

AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, August 8, 2017, 1:00 P.M.

Meeting No. 1189

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of July 25, 2017 (Meeting No. 1188).

UNFINISHED BUSINESS

2. **22274—Mark Grimm & Debra Faye**
Special Exception to permit a Bed and Breakfast in the R District (Section 5.020). **LOCATION:** 1228 East 20th Street South **(CD 4)**
3. **22275—Mark Grimm & Debra Faye**
Special Exception to permit a Bed and Breakfast in the R District (Section 5.020). **LOCATION:** 3163 Woodward Boulevard **(CD 9)**
4. **22286—Simon Reyes**
Special Exception to permit Commercial/Commercial Service/Building Service Use in the CS District (Section 15.020). **LOCATION:** 4702 East Apache Street North **(CD 1)**

The request has been withdrawn by the applicant.

NEW APPLICATIONS

5. **22289—Jeremy Diamond**
Verification of the 300 foot spacing requirement for a bar from public parks, schools, other bars and religious assemblies and 50 feet from an R-zoned lot (Section 40.050). **LOCATION:** 114 West Archer Street North **(CD 4)**
6. **22290—Randy Shelley**
Variance to increase the permitted size of a detached accessory building to 832 square feet (Section 45.030). **LOCATION:** 2416 North Denver Place West **(CD 1)**

7. **22292—Bill Andrew**
Special Exception to permit reconstruction of a portion of an existing non-conforming house (Section 80.030-E). **LOCATION:** 1701 South Quincy East (CD 4)
8. **22293—Richard Winn**
Special Exception to allow the driveway width to exceed 30 feet in width on the lot in the RS-1 District (Section 55.090-F.3). **LOCATION:** 2525 East 30th Street South (CD 4)
9. **22294—Kurt Barron**
Special Exception to permit reconstruction a non-conforming structure within the required street setback (Section 80.030-E). **LOCATION:** 3860 South Florence Place East (CD 9)

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

Website: www.cityoftulsa-boa.org

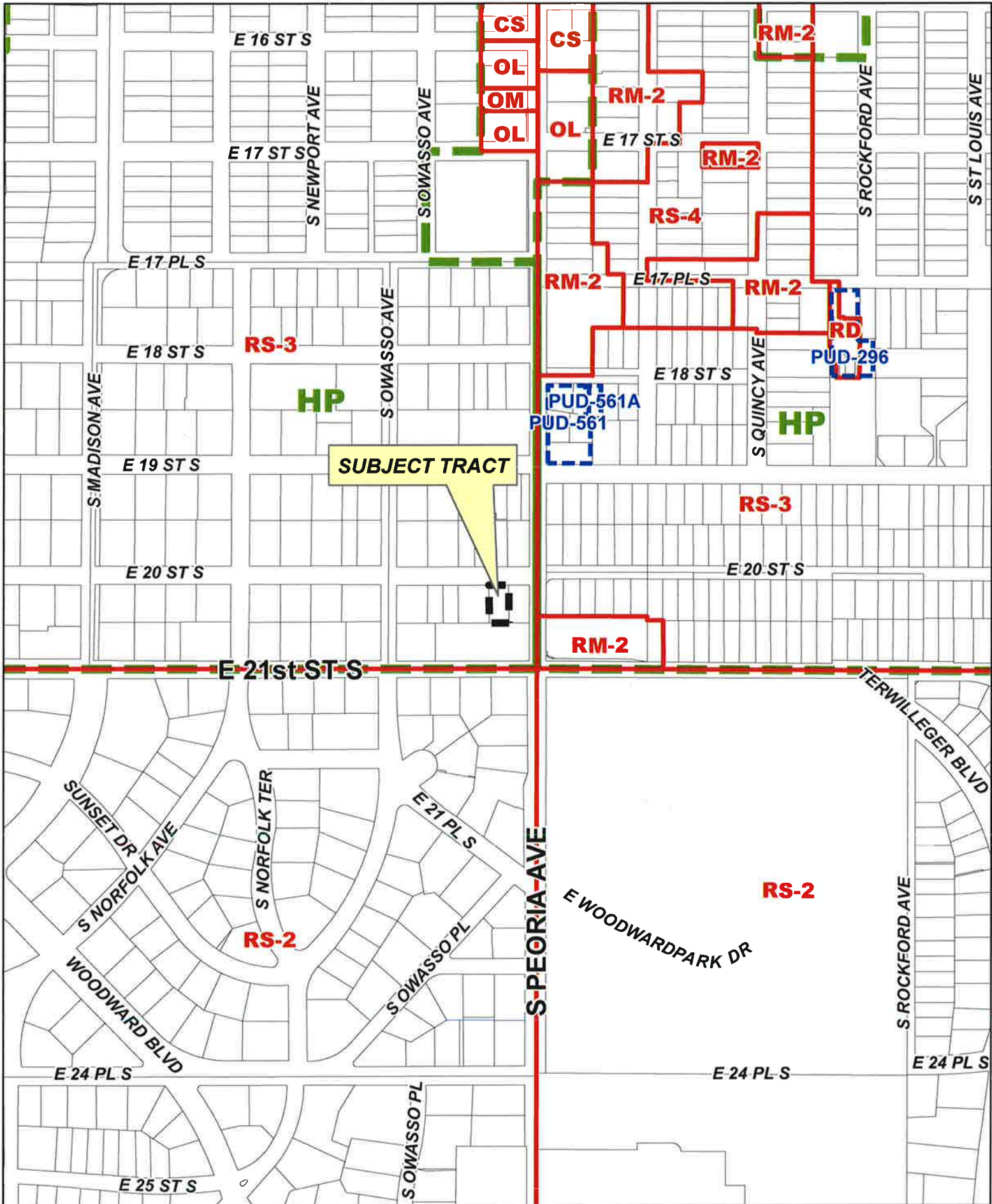
E-mail: esubmit@incog.org

CD = Council District

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

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

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BOA-22274

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BOARD OF ADJUSTMENT CASE REPORT

STR: 9212

Case Number: **BOA-22274**

CZM: 36

CD: 4

A-P#: N/A

HEARING DATE: 08/08/2017 1:00 PM

APPLICANT: Mark Grimm

ACTION REQUESTED: Special Exception to permit a Bed and Breakfast on an RS-3 zoned lot.
(Section 40.060)

LOCATION: 1228 E 20 ST S

ZONED: RS-3/HP

PRESENT USE: Residential

TRACT SIZE: 8015.07 SQ FT

LEGAL DESCRIPTION: W/2 LT 1 BLK 4, MAPLE HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

BOA 22273; on 07.25.17 the Board denied a special exception to allow a bed and breakfast (VRBO) in an R district; located at 1533 S Owasso Ave.

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; located at 3540 E. 21 Place S.

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

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 has not expressed a desire to have events (weddings/receptions) on the site; it appears that the site will be used for short-term lodging/rental only.

The 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 for a Special Exception

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

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

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

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 3-0-1 (Back, Flanagan, White "aye"; no "nays"; Van De Wiele "abstaining"; Bond absent) to **APPROVE** the request for a **Variance** to increase the permitted height of a projecting sign to from 25 feet to 62 feet in the CBD District (Section 60.080-D), subject to conceptual plans 14.9 and 14.10 in the agenda packet. The Board has found the hardship to be the building location to the property line. 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:

LT 3 & N50 LT 4 BLK 163, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

22269—Natalie Hynes

Action Requested:

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

Presentation:

Natalie Hynes, 3923 South 65th West Avenue, Tulsa, OK; stated the request is for an Airbnb and there will be no events or parties hosted at the house, and no pets will be allowed. Tulsa is a growing market and the house will be very structured and she will be careful as to who stays. Ms. Hynes stated that six neighbors called her and they encouraged the project. She will come by the property to check on it and make sure that everything is maintained. Ms. Hynes stated that her family owns several properties, commercial and residential in Tulsa. Ms. Hynes stated that she saw the news story on FOX 23 on May 24th and she filed for the permit on May 25th. No one has ever stayed

at the house and no one has slept there since she has owned the house. She and her family want to do everything by the book and make it a positive thing for the neighbors. The house will be just for people traveling to or through the city.

Mr. Van De Wiele asked Ms. Hynes if the house was three bedrooms. Ms. Hynes answered affirmatively. Ms. Hynes stated the house will be booked as one booking, no one will be allowed to just rent a bedroom. Mr. Van De Wiele asked if there would be a limit to the number of people that could stay in the house. Ms. Hynes stated there would be a limitation to the amount of guests with eight being the maximum amount. There is a two-car garage also that the guests will have access to and the driveway could accommodate up to four cars.

Interested Parties:

Patti Barker, 3516 East 21st Place, Tulsa, OK; stated she lives five houses to the west of the subject property and she has lived there for 21 years. She is in support of this request. She is a consumer of VRBO and Airbnb properties when she travels. Guests are held to standards and she knows the standards hosts are held to. Ms. Barker stated there are rental properties on the street and she would prefer an Airbnb to a landlord, because it takes landlords forever to evict a problem or to take care of a yard or to fix a house. Ms. Barker this would be a great addition to the neighborhood and there are other VRBOs in the neighborhood that are obviously not licensed. This is not anything new because it has been going on in Tulsa for a long time. Her daughter married six years ago and she rented a VRBO for wedding guests in the 22nd and Lewis area. Ms. Barker stated that she knows what kind of deposit is required and she knows what is lost when a guest does not take care of a property. Ms. Barker stated that the applicant's family has been in Tulsa for generations and they are respected. This is a great addition, especially since it is so close to Route 66, so cannot imagine that it will not be an asset to the neighborhood.

Carolyn Gaither, 3520 East 21st Place, Tulsa, OK; stated she owns a house at 3515 East 22nd Place. Ms. Gaither stated that most of the houses have one car garages and during the festivities there is parking on one side of the street only. Ms. Gaither is worried about this request opening up the neighborhood to people having the crazy idea that they can make money because it is a small neighborhood. Ms. Gaither stated she bought her house in 1957 and she bought the house on 22nd Place in 1972 and she loves the area. The area is residential and the houses are not large. The yards are not large. Ms. Gaither stated that she worried about strangers coming in and out of the neighborhood, and it is scary. Ms. Gaither asked the Board to please consider the people that live in the neighborhood. The neighborhood does not need businesses coming in and allow people to come in with hair brained ideas.

Rebuttal:

Natalie Hynes came forward and presented a photo of the subject house showing the two-car garage and the driveway. Ms. Hynes stated that she wants to assure Ms. Gaither and the neighbors that this is not some sort of hair brained idea. Ms. Hynes stated that her family owns and has owned several businesses and residential

properties, which they lease the residential property through Chenoweth and Cohen. This is not something that her family takes lightly and this will be handled like a professional business.

Ryan Sharnell, 1525 South Owasso, Tulsa, OK; stated he did not plan on speaking today; he is attending just to see what is going on with the Airbnb. Mr. Sharnell stated that he will have a similar issue coming before the Board of Adjustment in July. Mr. Sharnell stated that he does not think the Code is written to handle Airbnbs or a Bed & Breakfast. A bed and breakfast is where the resident is on staff, and are in the house looking over the people that are renting the property. The Airbnbs are outside the bed and breakfast realm because the owner is not on site. The concern in Tulsa, in general, by allowing the Airbnbs is the absent owners. There is no one overseeing the property other than a negative review two weeks later. Mr. Sharnell stated that he thinks it can have a snowball effect so before one is approved, more in the future will be hard to deny regardless of what the residents say or object to.

Mr. Van De Wiele stated that he has asked the question about "owner occupied" to the INCOG staff and because he too generally views a bed and breakfast as owner occupied. But it is not required, at least in the way the Zoning Code defines a bed and breakfast. Owner occupancy is not required under the Zoning Code.

Mr. Van De Wiele asked Ms. Miller if staff, City Council, or anyone looking at this for more clarification, because this seems to be a square peg trying to fit into a round hole. Ms. Miller stated that next week there is a meeting in the Mayor's office to discuss and review all the different perspectives of a bed and breakfast.

Mr. Sharnell stated that even the Board has suggested in the past to look at the Code to address amending the Code to the Airbnb situation, while not hastily making a decision.

Ms. Hynes came forward and stated people are applying for these permits and the City actually told her that she was the first to actually apply for a permit without receiving any complaints. Ms. Hynes stated they have received zero complaints because they have not been open. When people come to Tulsa they are going to find some place to stay and in this day and age they are moving away from hotels because they want the home away experience. She has spent \$766.00 to receive a license from the City, sent letters to the neighbors and met with the neighbors. From her perspective she is ready to go and get the business started.

Allen Hynes, 3923 South 65th West Avenue, Tulsa, OK; stated that he is a business man and takes things seriously. This is a house that he passes almost every day and he can check on it a lot. He can make sure the lawn and the flower beds are taken care of. This is something that they are not going to be an absentee about.

Comments and Questions:

Mr. Van De Wiele stated that he appreciates the fact that the applicant filed an application prior to opening and the fact that they reached out to the neighbors. In

regards to this application he does not see this as opening the flood gates because every one of the applications presented to the Board are taken on a one on one basis. Mr. Van De Wiele thinks this is a good use of the property. He would want to see limitations on a single booking with no parties or events, no exterior signage, and a time limitation of three to five years because of how new these establishments are.

Mr. Flanagan stated that he has no issues with the request. The only way the Board can judge future behavior is by past behavior and it is a good thing that Ms. Hynes filed for a permit prior to opening.

Mr. White thinks the instead of imposing a time frame should the request be approved let the market sort it out. Mr. Van De Wiele stated that his thoughts are that this is an existing three bedroom house and it will still be that three to five years from now even the applicant loses the Special Exception. Mr. Van De Wiele stated that what may be good for the business may not be good for the neighborhood.

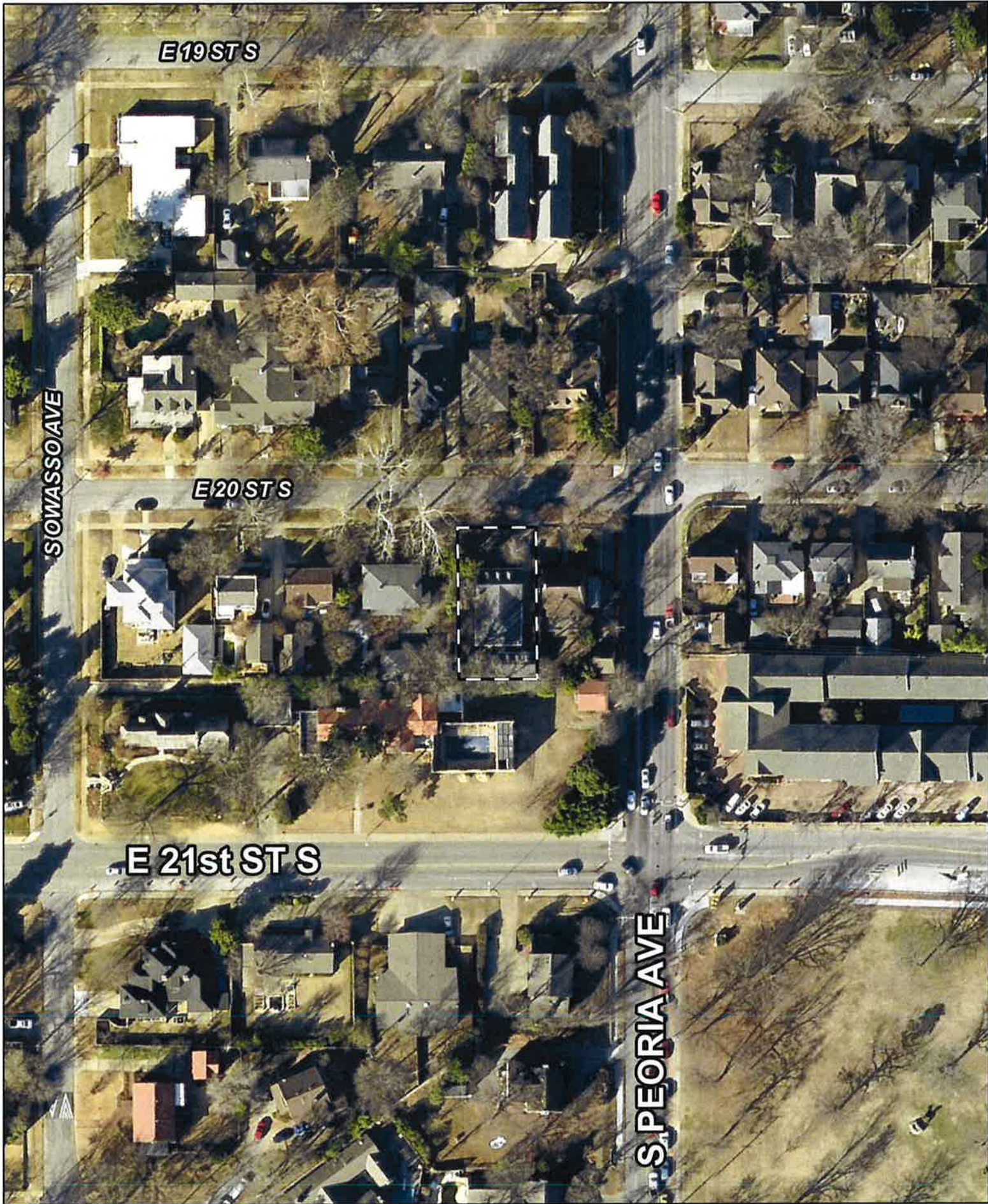
Ms. Back stated that it has been stated that staff will have a meeting next week to discuss all the components of this and the impacts. Ms. Back could support this request but her concern is if this request is granted today will the applicant be grandfathered in and not have to pay hotel taxes? Ms. Miller stated that it is her understanding that in the State of Oklahoma there will be taxes charged on Airbnbs on July 1st but that is not connected to any zoning.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a Special Exception to permit a Bed & Breakfast (Airbnb) in the R District (Section 5.020) in the existing structure. The approval is subject to the following conditions: a five year time limit set from today's date of June 27, 2017 and is to end June 26, 2022; there is to be no exterior signage allowed; no bookings for events or parties will be allowed; and there is to be single bookings with no partial bookings. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 2 BLK 5, JEFFERSON HILLS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Ms. Miller left the meeting at 3:50 P.M.



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Subject
Tract

BOA-22274

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

Aerial Photo Date: February 2016

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Subject
Tract

BOA-22274

19-12 12

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 South

BOA 22274

Moye, Nikita

From: Mark on att [mark_grimm@att.net]
Sent: Tuesday, August 01, 2017 11:44 AM
To: Moye, Nikita
Subject: Re: B & B OBJECTION Case #BOA-2274

On Jul 31, 2017, at 1:56 PM, Mark on att <mark_grimm@att.net> wrote:

Concerning the Maple Leaf Guest House at 1228 East 20th St. in Tulsa, Oklahoma:

Dear neighbors and INCOG board members,
I am writing this letter to explain what the purpose of the the Maple Leaf Guest House is and why it is a valuable asset to our dear city.

My wife and I began renting out the Maple Leaf Guest House as a guest home about 9 years ago after we had restored it and had lived in it ourselves.

It was one of the very first guest houses in Tulsa. At that time we checked with city, county, and state governments about the legal and zoning requirements. Since we book the whole property to only one party at a time, there were no issues with them. It was looked at by them as merely a rental property.

We planned to use the Maple Leaf Guest House as a source of our retirement income. I, Mark, was scheduled to retire on June 23rd of this year,

which happened to be within days of receiving notice of non-compliance.

For the 9 years we've had this property as a guest house, there have been no complaints from the neighbors- No police reports, no letters of complaint,

The house has been kept in immaculate condition inside and out.

The only troubles we had were from the neighbor to the east who cut down our trees while we were out of town. We reported that to the police and they talked him into staying off of our property.

This has been a quiet property with guests that come from across the country and as far away as Europe and Africa to have a quiet home to stay in while they are visiting with loved ones in local cancer treatment centers, and other medical institutions in the area, gathering to mourn at the funerals of loved ones, participating in national and international horse shows and other events at the various Tulsa arenas and convention centers.

Our guests have included many families in mourning, judges, national equine champion owners and event managers, sports contestants, families that have lost their homes due to fires, Broadway show cast members. We have had many returns from those who have had a wonderful stay in our great city. There is no way our guests could have a private family setting without a home like this.

The home is beautifully and completely furnished and decorated with all the furniture, appliances, linens, supplies, and communication services, the guests will need during their stay.

It has a 4 star rating for its reviews.

We do not allow weddings or any receptions at the house because we do not want the neighbors to be bothered.

We do not advertise the property with signs and don't plan to. This is because the guests who stay in the home want complete privacy. They occupy the whole house and do not want to be disturbed, or announced in any way.

We have donated time at the house to various non-profit groups, such as international missions throughout the years and plan to continue this.

The house has supplied abundant work for house cleaners, heating and air technicians, plumbers, electricians, carpenters, roofers, and lawn and tree care personnel.

Thank you very much for reading this letter. Hopefully it has conveyed the importance of the Maple Leaf Guest House continuing to serve it's guests into the future of Tulsa.

Mark and Debra Grimm

BOA 22274

Moye, Nikita

From: Mark on att [mark_grimm@att.net]
Sent: Tuesday, August 01, 2017 11:53 AM
To: Moye, Nikita
Subject: Re: B & B OBJECTION Case #BOA-2274

One More thing that should be clarified:

We do not have a Bed and Breakfast and will not change this property to a Bed and Breakfast.
We simply want to continue the use of the property as it has been for the last 9 years.

Apparently the term "Bed and Breakfast" is being used by the city as a catch-all phrase for any short term rental.

I can see from the neighbors letters that there is much confusion about this wording.

Thank you,

Mark Grimm

Moye, Nikita

From: Maple Ridge Neighborhood Association [contactus@mapleridgeneighborhood.com]
Sent: Tuesday, July 25, 2017 1:40 PM
To: Moye, Nikita
Subject: Bed and Breakfast Exemption Hearing 7/25

Ms Moye

Here is the Maple Ridge Neighbors association position on Bed & Breakfast Exemptions and Short-Term Rentals within our neighborhood.

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.

Thank you.

Cullen Koger

MRN, President

BOA 22274

Moye, Nikita

From: Terry Heller [osugolfmom@aol.com]
Sent: Tuesday, July 11, 2017 10:56 AM
To: Moye, Nikita
Subject: Re: Tulsa BOA 7-11-17 Meeting (Re: Grimm #22274)

Thank you so much, Ms. Moye. I am 10 minutes away from meeting with a neighbor who shares my concerns regarding a short term rental next door. Her family lives directly to the West of the Grimm house and they, too, have numerous objections to the Special Exception. With small children in their home, they have additional concerns. I will relay to her the information you sent me and we will decide how best to go about this. We do both, however, feel rush in gathering information showing our objections to this and we hope that the BOA will give us time to prepare. The Grimm's request to delay the hearing has caused confusion and we would greatly appreciate time to compile information highlighting our objections to the Exception.

Sincere thanks!

For now, Ms. Moye, I will quickly let you know a few things regarding the rental next door that concern us. I hope that you will pass it on where needed in regards to the Application.

To whom it may concern,

Re: Special Exception
Mark Grimm & Debra Faye
1228 E. 20th Street, Tulsa. 74120
#22274

My husband and I own the home next door (east) of the property on 20th street who's owners are applying for a Special Exception requesting a permit to continue to operate their VRBO rental. Their request to the Tulsa BOA is for a "Bed and Breakfast," though they advertise in both VRBO and Home Away and have for many years. They do NOT live there; it is solely used for short-term rental and it sits vacant far more than it is occupied.

We find it impossible to believe that this is encouraged in a historically zoned residential neighborhood. We can assure you that this is not what we thought we were buying in to when purchasing our residence and it is not something that we enjoy having next door to us in any way. In the almost seven years that we've lived here, the Grimm's house has either been vacant and poorly maintained OR it was occupied with short term renters that in large part caused mass disturbance. Given the chance, I will gladly offer case and point showing one disturbance after another. It offers a constant opportunity for mischief with multiple cars and large numbers of people coming and going. There is absolutely nothing about this short term rental that adds anything positive to our beautiful neighborhood!

We live in a private, residential neighborhood for a reason. Had we wanted to live in a business district, we would surely have purchased our home in one. You might as well post a Hampton Inn sign above their door! To that, we have to ask you, do you have a business directly next door to your home and, if not, do you want one there?

We honestly believe that once these exceptions begin, there will be no end to them. We sincerely believe that business investors will buy house after house in our HP neighborhoods to rent only on a short term basis for profit and that the wonderful lifestyle we've come to know and appreciate here at home will be no more.

Sincere thanks,

Terry Heller-Auxter

Dr. Thomas Auxter,

1234 E. 20th Street (SW corner of 20th and Peoria)

918-694-8642 (cell)



Neighborhood Investigations
WORKING IN NEIGHBORHOODS

ZONING NOTICE OF VIOLATION

The City of Tulsa To:

Date: May 31, 2017

GRIMM, MARK ROBERT AND
DEBRA FAYE
1228 E 20th STREET
TULSA OK 74120

You are hereby notified that the violation (s) maintained, operated or permitted to exist by you at **W/2 LT 1 BLK 4, MAPLE HGTS ADDN**, addition to the City of Tulsa, TULSA County, State of Oklahoma.

And located at the address of: **1228 E 020 ST S**

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

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

This Violation requires:

This Notice requires compliance to Use Restriction of Title 42 (Lodging less than 30 days). The 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 Lodging less than 30 Days/VRBO-B&B Rental is required to be removed until a Zoning Clearance Permit is issued and Special Exception is granted by the Board of Adjustment.

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

Complaint No: 311204722

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):

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														
RESIDENTIAL														
Household Living														
COMMERCIAL														
Broadcast or Recording Studio										\$	\$	\$		
Financial Services (except as below)										\$	\$	\$		
Personal credit establishment														
Funeral or Mortuary Service										\$	\$	\$		
Lodging														
Bed & breakfast	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	Section 40.060
Marina	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	
Office														Section 40.260
Business or professional office										\$	\$	\$		
Medical, dental or health practitioner office										\$	\$	\$		
Self-service Storage Facility										\$	\$	\$		Section 40.360
Studio, Artist or Instructional Service										\$	\$	\$		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.

35.050-G Lodging

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

1. Bed and Breakfast

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

2. Hotel/Motel

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

Section 85.020 Violations

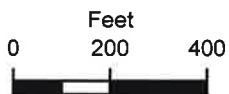
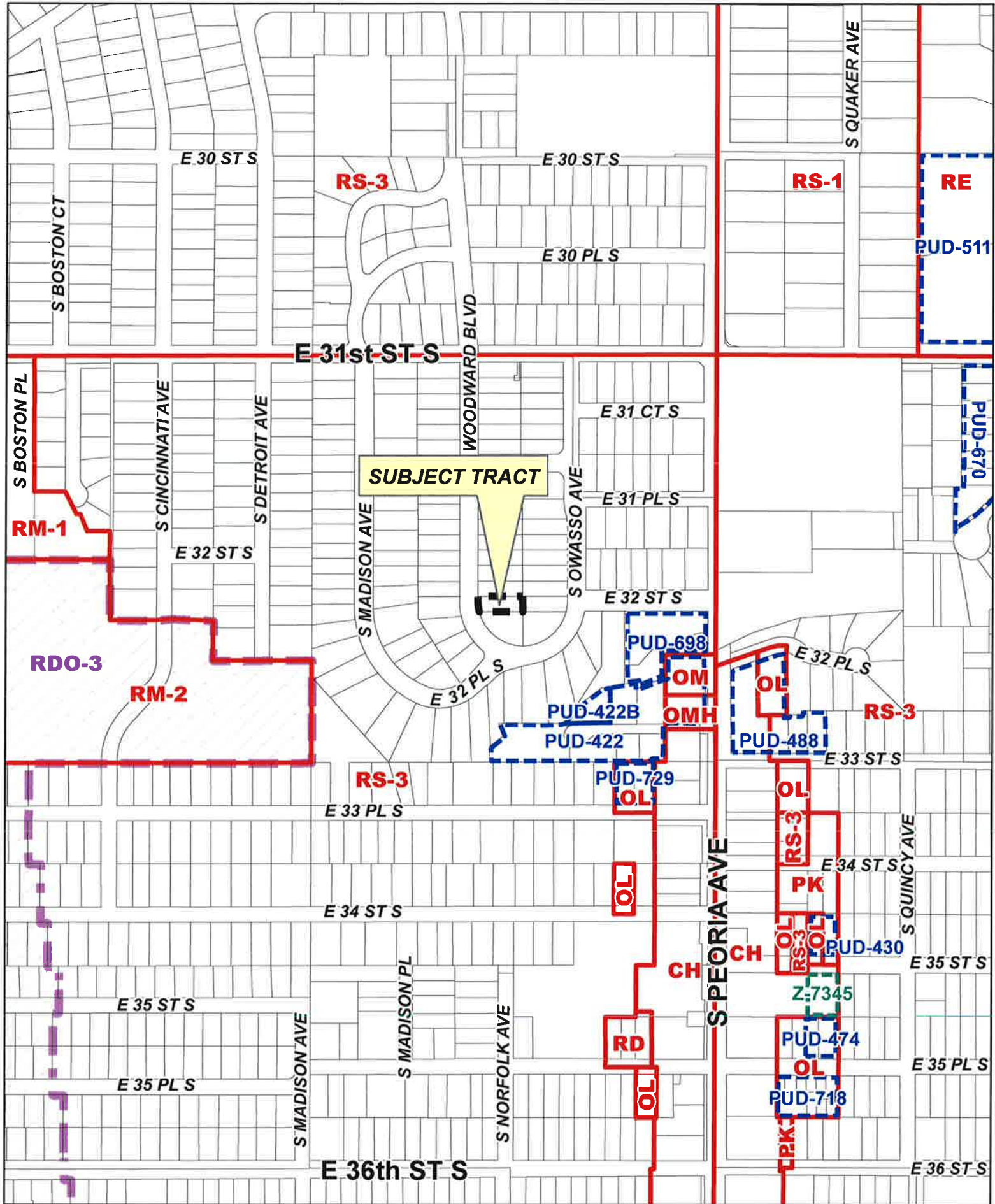
Unless otherwise expressly allowed by this zoning code or state law, any violation of a provision of this zoning code—including any of the following—are subject to the remedies and penalties provided for in this zoning code.

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

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

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

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BOA-22275

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BOARD OF ADJUSTMENT CASE REPORT

STR: 9224

Case Number: **BOA-22275**

CZM: 46

CD: 9

A-P#: N/A

HEARING DATE: 08/08/2017 1:00 PM

APPLICANT: Mike Grimm

ACTION REQUESTED: Special Exception to permit a Bed and Breakfast (Airbnb) in an RS-3 zoned district. (Section 40.060)

LOCATION: 3163 Woodward Blvd.

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 7148.23 SQ FT

LEGAL DESCRIPTION: LT 12 BLK 2, BROOKSIDE ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

BOA 22273; on 07.25.17 the Board denied a special exception to allow a bed and breakfast (VRBO) in an R district; located at 1533 S Owasso Ave.

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; located at 3540 E. 21 Place S.

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

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 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 has not expressed a desire to have events (weddings/receptions) on the site; it appears that the site will be used for short-term lodging/rental only. The applicant has submitted a statement that is attached to this case report for the Board's consideration.

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 (Airbnb) in the RS-3 district (Section 5.020).

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

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

Exception to permit a Bed and Breakfast on the property (Section 40.060) to the August 8, 2017 Board of Adjustment hearing; for the following property:

W/2 LT 1 BLK 4, MAPLE HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

FILE COPY

22275—Mark Grimm & Debra Faye

Action Requested:

Special Exception to permit a Bed and Breakfast on the property (Section 40.060).

LOCATION: 3163 Woodward Boulevard East (CD 9)

Presentation:

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

Interested Parties:

Kindler Chase, 1214 East 32nd Place, Tulsa, OK; stated he has taken off work to attend today's meeting and his wife closed her salon to be here also. Mr. Chase stated he was never notified of the hearing being moved other than a sign that is placed on the subject property. No one knew the date was changing. He is opposed to the continuance and wants to have the hearing today.

Jennifer Howland, 3171 South Madison Avenue, Tulsa, OK; stated she is opposed to the continuance not only because of the neighbors that are in attendance today, but because of the notice that was given out for this hearing. Ms. Howland wonders if there can be a Special Exception at all for an RS-3 District on a piece of land that is less than 100 feet wide. Ms. Howland is opposed to the continuance.

Jeff Reh, 3104 Woodward Boulevard, Tulsa, OK; stated that there are 123 homes in the neighborhood and all the neighbors in attendance today have been working very hard to gather support and everyone has taken time out of their day to attend this meeting. There is a lot of passion among the neighbors when it comes to defending their neighborhood. It is very difficult for people to come to a second meeting and he feels that will damage the neighbor's stance.

Mr. Flanagan stated that the interested parties can give their comments now and it will be a part of the record even if the case is continued. This would be the applicant's first continuance.

Caroline Wall, 3123 Woodward Boulevard, Tulsa, OK; stated that in the event that she is unable to attend the meeting on August 8th, she wants her comments recorded and considered at that time. In follow up to what Mr. Reh said about the 123 home owners, she would like to have clarified if those are the 123 home owners who have objected and signed the petition to deny this request. Ms. Wall stated that she is unfamiliar with

the standard or the factors the Board takes into consideration but she believes that each property and application should be looked at individually, and how it enhances the personal pocketbook of the property owner who makes the request and whether or not the harm to the neighborhood outweighs that. In this specific case she has personally observed the increase of traffic, increase of speed of traffic, trash in the neighborhood, loud and late nights at the subject property. She walks her dog once or twice a day and in nearly four years she does not think she has seen the owner more than once or twice. The house is either vacant or over running with people. There is insufficient parking, trailers will pull up, vans, motor homes, and it is completely incongruent with the purpose and use of the very small neighborhood. The neighborhood is a very small horseshoe and there is essentially only one way in and one way out. The neighborhood has three entrances off Peoria and three entrances off 31st Street and Woodward is the main thoroughfare. Everyone that goes to the establishment for the illegal dwelling is driving up and down in front of the homes. There are small children, children on bikes, toddlers on trikes, elderly people walking and it is not congruent to the neighborhood. It is harmful, not only to the property values but to everyone's personal safety and the resident's enjoyment of their neighborhood.

Mr. Bond asked Ms. Wall if she believed this request would be harmful to the essential character of the neighborhood. Ms. Wall stated absolutely. Ms. Wall stated she objects to the continuance and because she will probably not be in attendance on the 8th she wanted her comments known.

Jeff Reh came forward and wanted to clarify what Ms. Wall stated about the number of houses in the neighborhood. There are signatures from 63 residents stating they are against the Special Exception and those signatures cover 53 properties. Of the houses that were surveyed, ten were rentals and he was unable to get a signature from the owner and only four people refused to sign the petition. Of the remaining houses, he was unable to contact anyone. At last count, 80% of the people he had spoken to has said they do not want this in their neighborhood. Mr. Reh submitted the petition for the record and stated that if the continuance is granted he expects to continue knocking on doors and resubmit the additional information.

Comments and Questions:

Ms. Back stated that the Board has heard the resident's comments and they are a part of the record. Even if this case is continued please note the comments are on the record and they will go into the next staff report. Please feel free to continue what you are doing and e-mail things to Ms. Nikita Moyer if you cannot attend the next meeting. Without the applicant being present, and the Board cannot verify whether they are in town or not, the Board is inclined to entertain the request for a continuance, at least on the first request.

Mr. Bond agreed with Ms. Back and stated the Board does have procedures they must follow.

BOA-22275

Board Action:

On **MOTION** of **BOND**, the Board voted 3-0-1 (Back, Bond, Flanagan, "aye"; no "nays"; White "abstaining"; Van De Wiele absent) to **CONTINUE** the request for a Special Exception to permit a Bed and Breakfast on the property (Section 40.060) to the August 8, 2017 Board of Adjustment hearing; for the following property:

LT 12 BLK 2, BROOKSIDE ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

UNFINISHED BUSINESS**22260—Donna Emmons****Action Requested:**

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

Presentation:

Donna Emmons, 505 N. W. 10th Street, Wagoner, OK; stated this is for an outdoor advertising sign located on Highway 169 that was a double faced static board and it has been changed to an LED sign.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 3-0-1 (Back, Bond, Flanagan "aye"; no "nays"; White "abstaining"; Van De Wiele absent) I move that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing between outdoor advertising signs (for either a dynamic display or conventional billboard) subject to the action of the Board being null and void should another dynamic display and/or standard outdoor advertising sign be erected within the required spacing radius prior to this sign; for the following property:

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 3-0-1 (Back, Flanagan, White "aye"; no "nays"; Van De Wiele "abstaining"; Bond absent) to **APPROVE** the request for a **Variance** to increase the permitted height of a projecting sign to from 25 feet to 62 feet in the CBD District (Section 60.080-D), subject to conceptual plans 14.9 and 14.10 in the agenda packet. The Board has found the hardship to be the building location to the property line. 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:

LT 3 & N50 LT 4 BLK 163, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

22269—Natalie Hynes

Action Requested:

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

Presentation:

Natalie Hynes, 3923 South 65th West Avenue, Tulsa, OK; stated the request is for an Airbnb and there will be no events or parties hosted at the house, and no pets will be allowed. Tulsa is a growing market and the house will be very structured and she will be careful as to who stays. Ms. Hynes stated that six neighbors called her and they encouraged the project. She will come by the property to check on it and make sure that everything is maintained. Ms. Hynes stated that her family owns several properties, commercial and residential in Tulsa. Ms. Hynes stated that she saw the news story on FOX 23 on May 24th and she filed for the permit on May 25th. No one has ever stayed

at the house and no one has slept there since she has owned the house. She and her family want to do everything by the book and make it a positive thing for the neighbors. The house will be just for people traveling to or through the city.

Mr. Van De Wiele asked Ms. Hynes if the house was three bedrooms. Ms. Hynes answered affirmatively. Ms. Hynes stated the house will be booked as one booking, no one will be allowed to just rent a bedroom. Mr. Van De Wiele asked if there would be a limit to the number of people that could stay in the house. Ms. Hynes stated there would be a limitation to the amount of guests with eight being the maximum amount. There is a two-car garage also that the guests will have access to and the driveway could accommodate up to four cars.

Interested Parties:

Patti Barker, 3516 East 21st Place, Tulsa, OK; stated she lives five houses to the west of the subject property and she has lived there for 21 years. She is in support of this request. She is a consumer of VRBO and Airbnb properties when she travels. Guests are held to standards and she knows the standards hosts are held to. Ms. Barker stated there are rental properties on the street and she would prefer an Airbnb to a landlord, because it takes landlords forever to evict a problem or to take care of a yard or to fix a house. Ms. Barker this would be a great addition to the neighborhood and there are other VRBOs in the neighborhood that are obviously not licensed. This is not anything new because it has been going on in Tulsa for a long time. Her daughter married six years ago and she rented a VRBO for wedding guests in the 22nd and Lewis area. Ms. Barker stated that she knows what kind of deposit is required and she knows what is lost when a guest does not take care of a property. Ms. Barker stated that the applicant's family has been in Tulsa for generations and they are respected. This is a great addition, especially since it is so close to Route 66, so cannot imagine that it will not be an asset to the neighborhood.

Carolyn Gaither, 3520 East 21st Place, Tulsa, OK; stated she owns a house at 3515 East 22nd Place. Ms. Gaither stated that most of the houses have one car garages and during the festivities there is parking on one side of the street only. Ms. Gaither is worried about this request opening up the neighborhood to people having the crazy idea that they can make money because it is a small neighborhood. Ms. Gaither stated she bought her house in 1957 and she bought the house on 22nd Place in 1972 and she loves the area. The area is residential and the houses are not large. The yards are not large. Ms. Gaither stated that she worried about strangers coming in and out of the neighborhood, and it is scary. Ms. Gaither asked the Board to please consider the people that live in the neighborhood. The neighborhood does not need businesses coming in and allow people to come in with hair brained ideas.

Rebuttal:

Natalie Hynes came forward and presented a photo of the subject house showing the two-car garage and the driveway. Ms. Hynes stated that she wants to assure Ms. Gaither and the neighbors that this is not some sort of hair brained idea. Ms. Hynes stated that her family owns and has owned several businesses and residential

properties, which they lease the residential property through Chenoweth and Cohen. This is not something that her family takes lightly and this will be handled like a professional business.

Ryan Sharnell, 1525 South Owasso, Tulsa, OK; stated he did not plan on speaking today; he is attending just to see what is going on with the Airbnb. Mr. Sharnell stated that he will have a similar issue coming before the Board of Adjustment in July. Mr. Sharnell stated that he does not think the Code is written to handle Airbnbs or a Bed & Breakfast. A bed and breakfast is where the resident is on staff, and are in the house looking over the people that are renting the property. The Airbnbs are outside the bed and breakfast realm because the owner is not on site. The concern in Tulsa, in general, by allowing the Airbnbs is the absent owners. There is no one overseeing the property other than a negative review two weeks later. Mr. Sharnell stated that he thinks it can have a snowball effect so before one is approved, more in the future will be hard to deny regardless of what the residents say or object to.

Mr. Van De Wiele stated that he has asked the question about "owner occupied" to the INCOG staff and because he too generally views a bed and breakfast as owner occupied. But it is not required, at least in the way the Zoning Code defines a bed and breakfast. Owner occupancy is not required under the Zoning Code.

Mr. Van De Wiele asked Ms. Miller if staff, City Council, or anyone looking at this for more clarification, because this seems to be a square peg trying to fit into a round hole. Ms. Miller stated that next week there is a meeting in the Mayor's office to discuss and review all the different perspectives of a bed and breakfast.

Mr. Sharnell stated that even the Board has suggested in the past to look at the Code to address amending the Code to the Airbnb situation, while not hastily making a decision.

Ms. Hynes came forward and stated people are applying for these permits and the City actually told her that she was the first to actually apply for a permit without receiving any complaints. Ms. Hynes stated they have received zero complaints because they have not been open. When people come to Tulsa they are going to find some place to stay and in this day and age they are moving away from hotels because they want the home away experience. She has spent \$766.00 to receive a license from the City, sent letters to the neighbors and met with the neighbors. From her perspective she is ready to go and get the business started.

Allen Hynes, 3923 South 65th West Avenue, Tulsa, OK; stated that he is a business man and takes things seriously. This is a house that he passes almost every day and he can check on it a lot. He can make sure the lawn and the flower beds are taken care of. This is something that they are not going to be an absentee about.

Comments and Questions:

Mr. Van De Wiele stated that he appreciates the fact that the applicant filed an application prior to opening and the fact that they reached out to the neighbors. In

regards to this application he does not see this as opening the flood gates because every one of the applications presented to the Board are taken on a one on one basis. Mr. Van De Wiele thinks this is a good use of the property. He would want to see limitations on a single booking with no parties or events, no exterior signage, and a time limitation of three to five years because of how new these establishments are.

Mr. Flanagan stated that he has no issues with the request. The only way the Board can judge future behavior is by past behavior and it is a good thing that Ms. Hynes filed for a permit prior to opening.

Mr. White thinks the instead of imposing a time frame should the request be approved let the market sort it out. Mr. Van De Wiele stated that his thoughts are that this is an existing three bedroom house and it will still be that three to five years from now even the applicant loses the Special Exception. Mr. Van De Wiele stated that what may be good for the business may not be good for the neighborhood.

Ms. Back stated that it has been stated that staff will have a meeting next week to discuss all the components of this and the impacts. Ms. Back could support this request but her concern is if this request is granted today will the applicant be grandfathered in and not have to pay hotel taxes? Ms. Miller stated that it is her understanding that in the State of Oklahoma there will be taxes charged on Airbnbs on July 1st but that is not connected to any zoning.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a Special Exception to permit a Bed & Breakfast (Airbnb) in the R District (Section 5.020) in the existing structure. The approval is subject to the following conditions: a five year time limit set from today's date of June 27, 2017 and is to end June 26, 2022; there is to be no exterior signage allowed; no bookings for events or parties will be allowed; and there is to be single bookings with no partial bookings. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 2 BLK 5, JEFFERSON HILLS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Ms. Miller left the meeting at 3:50 P.M.



Subject
Tract

BOA-22275

19-12 24

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

Aerial Photo Date: February 2016

3.12





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Subject
Tract

BOA-22275

19-12 24

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

Aerial Photo Date: February 2016

3.13



BOA 22275



Moye, Nikita

From: Mark on att [mark_grimm@att.net]
Sent: Monday, July 31, 2017 1:57 PM
To: Moye, Nikita
Subject: Re: B & B OBJECTION Case #BOA-2275

Concerning the Englebrook Guest Cottage at 3163 Woodward Blvd. in Tulsa, Oklahoma:

Dear neighbors and INCOG board members,
I am writing this letter to explain what the purpose of the the Englebrook Guest house is and why it is a valuable asset to our dear city.

My wife and I began renting out the Englebrook cottage as a guest home about ten years ago after we had restored it and had lived in it ourselves.

It was one of the very first guest houses in Tulsa. At that time we checked with city, county, and state governments about the legal and zoning requirements. Since we book the whole property to only one party at a time, there were no issues with them. It was looked at by them as merely a rental property.

When we purchased the property, the house had been vacant for 7 years and was in a great state of disrepair with water damage and animal infestation. We completely renovated it and improved the property and the neighborhood around it.

We planned to use Englebrook as a source of our retirement income. I, Mark, was scheduled to retire on June 23rd of this year, which happened to be within days of receiving notice of non-compliance.

For the 10 years we've had this property as a guest house, there have been no complaints from the neighbors- No police reports, no letters of complaint,

The house has been kept in immaculate condition inside and out.

This has been a quiet property with guests that come from across the country and as far away as Europe and Africa to have a quiet home to stay

in while they are visiting with loved ones in local cancer treatment centers, and other medical institutions in the area, gathering to mourn at the funerals of loved ones, participating in national and international horse shows and other events at the various Tulsa arenas and convention centers.

Without giving out names, I can tell you that our guests have included many families in mourning, judges, national equine champion owners and event managers, sports contestants, families that have lost their homes due to fires, Broadway show cast members, movie personel, House Hunters International participants We have had many returns from those who have had a wonderful stay in our great city. There is no way our guests could have a private family setting without a home like this.

The home is beautifully and completely furnished and decorated with all the furniture, appliances, linens, supplies, and communication services, the guests will need during their stay. It has a 5 star rating for its reviews.

We do not allow weddings or any receptions at the house because we do not want the neighbors to be bothered.

We do not advertise the property with signs and don't plan to. This is because the guests who stay in the home want complete privacy. They occupy the whole house and do not want to be disturbed, or announced in any way.

We have donated time at the house to various non-profit groups, such as international missions throughout the years and plan to continue this.

The house has supplied abundant work for house cleaners, heating and air technicians, plumbers, electricians, carpenters, roofers, and lawn and tree care personnel.

Thank you very much for reading this letter. Hopefully it has conveyed the importance of Englebrook cottage continuing to serve it's guests into the future of Tulsa.

Mark and Debra Grimm

Moye, Nikita

BOA 22275

From: Mark on att [mark_grimm@att.net]
Sent: Tuesday, August 01, 2017 11:54 AM
To: Moye, Nikita
Subject: Re: B & B OBJECTION Case #BOA-2275

One More thing that should be clarified:

We do not have a Bed and Breakfast and will not change this property to a Bed and Breakfast.
We simply want to continue the use of the property as it has been for the last 10 years.

Apparently the term "Bed and Breakfast" is being used by the city as a catch-all phrase for any short term rental.

I can see from the neighbors letters that there is much confusion about this wording.

Thank you,

Mark Grimm

BOA 22275

Moye, Nikita

From: Jere Iwata [jiwata@cox.net]
Sent: Monday, July 31, 2017 11:06 AM
To: BOA
Subject: CASE NUMBER BOA-2275

Importance: High

Gentlemen:

My name is Jere Iwata. My wife and I own a home at 3111 S. Madison Ave. Our home has been in my wife's family since 1924 and we have lived here since 2009. We are concerned about the proposed "bed and breakfast" exception under consideration. Talk about setting the wrong precedent. Were this to pass, instead of a nice quiet midtown area, you would see our block littered with the occasional B&B business posting signs of "Only a short walk to the Gathering Place and the shops and restaurants of Brookside" just \$250 a night. This to be followed by perhaps nightly parties with people who are from out of town cooking out, drinking until all hours of the night. Say nothing of the cosmetic loss.

Our neighborhood is composed of quiet single family residences ranging in prices from \$150,000+ to \$700,000 and has a mix of young families to retired individuals. There have been several older homes torn down and replaced by larger new upscale homes in the \$500,000+ range. Looking at a map of our neighborhood, you will notice access to the proposed bed and breakfast will be limited to either 31st Street or Peoria Ave. With the changes the City of Tulsa is making to 31st Street between Peoria and Riverside Drive (going from 4 lanes to 2), the last thing we need is an increase in traffic on the streets in our neighborhood caused by strangers to the area looking for the proposed bed and breakfast.

We strongly urge you deny the requested variance for a Special Exception to permit a bed and breakfast in our neighborhood when the matter comes before the Board of Adjustments in early August.

Please feel free to contact me via e-mail or on my cell phone should you have any questions or concerns.

Respectfully,

Jere and Swannie Iwata

Jere D. Iwata
jiwata@cox.net
(918) 742-0870 (Home)
(918) 629-9010 (Cell)

THIS E-MAIL MESSAGE AND ANY ATTACHMENT THERETO IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS E-MAIL COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY SENDING A REPLY E-MAIL MESSAGE TO THE SENDER. THANK YOU.

Moye, Nikita

From: adambherrington [adambherrington@gmail.com]
Sent: Friday, July 28, 2017 11:14 AM
To: Moye, Nikita
Cc: esubmit
Subject: Case: BOA-22275, B&B Exemption

Dear Nikita Moye,

I am submitting this email to formally state my opposition to the proposed special exemption at 3163 S Woodward Blvd, Tulsa OK 74105 (legal description: LT 12 BLK 2, BROOKSIDE ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma) for a bed and breakfast. At the very least the use of a commercial establishment in a residential neighborhood is not in the spirit of the community by tearing down the strength of the neighbor to neighbor bonds. The exemption will likely reduce the housing values of the neighborhood and act as a leech to the neighborhood feeding off the quiet community ambiance we have cultivated and loved.

The nature of a bed and breakfast also purposefully brings more strangers into the neighborhood which could increase crime rate. Finally, the worst case scenario is which the allowance of this exemption opens the door to other exemptions in the neighborhood too. Perfectly located between the Gathering Place and Brookside, our neighborhood is ripe for a commercial takeover due to the expected increased traffic between the regions and ease of access to both areas. If we allow this B&B to root we might as well demo the region and build a Denny's and motels.

Thank you for your time and consideration with respect to our concerns.

Best Regards,

Adam Herrington, P. E.
Kara Herrington, DVM

3159 S. Madison Ave.
Tulsa, OK 74105

BOA 22275

Moye, Nikita

From: Jo Beth Harris [jbhwriter@cox.net]
Sent: Tuesday, July 25, 2017 1:58 PM
To: Moye, Nikita
Subject: Case Number BOA-22275

Regarding the request for permitting a bed and breakfast at 32nd and Woodward Boulevard, I would like to register my strong objections. I live at 3145 Woodward, just a few houses away from the proposed b&b. It is a tiny, quiet neighborhood and this would be a complete disruption. I have owned my home for more than 20 years, and purposefully chose a quiet, family neighborhood. Parking, noise and traffic would all be problems if this is allowed. We don't need it and certainly don't want it.

Jo Beth Harris

This email has been checked for viruses by Avast antivirus software.
<https://www.avast.com/antivirus>

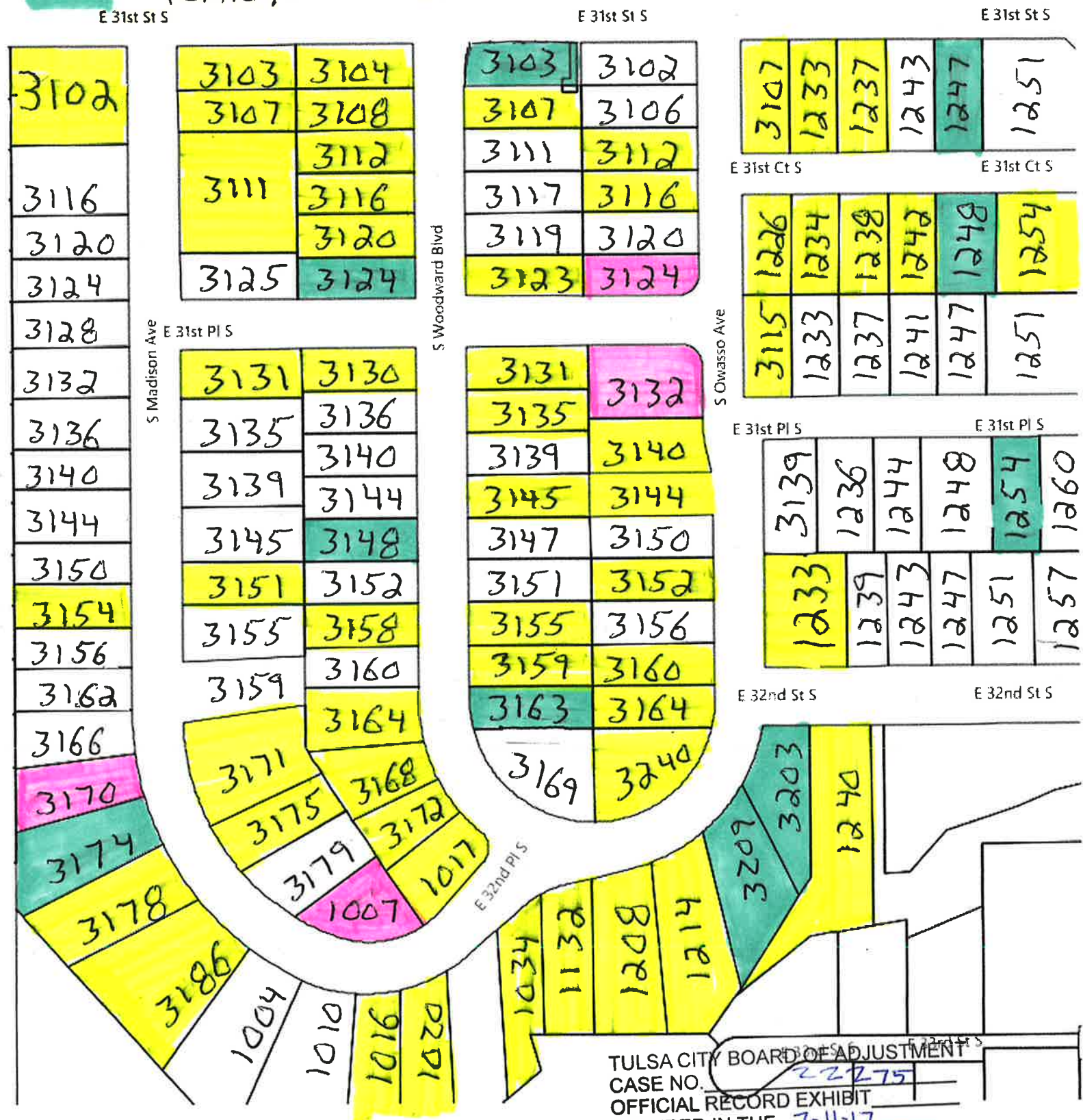
Moye, Nikita

From: bjohn17828@aol.com
Sent: Tuesday, July 11, 2017 9:58 AM
To: Moye, Nikita
Subject: Re: Case Number BOA-22275

I live right behind the house on Woodward. I am against having this as a B & B. This is a residential neighborhood and I don't like having the business right behind me.

Thank you.

- signed
- refused
- rental/new const.



TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 22-275
OFFICIAL RECORD EXHIBIT
ENTERED IN THE 7-11-17
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT

Protest Petition BOA-22275

Appeal of Administrative Official's Decision and/or Request for Special Exception

We the undersigned property owners, do hereby object to the request for a special exception to permit a bed and breakfast in the RS-3 District (Section 40.060) described property.

W of E 32 ST and S PEORIA Ave, LT 12 BLK 2,
BROOKSIDE ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

The proposed use as a bed and breakfast is NOT in harmony with the spirit and intent of our residential single family RS-3 City of Tulsa Zoning Code and is injurious to the neighborhood and detrimental to the public welfare.

SIGNATURE	PRINT NAME	ADDRESS
<i>Gary Biscombe</i>	GARY BISCOMBE	1017 E. 32nd Pl. 74105
<i>Alma Biscombe</i>	Alma Biscombe	1017 E. 32nd Pl.
<i>Bonnie Lee Doyle</i>	Bonnie Lee Doyle	1133 E. 32nd Pl.
<i>Janet Wehrenberg</i>	Janet Wehrenberg	1010 E. 32nd Pl.
<i>Dona Reed</i>	Dona Reed	1034 E 32 Pl Tulsa OK 74105
<i>Charles Reed</i>	Charles Reed	1034 E 32 Pl Tulsa OK 74105
<i>Jennifer Howard</i>	Jennifer Howard	3111 S. Madison Ave. Tulsa OK 74105
<i>Jacob Howard</i>	Jacob Howard	3171 S Madison Ave Tulsa OK 74105
<i>Jean Goodridge</i>	Jean Goodridge	3178 S Madison Tulsa OK
<i>Pat Goodridge</i>	Pat Goodridge	3178 S. Madison Ave Tulsa 74105
<i>Michelle McKenna</i>	Michelle McKenna	3178 S Madison
<i>James Simmons</i>	James Simmons	1020 E 32nd Pl Tulsa OK 74105
<i>Leslie Belfrage</i>	Leslie Belfrage	3181 S. Madison Ave
<i>Kristy Elliott</i>	Kristy Elliott	3112 S. Owasso Ave

Protest Petition BOA-22275

Appeal of Administrative Official's Decision and/or Request for Special Exception

We the undersigned property owners, do hereby object to the request for a special exception to permit a bed and breakfast in the RS-3 District (Section 40.060) described property.

W of E 32 ST and S PEORIA Ave, LT 12 BLK 2,
BROOKSIDE ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

The proposed use as a bed and breakfast is NOT in harmony with the spirit and intent of our residential single family RS-3 City of Tulsa Zoning Code and is injurious to the neighborhood and detrimental to the public welfare.

SIGNATURE	PRINT NAME	ADDRESS
<i>Angela Johnson</i>	Angela Johnson	3130 Woodward Blvd.
<i>Jennifer E. Rore</i>	Jennifer E. Rore	3172 Woodward Blvd
<i>Jeffrey Reh</i>	Jeffrey Reh	3104 Woodward Blvd
<i>Michael Malat</i>	Michael Malat	3164 Woodward Blvd
<i>Maggie Mackool</i>	Maggie Mackool	302 S. Madison Ave.
<i>Jody Anderson</i>	Jody Anderson	3131 S. Madison Ave.
<i>Eric Kwell</i>	Eric Kwell	3131 S. Madison Ave
<i>Dana Owens</i>	Dana Owens	3116 Woodward Blvd.
<i>CHAD A. POTTER</i>	CHAD A. POTTER	3107 Woodward Blvd
<i>Park Burrow</i>	Park Burrow	3116 S. Durbin Ave
<i>Jeffrey Layman</i>	Jeffrey Layman	3151 S. Madison Ave
<i>Judy Epperson</i>	Judy Epperson	3120 S. Woodward Blvd
<i>Gayle Reh</i>	Gayle Reh	3104 Woodward Blvd
<i>Judi Adams</i>	Judi Adams	3103 S. Madison Ave
<i>Suzanne Ivata</i>	Suzanne Ivata	3107 S. Madison Ave
<i>Suzanne Ivata</i>	Suzanne Ivata	3111 S. Madison Ave
<i>Martin Mann</i>	Martin Mann	3112 Woodward Blvd
<i>Derrick Gration</i>	Derrick Gration	3123 Woodward Blvd.
<i>Caroline Wall</i>	Caroline Wall	3123 Woodward Blvd.

Protest Petition BOA-22275


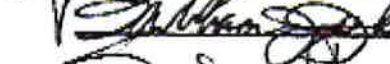
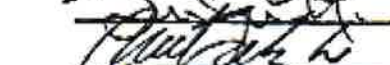
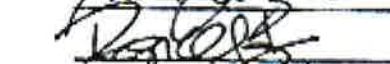

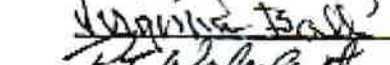




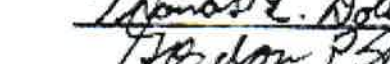





Appeal of Administrative Official's Decision and/or Request for Special Exception

We the undersigned property owners, do hereby object to the request for a special exception to permit a bed and breakfast in the RS-3 District (Section 40.060) described property.

W of E 32 ST and S PEORIA Ave, LT 12 BLK 2,
BROOKSIDE ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

The proposed use as a bed and breakfast is NOT in harmony with the spirit and intent of our residential single family RS-3 City of Tulsa Zoning Code and is injurious to the neighborhood and detrimental to the public welfare.

SIGNATURE	PRINT NAME	ADDRESS
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	Dan Sufrank	3240 S. Owasso Ave.
	BARRY JOHNSON	3164 S. OWASSO AVE.
	Susan Prosser	3160 S. OWASSO
	PAUL FELZIKE	3152 S. OWASSO Ave
	Roger Olds	3140 S. Owasso Ave.
	Betsy Micker	1228 E. 31st Ct. Tulsa 74105
	Virginia Ball	1242 E 31st "
	BOB WARRENTON	1834 E. 31st Ct
	Marsha Waterstradt	1254 E. 31st Ct Tulsa 74105
	Adam Seaman	1237 E. 31st Ct. Tulsa, 74105
	DAVID EAKIN	1233 E. 31st Ct. Tulsa, 74105
	Andrew Fagubahn	1224 E. 31st Ct Tulsa, 74105
	Thomas E Dollar	3107 S. OWASSO 74105
	Gordon P Shelton	3144 S. Owasso 74105
	Curtis Roberts	1226 E. 31st Ct., 74105
	Kristen Roberts	1226 E. 31st Ct. 74105

Protest Petition BOA-22275

Appeal of Administrative Official's Decision and/or Request for Special Exception

We the undersigned property owners, do hereby object to the request for a special exception to permit a bed and breakfast in the RS-3 District (Section 40.060) described property.

W of E 32 ST and S PEORIA Ave, LT 12 BLK 2,
BROOKSIDE ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

The proposed use as a bed and breakfast is NOT in harmony with the spirit and intent of our residential single family RS-3 City of Tulsa Zoning Code and is injurious to the neighborhood and detrimental to the public welfare.

SIGNATURE	PRINT NAME	ADDRESS
<i>[Signature]</i>	MICHAEL E PRGANO	3159 Woodward Blvd
<i>[Signature]</i>	Rat Schneider	3153 Woodward Blvd
<i>[Signature]</i>	Cynthia Marinella	3158 Woodward Blvd
<i>[Signature]</i>	Wayne	3131 Woodward Blvd
<i>[Signature]</i>	Jo Ann	3145 Woodward

Appeal of Administrative Official's Decision and/or Request for Special Exception

W of E 32 ST and S PEORIA Ave, LT 12 BLK 2,
BROOKSIDE ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

[illegible]

Appeal of Administrative Official's Decision and/or Request for Special Exception

W of E 32 ST and S PEORIA Ave, LT 12 BLK 2.

The proposed use as a bed and breakfast is NOT in harmony with the spirit and intent of our residential single family RS-3 City of Tulsa Zoning Code and is injurious to the neighborhood and detrimental to the public welfare.

SIGNATURE	PRINT NAME	ADDRESS
<i>Jeff Heck</i>	Jeff Heckard	3115 S. Wood
<i>William Parks</i>	William Parks	3135 Wood
<i>James</i>	James	2645 Madison Ave.

3120 Woodward Boulevard East
Tulsa, Oklahoma 74105
jepperson@pmrlaw.net

July 6, 2017

City of Tulsa Board of Adjustments
2 West Second Street, Suite 800
Tulsa, Oklahoma 74103
boa@incog.org

**OPPOSITION FOR SPECIAL EXCEPTION TO PERMIT BED AND BREAKFAST IN AN RS-3 ZONED DISTRICT
(SECTION 40.060)**

CASE NO.	BOA-22275
ADDRESS OR DESCRIPTIVE LOCATION:	W OF E 32 ST S AND S PEORIA AVENUE
LEGAL DESCRIPTION:	LOT 12, BLOCK 2, BROOKSIDE ADDITION AMENDED CITY OF TULSA, TULSA COUNTY STATE OF OKLAHOMA
Present Use: Residential	Land Use Designation: Existing Neighborhood

Gentlemen:

I am opposed to the City of Tulsa-Board of Adjustment granting a special exception permitting a Bed and Breakfast at 3163 Woodward Boulevard East. Tulsa, Oklahoma. I am a resident of Brookside Addition Amended and reside at 3120 Woodward Boulevard East.

Brookside Addition Amended is an established neighborhood consisting of a majority of residential single-family properties. The plat was developed during the 1930's and, as such, has grown into a high-density area. I feel development in this area should be minimal and keep in mind setback codes, height and the unique qualities of older neighborhoods to preserve their character and the quality of life.

Allowing a bed and breakfast is detrimental in many ways including public access for police, fire, utilities and EMSA services during emergency situations.

The nuisance and injurious components also include an influx of cars, along with – in this case – trucks, livestock trailers, etc. Thus far, Mr. Mark Grimm and Ms. Debra Faye have marketed their bed and breakfast for high profile events, such as those held at the Tulsa Fairgrounds. They fail to take into account their "guests" maintain irregular hours and occupy the homes primarily on weekends limiting the ability of existing homeowners to leisurely access and enjoy their own homes. Since the neighborhood has no sidewalks, residents rely on the streets to accommodate bikes, strollers, jogging, walking activities, etc. and because this particular residence contains tandem parking, it increases the amount of on-street parking.

It is also disconcerting, to say the least, when a total stranger resides within 30 feet of your front door and you are unaware of their character and/or integrity. Since Mr. Grimm and Ms. Faye do not reside in the neighborhood, it is doubtful they share the same concerns of existing homeowners with regard to safety. In addition, homes in this area are built close together and when activities take place outdoors – and even indoors – it is obvious, and can be unsettling.

Basically, I ask you to consider the Tulsa Comprehensive Plan created by INCOG and the Board of Adjustment for the City of Tulsa “Under the Code, Brookside Addition Amended is designated as a residential single-family district. 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.

The Tulsa Comprehensive Plan identifies the subject property as part of an “Existing Neighborhood” and it 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 clearance objective setback, height and other development standards of the zoning codes.

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 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.

I support the enforcement of the City of Tulsa Zoning Codes. When it is proposed that a residential single-family property be used as a short-term rental (STR), I support the careful review of each application, *and in this specific case, I believe the proposed use is injurious and does not abide by the spirit and intent of the Code.*

As such, I oppose the change of the Zoning Regulations proposed in the above-described City of Tulsa zoning case.

Sincerely,

Judy Talmadge Epperson

Judy Epperson

Moye, Nikita

From: Jeff Reh [jeffrey.reh@gmail.com]
Sent: Saturday, July 08, 2017 9:55 PM
To: Moye, Nikita; esubmit
Subject: CASE NUMBER: BOA-22275

I am writing to voice my objection to the request for a special exception to the zoning code to allow a bed and breakfast at 3163 Woodward Blvd (LT 12 BLK 2, BROOKSIDE ADDN AMD).

By almost all standards, our neighborhood is one of the strongest in Tulsa. The potential addition of this "bed and breakfast" would do nothing to improve the quality of life or value of the neighborhood for those already living here. The only potential change that this business would bring is negative.

The house in question is not currently, nor has it been recently, occupied by the owners. To suggest that it is a bed and breakfast is a stretch to say the least. It is simply an investment property that is being rented out on a day to day basis. I would consider the property to be more of a hotel. A bed and breakfast implies that the owners are hosting someone in their home. The description of a hotel seems more appropriate, since the extent of interaction between owner and guest seems limited to exchange of currency and a house key. I do not claim to be an expert in city zoning codes, but I do not believe that hotels belong in the center of established small lot neighborhoods. The spirit of the neighborhood has long been represented by families and individuals living in small homes in close proximity to each other. These neighbors are not forced to socialize with each other, but most choose to build relationships with those around them. Anyone that has ever lived in a neighborhood knows the advantages of being familiar with those living nearby. From a security perspective, neighbors typically know when someone or something is out of place. If a business starts operating next door with new customers every few days, this sense of familiarity is destroyed.

Our neighborhood enjoys great fellowship. We have monthly gatherings and rotate hosts every time. The streets in the neighborhood are filled nightly with people walking dogs, pushing strollers, and riding bicycles. Over the last few years of seeing this residence filled with a random sampling of guests, I am aware that a walk to the south part of Woodward Blvd can get crowded when a guest has a horse trailer or multiple cars out in the street, effectively narrowing the road to one lane. It may sound minimal, but these are things that take away from the spirit of a neighborhood.

Aside from damaging the existing neighborhood camaraderie, the potential granting of this special exception would set a precedent for future requests. As stated earlier, our neighborhood is healthy as is. We are located directly between Brookside and The Gathering Place. For a potential guest, this location will present one of the best options in town. With the larger, more expensive homes of Maple Ridge to our north, and Crow Creek to our south, our relatively affordable neighborhood is the easiest target for potential investors looking to make an easy dollar from nightly house rentals. It would not take many of these investments to completely change the atmosphere of a neighborhood from family friendly to tourist central.

I sincerely believe that the addition of one "bed and breakfast" equals one subtraction of a steady neighbor and asset to our neighborhood unit. Neighborhoods are built for neighbors. Each neighbor that has moved in has done so with the understanding that they are to be living in a residential area. Any willingness to remove this protection only withers away trust and happiness with the city that we have chosen to live in and love. Please keep this in mind when making your decision.

Thank you,

Jeff Reh
3104 Woodward Boulevard

Moye, Nikita

From: Adam Seaman [adam@positiveleadership.com]
Sent: Saturday, July 08, 2017 1:56 PM
To: Moye, Nikita
Subject: Case Number: BOA-22275

Hello Nikita,

As I may not be able to attend the hearing and as a concerned resident of the neighborhood, I voice my objection to approving the "special exception" of someone to operate a bed and breakfast in the neighborhood. Additionally, that this has been happening without prior approval and in violation of ordinances against doing so, I do not believe an exception is warranted.

Please note this concern along with the others in my neighborhood as this special request is being considered. I believe it should be denied.

Sincerely,
Adam Seaman
1237 E. 31st Court, Tulsa, 74105

Adam Seaman
adam@PositiveLeadership.com
adam@Talent2Strength.com
(918)748-5908

Moye, Nikita

From: Marinella, Cynthia [Cynthia.Marinella@wpenergy.com]
Sent: Friday, July 07, 2017 8:32 AM
To: Moye, Nikita
Subject: Case Number BOA-22275

Good morning Ms. Moye,

I am writing in regard to the referenced hearing for a Special Exception to permit a bed and breakfast in the RS-3 District. My home is located just a few houses down the street from this bed and breakfast. My neighborhood is comprised of many young families with small children and older, retired folks. We look out for each other, we know the names of our neighbor's dogs, we have block parties, we bring each other food in times of sickness or personal loss. These are our homes and this is our neighborhood. We do not want to see our residential neighborhood turn into a business district, nor is the neighborhood zoned for commercial ventures. If the BOA allows the Special Exception permit under Case Number BOA-22275, it will be setting a precedent and surely other such "special exceptions" will follow. We are all well aware that The Gathering Place is generating much excitement and anticipation of increased visitors to the city and because of the proximity of my neighborhood to The Gathering Place, it is a very real threat to my neighborhood that, should this first "special exception" be granted, others will follow.

I hope you will reject the applicant's request for a Special Exception.

Thank you for your time.

Cynthia Marinella
3158 Woodward Boulevard
Tulsa, OK 74105
Home #918-742-6803

Book 22275

Moye, Nikita

From: alma buscombe [abuscombe65@gmail.com]
Sent: Monday, July 03, 2017 4:43 PM
To: BOA; Moye, Nikita
Subject: B & B objection to 3163 Woodward/Case No. BOA-22275

Dear sirs:

I am a resident of 1017 E 32nd place and within 300 feet of the proposed B & B. I do NOT want this special exemption to go through. This neighborhood is a close knit group of homeowners who do NOT want a commercial business near our homes. We do NOT have sidewalks In this entire neighborhood and walk our children in push chairs and walk our dogs on leashes in the street. As our lots are not able to handle additional parking, street parking will be crowded, causing dangerous foot traffic. Additionally we do not want a commercial business in our family-orientated neighborhood. Once there is a special exemption in this neighborhood, what is to stop others from requesting similar exemptions?

I strongly urge you NOT to grant this special exemption and change the safety of our neighborhood.

Alma Buscombe
918 344-4935

Moye, Nikita

From: Chuck Reed [newstorybook@yahoo.com]
Sent: Monday, July 03, 2017 6:07 PM
To: Moye, Nikita
Subject: B&B application : Case number BOA-22275

My name is Charles Reed. I have lived a few houses away from the property in question since 1983. I believe that my neighborhood was originally developed in the late 1930s. Although there has been interest in infill construction over the last several years, the newer houses are fitting in and the neighborhood retains its original flavor.

It would be very disappointing to find the area taking on a more commercial atmosphere with the growth of B&B type use. Neighborhoods thrive with home ownership and occupancy by the owners.

With those factors in mind I request that the requested Special Exception for this property be denied.

Thank you for your consideration of my concerns.

Charles Reed
1034 E. 32nd Place
Tulsa, Oklahoma 74105

918 607-1645

ank you for your consideration of my concerns. My is Ch Reed. I have lived near the property in question since 1983.hborhood was originally developed in the late 1930s. Although there has been interest in infill construction over the last several years the newer houses are fitting in and the neighborhood retains its original flavor.

It would be very disappointing to find the area taking on a more commercial atmosphere with growth in B&B type use. Neighborhoods thrive with home ownership and occupancy by the owners.

With those factors in mind I request that the requested Special Exception for this property be denied.

Thank you for your consideration of my concerns.

Moye, Nikita

From: Jody Anderson [jodyand@me.com]
Sent: Tuesday, July 04, 2017 8:52 AM
To: nmove@incog.org; esubmit
Subject: Case Number: BOA-22275 - Bed and Breakfast

I am a homeowner at 3131 S. Madison Avenue. I am highly opposed to having a Bed and Breakfast in our neighborhood. In addition, the owners of that property are presently running an AirBB at that address, and I am opposed to this also. Please do not approved of this petition.

Jody Anderson, 3131 S. Madison Avenue

Sent from my iPad

Moye, Nikita

From: Edward Knell [edk1@sbcglobal.net]
Sent: Tuesday, July 04, 2017 10:03 AM
To: Moye, Nikita
Cc: esubmit
Subject: Case Number BOA-22275-Bed and Breakfast

I am a homeowner at 3131 S. Madison Ave., Tulsa,Okla.

I am adamantly opposed to the proposal for a Bed and Breakfast, or any other commercial business in our neighborhood. In addition, the current owners of that property are presently operating an AirBB at that address of which I am highly opposed as well. The unsupervised operation of this AirBB has created Saftey concerns and unnecessary tension for the surrounding neighbors. As an effort to diminish any future problems, Please do not approve this petition.

Ed Knell
3131 S. Madison Ave.
Tulsa, Ok.

Moye, Nikita

From: Jody Anderson [jodyand@me.com]
Sent: Tuesday, July 04, 2017 8:52 AM
To: nmove@incog.org; esubmit
Subject: Case Number: BOA-22275 - Bed and Breakfast

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Jody Anderson, 3131 S. Madison Avenue

Sent from my iPad

Moye, Nikita

From: Chuck Reed [newstorybook@yahoo.com]
Sent: Monday, July 03, 2017 6:07 PM
To: Moye, Nikita
Subject: B&B application : Case number BOA-22275

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Charles Reed
1034 E. 32nd Place
Tulsa, Oklahoma 74105

918 607-1645

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Thank you for your consideration of my concerns.

Moye, Nikita

From: alma buscombe [abuscombe65@gmail.com]
Sent: Monday, July 03, 2017 4:43 PM
To: BOA; Moye, Nikita
Subject: B & B objection to 3163 Woodward/Case No. BOA-22275

Dear sirs:

I am a resident of 1017 E 32nd place and within 300 feet of the proposed B & B. I do NOT want this special exemption to go through. This neighborhood is a close knit group of homeowners who do NOT want a commercial business near our homes. We do NOT have sidewalks In this entire neighborhood and walk our children in push chairs and walk our dogs on leashes in the street. As our lots are not able to handle additional parking, street parking will be crowded, causing dangerous foot traffic. Additionally we do not want a commercial business in our family-orientated neighborhood. Once there is a special exemption in this neighborhood, what is to stop others from requesting similar exemptions?

I strongly urge you NOT to grant this special exemption and change the safety of our neighborhood.

Alma Buscombe
918 344-4935

Moye, Nikita

From: gary buscombe [gbuscombe65@gmail.com]
Sent: Monday, July 03, 2017 10:00 AM
To: Moye, Nikita
Cc: BOA
Subject: B & B OBJECTION Case #BOA-2275

Follow Up Flag: Follow up
Flag Status: Flagged

I live across the street from the proposed B & B (Case #BOA-2275) on Woodward Blvd, and strongly object to it being granted a Special Exemption by the Board of Adjustment. It is near a dangerous and narrow corner in our neighborhood where cars parked in the street restrict safe passage down Woodward Blvd. Did you know it is also For Sale, apparently so the seller can justify the high asking price of \$300,000?

Our Brookside Addition is a quiet and safe neighborhood to raise a family and walk the roads in the evening...it should never be disrupted by a commercial enterprise, such as a Bed/Breakfast...there is plenty of commercially-zoned areas of Tulsa that are appropriate for such a short-term rental space.

Loud parties and nightly drinking by out-of-town people (who usually only are screened by their ability to pay the AirB&B rental fees) is another downside to opening the floodgates of short-term rentals to our Brookside neighborhood.

My address is 1017 E. 32nd Place and my name is Gary Buscombe on the deed.

Sincerely,
Homeowner Gary Buscombe

Moye, Nikita

From: Dave Shults [dshults@jdyoung.com]
Sent: Thursday, June 29, 2017 10:59 AM
To: BOA
Subject: CASE NUMBER BOA-2275

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red category

My name is Dave Shults. My wife and I own a home at 3131 Woodward Blvd. We have been in the neighborhood for 23 years. We are rather alarmed at the proposed "bed and breakfast" exception under consideration.. Talk about setting the wrong precedent. Were this to pass, instead of a nice quiet midtown area, you would see our block littered with the occasional B&B business posting signs of **"Close to the gathering Place. Only a walk from Brookside"** Just \$250 a night. This to be followed by perhaps nightly parties with people who are from out of town cooking out, drinking until all hours of the night. Say nothing of the cosmetic loss. Take this writing as a definite **" NO"** on behalf of myself and my wife, Teresa. Get used to it, there will be more to follow. Feel free to call my cell at 918-955-4577.

Regards,

Dave Shults (3131 Woodward Blvd, Tulsa, OK, 74105.)

Dave Shults

Managed Print Sales Manager

JD YOUNG

Direct: 918.925-3340

Main: 918.582.9955

jdyoung.com

dshults@jdyoung.com

Moye, Nikita

From: gary buscombe [gbuscombe65@gmail.com]
Sent: Monday, July 03, 2017 10:00 AM
To: Moye, Nikita
Cc: BOA
Subject: B & B OBJECTION Case #BOA-2275

I live across the street from the proposed B & B (Case #BOA-2275) on Woodward Blvd, and strongly object to it being granted a Special Exemption by the Board of Adjustment. It is near a dangerous and narrow corner in our neighborhood where cars parked in the street restrict safe passage down Woodward Blvd. Did you know it is also For Sale, apparently so the seller can justify the high asking price of \$300,000?

Our Brookside Addition is a quiet and safe neighborhood to raise a family and walk the roads in the evening...it should never be disrupted by a commercial enterprise, such as a Bed/Breakfast...there is plenty of commercially-zoned areas of Tulsa that are appropriate for such a short-term rental space.

Loud parties and nightly drinking by out-of-town people (who usually only are screened by their ability to pay the AirB&B rental fees) is another downside to opening the floodgates of short-term rentals to our Brookside neighborhood.

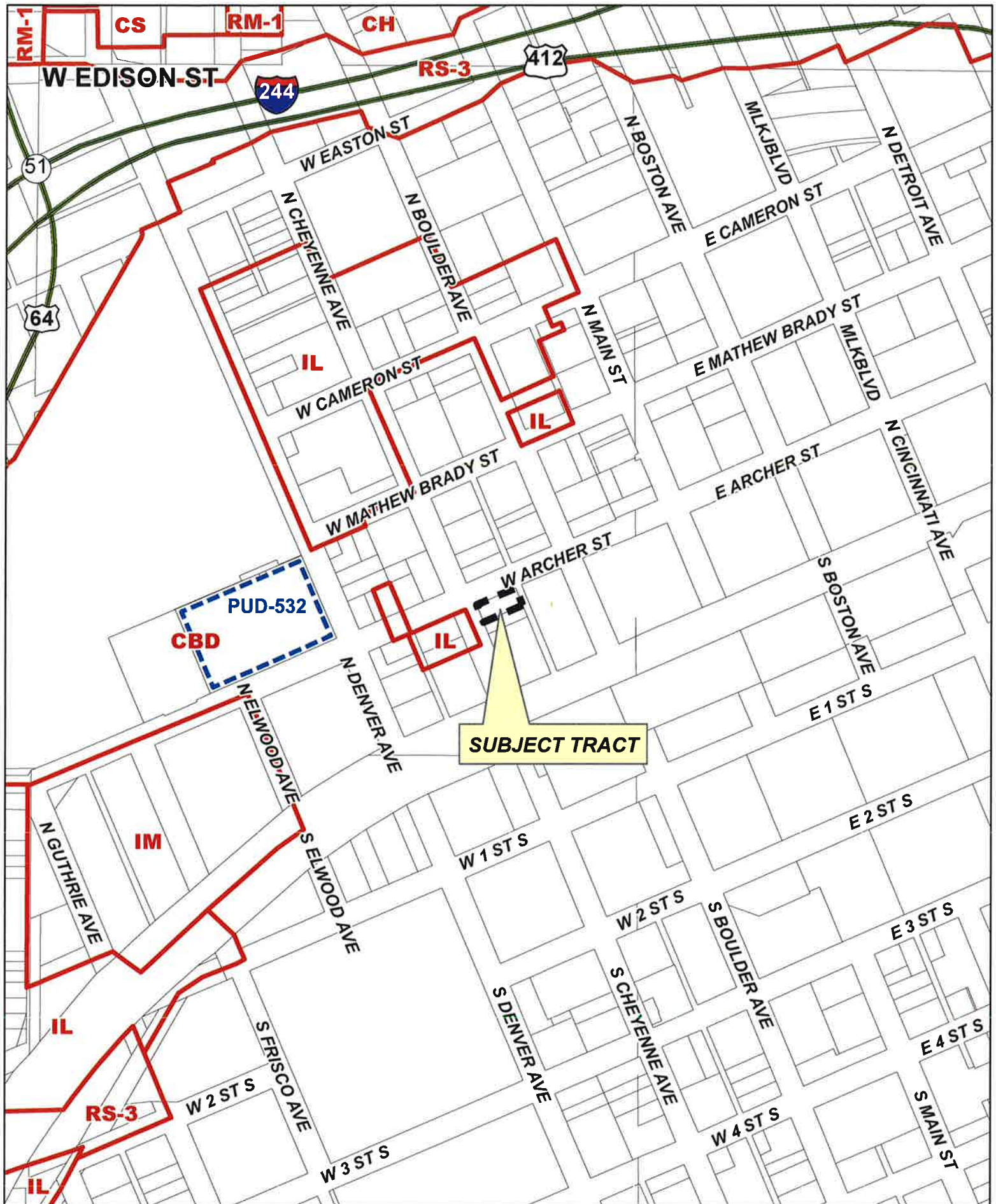
My address is 1017 E. 32nd Place and my name is Gary Buscombe on the deed.

Sincerely,
Homeowner Gary Buscombe

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BOA-22286 – SIMON REYES

**THE REQUEST HAS BEEN WITHDRAWN BY
THE APPLICANT**



BOA-22289

19-12 02

5.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9202

Case Number: BOA-22289

CZM: 36

CD: 4

A-P#: N/A

HEARING DATE: 08/08/2017 1:00 PM

APPLICANT: Jeremy Diamond

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

LOCATION: 114 W ARCHER ST N

ZONED: CBD

PRESENT USE: Vacant Commercial Building

TRACT SIZE: 7701.44 SQ FT

LEGAL DESCRIPTION: N5 LT 6 ALL LT 7 BLK 61, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract located in the CBD is surrounded by mixture of uses including surface parking lots, office space and light industrial.

STAFF COMMENTS:

A bar is permitted in the CBD district as a use by right – subject to complying with the spacing requirements provided in Section 40.050-A of the Code. The Code provides the following spacing requirements for a bar in the CBD:

- *Public entrance doors of bars may not be located within 50 feet of any R-zoned lot, as measured in a straight line from the nearest point on the R-zoned lot (not including R-zoned expressway right-of-way) to the nearest public entrance door of the bar or the nearest portion of any outdoor seating/dining area, whichever results in a greater setback.*
- *Bars may not be located within 300 feet of a public park, school or religious assembly use; the separation distance must be measured from the nearest property line of such public park, school or religious assembly use to the nearest perimeter wall of the bar. Religious assembly uses include all contiguous property owned or leased by the religious organization upon which the principal religious assembly building is located, regardless of any interior lot lines. Schools include all contiguous property owned or leased by the school upon which the principal school building is located, regardless of any interior lot lines.*

The applicant has submitted a map indicating the required spacing radius of 300 ft. from the perimeter subject site; based on the map there do not appear to be any public parks, churches, or schools within 300 ft. of the proposed bar. There is not an R district within 50 ft the subject property.

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

The Board must find that the proposed bar meets or does not meet the spacing requirement.

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

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



0 200 400
Feet



Subject
Tract

BOA-22289

19-12 02

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

Aerial Photo Date: February 2016

5.4





0 50 100
Feet



Subject
Tract

BOA-22289

19-12 02

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

Aerial Photo Date: February 2016

5.5





Subject Site - Looking North



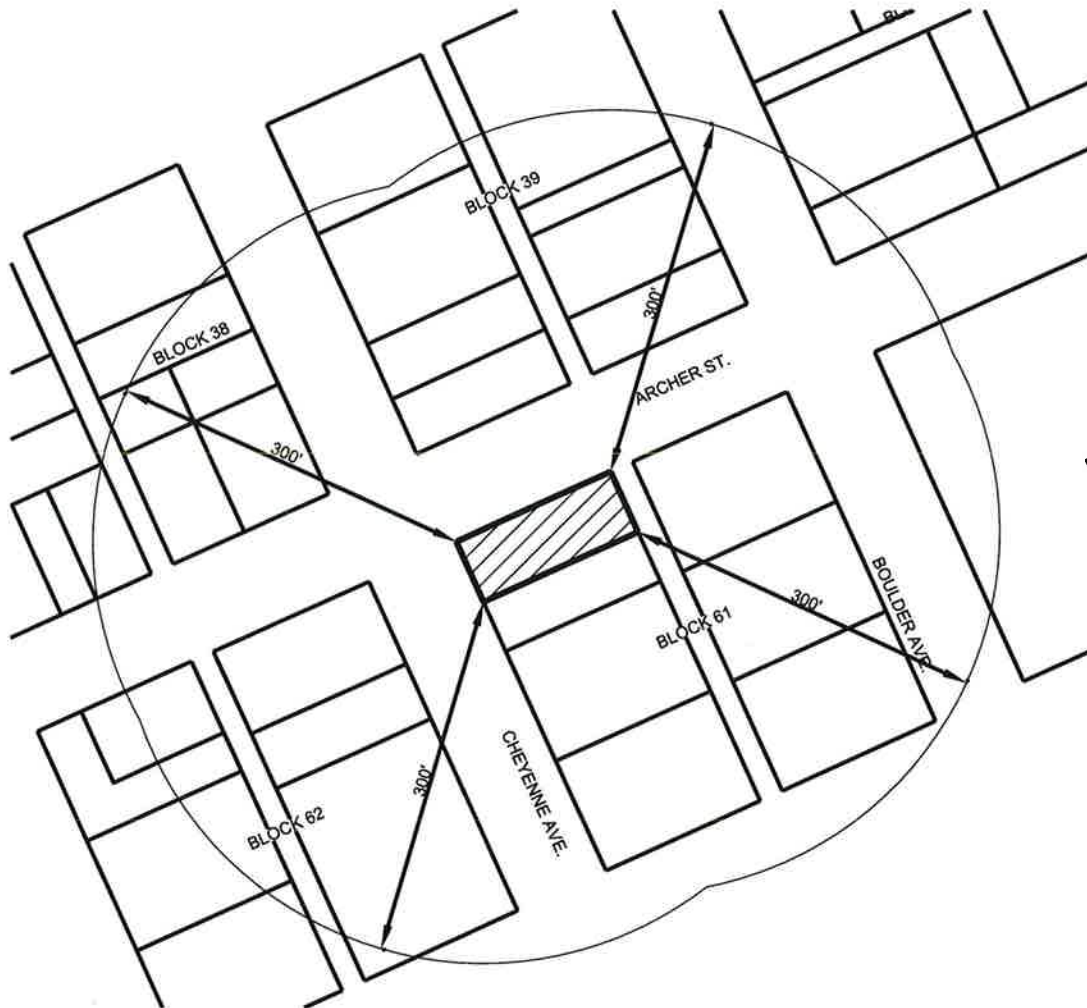
Street View- W Archer ST



Street View- W Archer ST

DATE: 6/23/17
SCALE: N/A

Nickle & Associates, Inc.
108 S. 109th E. PLACE, Tulsa, Oklahoma, 74128
(918) 664-5411. C.A. #1749 Expires 6/2019.



I hereby certify the the public entrance of the establishment, as measured in a straight line is not less than 50 feet from the nearest point on the lot to the nearest public entrance door of the bar or the nearest portion of any outdoor seating/dining area.

That the establishment is not located within 300 feet of a public park, school (including all contiguous property owned or leased by the school upon which the principal school building is located, regardless of any interior lot lines) or religious as-assembly use (including all contiguous property owned or leased by the religious organization upon which the principal religious assembly building is located), regardless of any interior lot lines. As measured from the nearest property line of such public park, school or religious as-assembly use to the nearest perimeter wall of the bar.

That the property is not located within 300 feet of any other bar or sexually oriented business establishment, as measured in a straight line between the nearest perimeter walls of the portions of the buildings occupied by the bar or sexually oriented business establishment

Gregory Nickle, PLS #1396 Oklahoma



CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1012987-1

June 21, 2017

JEREMY DIAMOND
2257 S DELAWARE CT
TULSA, OK 74114

Phone: (918)500-2163

APPLICATION NO: 9188 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 114 W ARCHER ST N
Description: BREW PUB

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

(continued)

REVIEW COMMENTS

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

Application No. 9188

114 W ARCHER ST N

June 21, 2017

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

- 1. Sec.40.050-A:** The proposed Brewpub is located in the CBD zoning district and is subject to the following separation distance requirements:

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

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

- 2. Sec.15.020-G [2]:** Use requires special exception approval if intoxicating beverages or low-point beer are sold or served and the subject lot is located within 150 feet of any residential zoning district other than R-zoned street right-of-way.

Review comment: If the Brewpub is located within 150 feet of any residential zoning district a Special Exception, reviewed and approved per Sec.70.120, is required.

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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BOARD OF ADJUSTMENT CASE REPORT

STR: 0226

Case Number: **BOA-22290**

CZM: 28

CD: 1

A-P#: 424141

HEARING DATE: 08/08/2017 1:00 PM

APPLICANT: Randy Shelley

ACTION REQUESTED: Variance to increase the permitted size of a detached accessory building to from 500 sq. ft. to 832 sq. ft. (Section 45.030).

LOCATION: 2416 N Denver Place

ZONED: RS-2

PRESENT USE: Residential

TRACT SIZE: 17977.29 SQ FT

LEGAL DESCRIPTION: LOT-16-BLK-11, RESERVOIR HILL ADDN, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

None Relevant.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the 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.

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-2 zoned residences.

STAFF COMMENTS:

The Code states that detached accessory buildings in the RS-2 district are limited to a floor area of 500 sq. ft. or 40% of the principal dwelling, whichever is greater. The applicant has requested a variance to increase the maximum permitted floor area of a detached accessory building to 832 sq. ft. to permit a 400 sq. ft. addition to the existing detached garage as proposed on the attached site plans and drawings. The applicant provided the following statement: *"We cannot install this 400 sq. ft. sunroom on the back of the residence because it impedes the use of the backyard, also there are*

side-yard restrictions; utilities and a basement access are at the back of the house. The existing garage is placed in such a way that restricts enlarging the existing residence.”

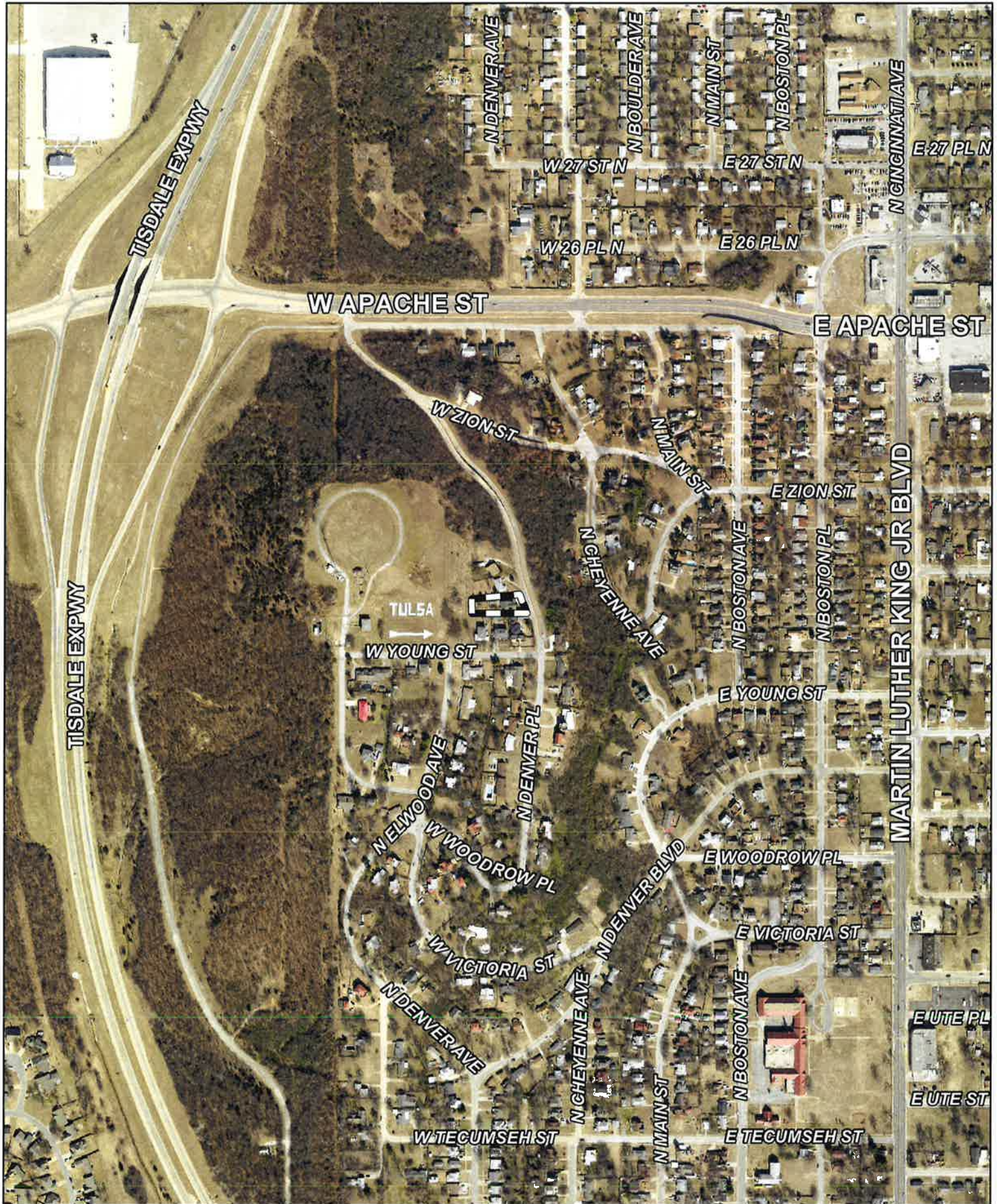
Sample Motion

Move to _____ (approve/deny) a Variance to increase the permitted size of a detached accessory building to from 500 sq. ft. to 832 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.”*



0 Feet 250 500



Subject Tract

BOA-22290

20-12 26

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

Aerial Photo Date: February 2016





0 50 100
Feet



Subject
Tract

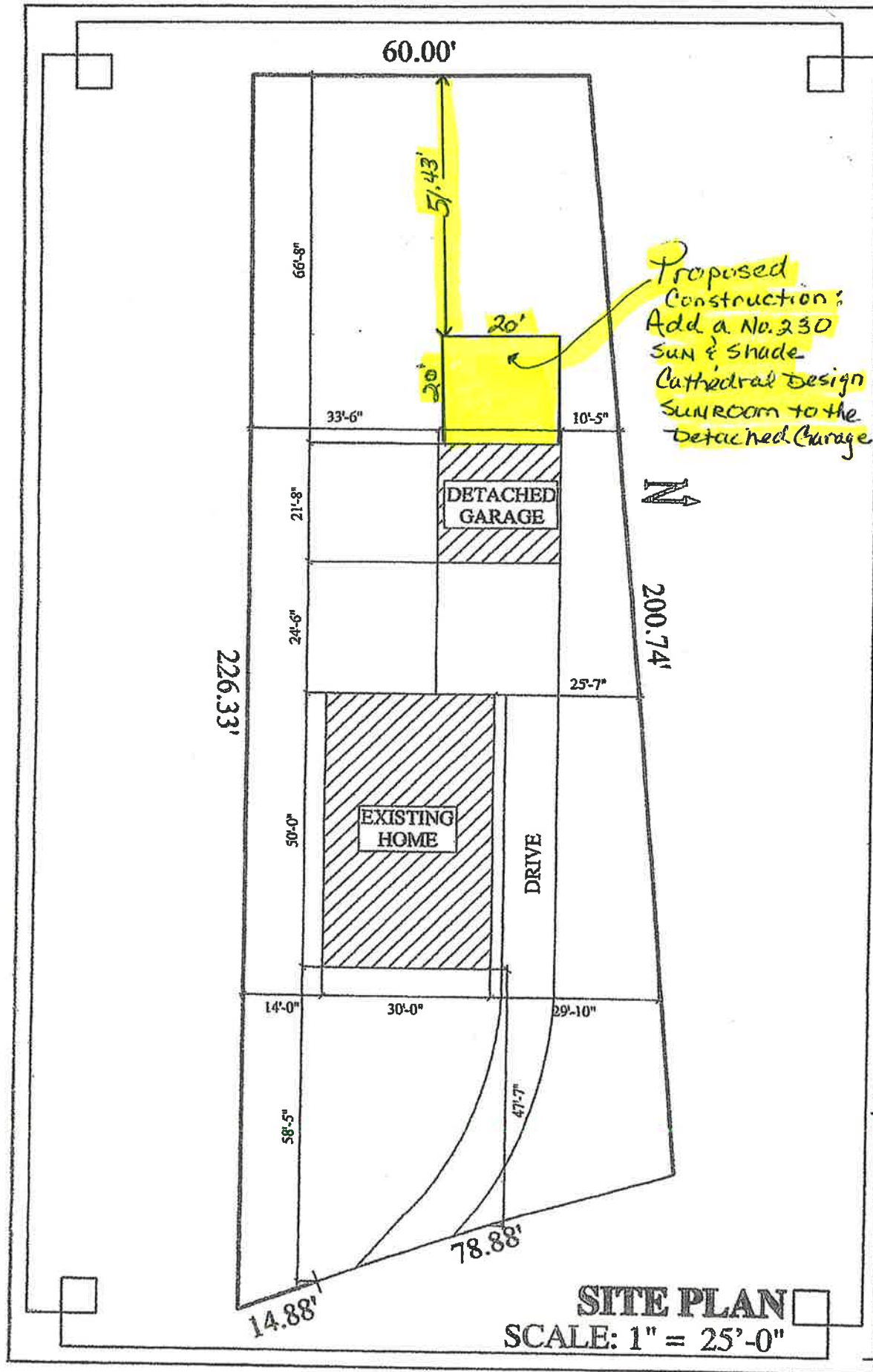
BOA-22290

20-12 26

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

Aerial Photo Date: February 2016





SITE PLAN
 SCALE: 1" = 25'-0"

ADDRESS	
STREET:	2416 N. DENVER PL.
LOT:	16
BLOCK:	11
SUBDIVISION:	RESERVOIR HILL
CITY:	TULSA
COUNTY:	TULSA
STATE:	OKLAHOMA

DARRON & KIMBERLY
 DIXON
 RESIDENCE



**istinctive
ESIGNS**

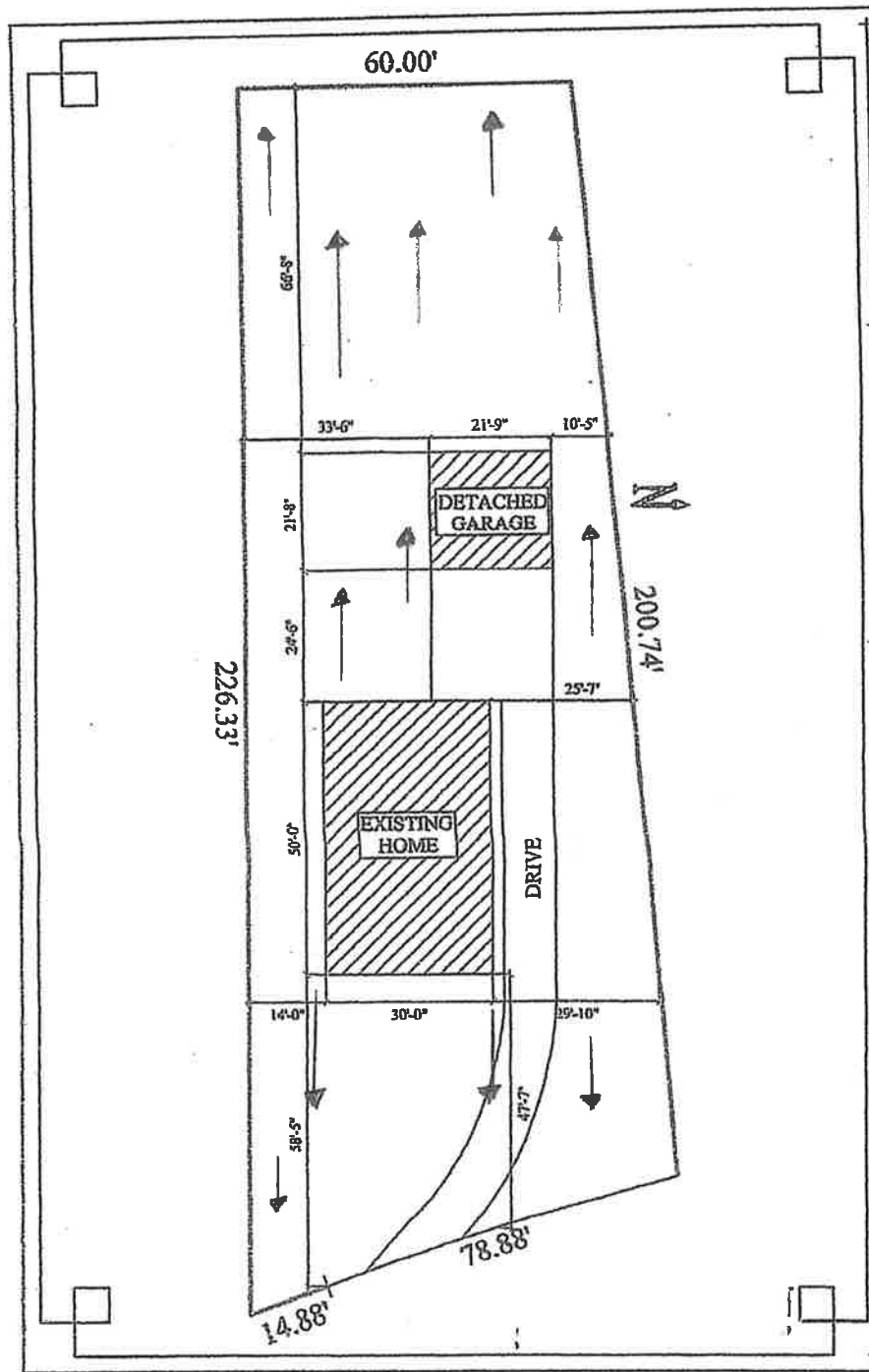
Residential Design & CAD Services
 Phone: 918 - 382 - 0005

FOLDER: DARRON/DIXON
 FILE: SITE
 DATE: SEPTEMBER 16, 2008
 DRAWN BY: BV
 APPROVED BY:

CURRENT DRAINAGE PATH

REAR YARD
is Level
then starts
flowing down
Hill (west) once
past the
Detached
Garage

Side yards
are Level
& water is
ABSORBED
by ground
FRONT YARD
Flows gently
to EAST &
is absorbed
by grass &
landscaping



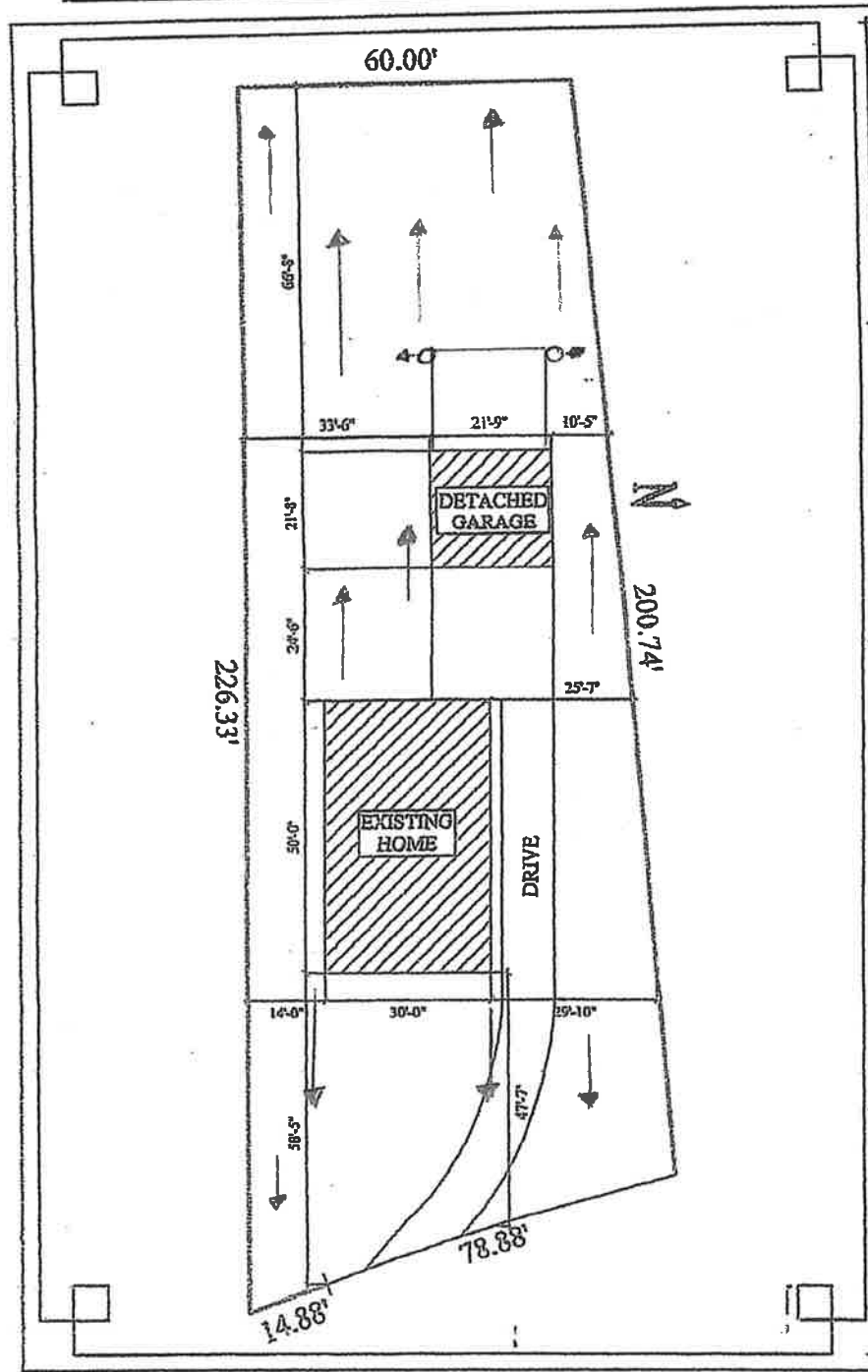
The existing
House &
Detached
Garage have
NO gutters —
All rainfall
drips to ground
& is absorbed
by grass &
landscaping

2416 N. DENVER PL.
Lot 16, Block 11, RESERVOIR HILL
DARRON & KIMBERLY DIXON

POST ADDITION DRAINAGE PATH

REAR YARD
is Level
then starts
flowing down
Hill (west) once
past the
Detached
Garage

Side yards
are Level
& water is
ABSORBED
by ground
FRONT YARD
Flows gently
to EAST &
is Absorbed
By grass &
Landscaping



PROPOSED
SUN ROOM
ADDITION TO
DETACHED
GARAGE
w/ (2) DOWN SPOUTS.
drain to yard
AND follow
Current drainage
path

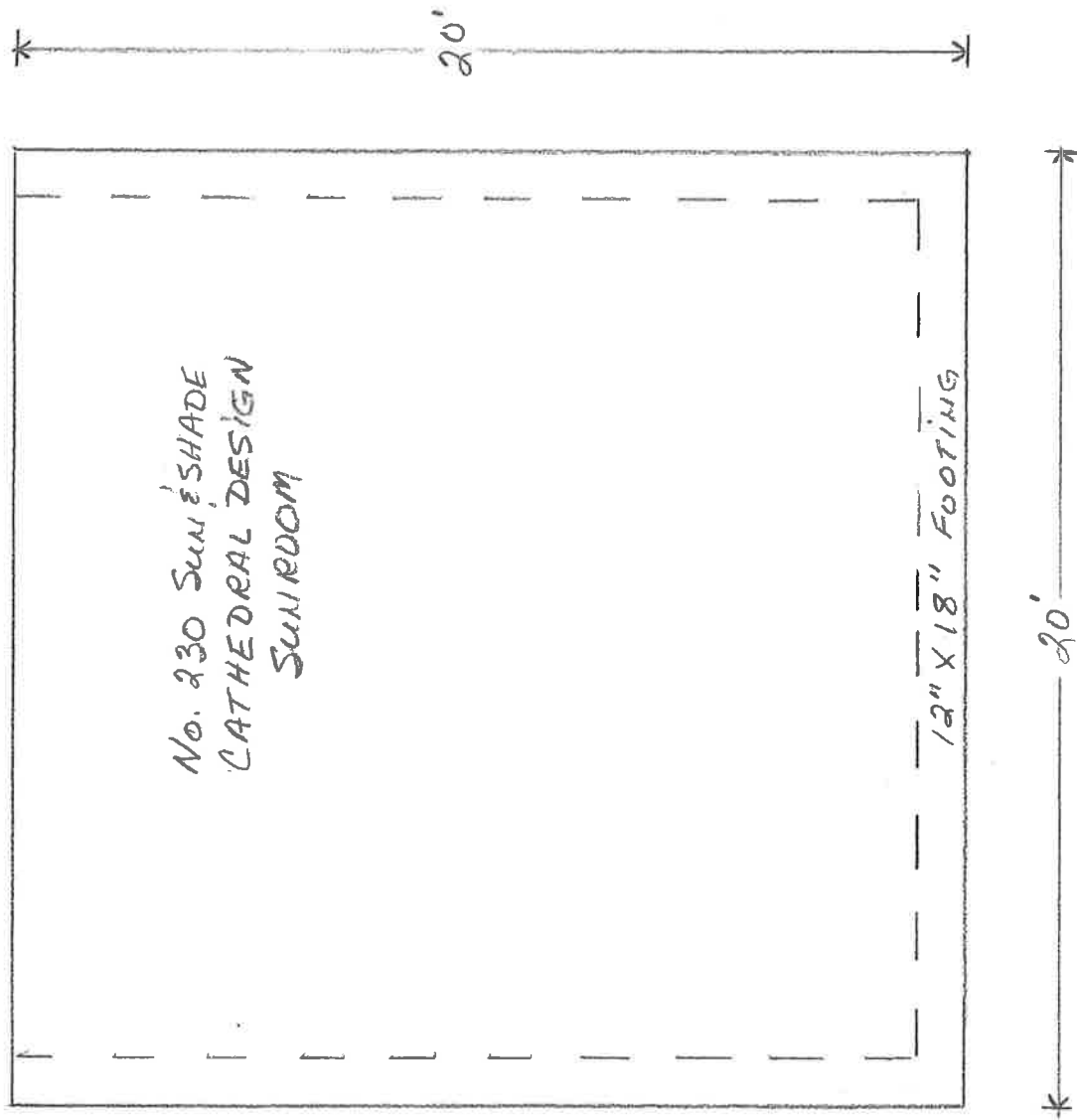
The existing
House &
Detached
Garage have
NO gutters —
All rainfall
drips to ground
& is absorbed
by grass &
landscaping

2416 N. DENVER PL.
Lot 16, Block 11, RESERVOIR HILL
DARRON & KIMBERLY DIXON

N

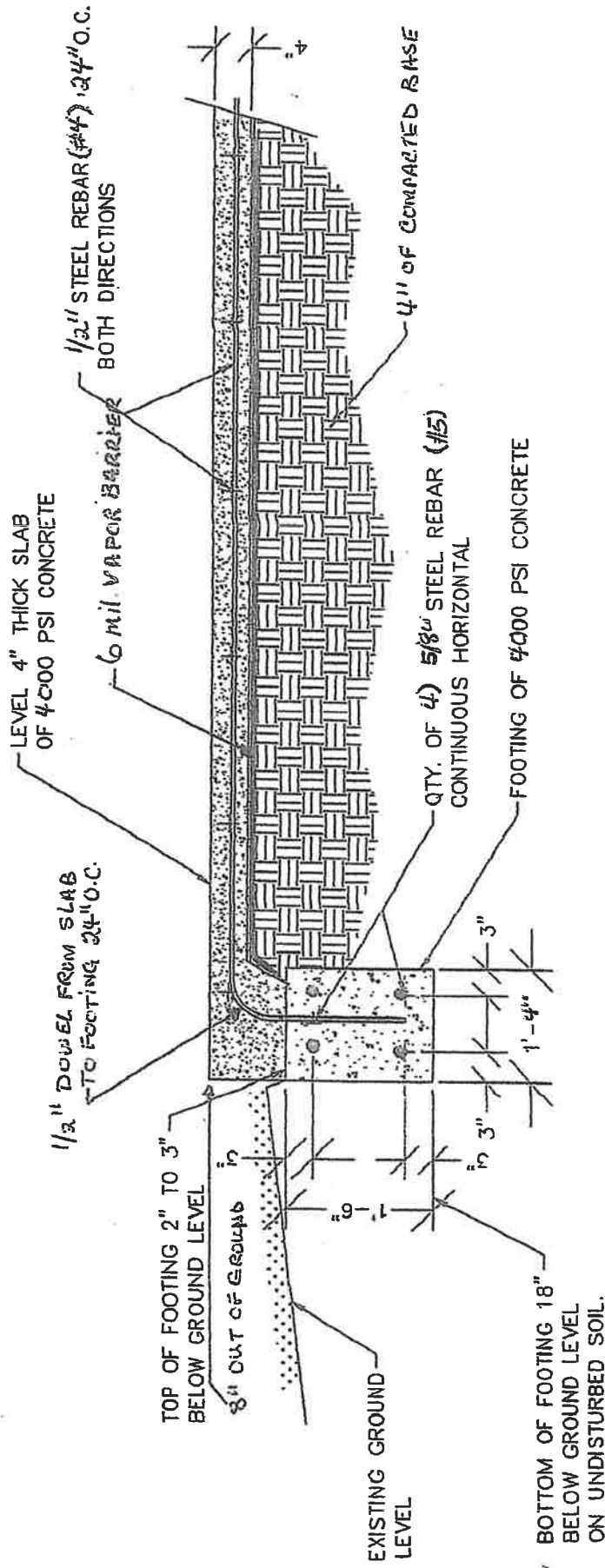
FOUNDATION PLAN

DARRON DIXON
2416 N DENVER PL.
TULSA, OK. 74106
918-605-1704
Scale: 1/4" = 1'



EXISTING FOOTING TO SLAB

4) (#5) DOWELS 8" INTO EXISTING FOOTING
TO BE DOWELLED BY EPOXY



FOUNDATION PLAN

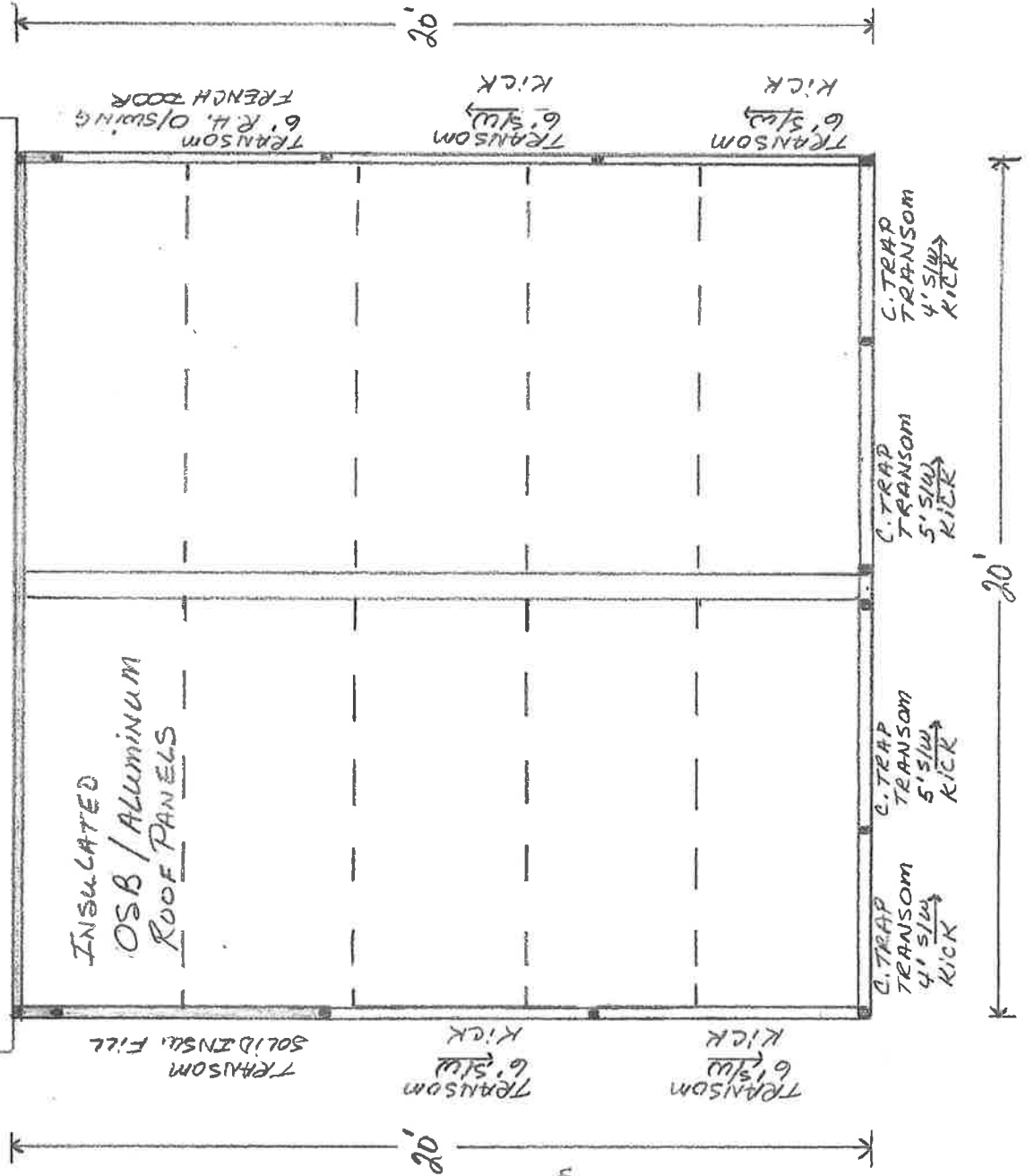
NOTES

1. SEE CONCRETE FOUNDATION DRAWING.
2. DOWEL & EPOXY TO EXISTING FOOTING / STEINWALL.

DARRON DIXON
 2416 N. DENVER PL.
 TULSA, OK. 74106
 918-605-1704
 Scale: 1/4" = 1'

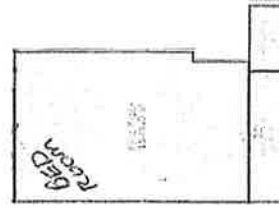
FLOOR PLAN

DETACHED GARAGE



All materials
 are thermally
 broken aluminum
 extrusions w/
 tempered
 safety glass.

DET
 Garage

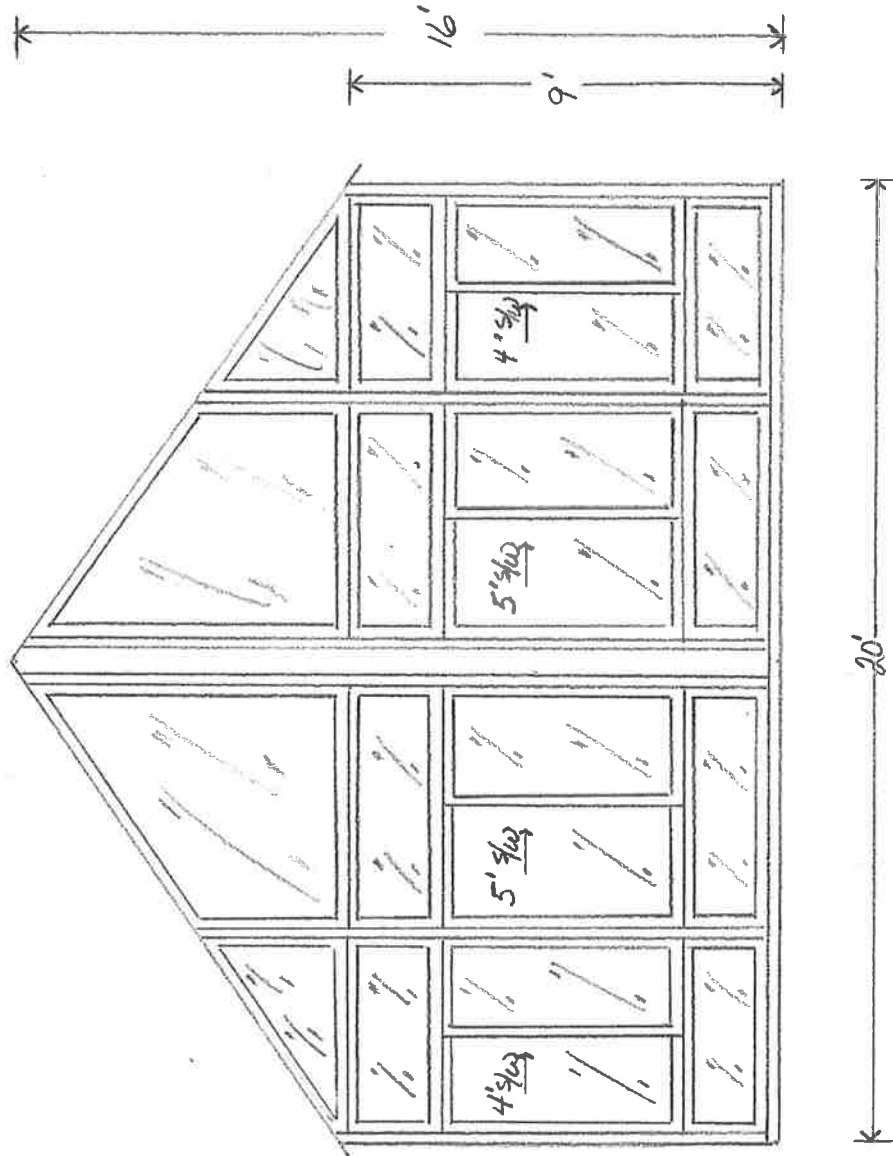


Homeowner has
 Carbon Monoxide
 Detector in
 Bedroom Area



WEST ELEVATION

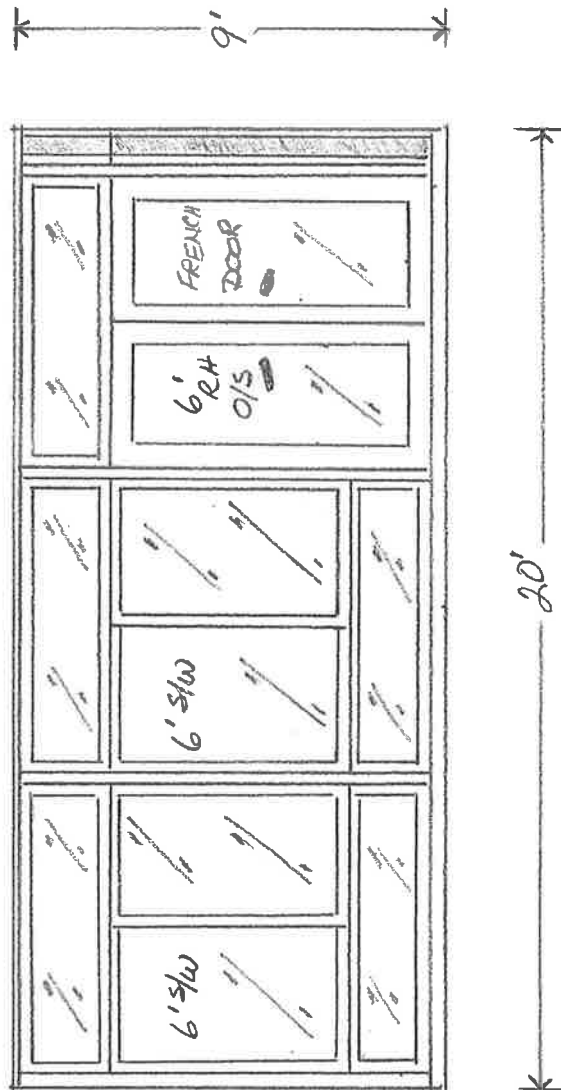
DARRON DIXON
2416 N DENVER PL.
TULSA, OK. 74106
918-605-1704
Scale: $\frac{1}{4}" = 1'$



No —

SOUTH ELEVATION

DARRON DIXON
2416 N DENVER PL.
TULSA, OK. 74106
918-605-1704

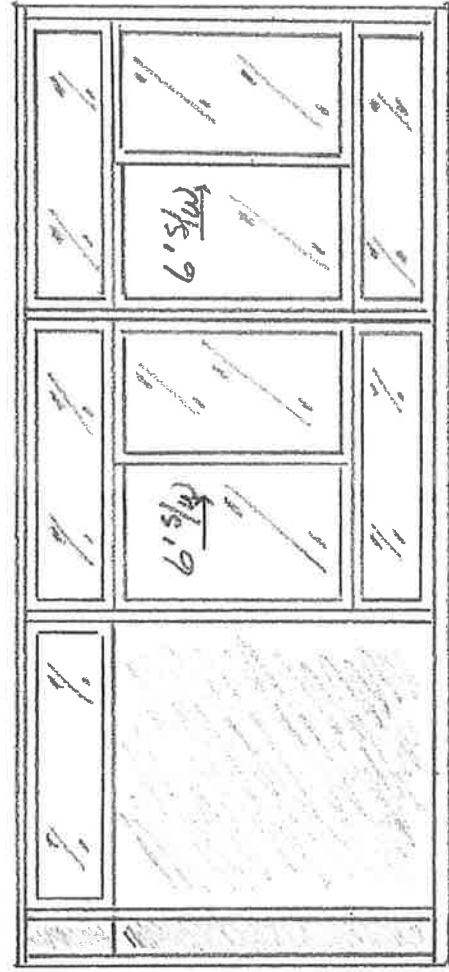


N

NORTH ELEVATION

DARRON DAMON
2416 N DENVER PL.
TULSA, OK 74106
918-606-1704
Scale: 1/4" = 1'

9'



10'

Darron Dixon
2416 N. Denver Pl
Tulsa, OK 74106
918-1005-1704

Attach
Cathedral
Sun Room
to existing
Detached
Garage

2'9"

to be
removed

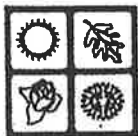
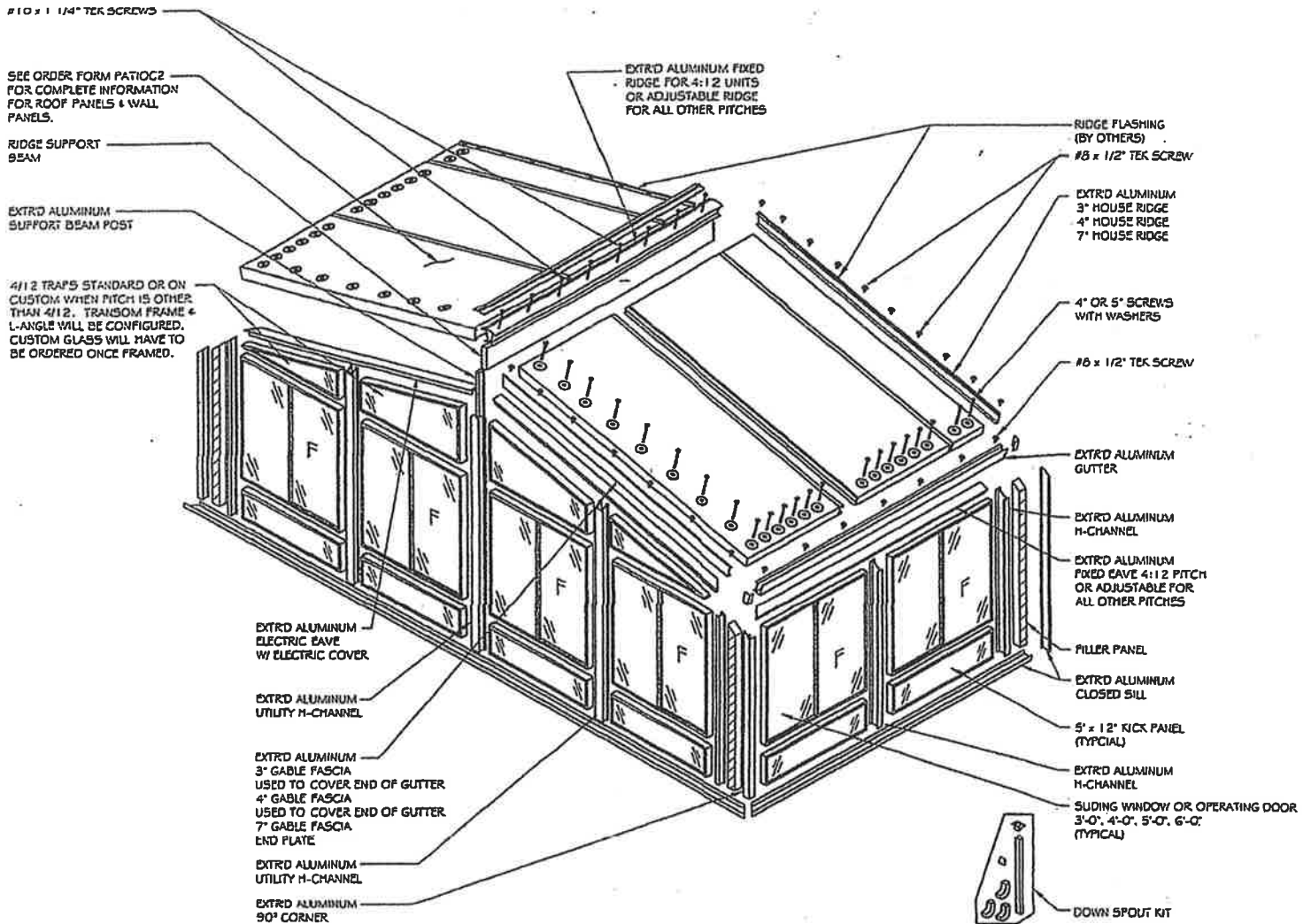
tree to be removed

20'

20'

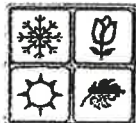
SYSTEM TYPE:

SERIES 230 SUN & SHADE
CATHEDRAL DESIGN ROOM



FOUR SEASONS SOLAR PRODUCTS, LLC.

5005 VETERANS MEMORIAL HIGHWAY
HOLBROOK, NEW YORK 11741
DESIGNERS AND MANUFACTURER OF FOUR SEASONS SUNROOMS



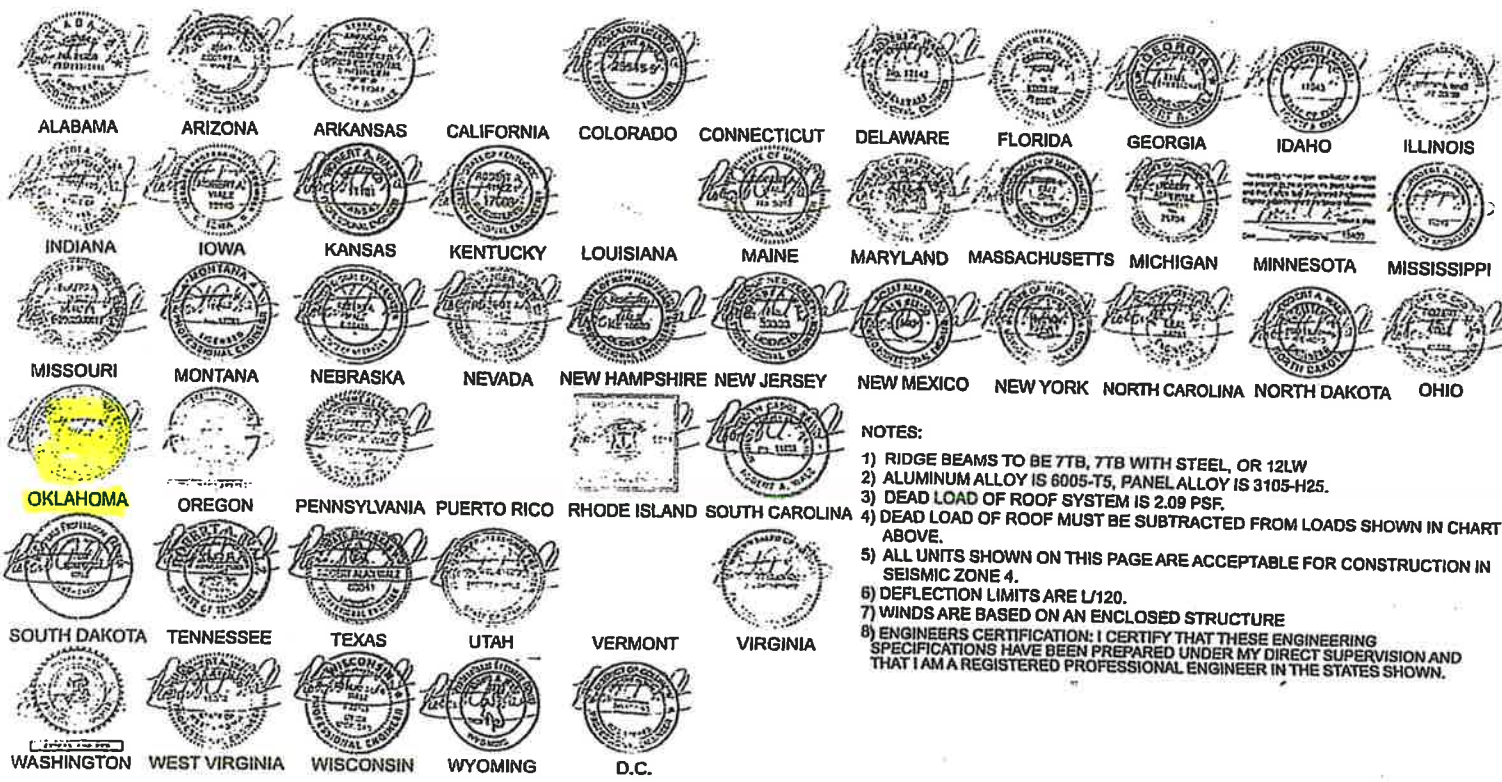
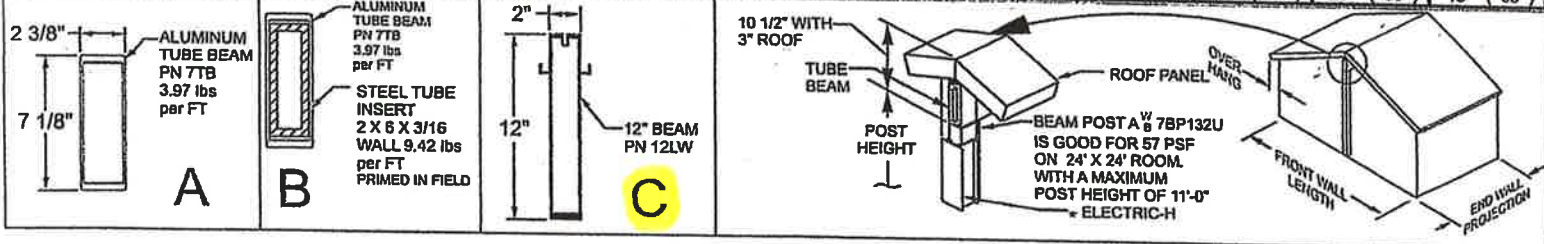
BUILD the BEST
**FOUR SEASONS®
SUNROOMS**
Made in N. America for Over 30 Years

230 SUN & SHADE ROOMS: CATHEDRAL DESIGN ROOF PANEL: 4-1/4" O.S.B./ALUM. (NO H-BEAMS)

1 LB. EPS FOAM PANELS ENGINEERING AND STRUCTURAL LOADING INFORMATION

EFFECTIVE DATE 8-08LD
REVISION: B

MAXIMUM FRONT WALL LENGTH	MAXIMUM LIVE LOAD GOVERNED BY	MAXIMUM END WALL PROJECTION - ALLOWABLE LOADING CHART									
		ROOF LOAD IN PSF (WIND LOAD EXPOSURE B (RESIDENTIAL) IN MPH)									
		10 FT	11 FT	12 FT	13 FT	14 FT	16 FT	18 FT	20 FT	22 FT	24 FT
12 FT FOR EXPOSURE D WIND REDUCE MPH BY 50	A) 7" ALUMINUM BEAM	98 (155)	80 (145)	60 (145)	50 (145)	40 (125)	25 (110)	18 (95)	13 (85)	10 (80)	8 (65)
	B) 7" ALUMINUM & STEEL	98 (155)	98 (155)	98 (145)	98 (145)	90 (145)	60 (145)	40 (140)	27 (130)	— (115)	— (110)
	C) 12" ALUMINUM BEAM	98 (155)	98 (155)	98 (145)	98 (145)	98 (160)	95 (155)	85 (145)	45 (140)	35 (130)	28 (125)
14 FT FOR EXPOSURE D WIND REDUCE MPH BY 45	A) 7" ALUMINUM BEAM	88 (140)	70 (140)	55 (140)	45 (140)	35 (125)	23 (110)	16 (95)	12 (80)	9 (80)	7 (65)
	B) 7" ALUMINUM & STEEL	88 (140)	88 (140)	88 (140)	88 (140)	80 (140)	50 (140)	33 (140)	22 (130)	— (115)	— (110)
	C) 12" ALUMINUM BEAM	88 (140)	88 (140)	88 (140)	88 (140)	88 (140)	80 (140)	55 (140)	40 (140)	30 (130)	24 (125)
16 FT FOR EXPOSURE D WIND REDUCE MPH BY 40	A) 7" ALUMINUM BEAM	79 (130)	65 (130)	50 (130)	40 (130)	30 (125)	20 (110)	14 (95)	10 (80)	8 (70)	6 (65)
	B) 7" ALUMINUM & STEEL	79 (130)	79 (130)	79 (130)	75 (130)	65 (130)	43 (130)	28 (130)	19 (125)	— (110)	— (100)
	C) 12" ALUMINUM BEAM	79 (130)	79 (130)	79 (130)	79 (130)	79 (130)	70 (130)	50 (130)	37 (130)	28 (130)	21 (125)
18 FT FOR EXPOSURE D WIND REDUCE MPH BY 40	A) 7" ALUMINUM BEAM	72 (125)	60 (125)	45 (125)	35 (125)	26 (115)	18 (100)	13 (85)	9 (80)	7 (70)	6 (65)
	B) 7" ALUMINUM & STEEL	72 (125)	72 (125)	72 (125)	70 (125)	60 (125)	38 (125)	25 (125)	16 (115)	— (100)	— (95)
	C) 12" ALUMINUM BEAM	72 (125)	72 (125)	72 (125)	72 (125)	72 (125)	65 (125)	45 (125)	33 (125)	25 (125)	20 (125)
20 FT FOR EXPOSURE D WIND REDUCE MPH BY 35	A) 7" ALUMINUM BEAM	65 (110)	55 (110)	43 (110)	33 (110)	25 (110)	17 (100)	12 (85)	9 (80)	6 (70)	5 (65)
	B) 7" ALUMINUM & STEEL	65 (110)	65 (110)	65 (110)	65 (110)	53 (110)	33 (110)	21 (110)	14 (110)	— (100)	— (95)
	C) 12" ALUMINUM BEAM	65 (110)	65 (110)	65 (110)	65 (110)	65 (110)	60 (110)	42 (110)	30 (110)	22 (110)	17 (110)
22 FT FOR EXPOSURE D WIND REDUCE MPH BY 30	A) 7" ALUMINUM BEAM	60 (100)	50 (100)	40 (100)	31 (100)	24 (100)	16 (95)	11 (85)	8 (80)	6 (70)	5 (65)
	B) 7" ALUMINUM & STEEL	60 (100)	60 (100)	60 (100)	60 (100)	47 (100)	30 (100)	19 (100)	12 (100)	— (95)	— (85)
	C) 12" ALUMINUM BEAM	60 (100)	60 (100)	60 (100)	60 (100)	60 (100)	50 (100)	40 (100)	28 (100)	21 (100)	16 (100)
24 FT FOR EXPOSURE D WIND REDUCE MPH BY 30	A) 7" ALUMINUM BEAM	52 (95)	48 (95)	37 (95)	29 (95)	23 (95)	15 (95)	10 (85)	7 (80)	5 (70)	4 (65)
	B) 7" ALUMINUM & STEEL	52 (95)	52 (95)	52 (95)	52 (95)	43 (95)	27 (95)	17 (95)	10 (95)	— (95)	— (85)
	C) 12" ALUMINUM BEAM	52 (95)	52 (95)	52 (95)	52 (95)	52 (95)	45 (95)	35 (95)	25 (95)	20 (95)	15 (95)



NOTES:

- 1) RIDGE BEAMS TO BE 7TB, 7TB WITH STEEL, OR 12LW
- 2) ALUMINUM ALLOY IS 6005-T5, PANEL ALLOY IS 3105-H25.
- 3) DEAD LOAD OF ROOF SYSTEM IS 2.09 PSF.
- 4) DEAD LOAD OF ROOF MUST BE SUBTRACTED FROM LOADS SHOWN IN CHART ABOVE.
- 5) ALL UNITS SHOWN ON THIS PAGE ARE ACCEPTABLE FOR CONSTRUCTION IN SEISMIC ZONE 4.
- 6) DEFLECTION LIMITS ARE L/120.
- 7) WINDS ARE BASED ON AN ENCLOSED STRUCTURE
- 8) ENGINEERS CERTIFICATION: I CERTIFY THAT THESE ENGINEERING SPECIFICATIONS HAVE BEEN PREPARED UNDER MY DIRECT SUPERVISION AND THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATES SHOWN.

6.17



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6.36

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1013028-1

June 26, 2017

JANA MCBRIDE
FOUR SEASONS SUNROOMS INC
7123 S 92 E AV
TULSA, OK 74133

Phone: (918)250-7301
Fax: (918)250-7296

APPLICATION NO: **424141** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **2416 N DENVER PL W**
Description: **ADDITION**

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

6.37

REVIEW COMMENTS

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

Application No. 424141

2416 N DENVER PL W

June 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.

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 400 sq. ft. addition to an existing 432 q. ft. detached accessory structure. The proposed detached accessory structure exceeds 500 sq. ft. Reduce the size of your proposed detached accessory structure to be less than 500 sq. ft. or apply to BOA for a variance to allow a detached accessory structure to exceed the maximum area from 500 sq. ft. to 832 sq. ft. in an RS-2 zoning district.

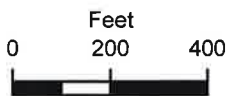
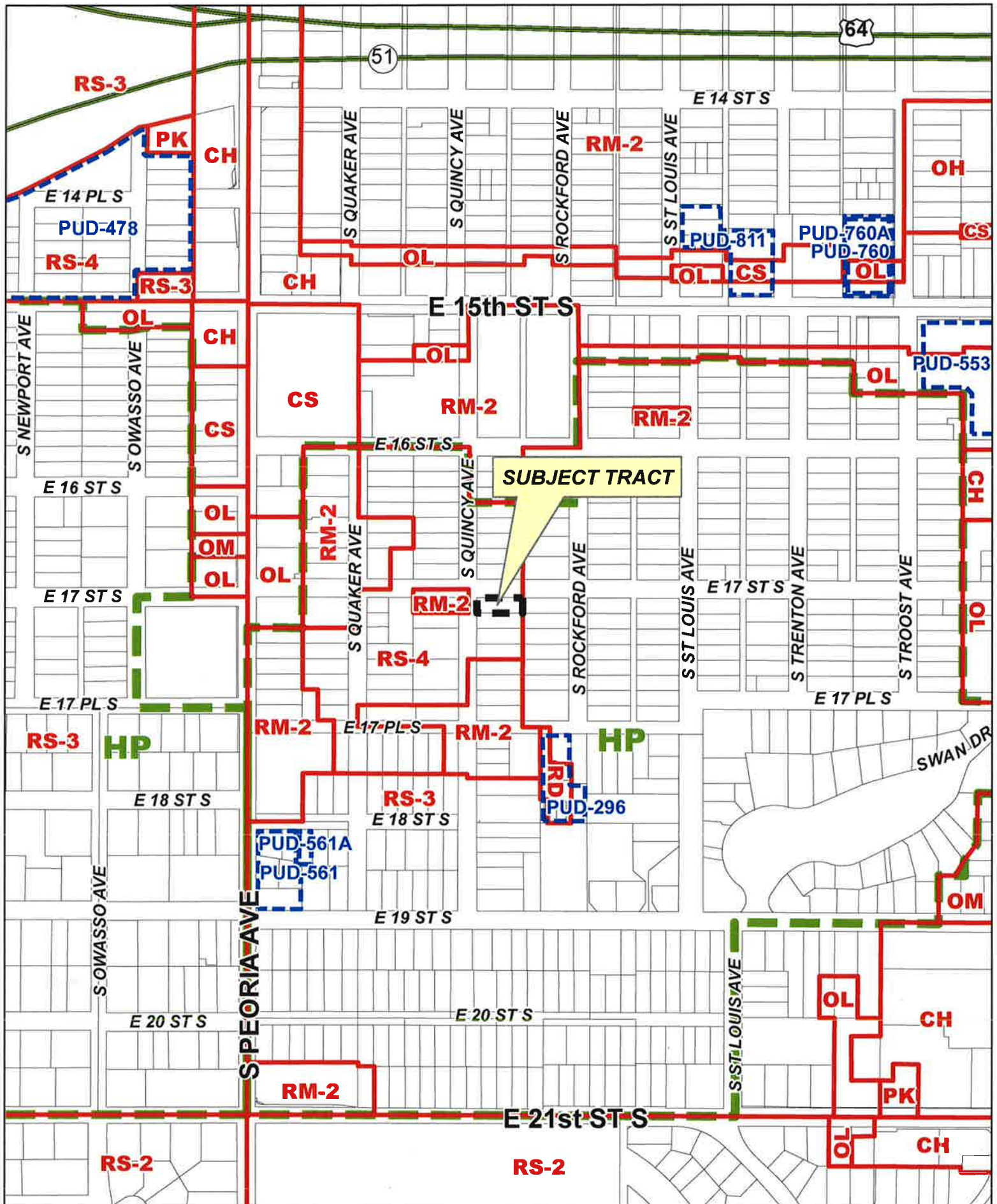
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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.



BOA-22292

19-13 07

7.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9307

Case Number: BOA-22292

CZM: 37

CD: 4

A-P#: 423974

HEARING DATE: 08/08/2017 1:00 PM

APPLICANT: Bill Andrews

ACTION REQUESTED: Special Exception to permit reconstruction of a portion of an existing nonconforming house. (Section 80.030-E)

LOCATION: 1701 S Quincy Ave

ZONED: RS-4/HP

PRESENT USE: Residential

TRACT SIZE: 7501.06 SQ FT

LEGAL DESCRIPTION: LT 16 BLK 22 & 10' VAC ALLEY, ORCUTT ADDN, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA 21818; on 01.13.15 the Board approved a variance to permit a two story detached accessory building in the rear yard; a variance of the the height limitation from 18 ft to 28 ft; a Variance to reduce the required setback from the centerline of 17th Street from 45 ft to 35 to permit a detached accessory building in the rear yard; and a variance to reduce the required garage setback from the property's E 17th street lot line from 20 ft to 4.5 ft.; located immediately east of the subject lot.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located in the Swan Lake Historic District and is surrounded by RS-3, RS-4 and RM-2 zoned residences.

STAFF COMMENTS:

Section 5.030-B, 3 states for detached houses and duplexes on corner lots, the minimum side street setback along a non-arterial street may be reduced to 15 feet, provided that the minimum setback for street-facing garage doors is 20 feet or 20 feet from the back of the sidewalk, whichever is greater. As shown on the attached site plan the existing side-yard (north) setback of the house and attached garage appears to be 7 ft.; therefore the existing house and attached garage on the site is defined as a non-conforming structure.

The applicant stated that the garage/apartment requires major repair due to a leaky flat roof. As shown on the attached plans the applicant proposes to demolish the existing attached garage/apartment and replace it with an attached two car garage with bedrooms above. The applicant has requested a special exception to allow reconstruction of the non-conforming attached garage/apartment. The attached plans have been approved by the Historic Preservation commission.

Section 80.030-E.2 the Code states that if any nonconforming structure is damaged or partially destroyed by any means to the extent of more than 50% of its replacement cost at time of damage, the Board by special exception may approve it to be restored or re-established as a nonconforming structure.

In order to approve a special exception for re-establishment of a the nonconforming structure, the board of adjustment must find that restoration as a conforming structure cannot reasonably be made in relation to the nature and extent of the non-conformity and the nature and extent of the damages.

Sample Motion

Move to _____ (approve/deny) a Special Exception to permit reconstruction of a portion of an existing nonconforming house. (Section 80.030-E)

- 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.

Ms. Snyder recused herself and left the meeting at 1:49 P.M.

FILE COPY

21818—Sylvia & Tom Brown

Action Requested:

Variance to permit a two story detached accessory building in the rear yard; Variance of the height limitation from 28 feet to 25 feet; Variance to reduce the required setback from the centerline of East 17th Street from 45 feet to 35 feet to permit a detached accessory building in the rear yard (Section 210.B.5.a-b); Variance to reduce the required garage setback from the street from 20 feet to 4.5 feet (Section 403.A.5). **LOCATION:** 1702 South Rockford Avenue (CD 4)

Presentation:

Tom Brown, 1702 South Rockford Avenue, Tulsa, OK; stated the existing garage is in dire need of repair and is falling over. He would like to replace the existing garage and raise the new garage up to be able get a modern car into the garage. The existing garage doors are so low that he must duck down to enter into the garage.

Mr. Van De Wiele asked Mr. Brown about the square footage of the old versus the new garage. Mr. Brown stated the new garage will be basically the same footprint, but he would like to increase the width a little so he and a passenger can get out of the car inside the garage. The height will be a little higher to accommodate today's model car. The reason he does not want to set the garage back is because the lot width is 50 feet instead of the standard 60 feet.

Interested Parties:

Charles Anderson, 1706 South Rockford Avenue, Tulsa, OK; stated he lives south of the subject property. He wanted to let the Board know that he is in favor of the proposed garage and the new design does not cause any problem.

Chip Atkins, 1638 East 17th Place, Tulsa, OK; stated past president of his neighborhood association and subcommittee member of Tulsa Preservation Committee. He has had telephone calls concerning the garage and all the phone calls have given support to the proposed garage. Mr. Brown has performed a great restoration on the house itself and this project is normal for the neighborhood. He wants to let the Board know he is in support of the project.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 3-0-1 (Henke, Van De Wiele, White "aye"; no "nays"; Snyder "abstaining"; Tidwell absent) to **APPROVE** the request for a Variance to permit a two story detached accessory building in the rear yard; Variance of

BOA-21818

FILED

the height limitation from 25 feet to 28 feet; Variance to reduce the required setback from the centerline of East 17th Street from 45 feet to 35 feet to permit a detached accessory building in the rear yard (Section 210.B.5.a-b); Variance to reduce the required garage setback from the property line from 20 feet to 4.5 feet (Section 403.A.5). The Board has found the existing garage to be in a condition along with it's foundation that it requires replacement. The replacement garage to be constructed will be basically the same size, height, location but with some expansion to accommodate today's modern cars. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 1 BLK 22 & 10' VAC. ALLEY, ORCUTT ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Ms. Snyder re-entered the meeting at 1:58 P.M.

21819—Gary Haynes

Action Requested:

Variance to allow a digital sign within 200 feet of an R District (Section 1221.C.2.c).

LOCATION: 1220 South Memorial Drive (CD 5)

Presentation:

Gary Haynes, Crown Neon Sign, 5676 South 107th East Avenue, Tulsa, OK; stated today's request is for a digital message board for Breedlove Automotive. The sign will be within approximately 200 feet of an apartment complex but there are trees between them and the business.

Interested Parties:

Steve Breedlove, 1220 South Memorial Drive, Tulsa, OK; stated he is the owner of the business. The signage will be decreased with the third sign on the existing sign being removed, the second sign will be smaller by inches, and the top panel will be replaced. He has been at the subject location for nine years and people tell him all the time that they were no aware of his business. He does not do TV or newspaper advertising because he cannot afford it but his business stays quite busy by word of mouth, and he would like to be able to let his neighborhood know that he is there.

Mr. White asked if the overall height of the sign would remain the same. Mr. Breedlove answered affirmatively.



0 50 100
Feet



Subject
Tract

BOA-22292

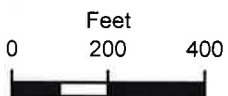
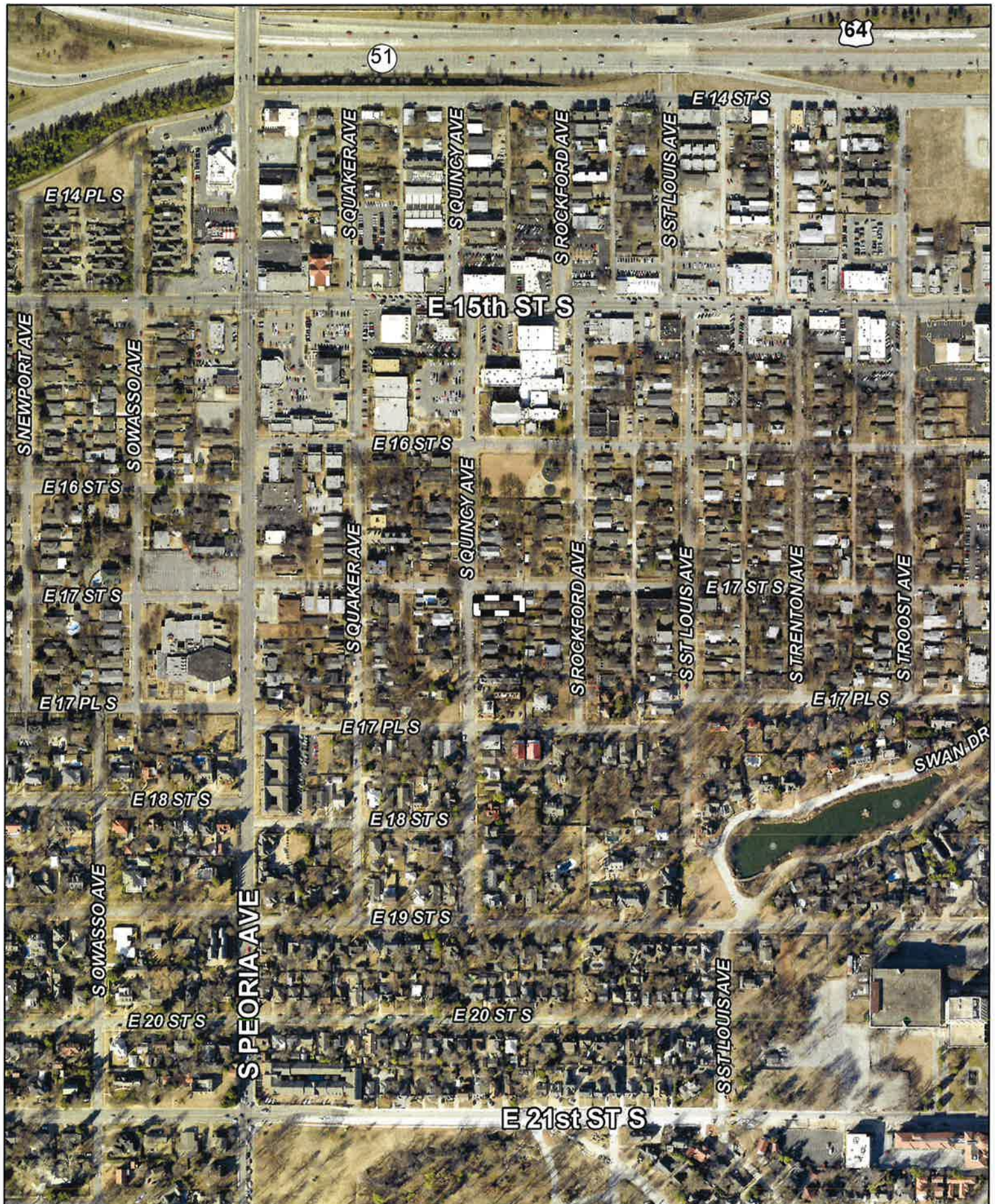
19-13 07

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

Aerial Photo Date: February 2016

7.6





Subject
Tract

BOA-22292

19-13 07

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

Aerial Photo Date: February 2016





Subject Lot - Looking East



Subject Lot - Looking SE



7.9



7.10



7.11



7.12



HISTORIC PRESERVATION PERMIT

A Historic Preservation Permit for work described below has been issued under the Zoning Ordinance of the City of Tulsa (Section 70.070) to **Bill and Karol Andrew** for the address of **1701 South Quincy Avenue, Tulsa, Oklahoma**, located in the **Swan Lake Historic District**. This proposal has been approved by the Tulsa Preservation Commission.

Any changes to the Approved Proposal require further review and approval by the Tulsa Preservation Commission prior to work being done. Unapproved changes to the Approved Proposal are a violation of the Zoning Ordinance and may result in revocation of a building permit and/or code enforcement.

This Historic Preservation Permit is not a building permit for residential or commercial zoning. A copy of this permit and approved project plans should be provided to the Permit Office for the completion of the building permit process, if applicable. The Permit Office is located on the Fourth Floor of City Hall.

APPROVED PROPOSAL

Construction of addition according to documents submitted

Roy Malcolm Porter, Jr.

Roy Malcolm Porter, Jr.
Historic Preservation Officer, City of Tulsa

Date issued: June 6, 2017
Number: HP-17-055

This Historic Preservation Permit expires two (2) years from date issued.

RESIDENCE FOR BILL AND KAROL ANDREW
 1701 S. QUINCY AVE
 TULSA, OK 74120

RS4, SINGLE FAMILY
 SWAN LAKE HISTORICAL DISTRICT
 ORCUTT ADDN
 LT 16, BLK 22 AND 10' VAC ALLEY
 SEC: 7 TOWNSHIP: 19, RANGE: 13
 TULSA COUNTY

CITY OF TULSA PRESERVATION COMMISSIC:

APPROVED DATE: June 6, 2017

BY Kay Westcotts Forster, Jr. Page 1 of 18

SUCH APPROVED PLANS SHALL NOT BE CHANGE
 MODIFIED OR ALTERED WITHOUT AUTHORIZATION



3601 W. 48TH ST.
 TULSA, OK 74107
 OFFICE (918) 447-8624
 FAX (918) 234-7630

DRAWINGS ARE FOR THE EXPRESS USE AND
 PROPERTY OF M.B.I. AND/OR M.B.I. CUSTOMER
 BASE. THEY ARE INTENDED FOR USE ON M.B.I.
 BUILDINGS AND COMPONENTS ONLY. ANY OTHER
 USE IS PROHIBITED.

PROJECT:

1701 S QUINCY

SHEET TITLE:

TITLE PAGE

SCALE:

1/8" = 1'-0"

ISSUE DATE:

6/4/2017

SHEET NO.:

CS

717



3601 W. 48TH ST.
TULSA, OK. 74107
OFFICE (918) 447-4624
FAX (918) 234-7630

DRAWINGS ARE FOR THE EXPRESS USE AND
PROPERTY OF M.B.I. AND/OR M.B.I. CUSTOMER
BASE. THEY ARE INTENDED FOR USE ON M.B.I.
BUILDINGS AND COMPONENTS ONLY. ANY OTHER
USE IS PROHIBITED.

PROJECT:

1701 S QUINCY

SHEET TITLE:

SITE PLAN

SCALE:

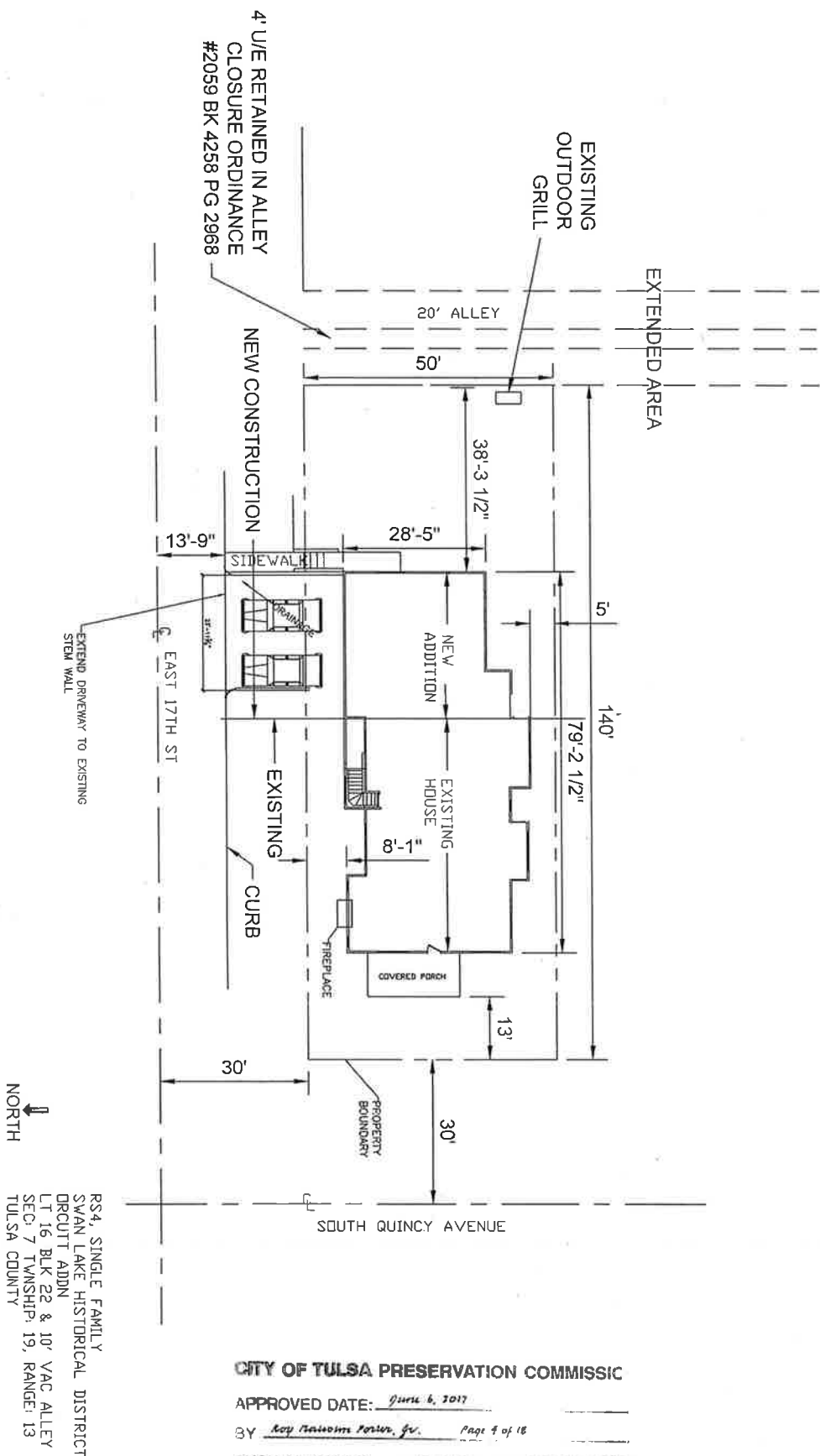
1"=20'

ISSUE DATE:

5/25/2017

SHEET NO.:

A101





3601 W. 48TH ST.
TULSA, OK 74107
OFFICE (918) 447-8624
FAX (918) 234-7630

DRAWINGS ARE FOR THE EXPRESS USE AND
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BASE. THEY ARE INTENDED FOR USE ON M.B.I.
BUILDINGS AND COMPONENTS ONLY. ANY OTHER
USE IS PROHIBITED.

PROJECT:

1701 S QUINCY

SHEET TITLE:

DEMO PLAN

SCALE:

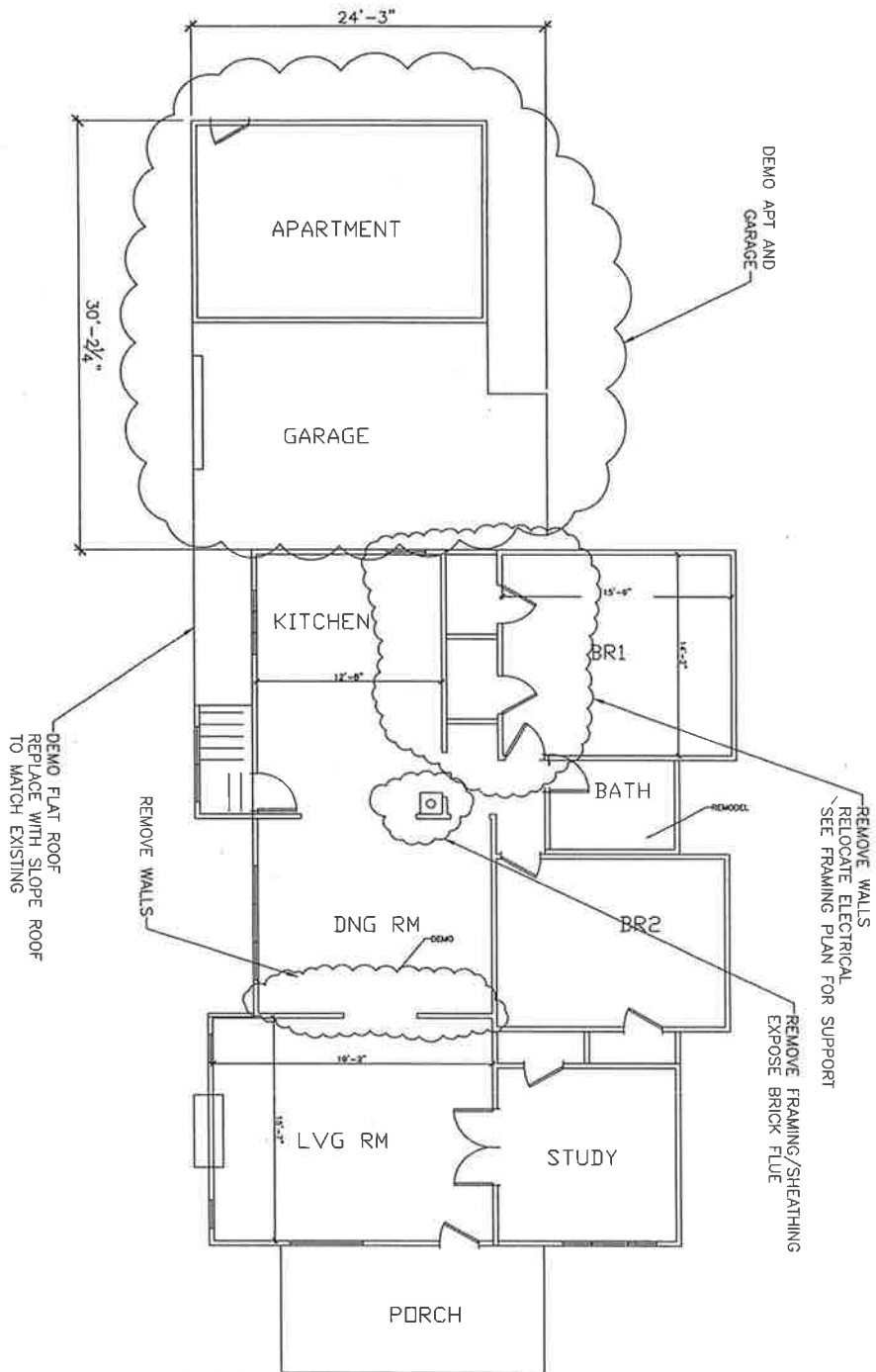
1/8" = 1'-0"

ISSUE DATE:

5/25/2017

SHEET NO.:

D101



CITY OF TULSA PRESERVATION COMMISSIC

APPROVED DATE: June 6, 2017

BY Roy Malcolm Porter, Jr. Page 2 of 18

SUCH APPROVED PLANS SHALL NOT BE CHANGE
MODIFIED OR ALTERED WITHOUT AUTHORIZATION

7.16



3601 W. 48TH ST.
TULSA, OK. 74107
OFFICE (918) 447-8624
FAX (918) 234-7630

DRAWINGS ARE FOR THE EXPRESS USE AND
PROPERTY OF M.B.I. AND/OR M.B.I. CUSTOMER
BASE. THEY ARE INTENDED FOR USE ON M.B.I.
BUILDINGS AND COMPONENTS ONLY. ANY OTHER
USE IS PROHIBITED.

PROJECT:

1701 S QUINCY

SHEET TITLE:

EXISTING SITE PLAN

SCALE:

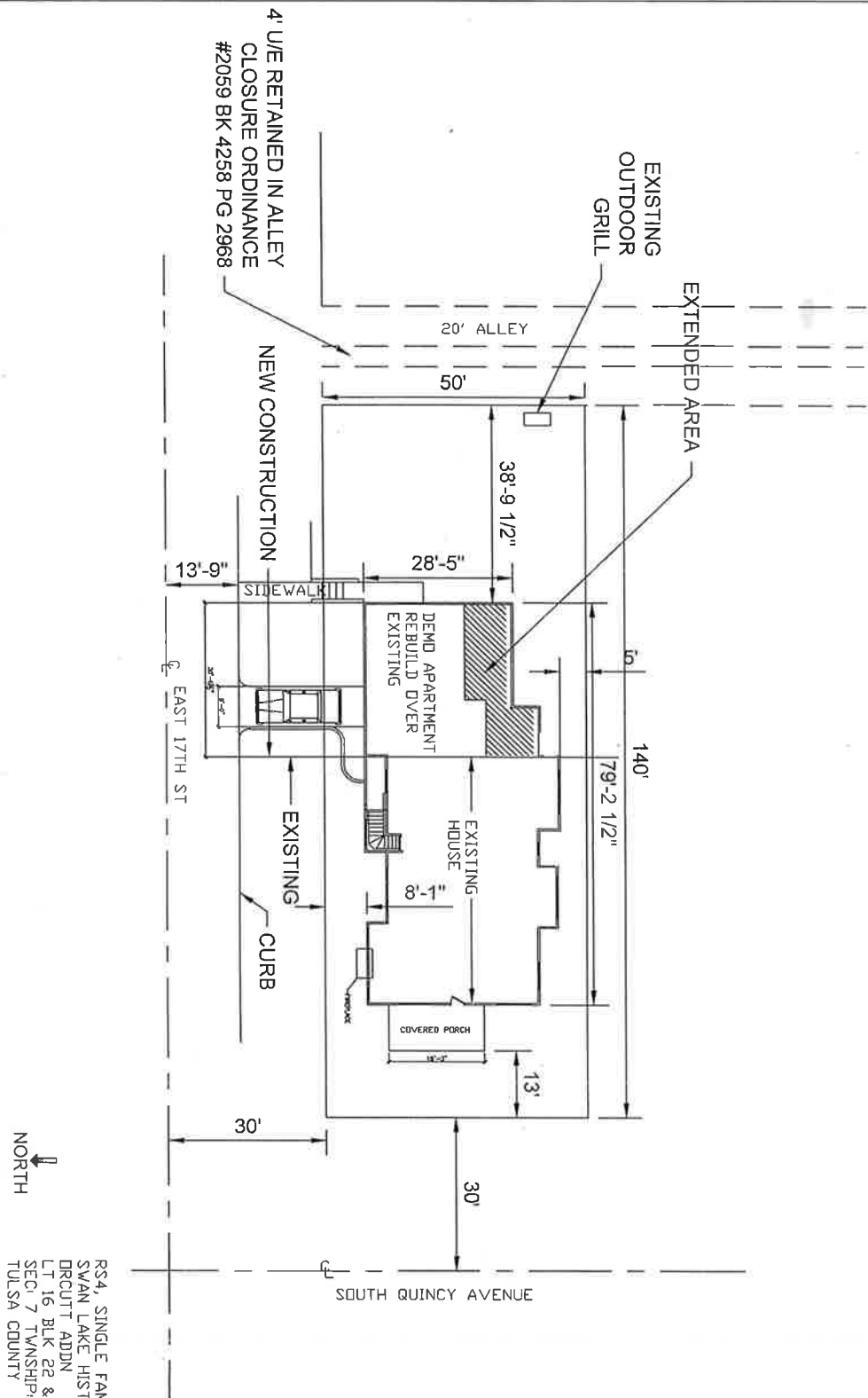
1"=20'

ISSUE DATE:

5/25/2017

SHEET NO.:

A100



CITY OF TULSA PRESERVATION COMMISSION

APPROVED DATE: June 6, 2017

BY Roy Ballouin Foster, Jr. Page 3 of 18

SUCH APPROVED PLANS SHALL NOT BE CHANGED,
MODIFIED OR ALTERED WITHOUT AUTHORIZATION

7.17

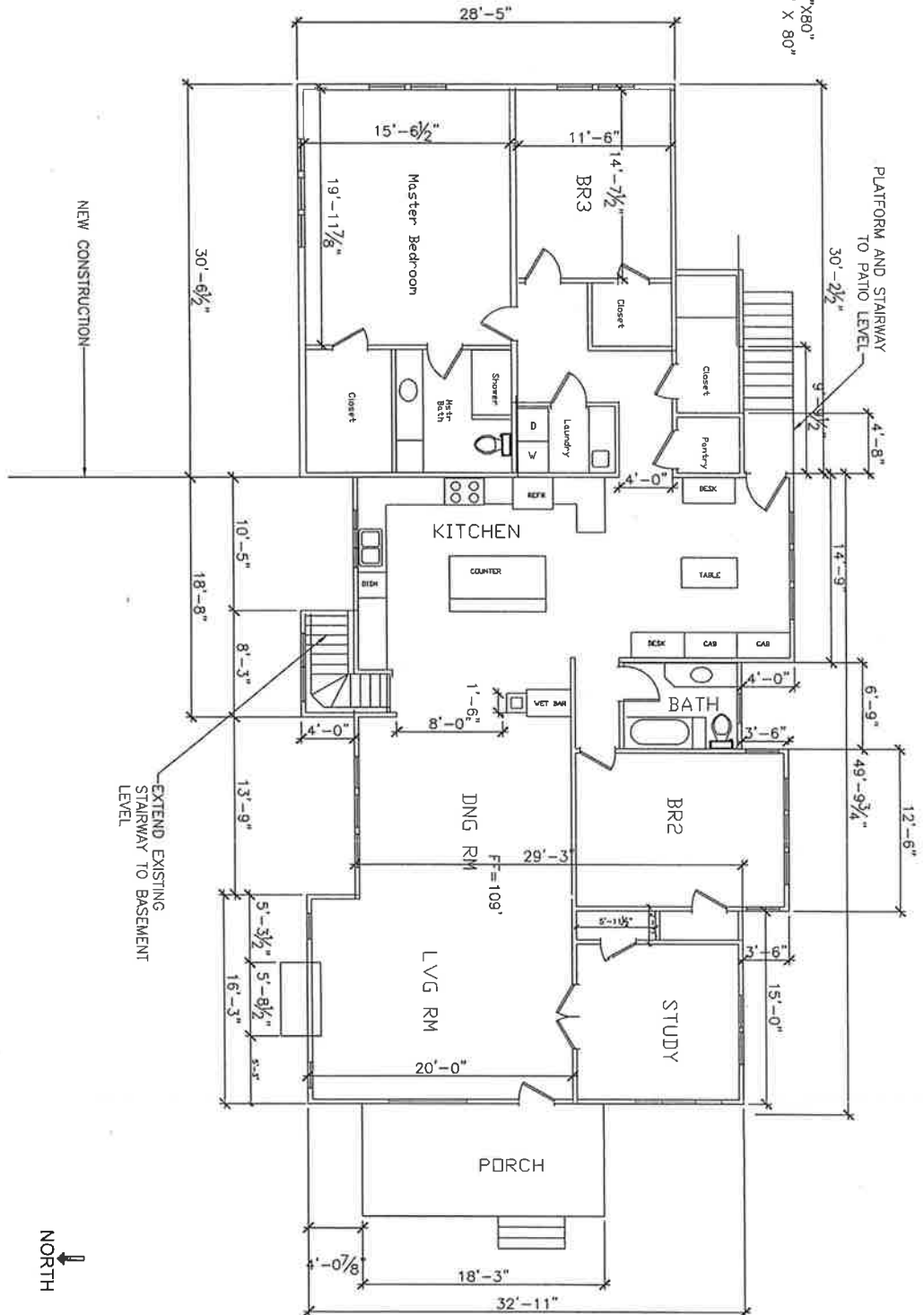
CITY OF TULSA PRESERVATION COMMISSIC

APPROVED DATE: June 6, 2017

BY Roy Balloum Town, Jr. Page 5 of 18

SUCH APPROVED PLANS SHALL NOT BE CHANGI
MODIFIED OR ALTERED WITHOUT AUTHORIZATIO

NOTE:
EXTERIOR DOOR: 36"X80"
INTERIOR DOOR: 32" X 80"
U.N.O.



3601 W. 48TH ST.
TULSA, OK. 74107
OFFICE (918) 447-8824
FAX (918) 234-7530

DRAWINGS ARE FOR THE EXPRESS USE AND
PROPERTY OF M.B.I. AND/OR M.B.I. CUSTOMER
BASE. THEY ARE INTENDED FOR USE ON M.B.I.
BUILDINGS AND COMPONENTS ONLY. ANY OTHER
USE IS PROHIBITED.

PROJECT:
1701 S QUINCY

SHEET TITLE:
MAIN FLOOR PLAN

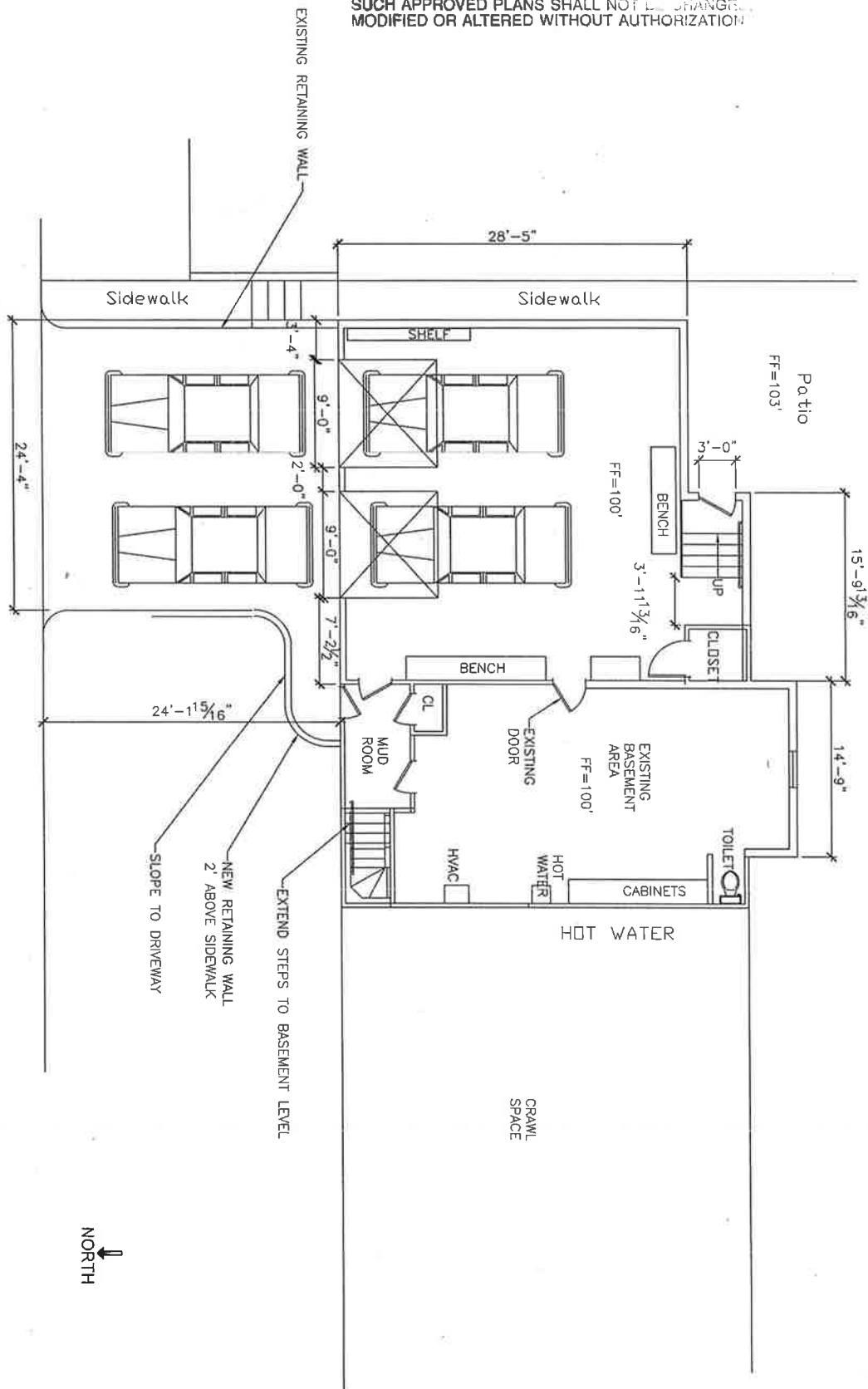
SCALE:
1/8" = 1'-0"

ISSUE DATE:
5/25/2017

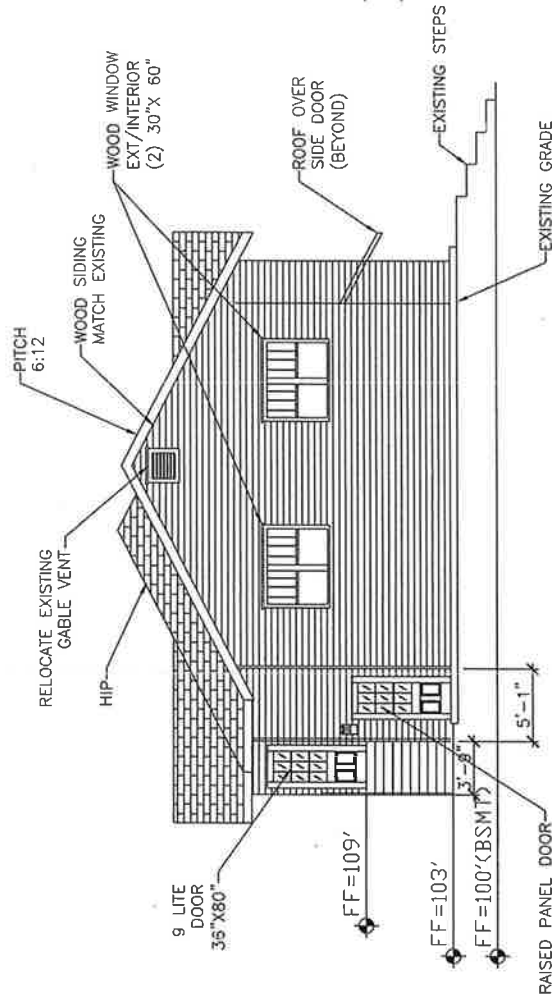
SHEET NO.:
A102

SUCH APPROVED PLANS SHALL NOT BE CHANGED, MODIFIED OR ALTERED WITHOUT AUTHORIZATION

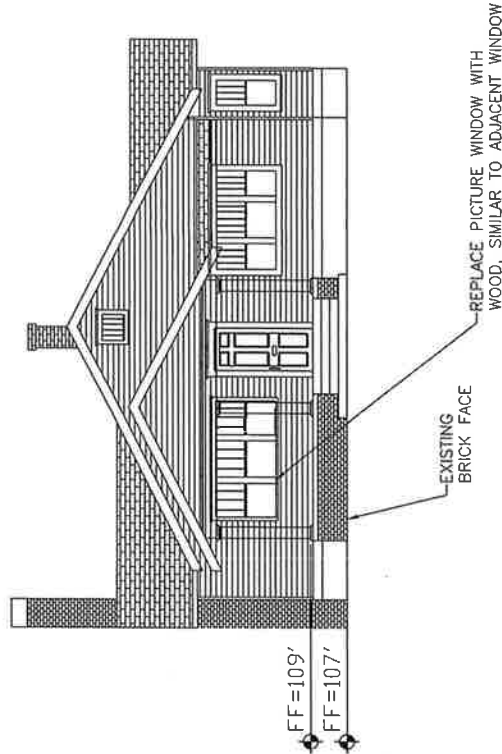
A103



7.19



1 EAST ELEVATION



2 WEST ELEVATION

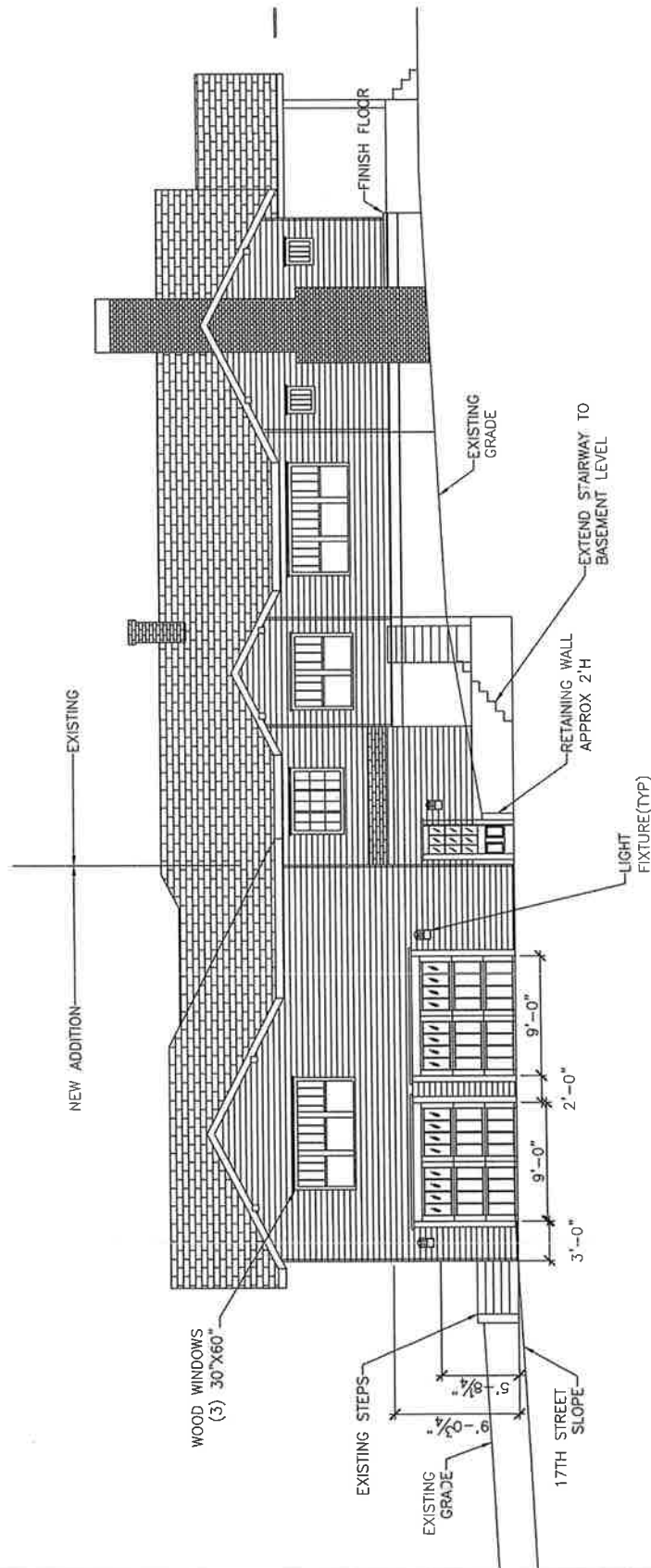
CITY OF TULSA PRESERVATION COMMISSION

APPROVED DATE: June 6, 2017

BY: Roy Haskins, P.E., Jr. Page 7 of 18

SUCH APPROVED PLANS SHALL NOT BE CHANGED, MODIFIED OR ALTERED WITHOUT AUTHORIZATION

<p>3601 W. 48TH ST. TULSA, OK. 74107 OFFICE (918) 447-8624 FAX (918) 234-7630</p> <p>M&B</p>	<p>DRAWINGS ARE FOR THE EXPRESS USE AND PROPERTY OF M.B.I. AND/OR M.B.I. CUSTOMER BASE. THEY ARE INTENDED FOR USE ON M.B.I. BUILDINGS AND COMPONENTS ONLY. ANY OTHER USE IS PROHIBITED.</p>	<p>PROJECT: 1701 S QUINCY</p>	<p>SHEET TITLE: ELEVATION-EAST/WEST</p>	<p>SHEET NO.: A300</p>
			<p>SCALE: 1/8" = 1'-0"</p>	
			<p>ISSUE DATE: 5/25/2017</p>	



1 NORTH ELEVATION

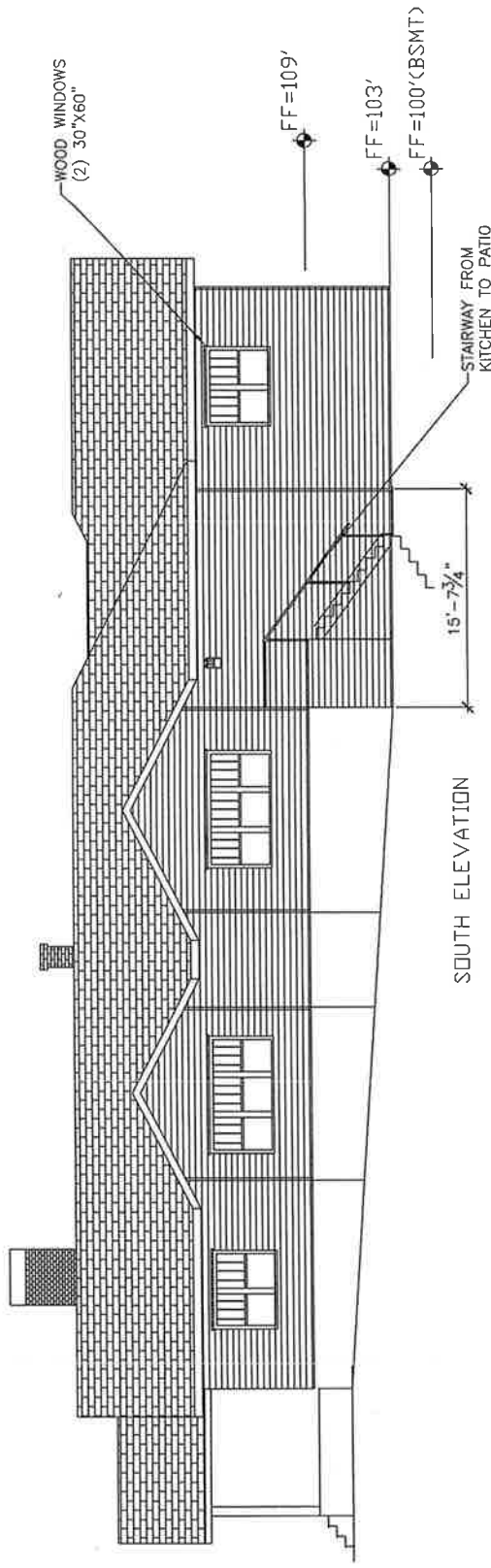
CITY OF TULSA PRESERVATION COMMISSION

APPROVED DATE: June 6, 2017

BY Ray Robinson, Pres., P.C. Page 8 of 18

SUCH APPROVED PLANS SHALL NOT BE CHANGED, MODIFIED OR ALTERED WITHOUT AUTHORIZATION.

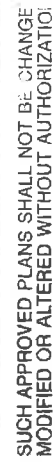
<p>3601 W. 48TH ST. TULSA, OK. 74107 OFFICE (918) 447-5624 FAX (918) 234-7630</p>	<p>PROJECT: 1701 S QUINCY</p>	<p>SHEET TITLE: ELEVATION-NORTH</p>	<p>SHEET NO.: A301</p>
<p>MB</p>	<p>SCALE: 1/8" = 1'-0"</p>	<p>ISSUE DATE: 6/6/2017</p>	<p>DRAWINGS ARE FOR THE EXPRESS USE AND PROPERTY OF M.B.I. AND/OR M.B.I. CUSTOMER BASE. THEY ARE INTENDED FOR USE ON M.B.I. BUILDINGS AND COMPONENTS ONLY. ANY OTHER USE IS PROHIBITED.</p>

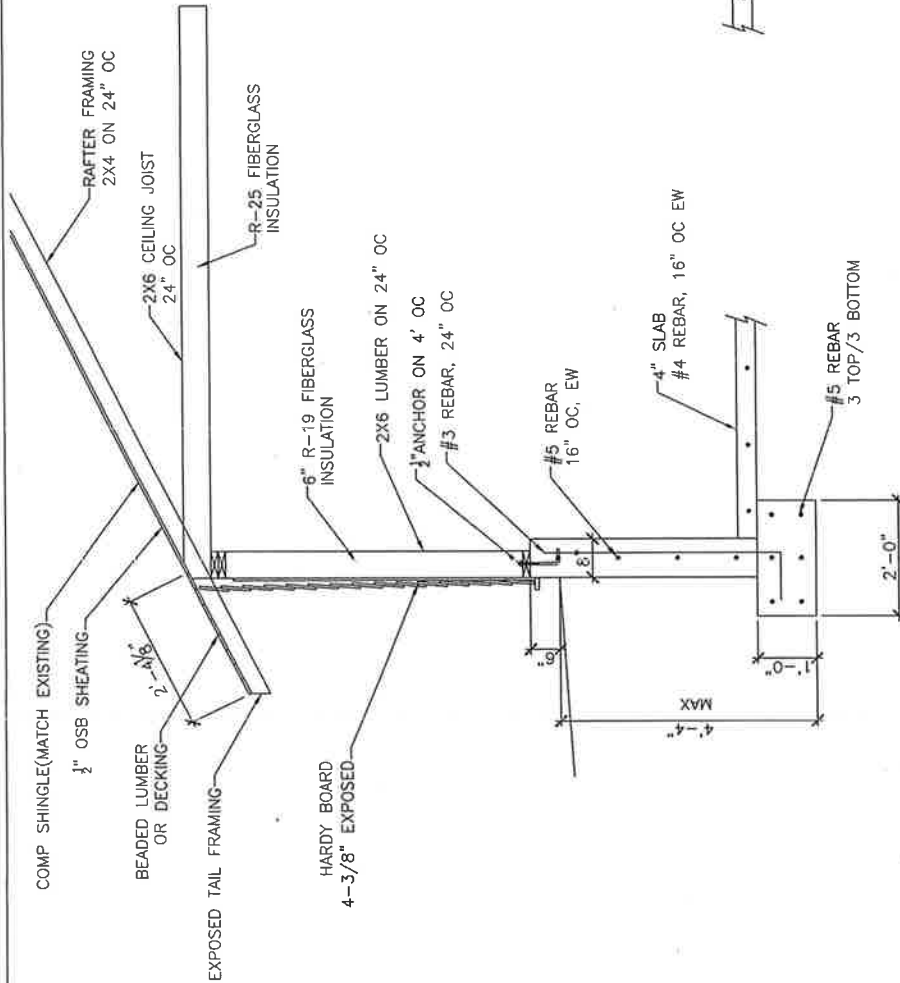


1 SOUTH ELEVATION

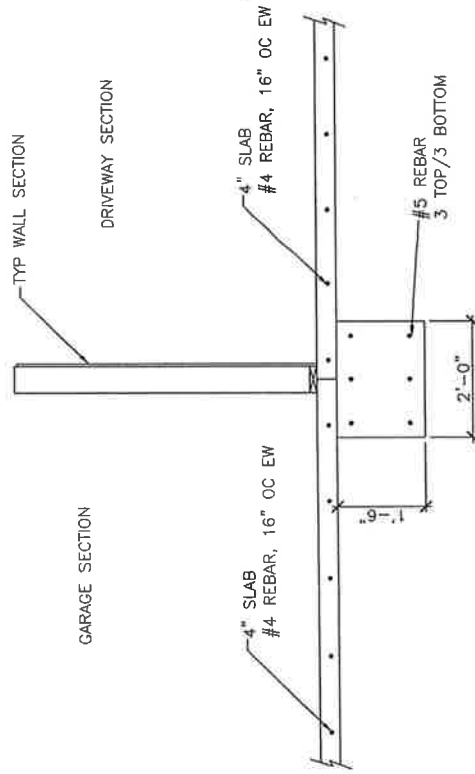
CITY OF TULSA PRESERVATION COMMISSION
 APPROVED DATE: June 5, 2017
 BY Kary Holcomb, Mayor, pro. Page 9 of 18
 SUCH APPROVED PLANS SHALL NOT BE CHANGE
 MODIFIED OR ALTERED WITHOUT AUTHORIZATION

3601 W. 48TH ST. TULSA, OK 74107 OFFICE (918) 447-6624 FAX (918) 234-7630	PROJECT: 1701 S QUINCY		SHEET TITLE: ELEVATION-SOUTH	SHEET NO.: A302
	DRAWINGS ARE FOR THE EXPRESS USE AND PROPERTY OF M.B.I. AND/OR M.B.I. CUSTOMER BASE. THEY ARE INTENDED FOR USE ON M.B.I. BUILDINGS AND COMPONENTS ONLY. ANY OTHER USE IS PROHIBITED.		SCALE: 1/8" = 1'-0"	ISSUE DATE: 5/25/2017





1 STEM WALL DETAIL



2 FOUNDATION DETAIL

CITY OF TULSA PRESERVATION COMMISSION

APPROVED DATE: June 6, 2017

BY Amy Haskins, P.E., J.P.

Page 12 of 18

SUCH APPROVED PLANS SHALL NOT BE USED FOR ANY OTHER PROJECTS WITHOUT THE AUTHORIZATION OF THE CITY OF TULSA PRESERVATION COMMISSION.

MB
3601 W. 48TH ST.
TULSA, OK. 74107
OFFICE (918) 447-8624
FAX (918) 234-7630

DRAWINGS ARE FOR THE EXPRESS USE AND PROPERTY OF M.B.I. AND/OR M.B.I. CUSTOMER BASE. THEY ARE INTENDED FOR USE ON M.B.I. BUILDINGS AND COMPONENTS ONLY. ANY OTHER USE IS PROHIBITED.

PROJECT: 1701 S QUINCY

SHEET TITLE:

FOUNDATION DETAILS

SCALE: 1/2" = 1'-0"

ISSUE DATE: 6/4/2017

SHEET NO.: S300

Petition to Approve Zoning Exception
for the Residence of Bill and Karol Andrew
1701 S. Quincy Ave, Tulsa, OK

Project Description: Existing house was built around 1920 with a garage/apartment added in the 1950's. The garage/apartment requires major repair due to a leaky flat roof and the new design proposes to demolish this portion of the building and replace it with a new 2 car garage with bedrooms above. Due to the changes in the street elevation, the garage will be located below the bedrooms allowing the house to remain a single story home.

Plans have been approved by the Historical Preservation Committee and we have filed for a City of Tulsa building permit. This neighborhood was established before the zoning ordinance was adopted by the City of Tulsa and many of the homes and other structures are considered non conforming to the zoning.

We are filing for a zoning variance with the City of Tulsa Board of Adjustment and you should be receiving notice of our request for the exception to the zoning ordinance. We are required to appear before the Board of Adjustment on August 8th of which you may also attend.

We ask for your approval as signed below that you approve the site plan and proposed north elevation as shown to you.

We appreciate your support of this project.

Regards,

Bill and Karol Andrew

Home Owner	Address	Signature	Date
Katherine Najera	1701 S. Rockford Ave.	K. Najera	6-30-17
Grant Najera	1701 S. Rockford Ave	Grant Najera	6-30-17
Gina Kingley	1565 Swan Dr	Gina Kingley	7-2-17
P. L. L.	1565 Swan Dr	P. L. L.	7.2.17
M. KARATHANOS	1534 E 17 th St	M. Karathanos	7/2/17
Sylvia Brown	1702 S. Rockford Ave	Sylvia Brown	7/2/17
Thomas A. Brown	"	T. Brown	7/2/17
JUNE J LOVE	1120 S ROCKFORD	June J Love	7/2/17

Home Owner

Address

Signature

Date

[Signature] 1716 S. Rockford KEVIN B HARDIN

[Signature] 1706 S Rockford S. Charles Anderson 7-2-17

SWITT PITCOCK 1715 S. ROCKFORD *[Signature]* 7/2/17

Peter N. Sanstead 1708 S. Quincy Ave *[Signature]* 7/2/17

Priscilla B. Sanstead 1708 S. Quincy Ave Priscilla B. Sanstead 7/2/17

TRACY LOPER 1714 S. Quincy Ave. T. Loper

Rebecca Loper 1714 S. Quincy Ave *[Signature]*

Dan Jacobs 1716 S. Quincy Ave *[Signature]*

Leslie Harrison 1620 S. Quincy Ave. *[Signature]* 7/2/17

Scott Sherrill 1616 S Quincy Ave *[Signature]* 4-2-2017

Carrie Burton 1620 S. Quincy Ave *[Signature]* 7-2-17

Lila Barcus 1615 S. Quincy Ave *[Signature]* 7-2-2017

John Miselmann 1401 E 17th St Tulsa 7/2/2017

Quinn Bennett 1705 S. Quincy Ave Tulsa 7/5/2017

Allison Cunningham 1713 S Quincy Ave Tulsa *[Signature]* 7/5/17

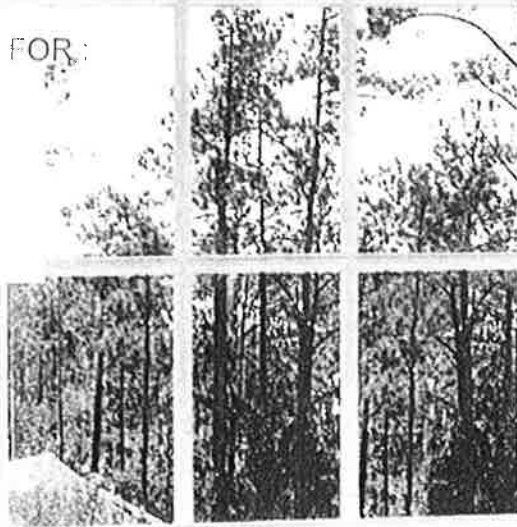
Wayne Juygers 1632 S. Quincy Ave Tulsa *[Signature]* 7-5-17.

Sallie Trecek 1627 S Quincy Ave Tulsa OK *[Signature]* 7-5-17

Tom Kennedy 1717 S Quincy Ave Tulsa OK *[Signature]*

Rich Higgs 1350 E 17th pl

WINDOW SELECTION FOR :
Bill and Karol Andrew
1701 S. Quincy
Tulsa, OK 74120



SITELINE™

WOOD & CLAD-WOOD
WINDOWS & PATIO DOORS

JELD-WEN
WINDOWS & DOORS

CITY OF TULSA PRESERVATION COMMISSION

APPROVED DATE: June 6, 2017

BY Roy Maworth Potter, Jr. Page 13 of 18

SUCH APPROVED PLANS SHALL NOT BE CHANGE
MODIFIED OR ALTERED WITHOUT AUTHORIZATION

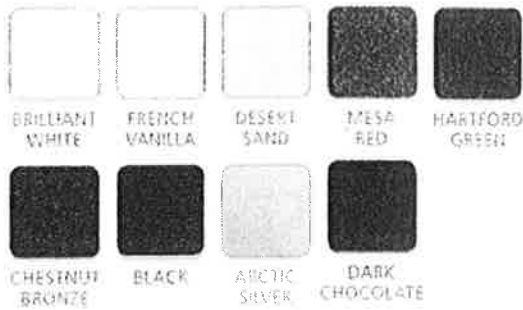
APPROVED DATE: June 6, 2017

BY Ray Naalim Pomer, Jr. Page 14 of 18

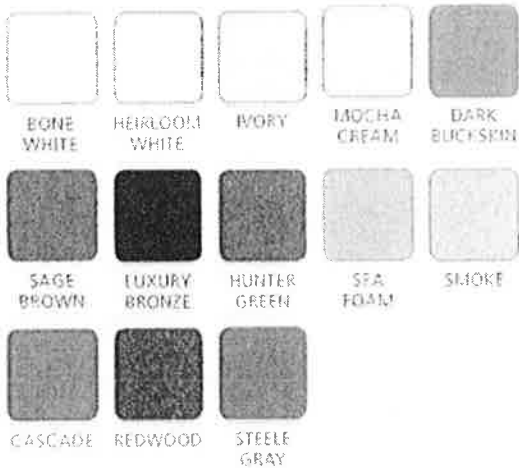
EXTERIOR OPTIONS

This is where you decide what your door or window will look like from the outside of your home. Custom colors are available or upgrade your standard color to include PVDF protection against color fade with a 10-year Limited Warranty.

STANDARD CLAD COLORS



OPTIONAL CLAD COLORS



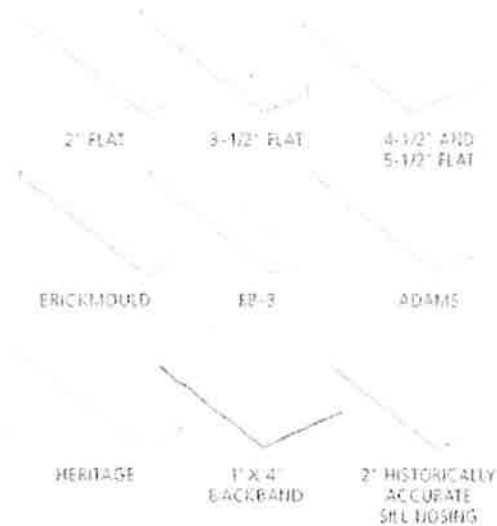
ANODIZED FINISH COLORS



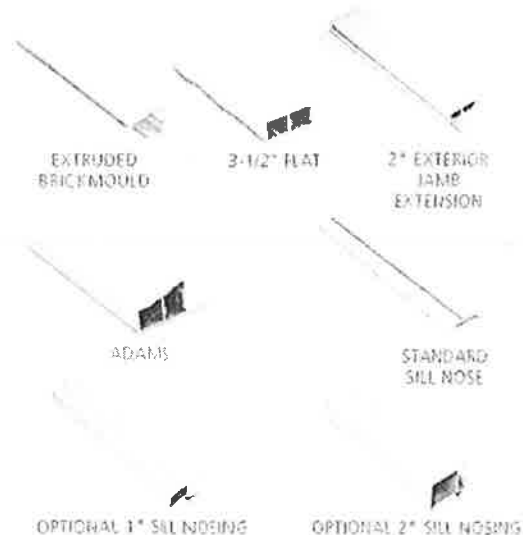
EXTERIOR WOOD OPTIONS



EXTERIOR TRIM PRIMED WOOD



CLAD

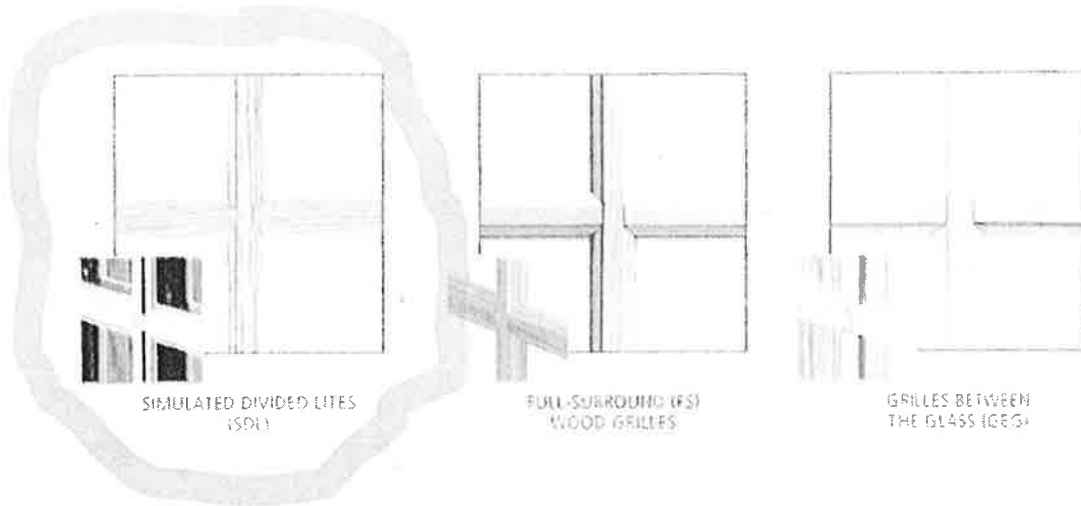


APPROVED DATE: June 6, 2017BY Roy Malcolm Fortner, Jr. Page 15 of 18

DIVIDED LITES

SUCH APPROVED PLANS SHALL NOT BE CHANGE
MODIFIED OR ALTERED WITHOUT AUTHORIZATION

Add architectural interest to your JELD-WEN® Sentinel® wood and clad-wood windows with one of our decorative grille options. These options include Simulated Divided Lites (SDL) for an authentic look, Full-Surround (FS) wood grilles that can be removed for easy cleaning, and maintenance-free Grilles Between the Glass (GBG).



SIMULATED DIVIDED LITES (SDL)

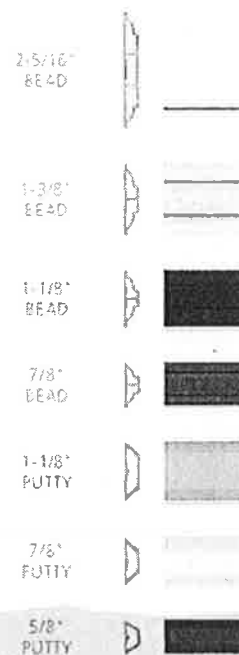
Our permanently attached wood grilles create a truly authentic look. Grilles are adhered to the interior glass while exterior grille options include aluminum for clad wood or wood for primed wood. The optional light brown or silver shadow bars are placed between the two panes of insulating glass to complete the effect. Interior and exterior SDLs are available in decorative beaded or subtle putty profiles (shown to the right).

FULL-SURROUND (FS) WOOD GRILLES

Enjoy low-maintenance beauty with our full-surround wood grilles that can be removed for easy cleaning. Choose from 7/8", 1-1/8" or 1-3/8" grilles that are positioned on the interior glass surface.

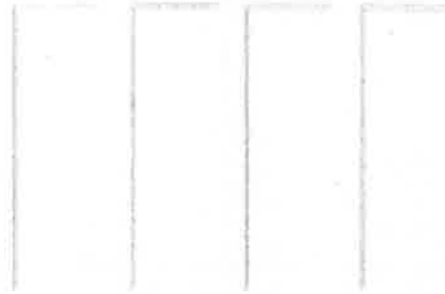
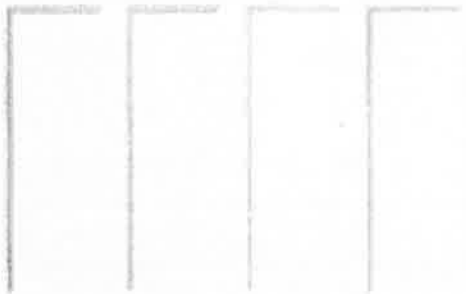
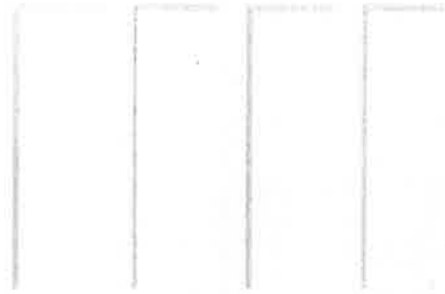
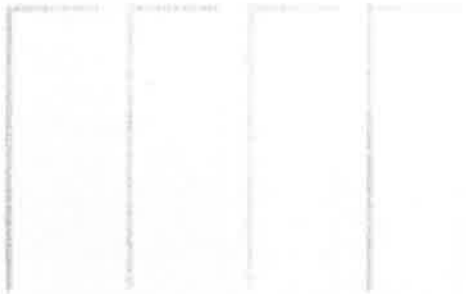
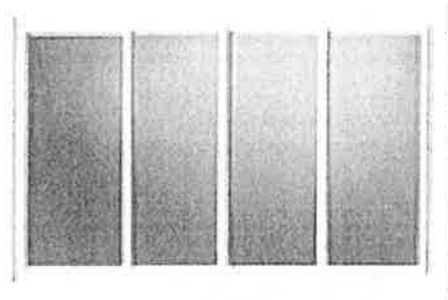
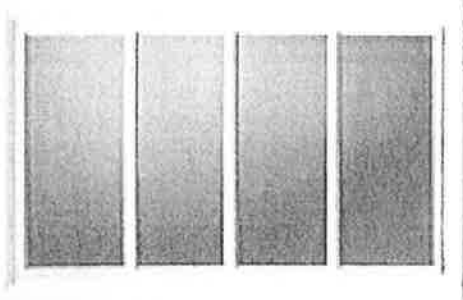
GRILLES BETWEEN THE GLASS (GBG)

This option provides style without the upkeep. Select 5/8" flat or 23/32" or 1" contour metal grilles in many of our clad colors.



Decorative grilles are also available in woodgrain finishes

Bill and Karol Andrew - Garage Doors
1701 S. Quincy Ave



DOOR SUMMARY

Door Design: Northampton

Windows: Thames

Color: True White

Construction*: Classica CL1000

Decorative Hardware: None



+ Add to My Favorites

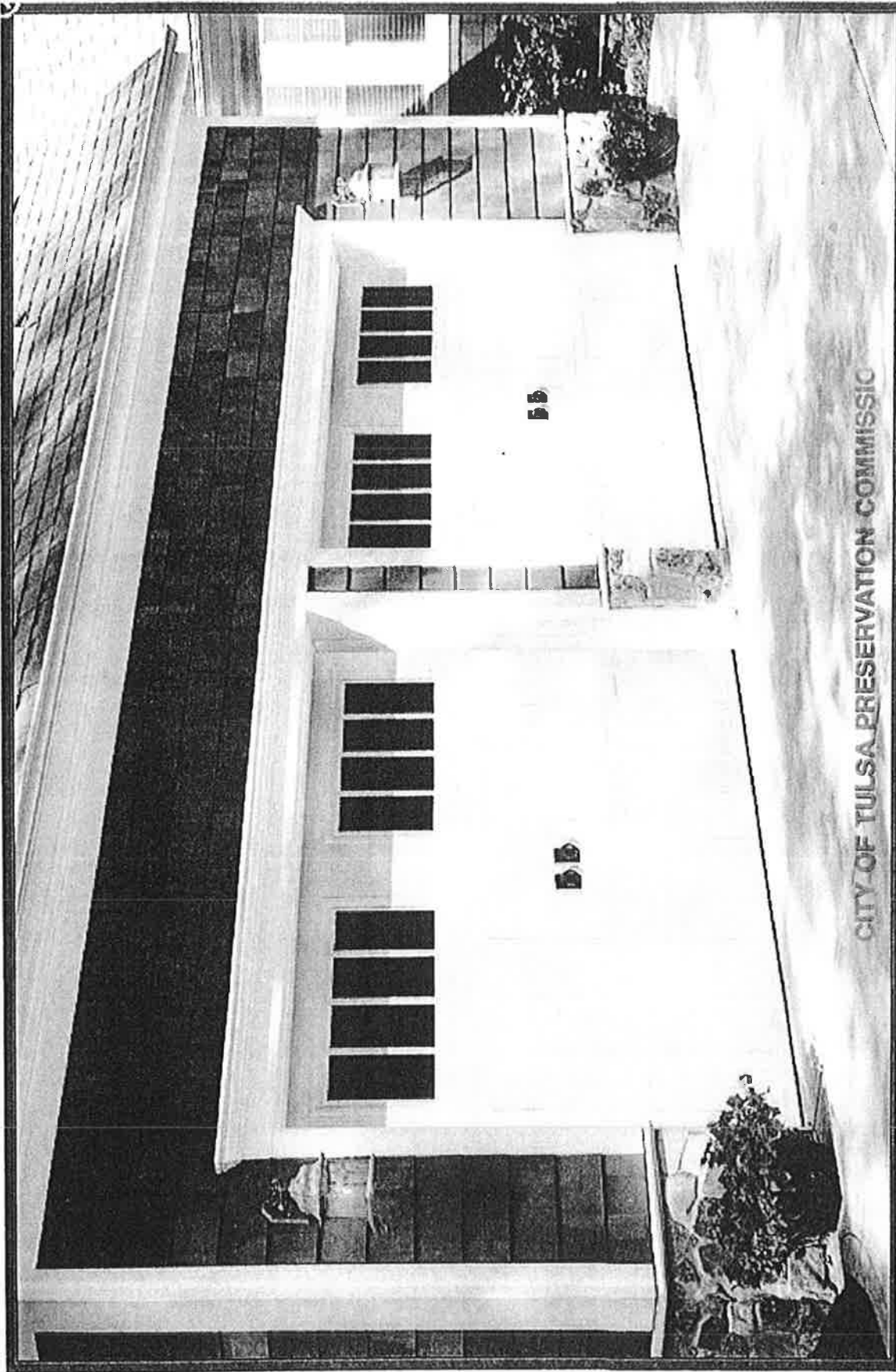
CITY OF TULSA PRESERVATION COMMISSION

APPROVED DATE: June 6, 2017

BY Roy Nathorn Porter, Jr. Page 16 of 18

SUCH APPROVED PLANS SHALL NOT BE CHANGE
MODIFIED OR ALTERED WITHOUT AUTHORIZATION

7.31



CITY OF TULSA PRESERVATION COMMISSION

APPROVED DATE: June 6, 2017

BY Roy Maxweller, Mayor Page 17 of 18

SUCH APPROVED PLANS SHALL NOT BE CHANGE
MODIFIED OR ALTERED WITHOUT AUTHORIZATION

Oil Rubbed Bronze Outdoor
Patio/Porch Exterior Light
Fixtures, Set of 2

item: DH-22-9517
DOORcORNER.COM

- Includes (2) Light Fixtures
- Finish: Oil Rubbed Bronze
- Glass: Frosted
- Height: 15"
- Width: 6"
- Projection: 7"
- Bulb Requirements (Not Included): One (1) Medium Base 100 Watt per Fixture
- All Mounting Hardware Included
- Limited 15 Year Warranty

Product Specifications

Sold By	Door Corner
Size/Weight	W 6" x D 7" / H 15" / 0 oz.
Category	Outdoor Wall Lights And Sconces
Style	Traditional

CITY OF TULSA PRESERVATION COMMISSIC

APPROVED DATE: June 6, 2017

BY Roy Malcolm Porter, Jr. Page 18 of 18

SUCH APPROVED PLANS SHALL NOT BE CHANGED,
MODIFIED OR ALTERED WITHOUT AUTHORIZATION

7.33

JEFF S. TAYLOR
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number:

1012590-1

June 27, 2017

BILL ANDREW
METAL BUILDING INDUSTRIES
3601 W 48TH ST.
TULSA, OK 74107

Phone: (918)447-8624
Fax: (918)234-7630

APPLICATION NO: **423974** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **1701 S QUINCY AVE**
Description: **ADDITION**

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

7.34

REVIEW COMMENTS

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

Application No. 423974

1701 S QUINCY AV E

June 27, 2017

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

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

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

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

Review Comments: The damaged structure is located in an RS-4 zoned district. Residential dwellings built before the adoption of the zoning code are deemed existing non-conforming structures. The proposed reconstruction of the attached garage with a nonconforming side setback will require you to apply to BOA for a special exception to allow a portion of a non-conforming detached house to be reconstructed.

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.

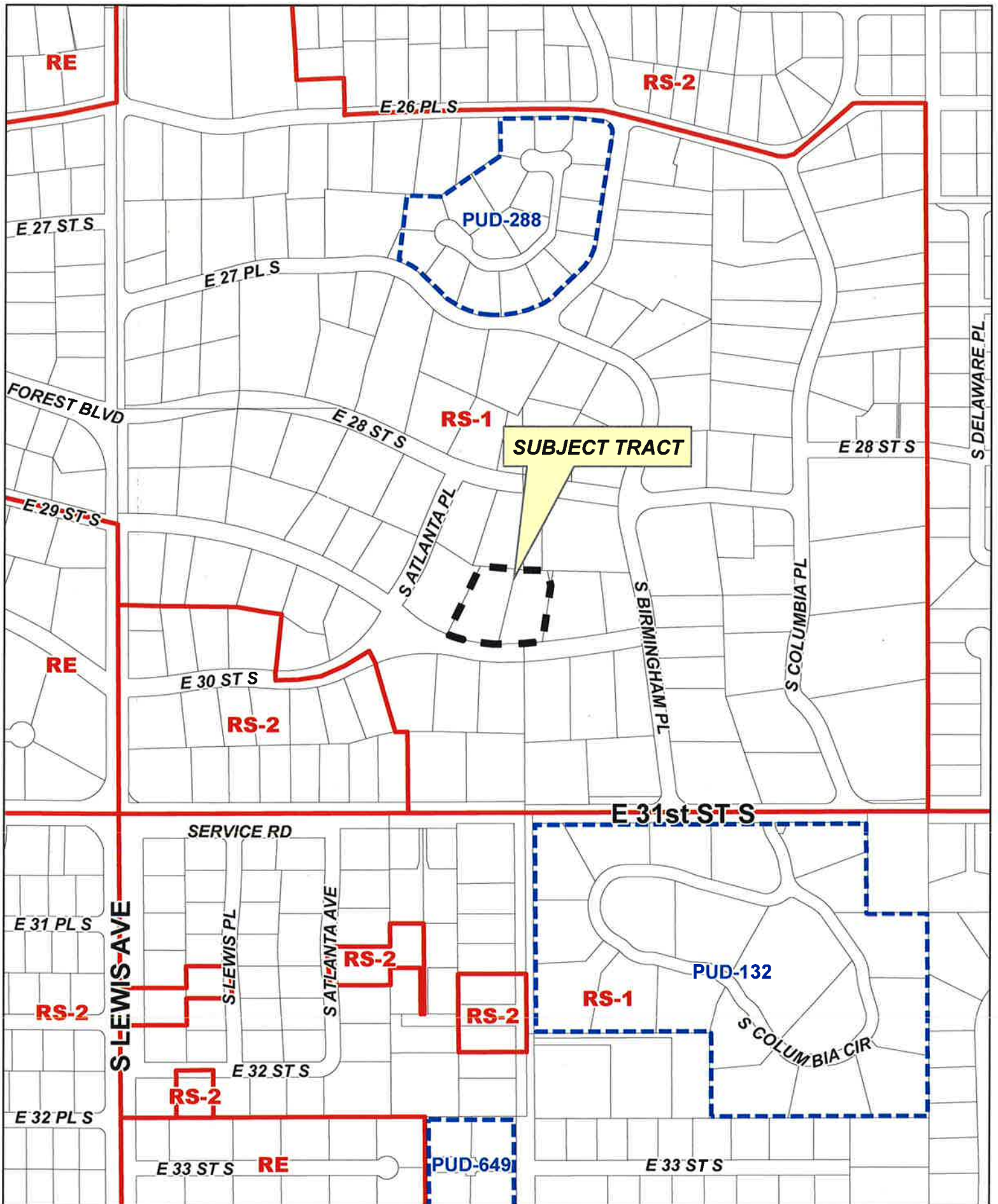
A hard copy of this letter is available upon request by the applicant.

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-22293

19-13 17

8.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9317

Case Number: **BOA-22293**

CZM: 37

CD: 4

A-P#: 423953

HEARING DATE: 08/08/2017 1:00 PM

APPLICANT: Richard Winn

ACTION REQUESTED: Special Exception to allow the driveway width to exceed 30' in width on the lot in an RS-1 district. (Section 55.090-F.3)

LOCATION: 2525 E 30 ST S

ZONED: RS-1

PRESENT USE: Vacant Residential Lot

TRACT SIZE: 63,684.98 SQ FT

LEGAL DESCRIPTION: PRT LTS 4 & 5 BEG 25NW NEC LT 5 TH SW249.18 CRV RT 155.30 NE251.43 SE115.15 POB BLK 2; PRT LT 2 BLK 3 WOODY-CREST SUB & PRT LT 5 BEG NEC LT 5 TH E76.60 SE52.04 SW188.89 CRV RT 106.22 CRV RT 22.38 NE249.18 SE25 POB BLK 2, SOUTH LEWIS PARK, WOODY-CREST SUB, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

None Relevant.

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

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

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

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

STAFF COMMENTS:

The applicant is before the Board requesting a **Special Exception** to permit construction of a driveway greater than 30 ft. in width on the lot. As shown on the attached plan the proposed driveway (Motorcourt) width of 42 ft. exceeds the maximum allowed driveway width on the lot in the RS-1 zoning district. Lot combination, LC-924, will be heard by the TMAPC on 08.02.17 to combine the subject lots.

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

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

Sample Motion

Move to _____ (approve/deny) a Special Exception to allow the driveway width to exceed 30' in width on the lot in an RS-1 district. (Section 55.090-F.3)

- 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.



0 200 400
Feet



Subject
Tract

BOA-22293

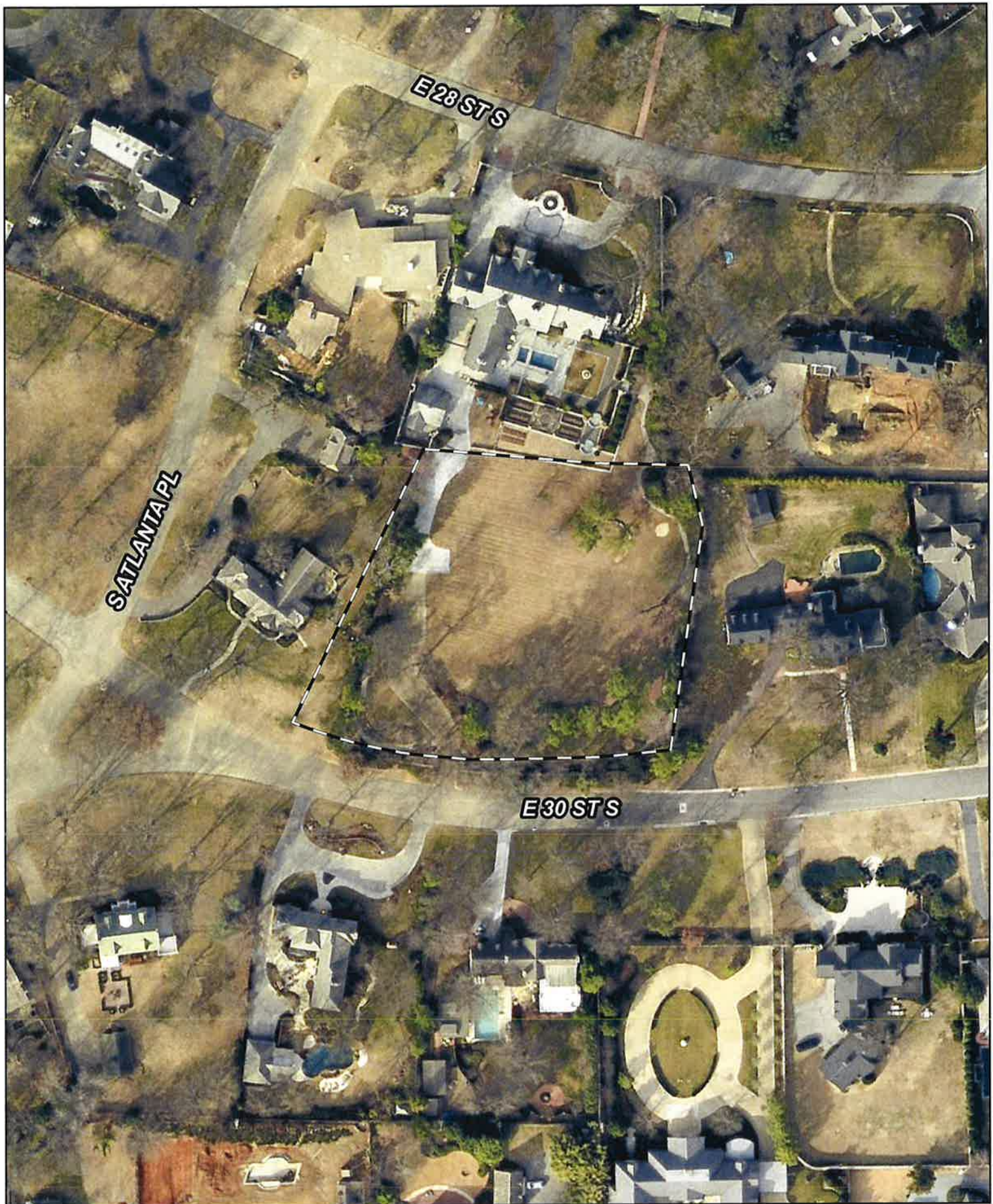
19-13 17

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

Aerial Photo Date: February 2016

8.4





0 50 100
Feet



Subject
Tract

BOA-22293

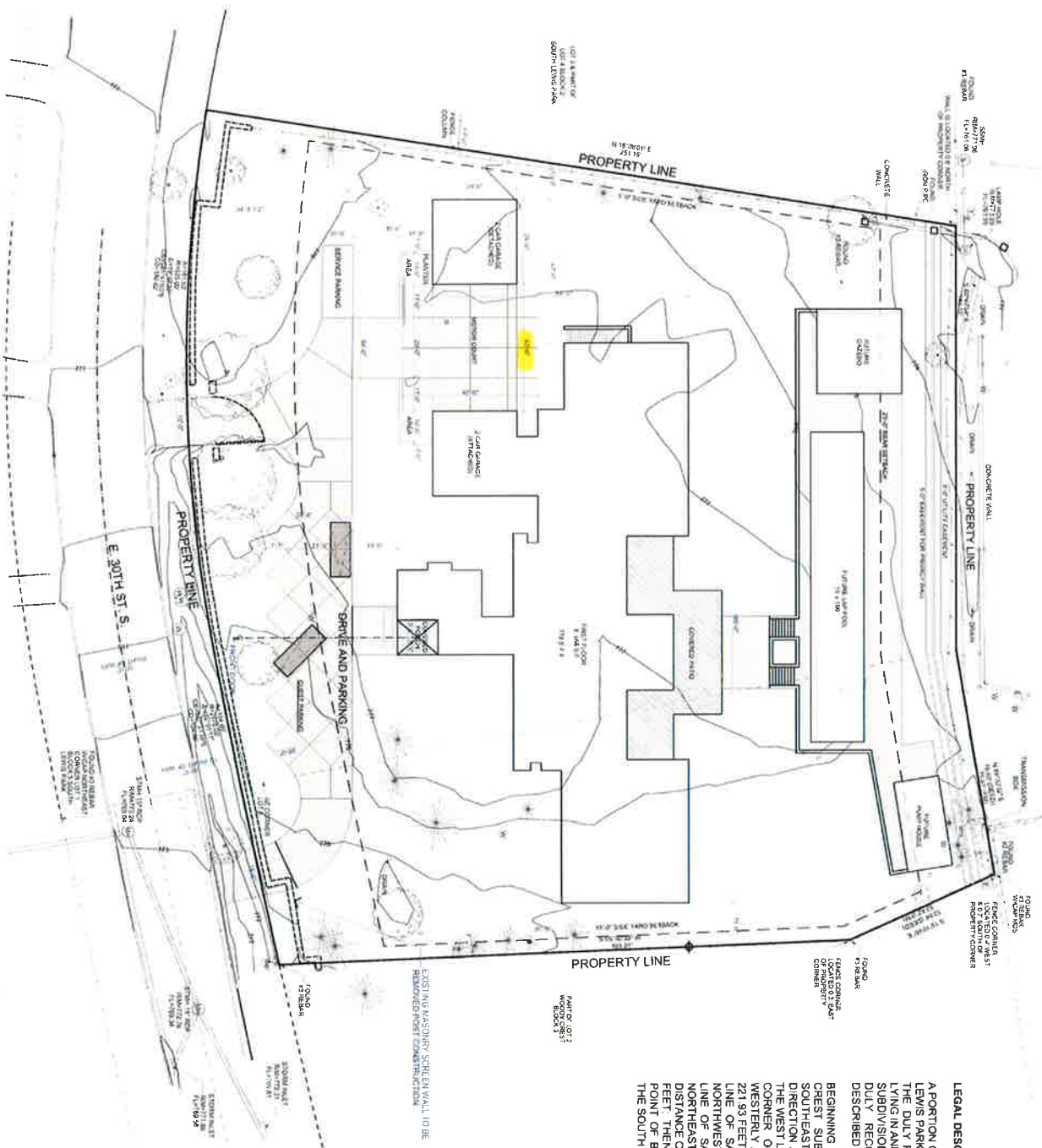
19-13 17

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

Aerial Photo Date: February 2016

8.5





LEGAL DESCRIPTION (BOOK 6749 PAGE 174)

A PORTION OF LOT FOUR (4) AND ALL OF LOTS FIVE (5), BLOCK TWO (2), SOUTH EIGHT (8) STREET, CITY OF OKLAHOMA, STATE OF OKLAHOMA, ACCORDING TO LEWIS PARK ADDITION, TULSA COUNTY, STATE OF OKLAHOMA. THE DULY RECORDED PLAT THEREOF AND A PARCEL OR TRACT OF LAND LIVING IN AND BEING A PART OF LOT TWO (2), BLOCK THREE (3), WOODY CREST SUBDIVISION, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE DULY RECORDED PLAT THEREOF AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT ON THE SOUTH LINE OF LOT 2, BLOCK 3, WOODY CREST SUBDIVISION, SAID POINT BEING 325.3 FEET WESTERLY OF THE SOUTHEAST CORNER OF SAID LOT 2; THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE SOUTH LINE OF SAID LOT 2; THENCE NORTH ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 20.24 FEET TO THE SOUTHEAST CORNER OF LOT 5, BLOCK 2, SOUTH LEWIS PARK ADDITION; THENCE NORTHWESTERLY ALONG THE SOUTH LINE OF LOT 5 AND LOT 4, A DISTANCE OF 221.93 FEET; THENCE IN A NORTHEAST DIRECTION TO A POINT ON THE NORTH LINE OF SAID LOT 4, SAID POINT BEING 25.56 FEET EASTERLY OF THE NORTHWEST CORNER OF SAID LOT 4; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 4 AND LOT 5, A DISTANCE OF 140.15 FEET TO THE NORTHEAST CORNER OF SAID LOT 5; THENCE SOUTH 89.90°E EAST A DISTANCE OF 76.60 FEET; THENCE SOUTH 12°59'40" EAST A DISTANCE OF 52.04 FEET; THENCE SOUTH 87°05'2" WEST A DISTANCE OF 20.40 FEET TO THE POINT OF BEGINNING, LESS THAT PORTION PREVIOUSLY DEDICATED ALONG THE SOUTH LINE OF LOT 2 FOR STREET PURPOSES.

BUILDING INFORMATION	8,446 SF
FIRST FLOOR LIVABLE	
BASEMENT	1,890 SF
GARAGE	1,452 SF
COVERED PORCHES AND PATIOS	1,487 SF
TOTAL LIVABLE AREA	10,366 SF

JEFF S. TAYLOR
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1012782-1

June 27, 2017

*** Applicant Has Not
Been Added To Permit

APPLICATION NO: **423953** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **2525 E 030 ST S**
Description: **NEW**

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

REVIEW COMMENTS

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

Application No. 423953

2525 E 030 ST S

June 27, 2017

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

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

1. Building Plan Review Policy # 17: A lot combination is required for new buildings built across multiple lot lines.

1. Please apply for a lot combination at INCOG located at Two West Second Street, Suite 800. Please direct all questions concerning lot combinations and all questions regarding TMAPC application forms and fees to an INCOG representative at 584-7526.
2. After you receive a copy of the lot combination agreement from INCOG you will need to go to the Tulsa county clerk's office at 500 s. Denver and have the lot combination agreement recorded.
3. Submit a copy of the lot combination agreement with the Tulsa county clerks recording sticker on it to this office as a revision.

2. 55.090-F3 Surfacing. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed the following maximum widths unless a greater width is approved in accordance with the special exception procedures of Section 70.120. Maximum Driveway Width in the Right Of Way (ROW) is 20' and 30' outside of ROW.

Review Comments: The submitted site plan proposes a driveway and motor court width that exceeds the maximum allowable driveway width on the lot. Revise plans to indicate the driveway shall not exceed 30' in width on the lot or apply to the BOA for a special exception to allow the driveway width to exceed 30' in width on the lot.

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

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

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

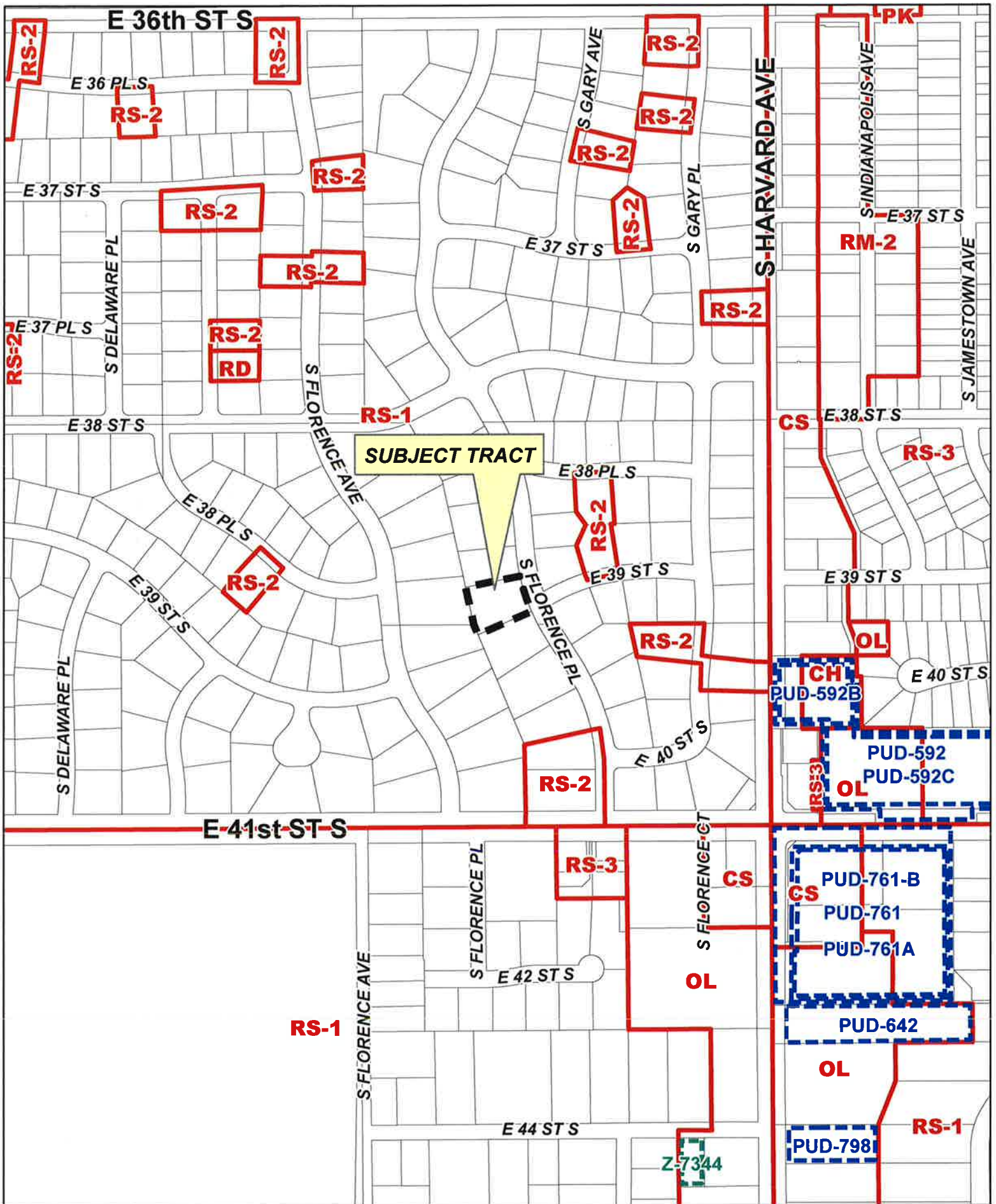
A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

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

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

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BOA-22294

19-13 20

9.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9320

Case Number: **BOA-22294**

CZM: 47

CD: 9

A-P#: 422297

HEARING DATE: 08/08/2017 1:00 PM

APPLICANT: Kurt Barron

ACTION REQUESTED: Special Exception to permit reconstruction of a non-conforming structure within the required street setback (Section 80.030-E).

LOCATION: 3860 S FLORENCE PL E

ZONED: RS-1

PRESENT USE: Residential

TRACT SIZE: 22,934.43 SQ FT

LEGAL DESCRIPTION: LT 8 BK 32, RANCH ACRES B19-27, RANCH ACRES B28-35, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Lot

BOA 6938; on 03.04.71 the Board approved a variance of the required setback to permit a porte-cochere that will be 24 ft. from the property line.

Surrounding Properties:

BOA 17297; on 03.26.96 the Board approved a variance of the required setback from the centerline of South Florence Place from 35' to 22.5' to permit an existing dwelling built in 1960 per plan submitted; located 3818 South Florence Place

BOA 5803; on 04.02.68 the Board approved a variance of the setback requirements to permit a carport to extend 22' in front of the residences; located at 3830 S Florence Place.

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

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

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

while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

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

STAFF COMMENTS:

The existing 647 sq. ft. carport exceeds the permitted 400 square foot size limitation and extends into the required 35 ft. building setback therefore it is defined as a non-conforming structure. The applicant provided the following statement: *"The existing carport/porte-cochere is a safety hazard because is built too low; any person over 6'2" tall could injure themselves when leaving the house out of the front door. The owner would like to keep the carport/porte-cochere because it is one of the main reasons the owner purchased the house."*

The applicant has requested a special exception to allow reconstruction of the existing non-conforming carport in the same location. **Section 80.030-E.2** the Code states that if any nonconforming structure is damaged or partially destroyed by any means to the extent of more than 50% of its replacement cost at time of damage, the Board by special exception may approve it to be restored or re-established as a nonconforming structure.

In order to approve a special exception for re-establishment of a the nonconforming structure, the board of adjustment must find that restoration as a conforming structure cannot reasonably be made in relation to the nature and extent of the non-conformity and the nature and extent of the damages.

Sample Motion

Move to _____ (approve/deny) a Special Exception to permit reconstruction of a non-conforming structure within the required street setback (Section 80.030-E).

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

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

Case No. 17315 (continued)

Comments and Questions:

Jim Beach asked the applicant if parking space 16 is wider than the standard, applicant answered affirmatively.

Bob Gardner states if the space is wider you can begin your turning movements sooner.

In response to Mr. Gardner, the applicant stated the 16 spaces originally provided 3 spaces at the southwest corner of the site, with the revised plan it will be a single parking space.

Responding to Mr. Beach, the applicant stated the remaining paved area to the north of space 16 will be striped to prevent parking.

Ms. Abbott asked if applicant needed a variance of 24' to 16' with the configuration for the parking space 16, applicant responded affirmatively.

Protestants: None.

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 4-0-0 (Abbott, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Variance** of the required aisle width for 90° parking spaces from 24' to 16' on parking space 16 only. **SECTION 1303.A.2.d.(Figure 4) DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 14: per plan submitted with parking area to the north of number 16 being striped to designate no parking; finding slot 16 provides additional turning space and the variance will not be injurious to the area or violate the spirit or intent of the Code; on the following described property:

Lot 1, Block 1, Garnett Place, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 17297

Action Requested:

Variance of the required setback from the centerline of South Florence Place. from 35' to 22.5' to permit an existing dwelling. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; located 3818 South Florence Place.

Case No. 17297 (continued)

Presentation:

The applicant, **Jaunita Satterfield**, 1424 Terrace Drive, submitted a plot plan (Exhibit B-1) and requested a front setback from 25' to 22 1/2' to permit an encroachment of the existing dwelling. She stated the building corner encroaches 2 1/2' over the 25' building line. The applicant further stated this is not an alteration, the house was built in 1960 and the encroachment is due to the curve of the street.

Comments and Questions:

Mr. Gardner stated that this is an example of when the structure was originally built there was a 25' setback on the plat and that was the zoning requirement at that time. He further stated that since that time the requirements have changed, so technically the amount of the variance is whatever the ordinance requires at this point and time. He explained the structure barely encroaches the setback line that was on the plat at the time and she is asking that the title be cleared up to allow this property to remain as it was originally built.

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of South Florence Place. from 35' to 22.5' to permit an existing dwelling. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted, finding the structure was built in 1960 and that approval of the request will not be detrimental to the neighborhood or violate the spirit or intent of the Code; on the following described property:

Lot 12, Block 32, Blocks 28-35 Ranch Acres Resubdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17323

Action Requested:

Special Exemption to permit a temporary tent for a 7 day period in July or August each year for five years to permit the Gatesway International Balloon Festival. **SECTION 851. PRINCIPAL USES PERMITTED IN THE SCIENTIFIC RESEARCH DISTRICT** - Use Unit 2; located SW/c East 41st Street and South 129th East Avenue.

6937 (continued)Protests:

None.

Board Action:

On MOTION of REEDS, the Board of Adjustment (3-0) granted a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) to waive the height requirements of RM-2 to permit building 78'8" in height as per plot plan exhibited above, on the following described tract:

Commencing at the NE corner of the SE/4 of Section 22, Township 19 North, Range 13 East; thence South along the East line of said Section 22 a distance of 921.81'; thence West a distance of 50' to the point of beginning; from said point of beginning South a distance of 50'; thence West a distance of 150'; thence South a distance of 330.16'; thence in a South-westerly direction a distance of 443.59'; thence in a Northwesterly direction a distance of 599.27'; thence North a distance of 218.27'; thence East a distance of 877.64' to the point of beginning.

6938Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the provisions of Section 1470) to waive the front setback requirements of RS-2 to permit the erection of a porte-cochere that will be 24 feet from the front property line, on a tract located at 3860 South Florence Place.

Presentation:

Gene Hoefling stated that this request is to vary the setback approximately one foot and the structure is an open structure.

Protests:

None.

Board Action:

On MOTION of LANGAN, the Board of Adjustment (3-0) granted a Variance (Section 430-Bulk and Area Requirements in Residential Districts - Under the provisions of Section 1470) waiving the front setback requirements of RS-2 to permit the erection of a porte-cochere that will be 24' from the front property line, on the following described tract:

Lot 8, Block 32, Ranch Acres Addition to the City of Tulsa, Oklahoma.

3.4.71:78(16)

Board Action:

On MOTION of AVERY, the Board of Adjustment (5-0) postponed Application No. 5802 to the May 7, 1968 meeting to allow the applicant to submit a plot plan to the Board.

5803

Action Requested:

Variance (Section 23) of the frontage requirements of U-1B (Section 5 (c) (1)) to permit a carport 22 feet in front of the residence on a tract located at 3830 South Florence Place.

Presentation:

Larry Taylor, representing the applicant, submitted letters of no objection (Exhibit "D-1") to the Board.

Board Action:

On MOTION of AVERY, the Board of Adjustment (5-0) granted a variance (Section 23) of the frontage requirements of U-1B (Section 5 (c) (1)) to permit a carport 22 feet in front of the residence on the following described tract:

Lot 11, Block 32, Ranch Acres Addition to the City and County of Tulsa, Oklahoma.

5806

Action Requested:

Variance (Section 23) of the frontage requirements of U-1C (Section 5 (d) (1)) to permit a carport to extend 16.5 feet into the front yard (Ordinance requires 25') on a tract located at 3207 West 40th Street.

Presentation:

T. A. Wilkins, applicant, submitted letters of no objection (Exhibit "E-1") from the property owners to the East and West of the tract.

Protests:

None.

Board Action:

On MOTION of PRATHER, the Board of Adjustment (5-0) granted a variance (Section 23) of the frontage requirements of U-1C (Section 5 (d) (1)) to permit a carport to extend 16.5 feet into the front yard, on the following described tract:

East Half of Lot 7, Block 36, Red Fork, Original Township, Oklahoma.



Feet
0 200 400



Subject
Tract

BOA-22294

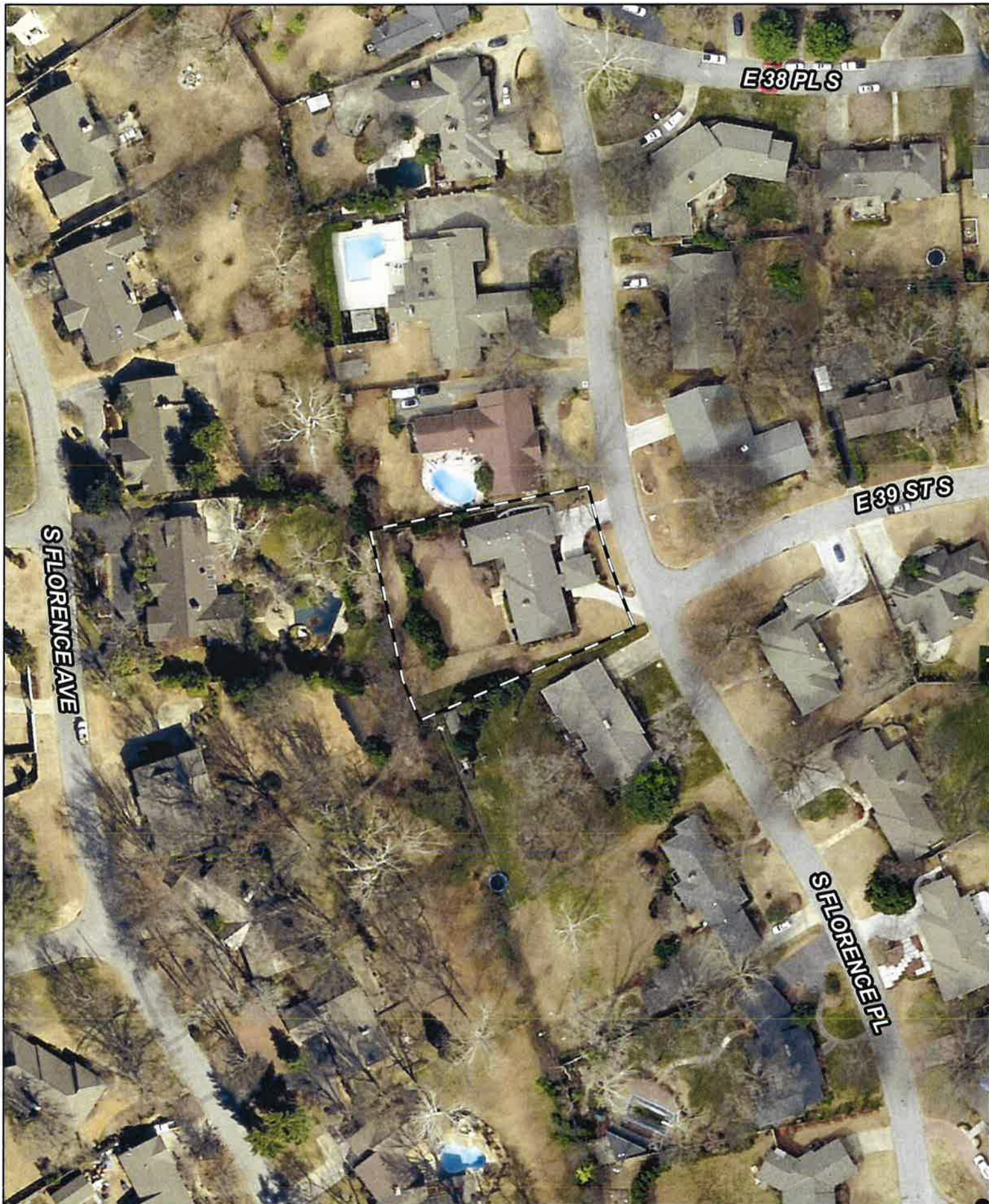
19-13 20

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

Aerial Photo Date: February 2016

9.8





S FLORENCE AVE

E 38 PLS

E 39 STS

S FLORENCE PL

0 50 100
Feet



Subject
Tract

BOA-22294

19-13 20

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

Aerial Photo Date: February 2016

9.9





Subject Lot - Looking West



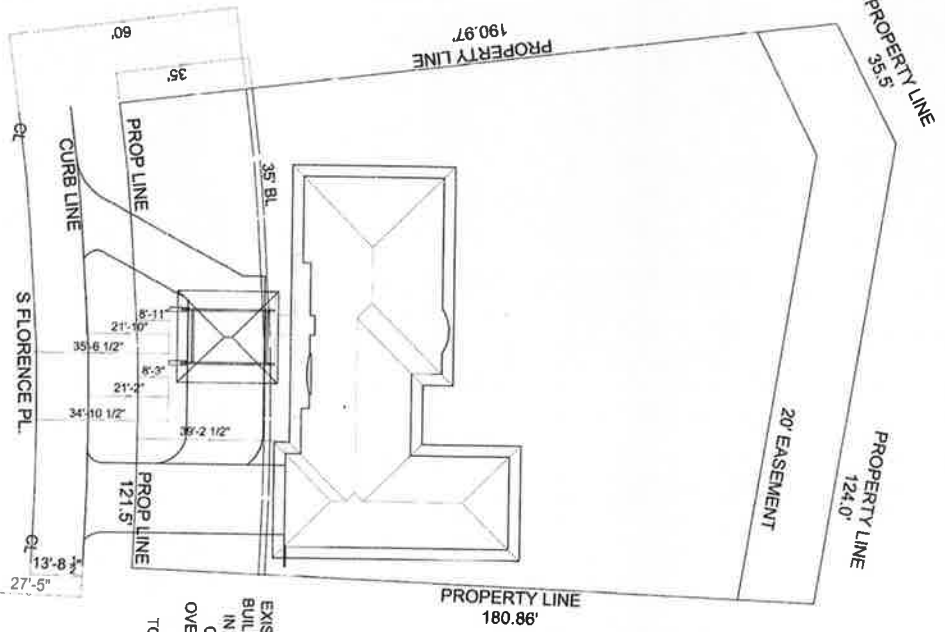
9.10

BARRON AND MCCLARY
1424 S. HARVARD
TULSA, OK 74112
tel 918 749 7904
www.barronandmcclary.com

ISSUED FOR PERMIT

A

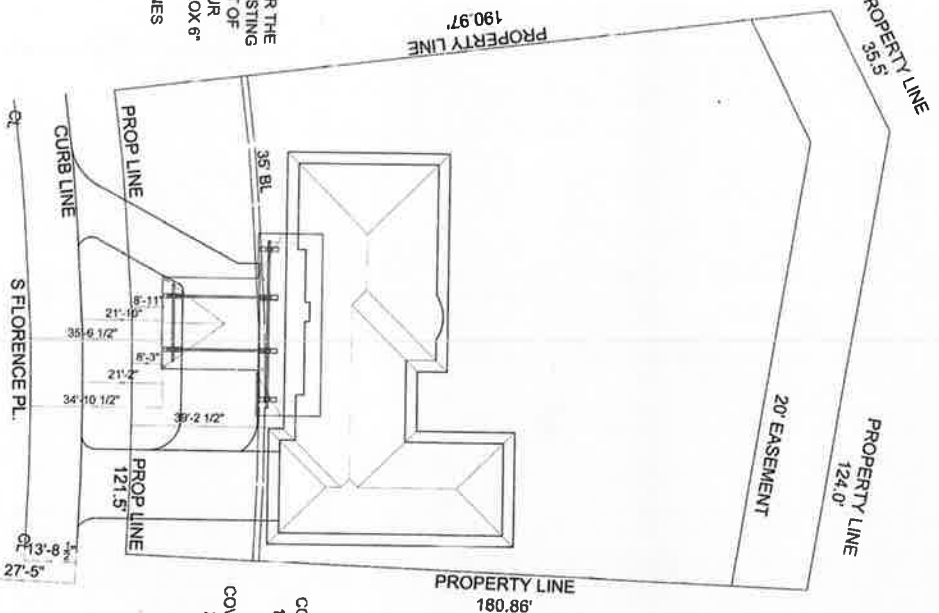
EXISTING SITE PLAN
SCALE = 1 / 32" = 1'-0"



EXISTING CARPORT STRUCTURE (24'-5" X 25'-6") IS OVER THE BUILDING LINE. PROPOSED CARPORT TO REPLACE EXISTING IN SAME LOCATION. THE STONE COLUMNS AT FRONT OF CARPORT ARE TO REMAIN AND THE ROOF STRUCTURE OVERHANGS THE EXISTING STONE COLUMNS BY APPROX 6" TO EXISTING STORM WATER SYSTEM WITH TIGHT LINES

B

PROPOSED SITE PLAN
SCALE = 1 / 32" = 1'-0"



COVERED PORCH
12'-6" X 148'-6"
COVERED CARPORT
24'-5" X 25'-1"

PROJECT:
WILNER CARPORT
3680 S. FLORENCE PLACE
TULSA OK 74105

DATE: 04/27/17
REV 1 - 05/05/17
REV 2 - 06/30/17
SHEET: SP 01

Moye, Nikita

From: Sheryl Smith [sticesmith1@cox.net]
Sent: Tuesday, August 01, 2017 10:07 AM
To: Moye, Nikita
Subject: Case Number:BOA-22294

Dear Nikita Moye,

We live at 3934 S. Florence Place. We are three doors south of Lt. 8, BK 32, Ranch Acres B19-27, Ranch Acres B28-35. We are in favor of the permit for reconstruction of a non-conforming structure within the required street setback. We know this family and are certain that the reconstruction will be done in an attractive manner that flows with the neighborhood.

Sincerely,

Sheryl and Michael B. Smith
918-747-5391

Moye, Nikita

From: Chris Falkenstein [cfalkenstein@cox.net]
Sent: Saturday, July 29, 2017 1:57 PM
To: Moye, Nikita
Cc: office@barronandmcclary.us; pwilner@friscoenergy.com
Subject: Case# BOA-22294, Wilner Carport

Ms. Moye, I am writing to express my support for the proposed reconstruction of the existing carport as identified by subject permit application.

My family has lived immediately across the street from the Wilner's at 3905 for over two decades and we do not see any reason to withhold approval of the construction. In my opinion, the revision to the existing carport will further enhance home values and would not interfere with traffic flow or other city needs.

As the structure has existed for several decades, been maintained in an exceptional manner and revised structure will continue to occupy the existing location without further encroachment, a refusal to permit the remodel could only be considered a punitive judgement by the city.

This revision has my full support to proceed as planned and I ask that this submission be presented as needed during the hearing on 8/8/2017. Respectfully,

Chris Falkenstein
(918) 645-7494

JEFF S. TAYLOR
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1007274-1

June 01, 2017

PHILIP WILNER
HOMEOWNER
3860 S FLORENCE PL
TULSA, OK 74105

Phone: (918)346-3125

APPLICATION NO: **422297** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **3860 S FLORENCE PL E**
Description: **ADDITION**

INFORMATION ABOUT SUBMITTING REVISIONS

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4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

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

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

IMPORTANT INFORMATION

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3. A COPY OF A "RECORD SEARCH" ☐ **IS** ☒ **IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

9.14

REVIEW COMMENTS

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

Application No. 422297

3860 S FLORENCE PL 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.

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

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

Review Comments: You are proposing to reconstruct an existing attached carport located with less than a 35" street setback. Nonconforming structures damaged more than 50% of its replacement cost will need to seek a special exception from INCOG Board of Adjustment in order to rebuild as a nonconforming structure or provide a 35' street 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

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.