



# BOARD OF ADJUSTMENT CASE REPORT

STR: 8324

Case Number: **BOA-23167**

CZM: 57

CD: 7

**HEARING DATE:** 09/28/2021 1:00 PM *(continued from 9/14/2021)*

**APPLICANT:** Louis Jr. Fernandez

**ACTION REQUESTED:** Appeal of the Administrative Decision issued by a Neighbor Inspector that the subject property is in violation of Sections 45.100 (Home Occupations ) and 45.130 (Parking and Storage of Commercial Vehicles) of the zoning codes (Sec. 70.140).

**LOCATION:** 9239 S 86 AV E

**ZONED:** RS-3

**PRESENT USE:** Residential Single Family 3

**TRACT SIZE:** 10933.6 SQ FT

**LEGAL DESCRIPTION:** LT 9 BLK 5, OAK LEAF

**RELEVANT PREVIOUS ACTIONS:** None.

**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 on the East side of S. 86<sup>th</sup> E. Ave. between E. 92<sup>nd</sup> and E. 93<sup>rd</sup> Streets S.

**STAFF COMMENTS:** The appellant is requesting an **Appeal** of the Administrative Decision issued by a Neighbor Inspector that the subject property is in violation of Sections 45.100 (Home Occupations ) and 45.130 (Parking and Storage of Commercial Vehicles) of the zoning codes (Sec. 70.140)

Included in your packet is a statement of the case provided by Michael Rider, Zoning and Sign Official with the Working In Neighborhood Department (WIN).

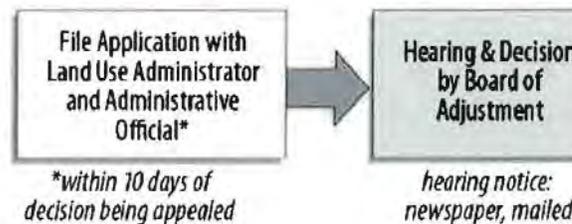
No exhibits have been provided by the appellant as of the writing of this case report.

## Section 70.140 Appeals of Administrative Decisions

### 70.140-A Authority

Appeals of administrative (staff-level) decisions on site plans go to the planning commission (See §70.050-C). The board of adjustment is authorized to hear and decide all other appeals where it is alleged there has been an error in any order, requirement, decision or determination made by the land use administrator, the development administrator or any other administrative official in the administration, interpretation or enforcement of this zoning code.

Figure 70-7: Appeals of Administrative Decisions (Generally)



\*\*\*

### 70.140-G Hearing and Final Decision

1. The board of adjustment must hold a public hearing on the appeal.
2. Following the close of the public hearing, the board of adjustment must make its findings and take action on the appeal.
3. In exercising the appeal power, the board of adjustment has all the powers of the administrative official from whom the appeal is taken. The board of adjustment may affirm or may, upon the concurring vote of at least 3 members, reverse, wholly or in part, or modify the decision being appealed.
4. In acting on the appeal, the board of adjustment must grant to the official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.

\*\*\*

### 70.140-H Review Criteria

The decision being appealed may be reversed or wholly or partly modified only if the board of adjustment finds that the land use administrator, the development administrator or other administrative official erred.

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (**affirm/reverse**) the Administrative Decision issued in the Notice of Zoning Violation, Case Number WIN-20051-2021.

Finding that the Neighborhood Inspector (**acted appropriately/erred**) in the Administrative Decision issued in the Notice of Zoning Violation, Case Number WIN-20051-2021, and that the subject property (**is/ is not**) in violation of Sections 45.100 (Home Occupations ) and 45.130 (Parking and Storage of Commercial Vehicles) of the zoning codes (Sec. 70.140)

**BEFORE THE CITY OF TULSA BOARD OF ADJUSTMENT**

Louis Fernandez, Jr.; )  
 )  
 Appellant, )  
 )  
 vs. ) Case No. BOA-23167  
 )  
 The City of Tulsa Working in )  
 Neighborhoods (WIN) Department )  
 )  
 Appellee. )

**Appellee’s Statement of the Case**

The owner of the property located at 9239 S 86<sup>th</sup> East Ave (Lt 9, Blk 5 Oak Leaf), Louis Fernandez, has appealed the Zoning Notice of Violation (City Exhibit 10) issued to him on June 24, 2021 after a Citizen complaint. The appeal, which does not contain any assertions of law or information about basis of the appeal, was timely filed with the Tulsa City Clerk and the Tulsa Planning Office on June 30, 2021. The facts of the case are outlined below.

In early April 2021, the Working in Neighborhoods (WIN) Department received a Citizen complaint (City Exhibit 1) following up on a previous complaint regarding the storage of a commercial truck at the residence located at 9239 S 86<sup>th</sup> East Ave. It was eventually determined that several inspections had been conducted, but the violation was not observed because the truck was only being stored at the residence in the evening hours and on weekends. Accordingly, the case was assigned to Zoning Official Michael Rider, who occasionally works evening hours.

Upon review of the photos submitted by the complainant, Inspector Rider noted that the name and phone number matching that of the property owner was painted on

the side of the Cornwell Quality Tools truck. Inspector Rider called the phone number on June 15, 2021, which was answered by the property owner and appellee, Louis Fernandez. After explaining the complaint and the violation of ordinance, Mr. Fernandez admitted that he brings the vehicle in question home regularly and stated that he intended to comply but wanted to read the ordinances. The Ordinances were emailed to Mr. Fernandez on the same date (City Exhibit 2) but Mr. Fernandez never replied. When Inspector Rider followed up with Mr. Fernandez via telephone a few days later, Mr. Fernandez seemed unwilling to voluntarily comply.

On June 23, 2021 internet research was conducted, revealing a Facebook post (City Exhibit 3) where a Dealer was soliciting a delivery driver to deliver the truck to Mr. Fernandez. In the post, the dealer identifies the truck as a "2017 20' M2". The post also contains photos that match those submitted in the email from the complainant. Further research of the Freightliner website (City Exhibit 4) revealed a base Gross Vehicle Weight Rating of 66,000 lbs. Additional research of the Oklahoma Secretary of State website found that Mr. Fernandez is the agent for "LX Tools LTD. Co." (City Exhibit 5).

The facts of the investigation revealed that the commercial "Cornwell Quality Tools" truck is prohibited by at least two sections of the City of Tulsa Zoning Code (Title 42), to wit:

- **Violation 1: Chapter 45, Section 45.100-F** – Prohibited [Home Occupation] Uses (City Exhibit 6).  
During the telephone conversation on June 15, 2021 Mr. Fernandez indicated to Inspector Rider that he operates his tool sales business from his home, in whole or in part. Section 45.100-F prohibits the outside storage of items, including vehicles, associated with a home occupation. Since Mr. Fernandez's truck cannot fit within his garage, there is no lawful place upon the lot for it to be stored; and

- **Violation 2: Chapter 45, Section 45.130** – Parking and Storage of Commercial Trucks (City Exhibit 7).  
Internet research conducted by Inspector Rider reveals an approximate base GVWR of 66,000lbs. The City of Tulsa Zoning Code prohibits any vehicle required by the State to be registered as commercial from being stored in a residential zone. The Zoning Code cites the governing State Code, 710:60-3-91 (City Exhibit 8), which details the weight threshold – 15,000lbs - that requires commercial registration. Since Mr. Fernandez’s truck far exceeds this limitation and is in fact commercially registered pursuant to such regulation, the truck may not be parked or stored in a residential zone.

On June 23, 2021 the ownership information for the subject property was confirmed (City Exhibit 9) and a Notice of Zoning Violation (City Exhibit 10) was drafted. On June 24, 2021 the Notice was mailed to the property owner and posted on the front door of the property (City Exhibit 11).

Based on the information contained herein, the City of Tulsa Working in Neighborhoods Department respectfully requests that the Appeal be denied by the City of Tulsa Board of Adjustment and that the owner be ordered to comply with all provisions of the Notice.

Respectfully Submitted,



Michael Rider, Zoning & Sign Official  
City of Tulsa - Working in Neighborhoods  
175 E 2nd Street, Ste 480  
Tulsa, OK 74103  
mrider@cityoftulsa.org  
918.596.9878

From: [REDACTED]  
To: [REDACTED]  
Subject: [REDACTED]

Can you add this to your list?

This is not that if we had the witness statement completed and the photo below we could enter a noise and then you can remove after hours, right?

From: [REDACTED]  
City of Tulsa Working in Neighborhood Department  
175 E. 2nd St, Suite 250, Tulsa, OK 74102  
T: 918-581-6232  
F: 918-581-6102  
C: [complaints@tulsa.gov](mailto:complaints@tulsa.gov)  
[www.tulsa.gov](http://www.tulsa.gov)  
wsmh123456

From: Ken Haynes <[khaynes@tulsa.gov](mailto:khaynes@tulsa.gov)>  
Sent: Monday, June 3, 2021 12:47 PM  
To: Patrick Ward <[patrickward@tulsa.gov](mailto:patrickward@tulsa.gov)>  
Subject: [redacted] Neighborhood Commercial Truck

Hi Scott: Ken Haynes here. The truck photos are in the email to Councilor Lon Dierker Wright. Thank you for your help.

Begin forwarded message:

From: Ken Haynes <[khaynes@tulsa.gov](mailto:khaynes@tulsa.gov)>  
Subject: [redacted] Neighborhood Commercial Truck  
Date: May 6, 2021 at 10:18:29 AM CDT  
To: [lon@tulsa.gov](mailto:lon@tulsa.gov)

My City Councilor (Lon Dierker Wright) informed me that this Commercial Truck is illegal to be parked in the neighbor's driveway. I called it in several months ago but no action yet. Since the truck is out most of the time during business hours the neighbors may not have seen it. It is there today weekends and evenings. As you can see in the photo it belongs to Louis Fernandez. We need a little help here. The neighborhood is getting old and it is hard to keep it up.

Thanks for your help.

Ken Haynes  
(918) 581-7360

Begin forwarded message:

From: "CIS177 Wright, Lon Dierker" <[lon@tulsa.gov](mailto:lon@tulsa.gov)>  
Subject: Re: Neighborhood Commercial Truck  
Date: May 7, 2021 at 12:05:21 PM CDT  
To: Ken Haynes <[khaynes@tulsa.gov](mailto:khaynes@tulsa.gov)>  
Cc: "Worley, Rowden" <[rowden@tulsa.gov](mailto:rowden@tulsa.gov)>

Hi Ken,

The case definitely reports it to 311. I have tagged it my Council Aide, Brandon Vinkov, to get us a status update.

Thank you,  
Lon

Councilor Lon Dierker Wright  
City of Tulsa (District 7)  
Vice-Chair of the Tulsa City Council | 2011  
Office: [lon@tulsa.gov](mailto:lon@tulsa.gov)  
Email: [lon@tulsa.gov](mailto:lon@tulsa.gov)  
[www.tulsa.gov](http://www.tulsa.gov)  
Phone: 918.581.7360

From: Ken Haynes <[khaynes@tulsa.gov](mailto:khaynes@tulsa.gov)>  
Sent: Monday, May 3, 2021 11:51 AM  
To: CIS177 Wright, Lon Dierker  
Subject: [redacted] Neighborhood Commercial Truck

Hi Ken: I told the City has not acted on the Commercial truck at 8229 86th East Ave. in your neighborhood. The city may just be slowing this complaint off. If it was in Suburban it would be gone quick. The truck is in his driveway every evening and other days also. Attached is a photo of the truck. Can I file a complaint at the Mayor's Office or with the police.

Thank you for your assistance in this matter.



On Apr 1, 2021, at 1:00 PM, (CIS177) Wright, Lon Dierker



**From:** [Rider, Michael](#)  
**To:** [lxtoolco@gmail.com](mailto:lxtoolco@gmail.com)  
**Subject:** Zoning Code  
**Date:** Tuesday, June 15, 2021 8:31:00 AM

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Good Morning Mr. Fernandez,

[Here is a link](#) to the Zoning Code, which I referenced on our call today. As discussed, we have received a complaint about the Freightliner truck that is regularly parked at 9239 S 86 E Ave in the evenings and on weekends. I have not done a full inspection, but based on the photos submitted in the complaints, it appears that any of the following sections may be relevant to the situation:

- Chapter 45 (Accessory Uses):
  - Section 45.010-B (General Provisions)
  - Section 45.100-F.10 (Home Occupations)
  - Section 45.130 (Parking and Storage of Commercial Trucks)
- Chapter 60 (Signs):
  - Section 60.020-A,D,E & O (Prohibited Characteristics)
  - Section 60.050-B (Signs Allowed in Residential Zoning Districts).

The recreational vehicle regulations you inquired about are found in Chapter 45, Section 45.150. If you find any that need to be reported, you can do so by calling 3-1-1 or online at [cityoftulsa.org](http://cityoftulsa.org)

Please take a look at these sections and let me know how long you need to relocate the commercial vehicle. If you believe the truck doesn't constitute a violation after reviewing the sections, please let me know right away so I can issue you an official Notice so that you can appeal.

All the best,

**Michael Rider | Zoning and Sign Official**

City of Tulsa Working in Neighborhoods Department  
175 East 2<sup>nd</sup> Street, Suite 590, Tulsa, OK 74103

T: 918-596-9878

F: 918-576-5449

E: [mrider@cityoftulsa.org](mailto:mrider@cityoftulsa.org)

[www.cityoftulsa.org](http://www.cityoftulsa.org)

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# Herr Display Vans

Commercial Truck Dealership

Send Message

Hi! Please let us know how we can help.

Home About Photos Events More ▾

Like



**Herr Display Vans**

March 22

Customer Louis Fernandez needs to get his 2017 20' M2 moved so he can take delivery of his new truck. You may contact him at [louisfernandez@cornwelldealer.com](mailto:louisfernandez@cornwelldealer.com) or 918-829-6609 for details.



2.11

Facebook interface showing a post with two images: a close-up of a yellow line on asphalt and a view of a warehouse aisle with a '+3' overlay. The post has 10 likes and 4 comments. Comments include:

- Ross Dunagan: Ted Basile convert it for Tim? (13w)
- Louis Fernandez: 918-829-6609 (13w)

Other posts section shows a post from Herr Display Vans dated June 18 at 9:01 PM with the caption: "Dondi Willams 20' M2 heading for Waxahatchie, Tx." The image shows a white box truck with "CORNWELL QUALITY" branding.



20+



45

1 Comment

Like

Comment

Share

Most Relevant



Write a comment...

Press Enter to post.



Top Fan  
Charlotte Budimir Herr  
Congratulations 🎉

Like · Reply · 4d



Herr Display Vans  
June 18 at 3:58 PM · 🌐

29 footer for the Paul Megrath team out of Iowa.



+10





20+

81

36 Comments 2 Shares

Like

Comment

Share

Most Relevant



Write a comment...

Press Enter to post.



Kinny Arthur

Well excuse me where I go take a cold shower.... Seriously that's the dream ain't it!!

Like · Reply · 4d

View 13 more comments



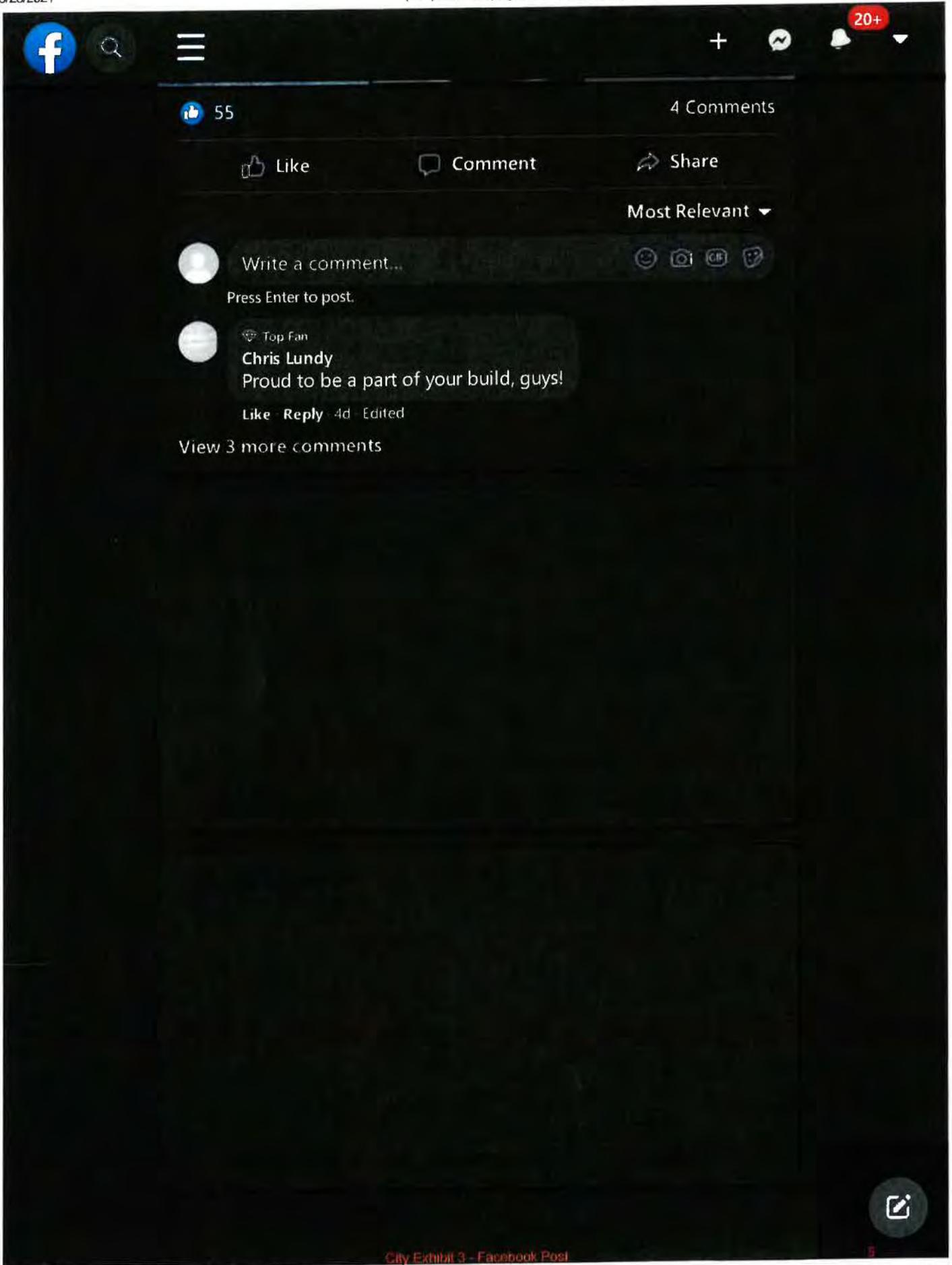
Herr Display Vans

June 18 at 6:44 AM

I've been lacking with the updates. Here are some of deliveries from the past couple of weeks. Lucas Lincoln's MT45, Bill Childers and his M2, Ron Davitt's KW, Wayne Moore and his new Peterbilt and Francisco Diaz's MT45.



+2





Home / Trucks / M2 106



### SPECS & RESOURCES

Class	6-8
Horsepower	200-350 HP
Torque	560 to 1150 lb-ft
GVWR	66,000 lbs.

[M2 106 Brochure](#)

([https://freightlineradsAEM.azureedge.net/content/dam/enterprise/document/m2\\_106\\_brochure-2019-03-01-1.pdf](https://freightlineradsAEM.azureedge.net/content/dam/enterprise/document/m2_106_brochure-2019-03-01-1.pdf))

[More Specs, Brochures and Videos \[/trucks/m2-106/specifications/\]](/trucks/m2-106/specifications/)

## Build Your Own M2 106

Vocational truck drivers demand more of their work trucks. They want options. We deliver.



**[Build Your Own \(/trucks/m2-106/configurator\)](/trucks/m2-106/configurator)**



PRODUCTIVITY

# The All-Around Performer

Available as a truck or tractor, the M2 106 supports a wide range of bodies and chassis-mounted equipment. Both stylish and practical, it has a GVWR of up to 66,000 pounds that produces results.



#00 UPFIT

# Built for Versatility

Versatility comes standard in the M2 106, making it the perfect platform and truck of choice for a variety of applications.



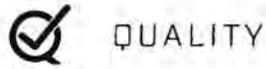


SAFETY

# Safety First

A sloped hood, low profile dash and a 2,500 square-inch windshield provide drivers best in class visibility.





# Toughness and Efficiency

Constructed from high quality and durable materials, the M2 106 cab is lightweight yet extremely tough, made from corrosion-resistant aluminum reinforced with with e-coated steel.



**U** UPTIME

# Stay on the Road

M2 106 trucks are relied on every day as fire trucks, ambulances and other emergency vehicles, so Freightliner has designed its vocational trucks for maximized uptime and reliability.



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# The #1 Best-selling Medium-duty Truck\* Just Got Even Better.

Accelerate your business with one of three offers on the M2 106, valued at \$2,500 USD / \$3,250 CAD.

\*Based on Polk new truck registrations in the US and Canada for class 6-7 vehicles from 2012-2019.

**See Limited Time Offers**

# Medium Duty Applications



## Box Truck

(/trucks/vocational/box-truck/?truckId=1069)



## Dump Truck

(/trucks/vocational/dump-truck/?truckId=1069)



## Flatbed - Stake Body

(/trucks/vocational/flatbed-stake-body/?truckId=1069)



## Food & Beverage

(/trucks/vocational/food-beverage/?truckId=1069)



## Government & Municipality

(/trucks/vocational/government-municipality/?truckId=1069)



## Moving

(/trucks/vocational/moving/?truckId=1069)



## Refuse

(/trucks/vocational/refuse/?truckId=1069)



## Service

(/trucks/vocational/service/?truckId=1069)



## Sweeper

(/trucks/vocational/sweeper/?truckId=1069)



## Tanker

(/trucks/vocational/tanker/?truckId=1069)



## Towing & Recovery

(/trucks/vocational/towing-recovery/?truckId=1069)



## Tree Trimmer

(/trucks/vocational/tree-trimmer/?truckId=1069)



## Utility Truck

(/trucks/vocational/utility-truck/?truckId=1069)



## Water Tanker

(/trucks/vocational/water-tanker/?truckId=1069)

# Lower your Real Cost of Ownership

Recognizing the crucial factors that contribute to your RCO is essential to growing your bottom line. Download our quick-reference guide to RCO, and read all about how lowering it can benefit you.

**Download  
Guide**

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Daimler Truck Financial

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Financing  
[/financing/]**



(https://www.freightlinertrucks.com/vehicles/medium-duty-trucks/)

All Trucks (/trucks/)

On-Highway Trucks (https://freightliner.com/trucks/#category=On-Highway)

Medium Duty Trucks (https://freightliner.com/trucks/#category=Medium%20Duty)

Severe Duty Trucks (https://freightliner.com/trucks/#category=Severe%20Duty)

Natural Gas Trucks (https://freightliner.com/trucks/#category=Natural%20Gas)

Cascadia (/trucks/cascadia/)

Electric Trucks (/electric-trucks/)

Cummins Vocational (/x12/)

Cummins On-Highway (/cummins-on-highway/)

Find A Dealer (/dealer-search/)

Promotions (/promotions/)

Parts (/parts/)

Service (/service/)

Brochures and Videos (/brochures-and-videos/)

Demand Detroit (/demand-detroit/)

Freightliner Vans (/freightliner-vans/)

Safety (/demand-detroit/detroit-assurance-suite-of-safety-systems/)

Manuals and Guides (https://dtnacontent-dtna.prd.freightliner.com/content/public/dtna-serviceLit/TechLit-Homepage.html?make=freightliner)

Vehicle Recall Lookup (https://dtna-dlrinfo.prd.freightliner.com:48518/VinLookup/vin-module/getVinLookupPage)

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Team Run Smart (/team-run-smart/)

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2.40

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If you are ordering documents such as a "Certificate of Good Standing" or "copies" you will need to click on the **ORDER DOCUMENTS** button at the bottom of the page.

If you are filing a legal document such as a trade name, amendment, annual certificate, etc., you will need to click on **FILE A DOCUMENT** button at the bottom of the page.

### LX TOOLS LTD. CO.

#### Details

**Filing Number:** 3512815068  
**Name Type:** Legal Name  
**Status:** In Existence <sup>17</sup>  
**Corp type:** Domestic Limited Liability Company  
**Jurisdiction:** Oklahoma  
**Formation Date:** 6 Feb 2020

#### Registered Agent Information

**Name:** LOUIS XAVIER FERNANDEZ Jr  
**Effective:** 6 Feb 2020  
**Address:** 2926 EAST 93RD PLACE APT 2102  
**City, State , ZipCode:** TULSA OK 74137

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**2. Type 2 Home Occupations**

Type 2 home occupations are those in which household residents use their home as a place of work and either employees or customers come to the site. Typical examples include tutors, teachers, photographers, counselors, hair cutting/styling and real estate agents.

**45.100-D Exemptions**

Nonresidential uses that are expressly allowed in conjunction with residential uses (e.g., bed and breakfast uses and family child care homes) are not subject to home occupation regulations.

**45.100-E Allowed Uses**

The home occupation regulations of this section establish performance standards for all home occupations rather than listing specific home occupation uses that are allowed. Uses that comply with the standards of this section are allowed as of right unless otherwise expressly stated.

**45.100-F Prohibited Uses**

The following uses are expressly prohibited as home occupations:

1. Any type of assembly, cleaning, maintenance, painting or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators);
2. Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;
3. Equipment or supply rental businesses;
4. Taxi, limo, van or bus services;
5. Tow truck services;
6. Taxidermists;
7. Restaurants;
8. Funeral or interment services;
9. Animal care, grooming or boarding businesses; and
10. Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building; and
11. Any use that does not comply with regulations of this section.

**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-I.

**2. Type 2 Home Occupations**

- 45.120-C Office support services must have internal access from the subject office building. External entrances are also allowed.

**Section 45.130      Parking and Storage of Commercial Trucks**

No vehicle required to be registered as a "commercial truck" pursuant to OAC 710:60-3-91 may be parked or stored on a lot within a residential zoning district. This provision is not intended to prohibit deliveries and pickups by common carrier delivery vehicles (e.g., postal service, united parcel service, FedEx, et al.) of the type typically used in residential neighborhoods

**Section 45.140      Parking and Storage of Inoperable or Unlicensed Motor Vehicles**

In R or AG-R districts, parking or storage of inoperable or unlicensed motor vehicles is prohibited within street yards.

**Section 45.150      Parking and Storage of Recreational Vehicles**

- 45.150-A Other than for purposes of loading and unloading, which must take place within a 48-hour period, recreational vehicles located in an AG, AG-R, R or MX district may be parked or stored only in the following locations:

1. Within a garage;
2. Within a rear building setback, provided it is set back at least 3 feet from all lot lines;
3. Within a side yard but not within a required side building setback;
4. Within a side building setback if the recreational vehicle is no more than 6 feet in height, excluding the height of any outboard motor or windshield, and the recreational vehicle is screened along the lot line nearest to the vehicle and extending for the vehicle's full length by an F1 screening fence or wall in accordance with §65,070-C; or
5. Within the street yard, provided that the development administrator determines that all of the following conditions exist:
  - a. Space is not available or there is no reasonable access to either the side yard or rear yard;
  - b. Parking inside the garage is not possible due to the height or width of the recreational vehicle;
  - c. The recreational vehicle is parked perpendicular to the street lot line;
  - d. The body of the recreational vehicle is at least 12 feet from the face of the curb or travel lanes of the street and does not extend over a sidewalk; and
  - e. No more than one recreational vehicle is parked or stored in the street yard.
6. For purposes of these provisions:
  - a. A corner lot is always deemed to have reasonable access to the rear yard;
  - b. A fence does not necessarily prevent reasonable access to a yard; and
  - c. A boat loaded on a boat trailer is considered one recreational vehicle.



OADR Online

View Code

Permanent Rules  
Executive Orders  
4-15-2021

View Register

Search Code

Search Register

Disclaimer

**710:60-3-91. Commercial trucks and truck tractors**

- (a) **Basis of registration.** Commercial Trucks and Truck Tractors are registered on the basis of combined laden weight. Commercial trucks registered for 15,000 lbs. or less are registered on a combination of age and combined laden weight of the vehicle. Combined laden weight is the combined weight of a vehicle when fully equipped for use and the cargo or payload transported thereon. The registered laden weight of a wrecker or tow vehicle is the gross weight of the wrecker or tow vehicle alone, without any inclusion of weight for a vehicle towed by the wrecker or tow vehicle. The combined laden weight declared for the purposes of registration is at the discretion of the registrant, provided that in no event may the figure be less than the unladen weight of the vehicle fully equipped for use.
- (b) **Minimum weight for truck tractors; minimum fee.** The minimum weight allowed on a truck tractor is 15,000 lbs., with no reduction in the annual registration fee for number of years registered.
- (c) **Display of commercial status; inspections.** All commercial trucks and truck tractors must have the name of the commercial establishment or the words "Commercial Vehicle" permanently and prominently displayed upon the outside of the vehicle in letters not less than 2" high. The letters must be in contrast to their background in order to be legible from a distance of 50 feet when the vehicle is not in motion. Vehicles registering at 15,000 lbs. or less must also meet



**Assessor**  
**JOHN A. WRIGHT**

## Property Search

### Disclaimer

The Tulsa County Assessor's Office has made every effort to insure the accuracy of the data contained on this web site; however, this material may be slightly dated which could have an impact on its accuracy.

The information must be accepted and used by the recipient with the understanding that the data was developed and collected only for the purpose of establishing fair cash (market) value for ad valorem taxation. Although changes may be made periodically to the tax laws, administrative rules and similar directives, these changes may not always be incorporated in the material on this web site.

The Tulsa County Assessor's Office assumes no liability for any damages incurred, whether directly or indirectly, incidental, punitive or consequential, as a result of any errors, omissions or discrepancies in any information published on this web site or by any use of this web site.

### Quick Facts

**Account #** R71450832416080  
**Parcel #** 71450-83-24-16080  
**Situs address** 9239 S 86 AV E TULSA 741335553  
**Owner name** FERNANDEZ, LOUIS XAVIER JR & ASHLEY AMANDA HENDERSON  
**Fair cash (market) value** \$196,500  
**Last year's taxes** \$2,517  
 Subdivision: OAK LEAF  
**Legal description** Legal: LT 9 BLK 5  
 Section: 24 Township: 18 Range: 13



71450-83-24-16080 (04/2018)

### General Information

**Situs address** 9239 S 86 AV E TULSA 741335553  
**Owner name** FERNANDEZ, LOUIS XAVIER JR & ASHLEY AMANDA HENDERSON  
**Owner mailing address** 9239 S 86TH EAST AVE TULSA, OK 741335553  
**Land area** 0.25 acres / 10,932 sq ft  
**Tax rate** T-5A [JENKS]  
 Subdivision: OAK LEAF  
**Legal description** Legal: LT 9 BLK 5  
 Section: 24 Township: 18 Range: 13  
**Zoning** RES SINGLE-FAMILY HIGH DENSITY DISTRICT [RS3]

### Tax Information

	2019	2020	2021
<b>Fair cash (market) value</b>	\$177,000	\$177,000	\$196,500
<b>Total taxable value</b>	\$177,000	\$177,000	\$196,500
<b>Assessment ratio</b>	11%	11%	11%
<b>Gross assessed value</b>	\$19,470	\$19,470	\$21,615
<b>Exemptions</b>	\$-1,000	\$-1,000	\$0
<b>Net assessed value</b>	\$18,470	\$18,470	\$21,615
<b>Tax rate</b>	T-5A [JENKS]		
<b>Tax rate mills</b>	140.89	136.26	136.26*
<b>Estimated taxes</b>	\$2,602	\$2,517	\$2,945*
<b>Most recent NOV</b>	February 2, 2021		

\* Estimated from 2020 millage rates

### Values

	2019	2020	2021
<b>Land value</b>	\$29,754	\$29,754	\$29,754
<b>Improvements value</b>	\$147,246	\$147,246	\$166,746
<b>Fair cash (market) value</b>	\$177,000	\$177,000	\$196,500

### Exemptions claimed

	2019	2020	2021
<b>Homestead</b>	✓	✓	—
<b>Additional homestead</b>	—	—	—
<b>Senior Valuation Limitation</b>	—	—	—
<b>Veteran</b>	—	—	—

### Tax detail (2020 millages)

	%	Mills	Dollars
<b>City-County Health</b>	1.9	2.58	\$55.77
<b>City-County Library</b>	3.9	5.32	\$114.99
<b>Tulsa Technology Center</b>	9.8	13.33	\$288.13
<b>Emergency Medical Service</b>	0.0	0.00	\$0.00
<b>Tulsa Community College</b>	5.3	7.21	\$155.84
<b>School Locally Voted</b>	24.3	33.09	\$715.24
<b>City Sinking</b>	13.0	17.78	\$384.31
<b>School County Wide Bldg</b>	3.8	5.20	\$112.40
<b>School County Wide ADA</b>	2.9	4.00	\$86.46
<b>School County Wide General</b>	26.7	36.40	\$786.79
<b>County Government</b>	8.3	11.35	\$245.33

(Continued on next page)

**Improvements**

Blg ID#	Property type	Condition	Quality	Year built	Liveable*	Stories	Foundation	Exterior	Roof	Baths	HVAC
1	Residential	Avg +	Fair Plus	1985	2,152 SF	1.5	Slab	Frame Siding/ Brick/ Stone Veneer	Composition Shingle	2.0	Cool Air In Heat Ducts

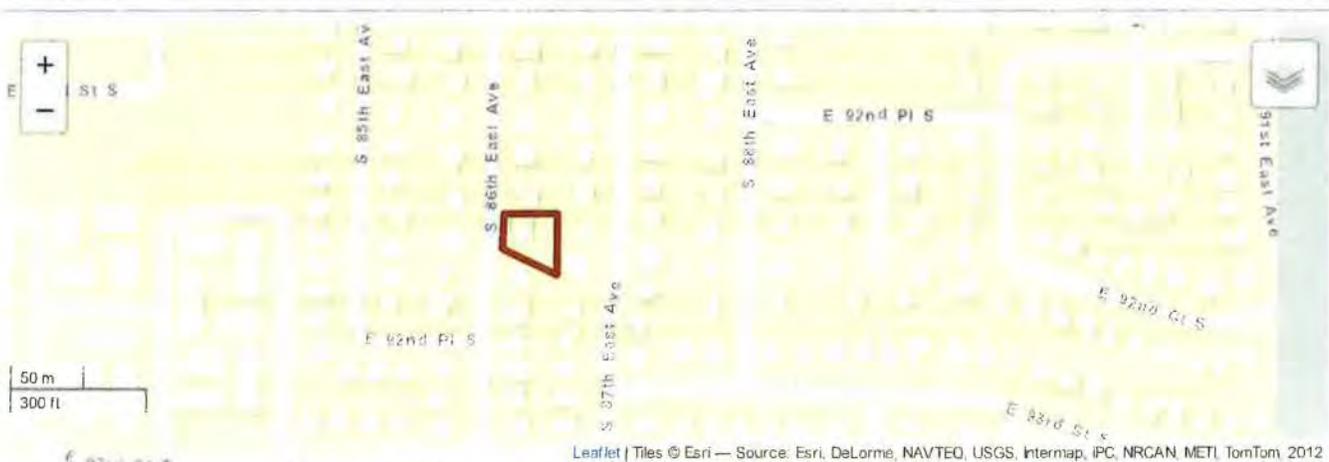
**Sales/Documents**

Date	Grantor	Grantee	Price	Doc type	Book-Page/Doc#
Oct 14, 2020	BARTULA, JAMES & TRACEY TRUSTS	FERNANDEZ, LOUIS XAVIER JR & ASHLEY, AMANDA HENDERSON	\$196,500	General Warranty Deed	2020103720
Oct 16, 2019	BARTULA, JAMES & TRACEY	BARTULA, JAMES & TRACEY REV TRUSTS	\$-	Warranty Deed	2019095254
Jun 21, 2017	JONES, MARK D AND, JENNIFER D	BARTULA, JAMES & TRACEY	\$177,000	Warranty Deed	2017059432
Oct 26, 2007	JONES, MARK D	JONES, MARK D	\$-	General Warranty Deed	2007120387
Mar 1, 2005	SALVATION ARMY	JONES, MARK D	\$125,000	History	2005023909
Oct 1, 1993			\$92,500	History	05549-00546
Aug 1, 1991			\$85,000	History	05343-01600

**Images**



\* Square footage and acreage values included in this record are approximations. They may not reflect what a licensed surveyor would determine by performing a formal survey. They are for tax purposes only and are not intended for use in making conveyances or for preparing legal descriptions of properties.



[Click to view this area on the Google Maps web page in a new window](#)

John A. Wright — Tulsa County Assessor

Tulsa County Headquarters, 5th floor | 218 W Sixth St | Tulsa, OK 74119

Phone: (918) 596-5100 | Fax: (918) 596-4799 | Email: [assessor@tulsacounty.org](mailto:assessor@tulsacounty.org)

Office hours: 8:00–5:00 Monday–Friday (excluding holidays)



Neighborhood Investigations  
WORKING IN NEIGHBORHOODS

**NOTICE OF VIOLATION – ZONING**

To: FERNANDEZ, LOUIS XAVIER JR & ASHLEY  
AMANDA HENDERSON  
9239 S 86TH EAST AVE  
TULSA, OK 741335553

Date: 6/24/21  
Case: WIN-20051-2021

Compliance Date: 7/4/21

Dear Property Owner and/or Occupant,

You are hereby notified of zoning (Title 42) violations at LT 9 BLK 5 OAK LEAF

City of Tulsa, Tulsa County State of Oklahoma; And located at the address of:  
9239 S 86TH EAST AVE

**Violations:**

Code Section	Explanation of violation
45.100	The outdoor storage of items, vehicles, and equipment associated with home occupations is prohibited. Remove all items associated with Cornwell Quality Tools and/or LX Tools LTD. CO. or store them within a completely enclosed building.
45.130	Vehicles required to be registered as commercial trucks are prohibited in the Residential Zoning District. Remove the white and blue Freightliner M2 from the Residential District.

**See back of page for ordinance language.**

You still have time to correct the issue(s) at your property. To comply, you must correct all violations prior to the compliance deadline listed on this notice above. If you are unable to correct any or all the violation(s) listed above, contact the Code Official listed below to work out an acceptable plan to bring your property into compliance. Ensure that all family members, employees, and/or contractors, etc. are familiarized with and adhere to these regulations. Additional notices will not be sent if recurring violations are found in the future.

Failure to make the correction may result in the issuance of a criminal citation or civil remedial penalties not to exceed \$1,200.00 per day. Failure to comply may also result in revoking or withholding permits, certificates or other forms of authorization issued by the City of Tulsa; and/or any other remedies allowed by law.

Your property is an important investment for you and the community. I urge you to make the necessary corrections to eliminate all violations so that no further enforcement will be necessary.

Please understand that it is ultimately the responsibility of the owner to ensure these violations are corrected. Any civil agreements or rental agreements do not alleviate the owner of this responsibility.

Thank you,

Michael Rider  
City of Tulsa – Working in Neighborhoods  
mrider@cityoftulsa.org  
918-596-9878

**Appeals:** You may appeal the administrative official's decision by filing a complete appeal application (1) with the official listed above c/o the Tulsa City Clerk AND (2) with the Director of the Tulsa Planning Office at INCOG, at the addresses shown below. Appeals must be filed within **10 DAYS** of the date of this Notice, and applicable fees must accompany the appeal application filed with INCOG. Appeals are heard by the City of Tulsa Board of Adjustment. For more information related to appeals, see Chapter 70, Section 70.140 of the Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, Appeals of Administrative Decisions.

INCOG – Indian Nations Council of Governments		City of Tulsa – City Clerk	
2 West Second Street	Monday-Friday	175 East Second Street	Monday-Friday
Suite 800	8 a.m. – 5 p.m.	Suite 260	8 a.m. – 5 p.m.
Tulsa, OK 74103		Tulsa, OK 74103	
918.584.7526		918.596.7513	

To view the full Zoning Code please visit [www.tulsaplanning.org/resources/plans](http://www.tulsaplanning.org/resources/plans)

A COPY OF THIS NOTICE HAS BEEN SENT TO:

ORDINANCES CITED:

**45.100-F Prohibited Uses** The following uses are expressly prohibited as home occupations: 1. Any type of assembly, cleaning, maintenance, painting or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators); 2. Dispatch centers or other businesses where employees come to the site and are dispatched to other locations; 3. Equipment or supply rental businesses; 4. Taxi, limo, van or bus services; 5. Tow truck services; 6. Taxidermists; 7. Restaurants; 8. Funeral or interment services; 9. Animal care, grooming or boarding businesses; and 10. Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building; and 11. Any use that does not comply with regulations of this section.

**Section 45.130 Parking and Storage of Commercial Trucks** No vehicle required to be registered as a "commercial truck" pursuant to DAC 710:60-3-91 may be parked or stored on a lot within a residential zoning district. This provision is not intended to prohibit deliveries and pickups by common carrier delivery vehicles (e.g., postal service, united parcel service, FedEx, et al.) of the type typically used in residential neighborhoods.



Neighborhood Investigations  
WORKING IN NEIGHBORHOODS

NOTICE OF VIOLATION - ZONING

To: FERNANDEZ, LOUIS XAVIER JR & ASHLEY  
AMANDA HENDERSON  
9239 S 86TH EAST AVE  
TULSA, OK 741335553

Date: 6/24/21  
Case: WIN-20051-2021

Compliance Date: 7/4/21

Dear Property Owner and/or Occupant:

You are hereby notified of zoning (Title 42) violations at: LT R BLK 5 OAK LEAF

City of Tulsa: Tulsa County: State of Oklahoma And located at the address of  
9239 S 86TH EAST AVE

Code Section	Explanation of violation
45-100	The outdoor storage of items, vehicles, and equipment associated with home occupations is prohibited. Remove all items associated with Cornwell Quality Tools and/or LX Tools LTD. CO. or store them within a completely enclosed building.
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Thank you,

*M. Hill*  
Marian Hill  
City of Tulsa - Working in Neighborhoods  
mhill@cityoftulsa.org  
978-666-3423

Appeals: You may appeal the administrative official's decision by filing a complete appeal application (1) with the official listed above for the Tulsa City Clerk AND (2) with the Director of the Tulsa Planning Office at APCO, at the address listed above. Appeals must be filed within **10 DAYS** of the date of this Notice, and separate from the application for appeal application filed with APCO. Appeals are heard by the City of Tulsa Board of Adjustment. For more information related to appeals, see Chapter 75, Section 75.140 of the Tulsa Zoning Code.

City of Tulsa - City Clerk  
City of Tulsa - City Clerk  
24 West Second Street  
Tulsa, OK 74103  
311-238-7200  
Monday-Friday  
8 a.m. - 5 p.m.  
Monday-Friday  
8 a.m. - 5 p.m.

To view the full Zoning Code please visit [www.tulsaregionalistatetransactions.com](http://www.tulsaregionalistatetransactions.com)

06/24/2021 13:12

2.50



 Subject Tract

**BOA-23167**

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

18-13 24

Aerial Photo Date: 2020/2021



2.51



 Subject Tract

**BOA-23167**

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

18-13 24

Aerial Photo Date: 2020/2021



2.52

# CORNWELL FRANCHISE

JOIN THE CLUB. STEP  
ON A TRUCK. BE YOUR  
OWN BOSS.

+ Cornwell Quality Tools + The Team  
+ What Happens After + The Next Step Dealer Interviews

Learn More + Media



## Are you ready to JOIN THE CLUB?

1

Are you dissatisfied working for others, building someone else's business?

2

Would you like to be your own boss?

3

Do you enjoy working with people?

4

Would you like to succeed based on your own efforts?

[LEARN MORE](#)



BOA 23167 - City Exhibit 12



# Learn More About Cornwell Tools



FIRST NAME \*

First Name

LAST NAME \*

Last Name

MAILING ADDRESS \*

Your Address

BOA 23167 - City Exhibit 12

CITY \*

City

STATE \*



ZIP \*

Zip

EMAIL \*

Enter Your Email

PRIMARY CONTACT PHONE \*

Enter Primary Phone

SECONDARY PHONE

Enter Secondary Phone

BEST TIME TO CALL

Best Time

VETERAN

HOW DID YOU FIRST LEARN ABOUT CORNWELL TOOLS?

-- Please choose --

HOW SOON WOULD YOU LIKE TO START YOUR NEW BUSINESS?

Within 3 Months

HOW MUCH CAPITAL DO YOU HAVE TO INVEST IN YOUR BUSINESS?

50,000 to 100,000

Submit →

# CORNWELL FRANCHISE

JOIN THE CLUB. STEP  
ON A TRUCK. BE YOUR  
OWN BOSS

- + Cornwell Quality Tools
- + The Team
- + What Happens After
- + The Next Step
- Dealer Interviews
- Learn More
- + Media



## Training

At our Headquarters in Wadsworth, OH during a weeklong session, our training staff will teach you how to use our system and coach you on the tips and tricks of the business.

During this time we will give you a personal tour of our manufacturing facilities in Mogadore, OH. You will gain first hand knowledge of the quality we put into our tools. You should be able to speak with confidence about the bloodline of Cornwell, our hardline products.

We will teach you how to operate and use the Ironman Business Network Management System effectively.

We believe that while learning about Cornwell is essential to success in the business, we also provide training on sales and business management. This training will give you the tools needed to be the best business owner possible.





[LEARN MORE](#)



# CORNWELL FRANCHISE

JOIN THE CLUB. STEP  
ON A TRUCK. BE YOUR  
OWN BOSS.

+ Cornwell Quality Tools + The Team  
+ What Happens After + The Next Step Dealer Interviews

Learn More + Media



## On the Road with Your District Manager

After your initial training, you will spend 10 days in your own territory with your District Manager riding alongside of you. Your District Manager will be able to coach you along the way so you are more comfortable in the drivers seat.

Even after formal training stops, your District Manager is there to help. He has a vested interest in your success.



[LEARN MORE](#)



# CORNWELL FRANCHISE

JOIN THE CLUB. STEP  
ON A TRUCK. BE YOUR  
OWN BOSS.

+ [Cornwell Quality Tools](#) + [The Team](#)

+ [What Happens After](#) + [The Next Step](#) [Dealer Interviews](#)

[Learn More](#) + [Media](#)



## Day in the Life of a Tool Dealer

Getting on a Cornwell truck means never having the same lackluster day over and over again. There is always something new that will occur, a new question, a new tool, or a new promotional item to bring to the customer. While it is hard to predict your actual work day, there are a few basic things that will always happen.



Waking up in the morning, heading out to your route you might find yourself going over the customer list in your head.

Remembering which customers you will be seeing that day. Recalling what tools you want to show them, and who wanted what item.

You will develop customer relationships. Seeing these familiar faces each week will not only help build trust between you and your customers, but will allow you to gain insight on what types of tools they may need.

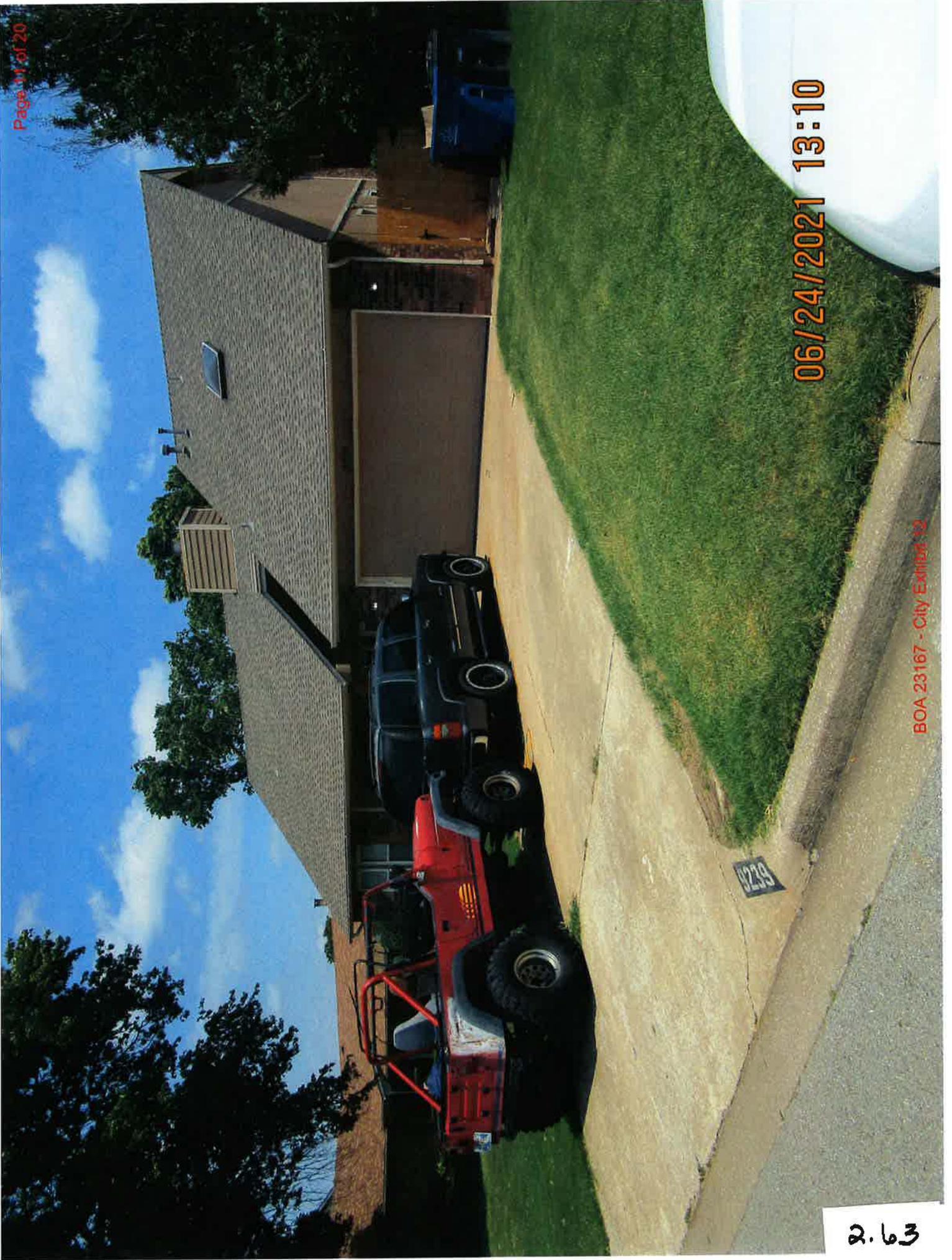
Tote and Promote! Each week you will have tools to sell that meet your customer's needs. Not all customers know exactly what they want, rather you have to show them what they want and need.

At the end of the day it is time to restructure. Restocking and reorganizing your truck, ordering tools and checking payments.



[LEARN MORE](#)





06/24/2021 13:10

BOA 23167 - City Exhibit 12

2.63



2.64

06/24/2021 13:10



2.65



06/24/2021 13:11

2.66



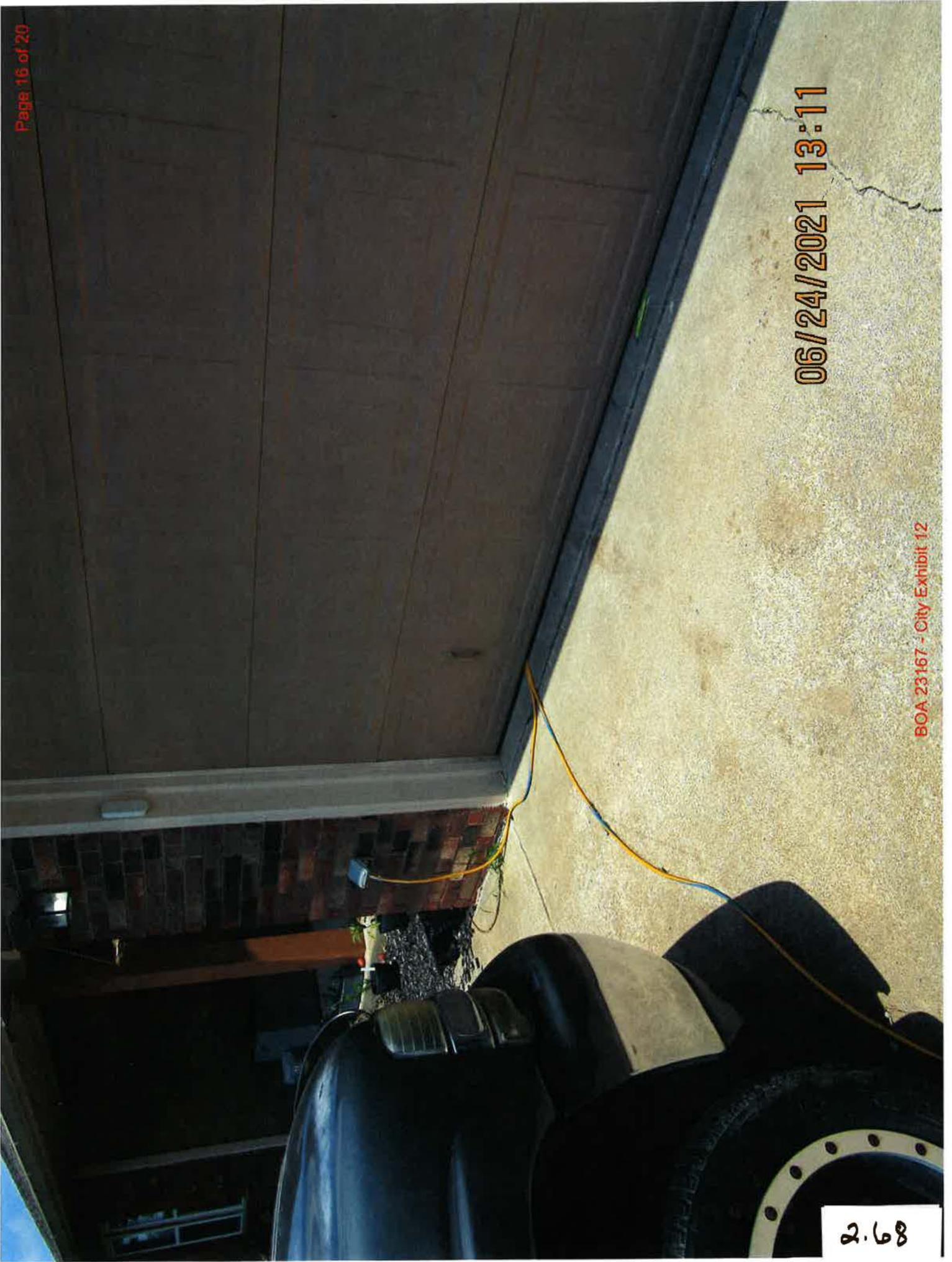
06/24/2021 13:11

2.67

06/24/2021 13:11

BOA 23167 - City Exhibit 12

2.68



UNITED STATES MAIL PERMIT NO. 229 TULSA, OK 74103  
 LOUIS FERNANDEZ  
 9239 S 80TH EAST AVE  
 TULSA, OK 74133  
**135-1577**  
 74133 [H]  
 5553 39

9022 0804 3 (000 000 0000) 0 00 2806 0311 3906  
 1 of 3  
 2806 0311 3906  
 MASTER #  
 74133  
 TULSA OK 74133  
 LOUIS FERNANDEZ  
 9239 S 80TH EAST AVE  
 FedEX (us)  
 [H]

06/24/2021 13:11

(336) 336-3500

MAILING DEPT LTY TOOLS  
HUNWELL QUAL PKNY  
CORPORATE 44281  
WADSWORTH OH 44281  
US

TO

**LOUIS FERNANDEZ**  
**9239 S 86th East Ave**

**Tulsa OK 74133**

REF 1

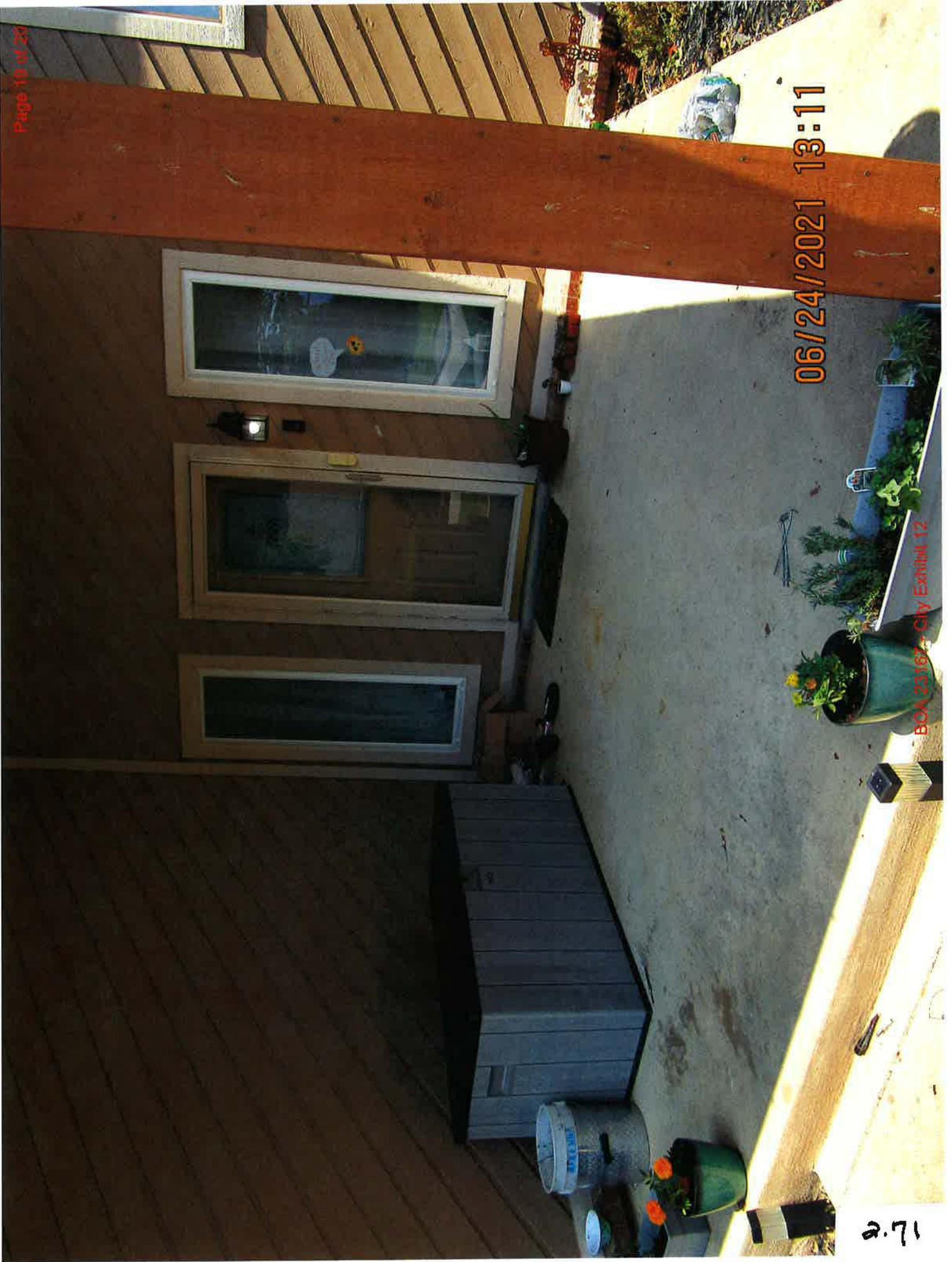
(336) 000-0000  
1701 0031422951



06/24/2021 13:11

BOX 23167 City Exhibit 12

2.71





Neighborhood Investigations  
WORKING IN NEIGHBORHOODS

**NOTICE OF VIOLATION - ZONING**

To: FERNANDEZ, LOUIS XAVIER JR & ASHLEY  
AMANDA HENDERSON  
9239 S 86TH EAST AVE  
TULSA, OK 741335553

Date: 6/24/21  
Case: WIN-20051-2021  
Compliance Date: 7/4/21

Dear Property Owner and/or Occupant,  
You are hereby notified of zoning (Title 42) violations at LT 9 BLK 5 OAK LEAF

City of Tulsa, Tulsa County, State of Oklahoma, And located at the address of:  
9239 S 86TH EAST AVE

Code Section	Explanation of violation
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Thank you,

*Michael Rider*  
Michael Rider  
City of Tulsa - Working in Neighborhoods  
m.rider@cityoftulsa.org  
918-596-9876

**Appeals:** You may appeal the administrative official's decision by filing a complete appeal application (1) with the official listed below and the Tulsa City Clerk AND (2) with the Director of the Tulsa Planning Office at INCOG, at the addresses shown below. Appeals must be filed within **15 DAYS** of the date of this Notice, and applicable fees must accompany the appeal application filed with INCOG. Appeals are heard by the City of Tulsa Board of Adjustment. For more information related to appeals, see Chapter 70, Section 70.143 of the Tulsa Zoning Code.

City of Tulsa - Board of Adjustment		City of Tulsa - City Clerk	
INCOG - Indian Nations Council of Governments	Monday-Friday 8 a.m. - 5 p.m.	173 East Second Street Suite 200 Tulsa, OK 74101 918.546.7373	Monday-Friday 8 a.m. - 5 p.m.
2 West Second Street Suite 907 Tulsa, OK 74102 918.546.7326			

To view the full Zoning Code please visit [www.tulsaonline.com/tulsaordinances](http://www.tulsaonline.com/tulsaordinances)

06/24/2021 13:12

2.72

Anna Maria Birkett  
9226 S 86th East Ave  
Tulsa, OK 74133

August 31, 2021

Re. Blue Freightliner M2 (Van-Straight Truck)  
9239 S 86th East Ave  
Tulsa, OK 74133-5553

Case Number: BOA-25167  
Notice of Violation - Zoning Case: WIN-20051-2021  
Attention: Austin Chapman, Planner

This letter is written to the Tulsa City Clerk and the Director of the Tulsa Planning Office at INCOG, Concerning Mr. Fernandez appeal.

The above-mentioned vehicle is stored every evening and every weekend in the private driveway of the property at 9239 S 86th East Ave, in the Oak Leaf neighborhood of Tulsa. The owners of the property are Louis Fernandez and Ashley Henderson.

Code violations at said property are cited in the following ordinances:

**45.100-F Prohibited Uses**

The outdoor storage of items, (items are stored inside the truck) vehicles, and equipment associated with home occupations is prohibited.

**45.130 Parking and Storage of Commercial Trucks**

Vehicles required to be registered as commercial trucks are prohibited in the Residential Zoning District.

Added comments:

I contend that this tool truck, (which functions as a mobile work, sales and service-repair center) is a 'commercial level' vehicle, about 24' long. It is difficult to imagine how such a large vehicle could be considered as appropriate in any residential neighborhood.

I ask this board to deny Mr. Fernandez his appeal, recognizing that the clear text of the ordinances obviates both:

- i) the stationing or storing of large commercial-style vehicles
- ii) the vehicle-associated business activities, clearly seen and heard, often after 11pm; interior lights spill out on the street along with running diesel engine noise. Before the first appeal, a string of bright lights surrounding top of truck would shine brightly on the street.

I look forward to this situation to be resolved, hopefully with positive results for Mr. Fernandez as well.

Sincerely,  
Anna Maria Birkett





2.75

**From:** [Louis Fernandez](#)  
**To:** [Chapman, Austin](#)  
**Subject:** BOA-23167  
**Date:** Monday, September 13, 2021 4:37:40 PM

---

Hello sir, I spoke with you today about putting in a motion to have my case moved to a later date. I'm making this request to allow myself some more time to hopefully come up with a solution for all parties involved. Regretfully my plans have not come together as I write this email. Also I am unsure if my legal council will be able to attend tomorrows hearing and I would like to respectfully request a later date to ensure my council can be in attendance. Thank you for your time

Louis X Fernandez Jr.  
918-829-6609  
Sent from [Mail](#) for Windows

**From:** [Tim Noteboom](#)  
**To:** [esubmit](#)  
**Subject:** Case Number: BOA-23167  
**Date:** Tuesday, August 10, 2021 8:29:03 AM

---

I am for allowing Mr Fernandez to keep his truck in his driveway overnight.

The truck is always clean and makes very little noise. The truck is always in the driveway in the evening and does not obstruct traffic or cause in any difficulties. The truck remains in his driveway throughout the night. It is not being idled or making any noise at all when it is parked.

He and his family are good neighbors. Never any trouble from them. They are friendly and keep their lawn mowed and house and lot clean.

During the morning and afternoon hours his truck is somewhere outside of the neighborhood. I assume he is busy working.

Please, let us encourage or neighbors to work and contribute to the economy.

Tim Noteboom  
9245 S 85<sup>th</sup> East Ave  
Tulsa, OK 74133

Sent from [Mail](#) for Windows 10

2.77

**Sparger, Janet**

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**From:** Darrell Scott <d\_scott98@yahoo.com>  
**Sent:** Tuesday, September 14, 2021 8:52 AM  
**To:** esubmit  
**Subject:** Case WIN-20051-2021

BOA-23167

My name is Darrell Scott and I live at 9232 South 86<sup>th</sup> East Avenue, Tulsa, Oklahoma. I would like to submit the follow statement during the public hearing. If for any need you need to speak with me call me at 918-671-5907, but I will be in a meeting with Tulsa Police Department at 10 am on an unrelated matter.

In speaking with Mr. Fernandez about the violations, I would like to point a few statements that were made to him by fellow neighbors. A statement was made to him by an unnamed neighbor that "his kind" did not belong here. Is this a reference to his ethnic background and if so would this process be motivated by hate for an ethnic group and this hearing would be in furtherance of the hate and used as a means to harass Mr. Fernandez. I feel this must be investigated prior to deciding on the violation. Mr. Fernandez has stated he did not intend to bring up this issue, but I feel that any action taken by the City of Tulsa based upon a clear violation that are not based or the result of hate or discrimination of a citizen.

Since Mr. Fernandez has lived at his residence, I have not seen any issue with have his truck at this location and do not feel that is eye sore to the neighborhood or that it devalues any of the property in the area. Since my wife and I have lived in our home since 2013, our home has only increased in value. I also do not see any difference in Mr. Fernandez truck parked in his driveway that a police car parked in the driveway, a pest control parked in the street, an insurance agent's vehicle parked in the driveway, a KRMG vehicle parked in a driveway, a RV parked in a driveway, all of which are or have been present on this section of South 86<sup>th</sup> West Avenue and surrounding streets. Also due to the value of Mr. Fernandez truck and any equipment, I would be foolish to expect Mr. Fernandez to leave his truck at another location regardless of the security of the location. A truck, like his left in library parking lot, such as Hardesty Library would be an easy target for criminals. With the truck at his house, it greatly reduces the chance of Mr. Fernandez being victimized by criminals.

Anna Maria Birkett  
9226 S 86th East Ave  
Tulsa, OK 74153

August 31, 2021

Re. Blue Freightliner M2 (Van-Straight Truck)  
9239 S 86th East Ave  
Tulsa, OK 74133-5553

Case Number: BOA-23167

Notice of Violation - Zoning Case: WIN-20051-2021  
Attention: Austin Chapman, Planner

This letter is written to the Tulsa City Clerk and the Director of the Tulsa Planning Office at INCOG, Concerning Mr. Fernandez appeal.

The above-mentioned vehicle is stored every evening and every weekend in the private driveway of the property at 9239 S 86th East Ave, in the Oak Leaf neighborhood of Tulsa. The owners of the property are Louis Fernandez and Ashley Henderson.

Code violations at said property are cited in the following ordinances:

**45.100-F Prohibited Uses**

The outdoor storage of items, (items are stored inside the truck) vehicles, and equipment associated with home occupations is prohibited.

**45.130 Parking and Storage of Commercial Trucks**

Vehicles required to be registered as commercial trucks are prohibited in the Residential Zoning District.

Added comments:

I contend that this tool truck, (which functions as a mobile work, sales and service-repair center) is a 'commercial level' vehicle, about 24' long. It is difficult to imagine how such a large vehicle could be considered as appropriate in any residential neighborhood.

I ask this board to deny Mr. Fernandez his appeal, recognizing that the clear text of the ordinances obviates both:

- i) the stationing or storing of large commercial-style vehicles
- ii) the vehicle-associated business activities, clearly seen and heard, often after 11pm; interior lights spill out on the street along with running diesel engine noise. Before the first appeal, a string of bright lights surrounding top of truck would shine brightly on the street.

I look forward to this situation to be resolved, hopefully with positive results for Mr. Fernandez as well.

Sincerely,  
Anna Maria Birkett

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