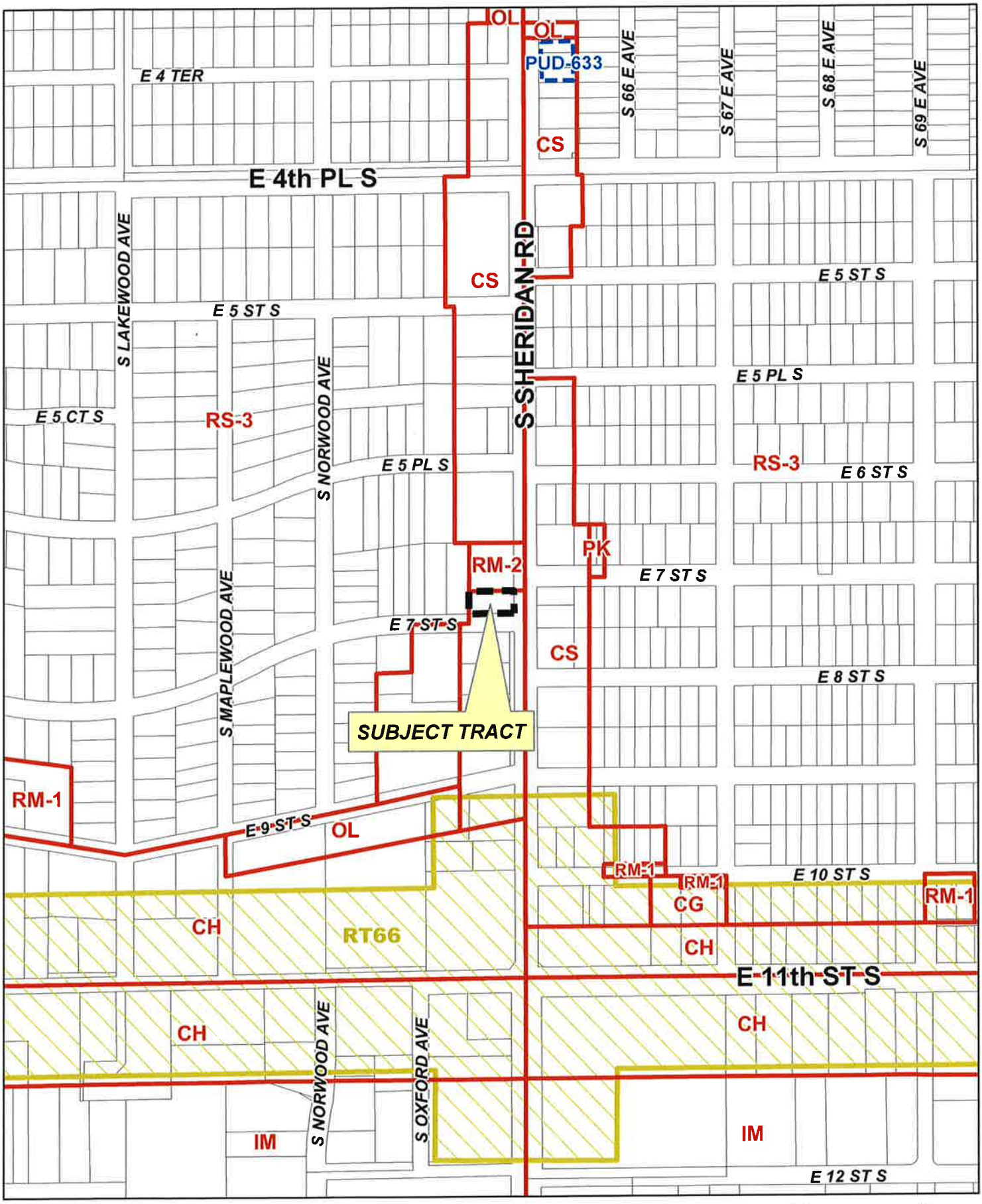

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BOA-23168

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BOARD OF ADJUSTMENT
CASE REPORT

STR: 9303
CZM: 38
CD: 5

Case Number: **BOA-23168**

HEARING DATE: 08/10/2021 1:00 PM

APPLICANT: Leonora Bustos

ACTION REQUESTED: Special Exception to permit a Personal Vehicles Sales and Rental Use in a CS District (Sec. 15.020, Table 15-2) Variance to permit outdoor display of merchandise within 300 feet of an abutting Residential District (Sec. 15.040-A)

LOCATION: 6339 E 7 ST S

ZONED: CS

PRESENT USE: Vacant

TRACT SIZE: 11552.16 SQ FT

LEGAL DESCRIPTION: S77.5 OF E150 BLK 32, GLENHAVEN

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-12907; on 12.01.83 the Board **approved** a Variance of the lot frontage requirement in a CS district and a Special Exception to permit a trade school in a CS District.

Surrounding Properties:

BOA-22249; On 07.11.17 the board **approved** a variance to allow outdoor storage and display of merchandise within 300' of an abutting R district for a car lot. property located 708 S. Sheridan Road.

BOA-22174; On 12.13.16 the Board **approved** a Special Exception to permit auto sales in the CS District. property located 715 S. Sheridan Rd.

BOA-20318; On 08.08.06 the Board **approved** a Special Exception to permit auto sales and a variance to allow outdoor storage and display of merchandise within 300' of an abutting R district for a car lot. Property located 602 S. Sheridan Rd.

BOA-12101; On 08.05.82 the board **approved** Special Exception to allow an auto detailing shop in a CS District. Property located 715 S. Sheridan Rd.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Mixed-use Corridor " and an "Area of Growth".

Mixed-Use Corridors are Tulsa's modern thoroughfares that pair high-capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

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.

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NW/c of E. 7th St. S. and S. Sheridan Rd.

STAFF COMMENTS: The applicant is requesting **Special Exception** to permit a Personal Vehicles Sales and Rental Use in a CS District (Sec. 15.020, Table 15-2) **Variance** to permit outdoor display of merchandise within 300 feet of an abutting Residential District (Sec. 15.040-A)

Chapter 15 | Office, Commercial and Industrial Districts
Section 15.020 | Use Regulations

USE CATEGORY Subcategory Specific use	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
Vehicle Sales and Service												Section 40.400
Commercial vehicle repair/maintenance	–	–	–	–	S	P	P	P	P	P	P	
Truck stop	–	–	–	–	–	S	S	–	P	P	P	
Commercial vehicle sales and rentals	–	–	–	–	S	P	P	P	P	P	P	
Fueling station	–	–	–	–	P	P	P	P	P	P	P	
Personal vehicle repair and maintenance	–	–	–	–	P	P	P	P	P	P	P	
Personal vehicle sales and rentals	–	–	–	–	S	P	P	P	P	P	P	
Vehicle part and supply sales	–	–	–	–	P	P	P	P	P	P	P	
Vehicle body and paint finishing shop	–	–	–	–	S	P	P	P	P	P	P	

15.040-A Outdoor Storage and Display

In the CS district, outdoor storage, including storage of recyclable materials, and outdoor merchandise display is prohibited within 300 feet of an abutting R or AG-R district.

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.

During site visit staff noted the barbed-wire/razor-wire fencing around the property which is in violaiton of Sec. 45.080-C of the zoning and Title 24, Section 103 of the City of Tulsa Revised Ordinances declares "All barbed wire fences which are located within three (3) feet of any public sidewalk" to be declared a public nuisance.

45.080-C Barbed-wire and razor-wire fencing is permitted as of right in AG, IL, IM, and IH districts, except as limited by Title 24, Section 103 of the Tulsa Revised Ordinances. Barbed-wire and razor-wire fencing is prohibited in all other districts unless approved in accordance with the special exception procedures of Section 70.120, subject to the limitations of Title 24, Section 103 of the Tulsa Revised Ordinances.

Staff recommends a condition of approval that the property owner bring the fencing into conformance with the code and a condition that the applicant stripes the parking lot and makes it compliant with the parking and design standards of the zoning code.

STATEMENT OF HARDSHIP: We are on the corner of 7th and Sheridan, the physical surrounding of our location with R districts it is impossible to be 300' away, it would cost me my business and livelihood to not be able to operate. our business would not alter the essential character of the neighborhood or cause detriment to the public good. We will operate a family friendly atmosphere and other auto dealers are located within the area as well.

5.4

SAMPLE MOTION:

Special Exception:

Move to _____ (approve/deny) a **Special Exception** to permit a Personal Vehicles Sales and 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.

Variance:

Move to _____ (approve/deny) a **Variance** to permit outdoor display of merchandise within 300 feet of an abutting Residential District (Sec. 15.040-A)

- 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 South on Sheridan

Subject property

Facing North on Sheridan

Case No. 12904 (continued)

POINT OF BEGINNING, and containing 30,312.495 square feet or 0.6959 acres.

Case No. 12905

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1213 - Request for an exception to permit Convenience Goods and Services in an IL zoned district under the provisions of Section 1680, located at the NE corner of East 61st Street South and Garnett Road.

Presentation:

J. Brunoldi, P. O. Box 2420, was represented by Casper Jones, 1302 South Fulton Avenue. Mr. Jones informed this application is for Texaco. He informed that a car wash is permitted on the subject property, but retail sales are not. He submitted a plot plan showing where the buildings will be placed (Exhibit "I-1").

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-1 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; Smith, "abstaining"; none, "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts - under the provisions of Use Unit 1213) to permit Convenience Goods and Services in an IL zoned district under the provisions of Section 1680, per plot plan, on the following described property:

A tract of land in the SW/4, SW/4, SW/4, of Section 32, Township 19 North, Range 14 East, Tulsa County, Oklahoma; more particularly described as follows: Beginning at the SE corner of Section 32; thence North 250'; thence East 250'; thence South 250'; thence West 250'; to the point of beginning; LESS and EXCEPT the West 50' and the South 50' thereof.

Case No. 12907

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1217 - Request for a variance of lot frontage on Sheridan Road from 150 to 77.5 feet in a CS zoned district under the provisions of Section 1670.

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Request for an exception to permit a trade school in a CS zoned district under the provisions of Section 1680, located at the NW corner of 7th Street and Sheridan Road.

Presentation:

Lawrence Gregory, 708 South Sheridan Road, was present representing Climate Control Institute which is an electrical and air conditioning trade school and has been at the 708 South Sheridan address since 1977. They would like to purchase the subject property to use as parking and classroom training facilities for their school. The property has an existing parking lot and a two-bedroom residence on it. He informed they will remodel the residence which will improve the property. These

improvements will make the property more attractive than it is now. The building has about 1,000 sq. ft. He presented a picture of the residence. The school is in operation Monday through Friday with day classes from 7:30 a.m., until 2:00 p.m., and with Monday through Thursday evening classes from 6:00 p.m. until 10:00 p.m. They are open all year except for holidays. There is no noise generating equipment except for an occassional hammer or wrench noise. He informed that they would have to do some remodeling on the building, but this work will not increase the area of the building. They would make the changes that would need to be made in order for the school to meet the Building Code.

Protestants:

Jean Davis, 6331 East 7th Street, informed she lives next door to the subject property. She submitted 3 pictures of the parking situation that exists in the area (Exhibit "J-1"). She informed that the parking situation in the area is terrible and the subject property is already being used as a parking lot. There is not enough room for parking for new students. She does not see how more cars can be accommodated in the area.

Evelyn Zinkle, 4510 East 49th Street, was concerned with the parking in the area. Most of the parking problems are caused by the students at the school. She would like to have the assurance of the applicant that the other residents in the area will not be encroached upon as far as parking.

Doyle Turnbull, 6331 East 7th Street, informed that there is just a narrow driveway between the house on the subject property and his house. He is concerned that the noise from the classrooms will bother his family. There will be about 35 feet between the house on the subject property and the bedrooms in his house. He is also concerned with the traffic/parking problems and the litter problems in the area. He informed when the school was put in, the residents were assured that there would be ample parking for the students. There is a little picket fence between his property and the subject property.

Applicant's Rebuttal:

Mr. Gregory informed that they started using Ms. Zinkle's parking about 2 months ago with the permission of one of her tenants. He informed that some of the cars which are causing parking problems could belong to people other than the students. After Ms. Zinkle complained to him today, he gave the students directions not to park on her property at all. As far as the litter problems go, they have a full-time maintenance man and custodian that polices their area every day. They take care of the property to the best of their ability. He informed that the property is split. He feels that their proposal for the use of the property will help the parking and improve the area. There should not be any noise involved. He is not sure that they will use the residence at night for classes, but if they do, the classes will be over by 10:00 p.m. He would like to have the option of having classes in the house. He does not think the school would generate any more noise than is currently in the structure which is occupied by a family. He informed that the corner is a vacant lot that has been used as a car lot--they have been parking on that lot. This lot will hold approximately 12 to 15 cars. He presented a picture of the lot. He informed that their enrollment is about 120 with 80 of these being day students and 40 being night students. Even without the additional property, they are permitted by state accrediting,

the Oklahoma Board of Private Schools, and the Veterans Administration to have 125 day students and 125 night students--they can accommodate 250 students. They want to use the subject property for their present enrollment. They presently have 6,600 square feet. He informed they want to move the electrical equipment to the subject property.

Comments:

Mr. Gardner informed that the Staff would think that the Board would want to limit the proposed school to what the applicant states that he is going to do. He does not think that the concern for parking needs to be raised because there would be adequate room for several cars to not only accommodate the additional square feet, but probably would help in the parking for the existing school. The applicant has the potential of .5 and could build a building on half of the lot which would reduce the number of parking spaces, and then the Board would get into the question of parking. If the applicant is willing to live with no more than 1,100 square feet and would use the rest of the land for parking, then the Board does not need to talk about parking. Using just 1,100 square feet would leave probably 20 or 30 parking spaces which is 20 or 30 more than he has right now. For a 1,100 square-foot building, he would only need about 4 parking spaces.

Ms. Purser informed this could be limited to this structure so that the applicant would have to come back if they wanted to build a new building on the lot. The variance needs to be tied to the existing structure. She was concerned about how the motion should be worded. Ms. Purser informed that many uses could go in on the corner without the people even coming to this Board because the property is zoned commercial. One use that would be permitted by right is a bar. She feels that the students would cause much less noise than a bar would generate.

Ms. Purser informed the applicant would be required to have a hard surface parking lot. They will only have about 12 or 15 more parking spaces than they have at the present time. She informed that the school could probably have about 300 students with the additional space. She urged the Staff to take a look at the parking requirements because she feels that they are very much in error, especially for schools--there are a lot of cars associated with a school.

Board Action:

On MOTION of VICTOR 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 Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - under the provisions of Use Unit 1217) of lot frontage on Sheridan Road from 150 to 77.5 feet in a CS zoned district under the provisions of Section 1670, and a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts) to permit a trade school in a CS zoned district under the provisions of Section 1680, subject to the applicant erecting a 7-foot wooden screening fence on the part of the property that abuts residential property to the west with the finished side toward the house, and subject to the variance being used within the existing structure only, no new buildings, on the following described property:

The South 77.5 feet of the East 150 feet of tract 32 of Glenhaven Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

12.1.83:401(13)

LTS 1 & 2 LESS E162 LT 1 & LESS E15 LT 2 BLK 2, EAST ELEVENTH PARK SUB, City of Tulsa, Tulsa County, State of Oklahoma

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NEW APPLICATIONS

FILE COPY

22249—Josh Hamilton

Action Requested:
Variance to allow outdoor storage and outside display of merchandise within 300 feet of the abutting R District (Section 15.040-A). **LOCATION:** 708 South Sheridan Road East **(CD 5)**

Presentation:
Josh Hamilton, 4105 South Redwood Avenue, Broken Arrow, OK; stated he was before the Board about three years ago and received approval to be a car lot with inside storage. He did that until February of this year when he was broke into and has been broke into seven times. He actually caught one of the assailants because he was on the roof the building camping and had pulled the copper from the air conditioning. A week later another offender broke through the roof and did about $16,000 damage to the concrete roof. He had to pull all the cars from the interior of the building and placed them on the lot so he had a fence erected but it was two feet within the right-of-way. When the City Inspector came out about the fence he mentioned the fact that he could not store cars outside. He discovered that by having the cars outside was good for business so now he would like to continue having the cars outside. The roof repairs were just finished so he can move the old cars that are in front of the building out in the next 60 days. He will place them either in the back of the building where they cannot be seen or placed inside the building.

Mr. White asked Mr. Hamilton about the security of his vehicles that are on the lot. Mr. Hamilton stated that since he has erected the fence he has not had any problems.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On **MOTION** of **BOND**, the Board voted 4-0-0 (Back, Bond, Flanagan, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **APPROVE** the request for a Variance to allow outdoor storage and outside display of merchandise within 300 feet of the abutting R District (Section 15.040-A), subject to conceptual plan 3.26 in the agenda packet. The Board finds the hardship to be the current layout and security fence on the

BOA - 22249 FILE COPY

applicant's property. 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; for the following property:

N 100 OF W 165 OF E 180 BLK 59, GLENHAVEN, City of Tulsa, Tulsa County, State of Oklahoma

22276—Fred Frampton

Action Requested:
Variance to allow an accessory structure to exceed 18 feet in height, exceed one-story, and exceed 10 feet at the top of the top plate (Section 90.090-C); Variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure (Section 45.030-B). **LOCATION:** NW/c of East 16th Street South and South College Avenue East **(CD 4)**

Presentation:
The applicant was not present. The Board chose to move this case to the end of the agenda.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
No Board action required at this time.

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; for the following property:

LT 3 BLK 1, MANOR VIEW ESTATES ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22173—Angela Cherry

Action Requested:
Verification of the spacing requirement for liquor stores of 300 feet from plasma centers, day labor hiring centers, bail bonds offices, pawn shops, and other liquor stores (Section 40.300-A). **LOCATION:** 4612 East 31st Street South – ***Tenant Space:*** 4628 East 31st Street South **(CD 9)**

Presentation:
Angela Cherry, 4628 East 31st Street, Tulsa, OK; no formal presentation was made but the applicant was available for any questions.

Mr. Van De Wiele stated that Board is in receipt of the applicant's spacing verification.

Interested Parties:
There were no intersted parties present.

Comments and Questions:
None.

Board Action:
On **MOTION** of **WHITE**, the Board voted 4-0-0 (Back, Bond, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Flanagan absent) I move that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing for the proposed liquor store subject to the action of the Board being void should another liquor store or other conflicting use be established prior to the establishment of this liquor store; for the following property:

LTS 11 & 12 BLK 2, CONWAY PARK, City of Tulsa, Tulsa County, State of Oklahoma

FILE COPY

22174—Edward Jones

Action Requested:
Special Exception to permit vehicle sales in the CS District (Section 15.020-C). **LOCATION:** 715 South Sheridan Road East **(CD 3)**

BOA-22174 FILE COPY

Presentation:
Edward Jones, 3437 East 84th Street, Tulsa, OK; stated he repersents Domingo Muldanado. Mr. Muldanado purchased the subject property for a car lot. Mr. Muldanado has another car lot located on Admiral Boulevard. When Mr. Muldanado purcahsed the subject lot there was an existing car lot but he discovered that it had been operating illegally. Mr. Muldanado wants to operate his car lot legally and maintain his good reputation. Mr. Jones stated that a parking layout has been submitted to INCOG so that the lot will comply with the City Zoning Code.

Mr. White asked Mr. Jones if there would be any storing of tires or anything like that. Mr. Jones stated there would be no storing of tires and there would no storage at all.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On **MOTION** of **BOND**, the Board voted 4-0-0 (Back, Bond, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Flanagan absent) to **APPROVE** the request for a Special Exception to permit vehicle sales in the CS District (Section 15.020-C). 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; for the following property:

LTS 12 & 13 BLK 20, SHERIDAN HILLS, City of Tulsa, Tulsa County, State of Oklahoma

Theresa Landers, 6930 East 7th Street, Tulsa, OK; stood up and stated that she has an interest in the case that was just heard.

Mr. Van De Wiele stated that he asked if there were any interested parties and no one raised their hand or stood up.

Ms. Landers stated that she signed in with the case number and wanted to give her opinion on this case. Ms. Landers asked the Board to deny this case. She is before the Board on behalf of herself and the neighborhood association of 1,500 houses. The streets that surround the neighborhood are already lined with used junker shops and have more junker shops than used car lots. Ms. Landers stated there is a used car lot at the corner of 11th and Sheridan. There is another shop, Frank's Tires, that has only five cars and the lot is well maintained.

than to build a tower and it is their first choice. He stated that he would provide a letter for the case file that shows they comply with the FCC regulations for RF emissions.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-0 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Special Exception to allow a 120 ft. communications tower (Use Unit 4) in an AG district (Section 301); Special Exception to reduce the required setback from adjoining AG zoned districts (Section 1204.C.3.g.1), finding it meets all of the requirements listed in Section 1204. A, B, C and D; subject to the letter of June 24, 2006 from Ferris Consulting and the three site plans on pages 2.10, 2.11 and 2.12 of the agenda packet; the applicant to provide a letter to INCOG staff showing RF emissions are within the federal guidelines; a light pole design; site to be screened by an 8 ft. wood fence with two security wires, and wood gate with lock; no landscaping necessary, finding it 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, on the following described property:

In the City of Tulsa, Tulsa Country, the State of Oklahoma: A parcel of land in the Northwest Quarter of the Northeast Quarter of Section 21, Township 18 North, Range 13 East: Beginning at the Northwest Corner of the aforesaid Quarter; Thence East 814' and South 827.15' to the Point of Beginning; Thence West 790'; Thence South 429.9'; Thence East 790'; Thence North 429.9' to the Point of Beginning, the same as the Southeast Corner of the Vacated Booker T. Washington Memorial Park, Tulsa County, State of Oklahoma

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Case No. 20318

Action Requested:

Special Exception to permit auto sales in a CS district (Section 701); a Variance of the requirement that no merchandise may be displayed outside within 300 ft. of an R district (Section 1217.C.2); and a Variance of the minimum street frontage required in a CS district from 150 ft. to 116 ft. (Section 703), located: 602 South Sheridan Road.

Presentation:

David Ellis, 6901 South Redbud Avenue, Broken Arrow, Oklahoma, with Modern Star Builders, represented the applicant, **Sam Mouchantaf**. They proposed to use both lots as a car lot. There is an old service station on the subject property. They would like to split the lot in the middle with 116 ft. on each side. They would use the garage to wash the cars on the lot.

Comments and Questions:

Ms. Stead reviewed the requirements Mr. Ellis had not covered in the presentation such as, paving or asphalt on the south lot. She asked if they plan to park cars on the west portion, to which Mr. Ellis replied they do not. She informed him the fence along Sheridan would be limited in height. There was discussion among the Board regarding a hardship.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead,** the Board voted 4-0-0 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Special Exception to permit auto sales in a CS district (Section 701); a Variance of the requirement that no merchandise may be displayed outside within 300 ft. of an R district (Section 1217.C.2); with approval limited to a maximum of five years from August 8, 2006; all parking surfaces to be concrete or asphalt; maintain sidewalks on 5th Place and Sheridan; screening on south and west of the entire property; no outside repair of vehicles, storage of parts, batteries, et cetera; any fence along Sheridan limited to 3 ft. in height; having read the criteria for the special exception and variance and finding those requirements are met; and to **DENY** a Variance of the minimum street frontage required in a CS district from 150 ft. to 116 ft. (Section 703), on the following described property:

E195 TR 31, GLENHAVEN, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20319

Action Requested:

Verification of the spacing requirement for an Outdoor Advertising Sign from another outdoor advertising sign along the same side of the expressway (Section 1221.F.2), located: 9510 East Broken Arrow Expressway.

Presentation:

John Moody, represented Lamar Central Outdoor, LLC. He submitted a survey for spacing verification (Exhibit B-1). He stated the nearest outdoor advertising sign is 1,670 ft. away.

Interested Parties:

Jonathon Sutton, 4401 South Harvard, represented Guts Church. He indicated that the proposed sign would be in violation of Section 1221.C.8.a and Section 1221.C.2.b of the zoning code relative to the existing sign on the church property.

Case No. 12101

Action Requested:
Special Exception - Section 710 - Principal Uses Permitted in the Commercial District - Request to allow an auto detail shop in a CS District. This property is located at 715 South Sheridan Road.

Presentation:
Richard Preston, 715 South Sheridan Road, was present and submitted a plot plan (Exhibit "G-1") and a picture of the proposed construction (Exhibit "G-2"). The applicant is proposing to construct a two-car garage for an auto detailing shop which will be 26' x 30'. The proposed construction will be located behind the existing building.

Protestants: None.

Board Comments:
Mr. Smith asked if all of the work would be done inside the building and Mr. Preston answered in the affirmative.

Mr. Victor asked what the building would be constructed of and Mr. Preston stated that it would be wood frame with asphalt shingles and would be very similar to the picture which he submitted earlier.

Board Action:
On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial District) to allow an auto detail shop in a CS District, per plot plan on the following described property:

Lots 12 and 13, Block 20, Sheridan Hills Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12102

Action Requested:
Variance - Section 1215.3 - Use Conditions - Request for a variance of the required screening to an abutting R District to the east. This property is located at 5555 South 104th East Avenue.

Presentation:
Kenneth Stephenson, 5555 South 104th East Avenue, was present requesting permission to waive the screening requirement on the far east side of the property as the City has requested the applicant. Mr. Stephenson advised that in the future it will be the adjacent property line to Highway #169. He also advised that there are no other screening fences enclosing other warehousing facilities in the surrounding area.

Protestants: None.

Board Action:
On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 1215.3 - Use Conditions) of the required screening to an abutting R District to the east on the following described property:

Lot 2, Block 18, Tulsa Southeast Industrial Addition to the City of Tulsa, Tulsa County, Oklahoma.

DANA L. BOX
ZONING
PLANS EXAMINER

TEL (918)596-9657
danabox@cityoftulsa.org

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 2

April 19, 2021

Phone: 918-632-0909

Leonora Bustos
804 N. Sheridan Rd.
Tulsa, OK 74115

APPLICATION NO: **ZCO-060910-2020**
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **6339 E. 7th St.**
Description: **Auto 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. ****SEE #2 BELOW****

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. ****PURSUANT TO FEDERAL, STATE, AND LOCAL DECLARATIONS OF EMERGENCY ARISING FROM THE COVID-19 THREAT AND AS DIRECTED BY THE ADMINISTRATION, OUR OFFICE IS CLOSED TO THE PUBLIC UNTIL FURTHER NOTICE. PAPER SUBMITTALS (INCLUDING REVISIONS AND ADDENDUM) FOR ANY PROJECT IS NOT ACCEPTED AT THIS TIME. IF SUBMITTING REVISIONS FOR APPLICATIONS THAT PREVIOUSLY UTILIZED PAPER PLANS, EMAIL THE REVISED PLANS TO COTDEVSVCS@CITYOFTULSA.ORG OR SUBMIT ELECTRONIC PLAN REVISIONS ON THE PORTAL AT HTTPS://TULSAOK.TYLERTECH.COM/ENERGOV4934/SELFSERVICE. YOU WILL NEED TO REGISTER ON THE PORTAL IF YOU HAVE NOT PREVIOUSLY DONE SO. ****
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 WWW.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" [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)

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT www.tulsaplanning.org/plans/TulsaZoningCode.pdf

ZCO-060910-2020 | 6339 E. 7th Street | April 19, 2021

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 918-584-7526 or esubmit@incog.org. 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. **RESOLVED**
2. **RESOLVED**
3. UNRESOLVED **Sec.15.040-A**: In the CS district, outdoor storage or display of merchandise is prohibited within 300 feet of an abutting R district.

Review comment: Your outdoor storage and display of vehicles is within 300 feet of abutting R zoned districts that are located to the north and west of your lot. You must submit a Variance reviewed and approved in accordance with the procedures of Sec.70.130, to permit outdoor storage and display of merchandise (vehicles) within 300 feet of the abutting R zoned districts.

4. UNRESOLVED **Sec.35.050-Q5:** Auto Sales are designated: Commercial / Vehicle Sales and Service/ Personal Vehicle Sales and Rentals.

Review comment: This proposed use is located in a CS district, which is only allowed by Special Exception, reviewed and approved in accordance with the Special Exception procedures of Section 70.120.

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.

Google Maps 6339 E 7th St

Imagery ©2021 Maxar Technologies, USDA Farm Service Agency, Map data ©2021 50 ft

6339 E 7th St

Building

Directions Save Nearby Send to your phone Share

6339 E 7th St, Tulsa, OK 74112

Photos

The Red Circle indicates approximate circumference of 300 ft of no display of merchandise. (Sec.15.040-A)

In this image it is also visible that there are other Auto dealerships with in this area.

*** I have built a chain link fence around my property and installed safety/security lights.

*** Purple shows residential area

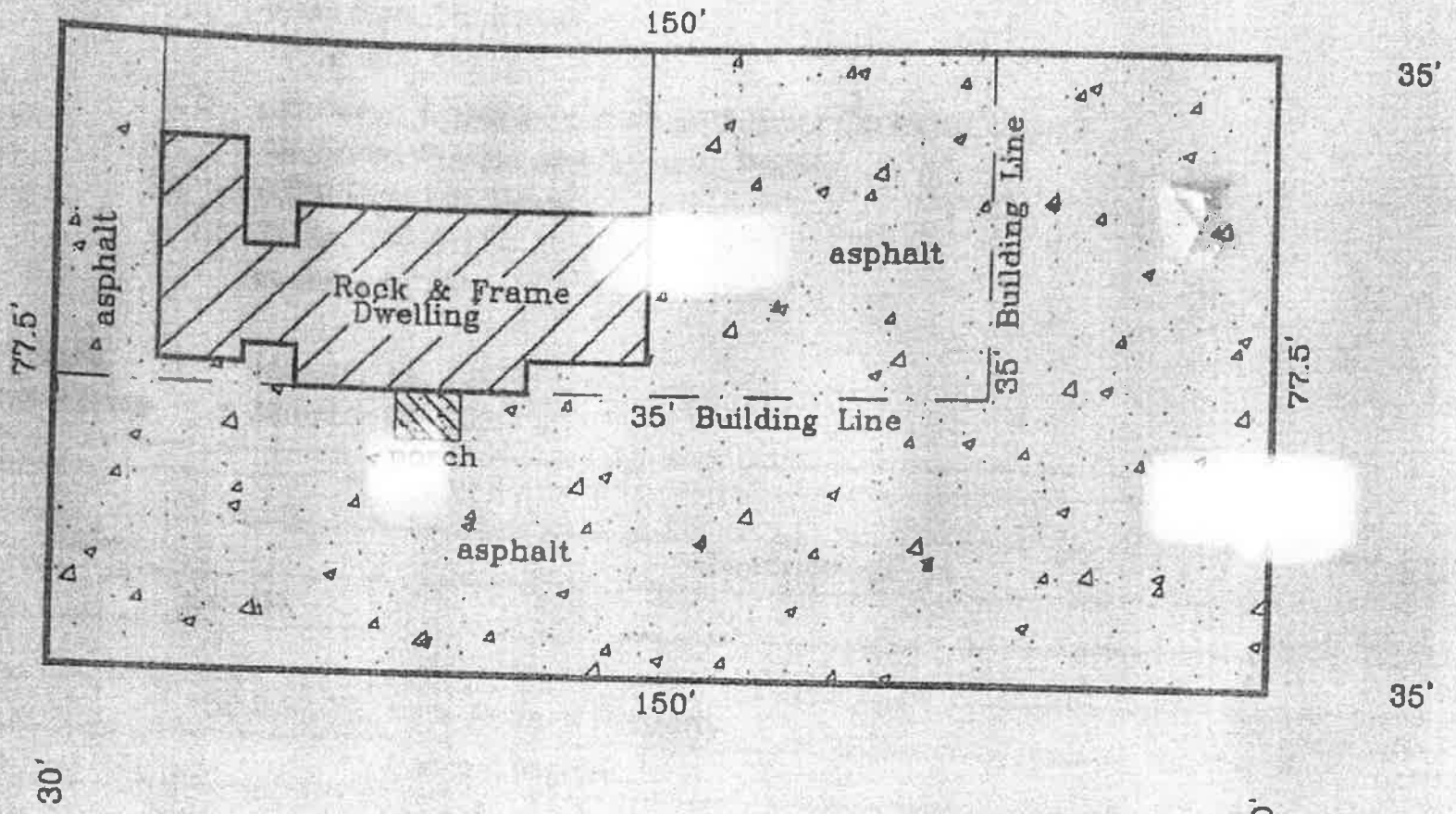
The storage container outside currently is only temporary and will be removed prior to starting out operations. Pending we are approved for an exception and Variance Review. (Sec.35.050-Q5)

Leonardo Gutierrez

RED BY:

Colonial Title, Inc.

5.21



Leonardo Gutierrez ℄ East 7th Street

REGISTERED LAND SURVEYOR'S
MORTGAGE INSPECTION REPORT

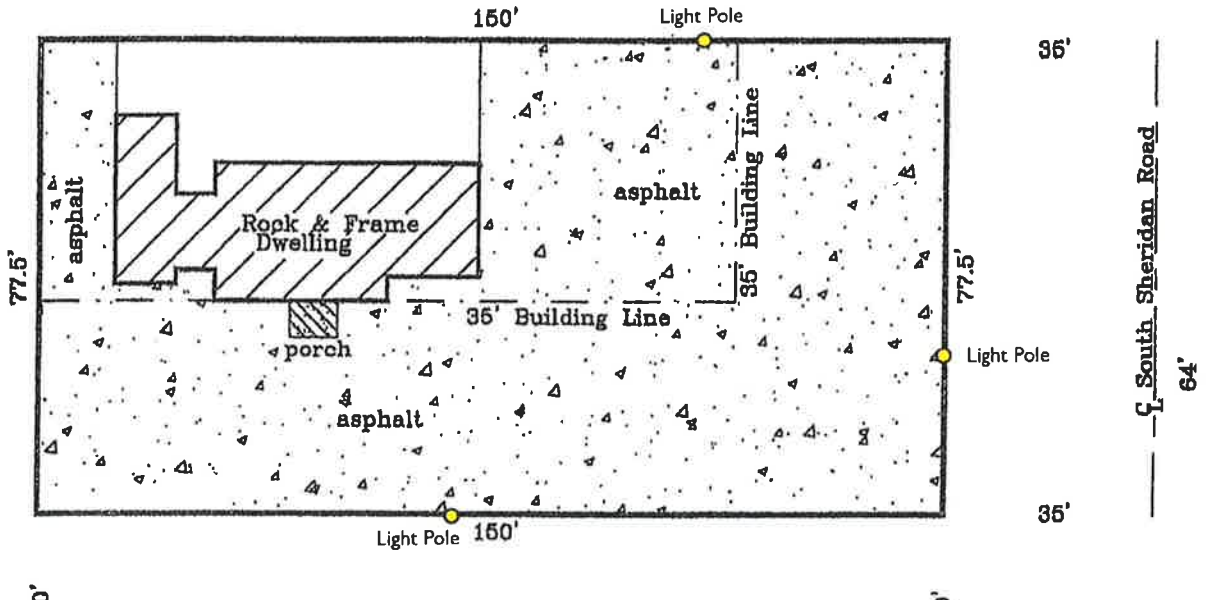
THIS PROPERTY IS LOCATED IN ZONE X (UNSHADED) AND ZONE AE PER FLOOD INSURANCE RATE MAP # 405381 0244 L, EFFECTIVE OCTOBER 16, 2012.
ZONE X (UNSHADED): AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.
ZONE AE: SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD. BASE FLOOD ELEVATIONS DETERMINED.

LENDER:
Mabrey Bank, ISAOA ATRIMA

BORROWER:
Leonardo Gutierrez

ORDERED BY:
Colonial Title, Inc.

SCALE 1"=30'



LEGAL DESCRIPTION

A part of Lot Thirty-Two (32), GLENHAVEN ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, described as follows:
Begin at the Southeast corner of Lot Thirty-two (32); Thence North on East line of said Lot 77.5 feet to a point; Thence West on a line parallel to the South line of said Lot 150 feet; Thence South on a line parallel to the East line of said Lot 77.5 feet; Thence East on the South line of said Lot 150 feet to the Point of Beginning.

6339 East 7th Street, Tulsa, OK 74112

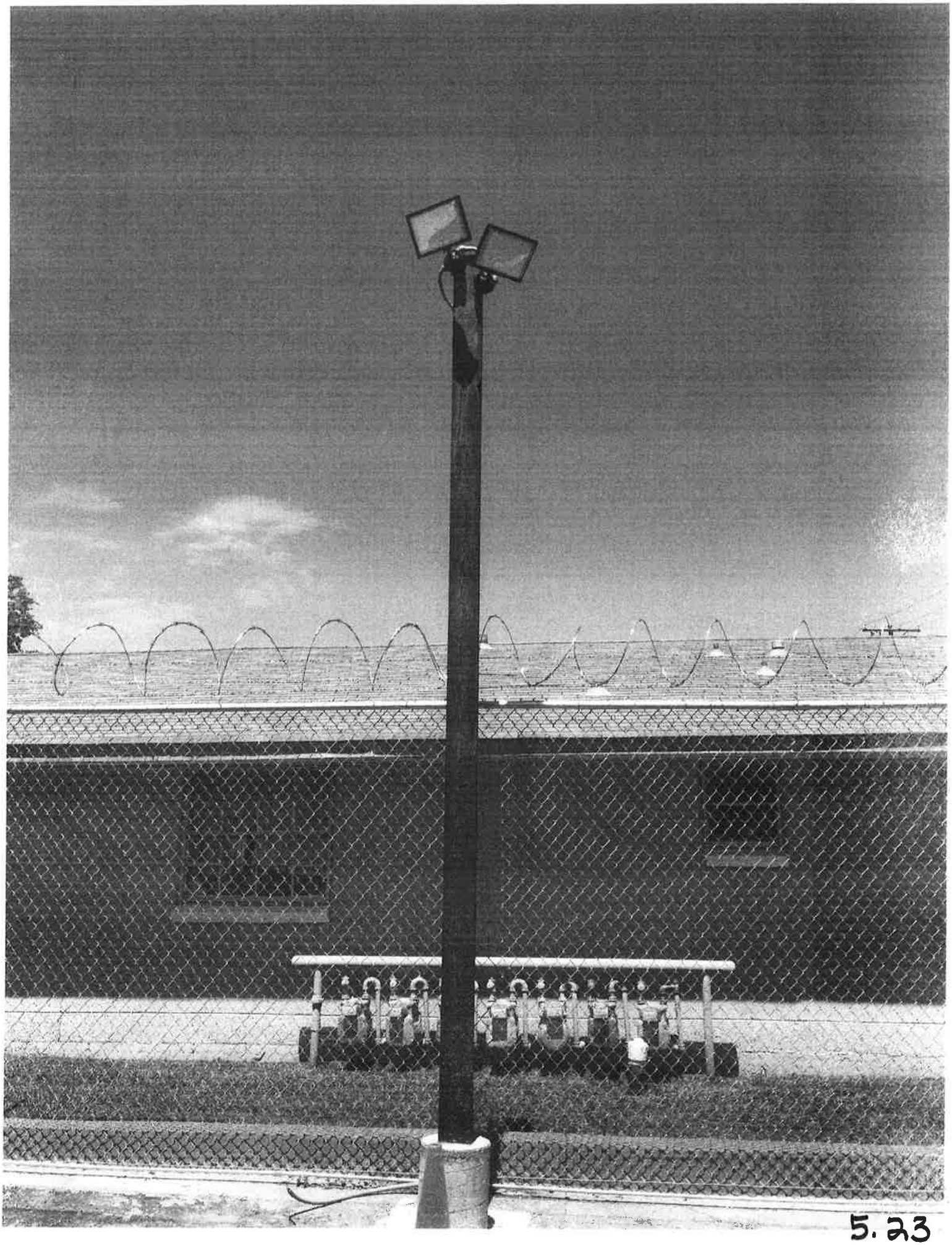
EASEMENTS

Easements shown per recorded Plat.
No additional easements Title Commitment No. 19-2923, Commitment Date: December 12, 2019, as provided to surveyor.

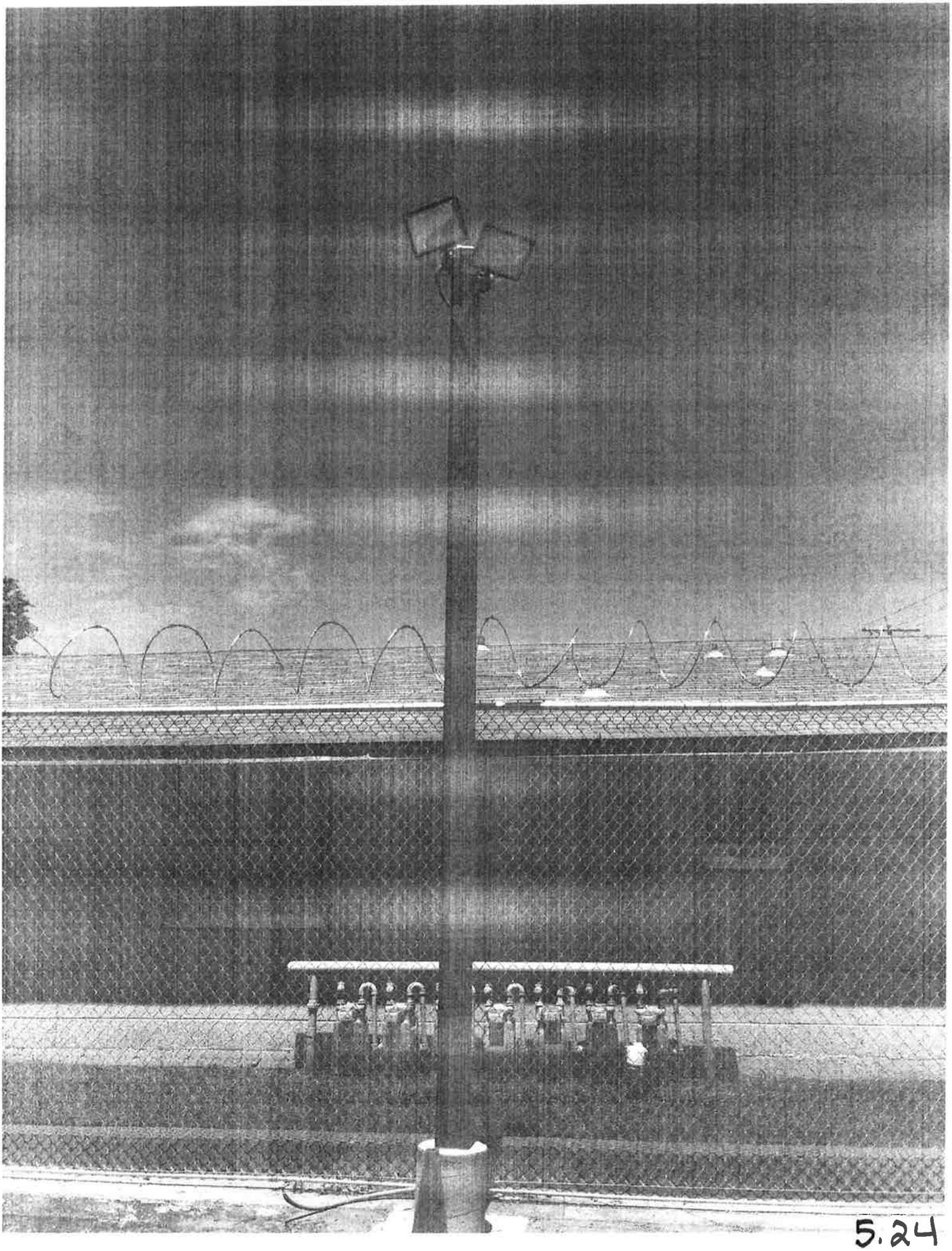
CERTIFICATION

This Mortgage Inspection Report was prepared for Colonial Title, Inc., and Mabrey Bank, ISAOA ATRIMA. It is not a land or boundary survey plat, and it is not to be relied upon for the establishment of fence, building or other future improvement lines. The accompanying sketch is a true representation of the conditions that were found at the time of the inspection, December 31, 2019, and the linear and angular values shown on the sketch, if any, are based on record or deed information and have not been verified unless noted.

5.22



5.23



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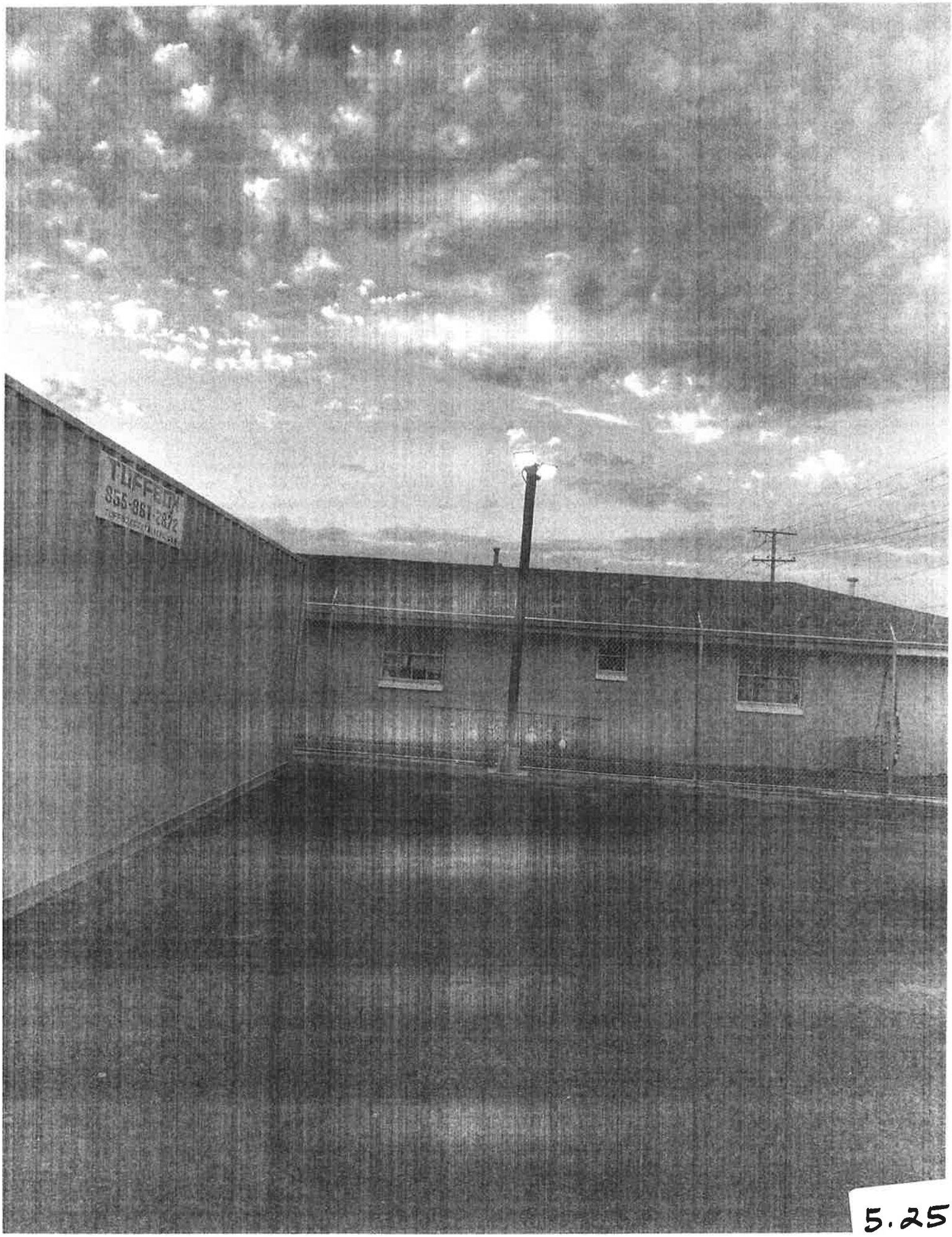

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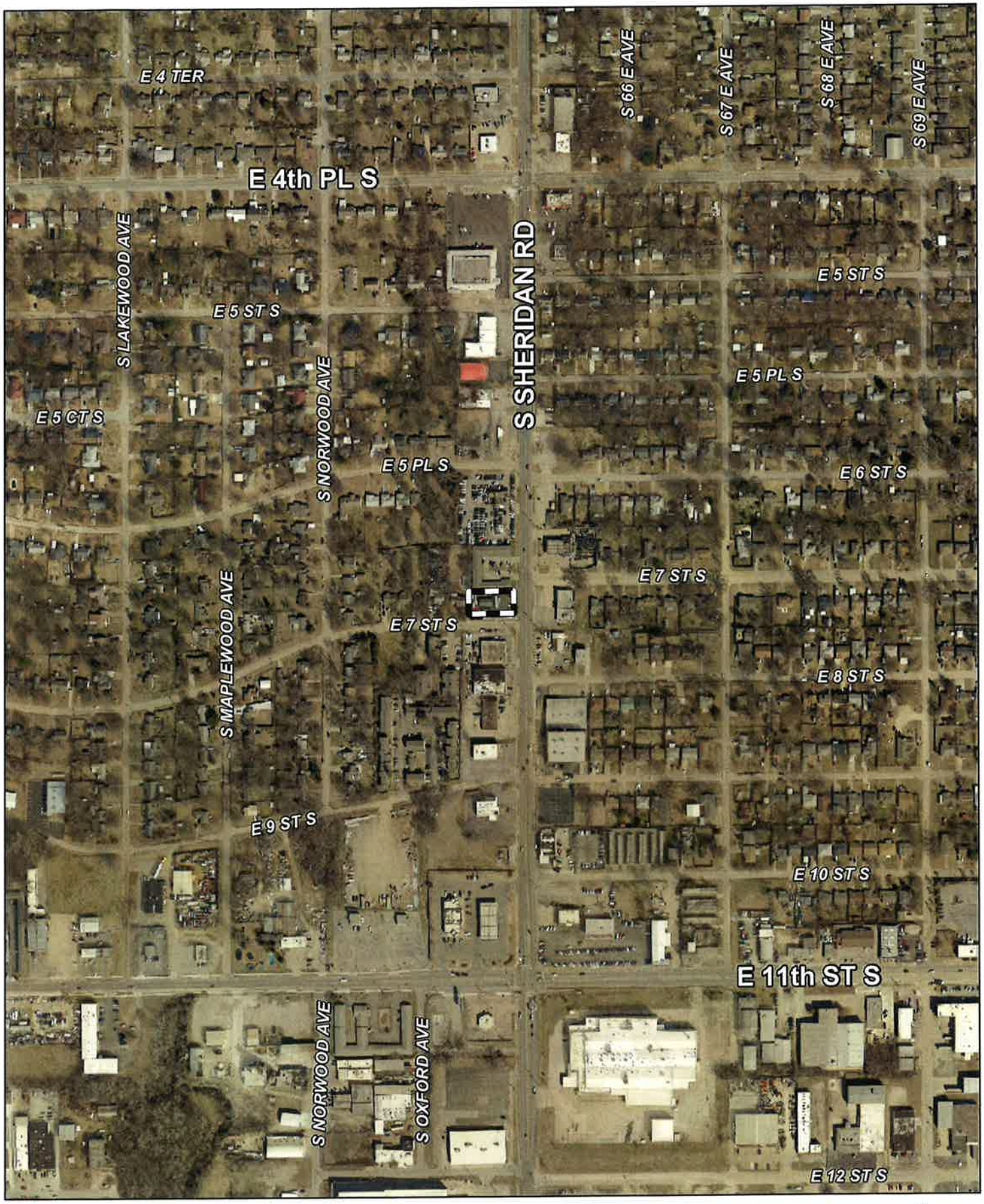
5.26



Feet
0 200 400

Subject Tract

BOA-23168

19-13 03

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

Aerial Photo Date: 2020/2021

N

5.27

Feet
0 50 100

Subject Tract

BOA-23168

19-13 03

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

Aerial Photo Date: 2020/2021

N

5.28