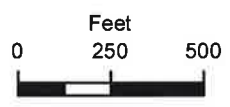


SUBJECT TRACT

RT66

BOA-22987

5.1



19-13 01



**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9301

Case Number: **BOA-22987**

CZM: 38

CD: 3

HEARING DATE: 09/08/2020 1:00 PM

APPLICANT: Bashir Harfoush

ACTION REQUESTED: Special Exception to allow for Commercial /Vehicle Sales and Service/ Personal vehicle sales & rental use in a CS district (Sec. 15.020 Table 15-2)

LOCATION: 9107 E 11 ST S

ZONED: CS

PRESENT USE: Vacant

TRACT SIZE: 3977.04 SQ FT

LEGAL DESCRIPTION: E19.66 W94.45 LT 37 & E20 W94.4 LT 38 LESS S15 FOR ST BLK 32, CLARLAND ACRES B20-37

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-21732; On 06.24.14 the Board Approved a Special Exception to allow a used car sales office in a CS District (UU 17) subject to a 5-year time limit that expired on 6.24.2019.

Surrounding Property:

BOA-19688; on 10.28.03, the Board **APPROVED** a Special Exception to permit a transmission shop (UU17) with conditions. LOCATED: 9130 E 11th Street

BOA-17627; on 1.28.97, the Board **APPROVED** a Special Exception to permit used car sales in a CS district subject to a limit of 30 cars at any one time; cars are to be parked on the paved parking area only; subject to a review by Public Works that there are no problems with impeding the flow of water. LOCATED: 9137 E 11th Street

BOA-12624; on 6.2.83, the Board **APPROVED** a Special Exception to permit auto sales and repair in a CS district per conditions. LOCATED: 9140 E 11th 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 NE/c of E. 11th St. S and S. 91st E. Ave. 11th street has recently been improved to reduce the number of traffic lanes and add bike lanes. This property currently has a curb-cut that runs almost the length of their street frontage.

STAFF COMMENTS: The applicant is requesting a **Special Exception** to allow for Commercial /Vehicle Sales and Service/ Personal vehicle sales & rental use in a CS district (Sec. 15.020 Table 15-2)

Vehicle Sales and Service Uses are subject to the supplemental regulations of Sec. 40.400:

Section 40.400

Vehicle Sales and Service

40.400-A Whenever a vehicle sales and service use is located on a lot abutting an R- or AG-R-zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.070.C.

40.400-B Whenever commercial or personal vehicle sales or rentals are within 300 feet of an R- or AG-R- zoned lot, off-street parking and vehicle display areas must comply with the parking area design standards of Section 55.090.

Based on the size of the subject lot the Board may seek to limit the number of cars stored on site. The applicant's site plan was lacking in basic information about the site including their parking arrangements though it would appear they have at least two striped spots on the front of their building.

SAMPLE MOTION:

Move to _____ (approve/deny) a Special Exception to allow for Commercial /Vehicle Sales and Service/ Personal vehicle sales & rental use 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.



Facing East on 11th Street



Subject property



Facing West on 11th Street



Facing North on 91st E. Ave.



Rear of Property

Mr. Henke asked if there were any plans to pave the lot. Mr. Sharrer stated there are no current plans to pave the lot, but as business improves in the area and there is a lot of interest from people that might buy a piece of property potentially it could be paved.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **SNYDER**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request **Special Exception** to allow required off-street parking spaces on a lot other than the lot containing the use (Section 1301.D). Finding the 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; for the following property:

LT 6 BLK 5, EAST HIGHLAND ADDN RES B1, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21732—Bashir Harfoush

FILE COPY

Action Requested:

Special Exception to allow a used car sales office (Use Unit 17) in a CS District (Section 701, Table 1). **LOCATION:** 9107 East 11th Street South (**CD 3**)

Presentation:

Bashir Harfoush, 9107 East 11th Street, Tulsa, OK; stated the subject facility is next door to a church and he will try as much as possible not to open another business that will bother the church. There is parking in the front of the facility with a fenced area in the rear which could be used for parking. The building is 86 feet long and 21 feet wide with a 50'-0" x 20'-0" fenced area in the rear.

Mr. Van De Wiele if used cars were going to be stored in the building or on the lot. Mr. Harfoush they may be some cars stored on the site.

Mr. White asked if the fenced area was where the car repairs were going to take place. Mr. Harfoush stated that he is not going to be doing major repairs. The cars are going to be bought from the auction, and in order to be able to purchase cars from the auction he must have a facility.

Ms. Snyder asked there was going to be any outside storage. Mr. Harfoush stated there were no plans to have any outside storage.

Interested Parties:

BOA-21732

Charles Reynolds, Administrator for Eastwood Baptist Church, 949 South 91st East Avenue, Tulsa, OK; stated the church wants to be a good neighbor but they want to ward off anything in the beginning so there will be a good understanding between both parties. Mr. Harfoush's property is where an upholstery shop had been for 40 years. The children's playground and the church parking lot backs right up to Mr. Harfoush's property. Mr. Bashir has access to the rear of his building from the church parking lot. The church has concerns about this because they do not want a conflict to arise with the church services and functions and the business. People will be coming into the business to look at cars that are potentially going to be bought and the business only has three parking spaces in the front. The church does not want the business clients and the cars purchased by Mr. Harfoush to be parking on the church parking lot, because the church uses the lot several times a week at different times. The church is also concerned over water drainage from the detail shop of the business.

Mr. Henke asked staff if outside sales, outside storage, etc. had been applied for. Ms. Miller stated that INCOG had only been presented with the idea that the space would only be used as an office.

Mr. Tidwell left the meeting at 3:08 P.M.

Rebuttal:

Mr. Harfoush stated the he had tried to open two different businesses but the church had major concerns so he didn't open. He wants to have a good relationship with the church and does not want to disturb any church functions.

Mr. Tidwell asked Mr. Harfoush what he had to have to receive a used car dealer license. Mr. Harfoush stated that wholesale can be done from a person's house.

Mr. Tidwell re-entered the meeting at 3:11 P.M.

Mr. Van De Wiele asked Mr. Harfoush where the cars go after he purchases them from the auction. Mr. Harfoush stated the cars can be kept at the auction and they can be resold from the auction lot, but he does not want to do wholesale from the auction because sometimes cars cannot be sold to an individual from the auction lot. What he wants to do is sell to an individual.

Mr. Van De Wiele asked if the business was going to be like a car lot. Mr. Harfoush stated that he is a student and he just wants to make a living until he graduates from college.

BOA-21732

FILE COPY

Ms. Snyder asked if some of the cars he purchases from the auction are going to be placed inside the building. Mr. Harfoush answered affirmatively. He currently has two cars inside the building and he could place about 13 cars in the building.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request **Special Exception** to allow a used car sales office (Use Unit 17) in a CS District (Section 701, Table 1) for a period of five years from today's date of June 24, 2014. Finding the 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; for the following property:

E19.66 W94.10 LT 37 & E20 W94.4 LT 38 LESS S15 FOR ST BLK 32, CLARLAND ACRES B20-37, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

20336-A—Sisemore Weisz & Associates – Darin Akerman

Action Requested:

Variance of allowed building height from 35 feet to 42 feet (Section 403.A, Table 3); **Modification** to a previously approved Special Exception (BOA-20336) to permit construction of pro shop and enclosed athletic courts. **LOCATION:** SW/c of East 51st Street & South Hudson Avenue (CD 9)

Presentation:

Darin Akerman, 6111 East 32nd Place, Tulsa, OK; stated this is a request for a modification to a site plan for the tennis center in LaFortune Park. A portion of the tennis center building is beyond the 35 foot allowable height for an RS-2 residential district. There must be at least a 40 foot height internal clearance at a minimum for a tennis center per specs and requirements. The 42 feet requested allows for the necessary beam to the roof and the ridge of the building itself. The building is approximately 250 feet away from the single family residential neighborhood on the east side. The building will have a similar look to the Kaiser Library/LaFortune Community Center making a very unified master plan.

Interested Parties:

Fred Perry, 11404 East 133rd Street, Broken Arrow, OK; stated the building will be known as the Mike Case Tennis Center. Mr. Case has donated \$1 million dollars toward the construction of the center. This is the last phase of a project that started 7 ½ years ago when twelve old tennis courts that were built in the 1960s were replaced with 18 new tennis courts. The facility will be a club house and three indoor courts. There is

Applicant's Rebuttal:

Ms. White stated they could put up a screening fence on the west. She informed the Board they own the property and have paid taxes for the last four or five years.

Board Action:

On **Motion of Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Stephens "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a **Special Exception** to permit a children's day care center in an RS-3 district, with conditions: for a 6' solid screening fence on the west property line for protection of the children from horses, for as long as the applicants own the property, regarding the following described property:

Lots 1, 2, 3 and 4, Block 2, Mohawk Heights, City of Tulsa, Tulsa County, State of Oklahoma.

*.*****.*****.

Case No. 19688

Action Requested:

Special Exception to allow Use Unit 17 Automobile and Allied Activities (transmission shop). SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17, located: 9130 E. 11th St.

Presentation:

Brad Fuller, 20 E. 5th, Ste. 200, stated he represented the owner of record and potential purchaser. The buyer proposes to open a Use Unit 17, transmission shop. They would have no outside storage and all work would be done inside. All jobs would be done by appointment with minimal traffic and parking. The property has a poor history for a wrecker service, referring to (BOA Case No. 18887). The new use is consistent with and not adverse to the neighborhood. He submitted a packet of exhibits (Exhibit D-1). There would be three bays with lifts. There would be two curb cuts for ingress and egress and new asphalt for parking. The back is gravel and would not be used. The days and hours of operation would be Monday through Friday, 8:00 a.m. to 5:00 p.m.

Comments and Questions:

Mr. Boulden noted the application is for the entire lot. He asked if they would object to a condition that the rear of the property not be used for parking.

2:35 p.m. Mr. White out.

Mr. Boulden commented that it took a long time to get this property cleaned up and he wanted to avoid storage problems with a new business. Mr. Fuller assured the Board there would be no outside storage, and parking only on all-weather surface. Mr. Fuller responded that on the property to the east the Board approved a more intensive use in BOA Case No. 12624. It allowed for auto sales and repair; fifteen

Case No. 17626 (continued)

Ms. Turnbo asked Mr. Reynolds if the file room is reinforced with the mesh and steel walls? He answered affirmatively.

Mr. White stated two additional letters were submitted to the Board. Letter of opposition (Exhibit J-3) and a letter of support (Exhibit J-4).

Mr. Bolzle stated he would like to make a motion and then if the Board wishes to hear additional comments or discussion they can do so after the motion.

Mr. Bolzle stated that in many ways this case is somewhat similar to the case the Board heard regarding Shadow Mountain. He further stated that the Board is seeing more and more cases that tend to fall in the gaps that the Code has, which any ordinance has just by their very nature. Mr. Bolzle commented that there are enough elements that are linked with this office use that are not traditionally office oriented and are traditionally prohibited by most rules and regulations of every office building that he knows of.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott "absent") to **UPHOLD** the Appeal and **DENY** the decision of Administrative Official in issuing an occupancy permit to the Drug Enforcement Administration.

Case No. 17627

Action Requested:

Special Exception to permit used car sales in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 9137 East 11th Street.

Presentation:

The applicant, **Andrew W. Ross**, representing the Tulsa Auto Auction, submitted a site plan (Exhibit K-1) and stated that he has purchased the subject property to install a used car lot operation. Mr. Ross indicated that the subject property has been a car lot in the past and for the last 11 years it has been a mechanical shop. He further indicated that the property in the past has been an eye-sore for the neighborhood and he has already cleaned up the lot. Mr. Ross pointed out that there are several other used car operations in the same area. He explained that there are numerous car related shops in the area.

Interested Parties:

Curtis Anx, representing Eastwood Baptist Church, stated the church is immediately adjacent to this property across from Joe Creek. He further stated he isn't sure he wants to protest the operation as it has been described. Mr. Anx agreed with Mr. Ross's comment that the subject property has been a eye-sore in the past. He expressed concerns regarding the number of automobiles and the types of automobiles that will be located on the subject lot. Mr. Anx did not agree with Mr. Ross's statement that there are other car related shops within the near vicinity and stated the other used car lots are 1 mile to 1/2 mile away. He expressed concerns regarding the ingress/egress of the proposed used car lot since there is pedestrian traffic from local schools. He questioned whether the proposed used car lot would be parking cars on the sidewalks and grassy area in front of their lot. He explained that the church has a very large parking lot and he is concerned that people will utilize the parking lot to test drive the cars.

Comments and Questions:

In response to Mr. Dunham, Mr. Ross stated he would have approximately 30 cars on the lot at any one time

Mr. Dunham asked the applicant if he would have a problem with a restriction of 30 cars at any one time? He stated he would not have a problem with a limit of 30 cars.

Mr. Dunham asked the applicant for his days and hours of operation? He stated the hours will be 9:00 a.m. to 6:00 p.m., however occasionally used car lots do stay open until 8:00 p.m. He explained that this particular lot has a large canopy that has been re-lighted, along with two large PSO light poles that illuminate the whole property and it wouldn't be unusual for the dealer to want to stay open until 8:00 p.m. He stated that there will not be any mechanics working on the lot.

Mr. Dunham asked the applicant if he knew whether the property is in a floodplain? He stated he did not know, however, his attorney reviewed all of the paper work prior to purchasing the property and he felt his attorney would have mentioned if it is in a floodplain. He further stated the west and south side of the subject property has a tremendously high retaining wall. He explained that the property goes back to the creek, which has an 8' or 10' fence around the west and north side of the property.

Mr. Dunham asked the applicant if he planned to make any additional improvements, such as building any buildings? He answered negatively.

Ms. Turnbo stated the Staff has some concerns that the site plan does not show the location of proposed parking of the 30 cars. She further stated he will need to return with a detailed site plan.

Case No. 17627 (continued)

Mr. Gardner stated that one of the other concerns were that there be no parking on the grass or in the right of way. He commented that the cars would have to be parked on the concrete surface and limited to 30 cars.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott "absent") to **APPROVE** a **Special Exception** to permit used car sales in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; subject to a limit of 30 cars at any one time; cars are to be parked on the paved parking area only; subject to a review by Public Works that there is no problems with impeding the flow of water; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

All that part of SE/4, Sec. 1, T-19-N, R-13-E, I.B.M., Tulsa County, Oklahoma, according to the U.S. Government Survey thereof, more particularly described as follows: Beg. at a point 1,371.16' W, 65' N at a right angle of the SE/c of said Sec. 1; thence W and parallel to the S line for 57.04'; thence N at a right angle for 10.00'; thence W and parallel to the S line for 162.96' to a Point on the Ely line of Lot 38, Block 32, Clarland Acres, said point being 75' N of the S line of Sec. 1; thence Nely at an angle of 74°59'3" along the Ely line of said Lot 38 for 101.46'; thence E. and parallel to the S line of Sec. 1 for 193.71'; thence S at a right angle for 108' to the POB; LESS and EXCEPT a strip, tract or parcel of land lying in and being a part of the SE/4, Sec. 1, T-19-N, R-13-E, I.B.M., Tulsa County, Oklahoma, and particularly described as follows, to-wit: Beg. at a point 1,591.16' W, 75' N, SE/c, SE/4; thence, parallel to the S line of said SE/4, N 88°40'20" E for 53.34'; thence N 30°15'00" E for 115.03'; thence, parallel to the S line, S 89°40'20" W for 87.29' to a point on the E line of Lot 38, Block 32, Clarland Acres; thence S 13°41'17"W along the E line, for 101.46' to the POB, City of Tulsa, Tulsa County, Oklahoma

Case No. 17628

Action Requested:

Variance of the required all weather surface to permit gravel parking for a boat storage facility. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 23, located 1211 North Mingo Road.

Case No. 12623 (continued)

than ten (10) automobiles on the property at any one time. Mrs. Purser asked the applicant if all the cars would stay inside the fence located on the property and Mr. Whitehead answered in the affirmative.

The Board inquired if there are any other employees at the subject location and Mr. Whitehead advised his son works at the subject location and some part-time employees in a specialized area work in the business. The Board also inquired as to the construction of the building and the applicant advised the structure will be a metal building with rocks covering the metal to match the construction of the house.

Mrs. Purser suggested that approval be limited to a specific time period as she thought the operation might hinder development surrounding the area. The rest of the Board did not share the same concern.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-1-0 (Chappelle, Smith, Victor, Wait, "aye"; Purser, "nay"; no "abstentions"; none, "absent") to approve a Variance (Section 310 - Principal Uses Permitted in the Agriculture District - Under the Provisions of Use Unit 1217) to allow an existing auto restoration business in an AG District, subject to the number of automobiles located on the subject property not exceed the total of ten (10) cars, all work is to be conducted behind the screening fence; no dismantling, salvage operation or part sales to be conducted from this location, and limiting the sign to 6 sq. ft. in size, and to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District) of the minimum lot area from two acres to 1.66 acre, on the following described property:

A tract of land in Lot 2, Section 18, Township 18 North, Range 13 East, Tulsa County, State of Oklahoma, beginning at the NW corner of Section 18; thence South along the West section line a distance of 446.00'; thence East a distance of 285.40'; thence on a bearing line North 29°-09'-16" West along the West Bank of the Arkansas River a distance of 265.27'; thence on a bearing line North 14°-06'-00" West along the West Bank of the Arkansas River a distance of 221.00'; thence West a distance of 101.40' to the point of beginning, containing 1.66 acre, more or less Tulsa, Tulsa County, Oklahoma.

Case No. 12624

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Section 740.2 - Request to allow a (Use Unit 17) auto repair and auto sales in a CS District located at 9140 East 11th Street.

Presentation:

Arthur Crabb, 2749 South 94th East Avenue, was present and requested permission to continue the auto repair and auto sales use on the subject property. Mr. Crabb who purchased the subject property in September 1982, leases the property and was advised by his tenant that the City Protective Inspections Department requested that the operation cease until this Board makes a determination concerning the use. The primary use is auto sales with some auto repair work.

Case No. 12624 (continued)

Protestants: None.

Questions and Comments:

Chairman Smith inquired as to the parking provided on the property and Mr. Crabb advised he just recently graveled the designated parking area. The Board advised the applicant that a dust proof surface must be used rather than graveling the lot.

Mrs. Purser inquired as to the number of automobiles located on the property for the business and Mr. Crabb was unsure as to the number of cars located on the tract as he just leases this property to another individual. He stated he had never seen more than ten (10) automobiles on the property at any one time.

Mrs. Purser suggested that the application be continued for a two-week period to allow the operator of the business to be present and submit a plot plan at that time. Discussion ensued as to limiting the number of automobiles to a maximum of fifteen (15) and if the operator needs further relief he should come back to this Board.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial District - Under the Provisions of Use Unit 1217 and Section 740.2) to allow a (Use Unit 17) auto sales and repair in a CS District with the following conditions: 1) the number of cars being parked on the lot is to be limited to 15 to include those in front of the residence; 2) all cars are required to be parked on all-weather dust-free surface; 3) any lighting should be directed inward; 4) all work on the automobiles shall be conducted inside the building; 5) no outside storage of parts and the business is only to be used for auto sales and auto repair and not in a salvage operation, on the following described property:

The South 145' of the North 210' of the West 140' of the E/2 of the NE/4 of the NE/4 of the NW/4 of the NE/4 of Section 12, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

Case No. 12626

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205 - Section 440.7 - Request to allow Church use in an RS-3 District; and a Variance - Section 1205.3 a(1) - Use Conditions - Request for a variance of the one-acre minimum; and a Variance - Section 1340 - Design Standards for Off-Street Parking Areas - Request to allow a gravel parking lot located at 6808 South Elwood Avenue.

Presentation:

V. S. Pleasant, 6802 South Houston Avenue, represented the Church at the subject location and requested permission to build a room addition to the church building. He also requested that a variance of the hard

6.2.83:388(15)

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

TEL (918)596-9688
clange@cityoftulsa.org



DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103

ZONING CLEARANCE PLAN REVIEW

July 28, 2020

Phone: 918.955.0888

LOD Number: 2
Bashir Harfoush
9107 E 11 ST
Tulsa, OK 74112

APPLICATION NO: **ZCO-051596-2020**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **9107 E 11 ST**
Description: **Used car sales**

INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
4. A COPY OF A "RECORD SEARCH" **[X] IS [] IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

5.17

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT
WWW.CITYOFTULSA-BOA.ORG

ZCO-051596-2020

9107 E 11 ST

July 28, 2020

Note: Please direct all questions concerning special exceptions, variances and all questions regarding BOA application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. **Sec.35.050-Q5:** Your proposed auto sale is designated a Commercial/Vehicle Sales & Service/Personal Vehicle Sales & Rentals Use and is in the CS zoning district.

Review comment: A Special Exception, approved by the BOA, is required for auto sales at this location. This will require you to submit a Special Exception, reviewed and approved in accordance with the Special Exception procedures of Section 70.120, for Commercial/Vehicle Sales & Service/ Personal Vehicle Sales & Rentals to be allowed in the CS district. **Note:** Your previous BOA approval, BOA-21732:6/24/2014, expired on 6/24/2019. Refer to the attached record search for details of this case.

- **ACTION REQUIRED:** *The Special Exception that permitted vehicle sales at this address expired on 6/24/2019 This will require you to go back to the BOA for another Special Exception to allow vehicle sales at this location. Submit the approved Special Exception as a revision to this application.*

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:

<http://tulsaplanning.org/plans/TulsaZoningCode.pdf>

Please notify the reviewer via email when your revisions have been submitted

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

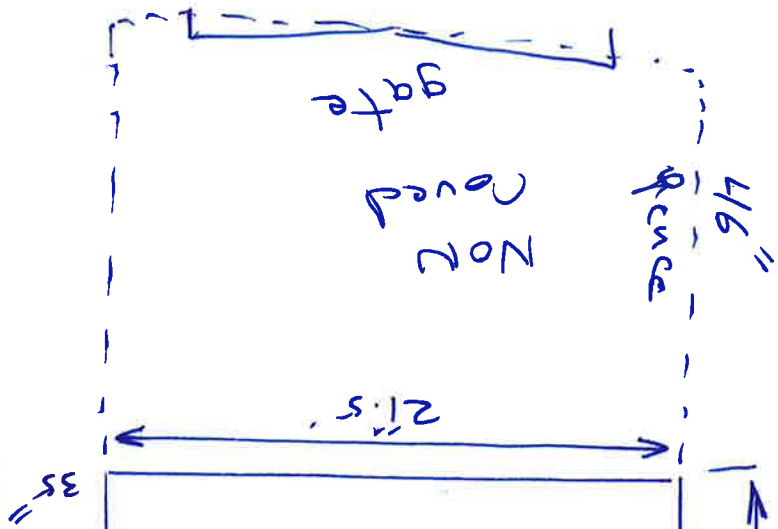
A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

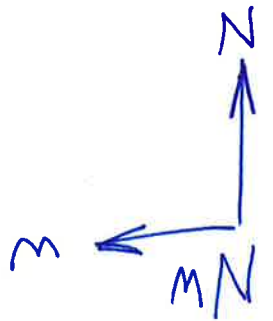
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 Subject Tract

BOA-22987

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

Aerial Photo Date: February 2018

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