



MCCOY PROPERTY COMPANY LLC
1241 SOUTH HARVARD AVENUE
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MCCOYPROPERTIES.COM

August 25, 2020

City of Tulsa Board of Adjustment
c/o Tulsa Planning Office
Attn: Austin Chapman
achapman@incog.org

Re: BOA-22977

Dear Members of the Board:

McCoy Property Company LLC is the property owner of 5234 S. Peoria Avenue, which is the location of Nirvana Cannabis Dispensary, a lawfully established and operational dispensary located south and west of Ezy's House of Dank.

Ezy's House of Dank is requesting a variance of the 1,000 foot spacing requirement of Section 40.225-D of the Tulsa Zoning Code (the "Code"). Section 70.130-H of the Code, as provided in the staff report, requires seven (7) criteria to be established by the Applicant in order for the Board to grant a variance. In this case, the Applicant has not established any of the requisite criteria.

The alleged hardship that the Applicant provided to this Board is that there is not an available tenant space in Brook Plaza that is more than 1,000 feet from Nirvana. While it may be so that Brook Plaza is less than 1,000 feet from Nirvana, this in itself is not a hardship nor is it unique to the property. There are countless properties in the City of Tulsa that are less than 1,000 feet from established dispensaries. The Applicant also states that Ezy's House of Dank has been operating unlawfully at this location without a certificate of occupancy.

Ezy's House of Dank is located in the Brook Plaza Shopping Center at the southeast corner of S. Peoria Avenue and E. 51st Street/I-44 and is zoned CH. Brook Plaza is a typical commercial shopping center, similarly situated to the other commercial shopping centers at this particular intersection. There are no unique physical characteristics of the subject property or the surrounding area that result in a hardship to the property owner or



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the Applicant. While it may be an inconvenience to the Applicant that Nirvana is located nearby, it is not a hardship.

The purpose of the 1,000 spacing requirement in the Code is to prevent groupings of particular uses, in this case, medical marijuana dispensaries. If granted, the requested variance to allow Ezy's House of Dank to be located across the street, approximately 730 feet from Nirvana's lawfully established dispensary, will directly impair the spirit of the Code and intent of the spacing requirement.

Based on the above, I request that the Board deny the variance in this case. Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim McCoy", is written over the typed name below.

Jim McCoy
McCoy Property Company LLC