

AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, November 7, 2017, 1:00 P.M.

Meeting No. 1195

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of October 10, 2017 (Meeting No. 1193).

UNFINISHED BUSINESS

2. **22332—Ryan Strode**
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**)

NEW APPLICATIONS

3. **22349—Izael Quezada**
Variance of the minimum lot width for a detached house in an RS-3 District to allow a lot split (Section 5.030). **LOCATION:** 2109 West Easton Street North (**CD 4**)
4. **22350—KKT Architects**
Variance of the building setback along South Utica Avenue in the IM & OL Districts from 10 feet to 0 feet (Section 15.030, Table 15-3). **LOCATION:** 815 South Utica Avenue East (**CD 4**)
5. **22353—Joseph Hull**
Spacing Verification for a liquor store in CBD (Section 40.300) from plasma centers, day labor hiring, bail bond offices, other liquor stores, and pawn shops.
LOCATION: Northeast corner of South Elgin Avenue East and East 11th Street South (**CD 4**)

6. **22354—Thad LeClair**
Special Exception to build a carport in the street setback of a R District (Section 70.120). **LOCATION:** 3210 South Cincinnati Avenue East (**CD 9**)
7. **22355—Kevin Sparks**
Variance to allow a non-all-weather parking surface (Section 50.090-F).
LOCATION: 1141 South Lewis Avenue East (**CD 4**)

Application withdrawn by staff; due to a recent rezone to MX2-P-U the use is not permitted on the site.
8. **22356—Bridgette Staub**
Appeal a denial from the Historic Preservation Commission to replace six windows (Section 70.070-L), **LOCATION:** 1710 South Trenton Avenue East (**CD 4**)
9. **22357—Royce Ellington**
Variance to allow a detached accessory structure to exceed 927 square feet (40% of the floor area of the principal residential structure) (Section 45.035);
Variance to allow a non-all-weather parking surface material (Section 55.090-F); Special Exception to allow a fence greater than 4 feet in height in the required street setback (Section 70.120). **LOCATION:** 9200 East 13th Street South (**CD 5**)
10. **22358—Kerry Verner**
Spacing Verification for a liquor store in the CS District (Section 40.300) from plasma centers, day labor hiring, bail bond offices, other liquor stores, and pawn shops. **LOCATION:** 4521 North Martin Luther King Boulevard East (**CD 1**)

OTHER BUSINESS

11. REFUND:

22351—Michael Keester

Appeal of administrative decision relevant to the inclusion or exclusion of streets and rights-of-way from the calculation required under Section 70.030-G of the City of Tulsa Zoning Code and the validity of protest petitions.
LOCATION: 5154 East Skelly Drive (**CD 5**)

The application was withdrawn by staff; the deadline to appeal the administrative decision has passed.

12. ELECTION OF OFFICERS:

CURRENT BOARD:

CHAIR – Stuart Van De Wiele

VICE CHAIR – **Open**

SECRETARY – Tom Flanagan

MEMBER – Carolyn Back

MEMBER – Austin Bond

MEMBER – Briana Ross

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

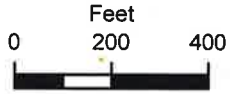
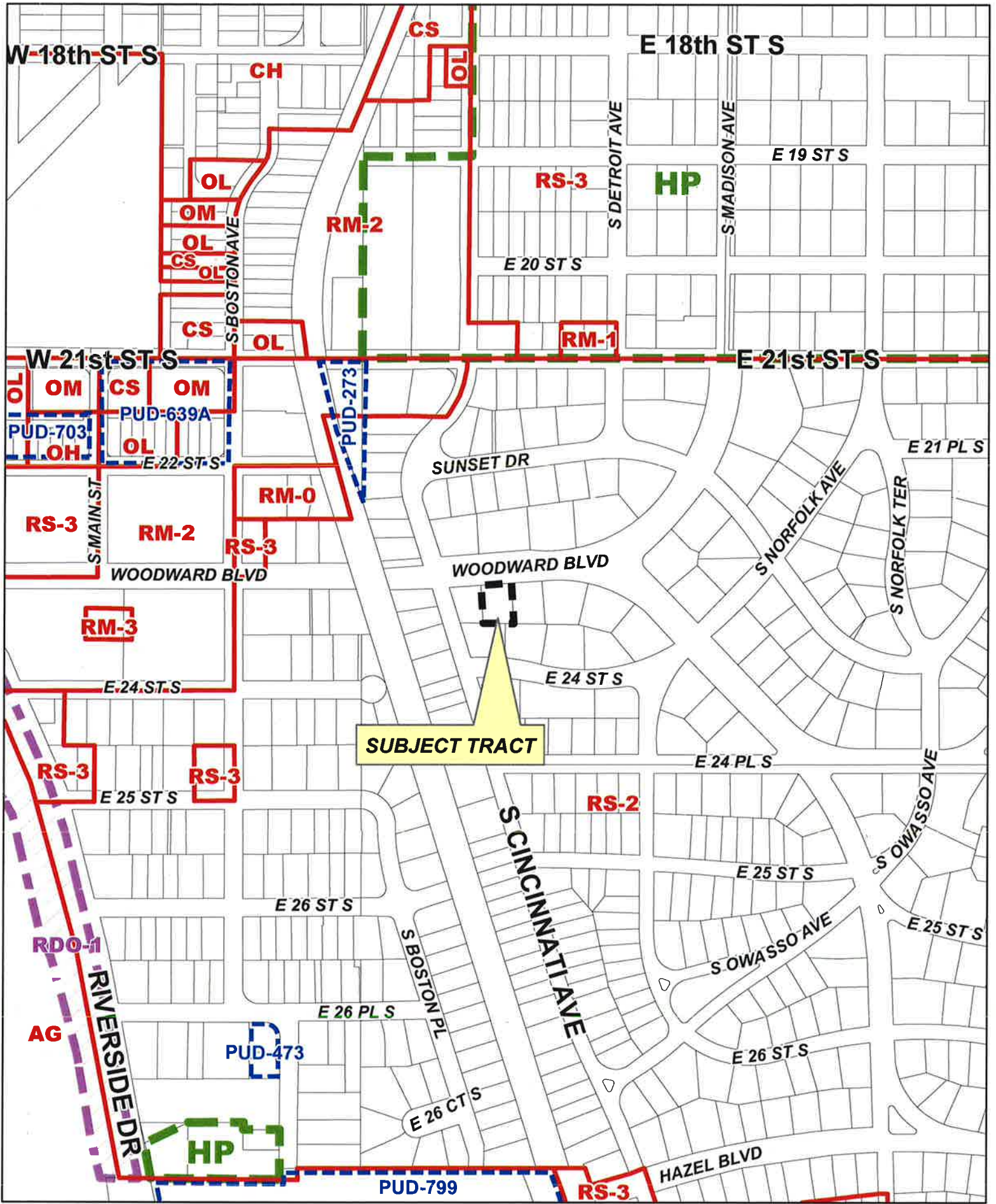
Website: www.cityoftulsa-boa.org

E-mail: esubmit@incog.org

CD = Council District

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

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



BOA-22332

19-12 13

2.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9213

Case Number: BOA-22332

CZM: 36

CD: 4

A-P#: 427239

HEARING DATE: 11/07/2017 1:00 PM

APPLICANT: Ryan Strode

ACTION REQUESTED: **Variance** to allow more than 25% coverage in the rear setback; **Variance** to allow a detached accessory building to exceed one story to allow two-stories; exceed 18' in height to allow 22' and exceed 10' at the top of the top plate to allow 16'1"; **Variance** to allow a detached accessory building to exceed 1852 sq. ft (40% of the principal structure) to allow 2070 sq. ft. (Section 45.030).

LOCATION: 214 E WOODWARD BV S

ZONED: RS-2

PRESENT USE: Residential

TRACT SIZE: 13098.55 SQ FT

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

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

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

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

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

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

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

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

CURRENT STAFF COMMENTS:

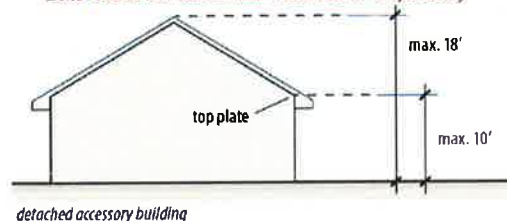
The case was heard by the Board at the 09.26.17 hearing; after some discussion the Board continued to the case to the 10.24.17 hearing to give the applicant additional time to meet with the surrounding property owners. After some discussion during the 10.24.17 hearing the Board continued to the case to the 11.07.17 hearing to give the applicant additional time to meet with the surrounding property owners.

The attached plans were submitted to staff on 10.24.17; the applicant has stated that additional revisions will be made to the attached plans to accommodate Board member comments.

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 16'-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 22'.

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; **Variance** to allow a detached accessory building to exceed one story to allow two-stories; exceed 18' in height to allow 22' and exceed 10' at the top of the top plate to allow 16'1"; **Variance** to allow a detached accessory building to exceed 1852 sq. ft (40% of the principal structure) to allow 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

FILE COPY

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

FILE COPY

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

FILE COPY

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

BQA-21783

FILE COPY

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.

01/14/2014-1108 (18)

2.9

FILE COPY

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)

2.10



0 200 400
Feet



Subject
Tract

BOA-22332

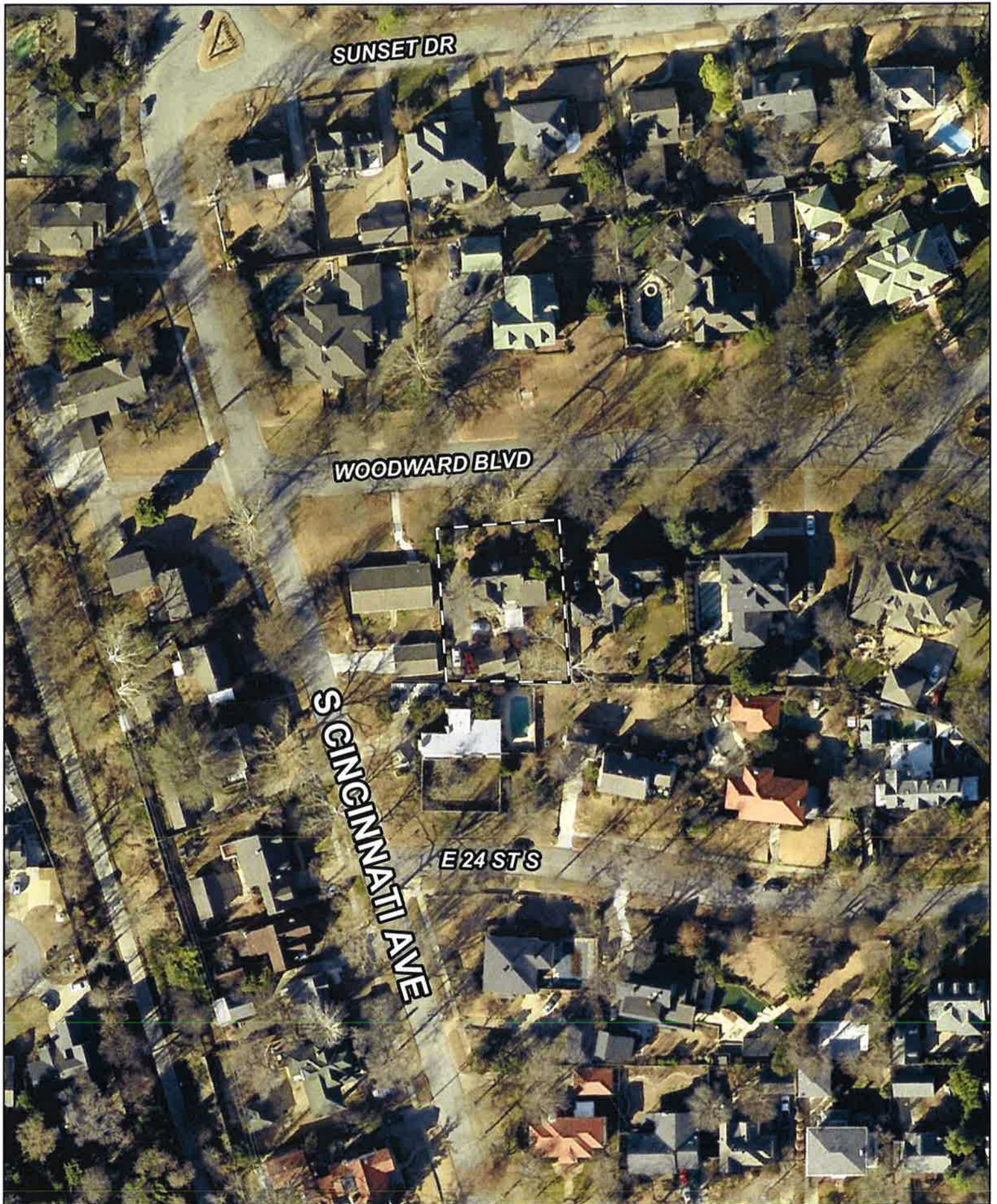
19-12 13

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

Aerial Photo Date: February 2016



2.11



0 50 100
Feet



Subject
Tract

BOA-22332

19-12 13

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

Aerial Photo Date: February 2016



2.12

Moye, Nikita

From: Ryan Strode <ryan@strodedesign.com>
Sent: Tuesday, October 24, 2017 9:18 AM
To: Moye, Nikita
Subject: Re: FW: Barnes Project/BOA Case No. 22332
Attachments: BARNES GARAGE COMPARISON SKETCH.pdf; A1.0 - FLOOR PLANS - 10.17.17.pdf; A2.0 - GARAGE ELEVATIONS - 10.17.17.pdf; A2.1 - GARAGE ELEVATIONS - 10.17.17.pdf

Yes we have. I am attaching the revised plans as well as an elevation that shows the height reduction of the building in comparison to the old design.

We have lower the building by 3'-6" to split the difference in the height we are over the limit. We have also reduced the square footage by 100 sf and removed the second floor window on the west side of the building.

In our opinion, we have tried to compromise with the concerns of the neighbors, but we have received zero cooperation or any hint of a compromise from those who are opposed to this project.

Please let me know if you have any other questions or concerns, see you this afternoon.

Will we be first on the schedule?

Thanks

On Tue, Oct 24, 2017 at 8:44 AM, Moye, Nikita <nmoye@incog.org> wrote:

Hi Ryan

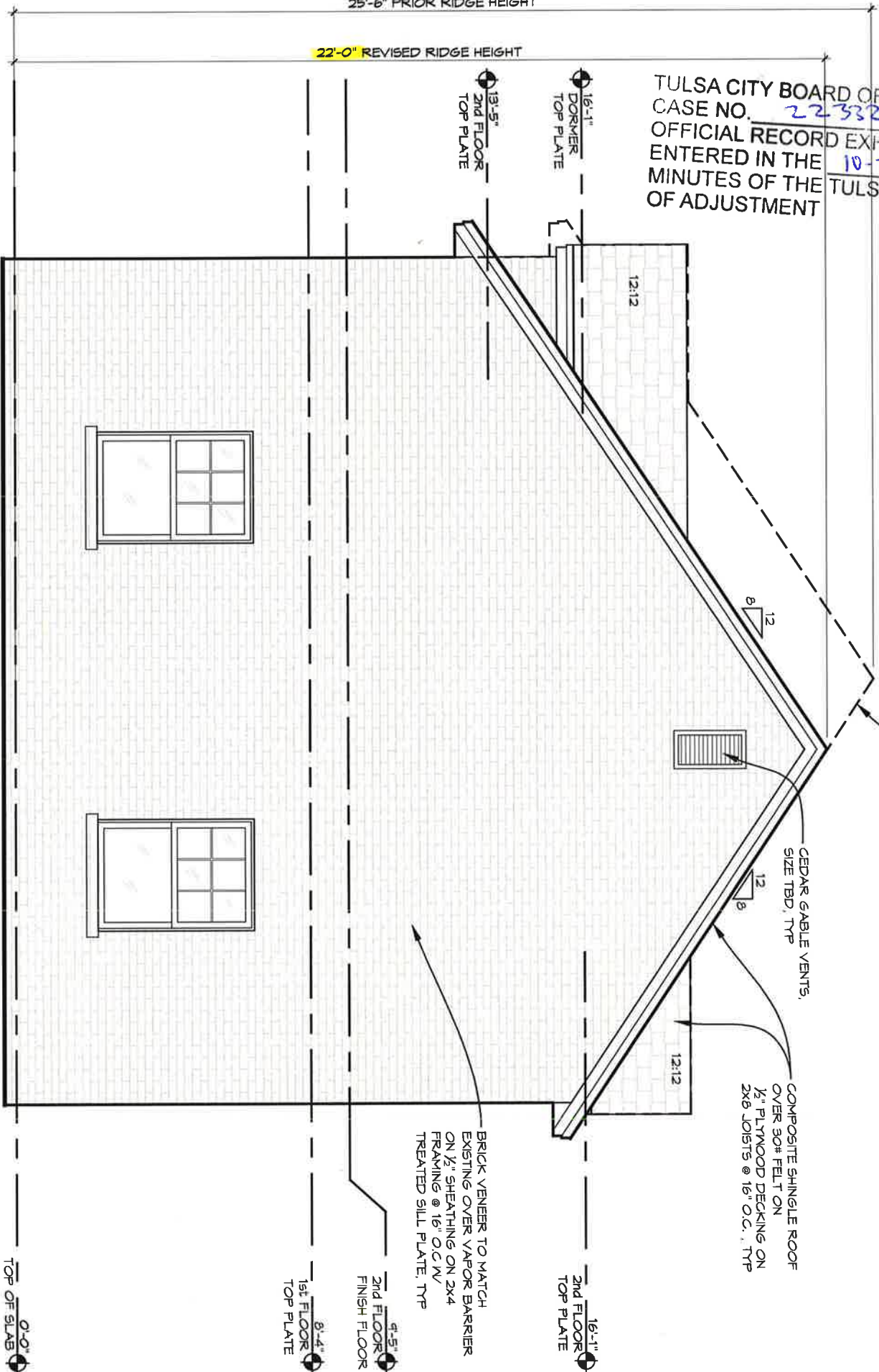
Have you changed the plans for the garage/apartment?

In the email below Ms. Deuschle refers to some revised plans. If you have changed your plans send the new plans to me and I will make sure the Board members have the plans before the meeting today.

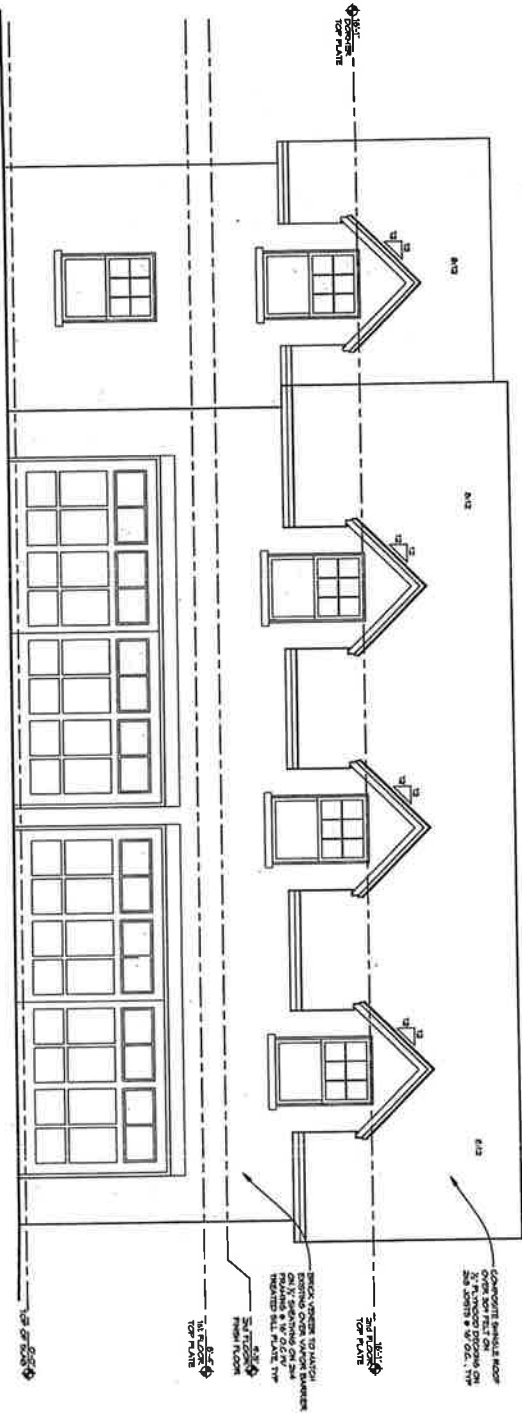
-Nikita

From: Cathy D. [mailto:cathydeuschle@gmail.com]
Sent: Tuesday, October 24, 2017 8:14 AM
To: Moye, Nikita <nmoye@incog.org>
Subject: Barnes Project/BOA Case No. 22332

0'-0" TOP OF SLAB 



EAST ELEVATION



1 NORTH ELEVATION

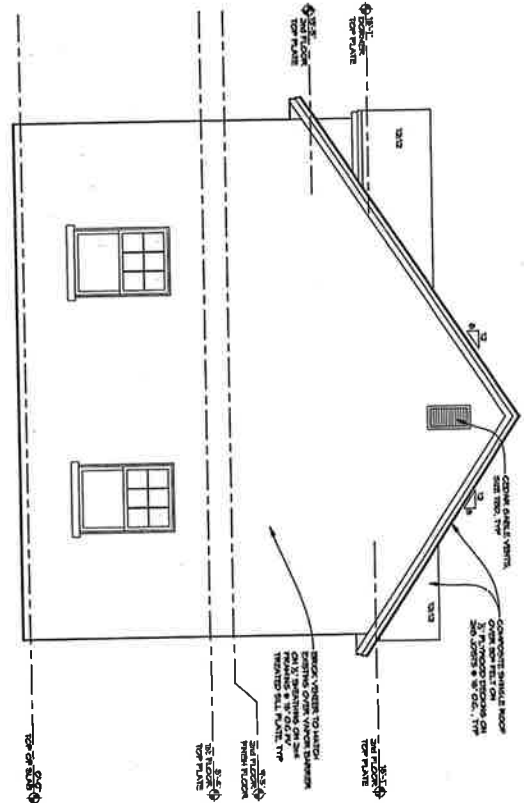
**STRODE
DESIGN
DESIGN & PLANNING**

RYAN STRODE
ARCHITECT AIA

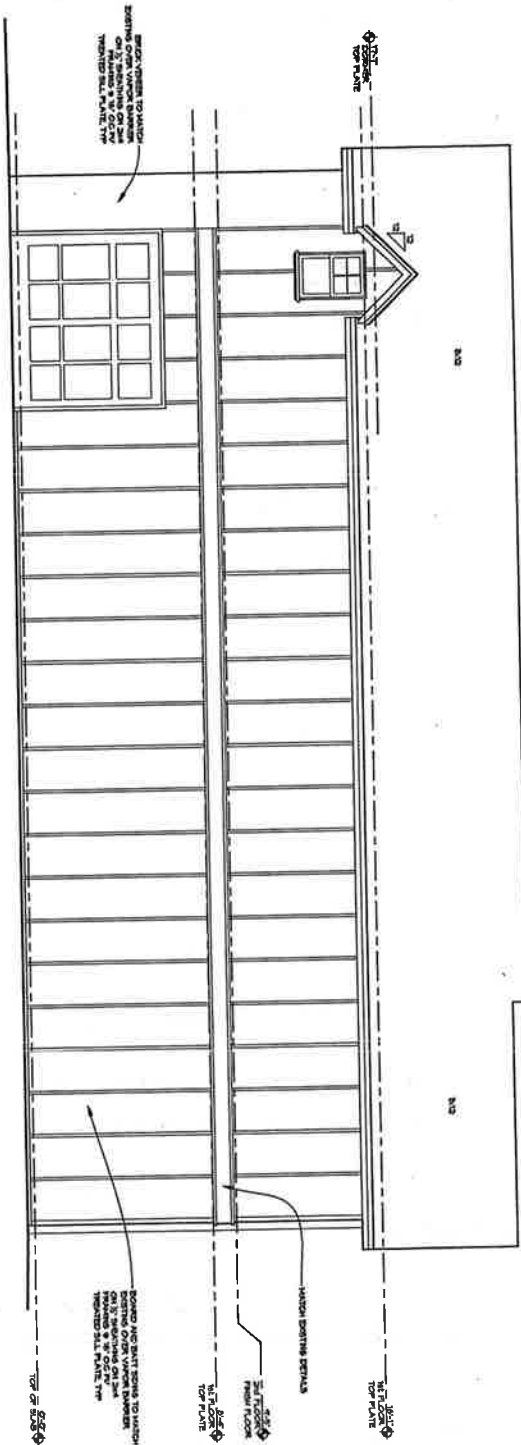
918.607.4192

A2.0

TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 22-332
OFFICIAL RECORD EXHIBIT
ENTERED IN THE 10-24-17
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT



2 WEST ELEVATION
SCALE 3/8" = 1'-0"



1 SOUTH ELEVATION
SCALE 3/8" = 1'-0"

© 2017 STRODE DESIGN, LLC

STRODE
DESIGN
DESIGN & PLANNING

9-8-2020
9-8-2020-192

NO DATE REVISION

BARNES RESIDENCE
214 S WOODWARD BLVD
TULSA, OK 74114

11 OCTOBER, 2017

SCALE AS NOTED

GARAGE
EXTERIOR
ELEVATIONS

SHEET 1

A2.1

TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 2015-0001
OFFICIAL RECORD
ENTERED IN 10
MINUTES OF THE
OF ADJUSTMENT



STRODE
DESIGN
DESIGN & PLANNING

RYAN STRODE
ARCHITECT AIA

918.607.4192

NO STATE REGISTRATION

BARNES RESIDENCE
214 S WOODWARD BLVD
TULSA, OK 74114

17 OCTOBER, 2017

SCALE: AS NOTED

GARAGE FLOOR PLANS

571

A1.0

2.17

Moye, Nikita

From: Ryan Strode <ryan@strodedesign.com>
Sent: Tuesday, October 31, 2017 8:25 AM
To: Moye, Nikita
Subject: Fwd: Support for the Barnes

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

From: "Cyndi Wilkett" <cwilkett@live.com>
Date: Oct 30, 2017 8:20 PM
Subject: Support for the Barnes
To: "ryan@strodedesign.com" <ryan@strodedesign.com>
Cc: "carlbarnestulsaokattorney@cox.net" <carlbarnestulsaokattorney@cox.net>

Hello,

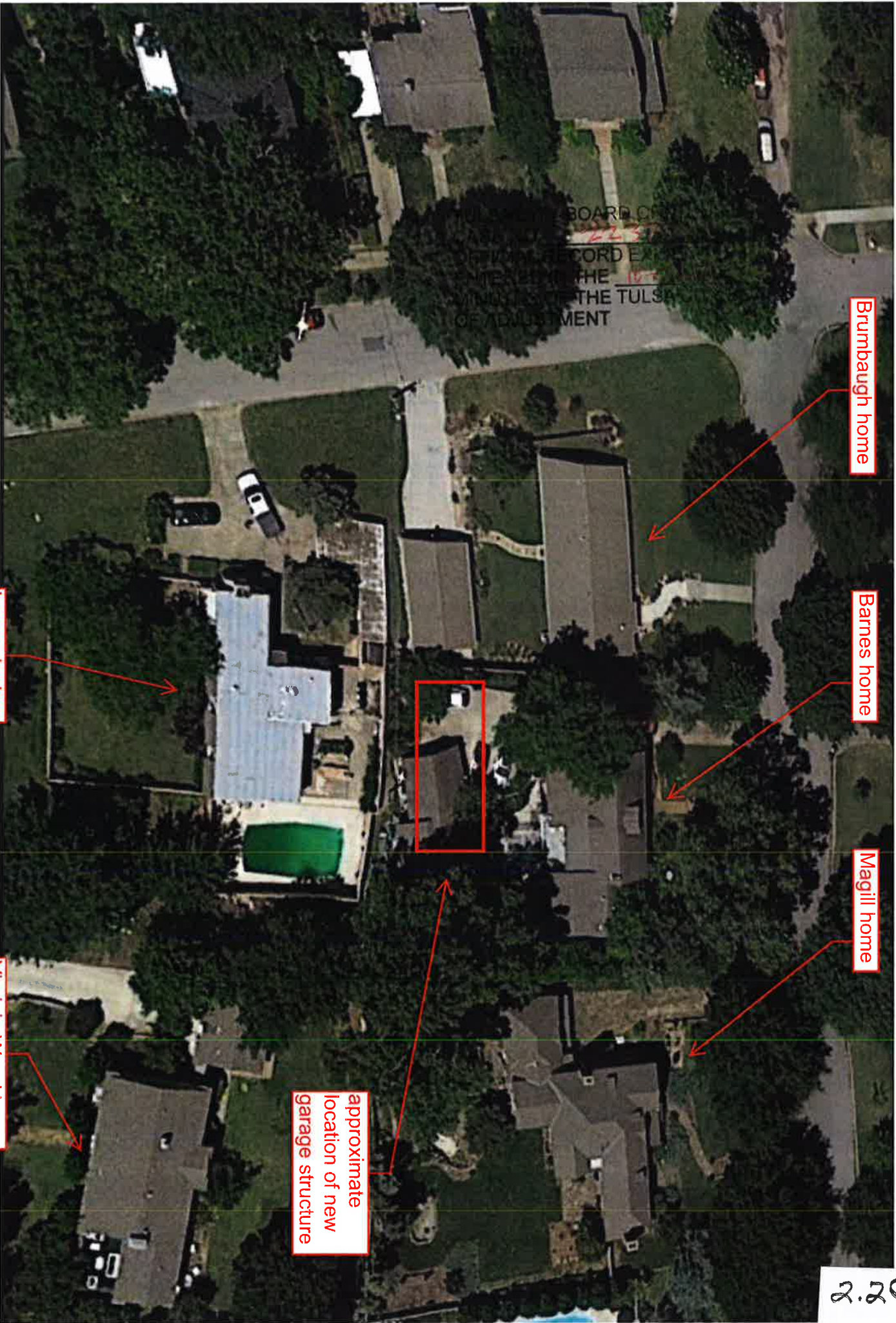
This is just a quick email to let you know that we fully support Carl and Leslie Barnes and their plans for an upcoming construction project. We do not feel any construction or improvements they do to their property will diminish our property value in any way. We actually feel the opposite, that it will have a positive impact on our neighborhood. Please let us know if we can be of help in any other way!

The Wilketts

Matt and Cyndi

2202 S Madison Ave

All immediately abutting/surrounding neighbors object to variances requested:



No variance may be approved unless the board of adjustment determines that [all of] the following facts, favorable to the property owner, have been established:

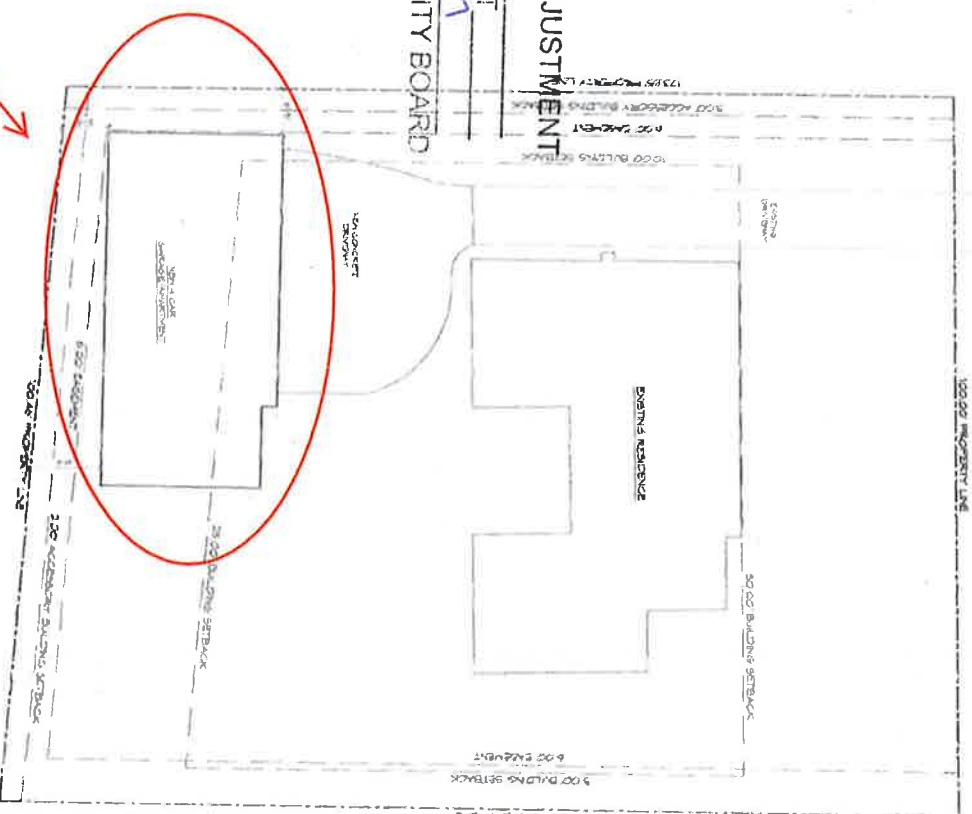
- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardship or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out; . . .
- c. That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

2.21

100' lot width --
exceeds RS-2
zoning minimum by
one-third

**Lot Area (per
counthouse):
13,100 sq. ft. --
exceeds RS-2
minimum lot area
by 4,000 sq. ft.
(more than 40%)**

TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 22332
OFFICIAL RECORD EXHIBIT
ENTERED IN THE 10-24-17
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT



f. That the variance to be granted will not . . . substantially or permanently impair [the] use or development of adjacent property; . . .

Large 2-story structure with upper-story windows overlooking adjoining properties

**STRODE
DESIGN
DESIGN & PLANNING**

RYAN STRODE
ASSOC. AIA
918.607.4192

BARNES RESIDENCE
214 S WOODWARD BLVD
TULSA, OK 74114

21 JULY 2017

SCALE: AS NOTED

SITE PLAN

5670

22'+ height exceeds 18' maximum height by more than 20% (23 feet is more than 25% excess)

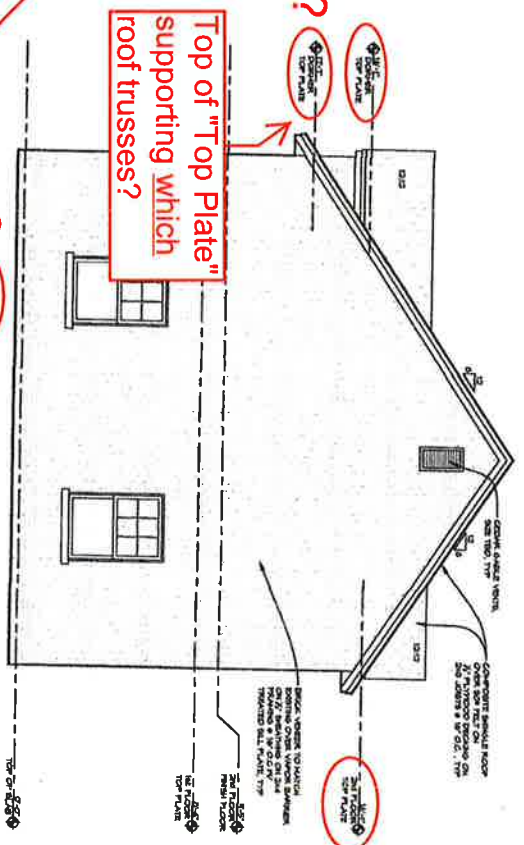
2-story exceeds 1-story maximum

floor area continues to exceed maximum 40% of principal dwelling (4,563 sq.ft.)

28.5% coverage of rear setback area exceeding 25% maximum remains unchanged

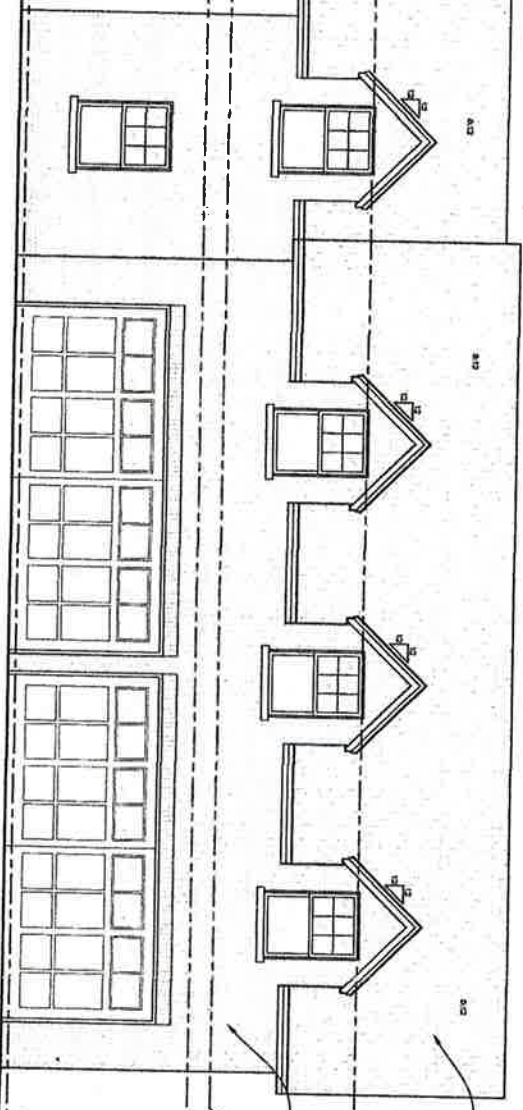
Section 95.230 "Top Plate:" The horizontal timber directly carrying the trusses of a roof or the rafters.

TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 22332
OFFICIAL RECORD EXHIBIT
ENTERED IN THE MINUTES OF THE TULSA CITY BOARD OF ADJUSTMENT
10-24-17



no change to 2-story building height appearance on one (South?) side

16'1" measurement to top of "top plate" exceeds maximum 10' by more than 60%



16'1"
9'5"
8'4"

© 2017 STRODE DESIGN, LLC

STRODE DESIGN
DESIGN & PLANNING
918.607.4192
RYAN STRODE
ASSOC. AIA

NO DATE REVISION

BARNES RESIDENCE
214 S WOODWARD BLVD
TULSA, OK 74114

17 OCTOBER, 2017

SCALE: AS NOTED

GARAGE EXTERIOR ELEVATIONS

SHEET: **A2.0**

Moye, Nikita

From: Cathy D. <cathydeuschle@gmail.com>
Sent: Tuesday, October 24, 2017 8:14 AM
To: Moye, Nikita
Subject: Barnes Project/BOA Case No. 22332

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

I wrote a letter opposing the three variances the Barnes seek for construction at 214 E Woodward before the first hearing in September. I have studied the revised plan and conclude that it is woefully insufficient in addressing the concerns of the neighbors, including me. There is no hardship that justifies the approval of variances to build a four car garage and separate living quarters behind an already substantially sized home. I ask you again to please support the quality of life in our neighborhood by insisting the Barnes adhere to the building code.

Sincerely,
Cathy Deuschle

225 E. 24th St.. Tulsa, OK 74114

Moye, Nikita

From: Marshall <marshall_mc@aol.com>
Sent: Saturday, October 21, 2017 4:04 PM
To: Moye, Nikita
Subject: Hello

This is Marshall McAdams, grandson to Virginia Wood, Virginia Wood owns the property at 217 E 24th St. Tulsa, OK 74114. I am the heir to her estate as well.

Me and my grandmother both object to the Barnes new proposed building structure. Their property directly attaches to our property in the backyard. This building they are trying to build will tower over us, and it is almost the size of their house.

This email and all attachments are intended solely for the use of the addressee(s) and may contain information that is confidential, privileged, and/or attorney work product. If you have received this email in error and are not the intended recipient, any copying, use, or disclosure of its contents or attachments is unauthorized, and you should delete this email and notify the above named sender immediately that you have done so.

Summum Bonum
Beauty By The Beast LLC
Chemical Engineer
Marshall McAdams

From: **Ryan Strode** ryan@strodedesign.com

Subject: Fwd: Notice of Hearing

Date: October 6, 2017 at 5:31 PM

To: Carl Barnes carlbarnestulsaokaattorney@cox.net, Leslie Barnes captainamericasmom@cox.net

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

From: "Jim Pottorff" <jimpottorff@cox.net>

Date: Sep 16, 2017 11:16 AM

Subject: Notice of Hearing

To: <ryan@strodedesign.com>

Cc:

Ryan, sorry to interrupt you today, but wanted to express my support for the project at 214 Woodward Blvd.

My info is

Jim Pottorff

2316 S. Cincinnati Ave

918-845-4462

Sent from my iPhone

Jim Pottorff

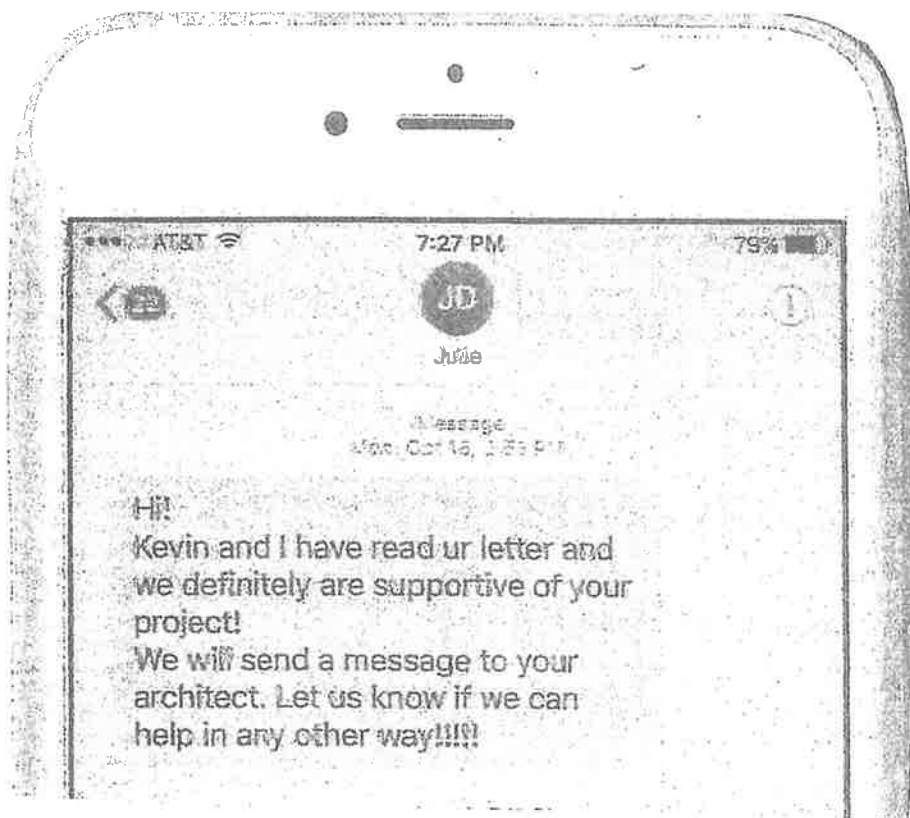
918-845-4462

Sent from my iPhone

Jim Pottorff

918-845-4462

TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 22-332
OFFICIAL RECORD EXHIBIT
ENTERED IN THE 10-24-17
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT



From: rscallen@yahoo.com
Subject: Home addition
Date: October 15, 2017 at 7:54 PM
To: carlbarnestulsaokattorney@cox.net, captainamericasmom@cox.net



Greetings- We live at 224 Sunset and saw your letter today. We received the mailer a few weeks ago with all the info and were excited for you. Apparently it has not gone smoothly. I'm not sure why your neighbors feel any expansion(outside of a nightclub) would diminish their property value? I would expect your neighbor to the South to balk at the height of the structure. But not next door neighbors. If you are not exceeding the city's restriction on height I'm wondering why there is such a struggle. We've lived in Maple Ridge for 18 years and we are considering adding a second level to our mother in law suite in the next few years. I had no idea it might be an uphill battle.

I would be happy to email Mr. Strode with our nod of agreement if it will help. Also let me know if there is any other help we might be able to lend you. I work with engineers, Architects, and contractors daily in my career. Best of luck to you neighbors.

-Rob, Tiffany, and Gavin Callen

Carl –

Thanks for sending this. I have been in communication with my clients, and they all remain opposed to the variances you have requested.

Feel free to contact me by telephone or e-mail if you have any questions.



Stephen A. Schuller | Attorney | GableGotwals
1100 ONEOK Plaza | 100 West 5th Street | Tulsa, OK 74103-4217 USA
(Office) 918-595-4864 | sschuller@GableLaw.com | www.GableLaw.com

The contents of this e-mail are confidential and intended only for the person or entity to which it is addressed; please do not forward this e-mail. If you are not the intended recipient or designated representative, any use, reproduction, dissemination, disclosure, and retransmission is prohibited. If you received this in error, please contact the sender.

-----Original Message-----

From: Carl Barnes [mailto:carlbarnestulsaokattorney@cox.net]
Sent: Thursday, October 19, 2017 10:09 AM
To: Stephen A. Schuller <sschuller@gablelaw.com>
Subject: Barnes 214 Woodward garage elevation plan of 10-18-17

Stephen:

We did meet with Mr. Strobe to see what changes could be made to address issues raised by you client. As often can happen things did not get completed as fast as all parties involved would like. I am attaching the revised elevation plan that has been given to us by Mr. Strobe. We believe it does show a plan that is a reasonable compromise that mostly accommodates our space needs, and also significantly reduces the height of the garage structure which was the Board of Adjustments members stated concern about the project. I believe the height of the original plan was approximately 27 feet. Under the present plan the height has been brought down to a little over 22 feet, just 4 feet over the code requirement of 18 feet. The present garage height is also just 4 feet shorter than the elevation plan attached. This was accomplished by starting the front roof line lower than the 2nd floor top plate. This requires that the 2nd floor interior wall be about 18 inches away from the front outside wall, thereby reducing the usable space on the 2nd floor area. The height of the back wall remains the same, but the roof pitch is significantly changed and the roof crest moved off center to allow the reduction of the height that would be facing your client's property.

If you feel you would like to meet to discuss this matter prior to the upcoming continued hearing please contact me to arrange a time. We would even be willing to meet over the weekend if that is desired. Leslie will not be able to meet on Monday during business hours. I will not know if I can meet on Friday until I determine about mid-morning what Judge Bitting plans to do with a guardianship trial scheduled for Friday. If it is started it should be a full day trial.

Carl

From: **Carl Barnes** carlbarnestulsakattorney@cox.net
Subject: **Barnes 214 Woodward garage elevation plan of 10-18-17**
Date: **October 19, 2017 at 10:08 AM**
To: **Stephen A. Schuller** sschuller@gablelaw.com

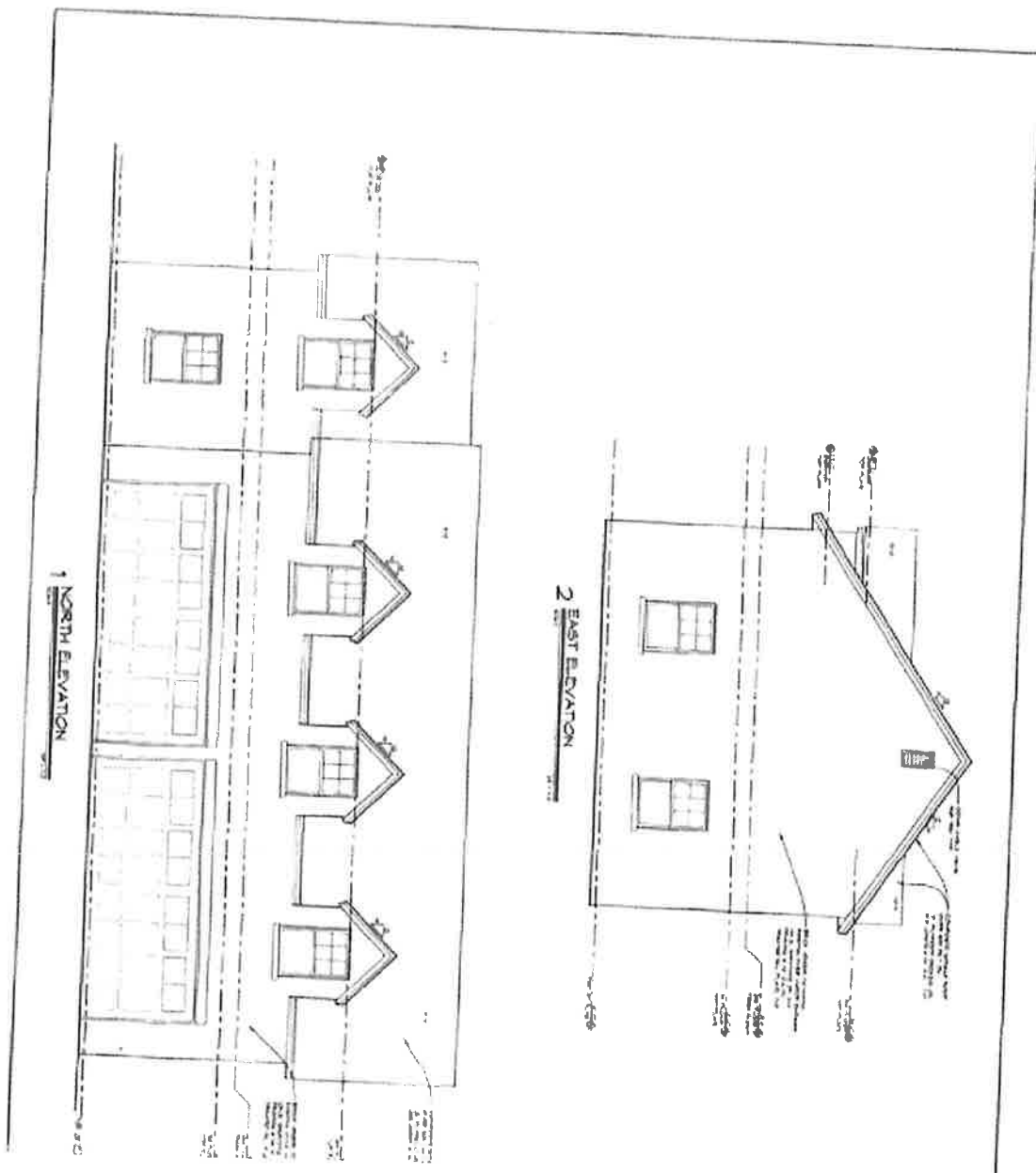
CB

Stephen:

We did meet with Mr. Strode to see what changes could be made to address issues raised by you client. As often can happen things did not get completed as fast as all parties involved would like. I am attaching the revised elevation plan that has been given to us by Mr. Strode. We believe it does show a plan that is a reasonable compromise that mostly accommodates our space needs, and also significantly reduces the height of the garage structure which was the Board of Adjustments members stated concern about the project. I believe the height of the original plan was approximately 27 feet. Under the present plan the height has been brought down to a little over 22 feet, just 4 feet over the code requirement of 18 feet. The present garage height is also just 4 feet shorter than the elevation plan attached. This was accomplished by starting the front roof line lower than the 2nd floor top plate. This requires that the 2nd floor interior wall be about 18 inches away from the front outside wall, thereby reducing the usable space on the 2nd floor area. The height of the back wall remains the same, but the roof pitch is significantly changed and the roof crest moved off center to allow the reduction of the height that would be facing your client's property.

If you feel you would like to meet to discuss this matter prior to the upcoming continued hearing please contact me to arrange a time. We would even be willing to meet over the weekend if that is desired. Leslie will not be able to meet on Monday during business hours. I will not know if I can meet on Friday until I determine about mid-morning what Judge Bitting plans to do with a guardianship trial scheduled for Friday. If it is started it should be a full day trial.

Carl



BOA 22332

Moye, Nikita

From: Marshall [marshall_mc@aol.com]
Sent: Friday, September 22, 2017 3:22 AM
To: Moye, Nikita
Subject: Hello

My name is Marshall McAdams, I am the grandson, and heir to 217 E 24th St, Tulsa OK 74114.

I am writing on behalf of me and my grandmother Virginia Wood, my grandmother and owner of 217 E 24th St. And referring to BOA-22332

We both object to the new garage apartment the Barnes are planning to build, we feel it is too big of a project for the size of their property to build, maybe something half the size would be okay, the building they are suggesting is as long as their house.

I feel that people should have a right to do with their property whatever they want, but as long as it's respectful to their neighbors and community.

This apparatus they want to build will tower over our backyard, and our property connects to theirs.

I like the Barnes, I am always keeping track of their cats for them.

I feel they need to compromise on their parking garage, leave the apartment out of it.

So does my grandmother Virginia Wood.

Sent from my iPhone

Moye, Nikita

From: Terry [terrie1@aol.com]
Sent: Monday, September 25, 2017 8:55 AM
To: Moye, Nikita; esubmit
Subject: Board meeting RE: Ryan Strode application BOA-22332

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

I am unable to attend the meeting on the 26th of Sep. so I am writing to express my objection to allow the special exceptions for the above application. My husband and I live at 211 Sunset Dr, in Maple ridge and have been here for almost 30 years. We own the duplex behind (directly South) of Mr. Barnes home. Our duplex, at 201/203 E 24th shares a property line with the Barnes home, that runs along a wall. The wall is about 5 foot tall, with his property being on the upper elevation and our back yard, pool and duplex below. We have just finished adding a privacy fence on that wall, for our tenants and the Barnes that cost \$7,000. Should the structure, in question, be built, it would tower over our property and there would be no privacy for our property below. There is also likelihood that water run off (during and after) any construction above would cause flooding onto our property.

Maple ridge is a beautiful neighborhood and is loved by homeowners and enjoyed by many Tulsans and visitors. People tour the neighborhood to see the old homes, gardens and Holiday displays. Many residences in Maple ridge represent a part of Tulsa's history. If we do not and cannot uphold the historic integrity of the neighborhood and continue to allow over building on the lots; using every square foot to sprawl from lot line to lot line we might as well forget Maple Ridge continuing to be one the "special old neighborhoods" of Tulsa, that it has always been known to be. With the new park on Riverside becoming a reality our neighborhood will be even more of an asset to Tulsa. We ask that you stand for Tulsa and help us preserve our old homes and the beautiful estates, and discourage any more overbuilding. Please uphold the variance codes that are set forth.

Terry Lowry

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.

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,

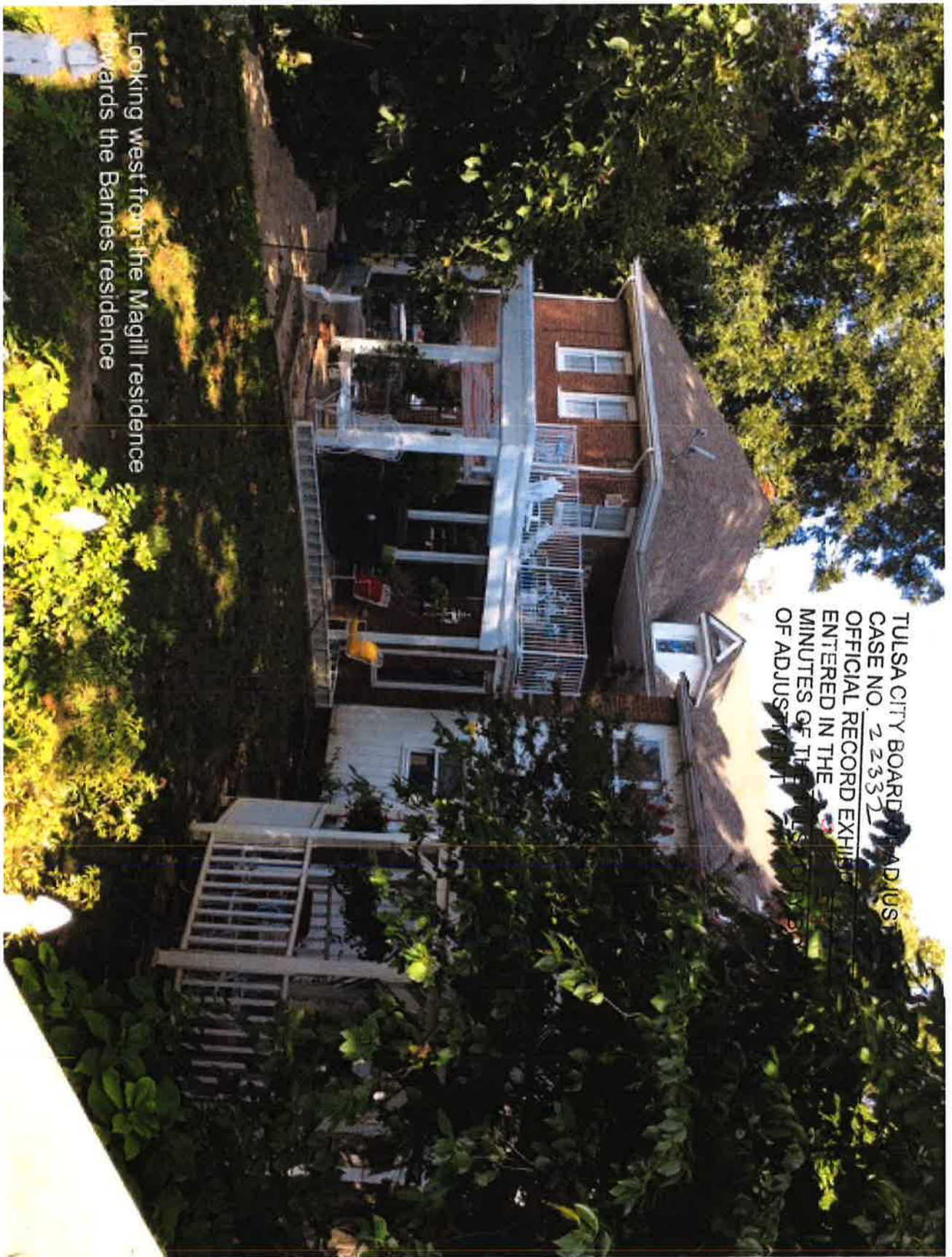
I am writing to request that you deny the applicant, Ryan Strode, the three variances he seeks for an accessory structure at the Barnes residence at 214 E. Woodward Blvd. Because I must be out of town during the meeting, I ask that this letter be presented to the Board of Adjustment in lieu of my attendance.

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



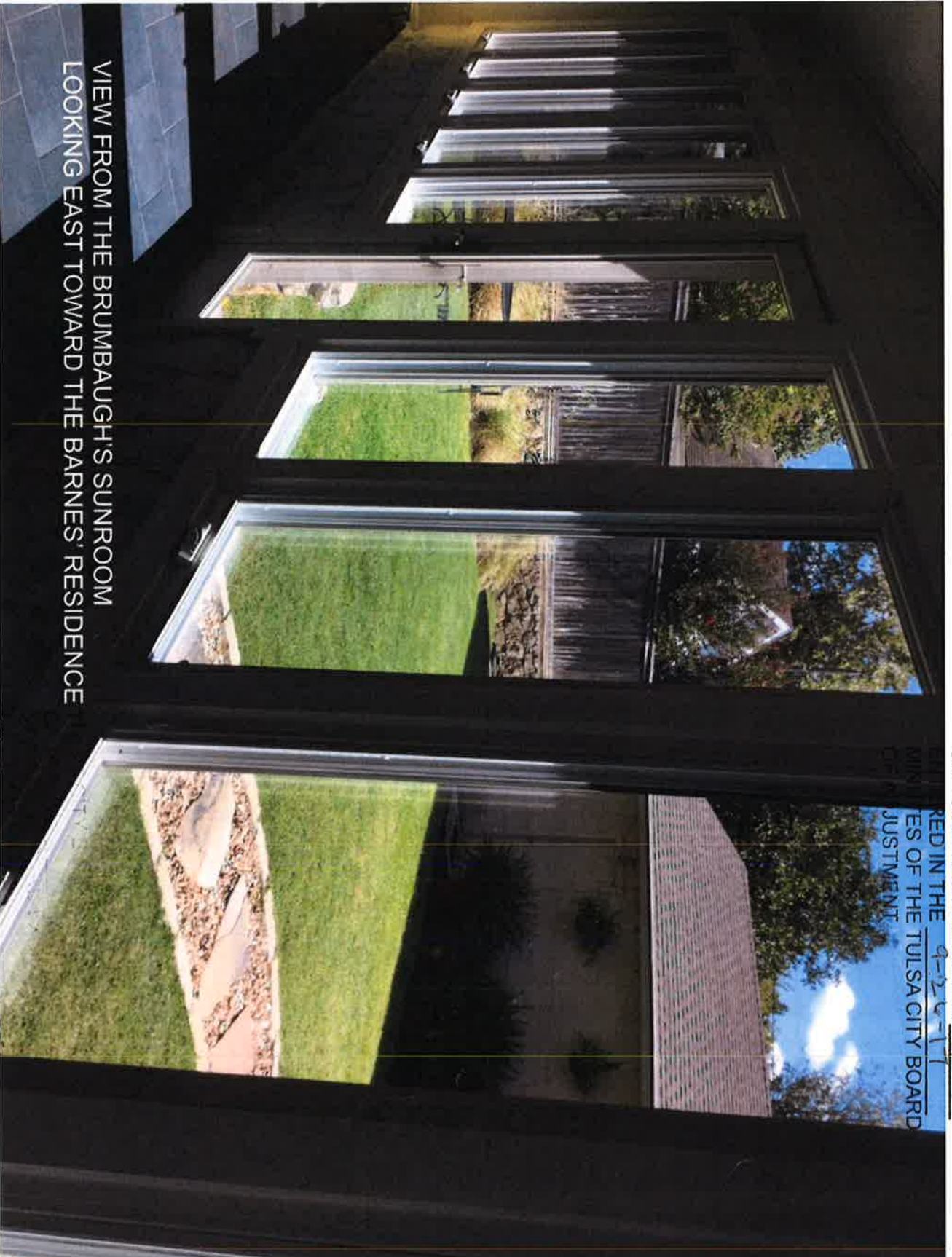
TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 22332
OFFICIAL RECORD EXHIBIT
ENTERED IN THE
MINUTES OF THE
OF ADJUSTMENT

Looking west from the Magill residence
towards the Barnes residence

TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 22332
OFFICIAL RECORD EXHIBIT
ENTERED IN THE 9-26-17
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT

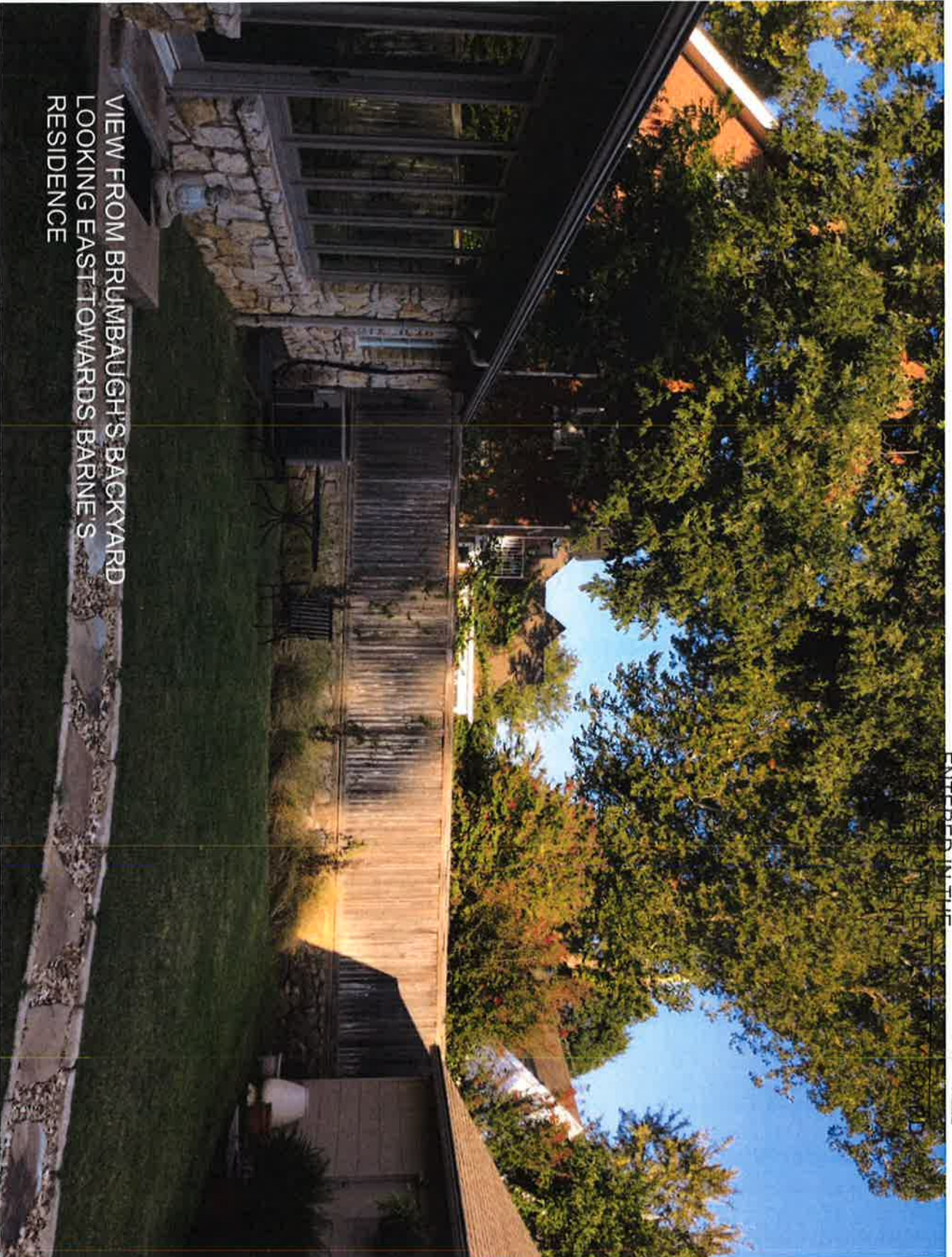


VIEW FROM BRUMBAUGH'S DINING ROOM WINDOW
LOOKING SOUTHEAST TO BARNE'S PROPERTY

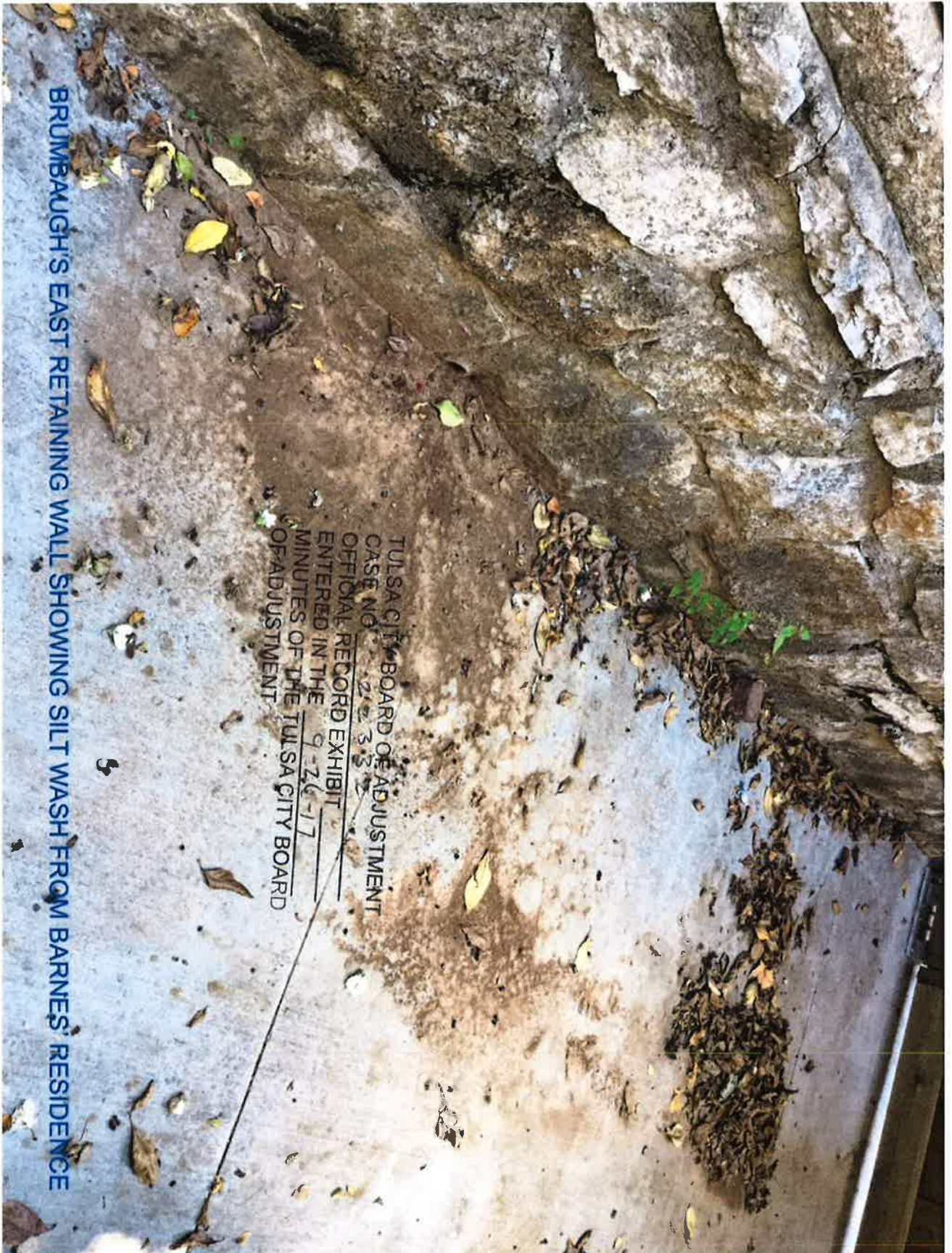


VIEW FROM THE BRUMBAUGH'S SUNROOM
LOOKING EAST TOWARD THE BARNES' RESIDENCE

TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 223372
OFFICIAL RECORD EXHIBIT _____
ENTERED IN THE _____



VIEW FROM BRUMBAUGH'S BACKYARD
LOOKING EAST TOWARDS BARNE'S
RESIDENCE

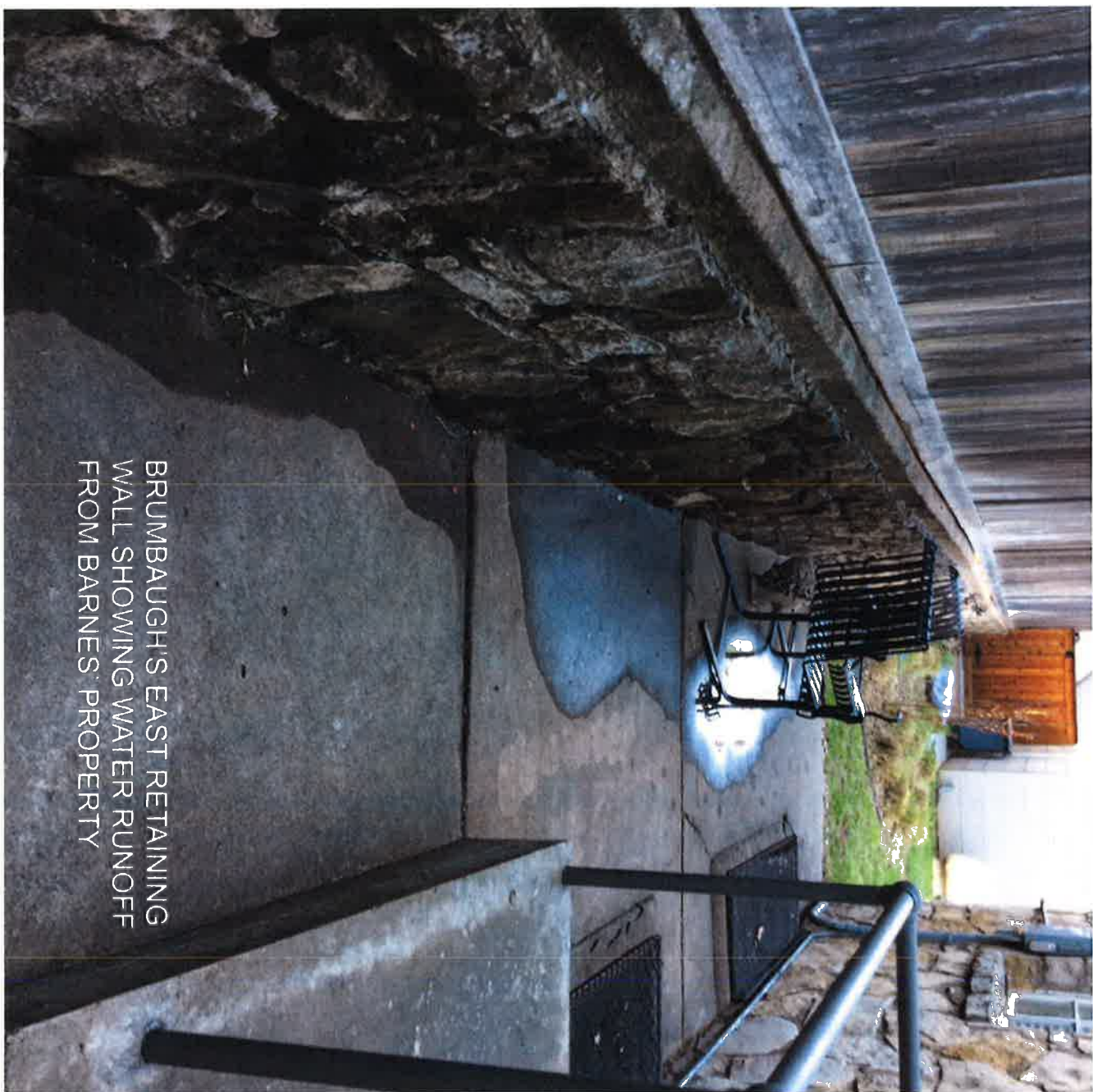


BRUMBAUGH'S EAST RETAINING WALL SHOWING SILT WASH FROM BARNES' RESIDENCE

TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 24233
OFFICIAL RECORD EXHIBIT
ENTERED IN THE 9-26-17
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT

5

2.42



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

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.

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

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 a 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

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:

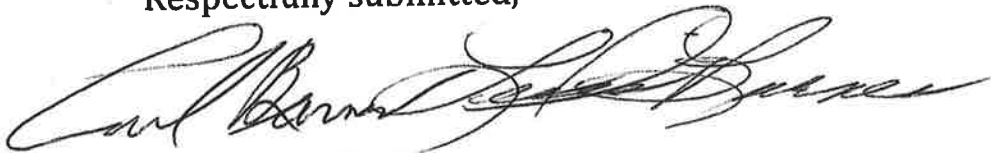
The above statements of use reflect the reasons why it is reasonable and necessary that a second floor be built with the new garage. Several photographs are presented in this booklet showing that garages with a second floor storage area or apartment are prevalent in

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

© 2017 STRODE DESIGN, LLC
STRODE
DESIGN
DESIGN & PLANNING



RYAN STRODE
ASSOC. AM
918.607.4192

2.46

A1.0

ADDITION
FLOOR PLAN

SCALE AS NOTED

1 AUGUST, 2017



Barnes home - 214 Woodward Blvd.



Driveway - Barnes home



View of back driveway - Barnes home



Back driveway area - Barnes home 2.48
(2).



Barnes existing garage



Barnes existing garage & workshop 2.49
(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. 2.50
(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. A only a few tiles from the roof are visible 2.51
(5)



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

2.52

(6)



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



2 story 3 car garage at 221 Woodward Blvd. 2.53

(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

2.54
(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.

2.55

(9)



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



Garage at 1018 Sunset, approximate 2.56
1 1/2 blocks from Barnes home
(10)



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



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

2.57

(11)



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



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

2.58
(12)



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



Garage in the area of 46th and H...
2.59
(13)



Recently constructed garage at
1702 S. Rockford



Garage being constructed on
southwest corner of 61st & Harvard 2.60
(111)

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.).

2.61

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.

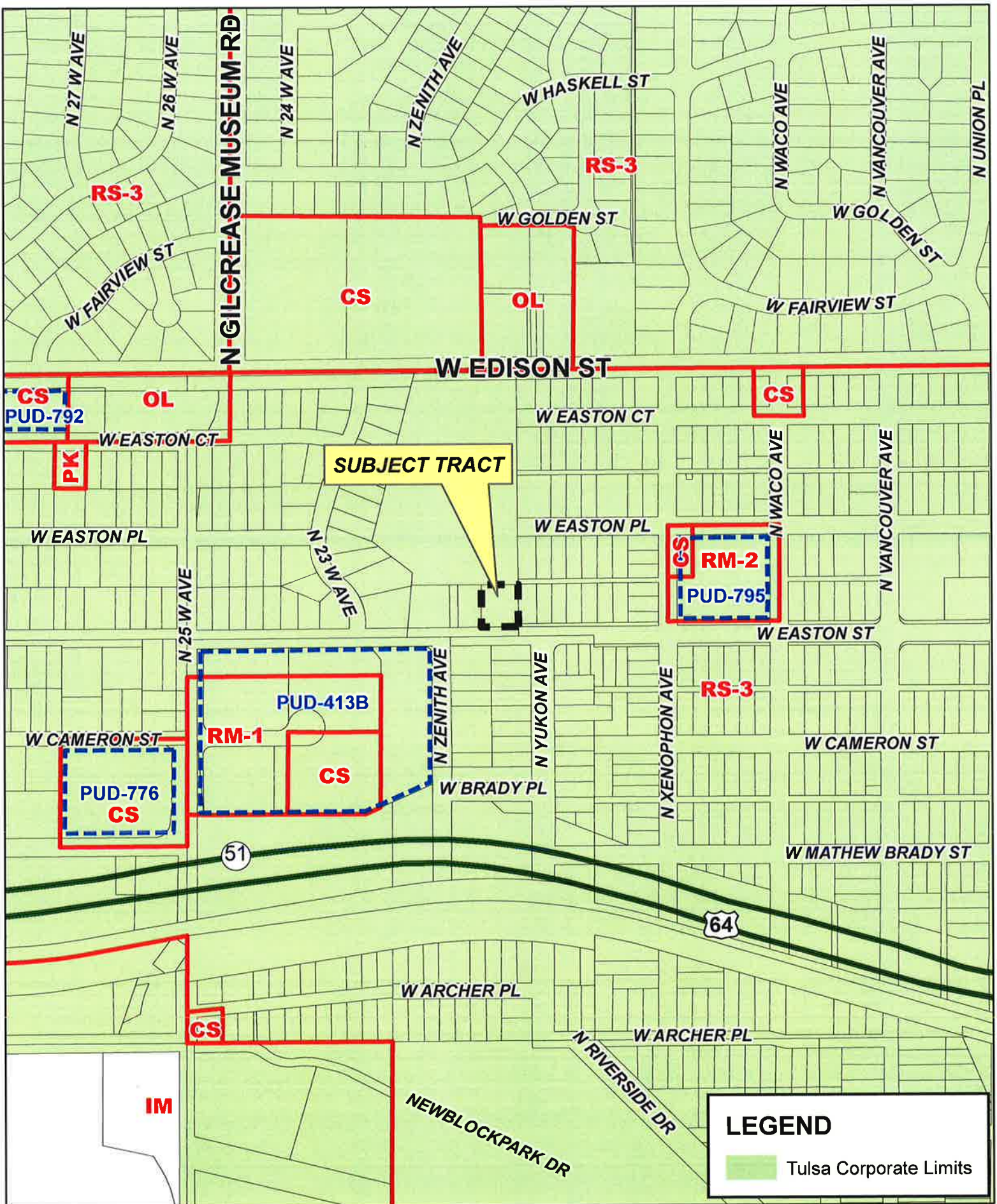
A hard copy of this letter is available upon request by the applicant.

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.

**THIS PAGE
INTENTIONALLY
LEFT BLANK**



BOA-22349

19-12 03

3.1

BOARD OF ADJUSTMENT CASE REPORT

STR: 9203

Case Number: BOA-22349

CZM: 36

CD: 4

A-P#: NA

HEARING DATE: 11/07/2017 1:00 PM

APPLICANT: Izael Quezada

ACTION REQUESTED: Variance of the minimum lot width in an RS-3 district from 60 ft. to 53.5 ft. to allow a lot split (Sec. 5.030, Table 5.030-A)

LOCATION: 2109 W EASTON ST N

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 16801.16 SQ FT

LEGAL DESCRIPTION: BEG 30N SECR OF W21.18 A LT 2 N ON EL 140 W120 S140 E120 POB SEC 3 19 12, IRVING PLACE, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

None Relevant.

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

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.

STAFF COMMENTS:

As shown on the attached site plans the applicant is proposing to split off a portion of the subject lot; the proposed Lot 2 will be 7,490 sq. ft. and contain a lot width of 53.5 ft. The Code requires that a

3.2

RS-3 zoned lot maintain 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.

To permit Lot 2 as proposed the applicant has requested a **Variance** to reduce the permitted lot width to 53.5 ft.

Sample Motion

Move to _____ (approve/deny) a Variance of the minimum lot width in an RS-3 district from 60 ft. to 53.5 ft. to allow a lot split (Sec. 5.030, Table 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-22349

19-12 03

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

Aerial Photo Date: February 2016



3.4

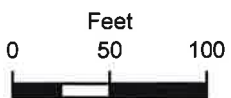


WEASTON ST

WEASTON PL

N ZENITH AVE

N YUKON AVE



**Subject
Tract**

BOA-22349

19-12 03

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

Aerial Photo Date: February 2016



BOA 22349



Subject Lot - Looking North

2017-09-54



10.19.2017 09:54

3.6

LOT SPLIT EXHIBIT

PROPERTY ADDRESS: 2109 WEST EASTON STREET, TULSA, OK 74127



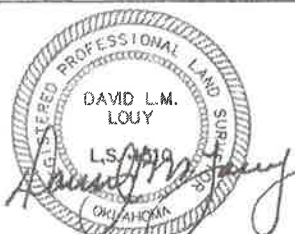
LEGAL DESCRIPTION: PARENT TRACT PER DEED NO. 17109689: PART OF LOT TWO (2), SECTION THREE (3), TOWNSHIP NINETEEN (19) NORTH, RANGE (12) EAST OF THE INDIAN BASE AND MERIDIAN, SITUATED IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT THIRTY (30) FEET NORTH OF THE SOUTHEAST CORNER OF THE WEST 21.18 ACRES OF LOT TWO (2), SECTION THREE (3), TOWNSHIP (19) NORTH, RANGE TWELVE (12) EAST; THENCE NORTH ALONG THE EAST LINE OF SAID TRACT A DISTANCE OF ONE HUNDRED FORTY (140) FEET; THENCE WEST A DISTANCE OF ONE HUNDRED TWENTY (120) FEET; THENCE SOUTH PARALLEL TO THE EAST LINE OF SAID TRACT, A DISTANCE OF ONE HUNDRED FORTY (140) FEET; THENCE EAST ONE HUNDRED TWENTY (120) FEET TO THE POINT OF BEGINNING.

LOT 1 DESCRIPTION AS SURVEYED: PART OF LOT 2, SECTION 3, TOWNSHIP 19 NORTH, RANGE 12 EAST OF THE INDIAN BASE AND MERIDIAN, SITUATED IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE WEST 21.18 ACRES OF SAID LOT 2; THENCE N 01°18'48" W 30.00' TO A SET MAG NAIL; THENCE S 88°50'02" W 53.50' TO A SET 1/2" IRON PIN AT THE POINT OF BEGINNING; THENCE S 88°50'02" W 66.50' TO A SET MAG NAIL; THENCE N 01°18'48" W 140.00' TO A SET 1/2" IRON PIN; THENCE N 88°50'02" E 66.50' TO A SET 1/2" IRON PIN; THENCE S 01°18'48" E 140.00' TO THE POINT OF BEGINNING. CONTAINING 9310 SQ. FT. OR 0.2137 ACRES, MORE OR LESS.

LOT 2 DESCRIPTION AS SURVEYED: PART OF LOT 2, SECTION 3, TOWNSHIP 19 NORTH, RANGE 12 EAST OF THE INDIAN BASE AND MERIDIAN, SITUATED IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE WEST 21.18 ACRES OF SAID LOT 2; THENCE N 01°18'48" W 30.00' TO A SET MAG NAIL AT THE POINT OF BEGINNING; THENCE S 88°50'02" W 53.50' TO A SET 1/2" IRON PIN; THENCE N 01°18'48" W 140.00' TO A SET 1/2" IRON PIN; THENCE N 88°50'02" E 53.50' TO A SET 1/2" IRON PIN; THENCE S 01°18'48" E 140.00' TO THE POINT OF BEGINNING. CONTAINING 7490 SQ. FT. OR 0.1719 ACRES, MORE OR LESS.

BASIS OF BEARINGS:
BASIS OF BEARINGS PER GPS OBSERVATIONS ALONG NORTH SECTION LINE HAVING A BEARING OF N 88°15'47" E.

NOTES:
1) SURVEY CONDUCTED WITHOUT BENEFIT OF TITLE EXAMINATION.
2) PAVED ROADWAY APPEARS TO EXTEND 7.0 FEET, MORE OR LESS, OVER THE SOUTH PROPERTY LINE AS SHOWN HEREON.



9-11-2017
SURVEY DATE: 09/11/17

CERTIFICATION:
THIS SURVEY MEETS OR EXCEEDS MINIMUM STANDARDS FOR RURAL PROPERTY AS SET FORTH BY THE STATE BOARD OF REGISTRATION FOR LAND SURVEYORS.

BUYER: IZABEL QUEZADA

RED PLAINS LENDER SURVEYS

714 Enterprise Drive, Edmond, OK 73013

Phone: 855-283-2333 / Fax: 405-947-8535

Email: info@lendersurveys.com

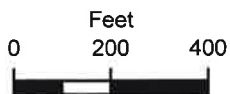
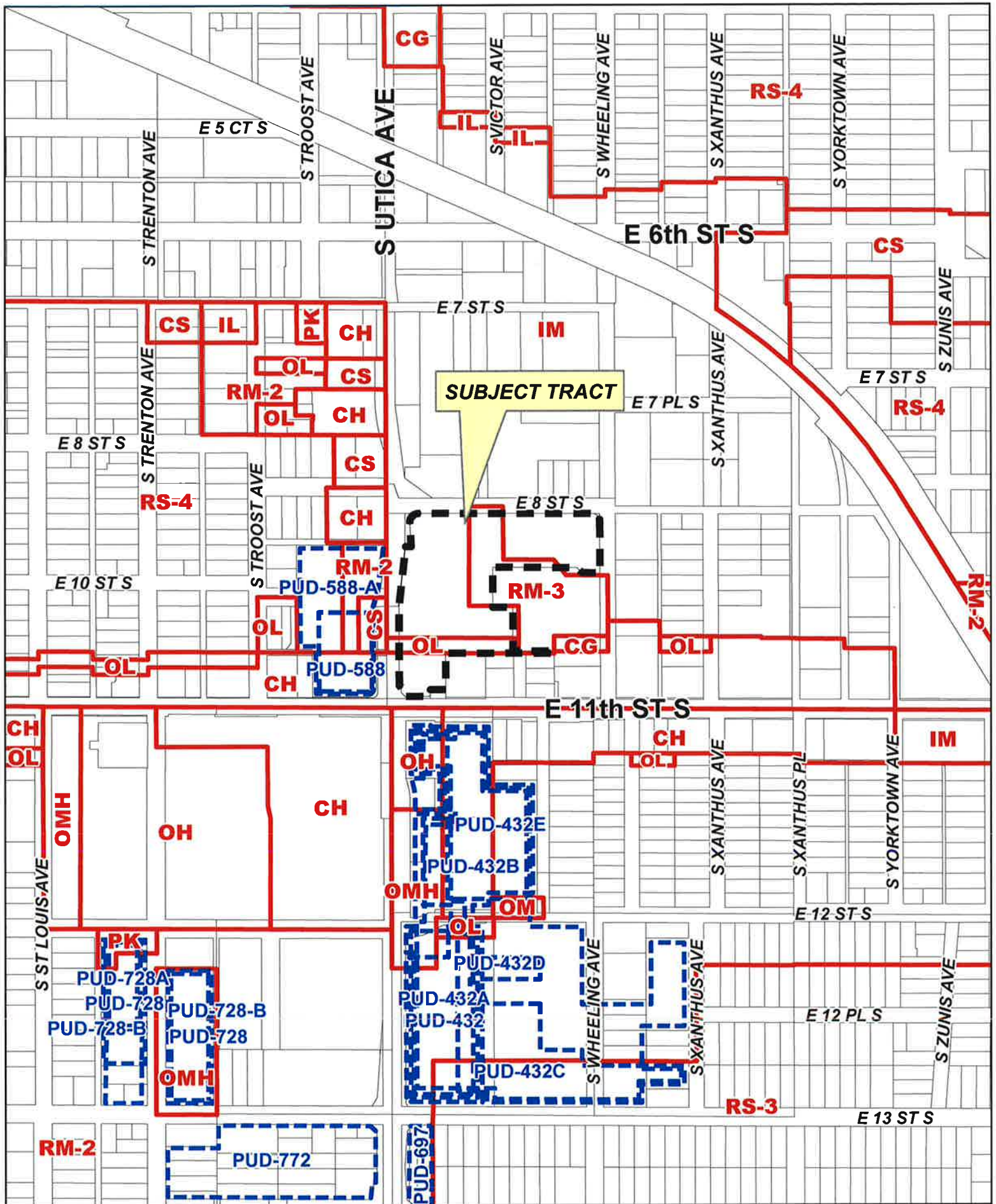
Oklahoma Civil No. 7462, Expires 06/30/19

PAGE 1 OF 2

J.N. 20743X - DRAWN BY: L.S.

3.7

**THIS PAGE
INTENTIONALLY
LEFT BLANK**



BOA-22350

19-13 06

4.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9306
CZM: 37
CD: 4
A-P#: 426622

Case Number: BOA-22350

HEARING DATE: 11/07/2017 1:00 PM

APPLICANT: KKT Architects, Inc.

ACTION REQUESTED: Variance of the building setback along S. Utica Ave. in the IM & OL districts from 10' to 0' (Sec. 15.030- Table 15-3).

LOCATION: NE/c of S Utica Ave and E 11th Street S

ZONED: IM,OL,RM-3,CH

PRESENT USE: Community Center

TRACT SIZE: 5.2 Acres

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

RELEVANT PREVIOUS ACTIONS:

Subject Lot:

BOA 22327; on 9.26.17 the Board **approved** a Special Exception to allow a Community Center designated as a Public, Civic, and Institutional/Government Services, NEC in the CH/OL/IM/RM-3 zoning districts.

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

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

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

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

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

STAFF COMMENTS:

As shown on the attached site plan the community/recreation center expansion includes a 32,326 SF two-story building addition at the northeast corner of E. 11th St. S. and S. Utica Ave. The proposed building will have a setback of 0 feet from S. Utica Ave. and E. 11th Street

To permit expansion of the existing facility as proposed the applicant is before the Board requesting a **Variance** to reduce the street setback in the OL and IM districts from 10 feet to 0 feet along S Utica Ave. The applicant provided the following statement: *"The property contains four different zoning districts with different setback requirements. The small area plan (Kendall Whittier Sector Plan) for the area encourages the building to be built to the street with parking in the rear."*

Sample Motion

Move to _____ (approve/deny) a Variance of the building setback along S. Utica Ave. in the IM & OL districts from 10' to 0' (Sec. 15.030- Table 15-3).

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

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

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

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

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

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

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

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

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

the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LOT 3 BLK 24, WHITE CITY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22327—KKT Architects

Action Requested:

Special Exception to allow a Community Center designated as a Public, Civic, and Institutional/ Government Services, Not Elsewhere Classified, in the CH/OL/IM/RM-3 zoning districts (Section 15.020, Table 15-2). **LOCATION:** 815 South Utica East (**CD 4**)

Presentation:

Nicole Watts, KKT Architects, 2200 South Utica, Tulsa, OK; stated this request is for an expansion to an existing facility with the same use. The expansion will be to the south into different zoning classifications. From the existing building there is going to be a walkway going south along Utica Avenue to a new building which will be a new basketball gym and some other facility classrooms.

Mr. Van De Wiele asked if the expansion was going to be on the hard corner. Ms. Watts answered affirmatively stating that it is shown on exhibit 8.11.

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, Bond, Flanagan, Van De Wiele "aye"; no "nays"; "abstaining"; White absent) to **APPROVE** the request for a Special Exception to allow a Community Center designated as a Public, Civic, and Institutional/ Government Services, Not Elsewhere Classified, in the CH/OL/IM/RM-3 zoning districts (Section 15.020, Table 15-2). 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 1 BLK 1; LTS 1 THRU 4 & VAC UTICA PL ADJ ON E LESS BEG SWC LT 1 TH N200 E40 S160.92 SE8.49 S13.96 SE17.04 E76.80 NE7.07 S12 W140 POB FOR ST BLK 2, FARMER'S SUB L16 B3 CLOVER RIDGE ADDN, FERRELL ADDN L15 B3 CLOVER RIDGE ADDN, TULSA RECREATION CENTER FOR THE PHYSICALLY LIMITED, CLOVER RIDGE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Board Action:

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

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

Case No. 20299

Action Requested:

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

Presentation:

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

Comments and Questions:

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

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

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

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

Board Action:

On **MOTION** of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of required setback from abutting properties in an R zoned district, finding that most of the properties are vacant; and to **CONTINUE** Case No. 19436 to the meeting on September 24, 2002 to advertise for additional relief, regarding the following described property:

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

Case No. 19437

Action Requested:

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

Presentation:

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

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

Interested Parties:

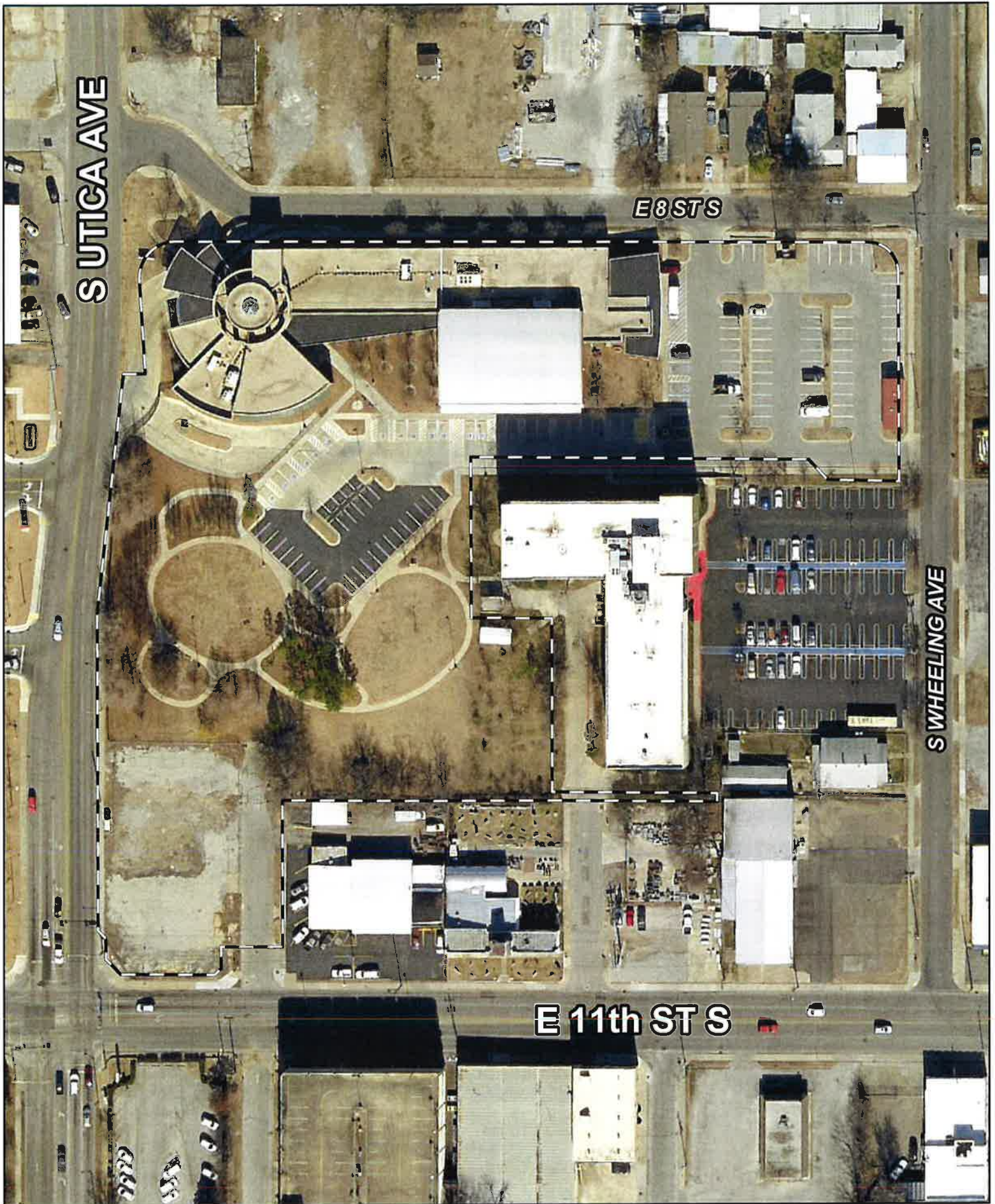
Maria Barnes, 2252 E. 7th St., stated she considers it a good plan and a major improvement for the neighborhood. She is in support of the application. She appreciated all of the trees and landscaping planned.

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

Board Action:

On MOTION of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit the Center for the Physically Limited under Use Unit 5, in the IM and RM-3 zoning districts; a **Special Exception** to permit required off-street parking to be located on a lot other than the lots containing the new Center building; a **Variance** of the building setback required in an IM zoning district from the centerline of South Utica Avenue from 85' to 55' for approximately 75'; a **Variance** of the building setback required in an IM zoning district from the centerline of East 8th Street in two locations from 50' to 30'; a **Variance** of the building setback required in an RM-3 district from the centerline of East 8th Street from 50' to 30'; a **Variance** of the building setback required in an IM district abutting an R district from 75' to 0'; a **Variance** of the required off-street parking area setback of the off-street parking area in the IM district within 50' of an R district from 50' to 0'; a **Variance** of the requirement that 15% of the required street yard on East 8th Street be established and maintained as a landscaped area; and a **Variance** to permit the required number of trees within a street yard to be located throughout the Center site, per plan, finding this to be compatible with the neighborhood, with multiple hardships, and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

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



SUTICA AVE

E 8th St S

S WHEELING AVE

E 11th St S

0 50 100
Feet



Subject
Tract

BOA-22350

19-13 06

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

Aerial Photo Date: February 2016



4.9



0 200 400
Feet



Subject
Tract

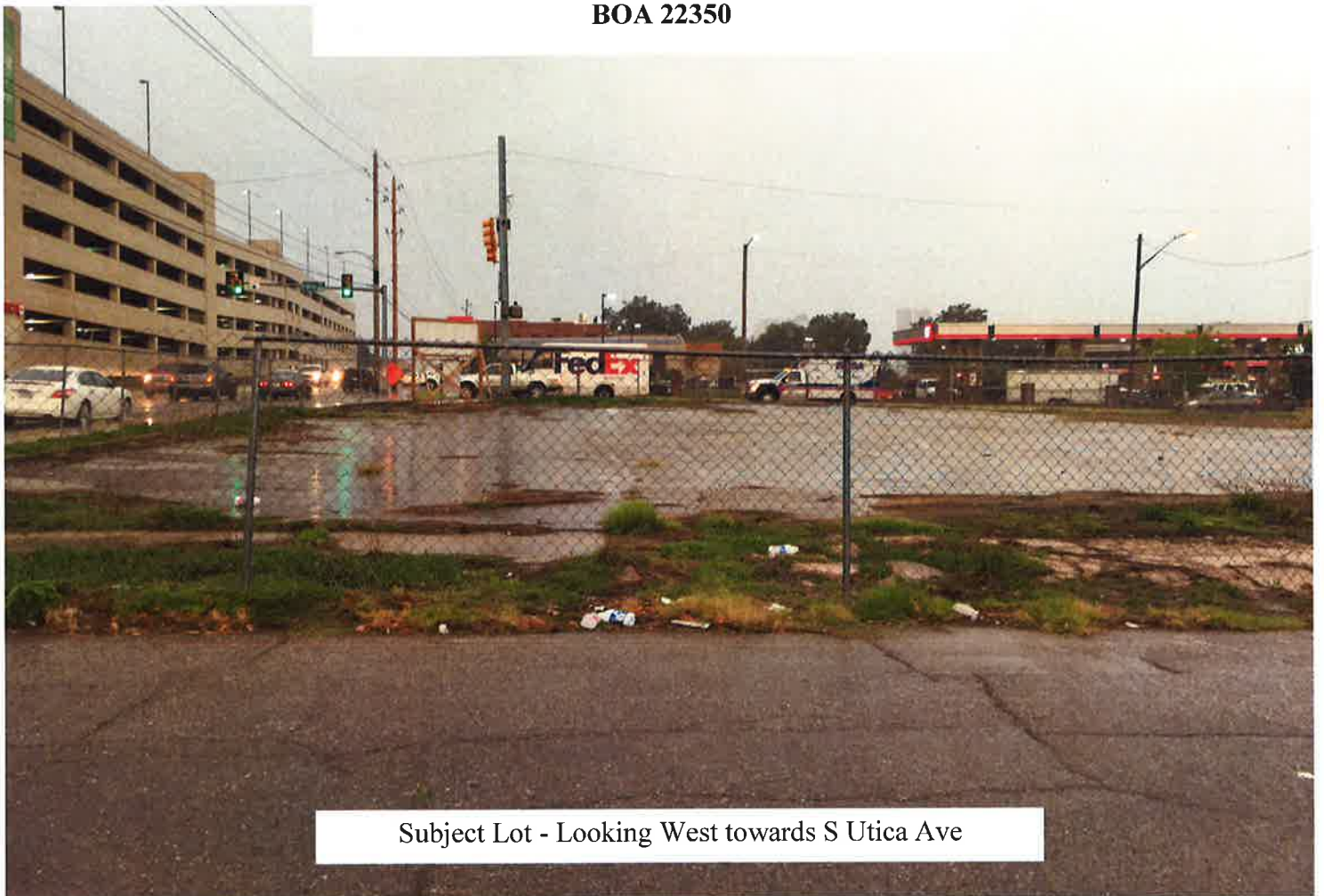
BOA-22350

19-13 06

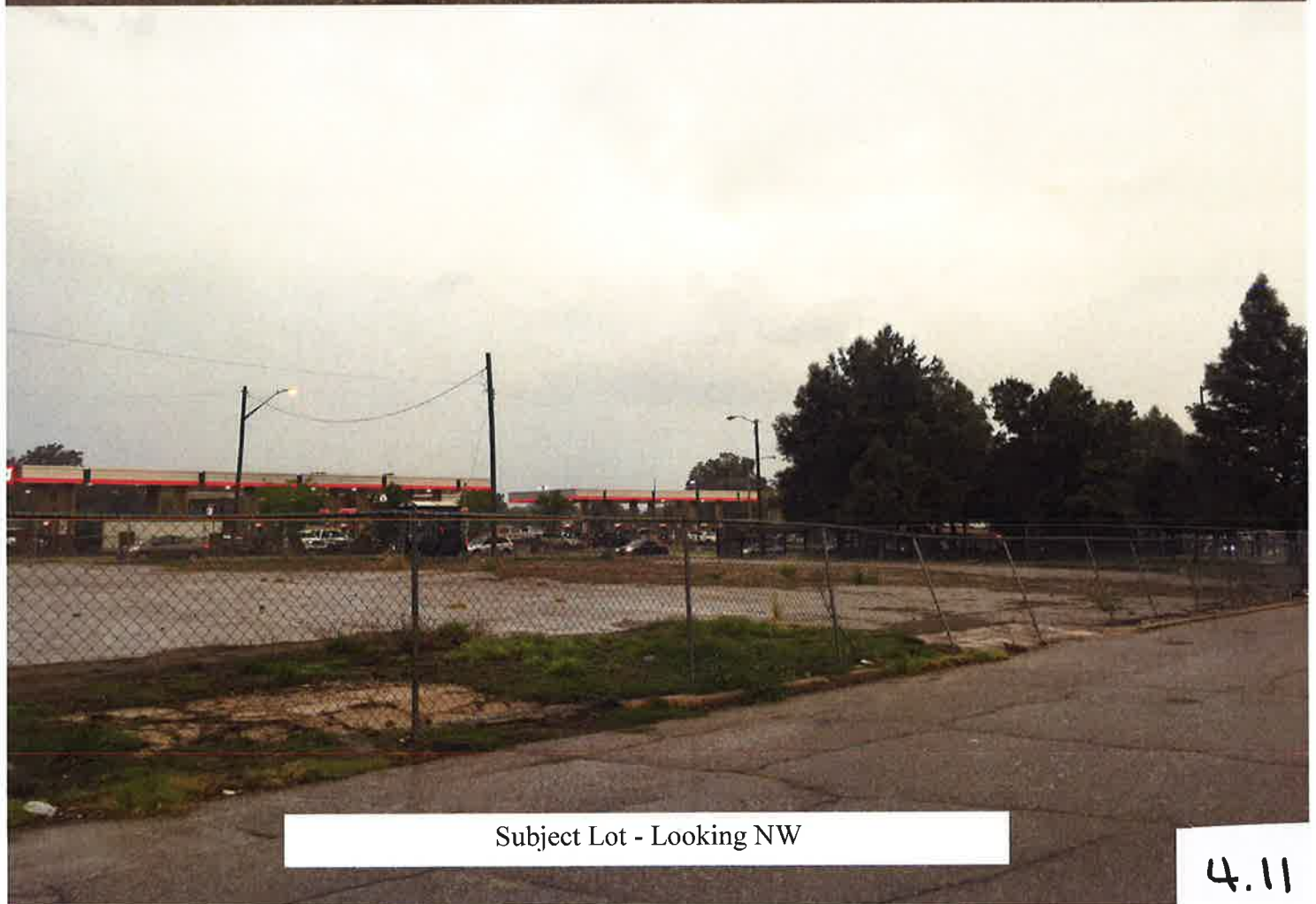
Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: February 2016

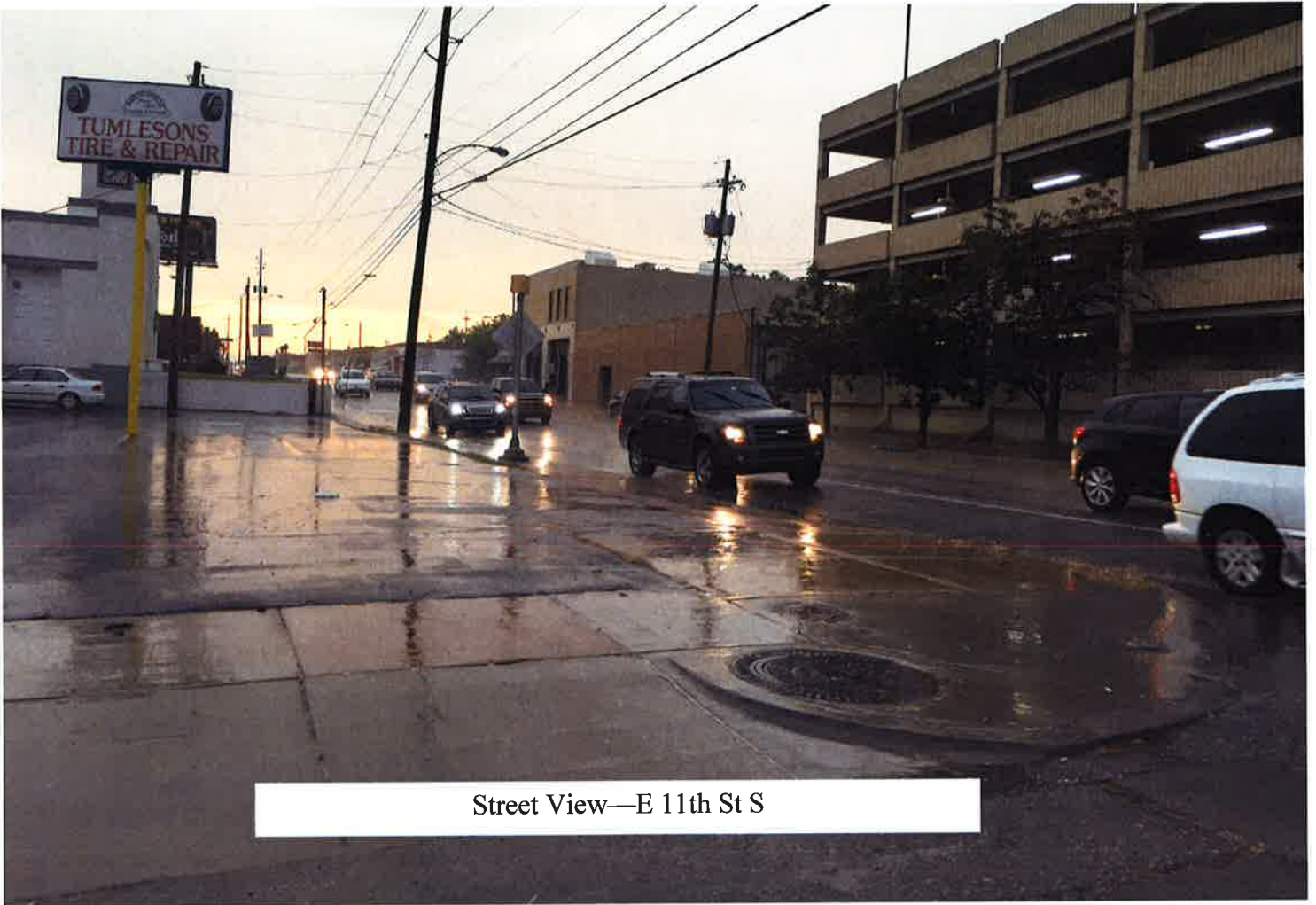




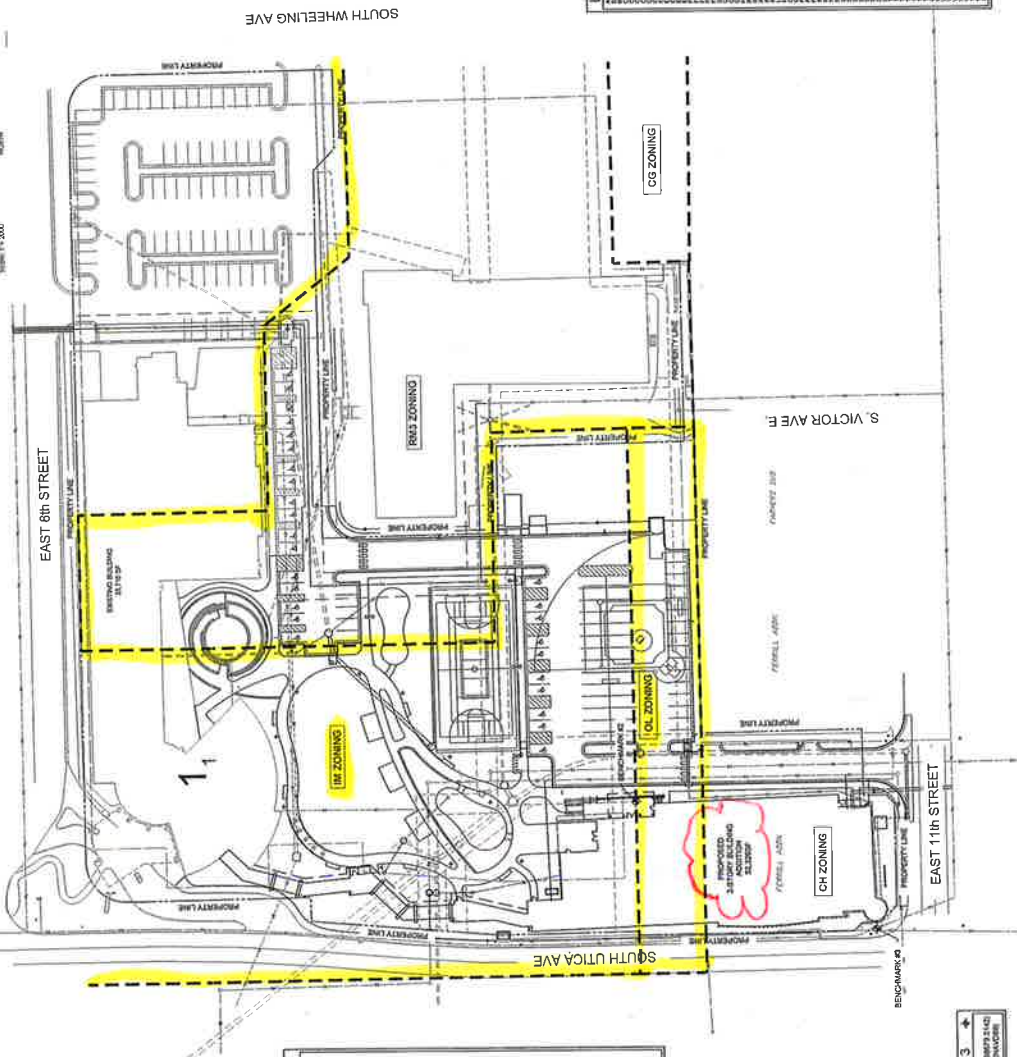
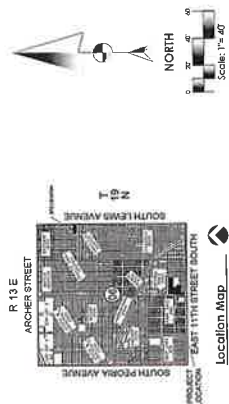
Subject Lot - Looking West towards S Utica Ave



Subject Lot - Looking NW



Street View—E 11th St S

[illegible]

Site Data: Land Area Summary NET LAND AREA 2.0980 Building Data TOTAL BUILDING AREA NEW BUILDING AREA TOTAL BUILDING AREA 32,714 SF 32,714 SF 32,714 SF		32,714 SF 32,714 SF 32,714 SF	32,714 SF 32,714 SF 32,714 SF
Site Data ZONING Building Data TOTAL BUILDING AREA NEW BUILDING AREA TOTAL BUILDING AREA 32,714 SF 32,714 SF 32,714 SF		32,714 SF 32,714 SF 32,714 SF	32,714 SF 32,714 SF 32,714 SF
Site Data ZONING Building Data TOTAL BUILDING AREA NEW BUILDING AREA TOTAL BUILDING AREA 32,714 SF 32,714 SF 32,714 SF		32,714 SF 32,714 SF 32,714 SF	32,714 SF 32,714 SF 32,714 SF

ADS Benchmark 1 PC: 486, 16MB, 100MHz OS: Windows 95 ELEVATION: 731.95 (NAVD83)	Benchmark 1	ADS Benchmark 2 PC: 486, 16MB, 100MHz OS: Windows 95 ELEVATION: 731.95 (NAVD83)	Benchmark 2	Benchmark 3 PC: 486, 16MB, 100MHz OS: Windows 95 ELEVATION: 731.95 (NAVD83)
---	--------------------	---	--------------------	---

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: 1025004-2

September 14, 2017

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

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

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

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

4.14

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. 426622

815 S UTICA AV E

September 14, 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.

NOTE: TWO NEW ITEMS (#9 & #10) HAVE BEEN ADDED TO THIS LOD.

1. **UNRESOLVED IBC Sec.105.3.2:** To obtain a permit, the applicant shall first file an application that describes the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work. The proposed building crosses multiple lot lines.
Review comment: A lot combination is required for new buildings built across multiple lot lines. Submit a lot combination approved by the TMAPC, stamped and signed by the County Clerk, and filed at the County Courthouse.
2. **UNRESOLVED Sec.15.020 Table 15-2:** The proposed Community Center is designated a Public, Civic & Institutional/Government Services, NEC and is located in the CH/OL/IM/RM-3 zoning districts. This Use will require a Special Exception approved by the BOA.
Review comment: Submit an approved BOA Special Exception, reviewed and approved per Sec.70.120, to allow a Public, Civic & Institutional/Government Services, NEC to be located in the CH/OL/IM/RM-3 zoning districts.
3. **UNRESOLVED Sec.70.080-B1a (2):** No building permit or zoning clearance permit may be issued until that portion of the subject parcel for which the permit is sought has been included within a subdivision plat or replat, submitted to and approved by the planning commission, and filed of record in the county clerk's office of the county in which the property is located. This platting requirement applies to any property for which a special exception was approved for a public, civic or institutional use. The planning commission is authorized to waive the platting requirement.
Review comment: Submit a copy of the approved plat waiver, the subdivision plat, or replat, submitted to and approved by the Planning Commission, and filed of record in the office of the County Clerk where the property is situated.
4. **UNRESOLVED Sec.70.080-C:** Applications for a Building Permit shall include a site plan that provides zoning data for the Zoning review portion of the Building Permit application.
Review comment: Resubmit page GE05 with the following changes/additions:

- North arrow: The direction of the North arrow is incorrect on pages A1.1, A1.2, A1.3, A1.4 &

A1.5. The elevations are incorrect on pages A2.1, A2.2, A2.3 & A2.7. Provide corrected directions/elevations

- Change drawing scale to 1" = 30';
- Legal description of the lot;
- Actual shape and *dimensions of the lot*;
- Location of public rights-of-way;
- The location and dimensions of existing buildings or structures, including distances to lot lines;
- The location, dimensions and height of proposed buildings or structures, including distances to lot lines;
- Architectural projections for existing and proposed buildings and structures, i.e. stairs, porches, balconies, fireplaces, roof overhangs, etc.;
- The intended use of existing and proposed buildings, structures or portion of the lot;
- The setbacks from the proposed new buildings or structures and alterations of existing buildings or structures to the centerline of abutting right-of-way;
- Location and dimensions of parking areas. This includes the parking spaces, the maneuvering areas necessary to enter and exit the spaces and the drives providing access to the parking spaces and maneuvering areas from a public or private street or other parking areas.

5. **UNRESOLVED** Sec.55.020 Table 55-2: The minimum parking ratio is established as part of special exception.

Review comment: Submit a site plan a providing parking area compliant with the ratio established as part of special exception.

6. **RESOLVED** Sec.55.060-B1: Short-term bicycle parking spaces must be provided in accordance with the minimum ratios established in Table 55-3.

Review comment: Submit a site plan providing short term bicycle parking compliant with this section.

7. **RESOLVED** Sec.65.060-B2: All dumpsters and recyclable material bins must be screened from view of the street and all abutting properties. Required screening must consist of an F1 screening fence or wall in accordance with Sec.65.060-C2. One side of the storage area must be furnished with an opaque, lockable gate.

Review comment: Provide screening schematics for the trash enclosure compliant with this section. Per Sec.65.060-C2b, F1 screening requirements may be met by either of the following options:

- (1) The installation of an opaque fence at least 6 feet in height and at least one tree per 25 linear feet of fence; or
- (2) The installation of a masonry wall with a minimum height of 6 feet.

8. **RESOLVED** Sec.65.090-C1a **Lighting Plans:** Outdoor lighting plans demonstrating compliance with the standards of this section are required with the submittal of a site plan. Applicants have 2 options for the format of the required lighting plan; (1) Fixture Height Standard Lighting Plan; or (2) Photometric Study Lighting Plan. If no outdoor lighting is proposed, a note must be placed on the face of the site plan indicating that no outdoor lighting will be provided.

Review comment: Provide an outdoor Fixture Height Standard Lighting Plan compliant with Sec.65.090-C. The following information is required:

- 1) Fixture height standard lighting plans must include at least the following:
- 2) A scale drawing of the site with all outdoor lighting locations shown;
- 3) Fixture specifications; including catalog cut-sheets or generic standards;
- 4) Pole type and height of fixture;

- 5) Lamp type and size; and
- 6) Fixture mounting and orientation.

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

Table 65-1: Maximum Light Fixture Heights

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

9. **NEW ITEM** Sec.15.030-A Table 15-3: The North 125' of the proposed building is located in the OL and IM zoning district. The building setback from the property line in these districts is 10'. The setback provided on your site plan is less than 10'.

Review comment: Submit a site providing a 10' building setback from the property line.

10. **NEW ITEM** Sec.15.030-A Table 15-3: The corridor connecting the proposed and existing building to the North is located in the IM zoning district. The building setback from the property line is 10'. Portions of the corridor are setback less than 10'.

Review comment: Submit a site providing a 10' building setback from the property line for all sections of the corridor.

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.

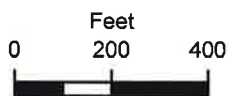
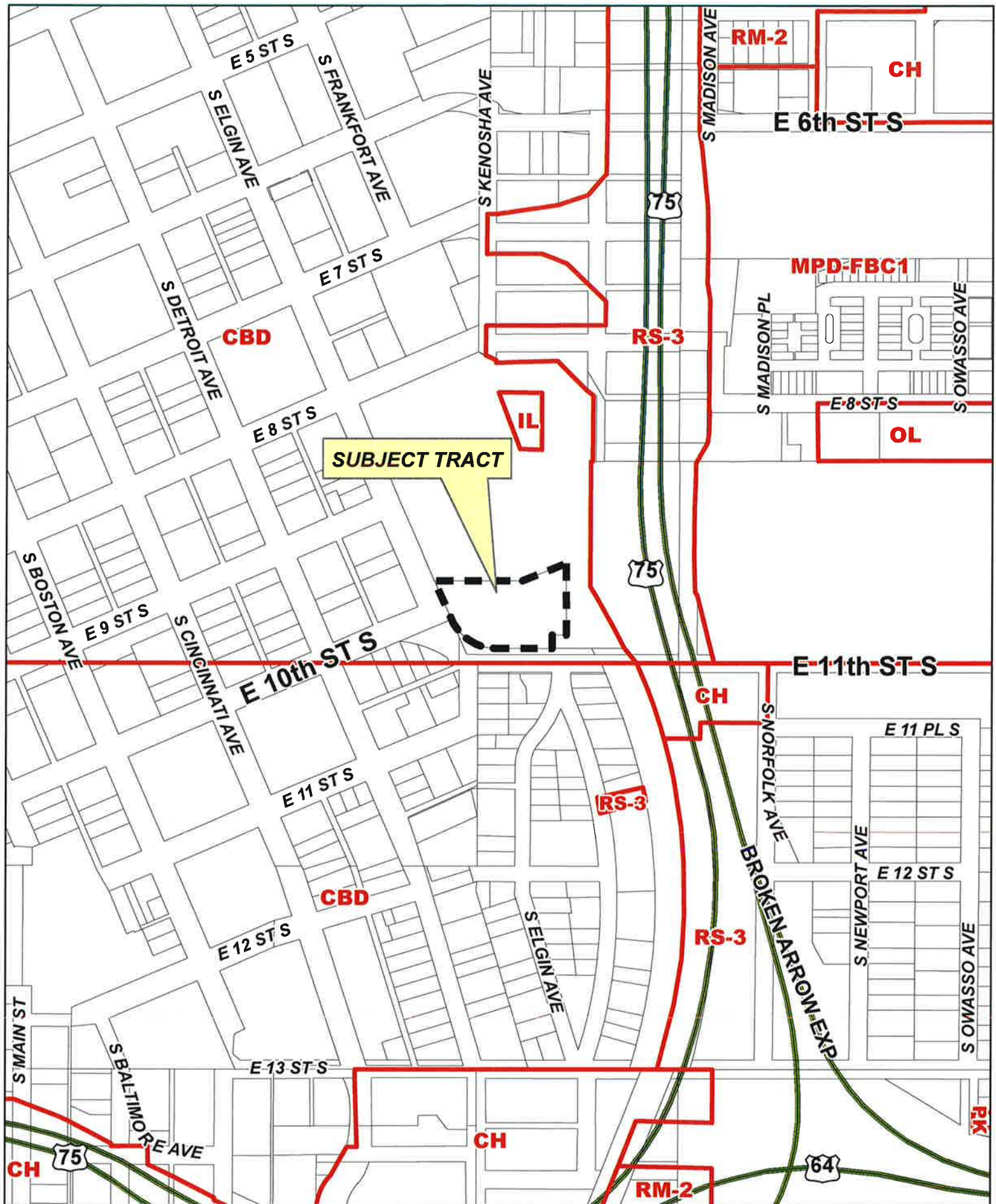
A hard copy of this letter is available upon request by the applicant.

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.

**THIS PAGE
INTENTIONALLY
LEFT BLANK**



BOA-22353

19-12 01

5.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9201

Case Number: **BOA-22353**

CZM: 36

CD: 4

A-P#: 430512

HEARING DATE: 11/07/2017 1:00 PM

APPLICANT: Joseph Hull

ACTION REQUESTED: Spacing Verification for a liquor store in CBD (Section 40.300) from plasma centers, day labor hiring centers, other liquor stores, bail bond offices, and pawn shops.

LOCATION: Northeast corner of S Elgin Ave and E 11th Street S **ZONED:** CBD

PRESENT USE: Liquor Store

TRACT SIZE: 86,632.48 SQ FT

LEGAL DESCRIPTION: PRT LT 1 BEG 236.02W SECR THEREOF TH W184.40 NWLY CRV RT 204.73 NW124.97 E300.19 NE153.95 S233.28 W46.78 S42.89 POB BLK 1, HOME DEPOT NORTH TULSA, TULSA-ORIGINAL TOWN

RELEVANT PREVIOUS ACTIONS:

Subject Lot:

BOA 21679; on 02.11.14 the Board **approved** a Spacing Verification for a liquor store in the CBD from blood banks, plasma centers, day labor hiring, other liquor stores, and pawn shops.

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

Downtown Core is Tulsa's most intense regional center of commerce, housing, culture, and entertainment. It is an urban environment of primarily high-density employment and mixed-use residential uses, complemented by regional-scale entertainment, conference, tourism, and educational institutions. Downtown Core is primarily a pedestrian-oriented area with generous sidewalks shaded by trees, in-town parks, open space, and plazas. The area is a regional transit hub. New and refurbished buildings enhance the pedestrian realm with ground-floor windows and storefronts that enliven the street. To support downtown's lively and walkable urban character, automobile parking ideally is located on-street and in structured garages, rather than in surface parking lots.

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.

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted on the north, south, and west by CBD zoned commercial uses. The east side of the property is abutted to RS-3 zoning and Highway 75.

STAFF COMMENTS:

To permit expansion of the existing liquor store the applicant is before the Board requesting a Spacing Verification for a liquor store in the CBD from bail bond offices, plasma centers, day labor hiring centers, other liquor stores, and pawn shops.

The property is zoned CBD and a liquor store is permitted by right in the CBD district so long as it meets the spacing requirement of 300 ft. from **bail bonds offices, plasma centers, day labor hiring centers, and other liquor stores**. The spacing requirement must be verified before the Board of Adjustment in a public hearing to distribute public notice to property owners within the required distance radius. Surrounding neighbors and property owners are provided the ability to notify the Board of any conflicting uses within the required spacing radius.

The applicant submitted an exhibit indicating a radius around the subject property that contains the existing liquor store and has labeled all uses of property within the subject building and that radius in support of the verification. Staff did not notice any of the above-mentioned conflicting uses within 300 ft. of the subject site.

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

I move that based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing to permit expansion of the existing liquor store subject to the action of the Board being void should another liquor store or other conflicting use be established prior to the establishment of this liquor store.

Action Requested:

Spacing Verification for a liquor store (Use Unit 14) in the CBD from blood banks, plasma centers, day labor hiring centers, other liquor stores, and pawn shops (Section 1214.C.3). **LOCATION:** 901 South Elgin Avenue South (Applicant Space: 401 East 11th Street) (CD 4)

Presentation:

Joseph L. Hull, IV, 2924 South Detroit Avenue, Tulsa, OK; stated he is representing Modern Spirits a purveyor of fine wines and spirits. The store is proposed to open in the historic Warehouse Market building.

Mr. Henke stated the Board is in receipt of the applicant's survey.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) based upon the facts in this matter as they presently exist to **ACCEPT** the applicants request for a Spacing Verification for a liquor store from blood banks, plasma centers, day labor hiring centers, other liquor stores, bail bond offices and pawn shops subject to the action of the Board being void should another referenced conflicting use be established prior to this liquor store; for the following property:

Lot 1, Block 1, Cab addition, an addition to the City of Tulsa, Tulsa County, Oklahoma, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA



Feet
0 200 400



Subject
Tract

BOA-22353

19-12 01

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

Aerial Photo Date: February 2016





0 50 100
Feet



Subject
Tract

BOA-22353

19-12 01

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

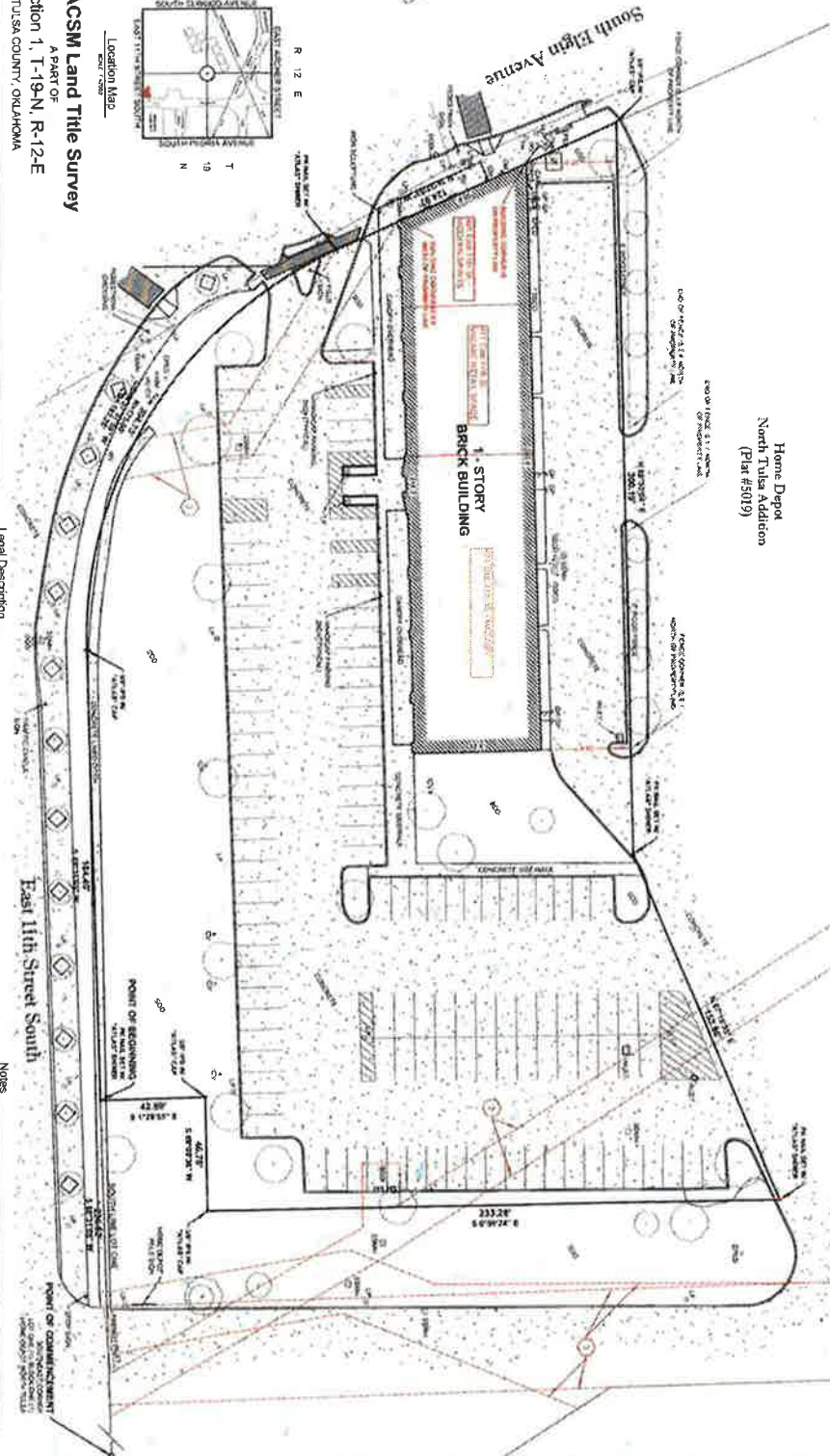
Aerial Photo Date: February 2016

5.6





ALTA/MACSM Land Title Survey
A PART OF
Section 1, T-19-N, R-12-E
TULSA COUNTY, OKLAHOMA

[illegible]

Legal Description	Map of Land
<p>SECTION 36, TOWNSHIP 36N, RANGE 12E, MOON BEACH, MOON BEACH TOWNSHIP, TULSA COUNTY, OKLAHOMA, IN ACCORDANCE TO THE CITY OF TULSA, OKLAHOMA, PLAT 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 88</p>	

[illegible]

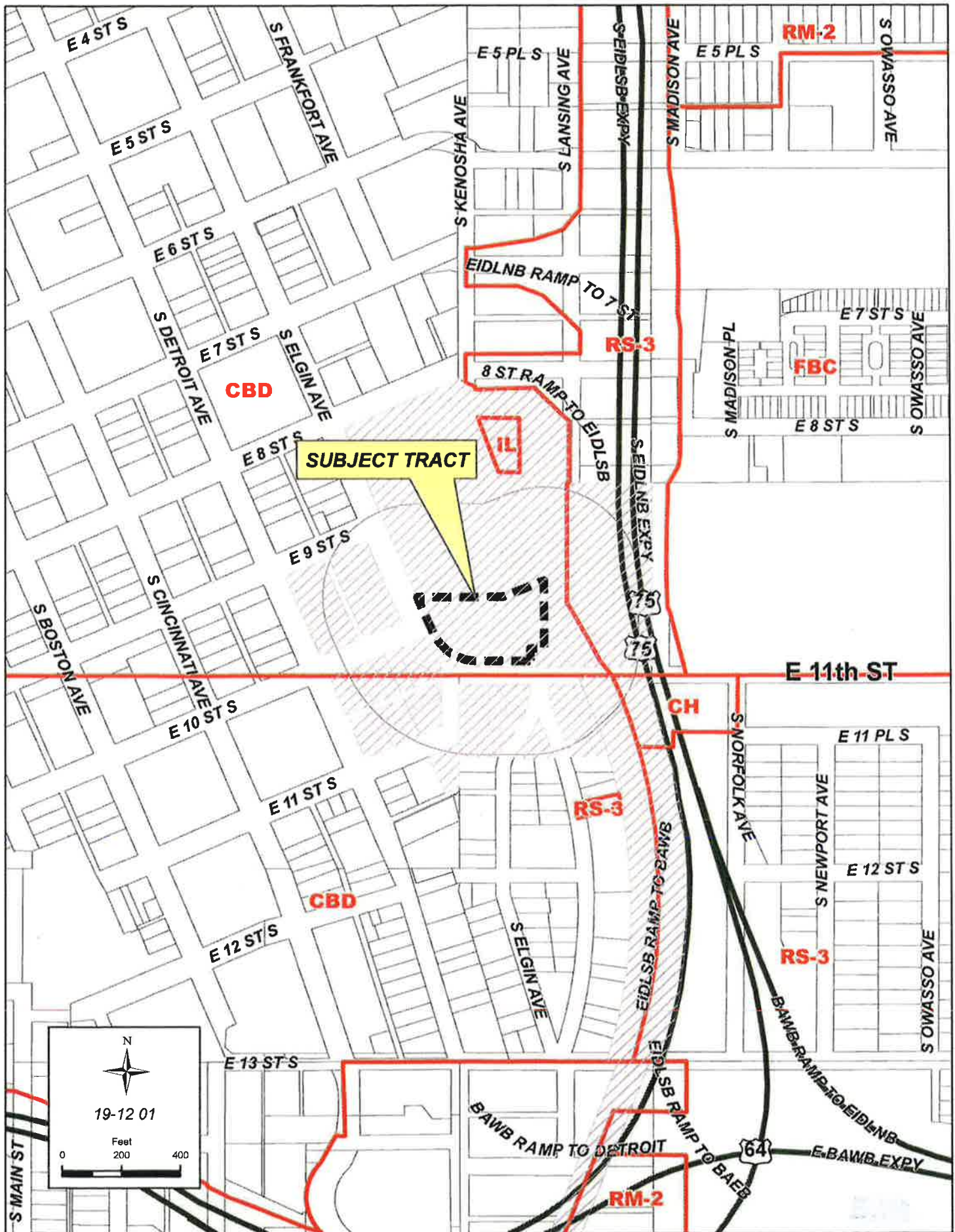
11. $4\sqrt{3}$



ATLAS LAND OFFICE, LLC
 CALL 8732 EXT 630-7014
 WWW.ATLASLANDOFFICE.COM
 (918) 487-8787

PREPARED FOR: BOSTON AVENUE REALTY LLC			
CHECKED BY	AMJ	SCALE	1" = 20'
SURVEY BY	BOC	DRAWN BY	INB
SURVEY DATE	3/22/13	JOB NUMBER	12109
BOOK/SECTION	200/20	FILE NUMBER	11272000





Joseph L. Hull, IV d/b/a Modern Spirits
Index to Board of Adjustment
Spacing Verification Exhibit

Lot #	Description of Current Usage
1	Fitness/Gym Facility
2	Retail/Wholesale Bar Supplies
3	Lot - Outdoor Industrial Storage
4	Lot - Outdoor Industrial Storage
5	Gunboat Park North
6	Single Family Residence
7	Single Family Residence
8	Single Family Residence
9	Convenience Store
10	Parking Lot
11	Parking Lot
12	Multi Family Residential
13	Multi Family Residential
14	Single Family Residence
15	Warehouse/Garage
16	Multi Family Residential
17	Cleaners
18	IT Services
19	Parking Lot
20	Parking Lot
21	Parking Lot
22	Vacant Warehouse
23	Warehouse/Law Office
24	Single Family Residence
25	Multi Level Parking Facility
26	Parking Lot
27	Parking Lot
28	Multi Tenant Commercial High Rise
29	Multi Tenant Commercial High Rise
30	Parking Lot

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: 1031782-1

September 25, 2017

JOSEPH HULL IV
MODERN SPIRITS
401 E 11TH ST
TULSA, OK 74120

Phone: (918)814-2725
Fax: (918)582-7830

APPLICATION NO: **430512** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 401 E 011 ST S
Description: ALTERATION - INTERIOR

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 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" **[X] IS [] IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

5.12

REVIEW COMMENTS

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

Application No. 430512

401 E 011 ST S

September 25, 2017

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

Sec.40.300-A: Plasma centers, day labor hiring centers, liquor stores, bail bond offices and pawn shops must be separated by a minimum distance of 300 feet, provided that bail bond offices located within the CBD district are not subject to this separation requirement.

Sec.40.300-B: For uses established after July 1, 2001, the separation distance requirement of *Sec.40.300-A* must be measured in a straight line from the nearest perimeter wall of the portion of the building occupied by one of the subject uses to the nearest perimeter wall of the portion of the building of any other subject use.

Review comment: The proposed expansion to the liquor store has relocated the east perimeter wall of the liquor store. This will require verification of the minimum 300' spacing between the liquor store and plasma centers, day labor hiring centers, other liquor stores, and pawn shops. Submit a copy of the 300' spacing verification, reviewed and approved, per Sec.70.110

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

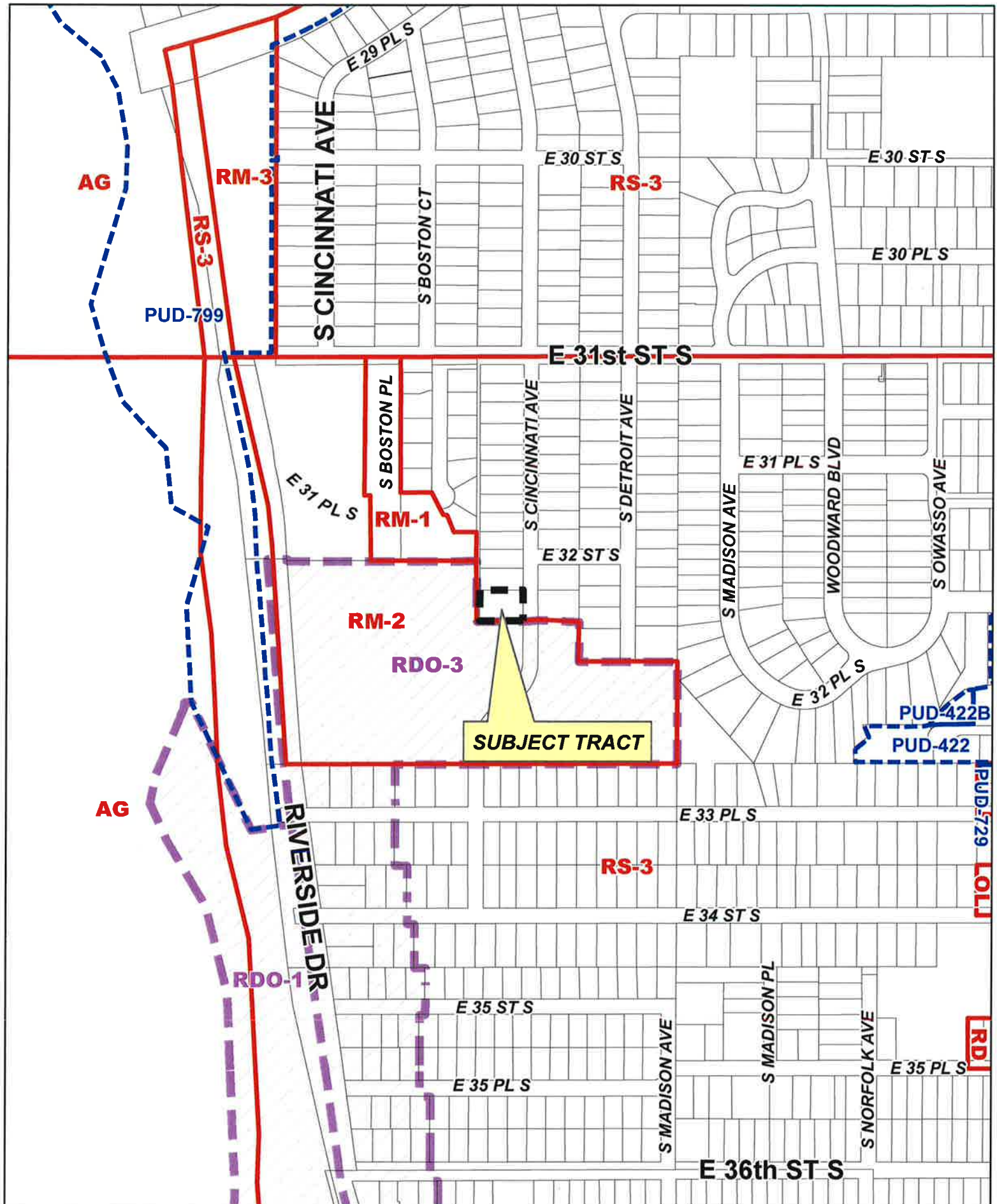
A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

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

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

**THIS PAGE
INTENTIONALLY
LEFT BLANK**



BOA-22354

19-12 24

6.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9224

Case Number: BOA-22354

CZM: 46

CD: 9

A-P#: 431010

HEARING DATE: 11/07/2017 1:00 PM

APPLICANT: Thad Le Clair

ACTION REQUESTED: Special exception to build a carport in the street setback area of an R district. (Section 70.120)

LOCATION: 3210 S CINCINNATI AV E

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 15,050.04 SQ FT

LEGAL DESCRIPTION: S.106 OF LT 8, 3200 RIVERSIDE DRIVE ADDN SUB L9-10 PEEBLES SECOND ADDN, PEEBLES SECOND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA 20479; on 05.22.07 the Board approved a special exception to permit a carport in the required front yard in an RS-3; variance of the side yard setback for a carport to .5 ft.; and a variance of the height of a carport. Located at 3152 S. Cincinnati 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.

6.2

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

STAFF COMMENTS:

As shown on the attached pictures the applicant is proposing an 18' x 20' carport within the required 25 ft. street (front) setback of the site. Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception:

- The area of a carport may not exceed 20 feet in length by 20 feet in width or 400 SF.
- A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.
- The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.
- The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.

Sample Motion

Move to _____ (approve/deny) a Special exception to build a carport in the street setback area of an R district. (Section 70.120)

- 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.

LT 6 & 7 LESS BEG SECR LT 7 TH W10 NE14.14 S10 POB BLK 1, GUY COOK
SUB, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

Case No. 20479

Action Requested:

Reconsideration of Case No. 20479:

Special Exception to permit a carport in the required front yard in an RS-3 (Section 210.B.10); Variance of the side yard setback for a carport to .5 ft. (Section 210.B.10.b); and a Variance of the height of a carport (Section 210.B.10.d), located: 3152 South Cincinnati Avenue East.

Presentation:

Lou Reynolds, 2727 East 21st Street, stated the applicant has torn down the previous carport to rebuild a structure more in line with the neighborhood. The height is 12 ft. 6 in. for the new structure. It does not interfere with the sight line. The applicant talked with Ms. Walsh, the interested party that was opposed to the size of the previous carport. She is in favor with this one with the stipulation that it is not enclosed. A site plan and photographs were provided (Exhibit F-1 and F-2).

Interested Parties:

Greg Jennings, expressed surprise that the carport in the photograph was approved by the Board. He question if what was built is the same as what was approved. He stated that he did not have a problem with this carport but in theory he had a big problem with carports.

Applicant's Rebuttal:

Mr. Reynolds responded that they moved the new carport over one foot rather than the previous six inches. He stated the garage is very small and it is difficult to get in and out of a modern car. He also pointed out this lot is deep and narrow. The house is toward the front and was built before the zoning code.

Board Action:

On **Motion of Stead**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Special Exception to permit a carport in the required front yard in an RS-3 (Section 210.B.10); Variance of the side yard setback for a carport to .5 ft. (Section 210.B.10.b); and a Variance of the height of a carport, subject to this being per plan as shown on page 11.6 in the agenda packet, 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; finding in granting the variance the platting of the property so many years ago necessitates giving the variance because the finding the literal enforcement of the terms of the code would result in

an unnecessary hardship, and that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district; and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

N.60 LT 7, PEEBLES SECOND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

NEW BUSINESS

Presentation:

Mr. Cuthbertson stated the new business:

Request for Interpretation of the Use Unit classification of a Biodiesel Production Facility with any applicable use conditions and restrictions, requested by the City Permit Office.

He stated the permit office suggested this is a Use Unit 27, which is heavy industrial classification permitted only in Industrial Use districts by right and in IM districts by special exception. Tulsa BioFuels, LLC submitted additional information to the permit office, which caused the permit office to reconsider a possible IL or IM classification.

Todd Stephens, 1538 East 5th Street South, introduced himself and his business partner, **Randy Kimberlin**.

Mr. Henke out at 4:38 p.m. and returned at 4:40 p.m.

Mr. Stephens suggested that the most consistent Use Unit designation for their facility would be Use Unit 25, IL zoning. He stated that IH is not appropriate zoning for their business.

He stated their company name is Tulsa BioFuels, LLC, founded in October 2005. The mission is to produce clean burning, alternative fuel for use in Tulsa. He explained they take a waste product, waste cooking grease and convert it to Biodiesel fuel. They obtain the waste product from local restaurants, produce the fuel and sell it to local companies, such as Tulsa Transit, Tulsa Public Schools and the City of Tulsa. They are fully funded and ready to start operations. He stated this is the final step before they begin. He informed the Board that this fuel burns about 70% cleaner than conventional diesel.

Mr. Stephens stated that Biodiesel is not a petroleum product. It is produced from vegetable oil or animal fats or oils. The fuel is produced at low temperatures and low pressure thresholds. It can be used in any diesel engine. It is a registered fuel



0 200 400
Feet



Subject
Tract

BOA-22354

19-12 24

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

Aerial Photo Date: February 2016





SBOSTON CT

SCINCINNATI AVE

E32 STS

0 50 100
Feet



Subject
Tract

BOA-22354

19-12 24

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

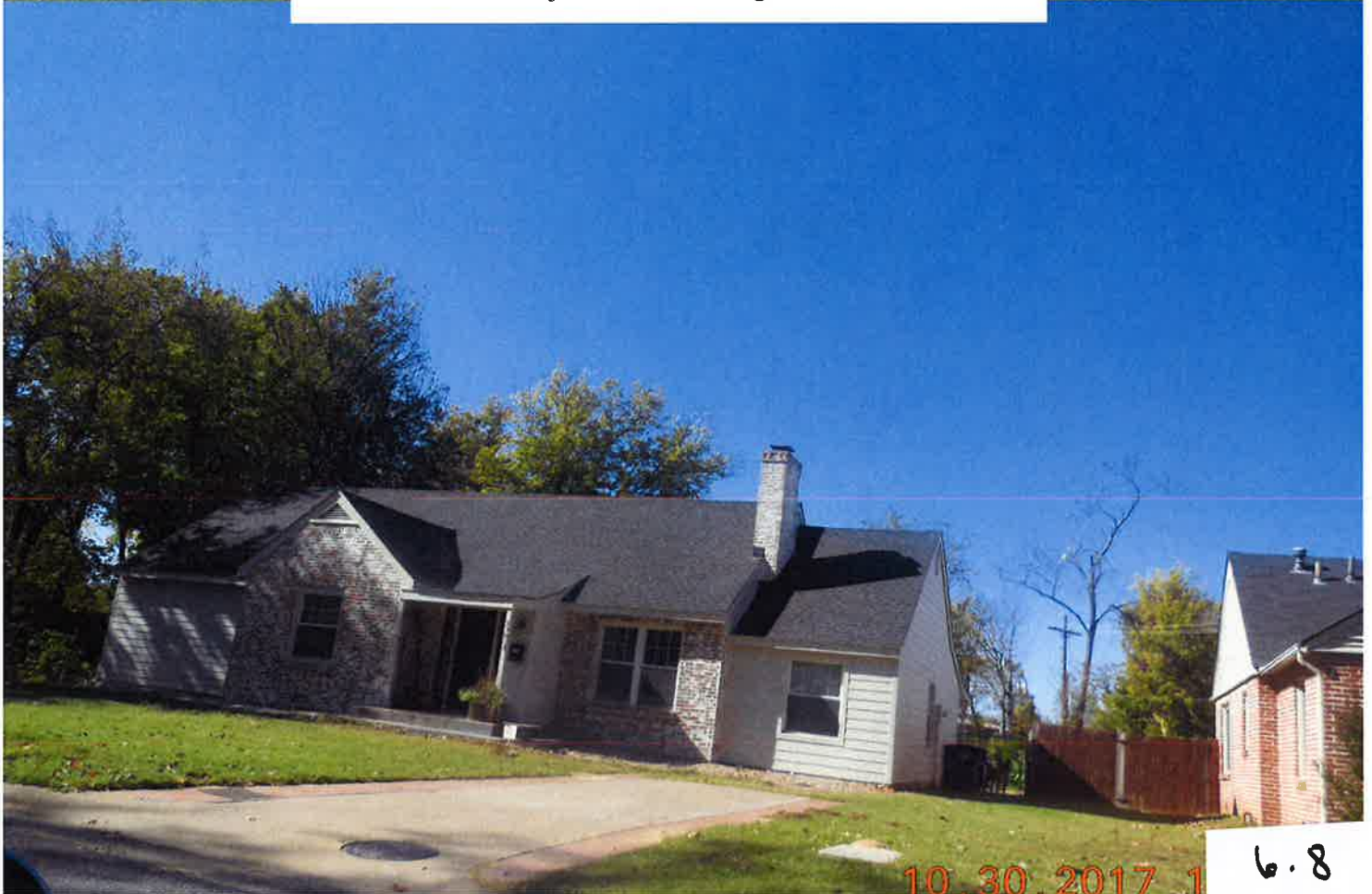
Aerial Photo Date: February 2016



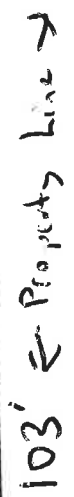
BOA 22354



Subject Lot - Looking West



6.8



Options & Upgrades



Ornamental Hardware



Custom Columns



Flush Inside 45°



Hex Cap Nut



Star



Rafter Clip



Butt Joint Flush



Post-to-Beam



T Tie Plate



Flush Inside 90°



Flush Outside 90°



Truss Base Fan

Ask about our OWT™ Packages!

Make it your own!

All OWT™ hardware is made of heavy gauge steel that is hot dipped galvanized after fabrication. The parts are then finished with an exterior grade powder coating for the ultimate protection in harsh environments.

Optional Installation

**OWT™
Post Base Kit**

*Available in 6"x6"
or 8"x8" Sizes*



www.lawn-master.com
877-553-9931

See a **Sales Associate** -or- www.homedepot.com/lawnmaster

6.10



General Information

- Site must be level within 6" prior to installation.
- When digging postholes, Lawn Master Outdoor Living, L.L.C. will schedule a utility line locate service to mark standard underground utilities.
- Customer is responsible for locating and marking all other underground obstructions such as, but not limited to sprinkler lines, sewer lines, or homeowner installed power, gas or water lines.
- Excavation, tree trimming, and removal of old structures are the responsibility of the customer.
- Lawn Master Outdoor Living, L.L.C. is NOT responsible for Home Owners' Association approvals.
- Typical pergola, pavilion, & patio pavilion installation includes cedar posts cemented 24" - 42" in ground. If rock is encountered during excavation, an additional charge (\$65 per hour in most cases) may apply.
- If installing structure on an existing concrete slab, concrete anchor kit option must be purchased prior to installation. Please contact Lawn Master Outdoor Living, L.L.C. for minimum slab requirements prior to installation. (Standard Pergola Model and / or Pavilions may require additional options.)
- If electrical power is not available within 100' of installation site, a fee of \$65 will be required for generator rental.
- Price quotations are valid for thirty (30) days from date of written proposal.
- Should a building permit be required in your area, Lawn Master Outdoor Living, L.L.C. will obtain the required permits for a fee of \$250. Should additional inspections, engineered drawings or any other fees be required by your municipality, those additional charges will be added to your purchase. All fees must be paid prior to installation.

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:

1033403-1

September 27, 2017

THAD LECLAIR
HOMEOWNER
3210 S CINCINNATI AV
TULSA, OK 74105

Phone: (918)630-4781

APPLICATION NO: **431010** *(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)*
Location: **3210 S CINCINNATI AV E**
Description: **NEW**

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

6.11
22354

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. 431010

3210 S CINCINNATI AV E

September 27, 2017

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

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

90.090 C2 Carports

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

Review Comments: The proposed (18.0 X 20.0) carport appears to be located in the 25 foot required front setback in an RS-3 zoning district and requires a special exception from the BOA.

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.

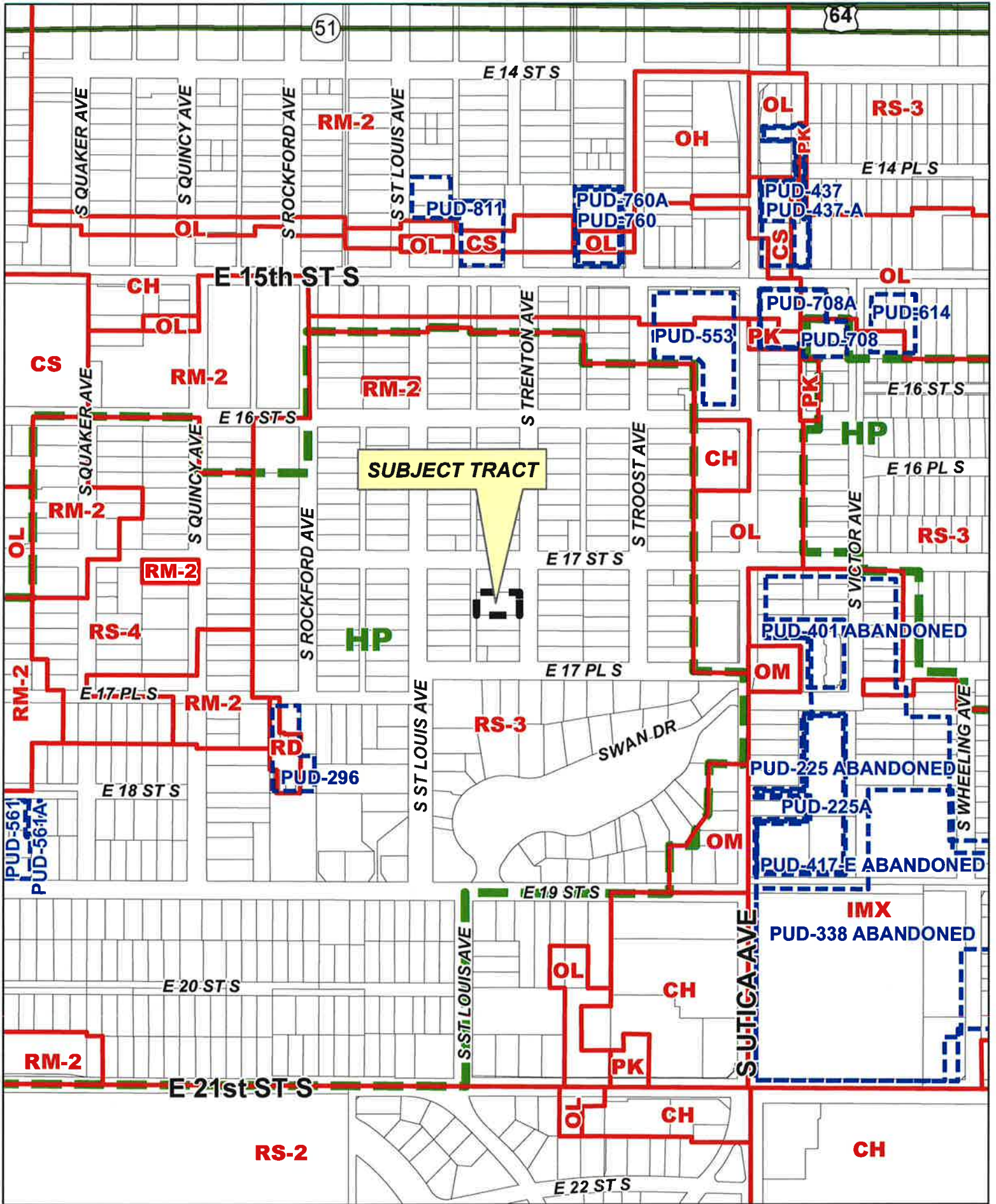
KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

6.12

**THIS PAGE
INTENTIONALLY
LEFT BLANK**

BOA-22355 – KEVIN SPARKS

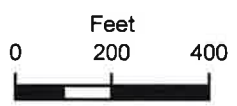
APPLICATION WAS WITHDRAWN BY STAFF



SUBJECT TRACT

BOA-22356

8.1



19-13 07



BOARD OF ADJUSTMENT CASE REPORT

STR: 9307

Case Number: BOA-22356

CZM: 37

CD: 4

A-P#: NA

HEARING DATE: 11/07/2017 1:00 PM

APPLICANT: Bridgette Staub

ACTION REQUESTED: Appeal of a Decision by the Tulsa Preservation Commission to deny a Historic Preservation Permit to replace six windows (Section 70.070-L).

LOCATION: 1710 S TRENTON AV E

ZONED: RS-3/HP

PRESENT USE: Residential

TRACT SIZE: 10,498 SQ FT

LEGAL DESCRIPTION: S 1/2 LT 2 & ALL LT 3 BLK 20, ORCUTT 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 in the Swan Lake Historic Preservation (HP) district and is surrounded by RS-3 zoned residences.

STAFF COMMENTS:

The owner of the subject lot submitted a permit application to the Tulsa Preservation Commission to allow for replacement of 6 windows on her located in the Swan Lake HP District. During the Preservation Commission hearing on 09.26.17 (see attached minutes) the Commission denied the applicant's request to replace 6 deteriorated windows on her home. The applicant has submitted to the Board an appeal of the decision made by the Tulsa Preservation Commission during their 09.26.17 hearing.

The applicant and the Tulsa Preservation Commission staff have provided the Board with documentation and records related to the requested appeal; these records are attached to this case report for the Board's review.

SECTION 70.140 APPEALS OF ADMINISTRATIVE DECISIONS

Appeals of administrative decisions may be filed by any person aggrieved by the land use administrator's, the development administrator's or other administrative official's decision or action. The board of adjustment is authorized to make determinations about whether individuals filing appeals are "aggrieved" by the decision or action.

In exercising the appeal power, the board of adjustment has all the powers of the administrative official from whom the appeal is taken. The board of adjustment may affirm or may, upon the concurring vote of at least 3 members, reverse, wholly or in part, or modify the decision being appealed.

In acting on the appeal, the board of adjustment must grant to the official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.

The decision being appealed may be reversed or wholly or partly modified only if the board of adjustment finds that the land use administrator, the development administrator or other administrative official erred in their decision.



SST LOUIS AVE

STRENTON AVE

E 17 STS

E 17 PLS

E 17 PLS

SWANDR

0 50 100
Feet



Subject
Tract

BOA-22356

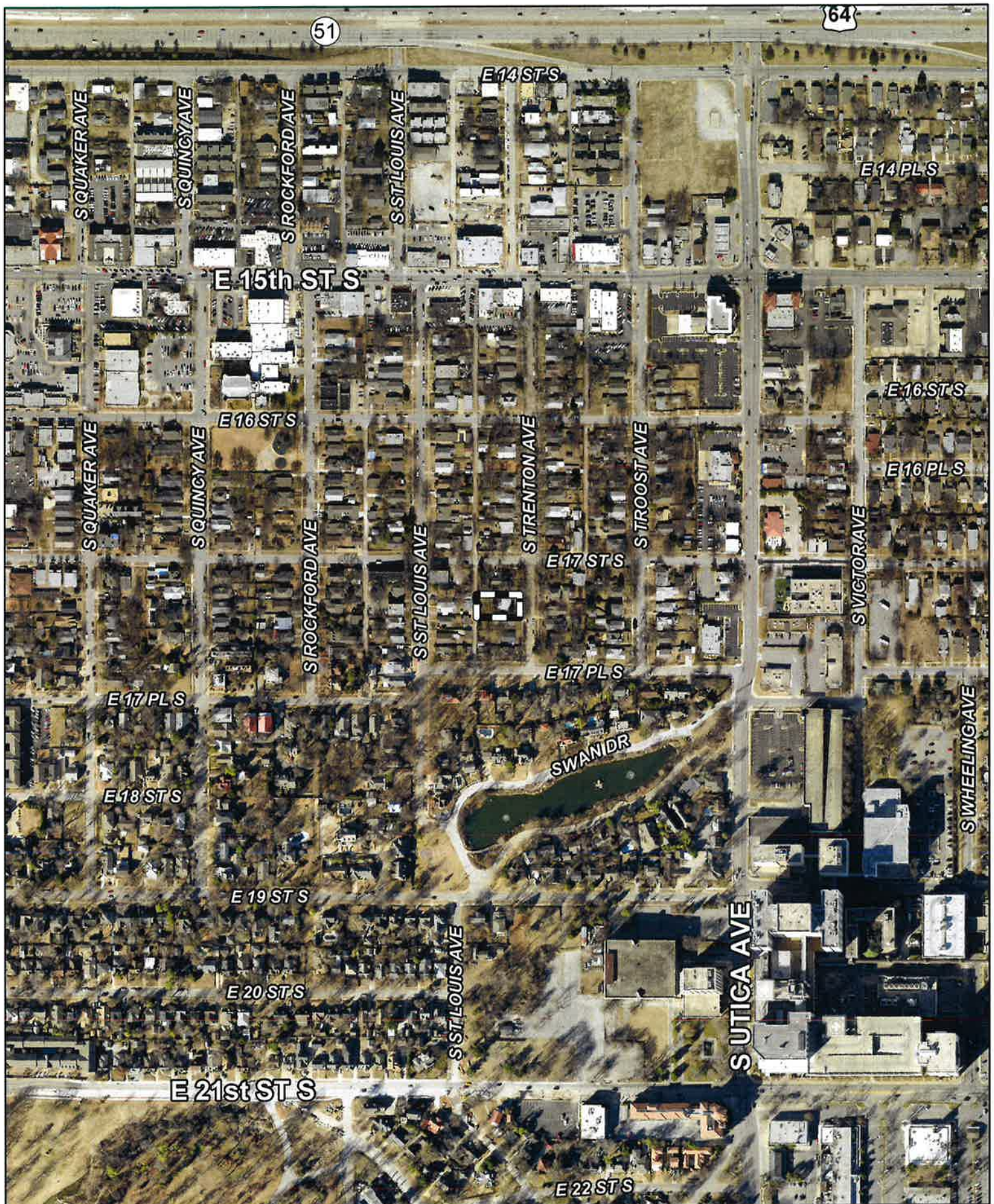
19-13 07

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

Aerial Photo Date: February 2016

8.4





51

64

E 14 ST S

E 14 PL S

E 15th ST S

E 16 ST S

E 16 PL S

E 16 ST S

STRENTON AVE

STROOST AVE

S VICTOR AVE

S WHEELING AVE

E 17 ST S

E 17 PL S

SWAN DR

E 17 PL S

E 18 ST S

E 19 ST S

E 20 ST S

E 21st ST S

E 22 ST S

S UTICA AVE



Subject Tract

BOA-22356

19-13 07

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

Aerial Photo Date: February 2016

8.5



BOA 22356



Subject Lot - Looking West



10.30.2017 1

8.6



TULSA PRESERVATION COMMISSION

REGULAR MEETING MINUTES

Tuesday, September 26, 2017, 4:30 P.M.

City Hall @ One Technology Center, 175 East 2nd Street
10th Floor - North Conference Room

A. Opening Matters

1. Call to Order and Verification of Quorum

Chairman Craddock called the Regular Meeting to order at 4:37 P.M.

Members Present

Mike Craddock, Chair
David Schoell, Secretary
Chris Bumgarner
Susan McKee
Robert Shears
Mary Lee Townsend
Jim Turner

Members Absent

Michael Birkes
Peter Grant
David Pounds
Ted Reeds

Staff Present

Jed Porter, Addison Spradlin, Bob Edmiston

Others Present

Shaun Schaefer, Bridgette Staub, Dean Wersal

2. Approval of Minutes from September 14, 2017

Commissioner Townsend made a motion to approve the Minutes. The motion was seconded by Commissioner McKee and approved unanimously.

Vote: Meeting Minutes, September 14, 2017

<u>In Favor</u>	<u>Opposed</u>	<u>Abstaining</u>	<u>Not Present</u>
1. Craddock			Birkes
2. Schoell			Grant
3. Bumgarner			Pounds
4. McKee			Reeds
5. Shears			
6. Townsend			
7. Turner			

3. Disclosure of Conflicts of Interest
No Conflicts of Interest were disclosed.

B. Actionable Items

1. HP-17-092 / 1710 S. Trenton Ave. (Swan Lake)

Applicant: Bridgette J. Staub

Request:

1. Replacement of six windows

Staff presented its report. The applicant was present and commented that, because she was unaware of the requirement for an Historic Preservation Permit, a deposit of \$2,500 had already been provided to Window World of Tulsa and that, having become aware of the preference for exterior muntins, inquiries about their availability and expense had been pursued. The applicant was informed by Window World of Tulsa that vinyl muntins would add \$200 to the expense of each window and had therefore contacted several sources about wooden and aluminum muntins but was unsuccessful. Commissioner Craddock noted that the guidelines must be addressed, adding that distributors were aware of the requirement for a permit in the districts, and the applicant responded that the dealer was surprised by the existence of the guidelines. Commissioner Shears requested clarification about the type of windows on the second story and was informed that the windows were double-hung, metal windows which had been patched with painter's tape by the previous owner. Commissioner Turner commented on the appearance of vinyl windows, noting that they lacked resemblance to historic windows. The applicant commented on the distortion created by the storm windows currently installed, and Commissioner Shears agreed, adding that vinyl windows likewise created distortion as they lacked depth. Commissioner Schoell commented on his personal experience with vinyl windows, noting that the vinyl windows installed on his previous residence failed to perform satisfactorily.

within six years. The applicant responded that these windows offered an affordable solution and that guarantees had been provided. Commissioner McKee inquired about the condition of the windows and was informed that they were in "terrible condition" with some windows being held together with tape. Commissioner Turner then commented on the existing windows, noting that the sash seemed to have been placed where the trim would have been and expressing concern about a lack of connection for any windows proposed for installation. Commissioner Bumgarner noted that vinyl windows would limit the palette of color for the owner. Commissioner McKee inquired whether a refund had been requested and was informed that the manufacturer had been contacted immediately after the previous review but the windows were already in production. Commissioner Craddock commented that the vinyl windows lacked the detail which historically appropriate windows would have and noted that the manufacturer would be held to a standard of performance. The staff informed the applicant that the manufacturer was as responsible as the applicant for being informed about requirements and advised the applicant to seek the advice of an attorney, as Window World of Tulsa had sold windows which could not be installed. Commissioner Townsend proposed that the applicant request the manufacturer to supply the muntins. Commissioner Shears noted that the windows selected as the replacement for the picture window with its three panels did not match.

As there was no further discussion, Commissioner McKee made a motion to deny approval of the application. The motion was seconded by Commissioner Schoell and approved by majority. At the applicant's request, the staff was directed to provide an explanation of the denial, which could be used by the applicant during her negotiations with Window World of Tulsa.

Vote: 1710 S. Trenton Ave. (Swan Lake)

<u>In Favor</u>	<u>Opposed</u>	<u>Abstaining</u>	<u>Not Present</u>
1. Craddock	Turner	Bumgarner	Birkes
2. Schoell			Grant
3. McKee			Pounds
4. Shears			Reeds
5. Townsend			

2. HP-17-099 / 1624 S. Victor Ave. (Yorktown)

Applicant: Shaun Schaefer

Requests:

1. Installation of aluminum covers on window frames
2. Installation of aluminum covers on trim on doors

*Application to amend previous approval of an application
by Tulsa Preservation Commission on July 25, 2017*

September 29, 2017



Bridgette J. Staub
1710 South Trenton Avenue
Tulsa, Oklahoma 74120

Dear Ms. Staub:

Thank you for your participation in the review of your application during the Regular Meeting of the Tulsa Preservation Commission on September 26. This explanation of the denial of your application has been provided to assist you with the revision of your application and with your consultation with Window World of Tulsa about the production of windows which would be appropriate for your residence.

As noted in Section A.4.5 of the Unified Design Guidelines, whenever replacement of deteriorated windows is necessary, the replacements should match the historic windows with regard to the sash, size, shape, pattern of muntins, location, configuration, and tint. To address these requirements, the windows to be installed on your residence should have exterior muntins and should match the appearance of the existing windows: for example, the window selected as replacement of the picture window with three panels should have sash with the same dimensions and profile as the existing window, muntins which match as closely as possible those on the existing window, and the same number of panes with the same size, shape, location, configuration, and tint as those on the existing window. Unfortunately the windows presented as replacements during your review failed to satisfy these requirements.

Please contact our office for any assistance at your convenience. Should you wish to do so, please submit a complete revised application by October 5 to ensure its review during the Regular Meeting of the Tulsa Preservation Commission on October 12.

Sincerely yours,

Roy Malcolm Porter, Jr.

Roy Malcolm Porter, Jr., Ph.D., LEED AP
Historic Preservation Officer, City of Tulsa



175 East Second Street, Suite 560, Tulsa, Oklahoma 74103
918.576.5669 www.tulsapreservationcommission.org



HISTORIC PRESERVATION PERMIT DENIAL

An Historic Preservation Permit has been denied by the Tulsa Preservation Commission for work described below under the Zoning Ordinance of the City of Tulsa (Section 70.070) to **Bridgette J. Staub** for the address of **1710 South Trenton Avenue**, Tulsa, Oklahoma, located in the **Swan Lake Historic Preservation Overlay District**.

DENIED PROPOSAL

Replacement of six windows

Performing any work described under the Denied Proposal is a violation of the Zoning Ordinance and may result in revocation of building permits and/or code enforcement.

Roy Malcolm Porter, Jr.

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

Date issued: September 26, 2017
Number: HP-17-092



TULSA PRESERVATION COMMISSION

STAFF REPORT

Tuesday, September 26, 2017

HP-17-092

HP PERMIT NUMBER: HP-17-092

PROPERTY ADDRESS: 1710 S TRENTON AVE

DISTRICT: SWAN LAKE HISTORIC DISTRICT

APPLICANT: BRIDGETTE J. STAUB

REPRESENTATIVES: NONE

A. CASE ITEMS FOR CONSIDERATION

1. Replacement of six windows

B. BACKGROUND

DATE OF CONSTRUCTION: CA. 1940

ZONED HISTORIC PRESERVATION: 1994

NATIONAL REGISTER LISTING: SWAN LAKE HISTORIC DISTRICT, 1998

CONTRIBUTING STRUCTURE: YES

PREVIOUS ACTIONS: NONE

C. ISSUES AND CONSIDERATIONS

1. Replacement of six windows

- i. The applicant has proposed the replacement of six windows. According to the applicant's assessment, the windows have been damaged and are no longer energy efficient. During review of the application by the Tulsa Preservation Commission on September 14, additional information about the windows selected for replacement was requested, and an extension of the review was granted.

- ii. Reference: *Unified Design Guidelines - Residential Structures*

SECTION A - GUIDELINES FOR REHABILITATION OF EXISTING STRUCTURES

A.1 General Requirements

A.1.1 Retain and preserve the existing historic architectural elements of your home.

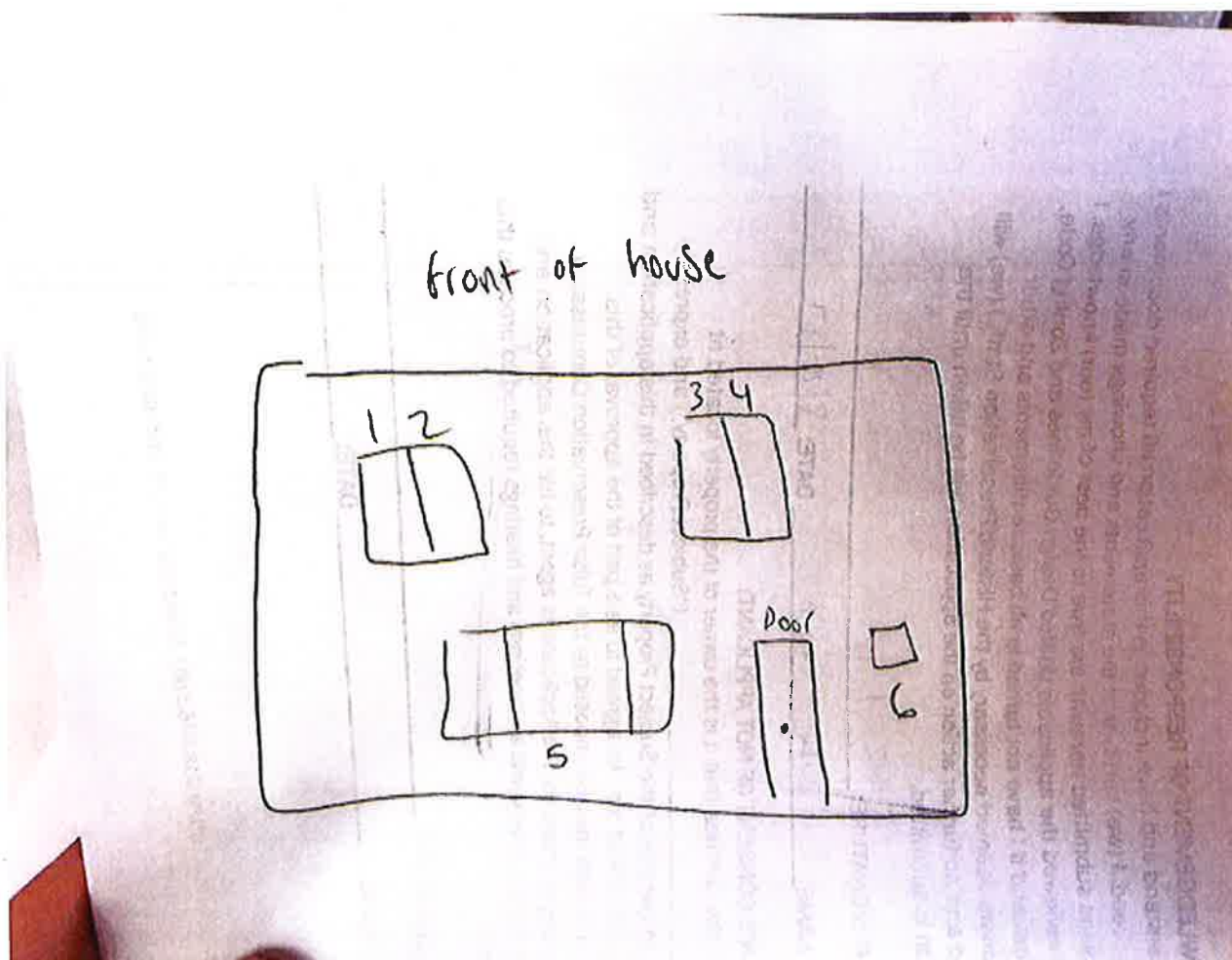
A.1.2 If replacement of historic architectural elements is necessary, match the size, shape, pattern, texture, and directional orientation of the original historic elements.

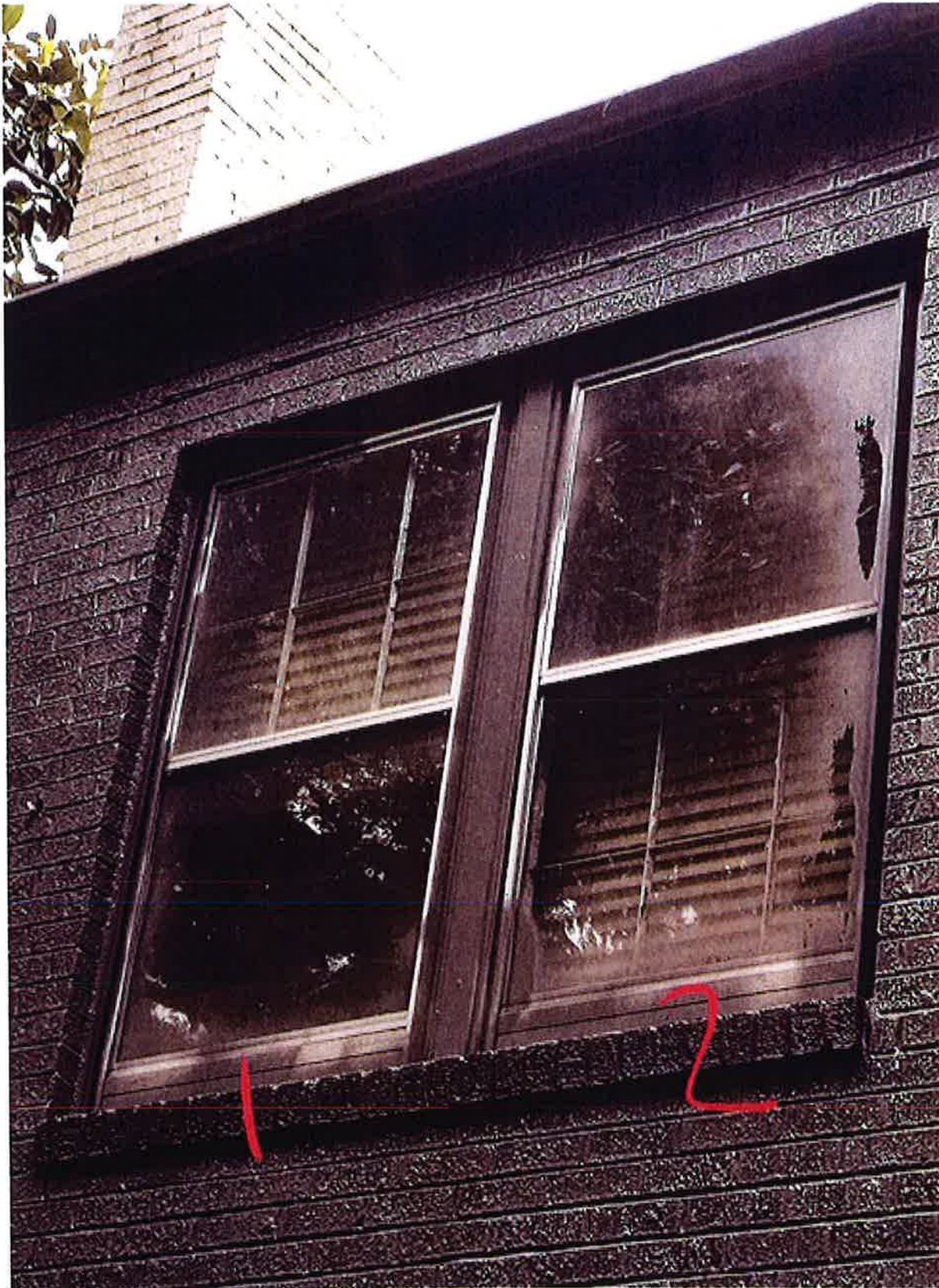
A.1.3 Ensure that work is consistent with the architectural style and period details of your home.

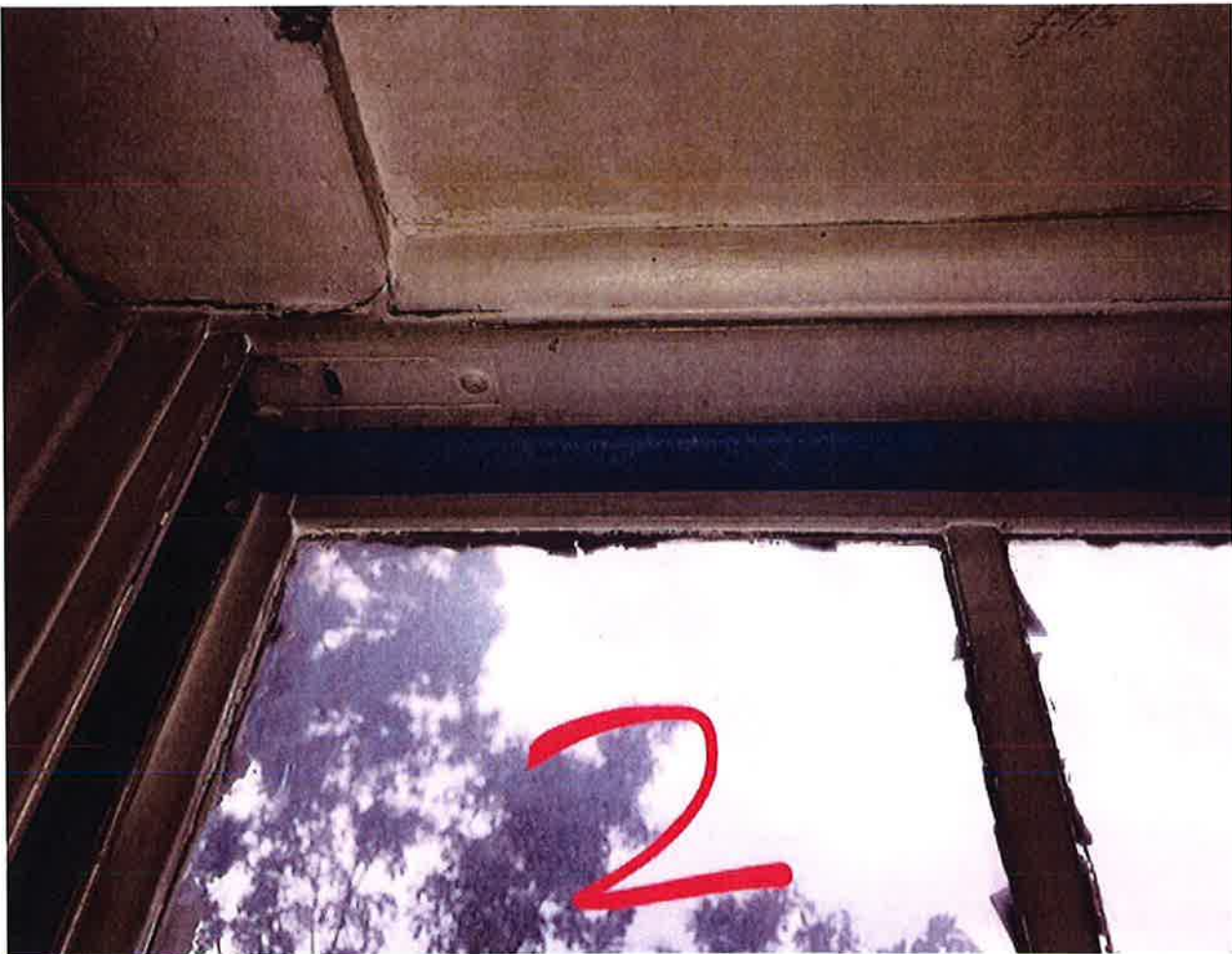
A.1.4 Return the structure to its original historic appearance using physical or pictorial evidence, rather than conjectural designs.

A.4 Windows and Window Trim

- A.4.1 Retain and preserve original historic windows, including glazing, trim, muntins, and character-defining details.
- A.4.4 To gain thermal efficiency, storm windows which maintain the appearance and allow maximum visibility of the original historic windows, may be installed. Unfinished and clear-finished metals are not allowed. (Storm windows can be staff approved.)
- A.4.5 If replacement of deteriorated windows is necessary, match the original historic windows in sash design, size, shape, muntin pattern, location, glazing area and tint. Insulated glass (double pane) windows may be used. Exterior muntins are required on simulated divided light windows.
 - .1 Brady Heights - Match the original historic window material.
- A.4.6 If replacement of deteriorated trim is necessary, match the appearance, size, shape, pattern, texture, and detailing of the original historic trim.















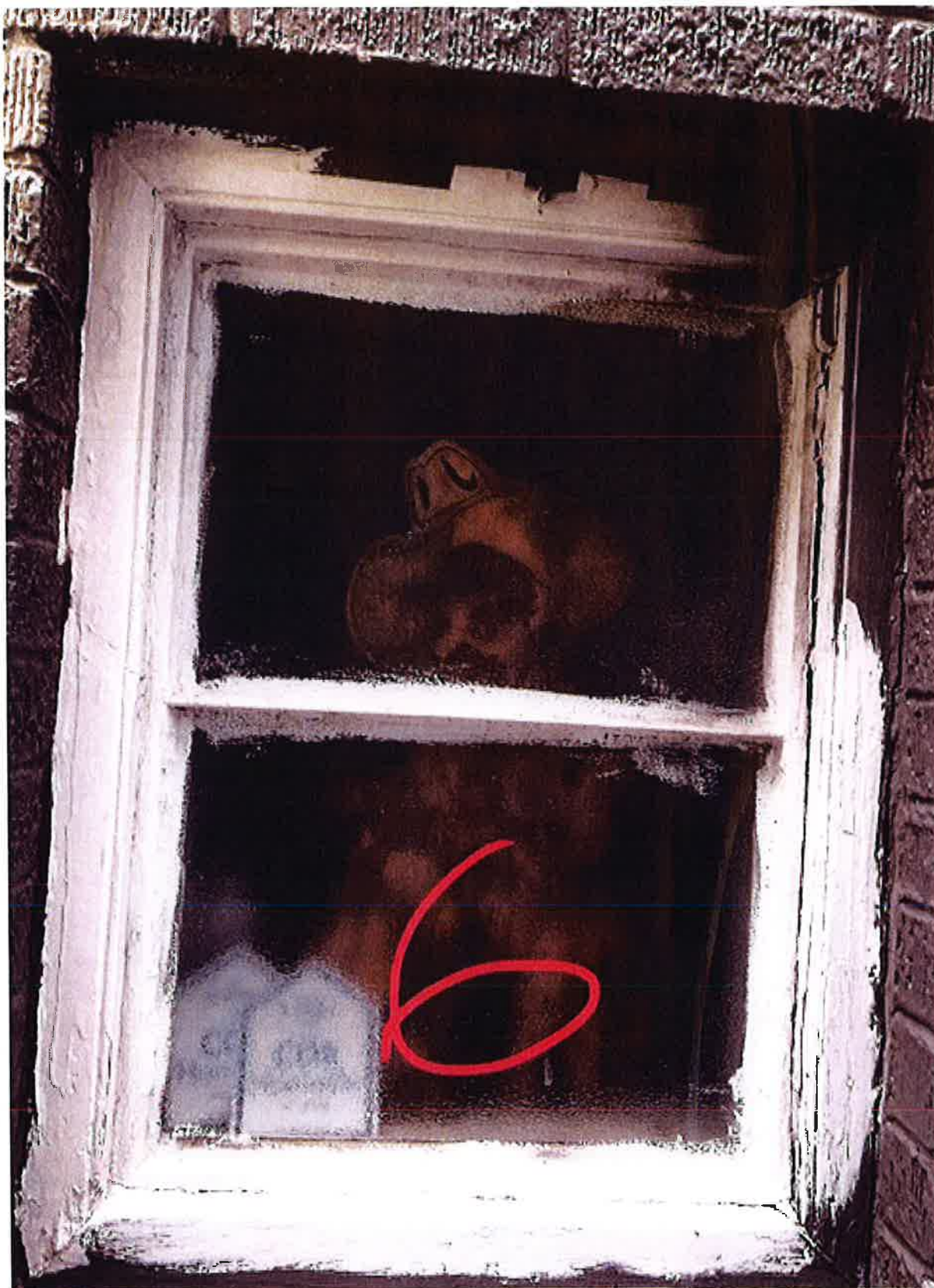


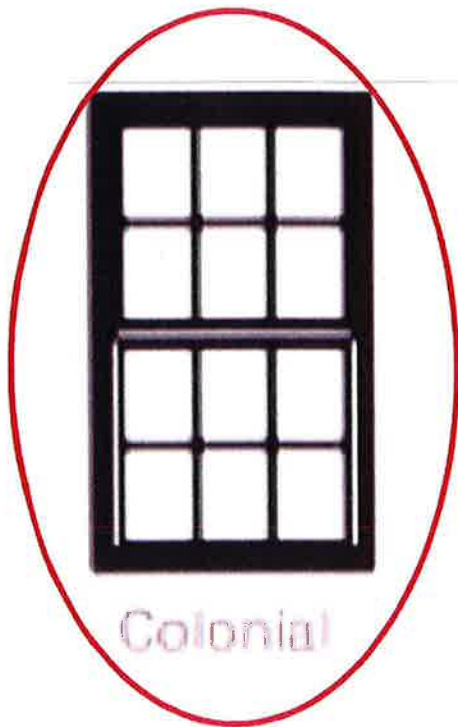




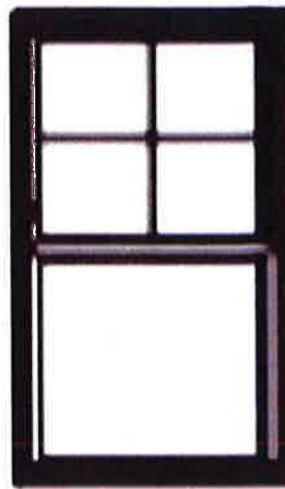








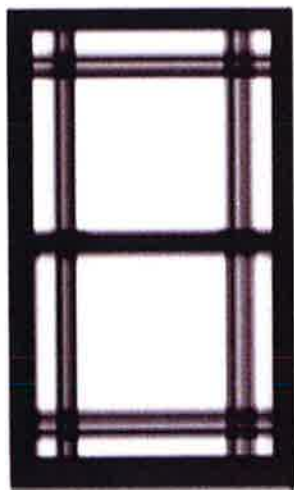
Colonial



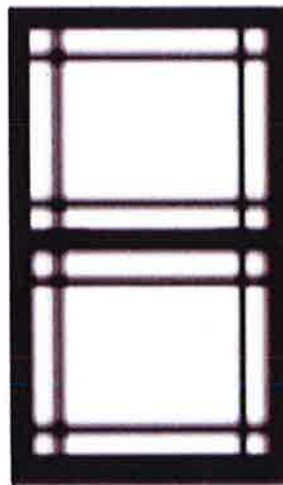
4 over 1



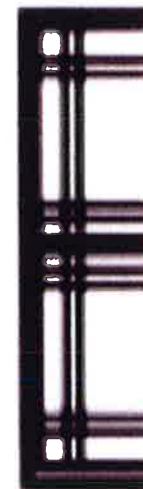
3 over 1



Double Prairie
by Window



Prairie by
Sash



Double
by S





Tulsa Preservation Commission



Regular Meeting
September 26, 2017
4:30 P.M.



1710 S. Trenton Ave.

Applicant: Bridgette J. Staub

Request:

1. Replacement of six windows

Unified Design Guidelines – Residential Structures

A.4 Windows and Window Trim

- A.4.1 Retain and preserve original historic windows, including glazing, trim, muntins, and character-defining details.
- A.4.4 To gain thermal efficiency, storm windows which maintain the appearance and allow maximum visibility of the original historic windows, may be installed. Unfinished and clear-finished metals are not allowed. (Storm windows can be staff approved.)
- A.4.5 If replacement of deteriorated windows is necessary, match the original historic windows in sash design, size, shape, muntin pattern, location, glazing area and tint. Insulated glass (double pane) windows may be used. Exterior muntins are required on simulated divided light windows.
- A.4.6 If replacement of deteriorated trim is necessary, match the appearance, size, shape, pattern, texture, and detailing of the original historic trim.

Swan Lake

1710 S. Trenton Ave.



Swan Lake

1710 S. Trenton Ave.



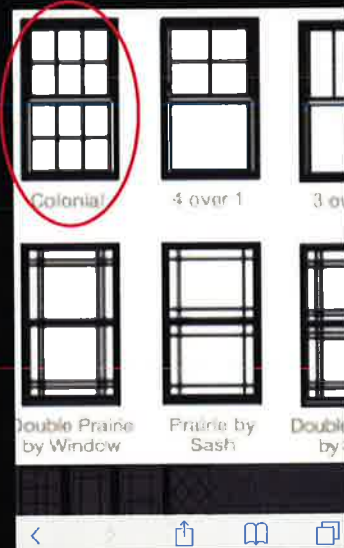
Swan Lake

1710 S. Trenton Ave.



Swan Lake

1710 S. Trenton Ave.





Yorktown

1624 S. Victor Ave.

Applicant: Shaun Schaefer

Requests:

1. Installation of aluminum covers on window frames
2. Installation of aluminum covers on trim on doors

*Application to amend previous approval of an application
by Tulsa Preservation Commission on July 25, 2017*

Yorktown

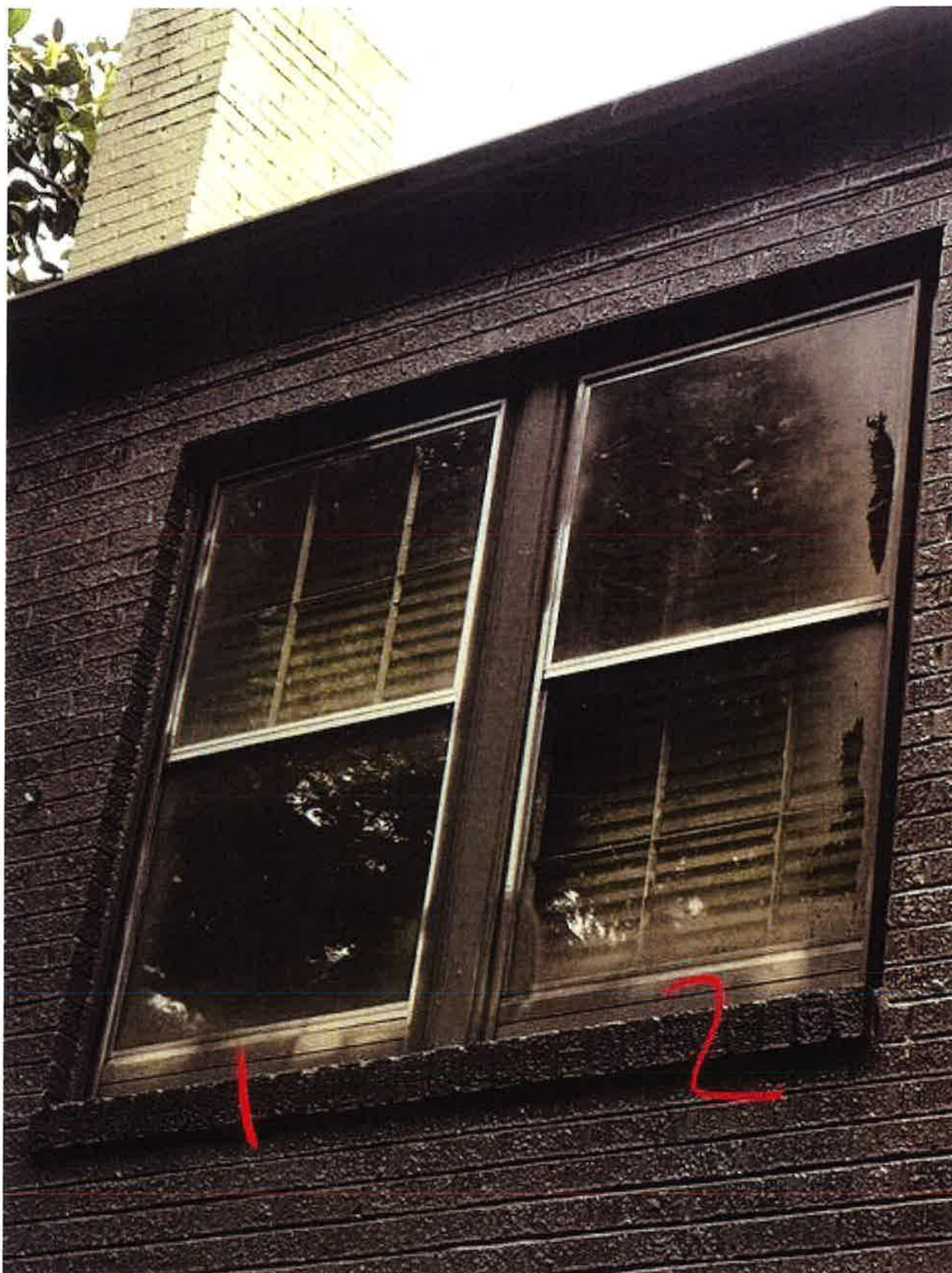
1624 S. Victor Ave.



Yorktown

1624 S. Victor Ave.







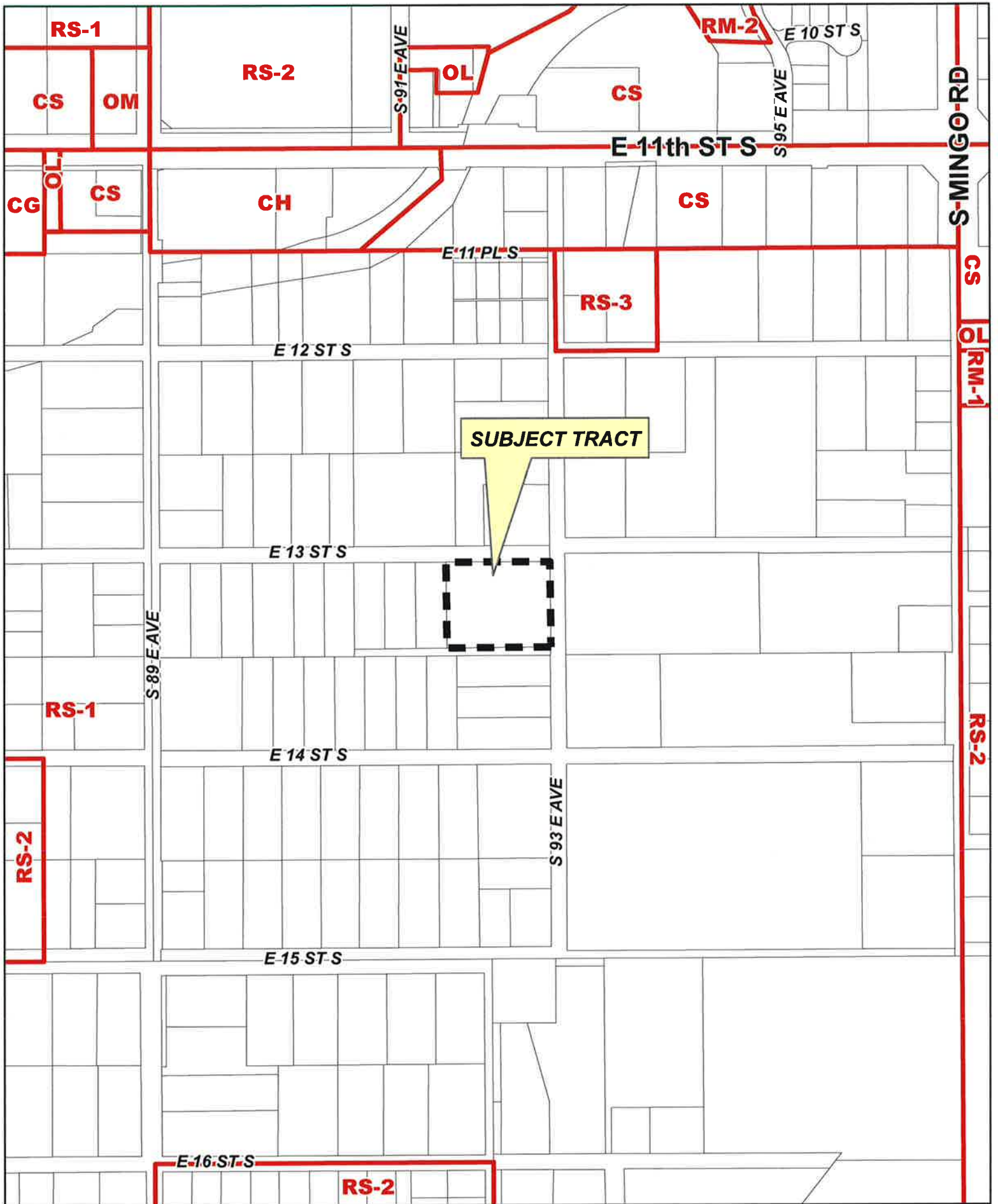












BOA-22357

19-13 12

9.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9312

Case Number: BOA-22357

CZM: 38

CD: 5

A-P#: 9371

HEARING DATE: 11/07/2017 1:00 PM

APPLICANT: Royce Ellington

ACTION REQUESTED: **Variance** to allow a detached accessory structure to exceed 927 sq. ft. to allow 1200 sq. ft. (Section 45.035); **Variance** to allow a non-all-weather parking surface material (Section 55.090-F); **Special Exception** to allow a fence greater than 4 ft. in height in the required street setback (Section 70.120).

LOCATION: 9200 E 13 ST S

ZONED: RS-1

PRESENT USE: Residential

TRACT SIZE: 2.15 Acres

LEGAL DESCRIPTION: BEG 1346.7S & 960E NWC NE TH S305.43 E335 N305.43 W335 POB LESS S25 SEC 12 19 13, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA 20468; on 03.27.07 the Board **approved** a variance from 750 sq. ft. to 1350 sq. ft. to permit an accessory building on an RS-1 district lot. Located at 8929 E 13 St S (E of the NE/c of E. 13th Street and S. 89th E Ave.

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

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

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

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

STAFF COMMENTS:

The Code states that detached accessory buildings are limited to a floor area of 500 sq. ft. or 40% of the principal dwelling (whichever is greater). The existing residence on the lot is 2319 sq. ft.; therefore, the maximum allowed floor area for detached accessory buildings on the lot is 927 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 (pole barn) on the lot to 1200 sq. ft.

As shown in the attached plan the property owner is proposing a chain-link fence 5 ft. tall within the required 35 ft. street setback of the property. The Code (Section 45.080) limits fence and wall heights in the required street setback of residential districts to 4 feet. However, the Code permits the Board to modify the height limitation through special exception approval.

The applicant has also requested a **Variance** to allow a non-all-weather parking surface to allow the existing gravel driveway and a new gravel driveway from S. 93rd E. Ave. The applicant provided the following statement: *"If the building was smaller it would not be able to house my boat, extended cab-truck and yard equipment. The gravel drive will not be used daily; gravel will allow good drainage; and a lot of my neighbors have gravel driveways."*

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

Sample Motion:

Move to _____ (approve/deny) a **Variance** to allow a detached accessory structure to exceed 927 sq. ft. to allow 1200 sq. ft. (Section 45.035); **Variance** to allow a non-all-weather parking surface material (Section 55.090-F); **Special Exception** to allow a fence greater than 4 ft. in height in the required street setback area (Section 70.120).

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

The Board finds that the requested **Special 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 granting 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.”

Case No. 20466

Action Requested:

Minor Variance of the rear yard requirement from 25 ft. to 20 ft. to permit a small addition (Section 403), located: 2131 East 27th Street South.

Ms. Stead asked if this case could be considered as a modification of a previously approved site plan. Mr. Ackermann stated a modification is less intensive and would be more than adequately advertised.

Mr. White abstained from this case.

Presentation:

Alan Madewell, 5314 South Yale, represented the owners of the property, Dan and Kimberly Jordan. They are adding an open, covered porch to the back of an existing structure, which was the original garage to this 1930's house. It is in a historic neighborhood. Previously the garage connected to the original house with an addition.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Stead**, the Board voted 4-0-1 (Stephens, Henke, Stead, Tidwell "aye"; no "nays"; White "abstained"; no "absences") to **APPROVE** a Modification to a previously approved site plan to permit an addition, per plan dated 02-09-07, on the following described property:

LT 12 & PRT LT 11 BEG SECR LT 1 TH W50 N TO PT 48W NEC LT 11 E48 S138.15 POB & PRT LT 13 BEG SWC THN TO NWC TH E40 S TO PT 40E SWC TH W40 POB BLK 4 , FOREST HILLS, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20468

Action Requested:

Variance of the maximum square footage permitted for detached accessory buildings in the RS-1 district from 750 sq. ft. to 1325 sq. ft. (Sect. 402.B.1.d), located: 8929 East 13th Street South.

Presentation:

Mike Cox, 8968 East 13th Street, represented his son, Jeff Cox, who is purchasing his house. It is almost a one-acre lot. They propose to add on two rooms, as the family is growing. You need lawn equipment for this size of a lot and a place to store it. After the garage was built, he discovered there was no building permit. A site plan, photographs and a petition were provided (Exhibit H-1, H-2 and H-3).

Jeff Cox, 8929 East 13th Street, stated there is one garage door on the front and another on the northwest corner making it a drive-through garage.

Comments and Questions:

Ms. Stead informed them that they would need a paved drive. She advised them that the Board usually specifies that it never be for living quarters or a business. Mr. Cox read a letter from Joan Hess, a neighbor who had to leave the meeting, in support of the application, she noted that the neighbors to Jeff Cox also have large accessory buildings.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the maximum square footage permitted for detached accessory buildings in the RS-1 district from 750 sq. ft. to 1,325 sq. ft., subject to the entire driving surface being constructed of asphalt or concrete, including any driveway going to the northwest entrance, per plan, by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

BEG AT PT 1296.69S & 660E OF NWC NW NE FOR BEG THN305.425 W82.5 S305.425 E82.5 POB SEC 12 19 13, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20471

Action Requested:

Modification of conditions from a previous approval (BOA-20373) to permit flexibility in the location of up to 5,000 sq. ft. of restaurant space within the subject property, located: Northwest corner of 35th Place and South Peoria Avenue and the Southwest corner of 34th Street and Peoria.

Mr. Cuthbertson noted that a protest letter was regarding additional square footage. This application is not for additional square footage but to move the previously approved square footage around on the subject property.

Mr. Stephens recused himself, out at 3:51 p.m.



E 13th St

S 93rd Ave

0 50 100
Feet



Subject
Tract

BOA-22357

19-13 12

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

Aerial Photo Date: February 2016

9.7





0 200 400
Feet



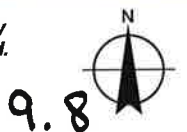
Subject
Tract

BOA-22357

19-13 12

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

Aerial Photo Date: February 2016





Subject Lot - Looking SE



Subject Lot - Looking SW

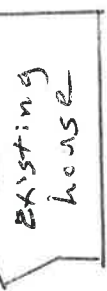
Property Map

9200 E 13th St, Tulsa, OK 74112-8117, Tulsa County

BEG 1346.7S & 960E NWC NE TH S305.43 E335 N305.43 W335 POB LESS S25 SEC 12 19 13

E 13th St S

337'



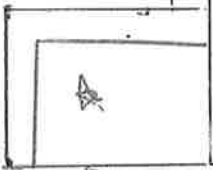
Existing house

--- 5' chain Link Fence

281'

#30x40x14 Post Frame Pole Barn

279'



11' 8" Garage
11' 8" Garage

40'

270' Driveway

337'

93rd East Ave

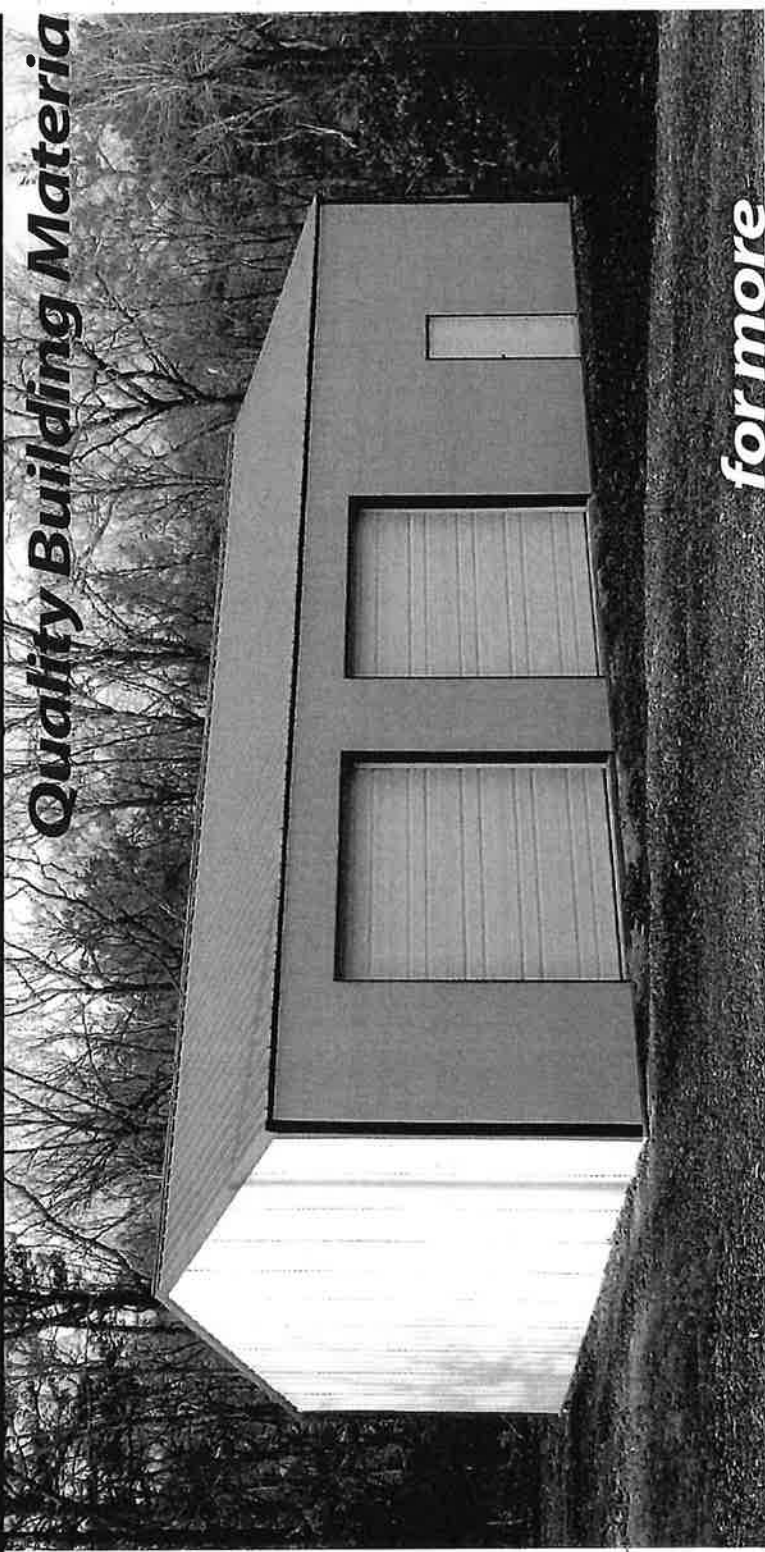
Post Frame Garage Building Packages

Our Garage Packages Include Quality Insulated Garage Doors!

30' x 40' Deluxe Suburban Post Frame Garage

- 1 - 3068 walk door
- 2 - 10x10 insulated garage doors
- Other options available

Quality Building Material



for more

**information dial
1 800 66-BARN!**

**Efficient Use of Building Material!
Very Little Waste!**



24' x 30'

Suburban Post Frame Gara

- 2 - 9' x 7' steel insulated garage doors
- 36" Walk door
- Other options available

9.11

Royce Ellington

From: Royce Ellington <royceellington@gmail.com>
Sent: Thursday, October 5, 2017 2:48 PM
To: Royce Ellington
Subject: Fwd:

Sent from my iPhone

Begin forwarded message:

From: Alice Ellington <royceellington@gmail.com>
Date: October 5, 2017 at 2:42:40 PM CDT
To: rOYCE e pOO <royceellington@gmail.com>





Royce Ellington

From: Royce Ellington <royceellington@gmail.com>
Sent: Thursday, October 5, 2017 2:55 PM
To: Royce Ellington
Subject: Fwd:

Sent from my iPhone

Begin forwarded message:

From: Alice Ellington <royceellington@gmail.com>
Date: October 5, 2017 at 2:52:38 PM CDT
To: rOYCE e pOO <royceellington@gmail.com>





Sent from my iPhone

Royce Ellington

From: Royce Ellington <royceellington@gmail.com>
Sent: Thursday, October 5, 2017 2:55 PM
To: Royce Ellington
Subject: Fwd:

Sent from my iPhone

Begin forwarded message:

From: Alice Ellington <royceellington@gmail.com>
Date: October 5, 2017 at 2:51:48 PM CDT
To: rOYCE e pOO <royceellington@gmail.com>





Sent from my iPhone



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: 1036502-1

October 05, 2017

ROYCE ELLINGTON
HOMEOWNERS
9200 E 13 ST
TULSA, OK 74112

Phone: (918)638-6318
Fax: (918)712-2311

APPLICATION NO: 9371 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 9200 E 013 ST S I-ST
Description: 5' Chain link; 11' X 270' driveway; 30' X 40' X 14' Pole Barn

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 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. 9371

9200 E 013 ST S I-ST

October 05, 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. 45.030-A RE and RS-1 Districts

In RE and RS-1 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 750 square feet or 40% of the floor area of the principal residential structure, whichever is greater.

Review comments: You are proposing 1200 sq ft of detached accessory structure. The proposed detached structure exceeds 750 sq ft and 40% of the size of your house. Based on the size of your house (2319 sq ft) you are allowed 927 sq ft of detached accessory structures on your lot. Reduce the size of your proposed detached accessory structure to be less than 927 sq ft 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.

2. 55.090-F Surfacing. All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of §55.090-F4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.

Review Comments: Provide an all-weather parking surface from the public street to the garage or apply to the Board of Adjustment for a Variance (section 70.120) to allow a material other than an approved material meeting the requirements of 55.090-F.

3. 45.080-A Fences and walls within required building setbacks may not exceed 8 feet in height, except that in required street setbacks fences and walls may not exceed 4 feet in height. **However' in R zoned districts, fences up to 8 feet in height are permitted in side street setbacks of detached houses or duplexes located on corner lots and in street setbacks abutting the rear lot line of houses and duplexes located on double frontage lots.** The board of adjustment is authorized to modify these fence and wall regulations in accordance with the special exception procedures of Section 70.120.

Review Comments- Provide documentation indicating the proposed fence located in the street setback will not exceed 4' in height measured from grade or apply to BOA for a special exception to allow a fence to exceed 4' in height in a street setback.

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

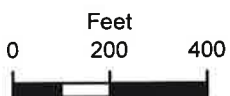
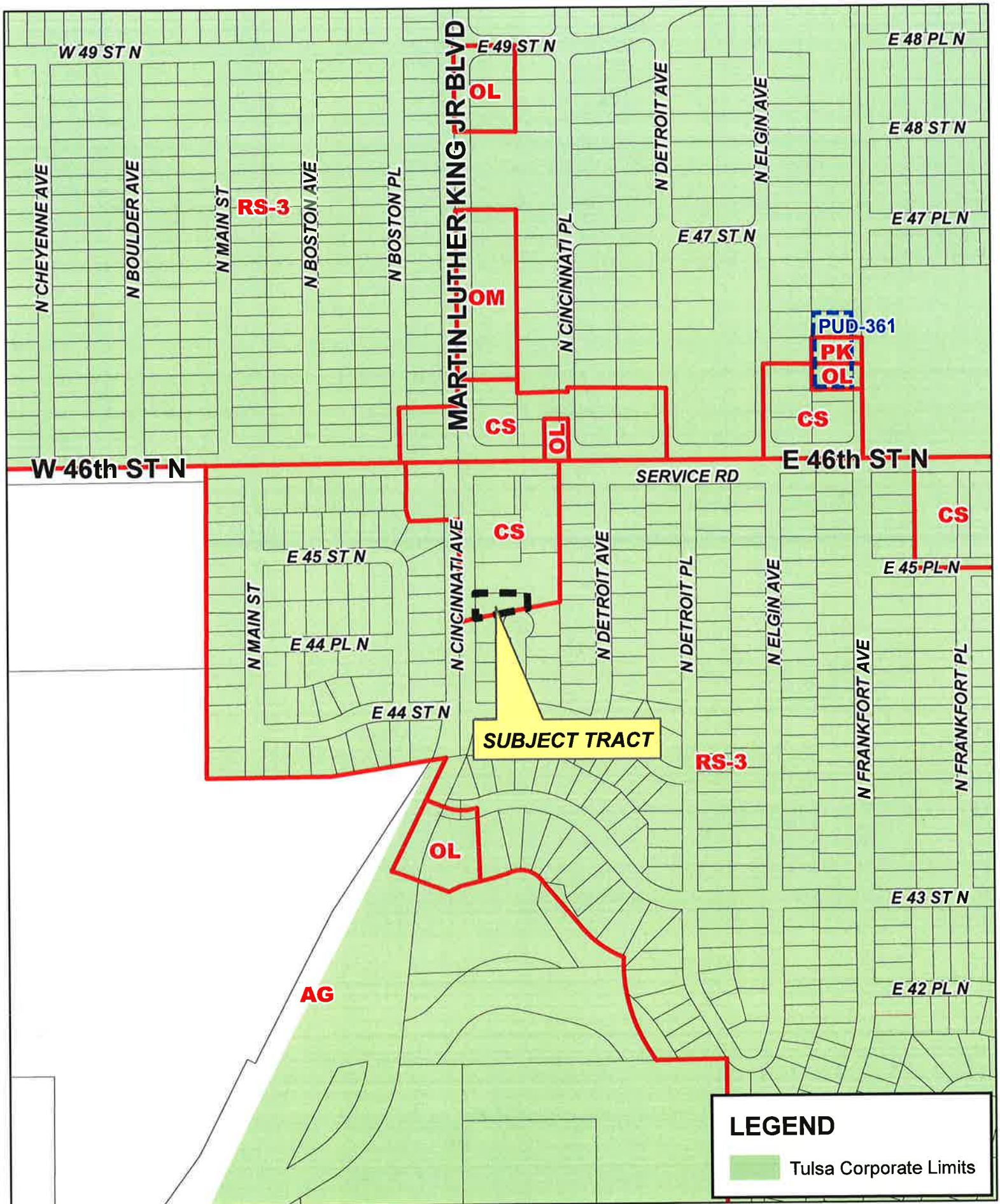
A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

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

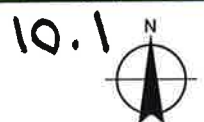
KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

**THIS PAGE
INTENTIONALLY
LEFT BLANK**



BOA-22358

20-12 13



BOARD OF ADJUSTMENT CASE REPORT

STR: 0213

Case Number: **BOA-22358**

CZM: 21

CD: 1

A-P#: 9292

HEARING DATE: 11/07/2017 1:00 PM

APPLICANT: Kerry Verner

ACTION REQUESTED: Spacing Verification for a liquor store in the CS district (Section 40.300) from plasma centers, day labor hiring, bail bond offices, other liquor stores, and pawn shops.

LOCATION: 4521 N MARTIN LUTHER KING JR BV E **ZONED:** CS

PRESENT USE: Vacant Commercial Building **TRACT SIZE:** 11669.77 SQ FT

LEGAL DESCRIPTION: BEG 50E & 515.49S NWC NW TH NELY 173.2 N52.29 W170 S85 TO BEG SEC 13 20 12, SUBURBAN ACRES FOURTH ADDN, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:
None relevant.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by RS-3 zoned residences on the south; CS zoning on the north and east. N M.L.K. Jr. Blvd. and RS-3 zoning abuts the site on the west.

STAFF COMMENTS:

The Code requires a liquor store to meet the spacing requirements provided in **Section 40.300** as follows:

Plasma centers, day labor hiring centers, liquor stores, bail bond offices and pawn shops must be separated by a minimum distance of 300 feet, if bail bond offices located within the CBD district are not subject to this separation requirement. The separation distance requirement must be measured in a straight line from the nearest perimeter wall of the portion of the building

10.2

occupied by one of the subject uses to the nearest perimeter wall of the portion of the building of any other subject use.

A liquor store is a use allowed by right in the CS district provided the spacing is verified. The applicant submitted an exhibit measuring 300 ft. from the boundaries of the subject site that will contain the proposed liquor store. The existing businesses and uses of the properties within 300 ft. of the site were labeled in support of the verification.

During a site visit staff did not notice any of the above-mentioned conflicting uses within 300 ft. of the proposed space. The spacing from the perimeter wall for the proposed liquor store appears to meet the spacing requirement as stated in Section 40.300.

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

The Board must find that the proposed liquor store meets or does not meet the spacing requirement.

Sample language that can be utilized by the Board in verifying the spacing requirement:

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



0 200 400
Feet



Subject
Tract

BOA-22358

20-12 13

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

Aerial Photo Date: February 2016

10.4





0 50 100
Feet



Subject
Tract

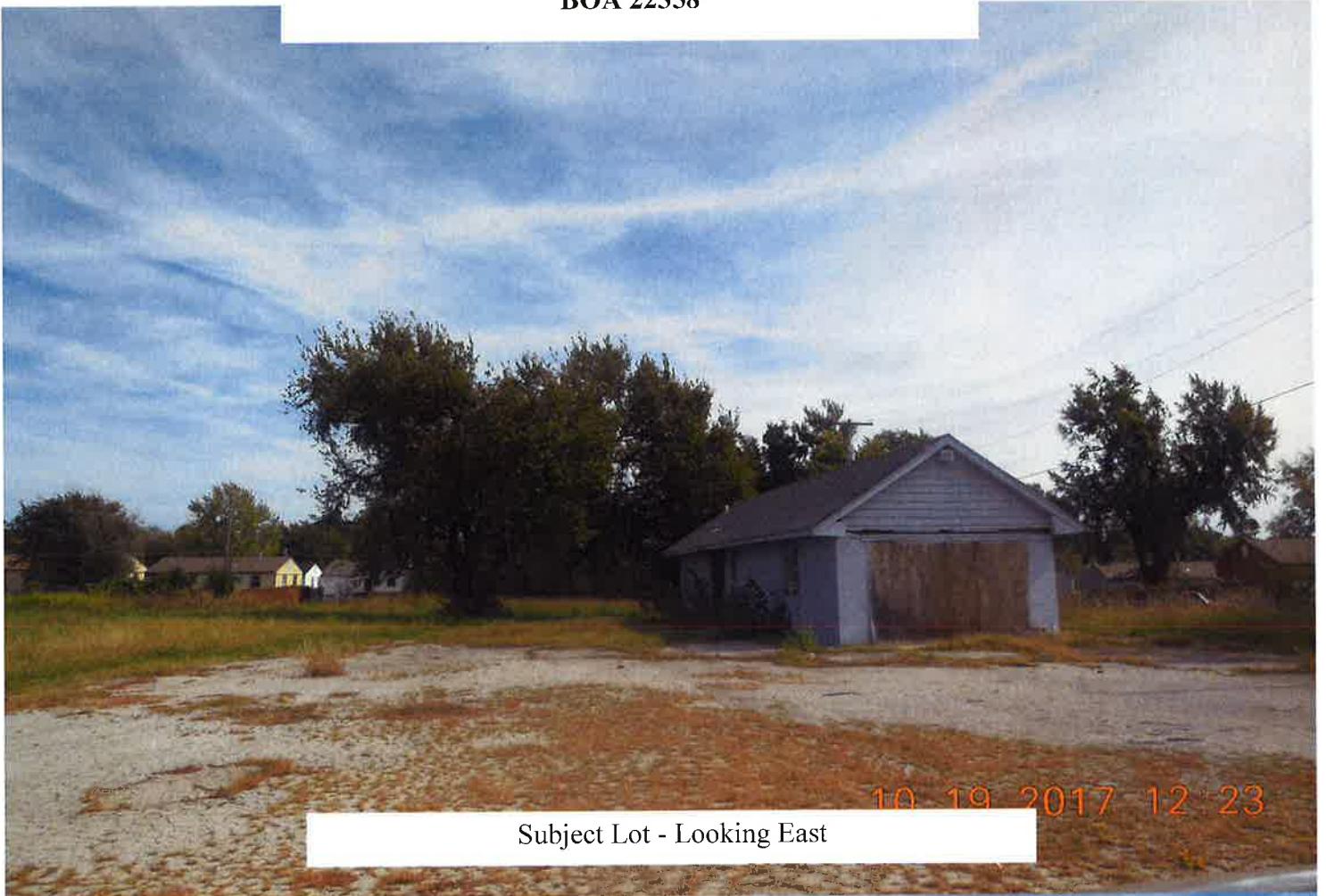
BOA-22358

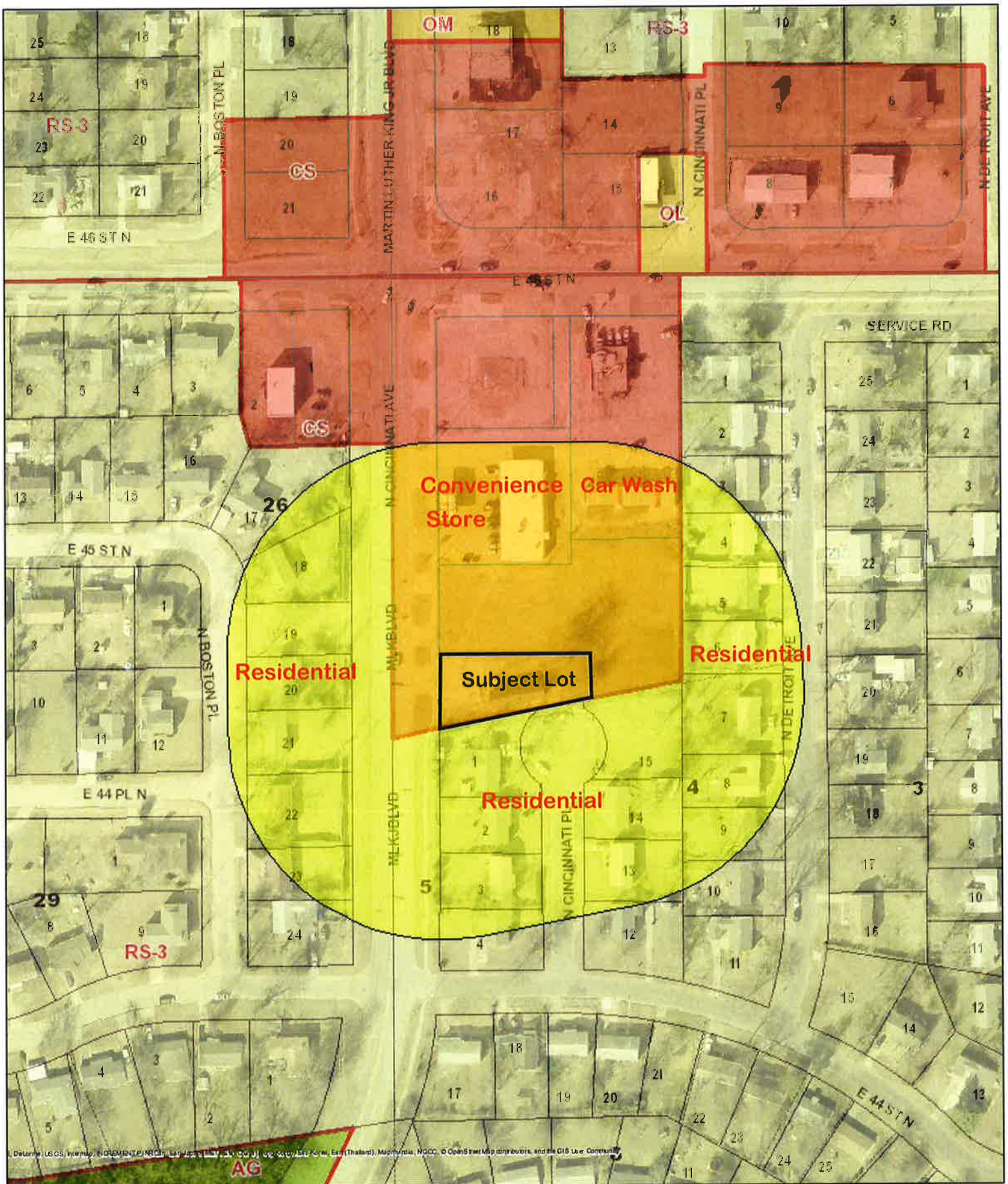
20-12 13

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

Aerial Photo Date: February 2016







300 ft. Spacing Radius Map

10.7

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: 1027055-2

September 28, 2017

KERRY VERNER
OWNER
2035 E 54 ST N
TULSA, OK 74130

Phone: (918) 629-9242

APPLICATION NO: 9292 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 4521 N MARTIN LUTHER KING BL E
Description: New liquor store

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)

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. 9292

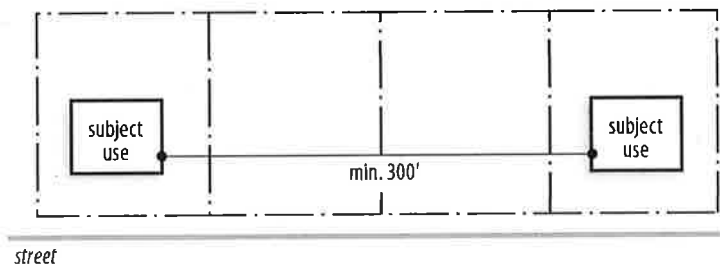
4521 N MARTIN LUTHER KING BL E

September 28, 2017

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

1. **UNRESOLVED** **Sec.15.020 Table 15-2:** Your proposed liquor store is designated a Commercial/Retail Sales/Convenience Goods/Liquor Store Use and is located in a CS district. Liquor Stores, plasma centers, day labor hiring centers, bail bond offices and pawn shops must be separated by a minimum distance of 300 feet (*Sec.40.300-A*). For uses established after July 1, 2001, the separation distance requirement of *Sec.40.300-A* must be measured in a straight line from the nearest perimeter wall of the portion of the building occupied by one of the subject uses to the nearest perimeter wall of the portion of the building of any other subject use.

*Figure 40-11: Measurement of Required Use Separation
(Permits Issued after 7/1/2001)*



Review comment: Submit a spacing verification reviewd and approved per *Sec.70.110*.

- **ACTION REQUIRED:** *The 300' spacing is verified by the BOA. Please contact BOA staff (Nikita Moye) for assistance with the spacing verification. Phone number: 918-584-7526.

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-22351 – MICHAEL KEESTER

APPLICATION WAS WITHDRAWN BY STAFF

REQUEST FOR REFUND

Case No. BOA-22351

The applicant, Hall Estill, 320 South Boston, Suite 200, Tulsa, Oklahoma, 74103 made application to the City of Tulsa Board of Adjustment, asked for a refund of fees paid for an application for:

Variance () Special Exception () Verification () Appeal (X) Modification () From the COT BOA (X) County BOA ()		
	Fees Paid	Fees Used
Base Request	\$250.00	00.00
Additional Requests	00.00	00.00
Newspaper Publication	80.00	00.00
Sign (Special Exception Uses in COT only)	00.00	00.00
300' Property Owners Mailing and Postage	45.00	00.00
Application Subtotal:	375.00	00.00
Notice Subtotal:	375.00	00.00
Total Fees Paid:	375.00	00.00

Recommended Refund:

\$375.00

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

The staff recommends the refund listed above.

Per staff:


Nikita Moye, Senior Planner

**THIS PAGE
INTENTIONALLY
LEFT BLANK**

ELECTION OF OFFICERS:

CURRENT BOARD:

CHAIR – Stuart Van De Wiele

VICE CHAIR – OPEN

SECRETARY – Tom Flanagan

MEMBER – Carolyn Back

MEMBER – Austin Bond

MEMBER – Briana Ross