

**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 26, 2017, 1:00 P.M.**

**Meeting No. 1192**

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

**UNFINISHED BUSINESS**

1. **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)**
2. **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)**

**NEW APPLICATIONS**

3. **22291—Dale Williams**  
Special Exception to permit a detached house in a CH District (Section 15.020, Table 15-2). **LOCATION:** East of the NE/c of East 34<sup>th</sup> Street & South Peoria Avenue East **(CD 9)**
4. **22323—Donald Walton**  
Special Exception to allow a Bed and Breakfast (Airbnb) in the RS-3 District (Section 5.020). **LOCATION:** 5912 South Richmond Avenue East **(CD 9)**
5. **22324—Donald Walton**  
Special Exception to allow a Bed and Breakfast (Airbnb) in the RS-3 District (Section 5.020). **LOCATION:** 4411 East 59<sup>th</sup> Place South **(CD 9)**
6. **22325—Eller & Detrich – Lou Reynolds**  
Special Exception to allow the driveway width to exceed 30 feet in width on an RS-1 zoned lot (Section 55.090-F3). **LOCATION:** 2745 East Birmingham Place South **(CD 4)**

7. **22326—Mary Christian**  
Special Exception to allow a carport in the street yard area and allow the area of the carport to exceed 400 sq. ft. (Section 90.090- C.1). **LOCATION:** 711 South Allegheny Avenue **(CD 5)**
8. **22327—KKT Architects**  
Special Exception to allow a Community Center designated as a Public, Civic, and Institutional/ Government Services, Not Elsewhere Classified, in the CH/OL/IM/RM-3 zoning districts.(Section 15.020, Table 15-2). **LOCATION:** 815 South Utica East **(CD 4)**
9. **22328—Tom Daman**  
Special Exception to allow a Commercial/Assembly Indoor Entertainment use (large capacity over 250) to be located in a CS District to allow a health club (Section 15.020). **LOCATION:** 3138 South Garnett Road East **(CD 6)**
10. **22329—Eller & Detrich**  
Special Exception to permit a Residential Treatment Center in a CH District (Section 15.020, Table 15-2); Verification of the 2,640 feet spacing requirement between residential treatment and similar uses (Section 40.130-B). **LOCATION:** 6126 East 32<sup>nd</sup> Place South **(CD 5)**
11. **22330—Mohammad Ashad**  
Variance to reduce the street (rear) setback from South Sheridan Road (Section 5.030). **LOCATION:** 8312 South 65<sup>th</sup> Place East **(CD 8)**
12. **22331—Jack Arnold**  
Variance to reduce the front (street) setback to 25 feet along East 30<sup>th</sup> Place to permit an addition to the existing home (Section 5.030). **LOCATION:** 1630 East 30<sup>th</sup> Place South **(CD 4)**
13. **22332—Ryan Strobe**  
Variance to allow more than a 25% coverage in the rear setback; Variance to allow a detached accessory building to exceed one story, exceed 18 feet in height and 10 feet at the top of the top plate; Variance to increase the permitted size of a detached accessory building to 2,070 square feet (Section 45.030). **LOCATION:** 214 East Woodward Boulevard South **(CD 4)**
14. **22333—Wallace Engineering – Jim Beach**  
Variance of maximum building height of a field house from 35 feet to 49 feet (Section 5.030). **LOCATION:** 4929 North Peoria Avenue East **(CD 1)**

**Staff requests a continuance to the October 10, 2017 hearing date to correct a mistake in the legal description.**

**15. 22334—Wallace Engineering – Jim Beach**

Special Exception to allow an outdoor assembly use in CH zoning (Section 15.020, Table 15-2). **LOCATION:** SW/c of South Trenton Avenue East and East 3<sup>rd</sup> Street South **(CD 4)**

**16. 22335—John Watchous**

Special Exception to permit a Trucking and Transportation Terminal in the CS District (Section 15.050). **LOCATION:** 2500 North Sheridan Road East **(CD 3)**

**OTHER BUSINESS**

**17. REQUEST FOR REFUND:**

**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)**

**Application was withdrawn because the requested relief was not needed.**

**NEW BUSINESS**

**BOARD MEMBER COMMENTS**

**ADJOURNMENT**

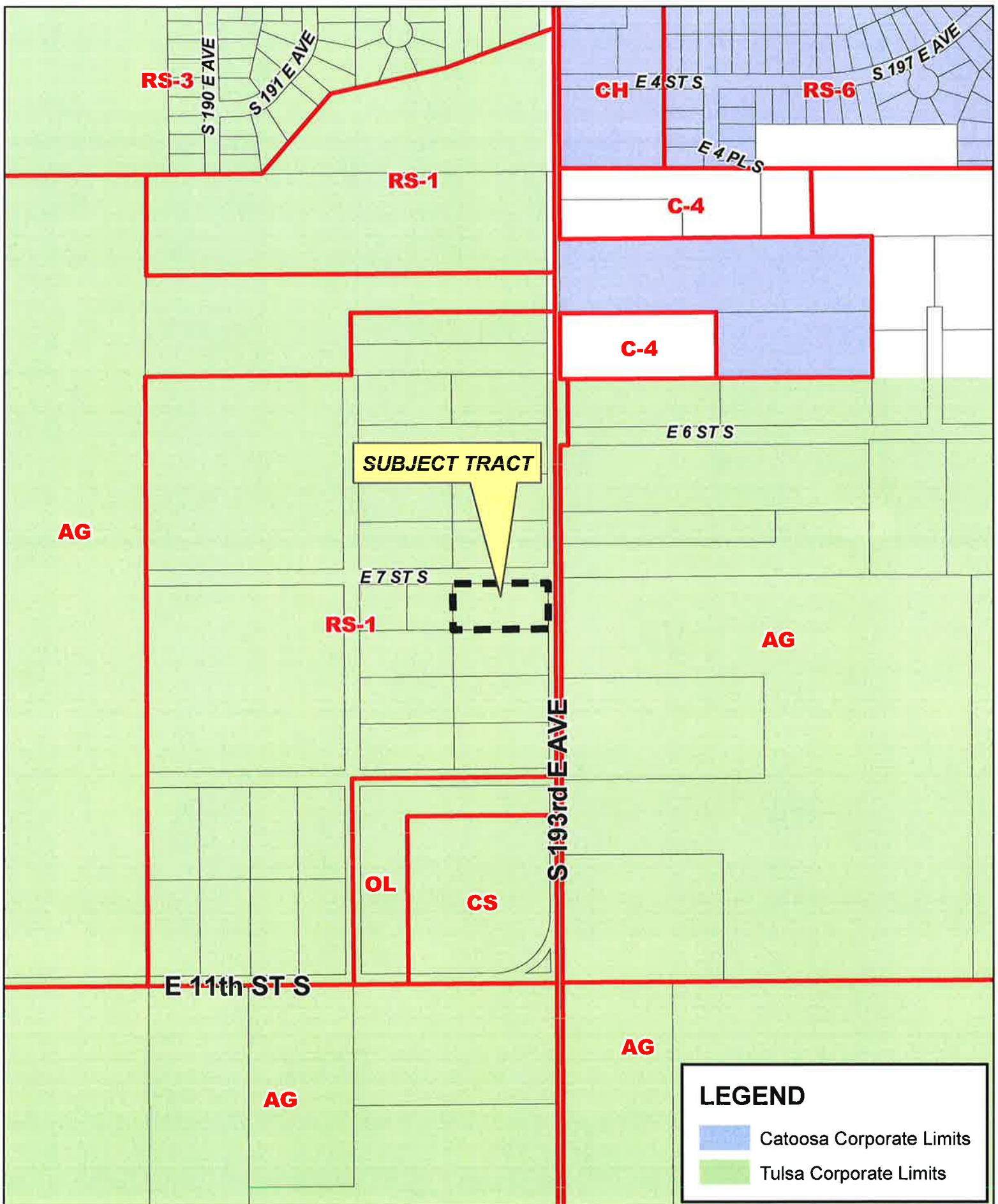
**Website:** [www.cityoftulsa-boa.org](http://www.cityoftulsa-boa.org)

**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

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# BOARD OF ADJUSTMENT CASE REPORT

STR: 9401

Case Number: BOA-22285

CZM: 40

CD: 6

A-P#: N/A

**HEARING DATE:** 09/26/2017 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.

**COMMENT STAFF COMMENT:**

The request was heard by the Board at the 09.12.17 hearing; the Board continued the case to 9.26.17 to allow additional discussions with INCOG. The applicant provided the following statement: *"We will step up our schedule for completion of renovations and make sure that I am able to change residency status and will be living in the house by September 26, 2017."*

**PREVIOUS 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

1.2

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 WEST OF LOT 8, BLOCK 2 AND LOT 9 AND THE EAST OF LOT 8, BLOCK 2, ALL SITUATED WITHIN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, ALSO COMBINED AS 7010 E. 17TH STREET, TULSA, OKLAHOMA, WINDS, THE TWO PARCELS MEASURING FOUR ACRES AND 15872-94-01, 02222 AND 15872-94-01, 02224.

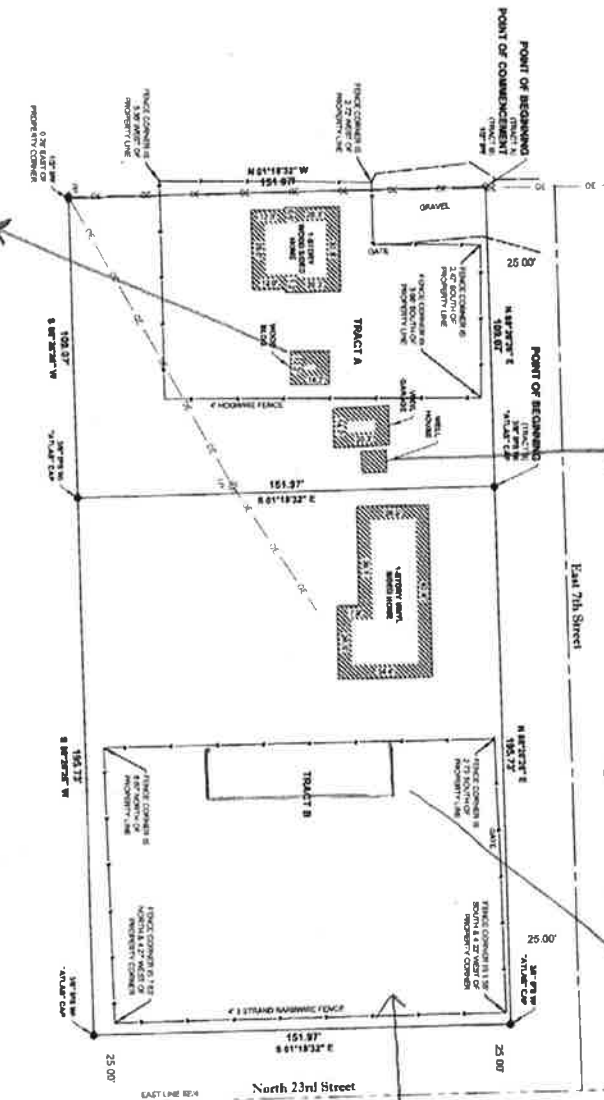
RECORDED IN PLAT NUMBER 622 IN THE OFFICE OF THE TULSA COUNTY CLERK

THESE PARTICULARS WERE OBTAINED AS FOLLOWS:

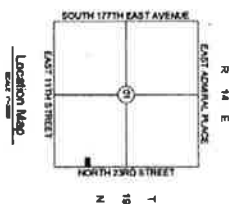
SAID TRACT OF LAND CONTAINING 0.1225 ACRES ±, 28.14330 SQUARE FEET  
THIS LEGAL DESCRIPTION WAS CREATED ON AUGUST 11, 2017, BY ALISON BARNER, OF PLAT 6622,  
WITH THIS BLOCK OF BOUNDED AREA N 61° 46' 32" W ALONG THE EAST LINE OF THE SOUTHEAST  
QUARTER (SE/4) OF SECTION ONE (1)

PROPOSED STORAGE  
10' x 72' -

WOOD STORAGE  
BUILDING ON  
SKIDS TO BE  
MOVED



Remedy  
51672



**PLAT OF SURVEY**  
OF A PART OF  
Section 1, T-19-N, R-14-E  
TULSA COUNTY, OKLAHOMA

[illegible]**INDEXES**

THIS DATA WAS NOT CONTRACTED TO RESEARCH FUNDING OR INCENTIVES OF RECORD. NO ATTEMPT TO RESEARCH THE COAST RECORDS OR OTHER RECORD OFFICE WAS PERFORMED BY THIS FIRM. NEITHER FUNDING NOR ATTEMPT TO RESEARCH THE SUBJECT TRACT THAT ARE NOT REFLECTED BY THIS PLAN.

### Surveyor's Statement

1. APPROVING A PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA DO HEREBY STATE THAT THE ABOVE MAP REPRESENTS A SURVEY PERFORMED IN THE FIELD THROUGH MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS OF THE DATE THIS SURVEY MEETS OR EXCEEDS THE MINIMUM STANDARDS FOR SURVEYING IN THE STATE OF OKLAHOMA AS SET FORTH BY THE OKLAHOMA STATE BOARD OF SURVEYING FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AS OF THE DATE

[illegible]

CHECKED BY:	AKB	SCA
SURVEY BY:	ATJ	DRA
SURVEY DATE:	8/2/2017	JOB



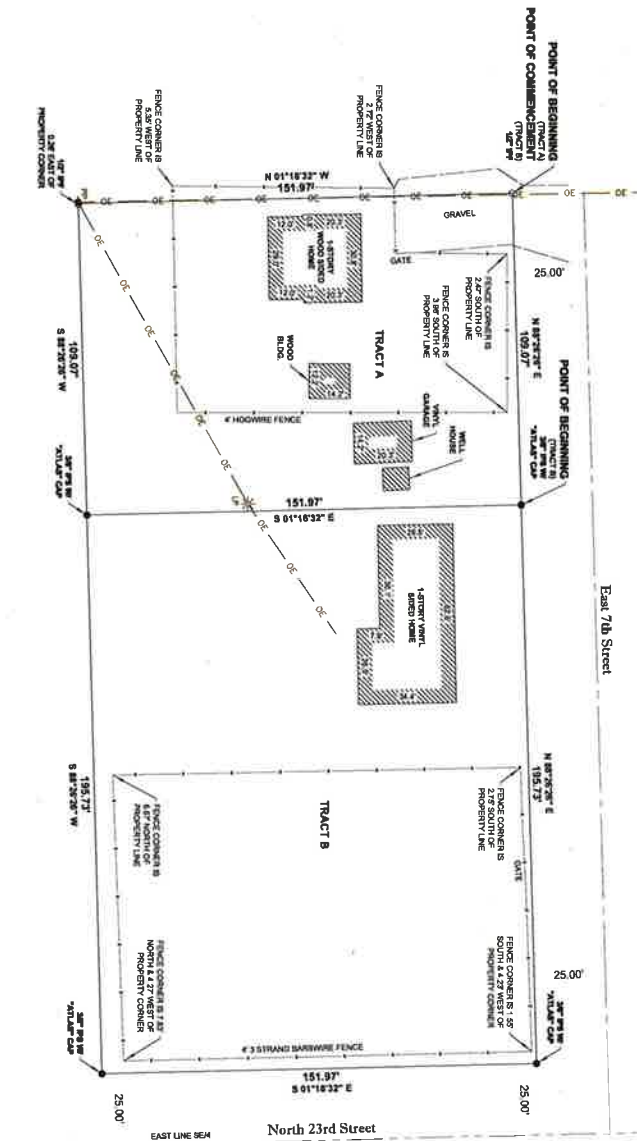
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THE W/2 OF LOT 8, BLOCK 2, AND LOT 1 AND THE E/2 OF LOT 8, BLOCK 2, ALL IN BROWN HILLS, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, ALSO DESCRIBED AS 19108 E. 17TH STREET, TULSA, OKLAHOMA. N1/4R. THE TAX PARCEL, MEASURING 104.5400 LOTS BEING 19173-94-01-00235 AND 19173-94-01-00236.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PART OF LOT 1, BLOCK 2, INDIAN HILLS, A SUBDIVISION OF PART OF THE EAST HALF OF THE SOUTHEAST QUARTER (EA SE/4) OF SECTION ONE (1), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, RECORDED AS PLAT NUMBER 682, IN THE OFFICE OF THE TULSA COUNTY CLERK.

Said tract of land contained a known corner, to-wit: the southeast corner of the legal description was created on August 15, 2017, by Arnon Burns, O.R.S. #18929 with the basis of bearing being N 01° 18' 37" W along the East line of the Southmead Quarter (Section One (1)).

[illegible]

**PLAT OF SURVEY**  
OF A PART OF  
Section 1, T-19-N, R-14-E  
TULSA COUNTY, OKLAHOMA

[illegible]

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

THIS FIRM WAS NOT CONTACTED TO REVEAL EVIDENCE OR ENCUMBRANCES OF RECORD IN ATTEMPT TO RESEARCH THE COUNTY RECORDS OR OTHER RECORD OFFICES WAS PERFORMED BY THIS FIRM. THEREFORE EVIDENCES MAY AFFECT THE SUBJECT TRACT THAT ARE NOT REFLECTED BY THIS PLAN.

I, BARBARA BURR, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY STATE THAT THE ABOVE MAP REPRESENTS A SURVEY PERFORMED IN THE FIELD UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS OF THIS DATE. THIS SURVEY MEETS OR EXCEEDS THE MANUAL STANDARDS FOR SURVEYING IN THE STATE OF OKLAHOMA AS SET FORTH BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AS OF THIS DATE.

ALCON BROS.  
AUTOGRAPHY.ALANDCONTRACT.COM  
PROFESSIONAL LAND SURVEYOR  
OILWATER NO. 1923



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SURVEY BY:	ATJ	DRAFTED BY:	JWH
SURVEY DATE:	8/2/2017	JOB NUMBER:	11040
BOOK/PAGE:	DIGITAL	FILE NUMBER:	1914 0100

SCALE:	1"=20'
DRAFTED BY:	JMH
JOB NUMBER:	11040
FILE NUMBER:	1914 0100



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0 Feet 200 400



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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E 7th St

S 193rd Ave

0 50 100  
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



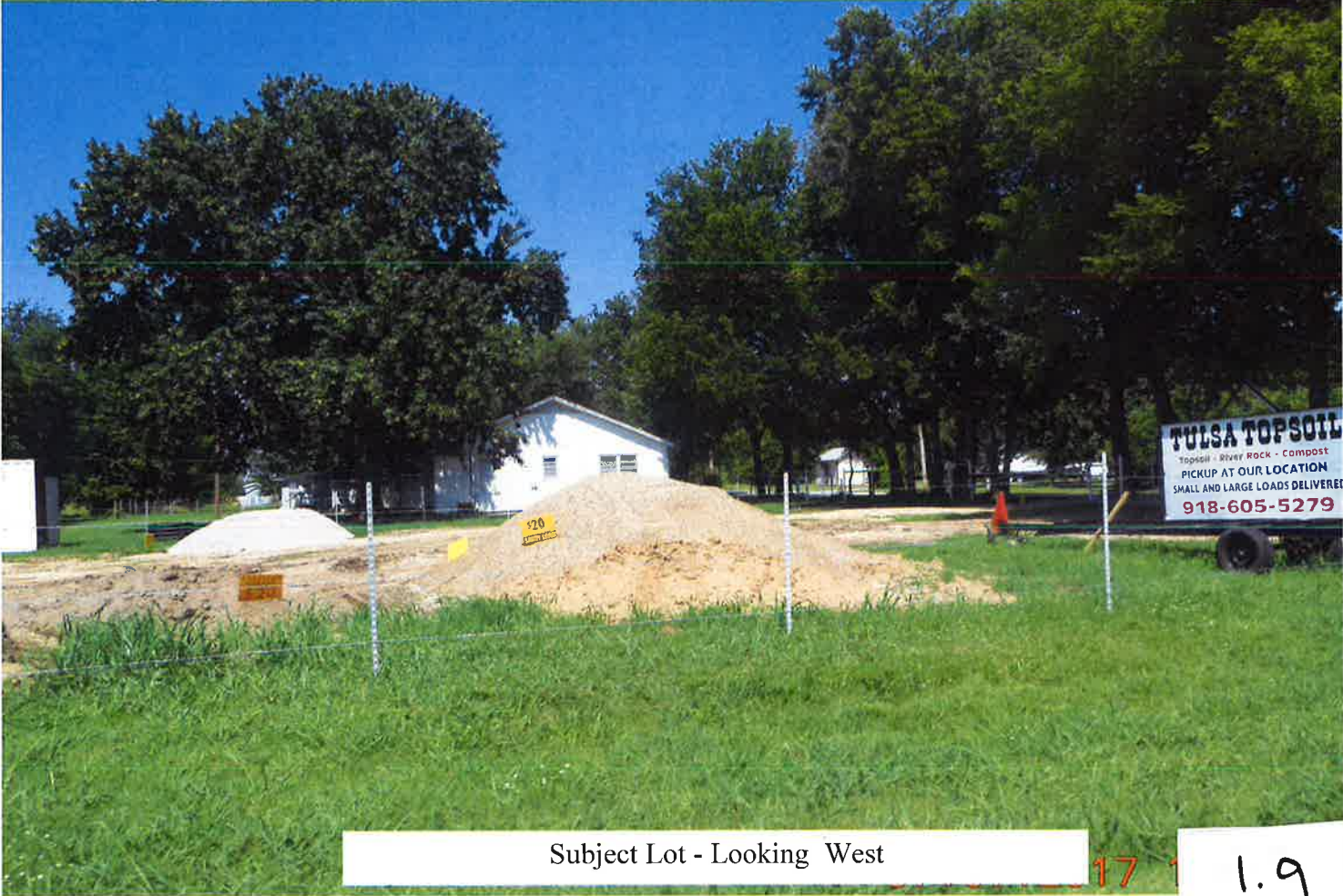
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Subject Lot - Looking West

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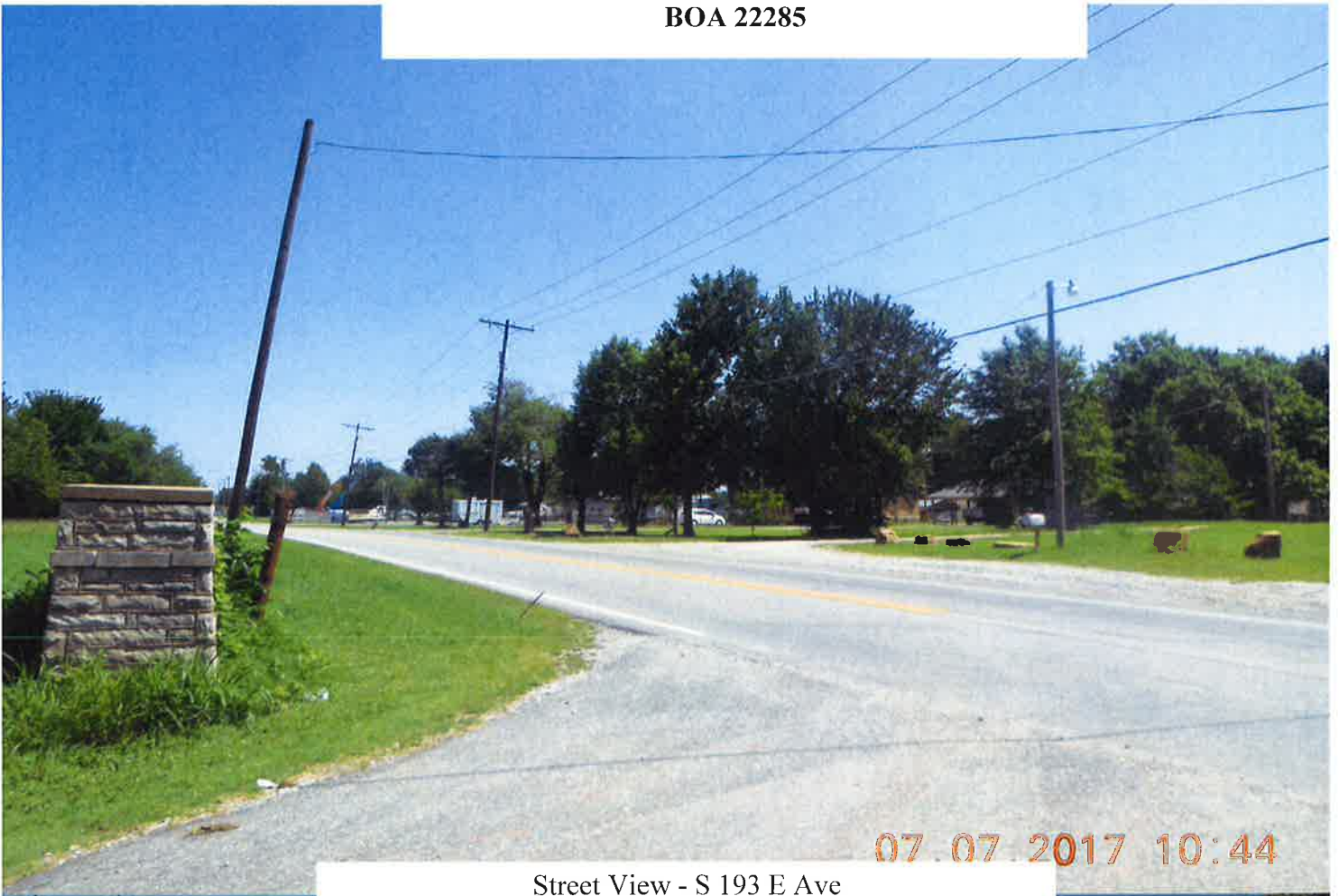


Subject Lot - Looking West

17

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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



LEOYD 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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the applicant wanted to proceed with the hearing today it would be necessary for him to receive an affirmative vote from all three board members to constitute a majority and if one or two board members voted no today the application would be denied. Mr. Van De Wiele asked the applicants and the interested parties if they understood and asked the applicants or interested parties what they would like to do. The audience nodded their understanding and no one requested a continuance.

\*\*\*\*\*

### **NEW APPLICATIONS**

#### **22284—Lamar Outdoor Advertising – Lorinda Elizando**

**Action Requested:**

Verification of the spacing requirement for an outdoor advertising sign of 1,200 feet from another outdoor advertising sign on the same side of the highway (Section 60.080-F.5); Verification of the spacing requirement for a dynamic display outdoor advertising sign of 1,200 feet from any other dynamic display outdoor advertising sign facing the same traveled way (Section 60.100-K). **LOCATION:** NW/c of North 145<sup>th</sup> Avenue East & I-44 **(CD 3)**

**Presentation:**

The applicant has withdrawn the application.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

No Board action required; for the following property:

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

#### **22285—Valorey Totten**

**FILE COPY**

**Action Requested:**

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



BOA - 22285

FILE COPY

**Presentation:**

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

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BACK**, the Board voted 3-0-0 (Back, Van De Wiele, White "aye"; no "nays"; "abstaining"; Bond, Flanagan absent) to **CONTINUE** the request for a **Special Exception** to allow a Type 2 Home Occupation in the RS-1 District to permit a Landscaping Business (Section 45.100) to the September 12, 2017 Board of Adjustment hearing; for the following property:

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

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**UNFINISHED BUSINESS**

**22273—Paul Bush**

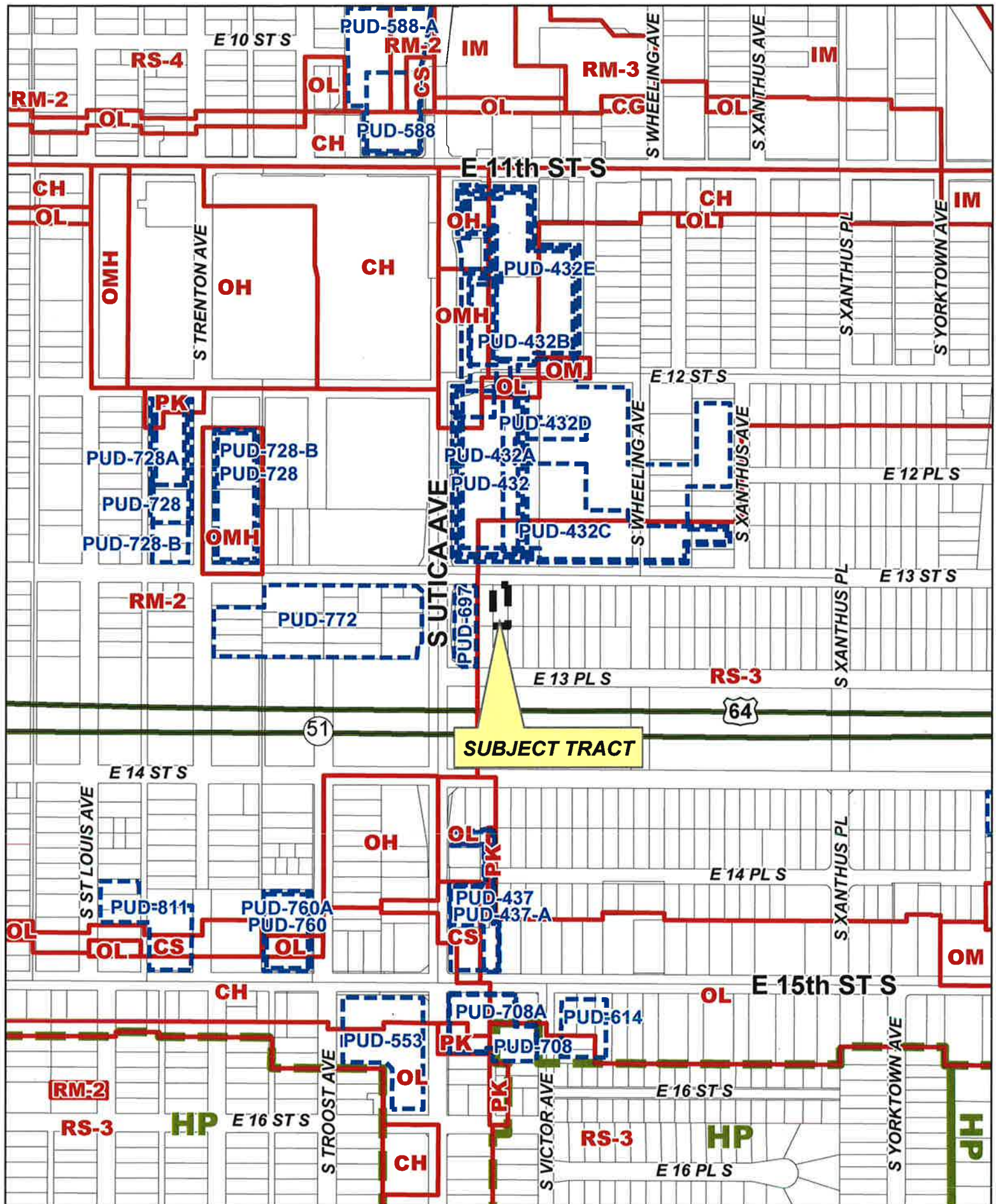
**Action Requested:**

**Special Exception** to permit a Bed and Breakfast (VRBO) on the property (Section 5.020). **LOCATION:** 1533 South Owasso Avenue East (**CD 4**)

**Presentation:**

**Paul Bush**, 1533 South Owasso Avenue, Tulsa, OK; stated he has been operating as a nightly rental since May and April is when he started. There have been no incidents with police involvement and has had no incidents with any of his guests. None of his guests that have stayed at the residence have caused mischief of any kind since he has opened. Mr. Bush stated that he believes that is proof of non-injury and that the house is being operated as he intends to operate it. Mr. Bush stated that he does not know if the neighbors like the VRBO or not, but he thinks most of their grounds is that they do not know him as well as they would like making them uncomfortable in this situation. Mr. Bush does not think that is enough grounds to limit his availability to operate this VRBO on the property. Mr. Bush stated that he has met with every individual who has requested to stay on the property because they are not automatically accepted. He has the opportunity to look at the proposed guest's rental history and their track record at other places. He also receives feedback from other hosts. He typically does not accept anyone that does not have a rental history and he develops a rapport with the guest

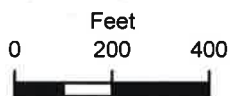
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SUBJECT TRACT

BOA-22320

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19-13 07





# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9307

Case Number: **BOA-22320**

**CZM:** 37

**CD:** 4

**A-P#:** 9281

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

**APPLICANT:** Donald and Dee Anne Short

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

**LOCATION:** 1716 E 13 ST S

**ZONED:** RS-3

**PRESENT USE:** Residential

**TRACT SIZE:** 6751.83 SQ FT

**LEGAL DESCRIPTION:** LT 9 BLK 14, TERRACE DRIVE ADDN RESUB B6 & L1-3 B4, 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 RS-3 zoned residences on the south, east and west. Hillcrest Medical Center abuts the site on the north.

## **STAFF COMMENTS:**

The applicant is before the Board requesting a Special Exception to permit a Bed & Breakfast in the existing house on the subject site. The request is to permit short-term (less than 30 days) lodging/rental on the site. The applicant has not expressed a desire to have events (weddings/receptions) on the site; it appears that the site will be used for short-term lodging/rental only.

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

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

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

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

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

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

## **Sample Motion**

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

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

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







0 Feet  
200  
400



Subject  
Tract

**BOA-22320**

19-13 07

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

Aerial Photo Date: February 2016

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Feet



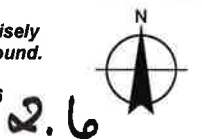
Subject  
Tract

**BOA-22320**

19-13 07

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

Aerial Photo Date: February 2016





BOA 22320



N  
↑

13<sup>th</sup> ST  
CENTER LINE

5' SIDEWALK

PROPERTY  
LINE

134.87'

108'6" DRIVE

2'

GARAGE  
18'3"  
10'5"

25'

50'

1 STORY  
DWELLING

BASEMENT

28"

PORCH

24'

7'8"

21"

8'4"

20'

61'8"

134.87'

PROPERTY  
LINE

DIMENSIONS:

PROPERTY 134.87' x 50'

DWELLING 46'4" x 28'2"

GARAGE 18'3" x 10'5"

SET BACKS:

DWELLING

EAST 10'

WEST 12'

SOUTH 61'8"

NORTH 21' (FROM  
SIDEWALK)

34' FROM CENTE  
OF 13<sup>th</sup> ST

GARAGE

EAST 37'6"

WEST 2'

SOUTH 25'1"

NORTH 101'6"

PROPERTY LINE

**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:

1022938-1

August 08, 2017

**DONALD SHORT**  
254 PARADISE DR  
TULSA, OK 74337

Phone: (918)639-6659

**APPLICATION NO:** 9281 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
**Location:** 1716 E 013 ST S  
**Description:** Air B-n-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.
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. 9281

1716 E 013 ST S

August 08, 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 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.

**Note:** A Certificate of Occupancy permit will be required after Zoning Clearance Permit approval.

**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.**

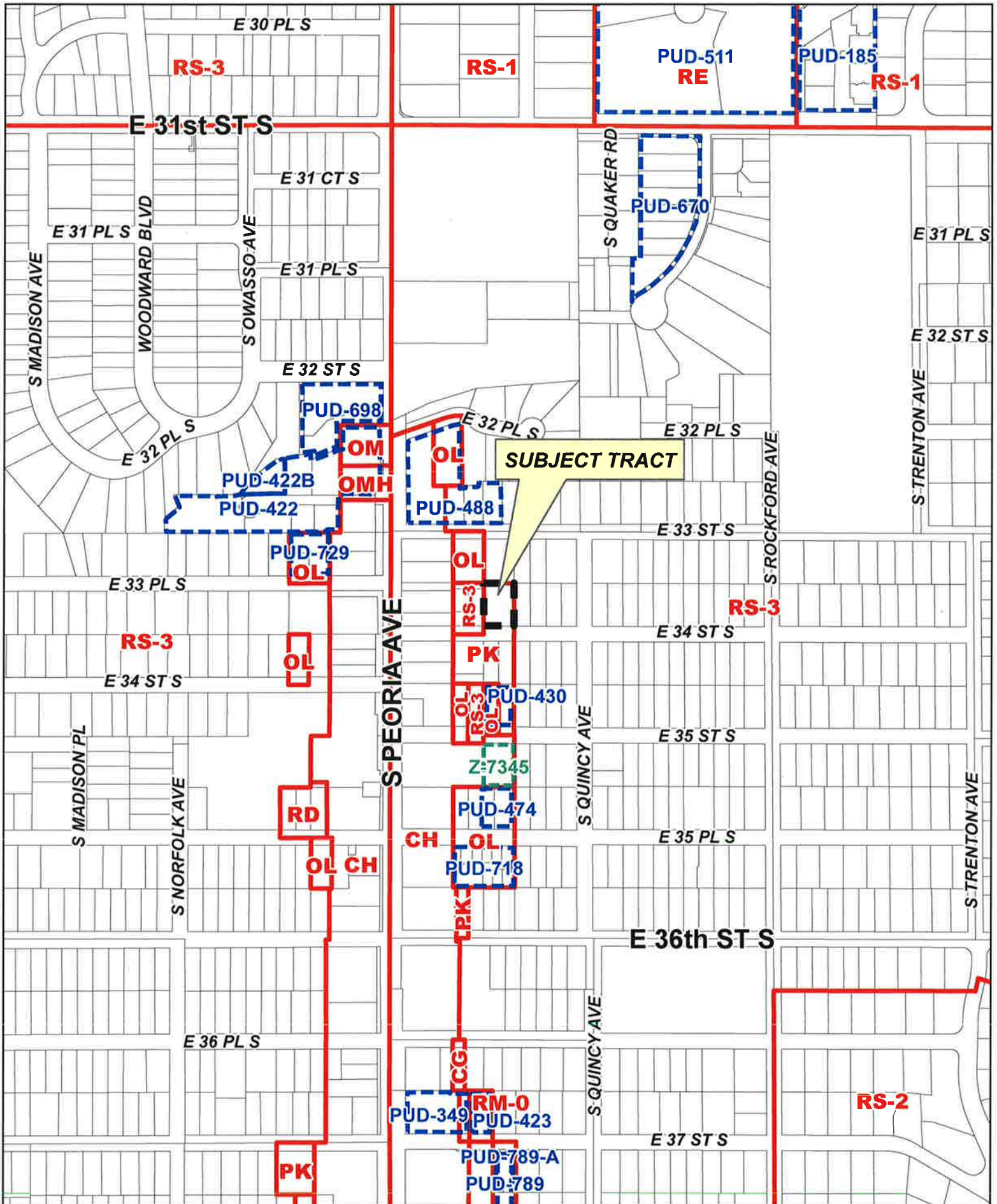
**A hard copy of this letter is available upon request by the applicant.**

### **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-22291

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# BOARD OF ADJUSTMENT CASE REPORT

STR: 9319

Case Number: BOA-22291

CZM: 47

CD: 9

A-P#: N/A

**HEARING DATE:** 09/26/2017 1:00 PM

**APPLICANT:** Dale Williams

**ACTION REQUESTED:** Special Exception to permit a detached house in a CH district (Section 15.020 Table 15-2).

**LOCATION:** E of the NE/c of E. 34<sup>th</sup> St. and S. Peoria Ave.      **ZONED:** CH

**PRESENT USE:** Vacant

**TRACT SIZE:** 13635.64 SQ FT

**LEGAL DESCRIPTION:** LT 11, BLK 1, OLIVERS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Lot:**

**Z-7398 with an Optional Development Plan;** on 08.02.17 the City Council approved a zoning change from PK to CH with design and development standards to permit detached housing and other office uses on the subject site. Subsequent Ordinance # 23761 was published on 08.20.17.

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

**Main Streets** are Tulsa's classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide, and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

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.

**Small Area Plan:** Brookside Infill Plan (Crow Creek sub area)

The Crow Creek sub area recognizes the subject site as part of a village marketplace. The land use recommendations for this site includes service, shopping, dining, entertainment, office, professional and other trades and activities. Business development patterns in this area are somewhat mixed, but area development should reflect accommodation and commitment to the pedestrian environment.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is an existing surface parking lot. The site is abutted by RS-3 zoned surface parking on the north and west; and PK zoned parking on the south. RS-3 zoned residences abut the site on the east.

**STAFF COMMENTS:**

The applicant is requesting a special exception as the proposed detached single-family home is use not permitted by right in the CH district due to potential adverse affects, but which if controlled as to its relationship to the surrounding neighborhood may be permitted.

On 08.02.17 the City Council approved the zoning change to CH with along with following development and design standards on the site:

- A detached house shall be allowed on the site only after approval of a special exception by the Board of Adjustment.
- An office is allowed on the site and is limited to a maximum of 3,500 square feet. Office uses are limited to a business or professional office; medical, dental or health practitioner.
- Except as prohibited below, all signage shall conform to the signage standards allowed in Office Zoning Districts.
  1. Wall signs are prohibited on the East and North side of any building.
  2. Dynamic displays are prohibited.
- All light fixtures affixed to any structure within 25 feet of the R district to the east shall be mounted at a maximum height of 12 feet or less from the ground level and shall be pointed down and away from adjacent property lines.
- No pole lighting will be allowed on the east half of the subject site.
- The east property line shall be screened with a brick column fence similar to the standards identified in the Brookside Infill plan however the details of the fence will be approved as part of the required Landscape Plan for the optional development plan or as modified in the Alternative Compliance Landscape Plan.
- Maximum building height shall not exceed 45 feet.
- Minimum building setbacks from the front, side and rear yards shall be 5 feet from the property line. An exception for accessory buildings in the rear yard which shall have minimum set back from the property lines of 3 feet.
- Developer will include a new sidewalk along 34<sup>th</sup> Street prior to receipt of any occupancy permit to help improve walkability of the Brookside area.

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Special Exception to permit a detached house in a CH district (Section 15.020 Table 15-2).

- 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-22291**

19-13 19

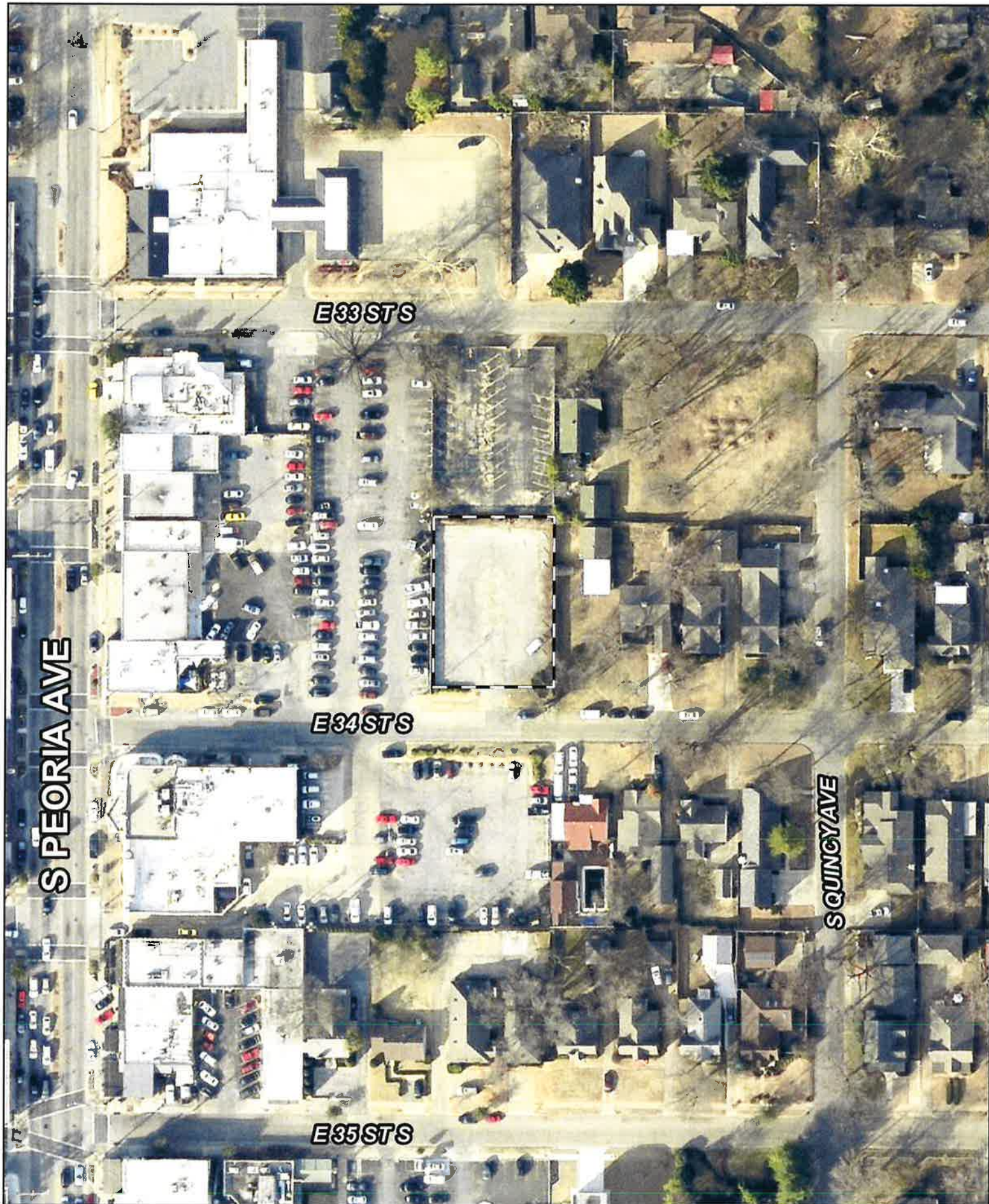
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016

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Feet



Subject  
Tract

**BOA-22291**

19-13 19

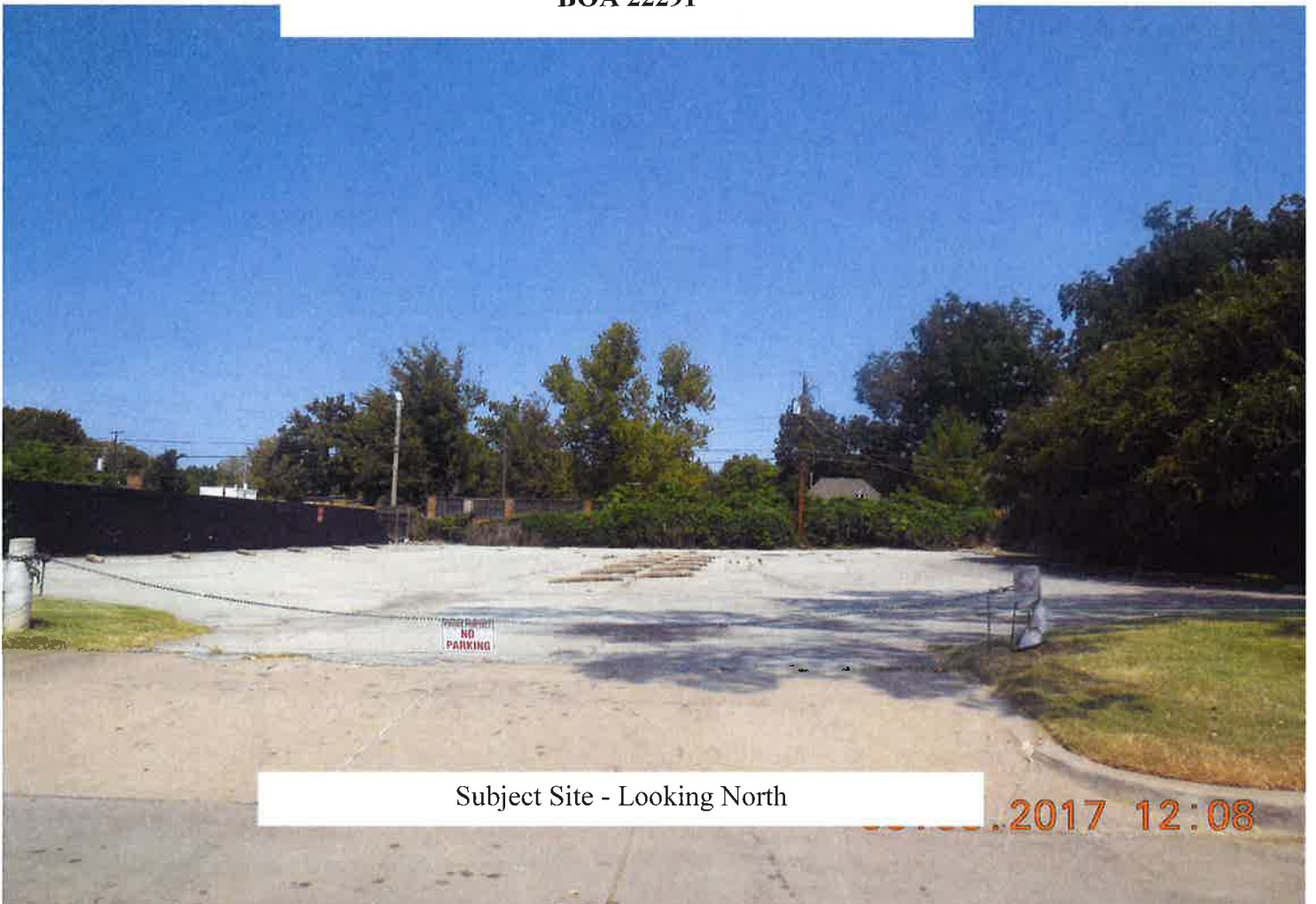
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2016

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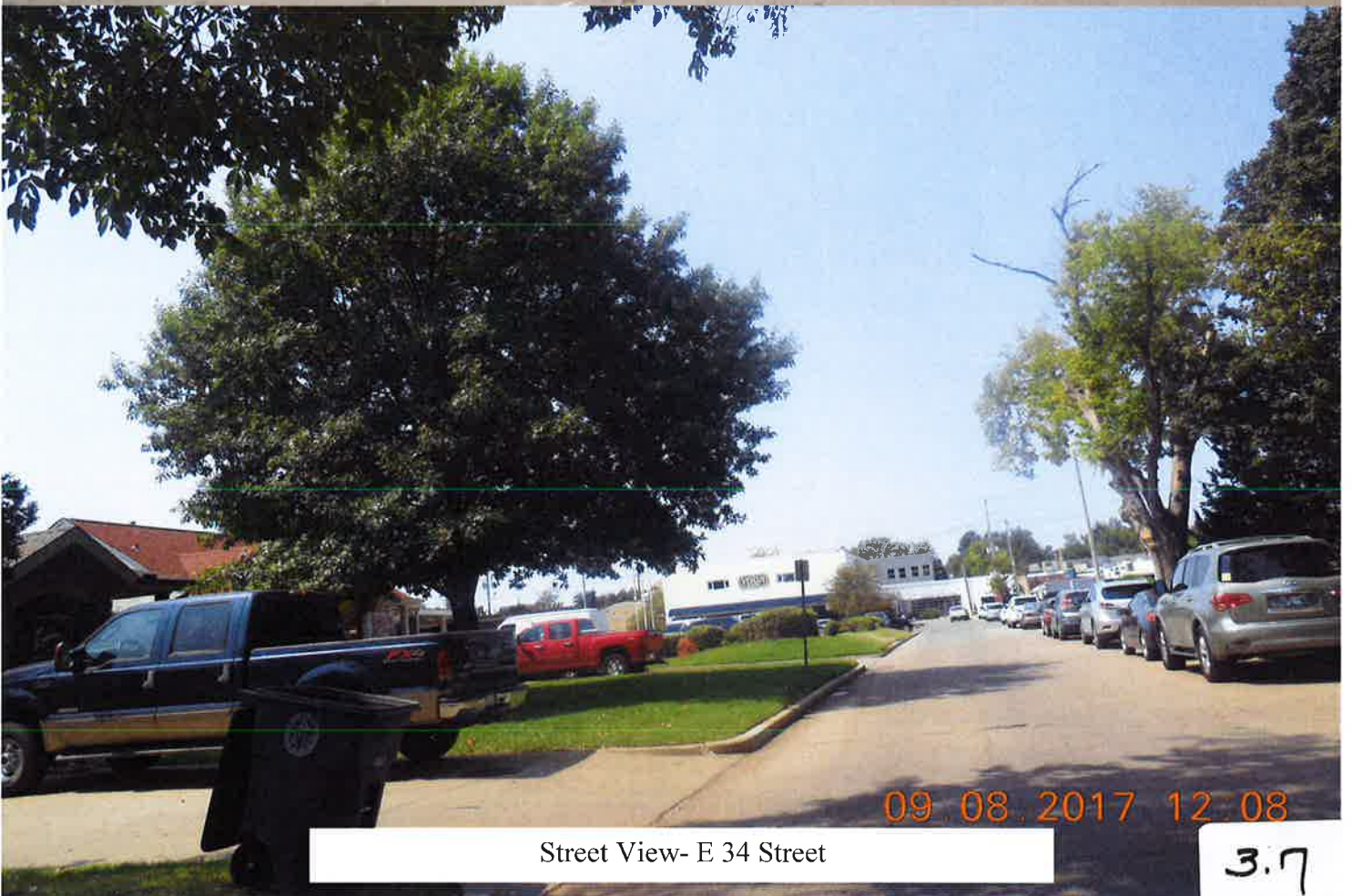






Subject Site - Looking North

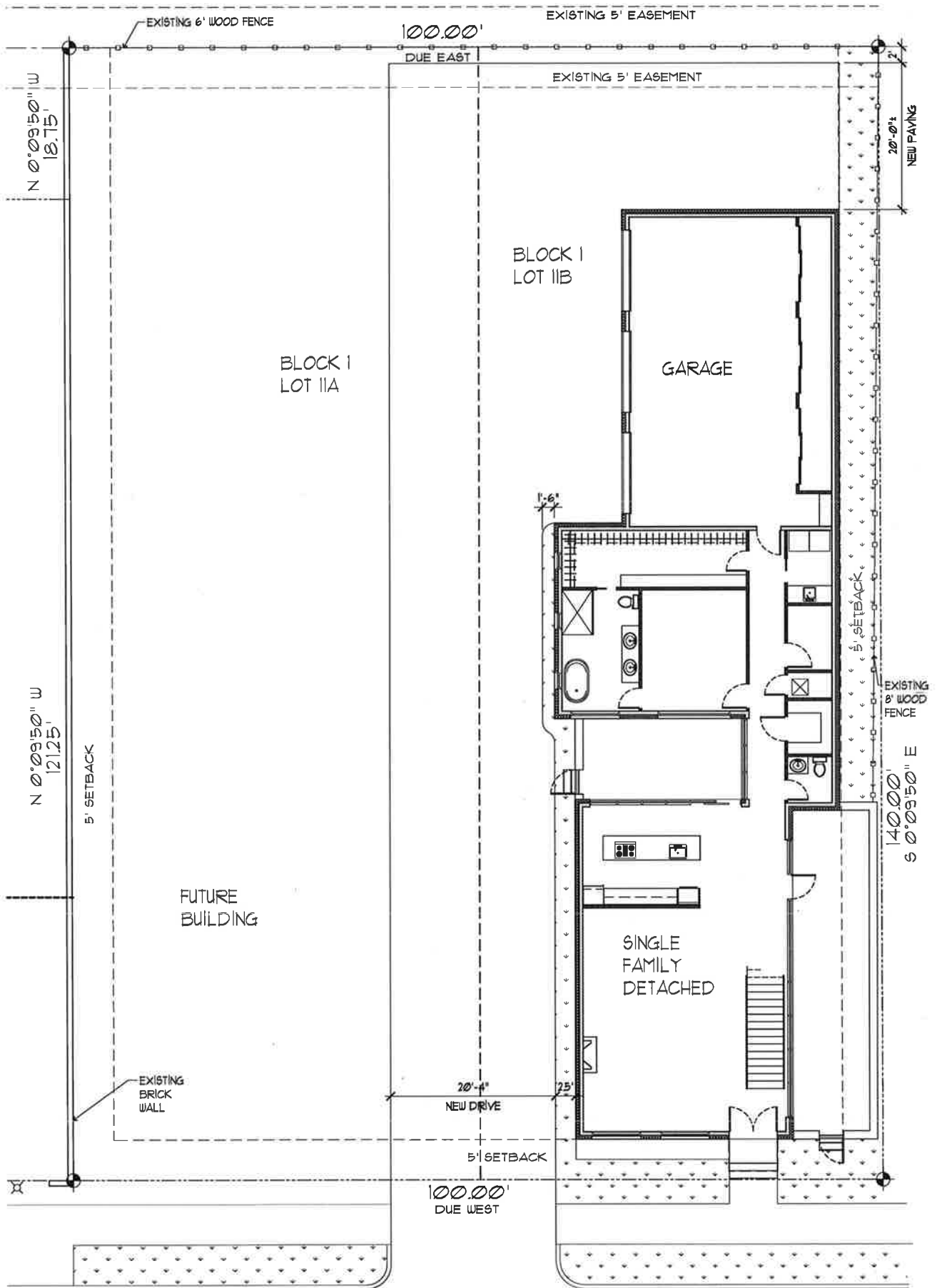
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Street View- E 34 Street

09 08 2017 12 08

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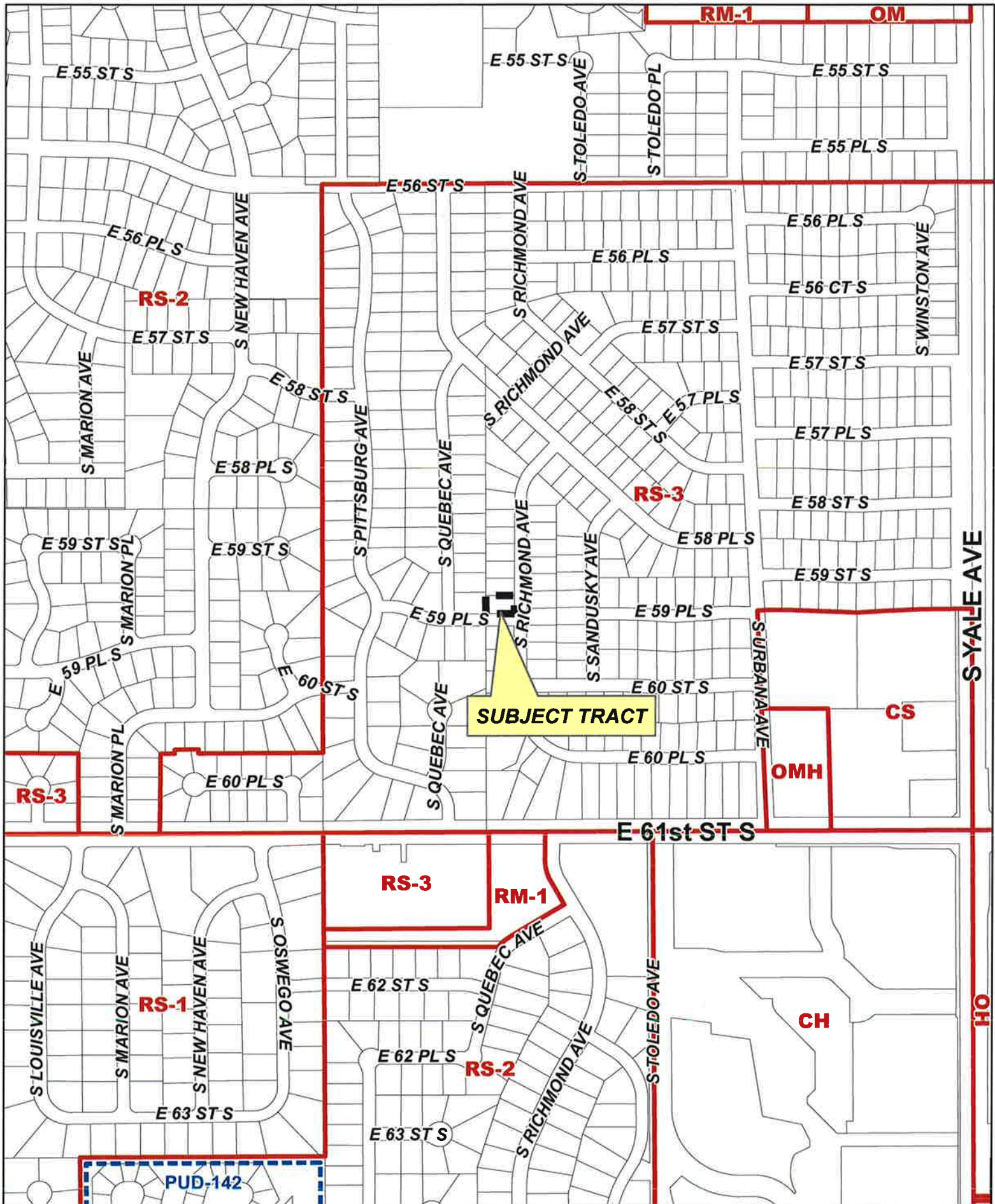


1 SITE PLAN  
3/32" = 1'-0"



☐ EAST 34TH STREET SOUTH





**BOA-22323**

19-13 33

4.1



# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9333

Case Number: **BOA-22323**

**CZM:** 47

**CD:** 9

**A-P#:** 9176

**HEARING DATE:** 09/26/2017 1:00 PM

**APPLICANT:** Donald Walton

**ACTION REQUESTED:** Special Exception to allow a Bed and Breakfast (Airbnb) in the RS-3 district (Section 5.020)

**LOCATION:** 5912 S RICHMOND AV E

**ZONED:** RS-3

**PRESENT USE:** Residential

**TRACT SIZE:** 8999.53 SQ FT

**LEGAL DESCRIPTION:** LT 13 BLK 15, HOLLIDAY HILLS ADDN B21-29, HOLLIDAY HILLS ADDN

**RELEVANT PREVIOUS ACTIONS:**

None relevant.

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by RS-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

4.2

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

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

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

### Sample Motion for a Special Exception

Move to \_\_\_\_\_ (approve/deny) a Special Exception to allow a Bed and Breakfast (Airbnb) 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.





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Subject  
Tract

**BOA-22323**

19-13 33

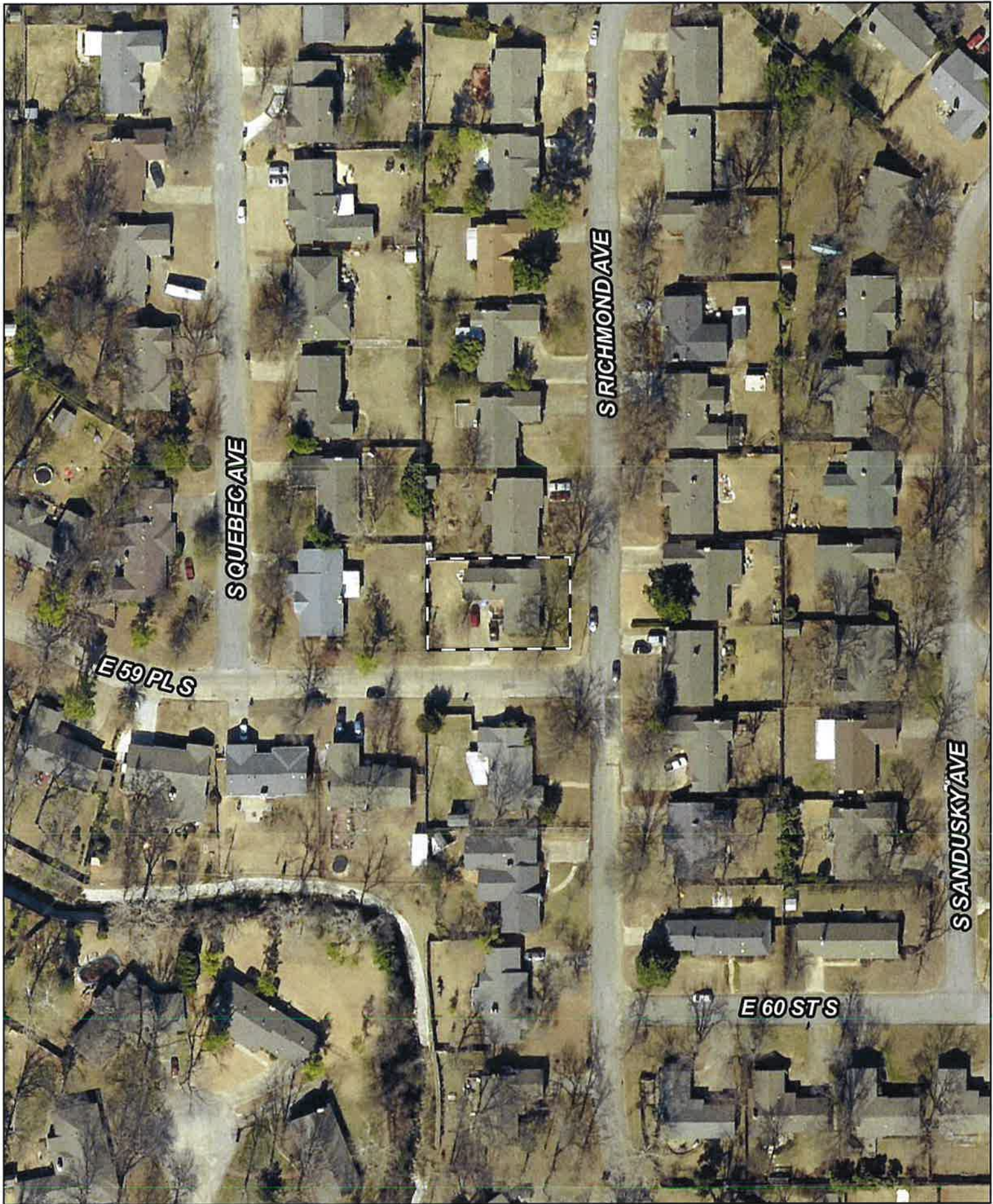
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2016



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Feet



Subject  
Tract

**BOA-22323**

19-13 33

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

Aerial Photo Date: February 2016

4.5







Subject Lot - Looking West



## Moye, Nikita

---

**From:** Michaelae Mikell [MMikell@exceltherapyok.com]  
**Sent:** Tuesday, September 19, 2017 1:51 PM  
**To:** Moye, Nikita  
**Subject:** BOA-22324 and 22323

Hi Ms. Moye—

Here I am again, writing to the Board of Adjustments about special consideration in the Holiday Hills neighborhood. I feel like this neighborhood is under attacked. First, special exception for New Haven Methodist church to put up a commercial sign in a residential neighborhood, now two homes being zoned as commercial property to be allowed for Airbnb purposes. My concerns are as follows:

1. Has there been any type of process to review how this will impact neighborhood safety. There is an elementary school in our neighborhood. Where are neighborhoods in Tulsa where this has been allowed? Have they noted any type of increase in crime? What will be the case for registered sex offenders within certain vicinity of a school and school aged children?
2. How will this effect property values or taxes?
3. How will this property/business be assessed? Occupancy rates? Empty houses can lead to lack of upkeep, etc.
4. This is a home where the owners do not live. Not a 'shared space' where owners would be present to monitor guests, behavior, noise, etc.
5. When the owners purchased the home, they accepted the current zoning laws. That does not give them the right to turn their home into a motel or transient zone.

I would ask that the Board of Adjustment would deny special exception for these two properties to be run as a business, Airbnb, in this residential neighborhood.

With all the zoning, safety and property concerns, I feel that it is injurious to the neighborhood.

Thank you for your time,

Michaelae Mikell  
3909 E. 56<sup>th</sup> Street  
Tulsa, OK 74135  
Holiday Hills resident

**Moye, Nikita**

---

**From:** carrie harless [cpharless@yahoo.com]  
**Sent:** Thursday, September 07, 2017 2:22 PM  
**To:** BOA  
**Subject:** B&B Exemption Request in Holliday Hills

Dear Board of Adjustment:

My husband and I were recently notified through social media of the proposal to request the B&B exemption for two homes located at 5912 S. Richmond Ave and 4411 E. 59th Place. My husband and I have owned our residence at 5922 S. Richmond Ave for thirteen years, which is located directly across from one of these properties. We are both employed full-time in Tulsa and our children attend Tulsa Public Schools.

Our opinion is that this proposal will exclusively benefit the owners of these two properties, who are neither residents of the Holliday Hills neighborhood nor of Tulsa, and will occur at the detriment of those who do reside in Holliday Hills. As such, we are strongly opposed to this request and believe as homeowners in close proximity to one of these locations, we will suffer irreparable damage to the value of our home. With the owner's true intention to operate as an AirBnb as opposed to a traditional B&B, we are also concerned about the potential safety and noise impacts since the owners will not be living onsite or anywhere near either property. Furthermore, we are also greatly concerned about the consequences of what this exemption will allow should the current owners decide this endeavor is no longer worth their efforts.

Thank you for your consideration of this letter. We strongly urge you to reject this proposal and protect the integrity of residential neighborhoods in Tulsa.

Sincerely,

Shane and Carrie Stevens  
(918) 706-9267

**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: 1010914-1

June 12, 2017

**DONALD WALTON**  
CBM INC  
36020 E 142 ST S  
COWETA, OK 74429

Phone: (918)519-9676

**APPLICATION NO:** **9176** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
**Location:** **5912 S RICHMOND AV E**  
**Description:** **BED & 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.
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(continued)



## REVIEW COMMENTS

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

Application No. 9176

5912 S RICHMOND AV E

June 12, 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. Sec.5.020 Table 5-2:** The proposed Bed & Breakfast is designated a Commercial/Lodging/Bed & Breakfast Use and is located in an RS-3 zoning district. This use is allowed in the RS-3 district by Special Exception.

**Review comment:** Submit a copy of a Special Exception, reviewed and approved per *Sec.70.120*, permitting a Commercial/Lodging/Bed & Breakfast Use in an RS-3 zoning district.

**2. Section 40.060:** The supplemental use regulations of this section 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*.
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- **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 board of adjustment establishes stricter conditions at the time of *special exception* approval.
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**Review comment:** Submit copies of special exception(s) reviewed and approved per *Sec.70.120*.

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.

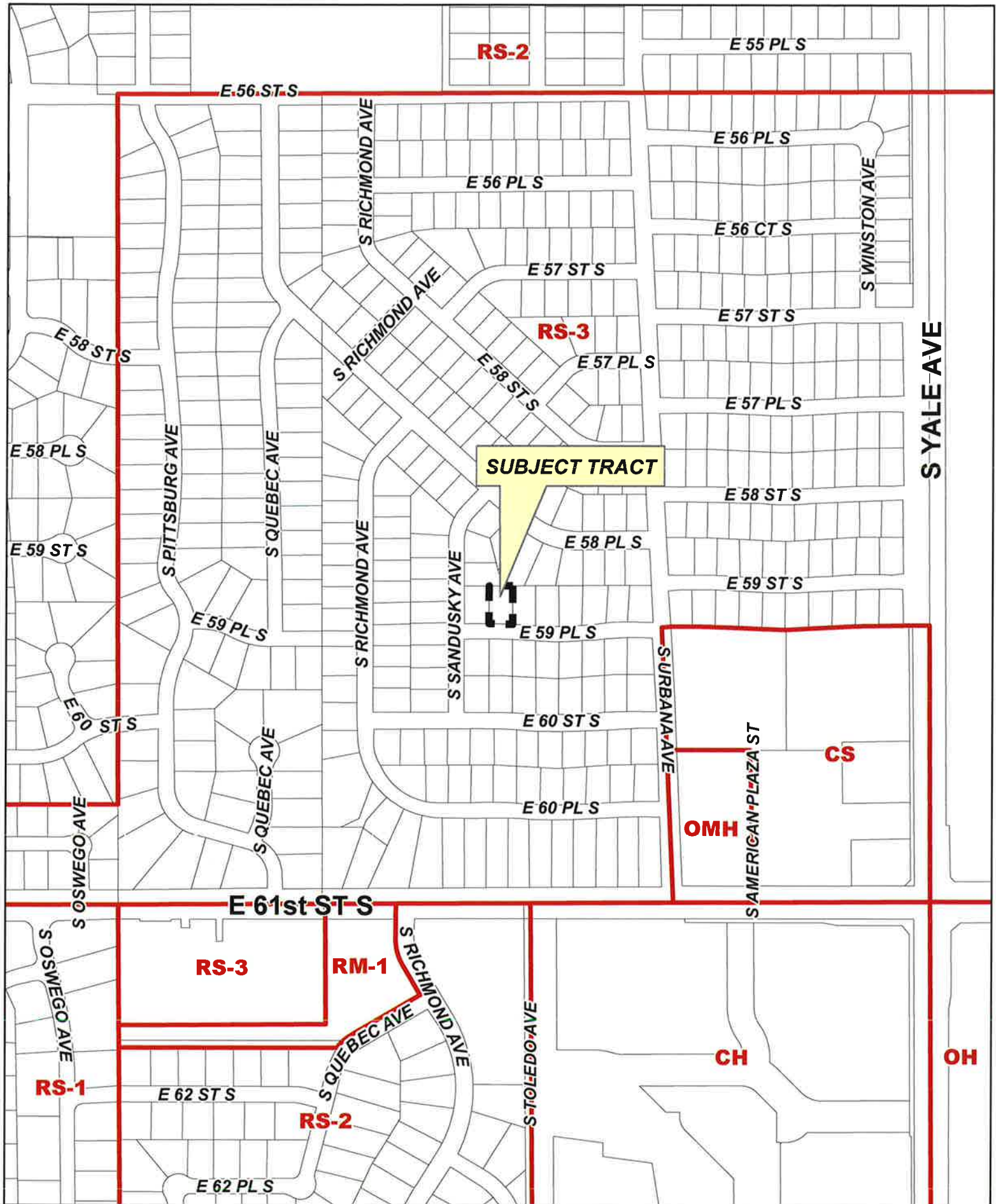
## **END – ZONING CODE REVIEW**

**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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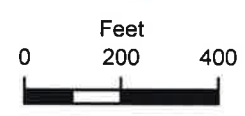
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BOA-22324

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# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9333  
**CZM:** 47  
**CD:** 9  
**A-P#:** 9175

Case Number: **BOA-22324**

**HEARING DATE:** 09/26/2017 1:00 PM

**APPLICANT:** Donald Walton

**ACTION REQUESTED:** Special Exception to allow a Bed and Breakfast (Airbnb) in the RS-3 district (Section 5.020)

**LOCATION:** 4411 E 59 PL S

**ZONED:** RS-3

**PRESENT USE:** Residential

**TRACT SIZE:** 9073.59 SQ FT

**LEGAL DESCRIPTION:** LT 12 BLK 17, HOLLIDAY HILLS 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".

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.

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

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

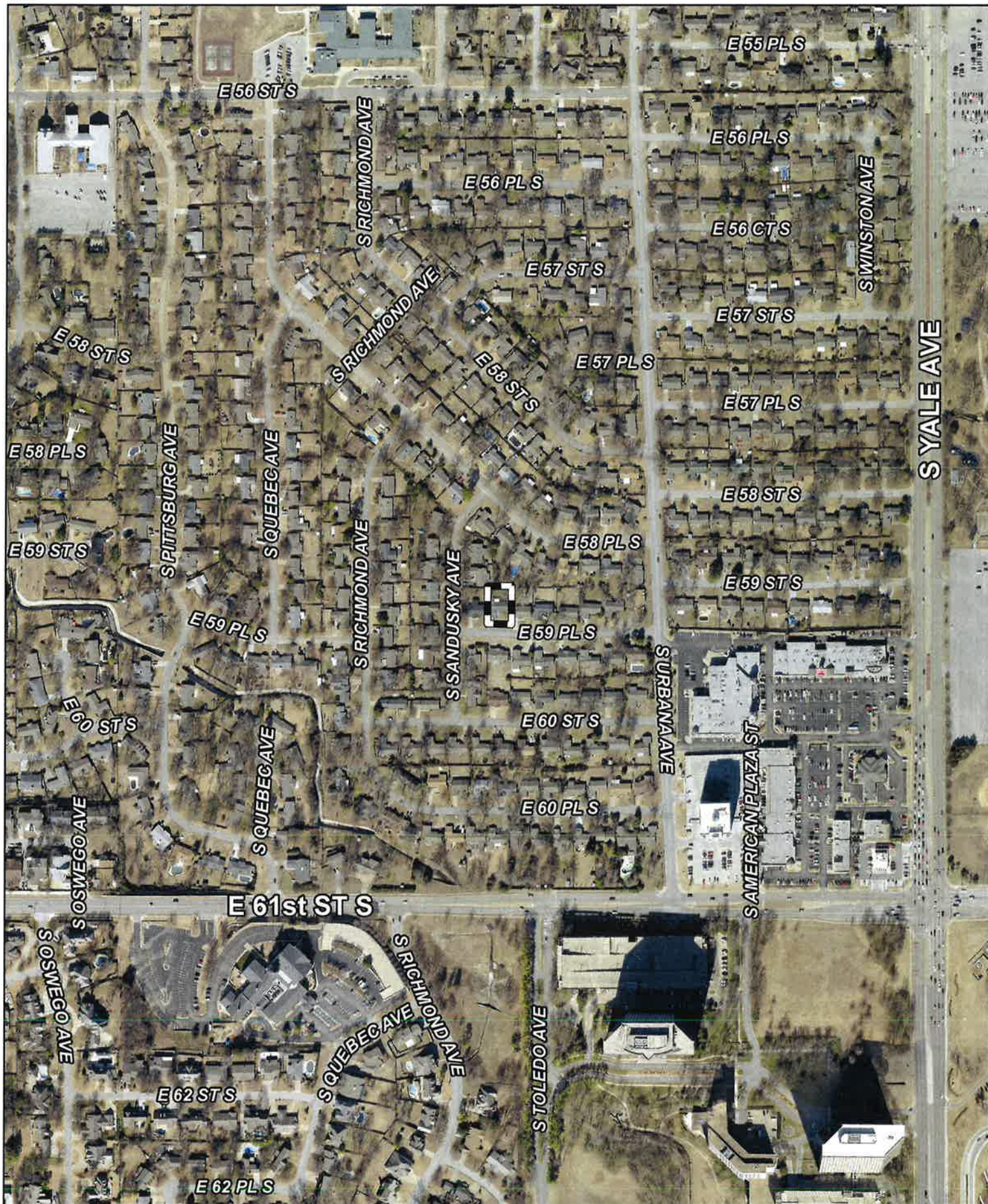
## Sample Motion

Move to \_\_\_\_\_ (approve/deny) a Special Exception to allow a Bed and Breakfast (Airbnb) 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.





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**BOA-22324**

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-22324**

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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BOA 22324





## Moye, Nikita

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**From:** Michael Mikell [MMikell@exceltherapyok.com]  
**Sent:** Tuesday, September 19, 2017 1:51 PM  
**To:** Moye, Nikita  
**Subject:** BOA-22324 and 22323

Hi Ms. Moye—

Here I am again, writing to the Board of Adjustments about special consideration in the Holiday Hills neighborhood. I feel like this neighborhood is under attacked. First, special exception for New Haven Methodist church to put up a commercial sign in a residential neighborhood, now two homes being zoned as commercial property to be allowed for Airbnb purposes. My concerns are as follows:

1. Has there been any type of process to review how this will impact neighborhood safety. There is an elementary school in our neighborhood. Where are neighborhoods in Tulsa where this has been allowed? Have they noted any type of increase in crime? What will be the case for registered sex offenders within certain vicinity of a school and school aged children?
2. How will this effect property values or taxes?
3. How will this property/business be assessed? Occupancy rates? Empty houses can lead to lack of upkeep, etc.
4. This is a home where the owners do not live. Not a 'shared space' where owners would be present to monitor guests, behavior, noise, etc.
5. When the owners purchased the home, they accepted the current zoning laws. That does not give them the right to turn their home into a motel or transient zone.

I would ask that the Board of Adjustment would deny special exception for these two properties to be run as a business, Airbnb, in this residential neighborhood.

With all the zoning, safety and property concerns, I feel that it is injurious to the neighborhood.

Thank you for your time,

Michael Mikell  
3909 E. 56<sup>th</sup> Street  
Tulsa, OK 74135  
Holiday Hills resident

BOA 22324

**Moye, Nikita**

---

**From:** Charles Teague [teaguecd@swbell.net]  
**Sent:** Tuesday, September 05, 2017 3:08 PM  
**To:** BOA  
**Subject:** Objection to B&B

There is, what seems to be, an operating B&B in our neighborhood at 4411 East 59th Place since August 2016. This is currently zoned residential and we would like to keep it that way. Attached is the letter from the owner that was distributed to some of our neighbors;

Tuesday, August 29, 2017

If you have not already done so, you will probably soon be receiving notice of a hearing by the Board of Adjustment on September 26<sup>th</sup> regarding our application for zoning approval for our properties at 4411 East 59<sup>th</sup> Place and 5912 South Richmond Avenue as bed and breakfast facilities. We are the owners and would like to tell you a little about these properties and our plans for them.

Unlike the traditional concept of a bed and breakfast, our properties are set up as short-term furnished rental facilities with cooking and laundering facilities onsite, it will be run essentially as a hotel would be, except without the daily chambermaid service. Each guest will be expected to make their own bed, provide for their own food, and do their own laundry. At the end of their stay, we will have the linens and towels gathered and laundered and the whole house will be professionally cleaned, making it ready for the next guest.

There will be no signage in the yard or elsewhere, our advertising and reservations are made entirely over the internet through AirBnB and HomeAway, both of which use a mutual feedback system similar to Ebay. The guest leaves feedback about the property so that their experience may be shared with other potential guests. The owners likewise share feedback about their experience with past guests with other owners with whom these guests may apply for lodging.

We are a retired couple and the potential income from these properties is a big part of our planned retirement income, but apart from that, our motivation to do this has also been to make alternative accommodation available to the staff, patients, and families associated with Saint Francis Hospital. That is why we have chosen these two properties.

We have house rules against parties, smoking in the house, and restrictions on pets. We have ample off-street parking at both locations so that even large numbers of guests should be able to park without undue congestion on the street. Even so, we know that rules can be broken and problems may arise, so we are including our contact information so that you may contact us directly with any questions or concerns. We are:

Don and Ruthie Walton  
Don's Cell: (918) 519-9676  
Ruthie's Cell: (918) 906-8083

Both phones accept text messages, please feel free to call or text us with any questions or concerns.





BOA 22323  
BOA 22324

**Moye, Nikita**

---

**From:** carrie harless [cpharless@yahoo.com]  
**Sent:** Thursday, September 07, 2017 2:22 PM  
**To:** BOA  
**Subject:** B&B Exemption Request in Holliday Hills

Dear Board of Adjustment:

My husband and I were recently notified through social media of the proposal to request the B&B exemption for two homes located at 5912 S. Richmond Ave and 4411 E. 59th Place. My husband and I have owned our residence at 5922 S. Richmond Ave for thirteen years, which is located directly across from one of these properties. We are both employed full-time in Tulsa and our children attend Tulsa Public Schools.

Our opinion is that this proposal will exclusively benefit the owners of these two properties, who are neither residents of the Holliday Hills neighborhood nor of Tulsa, and will occur at the detriment of those who do reside in Holliday Hills. As such, we are strongly opposed to this request and believe as homeowners in close proximity to one of these locations, we will suffer irreparable damage to the value of our home. With the owner's true intention to operate as an AirBnb as opposed to a traditional B&B, we are also concerned about the potential safety and noise impacts since the owners will not be living onsite or anywhere near either property. Furthermore, we are also greatly concerned about the consequences of what this exemption will allow should the current owners decide this endeavor is no longer worth their efforts.

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Sincerely,

Shane and Carrie Stevens  
(918) 706-9267

**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: 1010912-1**

**June 13, 2017**

**DONALD WALTON**  
CBM INC  
36020 E 142 ST S  
COWETA, OK 74429

**Phone: (918)519-9676**

**APPLICATION NO: 9175** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
**Location: 4411 E 059 PL S**  
**Description: BED & BREAKFAST**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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(continued)

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[WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

Application No. 9175

4411 E 059 PL S

June 13, 2017

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**Review comment:** Submit copies of special exception(s) reviewed and approved per *Sec.70.120*.

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.

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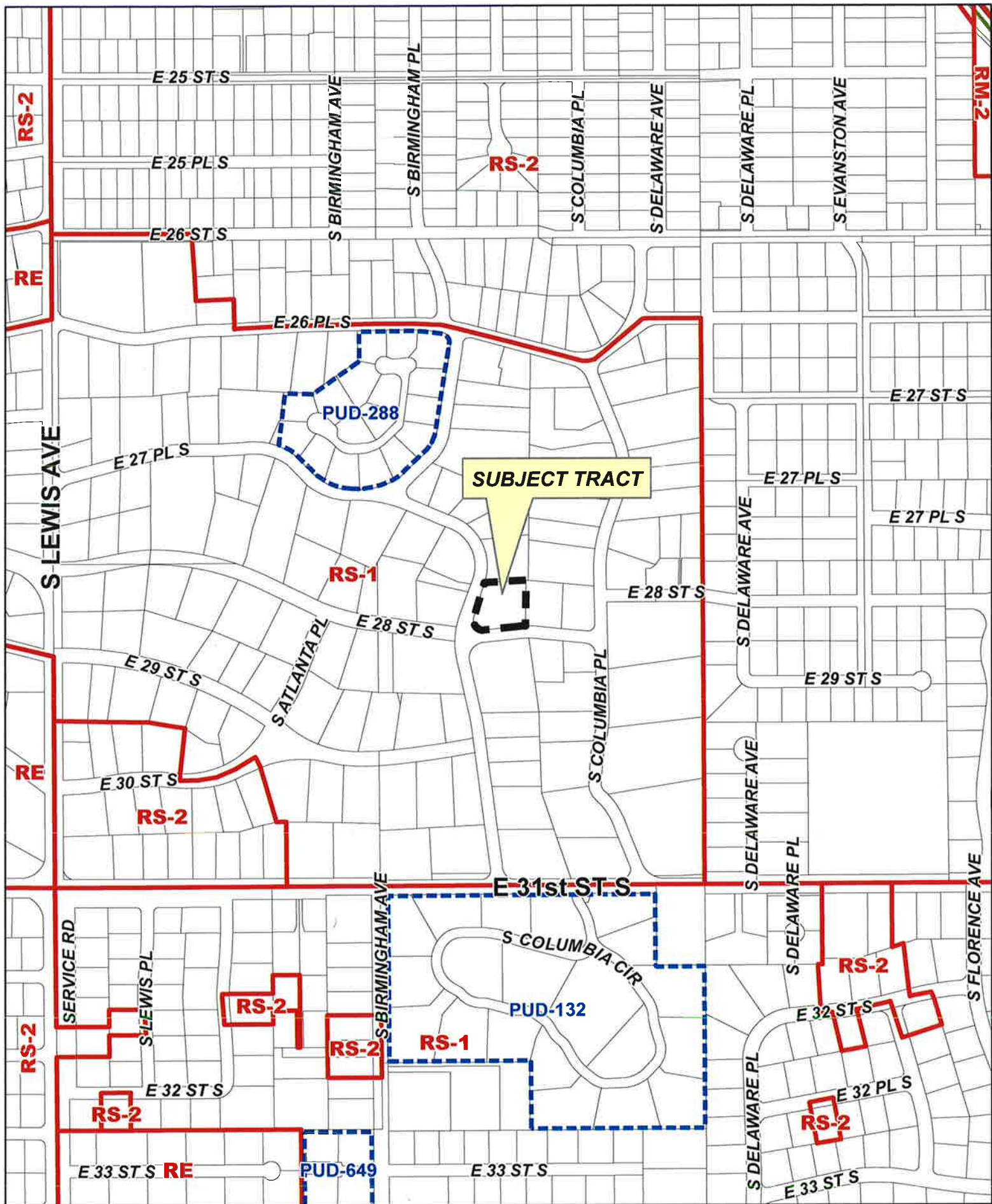


## **END – ZONING CODE REVIEW**

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

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# BOARD OF ADJUSTMENT CASE REPORT

STR: 9317  
CZM: 37  
CD: 4  
A-P#: 423819

Case Number: BOA-22325

**HEARING DATE:** 09/26/2017 1:00 PM

**APPLICANT:** Lou Reynolds

**ACTION REQUESTED:** Special Exception to allow the driveway width to exceed 30' in width on an RS-1 zoned lot (Section 55.090-F3).

**LOCATION:** 2745 S BIRMINGHAM PL E

**ZONED:** RS-1

**PRESENT USE:** Vacant Residential Lot

**TRACT SIZE:** 37,962.7 SQ FT

**LEGAL DESCRIPTION:** S 1/2 LT 6 LESS E 10 BLK 4 BLK 4, WOODY-CREST SUB, City of Tulsa, Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:**  
None Relevant.

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

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

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

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

**STAFF COMMENTS:**

As shown on the attached plan the proposed driveway width of 44' on the lot exceeds the permitted driveway width in a RS-1 district. The applicant is before the Board requesting a **Special Exception** to permit construction of a driveway greater than 30' in width on the lot (outside of the right-of-way) to permit the driveway as proposed.

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

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

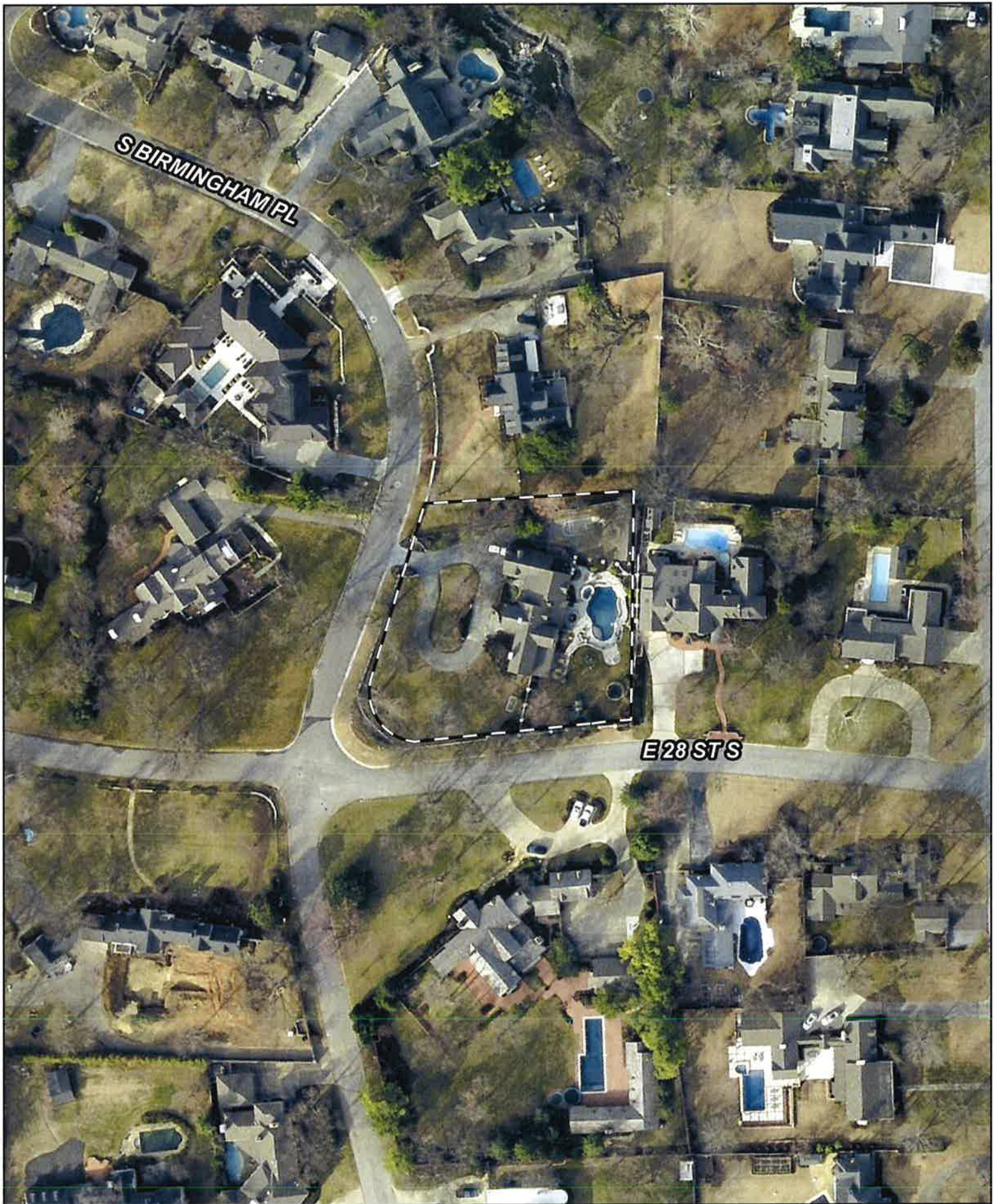
**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Special Exception to allow the driveway width to exceed 30' in width on an RS-1 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.





S BIRMINGHAM PL

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Subject  
Tract

**BOA-22325**

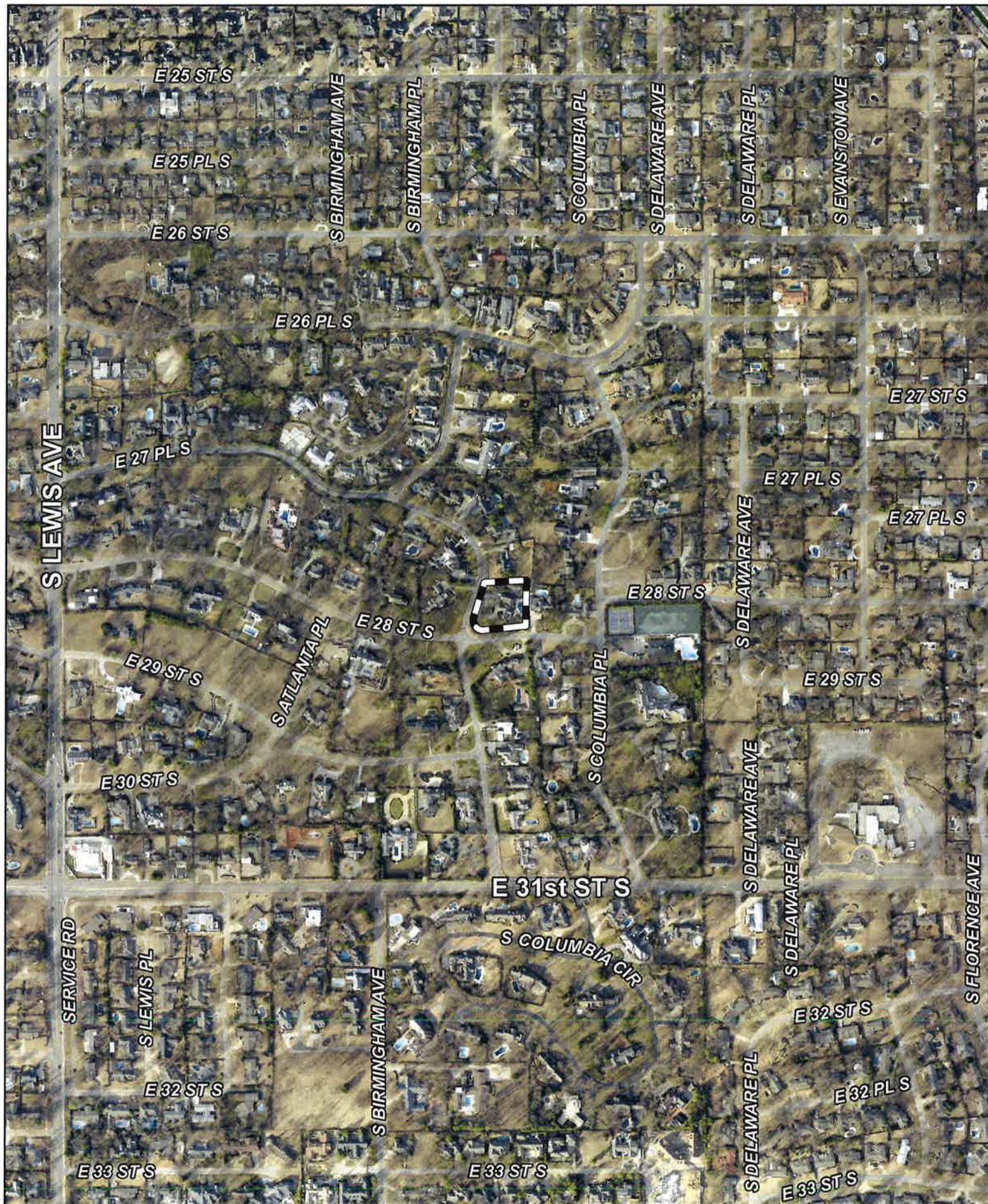
19-13 17

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

Aerial Photo Date: February 2016







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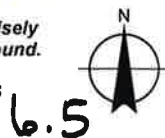
Subject  
Tract

**BOA-22325**

19-13 17

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

Aerial Photo Date: February 2016







## 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. 423819

2745 S BIRMINGHAM PL E

June 23, 2017

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

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

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

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

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

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

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

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

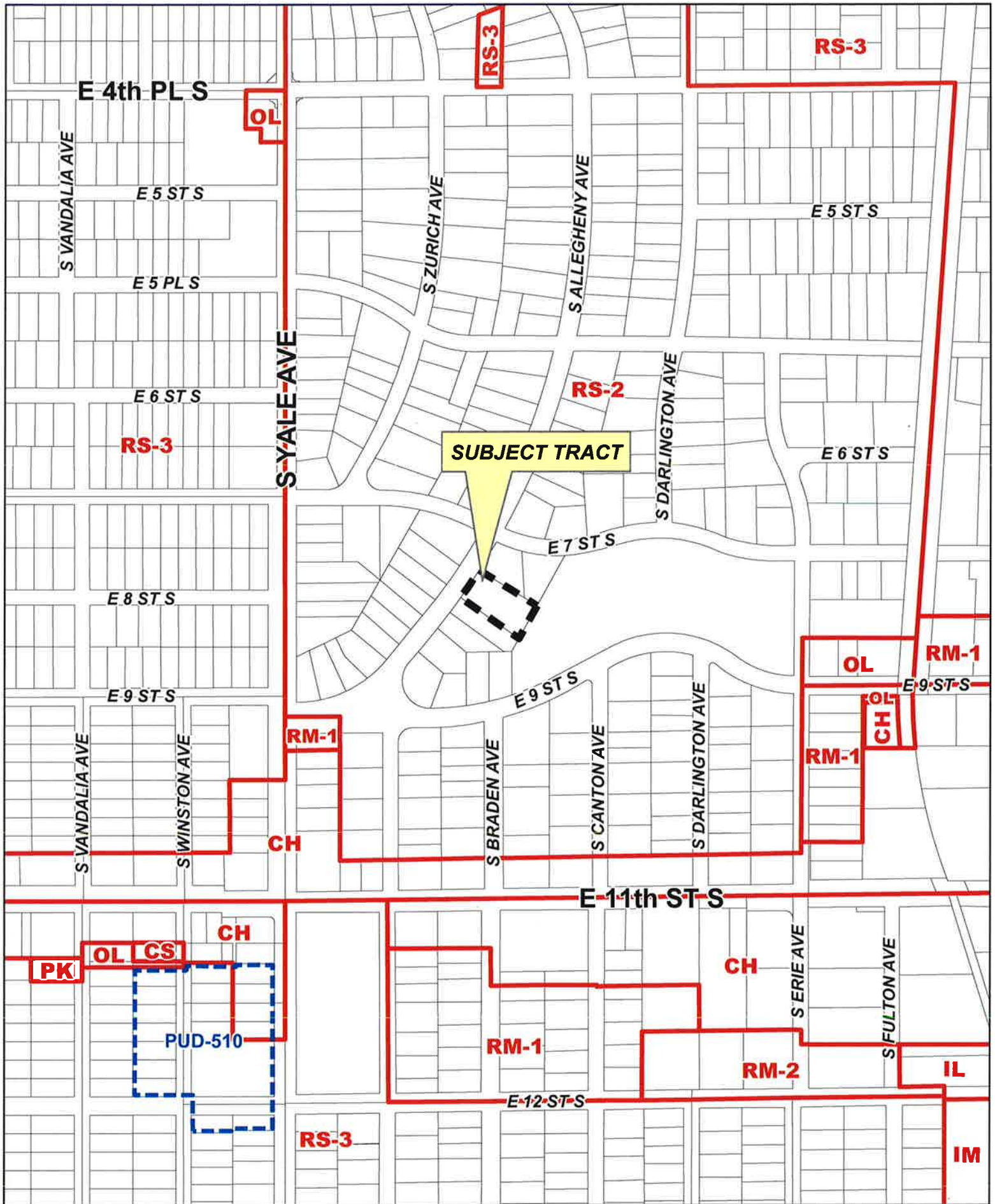
## END - ZONING CODE REVIEW

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

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



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**SUBJECT TRACT**

**BOA-22326**

19-13 03

7.1



# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9303

Case Number: **BOA-22326**

**CZM:** 38

**CD:** 5

**A-P#:** 9283

**HEARING DATE:** 09/26/2017 1:00 PM

**APPLICANT:** Mary Christian

**ACTION REQUESTED:** Special Exception to allow a carport in the street yard area and allow the area of the carport to exceed 400 sq. ft. to allow 550.4 sq. ft. (Section 90.090-C.1).

**LOCATION:** 711 S ALLEGHENY AV E

**ZONED:** RS-2

**PRESENT USE:** Residential

**TRACT SIZE:** 25,765.85 SQ FT

**LEGAL DESCRIPTION:** LOT 3 BLK 24, WHITE CITY 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".

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-2 zoned residences.



**STAFF COMMENTS:**

As shown on the attached pictures the applicant has constructed a carport within the required street (front) yard of the site. Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception:

- The area of a carport may not exceed 20 feet in length by 20 feet in width or 400 SF. According to the attached site plan, it appears that the proposed carport is 21'-7" ft wide by twenty 25'-6" long. The applicant has requested that the Board modify the square footage requirement to permit a carport that is 550.4 SF.
- A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.
- The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.
- The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.

**Sample Motion for a Special Exception**

Move to \_\_\_\_\_ (approve/deny) a Special Exception to allow a carport in the street yard area and allow the area of the carport to exceed 400 sq. ft. to allow 550.4 sq. ft. (Section 90.090-C.1).

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

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





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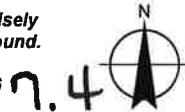
Subject  
Tract

**BOA-22326**

19-13 03

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

Aerial Photo Date: February 2016







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Subject  
Tract

**BOA-22326**

19-13 03

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

Aerial Photo Date: February 2016

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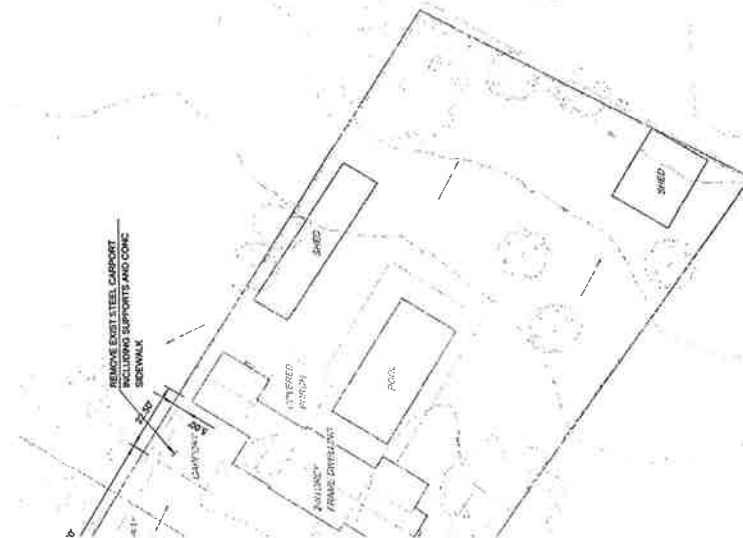
BOA 22326



Subject Lot - Looking East



7.6



**PROJECT DESCRIPTION:**  
REPLACE EXISTING METAL STEEL, FLAT ROOF  
CARPORT WITH WOODEN POST AND BEAM,  
PITCHED ROOF CARPORT



# PROPOSED SITE PLAN

Total: Oklahoma 74104

**CAUTION**  
NOTICE TO CONTRACTOR

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND EXISTENCE OF EXISTING UTILITIES AS SHOWN ON THESE PLANS ARE BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS NECESSARY EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES.

## SITE PLANS

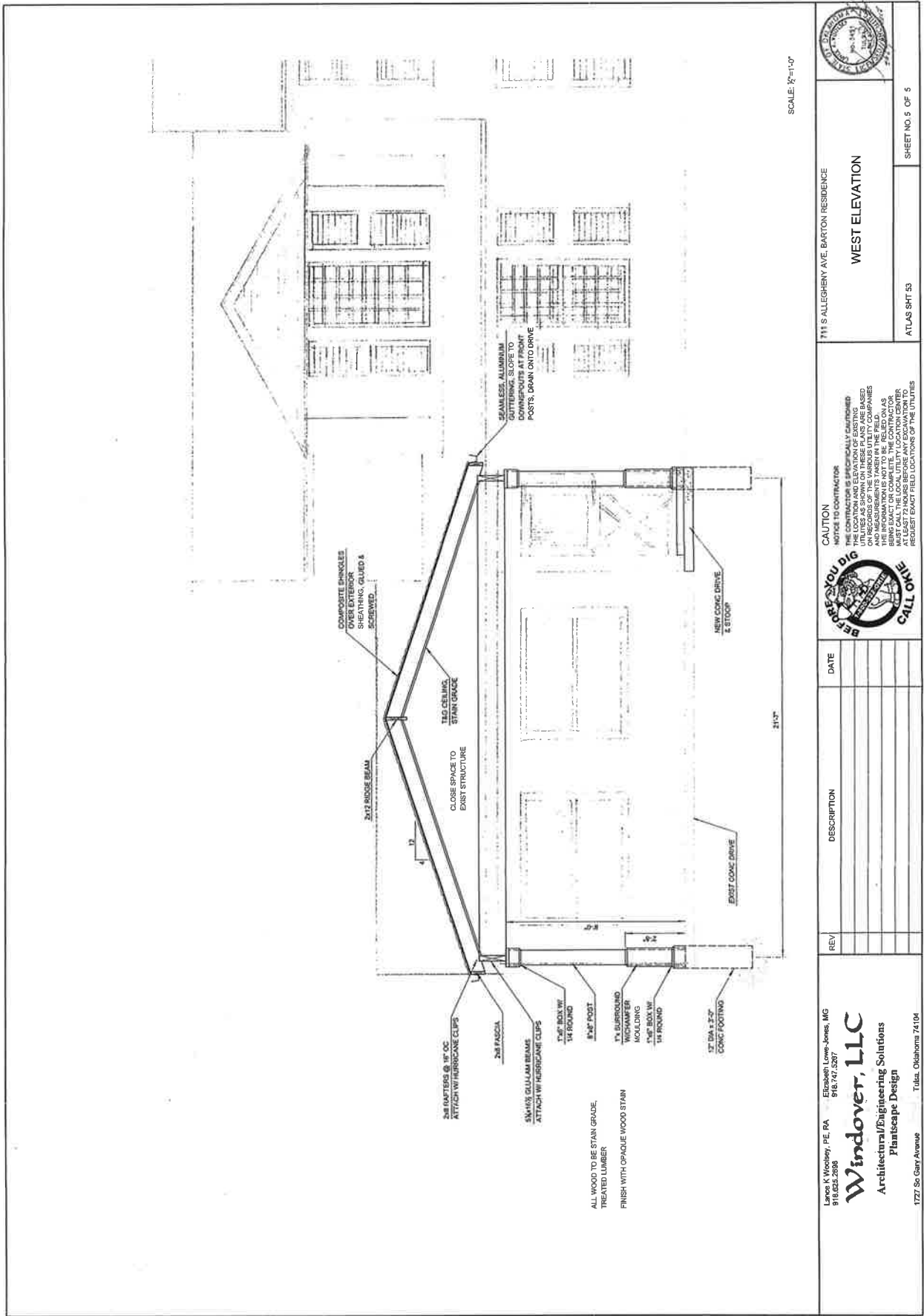
ATLAS SHIT 53

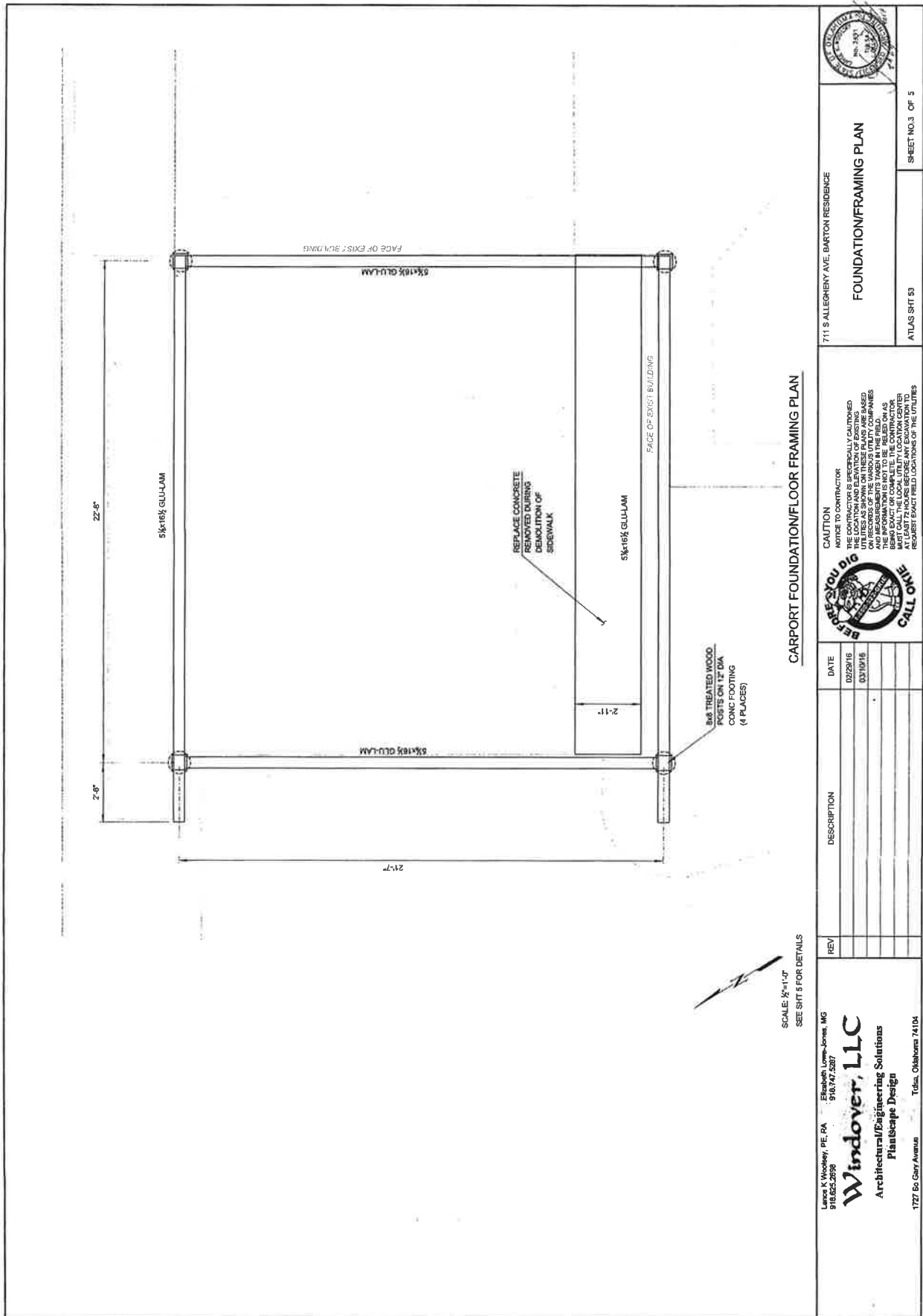
SHEET NO. 2 OF 5



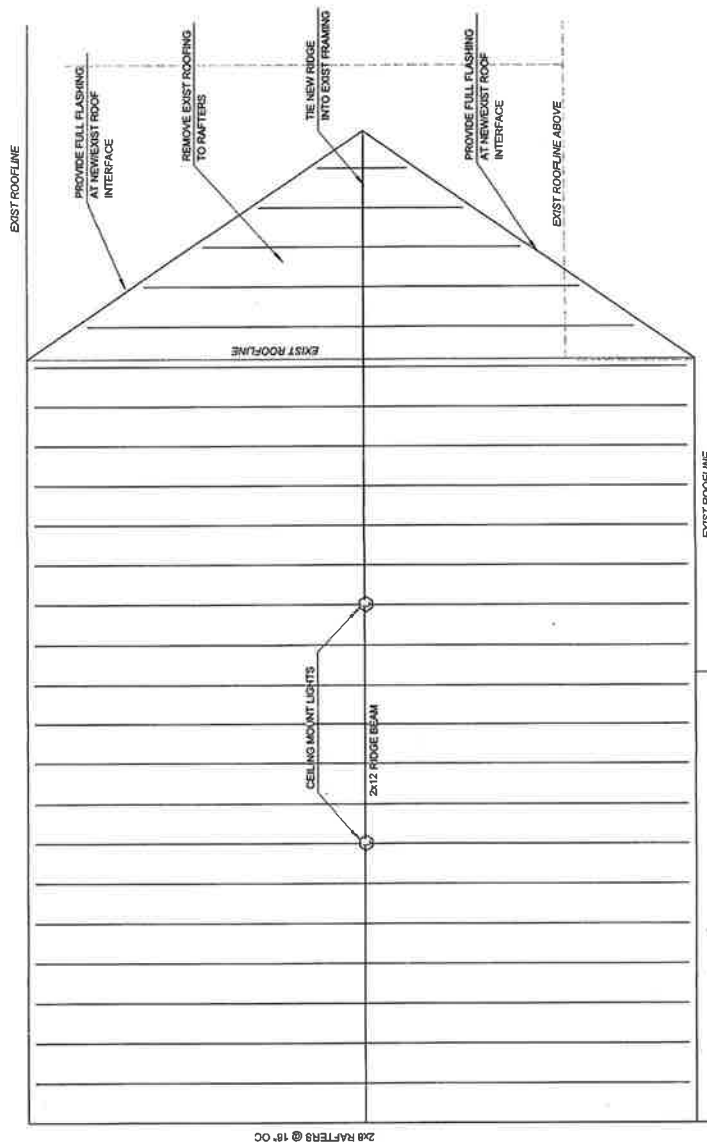
7.7











Lance K Woolsey, PE, RA Elizabeth Lowe-Jones, MGS  
910.625.2058 910.747.5267

**Windover, LLC**  
Architectural/Engineering Solutions  
Plantscape Design

1727 So Gary Avenue  
Tulsa, Oklahoma 74104

**CAUTION**

NOTICE TO CONTRACTOR

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT LOCATION AND ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS ARE BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES.

[illegible]

711 S ALLEGHENY AVE, BARTON RESIDENCE

## ROOF FRAMING PLAN

SHEET NO. 4 OF 5

ATLAS SHT 53

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: 1023227-1

August 10, 2017

MARY CHRISTIAN  
IT'S ALL GOOD CONSTRUCTION  
1873 E 46 ST N  
TULSA, OK 74130

Phone: (918)955-6608

APPLICATION NO: **9283** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: 711 S ALLEGHENY AV E  
Description: Carport

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

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

7.11



## 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. 9283

711 S ALLEGHENY AV E

August 10, 2017

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

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

**Special exception approval required; see §90.090-C1.**

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

- a. A carport may be a detached accessory building or an integral part of the principal building.
- b. The area of a carport may not exceed 20 feet in length by 20 feet in width.
- c. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.
- d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.
- e. The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.
- f. All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.

7.12

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

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

**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.**

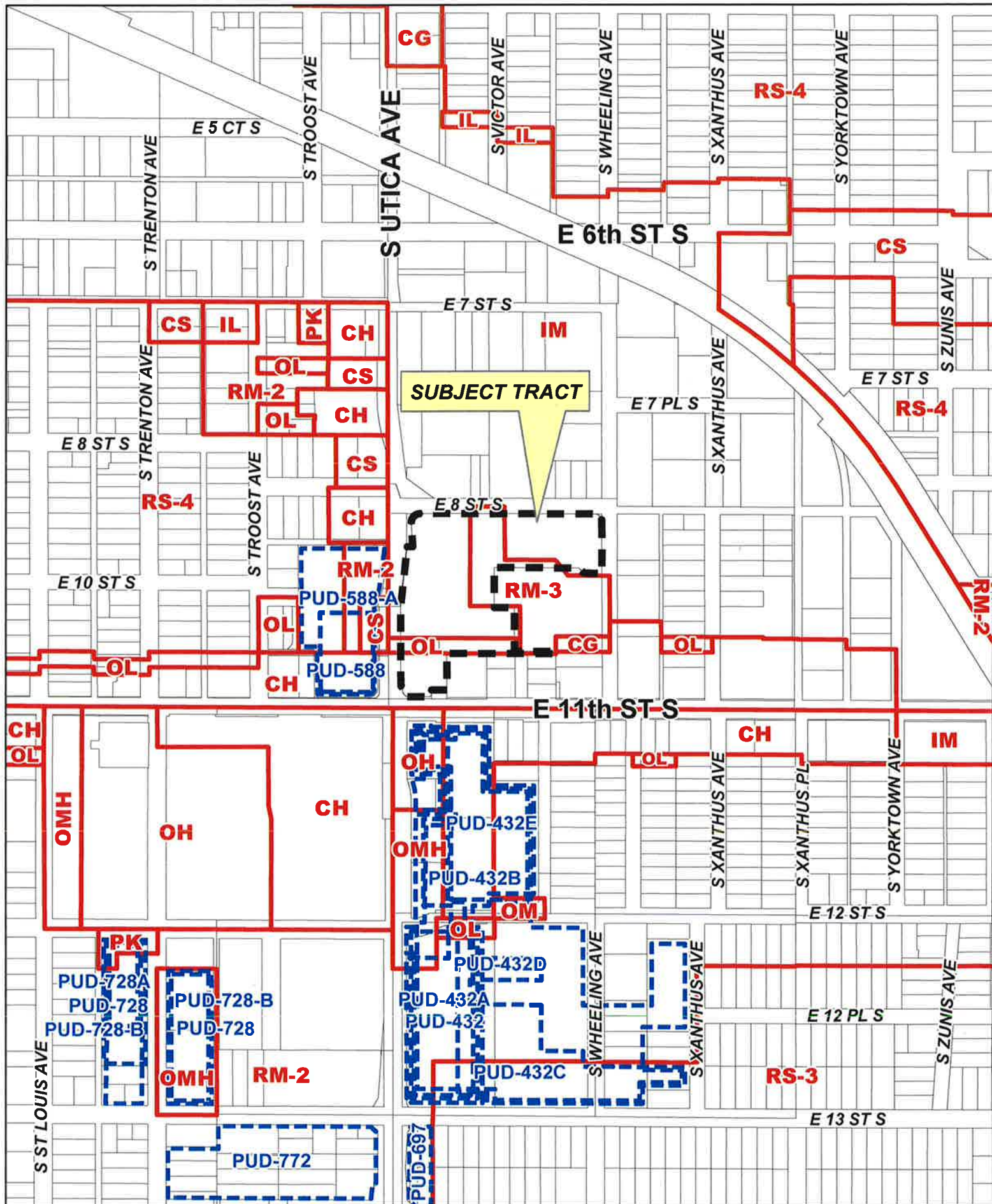
#### **END – ZONING CODE REVIEW**

**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-22327

19-13 06

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# BOARD OF ADJUSTMENT CASE REPORT

STR: 9306

Case Number: **BOA-22327**

CZM: 37

CD: 4

A-P#: 426622

**HEARING DATE:** 09/26/2017 1:00 PM

**APPLICANT:** KKT Architects, Inc.

**ACTION REQUESTED:** A Special Exception to allow a Community Center designated as a Public, Civic, and Institutional/Government Services, NEC and is located in the CH/OL/IM/RM-3 zoning districts.(Section 15.020, Table 15-2)

**LOCATION:** NE/c of E 11 St S and S Utica Ave

**ZONED:** IM,OL,RM-3,CH

**PRESENT USE:** Tulsa Recreational Center for the Physically Limited **TRACT SIZE:** 5.2 Acres

**LEGAL DESCRIPTION:** LT 1 BLK 1; LTS 1 THRU 4 & VAC UTICA PL ADJ ON E LESS BEG SWC LT 1 TH N200 E40 S160.92 SE8.49 S13.96 SE17.04 E76.80 NE7.07 S12 W140 POB FOR ST BLK 2, FARMER'S SUB L16 B3 CLOVER RIDGE ADDN, FERRELL ADDN L15 B3 CLOVER RIDGE ADDN, TULSA RECREATION CENTER FOR THE PHYSICALLY LIMITED, CLOVER RIDGE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Lot:**

**BOA 20299;** on 07.11.06 the Board approved a Modification of a previously approved site plan to permit the Center for the Physically Limited.

**BOA-19437;** on 8.27.02 the Board **approved** a special exception to permit the Center for the Physically Limited under Use Unit 5, in the IM and RM-3 zoning district; a special exception to permit required off-street parking to be located on a lot other than the lots containing the new Center building; a variance of the building setback required in an IM zoning district from the centerline of S. Utica Ave. from 85' to 55' for approximately 75'; a variance of the building setback required in an IM zoning district from the centerline of E. 8<sup>th</sup> St. in two locations from 50' to 30'; a variance of the building setback required in an RM-3 district from the centerline of 8<sup>th</sup> St. from 50' to 30'; a variance of the building setback required in an IM district abutting an R district from 75' to 0'; a variance of the required off-street parking area setback of the off-street parking area in the IM district within 50' of an R district from 50' to 0'; a variance of the requirement that 15% of the required street yard on E. 8<sup>th</sup> St. be established and maintained as a landscaped area; and a variance to permit the required number of trees within a street yard to be located throughout the Center site, per plan.

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by a mix of IM zoned residential and industrial type uses to the north; RM-3 residential abuts the site on the south. OH and CH zoning abuts the site on the south; CH, CS and RM-2 zoning abuts the site on the west.

**STAFF COMMENTS:**

As shown on the attached site plan the community/recreation center expansion includes a 32,326 SF two-story building addition, a basketball court and a parking area expansion south of the existing campus. The lot combination (LC-941) will be heard by the TMAPC on 10.04.17.

To permit expansion of the existing facility the applicant is before the Board requesting special exception to permit a Community Center use in CH, OL, IM, RM-3 zoning districts. A special exception is required as the portion of the site located at the NE/c of S Utica Ave E 11 ST S was not included in the original Board approvals to allow a recreational center on the subject site.

The Code (Section 55.020) requires 1.7 spaces per 1,000 sq. ft. of building floor area for a Community Center use. The use is required to provide 112 parking spaces; according to the attached site plan 140 parking spaces will be provided on site.

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Special Exception to allow a Community Center designated as a Public, Civic, and Institutional/ Government Services, NEC and is located in the CH/OL/IM/RM-3 zoning districts (Section 15.020, Table 15-2).

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

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



**Board Action:**

On **Motion of Dunham**, the Board voted 3-2-0 (Dunham, Stephens, Tidwell "aye"; Henke, Stead "nay"; no "abstentions"; no "absences") to **APPROVE** the Variance of the minimum average lot width in an AG district from 200 ft. to 149.2 ft. (Section 303), per plan, finding the hardship that the house is existing and if the lot did not contain the house the requirement would be obtainable; with condition that the driveway be relocated to provide access to the middle tract; also finding the literal enforcement of the terms of the code would result in an unnecessary hardship, and that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district; finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

N 527.7 of the E/2 of the SE/4 of the SE/4 OF SEC 19 18 14, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*.

**Case No. 20299**

**Action Requested:**

Modification of a previously approved site plan to permit the Center for the Physically Limited, located: 815 South Utica Avenue East.

**Presentation:**

**Joel Shackelford**, 220 East 8<sup>th</sup> Street, with Crafton, Tull and Associates, stated the landscaped area on the northeast is the one for which they are concerned. The owner requested additional parking during construction. They modified the plan to add the parking but it was not sent through the process for approval.

**Comments and Questions:**

Mr. Dunham and Mr. Tidwell considered the facility to be good for the neighborhood. Mr. Stephens stated it was an asset to the neighborhood.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion of Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Modification of a previously approved site plan to permit the Center for the Physically Limited, which is in keeping with the spirit and intent of the original approval in 2002, specifically providing for parking in what was then designated as the landscape area, on the following described property:

LT 1 BLK 1, TULSA RECREATION CENTER FOR THE PHYSICALLY LIMITED,  
City of Tulsa, Tulsa County, State of Oklahoma

5.5

[illegible]

8.5

**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 required setback from abutting properties in an R zoned district, finding that most of the properties are vacant; and to **CONTINUE** Case No. 19436 to the meeting on September 24, 2002 to advertise for additional relief, regarding the following described property:

Lots 1, 2, 3, 21, 22, 23 and 24, Block 10, Standard Heights Addition, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*

**Case No. 19437**

**Action Requested:**

Special Exception to permit the Center for the Physically Limited under Use Unit 5, in the IM and RM-3 zoning districts. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS and SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5; a Special Exception to permit required off-street parking to be located on a lot other than the lots containing the new Center building. SECTION 1301.D. GENERAL REQUIREMENTS; a Variance of the building setback required in an IM zoning district from the centerline of South Utica Avenue from 85' to 55' for approximately 75'. SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS; a Variance of the building setback required in an IM zoning district from the centerline of East 8<sup>th</sup> Street in two locations from 50' to 30'. SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS; a Variance of the building setback required in an RM-3 district from the centerline of East 8<sup>th</sup> Street from 50' to 30'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; a Variance of the building setback required in an IM district abutting an R district from 75' to 0'. SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS; a Variance of the required off-street parking area setback of the off-street parking area in the IM district within 50' of an R district from 50' to 0'. SECTION 1302.B. SETBACKS; a Variance of the requirement that 15% of the required street yard on East 8<sup>th</sup> Street be established and maintained as a landscaped area. SECTION 1002.A.1. LANDSCAPE REQUIREMENTS, Frontage and Perimeter Requirements; and a Variance to permit the required number of trees within a street yard to be located throughout the Center site. SECTION 1002.C. LANDSCAPE REQUIREMENTS, Tree Requirements, located S side of E. 8<sup>th</sup> St. between Utica & Wheeling.

**Presentation:**

**Charles E. Norman**, 2900 Mid-Continent Tower, stated he represented the Center for the Physically Limited. He provided a site plan (Exhibit E-1) to the Board. He reviewed the zoning involved and the construction phases. The plan is to completely remove the structure built in the 1960's and to construct an entirely new





facility. He pointed out the one-way access for the benefit of the handicapped and multiple other accesses. He also pointed out a separate corridor with access to meeting rooms and other parts of the facility. The hardship is the particular needs of the residents. The facility at this location is the Murdock Villa, a multi-story apartment building constructed for the physically limited, is leased by the Tulsa Housing Authority. He further explained the needs for each relief requested and assured the Board it would not be incompatible with anything existing there or that would be in the IM district.

**Interested Parties:**

**Maria Barnes**, 2252 E. 7<sup>th</sup> St., stated she considers it a good plan and a major improvement for the neighborhood. She is in support of the application. She appreciated all of the trees and landscaping planned.

Mr. Norman stated that the property would be re-platted.

**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 Center for the Physically Limited under Use Unit 5, in the IM and RM-3 zoning districts; a **Special Exception** to permit required off-street parking to be located on a lot other than the lots containing the new Center building; a **Variance** of the building setback required in an IM zoning district from the centerline of South Utica Avenue from 85' to 55' for approximately 75'; a **Variance** of the building setback required in an IM zoning district from the centerline of East 8<sup>th</sup> Street in two locations from 50' to 30'; a **Variance** of the building setback required in an RM-3 district from the centerline of East 8<sup>th</sup> Street from 50' to 30'; a **Variance** of the building setback required in an IM district abutting an R district from 75' to 0'; a **Variance** of the required off-street parking area setback of the off-street parking area in the IM district within 50' of an R district from 50' to 0'; a **Variance** of the requirement that 15% of the required street yard on East 8<sup>th</sup> Street be established and maintained as a landscaped area; and a **Variance** to permit the required number of trees within a street yard to be located throughout the Center site, per plan, finding this to be compatible with the neighborhood, with multiple hardships, and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

Lots 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, Block 3, Clover Ridge Addition, and Lots 1, 2, 3, 10, 11 and 12, Farmers Subdivision, a Subdivision of Lot 16, Block 3 Clover Ridge Addition, and Lots 4, 5, and 6, Block 1, and Lots 5 and 6, Block 2, Ferrell Addition, a Subdivision of Lot 15, Block 3, Clover Ridge Addition, all in the City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*.





SUTICA AVE

E 8th St S

WHEELING AVE

E 11th St S

0 50 100  
Feet



Subject  
Tract

**BOA-22327**

19-13 06

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

Aerial Photo Date: February 2016

8.9







0 200 400  
Feet



Subject  
Tract

**BOA-22327**

19-13 06

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

Aerial Photo Date: February 2016







KKT ARCHITECTS, INC.  
2025 SOUTH UTTICA AVENUE, SUITE 200  
TULSA, OKLAHOMA 74114  
7718 442222 FAX 7718 442222  
WWW.KKTARCHITECTS.COM

CERTIFICATE OF AUTHORIZATION  
NO. CA-5305 EXP. 06/30/2019



ALL CONSTRUCTION SHALL BE IN ACCORDANCE  
WITH THE CITY OF TULSA ZONING ORDINANCE  
AND SPECIFICATIONS INCLUDING BUT NOT LIMITED TO:

# The Center for Individuals with Physical Challenges

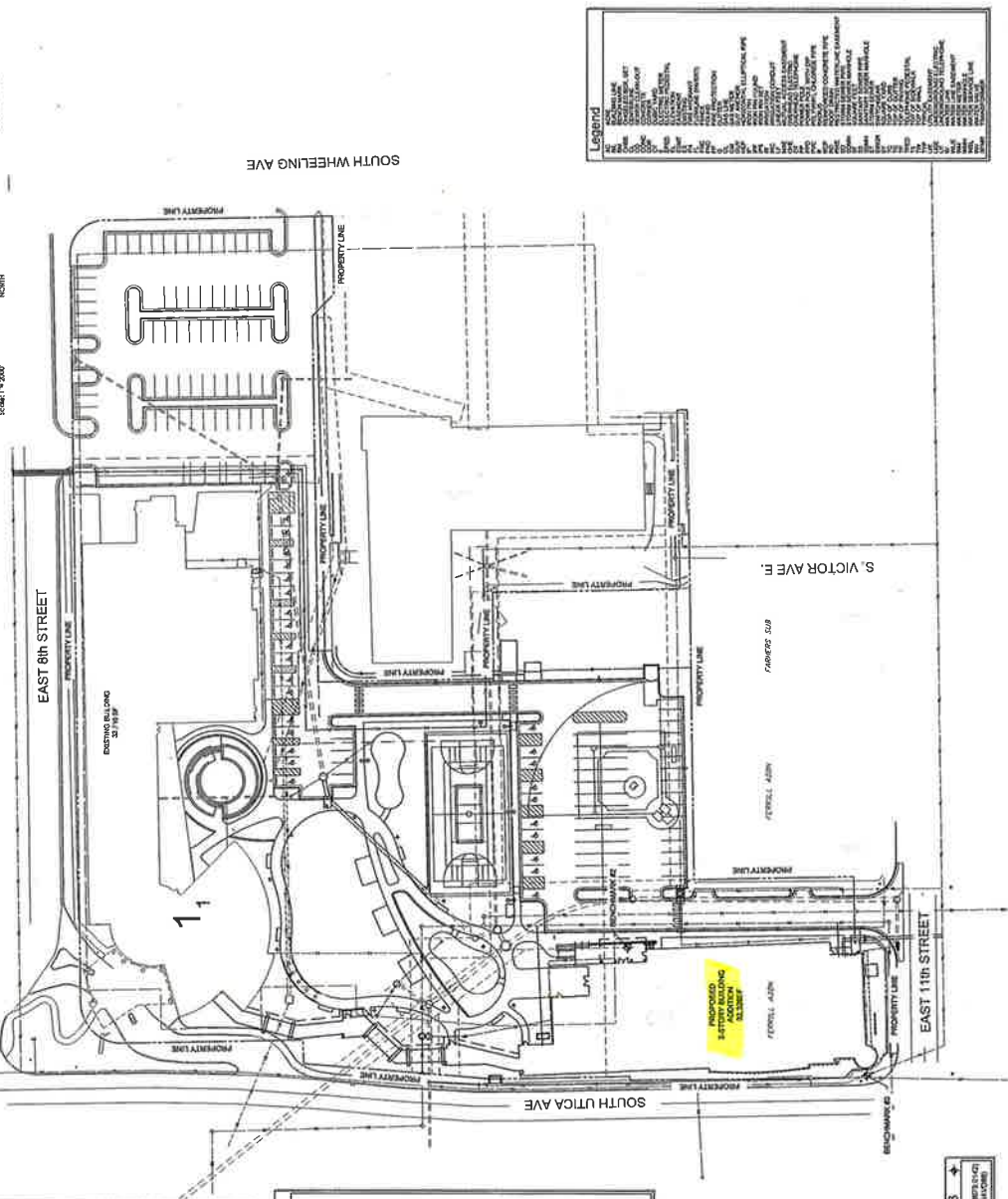
815 South Utica Ave.  
Tulsa, Oklahoma



HOW SCALE: 1"=40'  
DATE: 02/27/2019  
DRAWN BY: JMM  
CHECKED BY: JMM  
APPROVED BY: JMM

BOARD OF ADJUSTMENT  
SITE PLAN

## EXHIBIT A



Legend

1	PROPOSED BUILDING
2	PROPOSED PARKING
3	PROPOSED DRIVEWAY
4	PROPOSED SIDEWALK
5	PROPOSED CURB
6	PROPOSED STREET LIGHTING
7	PROPOSED LANDSCAPE
8	PROPOSED UTILITY
9	PROPOSED FENCE
10	PROPOSED SIGNAGE
11	PROPOSED BIKEWAY
12	PROPOSED TRAIL
13	PROPOSED PLAY AREA
14	PROPOSED SPORTS FIELD
15	PROPOSED TENNIS COURT
16	PROPOSED GOLF COURSE
17	PROPOSED EQUESTRIAN FACILITY
18	PROPOSED BOAT RAMP
19	PROPOSED MARINA
20	PROPOSED FISHING PIER
21	PROPOSED BEACH
22	PROPOSED BOARDWALK
23	PROPOSED AMUSEMENT RIDE
24	PROPOSED CAROUSEL
25	PROPOSED FERRIS WHEEL
26	PROPOSED HOT AIR BALLOON
27	PROPOSED ZIP LINE
28	PROPOSED ROCK CLIMBING WALL
29	PROPOSED OBSTACLE COURSE
30	PROPOSED TUG OF WAR
31	PROPOSED TEAM BUILDING EXERCISES
32	PROPOSED OUTDOOR KITCHEN
33	PROPOSED BARBEQUE
34	PROPOSED FIRE PIT
35	PROPOSED GAZEBO
36	PROPOSED PERGOLA
37	PROPOSED SHED
38	PROPOSED GARAGE
39	PROPOSED PORCH
40	PROPOSED PATIO
41	PROPOSED DECK
42	PROPOSED STAIRS
43	PROPOSED RAMP
44	PROPOSED ELEVATOR
45	PROPOSED ESCAPE ROUTE
46	PROPOSED EMERGENCY EXIT
47	PROPOSED FIRST AID KIT
48	PROPOSED FIRE EXTINGUISHER
49	PROPOSED SECURITY CAMERA
50	PROPOSED ACCESS CONTROL
51	PROPOSED TURNSTILE
52	PROPOSED TURNSTILE
53	PROPOSED TURNSTILE
54	PROPOSED TURNSTILE
55	PROPOSED TURNSTILE
56	PROPOSED TURNSTILE
57	PROPOSED TURNSTILE
58	PROPOSED TURNSTILE
59	PROPOSED TURNSTILE
60	PROPOSED TURNSTILE

- Site Plan Notes:**
1. ALL DIMENSIONS SHOWN HEREON ARE TO FACE OF CURB AND FACE OF BUILDING UNLESS OTHERWISE NOTED.
  2. THE CONTRACTOR SHALL MAINTAIN A TWO FOOT (2') SEPARATION BETWEEN THE GAS LINE CONDUIT AND ALL OTHER CONDUITS.
  3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ALL CONDUITS AND CABLES IN ACCORDANCE WITH THE CITY OF TULSA SPECIFICATIONS.
  4. BUILDING, SIGNAGE, AND LANDSCAPE ARE REPRESENTATIVE ONLY AND NOT FOR CONSTRUCTION.
  5. CONTRACTOR TO COORDINATE ALL UTILITY SERVICES WITH UTILITY SUPPLIER.
  6. CONTRACTOR TO MAINTAIN EXISTING UTILITIES AND NOT REMOVE EXISTING UTILITIES UNLESS OTHERWISE NOTED.
  7. UTILITY SERVICE CONNECTIONS SHALL BE INSTALLED AS PER APPLICABLE CITY CODES AND SPECIFICATIONS.
  8. ALL UTILITIES SHALL BE INSTALLED WITHIN THE BUILDING FOOTPRINT AND SHALL BE 4" PVC SCHED 40 AND CABLE TELEVISION CONDUIT SHALL BE 4" SCHED 40.
  9. ALL UTILITIES SHALL BE INSTALLED WITHIN THE BUILDING FOOTPRINT AND SHALL BE 4" PVC SCHED 40 AND CABLE TELEVISION CONDUIT SHALL BE 4" SCHED 40.
  10. THE UTILITY LOCATIONS REPRESENTED ON THIS DRAWING WERE COMPILED FROM THE CITY OF TULSA UTILITY MAPS AND FIELD SURVEYS. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.
  11. TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED ON THE TOPOGRAPHIC SURVEY OF BENNETT SURVEY DATED 2005.
  12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND ORDINANCES FROM THE CITY OF TULSA PRIOR TO CONSTRUCTION.
  13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND ORDINANCES FROM THE CITY OF TULSA PRIOR TO CONSTRUCTION.
  14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND ORDINANCES FROM THE CITY OF TULSA PRIOR TO CONSTRUCTION.
  15. HORIZONTAL DATUM BASED ON OKLAHOMA STATE PLANE COORDINATE SYSTEM (NAD83).
  16. VERTICAL DATUM BASED ON OKLAHOMA STATE PLANE COORDINATE SYSTEM (NAD83).
  17. FOR UTILITY LOCATIONS AND CONDUIT REFERENCE ELECTRICAL PLANS.

<b>Site Data:</b>	
NET LAND AREA	20,513.24 SF (0.50 AC)
NET BUILDING AREA	0.00
NET PARKING AREA	32,718.00 SF
NET DRIVEWAY AREA	32,718.00 SF
NET SIDEWALK AREA	66,000.00 SF
NET CURB AREA	0.00
NET STREET LIGHTING AREA	0.00
NET LANDSCAPE AREA	0.00
NET FENCE AREA	0.00
NET SIGNAGE AREA	0.00
NET BIKEWAY AREA	0.00
NET TRAIL AREA	0.00
NET PLAY AREA AREA	0.00
NET SPORTS FIELD AREA	0.00
NET EQUESTRIAN FACILITY AREA	0.00
NET BOAT RAMP AREA	0.00
NET MARINA AREA	0.00
NET FISHING PIER AREA	0.00
NET BEACH AREA	0.00
NET BOARDWALK AREA	0.00
NET AMUSEMENT RIDE AREA	0.00
NET CAROUSEL AREA	0.00
NET FERRIS WHEEL AREA	0.00
NET HOT AIR BALLOON AREA	0.00
NET ZIP LINE AREA	0.00
NET ROCK CLIMBING WALL AREA	0.00
NET OBSTACLE COURSE AREA	0.00
NET TUG OF WAR AREA	0.00
NET TEAM BUILDING EXERCISES AREA	0.00
NET BARBEQUE AREA	0.00
NET FIRE PIT AREA	0.00
NET GAZEBO AREA	0.00
NET PERGOLA AREA	0.00
NET SHED AREA	0.00
NET GARAGE AREA	0.00
NET PORCH AREA	0.00
NET PATIO AREA	0.00
NET DECK AREA	0.00
NET STAIRS AREA	0.00
NET RAMP AREA	0.00
NET ELEVATOR AREA	0.00
NET ESCAPE ROUTE AREA	0.00
NET EMERGENCY EXIT AREA	0.00
NET FIRST AID KIT AREA	0.00
NET FIRE EXTINGUISHER AREA	0.00
NET SECURITY CAMERA AREA	0.00
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<b>ADS Benchmark 1</b>	<b>ADS Benchmark 2</b>	<b>Benchmark 3</b>
1. IN ANCHOR BOLT, 1/2" DIA. (1/2" DIA. BOLT)	1. IN ANCHOR BOLT, 1/2" DIA. (1/2" DIA. BOLT)	1. IN ANCHOR BOLT, 1/2" DIA. (1/2" DIA. BOLT)
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19. IN ANCHOR BOLT, 1/2" DIA. (1/2" DIA. BOLT)	19. IN ANCHOR BOLT, 1/2" DIA. (1/2" DIA. BOLT)	19. IN ANCHOR BOLT, 1/2" DIA. (1/2" DIA. BOLT)
20. IN ANCHOR BOLT, 1/2" DIA. (1/2" DIA. BOLT)	20. IN ANCHOR BOLT, 1/2" DIA. (1/2" DIA. BOLT)	20. IN ANCHOR BOLT, 1/2" DIA. (1/2" DIA. BOLT)

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: 1020417-1

August 07, 2017

JIM BOULWARE  
KINSLOW KEITH & TODD  
2021 S LEWIS STE 150  
TULSA, OK 74104

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

APPLICATION NO: **426622** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: 815 S UTICA AV E  
Description: ADDITION

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

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

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

#### IMPORTANT INFORMATION

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

(continued)

8.12



## 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. 426622

815 S UTICA AV E

August 07, 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. **IBC Sec.105.3.2:** To obtain a permit, the applicant shall first file an application that describes the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work. The proposed building crosses multiple lot lines.  
**Review comment:** A lot combination is required for new buildings built across multiple lot lines. Submit a lot combination approved by the TMAPC, stamped and signed by the County Clerk, and filed at the County Courthouse.
2. **Sec.15.020 Table 15-2:** The proposed Community Center is designated a Public, Civic & Institutional/Government Services, NEC and is located in the CH/OL/IM/RM-3 zoning districts. This Use will require a Special Exception approved by the BOA.  
**Review comment:** Submit an approved BOA Special Exception, reviewed and approved per Sec.70.120, to allow a Public, Civic & Institutional/Government Services, NEC to be located in the CH/OL/IM/RM-3 zoning districts.
3. **Sec.70.080-B1a(2):** 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 included within a subdivision plat or replat, 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 public, civic or institutional use. The planning commission is authorized to waive the platting requirement.  
**Review comment:** Submit a copy of the approved plat waiver, the subdivision plat, or replat, submitted to and approved by the Planning Commission, and filed of record in the office of the County Clerk where the property is situated.
4. **Sec.70.080-C:** Applications for a Building Permit shall include a site plan that provides zoning data for the Zoning review portion of the Building Permit application.  
**Review comment:** Resubmit page GE05 with the following changes/additions:
  - North arrow: The direction of the North arrow is incorrect on pages A1.1, A1.2, A1.3, A1.4 & A1.5. The elevations are incorrect on pages A2.1, A2.2, A2.3 & A2.7. Provide corrected directions/elevations

- Change drawing scale to 1" = 30';
  - Legal description of the lot;
  - Actual shape and *dimensions of the lot*;
  - Location of 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, including distances to lot lines;
  - 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.
5. **Sec.55.020 Table 55-2:** The minimum parking ratio is established as part of special exception.  
**Review comment:** Submit a site plan a providing parking area compliant with the ratio established as part of special exception.
6. **Sec.55.060-B1:** Short-term bicycle parking spaces must be provided in accordance with the minimum ratios established in *Table 55-3*.  
**Review comment:** Submit a site plan providing short term bicycle parking compliant with this section.
7. **Sec.65.060-B2:** All dumpsters and recyclable material bins must be screened from view of the street and all abutting properties. Required screening must consist of an F1 screening fence or wall in accordance with *Sec.65.060-C2*. One side of the storage area must be furnished with an opaque, lockable gate.  
**Review comment:** Provide screening schematics for the trash enclosure compliant with this section. Per *Sec.65.060-C2b*, 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.
8. **Sec.65.090-C1a Lighting Plans:** Outdoor lighting plans demonstrating compliance with the standards of this section are required with the submittal of a site plan. Applicants have 2 options for the format of the required lighting plan; (1) Fixture Height Standard Lighting Plan; or (2) Photometric Study Lighting Plan. If no outdoor lighting is proposed, a note must be placed on the face of the site plan indicating that no outdoor lighting will be provided.  
**Review comment:** Provide an outdoor Fixture Height Standard Lighting Plan compliant with *Sec.65.090-C*. The following information is required:
- 1) Fixture height standard lighting plans must include at least the following:
  - 2) A scale drawing of the site with all outdoor lighting locations shown;
  - 3) Fixture specifications, including catalog cut-sheets or generic standards;
  - 4) Pole type and height of fixture;
  - 5) Lamp type and size; and
  - 6) Fixture mounting and orientation.

Allowable heights of light fixtures must be measured from the light-emitting surface to finished grade at the base of the pole. Maximum allowed light fixture heights are based on the (ground-level) horizontal distance between the light fixture and any agricultural or residential zoning district or public right-of-way, as established in *Table 65-1*:

*Table 65-1: Maximum Light Fixture Heights*

Distance from AG District, R District or Public Right-of-Way	Maximum Fixture Height (feet)
0 – 50	16
50.01 – 250	20
More than 250	35

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

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

#### **END – ZONING CODE REVIEW**

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

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



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# BOARD OF ADJUSTMENT CASE REPORT

STR: 9419

Case Number: BOA-22328

CZM: 49

CD: 6

A-P#: 427322

**HEARING DATE:** 09/26/2017 1:00 PM

**APPLICANT:** Tom Daman

**ACTION REQUESTED:** Special Exception to allow a Commercial/Assembly Indoor Entertainment use (large capacity over 250) to be located in a CS district to allow a health club. (Section 15.020)

**LOCATION:** 3138 S GARNETT RD E

**ZONED:** CS

**PRESENT USE:** CS

**TRACT SIZE:** 5.19 Acres

**LEGAL DESCRIPTION:** LT 2 LESS BEG SWC LT 4 TH W177 N215 E177 S215 POB BLK 1, VALLEY GLEN SOUTH, 3100 GARNETT SQUARE, 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, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents.

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is abutted by CS zoned commercial/retail on the north, east and south

**STAFF COMMENTS:**

The applicant is before the Board requesting a special exception to permit a fitness center/health club (Indoor Assembly & Entertainment greater than 250 persons capacity) in the CS district.

The applicant is proposing to convert the existing commercial space shown on the attached plans and photos into a gym/health club. A special exception is required due to the potential adverse



affects of the proposed gym/health club in the CS district; however if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted. As the writing of this case report staff has not received any comments from surrounding neighbors or property owners.

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

Move to \_\_\_\_\_ (approve/deny) a Special Exception to allow a Commercial/Assembly Indoor Entertainment use (large capacity over 250) to be located in a CS district to allow a health club. (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.





Feet

0 200 400

Subject  
Tract

**BOA-22328**

19-14 19

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

*Aerial Photo Date: February 2016*



9.4





Subject Lot - Looking South





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: 1022748-1

August 15, 2017

TOM DAMAN  
DAMAN-LECHTENBERGER PC  
705 S EGLIN AV STE 107  
TULSA, OK 74120

Phone: (918)645-5630  
Fax: (918)933-5324

APPLICATION NO: **427322** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: **3138 S GARNETT RD E**  
Description: **ALTERATION - EXTERIOR**

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

(continued)

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## REVIEW COMMENTS

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

Application No. 427322

3138 S GARNETT RD E

August 15, 2017

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

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

### 1.) Section 15.020 Use Regulations

Principal uses are allowed in office, commercial and industrial districts in accordance with Table 15-2.

#### 15.020-A Use Classification System

Uses are listed in the first column of Table 15-2. This zoning code classifies uses into categories and subcategories, which are defined in Chapter 35. In some cases, specific use types are listed in addition to the use categories and subcategories. Building types are also defined in Chapter 35.

**Review Comments:** The proposed Health Club (Large over 250 person capacity) requires a special exception from the BOA to be located in a CS zoning district.

**2.) Sec.55.020 Table 55-1:** Required off-street parking areas must be located on the same lot as the building or use they are required to serve (*Sec.55.080-A*).

**Review comment:** The proposed Health Club has a floor area 18,850 ft<sup>2</sup>. In order to ensure your parking requirement can be met, submit a parking study which provides the name and type of use for each tenant and the floor area occupied by each tenant.

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.

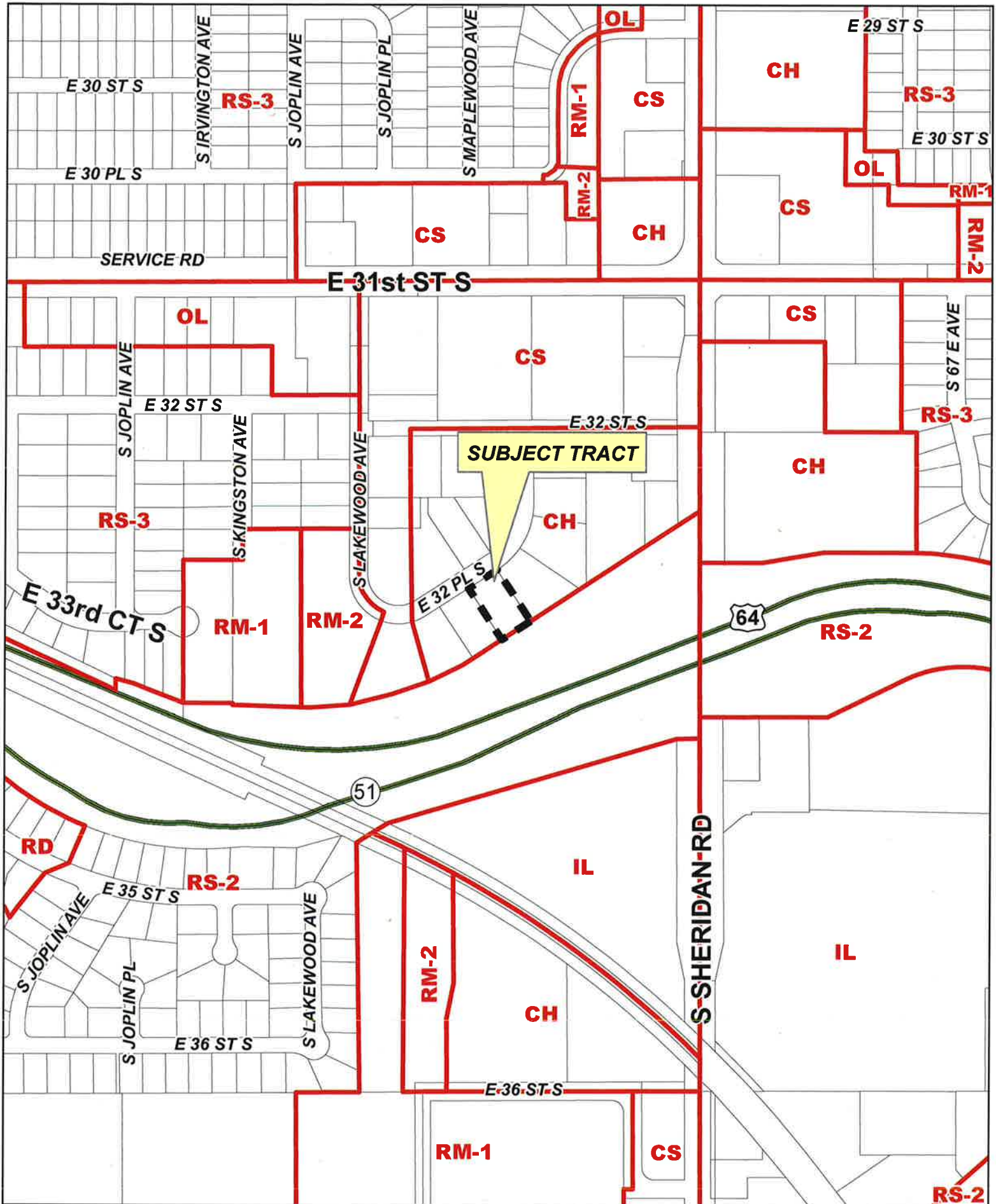
## END – ZONING CODE REVIEW

**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-22329

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19-13 22



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9322

Case Number: BOA-22329

CZM: 48

CD: 5

A-P#: 426509

**HEARING DATE:** 09/26/2017 1:00 PM

**APPLICANT:** Andrew Shank-Eller and Dietrich

**ACTION REQUESTED:** Special Exception to permit a residential treatment center in a CH district (Section 15.020, Table 15-2). Verification of the 2,640 feet spacing requirement between residential treatment centers, detention/correctional facilities, emergency and protective shelters, homeless centers and transitional living centers (Section 40.130-B).

**LOCATION:** 6126 E 32 PL S

**ZONED:** CH

**PRESENT USE:** Residential Treatment Center

**TRACT SIZE:** 22,002.25 SQ FT

**LEGAL DESCRIPTION:** LT 5 BLK 2, MARSHALLTOWN CTR RESUB PRT SHERIDAN CIRCLE & LORRAINE HGTS, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Lot:**

**BOA 20426;** on 2.13.07 the Board approved special exception to permit a residential treatment center in a CH district; and a special exception to permit a residential treatment center within ½ mile of a similar facility; the request was approved with a five year time limit.

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by CH zoned commercial, office and clinical uses to the north, east and west; the Broken Arrow Expwy to the south. There are apartment complexes further to the east and west of the subject property.

**STAFF COMMENTS:**

The applicant is requesting a Special Exception to permit a residential treatment center in the CH district. Additionally the applicant is before the Board to verify the spacing requirement for residential treatment centers of 2,640 ft. from other residential treatment centers, detention/correctional facilities, emergency and protective shelters, homeless centers and transitional living centers

According to the attached site plan the applicant is proposing a 1,312 sq. ft. expansion on the northeast portion of the existing building. The applicant has stated that the residential treatment facility operates a 15 bed, short-term, treatment center for adolescents (10-17 years old). A special exception is required as the residential treatment center is a use which is not permitted by right in the CH 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 applicant has submitted a letter from the Department of Humans Services stating that there are no licensed treatment programs within a ½ mile of the subject site. Staff has also attached a map illustrating a 2,640 ft. radius around the subject property. The applicant has stated that there are not existing treatment programs or similar use within the spacing radius.

**Sample Motion for the Spacing Verification:**

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

**Sample Motion for a Special Exception**

Move to \_\_\_\_\_ (approve/deny) a Special Exception to permit a residential treatment center in a CH district (Section 15.020, Table 15-2).

- 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.



**Mr. Henke returned at 2:36 p.m.**

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion** of **White**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Variance of the required setback from 20th St. to 0 ft. (Section 903), 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:

LTS 2 THRU 13 & 15FT VAC ALLEY E OF EL RED FORK EXPWY ADJ ON S  
LTS 2 THRU 13 LESS E5 THEREOF & LESSE5 LT 2 & LESS PRT LT 13 BEG  
NWC E17.43 SWLY TO PT ON SL W1.66 TO SWC N125 POB BLK 6,  
RIVERSIDE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

**Case No. 20426**

**Action Requested:**

Special Exception to permit a residential treatment center in a CH district (Sec 701); and a Verification of the ½ mile spacing requirement for a residential treatment center from a detention/correctional center, emergency and protective shelter, homeless center, another residential treatment center, and transitional living center (Section 1202.C.7) or in the alternative a Special Exception to permit a residential treatment center within ½ mile of a similar Use Unit 2 facility (Section 1202.C.7), located: 6126 East 32<sup>nd</sup> Place South.

**Presentation:**

**Chris Herroux**, 502 West 6<sup>th</sup> Street, represented the applicant, Associated Centers for Therapy (ACT). The building is approximately 5,900 sq. ft. with 22 parking spaces. It is somewhat isolated from the neighborhood and backs up to the Broken Arrow Expressway. He submitted a notification card and photographs (Exhibits E-1 and E-2). They provided a notification card to the property owners of the neighboring properties in addition to the notices to property owners in the 300 ft. radius. This is a non-profit organization, which provides comprehensive outpatient community health services for the Tulsa area. This includes transitional living services and management of housing for long-term independent living for mentally challenged individuals. The outpatient facilities are certified by the Oklahoma Department of Mental Health and Substance Abuse Services. They are

FILE 601

accredited by the Committee of Rehabilitation Facilities. ACT has two other locations at 71 and Yale and in Sand Springs, Oklahoma. They have not received significant complaints, criminal conduct or police involvement in their twenty-five year history. They have provided outpatient mental health counseling for adolescents previously. The proposed use is consistent with the prior use. They propose to operate a fifteen-bed, short-term, community adolescent living management center. The State of Oklahoma has mandated to make available mental health services facilities such as this, due to the increased need. This will be the second of this kind in the state. The first one is Red Rock, located in Oklahoma City. One such facility will be located Muskogee. He explained that the patients are not violent or criminal offenders. They do not need medical detoxification for drugs or alcohol. They are not under DHS custody. The facility would provide a three to five day stay to allow the patient and family to stabilize. The alternative for these patients would otherwise have no help or be placed in-patient for more intensive treatment. They would receive a focused assessment and counseling services. Mr. Herroux covered the seven factors required for a special exception showing this use is in compliance to the zoning code. He stated there would not be any modifications necessary to the exterior of the property. There is a big need for this facility. This is in harmony with the current uses in the area and there is no detriment to the neighbors. It is consistent with the previous outpatient use of the property. The improvements to the interior of the facility will provide the highest degree of safety for the residents, staff and neighbors. The maximum of 15 residents and the size of the facility fits well within the property and the uses within the neighborhood. The facility is in a central location to meet the needs of the Tulsa County area.

**Comments and Questions:**

Ms. Stead asked if they would have buses that bring in patients. Mr. Herroux responded they would not have buses bring patients. They would have less vehicular traffic than the previous use. He stated that security plans include double safety locked doors, video cameras for the entire facility, no window exits, a separate entrance for deliveries and a sprinkler system.

Mr. Herroux stated the staff would include a psychiatric-pediatric Nurse on duty 24 hours per day, seven days a week; a licensed therapist on the first and second shifts; four behavioral health specialists on each shift, and a certified children's case manager. He added they would serve ten to seventeen year old, male and female patients.

**FILE COPY**

**Interested Parties:**

**James Weeger**, 15 East 5<sup>th</sup> Street, 3800 1<sup>st</sup> Place Tower, represented the Lakewood Homeowners' Association. They are concerned about safety issues of having troubled teens residing at night and require security. They consider it inappropriate for this area, thinking the condominiums would be the most likely place to go if they got past security.

**Mike Brose**, Executive Director of the Mental Health Association in Tulsa. He added he is Co-Chair of the Children's Behavioral Health Systems of Care Community Team. He explained they provide help in a crisis for a teen and the family to calm down, work through a crisis, and return to their home. This type of facility offers intervention to protect individuals from an unnecessary admission to an institution, hospital or the juvenile justice system. He stated this is a more central location for the Tulsa area.

**Alisha Shultz**, 6120 East 32<sup>nd</sup> Place, stated she owns the property next door. She has a catering and cakes company. She added that she and another company in her building were opposed to the application. She did not consider a commercial area to be appropriate for this use.

**Pamela Ward**, stated she is a homeowner in Lakewood Gardens. She stated they did not receive the information card from the applicant, though they received the notice from the Board.

**Spencer Sewal**, stated he is the owner-manager of the Pines Office Building. He was opposed to the application.

**Applicant's Rebuttal:**

Mr. Herroux responded to the objections, stating the interested parties failed to produce accurate or definitive arguments of opposition. He indicated the objections were out of fear of the unknown and perceived adverse affects on the neighborhood. He noted that the residential neighborhood is closer to stores and restaurants that are open at night, than to the subject property. He replied there is an expressway fence at the back of the property. Mr. Herroux stated that they provide short-term intensive care so the patients do not require time outside.

Mr. White considered the level of security, age of residents, and nature of care are applicable to the code requirements. Ms. Stead asked how early staff mails the notices. Mr. Alberty replied the requirement is ten days in advance of the meeting by mail, posting a sign and legal newspaper notice. Mr. Henke asked if it would have gone to each of the homeowner's in Lakewood Gardens. Mr. Alberty replied that because there is a request for verification of spacing, the notices go out to all property owners in a ½-mile radius, or 2,640 ft., which is a much broader notice.

**Board Action:**

On **Motion** of **Stead**, to **APPROVE** a Special Exception to permit a residential treatment center within ½ mile of a similar Use Unit 2 facility (Section 1202.C.7), as the Board does not know if there are other facilities within ½ mile, with conditions: limited to a maximum of fifteen residential patients; finding it will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. Mr. White seconded the motion. Mr. Henke called for discussion of the motion.

**FILE COPY**



Mr. Henke asked Mr. Herroux if there would be a security guard for the third shift. Mr. Herroux replied the anticipated staffing to include one Psychiatric R.N., licensed counselor, and two behavioral service employees. He stated he would need to consult with his clients to see if a security guard would comport with their plans. He asked if Mr. Henke was suggesting security for the third shift only or around the clock. Mr. Henke replied at the minimum he would expect during the third shift. Ms. Stead asked if they would have to do much renovation on the interior. She also asked if they would agree to a limitation of time for the approval.

Mr. White withdrew his second of the motion for an amended motion.

Mr. Herroux responded to the Board with an alternative to a security guard. They suggested the third shift behavioral health specialists be CLEET certified. That would be two CLEET certified staff on the third shift. They expect the renovation to cost \$275,000.00. His clients hesitated to agree to a five-year limitation, as they needed time to recoup their investment, should they need to move the facility. Mr. White noted that the five-year limitation would be a good incentive to keep their good record.

Ms. Stead withdrew her motion.

FILE COPY

On **Motion of Stead**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Special Exception to permit a residential treatment center in a CH district (Sec 701); and a Special Exception to permit a residential treatment center within ½ mile of a similar Use Unit 2 facility (Section 1202.C.7), as the Board does not know if there are other facilities within ½ mile, with conditions: there be no more than fifteen overnight or fifteen residential patients under the age of 18 years old at any one time; two CLEET certified staff present on the third shift; the special exceptions be granted for a period of five years, at which time they will be reconsidered; finding the 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, on the following described property:

LT 5 BLK 2, MARSHALLTOWN CTR RESUB PRT SHERIDAN CIRCLE &  
LORRAINE HGTS, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

**OTHER BUSINESS**

**Case No. 20444**

**Action Requested:**

Request for a refund.





0 200 400  
Feet



Subject  
Tract

**BOA-22329**

19-13 22

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-22329**

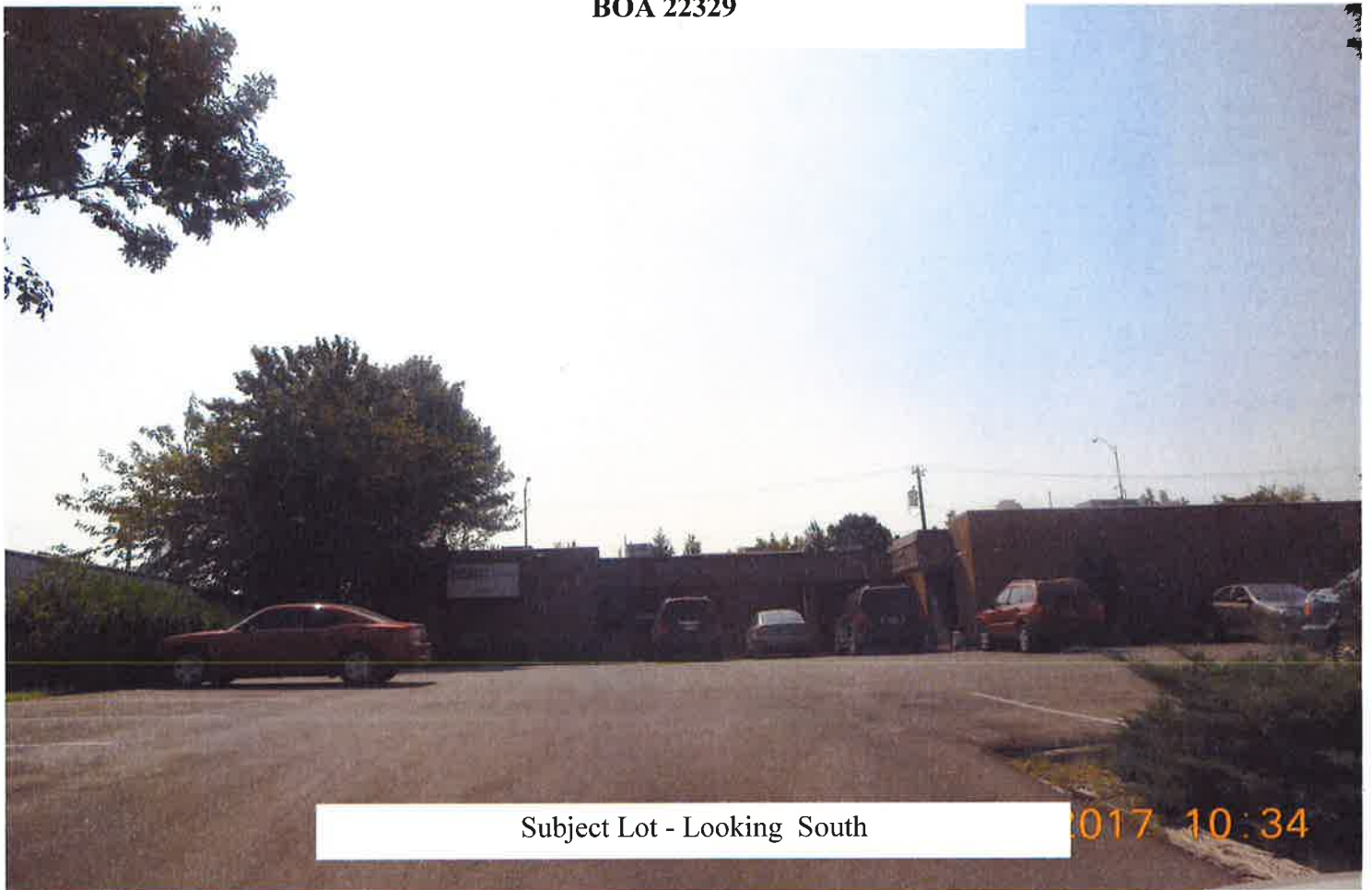
19-13 22

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

Aerial Photo Date: February 2016







Subject Lot - Looking South

09.08.2017 10:34

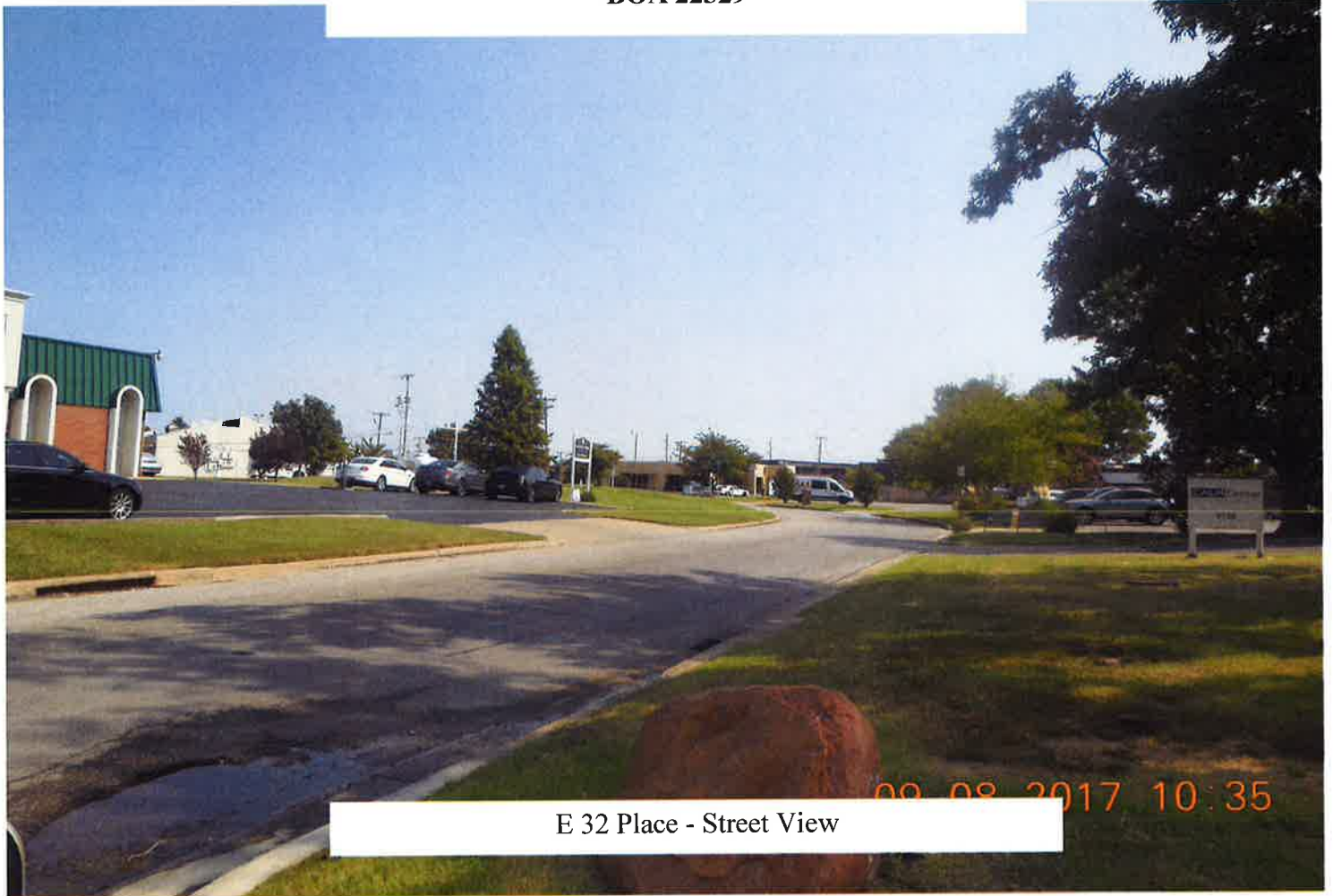


E 32 Place - Street View

09.08.2017 10:35

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BOA 22329

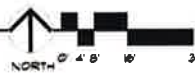


E 32 Place - Street View





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











### Exhibit "B"

Applicant requests a renewal of a special exception to permit a residential treatment center in a CH District pursuant to Section 15.020, Table 15-2 of the Tulsa Zoning Code (the "Code") and verification, or in the alternative a special exception, of the ½ mile spacing requirements for a residential treatment center pursuant to Section 40.130-B for property located at 6126 E. 32<sup>nd</sup> Place (the "Property"). The Board of Adjustment previously approved a special exception in 2007 (Case No. BOA-20426) and the CALM Center (the "Center") has operated on the Property since construction was completed in 2008. In preparation for capital improvements to the facility, the Center discovered that the previously approved special exception had lapsed and so is seeking the renewal of the previously approved special exception with this case.

The Center is a crisis stabilization unit for adolescents age 10-17 years old, only one of two licensed by the State of Oklahoma. The Center has no more than 15 overnight patients at any time (consistent with the conditions of BOA-20426), who are admitted for no more than 7-day periods. The current facility is around 6,000 SF, with the new addition adding around 1,300 SF. The Center is located in a relatively isolated commercial district with the Broken Arrow Expressway to the south, Sheridan Road to the east, and 31<sup>st</sup> Street to the north.

Due to the limited capacity of the facility, its seclusion in relation to nearby residential districts, and its established presence and integration into the area (with 9+ years of successful operation in the current location), the Center is not injurious to the neighborhood or otherwise detrimental to the public welfare. The Center, located in a CH district meant to encourage the use of existing buildings in older commercial corridors such as this one, is a use expressly permitted by special exception in Table 15-2 of the Code and therefor the use is clearly in harmony with the spirit and intent of the Code.

There do not appear to be any other detention/correctional facilities, emergency/protective shelters, homeless centers, residential treatment centers or transitional living centers within the ½ mile radius of the Center. Therefore, the Applicant respectfully requests the Board renew the special exception and the spacing verification and/or special exception originally granted in BOA-20426.





**OKLAHOMA DEPARTMENT OF HUMAN SERVICES**

Residential Licensing  
PO Box 35900  
Tulsa, OK. 74153  
(918) 933-4617 • [www.okdhs.org](http://www.okdhs.org)



**Child Care  
Services**

September 5, 2017

City of Tulsa Board of Adjustment  
Board of Adjustment Administrator  
INCOG  
2 West 2nd Street, Ste. 800  
Tulsa, OK 74103

Re: CALM Center K8500-00362

Dear Nitkita Moye:

This letter is to provide notification that the Oklahoma Child Care Residential Licensing unit, within the Department of Human Services, does not license any treatment programs within a half-mile radius of the above referenced program located at 6126 E 32<sup>nd</sup> Place in Tulsa, Oklahoma 74135.

If you have any questions please do not hesitate contacting me.

Sincerely,

Wayne Flanagan  
Program Field Representative I  
Residential Licensing  
918-933-4617 (Office)  
405-397-9672 (Cell)

10.16







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

**PO Box 35900**

**Tulsa, OK 73125**

(918) 933-4617 Fax: (918) 933-4665  
[www.okdhs.org](http://www.okdhs.org)



**Child Care  
Services**

September, 18, 2017

City of Tulsa Board of Adjustment  
c/o INCOG  
Attn: Ms. Nikita Moye, Board Secretary  
2 West 2nd Street, Suite 800  
Tulsa, Oklahoma 74103  
[nmoye@incog.org](mailto:nmoye@incog.org)

Re: BOA-22329  
The CALM Center  
6126 E. 32nd Place

Dear Members of the Board:

I am the DHS Licensing Program Field Representative for the CALM Center. The Center has shared its renovation plans with me and the DHS architects for our review. The new finishes to the existing facility meets all DHS space standards and DHS does not have any objection to the renovations or the ongoing operations of the Center. We support the Center's request for a special exception. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Wayne Flanagan".

Wayne Flanagan  
Department of Human Services  
Program Field Representative I  
Residential Licensing





**PALMER**

*Treating Addiction. Healing Lives.*

City of Tulsa Board of Adjustment  
c/o INCOG  
Attn: Ms. Nikita Moye, Board Secretary  
2 West 2<sup>nd</sup> Street, Suite 800  
Tulsa, Oklahoma 74103  
[nmoye@incog.org](mailto:nmoye@incog.org)

Re: BOA-22329  
The CALM Center  
6126 E. 32<sup>nd</sup> Place

Dear Members of the Board:

I am the Executive Director of Palmer Continuum of Care, an addiction treatment facility for women and adolescents here in Tulsa. Mental health and substance abuse are issues in our communities that, unfortunately, are all too familiar. The CALM Center offers critical and necessary services for the youth in our community, providing a safe place for them in times of crisis. I am in full support of their request for a special exception to continue providing these services and ask that this Board grant the requested relief. Thank you for your time and consideration.

Sincerely,

Greg Sneed

Palmer Continuum of Care, Inc.

Administrative Mailing Address :: PO Box 580700 :: Tulsa, OK 74158-0700 :: 918.832.7764

Tulsa Women and Children's Center :: 2442 Mohawk Blvd :: Tulsa, OK 74110 :: 918.430.0975

Adolescent Treatment Programs :: 5319 S. Lewis Ave., Suite 219 :: Tulsa, OK 74105 :: 918.832.7763

[www.palmer-tulsa.org](http://www.palmer-tulsa.org)

10.19

**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: 1020208-1**

**August 01, 2017**

**CLARK GOLLOTTE**  
GH2  
320 S BOSTON STE 100  
TULSA, OK 74103

**Phone: (918)587-6158**  
**Fax: (918)587-0357**

**APPLICATION NO: 426509** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
**Location: 6126 E 032 PL S**  
**Description: ADDITION**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

**REVISIONS NEED TO INCLUDE THE FOLLOWING:**

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

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

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

#### IMPORTANT INFORMATION

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

10.20

## 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. 426509

6126 E 032 PL S

August 01, 2017

**Note:** Please direct all questions concerning special exceptions and 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.

**BOA-20426:2/13/2007** approved a Special Exception to permit a residential treatment center in a CH district and a Special Exception to permit a residential treatment center within ½ mile of a similar Use Unit 2 facility, as the Board does not know if there are other facilities within ½ mile, with conditions: there be no more than fifteen overnight or fifteen residential patients under the age of 18 years old at any one time; two CLEET certified staff present on the third shift; the special exceptions be granted for a period of five years, at which time they will be reconsidered.

**Review comment:** The five year time period for the approval of the special exceptions has expired. Submit two copies of the special exceptions, including the site plan with the addition, which have been reviewed and approved per *Sec.120*.

**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.**

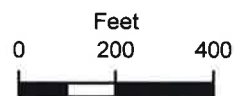
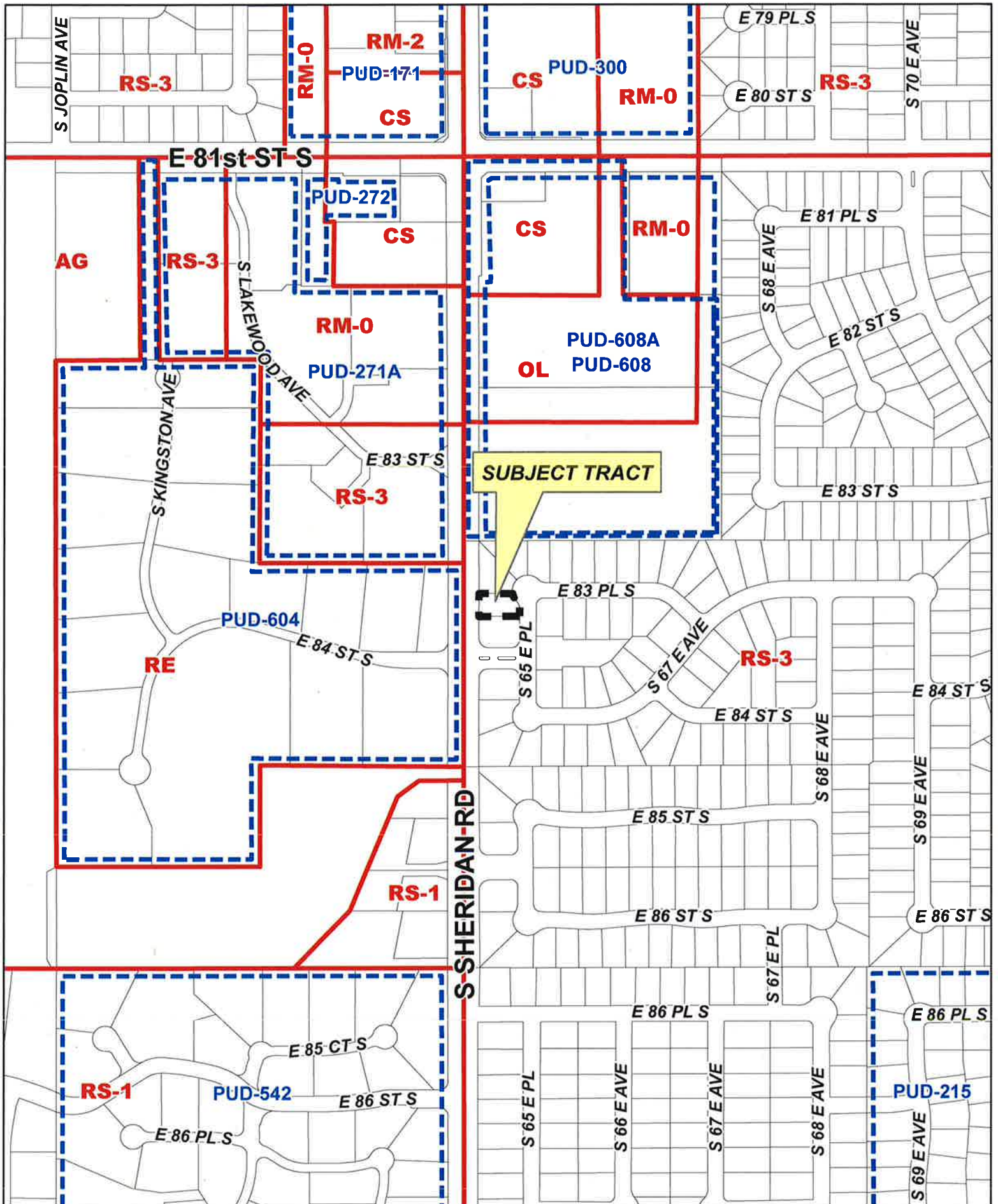
## END – ZONING CODE REVIEW

**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-22330**

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# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 8314

Case Number: **BOA-22330**

**CZM:** 53

**CD:** 8

**A-P#:** 427489

**HEARING DATE:** 09/26/2017 1:00 PM

**APPLICANT:** Mohammad Arshad

**ACTION REQUESTED:** Variance to reduce the street (rear) setback from 35 ft. to 24 ft. along S. Sheridan Rd. (Section 5.030).

**LOCATION:** 8312 S 65 E Place

**ZONED:** RS-3

**PRESENT USE:** Vacant Residential Lot

**TRACT SIZE:** 9509.19 SQ FT

**LEGAL DESCRIPTION:** LT 2 BLK 1, CRESCENT, THE, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Surrounding Lots:**

**BOA 13643;** the Board approved a variance of the required 50 feet setback from the centerline of local street to 40 feet and a variance of the required 85 feet setback from the centerline of South Sheridan Road to 80 feet on a developing RS-3 subdivision; located of NE/c of S Sheridan Rd and E 86 Place S.

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

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 residential on the north, south and east; S Sheridan Rd and RE zoned residential abuts the site on the west.

**STAFF COMMENTS:**

Based on the submitted drawing it appears that the proposed house will reduce the rear setback to 24 ft.; the applicant has requested a variance to reduce the rear setback to from S. Sheridan Rd. (an arterial road) from 35 ft. to 24 ft. to permit the house as proposed.

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Variance to reduce the street (rear) setback from 35 ft. to 24 ft. along S. Sheridan Rd. (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 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. 13638 (continued)

Commercial Districts) to permit Use Unit 17, automotive and allied activities, in a CS zoned district; and to **DENY** without prejudice a **Variance** (Section 1217.3 - Use Conditions) to permit open air storage or display of merchandise within 300' of an adjoining R district; finding that the applicant was not present at two consecutive meetings; on the following described property:

Begin 758' south of the NW/c of NW/4 of Section 22, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma; Thence south 172', east 245', north 172', west 245' to P.O.B.

Case No. 13639

Action Requested:

Special Exception Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request an exception to permit automobiles sales in a CS zoned district.

Variance - Section 1217.3 - Use Conditions - Request a variance to allow open air storage and display of merchandise within 300' of an adjoining R district, located on the NW/c of Sheridan and Queen.

Presentation:

The applicant, Joe Raniewicz, was not present.

Comments and Questions:

Mr. Jones stated that a message to contact Staff was left at the phone number the applicant had supplied and no response was received.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; Purser "abstaining"; Clugston, "absent") to **DENY** without prejudice a **Special Exception** (Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217) to permit automobile sales in a CS zoned district; and to **DENY** without prejudice a **Variance** (Section 1217.3 - Use Conditions) to allow open air storage and display of merchandise within 300' of an adjoining R district; finding that the applicant was not present at two consecutive Board meetings; on the following described property:

Lots 7 and 8, Block 4, Scaggs Addition, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 13643

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1206 - Request a variance of the 85' setback from the centerline of Sheridan to 80' and of the 50' setback from the centerline of 65th East Avenue, 67th East Place

07.11.85:443(4)

Case No. 13643 (continued)

and 68 East Avenue to 40' to permit construction in an RS-3 zoned district, located north of the NE/c of 86th Place and Sheridan.

Presentation:

The applicant, Hammond Engineering, was represented by Adrian Smith, 5157 East 51st Street, Tulsa, Oklahoma, who submitted a site plan (Exhibit C-1). Mr. Smith stated that the property was recently rezoned from agricultural to RS-3 and with that zoning it would be possible to have as many as 80 lots, but only 62 have been platted for the development. He pointed out that the corner lots are restricted by the two major setbacks and would need the variance in order to build the same size homes on them as the other lots. Mr. Smith informed that the plat has been approved by TMAPC.

Board Action:

On MOTION of WHITE and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Purser, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Variance - (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1206) of the 85' setback from the centerline of Sheridan to 80' and of the 50' setback from the centerline of 65th East Avenue, 67th East Place and 68th East Avenue to 40' to permit construction in an RS-3 zoned district; per plot plan; finding a hardship imposed on the applicant by the two major yard setbacks on the corner lots; on the following described property:

Lots 1, 2, and 15, Block 1, Lots 1, 12, 13 and 24, Block <sup>2</sup> ~~24~~ <sup>Carved into</sup>  
Lots 1, 2 and 13, Block 3, Lot 1, Block 4, Huntington Place, <sup>minutes</sup>  
City of Tulsa, Tulsa County, Oklahoma. <sup>3-20-86</sup>

Case No. 13650

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required 30' street frontage to 20' to permit a lot split in an RS-1 zoned district, located north of NE/c of Peoria and 29th Street.

Presentation:

The applicant, Michael Parrish, was not present.

Comments and Questions:

Mr. Jones informed the Board that Case No. 13650 has been approved by the Planning Commission.

Board Action:

On MOTION of WHITE and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Purser, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to CONTINUE Case No. 13650 until July 25, 1985.

07.11.85:443(5)





Feet

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Subject  
Tract**BOA-22330**

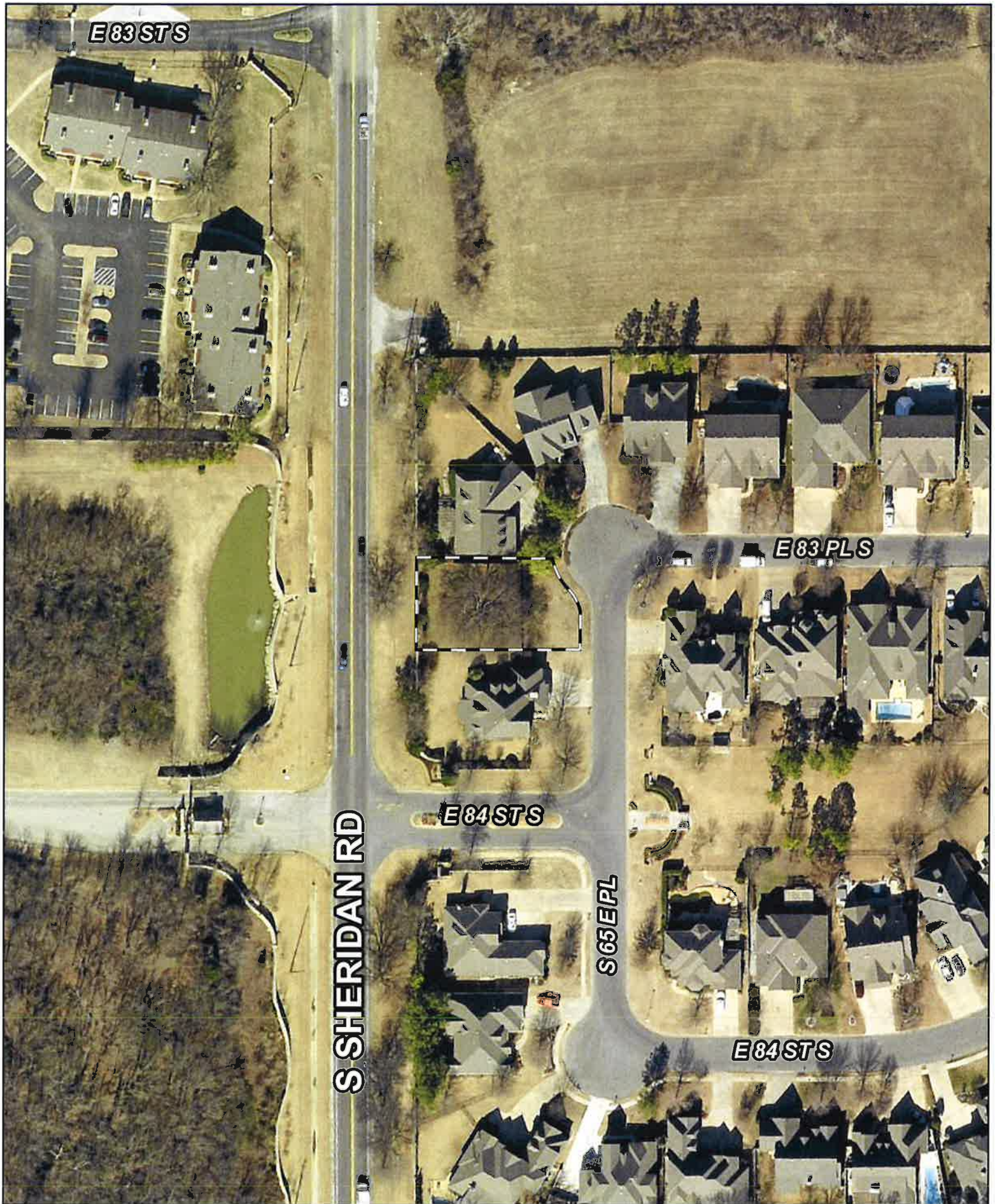
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*Note: Graphic overlays may not precisely align with physical features on the ground.*

*Aerial Photo Date: February 2016*







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Subject  
Tract

**BOA-22330**

18-13 14

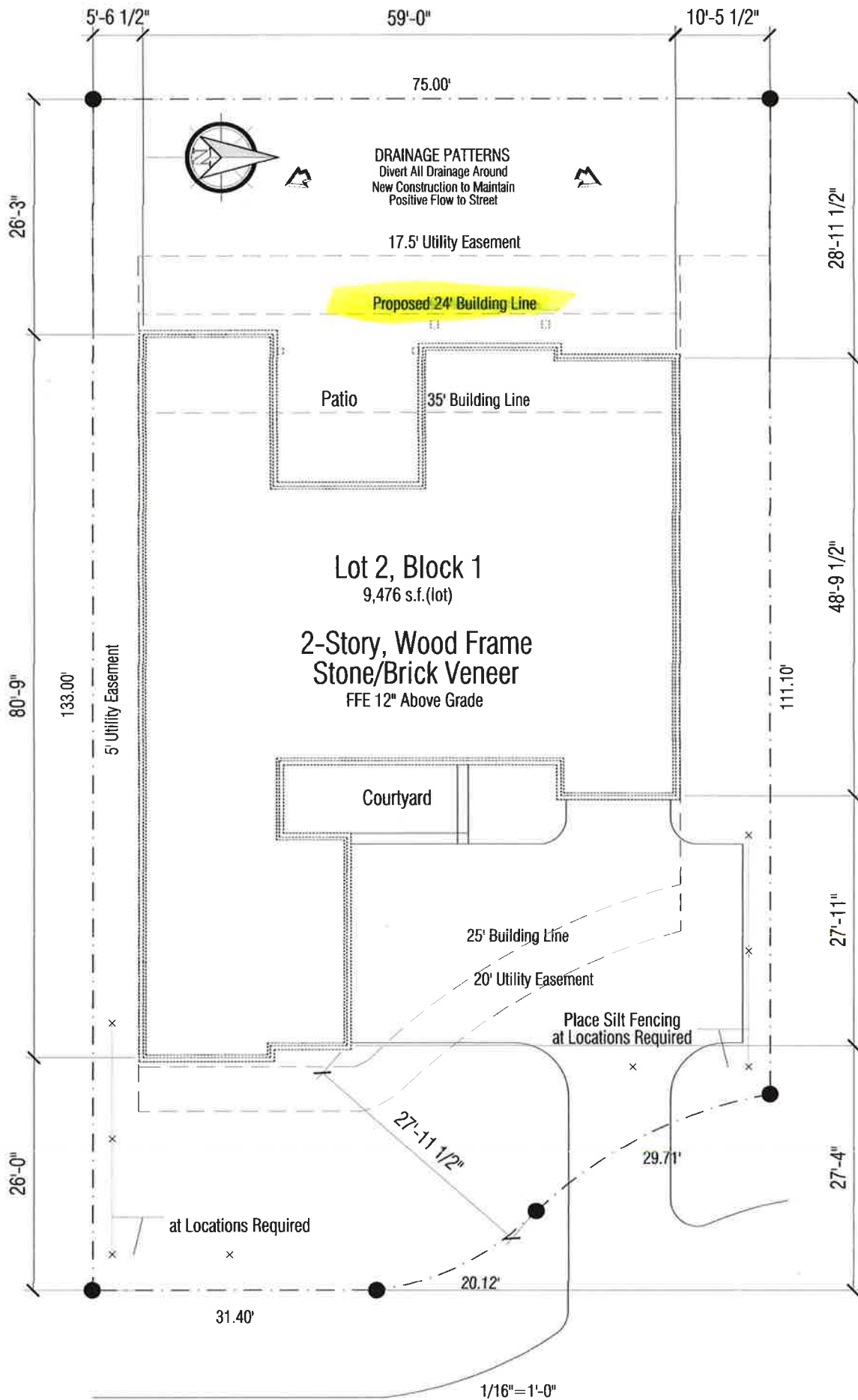
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2016





S. Sheridan Rd



Application No. 427489, 8312 S 65th Pl S, New Construction



**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: 1023119-1**

**August 11, 2017**

**MOHAMMAD ARSHAD**  
**STAR BUILDERS, INC**  
**1701 S DESERT PALM AVE**  
**BROKEN ARROW, OK 74012**

**Phone: (918)640-2063**  
**Fax: (918)286-1484**

**APPLICATION NO: 427489** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
**Location: 8312 S 065 PL E**  
**Description: NEW**

#### **INFORMATION ABOUT SUBMITTING REVISIONS**

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

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

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

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

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

#### **IMPORTANT INFORMATION**

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

(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. 427489

8312 S 065 PL E

August 11, 2017

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

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

### Section 5.030 Lot and Building Regulations

#### 5.030-A Table of Regulations

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

**Review Comments:** The rear setback abutting a primary arterial (S. Sheridan Rd) is 35 feet from the P/L. You may revise the plans with a 35 foot rear set from the P/L of pursue a variance from the BOA to reduce the rear setback abutting S. Sheridan Road from 35 feet from the P/L to 26ft. 3 in.

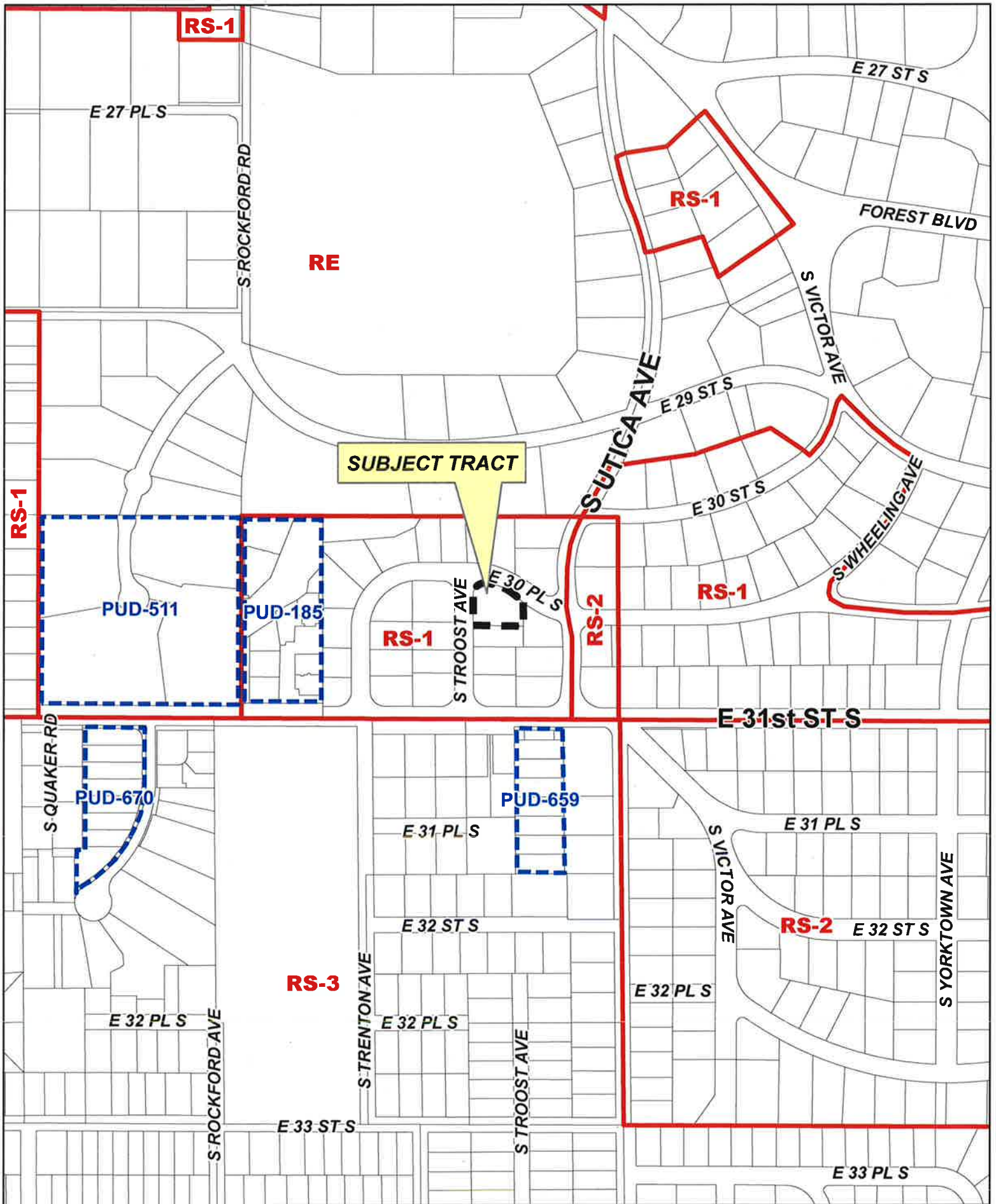
**This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.**

**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.



RS-1

E 27 PL S

S ROCKFORD RD

RE

RS-1

E 27 ST S

FOREST BLVD

S VICTOR AVE

E 29 ST S

E 30 ST S

S WHEELING AVE

SUBJECT TRACT

S UTICA AVE

RS-1

RS-2

RS-1

S TROOST AVE

E 30 PL S

PUD-511

PUD-185

E 31st ST S

S QUAKER RD

PUD-670

PUD-659

E 31 PL S

E 31 PL S

E 32 ST S

E 32 ST S

RS-3

S STRENTON AVE

E 32 PL S

E 32 PL S

E 32 PL S

S ROCKFORD AVE

E 33 ST S

S TROOST AVE

S YORKTOWN AVE

E 33 PL S



BOA-22331

12.1

19-13 18





# BOARD OF ADJUSTMENT CASE REPORT

STR: 9318

Case Number: **BOA-22331**

CZM: 37

CD: 4

A-P#: N/A

**HEARING DATE:** 09/26/2017 1:00 PM

**APPLICANT:** Jack Arnold

**ACTION REQUESTED:** Variance to reduce the front (street) setback from 35 ft. to 25 ft. along E. 30th Place to permit an addition to the existing home (Section 5.030).

**LOCATION:** 1630 E 30 PL S

**ZONED:** RS-1

**PRESENT USE:** Residential

**TRACT SIZE:** 19706.62 SQ FT

**LEGAL DESCRIPTION:** N32 LT 6 & ALL LT 7 & W25 LT 1 LESS W25 S43 LT 1 BLK 3, AVALON PLACE, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Surrounding Properties:**

**BOA 20899;** the Board approved a Minor Special Exception to permit a 5 ft. reduction of the 35 ft. required front yard in the RS-1 district to permit residential construction; located immediately east of the subject site.

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

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

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

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

12.2

**STAFF COMMENTS:**

The applicant provided the following statement with their application: *"The odd shape of the lot and the easements on the lot places limitation on expansion of the building."* Based on the submitted drawing it appears that the proposed addition to the house will reduce the front setback along E 30<sup>th</sup> Place to 25 ft.; the applicant has requested a variance to reduce the front setback to from 35 ft. to 25 ft. to permit the addition as proposed.

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Variance to reduce the front (street) setback from 35 ft. to 25 ft. along E. 30th Place to permit an addition to the existing home (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 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."*

Boulden stated the requirement for a special exception is when the carport is built in the required front yard. He said in this case, the applicant is asking for a variance of the required front yard.

**Interested Parties:**

There were no interested parties who wished to speak.

**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 Minor Special Exception to reduce the required front yard from the centerline of East 33<sup>rd</sup> Place from 50 ft. to 45 ft. (Section 403). In granting the Special Exception, the Board finds that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

BEG 60W OF NEL TH W83 SLY 141.27 TO SL 127W OF SECR E67 N140 POB LT BLK 1, BURGESS ACRES ADDN, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

**Case No. 20899**

**Action Requested:**

Minor Special Exception to permit a 5 ft. reduction of the 35 ft. required front yard in the RS-1 district (Section 403); to permit residential construction, located: 3030 South Utica Avenue.

**Presentation:**

**Philip Doyle**, 2616 East 14<sup>th</sup> Street, Tulsa, Oklahoma. Mr. Doyle said the current house will be demolished and a new house will replace it.

**Comments and Questions:**

Ms. Stead asked if any part of the new house will be two stories. Mr. Doyle said the majority of the house will be one story and only a portion of the garage will be one and a half stories.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On Motion of Stead, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Minor Special Exception to permit a 5 ft. reduction of the 35 ft. required front yard in the RS-1 district (Section 403); to permit residential construction per site plan on page 11.7. In granting the Special Exception, the Board finds that the Special Exception



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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, and as explained by the applicant and indicated by the architectural rendering, on the following described property:

LT 1 LESS W25 & N25 LT 2 LESS W25 N25 BLK 3, AVALON PLACE, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

### NEW BUSINESS

Sam Stokely, 10111 East 45<sup>th</sup> Place, Tulsa, Oklahoma. Mr. Stokely informed the Board that at the February 24, 2009 meeting Case 20859 and Case 20856 were heard and there was no opportunity given to interested parties to speak. He felt that to have a meeting and not recognize any interested parties appeared to go against the rules since public notices were made. He requested that Case 20859 and Case 20856 be put back on the agenda for the next meeting. These cases were for verification of spacing by Whistler Sign Company. Ms. Stead asked Mr. Stokely if he had filed a lawsuit and he stated that he had filed appeals but has dismissal letters ready to submit.

Mr. Boulden informed the Board that Mr. Stokely's request could not be considered as New Business because it was not on the agenda. The Board requested that Mr. Stokely meet with Staff to get his request placed on the agenda for the next meeting.

\*\*\*\*\*

### BOARD MEMBER COMMENTS

Ms. Stead requested a new zoning book. She noted that special exceptions for special events are not coming before the Board. She stated there is a problem in Brookside when there are several Cinco de Mayo celebrations. She said part of the problem is a permit is issued for tents while there is an ongoing case before the Board where the neighborhood has been notified. One person pays for a permit and another person requests permission to come before the Board. Mr. Henke stated he felt it was premature to make judgment without having all the facts. Mr. Alberty explained that there are two ways the Board of Adjustment gets applications. One is volunteered by the owner/applicant or when the owner/applicant has been denied a permit. The Board has no control of the Permitting Office with regard to their determination and interpretation of the Code on how permits are issued.

\*\*\*\*\*





0 200 400  
Feet



Subject  
Tract

**BOA-22331**

19-13 18

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

Aerial Photo Date: February 2016







S. UTICA AVE

E 30th PL S

STROOST AVE

E 31st ST S

0 50 100  
Feet



Subject  
Tract

**BOA-22331**

19-13 18

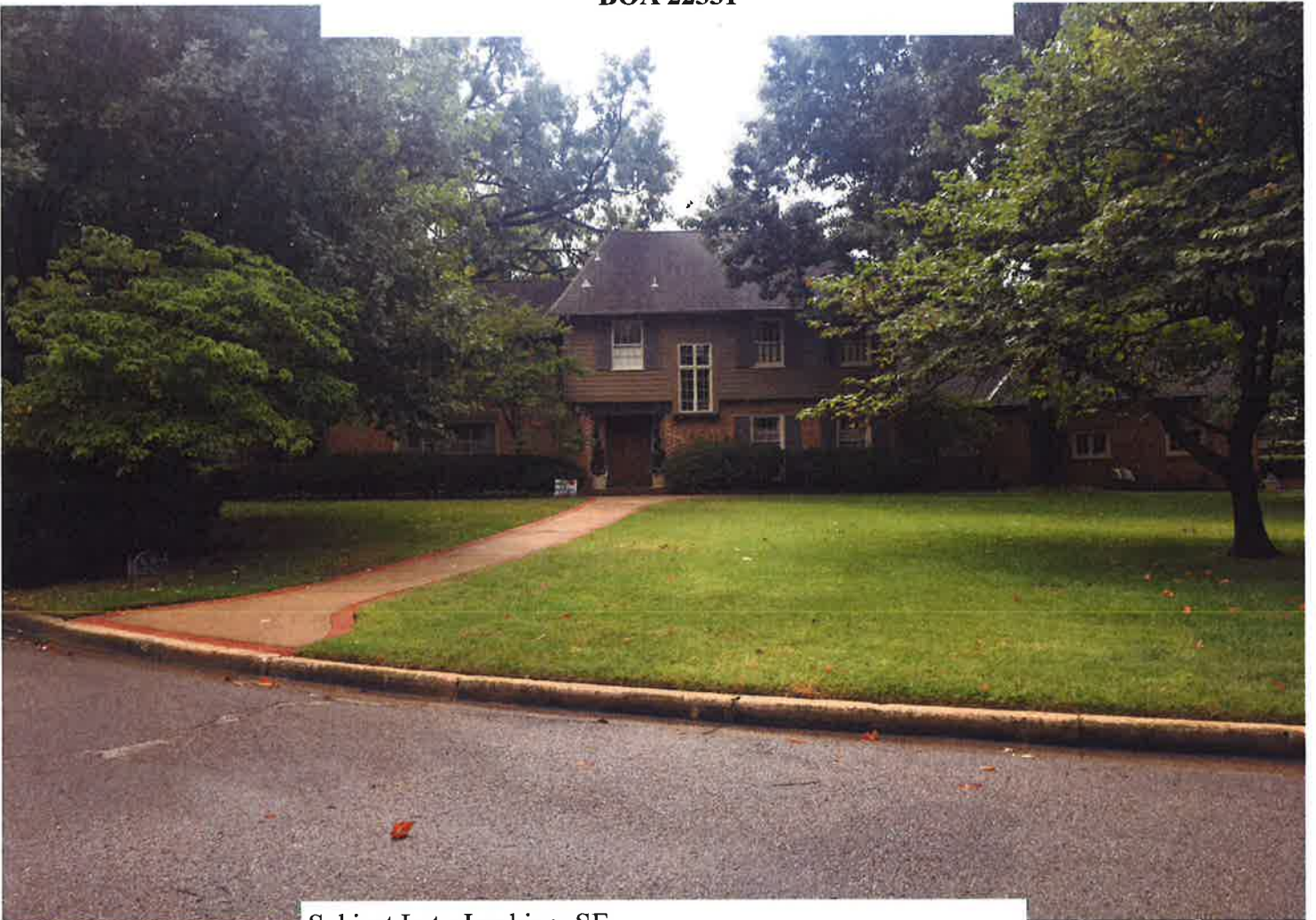
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016

12.7







Subject Lot - Looking SE







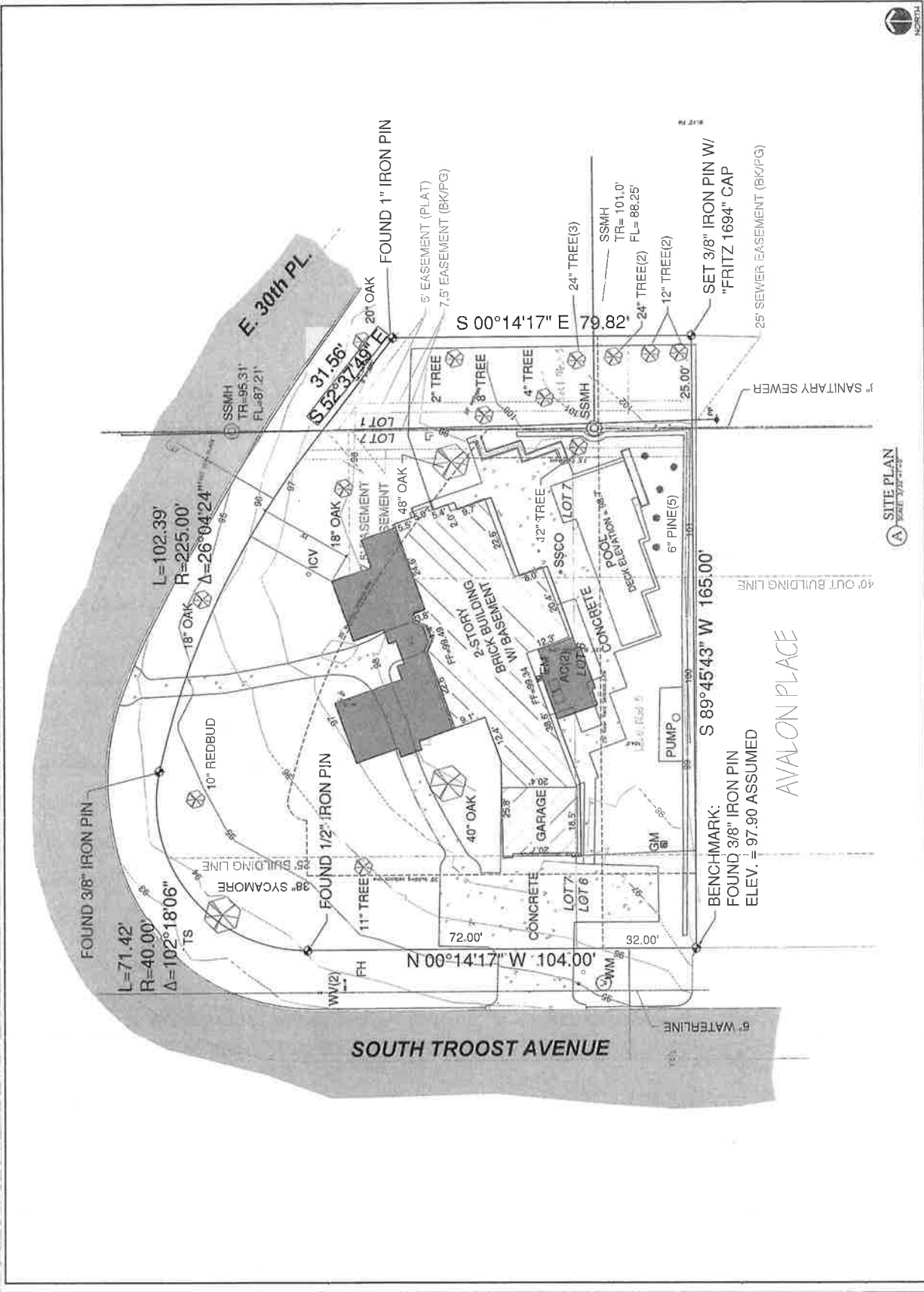
THE ARCHITECTS OF RECORD FOR THIS PROJECT HAVE REVIEWED THE RECORD PLANS AND FOUND THEM TO BE IN ACCORD WITH THE CITY OF OKLAHOMA'S REQUIREMENTS FOR RECORD PLANS. THE ARCHITECTS OF RECORD FOR THIS PROJECT HAVE REVIEWED THE RECORD PLANS AND FOUND THEM TO BE IN ACCORD WITH THE CITY OF OKLAHOMA'S REQUIREMENTS FOR RECORD PLANS.

Tom & Katie Finley  
1630 E. 30th Place, Tulsa, Oklahoma



JACK ARNOLD  
ARCHITECTURAL SERVICES  
1710 South Yale • Tulsa, Oklahoma 74130 • (918) 437-2700 • www.jackarnold.com

SP1



BoA 22331



Jack Arnold  
73105 Yale  
Tulsa, OK 74136

Jack,

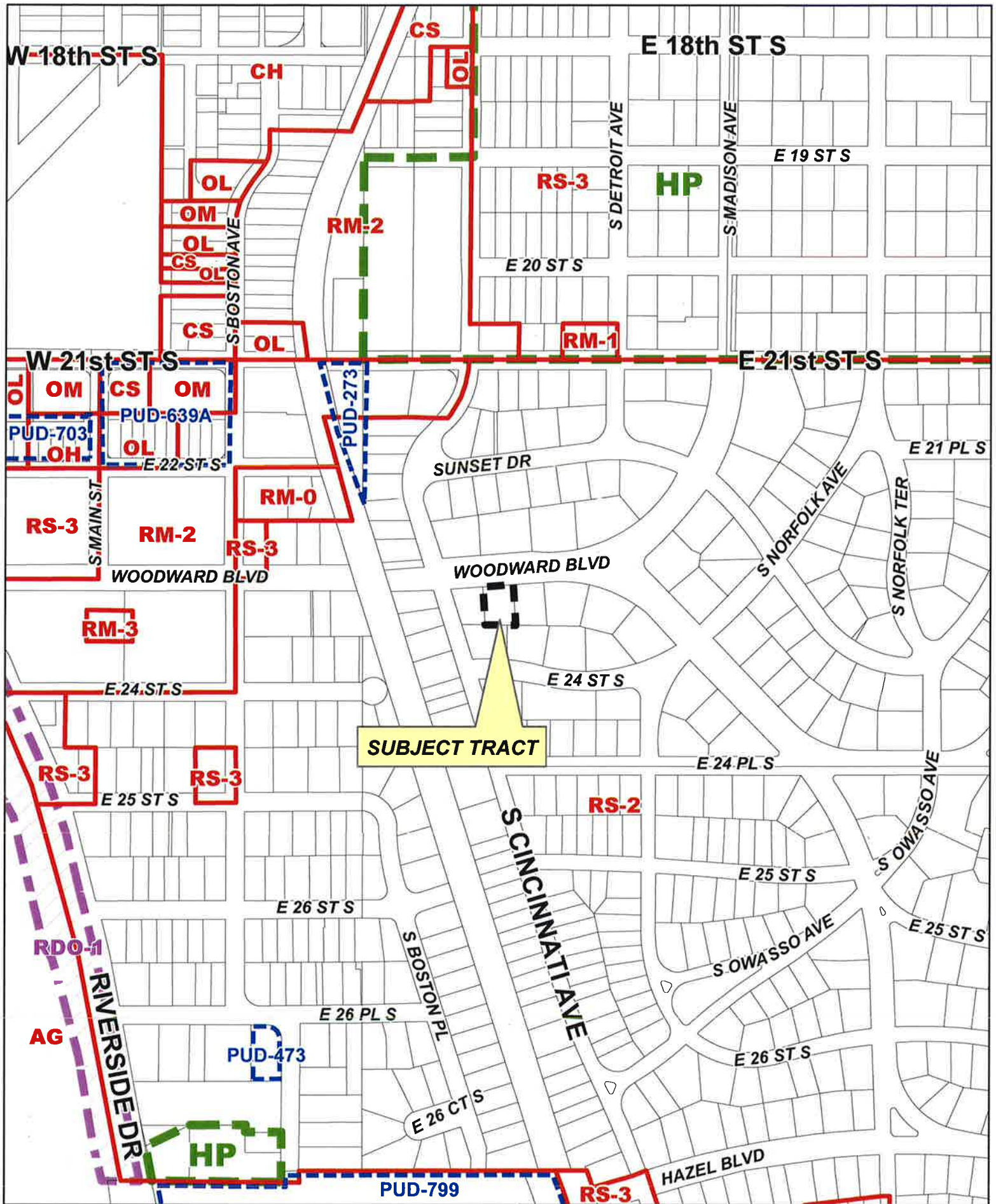
I am very supportive of the addition you have designed for Tom & Katie Finley. They are great neighbors and their addition will be a wonderful enhancement not only to their home but to our neighborhood as well.

I would be happy to support Tom and Katie in anyway. If I can be of any assistance please call.

Thank You,  
John Woolman

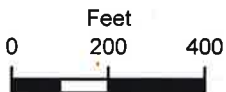
A handwritten signature in black ink, appearing to read "John Woolman", with a large, stylized loop at the beginning.





BOA-22332

13.1



19-12 13



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9213  
CZM: 36  
CD: 4  
A-P#: 427239

Case Number: **BOA-22332**

**HEARING DATE:** 09/26/2017 1:00 PM

**APPLICANT:** Ryan Strode

**ACTION REQUESTED:** **Variance** to allow more than 25% coverage in the rear setback to allow 28.5% coverage; **Variance** to allow a detached accessory building to exceed one story to allow two-stories; exceed 18' in height to allow 24' in height; and exceed 10' at the top of the top plate to allow 17'-1"; **Variance** to increase the permitted size of a detached accessory building from 1852 sq. ft (40% of the principal structure) to 2070 sq. ft. (Section 45.030).

**LOCATION:** 214 E WOODWARD BV S

**ZONED:** RS-2

**PRESENT USE:** Residential

**TRACT SIZE:** 13098.55 SQ FT

**LEGAL DESCRIPTION:** E 50 LT 1 W 50 LT 2 BLK 4, SUNSET PARK AMD, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Surrounding Properties:**

**BOA 21783;** on 10.14.14 the Board **approved** a variance to permit the expansion of a nonconforming structure; variance to allow a 2-story detached accessory building; a variance to increase the allowed height of a detached accessory building from 18 ft. to 20 ft. in the required rear yard; variance of the required setback for a detached accessory building in the required rear yard from 3' to 2' 11". Located at 2221 S Madison Ave; the corner of S Madison Ave and Woodward Blvd.

**BOA 21670;** on 01.14.14 the Board **approved** a variance to increase the maximum height for a detached accessory building from 18 ft. to 25 ft. to permit a pergola; located at the northwest corner of S Madison Ave and Sunset Drive.

**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.

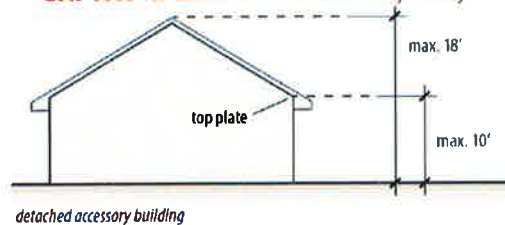
The **Areas of Stability** includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of 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-2 zoned residences.

**STAFF COMMENTS:**

The Code states that detached accessory buildings are limited to a floor area of 500 sq. ft. or 40% of the principal dwelling (whichever is greater). The existing residence on the lot is 4563 sq. ft.; therefore the maximum allowed floor area for detached accessory buildings on the lot is 1852 sq. ft. (40% of the principal residence). The applicant has requested a Variance to increase the maximum permitted floor area of a detached accessory building on the lot to 2070 sq. ft.

*Figure 90-9: Maximum Height of Accessory Buildings In Rear Setbacks (RE, RS and RD Districts or RM Zoned Lots Used for Detached Houses or Duplexes)*



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

*Table 90-2: Accessory Building Coverage Limits in Rear Setback*

Zoning District	Maximum Coverage of Rear Setback
RS-1 and RE Districts	20%
RS-2 District	25%
RS-3, RS-4, RS-5 and RD Districts	30%
RM zoned Lots Used for Detached Houses or Duplexes	30%

- b. Detached accessory buildings in the rear setbacks must be set back at least 3 feet from all interior lot lines. For lot lines abutting street right-of-way, detached accessory buildings must comply with the same setback requirements that apply to principal buildings.

Section 90.090 of the Code permits detached accessory buildings in the RS-3 district to be located in the required rear yard so long as they are limited in height to one story; 18' in height and 10' at the top of the top plate. The applicant has requested a variance to permit a two-story garage/apartment with a height of 17'-1" at the top of the second floor top plate. The applciant has also requested a variance to allow the accessory building to exceed 18' in height to allow a height of 24'.

The Code states that detached accessory buildings can only cover up to 25% of the required 25 ft. rear yard in an RS-2 district. The proposed 2070 sq. ft. building covers 28.5% of the rear setback area. The applicant has requested variance to exceed 25% of coverage in the required rear yard to permit construction of the detached garage/apartment as proposed in the conceptual plan. The applicant provided the following statement: *"The existing structure needs to be replaced and is located in a easement. The proposed detached garage/apartment is for use by the family and will not be rented out"*.



## Sample Motion

Move to \_\_\_\_\_ (approve/deny) a **Variance** to allow more than 25% coverage in the rear setback to allow 28.5% coverage; **Variance** to allow a detached accessory building to exceed one story to allow two-stories; exceed 18' in height to allow 24' in height; and exceed 10' at the top of the top plate to allow 17'-1"; **Variance** to increase the permitted size of a detached accessory building from 1852 sq. ft (40% of the principal structure) to 2070 sq. ft. (Section 45.030).

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

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

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

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a **Special Exception** to allow a car wash (Use Unit 17) in the CS District (Section 701, Table 1), subject to per conceptual plan on page 10.16 with the clarification that the legal stated in the application covers the entire property this approval only affects that which is currently zoned CS. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

**PRT LT 2 BEG NEC TH S450 W281.76 N150 E161.18 N300 E119 POB LESS BEG 93.18W NEC TH W25.82 S20 E25.86 N20 POB BLK 2, VALLEY GLEN SOUTH, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21783—Randy Floyd**

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**Action Requested:**

Variance to allow an increase in a structural nonconformity (Section 1405.A); Variance to allow a two story detached accessory building (Section 210.B.5.a); Variance to allow a detached accessory building with a height of 20 feet in the required rear yard (Section 210.B.5.a); Variance of the required setback for a detached accessory building in the required rear yard from 3'-0" to 2'-11" (Section 210.B.5.b). **LOCATION:** 2221 South Madison Avenue **(CD 4)**

**Presentation:**

**Randy Floyd**, 7720 North Robinson (P. O. Box 2053), Oklahoma City, OK; stated her client purchased the residence in the Maple Ridge Addition approximately five years ago. At the time of purchase there was no usable garage but there was a very small two-story building at the northeast corner of the lot which had been a garage in 1924 when the house was built. This building was a garage on the first floor with a studio apartment on the second floor that an exterior set of stairs leading up to it. At that time the driveway probably paralleled the back property line. The entire garage building had been abandoned because it is too small with low ceiling height. The home owner hired her to design a new garage for the property and asked her to make the abandoned building into a guest quarters for his family. When she investigated it she quickly found out that the building was out of compliance. What the owner would like to do is make the old building a two-story guest quarters with an enclosed stairway so people move from the living area downstairs to the bedroom area upstairs without going outside. The enclosed stairway would be a small addition to the building which increases the non-conformity.

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Mr. Van De Wiele asked if the building would be a garage as well as guest quarters. Ms. Floyd stated that it would not because there will be a new garage erected. The new garage will be on the west side as presented on the site plan. There is nothing out of compliance with the new garage, it is simply a question of can the owner build the small enclosed staircase onto the existing two-story building. In her estimation it would be a shame to raze the building because it is a historic building within a historic neighborhood.

Mr. White asked Ms. Floyd if she had spoke with any of the neighbors or received any input from the neighbors. Ms. Floyd stated that her client informed her that they have not heard from any of the neighbors.

Mr. Van De Wiele asked Ms. Floyd how tall the new proposed garage will be. Ms. Floyd stated the new garage will be one story and will be in compliance, and will not have a top plate over ten feet.

Mr. Van De Wiele asked Ms. Floyd how the structural non-conformity was being increased in the existing garage. Ms. Floyd stated that she has been told that is an increase in the cubic volume of the building by adding the stair.

Ms. Snyder asked Ms. Floyd if she was making the existing stair wider. Ms. Floyd stated there is an existing stair on the north side of the building and it is completely up to the property line and actually is built on the utility easement. She wants to build the enclosed stair on the south side of the building which will be done by adding a small addition to the garage to allow for the building of the enclosed stair.

Mr. White asked Ms. Floyd if this meet the fire code. Ms. Floyd stated that any codes will be dealt with by the Development Department. Mr. White asked if it was a requirement to have a stairway. Ms. Floyd stated that if the building is not used there is no need for a stairway.

Mr. Van De Wiele asked Ms. Floyd if there was a stairway on the back outside of the building. Ms. Floyd answered affirmatively. Mr. Van De Wiele asked Ms. Floyd if she was going to remove the existing outside stairs and then cut through the second floor on the inside of the building and install stairs going to the first floor, or are the new stairs going to be added to the outside of the building. Ms. Floyd stated it is actually a little of both. The stairs will be added to the outside of the building which be about a five foot by eighteen foot addition to the building with a slight remodel to the inside of the building to contain the stairs. At this point Ms. Floyd used page 11.15 on the overhead projector to point out the new stairwell addition.

Ms. Snyder asked if the building was currently existing at 20 feet in height as depicted on the site plan. Ms. Floyd answered affirmatively. Ms. Floyd stated that the non-conformities are that the building has a 20 foot top plate height and that it is only 2'-11" from the north property line.



BOA-21783

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Mr. Henke asked Ms. Floyd if she had an elevation depicting what the project will look like from the street. Ms. Floyd stated that she did but was not asked for it. The lot is pretty high and she does not think anyone will be able to see the old building from the street unless it is a small portion of the roof.

Mr. Van De Wiele asked Ms. Floyd if all she was before the Board for today is the small 5 x 18 addition to the existing garage. Ms. Floyd answered affirmatively. Ms. Floyd stated the client is within the allotted square footage for accessory buildings.

Mr. Van De Wiele asked if the two buildings were connected in some way. Ms. Floyd stated they are not connected. The small building is two-story and the new larger building is one story.

Mr. White asked Ms. Floyd if the roof of the one story encroaching the property to the east, because it looks like the upper right corner does. Ms. Floyd stated it is on the setback, and she is not requesting a Variance. The City has reviewed the plans and they did say anything about encroachment.

Ms. Snyder asked if the the enclosed stairway is the only thing being done to the existing building. Ms. Floyd stated the building will be remodeled into guest quarters. There will be a small kitchen installed, a bedroom, closet space, and a living area.

Mr. Van De Wiele asked Ms. Miller if the Board can allow two residences on one lot of record. Ms. Floyd stated that issue has already been resolved. There was a letter written stating there will not be two families living on the lot.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **SNYDER**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to allow an increase in a structural nonconformity (Section 1405.A); Variance to allow a two story detached accessory building (Section 210.B.5.a); Variance to allow a detached accessory building with a height of 20 feet in the required rear yard (Section 210.B.5.a); Variance of the required setback for a detached accessory building in the required rear yard from 3'-0" to 2'-11" (Section 210.B.5.b). This approval for the expansion is per plan as shown on page 11.15, referring to the single building located in the northeast corner of the subject lot. All the Variance approvals referred to in this motion all refer to the single story building in the northeast corner. The approved expansion is to permit a stairwell on the south side of the existing non-conforming building. In granting this Variance the Board has found that this is an existing non-conforming building and the existing stairwell needs to be changed thus the approval for

BOA-21783

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a new stairwell. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**LT 2 LESS BEG NORTHERNMOST COR TH SWLY 12 SELY 90 SELY TO NEC LT 2 TH NWLY 120 POB BLK 9, SUNSET PARK AMD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**Mr. Tidwell left the meeting at 2:29 P.M.**

**21785—Llon H. Crenden**

**Action Requested:**

Variance to increase the cubic content of a non-conforming structure (Section 1405.A); Variance to allow a two story building in an OL District (Section 603, Table 3); Variance to reduce the setback from 100 feet to 65 feet from the centerline of South Harvard Avenue (Section 603, Table 3). **LOCATION:** 3305 East 45<sup>th</sup> Street (CD 9)

**Mr. Tidwell re-entered the meeting at 2:32 P.M.**

**Presentation:**

**Llon Crenden**, 3305 East 45<sup>th</sup> Street, Tulsa, OK; stated this is for his orthodontic office which is growing and expanding. The expansion will allow for a better work flow and staff.

Ms. Snyder asked if the existing building currently sits at the setback presented. Mr. Crenden answered affirmatively. Ms. Snyder asked Mr. Crenden if he knew what the current setback is. Mr. Crenden stated the setback is currently 100 feet from the centerline of South Harvard and the building is approximately 65 feet.

Mr. Van De Wiele asked if the new addition was going to be the full height of the tallest part of the existing building. Mr. Crenden stated that it will be close. The building is not currently a two-story building but it is pitched as though it is. The roofline will roughly be the same. It will not be the tallest looking building on the street because it is at the bottom of the hill.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a **Special Exception** to increase the height of a fence in the required front yard from 4 feet to 8 feet (Section 210.B.3), subject to per plans 10.14, 10.15 and 10.16. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

**LT 8, BLK 1, 41ST STREET & LEWIS ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21670—Steve Olsen**

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**Action Requested:**

**Variance** to increase the maximum height for a detached accessory building from 18 feet to 25 feet to permit a pergola (Section 210.B.5.a). **LOCATION:** 2202 South Madison Avenue East (CD 4)

**Presentation:**

**Steve Olsen**, 3303-A South Harvard, Tulsa, OK; stated this request is for a detached pergola on top of an existing carport. The main house sits higher than the garage, and the owner would like to keep the pergola in the style of the house. The garage is in the same style as the house except it has a flat roof, so the owner would like to use roof as a covered area for the kids play. There is an existing evergreen screening border between the subject property and the neighbor.

Mr. Tidwell asked if there would be anything installed on top of the proposed pergola since it will be 25 in height. Mr. Olsen stated there would be nothing added, the 25 feet is the finished elevation.

**Interested Parties:**

**Steve Welch**, 219 Sunset Drive, Tulsa, OK; stated he is a neighbor of the property owner and lives three doors away. He is the President of the Maple Ridge Neighborhood Association. He is in favor of the proposed project. The garage is not in harmony with the house and by adding a pergola with a tile roof will make a big difference.

**Comments and Questions:**

None.



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BOA-216-70

**Board Action:**

On MOTION of SNYDER, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a **Variance** to increase the maximum height for a detached accessory building from 18 feet to 25 feet to permit a pergola (Section 210.B.5.a), subject to conceptual plan 11.25. Finding that the existing structure at this time is not in harmony with the neighborhood and adding the rooftop pergola will make the building fit in with the character of the neighborhood and the existing home on the subject property. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**LOT 7 BLK 5, SUNSET PARK AMD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21117-A—Jeremy Perkins**

**Action Requested:**

Modification of the conditions of a previously approved Variance (BOA-21117) to allow the second story to be used more than just storage area and to eliminate the condition of electricity being the only utility. **LOCATION:** 2116 East 24<sup>th</sup> Street South (CD 4)

**Presentation:**

**Jeremy Perkins**, 2200 South Utica Place, Suite 216, Tulsa, OK; stated the original request for an accessory building was approved in 2010. The conditions placed on that approval was to use the space only as an attic. Since that time the owner has decided he would like to utilize the space for more than an attic. The owner would like to now utilize the space as a game room and have more utilities other than just electricity.

Mr. Henke asked if there were any plans to rent the proposed space. Mr. Perkins stated that the City of Tulsa will not allow it. Part of the approval from the City is that the home owner sign a letter stating the space will not be rented and will solely dependent upon the home for the utilities.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

01/14/2014-1108 (19)

13.10





0 200 400  
Feet



Subject  
Tract

**BOA-22332**

19-12 13

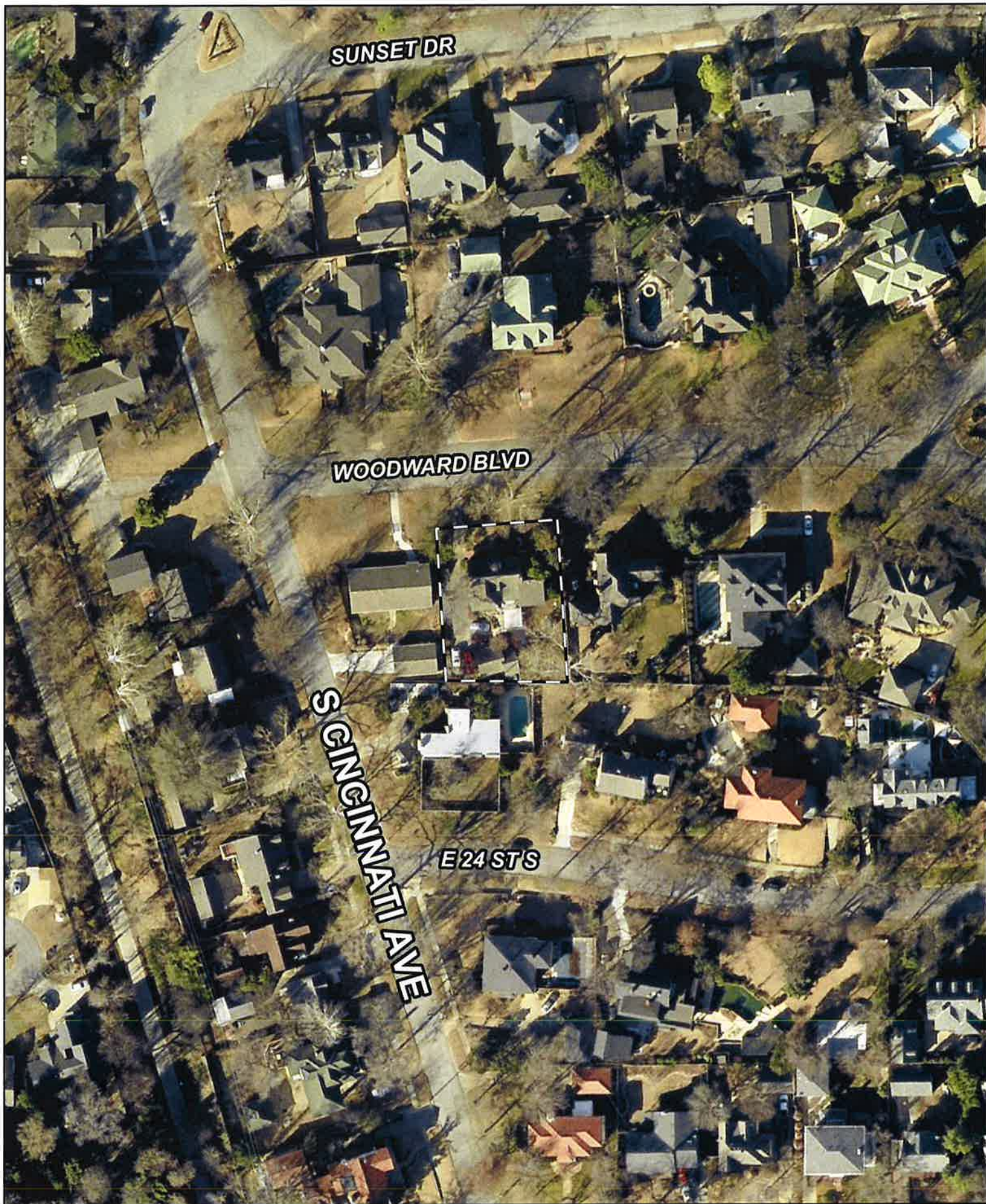
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016



13.11





SUNSET DR

WOODWARD BLVD

S CINCINNATI AVE

E 24 STS

0 50 100  
Feet



Subject  
Tract

**BOA-22332**

19-12 13

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

Aerial Photo Date: February 2016



13.12



BOA 22332





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**STRODE  
DESIGN**  
DESIGN & PLANNING  
REGISTERED & QUALIFIED  
RYAN STRODE  
ASSOC. AIA  
918.607.4192  
RYAN@STRODEDESIGN.COM

NO.	DATE	REVISION

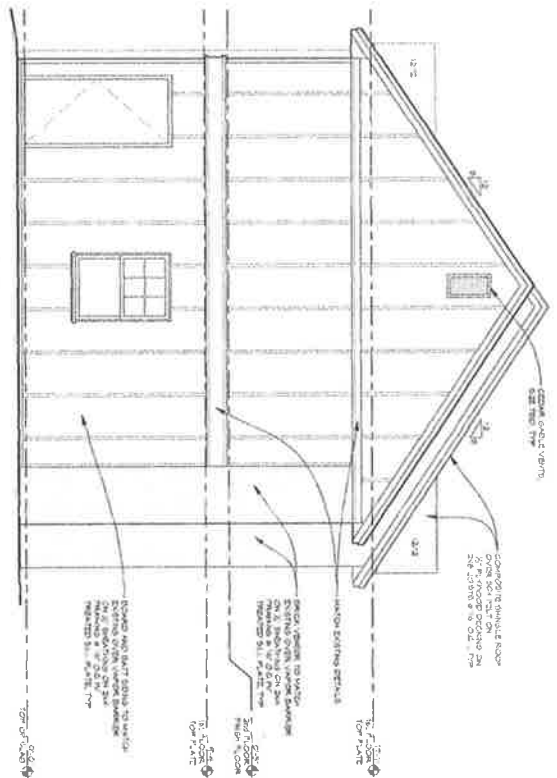
**BARNES RESIDENCE**  
**214 S WOODWARD BLVD**  
**TULSA, OK 74114**

21 JULY, 2017

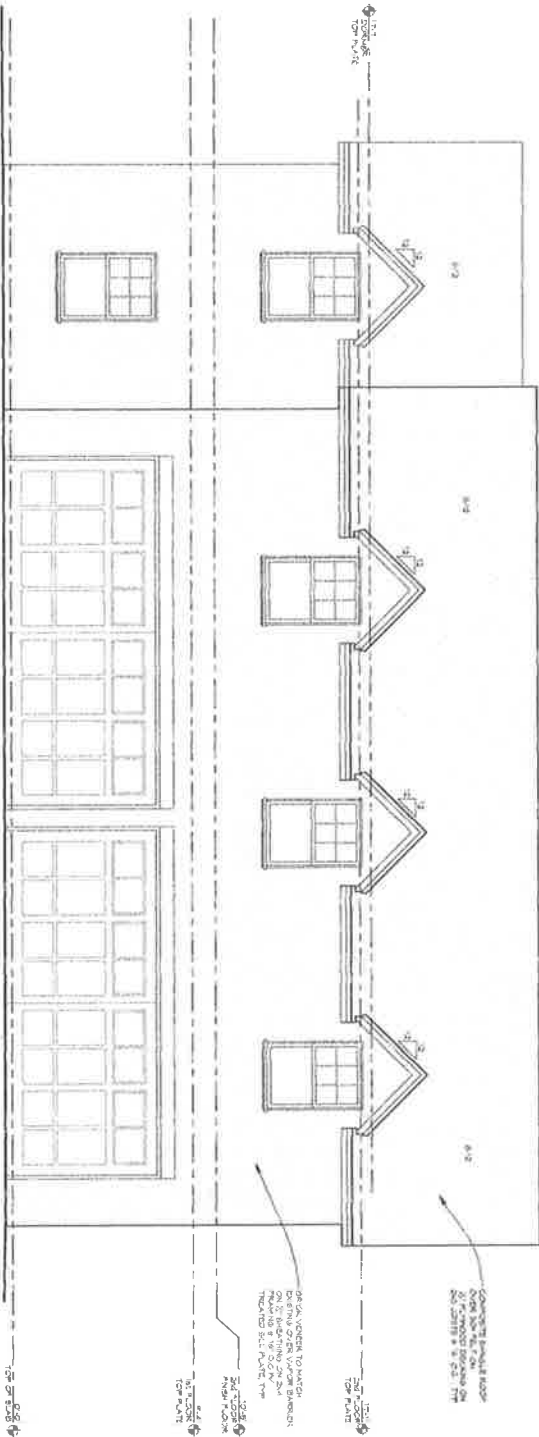
SCALE AS NOTED

SITE PLAN

SP1.0



**2 EAST ELEVATION**  
SCALE: 1/8\"/>



**1 NORTH ELEVATION**  
SCALE: 3/8\"/>

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**STRODE  
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DESIGN & PLANNING  
RESIDENTIAL & COMMERCIAL  
**RYAN STRODE**  
ASSOCIATES  
918.607.4192  
RYAN@STRODEDESIGN.COM

NO.	DATE	REVISION

**BARNES RESIDENCE**  
**214 S WOODWARD BLVD**  
**TULSA, OK 74114**

21 JULY, 2017

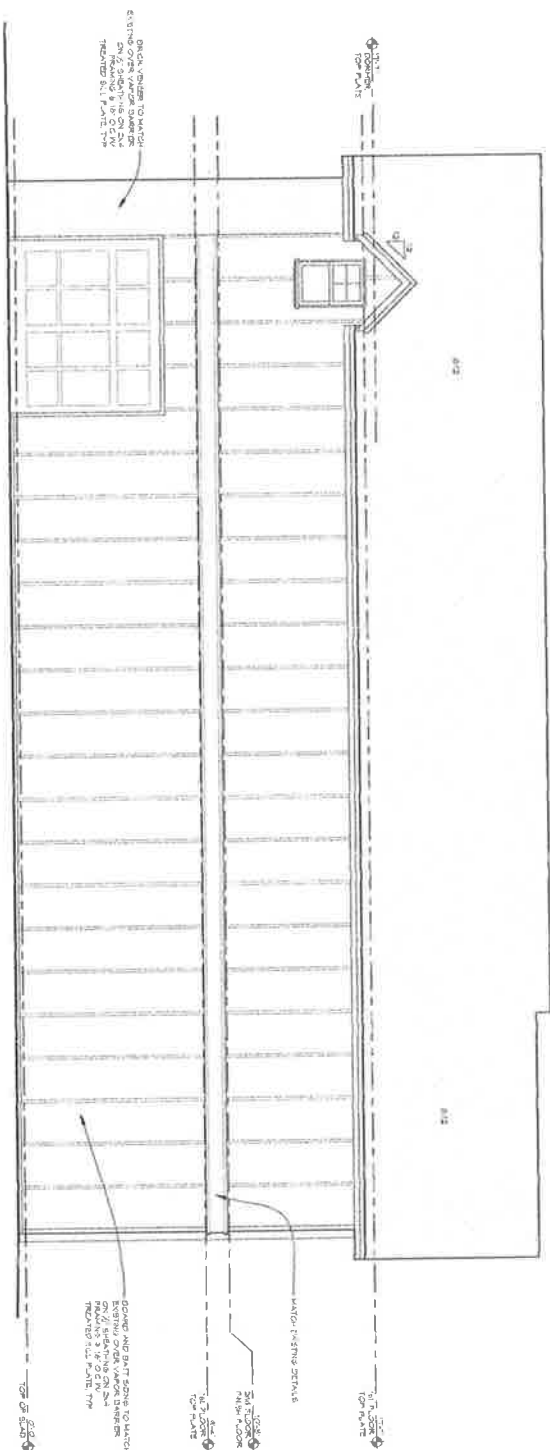
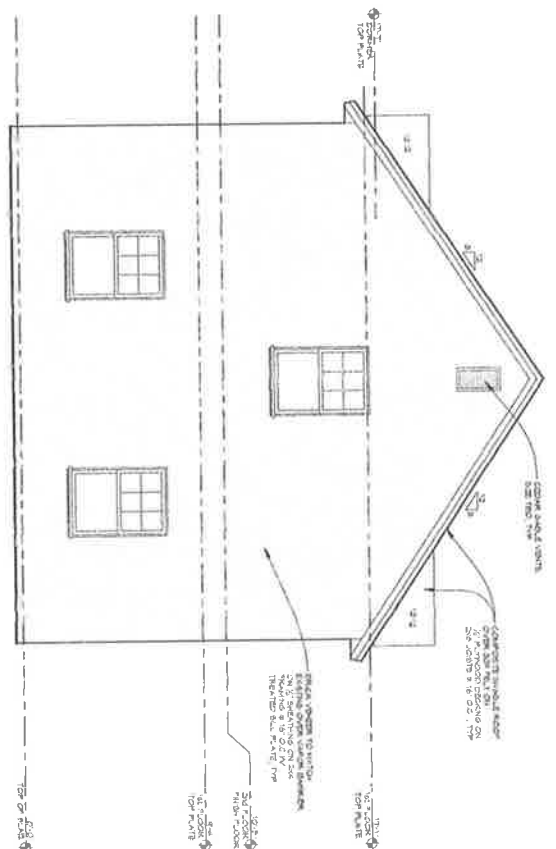
SCALE: AS NOTED

**GARAGE  
EXTERIOR  
ELEVATIONS**

**A2.0**

13.15





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DESIGN  
DESIGN & PLANNING**  
RESIDENTIAL & COMMERCIAL

1995-1996

RYAN STRODE  
ASSOC. AIA

ASSOC. AIA

918.607.4192

www.ericson.com

NO	DATE	REVISION

BARNES RESIDENCE  
214 S WOODWARD BLVD  
TULSA, OK 74114

214 S WOODWARD BLVD  
TULSA, OK 74114

TULSA, OK 74114

21 JULY, 2017

SCALE: AS NOTED

**GARAGE  
EXTERIOR  
ELEVATIONS**

571

A.2.1

13.16

22'0" OVERALL FRAMING

17'-0"

11'-6"

5'-0" x 7'-0"

BATH

LIVING

DINING

KITCHEN

STAIRS

11'-6"

11'-6"

17'-0"

22'0" OVERALL FRAMING

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13.17

**Moye, Nikita**

---

**From:** Cathy D. [cathydeuschle@gmail.com]  
**Sent:** Friday, September 15, 2017 1:44 PM  
**To:** Moye, Nikita; esubmit  
**Subject:** case # BOA-22332

Dear Ms. Moye, Tulsa Board of Adjustment, and Land Use Staff,

I am writing to request that you deny the applicant, Ryan Strode, the three variances he seeks for an accessory structure at the Barnes residence at 214 E. Woodward Blvd. Because I must be out of town during the meeting, I ask that this letter be presented to the Board of Adjustment in lieu of my attendance.

My husband and I have lived at 225 E. 24th St. for 27 years and have noticed a gradual yet substantial deterioration in the quality of life in our neighborhood due to increased building density. There is less privacy, less green space, more noise, and more traffic. In short, Mapleridge is losing the serenity and charm that attracted us here to begin with.

The Barnes's house is already quite large and further building on the property would create an intrusive eyesore to the neighbors behind and beside them. Please advocate on behalf of commonsense and this community by denying the variances for 214 E. Woodward Blvd.

Respectfully yours,

Cathy Deuschle



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: 1022459-1

August 10, 2017

RYAN STRODE  
STRODE DESIGN LLC  
3411 S 184TH W AVE  
SAND SPRINGS, OK 74063

Phone: (918)607-4192

APPLICATION NO: **427239** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: 214 E WOODWARD BL S  
Description: NEW

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

13.19

## 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. 427239

214 E WOODWARD BL S

August 10, 2017

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

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

### 1. 35.010-A Detached House

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

#### Review Comments:

1. Provide a written statement describing the use of the second story "apartment", and that its use is NOT designated for use by a family that is independent of the occupants of the primary residence, or
2. Obtain a Variance from the Board of Adjustment (BOA), to permit two Detached Houses per one lot of record, if it is a dwelling unit designated for use by a family that is independent of the occupants of the primary residence.

### 2. 90.090-C.2) Detached Accessory Buildings

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

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

#### Review Comments:

The rear setback is defined as the minimum distance set out by the zoning code of open unoccupied space between the rear lot line and the required rear setback (in your case, 25 feet from the rear property line). A maximum 30% area can be covered by the accessory building; (100.46' X 25' X 25%) allows 628 sq ft of coverage. You are proposing 716 sq ft of coverage in the rear setback. Revise your plans to show compliance or apply to BOA for a variance to allow more than 25% coverage in the rear setback.

13.20

### 3. 90.90.C: Detached Accessory Buildings

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

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

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

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

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

**Review comments:** You are proposing 2070 sq ft of detached accessory structure floor area. The proposed detached structure exceeds 500 sq ft and 40% of the size of your house. Based on the size of your house (4563 sq ft) you are allowed 1825 sq ft of detached accessory structures floor area on your lot. Reduce the size of your proposed detached accessory structure to be less than 1825 sq ft of total floor area or apply to BOA for a variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure.

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

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

### END – ZONING CODE REVIEW

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

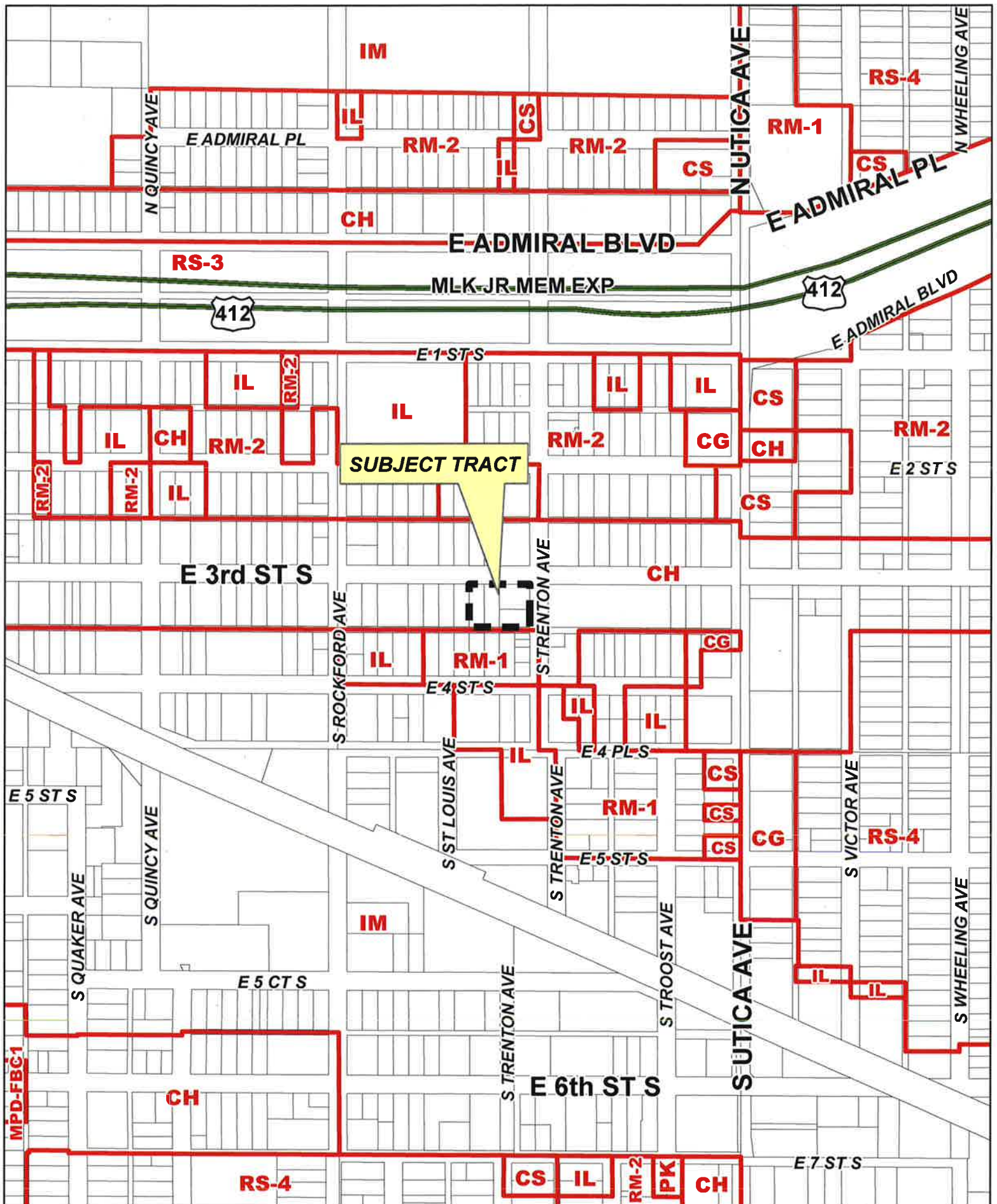
KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.



**ITEM #14:**

**BOA-22333 – WALLACE ENGINEERING**

**STAFF REQUESTS A CONTINUANCE TO THE  
OCTOBER 10, 2017 HEARING DATE TO  
CORRECT A MISTAKE IN THE LEGAL  
DESCRIPTION**



BOA-22334

15.1



19-13 06



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9306  
CZM: 37  
CD: 4  
A-P#: 9207

Case Number: BOA-22334

**HEARING DATE:** 09/26/2017 1:00 PM

**APPLICANT:** Jim Beach

**ACTION REQUESTED:** Special Exception to allow an outdoor assembly use in a CH district (Sec. 15.020).

**LOCATION:** SW/c of S TRENTON AV E and E 3 ST S      **ZONED:** CH

**PRESENT USE:** Recording Studio

**TRACT SIZE:** 27996.13 SQ FT

**LEGAL DESCRIPTION:** LTS 1 & 2 BLK 5; LTS 3 & 4 BLK 5, MIDWAY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Lot:**

**BOA 15786;** on 07.23.97 the Board **approved** a variance of the required all-weather material for an off-street parking area to permit gravel, and **denied** variance of the screening requirement between an abutting R district and the off-street parking area.

**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 pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips.

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is abutted by RM-1 zoned residences on the south; CH zoning on the east and west; E 3<sup>rd</sup> Street and CH zoning abuts the site on the north.



**STAFF COMMENTS:**

As shown on the attached plan the applicant is proposing an outdoor entertainment area south of the existing building on the site. Outdoor Entertainment/Assembly uses are those uses that provide gathering places for participant or spectator recreation, entertainment or other assembly activities. The applicant has requested a special exception as the proposed an outdoor assembly area is use not permitted by right in the CH district due to potential adverse affects, but which if controlled as to its relationship to the surrounding neighborhood may be permitted. Assembly and entertainment uses may also provide incidental food or beverage service on site.

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

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Special Exception to allow an outdoor assembly use in a CH district (Section 15.020).

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

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

Case No. 15785

Action Requested:

Special Exception to permit a Salvation Army recreation center in an RM-1 zoned district - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5, located south of SE/c West 21st Street and South Olympia Avenue.

Comments and Questions:

Mr. Chappelle stated that he will abstain from hearing Case No. 15785.

Presentation:

The applicant, **Dana M. Hutson**, 806 South New Haven, Tulsa, Oklahoma, stated that he is a building contractor, and explained that the structure in question will be located on property abutting the existing Salvation Army facility. He stated that the property is owned by the City and will be leased to the Salvation Army for a period of 50 years. A site plan (Exhibit G-1) was submitted.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-1 (Bradley, Bolzle, White, "aye"; no "nays"; Chappelle, "abstaining"; Fuller, "absent") to **APPROVE** a **Special Exception** to permit a Salvation Army recreation center in an RM-1 zoned district - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5; per plot plan submitted; finding the use to be compatible with the surrounding neighborhood, and in harmony with the spirit and intent of the Code; on the following described property:

All of Lots 7 through 15, inclusive and Lots 34 through 42, inclusive, Block 33, Amended Plat of West Tulsa Addition and that part of alley lying in Block 33 described as: Beginning at the northwest corner of Lot 7; thence south to the southwest corner of Lot 15, west 20' to the southeast corner of Lot 34, north north the northeast corner of Lot 42; thence east 20' to the POB, City and County of Tulsa, Oklahoma.

Case No. 15786

Action Requested:

Variance of the required all-weather material for an off-street parking area to permit gravel - **Section 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREA** - Use Unit 10.

Variance of the screening requirement between an abutting R District and the off-street parking area - **Section 1303.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREA** - Use Unit 10, located 1534 -1538 East 3rd Street.

Presentation:

The applicant, **Curtis Barrett**, 1529 East 3rd Street, Tulsa, Oklahoma, stated that the only residential property near the lot in question is across the alley to the south, with industrial and commercial zoned lots on the remaining three sides. He pointed out that his property is located in an area that has a high theft rate, and the screening fence would provide protection for this type of activity. Mr. Barrett informed that his large equipment with metal cleats will be damaged if driven on concrete or blacktop.

Comments and Questions:

Mr. Jackere inquired as to the actual use of the property, and the applicant stated that the lot is used for equipment storage. He informed that there is not a building on the property.

In response to Mr. Jackere, Mr. Barrett stated that the number of vehicles on the property could range from very few to a large number.

Ms. Bradley asked Mr. Barrett where the entrance to the lot is located and he replied that the access point is on 3rd Street. He stated there is a gate located on the alley, but it has not been used. The applicant stated that the large equipment is transported to the job site by truck.

Mr. Bolzie asked if lighting has been installed on the property, and the applicant stated that there is not an electric meter on the lot.

Interested Parties:

**Candy Parnell**, Code Enforcement, stated that she received a complaint concerning Mr. Barrett's property on February 2, 1991. She informed that during investigation of the complaint she found that the lot is not screened from the residential property across the alley to the south, and that vehicles are being parked on gravel surface.

In response to Mr. Bolzie, Ms. Hubbard stated that the use is permitted by right in a CH District.

Protestants:

**Steve Ripley**, 304 South Trenton, Tulsa, Oklahoma, submitted photographs (Exhibit H-1) and stated that he is the property owner to the east of the lot in question. Mr. Ripley explained that he was the previous owner of the property and sold it to the applicant to build a parking lot for his trucks, but was unaware that he intended to park bulldozers and other large equipment on the lot. He stated that the neighborhood is opposed to the industrial use of the lot, such as welding and the storage of gravel and pipe. Mr. Ripley stated that the large vehicles create a dust and noise problem for the surrounding property owners.

Ms. Hubbard stated that she was not aware that gravel and pipe were being stored on the property.



Applicant's Rebuttal:

Mr. Barrett stated that during a slack work period he instructed the welder to make a cooker for his personal use and that no other welding has been done on the property.

Mr. Jackere asked if welding will be done in the future, and Mr. Barrett replied that there will be no welding done on the lot.

Ms. Bradley inquired as to the use of the property to the west of the subject property, and the applicant replied that he owns the houses to the west, which are used for rental purposes.

In response to Ms. White, Mr. Gardner informed that the Comprehensive Plan calls for industrial uses in the area, and much of the property has been rezoned for industry. He stated that screening is not required if all the property is zoned industrial, but an all-weather surface would be required for any type of business.

In response to Mr. Jackere, the applicant informed that all heavy equipment sales lots are covered with gravel to prevent damage by the metal cleats. He stated that some of his equipment has rubber tires and could be parked on a hard surface. Mr. Jackere pointed out that the use is unique in that some of the equipment cannot be parked on a hard surface.

There was discussion concerning the feasibility of paving a portion of the lot, and the applicant questioned whether or not there would be sufficient space to maneuver the cleated equipment on the lot and avoid driving on the hard surface.

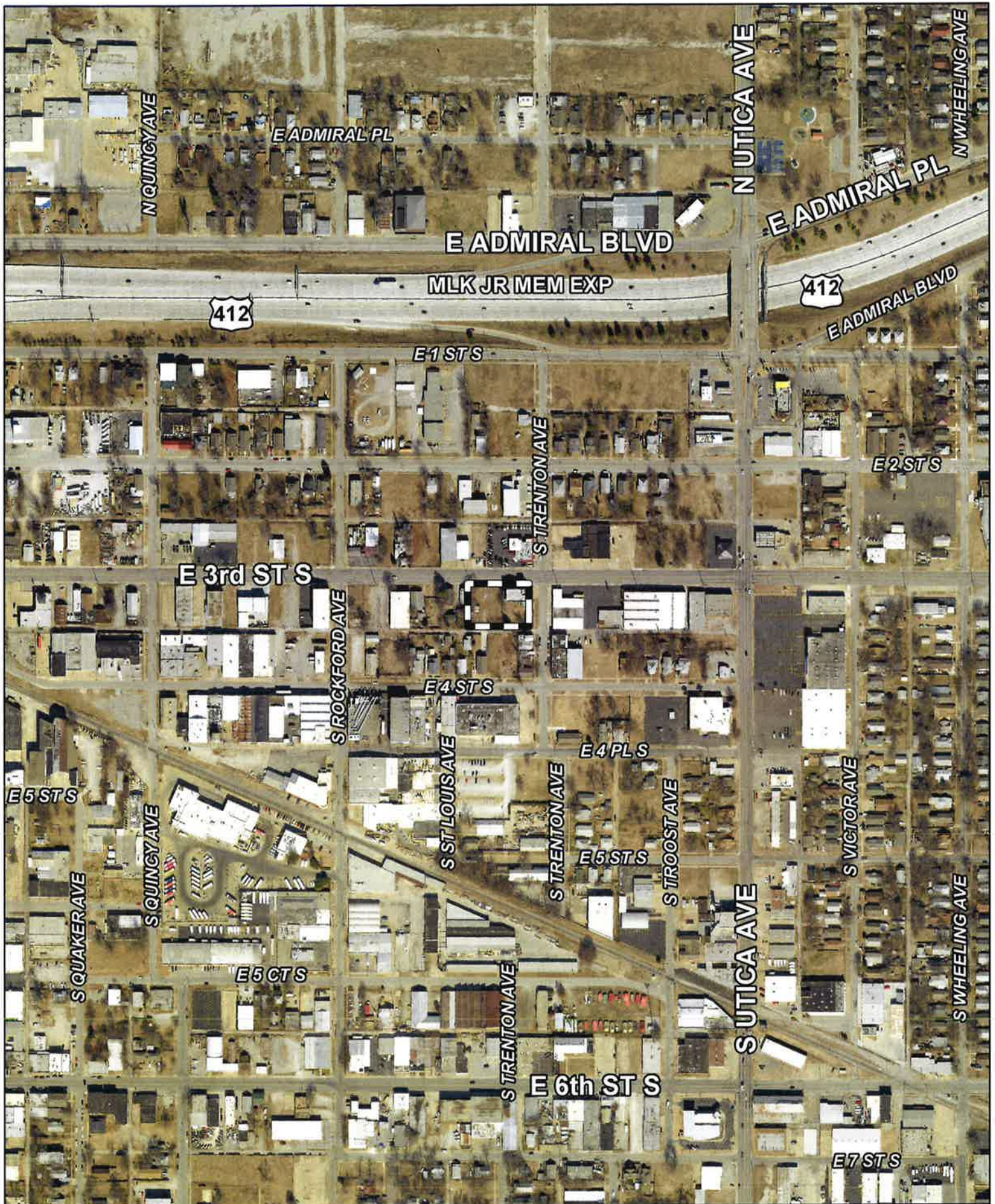
In response to Mr. Bolzie, Mr. Gardner explained that many of the gravel parking lots in the older area are non-conforming.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Bolzie, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** of the required all-weather material for an off-street parking area to permit gravel - **Section 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREA** - Use Unit 10; and **DENY** a **Variance** of the screening requirement between an abutting R District and the off-street parking area - **Section 1303.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREA** - Use Unit 10; subject to the variance of the all-weather surface being approved only so long as the lot is used for the parking of metal cleated equipment; finding a hardship demonstrated by the fact that the heavy cleated equipment cannot be parked on the hard surface material required by the Code; and finding that a variance of the screening requirement would be detrimental to the residential area to the south; on the following described property:

Lots 3 and 4, Block 5, Midway Addition, City of Tulsa, Tulsa County, Oklahoma.





0 200 400  
Feet



Subject  
Tract

**BOA-22334**

19-13 06

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

Aerial Photo Date: February 2016

15.7







0 50 100  
Feet



Subject  
Tract

**BOA-22334**

19-13 06

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

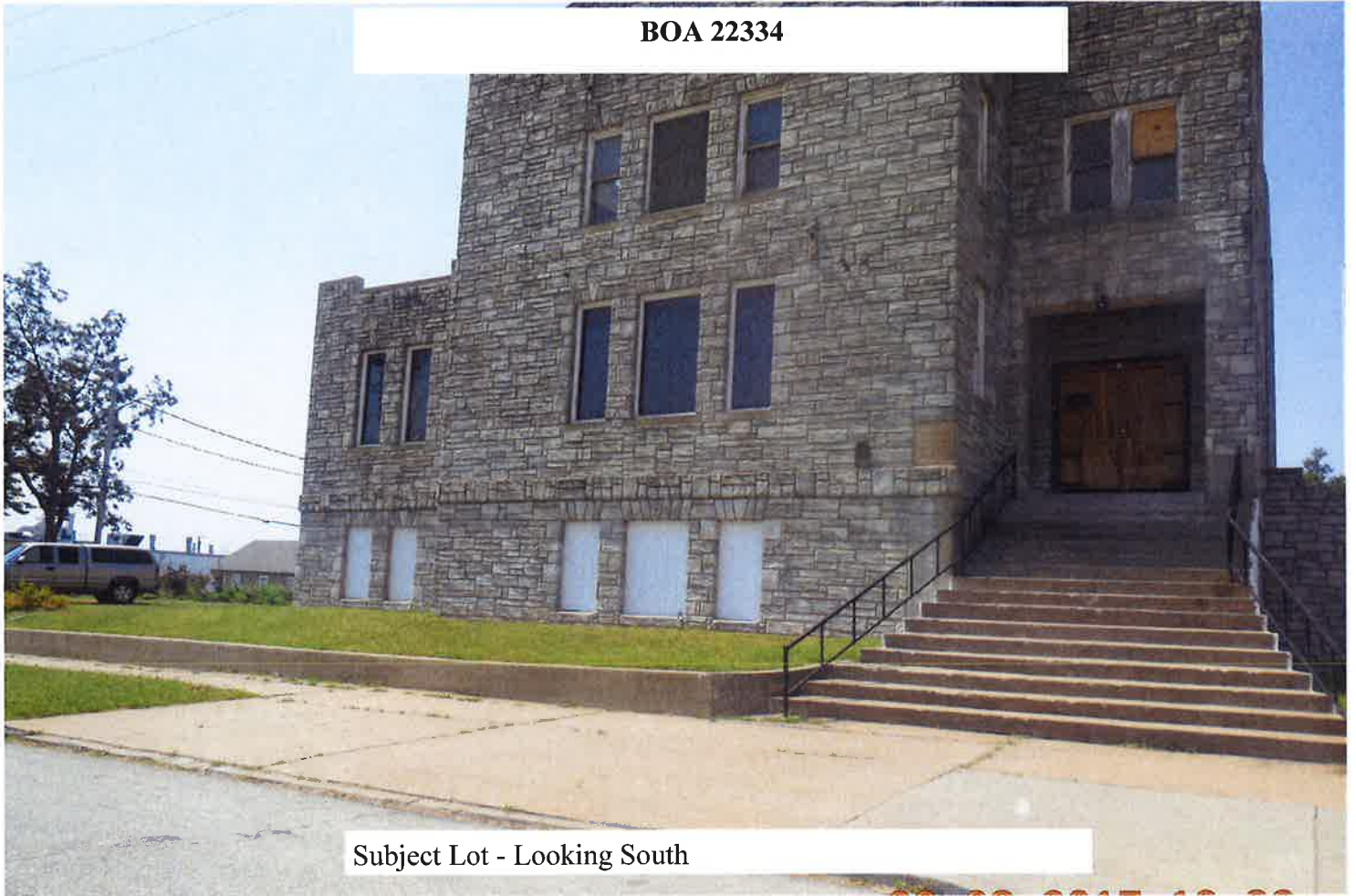
Aerial Photo Date: February 2016

15.8





BOA 22334



Subject Lot - Looking South



Subject Lot - Looking South

09 08 2017 12 32

15.9

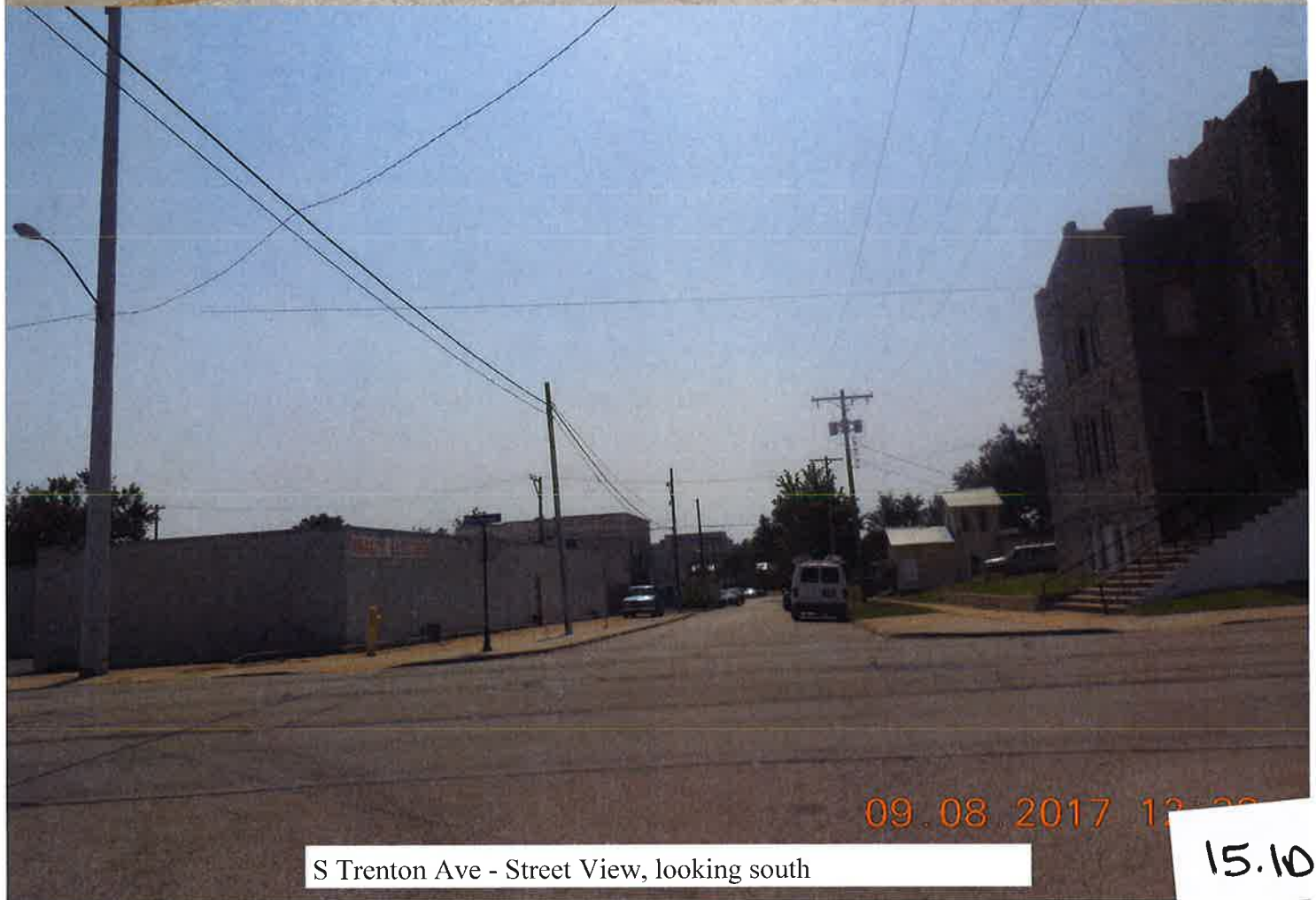


BOA 22334



E 3rd St. - Street View

09.08.2017 12:36



S Trenton Ave - Street View, looking south

09.08.2017 12:36

15.10

# THE CHURCH STUDIO

380 SOUTH TRENTON AVENUE  
TRENTON, NJ 08611  
TEL: 609.392.1111  
WWW.THECHURCHSTUDIO.COM

ARCHITECT: THE CHURCH STUDIO  
DESIGNER: THE CHURCH STUDIO  
ENGINEER: THE CHURCH STUDIO  
LANDSCAPE ARCHITECT: THE CHURCH STUDIO  
PLANNING: THE CHURCH STUDIO  
INTERIOR DESIGNER: THE CHURCH STUDIO  
FURNITURE: THE CHURCH STUDIO  
LIGHTING: THE CHURCH STUDIO  
SOUND: THE CHURCH STUDIO  
VIDEO: THE CHURCH STUDIO  
GRAPHIC DESIGN: THE CHURCH STUDIO  
PUBLISHED: 2011

**wallace**

Wallace Engineering  
Structural Consultants, Inc.  
2000 North 10th Street  
Allentown, PA 18103  
TEL: 610.261.1000  
WWW.WALLACE-ENG.COM

**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

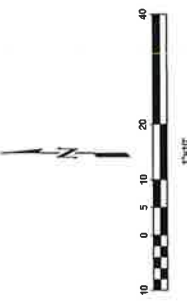
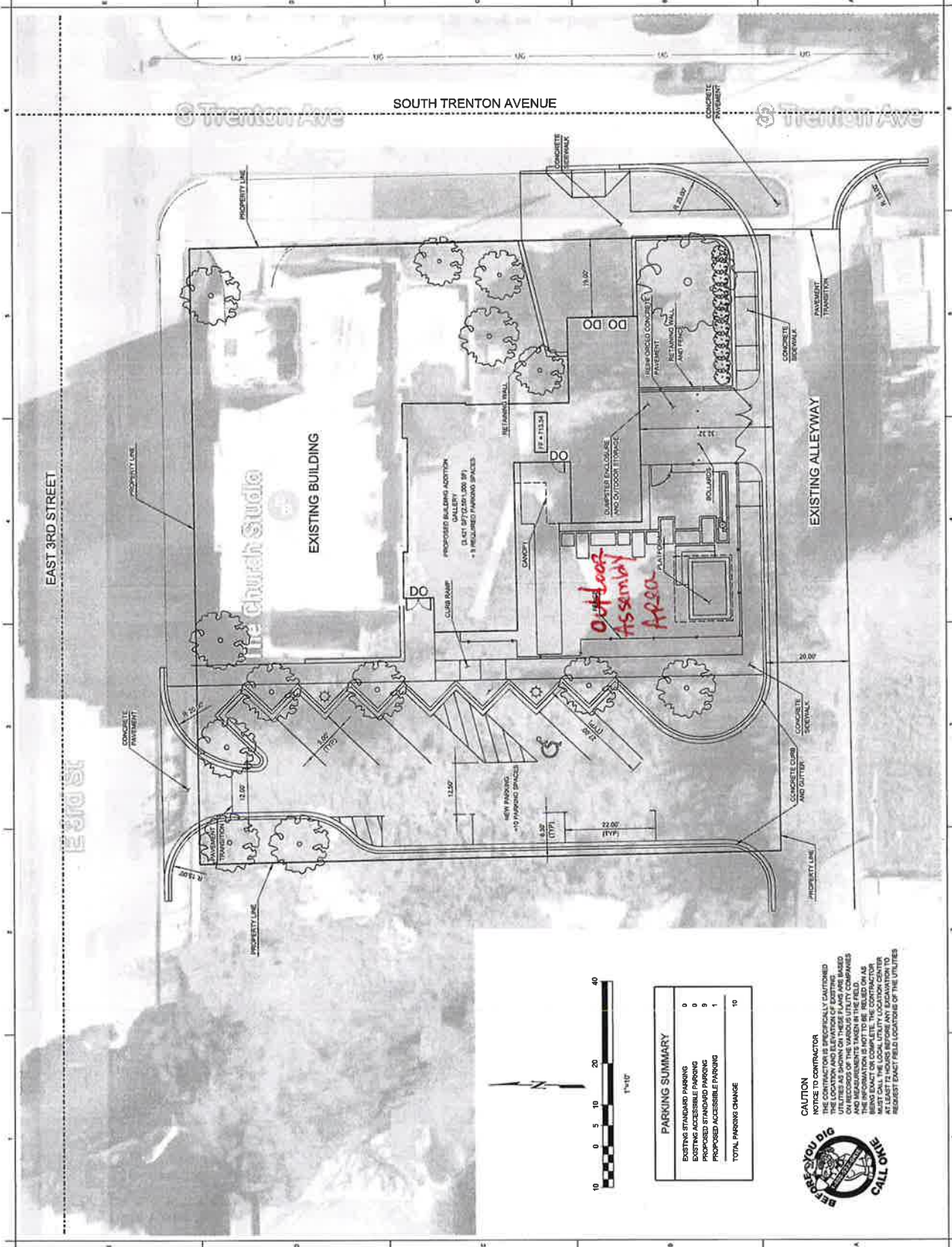
**LILLY ARCHITECTS**

Lilly Architects, Inc.  
1000 North 10th Street  
Allentown, PA 18103  
TEL: 610.261.1000  
WWW.LILLY-ARCH.COM

PROPOSED PARKING FOR ZONING REVIEW

NO.	DATE	DESCRIPTION
1	08/11/2011	PRELIMINARY

**C400**



**PARKING SUMMARY**

EXISTING STANDARD PARKING	0
EXISTING ACCESSIBLE PARKING	0
PROPOSED STANDARD PARKING	0
PROPOSED ACCESSIBLE PARKING	1
<b>TOTAL PARKING CHANGE</b>	<b>10</b>

**CAUTION**  
NOTICE TO CONTRACTOR  
THE INFORMATION SHOWN ON THESE PLANS IS BASED ON THE LOCATION AND ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS AND BASED ON THE INFORMATION PROVIDED BY THE UTILITIES COMPANIES. THE INFORMATION IS NOT TO BE RELIED ON AS A GUARANTEE OF THE LOCATION AND DEPTH OF UTILITIES. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES.





**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: 1015613-1**

**July 25, 2017**

**MATT LONG**  
**WALLACE ENGINEERING**  
**200 E MATTHEW BRADY ST**  
**TULSA, OK 74103**

**Phone: (918)584-5858**  
**Fax: (918)584-8689**

**APPLICATION NO: 9207** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
**Location: 304 S TRENTON AV E**  
**Description: Broadcast / recording studio.**

#### **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)

15.12

## 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. 9207

304 S TRENTON AV E

July 11, 2017

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

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

1. **Sec.55.020 Table 55-1:** Your proposed addition to the existing recording studio includes three (3) new uses:

- A. Theater with 65 seats,
- B. Gallery/cultural exhibit (1370 ft<sup>2</sup>), and
- C. Outdoor assembly (418 ft<sup>2</sup>).

The parking requirement for the existing recording studio is zero (0). The requirement for the new uses is:

- A. Theater = .15 spaces per seat = .15 X 65 = 9.75 = 10 parking spaces.
- B. Gallery = .8/1000 ft<sup>2</sup> X 1370 ft<sup>2</sup> = 1.09 = 2 parking spaces.
- C. Outdoor Assembly = .8/1000 ft<sup>2</sup> X 418 ft<sup>2</sup> = .33 = 1 parking space.

**Review comment:** The total parking requirement is 13 parking spaces. Submit a site plan providing 13 parking spaces that meet the design and dimension requirements of *Sec.55.090-D Table 55-5 & Figure 55-5*. 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 (*Sec.55.050-I*).

2. **Sec.15.020 Table 15-2:** The outdoor assembly use is allowed by Special Exception.

**Review comment:** Submit a copy of the Special Exception reviewed and approved per *Sec.70.120* to allow an outdoor assembly use in a CH zoning district.

3. **Sec.40.040:** Whenever an assembly and entertainment use is located on a lot abutting an R-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*.

**Review comment:** The outdoor assembly area abuts an R zoning district to the south. Submit a site plan providing screening in compliance with this section.

**4. Sec.65.020-A:** Landscaping and Site Lighting shall be required to meet the following:

- A. Sec.65.030:** Street Yard Landscaping;
- B. Sec.65.040:** Parking lot landscaping;
- C. Sec.65.050:** Tree planting;
- D. Sec.65.070:** Landscape installation, Irrigation & Maintenance;
- E. Sec.65.080:** Landscape plans; and
- F. Sec.65.090:** Outdoor lighting.

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.

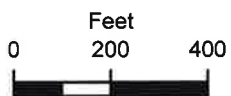
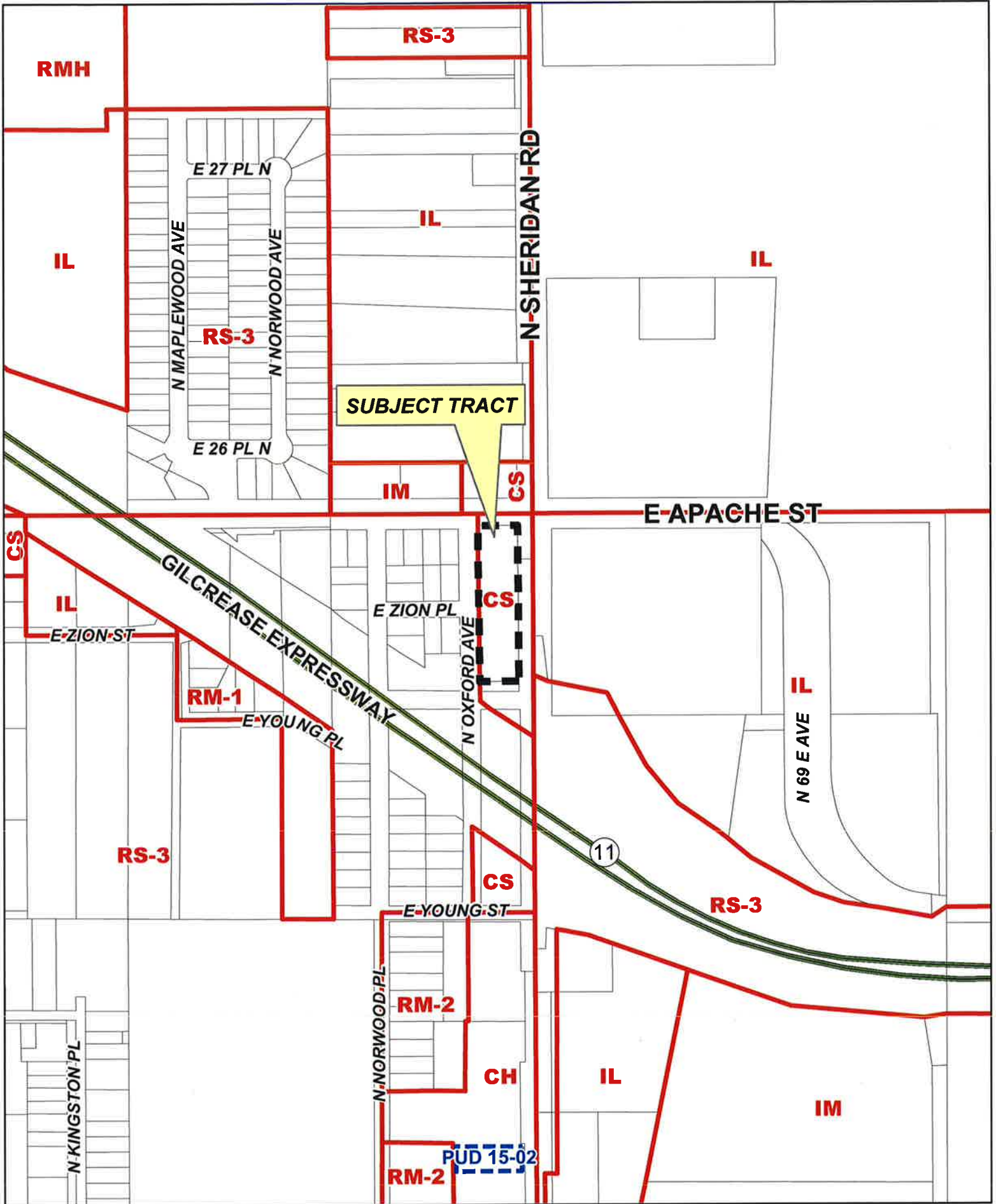
A hard copy of this letter is available upon request by the applicant.

**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-22335**

20-13 27

16.1



# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 0327

Case Number: **BOA-22335**

**CZM:** 30

**CD:** 3

**A-P#:** 9322

**HEARING DATE:** 09/26/2017 1:00 PM

**APPLICANT:** John Watchous

**ACTION REQUESTED:** Special Exception to permit a Trucking and Transportation Terminal in the CS district (Section 15.020).

**LOCATION:** 2500 N SHERIDAN RD E

**ZONED:** CS

**PRESENT USE:** Vacant Commercial Lot

**TRACT SIZE:** 1.6 Acres

**LEGAL DESCRIPTION:** ALL BLK 1 LESS S33.9 THEREOF & A TR BEG NEC NE TH W180 S150 E180 N150 POB LESS N40 & E50 FOR ST SEC 27 20 13 1.63ACS, HAPPY HOMES ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Lot:**

**BOA 14425;** on 04.02.87 the Board approved a variance of the required 10 feet setback from a freeway right-of-way to 1 foot to permit a business sign.

**BOA 7723;** on 12.07.72 the Board approved a special exception to allow a rental car business in the CS district.

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is abutted by RS-3 zoned residences on the west; IL and CS zoned commercial north. The Broken Arrow Expressway abuts the site on the south and IL zoning abuts the site on the east.

**STAFF COMMENTS:**

The applicant is before the Board requesting a special exception to permit long-term and short-term storage of trucks and trailers on the CS zoned site. The applicant has stated that there will be no repair or maintenance of vehicles on the property. A special exception is required as the proposed Trucking and Transportation Terminal is use not permitted by right in the CS district due to potential adverse affects, but which if controlled as to its relationship to the surrounding neighborhood may be permitted.

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

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Special Exception to permit a Trucking and Transportation Terminal in the CS district (Section 15.020).

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

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



Case No. 14424 (continued)

Variance - Section 440.6 - Special Exception Requirements in Residential - Use Unit 1209 - Request a variance of the time regulation from 1 year to permanently, located 1543 North Kingston Place.

Presentation:

The applicant, Christine Fanning, 1543 North Kingston Place, Tulsa, Oklahoma, asked the Board to allow her to permanently place a mobile home at the above stated location. She informed that there are other mobile homes in the area.

Comments and Questions:

Mr. Smith inquired if the mobile home is on a foundation and made to look permanent, and the applicant stated that it is still on the wheels.

Ms. Bradley remarked that she has viewed the area and that the neighborhood is being revitalized; however, the mobile home in question is in poor condition compared to the surrounding homes. She suggested that a time limit be placed on the mobile home to see if it can be brought up to the current neighborhood standard.

Protestants: None.

Board Actions:

On MOTION of BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception (Section 310 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow for an existing mobile home in an RS-3 zoned district; and to APPROVE a Variance (Section 440.6 - Special Exception Requirements in Residential - Use Unit 1209) of the time regulation from 1 year to 2 years; finding that there are other mobile homes located in the area; on the following described property:

Lot 11, Block 1, Hefflefinger Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14425

Action Requested:

Variance - Section 1221.3(a) - General Use Conditions for Business Signs - Use Unit 1221 - Request a variance of setback from freeway right-of-way from 10' to 1' to allow for a sign, located south of SW/c Sheridan Road and Apache Street.

Presentation:

The applicant, Charles O. Hare, 6550 East Independence, Tulsa, Oklahoma, was represented by Steve Emery, 4348 South 109th East Avenue, Tulsa, Oklahoma. He stated that there was previously 33' of

4.02.87:487(8)

**Case No. 14425 (continued)**

space to the south of the business, but a large portion of that land was taken by the City for a ramp to the Gilcrease Expressway. He pointed out that this action moved the property line to within 7' of the existing building. Mr. Emery informed that the business had a sign within this area, which was removed. He asked the Board to allow the erection of a new sign. Mr. Hare noted that the sign will be attached to an 18' sign pole and placed 1' inside the property line. A copy of the design standards (Exhibit E-1) was submitted.

**Comments and Questions:**

Ms. Bradley asked why the sign is not set back, and the applicant replied that there are 2 curb cuts in front of the building and the sign is placed away from the traffic.

Mr. Smith asked if the sign is a billboard, and Mr. Emery informed that it is not a billboard, but is a 7' by 14' double-faced illuminated sign.

Ken Bode, Sign Inspector, informed that the sign was placed at the location Mr. Emery stated because of the traffic flow in and out of the lot.

**Protestants: None.**

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 1221.3(a) - General Use Conditions for Business Signs - Use Unit 1221) of setback from freeway right-of-way from 10' to 1' to allow for a sign; per design standards submitted; finding a hardship imposed on the applicant by the close proximity of the business to the entrance ramp of the Gilcrease Expressway after the taking; on the following described property:

Block 1, Happy Homes Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14426**

**Action Requested:**

Special Exception - Section 430 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request an exception to allow classroom use in conjunction with the existing church use on Lot 8 and to allow related parking on Lot 9.

Variance - Section 440 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1205 - Request a variance of setback from the east property line from 25' to 18' and from the west property line from 25' to 12' to allow for existing building.

7720 (continued)

All of Lot 1, and the East 30 feet of Lot 2, Norton Subdivision of Lots 1 & 2 of Block 9, and Lots 1 & 2 of Block 10, Amended Plat of Glenhaven Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

7722

Action Requested: Minor Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1430) for a modification of setback requirements to permit a sign 35' from the centerline of Peoria Avenue in a CH District located at 1432 South Peoria Avenue.

Presentation: H. J. Hass, Jr., the applicant, advised the Board that a removal contract has been signed but that he did not have a copy of it with him.

Protests: None.

Board Action: On MOTION of REEDS, the Board (3-0) approved a Minor Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1430) for a modification of setback requirements to permit a sign 35' from the centerline of Peoria Avenue, subject to the signing and filing of the customary removal contract, in a CH District on the following described tract:

Lot 2, Block 16, Broadmoor Addition to the City of Tulsa, Oklahoma.

7723

Action Requested: Exception (Section 610 - Principal Uses Permitted in Commercial Districts - Section 1017 - Automotive and Allied Activities) to operate a rent-a-car business in a CS District located at the NW corner of Zion Street and Sheridan Road.

Presentation: John Sublett, the applicant, advised the Board that Tulsa is the national headquarters for Thrifty Car Rental. He advised that the agency is proposing to establish an office for pick-up use and that a car wash will also be contained on the property for the use of the agency only. He stated that this operation is included in Use Unit 17 and must be approved by the Board of Adjustment.



7723 (continued)

Protests:

None.

Board Action:

On MOTION of REEDS, the Board (3-0) approved an Exception (Section 610 - Principal Uses Permitted in Commercial Districts - Section 1017 - Automotive and Allied Activities) to operate a rent-a-car business with the understanding that a car wash will be included in the operation in a CS District on the following described tract:

The South 150' of Block 1, Happy Homes Addition to the City of Tulsa, Oklahoma.

7725

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (4) - Nursery) to operate a children's nursery in an RM-1 District located at 526 North Elgin Place.

Presentation:

Lottie Tyree, the applicant, stated that she was requesting the exception to operate a children's nursery. She advised the Board that she had filed an application with the Welfare Department which was pending the approval of the Board of Adjustment. She stated that she had not filed applications with the other necessary agencies, but that she would if the request was approved.

Protests:

None.

Board Action:

On MOTION of HENDRICKS, the Board (3-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (4) - Nursery) to operate a children's nursery in an RM-1 District on the following described tract:

Lot 1, Block 15, North Tulsa Addition to the City of Tulsa, Oklahoma.

7724

Action Requested:

Exception (Section 610 - Principal Uses Permitted in Commercial Districts - Section 1017 - Automotive and Allied Activities) to repair and maintain equipment in a CS District located at 401 South Memorial.

Presentation:

W. N. Couch, the applicant, requested that the exception be approved to allow him to operate a repair service for trucks and small tractors. He advised that a concrete slab is in place that will be used for the construction of the building.

12.7.72:126(16)





0 200 400  
Feet



Subject  
Tract

**BOA-22335**

20-13 27

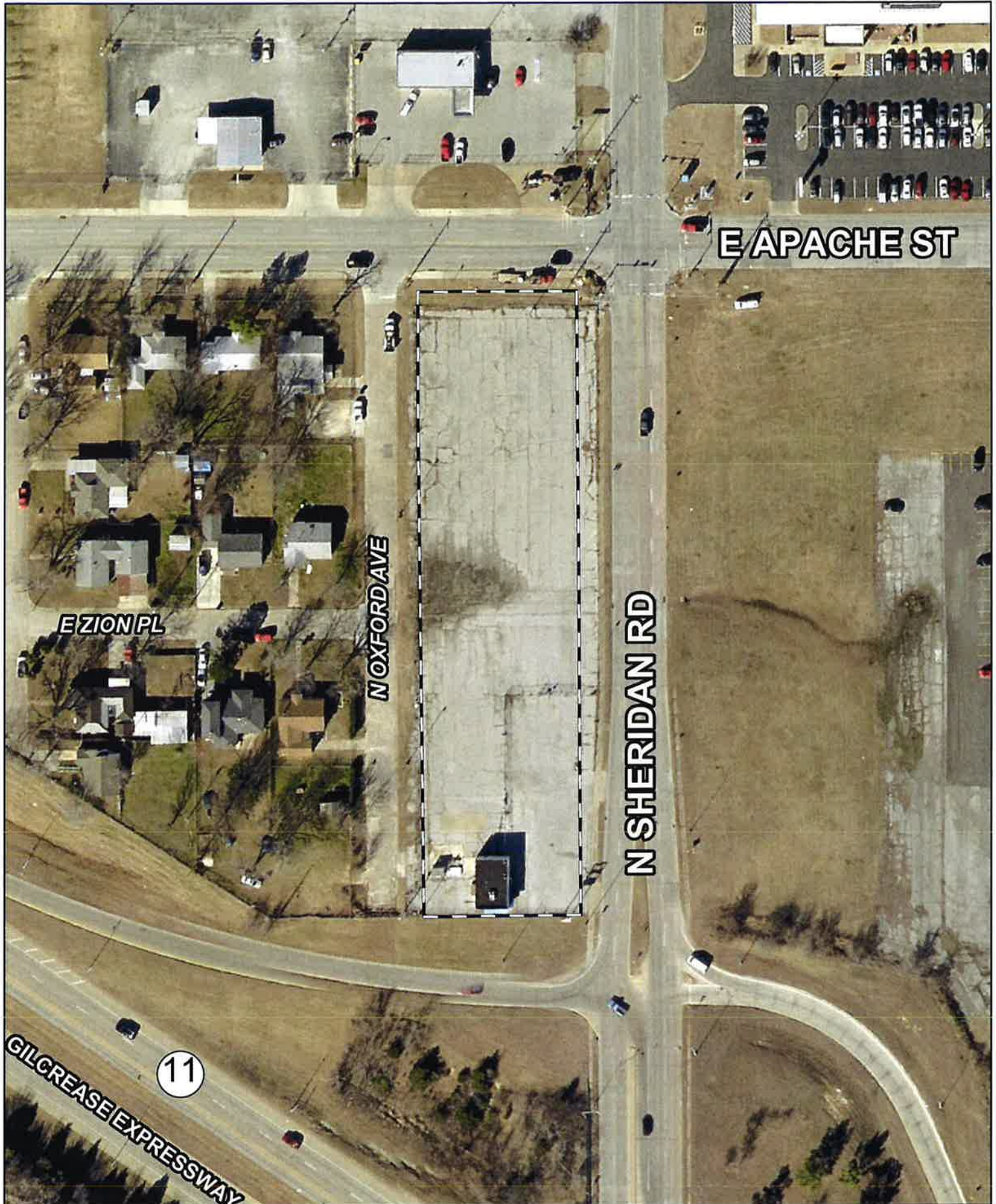
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016

16.8







E APACHE ST

E ZION PL

NOXFORD AVE

N SHERIDAN RD

GILCREASE EXPRESSWAY

11

0 50 100  
Feet



Subject  
Tract

**BOA-22335**

20-13 27

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

Aerial Photo Date: February 2016

16.9







Subject Lot - Looking East



BOA 22335



E Apache St. - Street View







**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: 1028598-1**

**August 29, 2017**

**JOHN WATCHOUS**  
1240 S FLORENCE AV E  
TULSA, OK 74104

**Phone: (918)991-8519**  
**Fax: (918)663-6402**

**APPLICATION NO: 9322** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
**Location: 2500 N SHERIDAN RD E**  
**Description: Trucking and Transportation Terminal**

#### **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:**

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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.

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#### **IMPORTANT INFORMATION**

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(continued)

16.13

## REVIEW COMMENTS

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[WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

Application No. 9322

2500 N SHERIDAN RD E

August 29, 2017

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

**Sec.15.020 Table 15-2:** You are proposing a Commercial/Wholesale, Distribution & Storage/Trucking and Transportation Terminal which is located in a CS zoned district. This will require a Special Exception approved by the BOA.

**Review comment:** Submit an approved BOA Special Exception, reviewed and approved per *Sec.70.120*, to allow a Commercial/Wholesale, Distribution & Storage/Trucking and Transportation Terminal in a CS zoned district.

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

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

## END – ZONING CODE REVIEW

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

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

**ITEM #17:**

**BOA-22315 – JANET FADLER-DAVIE**

**REQUEST FOR REFUND**



## REQUEST FOR REFUND

### Case No. BOA-22315

The applicant, Janet Fadler-Davie, 808 East 3<sup>rd</sup> Street, Tulsa, Oklahoma, 74120 made application to the City of Tulsa Board of Adjustment, asked for a refund of fees paid for an application for:

Variance ( ) Special Exception ( X )		
Verification ( ) Appeal ( ) Modification ( )		
From the COT BOA ( X ) County BOA ( )		
	Fees Paid	Fees Used
Base Request	\$500.00	00.00
Additional Requests	00.00	00.00
Newspaper Publication	60.00	60.00
Sign (Special Exception Uses in COT only)	130.00	130.00
300' Property Owners Mailing and Postage	59.00	59.00
<b>Application Subtotal:</b>	749.00	249.00
Notice Subtotal:	749.00	249.00
<b>Total Fees Paid:</b>	749.00	249.00

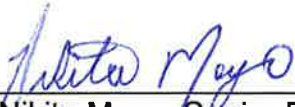
**Recommended Refund:**

**\$500.00**

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

The staff recommends the refund listed above.

Per staff: \_\_\_\_\_

  
Nikita Moye, Senior Planner