

AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, October 24, 2017, 1:00 P.M.

Meeting No. 1194

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of September 26, 2017 (Meeting No. 1192).

UNFINISHED BUSINESS

2. **22332—Ryan Strobe**

Variance to allow more than a 25% coverage in the rear setback; Variance to allow a detached accessory building to exceed one story, exceed 18 feet in height and 10 feet at the top of the top plate; Variance to increase the permitted size of a detached accessory building to 2,070 square feet (Section 45.030). **LOCATION:** 214 East Woodward Boulevard South (**CD 4**)

3. **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 69th Avenue East (**CD 3**)

NEW APPLICATIONS

4. **22343—Joyce Younacha**

Special Exception to allow a bed and breakfast (short-term rental) in the RS-3 District (Section 5.020). **LOCATION:** 4414 East 14th Place South (**CD 4**)

5. **22344—Roberto Moran**

Special Exception to permit Wholesale Distribution and Storage in the CS District (Section 15.020). **LOCATION:** 13131 East 11th Street South (**CD 6**)

6. **22345—Josh Friesenhahn**

Variance to allow more than 30% coverage in the rear setback (Section 90.090-C-2); Variance to allow a two-story accessory structure that exceeds 18 feet in height and exceeds 10 feet to the top of the top plate (Section 90.90.C); Variance to allow a detached accessory structure to exceed 500 square feet in floor area (Section 45.030-B). **LOCATION:** 2704 South Cincinnati Avenue East (**CD 4**)

7. **22346—Eller & Detrich – Nathalie Cornett**

Variance of the permitted lot area, lot width, and land are per dwelling unit to permit a lot-split; Variance to reduce the required building setback from an interior lot line (Section 5.030-A). **LOCATION:** 3114 West 48th Street South (CD 2)

8. **22347—Izael Quezada**

Special Exception to permit a detached house located in a CH District (Section 15.020). **LOCATION:** 1605 South Cincinnati Avenue East (CD 4)

9. **22348—Demetrius Bereolos**

Special Exception to allow a bed and breakfast (Airbnb) in an R District (Section 5.020); Variance to allow cooking facilities in a guestroom in a bed and breakfast (Section 40.060-D). **LOCATION:** 1929 South Cheyenne Avenue West (CD 4)

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

Website: www.cityoftulsa-boa.org

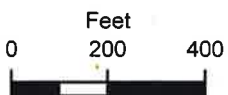
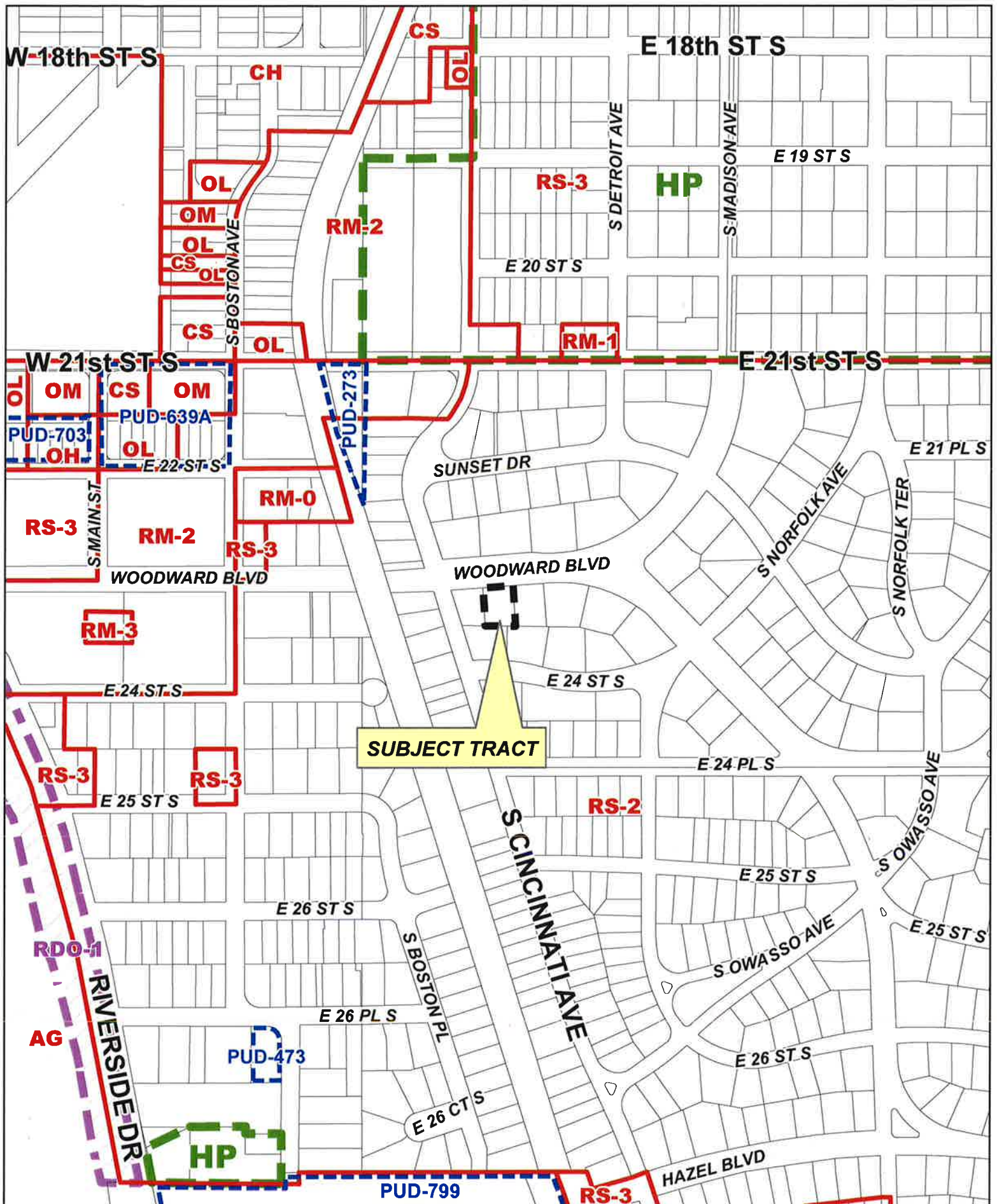
E-mail: esubmit@incog.org

CD = Council District

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

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BOA-22332

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BOARD OF ADJUSTMENT CASE REPORT

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

Case Number: **BOA-22332**

HEARING DATE: 10/24/2017 1:00 PM

APPLICANT: Ryan Strode

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

LOCATION: 214 E WOODWARD BV S

ZONED: RS-2

PRESENT USE: Residential

TRACT SIZE: 13098.55 SQ FT

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

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

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

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

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

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

2.2

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

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

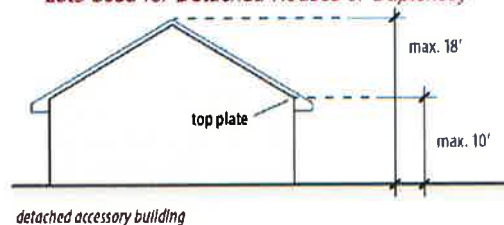
CURRENT STAFF COMMENTS:

The case was heard by the Board at the 09.26.17 hearing; after some discussion the Board continued to the case to the 10.24.17 hearing to give the applicant additional time to meet with the surrounding property owners.

PREVIOUS STAFF COMMENTS:

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

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



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

Table 90-2: Accessory Building Coverage Limits In Rear Setback

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

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

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

The Code states that detached accessory buildings can only cover up to 25% of the required 25 ft. rear yard in an RS-2 district. The proposed 2070 sq. ft. building covers 28.5% of the rear setback area. The applicant has requested variance to exceed 25% of coverage in the required rear yard to permit construction of the detached garage/apartment as proposed in the conceptual plan. The

applicant provided the following statement: *"The existing structure needs to be replaced and is located in a easement. The proposed detached garage/apartment is for use by the family and will not be rented out"*.

Sample Motion

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

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

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

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

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

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

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

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

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

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

Comments and Questions:

None.

Board Action:

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

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

21783—Randy Floyd

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Action Requested:

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

Presentation:

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

BOA-21783

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

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

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

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

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

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

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

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

BOA-21783

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

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

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

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

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

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

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

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

BOA-21783

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

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

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

21785—Llon H. Crendenen

Action Requested:

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

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

Presentation:

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

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

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

Comments and Questions:

None.

Board Action:

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

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

21670—Steve Olsen

FILE COPY

Action Requested:

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

Presentation:

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

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

Interested Parties:

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

Comments and Questions:

None.

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BOA-21670

Board Action:

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

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

21117-A—Jeremy Perkins

Action Requested:

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

Presentation:

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

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

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

01/14/2014-1108 (19)

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Feet



Subject
Tract

BOA-22332

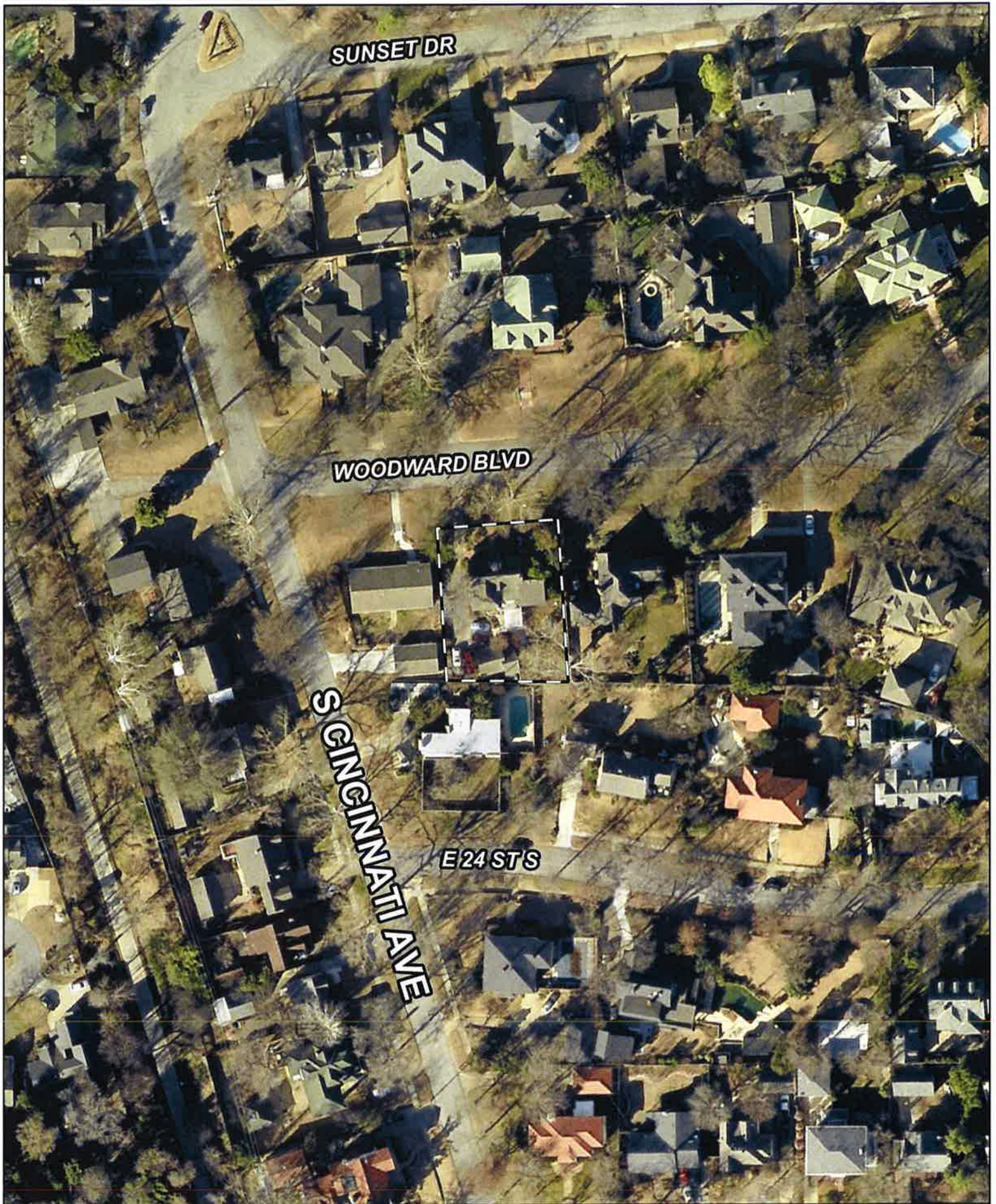
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Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016



2.11



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Feet



Subject
Tract

BOA-22332

19-12 13

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

Aerial Photo Date: February 2016



2.12

BOA 22332



Subject Lot - Looking South



SIRODE
DESIGN
DESIGN & PLANNING
REGIONAL & COMMUNITY
RYAN STRODE
ASSOC. AIA
918.607.4192
7744 WESTCOTT AVENUE

BARNES RESIDENCE
214 S WOODWARD BLVD
TULSA, OK 74114

21 JULY, 2017

SCALE: AS NOTED

**GARAGE
EXTERIOR
ELEVATIONS**

A2.0

2.14



**STRODE
DESIGN
DESIGN & PLANNING**
REGIONAL & COMMERCIAL
RYAN STRODE
ASSOC. AIA
918.607.4192
RYANSTRODE@STRODE.COM

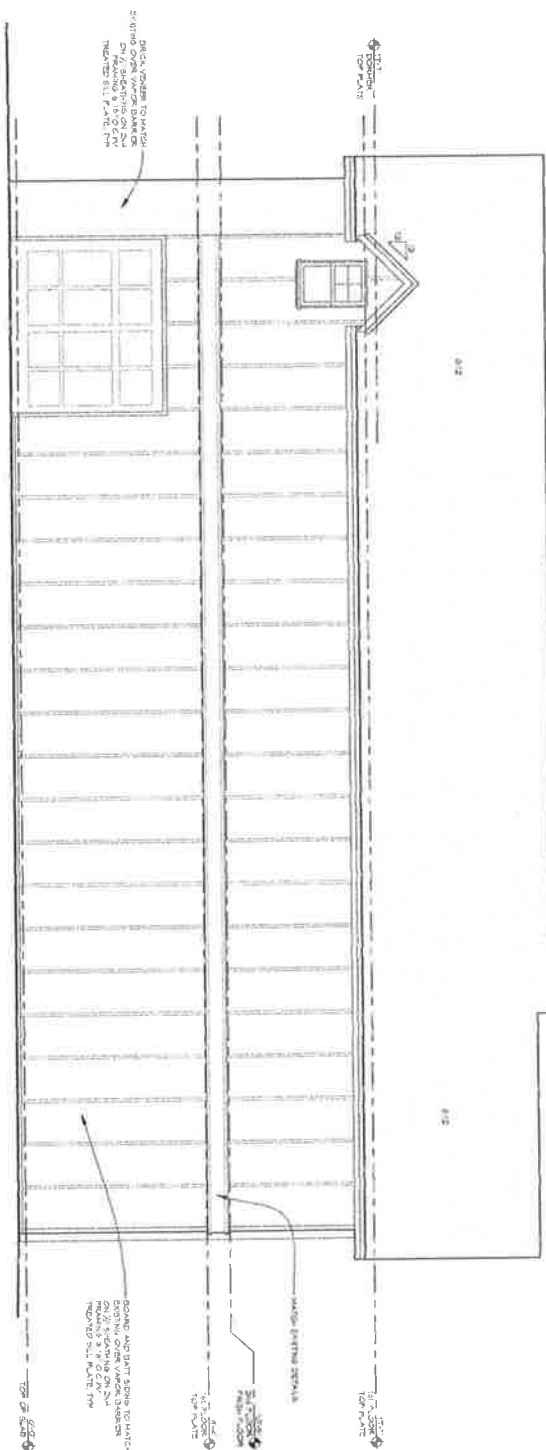
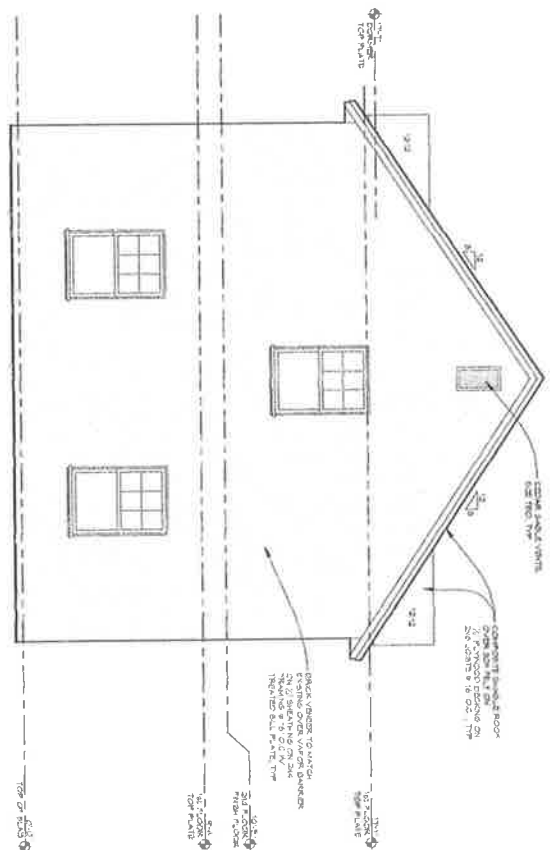
BARNES RESIDENCE
214 S WOODWARD BLVD
TULSA, OK 74114

21 JULY 2017

SCALE: AS NOTED

SITE PLAN

SP. 1.0



STROBL
DESIGN
DESIGN & PLANNING
RESIDENTIAL & COMMERCIAL

©2001 K&S OSM/ERCA

RYAN STRODE
ASSOC. AIA

918.607.4192

WORLDWIDE DISTRIBUTION

BARNES RESIDENCE
214 S WOODWARD BLVD
TULSA, OK 74114

21 JULY, 2017

SCALE: AS NOTED

**GARAGE
EXTERIOR
ELEVATIONS**

A.2.1

2.16

Moye, Nikita

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

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

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

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

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

Respectfully yours,

Cathy Deuschle

Re: BOARD OF ADJUSTMENT CASE NO. 22332

214 Woodward Blvd., Tulsa, Oklahoma
Home of Carl and Leslie Barnes

In consideration of our application for the requested variances, we thought it would be helpful for the board members to receive some explanation of the reasons the requested garage construction project is believed to be necessary and desirable.

The present garage on the property is a two-car garage built in 1927 with limited depth and with an attached area to the east that was formerly used as quarters and is currently being used as a workshop. We have thought for some time that we would like to replace the garage because it is not adequate for our vehicles. We currently own three vehicles, a work vehicle for our rental property business and a vintage automobile. Because the present garage is not sufficient for our needs, we must park our cars in the back driveway and we have suffered damage to all of our vehicles due to hail, vandals and theft and have also had one of our vehicles stolen from our back driveway. We also understand there are certain permitted uses of detached structures such as the garage being proposed.

Our neighbor directly behind us has a grandson who resides in her garage apartment and acts as a caregiver for her. This caused us to think about our future years living in our home as we age. We have an unmarried son who has expressed interest in being available for our care when the time for such care becomes necessary and we would like him, or possibly another family member, to have a place to live on our property under these circumstances. This is one of the reasons why we would like to finish out an apartment on the second floor of the garage. If there is concern about the use of the space for rental tenants, it is not our intention to rent this apartment. We own several rental properties in midtown Tulsa and are well aware that we do not want rental tenants living adjacent to our residence.

We have other needs for the additional space on the proposed second floor. We have had an extensive collection of outdoor holiday decorations for several years and the present garage and loft area does not have enough storage space. Our residence does not have an attic area for storage because the previous attic area has been converted to living space. As an attorney and a psychologist respectfully, we are

TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 22-332
OFFICIAL RECORD EXHIBIT 5
ENTERED IN THE 9/26/2017
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT

ethically required to maintain our client/patient files for many years and storage of our extensive files in the basement further restricts our current home storage space.

We also have family members who presently live in Houston; Santa Fe; Little Rock; Laguna Hills, California and the Pensacola, Florida area and the second floor apartment area will function as an appropriate place for them to stay when visiting during holidays or other times of the year. Leslie also has a hobby of doing stained glass work and she would like to move her work area from the basement to a more appropriate work space above the proposed garage.

Regarding the specific request for the granting of variance from the RS-2 zoning provision please consider the following:

VARIANCE RELATED TO CONSTRUCTION EXCEEDING 25% OF REAR SETBACK:

Currently, partially within the rear 25' setback area, there is the present garage and workshop area, and a cement driveway area where two of our vehicles park. The proposed garage structure will be built primarily in the same area of the present garage and workshop and on the present driveway parking area. The same amount of green space use will remain. 25% of the rear setback area is stated to be 628 sq ft. The proposed garage will cover 716 (28.5%) of the rear setback area. The expansion of the garage from a two-car garage to a four-car garage will not create a view from the street of a large garage because only a small portion of the present garage area is visible from the street. Only the two-car portion being added will be visible and is planned to coordinate with the style of the house so that it will appear to be an original structure.

VARIANCE RELATED TO CONSTRUCTION BEING MORE THAN ONE STORY AND EXCEEDING 18 FEET AND 10 FEET AT THE TOP OF THE TOP PLATE:


The above statements of use reflect the reasons why it is reasonable and necessary that a second floor be built with the new garage. Several photographs are presented in this booklet showing that garages with a second floor storage area or apartment are prevalent in

the immediate area of our home. Two story garages are also being built in other areas of Tulsa.

VARIANCE RELATED TO ALLOWING DETACHED ACCESSORY BUILDING FLOOR AREA EXCEEDING 40% OF THE FLOOR AREA OF THE PRINCIPAL RESIDENCE:

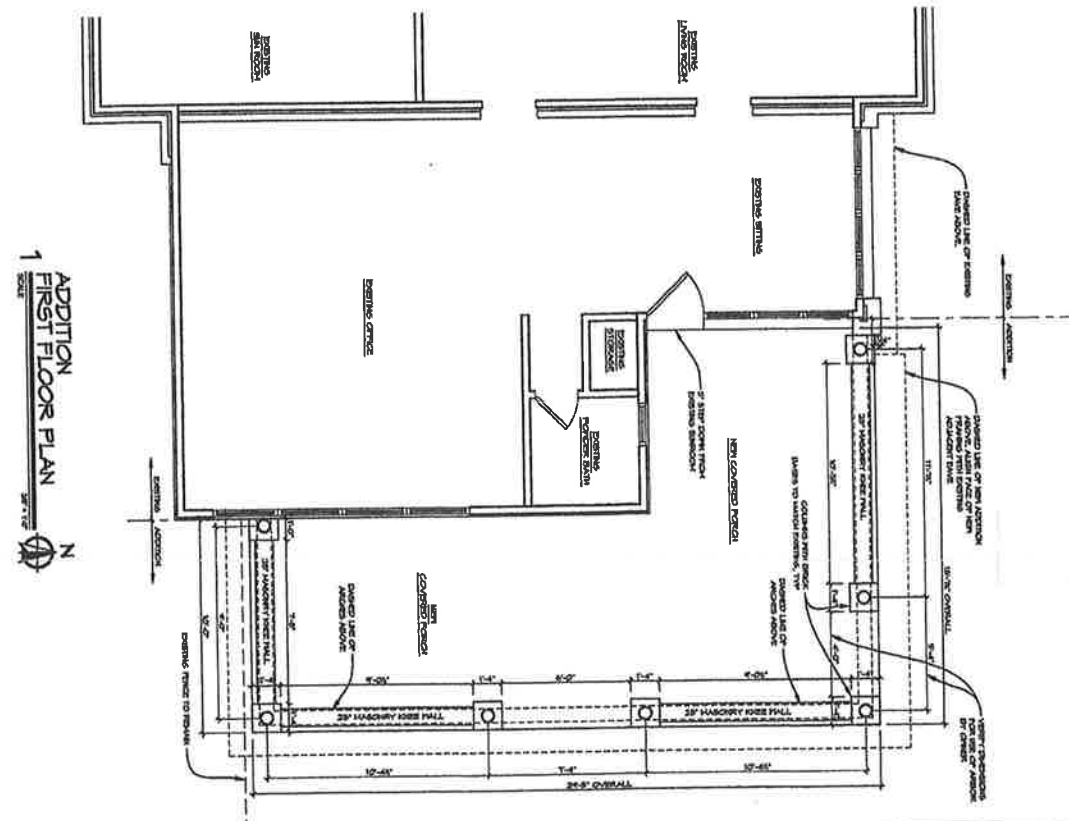
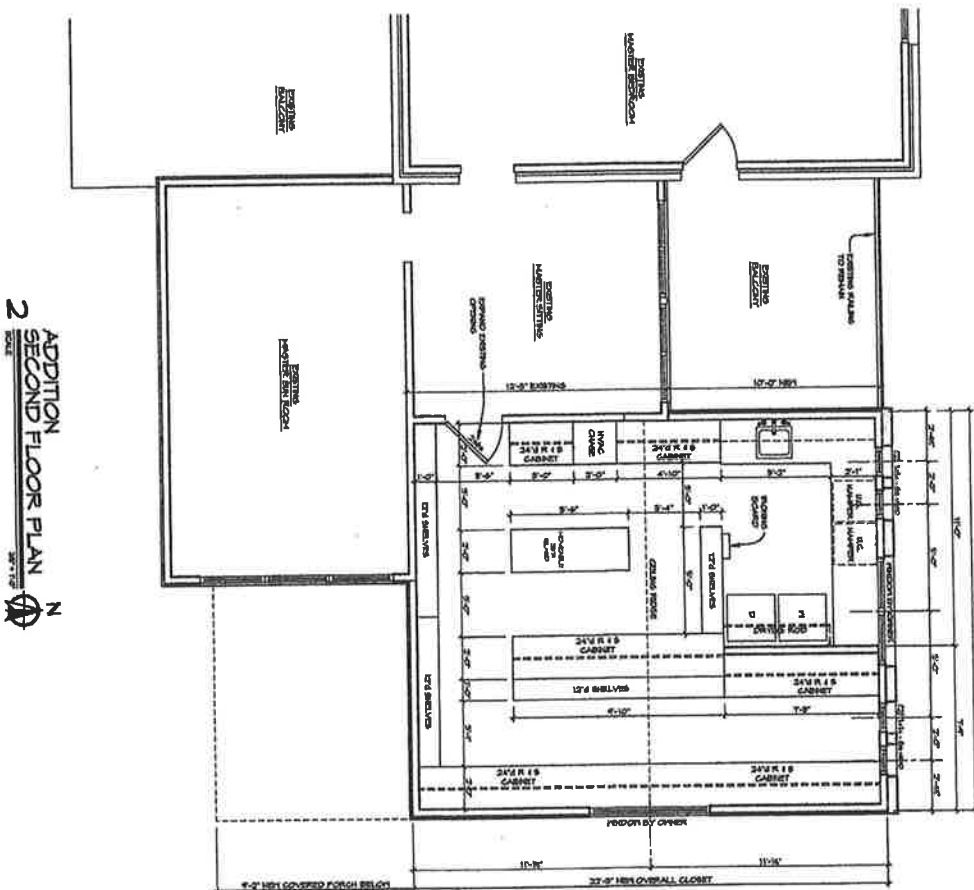
The proposed two story garage is a little over 45% (2070 sq ft/4563 sq ft) of the present size of the house. We have prepared plans for expansion of the master bedroom closet area to enlarge the closet and relocate the utility area from the basement to the new closet area. We intend to begin construction of this addition in the next few months. (See next page for proposed closet addition.) This construction will add 417 sq ft to the house and this additional expansion of the house will result in the proposed garage being 41.56% (2070 sq ft/4980 sq ft) of the house size.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Carl and Leslie Barnes', written in dark ink.

Carl and Leslie Barnes

HOUSE EXPANSION PLAN



BARNES RESIDENCE
214 S WOODWARD BLVD
TULSA, OK 74114

1 AUGUST, 2017

SCALE AS NOTED

ADDITION
FLOOR PLAN

A1.0

STRODE
DESIGN
PLANNING
RYAN STRODE
ASSOC. AIA
918.607.4192

NO.	DATE	REVISION



Barnes home - 214 Woodward Blvd



Driveway - Barnes home



View of back driveway - Barnes home



Back driveway area - Barnes home 2.24
(2).



Barnes existing garage



Barnes existing garage & workshop

2.25
③



View of foliage between Barnes home & home directly to the west - 204 Woodward Blvd.



View of foliage between Barnes home & home directly to the east - 222 Woodward Blvd. 2.26
(4)



View of Barnes back yard looking east toward Deuschle residence at 225 E. 24th St. Note that only a few tiles of the roof are visible.



View of Barnes back yard looking east toward Deuschle residence at 225 E. 24th St. Again, only a few tiles from the roof are visible.

(5) p. 27



View of 2-story garage plus
high hipped roof at 222 Woodward
Blvd. next door to Barnes residence.



Home at 221 Woodward Blvd. directly across the street from Barnes home



2 story 3 car garage at 221 Woodward Blvd. 2.29
⑦



2 story 2 car garage at 217 E. 24th
directly behind Barnes home. Homeowner's
grandson lives in garage apartment.



4 car garage at 201 Woodward Blvd.
diagonally across the street
from Barnes home

2.30
(8)



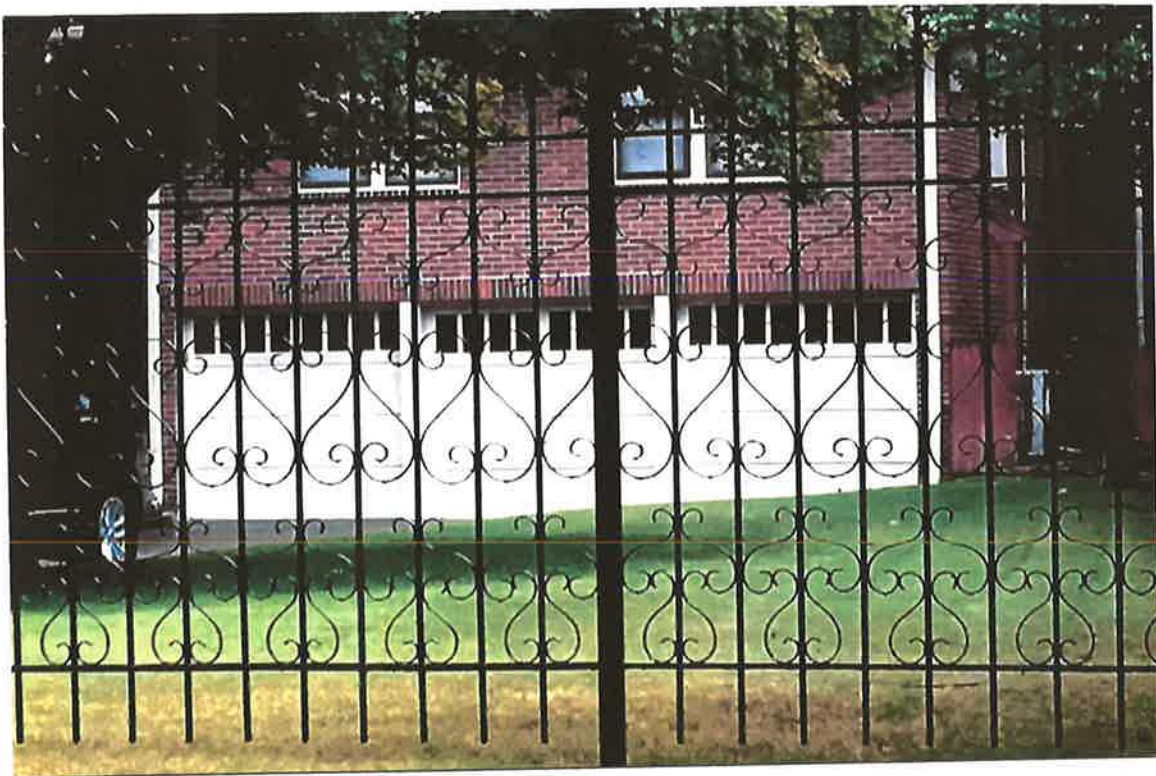
Garage at 230 Woodward Blvd. 2 houses east of Barnes home. This house is directly north of Deuschle home & was built approx. 5 yrs. ago



Garage at 240 Woodward Blvd. 3 houses east of Barnes residence.



Garage at 2120 S. Madison, approximately
1 1/2 blocks from Barnes home



Garage at 1018 Sunset, approximately
1 1/2 blocks from Barnes home 2.32
(10)



Home at 2441 S. Onasso Pl, approximately
4 blocks from Barnes home



Home at 1020 E. 26th, approximately
5 blocks from Barnes home



Garage at 1030 E. 18th, approximately
6 blocks from Barnes home



Garage at 1131 E. 18th, approximately
7 blocks from Barnes home



Home and garage at 24th Pl. & Owasso Pl.,
approximately 3 blocks from Barnes home



Garage in the area of 46th and Harvard
2.35
(13)



Recently constructed garage at
1702 S. Rockford



Garage being constructed on
southwest corner of 61st & Harvard 2.36
111

BOA 22332

Moye, Nikita

From: Ryan Strode <ryan@strodedesign.com>
Sent: Wednesday, October 18, 2017 2:54 PM
To: Moye, Nikita
Subject: Fwd: Barnes construction project

----- Forwarded message -----

From: Vicki Heitgrass <greyfoxprop@gmail.com>
Date: Sun, Oct 15, 2017 at 3:49 PM
Subject: Barnes construction project
To: ryan@strodedesign.com

I am very much in favor of Carl and Leslie Barnes construction project.
Thank you,
Vicki Heitgrass
2146 S. Cincinnati home owner

Sent from Vicki's new iPhone

--
Ryan Strode, Assoc. AIA
Strode Design, LLC
Design and Planning
918.607.4192

www.strodedesign.com

Moye, Nikita

From: Ryan Strode <ryan@strodedesign.com>
Sent: Wednesday, October 18, 2017 2:54 PM
To: Moye, Nikita
Subject: Fwd: Planned Garage located at 214 Woodward Blvd.

----- Forwarded message -----

From: Gina Adams <ginamadams@me.com>
Date: Sun, Oct 15, 2017 at 5:14 PM
Subject: Planned Garage located at 214 Woodward Blvd.
To: ryan@strodedesign.com
Cc: carlbarnestulsaokattorney@cox.net, captainamericasmom@cox.net

Dear Mr. Strode,

We are neighbors of Carl and Leslie Barnes, our home is located at 250 Sunset Drive. We have received a letter regarding the construction project for a new garage with a second story addition. We have been by the home, and we believe it would be a great addition to our neighborhood to have that constructed with compatible architectural style. We are all in favor of them being able to complete their project.

If you have any further question, please do not hesitate to contact us.

With Kind Regards,

Robert and Gina Adams

--
Ryan Strode, Assoc. AIA
Strode Design, LLC
Design and Planning
918.607.4192

www.strodedesign.com

Moye, Nikita

From: Ryan Strode <ryan@strodedesign.com>
Sent: Wednesday, October 18, 2017 2:54 PM
To: Moye, Nikita
Subject: Fwd: CARL BARNES

----- Forwarded message -----

From: Robert E Parker <parker@rparkerlaw.com>
Date: Mon, Oct 16, 2017 at 8:51 AM
Subject: CARL BARNES
To: RYAN@strodedesign.com

I live on Madison ave but have no objections to the garage. It's the home owners choice. Parker.

--

Ryan Strode, Assoc. AIA
Strode Design, LLC
Design and Planning
918.607.4192

www.strodedesign.com

text_0

My name is Richard Young. I live at 241 e 24th street. I strongly support The Barnes's plan for their addition. I do not see how their plans will harm property values.

JEFF S. TAYLOR
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1022459-1

August 10, 2017

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

Phone: (918)607-4192

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

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

REVIEW COMMENTS

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

Application No. 427239

214 E WOODWARD BL S

August 10, 2017

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

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

1. 35.010-A Detached House

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

Review Comments:

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

2. 90.090-C.2) Detached Accessory Buildings

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

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

Review Comments:

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

3. 90.90.C: Detached Accessory Buildings

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

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

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

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

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

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

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

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

END – ZONING CODE REVIEW

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

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

TULSA CITY BOARD OF ADJUST
CASE NO. 22332
OFFICIAL RECORD EXHIBIT
ENTERED IN THE
MINUTES OF THE BOARD
OF ADJUSTMENT

Looking west from the Magill residence
towards the Barnes residence

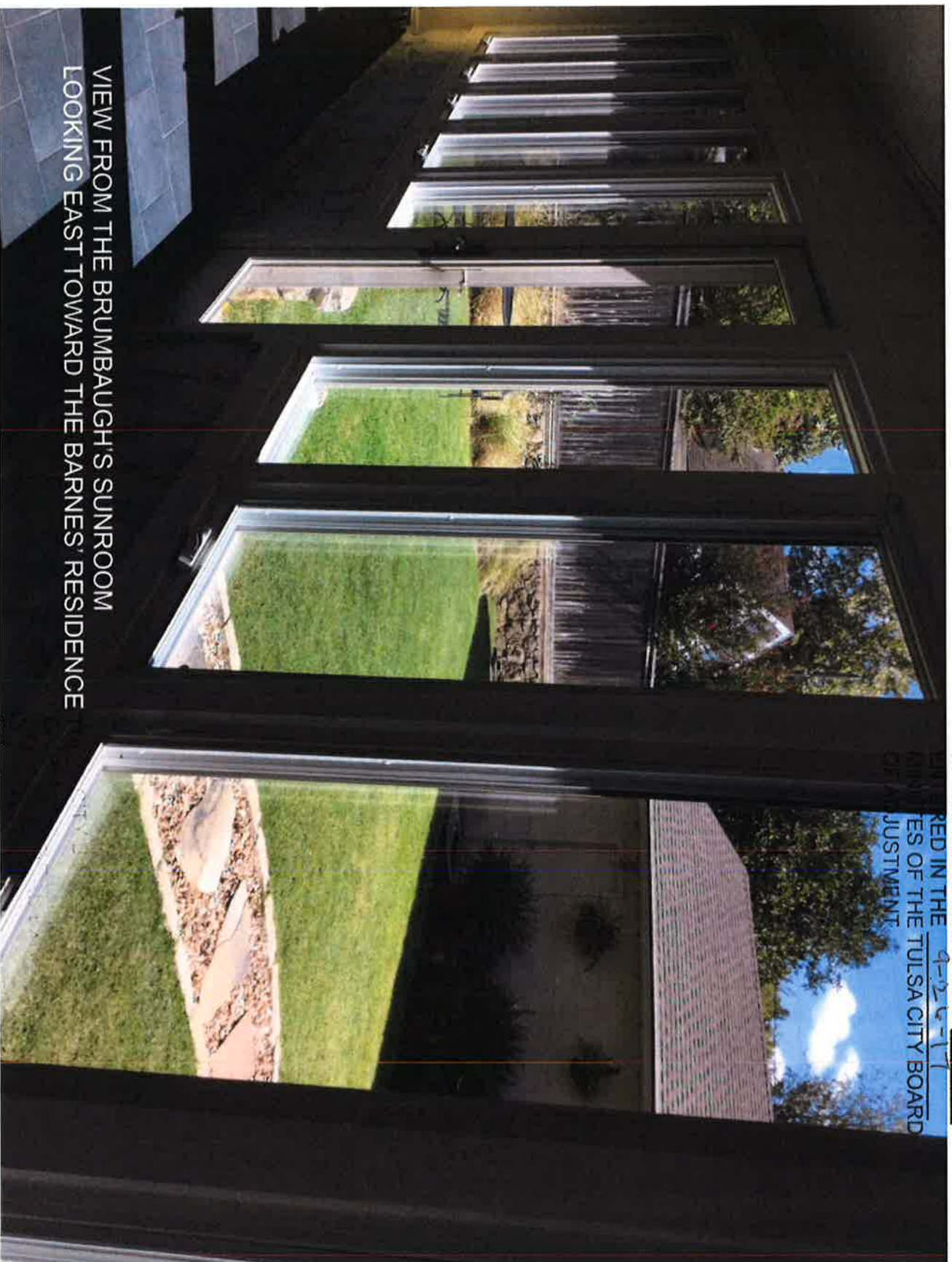


TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 22332
OFFICIAL RECORD EXHIBIT
ENTERED IN THE
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT

VIEW FROM BRUMBAUGH'S DINING ROOM WINDOW
LOOKING SOUTHEAST TO BARNES PROPERTY

TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 2-2332
OFFICIAL RECORD EXHIBIT

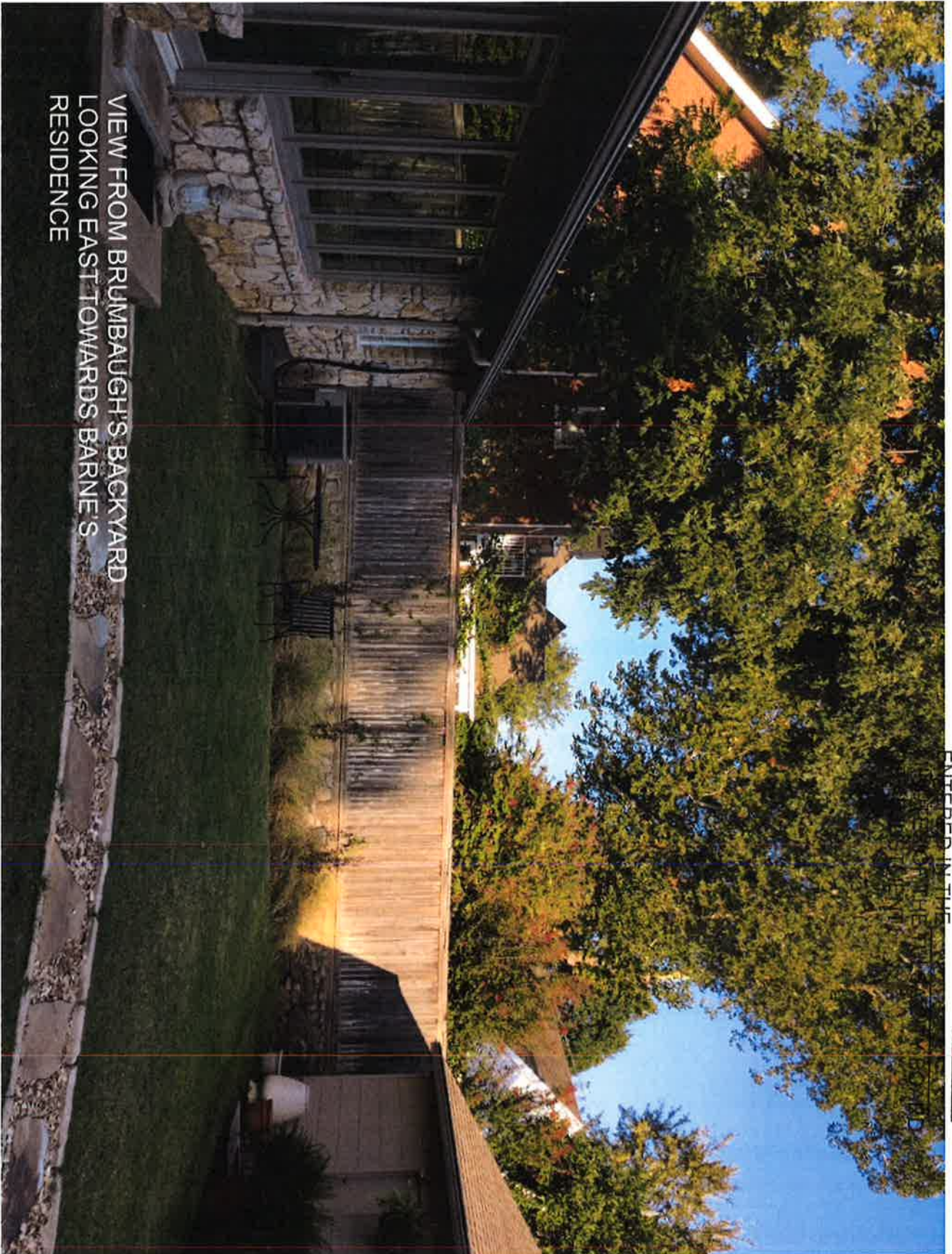
ENTERED IN THE 9-26-17
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT



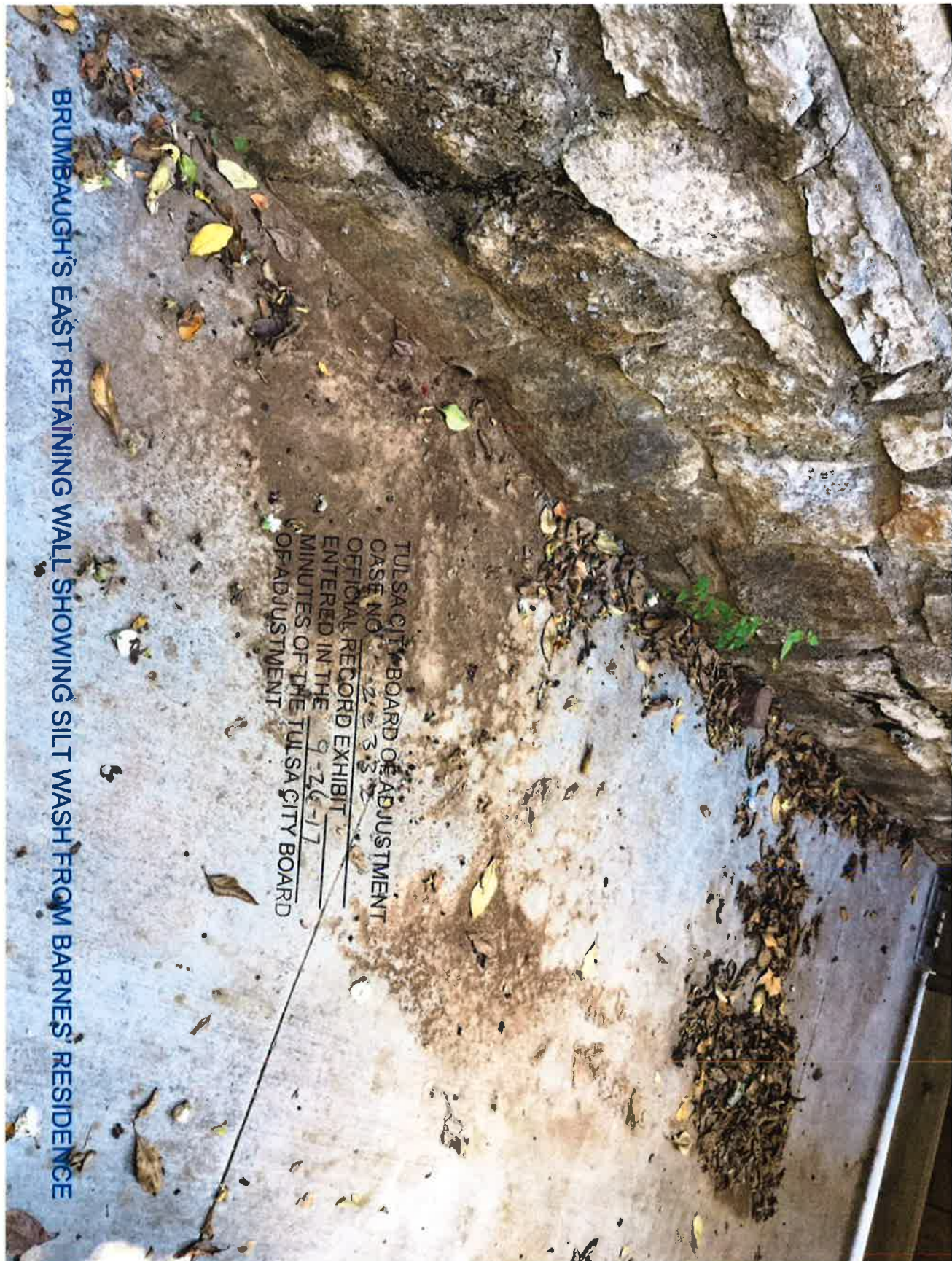
VIEW FROM THE BRUMBAUGH'S SUNROOM
LOOKING EAST TOWARD THE BARNES' RESIDENCE

MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT

TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 22-332
OFFICIAL RECORD EXHIBIT _____
ENTERED IN THE _____



VIEW FROM BRUMBAUGH'S BACKYARD
LOOKING EAST TOWARDS BARNES
RESIDENCE

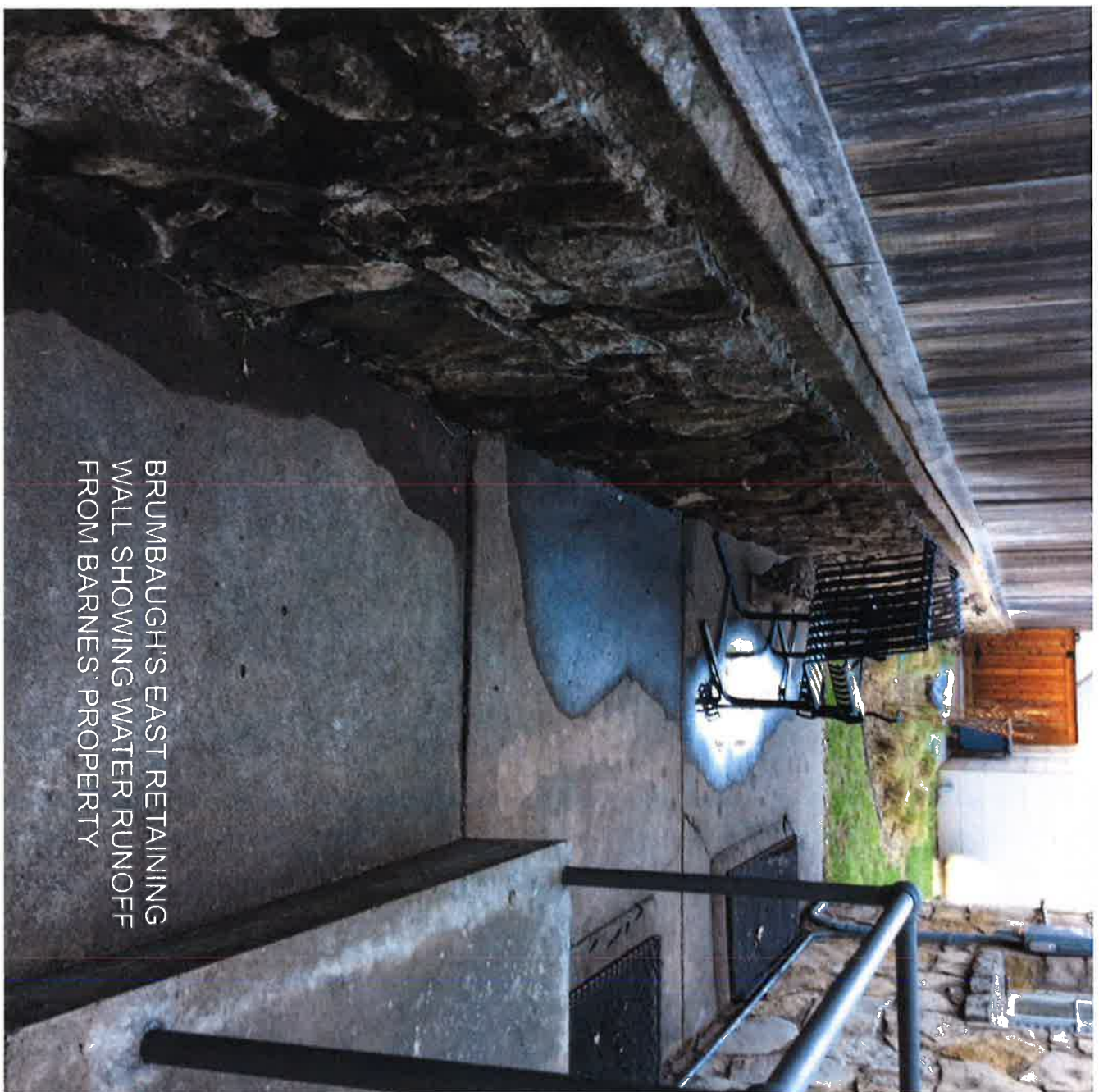


BRUMBAUGH'S EAST RETAINING WALL SHOWING SILT WASH FROM BARNES' RESIDENCE

TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 242332
OFFICIAL RECORD EXHIBIT
ENTERED IN THE 9-26-17
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT

5

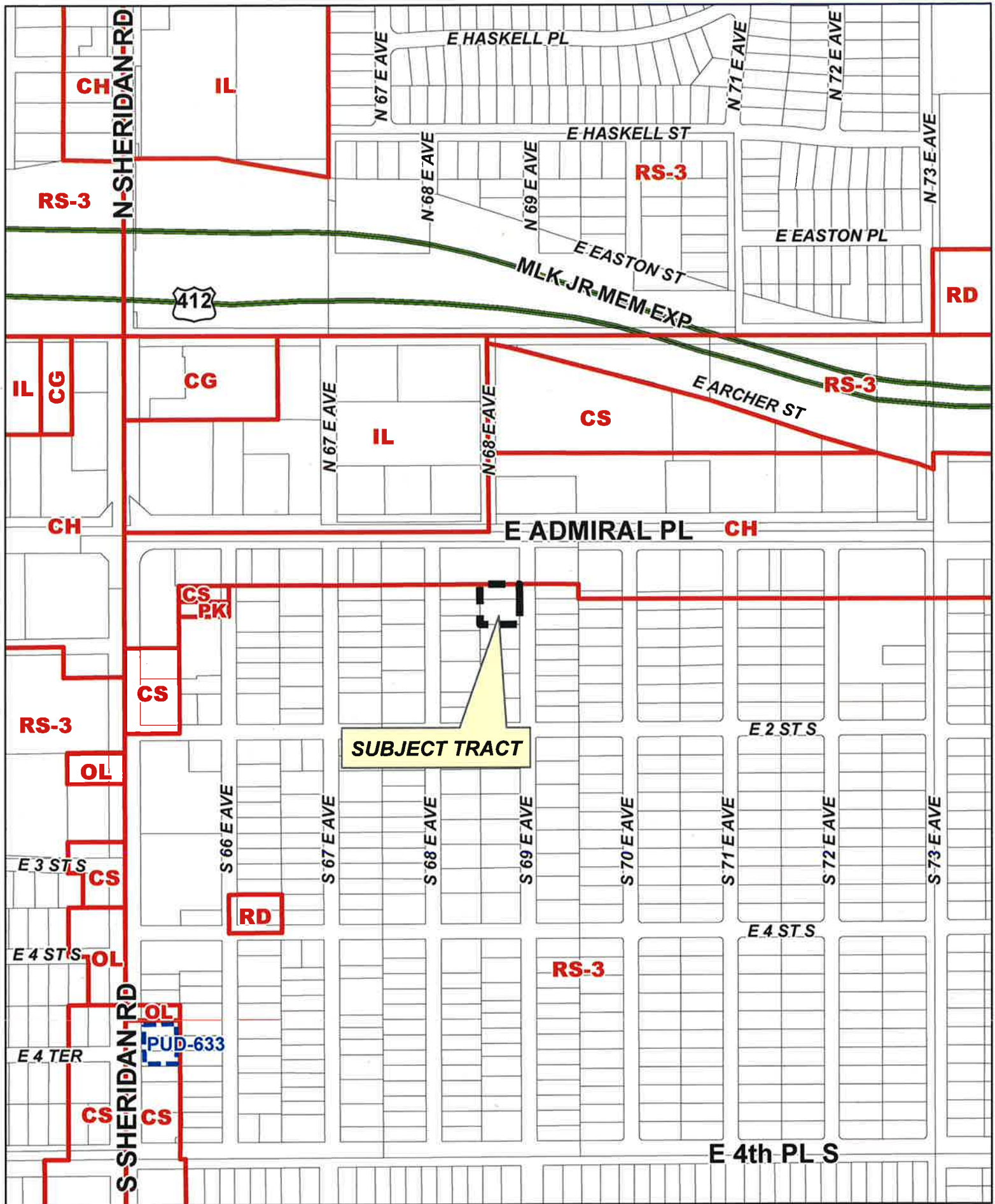
2.49



BRUMBAUGH'S EAST RETAINING
WALL SHOWING WATER RUNOFF
FROM BARNES' PROPERTY

TULSA CITY BOARD OF ADJUSTMENT
CASE NO. _____
OFFICIAL RECORD EXHIBIT _____
ENTERED IN THE _____
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT _____

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BOA-22338

3.1

BOARD OF ADJUSTMENT CASE REPORT

STR: 9302
CZM: 38
CD: 3
A-P#: 9015

Case Number: **BOA-22338**

HEARING DATE: 10/24/2017 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 66th 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 approved 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 66th Avenue East (CD 3)

Presentation:

Donald Swope, 21 South 66th 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



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Feet



Subject
Tract

BOA-22338

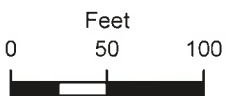
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Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: February 2016



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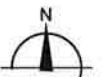
Subject
Tract

BOA-22338

19-13 02

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

Aerial Photo Date: February 2011



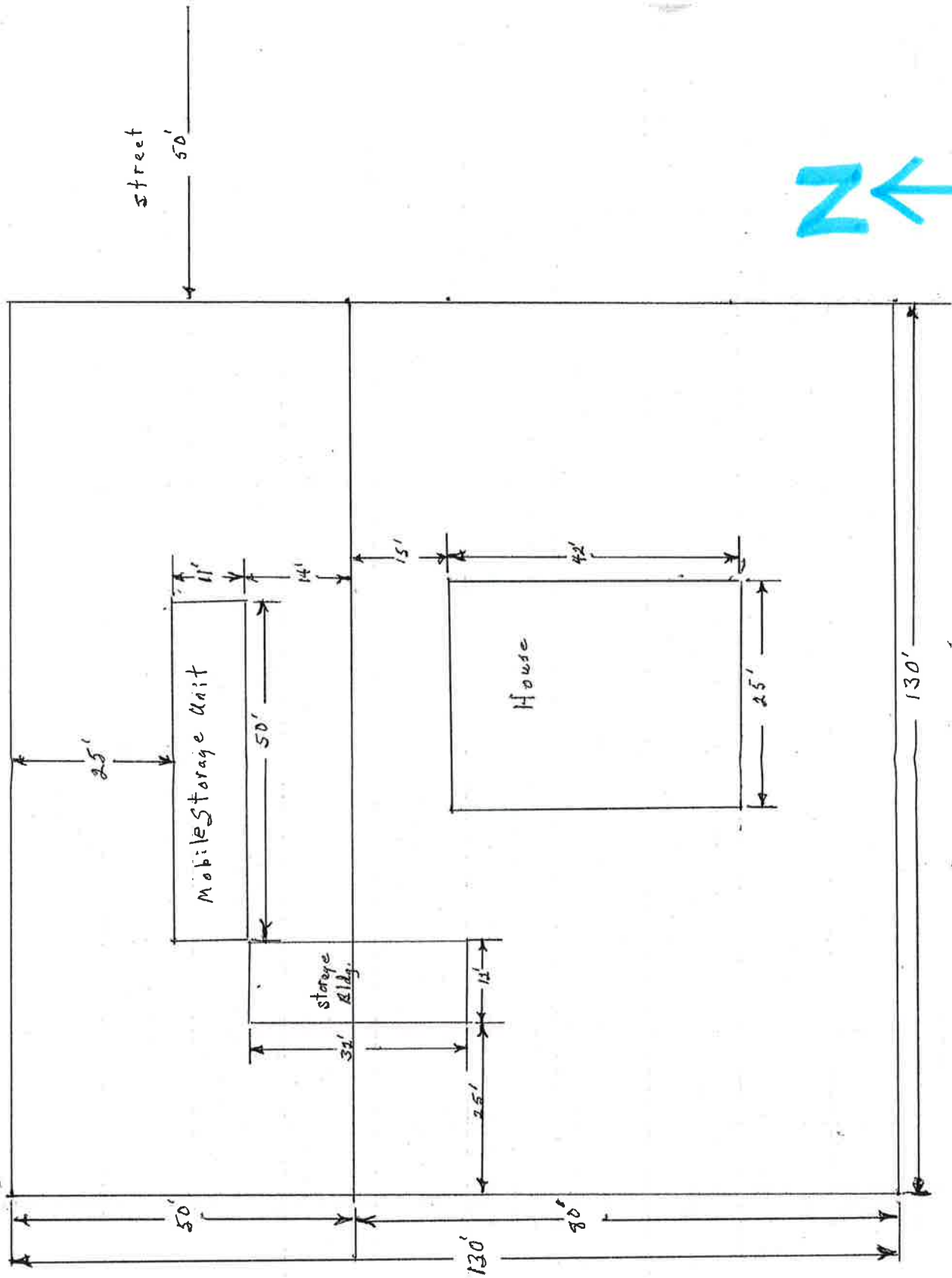
3.7



Subject Lot - Looking West



1



10

When ^{the} 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 2nd 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 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

IMPORTANT INFORMATION

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

REVIEW COMMENTS

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

Application No. 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.

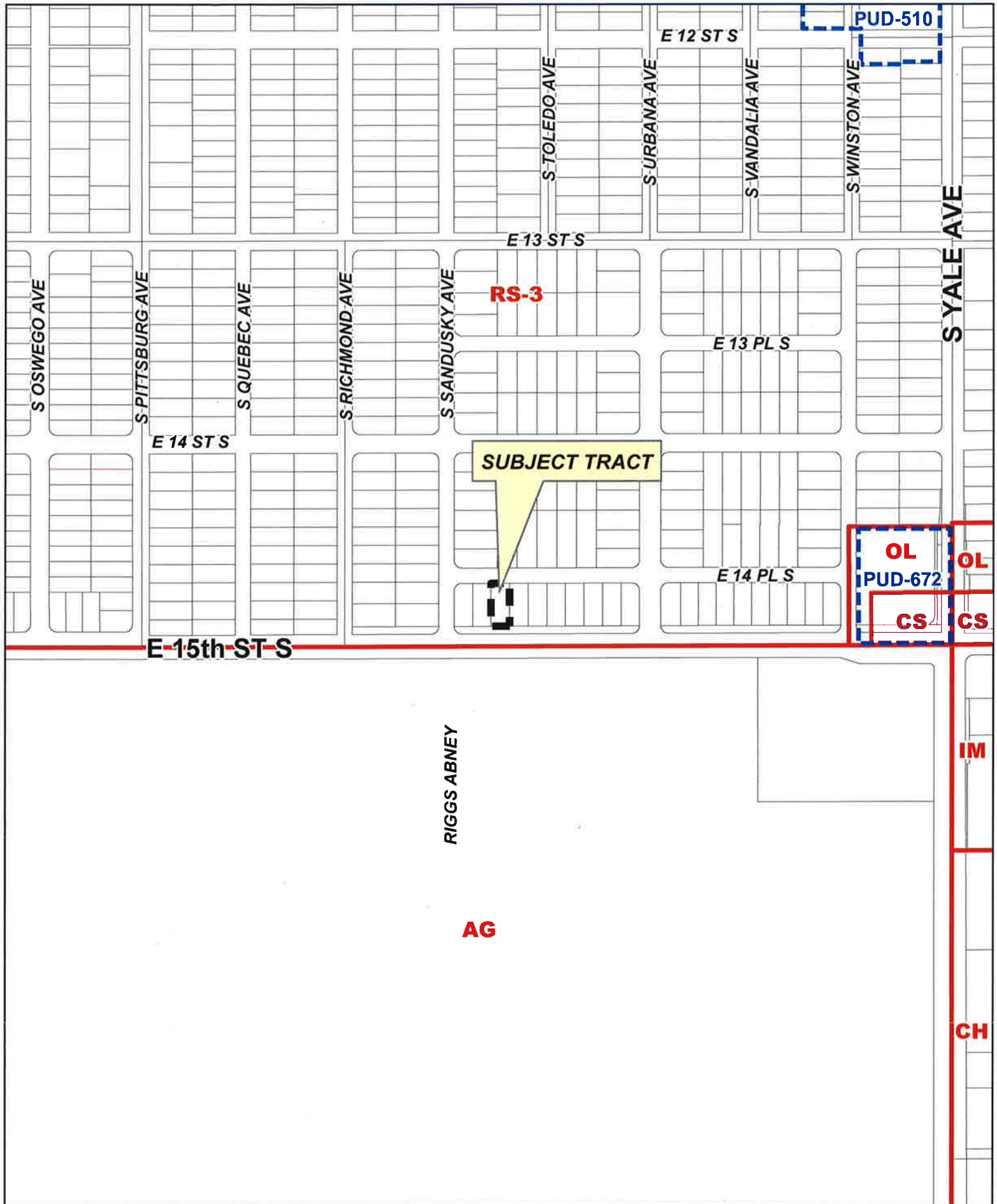
END – ZONING CODE REVIEW

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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BOA-22343

19-13 09

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BOARD OF ADJUSTMENT CASE REPORT

STR: 9309
CZM: 37
CD: 4
A-P#: 9324

Case Number: **BOA-22343**

HEARING DATE: 10/24/2017 1:00 PM

APPLICANT: Joyce Younacha

ACTION REQUESTED: A special exception to allow a bed and breakfast (short-term rental) in the RS-3 zoning district. (Sec.5.020)

LOCATION: 4414 E 14 PL S

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 8398.4 SQ FT

LEGAL DESCRIPTION: LT 8 BLK 10, ADAMSON HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:
None relevant.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by RS-3 zoned residences on the north, east and west; the Tulsa County Fairgrounds abut the site on the south.

STAFF COMMENTS:

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

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

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

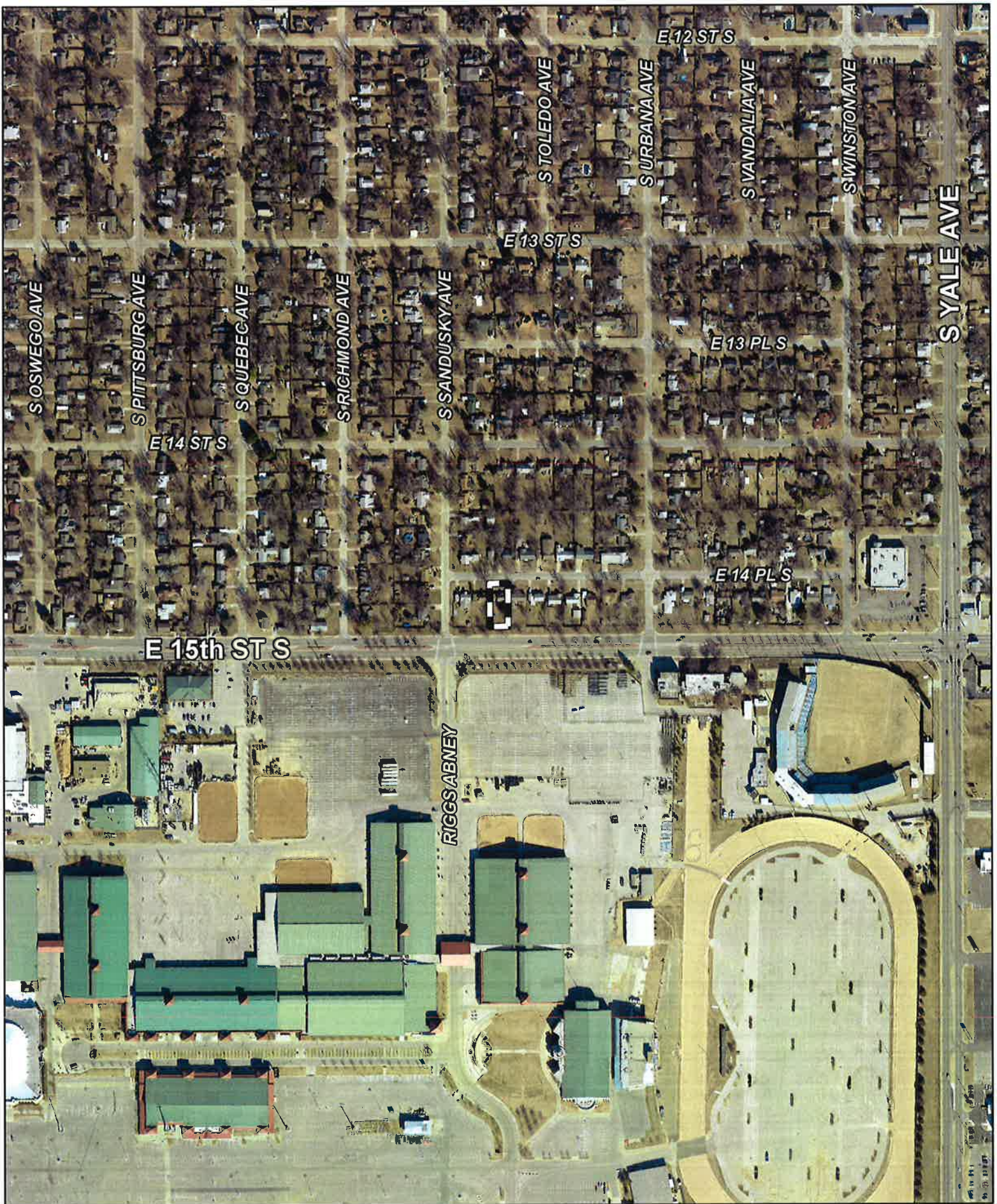
- Bed and breakfast are limited to a maximum of 12 guest rooms unless a lower limit is established by the board of adjustment as a condition of an approved special exception.
- The maximum length of stay for any guest is limited to 30 consecutive days.
- The owner/operator must maintain a register of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

Sample Motion

Move to _____ (approve/deny) a Special Exception to allow a Bed and Breakfast (short-term rental) in an RS-3 district. (Sec.5.020)

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

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



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Subject
Tract

BOA-22343

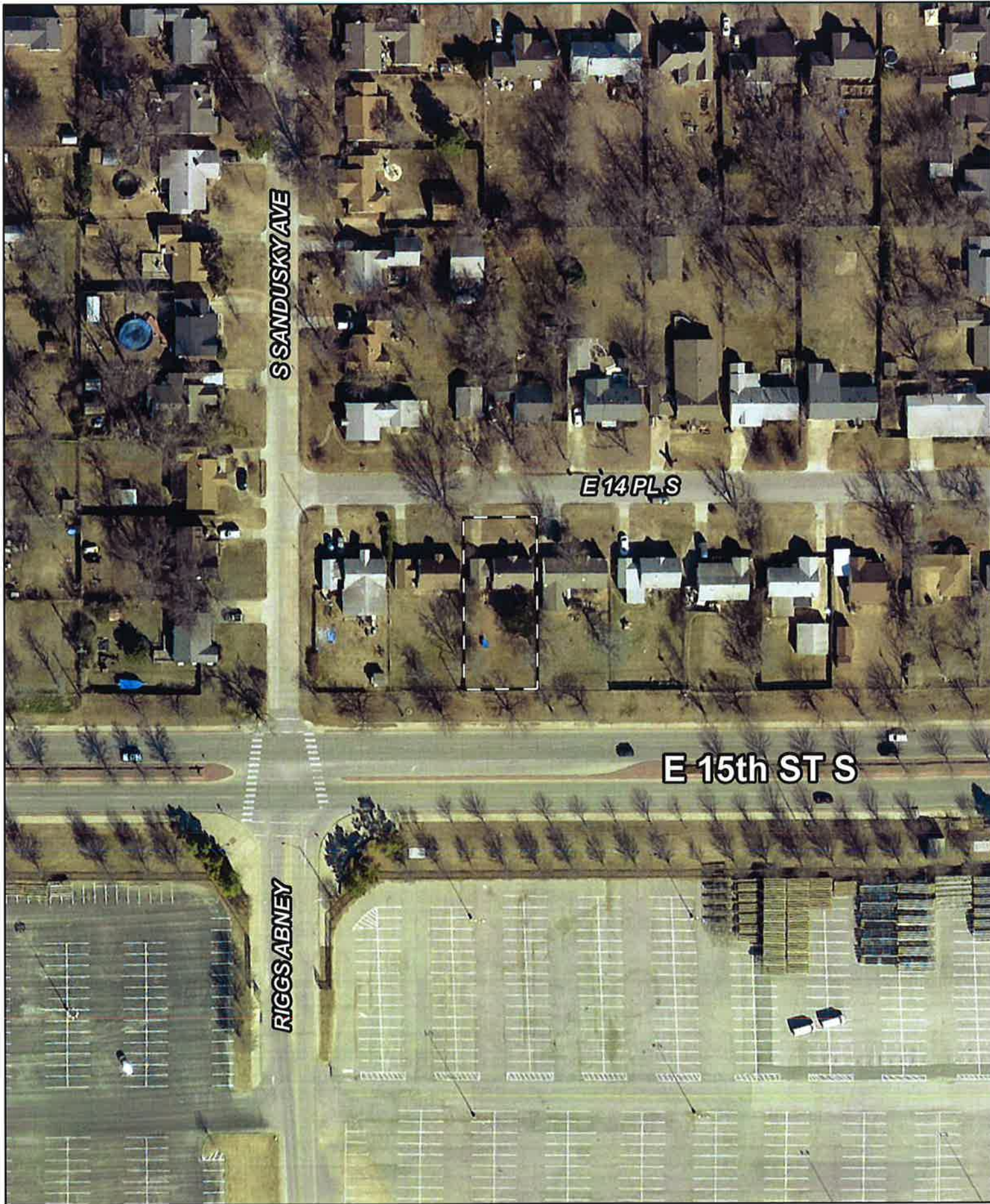
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Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: February 2016



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S SANDUSKY AVE

E 14th St S

E 15th St S

RIGGS ABNEY



Subject
Tract

BOA-22343

19-13 09

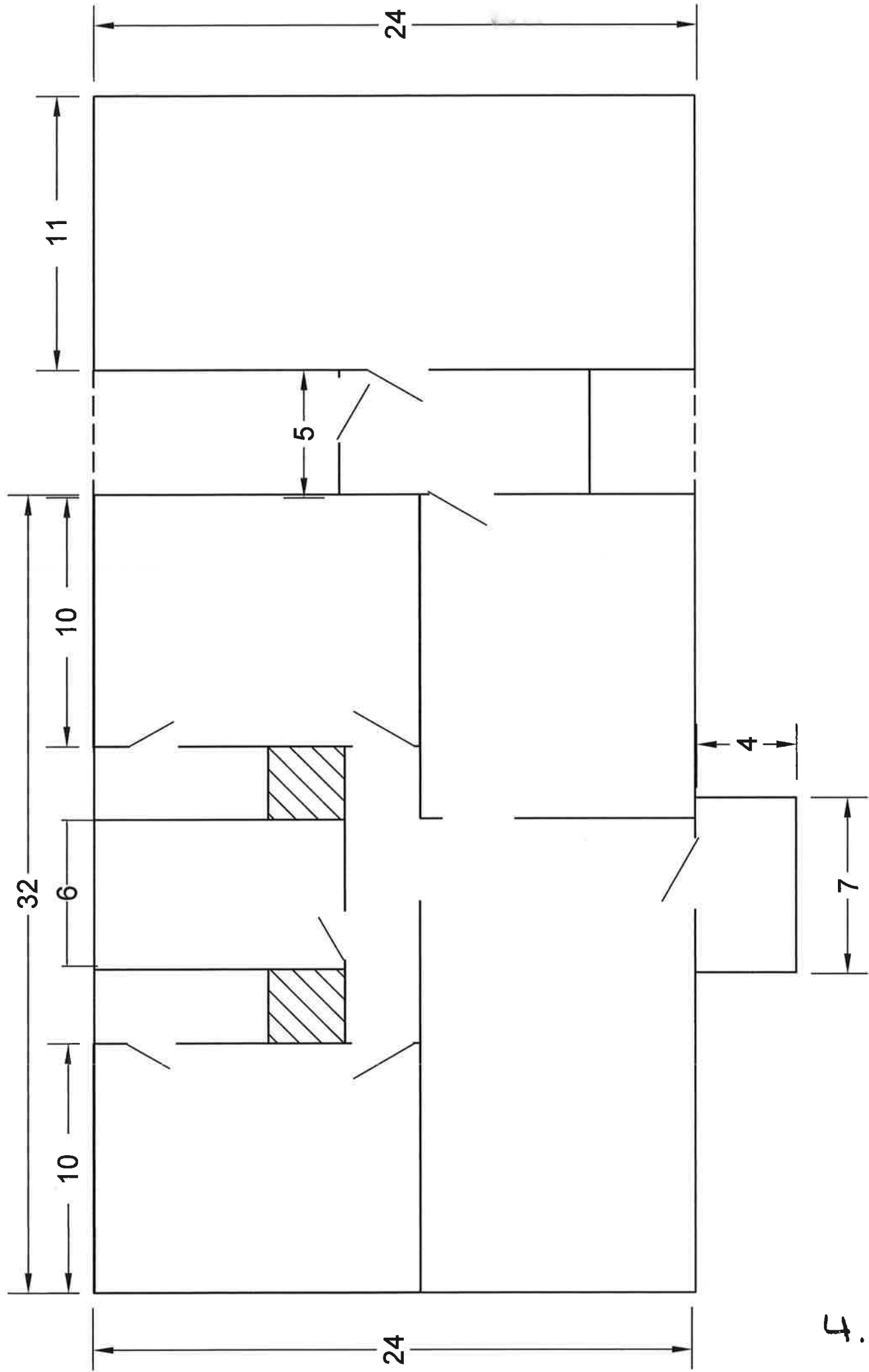
Note: Graphic overlays may not precisely
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Aerial Photo Date: February 2016



acct # 174162





CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1028830-1

August 29, 2017

JOYCE YOUNACHA
11004 E 11 PL
TULSA, OK 74128

Phone: (918) -

APPLICATION NO: 9324 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 4414 E 014 PL S
Description: Air BnB

INFORMATION ABOUT SUBMITTING REVISIONS

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

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(continued)

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REVIEW COMMENTS

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

Application No. 9324

4414 E 014 PL S

August 29, 2017

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

1. Sec.35.050-G1: Your application is for a Bed & Breakfast which is located in the RS-3 zoning district. This use is allowed in the RS-3 district by Special Exception (*Table 5-2: R District Use Regulations*).

Review Comment: Submit a copy of the Special Exception reviewed and approved per Sec. 70.120 to allow a Bed & Breakfast in the RS-3 zoning district.

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

- Sec.40.060-A: Bed and breakfast are limited to a maximum of 12 guest rooms unless a lower limit is established by the board of adjustment as a condition of an approved special exception.
 - Sec.40.060-B: The maximum length of stay for any guest is limited to 30 consecutive days.
 - Sec.40.060-C: The owner/ operator must maintain a register of bed and breakfast guests and on-site events for each calendar year and make the register available to city code enforcement upon request.
 - Sec.40.060-D: Cooking facilities are prohibited in guest rooms.
 - Sec.40.060-E: Signs are allowed in accordance with the sign regulations of the subject zoning district unless the BOA establishes stricter conditions at the time of Special Exception approval.
 - Sec.40.060-F: Public restaurants are prohibited. Meals may be served only to overnight guests and for on-site events expressly authorized by the BOA at the time of Special Exception approval. The BOA may authorize bed and breakfasts to be rented for events, such as weddings, receptions, anniversaries, private dinner parties, business seminars, etc. The use of bed and breakfasts for on-site events requires express authorization of the BOA, in accordance with the Special Exception procedures of Sec. 70.120. As part of approval of the Special Exception, the BOA is authorized to establish the maximum number of on-site events per year and the maximum number of guests per any single event, based on the availability of off-street parking and the facility's likely impacts on the area.
2. Sec.70.080-B1b(5): In order to help ensure a proper arrangement of streets and the adequacy of open spaces for traffic, utilities and emergency vehicle access, commensurate with the intensification of land use customarily incident to a zoning map amendment, a platting requirement is established. Except as expressly stated in Sec. 70.080-B2, no building permit or zoning clearance permit may be issued until that portion of the subject parcel for which the permit is sought has been granted a plat waiver (Sec. 70.080-B2a), or has been included within a subdivision plat or replat (Sec. 70.080-B2b) that has been submitted to and approved by the planning commission, and filed of record in the county clerk's office of the county in

which the property is located. This platting requirement applies to any property for which a special exception was approved for a Bed & breakfast.

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

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

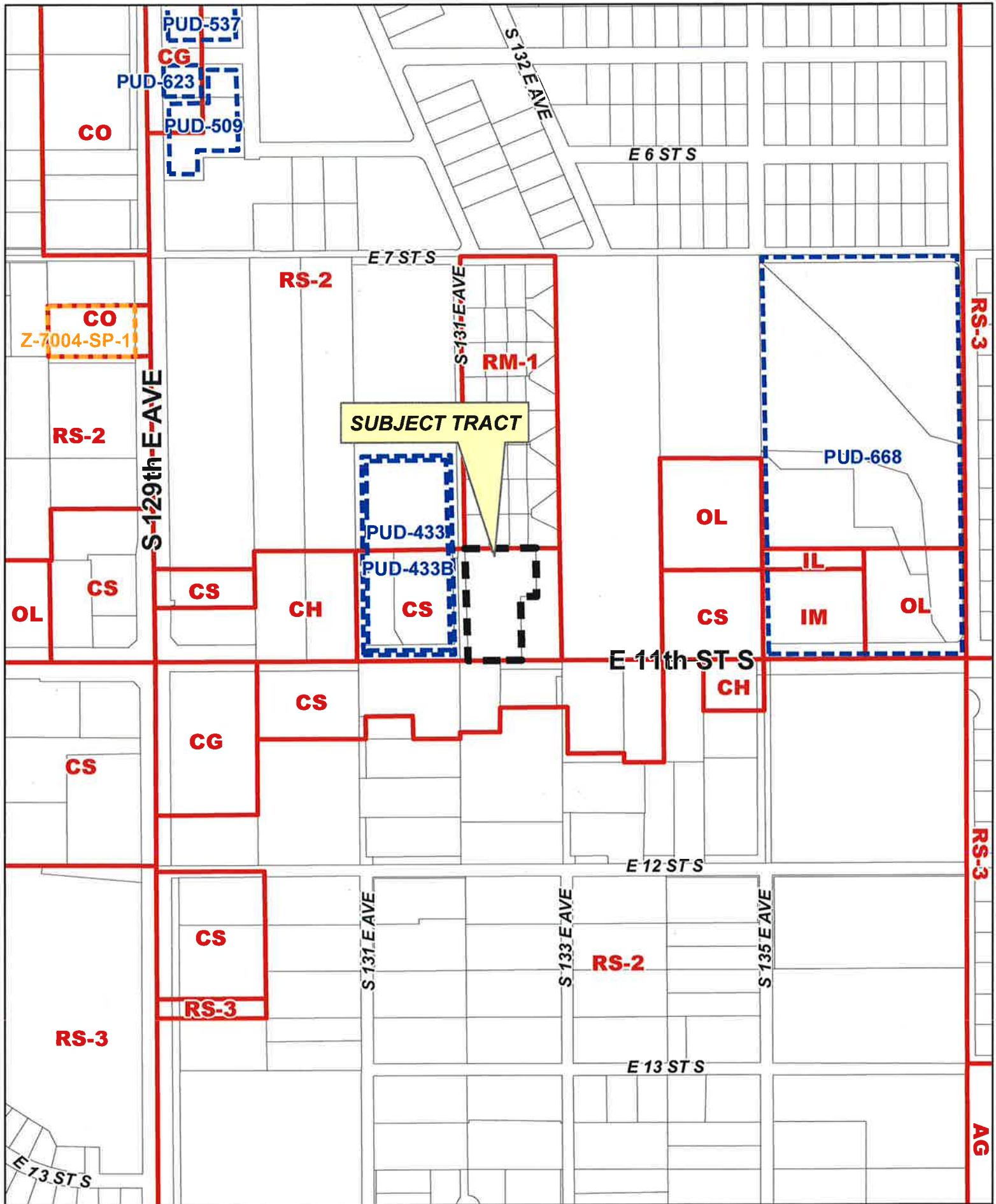
A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

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

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

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BOA-22344

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BOARD OF ADJUSTMENT CASE REPORT

STR: 9404

Case Number: **BOA-22344**

CZM: 39

CD: 6

A-P#: 9332

HEARING DATE: 10/24/2017 1:00 PM

APPLICANT: Roberto Moran

ACTION REQUESTED: Special Exception to permit Wholesale Distribution and Storage in the CS district. (Section 15.020)

LOCATION: NE/c E. 11th St. S & S 131st E. Ave.

ZONED: CS

PRESENT USE: Vacant

TRACT SIZE: 1.6 Acres

LEGAL DESCRIPTION: E305 S360 E/2 E/2 SW SW LESS TR BEG SECR SW SW TH N359.69 W80 S159.76 W52 S200 E132 POB SEC 4 19 14 1.62ACS, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Lot:

BOA 12648; on 06.16.83 the Board **denied** a special exception to allow a truck storage yard in a CS zoned district.

BOA 9225; on 10.7.76 the Board **approved** an exception and modification of the screening wall/fence requirement where alternative (vegetation) screening on the north will provide a visual separation of uses and an extension of time to construct a screening fence until the property to the east is developed; and approved a variance to allow a parking area constructed with compacted gravel for a period of two years.

BOA 9044; on 05.06.76 the Board **approved** a variance to reduce the frontage on a CS zoned lot from 150' to 132' to permit a lot split.

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

A Mixed-Use Corridor is a plan category used in areas surrounding Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. The streets usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips.

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or

redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

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

STAFF COMMENTS:

The proposed storage/warehouse use will be conducted within an enclosed building and will include long-term and short-term storage and distribution of commercial goods and supplies for grocery stores in the surrounding areas. The Code states that Wholesale Distribution uses can also include incidental retail sales and wholesale showrooms.

A special exception is required due to the potential adverse effects of the proposed Wholesale Distribution and Storage use in the CS district; however, if controlled in the 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 permit Wholesale Distribution and Storage in the CS district. (Section 15.020)

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

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

Case No. 12647 (continued)

Board Questions:

Mr. Victor inquired if the colors as shown on the drawing would be used in the actual construction of the building and Mr. McCollum answered in the affirmative and advised those colors are their company colors.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts) in the setback from the centerline of Apache from 100' to 70' and from the centerline of Utica from 50' to 30' and a variance of the required 75' setback from an abutting R District to 30', all in order to construct a new building - Under the Provisions of Section 1670, per plot plan submitted, (Section 260 of the Zoning Code applies), on the following described property:

The East 165' of the South 350' of the SE/4 of the SE/4 of the SW/4 of Section 19, Township 20 North, Range 13 East, of the Indian Base and Meridian, Tulsa, Tulsa County, Oklahoma, according to the official U. S. Government Survey thereof; containing 57,747 square feet or 1.32569 acre, more or less.

Case No. 12648

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Request for a home occupation (real estate office) indefinitely - Under the Provisions of Section 1680 located at 3302 East 56th Place.

Presentation:

Lois Black, 3302 East 56th Place, advised the Board approved the real estate use on two other occasions. The applicant requested permission to operate her home occupation for an indefinite time period.

Protestants:

Larry McSoud, 2638 East 56th Place, advised he owns a duplex located directly south of the applicant's duplex. Mr. McSoud advised there are duplexes located to the south of the subject property which are worth approximately \$160,000 and most of the other structures in the surrounding area consist of single-family dwellings. If the application is approved property values would decrease and a precedent would be established in this area to allow other home occupations. The protestant advised he had seen numerous vehicles located at the residence other than family cars.

Comments and Questions:

Chairman Smith inquired if a sign was used for the business and Ms. Black advised she has a small sign on her door which is not visible from the street.

Legal Counsel advised when the application was approved in 1979 there was one sales associate involved with the reality and inquired if the applicant is the only employee at present and Ms. Black assured the Board she is the only employee at the subject location.

Mr. Jackere spoke to the issue of the real estate operation setting a precedent and advised the Board considers each proposed home occupation

6.16.83:389(15)

Case No. 12648 (continued)

on its own merits. He did not anticipate that this use would set a precedent. The Zoning Code allows home occupations in areas where there will be no detriment to the neighborhood.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-1-0 (Chappelle, Smith, Victor, "aye"; no "nays"; Wait, "abstaining"; Purser, "absent") to approve a Special Exception (Section 420 - Accessory Uses in Residential Districts) for a home occupation (real estate office) for a five (5) year time period, to run with this owner only, and permitting no other sales associate or employee, on the following described property:

Lot 1, Block 2, South Harvard Court Amended Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12650

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Use Unit 1209 - Section 440.6 - Request to locate a mobile home in an RM-2 District - Under the Provisions of Section 1680; and a Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request to allow two dwellings per lot of record - Under the Provisions of Section 1670 located at 2136 East Oklahoma Street.

Presentation:

Ramona Hatfield, 518 Kingsway, Muskogee, Oklahoma, 74401, was present and submitted three (3) photographs of the mobile home (Exhibit "M-1") and a drawing showing the location of the proposed mobile home (Exhibit "M-2"). Ms. Hatfield advised the Board she and her family plan to move from Muskogee to Tulsa and propose to place a mobile home on the subject property on a temporary basis. Ms. Hatfield has spent the last nine months commuting from Muskogee to Tulsa every day as she is employed in Tulsa. Due to the financial and physical burden placed on the family the Hatfields plan to reside in the mobile home. When the applicant's house in Muskogee is sold the Hatfields intend to purchase or construct a residence in Tulsa.

The mobile home will be located in the side yard of Ms. Hatfield's brother's property. The mobile home is separated from a residence to the east by a chain link fence and a private screen separates the area from the front door of the mobile home. A chain link fence also separates the mobile home from a residence located to the south. The subject lot contains a separate driveway which will alleviate any parking problems.

Ms. Hatfield advised a hardship exists because her brother's wife is confined to bed due to a possible miscarriage during her pregnancy and her husband's occupation requires that he be out of town quite often. Placing the mobile home at the subject location would enable Ms. Hatfield to care for her sister-in-law.

Protestants:

J. W. Barrett, 2219 East Oklahoma Place, was present in protest to the application because there are no other mobile homes in the area. If

6.16.83:389(16)

Action Requested:

Exception (Section 250.3 (b) and (c) - Modification of the Screening Wall or Fence Requirements) to modify the screening requirement where an alternative screening will provide visual separation of uses and for an extension of time to erect a screening fence where properties which are to be benefitted by the screening are undeveloped; and a Variance (Section 1340 (d) - Design Standards for Off-Street Parking - Under the Provisions of Section 1670) to allow parking constructed of compacted gravel in a CS District located at 13151 East 11th Street.

Presentation:

C. J. Funk submitted the plot plan (Exhibit "E-1") and six photographs (Exhibit "E-2") of the subject and surrounding properties, advising that he is a partner in an electrical contracting firm and in the process of building a new shop and office on the subject property. He requested he be permitted to erect an alternative method of screening from the duplex development to the north as the chain link fence surrounding the duplex development encroaches four feet onto the subject property, thereby prohibiting the erection of a screening fence on the subject property's northern boundary line. Since the northern portion of the subject property does not have a proposed land use at this time, Mr. Funk requested that he be permitted to erect a screening fence around that portion of the property behind the structure which would contain storage materials, pointing out that the storage would then be screened from the development to the north in addition to there being a great distance between the development to the north and the proposed use and storage. With regard to the variance to permit compacted gravel on the parking area in lieu of hard surfacing, Mr. Funk noted that compacted gravel is proposed to be utilized on the parking area containing three parking spaces and the driveway on the property, since the surface in the area is hard and rocky. Mr. Funk did not feel that paved or asphalted parking for three automobiles would serve a useful purpose, as there are other businesses in the area with compacted gravel parking areas and driveways. Mr. Funk also felt that the compacted gravel would serve the same purpose as hard surfacing as it would eliminate dust that would be created by other than a hard surface.

David Pauling, Assistant City Attorney, noted that the entrances and exits to the parking areas must be hard surfaced.

Mr. Gardner suggested that the Board might consider permitting the applicant to provide an oil mat to the compacted gravel on a temporary basis until such time as the hard surfacing is provided.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) approved an Exception (Section 250.3 (b) and (c) - Modification of the Screening Wall or Fence Requirements) to modify the screening requirement as presented on the north where an alternative screening will provide visual separation of uses and for an extension of time to erect a screening fence on the east where properties which are to be benefitted by the screening are undeveloped until such time as the property to the east is developed; and a Variance (Section 1340 (d) - Design Standards for Off-Street Parking - Under the Provisions

10.7.76:221(9)

9225 (continued)

of Section 1670) to allow parking constructed of compacted gravel and oil mat for a period of two years at which time the hard-surfacing requirement will be met, in a CS District, on the following described tract:

The East 132' of the South 360', LESS the North 160' of the West 52' of the E/2, SW/4, SW/4 of Section 4, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

9227

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) for a variance of the setback requirements from 110' to 83' from the centerline of Memorial in a CS District located at 1143 South Memorial.

Presentation:

Lee Ford submitted the plot plan (Exhibit "F-1") and two photographs (Exhibit "F-2") of the structure proposed to be utilized as the Fotomat building, noting that a variance of the setback requirements is required in order that the structure might be located in the existing parking lot and provide adequate circulation throughout the parking area.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (3-0) approved a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) for a variance of the setback requirements from 110' to 83' from the centerline of Memorial, per plot plan, subject to the approval being granted for this specific use only and to run with the lease by Fotomat, in a CS District, on the following described tract:

Lot 9, Block 2, Forest Acres Addition to the City of Tulsa, Okla.

9229

Action Requested:

Exception (Section 640.3 (c) - Special Exception Uses in Office Districts) to locate a beauty shop; and a Variance (Section 640.3 (a) - Special Exception Uses in Office Districts - Under the Provisions of Section 1670) for a variance of 50,000 square feet of floor space in a principal building to permit convenience goods and services in a 48,446 square foot building in an OM District located northwest of 71st Street and Yale Avenue.

Presentation:

David Sanders presented a brief history to the Board of the previous ownerships of the Copper Oaks office complex, advising that it had come to the attention of the present owner that the beauty shop which has been located in the northern office structure for 2½ years had never received approval to be located in the OM District. He advised that the owner of the shop was proposing some remodeling and it was at that point that it was determined that approval of the Board was required. He presented a plot plan

10.7.76:221(10)

9043 (continued)

On MOTION of PURSER, the Board (3-0) approved a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the front yard requirements from 30' to 25', per previously submitted plot plan, in an RS-2 District on the following described tract:

Lot 1, Block 5, Forest Creek II Addition to the City of Tulsa, Okla.

9044

Action Requested:

Minor Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements from 150' to 132' to permit a lot-split (L-13689) in a CS District located east of the NE corner of 131st East Avenue and 11th Street.

Presentation:

C. J. Funk advised the Board that the Planning Commission had approved the lot-split subject to the approval of the Board regarding frontage, pointing out that the Board had previously granted permission to him to locate an electrical contractors shop on the property.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (3-0) approved a Minor Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements from 150' to 132' to permit a lot-split (L-13689) in a CS District on the following described tract:

The East 132' of the South 360' of the East Half of the East Half of the SW/4 of the SW/4 of Section 4, Township 19 North, Range 14 East; LESS the North 100' of the West 52' thereof.

9051

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance to permit a building across a lot line in an RS-3 District located at 1540 North Cheyenne Avenue.

Presentation:

Rev. Carl Prather submitted the plot plan (Exhibit "O-1") requesting a minor variance to permit building across a lot line as he is proposing to enlarge the existing residence which will require building across the lot line.

Protests: None.

5.6.76:211(32)



E 11th ST S

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Subject
Tract

BOA-22344

19-14 04

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

Aerial Photo Date: February 2016

5.9





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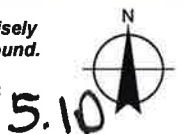
Subject
Tract

BOA-22344

19-14 04

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

Aerial Photo Date: February 2016





Subject Lot - Looking North

09.29.2017 13:15



E 11 St S - Street View

09.29.2017 13:15

BOA 22344



E 11 St S - Street View

.2017 13:15



CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1031174-1

September 08, 2017

ROBERTO MORAN
R2KC DESIGN
4606 S GARNETT RD
TULSA, OK 74146

Phone: (918)850-1162

APPLICATION NO: **9332** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 13131 E 011 ST S
Description: Storage

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

(continued)

5.16

REVIEW COMMENTS

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

Application No. 9332

13131 E 011 ST S

September 08, 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.35.060-C: Your proposed Warehouse is designated a Wholesale, Distribution & Storage/Warehouse Use and is located in a CS zoning district.

Review comment: Per *Sec.15.020 Table 15-2* this use requires a Special Exception reviewed and approved in accordance with the Special Exception procedures of *Sec.70.120*. Submit a copy of the approved Special Exception.

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

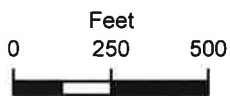
A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

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

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

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19-12 13



BOARD OF ADJUSTMENT CASE REPORT

STR: 9213
CZM: 36
CD: 4
A-P#: 430190

Case Number: **BOA-22345**

HEARING DATE: 10/24/2017 1:00 PM

APPLICANT: Josh Friesenhahn

ACTION REQUESTED: **Variance** to allow more than 30% coverage in the rear setback (Sec. 90.090-C-2); **Variance** to allow a two-story accessory structure that exceeds 18 ft. in height to allow 29 ft.; and exceed 10' to the top of the top plate to allow 17'10"(Sec. 90.90.C); **Variance** to allow a detached accessory structure to exceed 500 sq. ft. in floor area to allow 1574 sq. ft. (Sec. 45.030-B)

LOCATION: 2704 S CINCINNATI AV E

ZONED: RS-3

PRESENT USE: Residence

TRACT SIZE: 6721.34 SQ FT

LEGAL DESCRIPTION: LT 6 BLK 13, SUNSET TERRACE, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA 22117; on 8.23.16 the Board **approved** a special exception to allow a non-conforming two-story detached garage to be reconstructed; variance to allow an accessory building to exceed 40% of the floor area of the principal structure; variance to increase the footprint of a non-conforming structure; variance to allow a detached accessory building to exceed 10 ft. at the top of the top plate. Located East of the SE/c of S. Cincinnati Ave. and E. 27th Street 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 zoning on the north, east and south; AG zoning parks and open space about the site on the west.

STAFF COMMENTS:

The Code states that detached accessory buildings are limited to a floor area of 500 sq. ft. or 40% of the principal dwelling, whichever is greater. The existing residence on the lot is 1045 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 a detached accessory building on the lot to 1574 sq. ft.

Section 90.090 of the Code permits detached accessory buildings in the RS-3 district to be in the required rear yard so long as they are limited in height to one story; 18' in height and 10' at the top of the top plate. The applicant has requested a **Variance** to permit a two-story garage/apartment with a height of 17'-10" at the top of the second-floor top plate. The applicant has also requested a **Variance** to allow the accessory building to exceed 18' in height to allow a height of 29'.

The Code states that detached accessory buildings can only cover up to 30% of the required 25 ft. rear yard in an RS-3 district. The proposed 1574 sq. ft. building covers 34.2% of the rear setback area. The applicant has requested **Variance** to exceed 30% of coverage in the required rear yard to permit construction of the detached garage/apartment as proposed in the conceptual plan.

Sample Motion

Move to _____ (approve/deny) a Variance to allow more than 30% coverage in the rear setback (Sec.90.090-C-2); Variance to allow a two-story accessory structure that exceeds 18' in height to allow 29'; and exceed 10' to the top of the top plate to allow 17'10"(Sec. 90.90.C) Variance to allow a detached accessory structure to exceed 500 sq. ft. in floor area to allow 1574 sq. ft. (Sec. 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.”

the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

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

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

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

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

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

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

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

22117—Matt Bayne

FILE COPY

Action Requested:

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

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

Presentation:

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

BOA-22117

Mr. Van De Wiele asked Mr. Bayne if the existing structure was damaged or needed to be repaired or replaced. Mr. Bayne stated that to his knowledge there is no footing with a slab construction with a brick stem wall which is deteriorated. The roof is sagging significantly and the structure itself is leaning to the east. Mr. Bayne stated that he has had a structural engineer look at the building and it was determined that currently it is safe but it will not last. Where the building sits on the lot it is low so when it rains water gets into the structure, so his plan is to raise the elevation of the proposed structure and channel the rain around the structure.

Mr. Bond asked Mr. Bayne if the new proposed garage would be more in keeping with the neighborhood as opposed to the existing garage. Mr. Bayne answered affirmatively.

Interested Parties:

There were no interested parties present.

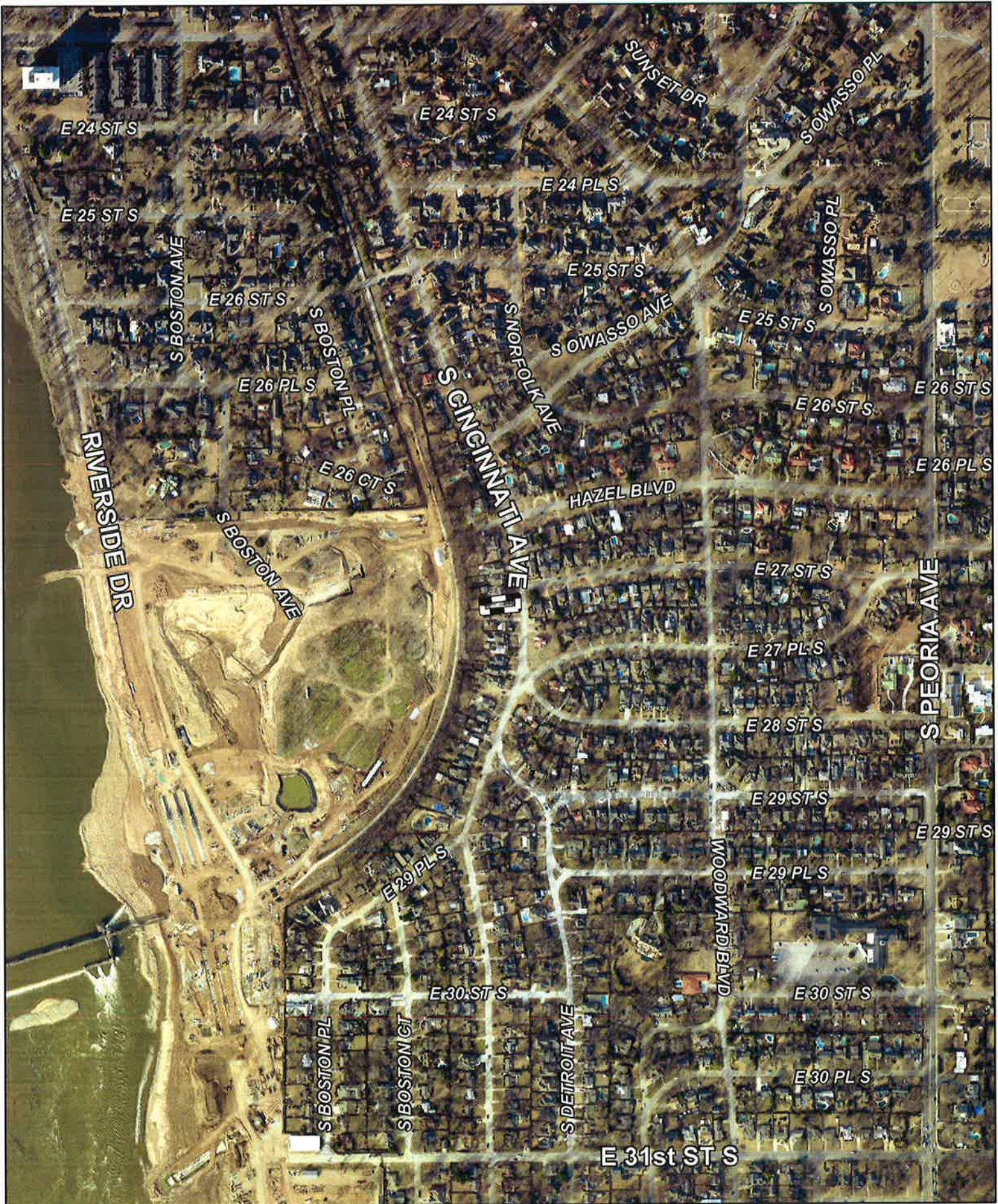
Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-1 (Back, Bond, Flanagan, Van De Wiele, "aye"; no "nays"; White "abstaining"; none absent) to **APPROVE** the request for a Special Exception to allow a non-conforming two-story detached garage to be reconstructed (Section 80.030); Variance to allow a accessory building to exceed 40% of the floor area of the principal structure (Section 45.030); Variance to increase the footprint of a non-conforming structure (Section 80.030); Variance to allow a detached accessory building to exceed 10 feet at the top of the top plate (Section 90.090). The Board has found that per Section 80.030-E.2 the Code states that if any nonconforming structure is damaged or partially destroyed by any means to the extent of more than 50% of its replacement cost at time of damage, the Board by Special Exception may approve it to be restored or re-established as a nonconforming structure and the Board has found that to be a fact. In order to approve a special exception for re-establishment of a the nonconforming two-story detached structure, the Board of Adjustment must find that restoration as a conforming structure cannot reasonably be made in relation to the nature and extent of the non-conformity and the nature and extent of the damages. In granting a Special Exception, the Board must find that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The Board determines that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;



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Feet



Subject
Tract

BOA-22345

19-12 13

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

Aerial Photo Date: February 2016



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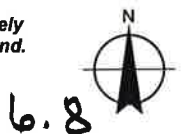
Subject
Tract

BOA-22345

19-12 13

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

Aerial Photo Date: February 2016



BOA 22345



Subject Lot - Looking West

09 29 2017 14:16



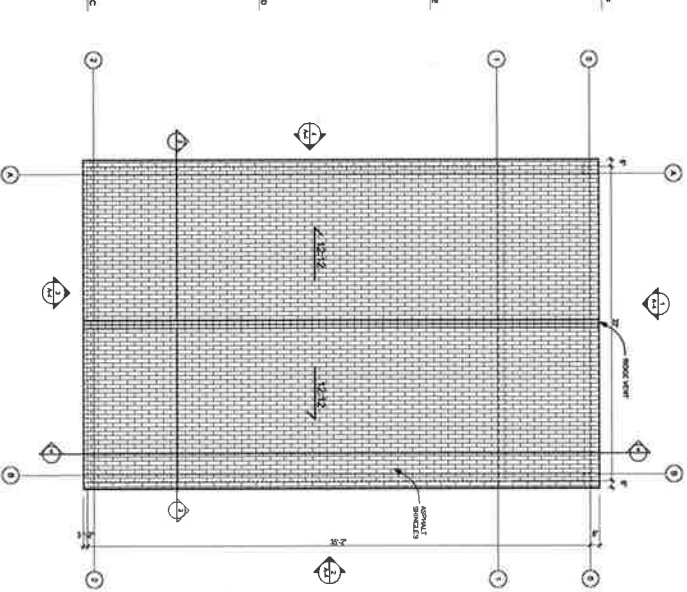
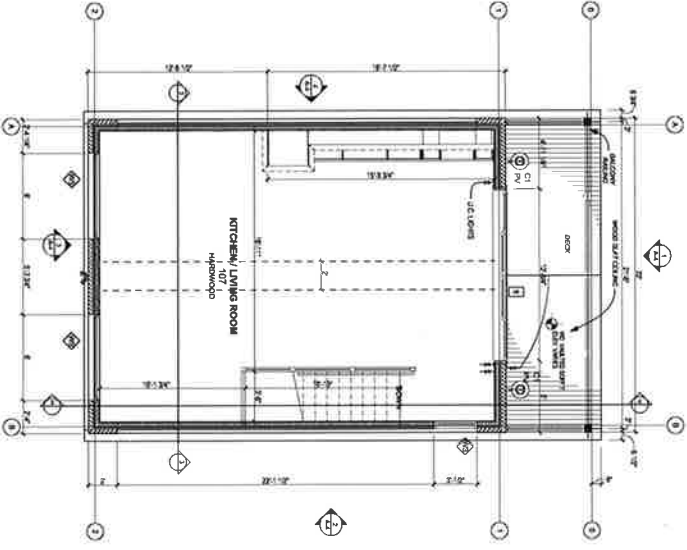
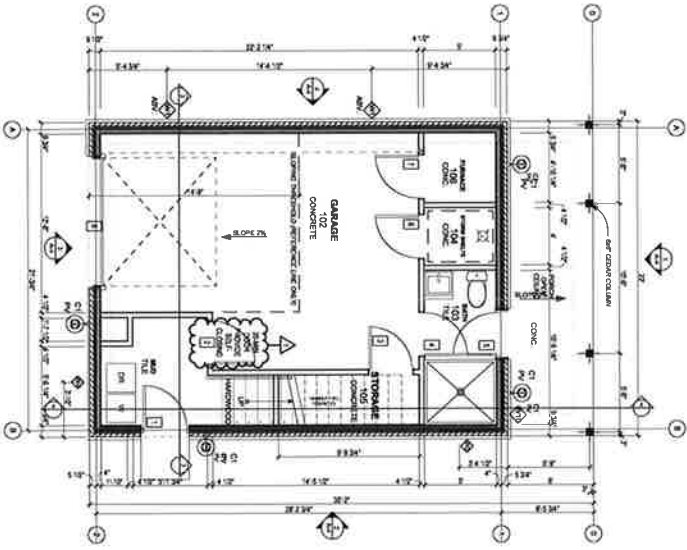
STATUS: FOR PERMIT
9/7/2017

PROJECT NAME:
Burdick Garage
Apartment

PROJECT LOCATION:
2704 S CINCINNATI AVE
TULSA, OK

CLIENT:
SAFE AS PROJECT SITE

REVISION	DATE
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2000

FOR PERMIT
9/17/2017

INFO:
PROJECT TITLE:

Burdick Garage
Apartment

PROJECT LOCATION:
2704 S CINCINNATI AVE
TULSA OK

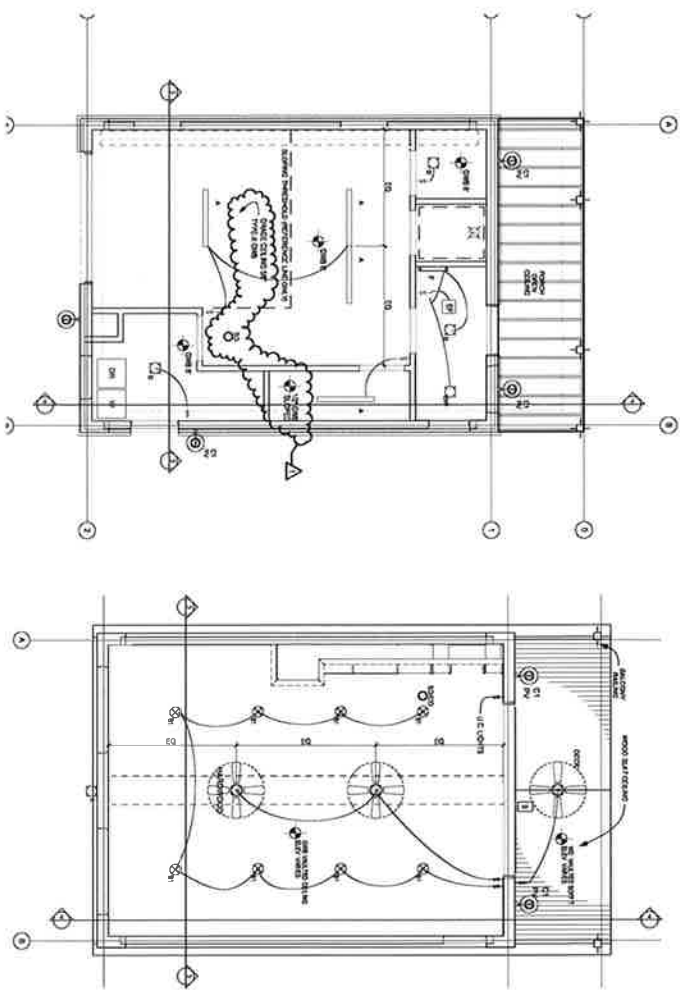
CLIENT

SAME AS PROJECT SITE

PLAN
NORTH
REFLECTED CEILING PLAN

FILE A:\Clients\TUNOVUS\ARCH2017\28IN-Burdick Apartment\CAD\Burdick Apartment Model Final.dgn DATE 9/7/2017

A-3

[illegible]



FOR PERMIT
9/17/2017

PROJECT TITLE:
Burdick Garage
Apartment

PROJECT LOCATION:
2704 S CINCINNATI AVE
TULSA OK

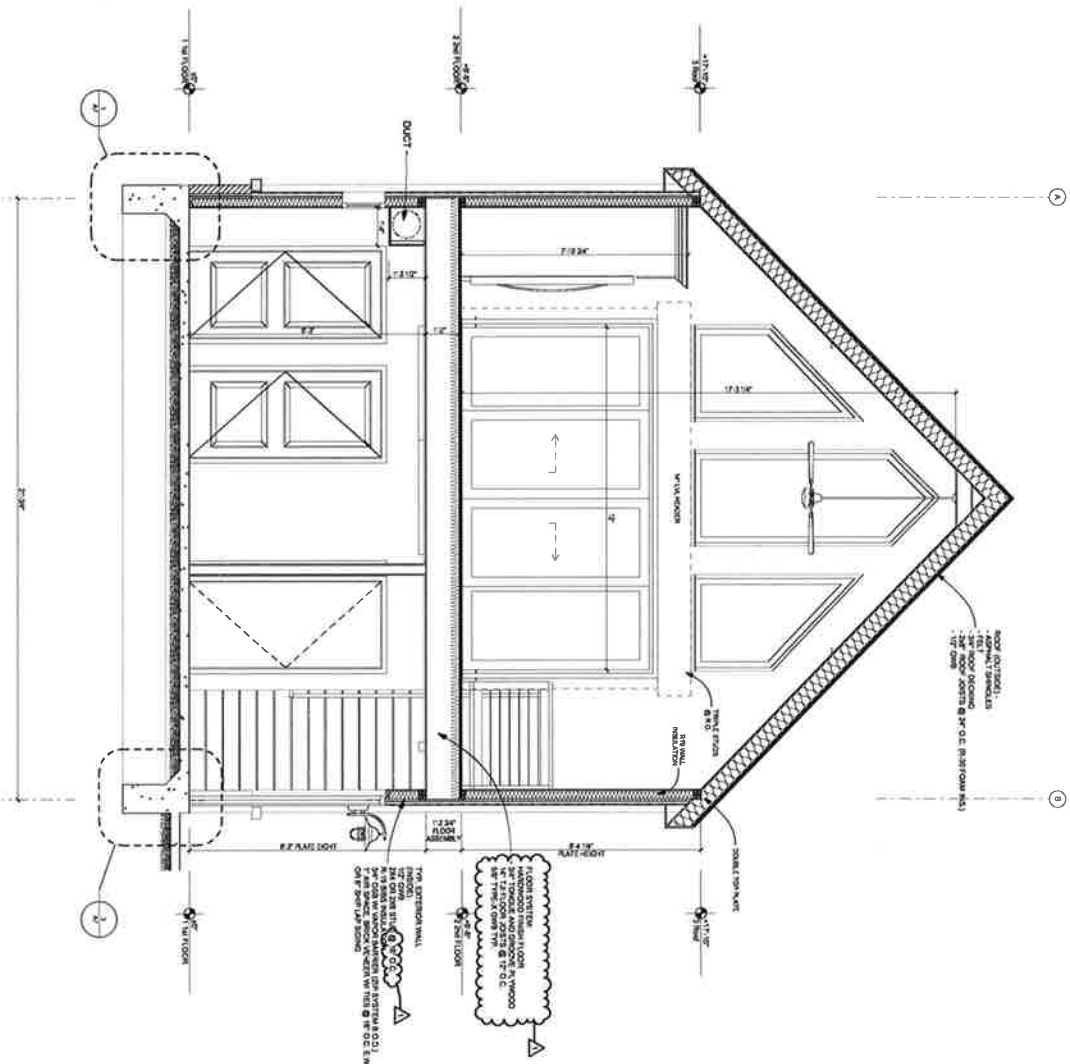
CLIENT:

SAME AS PROJECT SITE

REVIEWS	DATE	REVIEW
0	8/21/2017	PERMIT
CITY OF TULSA PERMIT PLANS		
1	9/12/2017	PERMIT
CITY OF TULSA I.D. 16012131 RESPONSE		

BUILDING SECTION - EAVE

SECTION
SCALE 1/4" = 1'-0"



CONSULTANTS



STATUS:

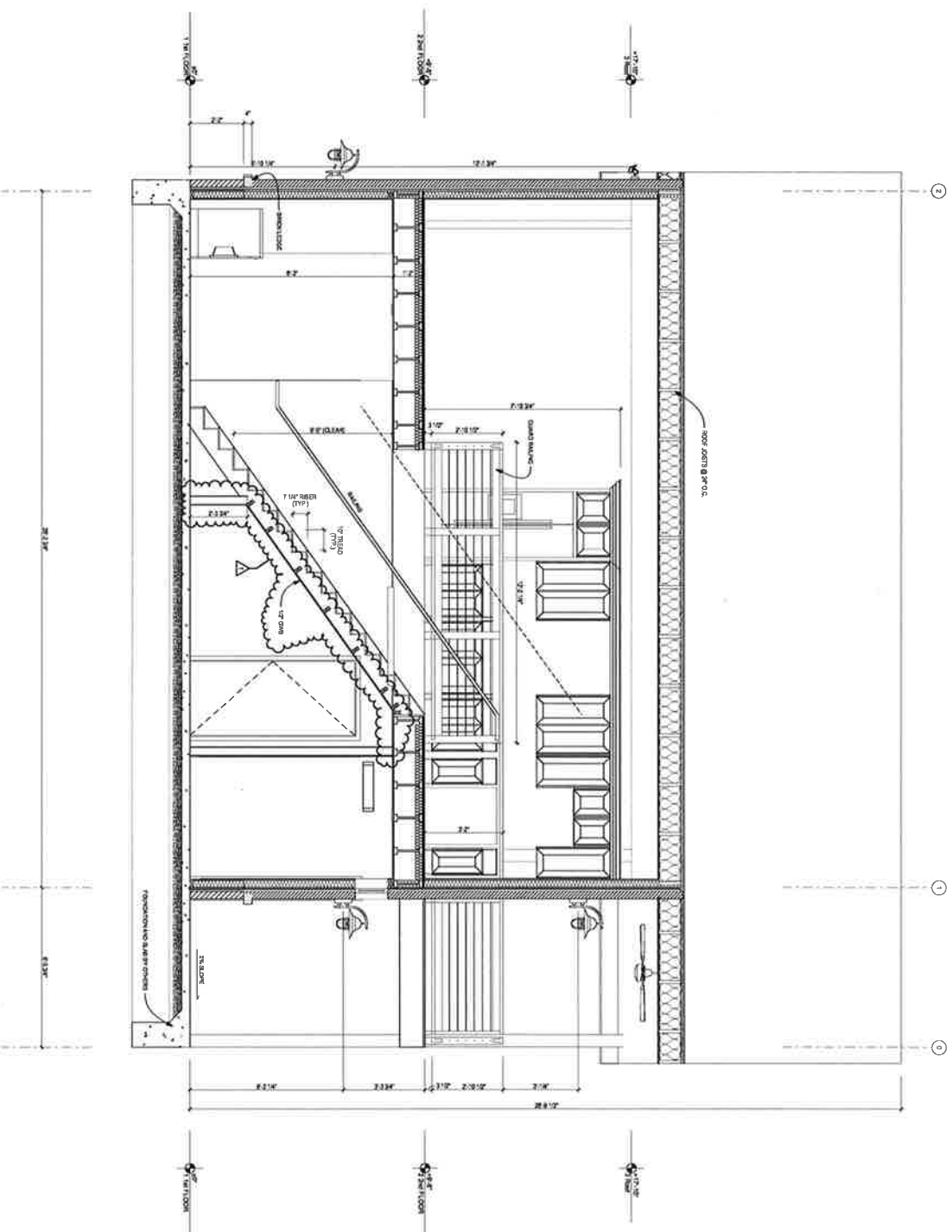
FOR PERMIT
9/7/2017

PROJECT:
Sundance
Apartment

PROJECT LOCATION:
2704 S CINCINNATI AVE
TULSA, OK

CLIENT:

SAME AS PROJECT SITE



SECTION
SCALE: 1/8\"/>

FILE A:\Clients\Tulsa\2704S\2704S-17072017-Sundance Apartment\CAD\Sundance Apartment Model Final.dwg DATE 9/7/2017

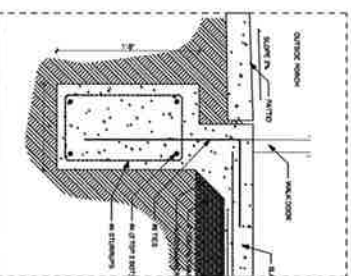
PROVIDE TIMING/END CLASS: SMILETTY QUARTO

DOE IT WORKSHEET DATE: _____ PROJECT START/END DATES: _____

PROJECT LOCATION:
2704 S CINCINNATI AVE
TULSA OK

CLIENT:

SAME AS PROJECT SITE



3 TYP. FOUNDATION @ DOOR
SCALE 1/12" = 1'-0"

Moye, Nikita

From: Josh Friesenhahn [josh@trunovus.com]
Sent: Friday, October 06, 2017 2:52 PM
To: Moye, Nikita
Subject: Burdick project answers

1.) The building will be used by the primary residents only and will be used as a garage, laundry room, and entertainment area. It will not be rented out or anything of sort.

2.) The total height of the structure is 28' 9 1/2" (it should be located on the print, I apologize if not.)

Please let me know if you have any further questions or need anything else from us. Thank You!

Josh Friesenhahn
918-346-9379
TruNovus Design | Construction

JEFF S. TAYLOR
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1031214-1

September 15, 2017

DAVID FRISENHAHN
TERRA NOVA PROPERTIES LLC
P O BOX 598
BIXBY, OK 74008

Phone: (918)378-9078

APPLICATION NO: **430190** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 2704 S CINCINNATI AV E
Description: ADDITION

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

6.16

REVIEW COMMENTS

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

Application No. 430190

2704 S CINCINNATI AV E

September 15, 2017

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

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

1. 90.090-C.2) Detached Accessory Buildings

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

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

Review Comments:

#2. This lot is zoned RS-3. The rear setback is defined as the minimum distance set out by the zoning code of open unoccupied space between the rear lot line and the required rear setback (in your case, 20 feet from the rear property line). A maximum 30% area can be covered by the accessory building; (45' X 20' X 30%) allows 270 sq ft of coverage. You are proposing 308 sq ft of coverage in the rear setback. Revise your plans to show compliance or apply to BOA for a variance to allow more than 30% coverage in the rear setback.

2. 90.90.C: Detached Accessory Buildings

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

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

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

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

3. 35.010-A Detached House

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

Review Comments:

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

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

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

Review comments: You are proposing 1547 sq ft of detached accessory structure floor area. The proposed detached accessory structure exceeds 500 sq ft of floor area. Reduce the size of your proposed detached accessory structure to be less than 500 sq ft of floor area or apply to BOA for a variance to allow a detached accessory structure to exceed 500 sq ft in floor area.

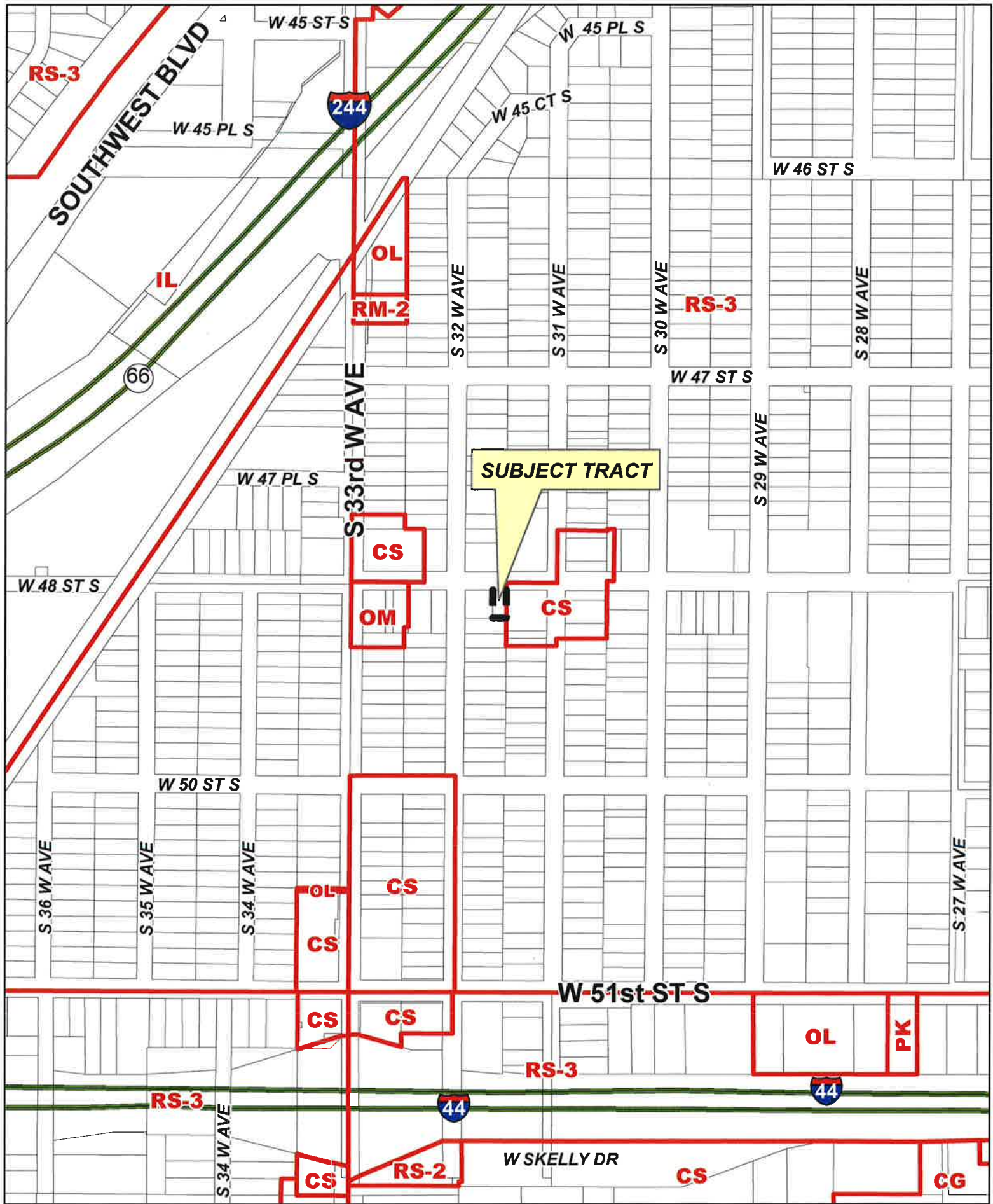
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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

END – ZONING CODE REVIEW

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

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



BOA-22346

19-12 27

7.1

BOARD OF ADJUSTMENT CASE REPORT

STR: 9227

Case Number: BOA-22346

CZM: 46

CD: 2

A-P#: NA

HEARING DATE: 10/24/2017 1:00 PM

APPLICANT: Nathalie Cornett

ACTION REQUESTED: Variance of the lot width from 60 ft. to 57.6 ft.; a Variance of the lot area and lot area per dwelling unit requirement from 6,900 sq. ft. to 5,184 sq. ft.; and a Variance to reduce the required building setback from an interior lot line from 5 ft. to 4 ft. (Section 5.030-A).

LOCATION: 3114 W 48 ST S

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 4051.1 SQ FT

LEGAL DESCRIPTION: N 90 OF LTS 5 & 6 BLK 6, CARBONDALE, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

None relevant.

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

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

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. 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.

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by CS zoning on the east; and RS-3 zoning on the north, west and south.

STAFF COMMENTS:

As shown on the attached site plans the applicant is proposing to split off a portion of the adjoining lot and combine it with the subject lot; the proposed Tract B will be 5,184 sq. ft. For a detached house use in the RS-3 district the Code requires a lot area and lot area per unit of 6,900 sq. ft.; an open space per unit of 4,000 sq. ft.; and a lot width of 60 ft.

7.2

To permit Tract B as proposed the applicant has requested a **Variance** to reduce the required lot area and lot area per unit requirement from 6,900 sq. ft. to 5,184 sq. ft. and a Variance to reduce the permitted lot width to 57.6 ft.

In the RS-3 district the Code requires a side yard setback (on both sides) of 5 ft. as shown on the attached plan the proposed lot split will create a west side yard of 4 ft. The applicant has requested a **Variance** to allow a side-yard setback of 4 ft. to permit the proposed lot split.

Sample Motion

Move to _____ (approve/deny) a Variance of the lot width from 60 ft. to 57.6 ft.; a Variance of the lot area and lot area per dwelling unit requirement from 6,900 sq. ft. to 5,184 sq. ft.; and a Variance to reduce the required building setback from an interior lot line from 5 ft. to 4 ft. (Section 5.030-A).

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

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

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

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

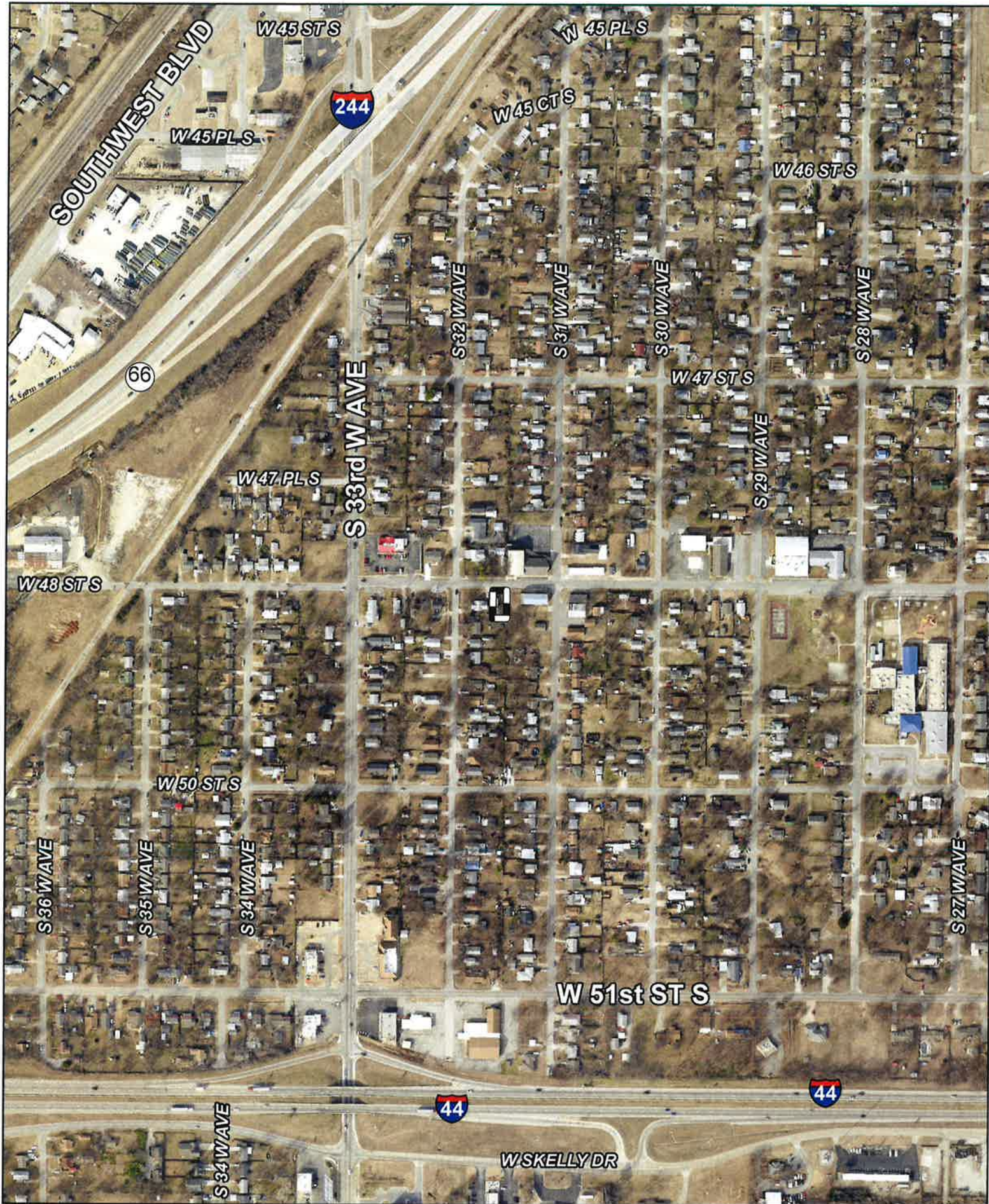
c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

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

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

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

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



0 200 400
Feet



Subject
Tract

BOA-22346

19-12 27

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

Aerial Photo Date: February 2016

7.4





0 Feet 50 100



Subject Tract

BOA-22346

19-12 27

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

Aerial Photo Date: February 2016

7.5



Exhibit "A"

Applicant requests a variance from the bulk and area requirements of Section 5.030 and Table 5-3 of the Tulsa Zoning Code (the "Code"). The subject property is a single-family residence located at 3114 W. 48th Street. The lot is nonconforming as a lot of record on or before July 1, 1970 (pursuant to Section 80.020-A). Its current dimensions are 45 FT wide, 90 FT deep, with a lot area of 4,050 SF.

Part of the existing residence encroaches into the adjoining lot. In order to eliminate this encroachment, the property owners plan to split off part of the adjoining lot and combine it with the subject property (LS-21073 and LC-946 will be heard by TMAPC on 11/01/2017). However, the increase in lot size from the lot combination will not satisfy the bulk and area requirements of Table 5-3. The dimensions of the subject property following the proposed lot combination will be 57.60 FT wide, 90 FT deep, with a lot area of 5,184 SF. Additionally, the side setback will be 4 FT. Table 5-3 requires a minimum lot width of 60 FT, a minimum lot area and lot area/unit of 6,900 SF for a detached house in an RS-3 district, as well as a 5 FT side setback.

The hardship for this variance request is the result of the age of the neighborhood, size of the lots, and proximity of the houses to one another, all of which are unique to the subject property, as well as the long-time nonconformity of the lot. The variance will not cause any detriment to the public or impair the use of the adjacent properties. Instead, it will decrease the extent of the nonconformity by increasing the lot size and rectify an encroachment on the adjoining lot, making both lots more marketable.

1"=20'

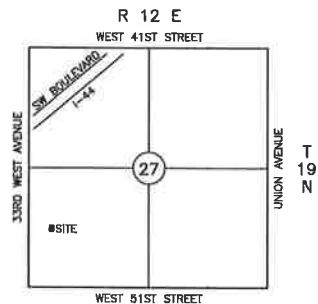


WHITE SURVEYING COMPANY

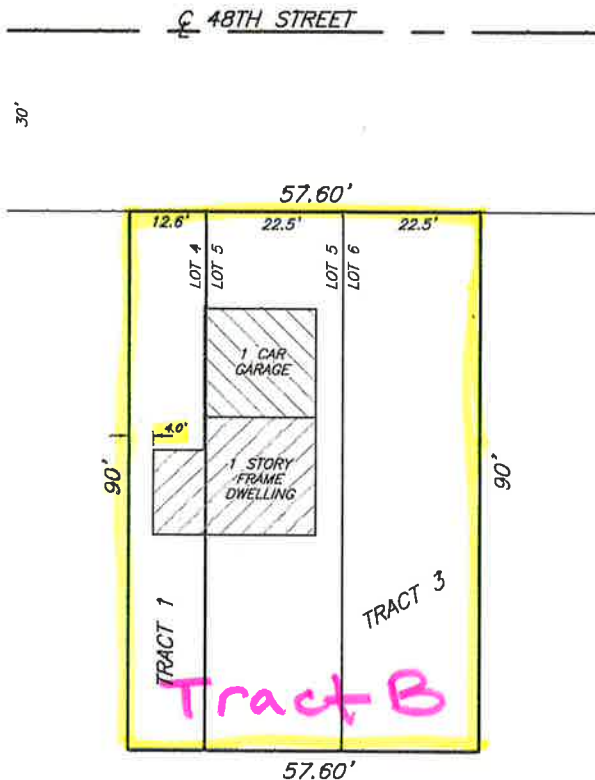
• 9936 EAST 55TH PLACE TULSA, OKLAHOMA 74146 • (918) 863-8924

LOT COMBINATION EXHIBIT

LOTS 1, 2, 3 & 4, BLOCK 6,
CARBONDALE ADDITION,
CITY OF TULSA, TULSA COUNTY,
STATE OF OKLAHOMA



LOCATION MAP



LEGAL DESCRIPTION

TRACT 1:

THE EAST 12.60 FEET OF THE NORTH 90.00 FEET OF LOT FOUR (4), BLOCK SIX (6), CARBONDALE, NOW AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 455.

TRACT 3:

THE NORTH 90.00 FEET OF LOTS FIVE (5) AND SIX (6), BLOCK SIX (6), CARBONDALE, NOW AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 455.



WHITE SURVEYING COMPANY
CERTIFICATE OF AUTHORIZATION
NO. CA1098
(RENEWAL 8/30/2019)

BY: DATE: 10/4/17
REGISTERED PROFESSIONAL LAND
SURVEYOR OKLAHOMA NO. 1052

7.7

1"=20'

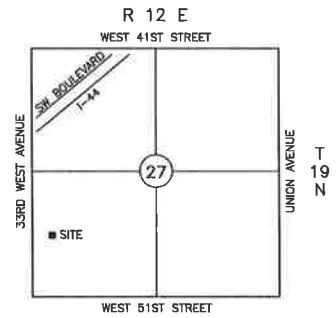


WHITE SURVEYING COMPANY

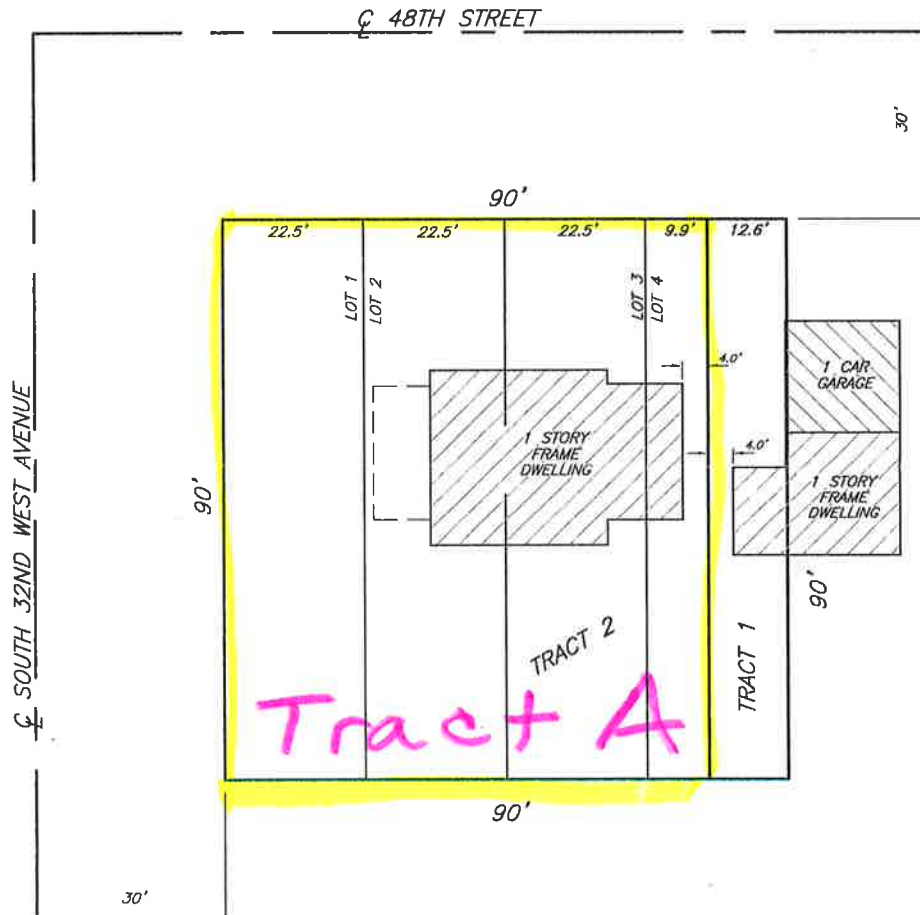
• 9936 EAST 56TH PLACE TULSA, OKLAHOMA 74146 • (918) 883-8924

LOT SPLIT EXHIBIT

LOTS 1, 2, 3 & 4, BLOCK 6,
CARBONDALE ADDITION,
CITY OF TULSA, TULSA COUNTY,
STATE OF OKLAHOMA



LOCATION MAP



LEGAL DESCRIPTION

EXISTING UN-DIVIDED TRACT:

THE NORTH 90.00 FEET OF LOTS ONE (1), TWO (2), THREE (3), AND FOUR (4), BLOCK SIX (6), CARBONDALE, NOW AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 455, AND KNOWN AS 4801 SOUTH 32ND WEST AVENUE.

TRACT 1:

THE EAST 12.60 FEET OF THE NORTH 90.00 FEET OF LOT FOUR (4), BLOCK SIX (6), CARBONDALE, NOW AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 455.

TRACT 2:

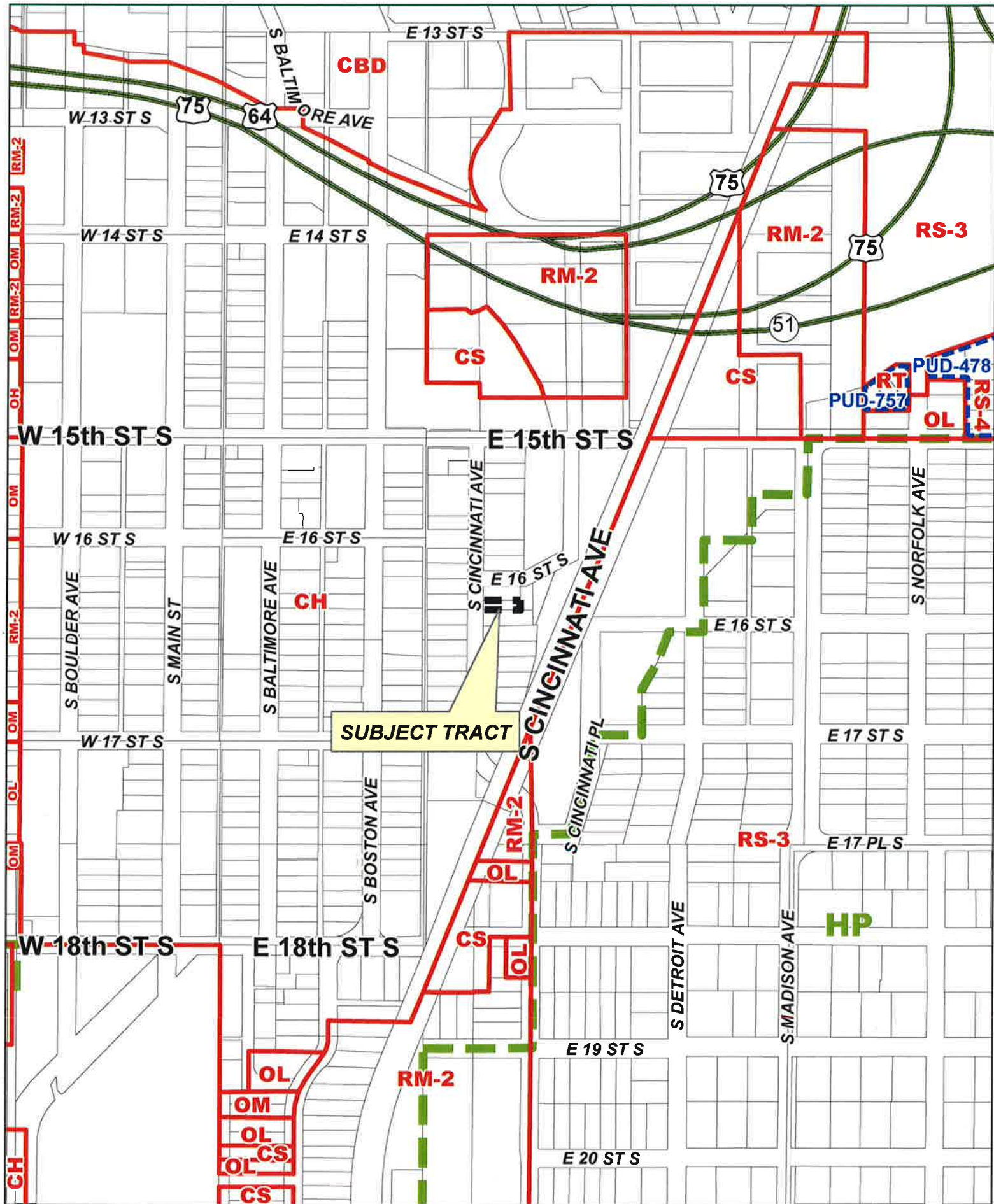
THE NORTH 90.00 FEET OF LOTS ONE (1), TWO (2), AND THREE (3), AND THE NORTH 90.00 FEET OF THE WEST 9.90 FEET OF LOT FOUR (4), BLOCK SIX (6), CARBONDALE, NOW AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 455.



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

BY: DATE: 10/4/17
REGISTERED PROFESSIONAL LAND
SURVEYOR OKLAHOMA NO. 1052

7.8



BOA-22347

19-12 12

8.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9212
CZM: 36
CD: 4
A-P#: 430494

Case Number: BOA-22347

HEARING DATE: 10/24/2017 1:00 PM

APPLICANT: Izael Quezada

ACTION REQUESTED: Special Exception to allow a detached house located in a CH zoning district.
(Sec. 15.020)

LOCATION: 1605 S CINCINNATI AV E

ZONED: CH

PRESENT USE: Residential

TRACT SIZE: 4207.91 SQ FT

LEGAL DESCRIPTION: S35 FEET 2 INCH W 120 LT 4 BLK 12, MAPLE PARK ADDN, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA 22070; the Board approved a special exception to permit detached household living in the CH district; special exception to permit a Type 2 Home Occupation in the CH district. Located at 1613 S Cincinnati Avenue.

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

Downtown Neighborhoods are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed use residential areas.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by CH zoned commercial and residential uses.

STAFF COMMENTS:

The existing detached house on the site was originally built in 1915 and is not permitted in the CH district under the current Code; therefore, the house on the site is considered a legal nonconforming use. Section 80.040-D of the Code states that a nonconforming use may not be expanded or extended in any other way unless the expansion reduces or eliminates the nonconformity.

As shown on the attached plan the applicant is proposing an addition to the front (west) portion of the existing house. To bring the existing house into conformance with the current Code and to permit the proposed addition the applicant has requested a **Special Exception** to allow a detached single-family home in the CH district. A special exception is required because a detached house is use not permitted by right in the CH district due to potential adverse effects, but if controlled as to its relationship to the surrounding neighborhood may be permitted.

Sample Motion

Move to _____ (approve/deny) a Special Exception to permit a detached house in a CH district (Section 15.020).

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

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 4-1-0 (Henke, Flanagan, Snyder, White "aye"; Van De Wiele "nay"; no "abstentions"; none absent) to **APPROVE** the request for a **Special Exception** to permit a fence height greater than 4 feet in the required street setback (Section 45.080-A), subject to conceptual plan 4.11. The fence is not to exceed six foot in height. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 1 BLK 1, OAKNOLL, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

22070—Jimmy Eubanks

FILE COPY

Action Requested:

Special Exception to permit detached household living in the CH District (Section 15.020); **Special Exception** to permit a Type 2 Home Occupation in the CH District (Section 45.100). **LOCATION:** 1613 South Cincinnati Avenue East (CD 4)

Presentation:

Jimmy Eubanks, 1613 South Cincinnati Avenue, Tulsa, OK; stated that there used to be a house on the subject property that was built in 1910 and he wanted to be to renovate it but it was not possible so it was demolished. Now he would like to build a Craftsman style house to blend into the area. It will be a residential house and he and his wife will live upstairs utilizing a kitchen space downstairs with an insurance agency and a photography boutique downstairs. His insurance agency does not have a lot of walk-in business and his wife will have a photography boutique office downstairs also. Mr. Eubanks believes this will add value to the neighborhood. Mr. Eubanks' intent is to eventually have the house strictly as an office as the businesses expand.

Mr. Van De Wiele asked Mr. Eubanks if he or his wife had employees. Mr. Eubanks stated that he has one employee. Mr. Eubanks stated that he has a small office currently but most of the business is done on-line or out of state.

Mr. Van De Wiele stated that according to the home occupation restrictions the home owner can have one non-resident employee if no customers or clients come to the subject home. Mr. Eubanks stated that he does not have customers that come to his site. His wife does the photography off site and rents a space elsewhere.

Mr. Van De Wiele asked Mr. Eubanks if their plans were to use the downstairs space as administrative and billing procedures. Mr. Eubanks answered affirmatively. Mr. Eubanks stated that his hope is that as he grows he will transition the house into commercial.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

BOA-22070

FILE COPY

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a **Special Exception** to permit detached household living in the CH District (Section 15.020); **Special Exception** to permit a Type 2 Home Occupation in the CH District (Section 45.100), subject to per plan 5.8. Finding the Special Exceptions will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 6 LESS BEG NEC LT 6 TH W62 S50 E43.6 NELY54 POB BLK 12, MAPLE PARK ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

22071—Phillip Noland

Action Requested:

Variance to reduce the required street setback in the RS-1 District (Section 5.030-A). **LOCATION:** 3164 South Gary Place East (CD 9)

Presentation:

Phillip Noland, 3164 South Gary Place, Tulsa, OK; stated he would like to renovate his house and have a small addition on the back of the house that will be about 320 square feet and a small covered porch on the front of the house. When the neighborhood was platted it was platted with 30 foot building line which is now 35 feet. The house was built without meeting those standards and at the worst part of the house it is about seven feet over the building line.

Mr. Van De Wiele asked Mr. Noland if he was expanding the footprint of the front porch and covering it. Mr. Noland stated that he is removing what currently exists and it will about one foot wider but the same distance outward. Mr. Noland stated that he is just architecturally adding a dormer.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a **Variance** to reduce the required street setback in the RS-1 District (Section



0 Feet
200
400



Subject
Tract

BOA-22347

19-12 12

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

Aerial Photo Date: February 2016

8.6





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Feet



Subject
Tract

BOA-22347

19-12 12

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

Aerial Photo Date: February 2016

8.7



Boundaries & dimensions

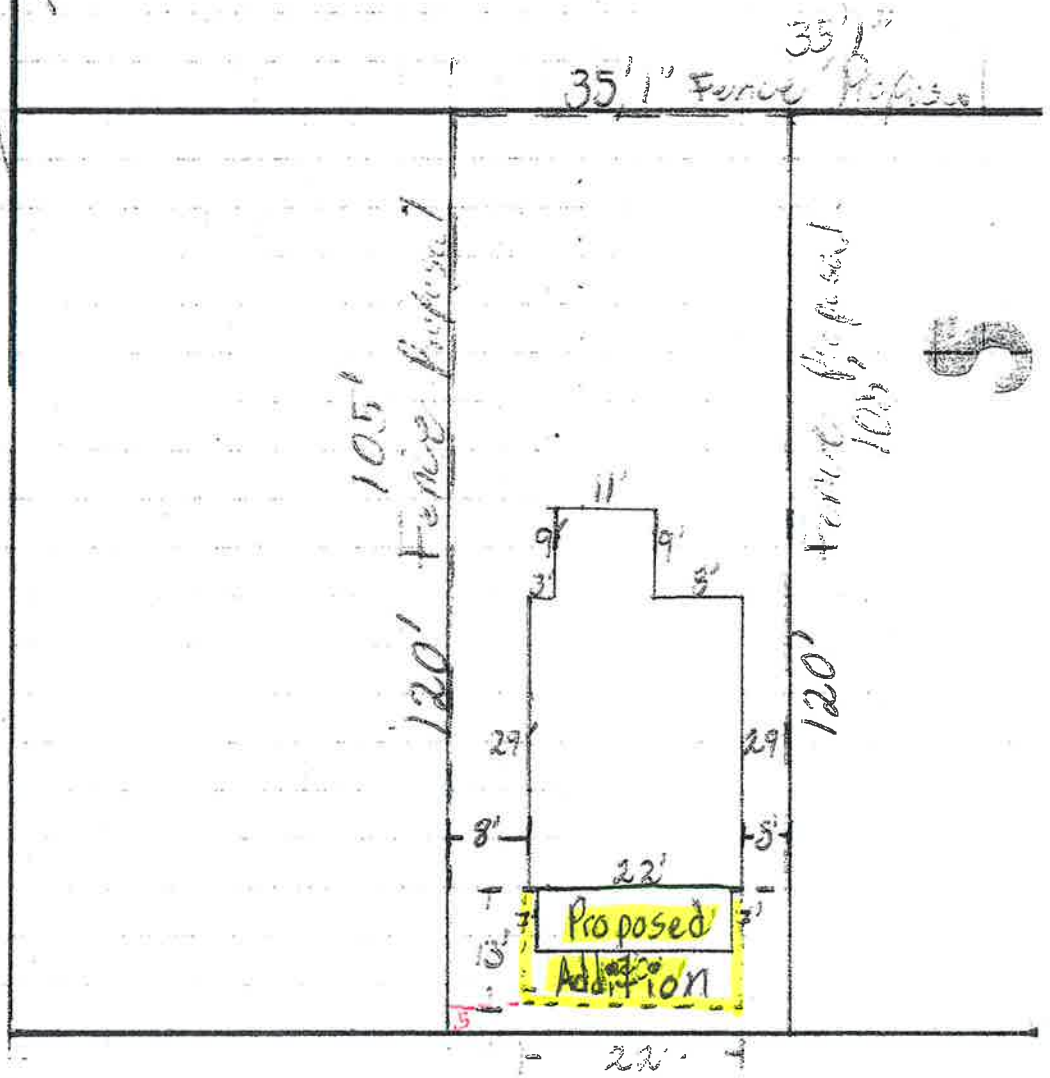
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E 16TH ST

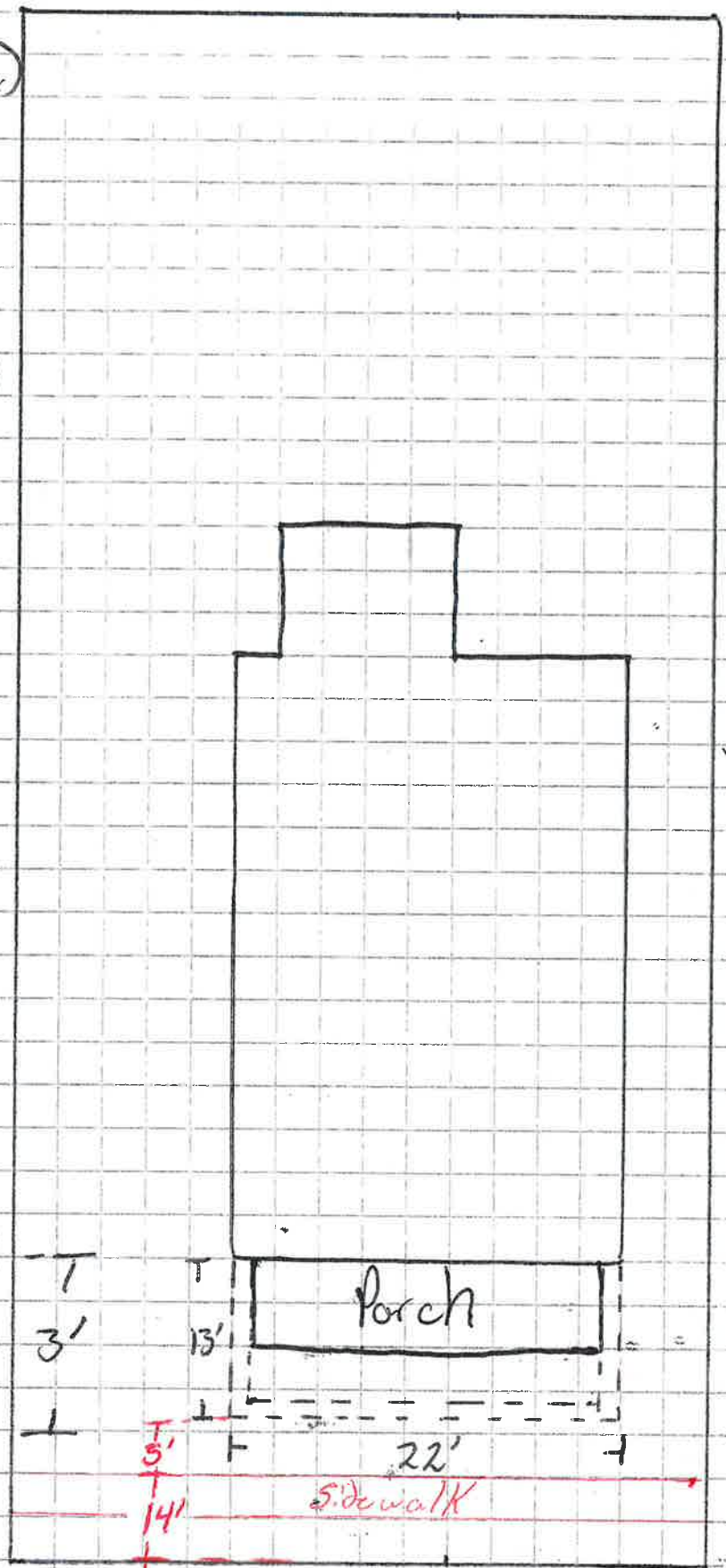
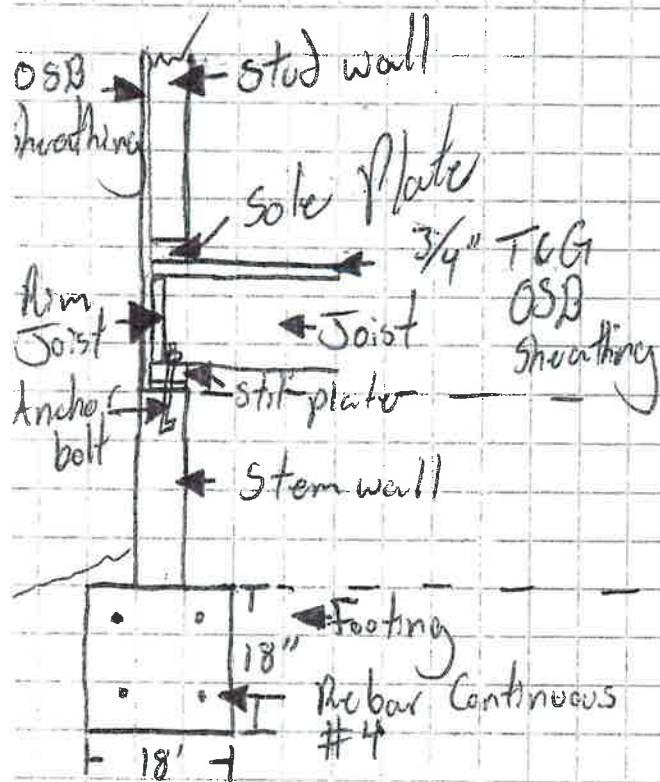
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S CINCINNATI AVE

S Cincinnati Ave



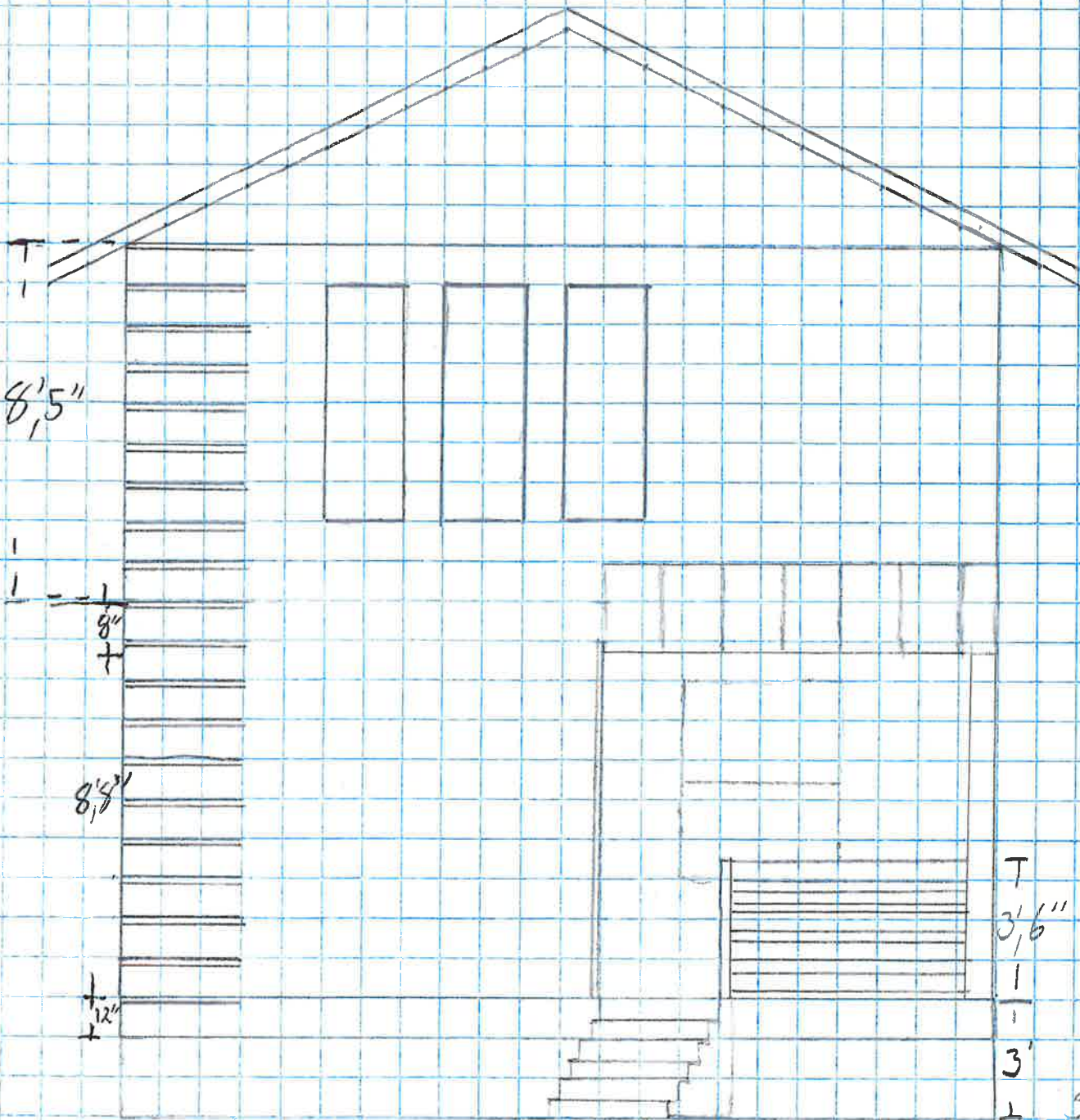
- 7/16 Sheathing (Exterior)
- 2" x 4" stud(s) wall
- 2" x 4" sole plate
- 3/4" T&G Sheathing
- 2" x 8" Joist
- 2" x 8" Rim Joist
- 2" x 4" sill plate



22'

N

S





25000-92-12-08040 (12/2015)

Ken Yazel
Tulsa County Assessor
www.assessor.tulsacounty.org 918.596.5100

Date 8/15/2017

Account Number 25000-92-12-08040

Mailing Addr. 1605 S CINCINNATI AVE LAND TRUST

PO BOX 471283

TULSA, OK 74147

Property Addr. 1605 S CINCINNATI AVE

Subdivision

MAPLE PARK ADDN

Legal Description

S35 FEET 2 INCH W 120 LT 4 BLK 12

Acct Type : Residential 1 imp

Zone : CH

School Dist : T-1A

Neighborhood : 1413

LEA : 1413

Land Area : 4210.00 Sq. Ft.

Blts : 2 Story

Bldg Area : 1474 Bsm:638 FBm:638

Quality : Average Plus

Year Built : 1915

Bath : 1.1

Stories : 2

HVAC : None

Roof : Composition Shingle

Condition : Fair

Ext Wall : Frame Siding

Pool : No

Garage : 0

Deed Date : 2011-03-17 Rec: 2011024010

Deed Price : \$57,000

Multi Parcel Sale : NO

Allocated Val :

Verification : 19 Not Fair Cash Value

Land Value : \$37,200

Adj Actual : \$86,100

Actual : \$86,100

Adjustment :

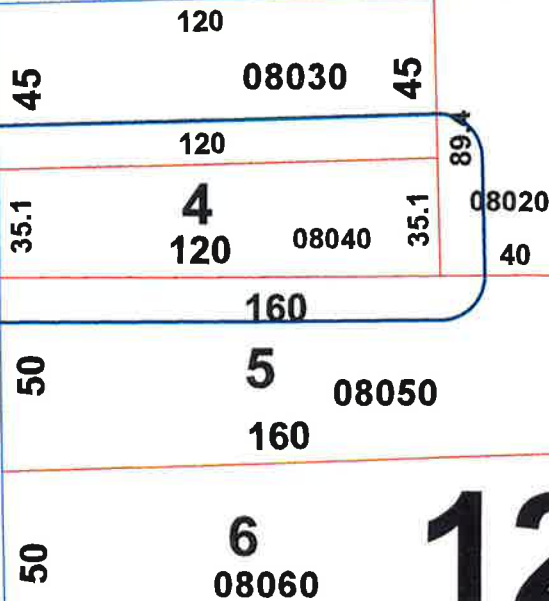
Adjustment :

Adjustment :

Adjustment :

S CINCINNATI

E 16 ST S



12

8.11

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1031749-1

September 21, 2017

IZAEL QUEZADA
IZAEL QUEZADA
5662 S 107 E AVE
TULSA, OK 74146

Phone: (918)814-6198

APPLICATION NO: **430494** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **1605 S CINCINNATI AV E**
Description: **ADDITION**

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

(continued)

REVIEW COMMENTS

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

Application No. 430494

1605 S CINCINNATI AV E

September 21, 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 15.020 Table 15-2.5: The proposed addition to the front of a Detached House is located in a CH zoning district. This will require a Special Exception approved by the BOA.

Review comment: Submit an approved Special Exception by the BOA to permit an addition to a Detached House located in a CH 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.

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BOARD OF ADJUSTMENT CASE REPORT

STR: 9212

Case Number: **BOA-22348**

CZM: 36

CD: 4

A-P#: NA

HEARING DATE: 10/24/2017 1:00 PM

APPLICANT: Demetrius Bereolos

ACTION REQUESTED: A Special Exception to allow a bed and breakfast in the RS-4 zoning district. (Sec.5.020); Variance to allow cooking facilities in a guestroom in a bed and breakfast (Sec.40.060-D).

LOCATION: 1929 S CHEYENNE AV W

ZONED: RS-4

PRESENT USE: residential

TRACT SIZE: 8128.33 SQ FT

LEGAL DESCRIPTION: LT 19 & N 22.5 LT 20 BLK 6, BUENA VISTA PARK, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA 22306; on 09.12.17 the Board approved a special exception to allow a Bed and Breakfast (short-term rental) in an R district; subject to a 5-year time limitation; located at 1628 S Cheyenne Avenue.

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

Downtown Neighborhoods are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed use residential areas.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RS-4 zoned lots on the north and south; RM-2 zoning abuts the site on the west and CH zoning on the east.

STAFF COMMENTS:

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

Section 40.060 of the Code states that cooking facilities are prohibited in guest rooms of a bed and breakfast use. As shown on the attached pictures and floor plan the existing apartment has a full kitchen (sink, stove etc....) in the guest bedroom. To permit a bed and breakfast in the garage apartment the applicant has requested a **Variance** to allow cooking facilities in a guestroom for the proposed bed and breakfast. The following additional supplemental use regulations apply to all bed and breakfast uses:

- Bed and breakfasts are limited to a maximum of 12 guest rooms unless a lower limit is established by the board of adjustment as a condition of an approved special exception.
- The maximum length of stay for any guest is limited to 30 consecutive days.
- The owner/operator must maintain a register of bed and breakfast guests and on-site events for each calendar year and make the register available to city code enforcement upon request.
- Signs are allowed in accordance with the sign regulations of the subject zoning district unless the board of adjustment establishes stricter conditions at the time of special exception approval.
- Public restaurants are prohibited. Meals may be served only to overnight guests and for on-site events expressly authorized by the board of adjustment at the time of special exception approval. The board of adjustment may authorize bed and breakfasts to be rented for events, such as weddings, receptions, anniversaries, private dinner parties, business seminars, etc. The use of bed and breakfasts for on-site events requires ex-press authorization of the board of adjustment, in accordance with the special exception procedures of Section 70.120. As part of approval of the special exception, the board of adjustment is authorized to establish the maximum number of on-site events per year and the maximum number of guests per any single event, based on the avail-ability of off-street parking and the facility's likely impacts on the area.

Sample Motion

Move to _____ (approve/deny) a Special Exception to allow a bed and breakfast in the RS-4 zoning district. (Sec.5.020); Variance to allow cooking facilities in a guestroom in a Bed and Breakfast (Sec.40.060-D).

- Finding the hardship(s) to be _____.
- 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.

In approving the Variance 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."*

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; "abstaining"; Bond absent) to **APPROVE** the request for a **Special Exception** to allow a Bed and Breakfast (short-term rental) in an R District (Section 5.020), subject to the following condition of a two year time limit from today's date to September 11, 2019. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 6 BLK 7, UNIVERSITY PARK, City of Tulsa, Tulsa County, State of Oklahoma

22306—Stephen Lassiter

Action Requested:

Special Exception to allow a Bed and Breakfast (short-term rental) in an R District (Section 5.020). **LOCATION:** 1628 South Cheyenne Avenue West **(CD 4)**

Presentation:

Stephen Lassiter, 1628 South Cheyenne Avenue, Tulsa, OK; stated he is the owner and resident of the subject property. He is an experienced landlord because he already renting out the garage apartment on a long term basis. He is looking to rent the garage apartment on a short term basis. Mr. Lassiter thinks this will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Prior to applying for the Special Exception he spoke to his neighbors and if he couldn't speak with them he left information. Everyone he did speak to was supportive of the request. As an owner occupant he takes seriously who is going to stay in his backyard because he has children. He encouraged everyone he spoke with to contact him or his wife 24/7 if there ever were any issues. He will not allow parties or loud noise. He anticipates most guests will arrive in one car which will be parked on the street, which is the same arrangement he has with his long term tenant. He has done long term rental for two years and there have been no issues with any neighbor. Mr. Lassiter stated that he would like to request a five year time limit for his rental unlike the previous applicants that received a two year time limitation.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Van De Wiele stated that he thinks this is one of the easiest cases the Board has heard thus far because the applicant is living on the same property. With it being truly onsite he support a longer time limitation but not longer than five years.

Ms. Back agreed with Mr. Van De Wiele. Ms. Back stated that with this house being in the neighborhood that it is in is good fit because these houses were built to have the rentals or living quarters above the garage. She thinks that the two year time limit on

this particular case, as the Board hears each one separately, was not agreeable and believes the five year time limitation is better fit.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; "abstaining"; Bond absent) to **APPROVE** the request for a **Special Exception** to allow a Bed and Breakfast (short-term rental) in an R District (Section 5.020), subject to the following condition of a time limit of five years starting from today's date to end midnight on September 11, 2022. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 7 BK 8, STONEBRAKER HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22310—Shane Hood

Action Requested:

Special Exception to allow for an Outdoor Commercial Assembly use in the CBD District (Section 15.020, Table 15-2). **LOCATION:** 326 East 1st Street South (CD 4)

Presentation:

Shane Hood, 815 East 3rd Street, Tulsa, OK; stated this request is for a patio space for a bar and it is similar to a Special Exception he has presented to the Board before. The proposed patio is 13'-0" x 35'-0" which is about 455 square feet and the interior square footage for the bar itself 1,855 square feet. The patio will be on a separate piece of property.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Flanagan Van De Wiele, White "aye"; no "nays"; "abstaining"; Bond absent) to **APPROVE** the request for a **Special Exception** to allow for an Outdoor Commercial Assembly use in the CBD District (Section 15.020, Table 15-2), subject to conceptual plan 7.10 in the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:



Feet
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 Subject Tract

BOA-22348

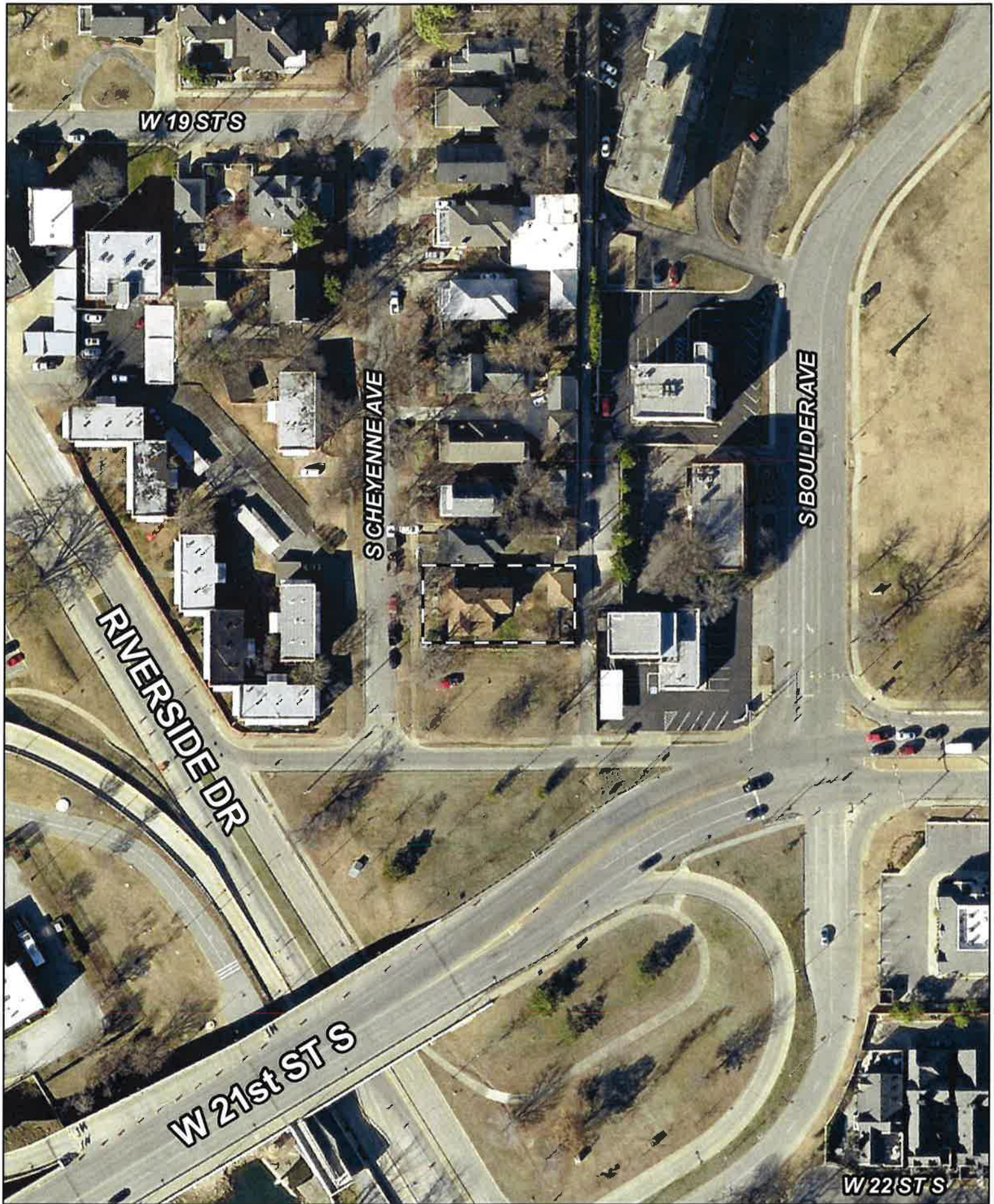
19-12 12

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

Aerial Photo Date: February 2016

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Feet



Subject
Tract

BOA-22348

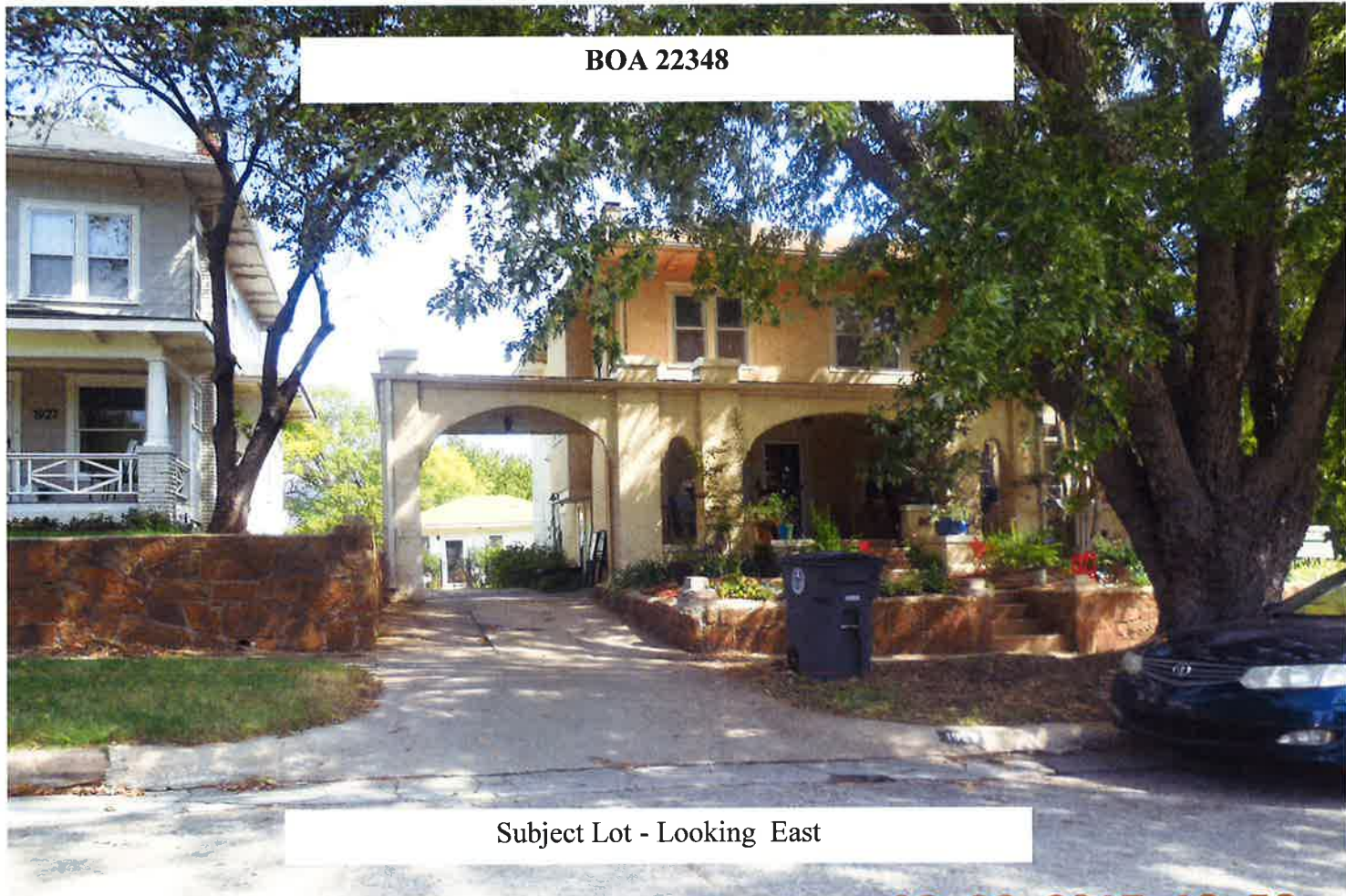
19-12 12

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

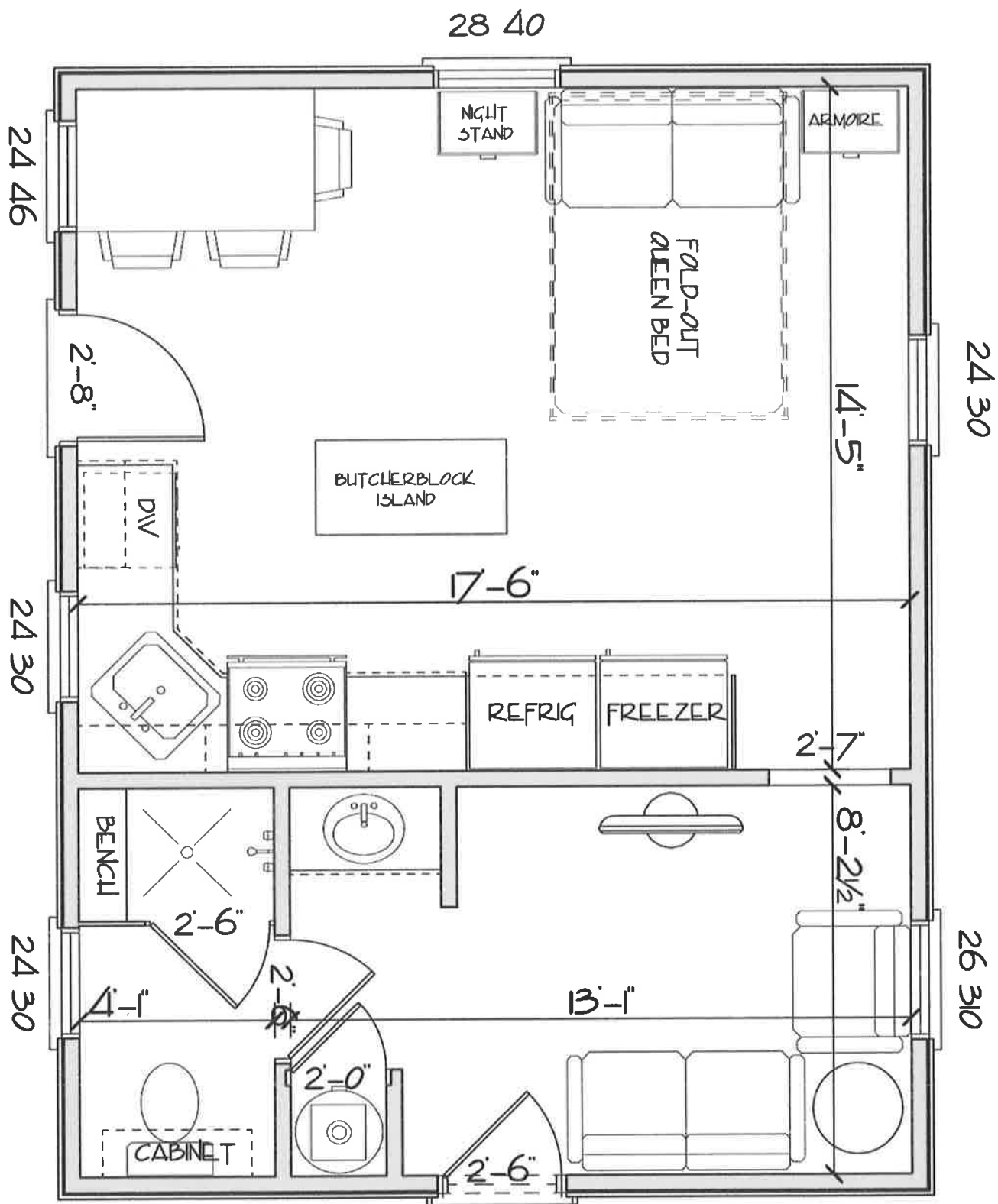
Aerial Photo Date: February 2016 9.8



BOA 22348



Subject Lot - Looking East



Area previous case numbers, zoning actions

BOA-22306

September 12, 2017

Applicant: Stephen Lassiter

Location: 1628 South Cheyenne, Tulsa, 74119

LT 7, BK 8, STONEBRAKER HEIGHTS ADDN, City of Tulsa, Tulsa County,
State of Oklahoma

Action requested: Special exception to allow a Bed and Breakfast (short term rental)
in a detached garage apartment located at 1628 South Cheyenne, in
an R district (Section 5.020)

Board action: Special exception (5 years from date of hearing) granted by
Board of Adjustment.

Z-7249

February 4, 2014

Location: Portion of Buena Vista Park

Lots 1-3, Block 7, Arronsons Subdivision, a re-subdivision of Block 7,
Buena Vista Park; and Lots 1-13, Block 5; Lots 7-19 and the north 22.5 feet
of Lot 20, Block 6, Buena Vista Park, an addition to the City of Tulsa,
Tulsa County, State of Oklahoma, according to the recorded plat thereof

Action requested: Zoning reclassification from RM-2 to RS-4

Action: Ordinance reclassifying portion of Buena Vista Park from RM-2 to RS-4
adopted by Tulsa City Council.

General Information about So Chey Air B&B

So Chey Air B&B (so named because it is located on South Cheyenne--nickname SoChey) is a bed and breakfast operated in a detached cottage at the rear of 1929 South Cheyenne since January 1, 2016. The bed and breakfast is listed with Air BnB, a national website. SoChey Air B&B has two guest rooms and an attached patio. The reservation requirements listed at the Air BnB website for So Chey Air B&B state that occupancy is limited to two guests, that smoking is allowed outside the cottage, and that So Chey Air B&B is truly pet friendly. SoChey Air B&B is equipped with fire extinguishers, a smoke detector, and a carbon monoxide detector.

The SoChey Air B&B owners have a commercial insurance rider from Southwest General Agency, approved by State Farm Insurance Company, that is attached to the owners' homeowner policy and provides liability coverage for the SoChey Air B&B cottage and surrounding area.

SoChey Air B&B is a top-rated Air B&B in Tulsa, with 98% of the reviews from our guests at the Air BnB website being 5-star reviews (more than 200). SoChey Air B&B has attracted travelers to Tulsa from 34 states and 3 foreign countries.

Applicant seeks a special exception to the Tulsa Zoning Code (Section 5.020) to allow a bed and breakfast (short-term rental) at 1929 South Cheyenne, Tulsa-- located in an RS-2 district.

- 1. The special exception for So Chey Air B&B will be in harmony with the spirit and intent of the Tulsa Zoning Code**
 - a. *So Chey Air B&B is in harmony with the intent of the Tulsa Zoning Code to limit the number of guest rooms for a bed and breakfast. Section 40.060-A of the zoning code limits the number of bed and breakfast guest rooms--a maximum of twelve(12) guest rooms. So Chey Air B&B is in compliance with Section 40.060-A because the cottage has two guest rooms.*
 - b. *So Chey Air B&B is in harmony with the intent of the Tulsa Zoning Code to limit the maximum stay of any bed and breakfast guest. Section 40.060-B of the zoning code limits the maximum stay for any guest to 30 consecutive days. The reservation policy of So Chey AirBnB, as listed on the AirBnB reservation website, limits the stay for any guest to 12 consecutive days and requires permission from the SoChey Air BnB owners for a stay of mote than 12 days. In the history of So Chey Air B&B, (January 1, 2016 through August 31, 2017) only 19.2 percent (19.2%) of its guests have stayed for two consecutive nights and only 13.7 percent (13.7%) of its guests have stayed for more than two consecutive nights. The longest stay by a So Chey Air B&B guest has been nine consecutive nights.*
 - c. *So Chey Air B&B is in harmony with the intent of the Tulsa Zoning Code to require the bed and breakfast owner/operator to maintain a register of bed and breakfast guests and on-site events for each calendar year and to make the register available to city code enforcement on request. Section 40.060-C of the zoning code establishes the registry requirement for a bed and breakfast owner/operator. So Chey Air B&B has a register of all its bed and breakfast guests since the bed and breakfast opened and said register is available to city code enforcement upon request. An on-site event has never been held by So Chey Air B&B. However, if such an event is held in the future, So Chey Air B&B will include the event in the register required by the zoning code.*

1. The special exception for So Chey Air B&B will be in harmony with the spirit and intent of the Tulsa Zoning Code (con't.)

- d. *So Chey Air B&B is in harmony with the intent of the Tulsa Zoning Code to regulate bed and breakfast signs.* Section 40.060-E of the zoning code allows bed and breakfast signs in accordance with the sign regulations of the subject zoning district, unless the Board of Adjustment establishes stricter conditions at the time of the special exception approval. So Chey Air B&B is in an R-1 zoning district. Section 60.050 of the zoning code regulates signs in R and AG zoning districts. Section 60.050 applies the general zoning code sign regulations (Section 60.040); prevents on-premise roof signs, on-premise projecting signs and off-premise outdoor advertising signs in an R zoning district; and allows apartment/condo building signs, neighborhood/subdivision identification signs, and limited use of wall signs, free-standing signs, and dynamic displays by non-residential users in an R zoning district. There is not any signage for So Chey Air B&B--thus So Chey Air B&B complies with Section 60.050 of the zoning code and does not impair or violate the architectural style and residential nature of the surrounding neighborhood.
- e. *So Chey Air B&B is in harmony with the intent of the Tulsa Zoning Code to prohibit public restaurants at bed and breakfast sites.* Section 40.060-F of the zoning code prohibits public restaurants at bed and breakfast sites and limits the service of meals to overnight guests and at on-site events expressly authorized by the Board of Adjustment at the time of the special exception approval. There is not any public restaurant on the So Chey Air B&B site. So Chey Air B&B does not serve meals to overnight guests and is not requesting that the Board of Adjustment authorize any on-site events (e.g. weddings, receptions, anniversaries, private dinner parties, business seminars) as provided by Section 40.060-F.
- f. So Chey Air B&B is located in the back of a residential lot and is in harmony with the architecture of the surrounding neighborhood on South Cheyenne.

2. The special exception for So Chey Air B&B will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

- a. *No additional stress to the otherwise limited on-street parking on the neighboring portion of South Cheyenne Avenue.*

On-street parking for one city block nearest to So Chey Air B&B (South Cheyenne between 19th and 21st) is limited to the east side of the street. So Chey Air B&B guests park on a concrete driveway (see photo) immediately north of the Air B&B and behind the neighboring home. Parking privileges are made available by agreement with Monica Johnson, the neighbor and owner of the home (see attached e-mail message). Also, on the weekend, So CheyAir B&B guests may park on the asphalt parking area adjacent to the alley which runs east of the Air B&B. To date, there has not been any So Chey Air B&B guests who have had more than one vehicle or who have not been able to use the previously mentioned parking accommodations.

- b. *On-site residence of So Chey Air B&B owners allows constant monitoring of the bed and breakfast to deal with any issues that may effect their neighbors.* So Chey Air B&B is located behind the full-time residence of the Air B&B owners--Lori Cain and Demetrius Bereolos. From his second story office, Bereolos can constantly monitor So Chey Air B&B and can deal with any problems that might occur with the Air B&B that might be injurious to the Buena Vista Addition neighbors. One of the SoChey Air B&B owners has lived in the neighborhood for more than 60 years. The SoChey Air B&B owners have a good relationship with their neighbors--having worked together on several zoning and neighborhood improvement projects. As homeowners and full-time residents, the So Chey Air B&B owners want to maintain the good relationship they have developed with their Buena Vista neighbors and are able to constantly monitor So Chey Air B&B to deal with any issues that may effect the neighbors.

- c. *The truly pet friendly nature of SoChey Air B&B provides additional pet friendly public accommodations in the Downtown and near-Downtown areas.* A survey of the ten hotels located in the Downtown area and the 54 homes or cottages listed on the Air BnB website for the 74119 zip code, shows that only 5 hotels and 21 homes or cottages are truly pet-friendly. The hotels charge a fee to host guests with pets. So Chey Air B&B accepts guests with pets and does not charge an additional fee for pets. Nearly 25 percent(25%) of SoChey Air B&B guests bring their pets.

- d. *So Chey Air B&B owners encourage guests to use local restaurants and visit local attractions, helping promote the Tulsa area economy.* SoChey Air B&B owners talk about local restaurants and attractions when they meet with guests and the owners provide guests with an updated book of restaurants and other attractions in Brookside, along Cherry Street and in the Brady, Blue Dome, and Pearl Districts. Guests are provided with copies of *Tulsa People* and *Oklahoma* magazines. Approximately 29 percent(29%) of So Chey Air B&B guests have attended BOK Center concerts or other local events, festivals, or activities.

Applicant seeks a variance from the Tulsa Zoning Code (Section 40.060-D) to allow a cooking facility in a guest room in a bed and breakfast at 1929 South Cheyenne, Tulsa.

In order to satisfy supplemental use regulations for all bed and breakfast uses (as set forth in Section 40.060, Tulsa Zoning Code), applicant seeks to prove a hardship in the application of the cooking facility limitation in Section 40.060-D that would allow the Board of Adjustment to approve a variance from the limitation.

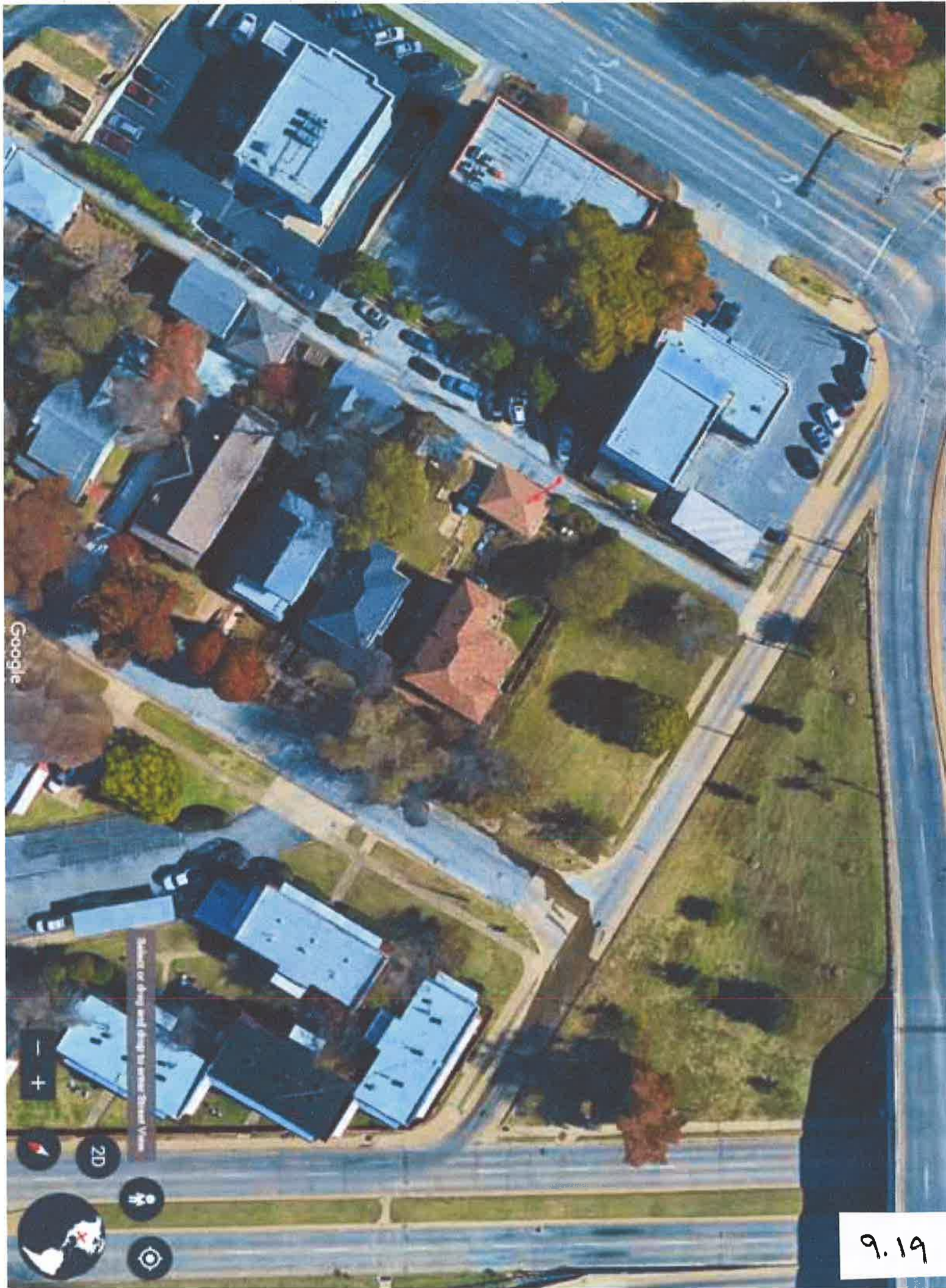
1. *The requirement that the physical surroundings, shape, or topographic conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out is not applicable to this variance request because the applicant is not seeking a variance that involves the physical surroundings, shape, or topographic conditions of 1929 South Cheyenne--the subject property.*
2. *The literal enforcement of the limitation on cooking facilities in a guest room of a bed and breakfast is not necessary to achieve the provision's intended purpose. The Tulsa Zoning Code appears silent as to the intended purpose of the limitation on cooking facilities in a guest room of a bed and breakfast. If the intended purpose is to encourage guests to eat at local restaurants rather than cooking at So Chey Air B&B, the applicant contends that based on the history of cleaning up So Chey Air B&B after guests depart, very few guests cook on premises. If the intended purpose is fire safety, the applicant points out that most cooking that would be done by SoChey Air B&B guests involves a vented microwave oven or a stove with sealed gas burners. Also, a smoke detector, carbon monoxide detector, and fire extinguisher are located in the guest room which contains the kitchen facilities.*
3. 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. The condition leading to the need of the requested variance is due to the existing configuration which is unique to the cottage in which So Chey Air B&B is located--the configuration will not permit the placement of the kitchen in the additional guest room, as might the case with other bed and breakfasts.
4. *The alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner. Continuously, since the purchase of the home at 1929 South Cheyenne (and the detached cottage in which So Chey Air B&B is located) by the parents of the applicant (Helen and Theodore Bereolos) in 1955, a kitchen area has been located in the larger guest room in the cottage (the same room that functions as a bed room). This format was not created or self-imposed by Demetrius Bereolos and Lori Cain, the current property owners.*

**Applicant seeks a variance from the Tulsa Zoning Code
(Section 40.060-D) to allow a cooking facility in a guest room in a bed
and breakfast at 1929 South Cheyenne, Tulsa. (continued)**

In order to satisfy supplemental use regulations for all bed and breakfast uses (as set forth in Section 40.060, Tulsa Zoning Code), applicant seeks to prove a hardship in the application of the cooking facility limitation in Section 40.060-D that would allow the Board of Adjustment to approve a variance from the limitation. (continued)

5. *The variance to be granted (waiver of the prevention of having cooking facilities in the guest room in a bed and breakfast) is the minimum variance that will afford relief.* There are only two guest rooms in So Chey Air B&B. The guest room that does not contain a kitchen is too small to contain an adequate sized bed in which two guests could sleep and could not grant relief in this situation.
6. *The variance to be granted will not alter the essential character of the neighborhood in which So Chey Air B&B is located, nor substantially or permanently impair use or development of adjacent property.* The variance requested is a variance from a regulation that involves an interior room in So Chey Air B&B and cannot, in any manner, substantially or permanently impair use or development of adjacent property.
7. The variance to be granted the applicant will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Tulsa Zoning code or the comprehensive plan.





9.19



9.20





9.22



Lori Cain

From: Monica Johnson <monicablairjohnson@gmail.com>
Sent: Thursday, September 21, 2017 12:41 AM
To: Lori Cain
Subject: AirBnB Letter

Below is a letter to submit with your exception request to allow an AirBnB on your property.

Monica B. Johnson

1927 S. Cheyenne Ave.

Tulsa, OK 74119

September 21, 2017

Dear Lori and Demetrius,

Your AirBnB guests at 1929 S. Cheyenne Ave. in Tulsa, Oklahoma have been respectful and have not created a nuisance or inconvenience. I have no objections at this time as you continue operating your AirBnB. At this time, I continue to give my permission for your guests to park in the two parking spaces in the back driveway of my property.

Under this agreement, I will not be held responsible for any damages or injuries to persons or property associated with your AirBnB rental while on my property. This responsibility falls to the operator and patrons of the AirBnB rental.

If this agreement is to be altered or cancelled, 90 days notice must be given.

Please respond with acceptance of this arrangement.

Thank you,

Monica B. Johnson

monicajohnsoncb@gmail.com

918.808.1144