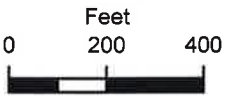


**SUBJECT TRACT**

**BOA-22836**

21.1



19-13 02



**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 9302

Case Number: **BOA-22836**

**CZM:** 38

**CD:** 3

**HEARING DATE:** 01/14/2020 1:00 PM

**APPLICANT:** Richard Barnard

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

**LOCATION:** West and North of the intersection of East 5<sup>th</sup> Place and South Memorial Drive

**ZONED:** CS

**PRESENT USE:** Vacant

**TRACT SIZE:** 84284.59 SQ FT

**LEGAL DESCRIPTION:** BEG 717.89N & 50W SECR NE SE TH W10 N141.89 W297 N141.90 E307 S283.79 LESS E10 THEREOF FOR ST SEC 2 19 13 .968AC; BEG 859.78N SECR NE SE TH W357 S141.89 E357 N141.89 POB LESS E60 THEREOF SEC 2 19 13 .967ACS, VANCE RESUB L8 B1 & ALL B12 PAMELA ACRES, PAMELA ACRES

**RELEVANT PREVIOUS ACTIONS:** None.

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

**Mixed-Use Corridors** are Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

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

21.2

**ANALYSIS OF SURROUNDING AREA:** The subject tract is a vacant piece of property located West and North of the intersection of E. 5th Pl. S. and S. Memorial Drive

**STAFF COMMENTS:**

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

Chapter 15 | Office, Commercial and Industrial Districts  
Section 15.020 | Use Regulations

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
Subcategory												
Specific use												
Vehicle Sales and Service												Section 40.400
Commercial vehicle repair/maintenance	-	-	-	-	S	P	P	P	P	P	P	
Truck stop	-	-	-	-	-	S	S	-	P	P	P	
Commercial vehicle sales and rentals	-	-	-	-	S	P	P	P	P	P	P	
Fueling station	-	-	-	-	P	P	P	P	P	P	P	
Personal vehicle repair and maintenance	-	-	-	-	P	P	P	P	P	P	P	
Personal vehicle sales and rentals	-	-	-	-	S	P	P	P	P	P	P	
Vehicle part and supply sales	-	-	-	-	P	P	P	P	P	P	P	
Vehicle body and paint finishing shop	-	-	-	-	S	P	P	P	P	P	P	

**15.040-A Outdoor Storage and Display**

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

**STATEMENT OF HARDSHIP:**

The applicant will be presentign a hardship at the hearing.

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** permit Personal Vehicle Sales in a CS District (Sec. 15.020, Table 15-2)

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

\_\_\_\_\_.

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

Move to \_\_\_\_\_ (approve/deny) a **Variance** to permit the outdoor storage and display of merchandise in a CS district within 300 ft of an abutting R District (Sec. 15.040-A)

- Finding the hardship(s) to be \_\_\_\_\_.

- 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***





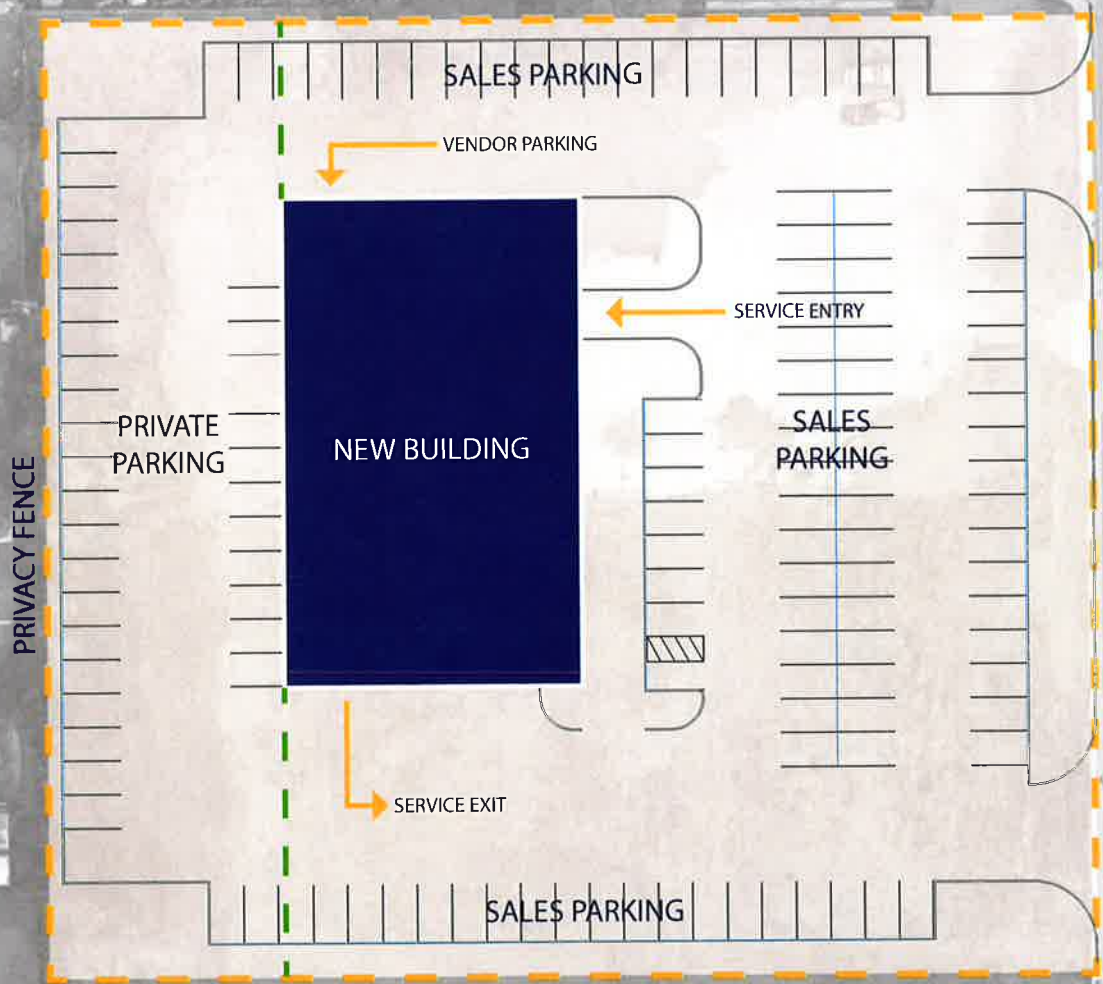
***Facing South on Memorial***



*Facing North on Memorial*

**LEGEND**

-  SITE PERIMETER
-  PRIVACY GATE



**SITE PLAN**  
 1" = 60' - 0"





Subject  
Tract

**BOA-22836**

19-13 02

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

Aerial Photo Date: February 2011



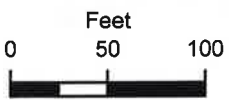
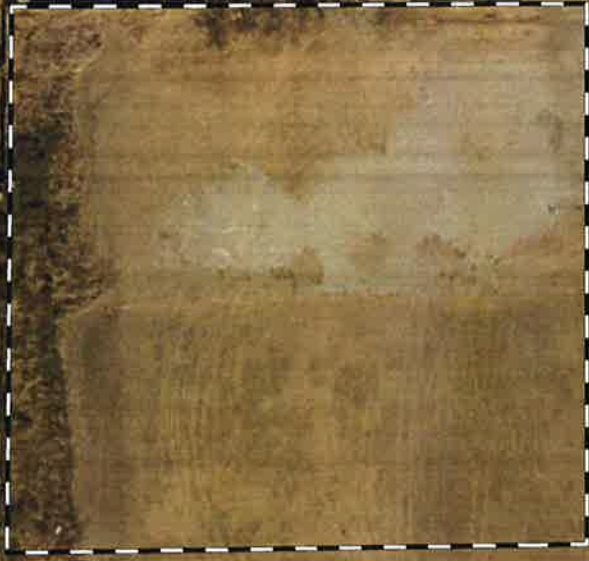


E 4th PL S

S MEMORIAL DR

S 80 E AVE

E 5th PL S



Subject Tract

**BOA-22836**

19-13 02

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

Aerial Photo Date: February 2018



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