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: planning@cityoftulsa.org
Mail or In Person: City of Tulsa BOA, 175 E. 2nd St., Suite 480 Tulsa 74103

UNFINISHED BUSINESS

1. 23548 – Joseph I Hull, IV
   **Action Requested:** Variance to increase the permitted size of Temporary Mobile Storage Units on a non-residential lot (Sec. 50.030-F.2.C)
   **Location:** 35 E. 18th St. (CD 4)

2. 23550 – Cyntergy/ Linda Waytula
   **Action Requested:** Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.2)
   **Location:** NE/c of S. Braden Ave. and E. 51st Street S. (CD 5)

3. 23560 – Ignacio Becerra
   **Action Requested:** Special Exception to permit a carport in the street setback and yard with modifications to the allowable height, width, and setback requirements (Sec. 90.090-C1)
   **Location:** 6747 E Independence Pl. N. (CD 3)

NEW APPLICATIONS

4. 23564 – Pat White
   **Action Requested:** Special Exception to extend an exterior building wall with a non-conforming setback (Sec. 80.030-D).
   **Location:** 3732 S. Utica Ave (CD 9)
5. **23565 – Ryan Strode**  
   **Action Requested:** Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6); Variance to allow a Detached Accessory Building 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).  
   **Location:** 1619 S. Gary Ave E (CD 4)

6. **23566 – Tom Neal**  
   **Action Requested:** 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); Special Exception to allow an Accessory Dwelling Unit in an RS-2 District (45.031-D)  
   **Location:** 2142 E. 25th Pl. (CD 4)

7. **23567 – Walter Moore, Image Builders**  
   **Action Requested:** Special Exception to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c); Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)  
   **Location:** 1789 W. Seminole St. N. (CD 1)

8. **23568 – City of Tulsa**  
   **Action Requested:** Variance to permit a wall and parking spaces inside the Right-of-Way (Sec. 90.090-A)  
   **Location:** 440 S. Houston Ave. (CD 4)

9. **23569 – Mark Capron**  
   **Action Requested:** Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.2)  
   **Location:** SE/c of 21st St. S. and S. Vandalia (CD 4)

10. **23570 – Joel Collins**  
    **Action Requested:** Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A,)  
    **Location:** 1616 S Florence Ave. (CD 4)
OTHER BUSINESS

11. BOA-23562- Lou Reynolds
   Action Requested: Reconsideration of a Special Exception to permit a Freestanding Monopole Communications Tower in the AG District (Sec. 25.020-, Table 25-2) and to reduce the required setback of the Tower from an adjoining AG zoned lot (Sec. 40.420-E.6.a) Location: 11211 S. Yale Ave. (CD 8)

12. BOA-23537- Lou Reynolds
   Action Requested: Reconsideration of a Special Exception to permit a Library in the RS-3 District (Table 5.020, Table 5-2, Table 5-2.5); and a Variance to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3) Location: 1110 E. 45th Pl. S. (CD 9)

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

Website: tulsaplanning.org E-mail: planning@cityoftulsa.org
CD = Council District

NOTE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify Tulsa Planning Office at 918-596-7526. 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 Tulsa City Hall. All electronic devices must be silenced.
Case Number: BOA-23548

Hearing Date: 09/12/2023 (Cont. from 08/22/23)

Case Report Prepared by:
Austin Chapman

Owner and Applicant Information:
Applicant: Joseph L. Hull IV
Property Owner: Boston Avenue Realty LLC

Action Requested: Variance to increase the permitted size of Temporary Mobile Storage Units on a non-residential lot (Sec. 50.030-F.2.C)

Location Map:

Additional Information:
Present Use: Parking Lot
Tract Size: 0.15 acres
Location: 35 E. 18 St. S.
Present Zoning: CH
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9212
CD: 4
HEARING DATE: 09/12/2023 (Cont. from 08/22/23)

APPLICANT: Joseph L. Hull IV

ACTION REQUESTED: Variance to increase the permitted size of Temporary Mobile Storage Units on a non-residential lot (Sec. 50.030-F.2.C)

LOCATION: 35 E 18 ST S
ZONED: CH

PRESENT USE: Parking Lot
TRACT SIZE: 6499.18 SQ FT

LEGAL DESCRIPTION: LT 7 BK 2, STUTSMAN ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a “Multiple Use” Land Use designation.

Multiple Use areas are “Mostly Commercial or Retail Uses” which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

STATEMENT OF HARDSHIP:
Applicant has provided a separate exhibit included in your packet describing their hardship.

STAFF ANALYSIS: The applicant is requesting a Variance to increase the permitted size of Temporary Mobile Storage Units on a non-residential lot (Sec. 50.030-F.2.C):

Temporary mobile storage units may not exceed 20 feet in length, 8 feet in width, and 8.5 feet in height. See Figure 50-2.

Figure 50-2: Maximum Mobile Storage Unit Size in Nonresidential Districts
The applicant is requesting permission to allow 2 storage units that are both 8-feet wide and 40-feet long.

Facts staff finds favorable for variance request:
- None.

Facts Staff find unfavorable for the variance request:
- The property would be allowed 3 storage units at a size of 20-feet x 8-feet by right. The applicant has not provided reasons why that would not be adequate toward the needs of the property owner.

**SAMPLE MOTION:** Move to _________ (approve/deny) a Variance to increase the permitted size of Temporary Mobile Storage Units on a non-residential lot (Sec. 50.030-F.2.C)

- 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."
HARDSHIPS

In Feb 2022, the largest unit within the shopping center (1738 S Boston Ave) was destroyed in a fire. Proposed variance will allow for the efficient construction process that will significantly expand the shopping center’s gross area leading to substantial increases in annual gross taxable revenues. The expansion of the gross area is a requirement for the feasibility of the project due to the current market and cost of construction conditions.

The adjacent shopping center will be undergoing a $5.9MM re-development beginning in July 2023, with material procurement beginning immediately requiring storage. Applicant is the owner of the surrounding and adjacent shopping center properties at 1734, 1738, 1740, 1742 S Boston, 1735-1739 S Baltimore, and 39 E 18th, and as such has no objection to the variance(s) sought.

In January 2023 applicant/owner/developer demolished the derelict improvements atop the subject real estate at 35 E 18th St., with the purpose that the lot be used as a construction staging and storage site, in preparation for adjacent shopping center re-development project.

The proposed variance(s) in 50.030-f.2c (a-g) will allow for the temporary use of 35 E 18th for construction staging and storage during the 9-14 month construction period. The primary purpose of the proposed variances sought by applicant would to allow for the temporary use of (2) 40’ shipping containers, to be situated at the NE corner of 6,500 SF asphalt parking lot at 35 East 18th Street. The 40’ containers will be occupied within footprint left by the former 35 E
18th building, at the North and East perimeter walls. Approval of the proposed variance will help applicant surmount practical difficulties related to the volume and size requirements of the construction materials that will need to be stored in close proximity to the construction site.

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

The physical surroundings of the subject 35 East 18th Street lot make it a part of an assemblage of properties that compose the 18th and Boston Ave shopping center, and is the only lot suitable for the dual use of construction storage and close proximity storage for operating restaurants that will be effected during new construction and shopping center renovation.

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

The intended purpose of 50.030-f.2c (a-g) collectively is to limit the size and term of use of temporary manufactured storage buildings in residential and commercial zones. The subject property is CH zoned, and is located in a historic business district that is undergoing historic levels of investment and re-development. The variance would allow for the proper storage of several large construction components within close proximity to the construction site, which can be achieved without the need for enforcement of the stated provisions.

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

The mixed purpose of the variance(s) requested are 2-fold, 1) to act as storage for contractors during construction on adjacent 1738 S Boston Ave lot, 2) to act as storage for the operating businesses that will be effected by shopping center construction and renovations, which is a unique when compared to existing completed properties within the same zoning classification.

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

The hardship was not intentionally created by owner.

5. That the variance to be granted is the minimum variance that will afford relief:

Affirmed.

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

Affirmed. The temporary variance to be granted will only serve to facilitate the restoration of the essential character of adjacent historic fire ravaged property while enabling the efficient
operation of the existing businesses during the re-development of the shopping center as a whole.

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

Affirmed.
<table>
<thead>
<tr>
<th>Name: 35 East 18th Street</th>
<th>Date: 5/10/23</th>
<th>Permit #:</th>
<th>Notes: Shipping Container(s) will be used by adjacent restaurant for storage</th>
<th>Boston Avenue Realty, LLC 1717 S Cheyenne Ave Tulsa, OK 74119 918.582.8252</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cat: (Commercial) Temp Manufactured Storage Building</td>
<td>Scale: 1/32:1</td>
<td>Rev: A</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
50.030-F.2.a. Temporary mobile storage units are permitted for a period not to exceed a total of 90 days within any calendar year unless a valid building or construction permit is in place for the subject property, in which case the temporary mobile storage unit may remain in place for a maximum of 180 days or until the permit expires, whichever occurs first. If the principal building on the subject lot has been damaged by natural disaster act of God, the development administrator is authorized to grant time extensions of otherwise applicable temporary mobile storage unit time limits. Review Comment: Temporary mobile storage unit not to exceed 180 days.

50.030-F.2.c. Temporary mobile storage units may not exceed 20 feet in length, 8 feet in width, and 8.5 feet in height. See Figure 50-2. Review Comment: Please submit plans indicating storage units no longer than 20' in length.
Mr. Chapman: Please be advised that the captioned application, which involves the placement of storage containers at 35 East 18th, needs to be continued to the next BOA meeting in August. The wind storm of June 18th, 2023, actually blew one of the containers strapped with chains to the top of the other one into one of the restaurants at 39 East 18th, resulting in the need to rethink the basis for the application.

Please note this request and advise if I still need to be present for the hearing tomorrow to seek this continuance, or if the request can be confirmed by a responsive email.

I will await your advice. Thanks

Joseph L. Hull, III
Case Number: BOA-23550
Hearing Date: 09/12/2023 (Continued from 08/22/2023)

Case Report Prepared by:
Austin Chapman

Owner and Applicant Information:
Applicant: Linda Waytula
Property Owner: Jeff McCoy

Action Requested: Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.2)

Location Map:

Additional Information:
Present Use: Vacant lot
Tract Size: 1.1 acres
Location: 5115 E. 51 St.
Present Zoning: CS
Note: Graphic overlays may not precisely align with physical features on the ground.
STR: 9327
CD: 5

HEARING DATE: 09/12/2023 (Continued from (08/22/2023)

APPLICANT: Linda Waytula

ACTION REQUESTED: Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.2)

LOCATION: 5115 E. 51 St.  ZONED: CS

PRESENT USE: Vacant lot  TRACT SIZE: 47835.61 SQ FT

LEGAL DESCRIPTION: PRT LTS 17 & 18 BEG SWC LT 18 TH N22.41 SE19.60 SE216.56 E69.07 S7.42 W304.50 POB; LTS 17 & 18 LESS PRT BEG SWC LT 18 TH N22.41 SE19.60 SE216.56 E69.07 S7.42 W304.50 POB, CANFIELD SUB CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELevANT PREVIOUS ACTIONS: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a “Neighborhood” Land Use designation.

Neighborhoods are “Mostly Residential Uses” which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low-intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

STATEMENT OF HARDSHIP: Please see attached exhibit.

STAFF ANALYSIS: The applicant is requesting a Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.2)

55.100-C Location and Design

1. Stacking lanes must be located on the subject property. They may not be located within required driveways or drive aisles, parking spaces or loading areas and may not interfere with access to parking and ingress and egress from the street.

2. All areas associated with drive-through facilities, including drive-through signs, stacking lanes, trash receptacles, loudspeakers and service windows must be located to the rear or on the non-street-facing side of the property. Drive-through lanes must be set back at least 10 feet from abutting R- or AG-R-zoned lots, and a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of 565.070.C.
Applicant is proposing a drive through restaurant with lanes and windows facing Braden Ave.

Facts staff finds favorable for variance request:
- None.

Facts Staff find unfavorable for the variance request:
- The applicant has not provided any physical constraints on the property other than it being a corner lot.
- Property is currently vacant and it is unclear why a drive-through cannot be designed to meet code.
- As of the writing of this staff report the applicant has not provided any alternative to show what hardship would be created if the drive through were to meet the zoning code.

**SAMPLE MOTION:** Move to _________ (approve/deny) a Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.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;*

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.***
Statement of Hardship:

VARIANCES:
The applicant must prove a hardship to the Board. The Board of Adjustment is allowed to approve variances only after determining that the following conditions exist. Please describe how your request satisfies each of these conditions at the hearing. (You may include a separate page)

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

   The physical surroundings of our site creates a hardship and practical difficulties of laying out this site for the owner. The property is located with streets on the south and west sides of the property and a residential area to the north. This restricts being able to have a drive-thru and meet the full restrictions of Sec. 55.100-C of the Zoning Code.

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

   Our proposed layout minimizes the impact of the existing surrounding area. We are proposing to place the quietest part of the drive-thru process to face S. Braden Ave (the pickup window) and the residential area to the north (cars idling). We feel this is a benefit to not have the order point or the pickup window facing the residential area.

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

   See attached Exhibit A which contains a list of restaurants located within the City of Tulsa that are commercial properties that have a similar layout to what we are proposing that do not comply with Sec. 55.100-C of the Zoning Code.

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

   While working on splitting the lot, the buyer of the East side of the property determined they wanted to be on the East side leaving us with the West portion of the property.

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

   We have worked on multiple site layouts to try to get this site to work. All layouts don't comply due to the nature of a drive-thru flow requiring three sides of a building to be able to complete the process. The pick-up window faces a Residential Collector. What we are proposing keeps all of the drive-thru associated services from facing any Arterial streets.

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

   and

   the adjacent properties to the east/west are currently zoned Commercial. We will not impair any streets due to this layout keeping all queueing internal to the site.

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

   We feel the proposed solution is best for the public as well as the owner.

In granting a variance, the Board may make appropriate conditions or safeguards and may require a bond or other guarantee necessary to enforce compliance with the conditions. Please sign to acknowledge that you understand the conditions that the Board must find to grant your request and that the information included in this application is truthful.

Applicant Signature: [Signature]

2.7 REVISED 6/29/2023
Facing North on Braden Ave.

Subject property
NOTE:

THIS DRAWING IS CONCEPTUAL IN NATURE AND SHOULD NOT BE CONSIDERED A FINAL DRAWING FOR CONSTRUCTION OR PERMITTING PURPOSES. BELOW IS A LIST OF EXCLUSIONS THAT HAVE NOT BEEN FULLY VETTED AT THIS TIME:

- Landscaping Requirements
- Site Detention Requirements
- Building Setbacks and Easements
- Access Requirements / Restrictions

PARCEL SIZES

OVERALL 85,269 S.F. (1.95± ACRES)
SLIM CHICKENS PARCEL 43,351 S.F. (0.99± ACRES)
REMAINDER 41,918 S.F. (0.96± ACRES)

PROTO JOURNEY (2,194 NET S.F., 410 S.F. PATIO, 309 S.F. COOLER AREA)

PARKING COUNT

REQUIRED (8.5 SPACES / 1000 S.F.)
22 STANDARD SPACES INCLUDING 2 ADA SPACES PROVIDED
29 SPACES INCLUDING 2 ADA

STACKING

REQUIRED
3 SPACES FROM MENU BOARD PER LANE PROVIDED
5 SPACES FROM MENU BOARD PER LANE

CONCEPTUAL SITE PLAN - OP 2h
TULSA, OK - 51st & YALE

SCALE: 1" = 40'-0" 05.18.2023

2.9
EXHIBIT A

1. Carl's Jr. - 4994 E. 41st St, Tulsa, OK 74135 (Drive-Thru window faces S. Darlington Ave)

2. Schlotzsky's - 4905 E. 41st St, Tulsa, OK 74135 (Order Point faces S. Yale Ave)

3. Wendy's - 2098 S Wheeling Ave, Tulsa, OK 74104 (Drive-Thru window faces S. Wheeling Ave)
EXHIBIT A

4. Wendy's - 1209 E. Pine St., Tulsa, OK 74106 (Drive-Thru window faces E. Pine St)
5. Popeyes - 1117 E. Pine St., Tulsa, OK 74106 (Drive-Thru window faces E. Pine St)

6. Krispy Kreme - 10128 E. 71st St., Tulsa, OK 74133 (Drive-Thru window faces E. 71st St)
7. Panera Bread - 10027 E. 71st St., Tulsa, OK 74133 (Drive-Thru window faces S. 101st E. Ave)

8. Velvet Taco - 144 S. Peoria Ave, Tulsa, OK 74120 (Drive-Thru window faces E. 15th Street)
9. McDonald's - 1216 E. 15th St, Tulsa, OK 74120 (Drive-Thru window faces S. Peoria Ave)
10. Whataburger - 4888 E. 21st St., Tulsa, OK 74114 (Drive-Thru window faces E. 21st St and the Order Point faces S. Yale Ave)

11. McDonald's - 7010 S Zurich Ave, Tulsa, OK 74136 (Drive-Thru window faces S. Yale Ave and the Order Points face S. Zurich Ave)

13. Arby's - 7117 S Olympia Ave, Tulsa, OK 74132 (Order Point faces W. 71st St. S.)
14. McDonald's - 8952 S Memorial Dr, Tulsa, OK 74133 (Drive-Thru window faces E. 71st St.)
15. Freddy's Frozen Custard - 10305 S Memorial Dr, Tulsa, OK 74133 (Drive-Thru window faces E. 103rd St. and the Order Point faces S. 82nd E. Ave)
16. Burger King - 3242 E. 11th St., Tulsa, OK 74104 (Drive-Thru window faces S. Harvard Ave)
NOTE:

THIS DRAWING IS CONCEPTUAL IN NATURE AND SHOULD NOT BE CONSIDERED A FINAL DRAWING FOR CONSTRUCTION OR PERMITTING PURPOSES. BELOW IS A LIST OF EXCLUSIONS THAT HAVE NOT BEEN FULLY VETTED AT THIS TIME.

- LANDSCAPING REQUIREMENTS
- SITE DETENTION REQUIREMENTS
- BUILDING SETBACKS AND EASEMENTS
- ACCESS REQUIREMENTS / RESTRICTIONS

PARCEL SIZES

- OVERALL: 85,269 SF (1.95± ACRES)
- SLIM CHICKENS PARCEL: 43,351 SF (0.99± ACRES)
- REMAINDER: 41,918 SF (0.96± ACRES)

PROTO JOURNEY (2,194 NET SF., 410 SF. PATIO, 309 SF. COOLER AREA)

PARKING COUNT

- REQUIRED (8.5 SPACES / 1000 SF)
- 22 STANDARD SPACES INCLUDING 2 ADA SPACES PROVIDED
- 28 SPACES INCLUDING 2 ADA

STACKING

- REQUIRED
- 3 SPACES FROM MENU BOARD PER LANE PROVIDED
- 5 SPACES FROM MENU BOARD PER LANE

CONCEPTUAL SITE PLAN - OP 2h
TULSA, OK - 51st & YALE

SCALE: 1" = 40'-0"
07.10.2023

EAST 51ST STREET
1. Carl's Jr. - 4994 E. 41st St, Tulsa, OK 74135 (Drive-Thru window faces S. Darlington Ave)

2. Schlotzsky's - 4905 E. 41st St, Tulsa, OK 74135 (Order Point faces S. Yale Ave)
3. Wendy's - 2098 S Wheeling Ave, Tulsa, OK 74104 (Drive-Thru window faces S. Wheeling Ave)

4. Wendy's - 1209 E. Pine St., Tulsa, OK 74106 (Drive-Thru window faces E. Pine St)
5. Popeyes - 1117 E. Pine St., Tulsa, OK 74106 (Drive-Thru window faces E. Pine St)
6. Krispy Kreme - 10128 E. 71st St., Tulsa, OK 74133 (Drive-Thru window faces E. 71st St)
7. Panera Bread - 10027 E. 71st St., Tulsa, OK 74133 (Drive-Thru window faces S. 101st E. Ave)

8. Velvet Taco -144 S. Peoria Ave, Tulsa, OK 74120 (Drive-Thru window faces E. 15th Street)
9. McDonald's - 1216 E. 15th St, Tulsa, OK 74120 (Drive-Thru window faces S. Peoria Ave)
10. Whataburger – 4888 E. 21st St., Tulsa, OK 74114 (Drive-Thru window faces E. 21st St and the Order Point faces S. Yale Ave)

11. McDonald’s - 7010 S Zurich Ave, Tulsa, OK 74136 (Drive-Thru window faces S. Yale Ave and the Order Points face S. Zurich Ave)


13. Arby’s - 7117 S Olympia Ave, Tulsa, OK 74132 (Order Point faces W. 71st St. S.)

14. McDonald's - 8952 S Memorial Dr, Tulsa, OK 74133 (Drive-Thru window faces E. 71st St.)

15. Freddy's Frozen Custard - 10305 S Memorial Dr, Tulsa, OK 74133 (Drive-Thru window faces E. 103rd St. and the Order Point faces S. 82nd E. Ave)

16. Burger King - 3242 E. 11th St., Tulsa, OK 74104 (Drive-Thru window faces S. Harvard Ave)
PARCEL SIZES
OVERALL 84,542 (1.94 ACRES)
SLIM CHICKENS PARCEL 55,041 S.F. (1.26 ACRES)
REMAINDER 29,501 S.F. (0.68 ACRES)
NOTE:

THIS DRAWING IS CONCEPTUAL IN NATURE AND SHOULD NOT BE CONSIDERED A FINAL DRAWING FOR CONSTRUCTION OR PERMITTING PURPOSES. BELOW IS A LIST OF EXCLUSIONS THAT HAVE NOT BEEN FULLY VETTED AT THIS TIME.

- Landscaping Requirements
- Site Detention Requirements
- Building Setbacks and Easements
- Access Requirements / Restrictions

**Parcel Sizes**

- **Overall**: 84,485 S.F. (1.94 Acres)
- **Slim Chickens Parcel**: 51,245 S.F. (1.18 Acres)
- **Remainder**: 33,240 S.F. (0.76 Acres)

**Proto**

- **B1 (L) (3,570 S.F., 500 S.F. Patio)**

**Parking Count**

- **Required (8.5 Spaces / 1000 S.F.)**: 35 Standard Spaces Including 2 ADA Spaces
- **Provided 49 Spaces Including 2 ADA**

**Stacking**

- **Required 3 Spaces from Menu Board Per Lane**
- **Provided 9 Spaces from Menu Board Per Lane**
**PARCEL SIZES**

- **OVERALL**: 84,485 S.F. (1.94 ACRES)
- **SLIM CHICKENS PARCEL**: 43,489 S.F. (1.00 ACRES)
- **REMAINDER**: 40,996 S.F. (0.94 ACRES)

**PROTO B1 (L)** (3,570 S.F., 500 S.F. PATIO)

**PARKING COUNT**

- REQUIRED (8.5 SPACES / 1000 S.F.)
- 35 STANDARD SPACES INCLUDING 2 ADA SPACES
- PROVIDED 35 SPACES INCLUDING 2 ADA

**STACKING**

- REQUIRED 3 SPACES FROM MENU BOARD PER LANE
- PROVIDED 9 SPACES FROM MENU BOARD PER LANE

**NOTE:**

This drawing is conceptual in nature and should not be considered a final drawing for construction or permitting purposes. Below is a list of exclusions that have not been fully vetted at this time:

- Landscaping Requirements
- Site Detention Requirements
- Building Setbacks and Easements
- Access Requirements / Restrictions

[Diagram showing parcel sizes, parking counts, and other details with marked areas for Slim Chickens and Proto B1.]
NOTE:
THIS DRAWING IS CONCEPTUAL IN NATURE AND SHOULD NOT BE CONSIDERED A FINAL DRAWING FOR CONSTRUCTION OR PERMITTING PURPOSES. BELOW IS A LIST OF EXCLUSIONS THAT HAVE NOT BEEN FULLY VETTED AT THIS TIME.

- LANDSCAPING REQUIREMENTS
- SITE DETENTION REQUIREMENTS
- BUILDING SETBACKS AND EASEMENTS
- ACCESS REQUIREMENTS / RESTRICTIONS

PARCEL SIZES
OVERALL 84,485 S.F. (1.94 ACRES)
SLIM CHICKENS PARCEL 43,489 S.F. (1.00 ACRES)
REMAINDER 40,996 S.F. (0.94 ACRES)

PROTO
B1 (L) (3,570 S.F., 500 S.F. PATIO)

PARKING COUNT
REQUIRED (8.5 SPACES / 1000 S.F.)
35 STANDARD SPACES INCLUDING 2 ADA SPACES
PROVIDED 35 SPACES INCLUDING 2 ADA

STACKING
REQUIRED 3 SPACES FROM MENU BOARD PER LANE
PROVIDED 9 SPACES FROM MENU BOARD PER LANE
NOTE:
THIS DRAWING IS CONCEPTUAL IN NATURE AND SHOULD NOT BE CONSIDERED A FINAL DRAWING FOR CONSTRUCTION OR PERMITTING PURPOSES. BELOW IS A LIST OF EXCLUSIONS THAT HAVE NOT BEEN FULLY VETTED AT THIS TIME.

- Landscaping Requirements
- Site Detention Requirements
- Building Setbacks and Easements
- Access Requirements / Restrictions

PARCEL SIZES
OVERALL 84,485 S.F. (1.94 ACRES)
SLIM CHICKENS PARCEL 50,968 S.F. (1.17 ACRES)
REMAINDER 33,517 S.F. (0.77 ACRES)

PROTO
B1 (L) (3,570 S.F., 500 S.F. PATIO)

PARKING COUNT
REQUIRED (8.5 SPACES / 1000 S.F.)
35 STANDARD SPACES INCLUDING 2 ADA SPACES
PROVIDED 47 SPACES INCLUDING 2 ADA

STACKING
REQUIRED 3 SPACES FROM MENU BOARD PER LANE
PROVIDED 9 SPACES FROM MENU BOARD PER LANE

CONCEPTUAL SITE PLAN - OP 3
TULSA, OK - 51st & YALE

SCALE: 1" = 40'-0"

05.20.2022

2.26
**Parcel Sizes**

- **Overall**: 84,485 S.F. (1.94 Acres)
- **Slim Chickens Parcel**: 50,968 S.F. (1.17 Acres)
- **Remainder**: 33,517 S.F. (0.77 Acres)

**Proto**

- **B1 (L)** (3,570 S.F., 500 S.F. Patio)

**Parking Count**

- **Required (8.5 spaces / 1000 S.F.)**
- **35 Standard Spaces Including 2 ADA Spaces**
- **Provided 45 Spaces Including 2 ADA**

**Stacking**

- **Required 3 Spaces from Menu Board per Lane**
- **Provided 9 Spaces from Menu Board per Lane**

**Note:**

This drawing is conceptual in nature and should not be considered a final drawing for construction or permitting purposes. Below is a list of exclusions that have not been fully vetted at this time:

- Landscaping Requirements
- Site Detention Requirements
- Building Setbacks and Easements
- Access Requirements / Restrictions

**Conceptual Site Plan - OP 3**

**Tulsa, OK - 51st & Yale**

Scale: 1" = 40'-0"
PARCEL SIZES
OVERALL 84,485 S.F. (1.94 ACRES)
SLIM CHICKENS PARCEL 50,968 S.F. (1.17 ACRES)
REMAINDER 33,517 S.F. (0.77 ACRES)

PROTO B1 (L) (3,570 S.F., 500 S.F. PATIO)

PARKING COUNT
REQUIRED (8.5 SPACES / 1000 S.F.)
35 STANDARD SPACES INCLUDING 2 ADA SPACES
PROVIDED 45 SPACES INCLUDING 2 ADA

STACKING
REQUIRED 3 SPACES FROM MENU BOARD PER LANE
PROVIDED 9 SPACES FROM MENU BOARD PER LANE

NOTE:
THIS DRAWING IS CONCEPTUAL IN NATURE AND SHOULD NOT BE CONSIDERED A FINAL DRAWING FOR CONSTRUCTION OR PERMITTING PURPOSES. BELOW IS A LIST OF EXCLUSIONS THAT HAVE NOT BEEN FULLY VETTED AT THIS TIME.

- LANDSCAPING REQUIREMENTS
- SITE DETENTION REQUIREMENTS
- BUILDING SETBACKS AND EASEMENTS
- ACCESS REQUIREMENTS / RESTRICTIONS

CONCEPTUAL SITE PLAN - OP 3
TULSA, OK - 51st & YALE
SCALE: 1" = 40'-0"
05.25.2022
**PARCEL SIZES**

- OVERALL: 84,485 S.F. (1.94 ACRES)
- SLIM CHICKENS PARCEL: 50,968 S.F. (1.17 ACRES)
- REMAINDER: 33,517 S.F. (0.77 ACRES)

**PROTO**

B1 (L) (3,570 S.F., 500 S.F. PATIO)

**PARKING COUNT**

- REQUIRED (8.5 SPACES / 1000 S.F.)
- 35 STANDARD SPACES INCLUDING 2 ADA SPACES
- PROVIDED 42 SPACES INCLUDING 2 ADA

**STACKING**

- REQUIRED 3 SPACES FROM MENU BOARD PER LANE
- PROVIDED 14 SPACES FROM MENU BOARD PER LANE

---

**NOTE:**

This drawing is conceptual in nature and should not be considered a final drawing for construction or permitting purposes. Below is a list of exclusions that have not been fully vetted at this time.

- Landscaping Requirements
- Site Detention Requirements
- Building Setbacks and Easements
- Access Requirements / Restrictions

---

**CONCEPTUAL SITE PLAN - OP 4**

TULSA, OK - 51st & YALE

Scale: 1" = 40'-0"
NOTE:

THIS DRAWING IS CONCEPTUAL IN NATURE AND SHOULD NOT BE CONSIDERED A FINAL DRAWING FOR CONSTRUCTION OR PERMITTING PURPOSES. BELOW IS A LIST OF EXCLUSIONS THAT HAVE NOT BEEN FULLY VETTED AT THIS TIME.

- Landscaping Requirements
- Site Detention Requirements
- Building Setbacks and Easements
- Access Requirements / Restrictions

**Parcels Sizes**

- *Overall*: 84,485 S.F. (1.94 Acres)
- *Slim Chickens Parcel*: 50,968 S.F. (1.17 Acres)
- *Remainder*: 33,517 S.F. (0.77 Acres)

**Proto**

- B1 (L) (3,570 S.F., 500 S.F. Patio)

**Parking Count**

- **Required (8.5 Spaces / 1000 S.F.)**
  - 35 Standard Spaces including 2 ADA Spaces provided
  - 42 Spaces including 2 ADA

**Stacking**

- **Required**
  - 3 Spaces from Menu Board per lane provided
  - 7 Spaces from Menu Board per lane

CONCEPTUAL SITE PLAN - OP 4
TULSA, OK - 51st & YAL

SCALE: 1" = 40'-0"

11.02.2022
**NOTE:**

THIS DRAWING IS CONCEPTUAL IN NATURE AND SHOULD NOT BE CONSIDERED A FINAL DRAWING FOR CONSTRUCTION OR PERMITTING PURPOSES. BELOW IS A LIST OF EXCLUSIONS THAT HAVE NOT BEEN FULLY VETTED AT THIS TIME.

- Landscaping Requirements
- Site Detention Requirements
- Building Setbacks and Easements
- Access Requirements / Restrictions

**PARCEL SIZES**

- **OVERALL** 84,485 S.F. (1.94 ACRES)
- **SLIM CHICKENS PARCEL** 40,925 S.F. (0.94 ACRES)
- **REMAINDER** 43,560 S.F. (1.00 ACRES)

**PROTO JOURNEY** (2,761 S.F., 410 S.F. PATIO)

**PARKING COUNT**

- **REQUIRED** (8.5 SPACES / 1000 S.F.)
  - 27 SPACES INCLUDING 2 ADA
- **PROVIDED**
  - 35 SPACES INCLUDING 2 ADA

**STACKING**

- **REQUIRED**
  - 3 SPACES FROM MENU BOARD PER LANE
- **PROVIDED**
  - 10 SPACES FROM MENU BOARD PER LANE

---

**CONCEPTUAL SITE PLAN OP 5**

**TULSA, OK - 51st & YALE**

**SCALE:** 1" = 40'-0"

02.08.2023
<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: Ignacio Becerra</td>
</tr>
<tr>
<td></td>
<td>Property Owner: Nunez, Marcos &amp; Sergio &amp; Jonathan</td>
</tr>
</tbody>
</table>

**Case Number:** BOA-23560  
**Hearing Date:** 09/12/2023 (Cont. from 8/22/23)

**Action Requested:** Special Exception to permit a carport in the street setback and street yard with modifications to the allowable height, width, length and setback requirements (Section 90.090-C.1)

**Location Map:**

**Additional Information:**
- **Present Use:** Residential
- **Tract Size:** 0.16 acres
- **Location:** 6747 E. Independence Pl. N.
- **Present Zoning:** RS-3
Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: 2021
HEARING DATE: 09/12/23 (Continued from 08/22/23). Board requested applicant provide plans that are reduce in size.

APPLICANT: Ignacio Becerra

ACTION REQUESTED: Special Exception to permit a carport in the street setback and street yard with modifications to the allowable height, width, length and setback requirements (Section 90.090-C.1)

LOCATION: 6747 E. Independence Pl. N.  ZONED: RS-3

PRESENT USE: Residential  TRACT SIZE: 7130.8 SQ FT

LEGAL DESCRIPTION: LT 27 BLK 14, VAL-CHARLES ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS: None

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Tulsa Comprehensive Plan identifies the subject property as part of a “Neighborhood” Land Use Designation.

Neighborhoods are “Mostly Residential Uses” which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low-intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

STAFF ANALYSIS:

The applicant is requesting a special exception to permit a carport in the street yard and street setback with modifications to the allowable height, width, length and setback requirements (Section 90.090-C.1).

1. Carports

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

   a. A carport may be a detached accessory building or an integral part of the principal building.

   b. The area of a carport may not exceed 20 feet in length by 20 feet in width.
The proposed carport exceeds 8-feet in height within 10-feet of the side lot line, is set back by less than 5 feet from the side lot line and exceeds the 20-feet in length by 20-feet in width.

SAMPLE MOTION:

Move to _________ (approve/deny) a special exception to permit a carport in the street yard and street setback with modifications to the allowable height, width, length and setback requirements (Section 90.090-C.1).

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

  ________________________________________

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

Facing West on E. Independence Pl. N.
CITY OF TULSA
CORRECTIONS SUMMARY

Zoning Review (1)

Subject: Zoning Review
Page Label: 2
Status:
Author: DWhileman
Date: 6/16/2023 2:14:43 PM
Color: 

Section 90.090-C.1, Carports. Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 70.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

b. The area of a carport may not exceed 20 feet in length by 20 feet in width.

c. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.

d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.

Review comment: The proposed carport is in the street yard and street setback, part of this attached carport exceeds 8 feet in height within 10 feet of the side lot line, and the carport is setback by less than 5' from the side lot line. The proposed carport requires a special exception granted by the Board of Adjustment. In preparing the site plan for the Board of Adjustment, please show the distance from the carport to the west property line. Contact INCOG at 918-584-7526 regarding Board of Adjustment schedule and procedures. If you receive Board approval, please bring your approval paperwork to the permit office as revised plans.
**Case Number:** BOA-23564  
**Hearing Date:** 09/12/2023 1:00 PM

<table>
<thead>
<tr>
<th>Case Report Prepared by:</th>
<th>Owner and Applicant Information:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sean Wallace</td>
<td>Applicant: Pat White</td>
</tr>
<tr>
<td></td>
<td>Property Owner: John J &amp; Rachel L Zigrang</td>
</tr>
</tbody>
</table>

**Action Requested:** Special Exception to extend an exterior building wall with a non-conforming setback (Sec. 80.030-D).

**Location Map:**

**Additional Information:**

- **Present Use:** Residential
- **Tract Size:** 0.43 acres
- **Location:** 3732 S. Utica Ave.
- **Present Zoning:** RS-2
Hearing Date: 09/12/2023 1:00 PM

Applicant: Pat White

Action Requested: Special Exception to extend an exterior building wall with a non-conforming setback (Sec. 80.030-D).

Location: 3732 S. Utica Ave.

Zoned: RS-2

Present Use: Residential

Tract Size: 18900.76 SQ FT

Legal Description: LOT 5 & THE S 1/2 OF LOT 6 BLK 6, WOODLAND HGTS CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Relevant Previous Actions: None.

Relationship to the Comprehensive Plan: The Tulsa Comprehensive Plan identifies the subject property as part of a “Neighborhood.”

Staff Analysis:

Applicant is seeking to build an addition to garage, which is a non-conforming structure due to its location on a corner lot and it being within the 25-foot rear setback.

**80.030-D Alterations, Enlargements and Expansions**

Alterations, including enlargements and expansions, are permitted if the proposed alteration or expansion complies with all applicable lot and building regulations and does not increase the extent of the nonconformity. A building with a nonconforming street setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback regulations and all other applicable lot and building regulations. Horizontal and vertical extensions of an exterior wall that is nonconforming with regard to applicable setbacks may be approved in accordance with the special exception procedures of Section 70.120, provided the extensions are not located closer to the lot line than the existing structure.
SAMPLE MOTION:
Move to_______ (approve/deny) a Special Exception to extend an exterior building wall with a non-conforming setback (Sec. 80.030-D).

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

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

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

Subject property (Red Arrow indicates the location of the proposed addition)
Zoning Review (1)

Subject: Zoning Review
Page Label: 1
Status:
Author: DWhiteman
Date: 7/19/2023 10:29:53 AM
Color:

Section 80.030-D. Nonconforming Structures: Alterations, Enlargements and Expansions. Alterations, including enlargements and expansions, are permitted if the proposed alteration or expansion complies with all applicable lot and building regulations and does not increase the extent of the nonconformity. A building with a nonconforming street setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback regulations and all other applicable lot and building regulations. Horizontal and vertical extensions of an exterior wall that is nonconforming with regard to applicable setbacks may be approved in accordance with the special exception procedures of Section 70.120, provided the extensions are not located closer to the lot line than the existing structure.

Review Comment: For this corner lot, it looks like the east side of the lot is the front of the lot. The way to know for sure is to provide distances from the house to the centers of Utica Ave. and 38th St. If the Utica side of the lot is the front of the lot based on setbacks, then the rear of the lot is the west side of the lot, and this house is a nonconforming structure because it already encroaches on the 25' rear setback (per Table 5-3 for an RS-2 zoned lot). If that's the case, a special exception will be needed to extend a nonconforming exterior wall. Please revise the site plan to provide distances from the existing house to the centers of the streets. Unless the house is setback 30' from the south property line, and 55' from the center of 38th St., please apply to the Board of Adjustment for a special exception to extend a nonconforming exterior wall.
<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: Ryan Strode</td>
</tr>
<tr>
<td></td>
<td>Property Owner: Gerard Anthony Clyde Jr And Mary Jennifer Jackson</td>
</tr>
</tbody>
</table>

**Action Requested:** Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6); Variance to allow a Detached Accessory Buildings 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).

**Location Map:**

**Additional Information:**

- **Present Use:** Residential
- **Tract Size:** 0.16 acres
- **Location:** 1619 S. Gary Ave.
- **Present Zoning:** RS-3
BOA-23566

Aerial Photo Date: 2021

Subject Tract

Note: Graphic overlays may not precisely align with physical features on the ground.
HEARING DATE: 09/12/2023 1:00 PM

APPLICANT: Ryan Strode

ACTION REQUESTED: Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6); Variance to allow a Detached Accessory Buildings 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).

LOCATION: 1619 S. Gary Ave.

PRESENT USE: Residential

ZONED: RS-3

TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: LT 20 BLK 7, EXPOSITION HGTS ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Neighborhood"

Neighborhoods are "Mostly Residential Uses" which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low-intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

STATEMENT OF HARDSHIP:

1. That the physical surroundings, shape, or topographic conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out: The rear setback would not allow for an addition to the existing structure and existing detached garage is needed to be replace ASAP.

2. That the literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose: Zoning code does not allow for 2 story accessory structures.

3. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification; Additional home office space is needed as well as replacement of the existing garage structure.

4. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner: Additional home office space is needed.

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

6. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property: The replacement detached accessory building will match the existing house.
7. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan: No, there are other 2-story accessory structures in the neighborhood.

STAFF ANALYSIS: The applicant is requesting a Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6); and a Variance to allow a Detached Accessory Buildings 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).

2. RS-2, RS-3, RS-4, RS-5 and RM Districts

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

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

Applicant is proposing a 946 square foot detached accessory building, per code the property would support a 700 square foot structure.

(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

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)

Applicant is proposing a two story structure with a top plate height of 18-feet and 1-inch and an overall height of 23-feet and 2-inches.

Facts staff finds favorable for variance request:
- Property is non-conforming with regard to lot width, the required lot width in the RS-3 district is 60-feet and this property is 50-feet wide.
- Two story detached structures are not uncommon inside the Exposition Heights Addition, though staff does not believe they are predominant.

Facts Staff find unfavorable for the variance request:
- The applicant did not provide any conditions related to the physical surroundings, shape, or topographic conditions of the subject property that are presenting a hardship.
SAMPLE MOTION: Move to _______ (approve/deny) a Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6); Variance to allow a Detached Accessory Buildings 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).

- 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:

- 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;
- That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;
- 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;
- That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- That the variance to be granted is the minimum variance that will afford relief;
- 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
- 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.”
Summary of Comments on SP1.0

Page: [1] SP1.0

All developments shall be designed, constructed, and completed in a manner which minimizes the exposure of bare earth to precipitation.

Revise site plan to show an Erosion Control Plan containing detailed location of all silt fence and other erosion and sedimentation control methods to be used during construction per City of Tulsa Standard 126.

Note: this accessory building is not approved for or reviewed as an accessory dwelling unit. If this building is intended to be used as a dwelling unit, please request a special exception from the Board of Adjustment for an accessory dwelling unit located in an RS-3 zoned district.

Revise site plan with drainage arrows that clearly identify how stormwater will flow around proposed construction and be conveyed to the street or public storm system. How does the construction change or affect drainage for the entire property?

Section 90.090.C.2.a.1: Detached Accessory Buildings. Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, provided that 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. Review Comment: The proposed building is located in the rear setback and exceeds 18’ in overall height, 10’ to the top of the top plate, and is two stories tall.

The second floor of the proposed building is labeled office. How will the space be used? Will there be employees, customers, or clients coming to the site?

Section 45.030-B, RS-2, RS-3, RS-4, RS-5 an RM Districts. In RS-2, RS-3, RS-4, RS-5 or RM zoned lots used for detached houses or duplexes, the total aggregate floor area of all detached accessory buildings, including accessory dwelling units, and accessory buildings not erected as an integral part of the principal residential building may not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater. Review Comment: You are proposing 946 square feet of detached accessory structure floor area. The proposed detached structure exceeds 500 square feet and 40% of the size of the house. Based on the size of the house (1,751 square feet) you are allowed 700 square feet of detached accessory structure floor area on this lot. Please reduce the floor area of the proposed detached accessory structure to be 700 square feet or less.
LEGAL DESCRIPTION:
LOT 20, BLOCK 7
EXPOSITION HEIGHTS
ADDITIONS-3
ZONING

EXISTING 1-STORY 1,751sf RESIDENCE

50.00' PROPERTY LINE

140.00' PROPERTY LINE

5.00' SETBACK

20.00' SETBACK

25.00' SETBACK

EXISTING CONCRETE DRIVEWAY

EXISTING NEIGHBORING DRIVEWAY

EXISTING SHARED CURB CUT

S. GARY AVE.

NEW 2-STORY DETACHED GARAGE

3'-0" 10'-4"

22'-0"

10.00' U/E

EXISTING 1-STORY DETACHED GARAGE TO BE REMOVED

EXISTING CONCRETE DRIVEWAY

EXISTING SITE PLAN

SCALE: 1/8" = 1'-0"

NEW SITE PLAN

SCALE: 1/8" = 1'-0"

EXISTING SITE PLAN

LEGAL DESCRIPTION:
LOT 20, BLOCK 7
EXPOSITION HEIGHTS ADDITION
RE-2 ZONING

CLYDE RESIDENCE
1619 S. GARY AVE
TULSA, OK. 74104

SCALE AS NOTED

GARAGE SITE PLANS

2023 STRODE DESIGN, LLC

DATE: 7 JUNE, 2023

REV: SP1.0
GENERAL NOTES:

1. ALL EXTERIOR DIMENSIONS ARE TAKEN FROM OUTSIDE FACE OF 2x4 STUD WALL, 1 1/2" GYP TO BE ATTACHED FOR INTERIOR FINISH, SEE ELEVATIONS FOR EXTERIOR FINISHES. ALL SILL PLATES TO BE TREATED LUMBER W/ ANCHORS @ 24" O.C.

2. ALL INTERIOR STUDS ARE 2x4 UNLESS NOTED OTHERWISE, INTERIOR DIMENSIONS TAKEN FROM FACE OF STUD

3. OFFICE WEST WINDOWS TO BE OPERABLE AND MEET EGRESS REQUIREMENTS

4. ALL WINDOWS WITH SILL BELOW 30" AFF OR ADJACENT TO EXTERIOR DOORS TO USE TEMPERED SAFETY GLAZING

5. CEILING STRUCTURE TO BE 2X12 JOISTS @ 16" O.C. FLOOR DECKING TO BE 1 1/8" PLYWOOD, GLUED AND SCREWED

6. SLAB IS 4" 3500PSI CONCRETE W/ #4 @ 24" E.W. AT MID-DEPTH OVER VAPOR BARRIER OVER 4" CRUSHED GRAVEL, TYP

7. STAIR TREADS SHALL BE A MINIMUM LENGTH OF 11". STAIR RISER HEIGHT SHALL BE A MAXIMUM OF 7.5". ALL STAIR STRINGER TO BE MINIMUM 2x12 AT UNCUT DIMENSION.

8. ALL EXTERIOR LOAD BEARING OPENINGS TO HAVE (2) 2x8 MINIMUM HEADERS, (2) 2x12 AT GARAGE OVERHEAD DOORS

9. INSULATION:
   - ALL EXTERIOR WALLS TO HAVE MIN. R-19 BATT INSULATION, ATTIC SPACE TO HAVE MIN. R-38 BLOWN-IN CELLULOSE INSULATION
   - WALLS TO HAVE MIN. R-19 BATT INSULATION, ATTIC SPACE TO HAVE MIN. R-38 BLOWN-IN CELLULOSE INSULATION
   - FLOOR DECKING TO BE 1 1/8" PLYWOOD, GLUED AND SCREWED
   - CEILING TO BE 1 1/8" PLYWOOD, GLUED AND SCREWED

10. GYP CEILING FINISH IN GARAGE SHALL BE 5/8" TYPE-X 1-HR RATED

11. DOOR TO GARAGE SHALL BE 20 MINUTE RATED SOLID CORE WOOD DOOR EQUIPPED WITH SELF-CLOSING DEVICE.

12. ALL ACCESSIBLE INTERIOR SPACES SHALL HAVE MIN. 1 1/2" GYP BOARD FINISH ON ALL SURFACES, INCLUDING AREAS UNDER STAIRS.

13. = EXHAUST FAN W/ LIGHT KIT

14. = CEILING MOUNTED SMOKE DETECTOR

15. = CEILING MOUNTED CARBON MONOXIDE DETECTOR
COMPOSITION GABLE VENT
23'-2" RIDGE HEIGHT

COMPOSITION SHINGLE
ROOF TO MATCH EXISTING
OVER 30# FELT ON
1 2" PLYWOOD DECKING ON
2x6 JOISTS @ 16" O.C, TYP

6" LAP SIDING ON VAPOR
BARRIER OVER 1 2" SHEATHING
ON 2x4 FRAMING @ 16" O.C, TYP

TREATED GABLE VENT

COMPOSITION SHINGLE
OVER 30# FELT ON
1 2" PLYWOOD DECKING ON
2x6 JOISTS @ 16" O.C, TYP

6" LAP SIDING ON VAPOR
BARRIER OVER 1 2" SHEATHING
ON 2x4 FRAMING @ 16" O.C, TYP

REVISION
A2.0

7 JUNE, 2023

SCALE: AS NOTED

2 SOUTH ELEVATION

4 NORTH ELEVATION

3 EAST ELEVATION

1 WEST ELEVATION
Case Number: BOA-23566
Hearing Date: 09/12/2023 1:00 PM

<table>
<thead>
<tr>
<th>Case Report Prepared by:</th>
<th>Owner and Applicant Information:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sean Wallace</td>
<td>Applicant: Tom Neal</td>
</tr>
<tr>
<td></td>
<td>Property Owner: Kyle &amp; Adrienne Kleckner</td>
</tr>
</tbody>
</table>

**Action Requested:** 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); Special Exception to allow an Accessory Dwelling Unit in an RS-2 District (45.031-D)

**Location Map:**

**Additional Information:**
- Present Use: Residential
- Tract Size: 0.26 acres
- Location: 2142 E 25 PL S
- Present Zoning: RS-2
BOA-23566

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

Aerial Photo Date: 2021

6.3
HEARING DATE: 09/12/2023 1:00 PM

APPLICANT: Tom Neal

ACTION REQUESTED: 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); Special Exception to allow an Accessory Dwelling Unit in an RS-2 District (45.031-D)


PRESENT USE: Residential TRACT SIZE: 11526.02 SQ FT

LEGAL DESCRIPTION: ALL-LT-1-E.25-LT-2-BLK-7, WILDDWOOD CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:
The Tulsa Comprehensive Plan identifies the subject property as part of a “Neighborhood.”

Neighborhoods are “Mostly Residential Uses” which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low-intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

STATEMENT OF HARDSHIP:
Tree destroyed the old garage - new garage approximate same size and location – adding guest bed for grandparents – limited space to do it. Additional square footage requires building up. Existing house (1936) and existing pool limit other options. Design was modified to minimize overall height. This neighborhood already has a number of garage apartments. This continues the pattern.

STAFF ANALYSIS:
The applicant is requesting a Variance to allow a Detached Accessory Building/ Dwelling Unit to exceed one story or 18-feet in height (24.9’) and to exceed 10-feet in height to the top of the top plate in the rear setback (Section 90.090-C2); Special Exception to allow an Accessory Dwelling Unit in an RS-2 District (45.031-D)

Included in your packet is a copy of Sec. 45-031 of the Code.
Applicant is requesting two-story, 24-foot and 9-inch structure.

Facts staff finds favorable for variance request:
- Two story detached garages are not uncommon in the immediate area.

Facts staff find unfavorable for the variance request:
- The presence of the pool is a self-imposed hardship.
- Garage that is being replaced is not two-story.

**SAMPLE MOTION:**

**Special Exception:**

Move to ________ (approve/deny) a Special Exception to allow an Accessory Dwelling Unit in an RS-2 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.

**Variance:**

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);
- 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

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

Section 45.030 Accessory Buildings and Carports in R Districts

45.030-A Accessory Building Size

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

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

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

45.030-B Carports

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

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

**Section 45.031-A Definition**

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

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

**Section 45.031-B Purpose**

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

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

Section 45.031-C Applicability

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

Section 45.031-D Regulations

1. Where Allowed

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

2. Number

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

3. Methods of Creation

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

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

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

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

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

5. Open space (Minimum open space per unit)

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

6. Accessory Dwelling Unit Size

a. RE and RS-1 Districts

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

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

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

7. Building and Fire Codes

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

8. Additional Regulations for Accessory Dwelling Units

a. Entrances

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

b. Setbacks

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

c. Exterior Finish Materials

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

d. Roof Pitch

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

Section 45.040 Compressed Natural Gas (CNG) Refueling Appliances

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

Section 45.050 Dumpsters

45.050-A Regulations

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

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

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

3. Dumpsters may not:

   a. Obstruct motorized or non-motorized traffic;

   b. Reduce any sidewalk or walkway designed for the passage of pedestrians to less than 5 feet in width;
SITE: DRAINAGE PLAN 1" = 40' NORTH
40% OF 38.21 S.F. HOUSE = 15.28 S.F.
ADU: 1020 S.F. 2 FLOORS, TOP PLATE: 12" 
RIDGE: 24' REG. REAR YD: 2060 S.F.
25% COVERAGE: 1512 S.F. ACTUAL: 376 S.F.
Case Report Prepared by: Sean Wallace

Owner and Applicant Information:
Applicant: Walter Moore
Property Owner: Tulsa Public Schools

**Action Requested:** Special Exception to permit a Dynamic Display sign in a Residential District containing a School Use (Sec. 60.050-B.2.c) Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)

**Location Map:**

**Additional Information:**
Present Use: School
Location: 1789 W. Seminole St. N.
Present Zoning: RS-3
BOA-23567

Note: Graphic overlays may not precisely align with physical features on the ground. Aerial Photo Date: 2021
HEARING DATE: 09/12/2023 1:00 PM

APPLICANT: Walter Moore

ACTION REQUESTED: Special Exception to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)

LOCATION: 1789 W. Seminole St. N. ZONED: RS-3

PRESENT USE: School TRACT SIZE:

LEGAL DESCRIPTION: 27-20-12 PART SE NW-BEG N 89-12-01 W 657.27'-N 0-47-59 E 60' OF CENTER OF SEC-N 0-47-59 E 199'-S 89-12-01 E 309'-S 0-47-51 W 199'-N 89-12-01 W 309' TO POB, BEG 657.27' W & 259' N OF CTR SEC 27-E 34'-N 130.25'-E 1.25' -N 42.25'-W 91.50'-S 172.5'- E 56.25' TO BEG (.36A)

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a “Neighborhood.”

Neighborhoods are “Mostly Residential Uses” which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low-intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off a lower-order street separated from the arterial, then it would be considered Neighborhood.

STAFF ANALYSIS:

The applicant is requesting Special Exceptions to permit a Dynamic Display sign for the Greenwood Leadership Academy in a Residential District and within 200-feet of Residentially Zoned Lots.

Included in your packet are the standards for Sec. 60.050 and 60.100 for Dynamic Display signs.

SAMPLE MOTION:

Move to _________ (approve/deny) a Special Exception to to permit a Dynamic Display sign in an Residential District containing a School Use (Sec. 60.050-B.2.c) and a Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)

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.
Wall Signs

Nonresidential uses in R, AG, and AG-R districts are allowed a maximum of one wall sign per public building entrance. No individual wall sign may exceed 32 square feet in area. In buildings with multiple public building entrances, the sign area of all wall signs may not exceed 32 square feet in the aggregate.

Freestanding Signs

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

Dynamic Displays

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

1. The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.

2. The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.

3. Dynamic displays in R, AG, and AG-R districts may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the special exception process.

4. Dynamic displays are subject to the dynamic display regulations of Section 60.100.

Section 60.060 | Signs in Office Zoning Districts

60.060-A Applicability

The regulations of this section apply to signs in all office zoning districts. See also the general regulations of Section 60.040.

60.060-B Signs Allowed

1. In addition to any sign exceptions allowed pursuant to Section 60.030, and any development identification sign allowed pursuant to §60.060-B2, lots in office zoning districts are allowed a maximum of one on-premise sign per street frontage. The allowed on-premise sign may be a wall sign, a projecting sign or a freestanding sign. Roof signs and off-premise outdoor advertising signs are prohibited in office districts.
2. Nonresidential development areas are subject to the sign regulations that apply to CS districts.

Section 60.100  Dynamic Displays

The supplemental regulations of this section apply to all signs with dynamic displays. Except as otherwise expressly stated, these regulations apply whether incorporated into off-premise outdoor advertising signs or on-premise signs that are allowed to include a dynamic display.

- **60.100-A** The images and messages displayed on a dynamic display must have a minimum dwell time of at least 8 seconds and may not contain any movement, animation, audio, video, pyrotechnics or other special effects.

- **60.100-B** The transition or change from one message to another must occur in one second or less and involve no animation or special effects.

- **60.100-C** The images and messages displayed must be complete in and of themselves within the required dwell time.

- **60.100-D** Dynamic displays may not be located within 50 feet of the driving surface of a signalized intersection, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the intersection.

- **60.100-E** Dynamic displays may not be located within or within 20 feet of the driving surface of a street, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the street curb or edge of the traveled roadway marked or understood as such.

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

- **60.100-G** Dynamic displays must be equipped with a default mechanism that freezes the display in one position or presents a static or blank display if a malfunction occurs.

- **60.100-H** Dynamic displays must be equipped with a light detector/photocell that automatically adjusts the display's brightness according to natural ambient light conditions.

- **60.100-I** The maximum brightness level of a dynamic display may not exceed 6,500 nits (candela per square meter) during daylight hours or 500 nits between 30 minutes after sunset and 30 minutes before sunrise, as those times are determined by the National Weather Service (Actual Time). Brightness must be measured from the brightest element of the sign's face.

- **60.100-J** Any off-premise outdoor advertising sign that includes a dynamic display that was lawfully established before January 1, 2010, must be separated by a minimum distance of 1,200 feet from any other off-premise outdoor advertising sign that includes a dynamic display. This spacing limitation does not apply between signs...
separated by a freeway. The 1,200-foot distance must be measured in a straight line from the center of the subject sign structures, as located on the ground.

60.100-K Except as provided in 60.100-J, any off-premise outdoor advertising sign that includes a dynamic display and that was approved by a permit issued on or after January 1, 2009, must be separated by a minimum distance of 1,200 feet from any other off-premise outdoor advertising sign that includes a dynamic display facing the same traveled way. The 1,200-foot distance must be measured in a straight line from the center of the subject sign structures, as located on the ground.

Section 60.110 Administration

60.110-A Any person proposing to erect any sign requiring a sign permit must submit a sign permit application to the development administrator. Applications for such permit must be accompanied by detailed plans, including scaled drawings of the proposed sign, a detailed site plan and other information deemed necessary by the development administrator to determine compliance with applicable regulations.

60.110-B Sign permit fees must be paid prior to the issuance of a sign permit.

60.110-C If the work associated with a sign permit has not been completed within 180 days of the date of the issuance of the permit, such permit will lapse and become null and void.

Section 60.120 Nonconforming Signs
See Section 80.060.

Section 60.130 Rules of Measurement

60.130-A Sign Area

1. Signs Enclosed in Frames or Cabinets
   The area of a sign enclosed in a frame or cabinet is determined based on the outer dimensions of the frame or cabinet surrounding the sign face (see Figure 60-2).

   Figure 60-2: Sign Area Measurement (Signs in Cabinets or Frames)

2. Channel (individual) Letter Signs
   a. The area of a sign comprised of individual letters or elements attached to a building wall is determined by calculating the area of the smallest
Section 60.100-F, Dynamic Displays. Dynamic displays may not be located within 200 feet of any of the following: (1) an R or AG-R district (other than street, highway or freeway right-of-way); (2) a residential development area. This separation distance does not apply if the dynamic display is not visible from the referenced district, area or lot, and the requirements may be modified in R, AG, and AG-R districts if approved through the special exception process. Required separation distances must be measured horizontally in a straight line from the nearest point on a sign structure to the nearest point of an R or AG-R district or residential development area boundary. Review comments: There are residential zoned lots within 200' of this proposed dynamic display sign to the southeast. You may request a variance from the Board of Adjustment for a dynamic display sign to be located within 200' of an R district.

DWhiteman

1

Section 60.050, Signs in R and AG Zoning Districts. 60.050-B.2.c Dynamic displays are prohibited in R districts and AG districts except that on a lot occupied by an allowed public, civic or institutional use, the board of adjustment is authorized to approve a special exception for the allowed wall sign or the allowed freestanding sign to include a dynamic display. (1) The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage. (2) The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign. (3) Dynamic displays in R districts and in AG districts may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the special exception process. (4) Dynamic displays are subject to the dynamic display regulations of Section 60.100. Review comments: The proposed freestanding sign with a dynamic display is located in a RS-3 zoning district and requires a special exception from the Board of Adjustment prior to issuance of a sign permit.

DWhiteman

1
Greenwood Leadership Academy
1789 W Seminole Street North
Tulsa, OK
NEW CABINET
4' x 7'-10"
.063 P/F WHITE ALUMINUM PAINTED BLACK
FILLER TBD
1 1/2" RETAINERS
3/16" WHITE FLEX FACES WITH VINYL GRAPHICS APPLIED WHITE LED ILLUMINATION

NEW EMC UNIT
3'-1" X 7'-10"

.063 ALUMINUM FILLER PAINTED BLACK

GREENWOOD LEADERSHIP ACADEMY

PROPOSED

EXISTING

EXISTING CONDITIONS

PAINT POLES BLACK

7'-10"
Case Number: BOA-23568
Hearing Date: 09/12/2023 1:00 PM

<table>
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<tr>
<th>Case Report Prepared by:</th>
<th>Owner and Applicant Information:</th>
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<tbody>
<tr>
<td>Sean Wallace</td>
<td>Applicant: City of Tulsa c/o Andy Blankenship</td>
</tr>
<tr>
<td></td>
<td>Property Owner: OSU/A&amp;M Board of Regents</td>
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**Action Requested:** Variance to permit a wall and parking spaces inside the Right-of-Way (Sec. 90.090-A)

**Location Map:**

**Additional Information:**

- **Present Use:** Governmental
- **Tract Size:** 10.39 acres
- **Location:** 440 S Houston Ave W
- **Present Zoning:** CBD
BOA-23568

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

Aerial Photo Date: 2021
HEARING DATE: 09/12/2023 1:00 PM

APPLICANT: City of Tulsa c/o Andy Blankenship

ACTION REQUESTED: Variance to permit a wall and parking spaces inside the Right-of-Way (Sec. 90.090-A)

LOCATION: 440 S HOUSTON AV W

ZONED: CBD

PRESENT USE: Government

TRACT SIZE: 452411.66 SQ FT

LEGAL DESCRIPTION: PRT BLKS 43 & 44 OWEN ADD & BLKS 127 128 & 156 ORIGINAL TOWN & VAC STREETS & ALLEYS BEG 20W & 70N SECR LT 1 BLK 127 TH S776.15 TH CRV RT99.00 SW649.35 N356 NW164.80 N154.81 NE109.94 SE130.10 NE10.83 E52.37 NE145 TH CRV RT 78.30 POB, OWEN ADDN AMD, TULSA-ORIGINAL TOWN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of “Downtown.”

The area within the Inner Dispersal Loop (IDL) highway is generally understood to be the downtown area of Tulsa. This area has fewer development limitations than most areas of the city, and a high density of employment, residential, mixed-use, commercial, retail, and institutional uses. Land uses and transportation infrastructure in this area should be primarily pedestrian-oriented, with parking either on-street, behind buildings, or in structured parking garages.

STATEMENT OF HARDSHIP: The proposed Oklahoma Psychiatric Care Center (from here referred to as OPCC) will be located in the northwest corner of an existing facility site, found at the northwest corner of the W. 7th Street and S. Houston Avenue intersection, see yellow boundary below. The existing building will remain and be renovated into the new Veterans Hospital in Tulsa (from here referred to as VHiT). The existing OPCC site has an existing retaining wall that is 15 feet in height, along the western edge. Because the VHiT building will remain, the existing OPCC site elevations cannot be altered enough to lower the necessary height for a new retaining wall. A new retaining wall along the western edge of the OPCC site is required for the building construction. This variance request is to construct a new retaining wall along the west edge of the OPCC site, with an approximate height that would match the existing wall height.

STAFF ANALYSIS:

The applicant is requesting a Variance to rebuild an existing retaining wall (and parking spaces) already within the Right-of-Way (Sec. 90.090-A)

Section 90.090  Setbacks

90.090-A Measurement
Required setbacks are measured from the applicable lot line, right-of-way, planned right-of-way or location referred to below. Building setbacks are measured to the nearest exterior building wall. Minimum setbacks that apply to other features (parking areas, fences, storage areas) are measured from the nearest point of the area or feature for which a setback is required. See 90.090-C for information on structures and building features that are allowed to occupy setback and yard areas in R zoning districts. Unless otherwise expressly stated, no part of any structure may be located within the street right-of-way, nor within the planned
right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan. If a variance of the prohibition against location of a structure within the right-of-way or planned right-of-way is granted by the Board of Adjustment, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan, unless a license has been granted by the city, in the case of the right-of-way, or a removal agreement has been entered into, in the case of the planned right-of-way.

Facts staff finds favorable for variance request:
- Retaining wall already exists within the right-of-way.

Facts staff finds unfavorable for the variance request:
- None

**SAMPLE MOTION:**

Move to _________ (approve/deny) a **Variance** to permit a wall and parking spaces inside the Right-of-Way (Sec. 90.090-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.”
STR: 9316  Case Number: BOA-23569
CD: 4

HEARING DATE: 09/12/2023 1:00 PM

APPLICANT: Mark Capron

ACTION REQUESTED: Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.2)


PRESENT USE: Vacant  TRACT SIZE: 50751.96 SQ FT

LEGAL DESCRIPTION: PRT BLK 1 & PRT VAC 21 PL BEG NWC BLK 1 TH E197.04 S5 E59.08 SE APR 24.42 S124.96 CRV RT 54.03 W104.54 S15.97 W135 N197.80 POB, MAYO MEADOW EXTENDED CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:

Subject Property:

Z-7728: On 07.19.2023 the TMAPC voted to Recommend approval of a re-zoning from RS-3 to CS for the Southernmost portion of the subject property. The City Council will not hear this item until mid-September. Minutes from this case are attached to the staff report.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a “Regional Center”

Existing regional trip generators define the Regional Centers in contrast to Local Centers. These centers should be the most connected land use pockets outside of downtown for public transit access and high-capacity arterial streets. New regional trip generators should be permitted in the area with special consideration given to the transportation access and circulation. Regional trip generators include universities, malls, large medical campuses, casinos, big-box shopping centers, and very large churches.

STAMIENT OF HARDSHIP: Please see exhibit provided by applicant titled “Statement of Hardship”.

STAFF ANALYSIS: The applicant is requesting a Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.2)

55.100-C Location and Design

1. Stacking lanes must be located on the subject property. They may not be located within required driveways or drive aisles, parking spaces or loading areas and may not interfere with access to parking and ingress and egress from the street.

2. All areas associated with drive-through facilities, including drive-through signs, stacking lanes, trash receptacles, loudspeakers and service windows must be located to the rear or on the non-street-facing side of the property. Drive-through lanes must be set back at least 10 feet from abutting R- or AG-R-zoned lots, and a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of 565.070-C.

The site plan presented would have drive-through facilities facing both Vandalia and E. 21st St.
BOA-23569

Subject Tract

Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: 2021

9.4
Facts staff finds favorable for variance request:
  • None.

Facts Staff find unfavorable for the variance request:
  • The applicant has not provided an explanation of how the elevation grade has caused any site design changes.
  • The Southernmost portion is still zoned RS-3 pending the approval of Z-7728. The City Council will not act on this item until September 20th at the earliest. The Zoning Code prohibits using the use of RE-, RS-, RD- or RT-zoned land for access to any RM, O, C, or I zoning district, or the use of an RM district for access to any O, C, or I zoning district is prohibited unless permitted through an approved PUD or MPD (Sec. 5.040-H). Should the Board be inclined to support the variance request a condition restricting access unto Vandalia Ave. should be included or in the alternative the Board will need to continue the item until the City Council has made a final decision regarding the rezoning.

SAMPLE MOTION:
Move to _________ (approve/deny) a Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.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;

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.”
Facing West from the Subject property down E. 21st. Pl.

Facing North from Vandalia
Proposed access point unto Vandalia from subject property. Property is currently zoned RS-3.
STATEMENT OF HARDSHIP
Provided by the Applicant.

August 10, 2023

Austin Chapman
City of Tulsa
City Experience
175 E 2nd Street, Suite 480
Tulsa, OK 74103-3227

Re: 7 Brew – Letter of Justification

Dear Mr. Chapman,

The attached application for variance is being submitted on behalf of the property owner, NDIFFER SHOPPING CENTERS, INC. The subject property and future development site for 7 Brew Coffee / Taco Bell is located on the southeast corner of East 21st Street South and South Vandalia Avenue. The site is approximately 1.18 acres in size and is primarily zoned Commercial Shopping (CS). A zoning application was submitted to the city on June 6th, 2023 to rezone a 0.18-acre portion of vacated right-of-way on the south west corner of the property from RS-3 to CS. At this time, the zoning application was approved by planning commission on July 19th and will be moving forward to city council.

Recently, a corrections summary was acquired from the city (BLDC-154858-2023) containing comments associated with a site plan for the subject property. The variance request is tied to one particular comment referencing Section 55.100-C.2 of the Tulsa Zoning Code, which states, “all areas associated with drive-through facilities, including drive-through signs, stacking lanes, trash receptacles, loudspeakers and service windows must be located to the rear or on the non-street-facing side of the property.”

The proposed development includes a drive through coffee establishment located on the west side of the site and a fast-food restaurant located to the east. The design of this site has been substantially restricted due to a few factors. First, there is a thirteen (13') foot elevation difference between the southeast corner and northwest corner, limiting location and orientation options. Second, there is an existing no build area along the eastern side of the property. The above factors have limited options regarding design and orientation to meet the city's site design requirements, which include required parking, circulation, and appropriate drive through stacking which cannot conflict with drive alley circulation.

Regarding the 7 Brew coffee structure, the zoning code in its current state does not anticipate a no sit-down, drive-through only establishment. Such uses have grown in popularity since the pandemic. Establishments such as these require extensive drive-through lanes that account for 80%-90% of circulation around the building to appropriately account for internal circulation and to ensure that stacking remains on site without extending onto the public roadways. According to the current zoning code, there is no orientation on this site that would conform to Section 55.100-C.2.
Lastly, to account for this modification we have made a focused effort to internalize the necessary parking toward the southeast portion of the site and incorporated the required landscaping to specifically buffer drive-through / stacking lanes from the public right-of-way and adjacent uses along the northern and western frontage. Please find attached a landscape site plan demonstrating these additional measures. If any questions arise, please let me know.

Sincerely,

Justin DeBruin
Wallace Design Collective
Justin.debruin@wallace.design
CITY OF TULSA
CORRECTIONS SUMMARY

Note (5)

Subject: Note
Page Label: 7
Status:
Author: danabox
Date: 7/25/2023 2:46:47 PM
Color: ■

Sec. 55.040-B Calculations
In calculating the number of parking spaces required for uses subject to a minimum parking ratio of "x" spaces per 1,000 square feet, first divide the floor area of the subject use by 1,000 and then multiply the result by "x."

Review Comment: Your plan indicates 3 available parking spaces. The proposed space is 510 sf / 1000 = 0.510 x 8.5/1000 = 4.335 or 5 spaces required.
Provide a parking plan with 5 parking spaces.

Note (2)

Subject: Note
Page Label: 7
Status:
Author: danabox
Date: 7/25/2023 2:40:30 PM
Color: ■

Sec. 55.100-C Location and Design
2. All areas associated with drive-through facilities, including drive-through signs, stacking lanes, trash receptacles, loudspeakers and service windows must be located to the rear or on the non-street-facing side of the property.

Review Comment: Provide a site plan with drive-through on non-street facing side of the property.

Note (6)

Subject: Note
Page Label: 16
Status:
Author: danabox
Date: 7/25/2023 3:00:41 PM
Color: ■

Sec. 65.040-C Requirements
1. Number
At least one large tree is required per 30 feet of street frontage. If large trees are not appropriate due to the presence of overhead lines, other obstructions or site visibility considerations, as determined by the land use administrator, at least one small tree is required per 25 feet of street frontage.

Review Comment: Provide a Landscape Plan that provides 1 large tree per 30 feet or 1 small tree per 25 feet.
Case Report Prepared by:  
Austin Chapman

Owner and Applicant Information:  
Applicant: Joel Collins  
Property Owner: NEAL & COURTNEY SIEX

**Action Requested:** Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A,); Variance to permit more than 30% coverage of the rear setback by Detached Accessory Buildings (Sec.90.090-C, Table 90-2)

**Location Map:**

**Additional Information:**  
Present Use: Residential  
Tract Size: 0.16 acres  
Location: 1616 S. Florence Ave.  
Present Zoning: RS-3
BOA-23570

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

Aerial Photo Date: 2021
HEARING DATE: 09/12/2023 1:00 PM

APPLICANT: Joel Collins

ACTION REQUESTED: Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A,) Variance to permit more than 30% coverage of the rear setback by Detached Accessory Buildings (Sec.90.090-C, Table 90-2)

LOCATION: 1616 S. Florence Ave. ZONED: RS-3

PRESENT USE: Residential TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: LT 4 BLK 8, AVONDALE ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Neighborhood"

Neighborhoods are "Mostly Residential Uses" which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low-intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

STATEMENT OF HARDSHIP:

1. That the physical surroundings, shape, or topographic conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out: Current garage depth does not allow for modern car/truck to fit inside.

2. That the literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose: With existing conditions, small lot, garages in rear yard, code sizes create hardship for owner to enclose, protect vehicles and also hardship of no lawn/ yard storage.

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

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

5. That the variance to be granted is the minimum variance that will afford relief: Yes.

6. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property: Maintains neighborhood quality and setbacks.
7. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan: No, there are other 2-story accessory structures in the neighborhood: Maintains spirit and also keeps from using a portable shed.

**STAFF ANALYSIS:** Applicant is requesting a Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A,) and Variance to permit more than 30% coverage of the rear setback by Detached Accessory Buildings (Sec.90.090-C, Table 90-2):

2. **RS-2, RS-3, RS-4, RS-5 and RM Districts**

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

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

**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>
</tr>
</thead>
<tbody>
<tr>
<td>RS-1 and RE District</td>
<td>20%</td>
</tr>
<tr>
<td>RS-2 District</td>
<td>25%</td>
</tr>
<tr>
<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>
</tr>
</tbody>
</table>

Facts staff finds favorable for variance request:
- Addition of an attached garage would no be practical to get the size garage requested.

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

**SAMPLE MOTION:**

Move to ________ (approve/deny) a Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A,) Variance to permit more than 30% coverage of the rear setback by Detached Accessory Buildings (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.

- 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