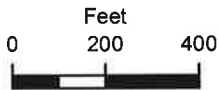


**SUBJECT TRACT**

**PUD-276**  
OM



**BOA-23014**

12.1

19-13 22



**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 9322

Case Number: **BOA-23014**

**CZM:** 48

**CD:** 5

**HEARING DATE:** 10/13/2020 1:00 PM

**APPLICANT:** Meenakshi Krishnasamy

**ACTION REQUESTED:** Variance to allow a drive through on the street facing (E. 38th St.) side of the property (Sec. 55.100-C2)

**LOCATION:** 3866 S SHERIDAN RD E

**ZONED:** CS

**PRESENT USE:** Commercial

**TRACT SIZE:** 38245.84 SQ FT

**LEGAL DESCRIPTION:** BEG 150.74N & 50W SECR NE SE TH N250 W135 S363.23 TO N R/W SKELLY DR TH NE ALG R/W POB LESS N25 FOR ST SEC 22 19 13 .878AC,

**RELEVANT PREVIOUS ACTIONS:**

**Subject Property:**

**BOA-22991;** On 09.08.2020 The Board **approved** Variance to allow a drive through on the street facing (Skelly Drive) side of the property (Sec. 55.100-C2)

**BOA-12118;** On 09.16.82 the Board **approved** a Special Exception to permit a retail tire store.

**BOA-12000;** On 11.02.78 the Board **approved** a Special Exception to permit Auto sales in a CS District.

**BOA-10011;** On 06.15.78 the Board **approved** a variance to permit an outdoor advertising sign closer than 40' from an R District.

**Surrounding Property:** None.

The Tulsa Comprehensive Plan identifies the subject property as part of an "Employment" Land Use Designation and an "Area of Growth".

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.

**Employment** areas contain office, warehousing, light manufacturing, and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs

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REVISED 10/1/2020

are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity. Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located at the NW/c of E. Skelly Drive and S. Sheridan Road. The property to the West of the subject property is zoned RM-2 but is used as an office building.

**STAFF COMMENTS:** The applicant is requesting **Variance** to allow a drive through on the street facing (E. 38th St.) side of the property (Sec. 55.100-C2)

**55.100-C Location and Design]**

1. Stacking lanes must be located on the subject property. They may not be located within required driveways or drive aisles, parking spaces or loading areas and may not interfere with access to parking and ingress and egress from the street.
2. All areas associated with drive-through facilities, including drive-through signs, stacking lanes, trash receptacles, loudspeakers and service windows must be located to the rear or on the non-street-facing side of the property. Drive-through lanes must be set back at least 10 feet from abutting R- or AG-R- zoned lots, and a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of 565.070-C.

Currently the existing drive-through is limited to a pickup window and no menu board or speaker system. The Board may consider limiting those features as a condition in their approval.

**STATEMENT OF HARDSHIP:**

The property in question has 3 street facing sides and the non-street facing side abuts a residentially zoned property. Per section 55.100-C2 the drive-thru and associated components are not allowed to be located on the street facing side of the property, which would limit the drive-thru to the West side of the property. By placing the drive-thru lane and pick-up window on the North side we are limiting the exposure of the drive-thru elements from Sheridan Road. The North street "East 38<sup>th</sup> Street" is not an arterial street. We believe that if this variance is granted it will not cause substantial detriment to the public good, or impair the purpose and intent of the zoning ordinance

**SAMPLE MOTION:** Move to \_\_\_\_\_ (approve/deny) a Variance to allow a drive through on the street facing (E. 38th St.) side of the property (Sec. 55.100-C2)

- 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."*





*Facing West on 38<sup>th</sup> St.*



*Facing South on Sheridan*



***Subject property***

**CHUCK LANGE**  
ZONING OFFICIAL  
PLANS EXAMINER

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



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

September 9, 2020

Phone: 539.430.0874

**LOD Number: 1**  
**Camille Sanders**  
**815 E 3 ST**  
**Tulsa, OK 74110**

**APPLICATION NO: ZCO-070415-2020**

*(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)*

**Location: 3866 S Sheridan Rd**  
**Description: Drive through**

#### 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 2<sup>nd</sup> 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 THE ZONING CODE, BOARD OF ADJUSTMENT (BOA), PLANNING COMMISSION (TMAPC), AND THE TULSA PLANNING OFFICE AT INCOG CAN BE FOUND ONLINE AT [TULSAPLANNING.ORG](http://TULSAPLANNING.ORG); IN PERSON AT 2 W. 2ND ST., 8TH FLOOR, IN TULSA; OR BY CALLING 918-584-7526 AND ASKING TO SPEAK TO SOMEONE ABOUT THIS LETTER OF DEFICIENCY.
4. A COPY OF A "RECORD SEARCH"  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)

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## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT  
[WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

ZCO-070415-2020

3866 S Sheridan Rd

September 9, 2020

**Note:** As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to a representative at the Tulsa Planning Office at 918-584-7526 or [esubmit@incog.org](mailto:esubmit@incog.org). It is your responsibility to submit to our office 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.

**Sec.55.100-C2:** All areas associated with drive-through facilities, including drive-through signs, stacking lanes, trash receptacles, loudspeakers and service windows must be located to the rear or on the non-street facing side of the property.

**Review comment:** Submit a site plan providing the drive through lane and service window on the non-street facing side of the building. You may wish to consider a variance to allow the drive-through lane and service window on the street facing side of the building.

**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.

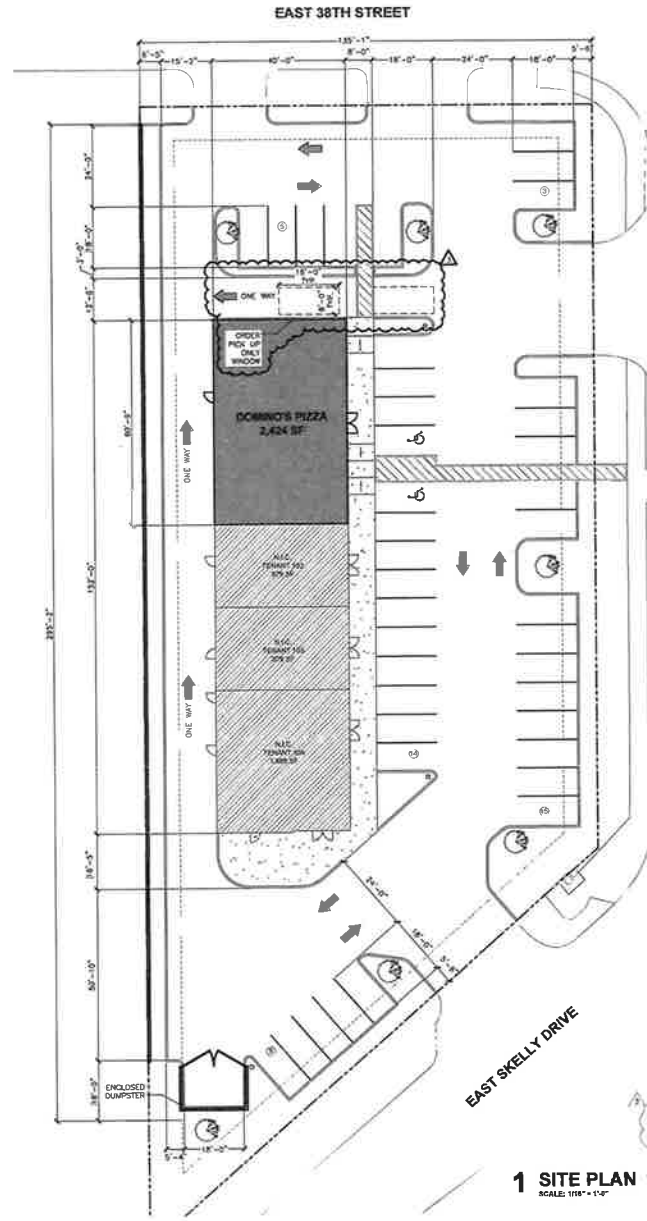


**GENERAL NOTES**

1. EXISTING BUILDING FOOTPRINT TO REMAIN.
2. ALL EXISTING PARKING, SIDEWALKS, CURB, RAMPS, AND ASPHALT TO REMAIN.
3. EXISTING LANDSCAP PARKING STALLS AND STRIPING TO REMAIN.
4. ALL EXISTING TREES TO REMAIN, COORDINATE ANY NEW LANDSCAPING WITH OWNER/TENANT.
5. EXISTING DRIVE TO REMAIN.
6. EXISTING CITY SIDEWALK TO REMAIN.
7. EXISTING DUMPSTER TO REMAIN.
8. EXISTING SCREENING FENCE TO REMAIN.
9. EXISTING PAVEMENT TO REMAIN, COORDINATE ANY WORK TO BE DONE WITH OWNER.

**PARKING REQUIREMENT**

TOTAL AREA: 6,976 SF  
 DOMINO'S  
 2,424 SF/1,000 x 8.5 = 21 SPACES  
 TENANTS, N.L.C.  
 3,609 SF/1,000 x 3.33 = 13 SPACES  
 PARKING REQUIRED: 34 SPACES  
 PARKING PROVIDED: 40 SPACES  
 ACCESSIBLE PARKING REQUIRED: 2 SPACES  
 ACCESSIBLE PARKING PROVIDED: 2 SPACES



**wdesign**  
 ARCHITECTURE & INTERIORS  
 815 E. 3rd Street, Suite C  
 Tulsa, OK 74120  
 Office: 918.794.6616  
 Fax: 918.794.6602  
 www.wdesignsfile.com



PROJECT:  
**DOMINO'S PIZZA**  
 PROJECT #  
**18201.01**  
 3866 S. SHERIDAN ROAD, SUITE 101  
 TULSA, OK 74145

CONSULTANT:  
 REVISIONS:  
 1 REV 1 06.21.19  
 2 REV 2 07.01.19  
 3 REV 3 09.09.20

ISSUE DATE:  
 05.29.2019  
 SHEET NAME:  
**SITE PLAN**  
 SHEET #:

**A101**

**1 SITE PLAN**  
 SCALE: 1/8" = 1'-0"

ADD SHEET TO SET

12.9





E 35 ST S

E 36 ST S

S LAKWOOD AVE

E 36 ST S

S SHERIDAN RD

E SKELLY DR

E 36 PL S

E 38 ST S

S LAKWOOD AVE

44

E 38 ST S

E SKELLY DR

E SKELLY DR

E 40 ST S

44

E 41st ST S

S 68 E AVE



Subject Tract

**BOA-23014**

19-13 22

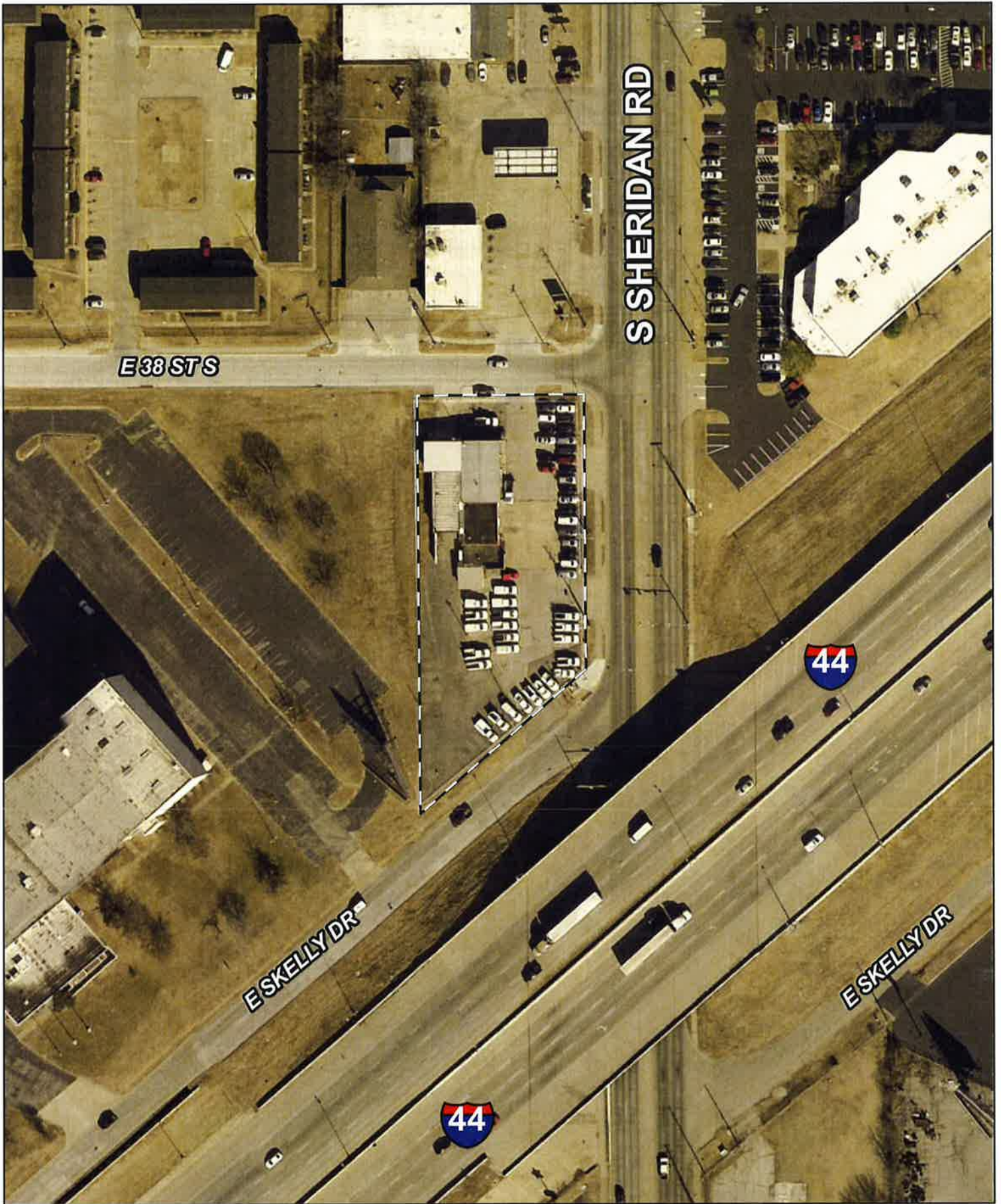
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

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E38 STS

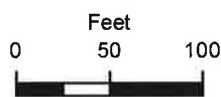
S SHERIDAN RD

E SKELLY DR

E SKELLY DR

44

44



Subject Tract

BOA-23014

19-13 22

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

Aerial Photo Date: February 2018



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