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 25, 2023, 1:00 P.M.

Meeting No. 1315

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 March 28, 2023 (Meeting No. 1313).

UNFINISHED BUSINESS

2. 23507 – Oscar Garcia

Action Requested:
Special Exception to permit Personal Vehicle Sales in the CS District (Sec. 15.020, Table 15-2); Variance to permit the outdoor storage and display of merchandise in the CS district within 300-feet of an abutting R District (Sec. 15.040-A) Location: 12430 E. 11th St. S. (CD 6)

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)
NEW APPLICATIONS

4. 23518 - Christian Vaughn

Action Requested:
Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Variance to allow a Detached Accessory Building/ Dwelling Unit to exceed one story or 18-feet in height and to exceed 10-feet in height to the top of the top plate in the rear setback (Section 90.090-C2); Variance to reduce the required 50% open space for a non-conforming lot (Sec. 80.020-B); Variance to permit more than 30% coverage of the rear setback by Detached Accessory Buildings/Dwelling Units (Sec.90.090-C, Table 90-2): Location: 1508 E. 20th St. (CD 4)

5. 23519-WAGONER - Grady W. Whitaker, Jr.,

Action Requested:
Variance to reduce the required 75-foot setback in the IM zoning district from abutting AG Zoning Districts (Sec.15.020, Table 15-2). Location: 19504 E. 6th St. (CD 6)

6. 23521 - Tyler Choate

Action Requested:
Special Exception to permit duplexes in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5). Request is to allow up to 6 duplexes. Location: 6 lots located on E. 81st Pl. S., South and East of S. Evanston Ave. (CD 2)

OTHER BUSINESS

NEW BUSINESS

7. Election of Secretary for City of Tulsa Board of Adjustment.

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 Number:** BOA-23507  
**Hearing Date:** 04/25/2023 1:00 PM

**Case Report Prepared by:**  
Austin Chapman

**Owner and Applicant Information:**  
**Applicant:** Oscar Garcia  
**Property Owner:** REGENT BANK

**Action Requested:** Special Exception to permit Personal Vehicle Sales in the CS District (Sec. 15.020, Table 15-2); Variance to permit the outdoor storage and display of merchandise in the CS district within 300-feet of an abutting R District (Sec. 15.040-A)

**Location Map:**

**Additional Information:**  
**Present Use:** Vacant  
**Tract Size:** 2.92 acres  
**Location:** 12430 E. 11th St. S.  
**Present Zoning:** CS
**BOARD OF ADJUSTMENT**

**CASE REPORT**

**STR:** 9408  **Case Number:** BOA-23507

**CD:** 6

**HEARING DATE:** 04/25/2023 (Continued from 03/28/2023)

**APPLICANT:** Oscar Garcia

**ACTION REQUESTED:** Special Exception to permit Personal Vehicle Sales in the CS District (Sec. 15.020, Table 15-2); Variance to permit the outdoor storage and display of merchandise in the CS district within 300-feet of an abutting R District (Sec. 15.040-A)

**LOCATION:** 12430 E. 11th St. S.  **ZONED:** CS

**PRESENT USE:** Vacant  **TRACT SIZE:** 127404.81 SQ FT

**LEGAL DESCRIPTION:** LT 2 BLK 1, EAST CENTRAL PLAZA, 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 Growth”.

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 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:** None provided as of the writing of this staff report.

**STAFF ANALYSIS:** The applicant is requesting a Special Exception to permit Personal Vehicle Sales in the CS District (Sec. 15.020, Table 15-2); Variance to permit the outdoor storage and display of merchandise in the CS district within 300-feet of an abutting R District (Sec. 15.040-A)

15.040-A  **Outdoor Storage and Display**

In the CS district, outdoor storage, including storage of recyclable materials, and outdoor merchandise display is prohibited within 300 feet of an abutting R or AG-R district.

Vehicles Sales and Service Uses are subject to the following supplemental regulations:
Facts staff finds favorable for variance request:

- None.

Facts Staff find unfavorable for the variance request:

- At the time this report is being written the applicant has provided a minimal site plan that is not properly scaled and lacks mention of landscaping, screening and basic design characteristics of the proposed development of this site.
- The property current has an access point onto S. 124th E. Ave. which serves a residential collector in the Major Street and Highway Plan. The site plan provided has not addressed how access will be managed onto the site.

Other Staff Comments:

- The property is included in the Route 66 Overlay, The purpose and intent if which is to established zoning regulations and incentives intended to ensure the enhancement, development, and revitalization of the authentic Route 66 through the promotion of historic and historically inspired signage, especially neon, along and adjacent to the two alignments of Route 66 in Tulsa. In general, the current standards of the overlay grant larger sign budget when those signs incorporate neon.
- The property is included in the Plan 66, which is Tulsa’s Route 66 Master Plan, the following action items from the plan may be useful in guiding the Board’s decision

**GOAL #1 - PRESERVE**

- **Action 1.1.4** Adopt design and use provisions within the Route 66 Overlay, to promote compatible new development
- **Action 1.3.4** Encourage a diverse set of uses along the corridor to attract tourists, foster arts and culture, and promote the Route, including lodging and hospitality services.

**GOAL #2 REVITALIZE**

- **Action 2.1.1** Encourage development built up to the right-of-way to mirror historically built form and promote parking behind buildings.
- **Action 2.1.2** Enhance the Route through higher density, infill, and mixed-use development.
- **Action 2.1.8** Adopt design standards for vehicle sales and services businesses.
As a note to the applicant and Board a portion of this is inside the City of Tulsa Regulatory Floodplain and development on this site will need to comply with those standards.

Updated from 3/28/2023 Hearing:

More detail was requested from the applicant regarding their site plan at the 3/28/2023 hearing, staff has not received any additional exhibits from the applicant regarding this application.

**SAMPLE MOTION:**

**Special Exception:**

Move to _________ (approve/deny) a Special Exception to permit Personal Vehicle Sales in the CS District (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.

**Variance:**

Move to _________ (approve/deny) a Variance to permit the outdoor storage and display of merchandise in the CS district within 300-feet of an abutting R District (Sec. 15.040-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 taken from 11th St.

Property immediately across 11th St. from the subject property.
Facing West on 11th St.
ZCO-138327-2023 (12430 E 11TH ST S Tulsa Tulsa, OK 74128) 138327 PLANS_v1.pdf Markup Summary #1

Note (5)

**Subject:** Note  
**Page Label:** 1  
**Status:**  
**Author:** danabox  
**Date:** 1/23/2023 11:09:13 AM  
**Color:**  

Sec.15.020 Table 15-2: The proposed Used Car Sales Lot is designated Commercial/Commercial/Vehicle Sales and Service/Personal Vehicle Sales and Rentals use. It is located in a CS zoned district. This will require a Special Exception approved by the BOA. Review comment: Submit an approved BOA Special Exception for a Commercial/Commercial/Vehicle Sales and Service/Personal Vehicle Sales and Rentals use to be allowed in a CS zoned district. Contact Austin Chapman at INCOG for further instruction. achapman@incog.org or 918-584-7526.

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**Subject:** Note  
**Page Label:** 1  
**Status:**  
**Author:** danabox  
**Date:** 1/23/2023 11:12:38 AM  
**Color:**  

Sec.15.040-A: In the CS district, outdoor storage and outdoor merchandise display is prohibited within 300 feet of an abutting R district. Review comment: The proposed car lot is in a CS district and located within 300 feet of an abutting R district and is not permitted. Submit a BOA approved Variance to allow outdoor storage and outdoor merchandise display within 300 feet of an abutting R district. Contact Austin Chapman at INCOG for further instruction. achapman@incog.org or 918-584-7526.

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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.
1. Sec. 70.080-C: Zoning clearance permit applications must be accompanied by a legal description of the lot and plans in duplicate, drawn to scale, showing at least the following information:
   - The actual shape and dimension of the lot;
   - The location and dimensions of all easements;
   - The location, size, and height of any existing buildings or structures to be erected or altered;
   - The existing and intended use of each building or structure and portion of the lot;
   - The number of dwellings and buildings proposed; and
   - Location and dimensions of parking areas. This includes the parking spaces, the maneuvering areas necessary to enter and exit the spaces and the drives providing access to the parking spaces and maneuvering areas from a public or private street or other parking areas.
Review Comment: Submit a site plan providing the information above.

Sec. 55.090-F2: All motorized vehicles designed for travel upon public streets and that are being parked, stored or displayed for sale must be parked, stored or displayed on a dustless, all-weather surface. The board of adjustment is authorized to grant a special exception permitting the storage or display of motorized vehicles on a surface other than one consisting of a dustless, all-weather surface if the location complies with all applicable minimum building setbacks.
Review comment: The proposed vehicle storage area is not located on a dustless, all-weather surface. Resubmit a site plan providing a dustless, all-weather surface. Contact Austin Chapman at INCOG for further instruction.
achapman@incog.org or 918-584-7526.

Section 40.400: Whenever a vehicle sales and service use is located on a lot abutting an 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 Sec. 65.060-C2.
Review comment: Your lot abuts an RD zoning district to the south. Revise your site plan providing F1 screening, compliant with Sec. 65.060-C2, along the south lot line.
EAST CENTRAL PLAZA
AN ADDITION TO THE CITY OF TULSA, OKLAHOMA

PART OF THE NEM NE/4, SECTION 6, T5N, R4E

STACHIA INVESTMENT CO. - OWNER
12331 E. 1st ST. S.
PH. OE 7-2020

MANSUR-STEELE-WILLIAMS, INC.
CONSULTING ENGINEERS
1848 S. BOSSON
TULSA, OKLAHOMA
SEPT 2, 1969
REG. NO. 63-C2754-8035

SCALE: 1"=100'

UNPLATTED

L.N.A. = Limits of No Access
B.L. = Building Line

EAST CENTRAL
HEIGHTS

EXCEPTION 10

2.14
NOTES:

TULSA CITY BOARD OF ADJUSTMENT

CASE NO. 23547
OFFICIAL RECORD EXHIBIT
ENTERED IN THE 3/28/22
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT

ADDRESS:
12430 E 11TH ST
TULSA, OK 74128

PARCEL ID: R11910940817100
LOT AREA: 2.88 ACRES
PLOT SIZE: 8.5" X 11"
DRAWING SCALE: 1"=80'

LOT AREA: 2.88 ACRES
PARCEL ID: R11910940817100
SITE PLAN

ADDRESS:
12430 E 11TH ST
TULSA, OK 74128

NOTES:

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LOT AREA: 2.88 ACRES
PARCEL ID: R11910940817100
SITE PLAN
NOTES:

ADDRESS:
12430 E 11TH ST
TULSA, OK 74128

FLOOR PLAN

PARCEL ID: R11910940817100
LOT AREA: 2.88 ACRES
PLOT SIZE: 8.5" X 11"
DRAWING SCALE: 1"=20'

TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 23507
OFFICIAL RECORD EXHIBIT
ENTERED IN THE
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT

ADDRESS:
12430 E 11TH ST
TULSA, OK 74128

FLOOR PLAN

PARCEL ID: R11910940817100
LOT AREA: 2.88 ACRES
PLOT SIZE: 8.5" X 11"
DRAWING SCALE: 1"=20'
**Case Number:** BOA-23510  
**Hearing Date:** 04/25/2023 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:

![Location Map](image)

### Additional Information:
- **Present Use:** Salvage yard  
- **Tract Size:** 5.86 + acres  
- **Location:** 23780 E. Admiral Pl.  
- **Present Zoning:** AG
Note: Graphic overlays may not precisely align with physical features on the ground.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9413
CD: 6

HEARING DATE: 04/25/2023 (Continued from 04/11/2023)

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.

**Update from 4/11/23:** None as of the writing of this report.

**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.
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.

70.130-I Lapse of Approval
1. An approved variance will lapse and become void 3 years after it is granted by the board of adjustment, unless a building permit for the work or improvements authorized has been issued and the project has commenced and is diligently pursued to completion. If no building permit is required, the improvement that is the subject of the variance must be in place within the 3-year period.

2. The board of adjustment may extend the expiration period by up to one year at the time of approval of the variance or any time before expiration of the approval. Requests for extensions after the variance is approved must be processed in accordance with the variance procedures, including applicable fees, notices and public hearings.

70.130-J Transferability
Approved variances run with the land and are not affected by changes of tenancy, ownership, or management.

70.130-K Amendments
A request for changes in the specific nature of the approved variance or changes to any conditions attached to an approved variance must be processed as a new variance application, including all requirements for fees, notices and public hearings.

70.130-L Appeals
Board of adjustment decisions on variances may be appealed to District Court in accordance with 75.010-K.

Section 70.140 Appeals of Administrative Decisions

70.140-A Authority
Appeals of administrative (staff-level) decisions on site plans go to the planning commission (See 70.050-C). The board of adjustment is authorized to hear and decide all other appeals where it is alleged there has been an error in any order, requirement, decision or determination made by the land use administrator, the development administrator or any other administrative official in the administration, interpretation or enforcement of this zoning code. For the purpose of applying the procedures of Section 70.140 to appeal of any final decision of the preservation commission (See §70.070-L), the final decision of the preservation commission is deemed an administrative decision and the preservation commission is deemed an administrative official.
70.140-B Right to Appeal
Appeals of administrative decisions may be filed by any person aggrieved by the land use administrator’s, the development administrator’s or other administrative official’s decision or action. The board of adjustment is authorized to make determinations about whether individuals filing appeals are “aggrieved” by the decision or action.

70.140-C Application Filing
1. Complete applications for appeals of administrative decisions must be filed with the clerk of the board of adjustment and the city clerk, who will accept the appeal on behalf of the administrative official who made the decision being appealed and forward it to said official.

2. Appeals of administrative decisions must be filed within 10 days of the date of the decision being appealed.

70.140-D Effect of Filing
The filing of a complete notice of appeal stays all proceedings in furtherance of the action appealed, unless the land use administrator or the administrative official who made the decision being appealed certifies to the board of adjustment, after the appeal is filed, that, because of facts stated in the certification, a stay would cause immediate peril to life or property, in which case the proceedings will not be stayed unless by a restraining order, which may be granted by the board of adjustment or by a court of record based on due cause shown.

70.140-E Record of Decision
Upon receipt of a complete application of appeal, the land use administrator or other administrative official whose decision is being appealed must transmit to the board of adjustment all papers constituting the record related to decision being appealed.

70.140-F Notice of Hearing
Notice of the board of adjustment’s required public hearing must be provided as follows (see 70.010-F for additional information on required newspaper and mail notices).

1. Newspaper Notice
Notice must be published in the newspaper at least 10 days before the scheduled public hearing.
2001 View of Subject Property
Minutes from 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:

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

The subject tract has municipal water service available.

Surrounding Properties:

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<th>Location</th>
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</tbody>
</table>

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
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,

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.

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Trail System Master Plan Considerations: None
Small Area Plan: None

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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.

**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”.

11:18:20:2830(25)
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 spot 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 CRAWDODD, 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 City of Tulsa Code Enforcement
23610 E Admiral Pl

WIN Presentation | BOA 23510
April 11, 2023

CITY OF Tulsa
A New Kind of Energy.
Investigation Summary

• Initial complaint received on or around November 30, 2020.
• Investigation found non-conforming salvage use in AG-zoned district.
• Aerial imagery revealed significant expansions of the use, demolition and new construction since the property was annexed in 2001. No required permits were obtained.
• Violations explained to owner and legal counsel, voluntary compliance sought.
• Non-compliance continued, legal counsel ceased and owner claimed the property was within the corporate limits of the City of Tulsa.
• Zoning Notice of Violation issued February 20, 2023.
Historical Time Lapse
Comparison

2001

2022
Relevant Ordinances

- **42 TRO § 60.020-A** Sign permit required for new signs, including dynamic display signs.
- **42 TRO § 70.080-A** Zoning Clearance Permit required for new uses, changes of use, and/or new/altered structures.
- **42 TRO § 80.040-B.2** Special Exception required to establish new a non-conforming use, including recycling uses.
- **42 TRO § 80.040-F.1** Restricts non-conforming uses from expanding onto other portions of the lot.
- **Ordinance 20244** Annexed the subject property into the City of Tulsa and was signed by the Mayor on November 13, 2001.
Relevant Ordinances

- **42 TRO § 70.140-G.3** Empowers the Board of Adjustment to affirm, reverse, wholly or in part, or modify the decision being appealed by a vote of at least 3 members.

- **42 TRO § 70.140-G.4** Requires the Board of Adjustment to grant a presumption of correctness to the administrative official and places the burden of persuasion on the appellant to show that the official erred in taking the action being appealed.

- **42 TRO § 70.140-H** Requires that the Board of Adjustment affirm the official’s decision absent any finding that the official erred in taking the action being appealed.

- **42 TRO § 85.070-A** Requires written Notice, sent via USPS First Class Mail.
Zoning Notice of Violation

To Augusta Wadat
2370 E Admiral PL
Catoosa, OK 74015

Date: 9/28/2023
Compliance: 3/2/2023

Dear Property Owner and/or Occupant:

You are hereby notified of a zoning violation at

610 E Admiral

The violation is
1. Non-conforming Use

You must comply with the zoning regulations as they exist on the date of the violation notice. Failure to do so may result in the issuance of a citation and or civil penalties not exceeding $1,000.00 per day. Failure to comply may result in the issuance of a citation and or civil penalties not exceeding $1,000.00 per day.

Your property is of significant importance to the community. I urge you to make the necessary corrections to eliminate all violations so that future enforcement will be unnecessary.

Thank you,

[Signature]

City of Tulsa – Working in Neighborhoods

Seabreeze Development

Zoning Board of Appeals

City of Tulsa – City Clerk

To view the full Zoning Code, please visit www.tulsaplaying.org/resources/plans

3.34
Appeal “Argument” Responses

1-1 On November 5, 2019 the subject property had been in the corporate limits of the City of Tulsa for nearly 18 years. Obtaining a sign permit from Wagoner County does not satisfy the requirements of the City of Tulsa Zoning Code. Any sign permit should have been issued by the City of Tulsa.

1-2 Oklahoma Jury Instruction No. 3-1 is irrelevant, as this is not a court hearing. In Zoning Appeals, the appellant must show that the official erred in the decision being appealed.

II-1 No argument asserted. No response.
Appeal “Argument” Responses

- II-2 The document marked as “Wakat Exhibit 3” is a receipt from the City of Tulsa Permit Center for a permit to establish a medical marijuana dispensary. It is not a permit, as asserted by the appellant. The application was denied by the Permit Center because the use was prohibited in an AG District and the application has since expired. No permits have been issued at this property by the City of Tulsa since it’s incorporation into the City Limits.

- III Returning the property to the scope of the previously non-conforming use is not impossible, ridiculous or sublime.
Appeal “Argument” Responses

- III (continued) WIN is aware of the longstanding non-conformities that existed even prior to annexation into Tulsa.

  No violation would exist had Mr. Wakat (and/or the previous owner) maintained the property as it was in 2001 when annexed.

  February 20, 2023 (President’s Day) is not a City of Tulsa Holiday.

  Mr. Wakat and two separate attorneys representing him have been provided with the annexation ordinance.

  WIN is unaware of alleged fraud related to the abstract and did not view or amend the abstract in issuing the Notice.
Permit Search Results (All)

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<th>Per...</th>
<th>Permit Descript...</th>
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BLDC-061617-2020

Recent Workflow Activity

- Building Review (Commercial) v.2 (Receive Submittal)
  - Status: Requires Resubmit
  - Completed On: 05/29/2020
- Building Review (Commercial) v.3 (Receive Submittal)

Workflow Completion Summary

- Completed: 15%
- In Progress: 0%
- Not Started: 85%
# City of Tulsa Holidays

## City Holiday Schedule

### 2023 HOLIDAYS

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<th>Holiday Observed</th>
<th>Regular Refuse Recycling Service?</th>
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<td>Regular trash and recycling service</td>
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<tr>
<td>Monday, January 16</td>
<td>Martin Luther King, Jr. Day</td>
<td>Regular trash and recycling service</td>
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<tr>
<td>Friday, April 7</td>
<td>Good Friday</td>
<td>Regular trash and recycling service</td>
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<tr>
<td>Monday, May 30</td>
<td>Memorial Day</td>
<td>Regular trash and recycling service</td>
</tr>
</tbody>
</table>
Annexation Ordinance Provided

March 6, 2023

James L. Edgar, Esq.
7785 E. 29th 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. Watari related to our case file number 62999-2023. 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;
3. Ordinance 20244 which amended the subject property into the City of Tulsa (3 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

Martha appears to be an employee of Martin Lyons. I've attached the email correspondence between us, along with the aerial photos attaching the original correspondence and reference therein. As previously advised, I do not have any annexation process paperwork (you should be able to obtain any records related to the annexation through INCOG and/or the City Clerk's Office.

I don't have the authority to determine whether your property is lawfully annexed. My source tells me your property is lawfully and unquestionably within the City of Tulsa. Accordingly, the case can't be closed unless and until the property is brought into compliance, which is up an official action as soon as possible, then you can file an appeal if you disagree. The code states that the burden of proof is on the property owner to show at the appeal hearing that the other error of law was made, which could include your claim that the property was not lawfully annexed.

Re:
Conclusion

- The WIN Department submits that no error occurred in the issuance of the Zoning Notice of Violation on February 20, 2023.
- The Notice of Violation was issued lawfully pursuant to Section 85.070-A and only after all attempts to achieve voluntary compliance had been exhausted.
- The WIN Department respectfully requests the appeal be denied and the Notice issued on February 20, 2023 be upheld in its entirety.
Thank You
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 over 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 I 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 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 PT ON THE EAST LINE OF THE W 10.14 AC OF SAID L-1 -S 01 DEG 32'28" E A DIST OF 385.6' TO PT ON THE S LINE OF L-1 - N 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

Violations:

<table>
<thead>
<tr>
<th>Code Section</th>
<th>Explanation of violation</th>
</tr>
</thead>
<tbody>
<tr>
<td>60.020-A</td>
<td>You must obtain a Sign Permit for signs installed on or after November 13, 2001, including but not limited to the dynamic display sign.</td>
</tr>
<tr>
<td>70.080-A; 80.040-B.2</td>
<td>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 also be approved through the Special Exception process.</td>
</tr>
<tr>
<td>80.040-F</td>
<td>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 into the City of Tulsa.</td>
</tr>
</tbody>
</table>

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.
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.
BUILDING PERMIT

I. LOCATION OF BUILDING

STREET ADDRESS
20380 Euroma

CITY
Choctaw

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

RESIDENTIAL
☐ One family dwelling
☐ Garage
☐ Carport
☐ Other

NON-RESIDENTIAL
☐ Church
☐ Stores, mercantile
☐ Other

D. COST

a. Electrical
b. Plumbing
c. Mechanical

TOTAL COST
$5,000

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

I. TYPE OF MECHANICAL

Will there be central air cond.?
☐ Yes
☐ No

J. DIMENSIONS

☐ 4' x 8' x 18'

K. NUMBER OF OFF STREET PARKING

Enclosed

L. RESIDENTIAL ONLY

Number of bedrooms
Number of bathrooms
Full
Partial

III. IDENTIFICATION

OWNER
DE Bopp

MAILING ADDRESS
P.O. Box 187

ZIP
76658

TELEPHONE

BUILDER

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

Signature of Applicant

Address

Application Date
11/19

DO NOT WRITE IN THIS SPACE

FOR OFFICIAL USE

Approve

Parter

Date permit issued
11/5/19

On

Permit No. 101979

EXHIBIT

WAKAT-1

3.53
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 ¼ 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 its 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

Z:\Docs\CLIENTS\MISCTOP\WWat August Tract in 4-19-15 WagCo TOP.doc
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
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@poebovssalvage.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.

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 a 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. REPSCHLAEGER, JR., President of the Board of Trustees of the Town of Fair Oaks, Oklahoma

ATTEST:

Angeline A. Carlin
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. RePscHlaEGER, Jr., as President of the Board of Trustees of the Town of Fair Oaks, Oklahoma

Angeline A. Carlin
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.); S½ NE¼; E½ SE¼; N½ SE¼ NW¼;
SE¼ SE¼ NW¼; NE¼ NE¼ SW¼ less and except the following described
tracts, to-wit:

a. The East 50 feet of Sec. 27 and
b. The West 50 feet of the North 50 feet of NW¼ SE¼

c. The South

The NE¼ NW¼; S½ SE¼ NW¼; SW¼, lying North of the Northerly Right
of way of Oklahoma State Highway 33; SW¼ SE¼ lying North of
the Northerly Right of way of Oklahoma State Highway 33;
SE¼ NW¼ SE¼; SE¼ SE¼; NE¼ SE¼; NE¼ NW¼; and the NW¼
NE¼; and the South 580 feet of the N½ SE¼ NW¼; and that part
of the S½ NE¼ NW¼ and the North 80 feet of the N½ SE¼ NW¼;
lying South and East of the following described line: beginning
at a point on the East boundary of the said S½ NE¼ NW¼, a dis-
tance 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 N½ SE¼ NW¼; and that part of
the S½ NE¼ NW¼ and the North 80 feet of the S½ SE¼ NW¼; 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 N½ SE¼ NW¼, thence Northwesterly to a point 50 feet
East and 50 feet South of the Northeast corner of the S½ NW¼ NW¼,
thence West to a point 50 feet South of the Northwest corner of
the S½ NE¼ NW¼, and on the West boundary of said tract.

Less and except the following described tracts or parcels,
to-wit:

The NW¼ NW¼; S½ NE¼ NW¼; SW¼, lying North of the Northerly Right
of way of Oklahoma State Highway 33; NW¼ SW¼ SE¼, lying North of
the Northerly Right of way of Oklahoma State Highway 33;
E½ SE¼ NW¼; SE¼ SE¼; NE¼ SE¼; NE¼ NW¼; and the NW¼
NE¼; and the South 580 feet of the N½ SE¼ NW¼; and that part
of the S½ NE¼ NW¼ and the North 80 feet of the N½ SE¼ NW¼;
lying South and East of the following described line: beginning
at a point on the East boundary of the said S½ NE¼ NW¼, a dis-
tance 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 N½ SE¼ NW¼; and that part of
the S½ NE¼ NW¼ and the North 80 feet of the S½ SE¼ NW¼; 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 N½ SE¼ NW¼, thence Northwesterly to a point 50 feet
East and 50 feet South of the Northeast corner of the S½ NW¼ NW¼,
thence West to a point 50 feet South of the Northwest corner of
the S½ NE¼ NW¼, and on the West boundary of said tract.

Less and except the following described tracts or parcels,
to-wit:

Section 33
The NW¼ of Sec. 33; S½ NW¼; S½ NE¼ SW¼; NW¼ SW¼ (Road easement of A.
B. Gates); NW¼ SE¼; SW¼ SE¼; less and except the following described
tracts, to-wit:

The NW¼ NW¼; S½ NE¼ NW¼; SW¼, lying North of the Northerly Right
of way of Oklahoma State Highway 33; NW¼ SW¼ SE¼, lying North of
the Northerly Right of way of Oklahoma State Highway 33;
E½ SE¼ NW¼; SE¼ SE¼; NE¼ SE¼; NE¼ NW¼; and the NW¼
NE¼; and the South 580 feet of the N½ SE¼ NW¼; and that part
of the S½ NE¼ NW¼ and the North 80 feet of the N½ SE¼ NW¼;
lying South and East of the following described line: beginning
at a point on the East boundary of the said S½ NE¼ NW¼, a dis-
tance 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 N½ SE¼ NW¼; and that part of
the S½ NE¼ NW¼ and the North 80 feet of the S½ SE¼ NW¼; 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 N½ SE¼ NW¼, thence Northwesterly to a point 50 feet
East and 50 feet South of the Northeast corner of the S½ NW¼ NW¼,
thence West to a point 50 feet South of the Northwest corner of
the S½ NE¼ NW¼, and on the West boundary of said tract.

Less and except the following described tracts or parcels,
to-wit:
Section 33 continued

a. The North 50 feet of Sec. 33 and
   the S\% NE\% SW\% and
   West 50 feet of the SW\% NW\% SE\%
   East 50 feet of the SE\% NW\% SW\%

b. The South NE\% SE\% and
   East 50 feet of the NW\% SE\%
   West 50 feet of the SE\% NW\% and
   East 50 feet of the SW\% NW\% and

c. The East 50 feet of the NE\% NW\% SW\% and
   SW\% SE\% and
   West 50 feet of the NW\% NW\% SE\% and
   South 50 feet of the SW\% NE\%

Section 34

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

a. The North 50 feet of the NW\%, and the North 50 feet of the
   NW\% NE\%, and the North 50 feet of the West 50 feet of the
   NE\% NE\%, and

b. The East 50 feet of Section 34, and

c. The West 50 feet of the SW\% SW\% and

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

Section 1
The NE ¼ SW ¼; NW ¼ SE ¼; and the SE ¼ SE ¼; less and except the following described tracts, to-wit:
   a. The North 50 feet of the NE ¼ SW ¼, and
   b. The South 50 feet of the SE ¼ SE ¼.

Section 2
SN ¼ NE ¼; Lots 7 & 8 (SN ¼ NW ¼ NE ¼)
   SE ¼ SW ¼; NW ¼ SW ¼; and SE ¼
   less and except the following described tracts, to-wit:
   a. The North 50 feet of Lots 7 and 8 (SN ¼ NW ¼ NE ¼)
   b. The East 50 feet of the North 323 feet of Lot 8
   c. The East 50 feet of NW ¼ SW ¼
   d. The West 50 feet of Lot 7 (SN ¼ NW ¼ NE ¼)
   e. The South 50 feet of the SW ¼ SE ¼
   f. The East 50 feet of 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 ¼
   b. The North 50 feet of the NE ¼
   c. The South 50 feet of the SE ¼
   d. The East 50 feet of the SE ¼
   e. The West 50 feet of Lot 4

Section 4
All of Section 4, except the NW ¼ of Lot 1, (NW ¼ NE ¼ NE ¼), less and except the following described tracts, to-wit:
   a. The West 50 feet of the SW ¼
   b. The South 50 feet of Lot 4
   c. The East 50 feet of Lot 7, and
   d. The Northwest 50 feet of Lot 1, and

Section 5
Lot 1 and NW ¼ Lot 2 (NW ¼ NE ¼ NW ¼ NE ¼) less and except the South 50 feet thereof, and the West 50 feet of the E ¼ of Lot 2.

Section 7
The NW ¼ NE ¼; W ¼ NE ¼ NE ¼; SE ¼ NE ¼; less and except the following described tracts, to-wit:
   a. The West 50 feet of the NW ¼ NE ¼
   b. The East 50 feet of the NW ¼ NE ¼
Section 7 cont

b. The North 50 feet of the NW, NE, and
   " " " " " NE, NE, and
   " " " " " NE, SE, NE, and
   " " " " " East 50 feet of the SW, NE, NE, and
   " " " " " West 50 feet of the SW, NE, NE, and

Section 8

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

a. The North 50 feet of the NE, and
   " " " " " NE, NW, and
   " " " " " NE, SE, and
   " " " " " North 50 feet of the NE, SW, and

b. The West 50 feet of the NE, NW, and
   " " " " " SW, NE, and
   " " " " " South 50 feet of the NE, SW, and
   " " " " " East 50 feet of the SW, NE, and
   " " " " " West 50 feet of the SW, SE, and
   " " " " " South 50 feet of the SW, NE, and

Section 9

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

Section 10

NW, NE, (All of Sec. 10 except NE), less and except the following described tracts, to-wit:

a. The East 50 feet of the NW, and
   " " " " " SE, and
   " " " " " North 50 feet of the NE, SW,

b. The North 50 feet of the NW, and

Section 12

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

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

Section 14

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

a. The East 50 feet of the SW, and
b. The North 50 feet of the SW, and

Section 15

All of Sec. 15 except the E, SW, SE, and the SW, SW, SE, and less and except the following described tracts, to-wit:

a. The South 50 feet of the SE, SE, and
   " " " " " SE, NW, SE, and
   " " " " " SW, NW, SE, and
   " " " " " West 50 feet of the SW, NE, SE, and
   " " " " " East 50 feet of the SW, NW, SE,

b. The East 50 feet of the SW, SE, and
   " " " " " South 50 feet of the SW, NE, SE, and
   " " " " " West 50 feet of the SW, NW, SE,

Section 16

All of Section 16, no exceptions.

Section 17

The NW, NW, SE, NW, SE, E, NE, SW, NE, and the SW, NW, SW, NW, NE; and less and except the following described tracts, to-wit:

a. The West 50 feet of the NW, and
   " " " " " NW, NW, and
   " " " " " North 50 feet of the SW, NW, and
   " " " " " NE, NE, SE, NW, and

EXHIBIT "A"
Section 17 continued

a. The East 50 feet of the North 50 feet of the SE\textsubscript{4} NW\textsubscript{4} SE\textsubscript{4} NW\textsubscript{4} and
   • West
   • South 50 feet of the SW\textsubscript{4} NW\textsubscript{4} SE\textsubscript{4} NW\textsubscript{4} and
   • SE\textsubscript{4} and
   • NW\textsubscript{4} NW\textsubscript{4} SE\textsubscript{4} NW\textsubscript{4} and
   • NE\textsubscript{4} NE\textsubscript{4} and
   • NW\textsubscript{4} NW\textsubscript{4} SE\textsubscript{4} NW\textsubscript{4} and
   • North 50 feet of the SW\textsubscript{4} NW\textsubscript{4} SE\textsubscript{4} NW\textsubscript{4} and
   •

b. North
   • South
   • SW\textsubscript{4} NW\textsubscript{4} SE\textsubscript{4} NW\textsubscript{4} and
   • South
   • NW\textsubscript{4} SE\textsubscript{4} NW\textsubscript{4} and

Section 20

NE\textsubscript{4}; NW\textsubscript{4} SE\textsubscript{4}, less and except the following described tracts, to-wit:

a. The West 50 feet of the NE\textsubscript{4} and
   • NW\textsubscript{4} SE\textsubscript{4}

b. South
   • NW\textsubscript{4} SE\textsubscript{4}

Section 21

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

a. The West 50 feet of the SW\textsubscript{4} SW\textsubscript{4} and
   • South 50 feet of the NW\textsubscript{4} SW\textsubscript{4} and
   • East 50 feet of the SE\textsubscript{4} SE\textsubscript{4} SW\textsubscript{4}

b. North
   • NW\textsubscript{4} SE\textsubscript{4}
   • East 50 feet of the NE\textsubscript{4} NE\textsubscript{4} SW\textsubscript{4}

c. The South
   • SW\textsubscript{4} and
   • SW\textsubscript{4}

Section 22

NW\textsubscript{4}; SE\textsubscript{4}, less and except the following described tracts, to-wit:

a. The East 50 feet of the NW\textsubscript{4} and
   • W\textsubscript{4} SE\textsubscript{4}

b. North
   • NW\textsubscript{4} SE\textsubscript{4} and
   • East 50 feet of the NE\textsubscript{4} NE\textsubscript{4} SW\textsubscript{4}

c. The South
   • SW\textsubscript{4} and
   • SW\textsubscript{4}

Section 23

NW\textsubscript{4}, less and except the following described tracts, to-wit:

a. The East 50 feet of the NW\textsubscript{4}

b. South

c. West

Section 24

All of Sec. 24 except the NW\textsubscript{4} SW\textsubscript{4}, and less and except the following described tracts, to-wit:

a. The East 50 feet of the NE\textsubscript{4} NE\textsubscript{4} and
   • North 50 feet of the SE\textsubscript{4} NE\textsubscript{4} and
   • SE\textsubscript{4} and
   • South 50 feet SE\textsubscript{4} NE\textsubscript{4}

b. South
   • SE\textsubscript{4} SE\textsubscript{4} and
   • East 50 feet of the SW\textsubscript{4} SE\textsubscript{4} and
   • SW\textsubscript{4} and
   • West 50 feet of the SW\textsubscript{4} SE\textsubscript{4} and
   • SW\textsubscript{4} NW\textsubscript{4} and
   • East 50 feet of the SE\textsubscript{4} NW\textsubscript{4}

c. West
   • NW\textsubscript{4} and
   • NW\textsubscript{4} SW\textsubscript{4} and
   • SW\textsubscript{4} SW\textsubscript{4} and
   • North 50 feet of the SE\textsubscript{4} SW\textsubscript{4}

d. North
   • SW\textsubscript{4} SW\textsubscript{4}

Section 25

NW\textsubscript{4}; SE\textsubscript{4}, less and except the following described tracts, to-wit:

a. The East 50 feet of the W\textsubscript{4} NE\textsubscript{4} and
   • SE\textsubscript{4} and
   • North 90 feet of the NW\textsubscript{4} SE\textsubscript{4}, and

b. The West
   • SE\textsubscript{4} and
Section 4
The NE\textsubscript{4} of Sec 4, less and except the following described tracts, to-wit:
\begin{enumerate}
\item The East 50 feet of the NE\textsubscript{4}
\item South
\item West
\end{enumerate}

Township 19 North, Range 16 East
Wagoner County, Oklahoma

Section 5
The SW\textsubscript{4}, less and except the following described tracts, to-wit:
\begin{enumerate}
\item The North 50 feet of the SW\textsubscript{4}, and
\item The East 50 feet of the SW\textsubscript{4}, and
\item West
\item the SE\textsubscript{4} NW\textsubscript{4}, and
\item West
\item North 50 feet of the SW\textsubscript{4} SW\textsubscript{4}.
\end{enumerate}

Section 6
Lot 5; Lot 6; the SE\textsubscript{4} NW\textsubscript{4}; the SW\textsubscript{4} and the SE\textsubscript{4} SE\textsubscript{4}; less and except the following tracts, to-wit:
\begin{enumerate}
\item The North 50 feet of Lot 5, and
\item The East 50 feet of Lot 6, and
\item South
\item West
\item the SE\textsubscript{4} NW\textsubscript{4}, and
\item West
\item Lot 5, and
\item the SW\textsubscript{4} NW\textsubscript{4}, and
\item South
\item West
\item the SE\textsubscript{4} SW\textsubscript{4}, and
\item East
\item the SE\textsubscript{4} SE\textsubscript{4}.
\end{enumerate}

Section 7
The NW\textsubscript{4}, less and except the following described tracts, to-wit:
\begin{enumerate}
\item The South 50 feet of the NW\textsubscript{4}, and
\item The West 50 feet of the NW\textsubscript{4}, and
\item The East 50 feet of the NE\textsubscript{4}
\end{enumerate}
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
23610 E Admiral Pl

Aerial Photo Date: 2001

Note: Graphic overlays may not precisely align with physical features on the ground.
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. 20024**

Approved By
City Council On
NOV 08, 2001
ORDINANCE NO. 2001-41

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 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

APPROVED by the Mayor of the City of Tulsa, Oklahoma: ________________________

Date

3.83
ATTESTED:

Mike O'Keeffe
City Clerk

APPROVED:

[Signature]
Sr. Asst. 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 ½ NE ¼ NW ¼ and
b. The N ½ 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 ½, 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

EXHIBIT
3

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

3.89
Exhibits received from interested parties
2. **Mailed Notice**
   When an appeal affects a specific property, notice must be mailed to the owner of the subject property and all owners of property within 300 feet of the subject property at least 10 days before the scheduled public hearing.

**70.140-G Hearing and Final Decision**

1. The board of adjustment must hold a public hearing on the appeal.

2. Following the close of the public hearing, the board of adjustment must make its findings and take action on the appeal.

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

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

**70.140-H Review Criteria**

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

**70.140-I Appeals**

Board of adjustment decisions may be appealed to District Court in accordance with 75.010-K.
Hi Austin,

Per your discussion this morning with Mr. Robson, here are the Po Boy Salvage Yard pics. This is the first of five emails coming your way. Let me know if you have any questions.

Sincerely,

Bridget Herring
The Robson Companies, Inc.
Executive Assistant for Joe Robson
Main (918) 357-2787
Direct (918) 357-4405
Fax (918) 357-1469
b.herring@forestridge.com
**Case Number:** BOA-23518  
**Hearing Date:** 04/25/2023 1:00 PM

**Case Report Prepared by:**  
Austin Chapman

**Owner and Applicant Information:**  
**Applicant:** Christian Vaughn  
**Property Owner:** Same as applicant.

**Action Requested:** Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Variance to allow a Detached Accessory Building/Dwelling Unit to exceed one story or 18-feet in height and to exceed 10-feet in height to the top of the top plate in the rear setback (Section 90.090-C2); Variance to reduce the required 50% open space for a non-conforming lot (Sec. 80.020-B); Variance to permit more than 30% coverage of the rear setback by a Detached Accessory Buildings/Dwelling Units (Sec.90.090-C, Table 90-2):

**Location Map:**

**Location** 1508 E. 20 St. S.  
**Present Zoning:** RS-3

**Additional Information:**  
**Present Use:** Single-family residential  
**Tract Size:** 0.14 acres  
**Present Zoning:** RS-3
19-13 07

BOA-23518

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

Aerial Photo Date: 2020/2021
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9307                    Case Number: BOA-23518
CD: 4

HEARING DATE: 04/25/2023 1:00 PM

APPLICANT: Christian Vaughn

ACTION REQUESTED: Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Variance to allow a Detached Accessory Building/ Dwelling Unit to exceed one story or 18-feet in height and to exceed 10-feet in height to the top of the top plate in the rear setback (Section 90.090-C2); Variance to reduce the required 50% open space for a non-conforming lot (Sec. 80.020-B); Variance to permit more than 30% coverage of the rear setback by Detached Accessory Buildings/Dwelling Units (Sec.90.090-C, Table 90-2)

LOCATION: 1508 E 20 ST S  ZONED: RS-3

PRESENT USE: Single-family residential  TRACT SIZE: 6098.42 SQ FT

LEGAL DESCRIPTION: LT-2, BURNS SUB L5-6 B28 PARK PLACE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:

Surrounding properties:

BOA-23104; On 04.13.21 the Board approved a Special Exception to permit an Accessory Dwelling Unit and to permit the alteration, expansion, or enlargement of a non-conforming structure. Property located 1504 E. 20th St. S.

Subject Property:

Administrative Adjustment: Applicant is requesting to reduce the required side setback in the RS-3 zoning district from 5 feet to 4-feet and 2-inches. This request can be approved at the staff level and will be approved concurrently with the Special Exception/ Variance requests.

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. Many houses in the Swan Lake and surrounding area were built over 100 years ago, and platted before the current zoning code. The surrounding properties in the neighborhood have felt the hardships of the sizes of houses and amenities such as bedroom, closet, and garage sizes and have worked with the BOA to prove this hardship and expanded their homes to bring to modern living standards.

2. The modern standards of the zoning code were enacted after the subject property was platted and built in 1921. The size of houses, closets, and garages were largely different. We have worked with the Historical Preservation committee to ensure these updates were done with the idea of keeping the historical nature of the property and were issued a permit.

3. The subject property has a one story, single car garage that was not built for modern standards (Dimensions in site plan). Currently there is a full bathroom and HVAC split unit in the second half of the single-story garage. To ensure cars can get into the garage and maintain use of this living space, it makes sense to exceed one story.

4. The subject property was built and platted in 1921 before modern zoning standards, well before I acquired the property in October 2019.

5. We have worked with the BOA to ensure these variances are the minimum needed to afford relief by exceeding one story and building into open space.

6. Both houses surrounding the property on the East and West are two stories and have two story ADU’s. The variances granted would not cause any differences from the character of the neighborhood. We worked with the Historical Preservation committee and were granted a permit to ensure we don’t alter the character of the neighborhood.

7. The modern standards of the zoning code were enacted after the subject property was platted and built in 1921. In working to modernize the house and bring it up to par with others in the neighborhood, it will bring value to the neighborhood and public good of Tulsa.

**STAFF ANALYSIS:** The applicant is requesting a Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Variance to allow a Detached Accessory Building/Dwelling Unit to exceed one story or 18-feet in height and to exceed 10-feet in height to the top of the top plate in the rear setback (Section 90.090-C2); Variance to reduce the required 50% open space for a non-conforming lot (Sec. 80.020-B); Variance to permit more than 30% coverage of the rear setback by Detached Accessory Buildings/Dwelling Units (Sec.90.090-C, Table 90-2):

A copy of Sec. 45.031 and Sec. 45.030 of the zoning code is included in your packet.

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

**Table 90-2: Accessory Building, Including Accessory Dwelling Units, Coverage Limits in Rear Setback**

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum Coverage of Rear Setback</th>
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<tr>
<td>RS-1 and RE Districts</td>
<td>20%</td>
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<tr>
<td>RS-2 District</td>
<td>25%</td>
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<td>RS-3, RS-4, RS-5 and RD Districts</td>
<td>30%</td>
</tr>
<tr>
<td>RM zoned Lots Used for Detached Houses or Duplexes</td>
<td>30%</td>
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*(1) The building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate* and *(2) Building coverage in the rear setback does not exceed the maximum limits established in Table 90-2*
Proposed Height: Two Stories, 21-feet 5-inches to ridge, 17-feet 5-inches to 2nd floor top plate.

Proposed Rear yard Coverage: +/-393 sf

Proposed Open Space: 3,187 sf

Allowed Height: One story, 18-feet to ridge and 10-feet to plate.

Allowed rear setback coverage: 300 sf

Required Open Space: 3,050 sf

Facts staff finds favorable for variance request:
- Though the detached garage does not require a Historic Preservation Permit the addition to the residence have received a Historic Preservation permit.
- Property is non-conforming both with regard to the 60-foot lot width and 6,900 sf lot area required in the RS-3 District.

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

SAMPLE MOTION:

Special Exception:

Move to _________ (approve/deny) a Special Exception to allow an Accessory Dwelling Unit in the RS-43 District (45.031-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.

Variances:

Move to _________ (approve/deny) a Variance to allow a Detached Accessory Building/ Dwelling Unit to exceed one story or 18-feet in height and to exceed 10-feet in height to the top of the top plate in the rear setback (Section 90.090-C2); Variance to reduce the required 50% open space for a non-conforming lot (Sec. 80.020-B); Variance to permit more than 30% coverage of the rear setback by Detached Accessory Buildings/Dwelling Units (Sec.90.090-C, Table 90-2):

- Finding the hardship(s) to be______________________________________.
- Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.
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
70.070-A Applicability Within any HP zoning district, an HP permit must be obtained in accordance with the procedures of this section before any work is performed on or changes are made to any existing building, structure or lot unless expressly exempted under §70.070-B. Examples of changes and work that require an HP permit include the erection, construction, reconstruction, renovation, alteration, painting, removal, or demolition of a building, structure, or lot, regardless of whether or not a building permit is required.

Review Comment: This property is located in the Swan Lake History Preservation district. Contact INCOG regarding an HP permit for the carport, since it is visible from the street. Provide that HP permit once obtained, along with the rest of the revisions required.
R106.2 Site plan or plot plan- Amendatory: The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site; distances between structures and lot lines; property boundaries; distance to center of street(s); established grades and proposed finished grades; easements; rights-of-way; utilities; and as applicable, flood hazard areas and limits, floodways, design flood elevations and finished floor elevations; in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration, repair, or demolition or where otherwise warranted.

Review Comment: Several things need clarified or revised on the site plan.
1) The location of the retaining wall needs to be revised on the site plan to show that no part of the wall, including the footing, will cross the property line. Site plan should clearly show that the wall and footing will remain on the property.
2) Clarify the overall height of the fence. It's shown to be a 3' tall retaining wall with a 6' tall stockade fence. What is the height from the top of the fence to grade below on your side of the property?
3) Plan shows an addition to an AUD, do you mean an accessory dwelling unit (ADU)? Revise the plans to show the height to the peak of this building's roof as well as the height of the side wall, to the top of the top plate.

Please revise the site plan to clarify these issues. Additional deficiencies may be found which will need to be addressed prior to issuing a permit.
5.030-A Table of Regulations. The lot and building regulations of Table 5-3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90. Regulations governing accessory uses and structures can be found in Chapter 45.

Review Comments: A 5’ side setback is required, regardless of the location of any existing structures. The house addition is only shown to be 4’ 2” from the side property line. You may increase the setback to 5 feet from the property line, or pursue an administrative adjustment from INCOG to reduce the side setback in an RS-3 zoning district by up to 20% (1 foot).

90.090-C Permitted Setback Obstructions in R Zoning Districts. Setbacks in R zoning districts must be unobstructed and unoccupied from the ground to the sky except as indicated in Table 90-1.

Review Comment: Table 90-1, Footnote [2], allows carports to be located as little as 3’ away from side property lines. Please revise the carport so that it is set back at least 3’ from the side property line.
80.020-B Nonconforming Lots in Residential Zoning Districts. In residential zoning districts, a single detached house may be erected on a nonconforming lot without complying with the minimum lot area, minimum lot area per unit, minimum lot width, minimum street frontage or minimum open space per unit requirements of the subject zoning district, provided that at least 50% of the lot area remains as open space. All other lot and building regulations apply, except that detached houses may be erected on corner lots that are nonconforming with regard to lot width, subject to a reduced minimum street side building setback of 5 feet. Garages that are accessed through a side yard abutting a street must be set back at least 20 feet.

Review Comments: This lot is considered an existing nonconforming lot. The lot area is 6,100 square feet; this means 3,050 square feet must remain as open space. Per Section 90.080-B, the driveway does not count as open space. You are proposing less than 50% of the lot to be open space since the areas of the driveway and all buildings and structures cover more than 3,050 square feet of area. Please revise plans to indicate that 3,050 square feet of this lot will remain as open space.

90.090-C.2.a. Detached accessory buildings, including Accessory Dwelling Units, may be located in rear setbacks provided that (2) Building coverage in the rear setback does not exceed the maximum limits established in Table 90-2.

Review Comment: RS-3 lots have a 20’ rear setback, and this lot is 50’ wide, therefore the rear setback area is 1,000 square feet. In RS-3 districts, only 30% of the rear setback area may be covered per Table 90-2. This permit cannot be approved as applied for since it appears the existing accessory structures exceed 30% coverage already.
**Foundation Notes:**

- **Foundation Footings:** Footings are to be designed by a certified professional or to code as applicable state and local codes.
- **Soil Test:** It is recommended to perform a soil test of the site for adequate foundation design.
- **Footings:** Footings are to be cast-in-place, with 6" deep forms and at least 4" of concrete mix.
- **Expanded Polystyrene (EPS) Blocks:** These blocks are to be used for insulation.
- **Concrete Strength:** Use 4,000 psi concrete for all slabs.
- **Anchoring:** Use 9" deep base anchor bolts (bolts to be provided by contractor).
- **Expansion Anchorages:** Use Simpson SE0904-24 anchors or Simpson approved equal.
- **Infiltration:** All openings in the exterior walls are to be sealed.
- **Termite Protection:** Provide termite protection according to IRC Section R502.1.

**Foundation Plan**

- **Dimensions:** 1:4 in = 1 ft

**Existing Crawlspace Foundation**

- **New Crawlspaces**

**Existing Foundation**

- **Type of Concrete:** 4,000 psi concrete for all slabs.
- **Concrete Mix:** Use ASTM A 416 Grade C or equivalent.
- **Reinforcement:** Use deformed reinforcing bars unless noted otherwise.

**Foundation Details:**

- **Joists:** Use 2x12 joists with batt insulation.
- **Decking:** Use 3/4" Advantech decking.
- **Blocking:** Use 2x12 blocking.
- **Siding:** Use 7/16" Zip board.
- **Seal and Poly:** Use seal and poly around the foundation.
- **4" Stem Wall:** Use 4" stem wall with 9" deep base anchor bolts.
- **Class 1 Vapor Retarder:** Use Class 1 vapor retarder.
- **Concrete:** Use 4,000 psi concrete for all slabs.
- **Anchoring:** Use 9" deep base anchor bolts (bolts to be provided by contractor).
- **Expansion Anchorages:** Use Simpson SE0904-24 anchors or Simpson approved equal.
- **Infiltration:** All openings in the exterior walls are to be sealed.
- **Termite Protection:** Provide termite protection according to IRC Section R502.1.
PERSPECTIVE VIEW
N/S

ROOF NOTES:
ALL ROOF FRAMING 24" O.C.
ALL OVERHANGS 18".
USE TPO FOR LOW PITCHED ROOF PLANES
INSTALL POLYISOXYANATE FOAM TYPE INSULATION AT
FLOOR AND PLATE LINES, OPENINGS IN PLATES, CORNER STUD
CAVITIES AND AROUND DOOR AND WINDOW ROUGH OPENING
CAVITIES.
ATTIC VENTILATION AS REQUIRED ABOVE HOUSE.
MIN. SNOW LOAD 30 LBS PER SQUARE FOOT.
WALL HEADERS: (2) 2 X 10 DF 2 TYP. UNO

= NEW ROOF AREA

Roof Plan View
1/4 in = 1 ft

Area:
**Case Report Prepared by:**
Austin Chapman

**Owner and Applicant Information:**
Applicant: Grady Whitaker
Property Owner: D & B Holdings

**Action Requested:** Variance to reduce the required 75-foot setback in the IM zoning district from abutting AG Zoning Districts (Sec. 15.020, Table 15-2)

**Location Map:**

**Additional Information:**
Present Use: Industrial- Metal Processing
Tract Size: +/- 111,320 square feet
Location: 19504 E. 6th St.
Present Zoning: IM
BOA-23519
Wagoner
19-15 06

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

Aerial Photo Date: 2020/2021

0 200 400 Feet

Subject Tract

5.3
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9506
CD: 6

HEARING DATE: 04/25/2023 1:00 PM

APPLICANT: Grady Whitaker

ACTION REQUESTED: Variance to reduce the required 75-foot setback in the IM zoning district from abutting AG Zoning Districts (Sec. 15.020, Table 15-2)

LOCATION: 19504 E. 6th St. ZONED: IM

PRESENT USE: Industrial- Metal Processing TRACT SIZE: +/- 111,320 square feet

LEGAL DESCRIPTION: The West 253.25 Feet of Lot thirteen (13) Port Area Industrial Park a subdivision of Part of Lot Ten (10) and part of the northeast quarter of the southwest quarter (NE/4 SW/4) of Section Six (6) Township Nineteen (19) North, Range Fifteen (15) East of the Indian Meridian, Wagoner County, State of Oklahoma, according to the recorded plat thereof.

RELEVANT PREVIOUS ACTIONS:

Subject property:
Z-7691; On 03.08.23 the Tulsa City Council approved a rezoning from AG to IM on the subject property. IM zoning is in effect 04.25.23.

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.
STATEMENT OF HARDSHIP:

Current property is existing non-conforming industrial use which appears to have been developed / constructed, by previous Owner(s), prior to annexation by the City of Tulsa. Adjacent property to east and surrounding neighbors are all industrial type use. Application to rezone property to Industrial zoning to align with current use and to allow for expansion of current facilities submitted to Planning Commission (TMAPC). Current requirement of 75’ set back from AG District would render current property practically useless.

STAFF ANALYSIS: The applicant is requesting a Variance to reduce the required 75-foot setback in the IM zoning district from abutting AG Zoning Districts (Sec. 15.020, Table 15-2)

<table>
<thead>
<tr>
<th>Regulations</th>
<th>OL</th>
<th>OM</th>
<th>OMH</th>
<th>OH</th>
<th>CS</th>
<th>CG</th>
<th>CH</th>
<th>CBD</th>
<th>IL</th>
<th>IM</th>
<th>IH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area (sq. ft.)</td>
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<tr>
<td>Minimum Street Frontage (feet)</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
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</tr>
<tr>
<td>Maximum Floor Area Ratio (FAR)</td>
<td>0.40</td>
<td>0.50</td>
<td>2.00</td>
<td>8.00</td>
<td>0.50</td>
<td>0.75</td>
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<td></td>
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<tr>
<td>Building Setbacks (feet)</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td></td>
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</tbody>
</table>

Facts staff finds favorable for variance request:
- Staff is agreement that the current setback requirement limit development on the site and the use of the abutting AG property to the East and West is for Industrial purposes.

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

SAMPLE MOTION: Move to _________ (approve/deny) a Variance to reduce the required 75-foot setback in the IM zoning district from abutting AG Zoning Districts (Sec. 15.020, Table 15-2):

- 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;

5.6
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.”
<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: Tyler Choate</td>
</tr>
<tr>
<td></td>
<td>Property Owner: Quality Homes LLC</td>
</tr>
</tbody>
</table>

**Action Requested:** Special Exception to permit duplexes in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5). Request is to allow up to 6 duplexes.

**Location Map:**

![Location Map](image)

<table>
<thead>
<tr>
<th>Additional Information:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Present Use: Vacant</td>
</tr>
<tr>
<td>Tract Size: 1.81 acres</td>
</tr>
<tr>
<td>Location: 6 lots located on E. 81st Pl. S. South and East of S. Evanston Ave.</td>
</tr>
<tr>
<td>Present Zoning: RS-3</td>
</tr>
</tbody>
</table>
BOA-23521

18-13 17

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

Aerial Photo Date: 2020/2021
BOARD OF ADJUSTMENT
CASE REPORT

STR: 8317
CD: 2

HEARING DATE: 04/25/2023 1:00 PM

APPLICANT: Tyler Choate

ACTION REQUESTED: Special Exception to permit duplexes in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5). Request is to allow up to 6 duplexes.

LOCATION: 6 lots located on E. 81st Pl. S., South and East of S. Evanston Ave. ZONED: RS-3

PRESENT USE: Vacant TRACT SIZE: 78883.13 SQ FT

LEGAL DESCRIPTION: LT 6-11 BLK 2, SOUTHWOOD TERRACE RESUB PRT ORU HGTS 3RD CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-10823; On 12.13.79 the Board approved a Special Exception to permit duplexes in the entirety of the Southwood Terrace Addition. The currently vacant properties in the subdivision were never built on and the exception expired on the 6 lots that are a subject of this case.

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

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 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 Special Exception to permit duplexes in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5) to allow a single duplex on the 6 remainign vacant lot of the Southwood Terrace Addition. Duplexes are defined as follows.
SAMPLE MOTION: Move to _______ (approve/deny) a Special Exception to permit duplexes in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5)

- 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 lots on North side of E. 81st Pl.

Subject lots on South side of E. 81st Pl.
All setbacks will be met as required.

We want to add duplexes on each of the 6 lots.

- 25’ Min.
- 20’ Min.
- 62’ 5”
- 59’ 4”
Traditional Floor Plan – Main Floor Plan #430–315
We want to add duplexes on each of the 6 lots.