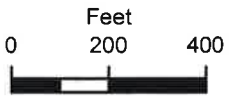


**LEGEND**

 Tulsa Corporate Limits



**BOA-22849**

20-13 27

6.1



**BOARD OF ADJUSTMENT  
CASE REPORT**

Case Number: **BOA-22849**

**STR:** 215

**CZM:** 30

**CD:** 3

**HEARING DATE:** 02/11/2020 1:00 PM

**APPLICANT:** Robert Walenta

**ACTION REQUESTED:** Special Exception to permit moderate impact manufacturing in the IL district (Section 15.020); Variance of the required 75 foot building setback between IL and AG/R districts. (Section 15.030)

**LOCATION:** 2315 N YALE AV E;

**ZONED:** RS-3,IL

**PRESENT USE:** Vacant

**TRACT SIZE:** 227789.24 SQ FT

**LEGAL DESCRIPTION:** LT 5 BLK 2; LT 1 BLK 1; LT 2 BLK 1, S R LEWIS ADDN (The Special Exception is Limited to the West 550 feet of LT 5 BLK 2; LT 1 BLK 1; LT 2 BLK 1, S R LEWIS ADDN which is the IL zoning on the property)

**RELEVANT PREVIOUS ACTIONS:**

**Subject Property:** None

**Surrounding Property:** None

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

**The New Neighborhood** designation is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single- family homes on a range of lot sizes but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity and shall be paired with an existing or new Neighborhood or Town Center.

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.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is Located South of the SE/c of E. Apache and North Yale Ave. The property is split zoned between IL on the Western Side of the Property and RS-3 on the Eastern. IL zoning was established by Ordinance Number 16132 approved 10.30.1984.

6.2

**STAFF COMMENTS:** The applicant is requesting a **Special Exception** to permit moderate impact manufacturing in the IL district (Section 15.020); **Variance** of the required 75 foot building setback between IL and AG/R districts. (Section 15.030)

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
Subcategory												
Specific use												
<b>INDUSTRIAL</b>												Section 40.180
Low-impact Manufacturing & Industry	-	-	-	-	-	S	S	S	P	P	P	
Moderate-impact Manufacturing & Industry	-	-	-	-	-	-	-	-	S	P	P	Section 40.225
High-impact Manufacturing & Industry	-	-	-	-	-	-	-	-	-	S	P	

Table 15-3: O, C and I District Lot and Building Regulations

Regulations	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH
Minimum Lot Area (sq. ft.)	-	-	-	10,000	-	-	-	-	-	-	-
Minimum Street Frontage (feet)	50	50	50	-	50	50	-	-	50	50	50
Maximum Floor Area Ratio (FAR)	0.40	0.50	2.00	8.00	0.50	0.75	-	-	-	-	-
Minimum Lot Area per Unit (sq. ft.)	[1]	[2]	[2]	[3]	[2]	[2]	-	-	[2]	[2]	[2]
Min. Open Space per Unit (sq. ft.)	[1]	[2]	[2]	[3]	[2]	[2]	-	-	[2]	[2]	[2]
<b>Building Setbacks (feet)</b>											
Street [4]	10	10	10	10	10	10	-	-	10	10	10
From AG, AG-R, or R district	10	10[5]	10[5]	10	10[5]	10[5]	-	-	75[6]	75[6]	75[6]
From O district	-	-	-	-	-	-	-	-	75[6]	75[6]	75[6]
<b>Max. Building Coverage (% of lot)</b>	-	-	-	-	-	-	-	-	-	-	-
<b>Maximum Building Height (feet)</b>	35	-	-	-	-	-	-	-	-	-	-

**15.030-B Table Notes**

The following notes refer to the bracketed numbers (e.g., "[1]") in Table 15-3:

- [1] Same as required in RT district.
- [2] Same as required in RM-2 district.
- [3] Same as required in RM-3 district.
- [4] Garage doors must be set back at least 20 feet or 20 feet from the back of the sidewalk, whichever is greater.
- [5] When abutting RE-, RS- or RD-zoned lot, 2 feet of add'l building setback required for each foot of building height above 15 feet.
- [6] Minimum building setback abutting freeway right-of-way that is zoned AG, AG-R, R, or O is 10 feet.

The applicant has proposed a greenhouse to encroach on the RS-3 zoning of the property. The Board does not have the authority to approve a Horticulture Nursery Use on the RS-3 Portion but the applicant has indicated their intention to apply to re-zone that property to AG.

**STATEMENT OF HARDSHIP:**

**Justification for Special Exception –**

We are requesting a special exception to conduct moderate-impact processing of medical marijuana on this site. The processing will be conducted in a fully enclosed room within the facility and no flammable material will be used. In accordance with IL zoning, the processing will have few if any adverse land use or environmental impact.

**Hardship for Variance –**

This site is zoned IL on the western 550' and RS-3 on the eastern 406'. We intend to rezone the eastern portion to AG and given the unique situation of two zoning classifications on the same site, we are requesting a variance to remove the setback requirement within the site that pertains to the eastern and western portions.

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to permit moderate impact manufacturing in the IL district (Section 15.020)

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

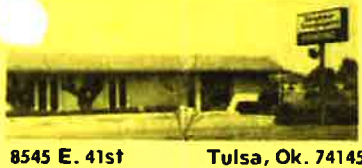
The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Move to \_\_\_\_\_ (approve/deny) a **Variance** of the required 75 foot building setback between IL and AG/R districts. (Section 15.030)

- 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."*



# TULSA DAILY BUSINESS JOURNAL & LEGAL RECORD

A Division of Retherford Publications, Inc.  
Neighbor Newspapers

8545 E. 41st

Tulsa, Ok. 74145

## PUBLISHER'S AFFIDAVIT

PUBLICATION DATE(S)

November 6, 1984

NUMBER

### LEGAL NOTICE

STATE OF OKLAHOMA

COUNTY OF TULSA

SS.

I, of lawful age, being duly sworn, am a legal representative of The Tulsa Daily Business Journal & Legal Record of Tulsa, Oklahoma, a daily newspaper of general circulation in Tulsa County, Oklahoma, printed in the English Language and published in the City of Tulsa, in Tulsa County, State of Oklahoma, regularly, continuously and uninterruptedly published in the County for a period of more than 104 consecutive weeks prior to the first publication of the attached notice, and having paid circulation therein and with admission to the United States mails as second class mail matter and printed in Tulsa, Tulsa County, where delivered to the United States mail.

That said notice, a true copy of which is attached thereto, was published in the regular edition of said newspaper during the period and time of publication and not in a supplement, on the ABOVE LISTED DATE(S)

*Phyllis McQueen*  
(Representative Signature)

Subscribed and sworn to before me this 7th  
day of November, 1984.

C42489

Published in the Tulsa Daily Business Journal & Legal Record, November 6, 1984.

ORDINANCE NO. 1612  
AN ORDINANCE AMENDING  
ORDINANCE NO. 11910 AND  
REZONING A TRACT OF  
LAND LOCATED IN TULSA  
COUNTY, OKLAHOMA, AS  
MORE PARTICULARLY  
HEREINAFTER DE-  
SCRIBED FROM AN RS-3  
CLASSIFICATION TO AN IL  
CLASSIFICATION; RE-  
PEALING ALL ORDI-  
NANCES OR PARTS OF OR-  
DINANCES IN CONFLICT  
HEREWITH; AND DECLAR-  
ING AN EMERGENCY.

BE IT ORDAINED BY THE  
BOARD OF COMMISSIONERS OF  
THE CITY OF TULSA, OKLAHO-  
MA to wit:

Section 1. That Ordinance No. 11910 be and the same is hereby amended, and the following de- scribed property, to wit:

The west 550 feet of Lots 1, 2, 3, and 4, Block 1, and the west 550 feet of Lot 5, Block 2, S. R. Lewis Addition to Dawson, to the City of Tulsa, Tulsa County, Oklaho- ma. (Z-6984)

be and the same is hereby rezoned from an RS-3 Classification to an IL Classification.

Section 2. That all Ordinances or parts of Ordinances in conflict herewith be and the same are hereby expressly repealed.

Section 3. That because the rezoning hereby enacted is essential to the proper and orderly growth and development of the City of Tulsa and the area contiguous thereto, an emergency is hereby declared to exist for the preservation of the public peace, health, and safety, by reason whereof this Ordinance shall take effect immediately upon its passage, approval, and publication.

PASSED, with the emergency clause ruled upon separately and approved this 30th day of October, 1984.

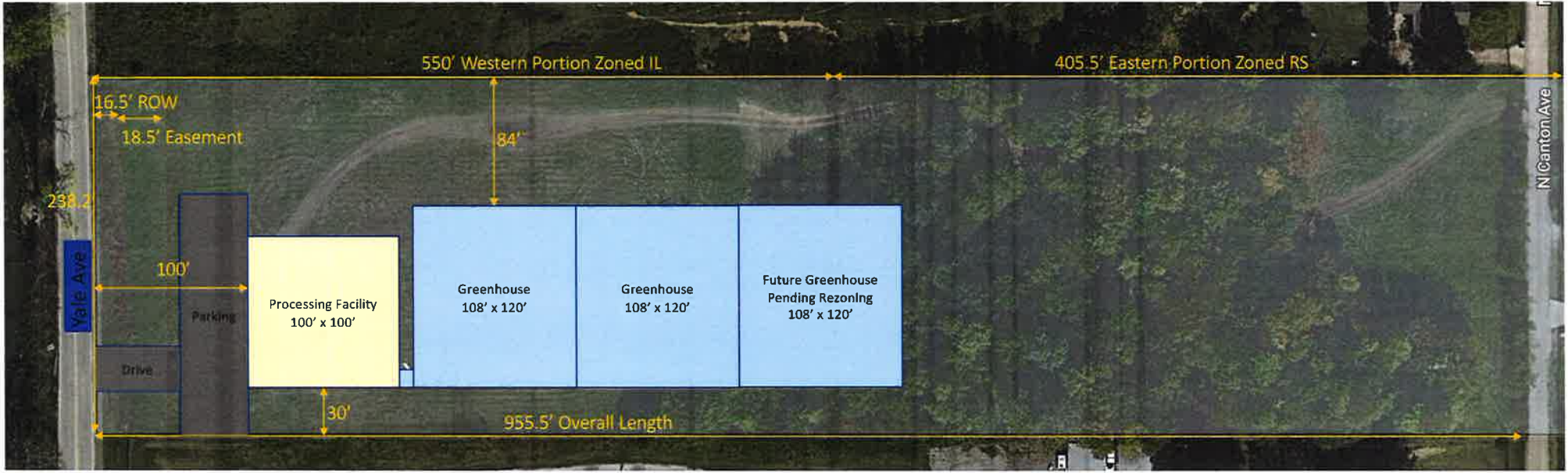
APPROVED, this 30th day of October, 1984.

Terry Young  
Mayor

ATTEST:  
F. F. Campbell  
City Auditor  
(SEAL)

APPROVED:  
David L. Pauling  
Assistant City Attorney

6.5





***Subject Property***



***Facing South on N. Yale***



*Facing North on N. Yale*





E APACHE ST

E ZION ST

E YOUNG CT

E ZION ST

E ZION PL

N URBANA AVE

N VANDALIA AVE

N WINSTON AVE

E YOUNG CT

E YOUNG PL

E YOUNG PL

E YOUNG ST

E YOUNG ST

E XYLER ST

E XYLER ST

N TOLEDO PL

E WOODROW PL

N CANTON AVE

N DARLINGTON AVE

N ERIE AVE

N YALE AVE

N DARLINGTON PL

E VIRGIN ST

N ERIE AVE

E UTE PL

E UTE ST



 Subject Tract

**BOA-22849**

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

20-13 27

Aerial Photo Date: February 2018



6.9



Subject Tract

**BOA-22849**

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

20-13 27

Aerial Photo Date: February 2018

