

Chapman, Austin

From: L J Bennett <tallfamilymom@gmail.com>
Sent: Sunday, August 23, 2020 6:36 PM
To: esubmit
Subject: Case Number BOA-22982, Hearing scheduled August 25, 2020

Hello INCOG, Mr. Austin Chapman, and Tulsa PLanning Board -

My name is Lynda Bennett and my husband and I live at 2024 E. 37th Street, Tulsa. I am sending this e-mail in opposition to the variance requested in Case Number: BOA-22982. Unfortunately, I will not be able to attend the August 25, 2020 meeting in person.

I am opposed to the 17 foot requested variance in that it sets precedence for narrower building requirements in the rest of this neighborhood. The neighborhood is known for the large distance between homes which creates a unique setting. The beauty of this neighborhood is in part due to the distance between homes.

I also am vehemently opposed to any variance, even though not specifically addressed in the Application, due to potential flooding issues and concerns. Even though I (we) did not live in our current home at 2024 E. 37th Street during the 1984 flood, we did live in Tulsa and saw the horrific impact the flooding had. We helped friends clean up after 15 feet of water flooded their garage. Neighbors just to the east of us on 37th Street told us that there was a rushing river that spanned most of Terwilliger and went from the east side of our home to the west side of their home. Patio furniture, grills, and all types of detritus were seen rushing down Terwilliger between our homes. This area is part of a creek bed and additional paving, such as a large garage and/ or driveway, can only endanger the future any permeable land in this area.

Even though the flooding is assumed to have been addressed after the 1984 flood with a very large storm drain, I would like to direct the Board of Adjustment/ Tulsa Planning Staff to the flooding that occurred in Houston during and after hurricane Harvey in 2017. If you recall, a large part of Katy, TX, east of Houston, was originally designated as flood plain. However, that was "forgotten" over time and large subdivisions, such as Cinco Ranch, were built in that flood plain. When Harvey hit, there was catastrophic flooding which devastated thousands of homes and families. I do not want that to happen in Tulsa, and specifically to our home and the surrounding neighborhood homes.

I know this sounds harsh, but someone's error or lack of planning should not create an emergency on my part. I do not want there even to be a possibility of future flooding in our neighborhood.

I am empathetic with the homeowners, but can only suggest a smaller garage and gravel driveway.

Thank you for allowing me input, and I hope everyone in the neighborhood can continue to remain friendly with each other.

Respectfully -
Lynda Bennett

Chapman, Austin

From: T. Bennett <tallfamily@hotmail.com>
Sent: Sunday, August 23, 2020 6:21 PM
To: esubmit
Subject: City of Tulsa zoning variance. BOA 22982

To: The Members of the City of Tulsa Board of Adjustment
August 20, 2020
Re: BOA.22982

Dear Members of the Board,

My wife and I have lived in our current residence at 2024 East 37th Street, (diagonally opposite the subject property) for very close to 35 years. While we claim no standing because of our tenure here, we have seen (and delighted in) many changes in the neighborhood over those years. Additionally, I believe that ours is the only property with sight lines of both the front and side of the subject property. Although I know many of our neighbors, I have never met the Browns but I'm certain that they have made every attempt to comply with the zoning rules and regulations. However, I am skeptical about the basis of their hardship in this application and refer to the following excerpts from their statements:

"The existing residence was built in the late 1950's with an under sized two car garage and a single lane driveway only 10' wide."

This driveway was a standard "two car" driveway until the previous owner narrowed it to a single lane for most of it's length. To my knowledge, there is no reason that this can't be restored to it's earlier width except that to do so would limit driveway expansion options elsewhere on the property.

"In order for cars to leave the residence they are required to back down a 10' driveway..."

Our property at 2024 E 37th has the same driveway configuration - two car garage narrowing to single car driveway. It has always struck us as an odd layout and don't know why the original owners opted for this. At various times, we had five drivers (two adults and three children) and it never occurred to us that backing down a driveway should test a driver's ability. If backing down a fairly flat, straight driveway is problematic, will the property owners allow their children to park their Hummer in the proposed garage? Backing out of that location requires turns, navigating a material incline and backing while turning at right angles onto a single lane street (Terwilliger) that is only 14' wide with sight lines obstructed by significant vegetation.

"This situation is not only dangerous for the family but also pedestrians."

If the use of the extant driveway is truly dangerous for the family and pedestrians, then is it reasonable to assume that if the variance is allowed, the family will cease this "dangerous" practice and no longer use the 10' driveway or park in the street? In fact, if it is dangerous, why do they allow their children, guests and/or staff to do it?

Our property is adjacent to undeveloped property (2020 East 37th Street). While the current owners of that property have expressed their desire to maintain this property as-is, it is naive to assume that will be the status quo indefinitely. If/when this property is developed, someone wishing to push the envelope by building over the setback lines could refer to the structure being contested here as precedent. I don't believe that the property owner's "hardship" is based on safety or even an understandable desire for more convenient access to their high performance vehicles, but the hardship is that they were misled, albeit unintentionally, by a city inspector, for which I would understand it they sought recourse from the city. But such an error by the city must not taint all future construction in this, or any, neighborhood.

Respectfully,

**Tom Bennett
2024 East 37th Street
Tulsa, OK. 74105**

**Robert L. Triplett, Jr.
139 E. 122nd E. Ave.
Tulsa, Oklahoma 74128**

August 20, 2020

Via Email: esubmit@incog.org

City of Tulsa Board of Adjustment
c/o INCOG
2 W. 2nd St., Suite 800
Tulsa, OK 74103

Re: **Comment**
Case No. BOA-22981

Ladies and Gentlemen:

I received notice of the above referenced case seeking a Special Exception to permit moderate-impact medical marijuana processing in the IL district. I am submitting my comment to express concerns regarding the potential BOA approval of this application.

In addition to the mailed notice, I have reviewed the application available online, as of August 19, 2020. I could not read the fine print on the application floor plan for Fat & Happy Processing LLC. The application does not include a copy of the OMMA License. I did not find Applicant, Cody Welch, Fat & Happy Processing LLC or Fat and Happy Processing LLC on the OMMA list of licensed processors as of August 12, 2020. Surely, the application should include the OMMA license before this application can be approved.

The application is for the whole property and building at 165 S. 122nd E. Ave. Tulsa, OK 74128, as indicated on application, aerial photos, and map. However, the Applicant's, Cody Welch, address is for Suite B in the building, not the whole building. Is the application for the whole building or just Suite B? Also, the application does not indicate the owner of the property consents to this application or what Applicant's relationship is with the owner. Does the owner consent to this application and what is the Applicant's relationship to the owner?

I did not see anything in the application about air scrubbers or filters to make sure the odor from processing marijuana (especially on harvesting days) will not be smelled by neighbors when processing marijuana. There is another Medical Marijuana grower/processor at 147 S. 122nd E. Ave. Tulsa, OK 74128. When they were processing or harvesting the marijuana, there was a pungent odor that

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permeated our clothes and the interior of our vehicles. We were very concerned that, if stopped by the police, the odor could be probable cause for us to be questioned and detained, and our vehicles could be searched and impounded. Recently, after the grower/processor installed air scrubbers or filters, we have not noticed the odor.

I did not see anything in the application indicating what security measures would be made to prevent this location from being a target for burglary and other crimes. We are very concerned that approving this application would increase crime in the area. What is the Applicant's plan for security?

I tried to find information regarding the Applicant's work experience or education that would indicate Applicant is qualified to operate a Medical Marijuana processing facility. I was unable to find the information I was looking for, however, information I did find indicated Applicant may have a criminal record that should be reviewed before he or an entity he is involved with is licensed by the OMMA.

Based on my comments above I do not want this application for a Special Exception to permit moderate-impact medical marijuana processing in the IL district approved.

I and other neighbors that received notice of this application have talked and we want to be kept informed of the actions the BOA takes regarding this application.

Thank you in advance for your cooperation and consideration.

Sincerely,


Robert L. Triplett, Jr.

RLT/tg

Robert L. Triplett, Jr.
139 E. 122nd E. Ave.
Tulsa, Oklahoma 74128

August 21, 2020

Via Email: esubmit@incog.org

City of Tulsa Board of Adjustment
c/o INCOG
2 W. 2nd St., Suite 800
Tulsa, OK 74103

Re: **Comment (#2)**
Case No. BOA-22981

Ladies and Gentlemen:

Shortly after submitting my initial comment I received an email, from Austin Chapman, acknowledging its receipt and encouraging contacting the Applicant directly regarding our concerns. I want to thank Mr. Chapman for his recommendation, when contacted the Applicant was generous with his time discussing my concerns and appeared to be open and honest. I found my discussion with the Applicant very beneficial. I am now more convinced that the Applicant's proposed Medical Marijuana processing facility should be in an IM (Industrial-Moderate) or IH (Industrial Heavy) district.

I wish the Applicant every success starting a Medical Marijuana Processing Facility. The Applicant is planning to sublease a 200 sq. ft. (10'x20') room from the current tenant, Jessie Sims (Current Tenant), at 165 S. 122nd E. Ave., Suite B, Tulsa, OK 74128 (Suite B). The Applicant said the Current Tenant is a Marijuana grower that has been growing Marijuana in Suite B for some time. The Applicant said the tenant at 165 S. 122nd E. Ave., Suite A, is making building/construction products.

Due to the limited space, the Applicant is planning to limit the Medical Marijuana Processing to mechanical extraction of cannabis oil using two (2) tabletop machines. He is not planning on using chemical solvent processes other Medical Marijuana Processing Facilities use. The Applicant said this location is not ideal for a Medical Marijuana Processing Facility and that ideally, he would like to have 10 acres out in the country to build a Medical Marijuana Processing Facility. The Applicants' proposed 200 sq. ft. Medical Marijuana Processing Facility will only have one (1) employee initially, the Applicant, but in no event more than two (2) employees due to the limited space.

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A Medical Marijuana Processing Facility is a moderate impact operation and should be in an IM (Industrial-Moderate) or IH (Industrial Heavy) district where the lots or parcels would be much larger than IL (Industrial Light) and designed to accommodate a Medical Marijuana Processing Facility's potential environmental impact.

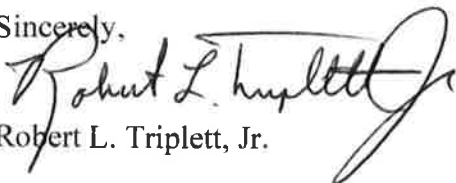
I am still concerned about security, the smell/odor, and the owners written consent for this application. In addition, I have a new concern, should a Special Exception be approved, what area will be given the exception, the whole Lot 8, the whole building, Suite B, or the 200 sq. ft. room to be sublet to the Applicant? If approved, will the Special Exception be conditioned upon the use of mechanical extraction only? How will any Special Exception limitation/condition be enforced? I do not think this application is a good fit for this IL (Industrial Light) district. I think the Applicant and his business would be better suited to an IM (Industrial-Moderate) or IH (Industrial Heavy) district.

Based on my initial comments and my comments above I do not want this application for a Special Exception approved.

I and other neighbors that received notice of this application have talked and we want to be kept informed of the actions the BOA takes regarding this application.

Thank you in advance for your cooperation and consideration.

Sincerely,


Robert L. Triplett, Jr.

RLT/tg

Chapman, Austin

From: Malcolm E. Rosser IV <mac.rosser@crowedunlevy.com>
Sent: Monday, August 24, 2020 8:07 AM
To: Chapman, Austin
Cc: Wilkerson, Dwayne; Good, Felicity
Subject: RE: BOA-22982 (address: 2103 E 37 St S)

Austin – over the weekend, my client in this matter (the applicant owner), Sig Brown, met with his neighbor to the north, who would be most affected by the requested variance. They discussed possible ways to resolve the matter. They both thought it would be helpful if this case could be continued to the next Board meeting to give them time to discuss the matter more fully and hopefully reach an agreed resolution. So I am writing to request that this case be continued to the September 8 meeting.

Please pass this on to the Board. Thanks for your help, and let me know if you have any questions.

Regards,
Mac



Malcolm E. Rosser IV
Attorney at Law

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Tulsa, OK 74103

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From: Chapman, Austin [mailto:AChapman@incog.org]
Sent: Tuesday, August 18, 2020 4:52 PM
To: Malcolm E. Rosser IV
Cc: Tammy Shaddox; Wilkerson, Dwayne
Subject: RE: BOA-22982 (address: 2103 E 37 St S)

I have replaced these exhibits and the hardship statement to the packet. I will update my staff report to reflect your are withdrawing the Special Exception Request.

From: Malcolm E. Rosser IV <mac.rosser@crowedunlevy.com>
Sent: Tuesday, August 18, 2020 4:14 PM
To: Chapman, Austin <AChapman@incog.org>
Cc: Tammy Shaddox <tammy.shaddox@crowedunlevy.com>; Wilkerson, Dwayne <DWilkerson@incog.org>
Subject: RE: BOA-22982 (address: 2103 E 37 St S)

Austin – we have prepared a revised site plan that allows the driveway to be in compliance with the code; see attached. The total driveway width between street and property line is 22' and total width between property line and setback lines is 30'. So we will not need the special exception.