

**AGENDA**  
**CITY OF TULSA BOARD OF ADJUSTMENT**  
**Regularly Scheduled Meeting**  
**Tulsa City Council Chambers**  
**175 East 2<sup>nd</sup> Street, 2<sup>nd</sup> Level, One Technology Center**  
**Tuesday, September 12, 2017, 1:00 P.M.**

**Meeting No. 1191**

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

1. Approval of **Minutes** of August 22, 2017 (Meeting No. 1190).

**UNFINISHED BUSINESS**

2. **22285—Valorey Totten**  
Special Exception to allow a Type 2 Home Occupation in an RS-1 District to permit a landscaping business (Section 45.100). **LOCATION:** 19140 East 7<sup>th</sup> Street South **(CD 6)**
3. **22300—Sally Perry**  
Special Exception to permit a Bed and Breakfast on an RS-3 zoned property;  
Special Exception to allow a bed and breakfast to have on-site parties/events in an RS-3 District (Section 5.020). **LOCATION:** 4138 South Owasso Avenue East **(CD 9)**

**NEW APPLICATIONS**

4. **22304—Eller & Detrich – Lou Reynolds**  
Special Exception to allow a Trade School in the CS District (Section 15.020).  
**LOCATION:** 3910 East 51<sup>st</sup> Street South **(CD 9)**
5. **22305—Marian Olson**  
Special Exception to allow a Bed and Breakfast (short-term rental) in an R District (Section 5.020). **LOCATION:** 28 South Florence Avenue East **(CD 4)**
6. **22306—Stephen Lassiter**  
Special Exception to allow a Bed and Breakfast (short-term rental) in an R District (Section 5.020). **LOCATION:** 1628 South Cheyenne Avenue West **(CD 4)**

7. **22310—Shane Hood**  
Special Exception to allow for an Outdoor Commercial Assembly use in the CBD District (Section 15.020, Table 15-2). **LOCATION:** 326 East 1<sup>st</sup> Street South **(CD 4)**
8. **22311—Darcia Alexander**  
Special Exception to allow a Group/Assisted Living Facility in the RS-3 District (Section 5.020). **LOCATION:** 5527 South 74<sup>th</sup> Avenue East **(CD 7)**
9. **22313—Lonnie Listenbee**  
Special Exception to allow for Vehicle Sales and Rentals in the CS District (Section 15.020, Table 15-2). **LOCATION:** 6424 East Pine Street North **(CD 3)**
10. **22314—Roger McKee**  
Variance to reduce the number of required parking spaces of an office use to two spaces (Section 55.020). **LOCATION:** 1920 East 6<sup>th</sup> Street South **(CD 4)**
11. **22315—Janet Fadler-Davie**  
Special Exception to allow a Bed and Breakfast (Airbnb) in the CBD District (Section 15.020). **LOCATION:** 808 East 3<sup>rd</sup> Street South **(CD 4)**
12. **22316—Acura Neon Signs**  
Variance to allow a dynamic display sign within 200 feet of an R District (Section 60.100-F). **LOCATION:** 2432 East 51<sup>st</sup> Street South **(CD 9)**
13. **22317—Jeremy Grodhaus**  
Variance to reduce the front and rear building setback requirements in the RS-4 District (Section 5.030-A); Variance of the minimum open space per unit requirement; Variance of the required lot area and land area per dwelling unit to permit a lot-split (Section 5.030-A). **LOCATION:** 630 North Cheyenne West **(CD 1)**
14. **22318—Dani Widell**  
Special Exception to allow a duplex in the RS-4 District (Section 5.020); Variance to reduce the side yard setback to 4 feet; Variance to reduce the required lot area and lot area per unit requirement; Variance to reduce the lot width requirement for a duplex use in the RS-4 District (Section 5.030). **LOCATION:** 1432 North Denver Avenue West **(CD 1)**
15. **22319—Terri Willms**  
Special Exception to allow a Bed and Breakfast (short-term rental) in an R District (Section 5.020). **LOCATION:** 4413 East 23<sup>rd</sup> Street South **(CD 4)**

**16. 22320—Donald & Dee Ann Short**

Special Exception to allow a Bed and Breakfast (short-term rental) in an R District (Section 5.020). **LOCATION:** 1716 East 13<sup>th</sup> Street South **(CD 4)**

**The applicant requests a continuance to the September 26, 2017 Board of Adjustment meeting as they will be out of town.**

**17. 22321—Jack Arnold**

Special Exception to allow the driveway width to exceed 30 feet in width on an RE zoned lot (Section 55.090-F3). **LOCATION:** 2521 East 34<sup>th</sup> Street South **(CD 9)**

**18. 22322—Lisa Guten**

Verification of the 300 foot spacing requirement between family day care homes located on the same street (Section 45.070). **LOCATION:** 7411 South 95<sup>th</sup> Avenue East **(CD 7)**

**OTHER BUSINESS**

**NEW BUSINESS**

**BOARD MEMBER COMMENTS**

**ADJOURNMENT**

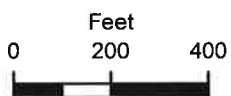
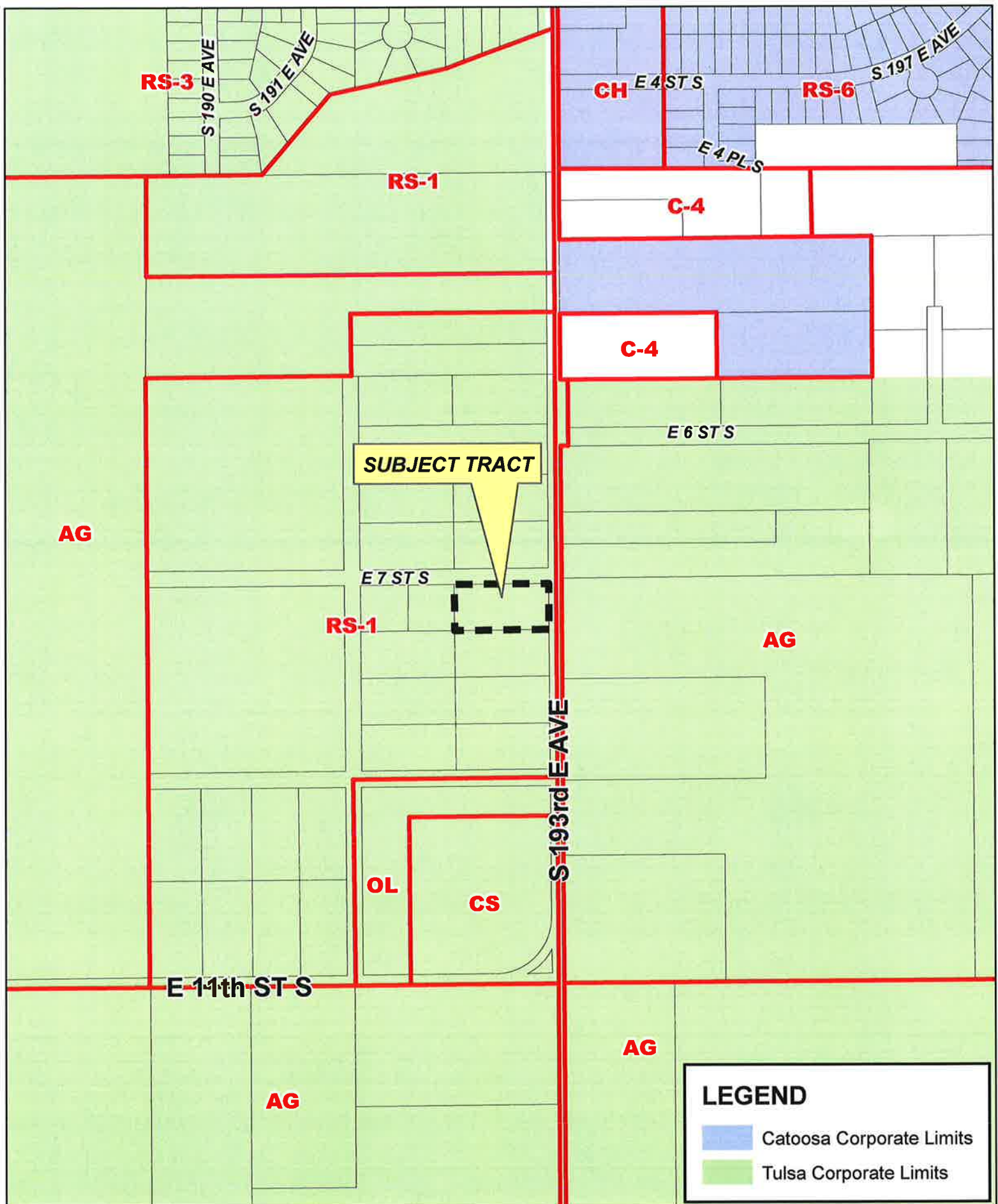
**Website:** [www.cityoftulsa-boa.org](http://www.cityoftulsa-boa.org)

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

**CD = Council District**

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

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



**BOA-22285**

19-14 01

2.1





# BOARD OF ADJUSTMENT CASE REPORT

STR: 9401

Case Number: **BOA-22285**

CZM: 40

CD: 6

A-P#: N/A

**HEARING DATE:** 09/12/2017 1:00 PM

**APPLICANT:** Valorey Totten

**ACTION REQUESTED:** Special Exception to allow a Type 2 Home Occupation in an RS-1 district to permit a Landscaping Business (Section 45.100).

**LOCATION:** 19140 E 7 ST S

**ZONED:** RS-1

**PRESENT USE:** Residential

**TRACT SIZE:** 1 Acre

**LEGAL DESCRIPTION:** LT 1 BLK 2, INDIAN HILLS, City of Tulsa, Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:**

None Relevant.

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

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

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is abutted by RS-1 zoning on the north, south, and west; AG zoned vacant lots abut the site on the east.

**STAFF COMMENTS:**

The applicant is before the Board requesting a Special Exception to allow a Home Occupation to permit the existing landscaping business *Tulsa Top Soil* on the site. The applicant has stated that the existing business provides soil to landscapers and homeowners; the typical hours of operation are Friday, Saturday and Sunday 10 a.m. to 6 p.m. The applicant has stated that the soil material shown in the attached pictures will be moved to a detached accessory building as shown on the attached conceptual site plan; the existing sign on the site will be removed from the lot; and all materials and equipment associated with the business will be stored inside a detached accessory building.

Type 2 Home Occupations are those in which household residents use their home as a place of work and either employees or customers come to the site. Type 2 Home Occupations may be approved as an accessory use to a principal use in the household living use category through the Special Exception procedures. All Type 1 and Type 2 Home Occupations are subject to the following general regulations found in **Section 45.100-H** of the Code:

1. Home occupations must be accessory and subordinate to the principal residential use of the property.
2. Home occupations that change the character of the residential building they occupy or that adversely affect the character of the surrounding neighborhood are prohibited. Home occupations may not, for example, produce light, noise, vibration, odor, parking demand, or traffic impacts that are not typical of a residential neighborhood in Tulsa. Home occupations must be operated so as not to create or cause a nuisance.
3. Any tools or equipment used as part of a home occupation must be operated in a manner or sound-proofed so as not to be audible beyond the lot lines of the subject property.
4. External structural alterations or site improvements that change the residential character of the lot upon which a home occupation is located are prohibited. Examples of such prohibited alterations include construction of parking lots, the addition of commercial-like exterior lighting, the addition of a separate building entrance that is visible from abutting streets or the exterior display of an illuminated nameplate sign.

Type 2 Home Occupations are subject to the following supplemental regulations found in **Section 45.100-J** of the Code:

1. Only uses approved in accordance with the special exception procedures or through a mandatory development plan are allowed as type 2 home occupations.
2. At least one individual engaged in the home occupation must reside in the dwelling unit in which the home occupation is located as their primary place of residence.
3. No more than 3 clients or customers may be present at any one time on the site of a type 2 home occupation. Family members of the client or customer are not counted towards the 3-person limit.
4. A maximum of one nonresident employee is allowed with a type 2 home occupation if no customers or clients come to the site at any time. Home occupations that have clients, customers or students coming to the site may not have nonresident employees and vice-versa. For the purpose of this provision, the term "nonresident employee" includes an employee, contractor, business partner, co-owner or any other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.
5. Type 2 home occupations and all related activities, including storage (other than the lawful parking of passenger vehicles), must be conducted entirely within the principal residential building or an allowed accessory building.

If inclined to approve the Board may consider the following conditions:

- Days and hours of operation limited to Friday through Sunday 10 a.m. to 6 p.m.

### Sample Motion

Move to \_\_\_\_\_ (approve/deny) a Special Exception to allow a Type 2 Home Occupation in an RS-1 district to permit a Landscaping Business (Section 45.100).

- 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.

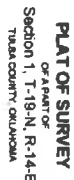
THE W/2 OF LOT BLOCK 1 AND LOT 1 AND THE E/2 OF LOT 4, BLOCK 3, ALL BEING IN TALL, TEXLA COUNTY STATE OF OREGON, AS SHOWN ON THE RECORDED PLAT THEREIN, ALSO DESIGNATED AS 7TH STREET, TALLA, OREGON, TO THE TWO PARCELS HEREINFOR FOR SAID LOTS BEING S/2S-34-47-2220 AND S/2S-34-47-2221.

THE PARTICIPANTS' DISCIPLINE AS FOLLOWS:

NOTE: PARTICULARS DESCRIBED AS FOLLOWS:

SAO THET, OF LAND O' LAKES, HAS RECEIVED A LETTER FROM A BOYAGE TRIP  
 THE LEGAL DESCRIPTION WAS DATED ON AUGUST 15, 2017, BY ADAM BLONK, ON A 3.5 ACRES  
 WITH THE BAY OF BEAVER BEND, N. 41° 37' 31" W. ALONG THE EAST LINE OF THE SOUTHWEST  
 QUARTER OF SECTION 10.

THIS LOCAL OBSERVATION WAS CREATED ON AUGUST 18, 2017, BY AARON BURNES OF PLS. IT COZES WITH THE BURNER OF BURNER BRAND N 81° 45' 32" W ALONG THE EAST LINE OF THE SOUTH-EAST QUARTER LOCAL OF SECTION ONE (7).



## Notes

ABSTRACT OF TITLE OR ATTORNEY'S TITLE OPINION NOT AVAILABLE TO SURVEYOR AT DATE OF SURVEY

THIS RETURN DOES NOT CONSTITUTE A RESEARCH, EVALUATION OR ENDORSEMENT OF RECORD. NO ATTEMPT TO RESEARCH THE COUNTRY RECORD OR OTHER RECORD OFFICES WAS PERFORMED AND THE FIELD THEORETIC CONCLUSIONS MAY AFFECT THE INDUSTRY PRACTICE THAT THE RECORD REFLECTS (BY THE FIELD THEORETIC CONCLUSIONS MAY AFFECT THE INDUSTRY PRACTICE THAT THE RECORD REFLECTS)

### Surveyor's Statement

[illegible][illegible]

PREPARED FOR: VALOREY TOTTEM			
CHECKED BY:	AKB	SCALE:	1"=20'
SURVEY BY:	ATJ	DRAFTED BY:	JMH
SURVEY DATE:	8/2/2017	JOB NUMBER:	11040
BOOK/PAGE:	DIGITAL	FILE NUMBER:	1814.0100

**ATLAS LAND OFFICE**  
203 SOUTH MAIN - WAGONER, OK 74467  
918.485.9987 E.A.#6753 EXP: 6-30-2018

[illegible]

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Feet



Subject  
Tract

**BOA-22285**

19-14 01

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

Aerial Photo Date: February 2016

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Subject  
Tract

**BOA-22285**

19-14 01

Note: Graphic overlays may not precisely  
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Aerial Photo Date: February 2016

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Subject Lot - Looking West

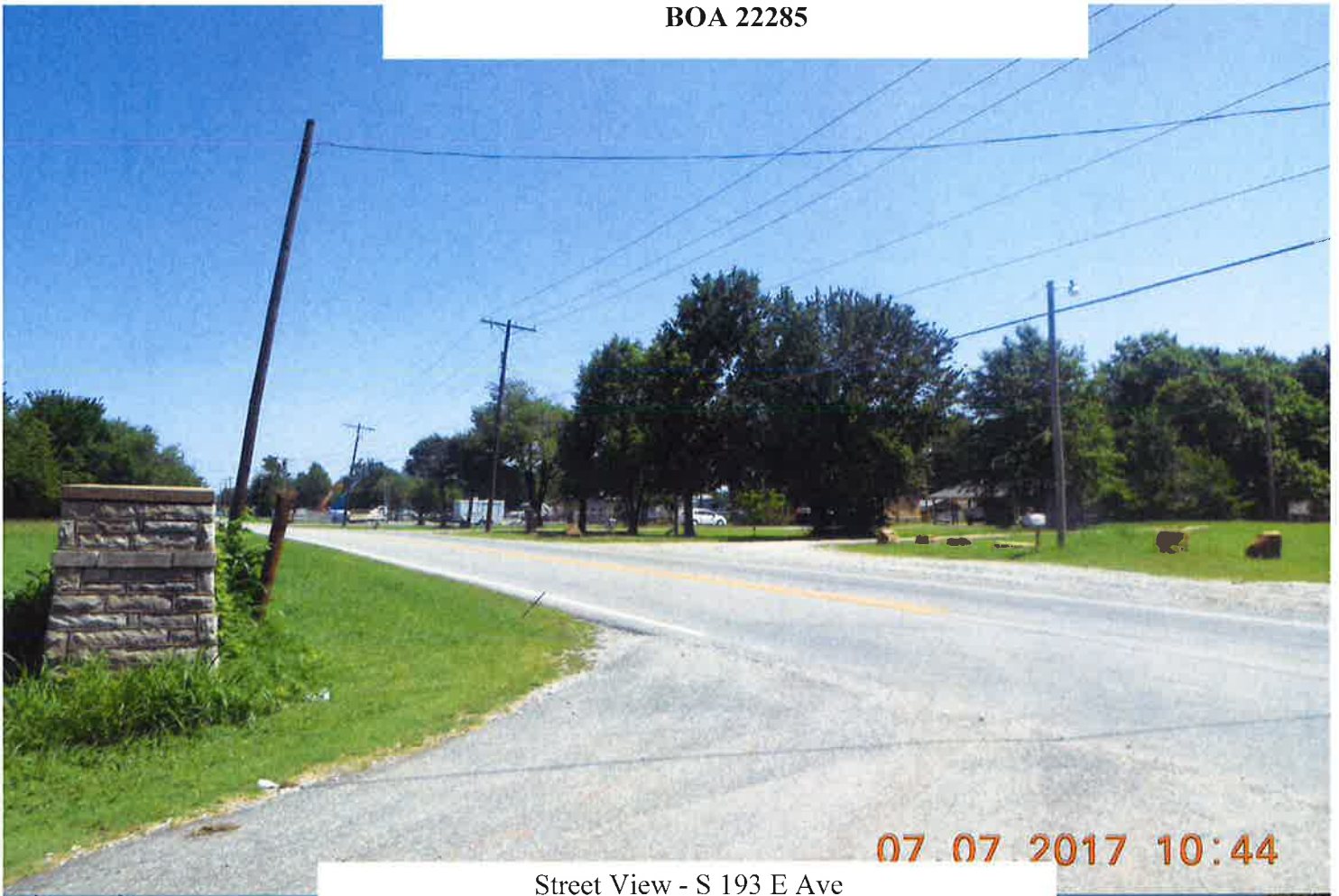
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Subject Lot - Looking West

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Street View - S 193 E Ave







Neighborhood Investigations  
WORKING IN NEIGHBORHOODS

ZONING NOTICE OF VIOLATION

The City of Tulsa To:  
LONE WOLF LAND & DEVELOPMENT CORP  
PO BOX 1784  
CATOOSA, OK 74015

Date: June 8, 2017

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

And located at the address of: **19140 E 007 ST S**

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

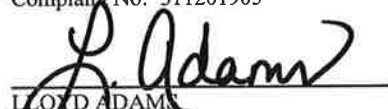
Title 42, Chap. 45, Sect. 100,

This Violation requires:

The property is zoned RS-1 (Residential Single Family) and cannot be used for Commercial purpose. The Landscaping business Tulsa Top Soil is an unlawful business and must cease. Remove all structures, equipment, materials, etc. associated with the unlawful business from the entire Residential district.

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

Complaint No: 311201905



LLOYD ADAMS  
Neighborhood Inspector  
(918)596-7598 Office phone  
918-576-5468 Fax

Meetings with Inspectors require a scheduled appointment.

A copy of this notice has also been sent to (if applicable):  
Valorey Totten  
17217 E Marshall St  
Tulsa, OK 74116

Lone Wolf Land & Development Corp  
17217 E Marshall St  
Tulsa, OK 74116

Lone Wolf Land & Development Corp  
19140 E 7th St  
Tulsa, OK 74108

**Title 42, Chap. 45, Sect. 100,  
Section 45.100 Home Occupations**

**45.100-A Description**

Home occupations are jobs or professions conducted wholly or partly from a residential dwelling.

**45.100-B Purpose**

The home occupation regulations of this section are intended to allow Tulsa residents to engage in customary home-based work activities, while also helping to ensure that neighbors are not subjected to adverse operational and land use impacts (e.g., excessive noise or traffic or public safety hazards) that are not typical of residential neighborhoods.

**45.100-C Types of Home Occupations**

**2. Type 2 Home Occupations**

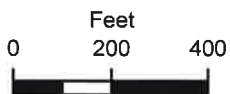
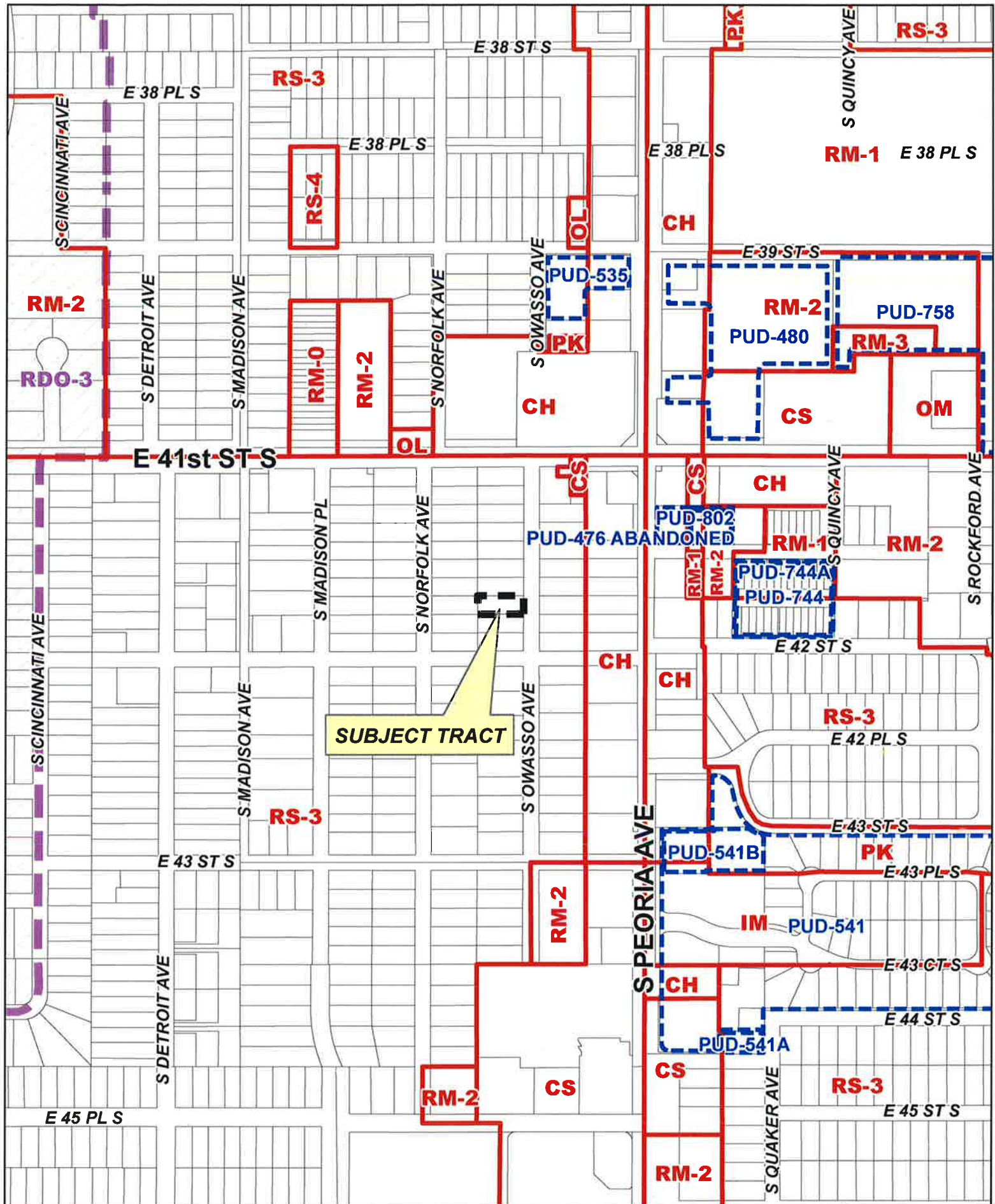
Type 2 home occupations are those in which household residents use their home as a place of work and either employees or customers come to the site. Typical examples include tutors, teachers, photographers, counselors, hair cutting/styling and real estate agents.

**45.100-F Prohibited Uses**

The following uses are expressly prohibited as home occupations:

1. Any type of assembly, cleaning, maintenance, painting or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators);
2. Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;
3. Equipment or supply rental businesses;
4. Taxi, limo, van or bus services;
5. Tow truck services;
6. Taxidermists;
7. Restaurants;
8. Funeral or interment services;
9. Animal care, grooming or boarding businesses; and
10. Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building; and
11. Any use that does not comply with regulations of this section.

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BOA-22300

19-12 25

3.1



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9225

Case Number: BOA-22300

CZM: 46

CD: 9

A-P#: 9217

**HEARING DATE:** 09/12/2017 1:00 PM

**APPLICANT:** Sally Perry

**ACTION REQUESTED:** Special Exception to permit a bed and breakfast on an RS-3 zoned property; Special Exception to allow a bed and breakfast to have on-site parties/events in an RS-3 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 to \_\_\_\_\_ (approve/deny) a Special Exception to permit a Bed and Breakfast (short term lodging/rental) in an R district (Section 5.020).

- 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.





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Subject  
Tract

**BOA-22300**

19-12 25

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

Aerial Photo Date: February 2016



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E 41st ST S

SNORFOLK AVE

SOWASSO AVE

E 42nd ST S

0 50 100  
Feet



Subject  
Tract

**BOA-22300**

19-12 25

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

Aerial Photo Date: February 2016



3.5



**Moye, Nikita**

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**From:** Sally Perry [sally.perry@sbcglobal.net]  
**Sent:** Tuesday, August 15, 2017 12:02 PM  
**To:** Moye, 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 2<sup>nd</sup> 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 2<sup>nd</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

#### **IMPORTANT INFORMATION**

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

(continued)

## REVIEW COMMENTS

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

Application No. 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 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.**

**1. 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 on-site 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.

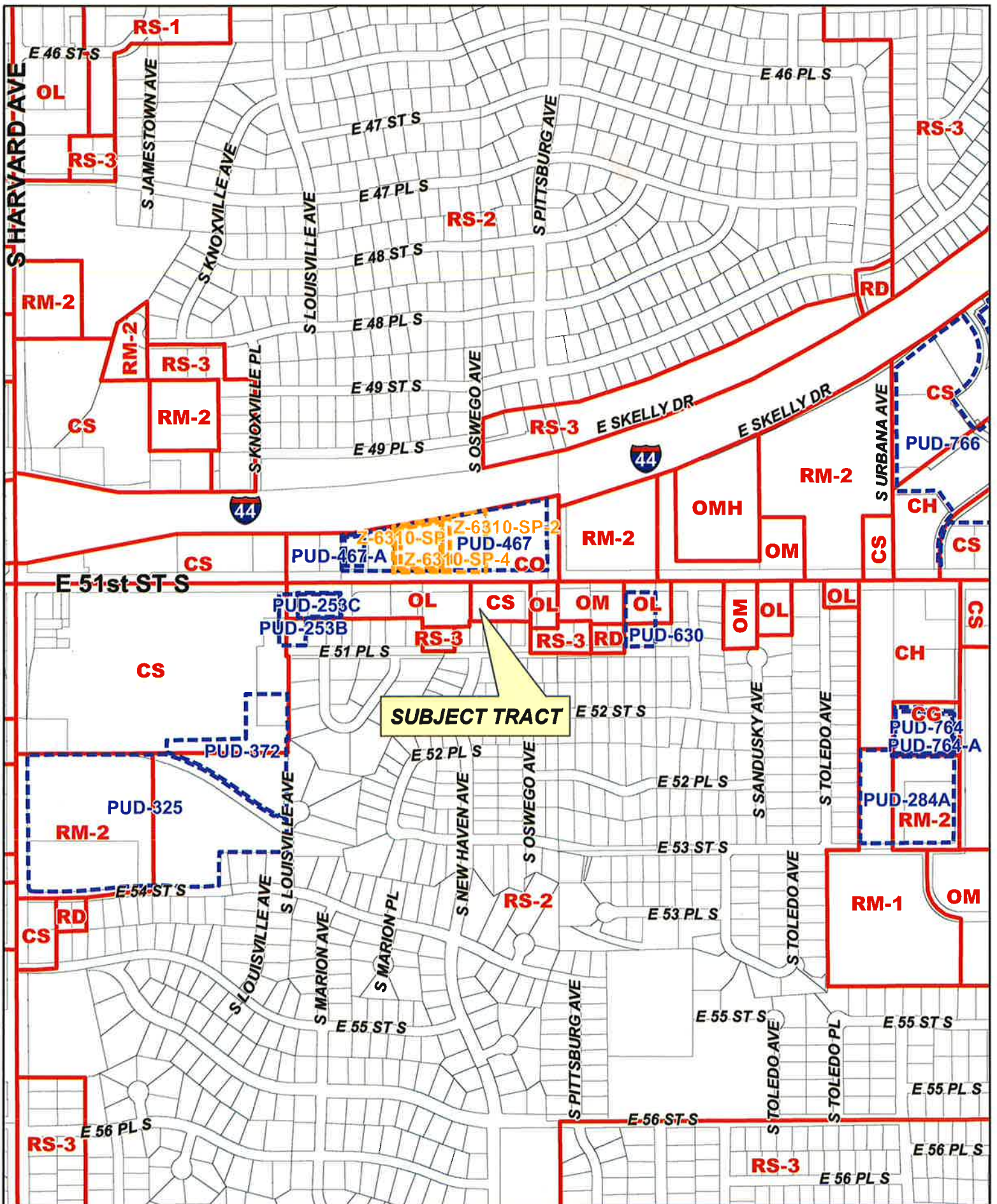
#### **END – ZONING CODE REVIEW**

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

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

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BOA-22304

19-13 33

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# BOARD OF ADJUSTMENT CASE REPORT

STR: 9333

Case Number: **BOA-22304**

CZM: 47

CD: 9

A-P#: 410028

**HEARING DATE:** 09/12/2017 1:00 PM

**APPLICANT:** Lou Reynolds

**ACTION REQUESTED:** Special Exception to allow a Trade School in the CS district (Section 15.020).

**LOCATION:** 3910 E 51 ST S

**ZONED:** CS

**PRESENT USE:** Vacant Office Building

**TRACT SIZE:** 37801.52 SQ FT

**LEGAL DESCRIPTION:** N.190 OF W 270 OF E 430 NE NE NW LESS N 50 FOR ST SEC 33 19 13, SPRINGER CLINIC PRT RSB L1 B1 WOODLAND TERR RSB N25 L5 SIOUX PARK, SIOUX PARK, City of Tulsa, Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:**

None relevant.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a "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 services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town Centers also serve as the main transit hub for surrounding neighborhoods, and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to their destinations.

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is abutted E 51<sup>st</sup> St S and CO zoning on the north; OL zoning on the east and west; and RS-2 zoning on the south.

**STAFF COMMENTS:**

The existing office building on the site will be used as administrative offices and a training facility for lab technicians of an environmental testing lab. The applicant is requesting a Special Exception as the proposed Training Facility/Trade School is a use only allowed by a special exception in the CS district due to the potential adverse affects. The site is surrounded by a mixture of uses including, residential on the south; office space and commercial/retail abut the site on the north, east and west.

**Sample Motion**

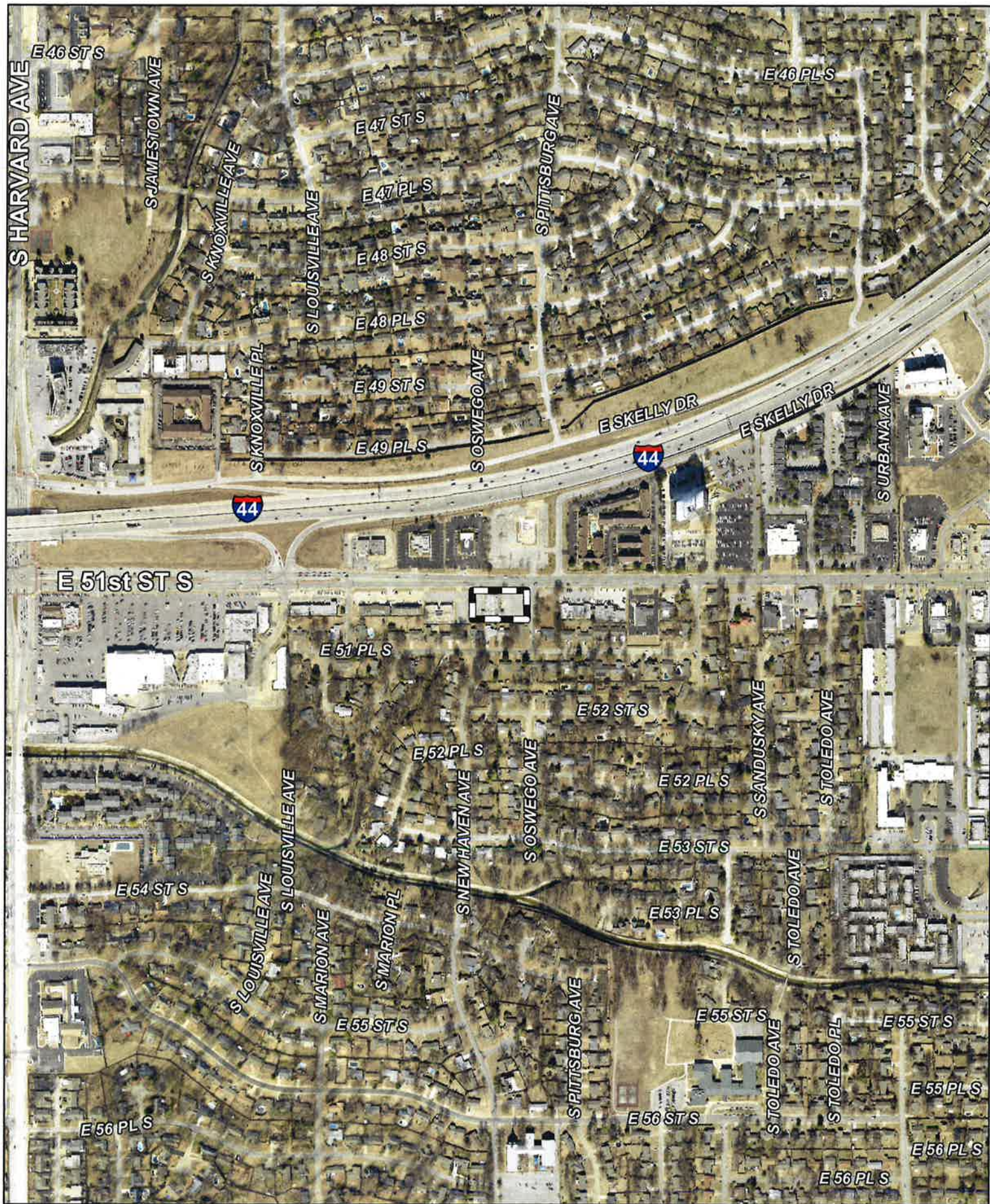
Move to \_\_\_\_\_ (approve/deny) a Special Exception to allow a Trade School in the CS district (Section 15.020).

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

\_\_\_\_\_

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





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Feet



Subject  
Tract

**BOA-22304**

19-13 33

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

Aerial Photo Date: February 2016







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Subject Tract

**BOA-22304**

19-13 33

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

Aerial Photo Date: February 2016

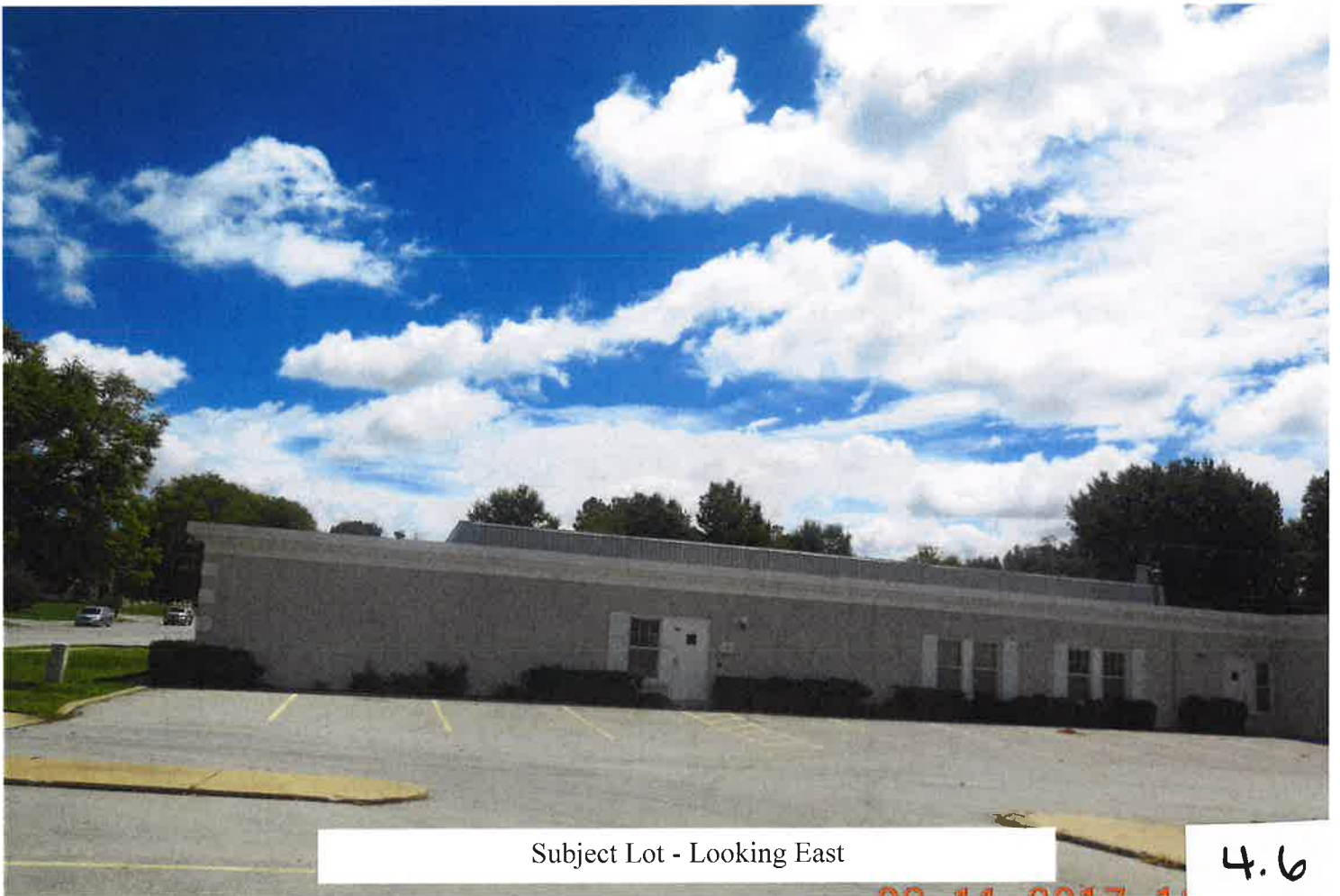
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Subject Lot - Looking SE



Subject Lot - Looking East





E 51 ST S- Street View

08.11.2017 11:51



08.11.2017 11:51 4.7

## **Exhibit "B"**

Applicant requests a special exception to permit a Trade School in the Commercial Shopping Zoning District (CS), pursuant to Section 15.020, Table 15-2 of the Tulsa Zoning Code (the "Code"). Applicant operates an environmental testing lab, headquartered in Stillwater with a branch office in Oklahoma City. The proposed Tulsa location will serve primarily as a training facility for lab technicians and administrative offices. Applicant intends to use the existing building which is currently vacant.

The subject property is east of the intersection of 51<sup>st</sup> Street and Harvard Ave. and abuts I-44 to the north. The surrounding area consists primarily of shopping centers and restaurants and is zoned CS to the west, RS-2 to the south, OM and OL to the east, and CO to the north. The special exception use is a use expressly allowed by the Code in the CS District. The City Council has determined that this special exception use is reasonable in this zoning district. Therefore, the use is in harmony with the spirit and intent of the Code and is consistent with the Comprehensive Plan. Further, the operation of a training facility in the existing building will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

**CHUCK LANGE**  
ZONING OFFICIAL  
PLANS EXAMINER

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



## DEVELOPMENT SERVICES

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

### ZONING CLEARANCE PLAN REVIEW

LOD Number: 981620-2

March 03, 2017

**LINDSAY ROSS**  
SUBCON INC  
521 S TROOST  
TULSA, OK 74120

Phone: (918)587-8511  
Fax: (918)587-8020

**APPLICATION NO:** 410028 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
**Location:** 3910 E 051 ST S  
**Description:** ALTERATION - INTERIOR

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

**REVISIONS NEED TO INCLUDE THE FOLLOWING:**

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

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

175 EAST 2<sup>nd</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601.

THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

#### IMPORTANT INFORMATION

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

## REVIEW COMMENTS

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

Application No. 410028

3910 E 051 ST S

March 03, 2017

**Note:** Please direct all questions regarding rezoning, platting and 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. **UNRESOLVED Sec.35.050-D5:** The proposed conference room is for an environmental lab. This type of laboratory is designated a Commercial/Commercial Service/Research Service Use. This designation is based on the information provided on the Accurate Environmental website which shows the availability of a variety of services, including lab testing services. This location is in an OL, office-light zoning district. This use is not permitted in this zoning district (*Sec.15.020 Table 15-2*)\*.

**Review comment:** In order for the lab to be permitted at this location the lot will require rezoning (e.g., CH, commercial high-intensity or IL, industrial-lite).

- **ACTION REQUIRED** After review of Dr. Fazel's description of the proposed use as primarily a Training Center, the designation of Research Service has been changed to Commercial/Trade School Use. Per Sec.35.020-E3 the Development Administrator has determined this to be the most appropriate use designation. As stated in comment #1\* this location is in an OL (office-light) zoning district. Commercial/Trade School Use is not permitted in the OL zoning district (*Sec.15.020 Table 15-2*). In order for the Trade School to be permitted at this location the lot will require rezoning (e.g., CH, commercial high-intensity or IL, industrial-lite).

2. **NOTE:** Per Sec.70.080-B1a a subdivision plat, replat or plat waiver, 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, is required before any building permit or zoning clearance permit may be issued. This platting requirement applies to any property for which a property owner-initiated zoning map amendment (rezoning) was approved after July 1, 1970.

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

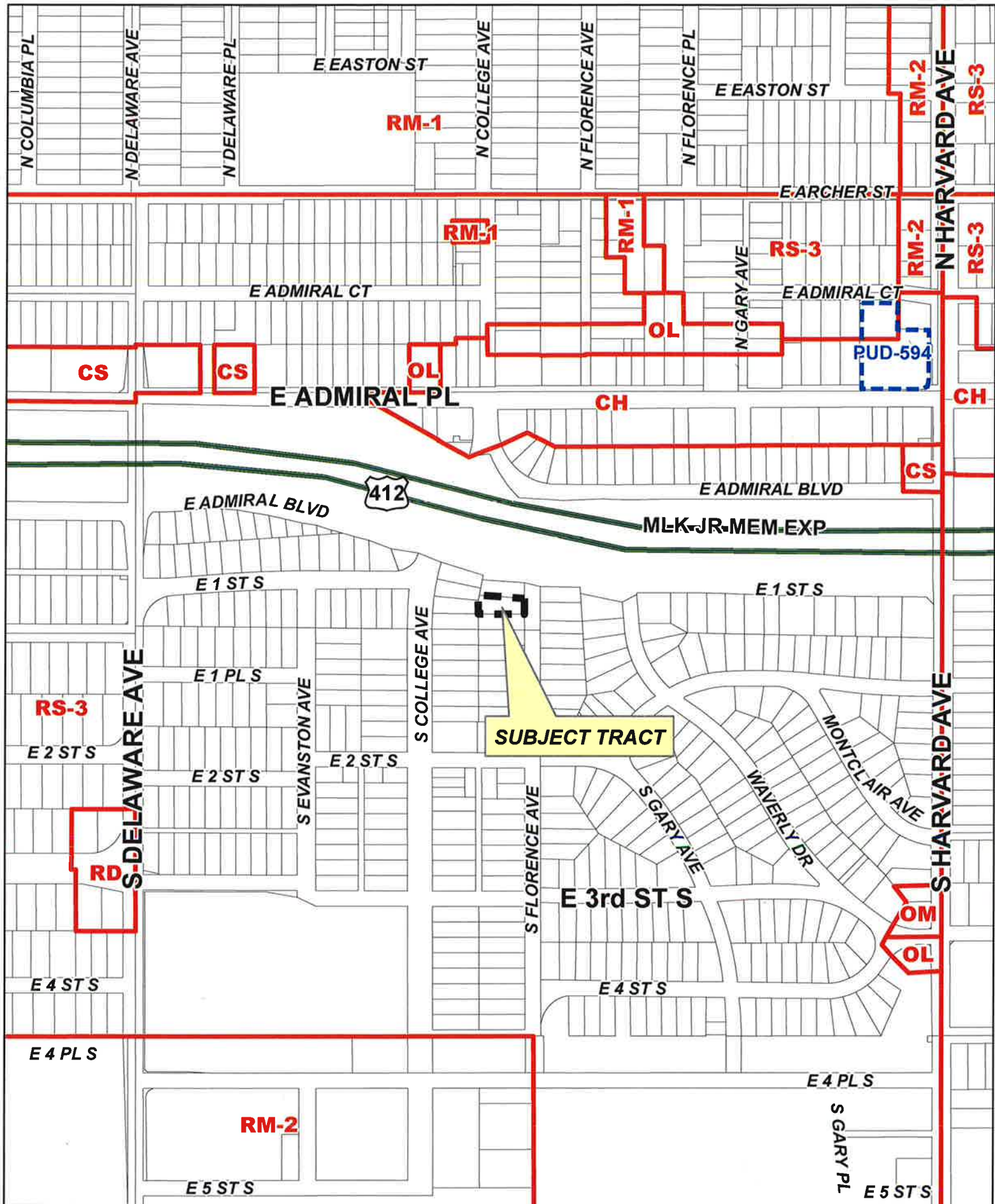
**A hard copy of this letter is available upon request by the applicant.**

## END – ZONING CODE REVIEW

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

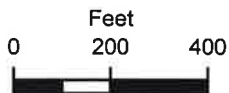
KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.





**BOA-22305**

**5.1**



19-13 05





# BOARD OF ADJUSTMENT CASE REPORT

STR: 9305

Case Number: **BOA-22305**

CZM: 37

CD: 4

A-P#: NA

**HEARING DATE:** 09/12/2017 1:00 PM

**APPLICANT:** Marian Olson

**ACTION REQUESTED:** Special Exception to allow a Bed and Breakfast (short term rental) in an R district. (Sec.5.020)

**LOCATION:** 28 S FLORENCE AV E

**ZONED:** RS-3

**PRESENT USE:** Residential

**TRACT SIZE:** 7448.79 SQ FT

**LEGAL DESCRIPTION:** LT 6 BLK 7, UNIVERSITY PARK, 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 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.

As the writing of this case report staff has not received any comments from the surrounding neighbors and 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. The board of adjustment may authorize bed and breakfasts to be rented for events, such as weddings, receptions, anniversaries, private dinner parties, business seminars, etc. The use of bed and breakfasts for on-site events requires ex-press authorization of the board of adjustment, in accordance with the special exception procedures of Section 70.120. As part of approval of the special exception, the board of adjustment is authorized to establish the maximum number of on-site events per year and the maximum number of guests per any single event, based on the availability of off-street parking and the facility's likely impacts on the area.

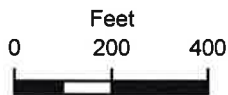
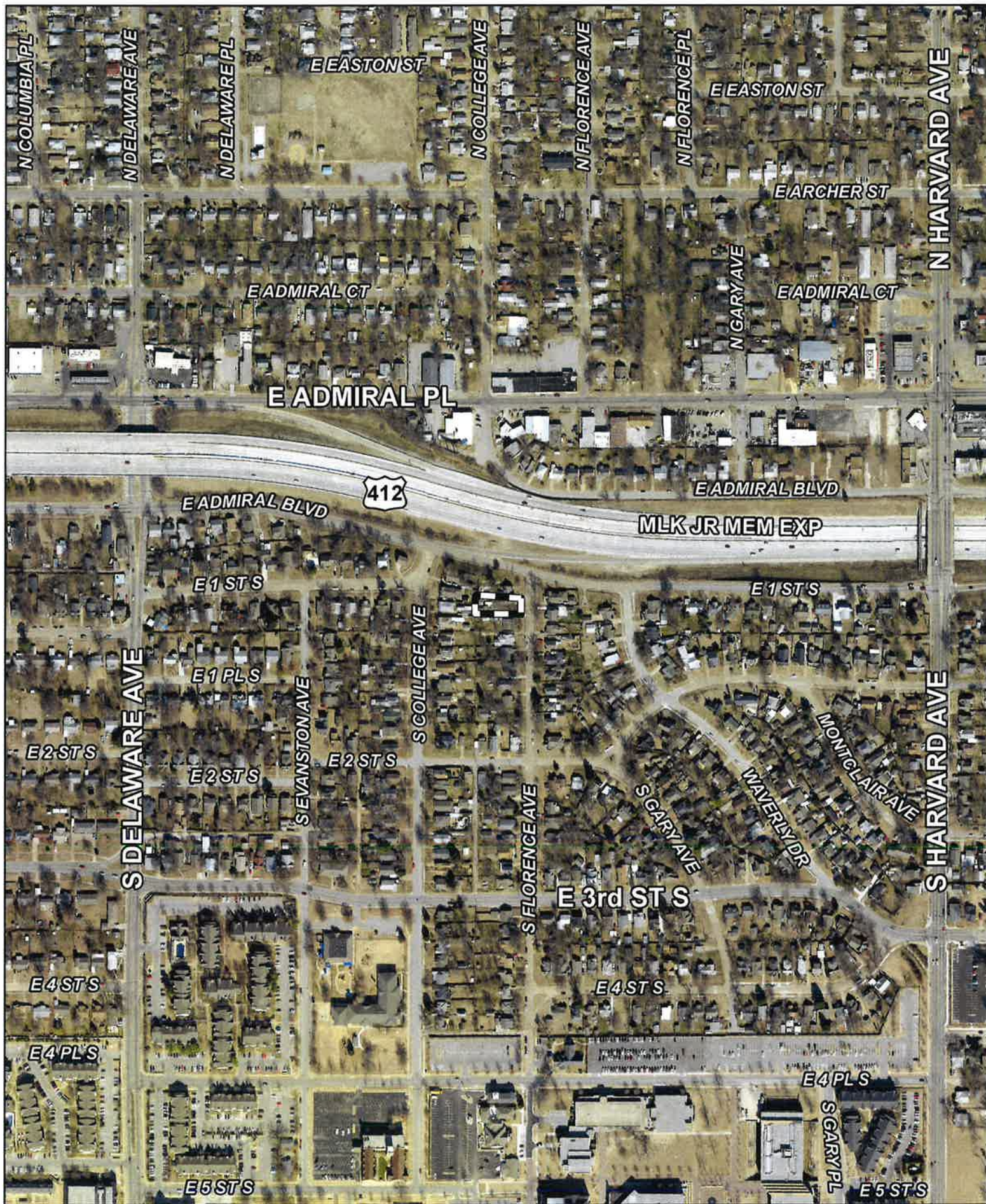
### **Sample Motion for a Special Exception**

Move to \_\_\_\_\_ (approve/deny) a Special Exception to allow a Bed and Breakfast (short-term rental) in an R district. (Sec.5.020)

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

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





Subject  
Tract

**BOA-22305**

19-13 05

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

Aerial Photo Date: February 2016

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Feet



Subject  
Tract

**BOA-22305**

19-13 05

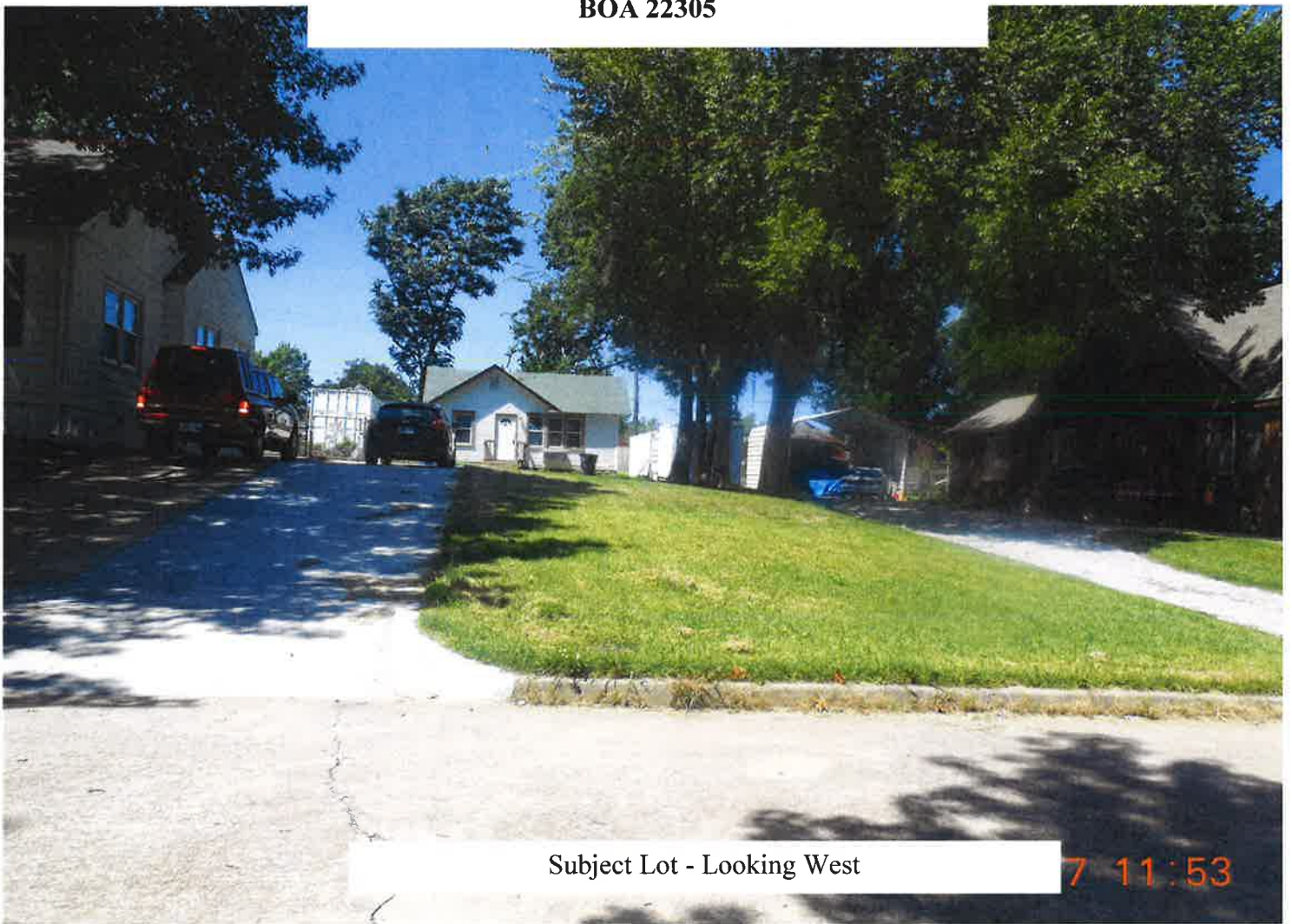
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2016

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Subject Lot - Looking West

This 806 square foot house located at 28 S. Florence Ave. in Tulsa is a detached house in an R zone. The only thing that is different about it for the purposes I have in mind is that the length of stay would be fewer than 30 days. There would be only one registrant at any given time. There would be no meals or other food served as part of the rent. There is a kitchen for occupants to use, but there would be no cooking in the bedrooms. No bar is permitted. There would be no signs. There would be no events held. Because the house sits at the back of the lot, there is a long driveway so there would be no street parking. The house is furnished so there would be little moving in and out activity. Because I live next door to it, occupants would be inclined to conduct themselves properly, however, if any issue surfaced, I am close enough to know about it, take care of it, or get help to take care of it should that be needed.

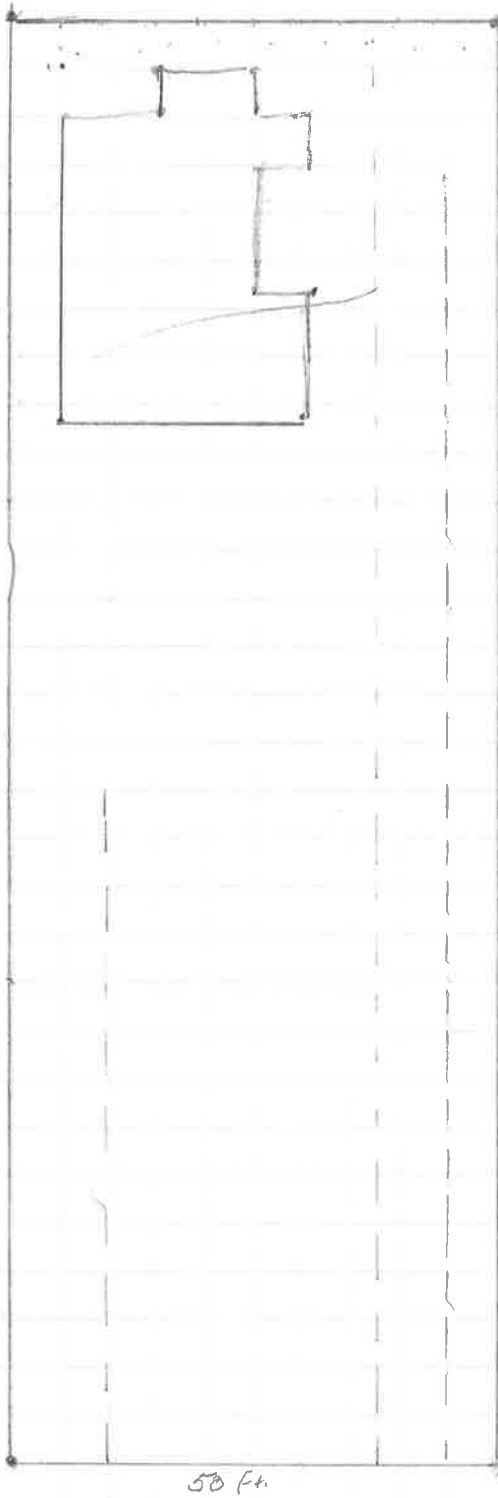
This neighborhood was noticeably affected when the highway was developed to the north. The area between the highway and houses is not adequately maintained with respect to vegetation control and fences. There is no sound buffer with respect to highway and emergency vehicle noise. This is a deterrent to potential long-term renters. It is less of an issue for short-term renters.

This house on this property stood vacant for a number of years. It was an eyesore. It received many complaints. I have lived next door to this house for about two years. I bought it and rehabilitated it. There are no longer any complaints. It is still vacant.

The area between the highway and the University of Tulsa campus has a high proportion of rental houses. Yard care varies among these houses, however, there is every indication that greater attention is paid by resident owners. The owner of a short-term rental would be responsible for yard care. It would be in the best interest of the owner to have a neat appearing yard as part of marketing efforts.

In my experience, when I stay at or near a hotel or other facility where the event I am attending is being held, I see little else of the host community. It would be in Tulsa's interest to have more short-term rental houses. The visitors who stay in them will see more of the city and, in effect, become ambassadors for us when they return home. This kind of lodging often appeals to families. Families means young people. Maybe some of these young people will decide to return to settle in Tulsa one day.

I was born in Tulsa in 1933. There have been a lot of changes. Allowing a special exception for this property, I believe, would do no harm to the neighborhood or the general welfare and can be very good for Tulsa.



One Square = 5 ft.

28 S. Florence Ave.

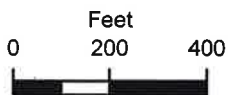
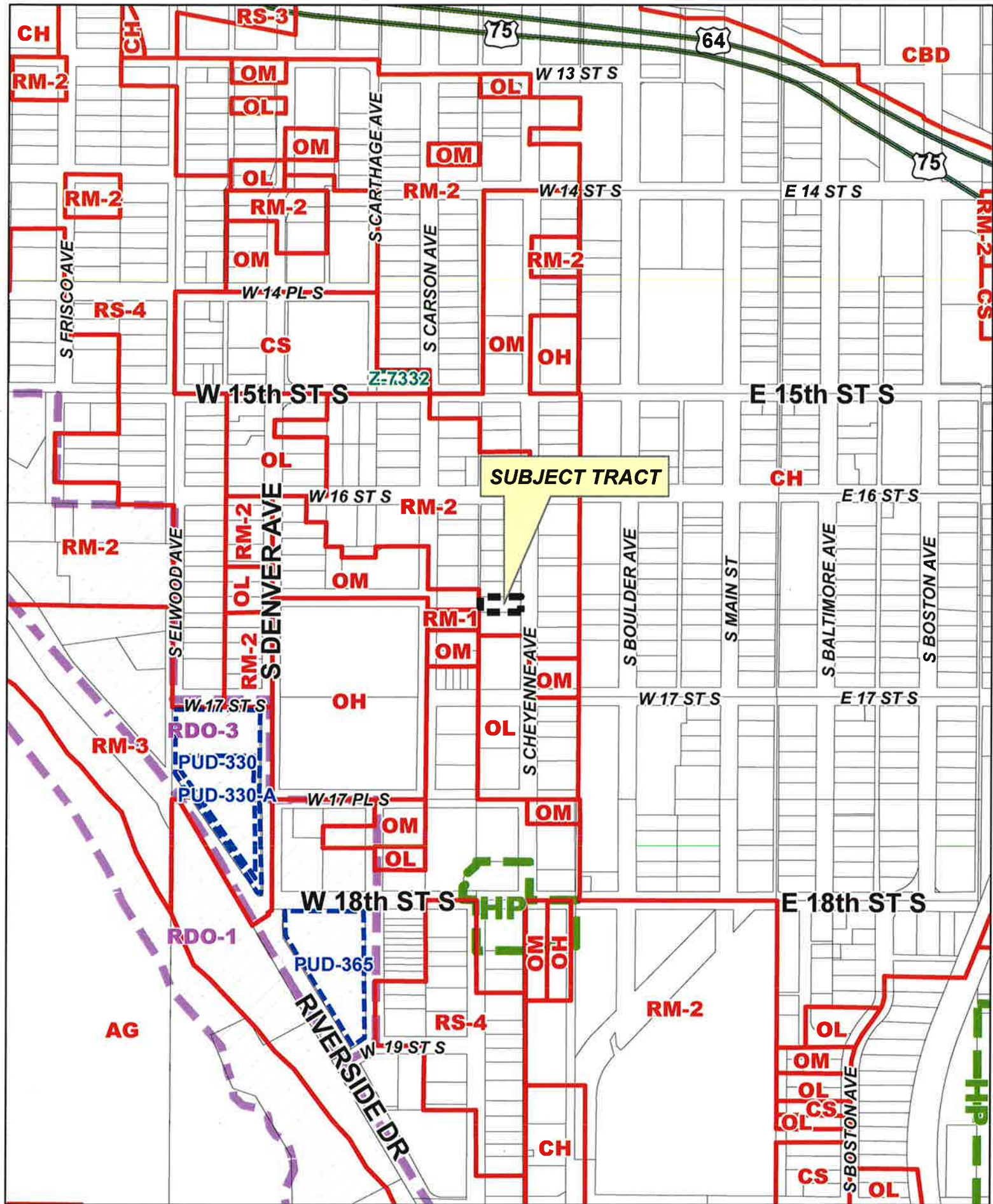




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BOA-22306

19-12 12

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# BOARD OF ADJUSTMENT CASE REPORT

STR: 9212

Case Number: BOA-22306

CZM: 36

CD: 4

A-P#: 9248

**HEARING DATE:** 09/12/2017 1:00 PM

**APPLICANT:** Stephen Lassiter

**ACTION REQUESTED:** Special Exception to allow a Bed and Breakfast (short-term rental) in an R district. (Sec.5.020)

**LOCATION:** 1628 S CHEYENNE AV W

**ZONED:** RM-2

**PRESENT USE:** Residential

**TRACT SIZE:** 6499.18 SQ FT

**LEGAL DESCRIPTION:** LT 7 BK 8, STONEBRAKER HGTS 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 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.

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 RM-1, RM-2 and OM zoning.

**STAFF COMMENTS:**

The applicant is before the Board requesting a Special Exception to permit a Bed & Breakfast in the existing detached garage apartment on the on the subject site; the request is to permit short-term (less than 30 days) lodging/rental on the site. The applicant has stated that no parties/events

6.2

(weddings/receptions) will be held on the site; it appears that the detached garage apartment will be used for short-term lodging/rental only.

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

- Bed and breakfast are limited to a maximum of 12 guest rooms unless a lower limit is established by the board of adjustment as a condition of an approved special exception.
- The maximum length of stay for any guest is limited to 30 consecutive days.
- The owner/operator must maintain a register of bed and breakfast guests and on-site events for each calendar year and make the register available to city code enforcement upon request.
- Cooking facilities are prohibited in guest rooms.

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

**Section 60.050-B.2,a - Wall Signs** - Nonresidential uses in R districts are allowed a maximum of one wall sign per public building entrance. Such signs may not exceed 32 square feet in area.

**Section 60.050-B.2,b - Freestanding Signs** - Nonresidential uses in R districts are allowed a maximum of one freestanding sign per street frontage. Allowed freestanding signs are subject to a maximum height limit of 20 feet and may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

**Section 60.050-B.2,c - Dynamic Displays** - Dynamic displays are prohibited in R districts except that on a lot occupied by an allowed public, civic or institutional use, the board of adjustment is authorized to approve a special exception for the allowed wall sign or the allowed freestanding sign to include a dynamic display.

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

### **Sample Motion for a Special Exception**

Move to \_\_\_\_\_ (approve/deny) a Special Exception to allow a Bed and Breakfast (short-term rental) in an R district. (Sec.5.020)

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

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





0 Feet 200 400



Subject  
Tract

**BOA-22306**

19-12 12

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

Aerial Photo Date: February 2016







0 50 100  
Feet



Subject  
Tract

**BOA-22306**

19-12 12

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

Aerial Photo Date: February 2016







Subject Lot - Looking West

08.23.2017 12:12



08.23.2017 12:12

S Cheyenne Ave - Street View, looking north



We are Emelia LaFortune and Stephen Lassiter, the owners and residents of the house at 1628 S. Cheyenne Avenue, along with our children Everett and Brooks. As experienced landlords for the past two years, our family has already been renting this garage apartment to tenants on long-term leases with no disruption to our neighbors. Renting our accessory dwelling unit is within the spirit and harmony of the Zoning Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

#### **RESPONSIBLE HOSTS**

As discerning owner/occupants, we are particular about who we allow to stay in our backyard apartment in close proximity to our children. We plan to book verified guests with good reviews. Verified guests have scanned a government ID, provided a photo, phone number, and a linked online profile, such as Facebook. We are free to reject anyone with whom we do not feel comfortable staying on our property. Each guest will be notified of strict house rules. Since we live on the property, we are readily available to handle any issues neighbors have with our guests. We want neighbors to call/text us day or night if our guests are disturbing them in any way. Our house rules will forbid disturbing neighbors, and we will deal with any disturbances promptly. For more info visit:  
<http://www.airbnb.com/trust>

#### **NO PARTIES**

Our apartment fits two people comfortably. The maximum occupancy allowed will be four people. As owner occupants of the property, we will strictly enforce the no-party and maximum occupancy house rules. We know neighbors don't want to be disturbed by parties, and we don't either. We will be targeting business travelers and others who need a quiet, peaceful place to get some sleep during their visit. If neighbors believe our guests are hosting a party, we want them to contact us immediately.

#### **NO NOISE**

Quiet hours will be in effect from 8pm to 8am. There should be no noise or loud conversations heard outside the apartment during quiet hours. During the day our house rules forbid any noise that disturbs neighbors. If neighbors hear noise from our property that is disturbing, we ask they contact us immediately so we can put a stop to it.

#### **PARKING**

We anticipate most guests arriving in one car. Guests will park on the street, just the same as our current long-term tenants have been doing for the past two years. We invite neighbors to contact us if they believe our guests are blocking driveways, blocking sidewalks, or otherwise parking illegally.



**TRASH**

Littering will not be tolerated. If guests leave litter, please let us know. We have trash cans in our alley. Guests will be instructed to dispose of all trash in the trash cans before they check out.

**FIRE SAFETY**

Our apartment is equipped with a fire extinguisher, smoke detectors, and carbon monoxide detectors. Guests will be provided with emergency contact information.

**NEIGHBOR FAMILY/FRIEND DISCOUNT**

As a thank you, our neighbors and their friends and family can receive a 15% discount to stay at our apartment. This is ideal for neighbors who have people coming in for holidays or other special events. Neighbors may contact us in advance so we can apply the discount.

**CONTACT US 24/7 WITH ANY CONCERNS**

We invite neighbors to call, text, or knock on our door with any concerns about our guests any time day or night. We are serious about addressing any issues our neighbors have promptly, no matter what day or time it is. Contacting Stephen and Emelia is the fastest way to get an issue resolved. If we don't resolve a complaint to a neighbor's satisfaction, they may also contact our reservation service, Airbnb, or the City of Tulsa. In the event of an emergency, please dial 911 for police, fire, or medical.

Stephen Lassiter (mobile): 918-520-5872

Emelia LaFortune (mobile): 918-510-7104

1628 S. Cheyenne Ave.

Airbnb: <http://www.airbnb.com/neighbors>

City of Tulsa: Dial 311 or visit <http://www.tulsa311.com>

Tulsa Police Dept. (non-emergency): 918-596-9222

Tulas Fire Dept. (non-emergency): 918-596-9444

Emergencies: Dial 911

**CHUCK LANGE**  
ZONING OFFICIAL  
PLANS EXAMINER

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



## DEVELOPMENT SERVICES

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

### ZONING CLEARANCE PLAN REVIEW

**LOD Number: 1019678-1**

**July 21, 2017**

**STEPHEN LASSITER**  
**1628 S CHEYENNE AV**  
**TULSA, OK 74119**

**Phone: (918)520-5872**

**APPLICATION NO: 9248** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
**Location: 1628 S CHEYENNE AV W**  
**Description: RENT ACCESSORY DWELLING UNIT FOR LESS THAN 30 DAYS (BED AND BREAKFAST)**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

**REVISIONS NEED TO INCLUDE THE FOLLOWING:**

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

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

175 EAST 2<sup>nd</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601.

THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

#### IMPORTANT INFORMATION

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

(continued)

6.9



## REVIEW COMMENTS

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

Application No. 9248

1628 S CHEYENNE AV W

July 21, 2017

**Note:** As provided for in Section 70.130 you may request the Board of Adjustment (BOA) 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 and all questions regarding BOA application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

**Sec.35.050-G1:** Your application is for a Bed & Breakfast which is located in an RM-2 zoning district. This use is allowed in the RM-2 district by Special Exception (*Table 5-2: R District Use Regulations*).

**Review Comment:** Submit a copy of the Special Exception reviewed and approved per *Sec.70.120* to allow a Bed & Breakfast in the RM-2 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 on-site 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.

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

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

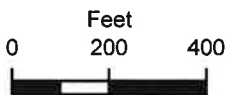
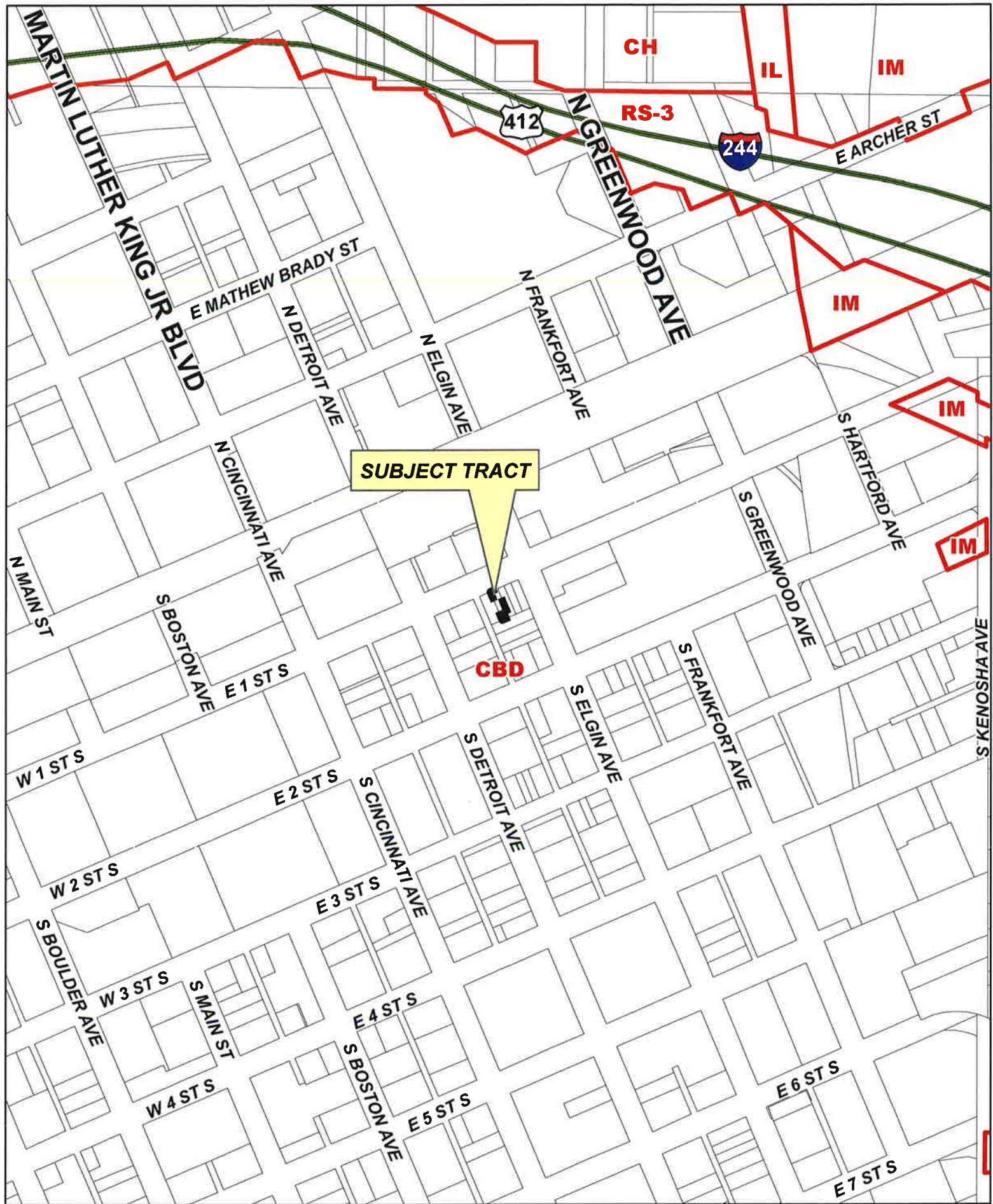
## **END – ZONING CODE REVIEW**

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

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



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**BOA-22310**

19-12 01

7.1





# BOARD OF ADJUSTMENT CASE REPORT

STR: 9201

Case Number: BOA-22310

CZM: 36

CD: 4

A-P#: 416682

**HEARING DATE:** 09/12/2017 1:00 PM

**APPLICANT:** Shane Hood

**ACTION REQUESTED:** Special Exception to allow for an Outdoor Commercial Assembly use in CBD (Section 15.020).

**LOCATION:** 326 E 1 ST S

**ZONED:** CBD

**PRESENT USE:** Wine Bar/Parking Lot

**TRACT SIZE:** 2500.35 SQ FT

**LEGAL DESCRIPTION:** E25 W65 LT 1 BLK 86, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Surrounding Properties:**

**BOA 22196;** the Board accepted a **Verification** of the 300 foot spacing requirement for a bar from public parks, schools, and religious assemblies and 50 ft. from an R-zoned lot; located immediately east of the subject lot.

**BOA 20544;** the Board approved a Special Exception to permit open air activities and other events that utilize tents in the CBD district to permit a music and arts festival; located at the SW/c of E Elgin Ave and E 2<sup>nd</sup> Street.

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

**Downtown Core** is Tulsa's most intense regional center of commerce, housing, culture and entertainment. It is an urban environment of primarily high density employment and mixed-use residential uses, complemented by regional-scale entertainment, conference, tourism and educational institutions. Downtown core is primarily a pedestrian-oriented area with generous sidewalks shaded by trees, in-town parks, open space and plazas.

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.

7.2

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by CBD zoning and a variety of uses including commercial/retail, restaurants and bars.

**STAFF COMMENTS:**

The applicant is before the Board requesting a **Special Exception** to allow an outdoor commercial assembly and entertainment use in a CBD district (Section 15.020).

As shown on the attached site plan the proposed bar immediately east of the site will contain an outdoor seating area. Outdoor seating and dining areas that exceed 50% of the indoor floor area of the principal use are regulated as an outdoor entertainment and assembly use. An assembly and entertainment use is defined as a use that provides gathering places for participant or spectator recreation, entertainment or other assembly activities. The proposed outdoor assembly and entertainment use is only permitted by special exception in the CBD district.

**Sample Motion:**

Move to \_\_\_\_\_ (approve/deny) a Special Exception to allow for an Outdoor Commercial Assembly use in CBD (Section 15.020).

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

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



RS-1 district from 750 sq. ft. to 986.25 sq. ft. (Section 402.B.1.d), with the conditions: the existing shed in the northwest corner of the property would be removed after the new 750 sq. ft. structure is built; the existing structure to the south of the proposed structure will stay in place; no commercial activities, per plan on page 7.6 of the agenda packet, finding the hardship to be the unusual size of the lot, being 3.34 times the minimum permitted lot size for an RS-1 lot; and 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:

LOT-12-BLK-4, JOHANSEN ACRES AMD, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

**Case No. 20544**

**Action Requested:**

Special Exception to permit open air activities and activities which utilize tents in the CBD district (Section 701) to permit a music and arts festival, located: At and near the intersection of South Detroit Avenue and East 2<sup>nd</sup> Street.

Mr. Cuthbertson informed the Board that the City Council and the Mayor approved the special events application for this event. There were security plans both public and private. There is an incident report from last year's event at 18<sup>th</sup> and Boston. A code change was initiated, which will be reviewed by the planning commission in August. It would allow special events such as the proposed event in the CBD district by right.

**Presentation:**

**Tom Green**, 1435 East 50<sup>th</sup> Street, stated they have obtained an agreement with Central Parking and the Performing Arts Center for staging on private property for four days. Those days are July 26<sup>th</sup> through July 28<sup>th</sup>. They also obtained permission for another stage on Arnie's parking lot at 3<sup>rd</sup> and Elgin. He worked with the Fire Department regarding emergency exits, lighting and fire extinguishers. He planned for an Artist's Registration to be set up near Detroit between 1<sup>st</sup> and 2<sup>nd</sup> in an alleyway. He commented there will be forty-four security officers and numerous police and others. He provided a large exhibit of all the plans and preparations for this event (Exhibit F-1).

**Interested Parties:**

**Jim Norton**, President of the Downtown Tulsa Unlimited, 321 South Boston, Suite 101, stated DTU is in support of this application.

**Michael Saeger**, 320 East 1<sup>st</sup> Street, stated he is the owner of Blue Dome, LLC. He added they have worked with Mr. Green on this project and are in support. He informed the Board that he has 1,300+ ft. of street front that is affected by this event. This involves nine buildings, three parking lots, two are the special event locations. He was open to approval for a multi-year term for this event.

**Suzanne Stewart**, 132 East 26<sup>th</sup> Place, expressed strong support.

**Josh Robbie**, 919 South Winston, stated his support for this application to promote young artists.

**Mary Beth Babcock**, 1119 South Detroit, owner of Dwelling Spaces, was in support, stating it is good for business.

**Nate Lopez**, 2217 East 59<sup>th</sup> Street, Commissioner on Tulsa Hispanics Commission, stated it would be good for the community.

**Sergeant Skipper Bain**, 5963 East 13<sup>th</sup> Street, Tulsa Police Special Events Coordinator, was in support. He stated that everything is in order for public safety, trash collection and communications with the surrounding businesses.

**Comments and Questions:**

The general comments from Board members were in support of this well-organized plan for the event. Mr. White suggested that the conditions in the plans made for D-Fest could be included in the motion to set a precedent for future events to follow, for thorough preparation in advance of those events. Sergeant Bain informed the Board there will be a workshop on July 27<sup>th</sup> and 28<sup>th</sup> to revise the special event applications to provide more detail regarding security, trash, health, tent permits, alcohol permits and other issues.

**Board Action:**

On **Motion of White**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit open air activities and activities which utilize tents in the CBD district (Section 701) to permit a music and arts festival for a period of three years from this date, July 10, 2007; with the conditions that prior to the event that all considerations for security, public safety in general, health, and anything else relevant to the safe operation of the proposed event be dealt with the appropriate agencies and approval of those agencies, finding the special exception will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

S1/2 LT 5 BLK 86, ALL BLK 107, E90 LTS 1 & 2 & S25 W50 LT 2 BLK 108, LT 7 S25 LT 8 BLK 108, N75 LT 8 BLK 108, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma





Feet  
0 200 400



Subject  
Tract

**BOA-22310**

19-12 01

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

Aerial Photo Date: February 2016

7.6







0 Feet 50 100



Subject  
Tract

**BOA-22310**

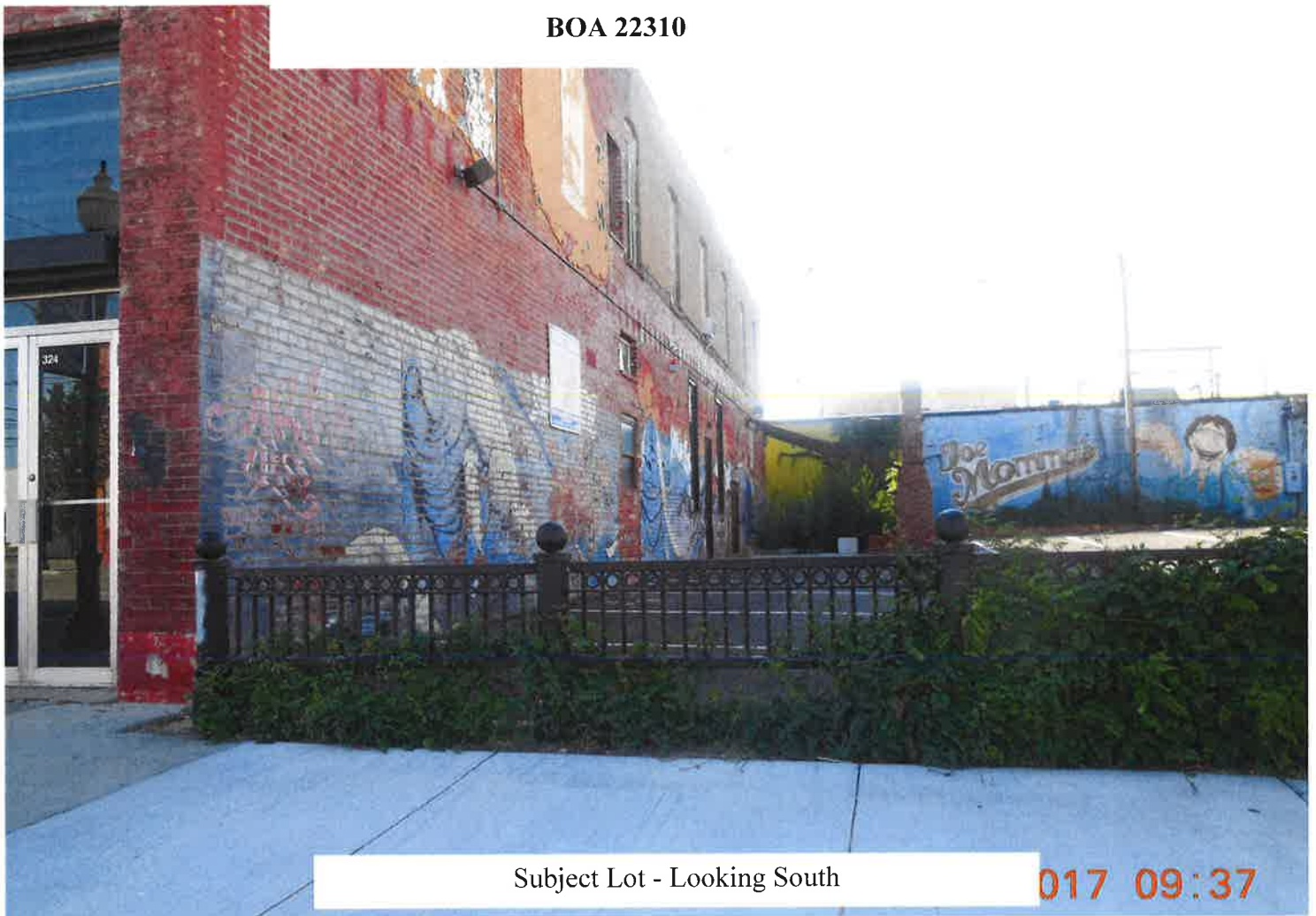
19-12 01

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

Aerial Photo Date: February 2016







Subject Lot - Looking South

017 09:37



Subject Lot - Looking South

08.23.2017 09:37

7.8







**wdesign**  
ARCHITECTURE & INTERIORS  
8115 E. 11TH STREET, SUITE C  
TULSA, OK 74120  
Office: 918.794.6616  
Fax: 918.794.6602  
www.wdesignstudio.com



PROJECT:  
VINTAGE  
PATIO

PROJECT #  
16066.01

326 EAST 1ST STREET  
TULSA, OK  
74120

CONSULTANT:

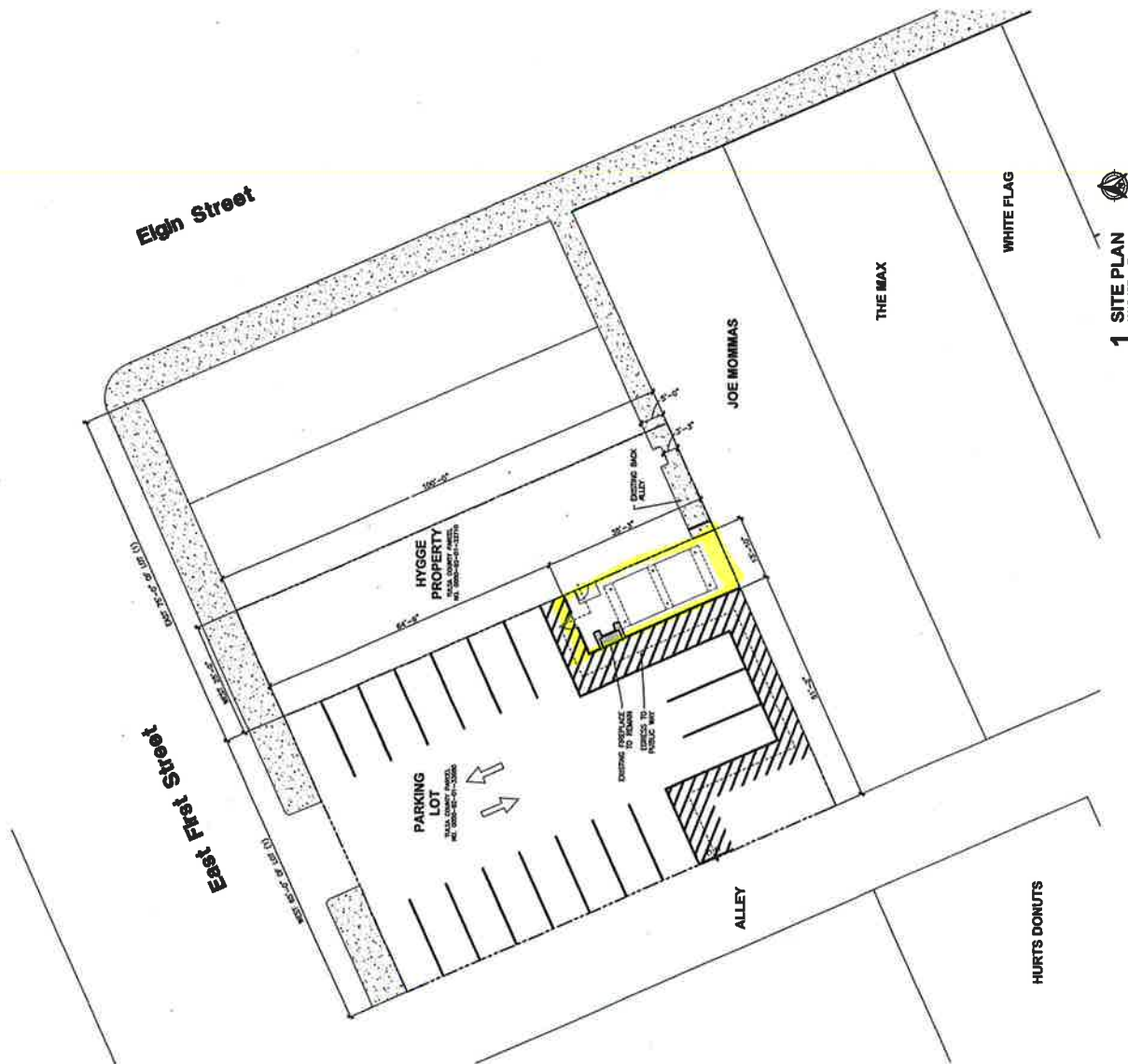
REVISIONS:  
1 REVISION 03.27.17

ISSUE DATE:  
03.27.2017

SHEET NAME:  
ARCHITECTURAL  
SITE PLAN  
SHEET #:

**AS100**

Printed on 3/27/2017



**1 SITE PLAN**  
SCALE: 1/4" = 1'-0"



WELDON BOWMAN, AIA  
OK LICENSE NO. 6042  
CA# 02461 EXPIRES 04/30/2017

**PROJECT:**

**VINTAGE  
РАПО**

PROJECT #  
16066.01

326 EAST 1ST STREET  
TULSA, OK  
74120

CONSULTANT:

REVISIONS:

1 REVISION 03.27.11

ISSUE DATE

03.27.2015

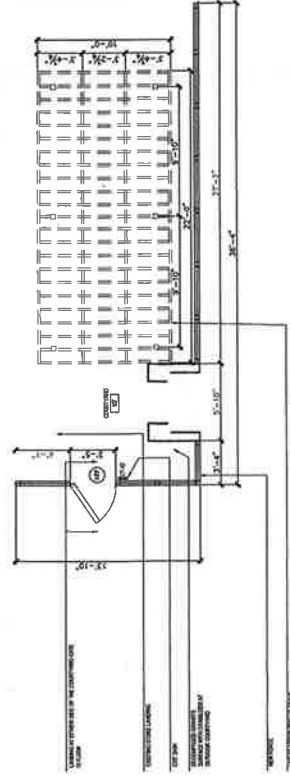
SHEET NAME:

## PROPOSED PLAN

SHEET #:

I-100

Figure 4. Scatter plot of the number of species in the genus *Staphylinus* (Y-axis) versus the number of species in the genus *Staphylinus* (X-axis). The data points are clustered around the diagonal line, indicating a strong positive correlation between the two variables.



⊗ 01 FLOOR PLAN  
Scale 1/4" = 1'-0"

7.11



**CHUCK LANGE**  
ZONING OFFICIAL  
PLANS EXAMINER

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



## DEVELOPMENT SERVICES

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

### ZONING CLEARANCE PLAN REVIEW

LOD Number:

993494-1

March 24, 2017

**SHANE HOOD**  
**WDESIGN**  
815 E 3 ST  
TULSA, OK 74120

Phone: (918)794-6616  
Fax: (918)794-6602

**APPLICATION NO:** **416682** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
**Location:** **328 E 001 ST S**  
**Description:** **ALTERATION - INTERIOR**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

**REVISIONS NEED TO INCLUDE THE FOLLOWING:**

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

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

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

#### IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
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3. A COPY OF A "RECORD SEARCH" **[ X ] IS [ ] IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

7.12

## REVIEW COMMENTS

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

Application No. 416682

328 E 001 ST S

March 24, 2017

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

1. **IBC Sec.105.3.2:** The proposed courtyard is a different lot from the bar. This will require a separate permit.

**Review comment:** Submit a building permit application for the courtyard.

2. **Sec.45.010-D:** The proposed courtyard is an accessory use to the bar and is located on a different lot from the bar. Accessory uses and structures must be located on the same lot as the principal use to which they are accessory.

**Review comment:** Because it is on a different lot from the bar it does not meet the requirement for an accessory use. You may consider designating the courtyard an Outdoor Assembly use. This will require a Special Exception.

**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.**

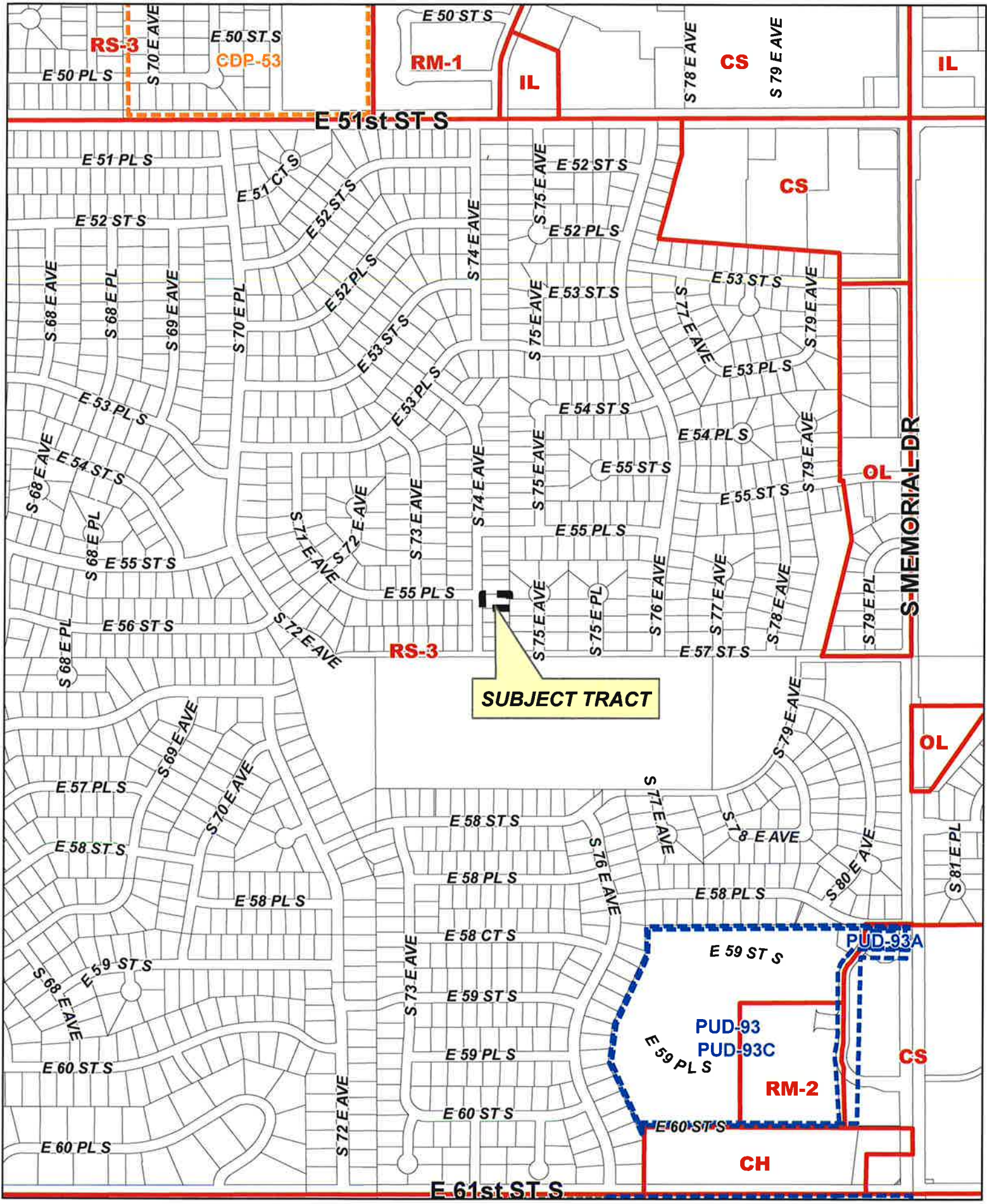
## END – ZONING CODE REVIEW

**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.



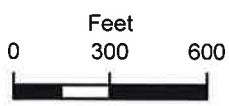
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**SUBJECT TRACT**

**BOA-22311**

**8.1**





# BOARD OF ADJUSTMENT CASE REPORT

STR: 9335

Case Number: **BOA-22311**

CZM: 48

CD: 7

A-P#: 423979

**HEARING DATE:** 09/12/2017 1:00 PM

**APPLICANT:** Darcia Alexandre

**ACTION REQUESTED:** Special Exception to allow a Group/Assisted Living Facility in the RS-3 district (Section 5.020).

**LOCATION:** 5527 S 74 AV E

**ZONED:** RS-3

**PRESENT USE:** Residential

**TRACT SIZE:** 9591.95 SQ FT

**LEGAL DESCRIPTION:** LT 5 BLK 16, SUNGATE ADDN, SOUTHERN PLAZA B1-7, 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 allow a Group/Assisted Living Facility on the subject site. An *Assisted Living Center* is residential facility designed to meet housing and care needs of older persons and individuals with disabilities in a residential rather than institutional environment. Assisted living programs provide personal care for persons with needs for assistance in the activities of daily living and can respond to unscheduled needs for assistance.

8.2

REVISED 9/1/2017

Services typically provided include meals, housekeeping, laundry and linen service, medication monitoring, transportation and activities. The applicant has stated that the maximum capacity of the house is 6 residents. Supervision and care of the residents will be provided 24 hours 7 days a week.

The proposed Group/Assisted Living Facility is only permitted by special exception in the RS-3 district. As the writing of the case report staff has not received any comments from the surrounding property owners.

**Sample Motion:**

Move to \_\_\_\_\_ (approve/deny) a Special Exception to allow a Group/Assisted Living Facility in the RS-3 district (Section 5.020).

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

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





0 300 600  
Feet



Subject  
Tract

**BOA-22311**

19-13 35

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

Aerial Photo Date: February 2016







0 50 100  
Feet



Subject  
Tract

**BOA-22311**

19-13 35

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

Aerial Photo Date: February 2016







Subject Lot - Looking East



S 74 Ave E- Street View

To The Board of Adjustment Member,

My name is Darcia Alexandre, I have been a nurse for over 25 years. I am writing to you asking to allow my four bedroom two bath home in our community, to become a residential care home. The maximum capacity the house will hold is 6 residents. My vision is to assist the elderly in a serene home felt atmosphere. Promoting physical , mental, and emotional compassionate person centered care. While maintaining a healthy lifestyle.

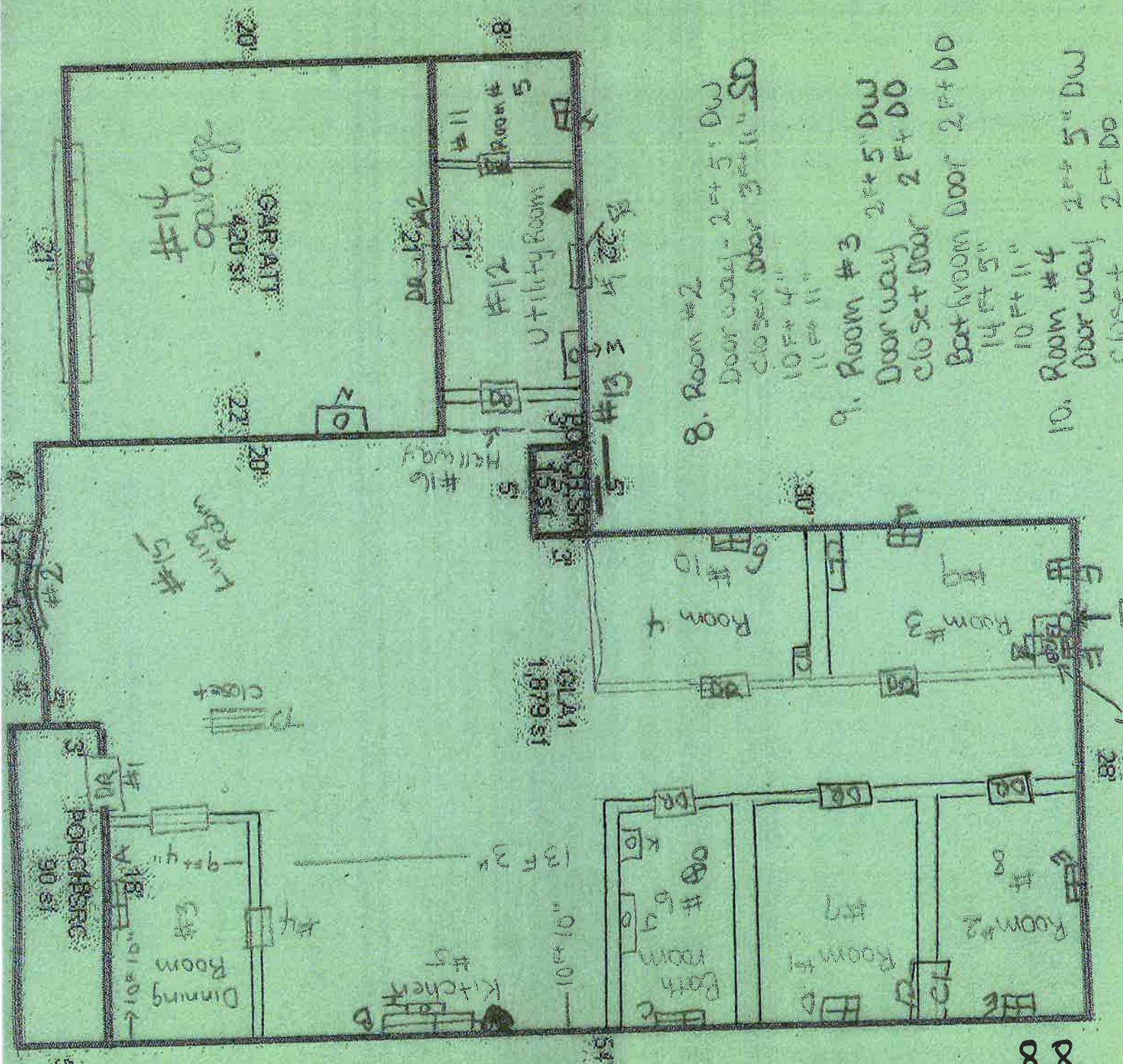
I will provide 24 hour 7 days a week supervision with a licensed nurse within the home at all times, medication assistance, and activities of daily living. I will also stay in compliance with the rules and regulations of the state of Oklahoma.

Furthermore I would like to reassure you that Bethesda Residential care home will be a great asset to our community. As we uphold a standard of care and endeavor to carry out the vision to care for our forefathers who have labored before us. We will not disturb the order or standard of Sungate Community, and will abide by all rules and regulations that have been set in place.

Sincerely,

Darcia Alexandre 08-01-17





1. Front Door 2' x 11' DW
2. Window 7'6" x 4'10"
3. Dining Room: Doorway 9' x 4"
4. Doorway into Kitchen 2' x 5' DW
5. Kitchen: 13' x 5' 10' x 10"
6. Bathroom: Doorway 2' x 5' DW 4' x 11" 10' x 11"
7. Room #1: Doorway 2' x 5' DW closet Door 4' x 5' 10' x 5" 10' x 2"
8. Room #2: Doorway 2' x 5' DW closet Door 3' x 11" SD 10' x 4" 10' x 11"
9. Room #3: Doorway 2' x 5' DW closet Door 2' x 5' DW Bathroom Door 2' x 5' DW 14' x 5" 10' x 11"
10. Room #4: Doorway 2' x 5' DW closet
11. Room #5: Doorway 2' x 7' DW 5' x 10" 10' x 4"
12. Utility Room DW: Doorway #1 2' x 7' (Doorway #2) 2' x 7' (to garage) - DW. Doorway entrance: 2' x 7' DW 9' x 3" 5' x 10"

CHUCK LANGE  
ZONING OFFICIAL  
PLANS EXAMINER

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



## DEVELOPMENT SERVICES

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

### ZONING CLEARANCE PLAN REVIEW

LOD Number: 1012640-1

June 16, 2017

DARCIA ALEXANDRE  
BETHESDA RESIDENTIAL CARE HOME  
5527 S 74TH E AVE  
TULSA, OK 74145

APPLICATION NO: **423979** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: 5527 S 074 AV E  
Description: NOT APPLICABLE

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

#### IMPORTANT INFORMATION

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

(continued)



## REVIEW COMMENTS

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

Application No. 423979

5527 S 074 AV E

June 16, 2017

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

1. **Sec.5.020 Table 5-2:** Your proposed Residential Care Home is designated a Residential/Group Living/Assisted Living Use and is located in an RS-3 zoning district.

**Review Comments:** An Assisted Living Use only allowed in an RS-3 zoned lot by Special Exception. Submit a Special Exception reviewed and approved per *Sec.70.120* to allow Residential/Group Living/Assisted Living Use to be located in an RS-3 zoning district.

2. **Sec.40.160:** Whenever any group living use is located on a lot abutting an RE- or RS- zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of *Sec.65.060-C2-5*.

**Review comment:** Your lot and three adjacent lots are in an RS-3 zoning district. Submit a site plan providing F1 Screening along your north, east and south lot lines.

- X 3. **Sec.65.060-C2:** F1 screening requirements may be met by either of the following options.

(1) The installation of an opaque fence at least 6 feet in height and at least one tree per 25 linear feet of fence; or

(2) The installation of a masonry wall with a minimum height of 6 feet.

**Sec.65.060-C2c:** When located in the required street setback, fences and walls may not exceed 4 feet in height.

**Sec.65.060-C2d:** When a fence or wall already exists that provides screening that is as least as effective as would be achieved with a new F1 screening fence or wall, the development administrator is authorized to waive or reduce the fence or wall requirements of this subsection.

**Sec.65.060-C3:** Fences and walls provided to meet the screening standards of this section must:

- a. Be constructed with customarily used fencing materials;
- b. Be designed and arranged to provide visual separation of uses irrespective of vegetation;
- c. Be constructed with all braces and supports on the interior, except when both sides are of the same design and appearance;
- d. Be erected prior to the occupancy of the building or initiation of the use required to be screened;
- e. Be uniform in height, except for significant changes in topography;
- f. If painted, be earth-tone in color when abutting an R district boundary; and
- g. Not be a chain link fence that utilizes inserts of metal or other materials.

**Sec.65.060-C4:** Fences and walls provided to meet the screening standards of this section must be maintained by the owner of the lot containing the use or feature required to be screened from view.

**Sec.65.060-C5a&b:** Applicable screening requirements may be eliminated or modified through the alternative compliance approval process (see *Sec.65.080-D*) or through a special exception reviewed and approved per *Sec.70.120*, when existing physical features provide at least as effective visual screening as would strict compliance or when the screening requirement cannot be achieved or is prohibited by other ordinances and/or regulations. An extension of time to install required screening may be approved through the special exception approval process when the properties benefited by the screening are undeveloped.

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

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

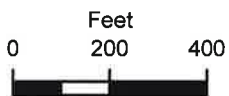
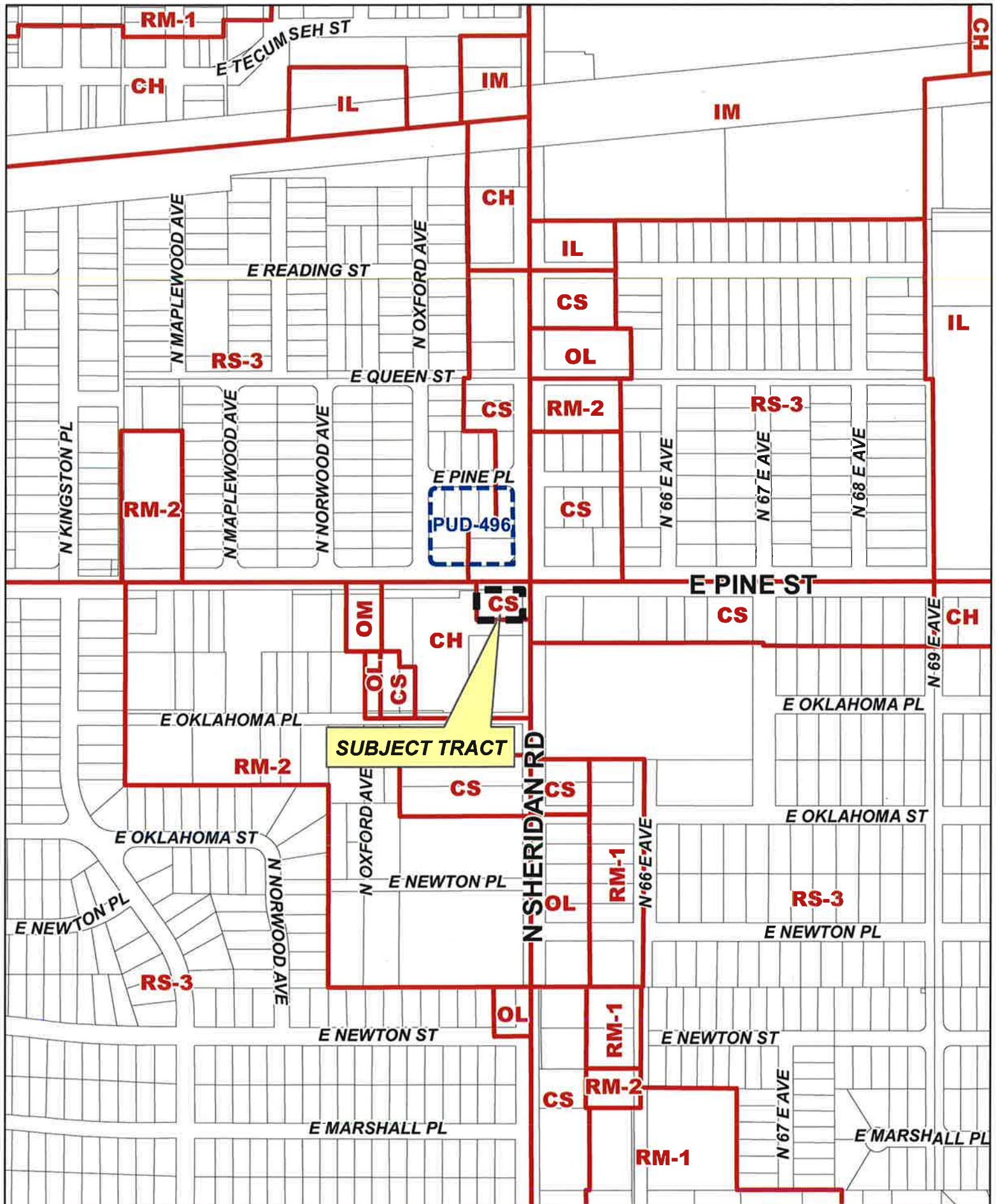
### **END – ZONING CODE REVIEW**

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



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BOA-22313

20-13 34





# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 0334

Case Number: **BOA-22313**

**CZM:** 30

**CD:** 3

**A-P#:** N/A

**HEARING DATE:** 09/12/2017 1:00 PM

**APPLICANT:** Lonnie Listenbee

**ACTION REQUESTED:** Special exception to allow for vehicle sales and rentals in CS District (Section 15.020, Table 15-2)

**LOCATION:** 6424 E PINE ST N

**ZONED:** CS

**PRESENT USE:** Vacant Fueling Station

**TRACT SIZE:** 15002.13 SQ FT

**LEGAL DESCRIPTION:** E150 LT 1 BLK 1, EXCHANGE ACRES, City of Tulsa, Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:**

None Relevant.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a "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 services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town Centers also serve as the main transit hub for surrounding neighborhoods, and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to their destinations.

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is abutted E Pine St and CS zoning on the north; CH zoned commercial/retail abuts the site on the south and the west; N Sheridan Rd and CS zoning abuts the site on the east.

**STAFF COMMENTS:**

The applicant is before the Board requesting a special exception to permit car sales/rentals on the existing CS zoned lot. Car sales are permitted in the CS district only by special exception. The proposed car sales use is not permitted by right in the CS district because of potential adverse affect, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted.

The Code requires that parking areas be designed in accordance with the standards stated in Section 55.090-D, Table 55-5. Section 55.090-D of the Code is attached for the Board reference. It appears that the submitted conceptual plan meets the requirements of Section 55.090 of the Code.

**Sample Motion:**

Move to \_\_\_\_\_ (approve/deny) a Special Exception to \_\_\_\_\_; per Section \_\_\_\_\_ of the Code.

- 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.



### 55.090-D Parking Area Layout (Geometrics)

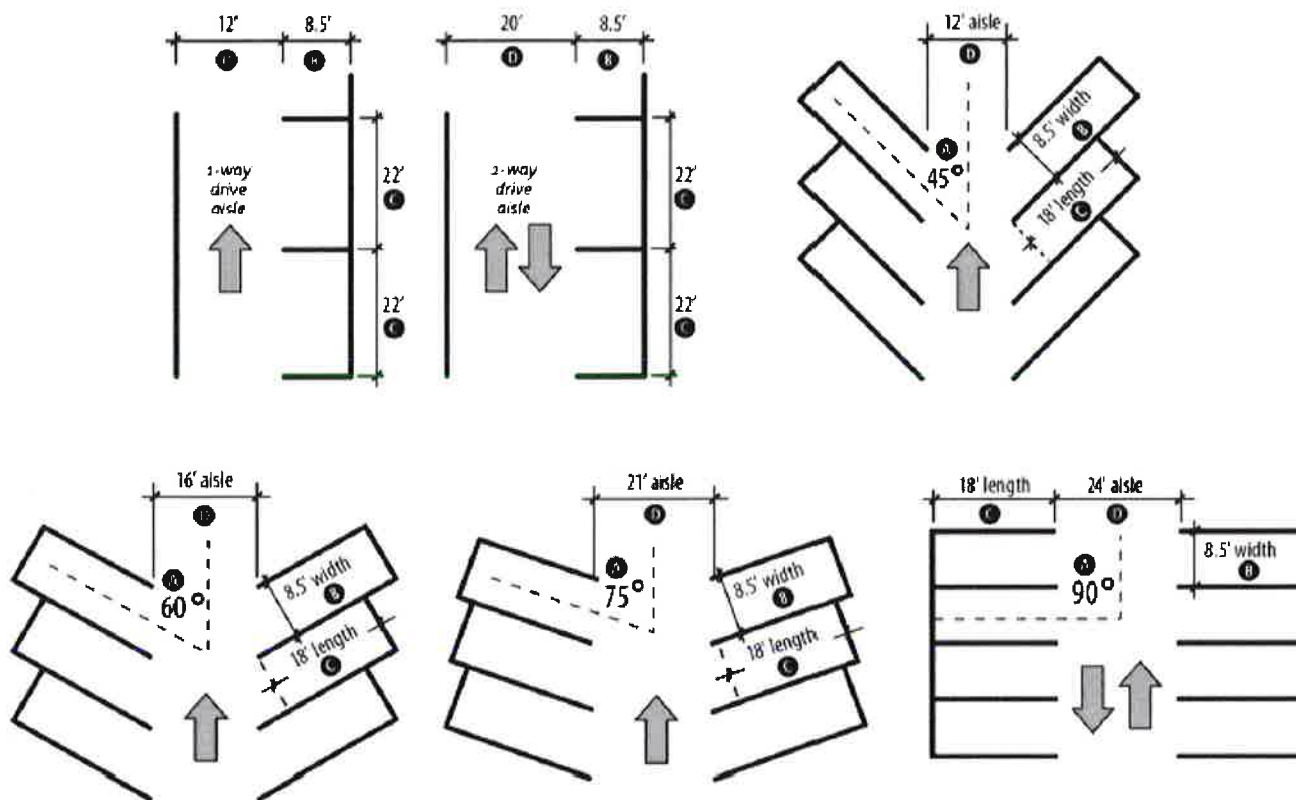
Parking areas must be designed in accordance with the dimensional standards of Table 55-5, which shows minimum dimensions for various parking layouts (angles). Requirements for layouts or angles not shown in Table 55-5 may be interpolated from the layouts shown, as approved by the development administrator.

Table 55-5: Parking Area Geometrics

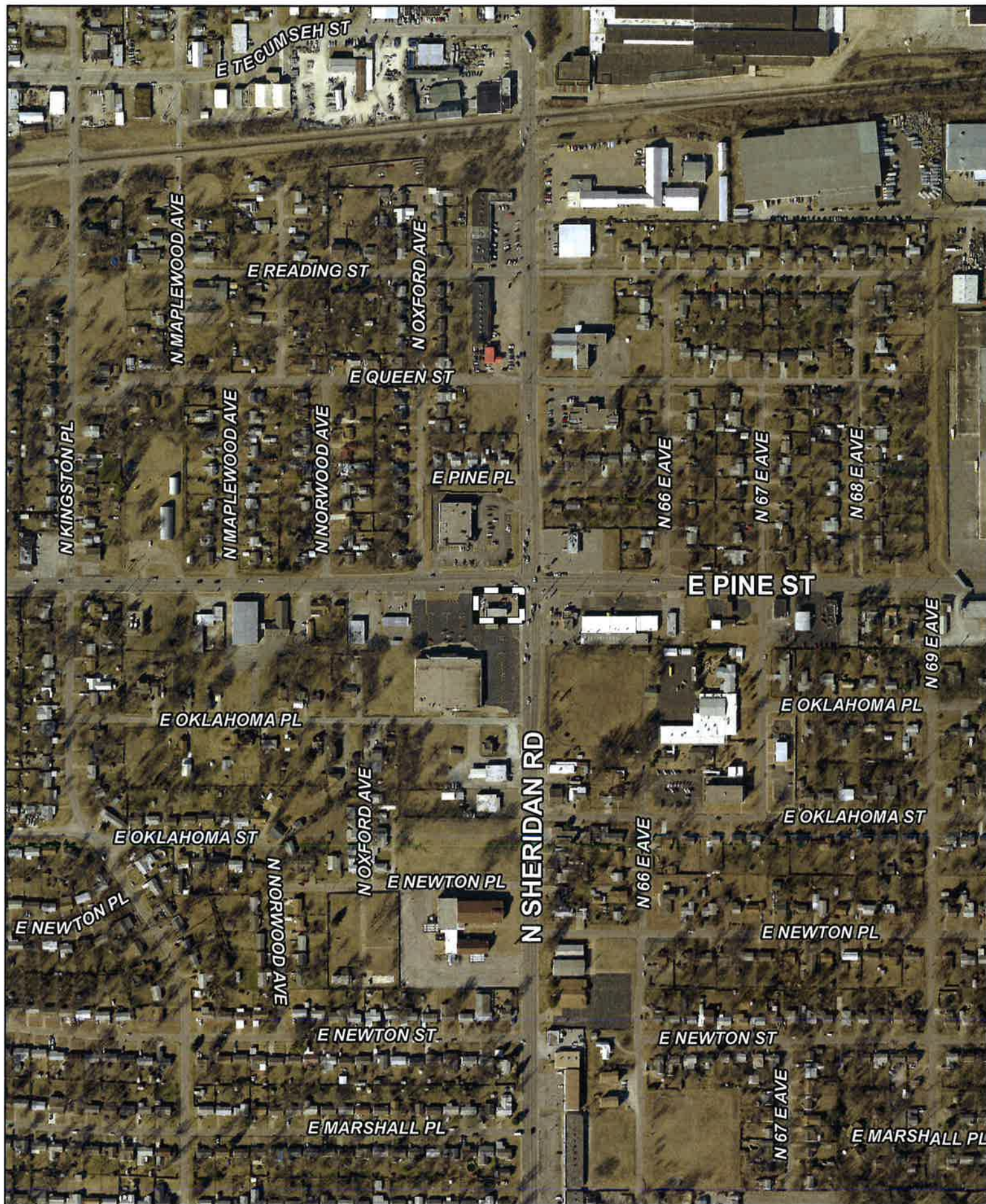
A	B	C	D
0°	8.5	22.0	12.0/20.0
	9.0	22.0	12.0/20.0
45°	8.5	18.0	12.0/20.0
	9.0	18.0	11.0/19.0
60°	8.5	18.0	16.0/21.0
	9.0	18.0	15.0/20.0
75°	8.5	18.0	21.0/22.0
	9.0	18.0	20.0/21.0
90°	8.5	18.0	-/24.0
	9.0	18.0	-/22.0
	10.0	18.0	-/20.0

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

Figure 55-5: Parking Area Geometrics







Feet

0 200 400

A horizontal number line with three major tick marks labeled 0, 200, and 400. The word "Feet" is centered above the line. A small vertical tick mark is located halfway between 0 and 200, representing 100 feet. The segment from 0 to 100 is shaded black, and the segment from 100 to 200 is white. The segment from 200 to 400 is shaded black.

**Subject  
Tract**

**BOA-22313**

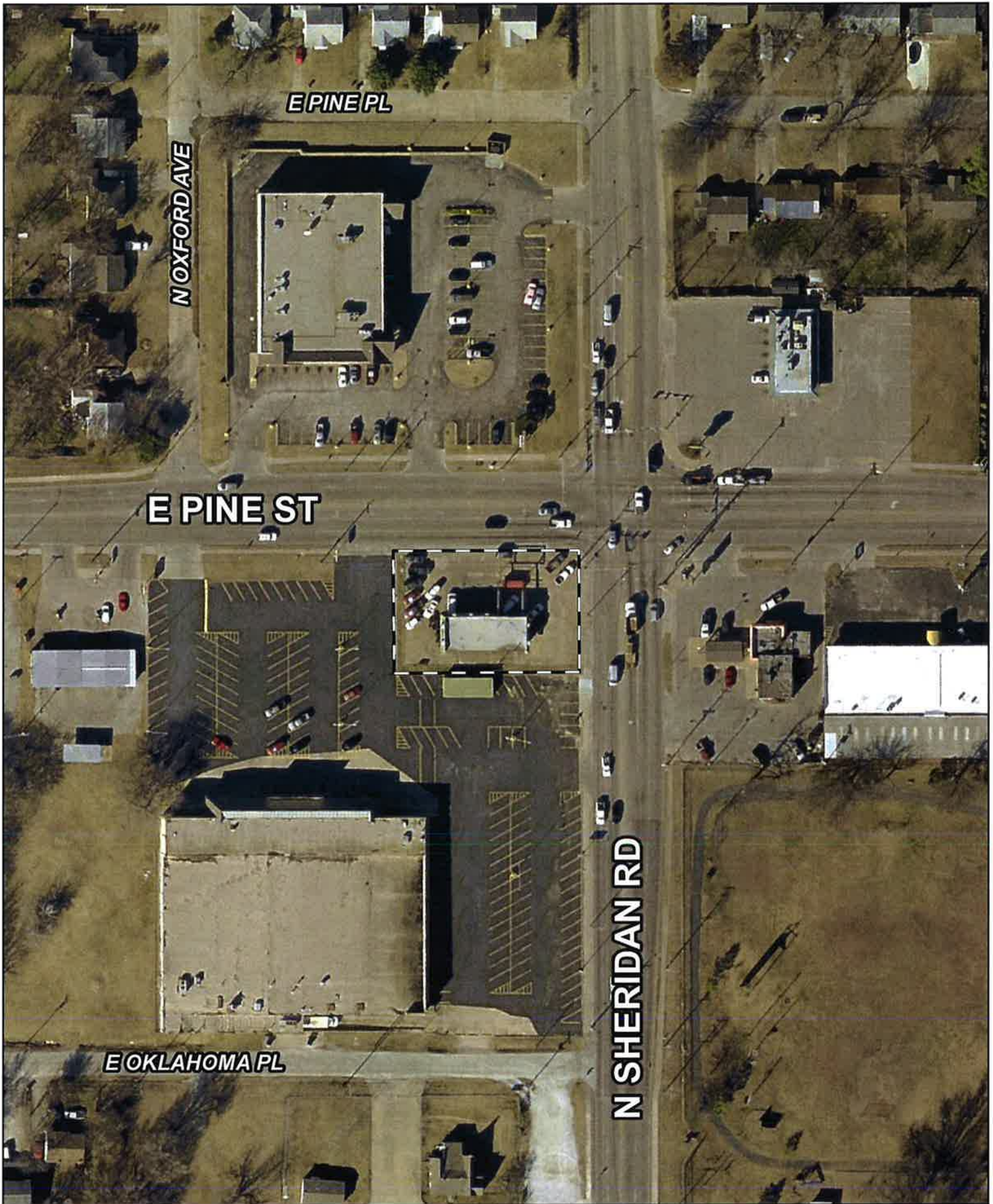
20-13 34

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

**Aerial Photo Date: February 2016**







Subject  
Tract

**BOA-22313**

20-13 34

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

Aerial Photo Date: February 2016





BOA-22313



Subject Lot - looking SE

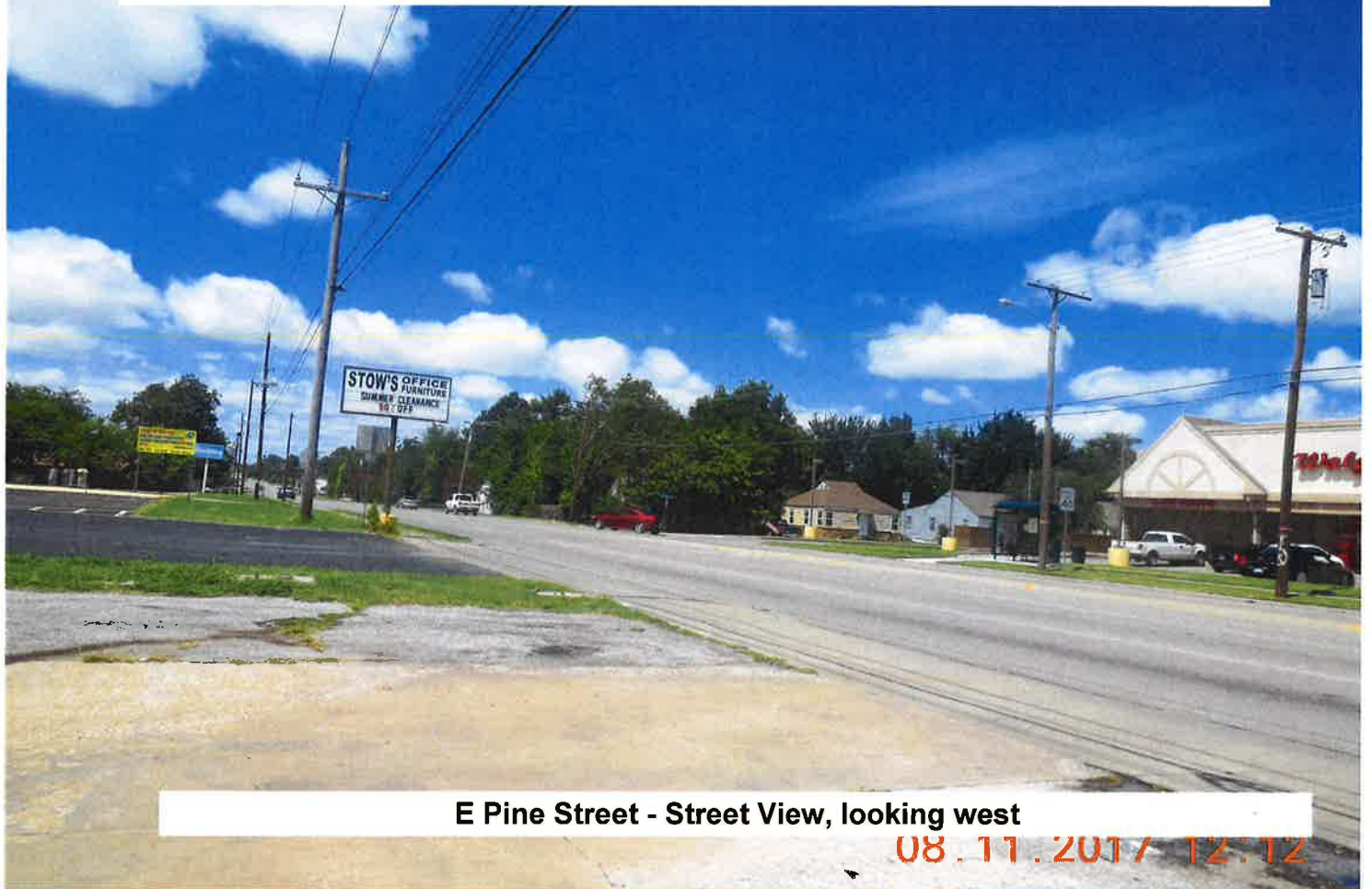


Subject Lot - looking east

9.7



BOA-22313



E Pine Street - Street View, looking west

08.11.2017 12:12



E Pine Street - looking east

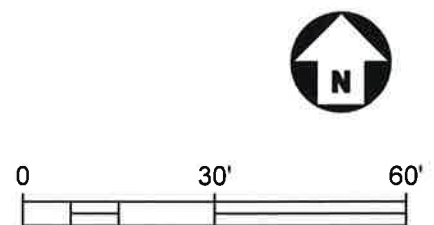
08.11.2017 12:12





Approx. Property Boundary	---
Parking Space	---
Limits of Structure	---
Required Spaces	5
Provided Spaces	5
Display Spaces	11
Building Area	1,828 SF
Display Area	1,683 SF

This drawing is to be used in conceptual nature only and shall not be relied upon for detailed implementation.



MAP SOURCE: GOOGLE INC., 2017



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

ENGINEERING — ENVIRONMENTAL — CONSTRUCTION

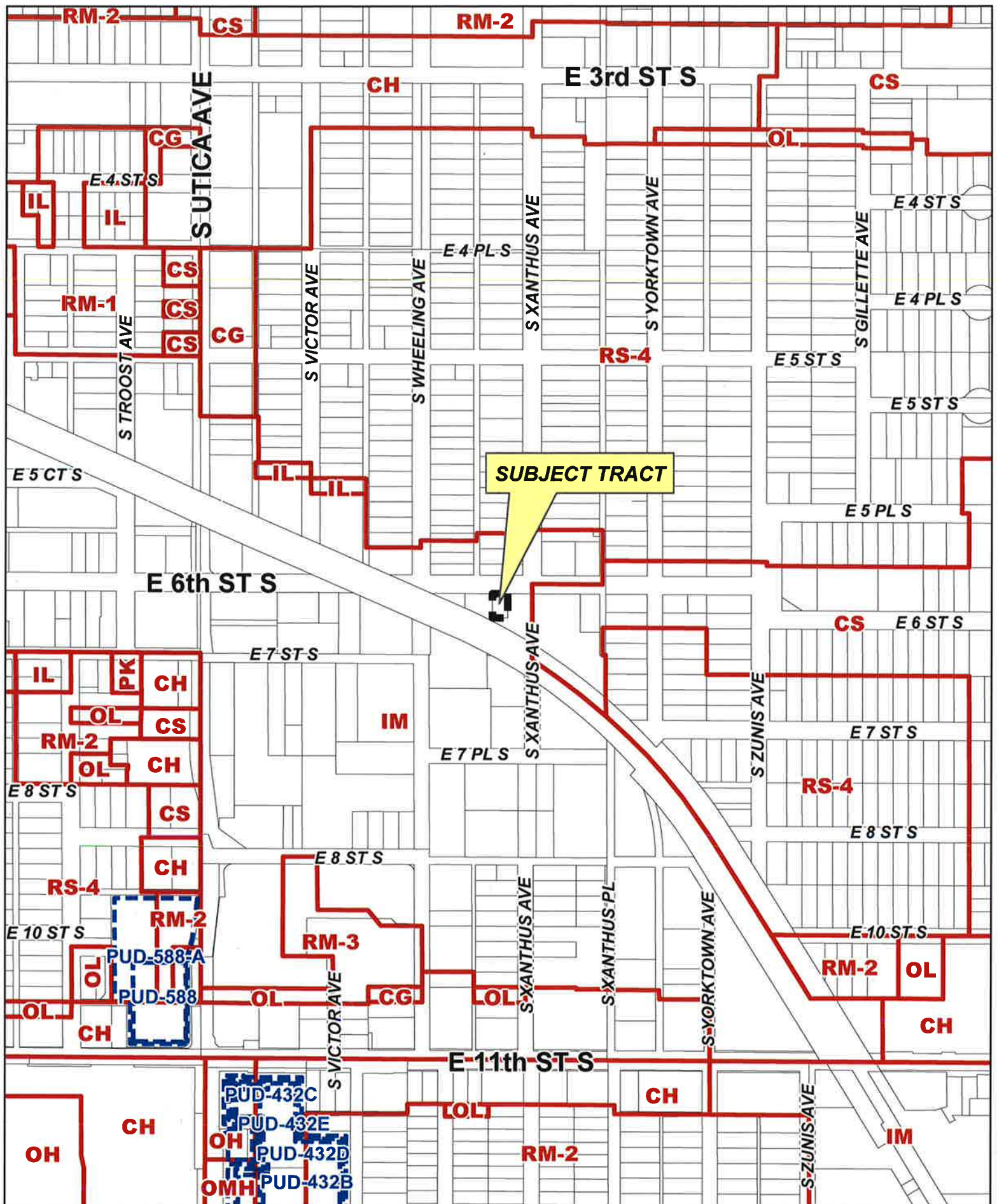
### Parking Lot Site Map

6424 E. PINE ST.  
TULSA, OKLAHOMA 74115

SCALE: GRAPHIC	DATE: 08/25/2017	FIGURE NO. FIGURE 1
APPROVED BY: JTB	DRAWN BY: BAG	PROJECT NO. 2282-001



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BOA-22314

19-13 06



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# BOARD OF ADJUSTMENT CASE REPORT

STR: 9306

Case Number: BOA-22314

CZM: 37

CD: 4

A-P#: 424508

**HEARING DATE:** 09/12/2017 1:00 PM

**APPLICANT:** Roger Mckee

**ACTION REQUESTED:** **Variance** to reduce the number of required parking spaces of an office use from 9 spaces to 2 spaces. (Section 55.020)

**LOCATION:** 1920 E 6 ST S

**ZONED:** IM

**PRESENT USE:** Office Space

**TRACT SIZE:** 3998.82 SQ FT

**LEGAL DESCRIPTION:** LT 3 BLK 4, ABDO'S ADDN, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Surrounding Properties:**

**BOA 15682;** on 03.26.91 the Board **approved** a special exception to permit an antique market on a IL zoned lot; and a variance of the required number of off-street parking spaces; located at the southwest corner of East 6th Street South and South Xanthus Ave.

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by IM zoned businesses.

### **STAFF COMMENTS:**

The applicant is before the Board requesting a Variance to reduce the required parking from 9 spaces to 2 spaces to allow a office use in the IM district. The applicant provided the following statement with their application: *"There is no allowance for parking on the lot; due to the surrounding environment of the site off-street parking is limited."*

The proposed office use is required by Code to provide 9 parking spaces. The Code permits nonresidential uses to count on-street parking spaces on public streets abutting the subject property towards satisfying vehicle parking requirements. The submitted site plan indicates that the site can accommodate 2 on-street parking spaces along E 6<sup>th</sup> Street. The existing building on the site is built the extent of the interior lot lines making it difficult to meet the off-street parking requirement established by Code.

The Code attempts to ensure that all uses provide adequate on-site parking to make certain that peak vehicle parking demand is accommodated.

### **Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a **Variance** to reduce the number of required parking spaces of an office use from 9 spaces to 2 spaces. (Section 55.020)

- 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. 15682**

**Action Requested:**

Special Exception to permit a Use Unit 14 (antique and collector's market) in an IM District - **Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS - Use Unit 14.**

Varience of the required number of off-street parking spaces from 54 to 18 spaces - **Section 1214.D USE UNIT 14. SHOPPING GOODS AND SERVICES. Off-Street Parking and Loading Requirements - Use Unit 14.**

Varience to permit required off-street parking spaces to be located on a lot not containing the principal use - **Section 1301. OFF-STREET PARKING AND OFF-STREET LOADING - General Requirements - Use Unit 14,** located 1924 East 6th Street.

**Presentation:**

The applicant, **Dolores Bedingfield**, 229 Woodward Boulevard, Tulsa, Oklahoma, owner of the property, was represented by **Attorney Bill Elliott**, 2251 East Skelly Drive, who submitted a plot plan (Exhibit E-1) and photographs (Exhibit E-2) of the property in question. He informed that the vacant 12,000 sq ft office building has limited parking; however, 15 spaces are available along the dead end street beside the building, and additional off-street parking will be provided on a lot to the west. He stated that the street beside the building could be vacated, as the City does not maintain it. Mr. Elliott stated that a sign company was the last occupant of the building. He pointed out the proposed business will not be a flea market, but will be more like an antique mall.

**Comments and Questions:**

Mr. Fuller inquired as to the amount of space devoted to office use and the amount that will be used for display area, and he replied that this would depend on the clients that rent spaces.

Ms. White asked the Mr. Elliott to differentiate between a collectors market and a flea market, and he replied that a flea market is an area of booths and tables where small inexpensive items are sold; however, a collectors market has antiques and some large more expensive items for sale.

Mr. Fuller asked if auctions will be held at this location, and Mr. Elliott stated that an auction could take place, but it would be unusual.

Mr. Jackere stated that he would be concerned if a flea market began operation at this location, and Ms. White agreed with Mr. Jackere, pointing out that auctions and flea markets generate a great deal of traffic.

**Dolores Bedingfield**, 229 Woodward Boulevard, Tulsa, Oklahoma, stated that it is not her intent to operate a flea market at this location. She informed that the market will be open every day from 10:00 a.m. to 5:00 p.m.

Protestants:

Herschel Wood, 3131 East 84th Street, Tulsa, Oklahoma, stated that he owns the property to the east and is opposed to vacating the street, as the street is used to access his property. He informed that adequate off-street parking is provided for the 22 employees on his property, and is concerned with the operation of the proposed business with limited parking spaces. Mr. Wood stated that he is also opposed to auctions being conducted at this location.

Ms. Bradley asked if the building between the proposed business and the parking lot to the west is occupied, and Mr. Wood answered in the affirmative.

Ms. Hubbard stated that a collector's market requires one space for every 225 sq ft of floor area, or 54 parking spaces.

Additional Comments:

Ms. White asked Mr. Elliott if his client owns the 15 parking spaces along the east wall of the building, and he replied that the spaces are located on City right-of-way, but have always been used by the tenants in the building.

Mr. Fuller stated that antique businesses do not normally generate a large amount of traffic.

Ms. Bradley asked if the parking lot to the west is paved, and Mr. Elliott replied that the lot is not paved.

Ms. White advised the applicant that the Code requires a hard surface covering on all parking lots.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bradley, Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a Use Unit 14 antique and furniture store only, in an IM District - **Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 14: to **APPROVE** a **Variance** of the required number of off-street parking spaces from 54 to 18 spaces - **Section 1214.D USE UNIT 14. SHOPPING GOODS AND SERVICES. Off-Street Parking and Loading Requirements** - Use Unit 14; and to **APPROVE** a **Variance** to permit required off-street parking spaces to be located on a lot not containing the principal use - **Section 1301. OFF-STREET PARKING AND OFF-STREET LOADING - General Requirements** - Use Unit 14; subject to the prohibition of a flea market operation, as well as any auctions being conducted on the property; and subject to the parking lot to the west being retained as parking for the antique and furniture store during the term of the lease; finding the use, as presented, to be compatible with the area; and finding a hardship imposed by the size of the building in an IM zoned district, and the fact that the building has limited parking and almost any use made of the building would require relief by this Board; on the following described property:

Lots 1, 2, 4 and 5, Block 4, Abdo's Addition, City of Tulsa, Tulsa County, Oklahoma.





0 200 400  
Feet



Subject  
Tract

**BOA-22314**

19-13 06

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

Aerial Photo Date: February 2016







0 Feet 50 100



Subject  
Tract

**BOA-22314**

19-13 06

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

Aerial Photo Date: February 2016





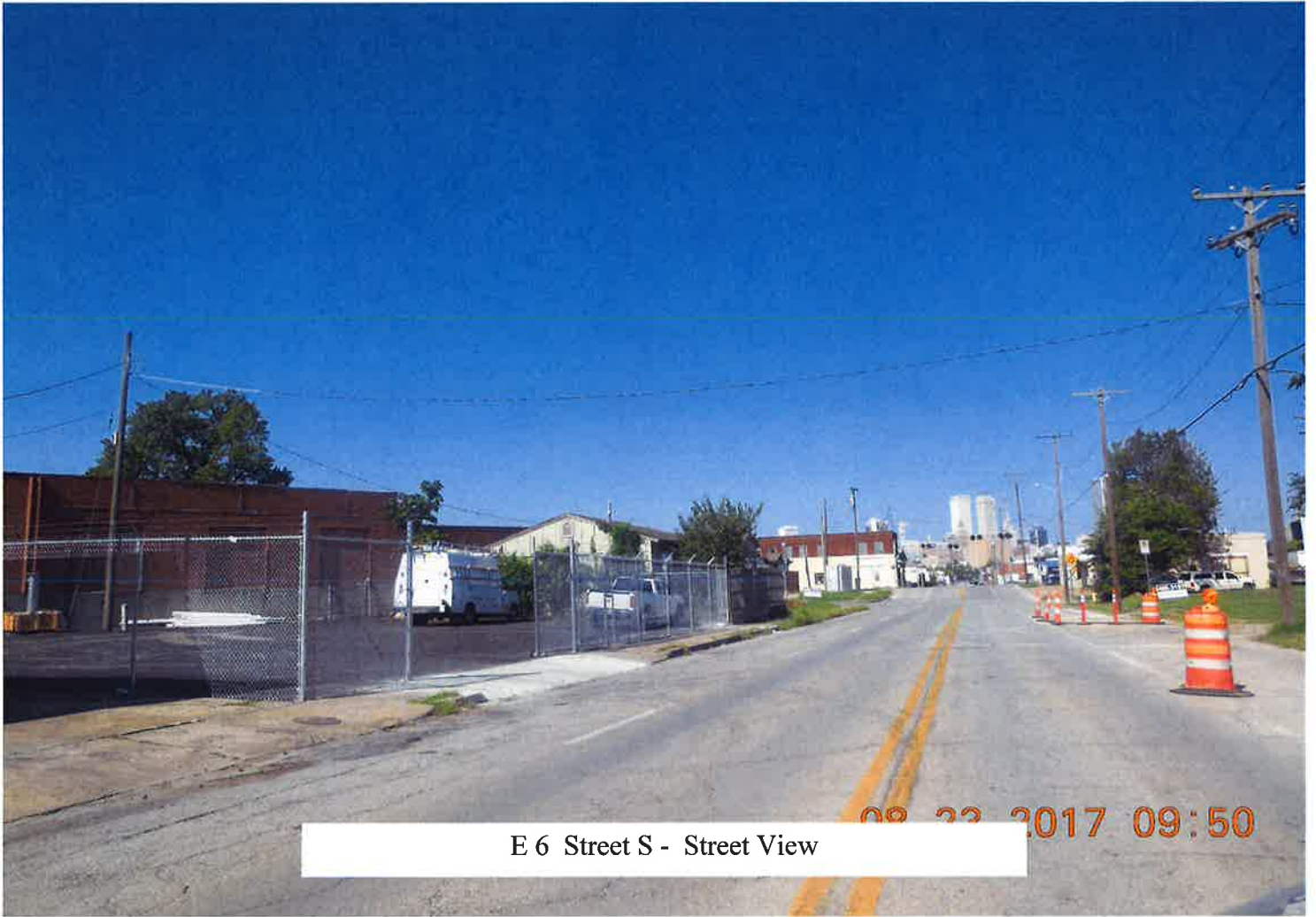


Subject Lot - Looking South

07.09.50



08.23.2017 09:50



E 6 Street S - Street View





PROJECT:  
**CUNNINGHAM**  
CPA

**TENANT  
BUILD-OUT**

PROJECT #  
17095

1920 East 6th Street,  
Tulsa, OK  
74104

CONSULTANT:

REVISIONS:	7/27/17
1	REVISION

ISSUE DATE: 6.6.2017

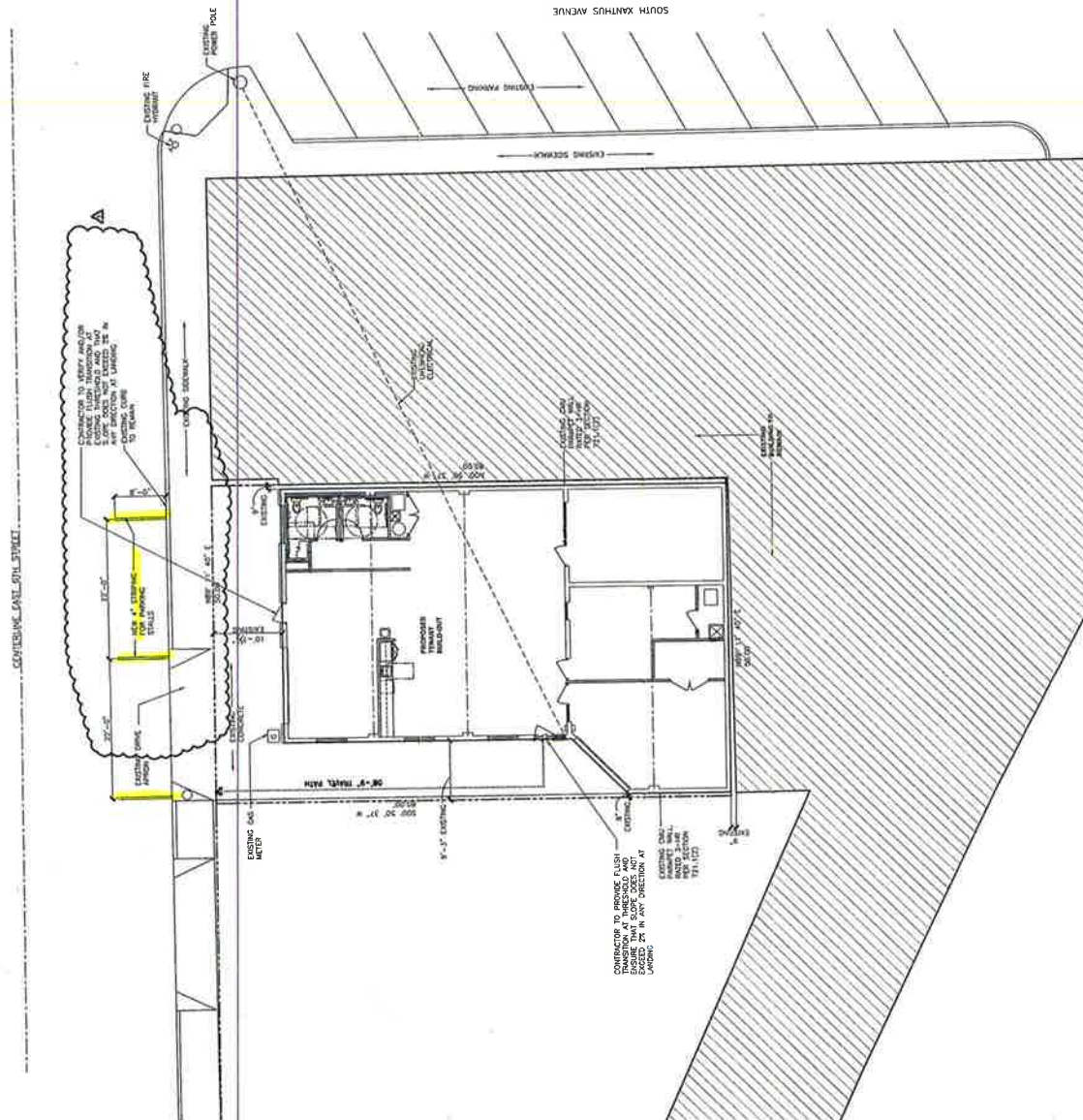
SHEET NAME:

**SITE PLAN**

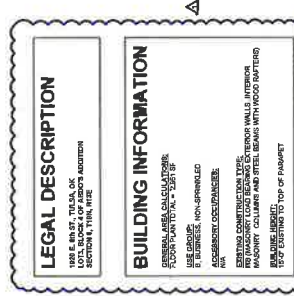
SHEET #:

# A101

DRAWN BY: RAM



**1 SITE PLAN**  
SCALE: 1/8" = 1'-0"



**2 AERIAL VIEW**  
SCALE: NONE  
FOR REFERENCE ONLY

CHUCK LANGE  
ZONING OFFICIAL  
PLANS EXAMINER

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



## DEVELOPMENT SERVICES

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

### ZONING CLEARANCE PLAN REVIEW

LOD Number: 1014000-1

June 28, 2017

ROGER MCKEE  
W DESIGN LLC  
1513 E 15 ST STE A  
TULSA, OK 74120

Phone: (918)894-5164  
Fax: (918)794-6602

APPLICATION NO: **424508** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: **1920 E 006 ST S**  
Description: **ALTERATION - INTERIOR**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

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

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

#### IMPORTANT INFORMATION

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

(continued)

10.11



## REVIEW COMMENTS

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

Application No. 424508

1920 E 006 ST S

June 28, 2017

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

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

- 1. Sec.55.080-A:** Except as otherwise expressly stated in this chapter, required off-street parking areas must be located on the same lot as the building or use they are required to serve.

**Review comment:** The proposed office requires nine (9) parking spaces. The parking area provided on your site plan is not on the same lot as the proposed office. Submit a plan providing the required parking on the same lot as the office. The site plan shall contain the following information:

- North arrow
- Appropriate drawing scale;
- Legal description of the lot;
- Actual shape and dimensions of the lot;
- Lot lines and names of abutting streets;
- Public rights-of-way;
- The location and dimensions of existing buildings or structures, including distances to lot lines;
- The location, dimensions and height of proposed buildings or structures;
- Architectural projections for existing and proposed buildings and structures, i.e. stairs, porches, balconies, fireplaces, roof overhangs, etc.;
- The intended use of existing and proposed buildings, structures or portion of the lot;
- The setbacks from the proposed new buildings or structures and alterations of existing buildings or structures to the centerline of abutting Right-of-Way;
- Location and dimensions of parking areas. This includes the parking spaces, the maneuvering areas necessary to enter and exit the spaces and the drives providing access to the parking spaces and maneuvering areas from a public or private street or other parking areas.

- 2. Sec.55.080-D:** You may wish to consider off-site parking. It is allowed when:

1. All or a portion of required off-street parking for nonresidential uses may be provided off-site, in accordance with the regulations of this section. Required accessible parking spaces (*see Section 55.110*) may not be located off site.
2. Off-site parking areas must be located within a 1,000-foot radius of the use served by such parking, measured between the nearest public entrance door of the use to be served and the

outer perimeter of the furthest parking space within the off-site parking lot. Off-site parking lots are allowed only in zoning districts that permit non-accessory parking or in districts that allow the principal use to be served by the off-site parking spaces.

3. Off-site parking areas must comply with all applicable parking area design regulations of *Sec. 55.090*. Off-site parking proposed to take place on a newly constructed parking area must comply with the PK district lot and building regulations of *Sec. 25.030-C*.
4. The property to be occupied by the off-site parking facilities must be under the same ownership as the lot containing the use to be served by the parking. The off-site parking area may be under separate ownership only if an agreement is provided guaranteeing the long-term availability of the parking, commensurate with the use served by the parking. The agreement must be filed of record in the county clerk's office of the county in which the property is located. Off-site parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this chapter.

**Review comment:** If you choose to provide off-site parking:

1. Show the location on your site plan;
2. Provide documentation the lot is under the same ownership as the lot with the office; or
3. If under separate ownership submit an agreement guaranteeing the long-term availability of the parking, commensurate with the use served by the parking. This agreement is also reviewed and approved by City of Tulsa legal. Once this is completed, the agreement must be filed of record in the Tulsa county clerk's office resubmitted to this office.

3. **Sec. 55.050-I:** On-street parking spaces on public street rights-of-way abutting the subject property may count towards satisfying off-street motor vehicle parking requirements. One on-street parking space credit may be taken for each 20 linear feet of abutting right-of-way where on-street parking is allowed. Only space on the same side of the street as the subject use may be counted, except that the opposite side of the street may be counted if the property on that side of the street does not have the potential for future development. In calculating credit for on-street parking, all fractional spaces are rounded down.

**Review comment:** On-street parking may be available if it is in compliance with this section. These spaces shall be indicated on your site plan

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

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

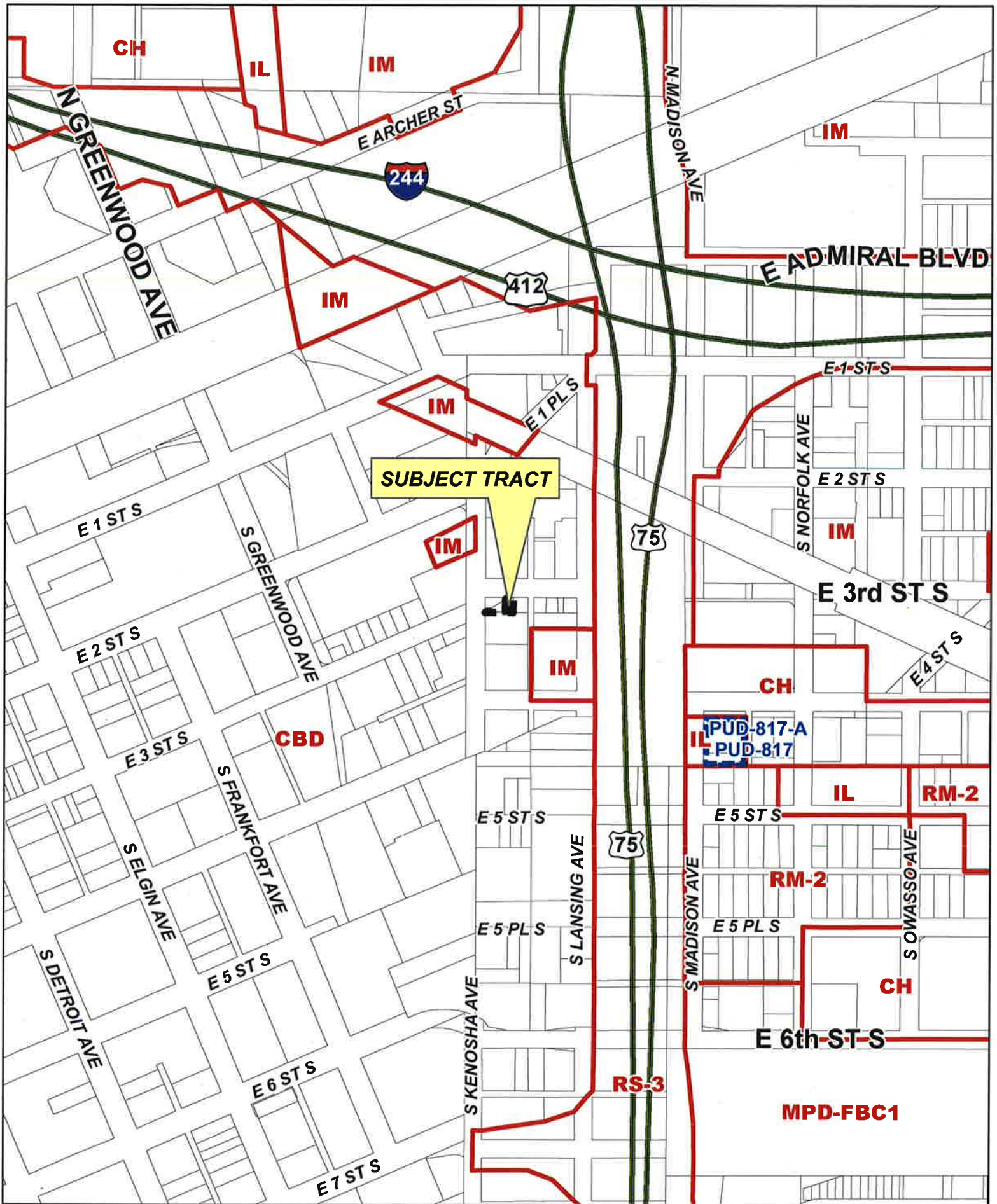
## **END – ZONING CODE REVIEW**

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

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



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**BOA-22315**

19-12 01



# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9201

Case Number: **BOA-22315**

**CZM:** 36

**CD:** 4

**A-P#:** 9263

**HEARING DATE:** 09/12/2017 1:00 PM

**APPLICANT:** Janet Fadler Davie

**ACTION REQUESTED:** Special Exception to allow a Bed and Breakfast (Airbnb) in the CBD district (Section 15.020).

**LOCATION:** 808 E 3 ST S

**ZONED:** CBD

**PRESENT USE:** Mixed-Use Commercial/Residential

**TRACT SIZE:** 1463.62 SQ FT

**LEGAL DESCRIPTION:** PRT LT 12 BEG SWC LT 12 TH E90 N50 W15 SWLY TO PT S39 W59 SWLY TO POB BLK 12, HODGE ADDN

**RELEVANT PREVIOUS ACTIONS:**

None Relevant.

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

**Downtown Core** is Tulsa's most intense regional center of commerce, housing, culture and entertainment. It is an urban environment of primarily high density employment and mixed-use residential uses, complemented by regional-scale entertainment, conference, tourism and educational institutions. Downtown core is primarily a pedestrian-oriented area with generous sidewalks shaded by trees, in-town parks, open space and plazas.

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by CBD zoning and a variety of uses including commercial/retail, office space and bars.

**STAFF COMMENTS:**

The applicant is before the Board requesting a Special Exception to permit a Bed & Breakfast in the existing mixed-use commercial building on the subject site. The applicant has stated that commercial/retail is on the ground floor of the building and the existing apartment on the 2<sup>nd</sup> floor will be used for short terms rentals. The request is to permit short-term (less than 30 days) lodging/rental

in the existing residence on the site. As the writing of this case report staff has not received any comments from the surrounding neighbors and 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. The board of adjustment may authorize bed and breakfasts to be rented for events, such as weddings, receptions, anniversaries, private dinner parties, business seminars, etc. The use of bed and breakfasts for on-site events requires ex-press authorization of the board of adjustment, in accordance with the special exception procedures of Section 70.120. As part of approval of the special exception, the board of adjustment is authorized to establish the maximum number of on-site events per year and the maximum number of guests per any single event, based on the availability of off-street parking and the facility's likely impacts on the area.

### **Sample Motion for a Special Exception**

Move to \_\_\_\_\_ (approve/deny) a Special Exception to allow a Bed and Breakfast (Airbnb) in the CBD district (Section 15.020).

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

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





0 200 400  
Feet



Subject  
Tract

**BOA-22315**

19-12 01

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

Aerial Photo Date: February 2016



11.4





0 50 100  
Feet



Subject  
Tract

**BOA-22315**

19-12 01

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

Aerial Photo Date: February 2016





8/9/2017

To Whom It May Concern,

My property where I want to have an Airbnb is at 808 E 3rd St, Tulsa, OK 74120 in the East Village District within the CBD. It is a two story building built in 1916 and is zoned mixed use with retail on the first floor and residential on the second floor. I've had long-term rentals upstairs for the last six years and would like to change the upstairs to short-term rental in the form of an Airbnb. The upstairs is a two bedroom, one bath apartment. Parking is not an issue with it being in the CBD and a fee parking lot across the street at 3rd and Kenosha. I have checked with my insurance agent at State Farm Insurance and was assured that an Airbnb is covered under my business property policy. I have owned this property since 2006 and have made improvements to it using my finances and believe in making my property the best that it can be to promote downtown Tulsa and it's growth.

Best Regards,

Janet Fadler Davie  
918-361-6624  
808 E 3rd St  
Tulsa OK 74120  
[www.janetfadlerdavie.com](http://www.janetfadlerdavie.com)

No more than 6 guest  
No parties



Sent from my iPhone





## Moye, Nikita

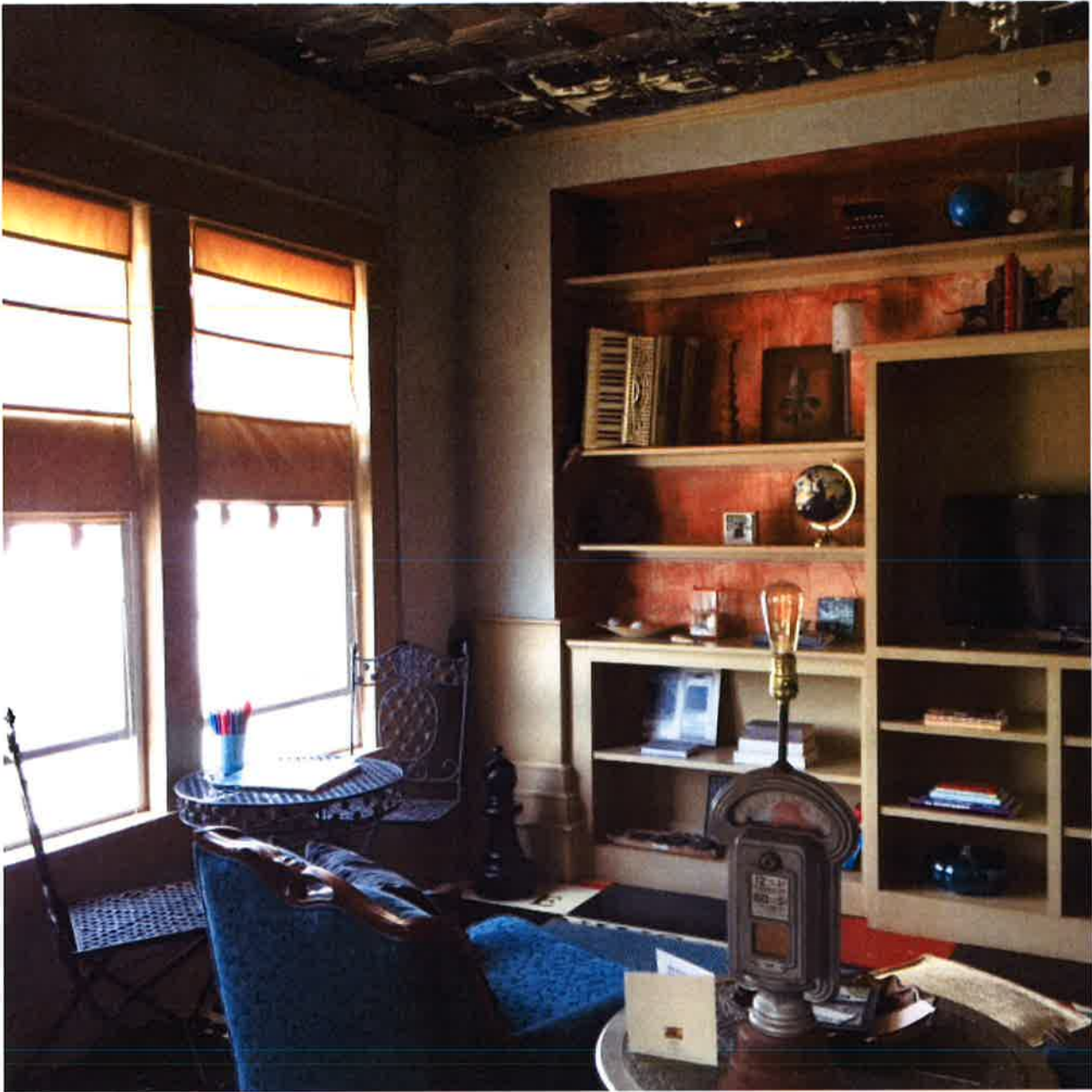
---

**From:** Janet Fadler Davie [fulzieye@sbcglobal.net]  
**Sent:** Thursday, August 10, 2017 6:59 PM  
**To:** Moye, Nikita  
**Subject:** BOA-22315

























**CHUCK LANGE**  
ZONING OFFICIAL  
PLANS EXAMINER

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



## DEVELOPMENT SERVICES

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

### ZONING CLEARANCE PLAN REVIEW

**LOD Number: 1020920-1**

**July 31, 2017**

**JANET DAVIE**  
**OWNER**  
**808 E 3 ST S**  
**TULSA, OK 74120**

**Phone: (918)747-1377**

**APPLICATION NO: 9263** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
**Location: 808 E 003 ST S**  
**Description: Air B & B**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

#### IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
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3. A COPY OF A "RECORD SEARCH" **[ X ] IS [ ] IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

11.17



## REVIEW COMMENTS

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

Application No. 9263

808 E 003 ST S

July 31, 2017

**Note:** Please direct all questions concerning special exceptions, platting and appeals of an administrative official decision and all questions regarding BOA application forms and fees to an INCOG representative at 918-584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

**1. Sec.35.050-G1:** Your application is for a Bed & Breakfast which is located in an RM-2 zoning district. This use is allowed in the RM-2 district by Special Exception (*Table 5-2: R District Use Regulations*).

**Review Comment:** Submit a copy of the Special Exception reviewed and approved per *Sec.70.120* to allow a Bed & Breakfast in the CBD 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 on-site 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.

**3. NOTE:** A Certificate of Occupancy will be required after approval of Zoning Clearance.

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

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

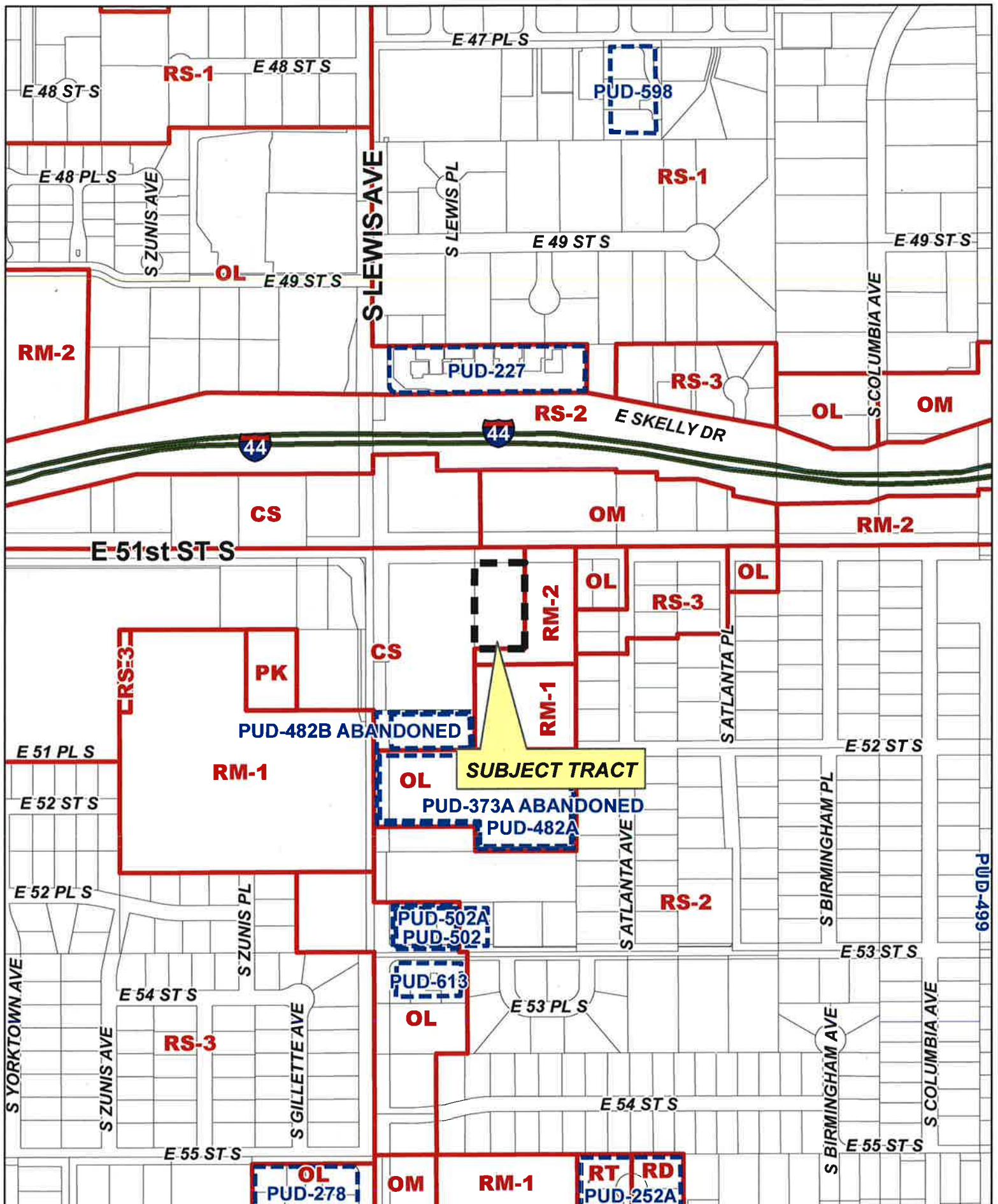
#### **END – ZONING CODE REVIEW**

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

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



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BOA-22316

19-13 32

12.1





# BOARD OF ADJUSTMENT CASE REPORT

STR: 9332  
CZM: 47  
CD: 9  
A-P#: 425547

Case Number: **BOA-22316**

**HEARING DATE:** 09/12/2017 1:00 PM

**APPLICANT:** Acura Neon Signs, Inc

**ACTION REQUESTED:** Variance to allow a dynamic display sign within 200 ft. on an R district (Sec.60.100-F)

**LOCATION:** 2432 E 51 ST S

**ZONED:** CS

**PRESENT USE:** Commercial

**TRACT SIZE:** 46,112.2 SQ FT

**LEGAL DESCRIPTION:** Lot 1 Block 1, SPANISH GARDENS ADDN, PARKHILL, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Lot:**

**BOA 22133;** on 10.11.16 the Board approved a Variance of the required off-street parking spaces for retail sales in the CS district from 70 to 48.

**BOA 22106;** on 07.26.16 the Board approved/accepted a verification of the 300' spacing requirement for a liquor store.

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is abutted by CS zoned commercial/retail on the west; RM-2 zoned residential on the east and south. E 51<sup>st</sup> St S, CS and OM zoning about the site on the north.

**STAFF COMMENTS:**

The applicant is proposing to install a 4'-8" x 9'-5" (43.9 sq. ft.) dynamic display sign on the north elevation of the building as shown on the submitted plans and photos. It appears that the proposed dynamic display sign is within 200 ft. of a the R district on the east and south.

The Code requires that no dynamic display sign, if visible from an R district other than street, highway or freeway right-of-way, shall be located within 200 feet of the R district. The Code attempts to protect nearby and visible R districts from the impacts of digital signs. The applicant is requesting a variance to allow proposed dynamic display sign within 200' of an R-zoned district. The applicant provided the following statement: *"The digital sign will face north and it will not be visible from the residential district."*

**Sample Motion**

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

- 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."*



SAID OIL CAPITAL HEIGHTS; THENCE NORTH 88°35'43" EAST ALONG SAID NORTHERLY LINE FOR 190.93 FEET; THENCE SOUTH 01°21'22" EAST PARALLEL WITH SAID WESTERLY LINE FOR 456.43 FEET TO A POINT ON THE SOUTHERLY LINE OF OIL CAPITAL HEIGHTS; THENCE SOUTH 88°41'11" WEST ALONG SAID SOUTHERLY LINE 190.93 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINING 87,119.98 SQUARE FEET OR 2.000 ACRES, MORE OR LESS, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

**UNFINISHED BUSINESS**

**22133—Wallace Engineering – Jim Beach**

**FILE COPY**

**Action Requested:**

Variance of the required off-street parking spaces for retail sales in the CS District from 70 to 48 (Section 55.020). **LOCATION:** 2432 East 51<sup>st</sup> Street South (CD 9)

**Ms. Back and Mr. Van De Wiele recused and left the meeting at 1:06 P.M.**

**Presentation:**

**Robert Getchell**, 100 West 5<sup>th</sup> Street, Suite 1100, Tulsa, OK; stated the application was originally submitted by Jim Beach of Wallace Engineering on behalf of Parkhill & Parkhill, LLC, the owner of Parkhill Liquor and Wines located at 51<sup>st</sup> and Lewis. The Parkhill family has operated the business at the southeast corner of 51<sup>st</sup> and Lewis since 1963. They have built a strong family owned business with a loyal customer base. The success of the business is the decades long presence at its current location. In the past several months circumstances beyond the Parkhill's control dictates that the business must move. The landlord has informed them that the lease for the space within the shopping center will not be renewed. The relocation alternative offered by the current landlord was not economically feasible for the Parkhills. They opted to purchase a one acre tract immediately to the east of their current location. This option will allow the Parkhills to stay in the same area that have been identified with for over five decades. The future site has challenges. It required a rezoning which has been approved. It required a platting of the property which has been approved. The last remaining step is today's application for the Variance. Parkhill is seeking the Variance to alleviate an unnecessary hardship that will be caused by the strict enforcement of the Code's requirement. A Variance is intended to provide relief when the requirements of the Zoning Code render property very difficult or impossible to put to a reasonable use because of unique characteristics and such conditions exist on the subject property justifying approval of the requested Variance. The shape of the subject lot, the

BOA - 22133

FILE COPY

topographical conditions and the shape of the lot all make it necessary or have made it necessary for the Parkhills to do certain things to accommodate the footprint of the building. An existing drainage easement in the southeast corner of the subject property has been retained and that has dictated the building could not be moved any farther back on the lot. In accommodating the rezoning and the platting of the subject property it was discovered that there had never been a dedication of additional right-of-way for 51<sup>st</sup> Street beyond the original statutory section line easement. Between that and a water line that is located on a non-existent easement there was additional roadway dedication prior to the 16 foot easement on the north side all of which required the building to be pushed back southward from 51<sup>st</sup> Street. This eliminated six parking spaces that were already on the plan while under conception. The landscaping that is required on the east boundary limits the ability to use the east property line for parking. The west property line slopes very steeply towards Lewis Avenue which makes it difficult to move the building eastward. Parking requirements are in place to assure there are sufficient onsite parking to meet peak vehicle demands. Parkhill submits that the literal enforcement of the Code is not necessary to achieve the objective in this instance based on 50 years of experience in operating their store. Parkhill believes that they can represent to the Board that the customers spend a limited amount of time in the store with the average visit being about ten minutes per customer. The parking situation is not one where people spend more than 15 minutes in the store at any particular time. The Parkhills did an analysis of their transaction pattern and the average transaction is typically less each day than the number of parking spaces available. The Zoning Code for parking is based on the square footage of the building. The building is approximately 20,323 square feet, however, approximately 3,000 square feet will not be for public retail use. In addition, a lot of the floor area is used for storage of inventory even of the retail space. Both of these things indicate that the application of the strict formula of the Zoning Code would be somewhat burdensome for Parkhill at the subject location. The conditions at the site are unique and this is an infill development that has issues not likely to exist along the remainder of the 51<sup>st</sup> Street corridor in the area. Parkhill has maximized the lot for every available spot to be used for parking. If the Variance is approved it will not alter the essential character of the neighborhood or substantially or permanently impair use or development of adjacent property and will not cause substantial detriment to the public good or impair the purpose, spirit or intent of the Zoning Code.

Mr. White asked Mr. Getchell if the store ever ran 70 customers at a time based on the traffic analysis performed. Mr. Getchell stated the store as it currently exists only has 60 spaces in front of the store and based on the generated reports the probable high might be more than 48 customers in the store over a course of an hour. But there are probably not 48 customers in the store at any one given time in the day.

**Interested Parties:**

**Greg Guerreo**, 1120 South Boston Avenue, Suite 100, Tulsa, OK; stated he is the managing member for the Atlanta Terrace Apartments which is the property immediately to the east of the subject property. He is familiar with Parkhill and it is his understanding that the amount of business they have during peak periods fill up the



BoA-22133

FILE COPY

current parking space. Mr. Guerreo stated that he believes the apartment parking for residents will probably be the overflow parking for Parkhill if the parking is not adequate for their needs. Mr. Guerreo stated that the ingress and egress for the subject property, along with the apartments, is terrible. Turning to the right to go east is very easy but people turning to the west have a very difficult time. If the store fills up their entire parking lot the customers will overflow to the apartments. He would echo the objections raised by Venture Properties not because Parkhill is not a good business but because he does not want the apartments to carry the overload of customers.

Mr. White asked Mr. Guerreo if he thought there would still be a problem entering and exiting the property regardless of what type business went on the property. Mr. Guerreo answered affirmatively. Mr. Guerreo stated there is a problem now but the apartments do not have any room to modify their ingress and egress, but if Parkhill could move their ingress and egress might help.

**Rebuttal:**

**Robert Getchell** came forward and stated that it is presumptuous to assume the apartments are going to be the overflow parking lot, because there is a fence that comes down the entire common boundary line. People will not pull into the apartment complex, drive down the driveway to find an open space and then walk all the way back to 51<sup>st</sup> Street then walk back halfway down the property to the entrance of the store is unlikely to occur. In regards to the difficulty getting in and out of the subject property is not different than what already exists. The driveway for the existing Parkhill store is not much farther down the road and there is a challenge in trying to turn westward from the north driveway. The mentioned problem is probably a common problem to virtually every arterial street in Tulsa so he does not think there will be a new or unique kind of problem created.

**Comments and Questions:**

Mr. Bond understands the interested parties concerns but based on the information provided by the applicant it does not sound like the parking would be full for long periods of time so it would not create a hardship for the neighbor.

**Board Action:**

On **MOTION** of **FLANAGAN**, the Board voted 3-0-2 (Bond, Flanagan, White "aye"; no "nays"; Back, Van De Wiele "abstaining"; Flanagan, Van De Wiele absent) to **APPROVE** the request for a Variance of the required off-street parking spaces for retail sales in the CS District from 70 to 48 (Section 55.020). 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;

BDA - 22133

- 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:

**N/2 W/2 E/2 NW NW SEC 32 19 13, City of Tulsa, Tulsa County, State of Oklahoma**

**Ms. Back and Mr. Van De Wiele re-entered the meeting at 1:28 P.M.**

**22134—Andres Meza**

**Action Requested:**

Special Exception to permit used car sales in the CS District (Section 15.020); Variance to allow outdoor storage and display of merchandise within 300 feet of an abutting R District (Section 15.040). **LOCATION:** 2203 North Lewis Avenue East (CD 3)

**Presentation:**

**Andres Meza**, 7330 East 24<sup>th</sup> Street, Tulsa, OK; stated that Karen Meza will interpret for him.

**Karen Meza**, 7330 East 24<sup>th</sup> Street, Tulsa, OK; stated the subject property will be for selling used cars. They have erected a fence all around the subject property to screen the lot from the neighbors.

Mr. Van De Wiele asked Ms. Meza how many cars they anticipated having on the lot at any one given time. Ms. Meza stated there would be a minimum of ten cars with a maximum of 20 cars.

Mr. Van De Wiele asked Ms. Miller if 10 to 20 cars would fit on the lot based on the diagram provided by the applicant. Ms. Miller stated that the diagram on page 4.10 in the agenda packet shows no dimensions so she is not sure.

Mr. Van De Wiele stated there has been an issue of having too many cars on too small of a lot. So the parking spaces need to meet the dimensions and size of parking stalls





0 200 400  
Feet



Subject  
Tract

**BOA-22316**

19-13 32

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

Aerial Photo Date: February 2016

12.8

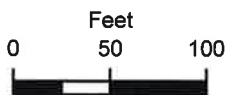




S LEWIS AVE



E 51st ST S



Subject  
Tract

**BOA-22316**

19-13 32

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

Aerial Photo Date: February 2016



12.9



3/16" White acrylic with applied 3M-12 Black opaque vinyl, 1" Black trim caps, 5" Black returns and illuminated with White LED's.

3/16" White acrylic with applied 3M-12 Black opaque vinyl border, 1" Black trim caps, 5" Black returns and illuminated with White LED's.

25'-9 7/8"

# parkhill's warehouse

## liquors & wine

1'-6 7/8"  
1'-1 3/8"

5'-1 3/4"  
2'-10 1/2"  
2'-0 7/8"

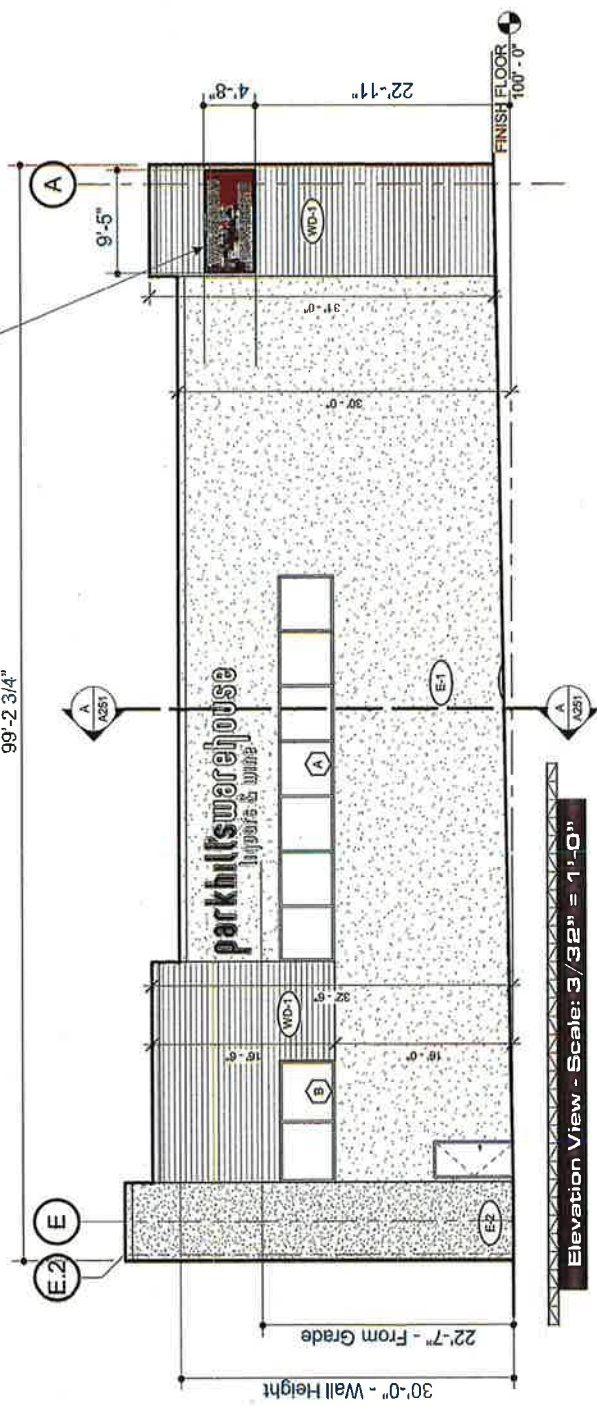
Detail View - Scale: 3/8" = 1'-0"

-Manufacture and install (1x) set of face-lit channel letters and (1x) single sided Daktronics LED message display.

3/16" White acrylic with applied 3M-12 Black opaque vinyl border, 1" Black trim caps, 5" Black returns and illuminated with White LED's.

(1x) Single sided Daktronics Gs6, 19.8mm, RGB, LED message display.

99'-2 3/4"



Elevation View - Scale: 3/32" = 1'-0"

**Client:**  
Parkhill Warehouse  
Liquors & Wine

**Job Location:**  
2432 E. 51st St  
Tulsa, OK 74105

**Sales Reps:**  
Yoko L.

**Designer:**  
Daklas B.

**Drawing No:**  
080917-01

**File Name:**  
PARKH-  
NORTH-01C.dwg

**Date:**  
8-9-2017

**Scales:**  
Noted

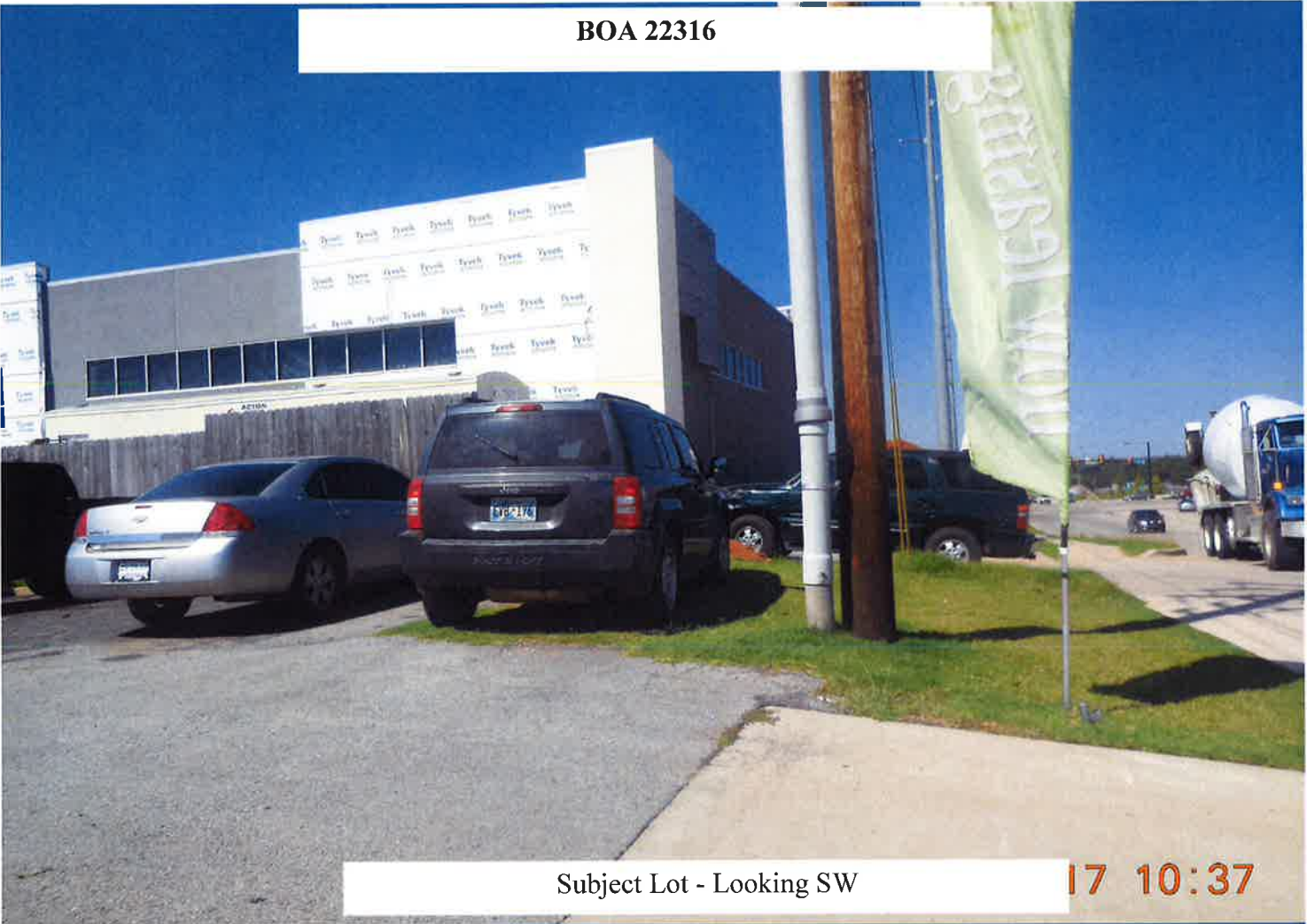
**Approved By:**

**Date Approved:**

**Color Swatches:**  
May vary from actual color  
Verify with customer



**ALUMINUM LED OUTDOOR LIGHTS**  
www.aluminumled.com



Subject Lot - Looking SW

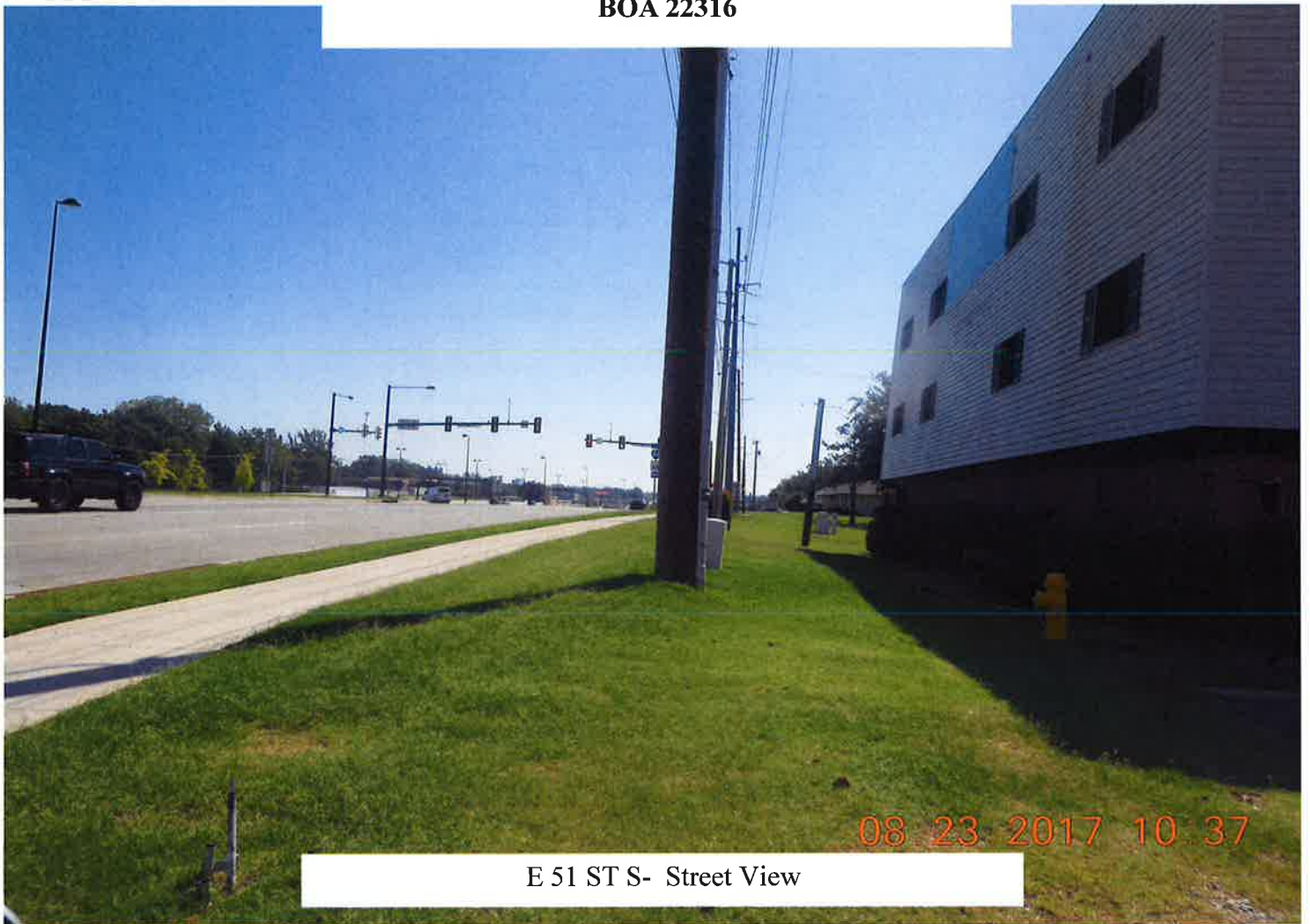
17 10:37



E 51 ST S- Street View

12.11





E 51 ST S- Street View

BOB KOLIBAS  
SIGN PLANS EXAMINER  
918-596-9664



## DEVELOPMENT SERVICES

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

### SIGN PLAN REVIEW

July 06, 2017

LOD Number: 1017067-1

Sign contractor:  
Acura Neon Sign Inc.  
1801 E 51<sup>st</sup> Street  
Tulsa OK 74012

**APPLICATION NO:** 425547 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
**Location:** 2432 E 051 ST S  
**Description:** Dynamic Display Sign

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

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

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

#### IMPORTANT INFORMATION

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

(continued)

12.13



## REVIEW COMMENTS

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

Application No. 425547 2432 E 051 ST S July 06, 2017

This letter of deficiencies covers Sign Plan Review items only.

For ground, monument, pole & outdoor advertising structure sign applications only, you may receive additional letters from other disciplines such as Water/Sewer/Drainage for additional deficiencies regarding Utility Easement placement which are not addressed in this letter.

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

**Review Comments:** The proposed dynamic display sign appears to be located within 200 feet of an RM-2 Residential zoning district. You may pursue a variance from the BOA to permit a dynamic display freestanding sign to be located within 200 feet of an RM-2 zoning district.

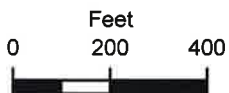
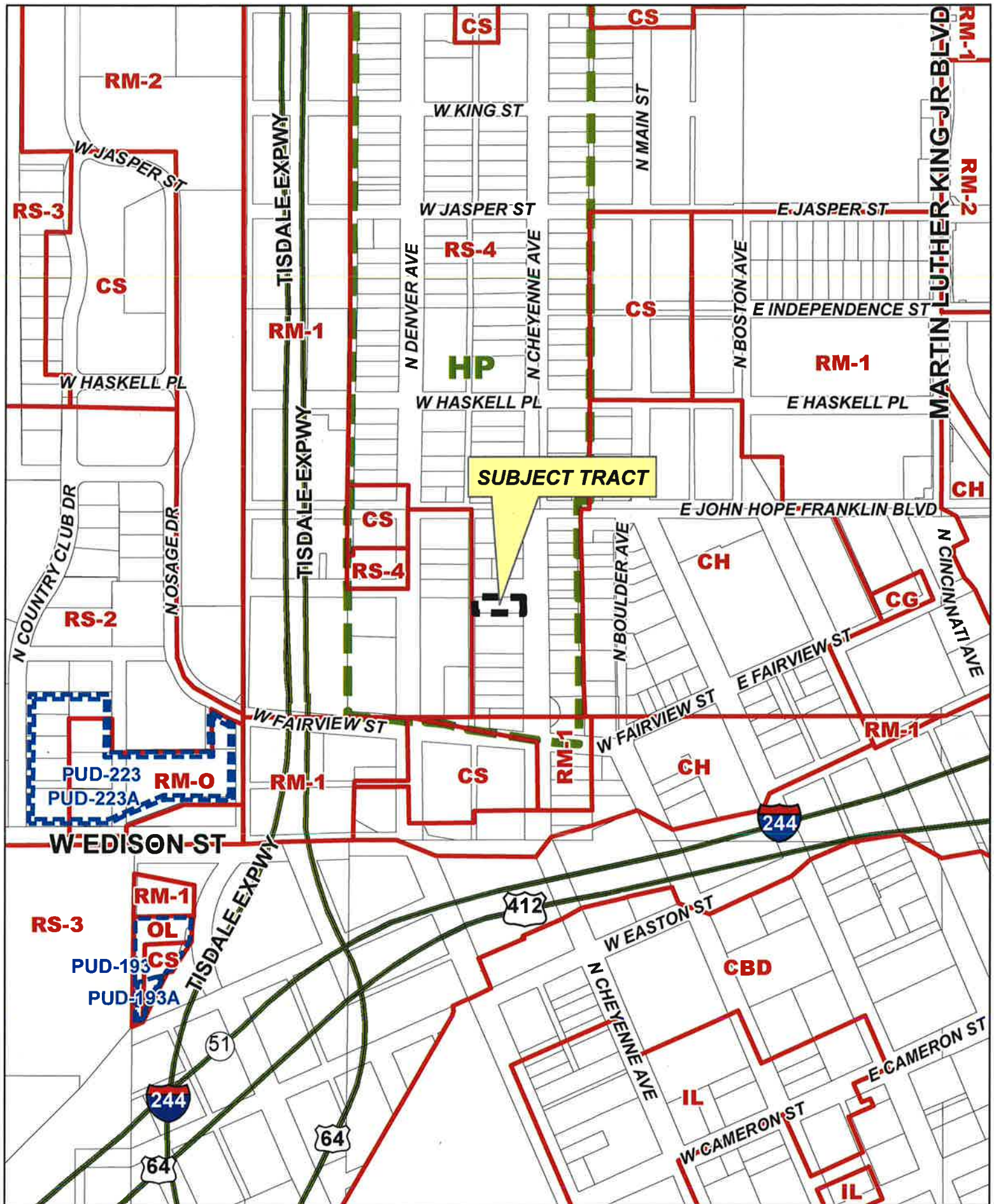
**NOTE:** Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding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

## END – ZONING CLEARANCE AND SIGN CODE REVIEW

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

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

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BOA-22317

20-12 35

13.1





# BOARD OF ADJUSTMENT CASE REPORT

STR: 0235

Case Number: **BOA-22317**

CZM: 28

CD: 1

A-P#: NA

**HEARING DATE:** 09/12/2017 1:00 PM

**APPLICANT:** Jeremy Grodhaus

**ACTION REQUESTED:** Variance to reduce the front setback of Tract A from 20 ft. to 12. 6 ft.; Variance to reduce the rear setback of Tract A from 20 ft. to 3.3 ft.; Variance of the minimum open space per unit from 2500 sq. ft. to 1,501 sq. ft. for Tract A; and a Variance of the lot area and lot area per dwelling unit requirement from 5,500 sq. ft. to 2,722 sq. ft. for Tract A to permit a lot-split (Section 5.030).

**LOCATION:** 630 N CHEYENNE AV W

**ZONED:** RS-4/HP

**PRESENT USE:** Residential

**TRACT SIZE:** 8215.45 SQ FT

**LEGAL DESCRIPTION:** S4.3 LT 3 & N48 LT 4 BLK 5, NORTH TULSA, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Lot:**

**BOA 18861;** on 09.12.00 the Board **approved** a Variance of lot area and land area per dwelling unit requirement; a Variance of livability space requirement; and a Variance of required front and rear yard setback requirement.

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

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

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

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

**STAFF COMMENTS:**

The applicant provided the following statement: *"The property is unique due to its age; over 100 years old. Having been platted and its structures built prior to any zoning Code being adopted in the City. Currently the lot is non-conforming; by allowing the split there will be at least one conforming lot."* As shown on the attached survey the proposed **Tract A** will be 2,722.3 sq. ft. and **Tract B** will be 5,543.8 sq. ft. For a detached house use in the RS-4 district the Code requires a lot area and lot area per unit of 5,500 sq. ft.; the also Code requires a lot width of 50 ft. To permit **Tract A** as proposed the applicant has requested a variance to reduce the required lot area and lot area per unit requirement from 5,500 sq. ft. to 2,722 sq. ft.

The Code requires a open space per unit of 2,500. *Open space per unit refers to the amount of outdoor open space required to be provided on a lot for each dwelling unit on the subject lot. The following may be counted toward satisfying minimum open space-per unit requirements: (1) Outdoor areas that are not occupied by buildings, driveways or parking areas and are generally useable by residents; (2) Driveways and parking areas located in the rear yard of a detached house or duplex; and; (3) Green roofs covering 25% or more of the subject building's overall roof area.* It appears the existing building on **Tract A** (2722 sq. ft.) occupies 1221 sq. ft. of the site. The applicant has requested a variance to reduce the open space per unit requirement to 1,501 sq. ft. (lot area – building area).

In a previous Board case (BOA 18861) the Board approved a variance to reduce the front setback to 12'-6" and a variance to reduce the rear setback to 3.4' to allow the existing house on **Tract A**. Therefore the requested *Variance to reduce the front and rear building setback requirements for Tract A* is not needed and can be withdrawn by the applicant at the hearing.

Variances not utilized within 3 years of approval are null and void; therefore the previously approved variances to reduce the lot area, land area per dwelling unit and the livability space requirement expired because the proposed lot split in BOA 18861 was not approved by the TMAPC.

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Variance to reduce the front setback of Tract A from 20 ft. to 12. 6 ft.; Variance to reduce the rear setback of Tract A from 20 ft. to 3.3 ft.; Variance of the minimum open space per unit from 2500 sq. ft. to 1,501 sq. ft. for Tract A; and a Variance of the lot area and lot area per dwelling unit requirement from 5,500 sq. ft. to 2,722 sq. ft. for Tract A to permit a lot-split (Section 5.030).

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

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

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



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

**Case No.18861**

**Action Requested:**

Variance of land area per dwelling unit on Tract B, from 6,750 square feet to 4,938 square feet. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6; a Variance of livability space on Tract B from 2,500 square feet to 2,173 square feet. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; a Variance of required minimum lot area on Tract A from 5,500 square feet to 5,131 square feet. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; a Variance of required minimum lot area on Tract B from 5,500 square feet to 3,138 square feet. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; a Variance of required setback from West Golden from 20' to 12'6". SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; and a Variance of the required rear yard from 20' to 3.4'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located SW/c W. Golden & Cheyenne Ave.

**Presentation:**

**Ted Sack**, 111 S. Elgin, stated that he was representing the applicant, who wants to sell the two residences on the subject property, separately. The applicant is remodeling but there will be no change in the square footage of the homes. It is probably in non-conformance now because there are two residences on one lot, which is against Code.

**Comments and Questions:**

Ms. Turnbo identified that the lot is in the HP zoning. Mr. Dunham asked what would be the proposed access to Tract B. Mr. Sack replied West Golden is the accessibility.

**Interested Parties:**

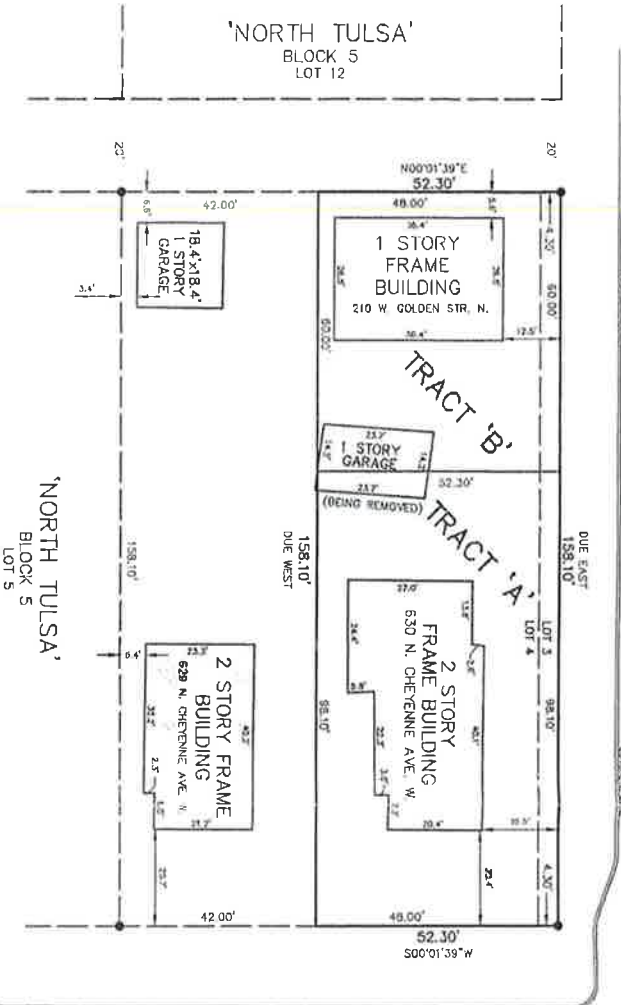
**Emily Warner**, 1011 N. Cheyenne, stated she is the President of the Brady Heights Neighborhood Association. She is also a member of the Tulsa Preservation Commission, and serves on the Certificate of Appropriateness. She stated that the reason she came because it was not clear that the application was for a lot split. She stated that they do not oppose the lot split.

**Board Action:**

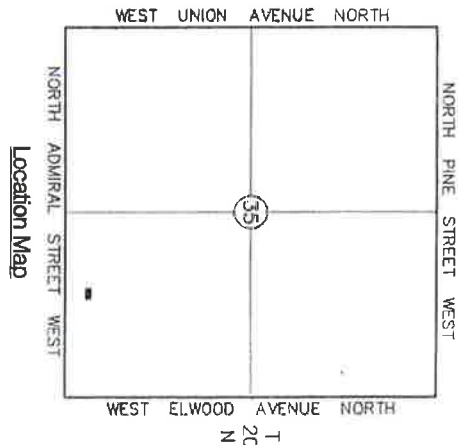
On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of land area per dwelling unit on Tract B, from 6,750 square feet to 4,938 square feet; a **Variance** of livability space on Tract B from 2,500 square feet to 2,173 square feet; a **Variance** of required minimum lot area on Tract A from 5,500 square feet to 5,131 square feet; a **Variance** of required minimum lot area on Tract B from 5,500 square feet to 3,138 square feet; a **Variance** of required setback from West Golden from 20' to 12'6"; and a **Variance** of the required rear yard from



# WEST GOLDEN STREET NORTH (PUBLIC STREET)



# NORTH CHEYENNE AVENUE WEST (PUBLIC STREET)



## Notes

1. NO CURRENT ABSTRACT OR TITLE OPINION HAS BEEN FURNISHED TO US. THEREFORE, WE DO NOT CERTIFY THAT ALL EASEMENTS, DEDICATIONS, OR OTHER ENCUMBRANCES ARE SHOWN OR NOTED ON THIS PLAT.
2. ALL CORNERS SHOWN ON THIS PLAT WERE SET USING A 3/8" x 16" IRON PIN WITH A YELLOW CAP STAMPED "SACK LS 1139" UNLESS OTHERWISE NOTED.
3. THIS PLAT MEETS THE MINIMUM TECHNICAL STANDARDS FOR A BOUNDARY SURVEY AS ADOPTED BY THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR THE STATE OF OKLAHOMA.
4. THE BEARINGS SHOWN HEREON ARE BASED ON THE SOUTHERLY LINE OF LOT 4 HAVING AN ASSUMED BEARING OF DUE WEST.

## Utility Statement

THE UNDERGROUND UTILITIES SHOWN ON THIS PLAT HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE INFORMATION AND EXISTING DRAWINGS SHOWN COMPREHENSIVE ALL SUCH UTILITIES EITHER IN OR OUT OF THE SURVEYED AREA. THE SURVEYOR DOES NOT WARRANT OR GUARANTEE THE ACCURACY OF THE INFORMATION SHOWN ON THIS PLAT. THE SURVEYOR HAS NOT LOCATED THE UNDERGROUND UTILITIES. CALL OKIE BEFORE DIGGING (800) 522-6543.

## Certificate

WE, SACK AND ASSOCIATES, INC., DO HEREBY CERTIFY THAT WE HAVE MADE AN ON THE GROUND SURVEY OF THE PROPERTY SHOWN HEREON, AND THAT THIS IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY.

1/8/01

SACK AND ASSOCIATES, INC.

BY: *Theodore A. Sack*

THEODORE A. SACK  
REGISTERED PROFESSIONAL LAND  
SURVEYOR, OKLAHOMA NO. 1139

LOT SPLIT  
OF PART OF  
LOTS 3 AND 4  
IN  
BLOCK 5

'NORTH TULSA'  
SECTION 35, T-20-N, R-12-E  
CITY OF TULSA, TULSA COUNTY, OKLAHOMA



**SACK AND ASSOCIATES, INC.**  
ENGINEERING • SURVEYING • PLANNING  
1000 N. W. 10th St., Suite 100  
Tulsa, Oklahoma 74103  
Phone: (918) 582-5270 Fax: (918) 582-5271  
E-mail: info@sackandassociates.com  
Certificate of Authorization Number 1713 (Exp. June 30, 2005)

SURVEY: DED  
DRAWN: BOB  
CHECKED: RLM, EDS  
PROJECT NAME: NTRB-4  
DATE: AUGUST 11, 2000 AT 10:42 AM  
DRAWN BY: EKHBTJA  
SCALE: 1"=20'-0" DATE: 6/1/2000  
PROJECT: 2072-35  
SHEET: 1 OF 1

## Legend

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100	ADJACENT PROPERTY LINE



CALL OKIE  
(800) 522-6543

Case No. 18861 (continued)

20' to 3.4', conditioned that permission of the Historic Preservation Society be obtained before removing the garage, finding the hardship to be that this is improving a non-conforming condition, on the following described property:

\*\*\*\*\*.

**Case No. 18862**

**Action Requested:**

Special Exception to permit the construction of an automobile repair and service facility on the easterly 171.28' of Lot 1, Block 1, Meadow Brook Village Addition. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17, located S & E S. Mingo Rd. & E. 81<sup>st</sup> St. S.

**Presentation:**

**Bill LaFortune**, 2900 Mid-Continent Tower, stated the request and listed a brief history of the subject property. He submitted photographs (Exhibit R-2) to show that it would not be injurious to the neighborhood or detrimental to the public. He stated that it would be consistent with other businesses at that location.

**Protestants:**

None.

**Board Action:**

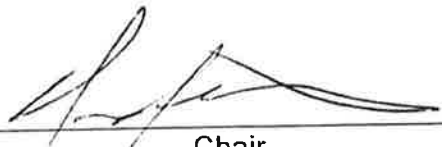
On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit the construction of an automobile repair and service facility on the easterly 171.28' of Lot 1, Block 1, Meadow Brook Village Addition, per plan, on the following described property:

The E 171.28' of Lot 1, Block 1, Meadow Brook Village Addition, City of Tulsa, Tulsa County, State of Oklahoma.

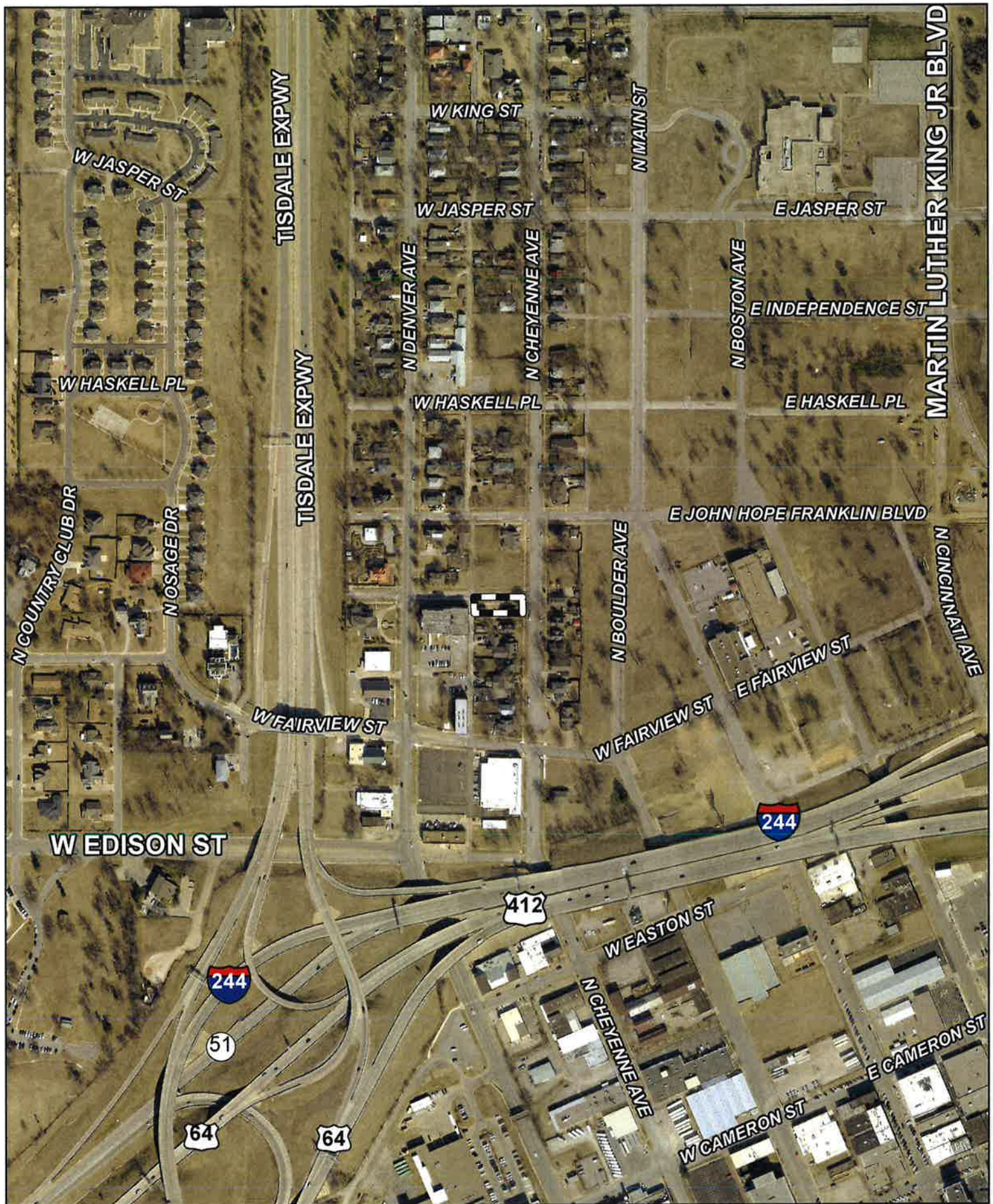
\*\*\*\*\*.

There being no further business, the meeting was adjourned at 5:13 p.m.

Date approved: October 24, 2000

  
Chair





0 200 400  
Feet



Subject  
Tract

**BOA-22317**

20-12 35

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

Aerial Photo Date: February 2016

13.8







0 50 100  
Feet



Subject  
Tract

**BOA-22317**

20-12 35

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

Aerial Photo Date: February 2016

13.9







Subject Lot - Looking SW

08.23.2017 09:31

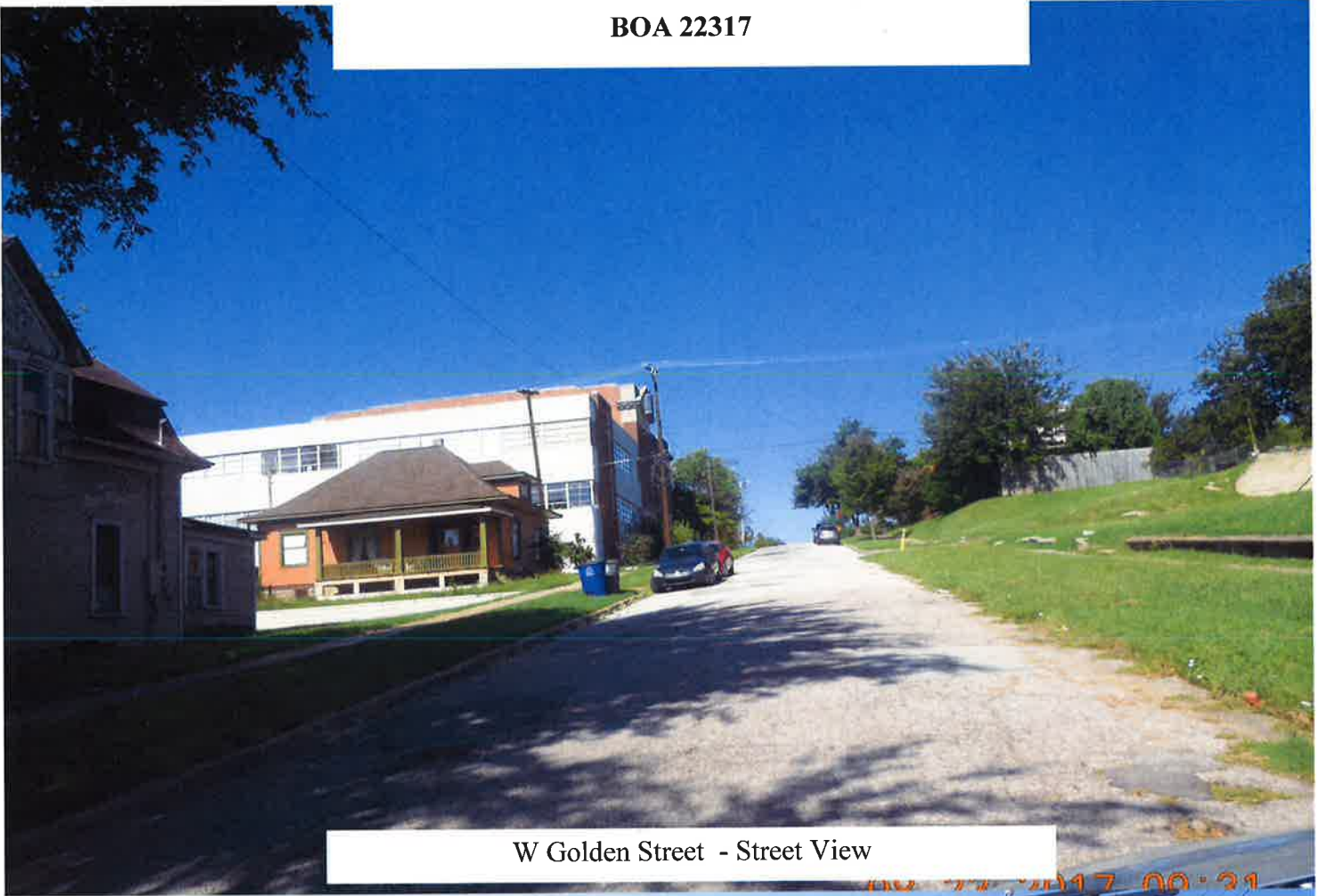


Subject Lot - Looking SW

08.23.2017 09:31

13.10





W Golden Street - Street View



Subject Lot - Looking West



# **PLAT of SURVEY / LOT SPLIT EXHIBIT (PAGE 1)**

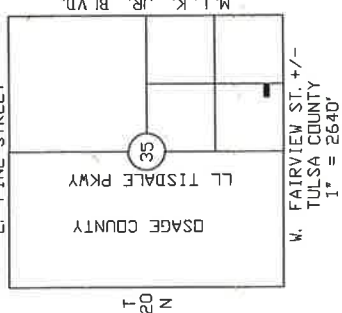
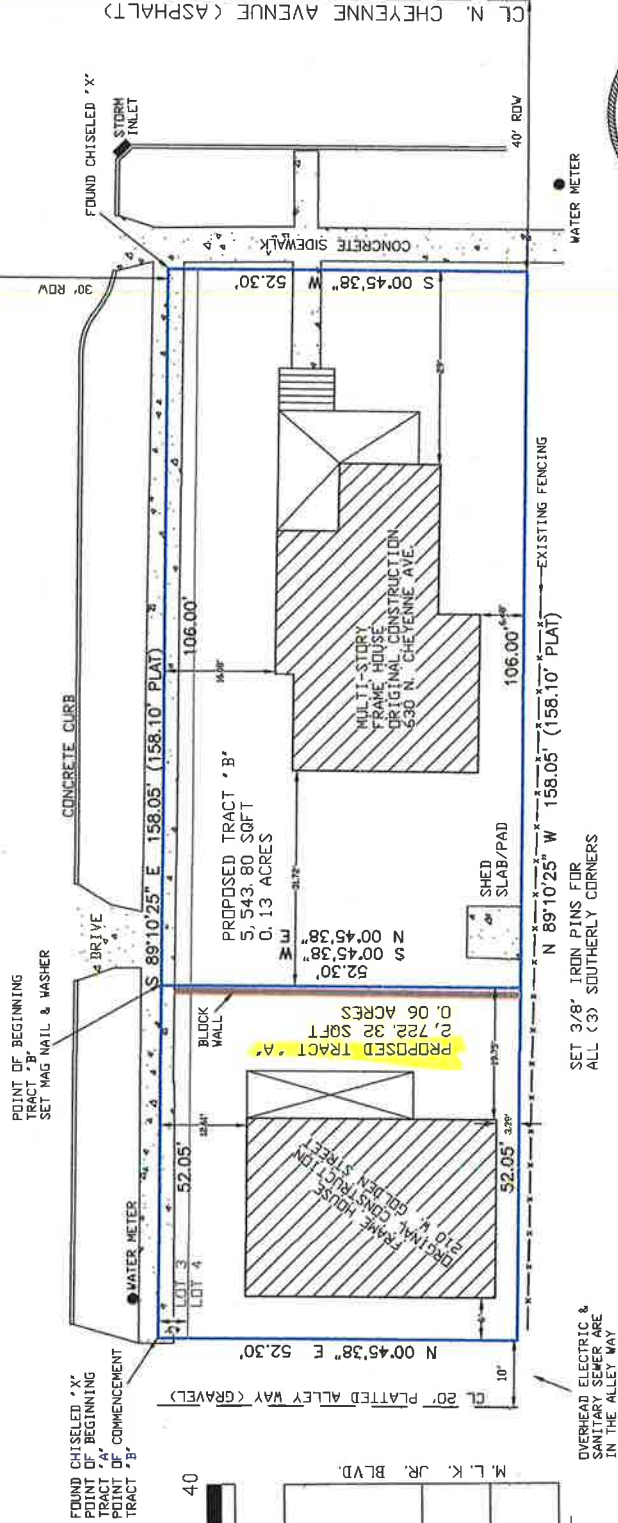
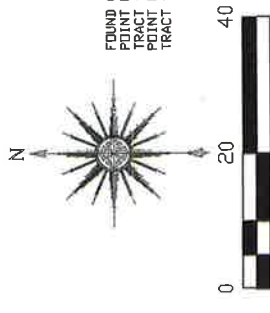
PROPERTY ADDRESS: 630 N. CHEYENNE AVENUE & 210 W. GOLDEN STREET, TULSA, OK 74106

SURVEYOR'S CLIENT: JEREMY GRODHAUS

PARENT TRACT LEGAL DESCRIPTION AS PROVIDED IN WARRANTY DEED FILED AS DOC. #280963043: THE SOUTH 4.3 FEET OF LOT THREE (3) AND THE NORTH 48 FEET OF LOT FOUR (4), BLOCK FIVE (5), NORTH TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

NEW LEGAL DESCRIPTIONS FOR SPLIT LOTS ARE ON PAGE 2.

CL. W. GOLDEN STREET (ASPHALT)



## **SURVEYOR'S STATEMENT**

FRITZ LAND SURVEYING, LLC AND THE UNDERSIGNED PROFESSIONAL LAND SURVEYOR, UNDER CERTIFICATE OF AUTHORIZATION CA #5848, DO HEREBY STATE THAT THIS PLAT OF SURVEY IS A TRUE AND ACCURATE REPRESENTATION OF THE SURVEY MADE ON THE GROUND AND OF THE FACTS AS FOUND AT THE TIME OF THE SURVEY AND THAT THIS PLAT MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS. DATE OF LAST SITE VISIT: FEBRUARY 15, 2016. BASIS FOR BEARING IS ASSUMED / PER THE RECORDED PLAT. DOCUMENTS OF RECORD MAY EXIST THAT AFFECT THE SUBJECT PROPERTY.

PREPARED BY:  
**FRITZ LAND SURVEYING, LLC**  
2017 W. 91st STREET  
TULSA, OK 74132  
PH: 918.231.0575  
FRITZLANDSURVEYING@GMAIL.COM  
FLS# 16012



WITNESS MY HAND AND SEAL  
THIS 1st DAY OF AUGUST, 2016.

ANDY FRITZ, PLS  
OK LIC. 1694

13.12

Improvements											
Slide ID#	Property type	Condition	Quality	Year built	Liveable	Stories	Foundation	Exterior	Roof	Baths	HVAC
1	Residential	Good	Average Plus	1925	1,663 SF	1.5	Crawl Space	Frame Siding	Composition Shingle	1.0	None
2	Residential	Avg	Fair	1939	1,053 SF	1.0	Conventional	Frame Siding	Composition Shingle	0.0	None

Sales/Doc#	
Date	ge/Doc#
Jun 18	
Dec 30	
Jan 27	
Dec 1	
Dec 1	
Sep 1	

Multiple par

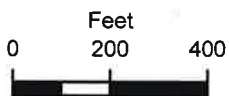
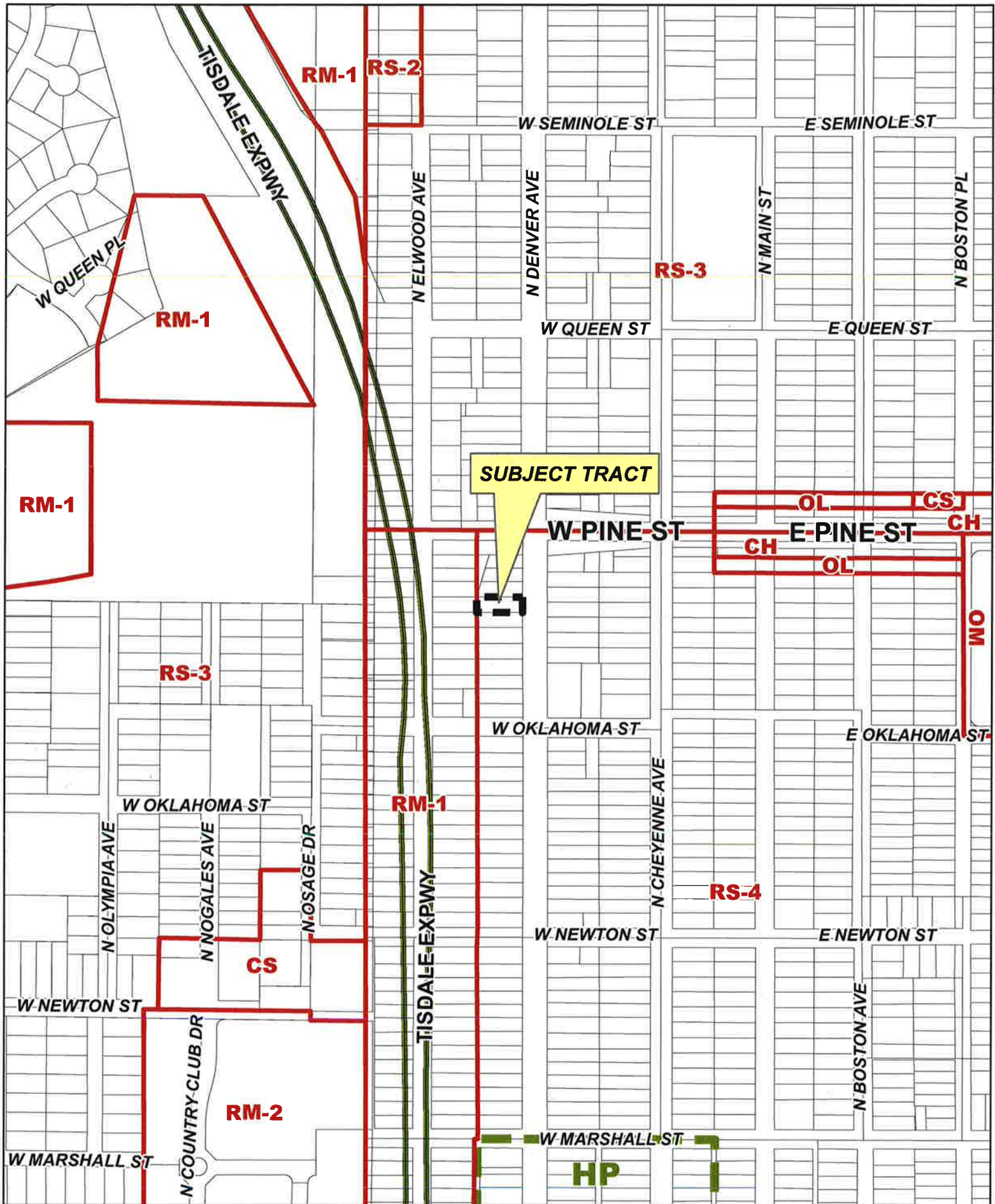
Images

Ken Yazel — Tulsa County Assessor  
 Tulsa County Administration Building, Room 215 | 500 S. Denver | Tulsa, OK 74103  
 Phone: (918) 596-5100 | Fax: (918) 596-4799 | Email: [assessor@tulsacounty.org](mailto:assessor@tulsacounty.org)  
 Office hours: 8:00–5:00 Monday–Friday (excluding holidays)

13.13



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BOA-22318

20-12 35

14.1





# BOARD OF ADJUSTMENT CASE REPORT

STR: 0235

Case Number: BOA-22318

CZM: 28

CD: 1

A-P#: NA

**HEARING DATE:** 09/12/2017 1:00 PM

**APPLICANT:** Dani Widell

**ACTION REQUESTED:** Special Exception to allow a duplex in the RS-4 District (Section 5.020); Variance to reduce the side yard setback to 4 feet; Variance to reduce the required lot area for a duplex use from 9,000 sq. ft. to 7448 sq. ft. and reduce the lot area per unit requirement from 4500 sq. ft. to 3,724 sq. ft; Variance to reduce the lot width requirement for a duplex use in the RS-4 district from 75 ft. to 50 ft. (Section 5.030).

**LOCATION:** 1432 N DENVER AV W

**ZONED:** RS-4

**PRESENT USE:** Duplex

**TRACT SIZE:** 7448.79 SQ FT

**LEGAL DESCRIPTION:** LOT 5 BLK 2, HOBBS 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 quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

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

## **STAFF COMMENTS:**

The applicant is before the Board requesting a special exception to allow existing duplex on the subject site. A duplex use is by permitted special exception only in the RS-4 district. As shown on the attached site plan the existing structure has a north side yard setback of 4 ft.; to permit the existing structure the applicant has requested a variance to reduce the side yard setback from 5 ft. to 4 ft. in the RS-4 district.

The existing lot is 7448.79 sq. ft. For a duplex use in the RS-4 district the Code requires a lot area of 9000 sq. ft. and a lot area per unit of 4500 sq. ft. The applicant has requested a variance to reduce the required lot area of a duplex use to 7448.79 sq. ft. and a variance to reduce the lot area per unit requirement 3,724 sq. ft.

For a duplex use in the RS-4 district the Code requires a lot width of 75 ft. The applicant has requested a variance to reduce the lot width requirement for a duplex use in the RS-4 district to 50 ft. as shown on the attached site plan. The applicant provided the following statement: *"The existing building was built in the 1920's or 1930's. The house is a duplex, however the zoning is single-family high density. This application is being submitted to request an exemption to update the outdated zoning to reflect the property's status as a duplex."*

## **Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Special Exception to allow a duplex in the RS-4 District (Section 5.020); Variance to reduce the side yard setback to 4 feet; Variance to reduce the required lot area for a duplex use from 9,000 sq. ft. to 7448 sq. ft. and reduce the lot area per unit requirement from 4500 sq. ft. to 3,724 sq. ft; Variance to reduce the lot width requirement for a duplex use in the RS-4 district from 75 ft. to 50 ft. (Section 5.030).

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

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

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

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

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

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

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

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



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

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





0 Feet 200 400



Subject Tract

**BOA-22318**

20-12 35

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

Aerial Photo Date: February 2016

14.5







0 Feet 50 100



Subject  
Tract

**BOA-22318**

20-12 35

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

Aerial Photo Date: February 2016







Subject Lot - Looking West



N Denver Ave - Street view

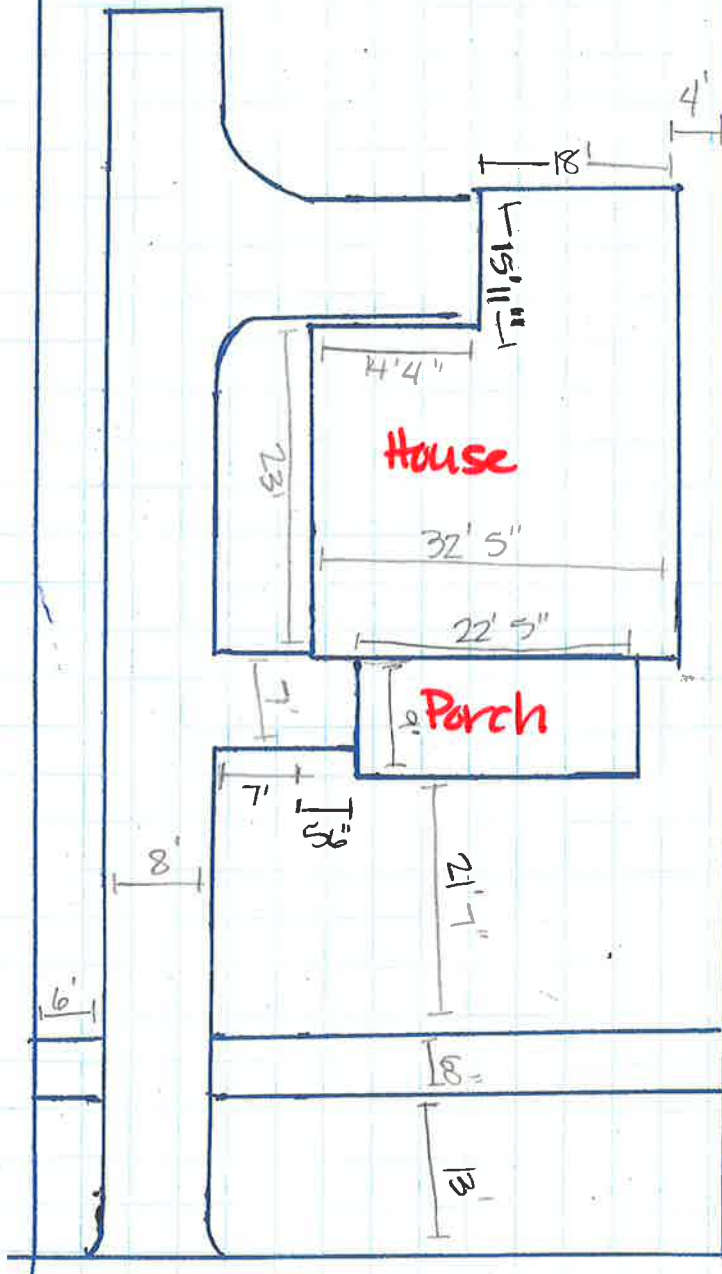
14.7



$$\square = 4'$$

Backyard.

82'



→ Z

14.8

$\square = 4'$

432. N. Denver Ave.

Backyard.

House

Porch

Driveway

Sidewalk

$\rightarrow z$

DENVER AVE

14.9



Duplex - 7 blocks away.

## Assessor KEN YAZEL

### Property Search

#### Disclaimer

The Tulsa County Assessor's Office has made every effort to insure the accuracy of the data contained on this web site; however, this material may be slightly dated which could have an impact on its accuracy.

The information must be accepted and used by the recipient with the understanding that the data was developed and collected only for the purpose of establishing fair cash (market) value for ad valorem taxation. Although changes may be made periodically to the tax laws, administrative rules and similar directives, these changes may not always be incorporated in the material on this web site.

The Tulsa County Assessor's Office assumes no liability for any damages incurred, whether directly or indirectly, incidental, punitive or consequential, as a result of any errors, omissions or discrepancies in any information published on this web site or by any use of this web site.

#### Quick Facts

Account #	R06000023503600
Parcel #	060000-02-35-03600
Situs address	801 N CHEYENNE AV W TULSA 74106
Owner name	HILL, TOY B AND ALRETTA E
Fair cash (market) value	\$98,738
Last year's taxes	\$1,153
Subdivision	BURGESS HILL ADDN
Legal description	Legal: LT-17-BLK-14
Section	35 Township: 20 Range: 12



2nd Fl.

#### General Information

Situs address	801 N CHEYENNE AV W TULSA 74106
Owner name	HILL, TOY B AND ALRETTA E
Owner mailing address	801 N CHEYENNE AV TULSA, OK 741065125
Land area	0.15 acres / 6,500 sq ft
Tax rate	T-1A [TULSA]
Subdivision	BURGESS HILL ADDN
Legal description	Legal: LT-17-BLK-14
Section	35 Township: 20 Range: 12
Zoning	RES SINGLE-FAMILY HIGHER DENSITY DIST [RS4]; Historical Preservation District

#### Tax Information

	2016	2017
Fair cash (market) value	\$90,420	\$98,738
Total taxable value (capped)	\$87,206	\$89,823
Assessment ratio	11%	11%
Gross assessed value	\$9,592	\$9,881
Exemptions	\$-1,000	\$-1,000
Net assessed value	\$8,592	\$8,881
Tax rate	T-1A [TULSA]	
Tax rate mills	134.25	134.25*
Estimated taxes	\$1,153	\$1,192*
Most recent NOV	March 7, 2017	

\* Estimated from 2016 millage rates

1st Fl.

#### Values

	2016	2017
Land value	\$21,230	\$23,183
Improvements value	\$69,190	\$75,555
Fair cash (market) value	\$90,420	\$98,738

#### Exemptions claimed

	2016	2017
Homestead	✓	✓
Additional homestead	—	—
Senior Valuation Limitation	—	—
Veteran	—	—

#### Tax detail (2016 millages)

	%	Mills	Dollars
City-County Health	1.9	2.58	\$22.91
City-County Library	4.0	5.32	\$47.25
Tulsa Technology Center	9.9	13.33	\$118.38
Emergency Medical Service	0.0	0.00	\$0.00
Tulsa Community College	5.4	7.21	\$64.03
School Locally Voted	21.7	29.07	\$258.17
City Sinking	15.8	21.20	\$188.28
School County Wide Bldg	3.8	5.15	\$45.74
School County Wide ADA	3.0	4.00	\$35.52
School County Wide General	26.9	36.05	\$320.16
County Government	7.7	10.34	\$91.83

(Continued on next page)

14.10

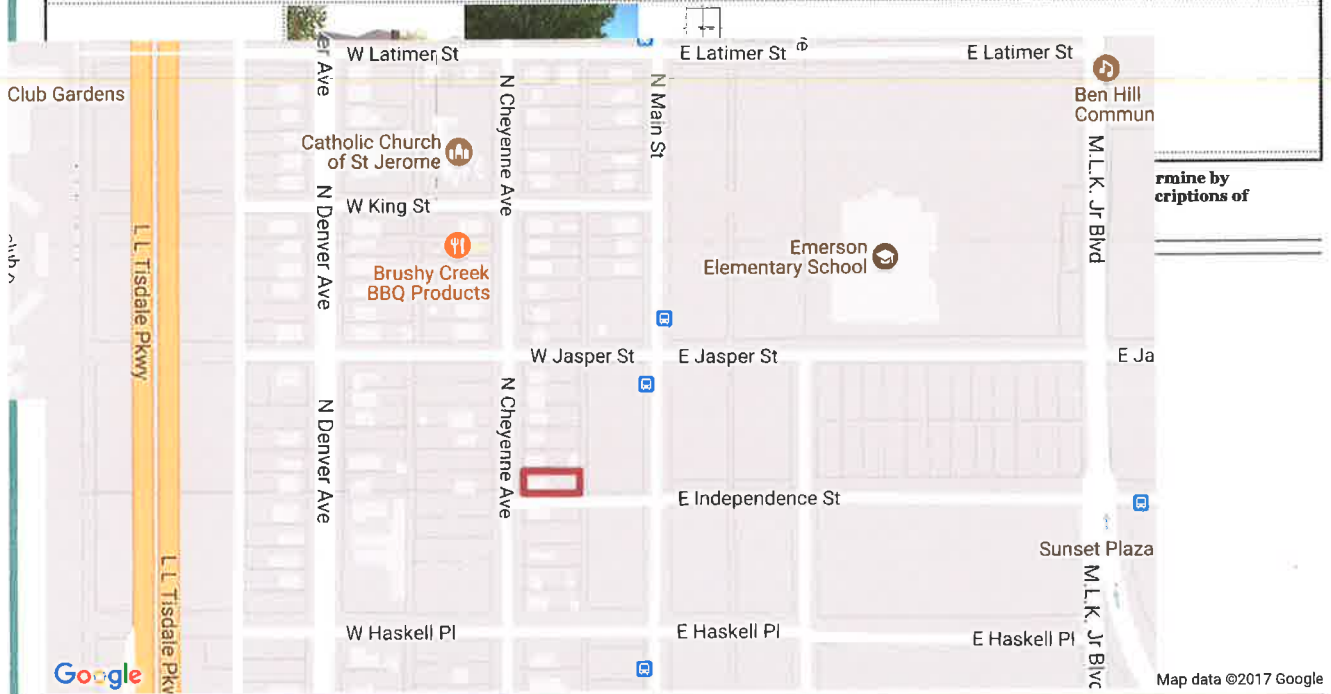
### Improvements

Bldg ID#	Property type	Condition	Quality	Year built	Livable*	Stories	Foundation	Exterior	Roof	Baths	HVAC
1	Residential	Fair	Fair Plus	1925	2,352 SF	2.0	Conventional	Frame Siding	Composition Shingle	2.0	None

### Sales/Documents

Date	Grantor	Grantee	Price	Doc type	Book-Page/Doc#
Nov 21, 1980			\$-	Unknown	04512-00201

### Images



Ken Yazel — Tulsa County Assessor

Tulsa County Administration Building, Room 215 | 500 S. Denver | Tulsa, OK 74103

Phone: (918) 596-5100 | Fax: (918) 596-4799 | Email: [assessor@tulsacounty.org](mailto:assessor@tulsacounty.org)

Office hours: 8:00–5:00 Monday–Friday (excluding holidays)





-- beds · 2 baths · 2,352 sqft

OFF MARKET

Rent Zestimate®: \$995 /mo

\$622/mo

## Facts and Features



**P**



### Coactivity System

14.12

# Home Value

Zestimate  
\$164,878

ZESTIMATE RANGE  
\$142,000 - \$186,000

LAST 30 DAY CHANGE  
+\$19,881 (+13.7%)

ONE YEAR FORECAST  
\$169,841 (+3.0%)

## Owner Dashboard



Do you own this home? See your Owner Dashboard.

## Improve Your Home Value

PROJECT	PROJECT COST	ADDED VALUE
	\$18,382	+\$18,245
	\$16,012	+\$13,743
	\$18,306	+\$12,000
	\$14,102	+\$10,600
	\$12,773	+\$8,650
	\$3,049	+\$2,633
	\$1,212	+\$1,475
	\$1,513	+\$1,060

## Price / Tax History

DATE	EVENT	PRICE	\$/SQFT	SOURCE
Historical transaction data is not available for this home.				

14.13

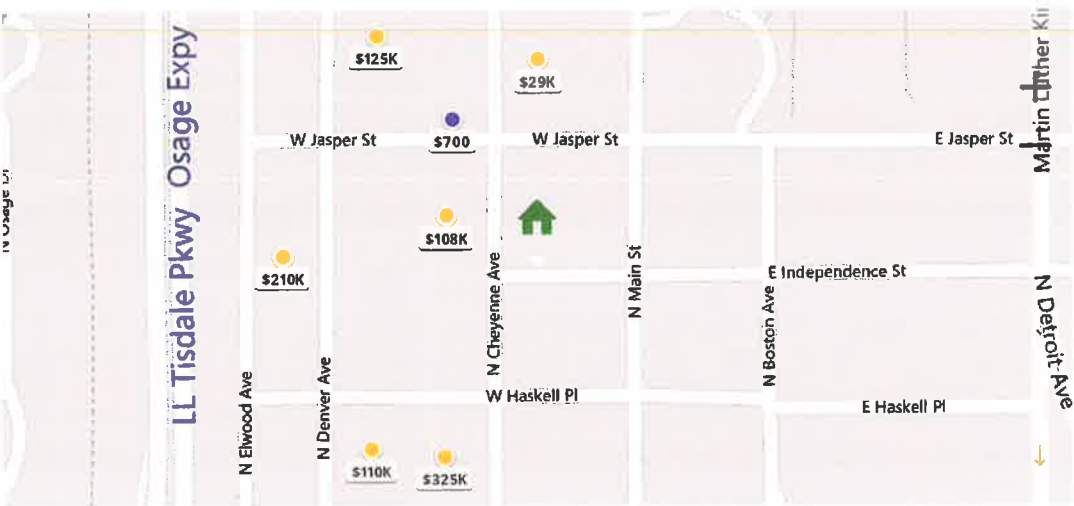


# Neighborhood: Brady Heights

Zillow predicts will increase 3.3% next year, compared to a 2.8% rise for Tulsa as a whole. Among 74106 homes, this home is valued 187.7% more than the midpoint (median) home, and is valued 34.6% more per square foot.

Walk Score <sup>®</sup> 41 (Car-Dependent) Transit Score <sup>™</sup> 35 (Some Transit)

## NEIGHBORHOOD MAP



## NEARBY HOMES

**OFF MARKET**  
**\$115,151** -- bds . 2 ba . 1,760 sqft  
807 N Cheyenne Ave, Tulsa, OK

**OFF MARKET**  
**\$119,469** -- bds . 1.5 ba . 1,652 sqft  
747 N Cheyenne Ave, Tulsa, OK

# Nearby Schools in Tulsa

SCHOOL RATING		GRADES	DISTANCE
1 out of 10	Emerson Elementary	PK-6	0.2 mi
1 out of 10	Central Junior High	7-8	1.9 mi
2 out of 10	Central High	9-12	1.9 mi

Data by [GreatSchools.org](https://greatschools.org)

**Disclaimer:** School attendance zone boundaries are provided by a third party and subject to change. Check with the applicable school district prior to making a decision based on these boundaries.

14.14

**About the ratings:** GreatSchools ratings are based on a comparison of test results for all schools in the state. It is designed to be a starting point to help parents make baseline comparisons, not the only factor in selecting the right school for your family.

### Similar Homes for Sale

1181  
N

**FOR SALE**  
**\$149,900**

3 beds, 2.0 baths, 1404 sqft  
[1181 N Boston Ave, Tulsa, OK 74106](#)

1231  
N

**FOR SALE**  
**\$143,900**

3 beds, 2.0 baths, 1215 sqft  
[1231 N Cheyenne Ave, Tulsa, OK 74106](#)

1308  
N

**FOR SALE**  
**\$152,900**

3 beds, 2.0 baths, 1385 sqft  
[1308 N Boston Ave, Tulsa, OK 74106](#)

716  
Count

**FOR SALE**  
**\$139,950**

3 beds, 2.0 baths, 1494 sqft  
[716 Country Club Dr, Tulsa, OK 74106](#)

436 E  
Marsh

**FOR SALE**  
**\$190,000**

4 beds, 3.0 baths, 2416 sqft  
[436 E Marshall St, Tulsa, OK 74106](#)

### Nearby Similar Sales

**SOLD: \$120,000**

Sold on 9/28/2016  
4 beds, 2.0 baths, 1590 sqft  
[1124 N Cheyenne Ave, Tulsa, OK 74106](#)

**SOLD: \$120,000**

Sold on 5/26/2017  
3 beds, 1.0 baths, 1316 sqft  
[1609 W Easton St, Tulsa, OK 74127](#)

**SOLD: \$125,000**

Sold on 9/27/2016  
3 beds, 2.0 baths, 1486 sqft  
[1445 N Frankfort Pl, Tulsa, OK 74106](#)

**SOLD: \$125,500**

Sold on 6/1/2017  
3 beds, 2.0 baths, 1546 sqft  
[1213 W Reading St, Tulsa, OK 74127](#)

**SOLD: \$128,000**

Sold on 7/14/2017  
3 beds, 1.0 baths, 2092 sqft  
[525 N Union Ave, Tulsa, OK 74127](#)



Duplex - 10 blocks away

**Assessor**  
**KEN YAZEL**

## Property Search

### Disclaimer

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The Tulsa County Assessor's Office assumes no liability for any damages incurred, whether directly or indirectly, incidental, punitive or consequential, as a result of any errors, omissions or discrepancies in any information published on this web site or by any use of this web site.

### Quick Facts

<b>Account #</b>	R29450920210690
<b>Parcel #</b>	29450-92-02-10690
<b>Situs address</b>	535 N CHEYENNE AV W TULSA
<b>Owner name</b>	WIDELL, WILLIAM P JR
<b>Fair cash (market) value</b>	\$65,000
<b>Last year's taxes</b>	\$960
	Subdivision: NORTH TULSA
<b>Legal description</b>	Legal: N.50-LT-5-BLK-10
	Section: 02 Township: 19 Range: 12



### General Information

<b>Situs address</b>	535 N CHEYENNE AV W TULSA
<b>Owner name</b>	WIDELL, WILLIAM P JR
<b>Owner mailing address</b>	1151 N CHEYENNE AVE TULSA, OK 741064645
<b>Land area</b>	0.16 acres / 7,000 sq ft
<b>Tax rate</b>	T-1A [TULSA]
	Subdivision: NORTH TULSA
<b>Legal description</b>	Legal: N.50-LT-5-BLK-10
	Section: 02 Township: 19 Range: 12
<b>Zoning</b>	LOW DENSITY MULTI-FAMILY DISTRICT [RM1]

### Values

	2016	2017
<b>Land value</b>	\$14,000	\$14,000
<b>Improvements value</b>	\$51,000	\$51,000
<b>Fair cash (market) value</b>	\$65,000	\$65,000

### Exemptions claimed

	2016	2017
<a href="#">Homestead</a>	—	—
<a href="#">Additional homestead</a>	—	—
<a href="#">Senior Valuation Limitation</a>	—	—
<a href="#">Veteran</a>	—	—

### Tax Information

	2016	2017
<b>Fair cash (market) value</b>	\$65,000	\$65,000
<b>Total taxable value (capped)</b>	\$65,000	\$65,000
<b>Assessment ratio</b>	11%	11%
<b>Gross assessed value</b>	\$7,150	\$7,150
<b>Exemptions</b>	\$0	\$0
<b>Net assessed value</b>	\$7,150	\$7,150
<b>Tax rate</b>	T-1A [TULSA]	
<b>Tax rate mills</b>	134.25	134.25*
<b>Estimated taxes</b>	\$960	\$960*
<b>Most recent NOV</b>	March 8, 2016	

\* Estimated from 2016 millage rates

### Tax detail (2016 millages)

	%	Mills	Dollars
<b>City-County Health</b>	1.9	2.58	\$18.45
<b>City-County Library</b>	4.0	5.32	\$38.04
<b>Tulsa Technology Center</b>	9.9	13.33	\$95.31
<b>Emergency Medical Service</b>	0.0	0.00	\$0.00
<b>Tulsa Community College</b>	5.4	7.21	\$51.55
<b>School Locally Voted</b>	21.7	29.07	\$207.85
<b>City Sinking</b>	15.8	21.20	\$151.58
<b>School County Wide Bldg</b>	3.8	5.15	\$36.82
<b>School County Wide ADA</b>	3.0	4.00	\$28.60
<b>School County Wide General</b>	26.9	36.05	\$257.76
<b>County Government</b>	7.7	10.34	\$73.93

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14.16

## Improvements

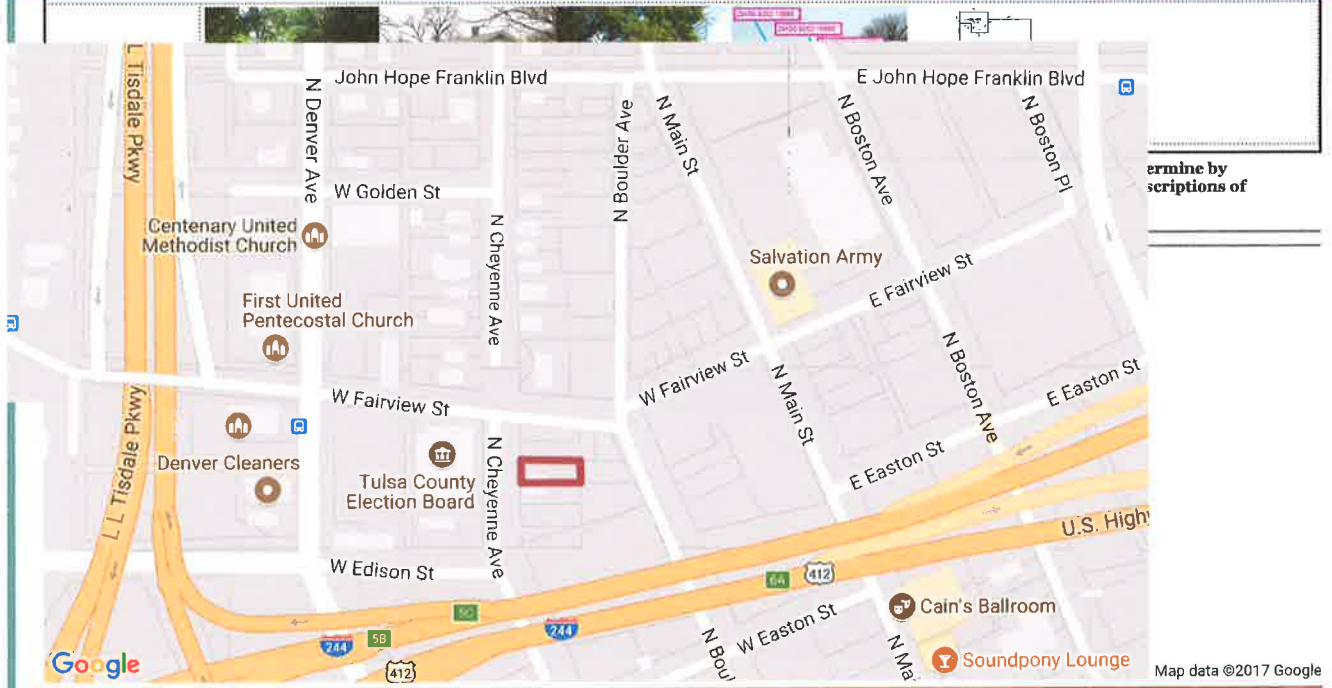
Bldg ID #	Property type	Condition	Quality	Year built	Livable	Stories	Foundation	Exterior	Roof	Baths	HVAC
1	Duplex	Fair +	Fair Plus	1915	1,748 SF	1.0	Crawl Space	Frame Siding	Composition Shingle	2.0	None

## Sales/Documents

Date	Grantor	Grantee	Price	Doc type	Book-Page/Doc#
Mar 6, 2015	DAVIS, LYLE TTEE LYLE DAVIS TRUST	WIDELL, WILLIAM P JR	\$65,000	Warranty Deed	2015019243
Jul 31, 2013	TULSA COUNTY SHERIFF	DAVIS, LYLE TTEE LYLE DAVIS TRUST	\$-	Sheriff's Deed	2013078134
Feb 27, 2007	DAVIS, LYLE A, TRUSTEE	MURPHY, ZACHARY	\$165,000*	General Warranty Deed	2007021274

\* Multiple parcel sale

## Images



Ken Yazel — Tulsa County Assessor


Tulsa County Administration Building, Room 215 | 500 S. Denver | Tulsa, OK 74103

Phone: (918) 596-5100 | Fax: (918) 596-4799 | Email: [assessor@tulsacounty.org](mailto:assessor@tulsacounty.org)

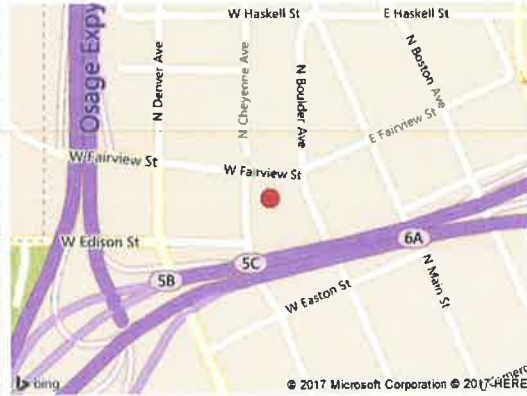
Office hours: 8:00–5:00 Monday–Friday (excluding holidays)

14.17



City, State, or Zip 46 

535 N Cheyenne Ave, Tulsa, OK 74103



## 535 N Cheyenne Ave, Tulsa, OK 74103

2 beds · 1 bath · 1,748 sqft

[Edit home facts for a more accurate Zestimate.](#)

SOLD: \$63,000

Sold on 03/10/15

Zestimate<sup>®</sup>: \$116,843

Est. Refi Payment

\$243/mo

### Is this your rental?

Get a monthly local market report with comparable rentals in your area.

☐ I own and manage this rental


☐ I manage this rental for the owner


[Subscribe](#)


*Note: This property is not currently for sale or for rent. The description below may be from a previous listing.*

Great Investment Opportunity, 2 bed, 1 bath, on South Side, 1 Bed 1 Bath North Side, Updated Electrical to copper wiring and Breaker Box, New Windows on North Side, Plumbing Updated, Vinyl Siding, Both Sides rented Total rents \$1,075 includes Utilities

### Facts and Features


 **Type**  
Multi Family

 **Year Built**  
1915

 **Heating**  
No Data

 **Cooling**  
Other

 **Parking**  
No Data

 **MLS #**  
No Data

#### INTERIOR FEATURES

##### Bedrooms

Beds: 2

##### Heating and Cooling

Heating: None

Cooling: Other

14.18

**Appliances**

Appliances included: Range / Oven, Refrigerator

**Flooring**

Floor size: 1,748 sqft

Flooring: Laminate

**Other Interior Features**

Room count: 6

**Home Value**

**Rental Zestimate**

**\$895/mo**

**RENT ZESTIMATE RANGE**

\$600 - \$1,300/mo

**LAST 30 DAY CHANGE**

-\$25/mo (-2.7%)

**ZESTIMATE**

\$116,843

**Owner Dashboard**



Do you own this home? See your Owner Dashboard.

**Improve Your Home Value**

PROJECT	PROJECT COST	ADDED VALUE
	\$18,382	+\$15,782
	\$16,012	+\$12,624
	\$18,306	+\$12,000
	\$14,102	+\$10,600
	\$12,773	+\$8,650
	\$8,976	+\$3,612
	\$3,049	+\$2,633
	\$1,212	+\$1,475

14.19



# Price / Tax History

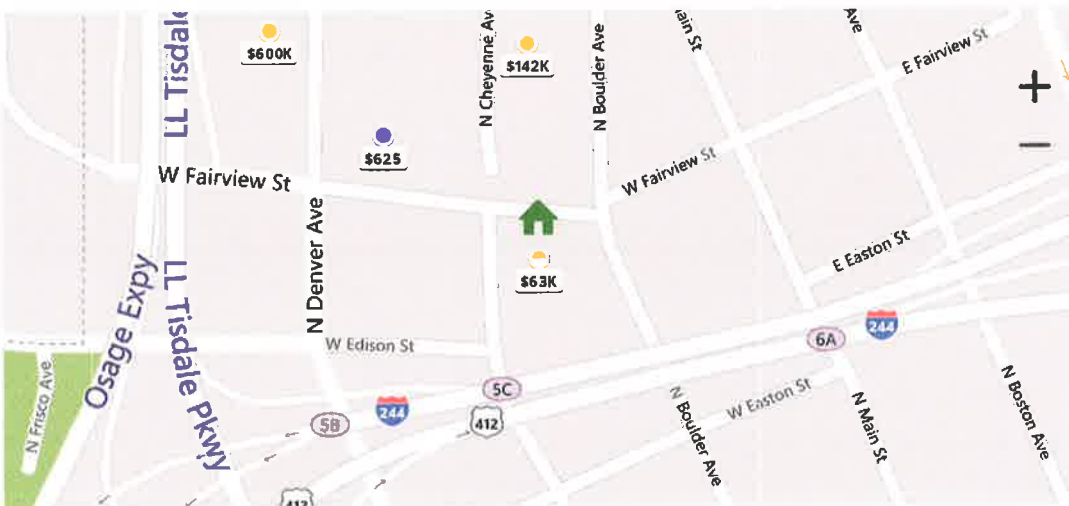
DATE	EVENT	PRICE	AGENTS
03/10/15	Sold	\$63,000 <span>-25.9%</span>	▼
02/06/15	Pending sale	\$85,000	▼

## Neighborhood: 74103

Zillow predicts will increase 2.8% next year, compared to a 2.9% rise for Tulsa Metro as a whole. Among Tulsa homes, this home is valued 8.4% more than the midpoint (median) home, but is valued 51.4% less per square foot.

Walk Score <sup>®</sup> 56 (Somewhat Walkable)

### NEIGHBORHOOD MAP



### NEARBY HOMES

**OFF MARKET**  
-- bds . 2 ba . 1,284 sqft  
529 N Cheyenne Ave, Tulsa, OK

**OFF MARKET**  
-- bds . -- ba . -- sqft  
104 W Fairview St, Tulsa, OK

## Nearby Schools in Tulsa

SCHOOL RATING		GRADES	DISTANCE
1	Emerson Elementary	PK-6	0.4 mi
out of 10			

14.20

1	Central Junior High	7-8	1.9 mi
out of 10			

2	Central High	9-12	1.9 mi
out of 10			

Data by GreatSchools.org ?

**Disclaimer:** School attendance zone boundaries are provided by a third party and subject to change. Check with the applicable school district prior to making a decision based on these boundaries.

**About the ratings:** GreatSchools ratings are based on a comparison of test results for all schools in the state. It is designed to be a starting point to help parents make baseline comparisons, not the only factor in selecting the right school for your family.

### Nearby Similar Sales

**SOLD: \$100,000**

Sold on 1/15/2017

-- beds, 3.0 baths, 1838 sqft

2728 E 14th St, Tulsa, OK 74104

**SOLD: \$100,000**

Sold on 7/5/2017

1 bed, 1.0 baths, 2586 sqft

64 N College Ave, Tulsa, OK 74110



Duplex - 5 blocks away.

## Assessor KEN YAZEL

### Property Search

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#### Quick Facts

Account #	R06000023503890
Parcel #	06000-02-35-03890
Situs address	1021 N CHEYENNE AV W
Owner name	PICKARD, JUSTIN W & LEAH R
Fair cash (market) value	\$103,000
Last year's taxes	\$1,387
Subdivision	BURGESS HILL ADDN
Legal description	Legal: W65 LT 12 BLK 16
Section	35 Township: 20 Range: 12



#### General Information

Situs address	1021 N CHEYENNE AV W
Owner name	PICKARD, JUSTIN W & LEAH R
Owner mailing address	1021 N CHEYENNE AVE TULSA, OK 74106
Land area	0.07 acres / 2,925 sq ft
Tax rate	T-1A [TULSA]
Subdivision	BURGESS HILL ADDN
Legal description	Legal: W65 LT 12 BLK 16
Section	35 Township: 20 Range: 12
Zoning	RES SINGLE-FAMILY HIGHER DENSITY DIST [RS4]; Historical Preservation District

#### Tax Information

	2016	2017
Fair cash (market) value	\$103,000	\$103,000
Total taxable value (capped)	\$103,000	\$103,000
Assessment ratio	11%	11%
Gross assessed value	\$11,330	\$11,330
Exemptions	\$-1,000	\$-1,000
Net assessed value	\$10,330	\$10,330
Tax rate	T-1A [TULSA]	
Tax rate mills	134.25	134.25*
Estimated taxes	\$1,387	\$1,387*
Most recent NOV	April 13, 2009	

\* Estimated from 2016 millage rates

#### Values

	2016	2017
Land value	\$7,100	\$7,100
Improvements value	\$95,900	\$95,900
Fair cash (market) value	\$103,000	\$103,000

#### Exemptions claimed

	2016	2017
Homestead	✓	✓
Additional homestead	—	—
Senior Valuation Limitation	—	—
Veteran	—	—

#### Tax detail (2016 millages)

	%	Mills	Dollars
City-County Health	1.9	2.58	\$26.65
City-County Library	4.0	5.32	\$54.96
Tulsa Technology Center	9.9	13.33	\$137.70
Emergency Medical Service	0.0	0.00	\$0.00
Tulsa Community College	5.4	7.21	\$74.48
School Locally Voted	21.7	29.07	\$300.29
City Sinking	15.8	21.20	\$219.00
School County Wide Bldg	3.8	5.15	\$53.20
School County Wide ADA	3.0	4.00	\$41.32
School County Wide General	26.9	36.05	\$372.40
County Government	7.7	10.34	\$106.81

(Continued on next page)

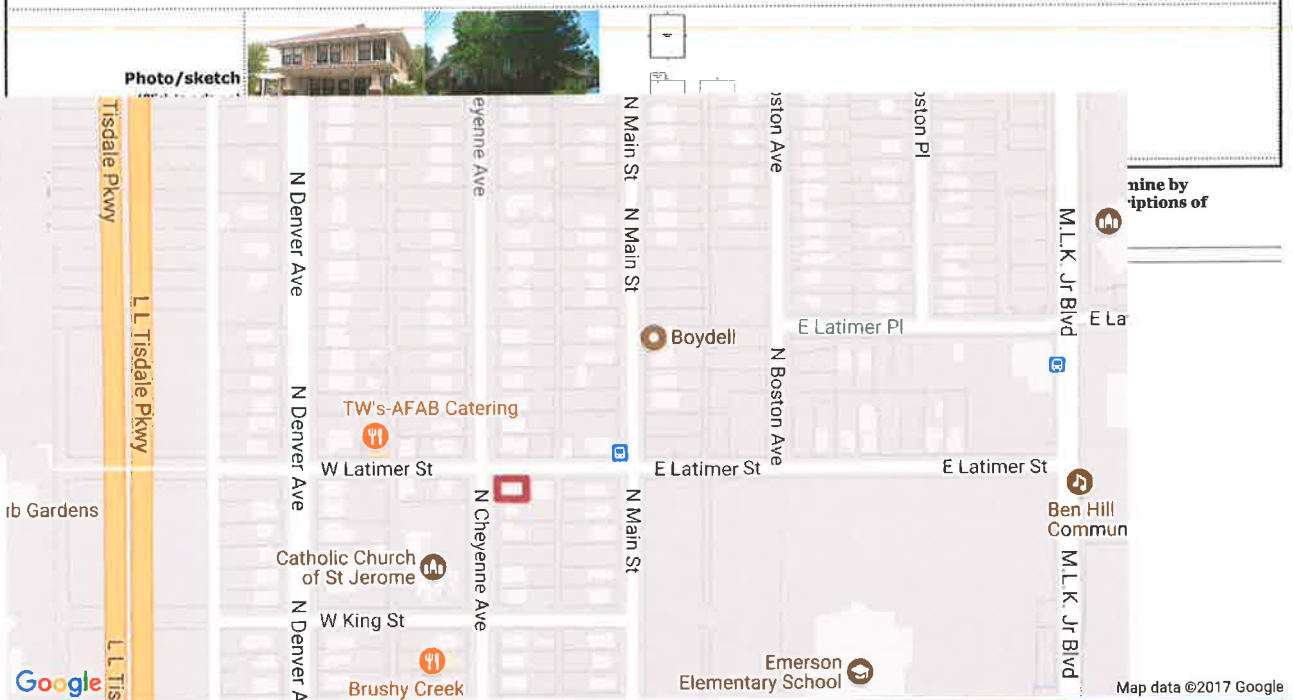
## Improvements

Bldg ID#	Property type	Condition	Quality	Year built	Livable <sup>1</sup>	Stories	Foundation	Exterior	Roof	Baths	HVAC
1	Duplex	Avg	Average	1917	1,960 SF	2.0	Conventional	Frame Siding	Composition Shingle	2.0	None

## Sales/Documents

Date	Grantor	Grantee	Price	Doc type	Book-Page/Doc#
Jul 7, 2008	SCHOENHOLZ, MATTHEW J	PICKARD, JUSTIN W & LEAH R	\$103,000	General Warranty Deed	2008072526
Apr 1, 2000			\$75,000	General Warranty Deed	06359-00714
Jul 1, 1999			\$59,000	History	06249-01177

## Images



Ken Yazel — Tulsa County Assessor

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Office hours: 8:00–5:00 Monday–Friday (excluding holidays)



City, State, or Zip 46

1021 N Cheyenne Ave, Tulsa, OK 74106



## 1021 N Cheyenne Ave, Tulsa, OK 74106

4 beds · 2 baths · 1,960 sqft

Edit home facts for a more accurate Zestimate.

OFF MARKET

Zestimate®: None

2016 assessed: \$103,000

Est. Refi Payment  
\$396/mo

*Note: This property is not currently for sale or for rent. The description below may be from a previous listing.*

**Duplex in Brady Heights!** Near downtown Tulsa. 2 bed, 1 bath on each level. Perfect combination of original charm & modern flair. Hardwoods, clawfoot tubs (retrofitted w/showers), & lg front porches! Seller to pay \$2,000 towards buyer's closing costs.

### Neighborhood Description

Brady Heights Neighborhood Association is one of the oldest neighborhood associations in Tulsa. The association was formed originally to promote a feeling of small town togetherness, address crime issues, promote beautification, and protect historic structures.

### WHAT I LOVE ABOUT THE HOME

Live on one floor and rent out the other!


### Facts and Features

 **Type**  
Miscellaneous

 **Year Built**  
1917

 **Heating**  
Forced air

 **Cooling**  
Central

 **Parking**  
On street

 **MLS #**  
No Data

### INTERIOR FEATURES

#### Bedrooms

Beds: 4

#### Heating and Cooling

Heating: Forced air

Heating: Gas

Cooling: Central

14.24

**Basement**

Unfinished basement  
700 sqft basement

**Flooring**

Floor size: 1,960 sqft  
Flooring: Hardwood, Tile

**Home Value**

**Zestimate**

We are unable to provide a Zestimate for this home

**ZESTIMATE RANGE**  
Unavailable

**LAST 30 DAY CHANGE**  
Unavailable

**Improve Your Home Value**

PROJECT	PROJECT COST	ADDED VALUE
	\$60,629	+\$45,000
	\$55,582	+\$21,834
	\$16,012	+\$13,827
	\$18,306	+\$12,000
	\$14,102	+\$10,600
	\$12,773	+\$8,650
	\$3,049	+\$2,633
	\$1,212	+\$1,475

**Price / Tax History**

DATE	EVENT	PRICE	AGENTS
07/26/11	Listing removed	\$145,000	✓
06/17/11	Listed for sale	\$145,000 +40.8%	✓
07/07/08	Sold	\$103,000 -14.2%	✓
05/10/08	Price change	\$120,000 +0.1%	✓
04/26/08	Price change	\$119,900 -1.6%	✓
04/18/08	Price change	\$121,900 +1.7%	✓
01/25/08	Price change	\$119,900 -1.6%	✓
10/17/07	Listed for sale	\$121,900 +62.5%	✓
01/29/01	Sold	\$75,000	✓
05/03/00	Sold	\$75,000 +27.1%	

14.25



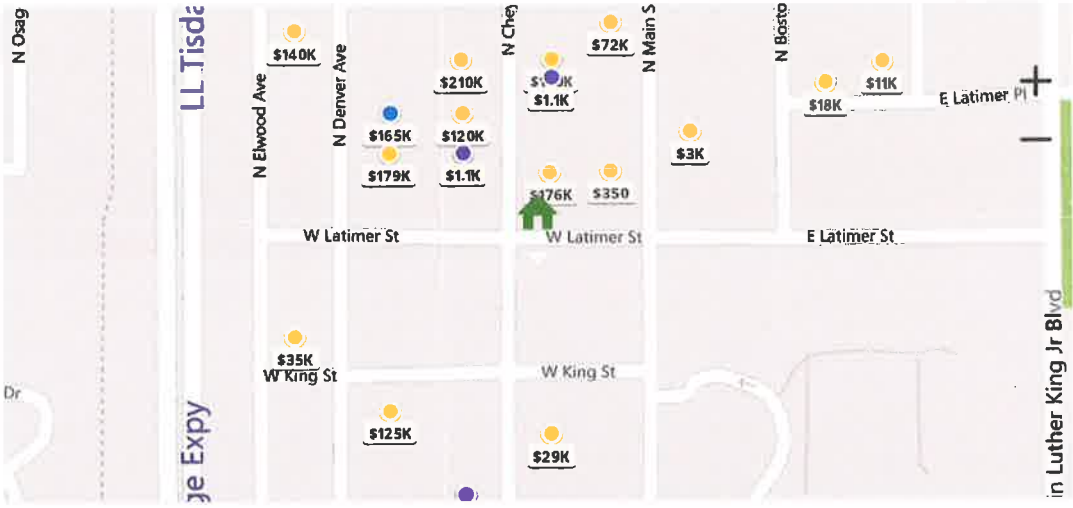
DATE	EVENT	PRICE	AGENTS
07/29/99	Sold	\$59,000	

# Neighborhood: Brady Heights

Zillow predicts will rise 3.3% next year, compared to a 2.8% increase for Tulsa as a whole.

[Walk Score](#) **33** (Car-Dependent)
 [Transit Score](#) **33** (Some Transit)

## NEIGHBORHOOD MAP



## NEARBY HOMES

OFF MARKET

**\$118,670** -- bds . 1 ba . 1,596 sqft

1017 N Cheyenne Ave, Tulsa, OK

OFF MARKET

**\$103,896** -- bds . 1 ba . 1,260 sqft

12 W Latimer St, Tulsa, OK

# Nearby Schools in Tulsa

SCHOOL RATING		GRADES	DISTANCE
1	Emerson Elementary	PK-6	0.2 mi
1	Central Junior High	7-8	1.9 mi
2	Central High	9-12	1.9 mi

14.26

Data by GreatSchools.org 

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---



Duplex. -7 blocks away.

**Assessor**  
**KEN YAZEL**

## Property Search

### Disclaimer

The Tulsa County Assessor's Office has made every effort to insure the accuracy of the data contained on this web site; however, this material may be slightly dated which could have an impact on its accuracy.

The information must be accepted and used by the recipient with the understanding that the data was developed and collected only for the purpose of establishing fair cash (market) value for ad valorem taxation. Although changes may be made periodically to the tax laws, administrative rules and similar directives, these changes may not always be incorporated in the material on this web site.

The Tulsa County Assessor's Office assumes no liability for any damages incurred, whether directly or indirectly, incidental, punitive or consequential, as a result of any errors, omissions or discrepancies in any information published on this web site or by any use of this web site.

### Quick Facts

<b>Account #</b>	R04675023501840
<b>Parcel #</b>	04675-02-35-01840
<b>Situs address</b>	715 N DENVER AV W
<b>Owner name</b>	BROACH, AUSTIN T
<b>Fair cash (market) value</b>	\$110,000
<b>Last year's taxes</b>	\$1,624
<b>Subdivision</b>	BRADY HGTS ADDN
<b>Legal description</b>	Legal: LT 10 & S30 OF LT 11 BLK 6
<b>Section</b>	35
<b>Township</b>	20
<b>Range</b>	12



2  
Doors

### General Information

<b>Situs address</b>	715 N DENVER AV W
<b>Owner name</b>	BROACH, AUSTIN T
<b>Owner mailing address</b>	715 N DENVER AVE TULSA, OK 74106
<b>Land area</b>	0.26 acres / 11,200 sq ft
<b>Tax rate</b>	T-1A [TULSA]
<b>Subdivision</b>	BRADY HGTS ADDN
<b>Legal description</b>	Legal: LT 10 & S30 OF LT 11 BLK 6
<b>Section</b>	35
<b>Township</b>	20
<b>Range</b>	12
<b>Zoning</b>	RES SINGLE-FAMILY HIGHER DENSITY DIST [RS4]; Historical Preservation District

### Values

	2016	2017
<b>Land value</b>	\$10,500	\$10,500
<b>Improvements value</b>	\$99,500	\$99,500
<b>Fair cash (market) value</b>	\$110,000	\$110,000

### Exemptions claimed

	2016	2017
<a href="#">Homestead</a>	—	—
<a href="#">Additional homestead</a>	—	—
<a href="#">Senior Valuation Limitation</a>	—	—
<a href="#">Veteran</a>	—	—

### Tax Information

	2016	2017
<b>Fair cash (market) value</b>	\$110,000	\$110,000
<b>Total taxable value (capped)</b>	\$110,000	\$110,000
<b>Assessment ratio</b>	11%	11%
<b>Gross assessed value</b>	\$12,100	\$12,100
<b>Exemptions</b>	\$0	\$0
<b>Net assessed value</b>	\$12,100	\$12,100
<b>Tax rate</b>	T-1A [TULSA]	
<b>Tax rate mills</b>	134.25	134.25*
<b>Estimated taxes</b>	\$1,624	\$1,624*
<b>Most recent NOV</b>	February 9, 2016	

\* Estimated from 2016 millage rates

### Tax detail (2016 millages)

	%	Mills	Dollars
<b>City-County Health</b>	1.9	2.58	\$31.22
<b>City-County Library</b>	4.0	5.32	\$64.37
<b>Tulsa Technology Center</b>	9.9	13.33	\$161.29
<b>Emergency Medical Service</b>	0.0	0.00	\$0.00
<b>Tulsa Community College</b>	5.4	7.21	\$87.24
<b>School Locally Voted</b>	21.7	29.07	\$351.75
<b>City Sinking</b>	15.8	21.20	\$256.52
<b>School County Wide Bldg</b>	3.8	5.15	\$62.32
<b>School County Wide ADA</b>	3.0	4.00	\$48.40
<b>School County Wide General</b>	26.9	36.05	\$436.21
<b>County Government</b>	7.7	10.34	\$125.11

(Continued on next page)

14.28

## Improvements

Bldg ID#	Property type	Condition	Quality	Year built	Livable†	Stories	Foundation	Exterior	Roof	Baths	HVAC
1	Residential	Avg	Fair Plus	1925	2,679 SF	2.0	Conventional	Frame Siding	Composition Shingle	2.0	Cool Air in Heat Ducts

## Sales/Documents

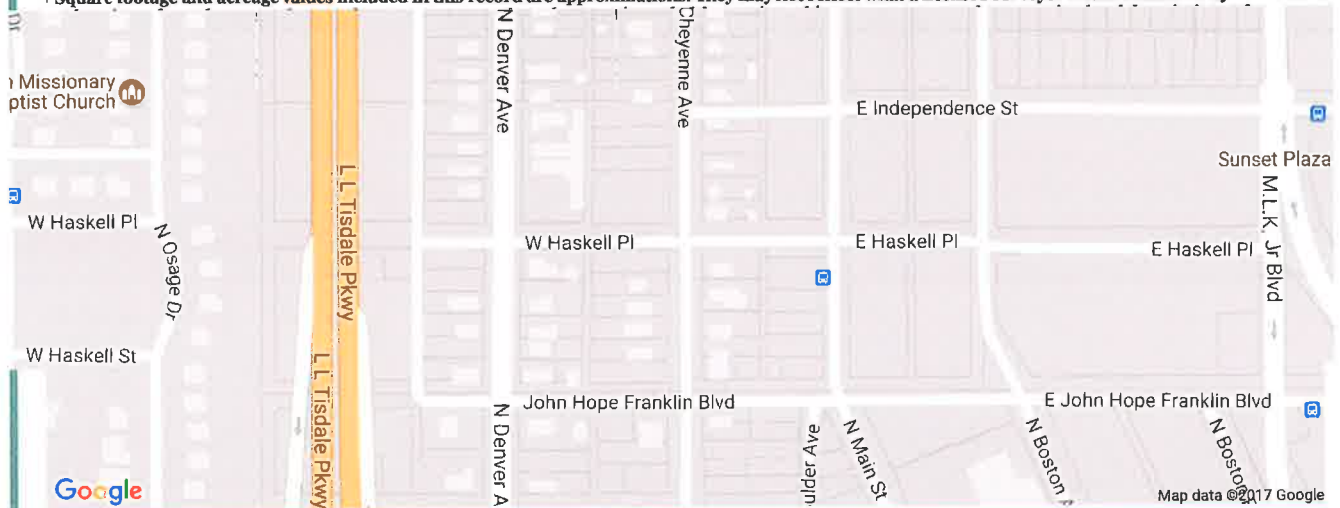
Date	Grantor	Grantee	Price	Doc type	Book-Page/Doc#
Aug 26, 2015	CROSIER, JOSEPH A	BROACH, AUSTIN T	\$110,000	Warranty Deed	2015078174
Oct 1, 2002			\$67,500	General Warranty Deed	06856-00928

## Images

Photo/sketch  
(Click to enlarge)



† Square footage and acreage values included in this record are approximations. They may not reflect what a licensed surveyor would determine by



Ken Yazel — Tulsa County Assessor

Tulsa County Administration Building, Room 215 | 500 S. Denver | Tulsa, OK 74103

Phone: (918) 596-5100 | Fax: (918) 596-4799 | Email: [assessor@tulsacounty.org](mailto:assessor@tulsacounty.org)

Office hours: 8:00–5:00 Monday–Friday (excluding holidays)



City, State, or Zip 46

715 N Denver Ave, Tulsa, OK 74106



## 715 N Denver Ave, Tulsa, OK 74106

3 beds · 2 baths · 2,679 sqft

Edit home facts for a more accurate Zestimate.

SOLD: \$110,000

Sold on 08/31/15

Zestimate®: \$261,026

Est. Refi Payment  
\$423/mo


*Note: This property is not currently for sale or for rent. The description below may be from a previous listing.*


Impressive house in Brady Heights. Large living areas. Hardwoods. Main floor bedroom. Updated plumbing and electric. Great location. Only minutes from Brady Arts District. Currently being remodeled


### Facts and Features

 **Type**  
Single Family

 **Year Built**  
1925

 **Heating**  
Other

 **Cooling**  
Central

 **Parking**  
Off street

 **Lot**  
0.26 acres

#### INTERIOR FEATURES

##### Bedrooms

Beds: 3

##### Heating and Cooling

Heating: Other

Cooling: Central

##### Basement

Unfinished basement

##### Flooring

Floor size: 2,679 sqft

Flooring: Hardwood

##### Other Interior Features

Fireplace

Room count: 16

Storage

14.30

# Home Value

Zestimate  
\$261,026

ZESTIMATE RANGE  
\$219,000 - \$347,000

LAST 30 DAY CHANGE  
+\$53,598 (+25.8%)

ONE YEAR FORECAST  
\$265,777 (+1.8%)

## Improve Your Home Value


PROJECT	PROJECT COST	ADDED VALUE
	\$60,629	+\$45,000
	\$18,382	+\$21,890
	\$16,012	+\$15,384
	\$18,306	+\$12,000
	\$14,102	+\$10,600
	\$12,773	+\$8,650
	\$3,049	+\$2,633
	\$1,212	+\$1,475

## Price / Tax History

DATE	EVENT	PRICE	AGENTS
08/31/15	Sold	\$110,000 -15.4%	▼
07/24/15	Pending sale	\$130,000	▼
05/26/15	Price change	\$130,000 -6.5%	▼
05/04/15	Price change	\$139,000 -9.2%	▼
03/16/15	Listed for sale	\$153,000 +127%	▼
10/29/02	Sold	\$67,500	▼

## Neighborhood: Brady Heights

Zillow predicts will increase 3.3% next year, compared to a 2.8% rise for Tulsa as a whole. Among 74106 homes, this home is valued 355.5% more than the midpoint (median) home, but is valued 21.2% less per square foot.

 Walk Score \* 41 (Car-Dependent)  Transit Score™ 35 (Some Transit)

14.31



NEIGHBORHOOD MAP



NEARBY HOMES

<

**OFF MARKET**  
**\$89,438** -- bds . 1 ba . 1,945 sqft  
771 N Denver Ave, Tulsa, OK

>

**OFF MARKET**  
**\$171,616** -- bds . 1.5 ba . 2,584 sqft  
723 N Denver Ave, Tulsa, OK

Nearby Schools in Tulsa

SCHOOL RATING		GRADES	DISTANCE
1 out of 10	Emerson Elementary	PK-6	0.3 mi
1 out of 10	Central Junior High	7-8	1.8 mi
2 out of 10	Central High	9-12	1.8 mi

Data by GreatSchools.org ?

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### Similar Homes for Sale

1151  
N

**FOR SALE**  
**\$367,500**  
5 beds, 3.0 baths, 2960 s...  
[1151 N Cheyenne Ave, Tulsa](#)

5311  
E

**FOR SALE**  
**\$329,950**  
4 beds, 3.0 baths, 2953 s...  
[5311 E 122nd S Pl, Tulsa, OK](#)

512 N  
Quan

**FOR SALE**  
**\$239,900**  
4 beds, 2.0 baths, 2376 s...  
[512 N Quanah Ave, Tulsa, C](#)

716  
Count

**FOR SALE**  
**\$139,950**  
3 beds, 2.0 baths, 1494 s...  
[716 Country Club Dr, Tulsa,](#)

### Nearby Similar Sales

**SOLD: \$133,000**  
Sold on 4/7/2017  
3 beds, 2.0 baths, 1614 sqft  
[1355 N Main St, Tulsa, OK 74106](#)

**SOLD: \$145,000**  
Sold on 9/9/2016  
3 beds, 1.5 baths, 1808 sqft  
[332 N Rosedale Ave, Tulsa, OK 74127](#)

**SOLD: \$145,000**  
Sold on 4/28/2017  
3 beds, 1.0 baths, 1462 sqft  
[327 N Rosedale Ave, Tulsa, OK 74127](#)

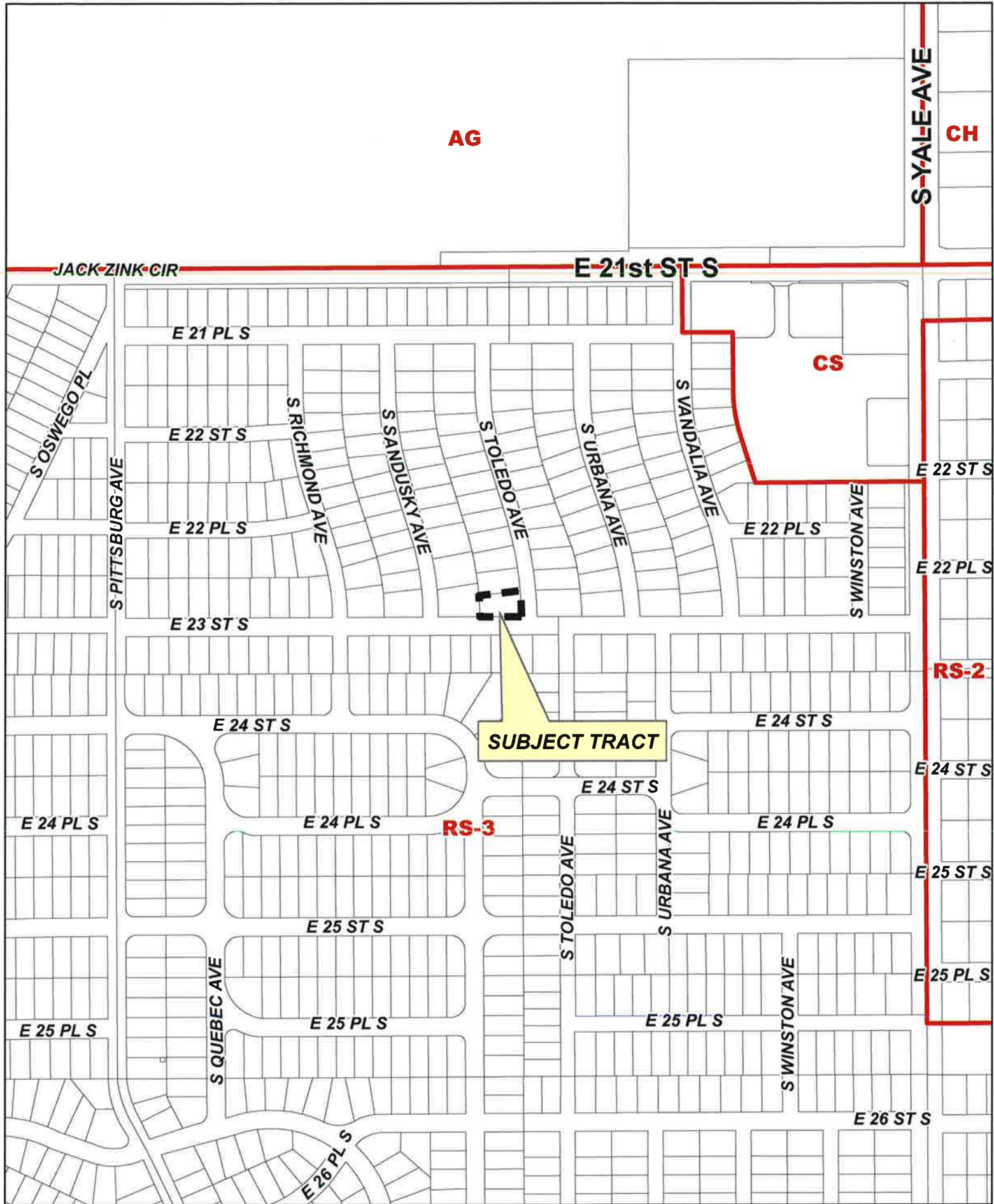
**SOLD: \$160,000**  
Sold on 3/16/2017  
3 beds, 2.0 baths, 1564 sqft  
[520 N Quanah Ave, Tulsa, OK 74127](#)

**SOLD: \$176,400**  
Sold on 12/5/2016  
3 beds, 2.0 baths, 1700 sqft  
[1109 N Cheyenne Ave, Tulsa, OK 74106](#)





© 2015 NORES



AG

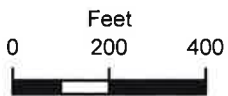
CH

CS

RS-2

RS-3

SUBJECT TRACT



BOA-22319

19-13 16

15.1





# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9316

Case Number: **BOA-22319**

**CZM:** 37

**CD:** 4

**A-P#:** 9289

**HEARING DATE:** 09/12/2017 1:00 PM

**APPLICANT:** Terri Willms

**ACTION REQUESTED:** Special Exception to allow a Bed and Breakfast (short-term rental) in an R district. (Sec.5.020)

**LOCATION:** 4413 E 23 ST S

**ZONED:** RS-3

**PRESENT USE:** Residential

**TRACT SIZE:** 10528.5 SQ FT

**LEGAL DESCRIPTION:** LT 14 BLK 7, MAYO MEADOW, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Surrounding Properties:**

**BOA 22269;** on 06.27.17 the Board approved a special exception to allow a Bed and Breakfast (Airbnb) in an R district; located W of the SW/c of E. 21 Pl. S. and S. Louisville Ave.

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

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

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

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

### **STAFF COMMENTS:**

The applicant is before the Board requesting a Special Exception to permit a Bed & Breakfast 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.

As the writing of this case report staff has not received any comments from the surrounding neighbors and 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. The board of adjustment may authorize bed and breakfasts to be rented for events, such as weddings, receptions, anniversaries, private dinner parties, business seminars, etc. The use of bed and breakfasts for on-site events requires ex-press authorization of the board of adjustment, in accordance with the special exception procedures of Section 70.120. As part of approval of the special exception, the board of adjustment is authorized to establish the maximum number of on-site events per year and the maximum number of guests per any single event, based on the availability of off-street parking and the facility's likely impacts on the area.

### **Sample Motion for a Special Exception**

Move to \_\_\_\_\_ (approve/deny) a Special Exception to allow a Bed and Breakfast (short-term rental) in an R district. (Sec.5.020)

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

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

---



**Board Action:**

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

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

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

**22269—Natalie Hynes**

**Action Requested:**

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

**Presentation:**

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

BoA-22269

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

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

**Interested Parties:**

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

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

**Rebuttal:**

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



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

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

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

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

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

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

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

**Comments and Questions:**

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

BOA-22269

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

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

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

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

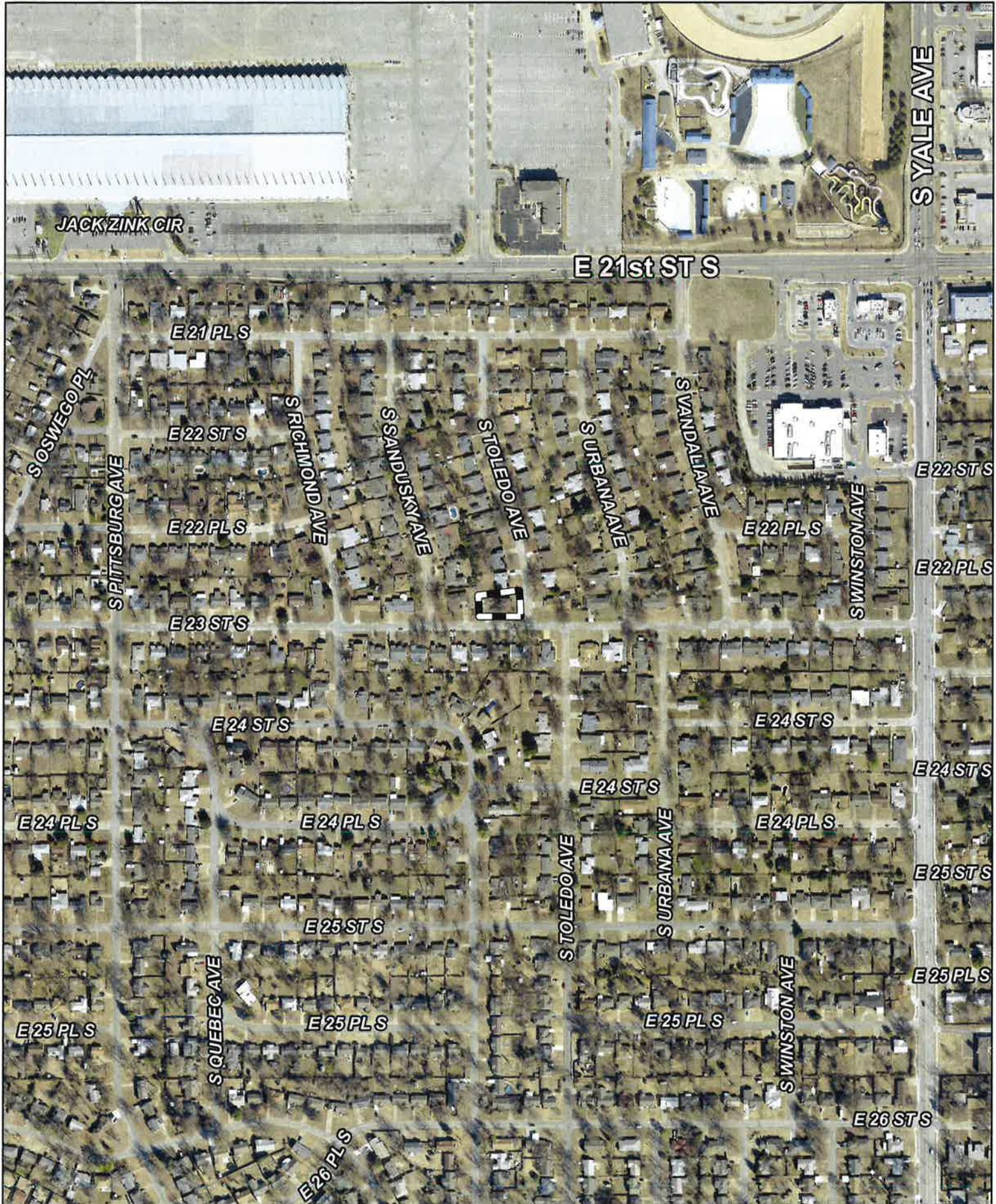
**Board Action:**

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

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

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





0 200 400  
Feet



Subject  
Tract

**BOA-22319**

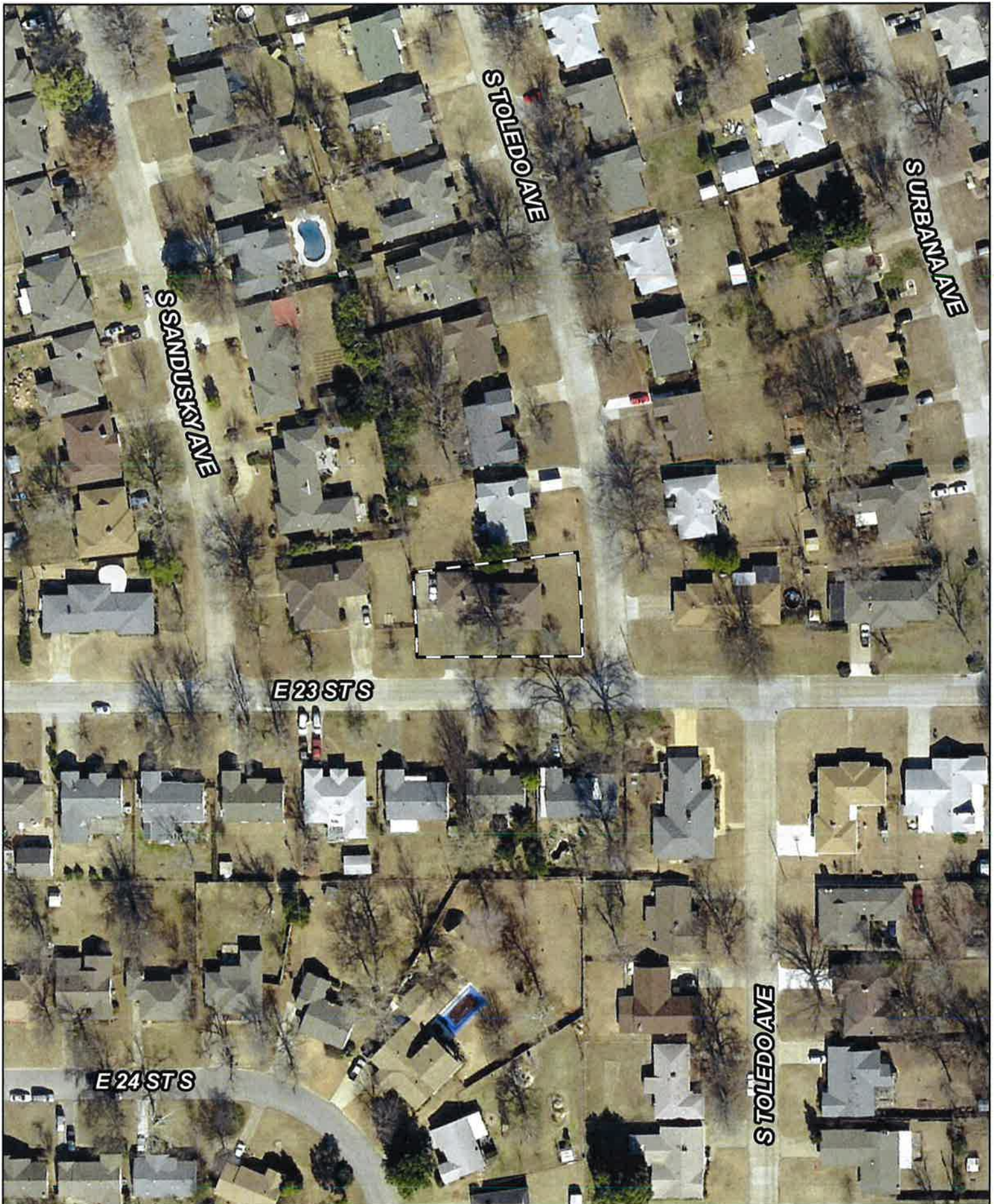
19-13 16

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

Aerial Photo Date: February 2016







Feet  
0 50 100



Subject  
Tract

**BOA-22319**

19-13 16

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

Aerial Photo Date: February 2016





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



**CHUCK LANGE**

ZONING OFFICIAL  
PLANS EXAMINER

TEL (918)596-9688

[clange@cityoftulsa.org](mailto:clange@cityoftulsa.org)

ZONING CLEARANCE PLAN REVIEW

**August 08, 2017**

**LOD Number: 1024427-1**

**TERRI WILLMS** Phone: (918)527-5863  
**OWNER**  
**9758 S GRANITE AV**  
**TULSA, OK 74137**

**APPLICATION NO: 9289** (PLEASE REFERENCE THIS NUMBER WHEN  
CONTACTING OUR OFFICE)

**Location: 4413 E 023 ST S**

**Description: vacation rental**

**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.

15.11

**REVISIONS NEED TO INCLUDE THE FOLLOWING:**

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT  
175 EAST 2<sup>nd</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601.

THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

**IMPORTANT INFORMATION**

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

(continued)

**REVIEW COMMENTS**

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



**Note:** Please direct all questions concerning special exceptions, platting and appeals of an administrative official decision and all questions regarding BOA application forms and fees to an INCOG representative at 918-584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. **Sec.35.050-G1:** Your application is for a Bed & Breakfast which is located in an RM-2 zoning district. This use is allowed in the RM-2 district by Special Exception (*Table 5-2: R District Use Regulations*).

**Review Comment:** Submit a copy of the Special Exception reviewed and approved per *Sec.70.120* to allow a Bed & Breakfast in the RM-2 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 on-site 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**

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

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

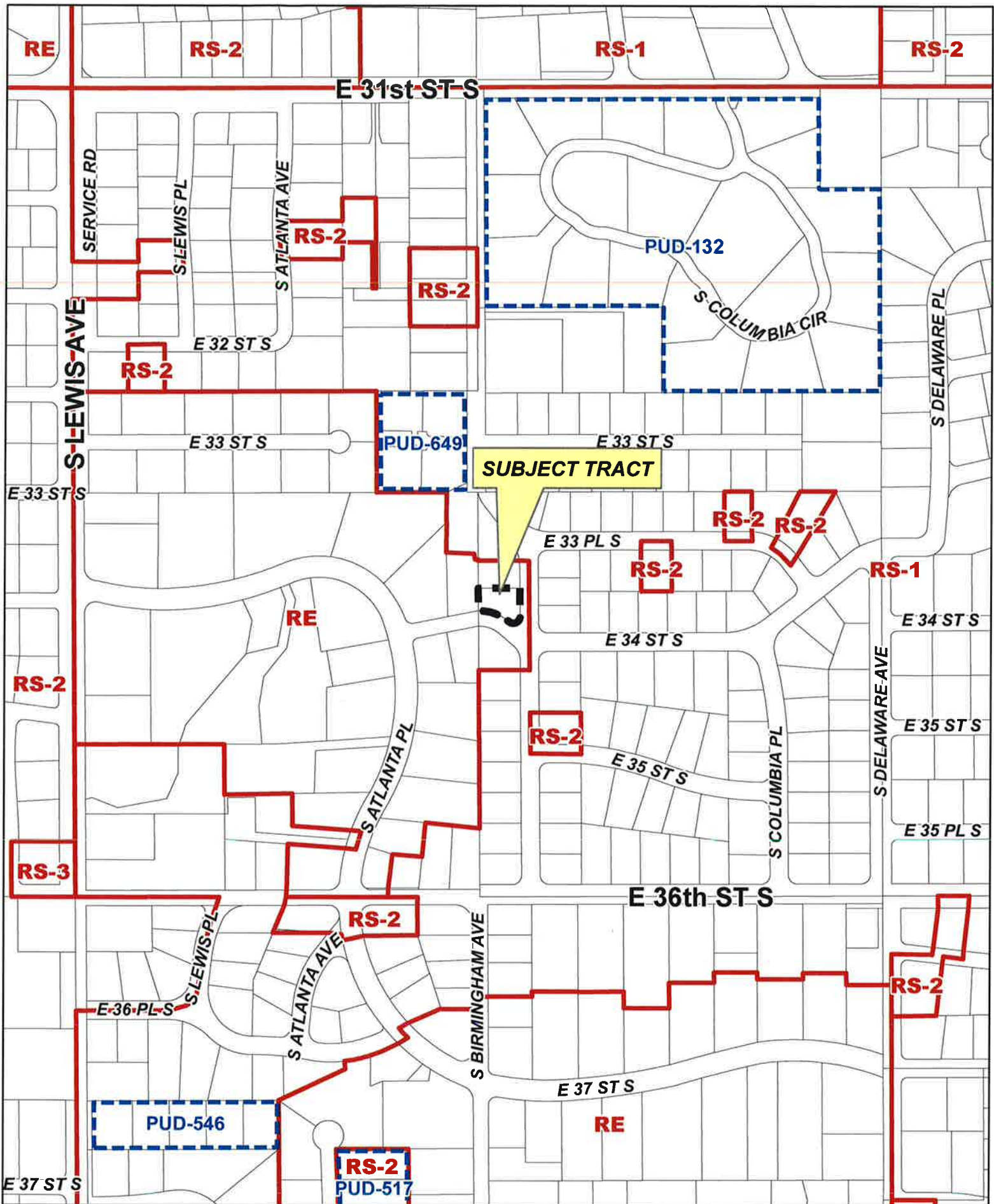
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**BOA-22320 – DONALD & DEE ANN SHORT**

**THE APPLICANT REQUESTS A CONTINUANCE  
TO THE SEPTEMBER 26, 2017 BOARD OF  
ADJUSTMENT MEETING AS THEY WILL BE OUT  
OF TOWN**



**SUBJECT TRACT**

**BOA-22321**

17.1



19-13 20



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9320

Case Number: **BOA-22321**

CZM: 47

CD: 9

A-P#: 9237

**HEARING DATE:** 09/12/2017 1:00 PM

**APPLICANT:** Jack Arnold

**ACTION REQUESTED:** Special Exception to allow the driveway width to exceed 30 ft. in width on an RE zoned lot (Section 55.090-F3)

**LOCATION:** 2521 E 34 ST S

**ZONED:** RE

**PRESENT USE:** Residential

**TRACT SIZE:** 12863.32 SQ FT

**LEGAL DESCRIPTION:** LOT 3, BLK 2, TIMBERLAND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Lot:**

**BOA 22116;** on 08.23.16 the Board **approved** a variance of the required street setback from E 34th Street from 35' to 25' in the RE district.

**BOA 16608;** on 03.22.94 the Board **approved** a variance of the required rear yard from 25' to 16' to allow an addition which will align with the existing building, per plan.

**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 RE and RS-2 zoned residences.

**STAFF COMMENTS:**

The applicant is before the Board requesting a **Special Exception** to permit construction of a driveway greater than 30' in width on the lot. As shown on the attached plan the proposed driveway width (outside of the right-of-way) of 36'-2" ft. exceeds the maximum allowed driveway width on the lot in the RS-1 zoning district.

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

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

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Special Exception to allow the driveway width to exceed 30 ft. in width on an RE zoned lot (Section 55.090-F3)

- 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.

- 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:

**ALL BLK 5, ROOSEVELT ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

**22116—Jack Arnold**

FILE COPY

**Action Requested:**

Variance of the required street setback from East 34<sup>th</sup> Street from 35 feet to 25 feet in the RE District (Section 5.030). **LOCATION:** 2521 East 34<sup>th</sup> Street South (CD 9)

**Presentation:**

**Jack Arnold**, 7310 South Yale, Tulsa, OK; stated that his client would like to raze the existing house and build a new house on the subject property. The property is zoned RE but it the lot is not the size of an RE zoned lot. The corner lot is odd shaped and on the existing house there is a bay window that abuts the 25 foot building line. Following that radius is where part of the new house would be constructed.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Back, Bond, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance of the required street setback from East 34<sup>th</sup> Street from 35 feet to 25 feet in the RE District (Section 5.030), subject to conceptual plan 5.16. The Board has found that this particular lot is zoned RE but it is not actually RE by its size and the proposed house would not fit following the RE specifications. 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

BDA-22116

FILE COPY

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:

**LOT-3-BLK-2, TIMBERLAND ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

**22117—Matt Bayne**

**Action Requested:**

Special Exception to allow a non-conforming two-story detached garage to be reconstructed (Section 80.030); Variance to allow a accessory building to exceed 40% of the floor area of the principal structure (Section 45.030); Variance to increase the footprint of a non-conforming structure (Section 80.030); Variance to allow a detached accessory building to exceed 10 feet at the top of the top plate (Section 90.090). **LOCATION:** 216 East 27<sup>th</sup> Street South (CD 4)

**Mr. White recused at 2:33 P.M.**

**Presentation:**

**Matt Bayne**, 216 East 27<sup>th</sup> Street, Tulsa, OK; stated there is an existing detached garage on the subject property that is at least 60 years old. The existing structure is deep but not wide and will not allow for two modern automobiles. The survey indicated that the southeast corner was approximately 6" into the utility easement. So he proposes to tear down the existing structure and build a new structure moving it out of the utility easement and far enough toward the front property line to get out of the 30% square foot usage in the rear setback zoning requirement. To be able to mimic the architectural design of the house there is a need for a Variance for the top plate requirement. In the neighborhood there is a preponderance of this type of structure so the proposal is in character for the neighborhood.



## NEW APPLICATIONS

### Case No. 16605

#### Action Requested:

Variance of the required side yard from 10' to 7.6' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 5677 South Zunis Avenue

#### Presentation:

The applicant, **Patsy Keeler**, 5677 South Zunis Avenue, submitted a plot plan (Exhibit C-1) and stated that the house in question is encroaching into the required side yard setback approximately 2½'. She explained that the dwelling was constructed approximately 35 years ago and the proposed addition will align with the existing building wall.

#### Protestants:

None.

#### Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Variance** of the required side yard from 10' to 7.6' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding that the dwelling was constructed prior to current setback regulations and the proposed construction will align with the existing building wall; on the following described property:

Lot 11, Block 4, Cherokee Meadows, City of Tulsa, Tulsa County, Oklahoma.

### Case No. 16608

#### Action Requested:

Variance of the required rear yard from 25' to 16' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2521 East 34th Street.

#### Presentation:

The applicant, **Pamela Iacoe**, 2551 East 34th Street, submitted a plot plan (Exhibit D-1) and letters of support (Exhibit D-2) from neighbors that own abutting properties. Ms. Iacoe stated that she is proposing to construct an addition to the existing dwelling, which will align with the existing building and will not encroach farther into the setback.

#### Protestants:

None.

Case No. 16608 (continued)

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Variance** of the required rear yard from 25' to 16' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; subject to the rear wall of the addition aligning with the north wall of the existing dwelling; finding that approval of the request will not add to the existing encroachment; on the following described property:

Lot 3, Block 2, Timberland Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16609

**Action Requested:**

Special Exception to permit a manufactured home in an AG zoned district, and a variance of the one-year time limitation - **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 9, located 2824 South Lynn Lane.

**Presentation:**

The applicant, **Hugh Durrett**, Route 5, Box 343, Tahlequah, Oklahoma, submitted a plot plan (Exhibit E-1) and requested permission to install a double-wide mobile home at the above stated location.

**Comments and Questions:**

In response to Mr. Doverspike, the applicant stated that the mobile unit will be located approximately in the center of the tract, approximately 1500' west from Lynn Lane.

Mr. Gardner asked Mr. Durrett if the unit will be placed on a permanent foundation, and he answered in the affirmative.

Mr. Bolzle inquired as to the distance from the south property line to the dwelling, and the applicant stated that the unit will be approximately 700' from the south boundary.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Special Exception** to permit a manufactured home in an AG zoned district, and a variance of the one-year time limitation - **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 9; per plan submitted; subject to the unit being placed on a permanent foundation; and subject to a building permit and Health Department approval; finding that the area is sparsely developed and the manufactured home will be on a foundation and have the appearance of a conventional single-family dwelling; on the following described property:





0 Feet 200 400



Subject  
Tract

**BOA-22321**

19-13 20

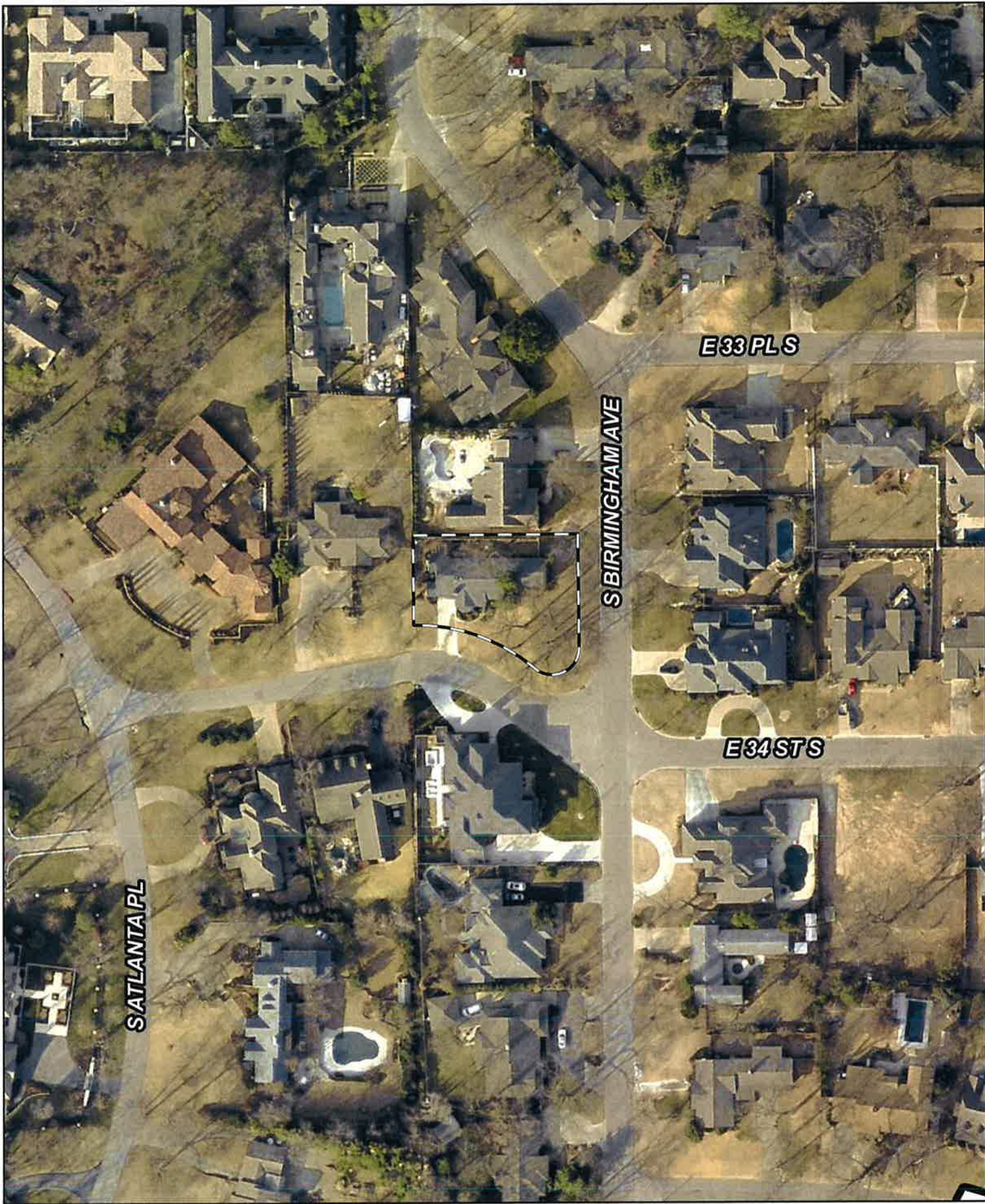
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016

17.8







SATLANTA PL

E33 PLS

S BIRMINGHAM AVE

E34 STS



Subject  
Tract

**BOA-22321**

19-13 20

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

Aerial Photo Date: February 2016



17.9





Subject Lot - Looking North

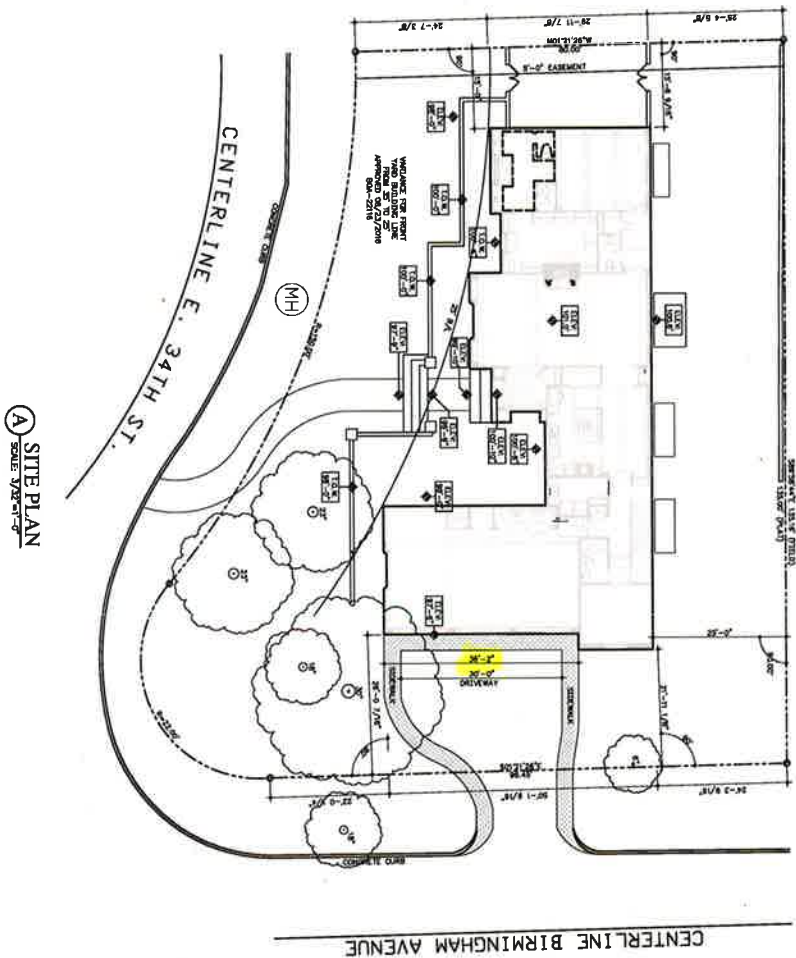


**CONDUCT EXISTING SITE VISIT**  
 VISIT WITH THE ARCHITECT, ENGINEER,  
 AND OTHER PROFESSIONALS INVOLVED  
 IN THE PROJECT TO VERIFY THE  
 INFORMATION PROVIDED ON THE  
 PRELIMINARY SITE PLAN.

**GENERAL SITE PLAN NOTES**

1. THE SITE PLAN IS BASED ON THE  
 INFORMATION PROVIDED BY THE  
 ARCHITECT AND ENGINEER. THE  
 ARCHITECT AND ENGINEER SHALL  
 BE RESPONSIBLE FOR THE  
 ACCURACY OF THE INFORMATION  
 PROVIDED.

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 ARCHITECT AND ENGINEER SHALL  
 BE RESPONSIBLE FOR THE  
 ACCURACY OF THE INFORMATION  
 PROVIDED.



**A SITE PLAN**  
 SCALE 1/8" = 1'-0"



JEFF S. TAYLOR  
ZONING OFFICIAL  
PLANS EXAMINER

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



## DEVELOPMENT SERVICES

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

### ZONING CLEARANCE PLAN REVIEW

LOD Number: 1022594-2

August 02, 2017

DIANE WELLS  
DESIGN PROPERTIES  
7310 S YALE AV  
TULSA, OK 74136

Phone: (918)493-7908  
Fax: (918)494-0884

APPLICATION NO: **9237** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: 2521 E 034 ST S  
Description: Residential

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

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

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

#### IMPORTANT INFORMATION

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

17.12

## REVIEW COMMENTS

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

Application No. 9237

2521 E 034 ST S

August 02, 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. 55.090-F3 Surfacing.** In RE zoning districts, driveways serving residential dwelling units may not exceed the following maximum widths unless a greater width is approved in accordance with the special exception procedures of Section 70.120. Maximum Driveway Width in the Right Of Way (ROW) is 20' and 30' outside of ROW.

**Review Comments:** The submitted site plan proposes a driveway width that exceeds the maximum allowable driveway width on the lot. Sidewalks at the same elevation as the driveway are to be considered as part of the drive and parking area. Revise plans to indicate the driveway shall not exceed 30' in width on the lot or apply to the BOA for a special exception to allow the driveway width to exceed 30' in width on the lot.

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

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

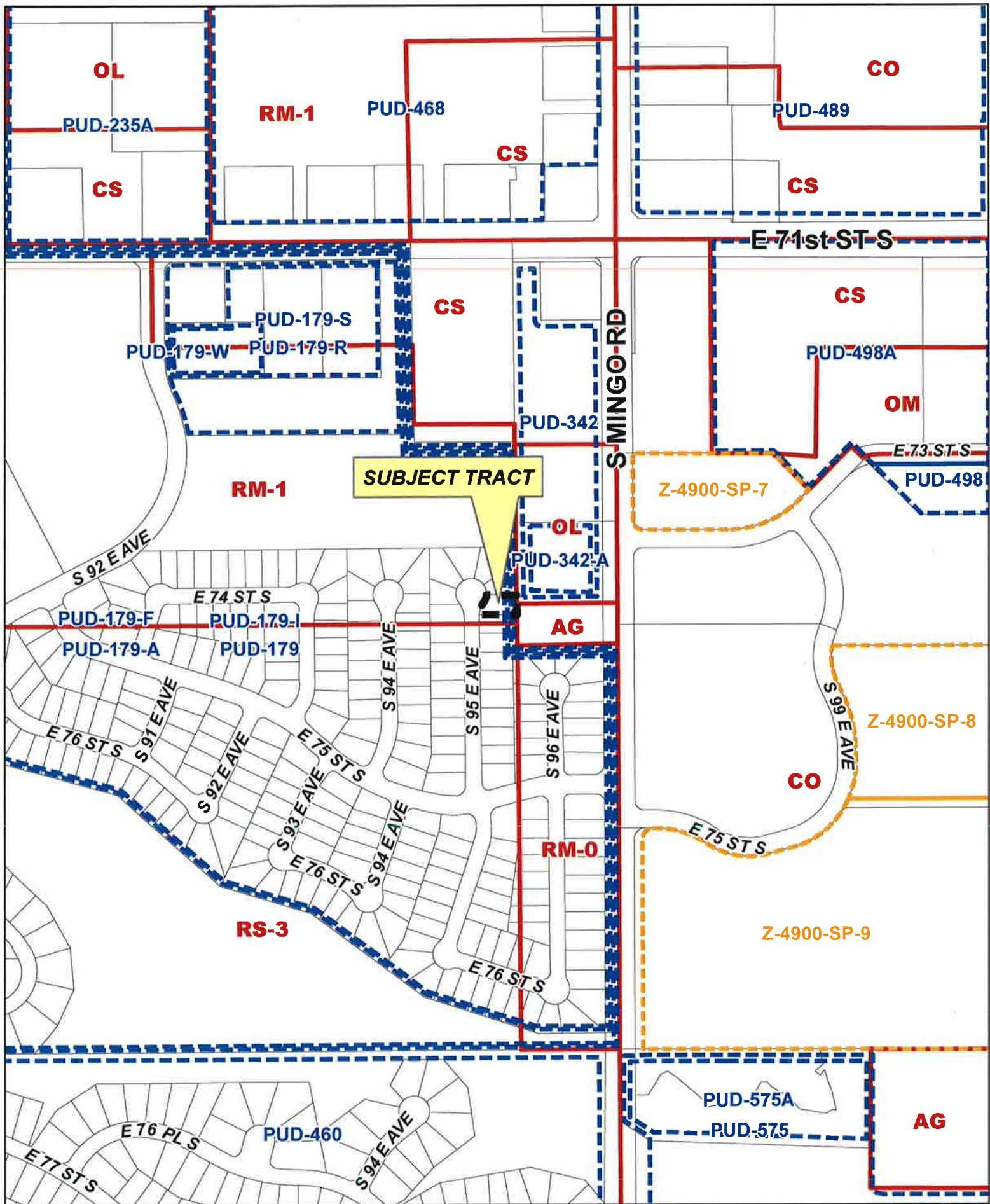
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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

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# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 8312

Case Number: **BOA-22322**

**CZM:** 53

**CD:** 7

**A-P#:** 426945

**HEARING DATE:** 09/12/2017 1:00 PM

**APPLICANT:** Lisa Guten

**ACTION REQUESTED:** Verification of the 300' spacing requirement between family day care homes located on the same street. (Section 45.070)

**LOCATION:** 7411 S 95 AV E

**ZONED:** RM-1/PUD 179

**PRESENT USE:** Residential

**TRACT SIZE:** 6886.86 SQ FT

**LEGAL DESCRIPTION:** LT 24 BLK 1, WOODLANDS, THE, City of Tulsa, Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:**

None Relevant.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of an "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 abutted by RM-1 zoning on the north, west and south; OL and AG zoning abuts the site on the east.

**STAFF COMMENTS:**

The applicant is before the Board requesting a **Verification** of the spacing requirement for a family child care home of 300 ft. from any another family child care home on the same street (Section 45.070).

*The Code provides that No family day care home may be located on a lot within 300 feet of another lot containing a Family Child Care Home if any boundary of said lots abut the same street. "Street" as used herein shall mean any named or numbered street along its full length, irrespective of any intervening street.*

The subject property abuts S 95 AV E; the spacing requirement is only applicable along S 95 AV E. The list of the closest care providers registered with the Oklahoma Department of Human Services and a map which illustrates a 300 ft. radius measured from the subject property is attached.

The applicant has stated on the attached exhibit that there are no existing child care homes abutting S 95 AV E within 300 ft of the subject site.

Sample motion that can be 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 shown on the attached exhibit, indicating that there are no existing Family Child Care Homes operating within the required spacing radius of the subject lot.**





0 Feet  
200  
400



Subject  
Tract

**BOA-22322**

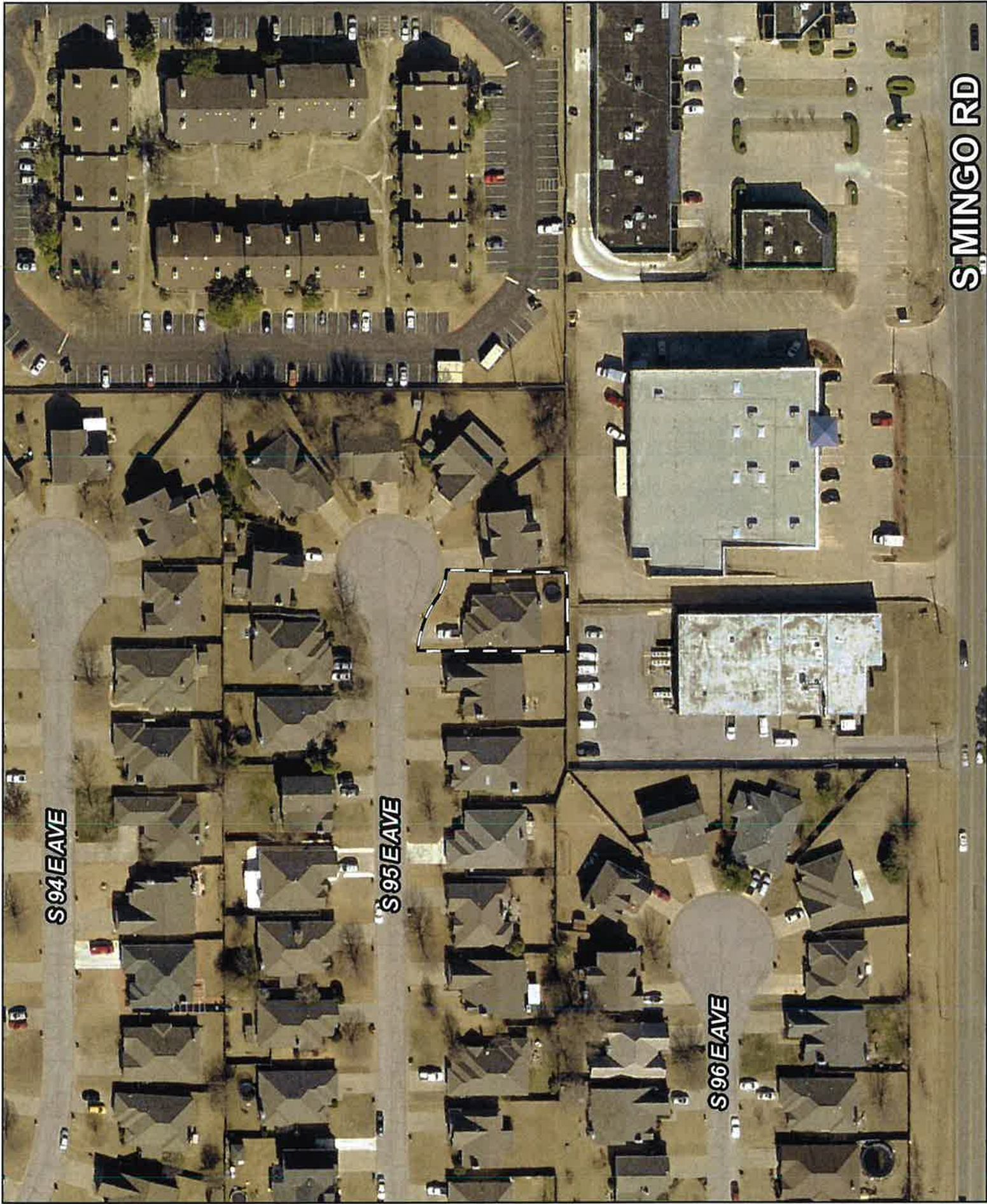
18-13 12

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

Aerial Photo Date: February 2016







S MINGO RD

S94 EAVE

S95 EAVE

S96 EAVE



Subject  
Tract

**BOA-22322**

18-13 12

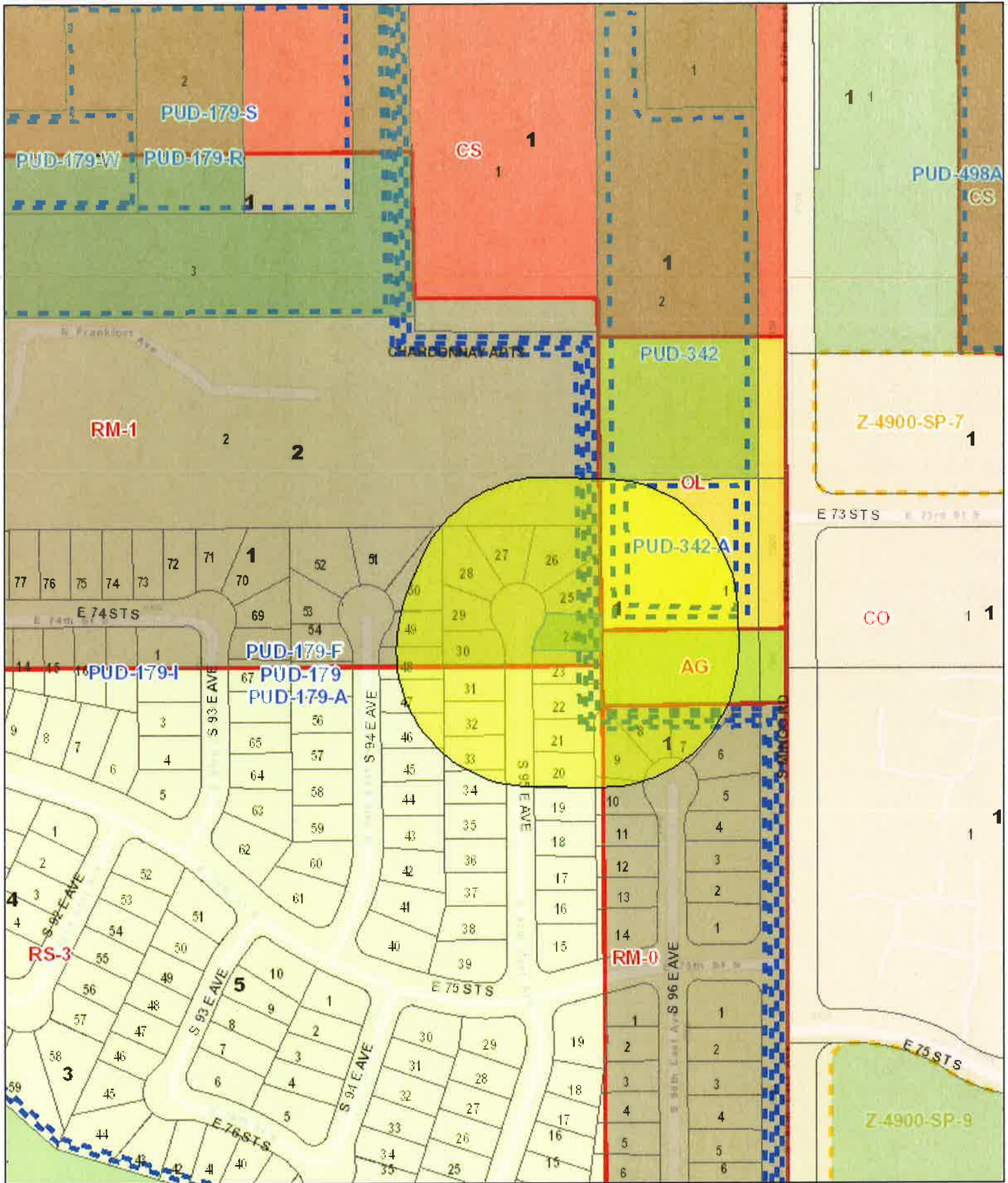
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016

18.5







Feet  
0 100 200

18.6







**Oklahoma Department of Human Services  
Child Care Services**

**PO Box 25352, Oklahoma City, OK 73125**

(405) 521-3561 Fax: (405) 522-2564 Toll-Free: (800) 347-2276  
[www.okdhs.org/childcare](http://www.okdhs.org/childcare)



August 11, 2017

Re: Lisa Guten  
K820053978

To whom it may concern:

After reviewing the addresses on our child care locator, to my knowledge there are no licensed family child care home within a 300 foot radius of Ms. Guten's home at 7411 S. 95<sup>th</sup> E. Ave., Tulsa OK 74133.

If you have any questions, feel free to call at 918-614-5045.

Sincerely,

Christy Haws  
Child Care Licensing Specialist II



Oklahoma Department of Human Services  
Sequoyah Memorial Office Building, 2400 N. Lincoln Blvd. • Oklahoma City, OK 73105  
(405) 521-3646 • Fax (405) 521-6684 • Internet: www.okdhs.org

## Oklahoma Child Care Locator

**Selection Criteria:** County=Tulsa; City Name=Tulsa; ZipCode=74133; Star Level=All; Homes Only; Facilities are sorted first by Star Level, then by town, then by zip code, then by Facility Name.

Click the facility number or name for more information and non-compliance issues.

Number	Subsidy Contract	Star Level	Star Effective Date	Facility Name	Facility Type	Address	City	Zip	Phone	Capacity
K820053223	59541	★★	8/9/2016	GREENE-ROSS, NICKIA CHILD CARE HOME	Home	6924 E 78TH PL	TULSA	74133	(213) 300-5805	12
K820052885	59489	★★	12/15/2015	KELLY, EARNESTINE CHILD CARE HOME	Home	8229 S 74 EAST AVE	TULSA	74133	(918) 948-3214	12
K820047910	58519	★★	11/1/2014	JONES, CARISSA CHILD CARE HOME	Home	8806 E 79TH ST	TULSA	74133	(918) 212-4201	7
K820053329		★	8/9/2016	MCLAURIN, DANIELLE CHILD CARE HOME	Home	9003 S. 73RD E. AVE	TULSA	74133	(918) 694-3250	7
K820050424		★	1/23/2012	MAURER, LAURI CHILD CARE HOME	Home	6422 S 110TH EAST AVE	TULSA	74133		7
K820051654		★	11/18/2013	MARGALSKI, REBEKAH CHILD CARE HOME	Home	9321 S 94TH E AVE	TULSA	74133	(918) 924-5107	7
K820047308		★	11/1/2009	PETERS, TONYA CHILD CARE HOME	Home	6625 E 103RD ST	TULSA	74133	(918) 344-1068	12
K820010841		★	11/28/2006	KOONS, ANITA CHILD CARE HOME	Home	7828 E 79 ST	TULSA	74133	(918) 249-0169	12
K820011882		★	6/15/2003	HAMILTON, LINDA CHILD CARE HOME	Home	9314 EAST 93RD ST	TULSA	74133	(918) 252-0157	12
	54982	★	7/1/2007		Home	8427 S 111 E AVE	TULSA	74133		12



K820033965	REIDENBACH, TERRI CHILD CARE HOME			(918) 638-5147
K820037866	GALBREATH, ROSEMARY CHILD CARE HOME	11/28/2006	Home	TULSA 74133 (918) 254-7964
K820041913	OAKLEY, STEPHANIE CHILD CARE HOME	10/1/2010	Home	TULSA 74133 (918) 521-0055

Page 1 of 1

Facilities with an OKDHS Subsidy Contract are indicated by a ♣ preceding the NUMBER.

Printing problems? The browser File menu contains Page Setup options for printing. To ensure that all information prints, please change the left/right margins to "narrow" and print in "landscape" mode.



[Go back to the form](#) to enter another search.

The case files of child care centers and family child care homes are open to the public. Appointments may be made to view these files in the county OKDHS Licensing Services office. A Child Care Licensing Specialist will be available to discuss the file with you and answer any questions you may have about the contents of a file. To locate the telephone number and address of the [Child Care Licensing Specialist](#) for your county go to Office Locations found on the Division Information page.

**Contact us by e-mail - Oklahoma Child Care Services**

Last Updated: 3/11/2014

**CHUCK LANGE**  
ZONING OFFICIAL  
PLANS EXAMINER

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



## DEVELOPMENT SERVICES

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

### ZONING CLEARANCE PLAN REVIEW

LOD Number: 1021401-1

August 09, 2017

**LISA GUTEN**  
ANNIE'S CHILD DEVELOPMENT CTR  
7411 S 095  
TULSA, OK 74133

Phone: (918)289-4832

**APPLICATION NO:** **426945** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
**Location:** 7411 S 095 AV E  
**Description:** NOT APPLICABLE

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

#### IMPORTANT INFORMATION

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

(continued)

18.10



## REVIEW COMMENTS

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

Application No. 426945

7411 S 095 AV E

August 09, 2017

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

**Sec.45.070-G:** Your proposed daycare is designated a Family Child Care Home. Family child care homes must be an accessory use to an allowed household living use and be licensed by the State of Oklahoma.

Applicants for family child care homes must obtain a zoning clearance permit and a certificate of occupancy before commencing operation. Family child care homes may provide supervision for no more than 7 children. No person may be employed other than a member of the household residing on the premises or a non-resident, substitute caregiver, as may be required for family child care homes by the State of Oklahoma. A family child care home may not be established on any lot located within 300 feet of another lot occupied by a family child care home if any boundary of the subject lot abuts the same street. For purposes of this provision, "street" means any named or numbered street along its full length, regardless of any intervening streets (see Figure 45-2 below). State licensed family child care homes lawfully established on or before October 22, 1985 that would be prohibited by the distance separation requirements of this section, are allowed to continue to exist and operate.

**Review comment:** Submit a copy of the 300 foot Spacing and Separation Distance Verification, reviewed and approved per Sec.70.110. A variance, reviewed and approved, per Sec.70.130 is required if your lot fails to meet the 300 foot spacing requirement.

Figure 45-2: Separation Requirements for Family Child Care Homes

