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 22, 2017, 1:00 P.M.

Meeting No. 1190

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of August 8, 2017 (Meeting No. 1189).

<u>UNFINISHED BUSINESS</u>

2. 22275—Mark Grimm & Debra Faye

<u>Special Exception</u> to permit a Bed and Breakfast in the R District (Section 5.020). <u>LOCATION</u>: 3163 Woodward Boulevard (CD 9)

The request was withdrawn by the applicant.

3. 22294—Kurt Barron

<u>Special Exception</u> to allow a carport in the street setback with modifications to increase the permitted square footage of a carport; and to allow a carport to project more than 20 ft. into the street setback (Section 90.090-C.1). <u>LOCATION:</u> 3860 South Florence Place East (**CD 9**)

NEW APPLICATIONS

4. 22297—Eller & Detrich – Andrew Shank

<u>Verification</u> of the spacing requirement for an outdoor advertising sign of 1,200 feet from another outdoor advertising sign on the same side of the highway (Section 60.080-F.5). **LOCATION:** 8220 East Skelly Drive South **(CD 5)**

5. <u>22298—Skyline Construction</u>

<u>Variance</u> to reduce the 25 foot rear setback requirement in the RS-1 District (Section 5.030). **LOCATION:** 2841 East 37th Street South **(CD 9)**

6. 22299—Steve Benge

<u>Variance</u> to reduce the front street setback for a corner lot in the RM-0 District to 18 feet; Variance to reduce the side street setback in the RM-0 District to 18

feet (Section 5.030, Table 5-3). **LOCATION:** 3140 South Louisville Avenue East **(CD 9)**

7. <u>22300—Sally Perry</u>

<u>Special Exception</u> to permit a Bed and Breakfast (short term rental) in the R District (Section 5.020). <u>LOCATION:</u> 4138 South Owasso Avenue East **(CD 9)**

8. 22302—Jeffery Donaldson

<u>Special Exception</u> to permit a Bed and Breakfast (short term rental) in the R District (Section 5.020). <u>LOCATION:</u> 723 South Quanah Avenue West (**CD 4**)

9. 22303—Nathan Cross

<u>Special Exception</u> to allow a Bar in the IL District (Section 15.020); <u>Verification</u> of the 300 foot spacing requirement for a Bar from public parks, schools, other bars and religious assemblies and 50 feet from an R-zoned lot (Section 40.050). <u>LOCATION</u>: 4960 South 83rd Avenue East, Suite 4960-D (**CD 7**)

10. 22307—Patrick Fox

<u>Appeal</u> of an Administrative Official's interpretation/determination that the proposed structures are not designed with "a common or abutting wall along the dwelling unit's shared lot line". <u>LOCATION:</u> 1408 South Cheyenne Avenue West **(CD 4)**

The request was withdrawn by the applicant.

11. 22308—Patrick Fox

<u>Special Exception</u> to allow a detached house on 6 single lots (6 houses in total) in the OM District (Section 15.020); <u>Variance</u> to reduce the permitted lot area per unit in the OM District to 4800 sq. ft. (Section 15.030). <u>LOCATION:</u> 1408 South Cheyenne Avenue West **(CD 4)**

12. 22309—Eller & Detrich - Lou Reynolds

<u>Special Exception</u> to allow outdoor equipment and material storage on a portion of the property in the CS District (Section 15.020). <u>LOCATION:</u> 213 South Memorial Drive East **(CD 3)**

OTHER BUSINESS

13. REQUEST FOR REFUND:

22301—David Atkinson

<u>Special Exception</u> to permit a temporary tennis court enclosure for greater than 30 days each year (Sections 50-020-D). <u>LOCATION:</u> 3030 East 91st Street South (CD 2)

The request was withdrawn by the applicant.

14. REQUEST FOR REFUND:

22307—Patrick Fox

<u>Appeal</u> of an Administrative Official's interpretation/determination that the proposed structures are not designed with "a common or abutting wall along the dwelling unit's shared lot line". <u>LOCATION:</u> 1408 South Cheyenne Avenue West (CD 4)

The request was withdrawn by the applicant.

NEW BUSINESS

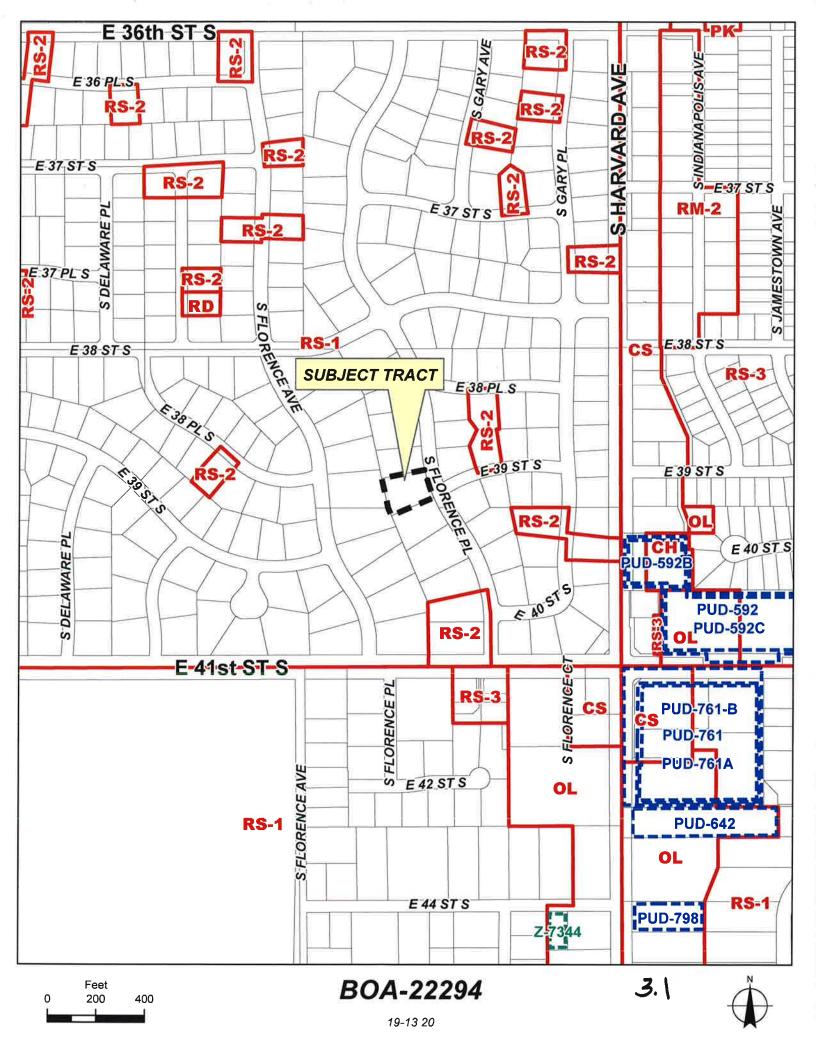
BOARD MEMBER COMMENTS

ADJOURNMENT

CD = Council District

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

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



BOARD OF ADJUSTMENT CASE REPORT

STR: 9320

Case Number: BOA-22294

CZM: 47 **CD**: 9

A-P#: 422297

HEARING DATE: 08/22/2017 1:00 PM

APPLICANT: Kurt Barron

<u>ACTION REQUESTED</u>: Special Exception to allow a carport in the street setback with modifications to increase the permitted square footage of a carport from 400 SF to 612.4 SF; and to allow a carport to project more than 20 ft. into the street setback to allow the carport to project 25'-1" into the front setback. (Section 90.090-C.1)

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 portecochere 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:

As shown on the attached plans the applicant is proposing to reconstruct an existing carport within the required street setback of the lots. Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception:

- The area of a carport may not exceed 20 feet in length by 20 feet in width or 400 SF. According to the site plan supplied by the applicant, the proposed carport will be 24'-5" x 25'-1" (612.45 SF). The applicant has requested that the Board modify the square footage limitation to permit the carport as proposed.
- The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback. According to the site plan the carport will extend 25'-1" into the front (street) setback. The applicant has requested that the Board permit carport to project more than 20 ft. into the street setback to allow it to project 25'-1" into the front setback.

The Code's limitation on the carport size is intended to ensure that carports located within front yards are compatible with a minimum desired residential character found in the neighborhood and don't consume an entire required street setback area.

Sample Motion for a Special Exception

allow	to (approve/deny) a Special Exception to allow a carport in the street setback with fications to increase the permitted square footage of a carport from 400 SF to 612.4 SF; and to a carport to project more than 20 ft. into the street setback to allow the carport to project 25'-1" the front setback. (Section 90.090-C.1)
•	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.

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 distanct 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 Southwesterly 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.

6938

Action 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)

5802 (continued)

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.

<u>5806</u>

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) <u>granted</u> 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 50 100



BOA-22294

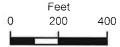
19-13 20

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

Aerial Photo Date: February 2016

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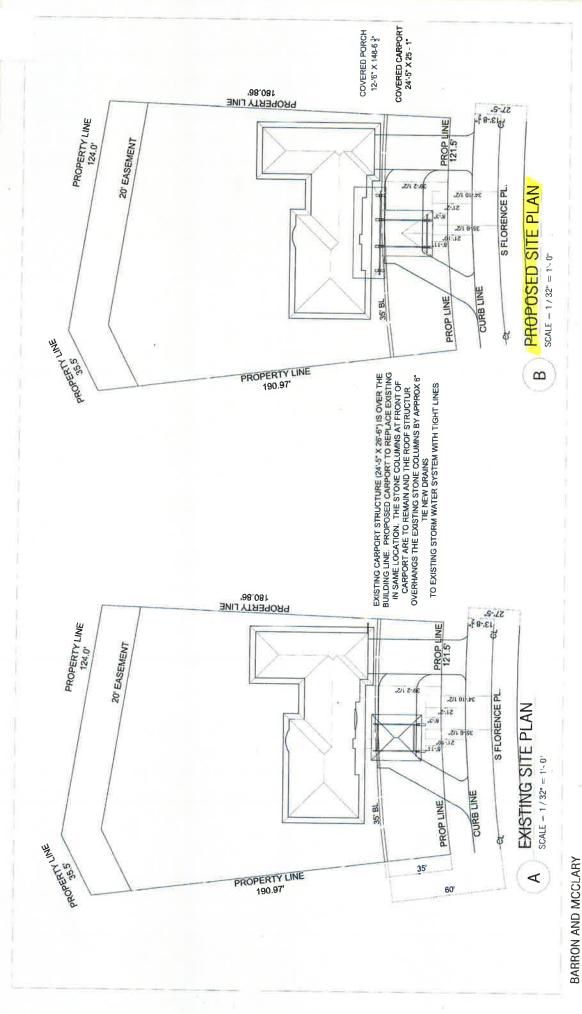


BOA-22294

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

N





ISSUED FOR PERMIT

DATE: 04/27/17
REV1-05/06/30/17
SHET: SP 01 WILNER CARPORT PROJECT:

3660 S. FLORENCE PLACE TULSA OK 74105

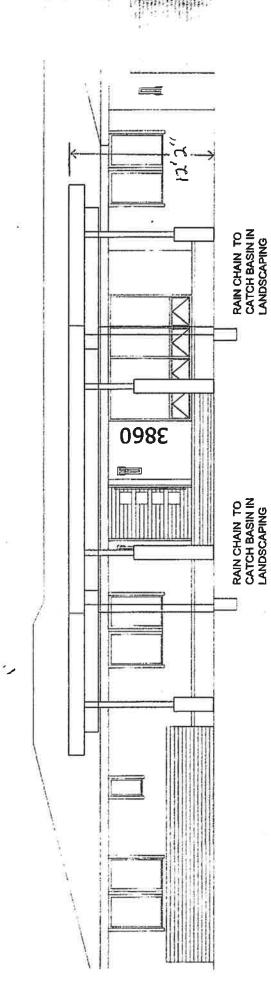
3.11

www.barronandmcclary.com

1424 S. HARVARD TULSA, 0K 74112 tel 918 749 7904

PROPOSED ELEVATION AT PORCH

SCALE = 1/8" = 1'0"



PROPOSED ELEVATION

AT FRONT OF CARPORT

SCALE = 1/8" = 110"

3860 S, Florence Place

Moye, Nikita

Box 22294

From: Sent:

Bette Wozobski [bizell48@gmail.com] Monday, August 07, 2017 11:12 PM

To:

esubmit

Subject:

Fwd: Case #BOA 22284

Sent from my iPhone

Begin forwarded message:

From: Bette Wozobski < bizell48@gmail.com > Date: August 4, 2017 at 12:07:39 PM CDT

To: nmoye@incoq.org

Subject: Case #BOA 22284

Dear Ms Moye

I am writing in regard to the above case which will be held on August 8, 2017 at 1pm.

My husband and I have been neighbors of homeowners that Mr Kurt Barron is representing, for approximately 3 decades. Everything that the homeowners have done to improve their home has only enhanced the beauty and value of our neighborhood. We have seen the plans for "the remodel" of their already existing structure and whole heartedly support their project. We hope the BOA will grant their permission for this lovely vision.

Thank you Bette and Wynn Wozobski 3927 S Florence Pl Tulsa,Oklahoma 74105 918 2326944

Sent from my iPhone

Moye, Nikita

From: Sent:

Sheryl Smith [sticesmith1@cox.net] 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 Falkensten [cfalkensten@cox.net]

Sent:

Saturday, July 29, 2017 1:57 PM

To:

Move. 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 Falkensten (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

Aug 08, 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

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

REVIEW COMMENTS

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

Application No. 422297

3860 S FLORENCE PL E

Aug 08, 2017

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

Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The

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

Special exception approval required; see §90.090-C1.

- 1. Sec.90.090-C.1 Carports: Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 70.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:
- a. A carport may be a detached accessory building or an integral part of the principal building.
- b. The area of a carport may not exceed 20 feet in length by 20 feet in width.
- c. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.
- d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.
- e. The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.
- f. All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.

g. The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed

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

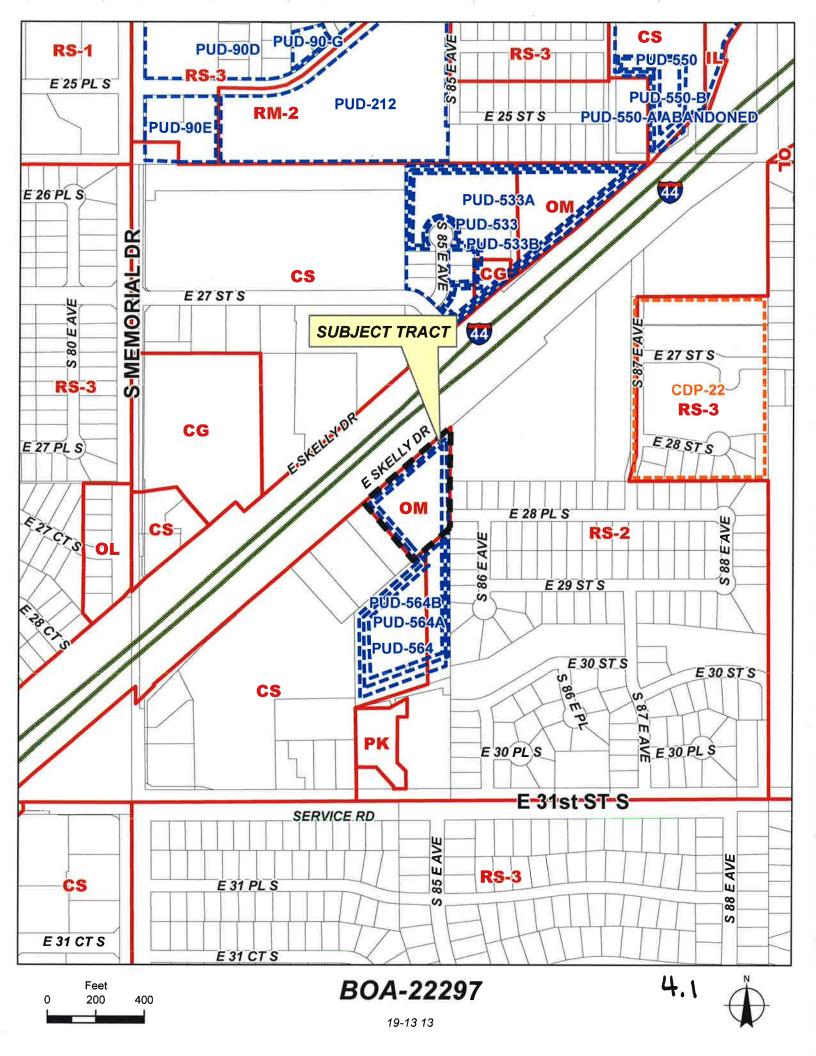
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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

END – ZONING CODE REVIEW

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

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



BOARD OF ADJUSTMENT CASE REPORT

STR: 9313

Case Number: BOA-22297

CZM: 38

CD: 5

A-P#: N/A

HEARING DATE: 08/22/2017 1:00 PM

APPLICANT: Andrew Shank

ACTION REQUESTED: Verification of the spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 60.080-F.5).

LOCATION: 8220 E SKELLY DR S

ZONED: OM/PUB-564 A&B

PRESENT USE: Commercial

TRACT SIZE: 2.5 Acres

LEGAL DESCRIPTION: LT 1 BLK 1, CANDLELIGHT, GROVELAND ADDN, RIVERSIDE NISSAN ADDN RSB PT L7 B1 GROVELAND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

None Relevant

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

Regional Centers are mid-rise mixed-use areas for large scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by CS zoning on the west and south; RS-2 zoning abuts the site in the south and east. I-44 abuts the site on the north.

STAFF COMMENTS:

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

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

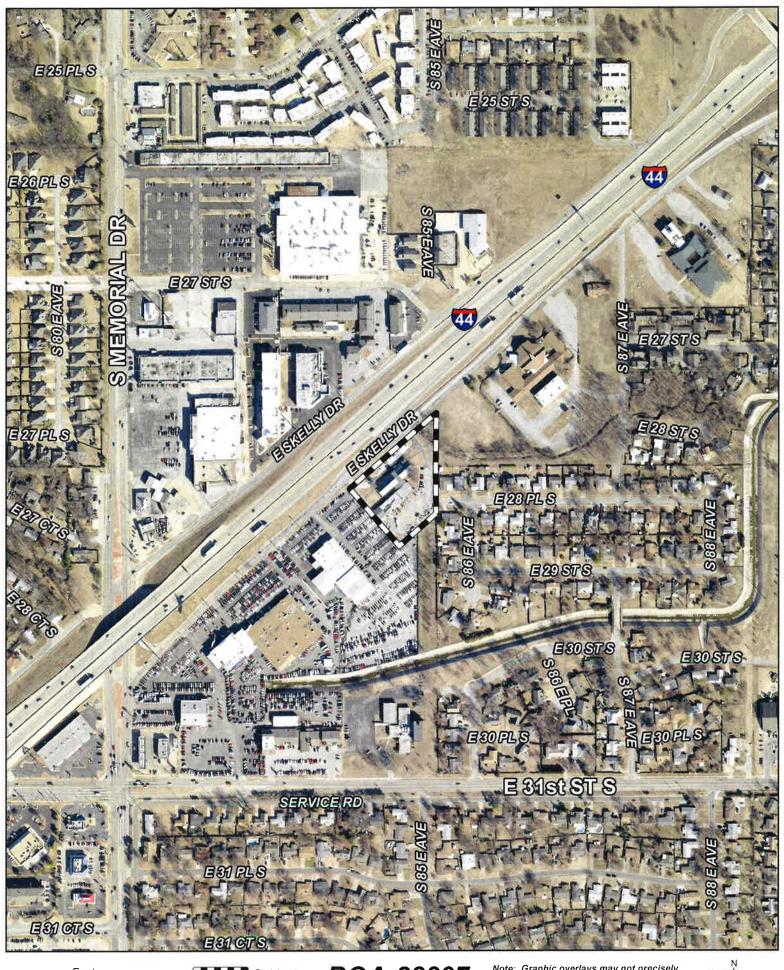
According to the attached survey the proposed billboard meets the spacing requirement for a standard outdoor advertising sign.

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

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

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

I move that based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing between outdoor advertising signs subject to the action of the Board being null and void should another outdoor advertising sign be erected within the required spacing radius prior to this sign.

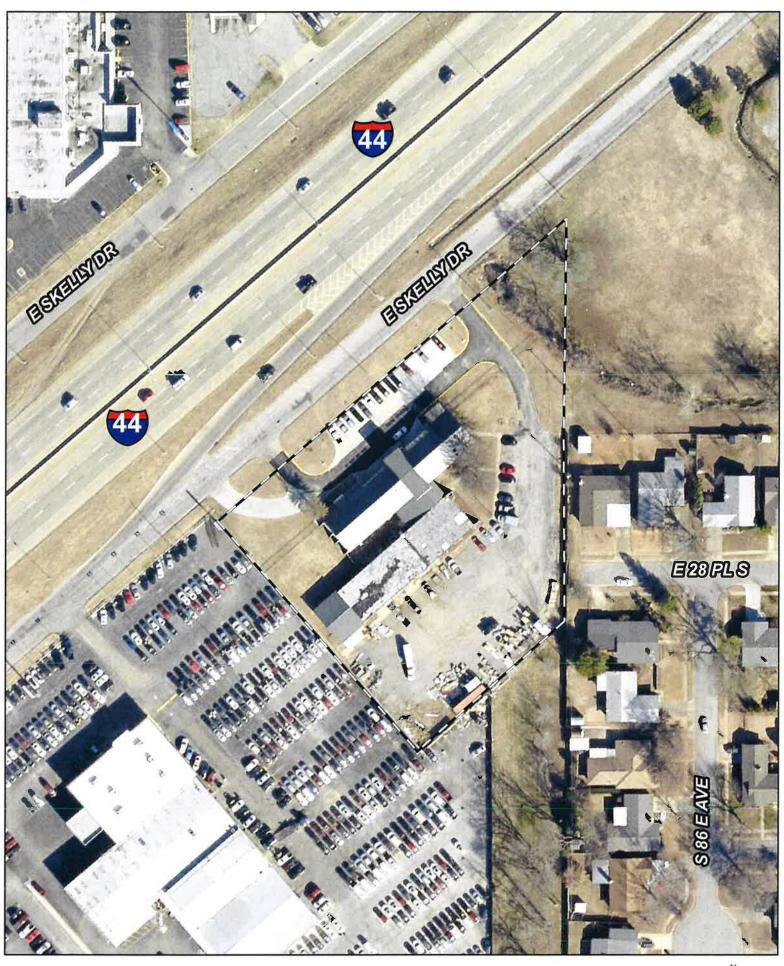


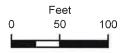


BOA-22297

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

Aerial Photo Date: February 2016

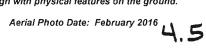






BOA-22297

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





DATE: 7/6/17 SCALE: N/A

Nickle & Associates, Inc.

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



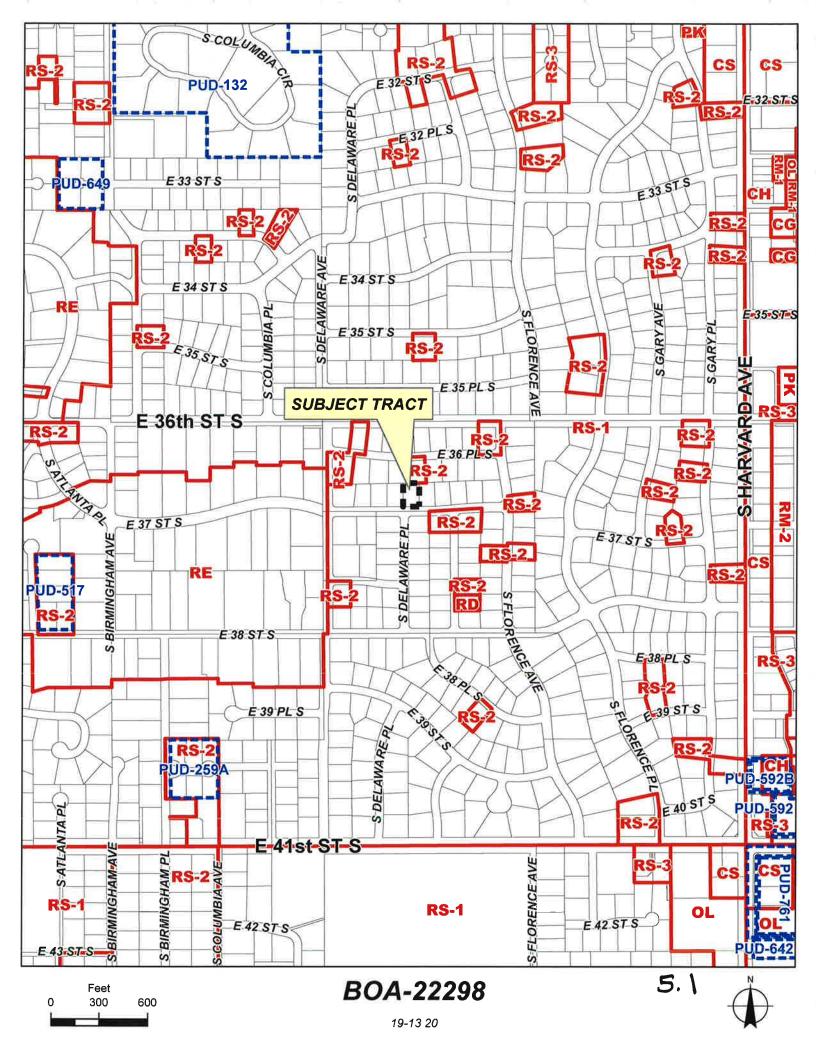
Proposed Sign Lat/Long 36 07 20.31

95 52 59.73

I hereby certify that the proposed sign is more than 1200 feet from any other outdoor advertising sign on the same side of the highway. The foregoing certifications are based on the measurement of a straight line from the center of the proposed sign structure, as located on the ground, to the center of any other outdoor advertising sign structure, as located on the ground.



Gregory Nickle, PLS #1396 Oklahoma



BOARD OF ADJUSTMENT CASE REPORT

STR: 9320

Case Number: BOA-22298

CZM: 47 **CD:** 9

A-P#: 419903

HEARING DATE: 08/22/2017 1:00 PM

APPLICANT: Cliff Beam

ACTION REQUESTED: Variance to reduce the 25' rear setback requirement to 6' in an RS-1 District

to permit a addition to an existing house (Section 5.030).

LOCATION: 2841 E 37 ST S **ZONED**: RS-1

PRESENT USE: Residential TRACT SIZE: 14000.24 SQ FT

LEGAL DESCRIPTION: LT 14 BLK 3, INDIAN MEADOWS, City of Tulsa, Tulsa County, State of

Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA 20992; on 10.27.09 the Board **approved a** Variance of the required rear yard in an RS-1 district from 25 ft. to 15 ft. (Section 403) to permit an addition to an existing dwelling; located at the NW/c of E. 37th St. and S. Florence Av.

BOA-14141; on 8.7.86 the Board **approved** a Variance of the rear yard setback from 25 ft. to 15 ft. in an RS-1 district; per plot plan submitted; finding a hardship demonstrated by the corner lot location and the diagonal placement of the house on the lot; located at the NW/c of E. 38th St. and S. Florence Av.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RS-1 and RS-2 zoned residences.

STAFF COMMENTS:

The applicant is before the Board requesting a Variance to reduce the 25 ft. rear yard requirement to 6 ft. in an attempt to construct an addition on to the northwest section of the existing home. The applicant stated the following: "The existing rear yard layout of the site and home floor plan limits how best to expand the home. We believe we are submitting a design that will best serve this lot and not alter the character of the neighborhood or impair the development of adjacent properties."

The Code requires a 25 ft. rear yard in the RS-1 district in an attempt to establish and maintain desired development intensity by maintaining a level of openness between required rear yards along the rear lot line.

S	a	m	pl	е	M	0	ti	0	n	
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Move RS-1	e to (approve/deny) a Variance to reduce the 25' rear setback requirement to 6' in a life of the control
•	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."

'400 feet to the point of beginning; thence North along said West line of Utica Avenue 109.74 feet; thence West 137.5 feet; thence South 109.74 feet; thence East 137.5 feet to the point of beginning; said plot of ground being a part of Lot 3, Section Six (6), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the recorded plat thereof

Case No. 20991

Action Requested:

Variance of the requirement that an outdoor customer seating area shall abut the building wall of the business (Section 1212.C.1.a) to permit an outdoor customer seating area beside the proposed restaurant, located: 4728 East 21st Street.

Presentation:

The applicant was not present. Mr. Henke decided to move the case to the end of the agenda.

PRT BLK 1 BEG 197.04E & 227.26E & 1S NWC BLK 1 THS64.70 E12.67 S110.95 W156.05 CRV RT 30.31 N136.25 NE15.73 E23.45 S10 E15 NE21.48 E103.05 POB, MAYO MEADOW EXTENDED, City of Tulsa, Tulsa County, State of Oklahoma

* * * * * * * * * *

Case No. 20992

Action Requested:

Variance of the required rear yard in an RS-1 district from 25 ft. to 15 ft. (Section 403) to permit an addition to an existing dwelling, located: 3636 South Florence Avenue.

Presentation:

David Maloney, 20963 East 34th Place, Broken Arrow, Oklahoma, represented his client, to build an addition to the home on the subject property. They will use the same materials, roof pitch, and height to match the house. He stated the house is over to one side and so they could not designate a front yard.

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Interested Parties:

There were no interested parties.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Van De Wiele, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to <u>APPROVE</u> a Variance of the required rear yard in an RS-1 district from 25 ft. to 15 ft. (Section 403) to permit an addition to an existing dwelling; although the lot contains

FILE COPY

approximately 16,608 sq. ft., the front setback is large and unique, the addition was probably platted prior to 1970, and is built at an angle on the corner lot, leaving little room for improvements or additions, the addition would easily fit the lot if it were of a traditional orientation; per plan as shown on page 17.6 of the agenda packet; finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

LT 19 BLK 3, INDIAN MEADOWS, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20993

Action Requested:

Special Exception to permit a single family dwelling (Use Unit 6) in the OL district (in the existing structure) (Section 601); and a Variance of the requirement that parking spaces shall be positioned so that each parking space can be entered without passing through another parking space - to permit stacked parking on an existing driveway (Section 1301.F), located: 429 South Memorial Drive.

Presentation:

Ivy Norris, 708 North Cheyenne Avenue, Tulsa, Oklahoma, 74106, Area Director, for the School of Metaphysics, stated the request. This is a not for profit school, that teaches adult education classes for life skills. A portion of the facility will be used for small classes that meet in the evening from 7:30 p.m. to 10:30 p.m. while the remainder of the building will be living quarters for the director, a teacher, staff and residents who care for the property and answer phones. It is a student run organization of volunteer staff, who work during the day. The previous use was a home hair salon and it is compatible for their needs.

Interested Parties:

There were no interested parties.

Comments and Questions:

Ms. Stead asked about class sizes. Ms. Norris stated the maximum class size is five students and on average they have three. Ms. Stead was concerned about adequate parking. Ms. Norris indicated there is available parking in the attached garage as well as on the two-car wide driveway.

Case No. 14134 (continued)

Presentation:

The applicant, Robert E. Franden, 2626 East 21st Street, Suite 1, Tulsa, Oklahoma, was represented by David Robinson, 2626 East 21st Street, Tulsa, Oklahoma, who asked the Board to allow a beauty shop to operate at the above stated location. He informed that there is 22,178 sq. ft. of floor space in the building and only 75% of this space is occupied. Mr. Robinson stated that there are doctor and dentist offices in the building at this time.

Comments and Questions:

In reply to Mr. Chappelle's inquiry as to the number of chairs in the shop, Mr. Robinson informed that there will be 4 operators and 2 manicurist.

Mr. Smith asked how many square feet of floor space the shop will occupy and Mr. Robinson replied that it will occupy 1,449 sq. ft.

Mr. Chappelle inquired as to the type of sign that will be installed and Mr. Robinson stated that they are contemplating a directory sign on the street that will list the names of tenants.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to APPROVE a Special Exception (Section 640.6 - Special Exception Uses in Office Districts, Requirements) to allow a beauty shop in an OM zoned district; subject to 1 directory type sign displaying the name of the beauty shop along with the other tenants; finding that the beauty shop will be compatible with the other uses in the building; on following described property:

Lot 1, Block 1, Open World Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14141

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the rear yard setback from 25' to 15' in an RS-1 zoned district, located on the NW/c of 38th and Florence Avenue.

Presentation:

The applicant, Patrick Fox, 116 East 26th Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit C-1) and stated that he is representing the owner of the property, Ms. Fred Davis. Mr. Fox pointed out that the house in question sets diagonally on the lot and the proposed addition of a bath will encroach into the required 25' rear yard. He informed that the north side of the corner lot is

8.7.86:471(6)

Case No. 14141 (continued)

the declared side yard and the western part of the property is the rear yard. Photographs (Exhibit C-2) were submitted.

Protestants: None.

Board Action:

On MOTION of QUARLES, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the rear yard setback from 25' to 15' in an RS-1 zoned district; per plot plan submitted; finding a hardship demonstrated by the corner lot location and the diagonal placement of the house on the lot; on the following described property:

Lot 7, Block 5, Indian Meadows Addition, City of Tulsa, Tulsa County, Okiahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14148

Action Requested:

Minor Variance - Section 280 - Structure Setback from Abutting Street/Section 1221.3(f) - General Use Conditions for Business Signs - Request a minor variance of setback from the centerline of Harvard and 33rd Street, located south of the SE/c of Harvard and 33rd Street.

Presentation:

The applicant, Robert Aery, 3301 South Harvard, Tulsa, Oklahoma, submitted photographs (Exhibit D-1) and asked the Board to allow a sign to be placed 40' from the centerline of Harvard. He informed that the buildings in the area are less than 50' from the centerline of the street and that there are signs in place that are closer than the one requested.

Presentation:

Ms. Bradley asked if the sign in question will align with the Diamond Jim sign and Mr. Aery answered in the affirmative.

Mr. Chappelle informed that a letter (Exhibit D-2) from Ken Bode stated that a removal contract will be required if the minor variance is approved.

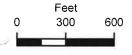
Protestants: None.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to APPROVE a Minor Variance (Section 280 - Structure Setback from

8.7.86:471(7)







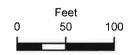
BOA-22298

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

Aerial Photo Date: February 2016









BOA-22298

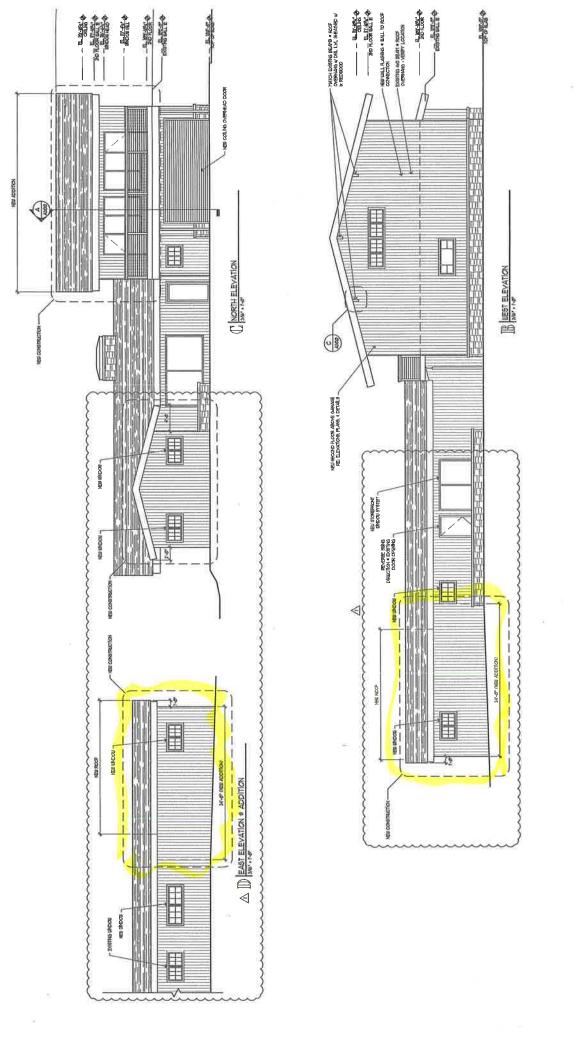
Note: Graphic overlays may not precisely align with physical features on the ground.

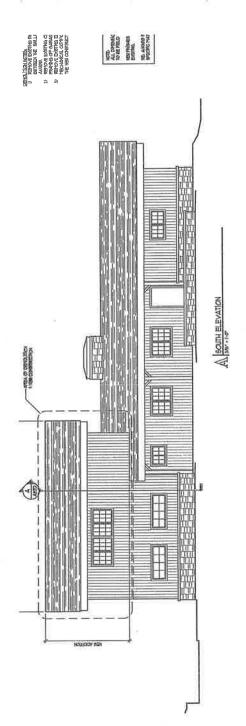
Aerial Photo Date: February 2016

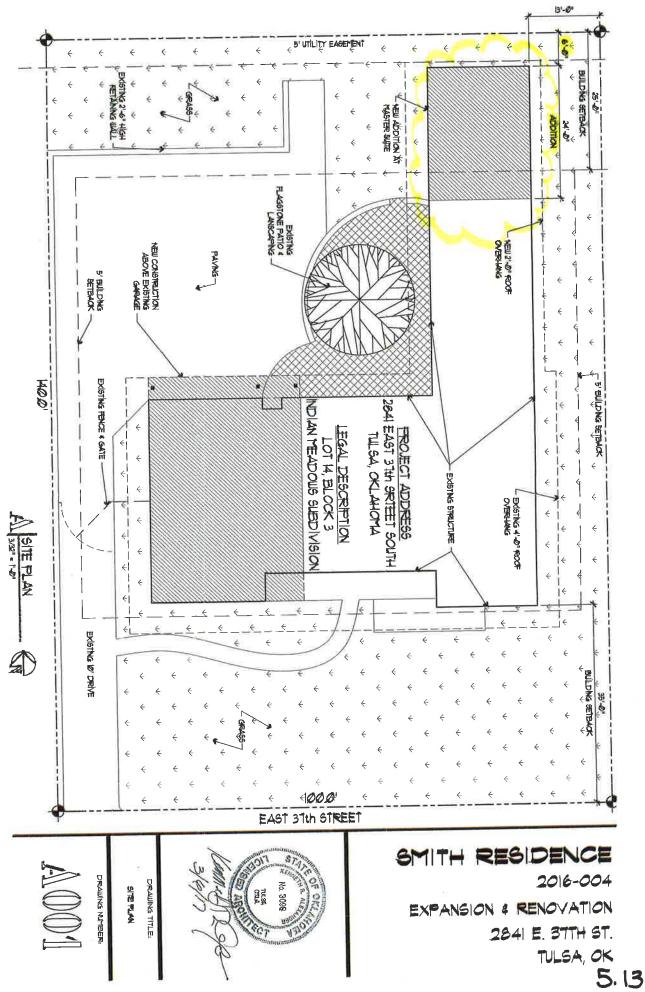




Subject Lot - Looking North







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: 1000483-1

May 03, 2017

CLIFF BEAM SKYLINE CONSTRUCTION 25026 WHIPERWILL LANE BROKEN ARROW, OK 74014 Phone: (918)629-2075 Fax: (918)486-3970

APPLICATION NO:

419903 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: Description:

2841 E 037 ST S

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

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

REVIEW COMMENTS

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

Application No. 419903

2841 E 037 ST S

May 03, 2017

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

Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and

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

5.030-A: In the RS-1 zoned district the minimum rear yard setback shall be 25 feet from the rear property line.

Review Comments: Revise your plans to indicate a 25' rear setback to the property line, or apply to INCOG for a <u>variance</u> to allow less than a 25' rear 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

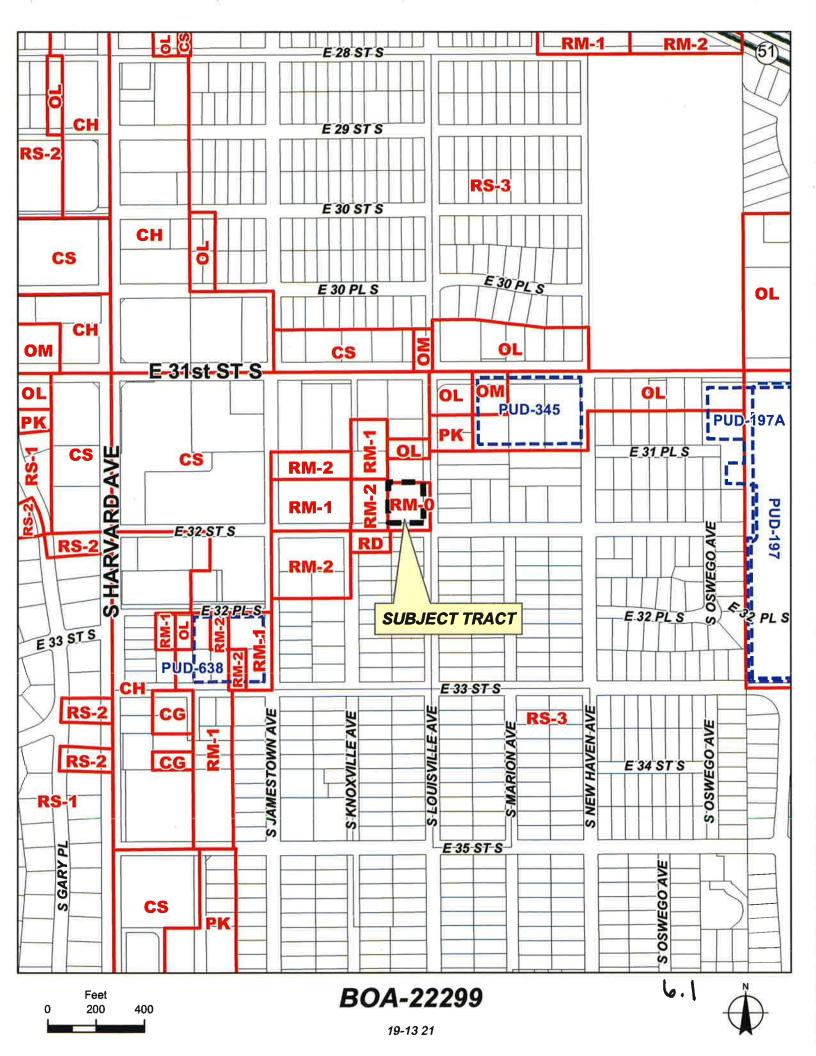
NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

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.

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BOARD OF ADJUSTMENT CASE REPORT

STR: 9321

Case Number: BOA-22299

CZM: 47

CD: 9

A-P#: N/A

HEARING DATE: 08/22/2017 1:00 PM

APPLICANT: Steve Benge

<u>ACTION REQUESTED</u>: Variance to reduce the front street setback for a corner lot in the RM-0 district to from 25 feet to 18 feet; Variance to reduce the side street setback in the RM-0 District from 25 feet to 18 feet (Section 5.030, Table 5-3).

LOCATION: 3140 S LOUISVILLE AV E **ZONED**: RM-0

PRESENT USE: Vacant Residential Lot TRACT SIZE: 25,500.13 SQ FT

LEGAL DESCRIPTION: S170 E/2 LT 8, ALBERT PIKE 2ND SUB, ALBERT PIKE 2ND RESUB W/2 L8, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA 16303; The Board approved variance of the front, rear and side yard in the RM-1 zoned district to permit existing encroachments and clear title. Property being located north of the northwest corner of South Louisville Avenue and East 32nd Street South

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

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

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

<u>ANALYSIS OF SURROUNDING AREA</u>: The subject tract is abutted by RS-3 zoned residences on the north, east and south; RM-2 zoning abuts the site on the west.

STAFF COMMENTS:

The RM-0 district requires that the proposed apartment maintain a building setback of 25 ft. from E 32nd St. and S. Louisville Ave. As shown on the attached site plan the proposed setback from E 32nd St. and S. Louisville Ave. is 18 ft. To permit the apartment complex as proposed the applicant has requested a Variance to reduce the street setbacks to 18 ft. along E. 32nd St. and S. Louisville Ave.

Sample Motion for a Variance

	to (approve/deny) a Variance to reduce the front street setback for a corner lot in M-0 district to from 25 feet to 18 feet; Variance to reduce the side street setback in the RM-0 of the from 25 feet to 18 feet (Section 5.030, Table 5-3).
•	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."

Case No. 16301 (continued)

Board Action:

of DOVERSPIKE, the Board voted 4-0-0 MOTION On (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to APPROVE a Special Exception to permit a private school in an RS-3 zoned district - Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 5; and CONTINUE the remainder of the application to May 11, 1993 to allow the applicant to advertise for a variance of the one-acre land requirement for schools; subject to days and hours of operation being substantially similar to those of public schools; subject to students and staff being limited to 30; and subject to the school providing classes for students through middle school only; finding school use to be appropriate for the area, and in harmony with the spirit and intent of the Code; on the following described property:

Lots 14, 15 and 16, Block 4, Mohawk Harvard Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16303

Action Requested:

Variance of the front, rear and side yards to permit a existing building and clear title - Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6, located 3609 East 32nd Street.

Presentation:

The applicant, Remyco, 5711 East 71st Street, was represented by Leon Remy, who submitted a plot plan (Exhibit L-1) and explained that the buildings have been at the current location for many years, and the variance is required to clear the title to the property.

Comments and Questions:

Mr. Chappelle asked the applicant if structural changes are proposed, and he replied that there will be no changes, and the request is required in order that the property can be sold.

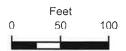
Protestants:

None.

Board Action:

On MOTION of CHAPPELLE, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to APPROVE to Variance of the front, rear and side yards to permit an existing building and clear title - Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6;







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

Aerial Photo Date: February 2016



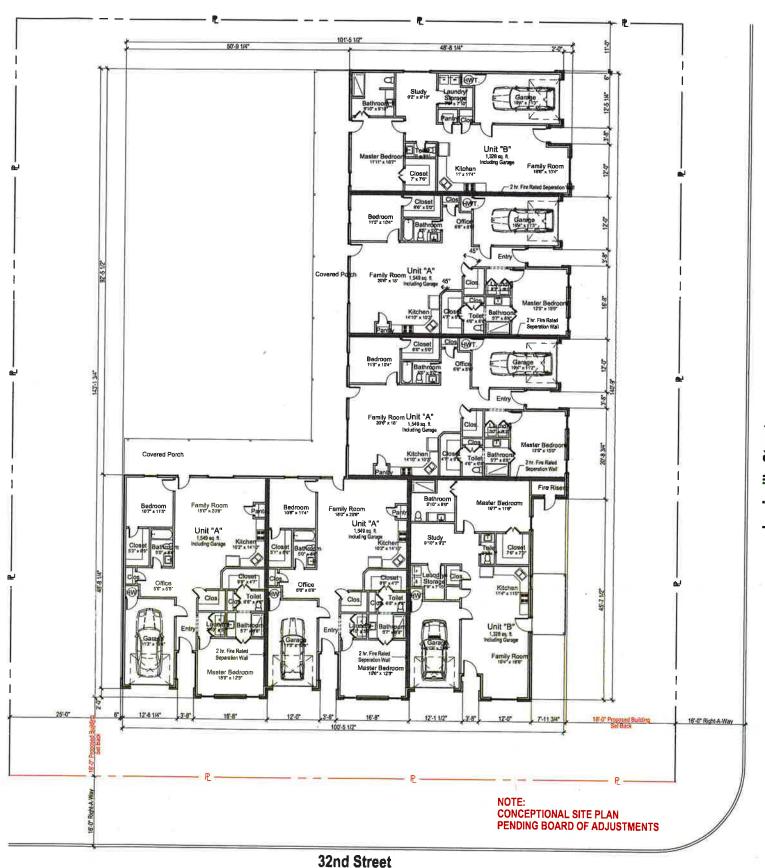




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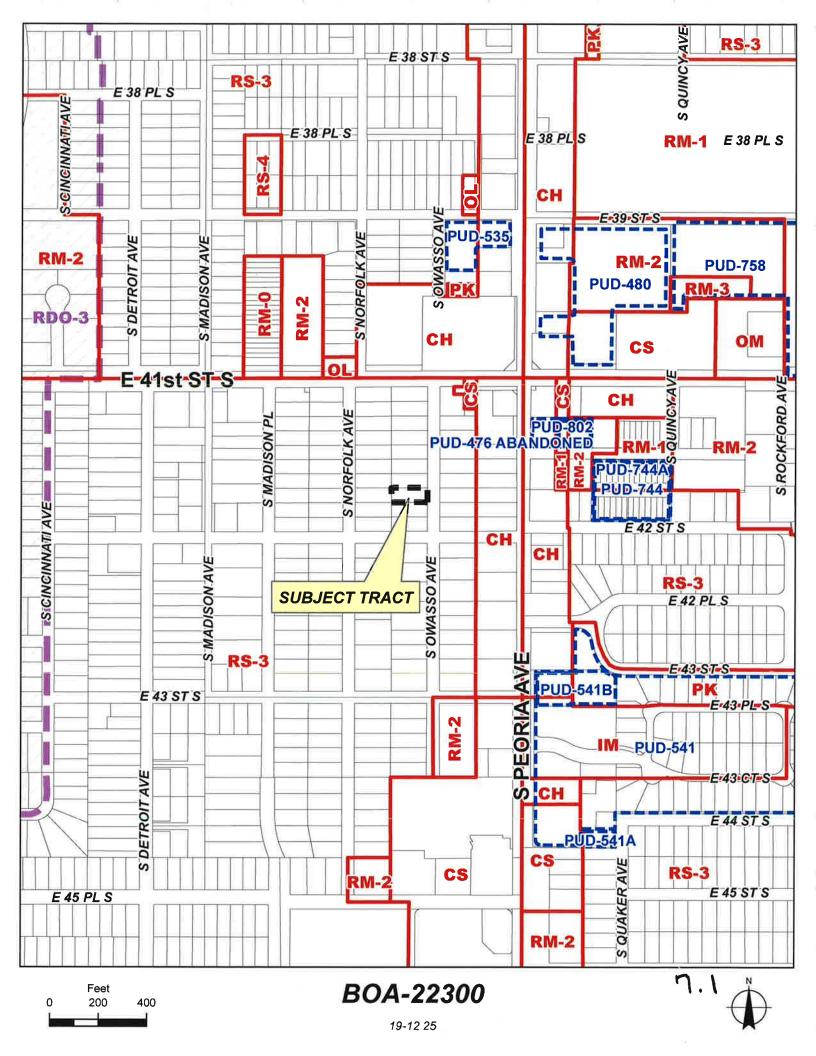
Aerial Photo Date: February 2016











BOARD OF ADJUSTMENT CASE REPORT

STR: 9225

Case Number: BOA-22300

CZM: 46

CD: 9

A-P#: 9217

HEARING DATE: 08/22/2017 1:00 PM

APPLICANT: Sally Perry

ACTION REQUESTED: Special Exception to permit a Bed and Breakfast (short term lodging/rental)

in an R district (Section 5.020).

LOCATION: 4138 S Owasso Ave **ZONED**: RS-3

PRESENT USE: Residential TRACT SIZE: 8999.53 SQ FT

LEGAL DESCRIPTION: LT 13 BLK 3, ALTA DENA PLACE, City of Tulsa, Tulsa County, State of

Oklahoma

RELEVANT PREVIOUS ACTIONS:

None Relevant.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of 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 also requested that the Board approve two on-site events per month with a maximum of 30 guests. The Code states that the BOA 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.

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

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.

Sample Motion

Move lodgin	to (approve/deny) a Special Exception to permit a Bed and Breakfast g/rental) in an R district (Section 5.020).	(short term
•	With(approval/denial) to allow on-site events. 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.



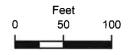


Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016









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

Aerial Photo Date: February 2016 7.5



Moye, Nikita

From: Sent:

Sally Perry [sally.perry@sbcglobal.net] Tuesday, August 15, 2017 12:02 PM

To:

Move. Nikita

Subject:

case number BOA-22300

Nikita,

I would like to know the process for requesting the ability to rent my bed and breakfast for events such as wedding receptions, private dinner parties or anniversaries. I would like approval for two events per month with a maximum of 30 guests. I will seek approval from nearby businesses and organizations for the use of off-street parking. Until then we will request that guests park along 42nd street because few houses face that street. I would also like to do an open house for my neighbors and friends to show them what the property has to offer.

Thank you for your help in this matter.

Sally Perry

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: 1017006-1R

July 27, 2017

SALLY PERRY 4142 S OWASSO AV TULSA, OK 74105 Phone: (918)231-8188

APPLICATION NO:

9217 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location:

4138 S OWASSO AV E

Description:

AIR BNB

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

(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. 9217

4138 S OWASSO AV E

July 12, 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

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.

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.

Sec.35.050-G1: Your application is for a Bed & Breakfast which is located in an RS-3 zoning district.
This use is allowed in the RS-3 district by Special Exception (Table 5-2: R District Use Regulations).
Review Comment: Submit a copy of a Special Exception reviewed and approved by the Board of Adjustment per Sec.70.120 to allow a Bed & Breakfast in the RS-3 zoning district.

NOTE: The following supplemental use regulations of Sec.40.060 apply to all bed and breakfast uses.

- Sec.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.
- Sec.40.060-B: The maximum length of stay for any guest is limited to 30 consecutive days.
- Sec.40.060-C: The owner/operator must maintain a register of bed and breakfast guests and onsite events for each calendar year and make the register available to city code enforcement upon request.
- **Sec.40.060-D:** Cooking facilities are prohibited in guest rooms.
- Sec.40.060-E: Signs are allowed in accordance with the sign regulations of the subject zoning district unless the BOA establishes stricter conditions at the time of Special Exception approval.
- Sec.40.060-F: Public restaurants are prohibited. Meals may be served only to overnight guests and for on-site events expressly authorized by the BOA at the time of Special Exception approval. The BOA 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 BOA, in accordance with the Special Exception procedures of Sec.70.120. As part of approval of the Special Exception, the BOA 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.
- 2. Sec.70.080-B1b(5): In order to help ensure a proper arrangement of streets and the adequacy of open spaces for traffic, utilities and emergency vehicle access, commensurate with the intensification of land use

customarily incident to a zoning map amendment, a platting requirement is established. Except as expressly stated in Sec.70.080-B2, no building permit or zoning clearance permit may be issued until that portion of the subject parcel for which the permit is sought has been granted a plat waiver (Sec.70.080-B2a), or has been included within a subdivision plat or replat (Sec.70.080-B2b) that has been submitted to and approved by the planning commission, and filed of record in the county clerk's office of the county in which the property is located. This platting requirement applies to any property for which a special exception was approved for a Bed & breakfast.

Review comment: Submit a copy of a plat waiver, or a plat or replat that has been submitted to and approved by the planning commission, and filed of record in the county clerk's office of the county in which the property is located.

END – ZONING CODE REVIEW

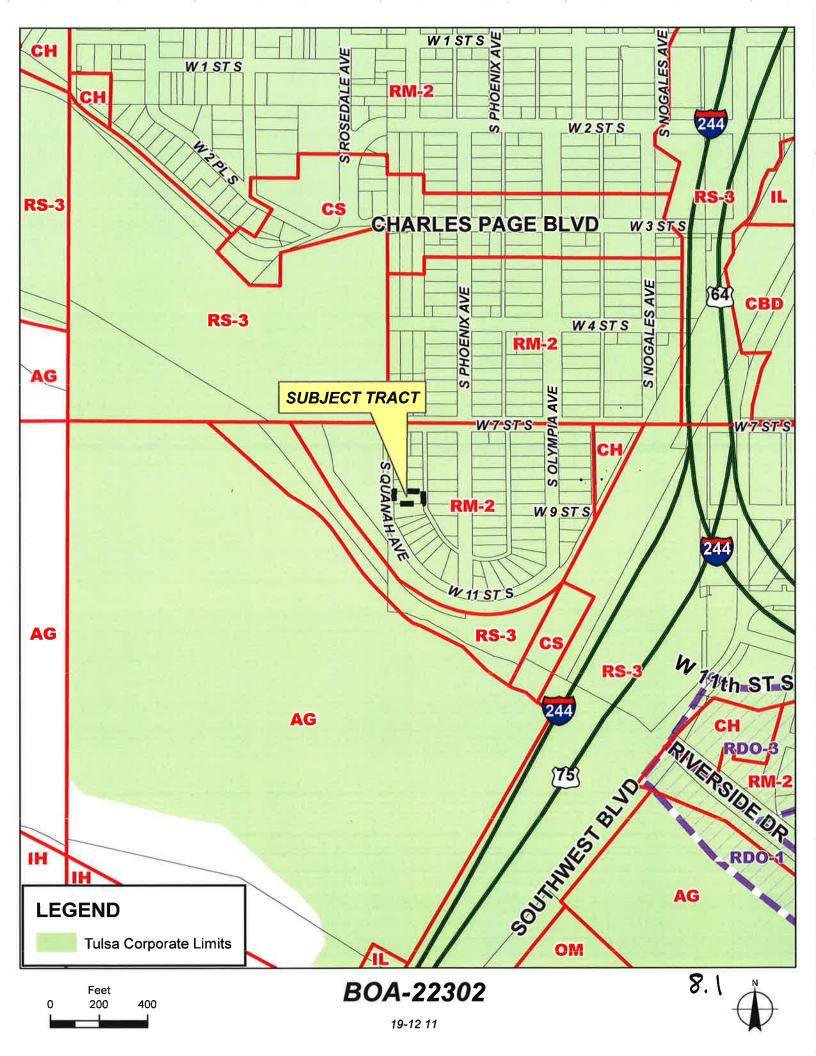
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KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

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BOARD OF ADJUSTMENT CASE REPORT

STR: 9211

Case Number: BOA-22302

CZM: 36 **CD**: 4

A-P#: 9220

HEARING DATE: 08/22/2017 1:00 PM

APPLICANT: Jefferey Donaldson

ACTION REQUESTED: Special Exception to permit a Bed and Breakfast (short term lodging/rental)

in an R-district (Section 5.020).

LOCATION: 723 S QUANAH AV W **ZONED**: RM-2

PRESENT USE: Residential TRACT SIZE: 6050.51 SQ FT

LEGAL DESCRIPTION: LT 18 BLK 1, MITCHELL-CROSBIE ADDN, City of Tulsa, Tulsa County,

State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

None Relevant.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an '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 qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

<u>ANALYSIS OF SURROUNDING AREA</u>: The subject tract is abutted by RM-2 zoned residential on the north, south and east; RM-2 zoned parks and open space abuts the site on the west.

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.
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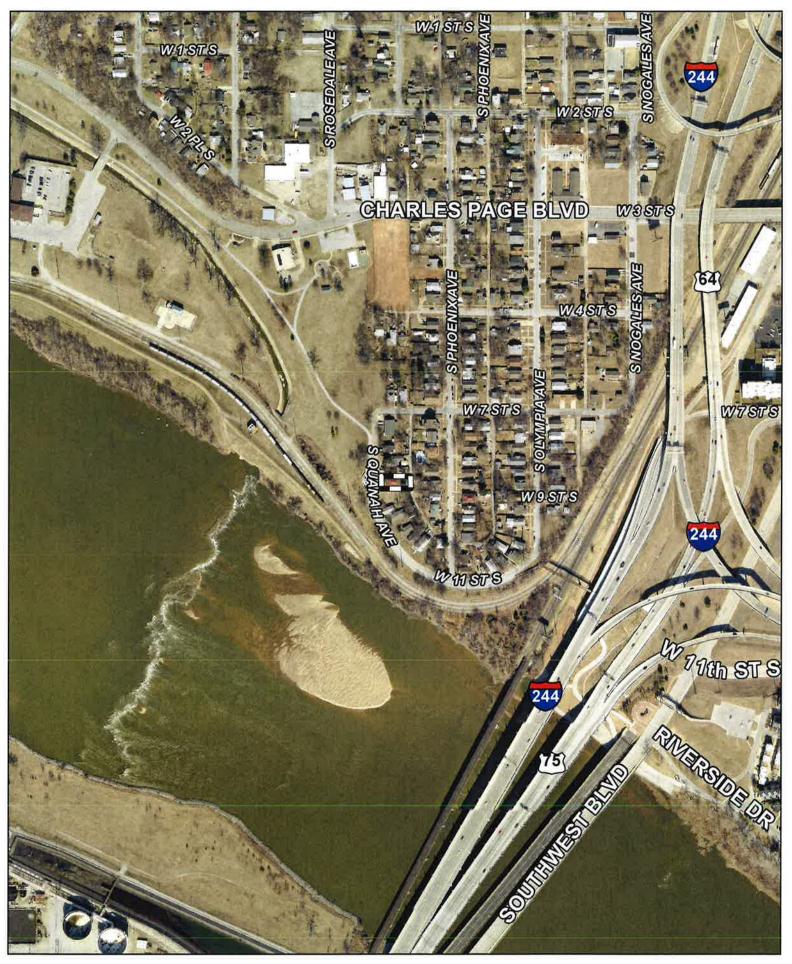
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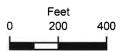
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Sample Motion

Move odgi	e to (approve/deny) a Special Exception to permit a Bed and Breakfast (short te ing/rental) in an R-district (Section 5.020).	rm
•	Per the Conceptual Plan(s) shown on page(s) of the agenda packet.	
•	Subject to the following conditions (including time limitation, if any):	



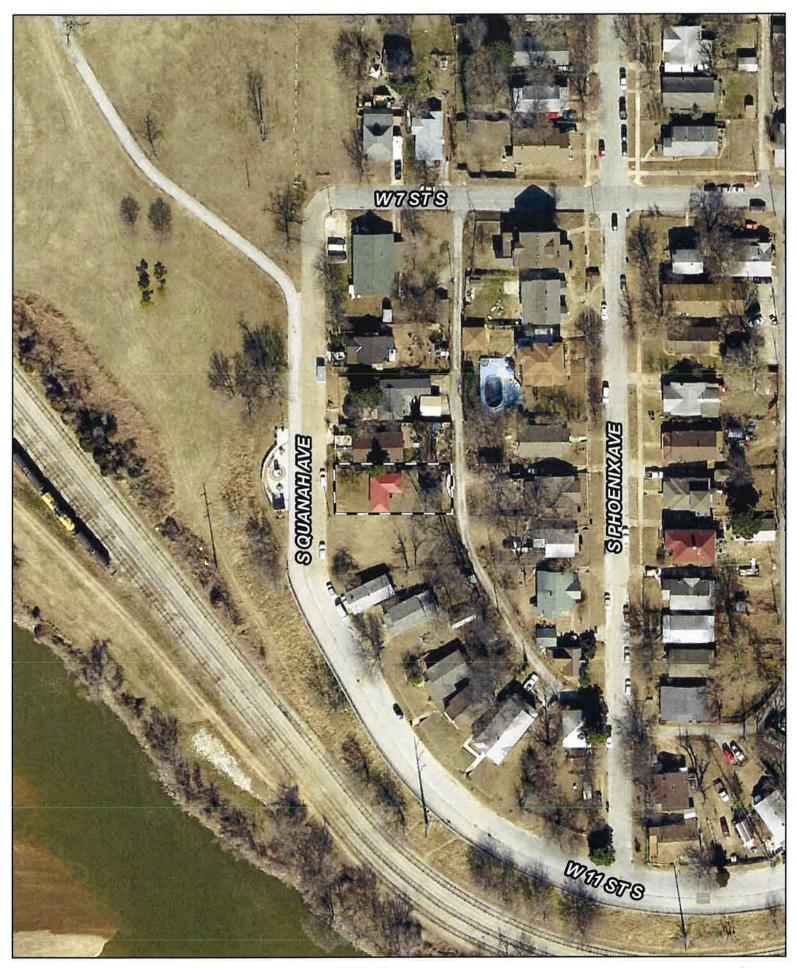


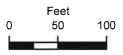


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Aerial Photo Date: February 2016 2.









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

Aerial Photo Date: February 2016





CHUCK LANGE ZONING OFFICIAL PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1017423-1

July 14, 2017

JEFFERY DONALDSON HOMEOWNER 719 S QUANAH AV W TULSA, OK 74127 Phone: (918)231-1813

APPLICATION NO:

9220 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location:

723 S QUANAH AV W

Description:

Air B & B

INFORMATION ABOUT SUBMITTING REVISIONS

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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.
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(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. 9220

723 S QUANAH AV W

July 14, 2017

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

Sec.35.050-G1: Your proposed Airbnb is designated a Commercial/Lodging/Bed & Breakfast Use and is located in an RM-2 (residential) zoning district. This type of use requires a Special Exception in order to be located in this zoning district (Sec.5.020 Table 5-2).

Review comment: Submit a copy of the Special Exception reviewed and approved per Sec.70.120 to allow a Bed & Breakfast Use in an RM-2 district

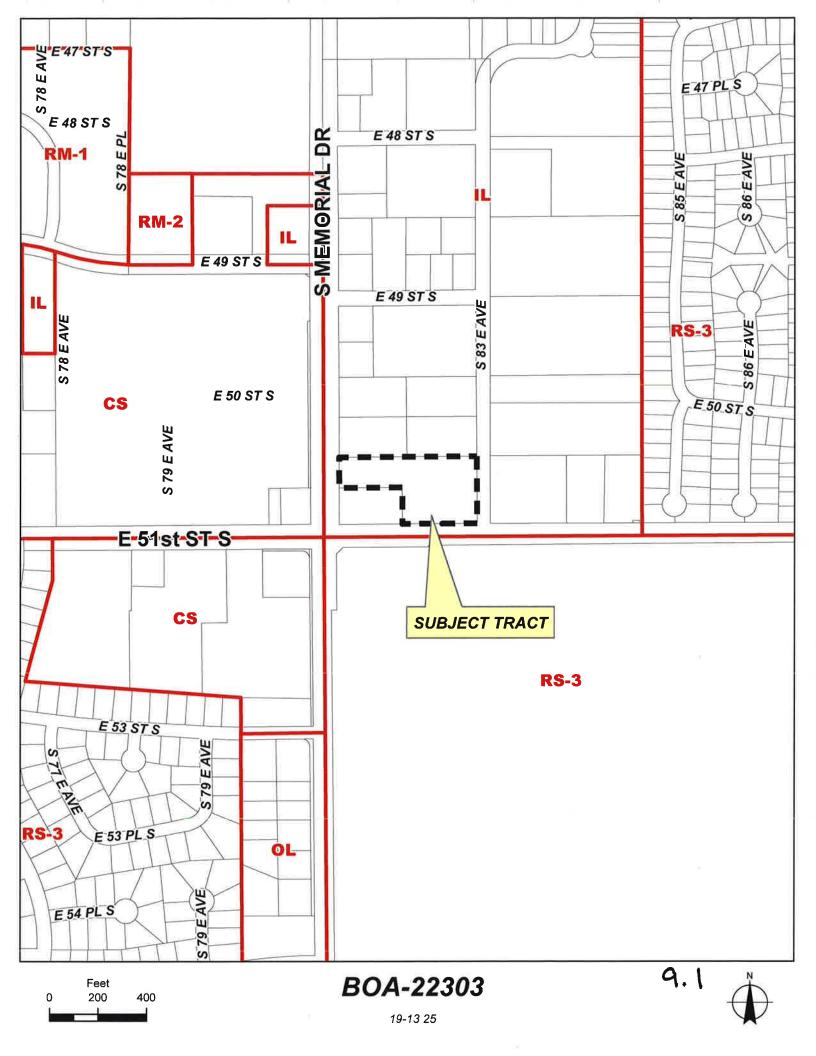
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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

END – ZONING CODE REVIEW

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

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



BOARD OF ADJUSTMENT CASE REPORT

STR: 9325

Case Number: BOA-22303

CZM: 48

CD: 7

A-P#: 421944

HEARING DATE: 08/22/2017 1:00 PM

APPLICANT: Nathan Cross

<u>ACTION REQUESTED</u>: Special Exception to allow a Bar in the IL district (Sec.15.020); and a **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: 4960 S 83 AV E, Suite 4960-D **ZONED**: IL

PRESENT USE: Commercial Shopping Center TRACT SIZE: 2.8 Acres

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

RELEVANT PREVIOUS ACTIONS:

Subject Lot:

BOA 22280; on 07.11.17 the Board approved a Special Exception to allow a Indoor Commercial/Assembly and Entertainment Use (Event Center) in the IL district (Section 15.020).

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

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

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

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

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

STAFF COMMENTS:

The applicant is proposing to convert the existing commercial space into a bar. A Special Exception is required as the proposed bar is a use which is not permitted by right in the IL district because of potential adverse affects, but which if controlled as to its relationship to the surrounding neighborhood may be permitted. In order to permit a bar in the IL district the applicant is also requesting a spacing verification. The Code provides the following spacing requirements for a bar in the IL district.

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

The attached map illustrates that there are no existing bars within 300 ft. of the site. The applicant has provided a statement certifying that there no existing bars, sexually oriented businesses, public parks, churches, or schools within 300 ft. of the proposed bar. There do not appear to be any R zoned districts within 50 ft. of the proposed bar; it appears the site meets the stated spacing requirements for a bar.

Sample Motion for the Spacing Verification:

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.

Sample Motion for a Special Exception

Move	to (approve/deny) a Special Exception to allow a Bar in the IL district (Sec.15.020)
•	Per the Conceptual Plan(s) shown on page(s) of the agenda packet.
•	Subject to the following conditions (including time limitation, if any):
	2 <u></u>

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.

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

22280—D-A-C Events

FILE COPY

Action Requested:

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

Presentation:

Saul Resendiz, 105 East Granger Street, Broken Arrow, OK; stated the request is to be able to use the facility for small birthday parties, showers, and weddings.

Mr. White asked Mr. Resendiz if he wanted to continue doing what he is already doing in the facility. Mr. Resendiz answered affirmatively. Mr. White asked if there would be any changes to the operation. Mr. Resendiz stated there would not be any changes.

Ms. Back asked Mr. Resendiz if he was the previous owner or if he had just purchased the property recently. Mr. Resendiz stated that he is a new owner.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Bond, Flanagan, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **APPROVE** the request for a **Special Exception** to allow an Indoor Commercial/Assembly and Entertainment Use (Event Center) in the IL District (Section 15.020), subject to conceptual plan 10.11, 10.12 and 10.13 in the agenda packet. The approval is subject to the business closing no later than 2:00 A.M. In granting a Special Exception, the Board finds that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

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

7805

Action Requested:

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

Presentation:

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

Protests:

None.

Board Action:

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

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

7806

Action Requested:

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

Presentation:

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

Protests:

None.

Board Action:

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

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

3.1.73:132(11)



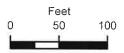


Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016









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

Aerial Photo Date: February 2016



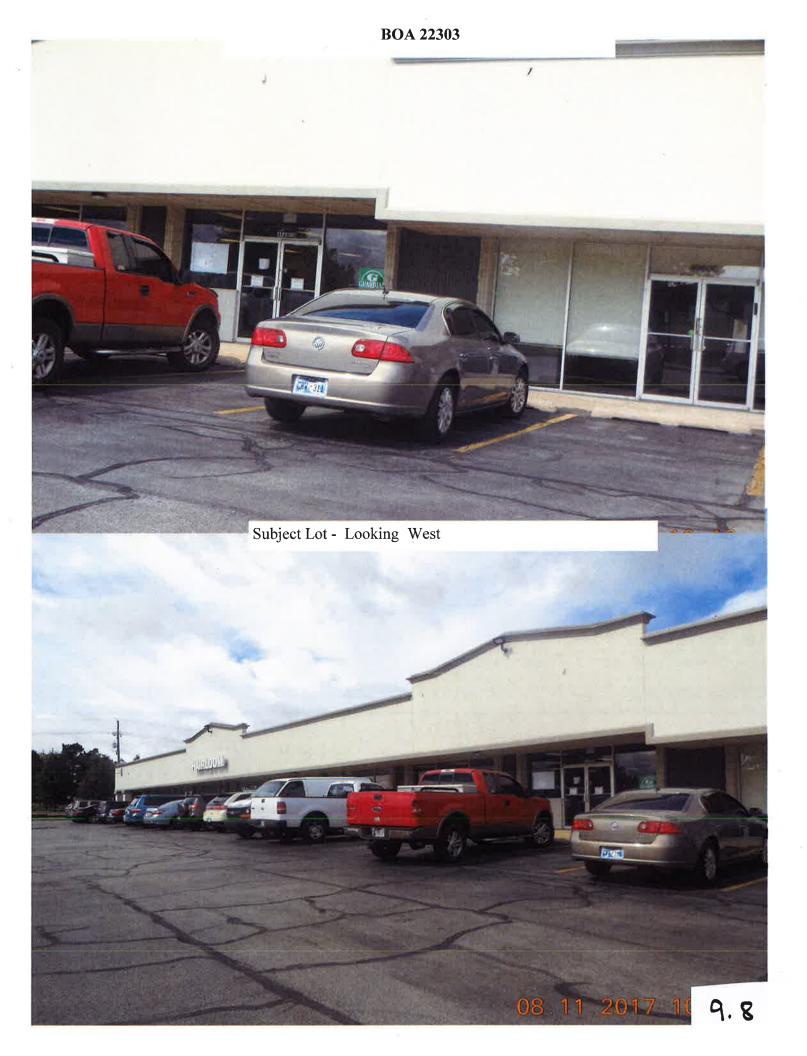


EXHIBIT B

PROPERTY BREAKDOWN

The property at issue in this request is a strip center in the Memorial Park Center located in the northeast quadrant of 51st and Memorial located northeast of the Walgreens at the corner of 51st and Memorial. Currently, Memorial Park Center is occupied by a liquor store, a smoke shop, a retail box sales shop, a donut shop, a barber shop, and a vapor shop. Parking is ample with spaces on the west, south, and east of the center.

Memorial Park Center is surrounded on three sides by commercial development. North is an office building and a retail sales shop, east is office space and manufacturing, west is the Fontana Shopping Center housing a mixed use of retail, restaurant, and bar tenants. Directly south of Memorial Park Center is Memorial Park Cemetery. The property housing Memorial Park Cemetery is zoned RS-3 but does not contain any single family homes. The nearest single family home development is approximately 700 feet to the east of Memorial Park Center.

SPECIAL EXCEPTION REQUEST

Memorial Park Center sits in an area of Tulsa that is zoned IL. The IL zoning extends almost a mile and a half from 51st Street all the way to US 64 on both sides of Memorial Drive with the exception of the Fontana Shopping Center on the west side of Memorial which was rezoned many years ago. The bulk of the parcels in this stretch of Memorial Drive are occupied by retail, restaurant, bar, and auto dealerships. As such, it is an odd zoning pattern that is likely left over from the original zoning designations applied across the City of Tulsa more than 40 years ago. The proposed use of a bar is in keeping with the other uses within Memorial Park Center as well as the range of uses already in place along Memorial Drive between 51st Street and 41st Street. Further, the nearest wall of the proposed bar use in Memorial Park Center is 780 feet from the closest principal bar use (Magoo's) as well as 192.6 feet from the closest residential district (Memorial Park Cemetery). There are no public parks, school properties, or religious assembly uses within a 300 foot radius of the proposed bar use requested in this application. Given the totality of these factors, it is the applicant's position that a Special Exception for a bar use in Memorial Park Center is in harmony with the spirit and intent of the Zoning Code and is not injurious to the neighborhood or otherwise detrimental to the public welfare.

SPACING VERIFICATION REQUEST

The applicant has reviewed the zoning and land use maps of the City of Tulsa as well as property ownership information and has driven the site. As stated above, the closest bar use is Magoo's (if so classified as a principal use) which is 780 feet from the nearest wall of the proposed bar at issue in this application. The nearest R zoned district is 192.6 feet to the south of the nearest wall of proposed bar use. Exhibit C attached depicts the distance from Magoo's and Memorial Park Cemetery (the nearest R zoned district) as verified by White Surveying Company. By filing this application, the applicant certifies that there are no school or religious assembly use properties within a 300 foot radius of the proposed bar use at issue in this request.



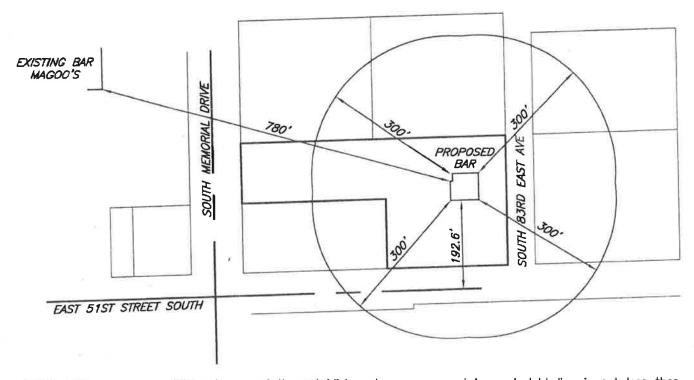
1"=200'

WHITE SURVEYING COMPANY

9936 EAST 55TH PLACE TULSA, OKLAHOMA 74146 • (918) 663-6924

EXHIBIT

PART OF LOTS 6, 8, AND 9, BLOCK 4,
RESUBDIVISION OF
SECOND RESEARCH AND DEVELOPMENT CENTER,
CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA



I hereby certify that 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 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.

RANDY K. SURVINION L.S. 1676

WHITE SURVEYING COMPANY CERTIFICATE OF AUTHORIZATION NO. CA1098 (RENEWAL 6/30/2019)

DATE: 8/14/2017
REGISTERED PROFESSIONAL LAND

SURVEYOR OKLAHOMA NO. 1676

CERTIFICATION OF SPACING

The undersigned, Nathan Seth Cross, attorney for the applicant, hereby certifies as follows:

That 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 any 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 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 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.

Dated this 11th day of August, 2017

Nathan S. Cross

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: 1006173-1

May 30, 2017

HARRY BJORNBERG EWC1 INC 4853 S SHERIDAN RD TULSA, OK 74103 Phone: (918)724-4472

APPLICATION NO:

421944 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: Description:

4960 S 083 AV E STE D 4960-D ALTERATION - INTERIOR

ALTERATION - INTERIOR

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

REVIEW COMMENTS

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

Application No. 421944

4960 S 083 AV E STE D 4960-D

May 30, 2017

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

- 1. Section 15.020 Table 15-2: The proposed bar is designated a Commercial/Restaurant & Bar/Bar Use. It is located in an IL zoned district. This will require a Special Exception approved by the BOA.
 - **Review comment:** Submit an approved BOA Special Exception to allow a Commercial/Restaurant & Bar/Bar Use in an IL district.
- 2. Sec.40.050-A: The proposed bar is located in the IL 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 speciation verification that has been reviewed and approved per Sec. 70.110.

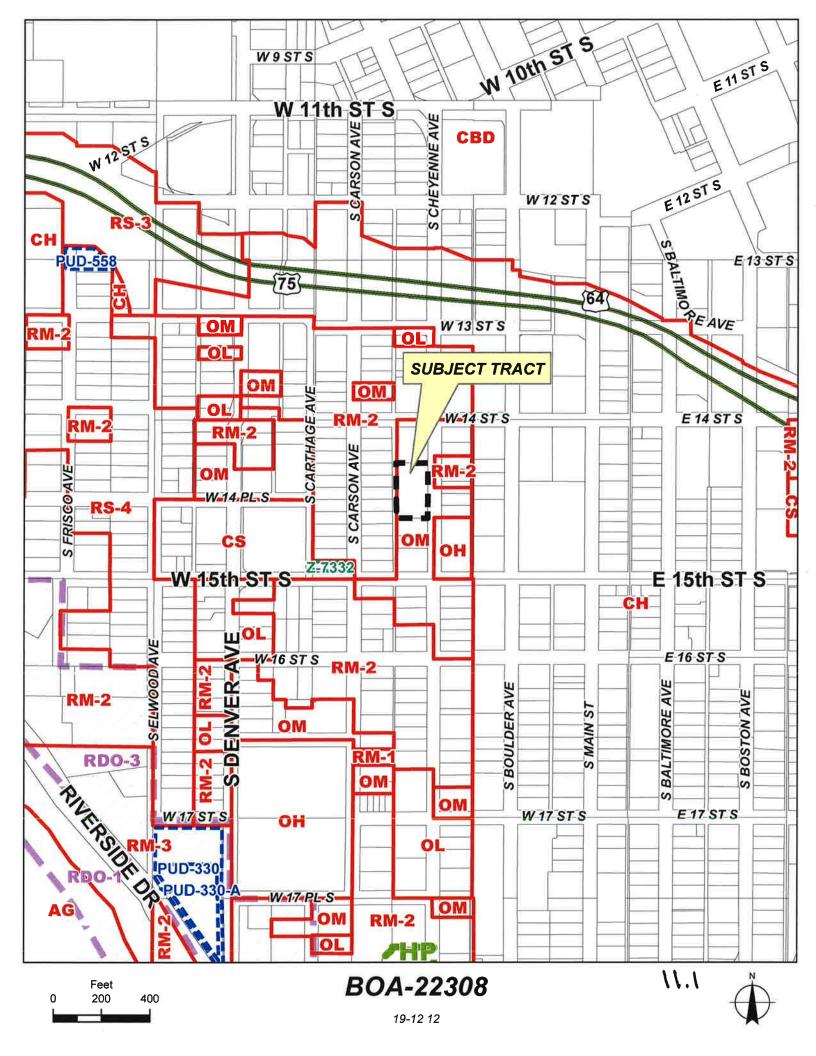
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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

END - ZONING CODE REVIEW

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

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



BOARD OF ADJUSTMENT CASE REPORT

STR: 9212

Case Number: BOA-22308

CZM: 36 **CD:** 4

A-P#:

HEARING DATE: 08/22/2017 1:00 PM

APPLICANT: Patrick Fox

ACTION REQUESTED: Special Exception to allow a detached house on 6 single lots (6 houses in total) in the OM District (Section 15.020); Variance to reduce the permitted lot area per unit in the OM District from 5500 sq. ft. to 4800 sq. ft. (Section 15.030).

LOCATION: 1408 S CHEYENNE AV W **ZONED**: OM

PRESENT USE: Vacant Lot TRACT SIZE: 29,437.97 SQ FT

LEGAL DESCRIPTION: N30 LT 17 & ALL LTS 18 THRU 21 BLK 2, CARLTON PLACE, City of

Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Site:

BOA 22188; om 01.10.17 the Board **approved** a variance of the required street frontage from 50 to 37.5 ft.; and a variance to reduce the street setback from 10 to 4.7 ft. in an OM district.

BOA-20649; on 3.11.08 the Board **approved** a special exception to permit (Use Unit 8) Multi-Family Residential in the OM district.

BOA-19025; on 4.10.01 the Board **approved** a <u>special exception</u> to permit Use Unit 5, a cultural facility not elsewhere classified/ music conservatory and use unit 11, music school and foundation offices, in an RM-2 district; a <u>variance</u> of the required parking to permit 90 off-site parking spaces, 4 on-site parking spaces and 60 off-site off-hours spaces available by parking easement; <u>variance</u> of maximum permitted floor area from .5 to 1.4; a <u>variance</u> of building setback from 25 ft. to 0 ft.; a <u>variance</u> of landscaping and screening requirements; and a <u>variance</u> of frontage 100 ft. and lot width 50 ft. requirements in the RM-2 district to 25 ft.

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

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

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

<u>ANALYSIS OF SURROUNDING AREA</u>: The subject tract is abutted by RM-2 zoning on the west; OM zoning on the on the south and north. S Cheyenne Ave, RM-2, OH and OM zoning abuts the site on the east.

STAFF COMMENTS:

A Special Exception is required as the proposed single-family homes are a use not permitted by right in the OM district due to potential adverse affects, but which if controlled as to its relationship to the surrounding neighborhood may be permitted.

The proposed use is required by Code to maintain a lot area per unit of 5500 sq. ft. As shown on the submitted plan, five of the proposed lots will contain a lot area of 4800 sq. ft. and the remaining lot will be 5440 sq. ft. Therefore the applicant has requested a variance to reduce the permitted lot area per unit requirement in the OM District from 5500 sq. ft. to 4800 sq. ft. to allow the detached homes as proposed on the conceptual plans.

Sample Motion

,	_ (approve/deny) a Special Exception in the OM District (Section 15.020); 'ict from 5500 sq. ft. to 4800 sq. ft. (S	Variance to reduce the permitted I	
Per the Cond	ceptual Plan(s) shown on page(s)	of the agenda packet.	

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

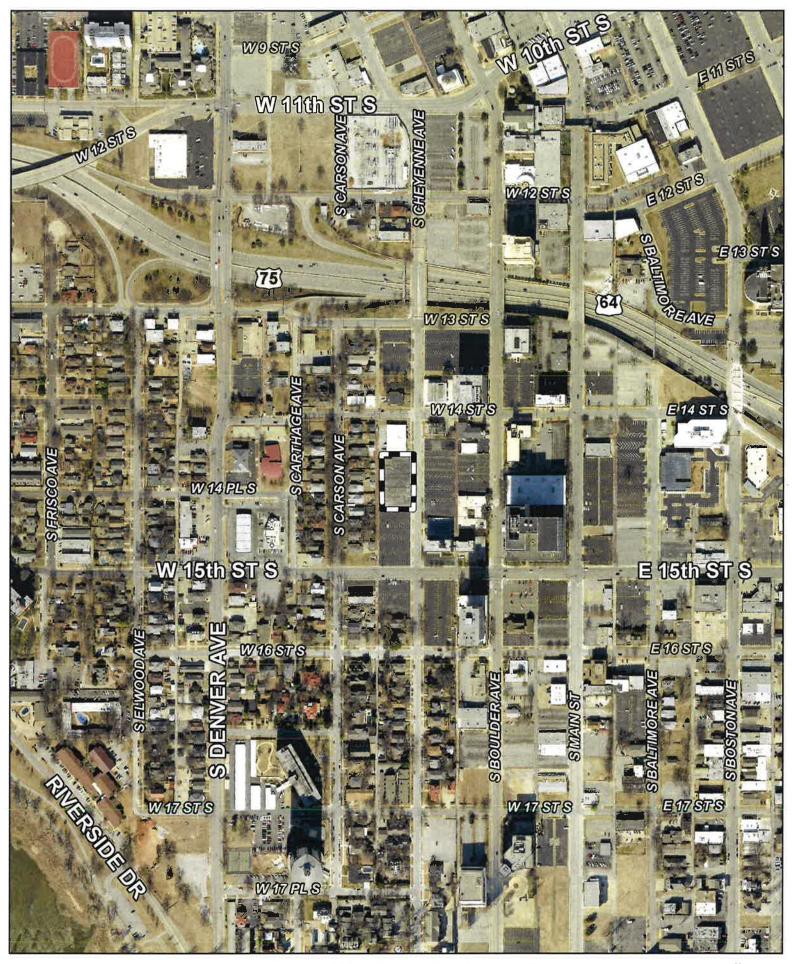
The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

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."





19-12 12

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

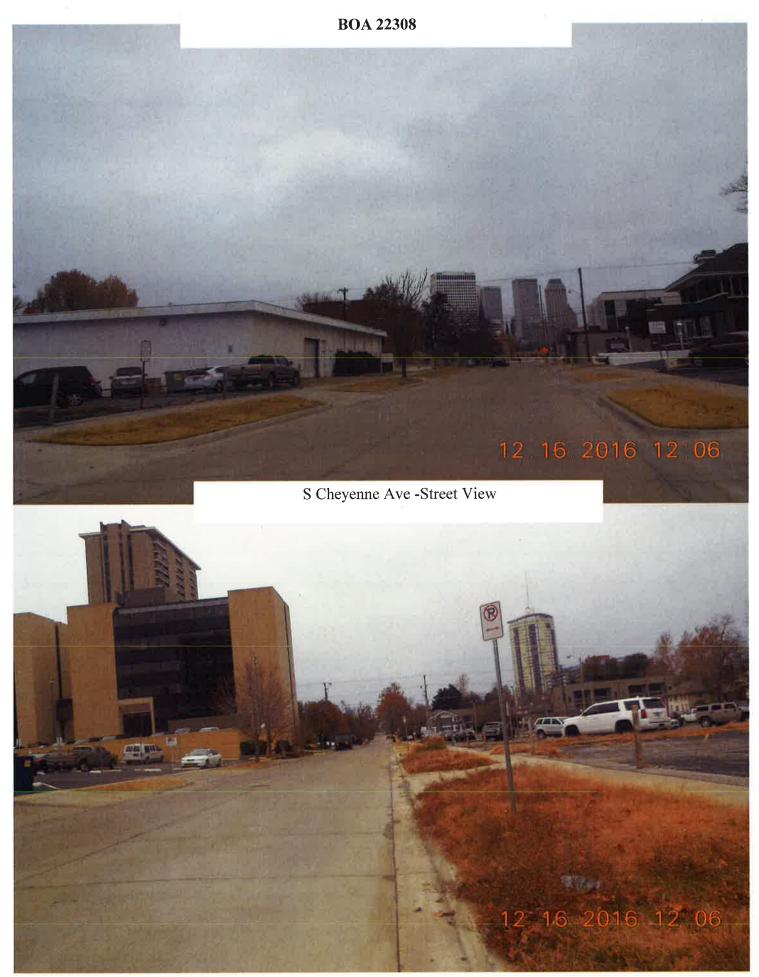


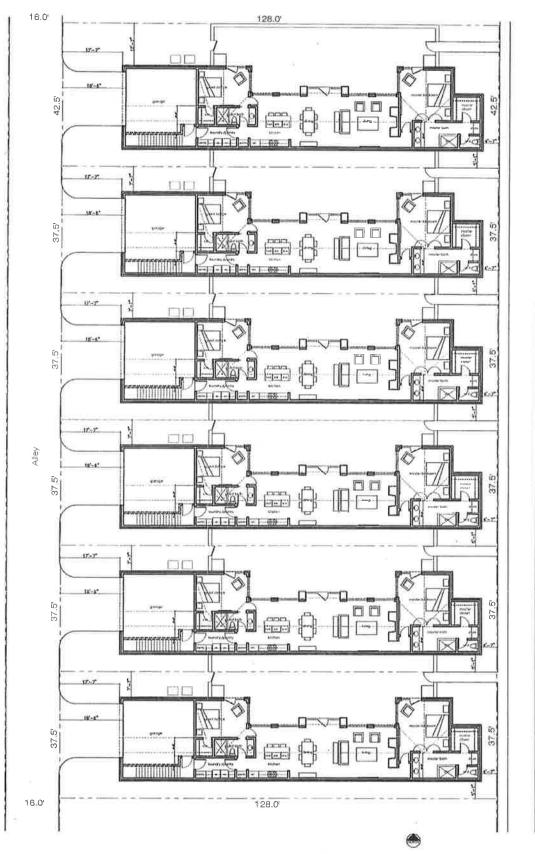
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Aerial Photo Date: February 2016







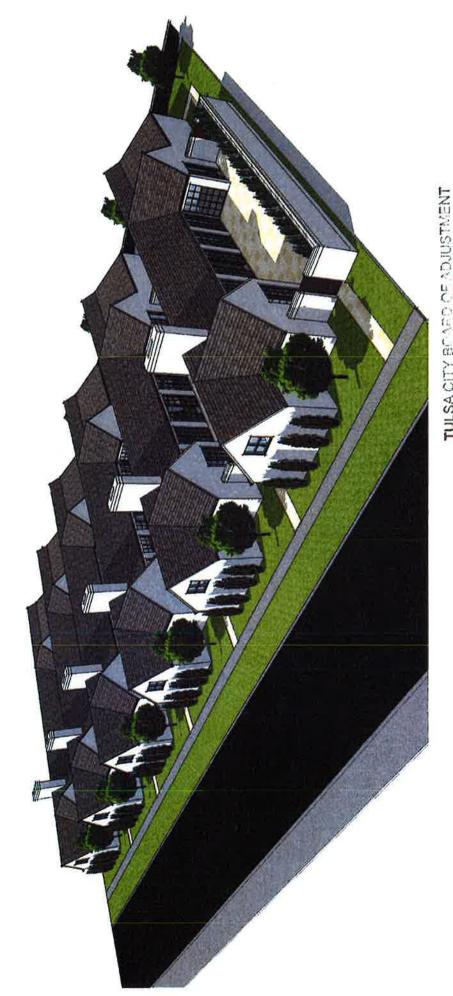


Fox Architects

1588 Swan Drive Tulsa, Oklahoma 74120

Site Plan

C-1



CASE NO 2 21 B 8 CORE OF ADJUSTMENT CASE NO 2 21 B 8 CORE OF STATE OF FICTION OF ADJUSTMENT OF ADJUSTMENT BOARD OF ADJUSTMENT

11.10

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: 1021235-1

July 27, 2017

HAROLD TOMPKINS OK BUILDING SOLUTIONS 1408 S CEYENNE TULSA, OK 74146 Phone: (918)760-7222

APPLICATION NO:

426856 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location:

1408 S CHEYENNE AV W

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.

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- 4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

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

IMPORTANT INFORMATION

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

REVIEW COMMENTS

Application No. 426856

1408 S CHEYENNE AV W

July 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. Section 15.020 Table 15-2: The submitted application indicates a proposed Townhouse use. A townhouse building is a principal residential building that is occupied by multiple dwelling units, each located on its own lot with a common or abutting wall along the dwelling unit's shared lot lines. The structure shown on the submitted site plan is not designed with "a common or abutting wall along the dwelling unit's shared lot lines".

The proposed structure depicted on site plan C-1 indicates a Detached House Use located in an OM zoned district. This will require a Special Exception approved by the BOA.

Review comment: Submit an approved BOA Special Exception to allow a Detached House Use in an OM district.

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

Review comments: A detached house must be located on a single lot. Per our findings in a record search from INCOG, you have several lot combinations and lot splits. Submit a copy of the lot split agreements and lot combinations with the Tulsa county clerks recording stickers on the agreements to this office as a revision.

3. 5.030-A Table of Regulations

The lot and building regulations of Table 5-3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90. Regulations governing accessory uses and structures can be found in Chapter 45.

Review Comments: Per table 15-3 an OM zoning district is to use RM-2 Minimum lot area requirements. Rm-2 requires 5,500 sq ft of lot area per unit. You are proposing 5440 sq ft of lot area for a Detached House. If you are unable to meet the Minimum lot area requirements mentioned above, then you will need to apply to the City of Tulsa Board of Adjustment (BOA) for a Variance to reduce the required Minimum lot area requirements.

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

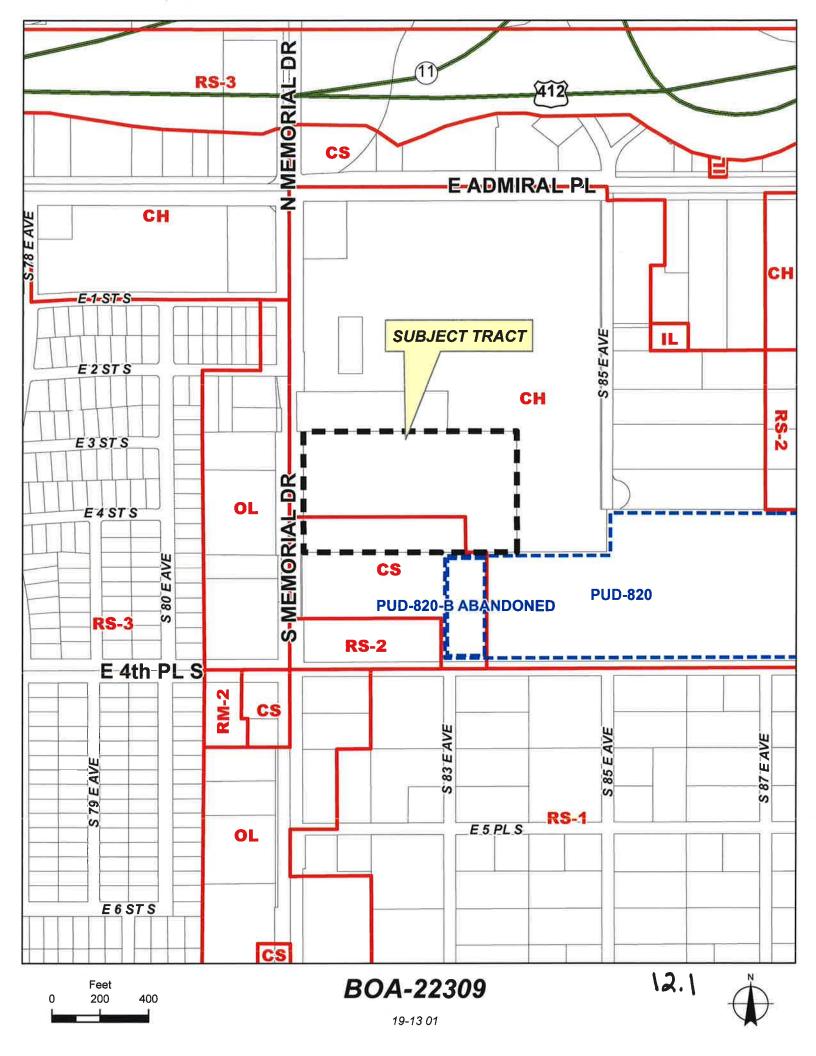
NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

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: 9301

Case Number: BOA-22309

CZM: 38

CD: 3

A-P#: N/A

HEARING DATE: 08/22/2017 1:00 PM

APPLICANT: Lou Reynolds

ACTION REQUESTED: Special Exception to allow permit Outdoor Equipment and Material Storage

on a portion of the property in the CS district (Sec. 15.020).

LOCATION: 231 S MEMORIAL DR E **ZONED**: CS,CH

PRESENT USE: Commercial TRACT SIZE: 10.4 Acres

LEGAL DESCRIPTION: A tract of land in part of the Southwest Quarter of the Northwest Quarter (SW/4, NW/4) of Section One (1), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, more particularly described as follows: Commencing at the Northwest Corner of said Section 1; Thence due South along the West line of said Section 1 a distance of 1675.13 feet to a point; Thence due East a distance of 50.00 feet to the POINT OF BEGINNING; Thence North 89°47'38" East a distance of 900.00 feet to a point; Thence South a distance of 506.22 feet to a point; Thence North 89°59'50" West a distance of 900.00 feet to a point; Thence due North a distance of 502.94 feet to the point of beginning; and containing 454,122 square feet or 10.425 Acres, more or less. City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA 22148; the Board approved a <u>special exception</u> to permit Wholesale Distribution and Indoor/Outdoor Storage of Equipment and Materials; <u>variance</u> of the screening requirements; variance from the required pedestrian circulation system; <u>variance</u> to reduce the required building setbacks from the R zoned lot; <u>variance</u> to permit outdoor storage within 300 ft of an abutting R district. Located immediately south of the subject site.

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

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by CH zoning on the north; S Memorial Dr. and OL zoning on the west; CH and CS zoning abuts the site on the south.

STAFF COMMENTS:

The applicant is requesting a Special Exception to permit Outdoor Equipment and Material Storage on the CS zoned portion of the lot. The proposed project include will include outdoor storage of construction equipment and materials on the subject site. Outdoor equipment and material storage use is only allowed by a special exception in the CS district due to the potential adverse affects.

If inclined to approve the requests the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the use is compatible with the surrounding area and is non-injurious to surrounding properties.

Move Materi	to (approve/deny) a Special Exception to all Storage on a portion of the property in the CS district		• •		Equipment	and
•	Per the Conceptual Plan(s) shown on page(s)	of the a	agenda	packet.	9	

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

the applicants and the interested parties if they understood and asked the applicants or interested parties what they would like to do. The audience nodded their understanding and no one requested a continuance.

Mr. Van De Wiele announced there was one case withdrawn, Item #3, Case #22149, and if there was anyone present for that matter it has been withdrawn and they may leave if they wish to do so.

UNFINISHED BUSINESS

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22148—Eller & Detrich - Lou Reynolds

Action Requested:

Special Exception to permit wholesale distribution and indoor/outdoor storage of equipment and materials (Section 15.020); <u>Variance</u> from the screening requirements (Section 40.410 and Section 65.060); <u>Variance</u> from the required pedestrian circulation system (Section 55.130); <u>Variance</u> to reduce the required building setbacks from the R zoned lot (Section 15.030); <u>Variance</u> to permit outdoor storage within 300 feet of the abutting R District (Section 15.040-A). <u>LOCATION:</u> 401 South Memorial Drive East (CD 3)

Presentation:

Lou Reynolds, Eller & Detrich, 2727 East 21st Street, Tulsa, OK; stated he represents Advance Work Zone Services and they are the business that supplies all the orange cones, orange barrels, the directional signs, etc. The subject property is eight acres in the four hundred block of South Memorial. The easterly two acres in the rectangular portion that runs north and south have been removed from PUD-820 and they have been rezoned from CH to CS to be more consistent with the Comprehensive Plan. There is a beverage distribution warehouse that is approximately 250,000 square feet being constructed to the east. The subject property was the long time location of Couch Construction Company and they have been a construction company in Tulsa for about 50 years. Immediately to the south of the subject property is a church and the rear of the church abuts the south boundary and there is a church on the west side. To the north is a lumber distribution facility and a roofing materials warehouse. The property has a fence that consists of a wrought iron fence for about 100 feet and the remaining portion is a six foot tall chain link with plastic slats. The street, South Memorial, is approximately 20 feet taller than the subject property. There are four buildings on the subject property and there are Variance requests for Building A and Building C because of the building setback violation. The landscape plan for the property has been administratively approved per the Zoning Code, and it is an alternative landscape plan. The buildings have been screened with a row of trees and the south end landscaping buffer will be kept which is in a natural vegetative state. There have been several requests for relief but it is because the old facility is being brought into compliance with the new Zoning Code. The hardship for the requests is that the property has been used

FILE COPY

as a construction company for approximately 50 years and it will be used for a similar purpose though a less intensely than Couch Construction. There will be no significant changes in the property. The existing buildings on the subject property are positioned in such a way that it is not practical to have a pedestrian circulation system between them.

Mr. Van De Wiele asked Mr. Reynolds if 4th Street went all the way through. Mr. Reynolds stated that it does not go all the way through but there is a right-of-way.

Mr. Van De Wiele asked Mr. Reynolds why he only needed relief for Building C, if Buildings C, D, and E are all together. Mr. Reynolds stated it is because Building C is 21.4 feet tall and it requires a 24 foot setback, and it is positioned 22 feet from the property line. All three buildings are in a straight row but it is the height that triggers the request.

Mr. Van De Wiele asked Mr. Reynolds where the equipment would be stored. Mr. Reynolds stated that most of the equipment will be stored toward the north and west of the subject property. Mr. Van De Wiele asked if that would be trucks or barrels or cones. Mr. Reynolds stated that it will be trucks, barrels, cones, directional signs, information signs and flasher signs.

Mr. Van De Wiele asked staff if the Variance for the pedestrian circulation system negated the requirement for the sidewalk on Memorial. Mr. Reynolds stated there is an existing sidewalk on Memorial. Ms. Miller stated that it would not. Ms. Miller stated that industrial uses do not need to meet the pedestrian circulation requirement and this would be an industrial use.

Mr. White asked Mr. Reynolds if there were any new buildings planned for the subject property. Mr. Reynolds stated there are not. Mr. White asked Mr. Reynolds what is the date of the newest building. Mr. Reynolds stated that the newest building is on the south side and was built in about 1995.

Interested Parties:

There were interested parties present but no one wanted to speak.

Comments and Questions:

None.

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 <u>Special Exception</u> to permit wholesale distribution and indoor/outdoor storage of equipment and materials (Section 15.020); <u>Variance</u> from the screening requirements (Section 40.410 and Section 65.060); <u>Variance</u> from the required pedestrian circulation system (Section 55.130); <u>Variance</u> to reduce the required building setbacks from the R zoned lot (Section 15.030); <u>Variance</u> to permit outdoor storage within 300 feet of the abutting R District (Section 15.040-A), subject to "as built". The applicant is to maintain the existing

fence as constructed. There is to be no storage of equipment or vehicles west of Building H as shown on pages 2.11 and 2.12. The Board finds that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The Board determines that the following facts, favorable to the property owner, have been established:

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

TRACT 1:

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW/4 NW/4) OF SECTION ONE (1), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 210 FEET NORTH AND 50 FEET EAST OF THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH 276 FEET; THENCE EAST 577.40 FEET; THENCE SOUTH 276 FEET; THENCE WEST 577.40 FEET TO THE POINT OF BEGINNING.

TRACT 2:

A TRACT OF LAND THAT IS PART OF OIL CAPITAL HEIGHTS; A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE RECORDED PLAT THEREOF; SITUATED IN THE NORTHWEST QUARTER (NW/4) OF SECTION ONE (1), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY,

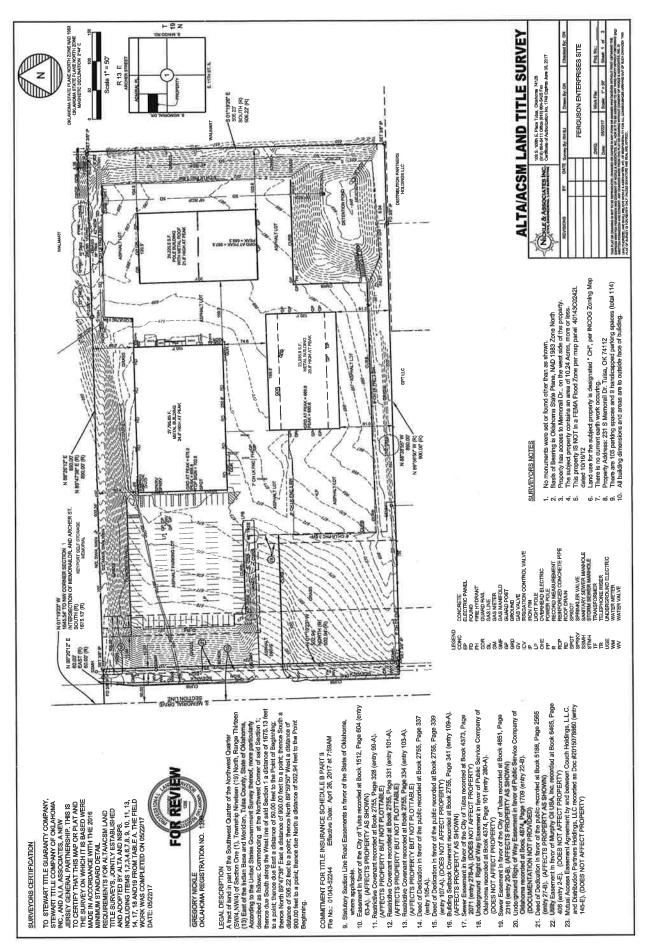


Note: Graphic overlays may not precisely align with physical features on the ground.









BOA-22301 - DAVID ATKINSON

APPLICATION WITHDRAWN – REFUND REQUEST

REQUEST FOR REFUND

Case No. <u>BOA-22301</u>

The applicant, David Atkinson, 202 South Cheyenne Avenue, Tulsa, Oklahoma, 74103 made application to the City of Tulsa Board of Adjustment, asked for a refund of fees paid for an application for:

Variance () Special Exception (X)		
Verification () Appeal () Modification ()		
From the COT BOA (X) County BOA ()		
	Fees Paid	Fees Used
Base Request	\$500.00	00.00
Additional Requests	00.00	00.00
Newspaper Publication	60.00	00.00
Sign (Special Exception Uses in COT only)	00.00	00.00
300' Property Owners Mailing and Postage	171.75	00.00
Application Subtotal:	731.75	00.00
Notice Subtotal:	731.75	00.00
Total Fees Paid:	731.75	00.00

Recommended Refund:

\$731.75

The application was withdrawn: yes (X) no ()

The staff recommends the refund listed above.

Per staff:

Vikita Moye, Senior Planner

BOA-22307 - PATRICK FOX

APPLICATION WITHDRAWN – REFUND REQUEST

REQUEST FOR REFUND

Case No. BOA-22307

The applicant, Patrick Fox, 624 South Boston Avenue, Suite 700, Tulsa, Oklahoma, 74119 made application to the City of Tulsa Board of Adjustment, asked for a refund of fees paid for an application for:

Variance () Special Exception ()		
Verification () Appeal (X) Modification ()		
From the COT BOA (X) County BOA ()		
	Fees Paid	Fees Used
Base Request	\$250.00	00.00
Additional Requests	00.00	00.00
Newspaper Publication	60.00	60.00
Sign (Special Exception Uses in COT only)	00.00	00.00
300' Property Owners Mailing and Postage	68.00	68.00
Application Subtotal:	378.00	250.00
Notice Subtotal:	378.00	250.00
Total Fees Paid:	378.00	250.00

Recommended Refund:

\$250.00

The application was withdrawn: yes (X) no ()

The staff recommends the refund listed above.

Per staff

Nikita Move, Senior Planner