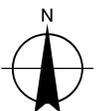


BOA-23352

19-13 21



9.1

BOARD OF ADJUSTMENT CASE REPORT

STR: 9321

Case Number: **BOA-23352**

CZM: 47

CD: 9

HEARING DATE: 05/24/2022 1:00 PM

APPLICANT: Jeremy Wilkinson

ACTION REQUESTED: Special Exception to permit a duplex in a RS-3 district (Table 5.020, Table 5-2, Table 5-2.5)

LOCATION: 4013 S LOUISVILLE AV E

ZONED: RS-3

PRESENT USE: Vacant

TRACT SIZE: 8929.84 SQ FT

LEGAL DESCRIPTION: LT-4-BLK-11, MARION GARDENS

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 Growth".

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 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 North of the NE/c of E. 41st St. S. and S. Louisville Ave. The right-of-way of S. Louisville Avenue is platted at 60-foot wide.

STAFF COMMENTS: The applicant is requesting a **Special Exception** to permit a duplex in the RS-4 District (Table 5.020, Table 5-2, Table 5-2.5);

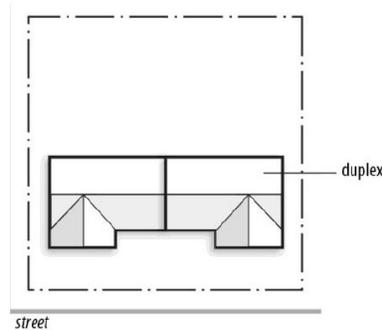
Duplexes are defined as follows:

35.010-E

Duplex

A duplex is a principal residential building occupied by 2 dwelling units, both of which are located on a single lot that is not occupied by other principal residential buildings. The 2 dwelling units are attached and may be located on separate floors or side-by-side.

Figure 35-5: Duplex



The proposed Duplex would be built within the standard lot and building regulations of the RS-3 District.

SAMPLE MOTION: SAMPLE MOTION: Move to _____ (approve/deny) a **Special Exception** to permit a duplex in an RS-3 District (Table 5.020, Table 5-2, Table 5-2.5);

- 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



Subject property



Facing South on Louisville, Patrick Henry Elementary school is visible across 41st St.



Facing North on Louisville

Danny Whiteman
Zoning Official
Plans Examiner II

TEL (918) 596-9664
dwhiteman@cityoftulsa.org



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

4/13/2022

LOD No. 3

Jeremy Wilkinson
4234 S. Oswego Ave.
Tulsa, OK 74135

APPLICATION NO: BLDR-108895-2022 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 4013 S. Louisville Ave. Unit A

Description: Duplex

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" IS IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

REVIEW COMMENTS

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

Application No. BLDR-108895-2022

- 1. 5.020 Use Regulations -** Principal uses allowed in R districts in accordance with Table 5-2.
Review Comments: Duplexes are only allowed on an RS-3 zoned lot by special exception.
Apply to the Board of Adjustment for a special exception to allow a duplex on a RS-3 zoned lot.

The zoning review will resume once the BOA special exception documents are submitted, if the special exception is granted.

Note: Please direct all questions concerning variances, special exceptions, alternative landscape plans, alternative compliance parking ratios and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

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. Please Notify Plans Examiner By Email When You Have Submitted A Revision. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online

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.

Danny Whiteman
Zoning Official
Plans Examiner II

TEL (918) 596-9664
dwhiteman@cityoftulsa.org



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

4/13/2022

LOD No. 2

Jeremy Wilkinson
4234 S. Oswego Ave.
Tulsa, OK 74135

APPLICATION NO: BLDR-111161-2022 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 4013 S. Louisville Ave. Unit B

Description: Duplex

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.

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(continued)

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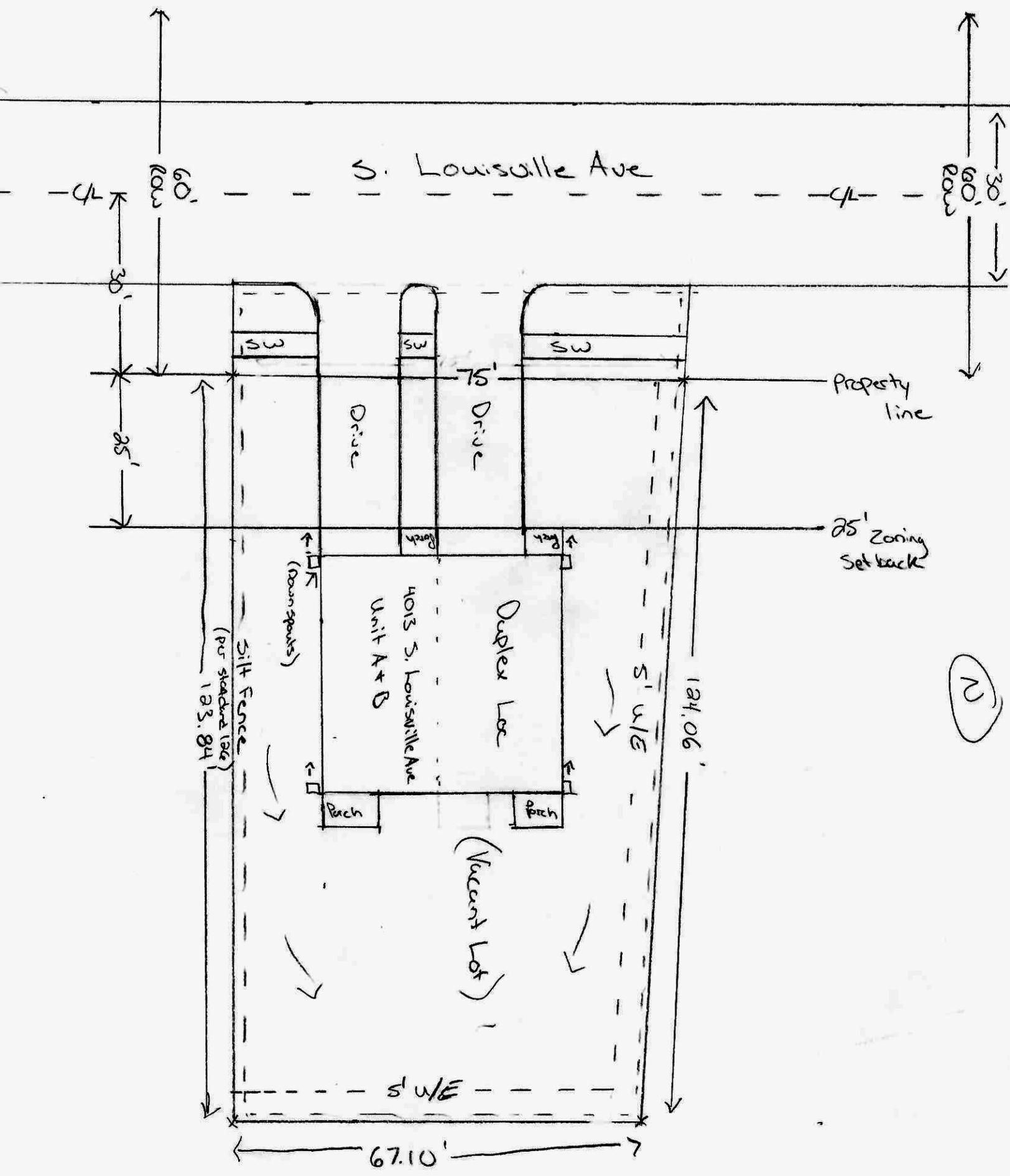
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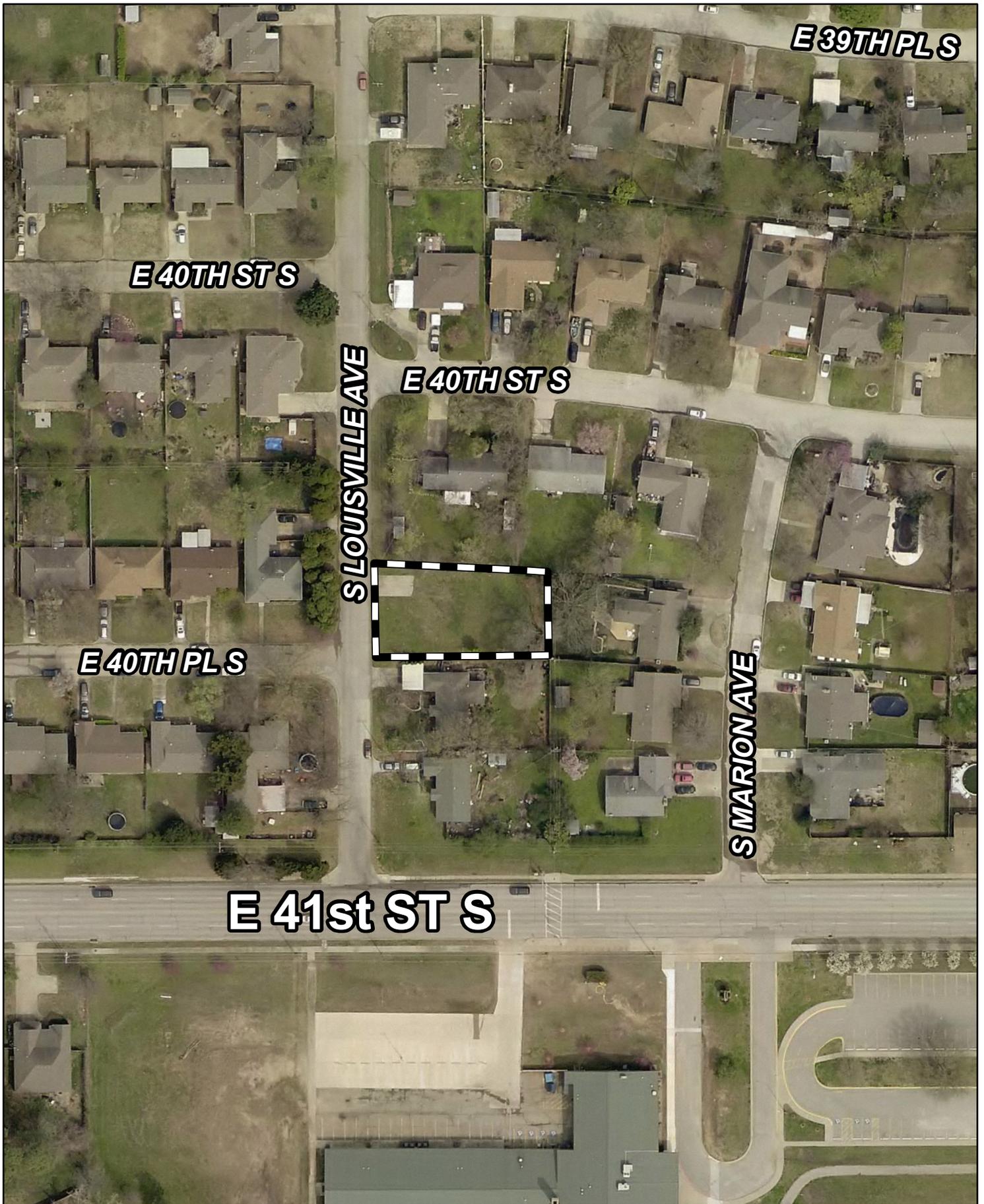
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KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.





E 39TH PLS

E 40TH ST S

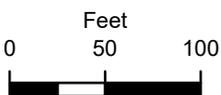
E 40TH ST S

S LOUISVILLE AVE

E 40TH PLS

S MARION AVE

E 41st ST S



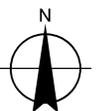
**Subject
Tract**

BOA-23352

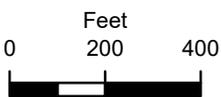
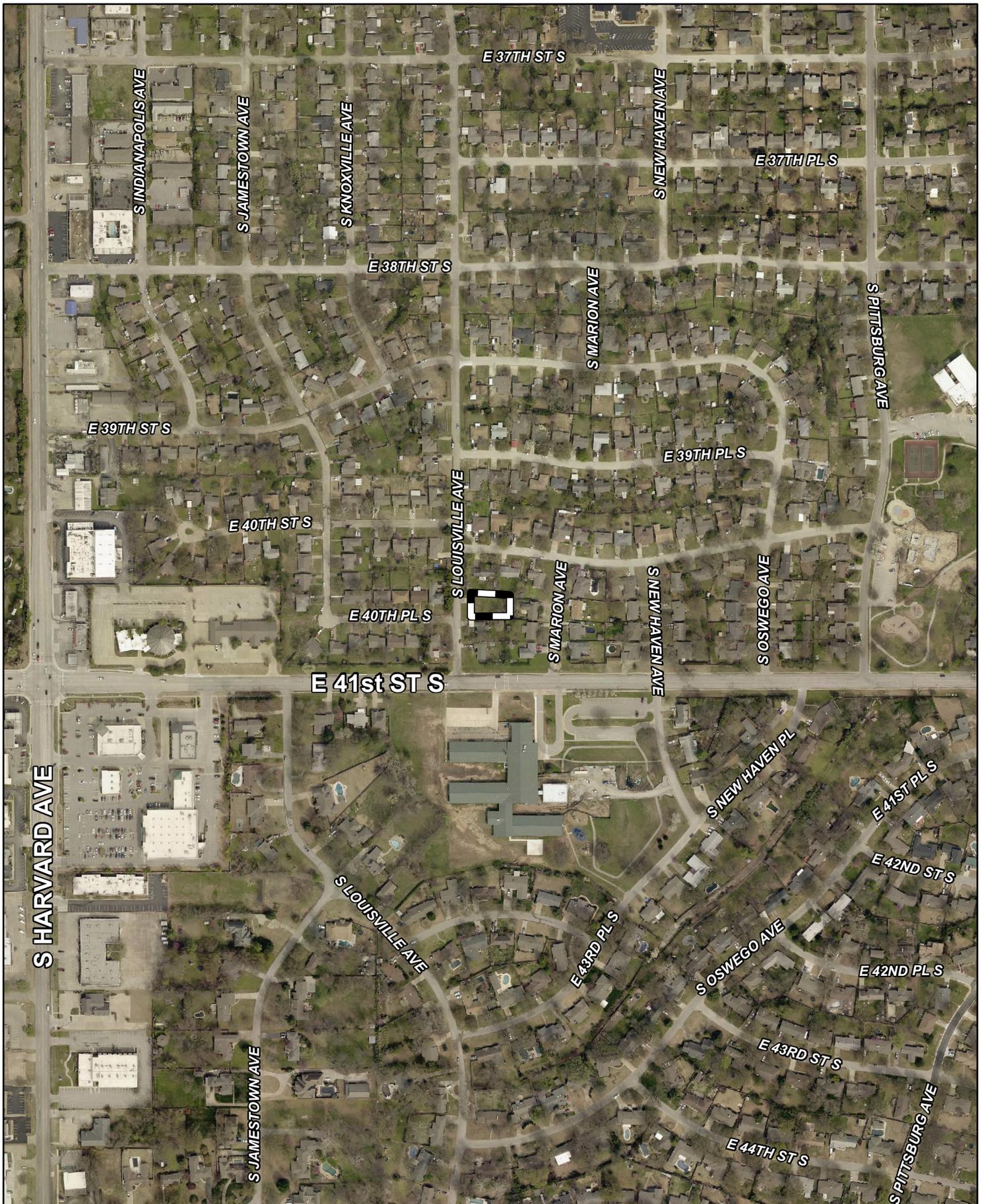
19-13 21

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

Aerial Photo Date: 2020/2021



9.11



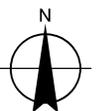
Subject
Tract

BOA-23352

19-13 21

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

Aerial Photo Date: 2020/2021



9.12

From: [Susan Mishkin](#)
To: [Chapman, Austin](#)
Subject: Re: Case Number: BOA-23352
Date: Monday, May 23, 2022 10:35:10 AM
Attachments: [image001.png](#)

Thank you for your prompt response. I would appreciate it if you could read/answer my response to the application for: **23352- Jeremy Wilkinson – Special Exception** to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5). **LOCATION:** 4013 South Louisville Avenue (CD 9)

My name is Susan Mishkin, I have resided at 3925 E 40th St, Tulsa, OK 74135 since May, 1980 and have rooted very deeply in Marion Gardens.

I have seen homes sold, refurbished, and converted to rental homes all the while showing respect for our 1950's, well constructed and loved community. We are surrounded by some of Tulsa's crown jewels: Whiteside Community Park, Patrick Henry Elementary School, Ranch Acres and Patrick Henry additions.

There are currently only single family dwellings in our area and I have concerns of creating a high density population and the possible results of this on this well-maintained area.

If Mr. Wilkinson is granted a permit for a duplex will this mean a likelihood of more to follow?

Once the "single-family" code has an exception, will/could it lead to multi-family dwellings?

While I understand there is a need for affordable housing is critical, I request that the board maintain the history of single family dwellings in Marion Gardens.

Mr. Chapman, thank you for reading my concerns to the Board today.

Sincerely,
Susan L Mishkin
susanlmish@gmail.com

On Mon, May 23, 2022 at 8:28 AM Chapman, Austin <AChapman@incog.org> wrote:

Good morning,

You may send in written comments to me over email to forward to the Board, or you may attend the hearing in person and sign up to speak on the issue. The agenda is available at the link below:

<https://tulsaplanning.org/boards-commissions/city-of-tulsa-board-of-adjustment/city-boa-agenda/>

Best,



Austin Chapman, AICP

Planner, City of Tulsa Board of Adjustment

Tulsa Planning Office

2 W. 2nd St., 8th Floor | Tulsa, OK 74103

918.579.9471

achapman@incog.org

Determining compliance to zoning or building code requirements is not a function of this office.

The Building Permits Division will address compliance upon application for a building permit or occupancy permit. {(918) 596-9456}

From: Susan Mishkin <susanlmish@gmail.com>
Sent: Sunday, May 22, 2022 9:30 AM
To: esubmit <esubmit@incog.org>
Subject: Case Number: BOA-23352

Will there be a provision for submitting objections to this proposal at this meeting?

Thank you for your response.

Susan Mishkin

Marion Gardens

3925 E 40th St, Tulsa, OK 74135

From: [Jennifer Harmon](#)
To: [esubmit](#)
Subject: BOA 23352
Date: Monday, May 23, 2022 10:02:26 PM

My name is Jennifer Harmon. I'm with Sonoma-Midtown N.A. I support Mr. Wilkinson's request for SE to build a duplex at 4013 S. Louisville. Lot has been empty for far too long. Several duplexes dot the neighborhood. Appreciate that Mr. Wilkinson will be adding housing back to the neighborhood.

Respectfully,
Jennifer Harmon
(918) 557-4581

May 23, 2022

TO:
Board of Adjustment
2 West 2nd Street, Suite 800
Tulsa, OK74103

FROM:
Mary Ellen Sommer
3633 E. 40th Pl.

Board of Adjustment:

It has come to my attention that there is a conflict that will impact the residences property owners of Marian Gardens, including myself, regarding the following agenda item for the May 24th meeting:

Case Number: BOA-2332, Jeremy Wilkinson
Special Exception to allow duplex in an RS-3 District (Table 5-2.5).
LOCATION: 4013 S. Louisville Ave, LT-4-BLK-11, Marion Gardens, City of Tulsa

I am objecting to the variance requested by Jeremy Wilkinson to build a duplex at 4013 S. Louisville Ave. My name is Mary Ellen Sommer and I am a property owner at 3633 E. 40th Pl. My yard is directly across the street from the property requesting the Special Exception to build the duplex. As stated by the Supreme Court of Oklahoma, the Board [of Adjustments] “may grant a variance to a landowner if the landowner can show that: [1] a variance would not be contrary to public interest; [2] an unnecessary hardship would arise if the ordinance were literally enforced; [3] the spirit of the ordinance would be upheld; and [4] substantial justice would be done by granting the variance.”¹ Not only would the Special Variance to build the duplex be against public interest, but the applicant would also not experience any unnecessary hardship from enforcement of the zoning ordinance.

My objections are as stated:

- a. Marian Gardens is zoned as RS-3 single-family residential district. Furthermore, there are not any duplexes in the neighborhood, thus there is no hardship faced by the applicant if the zoning ordinance is enforced. The code intends to preserve the single-family character and density of this neighborhood and should be upheld.
- b. Patrick Henry Elementary School, located at 3820 E 41st St, Tulsa, OK 74135, is the street closest to 41st Street and Louisville. When school starts and ends each day, cars line up along Louisville and 40th Place to pick up and drop off children. Traffic and street parking would increase in an area that is already overwhelmed by parking issues, due to mainly single-car driveways in the neighborhood and school drop-off and pick-up at Patrick Henry Elementary

¹ Vinson v. Medley, 1987 OK 41, 737 P.2d 932, 938–39

- c. In the documents supplied by the Applicant, drawings of the proposed plans show one box reflecting the duplex housing with two separate driveways. This does not offer adequate information to represent the design of the proposed build. There is no inclusion of garages, which all other properties have. As residents, we will be directly impacted by the design of the proposed duplex. The property in question is located in the middle of the block and there is no additional parking. Furthermore, it seems clear from our reading of the zoning code that the minimum requirements for a duplex cannot be met on a lot of this size. This application is so deficient in all respects that it should be denied.

- d. The presence of a duplex would decrease property value for the owners/residences of Marian Gardens. Additionally, to allow this type of dwelling to be constructed will not improve but will lower our standards and the value of our property that we have struggled to improve in this part of Tulsa for the past several years. This developer/builder is taking advantage of and leveraging the "brand" and marketability of the Marian Gardens Neighborhood to rent duplexes for his profit.

Thank you for your consideration.

Sincerely,

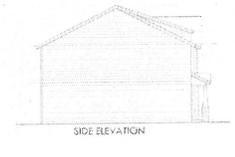
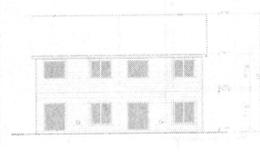
Mary Ellen Sommer
/s/ Mary Ellen Sommer

Search

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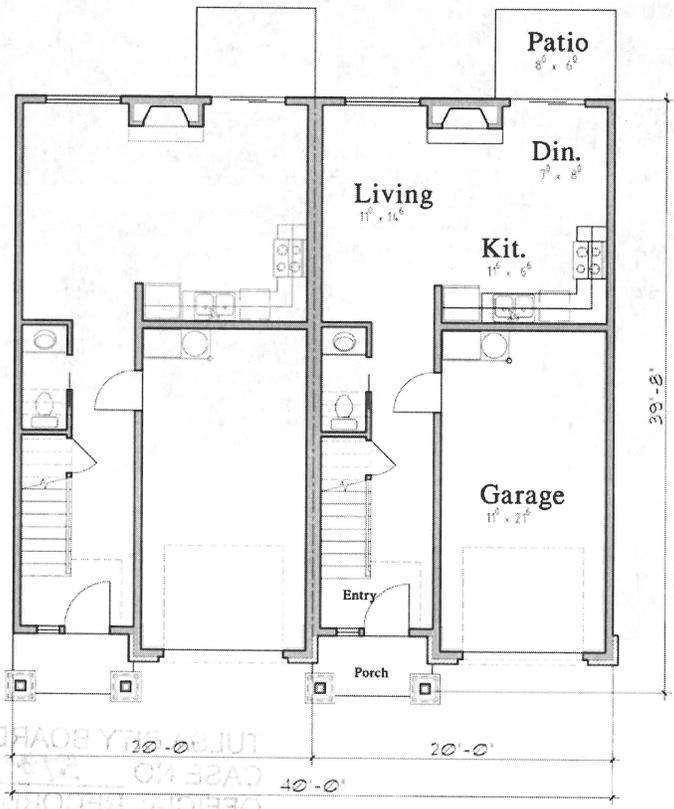
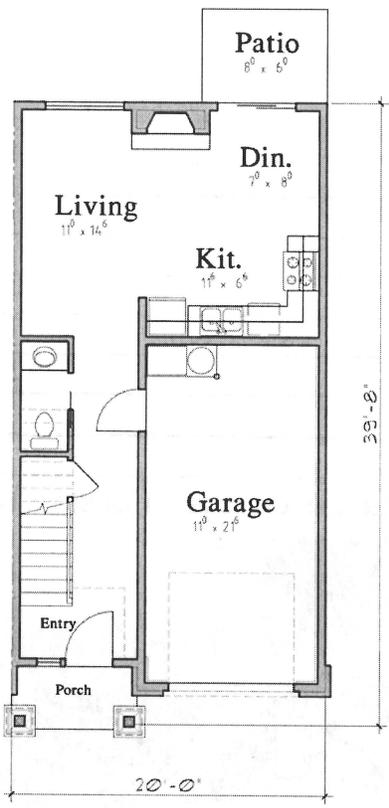
Duplex Plans (/plans/type/3)	
3 & 4 Plex (/plans/type/12)	
5+ Units (/plans/type/13)	
House Plans (/plans/type/1)	
Garage Plans (/plans/type/5)	
About Us (/company)	
Sample Plan (/plans/plan/bid)	

Designer Materials on Exterior Custom Duplex D-680



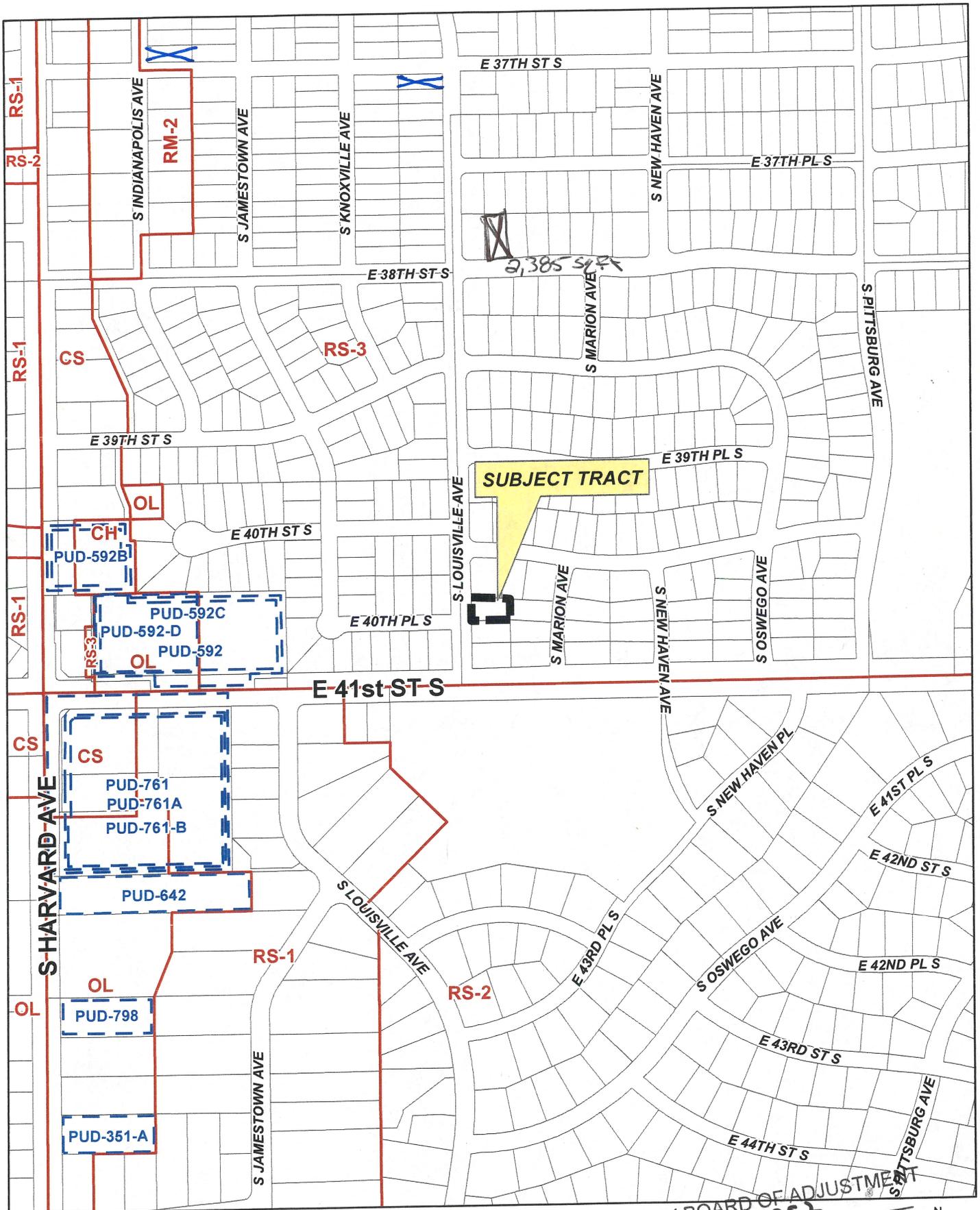
Main Floor Plan

TULSA CITY BOARD OF ADJUSTMENT
CASE NO. BoA-23352
OFFICIAL RECORD EXHIBIT
ENTERED IN THE 5/24/22
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT



Upper Floor Plan

TULSA CITY BOARD OF ADJUSTMENT
 CASE NO. 2019-018
 OFFICIAL RECORD EXHIBIT
 ENTERED IN THE
 MINUTES OF THE TULSA CITY BOARD
 OF ADJUSTMENT



2,385 S.F.

SUBJECT TRACT

BOA-23352

TULSA CITY BOARD OF ADJUSTMENT
 CASE NO. **BOA-23352**
 OFFICIAL RECORD EXHIBIT
 ENTERED IN THE **5/24/22**
 MINUTES OF THE TULSA CITY BOARD
 OF ADJUSTMENT

