

**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, October 10, 2017, 1:00 P.M.**

**Meeting No. 1193**

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

1. Approval of **Minutes** of September 12, 2017 (Meeting No. 1191).

**UNFINISHED BUSINESS**

2. **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)**
3. **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)**

**NEW APPLICATIONS**

4. **22336—Josh Miller**  
Special Exception to allow a Parks and Recreation use in an R district to permit a temporary accessory parking lot for the Gathering Place (Section 5.020); Variance to allow a non-all weather parking surface (Section 50.090-F). **LOCATION:** South of the SE/c of East 31<sup>st</sup> Street South and Riverside Drive **(CD 9)**
5. **22337—Kevin McNamara**  
Variance to reduce the 25 foot (street) front setback to permit the existing house (Section 5.030). **LOCATION:** 4311 South Darlington Avenue East **(CD 5)**
6. **22338—Jerry Hine**  
Variance to allow the combined total of detached accessory structures to exceed 500 square feet (Section 45.030-B). **LOCATION:** 14 South 69<sup>th</sup> Avenue East **(CD 3)**

7. **22339—Kirk Livingstone**  
Special Exception to allow a Commercial/Assembly Indoor Entertainment use (large capacity over 250) in a CS District to allow a fitness center (Section 15.020). **LOCATION:** 7990 East 51<sup>st</sup> Street South (**CD 7**)
8. **22340—Randy Branstetter**  
Special Exception to allow a fence or wall height greater than 4 feet in the street setback area (Section 45.080). **LOCATION:** 2730 East 33<sup>rd</sup> Street South (**CD 9**)
9. **22341—Stephen Schuller**  
Variance to permit a swimming pool/spa as well as a retaining wall to be constructed within the side and rear yard setback and in the planned street right-of-way; Variance to permit a swimming pool/spa to be constructed within the street setbacks along South St. Louis Avenue and Swan Drive (Section 90-090). **LOCATION:** 1767 South St. Louis Avenue East (**CD 4**)
10. **22342—Brodrick Buckles**  
Special Exception to allow a Day Care Center for children in an R District (Section 5.020). **LOCATION:** 737 East Tecumseh Street North (**CD 1**)

#### **OTHER BUSINESS**

11. **Review** of the 2018 proposed meeting dates for the Board of Adjustment.

#### **NEW BUSINESS**

#### **BOARD MEMBER COMMENTS**

#### **ADJOURNMENT**

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

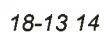
**E-mail:** [esubmit@incog.org](mailto:esubmit@incog.org)

**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.

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# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 8314

**Case Number:** BOA-22330

**CZM:** 53

**CD:** 8

**A-P#:** 427489

**HEARING DATE:** 10/10/2017 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;** on 07.11.85 the Board approved a variance of the required 50 feet setback from the centerline of residential streets 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.

**CURRENT STAFF COMMENTS:**

The case was heard by the Board at the 09.26.17 hearing; after some discussion the Board continued to the case to the 10.10.17 hearing to give the applicant additional time to meet with the surrounding property owners.

**PREVIOUS 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 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 certified</sup> 24, <sup>minutes</sup> 3-26-86  
Lots 1, 2 and 13, Block 3, Lot 1, Block 4, Huntington Place,  
City of Tulsa, Tulsa County, Oklahoma.

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:

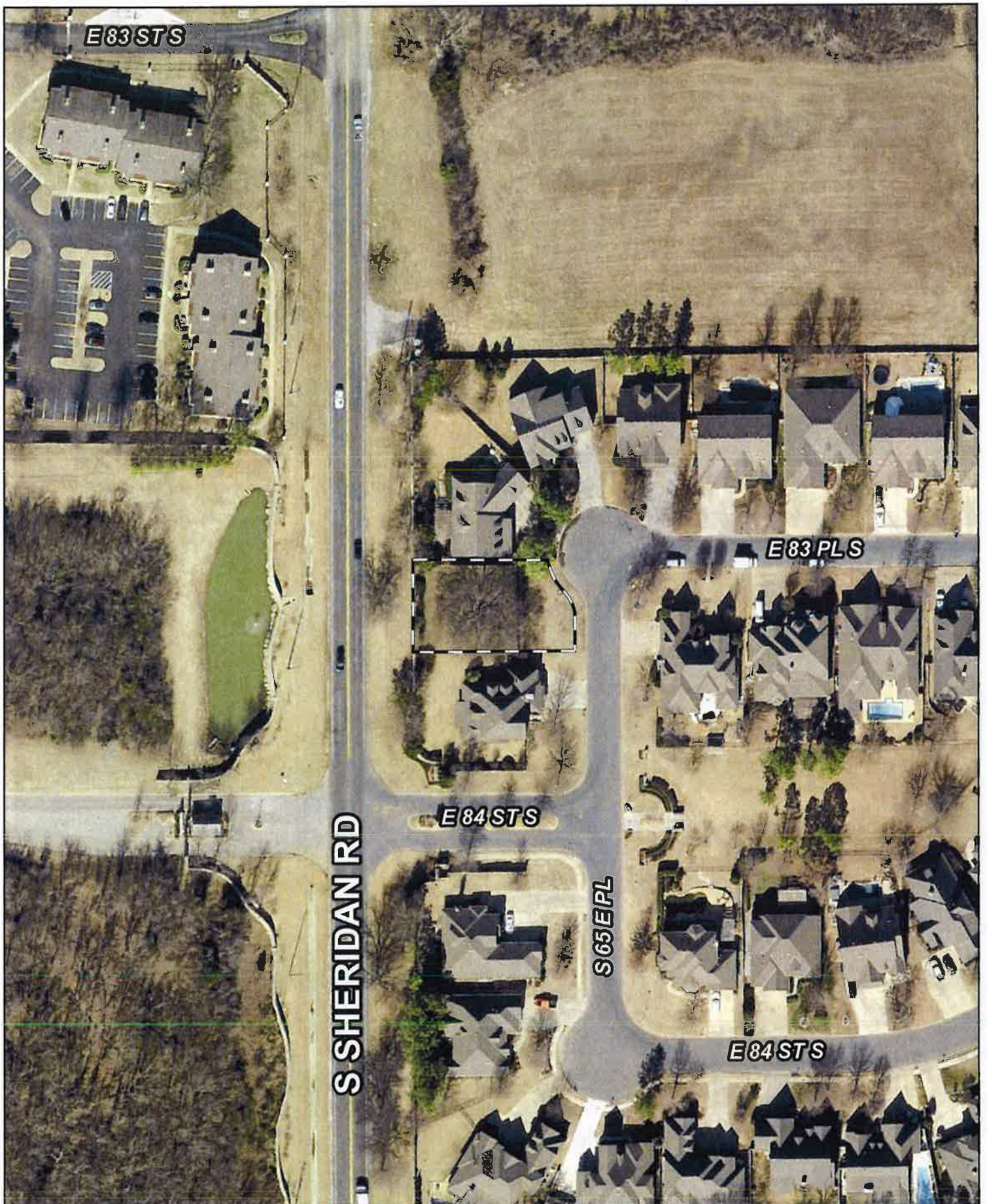
Mr. Jones informed the Board that Case No. 13650 has been approved by the Planning Commission.

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)





0 Feet 50 100



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



2.6





0 Feet 200 400

 Subject Tract

**BOA-22330**

18-13 14

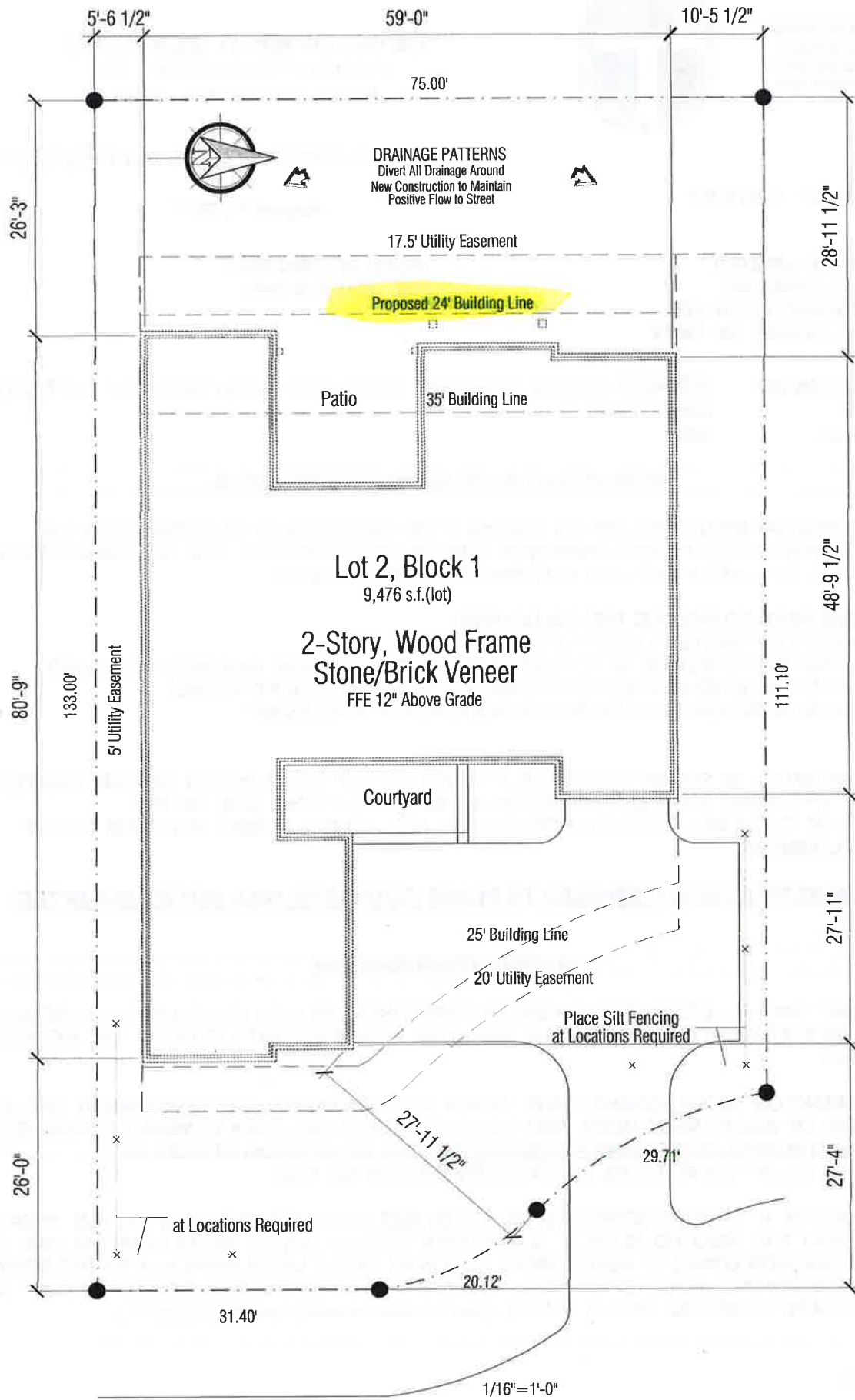
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016

  
2.7



S. Sheridan Rd



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

2.8

**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.





## BOARD OF ADJUSTMENT CASE REPORT

STR: 0307  
CZM: 22, 21  
CD: 1  
A-P#: 426626

Case Number: **BOA-22333**

**HEARING DATE:** 10/10/2017 1:00 PM

**APPLICANT:** Jim Beach

**ACTION REQUESTED:** Variance of maximum building height of a field house from 35 feet to 49 feet (Section 5.030).

**LOCATION:** 4929 N PEORIA AV E

**ZONED:** RS-3

**PRESENT USE:** McLain Junior/High School

**TRACT SIZE:** 1089004.46 SQ FT

**LEGAL DESCRIPTION:** S825 OF W1320 OF N/2 SW SEC 7 20 13, CLEMISHIRE HGTS, NORTHRIDGE ADDN, LONGVIEW PARK ADDN, BUENOS VISTA SUB, SUNSHINE ACRES ADDN, City of Tulsa, Tulsa County, State of Oklahoma

### **RELEVANT PREVIOUS ACTIONS:**

#### **Subject Lot:**

**BOA 21165;** on 11.23.10 the Board approved a variance of the requirement that illumination of a sign shall be by constant light to permit an LED element on a sign for a school in the RS-3 district; and a variance of the maximum permitted height of a sign in the R district from 20 ft. to 21' - 4"; located immediately north on the subject site.

**BOA 21152;** on the Board approved a special exception to permit a building addition to an existing athletic stadium/field and to permit modifications to the same stadium; located immediately north on 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 abutted by CS zoning on the north; and N. Peoria Ave. and CH zoning on the west. CS and RS-3 zoning abuts the site on the south and RS-3 zoning abuts the site on the east.

**STAFF COMMENTS:**

Based on the submitted site plan it appears the applicant is proposing to construct the 12,627 sq. ft. field house/practice facility south of the existing junior/high school building. To permit the field house as proposed the applicant is requesting a Variance to increase the permitted height a building in the RS-3 district from 35 ft. to 49 ft.

As the writing of this Case Report, staff has not received any comments from the surrounding neighbors or property owners.

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Variance to increase the maximum building height of a field house from 35 feet to 49 feet (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."*



**Comments and Questions:**

None.

**Board Action:**

Mr. White stated the Board would hold this case until the end of the meeting to allow the applicant to possibly arrive before the end of the hearing.

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**NEW APPLICATIONS**

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**Case No. 21165-Tulsa Public Schools**

**Action Requested:**

Variance of the requirement that illumination of a sign shall be by constant light to permit an LED element on a sign for a school in the RS-3 district (Section 402.B.4); and a Variance of the maximum permitted height of a sign in the R district from 20 ft. to 21'-4" (Section 402.B.4). **Location:** 4929 North Peoria Avenue

**Presentation:**

**Jerry Compton**, P. O. Box 1602, Owasso, OK; stated he is representing Tulsa Public Schools. The sign specifications are based on traffic flow, the ability to see the sign and the sign structure specs out at 21'-4"; therefore, the school is requesting an additional one foot, four inches in height.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **STEAD**, the Board voted 4-0-0 (Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance of the requirement that illumination of a sign shall be by constant light to permit an LED element on a sign for a school in the RS-3 district (Section 402.B.4); and **APPROVE** a Variance of the maximum permitted height of a sign in the R district from 20 ft. to 21'-4" (Section 402.B.4). This sign shall be two-sided and visible from the north and south and shall comply with all provisions of 1221.C.2 except for "C" regarding residential areas. The sign specifically shall not exceed 70 foot candles measured at a two-foot distance; shall have no blinking or flashing messages, and any scrolling shall be horizontal with no vertical scrolling. The sign shall comply with the sign code as to 500 NITS, No. 1221.C.2.E and shall be placed according to the sketch on page 4.6 which is the present location of the non-digital sign. The sign shall be constructed approximately as

BOA-21165

shown on page 4.7, and as noted in the notification, the sign shall not exceed 21'-4" in height; no more than 50'-0" from the centerline of North Peoria Avenue and set back 20'-0" from hard driving surface. In granting this Variance, the Board finds there are exceptional conditions 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; and it will be noted that essentially all of the property to the west, immediate north and immediately south is zoned commercial; for the following property:

**S825 OF W1320 OF N/2 SW SEC 7 20 13**

\*\*\*\*\*

**Case No. 21166-Tulsa Public Schools**

**Action Requested:**

Variance of the requirement that illumination of a sign shall be by constant light to permit an LED element on a sign for a school in the RS-3 district (Section 402.B.4); and a Variance of the maximum permitted height of a sign in the R district from 20 ft. to 22 ft. (Section 402.B.4). **Location:** 6960 East 21<sup>st</sup> Street

**Presentation:**

**Jerry Compton**, P. O. Box 1602, Owasso, OK; stated he is representing Tulsa Public Schools.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance of the requirement that illumination of a two-sided sign shall be by constant light to permit an LED element on a sign for a school in the RS-3 district (Section 402.B.4); and **APPROVE** a Variance of the maximum permitted height of a sign in the R district from 20 ft. to 22 ft. (Section 402.B.4); subject to the conditions of Section 1221C.2 except for item C, specifically limiting the sign to 22 ft. in height; subject to the illumination standards in Section 1222.C.2, Item E; the sign will have no blinking, flashing, animation or running light. The text movement on the digital sign shall be horizontal with no vertical movement; the sign shall be 50 ft. from the centerline of the street and 20 ft. from a hard driving surface; per conceptual plan 5.7 and 5.8. Finding by reason of extraordinary or

\*\*\*\*\*

**Case No. 21152-Gregory Helms**

**Action Requested:**

Special Exception to permit a building addition to an existing athletic stadium/field and to permit modifications to the same stadium (Section 401). **Location:** 4929 North Peoria Avenue

**Presentation:**

**Greg Helms**, 329 South Elm Street, Jenks, OK; stated he is an architect for Tulsa Public Schools on this project at McLain High School which is part of the 2010 Bond Package that was approved by the City voters. The football field and track will be refurbished by replacing the visitor's metal bleachers, upgrading the handicapped area on the home side of the field, and constructing a new locker room facility for the football team and some of the girl's sports.

**Interested Parties:**

**Arlene Williams**, 4675 North Quaker Avenue, Tulsa, OK; stated she wanted to know how this proposed building addition was going to affect her property. The Board told her this should not affect her property because the size of the school is not being increased; locker rooms are being replaced and added for the athletic fields.

Mr. Helms also confirmed the school size is not being increased, and the only building to be built is the locker room facility. He stated as part of the stadium and bleacher modifications the number of seats would actually be reduced; everything else is to remain the same as it is.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION of WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White, "aye"; no "nays"; no "abstentions") to **APPROVE** the Special Exception to permit a building addition to an existing athletic stadium/field and to permit modifications to the same stadium (Section 401); 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; per conceptual plan on page 7.6; for the following described property:

**S825 OF W1320 OF N/2 SW SEC 7 20 13**

\*\*\*\*\*





Feet  
0 200 400



Subject  
Tract

**BOA-22333**

20-13 07

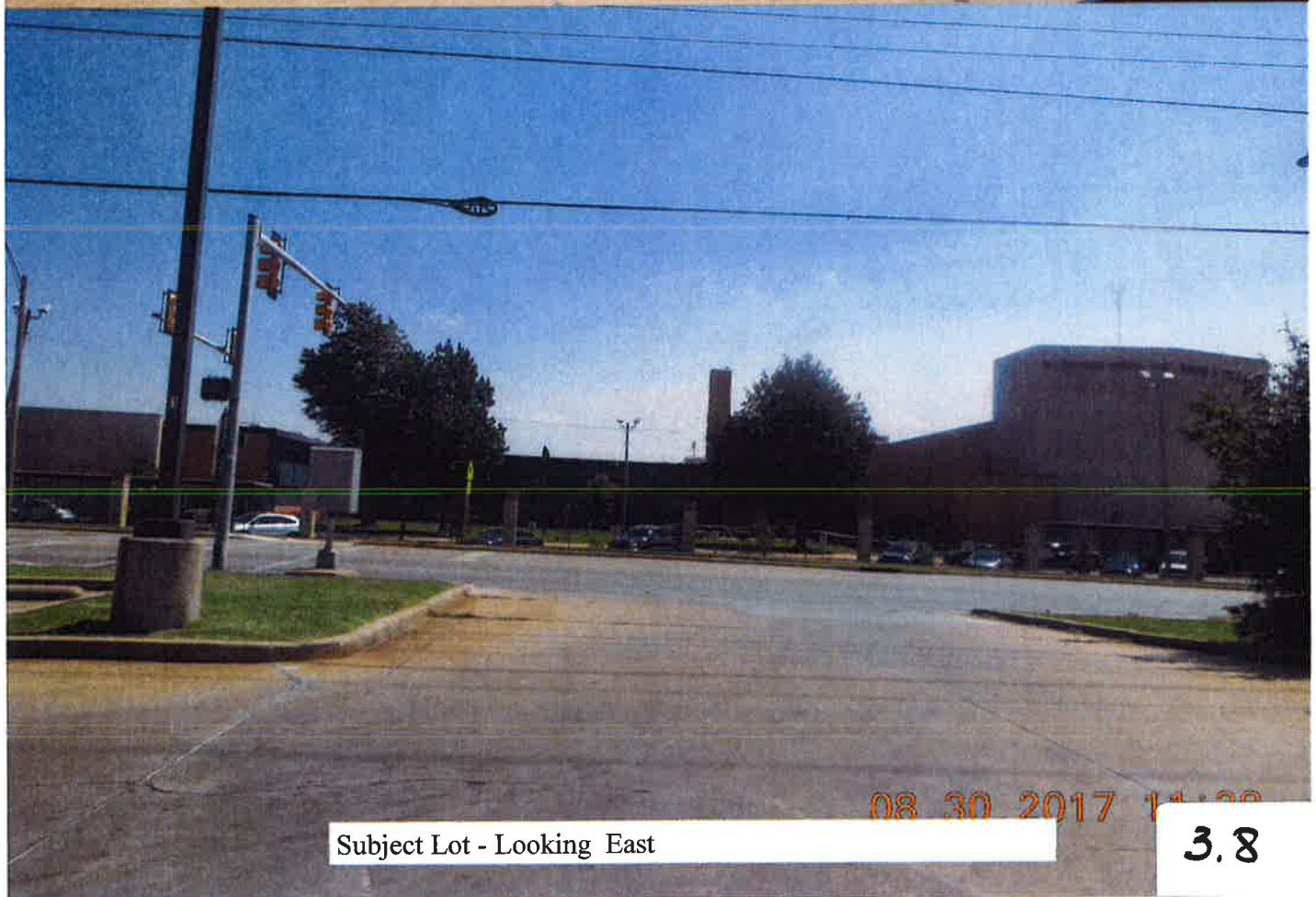
Note: Graphic overlays may not precisely align with physical features on the ground.

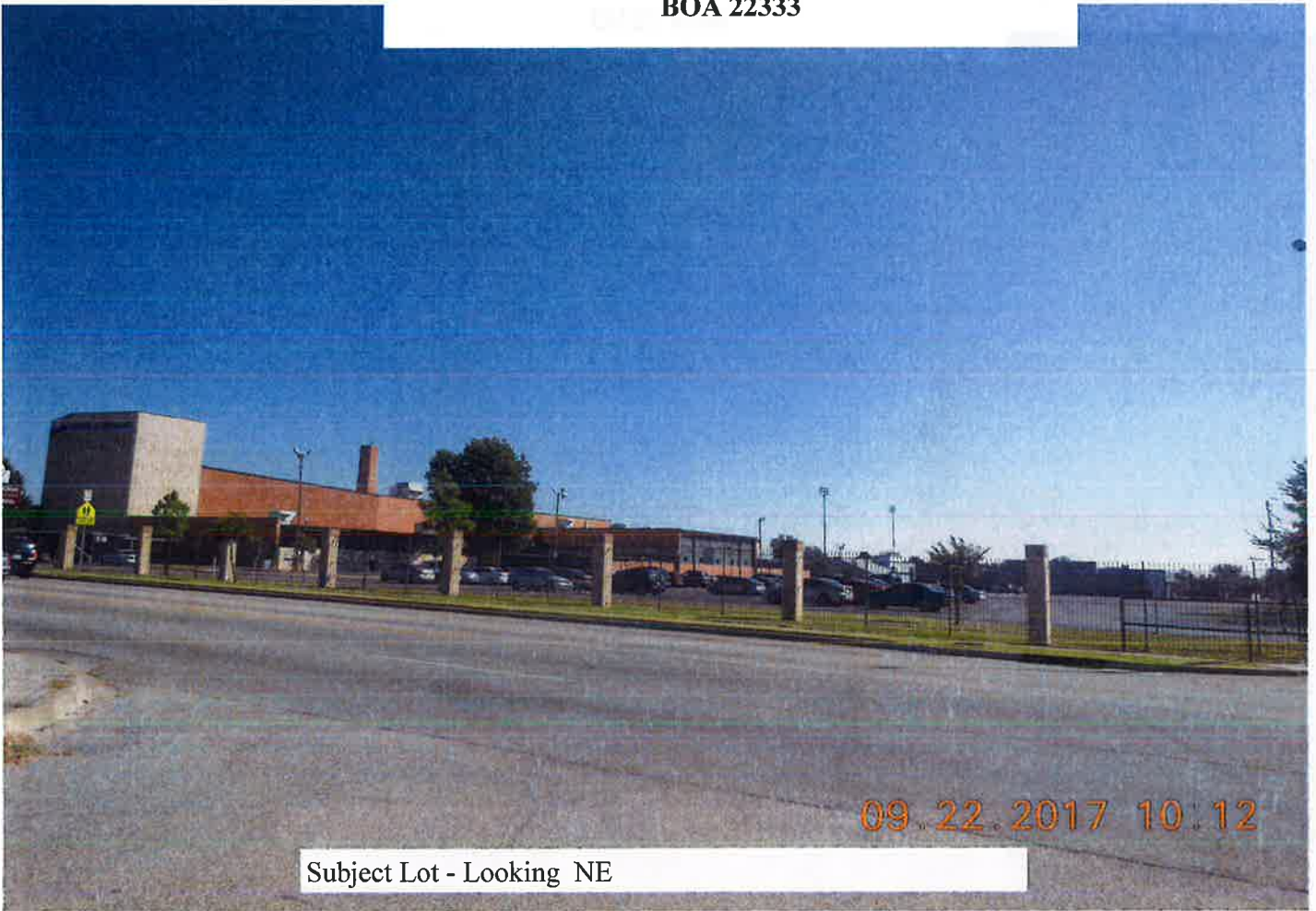
Aerial Photo Date: February 2016

3.7





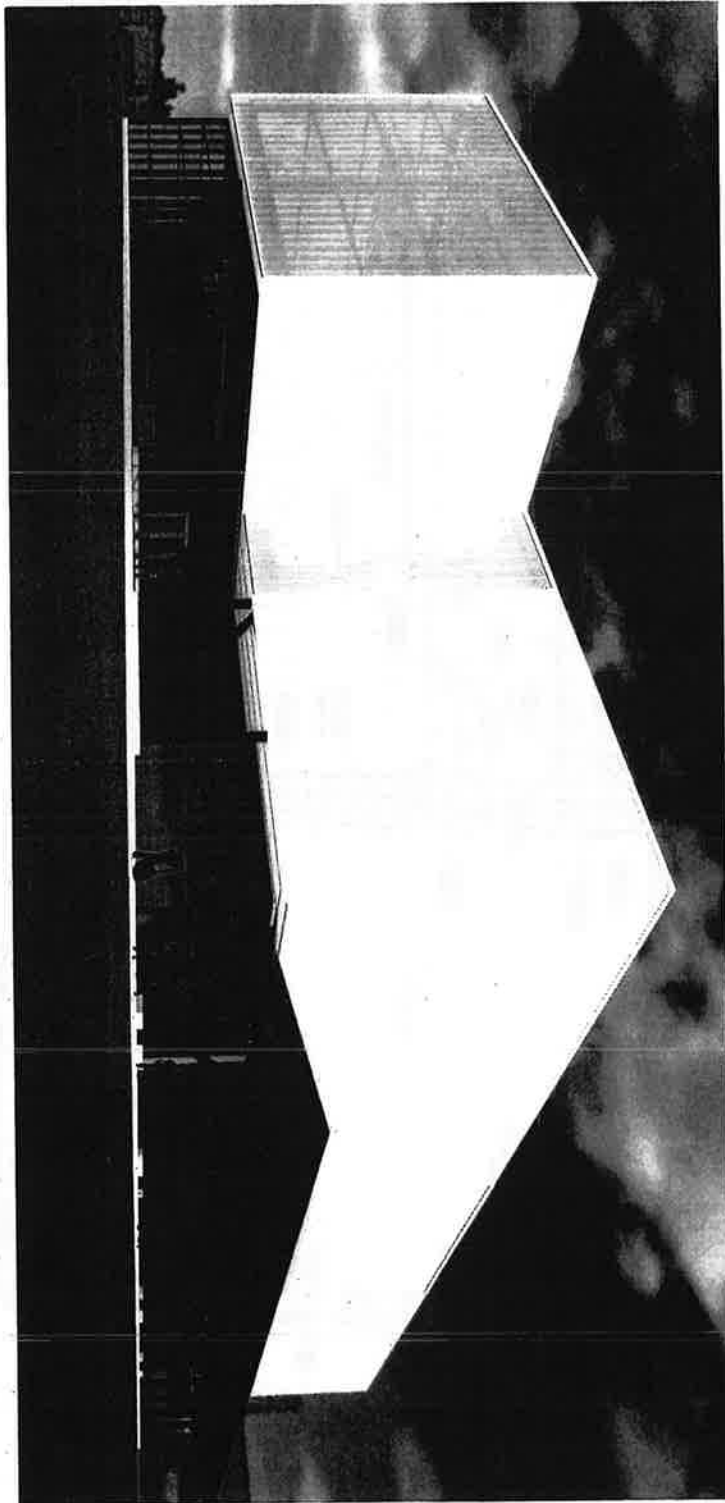




Subject Lot - Looking NE



# TULSA PUBLIC SCHOOLS MCLAIN MULTI-SPORT ATHLETIC FACILITY CONSTRUCTION DOCUMENTS



<b>Architect</b> Sports Read Architects 1401 S. Denver Ave. Tulsa, OK 74119 PH: 918.394.6307 Fax: 617.276.1242	<b>Construction Manager</b> Pinto LLC 1524 W. 21st St. Tulsa, OK 74107 PH: 918.387.8451 Fax: 918.382.1550	<b>Civil Engineer</b> Wallace Engineering 200 E. Midwest Blvd. #2 Tulsa, OK 74103 PH: 918.364.5559	<b>Structural Engineer</b> 360 Engineering 1201 E. 3rd St. Tulsa, OK 74103 PH: 918.516.1124	<b>MED Engineer</b> Allied Engineering 1401 South Denver Ave. Tulsa, OK 74119 PH: 918.394.1553 Fax: 918.394.3186
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**TULSA PUBLIC SCHOOLS**  
**MCLAIN MULTI-SPORT ATHLETIC FACILITY**  
4929 NORTH PEORIA AVE. - TULSA, OK 74126  
CONSTRUCTION DOCUMENTS

**McLAIN MULTI-SPORT ATHLETIC FACILITY**

McLain Multi-Sport Athletic Facility  
2000 N. Peoria Avenue  
Tulsa, Oklahoma 74104  
Phone: (918) 438-1234  
Fax: (918) 438-1235  
Email: info@mcclainathletic.com

**TULSA PUBLIC SCHOOLS**  
McLAIN MULTI-SPORT  
ATHLETIC FACILITY  
TULSA

**McLain Multi-Sport Athletic Facility**

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**McLain Multi-Sport Athletic Facility**

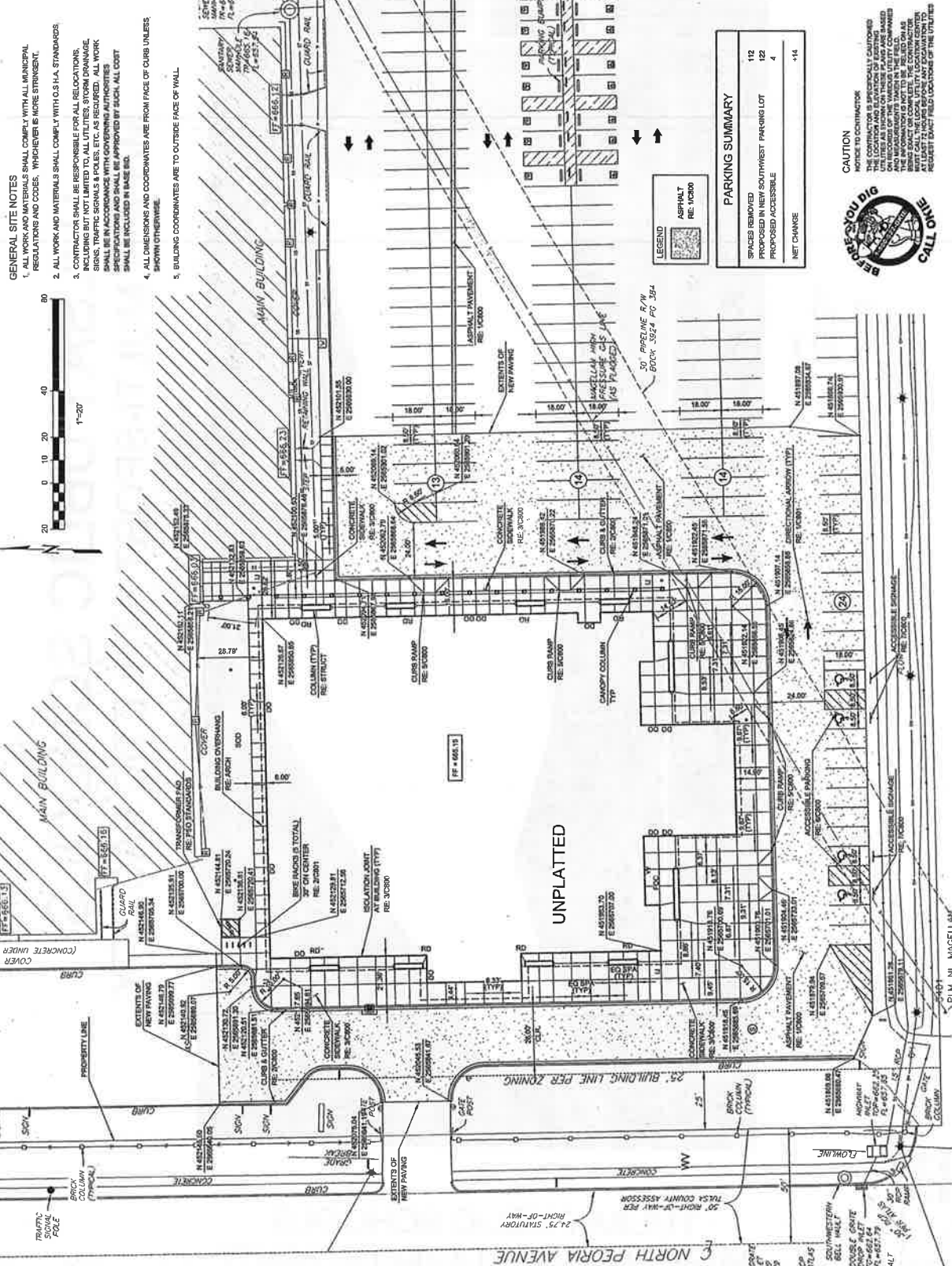
McLain Multi-Sport Athletic Facility  
2000 N. Peoria Avenue  
Tulsa, Oklahoma 74104  
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Email: info@mcclainathletic.com

**Tulsa Public Schools**

Tulsa Public Schools  
2000 N. Peoria Avenue  
Tulsa, Oklahoma 74104  
Phone: (918) 438-1234  
Fax: (918) 438-1235  
Email: info@tulsaschools.org

**McLain Multi-Sport Athletic Facility**

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2000 N. Peoria Avenue  
Tulsa, Oklahoma 74104  
Phone: (918) 438-1234  
Fax: (918) 438-1235  
Email: info@mcclainathletic.com



**GENERAL SITE NOTES**

1. ALL WORK AND MATERIALS SHALL COMPLY WITH ALL MUNICIPAL REGULATIONS AND CODES, WHICH ARE MORE STRINGENT.
2. ALL WORK AND MATERIALS SHALL COMPLY WITH U.S.A. STANDARDS.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS, INCLUDING BUT NOT LIMITED TO, ALL UTILITIES, STORM DRAINAGE, SIGNS, TRAFFIC SIGNALS & POLES, ETC. AS REQUIRED. ALL WORK SHALL BE INCLUDED IN BASE BID.
4. ALL DIMENSIONS AND COORDINATES ARE FROM FACE OF CURB UNLESS SHOWN OTHERWISE.
5. BUILDING COORDINATES ARE TO OUTSIDE FACE OF WALL.



**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: 1020590-1**

**August 03, 2017**

**DAVID REED**  
**DAVID REED ARCHITECTURE**  
**5810 E SKELLY DR STE 100**  
**TULSA, OK 74135**

**Phone: (918)884-6007**  
**Fax: (877)276-1242**

**APPLICATION NO: 426626** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
**Location: 4929 N PEORIA AV E**  
**Description: NEW**

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

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

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

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

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

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

#### **IMPORTANT INFORMATION**

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

(continued)

## REVIEW COMMENTS

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

Application No. 426626

4929 N PEORIA AV E

August 03, 2017

**Note:** As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances 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.5.030 Table 5-3:** The proposed field house is designated an accessory use to a Public, Civic & Institutional/School use and is located in the RS-3 zoning district. Per *Sec.45.010-E* the building must comply with the lot and building regulations listed in *Table 5-3*. The maximum height of a building in the RS-3 zoning district is 35'. You're proposing a height of 48'8".

**Review comment:** Submit plans providing a maximum 35' building height. You may consider a Variance, reviewed and approved per Sec.70.130, to allow a building 48'8" in height in the RS-3 zoning district.

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

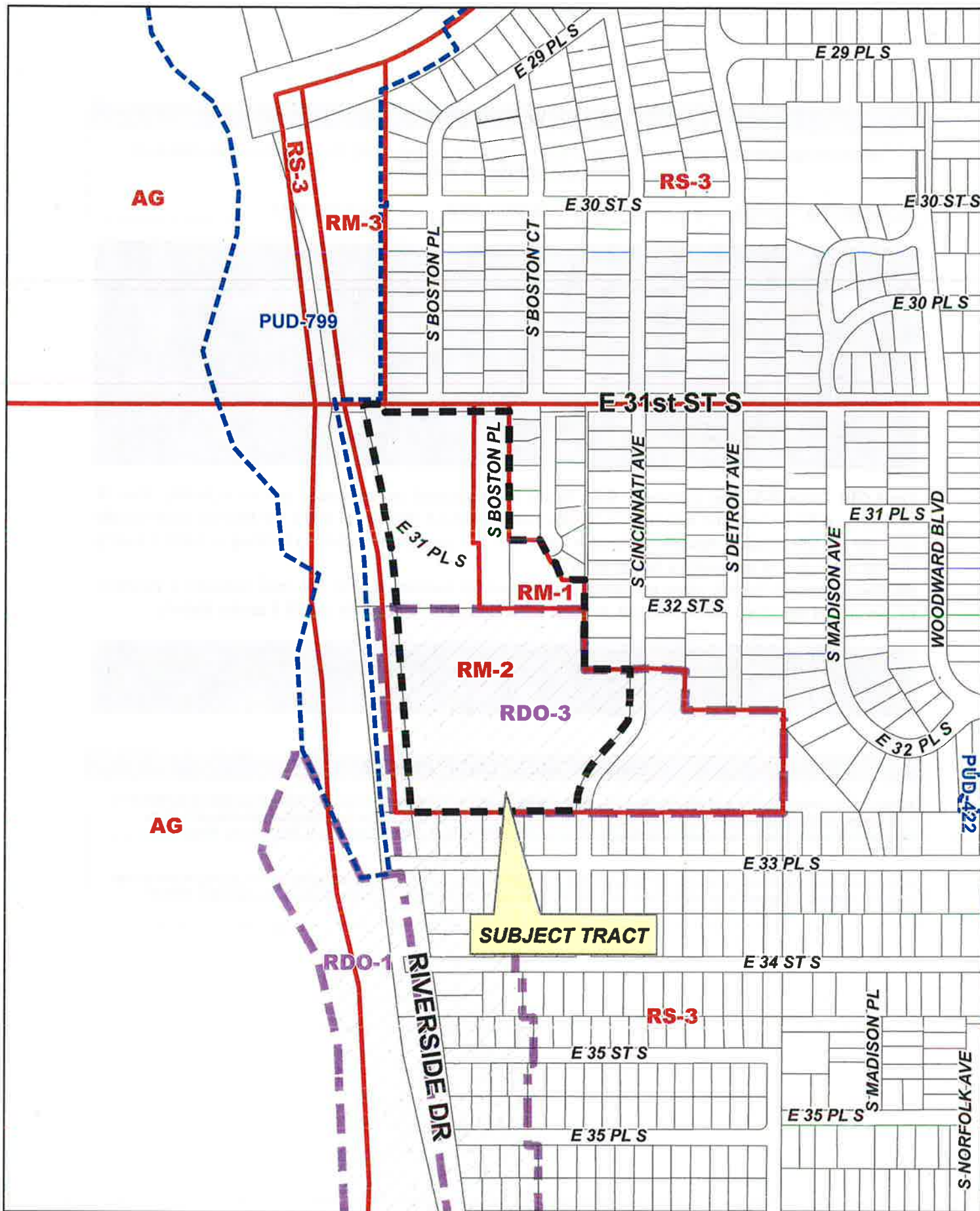
A hard copy of this letter is available upon request by the applicant.

## END – ZONING CODE REVIEW

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

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





BOA-22336

19-12 24

4.1





# BOARD OF ADJUSTMENT CASE REPORT

STR: 9224

Case Number: BOA-22336

CZM: 46

CD: 9

A-P#: N/A

**HEARING DATE:** 10/10/2017 1:00 PM

**APPLICANT:** Josh Miller

**ACTION REQUESTED:** Special Exception to allow a Parks and Recreation use in an R district to permit a temporary accessory parking lot for the Gathering Place (Section 5.020); Variance to allow a non-all weather parking surface (Section 50.090-F).

**LOCATION:** S of the SE/c of E 31 St S and Riverside Drive      **ZONED:** RM-1, RM-2, RDO-3

**PRESENT USE:** Proposed park area

**TRACT SIZE:** 17 Acres

**LEGAL DESCRIPTION:** PRT GOV LT 1 & PRT NW NE BEG 24.7S & 410.6E NWC NW NE TH W481.57 SE303.97 TH ON RT CRV 236.89 SE104.61 E371.67 N635.3 POB SEC 24 19 12 6.22ACS; AND BEG 570S NEC E/2 NW NW NE W75 NW60.8 W12 NW82.84 W98.75 S250 E247.5 SECR E/2 NW NW NE N120 POB SEC 24 19 12 AND BLOCK 1, 3200 RIVERSIDE DRIVE ADDN SUB L9-10 PEEBLES SECOND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Site**

**BOA 21784;** on 09.23.14 the Board approved a special exception to permit offsite construction facilities including staging and storage of construction equipment and materials; a variance of the 2-year time limitation on construction facilities to allow 5 years; a variance to permit construction facilities to be located within 100 feet of an occupied dwelling without consent of the owner; a variance from the the bulk and area requirements set forth in Section 404.F.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as a "Parks and Open Space"; an "Arkansas River Corridor" and an "Area of Growth".

**Parks and Open Space** are areas to be protected and promoted through the targeted investments, public private partnerships, and policy changes identified in the Parks, Trails, and Open Space chapter. Zoning and other enforcement mechanisms will assure that recommendations are implemented. No park and/or open space exists alone: they should be understood as forming a network, connected by green infrastructure, a transportation system, and a trail system.

**The Arkansas River Corridor** is located along the Arkansas River and scenic roadways running parallel and adjacent to the river. The Arkansas River Corridor is comprised of a mix of uses - residential, commercial, recreation, and entertainment - that are well connected and primarily designed for the pedestrian. Visitors from outside the surrounding neighborhoods can access the corridor by all modes of transportation.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exist that development or redevelopment is beneficial. 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-2 and RS-3 zoning on east; S Riverside Drive and RS-3 zoning abuts the site on the west. E 31 St S, RS-3 and RM-3 zoning abuts the site on the north; RS-3 zoned residential abuts the site on the south.

**STAFF COMMENTS:**

A shown on the attached site/conceptual plan the applicant is proposing a temporary overflow (non-required) parking area for the Gathering Place; the parking area will contain 1652 parking spaces. The applicant has stated that the overflow parking area will be in use for 2 years after the Gathering Place opens; it is anticipated that the Gathering Place will open Spring/Summer of 2018. A special exception is required due to the potential adverse affects of the proposed overflow parking area for the Gathering Place in the RM-1 and RM-2 districts.

The Code requires that off-street parking areas be surfaced with a dustless, all-weather material; the applicant has requested a variance to allow a non-all weather parking surface to permit the turf/grass parking surface as proposed on the attached site plan.

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

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to allow a Parks and Recreation use in an R district to permit a temporary accessory parking lot for the Gathering Place (Section 5.020); **Variance** to allow a non-all weather parking surface (Section 50.090-F).

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

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

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."*

Mr. White asked if this was a private playground that is open to the public. Mr. Beach answered affirmatively.

**Interested Parties:**

There were no interested parties present.

**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 permit a playground (Use Unit 5) in an OL District (Section 601, Table 1). This approval will be as located on pages 6.6 and 6.14. 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:

**S132 OF N264 E/2 NE SE SE SEC 23 20 12; N198 OF S396 E/2 NE SE SE SEC 23 20 12; S198 E/2 NE SE SE LESS S30 & E16.5 FOR ST SEC 23 20 12 1.209ACS, HIGHLAND HILLS AMD, DEVONSHIRE PLACE FOURTH RESUB BOULEVARD ACRES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21784—Roy Johnsen**

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**Action Requested:**

**Special Exception** to permit offsite construction facilities (Use Unit 2) including staging and storage of construction equipment and materials (Section 401, Table 1 and Section 1202.B); **Variance** of 2-year time limitation on construction facilities to allow 5 years (Section 1202.C.4.a); **Variance** to permit construction facilities to be located within 100 feet of an occupied dwelling without consent of the owner (Section 1204.C.4.c); **Variance** from the bulk and area requirements set forth in Section 404.F. **LOCATION:** NW/c of East 31<sup>st</sup> Street and South Boston Place **AND** SE/c of Riverside Drive and East 31<sup>st</sup> Street **(CD 4, 9)**

**Ms. Snyder recused herself and left the meeting at 1:17 P.M.**

**Presentation:**

**Roy Johnsen**, 1 West 3<sup>rd</sup> Street, Suite 1010, Tulsa, OK; stated he is representing the Kaiser Family Foundation. A PUD was approved by the City Council and Tulsa Metropolitan Area Planning Commission in July 2013 for the subject property with no objections. Now is the time to prepare for the construction and this will be a large

BOA-21784

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difficult job with tremendous detail. In the Zoning code Use Unit 2 provides for Special Exceptions in any district, and one of the Special Exceptions is the use of off-site property for construction purposes. Mr. Jeff Stava held a neighborhood meeting last evening and presented a good outline of the project. The Gathering Place project will be a wonderful project for the City of Tulsa.

**Jeff Stava**, 7030 South Yale, Suite 600, Tulsa, OK; stated this is an incredibly complex project. There will be a 100 acre park built between a river and a neighborhood. The project has been in planning for almost seven years and publicly engaged for two years. The contractor was hired in early May 2014 and through that process it was learned that a very large layout area was needed in order to stage construction for the project. The fences will be erected this week for the project site and it will take about two weeks to get the site fully contained. In preconstruction the lay down yard will be located on the south side of 31<sup>st</sup> Street across Crow Creek to the back of the homes located on 33<sup>rd</sup> Place across Cincinnati. This will include all of the Legacy Apartment Complex and the Sundance Apartment Complex. There is also a lot on the corner of 31<sup>st</sup> and Boston Place that is owned for the Gathering Place. The apartments located on the east side of Cincinnati will not be torn down in this phase. There are several tenants that have special needs and it will be at least a year as the transition is begun for those tenants. Everything on the west side of Cincinnati including the Sundance Apartment Complex will be razed and the Variance request is to allow the preconstruction yard in that area. At this point Mr. Stava used pictures on the overhead projector to give a visual of the subject area and the proposed fencing. Many of the residents asked for a parking lot or storage in the area closest to the houses, it was determined that with all the morning noise it would be ill advised so by placing the building in that location it will shield the residents from a lot of the noise that will occur. In the second stage of the project there will be approximately 7,000 trees and 50,000 plants will be brought in for storage before planting. It is very important that the contractors be adjacent to the site to be able to evaluate and see the condition and quality of the project as it progresses. If there is a problem they need to be able to immediately go back to the sample and models that have been approved so progress can smoothly continue. There will also be a designated area for parking and construction trailers for all the subcontractors. There will be anywhere from 50 to 100 workers at the beginning of the project and go up to approximately 500 workers on the site. Some of these workers will park on the subject site but it is also anticipated that some off site parking locations will be needed as well for the workers. Mr. Stava stated that his company had sent out a six page packet notice to the all of the residents within 300 feet, they visited door to door with the residents that live within 100 feet, and they sat down with each of the homeowners that are immediately adjacent to the site. All of the residents concur that the building is the best and most passive use to be next to the project.

Mr. Van De Wiele asked Mr. Stava if he worked with the residents on the layout of the project. Mr. Stava answered affirmatively.

Mr. Stava had a picture of the proposed project building placed on the overhead projector. The building is 11'-6" from the edge of the curb line, and it sits 20 feet from



BOA-21784

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the front edge of an adjacent house. The fencing will be run behind the building on the east side then block Boston Place to prevent construction traffic on the street, and proposing to block 31<sup>st</sup> Street west of Boston Court and at Riverside Drive. This will prevent any detour traffic on Riverside from using 31<sup>st</sup> Street and traveling through the neighborhood to go downtown. It will also prevent construction workers from parking on the street. The back of the construction site will be with the neighborhood and not have the front of the construction site into the neighborhood. The street closures chosen work for many reasons. The City must run a new major stormwater line which will cross Riverside Drive to dump into the Arkansas River, and it will allow the 440,000 cubic yards of dirt to be moved. The City hosted a neighborhood meeting with Maple Ridge and some of the other neighbors regarding Riverside Drive, and he attended that meeting. A lot of the concerns of the residents was what happens to the detour traffic if the road is not closed, and that aided in the decision to recommend the street closure.

Mr. Henke reminded Mr. Stava and the audience that the Board of Adjustment does not deal with street closures. Mr. Stava acknowledged the statement and stated that it is important in context because the building is facing west and the back of the building is facing the neighborhood. There will be no construction entrances or exits anywhere along the neighborhood side of the project site.

**Interested Parties:**

**Mark Graham**, 2551 South Owasso Avenue, Tulsa, OK; stated he has lived in Maple Ridge for 35 years. This \$300 million to the City is the result of a lot of community conversation, a lot of empathy with the neighborhood, and there has been no hiding of that fact. In the last year in Maple Ridge the neighborhood has had gas lines replaced, water lines being prepared for replacement, and in his neighborhood they have been maneuvering detours for months. It is a reality what people go through in order to have a better city. This iconic gift will set Tulsa apart from any other city in the United States. He would ask the Board not handcuff the construction with a requirement that will potentially be more costly, more time consuming and could create more inconvenience for the neighborhood and the city.

**Blake Ewing**, City Councilor, 175 East 2<sup>nd</sup> Street, Tulsa, OK; stated that as a Councilor he becomes the complaint line for the citizens of Tulsa. People are concerned about this project and how it might affect the way they live in the Maple Ridge neighborhood. What he can attest to is that he knows Paul Zachary and the City staff, as it relates to the City of Tulsa's part of this project, are doing everything they can to mitigate the imposition to the citizens of Tulsa and the affected neighborhoods. He feels Mr. Stava was quite thorough in his presentation at the meeting last evening. As Councilor he know numbers matter, and the sentiment of the public matters as decisions are being made in land use. There was frustration voiced in the meeting last evening but his sentiment is that it was overwhelmingly positive. There is no way around what is coming. Streets are going to be closed and people will need to take a different route to and from work. There are things in the city that are taken for granted, and at some point those things caused great imposition. The Broken Arrow Expressway was not always in existence. Those were just neighborhoods that it now splits into two. As community

BOA-21784

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things like this have been dealt with before with the understanding that it was for the long term greater good of the community. The citizens have been able to see that such investments have made the city better, and the short term sacrifice was worth it in the long run. The proposals presented today are worth it. This type of investment on this scale requires a great deal of space in order to stage the project, and they are already short on space. The hardship, in his words, is the issue of how to make this enormous project happen with the limited area utilized. Mr. Ewing thinks this is a justified request and he believes his constituents would that statement.

**Adam Burney**, 3016 South Boston Place, Tulsa, OK; stated he objects to the building and the Variances. He thinks the park is a positive thing for Tulsa. He thinks it is something that will be a world class destination. He objects to the building because it is a commercial entity entering a residential neighborhood. It is so close to the curb and he believes it will constitute a public nuisance. It is so close to the street that it blocks the sight triangle into the intersection of South Boston Place and 31<sup>st</sup> Street. Allowing a building that large on a lot that small will constitute a problem for traffic flow. He thinks that the spirit and intent of the zoning regulations are being exceeded in this instance because of the five year request. It has been stated that Phase I will take three or four years so he thinks the Variance should only be for four years not five. He attended the meeting last evening and he heard information that he has not heard before, i.e., from the City Engineer regarding drainage. The drainage projects are going to be happening concurrently with the construction of the park. One of the projects will be the drainage on 30<sup>th</sup> Street which deadends into the park. The Engineer stated that at times the street will be closed and that creates a problem for the residents of South Boston Place. Because of the street plan that has been laid out by the applicant for closing 31<sup>st</sup> Street, if they also close 30<sup>th</sup> Street the residents will essentially be marooned. There has to be an alternate plan for traffic because of the building, and he would like to hear about an alternate plan. He believes this process could have been a lot simpler if the lot had been included in a PUD. It is not included in the park plan. It is a separate lot and that is why there are all the Variances being requested. He has only heard a lot of this information in the last week and he lives six houses away from the project, and he did not know it was going up until there were signs placed in the subject property. He understands the 300 foot rule, but if they want to go above and beyond to communicate with the community they need go past 300 feet to inform everyone. Mr. Burney quoted Section 1202.C.4.b, "the ingress and egress of this building must be from an arterial or collector street". The applicant has stated that the entrance will be from the west side. There is no arterial or collector street on the west side of the building, it is part of the construction site. He feels that since the building is oriented as it is the applicant will be in violation of the zoning code. He thinks the park objectives can be met without the building. They can construct a world class park without having the building in a residential neighborhood.

**David Brennan**, 3020 South Boston Place, Tulsa, OK; stated he has lived in the neighborhood for five years. On September 9<sup>th</sup> he received a letter in the mail from the management team regarding the project, stating that the building would be erected. That is the first he knew about it. There have been a lot of things that have come up

BOA-21784

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and the neighborhood was not aware of just recently. There was a meeting with the management team on September 12<sup>th</sup> to discuss what the options were for the neighborhood and what was the neighborhood willing to compromise on. The neighborhood was informed that the building would be on the site for the duration of the project. His first concern is the impact this project will have on his property value. He did some research and it is not clear the benefits that will come from the park. Most of the economic benefit will be from the quality of the park and for the dwellings that are within 500 feet of the park. In his research he found that problematic parks decrease property value by 5% for dwellings within 500 feet. A problematic park is a park that has noise, lights, and parking. For the next five years The Gathering Place project will be assumed and profiled as a problematic park thus decreasing the value of his home even if it is transitory for the next five to eight years. He will not be able to sell his house. He is 60 years old and he could retire in five years and not be able to sell his house because of the devalued price. He believes there was a fabulous job done in selling the park, but it could have been done better when it comes to the residents within 500 feet of the project. He thinks there should have been a proportional consensus from the community because this is a huge park, and what he saw at the meeting last evening was minimal. This is a hardship on the neighborhood. He would ask on behalf of the neighborhood that they be allowed more time to consider other options, like reduce the building size. There is a 1,000 square foot conference room with a second conference room. He has never seen a construction building like this. The building is huge and it does not fit the property. It is 7,000 square feet being erected on a 9,000 square foot piece of property. This building is ill conceived and he thinks it can be done better.

**James Daniel "Dan" Simpson**, 2916 South Detroit, Tulsa, OK; stated he will be inconvenienced by all of this for the next four to five years as will any of his neighbors. There will be a building that people may not want to look at, however, it is a temporary construction building. A temporary building that will be used by the safety officers; site management keeping as close to the project as possible. As for the street closures he would like to hear the option of moving the barriers when 30<sup>th</sup> Place is closed and when they will be open and the installation of a gate. All of the neighbors will not agree with him but they will all agree that when this project is completed Tulsa will have a world class park. It is the largest gift to a city in the history of this nation, not just the state of Oklahoma. He would encourage the Board to move forward and minimize the inconvenience where possible and get started.

**Casey Robinson**, 3026 South Boston Place, Tulsa, OK; stated he lives three houses away from the subject site and has lived there for four years. He did not purchase the house ever thinking that a commercial building would be allowed in a residential neighborhood. Forget how many millions are going into this park. If this were any other project a commercial building would not be allowed in a residential neighborhood. He attended the meeting last evening and heard information that had never been heard before. He would like some more time to review the information presented. He would like the Board to consider that this is not the right place for the proposed building. He also has concerns over whether the building will be temporary, because when he looks



BOA-21784

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at a building like that he does not think temporary. As a neighborhood they would like to have some assurance, something in writing, that the building will be temporary.

**Debbie Saunders**, 3116 South Boston Court, Tulsa, OK; stated she learned something today that she did not know, and she was not invited to the meeting of last evening. Her back yard backs up to the project site, and she pointed to an area on the map that was on the overhead projector. She knew the staging would be placed in that area designated on the map but she did not know the parking would be staged next to her fence. This will be horrifying and she does not know if she will be able to stay. She and her sister share in the care of their aging disabled mother. The noise will be unbearable and will drive her dogs crazy. She would like to see the parking and the noisier operations moved to another area.

**Anita Saunders**, 3126 South Boston Court, Tulsa, OK; stated she has been looking forward to the start of this project, and she realizes there will be pains along the way. Ms. Saunders stated that the neighborhood was not informed as to how things were going to be laid out. She is concerned over the road closure because her street is a dead end street. She thinks that once the street is blocked off it will become a turn around area. She understands that there will be noise associated with the project but she wishes they would move the parking or create some kind of barrier between the back of the houses and the activity. She would like to have the Board give the neighborhood additional time to work with Mr. Stava.

**Millie York**, 3020 South Boston Place, Tulsa, OK; stated she filed a formal letter of protest against the building. In doing research she understands the applicant must prove hardship to receive an approval. When she asked Mr. Stava what the hardship was he answered \$350 million dollars. She does not think that is a hardship. There is one hundred acres to place this building on and having one hundred acres is not a hardship. There are plenty of places away from a single family neighborhood for the building to be placed, it is just where the applicant wants it to go. In spite of the applicant saying this is for five years she knows the Board can grant them an additional five years. Mr. Stava told her that the proposed building would be the first building up and the last building down when Stage II is completed. Ten years is not temporary. A ten year construction building at the end of the neighborhood block is going to cause the residents a hardship. Blocking both ends of the street causes response time delays. That is a public safety hazard and needs to be addressed. She wants to have this meeting continued to next month because the neighbors were not given all the information and the neighbors need more time to gather data.

Mr. Van De Wiele asked Ms. York where she was getting the ten year time frame. Ms. York stated the ten year time frame comes from the fact that Mr. Stava told her in his office on September 12<sup>th</sup> that the proposed building will be the first building up and the last building down when Phase II is complete. She understands that and is not against the building because she agrees it is being placed in the best place, if the building is built to the style, rhythm and size of the neighborhood. She is very concerned about the road closures at both ends of the street because it really is a safety issue. She would

BOA-21784

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request more time be given so the neighbors can gather data of the impact of this oversized building on the little neighborhood.

Mr. Henke asked Ms. York if she was objecting to the number of square feet. Ms. York stated that she was not objecting to that but is objecting to the amount of space it occupies on the lot. Another construction company has donated the metal building to Manhattan Construction so they are saving money. This is about the residents lives, our peace, our quiet and inconveniences.

Mr. Henke stated the Board must focus on this piece of property and the relief requested for the building. Some of the neighbors may disagree with the height at 20 feet and some may be supportive with the design. Ms. York stated that if Manhattan Construction wants the building to look like a tin construction building then reduce the size of the building. If they don't want to reduce the size and have the option of making it something that will not devalue the homes over the next ten years that should be considered. Mr. Henke stated the request today is for five years.

**Jennifer Kisamore**, 137 East 34<sup>th</sup> Street, Tulsa, OK; stated she lives at the corner of 34<sup>th</sup> Street and Cincinnati. She would like to have the Board continue this request because the size of the building and the closing of 31<sup>st</sup> Street. Traffic will be routed down Cincinnati because it is a through street which is a narrow residential street that people already run the stop sign at 34<sup>th</sup> Street. The community needs more time to consider the issue.

**Millie Clark**, 3025 South Boston Place, Tulsa, OK; stated she is one of the elderly people that lives on Boston Place which will be blocked off on both ends. Due to visual and ambulatory difficulties she has she objects to the street closing because she will not be able to get in or out. She also has reservations made to enter a retirement center and if the street is blocked off and the neighborhood is marooned as an island how will she be able to move. How will her property values be affected? Her moving into a retirement center is totally contingent upon the sale of her house. She would prefer something else be done for a short period of time. Mr. Henke stated the Board does not have the ability to open and close street but he understands her concern. Mr. Henke stated he will ask the City about marooning the neighbors.

**Brooke Caviness**, Senior Engineer, City of Tulsa, 175 East 2<sup>nd</sup> Street, Tulsa, OK; stated the City is planning on performing drainage improvements to the neighborhood at 30<sup>th</sup> Street. The plan is to parallel a line with another 48 inch line. When the construction starts the City need to cut across Boston Place but the City will maintain access. There may 20 feet of rock but the City will maintain access. If there is a situation where the City cannot maintain the access they will open 31<sup>st</sup> Street. The City will not maroon any residents. The City anticipates the project to last approximately two weeks to perform the work across Boston Place.

**Herb Beattie**, 3474 South Zuni Avenue, Tulsa, OK; stated he has been representing the Brookside Neighborhood Association for over a decade. Projects like this are

BOA-21784

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associated with street closings. He has attended many meetings with Mr. Stava, the City Engineering Department, City Councilors and the neighbors for the last two or three years on related matters to this project. They have been consistently responsive, considerate and gone out of their way to understanding the needs and concerns of the neighbors and to make adjustments where it is appropriate.

**Jason Brimer**, 3045 South Boston Place, Tulsa, OK; stated he lives directly east of the proposed construction office site. He is in favor of moving forward with the project. He understands the reluctance of some of the neighbors and their concerns. He appreciates what GKFF and Manhattan has done in turning the building and the whole construction area so the backend faces the neighborhood. The look and feel of the building will blend in as well as possible considering in the southwest portion there is going to be nothing but construction machinery.

Mr. Van De Wiele asked Mr. Brimer if his preference is the mock up presented today. Mr. Brimer answered affirmatively.

**Mr. Henke left the meeting at 2:21 P.M. and re-entered the meeting at 2:22 P.M.**

**Jeff Stava** came forward. The original concept that was submitted there was a 14 foot eave with a 20 foot peak on the building. There was an eight foot cedar fence with plantings in front of it. As they went around the neighborhood there were some people that did not want the fence and some people did not want the plantings. Mr. Stava recommended that the fencing around the building be vetoed, and just have the fencing from the corner of the building across Boston Place and plantings elsewhere. So there would be fencing on the north and east sides and plantings across it so the building will fit more into the fabric of the neighborhood. On the south side of the building there will be doorway and no fence, and the site will be open to 31<sup>st</sup> Street. On the west side there will be a doorway and no fence. The building would consist of stone and painted shake style hardie board with a galvanized metal roof. There are two houses in the neighborhood with metal roofs and he plans to match the metal to the house that is the farthest north on the block.

Mr. White informed Mr. Stava that if he should need to go beyond the five year period being requested he would need to come back before the Board for permission of an extension. Mr. Stava stated that he was not aware of that until last evening.

Mr. White asked Mr. Stava if it would be a problem for him if the Board were to make a condition that at the end of a five year period the subject building were to be removed, if the Board approves today's request. Mr. Stava stated that at the end of Phase I there will be a pocket park that opens up to the neighborhood. That construction phase is expected to end in 2017. So the building would stay up to five years then be replaced by the pocket park.



BOA-21784

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Mr. Van De Wiele asked Mr. Stava if construction of Phase II were to start early what would happen to the building. Mr. Stava stated there will not be a requirement for as large a building for Phase II and Phase III so the construction office building will be scaled down.

Mr. Tidwell asked if the construction office building would be moved to a different location during Phase II and Phase III. Mr. Stava answered affirmatively.

**Jana Monforte**, 3041 South Boston Place, Tulsa, OK; stated she is thrilled about the park. She feels that GKFF has done a great job in keeping the neighborhood informed on what is going to happen. At times the residents are going to be frustrated but in the end there be a park right across the street from her house. Sometimes you must give up something to gain something.

**Rebuttal:**

**Roy Johnsen** came forward. The meeting last evening was packed and most of the people at that meeting are here today. The Board of Adjustment is dealing with two issues, Special Exceptions and Variances. The Board must find "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". It seems like this project is right on the money in a situation of an extraordinary circumstance. Many times a Variance being sought is a small thing but this project is a large thing. There is nothing else like this in the entire city. In Use Unit 2, it does not make any distinction from retail or industrial or office or any other category. It is a document that was written that says construction activities can be on site. This is far past that simplicity. For example, there is an office building on the north side of 31<sup>st</sup> Street and there is no parking on site. It is as good a neighbor as anyone can have. This company is going to do the best they can to keep the dust down and reduce the noise level. Use Unit 2 does not work for the present situation because it is a very large project that will take a very long to complete. The conditions for the hardship are met by looking at the facts. The neighbors have agreed with the proposal. There are provisions in Use Unit 2, i.e., the length of time is two years. That two year time limit simply will not work so a Variance is being requested. There is also a provision that within 100 feet the resident's permission must be received. That statement does not make sense, and the Board has the power to grant the Variance requested for that. In the zoning code there is a section that addresses the ingress and egress from a collector street, and that collector street is 31<sup>st</sup> Street. Section C under the Use Unit 2 states that a site shall not be located within 100 feet of an occupied dwelling without permission, but as a practical matter people will sign a statement such as that. Mr. Johnsen did say that the four residents that are within 100 feet of the project are in support of the project. A Use Unit 2 Special Exception in the residential district is one of the things the Board can approve. This project is in a residential district. In the zoning code it specifies certain things, i.e., maximum floor area ratio of .5, maximum lot size of 12,000 square feet, minimum frontage of 100 feet, a minimum building setback and these items simply cannot be met with the situation presented.

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The lot is smaller than the 12,000 square feet. The minimum frontage of 100 feet is not there. That is why the Variance for those items has been requested.

Mr. Van De Wiele asked Mr. Johnsen to speak to the need of the size of the building. Mr. Johnsen stated there will be a lot of offices for meetings and the larger building will provide greater protection to the people to the north of the subject site. The contractor thinks the building size is appropriate for the leadership of the construction project.

Mr. Tidwell asked Mr. Johnsen if there would be work performed on the site on Saturdays. Mr. Johnsen stated there would be work all day during the daylight hours.

**Comments and Questions:**

Mr. Henke thinks there is a valid hardship for the Variance requests. The Special Exception clearly needs to be not detrimental to the neighborhood, and there will be arguments on both sides to that, but what has been discussed today is probably the most attractive temporary construction office building he has seen.

Mr. Van De Wiele agreed. Everyone is going to be inconvenienced to some degree. The closer one is the more inconvenience, and he certainly has already started looking for another route into downtown. When this project is finished it will be a great improvement and asset.

Mr. Tidwell agreed there is a valid hardship, and believes the Foundation will be responsive to problems that may arise during the construction.

Mr. White agreed with the other Board members. He would suggest that after the five year time frame is complete that the building be removed from the site. He understands the applicant has stated that the building would be removed but the Board has not stated that condition in a motion as of yet.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the request for a Special Exception to permit offsite construction facilities (Use Unit 2) including staging and storage of construction equipment and materials (Section 401, Table 1 and Section 1202.B); Variance of 2-year time limitation on construction facilities to allow 5 years (Section 1202.C.4.a), with the condition that at the end of the five year period the construction office facility be removed; Variance to permit construction facilities to be located within 100 feet of an occupied dwelling without consent of the owner (Section 1204.C.4.c); Variance from the bulk and area requirements set forth in Section 404.F. The Board has found that the project in question is an exceptional size and undertaking as part of the City. The facilities to be constructed on the lot in question are located at the optimal and most efficient location to provide the least amount of detrimental impact. The applicant has agreed as part of the approval given today that the north and east side of the construction office will be covered by a stone and painted shake style hardie board siding as presented at today's meeting. The south and west sides of the building

BOA-21784

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will be of typical construction material and will not be required to be fenced. Also, along the north and east sides of the building there will be landscaping and plantings. The Board has found in conjunction with the Special Exception 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. 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:

**S17 LT 11 & ALL LT 12 BLK 11, TRAVIS PARK ADDN; ALL 3200 RIVERSIDE DRIVE ADDN; PRT GOV LT 1 & PRT NW NE BEG 24.7S & 410.6E NWC NW NE TH W481.57 SE303.97 TH ON RT CRV 236.89 SE104.61 E371.67 N635.3 POB SEC 24 19 12 6.22ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

\*\*\*\*\*

#### **OTHER BUSINESS**

**Review and Approval** of the 2015 City Board of Adjustment meeting dates.

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the 2015 City Board of Adjustment meeting date schedule provided with the exception of the removal of the November 24<sup>th</sup> meeting and the December 22<sup>nd</sup> meeting.





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Subject  
Tract

**BOA-22336**

19-12 24

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

Aerial Photo Date: February 2016



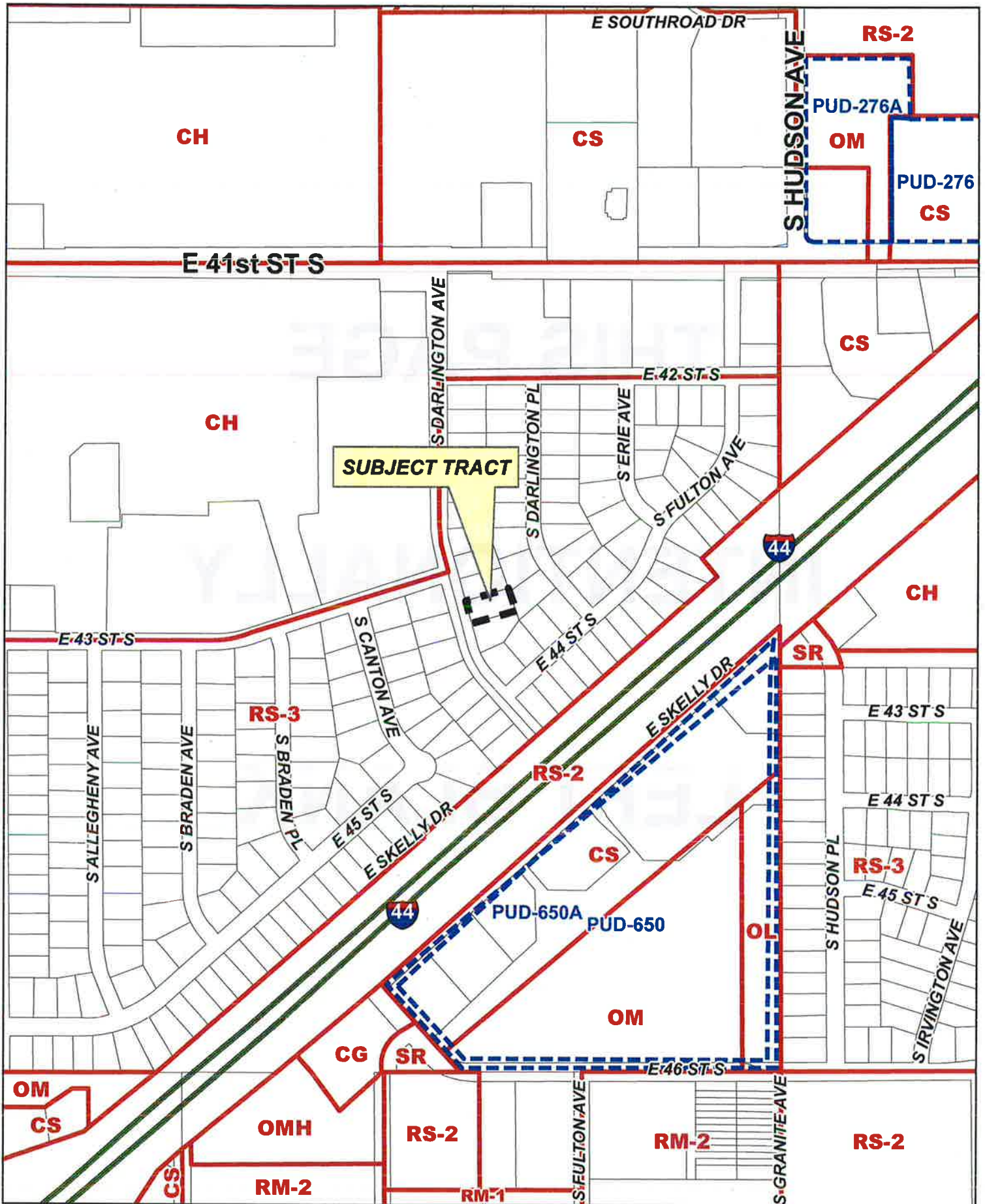
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BOA-22337

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## BOARD OF ADJUSTMENT CASE REPORT

STR: 9327

Case Number: BOA-22337

CZM: 48

CD: 5

A-P#: N/A

**HEARING DATE:** 10/10/2017 1:00 PM

**APPLICANT:** Kevin McNamara

**ACTION REQUESTED:** Variance to reduce the front setback from 25 ft. to 15 ft. to permit the existing house (Section 5.030).

**LOCATION:** 4311 S DARLINGTON AV E

**ZONED:** RS-3

**PRESENT USE:** Residential

**TRACT SIZE:** 11173.19 SQ FT

**LEGAL DESCRIPTION:** LT 11 BLK 5, MAX CAMPBELL FIFTH ADDN B3-6, 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:**

Based on the submitted drawing it appears that the existing house has a front (street) setback of 15 ft.; the applicant has requested a variance to reduce the front setback from 25 ft. to 15 ft. to permit the house as built. The applicant provided the following statement: *"It would require extensive demolition of parts of the original structure to comply with the setback requirement. The part in question is part of the original construction and to my knowledge has not been modified."*

### **Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Variance to reduce the front setback from 25 ft. to 15 ft. to permit the existing house (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."*









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Subject  
Tract

**BOA-22337**

19-13 27

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

Aerial Photo Date: February 2016



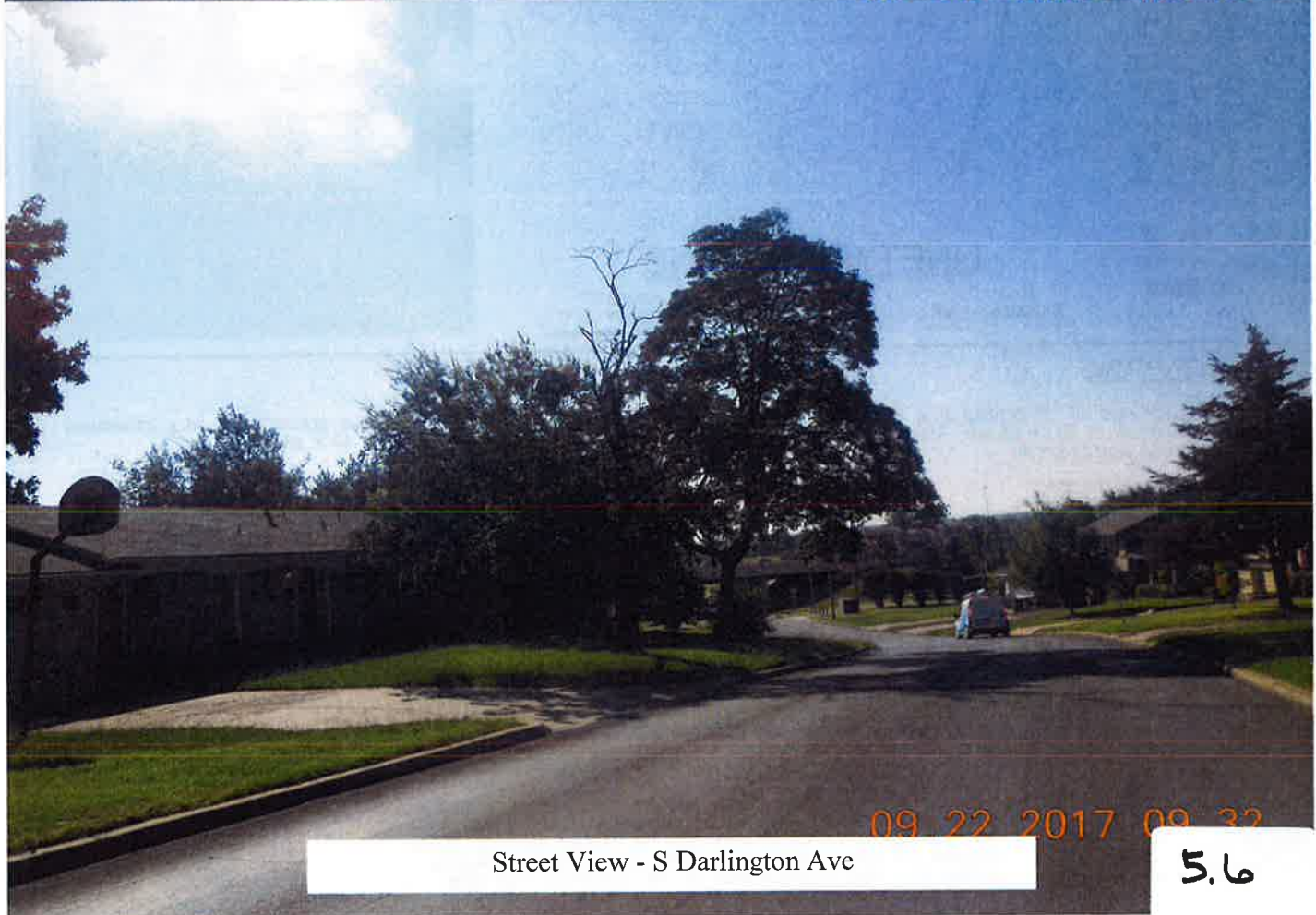


BOA 22337



Subject Lot - Looking East

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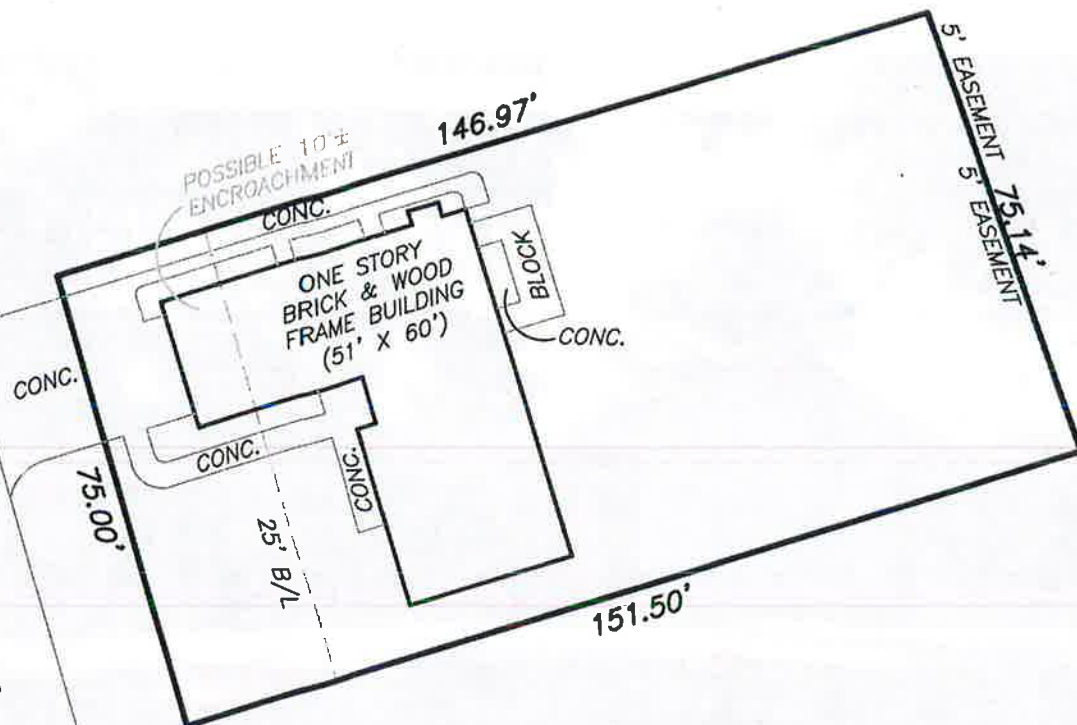
Street View - S Darlington Ave

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SOUTH DARLINGTON AVENUE



SITE PHOTO:



SCALE: 1" = 30'



### LINETYPE LEGEND

EASEMENT LINE      ROAD CENTERLINE      SUBJECT BOUNDARY LINE

#### LEGAL DESCRIPTION:

LOT ELEVEN (11), BLOCK FIVE (5), OF BLOCKS 3, 4, 5, 6, MAX CAMPBELL 5TH ADDITION, A SUBDIVISION IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO RECORDED PLAT THEREOF.

#### SCHEDULE B ITEMS:

AS SHOWN WITHIN APEX TITLE & CLOSING SERVICES, LLC TITLE COMMITMENT NO.: 17108380, BEARING AN EFFECTIVE DATE OF JULY 7, 2017.

- 04) PLAT NO. 1968. AFFECTS PROPERTY.
- 05) BOOK 3472, PAGE 614. DOES NOT AFFECT PROPERTY.

#### NOTES:

- 1) BUILDING FOOTPRINT SHOWN HEREON IS APPROXIMATE IN NATURE AND DOES NOT INCLUDE THE ARCHITECTURAL FEATURES, IF ANY, OF THE BUILDING.
- 2) EXISTING BUILDING APPEARS TO EXTEND INTO BUILDING SETBACK 10 FEET, MORE OR LESS, AS SHOWN.

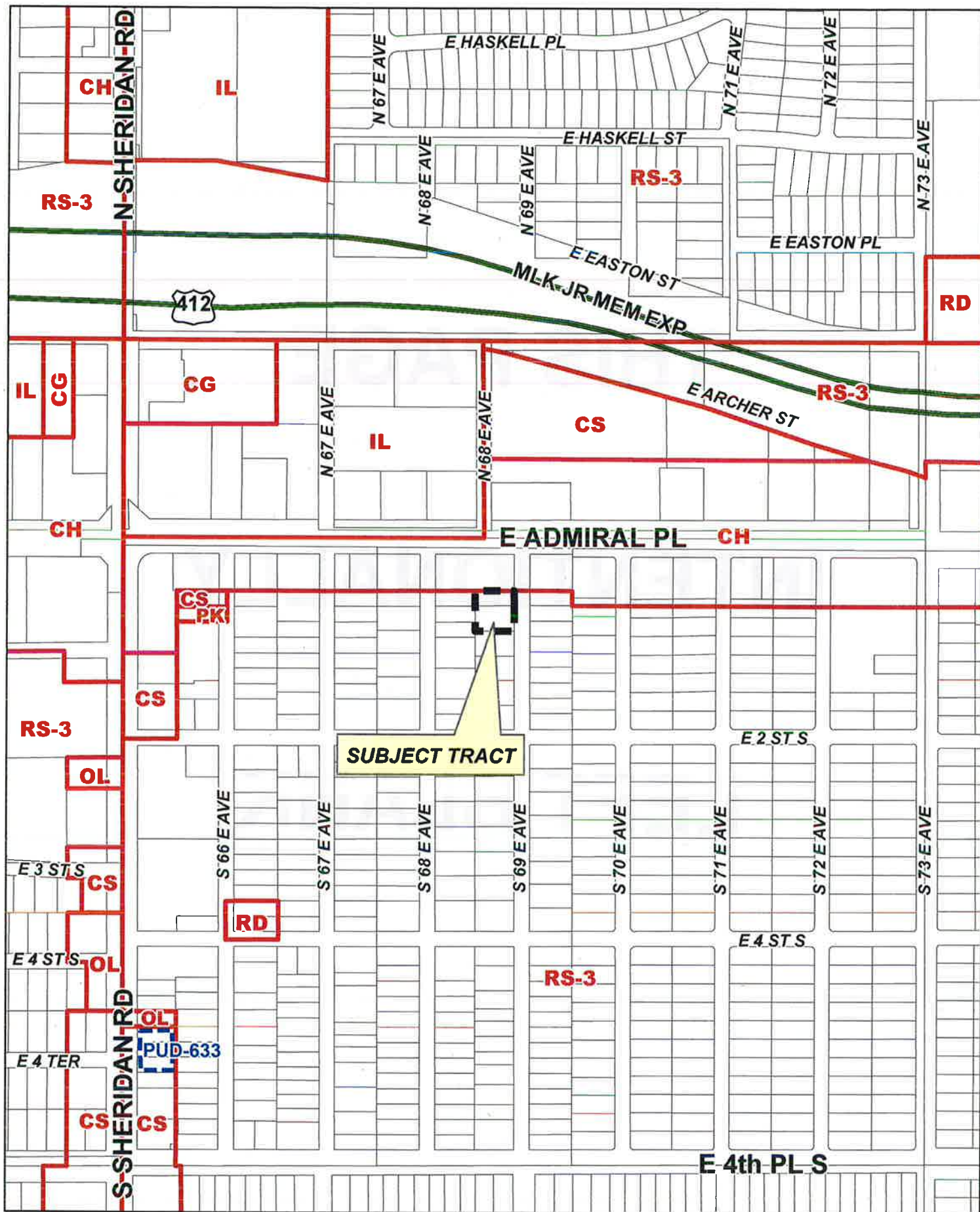
#### CERTIFICATION:

THIS MORTGAGE INSPECTION REPORT WAS PREPARED FOR APEX TITLE & CLOSING SERVICES, LLC. IT IS NOT A LAND OR BOUNDARY SURVEY PLAT, AND IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING, OR OTHER FUTURE IMPROVEMENT LINES. THE ACCOMPANYING SKETCH IS A TRUE REPRESENTATION OF THE CONDITIONS THAT WERE



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BOA-22338

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## BOARD OF ADJUSTMENT CASE REPORT

STR: 9302

Case Number: BOA-22338

CZM: 38

CD: 3

A-P#: 9015

**HEARING DATE:** 10/10/2017 1:00 PM

**APPLICANT:** Jerry Hine

**ACTION REQUESTED:** Variance to allow the combined total of detached accessory structures to exceed 500 sq. ft. to allow 934 sq. ft. (Section 45.030-B).

**LOCATION:** 14 S 69 AV E

**ZONED:** RS-3

**PRESENT USE:** Residential

**TRACT SIZE:** 16901.35 SQ FT

**LEGAL DESCRIPTION:** LT 7 BLK M; N 80 LT 10 BLK M, CRESTVIEW ESTATES SECOND, City of Tulsa, Tulsa County, State of Oklahoma

### **RELEVANT PREVIOUS ACTIONS:**

#### **Surrounding Properties:**

**BOA 22288;** on 07.25.17 the Board approved a variance to allow a detached accessory building to exceed 500 sq. ft. to permit a 1200 sq. ft. detached accessory building; located at 21 S 66<sup>th</sup> West Ave.

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

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

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

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

**STAFF COMMENTS:**

As shown on the attached plan there are currently two detached storage buildings/units on the site totalling 934 sq. ft. The applicant has provided a statement that is attached to this case report. On 10.04.17 the TMAPC will hear a request to approve a lot combination (LC-942) to combine the subject lots.

The Code states that detached accessory buildings in the RS-3 district are limited to a floor area of 500 sq. ft. or 40% of the principal dwelling, whichever is greater. The existing residence on the lot is 1088 sq. ft.; therefore the maximum allowed floor area for detached accessory buildings on the lot is 500 sq. ft. The applicant has requested a variance to increase the maximum permitted floor area of detached accessory buildings on the lot from 500 sq. ft. to 934 sq. ft. as proposed on the attached site plan.

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Variance to allow the combined total of detached accessory structures to exceed 500 sq. ft. to allow 934 sq. ft. (Section 45.030-B).

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

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

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

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

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

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

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

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

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

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

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

**22288—Donald Swope**

**FILE COPY**

**Action Requested:**

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

**Presentation:**

**Donald Swope**, 21 South 66<sup>th</sup> East Avenue, Tulsa, OK; stated he purchased the subject house in approximately 2000. The house was dilapidated and needed lots of work. He rebuilt the house including the wiring. He would like to have the building to place his boat, four wheelers and tools inside.

Mr. Van De Wiele asked Mr. Swope about the existing storage building that is in the rear yard. Mr. Swope stated that it will all be taken down.

Mr. Swope stated that it is not the best neighborhood any longer and a person cannot leave anything outside. He is surrounded on three sides by commercial property and he does see a problem with his request.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.



BOA-22288

FILE COPY

**Board Action:**

On **MOTION** of **BACK**, the Board voted 3-0-0 (Back, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond, Flanagan absent) to **APPROVE** the request for a **Variance** to allow a detached accessory building to exceed 500 square feet in size (Section 45.030). The Board has found the hardship to be that the lot is surrounded by commercial zoned or commercially used property, some of which are also zoned in the R District. The approval is per conceptual plans 11.7, 11.8, 11.9 and 11.10 and the **other storage buildings on the subject property will be removed. The Board finds that** the following facts, favorable to the property owner, have been established:

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

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

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

**Action Requested:**

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

**Presentation:**

**Nicole Watts**, KKT Architects, 2200 South Utica Place, Suite 200, Tulsa, OK; stated TPS is in the process of expanding and remodeling Emerson Elementary. In the past the Board granted a Special Exception to allow the existing school be in a residential zone. OSU has leased the five acres south of Jasper to the school for growth and the





0 Feet  
200  
400



Subject  
Tract

**BOA-22338**

19-13 02

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

Aerial Photo Date: February 2016

6.6







0 50 100  
Feet



Subject  
Tract

**BOA-22338**

19-13 02

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

Aerial Photo Date: February 2016



6.7



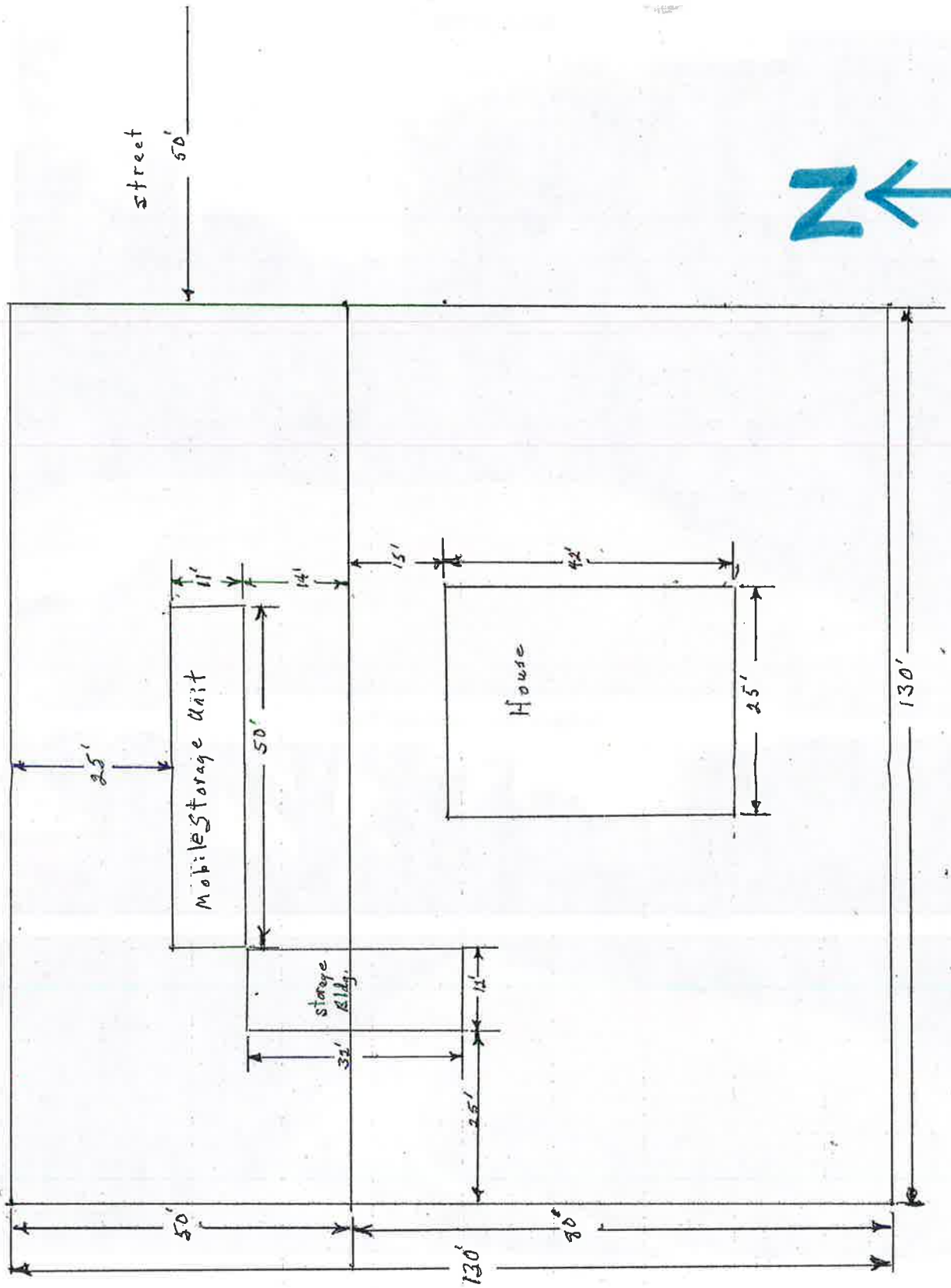
BOA 22338



Subject Lot - Looking West



7



10

When <sup>the</sup> property was purchased it was outside Tulsa city limits. It was used for rebuilding and selling trailers and later mobile homes.

When taken into the City of Tulsa this property was part of 6840 East Admiral Place and was part of Hine's Trailer Shop. My parents asked for Commercial Zoning. They were told they could not have Commercial Zoning on that lot but that we could continue using the property for our business.

I used the property for business from time of parents death to present.

Now the City of Tulsa calls the property 10 South 69th East Ave.

This property adjoins a building to the north that was built approximately 3 feet from the property line and a car lot. The property has been offered for sale with no one willing to buy. The property has been used for storage for approximately 68 years.

The property has no other passable use as it is a declined area and is a narrow strip of land.



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: 993549-1

March 13, 2017

JERRY HINE  
HOMEOWNER  
14 S 69 AV E  
TULSA, OK 74112

Phone: (918)694-3868

APPLICATION NO: **9015** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: **10 S 069 AV E**  
Description: **STORAGE BUILDING/MANUFACTURED HOUSING UNIT**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

#### IMPORTANT INFORMATION

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

## REVIEW COMMENTS

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

Application No. 9015

10 S 069 AV E

March 13, 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. 45.010-D Location

Accessory uses and structures must be located on the same lot as the principal use to which they are accessory, unless otherwise expressly stated.

**Review Comments:** Your accessory structure storage building is located on a separate lot. Move storage building to the same lot as the residence is located on or apply to INCOG for a lot combination to combine the 2 lots into one lot.

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

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

**Review comments:** You are proposing 934 sq ft of detached accessory structures. The proposed detached accessory structures exceed 500 sq ft. Reduce the size of your proposed detached accessory structures to be less than 500 sq ft or apply to BOA for a variance to allow a combined total of detached accessory structures to exceed 500 sq ft.

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: 9335

Case Number: **BOA-22339**

CZM: 48

CD: 7

A-P#: 9312

**HEARING DATE:** 10/10/2017 1:00 PM

**APPLICANT:** Kirk Livingstone

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

**LOCATION:** 7990 E 51 ST S

**ZONED:** CS

**PRESENT USE:** Commercial

**TRACT SIZE:** 4.64 Acres

**LEGAL DESCRIPTION:** PRT LT 1 BEG 723.82E NWC LT 1 TH E141 S200 E210 S415.15 W299.68 NW159.42 N304.51 E106 N302 POB LESS E10 THEREOF FOR ST BLK 13 4.64AC, SOUTHERN PLAZA B8-15, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Surrounding Properties:**

**BOA 22280;** on 07.11.17 the Board approved a special exception to allow a Indoor Commercial/Assembly and Entertainment Use (Event Center) in the IL district; located at the NE/c of E 51 St and S Memorial Drive.

**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 on the north by E. 51st Street S. and CS zoning; RS-3 and CS zoning abuts the site on the south. CS zoned commercial shopping abuts the site on the west; S Memorial Drive and a RS-3 zoned cemetery abuts the site on the east.



**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 photos into a fitness center. A special exception is required due to the potential adverse affects of the proposed Indoor Assembly & Entertainment use 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) in a CS district to allow a fitness center. (Section 15.020)

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

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

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

**22280—D-A-C Events**

**FILE COPY**

**Action Requested:**

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

**Presentation:**

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

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

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

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

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

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





Feet

0 200 400

Subject  
Tract

**BOA-22339**

19-13 36

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

**Aerial Photo Date: February 2016**







0 50 100  
Feet



Subject  
Tract

**BOA-22339**

19-13 36

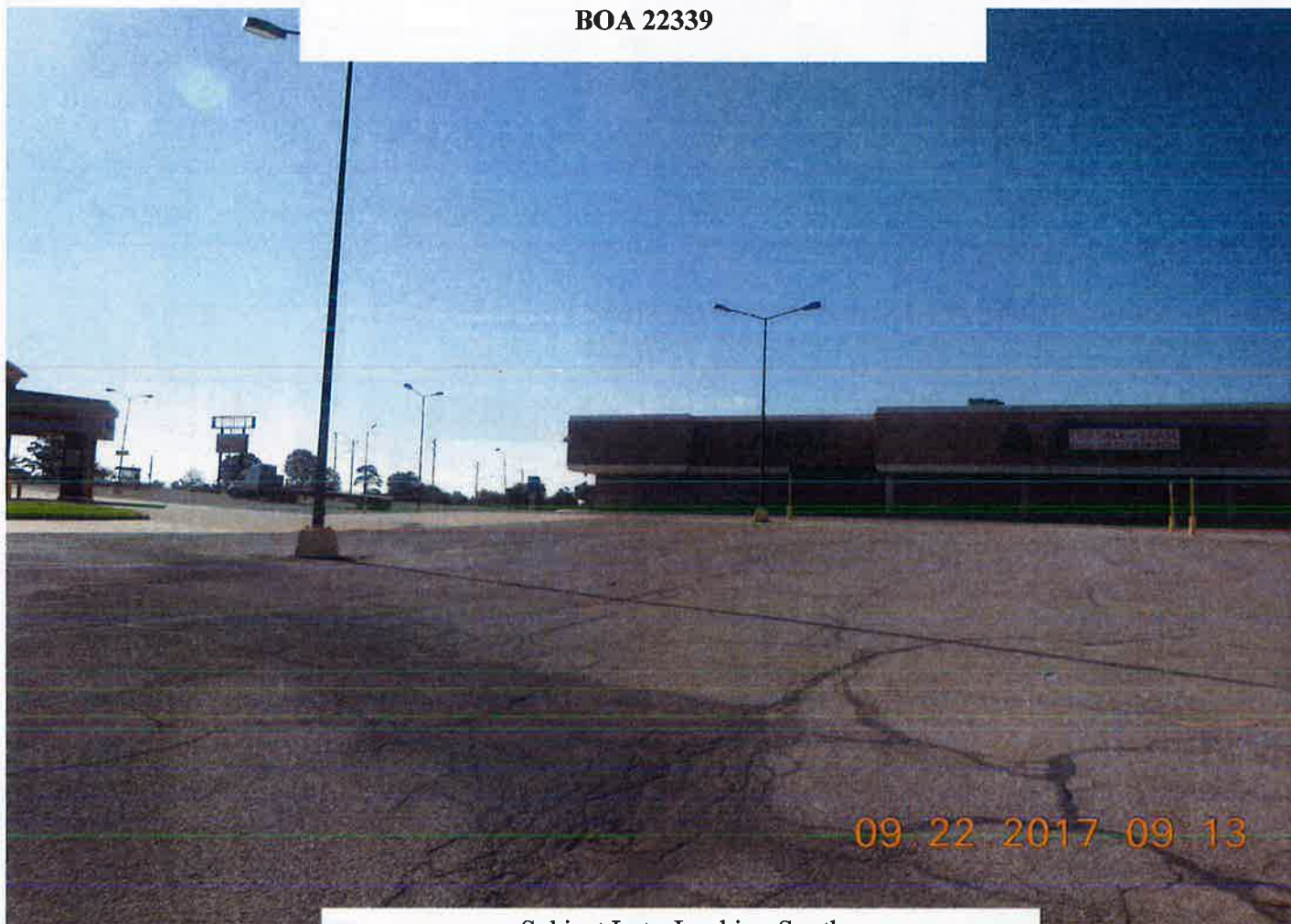
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2016



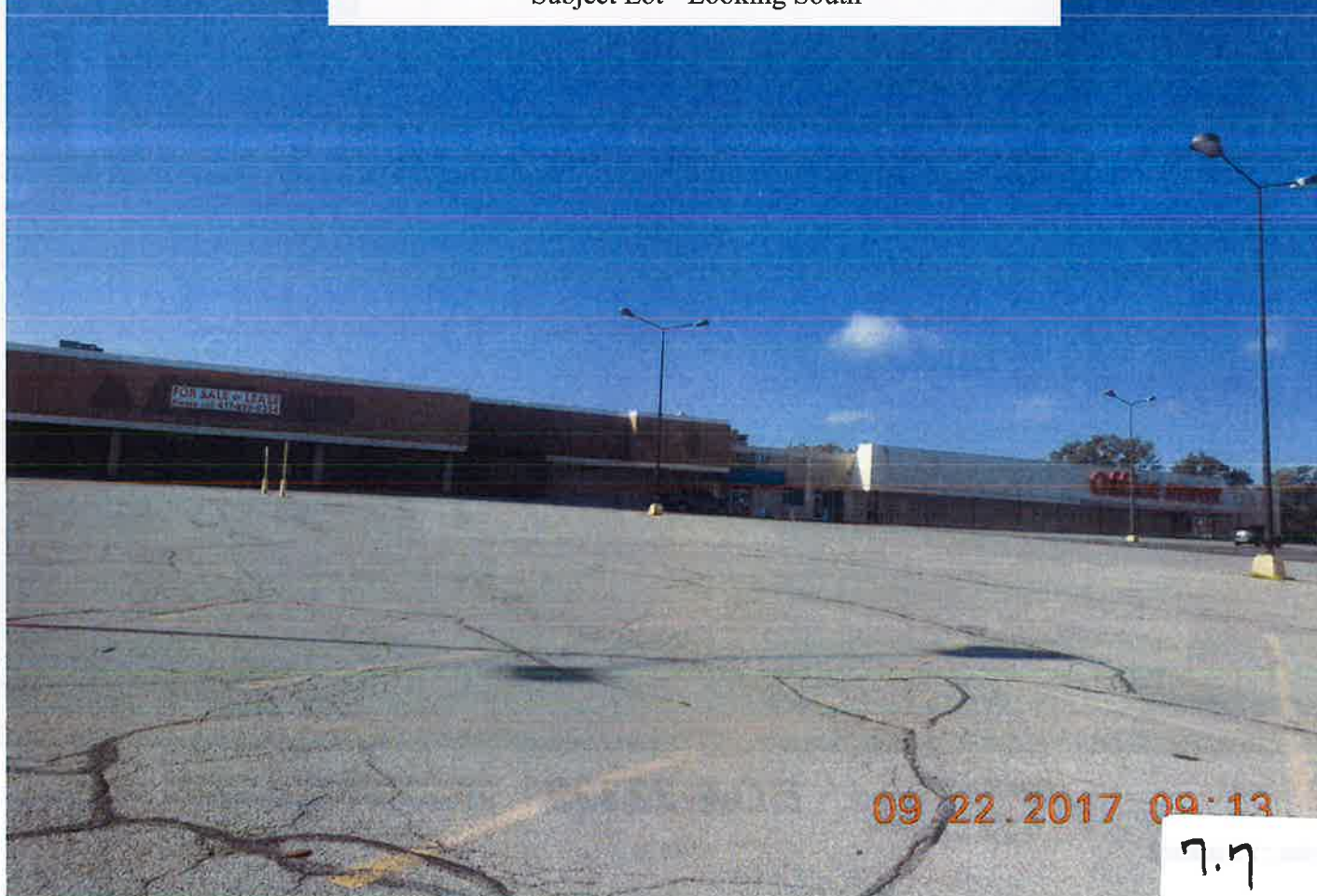


BOA 22339



09.22.2017 09:13

Subject Lot - Looking South



09.22.2017 09:13

7.7



September 8, 2017

City of Tulsa Board of Adjustment  
2 West Second Street, Suite 800  
Tulsa, OK 74103

**Re: VASA Fitness Center**  
**7990 E. 51<sup>st</sup> Street S.**  
**Application No. 9312**  
**LOD Number 1027530-1**

To whom it may concern,

Please accept this letter as supplemental information relative to our application for Special Exception for the referenced location. Per the referenced Letter of Deficiency (LOD) the proposed fitness center is designated as a Commercial/Assembly & Entertainment/Indoor (Large>250 person capacity) and is only allowed within the CS – Commercial Shopping Zone District as a Special Exception as noted in Section 15.020, Table 15-2.

Per Section 70.120-G A Special Exception may be approved only if the Board of Adjustment (BoA) makes each of the following findings:

1. That the special exception will be in harmony with the spirit and intent of the zoning code; and
2. That the special exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

To that end we believe that the proposed fitness use is in harmony with the spirit of the CS – Commercial Shopping Zone District as defined in Section 15.010 Table 15-1 CS – Commercial Shopping which is “intended to accommodate convenience, neighborhood, subcommunity, community, and regional shopping centers providing a range of retail and personal service uses”. The proposed fitness use will provide a convenient personal service use to the surrounding neighborhoods.

Furthermore, the proposed fitness use will not be injurious to the neighborhood or otherwise detrimental to the public welfare by actually back filling currently vacant space with an active use that will provide a convenient personal service use to the surrounding neighborhoods. It should also be noted that the proposed fitness use is consistent with an existing fitness use located across the street in the same CS Zone District.

Thank you in advance for your consideration of our request. Please let us know if you have any questions or require additional information.

Sincerely,  
**Galloway & Company, Inc.**

Zell O. Cantrell  
Site Development Project Manager  
ZellCantrell@GallowayUS.com

cc: Kirk Livingstone – VASA Fitness via email  
Rick Sander – Galloway via email

7.8



**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: 1027530-1**

**August 23, 2017**

**KEVIN HAWKINS**  
7108 S ALTON WAY STE F-2  
CENTENNIAL, CO 80112

**Phone: (303)694-1500**

**APPLICATION NO: 9312** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
**Location: 7990 E 051 ST S**  
**Description: FITNESS CENTER**

#### 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

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

(continued)

## 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. 9312

7990 E 051 ST S

August 23, 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:** The proposed fitness center is designated a Commercial/Assembly & Entertainment/Indoor (Large>250 person capacity) Use and 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/Assembly & Entertainment/Indoor (Large>250 person capacity) Use in a CS zoned district.

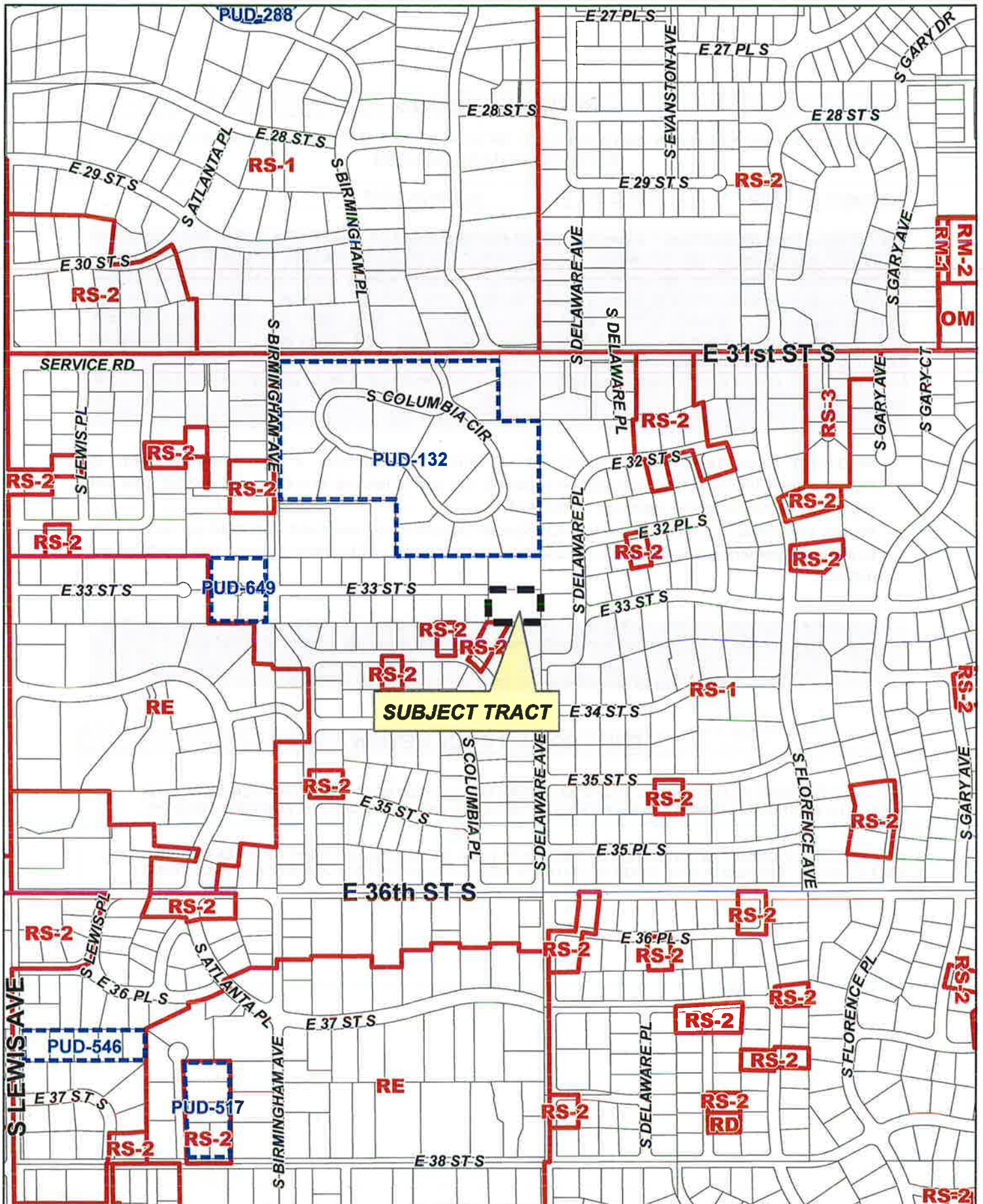
**This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.**

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

## END – ZONING CODE REVIEW

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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.



**BOA-22340**

**8.1**



19-13 20





## BOARD OF ADJUSTMENT CASE REPORT

STR: 9320

Case Number: BOA-22340

CZM: 47

CD: 9

A-P#: NA

**HEARING DATE:** 10/10/2017 1:00 PM

**APPLICANT:** Randy Branstetter

**ACTION REQUESTED:** Special exception to allow a fence and wall height greater than 4 feet in the street setback area. (Sec. 45.080)

**LOCATION:** 2730 E 33 ST S

**ZONED:** RS-1

**PRESENT USE:** Residential

**TRACT SIZE:** 42506.02 SQ FT

**LEGAL DESCRIPTION:** BEG 1320S & 1056E OF NWC NE NW TH N161 E264 S161 W264 POB SEC 20 19 13, TIMBERLAND ADDN, TIMBERLAND ADDN RESUB L1-3 B1, CHARLANE EST AMD B1-2, City of Tulsa, Tulsa County, State of Oklahoma

### **RELEVANT PREVIOUS ACTIONS:**

#### **Surrounding Properties:**

**BOA 20950;** on 08.11.09 the Board **approved** a special exception of the maximum permitted height for a fence/wall located in the required front yard from 4 ft. to 6 ft.; a variance of the maximum permitted height for a detached accessory building located in the required rear yard; variance of the maximum amount of coverage in the rear setback area; located at 2627 E 33 Street.

**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.

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

**STAFF COMMENTS:**

As shown in the attached plan the property owner is proposing a 6.5 ft. tall steel gate/fence and a 7 ft. tall stucco wall within the required 35 ft. street setback at the northwest entrance of the property. The Code (**Section 45.080**) limits fence and wall heights in the required street setback of residential districts to 4 ft. However, the Code permits the Board of Adjustment to modify the height limitation through special exception approval.

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

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Special exception to allow a fence and wall height greater than 4 feet in the street set back area (Sec. 45.080).

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

The Board finds that the requested Special 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 White**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20944 to the meeting on August 11, 2009, on the following described property:

W795 E875 S1475 N1525 NW LESS BEG 50S & 80W NEC NW TH S29.94  
NWLY CRV LF 47.06 E29.94 POB SEC 34 19 13, City of Tulsa, Tulsa County,  
State of Oklahoma

\*\*\*\*\*

**Case No. 20950**

**Action Requested:**

Variance of the maximum permitted height for a fence/wall located in the required front yard from 4 ft. to 6 ft. (Section 210.B.3); a Variance of the maximum permitted height for a detached accessory building located in the required rear yard to two (2) stories, 21 ft. at the top plate, and 26 ft. total (Section 210.B.5.a); a Variance of the maximum amount of coverage for a detached accessory building of the required rear yard in the RS-1 district from 20% to 29% (Section 210.B.5.a) and a Variance of the maximum number of unconnected parking areas permitted in the front yard from one (1) to two (2) (Section 1301.C), located: 2627 East 33<sup>rd</sup> Street.

**Presentation:**

Mr. Alberty informed the Board that Roy Johnsen requested a continuance of Case No. 20950 to the meeting on August 11, 2009.

**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 **CONTINUE** Case No. 20950 to the meeting on August 11, 2009, on the following described property:

PRT NE NW BEG 998S & 936E NWC NE NW TH E120 S161 W120 N161 POB  
LESS S25 FOR ST SEC 20 19 13, City of Tulsa, Tulsa County, State of  
Oklahoma

\*\*\*\*\*

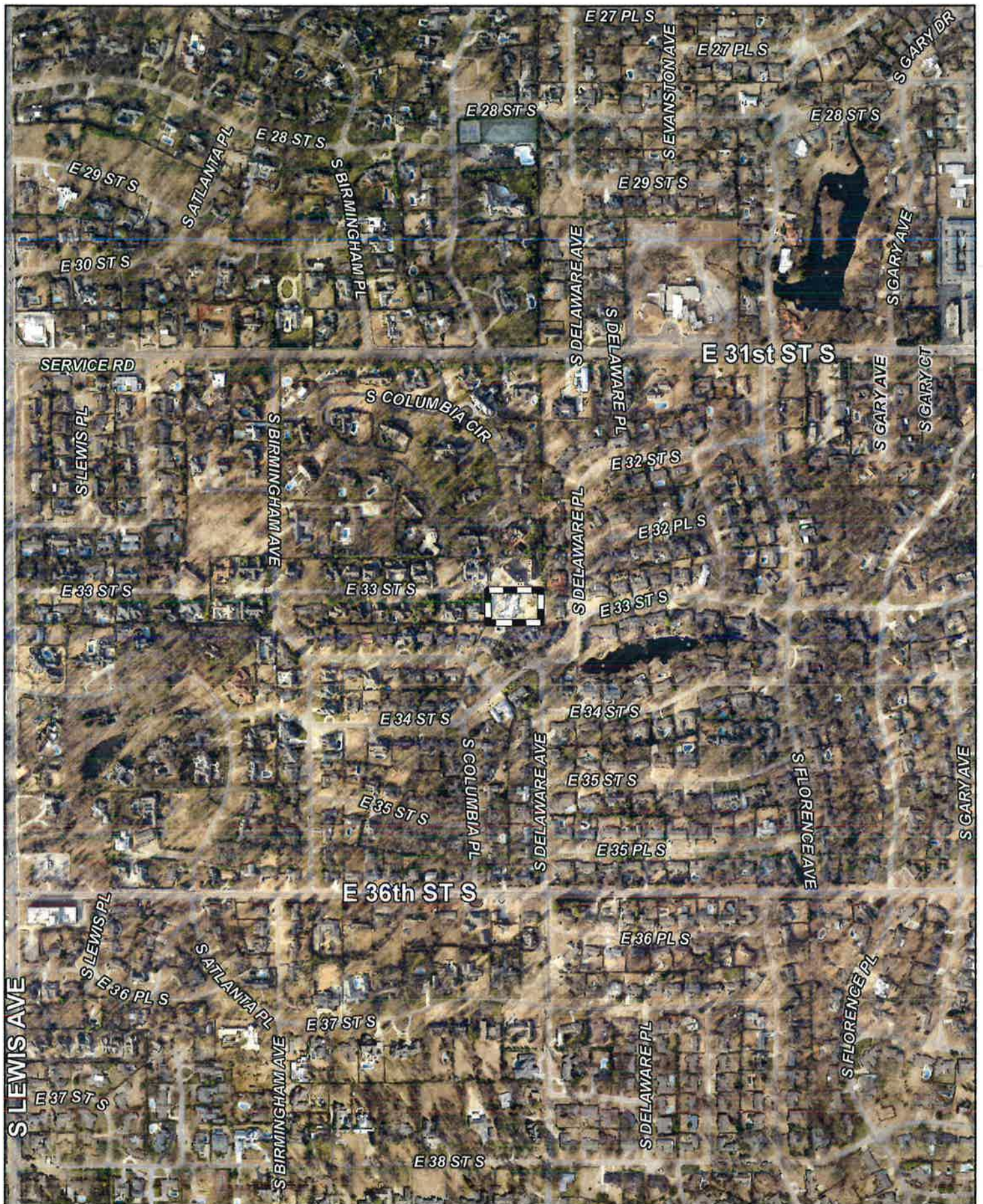
**UNFINISHED BUSINESS**

**Case No. 20924**

**Action Requested:**

Special Exception to permit required off-street parking on a lot other than the one containing the principal use (Section 1301.D); to permit parking on excess ODOT right-of-way, located: Southeast corner of South 33<sup>rd</sup> West Avenue and I-44.





0 300 600  
Feet



Subject  
Tract

**BOA-22340**

19-13 20

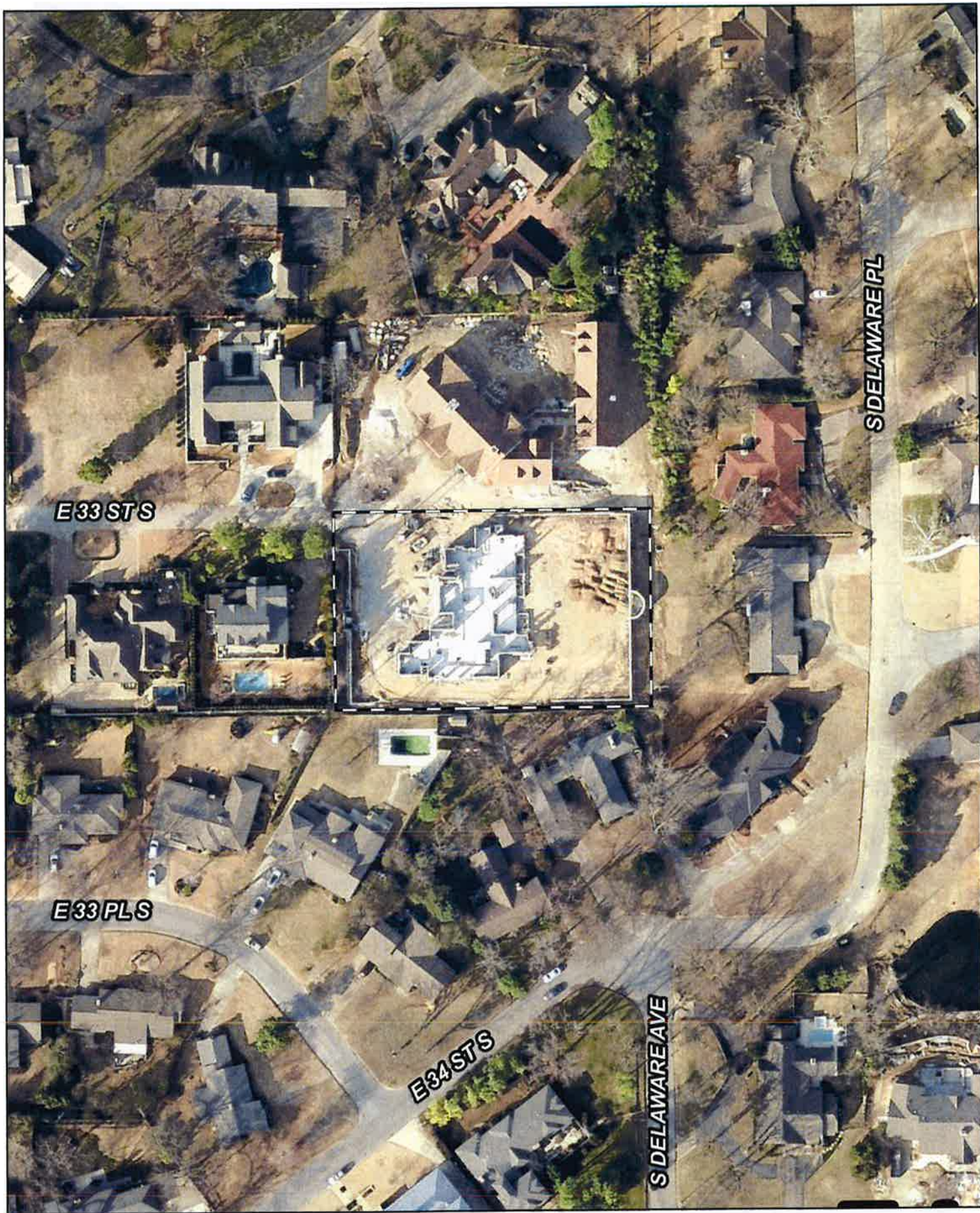
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2016

8.5







0 50 100  
Feet



Subject  
Tract

**BOA-22340**

19-13 20

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

Aerial Photo Date: February 2016

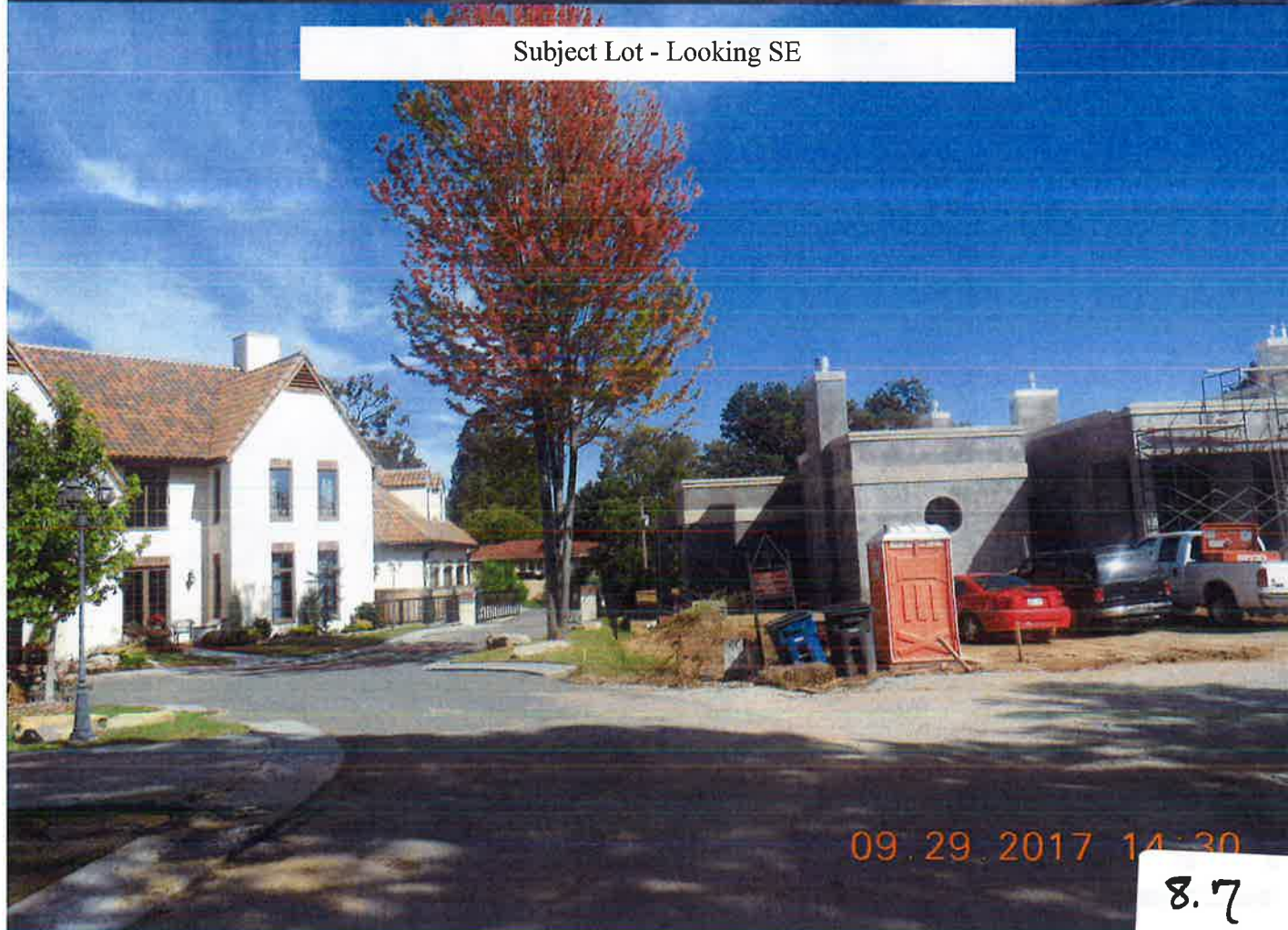




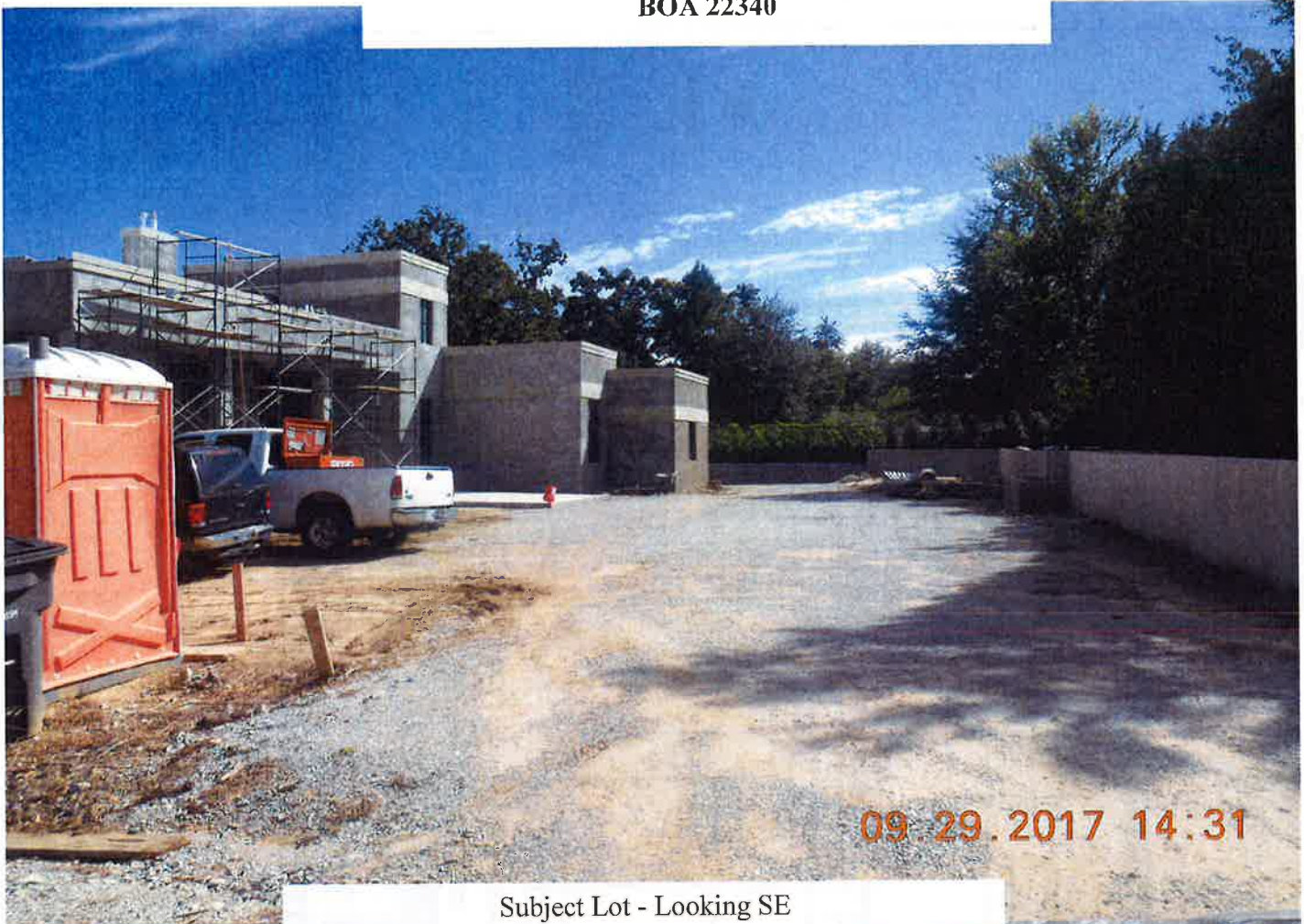
BOA 22340



Subject Lot - Looking SE





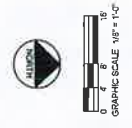
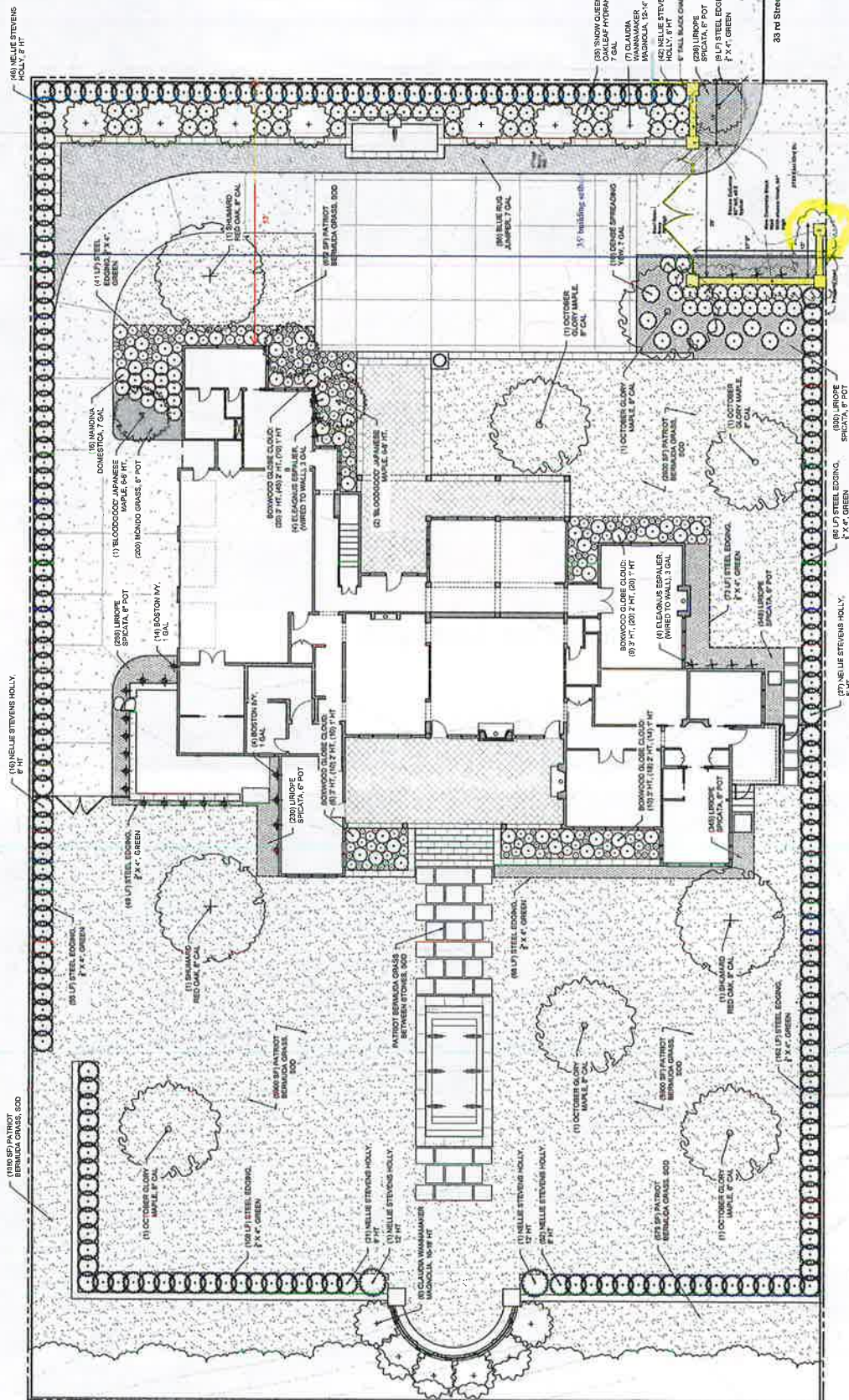


Subject Lot - Looking SE





8.9



# DESIGN REVIEW ISSUE SET

## REVISIONS

- (35) SNOW QUEEN  
CAMELEAF HYDRANGEA,  
7 GAL
- (1) CLAUDIA  
WANNAMAKER  
MAGNOLIA, 12-14" HT
- (45) NELLE STEVENS  
HOLLY, 8 FT
- (1) FALL ROCK CHALKLINE  
SPICATA, 8" POT
- (8) LF STEEL EDGING,  
2" X 4" GREEN

Armstrong Berger

ROBERTS  
RESIDENCE  
3730 E. 2nd Street SW  
DENVER, CO 80202

## PLANTING PLAN

ISSUE DATE	APR 2012
DRAWING SCALE	1/8" = 1'-0"
DESIGNED BY	ARMSTRONG BERGER
ENGINEER BY	ARMSTRONG BERGER
APPROVED BY	ARMSTRONG BERGER
DRAWING NUMBER	8.9

L5.01

8.9



OCTOBER  
LORY MAPLE,  
CAL

## 35' building setback

(10) DENSE SPREADING  
YEW, 7 GAL

**Steel Gates /  
fence  
78" high**

**Stucco Columns**  
90" tall, all 5  
typical

**New Concrete Block  
Wall  
With stucco finish, 84" high**

2733 East 33rd St.

Property line

8.10

(35) 'SNOW QUEEN'  
OAKLEAF HYDRANGEA,  
7 GAL

(7) CLAUDIA  
WANNAMAKER  
MAGNOLIA, 12-14' HT

(42) NELLIE STEVENS  
HOLLY, 6' HT

6' TALL BLACK CHAINLINK

(236) LIRIOPE  
SPICATA, 6" POT

(9 LF) STEEL EDGING,  
1" X 4", GREEN

33 rd Street S

# Armstrong Berge

**Landscap Architecture • Planning • Construction Manage**  
2611 State Street  
Dallas, Texas 75204  
214-871-0893 Phone  
214-871-0894 Fax  
arnberg@aarnberg.com  
P.O. Box  
Dallas, Texas

ROBERTS  
RESIDENCE

2730 E. 33rd Street South  
Tulsa, OK 74105

DRAWING TITLE

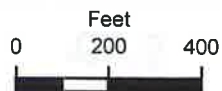
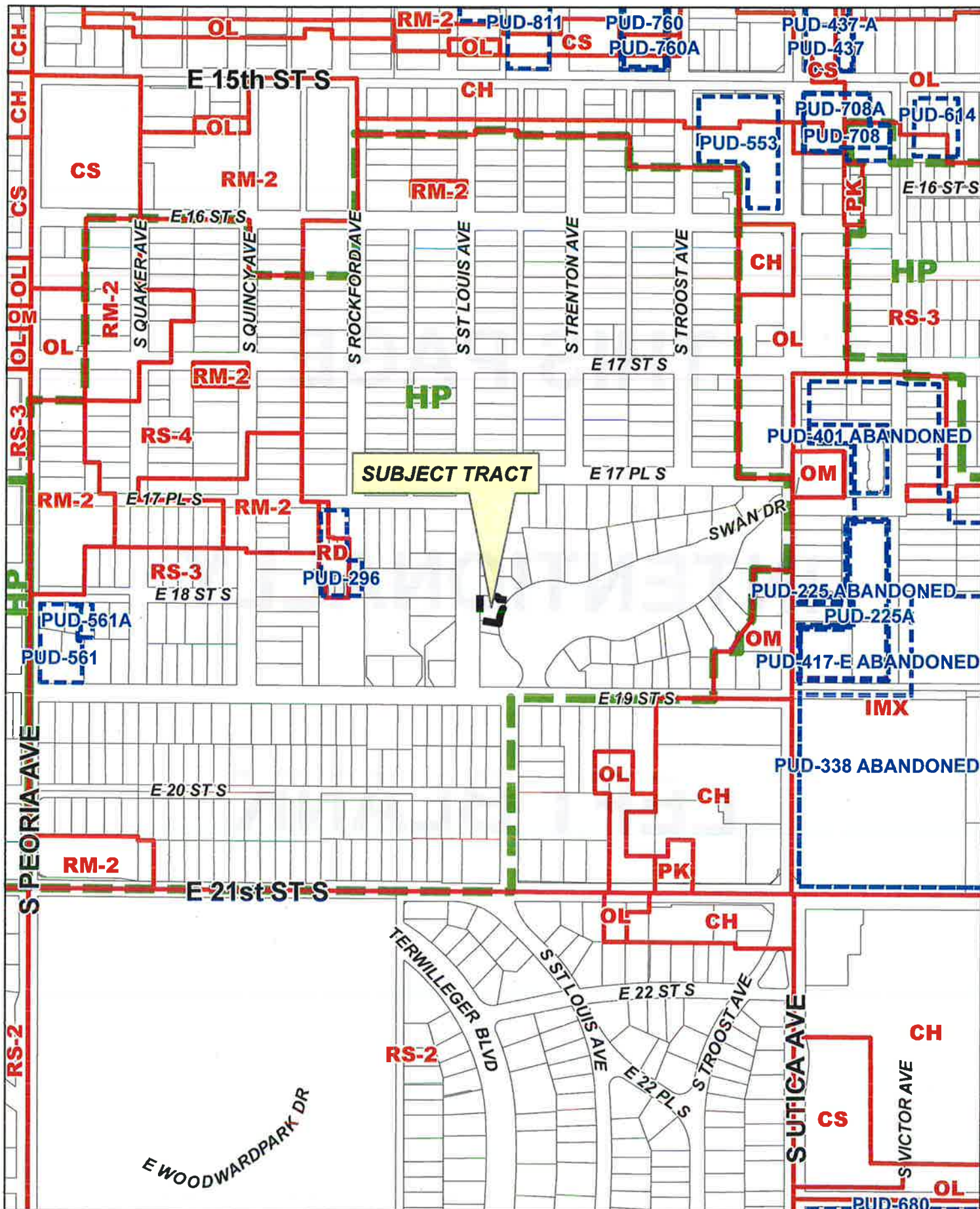
# PLANTING







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BOA-22341

19-13 07

9.1





## BOARD OF ADJUSTMENT CASE REPORT

STR: 9307

Case Number: **BOA-22341**

CZM: 37

CD: 4

A-P#: 417105

**HEARING DATE:** 10/10/2017 1:00 PM

**APPLICANT:** Stephen Schuller

**ACTION REQUESTED:** **Variance** to permit a swimming pool/spa and a retaining wall within the side and rear yard setbacks and in the planned street right-of-way; and a **Variance** to reduce the side street setback from 15 ft. to 6 ft. along S. St. Louis Ave. and reduce the rear street setback from 25 ft. to 8 ft. to along Swan Drive to permit a swimming pool/spa (Sec. 90.090).

**LOCATION:** 1767 S ST LOUIS AV E

**ZONED:** RS-3

**PRESENT USE:** Residential

**TRACT SIZE:** 6320.58 SQ FT

**LEGAL DESCRIPTION:** PT LTS 2 & 3 BG 22.6 N OF NWC LT 2 SE 38.7 S & PARL W.L. 5.5 SE 51.36 TO E.L. LT 3 SWLY ON CRV 74 NW 63.8 TO W.L. LT 2 N 81.9 T.B. BLK 1, PARK PLACE, SWAN PARK, City of Tulsa, Tulsa County, State of Oklahoma

### **RELEVANT PREVIOUS ACTIONS:**

#### **Surrounding Properties:**

**BOA 22185;** on 01.10.17 the Board approved a variance to allow a detached accessory building to be located less than 25 ft. from the rear property line; located immediately north of the subject lot.

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

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

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

of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

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

**STAFF COMMENTS:**

The existing retaining wall shown on the attached pictures will be demolished. The retaining wall will be rebuilt as proposed on the attached site plans and drawings. The proposed swimming pool/spa and the retaining wall appear to extend in to the 60 foot planned right-of-way abutting the property on the south along S. St. Louis Avenue; the proposed swimming pool and retaining wall also appear to be located within the 50 foot Swan Drive planned right of way abutting the property on the east.

The Code (Section 90.090-A) states unless otherwise expressly stated that no part of any structure may be located within the right-of-way or planned right-of-way of a street shown on the Major Street and Highway Plan. To permit the swimming pool/spa and the retaining wall as proposed the applicant has request a **Variance** to allow the structures within the planned right-of-way along S. St. Louis Avenue and Swan Drive.

The required rear street setback along Swan Drive is 25 ft. and the required side street setback along S. St. Louis Ave. is 15 ft.; swimming pools are not permitted in street setbacks. To permit the swimming pool/spa as shown, the applicant has requested a **Variance** to reduce the side street setback along S. St. Louis Ave. from 15 ft. to 6 ft. and reduce the rear street setback along Swan Dr. from 25 ft. to 8 ft. The applicant provided the following statement: *"The hardship for the request is the unusual shape, size and configuration of the lot, as well as the sloping topography; and the existing development of the neighborhood with sturctures dating back to the 1920's or 1930's."*

The Tulsa Historic Preservation Commission has approved a permit (see attached) to demolish the existing retaining wall and construct the new retaining wall as proposed; and to construct a pool in the street setback area as proposed.

The Code traditionally prohibits structures in the planned right-of-way to enable future expansion of the right-of-way and to enable adequate provision of public services along a right-of-way. If inclined to approve staff request that the Board require the owner to obtain a removal agreement from the City to permit the structures in the planned right-of-way.

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a **Variance** to permit a swimming pool/spa and a retaining wall within the side and rear yard setbacks and in the planned street right-of-way; and a **Variance** to reduce the side street setback from 15 ft. to 6 ft. along S. St. Louis Ave. and reduce the rear street setback from 25 ft. to 8 ft. to along Swan Drive to permit a swimming pool/spa (Sec. 90.090).

- 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."*

lean toward approving something, even with a fairly short time period, to truly test whether the intention is to break ground on a stick built house. It sounds like there are flood plain issues, and there is definitely utility extensions and paving issues that would be against a short time frame. The age of the manufactured home is an issue as well.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to **DENY** the request for a **Special Exception** to permit a manufactured housing unit in the RM-2 District (Section 5.020) finding it is injurious to the neighborhood and detrimental to the public welfare; for the following property:

**N 100' S 200' LT 1 N 100 S 200' E 13.77' LT 2 BLK 8, VERN SUB AMD, City of Tulsa, Tulsa County, State of Oklahoma**

**22185—Kurt Barron**

**FILE COPY**

**Action Requested:**

**Variance** to allow a detached accessory building to be located less than 25 feet from the rear property line (Section 90.090.C-2.b). **LOCATION:** 1755 South St. Louis Avenue East (CD 4)

**Mr. White abstained at 2:39 P.M.**

**Presentation:**

**Kurt Barron**, Barron & McClary General Contractors, 1424 South Harvard, Tulsa, OK; stated the rear of the subject property faces Swan Lake and this request is for a small shed. The hardship is the water feature of Swan Lake and an existing pool with hardscape and an existing patio. The owner would like to have the shed for additional storage because storage space is always an issue with older homes. The shed will have a unique look and not a Home Depot plastic shed.

Mr. Van De Wiele asked Mr. Barron if he had spoken to the neighbor to the south of the subject property. Mr. Barron answered affirmatively and stated that he is in favor of the project.

**Interested Parties:**

**Stephen Poleman**, 1755 South St. Louis Avenue, Tulsa, OK; stated he is the home owner. Mr. Poleman stated if a person is standing on Swan Drive there is tiered rock landscaping, a hedge and a fence and the storage shed will be inside all of that, so the shed will not be visibly close.



BOA-22185

FILE COPY

Mr. Van De Wiele asked Mr. Poleman how high up is the pool deck. Mr. Poleman stated that it is at least six feet. Mr. Poleman stated the pool would be a little higher because it is built on a decking and there is a walkway that will be between the pool and the shed. The shed will be used for the storage of yard and pool equipment.

Mr. Van De Wiele asked if the shed will be painted and designed to match the house. Mr. Poleman answered affirmatively.

**Comments and Questions:**

None.

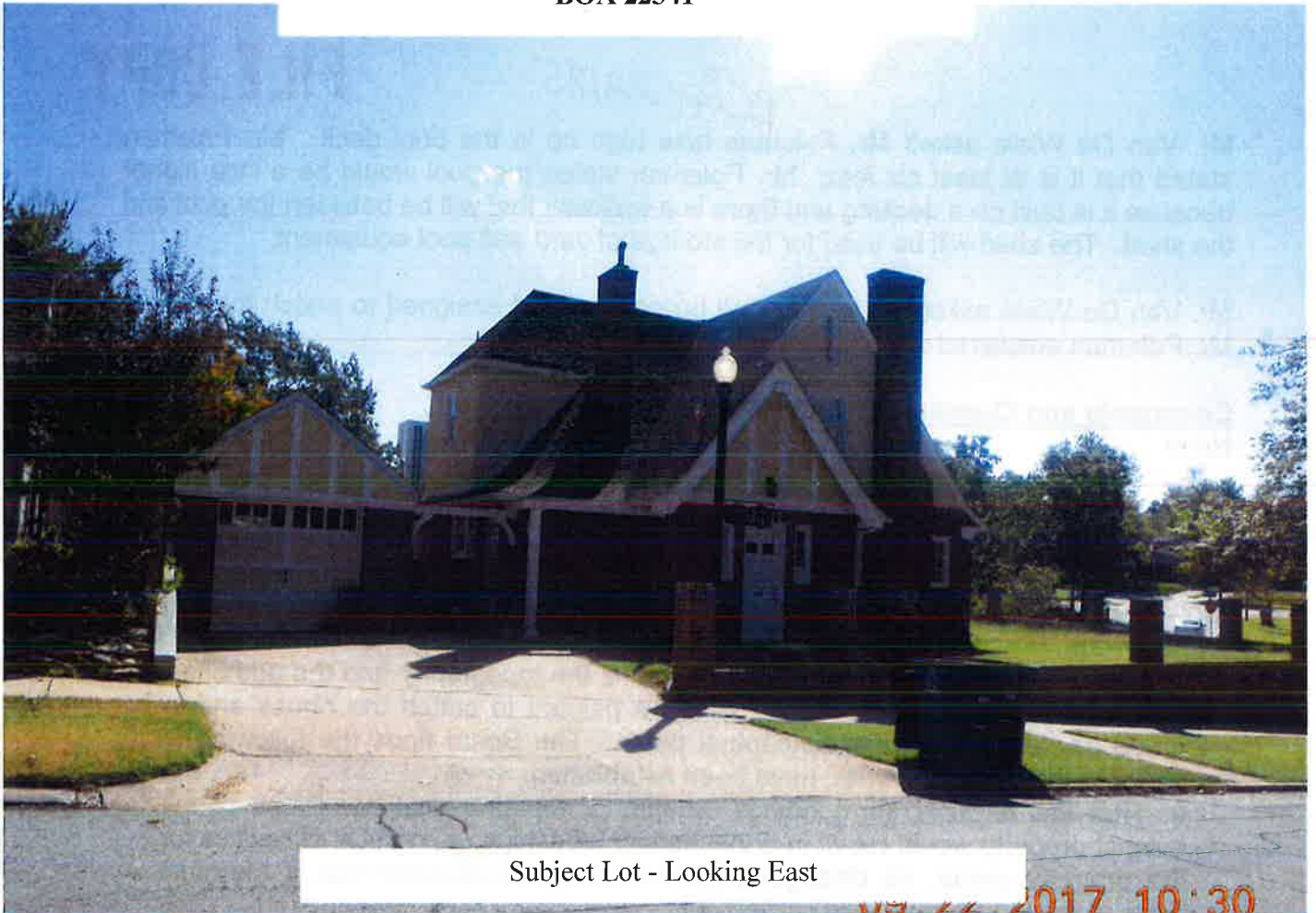
**Board Action:**

On **MOTION** of **BACK**, the Board voted 3-0-1 (Back, Flanagan, Van De Wiele, "aye"; no "nays"; White "abstaining"; Bond absent) to **APPROVE** the request for a **Variance** to allow a detached accessory building to be located less than 25 feet from the rear property line (Section 90.090.C-2.b), subject to conceptual plans 13.12, 13.13 and 13.14. The Board has found that the hardship is the topography and the odd shape of the subject lot. The proposed shed is to be painted to match the house and to be designed as depicted on the conceptual plans. The Board finds the following facts, favorable to the property owner, have been established:

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

**PT LTS 3 & 4 BG 50 S OF NWC LT 3 TH S 62.4 SE 38.7 S 5.5 SE 51.25 NELY ON  
CRV 50 NW 54.9 TH W 101 TO BEG BLK 1, SWAN PARK, City of Tulsa, Tulsa  
County, State of Oklahoma**

**Mr. White re-entered the meeting at 2:47 P.M.**



Subject Lot - Looking East



S St Louis Ave - Street View





0 Feet 200 400



Subject Tract

**BOA-22341**

19-13 07

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

Aerial Photo Date: February 2016

9.8







0 50 100  
Feet



Subject  
Tract

**BOA-22341**

19-13 07

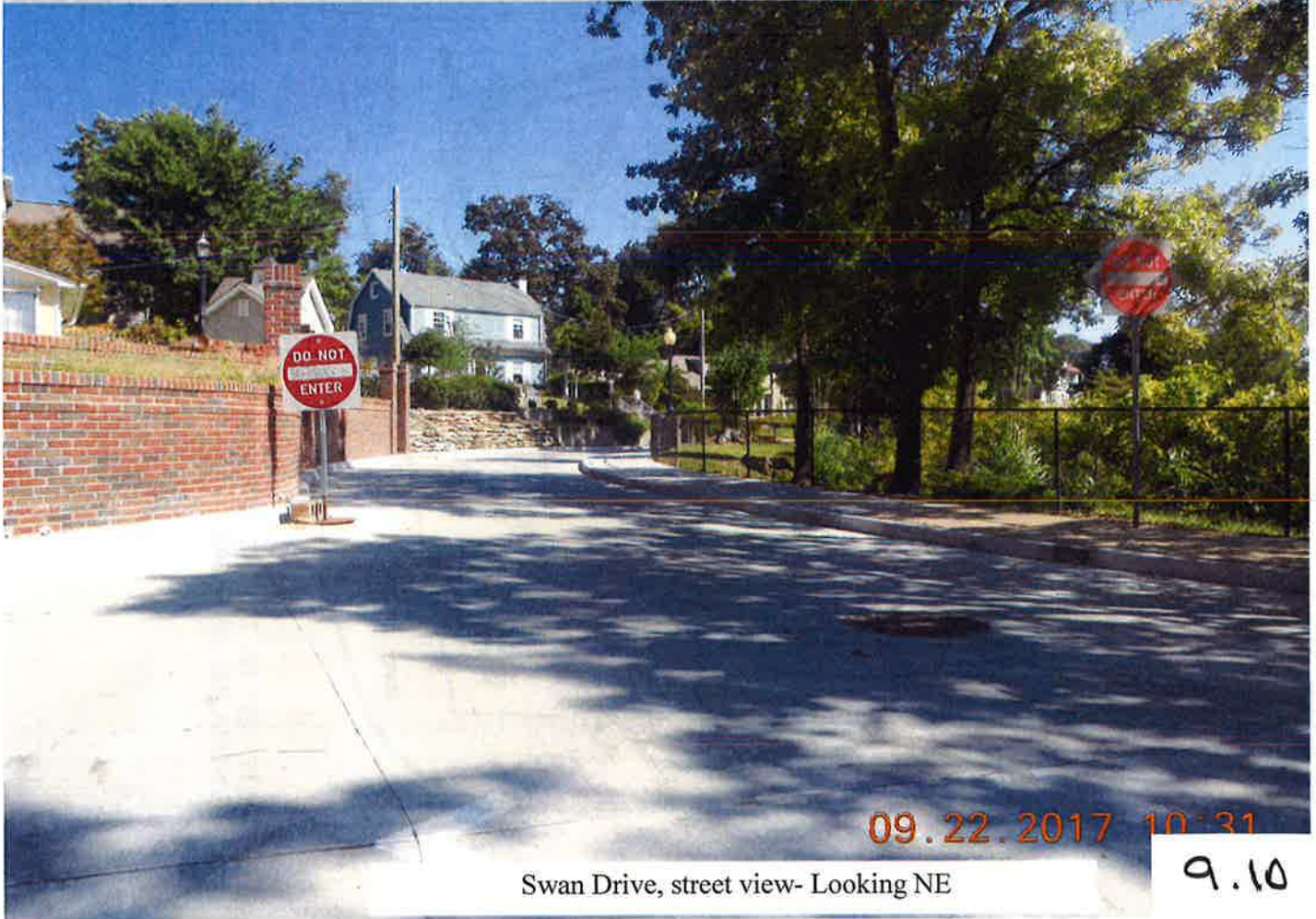
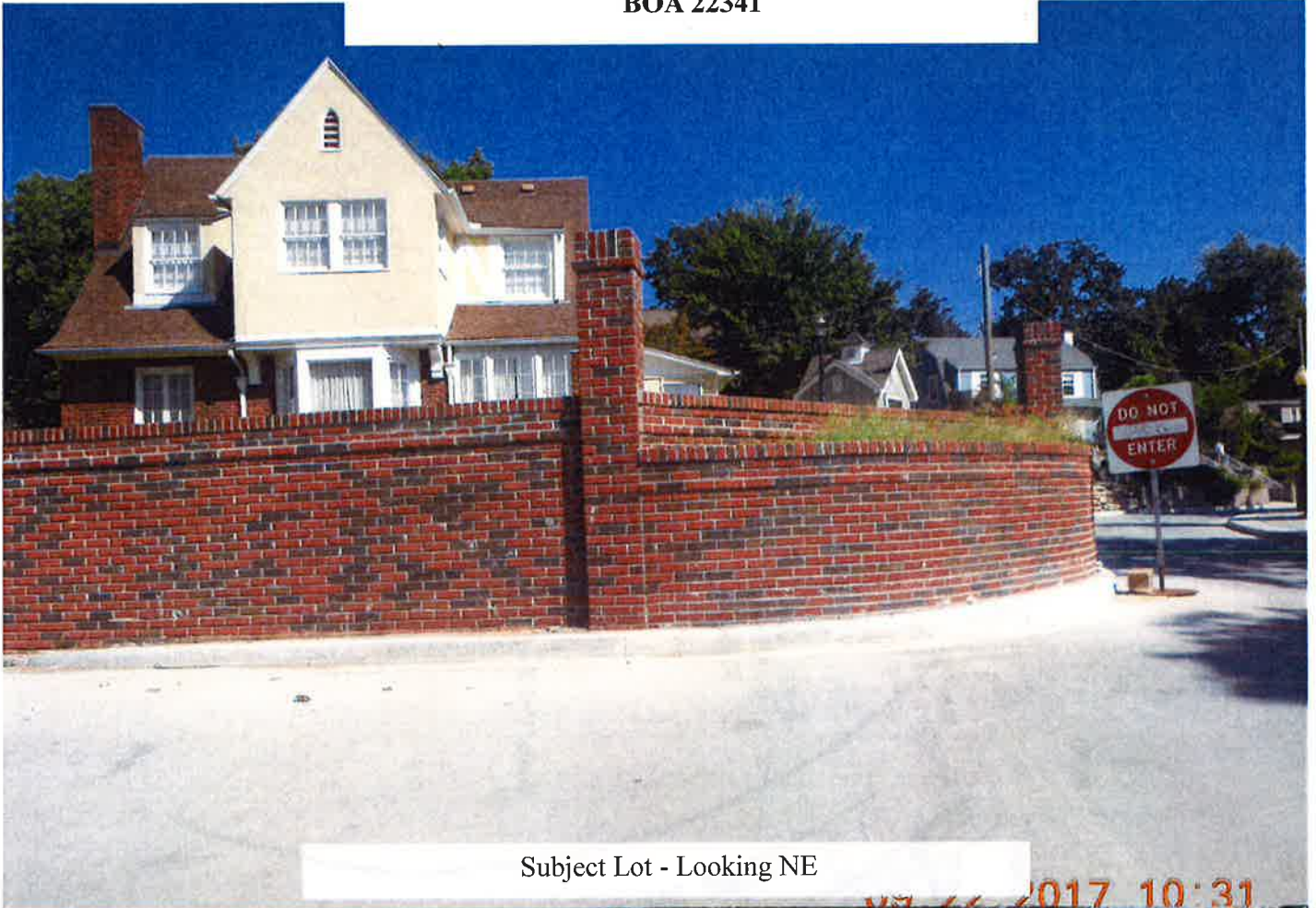
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2016

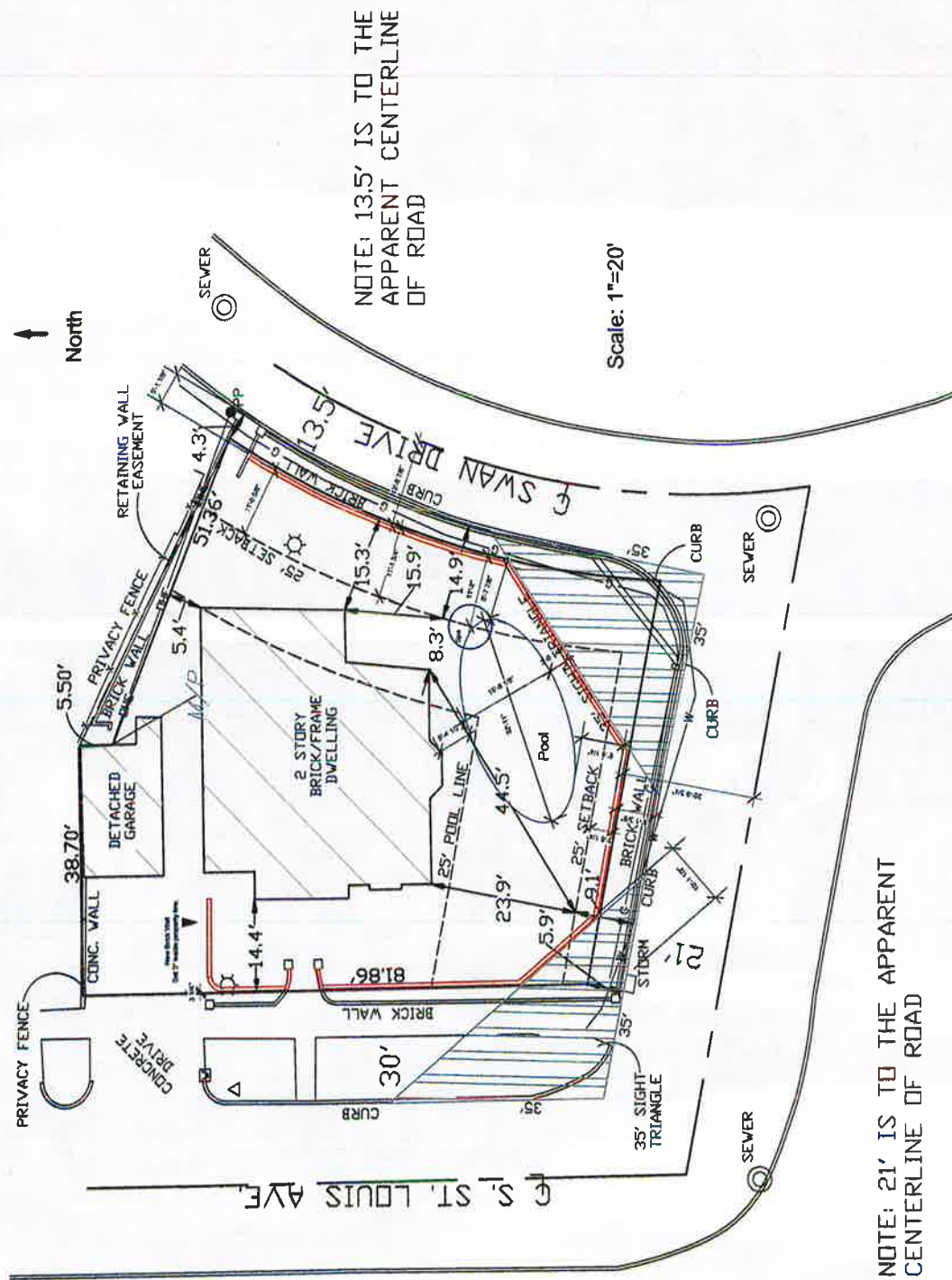


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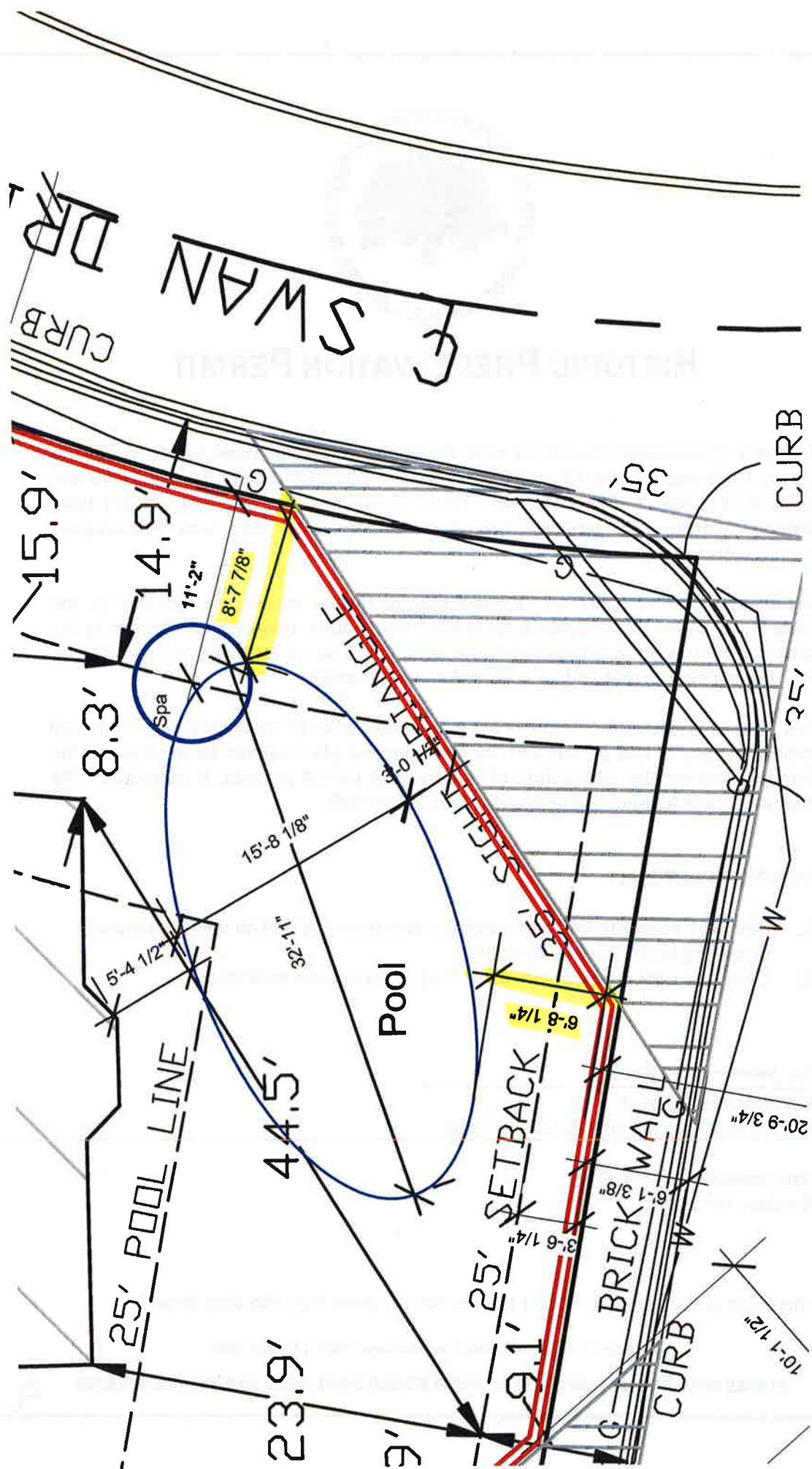












9.12



## HISTORIC PRESERVATION PERMIT

A Historic Preservation Permit for work described below has been issued under the Zoning Ordinance of the City of Tulsa (Section 70.070) to **Chris Stephens** for the address of **1767 S. St. Louis Ave.**, Tulsa, Oklahoma, located in the **Swan Lake Historic District**. This proposal has been approved by the Tulsa Preservation Commission.

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

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

### APPROVED PROPOSAL

1. Demolish retaining wall and construct new retaining wall on owner's property according to documents submitted
2. Construct pool in street yard according to documents submitted

*Roy Malcolm Porter, Jr.*

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

Date issued: March 9, 2017  
Number: HP-17-017

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

175 East 2<sup>nd</sup> Street, Suite 560, Tulsa, Oklahoma 74103 | 918-576-5687

**PLEASE POST THIS HISTORIC PRESERVATION PERMIT UNTIL WORK HAS BEEN COMPLETED**

9.13

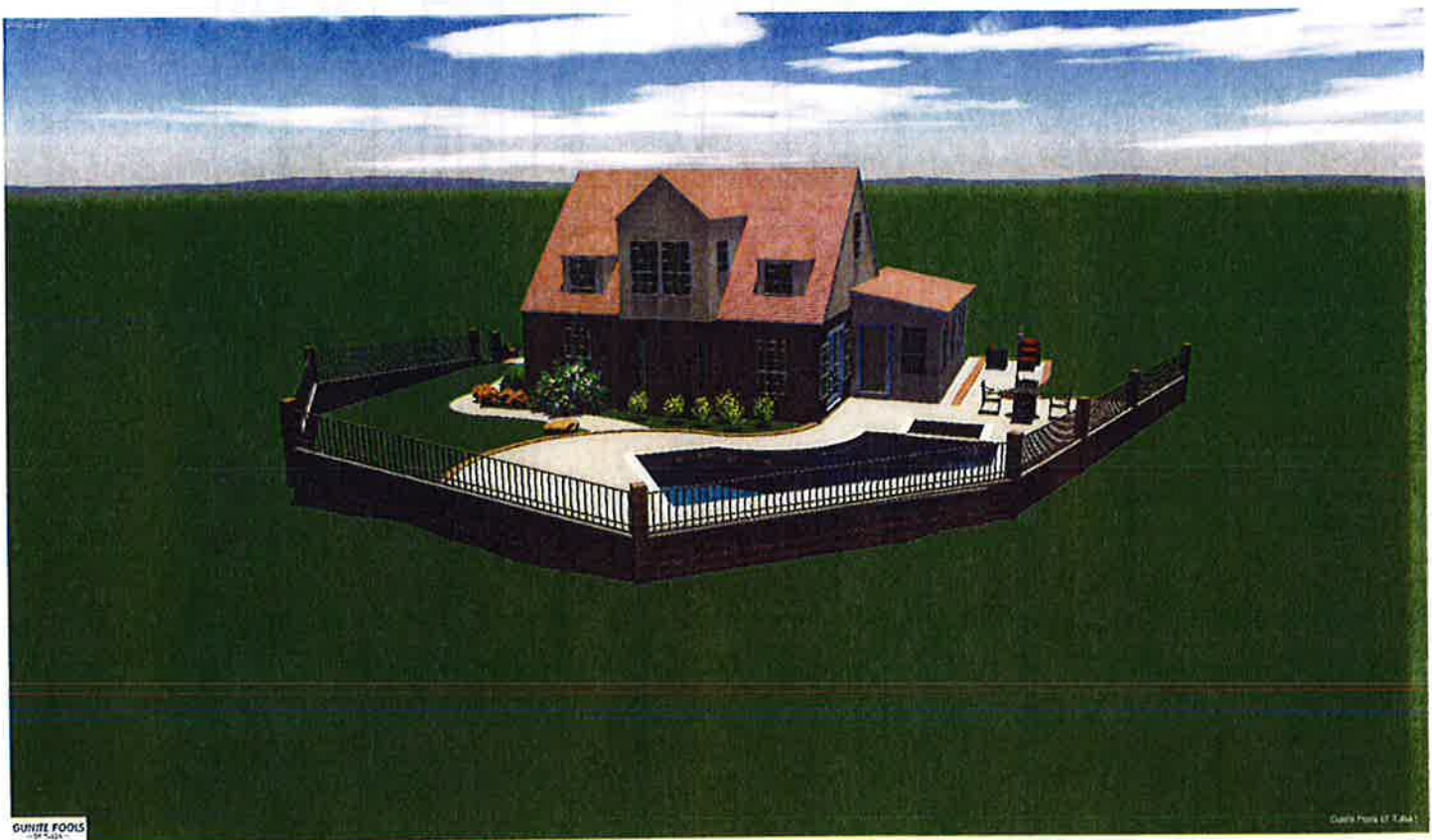


**CITY OF TULSA PRESERVATION COMMISSION**

**APPROVED DATE:** 03/09/17

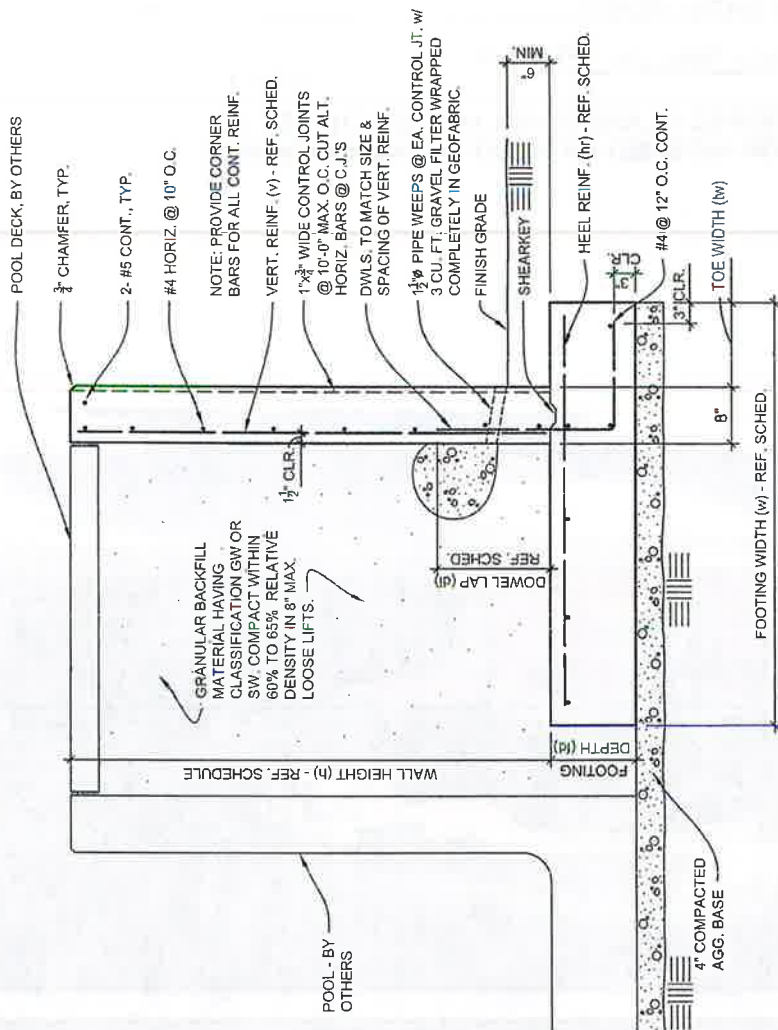
**BY** Roy Nathaniel Porter, Jr. Page 1 of 3

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



## GENERAL NOTES

1. BOTTOM OF RETAINING WALL FOOTING TO MATCH BOTTOM OF POOL SLAB.
  2. FOOTING DESIGN IS BASED UPON AN ESTIMATED BEARING VALUE OF 1,500 POUNDS PER SQUARE FOOT.
  3. REINFORCING STEEL TO MEET A S.T.M. SPECIFICATION A-615, LATEST REVISION, GR 60.
  4. CONCRETE TO HAVE A MINIMUM COMPRESSIVE STRENGTH OF 3000 LBS./SQ. INCH AT END OF 28 DAYS.
- ALL EXTERIOR FLATWORK TO BE 3500 LBS./SQ. INCH AND HAVE AN AIR-ENTRAINING ADMIXTURE.



RETAINING WALL SCHEDULE						
WALL HEIGHT (ft)	VERT. REINF. (v)	DOWEL LAP (dl)	FOOTING WIDTH (w)	HEEL REINF. (hr)	FOOTING DEPTH (fd)	TOE WIDTH (tw)
0' TO 5'-0"	#4 @ 12" O.C.	1'-10" MIN.	5'-0" MIN.	#4 @ 16" O.C.	1'-0"	1'-0"

**A** RETAINING WALL SECTION  
SCALE: 3/4" = 1'-0"

SCALE: 3/4" = 1'-0"



**Snowden Engineering Inc.**  
STRUCTURAL CONSULTANTS  
8128 East 63rd - Tulsa, OK 74133  
(918)252-4557 FAX (918)254-0838  
CA# 313 EXP. 6/30/17

PROJECT  
ZIETTL  
RETAINING WALL

**SHEET TITLE**  
**RETAINING WALL**  
**SECTION**

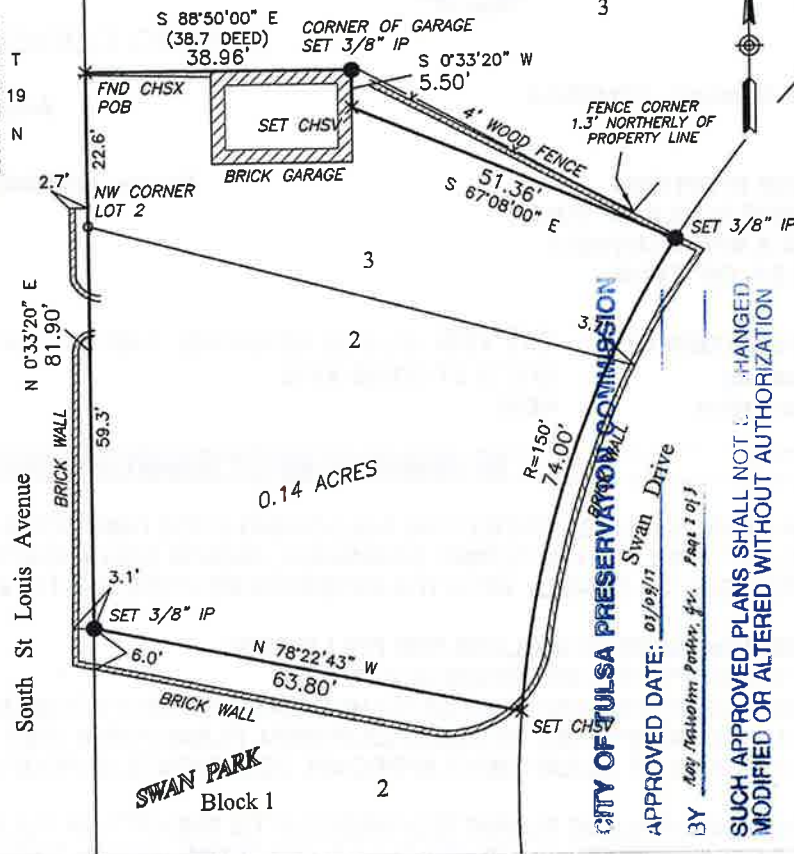
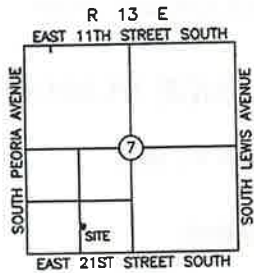


PROJECT NO: 170029
DRAWN BY: JRC
CHECK BY: KWB
ISSUE DATE: 2-1-17

5



# PLAT OF SURVEY



## LEGEND

B/L BUILDING SETBACK LINE  
CL CENTER LINE  
CHSV CHISELED V  
CHSX CHISELED X  
D/E DRAINAGE EASEMENT  
FND FOUND  
IP IRON PIN  
POB POINT OF BEGINNING  
R/W RIGHT-OF-WAY  
U/E UTILITY EASEMENT

## NOTES

1. ABSTRACT OF TITLE OR ATTORNEY'S TITLE OPINION NOT AVAILABLE TO SURVEYOR AT DATE OF SURVEY.
2. THIS FIRM WAS NOT CONTRACTED TO RESEARCH EASEMENTS OR ENCUMBRANCES OF RECORD. NO ATTEMPT TO RESEARCH THE COUNTY RECORDS OR OTHER RECORD OFFICES WAS PERFORMED BY THIS FIRM. EASEMENTS MAY AFFECT THE SUBJECT TRACT THAT ARE NOT REFLECTED ON THIS PLAT.
3. THE BEARING BASIS FOR THIS SURVEY IS ASSUMED.

## LEGAL DESCRIPTION

THAT PART OF LOTS 2 AND 3, BLOCK 1, SWAN PARK, A SUBDIVISION IN TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NUMBER 204, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT 22.6 FEET NORTH OF THE NORTHWEST CORNER OF LOT 2, BLOCK 1; THENCE SOUTH 88 DEGREES 50 MINUTES EAST A DISTANCE OF 38.7 FEET TO A POINT; THENCE SOUTH AND PARALLEL WITH THE WEST LINE OF LOT 3 A DISTANCE OF 5.5 FEET TO A POINT; THENCE SOUTH 67 DEGREES 8 MINUTES EAST A DISTANCE OF 51.36 FEET TO A POINT ON THE EAST LINE OF LOT 3, BLOCK 1, SWAN PARK; THENCE SOUTHWESTERLY AND ALONG THE EASTERLY LINE OF LOTS 2 AND 3 A DISTANCE OF 74 FEET TO A POINT; THENCE NORTHWESTERLY A DISTANCE OF 63.8 FEET TO A POINT ON THE WESTERLY LINE OF LOT 2 A DISTANCE OF 59.3 FEET SOUTH OF THE NORTHWEST CORNER OF LOT 2; THENCE ALONG THE WESTERLY LINE OF LOTS 2 AND 3 A DISTANCE OF 81.9 FEET TO THE POINT OF BEGINNING. A.K.A. 1767 SOUTH ST LOUIS AVENUE.

## SURVEYOR'S STATEMENT

WE, ROYCE LAND SURVEYING, P.C., HEREBY STATE THAT THIS DRAWING REPRESENTS A SURVEY PERFORMED UNDER OUR DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF AT THIS DATE. THE ABOVE PLAT REFLECTS ALL INSTRUMENTS PROVIDED AT THE TIME OF SURVEY. NO OPINION IS VERSED AS TO THE OWNERSHIP OF FENCES OR OTHER APPURTENANCES ON SAID PROPERTY.

THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS ADOPTED BY THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR THE STATE OF OKLAHOMA.

SIGNATURE: *Michael Royce*

**Royce**

DATE: 02/04/16

SURVEYED BY	PROJECT	DATE
MAR	14011	08/21/15
DRAWN BY	SCALE	DATE
VLC	1"=20'	08/25/15

CERTIFICATE OF AUTHORIZATION NUMBER: 5270  
EXPIRATION DATE: 08/30/2017  
12324 EAST 88TH STREET NORTH #238  
OWASSO, OK 74055  
PH 918-378-9327 mike@royceland.com

PREPARED FOR:	DRAWING NAME	REVISION
CRAIG ZIETLOW	14011-PLAT	LOCATED BRICK WALL



9.16

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: 1014262-4

August 31, 2017

CHRIS STEPHENS  
GUNITE POOLS OF TULSA  
5103 S SHERIDAN #233  
TULSA, OK 74145

Phone: (405)642-9813

APPLICATION NO: **417105** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: **1767 S ST LOUIS AV E**  
Description: **NEW**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

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

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

#### IMPORTANT INFORMATION

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

(continued)

9.17



## REVIEW COMMENTS

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

Application No. 417105

1767 S ST LOUIS AV E

August 31, 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.90.090-A Measurement:** Required setbacks are measured from the applicable lot line, right-of-way, planned right-of-way or location referred to below. Unless otherwise expressly stated, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan.

**Review comment:** The proposed swimming pool and retaining walls appear to be in the 60 foot City of Tulsa planned right of way along S. St Louis Avenue, a "Residential collector Street" as identified on the Tulsa Metropolitan Area Major Street and Highway Plan. In addition, the swimming pool and retaining wall along Swan Drive appears to be located within the 50 foot planned right of way. You may revise your site plan with the structures to be located out of the planned right of way or you may pursue a variance from the BOA to permit a swimming pool and retaining wall in the City of Tulsa planned right of way along S. St. Louis Avenue and Swan Drive.

### **2.) 90.090-C Permitted Setback Obstructions in R Zoning Districts**

Setbacks in R zoning districts must be unobstructed and unoccupied from the ground to the sky except as indicated in Table 90-1:

**Review comment:** Swimming pools are not permitted to be located within street setbacks. The side street setback along S. St Louis Avenue is 15 feet from the South property line and the street setback along Swan Drive is 25 feet from the East property line. The pool may be located out of the 15 and 25 foot street setbacks or you may pursue a variance from the BOA to permit a swimming pool to be located within the 15 side street and 25 foot street setback (measured from the property line) along S. St. Louis Avenue and Swan Drive.

**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: 0225

Case Number: **BOA-22342**

CZM: 28

CD: 1

A-P#: 427928

**HEARING DATE:** 10/10/2017 1:00 PM

**APPLICANT:** Brodrick Buckles

**ACTION REQUESTED:** Special Exception to allow a Day Care Center for children in an R district (Section 5.020).

**LOCATION:** 737 E TECUMSEH ST N

**ZONED:** RS-4

**PRESENT USE:** Vacant Building

**TRACT SIZE:** 20695.44 SQ FT

**LEGAL DESCRIPTION:** E 100 LT 4 BLK 1, PERSHING ADDN, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Lot:**

**BOA 11645;** on 10.01.81 The Board approved a special exception to allow a club (cultural center use) in a RM-1 zoned district and a variance of the setback requirement along the east property line from 25 feet to 5 feet.

**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.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by RS-4 zoned residences.

10.2

**STAFF COMMENTS:**

The applicant is before the Board requesting a Special Exception to permit a Day Center for children in the existing structure shown on the attached photos. A special exception is required due to the potential adverse affects of the proposed Day Care Center in the R 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**

Move to \_\_\_\_\_ (approve/deny) a Special Exception to allow a Day Care Center for children in an R district (Section 5.020).

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

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



Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational - Under the Provisions of Section 1680 - Request for an exception to permit a club in an RM-1 District; and a Variance - Section 440.7 (d) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Request for a variance of the setback requirements from 25' to 5' along the east boundary in an RM-1 District, at 713 East Tecumseh Ave.

Presentation:

Odis Jackson, 1337 East Woodrow Place, was present to address the Board on behalf of Booker T. Washington High School Club 30. Mr. Jackson advised the Board that Club 30 consists of 10 classes starting in 1930 to 1939. The Club has purchased a building and wish to move it to the subject location at 713 East Tecumseh Avenue. Mr. Jackson advised that the request is also for a variance of the setback from 25' to 5'.

Comments and Questions:

Commissioner Lewis asked if there were any nonresidential buildings or uses surrounding the building and Mr. Jackson answered no. Commissioner Lewis asked what type of activities would take place at this location and inquired as to the time the building would be used. Mr. Jackson said that the building would be used for class meetings, reunions and recreation activities. He also said that the activities would take place after 5:00 p.m. Commissioner Lewis also asked if there would be a bar or any dancing in the building and Mr. Jackson stated that there would not be. Mr. Jackson also said that other classes from the School could use the building with their activities approved.

Protestants: None.

Board Action:

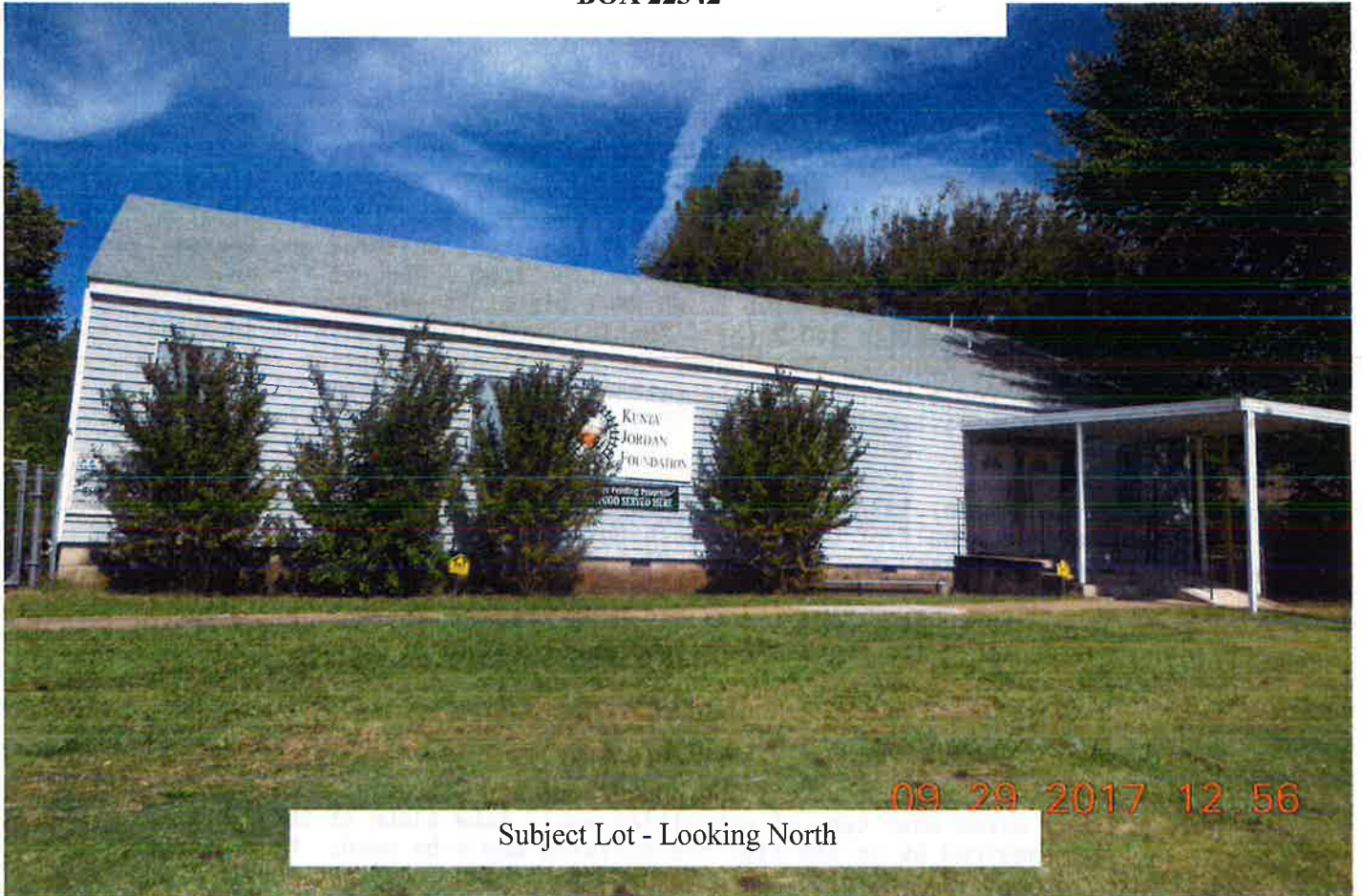
On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational - Under the Provisions of Section 1680) to permit a club in an RM-1 District; and a Variance (Section 440.7 (d) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670) of the setback requirements from 25' to 5' along the east boundary in an RM-1 District, subject to the use of the structure being for "Club 30" members and their immediate families only as a private club, as presented to the Board by the applicant, with no bar, to run with this owner only, on the following described property:

The East 100' of Lot 4, Block 1, Pershing Addition to the City of Tulsa, Oklahoma.

Discussion:

Commissioner Purser advised Mr. Jackson to add to his bylaws or constitution that if this property is sold to another class or club of people that they would have to get the Board's permission.









0 300 600  
Feet



Subject  
Tract

**BOA-22342**

20-12 25

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

Aerial Photo Date: February 2016



10.6





Subject  
Tract

**BOA-22342**

20-12 25

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

Aerial Photo Date: February 2016



10.7



**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:**

**1024552-1**

**August 16, 2017**

**BRODRICK BUCKLES**  
**SAFARI KINGDOM LRN ACADEMY #2**  
**284 E 51 PL N**  
**TULSA, OK 74126**

**Phone: (539)664-0730**

**APPLICATION NO:** **427982** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
**Location:** **737 E TECUMSEH ST N**  
**Description:** **NOT APPLICABLE**

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(continued)

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

Application No. 427982

737 E TECUMSEH ST N

August 16, 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.5.020 Table 5-2:** The proposed use for this building is designated Public, Civic & Institutional/Day Care Use and is located in an RS-4 zoned district.

**Review comment:** This use is only permitted by a Special Exception reviewed and approved in accordance with Sec.70.120. Submit a copy of the approved Special Exception to allow a Public, Civic & Institutional/Day Care Use to be located in an RS-4 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.

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## END – ZONING CODE REVIEW

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**OTHER BUSINESS:**

**REVIEW 2018 PROPOSED MEETING DATES**



**PROPOSED MEETING DATES FOR 2018**  
**CITY BOARD OF ADJUSTMENT**

**JANUARY**

09  
23

**JULY**

10  
24

**FEBRUARY**

13  
27

**AUGUST**

14  
28

**MARCH**

13  
27

**SEPTEMBER**

11  
25

**APRIL**

10  
24

**OCTOBER**

09  
23

**MAY**

08  
22

**NOVEMBER**

13  
27

(Thanksgiving is the 22<sup>nd</sup>)

**JUNE**

12  
26

**DECEMBER**

11

