CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level
One Technology Center
Tuesday, September 26th, 2023, 1:00 PM
Meeting No. 1324

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. 23557 – Lou Reynolds
   Action Requested: Special Exception to permit a Library in the RS-3 District (Table 5.020, Table 5-2, Table 5-2.5); 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)
   (Item was approved on August 8th, 2022; the Board moved to reconsider item on September 12th, 2023)

2. 23562 – Lou Reynolds
   Action Requested: 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)
   (Motion to approve item failed on August 8th, 2022; the Board moved to reconsider item on September 12th, 2023)

3. 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. & E. 51st Street S. (CD 5)

4. 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. & S. Vandalia (CD 4)
5. 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,); Variance to permit more than 30% coverage of the rear setback by Detached Accessory Buildings (Sec.90.090-C, Table 90-2); Variance to reduce the minimum open space requirement of 4,000 square feet in the RS-3 District (Sec. 5.030-A, Table 5-3)
   **Location:** 1616 S. Florence Ave. (CD 4)

   **NEW APPLICATIONS**

6. 23571 – Raul Cisneros
   **Action Requested:** Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5)
   **Location:** 1732 S. Jamestown Ave. (CD 4)

7. 23572 – Atul Sood
   **Action Requested:** Special Exception to permit the alteration, expansion, or enlargement of a structure with an existing non-conforming street setback (Sec. 80.030-D)
   **Location:** 4216 S. 25th W. Ave. (CD 2)

8. 23573 – Timothy Jay Roberts
   **Action Requested:** Special Exception to permit a Detached House in the OM District (Sec. 15.020-H, Table 15-2.5); Variance to permit greater than 0.50 Maximum Floor Area Ratio (FAR) in the OM District (Sec. 15.030; Table 15-3)
   **Location:** 1639 S. Carson Ave. (CD 4)

9. 23574 – Regina Dake
   **Action Requested:** Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5)
   **Location:** 6330 N. Elwood Ave. (CD 1)

10. 23575 – Nancy Gallimore & Lawanna Smith
    **Action Requested:** Special Exception to permit an Animal Boarding Facility in the CS District (Sec. 15.020, Table 15-2)
    **Location:** 5331 E. 41st St. (CD 5)

11. 23576 – Little Gurus Steam Academy
    **Action Requested:** Special Exception to permit a sign in the right-of-way or planned right-of-way (60.020-E)
    **Location:** 1020 N. Peoria Ave. (CD 1)
12. 23577 – Tim Sprik-Sprik Properties, LLC
   **Action Requested:** Variance to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3); Variance to reduce the minimum open space requirement of 4,000 square feet in the RS-3 District (Sec. 5.030-A, Table 5-3)
   **Location:** 1517 E. 39th St. (CD 9)

13. 23578 – Meenakshi Krishnasamy
   **Action Requested:** Special Exception to amend a previously approved site plan for a Religious Assembly Use in the AG District (25.020, Table 25-2; Sec. 70.120)
   **Location:** 16943 E. 21st St. (CD 6)

14. 23579 – Joe Medina
   **Action Requested:** Special Exception to increase the allowed fence height of 4-feet inside the street setback (Sec. 45.080-A)
   **Location:** 6308 & 6320 S. Owasso Ave. (CD 2)

**OTHER BUSINESS**

**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-23557  
**Hearing Date:** 9/26/2023 (Board moved to reconsider item on 9/12/23 Hearing)

<table>
<thead>
<tr>
<th>Case Report Prepared by:</th>
<th>Owner and Applicant Information:</th>
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<tbody>
<tr>
<td>Austin Chapman</td>
<td>Applicant: Lou Reynolds</td>
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<td>Property Owner: Independent School District No. 1</td>
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**Action Requested:** Special Exception to permit a Library in the RS-3 District (Table 5.020, Table 5-2, Table 5-2.5); Variance to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3)

<table>
<thead>
<tr>
<th>Location Map:</th>
<th>Additional Information:</th>
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<tbody>
<tr>
<td></td>
<td>Present Use: School</td>
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<td>Tract Size: 3.87 acres</td>
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<td>Location: 1110 E. 45 Pl. S.</td>
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<td>Present Zoning: RS-3</td>
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**Case History:**

08/08/23: First appearance on agenda, Board continued item until the next hearing.

08/22/23: Board approved item in a vote of 3 yea’s (Stauffer, Barrientos, Wallace) and 1 abstention (Radney).

09/01/23: Notice of appeal of this case was filed with the Board of Adjustment staff.

09/12/23: Stauffer motioned to reconsider item at the 9/26 Hearing, all 3 Board member present voted in favor of reconsideration (Stauffer, Radney, and Bond).
HEARING DATE: 9/26/2023 (Board moved to reconsider item on 9/12/23 Hearing) 08/22/2023 (Continued from 08/08/2023)

APPLICANT: Lou Reynolds

ACTION REQUESTED: Special Exception to permit a Library in the RS-3 District (Table 5.020, Table 5-2, Table 5-2.5); Variance to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3)

LOCATION: 1110 E 45 PL S  ZONED: RS-3

PRESENT USE: School  TRACT SIZE: 168591.83 SQ FT

LEGAL DESCRIPTION: See attached.

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-21380; On 02.28.12 the Board approved a Variance to permit a digital sign to have non-constant light and a Variance to permit a digital sign within 200-feet of a residential district.

BOA-12091; On 08.19.82 the Board approved a Special Exception to permit a daycare use accessory to Wright Elementary School.

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

Multi-dwelling unit housing that takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

STATEMENT OF HARDSHIP: See attached exhibits.

STAFF ANALYSIS: The applicant is requesting a Special Exception to permit a Library in the RS-3 District (Table 5.020, Table 5-2, Table 5-2.5);

35.040-1 Library or Cultural Exhibit

Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art or library collections of books, manuscripts and similar materials for study and reading. Includes aquariums and planetariums.

and a Variance to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3):
Applicant is requesting to reduce the street setback from 25-feet to 15-feet for non-arterial streets.

**Facts staff finds favorable for variance request:**

- The presence of the storm easement on the site as identified on the property does present a physical limitation of the building area of the site.

**Facts Staff find unfavorable for the variance request:**

- None.

**SAMPLE MOTION:**

**Special Exception:**

Move to _________ (approve/deny) a Special Exception to permit a Library in the RS-3 District (Table 5.020, Table 5-2, Table 5-2.5);

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

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

**Variance:**

Move to _________ (approve/deny) a __________________________

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

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

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

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

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

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

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

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

A tract of land located in the City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit:

The East 995 feet of the South 474 feet of the Annie May Grant Tract "B" of the L.J.F. Rooney Survey of Annie May Grant (née Abdo) and Harry N. Abdo lands in Section 25, Township 19 North, Range 12 East, according to the recorded plat thereof, the East boundary thereof being the center of the Section line between said Section 25, T-19-N, R-12-E, and Section 30 T-19-N, R-13-E; and the East 995 feet of the Annie May Grant Tract "C" of the L.J.F. Rooney Survey of Annie May Grant (née Abdo) and Harry N. Abdo lands in Section 25, Township 19 North, Range 12 East, according to the recorded plat thereof, the East boundary thereof being the center of the Section line between said Section 25, T-19-N, R-12-E, and Section 30, T-19-N, R-13-E, LESS a tract of ground in the Southwest corner of the Annie May Grant "C" Tract (which is part of the N/2 of NE/4 of SE/4 of 25-19-12) specifically described as: Beginning at a point in the center of Section line on the East side of said Section 25 at the Southeast corner of the Annie May Grant "C" Tract, according to the recorded plat and running thence North in the center of said Section line along the East boundary of said Section 25 a distance of 160 feet, thence due West and parallel with the South boundary line of said Section 25 a distance of 170 feet, thence South and parallel with the East boundary line of said Section 25 a distance of 160 feet, thence East along the South boundary line of said Annie May Grant "C" Tract a distance of 170 feet to the Point of Beginning.
Exhibit "B"

The Applicant requests (1) a Special Exception pursuant to Table 5-2 of the Tulsa Zoning Code (the "Code") to permit a Library in the RS-3 district; and (2) a Variance to reduce the minimum non-arterial street setback from 25 feet to 15 feet, all for property located at 1110 E. 45th Place S. (the "Property").

The Property is comprised of approximately 9 acres, with Collegiate Hall, a public charter school, located on the northern half of the Property. The Tulsa City-County Library Commission desires to build a new Brookside Library at the southwest corner of the Property. A Conceptual Site Plan of the new library facility is attached hereto. Currently, Brookside Library is located just north of the Property, across E. 45th Place. The proposed 15,000 SF library will be a much needed upgrade to the current 7,000 SF library built in 1970.

Given the existence of a library in this neighborhood just a couple of blocks away for over 50 years, the proposed Library use will not be injurious to the neighborhood and the Special Exception is in harmony with the spirit and intent of the Code.

The RS-3 zoning district requires a 25 foot building setback from non-arterial streets. Due to an existing storm sewer easement crossing the northern portion of the Property, the location of the proposed Library is confined to the area of the Property to the south of the easement. In order to accommodate the building on the site, the Applicant requests a Variance to reduce the 25 foot street setback to 15 feet.

Taking into account the existing 50 feet of right-of-way of E. 47th Street, the Library building will be setback 65 feet from the residential property boundary to the south and 85 feet from the nearest residential building wall to the south. Accordingly, the literal enforcement of the setback established by the Code is not necessary to achieve its intended purpose and the Variance will not impair the use of the adjacent property or the spirit and intent of the Code.
Sidewalk Extending North

Requesting 15’ Setback

120” Storm Sewer Easement

New TPS Fence Line

TCCL Property Line

Drive-Thru Book Service

Walking Trail on TPS and City Easement

15,000sf

My Library, Our Future
May 17, 2023
Zoning Discussion
July 26, 2023

Antony & Najat Abdo
2020 Revocable Trust
7726 S. 69th East Ave.
Tulsa, OK 74133-3414

Re: Brookside Library, 1110 E. 45th Place South, Tulsa, Oklahoma 74105
Board of Adjustment Case No. BOA-23557

Dear Mr. and Ms. Abdo:

If you have not already, you will be receiving a notice in the mail from the Tulsa Planning Office regarding our application for Case No. BOA-23557, which will be heard by the City of Tulsa Board of Adjustment on Wednesday, August 8, 2023, at 1:00 p.m.

The Tulsa City-County Library Commission is in the design process for a new Brookside Library facility. The existing Brookside Library, on the north side of 45th Place, was built over fifty years ago in 1970 and, with approximately 7,000 square feet, simply does not have the space or amenities of a modern library.

The new Brookside Library facility is proposed to be built on the south side of Collegiate Hall, on South Madison Place. The new building on Madison will be approximately 15,000 square feet and in addition to a larger book selection, will have meeting areas, computers and multi-media resources available to the public.
The purpose of this Board of Adjustment application is for a Special Exception for the library use to be in a residential district and, due to a large storm sewer bisecting the Property, a Variance to reduce the street setback by 10 feet (from 25 feet to 15 feet) along E. 46th Place. Attached to this letter are a Conceptual Site Plan and Building Elevation that will be provided to the Board.

We are excited for the new Brookside Library and think it will be a wonderful, much needed upgrade for the community and you, as its neighbors. If you have any questions about the project, please do not hesitate to call me at (918) 747-8900.

Yours very truly,

ELLER & DETRICH
A Professional Corporation

Lou Reynolds
Counsel for Tulsa-City County Library Commission

Enclosure
Greetings,

I am writing regarding Case BOA-23557 and the Brookside Library’s planned new location. I wrote an earlier letter of concern to the Tulsa Library. Since writing that letter, I have spoken with some nearby residents. I have heard concerns that the project is unnecessary (regardless, the planned residential location seems very poor, all things considered). I have heard some strong concerns about the loss of green space. The large field has been in use for recreation and relaxation by many community members for decades (and would continue to be if left intact). Its size should not be substantially diminished, as it will be if this project proceeds. I have also become aware of concerns about this project contributing to the unnecessary existence of what the EPA calls a “heat island” in our neighborhood, which seems quite a serious consideration. There are other concerns as well. I agree with the statement that to grant the Special Exception/variance would do more harm than good for the local community. It seems that this project needs serious reconsideration.

Best wishes,

Jonathan Pinkey

4754 S Boston PL
Tulsa OK 74105-4418

P.S. Why not move the library somewhere else, perhaps on Peoria? (Possibly where the old Arby’s was—there is a big field behind it that could provide plenty of parking. There are other possible locations that might be considered as well.)

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Good afternoon,

Per our conversation, I am requesting a continuance for BOA-23557 which is scheduled for August 8, 2023. A continuance is appropriate for the reason that it coincides with an election and would overburden residents who might have to make a choice between the two for reasons of personal or work-related obligations.

To date, no mail has been received notifying those of us living within 300 feet (or distance otherwise specified by law) that a variance has been requested for this project. I would also ask that a public hearing be held so that those of us who have concerns may bring them before the body that governs these changes.

If there are any other steps to be taken in order to ensure that affected residents are able to engage and fully participate in this process, please advise.

Regards,

Kelsey Royce
918-955-5007
Members of the Board,

I am a resident of the affected neighborhood and strongly oppose granting the applicant’s request in Case No. BOA-23557. I urge the Board to deny the requested special exception and variance because it is a commercial endeavor that is inappropriate for our quiet neighborhood and would be deleterious to our community.

Sincerely, Anique Swanson
We are the owners of property located within 300 ft of the proposed Brookside Library. We strongly oppose this proposal and urge the BOA to deny the applicant’s request.

As we understand it, there are two requests that the library is making of the BOA:
1) to be granted a special exception
2) to be granted a variance in the event that the exception is approved.

No variance can be granted.

The criteria for BOA approval of an exception are:

1) the exception will be in harmony with the spirit of the zoning code to the current residential zoning (RS-3)
2) it will not harm community or public welfare

We contend that the exception is not in harmony and will harm us. Therefore, an exception and resultant variance must be denied.

There is no proof that the library needs an “upgrade” and the Library Commission, as a fiduciary, must give the public evidence of such need.

We believe in and support the public library system! As residents of the Brookside area, as well as owners of numerous properties in same neighborhood (that we pay real estate taxes on, and, in turn, support the library’s existence), we want a safe and healthy environment for our neighborhood that protects the community’s right to quiet enjoyment.

The applicant’s proposal for a special exemption and the request for a variance that is to be brought before the BOA on Tuesday (8/22/23) is incomplete, confusing, and unprofessional.

We oppose the proposal and urge the BOA to deny the Applicant’s request.

Sincerely,

Gary & Marianne Haddad
4128 S Norfolk Avenue
Tulsa, Ok 74105
Members of the Board,

I am a resident of the affected neighborhood and strongly oppose granting the applicant’s request in Case No. BOA-23557. I urge the Board to deny the requested special exception and variance because it is a commercial endeavor that is inappropriate for our quiet neighborhood and would be deleterious to our community.

Sincerely, Callan Swanson

Sent from my iPhone
CAUTION: This email originated from outside of the organization. Do not reply, forward, click links, or open attachments unless you recognize the sender and know the content is safe. Please report using the Phish Alert button in the Outlook Desktop Client if this message contains potentially unsafe content.
ChMembers of the Board,

I am a resident of the affected neighborhood and strongly oppose granting the applicant’s request in Case No. BOA-23557. I urge the Board to deny the requested special exception and variance because it is a commercial endeavor that is inappropriate for our quiet neighborhood and would be deleterious to our community.

Sincerely, cherry Swanson

Sent from my iPhone
CAUTION: This email originated from outside of the organization. Do not reply, forward, click links, or open attachments unless you recognize the sender and know the content is safe. Please report using the Phish Alert button in the Outlook Desktop Client if this message contains potentially unsafe content.
QUESTIONS FROM OUR NEIGHBORHOOD COMMUNITY


1) The proposed building is a very large 15,000 square feet and requests setback of 15 feet instead of existing legal minimum of 25 feet. To accommodate the storm easement, the proposed setback is designated for the side and rear portions of the building, which are adjacent to multi-family dwellings.

   1.1) Does this imperil adjacent buildings, and residents of those buildings, due to proximity in case of fire or emergency event?

   1.2) What remedies exist in the case of fire, or emergency event? How will a fire truck and other emergency vehicles access the side and back of building with such limited space to navigate or turn?

2) This proposed new 15,000 square foot library is part of a developed parcel which houses a Charter School and serves our most vulnerable and treasured community members- our children. 2.1) Are we placing them at risk in the event of fire or, God forbid, armed hostility, by reducing clear and navigable access by emergency vehicles to all parts of the building?

   2.2) Are there security risks and vulnerabilities due to the reduced easement of minimum 25 feet to proposed 15 feet?

3) Documents ask if there are any, “Facts staff find unfavorable,” and in advance of tomorrow’s hearing expressly answer, “None.”

   3.1) Where are the surveys of traffic flow, studies which identify impacts upon neighborhood residents, adjoining properties and existing infrastructure (i.e., roads, sewer, electrical, technology, etc.)?

   3.2) Where are the studies and findings, including impacts upon community and taxpayers due to increased use and consumption of resources, as well as how hours of operation and after-hours special events may negatively impact individuals and families in a neighborhood predominantly of pre-existing single-family dwellings?

   3.3) Will there be disruption of our quiet, tranquil neighborhood and how will it negatively affect our property values as tax paying homeowners?

   3.4) If there are studies, who, or which company, conducted them?

   3.5) Were there any Environmental Impact Reports requested, conducted and/or filed for this proposed use of the soccer and playground parcel?

   3.6) Were impacts upon the loss of carbon-processing ancestral oaks and trees of large diameter identified and considered?

   3.7) Were the impacts and devastation of habitat of resident and protected wildlife identified or considered? If so, how?
3.8) Most importantly, were the devastating impacts upon our most treasured community members - our children - identified and considered? When so many children in the world do not have a safe place, or chance, to play, breathe clean air and interact with God’s Creation, why would we take one that already exists and is beloved here in Tulsa?

3.9) What were the methodologies, criteria, analysis and dates of any studies?

4. Was there Notice of Proposed Changes to Easement?

4.1) If so, how was legal Notice given and when?

4.2) Was each property owner and resident within the adjoining buildings and communities given Notice or asked how the new library would affect them positively or negatively?
TRAFFIC ON MADISON PLACE AFTERSCHOOL
STREET VARIOUSLY NAMED BY APPLICANT 47th & 46th PL

8-21-2023
6:38 PM
I own the apartments at 4611-4623 S. Madison Place. My property is located across the alley/46th Place to the south of the proposed location for the new library.

**I am opposed to the applications to both allow from the library to be build and to reduce the setback from the street from 25 to 15 feet.**

Reasons are:
- This large commercial building will be huge change to the look and feel to what is now a residential neighborhood. It is not an appropriate use of the space.
- We purchased the property assuming that the open green space to the north would be protected by zoning requirements. The current park-like setting is a big draw for our tenants.
- What will basically be a two story building will loom over our property, especially if it allowed to be built 10 feet closer to the street than what is normal.
- Added car and foot traffic is bound to create a nuisance for all that live in the neighborhood, especially those adjacent to the property.
- In its current from, 46th Place is basically an alley; not a real street. There is no way that it can handle the extra curb cuts and traffic in existing form.
- According the plan, the curb cut located at the SE corner of the new building will be primarily used by trucks for deliveries and trash collection. That could cause extra noise and disruption for my tenants.
- Covering the current green space with a building and parking is bound to lead to water run-off problems for all adjacent property owners.
- If allowed, the project has the potential to REDUCE my property value.
At a minimum, if the project is allowed to move forward, we would expect that the alley on the south perimeter (46th PL) be totally brought up to current standards. This would require removal of the existing material, re-grading, addition of curbs and gutters, curb cuts on the south side to provide access to my tenant parking, etc. All of the cost of improving the alley into a real street should be borne by the project/library system.

Thanks for your time. Please don’t hesitate to contact me if you have questions.

Jim Diacon
Owner and Managing Member
JNP, LLC

Jim Diacon
jdiacon@me.com
918-688-8950
Members of the Board,

I am a resident of the affected neighborhood and strongly oppose granting the applicant’s request in Case No. BOA-23557. I urge the Board to deny the requested special exception and variance because it is a commercial endeavor that is inappropriate for our quiet neighborhood and would be deleterious to our community.

Sincerely,
Evan Inman
Members of the Board,

I am a resident of the affected neighborhood and strongly oppose granting the applicant’s request in Case No. BOA-23557. I urge the Board to deny the requested special exception and variance because it is a commercial endeavor that is inappropriate for our quiet neighborhood and would be deleterious to our community. I have lived across the street from the school/greenspace since 1988 and the greenspace has been used and enjoyed by countless numbers of Tulsa residents to exercise their dogs, meet for ball practice and basketball and walk the perimeter for exercise. The greenspace is even a stop for the local geese on their way to the Arkansas River. I would like to see these activities continue in our little neighborhood. I think it's important to the residents' overall enjoyment with the area of town we live in.

Thank you,

Mary Campbell
331 East 45th Court
Tulsa, OK 74105

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Hello. I oppose this case! We use that are to play, walk and socialize. Please do not make it a parking lot!
Sincerely
Katera Roberts
918-636-5393
4762 S Boston Pl
Tulsa OK 74105
To the distinguished board members of Tulsa City Hall,

My name is Luka Gogibedashvili, I am a resident near the Collegiate Hall and the public park of the same, located at the intersection of S. Madison Pl and E 45th PL.

In this letter I would like to briefly convey my interest and reasoning in favor of keeping the public green space for the use of the local community. I do ask that the interests of residents be considered when ruling regarding the starting of a construction project that would pave away the lovely green space that has become so dear to us.

My wife, April Elise Gordon, and I visit the park every day, we have met and have become friends with people that also frequent the park. I see residents there that bring their children to play in the field and the playgrounds, I regularly see my former student playing basketball with his friends on the basketball court, a girls’ soccer team uses the property to train for their games. I know people that have met, become friends, and started dating, all from meeting at this park. Many people bring their dogs, and the latter have formed a cheerful community of their own. The passers-by say hello and stop by for a chat, exchanging local news and to complain about the weather.

Speaking of the weather, the greenery acts as a heat sink, which is a welcome reprieve in hot Oklahoma summers. While the construction, which would bring even more cement than the area already has, would do the opposite. The green space does also, as one would imagine, serve as a failsafe against flooding, a benefit that extends far beyond the immediate vicinity of the surrounding houses.

As for the construction of the library itself, we welcome it, but surely an alternative location could be found that is not as important for the mental, physical, and social well-being of the community.

I regret that my work does not let me attend the hearing on August 22nd, 13:00, and I have to send this letter instead, I hope it will find you well. I implore you to consider the interests of the community and not deprive us of a public space that we use daily.

Respectfully Yours,
CAUTION: This email originated from outside of the organization. Do not reply, forward, click links, or open attachments unless you recognize the sender and know the content is safe. Please report using the Phish Alert button in the Outlook Desktop Client if this message contains potentially unsafe content.
Existing school fence line to Remain (pink dotted lines)

New sidewalk to extend and connect to the school

All playground equipment remains

Existing walking trail is maintained and becomes publicly accessible (no longer behind the school's fence)

Adjusted Fence Line

New Soccer Goals and baseball backstop added to school property

S. Madison Pl.
Sidewalk Extending North

120" Storm Sewer Easement

New TPS Fence Line

TCCL Property Line

Drive-Thru Book Service

Walking Trail on TPS and City Easement

Requesting 15' Setback

15,000sf

120" Storm Sewer Per TPS Easement

TCCL Property Line

Walking Trail on TPS and City Easement

Requesting 15' Setback
NOTICE OF INTENT TO APPEAL
FROM CITY OF TULSA BOARD OF ADJUSTMENT

This constitutes notice of Intent to Appeal the decision of the Board of Adjustment (City of Tulsa) BOA-23557 August 22, 2023, to District Court CV-2023-1809

Sept. 1, 2023

Kelley Chapman
3360 E. 45th Ct.

FILED
CITY OF TULSA BOARD OF ADJUSTMENT
DATE 9/1/23 TIME 4:14 AM
RECEIVED BY:
CLERK OF THE BOARD Austin Chapman
IN AND FOR THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

KELSEY ROYCE and Others, Home Owners and Residents
Petitioners,

Vs.

CITY OF TULSA BOARD OF ADJUSTMENT
Defendants,

CV-2023-01809

Caroline Wall

IN RE: Appeal from the City of Tulsa Board of Adjustment meeting decision of August 8th and continued on August 22, 2023 on Agenda No. 1322, Case No. BOA-23557 when the BOA approved the special exception for the Tulsa City-County Library Commission to build a library on Tulsa Public School property in a residential neighborhood (RS-3) and resultant variance to the setback to 15ft.

NOTICE OF APPEAL FROM CITY OF TULSA BOARD OF ADJUSTMENT

COMES NOW, Kelsey Royce and Other Home Owners and Residents, the Petitioners vs. The City of Tulsa Board of Adjustment Agenda No. 1322, in Case No. BOA-23557, hereby appeal the decision of said Board of Adjustment rendered on said application. In support of this Appeal, Petitioners state the following:

FILED
CITY OF TULSA
SEP 01 2023
A.M. 4:15 PM
OFFICE OF THE CITY CLERK
BY

FILED
CITY OF TULSA BOARD OF ADJUSTMENT
DATE: 9/1/23 TIME: 4:14 (AM/PM)
RECEIVED BY: 
CLERK OF THE BOARD: Austin Chapman

Page 1
1. The City of Tulsa Board of Adjustment ("BOA") is a quasi-judicial body organized under the authority of (11 O.S. 44-10) for the purpose of issuing final decisions on findings of fact in City land use zoning, special exceptions, and variances.

2. **Pursuant to Tulsa Zoning Code 70.120-F** approval of a special exception requires an affirmative vote of at least 3 members of the board of adjustment.

3. **Pursuant to Tulsa Zoning Code 70.130-G** approval of a variance requires an affirmative vote of at least 3 members of the board of adjustment.

4. On August 22, 2023, BOA approved Case No. BOA-23557 to build a Library on 1110 with the following votes: 3 - yea; 1 - absent; 1 - abstain.

5. On August 22, 2023, conflicted BOA Member, Whitney Stauffer, did not recuse from discussion and voted to approve BOA-23557.

6. **Pursuant to Tulsa Zoning Code 70.120-B Authority to File** - Applications for special exception approval may be filed only by the owner of the subject property or by the property owner's authorized agent.

7. **Pursuant to Tulsa Zoning Code 70.130-C Authority to File** Variance applications may be filed only by the owner of the subject property or by the property owner's authorized agent.

8. The property owner of 1110 E. 45th Place ("the Property") is Independent School District No. 1 Tulsa, Tulsa County ("Property Owner").

9. The governing body of the Property Owner is a body of 7 elected members of the local Board of Education (BOE).

10. The governing body of the Property Owner did not approve the application for BOA-23557 and did not retain Lou Reynolds to represent them in the aforementioned case.

11. Lou Reynolds (Eller & Detrick) was retained as Counsel for the Tulsa City-County Library Commission ("TCL") to apply for a special exception and variance for property that is not owned by TCL.
12. The BOA is held to standards outlined in its Ethics Policy which instruct members to avoid what a reasonable person would understand to be a conflict of interest or appear to be a conflict of interest (General Policy & Procedures, Section III).

13. The Property Owner is currently under investigation by state and federal authorities.


BOA Member Conflict of Interest

15. City of Tulsa Board of Adjustment (“BOA”) Member, Whitney Stauffer, was appointed to the BOA on April 12, 2023.

16. BOA member, Whitney Stauffer, is Chairman of the Board of Directors of the Foundation for Tulsa Schools (FTS), a charitable entity organized to support the mission of the Property Owner.

17. The interests of FTS have become so confused with the operations of the Property Owner that it is inconceivable that Whitney Stauffer in her role as BOA Member and simultaneously Chair of FTS could make an unbiased decision when it comes to BOA-23557.

18. Moises Echeverria-Ashworth is the President and CEO of FTS and is a TCCL Commission Member.

19. Ellen Duecker is a TCCL Commission Member and is employed by the Property Owner as Special Bond Projects manager.

20. BOA Member, Whitney Stauffer, works closely with Moises Echeverria-Ashworth at FTS.

21. BOA Member, Whitney Stauffer, worked closely with TCCL Commission Member, Ellen Duecker on the 2021 Bond Committee for the Property Owner.
22. On August 15, 2023, BOA Member, Whitney Stauffer, presided over a meeting of FTS which included the Property Owner’s Chief Financial Officer and now-resigned former superintendent Deborah Gist.

23. The interests of FTS have become so confused with the operations of Independent School District No.1, Tulsa, Tulsa County, that it is inconceivable that Whitney Stauffer in her role as BOA Member and simultaneously Chair of FTS could make an unbiased decision when it comes to BOA-23557.

**BOA Failed to Consider the Concerns Brought Forth by Neighborhood**

24. Questions and concerns emailed to Austin Chapman, Senior Planner at the Tulsa Planning Office in charge of BOA-23557, were not raised to the BOA.

25. Comments from residents and property owners all opposed the special exception and variance.

26. Findings of fact for approval were not made pursuant to 70.120G as required.
WHEREFORE, Kelsey Royce and others were deprived of their rights to an impartial public hearing before the City of Tulsa Board of Adjustment. The District Court should stay all proceedings on BOA-23557 and conduct a trial de novo to show that there was not only a conflict of interest when Whitney Stauffer was allowed to vote to approve the special exception for the construction for the building of library and variance; but also violated the rules when Lou Reynolds was allowed to represent the Library Commission because they aren’t the property owner.

CERTIFICATE OF SERVICE

This is to certify that on this 30th day of August, 2023 the above was filed with the Tulsa County Court Clerk with a request that a filed and stamped copy be forwarded and sent to the Judge Presiding over this case and the City of Tulsa Board of Adjustment.

Kelsey Royce
336 E. 45th Ct.
Tulsa, OK 74105
The Foundation for Tulsa Schools held its Board of Directors Meeting in person on August 15, 2023.

Board members present: 20 board members present, which represents quorum.

Attended: Dr. Deborah Gist, Daniel Regan, Larry Faulkner, Brad White, Lachelle King, Jared Kuykendall, Annie Tomecek, Joey Wignarajah, Whitney Stauffer, Drew France, Maggie Hille Yar, Mary Spears, Sarah Gould, Emily Fuller, Rick Kelly, Shanese Slaton, Molly Aspan, Judie Hackerott, Steffanie Bonner, Teil Blackshare, Lauren Sherry

Staff present: Moises Echeverria, Brena Meadows Thrash, Joey Oneal, Sam Tinker

- Welcome & Call to Order – Whitney Stauffer, Board Chair
  - Call to Order [Whitney Stauffer] – 7:35AM
    - Board portal will be available on FTS website this week. Link will be sent out by staff
  - New board members
    - Lachelle King, City of Tulsa
    - Jared Kuykendall, JP Morgan
    - Emily Fuller, Intern & Reading Partners
  - Addressing issues brought up by State Superintendent.

- Board Member Spotlight
  - Lachelle King, City of Tulsa
  - Jared Kuykendall, JP Morgan
  - Emily Fuller, Intern & Reading Partners

- Consent Agenda – 7:41
  - (MOTION) To approve [Joey Wignarajah]. Seconded [Molly Aspan], passed unanimously.
  - Consent agenda Items:
    - Finance Report
    - Committee Reports
      - Partners in Education
      - Program Evaluation & Development
  - Tulsa Public Schools Update - Dr. Deborah Gist speaks (7:42)
    - Accreditation
      - Accreditation officer visits each school as well as the district for the accreditation process annually.
      - Originally the district had 1 accreditation deficiency when process concluded in May, due to report late by 1 week
2nd deficiency was added by state after Dr. Gist had reviewed and signed document
- Deficiencies are not cumulative, start over each year, if deficiency is resolved
- The accreditation process does not look at student outcomes

Accountability
- Student outcomes measured by school report cards.
- When schools with failing grades consolidate, their grades start over, examples can be seen by districts like Oklahoma City
- Two major goals in Strategic Plan for TPS—literacy for all ages and college/career readiness. Plan available for review.

Audit
- Misconduct found internally by TPS
- Reported the employee immediately to authorities once discovered and district has been as transparent as possible throughout the process as there is an open investigation
- TPS does have strong internal controls
- Dr. Gist and CFO met with State Superintendent to discuss the new requests for documentation

Additional Information Discussed
- Claims that TPS disregard religious liberties — Opposite of what is established in law.
- 65 school districts with the same or lower accreditation status than TPS.

Open to questions.
- Timeline for accreditation? (7:54AM)
  o Accreditation status remains same until state issues changes.
  o State board meeting Thursday, August 24 and accreditation has been stated to be on agenda
  o If tabled again, State Superintendent must address TPS accreditation by Dec.
  o If OSDE votes for accreditation with probation, the state has the ability to make leadership changes within the district
- What happens to the kids? (8:05AM)
  o We will not know the long-term impact to students, but schools will still be open with instruction continuing
  o TPS has already lost teachers due to the accreditation question and will lose more if accreditation changes
  o There has not been public discussion from OSDE to change leadership in the 6 districts that are currently accredited with probation.
  o State Superintendent falsely claimed that 52% of TPS budget were administrative costs. The figure he used contained nutrition, buses, counselors, reading interventionists which are not administrative costs.
  o There is a cap by the state for every school district’s administrative costs of 5% and there is dollar for dollar penalty if over 5%.
  o TPS; administrative costs are 4%
• What is the strategy moving forward for TPS? (8:14AM)
  ○ Launching landing page tulsapublicschools.org/facts
  ○ Would love to see business leaders take on addressing facts and media miscommunications.
• Has anyone spoken to legislators to address checks and balances in OSDE? (8:23AM)
  ○ Statutes need to be written more tightly to strengthen procedures and clarify step-by-step processes for accreditation
• Anything FTS can do to be proactive to address conversations relating to programs? (8:29AM)
  ○ Addressing it, but hard to plan for something that is unprecedented. Gathering data, we have strong arguments to show impact of our programs that support community.

• Dr. Gist meets with Chamber board members today (Aug 15th, 2023).
• President’s Report – Moises Echiverria, President & CEO (8:39AM)
  ○ Discussing long-term strategies, current issues might create a temporary pause in philanthropic support.
  ○ Discussing worst-case scenarios while continuing to support schools.
  ○ Moving forward with what is already scheduled.
  ○ Outreach to officials is critical.
  ○ ProtectTPS.com — most organized support effort.
  ○ Letter campaign, draft included in packet.
• Other Updates -- Whitney Stauffer
  ○ Calendar in board packet.
  ○ Board social networking at Driller’s game September 16th.
  ○ Next Board Meeting: October 17th at 7:30AM at Memorial MS
  ○ Magic City Books have T-Shirts in support of TPS
• Adjourn
  ○ (MOTION) To Adjourn [Drew France]. Seconded [Larry Falkner], passed unanimously.
  ○ Adjourned 9:03AM
Thursday, July 20, 2023
July Regular Meeting

12:00 p.m.

Central Library
Executive Conference Room on Level "L"
400 Civic Center
Tulsa, OK 74103

1. Opening of Meeting
   A. Call to Order - Leanne Helmerich, Chair
   B. Roll Call/Announcement of a Quorum

2. Chief Executive Officer’s Monthly Report
   A. CEO Remarks - Kimberly Johnson, CEO
   B. Employee Recognition

3. Committee Report
   A. Physical Facilities Committee Discussion and vote to Adopt, Reject or Modify an Agreement for Naming Rights for the new Brookside Library. Ellen Dwecker (Action)
   B. Personnel Committee - Vote to Adopt, Reject or Modify the Proposed 2024 Library Commission Meeting Schedule - Dr. Wimberly (Action)

4. Consent Agenda
   A. Approval of Consent Agenda
   B. Approval of June 2023 Minutes
   C. TCCL June Financial Reports
   D. Resolution: Declaring IT Surplus Property

5. Nominating Committee
   A. Appointment of commissioners to the Nominating Committee - Leanne Helmerich, Chair (Report)

6. Closing of Meeting
   A. Announcement of Next Meeting: August 17, 2023 at Rudisill Regional Library - 1520 N. Hartford Avenue, Tulsa, OK - Leanne Helmerich, Chair
   B. Adjournment - Leanne Helmerich, Chair
General Policies and Rules of Procedure
Board of Adjustment of the City of Tulsa

SECTION I – RULES OF PROCEDURE
A. Name

The name of this board shall be “Board of Adjustment of the City of Tulsa”, hereinafter referred to as the “Board”.

B. Membership

The Board shall consist of five members, who shall be appointed by the Mayor and confirmed by the City Council. Members of the Board shall serve without pay for a term of three years and shall continue to serve until their successors are appointed. Vacancies shall be filled for an unexpired term of any member in the manner set forth for appointments to a full term.

C. Removal

A Board member may be removed for cause by the City Council after notice, written charges and a public meeting. Three consecutive absences from regular and/or special called meetings, or absences totaling 2/3 of the regularly called or special called meetings held during any six month period, shall be sufficient cause for removal from the Board.

D. Officers

The Board shall elect annually from its appointed members a Chairman, a Vice-Chairman and Secretary. The Vice-Chairman shall serve as Chairman in the absence of the Chairman. Any vacancy in office shall be filled by the Chairman for the unexpired term only. The election shall take place on the first regularly scheduled meeting of the Board in the month of June.

1) The duties of the Chairman shall include:

a) Presiding over meetings with all powers under parliamentary procedure, unless the Chairman designates another member to preside;

b) Signing official documents of the Board;

c) Appointing a Vice-Chairman and Secretary in the event the said officers are absent from the meeting.

2) The duties of the Vice-Chairman shall include:

a) Presiding over all meetings in the absence of the Chair and shall have full powers of the Chair in matters that come before the Board; and

b) Assuming the duties of the Secretary in the event that the Secretary is absent from the meeting.

3) The duties of the Secretary shall include:

a) Assuming duties of the Chair in the event that the Chair and Vice-Chair are absent from the meeting; and

b) Collecting and stamping exhibits of each meeting for the official record.

E. Quorum

A numerical majority of three Board members shall constitute a quorum for the conduct of any Board business.

F. General Procedures

1. If inclined, the Board may grant a continuance of a scheduled public meeting at the request of the applicant, interested parties, or Board staff.

2. A motion to reconsider any action of the Board can be made by a Board member who voted for the prevailing party.
a) The Board may take a vote to reconsider an action of the Board during the meeting or at the next regularly scheduled meeting of the Board.

b) The action to be reconsidered will be placed on the subsequent meeting agenda and written notice must be given to all interested parties at least five working days in advance of the scheduled meeting.

3. When the public wishes to communicate with Board members, the appropriate way is through a letter or e-mail correspondence to Board staff, who will in turn distribute it to the Board members and the applicant.

G. Public Meeting Procedures

1. The Board shall consider only public meeting items which have been properly advertised as required by law and only those where all fees have been paid, including fees for legal advertising.

2. The Chair can modify the order in which the cases will be considered from the order in which they are listed on the agenda. The procedure for each case shall normally be as follows:

   a) Staff will announce the case by reading the item number, case number and applicant’s name.

   b) Staff will read the location of the subject tract and the action requested from the case report.

   c) The Chair calls on the applicant for a presentation, not to exceed fifteen (15) minutes. If the applicant presents a significantly changed application from that submitted for BOA staff review (as determined by BOA staff and at the BOA at the time of the presentation), such action is considered grounds for continuance.

   d) Any member of the public may address the Board at a regular or special meeting after signing in for a specific item. When recognized by the Chair, a member of the public should state his or her name and address. Speakers will be given five (5) minutes to speak on an item; however, the Chair may further limit that time based on the number of speakers for an item or impose an aggregate time for all speakers.

   e) The Chair may rule a comment out of order if it is redundant, irrelevant, indecorous or untimely.

   f) The applicant is given the opportunity to rebut and is allowed no more than ten (10) minutes to speak. If the applicant, in the Chair’s opinion, should present new facts or information, the Chair may allow the protesters time to rebut same.

   g) The Chair announces the public hearing is closed on the case and opens the review session, during which the Board members will discuss the case among themselves and make a recommendation.

   h) BOA members shall address only the presiding Chair for recognition and shall confine their remarks to the question under discussion.

   i) During the review session, which shall be open and public, no new evidence shall be admitted unless specifically requested by a member of the Board and permitted by the Chair. However, any Board member may make a motion at any point in time when he/she feel they have sufficient information to do so.

   j) Before a motion is made, there shall be an opportunity for discussion of the case by the Board and for each Board member to make comments. After a motion is made, there shall be further opportunity for discussion by the Board, and the maker of the motion may refine the terms of the motion pursuant to such discussion. When the motion is formalized, the Chair shall restate the motion, state the name of the maker of the motion and the member seconding the motion, and call for a vote. If a Board member desires to amend the motion following the Chair’s restatement of the motion but prior to the Chair’s call for a vote, the Board member suggesting the amendment may ask unanimous consent to modify the motion. If any Board Member objects to the modification of the motion, the Board Member proposing the amendment shall move that the motion be amended. The motion to amend must be seconded, is debatable, and must be adopted by a majority vote of the members present.

3. A second is required on all motions in order to bring the question to a vote of the Board.
I. Findings Relating to the Financial Statement Audit as Required to be Reported in Accordance with Government Auditing Standards

A. Internal Control

Finding 2020-001
Significant deficiency in internal control over financial reporting

Finding: The Foundation for Tulsa Schools (the Foundation) is a legally separate not-for-profit organization whose purpose is to enhance the educational programs of the District by providing a permanent entity through which contributions can be received and distributions made for the benefit of the District and its students. During the course of performing the FY 2020 audit, we noted the following matters with regards to the Foundation:

- District management did not perform a timely review to determine whether the Foundation met the reporting requirements of a component unit, as defined in GASB Statement No. 39, Determining Whether Certain Organizations Are Component Units, an Amendment of GASB Statement No. 14.

- The District did not adequately review contribution funds received from the Foundation in both FY2019 and FY2020 as described in the condition below. The misstatement was corrected by the District and recorded in its 2020 financial statements.

Criteria: Effective internal controls should be established and maintained to prevent, or detect and correct material misstatements in the annual financial statements on a timely basis. In addition, monitoring procedures should be established to ensure that potential component units are evaluated at least annually as to whether inclusion in the District's financial statements is required.

Condition: The Foundation is a legally separate but related organization. As such, transactions with them need to be subject to the same review and scrutiny as all other transactions. In the current year, certain Foundation receipt journal entries were posted in the financial statements incorrectly resulting in:

(1) An overstatement of 2020 other local revenue in the government-wide activities financial statements (of approximately $1.5 million) as there were revenues related to 2019 that were incorrectly recognized in 2020; and

(2) An understatement of 2020 other local revenue in the government-wide activities financial statements (of approximately $1.6 million) as there were receipts related to 2020 that were incorrectly recognized in 2021. This misstatement was corrected by the District and recorded in its 2020 financial statements.

In addition, U.S. GAAP requires that certain legally separate not-for-profit organizations be evaluated for potential inclusion in the primary government financial statements as a component unit. The District did not perform a timely review to determine whether the Foundation met those requirements. Although District management ultimately concluded that inclusion in the District's financial statements was not required, this is an accounting policy that needs to be reviewed in a timely manner in order to facilitate accurate financial reporting.
Tulsa Public Schools
Independent School District No. I-1, Tulsa County, Oklahoma

Schedule of Findings and Questioned Costs (Continued)
Year Ended June 30, 2020

Cause: With regards to the inappropriate revenue recognition related to transactions with the Foundation, the errors were caused by a combination of factors, including lack of review and scrutiny of Foundation-related transactions. With regards to the consideration of whether the Foundation financial statements should be included in the District's CAFR, this is the result of not having an accounting policy that specifically addresses monitoring of potential component units.

Effect: Preliminary fund financial statements, government-wide financial statements and note disclosures contained errors that were significant to its 2020 financial statements. Such errors were corrected and revised by the District, and are properly reflected in its 2020 financial statements.

Although it was ultimately determined that the Foundation did not meet the reporting requirements of inclusion in the District’s financial statements as a component unit, failing to include a discrete component unit in accordance with U.S. GAAP would result in the District’s financial statements being materially misstated.

Recommendation: We recommend that the District implement procedures to ensure that Foundation transactions are reviewed for proper cutoff. We also recommend that the District establish an accounting policy that requires regular review, at least annually, of all organizations that could meet the requirements for inclusion in the District’s financial statements as a component unit.

District Management's Response: The District agrees with the finding and recommendation.
Tulsa Public Schools
Independent School District No. I-1, Tulsa County, Oklahoma

Schedule of Findings and Questioned Costs (Continued)
Year Ended June 30, 2020

Finding 2020-002
Significant Deficiency in Internal Control Over Financial Reporting

Finding: The District’s internal controls over financial reporting failed to detect significant errors in the District’s financial statements in the recording of the Net Pension Liability and Deferred Inflows of Resources and Deferred Outflows of Resources related to the District’s participation in employee retirement system sponsored by Oklahoma Teachers’ Retirement System (OTRS). The District’s internal control system also failed to detect errors in the recording and disclosures of the Net OPEB Asset and Deferred Inflows of Resources related to the District’s participation in the post-employment benefits sponsored by OTRS.

Criteria: Effective internal controls should be established and maintained to prevent, or detect and correct material misstatements in the annual financial statements on a timely basis.

Condition: The District’s financial statements as originally prepared contained significant misstatements in the recording of the financial statement amounts, specifically Deferred Inflows and Deferred Outflows of Resources related to the District’s participation in the OTRS defined benefit pension plan. In addition, recorded amounts and disclosures related to the District’s participation in the OTRS other Post-Employment Benefit Obligation were also misstated.

Cause: District personnel understand the financial reporting requirements of GASB Statement No. 68 and GASB Statement No. 75; however due to lack of experienced accounting personnel, there was not an adequate review of the supporting schedules maintained by the District to determine that the amounts reported by the District were correct.

Effect: Amounts reported for Deferred Outflows and Deferred Inflows of Resources were misstated in the original financial statements. The District subsequently corrected its June 30, 2020 financial statements.

Recommendation: More than one member of the District’s financial reporting staff should be trained to have a deeper knowledge of the accounting and reporting requirements of GASB 68 and GASB 75, and an independent review of the supporting schedules and journal entries prepared by the District should be performed.

District’s Management Response: The District agrees with the finding and recommendation.

B. Instance of Noncompliance

No matters to report.

Findings and Questioned Costs for Federal Awards

A. Internal Control

No matters to report.

B. Instances of Noncompliance

No matters to report.
September 6, 2023

VIA HAND DELIVERY & E-MAIL  
City of Tulsa Board of Adjustment  
c/o Tulsa Planning Office  
Tulsa City Hall  
175 E. 2nd Street, 4th Floor  
Tulsa, Oklahoma 74103  
Achapman@cityoftulsa.org

Re: BOA-23557 Request for Reconsideration

Dear Mr. Chapman:

This letter serves as the Applicant’s request for the Board of Adjustment to reconsider its decision in BOA Case No. BOA-23557 on August 22, 2023. The Applicant requested a Special Exception for a Library in the RS-3 District and a Variance to reduce the required 25-foot street setback to 15 feet.

After hearing from the Applicant and interested parties and following robust Board discussion, the Board voted to approve the Special Exception and the Variance. However, without explanation, acting Chairperson Radney abstained from the vote, resulting in a 3(aye) - 1(abstain) vote.

Following the Board’s decision, a Notice of Appeal was filed by Kelsey Royce alleging that Board Member Stauffer had a conflict of interest and should not have voted. Because only four of the five Board members were present, acting Chairperson Radney’s abstention has made the allegation of Board Member Stauffer’s conflict of interest material to the resolution of the case.
Accordingly, the Applicant requests that Case No. BOA-23557 be placed on the September 12, 2023 Board agenda to be reconsidered by the full membership of the Board in order to resolve any potential impact of such alleged conflict of interest.

Sincerely,

ELLER & DETRICH
A Professional Corporation

[Signature]

Lou Reynolds
<table>
<thead>
<tr>
<th><strong>Case Number:</strong> BOA-23562</th>
<th><strong>Hearing Date:</strong> 08/22/2023</th>
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<tbody>
<tr>
<td><strong>Case Report Prepared by:</strong></td>
<td><strong>Owner and Applicant Information:</strong></td>
</tr>
<tr>
<td>Austin Chapman</td>
<td><strong>Applicant:</strong> Lou Reynolds</td>
</tr>
<tr>
<td><strong>Property Owner:</strong> CITY OF TULSA</td>
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**Action Requested:** 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 Map:**

<table>
<thead>
<tr>
<th><strong>Additional Information:</strong></th>
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<tbody>
<tr>
<td><strong>Present Use:</strong> Fire Station</td>
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<tr>
<td><strong>Tract Size:</strong> 2.5 acres</td>
</tr>
<tr>
<td><strong>Location:</strong> 11211 S. Yale Ave. E.</td>
</tr>
<tr>
<td><strong>Present Zoning:</strong> AG</td>
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</tbody>
</table>

**Case History:**

**08/22/23:**
First appearance on agenda. Motion to approve failed in a vote of 2 yeas (Wallace and Stauffer) to 2 nays (Radney and Barrientos).

**09/12/23:** Radney motioned to reconsider item at the 9/26 Hearing, all 3 Board member present voted in favor of reconsideration (Stauffer, Radney, and Bond).
Subject Tract

BOA-23562

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

Aerial Photo Date: 2021

2.2
HEARING DATE: 08/22/2023

APPLICANT: Lou Reynolds

ACTION REQUESTED: 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. E.  ZONED: AG

PRESENT USE: Fire Station  TRACT SIZE: 108900.45 SQ FT

LEGAL DESCRIPTION: S/2 W/2 W/2 N/2 NW SEC 34 18 13 2.50ACS, LEXINGTON 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 “Local Center”.

Local Centers serve the daily needs of those in the surrounding neighborhoods. This designation implies that the center generally does not serve an area beyond the nearby neighborhoods. Typical uses include commercial or retail uses that serve the daily needs of nearby residents. In order to introduce a regional trip generator, the entire local center designation should be amended to be Regional Center with significant input from all affected properties and nearby neighborhoods.

STAFF ANALYSIS: The applicant is requesting 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)

6. The following setback requirements apply to all towers unless otherwise expressly approved by the board of adjustment as part of the special exception approval:

a. Towers must be set back a distance equal to at least 110% of the height of the tower from any adjoining lot line of an R-, O-, AG-, or AG-R- zoned lot, excluding R-zoned expressway rights-of-way.

b. Accessory buildings are subject to applicable zoning district building setback requirements.

In granting a Special Exception for any tower the Board must take the following items into consideration per sec. 40.420-F:
The applicant has provided detailed responses describing their requested relief and how the relief is in compliance with sec. 40.420-F.

**SAMPLE MOTION:** Move to _______ (approve/deny) 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)

- Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.
- Subject to the following conditions (including time limitation, if any): ________________
- Suggested Condition: Relief is not granted for any non-conforming improvements that currently exist on the property.
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. The Board also finds that the following factor have been taken into account in this decision:

1. Height of the proposed tower;
2. Proximity of the tower to residential structures, residential district boundaries and existing towers;
3. Nature of uses on adjacent and nearby properties;
4. Surrounding topography;
5. Surrounding tree coverage and foliage;
6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
7. The total number and size of antennas proposed and the ability of the proposed tower to accommodate co-location;
8. Architectural design of utility buildings and accessory structures to blend with the surrounding environment;
9. Proposed ingress and egress;
10. The need for a tower within the immediate geographic area to provide an acceptable level of communications service to the area.
11. The size of the tract and the most likely future development as indicated by the comprehensive plan, planned infrastructure, topography and other physical considerations.
Exhibit “B”

The Applicant requests (1) a Special Exception pursuant to Table 25-1 of the Tulsa Zoning Code (the “Code”) to permit a freestanding monopole communication tower (the “Tower”) in an AG district; and (2) a Variance to reduce the required setback of the Tower from an adjoining lot line of an AG-zoned lot, for property located at 11211 S. Yale Ave. (the “Property”). The Property is located just south of the southeast corner of E. 111th Street and S. Yale Ave. and is the site of Tulsa Fire Station 9.

SBA Network Services (“SBA”) currently has an existing tower located about a quarter mile north of the Property at the northwest corner of 111th & Yale. SBA’s lease for the existing tower site expires at the end of the year and SBA will take down the tower after the lease expires. SBA desires to lease the Property from the City of Tulsa in order to relocate the Tower to the Property. The relocated Tower will be taller than the existing tower, provide better coverage and permit more co-locations. The Tower will be 195 feet tall and sited to the rear of the Fire Station in the northeast corner of the Property such that the nearest residential structures will be approximately 400 feet away. The Tower will accommodate multiple tenants and prevent service disruption to the area with the removal of the existing tower. The Special Exception will not be injurious to the neighborhood and will be beneficial, both to the City of Tulsa as the Property owner receiving rent, and to the public by ensuring a continuity of and improvement to communication service.

The Applicant is also requesting a Variance of the setback requirement from the north and east Property boundaries. The Code requires a setback of 110% of the tower height from adjoining R and AG districts – in this case, a 214 foot setback. All abutting properties to the site are zoned AG. The setback to the north will be 31 feet and to the east will be 43 feet. The property to the north is undeveloped, designated by the Comprehensive Plan as “Local Center” and will most likely be developed for commercial purposes. The property to the east is developed as the Saint James Methodist Church. The proposed location of the Tower at the northeast corner of the Property is the only location possible, based on the location of the Fire Station. Finally, the relocation moves the Tower away from the existing single-family homes immediately north of the existing tower location. A site plan showing the Tower location is attached hereto.

The physical surroundings of and existing structure on the Property are unique and result in unnecessary hardship. The literal enforcement of the setback requirement is not necessary to achieve the intended purpose of protecting residential areas and uses from potentially adverse impacts and does not impair the spirit and intent of the Code.
Exhibit “A”

Legal Description

The South Half (S/2) of the West Half (W/2) of the West Half (W/2) of the North Half (N/2) of the Northwest Quarter (NW/4) of the Northwest Quarter (NW/4) of Section 34, Township 18 North Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.
Attention;

Planning at the City of Tulsa, regarding the 214 ft Tall tower proposed at the 111th and South Yale Fire Station location.

As a minimum the tower needs to be relocated 250 ft south of the proposed location so that it will not fall upon the Broach property to the south of the fire station, in the event of the tower failing and falling down. It is obvious that the tower is pushed against my South property line to have the property impact directed to Broach, and to St James United Methodist Church to the East of the proposed tower location.

I am totally against the proposed 214 ft tall tower at the 111th and South Yale Fire Station location.

Regards, Brian Broach

From: Brian Broach <brianbroach@broach.com>
Sent: Tuesday, August 15, 2023 1:57 PM
To: planning@cityoftulsa.org
Subject: Case Number BOA-23562 near 111th and South Yale in Tulsa.

I am the owner of the land adjacent to the North of the proposed cell tower, I am against any cell tower special exemption, and I would like to know exactly where the tower is requested to be located, and how tall is it proposed to be, and what will be emitted, and how powerful of emissions will be emitted.

The tower is proposed to be installed on the city of Tulsa fire station property. Who is Lou Reynolds, and what is his connection with the city of Tulsa? Is this a payout to the city of Tulsa to put this tower here? Most cell tower people have terrible terms and conditions in their onerous cell tower agreements, and usually the agreement is never expiring for the tower operator, even if they are polluting you with electromagnetic radiation and high intensity microwaves. Most of their agreements do not limit them to only one thing but usually are written in such a way that they can do nearly anything at their whim. Is this tower safe for your firemen to live under, and safe for the Church people to the East of it, and is it safe for the future development of the surrounding property? None of these issues are mentioned in the application, and no guarantees of total safety are mentioned, all issues must be totally covered prior to considering any electromagnetic emitting tower or structure. Before considering this tower, the city needs to have their legal department guarantee the safety of this tower to all the surrounding people and me. The city of Tulsa Legal Department, and the city lawyers need to thoroughly review the details of the tower agreement.
If you give permission for this tower, it will be in place before any issues can be addressed.

Regards,
Brian Broach
The heat index is up to 120 today. Many of us in the area of 111th and Yale want to come to oppose the cell tower. Please consider rescheduling the public comments. Thank you. Dala Westmoreland.

Sent from the all new AOL app for iOS
Chapman, Austin

From: Stephen Lindberg <stephen.lindberg@yahoo.com>
Sent: Monday, August 21, 2023 7:47 PM
To: Tulsa Planning Office
Subject: No cell tower

Please do not put a cell tower 11211 at south Yale Tulsa OK 74137.

Sent from my iPhone

CAUTION: This email originated from outside of the organization. Do not reply, forward, click links, or open attachments unless you recognize the sender and know the content is safe. Please report using the Phish Alert button in the Outlook Desktop Client if this message contains potentially unsafe content.
Hi,

I live between 101st and 111th and Yale and am very concerned about the possibility of a cell phone tower going in at 11211 S Yale Ave. There is a lot of research displaying the harm cellular energy can have especially on children. With the elementary school so close by and a large population of children in the area I hope you will reconsider placing this tower here.

Thank you,

Lindsey Lindberg

CAUTION: This email originated from outside of the organization. Do not reply, forward, click links, or open attachments unless you recognize the sender and know the content is safe. Please report using the Phish Alert button in the Outlook Desktop Client if this message contains potentially unsafe content.
From: angiebadcock49 <angiebadcock49@gmail.com>
Sent: Monday, August 21, 2023 7:57 PM
To: Tulsa Planning Office
Subject: BOA 23562 vote no for this Tower

Sent from my U.S.Cellular© Smartphone

CAUTION: This email originated from outside of the organization. Do not reply, forward, click links, or open attachments unless you recognize the sender and know the content is safe. Please report using the Phish Alert button in the Outlook Desktop Client if this message contains potentially unsafe content.
August 21, 2023

Dear Council,

It is my understanding that the city of Tulsa is discussing an plan to erect a huge 5G tower next to the fire station at 111th & Yale.

Myself and others in the surrounding neighborhoods do not wish this tower to be a part of the environment on this corner.

It is known that 5G has a lot of adverse affects on the human body. There are a lot of children that play in the playground provided by St. James Church near that corner. Also, people walk the track around the church, soccer games are held, teens shooting baskets and sand volleyball. Picnics are held in the park area by the pond. These participants would be affected greatly by said tower.

Thank you in advance for shelving the construction of subject tower.

Thank you sincerely,
a concerned citizen
Bernadette DiAntonio
bernadettediantonio@gmail.com
Please do not go forward with the cell phone tower planned for 11211 S Yale Ave in Tulsa. We are very opposed to it. I can be reached at 918 402-4506.

Thank you for your consideration.

Nikki Royce.
Sent from my iPhone

CAUTION: This email originated from outside of the organization. Do not reply, forward, click links, or open attachments unless you recognize the sender and know the content is safe. Please report using the Phish Alert button in the Outlook Desktop Client if this message contains potentially unsafe content.
I live in philcrest subdivision and do not want a gigantic ugly cell tower at 111th and Yale. This needs to go where people aren’t living.

Sherri Jackson
Sent from my iPhone

CAUTION: This email originated from outside of the organization. Do not reply, forward, click links, or open attachments unless you recognize the sender and know the content is safe. Please report using the Phish Alert button in the Outlook Desktop Client if this message contains potentially unsafe content.
I am strongly opposed to the new cell tower
Sent from my iPhone
CAUTION: This email originated from outside of the organization. Do not reply, forward, click links, or open attachments unless you recognize the sender and know the content is safe. Please report using the Phish Alert button in the Outlook Desktop Client if this message contains potentially unsafe content.
Please! No cell tower at 111th and Yale. Will hurt property values.

Karen Jobe.

Sent from my iPhone
CAUTION: This email originated from outside of the organization. Do not reply, forward, click links, or open attachments unless you recognize the sender and know the content is safe. Please report using the Phish Alert button in the Outlook Desktop Client if this message contains potentially unsafe content.
Tulsa City Council
With all respect to your positions as councilors, this monstrosity should not be considered for anywhere in the Tulsa city limits. These 5g towers have way too many powerful emissions that have been proven to be harmful to the health of those around them. There are many homes in the surrounding area and St. James Church is present and sits adjacent to the property under consideration for this unnecessarily tall tower. Please use your good common sense to know this is not the right place for a cell tower of any magnitude!!

Thank you
Mike and Nancy Thomas
Tulsa city residents
From: Kari Mullins <kari.mullins11@gmail.com>
Sent: Monday, August 21, 2023 3:51 PM
To: Tulsa Planning Office
Subject: Opposed to Cell Tower

Please do not put a cell tower at 11211 s yale Ave. My son is Autistic with mitochondria dysfunction and is very sensitive to Wi-Fi and cellular energy. It makes him over stimulated and further disrupt the energy getting in to his cells correctly. We are currently in the process of putting either net and landlines back into our home. I am happy to send in a doctors note and further medical publications of the dangers of cell towers to children with mitochondria dysfunction.
Thank you,
Kari Mullins

Sent from my iPhone

CAUTION: This email originated from outside of the organization. Do not reply, forward, click links, or open attachments unless you recognize the sender and know the content is safe. Please report using the Phish Alert button in the Outlook Desktop Client if this message contains potentially unsafe content.
Let’s move that tall tower south a mile on the city land that will become a park
City of Tulsa Board of Adjustment,

I am writing the board in opposition to the tower exceptions proposed in agenda item BOA-23562.

If the exception was for a reasonable reduction 10-20 ft. in the required setback I would not mind, but a 200 ft. tower in that spot would need about a 180 ft. reduction in setback requirements. A exception like that is totally out of line and it’s suspicious that the City of Tulsa are the ones proposing such an extreme exception to their own regulations. SBA is pulling somebody's strings... The tower is simply too tall for that lot - it’s nearly as tall as a 20 story building in a residential area. Please REJECT this exception request.

Regards,

Jordan Brennan
11220 S Erie Ave
Tulsa, OK

CAUTION: This email originated from outside of the organization. Do not reply, forward, click links, or open attachments unless you recognize the sender and know the content is safe. Please report using the Phish Alert button in the Outlook Desktop Client if this message contains potentially unsafe content.
If adding a cell tower will improve service for everyone in this area no matter who your carrier is then I am all for it. Cell service in this area has had issues for over a year now and it has been very irritating. Several dead or weak spots between Yale and Memorial, 111th and 121st. Some people are worried about the visual aesthetic of the tower. Perhaps if it had the evergreen tree look that some of them have it would blend in more?

Thank you
Rosey Havenstrite
Existing SBA Tower (to be removed) 180' tall

Existing Verizon Tower 150' tall

Existing U.S. Cellular Tower 120' tall

Proposed SBA Tower Site 195' tall
August 25, 2023

VIA HAND DELIVERY & E-MAIL
City of Tulsa Board of Adjustment
c/o Tulsa Planning Office
Tulsa City Hall
175 E. 2nd Street, 4th Floor
Tulsa, Oklahoma 74103
Achampion@cityoftulsa.org

Re: BOA-23562 Request for Reconsideration

Dear Mr. Chairman:

This letter serves as the Applicant’s request for the Board of Adjustment to reconsider its decision of denial of BOA Case No. BOA-23562 on August 22, 2023.

The Applicant requested a Special Exception for a communications tower to be relocated to a proposed site owned by the City of Tulsa. Mayor Bynum has approved the lease of the site, which is the location of Fire Station #9. The proposed tower is being relocated approximately 1,100 feet from its existing location at the northwest corner of 111th & Yale. The new site will provide additional service levels, additional capacity, and additional carriers. Moreover, as part of the consideration for the lease, the proposed tower will provide needed emergency communication services for the City at Fire Station #9.

After hearing from the Applicant and interested parties, acting Chairperson Radney stated she could be comfortable with the request if the Special Exception was limited to the term of the lease with the City of Tulsa. The Applicant agreed to the proposed condition. Board Member Stauffer made a motion to approve the Special Exception, citing the requisite factors of consideration under Section 40.420-F of the Tulsa Zoning Code (the “Code”), with the condition that the Special Exception be for a period of 25 years (i.e., the term of the lease) as requested by acting Chairperson Radney. Board Member Wallace seconded the motion to approve.
When called for vote, however, acting Chairperson Radney voted against the motion to approve, along with Board Member Barrientos. Accordingly, with a 2-2 vote, the motion to approve failed. The Board made no motion to deny the request nor did it make any findings to support such a denial. Additionally, the Board was without its fifth member to cast a tie-breaking vote.

Pursuant to Section 40.420-C of the Code, the wireless communication facility regulations of the Code “must be applied within the constraints of the Telecommunications Act of 1996.” Section 704 of the Telecommunications Act of 1996 requires that any decision by a local government to deny a request to place, construct, or modify personal wireless service facilities “shall be in writing and supported by substantial evidence contained in a written record”.

The Board provided no evidence, let alone substantial evidence, to support its decision to deny the requested Special Exception to construct the communications tower at the proposed location. Accordingly, in accordance with the Code and federal law, the Applicant requests that the matter be reconsidered by the full membership of the Board and that such reconsideration be placed on the September 12, 2023 agenda.

Sincerely,

ELLER & DETRICH
A Professional Corporation

[Signature]
Lou Reynolds
<table>
<thead>
<tr>
<th>Case Number:</th>
<th>BOA-23550</th>
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<tbody>
<tr>
<td>Hearing Date:</td>
<td>09/26/2023 (Continued from 09/12/2023)</td>
</tr>
</tbody>
</table>

**Case Report Prepared by:**
Austin Chapman

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

<table>
<thead>
<tr>
<th>Action Requested:</th>
<th>Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.2)</th>
</tr>
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<tr>
<th>Location Map:</th>
<th>Additional Information:</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image1.png" alt="Location Map" /></td>
<td>Present Use: Vacant lot  Tract Size: 1.1 acres  Location: 5115 E. 51 St.  Present Zoning: CS</td>
</tr>
</tbody>
</table>

**Case History:**
- 07/11/23: First appearance on agenda, Board continued item until the next hearing.
- 07/25/23: Board continued item until the next hearing.
- 08/22/23: Board continued item until the next hearing.
- 09/12/23: Board continued item until the next hearing.
HEARING DATE: 09/26/2023

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 555.070-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 create 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: Linda Waybula

3.7 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. (1.45 ± 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
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)

EXHIBIT A

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 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
  - 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
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)
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Drive-Thru pick up window

8. Velvet Taco - 144 S. Peoria Ave, Tulsa, OK 74120 (Drive-Thru window faces E. 15th Street)
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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

CONCEPTUAL SITE PLAN - OP 2
TULSA, OK - 51st & YALE
SCALE: 1" = 40'-0" 03/09/2022
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 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

CONCEPTUAL SITE PLAN - OP 3
TULSA, OK - 51st & YALE
SCALE: 1" = 40'-0" 03/09/2022

3.25
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

3.26
EAST 51ST STREET

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:
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BELOW IS A LIST OF EXCLUSIONS THAT HAVE NOT
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- 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:
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- 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
NOTE:
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- 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 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

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
7 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
42 SPACES INCLUDING 2 ADA

STACKING
REQUIRED
3 SPACES FROM MENU BOARD PER LANE PROVIDED
7 SPACES FROM MENU BOARD PER LANE
**NOTES:**

- 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**

<table>
<thead>
<tr>
<th>Description</th>
<th>Size (S.F.)</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall</td>
<td>84,485</td>
<td>1.94</td>
</tr>
<tr>
<td>Slim Chickens Parcel</td>
<td>40,925</td>
<td>0.94</td>
</tr>
<tr>
<td>Remainder</td>
<td>43,560</td>
<td>1.00</td>
</tr>
</tbody>
</table>

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

**PARKING COUNT**

- Required (8.5 spaces / 1000 S.F.)
- Provided

27 spaces including 2 ADA

35 spaces including 2 ADA

**STACKING**

- Required
  - 3 spaces from menu board per lane
  - 10 spaces from menu board per lane

- Provided
Case Number: BOA-23569

**Hearing Date:** 9/26/2023 (Board moved to reconsider item on 9/12/23 Hearing)

<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: Mark Capron</td>
</tr>
<tr>
<td></td>
<td>Property Owner: Nidiffer Shopping Centers INC</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Location Map:</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Map Image]</td>
</tr>
</tbody>
</table>

**Additional Information:**

- **Present Use:** Vacant
- **Tract Size:** 1.17 acres
- **Location:** SE/c of 21st St. S. and S. Vandalia
- **Present Zoning:** CS,RS-3

**Case History:**

09/12/2023: First appearance on agenda, Board continued item until the next hearing.
HEARING DATE: 9/26/2023 (Board moved to reconsider item on 9/12/23 Hearing)

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)

LOCATION: SE/c of 21st St. S. and S. Vandalia

PRESENT USE: Vacant

ZONED: CS, RS-3

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.

STAMENT 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.
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.
BOA-23569

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

Aerial Photo Date: 2021
9. **Z-7728 Justin Debruin** (CD 4) Location: West of the southwest corner of East 21st Street South and South Yale Avenue requesting rezoning from RS-3 to CS

**STAFF RECOMMENDATION:**

**SECTION I: Z-7728**

**DEVELOPMENT CONCEPT:**

**DETAILED STAFF RECOMMENDATION:**

The subject property includes half of a vacated right-of-way formerly dedicated as East 21st Place South by the Mayo Meadow Extended subdivision plat. Following vacation of the right-of-way, the property previously included was conveyed to the property owner of Lot 1 Block 1, Mayo Meadow Extended. The Mayo Meadow Extended subdivision was filed in January of 1953, zoning was applied to the property in 1970.

The CS zoning is consistent with the surrounding zoning pattern.

CS zoning is consistent with the Regional Center land use designation.

**Staff recommends approval of Z-7728 to rezone property from RS-3 to CS.**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

**Staff Summary:** CS zoning is consistent with the Regional Center land use designation of the City's Comprehensive Plan.

**Land Use Vision:**

**Land Use Plan map designation:** 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, bigbox shopping centers, and very large churches.

**Transportation Vision:**
**Major Street and Highway Plan:** East 21st Street South is designated as a secondary arterial by the Major Street and Highway Plan. Secondary arterials are considered main thoroughfares which anticipate high traffic volume and larger right-of-way widths.

**Trail System Master Plan Considerations:** None.

**Small Area Plan:** None

**Special District Considerations:** None

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** The area under application is a minor portion of a larger commercial tract located at the southwest corner of East 21st Street South and South Yale Avenue. The area was included in a previously dedicated right-of-way that has since been vacated. There are commercial developments to the north and east of the larger subject property with single-family residential development to the south and west.

**Environmental Considerations:** None related to the area under application.

**Streets:**

<table>
<thead>
<tr>
<th>Existing Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
</tr>
</thead>
<tbody>
<tr>
<td>East 21st Street South</td>
<td>Secondary Arterial</td>
<td>100’</td>
<td>4</td>
</tr>
<tr>
<td>South Vandalia Avenue</td>
<td>None</td>
<td>60’</td>
<td>2</td>
</tr>
</tbody>
</table>

**Utilities:**
The subject tract has municipal water and sewer available.

**Surrounding Properties:**

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>CS</td>
<td>Regional Center</td>
<td>Vacant</td>
</tr>
<tr>
<td>East</td>
<td>CS</td>
<td>Regional Center</td>
<td>Commercial/Retail</td>
</tr>
<tr>
<td>South</td>
<td>RS-3</td>
<td>Neighborhood</td>
<td>Single-Family Residential</td>
</tr>
<tr>
<td>West</td>
<td>RS-3</td>
<td>Neighborhood</td>
<td>Single-Family Residential</td>
</tr>
</tbody>
</table>

**SECTION III: Relevant Zoning History**
**ZONING ORDINANCE:** Ordinance number 11815 dated June 26, 1970, established zoning for the subject property.

Mr. Craddock asked if the subject property will still have setbacks away from their property line.

Staff stated they will still have the residential applicable CS setback, everything that would have been required to be setback along the south side of those properties will be applicable on the north side as well if that CS is approved. He asked stated what would the setback be.

Staff stated he believes it is a 10-foot setback.

**David Kessock** 2125 South Urbana, Tulsa, OK 74114

Mr. Kessock stated he has been self-employed for 20 years and is pro development and smart development. He stated on the application the applicant is trying to put an entry-exit in a development. He stated the owner needs to work on getting better entryways. He asked if there was going to be a light put in or are people going to go all the way down Pittsburg and turn at the Driller statue. Mr. Kessock stated he ran three retail food businesses here in Tulsa and Bixby. He stated a coffee shop is going to take in about eight to $9,000 a week in sales to break even. He stated that's $10 a shot and that's going to be 100-120 cars a day. Mr. Kessock stated he is opposed to this application because he does not want the traffic to come into the neighborhood or the noise and the garbage.

**Mike Thedford, Wallace Design Collective** 123 N MLK Jr. BLVD., Tulsa, OK 74103

The applicant stated as in the previous case, engineering has yet to take place at this stage in the process. He stated he would ask to really look at what makes sense here, it is a remnant that he believes was fully intended to be included when it was zoned in the first place. The applicant stated as far as the access he can only speculate but would venture to say that it is not going to be the primary access that it might be secondary if it is used for access. He stated he doesn’t know if a site plan has been submitted for review at this point but knows the use, which is a coffee shop that is adjacent to a Taco Bell.

Mr. Covey stated this item is sort of like the prior case where it is not at the development review process yet and the access points are not known yet.

The applicant stated he looked at this application about six months ago about the feasibility of whether or not even needed to be rezoned, but obviously for commercial use, you want to maximize, and this is part of that ownership. So, the owner is going to own and use that property for CS purposes.

Mr. Craddock asked if the applicant was aware of any mutual access parking easements in the rest of the shopping center.
The applicant stated he knows there are some existing, there is an access to the east of the primary tract to the north. And there's one access point along the north boundary that will need to be improved.

**TMAPC Action; 9 members present:**
On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Carr, Covey, Craddock, Bayles, Hood, Humphrey, Krug, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Shivel, Zalk, “absent”) to recommend **APPROVAL** of the CS zoning for Z-7728 per staff recommendation.

**Legal Description for Z-7728:**
A TRACT OF LAND LYING IN THE NORTH HALF (1/2) OF THE NORTHEAST QUARTER (NE/4) OF SECTION SIXTEEN (16), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AN MERIDIAN, BEING A PART OF MAYO MEADOW EXTENDED, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHERNMOST NORTHWEST CORNER OF BLOCK ONE (1) OF SAID MAYO MEADOW EXTENDED; THENCE SOUTH 00°00'38" ALONG THE WEST LINE OF SAID BLOCK ONE (1) A DISTANCE OF 137.80 FEET TO THE NORTH RIGHT-OF-WAY LINE OF 21ST PLACE, SAID POINT BEING THE POINT OF BEGINNING; THENCE NORTH 89°53'41" EAST A DISTANCE OF 135.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF 21ST PLACE; THENCE S 00°00'38" WEST A DISTANCE OF 60.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF 21ST PLACE; THENCE SOUTH 89°53'41" WEST A DISTANCE OF 135.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF VANDALIA AVENUE; THENCE NORTH 00°00'38" EAST A DISTANCE OF 60.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF 21ST PLACE TO THE POINT OF BEGINNING

************
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.

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.

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.

This constitutes a Plan Review to date in response to the information submitted with and after the above referenced application. Additional issues may develop when the review continues upon receipt of additional information requested in this letter or upon additional submittal from the client. Any code items not reviewed are still in force, and it shall be the responsibility of the owner and design professional(s) to ensure that all code requirements are satisfied.
Received from: David Kessock
2125 S. Urbana Ave.

Signed Petition Against

Subject Tract

BOA-23569

0 200 400

E 21ST ST S
E 21ST PL S
S SANDLAKY AVE
RS-3
S TOLEDO AVE
S URBANA AVE
S VANDALIA AVE

E 22ND PL S
E 22ND ST S
RS-2
S TOLEDO AVE
S URBANA AVE
S VANDALIA AVE

E 23RD ST S
E 24TH ST S

BOA-23569

4.19
Neighbors AGAINST any kind of traffic opening (Entry, Exit) located on the western property line of the Commercial space at the SE corner of E 21st Street and Vandalia Avenue located in Tulsa, OK 74114. Commercial traffic (customers, vendors, suppliers, etc.) should NOT be entering and exiting from and onto the residential street “Vandalia” located in the Mayo Meadow neighborhood.

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</tr>
</thead>
<tbody>
<tr>
<td>Aaron Neighbors</td>
<td></td>
<td>4607 E 21st Pl.</td>
<td>Vs54+heStampeliOkb.com</td>
<td>8/30</td>
</tr>
<tr>
<td>Tommy Edwards</td>
<td></td>
<td>4620 E 21st Pl.</td>
<td><a href="mailto:sooner.Can.1e@Gmail.com">sooner.Can.1e@Gmail.com</a></td>
<td>8/30</td>
</tr>
<tr>
<td>David Kessock</td>
<td></td>
<td>2205 S Urbana Ave.</td>
<td><a href="mailto:DKessick@gmail.com">DKessick@gmail.com</a></td>
<td>8/30/23</td>
</tr>
<tr>
<td>Lydell Johnson</td>
<td></td>
<td>4617 E 21st Pl.</td>
<td>Lydell <a href="mailto:Johnson@gmail.com">Johnson@gmail.com</a></td>
<td>8/30/23</td>
</tr>
<tr>
<td>Mickey Vovan</td>
<td></td>
<td>4316 E 29th St.</td>
<td><a href="mailto:mickyvovan@gmail.com">mickyvovan@gmail.com</a></td>
<td>8/30/23</td>
</tr>
<tr>
<td>Monica McIntyre</td>
<td></td>
<td>4603 E 21st Pl.</td>
<td><a href="mailto:monica.mcintyre@gmail.com">monica.mcintyre@gmail.com</a></td>
<td>8/30/23</td>
</tr>
<tr>
<td>Ray Barnum</td>
<td></td>
<td>4519 E 21st Place.</td>
<td>NEED TRAFFIC LIGHTS</td>
<td>8-30-23</td>
</tr>
<tr>
<td>Cheryl Cato</td>
<td></td>
<td>2138 S Urbana Ave.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rick Evans</td>
<td></td>
<td>2139 S Urbana Ave.</td>
<td></td>
<td>8/30/23</td>
</tr>
<tr>
<td>Elijah Johnson</td>
<td></td>
<td>2132 S Urbana Ave.</td>
<td>Priority neighborhood field</td>
<td></td>
</tr>
</tbody>
</table>

"eij92913@utulsa.edu"
Neighbors AGAINST any kind of traffic opening (Entry, Exit) located on the western property line of the Commercial space at the SE corner of E 21st Street and Vandalia Avenue located in Tulsa, OK 74114. Commercial traffic (customers, vendors, suppliers, etc.) should NOT be entering and exiting from and onto the residential street “Vandalia” located in the Mayo Meadow neighborhood.

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<tbody>
<tr>
<td>Whitney Stanfield</td>
<td>Whitney Stanfield</td>
<td>4510 E 21 Pl Tulsa, OK 74114</td>
<td></td>
<td>8/31/23</td>
</tr>
<tr>
<td>Daniel Stanfield</td>
<td></td>
<td>4510 E 21 Pl Tulsa, OK 74114</td>
<td></td>
<td>8/31/23</td>
</tr>
<tr>
<td>Cesar Garcia-Horcas</td>
<td></td>
<td>4520 E 21 Pl Tulsa, OK 74117</td>
<td></td>
<td>8/31/23</td>
</tr>
<tr>
<td>Mark Howard</td>
<td></td>
<td>2675 South Rd Tulsa, OK 74114</td>
<td>MARK HOWARD</td>
<td>9-6-23</td>
</tr>
<tr>
<td>Amber Jeffries</td>
<td>Amber Jeffries</td>
<td>2132 S Vandalia Ave 74114</td>
<td></td>
<td>9-4-23</td>
</tr>
<tr>
<td>John Teasara</td>
<td></td>
<td>2148 S Vandalia Ave 74114</td>
<td></td>
<td>9-6-23</td>
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<tr>
<td>David York</td>
<td></td>
<td>4703 S 22nd Pl             74114</td>
<td></td>
<td>9-6-23</td>
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<tr>
<td>Andrea Pappila</td>
<td></td>
<td>2174 S Urbana Ave</td>
<td></td>
<td>9-6-23</td>
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<tr>
<td>John Maylor</td>
<td></td>
<td>8168 S Urbana Ave</td>
<td></td>
<td>9-6-23</td>
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<tr>
<td>Scott Rogers</td>
<td></td>
<td>2149 S Urbana Ave</td>
<td></td>
<td>9-6-23</td>
</tr>
<tr>
<td>Deborah Battese</td>
<td>Deborah Battese</td>
<td>2131 S Toledo Ave</td>
<td></td>
<td>9-6-23</td>
</tr>
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</thead>
<tbody>
<tr>
<td>Sheila Givens</td>
<td>Sheila Givens</td>
<td>2158 S. Urbana, 74114</td>
<td><a href="mailto:sheila-givens@utulsa.edu">sheila-givens@utulsa.edu</a></td>
<td>8/30/23</td>
</tr>
<tr>
<td>Chelsea Kephart</td>
<td>Chelsea Kephart</td>
<td>4610 E. 21st St.</td>
<td><a href="mailto:chkephart@gmail.com">chkephart@gmail.com</a></td>
<td>8/31/23</td>
</tr>
<tr>
<td>Eugene Latham</td>
<td>Latham</td>
<td>2131 S. Urbana</td>
<td></td>
<td>8/31/23</td>
</tr>
<tr>
<td>Kenny Burns</td>
<td>Kenny Burns</td>
<td>2124 S. Urbana</td>
<td><a href="mailto:kenny.burns@gmail.com">kenny.burns@gmail.com</a></td>
<td>8/31/23</td>
</tr>
<tr>
<td>Christine Gons</td>
<td>C.M. Gons</td>
<td>2137 S. Toledo Ave</td>
<td></td>
<td>9/6/23</td>
</tr>
<tr>
<td>Drew Ardrey</td>
<td>D. Ardrey</td>
<td>2157 S. Toledo Ave</td>
<td></td>
<td>9/6/23</td>
</tr>
<tr>
<td>Tanner Kass &amp; Lopez</td>
<td>T. Kass &amp; Lopez</td>
<td>2121 S. Sandusky Ave</td>
<td></td>
<td>9/6/23</td>
</tr>
<tr>
<td>Caina Morris</td>
<td>Caina Morris</td>
<td>2126 S Vandalia Ave</td>
<td></td>
<td>9/6/23</td>
</tr>
<tr>
<td>Irvin McPherson</td>
<td>Irvin McPherson</td>
<td>2126 S Vandalia Ave</td>
<td></td>
<td>9/6/23</td>
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<tr>
<td>Tom Nelson</td>
<td>Tom Nelson</td>
<td>2131 S. Vandalia</td>
<td></td>
<td>9/6/23</td>
</tr>
<tr>
<td>Rael Moen</td>
<td>Rael Moen</td>
<td>2143 W. and alma</td>
<td></td>
<td>9/6/23</td>
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</tbody>
</table>
Hello,

I live off of 21st and this shopping center already has 3 entrances and exits. Please do not add another exit/entrance for a TACO BELL! It would create too much traffic on a pedestrian street we’re kids are riding bikes and people are walking, jogging, etc. Please respect our neighborhood.

Thank you,
Claire Conley
I am also a neighbor I live on the corner right beside her we don't want this entrance onto our street. We have small children learning how to ride their bikes, neighbors walking with partners and their dogs, it’s bad enough without this. I already pick up Walmart trash in my yard don't need any more. Ty for listening.
Hi,

My name is Chelsea Kephart and I am a resident at 4610 E. 21st Pl.

Please review the CONCERNS regarding Case #BOA-23569 (I.e. allow drive-through facilitates to be located on the street-facing side of the property Sec. 55.100-C.2).

1) Mayo Meadows is a NEIGHBORHOOD not a side access for fast food restaurants.

2) Mayo Meadow is where FAMILIES with small children and animals walk on the streets daily. SAFETY HAZARDS.

3) Mayo Meadow is a community who welcomes the state fair ONCE a year; however, does not appreciate the filth crowds bring. We are chore with picking up dirty diapers, beer bottles, etc. from our lawns. UNWELCOME PUBLIC TRAFFIC/TRASH.

4) Mayo Meadow is where I call HOME. We do not need additional traffic being funneled into our peaceful neighborhood in all hours of the day and night. UNWELCOME NOISE HAZARDS.

5) Please review the below photos as it shows, outlined in red, where this access road into the parking lot will be. It is very clear from my front porch I will be forced to deal with the repercussions of this being passed.

Please DO NOT pass this as Mayo Meadows is a neighborhood which DOES NOT need Safety Hazards, Unwelcome Public Traffic/Trash, and Unwelcome Noise Hazards.

If you need additional information, please call me at (770) 789-4096
I live at 4603 E. 21st Pl. and I wish to express my serious concerns regarding this proposed application:

Mayo Meadow is a peaceful neighborhood with high pedestrian traffic from people walking, walking their dogs, and from children playing in the street. The proposed entrance/exit onto a neighborhood street would cause a significant increase in vehicular traffic moving through the neighborhood to gain access to these facilities, thus posing an exponentially greater risk to pedestrians.

Any type of fast food outlet is frequently associated with an escalation in litter. The residents of Mayo Meadow accept that during the Tulsa State Fair they may have to deal with cups, paper plates, wrappers, and other discarded debris, but will the City provide increased street cleaning to deal with the repercussions of having food wrappers and containers being discarded every day?

I chose to make Mayo Meadow my home because, despite being close to a wide range of retail outlets and restaurants, it is a quiet residential area with a family-oriented personality that is only disrupted once a year during the Tulsa State Fair. I believe that the proposed entrance/exit onto a neighborhood street will destroy the ambience, and will increase the amount of traffic, noise, litter, and the probability of pedestrian accidents.

I am therefore asking that any entrance/exit be located on 21st St. along with access to all the other facilities located to the east of the Mayo Meadow neighborhood.

Thank you for your consideration.
Respectfully,
Monica McIntyre

CAUTION: This email originated from outside of the organization. Do not reply, forward, click links, or open attachments unless you recognize the sender and know the content is safe. Please report using the Phish Alert button in the Outlook Desktop Client if this message contains potentially unsafe content.
Picture from Davis Kessock.
### Case Number: BOA-23570

**Hearing Date:** 9/26/2023 (Board moved to reconsider item on 9/12/23 Hearing)

### 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); *Variance to reduce the minimum open space requirement of 4,000 square feet in the RS-3 District (Sec. 5.030-A, Table 5-3)*

*Relief requested since 9/12/23 Hearing.

### Location Map:

[Map showing the location of 1616 S. Florence Ave.]

### Additional Information:

**Present Use:** Residential

**Tract Size:** 0.16 acres

**Location:** 1616 S. Florence Ave.

**Present Zoning:** RS-3

### Case History:

**09/12/2023:** First appearance on agenda. Additional relief on open space was needed, the Board continued the item to re-notice for the additional relief.
HEARING DATE: 9/26/2023 (Board moved to reconsider item on 9/12/23 Hearing)

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) Variance to reduce the minimum open space requirement of 4,000 square feet in the RS-3 District (Sec. 5.030-A, Table 5-3)

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 a Variance to permit more than 30% coverage of the rear setback by Detached Accessory Buildings (Sec.90.090-C, Table 90-2); and a Variance to reduce the minimum open space requirement of 4,000 square feet in the RS-3 District (Sec. 5.030-A, Table 5-3):

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 requesting to increase the permitted size of an accessory building from 538 square feet to 756 square feet.

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

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum Coverage of Rear Setback</th>
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<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 District</td>
<td>30%</td>
</tr>
<tr>
<td>RM zoned Lots Used for Detached Houses or Duplexes</td>
<td>30%</td>
</tr>
</tbody>
</table>

Applicant is requesting to increase the rear setback coverage from 300 square feet to 391 square feet.

Section 90.080

Open Space per Unit

90.080-A Open space per unit refers to the amount of outdoor open space required to be provided on a lot for each dwelling unit on the subject lot. Multiply the minimum open space-per-unit requirement by the number of dwelling units to determine the total amount of open space required on a lot. In applying minimum open space-per-unit requirements to fraternity, sorority and rooming/boarding house uses, each 600 square feet of floor area is counted as one dwelling unit.

90.080-B The following may be counted toward satisfying minimum open space-per unit requirements:

1. Outdoor areas that are not occupied by buildings, driveways or parking areas and are generally useable by residents;
2. Driveways and parking areas located in the rear yard of a detached house or duplex; and
3. Green roofs covering 25% or more of the subject building's overall roof area.

Applicant is requesting to reduce the open space requirement from 4,000 square feet to 3,839 square feet.
Facts staff finds favorable for variance request:
- The 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); Variance to reduce the minimum open space requirement of 4,000 square feet in the RS-3 District (Sec. 5.030-A, Table 5-3)

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

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
Case Number: BOA-23571

Hearing Date: 09/26/2023 1:00 PM

Case Report Prepared by: Sean Wallace

Owner and Applicant Information:
- Applicant: Raul Cisneros
- Property Owner: Eric W. Hansell

Action Requested: Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5);

Location Map:

Additional Information:
- Present Use: Single-family residential
- Tract Size: 0.19 acres
- Location: 1732 S. Jamestown Ave. E
- Present Zoning: RS-3
BOA-23571

Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: 2021
HEARING DATE: 09/26/2023 1:00 PM

APPLICANT: Raul Cisneros

ACTION REQUESTED: Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5);

LOCATION: 1732 S. Jamestown Ave. E

ZONED: RS-3

PRESENT USE: Single-family residential

TRACT SIZE: 8398.4 SQ FT

LEGAL DESCRIPTION: LT 14 BLK 1, SUNRISE TERRACE SECOND ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:

Surrounding properties:

BOA-23545; On 07.11.23 the Board approved a duplex in the RS-3 District. Property located 1746 S. Jamestown (the 3rd lot South of the subject property).

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 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 a special exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5);
SAMPLE MOTION:
Move to _________ (approve/deny) a special exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5).

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

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

Subject property

Facing north on Jamestown Ave
SITE PLAN

1/8" = 1'-0"

CAUTION
Under No Circumstances shall any Written or Designed Plan be used or modified in any way without the written consent of the architect and Engineer.

CAUTION

Under No Circumstances shall any Written or Designed Plan be used or modified in any way without the written consent of the architect and Engineer.

1. Steel poles which support the structure shall be installed on a 50' deep anchor for security.
2. The type of fill in the area shall be determined to suit the site conditions and architectural design.
3. The site shall be surveyed and the boundaries marked to suit the location of the site.
4. The site shall be surveyed and the boundaries marked to suit the location of the site.
5. The site shall be surveyed and the boundaries marked to suit the location of the site.
6. The site shall be surveyed and the boundaries marked to suit the location of the site.
7. The site shall be surveyed and the boundaries marked to suit the location of the site.

BUILDING DETAILS

SHEET DETAILS

EMBELLISHMENT DETAILS

ANCHORAGE DETAILS

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6. The site shall be surveyed and the boundaries marked to suit the location of the site.
7. The site shall be surveyed and the boundaries marked to suit the location of the site.
Case Number: BOA-23572
Hearing Date: 09/26/2023 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: Atul Sood</td>
</tr>
<tr>
<td></td>
<td>Property Owner: R-EST LLC</td>
</tr>
</tbody>
</table>

**Action Requested:** Special Exception to permit the alteration, expansion or enlargement of a structure with an existing non-conforming street setback (Sec. 80.030-D)

<table>
<thead>
<tr>
<th>Location Map:</th>
<th>Additional Information:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Present Use: Residential</td>
</tr>
<tr>
<td></td>
<td>Tract Size: 0.16 acres</td>
</tr>
<tr>
<td></td>
<td>Location: 4216 S. 25th Ave W</td>
</tr>
<tr>
<td></td>
<td>Present Zoning: RS-3</td>
</tr>
</tbody>
</table>
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2021
BOA-23572

Subject Tract

RS-4

RS-3

AG

CG

CH

IL

RM-0

RM-1

RS-3

BOA-23572

7.4
STR: 9227
CD: 2
HEARING DATE: 09/26/2023 1:00 PM

APPLICANT: Atul Sood

ACTION REQUESTED: Special Exception to permit the alteration, expansion or enlargement of a structure with an existing non-conforming street setback (Sec. 80.030-D)

LOCATION: 4216 S 25 AV W

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: LT 5 BLK 1 & E5 VAC ALLEY ADJ ON W, PARK ADDN - RED FORK 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 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:
Applicant is seeking to remodel/rebuild front-porch that lies within the 25-foot front setback. A majority of the original homes in the same street are built at or near the requested building line.

SAMPLE MOTION:
Move to _________ (approve/deny) a Special Exception to permit the alteration, expansion or enlargement of a structure with an existing non-conforming street 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.

80.030-D Alterations, Enlargements and Expansions

Altemers, 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 79.120, provided the extensions are not located closer to the lot line than the existing structure.
Subject Property

Subject property facing south.
Section 90.090-A.1, Measurement. Street setbacks are measured from the actual right-of-way line of the street (other than an alley), provided that if the following measurement results in a greater setback, the greater setback applies: For streets shown on the major street and highway plan, if the width of the planned right-of-way exceeds the width of the actual right-of-way, the measurement must be taken from the planned right-of-way.

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

Review Comment: Even though the front porch being replaced is existing, all new construction must meet current codes. At this location, the planned right of way (ROW) width for 25th W. Ave. is 60' wide. This lot is zoned RS-3 which requires a 25' front setback. Therefore, all new construction should have a setback of 55' from the center of 25th W. Ave. (30' for half of the ROW plus 25' for RS-3 front setback). As it is now, the front porch is only 38' 3" from the center of the street, so the house is encroaching 16' 9" into the front setback. In order to rebuild any portion of the house that is encroaching into the front setback, you must request a special exception from the Board of Adjustment. As an alternative, you can remodel the front porch and convert some or all of it into living space without expanding, enlarging, or rebuilding it.
Lot 5 Block 1 & E5 VAC ALLEYADJ ON W, PARK ADDN-Red Fork
 Existing Site Plan

LEGEND

AREA TO BE REMOVED
AREA TO REMAIN
GAS
SEWER WATER
ELECTRIC LINE
MAP-HOLE

SCALE 1/8" = 1 - 0

Existing Site Plan

© 07.31.23

A-1.0
EXISTING NORTH ELEVATION

EXISTING EAST ELEVATION

EXISTING WEST ELEVATION

EXISTING SOUTH ELEVATION
Case Report Prepared by: Sean Wallace

Owner and Applicant Information:
Applicant: Timothy Jay Roberts
Property Owner: Timothy Jay Roberts

**Action Requested**: Special Exception to permit a Detached House in the OM District (Sec. 15.020-H, Table 15-2.5)
Variance to permit greater than 0.50 Maximum Floor Area Ratio (FAR) in the OM District (Sec. 15.030; Table 15-3)

**Location Map:**

**Additional Information**:
Present Use: Residential/Office
Tract Size: 0.15 acres
Location: 1639 S. Carson Ave. W
Present Zoning: OM
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2021

Subject Tract BOA-23573

8.3
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9212  Case Number: BOA-23573
CD: 4

HEARING DATE: 09/26/2023 1:00 PM

APPLICANT: Timothy Jay Roberts

ACTION REQUESTED: Special Exception to permit a Detached House in the OM District (Sec. 15.020-H, Table 15-2.5); Variance to permit greater than 0.50 Maximum Floor Area Ratio (FAR) in the OM District (Sec. 15.030; Table 15-3)

LOCATION: 1639 W. Carson Ave.  ZONED: OM

PRESENT USE: Residential/Office  TRACT SIZE: 6499.18 SQ FT

LEGAL DESCRIPTION: N25 LT 14 S/2 LT 15 BLK 8, STONEBRAKER 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: Since taking ownership, we have replaced fences, built all new retaining walls, removed old concrete, replaced broken sidewalks in front and rear, added a paved walkway, multiple sod and planting beds, and installed a deck to improve the overall property. As it relates to Section 15.030, multiple properties in Stonebraker are well over 50% covered by a structure, including multi-tenant units and older homes with detached garages and other structures.

STAFF ANALYSIS: Applicant is requesting a Special Exception to permit a Detached House in the OM District (Sec. 15.020-H, Table 15-2.5); and Variance to permit greater than 0.50 Maximum Floor Area Ratio (FAR) in the OM District (Sec. 15.030; Table 15-3)

Applicant’s home, built in 1919, is zoned OM (former law office) and requires a special exception to exist as a detached house. Applicant is also seeking to add a covered patio and storage shed in the rear setback (there is no detached garage). OM zoning restricts floor area ratio of the size of buildings on a lot. The applicant’s proposed buildings would increase the total FAR of the buildings to approximately 61%, which is more than the 50% permitted.
Facts staff finds favorable for variance request:
- The addition of a covered patio and storage shed would not be out of conformity with the other numerous homes in the neighborhood.

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

**SAMPLE MOTION:**

Move to _________ (approve/deny) a **Special Exception** to permit a Detached House in the OM District (Sec. 15.020-H, Table 15-2.5).

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

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

**Variance:**

Move to _________ (approve/deny) a **Variance** to permit greater than 0.50 Maximum Floor Area Ratio (FAR) in the OM District (Sec. 15.030; Table 15-3)
- Finding the hardship(s) to be______________________________.
- Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.
- Subject to the following conditions ____________________________.

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.”
Site Plan:

- Install 12x16 deck near rear of property with single door facing west and two sliding windows
- Install 15x23 deck and 12x20 steel gazebo in backyard
- Converting previous lawn office parking lot to yard, including concrete removal in southwest corner of backyard and replacing with grass & flower beds
Section 15.030-A, Table of Regulations. The lot and building regulations of Table 15-3 apply to all principal uses and structures in office, commercial and industrial districts, except as otherwise expressly stated in this zoning code. General exceptions to lot and building regulations and rules for measuring compliance can be found in Chapter 90. Additional regulations governing accessory uses and structures can be found in Chapter 45.

Section 90.050, Floor Area Ratio. The floor area ratio (FAR) is the floor area of all buildings on a lot, divided by the area of that lot.

Review Comment: Per Table 15-3, the maximum floor area ratio allowed on an OM zoned lot is 50%. Using information available on the county assessor's website, with the existing building and proposed buildings, the FAR will be 61%. Please revise plans to reduce the building floor area enough that the FAR is 50% or less, or apply to the Board of Adjustment for a variance for an OM zoned lot to have a 61% floor area ratio.

Section 15.020-H, Residential Building Types. Residential uses allowed in O, C, and I districts must be located in residential buildings. Descriptions of the residential building types and references to applicable regulations are found in Section 35.010. The following residential building types are allowed in O, C, and I districts. (See Table 15-2.5)

Review Comment: This location is zoned Office (OM). According to Table 15-2.5, detached houses are only allowed by special exception in the OM zoning district. You would need to either apply to the Board of Adjustment for a special exception to allow a detached house in an OM zoned district, or have the property rezoned to a zoning district that allows detached houses by right. Either way, please contact the Tulsa Planning Office at 918-596-7526 or planning@cityoftulsa.org for more information on the Board of Adjustment or rezoning procedures.
Shed
12ft x 16ft
Gabled Roof
Built by Tuff Shed
18”-24” from North & East Fences
**Base Details/Permit Details**

**Building Size & Style**
Premier Tall Ranch - 12' wide by 16' long

**Door**
4’ x 6’7” Single Shed Door, Left Hinge Placement, In Door Vertical Transom (4’ door), Decorative Door Hardware

**Paint Selection**
Base: Delicate White, Trim: Ground Coffee

**Roof Selection**
Charcoal Dimensional Premium Shingle

**Drip Edge**
Brown

**Is a permit required for this job?**
Yes, Engineering fees still apply

**Who is pulling the permit?**
Customer

---

**Optional Details**

**Windows**
2 2'x2' Insulated Horizontal Sliding Window

**Roof**
248 Sq Ft Roof - 6/12 Roof Pitch Upgrade
24 Lin Ft 6” Gable EW Eave Upgrade
17 Lin Ft Ridge Vent

**Floor and Foundation**
6 Ea Shed Anchor to Concrete - A24 & Wedge Anchor

---

**Jobsite/Installer Details**

Do you plan to insulate this building after Tuff Shed installs it?
No

Is there a power outlet within 100 feet of installation location?
Yes

The building location must be level to properly install the building. How level is the install location?
Within 4” of level

Will there be 18” of unobstructed workspace around the perimeter of all four walls?
Yes

Can the installers park their pickup truck & trailer within approximately 200' of your installation site?
Yes

Substrate Shed will be installed on?
Anchored to Concrete with Shed Floor

Customer Signature: __________________________ Date: _______
Case Number: BOA-23574
Hearing Date: 09/26/2023 1:00 PM

Case Report Prepared by:
Sean Wallace

Owner and Applicant Information:
Applicant: Regina Dake
Property Owner: King Thuts Hawaii LLC

Action Requested: Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5);

Location Map:

Additional Information:
Present Use: Vacant
Tract Size: 0.18 acres
Location: 6330 N. Elwood Ave.
Present Zoning: RS-3
BOARD OF ADJUSTMENT
CASE REPORT

STR: 130
CD: 1

HEARING DATE: 09/26/2023 1:00 PM

APPLICANT: Regina Dake

ACTION REQUESTED: Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5);

LOCATION: 6330 N. Elwood Ave. ZONED: RS-3

PRESENT USE: Vacant TRACT SIZE: 7988.94 SQ FT

LEGAL DESCRIPTION: LT 8 BK 5, NORTHGATE THIRD 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 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 a special exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5);
SAMPLE MOTION:
Move to _________ (approve/deny) a special exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5).

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

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
**Case Number:** BOA-23575  
**Hearing Date:** 09/26/2023 1:00 PM

<table>
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<tr>
<th><strong>Case Report Prepared by:</strong></th>
<th><strong>Owner and Applicant Information:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Sean Wallace</td>
<td><strong>Applicant:</strong> Nancy Gallimore</td>
</tr>
<tr>
<td></td>
<td><strong>Property Owner:</strong> Nanci Realty Corp.</td>
</tr>
</tbody>
</table>

**Action Requested:** Special Exception to permit an Animal Boarding Facility in the CS district (Sec. 15.020, Table 15-2)

<table>
<thead>
<tr>
<th><strong>Location Map:</strong></th>
<th><strong>Additional Information:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image" alt="Location Map" /></td>
<td><strong>Present Use:</strong> Dog Day Care and Pet Boarding</td>
</tr>
<tr>
<td></td>
<td><strong>Tract Size:</strong> 2.51 acres</td>
</tr>
<tr>
<td></td>
<td><strong>Location:</strong> 5323 E. 41st St.</td>
</tr>
<tr>
<td></td>
<td><strong>Present Zoning:</strong> CS</td>
</tr>
</tbody>
</table>
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9322
CD: 5

HEARING DATE: 09/26/2023 1:00 PM

APPLICANT: Nancy Gallimore

ACTION REQUESTED: Special Exception to permit an Animal Boarding Facility in the CS District (Sec. 15.020, Table 15-2)

LOCATION: 5323 E. 41st St. S
ZONED: CS

PRESENT USE: Dog Day Care and Pet Boarding
TRACT SIZE: 109201.01 SQ FT

LEGAL DESCRIPTION: BEG 466.41W & 455.58N OF SECR SE SW TH N364 W300 S364 E300 POB SEC 22 19 13, 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 “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 transportation access and circulation. Regional trip generators include universities, malls, large medical campuses, casinos, big-box shopping centers, and very large churches.

STAFF ANALYSIS: The applicant is seeking a Special Exception to permit an Animal Boarding Facility in the CS district (Sec. 15.020, Table 15-2). The applicant has already been in operation for a number of years without knowledge of being out of compliance.

35.050-A Animal Service

Uses that provide goods and services for care of animals, including the following specific use types:

1. Grooming
   Grooming of dogs, cats and similar small animals, including dog bathing and clipping salons and pet grooming shops.

2. Boarding or Shelter
   Animal shelters, care services and kennel services for dogs, cats and small animals, including boarding kennels, pet resorts/hotels, pet adoption centers, dog training centers, animal rescue shelters and zoos and animal sanctuaries.

3. Veterinary
   Animal hospitals and veterinary clinics.
SAMPLE MOTION:
Move to _________ (approve/deny) a special exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5).

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

  __________________________________________________________

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

Subject Property
<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: Little Gurus Steam Academy</td>
</tr>
<tr>
<td></td>
<td>Property Owner: 1020 North Peoria LLC</td>
</tr>
</tbody>
</table>

**Action Requested:** Special Exception to permit a sign in the right-of-way or planned right-of-way (60.020-E)

**Location Map:**

**Additional Information:**
- **Present Use:** Commercial
- **Tract Size:** 0.16 acres
- **Location:** 1020 N. Peoria Ave.
- **Present Zoning:** CH
HEARING DATE: 09/26/2023 1:00 PM

APPLICANT: Little Gurus Steam Academy

ACTION REQUESTED: Special Exception to permit a sign in the right-of-way or planned right-of-way (60.020-E)

LOCATION: 1020 N PEORIA AV E

PRESENT USE: Commercial

ZONED: CH

TRACT SIZE: 6751.83 SQ FT

LEGAL DESCRIPTION: LT 27, BULLETTE SECOND ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan designate the Property as “Multiple Use”:

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.

STAFF ANALYSIS: The applicant is requesting a Special Exception to permit a sign in the right-of-way or planned right-of-way (60.020-E)

Applicant is seeking to allow a sign to project 6-feet from the current building over the sidewalk. The existing building is inside the planned right-of-way. North Peoria Ave. is designated an Urban Arterial which calls for 70-feet of right-of-way or 35-feet West from the center of N. Peoria Ave. Currently there is only 30-feet of right-of-way dedicated from the center of the street.

SAMPLE MOTION:

Move to _________ (approve/deny) a Special Exception to permit a sign in the right-of-way or planned right-of-way (60.020-E)

- 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
<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: Tim Sprick</td>
</tr>
<tr>
<td></td>
<td>Property Owner: Cynthia L Cooper Trust</td>
</tr>
</tbody>
</table>

**Action Requested:** Variance to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3); Variance to reduce the minimum open space requirement of 4,000 square feet in the RS-3 District (Sec. 5.030-A, Table 5-3)

**Location Map:**

**Additional Information:**
- **Present Use:** Vacant
- **Tract Size:** 0.16 acres
- **Location:** 1517 E. 39th St.
- **Present Zoning:** RS-3
STR: 9319
CD: 9

HEARING DATE: 09/26/2023 1:00 PM

APPLICANT: Tim Sprick

ACTION REQUESTED: Variance to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3); Variance to reduce the minimum open space requirement of 4,000 square feet in the RS-3 District (Sec. 5.030-A, Table 5-3)

LOCATION: 1517 E 39 ST S

ZONED: RS-3

PRESENT USE: Vacant

TRACT SIZE: 6900.02 SQ FT

LEGAL DESCRIPTION: PRT LT 8 BEG SWC LT 8 TH N87.61 E78.50 S86.13 W80.39 POB BLK 4, FOREST RIDGE ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELLEVENT PREVIOUS ACTIONS:

Subject property:

LS-21119; On 03/07/2018 the TMAPC approved a lot split of the subject property. Property was formally a part of the property to the East.

Surrounding properties:

BOA-23016; On 10.06.20 the Planning Director approved an administrative Adjustment to reduce the street setback from 25-feet to 21-feet and 7-inches. Property located 3849 S. Rockford Ave. (immediately West of subject property).

BOA-13270; On 08.23.84 the Board approved a variance to reduce the setback from the C/L of 39th St street from 50-feet to 34-feet. Property located 3904 S. St. Louis Ave. (immediately South of the subject property).

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:** Please see attached exhibit provided by applicant.

**STAFF ANALYSIS:** Applicant is requesting a Variance to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3); Variance to reduce the minimum open space requirement of 4,000 square feet in the RS-3 District (Sec. 5.030-A, Table 5-3).

Applicant has proposed a 16-foot street setback and to reduce the open space requirement to 3,500 square feet.

Facts staff finds favorable for variance request:
- Staff finds that the shape of the lot is shallow in comparison with a typical depth in the RS-3 district, the lot shape is closer to being a square rather than a standard rectangle.

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

**SAMPLE MOTION:**

Move to ________ (approve/deny) a Variance to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3); Variance to reduce the minimum open space requirement of 4,000 square feet in the RS-3 District (Sec. 5.030-A, Table 5-3)

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

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

Facing West on 39th Street
15' Building line variance:

1. The lot is smaller, and in a different shape than all the other lots around it. This particular lot is big enough to accommodate a new home of similar caliber than that of the new homes in the area, except that the building line hinders the new home from being the same size and price point expected in this premier midtown neighborhood.

2.

3. The requested variance is unique to this lot only. It is the only lot in the area of it's size and is also the only lot that faces 39th St. No other lot in the area has the same hindrance as this particular lot.

4. The current owner did not create this hindrance. The previous owner had the lot split and thus created the hardship.

5. The requested 15' build line is the minimum variance required to allow the lot enough room to build a home of equal or greater caliber and value as that of the other new homes in the area. The current building line does not allow for enough first floor square footage.

6. This variance will not alter the character of the neighborhood in any way.

7. The 15' build line will cause no detriment to the public good, nor will it impair the purpose, spirit, or intent of the zoning code or comprehensive plan. The new home to be built will only further enhance the character and spirit of the neighborhood. The homes on either side of the subject lot, as well as the house across the street are all at or near the same 15' building line.

3,500 sq ft Open Space variance:

1. The lot is smaller, and in a different shape than all the other lots around it. This particular lot is big enough to accommodate a new home of similar caliber than that of the new homes in the area, except that the building line hinders the new home from being the same size and price point expected in this premier midtown neighborhood.

2.

3. The requested variance is unique to this lot only. It is the only lot in the area of it's size and is also the only lot that faces 39th St. No other lot in the area has the same hindrance as this particular lot.

4. The current owner did not create this hindrance. The previous owner had the lot split and thus created the hardship.

5. 3,500 square feet of open space variance is the minimum that will allow a new home to be built on the lot, in where the house plan will have the same essential spaces on the first floor as all those new homes in the area. This variance requested is not a significant amount given the size of the lot and is not much less than the current required Open Space requirement.

6. This variance will in no way alter the essential character of the neighborhood.

7. The 3,500 Sq ft Open Space will cause no detriment to the public good, nor will it impair the purpose, spirit, or intent of the zoning code or comprehensive plan. The new home will only further advance the character and value of the midtown neighborhood.
**Case Number:** BOA-23578  
**Hearing Date:** 09/26/2023 1:00 PM

<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: Meenakshi Krishnasamy</td>
</tr>
<tr>
<td></td>
<td>Property Owner: Hindu Temple Of Greater</td>
</tr>
</tbody>
</table>

**Action Requested:** Special Exception to amend a previously approved site plan for a Religious Assembly Use in the AG District (25.020, Table 25-2; Sec. 70.120)

<table>
<thead>
<tr>
<th>Location Map:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Additional Information:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Present Use: Church</td>
</tr>
<tr>
<td>Tract Size: 10.88 acres</td>
</tr>
<tr>
<td>Location: 16943 E. 21st St.</td>
</tr>
<tr>
<td>Present Zoning: AG</td>
</tr>
</tbody>
</table>
Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: 2021

BOA-23578

Subject Tract

13.2
HEARING DATE: 09/26/2023 1:00 PM

APPLICANT: Meenakshi Krishnasamy

ACTION REQUESTED: Special Exception to amend a previously approved site plan for a Religious Assembly Use in the AG District (25.020, Table 25-2; Sec. 70.120)

LOCATION: 16943 E 21 ST S

ZONED: AG

PRESENT USE: Church

TRACT SIZE: 473716.94 SQ FT

LEGAL DESCRIPTION: PRT W1/3 W/2 SE BEG SWC SE TH N2176.57 E440.83 S940 W390.90 S1236.62 W50 POB LESS S50 THEREOF FOR ST SEC 11 19 14 10.875ACS, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-17783; On 07.2.97 the Board granted a Special Exception to permit a church in the AG district per plan on the subject tract. Included in your packet is a copy of the originally approved plan.

STAFF ANALYSIS: Applicant is seeking to add an assembly space to the existing religious assembly use per the new site plan.

SAMPLE MOTION:

Move to _________ (approve/deny) a Special Exception to amend a previously approved site plan for a Religious Assembly Use in the AG District (25.020, Table 25-2; Sec. 70.120):

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

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

___________________________________________________________

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

- Patch and repair any existing site elements (soil, landscape, paving, etc.) as needed during the construction process.
- Contractor to remove grades of new paving along the border route, allowing existing horizontal surfaces shall be flush in nature with less than 4" vertical rise.
- Contractor to furnish barriers to control access during construction. All access zones should be clearly identified to minimize public confusion.
- It is the responsibility of the contractor to notify the city prior to benches to inspect the site and furnish briefly if existing condition affects areas of new construction. The contractor shall furnish a written report of benching and/or proposed modifications to location, extent, nature or amount of work to be performed under the contract due to the contractor's failure to perform these duties.
- The contractor is responsible for locating and verifying all existing utilities shown on the drawings and approximate existing locations as best determined from existing survey but shall not be construed to represent all existing utilities.
- Field verify is defined as follows: the general contractor is required to field verify the noted condition and/or dimensions prior to construction by performing a survey of submitted shop drawings and integrate field survey information into the construction.

KEYNOTES:

- Note: Not all keynotes are used on each sheet.
- 1. NEW ASPHALT PARKING LOT
- 2. NEW LANDSCAPE AREA; REV. LANDSCAPE PLAN
- 3. 6" CAGE, REV. CIVIL
- 4. EXISTING FIRE HYDRANT
- 5. NEW 5' SIDEWALK, REV. CIVIL
- 6. NEW ACCESSIBLE RAMP
- 7. ACCESSIBLE PARKING PAINTED SYMBOL
- 8. ACCESSIBLE PARKING PAINTED STRIPING
- 9. NEW 5'-0" X 5'-0" CONCRETE STOOP

LEGEND:

- [Legend symbols for soil, landscape, paving, etc.]

NOTES:
- Patch and repair any existing site elements (soil, landscape, paving, etc.) as needed during the construction process.
- Contractor to remove grades of new paving along the border route, allowing existing horizontal surfaces shall be flush in nature with less than 4" vertical rise.
- Contractor to furnish barriers to control access during construction. All access zones should be clearly identified to minimize public confusion.
- It is the responsibility of the contractor to notify the city prior to benches to inspect the site and furnish briefly if existing condition affects areas of new construction. The contractor shall furnish a written report of benching and/or proposed modifications to location, extent, nature or amount of work to be performed under the contract due to the contractor's failure to perform these duties.
- The contractor is responsible for locating and verifying all existing utilities shown on the drawings and approximate existing locations as best determined from existing survey but shall not be construed to represent all existing utilities.
- Field verify is defined as follows: the general contractor is required to field verify the noted condition and/or dimensions prior to construction by performing a survey of submitted shop drawings and integrate field survey information into the construction.
GENERAL NOTES

A. PATCH AND REPAIR ANY EXISTING SITE ELEMENTS (SOIL, LANDSCAPE, PAVING, ETC.) DISTURBED DURING THE CONSTRUCTION PROCESS.

B. CONTRACTOR TO FURNISH WARNING BARRELS TO CONTROL ACCESS DURING CONSTRUCTION. ALL CONSTRUCTION ZONES SHOULD BE CLARELY IDENTIFIED TO MINIMIZE PUBLIC CONFUSION.

C. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING AND VERIFYING ALL EXISTING UNDERGROUND UTILITIES IN ALL AREAS AFFECTED BY NEW WORK PRIOR TO COMMENCEMENT OF ANY EXCAVATION. EXISTING UTILITIES SHOWN ON THE DRAWINGS ARE APPROXIMATE ROUTING LOCATIONS AS BEST DETERMINED FROM EXISTING SURVEY BUT SHOULD NOT BE CONSTRUED TO REPRESENT ALL EXISTING UTILITIES.

D. FIELD VERIFY IS DEFINED AS FOLLOWS: THE GENERAL CONTRACTOR IS REQUIRED TO FIELD SURVEY THE NOTED CONDITION AND/OR DIMENSION PRIOR TO CONSTRUCTION OR PREPARATION OF SUBMITTAL SHOP DRAWINGS AND INTEGRATE FIELD SURVEY INFORMATION INTO THE CONSTRUCTION.

BED PREPARATION AND PLANTING

A. ELIMINATE ALL WEEDS AND GRASS IN PLANTING BED AREAS WITH ROUND-UP HERBICIDE PRIOR TO CONSTRUCTION. APPLY ACCORDING TO MANUFACTURER RECOMMENDATIONS. ALLOW 7 DAYS BEFORE DISTURBING THE SOIL. TILL AND RAKE OUT ROOTS OF BERMUDA GRASS IN DESIGNATED BED AREAS. PLANTING AREAS, NOT ADJACENT TO BUILDING, SHALL BE CULTIVATED TO A DEPTH OF 12". REMOVE ALL DEAD GRASS, WEEDS, ROOTS, ROCKS, AND OTHER DEBRIS. WORK INTO EXISTING SOIL; 6" DEPTH OF BACK TO NATURE 'NATURE'S BLEND' TO A DEPTH OF 12".

B. PLANTING AREAS ADJACENT TO BUILDING AND WALKS TO BE EXCAVATED TO A MINIMUM 1' DEPTH REMOVING AS MUCH LIMESTONE AND OTHER CONSTRUCTION DEBRIS AS POSSIBLE. IF CLAY SUBSOIL IS DISCOVERED AT THE BOTTOM OF THE EXCAVED AREA, TILL IN PELLETIZED GYPSUM AT A RATE OF 10 LBS. PER 100 SF. AFTER INCORPORATION OF GYPSUM ADD HIGH QUALITY TOPSOIL WIT BACK TO NATURE'S BLEND, AT A 50/50 MIXTURE, TO SUFFICIENT GRADE. REFER TO CIVIL DRAWINGS FOR PROPOSED GRADES NEXT TO BUILDING.

C. ALL PLANTING AREAS TO BE INSTALLED WITH DEWITTS WEED BARRIER FABRIC.

D. LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR FINE GRADING AND POSITIVE DRAINAGE OF ALL PLANTING BEDS. CONTRACTOR SHALL PROVIDE HIGH QUALITY TOP SOIL WHERE NECESSARY TO PROVIDE PROPER DRAINAGE.

E. CONTRACTOR TO ADD OMOSOTE 19-6-12 AT HIGHEST RATE SPECIFIED BY THE MANUFACTURER TO ALL BEDS AREAS PRIOR TO MULCHING.

F. APPLY SHREDDED CYPRESS MULCH IN PLANTING BEDS TO A DEPTH OF 3" AFTER PLANT INSTALLATION.

G. ALL SHRUBS TO BE PLANTED IN A PIT THAT IS TWICE AS WIDE AS THE ROOT BALL. PLANT SHRUBS 2" ABOVE FINISH GRADE TO ALLOW FOR PROPER DRAINAGE. REFER TO SHRUB PLANTING DETAIL FOR MORE INFORMATION.
1. The contractor shall contact "OKIE" at 811 or 800-522-6543, three (3) working days before beginning work. All existing underground utilities can be located and marked.

2. Equipment and materials shall be handled in accordance with the manufacturer’s recommendations and specifications.

3. Normal expansion joints shall be placed in accordance with data.

4. Foundations for all building foundations and slabs shall be in accordance with structural building plans and specifications and the instructions shall apply continuously and will not be limited to normal working hours. Site plans shall be in accordance with structural engineering requirements.

5. All construction and methods to be in strict accordance with current city standard requirements.

6. The contractor shall be fully and completely responsible for compliance with the plans, specifications, and instructions in these construction drawings. The contractor shall be responsible for all property and property damage. The contractor shall be responsible for the contractor’s performance of the building. The contractor shall be responsible for maintaining all barricades, warning signs, flashing lights and traffic control devices during construction. The contractor shall comply with all OSHA regulations and safety requirements.

7. The contractor is to be responsible for obtaining any required state or local permits.

8. If any existing structures to remain are damaged during construction, it is the contractor's responsibility to repair and/or replace the existing structure, as necessary, to return it to the existing condition or better. The contractor shall repair and restore any areas damaged during construction at his own expense.

9. Pavement marking of stripes to be 4" wide, white and applied in two coats, unless otherwise noted.

10. Traffic control measures shall be in accordance with city and the latest version of the MUTCD.

11. Paving of driveways and required accessible aisles shown on plan shall be made fully compliant, regardless of magnitude, at the contractor's expense.

12. Paving of driveways and required accessible aisles shown on plan shall be marked in accordance with current ADA standards.

13. Ada notes:
   a. All new sidewalks or ADA paths (sidewalks to be removed & replaced or striped ADA paths) shall not exceed 2% cross slope & 5% running slope. For sidewalks contained within the public right-of-way and when adjacent street grades exceed 5%, then sidewalk running slopes may match street grades.
   b. 3" minimum depth to top of sealant and 1/8" maximum protrusion to top of sealant along ADA accessible aisles.
   c. 1/8" maximum depth to top of sealant and 1/8" maximum protrusion to top of sealant along ADA accessible aisles.
   d. 1/8" maximum depth to top of sealant and 1/8" maximum protrusion to top of sealant along ADA accessible aisles.
   e. All ADA parking areas shall be 2% maximum in all directions.

14. Site plan notes:
   a. Equipment and materials shall be handled in accordance with the manufacturer’s recommendations and specifications.
   b. Foundations for all building foundations and slabs shall be in accordance with structural building plans and specifications and the instructions shall apply continuously and will not be limited to normal working hours. Site plans shall be in accordance with structural engineering requirements.
   c. All construction and methods to be in strict accordance with current city standard requirements.
   d. The contractor shall be fully and completely responsible for compliance with the plans, specifications, and instructions in these construction drawings. The contractor shall be responsible for all property and property damage. The contractor shall be responsible for the contractor’s performance of the building. The contractor shall be responsible for maintaining all barricades, warning signs, flashing lights and traffic control devices during construction. The contractor shall comply with all OSHA regulations and safety requirements.
   e. The contractor is to be responsible for obtaining any required state or local permits.
   f. If any existing structures to remain are damaged during construction, it is the contractor's responsibility to repair and/or replace the existing structure, as necessary, to return it to the existing condition or better. The contractor shall repair and restore any areas damaged during construction at his own expense.
   g. Paving of driveways and required accessible aisles shown on plan shall be made fully compliant, regardless of magnitude, at the contractor's expense.
   h. Paving of driveways and required accessible aisles shown on plan shall be marked in accordance with current ADA standards.
   i. Ada notes:
      a. All new sidewalks or ADA paths (sidewalks to be removed & replaced or striped ADA paths) shall not exceed 2% cross slope & 5% running slope. For sidewalks contained within the public right-of-way and when adjacent street grades exceed 5%, then sidewalk running slopes may match street grades.
      b. 3" minimum depth to top of sealant and 1/8" maximum protrusion to top of sealant along ADA accessible aisles.
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      d. 1/8" maximum depth to top of sealant and 1/8" maximum protrusion to top of sealant along ADA accessible aisles.
      e. All ADA parking areas shall be 2% maximum in all directions.
   j. Traffic control measures shall be in accordance with city and the latest version of the MUTCD.
   k. Paving of driveways and required accessible aisles shown on plan shall be marked in accordance with current ADA standards.
   l. Ada notes:
      a. All new sidewalks or ADA paths (sidewalks to be removed & replaced or striped ADA paths) shall not exceed 2% cross slope & 5% running slope. For sidewalks contained within the public right-of-way and when adjacent street grades exceed 5%, then sidewalk running slopes may match street grades.
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      e. All ADA parking areas shall be 2% maximum in all directions.
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      a. Equipment and materials shall be handled in accordance with the manufacturer’s recommendations and specifications.
      b. Foundations for all building foundations and slabs shall be in accordance with structural building plans and specifications and the instructions shall apply continuously and will not be limited to normal working hours. Site plans shall be in accordance with structural engineering requirements.
      c. All construction and methods to be in strict accordance with current city standard requirements.
      d. The contractor shall be fully and completely responsible for compliance with the plans, specifications, and instructions in these construction drawings. The contractor shall be responsible for all property and property damage. The contractor shall be responsible for the contractor’s performance of the building. The contractor shall be responsible for maintaining all barricades, warning signs, flashing lights and traffic control devices during construction. The contractor shall comply with all OSHA regulations and safety requirements.
      e. The contractor is to be responsible for obtaining any required state or local permits.
      f. If any existing structures to remain are damaged during construction, it is the contractor's responsibility to repair and/or replace the existing structure, as necessary, to return it to the existing condition or better. The contractor shall repair and restore any areas damaged during construction at his own expense.
      g. Paving of driveways and required accessible aisles shown on plan shall be made fully compliant, regardless of magnitude, at the contractor's expense.
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         a. All new sidewalks or ADA paths (sidewalks to be removed & replaced or striped ADA paths) shall not exceed 2% cross slope & 5% running slope. For sidewalks contained within the public right-of-way and when adjacent street grades exceed 5%, then sidewalk running slopes may match street grades.
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         e. All ADA parking areas shall be 2% maximum in all directions.
     j. Traffic control measures shall be in accordance with city and the latest version of the MUTCD.
     k. Paving of driveways and required accessible aisles shown on plan shall be marked in accordance with current ADA standards.
     l. Ada notes:
        a. All new sidewalks or ADA paths (sidewalks to be removed & replaced or striped ADA paths) shall not exceed 2% cross slope & 5% running slope. For sidewalks contained within the public right-of-way and when adjacent street grades exceed 5%, then sidewalk running slopes may match street grades.
        b. 3" minimum depth to top of sealant and 1/8" maximum protrusion to top of sealant along ADA accessible aisles.
        c. 1/8" maximum depth to top of sealant and 1/8" maximum protrusion to top of sealant along ADA accessible aisles.
        d. 1/8" maximum depth to top of sealant and 1/8" maximum protrusion to top of sealant along ADA accessible aisles.
        e. All ADA parking areas shall be 2% maximum in all directions.
**Case Report Prepared by:**

Austin Chapman

**Owner and Applicant Information:**

**Applicant:** Jose Medina  
**Property Owner:** Jose Medina & Alejandro Castro

**Action Requested:** Special Exception to increase the allowed fence height of 4-feet inside the street setback (Sec. 45.080-A)

**Location Map:**

![Location Map](image)

**Additional Information:**

**Present Use:** Residential  
**Tract Size:** 1.01 acres  
**Location:** 6308 and 6320 S. Owasso Ave.  
**Present Zoning:** RM-2
HEARING DATE: 09/26/2023 1:00 PM

APPLICANT: Jose Medina

ACTION REQUESTED: Special Exception to increase the allowed fence height of 4-feet inside the street setback (Sec. 45.080-A)

LOCATION: 6308 and 6320 S. Owasso Ave. ZONED: RM-2

PRESENT USE: Residential TRACT SIZE: 44056.76 SQ FT

LEGAL DESCRIPTION: LT 2 BLK 4; LTS 3 4 5 6 & 7 BLK 4, SOUTH PEORIA GARDENS RESUB PRT TOWNE PARK 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”.

STAFF ANALYSIS: Applicant is seeking a Special Exception to increase the allowed fence height of 4-feet inside the street setback (Sec. 45.080-A)

<table>
<thead>
<tr>
<th>Section 45.080</th>
<th>Fences and Walls</th>
</tr>
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<tbody>
<tr>
<td>45.080-A</td>
<td>Fences and walls within required building setbacks may not exceed 8 feet in height, except that in required street setbacks fences and walls may not exceed 4 feet in height. However, in R zoned districts, fences up to 8 feet in height are permitted in side street setbacks of detached houses or duplexes located on corner lots and in street setbacks abutting the rear lot line of houses or duplexes located on double frontage lots. The board of adjustment is authorized to modify these fence and wall regulations in accordance with the special exception procedures of Section 79.120.</td>
</tr>
</tbody>
</table>

The applicant is seeking an 8-foot wrought iron style fence around the perimeter of the property.

SAMPLE MOTION: Move to _________ (approve/deny) a Special Exception to increase the allowed fence height of 4-feet inside the street setback (Sec. 45.080-A):

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

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

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

Review Comment: It appears that all of your fence is within the street setback. Please provide plans indicating a fence of no greater that 4' within the street set back or you may wish to seek a special exception to allow a fence greater than 4' within a street setback.
Fencing Material (Proposed Fence to be 8-feet in Height)
Site Plan
6308-6320 S Owasso Ave
Tulsa, OK 74136
Parcel 1 ID: 39180-82-01-40550
Lot 1 area: 0.16 Acres
Parcel 2 ID: 39180-82-01-40550
Lot 2 area: 0.16 Acres
Paper Size: 11"x17"

Size of the gates are 20' wide x 8' tall. There will be two separate gates constructed as one panel each. They will both be sliding. There will be two pass-thru gates. Each will be placed next to gated driveway entrances.