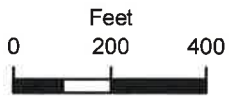


SUBJECT TRACT



BOA-22940

19.1



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9314
CZM: 38
CD: 5

Case Number: **BOA-22940**

HEARING DATE: 06/23/2020 1:00 PM

APPLICANT: Abraham Adedokun

ACTION REQUESTED: Special Exception to permit a Type-2 Home Occupation (Beauty Salon) in an RS-3 District (Section 45.100-G).

LOCATION: 7719 E 31 ST S

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 8803.51 SQ FT

LEGAL DESCRIPTION: LT 20 BLK 35, BOMAN ACRES FOURTH ADDN

RELEVANT PREVIOUS ACTIONS:

Subject property: None.

Surrounding property:

BOA-7111; On 08.5.71 the Board **approved** a Special Exception to permit a children's pre-school nursery in an RS-3 District. Property located 7705 E. 31st Street.

BOA-7177; On 10.07.71 the Board **approved** a Variance to permit a sign for a Nursery in an RS-3 District. Property located 7705 E. 31st Street.

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

An **Existing Neighborhood** is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

The **Areas of Stability** include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

ANALYSIS OF SURROUNDING AREA: The subject tract is located East of the Intersection of the NE/c pf the E. 31st Street Service Road and S. 77th E. Ave.

STAFF COMMENTS: The applicant is requesting Special Exception to permit a Type-2 Home Occupation (Beauty Salon) in an RS-3 District (Section 45.100-G)

45.100-G Where Allowed

1. Type 1 Home Occupations

Type 1 home occupations are permitted as of right as an accessory use to a principal use in the household living use category. Type 1 home occupations are subject to the general regulations of §45.100-H and the supplemental regulations of §45.100-J.

2. Type 2 Home Occupations

- a. Type 2 home occupations may be approved as an accessory use to a principal use in the household living use category through the special exception procedures of Section 70.120. Type 2 home occupations are subject to the general regulations of §45.100-H and the supplemental regulations of Section 45.100-J.
- b. Type 2 home occupations may be approved as an accessory use to a principal use in the household living use category through mandatory development plan provisions defined in 70.040-B1. Type 2 home occupations are subject to the general regulations of Section 45.100-H and the supplemental regulations of Section 45.100-J or as may be further regulated in a mandatory development plan.

Type-2 Home Occupations are subject to the supplemental regulations of Sec. 45.100-J:

45.100-J Supplemental Regulations for Type 2 Home Occupations

1. Only uses approved in accordance with the special exception procedures of Section 70.120 or through a mandatory development plan are allowed as type 2 home occupations.
2. At least one individual engaged in the home occupation must reside in the dwelling unit in which the home occupation is located as their primary place of residence.
3. No more than 3 clients or customers may be present at any one time on the site of a type 2 home occupation. Family members of the client or customer are not counted towards the 3-person limit.
4. A maximum of one nonresident employee is allowed with a type 2 home occupation if no customers or clients come to the site at any time. Home occupations that have clients, customers or students coming to the site may not have nonresident employees and vice-versa. For the purpose of this provision, the term "nonresident employee" includes an employee, contractor, business partner, co-owner or any other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.
5. Type 2 home occupations and all related activities, including storage (other than the lawful parking of passenger vehicles), must be conducted entirely within the principal residential building or an allowed accessory building.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Special Exception** to permit a Type-2 Home Occupation (Beauty Salon) in an RS-3 District (Section 45.100-G)

- 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



Facing West on E. 31st Street frontage Street. Existing Daycare is visible on the block.



Subject property



Facing West on East. 31st Street



Facing East on 31st Street

7176 (continued)

Remarks: Mr. Gardner advised the Board that if they determine that the facility is a restaurant the use would be allowed by right under the existing CS zoning.

Protests: None.

Board Action: On MOTION of JOLLY, the Board (5-0) determined that the proposed facility is a restaurant and is allowed by right under the existing CS zoning, and approved a Variance (Section 630 - Bulk and Area Requirements in a Commercial District - Under the Provisions of Section 1470) to waive the setback requirements from 25' to 10' from the north property line, subject to the plot plan as submitted, on the following described tract:

The North 96' of Lot 1, Block 6, and the North 96' of the East 40' of Lot 2, Block 6, North Tulsa Addition to the City of Tulsa, Oklahoma.

7177

Action Requested: Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1470) to permit maintaining a 3' x 4' sign for a nursery in an RS-3 District, on a tract located at 7705 East 31st Street.

Presentation: Marie Sweetin, applicant, was present.

Protests: None.

Remarks: Mr. Gardner advised the Board that although day nurseries are allowed by special exception through the Board of Adjustment in RS-3 Districts, the Code does not provide for signs.

Board Action: On MOTION of COHEN, the Board (5-0) approved a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1470) to permit maintaining a sign for a nursery in an RS-3 District, to be limited to 8 square feet in surface area, on the following described tract:

Lot 17, Block 35, Boman Acres Fourth Addition to the City of Tulsa, Oklahoma.

10.7.71:93(11)

19.7

7109 (continued)

Board Action: On MOTION of COHEN, the Board (4-0) approved an Exception (Section 410 - Principal Uses Permitted In Residential Districts - Section 440 (2) - Home Occupations) to permit operating a home beauty shop in an RS-3 District on the following described tract, and advised the applicant that no signs are permitted on the premises:

Lot 10, Block 6, Hill Haven Addition to the City of Tulsa, Oklahoma.

7110

Action Requested: Exception (Section 710 - Principal Uses Permitted In Industrial Districts) to permit erecting a restaurant in an IL District on a tract located at the northeast corner of 76th East Avenue and 51st Street.

Presentation: George Logan, representing Frates Properties, owners of the subject tract, stated that they propose to construct a steak house which will be operated by the Picadilly Corporation. The subject tract is 80,000 square feet in size, and the proposed building will contain 8,000 square feet. He stated that the structure will be one-story in height and the interior will be furnished along the theme of an 1890 railroad car. He stated that at this time they have not determined the placement of the building.

Remarks: Mr. Cohen stated that the Board members prefer that a plot plan be submitted in order to determine the placement of the building, elevation of the structure, and placement of signs.

Protests: None.

Board Action: On MOTION of JOLLY, the Board (4-0) continued application No. 7110 to the August 19, 1971 meeting, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, in order for the applicant to present a plot plan to the Board.

7111

Action Requested: Exception (Section 410 - Principal Uses Permitted In Residential Districts) to permit operating a children's pre-school nursery in an RS-3 District on a tract located at 7705 East 31st Street.

8.5.71:89(7)

7111 (continued)

Presentation:

Mrs. Breedlove, applicant, stated that she had conducted a similar operation in the area for fifteen years, however, she has lost the lease on the building and needs to relocate. She stated that there will be three to four supervisors if necessary, however, none of them will reside on the premises. Two supervised play-periods will be conducted. She added that the house on the tract is in poor condition, however it will be renovated if this request is approved.

Protests:

None.

Board Action:

On MOTION of COHEN, the Board (4-0) approved an Exception (Section 410 - Principal Uses Permitted In Residential Districts) to permit operating a children's pre-school nursery in an RS-3 District on the following described tract:

Lot 17, Block 35, Boman Acres Fourth Addition
to the City of Tulsa, Oklahoma.

7112

Action Requested:

Exception (Section 410 - Principal Uses Permitted In Residential Districts - Section 440 (6) - Mobile Homes) to permit maintaining a mobile home in an RS-3 District (present dwelling will be removed) on a tract located at 7415 East 38th Street North.

Presentation:

Leona Haberly stated that her home which is on the subject tract is in such extremely poor condition that she will be forced to vacate it. She stated that if the requested use is approved she will have the existing dwelling removed as soon as possible. She presented photos of the dwelling (Exhibit "G-1").

Protests:

None.

Board Action:

On MOTION of JOLLY, the Board (4-0) approved an Exception (Section 410 - Principal Uses Permitted In Residential Districts - Section 440 (6) - Mobile Homes) to permit maintaining a mobile home in an RS-3 District for a period of one year on the following described tract:

Part of the W/2 of the SE/4 of Section 14, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma; beginning on the West line 242.55' South of the South line

8.5.71:89(8)



19.10

BRYAN C. SANDLIN

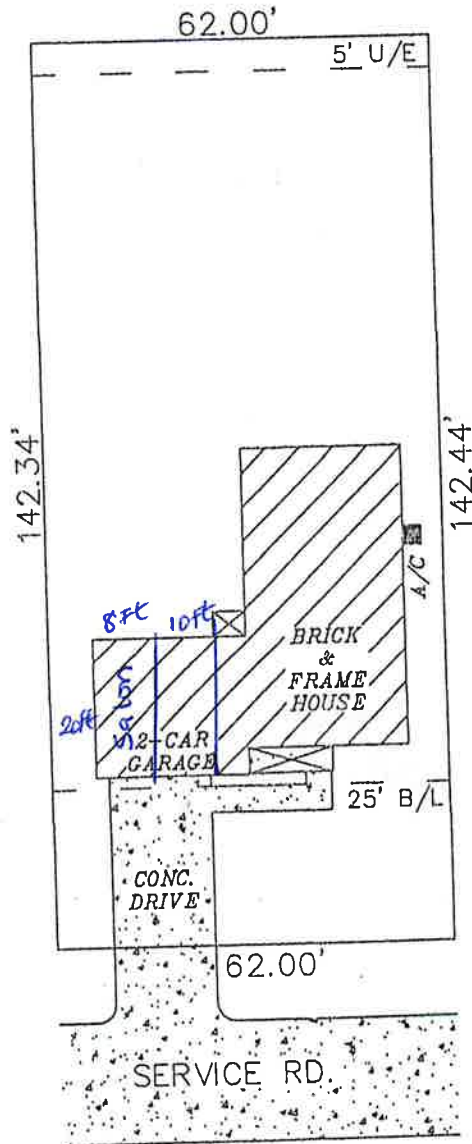
OKLAHOMA REGISTERED LAND SURVEYOR
P.O. BOX 1241, HENRYETTA, OKLAHOMA 74437
OFFICE (918) 650-0079

REGISTERED LAND SURVEYOR'S INSTRUMENT
FOR MORTGAGE L

CUSTOMER EXECUTIVES TITLE, SAPULPA
BORROWER ABRAHAM A. ADEDOKUN
LENDER BOKF, N.A. dba BANK OF OKLAHOMA
FILE NO. 18040106
ORDER NO. 18-05-10

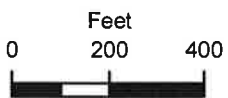
Purpose

Conversion of my 2 car garage into 1 car garage for a small appointment based beauty salon.



E 3rd st.

19.11



Subject
Tract

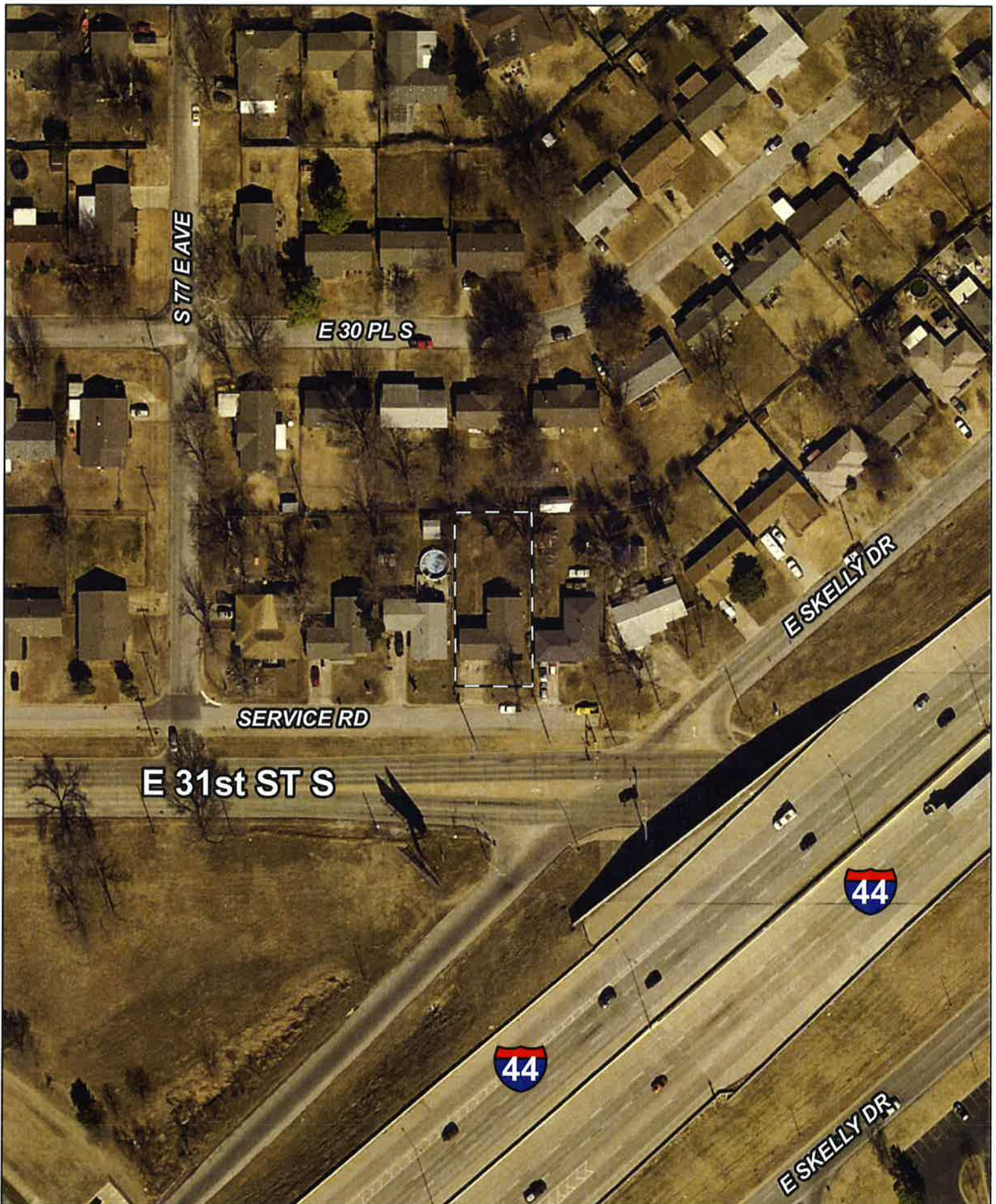
BOA-22940

19-13 14

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

Aerial Photo Date: February 2018





Subject Tract

BOA-22940

19-13 14

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

Aerial Photo Date: February 2018

19.13



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