGER	LST
6	DRAWN BY	04/23/2017
7	PERMIT DOCS	04/23/2017
8	CONSTRUCTION	05/15/2017
9	DOCS	
10	SITE PLAN	

SOUTHEAST SITE  
PLAN

# GE14

OF 34



**CHUCK LANGE**  
ZONING OFFICIAL  
PLANS EXAMINER

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



## DEVELOPMENT SERVICES

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

### ZONING CLEARANCE PLAN REVIEW

**LOD Number: 1005589-2 REVISED**

**July 8, 2017**

**JED BALLEW**  
KKT  
2200 S. UTICA, SUITE 200  
TULSA, OK 74114

**Phone: (918)744-4270**  
**Fax: (918)744-7849**

**APPLICATION NO: 420555** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
**Location: 910 N MARTIN LUTHER KING BL E**  
**Description: ADDITION**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

#### IMPORTANT INFORMATION

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

(continued)

12.17

## REVIEW COMMENTS

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

Application No. 420555

910 N MARTIN LUTHER KING BL E

May 26, 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. **NEW ITEM Sec.5.020 Table 2:** A portion of the auditorium addition is located on separate lots from the existing school building and in an RM-1 zoning district. These lots were to be combined with the lot north of the Jasper right-of-way. It is our understanding that these lots will now be leased from University Center at Tulsa Authority.

**Review comment:** This will require a Special Exception reviewed and approved per Sec.70.120. Submit two copies of the Special Exception allowing the auditorium to be located in the RM-1 district

2. **IBC Sec.105.3.2:** To obtain a permit, the applicant shall first file an application that describes the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work. The address for the proposed building is 910 N Martin Luther King BLVD. The legal description for this address is Block 2 & 3 in the Kirkpatrick Heights Addition. The proposed classroom addition is built across the lot line to the west. The proposed auditorium addition is built across a public right-of-way (E Jasper ST) and onto Lots 9-11 Blk 4 in the Kirkpatrick Heights Addition.

**Review comment:** The Jasper right-of-way is required to be vacated and lot combinations are required for the proposed additions built across multiple lot lines. Submit documentation the vacated right-of-way and lot combinations approved by the TMAPC, stamped and signed by the County Clerk, and filed at the County Courthouse.

2. **Sec.65.080-D1:** The certification statement on page L04 states you are proposing an alternative compliance landscape plan.

**Review comment:** Submit an approved alternative compliance landscape plan.

3. **Sec.55.060-B Table 55-3:** Short-term bicycle parking spaces must be provided in accordance with the minimum ratios established in Table 55-3.

**Review comment:** The number of required bicycle parking spaces for this use is 5% of the required off-street vehicle parking spaces or 2 spaces, whichever is greater. Submit a site plan providing 2 short term bicycle spaces compliant with Sec.55-060-D1.a&b listed below:



- a. Short-term bicycle parking spaces must be located in highly visible areas that do not interfere with pedestrian movements. At least 50% of required short-term bicycle parking spaces must be located within 100 feet of a customer entrance, with the remainder located no more than 300 feet from any entrance. Short-term bicycle parking must be located on the subject lot, unless a license agreement has been approved by the city to allow private bicycle parking facilities to be located in the right-of-way. Public bicycle parking spaces may be credited toward meeting short-term bicycle parking requirements if such bicycle parking spaces comply with the location requirements of this paragraph.
- b. Required short-term bicycle parking spaces must:
  - (1) Consist of bike racks or lockers that are anchored so that they cannot be easily removed;
  - (2) Be of solid construction, resistant to rust, corrosion, hammers, and saws;
  - (3) Allow both the bicycle frame and the wheels to be locked with the bicycle in an upright position using a standard U-lock;
  - (4) Be designed so as not to cause damage to the bicycle;
  - (5) Facilitate easy locking without interference from or to adjacent bicycles; and
  - (6) Have minimum dimensions of 2 feet in width by 6 feet in length, with a minimum overhead vertical clearance of 7 feet.

**4. Sec.65.090-C1:** Outdoor lighting plans demonstrating compliance with the standards of this section are required with the submittal of a site plan. If no outdoor lighting is proposed, a note must be placed on the face of the site plan indicating that no outdoor lighting will be provided. Applicants have 2 options for the format of the required lighting plan:

- a. **Option 1:** Submit a lighting plan that complies with the fixture height lighting plan requirements of Sec.65.090-C2
- b. **Option 2:** Under option 2 (Photometric Study Lighting Plan) no maximum fixture heights are established, but applicants are required to submit a photometric study in sufficient detail to demonstrate that all applicable outdoor light standards will be met.

**Review comment:** Submit a lighting plan or a note on the face of the site plan indicating that no outdoor lighting will be provided.

**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.