

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

Meeting No. 1196

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of October 24, 2017 (Meeting No. 1194).
2. Approval of **Minutes** of November 7, 2017 (Meeting No. 1195).

UNFINISHED BUSINESS

3. **22349—Izrael 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)**

NEW APPLICATIONS

4. **22359—City of Tulsa**
Special Exception to permit a Governmental Services use in an IL & RS-3 District (Sections 15.020 & 5.020); Variance from the landscaping requirements in Chapter 65. **LOCATION:** 4345 North Mingo Road East **(CD 3)**
5. **22360—Maria Franco**
Variance to allow less than a 20-foot rear setback (Section 5.030-A). **LOCATION:** 3604 South 120th Place East **(CD 6)**
6. **22361—Shaun Schaefer**
Special Exception to allow a Bed and Breakfast (Airbnb) in an RS-3 District (Section 5.020). **LOCATION:** 1602 South Trenton Avenue East **(CD 4)**
7. **22362—Eller & Detrich – Lou Reynolds**
Special Exception to permit an existing Residential/Group Living/Assisted Living center in an OL District (Section 15.020). **LOCATION:** 2552 East 21st Street South **(CD 4)**

8. **22363—Michael Joyce**
Special Exception to permit personal vehicle rentals in the CS District (Section 15.020). **LOCATION:** 10032 South Mingo Road East **(CD 7)**
9. **22364—Mary Huckabee**
Amendment to a previously approved site plan to allow expansion of the Ronald McDonald House. **LOCATION:** 6102 South Hudson Avenue East **(CD 9)**
10. **22365—Hall Estill-Michael Keester**
Variance from the maximum floor area ratio of 0.75 pursuant to allow a maximum floor area ratio of 1.45 (Section 15.030-A) **LOCATION:** 5154 East Skelly Drive **(CD 5)**
11. **22366—Bryan Rogers**
Special Exception to allow a fence to exceed 4 feet in height in the front street setback (Section 45.080-A). **LOCATION:** 102 East 22nd Street South **(CD 4)**
12. **22367—W Design – Weldon Bowman**
Variance of the required rear yard setback in the RS-1 District (Section 5.030). **LOCATION:** 3836 South Atlanta Place East **(CD 9)**
13. **22368—Sam Sendgraff**
Variance of the required rear yard setback in the RS-3 District (Section 5.030); Variance of the minimum lot-width for a detached house in the RS-3 District to allow for a lot-split (Section 5.030). **LOCATION:** 3742 South 31st West Avenue **(CD 2)**
14. **22369—Jack Arnold**
Special Exception to allow a fence height greater than 4 feet in the front setback (Section 45.080). **LOCATION:** 2440 East 28th Street South **(CD 4)**
15. **22370—Ryan Strobe**
Variance of the required front setback in the RS-2 District (Section 5.030). **LOCATION:** 4615 South Darlington Avenue East **(CD 5)**

OTHER BUSINESS

16. REFUND:

22355—Kevin Sparks

Variance to allow a non-all-weather parking surface (Section 50.090-F).
LOCATION: 1141 South Lewis East **(CD 4)**

The application was withdrawn by Staff.

17. REFUND:

22369—Jack Arnold

Special Exception to allow a fence height greater than 4 feet in the front setback (Section 45.080). **LOCATION:** 2440 East 28th Street South **(CD 4)**

A sign was not required for this application.

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

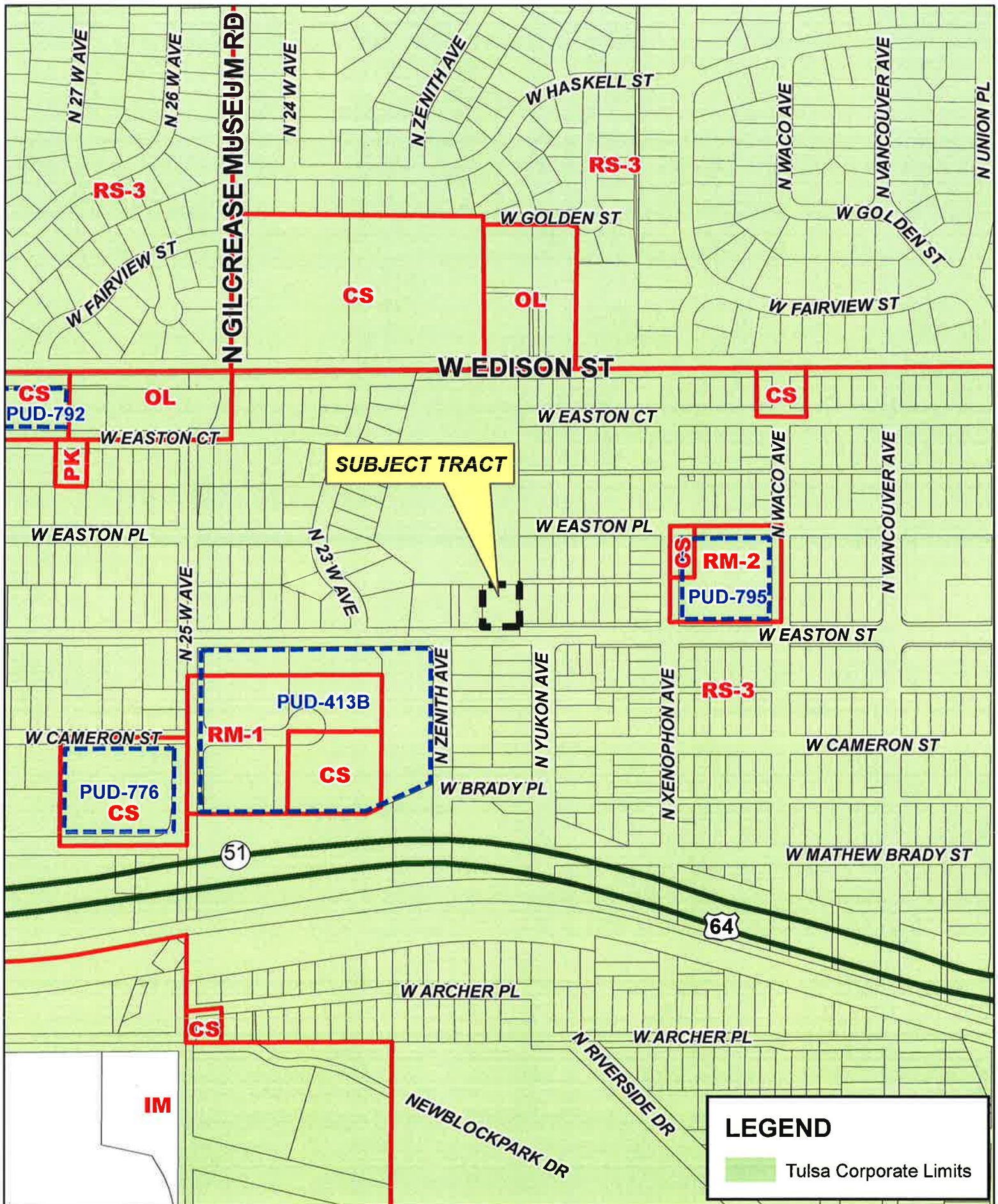
Website: www.cityoftulsa-boa.org

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-22349

19-12 03

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BOARD OF ADJUSTMENT CASE REPORT

STR: 9203

Case Number: **BOA-22349**

CZM: 36

CD: 4

A-P#: NA

HEARING DATE: 12/12/2017 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)

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



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WEASTON ST

WEASTON PL

N ZENITH AVE

N YUKON AVE

0 50 100
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

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Subject Lot - Looking North

2017-09-54



10.19.2017 09:54

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LOT SPLIT EXHIBIT

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



SCALE: 1" = 30'



LINETYPE LEGEND

EASEMENT LINE **ROAD CENTERLINE** **SUBJECT BOUNDARY LINE**

P.O.B. = POINT OF BEGINNING; FND = FOUND; IR = IRON ROD
P.O.C. = POINT OF COMMENCEMENT; R.O.W. = RIGHT OF WAY

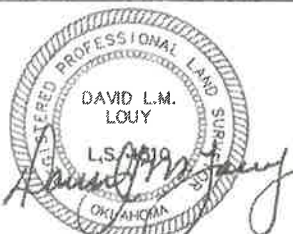
LEGAL DESCRIPTION: PARENT TRACT PER DEED NO. 17108688: PART OF LOT TWO (2), SECTION THREE (3), TOWNSHIP NINETEEN (19) NORTH, RANGE (12) EAST OF THE INDIAN BASE AND MERIDIAN, SITUATED IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS: 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.

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.

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.



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: 405-947-3535

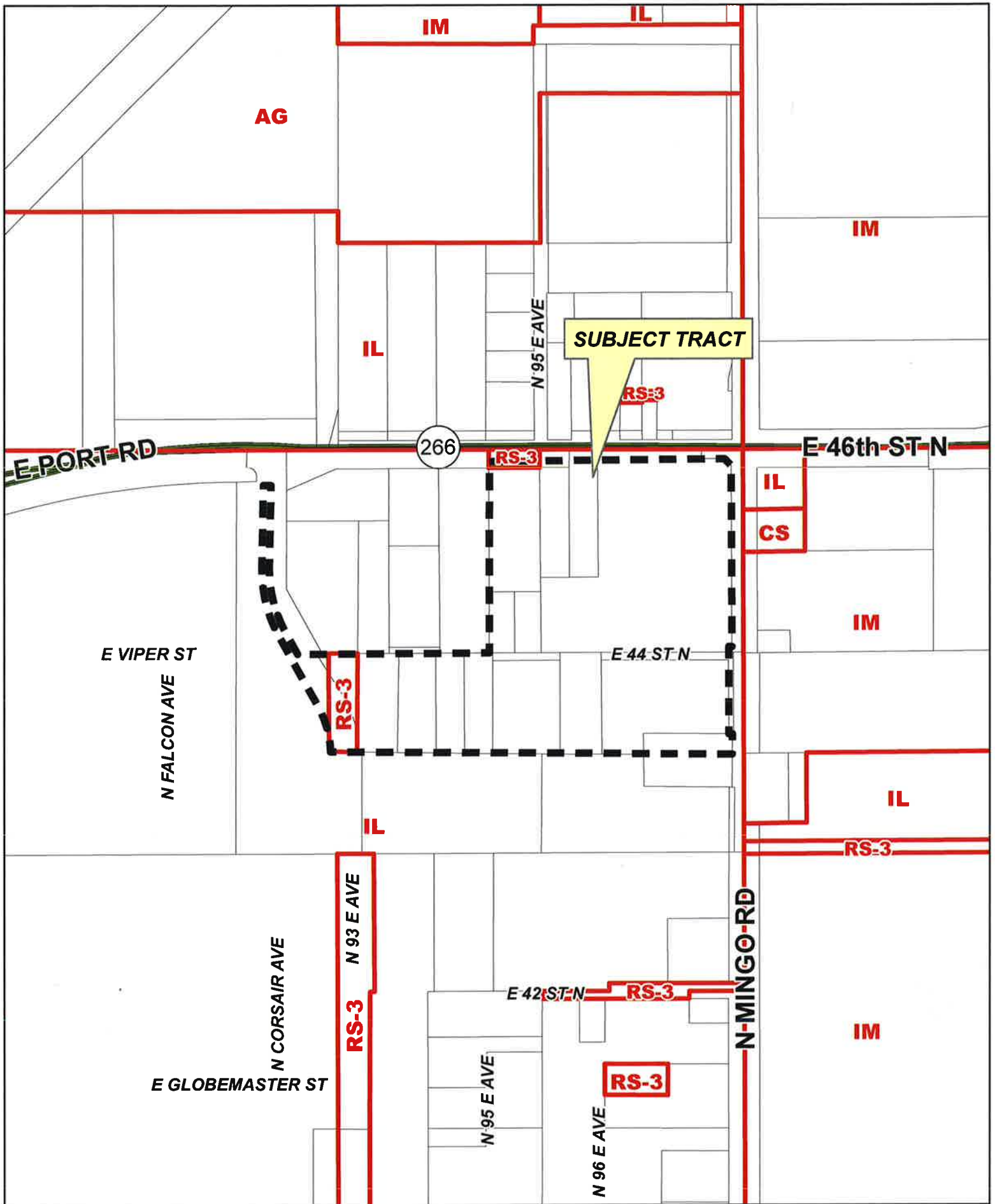
Email: info@LenderSurveys.com

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

PAGE 1 OF 2
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BOA-22359

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BOARD OF ADJUSTMENT CASE REPORT

STR: 0313

Case Number: BOA-22359

CZM: 23

CD: 3

A-P#: 9370

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

APPLICANT: Mary Kell/City of Tulsa

ACTION REQUESTED: **Special Exception** to permit a Governmental Service use in an IL and RS-3 districts (Sections 5.020 and 15.020); and a **Variance** from the Landscaping Requirements in Chapter 65.

LOCATION: 4345 N MINGO RD E

ZONED: RS-3, IL

PRESENT USE: Vacant

TRACT SIZE: 21 Acres

LEGAL DESCRIPTION: A tract of land in the Northeast Quarter of Section 13, Township 20 North, Range 13 East, Tulsa County, State of Oklahoma being more particularly described as follows, towit: Commencing at the Northeast corner of said Section 13, Thence S 00° 01'40" E along the East line of said Section 13 a distance of 82.41 feet, Thence S 89° 58'20" W and perpendicular to the East line of said Section 13 a distance of 40.00 feet to the Point of Beginning, Thence S 00° 01'40" E a distance of 556.71 feet along a line that is parallel with and 40.00 feet west of the East line of said Section 13 Thence N 89° 50'40" W a distance of 10.00 feet, along a line that is parallel with and 20.00 feet north of the South line of the N/2, NE/4, NE/4 of said Section 13 Thence S 00° 01'40" E a distance 283.72 feet along a line that is parallel with and 50.00 feet west of the East line of said Section 13 Thence S 89° 50'40" E a distance of 10.00 feet Thence S 00° 01'40" E a distance of 65.90 feet along a line that is parallel with and 40.00 feet west of the East line of said Section 13 Thence N 89° 50'46" W a distance of 1307.55 feet, along the South line of the N/2, S/2, NE/4, NE/4 of said Section 13, Thence a distance of 156.90 feet along a non tangent curve to the left of which the radius point lies S 87°22'47"W a radius of 320.89 feet, and having a central angle of 28°00'57"; a chord bearing of N 16°37'42" W and a chord distance of 155.35. Thence N 30°38'09"W a distance of 259.29 feet; Thence a distance of 236.17 feet along a curve to the right having a radius of 441.97 feet and a central angle of 30°36'59" said curve having a chord bearing of N 15°19'39"W and a chord distance of 233.37 feet; Thence N 00°01'10"W a distance of 267.66 feet; Thence S 89°50'24"E a distance of 25.00 feet; Thence S 00°01'10"E a distance of 267.59 feet; along the West right-of-way line of N 93rd E Ave Thence a distance of 222.73 feet along a curve to the left having a radius of 416.97 feet, and having a central angle of 30°14'50"; said curve having a chord bearing of S 15°19'40"W and a chord distance of 220.15 feet, along the West right-of-way line of N 93rd E Ave Thence S 30°38'09"E a distance of 92.67 feet; along the West right of way line of N 93rd E Ave Thence S 89° 50'40" E a distance of 630.00 feet, along a line that is parallel with and 25.00 feet south of the South line of the N/2, NE/4, NE/4 of said Section 13 Thence N.00°01'27"W a distance of 624.30 feet; along the West line of E/2, E/2, NW/4, NE/4, NE/4 of said Section 13, Thence S 89° 50'28" E a distance of 762.62 feet, along a line that is parallel with and 60.00 feet south of the North line of Section 13, Thence S 45°00'00"E a distance of 31.97 feet to the POINT OF BEGINNING. Containing 916,471.56 square feet or 21.0393 acres, more or less.

RELEVANT PREVIOUS ACTIONS:

None Relevant.

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

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity. Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances.

4.2

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

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by CS, IL and IM zoned commercial and industrial uses.

STAFF COMMENTS:

As shown on the attached plans the applicant is proposing a training facility for the Oklahoma National Guard. To permit the facility as proposed the applicant is before the Board requesting a **Special Exception** to permit a Governmental Services use in an IL and RS-3 district. A special exception is required as the proposed a training facility for the Oklahoma National Guard/Government Service is a use which is not permitted by right in the IL and RS-3 districts because of potential adverse effect, but which if controlled in the instance as to its relationship to the surrounding area, may be permitted. On 11.15.17 the TMAPC approved a lot combination to combine the subject lots.

The applicant has also requested a **Variance** from the landscaping requirement in Chapter 65. The applicant provided the following statement: *"The proposed facility will be regulated by federal requirements that conflict with the landscape and screening requirements found in Chapter 65 of the Tulsa Zoning code. The landscape standards conflict with the requirements identified in the Minimum Antiterrorism Standards for Buildings and the provisions of USAF Bash (Bird Hazard) regulations. The operators request a variance from all of the landscape and screening requirements found in chapter 65 of the Tulsa Zoning code."*

For a Governmental Service use the Code (Section 55.020) requires that the vehicle parking requirement be established by the Board as a part of the special exception approval. The applicant has stated that 39 parking spaces will be provided on the site; future expansion of the facility will add 45 parking spaces. The Board can determine if 84 parking spaces are sufficient to meet the parking demands of the proposed facility.

Sample Motion

Move to _____ (approve/deny) a Special Exception to permit a Governmental Service use in an IL and RS-3 districts (Sections 5.020 and 15.020); and a Variance from the Landscaping Requirements in Chapter 65.

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

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."



0 200 400
Feet



Subject
Tract

BOA-22359

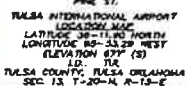
20-13 13

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

Aerial Photo Date: February 2016



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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: 1036169-1

October 12, 2017

MARY KELL
CITY OF TULSA
2317 S JACKSON ROOM 213
TULSA, OK 74107

Phone: (918)596-2582
Fax: (918)596-9490

APPLICATION NO: 9370 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 9440 E 044 ST N
Description: Vision Tulsa Air Nation Guard 138 FW Mission Training Center

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 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. 9370

9440 E 044 ST N

October 12, 2017

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

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

1.) Section 70.080 Zoning Clearance and Platting Requirements

70.080-A Applicability

Property owners or their authorized agent must obtain a zoning clearance permit from the development administrator before constructing, moving, or structurally altering any building or structure or establishing or changing the use of any building or lot.

70.080-B Platting Requirement and Exceptions

1. Requirement

In order to help ensure a proper arrangement of streets and the adequacy of open spaces for traffic, utilities and emergency vehicle access, commensurate with the intensification of land use customarily incident to a zoning map amendment, a platting requirement is established. Except as expressly stated in §70.080-B2, no building permit or zoning clearance permit may be issued until that portion of the subject parcel for which the permit is sought has been 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.

Review Comments: INCOG advises that pursuant to Sec.70.080-B.1 this property is subject to a platting requirement. INCOG does not have a record showing the final approved plat having been approved and filed, nor a plat waiver granted. Submit two copies 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. If platting is required you may wish to consider submittal of an accelerated release of a building permit per Sec.70.080-B2c. In addition, there appears to be public utilities/easements and streets/Rights-of-Way on-site that may be relocated, abandoned, and vacated as part of the project development that would normally also be addressed in the platting process. Please resolve these issues as well.

2.) 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 address for the proposed building is 9440 E 44th Street N.

Review comment: A lot combination is required for the new building and parking lot 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 as a revision to the Zoning clearance application.

3.) Section 15.020 Use Regulations

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

15.020-C Special Exception Uses

Uses identified with an "S" may be allowed if reviewed and approved in accordance with the special exception procedures of Section 70.120. Special exception uses are subject to compliance with any supplemental regulations identified in the final column of Table 15-2 and with all other applicable regulations of this zoning code.

Review Comments: The proposed Governmental Service requires a special exception in an IL and RS-3 zoning district. Contact INCOG at 918-584-7526 for information on applying for a special exception Use.

4.) Section 55.020 Minimum Parking Ratios

Off-street motor vehicle parking spaces must be provided in accordance with the minimum ratios established in Table 55-1. See Section 55.050 for an explanation of exemptions and allowed reductions of minimum motor vehicle parking requirements. See Section 55.060 for additional information about bicycle parking requirements.

Review Comments: The proposed Governmental Service parking is to be established as part of the special exception Use.

5.) Section 65.070 Landscape Installation, Irrigation and Maintenance

Sec.65.080-B: Required landscape plans for sites that have an area of more than 50,000 square feet and that are occupied by buildings with a combined gross floor area of more than 15,000 square feet must be prepared and sealed by an architect, landscape architect or engineer licensed to practice in the State of Oklahoma. All other required landscape plans must meet the same requirement or be accompanied by written certification from an architect, landscape architect or engineer licensed to practice in the State of Oklahoma, that the landscape plan is in conformance with the minimum requirements of this chapter.

Sec.65.080-D: The land use administrator, in order to accommodate creativity in design and to allow for flexibility in addressing atypical, site-specific development/redevelopment challenges, is authorized to approve alternative compliance landscape plans prepared by an architect, landscape architect or engineer licensed to practice in the State of Oklahoma.

65.070-A Irrigation:

An underground irrigation system must be provided for all required landscape areas.

Review Comments: The proposed Governmental Service building and parking lot area requires a landscaping plan in compliance with Chapter 65.030, 65.040, 65.050 and 65.070. Provide two copies of a landscaping plan in compliance with the above referenced sections as a revision to the application. You may pursue an alternative compliance landscaping plan per 65.080-D approved by the land use administrator if you are not able to meet all landscaping requirements.

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

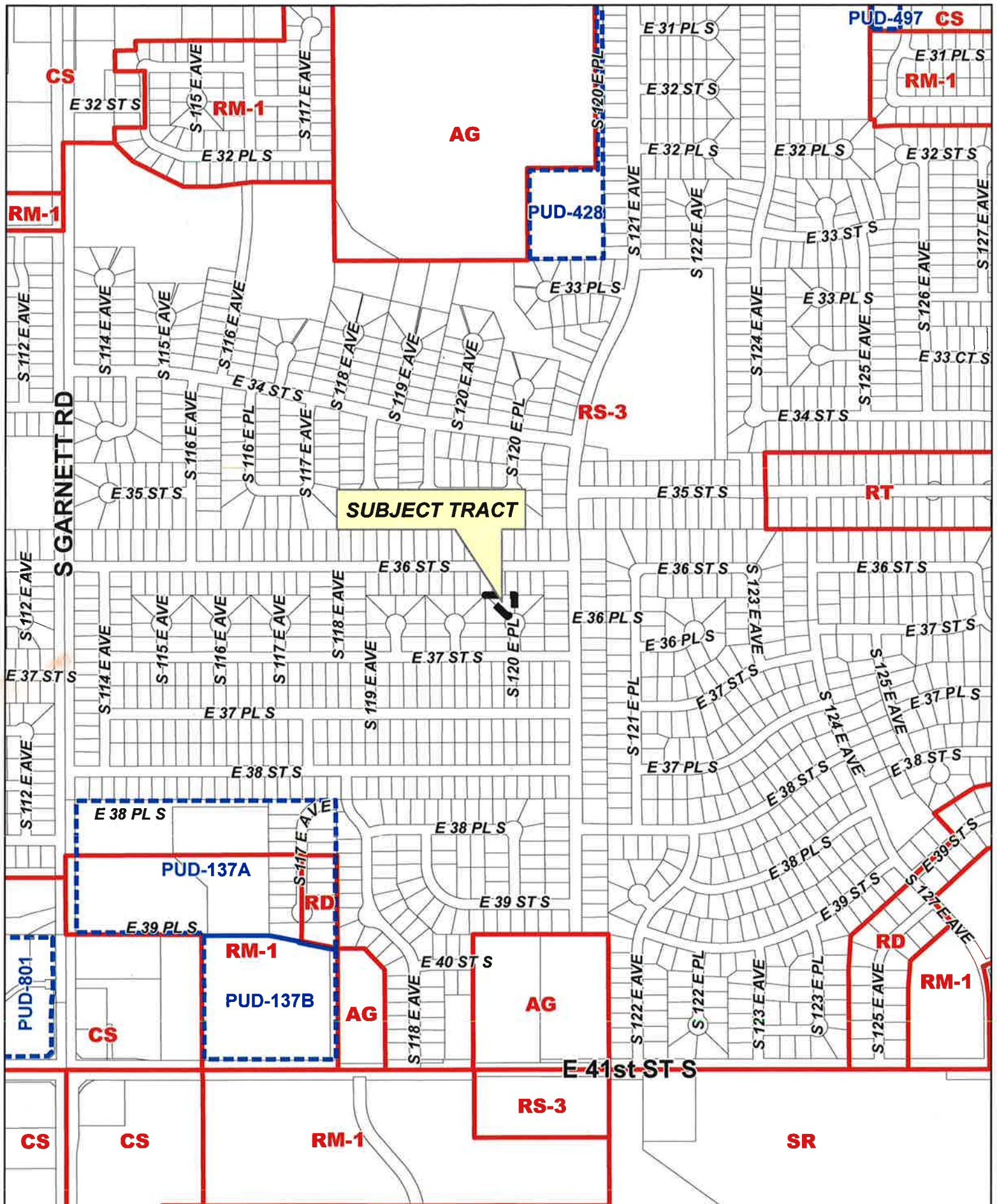
A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

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

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

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BOARD OF ADJUSTMENT CASE REPORT

STR: 9420
CZM: 49
CD: 6
A-P#: 429301

Case Number: **BOA-22360**

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

APPLICANT: Maria Franco

ACTION REQUESTED: Variance to allow less than a 20' rear setback to allow 15' (Section 5.030-A).

LOCATION: 3604 S 120 PL E

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 8698.97 SQ FT

LEGAL DESCRIPTION: LT 46 BLK 6, GARNETT PARK ADDN, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:
None relevant.

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

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

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

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

STAFF COMMENTS:

Based on the submitted drawing it appears that the proposed rear addition will reduce the rear yard setback to 15 feet. To permit the addition as proposed the applicant has requested a **Variance** to

reduce the rear setback from 20 ft. to 15 ft. The applicant provided the following statement: *"The shape of the addition must match the main structure and providing a 20-ft. setback in the rear yard would be difficult due to the shape and angle of the existing house"*.

Sample Motion

Move to _____ (approve/deny) a Variance to allow less than a 20' rear setback to allow 15' (Section 5.030-A).

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

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

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

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

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

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

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

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

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



Subject
Tract

BOA-22360

19-14 20

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

Aerial Photo Date: February 2016



5.4



Subject
Tract

BOA-22360

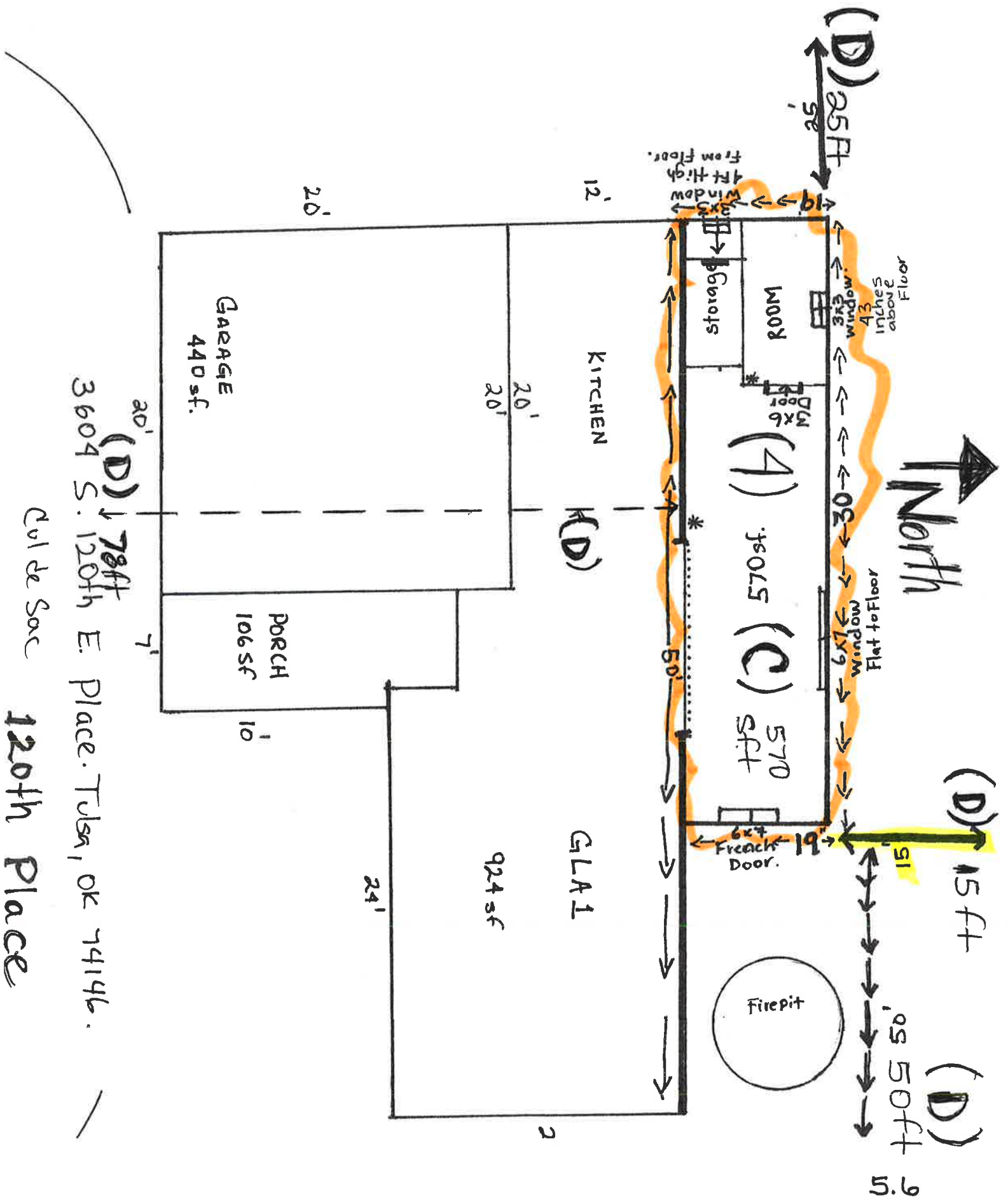
19-14 20

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

Aerial Photo Date: February 2016

5.5



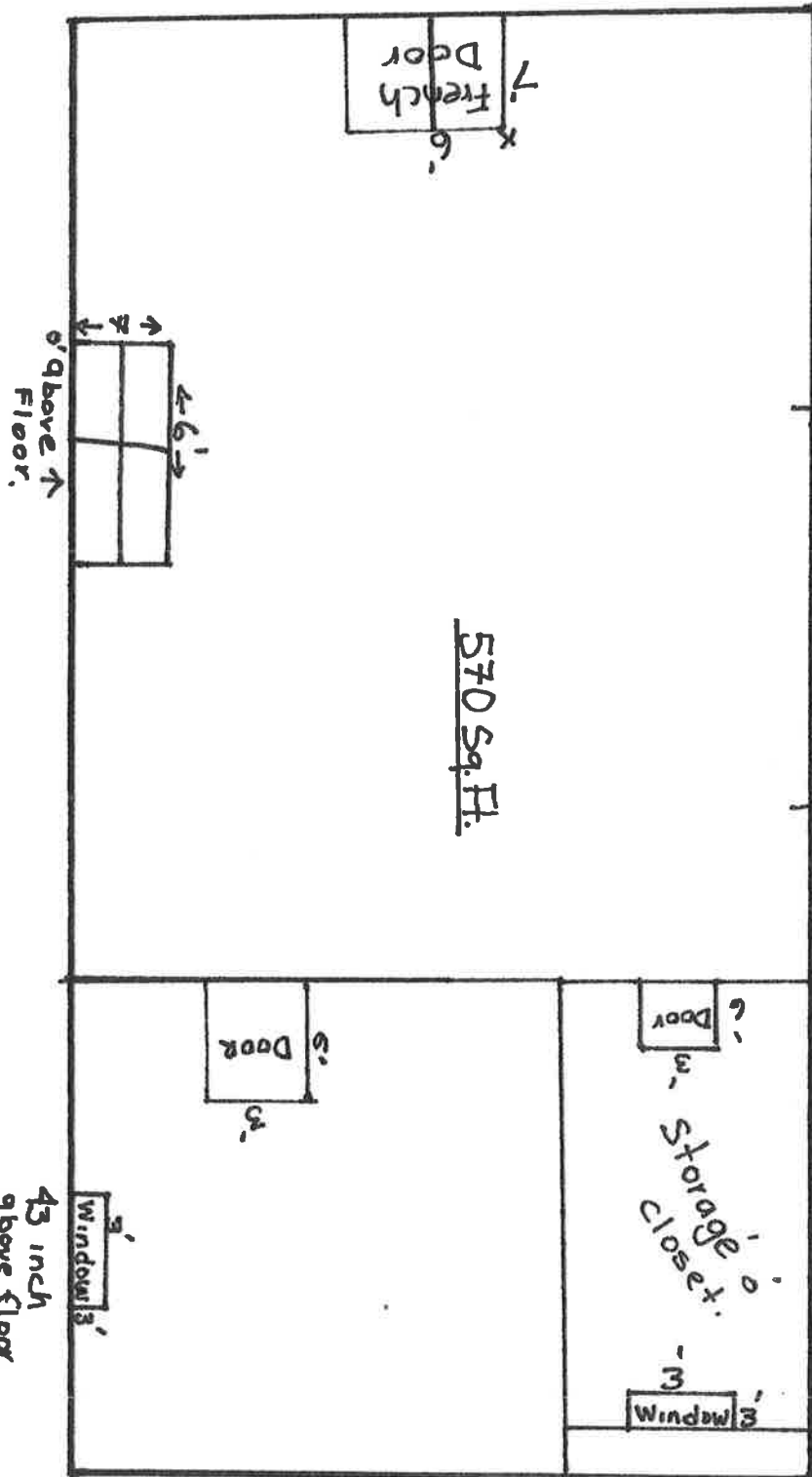


Existing.
Living room



8x7 entry

570 Sq. Ft.

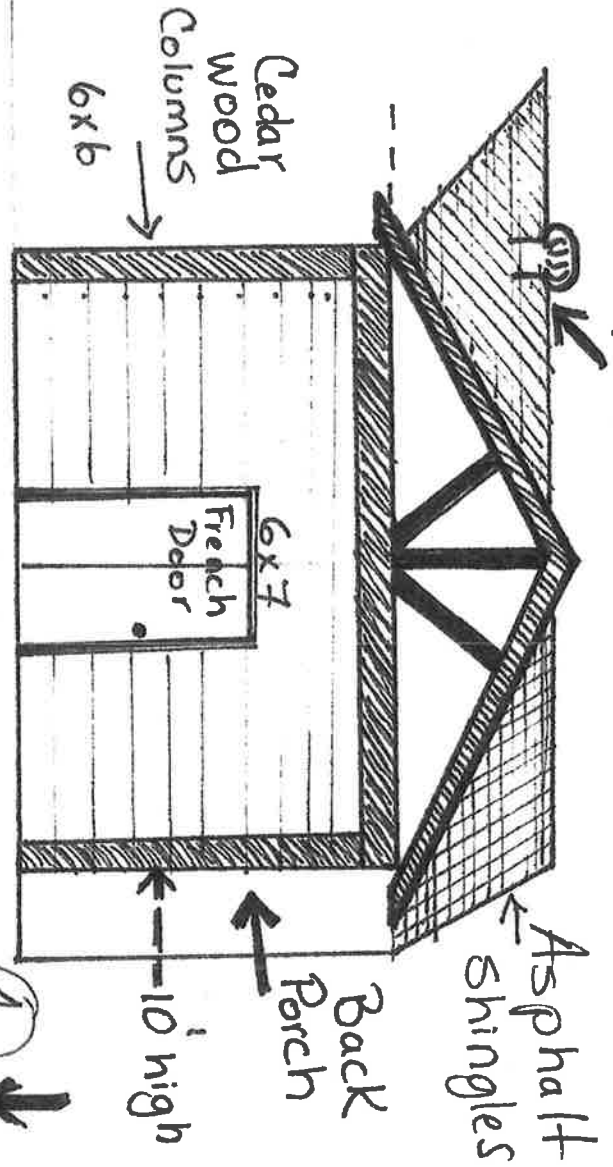


North



(F)

* Roof: Ventilation (18)

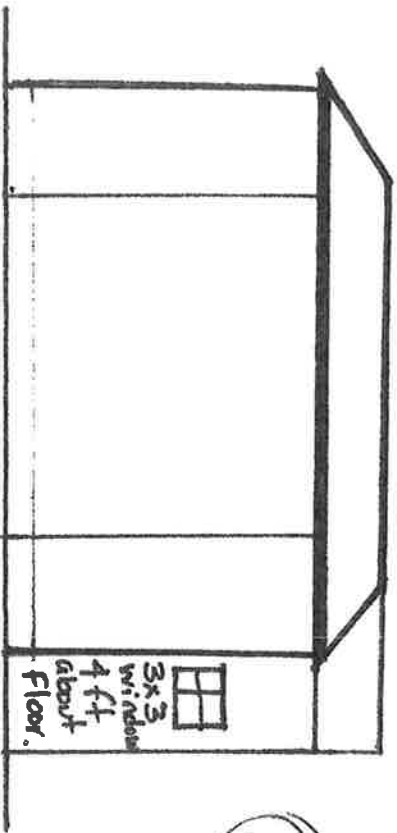


(7)

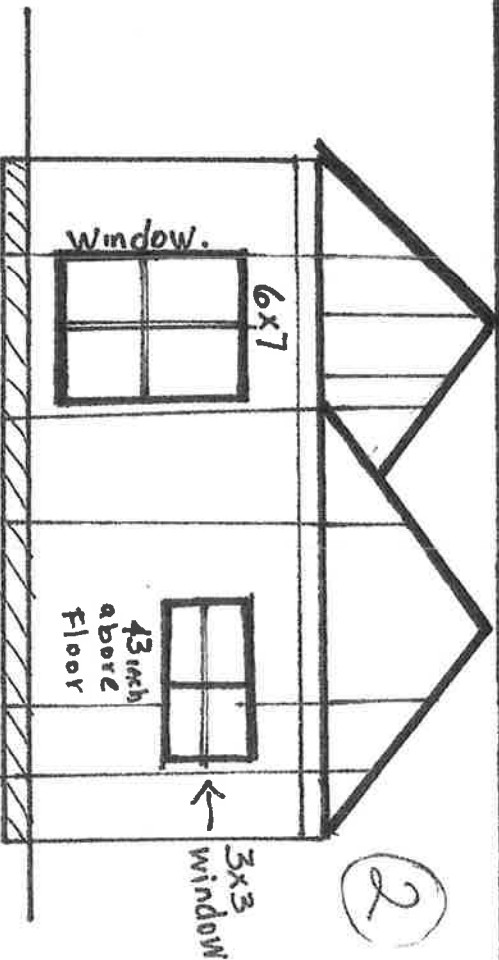
* Galvanized TV 16 G
Empire Turbine.

5.8

East Side Elevation. 1' East



West Side Elevation.



North View
Elevation. (F)

Existing Living room



8x7 entry

Carbon Monoxide alarm

(9)

Storage closet

Window 3'

Door 6'

570 Sq. Ft.

(5)

French Door 6'

504



Carbon Monoxide alarm

Door 6' 3'

Carbon monoxide alarm

Window 3' 43 inch above floor

(8) Electric meter

(9) (5) 25 Ft

Drainage

(8)

Gas meter

II Carbon Monoxide alarm
III - Fire alarm

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. 429301

3604 S 120 PL E

October 18, 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.

5.030-A: In the RS-3 zoned district the minimum rear yard setback shall be 20 feet from the rear property line.

Review Comments: Revise your plans to indicate a 20' rear setback to the property line, or apply to INCOG for a variance to allow less than a 20' rear 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.

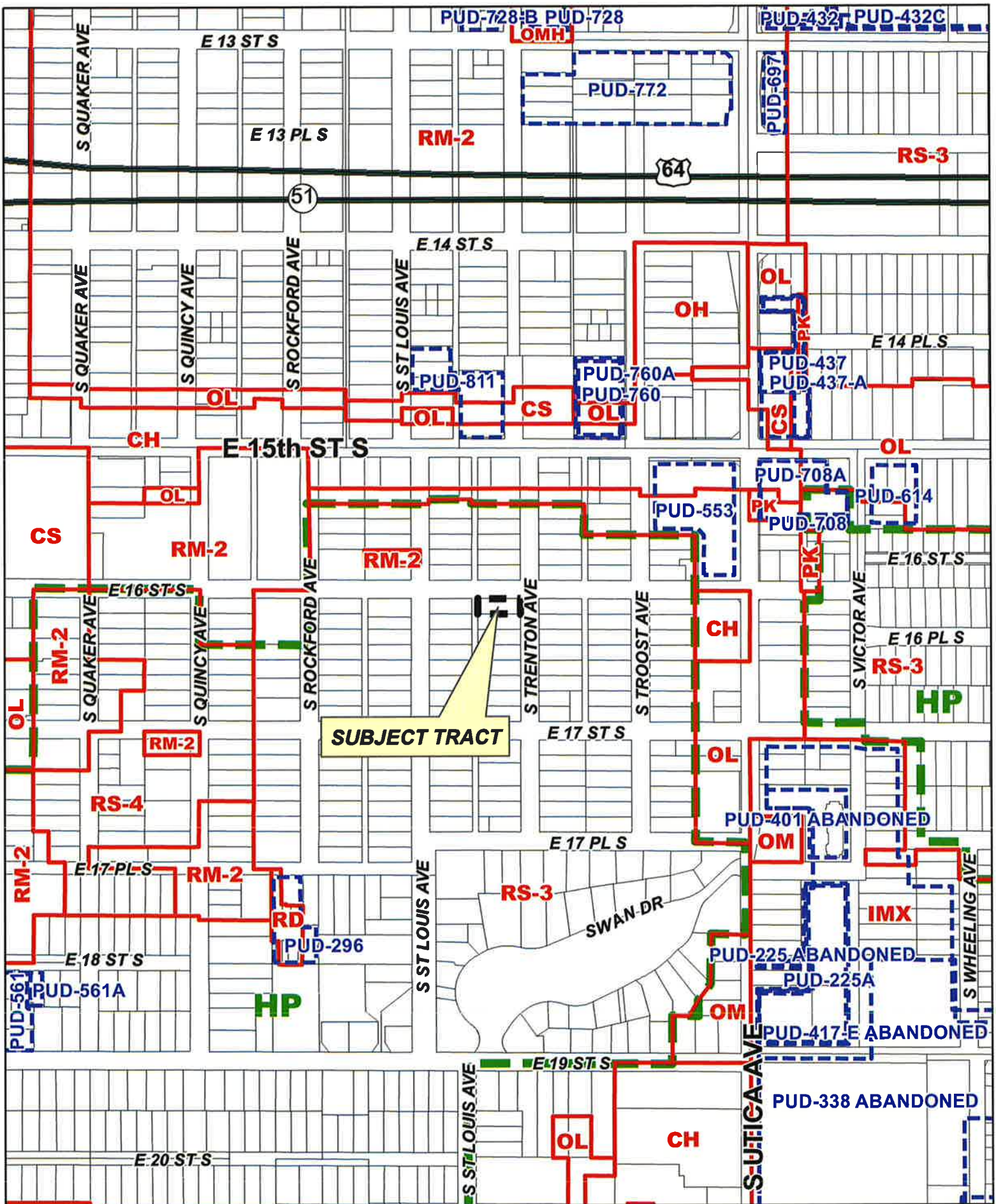
A hard copy of this letter is available upon request by the applicant.

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.

22360



BOA-22361

19-13 07

6.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9307
CZM: 37
CD: 4
A-P#: 9406

Case Number: **BOA-22361**

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

APPLICANT: Shaun Schaefer

ACTION REQUESTED: Special Exception to allow a Bed and Breakfast (Airbnb) in an RS-3 district.
(Sec.5.020)

LOCATION: 1602 S TRENTON AV E

ZONED: RS-3/HP

PRESENT USE: Residential

TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 13, 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 District and is surrounded by RS-3 zoned residences.

STAFF COMMENTS:

The applicant is before the Board requesting a Special Exception to permit a Bed & Breakfast in the guest house on the subject site. The applicant has not expressed a desire to have events (weddings/receptions) on the site; it appears that the site will be used for short-term lodging/rental only. It appears that the existing guest house on the site will be used for short-term lodging/rental; the applicant has stated that the main house will be occupied by the owner/caretaker.

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

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

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

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

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

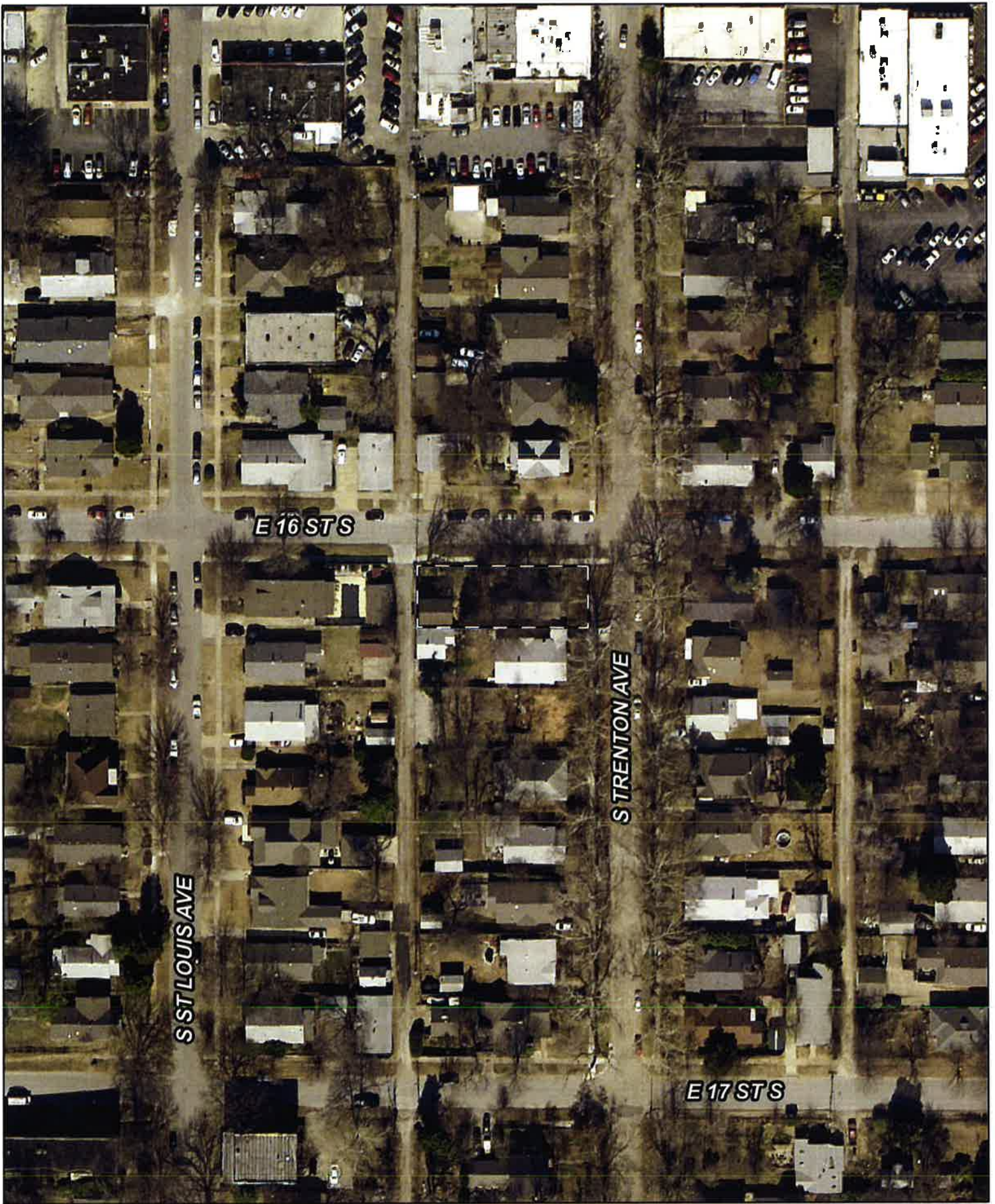
- Public restaurants are prohibited. Meals may be served only to overnight guests and for on-site events expressly authorized by the board of adjustment at the time of special exception approval. The board of adjustment may authorize bed and breakfasts to be rented for events, such as weddings, receptions,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

Sample Motion

Move to _____ (approve/deny) a Special Exception to allow a Bed and Breakfast (Airbnb) in an RS-3 district. (Section 5.020)

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

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



0 Feet 50 100



Subject
Tract

BOA-22361

19-13 07

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

Aerial Photo Date: February 2016





0 Feet 200 400



Subject
Tract

BOA-22361

19-13 07

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

Aerial Photo Date: February 2016

6.5



BOA 22361

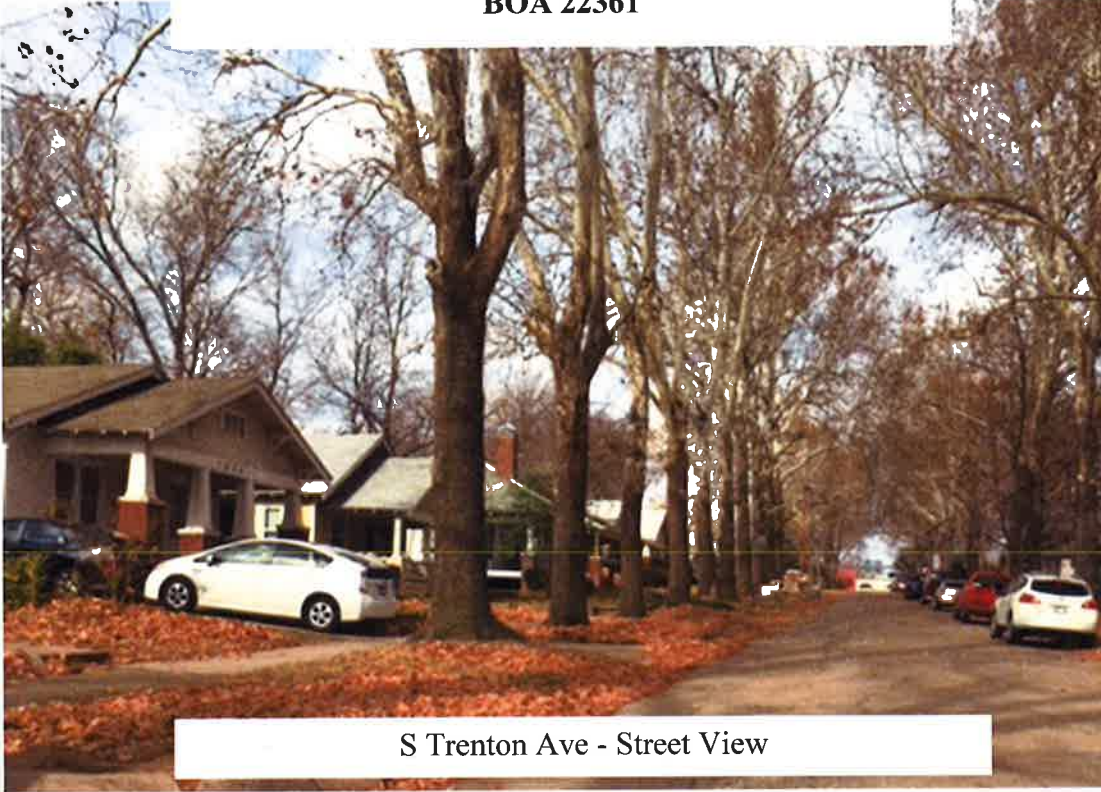


Subject Lot - Looking West



E 16 St S and S Trenton Ave - Street View

BOA 22361

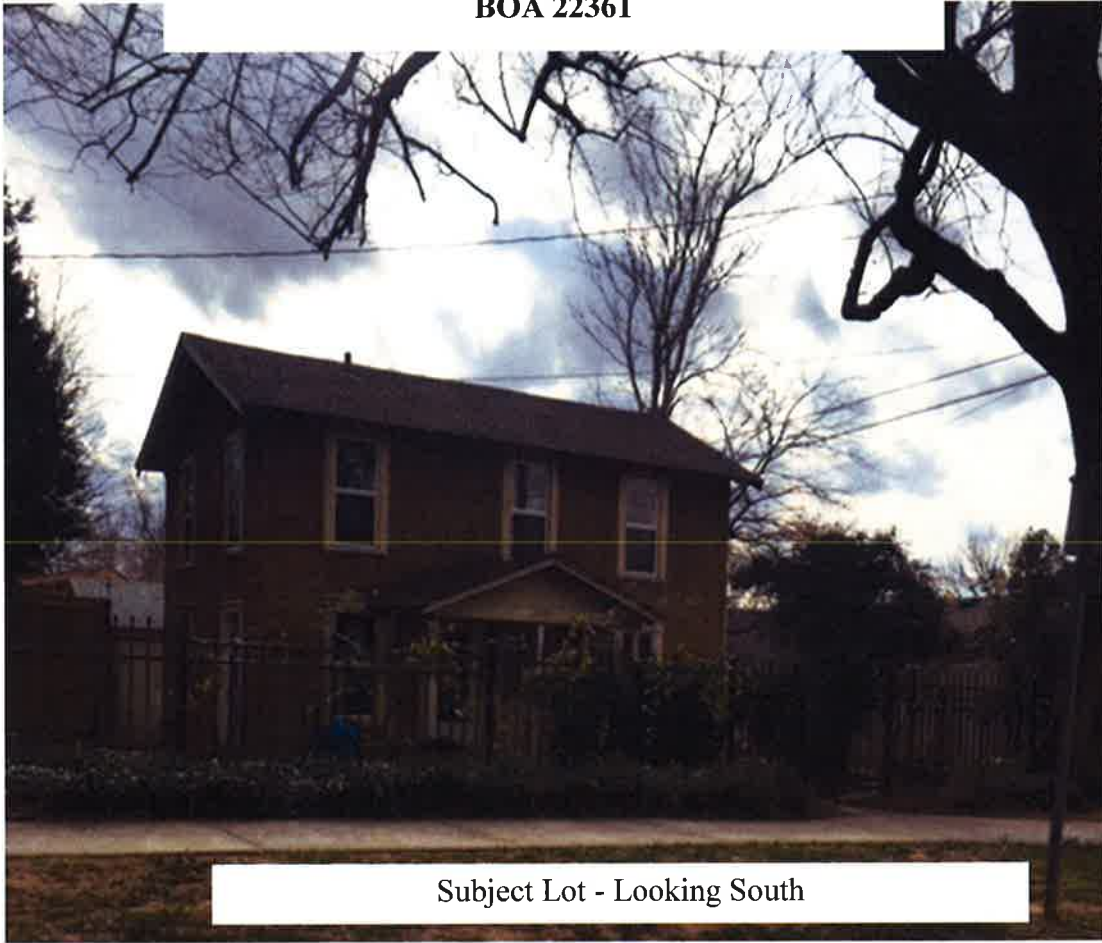


S Trenton Ave - Street View



Subject Lot - Looking SE

BOA 22361



Subject Lot - Looking South

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:

1040433-1

November 03, 2017

SHAUN SCHAEFER
HOMEOWNER
4705 W DALLAS ST
BROKEN ARROW, OK 74012

Phone: (918)809-9493

APPLICATION NO: **9406** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 1602 S TRENTON AV E R
Description: AIR BNB

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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. 9406

1602 S TRENTON AV E R

November 03, 2017

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

1. **Sec.35.050-G1:** Your application is for a Bed & Breakfast which is located in an RS-3 zoning district. This use is allowed in the RS-3 district by Special Exception (*Table 5-2: R District Use Regulations*).
Review Comment: Submit a copy of the Special Exception reviewed and approved per *Sec.70.120* to allow a Bed & Breakfast in the RS-3 zoning district.
2. **Sec.70.080-B1b(5):** In order to help ensure a proper arrangement of streets and the adequacy of open spaces for traffic, utilities and emergency vehicle access, commensurate with the intensification of land use customarily incident to a zoning map amendment, a platting requirement is established. Except as expressly stated in *Sec.70.080-B2*, no building permit or zoning clearance permit may be issued until that portion of the subject parcel for which the permit is sought has been granted a plat waiver (*Sec.70.080-B2a*), or has been included within a subdivision plat or replat (*Sec.70.080-B2b*) that has been submitted to and approved by the planning commission, and filed of record in the county clerk's office of the county in which the property is located. This platting requirement applies to any property for which a special exception was approved for a Bed & breakfast.

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

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

END – ZONING CODE REVIEW

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

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



BOARD OF ADJUSTMENT CASE REPORT

STR: 9317
CZM: 37
CD: 4
A-P#: 9402

Case Number: **BOA-22362**

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

APPLICANT: Lou Reynolds

ACTION REQUESTED: Special Exception to permit an existing Residential/Group Living/Assisted Living center in an OL district (Sec. 15.020).

LOCATION: 2552 E 21 ST S

ZONED: OL

PRESENT USE: Nursing Home

TRACT SIZE: 1.3 Acres

LEGAL DESCRIPTION: E 189 OF LT 29 BLK 1, CLAREMONT PARK, HARTER'S 5TH ADDN RESUB PRT L21 HARTERS 2ND SUB, HARTER'S SECOND SUB, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Lot:

Z-6907; on 10.16.03 the City Council approved a rezoning from RM-2 to OL.

BOA 18216; on 10.27.98 the Board approved a special exception to remove the requirement to provide a screening fence on a nursing home accessory parking lot which abuts residential zoning on the south boundary of a property zoned RM-2.

BOA 14050; on 05.15.86 the Board granted a variance of the required 60 feet setback from the centerline of East 21st Street South to 34 feet to permit an identification sign in a RM-2 zoned district.

BOA 8624; on 06.19.75 the Board upheld the Inspectors decision and approved a exception to operate a nursing home with no further approval being required as long as the requirements of the Code were met on the site.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by OL zoning on the west, north and east; RS-2 zoning abuts the site on the south.

STAFF COMMENTS:

It appears that the existing nursing home/assisted living facility has been operating on the site since the original Board approval in on 06.19.75 (BOA 8624). The property was rezoned from RM-2 to OL in 2003. A Special Exception is required due to the potential adverse effects of a nursing home facility use in the OL district. At the current time there are no additions or expansions being proposed on the facility.

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

Sample Motion

Move to _____ (approve/deny) a Special Exception to permit an existing Residential/Group Living/Assisted Living center in an OL district (Sec. 15.020).

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

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

Case No. 18215 (continued)

west of it currently function as one property but they are separate lots. He would not want to see approval of this application without a tie agreement for Lots 3 through 6 that would prevent them from being sold off separately.

Mr. White stated that he understood Staff's request to have the drive paved within a year but the City streets that are shown as being dedicated are themselves gravel. What is the purpose of having the applicant pave his drive if nothing up to it is paved.

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Variance of the required frontage on a public street from 50' to 0'. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** and a Variance of required all-weather surface to permit gravel parking and drive. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** with the provision that Lots 3 through 6 be tied together, finding that it meets the requirements of Section 1607.C. on the following described property:

The parts of Lots 3 – 6, Block 1, Interurban Addition to the City of Tulsa, that are south of the Cherry Creek Drainage right-of-way, and described as follows: beginning at a point on the south line of Lot 3 that is 65' E of the SW/c of Lot 3; thence N and W along the S line of the drainage right-of-way (NW 309.56'; thence W 60'; thence N 40'; thence NW to the W line of Lot 6); thence S along the W line of Lot 6 to the SW/c of Lot 6; thence E along the S lines of Lots 6, 5, 4 and 3 to the point of beginning, Tulsa County, State of Oklahoma.

*****.

Case No. 18216

Action Requested:

Special Exception to remove the requirement to provide a screening fence on a nursing home accessory parking lot which abuts residential zoning on the south and west boundaries of a property zoned RM-2. **SECTION 212.C. SCREENING WALL OR FENCE, Modification of the Screening Wall or Fence Requirement and SECTION 1303.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS – Use Unit 5, located 2552 E. 21st St.**

Presentation:

The applicant, **Brian H. Hoyle**, 2538 E. 31st Street, submitted a site plan (Exhibit L-1) and photos (Exhibit L-3) and stated that the property is a nursing home that has been at this location for approximately 37 years. The area in question, where the screening fence would be placed, is at the south border of the property which borders residential homes on 22nd Street. The current condition of this border is very heavily forested with trees and shrubs. If the nursing home were to comply with the requirement they would have to remove many mature trees which they believe would be a detriment to the site and to the neighbors. Mr. Hoyle stated that they have letters from neighbors in support of the application who do not want the fence to be erected. In the 37 years of his family's ownership of the property, Mr. Hoyle stated that they have never had a complaint relative to a screening or fencing problem. Mr. Hoyle believes that this would have a negative impact on the property.

Comments and Questions:

Mr. White asked the applicant which property line are they dealing with. Mr. Hoyle replied that it was the south property line.

Interested Parties:

Bill Cox, stated that he and his wife own property at 2117 S. Atlanta Place which borders the nursing home on the west side which has the complete and unbroken visual barrier. Mr. and Mrs. Davis which own the property on the south side could not be present and asked Mr. Cox to convey their opposition (Exhibit L-2) to this variance. Mr. Cox stated that their house was built in 1952 by an aunt and uncle and there has been a running battle with the nursing home ever since. Mr. Cox has lived there for ten years and they have never finished a visual barrier. About four or five years ago, the nursing home constructed an addition and that took up most of the parking lot. Mr. Cox submitted photos (Exhibit L-4) that were taken from the west and south side of the nursing home. Mr. Cox proceeded to explain numerous problems that they have with the nursing home including the parking lot and nursing home employees. Mr. Cox asked the Board to deny the application.

Applicant's Rebuttal:

Mr. Hoyle stated that the photos speak for themselves. The screen that is in place between the nursing home and Mr. Cox's property was deemed acceptable by a zoning officer.

Comments and Questions:

Mr. Stump asked Mr. Hoyle if the screening fence along the west currently complies with the zoning code. Mr. Hoyle understands that it does, they have a 6' barrier that is a fence. The nursing home is about 15' or 20' above the Riley's property so as far as screening, they are significantly above their property and have always had appropriate screening. The fact that they do run an operation may cause some inconvenience. They have been there for 37 years and these are the only neighbors that they have ever had any problem with.

Case No. 18216 (continued)

Mr. Hoyle stated that the variance should only be for the south side because that is what the zoning violation was for.

Mr. Beach agreed, the zoning violation notice does refer to only the south property line.

Mr. Dunham stated that he has looked at the property and cannot believe that this could have a negative effect on anybody.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Special Exception to remove the requirement to provide a screening fence on a nursing home accessory parking lot which abuts residential zoning on the south boundary of a property zoned RM-2. **SECTION 212.C. SCREENING WALL OR FENCE, Modification of the Screening Wall or Fence Requirement and SECTION 1303.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS – Use Unit 5**, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described properties:

E 189' of Lot 29, Block 1, Harter's Second Sub., an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18217

Action Requested:

Variance of front yard setback from 25' to 12.6'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, located 6673 E. 60th Pl.

Presentation:

The applicant, **Gene Graves**, 6416 S Fulton, submitted a site plan (Exhibit M-1) and stated that he and his wife live at the previously listed address and have just bought property at 6673 E. 60th Pl. and they are planning to build a new house there. The reason for the setback is because of the topography. They are planning a circle drive to keep the traffic off of the street as much as possible. The house will set behind the property line, it is the porte-cochere that would be in front. Mr. Graves has spoken with all of the neighbors in the area and he has their approval (Exhibit M-2). Mr. Graves also submitted photos (Exhibit M-3) of other porte-cocheres in the area.

Case No. 14049 (continued)

Ms. Duchan pointed out that it is not feasible to place the garage at any other location on the lot and that there is a garage across the street which is closer to the centerline than the one that is proposed.

Mr. Gardner informed that the ordinance changed in 1970 and a front setback from both streets was required. He pointed out that, prior to that time, 32nd Street was a side yard and construction was permitted much closer to the street.

Ms. Hubbard informed that platting probably took place prior to 1970 and that the variance request should actually be from 35' to 34', since the side yard setback at that time would have been 35'.

Protestants: None.

Board Action:

On MOTION of BRADLEY, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Wilson, Clugston, "absent") to APPROVE a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback from 50' to 34' to allow for the construction of a garage; per plot plan submitted; finding that platting occurred prior to 1970 when a lesser side yard setback was required and finding a hardship imposed on the applicant by the corner lot location and front setbacks from both Irvington Avenue and 32nd Street; on the following described property:

Lot 13, Block 4, Lorraine Heights Addition, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 14050

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Street - Use Unit 1221 - Request a variance of the setback from the centerline of 21st Street from 60' to 34' to allow an identification sign in an RM-2 District, located at 2552 East 21st Street.

Presentation:

The applicant, Georgian Court Nursing Home, was represented by Kenneth Brown, 2552 East 21st Street, Tulsa Oklahoma, who submitted a sign plan (Exhibit C-1). He explained that the front yard of the nursing home is a very small area and if the sign is installed according to the required setback it will be located inside the building. Mr. Brown stated that the facility has no other identification sign on the property and, due to landscaping protruding toward the street and a concrete wall on the west, a sign would not be visible if placed close to the building.

Protestants: None.

Case No. 14050 (continued)

Comments and Questions:

Mr. Chappelle asked the applicant if he plans to remove the existing sign and Mr. Brown replied that the nursing home does not have a sign in place at this time.

Ms. Bradley asked where the sign will be located on the property and Mr. Brown replied that it will be installed on the east side of the front lawn.

Ms. Bradley asked Mr. Brown if there are other signs in the area that are as close to the street as the sign in question and he replied that there are several.

Mr. Gardner pointed out that, at the time of construction, the facility was permitted to develop within 10' of their north property line, while newly developed properties have been required to dedicate additional right-of-way and are set back farther from the street.

Board Action:

On MOTION of WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Wilson, Clugston, "absent") to APPROVE a Variance (Section 280 - Structure Setback from Abutting Street - Use Unit 1221) of the setback from the centerline of 21st Street from 60' to 34' to allow an identification sign in an RM-2 District; per sign plan submitted; subject to the execution of a Removal Contract and subject to 1 sign only for the use; on the following described property:

East 189' of Lot 29, Harters Second Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14051

Action Requested:

Variance - Section 1211.4 - Off-Street Parking and Loading Requirements - Request a variance of the required parking spaces from 1 space/300 sq. ft. to 1 space/400 sq. ft., located East of East 49th Street South and South Harvard Avenue.

Presentation:

The applicant, Paul Baker, Jr., 4815 South Harvard, Suite 510, Tulsa, Oklahoma, submitted a plat of survey (Exhibit E-1), a copy of the Certificate of Occupancy and a Building Permit (Exhibit E-2). He stated that the building in question was constructed 18 years ago. Mr. Baker explained that on April 25, 1986 he applied for a zoning clearance permit and the City cited the parking spaces for the building as nonconforming. He pointed out that there were no parking requirements in effect until July 1, 1970. Mr. Baker informed that there are approximately 42 parking spaces that exist

Action Requested: Appeal (Section 1650 - Appeals from the Building Inspector) for refusing to permit the extension of a nursing home; and an

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a nursing home in an RM-2 District located at 2552 East 21st Street.

Presentation: Jack Calahan, President of the subject operation, submitted the plot plan (Exhibit "E-1") to the Board advising that the nursing home has been in operation on the subject property since 1962 and since that time the Zoning Ordinance has been amended and changed. Mr. Calahan advised that he is proposing to expand the present operation an additional 4,000 square feet in order that the operation might be in compliance with the new health requirements of HEW.

Mr. Gardner noted that the new Zoning Ordinance was adopted in 1970 and requires Board of Adjustment exception for a nursing home and therefore the subject operation is a nonconforming use as it has been in operation since 1962. This is the question being raised under the Appeal portion of the application, while the Exception is a request to permit the operation in an RM-2 District with additions so long as all requirements of the Code can be met. The nursing home was permitted originally in the old U-2B classification. Mr. Gardner advised that the Staff has no problem with this application in regard to the Exception request and did not feel that further Board of Adjustment approval would be necessary if all requirements of the Code can be met.

Mr. Pauling noted that the action of 1961 was an interpretation rather than a request for this operation on the subject tract.

Protests: Frank Allsop, 2123 South Atlanta Place, advised the Board that his property adjoins the rear of the subject property, expressing concern in regard to the possible increase in flooding that is occurring on his property because of poor drainage in the area.

Mr. Calahan advised the Board that he had spoken with Mr. Allsop and advised him that a gap in the curb will be filled and when the parking lot is repaved the southwest corner of the property will be raised to help decrease the water flow.

Board Action:

On MOTION of SMITH, the Board (3-0) upheld the decision of the Building Inspector and approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a nursing home with no further approval being required for expansions so long as the requirements of the Code are met, subject to the drainage problem being corrected, in an RM-2 District on the following described tract:

The East 189' of Lot 29, Block 1,
Harter's Second Addition to the
City of Tulsa, Oklahoma.

8625

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property as a public park with facilities including a swimming pool complex, lighted tennis courts and a parking lot in an RM-1 District located at 21st Street West and Nogales Avenue.

Presentation:

Randy Nicholson, representing the City of Tulsa Park and Recreation Department, submitted a plot plan (Exhibit "F-1") to the Board, advising that the property which was acquired from TURA is 16.7 acres in size. He described the area surrounding the subject property, noting that multifamily is located to the west and south, the YMCA owns a portion of the property to the southwest, and to the north is land owned by TURA which is zoned single-family but under reconsideration at the present time. The proposed development includes a junior swimming pool, a small wading pool, parking to accommodate 24 automobiles, four tennis courts--two of which are funded at present and two to be developed in the future, and a playground area. He noted that at present there are existing backstops for softball which are not lighted.

6.19.75:190(12)



0 200 400
Feet



Subject
Tract

BOA-22362

19-13 17

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

Aerial Photo Date: February 2016

7.11





E 21st ST S

SBIRMINGHAM AVE

E 22 ST S

0 50 100
Feet



Subject
Tract

BOA-22362

19-13 17

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

Aerial Photo Date: February 2016

7.12





Subject Lot - Looking West



Subject Lot - Looking sw

Exhibit "A"

Applicant requests a special exception to permit an Assisted Living Facility in an OL zoned district pursuant to Table 15-2 of the Tulsa Zoning Code (the "Code"). The special exception use is a use expressly allowed by the Code in the OL district, as the City Council has determined that this special exception use is reasonable in this zoning district. Therefore, the use is in harmony with the spirit and intent of the Code and is consistent with the Comprehensive Plan. A nursing home facility has operated at this location since the 1960's. The operation of an Assisted Living Facility, a group living use similar to the nursing home use, will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1040241-1

November 03, 2017

LOU REYNOLDS
ELLER & DETRICH PC
2727 E 21 ST STE 200
TULSA, OK 74114

Phone: (918)747-8900
Fax: (918)747-2665

APPLICATION NO: **9402** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **2552 E 021 ST S**
Description: **ASSISTED LIVING FACILITY**

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)

7.15

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. 9402

2552 E 021 ST S

November 03, 2017

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

1. **Sec.15.020 Table 15-2:** The proposed Assisted Living is designated a Residential/Group Living/Assisted Living Center Use and is located in an ~~OL~~ ^{OL AC} zoned district. This will require a Special Exception approved by the BOA.

Review comment: Submit an approved BOA Special Exception, reviewed and approved per *Sec.70.120*, to allow a Residential/Group Living/Assisted Living Center Use in an OL zoned district.

2. **Sec.70.080-B.1:** Except as expressly stated in *Sec.70.080-B.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.

Review Comment: INCOG advises that pursuant to *Sec.70.080-B.1* this property is subject to a platting requirement. INCOG does not have a record showing the final approved plat having been approved and filed, nor a plat waiver granted. Submit a copy of the approved 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. You may wish to consider a plat waiver submittal.

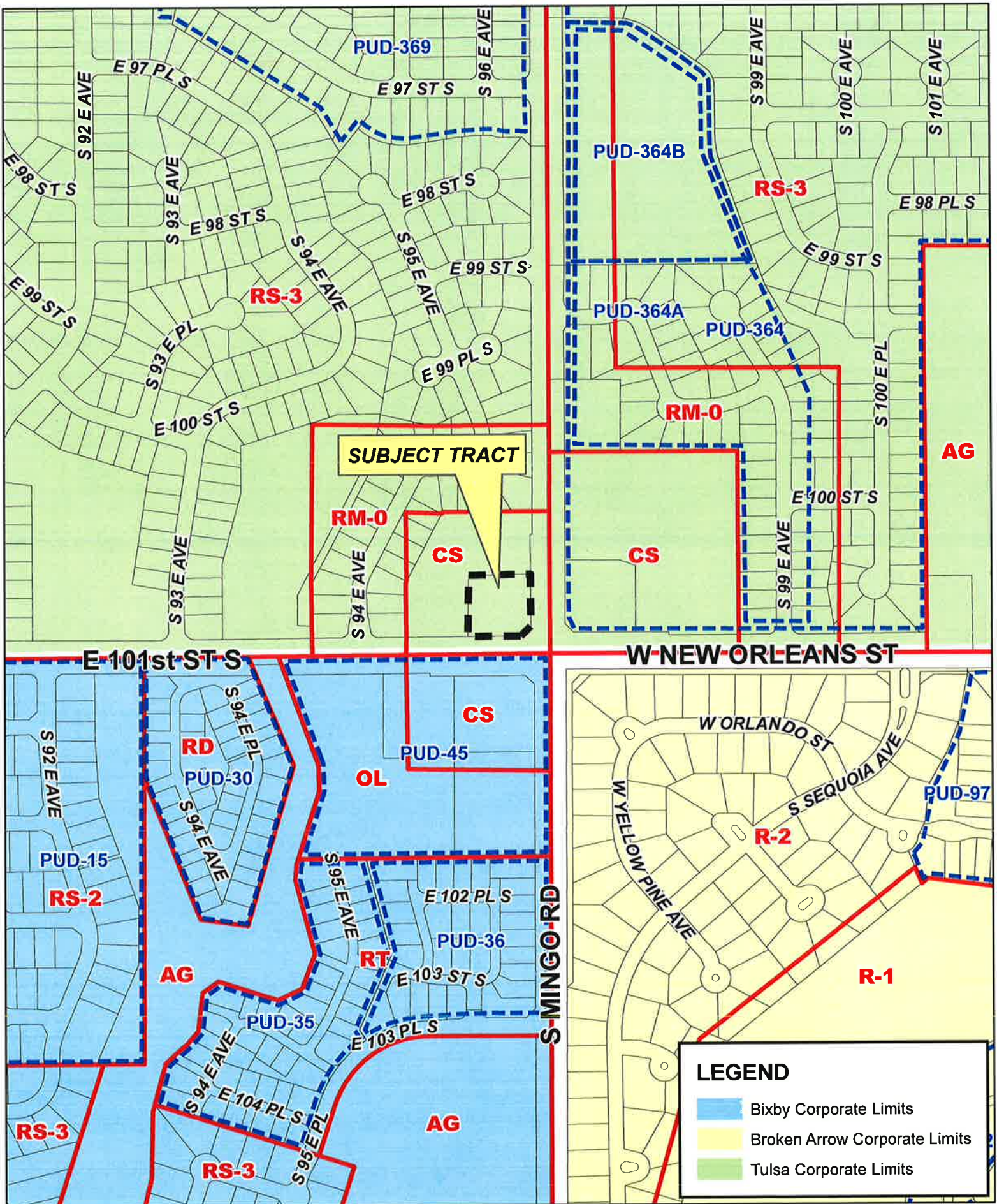
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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

END – ZONING CODE REVIEW

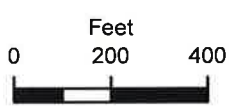
NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

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.



LEGEND

- Bixby Corporate Limits
- Broken Arrow Corporate Limits
- Tulsa Corporate Limits



BOA-22363

18-13 24

8.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 8324

Case Number: **BOA-22363**

CZM: 57

CD: 7

A-P#: 9414

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

APPLICANT: Michael Joyce

ACTION REQUESTED: Special Exception to permit personal vehicle rental in the CS district.
(Section 15.020)

LOCATION: 10032 S MINGO RD E

ZONED: CS

PRESENT USE: Commercial

TRACT SIZE: 39557 SQ FT

LEGAL DESCRIPTION: LT 28 BLK 2, CEDAR RIDGE VILLAGE, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

None relevant.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by CS zoned commercial/retail.

STAFF COMMENTS:

The applicant is before the Board requesting a Special Exception to permit an Automobile Rental use in an CS district on the subject site. A special exception is required as the proposed Enterprise Rent-A-Car is a use which is not permitted by right in the CS district because of potential adverse effect, but which if controlled in the instance as to its relationship to the surrounding area, may be permitted.

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

Sample Motion

Move to _____ (approve/deny) a Special Exception to permit personal vehicle rental in the CS district. (Section 15.020)

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

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



E 101st ST S

W NEW ORLEANS ST

S MINGO RD

W ORLANDO S

An aerial photograph of a residential street intersection. A yellow street sign is visible in the foreground, partially obscured by the text 'DO ST' and 'S SEQUOIA AVE'. The street is paved with asphalt and has a white curb. The surrounding area is filled with green trees and houses.

An aerial photograph of a residential neighborhood. A street sign for "W YELLOW PINE AVE" is visible in the lower right corner, oriented diagonally. The neighborhood features several houses with varying roof colors and styles, surrounded by trees and greenery. The overall scene is a typical suburban residential area.

BOA-22363

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

Aerial Photo Date: February 2016

8.4



18-13 24

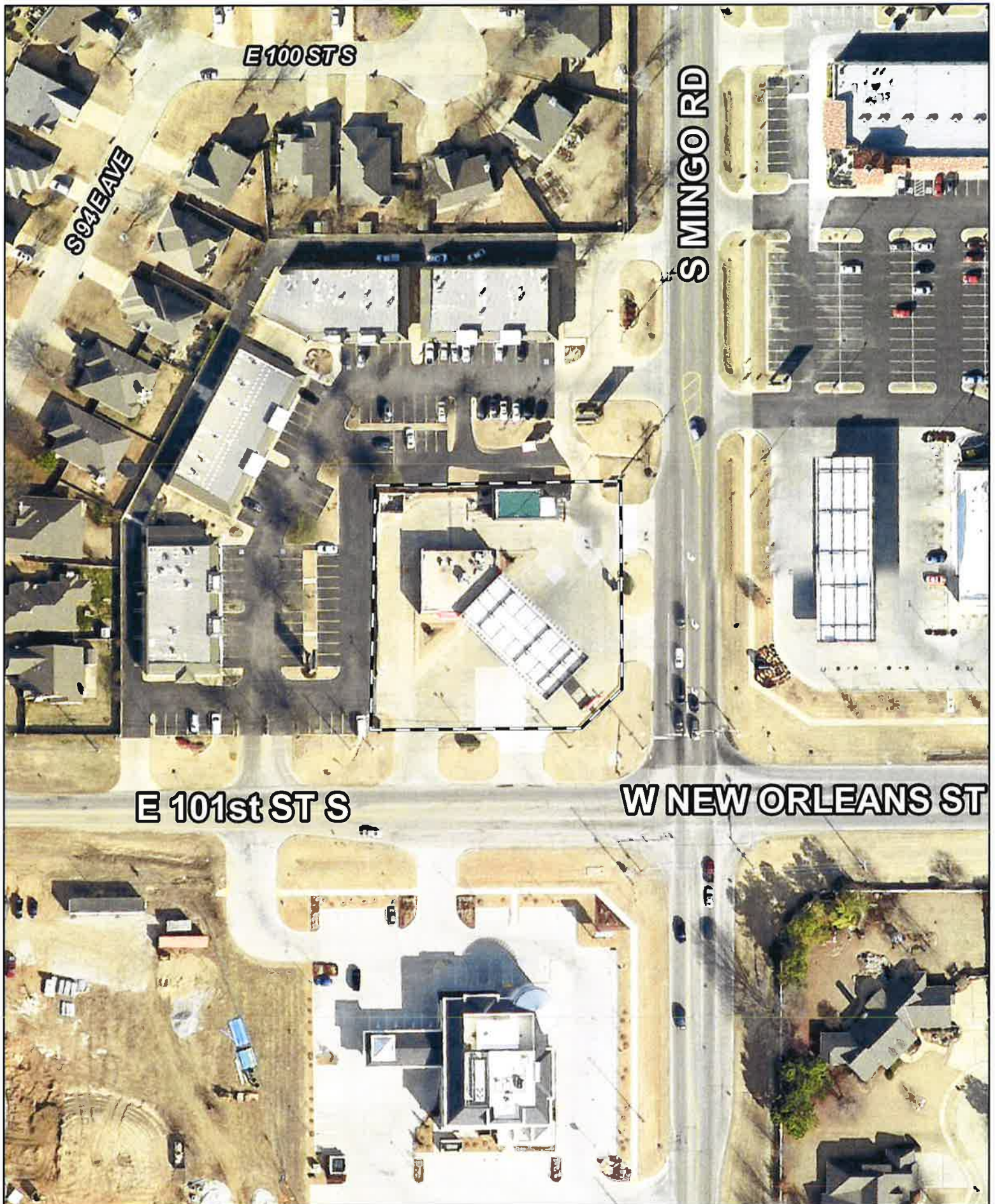
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200

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Subject
Tract



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Feet



Subject
Tract

BOA-22363

18-13 24

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

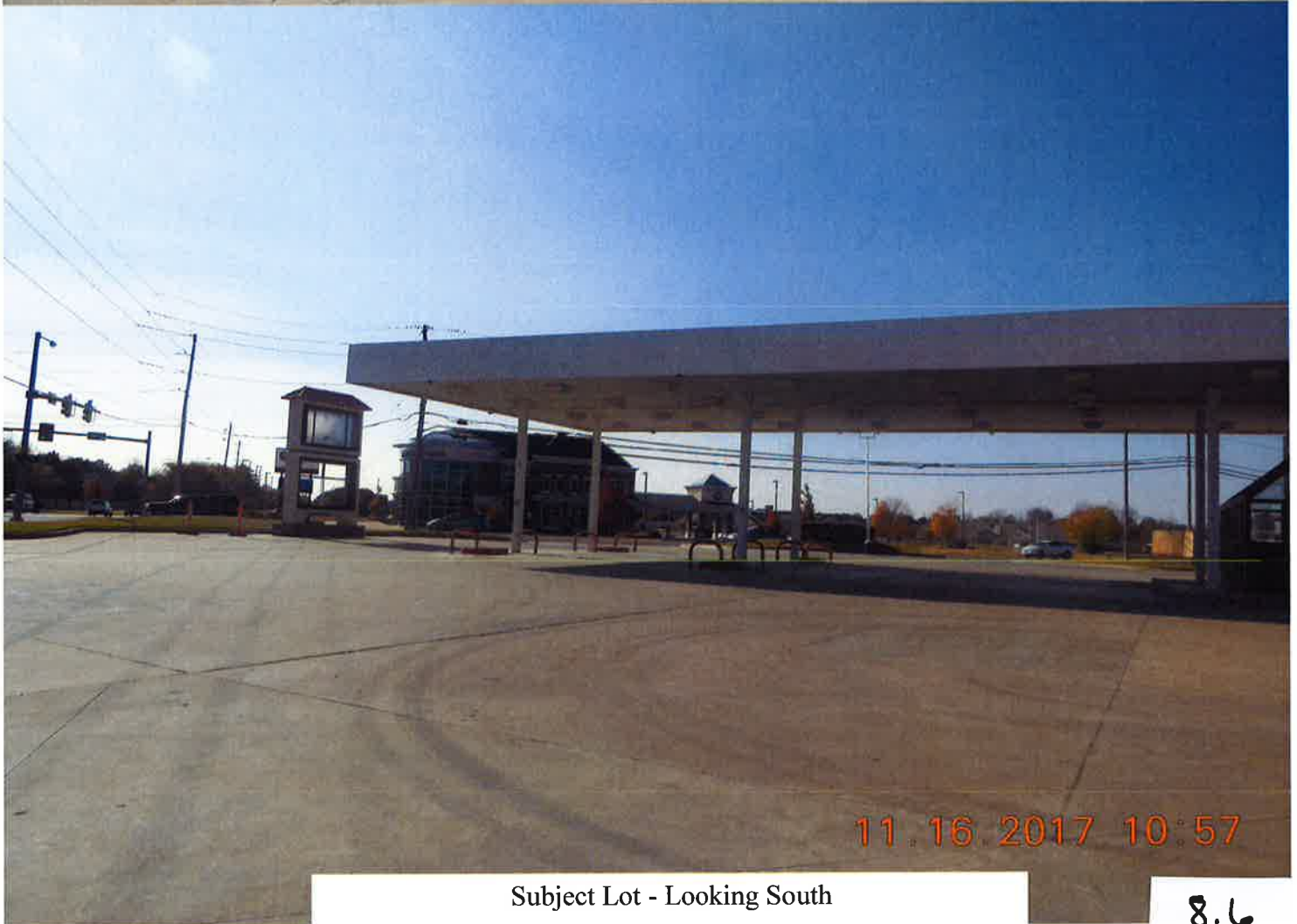
Aerial Photo Date: February 2016 8.5



BOA 22363



Subject Lot - Looking SW



11.16.2017 10:57

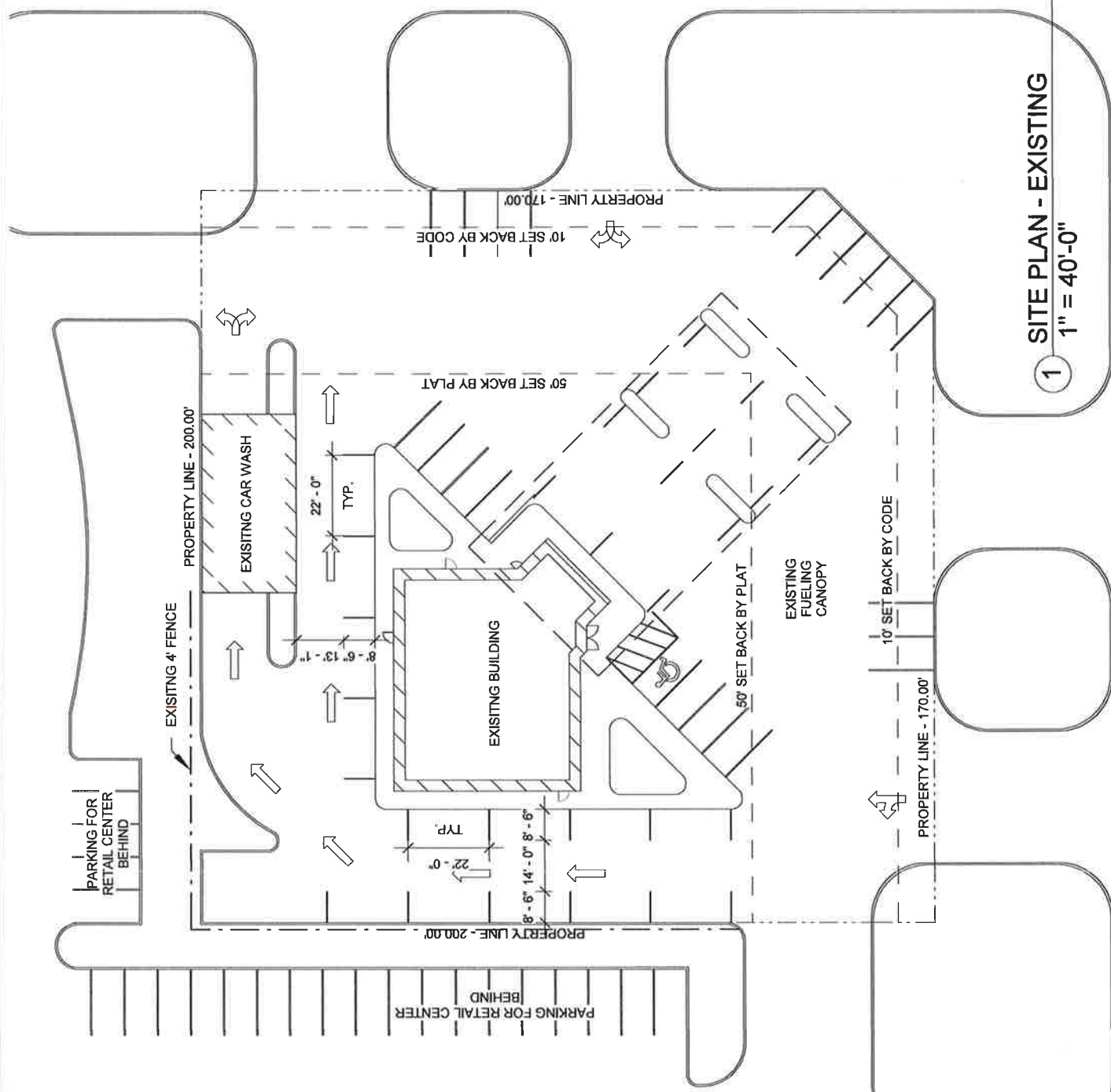
Subject Lot - Looking South

BOA 22363



Street View - 101 St S and Mingo Rd

1 SITE PLAN - EXISTING
1" = 40'-0"





Current



Tradedress Rendering

Date: 10/27/2017
Group: 51
Branch #: 56
Location: Tulsa, OK
Artist: Barker
Specialist: Jungermann
Job #: 101604
Type: HC

Attention: These renderings are intended to be used for conceptual Tradedress sign and site planning. They are not to be considered as construction drawings. Verification of dimensions, field conditions and local building codes is required.

In order to maintain brand consistency and integrity, for all significant tradedress upgrades please refer to the Facility and Vehicle Identification Manuals on the Operations Intranet or A3Shop.

Corporate Resources are also available to help guide you on significant tradedress updates as necessary. For airport facilities consult with the Airport Facilities/Construction team or for home city locations consult your Corporate Operations team.

Specified Sherwin Williams® paints are listed below. The colors that are being recommended to complete the above rendering will be marked with a 'X'. Contact your local Sherwin Williams Representative for specific paint specifications and applications at 1-800-4-SHERWIN.

Used	Swatch	Color	Sherwin Williams Color Name
ENTERPRISE EXTERIOR COLORS			
X		Light Beige	SW 6140 - Moderate White (Eggshell or Satin)
X		Dark Beige	SW 7038 - Tony Taupe (Satin)
X		Pure White	SW 7005 - Pure White (Satin)
X		Bright White	B66W300 Series, SherCryl Glass Ultra White
		Black	SW 6259 - Tricorn Black (building accents)
		Black	SW 6259 - Tricorn Black (sign poles)
ENTERPRISE INTERIOR COLORS			
		Light Beige	SW 6140 - Moderate White (Eggshell or Satin)
		Light Blue	SW 6505 - Atmospheric (Eggshell or Satin)
		Light Green	SW 1428 - Uphill (Eggshell or Satin)
		Medium Brown	SW 7039 - Virtual Taupe (Eggshell or Satin)

Enterprise specified Tubelite paints are listed below. The colors that are being recommended will be marked with a 'X'. Please note that this option is not applicable for every rendering.

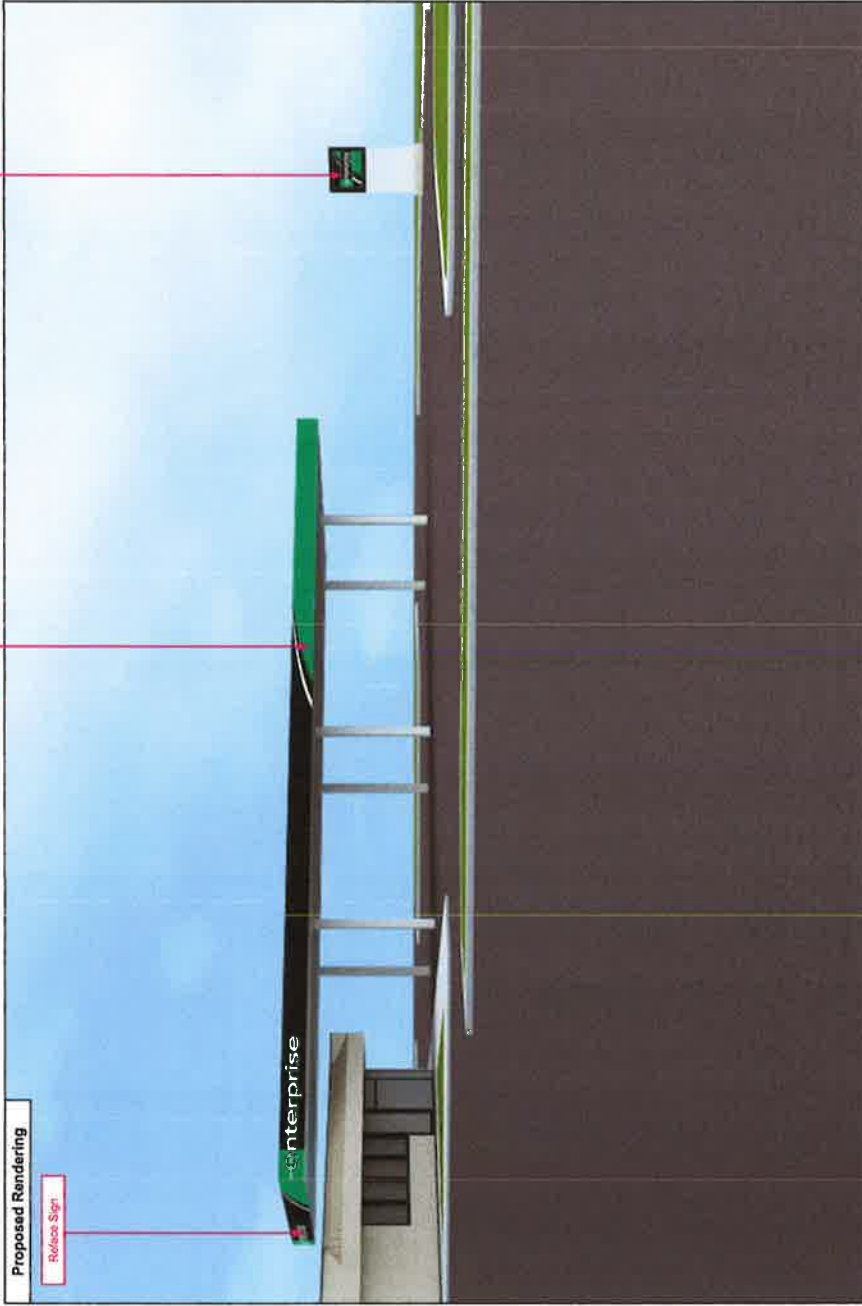
ENTERPRISE MULLION COLORS	
	Brushed Alum.
	Tubelite Clear 2A or 20
	Brown
	Tubelite Light Amber 2K
	Bronze
	Tubelite Dark Bronze 3K
X	Black
	Tubelite Black 0D

Site Location:
10032 South Mingo Road Tulsa, OK

Signage Restrictions:
Monument Sign - 3 signs max
Building Signage - 400 sqft

Proposed Signage
Monument Sign - 100 sqft
Building Signage - 47.5 sqft

Exterior | View 1 | Option 1





Tradedress Rendering

2 of 8

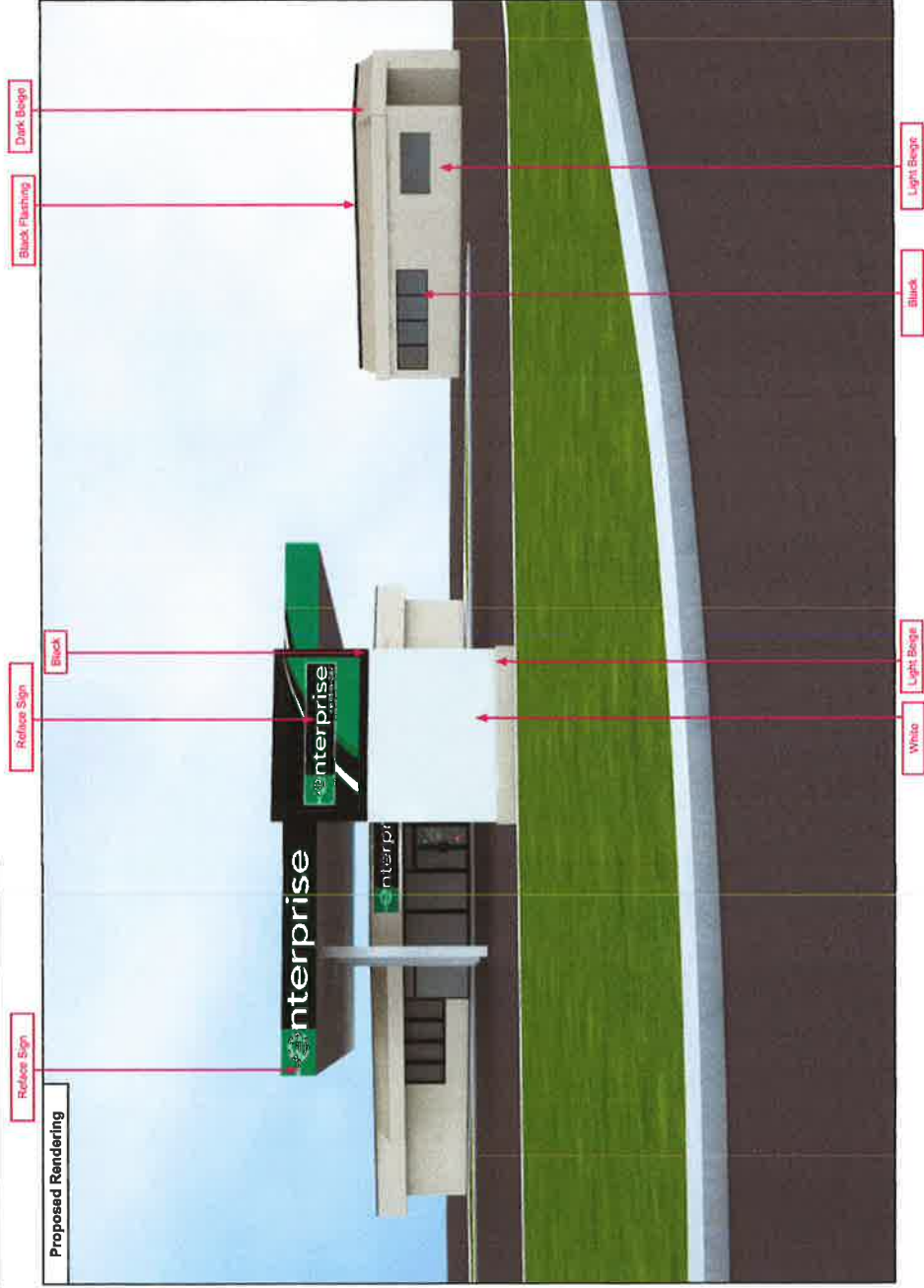
Date: 10/27/2017 Artist: Barker
Group: 51 Specialist: Jungermann
Branch #: 56 Job #: 101604
Location: Tulsa, OK Type: HC

Attention: These renderings are intended to be used for conceptual Tradedress sign and site planning. They are not to be considered as construction drawings. Verification of dimensions, field conditions and local building codes is required.

In order to maintain brand consistency and integrity, for all significant tradedress upgrades please refer to the Facility and Vehicle Identification Manuals on the Operations Intranet or AdShop.

Corporate Resources are also available to help guide you on significant tradedress updates as necessary. For airport facilities consult with the Airport Facilities/Construction team or for home city locations consult your Corporate Operations team.

Proposed Rendering



Specified Sherwin Williams® paints are listed below. The colors that are being recommended to complete the above rendering will be marked with a 'X'. Contact your local Sherwin Williams Representative for specific paint specifications and applications at 1-800-4-SHERWIN.

Used	Swatch	Color	Sherwin Williams Color Name
ENTERPRISE EXTERIOR COLORS			
X		Light Beige	SW 6140 - Moderate White (Satin)
X		Dark Beige	SW 7038 - Tidy Taupe (Satin)
X		Pure White	SW 7005 - Pure White (Satin)
X		Bright White	856N300 Series, SherCry Gloss Ultra White
-		Black	SW 6258 - Tricorn Black (building accents)
-		Black	866B300 - Black (sign poles)
ENTERPRISE INTERIOR COLORS			
-		Light Beige	SW 6140 - Moderate White (Eggshell or Satin)
-		Light Blue	SW 6505 - Atmospheric (Eggshell or Satin)
-		Light Green	SW 1428 - Uphill (Eggshell or Satin)
-		Medium Brown	SW 7039 - Virtual Taupe (Eggshell or Satin)

Enterprise specified Tubelite paints anodized finished or equivalent for the Mullions are listed below. The colors that are being recommended will be marked with a 'X'. Please note that this option is not applicable for every rendering.

ENTERPRISE MULLION COLORS	
-	Brushed Alum.
-	Tubelite Clear 2A or 20
-	Brown
-	Tubelite Light Amber 2K
-	Bronze
-	Tubelite Dark Bronze 3K
X	Black
-	Tubelite Black 00

Site Location:
10032 South Mingo Road Tulsa, OK

Signage Restrictions:
Monument Sign: 3 signs max
Building Signage: 400 sqft

Proposed Signage:
Monument Sign: 100 sqft
Building Signage: 47.5 sqft

01.10



Tradedress Rendering

Date: 10/27/2017 Artist: Barker
Group #: 51 Specialist: Jungermann
Branch #: 56 Job #: 101604
Location: Tulsa, OK Type: HC

Attention: These renderings are intended to be used for conceptual Tradedress sign and site planning. They are not to be considered as construction drawings. Verification of dimensions, field conditions and local building codes is required.

In order to maintain brand consistency and integrity, for all significant tradedress upgrades please refer to the Facility and Vehicle Identification Manuals on the Operations Intranet or A4Shop.

Corporate Resources are also available to help guide you on significant tradedress updates as necessary. For airport facilities consult with the Airport Facilities/Construction team or for home city locations consult your Corporate Operations team.

Specified Sherwin Williams® paints are listed below. The colors that are being recommended to complete the above rendering will be marked with a 'X'. Contact your local Sherwin Williams Representative for specific paint specifications and applications at 1-800-4SHERWIN.

Used	Switch	Color	Sherwin Williams Color Name
ENTERPRISE EXTERIOR COLORS			
X		Light Beige	SW 6140 - Moderate White (Satin)
X		Dark Beige	SW 7038 - Tony Taupe (Satin)
X		Pure White	SW 7005 - Pure White (Satin)
X		Bright White	B66W300 Series, SherCry Gloss Ultra White
		Black	SW 6256 - Triorn Black (building accents)
		Black	B66S300 - Black (sign poles)
ENTERPRISE INTERIOR COLORS			
		Light Beige	SW 6140 - Moderate White (Eggshell or Satin)
		Light Blue	SW 6505 - Atmospheric (Eggshell or Satin)
		Light Green	SW 428 - Uphill (Eggshell or Satin)
		Medium Brown	SW 7039 - Virtual Taupe (Eggshell or Satin)

Enterprise specified Tubelite paints anodized finished or equivalent for the mullions are listed below. The colors that are being recommended will be marked with a 'X'. Please note that this option is not applicable for every rendering.

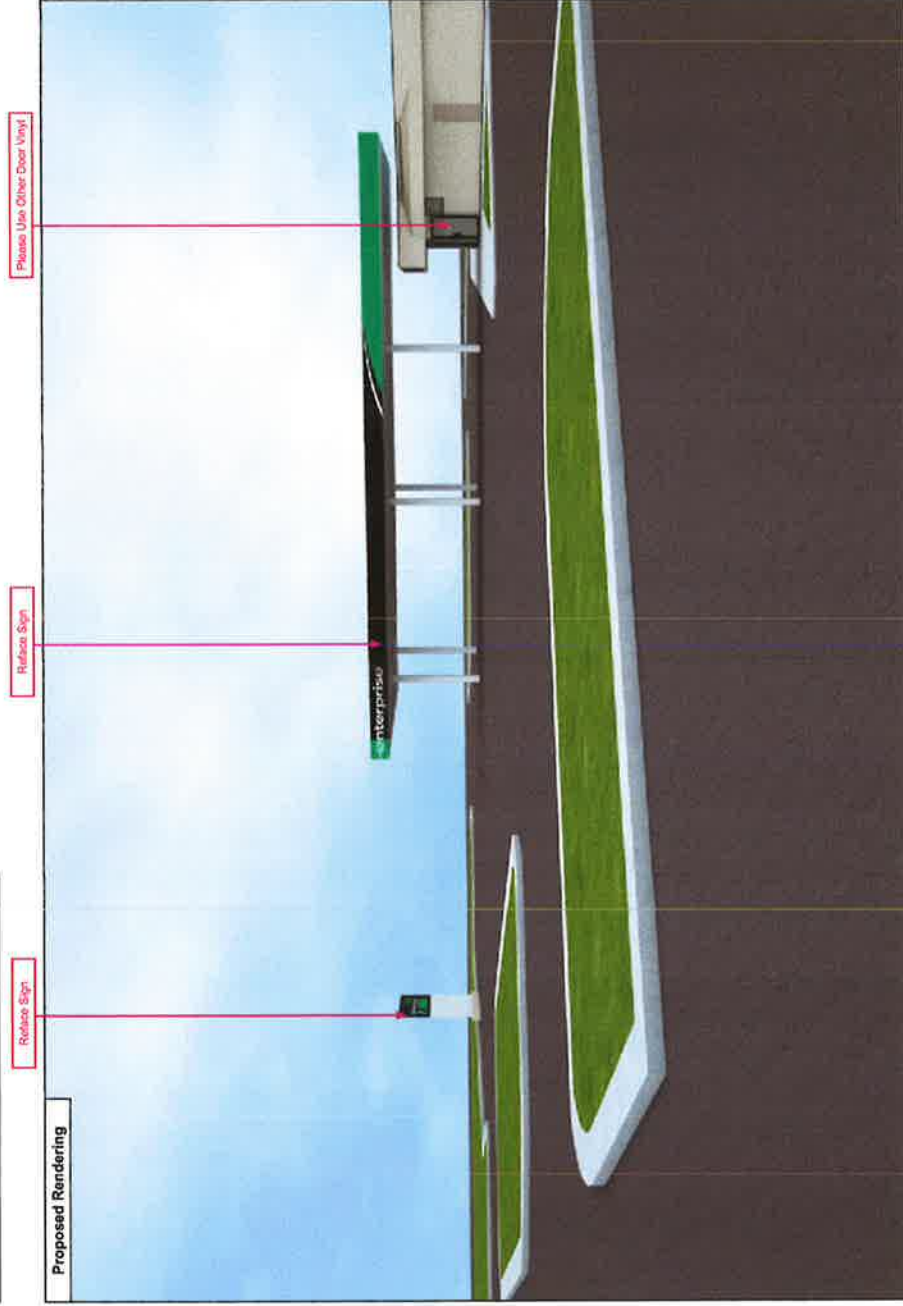
ENTERPRISE MULLION COLORS	
	Brushed Alum. Tubelite Clear 2A or 20
	Brown Tubelite Light Amber 2K
	Bronze Tubelite Dark Bronze 3K
X	Black Tubelite Black 0D

Site Location:
10032 South Mingo Road Tulsa, OK

Signage Restrictions:
Monument Sign: 3 signs max
Building Signage: 400 sqft

Proposed Signage
Monument Sign: 100 sqft
Building Signage: 47.5 sqft

Exterior | view 3 | Option 1





Door Vinyl

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Tradedress Rendering

4 of 8

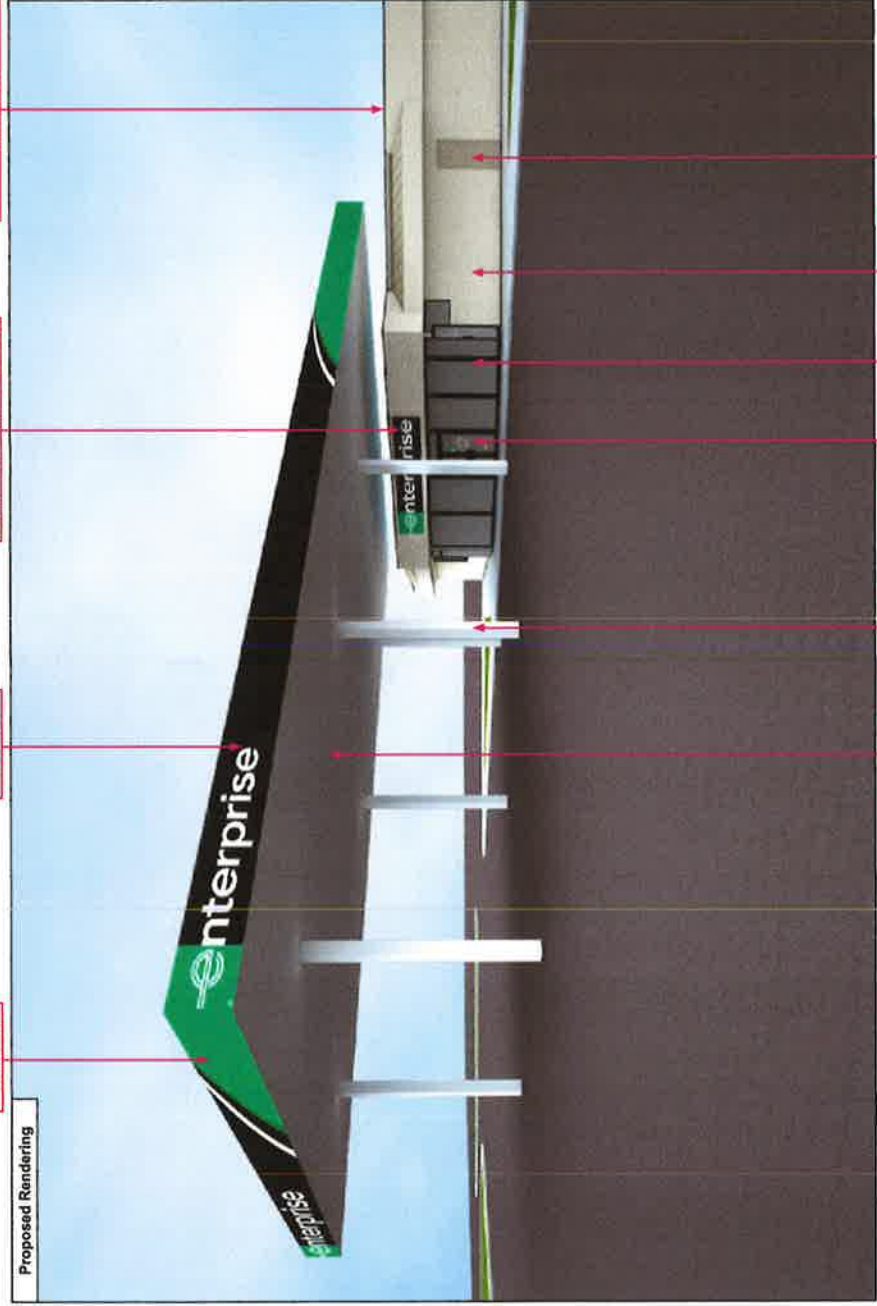
Date: 10/27/2017 Artist: Barker
Group: 51 Specialist: Jungermann
Branch #: 56 Job #: 101604
Location: Tulsa, OK Type: HC

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Proposed Rendering



Refuse Sign
Illuminated box sign 3'-1 1/2" x 15'-5 1/2"

Black Flushing

Specified Sherwin Williams® paints are listed below. The colors that are being recommended to complete the above rendering will be marked with a 'X'. Contact your local Sherwin Williams Representative for specific paint specifications and applications at 1-800-SHERWIN.

Used	Swatch	Color	Sherwin Williams Color Name
ENTERPRISE EXTERIOR COLORS			
X		Light Beige	SW 6140 - Moderate White (Satin)
X		Dark Beige	SW 7038 - Tony Taupe (Satin)
X		Pure White	SW 7005 - Pure White (Satin)
X		Bright White	B66W300 Series, SherCry Gloss Ultra White
		Black	SW 6258 - Tricorn Black (building accents)
		Black	B66B300 - Black (sign poles)
ENTERPRISE INTERIOR COLORS			
		Light Beige	SW 6140 - Moderate White (Eggshell or Satin)
		Light Blue	SW 6505 - Atmospheric (Eggshell or Satin)
		Light Green	SW 4268 - Uphill (Eggshell or Satin)
		Medium Brown	SW 7039 - Virtual Taupe (Eggshell or Satin)

Enterprises specified Tubelite paints anodized finished or equivalent for the mullions are listed below. The colors that are being recommended will be marked with a 'X'. Please note that this option is not applicable for every rendering.

ENTERPRISE MULLION COLORS	
	Brushed Alum.
	Tubelite Clear 2A or 20
	Tubelite Light Amber 2K
	Tubelite Dark Bronze 3K
X	Black
	Tubelite Black 0D

Site Location:
10032 South Mingo Road Tulsa, OK

Signage Restrictions:
Monument Sign: 3 signs max
Building Signage: 400 sqft

Proposed Signage:
Monument Sign: 100 sqft
Building Signage: 47.5 sqft

8.12



Date: 10/27/2017 Artist: Barker
Group: 51 Specialist: Jungermann
Branch #: 56 Job #: 101604
Location: Tulsa, OK Type: HC

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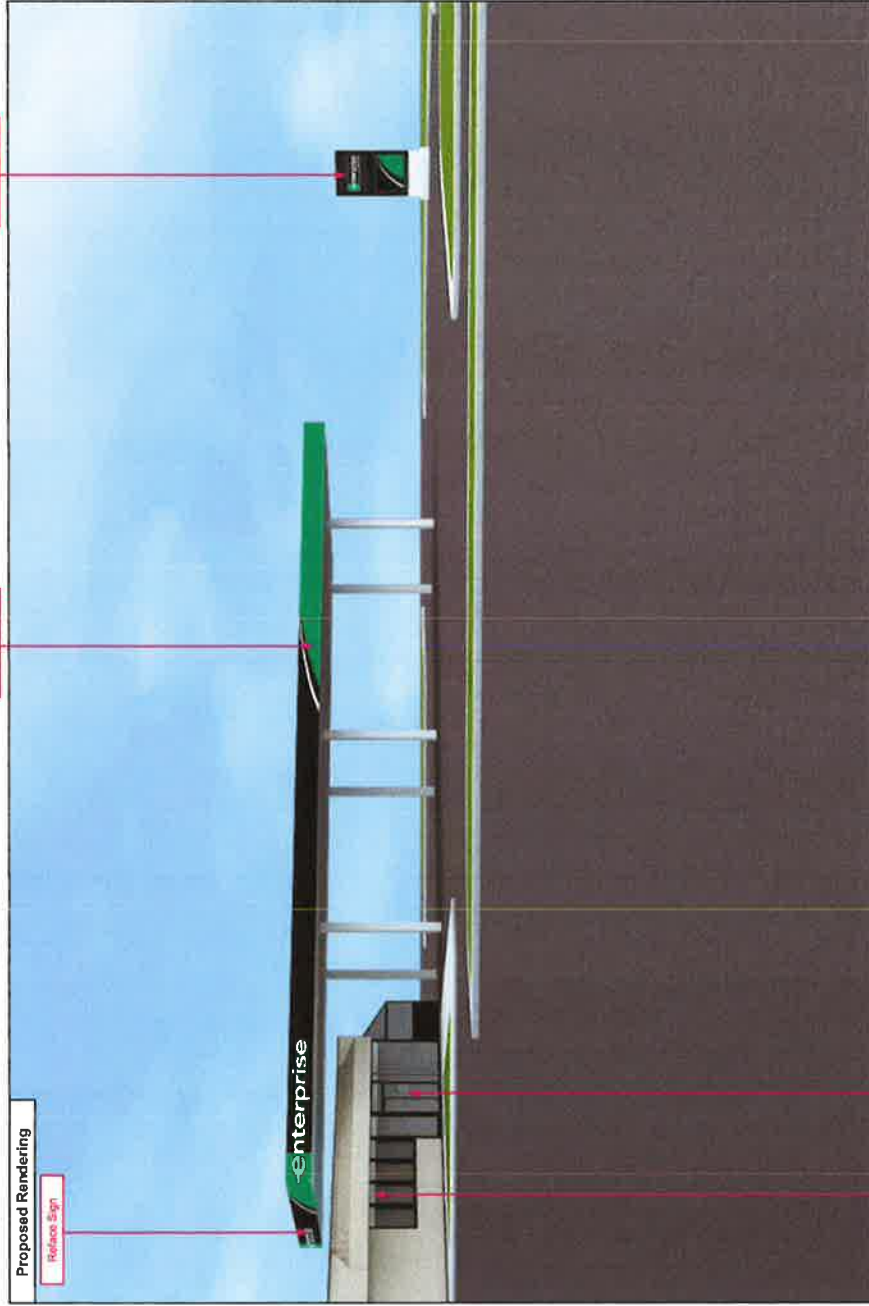
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Proposed Rendering

Reference Sign

Reference Sign

Reference Sign



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ENTERPRISE EXTERIOR COLORS			
X		Light Beige	SW 6140 - Moderate White (Satin)
X		Dark Beige	SW 7038 - Tony Taupe (Satin)
X		Pure White	SW 7005 - Pure White (Satin)
X		Bright White	BESW300 Series, SherCry Gloss Ultra White
		Black	SW 6258 - Tricorn Black (building accents)
		Black	BESB300 - Black (sign poles)
ENTERPRISE INTERIOR COLORS			
		Light Beige	SW 6140 - Moderate White (Eggshell or Satin)
		Light Blue	SW 6505 - Atmospheric (Eggshell or Satin)
		Light Green	SW 1428 - Uphill (Eggshell or Satin)
		Medium Brown	SW 7039 - Virtual Taupe (Eggshell or Satin)

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ENTERPRISE MULLION COLORS	
	Brushed Alum.
	Tubelite Clear 2A or 2D
	Brown
	Tubelite Light Amber 2K
	Bronze
	Tubelite Dark Bronze 3K
X	Black
	Tubelite Black OD

Site Location:
10032 South Mingo Road Tulsa, OK

Signage Restrictions:
Monument Sign: 3 signs max
Building Signage: 400 sqft

Proposed Signage:
Monument Sign: 100 sqft
Building Signage: 47.5 sqft

6" White Opague Vinyl Blind

Door Vinyl



Door Vinyl

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and URL will be localized



Tradedress Rendering

Date: 10/27/2017
Group: 51
Branch #: 56
Location: Tulsa, OK

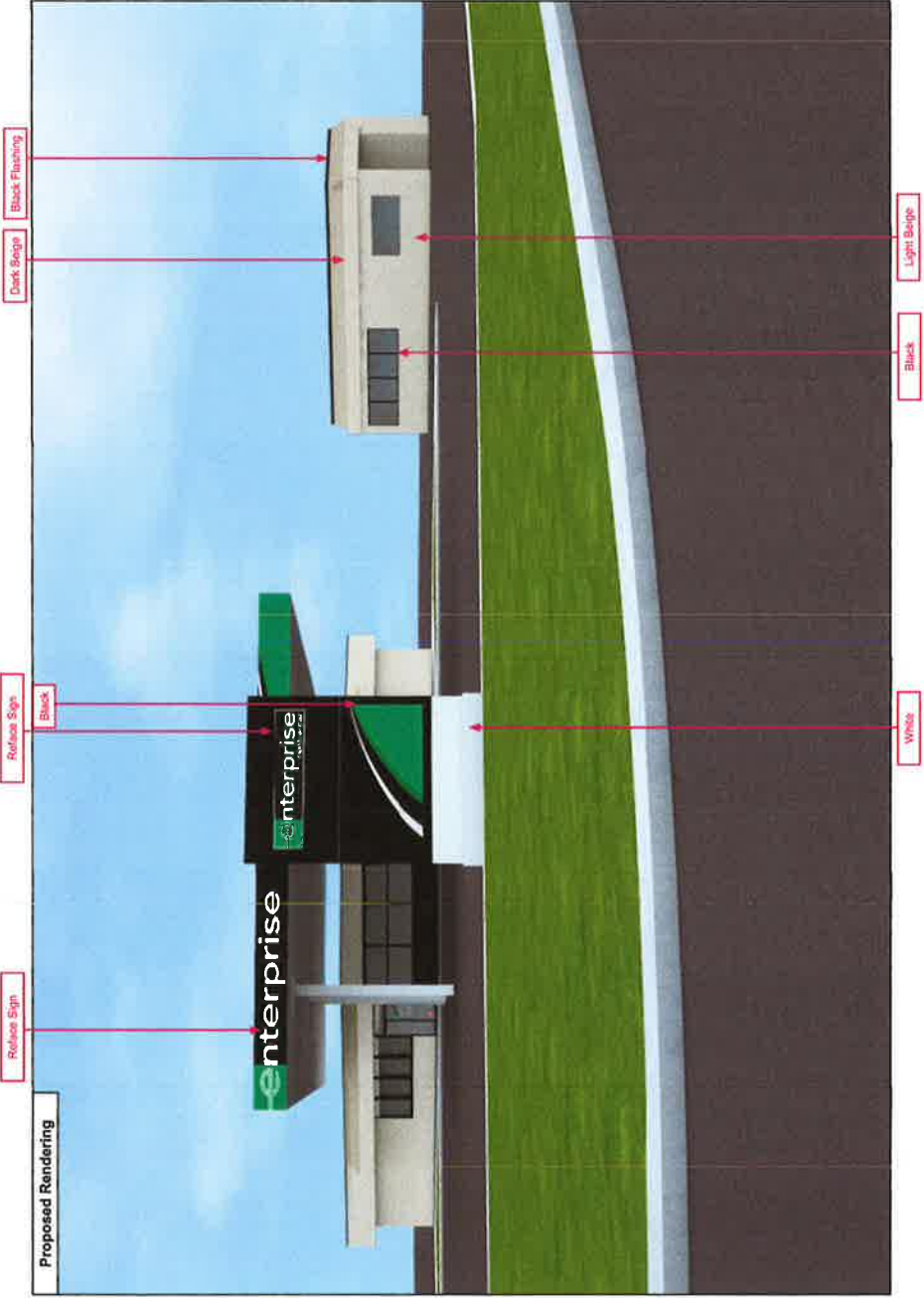
Artist: Barker
Specialist: Jungermann
Job #: 101604
Type: HC

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Proposed Rendering



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X		Dark Beige	SW 7038 - Tony Taupe (Satin)
X		Pure White	SW 7005 - Pure White (Satin)
X		Bright White	B66W300 Series, SherCry Gloss Ultra White
-		Black	SW 6258 - Tricorn Black (building accents)
-		Black	B66B300 - Black (sign poles)
ENTERPRISE INTERIOR COLORS			
-		Light Beige	SW 6140 - Moderate White (Eggshell or Satin)
-		Light Blue	SW 6505 - Atmospheric (Eggshell or Satin)
-		Light Green	SW 1428 - Uphill (Eggshell or Satin)
-		Medium Brown	SW 7039 - Virtual Taupe (Eggshell or Satin)

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-	Brushed Alum.
-	Tubelite Clear 2A or 2D
-	Brown
-	Tubelite Light Amber 2K
-	Bronze
-	Tubelite Dark Bronze 3K
X	Black
-	Tubelite Black 0D

Site Location:
10032 South Mingo Road Tulsa, OK

Signage Restrictions:
Monument Sign: 3 signs max
Building Signage: 400 sqft

Proposed Signage:
Monument Sign: 100 sqft
Building Signage: 47.5 sqft



Current



Tradedress Rendering

Date: 10/27/2017 Artist: Barker
Group: 51 Specialist: Jungermann
Branch #: 56 Job #: 101604
Location: Tulsa, OK Type: HC

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Used	Swatch	Color	Sherwin Williams Color Name
ENTERPRISE EXTERIOR COLORS			
X		Light Beige	SW 7140 - Modesto White (Satin)
X		Dark Beige	SW 7038 - Tony Taupe (Satin)
X		Pure White	SW 7005 - Pure White (Satin)
X		Bright White	B66N300 Series, SherCry Glass Ultra White
		Black	SW 6258 - Tricorn Black (building accents)
		Black	B66B300 - Black (sign poles)
ENTERPRISE INTERIOR COLORS			
		Light Beige	SW 6140 - Modesto White (Eggshell or Satin)
		Light Blue	SW 6505 - Atmospheric (Eggshell or Satin)
		Light Green	SW 428 - Uphill (Eggshell or Satin)
		Medium Brown	SW 7039 - Virtual Taupe (Eggshell or Satin)

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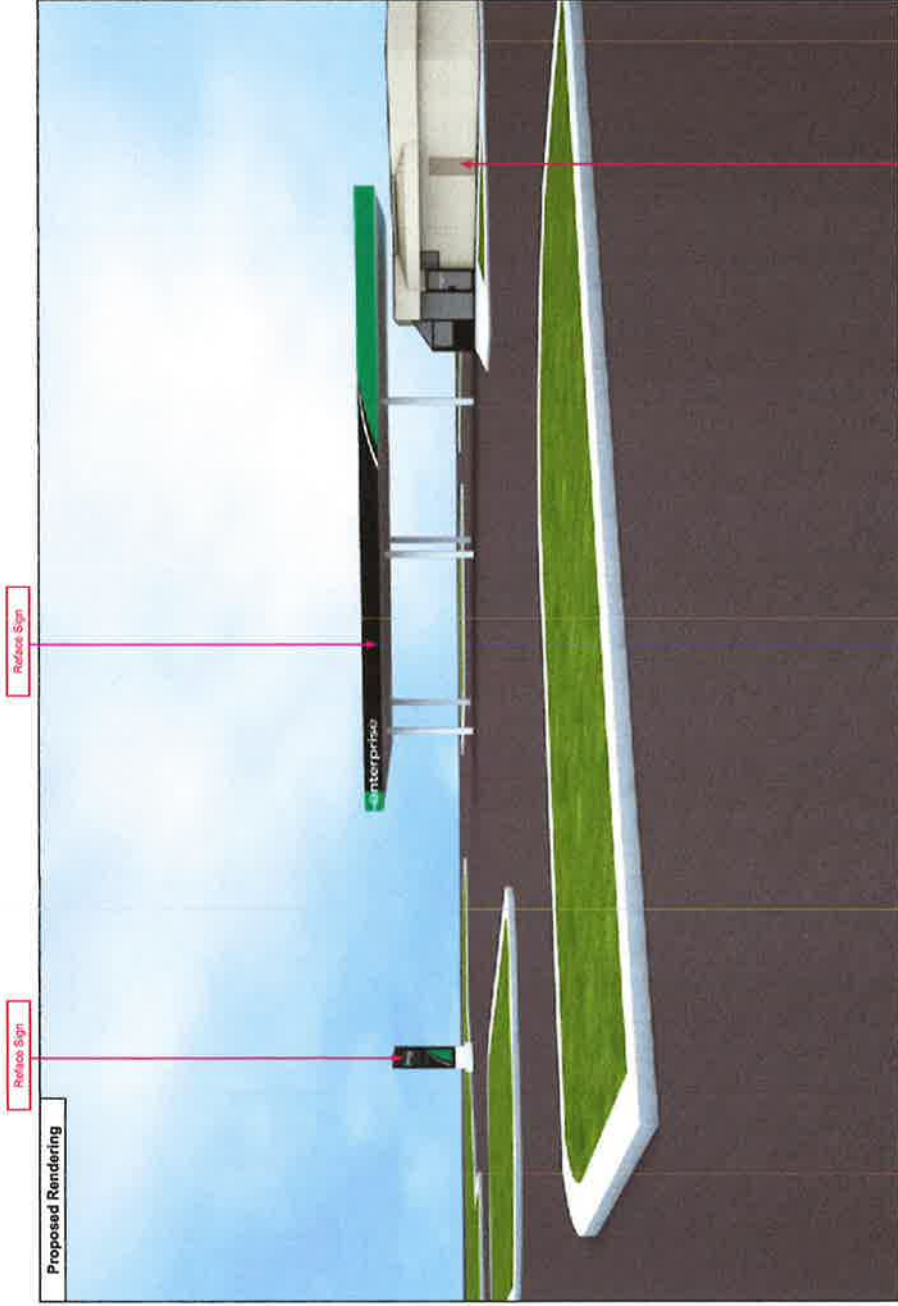
ENTERPRISE MULLION COLORS	
	Brushed Alum.
	Tubelite Clear 2A or 20
	Brown
	Tubelite Light Amber 2K
	Bronze
	Tubelite Dark Bronze 3K
X	Black
	Tubelite Black 00

Site Location:
10032 South Mingo Road Tulsa, OK

Signage Restrictions:
Monument Sign: 3 signs max
Building Signage: 400 sqft

Proposed Signage
Monument Sign: 100 sqft
Building Signage: 47.5 sqft

Exterior | View 3 | Option 2



Dark Beige



Tradedress Rendering

8 of 8

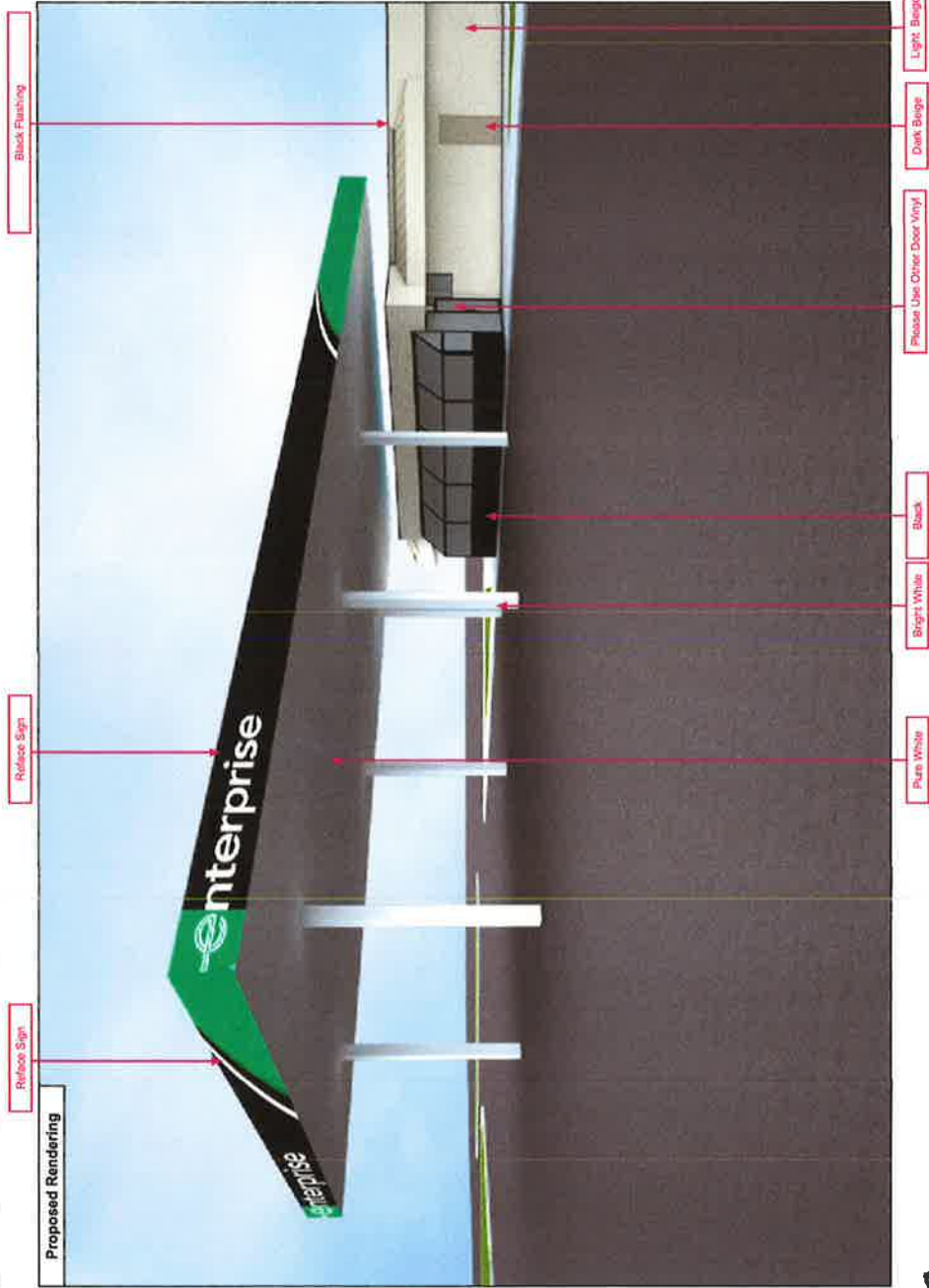
Date: 10/27/2017 Artist: Barker
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Branch #: 56 Job #: 101604
Location: Tulsa, OK Type: HC

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Proposed Rendering



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ENTERPRISE EXTERIOR COLORS			
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X		Dark Beige	SW 7039 - Tony Taupe (Satin)
X		Pure White	SW 7005 - Pure White (Satin)
X		Bright White	B66W300 Series SherCry Gloss Ultra White
-		Black	SW 6258 - Tricorn Black (building accents)
-		Black	B66S300 - Black (sign poles)
ENTERPRISE INTERIOR COLORS			
-		Light Beige	SW 6140 - Moderate White (Eggshell or Satin)
-		Light Blue	SW 6505 - Atmospheric (Eggshell or Satin)
-		Light Green	SW 1428 - Uphill (Eggshell or Satin)
-		Medium Brown	SW 7039 - Virtual Taupe (Eggshell or Satin)

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ENTERPRISE MULLION COLORS	
-	Brushed Alum.
-	Tubelite Clear 2A or 20
-	Tubelite Light Amber 2K
-	Tubelite Dark Bronze 3K
X	Tubelite Black 00

Site Location:
10032 South Mingo Road Tulsa, OK

Signage Restrictions:
Monument Sign: 3 signs max
Building Signage: 400 sqft

Proposed Signage
Monument Sign: 100 sqft
Building Signage: 47.5 sqft

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: 1040936-1

November 07, 2017

MICHAEL JOYCE
THE MICHAEL JOYCE LAW FIRM
P O BOX 52248
TULSA, OK 74152-0248

Phone: (918)742-7411

APPLICATION NO: 9414 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 10032 S MINGO RD E
Description: VACANT CONVENIENCE STORE CHANGE TO CAR RENTAL CENTER - ENTERPRISE CAR RENTAL

INFORMATION ABOUT SUBMITTING REVISIONS

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

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)

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. 9414

10032 S MINGO RD E

November 07, 2017

Note: Please direct all questions concerning special exceptions, variances and all questions regarding BOA application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

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

1. **Sec.35.050-Q5:** Your proposed car rental is designated a Commercial/Vehicle Sales & Service/Personal Vehicle Sales & Rentals Use and is located in the CS zoning district.

Review comment: A Special Exception, approved by the BOA, is required for car rental at this location. This will require you to submit a Special Exception, reviewed and approved in accordance with the Special Exception procedures of Section 70.120, for Commercial/Vehicle Sales & Service/ Personal Vehicle Sales & Rentals to be allowed in the CS district.

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

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

END – ZONING CODE REVIEW

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

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

BOARD OF ADJUSTMENT CASE REPORT

STR: 8303

Case Number: **BOA-22364**

CZM: 53

CD: 9

A-P#: 426871

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

APPLICANT: Mary Huckabee

ACTION REQUESTED: Amendment of the previously approved site plan in BOA 18869 to allow a playground area and expansion of the existing facility.

LOCATION: 6102 S HUDSON AV E

ZONED: OL

PRESENT USE: Ronald McDonald House

TRACT SIZE: 2 Acres

LEGAL DESCRIPTION: E225 LT 1 BLK 2; W217.8 E442.8 LT 1 BLK 2, WARREN CENTER EAST AMD, WARRENTON, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Lot:

BOA 18869; the Board approved a special exception to allow expansion of the Ronald McDonald facility, per submitted plans.

BOA 15678; the Board approved a variance to permit a second story, to be used for storage only, in an OL zoned district.

BOA 15147; the Board approved, per plans, a special exception to permit a facility providing housing for the families of patients requiring extended hospitalization in an OL zoned district.

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by E. 61st St. S. and RS-3 zoned parks and open space on the north; OL zoning abuts the site on the east and west; RS-3 zoned residences abut the site on the south

STAFF COMMENTS:

The applicant is before the Board requesting an **Amendment** to a previously approved Site Plan (BOA-18869) to permit expansion of the Ronald McDonald House facility on the site.

In BOA 18869 the Board approved a modification to a previously approved site plan to permit expansion of the site and the Ronald McDonald House; the request was approved per a submitted site plan. The applicant therefore is required to present any proposed modifications of the site plan to the Board for review and approval to allow the Board to ensure that the proposed modifications are keeping with the spirit and intent of the original approval.

According to the submitted site plan the applicant is proposing construction of a new kitchen area addition to the existing building and a playground area on the east portion of the site.

Sample Motion

Move to _____ (approve/deny) an Amendment of the previously approved site plan in BOA 18869 to allow a playground area and expansion of the existing facility.

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

The Board finds that the requested Amendment 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.

Applicant's Rebuttal:

Mr. LaFortune stated he has spoken with Mr. Holdridge about their concerns. Mr. LaFortune stated that the south post has been moved back in line with the existing fence for the safety of pedestrians. He stated that he also spoke with Ms. Charles and that she told him she is neutral, she considers the structure a wall not a fence, and she does not believe it should be torn down.

Board discussion ensued.

Board Action:

On **MOTION** of Dunham, the Board voted 3-0-1 (White, Dunham, Turnbo "aye"; no "nays"; Cooper "abstained"; Perkins "absent") to **APPROVE** a **Variance** of the required setback from an abutting street from 35' to 25' to permit a fence in an RS-1 district, per the plan submitted that shows the post and the wall on south end of property being in line with the south property line, and on the condition that the portion of wall that lies to the north of existing wrought iron fence be removed and no new vegetation will be permitted in front of the 35' building setback line, finding that 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:

Lot 3, of the Subdivision of Lot 7, Block 3, Woody Crest Subdivision, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18869

Action Requested:

Special Exception to permit extension of the Ronald McDonald House under Use Unit 5 or alternating Use Unit 8 in an OL district. SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS; SECTION 1205. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES; SECTION 1208. USE UNIT 8. MULTIFAMILY DWELLING AND SIMILAR USES -- Use Unit 5, 8, located W of SW/c of E. 61st St. & Hudson.

Mr. Cooper stated he would abstain from this case.

Presentation:

Roy Johnsen, 201 W. 5th St., Ste. 500, Tulsa, OK 7103, stated he was an attorney, representing Ronald McDonald House Charities of Tulsa, Inc., as well as Saint Francis, Inc., which will be the owner. He pointed out that in the 1989 BOA approval for the Ronald McDonald House on the subject property, the use unit was not specified. Since that time, the zoning codes have changed. Mr. Johnsen informed the Board that he and INCOG staff have discussed the issue and concluded the Use Unit 8 is the most appropriate. He noted that there are 14

bedrooms in the existing facility, and the proposed expansion would provide 10 extra beds, plus some of the common areas for social gathering. This would require 24 parking spaces, and there are about 42 available spaces.

Protestants:

Greg Denny, 5541 E. 61st Place, stated he owns the duplex at 5541 and 5539. The back yard of the duplex next door to the east abuts the Ronald McDonald House. He stated that he did not know about the meeting for the homeowner's association regarding the Ronald McDonald House before the previous BOA application. He added that he would have protested at that time. Mr. Denny pointed out that there is increased traffic congestion at the 61st and Hudson traffic light in front of the Ronald McDonald House between 4:00 p.m. and 6:00 p.m. in the evening. He informed the Board that there have been numerous rear end collisions, and some were due to increased traffic flow in front of the Ronald McDonald House. He stated his concern regarding vandalism in the area, and indicated it may be attributed to the Ronald McDonald House, because of the noise and the people who congregate outside the house at 2:00 and 3:00 a.m. He stated that he has observed people cutting across his backyard from Saint Francis to the house. He added that some were inebriated, loud and caused a disturbance. He pointed out that this is a 24-hour operation without any security. He further opposed any more obstruction to their view of LaFortune Park. Mr. Denny brought up the matter of a wood fence to be constructed, and suggested an alternative since a brick wall is already in place.

Comments and Questions:

Mr. White reminded Mr. Denny that Mr. Johnsen has not requested relief on the fence height.

Applicant's Rebuttal:

Mr. Johnsen stated that the Ronald McDonald House is an excellent facility, well received in the community and successful. He commented that he would have an architect take a look at the fence and contact Mr. Denny in the future. He asked that no condition be imposed today regarding the fence.

Board Action:

On **MOTION of Dunham**, the Board voted 3-0-1(White, Dunham, Turnbo "aye"; no "nays"; Cooper "abstained"; Perkins "absent") to **APPROVE** a **Special Exception** to permit extension of the Ronald McDonald House under Use Unit 8 in an OL district, per plan submitted, finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

The W 217.80' of the E 442.80' of Lot 1, Block 2, The Amended Plat of Warren Clinic East, an Addition in the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 15675 (continued)

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bradley, Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 15675, as requested by the protestants.

Case No. 15678

Action Requested:

Variance of the one-story building height regulation to two-story construction to permit a partial second floor (approximately 1100 sq ft) to be used for storage purposes - **Section 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 5 and 8, located SW/c of East 61st Street and South Hudson Avenue.

Presentation:

The applicant, **Roy Johnsen**, 324 Main Mall, Tulsa, Oklahoma, submitted a plot plan (Exhibit J-1) and informed that he is appearing on behalf of **TLC, Inc.**, which is the sponsoring organization for the Ronald McDonald House. He stated that a special exception was approved by the Board in 1989, which permitted the construction of the facility in an OL District. Mr. Johnsen stated that the previously approved site plan will not change; however, a storage area for items donated to the organization is proposed for the attic portion of the building. He explained that the roof is pitched in the center portion of the building, and the attic will be decked to create the storage area. Mr. Johnsen stated that Ms. Hubbard, Building Inspection Department, determined that technically this would create a second floor, which is not permitted in an OL District. He informed that the 1200 sq ft area is not habitable space and does not have heat and air. The applicant pointed out that the Code is not clear concerning the use of floored attic space, and asked the Board to allow the storage in this portion of the building.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bradley, Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the one-story building height regulation to two-story construction to permit a partial second floor (approximately 1100 sq ft) to be used for storage purposes only - **Section 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 5 and 8; finding that the partial second floor is actually decked attic space; finding a hardship imposed by the fact that the Zoning Code does not address floored attic space; and finding that the area is not habitable and will be used for storage purposes only; on the following described property:

Case No. 15678 (continued)

East 225' of Lot 1, Block 2, Amended Plat of Warren Center East
Addition to the City and County of Tulsa, Oklahoma.

There being no further business, the meeting was adjourned at 2:20 p.m.

Date Approved March 26, 1991

Harvey White
Chairman

Action Requested:

Special Exception - Section 610 - Principal Uses Permitted In Office Districts - Use Unit 1205 - (1208 alternatively) - Request a special exception to allow for a facility which provides housing for families of patients which require extended hospitalization, located SW/c of 61st Street and South Hudson Avenue.

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, stated that he is appearing on behalf of the Warren Foundation, St. Francis Hospital and TLC, Inc. He explained that TLC, Inc. is a non-profit corporation recently formed by some of the community leaders to find a site to construct a Ronald McDonald House. This facility provides accommodations for families of children that are seriously ill and have come to Tulsa for medical attention. The property in question will be conveyed from the Warren Foundation to St. Francis Hospital, which will then lease the site to TLC, Inc. for 99 years, with a one dollar per year rental fee. Mr. Johnsen informed that the property is zoned OL and would seemingly require a special exception under Use Unit 8. He pointed out that an extensive amount of review has occurred with the neighborhood representatives. It was noted that the facility will be located on approximately 45,000 sq ft of land at the corner of 61st Street and Hudson. Mr. Johnsen informed that the building will have a maximum of 12,000 sq ft of floor space, which will initially accommodate 10 families (10 rooms with 2 beds each), with some areas, such as kitchens and dining areas being shared by the guests. He stated that a manager will reside on the property. The applicant informed that the plot plan depicts an access on 61st Street, with an additional access on Hudson, which will not be constructed at this time, and asked that the Hudson access not be made a requirement of approval. He requested that a fence to the south of the building be allowed to be a picket fence with landscaping if the Hudson access is constructed at a future date. A plot plan (Exhibit B-1) was submitted by the applicant.

Comments and Questions:

Ms. Bradley remarked that she is concerned with the possible access to Hudson, due to the fact that this is a collector street. Mr. Johnsen informed that this question has been discussed, but would request that an access point be approved at this time if needed in the future.

Mr. Quarles asked if the Traffic Engineering Department is aware of the intent to access Hudson, and Mr. Johnsen replied that it will require their approval.

In response to Ms. Bradley's inquiry as to meetings with surrounding homeowners, Mr. Johnsen informed that there have been a series of meetings with the homeowners in the area.

Protestants: None.

Case No. 15147 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bradley, Quarles, White, "aye"; no "nays"; no "abstentions"; Chappelle, Smith, "absent") to **APPROVE** a **Special Exception** (Section 610 - Principal Uses Permitted In Office Districts - Use Unit 1205 - (1208 alternatively) to allow for a facility which provides housing for families of patients which require extended hospitalization, per plot plan submitted, provided however, that the south access drive to Hudson and the screening just south of the building need not be constructed; finding that the proposed use is in conjunction with the nearby hospital; and will not be detrimental to the surrounding uses; on the following described property:

The east 225' of Lot 1, Block 2, Amended Warren Center East Addition to the City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15196

Action Requested:

Variance - Section 430.1 - Bulk & Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of the required front setback from 25' to 22.7' to allow for an existing dwelling, located 7047 East 78th Place.

Presentation:

The applicant, **Betty C. Harvey**, 7514 East 53rd Street, Tulsa, Oklahoma, submitted a plat of survey (Exhibit C-1), and stated that she is a real estate agent and has a listing at the above stated location. She pointed out that her client was not aware that the dwelling was constructed over the required setback until they attempted to sell the property. Ms. Harvey stated that the error was discovered in a recent survey, and she requested that the Board approve the variance to clear the title. Photographs (Exhibit C-3) and a copy of the Stormwater Case Review (Exhibit C-2) were submitted.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Quarles, White, "aye"; no "nays"; no "abstentions"; Chappelle, Smith, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk & Area Requirements In Residential Districts - Use Unit 1206) of the required front setback from 25' to 22.7' to allow for an existing dwelling; finding that the structure was constructed over the required building setback several years ago; and the granting of the request will not be detrimental to the neighborhood; on the following described property:

Lot 22, Block 4, Sweetbriar Addition, City of Tulsa, Tulsa County, Oklahoma.

7.06.89:542(4)



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Subject
Tract

BOA-22364

18-13 03

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

Aerial Photo Date: February 2016





E 61st ST S

SHUDSON AVE

E 61st PL S

0 50 100
Feet



Subject
Tract

BOA-22364

18-13 03

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

Aerial Photo Date: February 2016

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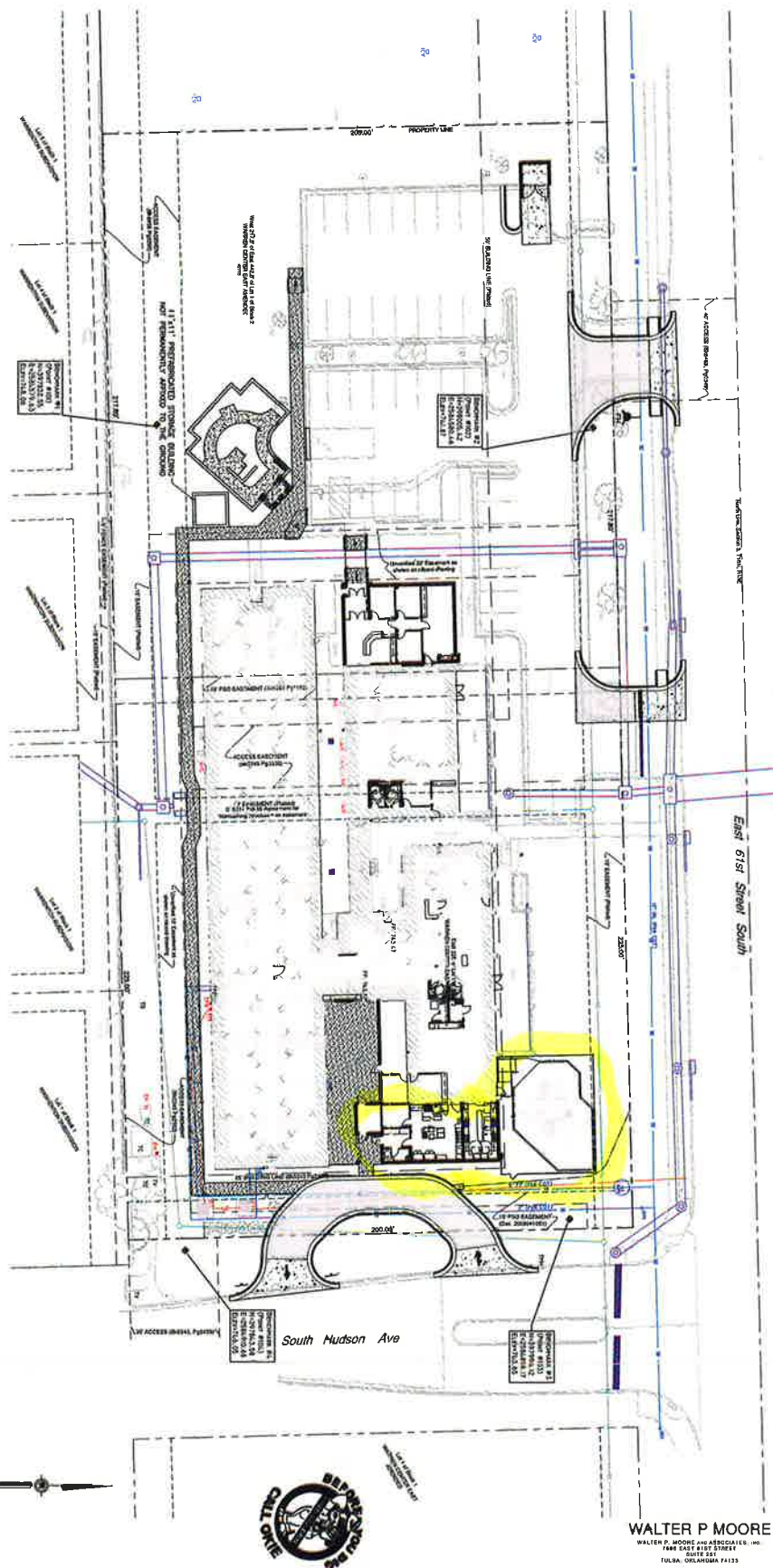
BOA 22364

Subject Lot - Looking East

11 16 2017 11 49

11 16 2017 11 49

9.12



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McFarland
Architects

1419 E. 41st Place South, Suite 100
Tulsa, Oklahoma 74105
Phone 918 745-8100, Fax 918 745-8145

Ronald McDonald House

Kitchen Expansion and Renovation

6102 South Hudson Avenue

Tulsa, Oklahoma

C2.1

DATE
June 13, 2017
SHEET
SITE & FLOOR PLAN

074136.12
REVISIONS
8/21/17 ADDENDUM 2

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: 1021255-1

July 31, 2017

RYAN O'NEIL
NABHOLZ CONSTRUCTION
10319 E 054 ST
TULSA, OK 74146

Phone: (918) 521-4432
Fax: (918) 632-7250

APPLICATION NO: **426871** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **6102 S HUDSON 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" **[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)

9.14

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. 426871

6102 S HUDSON AVE

July 31, 2017

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

Sec.70.120-E1c: BOA-18869: 9/26/2000 approved a special exception to permit the extension of the Ronald McDonald House under Use Unit 8 in an OL district, per plan submitted.

Review comment: The proposed kitchen, administrative offices and outdoor playground is a modification of the plan approved by BOA-18869: 9/26/2000. This will require approval from the BOA for a minor amendment to the site plan approved on 9/26/2000. Submit a site plan that has been reviewed and approved in compliance with Sec. 70.120.

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

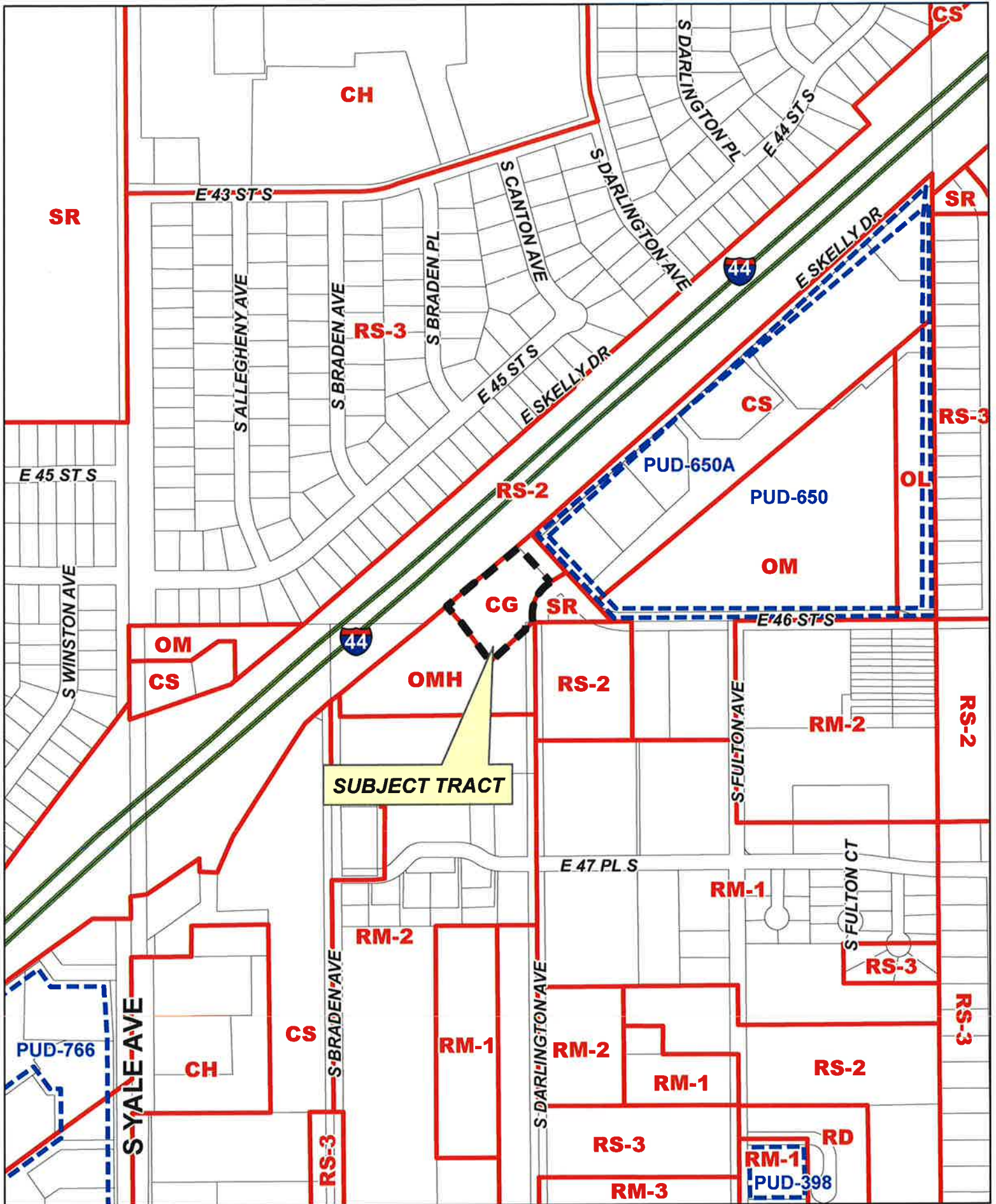
A hard copy of this letter is available upon request by the applicant.

END - ZONING CODE REVIEW

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

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

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BOA-22365

19-13 27

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BOARD OF ADJUSTMENT CASE REPORT

STR: 9327

Case Number: BOA-22365

CZM: 48

CD: 5

A-P#: N/A

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

APPLICANT: Michael Keester

ACTION REQUESTED: Variance from the maximum floor area ratio of 0.75 to allow a floor area ratio of 1.45 to permit a storage facility. (Section 15.030)

LOCATION: 5154 E SKELLY DR S

ZONED: CG

PRESENT USE: Vacant

TRACT SIZE: 1.43 Acres

LEGAL DESCRIPTION: A part of Block One (1), ADMIRAL BENBOW ADDITION, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded plat thereof, and being more particularly described as follows, to-wit: BEGINNING at the Northmost corner of Block One (1), of ADMIRAL BENBOW ADDITION, said corner also being the Southwest Corner of the intersection of the Right of Way lines of East Skelly Drive (1-44) and East 46th Street South; THENCE S 40° 51' 07" E along the Southerly Right of Way line of East 46th Street South a distance of 161.64 feet to the Southwest Corner of intersection of the Right of Way lines of East 46th Street South and South Darlington Avenue; THENCE S 49° 08' 53" W ALONG THE West Right of Way line of South Darlington Avenue a distance of 9.60 feet to a point of curve to the left; THENCE along said curve to the left having a central angle of 49° 03' 53" and a radius of 150 feet a distance of 128.45 feet; THENCE S 0° 05' 00" W a distance of 14.43 feet to a point of intersection of the West Right of Way line of South Darlington Avenue and the North line of the Southwest Quarter (SW/4) of Section 27, Township 19 North, Range 13 East; THENCE S 0° 01' 54" E along said West Right of Way line of South Darlington Avenue a distance of 22.12 feet; THENCE S 49° 08' 53" W and parallel to the Southerly line of East Skelly Drive a distance of 159.77 feet; THENCE N 40° 51' 07" W and perpendicular to said Southerly Right of Way line a distance of 167.84 feet to a point of intersection with the North line of the Southwest Quarter (SW/4) of Section 27, Township 19 North, Range 13 East; THENCE continuing N 40° 51' 07" W a distance 73.16 feet to a point of intersection with the Southerly Right of Way line of East Skelly Drive (1-44); THENCE N 49° 08' 53" E along said Southerly Right of Way line a distance of 306.60 feet to the POINT OF BEGINNING

RELEVANT PREVIOUS ACTIONS:

Subject Lot:

BOA-21058; on 04.03.13 the Board of Adjustment **accepted** a verification of the spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway and a verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from any other digital outdoor advertising sign facing the same traveled way.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by an RS-2 zoned church to the south and an OMH zoned office building to the southwest; a CS/PUD zoned commercial shopping center is located to the east/northeast. I-44 abuts the subject property to the north.

STAFF COMMENTS:

The proposed self-storage facility is permitted by right in the CG district. The CG district limits the floor area ratio (F.A.R.) to 75%, or .75; F.A.R. is the floor area of all buildings on a lot, divided by the area of that lot. To permit the storage facility as proposed the applicant has requested a **Variance** of the maximum F.A.R. from .75 to 1.45 on the subject site.

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

Sample Motion

Move to _____ (approve/deny) a Variance from the maximum floor area ratio of 0.75 to allow a floor area ratio of 1.45 to permit a storage facility. (Section 15.030)

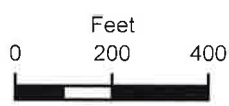
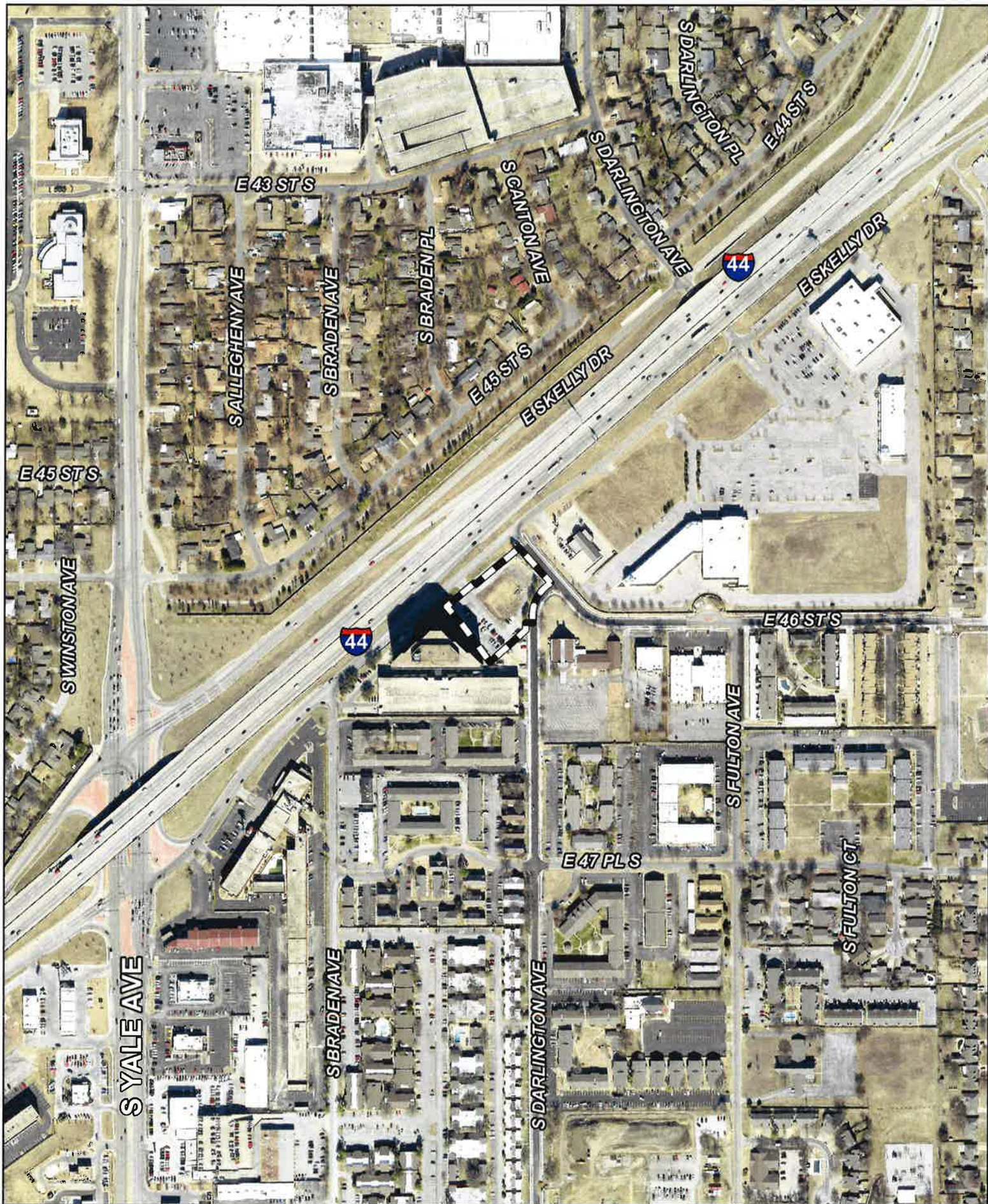
- Finding the hardship(s) to be _____.
- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions _____.

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







Subject
Tract

BOA-22365

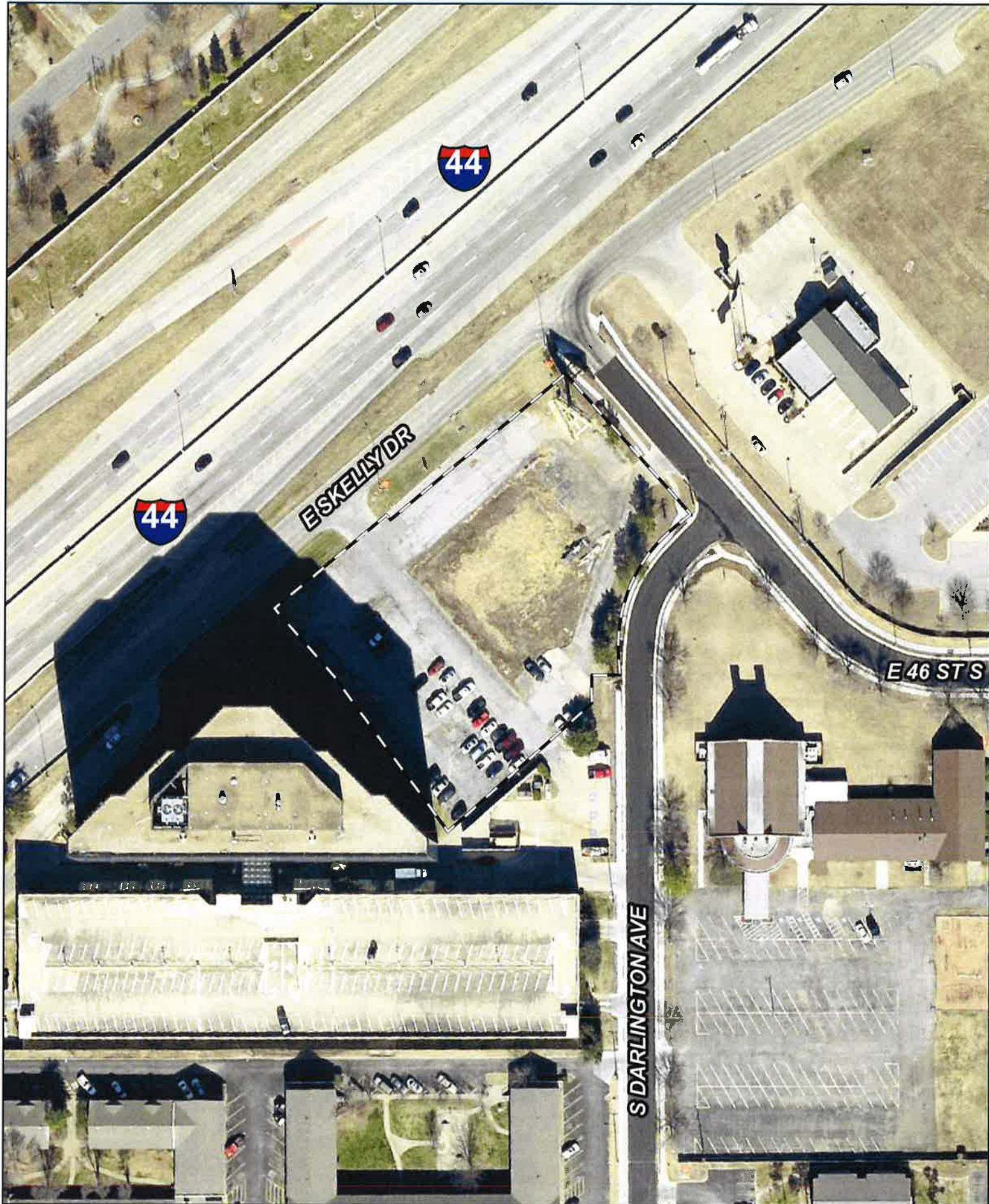
19-13 27

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

Aerial Photo Date: February 2016



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Subject
Tract

BOA-22365

19-13 27

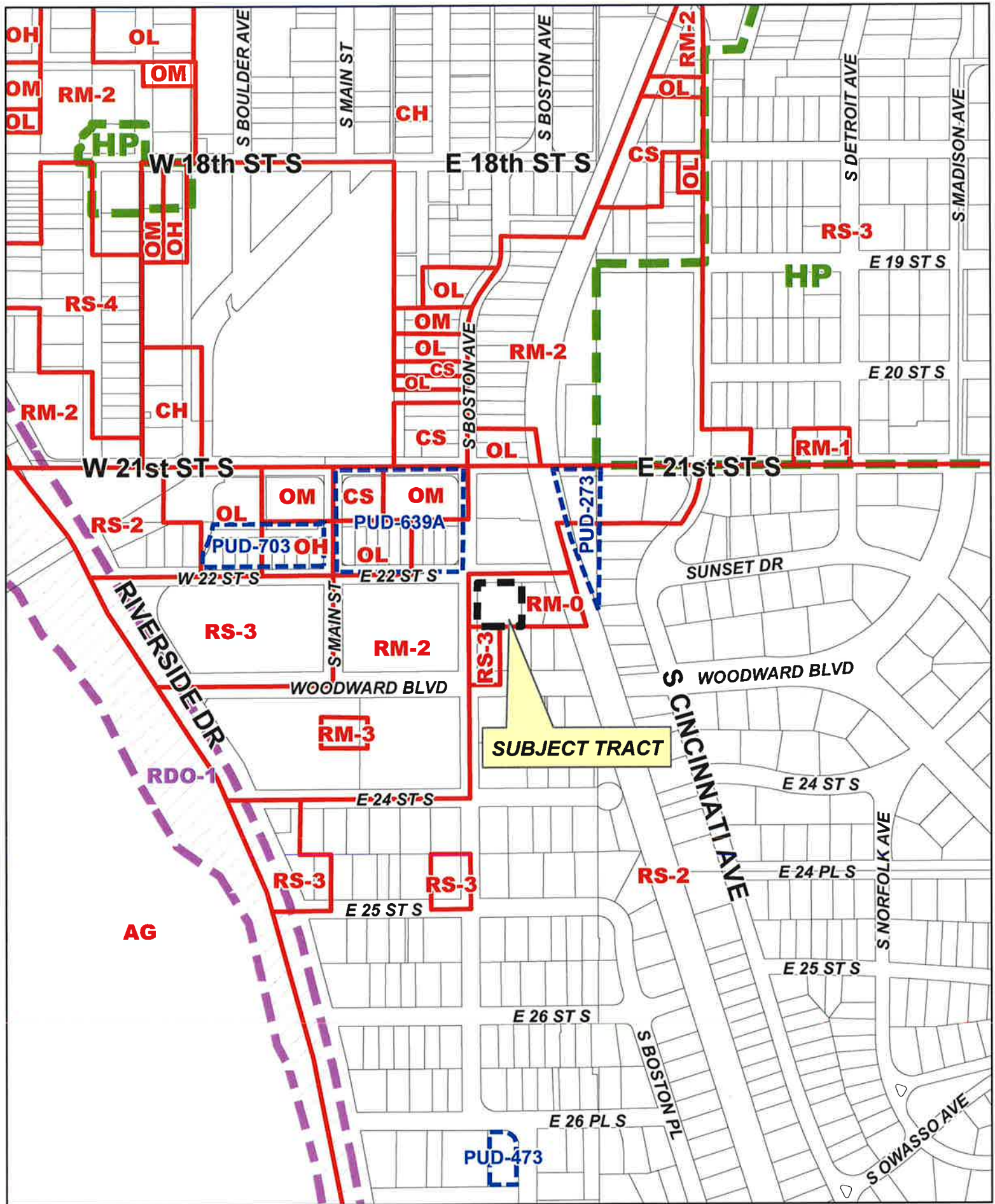
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Aerial Photo Date: February 2016



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BOA-22366

19-12 13

BOARD OF ADJUSTMENT CASE REPORT

STR: 9213

Case Number: **BOA-22366**

CZM: 36

CD: 4

A-P#: 9398

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

APPLICANT: Bryan Rogers

ACTION REQUESTED: Special Exception to allow a fence to exceed 4 feet in height in the front street setback to allow 5 feet. (Sec. 45.080)

LOCATION: 102 E 22 ST S

ZONED: RM-0

PRESENT USE: Residential

TRACT SIZE: 21165.89 SQ FT

LEGAL DESCRIPTION: W 25' OF LT 2 ALL OF LTS 3 & 4 BLK 6, RIVERSIDE DRIVE ADDN THIRD AMD, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Lot:

BOA 20943; the Board approved a Variance of the required rear yard from 20' to 10' to permit a detached accessory building.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by an RM-2 zoned townhomes to the north; RM-2 zoned condominiums to the west; RM-0 single family residential to the east; RS-2 and RS-3 zoning abuts the site on the south.

STAFF COMMENTS:

As shown in the attached plan the property owner is proposing a 5-ft. tall iron gate/fence within the required 25 ft. building setback along E. 22nd Street S. 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. The Code (Section 45.080) limits fence and wall heights in the required front setback along E 22nd Street to 4 feet; however, the Code permits the Board of Adjustment to increase the permitted height through special exception approval. The applicant has requested a **Special Exception** to allow a fence to exceed 4 feet in height in the front street setback to allow 5 feet.

Sample Motion

Move to _____ (approve/deny) a Special Exception to allow a fence to exceed 4 feet in height in the front street setback to allow 5 feet. (Sec. 45.080)

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

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

LT 8 BK 2, LTS 9 & 10 LESS N18 LT 9 & E18 S52 LT 9 & LESS E18 LT 10 BLK 2, PEEBLES ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20943

Action Requested:

Variance of the required rear yard from 20' to 10' to permit a detached accessory building (Section 210.A), located: 102 East 22nd Street South.

Presentation:

Tom Layon, 102 East 22nd Street, Tulsa, Oklahoma, stated the hardship is created by an elevated lot. The home fronts on East 22nd Street. The proposed garage would run along Boston and access would be from Boston (Exhibit B-1). The elevation from the street to the base of the front wall is seven feet and two inches. It is not feasible to place the garage in the front yard. The house was built more to the back north side of the middle of the property, so there is not much back yard. There is a bay window on the south side of the house that would be eight feet and eight inches from the north wall of the garage. Mr. Layon stated they communicated the plans with several neighbors and the Maple Ridge Homeowner's Association and received support. He pointed out other neighboring properties with garages that are also within a few feet from the property line.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **White**, the Board voted 4-0-0 (White, Henke, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; Stead "absent") to **APPROVE** a Variance of the required rear yard from 20' to 10' to permit a detached accessory building (Section 210.A), per plan labeled Site Plan A; finding the hardship to be the significant elevation change from the street to the north to the house, which makes the construction of the garage on the 22nd Street side to be very near impossible, and there is adequate room in the rear yard given this relief, and also because the underlying zoning of Mr. Layon's property and the property on the south side of 22nd is all RM-0, but it abuts property to the south side of their rear property line, which is actually RS; 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, on the following described property:

FILE COPY

W 25' OF LT 2 ALL OF LTS 3 & 4 BLK 6, RIVERSIDE DRIVE ADDN THIRD
AMD, City of Tulsa, Tulsa County, State of Oklahoma

*****.

Case No. 20963

Action Requested:

Variance of the front yard requirement (abutting 67th E. Av.) from 25 ft. to 9 ft. (Section 403) to permit an accessory church building, located: Southeast corner of North 67th East Avenue and East Oklahoma Place.

Presentation:

Steve Olsen, 324 East 3rd Street, Tulsa, Oklahoma, 74120, stated they have been working with St. Peter and Paul Church. They proposed to build an office building on the subject property in between the existing parking lots. They have applied for a street closure to make the church and subject properties to be one for the church and school. Mr. Olsen mentioned that White Surveying was handling the closure of the street.

This being new information to the Board, Mr. White abstained from Case No. 20963.

Mr. Olsen stated the neighborhood association is in support.

Interested Parties:

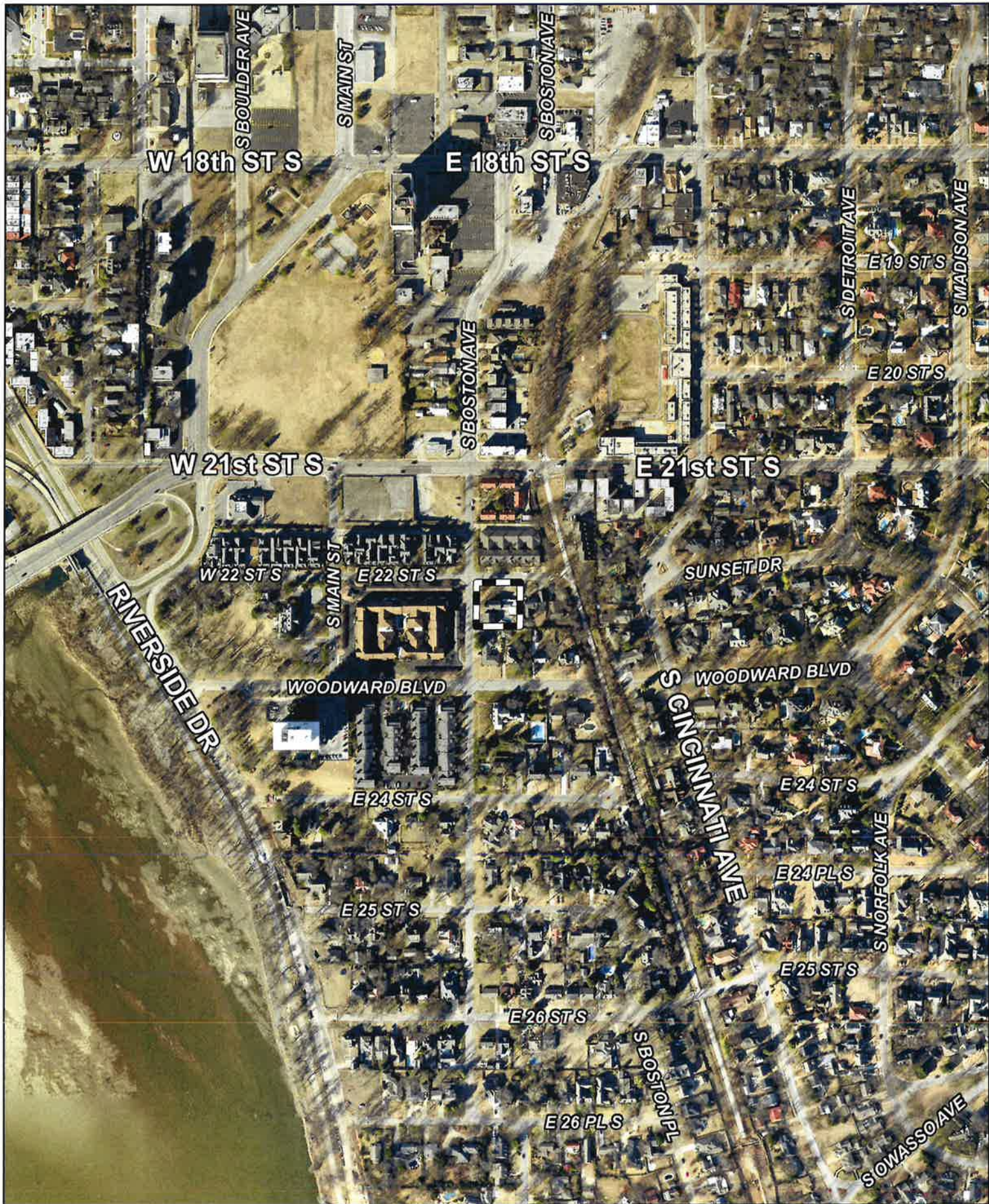
There were no interested parties.

Comments and Questions:

Mr. Boulden questioned if the subject property was approved for church use. Mr. Cuthbertson responded that in 2007 this Board approved a special exception on this property for accessory church use. This is being reviewed as a setback for the church use from 67th East Avenue. It is a corner lot so they can choose their front yard and they are orienting the building to 67th East Avenue. It has to be set back 25 feet from the 67th East Avenue property line. He added this is based on 67th East Avenue being a public street and remaining open as a public street. If the street is closed then the front yard reverts to Oklahoma Place to the north. Mr. Cuthbertson stated this action would have no relationship to the request for closure of 67th East Avenue.

Board Action:

On **MOTION** of Tidwell, the Board voted 3-0-1 (Henke, Tidwell, Stephens "aye"; no "nays"; White "abstained"; Stead "absent") to **APPROVE** a Variance of the front yard requirement (abutting 67th E. Av.) from 25 ft. to 9 ft. (Section 403) to permit an accessory church building, 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



0 Feet 200 400



Subject Tract

BOA-22366

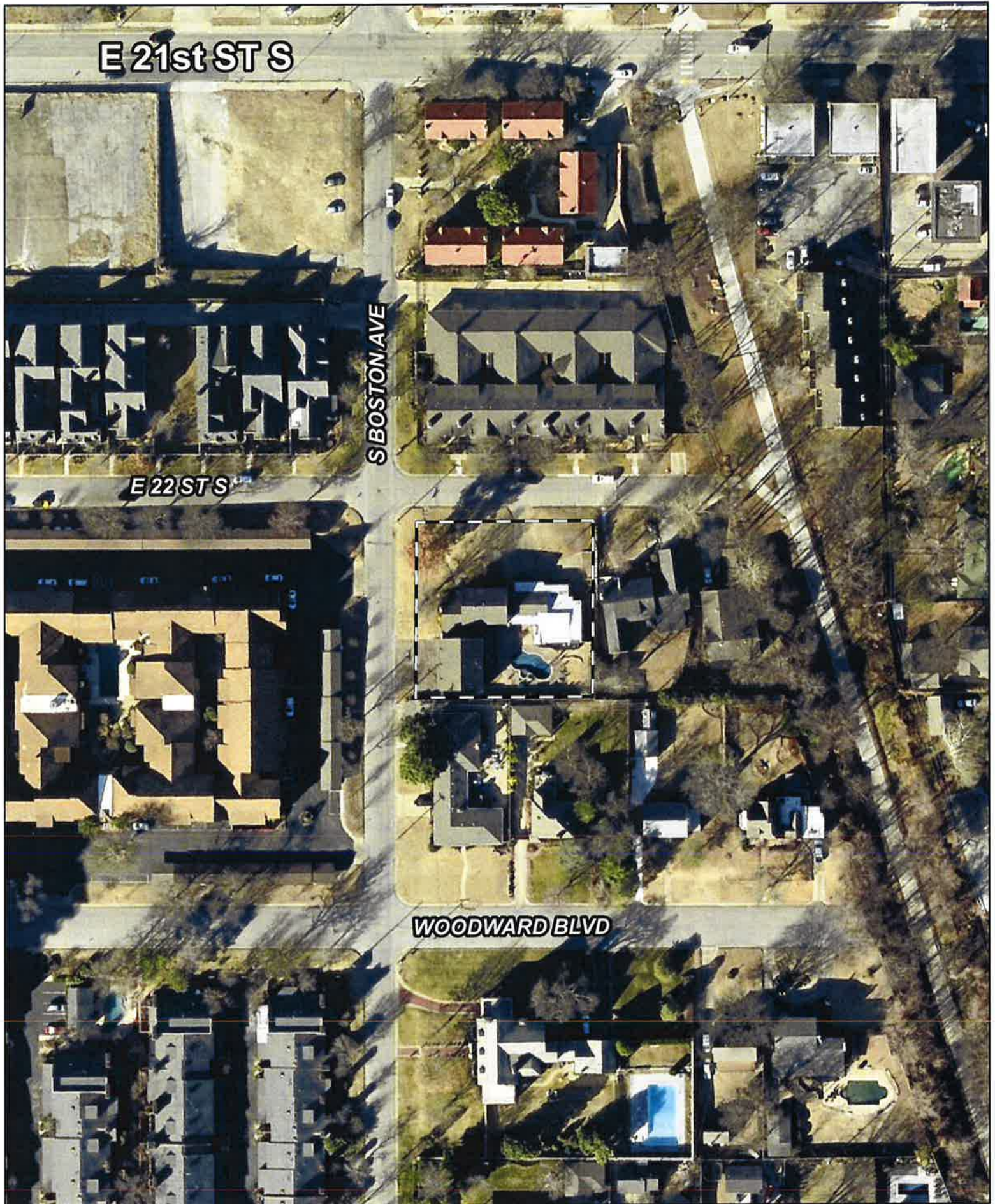
19-12 13

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

Aerial Photo Date: February 2016



11.6



0 50 100
Feet



Subject
Tract

BOA-22366

19-12 13

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

Aerial Photo Date: February 2016



11.7

Legal Description:
(from General Warranty Deeds recorded in Document No. 2017045918)
The West Half (W/2) of Lot Two (2) and all of Lots Three (3) and Four (4), Block Six (6), THIRD AMENDED PLAT OF RIVERSIDE DRIVE ADDITION, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

Notes:

1. Basis of bearings is the Oklahoma State Plane Coordinate System NAD83 (2011) based on GPS observations taken on 8/22/2017 and 8/28/2017.
2. By graphic plotting only, the subject tract lies within Zone X Unshaded defined as "Areas determined to be outside the 0.2% annual chance floodplain" as shown on FIRM Map Panel Number 40143C0240L with an effective date of 10/16/2012.
3. The subject tract has ingress/egress from East 22nd Street South and South Boston Avenue (both dedicated rights-of-way).
4. This survey was performed without benefit of a title commitment. This surveyor has not abstracted the subject tract.
5. Improvements shown are scaled from Mortgage Inspection Plat and are shown for reference only.
6. This survey meets the Oklahoma Minimum Standards for the practice of land surveying as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors.

I hereby certify that this map is an accurate survey of the land and the corner monuments shown thereon were located under my supervision.

John L. Libby, Jr.
John L. Libby, Jr., PLS 1806
Signature Date 11/8/2017



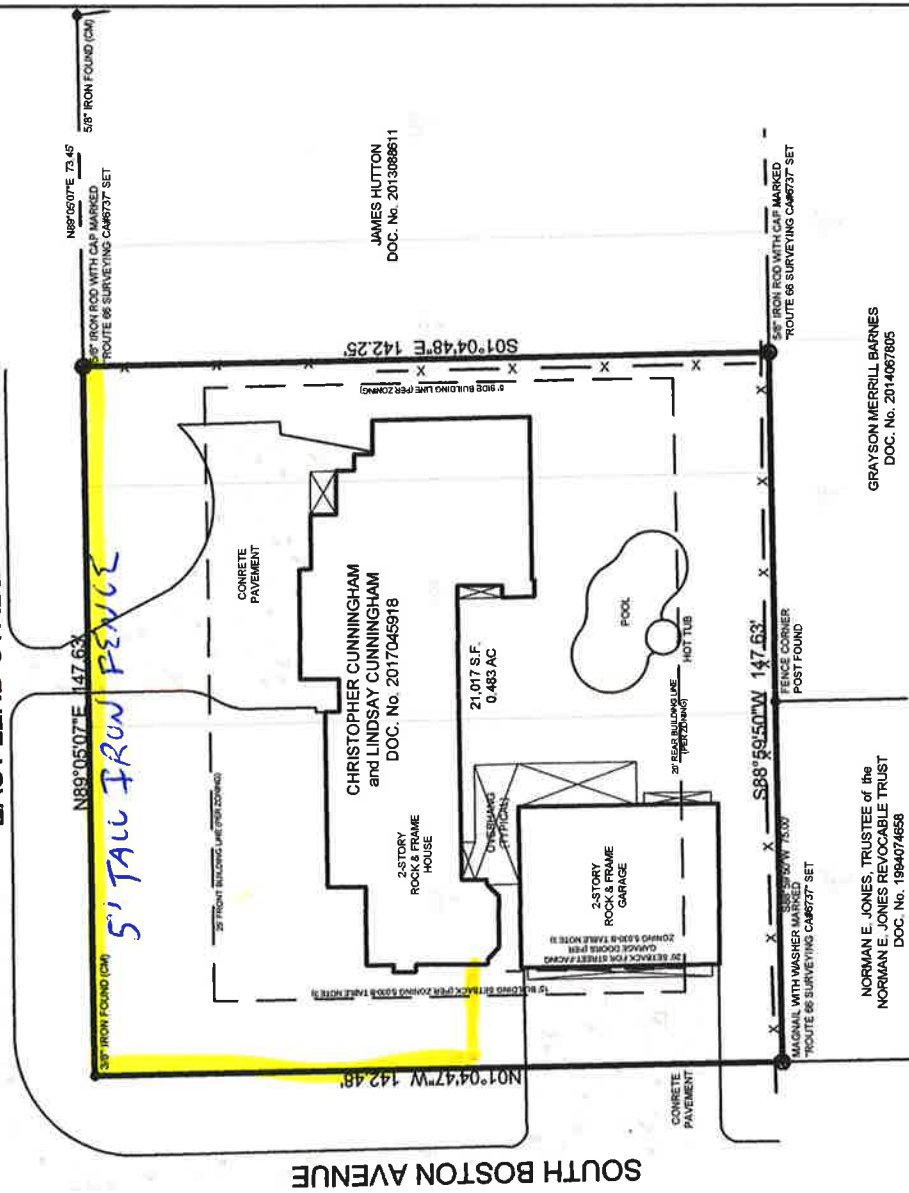
REVISIONS		1 OF 1	
NO.	DATE	DESCRIPTION	
1	9/6/2017	REVISED SETBACK; ADDED IMPROVEMENTS	
FIELD DATE:		8/28/2017	
JOB NO.		17048	SHEET:

BOUNDARY SURVEY
W/2 LOT 2, ALL LOTS 3&4, BLOCK 6,
THIRD AMENDED PLAT of
RIVERSIDE DRIVE ADDITION
102 E 22ND STREET S, TULSA, OK

ROUTE 66 SURVEYING, LLC
4845 S SHERIDAN RD, SUITE 508
TULSA, OK 74145
(918) 845-8633
OKLAHOMA CERTIFICATE OF AUTHORIZATION NO. 6737
TEXAS FIRM REGISTRATION NO. 10193911
www.route66surveying.com john.libby@route66surveying.com



EAST 22ND STREET SOUTH



LEGEND

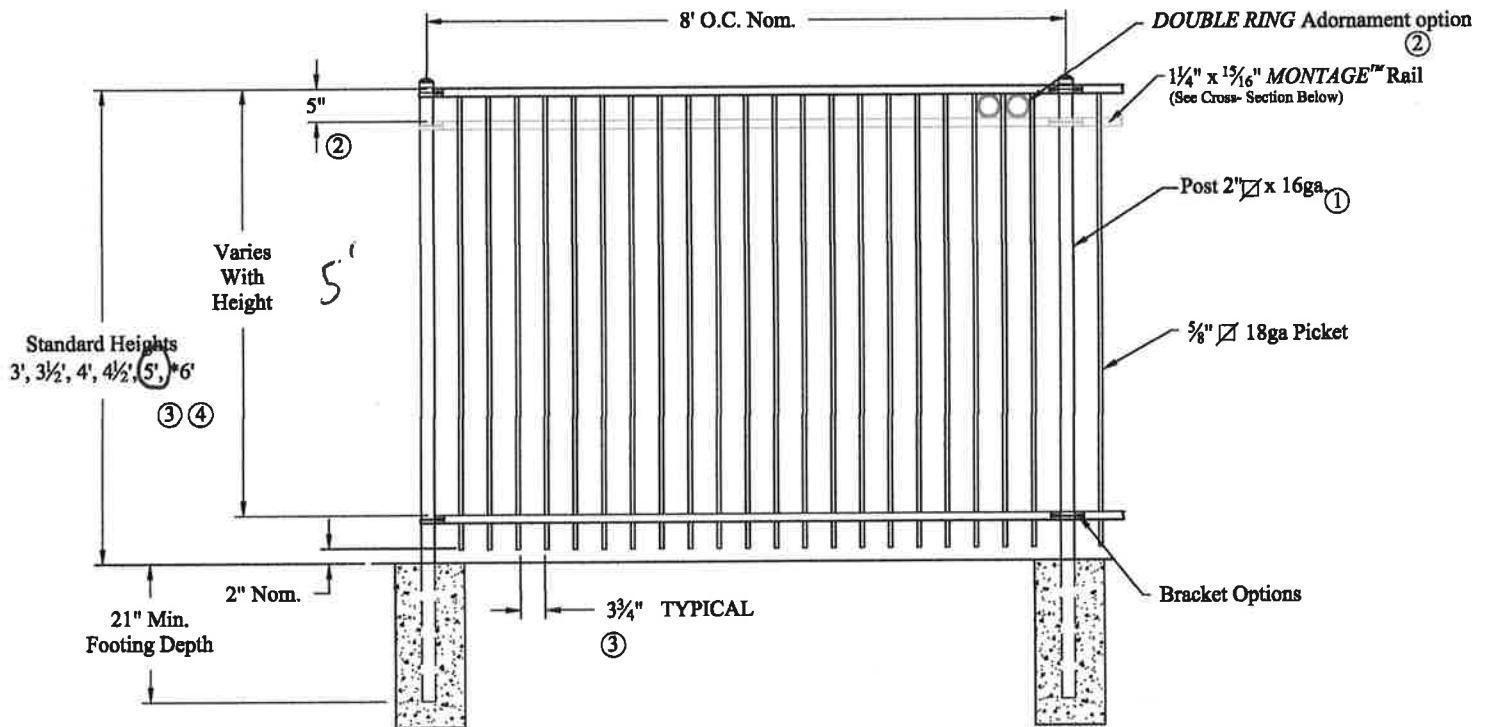
- FOUND CORNER
- SET CORNER MARKED "ROUTE 66 SURVEYING CA6737"
- CM CONTROL MONUMENT
- x-x- FENCE LINE



GRAYSON MERRELL BARNES
DOC. No. 2014687805

NORMAN E. JONES, TRUSTEE of the
NORMAN E. JONES REVOCABLE TRUST
DOC. No. 1984074658

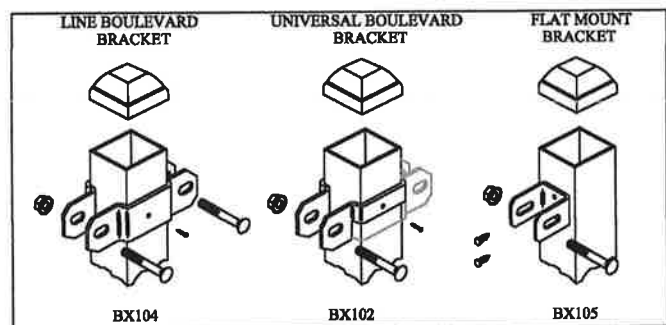
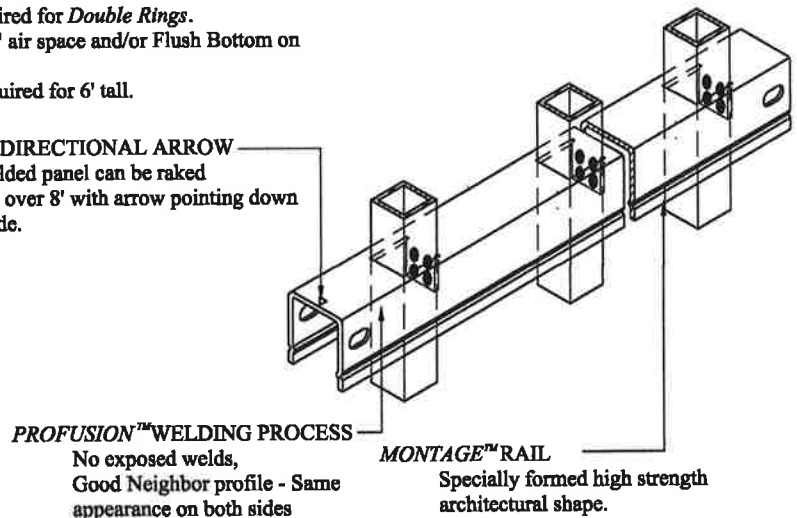
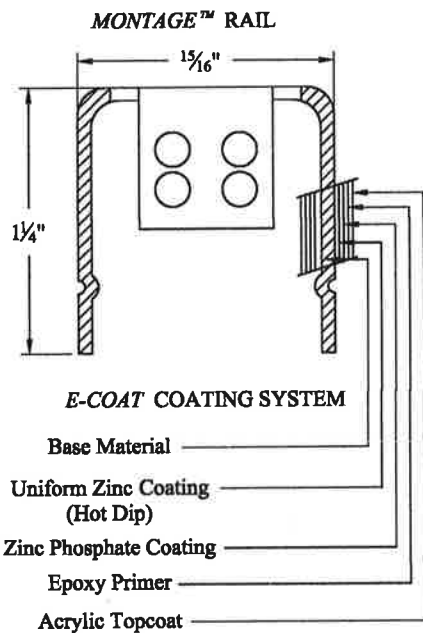
JAMES HUTTON
DOC. No. 2013988511



NOTES:

- 1.) Post size depends on fence height and wind loads. See *MONTAGE™* specifications for post sizing chart.
- 2.) Third rail required for *Double Rings*.
- 3.) Available in 3" air space and/or Flush Bottom on most heights.
- 4.) Three rails required for 6' tall.

RAKING DIRECTIONAL ARROW
Welded panel can be raked 45° over 8' with arrow pointing down grade.



RESIDENTIAL WELDED STEEL PANEL
PRE-ASSEMBLED

Values shown are nominal and not to be used for installation purposes. See product specification for installation requirements.

RMISO

Title: **MONTAGE MAJESTIC 2/3-RAIL**

DR: CI SH. 1 of 1 SCALE: DO NOT SCALE

CK: ME Date 7-19-11

REV: c



AMERISTAR®

1555 N. Mingo
Tulsa, OK 74116
1-888-333-3422

www.ameristarfence.com

11.9

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



JEFF S. TAYLOR

ZONING OFFICIAL
PLANS EXAMINER

TEL

jstaylor@cityoftulsa.org

ZONING CLEARANCE PLAN REVIEW

November 06, 2017

LOD Number: 1039696-1

CHRIS CUNNINGHAM Phone:

**102 E 22 ST
TULSA, OK 74114**

APPLICATION NO: 9398 (PLEASE REFERENCE THIS NUMBER WHEN
CONTACTING OUR OFFICE)

Location: 102 E 022 ST S

Description: 5' iron fence

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:

11.10

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 . 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.

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.

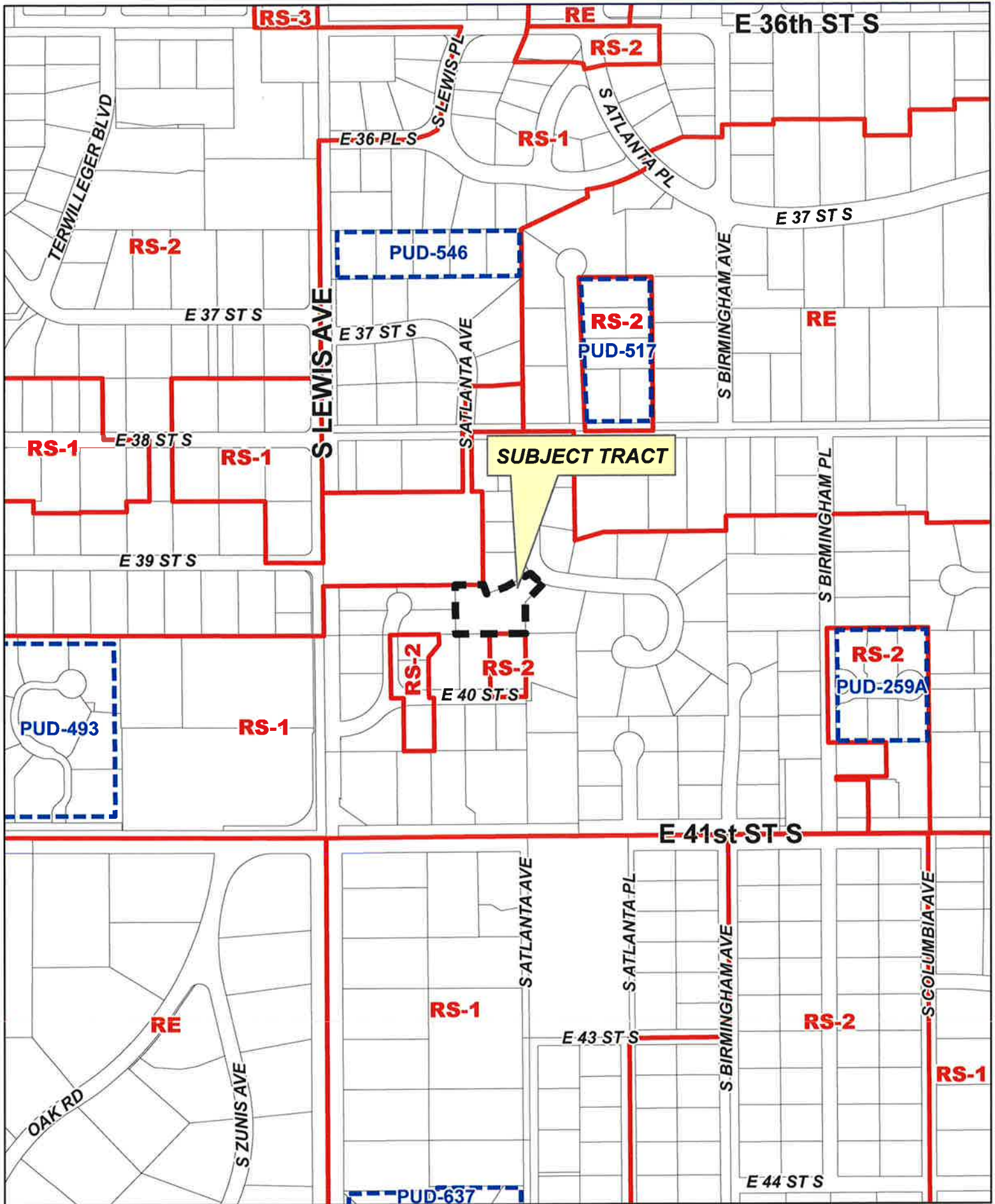
The board of adjustment is authorized to modify these fence and wall regulations in accordance with the special exception procedures of Section 70.120.

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.

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BOA-22367

19-13 20

12.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9320

Case Number: **BOA-22367**

CZM: 47

CD: 9

A-P#: 432211

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

APPLICANT: Weldon Bowman

ACTION REQUESTED: Variance of the required rear yard setback in the RS-1 district from 25 ft. to 14 ft. (Section 5.030).

LOCATION: 3836 S ATLANTA PL E

ZONED: RS-1

PRESENT USE: Vacant

TRACT SIZE: 38823.14 SQ FT

LEGAL DESCRIPTION: PRT SW SW & PRT LT 15 BEG 428.65S & CRVLF 40.34 SELY NWC BROADMOAR ADDN TH SELY CRVLF 52.04 SW85.62 S101.77 W228.03 N161.08 E93.08 SE32 NE66.43 NE91.62 POB SEC 20 19 13 .013AC, BROADMOAR ADDN, RICE ADDN, SOUTH LEWIS HILL ADDN, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA 20391; the Board approved a special exception to allow a 6' high decorative wall/fence within the required front yard per plan submitted; located immediately north of the subject site.

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

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

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

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

STAFF COMMENTS:

The applicant is requesting a Variance to reduce the required 25 ft. rear yard setback to 14 ft. to permit a new house on the site as shown on the attached plan; it appears that only a portion of the proposed garage area will encroach into the rear setback along the southeast portion of the lot. The applicant provided the following statement: *"The clients lot has an irregular shape; there are two 15' utility easements on the site, further limiting the buildable area; the neighbor on the north has a similar condition where his/her house is built over the rear lot line."*

Sample Motion

Move to _____ (approve/deny) a Variance of the required rear yard setback in the RS-1 district from 25 ft. to 14 ft. (Section 5.030).

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

The Board finds that the 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."

LT 1 BLK 1, SOUTH FORTY, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20390

Action Requested:

Variance of the required rear yard from 25 ft. to 10 ft. (Section 403), located: 2102 East 30th Place South.

Presentation:

Alan Madewell, 5314 South Yale, represented the owners of the subject property, Craig and Tammy Diesenroth. They proposed to expand the garage into the back yard setback. He pointed out it is corner lot with an odd-shaped configuration from a curved street. They could build a detached garage but it would not be in character with the neighborhood. An attached garage would also increase the distance between the garage and the neighboring structure to 15 ft., which is similar to other existing properties in the neighborhood. He also noted that the setbacks of the house do not conform to the newer zoning ordinances. A site plan was provided (Exhibit G-1).

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On Motion of Dunham, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the required rear yard from 25 ft. to 10 ft. (Section 403), per plan, finding it is a non-conforming lot and the original house was constructed prior to the existing code, and this is the only way this addition could be added on; 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:

LT 8 BLK 19 , FOREST HILLS, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20391

Action Requested:

Minor Variance of the required rear yard in an RS-1 district from 25 ft. to 20 ft. to permit an addition (Section 403), located: 3832 South Atlanta Place East.

FILE COPY

Presentation:

Jack Arnold, 7310 South Yale, Registered Architect, stated this is a small addition to the house. He indicated all the neighbors are in support. They proposed to add a garage with a game room above. A site plan was provided (Exhibit H-1).

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On Motion of Dunham, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Minor Variance of the required rear yard in an RS-1 district from 25 ft. to 20 ft. to permit an addition (Section 403), per plan, finding this is an existing house and finding the minor variance 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:

PRT LT 15 BROADMOAR BEG NLY COR LT 15 TH SELY40.37 SW20.76
N41.99 POB & S105 N499 E135 NW SW SW LESS PRT BEG SWC THEREOF
TH N5 E68.71 NE70.29 S28.38 W 135 POB SEC 20 19 13, City of Tulsa, Tulsa
County, State of Oklahoma

Mr. Dunham out at 3:32 p.m.

Case No. 20392

Action Requested:

Variance of the required front setback from the centerline of an abutting street in a CO district from 200 ft. to 120 ft. (Section 803), located: 706 South 129th Avenue East.

Presentation:

Mike Marrara, 2001 South 114th East Avenue, Harden and Associates, stated the property was recently zoned to Corridor zoning. He indicated the hardship is that the lot is not large enough to allow a 200 ft. setback and still have room for proper landscaping, screening and possible on-site detention. He stated that the setback requested would be consistent with the other building setbacks on this street. A site plan was provided (Exhibit I-1).

Mr. Dunham returned at 3:36 p.m.

Comments and Questions:

Ms. Stead had questions regarding screening. Mr. Alberty responded that perimeter screening is required and adds an extra layer of control.



0 200 400
Feet



Subject
Tract

BOA-22367

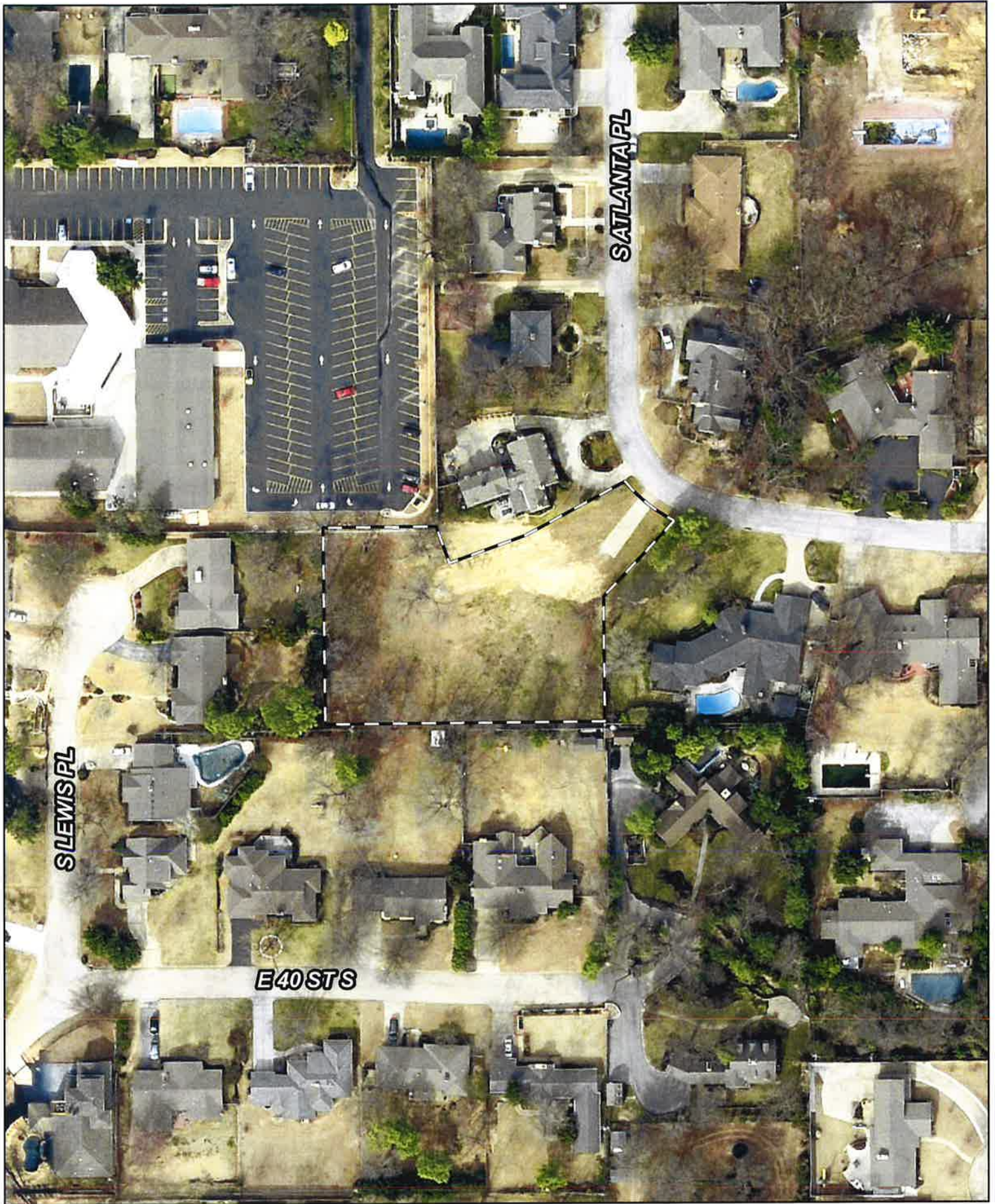
19-13 20

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

Aerial Photo Date: February 2016



12.6



S ATLANTIC PL

S LEWIS PL

E 40 STS



Subject
Tract

BOA-22367

19-13 20

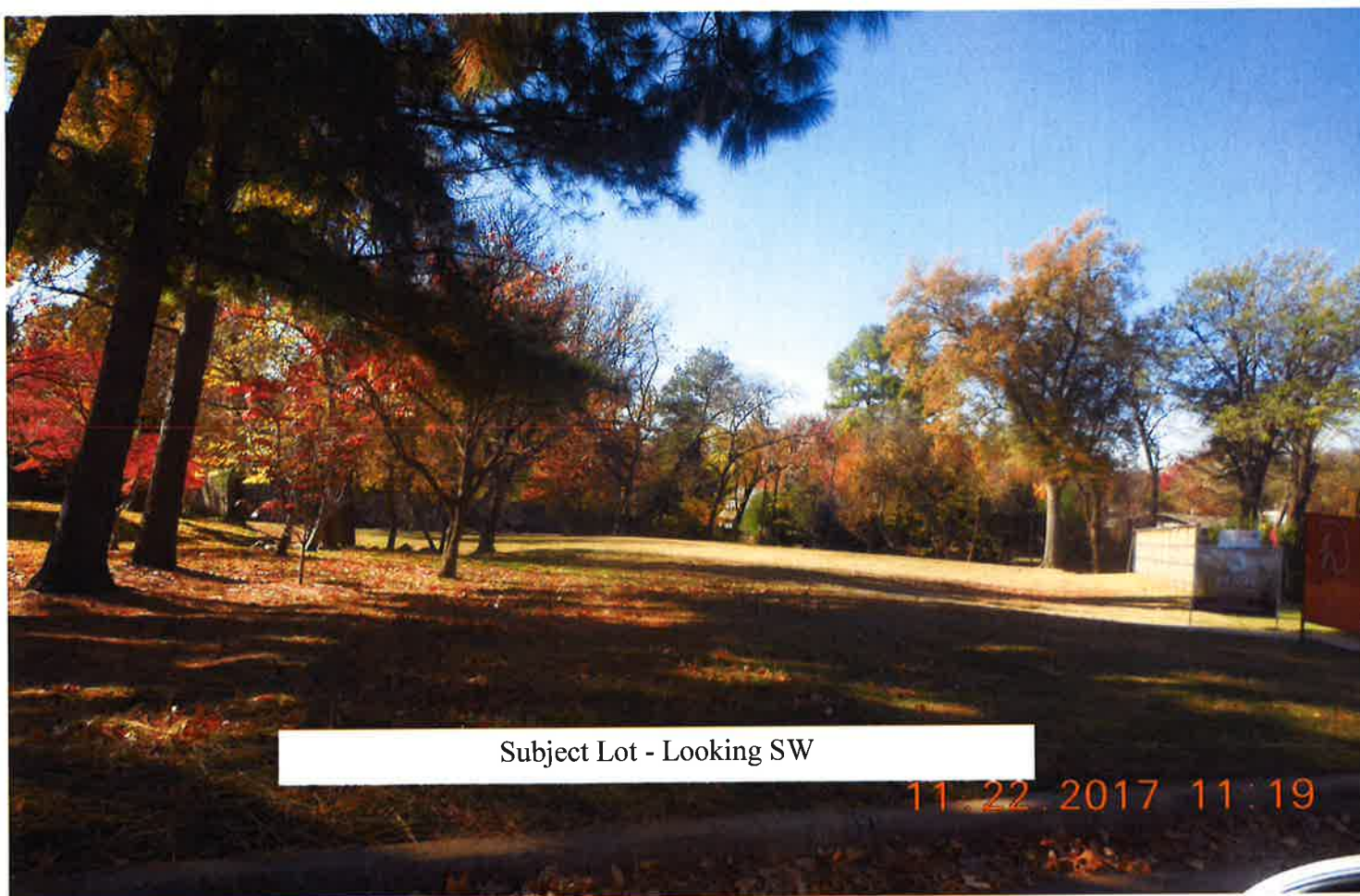
Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: February 2016



12.7

BOA 22367





PROJECT:
DATE: 08/08/2017
WELDON, JEFFREY A., N/A
CONTRACT NO. 6022
STATE OF CALIFORNIA RES. 06/30/2017

**WONG
RESIDENCE**

PROJECT #
15155

3836 S. ATLANTA PI
TULSA, OK
74115

CONSULTANT:

REVISIONS:

ISSUE DATE: _____

11-08-2011

SHEET NAME:
ARCHITECTURAL
SITE PLAN

SHEET #1:

SP1

5444N 54.01K/A=611A



LEGAL DESCRIPTION

- LOT 13 LESS FRT BEG NLY COR LT 13 TH
SELY 40.37 SW20.76 N41.99 POB, BLOCK 1
BROADMOAR ADDITION
TULSA, OKLAHOMA

IVABILITY SPACE

- | | |
|----------------------------|----------------|
| ZONING = | RS-1 |
| LOT SIZE = | 36,850 SQ. FT. |
| STRUCTURE HEIGHT = | 30'-0" |
| FIRST FLOOR FRAMED = | 4,089 SQ. FT. |
| SECOND FLOOR FRAMED = | 1,751 SQ. FT. |
| TOTAL FRAMED = | 5,840 SQ. FT. |
| GARAGE = | 996 SQ. FT. |
| PORCH = | 1,518 SQ. FT. |
| DRIVEWAY = | 6,679 SQ. FT. |
| LIABILITY SPACE REQUIRED = | 7,500 SQ. FT. |
| LIABILITY SPACE = | 23,749 SQ. FT. |

NOTES:

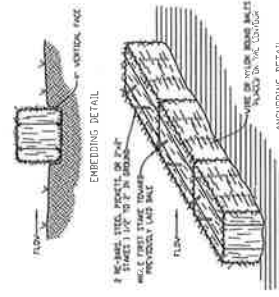
NOTES.
GRADING AND EROSION CONTROL PLAN

- [illegible]








3 SILT FENCE DETAIL

ONE



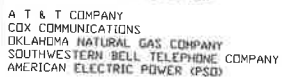
EROSION CONTROL MEASURES

-  SWALE IN GRADE
 COMPOUND
 COMPOUND TO SLOPE PEG
 UNDERGROUND LEACH DISCHARGE AT CURB
 AIR DRAINAGE FLOW
 EXISTING DRAINAGE FLOW
 HAY BALE
 SALT PILE

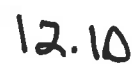
2 HAYBALE DIKE DETAIL

VALUE: NONE

12.9



SCALE: 1/16" = 1'-0"



Moye, Nikita

From: Greg Farrar <Greg@gafarrarlaw.com>
Sent: Monday, December 04, 2017 4:26 PM
To: Moye, Nikita
Cc: Debbie Farrar (f2441@aol.com)
Subject: case number: BOA-22367

Dear Ms. Moye,

I am reaching out to you in response to a Notice of Hearing my wife and I recently received regarding a variance request in the above captioned case number. We have owned the southern adjacent property, 2441 E. 40th Street, for over 30 years. We would like the Board to take note of our OBJECTION to the requested variance. We believe the variance would encroach upon our back yard privacy where we spend a great deal of our leisure time. We have built a substantial backyard deck with covered seating around fire pit, flat screen TV, BBQ, in addition to a hot tub and chiminea and do not agree to the requested change of the set back line.

Further, we already have an issue with the storm water run-off from this property and the addition of that much impervious surface would certainly increase the problem.

Thank you for your attention to this matter.

Greg and Debbie Farrar

2441 E. 40th Street
H: 918-745-2480
W: 918-587-7441

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

October 25, 2017

LOD Number: 1036174-1

DAVID WONG
1717 S WHEELING AV E
TULSA, OK 74105

APPLICATION NO: **432211** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **3836 S ATLANTA PL E**
Description: **NEW**

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

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

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

IMPORTANT INFORMATION

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

(continued)

12.12

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. 432211

3836 S ATLANTA PL E

October 25, 2017

Note: As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

Section 5.030 Lot and Building Regulations

5.030-A Table of Regulations

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

Review Comments: The proposed rear setback for the house does not comply with the 25 foot required setback along the South lot line of the property. You may pursue a variance from the BOA to reduce the required 25 foot rear setback in an RS-1 zoning district be reduced from 25 feet to 5 feet along the South property line.

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

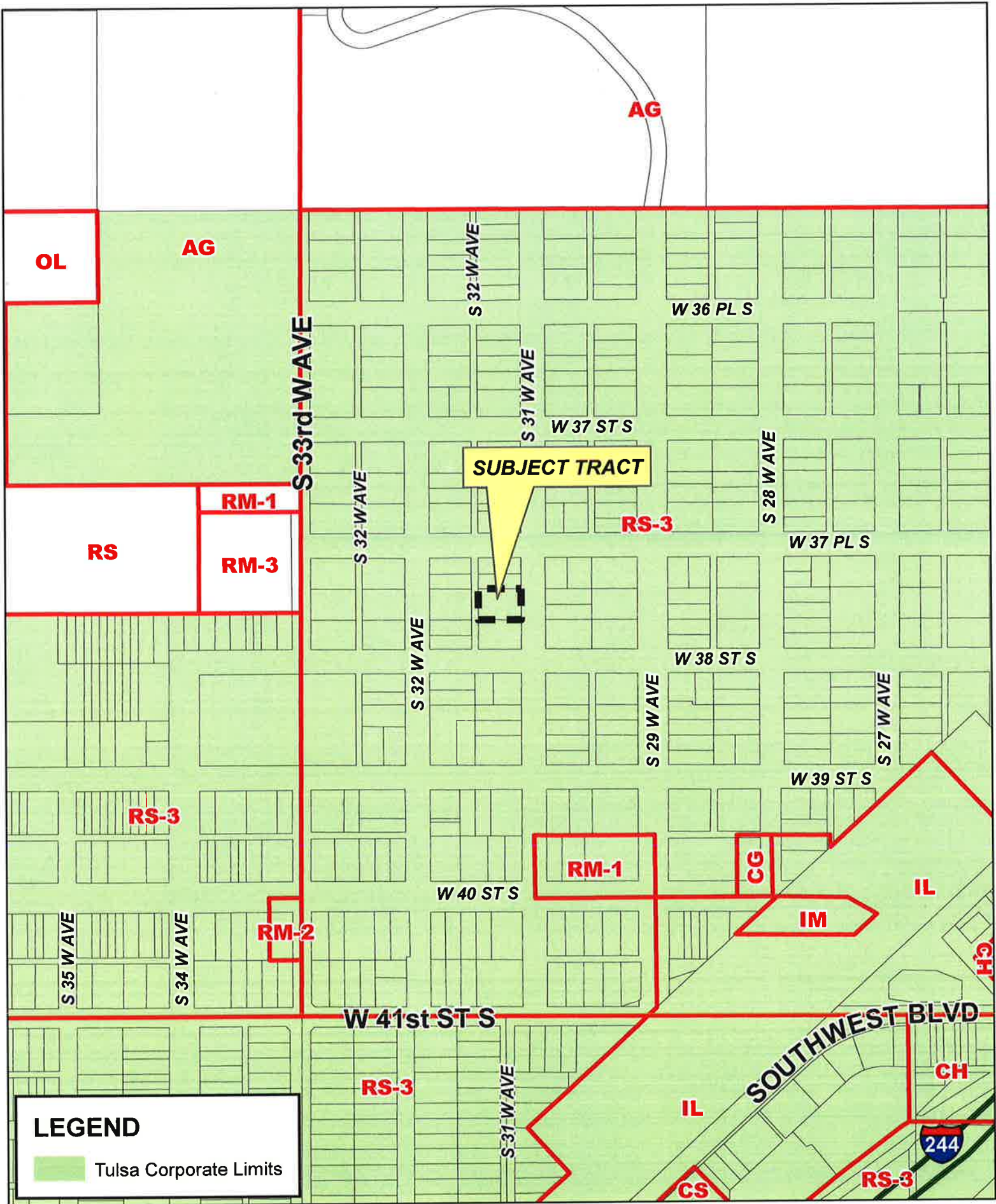
A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

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

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

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BOA-22368

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19-12 22

BOARD OF ADJUSTMENT CASE REPORT

STR: 9222

Case Number: BOA-22368

CZM: 46

CD: 2

A-P#: NA

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

APPLICANT: Sam Sendgraff

ACTION REQUESTED: Variance of the required rear yard setback in the RS-3 district from 20 ft. to 3 ft.; Variance of the minimum lot-width for a detached house in an RS-3 district from 60 ft. to 51 ft. for Lot 1 and 48 ft. for Lot 2 (Section 5.030).

LOCATION: 3742 S 31 AVE W

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 14000.24 SQ FT

LEGAL DESCRIPTION: LT 2 BLK 23, RED FORK, 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 existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

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

STAFF COMMENTS:

Based on the submitted drawing it appears that the proposed lot split will create two lots; Lot 1 will be 8568 sq. ft. and contain a lot width of 51'6"; Lot 2 will be 8064 sq. ft. with a lot width of 48'6". The Code requires that a 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 the lot split as proposed the applicant has requested a **Variance** to reduce the permitted lot width to 51 ft. (Lot 1) and 48 ft. (Lot 2).

The existing house on Lot 2 has a rear setback of 3 ft.; the applicant has requested a **Variance** to reduce the rear setback from 20 ft. to 3 ft. to permit the house as built. The applicant provided the following statement: *"The property currently has two separate houses and utility connections, but it is platted as one lot."*

Sample Motion

Move to _____ (approve/deny) a Variance of the required rear yard setback in the RS-3 district from 20 ft. to 3 ft.; Variance of the minimum lot-width for a detached house in an RS-3 district from 60 ft. to 51 ft. for Lot 1 and 48 ft. for Lot 2 (Section 5.030).

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

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

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



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Feet



Subject
Tract

BOA-22368

19-12 22

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

Aerial Photo Date: February 2016

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W37 PLS

S31 WAVE

W38 STS

S32 WAVE



Subject
Tract

BOA-22368

19-12 22

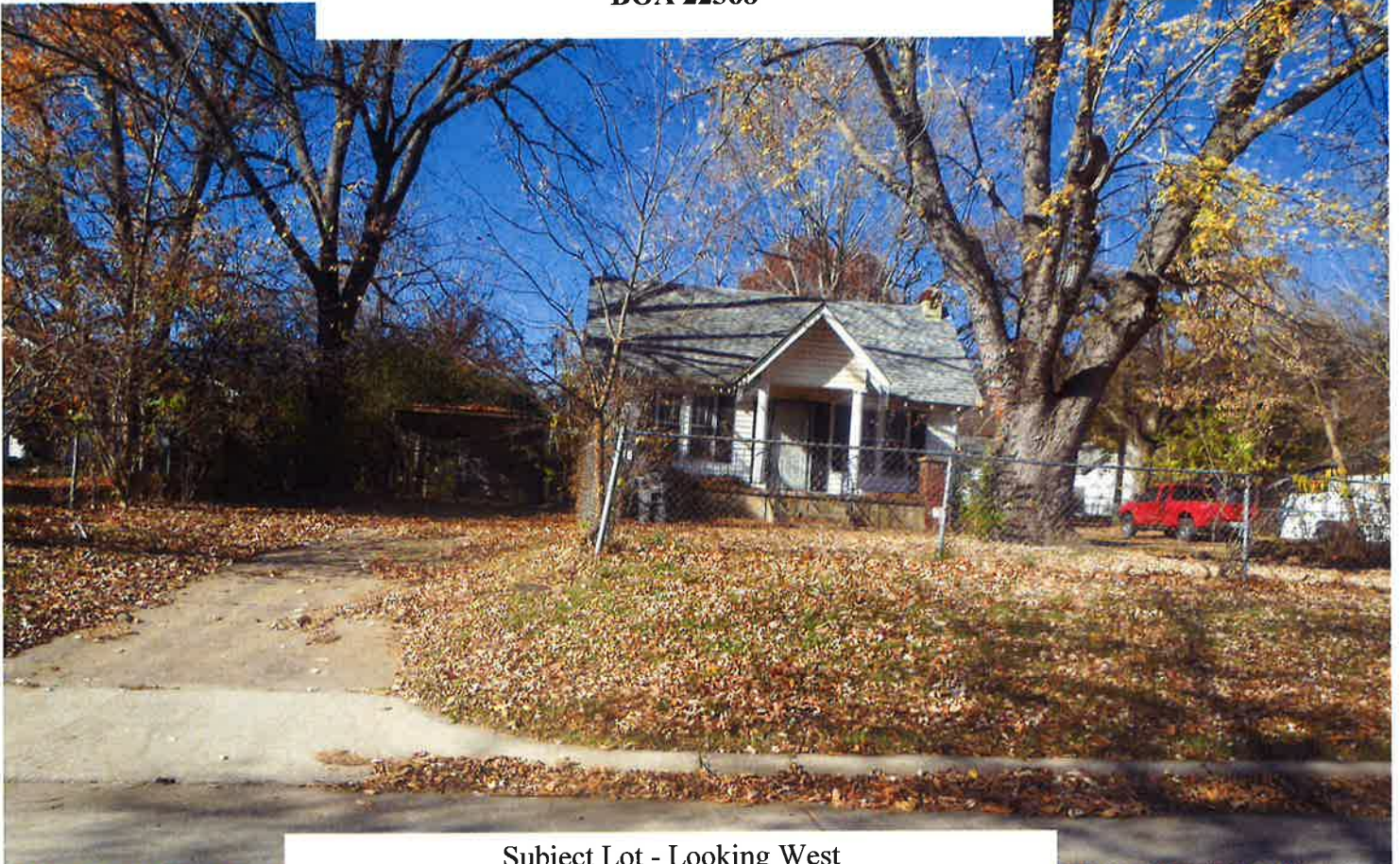
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016

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BOA 22368

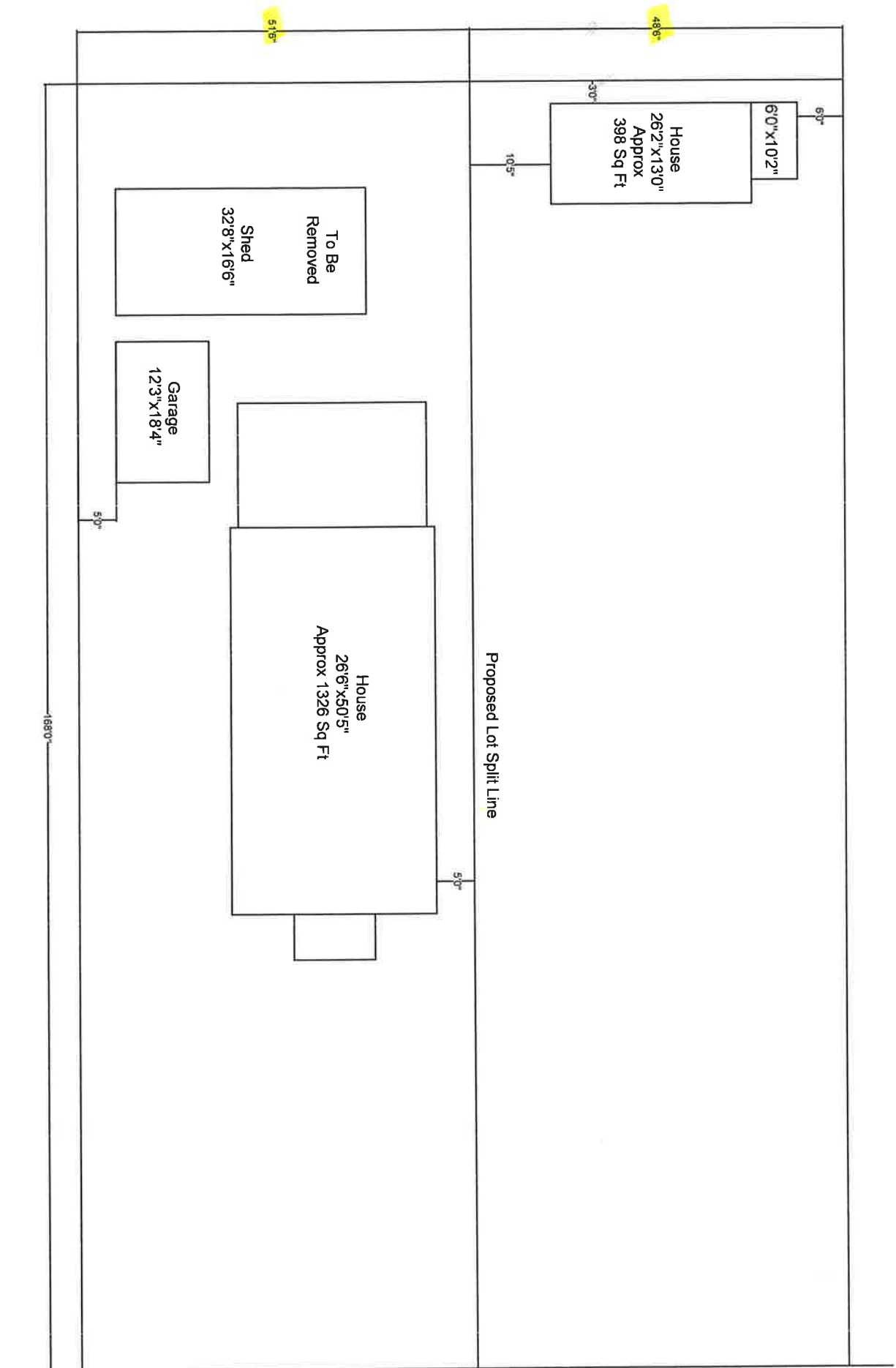


Subject Lot - Looking West



11.22.2017 11:00

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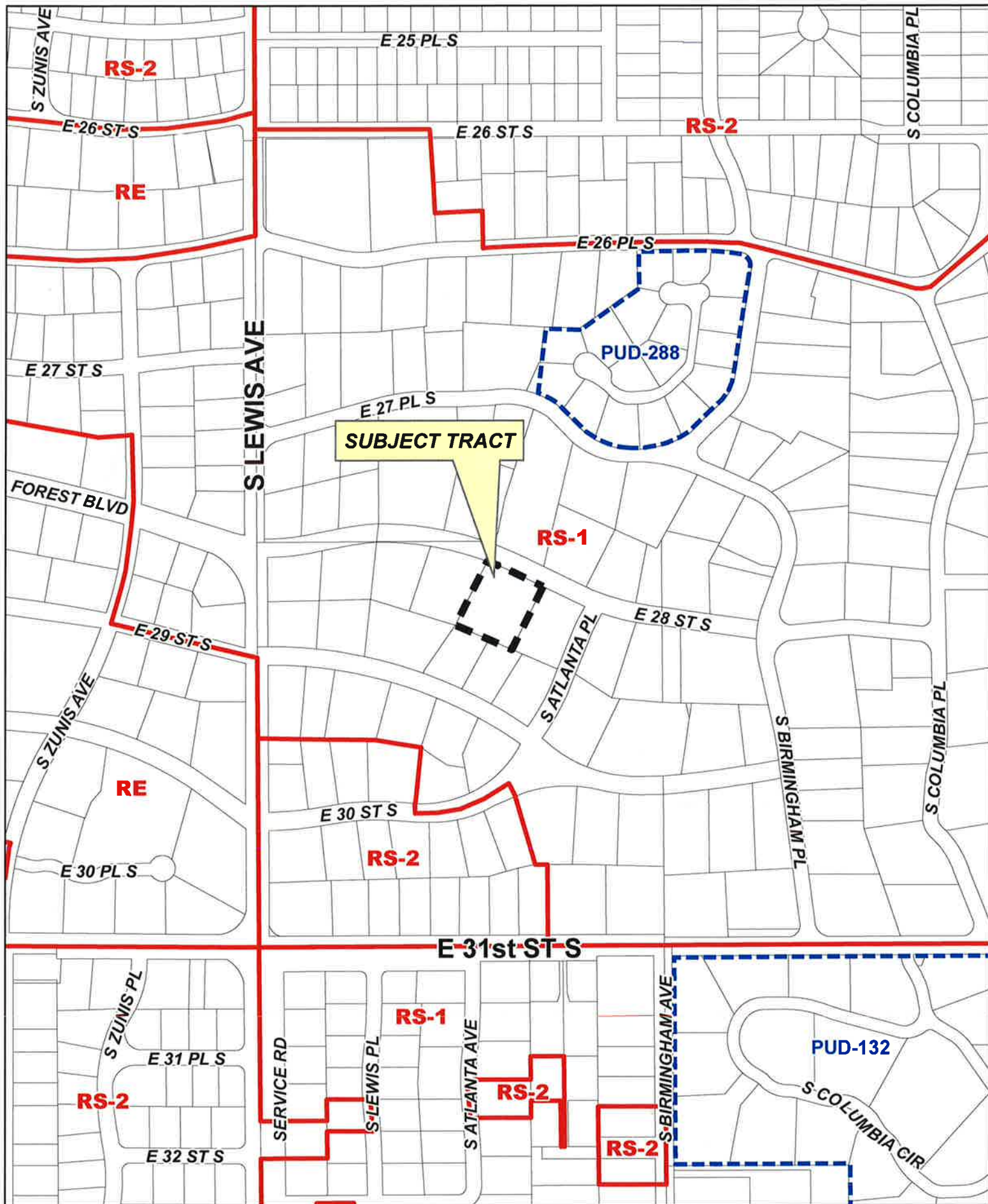


3742 S 31st W Ave

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BOA-22369

19-13 17

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BOARD OF ADJUSTMENT CASE REPORT

STR: 9317

Case Number: **BOA-22369**

CZM: 37

CD: 4

A-P#:NA

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

APPLICANT: Jack Arnold

ACTION REQUESTED: Special Exception to increase the permitted fence height from 4 feet to 6 feet in the front (street) setback. (Sec. 45.080)

LOCATION: 2440 E 28 ST S

ZONED: RS-1

PRESENT USE: Residential

TRACT SIZE: 1.1 Acre

LEGAL DESCRIPTION: PT BLK 3 S LEWIS PK A TR BEG 150 W FROM NE COR OF BLK TH S 245 TH W 200 TH N 239.62 TH E ON N LI OF BLK A DIST OF 200.20 TO BEG, SOUTH LEWIS PARK, KENNEDY-WALKER ADDN RESUB PRT B3 SOUTH LEWIS PARK ADDN, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA 18850; the Board approved a special exception to allow a 6' high decorative wall/fence within the required front yard per plan submitted; located east of S. Atlanta Place and E. 28th Place S.

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

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

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

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

STAFF COMMENTS:

As shown in the attached plan the property owner is proposing a 6-ft. tall gate/fence within the required 35 ft. street setback along E. 28th St. S. The applicant provided the following statement: *"The owners are requesting a fence height of 6 ft. The fence will be built along the west, north and east property lines for security purposes. The fence will be constructed of wrought iron with brick columns what would match the architecture of the house and the architectural flavor of the other fences in the surrounding neighborhood."*

The Code (Section 45.080) limits fence and wall heights in the required street setback of residential districts to 4 ft. However, the Code permits the Board of Adjustment to modify the height limitation through special exception approval.

Sample Motion

Move to _____ (approve/deny) a Special Exception to increase the permitted fence height from 4 feet to 6 feet in the front (street) setback. (Sec. 45.080)

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

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

Case No. 18849 (continued)

162.53'; thence S88°42'30" W for 333.62' to POB and Lot 2, Block 2, Golden Valley Addition, less beg. at the SW/c said Lot 2, thence N 01°22'02" W for 161.46'; thence N 88°42'30" E for 333.62'; thence S 05°15'01" W for 162.53'; thence S 88°42'36" W for 314.89' to POB, all being in the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18850

Action Requested:

Special Exception to allow a 6' high decorative wall/fence within the required front yard. SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards – Use Unit 6, located 2516 E. 28th St.

Presentation:

John Walton, architect for the project, (no address stated) presented for Ralph Klumpp. He stated that the owner would like to have the option on the side property lines to make the fence more than four feet inside the 35' setback. Mr. Beach responded that it is within the front yard and approval of the application would allow that height.

Protestants:

None.

Board Action:

On MOTION of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow a 6' high decorative wall/fence within the required front yard, per plan submitted, on the condition that along the front property line the fence would be four feet except as it approaches the gates could increase to six feet on the following described property:

Lot 1, Block 2, South Lewis Park Addition and the W 60' of the N/2 of Lot 2, Block 3, Woody Crest Addition, more particularly described as follows, to-wit: Beg. at the NW/c of said lot thence S along the W line of said lot a distance of 260.26' to a point, said point being the SE/c of Lot 1, and the NE/c of Lot 5, Block 2, South Lewis Park Addition; thence S 88°41' E a distance of 60' to a point; thence N a distance of 252.20' to a point on the N line of said lot; thence N 80° 33' W a distance of 61' to the POB, save and separate that portion of the N/2 of said lot previously deeded to the city for street purposes, all in the City of Tulsa, Tulsa County, State of Oklahoma.



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Subject
Tract

BOA-22369

19-13 17

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

Aerial Photo Date: February 2016

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Feet



Subject
Tract

BOA-22369

19-13 17

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

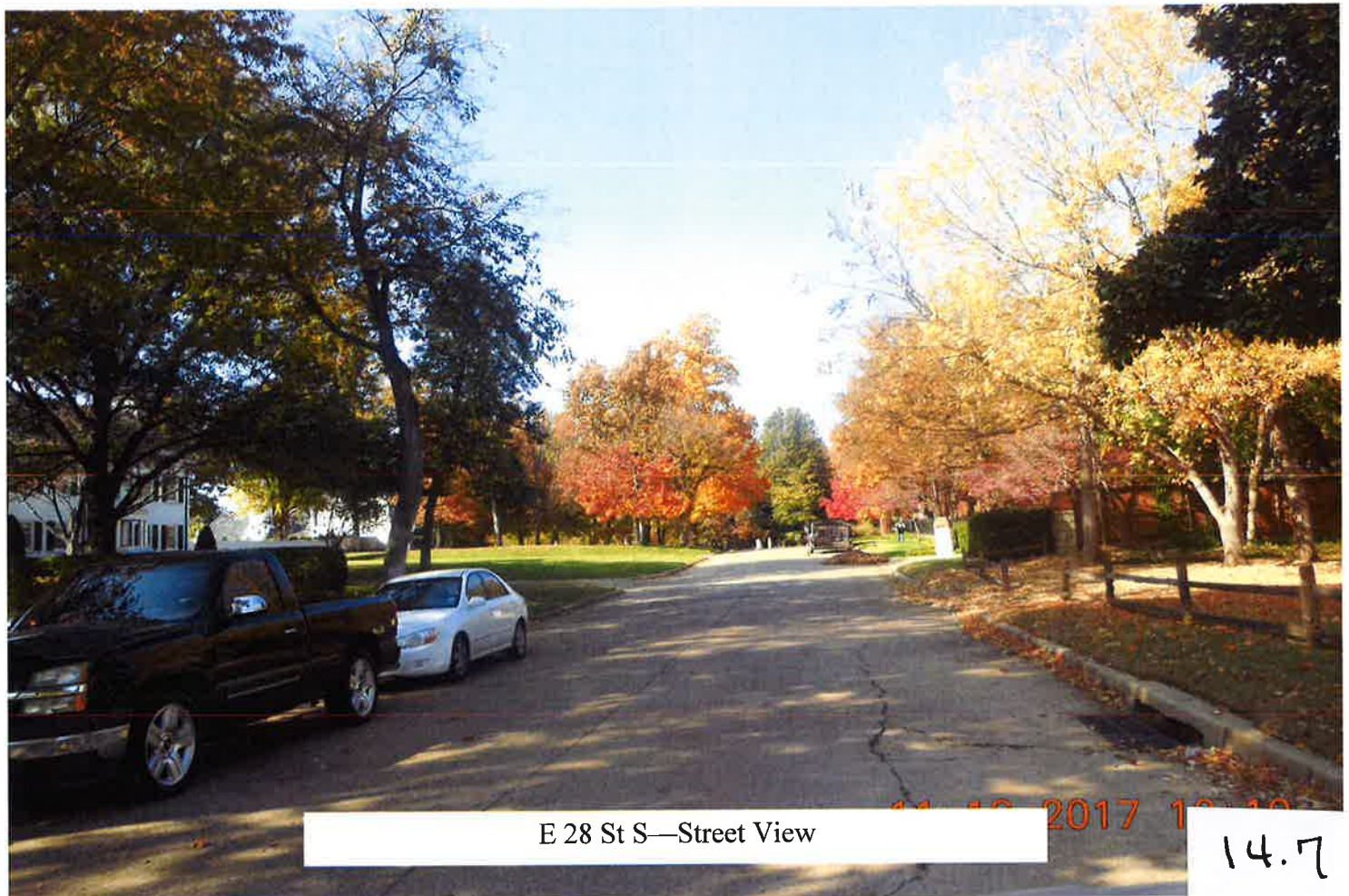
Aerial Photo Date: February 2016

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BOA 22369

Subject Lot - Looking South



E 28 St S—Street View

11-10-2017 10:10

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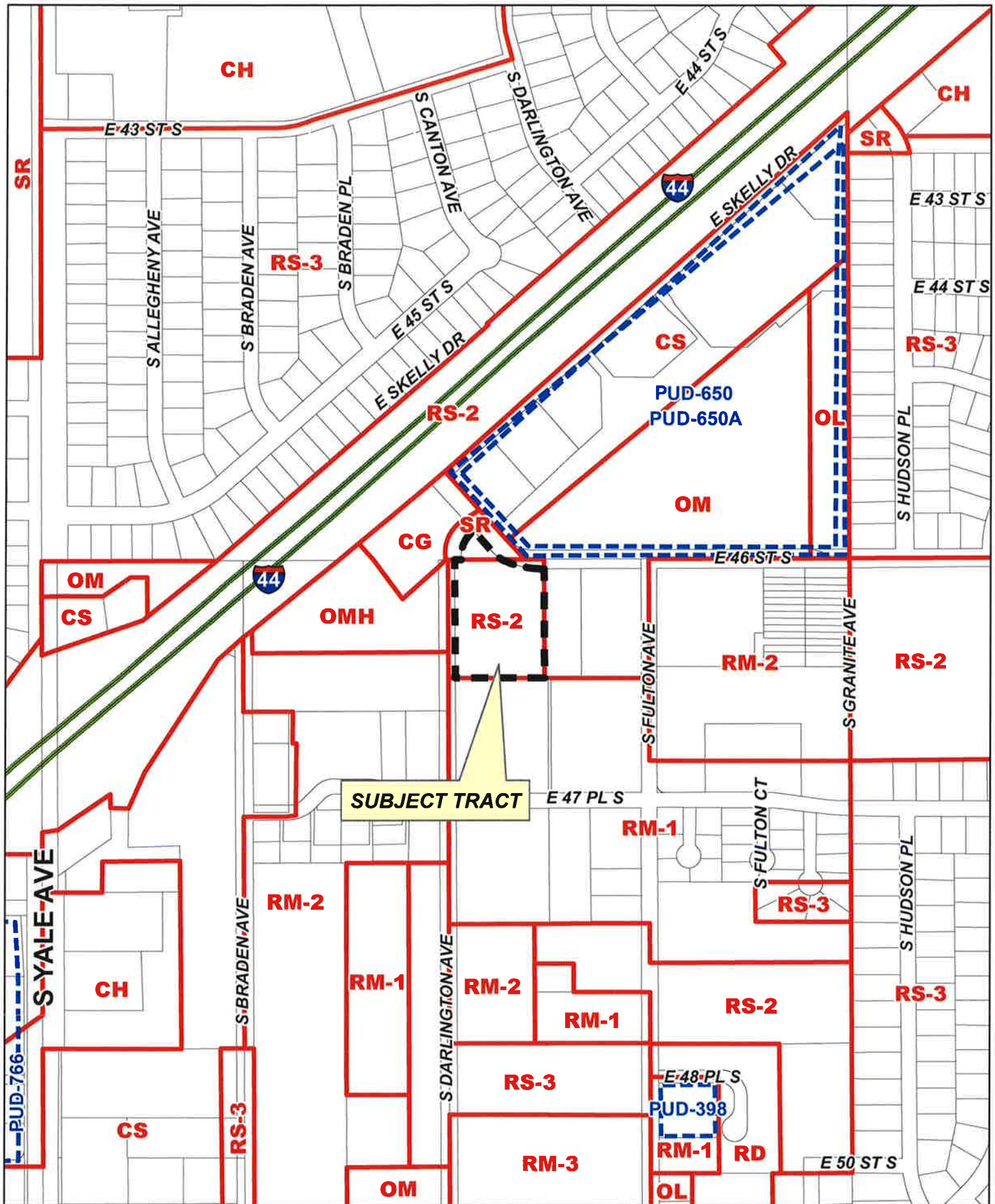


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BOA-22370

19-13 27

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BOARD OF ADJUSTMENT CASE REPORT

STR: 9327

Case Number: **BOA-22370**

CZM: 48

CD: 5

A-P#: 433449

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

APPLICANT: Ryan Strode

ACTION REQUESTED: Variance of the required front setback in an RS-2 district from 30 ft. to 25 ft. to permit a classroom addition(Section 5.030).

LOCATION: 4615 S DARLINGTON AV E

ZONED: SR, RS-2

PRESENT USE: Church

TRACT SIZE: 2.6 Acres

LEGAL DESCRIPTION: W/2 LTS 1 2 & 3 LESS N30 E158.35 W/2 LT 1 BLK 1 AND LT 1 BLK 1 SINCLAIR RESEARCH LABORATORY ADDN AMD., MAGNOLIA MANOR SECOND ADDN RESUB PRT L1-10 B1 ALLENS SUB, SINCLAIR RESEARCH LABORATORY ADDN AMD, ALLENS SUB, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Lot:

BOA 17272; the Board approved a minor special exception to amend a previously approved site plan to permit a canopy addition to the church; approved per plan.

BOA 3974; the Board approved a request to allow construction of a church building on the subject site.

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

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

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

priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted the west by an OMH zoned office building and RM-2 zoned residences. CG zoning abuts the site on the northwest; and a CS/OM/PUD zoned commercial shopping center is located to the east/northeast. RM-1 zoning abuts the site on the south.

STAFF COMMENTS:

The applicant is proposing to construct a modular classroom on the existing church site. As shown on the attached plan the temporary building will have a setback of 25 ft. from E. 46th St. S. To permit the building as proposed the applicant has requested a **Variance** to reduce the required building setback from 30 ft. to 25 ft. to permit the classroom building as proposed. The applicant has stated that the temporary building will be for youth ministry classes while funds are being raised for a new building addition.

Sample Motion

Move to _____ (approve/deny) a Variance of the required front setback in an RS-2 district from 30 ft. to 25 ft. (Section 5.030).

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

The Board finds that the 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."

FILE COPY

Case No. 17271 (continued)

Ms. Abbott stated that the building permit was issued and it is her determination that this constitutes a hardship.

Mr. Bolzle contended that an error in the issuance of a building permit is not a waiver of a violation, as is stated on the building permit.

Mr. Gardner advised that the applicant could remove 13 sq ft of paved area (widened driveway) and comply with the requirements, based on staff calculations.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Variance** of the required livability space (13 sq ft) - **SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6;

Mr. Bolzle's motion to deny a variance of the required 20% maximum coverage of the rear yard died for lack of a second.

On **MOTION** of **ABBOTT**, the Board voted 2-2-0 (Abbott, White, "aye"; Bolzle, Turnbo, "nay"; no "abstentions"; Doverspike, "absent") to **APPROVE*** a **variance** of the required 20% maximum coverage of the rear yard to permit an accessory building - **SECTION 210.B.5 YARDS** - Use Unit 6; on the following described property:

East 50' of S/2, Lot 5, Block 4, Peoria Gardens Addition to the City of Tulsa, Tulsa County, Oklahoma.

*The variance of the maximum 20% coverage within the required rear yard was denied, due to the lack of three affirmative votes.

Case No. 17272

Action Requested:

Minor Special Exception to amend a previously approved site plan to permit a canopy addition to a church - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 5324 East 46th Street.

Presentation:

The applicant, **Lawrence Meyers**, 4208 East 104th Street South, submitted a plot plan (Exhibit G-1) and informed that church use was approved on the subject property in 1982, and requested permission to add a canopy to the existing building.

Comments and Questions:

In reply to Mr. Bolzle, Mr. Beach advised that the canopy will be 20' by 38.3'.

Case No. 17272 (continued)

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Minor Special Exception** to amend a previously approved site plan to permit a canopy addition to a church - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; finding that the minor change (addition of canopy) to the previously approved site plan will not be injurious to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

W/2 Lots 1, 2 and 3, Block 1, Allen's Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17273

Action Requested:

Variance of the required parking for a restaurant to 20 spaces - **SECTION 1212. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS** - Use Unit 12, located 1411 South Harvard.

Presentation:

The applicant, **Jeffrey Levinson**, 35 East 18th Street, informed that his client, Cherry Street Bakery, is proposing to construct a 3000 sq ft facility at the above stated location. He submitted a plot plan and data sheet (Exhibit N-1) and explained that a restaurant will be added to the current use; however, the entire second floor will be used exclusively as office space for the business and a large kitchen area will also be required. Mr. Levinson advised that twenty spaces are available, which should be sufficient for the use.

Interested Parties:

Allan Stewart, 2244 East 7th Street, planning chair for District 4, stated that the bakery has been a good neighbor in the Cherry Street area and that he is supportive of the application.

Comments and Questions:

Mr. Gardner advised that, if inclined to approve the request, the second floor of the building should be restricted to office use for the business.

In reply to Mr. White, the applicant stated that there are three or four off-street parking spaces in front of the building.

Case No. 3972-A ✓
William F. Russell
Lots 4 & 5, Block 1,
Jack Hawkins Addi.

This being the date set down for public hearing on the application of William F. Russell for permission to change an existing nonconforming use to an auto salvage, uused car lot, and garage in a U-1-C District on Lots 4 & 5, Block 1, Jack Hawkins Addition. There appeared Ray Fellman on behalf of the applicant. No protest was offered.

MOVED by Galbreath (Avery) that this application be approved for one year subject to review at the end of such period.
All members voting yea. Carried.

Case No. 3974-A ✓
Bethany Lutheran Church
W/2 of Lots 1, 2, 3,
Block 1, Allen's
Subdivision

This being the date set down for public hearing on the application of the Bethany Lutheran Church for permission to erect a church on the West Half of Lot 1, West Half of Lot 2, and the West Half of Lot 3, Block 1, Allen's Subdivis on. There appeared Mr. Richard Gillison on behalf of the applicant. No protest was offered.

MOVED by Avery (Galbreath) that this application be approved.
All members voting yea. Carried.

Case No. 3975-A ✓
Christ Temple CME
Part of SE, SE, of
Section 19-20-13

This being the date set down for public hearing on the application of the Christ Temple C.M.E. Church for permission to erect a church on the following described property:

The North 150 feet of the South 960 feet of the West 290 feet of the East 340 feet of the SE 1/4, SE 1/4, of Section 19-20-13.

No one appeared on behalf of the applicant. No protest was offered.

MOVED by Galbreath (Avery) that this matter be passed to the next regular meeting.
All members voting yea. Carried.

Case No. 3976-A ✓
Apostolic Assembly
Lot 1, Block 6,
Suburban Highlands
Addition

This being the date set down for public hearing on the application of the Apostolic Assembly for permission to erect a church on Lot 1, Block 6, Suburban Highlands Addition. There appeared James Pyles on behalf of the applicant. Eleven protestants appeared and were represented by a Mr. Henry.

Mr. Henry submitted a Petition of Protest and stated that a church in this particular location would increase the traffic hazard to the school children in the area. Mr. Pyles stated the seating capacity of the church would be cut down to meet parking space requirements if necessary; that the property would



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Subject
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BOA-22370

19-13 27

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

Aerial Photo Date: February 2016





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Subject
Tract

BOA-22370

19-13 27

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

Aerial Photo Date: February 2016

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Subject Lot - Looking SE



Subject Lot - Looking SW

11.22.2017 11:36

OTHER BUSINESS – ITEM 16:

BOA-22355 – KEVIN SPARKS

REQUEST FOR REFUND

REQUEST FOR REFUND

Case No. BOA-22355

The applicant, Kevin Sparks, 5711 East 102nd Street, Tulsa, Oklahoma, 74137 made application to the City of Tulsa Board of Adjustment, asked for a refund of fees paid for an application for:

Variance (<input checked="" type="checkbox"/>) Special Exception ()		
Verification () Appeal () Modification ()		
From the COT BOA (<input checked="" type="checkbox"/>) County BOA ()		
	Fees Paid	Fees Used
Base Request	\$500.00	00.00
Additional Requests	00.00	00.00
Newspaper Publication	60.00	60.00
Sign (Special Exception Uses in COT only)	00.00	00.00
300' Property Owners Mailing and Postage	71.00	71.00
Application Subtotal:	631.00	131.00
Notice Subtotal:	631.00	131.00
Total Fees Paid:	631.00	131.00

Recommended Refund:

\$500.00

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

The staff recommends the refund listed above.

Per staff:


Nikita Moye, Senior Planner

OTHER BUSINESS – ITEM 17:

**BOA-22369 – ARCHITECTURAL
RESOURCES – JACK ARNOLD**

REQUEST FOR REFUND

REQUEST FOR REFUND

Case No. BOA-22369

The applicant, Architectural Resources, Jack Arnold, 7310 South Yale, Tulsa, Oklahoma, 74136 made application to the City of Tulsa Board of Adjustment, asked for a refund of fees paid for an application for:

Variance () Special Exception (X) Verification () Appeal () Modification () From the COT BOA (X) County BOA ()		
	Fees Paid	Fees Used
Base Request	\$250.00	250.00
Additional Requests	00.00	00.00
Newspaper Publication	60.00	60.00
Sign (Special Exception Uses in COT only)	130.00	00.00
300' Property Owners Mailing and Postage	54.00	54.00
Application Subtotal:	494.00	364.00
Notice Subtotal:	494.00	364.00
Total Fees Paid:	494.00	364.00

Recommended Refund:

\$130.00

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

The staff recommends the refund listed above.

Per staff:


Nikita Moye, Senior Planner