AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, April 11, 2023, 1:00 P.M.

Meeting No. 1314

If you wish to present or share any documents, written comments, or exhibits during the hearing, please submit them by 9:00 a.m. the day of the hearing. Remember to reference the case number and include your name and address.

Email: esubmit@incog.org
Mail or In Person: City of Tulsa BOA c/o INCOG, 2 W. 2nd St., Suite 800 Tulsa 74103

1. Approval of Minutes of February 28 (Meeting No. 1311).

2. 23509 - Edgar Lopez
   Action Requested:
   Special Exception to permit the expansion of a structure with a non-conforming street setback in the RS-1 District (Section 80.030-D) Location: 3313 S. Birmingham Ave. E. (CD-9)

3. 23510 - WAGONER - August Wakat
   Action Requested:
   Appeal of the Administrative Decision by a Neighborhood Inspector in Case 69279-2023 that the subject property is in violation of sections 60.020-A, 70.080-A, 80.040-B.2 and 80.040-F of the City of Tulsa Zoning Code, in accordance with Section 70.140. Location: 23780 E. Admiral Pl. (CD 6)

4. 23511 - Blake Boswell
   Action Requested:
   Special Exception to allow a Small (Less than 250 person-capacity) Commercial Assembly & Entertainment Use in the IM District (Sec.15.020, Table 15-2) Location: 1217 E. Admiral Boulevard (CD 1)
5. 23512 - John Anderson, Experian LED Signs
   
   **Action Requested:**
   Variance to permit a dynamic display sign within 200-feet of a Residential District (Sec.60.100-F) **Location:** 10032 S. Sheridan Rd. **(CD 8)**

6. 23513 - Cathy Craig
   
   **Action Requested:**
   Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3) **Location:** 1936 E. 36th St. **(CD 9)**

7. 23514 - Mike Thedford, Wallace Design Collective
   
   **Action Requested:**
   Special Exception to permit an existing Group Living/ Emergency Protective Shelter Use in the RS-3 and CS Districts (Sec. 15.020, Table 15-2) **Location:** 7318 E. Pine St. **(CD 3)**

8. 23515 - Kyle Gibson
   
   **Action Requested:**
   Special Exception to permit a Junk or Salvage Yard Use in the IM Zoning District (Sec. 15.020, Table 15-2) **Location:** 2471 E. Independence St. N. **(CD 3)**

9. 23516 - Cody Fussell
   
   **Action Requested:**
   Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6) **Location:** 1227 S. Pittsburgh Ave. **(CD 4)**

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**OTHER BUSINESS**

**NEW BUSINESS**

**BOARD MEMBER COMMENTS**

**ADJOURNMENT**

**Website:** tulsaplanning.org  **E-mail:** esubmit@incog.org

CD = Council District
NOTE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify Tulsa Planning Office at 918-584-7526. Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained by the Tulsa Planning Office at INCOG. All electronic devices must be silenced.
### Case Report

<table>
<thead>
<tr>
<th><strong>Case Number:</strong></th>
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<td><strong>Hearing Date:</strong></td>
<td>04/11/2023 1:00 PM</td>
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#### Case Report Prepared by:

Austin Chapman

#### Owner and Applicant Information:

**Applicant:** Edgar Lopez

**Property Owner:** Walker, Donald Dean

#### Action Requested:

Special Exception to permit the expansion of a structure with a non-conforming street setback in the RS-1 District (Section 80.030-D)

#### Location Map:

![Location Map](image)

#### Additional Information:

**Present Use:** Residential

**Tract Size:** 0.33 acres

**Location:** 3313 S. Birmingham Av. E.

**Present Zoning:** RS-1
Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: 2020/2021

Subject Tract

BOA-23509
19-13 20

2.2
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9320  Case Number: BOA-23509

CD: 9

HEARING DATE: 04/11/2023 1:00 PM

APPLICANT: Edgar Lopez

ACTION REQUESTED: Special Exception to permit the expansion of a structure with a non-conforming street setback in the RS-1 District (Section 80.030-D)

LOCATION: 3313 S. Birmingham Ave. E.  ZONED: RS-1

PRESENT USE: Residential  TRACT SIZE: 14549.1 SQ FT

LEGAL DESCRIPTION: LT-13-BLK-1, TIMBERLAND ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:

Surrounding property:

BOA-18937: On 12.12.00 the Board approved a Variance to reduce the required street setback from 65-feet to 59.5-feet from the c/l of E. 33rd Pl. S., finding the hardship to the the configuration of the lot. Property located 2607 E. 33rd Pl. 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”.

An Existing Neighborhood 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.

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

STAFF ANALYSIS: The applicant is requesting a Special Exception to permit the expansion of a structure with a non-conforming street setback in the RS-1 District (Section 80.030-D)
The applicant is seeking to put a garage addition onto a house with a 27.5-foot street setback, the current RS-1 standard would require 35-feet.

**SAMPLE MOTION:**

Move to _______ (approve/deny) a Special Exception to permit the expansion of a structure with a non-conforming street setback in the RS-1 District (Section 80.030-D):

- 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.
Zoning Review (1)

Subject: Zoning Review
Page Label: 5
Status: 
Author: DWhiteman
Date: 2/23/2023 5:20:22 PM
Color: 

80.030-D: Alterations, Enlargements and Expansions.

Alterations, including enlargements and expansions, are permitted if the proposed alteration or expansion complies with all applicable lot and building regulations and does not increase the extent of the nonconformity. A building with a nonconforming street setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback regulations and all other applicable lot and building regulations. Horizontal and vertical extensions of an exterior wall that is nonconforming with regard to applicable setbacks may be approved in accordance with the special exception procedures of Section 70.120, provided the extensions are not located closer to the lot line than the existing structure.

Review Comment: This lot is zoned RS-1 which requires a 35' front street setback. This means that this house is a non-conforming structure, since it does not conform with the current required front street setback, even though it originally complied with the 25' building line shown on the plat. You may revise the plans so that the addition complies with the current 35' front street setback. As an alternative, you may pursue a special exception from the Board of Adjustment for a horizontal extension of an exterior wall of a non-conforming structure.
SITE PLAN

THE BEARINGS SHOWN HEREON ARE BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM NAD 83 (2011) AND THE NORTH LINE OF LOT 13, BLOCK 1, TIMBERLAND ADDITION BEING N 88°18'15" E.

THE PROPERTY DESCRIBED HEREON IS SUBJECT TO THE TERMS, CONDITIONS, PROVISIONS, Covenants, Restrictions, Easements, Limitations and Setback Lines contained in the Recorded Plat and Deed of Dedication of Timberland Addition.

BY GRAPHIC PLOTTING ONLY THIS PROPERTY LIES IN ZONE "X-UNSHADEN" FLOOD HAZARD AREA PER F.I.R.M. MAP NUMBER 40143C0352M, AS LAST REVISED 5/2/2019.

LEGAL DESCRIPTION AS PROVIDED:
LOT THIRTEEN (13), BLOCK ONE (1), TIMBERLAND ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE AVENUE.

John L. Libby, Jr.
Registered Professional Land Surveyor Oklahoma No. 1806

Date: 2/3/2023

Copyright 2023 by White Surveying Company. All Rights reserved. No part of this plat may be reproduced, stored in a retrieval system, or transmitted in any form without prior written permission of White Surveying Company, P.O. Box 471675, Tulsa, Oklahoma.
Case Number: BOA-23510
Hearing Date: 04/11/2023 1:00 PM

Case Report Prepared by:
Austin Chapman

Owner and Applicant Information:
Applicant: August Wakat
Property Owner: Same as applicant

Action Requested: Appeal of the Administrative Decision by a Neighborhood Inspector in Case 69279-2023 that the subject property is in violation of sections 60.020-A, 70.080-A, 80.040-B.2 and 80.040-F of the City of Tulsa Zoning Code, in accordance with Section 70.140

Location Map:

Additional Information:
Present Use: Salvage yard
Tract Size: 5.86 + acres
Location: 23780 E. Admiral Pl.
Present Zoning: AG
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9413
CD: 6

HEARING DATE: 04/11/2023 1:00 PM

APPLICANT: August Wakat

ACTION REQUESTED: Appeal of the Administrative Decision by a Neighborhood Inspector in Case 69279-2023 that the subject property is in violation of sections 60.020-A, 70.080-A, 80.040-B.2 and 80.040-F of the City of Tulsa Zoning Code, in accordance with Section 70.140

LOCATION: 23780 E Admiral Pl
ZONED: AG

PRESENT USE: Salvage yard
TRACT SIZE: 5.86 + acres

LEGAL DESCRIPTION: , 04-19-15 A TRACT OF LAND BEING A PORTION OF THE W 10.14 AC OF L-1 DES C COMM FROM THE NW CORNER OF SD TRACT ON A BEARING OF S 01 DEG 35'25" E A DIST OF 283.13' TO POB - N 88 DEG 45'34" E A DIST OF 660.91' TO A PT ON THE EAST LINE OF TH EW 10.14 AC OF SAID L-1 -S-01 DEG 32'28" EA DIST OF 385 64' TO PT ON THE S LINE OF SD L 1 - S 88 DEG 40'38" W A DIST OF 660.57' TO PT BEING THE SW COR OF L-1 - N 01 DEG 35'25" W DIS OF 386.59' TO POB CONT 5.86 AC (W2 OF L-1 CONT 10.14 AC) CITY OF TULSA, WAGONER COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:

Subject property:

Z-7578: On 11.18.20 the TMAPC voted to recommend a re-zoning from AG to IL zoning on the subject property. The Tulsa City Council voted to Deny the rezoning request on 1.27.21.

STAFF ANALYSIS: The applicant is requesting an Appeal of the Administrative Decision by a Neighborhood Inspector in Case 69279-2023 that the subject property is in violation of sections 60.020-A, 70.080-A, 80.040-B.2 and 80.040-F of the City of Tulsa Zoning Code, in accordance with Section 70.140:

Section 60.020 Prohibited Signs and Sign Characteristics
The following signs and sign characteristics are prohibited except as otherwise expressly stated:

60.020-A Signs for which no permit that is required under Title 51 of the Tulsa Revised Ordinances has been issued;

Section 70.080 Zoning Clearance and Permits

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.
80.040-B Change of Use

1. A nonconforming use in a residential zoning district may be changed only to a use that is allowed in the subject zoning district. Once changed to a conforming use, the nonconforming use may not be re-established.

2. A nonconforming use located in a zoning district other than a residential zoning district, may be changed to a use that is allowed in the subject zoning district, in which case the nonconforming use may not be re-established. A nonconforming use located in a zoning district other than a residential zoning district, may be changed to another nonconforming use only if approved in accordance with the special exception procedures of Section 70.120. The change of a use to another use included within the same use category does not constitute a “change of use” within the meaning of this section. In order to approve a special exception for a nonconforming use substitution, the board of adjustment must find that the proposed use substitution will not result in any increase in adverse impacts on the surrounding area when compared to the previous nonconforming use of the property. In making such a determination, the board of adjustment must consider all of the following factors, as applicable:
   a. Traffic to and from the site;
   b. Hours of operation,
   c. Outdoor display, storage and work activities; and
   d. Other factors likely to have an effect on the surrounding area.

80.040-F Nonconforming Use of Unimproved Land

Nonconforming uses of unimproved land are land uses and activities that meet the definition of a nonconforming use but that include structures that are all accessory or incidental to the use and in the aggregate do not cover more than 10% of the lot area devoted to the nonconforming use. Common examples include storage yards, construction debris sites, used vehicle sales lots, vehicle impound yards, auto wrecking, junkyards, and similar open-air uses. Nonconforming uses of unimproved land are subject to the nonconforming use regulations of this section (Section 80.040), except as modified by the following specific regulations:

1. No nonconforming use of unimproved land may be changed to another nonconforming use, nor enlarged, increased or moved to another portion of the lot, nor extended to occupy a greater area of land than was occupied at the time that the use became nonconforming.

2. No additional structure (other than fences) may be erected in connection with a nonconforming use of unimproved land.

3. If any nonconforming use of unimproved land ceases for any reason for a period of more than 90 days, (except when government action impedes access to or use of the premises) any subsequent use of such land must conform in all respects to the regulations of the zoning district in which it is located.
A copy of Section 70.140 of the City of Tulsa Zoning Code is attached to this staff report. The property was annexed into the City of Tulsa in 2001, included in your packet is an aerial view of the property in 2001 provided by the INCOG Mapping and Graphics department.

A representative of the City of Tulsa Working In Neighborhoods Department (WIN) will be present to defend the issuance of the Notice of Violation.

**SAMPLE MOTION:**

Move to _______ (affirm/reverse) Administrative Decision by a Neighborhood Inspector in Case 69279-2023 that the subject property is in violation of sections 60.020-A, 70.080-A, 80.040-B.2 and 80.040-F of the City of Tulsa Zoning Code

Finding that the Neighborhood Inspector (acted appropriately/erred) in the Administrative Decision by a Neighborhood Inspector in 69279-2023 Case NUZO-054682-2022, and that the subject property (is/ is not) in violation of sections 60.020-A, 70.080-A, 80.040-B.2 and 80.040-F.
2001 View of Subject Property
Minutes from Z-7578
SECTION I: Z-7578

DEVELOPMENT CONCEPT:
The applicant submitted a request for IH zoning to bring the salvage operations into conformance with the Tulsa Zoning Code. Establish AG zoning for the site during the 2001 annexation process.

EXHIBITS:
- INCOG Case map
- INCOG Aerial (small scale)
- INCOG Aerial (large scale)
- Historical Aerial maps
  - 1990
  - 2001
  - 2018 close view
  - 2018 distant view
- Tulsa Comprehensive Plan Land Use Map
- Tulsa Comprehensive Plan Areas of Stability and Growth Map
- Applicant Exhibits:
  - None included

DETAILED STAFF RECOMMENDATION:

The subject tract and surrounding properties are located within an Employment Land Use designation in the City of Tulsa Comprehensive plan. The site was annexed into the city with AG zoning and is not part of a small area plan that might provide additional guidance and,

The uses allowed in the requested IH zoning along with normal supplemental regulations is not consistent with the anticipated land use in the area and,

Uses allowed in IL zoning district along with normal supplemental regulations are compatible with the surrounding proximate properties and,

Staff recommends approval of Z-7578 to rezone property from AG to IL to allow a long list of permitted uses that are not available to the property owner today but recommends denial of IH zoning as requested by the applicant. The salvage business will remain a non-conforming use.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Industrial zoning categories are generally consistent with employment land use designation. The Tulsa Comprehensive plan does not provide clear guidance for locating heavy industrial uses.

Land Use Vision:

Land Use Plan map designation: Employment

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. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

**Areas of Stability and Growth designation:** Area of Growth

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.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.”

**Transportation Vision:**

**Major Street and Highway Plan:** None

**Trail System Master Plan Considerations:** None

**Small Area Plan:** None

**Special District Considerations:** Prior to the adoption of the Tulsa Comprehensive Plan a resolution adopting a comprehensive plan for the Town of Fair Oaks was adopted in 1998. This area was included in that comprehensive plan and the current land use designations are generally reflected in the current land use maps.

**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** The site is an existing salvage operation. Much of the surrounding property was a coal strip mine. Redevelopment will require salvage and strip mine mitigation.

**Environmental Considerations:** Redevelopment and expanded uses of this site will require some environmental mitigation.
Streets:

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<th>Exist. Access</th>
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Utilities:

The subject tract has municipal water service available.

Surrounding Properties:

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SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 20244 dated November 20, 2001 established zoning for the subject property.

No records could be found for the subject property or properties within 300 ft of the subject property other than the ordinance above which annexed this property (as well as many others into the City of Tulsa’s corporate limits from Wagoner County).

Wagoner County was subsequently contacted to see if they had any records for this property prior to its annexation into the City of Tulsa or if they could point staff in the direction of who to else to contact, but staff never received a response.

The applicant has provided a letter from the Wagoner Metro Area Planning Commission dated May 17th, 2010 regarding the non-conforming status of his business/use.

It should be noted all properties included in this ordinance were zoned AG prior to their annexation into the City of Tulsa’s corporate limits and remained AG upon their annexation.

10/21/2020 1:00 PM

8.4

7.12
On MOTION of CRADDOCK, TMAPC voted 6-0-0 (Blair, Covey, Craddock, Kimbrel, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining": McArtor, Reeds, Ritchey, Walker, "absent") to CONTINUE Item 7 to December 16, 2020.

************

8. Z-7578 August Wakat (CD 6) Location: East of the southeast corner of East Admiral Place and South 225th East Avenue on the south side of Highway 412 requesting rezoning from AG to IH (Continued from October 21, 2020)

STAFF RECOMMENDATION:

SECTION I: Z-7578

DEVELOPMENT CONCEPT:
The applicant submitted a request for IH zoning to bring the salvage operations into conformance with the Tulsa Zoning Code. Establish AG zoning for the site during the 2001 annexation process.

DETAILED STAFF RECOMMENDATION:
The subject tract and surrounding properties are located within an Employment Land Use designation in the City of Tulsa Comprehensive plan. The site was annexed into the city with AG zoning and is not part of a small area plan that might provide additional guidance and,

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It should be noted all properties included in this ordinance were zoned AG prior to their annexation into the City of Tulsa’s corporate limits and remained AG upon their annexation.

**TMAPC Comments:**
Mr. Craddock asked if IL allows the uses that’s currently there.

Staff stated this salvage operation has been in operation for decades. He stated it was in operation in Wagoner County inside the City of Tulsa. Staff stated Wagoner County did not have zoning that guided this property. He stated so it is a non-conforming use that can continue to stay in operation just like it is today without changing any of the zoning. But IL zoning would not satisfy the non-conforming use of the existing salvage yard.

Mr. Craddock asked staff what the impact would be to the neighbors if the IL zoning was approved.

Staff stated if the IL zoning was approved, the Zoning Code requires setbacks from abutting AG and R zoning so there would still be non-conforming buildings on the site so there would be no impact on the current use. He stated the IL would mean it would allow things like a medical marijuana dispensary. Staff stated those kind of uses are not allowed in an AG district, so if approved there would be an opportunity for commercial and office uses and light industry on the site that’s not allowed today.

Mr. Covey asked what zoning is needed for marijuana dispensary and why the applicant wants IH.

Staff stated the IH is an attempt to rezone the property to allow the salvage yard. Mr. Covey stated the IL doesn’t do anything for the salvage operation. Staff stated “correct”.
Mr. Covey stated with regard specifically to the salvage operation, either granting the IL or not granting IL does not affect the applicant one way or another.

Staff stated that is correct with respect to the salvage operation.

Mr. Covey stated but giving the applicant IL would allow them to if they wanted to move the salvage operation it would allow them to do something else if they wanted.

Staff stated "yes". He stated the applicant submitted a building permit application for an interior remodel or a new building and the letter of deficiency came back and said, zoned AG, and he couldn't do that.

Mr. Covey asked if staff was comfortable with the hypothetical of the salvage operation going away and something else whether it be marijuana or something else going in there.

Staff stated the Comprehensive Plan recognize this as an employment area and the IL is typically in line with employment uses.

**Applicant Comments:**

**Gayle Runnels** 2021 South Lewis, Tulsa OK

Mr. Runnels stated he represents the applicant August Wakat. He stated his client has been the operator of the salvage yard for about 20 years and has continued to operate in that location. Mr. Runnels stated his client contacted City of Tulsa when he decided to make minor modifications in plumbing and electrical to his business. When it came time for the certificate of occupancy the permit department stated all the work was done correctly but there’s no zoning on the property. Mr. Runnels stated his client then spoke with INCOG staff to find out what it took to get the zoning to match his use. He stated staff told him he needed IH zoning and that is what his client applied for. Mr. Runnels stated the intention is not to change the salvage operation in any respect but to continue to do that as needed. He stated that operation is one of the activities that is necessary in our society, where there are 10 to 15 million cars a year and have a life of about 10 years and the salvage is used to answer that particular problem. Mr. Runnels stated in terms of the concerns with the zoning, this is a piece of land that was carved out of the Robson Ranch 30 years ago. He stated in 2000, a portion of that about 4800 acres was added to the City of Tulsa and at the time, there was no notice given to the owner and it would have been appropriate at that time for any zoning or rezoning to be done then. Mr. Runnels stated the entire 4800 acres that came in was given an AG zoning and frankly it was unknown to Mr. Wakat. He stated a concern that has been expressed by Robson Ranch is that this might lead to spot zoning but spot zoning can only happen if an owner of a property desires to change it and they don't own the land for miles in all directions. Mr. Runnels stated his client’s position is simply to bring his
property in conformance with its actual use and comply with the rules of the City of Tulsa.

Mr. Covey asked if Mr. Runnels client has any intention of doing any other types of business or is it just salvage?

Mr. Runnels stated it's a salvage yard and any associated uses. He stated medical marijuana is not a circumstance at all.

Mr. Blair asked if adding the designation of IL does anything with regard to the certificate of occupancy.

Mr. Runnels stated any zoning, which is all permitting was asking for, would permit the certificate of occupancy.

Mr. Blair asked even if it was non-conforming.

Mr. Runnels stated the whole activity is non-conforming.

Mr. Covey asked if the applicant is acceptable to IL zoning.

Mr. Runnels stated if the IH is not possible then yes.

Mr. Blair asked staff if the property is IL can the applicant get a Certificate of Occupancy for their modification.

Staff stated the only letter of deficiency that he has seen that had anything to do with a certificate of occupancy was for a dispensary. He stated he believes that, from what was submitted from the applicant, there's other things that have to happen, but this will be the first step in getting a certificate of occupancy.

**Interested Parties:**

**Bart James** 7910 South 101st East Avenue, Tulsa OK

Mr. James stated he submitted a packet to staff from himself and Mr. Robson. He stated to summarize that packet he and Mr. Robson would like the denial of the IL zoning. Mr. James stated he hopes that TMAPC will instruct INCOG to do a comprehensive study of the area. He stated he thinks it's been probably been 20 years or more since this area has been looked at. Mr. James stated if the IL zoning is approved there are buildings that sit within that 75 foot setback area and to be able to use those non-conforming buildings for an approved IL use would not be appropriate. He stated the grandfathered use on the subject property is strictly an auto salvage it's not other operations for example, he believes that there's been a scrap metal business going on the subject property and that requires a separate dealer license. Mr. James stated he wants to make
sure that the subject property gets platted and proper sewer or alternatives that are acceptable is installed.

**Joe Robson** 7665 Kimberline Road, Tulsa, OK
Mr. Robson stated his property surrounds the subject property. He stated the attitude seems to be that since this area is so remote you can do whatever you want in this area. Mr. Robson stated this is the first time in a public meeting that the land use in the area has been talked about. He stated the salvage operation started in 1951 before any planning or zoning regulations and has been operating since that time. Mr. Robson stated the problem is this application is trying to expand and legitimize expansion of their business in the non-conforming use. He stated you can’t expand your line of business, or the operation of what was grandfathered in if it’s a non-conforming use. Mr. Robson stated the applicant has started a metal recycling business and a different permit is needed for that business. It’s not part of the same operation. He stated now he wants to do a marijuana outlet. Mr. Robson stated this area is very ripe for development in the not too distant future. He stated he appreciates Mr. Runnels description, but he’s completely wrong on being able to use this property for other businesses. He stated this is site zoning.

Mr. Covey asked what type of zoning would need to take place for this area?

Mr. Robson stated he believes employment is the correct designation.

Mr. Runnels stated the basic statement that you heard from both Mr. Robson and Mr. James, is they want to hold the applicants five acres ransom until they get ready to do something with their 15,000 acres and this is not an appropriate use of the zoning code to restrict use and activities.

Mr. Covey asked City Legal if the IL zoning is approved will that alleviate the applicants concerns regarding the permits that he needs.

Ms. VanValkenburgh stated she doesn’t think there would be an issue getting a certificate of occupancy for the salvage operation because its grandfathered in.

Mr. Covey stated he thinks it’s the actual permits to do the plumbing work and things like that.

Ms. VanValkenburgh stated she doesn’t think that’s the case. She stated she believes Mr. Runnels was talking about if they bring in another use and that would not be permitted now and could not be permitted unless it’s an AG use or it gets rezoned.

Mr. Covey asked Staff if this is a case that would benefit from an optional development plan giving the applicant the IH but limiting it to the salvage yard and maybe some more uses that are compatible with that.
Staff stated that possibility exists but it has never been brought to us for discussion. He stated he believes IH zoning in this location is not something that staff thinks is appropriate. Staff stated IH zoning is limited around town and staff is very concerned about opening that up at this particular site.

Mr. Covey asked if the applicant needs the IH zoning for the salvage yard or can he have something less.

Staff stated he had to look back at the code but he might be able to do IM and then go to the Board of Adjustment for a special exception but in any case, its IM or IH.

Mr. Craddock stated he knows what the applicant would like but it doesn't make sense to have IL and not have your operation. He stated but he can continue his operation without any zoning. Mr. Craddock stated he is confused of why we need to rezone a tract out in the middle of this area that probably does need to be reviewed but he is inclined to deny the change to IL zoning.

Mr. Blair stated he intends to agree with Mr. Craddock, he knows the non-conforming use is allowed in AG as it is in IL and he doesn't think the approval changes much.

Mr. Covey stated if the specific reason Planning Commission were doing this is for the applicant to obtain the permits to continue to operate as he is right now, he would be more inclined to grant it. But also, if the applicant wants to open a different business and it fits in IL zoning why shouldn't it be allowed if it is embedded in an employment area. Mr. Covey asked if the salvage operation were stripped out and a completely new business went in is staff comfortable with IL zoning in this area.

Staff stated “yes”, based on the land use maps. He stated if IH is approval there's no zoning restrictions on how environmentally objectionable that site can be. So, staff felt like treading lightly was a much better plan on this site, based on the land use designations and the lack of infrastructure and development around the property.

Ms. Kimbrel stated nothing that Planning Commission can do is going to allow the appropriate zoning for the applicant to operate the salvage yard.

Staff stated if you approve IH zoning.

Ms. Kimbrel stated Staff is recommending a denial of IH.

Staff stated “correct”.
Ms. Kimbrel stated the proposed use is the salvage yard and all other uses allowed by right. She asked if all other uses allowed by right conditional with the IL.

Staff stated "yes". He stated the applicant can still have the salvage yard as a non-conforming use so it can stay just like it has the last 50 years. Staff stated IH would allow that use to become a conforming use and staff doesn't feel like that's appropriate at this site.

Mr. Craddock made a motion to deny this application.

**TMAPC Action; 6 members present:**
On MOTION of CRADDOCK, TMAPC voted 2-4-0 (Blair, Craddock, "aye"; Covey, Kimbrel, Shivel, Van Cleave, "nays"; none "abstaining"; McArtor, Reeds, Ritchey, Walker, "absent") to recommend DENIAL of the application (IH or IL zoning) for Z-7578.

The motion of denial fails.

Mr. Covey made motion to approve IL zoning per staff recommendation. That motion passes.

**TMAPC Action; 6 members present:**
On MOTION of COVEY, TMAPC voted 4-2-0 (Covey, Kimbrel, Shivel, Van Cleave, "aye"; Blair, Craddock, "nays"; none "abstaining"; McArtor, Reeds, Ritchey, Walker, "absent") to recommend APPROVAL of the IL zoning for Z-7578 per staff recommendation.

**Legal Description for Z-7578:**
04-19-15 A TRCT OF LAND BEING A PORTION OF THE W 10.14 AC OF L-1 DES C COMM FROM THE NW CORNER OF SD TRACT ON A BEARING OF S 01 DEG 35'25" E A DIST OF 283.13' TO POB - N 88 DEG 45'34" E A DIST OF 660.91' TO A PT ON THE EAST LINE OF TH EW 10.14 AC OF SAID L-1 -S-01 DEG 32'28" EA DIST OF 385 64' TO PT ON THE S LINE OF SD L 1 - S 88 DEG 40'38" W A DIST OF 660.57' TO PT BEING THE SW COR OF L-1 - N 01 DEG 35'25" W DIS OF 386.59' TO POB CONT 5.86 AC (W2 OF L-1 CONT 10.14 AC)

*************
Exhibits provided by Appellant
August Wakat
27380 East Admiral Place
Catoosa OK 74015
PETITIONER-APPELLANT,

vs.

Tulsa City Clerk
Suite 260
Tulsa OK 74103
918-0596-513

and
Michael Rider
Director of the Tulsa Planning Office
Indian Nations Council of Governments
2 West 2nd Street
Suite 800
Tulsa OK 74103
918-584-7526
918-556-9575
RESPONDENTS-APPELLEES.

CASE No. 69279-2023

APPEAL FROM NOTICE OF VIOLATION-ZONING

I. THE PARTIES

This is an administrative appeal from a certain NOTICE OF VIOLATION-ZONING issued upon Petitioner Appellant August Wakat, (hereinafter “Petitioner”) Business Address 27380 East Admiral Place, Catoosa, Wagoner County, OK 74015, bearing date of February 20, 2023, Administrative Case No. 69279-2023. Petitioner is and was at all relevant times a resident and citizen of Tulsa, Tulsa County, State of Oklahoma.

The land that is the subject of these proceedings is located in Wagoner County, State of Oklahoma. The land in question became an addition to the City of Tulsa, Wagoner County Oklahoma on November 13, 2001. The salvage yard which is the subject of these proceedings commenced operations at its present location during the calendar year 1951, and it has operated in that capacity un-interruptibly since 1951.
Rider and the Tulsa City Clerk (hereinafter “Respondents”) are, and were at all relevant times, residents and Citizens of Tulsa, Tulsa County State of Oklahoma.

Notice of Violation was given, by ordinary mail, on February 21, 2023. An exact copy of the Notice of Violation is appended hereto, marked as Exhibit 1, And made a part hereof by reference.

II. NATURE OF THIS ADMINISTRATIVE APPEAL

This is an administrative appeal from a Notice of Violation 69279-2023, from a Notice of Violation, which was issued by the Defendants, all of whom were at the time residents of Tulsa County, State of Oklahoma; against Petitioner Wakat, likewise a resident and citizen of Tulsa County, Oklahoma; asserting that the Petitioner Wakat is liable to Respondents for changes or, modifications of the subject land situated in Wagoner County Oklahoma, as to three separate issues:

1. A purported violation of the Tulsa Zoning Code 60,020A, alleging that Petitioner Wakat must “obtain a sign permit for signs installed on or after November 13, 2001, including, but not limited to the dynamic display sign, citing Code 60-020-A.” No authority is set forth as to why we can litigate Wagoner County property in Tulsa County, nor does it address the concept of due process of law.

2. An assertion that Petitioner Wakat “must obtain an Approved Zoning Clearance permit for all new uses established on the lot on or after November 13, 2001, including but not limited to the Recycling Use. Any new non-conforming uses such as the Recycling use must be approved through the Special Exception Process.”

3. An assertion that a “non-conforming uses, such as junk or salvage yards in AG Zoning districts may not be enlarged, increased or moved to another portion of the lot” fails to even aver that such was the factual situation of Wakat’s actions in the present case. You must return the non-conformity to the same status, scope and use that existed on November 13, 2001 when the land was annexed to the City of Tulsa”.

2
ARGUMENT I: CODE SECTION 60,020A

On or about November 5, 2019, Petitioner Wakat obtained Wagoner County Permit No. 1019-19. See Exhibit 2. We submit this response to a question an un-asked questions of the respondents as to when any sign might have been purchased; or the description of the nature of the sign, or setting forth Respondents’ definition of their term “dynamic design sign”, when definition of such terms are various and legion, or setting forth statutory authority for their ignoring of geographical limitations as to the various counties involved, and their statutory or case law authority for combining their case law or statutory right to discuss numerous counties rather that an act before a single county unit, supposedly the home county of all parties (Tulsa); and setting forth their authority and argument as to why Tulsa County should enter into the affairs of land in Wagoner County, Oklahoma, and/or setting forth the law that allows this combination thereof.

Indeed, any information as to the provisions of 60-020 merely describes an act which must be done, if, in fact. the proscribed fact, even, in actuality, occurred. Such act would not survive a demurrer to the pleadings in a court proceeding. How, then can the movants deprive the petitioners from their property as a result of the utterance of such an officious all-encompassing identification of the subject matter of the proceedings/cause of 60-120?

Nowhere under the paragraph setting forth the contents of 60-020 is there a charge that Wakat did or did not violate 60-020; the document merely states that the remedy must occur. This does not comply with the necessary vicissitudes of the pleading code, in which, at a minimum, there must be an assertion of the omission of some forbidden act.

Civil law in Oklahoma requires that the Plaintiff prove his case by the greater weight of
the evidence. See Oklahoma Jury Instruction No. 3.1. A mere assertion of a purported fact by either the moving party or the responding party does not even tend to create a civil case. Indeed, the language following the identification of Code 60-020-A. does not even rise to status as a sentence having a subject and a predicate. In Oklahoma the moving party has the burden of proof in civil cases. Notwithstanding, we show and accordingly aver, that on 11-1-19., Wakat obtained the building permit in question from the Metropolitan Area Planning Commission 23 Church Street, Wagoner Oklahoma 74467 for the construction of a 4-foot by 8-foot by 18 foot sign. See Wakat Exhibit 2.

ARGUMENT II: CODE SECTION 70-080 ZONING CLEARANCE AND PERMITS

Wakat adopts and re-alleges each and every allegation contained in Argument 1 and further alleges and states:

II.-1 Respondents Rider and Tulsa County Clerk herein set forth their response to the Attached Notice of Violation- Zoning, Section 70,080; and 80,040-B-2, under this Argument II. Sections 70,080-A and 80,040-B-2, set forth the following assertions:

“You must obtain an approved Zoning Clearance Permit for all new uses established on the lot on or after November 13, 2001 including but not limited to the Recycling Use. Any new non-conforming uses such as the Recycling Use must be approved through the Special Exception" process.”

II-2 We attach hereto Invoice No. 122046,bearing date of 5-20-20, wherein we paid he sum of $52.00 for the issuance, by the City of Tulsa, of a building permit on the subject property, notwithstanding the fact that the subject property is located in Wagoner County, not Tulsa County. We had earlier spoken to the officials of Wagoner County and requested a permit, and the employee there said that we should seek the same through Tulsa County. Accordingly we followed the instructions of Wagoner County and they gave us this attached permit, hereto marked “Wakat Exhibit 3.” It would appear that there are problems herein as to time constraints
on these confusing permits from someone other than the county where the land in question is located.

ARGUMENT III. CODE SECTION 80-040 F

A summary review of Argument III merely creates confusion. Here is what you have said, literally and word for word, in your Notice of Violation dated 2-20-23 and subsequently mailed to Mr. Wakat. Your assertion is as follows:

"Non-conforming uses, such as junk or salvage yards, located in AG zoning districts, may not be enlarged, increased or moved to another portion of the lot. You must return the non-conformity to the same status scope and use that existed on November 13, 2001 when the land was annexed to the city of Tulsa."

Our only response to this Code section is that the author of such a ridiculous assertion has decreed the impossible, and by the poor assertion set forth in your NOTICE OF VIOLATION, has transcended from the ridiculous to the sublime. Are you aware of the fact that this tract has been a salvage yard since 1951? It had been a salvage yard for 50 years prior to your assertion of the validity of 80-040 F.

Mr. Wakat has operated the salvage yard since June 1, 2002, some 21 years ago.

Your notice of violation is dated 2-20-23. That was a legal holiday, and I question whether office work was done at your office on that date. Your envelope shows a mailing date of 2-21-23 and the same was sent by ordinary mail rather than certified mail. It was received by Mr. Wakat on 2-24-23. We notice that it was supposedly mailed on 2-21-23.

My question is simply this: When did the factors of this Code 80-040F become effective as to either the subject property or as to Mr. Wakat? It would seem that you are asserting that the same became effective on November 13, 2001.

Can you furnish me with minutes of any meeting where a decision under this violation became effective and binding upon Mr. Wakat?
We are anxious to correct any discrepancies that might show in the Notice of Violation a minimum, we are entitled to (1.) a hearing and are entitled to any resultant appeal to the appropriate court (2.) to clarify the lack of clarity, (3) to rectify the notice of taking of property without due process of law or without equal protection of law, and (4.) to appeal any and all decisions, whether they be administrative or legal, whether they be state proceedings or Federal proceedings, until we are satisfied as to all relevant allegations on your part.

We further allege and state that, in the process of developing this Administrative Appeal, we have discovered copies of documents that have, in the past, had certain data that has since been modified by some party, whose name is unknown to us at this time, whereby original documents have been clearly modified. This discovery raises issues of fraud on the part of some person, presently unidentified, who has modified the abstract of title without our knowledge or consent.

Further, in accord with this Appeal, please set this matter for an administrative Hearing, allowing adequate time for development of appropriate motions, and for the conduct of appropriate discovery, motion practice, other discovery and appeals, both at the administrative, civil, or criminal level and in all appropriate legal proceedings which may be necessary as a result of the legion unconstitutional acts or actions.

Respectfully submitted.

James L. Edgar, Attorney
7785 East 25th Place
Tulsa Oklahoma 74129
(918) 627-9603
NOTICE OF VIOLATION – ZONING

To: AUGUST WAKAT
23780 E ADMIRAL PL
CATOOSA, OK 74015

Date: 2/20/2023
Case: 69279-2023

Compliance Date: 3/20/2023

Dear Property Owner and/or Occupant,

You are hereby notified of zoning (Title 42) violations at 04-19-15 A TRCT OF LAND BEING A PORTION OF THE W 10.14 AC OF L-1 DES C COMM FROM THE NW CORNER OF FD TRACT ON A BEARING OF S 01 DEG 35'25" E A DIST OF 283.13' TO POB - N 88 DEG 45'34" E A DIST OF 660.91 T O A PT ON THE EAST LINE OF THE W 10.14 AC OF SAID L-1-S-01 DEG 32'2 8" E A DIST OF 385.64' TO PT ON THE S LINE OF SD L-1 - S 88 DEG 40' 38" W A DIST OF 660.57' TO PT BEING THE SW COR OF L-1 - N 01 DEG 35'25" W DIS OF 386.59' TO POB CONT 5.86 AC (W2 OF L-1 CONT 10.14 AC) 5.86 Acres

City of Tulsa, Wagoner County State of Oklahoma; And located at the address of: 23610 E Admiral Pl

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<th>Violations:</th>
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<td>Code Section</td>
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<td>60.020-A</td>
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<td>70.080-A;</td>
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<td>80.040-B.2</td>
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See back of page for what the resolution of each violation requires.

You still have time to correct the issue(s) at your property. To comply, you must correct all violations prior to the compliance deadline listed on this notice above. If you are unable to correct any or all the violation(s) listed above, contact the Code Official listed below to work out an acceptable plan to bring your property into compliance. Ensure that all family members, employees, and/or contractors, etc. are familiarized with and adhere to these regulations. Additional notices will not be sent if recurring violations are found in the future.

Failure to make the correction may result in the issuance of a criminal citation or civil remedial penalties not to exceed $1,200.00 per day. Failure to comply may also result in revoking or withholding permits, certificates or other forms of authorization issued by the City of Tulsa; and/or any other remedies allowed by law.

Your property is an important investment for you and the community. I urge you to make the necessary corrections to eliminate all violations so that no further enforcement will be necessary.

EXHIBIT

7.29'
Please understand that it is ultimately the responsibility of the owner to ensure these violations are corrected. Any civil agreements or rental agreements do not alleviate the owner of this responsibility.

Thank you,

Michael Rider
City of Tulsa – Working in Neighborhoods
mrider@cityoftulsa.org
918-596-9878

Appeals: You may appeal the administrative official’s decision by filing a complete appeal application (1) with the official listed above c/o the Tulsa City Clerk AND (2) with the Director of the Tulsa Planning Office at INCOG, at the addresses shown below. Appeals must be filed within 10 DAYS of the date of this Notice, and applicable fees must accompany the appeal application filed with INCOG. Appeals are heard by the City of Tulsa Board of Adjustment. For more information related to appeals, see Chapter 70, Section 70.140 of the Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, Appeals of Administrative Decisions.
**I. LOCATION OF BUILDING**

**STREET ADDRESS**: 23750 Edmond Rd

**CITY**: Edmond

**II. TYPE OF BUILDING**

**A. TYPE OF IMPROVEMENT**
- [ ] New Building
- [ ] Addition (Enter number of new housing units in Part C. 11)
- [ ] Manufactured Home
- [ ] Repair
- [ ] Swimming Pool

**B. OWNERSHIP**
- [ ] Private
- [ ] Public

**C. PROPOSED USE**
- [ ] One family dwelling
- [ ] Garage
- [ ] Carport
- [ ] Other

**D. COST**
- a. Electrical
- b. Plumbing
- c. Mechanical

**TOTAL COST**: $5,000

**E. ZONING**
- **PRESENT ZONING**
- **CONDITIONAL USE**
- **Use Date**
- **Is building in flood plain?**
  - [ ] YES
  - [ ] NO
- **Supporting documents filed**

**III. SELECTED CHARACTERISTICS OF BUILDING**

**E. PRINCIPAL TYPE OF FRAME**
- [ ] Masonry
- [ ] Wood
- [ ] Steel
- [ ] Other

**F. PRINCIPAL TYPE OF FUEL**
- [ ] Gas / Propane
- [ ] Electricity
- [ ] Other

**G. TYPE OF SEWAGE DISPOSAL**
- [ ] Public or private company
- [ ] Individual

**H. TYPE OF WATER SUPPLY**
- [ ] Public or private company
- [ ] Individual

**J. DIMENSIONS**
- **Number of stories**
- **Total square feet of floor area**
- **Total land area**

**K. NUMBER OF OFF STREET PARKING**
- **Enclosed**

**L. RESIDENTIAL ONLY**
- **Number of bedrooms**
- **Number of bathrooms**

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**III. IDENTIFICATION**

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<td>[NAME]</td>
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**BUILDER**

The owner of this building and the undersigned agree to conform to requirements of other pertinent codes.

**Signature of Applicant**: [Signature]

**Date of Application**: 11/1/19

**DO NOT WRITE IN THIS SPACE FOR OFFICIAL USE**

**Approver**: [Signature]

**Date Permit Issued**: 11/5/19

**Permit No**: 101919
Michael Rider
City of Tulsa, Working Neighborhoods
175 East 2d. Street
Tulsa OK 74103

Christian Bengel
District 6, Tulsa City Council
175 East 2d. Street
Tulsa OK 74103

City of Tulsa Board of Adjustment
2 West 2d St.
Suite 800
Tulsa OK 7
Tulsa OK 4103

TMAPC
175 East 2d St.
2d. Level
Tulsa OK 74103

INCOG
2 West 2d. St.
Suite 800
Tulsa OK 74103

Re: August Wakat Matter

According to my calendar, a hearing is scheduled before your organization on Wednesday, April 11, concerning your Notice of Violations bearing date of February 21, 2023; such alleged violations being charged to my client, August Wakat.
You have alleged that such violations occurred in the *City of Tulsa, Wagoner County, State of Oklahoma*. You set forth three charged violations:

**First Charge:** *A violation of 42 OS Section 60.020-A; requiring that signs installed on or after November 13, 2001.*

**Second Charge:** *A violation of 42 OS Section 70.080A and 80.040 B-2; requiring the necessity of obtaining approval for new uses.*

**Third Charge:** *A violation of 42 OS Section 80.040F alleging non-conforming uses.*

August Wakat took possession of the above-described property (a salvage yard) by General Warranty deed on February 11, 2016, from Henry J. Winn and Linda L. Winn, who had, in turn, operated the property as a salvage yard for a period long prior to your date of any accusation of forbidden activity, (November 13, 2001).

Furthermore, I am having problems with understanding why any of you believe you have *jurisdiction*. Please bear with me while I give you a portion of the record:

A.

On February 8, 1969, the trustees of the town of Fair Oaks, Oklahoma, in Ordinance No. 1, annexed to such town of Fair Oaks certain properties. Included in said list of properties was the following:

...Township 19 North, Range 15 East of the I.B.M., Wagoner County Oklahoma...All of Section 4 *except the West Half of Lot 1 (NW 1/4NE 1/4 NE1/4)* (our subject property).

B.

This ordinance No. 1 was filed of record in the office of the County Clerk of *Wagoner County*, State of Oklahoma at Book 286, Page 389, on 2-13-2023. It was further filed of record in *Rogers County* at Book 452, Page 725, 726 on 2-13-23. It appears to have been again filed in *Rogers County* on March 28, 1972 by “*Bert Goodwin*” sans identification. Finally, it appears on its face to have been filed a fourth time on February 8, 1969 by a purported *W. W. Repschlaeger*, attested by
the purported town clerk, and acknowledged by the same Repschlaeger on 12-29-71.

My client’s property was specifically excluded from all legal property descriptions included in the original town of Fair Oaks, and you are merely clouding title to property that has always been specifically excluded from all of such property, whether specified in filings in any of the three mentioned counties.

C.

Our subject property was, therefore, specifically excluded from the initial plat of Fair Oaks, Wagoner County, State of Oklahoma. Wagoner County would, however, appear to be the valid home county. Abstracts in our possession are Wagoner County Abstracts. Why has Tulsa held them for so long? Mr. Wakat has been asking for any annexation documents since 2020.

We are concerned that questions may arise due to the convoluted and thoughtless manner in which this has come before the City of Tulsa.

D.

I am presently contemplating a civil suit in the nature of quiet title/willful or malicious injury to property/slander of title/laches/statutes of limitation, seeking damages for careless assertions above set forth. The documents make it clear that the salvage property was originally specifically excluded from the Fair Oaks Townsite, regardless of the County in which its early, careless assertions were filed.

For your perusal, I enclose the following:

a. Separate title opinions agreeing with my findings to the effect that Mr. Wakat’s property was never included in Fair Oaks Townsite.

b. Correspondence from Mr. Rider showing request for action, and seemingly listing all of Section 4, when in reality, all of Section 4 was clearly excluded from all documents in the original Ordinance of Fair Oaks Township.

c. A copy of Ordinance No. 1 of Fair Oaks Township, in support of our proof that our property was clearly excluded, (Section 4 of Lot 1). See Exhibit A in the attachments to Ordinance No. 1 of Fair Oaks Township.
d. A copy of the letter of March 6, 2023, signed by Mr., Rider, which appended an aerial photo of Wakat’s property dated “2001.”

e. A second aerial photo of Wakat’s property dated “Spring 2022”;

f. A “Request for Action: Ordinance approved by the Tulsa City Council on November 8, 2001; and


There is no showing that the “Request for Action: Ordinance”, consisting of one page has been filed in Tulsa County, Wagoner County or Rogers County.

Mr. Wakat tells me that there are no minutes of record since 2001 showing that any annexation actually took place. 11 O.S. Section 11-21-103 holds that:

“the municipality shall complete the service plan within one hundred twenty (120) months from the date of annexation unless a different time is determined by consensus between property owners and the municipality at the hearing.”

Very truly yours

James L. Edgar
February 23, 2023

August Wakat
23780 E. Admiral Place
Catoosa, OK 74015
(918)-313-8705

Re: PRELIMINARY Title Opinion based upon examination of Abstract of Title number 41374 in and to the following described real property located in Wagoner County, Oklahoma, to-wit:

A tract of land being a part of the West 10.14 acres of Lot 1, Section 4, Township 19 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma, being more particularly described as follows: Commencing from the NW Corner of said tract of a bearing of S01°35'25"E a distance of 283.13 feet to the Point of Beginning, Thence N88°45'34"E a distance of 399.91 feet, Thence S01°32'28"E a distance of 386.02 feet to a point on the South line of said Lot 1, Thence S 88°40'38"W a distance of 399.57 feet to a point being the SW Corner of said Lot 1, Thence N01°35'25"W a distance of 386.59 feet to the Point of Beginning.

Dear Mr. Wakat:

In accordance with your request, I have examined the Abstract of Title numbered 41374 in and to the above captioned property. The said Abstract of Title contains 213 pages and is last certified to by the Wagoner County Abstract Company, L.L.C., on the 13th day of February, 2023, at 5:01 o'clock p.m.

From my examination it is my opinion that as of the said time and date the record fee simple title in and to the above captioned property is vested in the following persons, to-wit:

August J. Wakat by virtue of a Warranty Deed recorded in the office of the Wagoner County Clerk on the 26th day of August, 2019, in Book 2521 at Pages 226-227 and shown at pages 198-199 of the Abstract of Title
subject to the following Comments, Objections, Requirements and Suggestions.

**COMMENTS**

**NO. 1:** The Abstract of Title examined is of photographic and entry types and complete reliance is placed upon the accuracy of the Abstractor’s conclusions.

**NO. 2:** Abstracts of Title do not reflect all matters related to real property. Therefore, you are advised to:

a. Investigate boundaries to determine any existence of any encroachments;

b. Check to determine who is in actual possession of or making use of the land which may result in claims not reflected by Abstracts of Title;

c. Check for improvements or work done upon the premises which may result in liens;

d. Check with the office of the County Clerk of the County where the property is located to determine the existence of financing statements or other instruments regarding the fixtures on the premises because the Abstractor’s Certificate excepts instruments under the Uniform Commercial Code;

e. I cannot and do not certify as to any easements, assessments or actual boundaries or liens subject to the same.

f. I cannot and do not certify as to the existence or quality of any oil, gas, mineral interests or any mineral royalty conveyances to the said property, therefore interested parties should satisfy themselves that there are no wells or production upon any of the said property and should check with the Corporation Commission to determine the existence or nonexistence of such interests.

**NO. 3:** The ad valorem taxes through the year 2021 have been paid or cancelled.

The **2022** ad valorem taxes are not paid.

There are no unpaid personal taxes which are a lien on said real estate.

**NO. 4:** You should satisfy yourself that there is adequate ingress and egress to the above described property.
NO. 5: This opinion reflects the condition of title as of the last certification date; therefore, I recommend that a thorough title check be made immediately prior to any closing to cover the lapse of time between the last certification of the abstract and time of closing.

NO. 6: In the event the abstracted property is located within the corporate limits of any city, the proposed use thereof is subject to the zoning laws of such city and any construction thereon should be in accordance with the building codes of said city. If the abstracted property is located outside the corporate limits of the city, the proposed use thereof is subject to any county zoning and subdivision regulations and it is your obligation to insure proper notice thereof.

NO. 7: You are advised that property located within the State of Oklahoma is subject to the rules and regulations of the Oklahoma State Board of Health regarding construction and operation of private sewage disposal systems.

NO. 8: You are advised Federal Law may allow the United States Government to collect for cost of cleaning up toxic waste or other polluting materials from the owner of the property even if previously polluted by prior owners. A mortgage holder may incur liability upon acquiring property at foreclosure sale as well. Therefore, you should assure yourselves that the property does not contain toxic or other polluting wastes.

NO. 9: If a mobile home is located on the above abstracted property, your examiner does not render an opinion as to ownership of or title to the mobile home.

NO. 10: In the event the property is conveyed by warranty deed or mortgaged, said deed or mortgage should reflect if the record owner is a single or married person and if married, the spouse would also be required to execute the deed or mortgage.

NO. 11: At pages 20, 33, 34-35, 36-39 and 47-51 of the Abstract of Title appear easements which may cover a portion of the above-described property. The use and occupancy of the property may be subject to and restricted by said easements as shown therein. Therefore, you should satisfy yourself that these easements on the abstracted property do not conflict or interfere with your quiet enjoyment of or intended use of the abstracted property.

NO. 12: Title is subject to easements and set back requirements, if any, shown on the abstracted property.

NO. 13: At pages 30-32 of the Abstract of Title appears a Memorandum of Coal Mining Lease and was filed in the office of the Wagoner County Clerk on the 19th day of January 197, in Book 457 at Page 78. The use and occupancy of the property may be subject to and restricted by said lease as shown therein. Therefore, you should satisfy yourself that this lease on the use of the abstracted property does not conflict or interfere
with your quiet enjoyment of or intended use of the abstracted property. **Said lease has expired on it own terms.**

**NO. 12:** At pages 67-71 of the Abstract of Title appears Ordinance #20244 filed of record in the office of the Wagoner County Clerk on the 20th day of December, 2001 in Book 1183 at Pages 357-364.

At pages 72-74 of the Abstract of Title appears Ordinance #20267 correcting Ordinance #20244 filed of record in the office of the Wagoner County Clerk on the 15th day January, 2022 in Book 1189 at Pages 167-169.

It appears the abstracted property located in Section 4, Township 19 North, Range 15 East, Wagoner County was Annexed to the City of Tulsa. The use and occupancy of the property may be subject to and restricted by said annexation as shown therein. Therefore, you should satisfy yourself that the annexation does not conflict or interfere with your quiet enjoyment of or intended use of the abstracted property.

**NO. 13:** At page 180 of the Abstract of Title appears a Memorandum of Lease executed on November 22, 2006, by Henry Winn ("Lessor") and BWB Sign, Inc., d/b/a Lindmark Outdoor Advertising ("Lessee") and was filed of record in the office of the Wagoner County Clerk on the 22nd day of May, 2008, in Book 1756 at Page 134-135. The use and occupancy of the property may be subject to and restricted by said lease as shown therein. Therefore, you should satisfy yourself that the lease does not conflict or interfere with your quiet enjoyment of or intended use of the abstracted property.

**NO. 14:** At page 200 of the Abstract of Title appears a letter from the Wagoner Metro Area Planning Commission reciting the property located at 23780 East Admiral Place, Catoosa, Oklahoma was unable to locate paperwork pertaining to the annexation of said property.

**NO. 15:** At pages 205-212 of the Abstract of Title appears Ordinance #1 filed of record in the office of the Wagoner County Clerk on the 13th day of February, 2023, in Book 2886 at Pages 689-396 reciting the annexation of property to the Town of Fair Oakes, Oklahoma; however, does not appear that the abstracted property is included in the annexation.

**NO. 16:** At pages 77-86 of the Abstract of Title appears a Mortgage, Security Agreement and Assignment of Leasehold Interest executed on the 31st day of May, 2002, by U.S. Billboard, Inc. in favor of First State Bank of Conway, Arkansas and was filed of record in the office of the Wagoner County Clerk on the 31st day of May, 2002, in Book 1217 at Pages 743-752.

At pages 87-89 of the Abstract of Title appears an Amended Mortgage to the above referenced mortgage and was filed of record in the office of the Wagoner County Clerk on the 3rd day of July, 2002, in Book 1223 at Pages 665-667.
Said mortgage expired on its own terms; however, within said mortgages it recites Gordon Outdoor Advertising entered into two (2) lease agreements for the lease of two (2) tracts of real property in Tulsa and Wagoner Counties and includes the abstracted property. It does not appear that the lease agreements are incorporated in the Abstract of Title. No Requirement is necessary.

**OBJECTIONS**

**Objection No. 1:** At pages 198-199 of the Abstract of Title appears a Warranty Deed executed on the 11th day of February, 2016, by Henry J. Winn and Linda I. Winn, husband and wife, as grantors, in favor of August J. Wakat, as grantee, and was recorded in the office of the Wagoner County Clerk on the 26th day of August, 2019, in Book 2521 at Pages 2226-227. **Within said deed it recites an ambiguous legal descriptions because it does not recite degrees, minutes and seconds.**

**Requirement:** To satisfy this objection you would need to secure and record a properly executed deed by Henry J. Winn and Linda I. Winn, and their spouses, as grantors, in favor of August J. Wakat, as grantee reciting the legal description as shown on the abstracted property.

**Objection No. 2:** At pages 195-197 of the Abstract of Title appears a Mortgage in the principal sum of $255,000.00 which was executed on the 11th day of February, 2016, by August J. Wakat, a single person, in favor of Henry J. Winn and Linda I. Winn, husband and wife, as joint tenants with right of survivorship, and was filed of record in the office of the Wagoner County Clerk on the 4th day of October, 2016, in Book 2313 at Pages 832-834. **Within said mortgage it recites an ambiguous legal descriptions because it does not recite degrees, minutes and seconds.**

**Requirement:** To satisfy this objection you would need to secure and record a properly executed release of said mortgage reciting the legal description as shown on the abstracted property.

**Objection No. 3:** At page 203 of the Abstract of Title appears a Journal Entry of Judgment filed in the District Court of Wagoner County, State of Oklahoma, In the Matter of Glenn J. Patrick, Plaintiff vs. August Wakat, Defendant, Case #SC-2020-163 and filed of record in the office of the Wagoner County Clerk on the 10th day of September, 2020, in Book 2613 at Page 353.

**Requirement:** To satisfy this objection you would need to secure and file of record a properly prepared and executed release of said judgment.
Objection No. 4: The 2022 ad valorem taxes are not paid.

Requirement: To satisfy this objection you would need to obtain proof of payment of all outstanding taxes.

I am of the opinion that the title to the above captioned property is marketable subject to the above referenced Comments, Objections, Requirements and suggestions, as prescribed by the Oklahoma Title Standards.

This Title Opinion is rendered after examination of the above Abstract of Title pursuant to the Title Examination Standards promulgated by the Oklahoma Bar Association. This opinion is for your specific use and for your use only.

Sincerely,

Richard Loy Gray, Jr.
OBA # 16839

RLG/bjg
March 2, 2023

To: August Wakat
c/o American Eagle Title Group, LLC
7306 S. Lewis Ave.
Tulsa, OK 74136

Re: AETG: 2303-0001-17

A tract of land being a part of the West 10.14 acres of Lot 1, Section 4, Township 19 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma, being more particularly described as follows: Commencing from the NW Corner of said Tract of a bearing of S01°35’25”E a distance of 283.13 feet to the Point of Beginning; Thence N88°45’34”E a distance of 399.91 feet; Thence S01°32’28”E a distance of 386.02 feet to a point on the South line of said Lot 1; Thence S88°40’38”W a distance of 399.57 feet to a point being the SW Corner of said Lot 1; Thence N01°35’25”W a distance of 386.59 feet to the Point of Beginning.

(SURFACE RIGHTS ONLY)

PRELIMINARY TITLE OPINION

Pursuant to your request and for your exclusive use, I have examined the abstract of title covering the subject property, which is continuously certified under connecting certificates from Sovereignty to February 13, 2023 at 5:01 PM., with the last certification being made by Wagoner County Abstract Company LLC under certificate no. 41374.

1. **FEE SIMPLE TITLE:**

Based upon my examination, it is my opinion that, as of the date and time of the last certification of the abstract, fee simple title to the captioned property is vested in:

August J. Wakat

Title is vested by Warranty Deed filed August 26, 2019 recorded in Book 2521 page 226. (entry 198)
2. **MORTGAGES:**

Mortgage dated February 11, 2016 filed October 4, 2016 recorded in Book 2313 page 832 executed by August J. Wakat in favor of Henry J. Winn and Linda I. Winn in the principal sum of $255,000.00. (entry 195)

**REQUIREMENT:**
Arrangements should be made to obtain a payoff statement for the mortgage from Henry J. Winn and Linda I. Winn, and upon payment of amounts shown, properly executed and recordable release for said mortgage should be provided by the mortgagees and recorded in the Office of the Wagoner County Clerk.

3. **JUDGMENTS:**

Obtain and file of record a Release regarding the Journal Entry of Judgment in favor of Glenn J. Patrick, Case No. SC-2020-163 filed September 10, 2020 recorded in Book 2613 page 353. (entry 203)

4. **TAXES:**

Ad valorem taxes for the year 2021 and all prior years are shown as paid or extinguished by law. Ad valorem taxes for the year 2022 are delinquent.

5. **SPECIAL ASSESSMENTS:**

No special assessments are shown as being due in the Abstract(s). However, you should obtain a letter from the city or town in which the subject property is located certifying that there are no special assessments due.

6. **COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS AND RIGHTS OF WAY:**

a. Easement in favor of the State of Oklahoma recorded in Book 205 page 92. (entry 20)

b. Easement in favor of Southwestern Bell Telephone Company recorded in Book 486 page 638. (entry 33)

c. Easement in favor of Southwestern Bell Telephone Company recorded in Book 492 page 593. (entry 34)

d. Right of Way Easement in favor of Public Service Company of Oklahoma recorded in Book 493 page 129. (entry 36)

e. Easement Agreement in favor of Brooks Fiber Communications of Tulsa Inc. recorded in Book 999 page 672. (entry 47)

f. Assignment and Assumption of Lease in favor of Lindmark Acquisition LLC recorded in Book 1832 page 104. (entry 163)
g. Memorandum of Lease in favor of BWB Sign, Inc. d/b/a Lindmark Outdoor Advertising recorded in Book 1756 page 134. (entry 180)

Requirement: You should satisfy yourself that the existence of these easements, covenants, conditions and restrictions will not unduly restrict your borrower's intended use of the subject property or impair its value as collateral for the loan.

7. POSSESSION:

Possession of the captioned property is not indicated by the Abstract(s). Possession by persons other than the record owner is notice to you of any claim of right, title or interest that they may have. You should satisfy yourself that any person or persons in actual possession of the property claim no right, title, or interest adverse to the title of the owner.

8. SURVEY:

You should ascertain the location of the boundaries of the subject property and determine that there are no encroachments. You may want to obtain a duly certified survey of the subject property prepared by a licensed surveyor showing the boundaries of the subject property and the location of any improvements constructed thereon.

9. MECHANICS LIENS:

There are no mechanics or materialmen's liens of record included in the Abstract(s). However, this property is subject to such liens that might accrue from labor or materials furnished to the property within the past four (4) months.

Requirement: You should be furnished with a lien affidavit properly executed by the owner certifying that there are no claims for unpaid labor or materials that might give rise to a lien claim. In the event there are any such potential lien claims, you should be furnished lien waivers from the parties furnishing such improvements.

10. FENCES:

If there are any fences, hedges, or party walls along the lines of the subject property, you should determine who owns the same and who is charged with their maintenance.

11. ZONING AND BUILDING RESTRICTIONS:

Zoning ordinances regarding land use are not shown in the Abstract(s). You should ascertain the current zoning status of this land to confirm that any such zoning and building or use restrictions will not interfere with your proposed use of the subject property.

12. FLOOD ZONE:

The Abstract(s) does/do not contain information regarding the designation of flood zones. You should inquire of the city/county zoning authorities and U.S. Corps of Engineers for this information.
13. **ENVIRONMENTAL HAZARDS:**

The Abstract(s) does/do not contain information regarding any possible environmental hazards, and therefore no opinion is made with respect to compliance with any state or federal statutes, laws, regulations, or administrative policies concerning hazardous or toxic waste contamination. You should inquire of the County Health Department and/or the Oklahoma Department of Health to alleviate any concerns regarding environmental damage, asbestos, radon gas, or any other hazardous or toxic materials.

14. **OIL, GAS, AND MINERAL RIGHTS:**

The Abstract(s) are certified to “surface rights only”. Therefore, this opinion relates only to the surface interest of the subject property and no opinion is expressed as to the ownership of the mineral estate, nor does it include any adverse interests in the oil, gas, and mineral interests in the subject property which may exist and impair marketability of title, but which have been excluded or omitted by the limited certification of the Abstract(s).

16. **ACCESS**

You should have a surveyor certify that there is a legal right of access to and from the subject property.

17. **OTHER:**

a. Obtain and file of record a Corrected Deed executed by Henry J. Winn and Linda I. Winn, stating marital status and joined by spouse, if any. This is necessary as the Deed filed August 26, 2019 recorded in Book 2521 page 226 omits the degrees, minutes and seconds symbols or words from the calls in the legal description. (entry 198)

b. The property that is the subject of this exam and opinion is a smaller tract than owned and deeded in the Deed filed August 26, 2019 recorded in Book 2521 page 226; owner will need to determine if lot split approval is necessary for whatever transaction they are doing, and if it is necessary, obtain the property lot split approval.

This examination relates solely to the facts and matters contained in the above-referenced Abstract(s), and is subject to any instruments recorded subsequent to the date of the Abstractor's last certificate. If a Final Opinion is requested, then upon fulfillment of the requirements set forth herein, I request that the Abstract(s) be re-certified and resubmitted to me, or a Final Title Report prepared, so that a final title opinion may be rendered.

Sincerely,

Amy Collins
OBA #18033

7.45
I said that in the abstract there was the notice from Wagoner County that they do not list it as annexed.

There was an annexation for Fair Oaks, and that has since been taken over by the City of Tulsa, so he would need to contact the City of Tulsa to confirm if it was annexed or not annexed.

Thanks

Amy

Amy Collins
Attorney at Law
Buffalo Land Abstract Company, Inc.
7306 South Lewis, Tulsa, OK 74136
Phone# 918-491-3140
Email: acollins@ameagletitle.com

From: august <august@pokeyssalvage.com>
Sent: Friday, March 3, 2023 12:37 PM
To: Eva Kelley <ekelley@ameagletitle.com>; Cbengel@tulsacouncil.org; Rider, Michael <MRIDER@cityoftulsa.org>; jamesledgar@att.net
Subject: Re: Annexation

WARNING MESSAGE
This message originated outside of "American Eagle Title". Use caution when opening attachments, clicking links or responding to requests for information.
ORDINANCE NO. 1-

AN ORDINANCE ANNEXING TO THE TOWN OF FAIR OAKS, OKLAHOMA, PORTIONS OF SECTIONS 27, 32, 33, and 34, IN TOWNSHIP 20 NORTH, RANGE 15 EAST OF THE I. B. & M., ROGERS COUNTY, OKLAHOMA, AND PORTIONS OF SECTIONS 1, 2, 3, 4, 5, 7, 8, 9, 10, 12, 14, 15, 16, 17, 20, 21, 22, 23, 27, 28, and 33, OF TOWNSHIP 19 NORTH, RANGE 15 EAST OF THE I. B. & M., AND PORTIONS OF SECTIONS 4, 5, 6, and 7 IN TOWNSHIP 18 NORTH, RANGE 15 EAST OF THE I. B. & M., IN WAGONER COUNTY, OKLAHOMA, AND INCLUDING THE SAME WITHIN THE CORPORATE LIMITS OF SAID TOWN OF FAIR OAKS, OKLAHOMA, ESTABLISHING THE SAME AS A PART OF WARD NO. 2 OF SAID TOWN, DIRECTING THE FILING OF ORDINANCE AND PLAT THEREOF, DECLARING THE SAME SUBJECT TO THE ORDINANCES OF THE TOWN OF FAIR OAKS, OKLAHOMA, AND DECLARING AN EMERGENCY.

WHEREAS, Nick Robson, Alma L. Robson, Frank C. Robson, Ludmilla Robson, Ralph A. Noe, Linda Noe, Wesley Sharp, Leroy Medlock, Lenora Medlock, Sam M. Walton, Helen R. Walton, Stanford Robson, Dorothy M. Robson, Howard Wolfe and Jean Wolfe, have petitioned the Town of Fair Oaks, Oklahoma, to annex to and incorporate into the Corporate Limits of the Town of Fair Oaks, Oklahoma, the territory described in Exhibit "A", hereto attached, and made part hereof; and,

WHEREAS, said Petitioners who signed said Petition comprise not less than three-fourths of the legal voters in said territory, and comprise not less than three-fourths (in value) of the property in said territory, and which territory is contiguous to the Town of Fair Oaks, Oklahoma, and is not now embraced within the limits thereof; and,

WHEREAS, due notice of the presentation of the Petition for Annexation of said territory has been given as required by law; and,

WHEREAS, in the judgment and discretion of the Board of Trustees of the Town of Fair Oaks, Oklahoma, the annexation of such territory to said Town and the inclusion thereof within the corporate limits of said Town will be for the benefit of said Town;

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Fair Oaks, Oklahoma:

SECTION 1: That the territory and property described and set forth in Exhibit "A" hereto attached and made a part of this Ordinance, shall be and the same is hereby annexed to and incorporated into the corporate limits of the Town of Fair Oaks, Oklahoma, and made a part of the Town of Fair Oaks, Oklahoma, by such annexation.

SECTION 2: An accurate map and plat thereof, together with a copy of this Ordinance for the annexation thereof, properly certified, should be filed and recorded in the office of the County Clerk of Rogers County, Oklahoma, and in the office of the County Clerk of Wagoner County, Oklahoma.

SECTION 3: That said territory annexed into the Town Limits of Fair Oaks, Oklahoma, by this Ordinance shall be and the same is declared to be a part of Ward No. 2 of said Town.

SECTION 4: That from and after the effective date of this Ordinance, said property so annexed shall be and become an integral part of the Town of Fair Oaks, Oklahoma, and shall be subject to the Ordinances thereof.
ORDINANCE
PAGE -2-

SECTION 5: For the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this Ordinance shall be effective from and after its passage, approval and publication as required by law.

PASSED AND ADOPTED THIS 8th day of February, 1969.

W. W. REPSCLAEGER, JR., President of the Board of Trustees of the Town of Fair Oaks, Oklahoma

ATTEST:

Angeline A. Bolin
Town Clerk

STATE OF OKLAHOMA, COUNTY OF WAGONER:

OFFICE OF PRESIDENT OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIR OAKS, WAGONER COUNTY, OKLAHOMA:

WE, THE UNDERSIGNED, W. W. Repschlaeger, Jr., as President of the Board of Trustees of the Town of Fair Oaks, Oklahoma, and Angeline A. Carlin, as Clerk of the Town of Fair Oaks, Oklahoma, hereby certify that the within and foregoing copy of "Ordinance No. 1" of the Town of Fair Oaks, Oklahoma, passed and adopted by the Town of Fair Oaks, Oklahoma, on the 8th day of February, 1969, is a true, correct and exact copy of the original thereof now on file in the office of the Town Clerk of Fair Oaks, Oklahoma.

DATED THIS 29th day of December, 1971.

W. W. REPSCLAEGER, JR., as President of the Board of Trustees of the Town of Fair Oaks, Oklahoma

Angeline A. Bolin
Town Clerk
Township 20 North, Range 15 East of I.B.M.,
Rogers County, Oklahoma

Section 27
Lot 1 (38.35 ac.); Lot 2 (20.35 ac.); S\(^1\) NE\(^4\); E\(^1\) SE\(^4\); N\(^1\) SE\(^4\) NW\(^4\).
SE\(^4\) SE\(^4\) NW\(^4\); NE\(^\) SE\(^4\) SW\(^4\); less and except the following described tracts, to wit:

a. The East 50 feet of Sec. 27 and
   " " " " the NE\(^4\) NE\(^4\) SW\(^4\) and
   " " " " South 50 feet of the SE\(^4\) SE\(^4\) NW\(^4\) and

b. The West 50 feet of the North 50 feet of NW\(^4\) SW\(^4\):
   " " " " " " " NW\(^4\) SE\(^4\) NW\(^4\) and
   " " " " " " " South 50 feet of the NE\(^4\) SE\(^4\) NW\(^4\) and
   " " " " " " " SE\(^4\) SE\(^4\) NW\(^4\) and
   " " " " " " " NE\(^4\) NE\(^4\) SW\(^4\) and
   " " " " " " " SW\(^4\) NE\(^4\) and
   " " " " " " " NW\(^4\) SE\(^4\) NW\(^4\)

c. The South " " " " SW\(^4\) NE\(^4\) and
   " " " " " " " NW\(^4\) NE\(^4\) SW\(^4\) and
   " " " " " " " NW\(^4\) SE\(^4\) NW\(^4\)

d. The West 50 feet of Lot 2 and a 50 foot wide strip along the Northerly boundary (meander line) of Lots 1 and 2 (Right bank of the Verdigris River).

Section 32
The W\(^4\) NW\(^4\); S\(^1\) SE\(^4\) NW\(^4\); SW\(^4\), lying North of the Northerly Right of way of Oklahoma State Highway 33; S\(^1\) SW\(^4\) SE\(^4\) lying North of the Northerly Right of way of Oklahoma State Highway 33; E\(^1\) SW\(^4\) SE\(^4\) SE\(^4\); NE\(^4\) SE\(^4\); NW\(^4\) SW\(^4\), SW\(^4\) SE\(^4\), and the South 500 feet of the N\(^4\) SE\(^4\) NW\(^4\), and that part of the S\(^1\) NE\(^4\) NW\(^4\) and the North 80 feet of the N\(^4\) SE\(^4\) NW\(^4\), lying South and East of the following described line: beginning at a point on the East boundary of the said S\(^1\) NE\(^4\) NW\(^4\), a distance of 50 feet South of the Northeast corner thereof, thence southwesterly to a point 80 feet South and 300 feet East of the Northwest corner of the N\(^4\) SE\(^4\) NW\(^4\); and that part of the S\(^1\) NE\(^4\) NW\(^4\) and the North 80 feet of the N\(^4\) SE\(^4\) NW\(^4\), lying South and West of the following described line; beginning at a point 80 feet South and 300 feet East of the Northwest corner of the N\(^4\) SE\(^4\) NW\(^4\); thence Northwesterly to a point 50 feet East and 50 feet South of the Northwest corner of the S\(^1\) NE\(^4\) NW\(^4\), thence West to a point 50 feet South of the Northwest corner of the S\(^1\) NE\(^4\) NW\(^4\), and on the West boundary of said tract. Less and except the following described tracts or parcels, to wit:

a. The North 50 feet of the NW\(^4\) NW\(^4\), and
   " " " " NW\(^4\) NE\(^4\), and
   " " " " S\(^1\) NW\(^4\) SE\(^4\), and
   " " " " South " " " " NW\(^4\) NE\(^4\), and

b. The West 50 feet of the NW\(^4\), and
   " " " " SW\(^4\), and
   " " " " NW\(^4\) NW\(^4\) NE\(^4\), and
   " " " " SE\(^4\) NE\(^4\), and
   " " " " NW\(^4\) NE\(^4\) SW\(^4\), and
   " " " " East " " " " NW\(^4\) NW\(^4\), and
   " " " " SE\(^4\) NE\(^4\), and
   " " " " NW\(^4\) NE\(^4\) SW\(^4\), and

cc. The North 50 feet of the East 50 feet of the SE\(^4\) NW\(^4\), and
   " " " " West 50 feet of the SW\(^4\) NW\(^4\), and
   " " " " East 50 feet of the SE\(^4\) NE\(^4\) NW\(^4\), and
   " " " " West 50 feet of the NW\(^4\) SW\(^4\), and
   " " " " East 50 feet of the SE\(^4\) NW\(^4\), and

Section 33
The NW\(^4\) of Sec. 33; S\(^1\) SW\(^4\); S\(^1\) NE\(^4\) SW\(^4\); NW\(^4\) SW\(^4\); Road easement of A. B. Gates; NW\(^4\) NE\(^4\); SW\(^4\) SE\(^4\); less and except the following described tracts, to wit:

\[452\text{ PAGE 727}\]
Section 33 continued

a. The North 50 feet of Sec. 33 and
   " " " " the SW ¼ NW ¼ SW ¼ and
   " " " " West 50 feet of the SW ¼ NW ¼ SE ¼ and
b. The South " " " " NE ¼ SE ¼ and
   " " " " East 50 feet of the SE ¼ NW ¼ SW ¼
c. The East 50 feet of the NE ¼ NW ¼ SW ¼ and
   " " " " SW ¼ SE ¼ and
   " " " " West " " " " NW ¼ NE ¼ SW ¼, and
   " " " " South 50 feet of the SW ¼ NE ¼

Section 34

All of Section 34 less and except the following described tracts, to wit:

a. The North 50 feet of the NW ¼, and the North 50 feet of the NW ¼ NE ¼, and the North 50 feet of the West 50 feet of the NE ¼ NE ¼, and
b. The East 50 feet of Section 34, and

c. The West 50 feet of the SW ¼ SW ¼ and

d. The West 50 feet of the South 50 feet SW ¼ NW ¼ SW ¼
Township 19 North, Range 15 East of the I.B.M., Wagoner County, Oklahoma

Section 1
The NE\textsubscript{1} SW\textsubscript{1}; N\textsubscript{1} SE\textsubscript{1}; and the SE\textsubscript{1} SW\textsubscript{1}; less and except the following described tracts, to-wit:

a. The North 50 feet of the NE\textsubscript{1} SW\textsubscript{1}, and

b. The South 50 feet of the SE\textsubscript{1} SE\textsubscript{1}.

Section 2
SE\textsubscript{1} NE\textsubscript{1}; Lots 7 & 8 (S\textsubscript{1} N\textsubscript{1} NE\textsubscript{1})
SE\textsubscript{1} SW\textsubscript{1}; W\textsubscript{1} SW\textsubscript{1}; and SE\textsubscript{1} less and except the following described tracts, to-wit:

a. The North 50 feet of Lots 7 and 8 (S\textsubscript{1} N\textsubscript{1} NE\textsubscript{1})

b. The East 50 feet of the North 323 feet of Lot 8

The East 50 feet of NW\textsubscript{1} SW\textsubscript{1} and

" " " " " " " the North 50 feet SW\textsubscript{1} SW\textsubscript{1}

c. " North " " " " SE\textsubscript{1} SW\textsubscript{1} and

" " " " " " " NW\textsubscript{1} SW\textsubscript{1}

d. The West 50 feet of Lot 7 (S\textsubscript{1} NW\textsubscript{1} NE\textsubscript{1}) and

" " " " " " " the SW\textsubscript{1} NE\textsubscript{1} and

" " " " " " " NW\textsubscript{1} SE\textsubscript{1} and

" " " " " " " the North 50 feet of the SW\textsubscript{1} SE\textsubscript{1}

e. The South " Section 2.
f. The East " Lot 8.

Section 3
All of Section 3, less and except the following described tracts, to-wit:

a. The East 50 feet of the NE\textsubscript{1} and

" " " " " " " North 50 feet of the NE\textsubscript{1} SE\textsubscript{1}

b. " South " " " " SE\textsubscript{1} and

" " " " " " " East 50 feet of the SE\textsubscript{1} SW\textsubscript{1}

c. " North " " " " West 50 feet of Lot 4

Section 4
All of Section 4, except the W\textsubscript{1} of Lot 1, (NW\textsubscript{1} NE\textsubscript{1} NE\textsubscript{1}), less and except the following described tracts, to-wit:

a. The West 50 feet of the SW\textsubscript{1} and

" " " " " " " SW\textsubscript{1} NW\textsubscript{1} and

" " " " " " " Lot 2, and

" " " " " " " South 50 feet of Lot 4

b. " North " " " " W\textsubscript{1} Lot 8, and

" East " " " " Lot 2, and

" West " " " " E\textsubscript{1} of Lot 1, and

" North " " " " West 50 feet of the E\textsubscript{1} of Lot 8, and

" " " " " " East 50 feet of the E\textsubscript{1} of Lot 7,

" " " " " " " E\textsubscript{1} of Lot 1.

Section 5
Lot 1 and E\textsubscript{1} Lot 2 (W\textsubscript{1} NE\textsubscript{1} NE\textsubscript{1} and NE\textsubscript{1} NW\textsubscript{1} NE\textsubscript{1}) less and except the South 50 feet thereof, and the West 50 feet of the E\textsubscript{1} of Lot 2.

Section 7
The NW\textsubscript{1} NE\textsubscript{1}; W\textsubscript{1} NE\textsubscript{1} NE\textsubscript{1}; SE\textsubscript{1} NE\textsubscript{1}; less and except the following described tracts, to-wit:

a. The West 50 feet of the NW\textsubscript{1} NE\textsubscript{1} and

" " " " " " SE\textsubscript{1} NE\textsubscript{1} and

" East " " " " " North 50 feet of the NW\textsubscript{1} SE\textsubscript{1} NE\textsubscript{1}

" " " " " " W\textsubscript{1} NE\textsubscript{1} NE\textsubscript{1}
Section 7 cont

C. The North 50 feet of the NW¼ NE½ and
   " " " " " " NW¼ NE½ NE½ and
   " " " " " " NE½ SW¼ NE½ and

d. " South " " " " " " SW¼ NE½ and
   " " " " " " NW¼ NE½ and
   " " " " " " West 50 feet of the SW¼ NE½ NE½

Section 8

All of Sec. 8, except the NW¼ NW¼, and less and except the following described tracts, to-wit:

a. The North 50 feet of the NE½ and
   " " " " " " NE½ NW¼ and
   " " " " " " NW¼ SW¼ and
   " " " " " " West 50 feet of the SE½ NW¼

b. " West " " " " " " NE½ NW¼ and
   " " " " " " SW¼ and
   " " " " " " South " " " " " " East 50 feet of the SW¼ NW¼, and
   " " " " " " West 50 feet of the SE½ SE½, and
   " " " " " " SE½ SW¼, and
   " " " " " " SW¼ SE½, and
   " " " " " " West 50 feet of the SW¼ NW¼

Section 9

All of Section 9, less and except the West 50 feet of the North 50 feet of the NW¼ NW¼ NW¼.

Section 10

NW¼; ½, (All of Sec 10 except NE½), less and except the following described tracts, to-wit:

a. The East 50 feet of the NW¼ and
   " " " " " " SE½ and
   " " " " " " North 50 feet of the NE½ SW¼

b. The North " " " " " " SE½

Section 12

The NW¼, less and except the following described tracts, to-wit:

a. The West 50 feet of the NW¼, and
b. The East 50 feet of the NW¼, and

c. The South 50 feet of the NW¼.

Section 14

The SW¼ of Sec. 14, less and except the following described tracts, to-wit:

a. The East 50 feet of the SW¼ and
b. The North " " " " " " SE½

c. The South : : : West 50 feet of the SW¼

Section 15

All of Sec. 15 except the E½ SW¼ SE½ and the SW¼ SW¼ SE½ less and except the following described tracts, to-wit:

a. The South 50 feet of the SE½ SE½ and
   " " " " " " SE½ NW¼ SE½ and
   " " " " " " SW¼ SW¼ SE½ and
   " " " " " " West 50 feet of the SW¼ NE½ SE½ and
   " " " " " " East " " " " " " SW¼ NW¼ SE½

b. " East " " " " " " " " South " " " " " " NE½ SE½ SW¼

c. " " " " " " NW¼ SW¼ SE½ and

d. " West " " " " " " SE½ SE½
   " " " " " " SE½ SE½ SW¼ and
   " " " " " " NE½

Section 16

All of Section 16, no exceptions.

Section 17

The NW¼ NW¼; SE½ NW¼; SE¼; E½ NE½; SW¼; NE½ SW¼ NW¼ NE½; and the SW¼ NW¼ SW¼ NE½; less and except the following described tracts, to-wit:

a. The West 50 feet of the NW¼, and
   " East " " " " " " SW¼ NW¼, and
   " " " " " " North 50 feet of the SW¼ NW¼, and
   " " " " " " NE½ NE½ SE½ SW¼, and
Section 17 continued

a. The East 50 feet of the North 50 feet of the SE^4 NW^4 SE^6 NW^6 and
   West
   South 50 feet of the SW^4 SW^6 NE^6, and
   SE^6, and
   NW^4 NW^6 SE^6, and
   NE^6 NE^4, and
   NW^4 NW^6 SE^6 NE^6, and
   North 50 feet of the SW^4 NW^6 SE^6 NE^6 and
b. North
   South
   North
   SE^6 NW^4 SW^4 NE^6, and
   South
   NW^4

Section 20

NE^4 NW^4 SE^6, less and except the following described tracts, to-wit:

a. The West 50 feet of the NE^4 and
   South
   NW^4 SE^6
b. South
   NW^4 SE^6

Section 21

All of Sec. 21, less and except the following tracts, to-wit:

a. The West 50 feet of the SW^4 SW^6 and
   " South 50 feet of the NW^4 SW^6
b. " South
   North 50 feet of the SE^6 SE^6 SE^6

Section 22

NW^4, SW^4 SE^6, less and except the following described tracts, to-wit:

a. The East 50 feet of the NW^4 and
   North
   SW^4 SE^6
b. " North
   " South
   East 50 feet of the NE^6 NE^6 SW^6
   c. The South
   SW^4 and
   " SW^4 SE^6

Section 23

NW^4, less and except the following described tracts, to-wit:

a. The East 50 feet of the NW^4
b. " South
   c. " West

Section 27

SW^4 NW^4, NE^6 NE^6 SW^6 NE^6 SE^6, less and except the following described tracts, to-wit:

a. The North 50 feet of the NE^6 NE^6 and
   " West 50 feet of the SE^6 NE^6 and
   " SW^6 NE^6
b. " West
   " NE^6 NE^6
   c. " South
   SW^6 NE^6
   d. " East

Section 28

All of Sec. 28 except the NW^4 SW^6, and less and except the following described tracts, to-wit:

a. The East 50 feet of the NE^6 NE^6 and
   " North 50 feet of the SE^6 NE^6
   " SW^6 NE^6 and
   " South 50 feet SE^6 NE^6
b. " South
   " West 50 feet of the SW^6 NE^6
   " SW^4 and
   " " East 50 feet of the SW^6 SE^6
   " SW^6 NW^4 and
   " " West 50 feet of the SW^6 SE^6
   " SW^4 and
   " " NW^4
   " SW^6 SW^4
   " NW^4 SW^4
   " SW^6 SW^6
   " SW^6 SE^6
   " North 50 feet of the SE^6 SW^6

d. " North
   SW^6 SW^6

Section 33

NW^4, SE^6; less and except the following described tracts, to-wit:

a. The East 50 feet of the NW^4 NE^6 and
   " SE^6 and
   " North 90 feet of the NW^4 SE^6, and
b. The West
   " NE^6, and
   The North
   " NE^6 SE^6
Section 4
The NE\(\text{iv}\) of Sec 4, less and except the following described tracts, to-wit:

a. The East 50 feet of the NE\(\text{iv}\)
b. South 
c. West 

Township 19 North, Range 16 East
Wagoner County, Oklahoma

Section 5
The SW\(\text{iv}\), less and except the following described tracts, to-wit:
The North 50 feet of the SW\(\text{iv}\), and

a. South 6
b. East 
c. West 

The West 50 feet of the SW\(\text{iv}\).

Section 6
Lot 5; Lot 6; the S\(\text{iv}\) NW\(\text{iv}\); the SW\(\text{iv}\) and the S\(\text{iv}\) SE\(\text{iv}\); less and except the following tracts, to-wit:
a. The North 50 feet of Lot 5, and
b. The East 50 feet of Lot 6, and
c. The North 50 feet of the East 50 feet of the SE\(\text{iv}\) SW\(\text{iv}\), and

Section 7
The NE\(\text{iv}\), less and except the following described tracts, to-wit:
The South 50 feet of the NE\(\text{iv}\), and
The West 50 feet of the NW\(\text{iv}\), and
The East 50 feet of the NE\(\text{iv}\).
March 6, 2023

James L. Edgar, Esq.
7785 E 25th Place
Tulsa, OK 74129

Dear Mr. Edgar:

This letter confirms our telephone conversation on March 2, 2023 regarding the upcoming Appeal of the Zoning Notice of Violation dated February 20, 2023 issued to Mr. Wakat related to our case file number 62979-2023. As requested, I am enclosing the following documents:

1. Aerial photograph provided by INCOG taken in 2001;
2. Aerial photograph provided by INCOG taken in 2022; and
3. Ordinance 20244 which annexed the subject property into the City of Tulsa (8 pages).

Please contact me if I can be of further assistance or if you wish to discuss the matter further prior to the hearing.

Best regards,

Michael Rider, Zoning & Sign Official
Note: Graphic overlays may not precisely align with physical features on the ground

Aerial Photo Date: 2001

23610 E Admiral PI

7.57
### REQUEST FOR ACTION: ORDINANCE

**AGENDA FOR:** X MAYOR  X COUNCIL  AUTHORITY: 

**DATE:** October 26, 2001

Tulsa City Clerk’s Office: 596-7513 or 596-7514

**FOR INFORMATION CONTACT:**

**DEPARTMENT:** LEGAL 
**ADDRESS:** 200 Civic Center, Room 316 
**CONTACT NAME:** Michael Romig 
**TELEPHONE:** 918-596-7717 

**ORDINANCE TYPE:** AMENDING PREVIOUS ORDINANCE 
**AMENDMENT OF ORD#:** 
**TRO TITLE:** 
**TRO SUBTITLE:** 
**ZONING #:** 
**SSID #:** 
**PUD #:** 
**PROP/NON-PROP:** 
**COUNCIL DISTRICT:**

**SUMMARY:**

In response to a request from Fair Oaks Ranch, L.L.C., and upon research and evaluation, the Mayor has requested the Legal Department prepare the necessary documents to annex the Town of Fair Oaks. Accordingly, we have prepared the necessary Consent to Annexation and secured its execution by Fair Oaks Ranch, L.L.C., and also have prepared the attached annexation ordinance.

**ORDINANCE NO. 2000-4**

**APPROVED BY**

City Council On

NOV 08 2001

**BUDGET:**

**FINANCE DIRECTOR APPROVAL:**

**FUNDING SOURCE:** N/A 
**APPROVED BY MAYOR CITY OF TULSA** 

NOV 13 2001

**REQUEST FOR ACTION:** All department items requiring Council approval must be submitted through the Mayor’s Office.

We recommend this ordinance for adoption by the Council and the Mayor. Upon adoption, we request the City Clerk be directed to file this ordinance in the offices of the Tulsa County and Wagoner County Clerk.

**DEPARTMENT HEAD APPROVAL:** 
**CITY ATTORNEY APPROVAL:** 
**BOARD APPROVAL:** 
**MAYORAL APPROVAL:** 
**OTHER:**

**DATE:** 10-26-01 
10/26/01 
OCT 29 2001

**FOR CITY COUNCIL OFFICE USE ONLY:** 01-639 
**DATE RECEIVED:** 10-29-01

**COMMITTEE:** OED 
**COMMITTEE DATE(S):** 11-6-01 
**FIRST-AGENDA DATE:** 11-7-01 
**SECOND AGENDA DATE:** 11-8-01 
**APPROVED:** NOV 08 2001

For City Clerk’s Office Use Only (Agenda Date: MMDDYYYY; Sec #: Dept #, Item #, Sub-Item #, Status: S=Synopsis):
AN ORDINANCE ACCEPTING, ADDING AND ANNEXING TO THE CITY OF TULSA, OKLAHOMA, A TRACT OF LAND AS DESCRIBED BELOW; PROVIDING THAT FROM AND AFTER THE EFFECTIVE DATE OF THIS ORDINANCE ALL OF SAID REAL ESTATE SHALL BE A PART OF THE CITY OF TULSA, OKLAHOMA, AND ALL PERSONS RESIDING THEREIN AND ALL PROPERTY SITUATED THEREON SHALL BE SUBJECT TO THE JURISDICTION, CONTROL, LAWS AND ORDINANCES OF THE CITY OF TULSA, OKLAHOMA, IN ALL RESPECTS AND PARTICULARS.

WHEREAS, on the 8th day of November, 2001, the City Council of Tulsa, Oklahoma, at its regularly scheduled meeting did by its motion vote to annex into the corporate city limits of the City of Tulsa, Oklahoma, certain tracts of land described herein below in Section 1; and

WHEREAS, a majority of the acres are owned by the Fair Oaks Ranch, L.L.C., which said owner has formally executed a Consent to Annexation; and

WHEREAS, under the laws made and provided by the state of Oklahoma in such cases, it appears said land herein below described may be lawfully annexed to the City of Tulsa and henceforth, for all purposes, considered a part of said City; and

WHEREAS, an accurate map of the area for which annexation is sought has been filed with the City Council of the City of Tulsa; and

WHEREAS, the adding and annexing of said tracts or parcels of land are for the benefit of all parties concerned.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That the land lying in Tulsa County and Wagoner County and more particularly described in attached Exhibit “A”, be and the same are hereby annexed to and added to the City of Tulsa, Oklahoma, and the corporate limits of said City be, and are hereby hereby extended to include the above-described territory.
Section 2. That from and after the effective date of this ordinance the real estate in Section 1 hereof shall be a part of the City of Tulsa, Oklahoma, and all persons residing therein and property situated therein shall be and are hereby declared to be subject to the jurisdiction, control, laws and ordinances of the City of Tulsa, Oklahoma, in all respects and particulars.

Section 3. That the above-described property shall be part of Council District Six (6) of the City of Tulsa, Oklahoma.

Section 4. That the zoning classification in Tulsa County and Wagoner County for the above-described property was AG and shall be zoned AG in the City of Tulsa, Oklahoma.

Section 5. That there be filed in the office of the County Clerk of Tulsa County and in the office of the County Clerk of Wagoner County, Oklahoma, a true and correct copy of this ordinance, together with an accurate map of the territory hereby annexed.

ADOPTED by the Council: NOV 08 2001

Chairman of the Council

OFFICE OF THE MAYOR

Received by the Mayor: ____________________________, at __________, Time __________

M. Susan Savage, Mayor

By: ____________________________

Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma: ____________________________, at __________, Time __________

APPROVED by the Mayor of the City of Tulsa, Oklahoma: NOV 13 2001

at 0900, Time
ATTESTED:

City Clerk

APPROVED:

City Attorney
Annexation to Tulsa

Township 19 North, Range 14 East, Tulsa County, Oklahoma

Section 1

The East 100 feet of the SE ¼ SE ¼ and
The East 100 feet of the SE ¼ NE ¼ SE ¼

Section 12

The East 100 feet

Section 13

The East 100 feet
Annexation to Tulsa

Township 19 North, Range 15 East, Wagoner County, Oklahoma

Section 3

All of Section 3, less and except the following described tracts, to-wit:

a. The East 70 feet of the SE ¼ NE ¼ and
   The East 70 feet of Lot 1 and
   The East 70 feet of Lot 8 and
   The East 70 feet of the North 70 feet of the NE ¼ SE ¼
b. The South 70 feet of the SE ¼ and
   The South 70 feet of the East 70 feet of the SE ¼ SW ¼

Section 4

All of Section 4

Section 5

All of Section 5, less and except the following described tracts, to-wit:

N ½ SW ¼ and
The SE ¼ SW ¼ and
The W ½ of Lot 2 and
Lot 3 and
Lot 4

Section 6

The SE ¼ and
The S ½ of Lot 10 and
Lot 11 and
The SE ¼ SW ¼ and
The S ½ NE ¼ SW ¼

Section 7

All of Section 7

Section 8

All of Section 8

Section 9

All of Section 9
Section 10

NW ¼; S ½, (All of Section 10 except NE ¼), less and except the following
Described tracts, to-wit
a. The East 70 feet of the NW ¼ and
   The East 70 feet of the SE ¼, and
   The East 70 feet of the North 70 feet of the NE ¼ SW ¼
b. The North 70 feet of the SE ¼

Section 14

The SW ¼ of Section 14, less and except the following described tracts, to-wit:
 a. The East 70 feet of the SW ¼ and
 b. The North 70 feet of the SW ¼

Section 15

All of Section 15, less and except the following described tracts, to-wit:
 a. The North 10 feet of the N ½ and
    The South 10 feet of the S ½
 b. The North 70 feet of the East 70 feet of the NE ¼ SE ¼ and
    The East 70 feet of the NE ¼

Section 16

All of Section 16, less and except the following described tracts, to-wit:
 a. The South 10 feet of the NE ¼ and
    The North 10 feet of the SE ¼ and
    The West 10 feet of the NW ¼, SE ¼
    The West 10 feet of the NW ¼, SW ¼, SE ¼ and
    The East 10 feet of the NE ¼, SW ¼ and
    The East 10 feet of the NE ¼, SE ¼, SW ¼ and
    The South 10 feet of the East 10 feet of the NW ¼
 b. The S ½ of the SW ¼, SE ¼ and
    The S ½ of the SE ¼, SW ¼

Section 17

All of Section 17

Section 18

All of Section 18
Section 20

The NE ¼

Section 21

All of Section 21, less and except the following described tracts, to-wit:
   a. The N ¼ NE ¼ NW ¼ and
   b. The N ¼ NW ¼ NE ¼

Section 22

All of Section 22, less and except the following described tract, to-wit:
   a. The East 125 feet of the South 125 feet of the SE ¼

Section 23

The W ¼, less and except the following described tracts, to-wit:
   a. The East 70 feet of the NW ¼
   b. The East 125 feet of the South 50 feet of the NW ¼ and
      The East 125 feet of the SW ¼ and
      The South 125 feet of the SW ¼
## INVOICE (INV-00122046)
FOR CITY OF TULSA

**BILLING CONTACT**
AUGUST WAKAT,
OKIE SMOKE
23610 E Admiral Pl
Catoosa, Ok 74015

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**REMITTANCE INFORMATION**
City of Tulsa
175 E 2nd St, Suite #450
Tulsa, OK 74103

| TOTAL | $52.00 |

May 20, 2020
175 E 2nd St., Tulsa, OK
Page 1 of 1

7.67
Case Report Prepared by:
Austin Chapman

Owner and Applicant Information:
Applicant: Blake Boswell
Property Owner: 1217-1219 E ADMIRAL BLVD LLC

Action Requested: Special Exception to allow a Small (Less than 250 person-capacity) Commercial Assembly & Entertainment Use in the IM District (Sec.15.020, Table 15-2)

Location Map:

Additional Information:
Present Use: Industrial Space
Tract Size: 0.48 acres
Location: 1217 E. Admiral Boulevard
Present Zoning: IM
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9201  Case Number: BOA-23511
CD: 1

HEARING DATE: 04/11/2023 1:00 PM

APPLICANT: Blake Boswell

ACTION REQUESTED: Special Exception to allow a Small (Less than 250 person-capacity) Commercial Assembly & Entertainment Use in the IM District (Sec.15.020, Table 15-2)

LOCATION: 1217 E. Admiral Boulevard

PRESENT USE: Industrial Space

TRACT SIZE: 21000.36 SQ FT

LEGAL DESCRIPTION: LTS 25 THRU 30 BLK 4, BERRY ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELevANT PREVIOUS ACTIONS:

Subject property:
BOA-23196: On 11.09.21 the Board approved a Special Exception to permit alternative compliance parking ration for a Medical Marijuana Dispensary in the IM District.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an “Employment” land Use designation 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. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

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

STAFF ANALYSIS: The applicant is requesting a Special Exception to allow a Small (Less than 250 person-capacity) Commercial Assembly & Entertainment Use in the IM District (Sec.15.020, Table 15-2)

Assembly and Entertainment uses are described as follows:

Uses that provide gathering places for participant or spectator recreation, entertainment or other assembly activities. Assembly and entertainment uses may provide incidental food or beverage service. Typical uses include gun clubs, shooting ranges, health clubs, gymnasiums, riding stables and academies, banquet halls, entertainment centers, event centers, billiard centers, bowling centers, cinemas, go-cart tracks, laser tag, paintball, miniature golf courses, stadiums, arenas, video arcades, race tracks, fairgrounds, rodeo grounds, water parks, amusement parks,
food truck courts, and live theaters. Outdoor seating and dining areas that exceed 50% of the indoor floor area of the subject principal use (e.g., bar, restaurant or indoor assembly and entertainment use) are regulated as an outdoor assembly and entertainment use.

**SAMPLE MOTION:**
Move to _________ (approve/deny) a ____________________________

- 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.

*Subject property*
ADIMRAL AND PEORIA EVENT SPACE
1217 E ADMIRAL BLVD
TULSA, OK 74120
ZONING CLEARANCE
02/21/2023
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**Action Requested:** Variance to permit a dynamic display sign within 200-feet of a Residential District (Sec. 60.100-F)

**Location Map:**

**Additional Information:**

- **Present Use:** Commercial
- **Tract Size:** 2.62 acres
- **Location:** 10032 S. Sheridan Rd.
- **Present Zoning:** CS
BOARD OF ADJUSTMENT
CASE REPORT

STR: 8322
CD: 8

HEARING DATE: 04/11/2023 1:00 PM

APPLICANT: John Anderson

ACTION REQUESTED: Variance to permit a dynamic display sign within 200-feet of a Residential District (Sec.60.100-F)

LOCATION: 10032 S SHERIDAN RD E
ZONED: CS

PRESENT USE: Commercial
TRACT SIZE: 114271.42 SQ FT

LEGAL DESCRIPTION: PRT LT 17 BEG SWC TH N417 E319 S267 W125 S150 W194 POB BLK 2, SUN MEADOW V CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS: None.

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.

STATEMENT OF HARDSHIP:

1. 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: Existing signpost cannot be relocated.

2. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose: Existing sign post was permitted and now sites at 66-feet from street center.

3. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification: Existing sign post cannot be moved and additional 14-feet East.

4. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner: Existing sign was previously approved.

5. That the variance to be granted is the minimum variance that will afford relief: Rule: 200 feet from residential need: 186-feet approval.

5.5
6. 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: Additional signage does not negatively effect neighborhood.

7. 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: Additional LED sign has automatic dimming.

STAFF ANALYSIS: Applicant is requesting Variance to permit a dynamic display sign within 200-feet of a Residential District (Sec.60.100-F)

**60.100-F** Dynamic displays may not be located within 200 feet of any of the following: (1) an R or AG-R district (other than street, highway or freeway right-of-way); (2) a residential development area. This separation distance does not apply if the dynamic display is not visible from the referenced district, area or lot, and the requirements may be modified in R, AG, and AG-R districts if approved through the special exception process. Required separation distances must be measured horizontally in a straight line from the nearest point on a sign structure to the nearest point of an R or AG-R district or residential development area boundary.

Facts staff finds favorable for variance request:
- None.

Facts Staff find unfavorable for the variance request:
- The applicant should provide a statement explaining what physical surroundings, shape, or topographical conditions of the subject property would prevent moving the signpost.
- Sign will be visible from the abutting residential properties.

Other Staff comments: There is note form the permit Center that sign is inside an easement, that comment was placed in err and is being removed.

SAMPLE MOTION:

Move to _______ (approve/deny) a Variance to permit a dynamic display sign within 200-feet of a Residential District (Sec.60.100-F)

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

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.”

Subject sign to be converted to Dynamic Display
EXISTING SIGNS - Square Footage

285 Sq Ft Total

CITY OF TULSA
CORRECTIONS SUMMARY

SIGN-133314-2022 (10032 E SHERIDAN RD S Tulsa Tulsa, OK 74137) 133314 PLANS_v1.pdf Markup Summary #1

Area Measurement:
- Subject: Area Measurement
- Page Label: 1
- Author: DWhiteman
- Date: 11/18/2022 2:17:06 PM
- Color: 63 sf

Area Measurement:
- Subject: Area Measurement
- Page Label: 1
- Author: DWhiteman
- Date: 11/18/2022 2:17:13 PM
- Color: 33 sf

Length Measurement:
- Subject: Length Measurement
- Page Label: 1
- Author: DWhiteman
- Date: 11/18/2022 2:16:52 PM
- Color: 4'-5"

Sign Review:
- Subject: Sign Review
- Page Label: 3
- Author: DWhiteman
- Date: 11/18/2022 2:57:40 PM
- Color: Section 60.110-A, Administration. Any person proposing to erect any sign requiring a sign permit must submit a sign permit application to the development administrator. Applications for such permit must be accompanied by detailed plans, including scaled drawings of the proposed sign, a detailed site-plan and other information deemed necessary by the development administrator to determine compliance with applicable regulations.

Review Comment: Please provide dimensions and display areas for all freestanding signs on this lot. This includes the existing signage remaining unchanged on this pole, and the Little J's coffee and bakeshop sign.

This constitutes a Plan Review to date in response to the information submitted with and after 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 client. Any code items not reviewed are still in force, and it shall be the responsibility of the owner and design professional(s) to ensure that all code requirements are satisfied.

CUSTOMER: BLUESTONE STEAKHOUSE

DESCRIPTION: SITE and MARK-UPS

10032 S SHERIDAN RD

APPROVED BY: TH 11/01/22

SCALE: NTS
Section 60.100-F. Dynamic displays may not be located within 200 feet of any of the following: (1) an R or AG-R district (other than street, highway or freeway right-of-way); (2) a residential development area. This separation distance does not apply if the dynamic display is not visible from the referenced district, area or lot, and the requirements may be modified in R, AG, and AG-R districts if approved through the special exception process. Required separation distances must be measured horizontally in a straight line from the nearest point on a sign structure to the nearest point of an R or AG-R district or residential development area boundary.

Review Comment: This sign appears to be within 200' of the west property line, which abuts a residential zoned district. Dynamic display signs cannot be located within 200' of R zoned districts.

Minimum sign setback from center of 101st is 75' to the outside leading edge of the proposed sign. DOT ROW = 25' Easement. If construction is to remain occupying area of dedicated easement, you must first obtain permission from the City of Tulsa for an encroachment agreement and/or easement closure. This process takes a minimum of about 6 weeks, as the proposal must be approved by the Mayor.

To begin, please contact the Utility coordinator (link below), at Engineering services, City of Tulsa, to discuss the process required to obtain approval to construct within U/E. Please review https://www.cityoftulsa.org/government/department/engineering-services/right-of-way-easement-and-encroachment-closures.

Note: If you already have an agreement or encroachment on an easement for this location, please provide it with revised plans.

Where would a past agreement be found for the existing sign? Previous variance or Rule change?

Seems the rule should not apply to existing, since no modification to the pole position or width of the existing signs.

This constitutes a Plan Review to date in response to the information submitted with and after the above reference application. Additional issues may develop as the review continues upon receipt of additional information requested in this letter or upon additional submittal from the client. Any code items not reviewed are still in force, and it shall be the responsibility of the owner and design professional(s) to ensure that all code requirements are satisfied.

This page is a part of the MONUMENT SIGN - Location for BLUESTONE STEAKHOUSE, located at 10032 S SHERIDAN RD. The sign is drawn by TH 11/01/22 and approved by DWhiteman 11/28/2022 4:45:55 PM. The scale is NTS.
190 + 265 = 455 Lineal Feet Frontage
EXISTING AND UPGRADE

**SCOPE OF WORK**

- Remove the existing “Bluestone Steakhouse & Seafood” sign
- Add a 5ft Extension to the pole
- Install LED Sign, Endcap and bottom trim
- Reinstall “Bluestone Steakhouse & Seafood” sign

CUSTOMER: BLUESTONE STEAKHOUSE

DESCRIPTION: PLAN SHOWING THE EXISTING SIGN STRUCTURE AND THE CHANGES TO BE MADE

REV: A

APPROVED BY: 

CHECKED BY: 

DRAWN BY: TH 11/01/22

SCALE: NTS

10032 S SHERIDAN RD

SHT: 0

PAGE: 4 of 5

5.11
**SIGN DETAIL**

**SCOPE OF WORK**

- Remove the existing “Bluestone Steakhouse & Seafood” sign
- Add a 5ft Extension to the pole
- Install LED Sign, Endcap and bottom trim
- Reinstall “Bluestone Steakhouse & Seafood” sign

---

**CURRENT SIGN 110-3/8” X 49-1/16”**

- 37.50 SQ FT

**FINISHED SIZE 110-3/8” X 99-3/8”**

- 76.18 SQ FT

---

Our LED signs are warranted and maintained by us with a 5-Year Parts and labor warranty. Overdriving the LEDs will cause premature failure, and costly repairs. All are equipped with automatic dimmers and timers to adjust the ambient light within the spec of local codes and regulations.

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<table>
<thead>
<tr>
<th>EXISTING</th>
<th>ADDITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>110.37&quot;</td>
<td>49.16&quot;</td>
</tr>
<tr>
<td>99.38&quot;</td>
<td>47.25&quot;</td>
</tr>
<tr>
<td>49.16&quot;</td>
<td>50.16&quot;</td>
</tr>
</tbody>
</table>

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**CUSTOMER: BLUESTONE STEAKHOUSE**

**DESCRIPTION: PLAN SHOWING THE EXISTING SIGN CAN AND THE LED SIGN WITH TRIM ADDED**

**SCALE: NTS**
<table>
<thead>
<tr>
<th>Case Report Prepared by:</th>
<th>Owner and Applicant Information:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austin Chapman</td>
<td>Applicant: Cathy Craig</td>
</tr>
<tr>
<td></td>
<td>Property Owner: Craig, Cathy Creekmore &amp; Shayne Saucier</td>
</tr>
</tbody>
</table>

**Action Requested:** Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3)

**Location Map:**

<table>
<thead>
<tr>
<th>Additional Information:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Present Use: Residential</td>
</tr>
<tr>
<td>Tract Size: 0.63 acres</td>
</tr>
<tr>
<td>Location: 1936 E. 36 St. S.</td>
</tr>
<tr>
<td>Present Zoning: RS-2</td>
</tr>
</tbody>
</table>

6.1
REVISED 4/5/2023

BOARD OF ADJUSTMENT
CASE REPORT

STR: 9319 Case Number: B0A-23513
CD: 9

HEARING DATE: 04/11/2023 1:00 PM

APPLICANT:  Cathy Craig

ACTION REQUESTED:  Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3)

LOCATION:  1936 E. 36 St. S.  ZONED:  RS-2

PRESENT USE:  Residential  TRACT SIZE:  27455.98 SQ FT

LEGAL DESCRIPTION:  LT 5 BLK 3, HIGHLAND PARK EST AMD B1-3 & 11-12, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:  None.

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

An Existing Neighborhood 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.

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

STAFF ANALYSIS:  The applicant is requesting a Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3)

<table>
<thead>
<tr>
<th>Lot Frontage</th>
<th>75’+</th>
<th>60’ - 74’</th>
<th>46’ - 59’</th>
<th>30’ - 45’</th>
<th>Less than 30’ [2]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driveway Within Right-of-Way (feet) [1]</td>
<td>27’</td>
<td>26’</td>
<td>22’</td>
<td>20’</td>
<td>12’</td>
</tr>
<tr>
<td>Driveway Within Street Setback (feet)</td>
<td>30’</td>
<td>30’</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>

[1] Maximum width applies to the composite of all driveways if multiple curb cuts are provided.

[2] Provided that for lot frontages less than 24 feet, a driveway up to 12 feet in width is permitted.
Applicant is requesting permission for a circle driveway with 2 curb-cuts totaling a width of 33.8-feet inside the right-of-way and a total width of approximately 42-feet on the lot inside the street setback. Applicant will be required to get a right-of-way agreement and driveway approach will need to be built to City of Tulsa Engineering standards.

**SAMPLE MOTION:**

Move to _________ (approve/deny) a Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3)

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

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

- **Suggested condition:** Subject to a right-of-way permit from the City of Tulsa.

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.
APPLICATION NO: ROWSR ZON 127417  (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Project Location: 1936 E 36TH ST S
Description: Driveway Expansion

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)
Note: 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. Requests for variances from the Board of Adjustment require proof of a hardship per Section 70.130.

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.

Please Notify Plans Examiner By Email When You Have Submitted A Revision. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online. The zoning review will resume after these modified plans are submitted.

### Maximum Driveway Width

<table>
<thead>
<tr>
<th>Lot Frontage</th>
<th>75’+</th>
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</tr>
</tbody>
</table>

[1] Maximum width applies to the composite of all driveways if multiple curb cuts are provided.

1. **Site Plan**: Revise and resubmit site plan to indicate the distance from center of street to the proposed circle drive.

2. **55.090-F Surfacing**. Based on your lot width you are allowed a combined driveway width of up to 27’ in width in the ROW.

   **Review Comments**: The submitted site/plot plan proposes a combined driveway width of more than 27’ wide in the ROW which exceeds the maximum allowable composite of all driveway widths within the ROW. Revise plans to indicate the combined driveway widths shall not exceed the maximum allowable widths in the table or apply to the BOA for a special exception for the proposed combined driveway widths within the ROW.

---

**END – ZONING CODE REVIEW**

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

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

---

6.8
MORTGAGE INSPECTION PLAT

PROJECT NO.: 223644-634
MORTGAGOR: Cathy Craig and Shayne Saucier
CLIENT: Integrity Title & Closing, LLC
Interline Mortgage Services, LLC
File No.: 22-03087

This property is located in flood zone "X-UNSHADED" as per FEMA Community Panel No. 420361, 03520M, as last revised May 2, 2019.

LEGEND
B/E BURIED ELECTRIC SERVICE CABLE ESDT (APPROX LOCATION)
B/L BUILDING LINE
G/E DRAINAGE EASEMENT
U/E UTILITY EASEMENT
EM ELECTRIC METER
F/L Fence and Landscape EASEMENT
G/B/G GUTTER/SEWER LINE

E. 36th ST.

15.8' 18'

100.00'

11'

238.39'

30'

112.53'

PLAT NO. 925

LEGAL DESCRIPTION AS PROVIDED:
LOT FIVE (5), BLOCK THREE (3), AMENDED PLAT OF BLOCKS 1, 2, 3, 11 AND 12, OF HIGHLAND PARK ESTATES AMENDED, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 925, AND KNOWN AS 1336 EAST 36TH STREET.

SURVEYOR'S STATEMENT
Harden & Associates, Surveying and Mapping, PC, an Oklahoma corporation, and the undersigned Registered Professional Land Surveyor, under Certificate of Authorization No. CA4556 renewal date, June 30, 2022, do hereby state that in our professional opinion the above Inspection Plat shows the dwelling as located on the premises described, that it is entirely within the described tract boundaries, and there are no encroachments therein by visible permanent improvements, except as indicated; that the above Inspection Plat shows all recorded Plat easements and other such easements which have been disclosed by a current Title Opinion or by Consent of Title Insurers and copies thereof provided to us; that this Inspection Plat was prepared for identification purposes only for the mortgagee and not a Land or Boundary Line Survey; that no property corners were set, and is not to be used or relied upon for the establishment of fence, building or other improvements; that underground or above ground utilities were not field located and therefore are not shown on this Inspection Plat unless specifically requested by the client; that this Inspection Plat is prepared solely for the client listed herein as of this date and may not be used for any subsequent loan closing, refinancing, or other transaction and that no responsibility or liability is assumed herein or hereby to the present or future land owner or occupant.

WITNESS MY HAND AND SEAL THIS DATE:
4-5-2022
REDS.
P.L.S. 174
HARDEH & ASSOCIATES
SURVEYING AND MAPPING, PC
5807 South Garnett Road, Suite K
Tulsa, Oklahoma 74146
(918) 334-4689 Office
(918) 893-5552 Fax
**Case Report Prepared by:**
Austin Chapman

**Owner and Applicant Information:**
- **Applicant:** Mike Thedford
- **Property Owner:** OKLAHOMA DEPT OF

**Action Requested:** Special Exception to permit an existing Group Living/ Emergency Protective Shelter Use in the RS-3 and CS Districts (Sec. 15.020, Table 15-2)

**Location Map:**
![Location Map Image]

**Additional Information:**
- **Present Use:** Emergency Children's Residential Shelter
- **Tract Size:** 20 acres
- **Location:** 7318 E. Pine St. N.
- **Present Zoning:** CS, RS-3
BOA-23514

Subject Tract

20-13 35

Aerial Photo Date: 2020/2021

Note: Graphic overlays may not precisely align with physical features on the ground.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 221  
CD: 3  

HEARING DATE: 04/11/2023 1:00 PM

APPLICANT: Mike Thedford

ACTION REQUESTED: Special Exception to permit an existing Group Living/ Emergency Protective Shelter Use in the RS-3 and CS Districts (Sec. 15.020, Table 15-2)

LOCATION: 7318 E PINE ST N
ZONED: CS,RS-3

PRESENT USE: Emergency Children’s Residential Shelter
TRACT SIZE: 871203.57 SQ FT

LEGAL DESCRIPTION: W/2 NW NE SEC 35 20 13, AIRVIEW HGTS ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a “Mixed-use Corridor and Neighborhood Center” and an “Area of Growth”.

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.

Mixed-Use Corridors are Tulsa’s modern thoroughfares that pair high-capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors 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. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

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.

STAFF ANALYSIS: The applicant is requesting a Special Exception to permit an existing Group Living/ Emergency Protective Shelter Use in the RS-3 and CS Districts (Sec. 15.020, Table 15-2), defined as follows:

Emergency and Protective Shelter
A residential use that provides room and board for a continuous period of no more than 30 consecutive days for adults or children who have been abused, displaced or are transient. Such uses provide protection services and typically provide counseling and pre-placement screening services as well.
Emergency protective shelters are subject to the following supplemental regulations:

Section 40.130  Dispersal Standards for Specified Land Uses

40.130-A The supplemental use regulations of this section apply to all detention and correctional facilities, emergency and protective shelters, homeless centers, residential treatment centers and transitional living center uses.

40.130-B To avoid over-concentration, all detention and correctional facilities, emergency and protective shelters, homeless centers, residential treatment centers and transitional living center uses must be separated from one another by a minimum distance of 2,640 feet, as measured in a straight line from the nearest point on the lot line of the property occupied by one of these uses to the nearest point on a lot line of the other property occupied by one of the subject uses (see Figure 40-5). The separation distance requirements of this subsection may be reduced if approved through the special exception approval process.

Figure 40-6: Dispersal Standards Measurement

The applicant is seeking to add a maintenance shop to the current Laura Dester Shelter site as shown in the site plan included in your packet.

This property is owned by the State of Oklahoma and previously did not go through the city of Tulsa Building Permitting/ Zoning Review process when it was constructed in 2012.

SAMPLE MOTION:
Move to _________ (approve/deny) a Special Exception to permit an existing Group Living/ Emergency Protective Shelter Use in the RS-3 and CS Districts (Sec. 15.020, Table 15-2)

- Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.

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

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

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

SITE DATA

LAND AREA SUMMARY

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<th>Description</th>
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SITE DATA

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BUILDING DATA

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IMPROVEMENTS

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OFF-STREET PARKING REQUIREMENTS

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ACCESSIBLE PARKING REQUIREMENTS

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PROPERTY DESCRIPTION

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<tr>
<td>LAURA DESTER (LDC) EMERGENCY CHILDREN'S CENTER</td>
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<td>35' PSO EASMENT</td>
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<td>40' R.O.W.</td>
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<td>10' STORM DRAIN EASEMENT</td>
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<td>20' WATER LINE EASEMENT</td>
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<td>5' B/L</td>
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<td>20' PSO EASEMENT</td>
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NEW PROPOSED MAINTENANCE SHOP
Case Number: BOA-23515
Hearing Date: 04/11/2023 1:00 PM

Case Report Prepared by:
Austin Chapman

Owner and Applicant Information:
Applicant: Kyle Gibson
Property Owner: BAILEY, LYNDEE & ARTHUR WILSON

Action Requested: Special Exception to permit a Junk or Salvage Yard Use in the IM Zoning District (Sec. 15.020, Table 15-2)

Location Map:

Additional Information:
Present Use: Empty Industrial Storage
Tract Size: 1.64 acres
Location: 2471 E. Independence St. N.
Present Zoning: IM
Subject Tract  BOA-23515

Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: 2020/2021
BOARD OF ADJUSTMENT
CASE REPORT

STR: 0332
CD: 3

HEARING DATE: 04/11/2023 1:00 PM

APPLICANT: Kyle Gibson

ACTION REQUESTED: Special Exception to permit a Junk or Salvage Yard Use in the IM Zoning District (Sec. 15.020, Table 15-2)

LOCATION: 2471 E INDEPENDENCE ST N

PRESENT USE: Empty Industrial Storage

LEGAL DESCRIPTION: BEG 831.25E SWC NW SW TH E220 N325 W220 S325 POB SEC 32 20 13, FLEETWOOD INDUSTRIAL ADDN NO 2 INCL B15 MCLANE ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

TRACT SIZE: 71499.68 SQ FT

ZONED: IM

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an “Employment” Land use Designation 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. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

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

STAFF ANALYSIS: The applicant is requesting a Special Exception to permit a Junk or Salvage Yard Use in the IM Zoning District (Sec. 15.020, Table 15-2);

Junk or salvage yards are defined as follows in the code:

35.070-D Junk or Salvage Yard
A building or open area where waste, scrap, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, crushed, processed, or handled for reclamation, disposal or other similar purposes, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles.

Included in your packet is a copy of Sec. 40.190 which contains the supplemental regulations for Junk or Salvage yards.
Staff would encourage the Board to consider the proximity of the subject property to Sequoyah Elementary School.

Per the applicant’s site plan the applicant is proposing to “construct a new building for private consumer drop off of materials from construction sites (closed to the public). Material is to be processed into large trucks to be hauled to landfills.”

The applicant would include an 8-foot Masonry and Wood screening fence and a 10-foot landscaping buffer.

**SAMPLE MOTION:**

Move to _______ (approve/deny) a ______________________________

- 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.
Subject property

Sequoyah Elementary School (Immediately South of Independence from Subject property)
Section 40.170 | Hotel or Motel
Whenever a hotel or motel use is located on a lot abutting an R- or AG-R-zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.070-C.

Section 40.180 | Industrial Uses

40.180-A Whenever any industrial use, other than a junk or salvage yard, is located on a lot abutting an R- or AG-R-zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.070-C. Junk and salvage yards are subject to the regulations of Section 40.190.

40.180-B Industrial uses located within 300 feet of an abutting R- or AG-R-zoned lot must be conducted within a completely enclosed building, except for storage, loading and off-loading areas.

Section 40.190 | Junk or Salvage Yards
The supplemental use regulations of this section apply to all junk or salvage yards.

40.190-A Junk or salvage yards must be screened from view of abutting streets and all AG, AG-R, R, PK, O, C, CBD, SR, IL and CO zoning districts by the erection and maintenance of a screening wall or fence that is:

1. At least 8 feet in height;
2. Made of wood, metal, or masonry construction;
3. Designed and arranged to provide opaque visual screening;
4. Uniform in height, except in response to significant changes in topography;
5. Constructed with all braces and supports on the interior of the fence or wall; and
6. Erected before occupancy of the building or initiation of the junk or salvage yard use.

40.190-B Required screening walls and fences must be maintained by the owner of the lot containing the use requiring the screening.

40.190-C The piling of junk or salvage materials may not exceed the height of the required screening wall or fence within 150 feet of the boundary required to be screened, except that storage racks designed for the stacking of automotive front-ends, hoods, doors, quarter panels, and similar parts that exceed the height of the screening wall or fence, must be set back at least 25 feet from abutting R- or AG-R-zoned lot and street rights-of-way, plus 2 additional feet of setback for every foot of rack height above 15 feet.
Figure 40-7: Screening and Setback Requirements for Junk and Salvage Material

40.190-D The board of adjustment is authorized as a special exception to:

1. Modify or eliminate the screening wall or fence requirements where existing physical features, such as trees and other plant materials, buildings, earthen berms or hills, provide equivalent visual screening;

2. Modify the screening wall or fence requirements when alternative screening will provide equivalent visual screening, such as:
   a. Dense landscaping, or
   b. A 6-foot privacy wall or fence;

3. Grant an extension of time to erect a screening wall or fence when properties, other than streets, are undeveloped and no immediate plans for development are known or anticipated; or

4. Eliminate the screening wall or fence requirements when the purpose of the screening requirement cannot be achieved, such as when a street is elevated, or when the required screening wall or fence is prohibited by other regulations, such as in floodplains.

Section 40.200 Library or Cultural Exhibit
Museums, planetariums, aquariums and other cultural exhibit uses require a minimum lot area of one acre in AG, AG-R, RE and RS zoning districts.

Section 40.210 Manufactured Housing Units
The supplemental regulations of this section apply only to manufactured housing units approved as special exception uses in R or AG-R zoning districts.

40.210-A The manufactured housing unit must be removed from the lot within one year of the date of special exception approval. The board of adjustment is authorized to
Sec.15.020 Table 15-2: The proposed building is designated Industrial/Junk or Salvage Yard Use. It is located in a IM zoned district.
Review Comment: The Industrial/Junk or Salvage Yard use will require a Special Exception approved by the Board of Adjustment (BOA). Contact INCOG for further instructions and next steps. 918-584-7526.
### Case Report Prepared by:

Austin Chapman

### Owner and Applicant Information:

**Applicant:** Cody Fussell  
**Property Owner:** Cody C And Starla D Fussell

### Action Requested:

Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6)

### Location Map:

![Location Map](image)

### Additional Information:

**Present Use:** Residential  
**Tract Size:** 0.39 acres  
**Location:** 1227 S. Pittsburgh Ave.  
**Present Zoning:** RS-3
STR: 9309  
CD: 4  

HEARING DATE: 04/11/2023 1:00 PM  

APPLICANT: Cody Fussell  

ACTION REQUESTED: Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6)  

LOCATION: 1227 S. Pittsburg Ave.  

ZONED: RS-3  

PRESENT USE: Residential  

TRACT SIZE: 16801.16 SQ FT  

LEGAL DESCRIPTION: LTS 6 & 7 & N20 OF LT 8 BLK 8, BEVERLY HILL ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA  

RELEVANT PREVIOUS ACTIONS: None.  

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

An Existing Neighborhood 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.  

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

STATEMENT OF HARDSHIP:  

1. 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: The intent of the project is to convert/add the south parking bay of the existing garage to the existing quarters apartment, with the expansion of a small sunroom to the south wall of the expanded apartment. The existing 2-car garage and small quarters apartment was constructed in 1938, with a five foot portion of the existing apartment encroaching on the 10’ utility easement. We purchased the property in 1991 with the understanding that the allowance of the Accessory Dwelling Unit already existed, and that encroachment of the easement had been permitted or approved with the original construction.  

2. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose: Since the house and detached garage are located on an oversized lot, consisting of two
3. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification: Following consultation with the City of Tulsa Planning Staff during the preparation of the draft Site Plan for this project, it was learned that a Building Permit for the remodel and expansion of the existing garage /apartment could not be issued due to the existing encroachment of the utility easement without either the approval of a restrictive construction agreement or partial vacation of the utility easement. Given the uncertainties and financial risks associated with those options, the proposal was modified to reposition the existing footprint of the garage /apartment outside of the utility easement (5’ to the west).

4. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner: As noted in the response to question #1, the existing Accessory Dwelling Unit portion of the garage was constructed 1938.

5. That the variance to be granted is the minimum variance that will afford relief: The additional square footage of the proposed sunroom is be requested to provide enough usable living space within the expanded apartment.

6. 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: the proposed design elements of this project will be consistent with the residential character of the neighborhood, as well as resolve the existing encroachment of the utility easement.

7. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan: The purpose of this project is to provide a small Accessory Dwelling Unit of sufficient size and design (i.e., handicap accessible) to accommodate a temporary residence option for aging parents.

**STAFF ANALYSIS:** The applicant is requesting a Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); and Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6)

Included in your packets are a copy of Sections 45.030 and 45.031 of the code containing regulations related to accessory buildings and Accessory Dwelling Units.

**Facts staff finds favorable for variance request:**
- Applicant is seeking relief to add a 160 square foot greenhouse/ sunroom addition to the existing garage/ apartment. The applicant is allowed by code 678 square feet of accessory buildings, the applicant is requesting a total of 846 aggregate square foot of accessory building on the lot.

**Facts Staff find unfavorable for the variance request:**
- None.

**Other comments from staff:** The applicant is moving the existing structure out of the utility easement. As it stands not the existing garage/apartment building is 2-feet 11-inches from the side property line, code would prescribe 5-feet. This non-conformity will not be expanded.

**SAMPLE MOTION:**

**Special Exception:**

Move to _______ (approve/deny) a ____________________________

- 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.

Variance:

Move to ________ (approve/deny) 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 ___________________________.

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."
Subject property
supporting structure (excluding any guy lines) to the nearest point on the residential zoning district boundary line, excluding R-zoned freeways.

Section 45.030  Accessory Buildings and Carports in R Districts

45.030-A  Accessory Building Size

1.  RE and RS-1 Districts
    In RE and RS-1 districts, the total aggregate floor area of all detached accessory buildings, including accessory dwelling units, and accessory buildings not erected as an integral part of the principal residential building may not exceed 750 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]

2.  RS-2, RS-3, RS-4, RS-5 and RM Districts
    In RS-2, RS-3, RS-4, RS-5 or RM, zoned lots used for detached houses or duplexes, the total aggregate floor area of all detached accessory buildings, including accessory dwelling units, and accessory buildings not erected as an integral part of the principal residential building may not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]

[1] For detached accessory buildings, including accessory dwelling units, located within rear setbacks see 90.090-C.

45.030-B  Carports

Carports are allowed in R zoning districts. Any carport that occupies all or a portion of the street setback or street yard area must be approved in accordance with the special exception procedures of Section 70.120 and comply with the regulations of §90.090-C1.

Section 45.031  ADU, Accessory Dwelling Units in R, AG, and AG-R Districts

Section 45.031-A Definition

A dwelling unit that is located in an accessory building on the same lot as a detached house to which it is accessory and subordinate.

Examples of ADUs include carriage houses, garage apartments, and mother-in-law flats.

Section 45.031-B Purpose

1.  The purpose of allowing accessory dwelling units within R, AG, and AG-R districts is to:
    a.  accommodate new housing units while preserving the character of existing neighborhoods;
    b.  allow efficient use of the city’s existing housing stock and infrastructure;
    c.  provide housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs; and
d. provide a means for residents—particularly seniors, single parents, and empty-nesters—to remain in their homes and neighborhoods, and obtain extra income, security, companionship and assistance.

2. The ADU supplemental regulations are also intended to help ensure that that new buildings and modifications to existing buildings are designed with sensitivity to their context in terms of building placement, proportions, building materials, and similar design features.

Section 45.031-C  Applicability

These regulations apply to all accessory dwelling units, as defined by Section 45.031-A.

Section 45.031-D  Regulations

1. Where Allowed

Accessory dwelling units are allowed by special exception in RE, RS, AG, and AG-R districts on lots occupied by a detached house. Accessory dwelling units are allowed by right in RD, RT, RM and RMH districts on lots occupied by a detached house.

2. Number

No more than one accessory dwelling unit is allowed per lot.

3. Methods of Creation

An accessory dwelling unit may be created only through the following methods:

a. Constructing an accessory dwelling unit on a lot with a new or existing detached house; or

b. Converting or increasing existing floor area within an accessory building on a lot with an existing detached house.

4. Density (Minimum Lot Area and Lot Area per Unit)

No additional lot area or lot area per unit is required for the accessory dwelling unit.

5. Open space (Minimum open space per unit)

No additional open space is required for the accessory dwelling unit.

6. Accessory Dwelling Unit Size

a. RE and RS-1 Districts

In RE and RS-1 districts, the total aggregate floor area of all detached accessory buildings, including accessory dwelling units, may not exceed 750 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]

b. RS-2, RS-3, RS-4, RS-5, and RM Districts
In RS-2, RS-3, RS-4, RS-5 or RM zoned lots used for detached houses, the total aggregate floor area of all detached accessory buildings, including accessory dwelling units, may not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]

[1] For detached accessory buildings, including accessory dwelling units, located within rear setbacks, see §90.090-C2.

7. Building and Fire Codes

All accessory dwelling units are subject to applicable building and fire codes.

8. Additional Regulations for Accessory Dwelling Units

a. Entrances
Building entrances to accessory dwelling units may not face the nearest side or rear property line unless there is an alley abutting that property line.

b. Setbacks
An accessory dwelling unit must be located at least 10 feet behind the detached house. This required 10-foot separation distance must be open from the ground to the sky except that it may include walkways, patios, decks and similar structures that do not exceed 30 inches in height above finished grade.

c. Exterior Finish Materials
The exterior finish material of any new accessory dwelling unit must be the same or visually match in type, size and placement, the exterior finish material of the detached house.

d. Roof Pitch
The roof pitch any new accessory dwelling unit must be the same as the predominant roof pitch of the principal building.

Section 45.040 Compressed Natural Gas (CNG) Refueling Appliances
Private (restricted access), consumer-oriented (home), CNG refueling appliances are permitted as an accessory use to lawfully established household living uses in all zoning districts.

Section 45.050 Dumpsters

45.050-A Regulations
Dumpsters established or placed on or after the effective date specified in Section 1.030 are subject to the following regulations:

1. Dumpsters may only be placed with the written permission of the owner of the subject property.

2. Dumpsters must be located on a dustless, all-weather surface.

3. Dumpsters may not:
   a. Obstruct motorized or non-motorized traffic;
   b. Reduce any sidewalk or walkway designed for the passage of pedestrians to less than 5 feet in width;
EXISTING BUILDING LINE - TO CORRECT EXISTING EASEMENT ENCROACHMENT, THE EXISTING GARAGE / APARTMENT TO BE SHIFTED 5' TO THE WEST.